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THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES, PROCEEDINGS, AND LAWS,

OF

THE FIRST SESSION

OF

THE THIRTY-SECOND CONGRESS.

VOLUME XXI.—PART I.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
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1852.

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APPROPRIATIONS, NEW OFFICES, ETC.

Report of the Clerk of the House of Representatives of the United States, in compliance with the "act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836.

OFFICE OF THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES, November 29, 1852.

In obedience to the sixth section of the "act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836, which requires "the Secretary of the Senate and Clerk of the House of Representatives, as soon as may be after the close of each session of Congress, to publish a statement of all appropriations made during the session; and also a statement of the new offices created, and the salaries of each; and also a statement of the offices the salaries of which have been increased, and the amount of such increase," the Clerk of the House of Representatives submits the accompanying statements.

JOHN W. FORNEY,
Clerk House of Reps. U. S.

STATEMENTS SHOWING

First—Appropriations made during the first session of the Thirty-second Congress.

Second—Offices created, and the salaries thereof.

Third—The offices the salaries of which have been increased, with the amount of such increase, during the same period.

NOVEMBER 29, 1852.—Prepared by the Secretary of the Senate and the Clerk of the House of Representatives, in pursuance of the sixth section of the act of July 4, 1836, "to authorize the appointment of additional paymasters, and for other purposes."

I.—APPROPRIATIONS MADE DURING THE FIRST SESSION OF THE THIRTY-SECOND CONGRESS.

By the act making appropriation to meet the expenses incurred in consequence of the late fire at the Capitol.

For discharge of the expenses incurred in the extinguishment of the late fire in the Library room, the removal of the rubbish, and the preservation of such books and other articles as may have been saved, and the construction of a tin roof for the preservation and protection of that portion of the building now exposed... \$5,000 00
For the purchase of books for the Library of Congress..... 10,000 00
\$15,000 00

By the act to provide a room for the Congressional Library.

For the purpose of fitting up the document room and a portion of the adjoining passage to receive, temporarily, a portion of the books of the Congressional Library..... \$1,200 00

By the act authorizing the payment of interest to the State of New Hampshire for advances made for the use and benefit of the United States in repelling invasion and suppressing insurrection, at Indian Stream, in said State.

To liquidate and settle the claim of the State of New Hampshire against the United States, for interest upon the military expenses incurred and actually expended by her for the protection of the northeastern frontier of said State, and repelling invasion and suppressing insurrection at Indian Stream, in the county of Coos, in said State, in the years eighteen hundred and thirty-five, eighteen hundred and thirty-six, and eighteen hundred and thirty-seven..... \$6,000 00

By the act providing for carrying into execution, in further part, the twelfth article of the treaty with Mexico, concluded at Guadalupe Hidalgo.

For the payment of the installment and interest which will fall due on the thirtieth of May, eighteen hundred and fifty-two, under the twelfth article of the treaty between the United States and Mexico, made and concluded at Guadalupe Hidalgo, on the second day of February, eighteen hundred and forty-eight.... \$3,180,000 00

By the act for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain.

For the relief of American citizens lately imprisoned and pardoned by the Queen of Spain, and who are out of the limits of the United States.. \$6,000 00

By the act to make land warrants assignable, and for other purposes.

For services heretofore performed in locating military bounty land warrants, the same rate of compensation provided in the preceding section for services hereafter to be performed, after deducting the amount already received by such officers under the act entitled "An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants," approved May seventeenth, eighteen hundred and forty-eight..... [Indefinite.]

By the act making an appropriation for the payment of Navy pensions for the year ending the thirtieth of June, one thousand eight hundred and fifty-three.

For invalid pensions..... \$45,000 00

By the act making appropriations for the payment of invalid and other pensions of the United States, for the year ending the thirtieth of June, one thousand eight hundred and fifty-three.

For invalid pensions under various acts..... \$400,000 00
For pensions for widows and orphans under the acts of July the fourth, one thousand eight hundred and thirty-six, and July the twenty-first, one thousand eight hundred and forty-eight..... 377,240 00
For pensions to widows under the act of seventh July, eighteen hundred and thirty-eight..... 90,000 00
For pensions to widows under the act of third March, eighteen hundred and forty-three..... 30,000 00
For pensions to widows under the acts of the seventeenth of June, eighteen hundred and forty-four, second of February, eighteen hundred and forty-eight, and twenty-ninth of July, eighteen hundred and forty-eight..... 464,000 00
For half-pay pensions to widows and orphans, provided for by the eleventh section of an act approved January the twenty-ninth, eighteen hundred and thirteen, and the first section of an act approved the sixteenth April, eighteen hundred and sixteen, payable through the office of the Third Auditor of the Treasury, in addition to an unexpended balance..... 5,000 00
\$1,366,240 00

By the act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth June, one thousand eight hundred and fifty-two.

For the amount required to pay reserved percentage under the contract for the floating dock at Philadelphia..... \$5,933 68
For the amount required to pay for dredging the river in front of the dock basin at the Philadelphia navy yard..... 12,000 00
For the amount required to pay outstanding liabilities for labor and materials expended on dry dock, iron gates, pumps, engine-house, etc., at Brooklyn..... 88,306 95
For the amount required to pay for reservations under the contract for engine, etc., for the dry dock at Brooklyn..... 7,000 00
For completing the floating dry dock at San Francisco, California, authorized by act of third March, eighteen hundred and fifty-one..... 360,000 00
For compensation to temporary clerks in the office of the Third Auditor of the Treasury, employed in making out certificates of service from the muster-rolls of one thousand eight hundred and twelve, and the several Indian wars..... 11,800 00
For the contingent expenses of the office of the Third Auditor, to pay for preparing books of transfers from the Quartermaster General's office..... 200 00
For compensation to extra clerks employed temporarily in the office of the Auditor of the Post Office Department..... 4,000 00
For pasting in books, prepared for the purpose, canceled certificates of the registry and enrollments of vessels returned by the several collectors of the customs..... 500 00
For annuities and grants..... 750 00
For the regular supplies of the Quartermaster's Department, consisting of forage in kind for the horses, mules, and oxen of the Quartermaster's Department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers' horses when serving in the field, and at the outposts..... 795,000 00
For transportation of the army, including the baggage of the troops, when moving either by land or water; of clothing, camp, and garrison equipage, and horse equipment, from the de-

pôts at Philadelphia, St. Louis, and New Orleans, to the several posts and army depôts; of subsistence, from the places of purchase, from the places of delivery under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small arms, from the foundries and armories to the arsenals, fortifications, frontier posts and army depôts; freights, tolls, and ferrage; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships and other sea-going vessels and boats, for the transportation of supplies, and for garrison purposes; for draying and cartage at the several posts; hire of teamsters, transportation of funds, for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and the Pacific; and for procuring water at such posts as, from their situation, require that it be brought from a distance..... 890,000 00
For the purchase of horses required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted..... 40,000 00
For constructing, repairing, and enlarging barracks, quarters, hospitals, store-houses, stables, wharves, and ways, at the several posts and army depôts; for temporary cantonments, and the authorized furniture for barrack rooms of non-commissioned officers and soldiers, gun-houses for the protection of cannon, including the necessary tools and materials for the objects enumerated, and for rent of quarters and offices for officers, and barracks and hospitals for troops, where there are no public buildings for their accommodation; for store houses for the safe keeping of military stores, and of grounds for summer cantonments and encampments..... 219,000 00
For clothing, camp and garrison equipage, and horse equipments, for engineer troops, ordnance department, dragoons, riflemen, light artillery, artillery and infantry..... 75,000 00
For subsistence in kind..... 279,517 00
For pay of five companies of Texas mounted volunteers..... 80,741 00
For running and marking the boundary line between the United States and Mexico, according to the treaty of Guadalupe Hidalgo..... 80,000 00
For surveying eight hundred and seventy-five miles of meridian base and standard lines, meandering and survey of irregular or river lots, etc., in California, at a rate not exceeding fifteen dollars per mile..... 13,125 00
For subdividing land in California into townships, equal to nine hundred miles of survey, at a rate not exceeding fourteen dollars per mile..... 12,000 00
For subdividing fifty townships in California into sections, at a rate not exceeding twelve dollars per mile..... 36,000 00
For surveying private claims in California..... 7,500 00
For compensation of the surveyor general of Arkansas, per act of August eighth, eighteen hundred and forty-six..... 2,000 00
For clerks in the office of the surveyor general of Arkansas, per act of August eighth, eighteen hundred and forty-six..... 6,300 00
For surveys in the mineral region of Michigan, at a rate not exceeding six dollars per mile..... 24,780 00
For completing the survey of the saleable lands in the Menomonee cession, and the survey of the Lake Superior region, Wisconsin, at a rate not exceeding five dollars per mile..... 20,000 00
For the completion of the township lines, and the subdivisions of such of the townships as bear valuable pine timber, west of the fourth principal meridian, and between the third and fourth connection parallels, at a rate not exceeding five dollars per mile..... 33,000 00
For annual repairs of the President's House..... 600 00
For filling up and grading, etc., Franklin square 406 99
To make the roads and walks, and to plant Lafayette square..... 2,000 00
To complete the improvements on the square south of the President's House..... 12,000 00
To supply the deficiency in the appropriation for the casual repairs of the Capitol..... 1,500 00
For completing the improvements of New Jersey avenue, north of the Capitol..... 9,000 00
For planting and finishing the roads and walks through that portion of the public mall surrounding the Smithsonian Institution..... 7,000 00
For payment to Augustus Humbert of balance of his salary as United States assayer of gold in California, under the act of thirtieth of September, eighteen hundred and fifty..... 1,250 00
For compensation of extra clerks employed in the office of the Commissioner of Pensions..... 20,000 00
For expenses of establishing the superintendency of Indian Affairs in California, authorized by the act of third March, eighteen hundred and fifty-two, viz:
For salary of Superintendent..... 1,318 66

For presents and provisions for Indians visiting Superintendent on official business.....	1,000 00	For the reappropriation of this sum, (carried to the surplus fund per warrant number thirteen, dated thirtieth of June, eighteen hundred and forty-six), being the balance due the Ottawa and Chippewa Indians, under the fifth article of the treaty of eighteen hundred and thirty-six, for payment of their debts, appropriated second of July, eighteen hundred and thirty-six, and reappropriated second [third] of March, eighteen hundred and thirty-nine.....	624 22	each, of the Register's report of the commerce and navigation of the United States, for eighteen hundred and fifty-one.....	10,734 63
For traveling expenses of the Superintendent, and the necessary attendants.....	2,500 00	For the purchase of two sections of land reserved by the treaty with the Pottawatomies, of October twentieth, eighteen hundred and thirty-two, for "Shobonier".....	1,600 00	For additional compensation for increasing the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, to twenty six trips per annum, at such times as shall be directed by the Postmaster General, and in conformity to his last annual report to Congress, and his letter of the fifteenth of November last to the Secretary of the Navy, commencing said increased service on the first of January, eighteen hundred and fifty-two, at the rate of thirty three thousand dollars per trip, in lieu of the present allowances.....	336,500 00
For payment to the American party of St. Regis Indians, (less the sum of one thousand dollars appropriated by the act of twenty-seventh of June, eighteen hundred and forty-six, in pursuance of the stipulation contained in the supplemental article,) as a remuneration for moneys laid out by said tribe, and for services rendered by their chiefs and agents in securing the title to the Green Bay lands, and in removal to the same, agreeably to the provisions of the ninth article of the treaty with the Six Nations of New York, of fifteenth of January, eighteen hundred and thirty-eight.....	4,000 00	For the redemption of outstanding loan-office and final settlement certificate, dated September ninth, seventeen hundred and seventy-nine, countersigned by Nathaniel Appleton, commissioner of Massachusetts Bay, issued for two hundred dollars, specie value, ten dollars and sixty eight ninetieths.....	57 72	For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending June thirtieth, eighteen hundred and fifty-two, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, and for the apprehension and safe-keeping of prisoners, in addition to former appropriations.....	90,000 00
For payment to the Seneca Indians of New York, for moneys wrongfully withheld from them by an agent appointed by the Government for the management of their affairs, as per report of Thomas B. Stoddard, Commissioner selected by the Secretary of War to make the requisite investigation pursuant to the direction contained in the fourth section of the act of twenty-seventh June, eighteen hundred and forty-six, making appropriations for the Indian department.....	28,505 50	For the contingent expenses of the Legislative Assembly of the Territory of Minnesota, viz: For printing and publishing the Revised Statutes, making an index thereto, and superintending their publication.....	4,500 00	To enable the Secretary of the Interior to pay to the clerks employed in the Census Office on extra duty, at the rate of one hundred dollars for full service, according to the office roll.....	10,500 00
For the reappropriation of the following sums carried to the surplus fund per warrants numbered twelve and thirteen, and dated respectively thirtieth of June, eighteen hundred and forty-six, and thirtieth of June, eighteen hundred and forty-eight, under the following heads, viz:		For necessary extra clerks during the later part of the sessions of the Legislative Assembly, binding the Revised Statutes, and other necessary incidental expenses.....	2,000 00	For determining, running, and marking the northern boundary of the State of Iowa, on the parallel of forty-three degrees thirty minutes north latitude, in addition to the appropriation heretofore made for the same object.....	15,000 00
"For carrying into effect Choctaw treaty," act eleventh of June, eighteen hundred and forty-two.....	95 83	For payment of Messrs. Babcock, Wilkinson, and Holcombe, for revising the laws, five hundred dollars each.....	1,500 00	For the reconstruction or repairs of the steamer Bibb, used in the survey of the Nantucket shoals.....	18,000 00
"For carrying into effect Choctaw treaty on account of lands relinquished," act second of March, eighteen hundred and thirty-one.....	826 26	For the contingent expenses of the House of Representatives.....	75,000 00	For establishing a depot of coal for naval purposes at Key West, in the State of Florida.....	20,000 00
"For payment to Pottawatomies for corn corruptly abandoned," act third of March, eighteen hundred and thirty-nine.....	742 50	For the contingent expenses of the Senate.....	137,775 00	For the purchase of a site on which to erect a custom-house at Bangor, Maine.....	15,000 00
"For payment to Pottawatomies for twelve log-houses destroyed," act third of March, eighteen hundred and thirty-nine.....	609 00	To enable the Secretary of the Senate to pay for the copies of the report of Doctor David Dale Owen, United States geologist, on the geology of Iowa and Wisconsin, and Minnesota Territory, heretofore ordered to be executed for the use of the Senate, under the special direction of the Commissioner of the General Land Office.....	31,218 75	For the purchase of a site on which to erect a custom-house at Bath, Maine.....	11,000 00
For interest on the amount awarded Choctaw claimants, under the fourteenth article of the treaty of Dancing Rabbit Creek, of twenty-seventh of September, eighteen hundred and thirty, for lands on which they resided, but which it is impossible to give them, and in lieu of the scrip that has been awarded under the act of twenty-third of August, eighteen hundred and forty-two, not deliverable east, by the third section of said law, per act of third March, eighteen hundred and forty-five, for the half year ending thirtieth of June, eighteen hundred and fifty-two.....	21,800 00	To enable the Clerk of the House of Representatives to pay for three thousand five hundred copies of the report of Doctor David Dale Owen, on the geology of Iowa and Wisconsin, and Minnesota Territory, ordered by a resolution of the House of Representatives, to be executed under the special direction of the Commissioner of the General Land Office.....	16,187 50	For the completion of the custom-house at Mobile, Alabama.....	100,000 00
For the amount of principal awarded to the Choctaw claimants under the fourteenth article of the treaty of Dancing Rabbit Creek, of twenty-seventh of September, eighteen hundred and thirty, for lands on which they resided.....	872,000 00	For contingent expenses of the Library of Congress.....	800 00	For the completion of the custom-house at Louisville, Kentucky.....	16,000 00
For the purchase of presents, and to negotiate under instructions from the Secretary of the Interior with the Indians in Texas, who have intruded themselves into that State from the Territories of the United States, for their removal from that State.....	25,000 00	To enable the Secretary of State to purchase one hundred complete sets of Little & Brown's edition of the Statutes at Large, from volume one to volume nine, inclusive, for distribution to such new officers as would have been entitled to receive them under the act of the eighth of August, eighteen hundred and forty-six, and joint resolution of the eighth of August, eighteen hundred and forty-eight.....	3,150 00	For the completion of the custom-house at Cincinnati.....	50,000 00
For continuing the collection and for publishing the statistics and other information authorized by the act of third of March, eighteen hundred and forty-seven, and subsequent acts.....	17,000 00	For payment of the second and third volumes of the Fifth Series of the Documentary History, under contract with the Secretary of State, in addition to the balance of the appropriation of thirty-five thousand dollars, per act of the thirtieth of September, eighteen hundred and fifty.....	11,294 00	For the completion of the custom-house and other public offices connected therewith, at Pittsburg.....	35,000 00
For arrearages in the cost of the preparation of the volume, for the year eighteen hundred and fifty-one, of statistics and other information authorized by the act of third of March, eighteen hundred and forty-seven, and subsequent acts.....	5,300 00	For the payment of James W. Hale, of the city of New York, in full, for discharging the duties of dispatch agent from September, eighteen hundred and forty-nine, to June, eighteen hundred and fifty, inclusive.....	600 00	For the completion of the fire proof building in the city of St. Louis, Missouri; for a custom-house and independent treasury building, and other offices of the United States.....	37,000 00
For printing, binding, &c., six hundred copies of the first volume of the foregoing work, for distribution among new members.....	6,575 00	To cover the balance of compensation due to the United States geologists for the Lake Superior region, and for Wisconsin, Iowa, and Minnesota, and to their respective assistants, including the cost of superintending the printing of their final geological reports.....	5,932 00	For completing the custom-house at Norfolk, Virginia.....	50,000 00
For this sum, to enable the Secretary of the Interior to satisfy the claims of the Creek Indians for mills stipulated to be furnished under the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three.....	4,000 00	For compensation of superintendent and four watchmen for that portion of the Patent Office Building which will be occupied by the Secretary of the Interior.....	562 50	For arrears of contingent expenses in the Post Office Department.....	7,500 00
For expenses of removal and subsistence of Pottawatomies of Indiana.....	22,500 00	For outfit of chargés d'affaires to Denmark and Bolivia.....	9,000 00	For compensation to temporary clerks employed conditionally to bring up arrears of business in the dead letter office.....	1,002 67
For expenses of removal and subsistence of Choctaws.....	50,000 00	To enable the Secretary of State to pay William E. Anderson for the loss of time and expense incurred in coming from Rio Janeiro to New York, under the direction of the American minister at the Brazilian court, to testify against certain persons alleged to have been engaged in the slave trade.....	250 00	For fuel for the General Post Office Building from the twentieth of February, eighteen hundred and fifty two, to the end of the season.....	750 00
For expenses of removal and subsistence of Winnebagoes.....	3,513 02	To supply the deficiency in the appropriation for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain. For compiling, printing, and binding the Biennial Register for eighteen hundred and fifty-one, in addition to the amount appropriated per act of third March, eighteen hundred and fifty-one.....	2,253 00	For the payment of the salaries of the special agents of the Post Office Department to the end of the fiscal year ending the thirtieth of June, eighteen hundred and fifty two.....	11,500 00
For this sum to cover arrearages for and on account of contingencies of the Indian department.....	22,500 00	For the trial and maintenance of the light at Waugasham, Michigan.....	1,000 00	For payment to the following named tribes of Indians of the under mentioned sums due them, retained by the late sub Indian agent, William H. Bruce, the same to be reimbursed to the United States when recovered from said sub agent or his sureties, viz:	
For indemnity for losses sustained by the Menominee Indians in the delivery of goods to them, as a part of their annuity, in the year eighteen hundred and thirty-seven, per seventh article of the treaty with that tribe, of the eighteenth of October, eighteen hundred and forty-eight.....	3,624 48	For expenses incurred in bringing gas pipes and fixtures into and around the northeast executive building.....	400 00	To Menomonees.....	9,466 27
For payment for services of blacksmith, and for the use of tools, for the Seneca tribes of Indians, from the first of July to the eighth of November, eighteen hundred and thirty-eight.....	213 33	For purchasing, walling, and ditching a piece of land near the City of Mexico, for a cemetery or burial-ground for such of the officers and soldiers of our army, in our late war with Mexico, as fell in battle, or died in and around said city, and for the interment of American citizens who have died or may die in said city.....	1,480 34	To Chippewas, Menomonees, Winnebagoes, and New York Indians.....	521 59
For clerk hire, office rent, fuel, stationery, &c., for Superintendent of Indian Affairs in Oregon.....	2,400 00	To pay Adam Boyd Hamilton, according to contract, for printing twenty thousand and binding eighteen thousand six hundred and ten copies, of three hundred and ninety six pages		To Six Nations of New York, (Stockbridge)....	22 50
For expenses of continuing negotiations with the Indian tribes of Oregon lying west of the Cascade Mountains.....	12,000 00			To Stockbridge.....	1,806 00
For the completion of buildings for the use of the Superintendent and Indian agents in Oregon.....	3,000 00			For expenses of treaty with the Mississippi and St. Peter's Sioux, for the extinguishment of their title to lands in Minnesota Territory, being in addition to the appropriation for the same object made thirtieth September, eighteen hundred and fifty.....	4,372 38
For traveling expenses of Superintendent of Indian Affairs in Oregon, and agents.....	2,000 00			For expenses of treating with the Indians and half breeds, for the extinguishment of the title to their lands on the Red river of the north, in the Territory of Minnesota, being in addition to the appropriation for the same object made thirtieth September, eighteen hundred and fifty.....	901 05

teenth day of September, anno Domini eighteen hundred and fifty one.....	60,000 00
To purchase the provisions, merchandise, domestic animals, and agricultural implements, to be delivered in payment of the annuity first payable under the seventh article of said treaty. [Indefinite.]	
To pay for printing four hundred and fifty copies of the estimates of appropriations for the service of the fiscal year one thousand eight hundred and fifty-three, at the rate paid by him for the printing of the Treasury Department by contract, under the provisions of the seventeenth section of the act of the twenty-sixth August, one thousand eight hundred and forty-two. [Indefinite.]	
To purchase for the United States a suitable piece of ground at a central point in the city of San Francisco, California, as a site for the erection of the custom house heretofore authorized to be built.....	40,000 00
	\$5,434,882 30

By the act making appropriations for the support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-three, and for other purposes.

For pay of officers, instructors, cadets, and musicians.....	\$80,409 00
For commutation of subsistence.....	2,263 00
For forage for officers' horses.....	768 00
For clothing for officers' servants.....	30 00
For repairs, fuel, and apparatus therefor, forage for public horses and oxen, postage, stationery, printing, and other incidental and contingent expenses.....	25,000 00
For increase and repairs of the library.....	1,000 00
For improvements and additions to officers' quarters.....	3,000 00
For additional pay to the lithographer and pressman employed in the lithographic office, fifty dollars each.....	100 00
For expenses of the board of visitors.....	3,000 00
For purchase of new equatorial telescope, being the difference in value between the defective one now in use and a new one.....	5,000 00
For purchase of thirty artillery and cavalry horses.....	3,000 00
For forage for ninety artillery and cavalry horses.....	6,480 00
For per diem compensation and mileage of Senators, members of the House of Representatives, and Delegates, and agreed to by the Senate and House of Representatives.....	50,000 00
	\$180,050 00

By the act making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-three.

For the current and contingent expenses of the Indian department, viz:	
For the pay of superintendents of Indian affairs, per acts of fifth June, eighteen hundred and fifty, and twenty-seventh February, eighteen hundred and fifty one.....	\$8,500 00
For the pay of the several Indian agents, per acts of fifth June, eighteen hundred and fifty, twenty-eighth September, eighteen hundred and fifty, and twenty-seventh February, eighteen hundred and fifty one.....	43,750 00
For the pay of interpreters, per acts of thirtieth June, eighteen hundred and thirty-four, and twenty-seventh February, eighteen hundred and fifty one.....	28,000 00
For the pay of clerk to superintendent at St. Louis, Missouri, per act of twenty-seventh June, eighteen hundred and forty-six.....	1,200 00
For the pay of clerk to superintendent at Van Buren, Arkansas, per act of twenty-seventh June, eighteen hundred and forty-six.....	1,000 00
For presents to Indians.....	5,000 00
For provisions for Indians.....	11,800 00
For repairs of buildings at agencies.....	2,000 00
For contingencies of the Indian department.....	36,500 00

To the Christian Indians.

For permanent annuity, stipulated in the acts of May twenty-sixth, eighteen hundred and twenty-four, and May twentieth, eighteen hundred and twenty-six.....	400 00
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To the Chippewas of Saganaw.

For permanent annuity, stipulated in the fourth article of the treaty of third of August, seventeen hundred and ninety five.....	1,000 00
For permanent annuity, stipulated in the second article of the treaty of seventeenth of November, eighteen hundred and seven.....	800 00
For permanent annuity, stipulated in the fourth article of the treaty of twenty-fourth of September, eighteen hundred and nineteen.....	1,000 00
For permanent provision for the support of blacksmiths, and for farming utensils and cattle, and for the employment of persons to aid them in agriculture, stipulated in the eighth article of the treaty of the twenty-fourth of September, eighteen hundred and nineteen, and the seventh article of the treaty of fourteenth of January, eighteen hundred and thirty seven.....	2,000 00
For education during the pleasure of Congress, stipulated in the sixth article of the treaty of the fifth of August, eighteen hundred and twenty-six.....	1,000 00

Chippewas, Menomonees, Winnebagoes, and New York Indians.

For education during the pleasure of Congress, stipulated in the fifth article of the treaty of the eleventh of August, eighteen hundred and twenty-seven.....	1,500 00
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Choctaws.

For permanent annuity, stipulated in the second article of the treaty of sixteenth of November, eighteen hundred and five.....	3,000 00
For permanent annuity, stipulated in the thirteenth article of the treaty of the eighteenth of October, eighteen hundred and twenty.....	600 00
For permanent annuity for education, stipulated in the second article of the treaty of twentieth of January, eighteen hundred and twenty five.....	6,000 00
For life annuity to one Wayne warrior, stipulated in the twenty first article of the treaty of twenty-seventh of September, eighteen hundred and thirty.....	25 00
For permanent provision for blacksmith, stipulated in the sixth article of the treaty of eighteenth of October, eighteen hundred and twenty, and the ninth article of the treaty of twentieth January, eighteen hundred and twenty-five.....	600 00
For iron and steel, &c. for shop, stipulated in the ninth article of the treaty of twentieth of January, eighteen hundred and twenty-five.....	320 00
For interest on the amounts awarded Choctaw claimants under the fourteenth article of the treaty of Dancing Rabbit Creek, of the twenty-seventh of September, eighteen hundred and thirty, from the first of July, eighteen hundred and fifty two to the date of the passage of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and fifty two.....	2,000 00
For supplying a deficiency in the appropriations heretofore made for removing the Choctaw Indians from Mississippi, as estimated by the Commissioner of Indian Affairs.....	37,412 00

Chickasaws.

For permanent annuity stipulated in the act of the twenty fifth of February, seventeen hundred and ninety nine.....	3,000 00
For payment to the Chickasaw Indians for amount of defalcation of Captain R. D. C. Collins, United States disbursing agent, together with interest thereon at the rate of six per cent. per annum from March, eighteen hundred and thirty-nine, until paid.....	24,982 29
For the payment to Hiram R. Pichlynn, in his own right and as the sole heir at law and legal representative of his brother, John Pichlynn, deceased, that being the amount of the proceeds of the sales of two quarter-sections of land granted to and located in the names of the said Hiram R. Pichlynn and John Pichlynn, under and by virtue of the eighth article of the treaty with the Chickasaw Indians, made at the city of Washington on the twenty-fourth day of May, in the year eighteen hundred and thirty-four, and which quarter-sections of land were sold, and the proceeds thereof invested in the stock of the State of Arkansas, pursuant to the provisions of the article aforesaid.....	2,852 36

Chippewas of Lake Superior and the Mississippi.

For sixteenth of twenty installments in money, stipulated in the second article of the treaty of the twenty ninth of July, eighteen hundred and thirty seven.....	9,500 00
For sixteenth of twenty installments in goods, stipulated in the second article of the treaty of the twenty ninth of July, eighteen hundred and thirty-seven.....	19,000 00
For sixteenth of twenty installments for the establishment of three smiths' shops, supporting three smiths, and furnishing iron and steel, stipulated in the second article of the treaty of the twenty ninth of July, eighteen hundred and thirty-seven.....	3,000 00
For sixteenth of twenty installments for the support of farmers, purchase of implements, grain, or seed, and to carry on their agricultural pursuits, stipulated in the second article of the treaty of the twenty ninth of July, eighteen hundred and thirty-seven.....	1,000 00
For sixteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty ninth of July, eighteen hundred and thirty seven.....	2,000 00
For sixteenth of twenty installments for the purchase of tobacco, stipulated in the second article of the treaty of the twenty ninth of July, eighteen hundred and thirty-seven.....	500 00
For eleventh of twenty five installments in money, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....	12,500 00
For eleventh of twenty five installments in goods, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty two.....	10,500 00
For eleventh of twenty five installments for the support of two smiths' shops, including the pay of two smiths, and furnishing iron and steel, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty two.....	2,000 00
For eleventh of twenty-five installments for the pay of two farmers, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....	1,000 00

For eleventh of twenty-five installments for the pay of two carpenters, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....	1,200 00
For eleventh of twenty-five installments for the support of schools, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....	2,000 00
For eleventh of twenty-five installments for the purchase of provisions and tobacco, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty two.....	2,000 00
For the sixth, seventh, eighth, ninth, and tenth, of forty-six installments to be paid to the Chippewas of Mississippi, stipulated in the third article of the treaty of the second of August, eighteen hundred and forty-seven.....	5,000 00

Creeks.

For permanent annuity, stipulated in the fourth article of the treaty of the seventh of August, seventeen hundred and ninety.....	1,500 00
For permanent annuity, stipulated in the second article of the treaty of the sixteenth of June, eighteen hundred and two.....	3,000 00
For permanent annuity, stipulated in the fourth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six.....	20,000 00
For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six.....	840 00
For iron, steel, &c., for shops, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six.....	270 00
For sixteenth of twenty installments, for the pay of two blacksmiths and assistants, stipulated in the thirteenth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two.....	1,680 00
For iron, steel, &c., stipulated in the thirteenth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two.....	540 00
For permanent provision for the pay of a wheelwright, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six.....	600 00
For twenty-second of thirty-three installments for education, stipulated in the thirteenth [fourth] article of the treaty of the fourth of January, eighteen hundred and forty-five.....	3,000 00
For interest on three hundred and fifty thousand dollars at five per centum, stipulated in the third article of the treaty of the twenty-third of November, eighteen hundred and thirty-eight.....	17,500 00
For ninth of twenty installments for education, stipulated in the fourth article of the treaty of the fourth of January eighteen hundred and forty-five.....	3,000 00
For blacksmith and assistant, during the pleasure of the President, stipulated in fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three.....	840 00
For iron, steel, and coal, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three.....	270 00
For wagon-maker, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three.....	600 00
For agricultural implements, during the pleasure of the President, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six.....	2,000 00
For education, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three.....	1,000 00
For liquidated balance found due the Creek Indians for losses sustained during the last war with Great Britain, by that portion of the tribe that was friendly to, and cooperated with the United States in accordance with the promise of the Government.....	110,417 90
To pay the claim of David Taylor, as adjusted and found due by the Second Auditor of the Treasury on the eleventh of March, eighteen hundred and fifty two, under the latter clause of the thirteenth article of the treaty with the Cherokees, concluded at New Echota, twenty-ninth December, eighteen hundred and thirty-five, and approved by the Senate, to be paid out of the balance of the appropriations of July second, eighteen hundred and thirty-six, under the act entitled "An act making further appropriation for carrying into effect certain Indian treaties.....	24,853 04

Delawares.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety five.....	1,000 00
For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine.....	500 00
For permanent annuity, stipulated in the fifth article of the treaty of the third of October, eighteen hundred and eighteen.....	4,000 00
For permanent annuity, stipulated in the supplemental treaty of the twenty fourth of September, eighteen hundred and twenty nine.....	1,000 00
For life annuity to chiefs, stipulated in the private article of supplemental treaty of the twenty-fourth of September, eighteen hundred and twenty-nine, to the treaty of the third of October, eighteen hundred and eighteen.....	200 00

For life annuity to chiefs, stipulated in the supplemental article to the treaty of the twenty-sixth of October, eighteen hundred and thirty-two.....	200 00
For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three....	100 00
For permanent provision for blacksmith and assistant, stipulated in the sixth article of the treaty of the third of October, eighteen hundred and eighteen.....	720 00
For iron, steel, &c., for shop, stipulated in the sixth article of the treaty of the third of October, eighteen hundred and eighteen.....	220 00
For interest on forty-six thousand and eighty dollars at five per centum, being the value of thirty-six sections of land, set apart by treaty of eighteen hundred and twenty-nine, for education, stipulated in resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight.....	2,304 00

Florida Indians, or Seminoles.

For thirtieth of thirty installments for blacksmiths' establishments, stipulated in the sixth article of the treaty of the eighth of September, eighteen hundred and twenty-three, and the fourth article of the treaty of the ninth of May, eighteen hundred and thirty-two.....	1,000 00
For ninth of fifteen installments in goods, stipulated in the sixth article of the treaty of the fourth of January, eighteen hundred and forty-five.....	2,000 00
For ninth of fifteen installments in money, stipulated in the fourth article of the treaty of fourth of January, eighteen hundred and forty-five....	3,000 00

Iowas.

For interest on one hundred and fifty-seven thousand five hundred dollars at five per centum, stipulated in the second article of the treaty of the nineteenth of October, eighteen hundred and thirty-eight.....	7,875 00
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Kickapoos.

For nineteenth of nineteen installments as annuity, stipulated in the fourth article of the treaty of the twenty-fourth of October, eighteen hundred and thirty-two.....	5,000 00
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Kansas.

For interest on two hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the fourteenth of January, eighteen hundred and forty-six.....	10,000 00
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Miamis.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six.....	25,000 00
For permanent provision for blacksmith and assistant, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen.....	720 00
For iron, steel, &c., stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen.....	220 00
For permanent provision for the purchase of one thousand pounds of tobacco, two thousand pounds of iron, and one thousand pounds of steel, stipulated in the fourth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six.....	770 00
For permanent provision for pay of miller in lieu of gunsmith, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, and the fifth article of the treaty of the twenty-fourth of October, eighteen hundred and thirty-four.....	600 00
For permanent provision for the purchase of one hundred and sixty bushels of salt, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen.....	320 00
For education and support of poor during the pleasure of Congress, stipulated in the sixth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six.....	2,000 00
For twelfth of twenty installments in money, stipulated in the second article of the treaty of the twenty-eighth of November, eighteen hundred and forty.....	12,500 00
For permanent provision for payment in lieu of laborers, stipulated in the sixth article of the treaty of the twenty-eighth of November, eighteen hundred and forty.....	250 00
For permanent provision for agricultural assistance, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen.....	200 00

El Rivers, (Miamis.)

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five.....	500 00
For permanent annuity, stipulated in the third article of the treaty of the twenty-first of August, eighteen hundred and five.....	250 00
For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine.....	350 00
For payment of annuities to said Miami nation. [Indefinite.]	

Menomonees.

For seventeen of twenty installments as annuity, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six.....	20,000 00
For seventeenth of twenty installments for two blacksmiths and assistants, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six.....	1,440 00

For seventeenth of twenty installments, for iron, steel, &c., for shops, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six.....	440 00
For seventeenth of twenty installments, for the purchase of provisions, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six.....	3,000 00
For seventeenth of twenty installments, for the purchase of two thousand pounds of tobacco, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six.....	400 00
For seventeenth of twenty installments, for farming utensils and cattle, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six.....	500 00
For seventeenth of twenty installments, for thirty barrels of salt, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six.....	150 00
For expenses of their temporary removal and provisions, from their present location, to the district of country on the Wolf and Oconto rivers designated in the report of Superintendent Murray to the Commissioner of Indian Affairs, dated September thirtieth, eighteen hundred and fifty-one.....	25,000 00

Omahas.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty.....	720 00
For iron, steel, &c., for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty.....	220 00
For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty.....	500 00
To defray the expenses of a certain party of Omaha Indians who visited the city of Washington during the months of February and March, eighteen hundred and fifty-two, the same, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior.....	3,000 00
For the Omaha Indians.....	25,000 00

Ottos and Missourias.

For education, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-three.....	500 00
For pay of farmer, during the pleasure of the President, stipulated in the fifth article of the treaty of the twenty-first of September, eighteen hundred and thirty-three.....	600 00
For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty.....	720 00
For iron, steel, &c., during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty.....	220 00

Ottawas.

For permanent annuity stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five.....	1,000 00
For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven.....	800 00
For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen.....	1,500 00
For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of August, eighteen hundred and twenty-one....	1,000 00

Ottawas and Chippewas.

For eighteenth of twenty installments, stipulated in the fourth article of the treaty of the twenty-eighth day of March, eighteen hundred and thirty-six.....	30,000 00
For interest to be paid as annuity on two hundred thousand dollars, at six per cent. per annum, stipulated in the resolution of the Senate of the twenty-seventh of May, eighteen hundred and thirty-six.....	12,000 00
For education for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	5,000 00
For missions for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	3,000 00
For vaccine matter, medicines, and pay of physicians, so long as the Indians remain on their reservations, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	300 00
For eighteenth of twenty installments, for the purchase of provisions, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	2,000 00
For eighteenth of twenty installments, for the purchase of six thousand five hundred pounds of tobacco, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	800 00
For eighteenth of twenty installments, for the purchase of one hundred barrels of salt, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	200 00

For eighteenth of twenty installments, for the purchase of five hundred fish barrels, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	400 00
For three blacksmiths and assistants, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	2,160 00
For iron, steel, &c., for shops, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	660 00
For gunsmith, at Mackinac, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	600 00
For iron, steel, &c., for shop, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	220 00
For two farmers and assistant, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	1,600 00
For two mechanics, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six.....	1,200 00

Osages.

For fifteenth of twenty installments as annuity, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine.....	20,000 00
For fifteenth of twenty installments for two smiths' establishments, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine.....	2,000 00
For fifteenth of fifty installments for pay of two millers, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine.....	1,200 00
For interest on sixty nine thousand one hundred and twenty dollars, at five per centum, being the valuation of fifty-four sections of land, set apart by the treaty of the second of June, eighteen hundred and twenty-five, for educational purposes, per resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight.....	3,456 00

Pankeshavos.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five.....	500 00
For permanent annuity, stipulated in the third article of the treaty of the thirtieth of December, eighteen hundred and five.....	300 00

Pawnees.

For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the ninth of October, eighteen hundred and thirty-three.....	1,000 00
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Pottawatomes of Huron.

For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven.....	400 00
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Pottawatomes.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five.....	1,000 00
For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine.....	500 00
For permanent annuity, stipulated in the third article of the treaty of the second of October, eighteen hundred and eighteen.....	2,300 00
For permanent annuity, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight.....	2,000 00
For life annuity to chiefs, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight.....	100 00
For permanent annuity, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine.....	15,000 00
For twentieth of twenty installments as annuity, stipulated in the third article of the treaty of the twentieth of October, eighteen hundred and thirty-two.....	15,000 00
For life annuity to chiefs, stipulated in the third article of the treaty of the twentieth of October, eighteen hundred and thirty-two.....	400 00
For twentieth of twenty installments as annuity, stipulated in the third article of the treaty of the twenty-sixth of October, eighteen hundred and thirty-two.....	20,000 00
For eighteenth of twenty installments as annuity, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three.....	14,000 00
For life annuity to chiefs, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three.....	700 00
For eighteenth of twenty installments as annuity, stipulated in the second supplemental article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three.....	2,000 00
For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three.....	140 00

For permanent provision for the purchase of one hundred and sixty bushels of salt, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six....	320 00
For education, during the pleasure of Congress, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six.....	2,000 00
For permanent provision for blacksmith and assistant, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six.....	720 00
For permanent provision for iron, steel, &c., for shop, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six.....	220 00
For education, during the pleasure of Congress, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight.....	1,000 00
For permanent provision for the payment in money, in lieu of two thousand pounds of tobacco, fifteen hundred pounds of iron, and three hundred and fifty pounds of steel, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, and the tenth article of the treaty of the fifth of June, eighteen hundred and forty-six.....	300 00
For permanent provision for blacksmith and assistant, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight.....	720 00
For permanent provision for iron, steel, &c., for shop, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight.....	220 00
For permanent provision for blacksmith and assistant, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine.....	720 00
For permanent provision for iron, steel, &c., for shop, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine.....	220 00
For permanent provision for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine.....	250 00
For education, during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-seventh of October, eighteen hundred and thirty-two.....	2,000 00
For interest on six hundred and forty-three thousand dollars, at five per centum, stipulated in the seventh article of the treaty of the fifth of June, eighteen hundred and forty-six.....	32,150 00

Quapaws.

For twentieth of twenty installments as annuity, stipulated in the fourth article of the treaty of the thirteenth of May, eighteen hundred and thirty-three.....	2,000 00
For education, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three.....	1,600 00
For blacksmith and assistant, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three.....	840 00
For iron, steel, &c., for shop, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three.....	220 00
For pay of farmer, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three.....	600 00

Six Nations of New York.

For permanent annuity, stipulated in the sixth article of the treaty of the eleventh of November, seventeen hundred and ninety-four.....	4,500 00
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Senecas of New York.

For permanent annuity, in lieu of interest on stock, per act of the nineteenth of February, eighteen hundred and thirty-one.....	6,000 00
For interest in lieu of investment on seventy-five thousand dollars, at five per centum, per act of twenty-seventh of June, eighteen hundred and forty-six.....	3,750 00

Stockbridges.

For interest on sixteen thousand five hundred dollars, at five per centum, stipulated in the ninth article of the treaty of the twenty-fourth of November, eighteen hundred and forty-eight.....	825 00
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Sioux of Mississippi.

For interest on three hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven.....	15,000 00
For sixteenth of twenty installments as annuity in goods stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven.....	10,000 00
For sixteenth of twenty installments for the purchase of medicines, agricultural implements, and stock, and for support of farmers, physicians, and blacksmith, &c., stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven.....	8,250 00
For sixteenth of twenty installments for the purchase of provisions, stipulated in the second	

article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven....	5,500 00
For fulfilling treaties with the Sioux of the Mississippi, to wit: For payment of the chiefs of the See see toan and Wak pay toan bands of Dakota or Sioux Indians, to enable them to settle their affairs, and to comply with their present just engagements; for expenses of removal of the said bands from the lands ceded, and for subsistence of themselves for one year thereafter, per first clause of the fourth article of the treaty of twenty-third July, eighteen hundred and fifty-one, ratified by the Senate of the United States on the twenty-third of June, eighteen hundred and fifty-two.....	275,000 00
For this amount, to be laid out under the direction of the President, for the establishment of manual labor schools, the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, per second clause of the same article and treaty....	30,000 00
For interest, at the rate of five per centum, on the sum of one million three hundred and sixty thousand dollars, per same article and treaty....	68,000 00
For interest, at the rate of five per centum, on the sum of one hundred and twelve thousand dollars, (to be added to the trust fund provided for in the fourth article,) being the amount allowed in lieu of the reservation set apart in the third article, containing one million one hundred and twenty thousand acres, at ten cents per acre, per Senate's amendment to the aforesaid treaty.....	5,600 00
For payment to the chiefs of the Med ay-waktoan and Wah-pay-koo-tah bands of Dakota or Sioux Indians, to enable them to settle their affairs and comply with their present just engagements; for expenses of removal of said Indians from the lands ceded, and for subsistence for themselves for one year thereafter, per first clause of the fourth article of the treaty of fifth August, eighteen hundred and fifty-one, ratified by the Senate of the United States, twenty-third June, eighteen hundred and fifty-two.....	220,000 00
For this amount, to be laid out under the direction of the President, for the establishment of manual labor schools, the erection of mills and blacksmith shops, opening farms, fencing and breaking lands, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, per second clause of same article and treaty....	30,000 00
For interest, at the rate of five per centum, on the sum of one million one hundred and sixty thousand dollars, per same clause, article, and treaty.....	58,000 00
For interest, at the rate of five per centum, on the sum of sixty-nine thousand dollars, (to be added to the trust fund provided for in the fourth article,) being the amount allowed in lieu of the reservation of lands set apart by the third article, containing six hundred and ninety thousand acres, at ten cents per acre, per Senate's amendment to the aforesaid treaty.....	3,450 00

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven.....	7,870 00
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Sacs and Foxes of Missouri.

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven.....	7,870 00
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Sacs and Foxes of Mississippi.

For permanent annuity, stipulated in the third article of the treaty of the third of November, eighteen hundred and four.....	1,000 00
For twenty-first of thirty installments as annuity, stipulated in the third article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	20,000 00
For twenty-first of thirty installments for gunsmith, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	600 00
For twenty-first of thirty installments for iron, steel, &c., for shop, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	220 00
For twenty-first of thirty installments for blacksmith and assistant, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	840 00
For twenty-first of thirty installments for iron, steel, &c., for shop, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	220 00
For twenty-first of thirty installments for forty barrels of salt, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	200 00
For twenty-first of thirty installments for forty kegs of tobacco, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	800 00
For interest on two hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven.....	10,000 00
For interest on eight hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the eleventh of October, eighteen hundred and forty-two.....	40,000 00

Shawnees.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five.....	1,000 00
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For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen.....	2,000 00
For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three.....	60 00
For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one.....	84 00
For iron, steel, &c., during the pleasure of the President, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one.....	220 00

Senecas and Shawnees.

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen.....	1,000 00
For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one.....	840 00
For iron, steel, &c., for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one.....	220 00

Senecas.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen.....	500 00
For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen.....	500 00
For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one.....	840 00
For iron, steel, &c., for shop, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one.....	220 00
For pay of miller, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one.....	600 00

Wyandotts.

For permanent annuity, stipulated in the third article of the treaty of the seventeenth of March, eighteen hundred and forty-two.....	17,500 00
For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two.....	840 00
For permanent provision for iron, steel, &c., for shop, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two.....	370 00
For permanent provision for education, stipulated in the fourth article of the treaty of the seventh of March, eighteen hundred and forty-two.....	500 00

Weas.

For permanent annuity, stipulated in the fifth article of the treaty of the second of October, eighteen hundred and eighteen.....	3,000 00
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Winnabagoes.

For twenty-fourth of thirty installments, as annuity, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine.....	18,000 00
For twenty-first of twenty-seven installments, as annuity, stipulated in the third article of the treaty of the fifteenth of September, eighteen hundred and thirty-two.....	10,000 00
For twenty-fourth of thirty installments, for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine.....	250 00
For twenty-fourth of thirty installments, for the purchase of three thousand pounds of tobacco, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine.....	600 00
For twenty-first of twenty-seven installments, for the purchase of one thousand five hundred pounds of tobacco, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two.....	300 00
For twenty-fourth of thirty installments, for three blacksmiths and assistants, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine.....	2,160 00
For payment of reasonable compensation, traveling, transportation, and subsistence of A. M. Mitchell, and a posse of citizens of Minnesota Territory, summoned by him while marshal of said Territory, and engaged in the suppression of Indian disturbances of said Territory, about the thirtieth of June, eighteen hundred and fifty.....	1,500 00
For twenty-fourth of thirty installments, for iron, steel, &c., for shop, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine.....	660 00
For twenty-fourth of thirty installments, for laborers and oxen, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine.....	365 00
For twenty-first of twenty-seven installments, for education, stipulated in the fourth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two.....	3,000 00
For twenty-first of twenty-seven installments, for six agriculturists, purchase of oxen, plows, and	

other implements, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two.....	2,500 00	For the improvement of the Rock River rapids, and the Des Moines rapids, in the Mississippi river, at the lower chain and the English chain.....	100,000 00	For the further improvement of the harbor of Fairport, at the mouth of Grand river, Ohio....	10,000 00
For twenty-first of twenty-seven installments, for pay of two physicians, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two.....	400 00	For opening a ship channel of sufficient capacity to accommodate the wants of commerce, through the most convenient pass leading from the Mississippi river into the Gulf of Mexico.....	75,000 00	For continuing the improvement of the harbor of Ashtabula, Ohio.....	10,000 00
For interest on one million one hundred thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the first of November, eighteen hundred and thirty-seven.....	55,000 00	For removing the raft of Red river.....	100,000 00	For continuing the improvement of the harbor of Erie, Pennsylvania.....	30,000 00
For interest on eighty-five thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the thirteenth of October, eighteen hundred and forty-six.....	4,250 00	For the improvement of the navigation of the Colorado river, Texas.....	20,000 00	For continuing the improvement of the harbor of Dunkirk, New York.....	30,000 00
For payment to the heirs of Cyrus Choice, the balance due for services rendered by him as acting Indian agent in New Mexico, from the ninth of December, eighteen hundred and forty-nine, to the fourteenth of September, eighteen hundred and fifty, at the rate of fifteen hundred and fifty dollars per annum, after deducting the sum of fifty dollars heretofore paid to Cyrus Choice.....	1,137 76	For the survey of the Trinity river, Texas, including the bar at the mouth.....	3,000 00	For repairing the sea wall at the harbor of Buffalo, New York.....	14,000 00
For payment to Presha Bodwell, (formerly Presha Foreman,) being the amount of an award by the Cherokee Commissioners in her favor, which was erroneously paid by a former Cherokee agent to some one who personated the proper claimant.....	464 00	For a breakwater at Richmond Island harbor, and repairing the breakwater in Portland harbor, Maine.....	10,000 00	For constructing a steam-dredge, equipment and discharging scows for Lake Erie.....	20,000 00
For payment to Horsey, being the amount of an award by the first board of Cherokee Commissioners, less the amount of six dollars allowed as a fee to the attorney, for an improvement belonging to Tianey, (the deceased wife of Horsey), improperly valued and paid for to Tawney, of the same town in the country east.....	54 00	For removing the rocks obstructing the navigation near Fall's Island, Cohescook bay, Maine.....	5,000 00	For continuing the improvement of the harbor of Oak Orchard creek, Lake Ontario, New York.....	10,500 00
For payment to Se-ka-wee, a Cherokee, only heir of Woo-tee-ti-eh, deceased, for an improvement in Turkeytown Valley, Alabama, which was improperly valued and paid for to Rachel Bright, a white woman, the said Woo-tee-ti-eh, deceased, being the rightful owner.....	166 50	For the protection of Great Brewster Island, in the harbor of Boston.....	30,000 00	For continuing the removal of obstructions in the harbor at the mouth of the Genesee river, Lake Ontario, New York.....	20,000 00
For compensation to three special agents and four interpreters for the Indian tribes of Texas, and for the purchase of presents.....	15,000 00	For the preservation of Cape Cod harbor, at and near Provincetown, Massachusetts.....	5,000 00	For the improvement of the Harbor of Sodus bay, Lake Ontario, Cayuga county, New York.....	10,000 00
For presents to the Comanches, Kiaways, and other Indians on the Arkansas river, and to enable the President to treat with said Indians.....	20,000 00	For repairing the breakwater at Hyannis harbor, Massachusetts.....	5,000 00	For continuing the improvement of the harbor of Oswego, Lake Ontario, New York.....	40,000 00
For defraying expenses incident to the visit of the Pueblo Indians and their attendants from New Mexico to Washington, and to defray their expenses to their homes.....	7,500 00	For the preservation of Great Woods Hole harbor.....	2,500 00	For constructing a steam-dredge, equipment, and discharging-scows for Lake Ontario.....	20,000 00
For general objects incident to Indian service in New Mexico.....	20,000 00	For a survey in reference to the construction of a breakwater at East Dennis, Barnstable Bay, Massachusetts.....	1,500 00	For a survey of the Rappahannock river, Virginia.....	3,000 00
For expenses of running and marking the eastern boundary line of the Creek country west of Arkansas.....	7,990 00	For repairing the injuries done to the Government works on Plymouth beach, in the great storm of eighteen hundred and fifty-one.....	5,000 00	For a survey of Taunton river and New Bedford harbor, Massachusetts.....	3,000 00
For payment to James M. Marsh, to cover the loss of his property destroyed by a band of Sioux Indians, in the month of July, eighteen hundred and forty-nine, while extending "the second connection line" of the public surveys in the State of Iowa, to the Missouri river, under contract with C. H. Booth, surveyor general of the United States.....	1,200 00	For a survey in reference to the improvement of the harbor of Scituate, in connection with the North river, Massachusetts.....	1,000 00	For improving the Kennebec river, from the United States arsenal wharf, in Augusta, Maine, to Lovejoy's Narrows.....	6,000 00
For expenses of the California Superintendency, to wit:		For the removal of Middle Rock, designated on the chart as Rocky buoy, in the harbor of New Haven, Connecticut.....	6,000 00	For a survey of San Antonio river, Texas.....	1,500 00
For salary of Superintendent.....	4,000 00	For removing a rock near the mouth of the Seconk river, harbor of Providence, Rhode Island.....	5,000 00	For surveys of the harbors at Sabine, Galveston, Paso Cavallo, Velasco, Brazos de Santiago, Corpus Christi, and the rivers Sabine, Brazos, and Trinity, Texas.....	5,000 00
For salary of clerk to Superintendent.....	2,500 00	For the further improvement of the harbor of New York, by removing the rocks at Hell Gate and Diamond Reef, in the East river.....	20,000 00	For repairing the public works at Little Egg harbor, New Jersey.....	8,500 00
For office rent, stationery, fuel, and lights, and postage on official letters.....	3,500 00	For a survey of the harbor of Port Jefferson, New York, with reference to the improvement thereof.....	1,200 00	For a survey of East Pascagoula river, Mississippi.....	5,000 00
For interpreters.....	3,000 00	For the removal of the bar at the junction of the Passaic and Hackensack rivers, in Newark bay, New Jersey.....	10,000 00	For a survey of Providence harbor, Rhode Island.....	1,500 00
For the preservation of peace with those Indians who have been dispossessed of their lands in California, until permanent arrangements be made for their future settlement.....	100,000 00	For the survey of Cranbury Inlet, Barnegat bay, New Jersey, in reference to its improvement.....	1,000 00	For a survey and examination of the falls of the Ohio river.....	5,000 00
Furniture for Superintendent's office.....	500 00	For the construction of a steam-dredge, equipment and discharging-scows for the waters of the Chesapeake bay and the Atlantic coast.....	20,000 00	For the repair of the sea-wall at Marblehead, Massachusetts.....	500 00
Flags for distribution among the tribes.....	500 00	For removing obstructions at the mouth of the Susquehanna river, near Havre de Grace, Maryland.....	10,000 00	For the repair of the harbor of Georgetown, South Carolina.....	3,000 00
For expenses of compiling maps, under the supervision of the Commissioner of Indian Affairs, for the use of the committees of the Senate and House of Representatives, and Indian Bureau, showing the present boundaries of the Indian territory, and the location of the various Indian tribes within the United States.....	500 00	For reopening a communication between Albemarle sound, North Carolina, and the Atlantic ocean, by the construction of a breakwater across Croatan sound.....	50,000 00	For a survey of Shrewsbury river, New Jersey.....	1,500 00
	\$2,011,469 85	For completing the improvement of the harbor of Washington, North Carolina.....	5,000 00	For repairing the piers at Kennebunk, Maine.....	7,500 00
<i>By the act making appropriations for the improvement of certain harbors and rivers.</i>		For the improvement of the harbor of Charleston, South Carolina.....	50,000 00	For a breakwater at Owlhead harbor, or at Rockland harbor, in Maine, as the Department of War shall decide.....	15,000 00
For the continuation of the Delaware breakwater.....	\$30,000 00	For the improvement of the harbor of Mobile, Alabama, at Dog River Bar and the Choctaw Pass.....	50,000 00	For the further removal of obstructions and the improvement of the harbor of Dubuque, Iowa.....	15,000 00
For the construction of a harbor on the east side of Reedy Island, Port Penn, Delaware.....	51,090 00	For a survey in reference to the removal of obstructions to the navigation of Bayou La Fourche, Louisiana.....	2,500 00	For repairing the piers in Great Sodus bay, New York.....	10,000 00
For the repairs of the works at the harbor of Chester, on the Delaware river.....	5,000 00	For the construction of a harbor on Lake Pontchartrain, near the city of New Orleans.....	25,000 00	For improving Cape Fear river at and below Wilmington, North Carolina.....	20,000 00
For the removal of obstructions in the Savannah river, at a place called The Wrecks, and the improvement of the navigation of said river.....	40,000 00	For continuing the surveys of the northern and northwestern lakes, including Lake Superior.....	25,000 00	For repairing the piers at Huron river harbor, Ohio.....	10,000 00
For continuing the improvement of the navigation of the Hudson river, above and below Albany, and not above Troy.....	50,000 00	For the improvement of the harbor of Manitowac, Wisconsin.....	8,000 00	For continuing and repairing the breakwater at Burlington, Vermont.....	10,000 00
For the improvement of the navigation of the Mississippi river, below the rapids.....	90,000 00	For the improvement of the harbor of Sheboygan, Wisconsin.....	10,000 00	For repairing the piers at Conneaut, Ohio.....	10,000 00
For the Ohio, including the repairs of the dam at Cumberland Island.....	90,000 00	For continuing the improvement of the harbor of Racine, Wisconsin.....	10,000 00	For repairing the piers and for improving the harbor at New Castle, Delaware.....	15,000 00
For the Missouri and the Arkansas rivers, each forty thousand dollars.....	80,000 00	For continuing the improvement of the harbor of Milwaukee, Wisconsin.....	15,000 00	For the further improvement of the harbor at Bridgeport, Connecticut.....	10,000 00
For the construction and repair of snag boats, dredge-boats, discharging scows, and machinery to be used on the Mississippi, Ohio, Missouri, Arkansas, and other western rivers.....	150,000 00	For continuing the improvement of the harbor of Kenosha, (formerly Southport,) Wisconsin.....	10,000 00	For improvement of the river Saint John, Florida.....	10,000 00
For the improvement of James and Appomattox rivers, below the cities of Richmond and Petersburg.....	45,000 00	For continuing the improvement of the harbor of Chicago, Illinois.....	20,000 00	For the completion of the old line of survey, or new line, as may be deemed expedient, for a ship-canal across the peninsula of Florida.....	20,000 00
		For continuing the improvement of the harbor of Michigan City, Indiana, or the laying down of a floating breakwater and safely anchorage, as the Secretary of War may determine.....	20,000 00	For a survey of the sand-bars in Newark bay, New Jersey.....	2,000 00
		For the improvement of the harbor of New Buffalo, Michigan.....	8,000 00	For building a levee across the mouth of the river San Diego, in the State of California, to turn it into its former channel, into False Bay.....	30,000 00
		For continuing the improvement of the harbor of St. Joseph, Michigan.....	10,000 00	For a survey of the harbor of Odensburg, New York, with reference to its improvement.....	3,000 00
		For the improvement of Black Lake harbor, Michigan.....	8,000 00	For constructing a steam-dredge, equipment and discharging scows, for Lake Champlain, and improving the navigation thereof.....	20,000 00
		For the preservation of the harbor at the mouth of Grand river, Michigan.....	2,000 00	For connecting the waters of the Indian River, and Mosquito lagoon, at the Haulover, Florida.....	5,000 00
		For the improvement of the harbor at the mouth of Clinton river, Michigan.....	5,000 00	For the repairs, preservation, and contingencies of the harbor-works on the Atlantic coast.....	10,000 00
		For the improvement of the navigation of Saint Clair flats, connecting the upper and lower lakes.....	20,000 00	For repairs and contingencies of harbors and rivers, and to meet charges for transportation of officers and for fuel and quarters, the payment of which is no longer made by the Quartermaster's Department, and for extra allowance to meet extra expenses under the special direction of the Secretary of War.....	10,000 00
		For completing the improvement of the River Raisin harbor, Michigan.....	14,000 00	For the improvement of the navigation of the Tennessee river, in conformity with the estimates of the War Department of the thirtieth July, eighteen hundred and fifty-two.....	50,000 00
		For constructing a steam-dredge, equipment and discharging scows for Lake Michigan.....	20,000 00	For the improvement of the navigation of the Illinois river.....	30,000 00
		For preserving the harbor of Sandusky City, and improving the same.....	15,000 00	For the improvement of the harbor and breakwater at Waukegan, Illinois.....	15,000 00
		For continuing the improvement of the harbor at the mouth of Black river, on Lake Erie, Ohio.....	5,000 00	That the Secretary of War cause to be examined and surveyed the rivers Savannah, from the city of Savannah as high up as the city of Augusta, the Ocmulgee up to Macon, and the Flint up to Albany, and the Chattahoochee up to Columbus, in the State of Georgia.....	10,000 00
		For continuing the improvement of the harbor of Cleveland, Ohio.....	30,000 00	For filling in behind the United States sea wall, in the harbor of St. Augustine, Florida, with earth.....	3,000 00
					\$2,124,290 00
				<i>By the act making appropriations for the transportation of the United States mail by ocean steamers and otherwise, during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-three.</i>	
				For transportation of the mails from New York to Liverpool and back.....	858,000 00

For transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres, and back.....	290,000 00
For transportation of the mails from Panama to California and Oregon, and back.....	348,250 00
For transportation of the mails in two steamships, from New York, by Southampton, to Bremen, and back, at one hundred thousand dollars for each ship, and in two steamships from New York, by Cowes, to Havre, and back, at seventy-five thousand dollars for each ship, under the contract with the Ocean Steam Navigation Company of New York, in addition to an unexpended balance of former appropriations.....	294,000 00
For transportation of the mails between Charleston and Havana, under the contract with M. C. Mordecai.....	50,000 00
For transportation of the mails across the Isthmus of Panama.....	100,000 00
	\$1,940,250 00

By the act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-three, and for other purposes.

Legislative.

For compensation and mileage of Senators.....	110,776 00
For compensation and mileage of Members of the House of Representatives and Delegates from Territories.....	335,352 00
For compensation of Senators, Members of the House of Representatives and Delegates.....	50,000 00
For compensation of the officers and clerks of both Houses of Congress.....	42,557 50
For the contingent expenses of the Senate, viz: For binding.....	15,000 00
For printing.....	35,000 00
For lithographing.....	13,500 00
For books.....	12,000 00
For stationery.....	5,000 00
For newspapers.....	2,500 00
For Congressional Globe.....	6,000 00
For reporting proceedings, &c.....	22,000 00
For messengers, pages, laborers, police, horses, and carry-alls.....	20,000 00
For miscellaneous items.....	19,000 00
For the contingent expenses of the House of Representatives, viz: For printing and binding.....	125,000 00
For settling the accounts of Thomas Ritchie, assignee of William M. Belt, for the printing of the Thirty-first Congress, one half of the prices given by the joint resolution of eighteen hundred and nineteen, be allowed, not exceeding the amounts that would be paid under the respective contracts, if settled by the prices named in the act passed at the present session in regard to the public printing, estimating the paper at the actual cost thereof.....	50,000 00
For printing the obituary notices of the decease of President Taylor, said contractor shall be paid the actual cost, with a profit of twenty per centum.....	[Indefinite.]
For furniture and repairs.....	3,500 00
For stationery.....	18,000 00
For salary of librarian, reading clerk of the House of Representatives, clerk to the Committee on Claims, messengers, pages, and laborers.....	38,000 00
For horses and mail carriages.....	2,550 00
For fuel, oil, and candles.....	2,400 00
For newspapers.....	5,000 00
For engraving and lithographing.....	25,000 00
For salary of the Capitol police.....	3,560 00
For alterations, repairs, and other miscellaneous items.....	30,000 00

Library of Congress.

For compensation of librarian, two assistant librarians, and messenger.....	4,500 00
To defray freight and other expenses incurred under the act to regulate the exchange of certain documents and other publications, approved June twenty-sixth, eighteen hundred and forty-eight.....	1,000 00
For purchase of books for said library, and for contingent expenses thereof, and for purchase of furniture for the same.....	75,000 00
For continuing the preparation and publication of the works of the Exploring Expedition, including the expenses of the greenhouse, and for the settlement of arrears due on the erection of said greenhouse.....	25,000 00
For purchase of law books for said library.....	2,000 00
For the publication of the Jefferson Papers, under the direction of the Library Committee, in addition to the balance of an unexpended appropriation.....	3,000 00

Executive.

For compensation of the President of the United States.....	25,000 00
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Department of State.

For compensation of the Secretary of State, and the clerks, messenger, and assistant messenger in his office.....	33,700 00
For incidental and contingent expenses of said Department:	
For publishing the laws in pamphlet form, and in the newspapers of the States and Territories, and in the city of Washington.....	22,325 00
For proof-reading, packing, and distributing laws and documents, including cases, labor, and transportation.....	10,000 00
For the purchase of such works as are immediately required for the library of the Department of State.....	2,000 00

For remodeling the library of the Department of State, arranging and classifying the collection, binding the pamphlets which are contained therein, and preparing a catalogue of the same.....	1,600 00
For stationery, blank-books, binding, labor, and attendance, furniture, fixtures, repairs, painting, and glazing.....	4,400 00
For printing (letter-press and copper-plate) books and maps.....	2,000 00
For newspapers.....	200 00
For miscellaneous items.....	1,000 00

Northeast Executive Building.

For compensation of the Superintendent and four watchmen of the Northeast Executive Building.....	2,250 00
For contingent expenses of said building, viz: For fuel, labor, oil, and repairs.....	3,300 00

Treasury Department.

For compensation of the Secretary of the Treasury and Assistant Secretary of the Treasury, clerks, messenger, and assistant messenger in his office.....	33,750 00
For compensation of the First Comptroller, and the clerks and messenger in his office.....	22,150 00
For compensation of the Second Comptroller, and the clerks and messenger in his office.....	24,650 00
For compensation of the First Auditor, and the clerks, messenger, and assistant messenger in his office.....	23,000 00
For compensation of the Second Auditor, and the clerks, messenger, and assistant messenger in his office.....	34,800 00
For compensation of the Third Auditor, and the clerks, messengers, and assistant messengers in his office.....	59,150 00
For compensation to temporary clerks employed in the office of the Third Auditor, in making out certificates of service from the muster-rolls of eighteen hundred and twelve, and the several Indian wars.....	35,000 00
For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger in his office.....	20,400 00
For compensation of the Fifth Auditor, and the clerks and messenger in his office.....	15,600 00
For compensation of the Treasurer of the United States, and the clerks and messenger in his office.....	13,750 00
For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messenger in his office.....	30,800 00
For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office.....	13,850 00
For compensation of the Commissioner of Customs, and the clerks and messenger in his office.....	16,500 00
For the temporary employment of additional clerks in the Auditor's Office of the Treasury for the Post Office Department, to compute postmasters' commissions, rendered necessary by the act of Congress reducing the rates of postage.....	2,000 00

Contingent Expenses of the Treasury Department.

In the office of the Secretary of the Treasury: For labor, blank books, stationery, sealing ships' registers, translating foreign languages, printing, advertising, printing the public accounts, and extra clerk hire for preparing and collecting information to be laid before Congress, said clerks to be employed only during the session of Congress or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session, to be answered at another.....	10,550 00
For miscellaneous items.....	2,800 00
In the office of the First Comptroller:	
For furniture.....	100 00
For blank books, binding, stationery, printing, and labor.....	2,034 00
For miscellaneous items.....	125 00
In the office of the Second Comptroller:	
For blank books, binding, stationery, and printing blanks, including pay for the National Intelligence and Union, to be filed, bound, and preserved for the use of the office.....	700 00
For labor, office furniture, and miscellaneous items.....	600 00
In the office of the First Auditor:	
For blank books, binding, stationery, printing blanks, and labor.....	1,200 00
For miscellaneous items, including subscription for the Union and National Intelligence, to be filed for the use of the office.....	300 00
In the office of the Second Auditor:	
For blank books, binding, stationery, labor, furniture, blanks, newspapers, and miscellaneous items.....	1,500 00
In the office of the Third Auditor:	
For blank books, binding, stationery, office furniture, including carpeting, labor, and miscellaneous items.....	2,000 00
For expenses of arranging document rooms and preserving files and papers.....	1,000 00
For contingencies incident to the bounty land service.....	1,400 00
In the office of the Fourth Auditor:	
For books and binding.....	600 00
For printing.....	50 00
For labor.....	100 00
For miscellaneous items.....	200 00
In the office of the Fifth Auditor:	
For blank books, binding, and stationery.....	250 00
For labor.....	175 00
For miscellaneous items.....	350 00

In the office of the Treasurer:	
For blank books, binding, labor, stationery, and printing.....	1,000 00
For miscellaneous items.....	500 00
In the office of the Register:	
For blank books, binding, and stationery.....	2,500 00
For blank certificates of the registers of vessels, blank enrollments, and licenses.....	500 00
For arranging and binding canceled marine papers returned by the collectors.....	1,000 00
For copper-plate printed certificates of registers of vessels and crew list.....	4,000 00
For labor and other miscellaneous items.....	1,000 00
In the office of the Solicitor:	
For blank books, binding, stationery, printing circulars and blank forms of reports of district attorneys, clerks of courts, and marshals, and for labor.....	1,050 00
For statutes and reports, including those of the several States.....	1,000 00
For miscellaneous items.....	200 00
In the office of the Commissioner of Customs:	
For blank books, binding, stationery, printing, and labor.....	1,700 00
For miscellaneous items.....	300 00

Southeast Executive Building.

For compensation of the superintendent and eight watchmen of the Southeast Executive Building.....	4,500 00
For contingent expenses of said building, viz: For labor, fuel, and lights.....	14,500 00
For rent of additional buildings for the accommodation of officers of the Treasury Department.....	3,500 00
For fuel, watching, and miscellaneous items for the same.....	4,000 00

Department of the Interior.

For compensation of the Secretary of the Interior, and the clerks, messengers, and laborers in his office.....	24,700 00
For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, and packers in his office.....	98,800 00
For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger in his office.....	26,200 00
For compensation of the Commissioner of Pensions, and the clerks and messengers in his office.....	18,800 00
For compensation to temporary clerks employed in the office of the Commissioner of Pensions.....	100,000 00

Contingent Expenses of the Department of the Interior.

In the office of the Secretary of the Interior: For stationery, printing, binding furniture, and repairs, subscription to newspapers, introducing gas into the Patent Office, fuel, and other contingencies.....	7,000 00
For library books and maps.....	1,000 00
In the General Land Office:	
For compensation of laborers.....	2,000 00
For cash system and military patents under laws prior to act of twenty-eighth September, eighteen hundred and fifty, patent and other records, tract-books, blank-books, and blank forms, for the district land offices, binding plats, field-notes, and stationery, office furniture, and repairs of the same, including carpets for rooms, and miscellaneous items.....	23,710 00
To meet further requirements of the act "granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved twenty-eighth of September, eighteen hundred and fifty, for patent and other records, parchment, blank forms of returns, &c.....	28,000 00
In the office of the Commissioner of Indian Affairs:	
For blank books, binding, and stationery.....	1,000 00
For labor.....	200 00
For miscellaneous items.....	800 00
In the office of the Commissioner of Pensions:	
For stationery, printing blank forms and regulations, furniture, binding books, and miscellaneous items.....	16,000 00

War Department.

For compensation of the Secretary of War, and the clerks, messenger, and assistant messenger in his office.....	17,850 00
For compensation of the clerk and messenger in the office of the Commanding General.....	1,500 00
For compensation of the clerks and messenger in the office of the Adjutant General.....	10,450 00
For compensation of the clerks and messenger in the office of the Quartermaster General.....	12,300 00
For compensation of the clerks and messenger in the office of Clothing and Equipage in Philadelphia.....	4,040 00
For compensation of the clerks and messenger in the office of the Paymaster General.....	9,900 00
For compensation of the clerks and messenger in the office of the Commissary General of Subsistence.....	6,300 00
For compensation of one additional clerk in the office of the Commissary General of Subsistence.....	1,000 00
For compensation of the clerks and messenger in the office of the Chief Engineer.....	5,900 00
For compensation of the clerks and messenger in the office of the Surgeon General.....	3,650 00
For compensation of the clerks and messenger in the office of the Colonel of Ordnance.....	8,650 00
For compensation of the clerks and messenger in the Bureau of Topographical Engineers.....	4,900 00

Contingent Expenses of the War Department.

In the office of the Secretary of War:	
For blank-books, binding, stationery, labor, and printing.....	1,450 00
For books, maps, and plans.....	1,000 00
For extra clerks.....	1,500 00
For miscellaneous items.....	550 00
In the office of the Commanding General:	
For miscellaneous items.....	300 00
In the office of the Adjutant General:	
For printing Army Register, general orders, circulars, &c.....	700 00
For blank-books, binding, and stationery.....	500 00
For miscellaneous items, including office furniture.....	300 00
In the office of the Quartermaster General, including the office at Philadelphia:	
For blank-books, binding, and stationery.....	700 00
For labor.....	150 00
For printing.....	200 00
For office rent at Philadelphia.....	500 00
For miscellaneous items.....	400 00
In the office of the Commissary General of Subsistence:	
For blank-books, binding, printing, stationery, advertising, and labor.....	3,000 00
For miscellaneous items.....	150 00
In the office of the Chief Engineer:	
For blank-books, binding, stationery, and printing.....	600 00
For miscellaneous items, including subscriptions to two daily Washington newspapers.....	400 00
In the office of the Surgeon General:	
For blank-books, binding, stationery, and printing.....	225 00
For miscellaneous items.....	150 00
In the Bureau of Topographical Engineers:	
For blank-books, binding, stationery, and labor.....	750 00
For miscellaneous items.....	500 00

Northwest Executive Building.

For compensation of the superintendent and four watchmen of the Northwest Executive Building.....	2,250 00
For contingent expenses of said building, viz:	
For labor, fuel, and light.....	2,400 00
For miscellaneous items.....	1,000 00

Building corner of F and Seventeenth streets.

For rent of house on northwest corner of F and Seventeenth streets, and warming all the rooms in it.....	21,875 00
For compensation of superintendent and four watchmen of the building corner of F and Seventeenth streets.....	2,250 00
For contingent expenses of said building, viz:	
For labor.....	540 00
For miscellaneous items.....	860 00

Navy Department.

For compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger in his office.....	22,000 00
For compensation of the Chief of the Bureau of Construction, Equipment, and Repairs, and the clerks, draughtsmen, and messenger in his office.....	13,600 00
For compensation of the Chief Naval Constructor and the Engineer-in-Chief.....	6,000 00
For compensation of the Chief of the Bureau of Ordnance and Hydrography, and the clerks, draughtsmen, and messenger in his office.....	9,400 00
For compensation of the Chief of the Bureau of Navy yards and Docks, and of the civil engineer, draughtsmen, clerks, and messenger in his office.....	12,600 00
For compensation of the clerks and messenger in the Bureau of Provisions and Clothing.....	7,300 00
For compensation of the Chief of the Bureau of Medicine and Surgery, and the assistant to chief clerks and messenger in his office.....	7,700 00

Contingencies of the Navy Department.

For contingencies of the Navy Department and all the bureaus connected therewith, viz:	
For blank books, binding, stationery, printing, labor, newspapers, periodicals, and miscellaneous items.....	6,930 00

Southwest Executive Building.

For compensation of the superintendent and three watchmen of the Southwest Executive Building.....	1,750 00
For an additional watchman of the Southwest Executive Building.....	500 00
For contingent expenses of said building, viz:	
For labor.....	325 00
For fuel and lights.....	1,350 00
For miscellaneous items.....	1,150 00

Post Office Department.

For compensation of the Postmaster General, three Assistant Postmasters General, and the clerks, messenger, assistant messengers, and watchmen of said Department.....	101,930 00
For compensation of one additional clerk in the office of the Postmaster General.....	1,000 00
For compensation of the superintendent of the Post Office Building.....	250 00

Contingent expenses of the Post Office Department.

For blank-books, binding, stationery, fuel, for the General Post Office Building, oil, gas, and candles, printing, labor, day watchmen, and for miscellaneous expenses.....	12,500 00
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For repairs of the General Post Office Building, for office furniture, glazing, whitewashing, and for keeping the fire-places and furnaces in order 1,500 00

Auditor of the Post Office Department.

For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office.....	103,200 00
For contingent expenses of said office, viz:	
For blank-books, binding, stationery, labor, printing blanks and circulars.....	9,700 00
For miscellaneous items.....	1,500 00

Mint of the United States.

At Philadelphia:	
For salaries of the director, treasurer, chief coin-er, melter, and refiner, engraver, assayer, assistant assayer, and their clerks.....	21,000 00
For wages of workmen.....	50,000 00
For incidental and contingent expenses, including fuel, materials, stationery, water rent, repairs and wastage, in addition to other available funds.....	25,000 00
For specimens of ores and coins to be reserved at the mint.....	300 00

At Charlotte, North Carolina:

For salaries of superintendent, coin-er, assayer, and clerk.....	6,000 00
For wages of workmen and watchmen.....	4,100 00
For contingent expenses, including wastage of gold, fuel, materials, stationery, and repairs.....	1,500 00

At Dahlonega, Georgia:

For salaries of superintendent, coin-er, assayer, and clerk.....	6,000 00
For wages of workmen.....	3,600 00
For incidental and contingent expenses, including wastage.....	1,400 00

At New Orleans, Louisiana:

For salaries of superintendent, treasurer, assayer, coin-er, melter, and refiner, and clerks.....	17,300 00
For wages of workmen.....	35,700 00
For incidental and contingent expenses, including fuel, materials, stationery, water rent, repairs, and wastage, in addition to other available funds.....	45,200 00
For new machinery.....	24,000 00
For the proportion due by said Mint for square block paving from Esplanade to Barrack streets, to be paid to Thomas Hynes.....	1,265 40

Government in the Territories.**Territory of Oregon:**

For salaries of Governor, three judges, and secretary.....	10,500 00
For contingent expenses of said Territory.....	1,500 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly.....	19,440 00

Territory of Minnesota:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary.....	9,700 00
For contingent expenses of said Territory.....	1,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly.....	20,000 00

Territory of New Mexico:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary.....	9,700 00
For contingent expenses of said Territory.....	1,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly.....	20,000 00
For compensation of the acting secretary of the Territory of New Mexico, from the fifth of April, eighteen hundred and fifty-one, to the twentieth of June, eighteen hundred and fifty-one.....	425 00

Territory of Utah:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary.....	9,700 00
For contingent expenses of said Territory.....	1,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly.....	20,000 00

Judiciary.

For salaries of the Chief Justice of the Supreme Court, and eight Associate Judges.....	41,000 00
For salaries of the district judges.....	72,000 00
For salaries of the chief justice of the District of Columbia, the associate judges, and the judges of the criminal court and orphan's court.....	11,200 00
For salaries of the Attorney General, and the clerks and messenger in his office.....	10,300 00
For contingent expenses of the office of the Attorney General.....	500 00
For salary of the reporter of the Decisions of the Supreme Court for each volume published by the direction of the Supreme Court.....	1,300 00
For compensation of the district attorneys.....	8,800 00
For compensation of the marshals.....	7,400 00
For defraying the expenses of the Supreme, circuit, and district courts of the United States, including the District of Columbia, also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending June thirtieth, eighteen hundred and fifty-three, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners.....	630,000 00
For the claim presented by the county of Des Moines, in the State of Iowa, for the expenses of the United States district court, which were paid by said county prior to the first day of Jan-	

uary, one thousand eight hundred and forty-four; and if, upon such examination, he is satisfied that, prior to the first day of January, one thousand eight hundred and forty-four, the said county has paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated December nineteenth, one thousand eight hundred and forty-three, should have been paid by the marshal of the United States for said Territory.....

Surveyors General and their Clerks.

For compensation of the surveyor general north-west of the Ohio, and the clerks in his office.....	8,300 00
For compensation of the surveyor general of Illinois and Missouri, and the clerks in his office.....	5,820 00
For compensation of the surveyor general of Louisiana, and the clerks in his office.....	4,500 00
For compensation of the surveyor general of Florida, and the clerks in his office.....	5,500 00
For compensation of the surveyor general of Wisconsin and Iowa, and the clerks in his office.....	8,300 00
For compensation of the surveyor general of Arkansas, and the clerks in his office.....	8,300 00
For compensation of the surveyor general of Oregon, and the clerks in his office.....	6,500 00
For compensation of the surveyor general of California, and the clerks in his office.....	18,500 00
For clerks in the office of the surveyor general, including the office in Oregon, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field notes of surveys, for the purpose of preserving them at the seat of Government.....	33,000 00

Light-House Establishment.

For supplying light-houses, containing three thousand two hundred and seventy-two lamps, with oil, tube-glasses, wicks, buflskins, whiting, and cotton cloth, transportation, and other expenses on the same, and for repairing and keeping in repair the lighting apparatus.....	182,330 78
For repairs and incidental expenses, refitting and improvements of light-houses and buildings connected therewith.....	110,857 00
For salaries of three hundred and twenty-one light-house keepers and twenty-four assistants, (twenty-four of them charged with double lights, and two with triple lights,) and including one thousand two hundred dollars for salary of an inspector of lights on the upper lakes.....	136,713 33
For salaries of forty-two keepers of light-boats.....	23,900 00
For seamen's wages, repairs and supplies of light-boats.....	103,664 52
For expenses of weighing and mooring, cleansing and repairing, and supplying losses of beacons, buoys, chains, and anchors.....	59,057 32
For commissions, at two and a half per centum, to such superintendents as are entitled to the same under the proviso to the act of March third, eighteen hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of Government, for the year ending June thirtieth, eighteen hundred and fifty-two, and for other purposes," on the amount that may be disbursed by them.....	8,000 00
For expenses of superintendents in visiting light-houses annually, and reporting their condition.....	2,000 00
For the erection of a light-house on Seahorse Key, in Florida, in addition to eight thousand dollars appropriated by the act of September twenty-eighth, eighteen hundred and fifty.....	4,000 00
For the completion of the light house of the third class at Red Fish Bar, Galveston bay, Texas.....	5,000 00
For rebuilding the light-house at Cape St. Blas, Florida.....	12,000 00
For expenses of coloring and numbering all the buoys, under the act of September twenty-eighth, eighteen hundred and fifty.....	12,000 00
For the additional expense incurred for fog signals, authorized by the act of the twenty-eighth of September, one thousand eight hundred and fifty, by the application of horsepower to some of them.....	1,000 00

Independent Treasury.

For salaries of the assistant treasurers of the United States at New York, Boston, Charleston, and St. Louis.....	11,500 00
For compensation of the treasurer of the branch Mint at San Francisco, California.....	4,500 00
For additional salary of the treasurer of the Mint at Philadelphia.....	1,000 00
For additional salary of the treasurer of the branch Mint at New Orleans.....	500 00
For salaries of ten additional clerks, authorized by the acts of August sixth, eighteen hundred and forty-six, and August twelfth, eighteen hundred and forty-eight, and a clerk for the treasurer of the branch Mint at San Francisco, California, at a salary of two thousand five hundred dollars.....	12,100 00
For salary of chief clerk to the assistant treasurer at New York.....	1,500 00
For contingent expenses under the act for the safe keeping, collecting, transfer, and disbursement of the public revenue, of sixth August, eighteen hundred and forty-six.....	20,000 00
For compensation to special agents to examine the books, accounts, and money on hand in the several depositories, under the act of August sixth, eighteen hundred and forty-six.....	7,000 00

Survey of the Coast.

For survey of the coast of the United States, including compensation to superintendent and assistants, (and excluding the pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy, employed in the work).....	188,000 00
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For continuing the survey of the Florida Reefs and Keys, (excluding the pay and emoluments of the officers of the Army and Navy, and petty officers and men of the Navy, employed in the work)..... 150,000 00

For continuing the survey of the western coast of the United States, (excluding the pay and emoluments of the officers of the Army and Navy, and the petty officers and men, employed in the work)..... 150,000 00

Marine Hospital.

For draining hospital site, and heating and watering the hospital at Louisville, Kentucky..... 2,000 00

For draining hospital site, and heating and watering the hospital at Paducah..... 2,000 00

For draining hospital site, and heating and watering the hospital at Napoleon..... 2,000 00

For draining hospital site, and heating and watering the hospital at Natchez..... 2,000 00

For draining hospital site, and heating and watering the hospital at St. Louis..... 2,000 00

For draining hospital site, and heating and watering the hospital at Cleveland..... 2,000 00

To meet outstanding claims incurred in finishing the hospital at Pittsburg, and grading and draining the site..... 1,563 48

For completing the construction of the Marine hospital at San Francisco, California, and for arranging the grounds, fencing, furnishing warming apparatus, and superintendence thereof..... 130,000 00

For the purchase of a suitable site in Portland, in the State of Maine, or in such place in the immediate vicinity thereof as he shall deem proper, and to cause to be erected thereon, under his direction, a marine hospital for the relief of sick and disabled seamen..... 30,000 00

Custom Houses.

For continuing the construction of the custom-house at Charleston, South Carolina..... 200,000 00

For continuing the construction of the custom-house at New Orleans, Louisiana..... 150,000 00

For purchasing a site, and the construction of a suitable building at Wilmington, Delaware, for custom house, post office, court-rooms, and other offices of the United States, and furnishing the same..... 25,000 00

For the construction of a custom-house at Astoria, Oregon, in addition to ten thousand dollars heretofore appropriated..... 30,000 00

For purchasing a site, and the construction of a suitable building at Richmond, Virginia, for custom house, post office, court-rooms, and other offices of the United States..... 100,000 00

For annual repairs and office fixtures for the custom-house at Portsmouth, New Hampshire, Erie, Pennsylvania, and other places..... 25,000 00

To enable the Secretary of the Treasury to purchase an addition to the custom-house at Baltimore, and to repair and alter the edifice..... 110,000 00

For purchasing a site, and the construction of a suitable building at Waldoboro', Maine, for custom-house, post office, and other offices of the United States, and furnishing the same.... 12,000 00

Intercourse with Foreign Nations.

For salaries of Ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, and Chili..... 72,000 00

For salaries of the Secretaries of Legation to the same places..... 16,000 00

For outfit of Ministers of the United States to Great Britain and Mexico..... 18,000 00

For salary of the Minister Resident at Turkey..... 6,000 00

For salary of the Dragoman to the Legation to Turkey..... 2,500 00

For salaries of Chargés d'Affaires to Portugal, Austria, Denmark, Sweden, Holland, Belgium, Naples, Sardinia, the Papal States, Peru, New Granada, Venezuela, Buenos Ayres, Bolivia, Guatemala, Ecuador, and Nicaragua..... 76,500 00

For contingent expenses of all the missions abroad..... 40,000 00

For contingent expenses of foreign intercourse..... 40,000 00

For expenses of intercourse with the Barbary Powers..... 9,000 00

For salary of the Consul at London..... 2,000 00

For salary of the Commissioner to the Sandwich Islands..... 5,000 00

For interpreters, guards, and other expenses of the consulates at Constantinople, Smyrna, and Alexandria..... 1,500 00

For office rent of the Consul at Basle, in Switzerland..... 100 00

For salary and outfit of a Commissioner to reside in China, including the additional compensation under the act to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte..... 18,000 00

For salary of the interpreter and secretary to said mission..... 2,500 00

For compensation to the Consul at the five ports in China, viz: Kwang Chow, Amoy, Puchow, Ning po, and Shanghai..... 5,000 00

For salary of the Consul General at Alexandria..... 3,000 00

For the relief and protection of American seamen in foreign countries..... 125,000 00

For clerk hire, office rent, and other expenses of the office of the Consul of the United States at London..... 2,800 00

For salary of the Consul at Beyrout..... 500 00

For compensation to the Acting Chargé d'Affaires to Russia, from the fifteenth of August, eighteen hundred and forty-eight, to the fifteenth of January, eighteen hundred and forty-nine..... 1,041 67

To compensate Dabney S. Carr for expenses incurred while in the diplomatic service of the country, to be allowed in the settlement of his accounts with the Government..... 7,144 00

To the Secretary of Legation at the Court of St. James, for services as Chargé d'Affaires at said Court, from the thirty-first of August, eighteen hundred and forty-nine, to the eleventh of October, eighteen hundred and forty-nine..... 301 32

To enable the President of the United States to make compensation to the Spanish Consul and other subjects of Spain residing at New Orleans, and subjects of Spain at Key West, for losses occasioned by violence in the year eighteen hundred and fifty-one, arising from intelligence then recently received at those places of the execution of certain persons at Havana who had recently invaded the Island of Cuba..... 25,000 00

For compensation to Peter Parker, as Acting Chargé d'Affaires at Canton, China, for two years from the twenty-fourth of May, eighteen hundred and fifty, to twenty-fourth May, eighteen hundred and fifty-two, which shall be in full for all demand for such services for the period named..... 4,000 00

For compensation of Charles D. Arfwedson, Consul of the United States at Stockholm, Sweden, for diplomatic services rendered as Chargé d'Affaires at that place, by the instruction of the Secretary of State, from the recall of Mr. Ellsworth to the arrival of Mr. Schroeder, appointed Chargé d'Affaires from the twenty-fourth July, eighteen hundred and forty-nine, to the twenty-second day of April, eighteen hundred and fifty—a period of eight months and twenty-nine days—being one half of the salary of a Chargé d'Affaires, and in full for all such service for the period named..... 1,681 25

That the Secretary of State cause the accounts of Joseph Balestier, late special agent of the United States in Asia, to be settled in such manner as to allow him his traveling and other necessary expenses incurred in returning to the United States after receipt of notice of the termination of his mission; and that his salary as such agent be also allowed from the time when it was discontinued until a reasonable time for his return, not exceeding six months..... [Indefinite.]

To Anthony Ten Eyck, for additional compensation as late Commissioner to the Sandwich Islands—being the same amount allowed by act of September thirtieth, eighteen hundred and fifty, to Charles Eames, his successor..... 3,000 00

Public Lands.

For salary of the recorder of land titles in Missouri..... 500 00

For compensation for secretary to sign patents for public lands..... 1,500 00

For salaries and commissions of registers of land offices and receivers of public moneys..... 126,800 00

For expenses of depositing public moneys by receivers of public moneys..... 23,580 00

For incidental expenses of the several land offices..... 34,240 00

Surveys of Public Lands.

For surveying the public lands, including incidental expenses and special surveys, demanding augmented rates, to be applied and apportioned to the several districts, according to the exigencies of the public service; the part to be applied to the resurveys required by the location and survey of private claims in Florida to be disbursed at a rate not exceeding five dollars per mile, in addition to the unexpended balances of former appropriations..... 115,000 00

For survey of the Islands in Saginaw bay and river, and other islands on the coast of Lakes Huron and Michigan..... 600 00

For correcting erroneous and defective lines of the public and private surveys in Missouri, at a rate not exceeding six dollars per mile, including office work..... 2,500 00

For completing the survey of towns and villages in Missouri, named in the act of June thirtieth, eighteen hundred and twelve, and May twenty-sixth, eighteen hundred and twenty-four..... 1,000 00

For transcribing records of private land claims in the office of the recorder of land titles at St. Louis..... 1,200 00

For additional compensation to certain deputy surveyors in Illinois and Missouri, for corrective and detached surveys..... 1,694 47

For the payment of a balance due for surveying done in the State of Mississippi in the year eighteen hundred and forty one..... 701 42

For compensation of surveyors and other agents required in Illinois, Missouri, and Florida, to carry into effect the act of September twenty-eight, eighteen hundred and fifty, granting swamp lands, &c..... 6,000 00

For surveyors in Louisiana at augmented rates..... 35,686 00

For survey of private claims in Florida, under the act of June twenty eighth, eighteen hundred and forty-eight, including the work now under contract..... 10,000 00

For completing certain surveys in Florida, at a rate not exceeding six dollars per mile, in consequence of the peculiar difficulties attending the execution of the same, on account of swamps, lakes, marshes, &c., and for scrap work..... 10,000 00

For surveying standard parallels, township and section lines, in Oregon, at a rate not exceeding twelve dollars per mile, including incidental expenses..... 62,000 00

For surveying two thousand six hundred and twenty-five miles of meridian, base, and stand-

ard lines, meandering and survey of irregular or river lots, &c., at a rate not exceeding fifteen dollars per mile..... 39,375 00

For subdividing lands in California into townships, equal to two thousand seven hundred miles of surveying, at a rate not exceeding fourteen dollars per mile..... 37,800 00

For subdividing one hundred and fifty townships in California into sections, at a rate not exceeding twelve dollars per mile..... 108,000 00

For extending surveys in California through the mineral region..... 20,000 00

For surveying private claims in California which may have been presented in good faith to the board of land commissioners..... 22,500 00

For subdividing the Islands of Santa Cruz, San Miguel, or Santa Rosa, San Bernardo, Santa Catalina, San Clemente, or San Salvador, San Nicolas, and Santa Barbara, on the coast of California, by the Coast Survey, according to such plan as may be devised by the General Land Office, so that said islands may be readily disposed of under the laws of the United States, and in establishing the necessary corners along the meanders with which to connect the lines of the subdivisions under this appropriation... 20,000 00

For rent of Surveyor General's Office, purchase of instruments, records, drawing materials, furniture, fuel, pay of messenger, &c..... 11,400 00

For completing the geological survey of the iron region of that portion of Michigan which borders on Lake Superior..... 1,500 00

For defraying the expense of surveying and marking the boundary between the States of Missouri and Iowa, under the recent decision and order of the Supreme Court..... 11,042 68

Public Buildings.

For compensation of the Commissioner of Public Buildings..... 2,000 00

For the compensation of a clerk in the office of the Commissioner of Public Buildings..... 1,000 00

For the annual repairs of the Capitol, water-closets, public stables, pavements, and other walks within and around the Capitol square, the flagging in the crypt, the doors of the wood-vaults, and for repainting the crypt, faces of the wood-vaults, &c..... 7,000 00

For the purchase of two thousand feet of six-inch iron water-pipe, to conduct the water to the Capitol, and for laying the same..... 2,500 00

For annual repairs of the President's House and improvement of the grounds, viz: repairs of the roof and chimneys, replacing defective stone at the base of the house, laying brick walks from the house to the Treasury, War, and Navy Departments; cleaning, painting, and whitewashing the inside of the house, repairing gravel walks, paving brick gutters in the grounds, fitting new blinds to the south-windows outside..... 6,150 00

For compensation to the doorkeeper of the President's House..... 500 00

For the compensation of assistant doorkeeper of the same..... 365 00

For compensation of two watchmen at the President's House, at a salary of five hundred dollars each per annum..... 1,000 00

For compensation of the public gardener..... 1,200 00

For compensation of sixteen laborers employed in the public grounds and President's garden, at forty dollars per month..... 7,680 00

To enable the Secretary of the Interior to purchase a suitable number of iron settees to be placed in the public grounds at the Capitol and President's House..... 840 00

For compensation of the keeper of the western gate of the Capitol grounds..... 730 00

For compensation of two additional day watchmen, to be employed in preserving the public grounds about the Capitol, authorized by the act of fifteenth May, eighteen hundred and fifty, to supply deficiencies, and the act of thirtieth September, eighteen hundred and fifty, making appropriations for the civil and diplomatic expenses of Government, at five hundred dollars each..... 1,000 00

For compensation of the messenger in charge of the main furnace in the Capitol..... 350 00

For compensation of the laborer in charge of the water-closets in the Capitol..... 365 00

For cart hire upon the public grounds..... 1,000 00

For purchase of manure for the public grounds... 1,000 00

For the purchase of tools for laborers..... 500 00

For the purchase of trees and tree-boxes, to replace when necessary such as have been planted by the United States, and for repairs of pavements in front of the public grounds..... 1,300 00

To complete and revise the grades of the city of Washington, and to determine the plans for the drainage and sewerage thereof..... 6,000 00

To enable the President of the United States to cause the necessary surveys, projects, and estimates to be made for determining the best means of affording the cities of Washington and Georgetown an unfailing and abundant supply of good and wholesome water..... 5,000 00

For defraying the expenses incurred in the improvement and for embellishing the triangular space on the north side of Pennsylvania avenue, between Thirtieth and Fourteenth streets... 5,150 00

To enable the Secretary of the Interior, under the direction of the President of the United States, to purchase a site in the neighborhood of Washington, and for the erection, furnishing, and fitting up of an asylum for the insane of the District of Columbia, and of the Army and Navy of the United States..... 100,000 00

For compensation of two draw-keepers, and for fuel and oil for the lamps of the Potomac bridge	1,377 50
For the support, care, and medical treatment in the Washington Infirmary, of twelve transient paupers, medical and surgical patients	2,000 00
For compensation and contingent expenses of the Auxiliary Guard	14,800 00
For compensation of two draw-keepers, and for fuel and oil for the lamps of the two bridges across the Eastern Branch of the Potomac river	900 00
For repairs of the two bridges over the Eastern Branch of the Potomac river	4,999 00
For lighting Pennsylvania avenue from the Capitol grounds to the President's House, the Capitol grounds, the President's House and grounds, and the streets around the executive offices	16,000 00
For inclosing Lafayette square with an iron fence, including four gates	12,000 00
For defraying the expense incurred in the improvement of Lafayette square	3,988 00
For the completion of the east wing of the Patent Office Building	103,000 00
For finishing the front of the basement of the center building of the Patent Office and making it conform to the design of the wings	5,200 00
For the erection of the west wing of the Patent Office Building, and completing the drains for said building and of the Post Office Building	150,000 00
For taking up, repairing, and relaying the steps of the east portico of the Capitol, and for taking up, dressing, supplying new flagging, and relaying the same in the arcade under the portico	1,500 00
For grading and paving with round stone the carriage way of Pennsylvania avenue, from Seventeenth street west to Rock Creek, setting curb-stones on each side thereof, at the distance of twenty-five feet from the building line, and relaying the flag footways at the intersection of the cross streets	20,000 00

Miscellaneous.

For salaries and incidental expenses of the commission appointed under the act of March third, eighteen hundred and fifty-one, for settling land claims in California	50,000 00
For annuities and grants	750 00
For expenses of loans and Treasury notes	20,000 00
To carry into effect the act approved September the twenty eighth, eighteen hundred and fifty, for the purchase of a cemetery near the City of Mexico, and the interment therein of the remains of the American officers and soldiers who fell in battle or otherwise died in or near the City of Mexico	3,000 00
For the discharge of such miscellaneous claims not otherwise provided for, as shall be admitted in due course of settlement at the Treasury	5,000 00
To supply the deficiency in the fund for the relief of sick and disabled seamen	100,000 00
As indemnity to Jonathan Elliott, commercial agent of the United States at Santo Domingo, for amount by him expended in maintaining refugees in the late revolution at that place	600 00
There shall be allowed and paid to each of the following persons: Charles H. Sherman, Lewis E. Jackson, Henry Taylor, Frederick Morris, and John Davis, mariners, sent into the port of New York, and detained there as witnesses for the United States, one dollar and twenty five cents for each day necessarily occupied on the voyage and arriving at New York; and the judge of the district court of the United States in which the said witnesses have been detained to testify shall allow and cause the same to be paid as other witnesses' fees are paid	[Indefinite]
For compensation of the warden, clerk, physician, chaplain, two assistant keepers, four guards, and porter, of the Penitentiary of the District of Columbia	7,350 00
For compensation of three inspectors of said Penitentiary	300 00
For the support and maintenance of said Penitentiary	1,560 00
For clerk hire, stationery, rent, fuel, and contingencies in the completion of the census of eighteen hundred and fifty	49,000 00
For the support, clothing, and medical treatment of insane paupers of the District of Columbia, at such places as the Secretary of the Interior may in his discretion deem proper	19,000 00
For running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo	120,000 00
For arrearages incurred during the fiscal year ending the thirtieth of June, eighteen hundred and fifty-two, for running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo	25,000 00
For the collection of agricultural statistics, and purchase of seeds, to be paid out of the patent fund	5,000 00
For compensation of the Librarian of the Patent Office, to be paid out of the patent fund	1,200 00
For the purpose of erecting a pedestal in Lafayette square for the Equestrian Statue of Andrew Jackson, on such plan as may be approved of by the artist for that work	5,000 00
For freight and transportation of the group of statuary contracted for with Horatio Greenough, from Lehigh to Washington, and for placing it upon the pedestal in front of the eastern portico of the Capitol	7,000 00
To make good the interest on investments in stocks of the State of Arkansas, held in trust by the Secretary of the Treasury for the Chickasaw Indians, not yet paid, to be reimbursed out of the interest when collected	5,400 00

For the construction and equipment of not less than six revenue cutters	90,000 00
For the redemption of seventeen loan-office certificates, numbered one hundred and fifty-eight, three hundred and twelve, six thousand eight hundred and ninety-five, six thousand eight hundred and ninety-six, six thousand eight hundred and ninety-seven, six thousand eight hundred and ninety-eight, six thousand eight hundred and ninety-nine, six thousand and nine hundred, six thousand nine hundred and one, six thousand nine hundred and two, nine thousand one hundred and seventy-five, nine thousand two hundred and eighty-five, nine thousand two hundred and eighty-seven, nine thousand two hundred and eighty-eight, nine thousand two hundred and ninety-three, nine thousand two hundred and ninety-four, and twelve thousand three hundred and thirty-three, which have been presented at the Treasury for payment at the specie value thereof, and with interest as computed by the Register of the Treasury	4,165 42
To enable the Clerk of the House of Representatives to "deliver to each of the members and delegates of the House of the present Congress who have not already received them, such books as have been furnished to the members of the Twenty-eighth, Twenty-ninth, Thirtieth, and Thirty-first Congresses," and which were ordered by resolution of the House of July twenty-sixth, eighteen hundred and fifty-two	115,800 00
To enable the Clerk of the House of Representatives to pay Force and Rives for one hundred copies of the eighth volume of "American Archives," or Documentary History of the United States, for new members of the House of the Twenty-eighth Congress; one hundred and one copies of the same volume for new members of the Twenty-ninth Congress; one hundred and sixteen copies of the same volume for new members of the House of the Thirtieth Congress; and one hundred and thirty-four copies of the same volume for new members of the House of the Thirty-first Congress, in all four hundred and fifty-one volumes, at thirteen dollars and ninety cents and six mills per copy, in addition to six hundred and forty dollars and thirty-six cents, an unexpended balance of a former appropriation	5,631 25
To enable the Clerk of the House of Representatives to pay for reporting and publishing twenty-eight hundred columns of the proceedings of the present session of the House of Representatives in the Daily Globe, at seven dollars and fifty cents per column	21,000 00
To enable the Clerk of the House of Representatives to pay a balance due for reporting and publishing proceedings of the House, second session of the Thirty-first Congress, at the rate of seven dollars and fifty cents per column in the Daily Globe	649 50
To enable the Clerk of the House of Representatives to pay for twenty-four copies of the Congressional Globe and Appendix of the first session of the Thirty-second Congress, for each member and delegate of the House	34,272 00
For binding the same, being twenty-two thousand seven hundred and fifty-two volumes, in strong and substantial half binding, with Russia leather back and corners, at a rate not exceeding sixty cents per volume	13,651 20
For books for the library of the Patent Office, to be paid out of the patent fund	1,500 00
For fitting up the library of the Patent Office, to be paid out of the patent fund	2,000 00
For salary of the clerk of the Sergeant-at-Arms. That from the commencement of the present Congress, the compensation of the messengers employed in the post office of the House of Representatives be one thousand dollars per annum, in lieu of their present per diem	4,000 00
For additional compensation to the disbursing clerk and draughtsman in the Patent Office, the sum of three hundred dollars each, to be paid out of the Patent Office fund	600 00
For the compensation of two additional permanent clerks in the Patent Office, to be appointed by the Commissioner of Patents, at a salary of fourteen hundred dollars each, to be paid out of the Patent Office fund	2,800 00
For establishing the branch of the United States Mint at San Francisco, California, in accordance with the provisions of the law approved the third day of July, eighteen hundred and fifty-two	300,000 00
For the payment of the balance due the Commonwealth of Massachusetts, under the fifth article of the treaty of Washington, for balance of expenses incurred by said State in protecting the northeastern frontier, the same having been heretofore settled at the Treasury of the United States, but unpaid for want of an appropriation	305 81
For payment of balance found due by the Comptroller of the Treasury to the State of Maine, under the fifth article of the treaty of Washington, for expenses on account of the northeastern boundary over and above the appropriations made	2,212 78
To enable the Secretary of State to purchase one hundred copies of the Synoptical Index, to complete the series of Statutes at Large heretofore authorized by law, at three dollars and fifty cents per volume	350 00
For additional compensation to the clerks, messengers, watchmen, and laborers employed at an annual salary, or in temporary positions, in	

the executive and legislative departments of the Government in the city of Washington, whose annual compensation does not exceed twelve hundred dollars, shall, in addition thereto, be allowed an increased compensation of twenty per cent; all whose compensation shall exceed twelve hundred dollars, and shall be less than sixteen hundred dollars, shall receive an additional compensation of ten per cent, upon the amount of their salaries. [Indefinite.]

For the salary of the chief clerk in the office of the assistant treasurer of the United States in New-York increased to sixteen hundred dollars per annum, and the salary of each of the other clerks in the said office increased to twelve hundred dollars per annum. [Indefinite.]

To settle and pay A. Boyd Hamilton's accounts for all work done, and all work ordered now in his hands in process of completion, according to his contract prices, with such proportion of fifty thousand dollars in addition thereto as the amount of the work performed by him bears to the amount of work done by the printer for the Thirty-first Congress, when estimated under his contract prices. [Indefinite.]

\$8,297,932 60

By the act making appropriations for the naval service, for the year ending the thirtieth of June, one thousand eight hundred and fifty-three.

For pay of commission, warrant, and petty officers and seamen, including the Engineer Corps of the Navy	3,771,698 00
To allow and pay to the officers, petty officers, seamen, and marines of the United States Navy, and to the officers and men of the revenue service, who served in the Pacific ocean on the coast of California and Mexico since the twenty-eighth of September, eighteen hundred and fifty, the same increased or additional compensation as has been by law directed to be paid to the officers and soldiers of the Army who served in California. [Indefinite.]	
To the several officers who served on the late Arctic expedition in search of Sir John Franklin there shall, in addition to the pay with which they have already been credited, be allowed for the period during which they so served, the following compensation, respectively, viz: the commander of the expedition the pay of a commander; the passed midshipmen the pay of lieutenants; the passed assistant surgeon the pay of a surgeon; the assistant surgeon the pay of a surgeon; and the midshipmen the pay of passed midshipmen, all as on sea service; and that there be allowed to the warrant officers and to the petty officers and men that composed the crews of the vessels employed on that expedition, extra pay equal to the regular pay with which they have been credited for their services on the said expedition; and the pay of chaplains in the Navy shall be one thousand dollars on leave, or waiting orders, and fifteen hundred dollars while on duty. [Indefinite.]	
For pay of superintendents, naval constructors, and all the civil establishments at the several navy yards and stations	90,960 00
For provisions for commission, warrant, and petty officers, and seamen, including engineers and marines attached to vessels for sea-service	686,200 00
For a scientific investigation and experiments upon the character of alimentary substances used as subsistence in the Navy, and means to prevent their deterioration	2,500 00
For surgeons' necessities and appliances for the sick and hurt of the Navy, including the Marine Corps	37,600 00
For repair of vessels in ordinary, and for wear and tear of vessels in commission, including fuel and purchase of hemp	1,365,000 00
To enable the Secretary of the Navy to have completed with the least possible delay the war steamer contracted for with Robert L. Stevens, in pursuance of an act of Congress, approved April fourteenth, one thousand eight hundred and forty-two. [Indefinite.]	
For ordnance and ordnance stores, and small-arms, including incidental expenses	125,000 00
For preparing for publication the American Nautical Almanac	19,000 00
For the purchase and repair of nautical instruments required for the use of the Navy	10,500 00
For the purchase of all the books, maps, and charts, required for the use of the Navy	8,250 00
For backing and binding the same, and for printing and publishing sailing directions, hydrographical surveys, and astronomical observations	9,200 00
For models, drawings, and copying, postage, stationery, freight, and transportation, for pay of lithographer, and for working lithographic press, including chemicals, for keeping grounds and buildings in order, for repairing and protecting from further depredations brick wall on the east, south, and west sides of the grounds, for pay of porter, gardener, watchmen, instrument-maker, for fuel, lights, and all the unenumerated contingent expenses of the hydrographical office and National Observatory	11,520 00
For continuing the publication of the wind and current charts, and for defraying all the expenses connected therewith	10,000 00
For the repairs and erection of buildings at the United States Naval Academy at Annapolis, Maryland	28,000 00

To complete the quarters for the students and professors of the Naval Academy at Annapolis.... 75,000 00
 For the contingent expenses of the United States Naval Academy at Annapolis, Maryland..... 21,700 00
 For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber-wheels, and the purchase and repair of workmen's tools, postage of public letters, furniture for Government houses, fuel, oil, and candles for navy-yards and shore-stations, pay of watchmen and incidental labor not chargeable to any other appropriation, labor attending the delivery of stores on foreign stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions, and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges advocate, pilotage, and towage of vessels, and assistance to vessels in distress, bills of health and quarantine expenses of vessels of the United States Navy in foreign ports..... 527,840 00
 For meteorological observations, to be conducted under the directions of the Secretary of the Navy..... 2,000 00
 For the payment of the salary of Professor James P. Espy, during the fiscal year ending June thirtieth, eighteen hundred and forty-eight, no appropriation having been made by Congress for that year..... 2,000 00
 For construction, extension, and completion of the following objects, and for contingent expenses at the several navy-yards, viz:

Portsmouth, New Hampshire.

For building timber-shed number twenty-nine, foundation for shores at railway, drains, gutters, and paving, and repairs of all kinds..... 35,041 23

Boston, Massachusetts.

For rain-water cistern, pitch-house and oakum-loft, muster-office, and repairs of all kinds... 28,100 00

New York, N. Y.

To complete saw mill, quay-wall, dredging channel, water-tank and lighter, gas pipes and fixtures, lightning conductors, continuation of sewer, machinery, &c., for engine house, and repairs of all kinds..... 126,800 00

Philadelphia, Pennsylvania.

For shed to cover north railway, covering to south railway, steam box and pitch-kettles, mooring anchors for dry-dock, dredging channel, continuing pavement to wharf, cross-paving to smithery, and from thence to the dock basin, paving round west end of ship-house, paving wharf number three to ship-house, paving between ways of dock, paving between timber-sheds, completing gutters and drains, completing shed number five, extending gas-pipes, &c., extending water-pipes one thousand feet, and repairs of all kinds..... 28,517 20

Washington, District of Columbia.

For completing ordnance building number eleven, fitting up timber dock, completing saw-mill, completing copper rolling-mill, completing railway, completing side lathe in machine shop, and repairs of all kinds..... 123,778 00

Norfolk, Virginia.

For storehouse number fourteen, wharf north side of timber dock, culvert, dredging-machine, and repairs of all kinds..... 80,732 20

Pensacola, Florida.

Towards completing permanent wharf, to complete guard house and kitchen, to complete yard rail-way and repair old track, to complete extension of central wharf, to rebuild east wall of cistern number twenty-six, for ice house, repairs of cisterns number fourteen and twenty-five, and repairs of all kinds..... 88,044 90

Memphis, Tennessee.

For pavements, drains, and ditches, cisterns for rope-walk, hemp house, store house, (one wing), complete, railing for vertical wall, and repairs of all kinds..... 47,043 34

Sackett's Harbor, New York.

For repairs of all kinds..... 500 00

For Hospitals:

At Boston.

For repairs..... 500 00

At New York.

For fence round garden, repairs of buildings, painting, whitewashing, clearing up grounds, &c., at hospital, and for completing fence and wall around the burial ground..... 8,993 00

To secure some proper place for the burial of seamen who die in the New York hospital.... 5,000 00

At Philadelphia Naval Asylum.

For introducing gas, painting main building inside, repairing and painting wall, repairs to roof and dome, cleaning and whitewashing, cleaning and repairing grates and ranges, water-tax, shade trees, and repairs of all kinds..... 5,666 00

At Washington.

For general repairs..... 400 00

At Norfolk.

For repairs of hospital and dependencies..... 5,000 00

At Pensacola.

For draining and filling up ponds, &c..... 2,000 00

For Magazines:

At Boston..... 200 00

At New York..... 1,000 00

At Washington..... 150 00

Marine Corps:

For pay of officers, non-commissioned officers, musicians, privates, and servants serving on shore, subsistence for officers, and pay for undrawn clothing..... 217,983 44

For provisions for marines serving on shore.... 19,984 75

For clothing..... 49,416 00

For fuel..... 3,000 00

For military stores, repair of arms, pay of armorers, accoutrements, ordnance stores, flags, drums, fies, and musical instruments..... 8,000 00

For transportation of officers and troops, and expenses of recruiting..... 9,000 00

For repairs of barracks, and rent of temporary barracks and offices where there are no public buildings for that purpose..... 6,000 00

For contingencies, viz: Freight, tonnage, toll, cartage, wharfage, compensation to judges-advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, stationery, postage, apprehension of deserters, oil, candles, forage, straw, furniture, bed sacks, spades, axes, picks, shovels, carpenters' tools, keep of a horse for the messenger, pay of matron, washerwoman, and porter at the hospital headquarters..... 25,000 00

For purchase and freight to San Francisco of patent black marine paint for painting the interior of the sections and end floats of the California dry dock..... 1,500 00

For a deficiency in the act making appropriations for the naval service for the year ending thirtieth of June, eighteen hundred and fifty, approved third March, eighteen hundred and forty-nine, for paying the unsatisfied demands upon the fund for continuing the survey of the coast on the Gulf of Mexico, from Appalachicola bay to the Mississippi..... 2,110 62

For the building or purchase of suitable vessels, and for prosecuting a survey and reconnaissance for naval and commercial purposes, of such parts of Behring's Straits, of the North Pacific ocean, and of the China seas, as are frequented by American whaleships and by trading vessels in their routes between the United States and China, under the direction of the Secretary of the Navy..... 125,000 00

For a site for a navy-yard and naval depot in the Bay of San Francisco, in California, or neighboring waters, and establishing a navy-yard and naval depot upon the most approved and economical plan on the site so obtained, and cause to be erected a foundry, machine shop, blacksmith's shop, boiler-shop, engine house, pattern-shop, carpenter shop, and store-house, and for the purpose of carrying this section into effect..... 100,000 00

\$6,958,837 78

By the act making appropriations for the support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty three.

For pay of the Army..... 1,353,206 00

For commutation of officers' subsistence..... 576,944 00

For commutation of forage for officers' horses..... 105,504 00

For payments in lieu of clothing for officers' servants..... 36,200 00

For expenses of recruiting..... 32,848 32

For three months' extra pay for non-commissioned officers, musicians, and privates, on reenlistment..... 10,000 00

For subsistence in kind..... 1,047,185 00

For clothing for the Army, camp and garrison equipage, and household equipments..... 203,180 83

For the regular supplies of the Quartermaster's Department, consisting of fuel, forage in kind for the horses, mules, and oxen of the Quartermaster's Department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers' horses when serving in the field and at the outposts; of straw for soldiers' bedding; and of stationery, including company and other blank-books for the Army, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for the printing of division and department orders, Army regulations, and reports..... 1,160,000 00

For the incidental expenses of the Quartermaster's Department, consisting of postage on letters and packets received and sent by officers of the Army on public service, expenses of courts-martial and courts of inquiry, including

the additional compensation to judges-advocate, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed under the direction of the Quartermaster's Department in the direction of barracks, quarters, store-houses, and hospitals; the construction of roads, and other constant labor for periods of not less than ten days, under the act of March second, eighteen hundred and nineteen; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters, other disbursing officers and trains, when military escorts cannot be furnished; expenses of the internment of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including hire of interpreters, spies, and guides for the Army; compensation of clerks to officers of the Quartermaster's Department; compensation of forage and wagon-masters, authorized by the act of July, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, including the purchase of traveling forges, blacksmith's and shoeing tools, horse and mule shoes, iron, hire of veterinary surgeons, and medicines for horses and mules..... 250,000 00

For fuel and quarters for officers of the Army serving on the coast survey, the payment of which is no longer made by the Quartermaster's Department..... 4,500 00

For constructing, repairing, and enlarging barracks, quarters, hospitals, store-houses, stables, wharves, and ways, at the several posts and Army depots, for temporary cantonments, and the authorized furniture for barrack-rooms of non-commissioned officers and soldiers, gun-houses for the protection of cannon, including the necessary tools and materials for the objects enumerated, and for rent of quarters and offices for officers and barracks, and hospitals for troops, where there are no public buildings for their accommodation; for store-houses for the safe-keeping of military stores, and of grounds for summer cantonments and encampments..... 400,000 00

For mileage or allowance made to officers for the transportation of themselves and baggage, when traveling on duty without troops..... 120,000 00

For transportation of the Army, including the baggage of the troops when moving either by land or water; of clothing, camp and garrison equipage, and horse equipments, from the depot at Philadelphia to the several posts and Army depots; of subsistence, from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, tolls, and ferriages; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships, and other sea-going vessels and boats, for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as, from their situation, require that it be brought from a distance..... 1,500,000 00

For the purchase of horses required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted..... 170,000 00

For the medical and hospital departments..... 51,670 00

For armament of fortifications..... 50,000 00

For ordnance stores and supplies, as follows: for procurement of side-arms and accoutrements for artillery, infantry, cavalry, and riflemen; materials for and preparation of siege and field ammunition; wages of mechanics engaged in making carriages, implements, equipments, harness, &c.; and for purchase of miscellaneous supplies of ordnance stores for issue to the Army..... 65,000 00

For the current expenses of the ordnance service..... 100,000 00

For the manufacture of arms at the national armories..... 250,000 00

For repairs and improvements and new machinery, at Harper's Ferry..... 28,950 00

For repairs and improvements, and new machinery, at Springfield armory..... 32,500 00

For arsenals..... 66,985 00

For continuing the topographical and hydrographical survey of the delta of the Mississippi, with such investigations as may lead to determine the most practicable plan for securing it from inundation..... 5,000 00

For payment to Priscilla D. Twigg of the amount of the pay and allowances which would have accrued to her son, George D. Twigg, had he been regularly in service as a second lieutenant of infantry, from the first day of June, eighteen hundred and forty-seven, the date on which he left the United States, to the twelfth of August in the same year, when he fell in battle at the National Bridge, Mexico..... 230 33

Light-Houses.

For completing the light-house at Sand Key, Florida.....	44,129 81
For completing the light-house at Chicago, Illinois.....	6,300 00
For arrearages prior to July first, eighteen hundred and fifteen, payable through the office of the Third Auditor, under an act approved May first, eighteen hundred and twenty, in addition to an unexpended balance of two thousand nine hundred and sixty-nine dollars and fourteen cents, remaining in the Treasury on the thirtieth of October, eighteen hundred and fifty-one.....	7,500 00
That the extra pay to the commissioned officers and enlisted men of the United States serving in Oregon or California be, and the same is hereby, continued in force for one year from the first day of March, eighteen hundred and fifty-two, and that the provision of the last-mentioned act be, and is hereby, extended to New Mexico during the current year, provided for by this section.....	30,030 00
All the unexpended balances remaining of sums appropriated for fortifications, and now liable to revert to the surplus fund, are hereby re-appropriated.....	[Indefinite.]
For the pay and equipment as mounted riflemen, finding their own horses and forage, of the volunteers serving under the command of Captain John C. Frémont, in California, during the year eighteen hundred and forty-six, as appears by the muster-rolls on file in the War Department, and for the subsistence and supplies consumed by said volunteers in said service.....	168,000 00
For the expenses of said board of officers to examine claims for subsistence and forage furnished in California.....	2,000 00
Pay to each of the survivors, or to the heirs of those who have died, of the Seminole warriors who were mustered into the service of the United States at Fort Brooke, in December, eighteen hundred and thirty-five, an amount equal to three months' pay and allowances of a private soldier in the Army of the United States.....	3,870 00
To refund to the State of North Carolina the amount of money advanced and transportation furnished to volunteers from that State during the late war with Mexico.....	9,382 53
For refunding to the State of Michigan the amount advanced by said State, in organizing, subsisting, and transporting volunteers, previous to their being mustered into the service of the United States, during the late war with Mexico.....	20,000 00
To pay to the State of South Carolina, out of any money in the Treasury not otherwise appropriated, such sums of money as were paid by said State, in eighteen hundred and thirty-eight, eighteen hundred and thirty-nine, and eighteen hundred and forty, for services, losses, and damages sustained by her volunteers in the Florida war of eighteen hundred and thirty-six, eighteen hundred and thirty-seven, and eighteen hundred and thirty-eight, while in the service of the United States, and on their return from said service, as were ascertained and allowed by a board of commissioners appointed for that purpose by an act of the Legislature of said State in eighteen hundred and thirty-seven.....	[Indefinite.]
	\$8,226,083 82

Act making appropriations for the service of the Post Office Department during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-three, and for other purposes.

For transportation of the mails.....	4,100,000 00
For compensation to postmasters, including the additional compensation authorized by the sixth section of the act to reduce and modify the rates of postage, approved third March, one thousand eight hundred and fifty-one.....	2,022,600 00
For compensation to postmasters, being the difference between the sum of one million eight hundred and seventy-five thousand dollars appropriated for the fiscal year ending thirtieth of June, one thousand eight hundred and fifty-two, and the estimated amount of their compensation for the same year, including the additional allowances authorized by the sixth section of the act of third of March, one thousand eight hundred and fifty-one, reducing the rates of postage.....	147,000 00
For clerks in the offices of postmasters.....	420,000 00
For ship, steamboat, and way-letters.....	40,000 00
For wrapping paper.....	40,000 00
For office furniture for the offices of postmasters.....	9,000 00
For advertising.....	70,000 00
For mail bags.....	50,000 00
For blanks.....	45,000 00
For mail-locks, keys, and stamps.....	10,000 00
For mail depredations and special agents.....	45,000 00
To the late Assistant Postmaster General, for his services performed by direction of the Postmaster General, subsequent to the first of April, eighteen hundred and fifty-one, when his resignation took effect, in the organization of the mail service in California, approved by the joint resolution "to legalize certain contracts for the transportation of the mails in California and Oregon," approved January the thirteenth, eighteen hundred and fifty-two, and to settle and pay his expenses.....	2,500 00
For miscellaneous items.....	90,000 00

For postage stamps.....	20,000 00
For the publication of twenty-five thousand copies of the laws and regulations of the Post Office Department, and for arrears on the table of post offices.....	7,000 00
To enable the Postmaster General to contract for the transporting the mail by steamboat from the Lake House to New Iberia, on the route six thousand one hundred and sixteen, from Donaldsonville to Washington; in the State of Louisiana.....	7,000 00
	7,134,500 00

*By the act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.**Maine.*

For a light-house on the Bubble, Cape Neddich, York.....	5,000 00
For a dumb beacon on Haddock's Ledge, in Penobscot bay.....	500 00
For Jones's fog-bells, to be placed at Cape Elizabeth, Sequin, Whitehead, and West Quoddy-head light-houses.....	10,000 00
For the erection of a beacon on Loggy's Ledge, in Portsmouth harbor, in addition to an appropriation of five hundred dollars by the act of September twenty-eighth, eighteen hundred and fifty.....	500 00
For two spar-buoys on the Eastern and Western Sisters, at the entrance of Piscataqua river.....	160 00
For rebuilding the light-house and keeper's house on Boon Island.....	25,000 00
For a beacon on Steel's Ledge, in Penobscot bay.....	1,000 00
For a light-house at the easterly end of the thoroughfare between North Haven and Vinalhaven, or on Heron Neck.....	5,000 00
For beacons, buoys, and spindles at points on the Kennebeck river.....	5,000 00
For Jones's fog-bell, to be placed near the light-house at Petit Menan.....	2,500 00
For buoys to be placed on Old Man's Ledge, at the entrance of Penobscot bay.....	500 00
For the erection of beacons on a reef of ledges at the entrance of Camden harbor, one near Negro Island, and one near Northeast Point, and for placing buoys on other ledges in said harbor.....	1,000 00
For the erection of beacons or spindles and placing of buoys on the ledges at the entrance of Naragansett harbor.....	1,000 00
For the erection of a harbor light on a point of land lying west of the entrance of Buck's harbor, in Brooksville.....	3,500 00
For the erection of beacons, buoys, and spindles between Owlhead and Whitehead light-houses, and through Muscadet channel.....	4,000 00
For the erection of four buoys at Goldsborough, at the following places: one on the southeast point of Calf Island; one on the western point of the Middle Ground, off Stone Island; one on Half-Tide Ledge, and one on a sunken rock at the entrance of Flanders bay.....	200 00
For repairing or constructing the stone beacon on Buck Ledge, Penobscot river.....	500 00

New Hampshire.

For a beacon on Wiley's Ledge, and a spar-buoy on Half-Way Rock, in the harbor of Portsmouth.....	800 00
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Massachusetts.

For a light-boat near Sacoconesset Shoal, north channel Vineyard Sound.....	12,000 00
For three buoys in Holmes's Hole harbor.....	300 00
For the erection of a beacon and the repair of beacons, and for buoys in the harbor of Newburyport.....	2,000 00
For a beacon on Fawn bar, near Deer Island, in Boston harbor, in addition to the former appropriation.....	1,000 00
For two iron spindles on the northeast ledge of the Graves, and on Harding's Ledge, in Boston harbor, in addition to the former appropriation.....	6,000 00
For a light-boat near Killpond bar, or a light-house in the vicinity of it, as on examination may be thought most expedient.....	12,000 00
For a spar buoy on Bibb Rock, near Wellfleet harbor.....	75 00
For a buoy-boat on Great Rip.....	500 00
For a buoy-boat on Sand Shoal, near north end of Bass Rip.....	500 00
For a first-class light-vessel to be moored on or near the New South Shoal off Nantucket, to be built under the direction of a competent naval architect, and fitted with a life-boat, duplicate moorings, and a fog-bell, the illuminating apparatus to be of large size parabolic reflectors and Argand lamps, to produce a light properly distinguished, which shall be seen as far as the elevation of the lanterns above the level of the sea will permit.....	30,000 00
For Jones's fog-bells at Baker's Island, at the entrance of Salem harbor, and at Race Point, Cape Cod.....	5,000 00
For a buoy to be placed on a rock in the Vineyard sound, near Point Gammon light-house.....	120 00
For a buoy to be placed over a sunken vessel, at Sacoconesset Point.....	120 00
Towards the erection of a light-house of granite, iron, or a combination of both, on the outer Minot Ledge, at the entrance of Boston harbor, upon a plan to be approved by the Topographical Bureau.....	80,000 00
For four spar-buoys in the harbor of New Bedford.....	300 00

For a light-vessel to be moored off Minot's Ledge, until the proposed light-house on said ledge be completed.....	16,000 00
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Rhode Island.

For an iron can-buoy to be placed on a rock in the channel leading from Narragansett Bay to Nanaquacket pond.....	250 00
For a dolphin or buoy to be placed on the south point of Goat Island, in the harbor of Newport.....	150 00
For the preservation of the light-house and dike-wall at Goat Island, Newport harbor.....	3,500 00

Connecticut.

For a light-house on the Long Wharf, in the harbor of New Haven.....	500 00
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New York.

For a light-house on Point Au Roche, on the west side of Lake Champlain.....	5,000 00
For six spar-buoys in Hudson river, between Albany and Troy.....	480 00
For a beacon-light on Black Rock pier.....	600 00
To repair or rebuild the foundation of the light-house on the breakwater at Oswego.....	5,000 00
For Jones's fog bells, to be placed at the Sandy Hook and Throgg's Neck light-houses.....	5,000 00
For a new light-ship to take the place of that now moored off Sandy Hook.....	20,000 00
For completing the light-house on Gardner's Island, in addition to the appropriation of six thousand dollars by the act of March third, eighteen hundred and fifty-one.....	1,000 00
For erecting a beacon on the sand-spit in the harbor of Sag-Harbor, in addition to the appropriation of seven hundred dollars made by the act of March third, eighteen hundred and fifty-one.....	450 00
For three buoys to mark the entrance of Stony Brook harbor, Long Island.....	300 00
For the repair of the pier at the mouth of Genesee river, and the erection of a beacon-light on the same.....	2,600 00
For the erection of three small beacon-lights on the Hudson river; one at the south point of the Island, east of Barren Island, one at the north point of the Island opposite and east of Coeyman's bar, and one on the point of the Island at the mouth of Schodack channel and opposite Mull Rocks.....	1,500 00
For ten additional spar buoys in the bay of New York.....	500 00
For a spinnel or beacon to be placed on the extreme eastern point of the north fork of Long Island.....	3,000 00

New Jersey.

For a monument on Mill Reef, in Kill Van Kill passage.....	4,000 00
For can buoys, to be placed in the inlet leading in Little Egg harbor.....	1,000 00
For a beacon to be placed on the shoal in Newark bay, known as the West Oyster bed, and bug-lights on the Elbow beacon, and Set off point, and for replacing the fog bell at the Passaic light-house.....	3,000 00
For one buoy in New Inlet, Great Egg harbor, and three buoys in Hereford.....	200 00

Maryland.

For a fog-bell to be erected at the light house on Seven-foot knoll, at the mouth of Patapsco river.....	2,500 00
For six spar-buoys to be placed in Pocomoke sound and the entrance of Chesamissig harbor.....	480 00
For a beacon-light to be placed at Fort Solers, on the Patapsco river, when said fort shall be so far completed as to receive the same.....	1,500 00
For a buoy to be placed over a wreck in Hooper's straits, in Chesapeake bay.....	80 00
For a bell to be placed on one of the light boats in Chesapeake bay, to be designated by the Secretary of the Treasury.....	200 00

Michigan.

For buoys in Saginaw bay and at the mouth of Saginaw river.....	600 00
For a beacon-light on Round Island, in Lake Superior, near the entrance of the river St. Marie.....	4,000 00
For the repair and the removal of the light-house and keeper's house at the mouth of Clinton river, on Lake St. Clair.....	5,000 00
For a light-house at the mouth of South Black river.....	5,000 00

Wisconsin.

For spar-buoys at the entrance of Neenah or Fox river.....	500 00
For a light-house at the northern outlet of Winnebago lake.....	5,000 00
For the removal of the light-house at Milwaukee, and rebuilding the same at and on the north point of Milwaukee bay.....	5,000 00

Ohio.

For a light-house or range lights at or near the head of Maumee bay, or the mouth of Maumee river.....	5,000 00
For buoys at the ledge between West Sister Island and the entrance of Maumee bay.....	300 00
For the repair of the light-house, pier, and pier-head in the harbor of Huron, on which the light-house is built.....	6,000 00
For renewing the light at Vermilion harbor, and repairing the pier on which it is placed.....	3,000 00

Delaware.

For six spar-buoys to be placed in the Delaware bay, from Mahon river to the upper point of the shoal known as the Shears.....	480 00
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For the construction of two ice-breakers, for the protection of the light house on the Brandywine shoal, in the Delaware bay..... 3,600 00

For marking Joe Flogger shoal, in the Delaware bay, with first class nun-buoys and can-buoys, to be constructed and placed in their position under the direction of the Superintendent of the Coast Survey..... 3,000 00

Virginia.

For two spar-buoys at Chincoteague inlet..... 160 00

For two spar-buoys to be placed at Metompkin inlet..... 160 00

For a light boat at Poncoteague creek, or a light-house to be built on a point of land adjoining said creek, as shall be found most expedient on examination..... 10,000 00

For the purchase of a site and the erection of a light-house on Jones's Point, in the Potomac river, near Alexandria..... 5,000 00

For Jones's fog-bells, to be placed at Assateague, Smith's Island, and Cape Henry light houses..... 7,500 00

For a beacon on White Shoal, James river..... 1,000 00

For beacon lights on Day's Point, on the Point of Shoals, and on Jordan's Point, James river..... 15,000 00

For a beacon-light on the shore opposite Lyon's Creek shoals..... 5,000 00

For a large buoy on the tail of the Horse-shoe Shoal, in Chesapeake bay..... 500 00

For two spar-buoys to be placed at White Point and Elbow Point, in Mushapingo bay..... 160 00

For two spar-buoys to be placed to buoy out Occanomoock creek..... 160 00

North Carolina.

For Jones's fog bell to be placed near Bald Head light-house, at the entrance of Cape Fear river for a harbor light-house on the eastern point of Rouge Banks, at the entrance of Beaufort harbor..... 2,600 00

For two buoys to be placed in the mouth of Alligator river, in Albemarle sound..... 5,000 00

For a buoy to be placed on the northeast end of Falker's shoal, in Croatan sound..... 200 00

For buoys to be placed in North river, in the county of Currituck..... 80 00

For a first-class life-boat, to be moored on Frying-pan shoals, to be built on the most approved plan and model, under the direction of a competent naval architect, and fitted with a life-boat, duplicate moorings, and fog-bell, the illuminating apparatus to be composed of large sized parabolic reflectors and Argand lamps, to produce a light properly distinguished..... 100 00

For four buoys to mark the two channels over the Frying-pan shoals..... 30,000 00

For the second class buoys to mark the Main and Oak Island channels leading into the Cape Fear river, in addition to the buoys now authorized to be constructed and located under the direction of the Superintendent of the Coast Survey..... 1,600 00

For six hollow iron buoys for the waters of Cape Fear..... 1,000 00

South Carolina.

For a bell-boat to be moored at Cape Roman shoal..... 1,320 00

For a harbor light to be placed on the battery in the harbor of Charleston..... 3,500 00

For three iron buoys to be moored at the entrance of the harbor of Georgetown..... 500 00

For two beacon or range lights on South Island Point, and one beacon or range light on North Island, to range with the main light at the entrance of Georgetown harbor..... 630 00

Alabama.

For an iron floating bell-buoy, with heavy moorings, and in every respect complete, for the entrance of Mobile bay..... 5,000 00

For six large iron can and nun-buoys, to be properly distinguished, and to be moored at points off the west bank, the middle ground, and the southwest point of the Spit..... 2,100 00

For a buoy on the northwest end of Northwest Pelican Shoal..... 200 00

For four wooden beacons, fitted with sixth order Fresnel lenses, or with a single twenty-one-inch parabolic reflector each, to be erected on Sand Island and Mobile Point..... 4,000 00

For a screw-pile beacon on Revenue Point..... 3,000 00

Mississippi.

For the erection of a light-house at or near the entrance of East Pascagoula river, instead of a former appropriation..... 1,800 00

For a light house on the west end of Ship Island, being a renewal of a former appropriation for this purpose..... 5,000 00

For nine buoys in Cat and Ship Island harbors..... 12,000 00

Louisiana.

For the examination and survey of Ship Shoal and Racoon Point, on the coast of Louisiana, with reference to the location and erection of a light-house and the procuring a plan for the same..... 3,000 00

For three spar buoys to mark the channel of a harbor of refuge at Horn Island Pass Mississippi..... 240 00

Florida.

For four iron can and nun buoys, one to be placed on the end of Sandore, off Soldier Key, and three to mark the channel through Boca Grande Passage..... 400 00

For a first-class light house near Collins' Patches, off Dry Bank, half-way between Carysfort Reef and Sand Key Light, to be constructed under the direction of the Topographical Bureau, and fitted with the most approved illuminating apparatus..... 35,000 00

For a large boat on Sea-horse Reef..... 250 00

For three hollow iron buoys to be moored in the channel leading into a harbor recently discovered on Florida Reef, about ten miles south of Cape Florida..... 700 00

For a beacon on Rebecca Shoal, between Marquesas and Dry Tortugas Keys..... 10,000 00

For securing the light-house at the mouth of St. John river, Florida..... 10,000 00

Texas.

For a light-boat to be moored, at Aransas Pass, or a light house, as may be deemed most expedient upon further examination, and for channel buoys in said channel, and a buoy at Dollar Point, in addition to the sum appropriated for a light-house at said Point..... 2,500 00

For constructing three small or harbor light-houses in Galveston bay, namely: one at Red Fish Bar, one at Clopper's Bar, and one at Half Moon Shoal, in addition to the amount (twenty thousand dollars) already appropriated for a light-house on Red Fish Bar..... 5,000 00

California.

For large buoys to be placed on sunken rocks, in the bay of San Francisco..... 1,000 00

For a beacon at Humboldt's harbor, near North Spit..... 5,000 00

For a light-house at the harbor at La Pointe, on Lake Superior..... 5,000 00

For the erection of a light house at Santa Cruz, California..... 30,000 00

For the completion of light houses in California and Oregon..... 120,000 00

For light-boats and other means for rendering assistance to wrecked mariners and others on the coast of the United States..... 10,000 00

For testing the apparatus of Wilson and Meacham, for illuminating light houses..... 1,000 00

\$709,145 00

By the resolution to authorize the continuance of the work upon the two wings of the Capitol.

For the continuance of the work on the two wings of the Capitol..... 500,000 00

By the act for the relief of Edward Everett.

For services rendered by him to the Quartermaster's Department at San Antonio, from October fifteenth, eighteen hundred and forty-six, to June seventeenth, eighteen hundred and forty-seven..... 607 50

By the act for the relief of the Virginia Woolen Company.

The amount returned by the United States from the said company for an alleged non-compliance with a contract entered into between the United States and said company, on or about the tenth day of January, one thousand eight hundred and forty-eight, for the delivery of one hundred thousand yards of cloth..... \$6,085 00

By the act for the relief of Rufus Dwinel.

To be paid to Rufus Dwinel..... 13,037 72

By the act for the relief of Lieutenant Colonel Mitchell, of the State of Missouri.

The payment of said judgment in favor of said Harmony, rendered in the State of Missouri, then it shall be the duty of the Secretary of the Treasury, and he is hereby authorized, to liquidate and satisfy said judgment, damages, and costs..... [Indefinite.]

By the act for the relief of James Ferguson, surviving partner of the firm of Ferguson & Milhards.

For the amount alleged to have been paid by them in discharge of their bond given the United States, dated May twenty-second, eighteen hundred and forty-eight, for duties on one hundred and forty-two hogsheads of molasses, which were destroyed by fire, while in public store, on the fourteenth day of June, eighteen hundred and forty eight..... 735 60

By the act for the relief of Williams, Staples, and Williams.

For the duty paid by them on one hundred and twenty-one hogsheads of sugar, which were destroyed by fire, while in the public store, in the city of Norfolk aforesaid, on the fourteenth day of June, eighteen hundred and forty-eight, which sugars were imported by them into the port of Norfolk on or about the sixth day of June, eighteen hundred and forty eight..... 1,156 50

By the act for the relief of Theodore Offut.

For the value of a bay mare, the property of said Offut, which was turned over for the use of the Government by his commanding officer, Captain W. C. Pollard, without authority..... 60 00

By the act for the relief of James Lewis.

For the amount recommended to be paid to him as witness fees and mileage, by the United States district court for the eastern district of Virginia..... 316 00

By the act for the relief of Jane Irwin.

To be paid Jane Irwin, the only child of Colonel Jared Irwin, who served in the Georgia State troops, from the beginning to the close of the revolutionary war, as an equivalent for services rendered and losses sustained by him,

the half-pay of a captain, for the period of thirty-five years, without interest..... [Indefinite.]

By the act for the relief of William Greer.

To pay to William Greer, with legal interest thereon, from July, eighteen hundred and forty-three, it being in full payment of moneys by him at that time advanced to the United States..... 60 00

By the act for the relief of William S. Payne.

For the amount of fine imposed on him, and by him paid to the collector at Tappahannock, for neglecting to renew the license on the vessel William Page, in the year eighteen hundred and forty-nine..... 50 00

By the act for the relief of Gustavus A. De Russy, late Acting Purser in the Navy.

For the balance of compensation to which he is entitled for his services in the capacity aforesaid..... 362 00

By the act for the relief of the legal representatives of James C. Watson, of Georgia.

For the amount paid by him, under the sanction of the Indian agent, to certain Creek warriors for slaves captured by said warriors, while they were in the service of the United States against the Seminole Indians in Florida..... [Indefinite.]

By the act granting relief to John A. McGaw, of New York.

For demurrage of the ship Charlotte, at Vera Cruz, Mexico, while in the service of the United States..... 1,400 00

By the act for the relief of John Moore White.

For the seven years' half pay to which Major White would have been entitled, had he not died before a resolve of Congress passed the twenty-fourth of August, one thousand seven hundred and eighty..... [Indefinite.]

By the act for the relief of Mrs. Margaret Hetzel, widow and administratrix of A. R. Hetzel, late Assistant Quartermaster in the Army of the United States.

For the amount claimed by him in the account rendered by him for a part of the third quarter of the year eighteen hundred and thirty-eight, and which was disallowed at the Treasury..... 12,988 74

By the act for the relief of Mrs. Mary A. Davis, widow of Daniel W. Davis.

For the amount paid by her to employ substitute for her late husband during his illness, and while he was a clerk in the paymaster's department..... 260 00

By the act for the relief of Z. F. Johnson.

For the necessary and proper personal expenses incurred by him at San Francisco, California, while awaiting duty, under orders, and compelled to live on shore, between the twentieth day of November, eighteen hundred and forty-eight, and the twenty first day of April, eighteen hundred and forty nine..... [Indefinite.]

II.—OFFICES CREATED, AND THE SALARIES THEREOF.

By the act to provide for the appointment of a Superintendent of Indian Affairs in California. (Ch. 11.)

A Superintendent of Indian Affairs authorized to be appointed for the State of California, at an annual salary of \$4,000.

A clerk authorized for the same, at an annual salary of \$2,500.

By the act to establish a branch of the Mint of the United States in California. (Ch. 54.)

One superintendent, at an annual salary of \$4,500.

One treasurer, at an annual salary of \$1,500.

One assayer, at an annual salary of \$3,000.

One melter, at an annual salary of \$3,000.

One refiner, at an annual salary of \$3,000.

One coiner, at an annual salary of \$3,000.

Clerks and workmen to be appointed, whose compensation shall be such as are "customary and reasonable."

By the act to establish additional land districts in the State of Wisconsin. (Ch. 75.)

Two registers and two receivers to be appointed, whose compensation shall be the same as in other cases.

By the act to provide for executing the public printing, and establishing the prices thereof, and for other purposes. (Ch. 91.)

A Superintendent of the Public Printing, at an annual salary of \$2,500.

A public printer to be elected by each House of Congress, whose compensation for work executed shall be in conformity to the rates specified in the act.

By the act to create an additional land office in the Territory of Minnesota. (Ch. 102.)

A register and receiver authorized, who shall be entitled to the compensation authorized in other cases.

By the act authorizing imported goods, wares, and merchandise, entered and bonded for warehousing, in pursuance of law, to be exported by certain routes to ports or places in Mexico.

Four inspectors of the customs, authorized to receive each an annual salary of two hundred and fifty dollars.

By the act to create three additional land districts in the State of Iowa. (Ch. 77.)

Three registers and three receivers authorized to be appointed, who shall be entitled to the same fees, &c., provided in other cases.

By an act to amend an act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," and for other purposes. (Ch. 106.)

Nine supervising inspectors, to be appointed by the President, by and with the advice and consent of the Senate, each of whom to receive an annual salary of fifteen hundred dollars, in addition to his actual reasonable traveling expenses.

By an act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes. (Ch. 112.)

A Light-House Board authorized to be appointed by the President, composed of two officers of the Navy, one officer of the Corps of Engineers of the Army, one officer of the Topographical Engineers, and two civilians: the Secretary of the Treasury to be *ex officio* president of the board; the United States to constitute twelve districts, and an officer of the Army or Navy to be assigned as a light-house inspector to each district; the legal allowance for traveling expenses to be made to the persons appointed as officers of the Light-House Board, and as inspectors, but no other addition to their pay as officers of the Army and Navy.

By the act to constitute Alton, in the State of Illinois, a port of delivery. (Ch. 144.)

One surveyor of the customs to be appointed for the port of Alton, to receive the salary and emoluments provided by an act of Congress of 2d March, 1831.

A surveyor of the customs to be appointed for each of the following ports, viz: Burlington in Iowa; Galena in Illinois; and Knoxville in Tennessee, to receive the salaries and emoluments of surveyors provided for in the act of 2d March, 1831.

A surveyor authorized to be appointed for the port of Jefferson, in New York, who shall be entitled to the salary and emoluments provided for in other cases.

By the act (ch. 66) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852.

For temporary clerks in the office of the Third Auditor, \$11,800 appropriated; no salary from this fund to exceed \$1,000 per annum, except two, at \$1,200 each.

For temporary clerks in the office of the Third Auditor of the Post Office Department, \$1,000 appropriated.

By the act (ch. 108) making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853.

A clerk of the "Sergeant-at-Arms," to receive a salary of \$1,500.

Three head gangers for the port of New Orleans, at a salary of \$1,500 each.

An associate law-agent for California, whose compensation shall be the same as that of the law-agent, and not exceeding \$5,000 each.

Five additional clerks authorized in the Post Office Department; one at an annual salary of \$1,600, two at an annual salary of \$1,200, and one at an annual salary of \$1,000.

A clerk for the Treasurer of the branch Mint at San Francisco, at a salary of \$2,500 per annum.

A clerk in the office of the Commissioner of Public Buildings, at a salary of \$1,000 per annum.

By the act making appropriations for the service of the Post Office Department for the year ending the 30th of June, 1853. (Ch. 111.)

Two resident agents authorized on the Isthmus of Panama, each of whom allowed, for salary and personal expenses, a sum not exceeding \$3,000 per annum.

III.—THE OFFICES THE SALARIES OF WHICH HAVE BEEN INCREASED, WITH THE AMOUNT OF SUCH INCREASE.

By the act to make land warrants assignable, and for other purposes. (Ch. 10.)

Registers and receivers allowed to receive for their services in locating military bounty land warrants, issued since 1847, the compensation or per centage allowed on sales of land for cash, to be paid by the assignees or holders of such warrants.

By the act making appropriations for the naval service for the year ending June 30, 1853. (Ch. 109.)

The annual salary of the secretary of the Naval Academy at Annapolis, increased to \$1,250.

The pay of the chaplains of the Navy shall be \$1,000 per annum on leave or waiting orders, and \$1,500 while on duty.

The navy agent at Memphis—performing, in addition to his own, the duties of purser—to be allowed and paid the annual salary of a purser on duty of the second class, [in lieu of commissions.]

The assistant to the purser at the navy yard at Kittery, Maine—discharging the duties of clerk and steward—to receive \$750 per annum.

The first clerks to the commandants of the navy-yards at Norfolk, New York, and Boston, to receive respectively an annual salary of \$1,000.

The second clerks to the commandants at the same yards to receive respectively \$800 per annum.

The additional allowance or percentage made to the

clerks in the executive and legislative departments at Washington; also made to the clerks employed at the navy-yard and marine barracks in the city of Washington.

By the act [ch. 68] to authorize the President of the United States to designate the places for the ports of entry and delivery for the collection district of Puget's sound and Umpqua, in the Territory of Oregon, and to fix the compensation of the collector of Astoria, in said Territory.

The compensation of the collector at Astoria fixed at \$3,000 per annum, including fees of office.

By the act [ch. 110] making appropriations for the support of the Army for the year ending the 30th of June, 1853.

Paymasters' clerks to receive one ration per day when on duty at their stations.

By the act [ch. 81] making appropriations for the support of the Military Academy for the year ending the 30th of June, 1853, and for other purposes.

The assistant professor of French and drawing to receive the pay and emoluments of the other professors.

By the act [ch. 108] making appropriations for the civil and diplomatic expenses of the Government for the year ending 30th June, 1853.

The disbursing clerk and the draughtsman of the Patent Office allowed \$300 additional compensation each.

Two additional permanent clerks in the Patent Office, at a salary of \$1,400 each.

The four messengers employed in the post office of the House of Representatives to be allowed \$1,000 each per annum, commencing with the Thirty-second Congress.

The clerks, messengers, watchmen, and laborers, whose annual compensation does not exceed twelve hundred dollars, to receive an addition of twenty per cent. Those receiving over twelve hundred, and less than sixteen hundred dollars, to receive an addition of ten per cent. *Provided*, No one shall receive more than sixteen hundred dollars per annum. [The provision for this increase of compensation is limited to one year.]

The pay of the deputy naval officers at Boston, New York, Philadelphia, Baltimore, and New Orleans, to be \$2,000 each per annum.

The salary of the chief clerk in the office of the assistant treasurer of the United States, in New York, to be \$1,600 per annum; and the salary of each of the other clerks to be \$1,200.

By the act [ch. 111] making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1853, and for other purposes.

The salaries of route agents increased to \$1,000 per annum.

THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32ND CONGRESS, 1ST SESSION.

WEDNESDAY, DECEMBER 3, 1851.

NEW SERIES...No 1.

This is the first number of the Congressional Globe for this session—the first of the Thirty-second Congress. I will print several thousand surplus copies for the purpose of supplying all persons who may subscribe within a reasonable time—say by the 13th January—with complete copies of the work.

The first number of the Appendix will be printed in two or three days. The Appendix will contain the Messages of the President of the United States; the Reports of the heads of the Departments; all the long speeches of the members of both Houses of Congress, written out or revised by themselves; and all Laws and Joint Resolutions which shall be passed during this session.

The Congressional Globe for the last long session—the first of the 31st—made 2,180, and the Appendix 1,716 pages; making together 3,896 pages. The Congressional Globe for this session it is believed will not contain as many pages as it did then. The Appendix for this session will probably make more than it did the last long session, as all the laws passed this session will be printed in it, which has not been done heretofore.

The following are the prices for them during the session:
For the Congressional Globe.....\$3 00
“ “ Appendix.....3 00

THIRTY-SECOND CONGRESS. FIRST SESSION.

SENATE OF THE UNITED STATES.

The names of Senators, with the expiration of the term of service of each. Democrats (38) in Roman, and the Whigs (24) in Italic letters.

MAINE.		MISSISSIPPI.	
James W. Bradbury.....1853		Henry S. Foote*.....1853	
Hannibal Hamlin.....1857		Jefferson Davis.....1857	
NEW HAMPSHIRE.		LOUISIANA.	
John P. Hale.....1853		Solomon W. Downs.....1853	
Moses Norris, jr.....1855		Pierre Soulé.....1855	
VERMONT.		OHIO.	
William Upham.....1853		Salmon P. Chase.....1855	
Solomon Foot.....1857		Benjamin Wade.....1857	
MASSACHUSETTS.		KENTUCKY.	
John Davis.....1853		Joseph R. Underwood.....1853	
Charles Sumner.....1857		Henry Clay.....1855	
RHODE ISLAND.		TENNESSEE.	
John H. Clarke.....1853		John Bell.....1853	
Charles T. James.....1857		James C. Jones.....1857	
CONNECTICUT.		INDIANA.	
Truman Smith.....1855		James Whitcomb.....1855	
Vacancy.....1857		Jesse D. Bright.....1857	
NEW YORK.		ILLINOIS.	
William H. Seward.....1855		Stephen A. Douglas.....1853	
Hamilton Fish.....1857		James Shields.....1855	
NEW JERSEY.		MISSOURI.	
Jacob W. Miller.....1853		David A. Atchison.....1855	
Robert F. Stockton.....1857		Henry S. Geyer.....1857	
PENNSYLVANIA.		ARKANSAS.	
James Cooper.....1853		William K. Sebastian.....1853	
Richard Brodhead, jr.....1857		Solon Borland.....1855	
DELAWARE.		MICHIGAN.	
Presley Spruance.....1855		Alpheus Felch.....1853	
James A. Bayard.....1857		Lewis Cass.....1857	
MARYLAND.		FLORIDA.	
James A. Pearce.....1855		Jackson Morton.....1855	
Thomas G. Pratt.....1857		Stephen R. Mallory.....1857	
VIRGINIA.		TEXAS.	
Robert M. T. Hunter.....1853		Sam Houston.....1853	
James M. Mason.....1857		Thomas J. Rusk.....1857	
NORTH CAROLINA.		IOWA.	
Willie P. Mangum.....1853		George W. Jones.....1853	
George E. Badger.....1855		Augustus C. Dodge.....1855	
SOUTH CAROLINA.		WISCONSIN.	
Robert Barnwell Rhett.....1853		Isaac P. Walker.....1853	
Andrew P. Butler.....1855		Henry Dodge.....1857	
GEORGIA.		CALIFORNIA.	
J. McPherson Berrien.....1853		William M. Gwin.....1855	
William O. Dawson.....1855		Vacancy.....1857	
ALABAMA.		*Understood to have resigned, to take effect on the 8th January, 1852.	
Jeremiah Clemens.....1853		†Resigned. †Contested.	
William R. King.....1855			

HOUSE OF REPRESENTATIVES.

List (by States) of the Members of the Thirty-Second Congress. Whigs (91) in Italics; Democrats (142) in Roman.

MAINE.		4 Charles Andrews,	
1 Moses McDonald,		5 Ephraim K. Smart,	
2 John Appleton,		6 Israel Washburn, jr.,	
3 Robert Goodenow,		7 Thomas J. D. Fuller.	

NEW HAMPSHIRE.
1 Amos Tuck,
2 Charles H. Peaselee,
3 Jared Perkins,
4 Harry Hibbard.

VERMONT.
1 Ahimam L. Miner,
2 William Hebard,
3 James Meacham,
4 Thomas Bartlett.

MASSACHUSETTS.
1 William Appleton,
2 Robert Rantoul, jr.,
3 James H. Duncan,
4 Benjamin Thompson,
5 Charles Allen,
6 George T. Davis,
7 John Z. Goodrich,
8 Horace Mann,
9 Orin Fowler,
10 Zeno Scudder.

RHODE ISLAND.
1 George G. King,
2 Benj. H. Thurston.

CONNECTICUT.
1 Charles Chapman,
2 C. M. Ingersoll,
3 Chauncey F. Cleveland,
4 O. S. Seymour.

NEW YORK.
1 John G. Floyd,
2 Obadiah Bowne,
3 Emanuel B. Hart,
4 J. H. Hobart Haws,
5 George Briggs,
6 James Brooks,
7 A. P. Stevens,
8 Gilbert Dean,
9 William Murray,
10 Marius Schoonmaker,
11 Josiah Sutherland,
12 David L. Seymour,
13 John L. Schoolcraft,
14 John H. Boyd,
15 Joseph Russell,
16 John Wells,
17 Alexander H. Buell,
18 Preston King,
19 Willard Ives,
20 Timothy Jenkins,
21 William W. Snow,
22 Henry Bennett,
23 Leander Babcock,
24 Daniel T. Jones,
25 Thomas Y. How, jr.,
26 H. S. Walbridge,
27 William A. Sackett,
28 Alr. M. Schermerhorn,
29 Jedediah Horseford,
30 Reuben Robie,
31 Frederick S. Martin,
32 S. G. Haven,
33 Augustus P. Haskell,
34 Lorenzo Burrows.

NEW JERSEY.
1 Nathan T. Stratton,
2 Charles Skelton,
3 Isaac Wildrick,
4 George H. Brown,
5 Rodman M. Price.

PENNSYLVANIA.
1 Thomas B. Florence,
2 Joseph R. Chandler,
3 Henry D. Moore,
4 John Robbins, jr.,
5 John McNair,
6 Thomas Ross,
7 John A. Morrison,
8 Thaddeus Stevens,
9 J. G. Clancy Jones,
10 Milo M. Dimmick,
11 H. M. Fuller,
12 Galusha A. Grow,
13 James Gamble,
14 T. S. Bibbhaus,
15 William H. Kurtz,
16 James X. McLanahan,
17 Andrew Parker,
18 John L. Davison,
19 Joseph H. Kuhns,
20 John Allison,
21 Thomas M. Howe,
22 John W. Howe,
23 Carleton B. Curtis,
24 Alfred Gilmore.

DELAWARE.
1 George R. Riddle.

MARYLAND.
1 Richard I. Bowie,
2 Wm. T. Hamilton,
3 Edward Hammond,
4 Thomas Yates Walsh,

5 Alexander Evans,
6 Joseph S. Colthman.

VIRGINIA.
1 John S. Millson,
2 Richard K. Meade,
3 Thomas H. Averett,
4 Thomas S. Bocock,
5 Paulus Powell,
6 John S. Caskie,
7 Thomas H. Bayly,
8 Alexander R. Holladay,
9 James F. Strother,
10 Charles J. Faulkner,
11 John Letcher,
12 Henry A. Edmundson,
13 Fayette Mcullen,
14 James M. H. Beale,
15 George W. Thompson.

NORTH CAROLINA.
1 Thomas L. Clingman,
2 Joseph P. Caldwell,
3 Alfred Dockery,
4 James T. Morehead,
5 Abraham W. Venable,
6 John R. J. Daniel,
7 William S. Ashe,
8 Edward Stanley,
9 David Outlaw.

SOUTH CAROLINA.
1 Daniel Wallace,
2 James L. Orr,
3 Joseph A. Woodward,
4 John McQueen,
5 Armistead Burt,
6 William Aiken,
7 William Colcock.

GEORGIA.
1 Joseph W. Jackson,
2 James Johnson,
3 David J. Bailey,
4 Charles Murphy,
5 E. W. Chastain,
6 Junius Hillyer,
7 Alexander H. Stephens,
8 Robert Toombs.

ALABAMA.
1 John Bragg,
2 James Abercrombie,
3 Sampson W. Harris,
4 William R. Smith,
5 George S. Houston,
6 W. R. W. Cobb,
7 Alexander White.

MISSISSIPPI.
1 D. B. Nabers,
2 John A. Wilcox,
3 J. D. Freeman,
4 Albert G. Brown.

LOUISIANA.
1 Louis St. Martin,
2 J. Aristide Landry,
3 Alexander G. Penn,
4 John Moore.

TEXAS.
1 Volney E. Howard,
2 Richardson Scoury.

ARKANSAS.
1 Robert W. Johnson.

TENNESSEE.
1 Andrew Johnson,
2 Albert G. Watkins,
3 George W. Churchwell,
4 John H. Savage,
5 George W. Jones,
6 William H. Polk,
7 Meredith P. Gentry,
8 William Cullom,
9 Isham G. Harris,
10 Frederick P. Stanton,
11 Christopher H. Williams.

FLORIDA.
1 E. Carrington Cabell.

KENTUCKY.
1 Linn Boyd,
2 Benj. Edward Grey,
3 Presly M. Ewing,
4 William T. Ward,
5 James W. Stone,
6 Jaddison White,
7 Humphrey Marshall,
8 John C. Breckenridge,
9 John C. Mason,
10 Richard H. Stanton.

OHIO.
1 David T. Disney,
2 Lewis D. Campbell,
3 Hiram Bell,
4 Benjamin Stanton,
5 Alfred P. Egerton,
6 Frederick W. Green,
7 Nelson Barere,

8 John L. Taylor,
9 Edson B. Olds,
10 Charles Sweetser,
11 George H. Busby,
12 John Welch,
13 James M. Gaylord,
14 Alexander Harper,
15 William W. Hunter,
16 John Johnson,
17 Joseph Cable,
18 David K. Carter,
19 Evan Newton,
20 Joshua R. Giddings,
21 Norton S. Townsend.

MICHIGAN.
1 Ebenezer J. Penningman,
2 C. E. Stuart,
3 James I. Conger.

INDIANA.
1 James Lockhart,
2 Cyrus L. Dunham,
3 John L. Robinson,
4 Samuel W. Parker,
5 Thomas A. Hendricks,
6 Willis A. Gorman,
7 John G. Davis,
8 Daniel Mace,
9 Graham N. Fitch,
10 Samuel Brenton.

ILLINOIS.
1 William H. Bissell,

2 Willis Allen,
3 Orlando B. Fieldin,
4 Richard S. Malony,
5 William A. Richardson,
6 Thompson Campbell,
7 Richard Yates.

MISSOURI.
1 John F. Darby,
2 Gluchrist Porter,
3 John G. Miller,
4 Willard P. Hall,
5 John S. Phelps.

IOWA.
1 Lincoln Clark,
2 Bernhard Henn.

WISCONSIN.
1 Charles Durkee,
2 Ben Eastman,
3 James D. Doty.

CALIFORNIA.
1 Joseph W. McCorkle,
2 Edward C. Marshall.

OREGON TERRITORY.
1 Joseph Lane, (delegate.)

MINNESOTA T.
1 Henry H. Sibley, (delg't.)

UTAH T.
1 John M. Bernhisel, (del.)

NEW MEXICO T.
1 R. W. Weightman, (del.)

IN SENATE.

MONDAY, December 1, 1851.

This being the day set apart by the Constitution for the meeting of Congress, the Senators assembled in their Chamber, at 12 m.

The following Senators were present:

Maine.—Mr. Hamlin.
New Hampshire.—Messrs. Hale and Norris.
Vermont.—Messrs. Upham and Foot.
Massachusetts.—Messrs. Davis and Sumner.
Rhode Island.—Messrs. Clarke and James.
Connecticut.—Mr. Smith.
New York.—Messrs. Fish and Seward.
New Jersey.—Mr. Miller.
Pennsylvania.—Messrs. Brodhead and Cooper.
Delaware.—Messrs. Spruance and Bayard.
Maryland.—Messrs. Pearce and Pratt.
Virginia.—Mr. Mason.
Georgia.—Messrs. Berrien and Dawson.
Alabama.—Messrs. King and Clemens.
Mississippi.—Mr. Foote.
Ohio.—Messrs. Chase and Wade.
Kentucky.—Messrs. Underwood and Clay.
Indiana.—Messrs. Bright and Whitcomb.
Illinois.—Mr. Shields.
Missouri.—Messrs. Atchison and Geyer.
Michigan.—Messrs. Cass and Felch.
Florida.—Mr. Morton; Stephen R. Mallory and D. L. Yulee, contestants.
Iowa.—Messrs. Dodge and Jones.
Wisconsin.—Messrs. Dodge and Walker.
California.—Mr. Gwin.

THE PRESIDENT of the Senate, Hon. Wm. R. KING, having called the Senate to order, the Rev. C. M. BUTLER, Chaplain to the Senate, performed devotional exercises.

Mr. SEWARD then rose and said: Mr. President, I beg leave to present the credentials of the Hon. HAMILTON FISH, a Senator elect from the State of New York for the term of six years, commencing on the 4th of March last.

The credentials were read at the Secretary's desk.

Mr. CHASE. I beg leave to present the credentials of the Hon. BENJAMIN F. WADE, a Senator elect from the State of Ohio.

The credentials were read.

Mr. MILLER. I beg leave to present the credentials of the Hon. ROBERT F. STOCKTON, a Senator elect from the State of New Jersey.

The credentials were read.

Mr. CLARKE. I beg leave to present the credentials of the Hon. CHARLES T. JAMES, a Senator elect from the State of Rhode Island.

The credentials were read.

Mr. ATCHISON. I desire to present the credentials of HENRY S. GEYER, a Senator elect from the State of Missouri.

The credentials were read.

Mr. CASS. I have been requested to present the credentials of CHARLES SUMNER, a Senator elect from the State of Massachusetts.

The credentials were read.

The Hon. Hamilton Fish, Benjamin F. Wade, Charles T. James, Henry S. Geyer, and Charles Sumner, then proceeded to the President's seat, and the usual oath was administered to them.

CONTESTED SEAT OF SENATOR FROM FLORIDA.

Mr. MORTON. Mr. President: I beg leave to present to the Senate the certificate of the Governor of the State of Florida, certifying the election of the Hon. STEPHEN R. MALLORY to the Senate of the United States for the term of six years, commencing on the 4th of March last.

I beg leave, also, to present to the Senate a copy of the journal of the House of Representatives of the State of Florida, showing the proceedings of the joint meeting of the two Houses of the Legislature on the occasion of the election of a Senator for the term mentioned, and which is claimed by the Hon. DAVID L. YULEE, as evidence that he was elected as the Senator of the State of Florida for the term commencing on the 4th of March last. The proceedings are certified by the Secretary of State of Florida.

I have considered it my especial duty to present to the Senate the claims of each of the gentlemen to the seat in this body of a Senator from Florida, for such action as the Senate may think proper, without indicating on my part what that action should be, but simply ask that the papers may be read.

The credentials signed by the Governor of Florida, and the proceedings of the Legislature in the election of a Senator, extracted from its journals, certified by the Secretary of State, were also read.

The PRESIDENT. The Chair is under the impression, that inasmuch as it is apparent that there is a contest for the seat of Senator from Florida, it is not his province to decide who is entitled to it. Under ordinary circumstances, he would ask the gentleman whose credentials are presented to come forward and take the oath; but heretofore some cases have arisen—there was one of great importance in the case of a Senator from Rhode Island—in which it was left to the Senate to decide whether the individual having the certificate should be qualified and the contest afterwards go on. It is, therefore, in the opinion of the Chair, a proper subject for the Senate to decide, as to whether they will admit either gentleman previous to an investigation by a committee, or exclude both until after an investigation. The Chair expresses no opinion on the subject, although, as a member of the Senate, he once gave an opinion in the course of the Rhode Island case. Another case, although it was not precisely like this, is that of Mr. Lanman of Connecticut, who was not permitted to take his seat because the Governor of Connecticut appointed him when he had no right to appoint, the Legislature having been in session after the vacancy and before the appointment. The cases are not similar.

The Chair trusts that the Senate will take some action in the matter, in order that the question may be decided, so that he may ascertain whether it is his duty to administer the oath to the gentleman who received the certificate or not.

Mr. BRIGHT. In order to reach the facts in this case in as condensed a form as possible, I move that the credentials of the Senator elect, together with the extract from the journals of the Florida Legislature, be referred to a select committee of five.

Mr. CLAY. Mr. President, for one, I cannot vote for that motion. I think the case is perfectly clear, according to the usage existing in every deliberative body of which I have any knowledge. Mr. Mallory comes here with a credential in due form, affording *prima facie* evidence of his right to the seat which he claims. There is presented at the same time, and I must say informally, in my judgment, proceedings behind the credentials which took place in the legislative body. I say they are informally presented, because it appears to me that they could only be legitimately offered at the time when the gentleman contesting the seat of Mr. Mallory should choose to present a petition claiming that seat. Under these circumstances, but for the motion already made, I should

move at once that the oath of office be administered to Mr. Mallory.

Mr. FOOTE, of Mississippi: I hope that, under the circumstances, the honorable Senator from Indiana [Mr. BRIGHT] will not press his motion. I understand that a very recent precedent has been supplied by this body in support of the views just announced by the honorable Senator from Kentucky, [Mr. CLAY.] I certainly should have made the motion suggested by him, but that I waited, I thought with due deference, for some older member of the Senate to make some motion. It seems to me that my friend from Indiana will not hesitate, after this explanation, to withdraw his motion, that the other motion may take its place. I think the Senator whose credentials have been presented, should be permitted to take his seat until some contest arises which may oust him therefrom.

Mr. BERRIEN. Mr. President, the public papers have advised us of the existence of this controversy, and I presume it has engaged the attention and occupied the reflection of the members of the Senate. In my view of the subject, it is a case altogether without precedent. I think neither of the cases which have been mentioned afford a precedent which can properly guide and direct us on this occasion. In the case of Mr. Lanman, there was no party contesting; but upon the face of the case there was a manifest assumption of authority not conferred by the Constitution upon the Executive of a State. The Senate, therefore, of itself, took that subject into consideration, and decided that Mr. Lanman was not entitled to a seat. That case, I apprehend, was entirely different from the present.

A word now as to the Rhode Island case—the case of Robbins and Potter. The credentials of Mr. Robbins, holding a certificate from the Governor of the State, had been presented at a session anterior to that at which he proposed to take his seat. When the time for the meeting of Congress arrived, Mr. Potter came, presenting a similar certificate of his subsequent election by the Legislature, founded upon the assumption, by this second Legislature, of the invalidity of the act of the first. It was in that state of facts that the question was presented to the Senate. Relying upon the fact that Mr. Robbins's credentials had been received and read in the Senate and placed upon their files, and upon the consideration that after the 4th of March subsequent to such reception of the credentials, Mr. Robbins, holding this *prima facie* evidence of his election, would have been entitled to his seat, the Senate determined that he should be permitted to take the oath as a member of the Senate, and the subject was then referred to a committee to ascertain the validity of the claims of the respective parties. But here, sir, is a case in which two parties present themselves, claiming a seat in the Senate of the United States. The question of the right of either of these gentlemen to that seat is a question, the obligation to decide which is imposed by the Constitution upon us. It is impossible to transfer this authority to any other functionary. The Governor of the State of Florida has granted a certificate in the form of a commission, testifying to the election of one of these individuals. The proceedings of the Legislature upon which that certificate of the Governor is founded, and coincidence with which is absolutely indispensable to give to that certificate any validity whatever, are before us. Without doubt it is the usage of the Senate to allow to the certificate of the Governor this *prima facie* effect. But what is *prima facie* evidence? Of what validity is *prima facie* evidence in the face of evidence which is plenary? I beg not to be understood as expressing any opinion upon the effect of the facts which are disclosed in those proceedings. I am answering the suggestion, that the certificate of the Governor is *prima facie* evidence which imposes upon the Senate the obligation to admit the person in whose favor the certificate has been granted, to a seat. I say this has been the usage uniformly where an individual presents the certificate of the Governor of a State, and no party appears to contest his claim; it is received as *prima facie* evidence, and the *prima facie* evidence becomes absolute in the absence of any contradictory evidence. Here, however, you have the evidence upon which the certificate was founded, and you have here another individual claiming that upon that plenary evidence which he submits he is the Senator elect

from Florida. Can you recede from your obligations under the Constitution to decide between these conflicting claims? Can you transfer to the Governor of the State of Florida the right, and throw upon him the responsibility of deciding facts which are before you, and which the Constitution makes it your duty to decide? *Prima facie* evidence may be allowed, in its effect, to become conclusive in the absence of plenary evidence; but here is that plenary evidence, here are those facts authenticated before you, upon which the contestant claims his seat in this body, and upon which he denies the validity of the certificate by the Governor. Then it is no longer to be considered as *prima facie* evidence which entitles the party holding it to anything resulting from its force and effect, till it is compared with the plenary evidence, and you have decided upon that. At the first election which took place, there appears to have been cast twenty-nine votes for one gentleman and twenty-nine blanks. The question which that record presents is, whether these blanks are votes—whether the party receiving these twenty-nine votes was the sole nominee on that occasion.

Mr. FOOTE, of Mississippi. I rise to a point of order. With great respect and kindness for the honorable gentleman, it does seem to me that he is discussing the merits of the case, whereas the question at present is, I believe, only upon what has been the usage of the Senate in such cases. I make this suggestion with great deference; but the remarks of the honorable Senator from Georgia may give rise to controversy.

The PRESIDENT. The question before the Senate is on referring to a select committee of five.

Mr. BERRIEN. Unquestionably; and that is met by the suggestion that the *prima facie* evidence afforded by the certificate ought to control the action of the Senate so far as to entitle one of these gentlemen to be sworn in. I am endeavoring to show my own view of the propriety of that suggestion—my own view of the proposition that this is to be considered *prima facie* evidence leading to such a result under the existing circumstances of the case—and I submit to you, sir, that I am perfectly in order, and arguing the question with the same strictness with which I should be required to discuss it before a judicial tribunal.

Mr. FOOTE, of Mississippi. I will withdraw the point if the Senator desires to proceed.

Mr. BERRIEN. If, in the view of the Chair, I have departed from the rules of order, I will cheerfully acquiesce.

The PRESIDENT. The Senator from Georgia will proceed.

Mr. BERRIEN. Sir, the single question presented to our consideration is the validity of the first election. I say, the single question which must ultimately be presented to the consideration of the Senate is the validity of that first election; because if that first election be valid, all the subsequent acts, whether legislative or executive, must be invalid. And therefore to allow to the certificate of a Governor, founded on those facts which are in evidence, such an effect as would destroy the validity of that first election to a certain extent before the Senate has inquired into it, would in my judgment be a manifest error.

Sir, I did not rise for the purpose of discussing this question, and I should not perhaps have gone so far in the observations which I have made but for the suggestion of a departure on my part from the rules of order. I depart not from the order of the discussion. I maintain, according to my view of the subject, that the *prima facie* evidence afforded by the certificate granted by the Governor is so far controlled by the exemplification of the legislative record, that it would be improper for the Senate to act on this subject so as to advance the interest either of one or the other of these parties, until an investigation shall have been had by a select committee upon the plenary evidence now before us which, in deciding the question the Senate must ultimately decide, the validity of the first election, will, if that validity be affirmed, relieve the Senate from the consideration of all other questions.

Mr. FOOTE, of Mississippi. I stated before my own recollection of a very recent precedent in this body. I find my recollection to be that of every member of the body with whom I have had a consultation. It was the case of a Senator from Illinois, [Mr. SHIELDS.] His right to his seat was

gravely disputed. We decided to admit him to his seat in the first instance. We also positively decided, gravely and deliberately, that his having accepted the seat with the consent of the Senate placed him in such a position as not to allow him, during our deliberations, to resign. The book containing this precedent has just been furnished me. I have not had an opportunity of looking into it; but I believe the Senate on that occasion did decide that the certificate of the election supplied *prima facie* evidence of his right to the seat, and that it was the duty of the Senate, on the simple presentation of it, to allow the Senator to be sworn in and take his seat until a contest should arise, the result of which was an ousting of that Senator. I understand that to have been settled. If so—if such was the decision of this body in that case, it seems to me not exactly in strict order, for me at least, to go beyond the only legitimate evidence pertaining to a case of that kind, to wit, the evidence contained in the certificate of the Executive. I shall therefore limit my remarks to that precise point.

The reason why I rose before, and called the honorable Senator from Georgia to order—I hope in a very respectful manner—was, that it seemed to me that his line of remark would necessarily open a field for discussion to a very considerable extent, and give rise to a great deal of feeling, and might more or less embarrass our action in this matter. My impression is yet, that the most expedient course to be pursued would be for the honorable Senator from Indiana to withdraw his motion, and allow the one intimated by the honorable Senator from Kentucky [Mr. CLAY] to be submitted in its place. We could then settle the question very easily; and while the whole subject was referred to a committee, the State of Florida would be fully represented in this body. If my friend will not do that, his refusal may oblige some of us to move a modification, to strike out all after the word "Resolved" of his resolution, and in lieu of it a proposition to admit the honorable Senator from Florida to his seat at once. I shall accordingly make that motion, unless my friend will, in the spirit of compromise—for which I know he is distinguished—allow the course of proceeding which I have intimated, to be adopted. If he will withdraw his motion I think we could get at the point, and have it settled at once, so far as the *prima facie* proceeding is concerned.

Mr. MASON. My attention has been called to this question to some extent. I think that at the last session the gentleman who was then the Senator from Florida, [Mr. YULEE,] and whose term expired on the 4th of March last, presented to the Senate an extract from the journals of the Legislature of Florida, with a view, as he stated at the time, according to my recollection, to call the attention of the Senate to the fact of an election which had been made by that Legislature, and which he suggested had resulted in his favor. The only action of the Senate upon it at present, I presume, will be such as to enable this body, holding the scales perfectly even between these gentlemen, to make the inquiry which necessarily devolves upon us in such a manner as to discharge the duty faithfully which the Senate owes to the country and to the State of Florida. It does seem to me, from the consideration that I have been able to bestow upon this subject, that where a gentleman presents himself to the Senate with a *return*, in its technical and legal sense, showing that he has been elected to this body, it is necessarily to be received as *prima facie* evidence of his election, and, according to the usage of the Senate, and I believe of all deliberative bodies, he takes his seat, and awaits any controversy that may subsequently arise respecting his right to that seat. But if the gentleman presents himself without a *return* in its technical and legal sense, and any serious doubt is entertained and is presented as to the validity of his election, he then appears, I apprehend, without having this *prima facie* evidence in his favor.

Now, if I understand the meaning of the term "*prima facie* evidence," it means necessarily that it is competent evidence; it must be evidence just as competent as that which will prove the fact legitimately, and the only effect of such evidence is to shift the burden of proof upon the party who contests the fact thus proven. The Constitution of the United States, according to my examination, has three provisions upon this subject. The first lodges the right to elect the Senator in the

Legislatures of the States, and does nothing more. As these provisions are very short, although the Senate are very familiar with them, I will ask leave to refer to them. By section 3, article 1, of the Constitution of the United States, it is provided that "the Senate of the United States shall be composed of two Senators from each State, 'chosen by the Legislature thereof for six years, 'and each Senator shall have one vote.'" The right of choosing is therefore lodged in the Legislature of the State. The next provision is in section 4, article 1, and provides that "the times, 'places, and manner of holding elections for Senators and Representatives shall be prescribed in 'each State by the Legislature thereof; but the 'Congress may at any time, by law, make or alter 'such regulations, except as to the places of choosing Senators." And the third provision is in section 5, same article, which provides that "each 'House shall be the judge of the elections, returns, 'and qualifications of its own members," &c.

Now, the Constitution does not prescribe how the fact of the election shall be certified to the Senate, but leaves that power with the Legislatures of the States. I have not looked—for I have not had time—further than to the legislation of Virginia—my own State—upon that subject. I find that the State of Virginia has prescribed the form of the return. The first Senators that were elected under the Constitution were elected in 1778. It is provided by law that the Clerk of the House of Delegates shall notify the Governor of the election of Senators, and the Governor shall cause the credentials to be made out under the seal of the Commonwealth, and sent to the Senator elect, to be presented to the Senate of the United States. It prescribes the form of the credentials, which is, in effect, a certificate from the government that the Senator, A B, has been chosen, in pursuance of the Constitution, by the General Assembly of the State of Virginia. That is, *prima facie*, competent and sufficient evidence of the fact of the election in the manner and form prescribed by law. And under such returns I apprehend that the party thus certified to be elected will have the right to take his seat in this body, and then await the result of any controversy that may arise.

But in the present case there is no such return. In the State of Florida there is no law, as I am informed, prescribing the mode in which the fact of the election shall be certified. The Governor has certified that fact in the case now before us, but without the authority of law for so doing. Another gentleman has presented an exemplified copy of what he claims to have been an election of Senator by the Legislature of Florida. I am informed—that gentleman [Mr. YULEE] has placed in my hands, at my request, the legislation of Florida upon that subject—that it makes the Secretary of the Commonwealth the keeper of the journals of the Legislature, and gives to that Secretary the power to exemplify, under the great seal of the Commonwealth, all papers of that character. It seems to me, then, that if there be a return at all, in its technical and legal sense, it is the exemplification of the proceedings of the Legislature, which has been certified under the great seal of the Commonwealth, and which is presented by the gentleman [Mr. YULEE] who claims to have been elected by the first action of the Legislature upon that subject. That is an exemplification in pursuance of the law of Florida by the keeper of the journals of the proceedings of its Legislature.

I submit these remarks with very great deference, in the belief that there is before us no correct return of the election of Senator, and, therefore, the burden of proof has not been shifted, but the parties stand in *aquale jure*, and that the proper course for us to pursue is the course indicated by the Senator from Indiana, [Mr. BRIGHT,] to refer this matter to a committee.

Mr. HALE. As has been well said, it is proper that the Senate should keep itself in such a situation that no undue advantage should be given to one or other of the gentlemen claiming the seat. It strikes me to be a matter of very great moment that this question should be settled aright. And it also strikes me that it is a peculiarly fortunate time, and that the circumstances attending the question are peculiarly fortunate also to enable the Senate to settle it irrespective of any extraneous considerations. It is a very different case from that which occurred in the other wing of the Capitol a few years ago, when the members from

New Jersey presented themselves with the *prima facie* evidence, and the result of the political majority of the House was to be changed as that went one way or another. That was a very unfortunate circumstance, under which the rights of individuals were to be settled. Fortunately, in this case there is nothing of that sort. I presume both these gentlemen are sound on the great questions that have disturbed the country, and that have been so happily settled. There can, therefore, be no difficulty on that score; and the political majority here is so decisive and so decided that it cannot be disturbed even by the presence of what Free-Soilers have got smuggled into the Senate.

Mr. FOOTE, of Mississippi. I rise to a point of order. I do not think the gentleman is discussing anything now before us. The question of free-soil is in no way connected with the subject. I am always glad to hear the gentleman on any other subject. I am a non-agitator, and am opposed to his agitating that question. I know that he has an unfortunate weakness which disables him from discussing anything without bringing it in.

The PRESIDENT. The Senator from New Hampshire understands that the question is on the reference to a committee.

Mr. HALE. I suppose the Chair understands the question from my remarks. The honorable Senator from Mississippi should remember that we have not all had so much experience on these questions as he has had, and possibly some of us have not heard so much about them. I was referring to these things not in a mere light and frivolous way, but as one of the series of advantages in which the Senate is placed, by which it can consider the subject irrespective of all extraneous considerations. But to come to the naked merits of the question, I ask, with great deference, any of the older members of the Senate—I would not have spoken, being a young man, had not the young gentleman from Mississippi set the example—I ask any of the old or young members of the Senate, and middle-aged ones too, if they know of an instance in which a Senator has presented his credentials in the ordinary form who has been refused his seat? I put this question entirely irrespective of the ulterior merits of this case. How was it in the case of the honorable Senator from Illinois? A question arose there; an objection was made, and the Senator stood in his seat holding in his hand evidence which would disqualify him just as much as if five hundred contestants had been here. That fact was known to the Senate; and yet, in the face of it, the Senator was unanimously admitted to take his oath and his seat, and then in a few days an investigation was had. But while the contest is going on, the individual presenting the common evidence which you and I and every member of the Senate have—the certificate from the executive officer of the Commonwealth—is entitled to his seat.

The honorable Senator from Florida comes within the category. I presume it is not known to one quarter or one half of the Senate, whether, in the various States of the Union there is any statute authorizing the Governor to certify the proceedings of the Legislature. I do not know that there is such a one in my State. I doubt if there be. But that is not the question. The question is, whether it is the ordinary evidence—the evidence upon which the Senate ordinarily acts. They do not know whether there is any act of the Legislature of the State authorizing the Chief Magistrate to present the certificate. You have just sworn in one Senator [Mr. FISH] who presented no certificate from the Governor of his State. He simply presented the evidence of the doings of the two houses of the Legislature. The gentleman from Florida, I presume, presents the ordinary evidence which Senators from that State present. It seems to me, that if we adhere to the course always pursued heretofore—that is, that the gentleman having *prima facie* evidence shall take his seat—we do not confirm him in his seat a moment, or prejudice the claims of the contestant. I hope this course will be adhered to, and that the Senator from Florida will be allowed to take his seat, and then let the thing take the course suggested by the Senator from Indiana. But it seems to me that until he has taken his seat we are departing from the usual course of the Senate.

I am not a great stickler for States rights—I mean in the popular, cant sense of the phrase. I

am not one of those who believe that we are thirty-one sovereign States. I believe the Senator from Mississippi [Mr. Foote] does. I do not believe in that magniloquent idea of State sovereignty. Still, I think there is some respect due to the States, and that the courtesy with which the Senators from the States are always treated on presenting *prima facie* evidence, should govern the Senate with respect to the honorable Senator from Florida. It seems to me that he should take his seat, and that the matter should then take the course suggested by the honorable Senator from Indiana.

Mr. SEWARD. I think there is no doubt about the principle, that a person who presents *prima facie* evidence of his election as a Senator must be admitted. We all agree about that. The question here in this case, however, is, whether there are not two persons presenting such evidence in support of conflicting claims.

The Senator from Florida, [Mr. MORTON,] in behalf of one candidate, presents the Governor's certificate of election, or, what is to the same effect, a commission founded on an election or appointment by the Legislature. Such evidence has been received by the Senate as *prima facie* from the earliest history of the Government, and therefore, if unopposed, would be ample and adequate now.

But the same Senator presents, in behalf of another candidate, certified proceedings of the Legislature of Florida, which, he claims, show that he was duly chosen or appointed by that body. This form of evidence has always been accepted by the Senate also. No Senator from the State of New York ever brought a commission or certificate from the Governor. All of them have brought here credentials given by the Legislature, or certificates by their officers, authenticating their action, and nothing more.

Thus each candidate submits sufficient *prima facie* evidence, and they are equal in position. This is so, subject to one question. The legislative certificate, after reciting what Mr. YULEE claims to be an election, shows that the presiding officer decided that there was no election, and the Legislature proceeded to a new election. But that involves the question, whether what had already been done constituted an election or not. It is understood that fifty-eight members of the Legislature attended: twenty-nine voted for Mr. YULEE, and twenty-nine cast blank ballots. If these be counted as *adverse ballots*, then Mr. YULEE was not elected. If they be counted as *no ballots*, or as *nothing*, then he was elected. Now, I have no judgment formed on that question. The bias of my mind is adverse to the latter view. But it is a question, a real question, a grave question. I do not see how I can vote for the admission of the candidate holding the Governor's certificate, without deciding this question, which I wish to hear discussed. In order to do exact justice, therefore, I shall vote for the motion of the Senator from Indiana, to refer to a select committee.

I do not see that the precedent in the case of the Senator from Illinois [Mr. SHIELDS] touches this question. That Senator presented his credentials, and there was no adverse claimant. If I recollect aright, there was alleged to be evidence that he was not qualified to accept the place; but there was no question as to his having been elected or appointed to it by the Legislature of the State. There was but one certificate, or one *prima facie* case, made out. On these considerations, as at present advised, I shall vote for the motion of the honorable Senator from Indiana.

Mr. CLAY. Feeble as I am, I cannot refrain from making a few additional observations. There is no doubt of the duty and the right of this body to determine all questions of elections of its members. The question is as to the method of doing this, and that question has been settled, I believe, by every deliberative body upon earth. It is this: If there is a contest, by two claiming the same seat, the party having the return takes the seat, and the other party presents his petition claiming it; that petition is referred to a committee; it is reported upon by the committee and acted upon by the body. Now, one very great error committed, as I conceive, by the gentleman who last addressed you, was to treat that Journal as an election—to consider it as a credential. It is no such thing. When you look into it, you find twenty-nine votes given for one person, and twenty-nine blanks. Upon that result having been

ascertained, the presiding officer considering that there was no election, the Legislature proceeded to elect, and the gentleman who now claims to take the oath was elected. To call that first proceeding, therefore, an election, and to call that election a credential, is, I think, a great abuse of terms. The only evidence of any election which we have, is the certificate of the Governor. And here, allow me to say, with great deference to the Senator from Georgia, [Mr. BERRIEN,] that I think a great error in his argument was to assume two classes of evidence, and then to bring before the Senate *prima facie* evidence and plenary evidence, and the plenary evidence overruling the *prima facie*, that that *prima facie* evidence should be deprived of any effect. Now, I deny, in the first place, that plenary evidence is before us, legally and formally, according to that usage which constitutes a law of deliberative bodies. But let us push this argument a little further. In the case, so often mentioned, of the Senator from Illinois, [Mr. SHIELDS,] there was plenary evidence, according to the argument of the Senator from Georgia; there was the evidence before the Senate of his being an alien at the time of his election, but there was also the *prima facie* evidence of his having been elected by the Legislature of his State. And how did the Senate treat this description of evidence, plenary and *prima facie*? Why, they did not look at the plenary, as it has been called; they were governed solely by the *prima facie*. They admitted him to his seat; and were not governed by the plenary, because the time had not arrived for it to have any effect. That time was after the Senator had received the oath and taken his seat, and when the question of the validity of his election should come up before the Committee of Elections, or some other mode of investigation. We might push this a little further: Take the case of a member of the House of Representatives. A presents his return of his election. B presents a record of evidence—plenary, according to the argument of the Senator from Georgia—showing that A had not been legally elected, but that, if deprived of certain illegal votes which had been given to him, he would be found to have obtained only a minority, while B, the contestant, had really a right to the return, and therefore a right to his seat. Here is the *prima facie* evidence, and here is the plenary evidence; but did you ever hear any instance of that kind where a legislative body, upon the presentation of the return, would go into that which is called the plenary evidence, and decide upon the case as to who was entitled to his seat? Did you ever hear of it, except perhaps in the memorable instance referred to, which arose from considerations to which I shall not advert because they are unpleasant? But invariably the practice is to administer the oath to the man having in his pocket the return, and let him who contests the seat come forward, by petition or some other mode, and claim it. Here, I say, if you go into the journal of the Legislature of Florida, which I think is entirely out of order and informal, it proves there was no election in the first instance, and therefore no credentials. It proves, according to the legislative sense, that there was no election. The Legislature afterwards proceeded to make an election; and the Governor has given the certificate of it. The only question which can arise at any stage of this proceeding, even after it is referred to a committee, is whether you will overrule the decision of the Legislature, and declare, contrary to their judgment, that an election was made of Mr. YULEE, when they declared that there was no election, and proceeded to elect.

Mr. BRIGHT. I did not intend, by the motion I made, to indicate an opinion as to the right of either party claiming the seat. My object was to expedite the business of the body. I see, however, from indications around me, that the motion I made will be calculated perhaps to embarrass Senators and prolong the debate. Believing that the contestant in this case will not be at all prejudiced by permitting the gentleman having the certificate to be sworn in, I shall withdraw my motion. I do it somewhat at the instance of the contestant himself. I have no objection to the gentleman taking the oath.

Mr. CLAY. I move, then, that the gentleman whose credentials have been presented, be sworn in, according to the usage of the Senate.

The motion was agreed to.

Mr. MALLORY then took the oath of office.

Mr. BRIGHT moved that the letter presented by the contestant at the last executive session of the Senate, together with the record and other papers relative to the matter, be referred to a select committee of five.

The motion was agreed to.

On motion of Mr. GWIN, the election of the special committee was postponed until one o'clock to-morrow.

HOURLY MEETING.

On motion by Mr. CLEMENS, it was *Ordered*, That the daily hour of meeting of the Senate be twelve o'clock meridian, until otherwise ordered.

NOTICE OF ORGANIZATION.

On motion by Mr. DODGE, of Iowa, it was *Ordered*, That the Secretary acquaint the House of Representatives that a quorum of the Senate has assembled, and the Senate is ready to proceed to business.

NOTICES.

Mr. GWIN gave notice of his intention to ask leave to introduce—

A bill to authorize and direct the payment of certain moneys into the treasury of the State of California which were collected in the ports of said State as a revenue upon imports, since the ratification of the treaty of peace between the United States and the Republic of Mexico, and prior to the admission of said State into the Union;

A bill to establish a branch mint of the United States in the State of California;

A bill to provide for the location and construction of a central national railroad from the Mississippi river to the Pacific ocean;

A bill to reduce the rates of postage on newspapers, and to establish a uniform rate of postage on letters throughout the United States;

A bill to establish a line of ocean mail steamers from San Francisco in California, via the Sandwich Islands, to Shanghai in China;

A bill to pay the expenses incurred for the suppression of Indian hostilities in California;

A bill granting the right of way for, and to aid in the construction of, a line of telegraph from the Mississippi river to the Pacific ocean;

A bill to create a Board of Commissioners for the settlement of claims for military services in the State of California;

A bill to establish a navy-yard and naval depot in California;

A bill to establish assay offices of the Mint of the United States at Sacramento City and Stockton, in California; and

A bill to provide for the survey of the public lands in California, the granting of donation privileges therein, and for other purposes.

Mr. CHASE gave notice of his intention to ask leave to introduce a bill to grant to the State of Ohio the unsold and unappropriated public lands remaining in that State.

Mr. WALKER gave notice of his intention to ask leave to introduce—

A bill to authorize the Governor of the State of Wisconsin to select and locate other lands in lieu of such as had been sold, in the tract granted to aid in the improvement of the Fox and Wisconsin rivers, in Wisconsin;

A bill to grant to the State of Wisconsin a quantity of land to aid in the construction of a railroad from Milwaukee in Wisconsin, by way of Watertown, to Prairie La Course, on the Mississippi river;

A bill to grant to the State of Wisconsin a quantity of land to aid in the construction of a railroad from Fond du Lac to Janesville in Wisconsin;

A bill to cede the public lands of the United States to the States respectively in which they are situated; and

A bill to increase the jurisdiction of the United States district court for the district of Wisconsin.

Mr. DODGE, of Iowa, gave notice of his intention to ask leave to introduce a bill for the improvement of the navigation of the Upper Mississippi river.

Mr. JONES gave notice of his intention to ask leave to introduce a bill to grant land to the State of Iowa, to aid said State in the construction of a railroad from Dubuque to Keokuk, and from Davenport to the Missouri river.

He also presented the petition of Henry M. Rice, praying for a grant of land for the construction of a railroad from the St. Louis river of Lake Superior, via St. Paul, in Minnesota Territory, to Dubuque, in the State of Iowa.

RECEPTION AND ENTERTAINMENT OF KOSSUTH.

Mr. FOOTE, of Mississippi. I beg leave to notify the Senate that to-morrow, as soon as I can do so, after the reception of the President's Message, I shall ask leave to introduce a joint resolution in relation to the reception and entertainment of Louis Kossuth, Governor of Hungary. I may venture to remark, that I shall do so in unison with the Administration, and somewhat at the instance of the Secretary of State, and after full consultation with as many of my friends in this body as I have had an opportunity of conferring with. I would like to get an informal order for the printing of this resolution, so that honorable gentlemen may have a chance of reading it and seeing that there is no mischief in it whatever; so that it may to-morrow morning be unanimously adopted.

By unanimous consent, the resolution was ordered to be printed, as follows:

Joint Resolution in relation to the reception and entertainment of Louis Kossuth, Governor of Hungary, in the United States.

Be it, &c., That a joint committee of the two Houses of Congress, to consist of — members of the Senate and — members of the House of Representatives, be appointed by the presiding officers of the respective Houses to make suitable arrangements for the reception of Louis Kossuth, Governor of Hungary, on his arrival in the United States, and to communicate to him assurances of the profound respect entertained for him by the people of the United States; and to tender to him, on the part of Congress, and in the name of the people of the United States, the hospitalities of the Metropolis of the Union.

PRINTING.

On motion by Mr. HAMLIN, it was

Resolved, That instead of the number of copies heretofore ordered to be printed, the usual number of copies of the Legislative Journal, Reports of Committees, Executive and Miscellaneous documents to be printed, shall be 1400 copies until further order of the Senate.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 1, 1851.

This being the day fixed by the Constitution of the United States for the meeting of Congress, the members elect of the House of Representatives, at 12 o'clock m., were called to order by RICHARD M. YOUNG, Esq., Clerk; and the roll being called, the following members answered to their names, viz:

MAINE.

Moses McDonald,
John Appleton,
Robert Goodenow,
Charles Andrews,
Ephraim K. Smart,
Israel Washburn, Jr.,
Thomas J. D. Fuller.

NEW HAMPSHIRE.

Amos Tuck,
Charles H. Peaslee,
Jared Perkins,
Harry Hibbard.

VERMONT.

Ahiman L. Miner,
William Hebard,
James Meacham,
Thomas Bartlett, Jr.

MASSACHUSETTS.

William Appleton,
Robert Rantoul, Jr.,
James H. Duncan,
Benjamin Thompson,
Charles Allen,
George T. Davis,
John Z. Goodrich,
Horace Mann,
Orin Fowler,
Zeno Scudder.

RHODE ISLAND.

George G. King,
Benjamin B. Thurston.

CONNECTICUT.

Charles Chapman,
Colin M. Ingersoll,
Chauncey F. Cleveland,
Origen S. Seymour.

NEW YORK.

John G. Floyd,
Obadiah Bowne,
Emanuel B. Hart,
J. H. Hobart Haws,
George Briggs,
James Brooks,
Gilbert Dean,
William Murray,
Marius Schoonmaker,
Josiah Sutherland, Jr.,
David L. Seymour,

John L. Schoolcraft,
Joseph Russell,
Alexander H. Buell,
Preston King,
Willard Ives,
Timothy Jenkins,
William W. Snow,
Henry Bennett,
Leander Babcock,
Daniel T. Jones,
Thomas Y. How, Jr.,
Henry S. Walbridge,
William A. Sackett,
Ab'ham M. Schermerhorn,
Jedediah Horsford,
Reuben Robie,
Frederick S. Martin,
Solomon G. Haven,
Augustus P. Hascall,
Lorenzo Burrows.

NEW JERSEY.

Nathan T. Stratton,
Charles Skelton,
Isaac Wildrick,
George H. Brown,
Rudman M. Price.

PENNSYLVANIA.

Thomas B. Florence,
Joseph R. Chandler,
Henry D. Moore,
John Robbins, Jr.,
John McNair,
Thomas Ross,
John A. Morrison,
Thaddeus Stevens,
J. Glancy Jones,
Milo M. Dimmick,
Henry M. Fuller,
Galusha A. Grow,
James Gamble,
Thomas M. Bibbhaas,
William H. Kurtz,
James X. McLanahan,
Andrew Parker,
John L. Dawson,
Joseph H. Kuhns,
John Allison,
Thomas M. Howe,
John W. Howe,
Carlton B. Curtis.

DELAWARE.

George Read Riddle.

MARYLAND.

Richard I. Bowie,
William T. Hamilton,
Edward Hammond,
Thomas Y. Walsh,
Alexander Evans,
Joseph S. Cottman.

VIRGINIA.

John S. Millson,
Richard K. Meade,
Thomas H. Averett,
Thomas S. Bocoock,
Paulus Powell,
John S. Caskie,
Thomas H. Bayly,
Alexander R. Holladay,
James F. Strother,
Charles J. Faulkner,
John Letcher,
Henry A. Edmundson,
Fayette McMullen,
George W. Thompson.

NORTH CAROLINA.

Thomas L. Clingman,
Joseph P. Caldwell,
Alfred Dockery,
James T. Morehead,
Abraham W. Venable,
John R. J. Daniel,
William S. Ashe,
Edward Stanly,
David Outlaw.

SOUTH CAROLINA.

James L. Orr,
Joseph A. Woodward,
Armistead Burt,
William Aiken,
William F. Colcock.

GEORGIA.

Joseph W. Jackson,
James Johnson,
David J. Bailey,
Charles Murphy,
E. W. Chastain,
Junius Hilley,
Alexander H. Stephens,
Robert Toombs.

ALABAMA.

John Bragg,
James Abercrombie,
Samson W. Harris,
William R. Smith,
George S. Houston,
Williamson R. W. Cobb,
Alexander White.

MISSISSIPPI.

D. B. Nabers,
John A. Wilcox,
John D. Freeman.

LOUISIANA.

Alexander G. Penn.

OHIO.

David T. Disney,
Lewis D. Campbell,
Hiram Bell,
Benjamin Stanton,
Alfred P. Edgerton,
Frederick W. Green,
Nelson Barrere,
John L. Taylor,
Edson B. Olds,
Charles Sweetser,
George H. Busby,
John Welch,
James M. Gaylord,
Alexander Harper,
William F. Hunter,
John Johnson,

The CLERK announced that two hundred and eighteen members had answered to their names, and that there was a quorum present.

ELECTION OF SPEAKER.

Mr. JONES, of Tennessee, moved that the House proceed to the election of Speaker *viva voce*; which motion was agreed to.

Mr. JONES, of Tennessee. I believe nominations are now in order?

The CLERK. They are in order.

Mr. CAMPBELL nominated Mr. STEVENS, of Pennsylvania.

Mr. RICHARDSON. I understand that nominations for Speaker are not necessary.

The CLERK. The gentleman from Illinois is correct.

Mr. JONES, of Tennessee. Against the will of the House, then, I am certainly not disposed to make any nomination. I desire simply to say, that for one, I shall vote for LINN BOYD, of Kentucky, for Speaker—not because he has received the nomination of a caucus, but because I know him to be a sound Democrat, and a tried and

Joseph Cable,
David K. Cartter,
Eben Newton,
Joshua R. Giddings,
Norton S. Townshend.

KENTUCKY.

Linn Boyd,
Ben. Edwards Grey,
Presley Ewing,
William T. Ward,
James W. Stone,
Addison White,
Humphrey Marshall,
John C. Breckenridge,
John C. Mason,
Richard H. Stanton.

TENNESSEE.

Andrew Johnson,
Albert G. Watkins,
William M. Churchwell,
John H. Savage,
George W. Jones,
William H. Polk,
Isiah G. Harris,
Frederick P. Stanton,
Christopher H. Williams.

INDIANA.

James Lockhart,
Cyrus L. Dunham,
John L. Robinson,
Samuel W. Parker,
Thomas A. Hendricks,
Willis A. Gorman,
John G. Davis,
Daniel Mace,
Graham N. Fitch,
Samuel Brenton.

ILLINOIS.

Willis Allen,
Orlando B. Fieldin,
Richard S. Molony,
William A. Richardson,
Thompson Campbell,
Richard Yates.

MISSOURI.

Gilchrist Porter,
John G. Miller,
Willard P. Hall,
John S. Phelps.

ARKANSAS.

Robert W. Johnson.

MICHIGAN.

Ebenezer J. Penniman,
Charles E. Stuart,
James L. Conger.

FLORIDA.

E. Carrington Cabell.

TEXAS.

Richardson Scurry.

IOWA.

Lincoln Clark,
Bernhardt Henn.

WISCONSIN.

Charles Durkee,
Ben C. Eastman,
James Duane Doty.

CALIFORNIA.

Joseph W. McCorkle,
Edward C. Marshall.

FROM MINNESOTA TER.

Henry H. Sibley, Del.

FROM OREGON TER.

Joseph Lane, Del.

FROM N. MEXICO TER.

R. H. Weightman, Del.

FROM UTAH TER.

John M. Bernhisel, Del.

thorough compromise and Union man. As such shall vote for him for Speaker.

Mr. CARTTER. I desire to say that I feel very happy in concurring with the gentleman from Tennessee, [Mr. JONES,] and shall vote for LINN BOYD for Speaker, because he is the nominee of the Democratic party.

CAUCUS NOMINATIONS—THE COMPROMISE.

Mr. STANLY. I should be glad to know if there is any difficulty about the nomination between our friends upon the other side of the House?

A VOICE: None whatever.

Mr. STANLY. But something is the matter.

A VOICE: Oh, we will settle that by a vote.

Mr. STANLY. But I have heard of some trouble about these compromise matters; and since the ball has been started, I should be glad if the gentleman from Tennessee, [Mr. JONES,] or the gentleman from Ohio, [Mr. CARTTER,] would give the country some little information upon this subject. We want to know how far a coalition which has existed elsewhere, is to be brought forward and sanctioned by the votes of this House. One gentleman from Pennsylvania [Mr. STEVENS] has been nominated by a gentleman from Ohio. There has been a secession from our ranks on account of the adoption of the compromise measures. I want to know how far the compromise measures have been repudiated by our friends on the other side of the House, for I understand they have been repudiated.

Mr. SAVAGE. It is not an uncommon thing for individuals to console themselves in their misfortunes by seeking out the misfortunes of others. I imagine that if the gentleman would turn to his own side of the House, he would find ample need of consolation. [Laughter.] I am not aware of any misfortune in our ranks.

[Cries of "Call the roll!" "Call the roll!" from all parts of the Hall.]

Mr. CAMPBELL. I do not know that it is proper to discuss the merits of the various gentlemen who may be presented as candidates for the Speakership. I do not design doing so. I desire simply to say, that as for the gentleman whose name I have presented to the House, he is as true a friend to the Union as there is in the Union; and I believe he is just as good a Whig as can be found in the Union. As to the compromise measures, I hope those gentlemen who are so much opposed to agitation will not bring forward those measures for discussion so early in the session. I am against agitation just at this particular time. I do not want to plunge this House into another revolution such as we had in our efforts to organize the last Congress. I would suggest, therefore, to the honorable gentleman from North Carolina, [Mr. STANLY,] and to the honorable gentleman from Tennessee, [Mr. JONES,] and to my colleague, [Mr. CARTTER,] that perhaps the less said upon this matter just now the better. When the time comes, should gentlemen insist upon agitation, we will be ready for it. We will take care not to throw the first stone.

Mr. CARTTER made some remark inaudible to the Reporter.

Mr. CAMPBELL continued. I have not said one word in relation to the merits of the compromise measures, because I do not wish to get up agitation so early in the session. We shall have enough of it after a while, but I do not think it prudent to begin now. I hope, therefore, that the roll will be called.

[Cries of "Call the roll!" "Call the roll!"]
Mr. BROOKS. The honorable gentleman from Tennessee [Mr. SAVAGE] has tauntingly advised us Whigs before we proceed to a vote, that instead of reproaching the Democratic party, we first heal the differences in our own ranks. It is good advice; and but for that advice from the other side of the House I should not have said a word upon this occasion, nor have had the opportunity I now have of informing the gentleman that the breaches in the Whig party have been healed. I now have the pleasure of informing not only that gentleman, but all others associated with him in his party connection, that the Whigs of this Congress assembled this morning in large numbers—

Several MEMBERS. How many?

Mr. BROOKS. Enough to give a decided and emphatic expression for the Whig party—

Cries of "How many were there?"

Mr. BROOKS. There were fifty or sixty pres-

ent, and by a clear unequivocal resolution they have acquiesced in the compromise measures. [Laughter.] Well, I see that gentlemen laugh at the paucity of our numbers! Ay, it is our misfortune that we have no one hundred and forty members upon the floor of the House, as they have; but it is not charitable to laugh at us for that. We have but seventy or eighty Whig members in all, but it is probable that we could largely increase the number if we were no more particular about principles than they are. Nearly all of those who were in the city this morning assembled in the Capitol, and expressed their opinion in favor of acquiescence in the finality of the compromise measures. Our breaches have thus been healed. But how is it with the gentlemen upon the other side of the House? How is it that Whig northern men, who are the defenders of these compromise measures, are deserted by Democratic gentlemen from other portions of the country who profess great devotion to them, but who are unwilling to sustain and defend those measures, or to make any record that they do sustain them? I have no doubt that the gentlemen upon the other side can, upon the single principle set forth or made known by the gentleman from Tennessee, [Mr. JONES,] succeed in effecting an election: for the honorable gentleman from Tennessee who opened the ball, says he votes for Mr. BOYD because he is in favor of the compromise measures. I have no doubt that a very large majority of this House is in favor of acquiescing in those measures. The Whigs now are nearly all upon that platform. If that be the *only* principle upon which the gentleman from Kentucky is nominated by the gentleman from Tennessee, he shall have my vote with all my heart. But the gentleman from Ohio [Mr. CARTER] rises and says that he votes for Mr. BOYD not because he is a friend of the compromise measures, but because he is the nominee of the Democratic caucus. Here is a distinction and a decided difference, and all the difference in the world between the Democracy of Ohio and Tennessee. I should like to know in which State is taught the true Democratic faith? I should like to know by which of the expounders I am to be educated? There must be others, even Democrats, groping as much in the dark as myself. I see in the seats just before me two highly honorable and very distinguished gentlemen in the northern Democratic ranks, [Mr. RANTOUL and Mr. CLEVELAND,] and if the honorable gentleman from Tennessee [Mr. JONES] teaches the true faith, he exiles them from the Democratic party at once; but if the honorable gentleman from Ohio [Mr. CARTER] be the exponent, they are the real Democrats, and the gentleman from Tennessee himself is but an interloper in the ranks. Wisconsin, too, and the gentlemen who represent it, are deeply interested in having this dispute settled at once. And so are other Democratic States, provided Democracy does not mean one thing at the North and altogether another thing south of this. At the opening of a Congress, with a Democratic majority of sixty in this House, we have a candidate for Speaker formally presented to us upon principles utterly variant. Tennessee presents him upon the principle that he is in favor of the compromise measures, and Ohio not that he is in favor of them, but only because he is the nominee of the Democratic party!

Now, it is of some considerable importance to us from New York, upon all sides of this issue, to know where we stand before we begin to stand at all. The gentlemen upon the other side have represented their party as discordant and belligerent upon measures which, in their vital importance to this country, rise above all party, and before which all party issues dwindle into insignificance. It is important, therefore, for me to know where I am to stand, and how I am to vote, before I vote at all. If the gentleman from Kentucky, [Mr. BOYD,] who is the nominee of the other side, is the candidate only of the compromise measures, as the gentleman from Tennessee presents him, I am ready to vote for him, and he shall cheerfully have my vote, with all my heart in the bargain. If, on the other hand, he is presented as the gentleman from Ohio [Mr. CARTER] presents him, as the nominee of my distinguished colleague [Mr. PRESTON KING,] who figured conspicuously in the Democratic caucus, (as his talents enable him to figure every where with distinction,) and of other northern Democratic gentlemen from our State,

who, with pleasure, no doubt, follow his lead in this matter, why, it is impossible for me to vote for him. I want to vote for a man who is in favor of acquiescence in the compromise measures, and not for any candidate the nominee of a party that is opposed to them. I think it a matter of the very gravest importance, that the organ of this the popular branch of the Government, should, by his election, and the mode and manner of it, be made to express the opinion that the painful and startling issues of the last Congress cannot be reopened in this. I think it due to the North and the South both, that they should this day know, in the nomination or selection of a Speaker, that the slavery firebrand is to be played successfully with no longer. I think, if I may be allowed to speak so freely, it is not only dishonest but dangerous for a party with sixty majority in this House, to organize by pandering one way to abolition Democracy North, and to slavery Democracy South. It is riding the wind to reap the whirlwind, and it is a whirlwind that some of us Whigs, at great personal sacrifice in the last Congress, quelled once, and that we do not want to be called upon to quell too often. It is of importance, therefore, for all of us to know where we are, who we are, and where we are tending. If the Democratic party is one thing in Tennessee and altogether another thing in Ohio; one thing in Massachusetts and Connecticut and another thing in Pennsylvania; if it be nothing but a struggle for the spoils, and means to use the slavery excitement, sectionally and at all hazards, to get them; if it be thus a sacrifice of the country for the purpose of obtaining the organization of this House or the Presidency; if Democracy be, in the Southern country, the agitation of the slavery question so as to overthrow the Union, and in the northern country abolition, to bear down all of us Whigs who are defenders of the compromise bills,—if that be Democracy, why, it certainly is not in my power to vote for any nominee of the Democratic caucus. On the contrary, upon the single principle that the gentleman from Tennessee has indicated, I could give that nominee, with great pleasure, my vote. I hope, therefore, to hear from gentlemen on the other side upon what platform they do really intend to stand their candidate; whether he is to stand upon one leg or two legs, or whether he go like a quadruped, walking on all fours. For that gentleman himself I have the highest respect. I know where he has stood, and what he has been, and I stood with him, side by side. I have not one word to say against him. I have no right to judge what is or what ought to be his position. But I know enough of him to feel sure, that if he is unchanged since the last Congress, he can receive no pleasure in taking a nomination from a party which has refused to indorse those measures of which he was so earnest an advocate, and in the passage of which he took so conspicuous a part. If a caucus means anything, it means to express a coincidence of opinion; but from the demonstrations on the other side of the House, it would seem that there was no such coincidence of opinion. There is, then, as one of the gentlemen from Tennessee [Mr. B. meant Mr. JONES] insinuated, disorder and discord upon the other side of the House; harmony and concord upon this.

Mr. SAVAGE. The gentleman totally misrepresents me. I made no such statements or admission. I know of no party misfortunes among the Democracy. I merely stated that the gentleman from North Carolina, [Mr. STANLY,] not finding any comfort in his own party, was looking for consolation abroad, by imagining some one more unfortunate than himself. His conduct is good evidence as to the condition of your party, but none as to mine.

Mr. BROOKS. I have only to say, in conclusion, that the Whig party has, in its congressional caucus, taken that sort of action which presents to the country a harmonious and united front, and on that front they mean to stand. If any portion of the Whig party are dissatisfied with our position, let them secede and go over to the other side, where all sorts of principles are likely to prevail, or can find a refuge and accommodation, because no expression of opinion has been made, or can be made, so different are the opinions of that party in the northern and southern sections of this Union.

Mr. MEADE. Mr. Clerk, I was more than gratified to learn from the gentleman from New

York, [Mr. BROOKS,] that the Whig party had healed all their old difficulties, and had united for the purpose of supporting the compromise measures which passed Congress—the slave bill and all. I understand that he has stated it as a fact before the country, that the Whig party of the North are now opposed to agitation, and are perfectly willing to execute every article in the compromise, slave bill and all. I understand, then, that there is no division of opinion amongst the Whigs of the North upon that subject. Do I understand that declaration to be made unequivocally?

Mr. BROOKS. I will say that the Whig caucus, this morning, by an almost unanimous expression of opinion, gave utterance to an acquiescence of the compromise measures, and that henceforth opposition to that resolution here will be disorganization.

Mr. MEADE, (continuing.) Mr. Clerk, that explanation of the gentleman from New York [Mr. BROOKS] is fraught with a good many things addressed to the reflection of the South, and the other portions of this Union who are in favor of the execution of the provisions of the compromise. I understand the Whig party of the North—those who were in attendance here this morning in caucus—represented probably about one fourth portion of that party. Do I understand the gentleman to say that the northern Whigs who attended that caucus will undertake to declare to this Union that their constituents, or even a majority of their constituents, will sustain them? or, in other words, that they reflect the sentiments of the large body of the Whig party of the North? and that that party are now prepared to stop agitation upon the slavery question, and to carry out faithfully the provisions in relation to the returning of fugitive slaves? Do I understand that pledge now to be given to the country?

Mr. BROOKS. If the gentleman will permit me. The best explanation that I can make is to read the resolution that was adopted.

Mr. MEADE. I have just now said that the Whig resolutions were passed by the Whigs of the South united with a small fraction of the Whigs of the North. That is what I understand to be the case. The whole body in attendance upon that occasion represented about one third part of the Whig party of the Union.

Mr. BROOKS. Will the honorable gentleman permit me to add, that the majority of that caucus—a large majority—was from the northern States. There are not many Whig members in this House. The number of members there was between fifty and sixty. At the Democratic caucus there were eighty-three members out of one hundred and forty-two. I will read the resolution that was adopted, with the permission of the gentleman:

Resolved, That we regard the series of acts known as the adjustment measures, as forming in their mutual dependence and connection a system of compromise the most conciliating and the best for the entire country that could be obtained from conflicting sectional interests and opinions, and that therefore they ought to be adhered to and carried into full execution, as a final settlement in principle and substance of the dangerous and exciting subjects which they embrace.

Mr. FOWLER. Will the gentleman allow me to speak a word in explanation?

Mr. MEADE. Certainly, sir.

Mr. FOWLER. Mr. Clerk, I was at that caucus. I moved to lay these resolutions upon the table. I stated, in connection with that motion, that I would not be bound by these resolutions. [Laughter and applause.] In my judgment there were about forty members there. I did not count them. I will further say, that in the vote to lay the resolutions upon the table, which was on a division by ayes and noes, I judge about one third were in favor of laying them on the table. [Laughter.] I will say in conclusion, Mr. Clerk, that I deem it my duty to have the facts known as they are. If I am called a seceder, so be it. I am a Whig, have always been a Whig, and probably will ever be a Whig. I mean to stand firmly where I always have stood. [Applause.] I shall not be bound by the resolutions of others, passed beforehand. I mean to act standing upon my own feet in this House, and elsewhere.

Mr. STEVENS, of Pennsylvania. I call the gentleman to order, as destroying the harmony of the Whig party.

Mr. BROOKS. The gentleman from Massachusetts [Mr. FOWLER] seceded from the Whig

caucus, and can, therefore, know nothing of the final action.

Mr. FOWLER. I remained there until all action was concluded upon the resolutions. The whole of the members of the caucus then went out.

Mr. MEADE. I have, Mr. Clerk, but a few words more to say. It appears, then, that about forty Whigs were in attendance upon that occasion. It is fair to presume that twenty of them were from the South, and it is fair to presume that every southern Whig voted for that resolution; and take the one third who voted against the resolution, and you have twenty-five; twenty southern Whigs from twenty-five, will leave five northern Whigs sustaining them. [Laughter.] Now, Mr. Clerk, it is a very significant commentary upon the action of the Whig party this morning, in caucus, that one of the Whigs from the North nominated for the office of Speaker another Whig from the North, for whose Whiggery he vouches, and which I have no doubt all his colleagues from the North will vouch for. One Whig nominates another for the Speakership, who is known to be in favor of agitation and of repealing the only feature, as I deem it, in that compromise, beneficial to my constituents, and the South generally.

Now, sir, I know the purpose for which this motion is made, and that purpose I wish to expose. It is made, sir, for political capital at the South, in the approaching presidential election—to obtain Southern votes. The people of the South understand the Whigs of the North. My constituents understand them as well as I do. We know that there are some honorable exceptions in that party from the general rule that controls them. We know that a large body of that party, under the auspices of a celebrated Senator from New York, [Mr. SEWARD,] are opposed to the execution of the fugitive slave bill, and that they have had conventions, time after time, in which they have avowed their determination to have it repealed. All the talents of Daniel Webster, and those acting with him at the North, have been unable to allay the storm which that fugitive slave bill has created there. While we know well that a majority of the Whig party at the North are unsound and untrue to the compromise, we also know that a large body of the Democratic party at the North are faithful to the compromise—especially those who stand so prominently before the community there as to be known to the people of the South. I can allude to such men as Marcy, Dickinson, Buchanan, Dallas, Douglas, and others whom it is unnecessary for me now to enumerate.

I have named some of those who are the acknowledged leaders of the Democratic party at the North. We know that they are the true friends of this Union. I know, sir, though I was opposed to the series of compromise measures, that if justice is to be done the South, it must be expected from, and it will come from, that quarter, assisted by a few conservative Whigs, who are battling gloriously (whose services we are willing to acknowledge) in favor of the preservation of the Constitution, of the Union, and of the rights of my constituents. If the Whig party of the South do not intend to shut their eyes and willfully to stalk in the dark regardless of the stumbling-blocks in their way, I foresee their destiny, and the end to which they must come. If true and loyal to the interests of the South; if true and loyal to the Union, I say their destiny is with us—the Democracy of the North and the South. They must coöperate with the Democratic party; laying aside the minor principles which have hitherto divided them, the Whig party must unite with the Democrats of the North and South in securing those blessings which they were so eloquent in describing to their constituents at home. We, sir, are not to be gulled in this mode by the gentleman from New York, [Mr. BROOKS.] If the gentleman had not made the speech which he has, I was perfectly willing to have acknowledged him as a friend of the compromise and of this Union; but when I know the effect of that speech will be probably to induce some of the people of the South to believe in his declarations—to infer from the passage of that resolution by two thirds of one third of his party, that they intend to abide by the measures of compromise, I felt it my duty to rise in my place and undeceive my people, and to let them know it is but *finesse*, an artful contrivance

for the purpose of gulling them in the approaching presidential contest. That was the object. Does the gentleman intend to say to my constituents, in the face of the numerous Whig conventions at the North in which they expressly declared their determination to repeal the only feature in that compromise that is beneficial to us, that they will execute it? Does he hope to impose upon their credulity to the extent of making them believe that the Whig party of the North are sound upon this subject? So far from being dissatisfied with the speech of the gentleman if I thought he had good grounds to make that speech upon if he was sustained by the facts, I should rejoice over his declarations; then I should hope that both of the great parties at the North were sound upon this question. Let me but know the fact that a large majority of the people of the North, both Whig and Democratic, are in favor of the execution of this law, and are willing to let us rest in peace without further agitation, and that this question was regarded as finally settled by this compromise, against which I voted, and would again if it was to come up,—I say I should then cheerfully proclaim before the nation that I would abide all of its features. I do not believe, neither do the Whig party here nor any party believe, that the declarations of the gentleman of New York, purporting to give this assurance to the South, have any grounds to rest upon. The fact is not so; we know the fact is not so. As I have said before, the commentary upon the declarations of the gentleman from New York—that the Whig party is in favor of the execution of the fugitive slave law—is to be found in the nomination made by the gentleman from Ohio, [Mr. CAMPBELL,] bringing forward as a candidate for this high office one who is known to be opposed to most of its features, and particularly that which secures to the South their constitutional rights. We know, sir—

Mr. CAMPBELL. If the gentleman will allow me to explain, I desire to say to him and the House, that the presentation by me of the name of Mr. STEVENS had no connection whatever with the caucus referred to by the gentleman from New York. I was not in the caucus; with it my presentation had no connection.

Mr. MEADE. I consider the gentleman as a Whig, and his nominee as a Whig. He vouches for him, and many would of course vote for him as being a Whig. Now, the country shall not be deceived by this ruse practised by the Whig caucus. If I understand aright, that subject was brought before the Democratic caucus, evening before last, (at which I was not present, nor was I in the city,) and was laid upon the table as being the appropriate subject for the consideration of the people in convention.

Several MEMBERS. That is it! That is it!

Mr. MEADE. That it was a question for the people afterwards to be assembled in Democratic convention, who will take this subject in hand and will proclaim to the world the opinions upon which Northern and Southern Democrats stand. While I know, sir, that there are Free-Soil agitators who call themselves Democrats, I for one, sir, as a member of the Democratic party, who will be willing to carry out in good faith this compromise which has been passed, but which I believe has been detrimental to us, repudiate every soul of them who are in favor of the agitation of the fugitive slave bill. They are not part and parcel of what I conceive to be the legitimate Democratic party of this Union. They are repudiated by the leading men of the North, whom we all know at the South, and in whom we can trust. These resolutions it was the policy of the Whig party to take up for the purpose of imposing upon the South the idea that their own party had been true upon this question. These resolutions, I again repeat, in the Democratic caucus, consisting of a bare majority, were laid upon the table as improper to be acted upon in a private meeting for another purpose. Sir, we wanted no declaration of opinion or principle by which we should be actuated here in this Congress. The Democratic party in this Congress are known to be united on the fugitive slave bill. I cast out of view the few dozen Free-Soilers and agitators who pass for Democrats at home, and who come here as members of the Democratic party. I do not call them members of the Democratic party. I, for one, do not view them as such. When they become willing to abide this

settlement and to regard the compromise measures as the final settlement of the slavery question, they may come in the Democratic party, and unite with that party in carrying out the other principles that characterize it. These resolutions were taken up, as I have stated before, with a view to contrast the action of the Whig caucus, containing about one fourth of the Whigs of the North, and for the very purpose of creating a false belief at the South that we had rejected and they had passed them. On any proper occasion I will venture to affirm there is not a dozen Democrats here who will vote against resolutions in favor of executing the fugitive slave bill. They were taken up by the Whig party this morning with a view of imposing their rotten party and its principles upon the South—of deceiving them. The trick will not succeed.

Mr. RICHARDSON. Mr. Clerk, I have heard it said that the soldier who in the hour of battle deserts, is sure to be the loudest after the victory in proclaiming his joy; that he is most anxious to be the vigilant sentinel, after the danger is past, in guarding the camp, and he is always the first when on guard to decry danger to the camp, and raise false alarms. This is not only true in relation to the soldier, but it is true in relation to the politician.

The gentleman from New York [Mr. BROOKS] comes forward to-day as the leader, as the especial champion of the measures passed by the last Congress, and known as the compromise measures.

The compromise measures embrace six distinct propositions. For five of them there was but little opposition from the North, and against two of the five—the admission of California and the abolition of the slave trade in this District—no gentleman representing a free State cast his vote. The only one of the series of measures thus passed that was distasteful and violently assailed at the North, was the fugitive slave bill. When the time came for Northern men to assume responsibility, the gentleman now so fierce, so bold, so valiant, found it convenient not to record his vote; he fled the flag under which he now thinks all true patriots, all who love the country and the Union, should do battle—he being leader.

Mr. BROOKS, (Mr. R. yielding the floor.) I voted upon that question the same way General Cass, and Mr. Douglas from his own State, voted.

Mr. RICHARDSON. The gentleman from New York is certainly apprised of the fact that Judge Douglas was confined to his bed by sickness at the time the bill passed. Does he pretend that he was unable to attend the House at the time the fugitive slave bill was under discussion, or when it was being voted upon? This hope, if such hope be entertained—this excuse, if it is pleaded, is cut off,—the gentleman was in the House on the same day, and voted just before the vote was taken upon that bill; he was in the House and voted upon the next proposition that succeeded that bill. Does the gentleman say that he could not have voted upon that bill if he had desired so to do? Does he deny that he was here? If denied, I am prepared to show, by the Journal, all that I have stated.

Mr. BROOKS. The gentleman should be consistent in his charges, and not say I was both in my seat and fled the House. I admit the fact of not voting on the final passage. The gentleman will find me upon every vote facilitating action upon the bill. I have only to say, in addition to that, that there are reasons which I have given elsewhere for not voting on the final passage, and among others that the bill was never printed for this House, but driven through under the previous question, without giving us time to read what the bill was. Mr. B. said he regretted that he did not vote for the bill on its final passage; and he regretted it as the most unfortunate act of his political life, because, in addition to defending the bill in its details, whether he approved of all these details or not, he had been obliged to enter into long and detailed personal explanations of his reasons why he did not vote for the bill on its final passage. When an act of Congress was to be defended as he had defended this act, and a public man was to be attacked upon it as he had been attacked, whether he approved it or not, the wisest way, experience had shown him, was to take the bull by the horns and walk off with him at once.

Mr. B. was sorry to hear that Judge Douglas

had been then confined to his bed so as to deprive him of the power of leaving a record in the Senate, as he (Mr. B.) had left in the House. But it was very remarkable that every Northern Democratic Senator, save only the two Senators from Iowa, was equally sick on that day, and was also confined to his bed. The malady was general, and only Iowa escaped the contagion.

Mr. RICHARDSON. The gentleman says he is sorry that he did not give that bill his support. I have no doubt of it, sir. The soldier who deserts his flag is always sorry, after the victory is won, that he was not there to help fight the battle. The gentleman, by refusing to vote upon the bill, placed himself in that condition (so desirable with some politicians) to avail himself of advantage either way, while he was unwilling to hazard anything by the course he pursued. If the bill was odious to his constituents, he could say, I could not find it in my conscience to vote for it. If the returning sense of justice made it acceptable, he could say, I had not time to read what the bill was.

The gentleman thus situated is selected to announce to us the fact, that the Whig party have adopted by their caucus these measures as the platform upon which alone they are willing to stand; and in the execution of his mission he denounces as abolitionists and secessionists the whole Democratic party, because they have seen fit and proper to defer all these questions to the appropriate tribunal, the National Convention, which is soon to assemble, to be considered and acted upon. As a Democrat, I have fought for these measures when the gentleman from New York was enlisted under the banner of Free-Soil, going quite as far as him who went furthest.

His conversion has been sudden, and, like all new converts, his zeal is very great. I ask the gentleman if modesty should not moderate his denunciations of those who were so lately fighting side by side with him in the Abolition ranks? Who, sir, first joined hands and forces in the North with the Abolitionists? The Whig party; and by their votes and their aid they trampled down and beat the Democrats in more than half the northern States; and while it is true they forced some of the Democrats to alliances with Abolitionists, the only men who at the North opposed Abolitionism were Democrats. When I first entered Congress, not one Northern Whig Representative could be found to place himself upon record, except under the lead and side by side with the gentleman from Ohio, [Mr. GIDDINGS;] while there were many Democrats from the same section (fully half of them) who opposed here, and before their constituents, Abolitionism and Free-Soil in all its shapes and phases: I am one of the number. Sir, it was but recently the whole Whig press of the North, among whom was the gentleman, were in the habit of calling me doughface, because I could not and would not bow to this deity, once so supreme with the gentleman.

With the past before me, the gentleman will pardon me—I beg his forgiveness—if I decline to follow in his lead; and I hope he will indulge me while I say to him, that he had better see that he is sound himself before he pronounces others so unsound; that if he will be content to serve in the ranks awhile, and does good service, by and by we may promote him to command, as the reward of skill, industry, and zeal.

But, sir, the gentleman says the Whig party in caucus have, with great unanimity, agreed to acquiesce in the compromise measures; and he says that caucus was made up of mostly Northern men. He also says that Democrats are afraid to put themselves upon record for these measures. The gentleman's fancies are fine—his facts unfortunate. He was a member of this House when those measures passed, and he knows that they received two Democratic votes to one Whig.

Mr. HARRIS, of Tennessee, (Mr. RICHARDSON yielding the floor,) said, that during the progress of this discussion, he had analyzed the vote by which the fugitive slave law had passed the House of Representatives, and found, upon examination of the Journal, that eighty-two Democrats voted for that bill, and only twenty-six Whigs; and this, too, in a House composed of about an equal number of Whigs and Democrats.

Out of seventy-six Whig Representatives from the North, ONLY THREE VOTED FOR THE BILL. And out of only fifty Democratic Representatives

from the North, TWENTY-EIGHT RECORDED THEIR VOTES FOR IT.

The State of New York had, at that time, thirty-two Whig Representatives upon this floor, and not one of them voted for this bill; while the Hon. Hiram Walden, the only Democratic Representative from the State, recorded his vote for it.

In the Senate, there was not a Northern Whig vote for the bill. And, sir, if gentlemen will take the trouble to analyze the vote by which the other bills composing the adjustment were passed, they will find, as already stated by my honorable friend from Illinois, that there were about two Democrats to one Whig that voted for those bills. When these facts have gone to the country, the people will be enabled to determine from them to whom they are indebted for the passage of these measures and the settlement of those vexed and agitating questions.

Mr. CAMPBELL. Are those three Whigs in this House? They were in the last House.

Mr. HARRIS. I meant the House of Representatives when I used the term. But three Whigs of the last House voted for the fugitive slave bill.

Mr. MARSHALL, of Kentucky. How many of those Democrats who voted for it have got back to this House?

Mr. HARRIS. There were more Democrats returned than Whigs. I see quite a number around me—I have not counted them—my friend Mr. RICHARDSON, and a number of others.

Mr. RICHARDSON. I will with pleasure reply to the inquiry of the gentleman from Kentucky, [Mr. MARSHALL,] and I am under deep obligations to him for affording me the opportunity of placing this fact before the House and the country. Of the twenty-eight Democrats from the North who voted for the fugitive slave bill, twelve are members of this House, viz: Messrs. Bissell, Dimmick, Dunham, Fuller, Gorman, Hibbard, McLanahan, Peaslee, Richardson, Robbins, Ross, Wildrick. Mr. Buell, of Michigan, was beaten by a Whig for the vote he gave for the bill, and it may be that this Whig was one of those Northern Whigs who, in caucus this morning, adopted the compromise as the Whig platform. Of the twenty-eight Northern Democrats who voted for this bill, fifteen were candidates for reelection, twelve elected, two defeated by Whigs, and one by a Democrat.

From all the districts in the North represented in the last Congress by those who voted for the bill, there are Representatives here as sound as their predecessors, save it be from the districts where Whigs have been returned. This is not all; a large majority of the Democrats of this Congress from the North are opposed to any and all disturbance of these measures, but they are for a full and faithful execution of all the laws of the land. But, sir, where are the Whigs from the North who supported the fugitive bill? There were but three of them, it is true; only one of them has been spared. Are gentlemen candid when they say the Northern Whig party, either at home or here, are sound upon these measures—Winthrop, Vinton, Johnson, bright shining lights, all true and sound? In what but name do they differ from the rankst Abolitionists in the land? They have but recently been the standard-bearers in their States of this party that now are in such love with the Compromise. When I am reduced to the alternative of selecting between them and Abolitionists, I could not make a choice. If there are any persons in this country who are deceived by these professions of Northern Whigs, except themselves, I am greatly mistaken. If any of our friends anywhere are deceived by this specious resolution, it is because they are anxious to be duped. If any portion of our Southern friends are disposed to unite their fortunes with those who are the real authors of all those difficulties that have agitated the country, they are more anxious to be duped and deceived than I think they are. It is for them to make their election.

I am unwilling that the recruit of yesterday shall dragoon me, after twenty years of contest with abolitionism. In all that I have done, I have been actuated by a sense of duty, and a desire to overthrow those whom I regarded as threatening the existence of our Government. And, in conclusion, I have to say to the honorable gentleman from New York and his Northern Whig friends, who with so much unanimity adopted the Compro-

mise, that when they shall undo what they have done, or when they bring their party North to acquiesce in these measures in good faith, by acts instead of promises that they cannot and will not perform, the day of agitation is over here. I trust they have seen the error of their way, and intend in future to seek and follow in the path of duty.

Several MEMBERS. "Call the roll!" "Call the roll!"

Mr. CABELL, of Florida. I have but a few words to say in reply to what has fallen from the gentleman from Virginia, [Mr. MEADE,] and from the gentleman from Illinois, [Mr. RICHARDSON.] The gentleman from Virginia [Mr. MEADE] has said in the course of his remarks that it is the destiny of the Southern Whigs to affiliate with the Democrats of the North.

Mr. MEADE. And of the South.

Mr. CABELL. When I left my home in the South, I did feel it was to be my destiny to affiliate with the Democracy of the North. I could not affiliate with the Democracy of the South. The Southern Democracy were, in my opinion, as wrong on many questions as the Northern Whigs. They were seeking to tear up the foundations of our Government, whilst the Abolitionists of the North were seeking to produce excitement there that would lead to the same result. I could not affiliate with the Disunionists and Secessionists of the South, or with the Abolitionists of the North—Whig or Democratic.

I came here believing that it was my destiny to affiliate with the Northern Democrats and such Southern Democrats as will stand by the Union and the Constitution as it is. For I had observed, in the course of my Congressional experience, that there were more sound men in the Congress of the United States upon this question, the Democratic party than among the Whigs, and I had confidence in their assurances for the future. I came here for the purpose of taking those men by the hand, regarding them as brothers, who were willing to stand with me by the Constitution of the United States. I will not mention individuals, or I might point to the gentleman from Indiana [Mr. GORMAN] who has been named by the gentleman from Illinois, and to the gentleman himself, [Mr. RICHARDSON.] It was my expectation that I should act with those men. I was willing, and even expected, that I should cast my vote for the gentleman from Kentucky, [Mr. BORN,] believing that he would be the nominee of the Democratic party; that that party, after all their professions on this subject, would indorse the compromise measures, which I feared the Whig party would not do. We had been told all over the South that the great Democratic party of the country was sound upon that question.

Mr. POLK, (interposing.) I wish to state a fact which has not been heretofore stated—that I introduced that resolution into the Democratic caucus, and that there was not a word uttered in that caucus in contradiction of the principles embraced in the resolution. The chief objection was as to the question of time, and, as it was not a full caucus, the objection was also raised, that it would not be right for a portion of the party to take action on a great national question of this character.

Mr. STANLY. How many were there in the caucus?

Mr. POLK. Eighty-nine were present, and I say, that of those eighty-nine, not one member gave utterance to a sentiment in contradiction of the principles embraced in the resolution. We have a right to ask for time, that we may have a full expression of the opinion of the Democratic party.

Mr. HUNTER. Do I understand the gentleman as saying that all who were in attendance at that caucus indorsed the compromise?

Mr. POLK. There was no expression of sentiment against it.

Mr. CABELL, of Florida. No, not a sentiment was uttered against it; but they voted against it. They voted to lay it on the table. I say, then, that I came to Congress believing there was truth in what we had heard, and with a determination to cut myself loose from all party affiliations; to stand by those who stood by the rights of my section of the Union, and by the Constitution of these States. When I came to the city of Washington yesterday, I learned that a resolution ap-

proving of the compromise had been introduced into the Democratic caucus, and, much to my surprise, had been defeated. The Whig party held a meeting to-day, and I confess, somewhat to my surprise, put themselves upon my platform. They stand where I stand; they stand where the great Union party of the South stand; they stand upon the Constitution as it is; they indorse the compromise as a *total and final* settlement. The gentleman from Virginia [Mr. MEADE] arrived at the conclusion that this action of the Whig caucus was consummated by Southern Whigs, with a few Northern Whigs. I would say to the gentleman, that the distrust among the Southern Whigs was very great in reference to the action of the Northern Whigs. My impression is, that the majority of them did not attend the caucus. There were, I think, but twelve or fourteen of the Southern Whigs in that caucus, all of whom declared their determination to withdraw from the caucus, and no longer to act with the Whig party, if it failed to put itself on this national platform. A majority of those present were *Northern Whigs*. The Northern Whigs have now placed themselves where I stood last Congress—where the gentlemen from Georgia and myself took our position at an early stage of the organization of the last House of Representatives. We refused to act in concert with men who were pursuing a course that must inevitably lead to the subversion of the institutions of our country. We determined no longer to affiliate with a party that was pursuing such a course.

Mr. MEADE. I would ask the gentleman from Florida if he intends to be deluded by the voices of the twelve or fourteen Northern Whigs who took part in that caucus? For, by his own account, there were fourteen Southern Whigs present, which would leave about twenty-seven Northern Whigs, and as one third of those present refused to vote for the resolution, it leaves but twelve or thirteen Northern Whigs who voted for it.

Mr. CABELL. I will state to the gentleman from Virginia that I was present at that caucus, having determined to act with the Whigs, if they would do what the Democrats failed to do—fully indorse the compromise—and that I have no hesitation in saying that there were not five gentlemen who left the meeting on the passage of the resolution. I think there were but three.

There were, I am pretty sure, between fifty and sixty members present; quite as large a proportionate number as attended the Democratic caucus. I am equally sure there were not more than seven or eight who voted against the resolution. Had the Southern Whigs generally attended the caucus there would have been a much better exhibit. The action of this caucus must be regarded as the action of the Whig party in Congress.

It is certainly a fact, and this must go forth to the country, that a meeting of the Whig members of Congress was called by advertisement, in the papers of this city; that all were invited to attend, and had an opportunity of voting for or against the resolution; and it is to be presumed that if they had had this violent hostility to Southern institutions that is imputed to them, they would have gone into the caucus and done what the Democratic caucus have done—voted down the resolution. At present I am bound to presume that the action of the caucus held this morning is the action of the Whig party, and they have placed themselves upon the platform where I stand.

Mr. MEADE. I would ask the gentleman to state to the House whether he believes that that resolution, even if voted for by the Northern Whigs present, does in fact reflect the opinion of the Whig party of the North?

Mr. CABELL. I will say this, that it reflects the sentiments of the *Whig Representatives* of the North in this House. I cannot say what are the sentiments of the individual constituents, but it reflects the present sentiments of a majority of the Whig Representatives elected to this House, however unsound the opinions of that portion of the Whig party may have been in former times.

Since I have been in this city and have conversed with members, I have learned—and if I am mistaken I ask gentlemen to correct me—that the Democratic party of the great State of New York have returned to this House but one member (the gentleman from the city of New York, Mr. HART) upon the endorsement of the compromise measures—

Mr. HART. I think the gentleman is in error. Mr. DEAN. As one of the members elected to this House from the State of New York, I would say that the Democratic convention of New York of last year, and the Democratic convention of this year, and the Democratic convention of the Congressional district which I have the honor to represent, indorsed in full the compromise measures as a final settlement of the slavery question.

Mr. CABELL. I did not mean to do the gentleman any injustice, I assure him. What I have said is on the authority of his colleagues. But I may speak of the great Democratic party of his State, whose resolves are before the country. They do not indorse the compromise. I know not what the party of his district may have done; but I have it on good authority that in no district but one was the compromise measures fully indorsed by the nominating convention. The gentleman tells us that the great Democratic party of New York have indorsed the compromise measures. This will astonish the Van Burens and other Barnburners, who compose a majority of that party. Why, who are the members here representing the Democratic party of that State? Who is the honorable gentleman who sits before me, [Mr. PRESTON KING,]—the great head and front of Free-Soilism and Van Burenism in his own party? Who are the great majority of his associates? Were not more than half the men on their State ticket Barnburners? The Hunker Democrats have surrendered, and are in open coalition with the Free-Soilers in the State of New York; and yet the gentleman tells the House that the great Democratic party of the State of New York have indorsed the compromise measures! Go, again, to the State of Ohio—how is it there? How is it in Massachusetts? But it would be inappropriate for me to detain the House at this time by any further reference to this matter.

But the gentleman charges that we, the Whigs of the South, have heretofore acted in concert and coalition with the Abolitionists of the North. He condemns and denounces us for it. But I ask the gentleman, with whom does he find the members of his own party acting in caucus for the purpose of securing certain advantages in the organization of the House? Why, we find them acting in concert with the gentleman from Massachusetts, [Mr. RANTOUL,] with the gentleman from Connecticut, [Mr. CLEVELAND,] and the gentleman from New York, [Mr. PRESTON KING,] whose positions upon this subject are well known. The resolution approving of the compromise was laid on the table, because it was not the time to adopt it; it was not *politic* to adopt it at this time. It might interfere with their organization, and defeat a Democratic Speaker or Clerk. Thus, the Southern Democrats are doing the very thing that we have been denounced for doing; the very thing that I refused to do in the last Congress. I broke myself loose from my party. And now, the gentlemen opposite are all voting for the gentleman who has been nominated by the Democratic caucus, although no platform has been laid down. They who have been denouncing the Whig party for years past for not laying down their principles openly, now come in here and hope to elect their candidates by the aid of Free-Soilers and Secessionists. We see Union Democrats and Disunion Democrats, Old Hunkers and Barnburners, Free-Soil Democrats and Southern Rights Democrats, everybody of all sorts from the North and from the South, who will come into the Democratic caucus, all acting harmoniously together for the sake of dividing the spoils, but all studiously absolved from expressing their opinions on these important questions.

Mr. MEADE, (interposing.) The call of the caucus was an invitation to all who call themselves Democrats, to attend, just as the call of the Whig caucus was an invitation to all who call themselves Whigs to attend. We could not exclude anybody. We came here for the purpose of making nominations. But will the gentleman pretend to say that there are none of his own party who hold these opinions? Did he attempt to exclude them? Did he attempt to make a nomination independently of those Free-Soilers?

Mr. CABELL. I am so frequently interrupted, that I must of necessity speak disconnectedly. I have but a few words more to say.

It is true that in the Whig caucus, as in the

Democratic caucus, there were men of this description, but we did not choose to compromise ourselves for the purpose of securing their votes. We took our position in spite of them, and I thank God for it. Those men left the caucus, and are no longer Whigs. Let them go and follow the example of Senator Chase and other gentlemen from Ohio—act with the great Democratic party. They are no longer Whigs.

For myself, I have only to say, that whatever may be the position of the Whig party, I, for one, stand upon the Constitution of my country, and shall act with the great Union and Constitutional party, be it Whig or Democratic. I shall vote against any man nominated by a *coalition caucus*. The Whig party could not expect to elect a Whig, and have therefore made no nomination; but having placed ourselves on this constitutional platform, we are willing, and I intend to vote for some good Union compromise Democrat.

Mr. GIDDINGS said: As yet we are not organized. We are acting under no rules. Each member is permitted to speak when he pleases and as long as his judgment dictates. I, however, (said he,) embrace this opportunity of congratulating the honorable Secretary of State and the President upon the beautiful workings of their peace measures—this quieting of all *agitation*. I will also suggest to gentlemen who appear so eager for the conflict, that we, the free Democracy, intend to afford each of them a legitimate opportunity to express their views on those questions which have now been so inappropriately precipitated upon us. And now I appeal to gentlemen to permit the vote to be taken upon the election of Speaker. I think we owe it to ourselves, to our constituents, and to the country, to proceed to the regular organization of the House. After that, the questions now referred to will come up in legitimate order, at the proper time for discussion.

The House now proceeded to the election of Speaker.

The CLERK announced the following members as tellers to count the vote, viz: Mr. JONES of Tennessee, Mr. RICHARDSON of Illinois, Mr. BROOKS of New York, and Mr. BOWIE of Maryland.

The roll having been called in alphabetical order, the tellers reported, that the whole number of votes given was 213; necessary to a choice 107; of which—

Mr. Boyd, of Kentucky, received.....	118
Mr. Stanly, of North Carolina.....	21
Mr. Chandler, of Pennsylvania.....	20
Mr. Stevens, of Pennsylvania.....	16
Mr. Bayly, of Virginia.....	8
Mr. Taylor, of Ohio.....	6
Mr. Evans, of Maryland.....	4
Mr. Bocoock, of Virginia.....	4
Mr. Gentry, of Tennessee.....	3
Mr. Hillyer, of Georgia.....	2
Mr. J. W. Howe, of Pennsylvania.....	1
Mr. Gorman, of Indiana.....	1
Mr. Bowie, of Maryland.....	1
Mr. Outlaw, of North Carolina.....	1
Mr. Cabell, of Florida.....	1
Mr. Ashe, of North Carolina.....	1
Mr. Allison, of Pennsylvania.....	1
Mr. Meacham, of Vermont.....	1
Mr. P. King, of New York.....	1
Mr. G. W. Jones, of Tennessee.....	1
Mr. Moore, of Louisiana.....	1

213

The following is the vote in detail, viz:

For Hon. Linn Boyd—Messrs. Andrews, Appleton of Maine, Ashe, Averett, Babcock, Bartlett, Bailey of Georgia, Bocoock, Bragg, Breckenridge, Buell, Busby, Campbell of Illinois, Carter, Caskey, Churchwell, Clark, Cleveland, Cobb, Curtis, Daniel, Davis of Indiana, Dawson, Dean, Dimmick, Disney, Doty, Dunham, Eastman, Edmundson, Edgerton, Ficklin, Fitch, Florence, Floyd, Freeman, Fuller of Maine, Gamble, Gaylord, Gorman, Green, Grow, Hall, Hamilton, Hammond, Harris of Tennessee, Harris of Alabama, Hart, Hendricks, Henn, Hibbard, Holladay, Houston, How of New York, Ingersoll, Ives, Jackson, Jenkins, Johnson of Tennessee, Johnson of Ohio, Johnson of Arkansas, Jones of New York, Jones of Tennessee, Jones of Pennsylvania, King of New York, Kurtz, Letcher, Lockhart, Mace, Marshall of California, Mason, McCorkle, McDonald, McLanahan, McMullen, McNair, Meade, Millson, Molony, Morrison, Murray, Nabers, Olds, Parker of Pennsylvania, Peaslee, Penn, Phelps, Polk, Powell, Price, Rantoul, Richardson, Riddle, Robbins, Robie, Robinson, Ross, Russell, Savage, Scurry, Seymour of New York, Seymour of Connecticut, Skelton, Smart, Smith, Snow, Stanton of Tennessee, Stanton of Kentucky, Stratton, Stuart, Sutherland, Sweetser, Thompson of Virginia, Thurston, Venable, Wilcox, Wildrick, and Williams.

For Hon. E. Stanly—Messrs. W. Appleton, Bennett, Bowne, Briggs, Geo. H. Brown, Chapman, Conger, Geo. T. Davis, Dockery, Duncan, Goodrich, Harper, G. G.

King, Miller, Penniman, Porter, Schermerhorn, Schoonmaker, Scudder, B. Stanton, and Taylor.

For Hon. Mr. Chandler—Messrs. Barrere, Bell, Bibb, haas, Brenton, Burrows, H. M. Fuller, Goodenow, Haven, Hebard, Horsford, Hunter, Kuhns, Martin, Meacham, Minor, Moore, Parker, B. Thompson, Washburn, Welch, and Yates.

For Hon. Thaddeus Stevens—Messrs. C. Allen, L. D. Campbell, Durkee, Fowler, Giddings, Hascall, J. W. Howe, Mann, Newton, Perkins, Sackett, Schoolcraft, Tuck, Walbridge, and Wells.

For Hon. T. H. Bayly—Messrs. E. C. Cabell, Chastain, Cottman, Faulkner, Hillyer, Jas. Johnson, Murphy, and J. F. Strother.

For Hon. J. L. Taylor—Messrs. Ewing, Gray, H. Marshall, Stanly, Ward, and Addison White.

For Hon. A. Evans—Messrs. Brooks, Chandler, Morehead, and Bowie.

For Hon. Mr. Bocoek—Messrs. Burt, Colcock, Woodward, and Aiken.

For Hon. Mr. Gentry—Messrs. A. Evans, Watkins, and Walsh.

For Hon. Mr. Hillyer—Messrs. A. H. Stephens, and Toombs.

For Hon. Mr. Bowie—J. P. Caldwell.

For Hon. Mr. Outlaw—Mr. Clingman.

For Hon. Mr. Cabell—Mr. Outlaw.

For Hon. Mr. Ashe—Mr. Orr.

For Hon. Mr. Allison—Mr. Thomas M. How.

For Hon. Mr. Meacham—Mr. Thad. Stevens.

For Hon. P. King—Mr. Townsend.

For Hon. G. Jones—Mr. Alex. White.

For Hon. Mr. Gorman—Mr. Thomas H. Bayly.

For Hon. Thos. M. Howe—Mr. Allison.

The Hon. LINN BOYD, having received a majority of the whole number of votes given, was declared to be duly elected Speaker.

The CLERK requested Mr. STANLY of North Carolina, and Mr. DISNEY of Ohio, to conduct the Speaker elect to the chair; which duty they performed; thereupon,

The SPEAKER said: Gentlemen of the House of Representatives, for the kindness and confidence shown in selecting me as the Presiding Officer of this body, I beg you to accept my grateful acknowledgments. Properly appreciating the high trust—the responsibility imposed, as well as the high honor conferred by it—I accept the station with a most earnest desire, and a fixed determination to administer its functions, so far as I may be able, in such a manner that our deliberations may be pleasant to ourselves and agreeable and profitable to our common country. [Great applause.]

The CLERK stated that it was customary for the oldest member consecutively of the House to administer the oath of office to the Speaker; and that as Mr. GIDDINGS was the oldest member, he would perform that duty.

Mr. GIDDINGS came forward accordingly, and administered to the Speaker the usual oath to support the Constitution.

MEMBERS QUALIFIED.

The CLERK, according to usage, called the roll, when the members came forward by delegations to the Speaker's chair, and were qualified by the Speaker administering to them the usual oath to support the Constitution of the United States.

Mr. BAYLY. In accordance with our usual custom, I offer the following resolution:

Resolved, That a message be sent to the Senate, to inform that body that a quorum of the House of Representatives has assembled, and LINN BOYD, one of the Representatives from the State of Kentucky, has been chosen Speaker; and that the House is now ready to proceed to business.

Mr. RICHARDSON. Is it not customary to authorize the Clerk to carry that message?

Mr. BAYLY. My resolution provides that the message shall be carried by the Clerk. The law provides that the present Clerk shall continue in office until the appointment of a new Clerk.

The question was then taken, and the resolution was adopted.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. BAYLY offered the following resolution:

Resolved, That a committee be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the House of Representatives is assembled, and that Congress is ready to receive any communication he may be pleased to make.

Mr. OLDS. Is it not necessary to wait until we are informed of the organization of the Senate?

The SPEAKER. The Chair thinks the usual custom is for the Senate first to inform the President.

The resolution was then adopted; and Mr. BAYLY, of Virginia, Mr. HAVEN, of New York, and Mr. JONES of Tennessee, were appointed the committee.

THE RULES OF THE HOUSE.

Mr. BAYLY. I move that the rules of the last House be adopted as the rules of this House, until otherwise ordered.

Mr. STANLY. I hope the gentleman from Virginia will not insist upon that motion. As one of the minority of this House, it is a matter of very little importance to us what rules are adopted. We expect to be governed by the will of the majority, and they must take the responsibility into their own hands; but I appeal to the experience of every member of this House—I ask the gentleman from Virginia [Mr. BAYLY] to say if that majority can accomplish its own purposes by the present rules of this House? I had various consultations with the Speaker of the last House, [Mr. Cobb,] and with other individuals, in regard to this subject, who have had much experience in this matter, and I do not hesitate to say, that the rules of this House are made to prevent the transaction of business. A minority can retard the whole business of the House, if they choose.

I hope, therefore, for the sake of the country; I hope, for the sake of gentlemen upon the other side of the House, who have business of their own to transact, that they will not adopt the resolution of the gentleman from Virginia. If we adopt the rules until further order, there they will stand, and we shall never change them. I desire to see the majority of this House control its business according to their wishes; but I appeal to the experience of the gentleman from Virginia [Mr. BAYLY] whether, if these rules be adopted, the majority will be able to accomplish their own object?

Mr. GIDDINGS. I offer the following amendment to the resolution offered by the gentleman from Virginia, [Mr. BAYLY.] I move to add to the 102d rule, as follows:

"And that if either of the standing committees shall neglect for thirty days to report on any subject committed to it, a minority of such committee may report thereon whenever such committee shall be called for reports."

Mr. G. I will detain the House but a few moments. I wish to say, that for the last eight years a large portion of the people of these United States have been denied the right of petition. The petitions of the people are referred to the clerks of the standing committees, and there they rest in silence. The voice of the people is smothered, and their constitutional rights are practically denied. The object of this amendment is to insure to the people a respectful answer to their petitions. I need not go into a history of the course which has been pursued in relation to this subject. All of us recollect the efforts of the distinguished and venerable gentleman from Massachusetts, (Mr. Adams,) to secure the right of petition to this body; and this rule has been resorted to as an alternative for smothering the voice of petition. It seems to me that if we are, as the majority of this body profess to be, Democrats, the voice of the Democracy of this country, expressed through their petitions, should not only be heard, but should be replied to with respect; that their petitions should either be granted or rejected. The object of this amendment is to insure that result—to provide that the voice of the people shall be heard in this body.

[A message was here received from the Senate, announcing that a quorum of that body had assembled, and were ready to proceed to business.]

Mr. GIDDINGS, (resuming.) It is not my intention to extend my remarks. I wish, however, to say to the new members here, that if we pass over this opportunity for amending our rules, we shall have no other opportunity of effecting that object. It is the only chance. Fourteen years' experience in this House has taught me that this is the only moment when we can lay our hands upon these rules to amend them. The gentleman from North Carolina [Mr. STANLY] has alluded to the principle "that the majority shall rule." If the majority are to rule so as to smother the voice of the minority of this House—to prevent petitions from being heard—I, for one, cannot acquiesce in that principle.

Now, for the purpose of testing this question, upon which gentlemen seem so anxious to precipitate their remarks to-day, I offer this amendment, and hope every man will record his vote for or against it.

Mr. JONES, of Tennessee. I have but one remark to make, and it is this: Of all the difficulties and perplexing questions upon which this House

will be called upon to act, they will find none more difficult to settle than the rules which are to govern its deliberations. I have had some little experience upon this subject, and I know that it is with extreme difficulty, when we get into a discussion of this sort, that we can ever close it. The amendment which has just been offered by the gentleman from Ohio is new and unheard-of.

Mr. GIDDINGS. The gentleman will permit me to correct him. He will find by examining the Journal of the House four years ago, that the same amendment, couched in the same language, was offered by the gentleman from Massachusetts, (Mr. Adams,) and discussed.

Mr. JONES. I had reference to its adoption as one of the rules for the Government of a legislative body, that the minority of a committee shall have power to report. If it prevail, the minority of a committee—it may be a solitary member representing the minority of a committee—will make the report, and it will be presented here as the report of that committee.

Now, in order to bring the House to the question on the original resolution of the gentleman from Virginia, and to get clear of the amendment of the gentleman from Ohio, [Mr. GIDDINGS,] I move the previous question.

Mr. STEPHENS, of Georgia, desired to inquire of the Speaker what would be the effect of the previous question?

The SPEAKER said it would be, if sustained, to bring the House to a direct vote upon the main question.

Mr. STEPHENS asked if it was debatable?

The SPEAKER replied in the affirmative.

Mr. JONES said that, according to his understanding of parliamentary law, the effect of the previous question was to cut off all amendment and all debate, and to bring the House to a direct vote upon the original resolution.

The SPEAKER said the gentleman from Tennessee was correct.

The previous question was then seconded, and the main question ordered.

Mr. GIDDINGS desired the Speaker to explain the effect of the previous question upon his amendment.

The SPEAKER decided that, according to parliamentary law, the question must be taken upon the original resolution of the gentleman from Virginia, [Mr. BAYLY.]

Mr. MEADE asked if it would be in order to move that the rules of the House be referred to a committee with instructions to amend?

The SPEAKER decided that the motion could not be made under the operation of the previous question.

The question was then taken upon the resolution of the gentleman from Virginia, [Mr. BAYLY,] and it was adopted.

Mr. JONES rose to a privileged question. He moved that the vote just taken be reconsidered, and that that motion be laid on the table; which latter motion was agreed to.

THE ELECTION OF CLERK.

Mr. HALL moved that the House do now proceed to the election of Clerk.

The motion was agreed to.

The SPEAKER appointed Mr. JONES of Tennessee, Mr. RICHARDSON of Illinois, Mr. Brooks of New York, and Mr. Bowie of Maryland, to act as tellers.

The SPEAKER said that nominations were in order, and that no gentleman could be voted for for Clerk unless he was put in nomination before the voting commenced; thereupon,

Mr. SAVAGE nominated JOHN W. FORNEY.

Mr. MEACHAM nominated JAMES C. WALKER.

Mr. CHARLES ALLEN nominated E. J. STANSBURY.

Mr. ALLISON nominated GEORGE DARCY.

Mr. J. W. HOWE nominated HORACE GREELEY, but subsequently withdrew the nomination.

The roll was then called, when the tellers reported, that 208 votes had been given; necessary to a choice 105; of which—

Mr. Forney received.....	129
Mr. Walker.....	73
Mr. Stansbury.....	3
Mr. Darcy.....	2
Mr. R. M. Young.....	2

The following is the vote in detail:

For Mr. Forney—Messrs. Abercrombie, Aiken, Allen of Illinois, Andrews, Appleton of Maine, Ashe, Averett, Babcock, Bartlett, Bailey of Georgia, Bayly of Virginia, Bockock, Bragg, Breckenridge, Buell, Busby, Cable of Ohio, Campbell of Illinois, Carter, Caskey, Chastain, Churchwell, Clark, Cleveland, Cobb, Curtis, Daniel, Davis of Indiana, Dawson, Dean, Dimmick, Disney, Doty, Dunham, Durkee, Eastman, Edmundson, Edgerton, Ficklin, Fitch, Florence, Floyd, Freeman, Fuller of Maine, Gamble, Gaylord, Gorman, Green, Grow, Hall, Hamilton, Hammond, Harris of Tennessee, Harris of Alabama, Hart, Hendricks, Henn, Hibbard, Hillyer, Holladay, Houston, How of New York, Ingersoll, Ives, Jackson, Jenkins, Johnson of Tennessee, Johnson of Georgia, Johnson of Ohio, Johnson of Arkansas, Jones of New York, Jones of Tennessee, Jones of Pennsylvania, King of New York, Kuhns, Kurtz, Letcher, Lockhart, Mace, Marshall of California, Mason, McCorkle, McDonald, McLanahan, McMullen, McNair, Meade, Millson, Molony, Morrison, Murphy, Murray, Nabers, Olds, Orr, Parker of Pennsylvania, Peaslee, Penn, Phelps, Polk, Powell, Price, Rantoul, Richardson, Riddle, Robbins, Robie, Robinson, Ross, Russell, Savage, Scurry, Seymour of New York, Seymour of Connecticut, Skelton, Smart, Smith, Snow, Stanton of Tennessee, Stanton of Kentucky, Stratton, Stuart, Sutherland, Sweetser, Thompson of Virginia, Thurston, Venable, Wilcox, and Wildrick.

For Mr. Walker—Messrs. Appleton of Massachusetts, Barre, Bell, Bennett, Bibbiana, Bowie, Bowne, Brenton, Briggs, Brooks, Brown of New Jersey, Burrows, Cabell of Florida, Caldwell, Campbell of Ohio, Chandler, Chapman, Clingman, Conger, Davis of Massachusetts, Dockery, Duncan, Evans, Ewing, Fowler, Goodenow, Goodrich, Grey, Harper, Haws, Hascall, Haven, Hebard, Horsford, John W. Howe, Hunter, King of Rhode Island, Mann, Marshall of Kentucky, Martin, Meacham, Miller, Moore of Pennsylvania, Morehead, Newton, Outlaw, Parker of Indiana, Pennington, Porter, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Stanly, Stanton of Ohio, Stevens of Pennsylvania, Strother, Taylor, Thompson of Massachusetts, Toombs, Tuck, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, White of Kentucky, Williams, and Yates.

For Mr. Stansbury—Messrs. Allen of Massachusetts, Giddings, and Townsend.

For Mr. Darcy—Messrs. Allison, and Thomas M. Howe.

For Mr. Young—Messrs. Colcock and Woodward.

Mr. FORNEY having received a majority of the whole number of votes cast for Clerk, was declared to be duly elected; and he came forward to the Speaker's chair and was qualified by taking the usual oath of office.

HOOR OF MEETING.

Mr. FOWLER offered the following resolution; which was agreed to, viz:

Resolved, That the daily hour to which this House shall stand adjourned shall be twelve o'clock, until otherwise ordered.

Mr. HARRIS, of Tennessee, rose for the purpose of saying, that if no gentleman on the other side of the House objected, he would offer a resolution to save time in regard to the election of Sergeant-at-Arms. It was read as follows:

Resolved, That A. J. Glossbrenner be and he is hereby declared Sergeant-at-Arms of the House of Representatives for the Thirty-second Congress.

Mr. MACE suggested that the name of Z. W. McKnew be inserted for Doorkeeper, and that of John M. Johnson for Postmaster for the Thirty-second Congress.

There being no objection, the resolution was so modified and unanimously agreed to.

Mr. STANTON, of Kentucky, moved to reconsider the vote on the adoption of the resolution, and to lay that motion on the table; which latter motion was agreed to.

The above officers then presented themselves at the Speaker's table, and were severally sworn in.

SEATS OF MEMBERS.

Mr. HIBBARD offered a resolution; which was read as follows, viz:

Resolved, That the Clerk of the House immediately after the passage of this resolution place in a box the name of each member and delegate of the House of Representatives on a separate piece of paper; that he then proceed in presence of the House to draw from said box, one at a time, the said pieces of paper; and as each is drawn, he shall announce the name of the member or delegate upon it, who shall then choose his seat for the present session, provided that before said drawing shall commence, the Speaker shall cause every seat to be vacated, and shall see that every seat continues vacant until it is selected under this order.

On motion by Mr. RICHARDSON, the House then adjourned.

NOTICES OF BILLS.

By Mr. SMART: A bill to regulate the publication of the laws of the United States and the publication of the advertisements.

Also, a bill to prohibit the prosecution of claims against the United States by the heads of Departments, and Senators and Representatives in Congress.

By Mr. HALL: A bill granting to the State of Missouri

the right of way, and a portion of the public lands, to aid in the construction of a railroad from Hannibal to Saint Joseph, in said State.

By Mr. PHELPS: A bill granting the right of way, and making a grant of land to the State of Missouri in aid of the construction of a railroad from St. Louis to the western line of said State.

IN SENATE.

TUESDAY, December 2, 1851.

Prayer by the Rev. C. M. BUTLER.

Mr. HUNTER, of Virginia, appeared in his seat this morning.

ORGANIZATION OF THE TWO HOUSES.

The following message from the House of Representatives was delivered by Mr. FORNEY, its Clerk:

Mr. PRESIDENT: I am directed to inform the Senate that a quorum of the House of Representatives has assembled; that LINN BOYD, one of the Representatives from the State of Kentucky, has been chosen Speaker; JOHN W. FORNEY, of Pennsylvania, Clerk; and that the House is ready to proceed to business.

I am also directed to inform the Senate, that the House of Representatives has passed a resolution for the appointment of a committee jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make; and that Mr. BAYLY of Virginia, Mr. HAVEN of New York, and Mr. JONES of Tennessee, have been appointed the committee on the part of the House.

On motion of Mr. BRIGHT, it was

Ordered, That a committee of two members be appointed, jointly with the committee appointed by the House of Representatives, to wait on the President of the United States and inform him that a quorum of each House has assembled, and that Congress are ready to receive any communication he may be pleased to make.

On motion of Mr. WHITCOMB, it was

Ordered, That the committee be appointed by the President pro tem.

The PRESIDENT appointed Mr. BRIGHT and Mr. MILLER the committee.

ELECTION OF CHAPLAIN.

On the motion of Mr. ATCHISON, it was

Resolved, That the Senate will proceed to the election of a Chaplain to-morrow, at one o'clock.

IRISH PATRIOTS.

Mr. FOOTE, of Mississippi. I beg to notify the Senate that I shall to-morrow ask leave to introduce a joint resolution expressive of the sympathy of Congress with the exiled Irish patriots, Wm. Smith O'Brien, Thomas F. Meagher, and their associates.

The resolution is as follows:

Joint Resolution expressive of the sympathy of Congress for the exiled Irish patriots, Smith O'Brien and Thomas F. Meagher, and their associates:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in consideration of the general sympathy felt by the people of the United States for Smith O'Brien, Thomas F. Meagher, and their immediate associates, exiled Irish patriots, and the warm sympathies felt by the countrymen of these distinguished sufferers, who have become adopted citizens of the United States, the President of the United States be requested to authorize a correspondence to be opened with the Government of her Majesty the Queen of Great Britain, appealing to the magnanimity of the British Government and people in their behalf, and respectfully requesting the liberation of these personages from their present confinement, with an offer to receive them upon the hospitable shores of the United States.

MEMORIALS.

Mr. DODGE, of Iowa. Mr. President, I desire to present the memorial of a convention of 294 delegates from the States of Wisconsin, Iowa, Illinois, and Missouri, and the Territory of Minnesota, which assembled at Burlington, in the State of Iowa, on the 23d and 24th days of October, 1851, praying for an appropriation for the removal of obstructions to the navigation of the Mississippi river. As the committees are not yet organized, and the memorial is one of a large and most respectable body, I ask that it be laid on the table and printed.

The memorial was laid on the table and ordered to be printed.

Mr. JONES, of Iowa, presented the petition of the present State registers and receivers of the land office at Dubuque, Iowa, asking extra compensation for services in locating military land warrants.

Ordered to lie on the table.

NOTICES.

Mr. ATCHISON gave notice of his intention to ask leave to introduce a bill granting the right of

way and making a donation of a portion of the public lands to the State of Missouri, to aid in the construction of a railroad from Hannibal to St. Joseph's, in said State.

Mr. MORTON gave notice of his intention to ask leave to introduce a bill granting the right of way to the Florida, Atlantic, and Gulf Central Railroad Company through public lands, and appropriating lands to the State of Florida in aid of the construction of said railroad and branches.

BILLS INTRODUCED.

Mr. JONES, of Iowa, in pursuance of previous notice, asked and obtained leave to introduce a bill granting land to the State of Iowa in aid of the construction of a railroad in said State. It was read a first time and ordered to a second reading.

Mr. CHASE, pursuant to notice, asked and obtained leave to introduce a bill to grant to the State of Ohio the unsold and unappropriated public lands remaining in that State. And it was read a first time and ordered to a second reading.

SPECIAL ELECTION COMMITTEE.

The hour of one o'clock having arrived, the Senate proceeded to ballot for the special committee agreed to be appointed yesterday to consider and report on the Florida contested-election case.

The PRESIDENT announced that the Secretary had furnished him with the following result of the balloting: Mr. BERRIEN had received 21 votes, Mr. BRIGHT 21, Mr. DAVIS 21, Mr. MASON 17, and Mr. PEARCE 12. These five gentlemen having received the highest votes, they were duly elected the special committee.

The remainder of the votes were as follows:

Mr. Douglas.....10	Mr. Norris.....3
Mr. Pratt.....6	Mr. Clarke.....3
Mr. Hamlin.....6	Mr. Shields.....2
Mr. Underwood.....5	Mr. Dodge, of Iowa.....2
Mr. Clay.....4	Mr. Sumner.....1
Mr. Cass.....4	Mr. Cooper.....1
Mr. Walker.....4	Mr. Foote, of Miss.....1
Mr. Felch.....4	Mr. Foot, of Vt.....1
Mr. Bayard.....4	Mr. Miller.....1
Mr. Geyer.....3	Mr. Jones, of Iowa.....1
Mr. Hunter.....3	Mr. Badger.....1
Mr. Atchison.....3	Mr. Whitcomb.....1
Mr. Clemens.....3	Mr. Hale.....1

Mr. BERRIEN. I would inquire what was the whole number of Senators voting?

The PRESIDENT. The Chair cannot tell. It is not usual to require a majority of the whole number to elect members of a select committee. They are elected by a plurality.

Mr. BERRIEN. I was under the impression that it required a majority to constitute any act of the Senate. My impression is, that we have several times balloted repeatedly for members of committees.

The PRESIDENT. The majority rule applies to standing committees.

Mr. BERRIEN. So little desirous am I of the position in which I seem to have been placed, that if the rules of the Senate require a majority to elect, I shall be very glad if those rules be adhered to.

Mr. FOOTE, of Mississippi. I hope that question will not be urged. The Senate is exceedingly rejoiced at the composition of the committee. I hear on all sides perfect satisfaction expressed.

The PRESIDENT. The rule on the subject, after speaking of the standing committees, says:

"All other committees shall be appointed by ballot, and a plurality of votes shall make a choice."

That settles the question.

PRESIDENT'S MESSAGE.

Mr. BRIGHT, from the committee appointed to wait upon the President of the United States and inform him that there was a quorum of each of the two Houses in attendance, and that they were ready to receive from him any communication he might be pleased to make, reported, that the committee had discharged the duty intrusted to it, and that the President of the United States informed them that he would immediately communicate with the two Houses in writing.

Soon afterwards, M. P. FILLMORE, Esq., the President's Private Secretary, appeared below the bar, and said:

Mr. PRESIDENT: I am directed by the President

of the United States to deliver to the Senate a message in writing.

[For the Message, see House proceedings.]

On motion of Mr. PEARCE, it was

Ordered, That the President's Message and accompanying documents be printed, and that ten thousand copies thereof, in addition to the usual number, be furnished for the use of the Senate.

RECEPTION AND ENTERTAINMENT OF KOS-SUTH.

Mr. FOOTE, of Mississippi, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution to provide for the reception and entertainment of Louis Kossuth, Governor of Hungary, in the United States.

It was read a first time, and ordered to a second reading.

Mr. FOOTE. I wish to ask the unanimous consent of the Senate to allow this resolution to be considered at this time. The terms of the resolution are exceedingly guarded, and can do no harm any way. Unless it is adopted immediately, I fear it can do no good. The action of the other House will be requisite, and I learn that the distinguished gentleman referred to in the resolution may be expected to arrive in New York this evening. If a joint committee is to be raised at all, it should be raised in time to deliberate on the form of reception. I hope that no obstacle will be thrown in the way of the early passage of the resolution. This measure is not brought forward by me alone; it is the result of much consultation with many persons on both sides of the Chamber. It is introduced, as I said yesterday, somewhat at the instance of the Secretary of State and other members of the Administration, who supposed it important that some resolution should be adopted on the part of the Senate and House of Representatives. In this matter I am the organ of those who, I suppose, entertain the common American feeling in reference to that distinguished stranger. I hope that the resolution will be passed immediately by this body.

The PRESIDENT. Unanimous consent is asked that this resolution may have a second reading at this time. Is there any objection?

Mr. UNDERWOOD. Let it lie over until to-morrow.

THE COMPROMISE MEASURES.

Mr. FOOTE, of Mississippi, gave notice of his intention at a future day to ask leave to introduce a joint resolution declaring the measures of adjustment, so called, a definitive settlement of the questions growing out of the system of domestic slavery.

The resolution is in the following terms:

A resolution declaring the measures of adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it resolved, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her Northern and Western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to the act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, entitled to be recognized as a definitive adjustment and settlement of the distracting questions growing out of the system of domestic slavery, and as such, that said measures should be acquiesced in and respected by all good citizens.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 2, 1851.

The House met at 12 o'clock, m.

Mr. GENTRY of Tennessee, and Mr. STONE of Kentucky, appeared to-day, and were qualified by taking the usual oath to support the Constitution.

Mr. RICHARDSON moved that the reading of the Journal be dispensed with.

Mr. ABERCROMBIE objected, as there was an error in the Journal, which should be corrected.

The Journal was then read.

Mr. ABERCROMBIE said that he had voted yesterday in the election for Speaker, but found that his name was not recorded. He had voted for Mr. BAYLY, of Virginia. He moved that the Journal be so corrected.

There being no objection, the Journal was corrected accordingly.

Mr. WELCH said that there was an error in recording his vote. He was recorded as having voted for Mr. STEVENS, of Pennsylvania. He had voted for Mr. CHANDLER. He hoped the Journal would be so corrected.

There being no objection, the Journal was corrected accordingly.

Mr. DURKEE said that he was recorded on the Journal as having voted for Mr. FORNEY for Clerk. He was not present, and did not vote. He moved that the Journal be so corrected; which motion was agreed to.

Mr. HAWS said that he had been informed by the Clerk that his name was not recorded among the votes for Speaker. He had voted for Mr. STANLY, and hoped the Journal would be corrected in that particular.

There being no objection, it was so ordered.

NOTICE OF BILLS.

Mr. COBB said: I desire to give notice of certain bills which I intend to introduce.

Mr. RICHARDSON. I rise to a question of order. I desire to know of the Speaker, if the resolution offered yesterday by the gentleman from New Hampshire [Mr. HIBBARD] does not come up of necessity this morning, as the first business in order?

The SPEAKER. That is the first business in order; but if there be no objection, the gentleman from Alabama can give the notices he desires.

Mr. COBB. I give notice, then, that I shall to-morrow, or on the earliest day practicable, ask leave to introduce a bill to graduate and reduce the price of the public lands;

A bill to grant the right of way and alternate sections of the public lands to the Selma and Gunter's Landing Railroad in the State of Alabama;

A bill to grant the right of way and alternate sections of the public land to the Memphis and Charleston Railroad, in the States of Tennessee, Mississippi, and Alabama;

A bill to grant a quarter section of land to each actual settler upon the public land within the United States; and

A bill to authorize the transfer of land warrants issued under the act of 28th of September, 1850; or, in other words, to require the Secretary of the Interior to give such construction to the law as its makers in the House of Representatives intended, and as said law expresses on its face.

SEATS OF MEMBERS.

The resolution introduced yesterday by Mr. HIBBARD was then read as follows, viz:

Resolved, That the Clerk of the House immediately after the passage of this resolution place in a box the name of each member and delegate of the House of Representatives on a separate piece of paper; that he then proceed in presence of the House to draw from said box, one at a time, the said pieces of paper; and as each is drawn, he shall announce the name of the member or delegate upon it, who shall then choose his seat for the present session, provided that before said drawing shall commence, the Speaker shall cause every seat to be vacated, and shall see that every seat continues vacant until it is selected under this order.

Mr. RICHARDSON. I would suggest to the gentleman from New Hampshire, [Mr. HIBBARD,] who introduced the resolution in reference to the selection of seats, that he should so modify it as to make the drawing of seats come off to-morrow, say at half-past twelve o'clock, so that gentlemen who are now absent may have an opportunity of being present to select their seats.

Mr. HIBBARD. So far as I am concerned, I should have no objection to adopt the modification suggested by my friend from Illinois, but it is suggested by other gentlemen around me that the difficulty, which is certainly worthy of being considered, would be obviated if the House would allow other gentlemen to select seats for members who are unavoidably absent.

[Cries of "Agreed!" and "No, no!"]

There are several gentlemen absent by the order of the House, and it would certainly be unfair to proceed with the drawing in their absence.

[A message was received from the Senate, informing the House that that body had concurred in the resolution of the House for the appointment

of a committee to wait on the President of the United States and inform him that a quorum of the two Houses had assembled, and were ready to receive any communication from him; and that Mr. BRIGHT and Mr. MILLER had been appointed on the part of the Senate.]

Mr. TOOMBS. It seems that there is a good deal of disagreement about this matter. Now, I think that a majority of the House have got better seats than they are likely to get in the lottery, and I therefore move to lay the resolution on the table, so that we may remain as we are. [Laughter.]

Mr. RICHARDSON called for tellers; which were ordered; and Messrs. RICHARDSON and MEACHAM were appointed.

The question being taken, it was decided in the negative—ayes 34; noes not counted.

So the House refused to lay the resolution on the table.

Mr. MOORE, of Pennsylvania. I desire to say to the House, that Mr. DARBY, of Missouri, is in the city, and has been here since last week, but has been confined to his bed since Monday morning by sickness. I move, therefore, the following as an amendment, to come in at the end of the resolution:

"And inasmuch as Mr. Darby, of Missouri, is confined at his lodgings in this city by reason of sickness, one of his colleagues is authorized to select a seat for him when his name is drawn."

Mr. BAYLY, of Virginia. The committee of the Senate appointed to wait on the President is now waiting for us, but the gentlemen who with me are upon the committee of the House, are not willing to be deprived of a choice of seats by absence upon official business, and by order of the House. I hope, therefore, that it will be the pleasure of the House to delay the balloting for seats until half past one o'clock, by which time we shall have returned.

A MEMBER. Some one can choose for you.

Mr. BAYLY. No one can tell what seats we should choose.

Mr. HIBBARD then modified his resolution by striking out the words "immediately after the passage of this resolution," and inserting in lieu thereof, the words "at half past one o'clock this day."

Mr. JONES, of Tennessee. The members of the committee would be perfectly willing to make their choice of seats before they discharge the duties of the committee.

The question was then taken on Mr. MOORE's amendment, and it was agreed to.

The question recurred on the adoption of the resolution as amended.

Mr. STEPHENS, of Georgia. It seems to me that it would be much better to postpone the drawing until to-morrow, than to fix it for half-past one o'clock to-day. We may be engaged at that time in hearing the President's message, and I suggest, therefore, to the gentleman from New Hampshire, that it would be better to postpone the drawing until to-morrow.

Mr. RICHARDSON. Permit me to make a single suggestion. It is very desirable that the Speaker of the House should have as much opportunity as possible to make up the Committees, and that we should meet as seldom as possible until that is done.

Mr. STEPHENS. Very well, then, we can draw for seats after the reading of the President's message to-day. Let the resolution be modified in that way.

Mr. RICHARDSON. I would suggest, that if the Executive message is being read when the hour of half-past one arrives, the drawing of seats will come up as the next business.

Mr. STEPHENS. I have no objection to that arrangement, and I therefore move to amend the resolution by striking out the words, "at half-past one o'clock," and inserting, "immediately after the reading of the Executive message this day."

The amendment was agreed to, and the resolution as amended was adopted.

SEATS FOR REPORTERS.

Mr. RICHARDSON proposed the following resolution, viz:

Resolved, That the Doorkeeper of this House be authorized to provide seats for the Reporters of the full debates and proceedings, in front of the Clerk's table, if it can be done without incommoding the House.

Mr. R. said: I desire to say only one word in

relation to this resolution. There is no gentleman, I apprehend, who has served here for two sessions, but has often been misreported. He has been made to say exactly those things in the report which he did not say in the House, and it often puts us to a great deal of trouble and inconvenience. It is very important, if we are to be reported at all, that we should be reported correctly; but that cannot be done unless we can adopt some means by which the reporters shall be situated in a better position for hearing than they now occupy. I think it very desirable that this should be done, and therefore I offer this resolution.

Mr. EVANS. I desire only to add a few words to what has been said by the gentleman from Illinois, and to express my entire assent to his resolution. Experience has demonstrated the necessity of it. No person has ever spoken in this House who has been fully heard by the reporters at those desks. Unless we provide seats for the reporters within the bar—as gentlemen will remember is done in the Senate—gentlemen cannot be better reported than they have been heretofore. It can occasion no inconvenience to the House, but will be a great benefit to us. I hope, therefore, that the resolution will be adopted.

Mr. KING, of New York. It seems to me that the Hall should be arranged for the accommodation of members, and there is evidently not space enough in the centre of the Hall when we are occupied in taking a count by tellers, for seats for the reporters. A resolution of this kind was passed during the last Congress, and after efforts had been made to provide seats in the manner proposed, it was found to be impossible, and the resolution was reconsidered. I hope, therefore, that the resolution will not be adopted.

Mr. CARTTER. I would merely suggest, in reply to the gentleman from New York, [Mr. KING,] that on each side of the Speaker's chair, in the adoption of the most convenient place for hearing, and out of the range of the tellers, there are spaces that might be occupied by the reporters, without at all incommoding the members of the House. By providing seats for the reporters in those spaces, we might afford them a better opportunity for hearing than they now enjoy.

Mr. KING. If seats can be provided elsewhere than in front of the Clerk's desk without interfering with the House, I have no objection to it; but the resolution provides that they shall be placed in front of the desk.

Mr. CARTTER. To obviate that objection, I move to strike out the words "in front of the Clerk's desk," and insert "within the Hall."

Mr. RICHARDSON. I will accept that amendment. I desire only to attain the end which the gentleman from Ohio has in view.

Mr. HOUSTON. It occurs to me that that resolution is entirely too indefinite. In the first place, it authorizes the Doorkeeper to make a very material change in the construction of the Hall, and to cause an obstruction of the area around the Clerk's desk. There seems to be no restriction at all—no limit to control the Doorkeeper.

Mr. RICHARDSON. I believe there are only two reporters engaged in reporting the debates fully, and it is for those two only that provision is to be made. I am willing that the resolution shall be limited to providing seats for those two.

Mr. HOUSTON. It seems to me that there are other objections to the resolution. If we propose to make a change in the construction of our Hall, and especially if we attempt to make an encroachment upon our area, that is already, in my view, small enough, it seems to me that a committee of this House ought to examine into the manner in which it can be done. I do not think we ought to authorize the Doorkeeper to provide these seats without directing the manner in which he shall do it, and saying where the seats shall be, of what construction they shall be, and what number of them there shall be. It does seem to me that we ought not to adopt the resolution in its present indefinite form, but that we ought to place some sort of restriction upon the action of the Doorkeeper. In its present form, I shall vote against the resolution.

Mr. RICHARDSON. I will modify my resolution to provide for two seats only. It is quite unnecessary, in my opinion, that a committee should be raised for this purpose. If the improvement is made at all, it will be made under the supervision of the Presiding Officer; and I have entire

confidence that he will do nothing that would incommode the members of the House. The resolution provides that if, in his opinion, it will incommode the members, the arrangement shall not be made.

Mr. HOUSTON. The gentleman from Illinois, I understand, replies to my suggestion by saying, that if the change is made at all, it will be made under the direction of the Presiding Officer. Now, as I understand the terms of that resolution—I may be mistaken—it takes it out of the hands of the Speaker, and leaves it entirely to the discretion of the Doorkeeper, to make the arrangement according to his views; it leaves the matter to him, and to him alone. That is my understanding of the resolution.

Mr. McMULLEN. Mr. Speaker, I concur fully in the views and objects of the gentleman from Illinois, [Mr. RICHARDSON.] It strikes me that the gentleman ought to accept the suggestion of the gentleman from Alabama, [Mr. HOUSTON.] I think we had better throw the responsibility upon a committee of this House. The Doorkeeper is a mere officer of this House, and I care not how he decides the question, he will by a portion of the members, probably, be censured for his decision. I prefer to let the committee of the House be appointed to report the facts of the case to the House. If it is ascertained that we can furnish seats for the reporters in the House, let it be done, but throw the responsibility where it ought to be, upon the members of the House. I hope, therefore, that the gentleman from Illinois [Mr. RICHARDSON] will accept the proposition of the gentleman from Alabama, [Mr. HOUSTON.] If he does not, I desire that we shall take a vote upon it, and throw the responsibility, where it should rest, upon ourselves.

Mr. HARRIS, of Tennessee, moved the previous question; which was seconded.

Mr. RICHARDSON called for tellers on the adoption of the resolution; and they were ordered; and Mr. RICHARDSON and Mr. HOUSTON were appointed.

The question then being taken, the tellers reported—ayes 62, noes 72.

So the resolution was rejected.

NEWSPAPERS FOR MEMBERS.

Mr. ROBBINS presented the following resolution:

Resolved, That the Clerk cause to be furnished to the members of this House, during the present session, such papers as they may respectively direct, the expense thereof not to exceed the rate of \$30 per annum to each member, from the commencement of the session.

Mr. STANTON, of Kentucky. I move to amend the resolution by striking out the word "thirty," and inserting in its stead the word "fifty." Thirty dollars enables us to receive but three daily papers. There is more than that number published in this city which it is useful for members to take. We desire to take papers from abroad, and thirty dollars is too small to supply us.

Mr. FOWLER, of Massachusetts. I move to amend the amendment by substituting "forty" for "fifty."

The SPEAKER. The question will be put upon the largest number first.

Mr. FOWLER. Is not the amendment amendable?

The SPEAKER. It is; but the question will first be taken upon the largest number proposed.

The question was then taken on the motion to strike out \$30 and insert \$50, and it was agreed to.

The question recurred on the adoption of the resolution as amended.

Mr. EVANS. I wish to call the attention of the House to what they have, perhaps, not considered with respect to the taking of these newspapers. Members are charged \$10 for a daily paper, and are therefore entitled to receive it for a whole year, yet they only receive it until the end of the session, and thus the \$30 is speedily exhausted. Now, last session the Senate, on account of this very difficulty, adopted a resolution by which every Senator receives his papers during the whole year. That is now the rule of the Senate. The members of the House of Representatives are entitled to the same privileges as Senators are; and I therefore move to amend the resolution by striking out the words "during the present session," and inserting in lieu thereof, "for one year."

Mr. STANTON, of Kentucky, accepted the amendment.

Mr. SWEETSER. I would suggest, that it would meet the views of all parties if the words "during the Thirty-second Congress" were inserted instead of "for one year."

Mr. BOWIE. Is it in order, Mr. Speaker, to make remarks in opposition to the amendment as amended.

The SPEAKER said that it was.

Mr. BOWIE. I regret very much to differ from my colleague and the honorable gentleman who has offered the resolution. I really think the time has come to raise the voice of this House in behalf of economy. I have no disposition to carp at small things, but when example after example of extravagance has been exhibited by the last Congress, I think at the threshold of this is the proper opportunity to set our face against it. There is an old adage to this effect: Economy is a good thing—good in the subject, better in the King. Economy is, if commendable in the citizen, infinitely more commendable in the representative of the people. Gentlemen who have a knowledge of what passed in the last Congress, know that we voted for ourselves from \$50,000 to \$100,000 worth of books, and that done only in accordance to precedent. Now, we are again proposing to give ourselves personal donations; for this resolution does nothing more nor less than contribute to our personal benefit. No one can contend that any member of this House requires five daily papers in order to enlighten him as to his duty to his country. Our time, if properly devoted, is absorbed by perusing the documents having an immediate connection with our duties as Representatives. We have not time to gather news from the four quarters. For what purpose is it we are now proposing to increase, in this single item the expenditure, of this House to the amount of \$4,000? I hope gentlemen will consider the end proposed by the resolution, and look upon it as the shadow of what is to come. If we commence in small things, we shall continue to increase in every item of expenditure in the same ratio, until the contingent expenses of this House must receive the rebuke of our constituents. There are many members around me infinitely better acquainted with the dozen sources of expenditure than myself, and which are multiplying every day, and I hope some one of them will raise his voice in opposition to this decided indication of a disposition to waste the people's money.

Mr. HALL. Mr. Speaker, I am exceedingly gratified to hear the remarks made by the gentleman upon the other side of the Chamber, and I trust they will be responded to by all the gentlemen upon the other side. I suppose, sir, the Democratic party, and I hope the Representatives in Congress, are determined to make war upon the extravagance of the Government. I think it would place us in rather a queer position, in doing our duty with respect to the extravagance of this Government, to commence increasing our own expenditures, and most unnecessarily, as I think, too. I have been here two Congresses, and I must confess, so far as I am concerned, the number of papers furnished under the old resolution were as many as I had a need for. I could not use any more with any profit, and I do not believe any gentleman could use any more with any profit. If it, therefore, be in order, I will move, in substitution for that resolution, the resolution of the last Congress.

The SPEAKER. It is not in order.

Mr. BOWIE. Whenever it is in order, I will move to substitute it for that resolution. It is, I believe, sufficient for the members of the House.

Mr. STANTON, of Kentucky, said: I desire to express, with my honorable friend from Missouri, [Mr. HALL,] my gratitude for the noble and manly expression of sentiments favorable to economy, which I have just heard from the other side of the Hall. It is to me, sir, an indication of a returning sense of reason upon the part of my Whig friends, and I am happy to have heard it here to-day from one of the leading and influential men of that party, [Mr. BOWIE,] a gentleman whom I esteem highly, and who, having thrown himself into the breach, will battle manfully for the principles of economy which he has just inculcated.

I feel assured, sir, that his economy is not of that two-penny, picaune order which has so often been exhibited in this House, and that when we come to make appropriations for the support of

the Navy, hitherto so extravagant—when we come to make appropriations for the Army, heretofore so imprudent and wasteful—when we come to appropriate the vast sums annually appropriated to carry on the machinery of this great Government, his voice will be heard ringing clear and loud in favor of retrenchment and economy. I do not understand the wisdom of that system of economy which “*saves at the spigot and lets out at the bung-hole*”—the economy which would scruple at a useful expenditure of a few dollars, and permit millions to pass without discussion, and sometimes without even investigation. Look at the enormous expenditures of the last two years! Did our Whig friends then scruple to vote for the recommendations of their Secretary? On the contrary, they marched up in solid phalanx in support of them. This appropriation is a small matter, and it is vehemently resisted. I trust the same zeal will manifest itself in behalf of economy when larger matters shall come before us.

The resolution proposes to expend fifty dollars to supply the members with newspapers. If it were an hundred it would be profitably and usefully expended. The sum itself is scarcely enough to pay for the daily papers of this city, which are needed and used by each member, and we ought not to be confined to this city. We need the commercial and political intelligence derived from distant papers, to enable us to legislate wisely in regard to the interests of this great people. I confess, for one, sir, that I need the intelligence on the subject of commerce, politics, and other matters which other countries, and other portions of our own country, furnish, to enable me to act intelligently and wisely upon many subjects which will come up for consideration in this House. Unlike my friend from Missouri, [Mr. HALL,] I am not ashamed to own that I need light, and that I will be benefited by the intelligence which newspapers will afford. The appropriation will be useful to me, to my constituents, and the country; and I trust the resolution will be adopted.

Mr. EVANS. Mr. Speaker, I would not have troubled the House further, had it not been for what has fallen from my colleague, [Mr. BOWIE.] I have not offered anything extravagant. I do not care if you do not take any papers at all. I am willing to supply my own. You may cut off the *per diem*—I will stand that. Take it all away, and the mileage along with it.

[Cries of “Oh! no!” and laughter.]

Mr. EVANS. It does not make any difference with me. It is well known by those who have served in the House with me that I have been as economical as other gentlemen. I do not know how the gentleman voted upon a certain private claim of \$150,000. I know well enough I voted against it. I have proposed to myself always a sound economy; but I wish, if you pass this resolution subscribing for newspapers, that you shall make it efficient to yourselves. After you amend the resolution in that way, you may vote it down, if you like. I am quite as ready as the gentleman from Maryland, [Mr. BOWIE,] or any other gentleman, to subscribe for all my own papers.

Mr. CARTTER. If the object of this proposition is based upon the necessity of increasing the intelligence of this House, there is no doubt that all need it; but the curiosity about the matter is the source from which we are to draw this intelligence. What is to be the effect of this proposition? It is a subscription to the newspaper press of the country—a newspaper press fed by the proceedings of this body! And you propose to give \$50 to the newspaper press of this country to secure this political intelligence, founded on the news you furnish yourselves. This is the kind of intelligence you propose to acquire. [Laughter.] I apprehend this is a mere “scape-goat,” to get news to improve the heart. I think if you will go into the Senate chamber and ascertain what kind of food they feed their intellects upon, you will find Godey's Lady's Book and Graham's Magazine, and the other literary periodicals of the day, franked to their wives and daughters and sweethearts. [Laughter.] This, I apprehend, is the cause of this great desire to acquire intelligence. This will be the result of it. It is all a humbug!

Mr. BAYLY (interrupting) announced, that the committee upon the part of the House to wait upon the President of the United States and to inform him that we were organized and ready to receive any communication from him, had per-

formed that duty, and that the President had informed them that he would make a communication in writing immediately.

Mr. CARTTER continued. I would not object to this acquirement of intelligence with a view of discharging political duties; I would not object to the appropriation, if it could be legitimately expended for that end; but if this appropriation be made to the extent recommended by the gentleman from Kentucky, [Mr. STANTON,] and the gentleman from Maryland, [Mr. EVANS,] it will but bring back to this body the senseless scribbling of a set of hired reporters within this Hall, the chief part of whose employment is to draw the portraiture of the members for pay. This is the kind of political intelligence you will get; or the record of the proceedings of some meeting, got up to order—a beef steak convention in the city of New York, or Philadelphia, or Baltimore, to feed some candidate into the Presidency. These things are manufactured to order, and multiply just as often as funds are furnished to purchase the steak with. [A laugh.] Now, I do not feel the want of any such intelligence; I would rather rely upon my instincts, as the safest guides under the Constitution, than upon intelligence of this kind. [Great laughter.] But this species of news does not come from the West; it does not come from the interior of the Union; it is fulminated to order in the corrupt cities of the East, where the hired minions of political ambition bring their brains into operation, in order to reach public opinion in the interior. Now, I am not in favor of pandering to any such corruption. I have no candidate of my own for the Presidency who needs any such kind of fodder, [a laugh,] and I shall therefore be under the necessity of voting against this resolution, although I feel the want of intelligence as much as any one.

Mr. CLARK. It is contended that the mere amount of the appropriation contemplated in this resolution is one of minor importance, and perhaps it is so; but the principles involved, which form a part and parcel of a system of extravagant expenditures I regard as worthy of our consideration. I know that there are those who regard economy in matters of this kind, rather with contempt. This may be allowed, so long as gentlemen are confined to the use of their own money; but when they are about to appropriate the money of others, I think they should view the matter differently. We are here about to appropriate the people's money, and in doing so, we ought to have reference, not only to our rights, which we may properly exercise, but also to the feelings and wishes of the people whose money we are to appropriate. I trust we shall not transcend the rights with which we are clothed in this matter; I trust we shall do nothing which will prejudice the feelings of the people against us. A less amount will be sufficient—abundantly sufficient to supply all our wants. I hope that an appropriation for a smaller amount will prevail. I shall certainly vote for it.

Mr. SKELTON. It is with some degree of reluctance that I have risen to address a few remarks to the House; but after the remarks just made upon this floor, I deem it due, not only to myself, but to the country, that I should take decided ground in relation to this measure, not so much in consequence of the amount involved in the resolution—as the gentleman on my right [Mr. CLARK] has justly observed—as in consequence of the principle involved in the question now presented for our consideration. Now, I am here as an individual, to represent honestly my constituents. In doing so, I pledge myself, upon all occasions, to vote for the strictest economy in the administration of the finances of our common country. In conformity with that pledge, in order to be consistent, I do not desire to commence with appropriations to myself. I shall vote against receiving anything in the shape of presents from this House. I am unwilling to vote even for the small appropriations provided for in the resolution now under consideration, not because I am not ready to receive instruction from the enlightened press of our country; I have always made provision for receiving such instruction, and I have already provided for myself during the present session. I have subscribed for every weekly newspaper in my district; I have subscribed for three daily papers, and I am perfectly willing to pay for them out of my *per diem* allowance.

Now, I trust we may be consistent with ourselves; I hope we may enter upon the discharge of our duties as representatives in this Hall, by advocating economy in the expenditures of the Government; and in carrying out this principle we should begin with ourselves. Let it not be said when we return to our homes, that we have economically administered the affairs of our country in all matters relating to others, but have departed from the principle in regard to ourselves. I wish to be consistent; and in order to be so, I desire to say to my constituents, and to the country, once for all, that I shall vote, on all occasions, against all appropriations as presents to myself; and I shall likewise vote for the most rigid economy in administering the affairs of the Government. I hope we shall reject the resolution.

Mr. HALL asked if it would now be in order to move a substitute for the resolution? He desired to present precisely a copy of the resolution adopted for several Congresses past.

The SPEAKER said it would be in order.

Mr. HALL. I then offer the following as a substitute for the whole resolution:

Resolved, That the Clerk cause to be furnished to the members of this House, during the present session, such papers as they may direct, the expense thereof not to exceed the price of three daily papers to each member, from the commencement of the session.

Mr. CAMPBELL said that the time consumed in the discussion would almost pay for the papers; he therefore moved to lay the resolution and amendment on the table.

The question was put, and the motion was rejected.

Mr. CAMPBELL then moved the previous question.

Mr. FICKLIN inquired what would be the effect of the previous question if sustained?

The SPEAKER said, it would be to bring the House to a direct vote first upon the amendment of the gentleman from Maryland, [Mr. EVANS,] then upon the substitute of the gentleman from Missouri, and then upon the original resolution.

The previous question was then seconded, and the main question ordered.

Mr. CLARK demanded the yeas and nays; but they were not ordered.

The question was then taken upon the amendment of the gentleman from Maryland, [Mr. EVANS,] and it was adopted—yeas 112, noes not counted.

The question then recurred upon the adoption of the substitute.

Mr. HALL demanded the yeas and nays; and they were ordered.

The question was then taken, and decided in the affirmative—yeas 107, nays 98; as follows:

YEAS—Messrs. Abercrombie, Aiken, Allison, Andrews, Ashe, Averett, T. H. Bayly, Bell, Bibbians, Boeck, Bowie, Buell, Busby, Caldwell, Carter, Clark, Cleveland, Clingman, Colecock, Daniel, Dawson, Dockery, Duncan, Durkee, Eastman, Edmundson, Ewing, Faulkner, Ficklin, Fitch, Floyd, Fowler, Gaylord, Gentry, Green, Grey, Grow, Hall, Hamilton, Hammond, Harper, Isham G. Harris, Sampson W. Harris, Hart, Hascall, Haven, Hebard, Hendricks, Henn, Hibbard, Holladay, Houston, Thomas M. Howe, Hunter, Ingersoll, Jackson, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, George W. Jones, J. Clancy Jones, Preston King, Kurtz, Letcher, Mason, McMullin, McNair, Meacham, Meade, Miller, Millson, Molony, Morehead, Murphy, Nabers, Peaslee, Penn, Penniman, Perkins, Phelps, Polk, Porter, Rantoul, Richardson, Robbins, Robinson, Savage, Origen S. Seymour, Smith, Stanly, Benjamin Stanton, Stone, Stuart, George W. Thompson, Toombs, Townsend, Walbridge, Washburn, Watkins, Welch, Wells, Adlai White, Wilcox, Wildrick, Woodward, and Yates—107.

NAYS—Messrs. Charles Allen, Willis Allen, John Appleton, William Appleton, Barrere, David I. Bailey, Bennett, Bowne, Bragg, Breckenridge, Brenton, Briggs, Brooks, Burrows, Burt, Cabell, Cable, Lewis D. Campbell, Thompson Campbell, Chandler, Chapman, Chastain, Churchill, Cobb, Conger, Cottman, Curtis, Geo. T. Davis, John G. Davis, Dean, Dimmick, Disney, Doty, Edgerton, Evans, Florence, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Giddings, Goodenow, Goodrich, Gorman, Haws, Hillyer, Horstford, J. W. Howe, T. Y. How, Jenkins, Daniel T. Jones, George G. King, Kuhns, Lockhart, Mace, Mann, Edward C. Marshall, Humphrey Marshall, Martin, McCorkle, McDonald, McLanahan, Miner, Henry D. Moore, Morrison, Murray, Newton, Olds, Orr, Outlaw, Andrew Parker, Samuel W. Parker, Price, Robie, Ross, Russell, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Scurry, David L. Seymour, Smart, Snow, Frederick P. Stanton, Richard H. Stanton, A. H. Stephens, Sutherland, Sweetser, Taylor, Benj. B. Thompson, Thurston, Tuck, Venable, Walsh, Ward, and Williams—98.

So the substitute was adopted.

The question then recurred upon the adoption of the resolution, as amended.

Mr. MARSHALL, of Kentucky, demanded the yeas and nays; which were ordered.

PRESIDENT'S MESSAGE.

A message was then received from the President of the United States, by the hands of his Private Secretary, MILLARD P. FILLMORE; which was read by Mr. FORNEY, Clerk of the House, as follows:
Fellow-citizens of the Senate

and of the House of Representatives:

I congratulate you and our common constituency upon the favorable auspices under which you meet for your first session. Our country is at peace with all the world. The agitation which, for a time, threatened to disturb the fraternal relations which make us one people, is fast subsiding; and a year of general prosperity and health has crowned the nation with unusual blessings. None can look back to the dangers which are passed, or forward to the bright prospect before us, without feeling a thrill of gratification, at the same time that he must be impressed with a grateful sense of our profound obligations to a beneficent Providence, whose paternal care is so manifest in the happiness of this highly-favored land.

Since the close of the last Congress, certain Cubans and other foreigners resident in the United States, who were more or less concerned in the previous invasion of Cuba, instead of being discouraged by its failure, have again abused the hospitality of this country by making it the scene of the equipment of another military expedition against that possession of her Catholic Majesty, in which they were countenanced, aided, and joined by citizens of the United States. On receiving intelligence that such designs were entertained, I lost no time in issuing such instructions to the proper officers of the United States as seemed to be called for by the occasion. By the proclamation, a copy of which is herewith submitted, I also warned those who might be in danger of being inveigled into this scheme of its unlawful character, and of the penalties which they would incur. For some time there was reason to hope that these measures had sufficed to prevent any such attempt. This hope, however, proved to be delusive. Very early in the morning of the third of August, a steamer called the *Pampero* departed from New Orleans for Cuba, having on board upwards of four hundred armed men, with evident intentions to make war upon the authorities of the Island. This expedition was set on foot in palpable violation of the laws of the United States. Its leader was a Spaniard, and several of the chief officers, and some others engaged in it, were foreigners. The persons composing it, however, were mostly citizens of the United States.

Before the expedition set out, and probably before it was organized, a slight insurrectionary movement, which appears to have been soon suppressed, had taken place in the eastern quarter of Cuba. The importance of this movement was unfortunately so much exaggerated in the accounts of it published in this country, that these adventurers seem to have been led to believe that the Creole population of the Island not only desired to throw off the authority of the mother country, but had resolved upon that step, and had begun a well-concerted enterprise for effecting it. The persons engaged in the expedition were generally young and ill-informed. The steamer in which they embarked left New Orleans stealthily and without a clearance. After touching at Key West, she proceeded to the coast of Cuba, and, on the night between the 11th and 12th of August, landed the persons on board at Playtas, within about twenty leagues of Havana.

The main body of them proceeded to, and took possession of, an inland village six leagues distant, leaving others to follow in charge of the baggage, as soon as the means of transportation could be obtained. The latter, having taken up their line of march to connect themselves with the main body, and having proceeded about four leagues into the country, were attacked on the morning of the 13th by a body of Spanish troops, and a bloody conflict ensued; after which they retreated to the place of disembarkation, where about fifty of them obtained boats and reembarked therein. They were, however, intercepted among the keys near the shore by a Spanish steamer cruising on the coast, captured, and carried to Havana, and, after being examined before a military court, were sentenced to be publicly executed, and the sentence was carried into effect on the 16th of August.

On receiving information of what had occurred, Commodore Foxhall A. Parker was instructed to

proceed in the steam frigate *Saranac* to Havana, and inquire into the charges against the persons executed, the circumstances under which they were taken, and whatsoever referred to their trial and sentence. Copies of the instructions from the Department of State to him, and of his letters to that Department, are herewith submitted.

According to the record of the examination, the prisoners all admitted the offences charged against them, of being hostile invaders of the Island. At the time of their trial and execution the main body of the invaders were still in the field, making war upon the Spanish authorities and Spanish subjects. After the lapse of some days, being overcome by the Spanish troops, they dispersed on the 24th of August; Lopez, their leader, was captured some days after, and executed on the 1st of September. Many of his remaining followers were killed, or died of hunger and fatigue, and the rest were made prisoners. Of these, none appear to have been tried or executed. Several of them were pardoned upon application of their friends and others, and the rest, about one hundred and sixty in number, were sent to Spain. Of the final disposition made of these we have no official information.

Such is the melancholy result of this illegal and ill-fated expedition. Thus, thoughtless young men have been induced, by false and fraudulent representations, to violate the law of their country, through rash and unfounded expectations of assisting to accomplish political revolutions in other States, and have lost their lives in the undertaking. Too severe a judgment can hardly be passed, by the indignant sense of the community, upon those who, being better informed themselves, have yet led away the ardor of youth and an ill-directed love of political liberty. The correspondence between this Government and that of Spain relating to this transaction is herewith communicated.

Although these offenders against the laws have forfeited the protection of their country, yet the Government may, so far as is consistent with its obligations to other countries, and its fixed purpose to maintain and enforce the laws, entertain sympathy for their unoffending families and friends, as well as a feeling of compassion for themselves. Accordingly no proper effort has been spared, and none will be spared, to procure the release of such citizens of the United States, engaged in this unlawful enterprise, as are now in confinement in Spain; but it is to be hoped that such interposition with the Government of that country may not be considered as affording any ground of expectation that the Government of the United States will, hereafter, feel itself under any obligation of duty to interfere for the liberation or pardon of such persons as are flagrant offenders against the law of nations and the laws of the United States. Those laws must be executed. If we desire to maintain our respectability among the nations of the earth, it behooves us to enforce steadily and sternly the Neutrality acts passed by Congress, and to follow, as far as may be, the violation of those acts with condign punishment.

But what gives a peculiar criminality to this invasion of Cuba is, that, under the lead of Spanish subjects and with the aid of citizens of the United States, it had its origin, with many, in motives of cupidity. Money was advanced by individuals, probably in considerable amounts, to purchase Cuban bonds, as they have been called, issued by Lopez, sold, doubtless, at a very large discount, and for the payment of which the public lands and public property of Cuba, of whatever kind, and the fiscal resources of the people and government of that Island, from whatever source to be derived, were pledged, as well as the good faith of the government expected to be established. All these means of payment, it is evident, were only to be obtained by a process of bloodshed, war, and revolution. None will deny that those who set on foot military expeditions against foreign States by means like these, are far more culpable than the ignorant and the necessitous whom they induce to go forth as the ostensible parties in the proceeding. These originators of the invasion of Cuba seem to have determined, with coolness and system, upon an undertaking which should disgrace their country, violate its laws, and put to hazard the lives of ill-informed and deluded men. You will consider whether further legislation be necessary to prevent the perpetration of such offences in future.

No individuals have the right to hazard the peace of the country, or to violate its laws, upon

vague notions of altering or reforming governments in other States. This principle is not only reasonable in itself, and in accordance with public law, but is ingrafted into the codes of other nations as well as our own. But while such are the sentiments of this Government, it may be added that every independent nation must be presumed to be able to defend its possessions against unauthorized individuals banded together to attack them. The Government of the United States, at all times since its establishment, has abstained, and has sought to restrain the citizens of the country, from entering into controversies between other Powers, and to observe all the duties of neutrality. At an early period of the Government—in the administration of Washington—several laws were passed for this purpose. The main provisions of these laws were reenacted by the act of April, 1818, by which, amongst other things, it was declared, that if any person shall, within the territory or jurisdiction of the United States, begin, or set on foot, or provide, or prepare the means for any military expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or State, or of any colony, district, or people with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years; and this law has been executed and enforced, to the full extent of the power of the Government, from that day to this.

In proclaiming and adhering to the doctrine of neutrality and non-intervention, the United States have not followed the lead of other civilized nations; they have taken the lead themselves, and have been followed by others. This was admitted by one of the most eminent of modern British statesmen, who said in Parliament, while a minister of the Crown, "that if he wished for a 'guide in a system of neutrality, he should take 'that laid down by America in the days of Washington and the Secretaryship of Jefferson,'" and we see, in fact, that the act of Congress of 1818 was followed the succeeding year by an act of the Parliament of England, substantially the same in its general provisions. Up to that time there had been no similar law in England, except certain highly penal statutes passed in the reign of George II., prohibiting English subjects from enlisting in foreign service, the avowed object of which statutes was, that foreign armies, raised for the purpose of restoring the house of Stuart to the throne, should not be strengthened by recruits from England herself.

All must see that difficulties may arise in carrying the laws referred to into execution in a country now having three or four thousand miles of sea-coast, with an infinite number of ports and harbors and small inlets, from some of which unlawful expeditions may suddenly set forth, without the knowledge of Government, against the possessions of foreign States.

Friendly relations with all, but entangling alliances with none, has long been a maxim with us. Our true mission is not to propagate our opinions, or impose upon other countries our form of government, by artifice or force; but to teach by example, and show by our success, moderation, and justice, the blessings of self-government and the advantages of free institutions. Let every people choose for itself, and make and alter its political institutions to suit its own condition and convenience. But, while we avow and maintain this neutral policy ourselves, we are anxious to see the same forbearance on the part of other nations, whose forms of government are different from our own. The deep interest which we feel in the spread of liberal principles and the establishment of free governments, and the sympathy with which we witness every struggle against oppression, forbid that we should be indifferent to those in which the strong arm of a foreign power is invoked to stifle public sentiment, and repress the spirit of freedom in any country.

The Governments of Great Britain and France have issued orders to their naval commanders on the West India station to prevent by force, if necessary, the landing of adventurers from any nation on the Island of Cuba with hostile intent. The copy of a memorandum of a conversation on this subject between the *Chargé d'Affaires* of her Britannic Majesty and the Acting Secretary of

State, and of a subsequent note of the former to the Department of State, are herewith submitted, together with a copy of a note of the Acting Secretary of State to the Minister of the French Republic, and of the reply of the latter, on the same subject. These papers will acquaint you with the grounds of this interposition of the two leading commercial Powers of Europe, and with the apprehensions, which this Government could not fail to entertain, that such interposition, if carried into effect, might lead to abuses in derogation of the maritime rights of the United States. The maritime rights of the United States are founded on a firm, secure, and well-defined basis; they stand upon the ground of national independence and public law, and will be maintained in all their full and just extent.

The principle which this Government has heretofore solemnly announced it still adheres to, and will maintain under all circumstances and at all hazards. That principle is, that in every regularly documented merchant vessel, the crew who navigate it, and those on board of it, will find their protection in the flag which is over them. No American ship can be allowed to be visited or searched for the purpose of ascertaining the character of individuals on board, nor can there be allowed any watch by the vessels of any foreign nation over American vessels on the coasts of the United States, or the seas adjacent thereto. It will be seen by the last communication from the British *Chargé d'Affaires* to the Department of State, that he is authorized to assure the Secretary of State that every care will be taken that, in executing the preventive measures against the expeditions, which the United States Government itself has denounced as not being entitled to the protection of any Government, no interference shall take place with the lawful commerce of any nation.

In addition to the correspondence on this subject, herewith submitted, official information has been received at the Department of State, of assurances by the French Government that, in the orders given to the French naval forces, they were expressly instructed, in any operations they might engage in, to respect the flag of the United States, wherever it might appear, and to commit no act of hostility upon any vessel or armament under its protection.

Ministers and consuls of foreign nations are the means and agents of communication between us and those nations, and it is of the utmost importance that, while residing in the country, they should feel a perfect security so long as they faithfully discharge their respective duties, and are guilty of no violation of our laws. This is the admitted law of nations, and no country has a deeper interest in maintaining it than the United States. Our commerce spreads over every sea, and visits every clime, and our ministers and consuls are appointed to protect the interests of that commerce, as well as to guard the peace of the country, and maintain the honor of its flag. But how can they discharge these duties unless they be themselves protected? and, if protected, it must be by the laws of the country in which they reside. And what is due to our own public functionaries residing in foreign nations is exactly the measure of what is due to the functionaries of other Governments residing here. As in war, the bearers of flags of truce are sacred, or else wars would be interminable, so in peace, ambassadors, public ministers, and consuls, charged with friendly national intercourse, are objects of especial respect and protection, each according to the rights belonging to his rank and station. In view of these important principles, it is with deep mortification and regret I announce to you that, during the excitement growing out of the executions at Havana, the office of her Catholic Majesty's consul at New Orleans was assailed by a mob, his property destroyed, the Spanish flag found in the office carried off and torn in pieces, and he himself induced to flee for his personal safety, which he supposed to be in danger. On receiving intelligence of these events, I forthwith directed the attorney of the United States, residing at New Orleans, to inquire into the facts, and the extent of the pecuniary loss sustained by the consul, with the intention of laying them before you, that you might make provision for such indemnity to him as a just regard for the honor of the nation and the respect which is due to a friendly power, might, in your judg-

ment, seem to require. The correspondence upon this subject between the Secretary of State and her Catholic Majesty's Minister Plenipotentiary is herewith transmitted.

The occurrence at New Orleans has led me to give my attention to the state of our laws in regard to foreign ambassadors, ministers, and consuls. I think the legislation of the country is deficient in not providing sufficiently either for the protection or the punishment of consuls. I therefore recommend the subject to the consideration of Congress.

Your attention is again invited to the question of reciprocal trade between the United States and Canada, and other British possessions near our frontier. Overtures for a convention upon this subject have been received from her Britannic Majesty's Minister Plenipotentiary, but it seems to be in many respects preferable that the matter should be regulated by reciprocal legislation. Documents are laid before you, showing the terms which the British Government is willing to offer, and the measures which it may adopt, if some arrangement upon this subject shall not be made.

From the accompanying copy of a note from the British legation at Washington, and the reply of the Department of State thereto, it will appear that her Britannic Majesty's Government is desirous that a part of the boundary line between Oregon and the British possessions should be authoritatively marked out, and that an intention was expressed to apply to Congress for an appropriation to defray the expense thereof on the part of the United States. Your attention to this subject is accordingly invited, and a proper appropriation recommended.

A convention for the adjustment of claims of citizens of the United States against Portugal has been concluded, and the ratifications have been exchanged. The first installment of the amount to be paid by Portugal fell due on the 30th of September last, and has been paid.

The President of the French Republic, according to the provisions of the convention, has been selected as arbiter in the case of the General Armstrong, and has signified that he accepts the trust, and the high satisfaction he feels in acting as the common friend of two nations with which France is united by sentiments of sincere and lasting amity.

The Turkish Government has expressed its thanks for the kind reception given to the Sultan's agent, Amin Bey, on the occasion of his recent visit to the United States. On the 28th of February last, a dispatch was addressed by the Secretary of State to Mr. Marsh, the American Minister at Constantinople, instructing him to ask of the Turkish Government permission for the Hungarians, then imprisoned within the dominions of the Sublime Porte, to remove to this country. On the 3d of March last, both Houses of Congress passed a resolution requesting the President to authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity.

The instruction above referred to was complied with, and the Turkish Government having released Governor Kossuth and his companions from prison, on the 10th of September last they embarked on board of the United States steam-frigate *Mississippi*, which was selected to carry into effect the resolution of Congress. Governor Kossuth left the *Mississippi* at Gibraltar, for the purpose of making a visit to England, and may shortly be expected in New York. By communications to the Department of State he has expressed his grateful acknowledgments for the interposition of this Government in behalf of himself and his associates. This country has been justly regarded as a safe asylum for those whom political events have exiled from their own homes in Europe; and it is recommended to Congress to consider in what manner Governor Kossuth and his companions, brought hither by its authority, shall be received and treated.

It is earnestly to be hoped that the differences which have for some time past been pending between the Government of the French Republic and that of the Sandwich Islands, may be peaceably and durably adjusted, so as to secure the independence of those Islands. Long before the events which have of late imparted so much importance to the possessions of the United States on the Pacific, we acknowledged the independence of the

Hawaiian Government. This Government was first in taking that step, and several of the leading Powers of Europe immediately followed. We were influenced in this measure by the existing and prospective importance of the Islands as a place of refuge and refreshment for our vessels engaged in the whale fishery, and by the consideration that they lie in the course of the great trade which must, at no distant day, be carried on between the western coast of North America and Eastern Asia.

We were also influenced by a desire that those Islands should not pass under the control of any other great maritime State, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations. I need not say that the importance of these considerations has been greatly enhanced by the sudden and vast development which the interests of the United States have attained in California and Oregon; and the policy heretofore adopted in regard to those Islands will be steadily pursued.

It is gratifying, not only to those who consider the commercial interests of nations, but also to all who favor the progress of knowledge and the diffusion of religion, to see a community emerge from a savage state and attain such a degree of civilization in those distant seas.

It is much to be deplored that the internal tranquillity of the Mexican Republic should again be seriously disturbed; for, since the peace between that Republic and the United States, it had enjoyed such comparative repose that the most favorable anticipations for the future might, with a degree of confidence, have been indulged. These, however, have been thwarted by the recent outbreak in the State of Tamaulipas, on the right bank of the Rio Bravo. Having received information that persons from the United States had taken part in the insurrection, and apprehending that their example might be followed by others, I caused orders to be issued for the purpose of preventing any hostile expeditions against Mexico from being set on foot in violation of the laws of the United States. I likewise issued a proclamation upon the subject, a copy of which is herewith laid before you. This appeared to be rendered imperative by the obligations of treaties and the general duties of good neighborhood.

In my last annual message I informed Congress that citizens of the United States had undertaken the connection of the two oceans by means of a railroad across the Isthmus of Tehuantepec, under a grant of the Mexican Government to a citizen of that Republic; and that this enterprise would probably be prosecuted with energy whenever Mexico should consent to such stipulations with the Government of the United States as should impart a feeling of security to those who should invest their property in the enterprise.

A convention between the two Governments for the accomplishment of that end has been ratified by this Government, and only awaits the decision of the Congress and the Executive of that Republic.

Some unexpected difficulties and delays have arisen in the ratification of that convention by Mexico, but it is to be presumed that her decision will be governed by just and enlightened views, as well of the general importance of the object, as of her own interests and obligations.

In negotiating upon this important subject, this Government has had in view one, and only one, object. That object has been, and is, the construction or attainment of a passage from ocean to ocean, the shortest and the best for travelers and merchandise, and equally open to all the world. It has sought to attain no territorial acquisition, nor any advantages peculiar to itself; and it would see, with the greatest regret, that Mexico should oppose any obstacle to the accomplishment of an enterprise which promises so much convenience to the whole commercial world, and such eminent advantages to Mexico herself. Impressed with these sentiments and these convictions, the Government will continue to exert all proper efforts to bring about the necessary arrangement with the Republic of Mexico for the speedy completion of the work.

For some months past the Republic of Nicaragua has been the theatre of one of those civil convulsions, from which the cause of free institutions, and the general prosperity and social progress of the States of Central America, have so often and

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so severely suffered. Until quiet shall have been restored, and a government apparently stable shall have been organized, no advance can prudently be made in disposing of the questions pending between the two countries.

I am happy to announce that an inter-oceanic communication from the mouth of the St. John to the Pacific has been so far accomplished as that passengers have actually traversed it, and merchandise has been transported over it; and when the canal shall have been completed, according to the original plan, the means of communication will be further improved.

It is understood that a considerable part of the railroad across the Isthmus of Panama has been completed, and that the mail and passengers will in future be conveyed thereon.

Whichever of the several routes between the two oceans may ultimately prove most eligible for travelers to and from the different States on the Atlantic and Gulf of Mexico and our coast on the Pacific, there is little reason to doubt that all of them will be useful to the public, and will liberally reward that individual enterprise by which alone they have been or are expected to be carried into effect.

Peace has been concluded between the contending parties in the Island of St. Domingo, and it is hoped upon a durable basis. Such is the extent of our commercial relations with that Island, that the United States cannot fail to feel a strong interest in its tranquility.

The office of Commissioner to China remains unfilled; several persons have been appointed, and the place has been offered to others, all of whom have declined its acceptance, on the ground of the inadequacy of the compensation. The annual allowance by law is six thousand dollars, and there is no provision for any outfit. I earnestly recommend the consideration of this subject to Congress. Our commerce with China is highly important, and is becoming more and more so, in consequence of the increasing intercourse between our ports on the Pacific coast and Eastern Asia. China is understood to be a country in which living is very expensive, and I know of no reason why the American commissioner sent thither should not be placed, in regard to compensation, on an equal footing with ministers who represent this country at the courts of Europe.

By reference to the report of the Secretary of the Treasury, it will be seen that the aggregate receipts for the last fiscal year amounted to \$52,312,979 87; which, with the balance in the Treasury on the 1st July, 1850, gave, as the available means for the year, the sum of \$58,917,524 36.

The total expenditures for the same period were \$48,005,878 68.

The total imports for the year ending 30th June, 1851, were.....	\$215,725,995
Of which there were in specie.....	4,967,901
The exports for the same period were.....	217,517,130
Of which there were of domestic products.....	\$178,546,555
Foreign goods reexported.....	9,738,695
Specie.....	29,231,880
	\$217,517,130

Since the 1st of December last the payments in cash on account of the public debt, exclusive of interest, have amounted to \$7,501,456 56; which, however, includes the sum of \$3,242,400 paid under the 12th article of the treaty with Mexico, and the further sum of \$2,591,213 45, being the amount of awards to American citizens under the late treaty with Mexico, for which the issue of stock was authorized, but which was paid in cash from the Treasury.

The public debt on the 20th ultimo, exclusive of the stock authorized to be issued to Texas by the act of 9th September, 1850, was \$62,560,395 26.

The receipts for the next fiscal year are estimated at \$51,800,000, which, with the probable unappropriated balance in the Treasury on the 30th June next, will give, as the probable available means for that year, the sum of \$63,258,743 09.

It has been deemed proper, in view of the large expenditures consequent upon the acquisition of

territory from Mexico, that the estimates for the next fiscal year should be laid before Congress in such manner as to distinguish the expenditures so required from the otherwise ordinary demands upon the Treasury.

The total expenditures for the next fiscal year are estimated at \$42,892,299 19; of which there is required for the ordinary purposes of the Government, other than those consequent upon the acquisition of our new Territories, and deducting the payments on account of the public debt, the sum of \$33,343,198 08; and for the purposes connected directly or indirectly with those Territories, and in the fulfillment of the obligations of the Government, contracted in consequence of their acquisition, the sum of \$9,549,101 11.

If the views of the Secretary of the Treasury in reference to the expenditures required for these Territories shall be met by corresponding action on the part of Congress, and appropriations made in accordance therewith, there will be an estimated unappropriated balance in the Treasury on the 30th June, 1853, of \$20,366,443 90, wherewith to meet that portion of the public debt due on the first July following, amounting to \$6,237,931 35, as well as any appropriations which may be made beyond the estimates.

In thus referring to the estimated expenditures on account of our newly-acquired Territories, I may express the hope that Congress will concur with me in the desire that a liberal course of policy may be pursued towards them, and that every obligation, express or implied, entered into in consequence of their acquisition, shall be fulfilled by the most liberal appropriations for that purpose.

The value of our domestic exports for the last fiscal year, as compared with those of the previous year, exhibit an increase of \$43,646,322. At first view this condition of our trade with foreign nations would seem to present the most flattering hopes of its future prosperity. An examination of the details of our exports, however, will show that the increased value of our exports for the last fiscal year is to be found in the high price of cotton which prevailed during the first half of that year, which price has since declined about one half.

The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff and large importations from abroad would have greatly augmented, has fallen from \$68,701,921 in 1847, to \$26,051,373 in 1850, and to \$21,948,653 in 1851, with a strong probability, amounting almost to a certainty, of a still further reduction in the current year.

The aggregate values of rice exported during the last fiscal year, as compared with the previous year, also exhibit a decrease amounting to \$460,917; which, with a decline in the values of the exports of tobacco for the same period, make an aggregate decrease in these two articles of \$1,156,751.

The policy which dictated a low rate of duties on foreign merchandise, it was thought by those who promoted and established it, would tend to benefit the farming population of this country, by increasing the demand and raising the price of agricultural products in foreign markets.

The foregoing facts, however, seem to show, incontestably, that no such result has followed the adoption of this policy. On the contrary, notwithstanding the repeal of the restrictive corn laws in England, the foreign demand for the products of the American farmer has steadily declined, since the short crops and consequent famine in a portion of Europe have been happily replaced by full crops and comparative abundance of food.

It will be seen, by recurring to the commercial statistics for the past year, that the value of our domestic exports has been increased in the single item of raw cotton by \$40,000,000 over the value of that export for the year preceding. This is not due to any increased general demand for that article, but to the short crop of the preceding year, which created an increased demand and an augmented price for the crop of last year. Should the cotton crop now going forward to market be

only equal in quantity to that of the year preceding, and be sold at the present prices, then there would be a falling off in the value of our exports for the present fiscal year of at least \$40,000,000, compared with the amount exported for the year ending 30th June, 1851.

The production of gold in California for the past year seems to promise a large supply of that metal from that quarter for some time to come. This large annual increase of the currency of the world must be attended with its usual results. These have been already partially disclosed in the enhancement of prices and a rising spirit of speculation and adventure, tending to overtrading, as well at home as abroad. Unless some salutary check shall be given to these tendencies, it is to be feared that importations of foreign goods beyond a healthy demand in this country will lead to a sudden drain of the precious metals from us, bringing with it, as it has done in former times, the most disastrous consequences to the business and capital of the American people.

The exports of specie to liquidate our foreign debt during the past fiscal year have been \$24,263,979 over the amount of specie imported. The exports of specie during the first quarter of the present fiscal year have been \$14,651,827. Should specie continue to be exported at this rate for the remaining three quarters of this year, it will drain from our metallic currency, during the year ending 30th June, 1852, the enormous amount of \$58,607,308.

In the present prosperous condition of the national finances, it will become the duty of Congress to consider the best mode of paying off the public debt. If the present and anticipated surplus in the Treasury should not be absorbed by appropriations of an extraordinary character, this surplus should be employed in such way, and under such restrictions, as Congress may enact, in extinguishing the outstanding debt of the nation.

By reference to the act of Congress approved 9th September, 1850, it will be seen that in consideration of certain concessions by the State of Texas, it is provided that the "United States shall pay to the State of Texas the sum of ten millions of dollars, in a stock bearing five per cent. interest, and redeemable at the end of fourteen years, the interest payable half yearly at the Treasury of the United States."

In the same section of the law it is further provided "that no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas, for which duties on imports were specially pledged, shall first file at the Treasury of the United States releases of all the claims against United States, for or on account of said bonds or certificates, in such form as shall be prescribed by the Secretary of the Treasury, and approved by the President of the United States."

The form of release thus provided for has been prescribed by the Secretary of the Treasury, and approved. It has been published in all the leading newspapers in the commercial cities of the United States, and all persons holding claims of the kind specified in the foregoing proviso were required to file their releases (in the form thus prescribed) in the Treasury of the United States, on or before the first day of October, 1851. Although this publication has been continued from the 25th day of March, 1851, yet up to the 1st October last comparatively few releases had been filed by the creditors of Texas.

The authorities of the State of Texas, at the request of the Secretary of the Treasury, have furnished a schedule of the public debt of that State created prior to her admission into the Union, with a copy of the laws under which each class was contracted.

I have, from the documents furnished by the State of Texas, determined the classes of claims which, in my judgment, fall within the provisions of the act of Congress of the 9th of September, 1850.

On being officially informed of the acceptance by Texas of the propositions contained in the act

referred to, I caused the stock to be prepared, and the five millions which are to be issued unconditionally, bearing an interest of five per cent., from the 1st day of January, 1851, have been for some time ready to be delivered to the State of Texas. The authorities of Texas, up to the present time, have not authorized any one to receive this stock, and it remains in the Treasury Department, subject to the order of Texas.

The releases, required by law to be deposited in the Treasury, not having been filed there, the remaining five millions have not been issued. This last amount of the stock will be withheld from Texas until the conditions upon which it is to be delivered shall be complied with by the creditors of that State, unless Congress shall otherwise direct by a modification of the law.

In my last annual message, to which I respectfully refer, I stated briefly the reasons which induced me to recommend a modification of the present tariff, by converting the ad valorem into a specific duty, wherever the article imported was of such a character as to permit it, and that such a discrimination should be made in favor of the industrial pursuits of our own country as to encourage home production, without excluding foreign competition.

The numerous frauds which continue to be practised upon the revenue, by false invoices and undervaluations, constitute an unanswerable reason for adopting specific instead of ad valorem duties in all cases where the nature of the commodity does not forbid it. A striking illustration of these frauds will be exhibited in the report of the Secretary of the Treasury, showing the custom-house valuation of articles imported under a former law subject to specific duties, when there was no inducement to undervaluation, and the custom-house valuations of the same articles, under the present system of ad valorem duties, so greatly reduced as to leave no doubt of the existence of the most flagrant abuses under the existing laws. This practical evasion of the present law, combined with the languishing condition of some of the great interests of the country, caused by over-importations and consequent depressed prices, and with the failure in obtaining a foreign market for our increasing surplus of breadstuffs and provisions, has induced me again to recommend a modification of the existing tariff.

The report of the Secretary of the Interior, which accompanies this communication, will present a condensed statement of the operations of that important department of the Government.

It will be seen that the cash sales of the public lands exceed those of the preceding year, and that there is reason to anticipate a still further increase, notwithstanding the large donations which have been made to many of the States, and the liberal grants to individuals as a reward for military services. This fact furnishes very gratifying evidence of the growing wealth and prosperity of our country.

Suitable measures have been adopted for commencing the survey of the public lands in California and Oregon. Surveying parties have been organized, and some progress has been made in establishing the principal base and meridian lines. But further legislation and additional appropriations will be necessary before the proper subdivisions can be made, and the general land system extended over those remote parts of our territory.

On the 3d of March last an act was passed providing for the appointment of three commissioners to settle private land claims in California. Three persons were immediately appointed, all of whom, however, declined accepting the office, in consequence of the inadequacy of the compensation. Others were promptly selected, who, for the same reason, also declined; and it was not until late in the season that the services of suitable persons could be secured. A majority of the commissioners convened in this city on the 10th of September last, when detailed instructions were given to them in regard to their duties. Their first meeting for the transaction of business will be held in San Francisco on the 8th day of the present month.

I have thought it proper to refer to these facts, not only to explain the causes of the delay in filling the commission, but to call your attention to the propriety of increasing the compensation of the commissioners. The office is one of great labor and responsibility, and the compensation should

be such as to command men of a high order of talents and the most unquestionable integrity.

The proper disposal of the mineral lands of California is a subject surrounded by great difficulties. In my last annual message I recommended the survey and sale of them in small parcels, under such restrictions as would effectually guard against monopoly and speculation. But upon further information, and in deference to the opinions of persons familiar with the subject, I am inclined to change that recommendation, and to advise that they be permitted to remain, as at present, a common field, open to the enterprise and industry of all our citizens, until further experience shall have developed the best policy to be ultimately adopted in regard to them. It is safer to suffer the inconvenience that now exists, for a short period, than, by premature legislation, to fasten on the country a system founded in error, which may place the whole subject beyond the future control of Congress.

The agricultural lands should, however, be surveyed and brought into market with as little delay as possible, that the titles may become settled, and the inhabitants stimulated to make permanent improvements, and enter on the ordinary pursuits of life. To effect these objects it is desirable that the necessary provision be made by law for the establishment of land offices in California and Oregon, and for the efficient prosecution of the surveys at an early day.

Some difficulties have occurred in organizing the territorial governments of New Mexico and Utah; and, when more accurate information shall be obtained of the causes, a further communication will be made on that subject.

In my last annual communication to Congress, I recommended the establishment of an Agricultural Bureau, and I take this occasion again to invoke your favorable consideration of the subject.

Agriculture may justly be regarded as the great interest of our people. Four fifths of our active population are employed in the cultivation of the soil, and the rapid expansion of our settlements over new territory is daily adding to the number of those engaged in that vocation. Justice and sound policy, therefore, alike require that the Government should use all the means authorized by the Constitution to promote the interests and welfare of that important class of our fellow-citizens. And yet it is a singular fact, that whilst the manufacturing and commercial interests have engaged the attention of Congress during a large portion of every session, and our statutes abound in provisions for their protection and encouragement, little has yet been done directly for the advancement of agriculture. It is time that this reproach to our legislation should be removed; and I sincerely hope that the present Congress will not close their labors without adopting efficient means to supply the omissions of those who have preceded them.

An agricultural bureau, charged with the duty of collecting and disseminating correct information as to the best modes of cultivation, and of the most effectual means of preserving and restoring the fertility of the soil, and of procuring and distributing seeds, and plants, and other vegetable productions, with instructions in regard to the soil, climate, and treatment best adapted to their growth, could not fail to be, in the language of Washington, in his last annual message to Congress, a "very cheap instrument of immense national benefit."

Regarding the act of Congress, approved 28th September, 1850, granting bounty lands to persons who had been engaged in the military service of the country, as a great measure of national justice and munificence, an anxious desire has been felt, by the officers intrusted with its immediate execution, to give prompt effect to its provisions. All the means within their control were, therefore, brought into requisition to expedite the adjudication of claims; and I am gratified to be able to state, that near one hundred thousand applications have been considered, and about seventy thousand warrants issued, within the short space of nine months. If adequate provision be made by law to carry into effect the recommendations of the Department, it is confidently expected that, before the close of the next fiscal year, all who are entitled to the benefits of the act will have received their warrants.

The Secretary of the Interior has suggested in his report various amendments of the laws relating

to pensions and bounty lands, for the purpose of more effectually guarding against abuses and frauds on the Government: to all of which I invite your particular attention.

The large accessions to our Indian population consequent upon the acquisition of New Mexico and California, and the extension of our settlements into Utah and Oregon, have given increased interest and importance to our relations with the aboriginal race.

No material change has taken place within the last year in the condition and prospects of the Indian tribes who reside in the Northwestern Territory and west of the Mississippi river. We are at peace with all of them; and it will be a source of pleasure to you to learn that they are gradually advancing in civilization and the pursuits of social life.

Along the Mexican frontier, and in California and Oregon, there have been occasional manifestations of unfriendly feeling, and some depredations committed. I am satisfied, however, that they resulted more from the destitute and starving condition of the Indians than from any settled hostility toward the whites. As the settlements of our citizens progress towards them, the game upon which they mainly rely for subsistence is driven off or destroyed, and the only alternative left to them is starvation or plunder. It becomes us to consider, in view of this condition of things, whether justice and humanity, as well as an enlightened economy, do not require that, instead of seeking to punish them for offences which are the result of our own policy towards them, we should not provide for their immediate wants, and encourage them to engage in agriculture, and to rely on their labor, instead of the chase, for the means of support.

Various important treaties have been negotiated with different tribes during the year, by which their title to large and valuable tracts of country has been extinguished: all of which will, at the proper time, be submitted to the Senate for ratification.

The joint commission under the treaty of Guadalupe Hidalgo has been actively engaged in running and marking the boundary line between the United States and Mexico. It was stated in the last annual report of the Secretary of the Interior that the initial point on the Pacific and the point of junction of the Gila with the Colorado river had been determined, and the intervening line, about one hundred and fifty miles in length, run and marked by temporary monument. Since that time a monument of marble has been erected at the initial point, and permanent landmarks of iron have been placed at suitable distances along the line.

The initial point on the Rio Grande has also been fixed by the commissioners at latitude 32° 22', and at the date of the last communication the survey of the line had been made thence westward about one hundred and fifty miles, to the neighborhood of the copper mines.

The commission on our part was at first organized on a scale which experience proved to be unwieldy and attended with unnecessary expense. Orders have, therefore, been issued for the reduction of the number of persons employed within the smallest limits consistent with the safety of those engaged in the service and the prompt and efficient execution of their important duties.

Returns have been received from all the officers engaged in taking the census in the States and Territories, except California. The superintendent employed to make the enumeration in that State has not yet made his full report, from causes, as he alleges, beyond his control. This failure is much to be regretted, as it has prevented the Secretary of the Interior from making the decennial apportionment of representatives among the States, as required by the act approved May 23, 1850. It is hoped, however, the returns will soon be received, and no time will then be lost in making the necessary apportionment, and in transmitting the certificates required by law.

The Superintendent of the Seventh Census is diligently employed, under the direction of the Secretary of the Interior, in classifying and arranging, in tabular form, all the statistical information derived from the returns of the marshals, and it is believed that when the work shall be completed it will exhibit a more perfect view of the population, wealth, occupations, and social

condition of a great country than has ever been presented to the world. The value of such a work, as the basis of enlightened legislation, can hardly be overestimated; and I earnestly hope that Congress will lose no time in making the appropriations necessary to complete the classifications, and to publish the results in a style worthy of the subject and of our national character.

The want of a uniform fee bill, prescribing the compensation to be allowed district attorneys, clerks, marshals, and commissioners in civil and criminal cases, is the cause of much vexation, injustice, and complaint. I would recommend a thorough revision of the laws on the whole subject, and the adoption of a tariff of fees which, as far as practicable, should be uniform, and prescribe a specific compensation for every service which the officer may be required to perform. This subject will be fully presented in the report of the Secretary of the Interior.

In my last annual message I gave briefly my reasons for believing that you possessed the constitutional power to improve the harbors of our great lakes and sea-coast, and the navigation of our principal rivers, and recommended that appropriations should be made for completing such works as had already been commenced, and for commencing such others as might seem to the wisdom of Congress to be of public and general importance. Without repeating the reasons then urged, I deem it my duty again to call your attention to this important subject. The works on many of the harbors were left in an unfinished state, and, consequently, exposed to the action of the elements, which is fast destroying them. Great numbers of lives and vast amounts of property are annually lost for want of safe and convenient harbors on the lakes. None but those who have been exposed to that dangerous navigation can fully appreciate the importance of this subject. The whole Northwest appeals to you for relief, and I trust their appeal will receive due consideration at your hands.

The same is in a measure true in regard to some of the harbors and inlets on the sea-coast.

The unobstructed navigation of our large rivers is of equal importance. Our settlements are now extending to the sources of the great rivers which empty into, and form a part of the Mississippi, and the value of the public lands in those regions would be greatly enhanced by freeing the navigation of those waters from obstructions. In view, therefore, of this great interest, I deem it my duty again to urge upon Congress to make such appropriations for these improvements as they may deem necessary.

The survey of the Delta of the Mississippi, with a view to the prevention of the overflows that have proved so disastrous to that region of country, have been nearly completed, and the reports thereof are now in course of preparation, and will shortly be laid before you.

The protection of our southwestern frontier, and of the adjacent Mexican States, against the Indian tribes within our border, has claimed my earnest and constant attention. Congress having failed, at the last session, to adopt my recommendation that an additional regiment of mounted men specially adapted to that service should be raised, all that remained to be done was to make the best use of the means at my disposal. Accordingly, all the troops adapted to that service that could properly be spared from other quarters have been concentrated on that frontier, and officers of high reputation selected to command them. A new arrangement of the military posts has also been made, whereby the troops are brought nearer to the Mexican frontier and to the tribes they are intended to overawe.

Sufficient time has not yet elapsed to realize all the benefits that are expected to result from these arrangements, but I have every reason to hope that they will effectually check their marauding expeditions. The nature of the country, which furnishes little for the support of an army, and abounds in places of refuge and concealment, is remarkably well adapted to this predatory warfare; and we can scarcely hope that any military force, combined with the greatest vigilance, can entirely suppress it.

By the treaty of Guadalupe Hidalgo we are bound to protect the territory of Mexico against the incursions of the savage tribes within our border "with equal diligence and energy" as if

the same were made within our territory or against our citizens. I have endeavored to comply, as far as possible, with this provision of the treaty. Orders have been given to the officers commanding on that frontier to consider the Mexican territory and its inhabitants as equally with our own entitled to their protection; and to make all their plans and arrangements with a view to the attainment of this object. Instructions have also been given to the Indian commissioners and agents among these tribes, in all treaties, to make the clauses designed for the protection of our own citizens apply also to those of Mexico. I have no reason to doubt that these instructions have been fully carried into effect. Nevertheless, it is probable that, in spite of all our efforts, some of the neighboring States of Mexico may have suffered, as our own have, from depredations by the Indians.

To the difficulties of defending our own territory, as above mentioned, are superadded, in defending that of Mexico, those that arise from its remoteness, from the fact that we have no right to station our troops within her limits, and that there is no efficient military force on the Mexican side to cooperate with our own. So long as this shall continue to be the case, the number and activity of our troops will rather increase than diminish the evil, as the Indians will naturally turn towards that country where they encounter the least resistance. Yet these troops are necessary to subdue them, and to compel them to make and observe treaties. Until this shall have been done, neither country will enjoy any security from their attacks.

The Indians in California, who had previously appeared of a peaceable character, and disposed to cultivate the friendship of the whites, have recently committed several acts of hostility. As a large portion of the reinforcements sent to the Mexican frontier were drawn from the Pacific, the military force now stationed there is considered entirely inadequate to its defence. It cannot be increased, however, without an increase of the Army; and I again recommend that measure as indispensable to the protection of the frontier.

I invite your attention to the suggestions on this subject, and on others connected with his Department, in the report of the Secretary of War.

The appropriations for the support of the Army during the current fiscal year ending 30th June next, were reduced far below the estimate submitted by the Department. The consequence of this reduction is a considerable deficiency, to which I invite your early attention.

The expenditures of that Department, for the year ending 30th June last, were \$9,060,268 58. The estimates for the year commencing 1st July next and ending June 30, 1853, are \$7,898,775 83; showing a reduction of \$1,161,492 75.

The Board of Commissioners, to whom the management of the affairs of the Military Asylum created by the act of 3d March last was intrusted, have selected a site for the establishment of an asylum in the vicinity of this city, which has been approved by me, subject to the production of a satisfactory title.

The report of the Secretary of the Navy will exhibit the condition of the public service under the supervision of that Department. Our naval force afloat during the present year has been actively and usefully employed in giving protection to our widely-extended and increasing commerce and interests in the various quarters of the globe, and our flag has everywhere afforded the security and received the respect inspired by the justice and liberality of our intercourse, and the dignity and power of the nation.

The expedition commanded by Lieutenant De Haven, dispatched in search of the British commander, Sir John Franklin, and his companions in the Arctic Seas, returned to New York in the month of October, after having undergone great peril and suffering from an unknown and dangerous navigation and the rigors of a northern climate, without any satisfactory information of the objects of their search, but with new contributions to science and navigation from the unfrequented polar regions. The officers and men of the expedition, having been all volunteers for this service, and having so conducted it as to meet the entire approbation of the Government, it is suggested, as an act of grace and generosity, that the same allowances of extra pay and emoluments be ex-

tended to them that were made to the officers and men of like rating in the late Exploring Expedition to the South Seas.

I earnestly recommend to your attention the necessity of reorganizing the naval establishment, apportioning and fixing the number of officers in each grade, providing some mode of promotion to the higher grades of the Navy, having reference to merit and capacity, rather than seniority or date of entry into the service, and for retiring from the effective list upon reduced pay those who may be incompetent to the performance of active duty. As a measure of economy, as well as of efficiency in this arm of the service, the provision last mentioned is eminently worthy of your consideration.

The determination of the questions of relative rank between the sea officers and civil officers of the Navy, and between officers of the Army and Navy, in the various grades of each, will also merit your attention. The failure to provide any substitute, when corporal punishment was abolished for offences in the Navy, has occasioned the convening of numerous courts-martial upon the arrival of vessels in port, and is believed to have had an injurious effect upon the discipline and efficiency of the service. To moderate punishment from one grade to another is among the humane reforms of the age; but to abolish one of severity, which applied so generally to offences on ship-board, and provide nothing in its stead, is to suppose a progress of improvement in every individual among seamen which is not assumed by the legislature in respect to any other class of men. It is hoped that Congress, in the ample opportunity afforded by the present session, will thoroughly investigate this important subject, and establish such modes of determining guilt, and such gradations of punishment, as are consistent with humanity and the personal rights of individuals, and at the same time shall insure the most energetic and efficient performance of duty and the suppression of crime in our ships of war.

The stone dock in the navy-yard at New York, which was ten years in process of construction, has been so far finished as to be surrendered up to the authorities of the yard. The dry-dock at Philadelphia is reported as completed, and is expected soon to be tested and delivered over to the agents of the Government. That at Portsmouth, New Hampshire, is also nearly ready for delivery; and a contract has been concluded, agreeably to the act of Congress at its last session, for a floating section dock on the bay of San Francisco. I invite your attention to the recommendation of the Department touching the establishment of a navy-yard in conjunction with this dock on the Pacific. Such a station is highly necessary to the convenience and effectiveness of our fleet in that ocean, which must be expected to increase with the growth of commerce and the rapid extension of our whale fisheries over its waters.

The Naval Academy at Annapolis, under a revised and improved system of regulations, now affords opportunities of education and instruction to the pupils quite equal, it is believed, for professional improvement, to those enjoyed by the cadets in the Military Academy. A large class of acting midshipmen was received at the commencement of the last academic term, and a practice-ship has been attached to the institution, to afford the amplest means for regular instruction in seamanship, as well as for cruises during the vacations of three or four months in each year.

The advantages of science in nautical affairs have rarely been more strikingly illustrated than in the fact stated in the report of the Navy Department, that, by means of the wind and current charts, projected and prepared by Lieutenant Maury, the Superintendent of the Naval Observatory, the passage from the Atlantic to the Pacific ports of our country has been shortened by about forty days.

The estimates for the support of the Navy and Marine Corps the ensuing fiscal year will be found to be \$5,856,472 19, the estimates for the current year being \$5,900,621.

The estimates for special objects under the control of this Department amount to \$2,684,220 89, against \$2,210,980 for the present year, the increase being occasioned by the additional mail service on the Pacific coast and the construction of the dock in California, authorized at the last session of Congress, and some slight additions under

the head of improvements and repairs in navy-yards, buildings, and machinery.

I deem it of much importance to a just economy, and a correct understanding of naval expenditures, that there should be an entire separation of the appropriations for the support of the naval service proper from those for permanent improvements at navy-yard sand stations, and from ocean steam-mail service, and other special objects assigned to the supervision of this Department.

The report of the Postmaster General, herewith communicated, presents an interesting view of the progress, operations, and condition of his Department.

At the close of the last fiscal year, the length of mail routes within the United States was 196,290 miles; the annual transportation thereon 53,272,252 miles; and the annual cost of such transportation \$3,421,754.

The length of the foreign-mail routes is estimated at 18,349 miles, and the annual transportation therein at 615,206 miles. The annual cost of this service is \$1,472,187, of which \$448,937 is paid by the Post Office Department, and \$1,023,250 is paid through the Navy Department.

The annual transportation within the United States (excluding the service in California and Oregon, which is now, for the first time, reported and embraced in the tabular statements of the Department) exceeds that of the preceding year 6,162,855 miles, at an increased cost of \$547,110.

The whole number of post offices in the United States on the 30th day of June last was 19,796. There were 1,698 post offices established, and 256 discontinued during the year.

The gross revenues of the Department for the fiscal year, including the appropriations for the franked matter of Congress, of the Departments, and officers of Government, and excluding the foreign postages, collected for, and payable to, the British post office, amounted to \$6,727,866 78.

The expenditures for the same period (excluding \$20,599 49, paid under an award of the Auditor, in pursuance of a resolution of the last Congress, for mail service on the Ohio and Mississippi rivers in 1832 and 1833, and the amount paid to the British post office for foreign postages collected for and payable to that office) amounted to \$6,024,566 79; leaving a balance of revenue over the proper expenditures of the year of \$703,299 99.

The receipts for postages during the year (excluding the foreign postages collected for and payable to the British post office) amounted to \$6,345,747 21, being an increase of \$997,610 79, or 18.65-100 per cent. over the like receipts for the preceding year.

The reduction of postage, under the act of March last, did not take effect until the commencement of the present fiscal year. The accounts for the first quarter, under the operation of the reduced rates, will not be settled before January next; and no reliable estimate of the receipts for the present year can yet be made. It is believed, however, that they will fall far short of those of the last year. The surplus of the revenues now on hand is, however, so large that no further appropriation from the Treasury in aid of the revenues of the Department is required for the current fiscal year; but an additional appropriation for the year ending June 30, 1853, will probably be found necessary when the receipts of the first two quarters of the fiscal year are fully ascertained.

In his last annual report the Postmaster General recommended a reduction of postage to rates which he deemed as low as could be prudently adopted, unless Congress was prepared to appropriate from the Treasury, for the support of the Department, a sum more than equivalent to the mail services performed by it for the Government. The recommendations of the Postmaster General, in respect to letter postage, except on letters from and to California and Oregon, were substantially adopted by the last Congress. He now recommends adherence to the present letter rates, and advises against a further reduction until justified by the revenue of the Department.

He also recommends that the rates of postage on printed matter be so revised as to render them more simple, and more uniform in their operation upon all classes of printed matter. I submit the recommendations of the report to your favorable consideration.

The public statutes of the United States have now been accumulating for more than sixty years,

and, interspersed with private acts, are scattered through numerous volumes; and, from the cost of the whole, have become almost inaccessible to the great mass of the community. They also exhibit much of the incongruity and imperfection of hasty legislation. As it seems to be generally conceded that there is no "common law" of the United States to supply the defects of their legislation, it is most important that that legislation should be as perfect as possible, defining every power intended to be conferred, every crime intended to be made punishable, and prescribing the punishment to be inflicted. In addition to some particular cases spoken of more at length, the whole criminal code is now lamentably defective. Some offences are imperfectly described, and others are entirely omitted; so that flagrant crimes may be committed with impunity. The scale of punishment is not in all cases graduated according to the degree and nature of the offence, and is often rendered more unequal by the different modes of imprisonment, or penitentiary confinement, in the different States.

Many laws of a permanent character have been introduced into appropriation bills, and it is often difficult to determine whether the particular clause expires with the temporary act of which it is a part, or continues in force. It has also frequently happened that enactments and provisions of law have been introduced into bills, with the title or general subject of which they have little or no connection or relation. In this mode of legislation so many enactments have been heaped upon each other, and often with but little consideration, that, in many instances, it is difficult to search out and determine what is the law.

The Government of the United States is emphatically a government of written laws. The statutes should, therefore, as far as practicable, not only be made accessible to all, but be expressed in language so plain and simple as to be understood by all, and arranged in such method as to give perspicuity to every subject. Many of the States have revised their public acts with great and manifest benefit; and I recommend that provision be made by law for the appointment of a commission to revise the public statutes of the United States, arranging them in order, supplying deficiencies, correcting incongruities, simplifying their language, and reporting them to Congress for its action.

An act of Congress, approved 30th September, 1850, contained a provision for the extension of the Capitol, according to such plan as might be approved by the President, and appropriated one hundred thousand dollars to be expended under his direction, by such architect as he should appoint to execute the same. On examining the various plans which had been submitted by different architects, in pursuance of an advertisement by a committee of the Senate, no one was found to be entirely satisfactory, and it was therefore deemed advisable to combine and adopt the advantages of several.

The great object to be accomplished was to make such an addition as would afford ample and convenient halls for the deliberations of the two Houses of Congress, with sufficient accommodations for spectators, and suitable apartments for the committees and officers of the two branches of the Legislature. It was also desirable not to mar the harmony and beauty of the present structure, which, as a specimen of architecture, is so universally admired. Keeping these objects in view, I concluded to make the addition by wings, detached from the present building, yet connected with it by corridors. This mode of enlargement will leave the present Capitol uninjured, and afford great advantages for ventilation and the admission of light, and will enable the work to progress without interrupting the deliberations of Congress. To carry this plan into effect, I have appointed an experienced and competent architect. The corner-stone was laid on the 4th day of July last, with suitable ceremonies, since which time the work has advanced with commendable rapidity, and the foundations of both wings are now nearly complete.

I again commend to your favorable regard the interests of the District of Columbia, and deem it only necessary to remind you that although its inhabitants have no voice in the choice of Representatives in Congress, they are not the less entitled to a just and liberal consideration in your legislation. My opinions on this subject were

more fully expressed in my last annual communication.

Other subjects were brought to the attention of Congress in my last annual message, to which I would respectfully refer. But there was one of more than ordinary interest, to which I again invite your special attention. I allude to the recommendation for the appointment of a commission to settle private claims against the United States. Justice to individuals, as well as to the Government, imperatively demands that some more convenient and expeditious mode than an appeal to Congress should be adopted.

It is deeply to be regretted that in several instances officers of the Government, in attempting to execute the law for the return of fugitives from labor, have been openly resisted, and their efforts frustrated and defeated by lawless and violent mobs; that in one case such resistance resulted in the death of an estimable citizen, and in others serious injury ensued to those officers and so individuals who were using their endeavors to sustain the laws. Prosecutions have been instituted against the alleged offenders, so far as they could be identified, and are still pending. I have regarded it as my duty, in these cases, to give all aid legally in my power to the enforcement of the laws, and I shall continue to do so wherever and whenever their execution may be resisted.

The act of Congress for the return of fugitives from labor is one required and demanded by the express words of the Constitution.

The Constitution declares, "That no person 'held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such 'service or labor may be due.'" This constitutional provision is equally obligatory upon the Legislative, the Executive, and Judicial Departments of the Government, and upon every citizen of the United States.

Congress, however, must, from necessity, first act upon the subject, by prescribing the proceedings necessary to ascertain that the person is a fugitive, and the means to be used for his restoration to the claimant. This was done by an act passed during the first term of President Washington, which was amended by that enacted by the last Congress, and it now remains for the Executive and Judicial Departments to take care that these laws be faithfully executed. This injunction of the Constitution is as peremptory and as binding as any other; it stands exactly on the same foundation as that clause which provides for the return of fugitives from justice, or that which declares that no bill of attainder or *ex post facto* law shall be passed, or that which provides for an equality of taxation according to the census, or the clause declaring that all duties shall be uniform throughout the United States, or the important provision that the trial of all crimes shall be by jury. These several articles and clauses of the Constitution, all resting on the same authority, must stand or fall together. Some objections have been urged against the details of the act for the return of fugitives from labor; but it is worthy of remark that the main opposition is aimed against the Constitution itself, and proceeds from persons and classes of persons, many of whom declare their wish to see that Constitution overturned. They avow their hostility to any law which shall give full and practical effect to this requirement of the Constitution. Fortunately, the number of these persons is comparatively small, and is believed to be daily diminishing, but the issue which they present is one which involves the supremacy and even the existence of the Constitution.

Cases have heretofore arisen in which individuals have denied the binding authority of acts of Congress, and even States have proposed to nullify such acts, upon the ground that the Constitution was the supreme law of the land, and that those acts of Congress were repugnant to that instrument; but nullification is now aimed, not so much against particular laws as being inconsistent with the Constitution, as against the Constitution itself; and it is not to be disguised that a spirit exists and has been actively at work to rend asunder this Union, which is our cherished inheritance from our revolutionary fathers.

In my last annual message I stated that I considered the series of measures, which had been

adopted at the previous session, in reference to the agitation growing out of the Territorial and slavery questions, as a final settlement in principle and substance of the dangerous and exciting subjects which they embraced; and I recommend adherence to the adjustment established by those measures, until time and experience should demonstrate the necessity of further legislation to guard against evasion or abuse. I was not induced to make this recommendation because I thought those measures perfect, for no human legislation can be perfect. Wide differences and jarring opinions can only be reconciled by yielding something on all sides, and this result had been reached after an angry conflict of many months, in which one part of the country was arrayed against another, and violent convulsion seemed to be imminent. Looking at the interests of the whole country, I felt it to be my duty to seize upon this compromise as the best that could be obtained amid conflicting interests, and to insist upon it as a final settlement, to be adhered to by all who value the peace and welfare of the country. A year has now elapsed since that recommendation was made. To that recommendation I still adhere, and I congratulate you and the country upon the general acquiescence in these measures of peace which has been exhibited in all parts of the Republic. And not only is there this general acquiescence in these measures, but the spirit of conciliation which has been manifested in regard to them in all parts of the country has removed doubts and uncertainties in the minds of thousands of good men concerning the durability of our popular institutions, and given renewed assurance that our Liberty and our Union may subsist together for the benefit of this and all succeeding generations.

MILLARD FILLMORE.

WASHINGTON, December 2, 1851.

Mr. BAYLY, of Virginia, moved that the message be referred to the Committee of the Whole on the state of the Union, and be printed for the use of the members; which motion was agreed to.

Mr. B. then moved that 15,000 copies extra of the President's message and the accompanying documents be printed for the use of the members.

Mr. EVANS inquired whether that was the usual number?

Mr. BAYLY responded in the affirmative.

The question being put upon the resolution, it was concurred in.

Mr. STANTON, of Tennessee, moved that the House adjourn.

Mr. RICHARDSON. If the gentleman will allow me, I desire to know whether, if the House adjourn now, the first business in order in the morning will be the drawing for seats under the resolution of the gentleman from New Hampshire, [Mr. HIBBARD.]

The SPEAKER. The Chair thinks, in consequence of the limitation, that the time will have expired.

Several MEMBERS. Then let us proceed now.

Mr. RICHARDSON. If that is true, I hope the gentleman from Tennessee [Mr. STANTON] will withdraw his motion, that we may execute that business now.

Mr. HOUSTON. I think it has expired quite as much now as it would to-morrow.

Mr. JONES, of Tennessee. I would suggest to my colleague that he withdraw his motion to adjourn, and move to postpone the order until half past twelve o'clock, to-morrow.

Several MEMBERS: "Agreed!" "Agreed!"

Mr. STANTON withdrew his motion to adjourn.

Mr. JONES moved that the order for drawing for seats be postponed until half-past twelve o'clock, to-morrow; which motion was agreed to.

On motion of Mr. JONES,

The House thereupon adjourned.

NOTICES OF BILLS.

By Mr. CHURCHWELL: A bill to amend the act approved 28th September, 1850, granting bounty land to the soldiers of the different wars, and the widows and minor children of the same, so as to make the land warrants so issued assignable.

By Mr. BRIGGS: A bill to establish a Mint of the United States in the city of New York.

By Mr. STUART: A bill granting to the State of Michigan the right of way and a donation of public land for the construction of a ship canal around the Falls of St. Mary's, in said State.

By Mr. DISNEY: A bill to provide for the construction of a free canal around the Falls of the Ohio river.

By Mr. MARSHALL of California: A bill to authorize and direct the payment of certain moneys into the treasury of the State of California, which were collected in the ports of said State, as a revenue upon imports, since the ratification of the treaty of peace between the United States and the Republic of Mexico, and prior to the admission of said State into the Union.

Also, a bill to establish a branch Mint of the United States in the State of California.

Also, a bill to provide for the location and construction of a central national railroad from the Mississippi river to the Pacific ocean.

Also, a bill to reduce the rates of postage on newspapers, and to establish a uniform rate of postage on letters throughout the United States.

Also, a bill to establish a line of ocean mail steamers from San Francisco, in California, via the Sandwich Islands, to Shanghai, in China.

Also, a bill to pay the expenses incurred for the suppression of Indian hostilities in California.

Also, a bill granting the right of way for, and to aid in the construction of, a line of telegraph from the Mississippi river to the Pacific ocean.

Also, a bill to create a Board of Commissioners for the settlement of claims for military services in the State of California.

Also, a bill to establish a navy-yard and naval depot in California.

Also, a bill to establish assay offices of the Mint of the United States at Sacramento City and Stockton, in California.

Also, a bill to provide for the survey of the public lands in California, the granting of donation privileges therein, and for other purposes.

By Mr. DEAN: A bill to reduce the postage on newspapers and periodicals, and to establish a uniform rate thereon.

By Mr. HARRIS of Tennessee: A joint resolution explanatory of the act of 28th September, 1850, entitled "An act granting bounty land to certain officers and soldiers who have been in the military service of the United States."

By Mr. OLDS: A bill extending to Louis Kossuth the privileges of citizen of the United States of America.

By Mr. PEASLEE: A bill entitled "An act authorizing the payment of interest to the State of New Hampshire, for advances made for the use of the United States in repelling invasions, and suppressing insurrection at Indian Stream in said State."

Also, a bill entitled "An act for the settlement and payment of the claims of the State of New Hampshire for the services of her militia and for disbursements for military purposes during the late war with Great Britain."

By Mr. SIBLEY: A bill to grant to the Territory of Minnesota certain lands for the construction of a railroad from the falls of St. Louis river of Lake Superior to a point on the Mississippi river.

A bill to provide for the construction of, and continuation of, certain roads in the Territory of Minnesota.

A bill to provide for the removal of obstructions in the Mississippi river, above the Falls of St. Anthony.

A bill to provide for the appointment of a surveyor general of public lands in the Territory of Minnesota.

A bill to provide for the establishment of an additional land district in the Territory of Minnesota.

MEMORIALS.

The following memorials were presented under the rule, and referred to the appropriate committees:

By Mr. STANTON of Kentucky: The memorial of William V. Morris of Kentucky, asking that the Secretary of the Treasury be directed to pay him his portion of the prize money awarded by Congress to those engaged in the expedition against the enemy on Lake Bourgne, in the year 1815.

Also, the memorial of William H. Scott, for indemnity for loss sustained by the failure of the Postmaster General to give him a mail route agreeably to contract.

Also, the memorial of the heirs of Philip R. Rice, praying payment for a vessel impressed into the service of the United States during the revolutionary war, and lost while in the service.

IN SENATE.

WEDNESDAY, December 3, 1851.

The Hon. R. F. STOCKTON, of New Jersey, appeared in his seat, and was sworn.

Mr. SEWARD asked and obtained leave to withdraw the petition and papers of Nancy King, praying for compensation for the services of her father, a revolutionary soldier.

NOTICES.

Mr. MORTON gave notice of his intention to ask leave to introduce a bill granting the right of way to a railroad from Pensacola Bay, in the State of Florida, to Montgomery, in the State of Alabama, and a grant of land to aid in the construction of said road.

Mr. GEYER gave notice of his intention to ask leave to introduce a bill granting to the State of Missouri the right of way, and a portion of the public lands, for the purpose of aiding in the construction of a railroad from St. Louis to the western limits of that State.

Mr. BRIGHT gave notice of his intention to introduce a joint resolution relative to printing the returns of the Seventh Census.

Mr. UNDERWOOD gave notice of his intention to ask leave to introduce a joint resolution making land warrants assignable.

BILLS INTRODUCED.

Mr. ATCHISON, pursuant to previous notice, asked and obtained leave to introduce a bill granting the right of way and making a donation of a portion of the public lands to the State of Missouri, to aid in the construction of a railroad from Hannibal to St. Joseph's, in said State; which was read a first time, and ordered to a second reading.

Mr. MORTON, in pursuance of previous notice, asked and obtained leave to introduce a bill granting the right of way to the Florida, Atlantic, and Gulf Central Railroad Company through the public lands, and appropriating lands to the State of Florida in aid of the construction of said railroad and branches; which was read a first time, and ordered to a second reading.

SECOND READING OF BILLS.

The following bills were read a second time, and, until the appointment of committees, were laid upon the table:

A bill granting land to the State of Iowa in aid of the construction of a railroad in said State;

A bill granting to the State of Ohio the unsold and unappropriated public lands remaining in said State.

RECEPTION AND ENTERTAINMENT OF KOSSUTH.

The following joint resolution came up in its order, and was read a second time:

Joint Resolution in relation to the reception and entertainment of Louis Kossuth, Governor of Hungary, in the United States.

Be it, &c., That a joint committee of the two Houses of Congress, to consist of — members of the Senate and — members of the House of Representatives, be appointed by the Presiding Officers of the respective Houses to make suitable arrangements for the reception of Louis Kossuth, Governor of Hungary, on his arrival in the United States, and to communicate to him assurances of the profound respect entertained for him by the people of the United States; and to tender to him, on the part of Congress, and in the name of the people of the United States, the hospitalities of the Metropolis of the Union.

The resolution being before the Senate, Mr. FOOTE, of Mississippi. I shall not undertake to address the Senate at length upon the resolution. I have already stated the reasons which induced me to offer it. It has been laid upon the tables of honorable Senators for some days. They have had a fair opportunity of examining it. They know the object of it. They know all the circumstances connected with it. I trust we shall have a unanimous vote in favor of the passage of the resolution. I hope that no delay will be interposed here, because the other House will have no opportunity of acting upon it in time if we delay its passage. I understand that Governor Kossuth is expected in New York to-day, and if we are to receive him in a manner which is supposed to be proper by the Government and by all intelligent persons, with one or two exceptions, with whom I have conversed, it seems to me that we ought at once to adopt such a resolution as the one before the Senate.

As there are two blanks in the resolution, I move to fill them in such manner as to make the joint committee to consist of three members of the Senate and five members of the House of Representatives.

Mr. CLEMENS. Reference has been made in the message of the President to a resolution passed by the two Houses of Congress at the last session in relation to Kossuth and his companions. My recollection of the terms of that resolution may be wrong, and therefore I ask that it may be read.

The SECRETARY read the resolution, as follows: A Resolution for the relief of Louis Kossuth and his Associates, exiles from Hungary.

Whereas the people of the United States sincerely sympathize with the Hungarian exiles, Kossuth and his associates, and fully appreciate the magnanimous conduct of the Turkish Government in receiving and treating these noble exiles with kindness and hospitality; and if it be the wish of these exiles to emigrate to the United States, and the will of the Sultan to permit them to leave his dominions: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is requested to authorize the employment of some one of the public vessels which may now be cruising in the Mediterranean to receive and convey to the United States the said Louis Kossuth and his associates in captivity.

The PRESIDENT stated the question to be on the motion to fill the blanks respectively with the figures "3" and "5."

Mr. DAWSON. Mr. President, perhaps it

would be as well to meet the question at once upon the proposition to fill these blanks. I am not prepared myself, as a representative of one of the States of this Union, to adopt this resolution. As an individual, as a citizen of the United States, I am willing to show to Kossuth that respect which my judgment and my feelings may dictate; but in my capacity as a Senator I cannot consent to what is here proposed. I know of no precedent in the history of our legislation which would justify the adoption of this resolution. I have never known such marked distinction shown to any distinguished citizen of our own country, whether a military man or a civilian. I see nothing in the character of this distinguished individual which should make the Government of the United States get up a great pageant on his account, and distinguish him from all other men who have ever lived. Has he ever been connected with our institutions? Has he ever rendered any particular service to this country to entitle him to this mark of distinction? Not at all. It is true he is a great man, but he is not greater than many men who now live, and who have lived. His position is such as to call into exercise our sympathies for him and his associates as men. That sympathy this Government has already shown to an extent almost unparalleled by sending one of the national vessels to receive him and his associates, if they were willing to come to this country. Have we not done enough to show our sympathies and our good feelings? I think we have. Against the man's character and course I utter not a word. The American heart is open for his reception. It is the people who will receive him. It is the people and not the Government that ought to receive him. Lafayette, when he came to this country, was received in a manner which was justifiable on the part of the Government of that day, because he was connected with the Revolution which gave us the liberties which we enjoy.

But, sir, I did not intend to discuss this question. I do not, however, wish the Senate or the country to understand that my sympathies towards Kossuth are not as strong as the sympathies of the Senator from Mississippi. I only object to the manner in which it is proposed to receive him.

Mr. HALE. I would suggest to the Senator from Georgia, that he withdraw all opposition to this resolution in its present stage, and let it be amended to suit his friends; as I believe the most usual course is to allow the friends of a measure first to perfect it before a discussion ensues on its merits. After the amendments proposed by the Senator from Mississippi shall have been adopted or rejected, I have an amendment which I propose to offer, and which I hope will meet the concurrence of the Senate, and which may possibly make the resolution more acceptable to the Senator from Georgia. My amendment will be to add at the close of the resolution these words:

"And also to assure him and his associates in exile of the sympathy of the Congress and people of the United States with the victims of oppression everywhere, and that their earnest desire is that the time may speedily arrive when the rights of man shall be universally recognized and respected by every people and Government of the world."

If this be added to the resolution, I think it will obviate the objection of the Senator from Georgia; because then, instead of being personal to Kossuth, it would apply to the victims of oppression everywhere, without any distinction.

Mr. FOOTE, of Mississippi. I shall not attempt at the present time to discuss this resolution at large; but I feel bound to express the deep grief and the profound surprise which I must necessarily feel at such opposition arising in such a quarter. The Senator from Georgia says that such honors as are proposed to be rendered by this resolution have never been heretofore rendered to any distinguished foreigner, excepting Lafayette. That is probably true; but whether true or not, it seems to me to be a matter of the utmost unimportance. The gentleman says, by way of assigning a reason for his course on this occasion, that he sees nothing that distinguishes this individual from many other illustrious persons connected with the affairs of nations. In that respect I differ from him very much, and I have the very signal advantage of being sustained by the united public sentiment of the civilized world.

I did not expect that any intelligent member of this body would undertake to say, in view of the striking facts now presented in all parts of the civilized world—in view of that universal outbreak

of sympathy, of respect, of profound admiration, and deep gratitude almost universally presented throughout Christendom towards this individual—that he could see no difference between him and many others. *There has been but one Washington, and there is but one Kossuth.* And so the whole civilized world determines. Is the gentleman familiar—he ought to be—he doubtless must be—with the illustrious history of this distinguished person in his own country? Does he know that he is equally distinguished in war as in peace—distinguished in legislation, distinguished in the performance of high executive functions?

Mr. DAWSON. I would ask the gentleman to name the battle in which he was ever distinguished.

Mr. FOOTE. If the gentleman will take his time I might, in due season, give a biographical sketch of Kossuth for his benefit. But there has been a book published recently which he can purchase at a small price, and which will give him full information on the subject. While I should be willing to instruct that gentleman, and all other members of the Senate, according to my ability, if I had leisure, and to accompany the bestowal of this instruction with the pronunciation of a well-known couplet, which runs thus:

"Delightful task, to rear the tender thought,
And teach the young idea how to shoot!"—

on the subject of human freedom; yet I do not consider the present opportunity the best one which could be desired, either for the bestowal of instruction, or the reception of information with regard to the historic point in question.

I was proceeding to say, that the Senator from Georgia was bound to know that Governor Kossuth was distinguished in war; distinguished in peace; distinguished as a public speaker, perhaps above all others now living; distinguished as a profound statesman; distinguished also in the management of the fiscal concerns of his country; distinguished for his noble disinterestedness evinced under all the circumstances of a varied public career; distinguished for his thorough devotion to civil and religious liberty; distinguished for the extraordinary sacrifices he has made in the cause of human freedom; distinguished for the noble stand he has taken for the liberties of his countrymen against the tyrannical Government of Austria, aided and sustained by the still more tyrannical and unprincipled Government of the Czar of Russia.

Sir, this man has performed acts, he is the author of achievements that must hand him down to future ages as *the man of the present age*—more illustrious in all respects, in my judgment, than any other man that the present generation has produced in any quarter of the world. Of a pure and unblemished character, amiable in disposition; a stern, unbending republican, though utterly opposed to the accursed doctrines of *socialism*; possessed of a moral courage which enabled him to declare, even in the midst of a monarchical people, his unqualified respect and admiration for republican institutions,—such is Kossuth. We have invited him hither. Why? Because we understood his merits; because we appreciated his sufferings; because we sympathized thoroughly with him, as an illustrious public character; because we knew that the American people sympathized with him most profoundly. What we did at the last session on this subject has been approved of by our constituents. I do not believe that there has been the least censure bestowed upon the Senate of the United States for the passage of the resolution of the last session, in any quarter of this broad Republic. Having had some hand in the passage of that resolution—having in fact brought it forward here for adoption, I have felt a natural inclination to scrutinize the state of public feeling in reference to it; and I feel authorized to declare, that I have not yet heard the language of condemnation applied to us anywhere, or by any person whatsoever. What now do we propose to do? Having invited Governor Kossuth to this country—having, by our kind offices, accomplished the deliverance of this illustrious individual and his associates from captivity—having secured to him and to them the means of coming to this country, where, if he chooses to remain he can permanently enjoy the blessings of civil and religious freedom—having thus established in behalf of this glorious Republic, by our interposition in this case of unmerited suffering, the ad-

miration and respect of the whole civilized world, we find him now ready to land upon our shores, as *the invited guest of the nation*. The Administration at Washington—(the President)—recollecting that it was at the instance of Congress that one of our ships of war was sent forth to bring Kossuth and his associates to this country as the guest of the Republic, being unwilling to exhibit even the appearance of desiring to monopolize the glory appertaining to this imposing transaction, in his solemn annual message, read in our hearing yesterday, invites, in the most formal manner, the attention of Congress to this interesting subject, and recommends, in strong and emphatic language, the adoption of some suitable plan for the exercise of such hospitalities as he judges to be proper on this occasion. In other words, he calls upon us to accord an appropriate reception to the noble personage whom we have deliberately invited to come within our borders. I have already stated that I have not intruded this resolution upon the Senate without due consultation; indeed, from certain personal considerations, I should rather have desired some other gentleman to have moved in the matter, had not the worthy Secretary of State (Mr. Webster) some days ago called my attention specially to the subject, informing me in advance what would be the recommendation of the President in regard to the point under consideration, and desiring me, as the mover of the original resolution of the last session, to offer to the Senate a resolution substantially corresponding to the one now under consideration. It is under such promptings from a high *Whig* source, that a Democrat, inflexibly devoted to the principles of his party, conceived it proper that he should, to some extent, rise above mere party considerations, and coöperate with the Administration of the country for the time being in this generous undertaking.

I must say that I am surprised that, under the circumstances mentioned, gentlemen who are the peculiar friends, avowedly, of this same Administration, should rise up and present the stern and unbending opposition which it has been my fate to experience, to a simple and unavoidable act of national courtesy. Yet I am not so much surprised as I might have been a few days ago, had the same development been then made; for I discover in certain quarters that hints have been already given, that it would be a dangerous thing for Kossuth to be allowed to come to this country and deliver such bold and soul-stirring harangues in favor of the great principles of which he is the champion, from the fear that his eloquence might have the effect of unduly liberalizing the minds of the people of America, and might impart a still more republican cast to the minds of the thinking millions of this country. I know very well that political bigotry in several noted quarters has already undertaken to sneer at all attempts even to do simple justice to the character of this distinguished man. I know that base and unprincipled calumniators, (who will, I trust, be very soon exposed to the unmitigated indignation and scorn of the civilized world,) in advance of the landing of Governor Kossuth upon our shores, have undertaken to calumniate him seriously in regard to certain delicate circumstances connected with his leaving the steamer Mississippi at Gibraltar. I have looked into the charges which have been brought, and the evidence adduced in support of them, and I thank God that I have seen already, in advance of his coming into our midst, a triumphant vindication of all these heartless allegations. I beg leave to declare here, that the attempt which has been made to poison the public mind of America towards this excellent personage—to instil undue prejudice into the minds of the enlightened people of this country in regard to this illustrious victim of oppression—is, in my judgment, altogether the most disgraceful act of the kind that has yet marked our annals as a nation. When I first saw the insidious and fiendish epistle which was sent across the briny deep for the purpose of awakening prejudice in the American mind in regard to this long-suffering patriot and true republican, I was full of grief, of disgust, and of indignation; and I rejoice that this opportunity has been unexpectedly afforded to me of pouring forth the deep, and, I might almost say, inexpressible indignation which I feel at the concerted, cold-blooded injustice done to this noble personage by the corrupt and mercenary scribblers of faction. I had hoped,

sir, that in the American Senate—a body heretofore noted for its courtesy, respected for its liberality, and which was once distinguished above all other legislative assemblies in the world for its true and inflexible devotion to the great principles of civil and religious liberty—no such ungenerous opposition would have been presented as that which it has been fated to encounter; which opposition, I must say, derives all its importance from the fact that it has originated in a quarter of unequivocal respectability.

Sir, the gentleman from Georgia seems to overlook the fact, that there is a great struggle going on at this moment in all parts of the civilized world between the principles of freedom and the principles of slavery. The tyrants of the earth have combined for the overthrow of liberty. In some instances open attempts are made to break down political and religious freedom. In others, the means employed by the enemies of freedom are more disguised and insidious, but not at all less dangerous. At such a moment does it behoove the American people to join the side of despotism, or to stand by the cause of freedom? We must do one or the other. We cannot avoid the solemn alternative presented. Those who are not for us are against us. Those who are not for freedom are for slavery.

Mr. HALE. Exactly.

Mr. FOOTE. The gentleman says "exactly." I shall deal with him very exactly, presently. I am using such language as I deem suited to the ears of statesmen. I am employing such phraseology as has received an acceptance perfectly understood amongst real statesmen—among men of a genuine elevation of character—who are capable of breathing elsewhere than in the impure atmosphere of faction; who are something more than the wretched demagogues of the hour; who are able, when a great question like this is under consideration, to elevate themselves somewhat above the behests of an-unreasoning fanaticism. I say, sir, I am using language which, amongst such men—the statesmen, the true philanthropists, the enlightened philosophers of the world—is perfectly comprehended and appreciated. Yet, my simple words seem not to be comprehended in a certain quarter. I am asserting such views as have constantly been misunderstood in the same quarter ever since I have had the honor of holding a seat in this body, and I trust that the apparently unconquerable blindness which has constantly marked the course of certain inflated demagogues whom I could easily specify—(not here, of course, or who should not be here, certainly)—will continue undiminished, until Jehovah himself shall determine that the fitting time has come for pouring out upon their heads that deluge of fiery indignation which their manifold offences are calling forth.

I have nothing of a special character to say in regard to the gentleman's amendment at present. It would not now be seasonable to speak of it upon its merits. Every one understands why that amendment has been suggested; and if it shall be hereafter brought forward in a regular and formal manner, I will undertake to suggest the motives in which it has originated. I shall express the regret which I feel that every attempt which we make here to do our duty as Senators is either impeded or counteracted by persons who, with the most high-flown professions of philanthropy and disinterestedness ever upon their lips, are never so well satisfied with themselves as when they acquire a little contemptible notoriety by the perpetration of acts which look alone to the production of some social mischief, either temporary or permanent, and which may perchance serve to call into renewed action those elements of domestic excitement and discord, which I must suppose every good man in the land hoped might terminate forever.

Sir, I wish to make one more remark before I take my seat. The eminent personage whose claims upon our respect and sympathy I have endeavored to make manifest, has commended himself especially to my regard by the delicate and discreet forbearance which he has elsewhere exercised in avoiding all indecent interference with the domestic institutions of other countries than his own. Whilst in monarchical England, he did not hesitate to avow his decided partiality for republican institutions, yet no one can accuse him of uttering a word upon any occasion which was in

the least degree calculated to awaken popular discontent or to foment civil discord; and I venture to predict, sir, that if the vicious and contriving factionists who have so fiercely struggled for several years past to disturb the domestic quiet of the Republic should attempt to enlist him in their unholy designs, they will incur such a withering rebuke from his lips as will make them wish, for a moment at least, that the Almighty in his providence had never permitted such miscreants to pollute the pure air of heaven with their pestilential breath.

Mr. HALE. I did not expect that the brief notice which I gave of the amendment which I propose to offer to this resolution, would call forth exactly the course of remark to which it has been subjected; and still less did I conceive that it was to lay up in store such a further castigation as is threatened when the honorable Senator from Mississippi shall disclose the motives of the mover of the amendment. I had supposed that it was in order for a man to declare his own motives, because he was supposed to be advised what they were; but when he goes further than that, and undertakes to disclose the motives of other persons, if he does not transgress the rules of good taste and Christian charity, he does transgress those of the Senate; and it is not competent for him within the rules of the Senate to undertake to assign to a Senator motives different from those which he himself proclaims, and which appear upon the face of the proposition which he makes. Whenever the Senator shall undertake to enter into the motives which have impelled me to action, I will endeavor to meet him either by argument or by calling him to order.

I have but a word to say to the honorable Senator. He says there are some minds, "not here, of course," that is, I suppose, not in his seat, that cannot understand language as statesmen use it. Why cannot they? Now, if there ever was a man that delivered illustrated lectures, and demonstrated the truth of his propositions as he went along, it was that honorable Senator. What is this amendment? Why, that we shall assure to this illustrious man, as dear to my affections as to his—dear to my affections for the principles which he has advocated, and for the maintenance and advocacy of which he is now an exile—that we shall assure him and his associates in exile of the sympathy of the Congress and the people of the United States not only with them but with the victims of oppression everywhere. This, sir, is evidence that somebody does not understand the English language as statesmen use it. We sympathize with the victims of oppression everywhere, and that is evidence that there is a faction in the country that wants to arouse those sectional feelings which have been so happily buried. What more is there that shows a want of apprehension and comprehension, and understanding of statesman-like language? Why, that it is our earnest desire that the time may speedily come when the rights of man shall be universally recognized and respected by every people and government of the world. Is there any intimation there that the honorable Senator means to find fault with? Does he mean to intimate that in this land there is a place where the rights of man are not respected and recognized? If he does, he utters a fouler slander upon the country and upon some of the States of the Confederacy, than I would allow myself to utter in this place. It seems to me that he is wanting in an apprehension and comprehension of the fair meaning of language when he sees anything sinister or covert in that. What is the color of these words? What is the complexion? What is the odor of them that has waked up such a tornado in the Senator's breast, and stirred up such a magazine of wrath as is to be poured out on the motives I had in suggesting this poor amendment?

The honorable Senator accuses me of putting myself forward to seek notoriety. No, sir, I have only attempted in an humble way to be bobtail to the kite he has set flying. That is all. As to this little amendment to the resolution which he has introduced, I can assure him that there is nothing sinister, nothing covert, nothing agitating or intended for agitation in it. I had hoped that agitation was dead, and that the agitators would be stilled. I had hoped that this subject of slavery was, as we have been told so many times, quietly and peaceably settled—that the Wilmot proviso

was dead, and that those few who have stood here, who used to advocate it, were only the tombstones to point out where it was buried. But when I came into the Senate this morning, I found upon my table a resolution which the public journals tell us the Senator from Mississippi gave notice that he should offer. That resolution, which is to be introduced at a future day, is one declaring that the measures of adjustment, so called—naming them every one, one after another, *seriatim*—are to be considered as a final and definitive settlement of the questions growing out of the system of domestic slavery. That brings up the whole subject again. It brings up all those acts, the fugitive slave law included. It opens the whole door of discussion, and introduces all these agitating questions which we had all hoped were so quietly buried long ago. Now, let no gentleman retort upon me that I am in favor of agitation. I used to be in favor of it, but I got sick of it, and I am still sicker of it when I see the gentlemen who have been so long declaiming against it are the very gentlemen to introduce these matters to the Senate. I am tired of agitation here, because I am satisfied that no good can be produced here—not the least. I had hoped that here the whole subject was quieted. But what does it mean? Is there a monopoly of sympathy and admiration for the distinguished patriots of the Old World? Cannot those of us who are so unfortunate as to live in Northern climes under the influence of the cold winds and the freezing atmosphere of our Northern latitude—if our hearts do sometimes get warm and melted by the glow of enthusiasm and sympathy, that is waked up and roused by the manly, noble, generous, self-sacrificing patriots of other lands—in Heaven's name, if the blood begins to flow in our cold hearts, can we not speak? Must we still the throbbing pulses of humanity, and suffer gentlemen from another latitude to monopolize all the sympathy, and all the admiration, and all the zeal that is to be displayed for great deeds of great men in behalf of great causes?

The honorable Senator says that the despots of the world are linked together, and that there is a conflict between liberty and slavery. Well, I want, according to my poor understanding of the terms, to enroll myself under the banners of those who are fighting the battles of liberty. I do not want to be found amid the hosts of those that are sustaining the cause of slavery, and driving the Kossovihs of the Old World to seek refuge here. And may I not, although I am not gifted with such keen perceptions, such flowing thoughts, and such eloquent diction as the honorable Senator from Mississippi, in my own poor way speak what I feel moving in my own heart, without subjecting myself to such a reproach?

Sir, I do not want to be a leader. I do not want to go ahead. I am content to follow. Two years ago, when an honorable Senator from Michigan, now in my eye, [Mr. Cass,] gave utterance to some sentiments which I thought did honor to him, honor to the age, and honor to the Senate, on a proposition to suspend diplomatic intercourse with Austria on account of the course which she pursued, I then proposed an amendment to put Russia into the same category. I took occasion at that time to be not a leader but a follower of the great and distinguished men of the Senate who had taken the lead in giving direction to public sentiment and expressing the sympathies of Congress and of the people with the victims of oppression that were seeking our shores for an asylum for protection. It seems to me that a man who can find fault with this expression—with an expression of sympathy with the victims of oppression the world over—a man that can find fault with the utterance of a prayer that that day may arrive which the prophets of old have predicted shall be the day when the principles of humanity and christianity shall influence all nations and all people,—the man that can find fault with the expression of such a sentiment, must poorly understand the principles of civil liberty, the principles of humanity, or those which should guide enlightened and humane statesmen.

If there is anything that is exceptionable and objectionable in the amendment which I have suggested, it is not on the face of the paper; and I deny the right of the Senator from Mississippi, or anybody else, to look beyond the paper—to look beyond what appears patent upon its face and

manifest in its plain declarations, to seek for hidden motives of action which he may choose to denominate as corrupt and improper, as tending to secure illicit ends by illicit means. I am ready, for one, to say that I entertain the fullest sympathy with Kossuth. I entertain the highest respect for him. Let the honorable Senator from Mississippi pour forth his eloquence, and speak as never man spake in behalf of the illustrious stranger to whom he proposes to do honor; let him put it upon the ground that it is because he has been true in Hungary, true in England, and I trust in God will be true here, to the maintenance of those principles for the maintaining of which he is an exile. The Senator cannot go beyond me. I feel it all. I sympathize with it all, and I want to turn it into no narrow or sectional current. I want it to do what the honorable Senator says some narrow-minded men are afraid that it will do—liberalize the minds of many of the multitude, and infuse Democratic sentiments into the hearts of the great masses of the people. That is the very object I propose. That is what I want. I wish Kossuth to come here, in his very person, a living reproach to despotism of whatever name and wherever it may be. I want him to go about among the people of the land, the living advocate of the rights of man, so that everybody, wherever he may be, who feels in his own breast that he is guilty of any invasion or infraction of these rights, when he looks into the face of Kossuth may see there the lineaments that speak out reproach. That is the reason why I honor him, and that is the reason why I wish him to come here.

There are other victims of oppression. There are the victims of English oppression. The people of this country have been moving lately to get the kind offices of this Government to interfere in behalf of O'Brien, Mitchell, and their associates. I want this resolution to reach them. I want to let it go just exactly as far as the history of the United States goes. I want it to go, as was eloquently said by a distinguished orator of this country to Lafayette when he was here, speaking to him of the voice of Washington that was raised in his behalf, that that voice of sympathy could reach him even in the dungeons of Austria. Well, if there are victims of oppression in the dungeons of Austria, or of any other Government on earth, I want this expression of the sentiments of the American people to be broad enough to reach them. I want Kossuth, and Mitchell, and O'Brien, and everybody else that is suffering in the great cause of human rights and human liberty, to feel that here, without division and without partiality, there is the entertainment of an honest and earnest and zealous respect for the course they have pursued.

It is the honorable Senator from Mississippi, sir, who has undertaken to sectionalize, and localize, and give a narrow meaning to words which, in their fair import, admit of no such meaning. It is he, if anybody, that has a mind so diseased upon this subject, so gangrened with particular local applications of a great principle, that he cannot view it in the light of a statesman, philanthropist, and Christian. If he has any such, let him lay them all aside. Let him be assured that in this work at least he shall have the sympathy and coöperation of all those who love liberty, and respect and venerate its advocates, irrespective of all extraneous considerations and conditions. These are the motives which I have. These are the motives which I entertain, and which have impelled me to suggest the amendment which I propose to offer. These are the motives which I stand by; and I deny to the honorable Senator from Mississippi, or to anybody else, the right to impute to me any other motives than these. If these motives which I have disclosed are such as are unworthy the occasion, unworthy of the place, or unworthy of the time, so be it. But they are the motives which have impelled me, and which I hope will be convincing with the majority of the Senate, so as to get their consent to modify the resolution. I hope that if it is so modified we shall have the concurrence of the honorable Senator from Georgia, for it will make the resolution general in its character.

Mr. FOOTE. Mr. President, there are some gentlemen in this country whose principles are well known, and with whose public course the whole country is familiar. There are some public speakers in Congress, and out of it, who have

been so much in the habit of discussing particular public topics in a certain unvarying mode, that the particular phraseology which they chance to employ, is perfectly understood by all who either hear or read their speeches. Now, sir, were the question propounded to any one here, what was the precise meaning intended to be attached to the amendment whose introduction has been menaced by the gentleman from New Hampshire, and the remarks with which it was accompanied, not the least difficulty could be possibly experienced in the rendition of a fitting response. Hear the language of this suggested amendment:

"And also to assure him and his associates in exile of the sympathy of the Congress and people of the United States with the victims of oppression everywhere."

Now we all know well what class of our population is alluded to by the Senator from New Hampshire, when he speaks of "the victims of oppression." I have heard that very expression from his lips about one thousand times, and it always has seemed to intimate the same thing precisely. It was obviously designed to be expressive of a very peculiar sympathy for the colored races of this continent; and there is not now a member of the Senate that does not understand this amendment precisely as I do. So confident am I on this point, that I venture to assert that the Senator himself dare not deny that such is the true interpretation of the words of his proposed amendment. Yet he has, I will not say the effrontery, from regard to the rules of the Senate, but he has such a wonderful amount of what may be called self-confidence, as to enable him with a tolerably unembarrassed countenance, to declare that he had no such sinister allusion as that which I have named. Sir, I was grieved and mortified to hear the grave denial of the honorable gentleman of a fact which appeared to me to admit of no negation whatever. Sir, allow me to aver that the honorable gentleman has not a personal friend in the world who will not hang down his head with shame at such a denial made under such circumstances. Why, what is this proposition of mine? It is simply a resolution which I have introduced, with the approval of the Administration here, in cordial coöperation with gentlemen from whom I have differed considerably upon questions formerly existing, which resolution asserts the expediency of providing a joint committee of the two Houses of Congress for the purpose of consulting as to the proper mode of receiving the renowned champion of Hungarian freedom at the Metropolis of the Union. This is all, sir, that I propose to do; and yet the Senator from New Hampshire, pretending all the while to be altogether friendly to the object set forth in the resolution, offers an amendment, the only effect of the adoption of which every sane man in the world must perceive could only have the effect of defeating all action on the subject. I ask him now, Can he deny, in the face of the Senate, that the proper interpretation of the language to which I have objected is that which I have affixed to it? Can he deny, in the hearing of this body, that it was his intention to express, by that amendment, particular sympathy for a certain portion of our population in the Southern States not of his own color or complexion? He cannot deny it, in my opinion, without the utmost confusion of face; and were he to deny it a thousand times, persons more illiberal than myself might suppose the gentleman had for the moment altogether forgotten himself. Yet he says that I myself complain of his having intruded the delicate topic of slavery upon the consideration of the Senate. Why, I am perfectly willing to leave the question between myself and the gentleman to any enlightened portion of his own constituency—indeed, to intelligent men anywhere; and I should confidently expect a decision that the honorable gentleman, if he intended by his amendment, to forward the passage of my resolution, has been particularly unfortunate in the adoption of means not in the least degree adapted to the attainment of his avowed object.

The gentleman has gone out of his way for the purpose of bringing before the Senate a resolution of which I yesterday gave notice. I shall not discuss that resolution now. I know it would be unparliamentary to do so. I only wish to offer a few remarks in reply to some observations which if un replied to would tend to put me in a wrong attitude before the country. The present Chief Magistrate of the United States in his first annual

message declared that he recognized the series of measures constituting together what is called the plan of adjustment, as a definitive settlement of the questions growing out of the system of domestic slavery. The same high functionary, in the message read to us yesterday, has again made the same declaration. Good men, patriots of both the old political parties North and South, have declared by overwhelming majorities in favor of this great scheme of pacification, and expressed their earnest desire that the country should be quieted on this subject now and forever. But there being some little opposition to these measures presented in several neighborhoods, and some indications of contemplated resistance, of a character more or less equivocal, it has been deemed expedient by several patriotic and discerning persons with whom I have had the honor to consult, that some formal declaration should be made by the two Houses of Congress, of a nature calculated to give assurance to the different sections of the Union of the existence of a reciprocal disposition in future to do full justice to each other. This resolution has been introduced for the purpose of quieting excitement and promoting a speedy restoration to a state of fraternal concord. Sir, it was neither my wish nor my intention to discuss that resolution; it was my earnest wish and confident hope, that the statesmen, the true patriots, the real philanthropists of the two Houses of Congress, without regard to ancient party designations, as a band of brothers, as an association of American patriots, would adopt such a resolution and give full and permanent quiet to the public mind.

Sir, if this debate had occurred two or three years ago, it might have been proper for me to have entered on a vindication of that system to which the gentleman alludes as a system of oppression. Happily that system stands fully vindicated by recent events before the habitable globe. Those who reside in the section of country where I have the honor to live, desire not at all to propitiate those who have deliberately resolved to hate us and our cherished institutions, whose business it has been for years past to decry us, and some of whom have evinced a willingness to do all that unscrupulous men could do for our degradation and ruin. Thank God, the people of the United States, without regard to sectional considerations, have of late nobly rushed to the rescue of the constitutional rights of that exposed section of the Union which I in part represent on this floor. The voice of faction is almost stilled even in places where the counsels of the honorable Senator from New Hampshire were held in high regard, and the noisy demagogues of the hour are beginning to feel the visitations of that contempt which should long since have withdrawn them from the view of respectable and well-deserving citizens.

Mr. CASS. Mr. President, I shall detain the Senate but a few moments. I had hoped that this resolution would have met with no opposition; for we cannot conceal from ourselves the fact that it will lose a great part of its value, both at home and abroad, unless it meets with the unanimous consent of the two Houses of Congress. A strange spectacle is passing daily. There is an upheaving of the political system, of which no man can foretell the consequences. The despotism of ages has pressed upon most of the Governments. The people are striving to recover their long-lost liberty, wading, in the expressive language of Mr. Jefferson, through seas of blood to accomplish that object. Nation after nation rises in succession to break the iron yoke of despotism, and nation after nation is in succession put down by the union of the despotic Governments of Europe. Yes, sir; as soon as an attempt is made in one of the countries of Europe to recover the liberty which was formerly wrested from them, there is a union of the despotic powers, and they assume the right to march there and to control the public opinion and fortunes of that country. It is impossible but that every lover of liberty throughout the world, certainly every lover of liberty in our own country, should sympathize with these movements.

The great Hungarian leader needs no eulogy from me. He will live in the brightest pages of history. His eulogy is his conduct and his character through life. He has passed through the fiery furnace of a revolution and come out of it unscathed. He has been the leader of his country in one of the most terrible crises that a country ever passed through, and has never been suc-

cessfully assailed in character or conduct. A leader in stormy times, a governor in a state of anarchy, misfortune has overwhelmed him; but the love of his country and the respect and admiration of mankind attach to him.

We have asked him to come here. We have invited him to our shores. The question now is, Are we going to turn our backs on him now? Shall we not sympathize with those movements? May we not, as public and as private men, express our own feelings and the feelings of our constituents in relation to him?

For my part, I see no reason, public, private, or political, why an expression of this feeling should not be made by the American people and Government: none whatever. The exiled Governor of Hungary does not come here merely as the champion of his country's independence, though in that character he is entitled to the sympathy and regard of every lover of liberty. But he comes here as the representative of a sacred cause—of a great and glorious cause, involving human rights in every nation of the globe. He comes here as that representative; and may we not, under these circumstances, receive him as such?

The insurrection of Hungary was no ordinary case. Had Hungary made her effort against the Austrian Government, and been put down by that Government, however much we might have regretted the result, we could have had nothing to say on the subject. But she had defeated Austria. The Austrian capital was taken, and the Emperor of Austria was compelled to fly from the seat of his power. Hungary would have maintained her independence, so far as we are able to judge, but for the interposition of Russia. What does Russia do? In a struggle in a portion of a country to maintain independence, she imports her armies there and puts down the efforts of the Hungarian people. She intervenes by the "armed hand;" and the American people and Government are to have no right to say that they are sorry for Hungary! Russia may spread her Cossacks over Europe, and restore the iron yoke of Austria and despotism, and yet we on this side of the Atlantic, are to have no right to express sympathy with the millions who are undergoing the trial there which we have undergone here! Providence conducted us to a happy issue, and I believe that the same Providence will eventually conduct them to the same issue.

The Senator from Georgia talks about "precedents." You cannot start a single proposition here but some one must turn to the Journals and see what has been done before. Some chimera—some imaginary evil that may happen a thousand years hence suggests itself. You are told to stop, for there is no "precedent" for your course. I came here to think for myself. They say this is an age of progress. I am rather an old man myself, and I have found it to be an age of progress. I, for one, have progressed pretty well, and I hope to live long enough to see still further progress. I am for expressing our opinions on this subject. I am for receiving Kossuth as the guest of the nation. I am for giving to him an imposing and solemn reception—one that will redound to our own credit, and be useful to the struggling millions of the globe.

The honorable Senator from New Hampshire is a most adroit parliamentary tactician. That we all know. We all know perfectly well that many times when propositions came up he seemingly supported them, while he had the adroitness to tack a little tail to it, something or other which he knew perfectly well would defeat the original proposition, of which he seemed to be the friend. Two years ago this whole subject was before the Senate. I then expressed my sentiments in relation to suspending diplomatic intercourse with some of the nations of the Old World. I did not believe that when a nation by its character and conduct placed itself out of the pale of Christian feeling, we should hold political intercourse with it. I would not sit down to count the cost of such suspension. I would not go in to any arithmetical calculation of its effect in dollars and cents; but I would cut the strings of political intercourse at once. This matter was all gone over two years ago—I need not renew it at this time. When that proposition for suspending diplomatic intercourse with Austria was before us, the honorable Senator from New Hampshire said, in his strong and

flowing language, that he was in favor of it, and all that kind of thing, and then moved an amendment to include Russia. He knew perfectly well that that would defeat the proposition. I will not say what was his motive, though we all know it perfectly well. If the gentleman had succeeded in having Russia included, other nations would have been brought in, and thus the original resolution would have been certainly defeated. The honorable gentleman then spoke in most eloquent terms of the terrible condition of those two Governments, and the necessity of cutting off intercourse with them; and yet his amendment was precisely calculated to defeat the whole object. Now, what has the gentleman done here? We have got another practical proposition before us—a proposition to receive a guest of the nation whom we have invited here. What does the gentleman do? He proposes to tack to that an abstract declaration of no practical effect, and perhaps it was not intended to have any. There is not a man within these walls that does not know what the gentleman means perfectly well. He means to bring up the old question of slavery, and he means by this declaration to defeat the present resolution, for he knows it cannot pass with such an amendment.

I am, therefore, opposed to this abstract declaration as to the rights of man, though I believe in my soul I am just as good a friend to them as the gentleman from New Hampshire. But he knows, and we all know, that such a declaration as this is intended to be a *pronunciamento* of the American Government against the institution of slavery, secured by the Constitution. He knows it cannot pass. He knows it should not pass. He knows we have no power to pass such a thing with such a view. When a proposition comes up of any practical description, in which the rights of man are concerned, I will go as far as any gentleman. But a proposition—I will not say intended, for that is un-Senatorial, otherwise I should—evidently having only the effect of throwing the firebrand of slavery into this Hall, renewing the agitating discussions which have subsisted for years, and which have now in some measure been happily quelled, should meet with the reprobation of every Senator. There is no excuse for it. It does no good to the original proposition, of which the honorable gentleman professes to be a supporter; for, if adopted, it would defeat that proposition. He knows that as well as I do. While I shall vote for the proposition of the honorable gentleman from Mississippi, I shall vote against the amendment suggested by the honorable Senator from New Hampshire, for the reasons I have stated, because it would be regarded as a declaration on the part of the Government against the institution of slavery in the Southern States.

The PRESIDENT. The Chair would remind gentlemen that the amendment which has been discussed for some time has not been offered, and is not before the Senate. The amendment pending is to fill the blanks with "three" and "five," respectively.

Mr. UNDERWOOD. I am opposed to this resolution, Mr. President, and I want to assign the reasons which induce me to give the vote which I intend to give. In the first place, it seems to me to be the introduction of a subject into the Congress of the United States, which does not properly belong to the functions of the body. And in addition to that, it seems to me to be the introduction of a proposition upon which we are necessarily destitute of the proper information to enable us to come to a correct conclusion. Now, sir, what practical effect can our decision, the one way or the other, in regard to this resolution have, in a legislative sense, upon the interests of our constituents? None whatever. But how, in the other aspect of the question in which I have presented it, are you qualified to decide upon the merits and actions of all foreigners within their own countries in reference to pending revolutions there, and to come to an accurate conclusion as to whether they ought to be complimented or not?

Mr. FOOTE, of Mississippi. I would ask my friend whether he did or did not formerly vote for the resolution expressive of sympathy for Kossuth? He was very well informed at that time it seems.

Mr. UNDERWOOD. Perhaps I might retort on my friend, and ask why he did not answer the question of my friend behind me, before putting

one to me, and point out the battle-field where Kossuth distinguished himself. But I shall present it all in due time. The aspect of the case which I now suggest, is, that if this is to be a precedent to operate in all time to come to justify the Congress of the United States in taking up the matters of every distinguished foreigner, and in going into their respective claims to be complimented by it, it is a subject upon which, in its very nature, we perhaps are little qualified to decide. Some, with the great reading of my friend from Mississippi, [Mr. FOOTE,] may be thoroughly acquainted with all the political and military movements of the country in which the revolution may be pending. But there may be others of us who are less informed, who have less acquaintance with the books to which he has referred us; and thus we may not have that accurate information upon which to decide whether the compliment ought to be given or not. But every Senator must perceive, that if we commence the system of complimenting foreigners for distinguished services in their own country in behalf of human liberty, there is no end; there is no limit to the exercise of this power, from this time forth forever. And that brings up a matter of the highest importance to the American people. The Senator from Michigan [Mr. CASS] foresaw the bearing of this whole subject two years ago, at the time he introduced a celebrated resolution, for which I proposed to substitute an amendment.

If you set this example, my word for it, you legitimate that intervention in the affairs of other nations which has been hostile to the genius of our Government and to the practice of every Administration from Washington down to this day. You run counter in that to the very recommendation of the message which we heard read yesterday, and thus an example is to be for the first time set in the history of our Government by which the doctrine of intervention in the affairs of all the nations of the earth is to be tolerated and legitimated. You give aid and assistance by countenance and by commendation. How long is it, after you begin your aid and assistance by words, before you must carry it out by deeds? How long are you to talk without acting? How long are you to express sentiments, fold your arms, and not carry those sentiments into practice? It is idle on the part of the American Congress to talk, to sympathize, to express abstract sentiments, unless in the progress of things they intend to execute their declarations. I have the authority of the distinguished Hungarian himself for all this. I have not been an inattentive observer to the progress of things. I have looked whenever I could into the declarations of all distinguished men. I see that Kossuth, in a recent speech which he has made, says your sympathies, your idle declarations in words amount to nothing unless you can act. True, he says "I do not call upon you to go to war, but I want you to intervene against intervention; I want you to say to those who will intervene, 'Hands off!'" and when you make that declaration I want you to act in reference to it."

Now, Mr. President, I say, simple and insignificant as a mere compliment generally seems to be, although it is very grateful to the heart, the amount of dollars and cents in paying the bill of a distinguished foreigner you have already legitimated in the case of the Turkish envoy. True, I did not vote for it. I thought it a bad example and voted against it. But so far as the mere dollars and cents are concerned, we have a precedent; we have what the Senator from Georgia [Mr. DAWSON] seemed to call for. But you have never yet interfered in the affairs of nations by the declaration of a sentiment which might ultimately call for action. I ask the American Congress before they take this step, to consider well what may be its ultimate consequences. If I apprehend aright the nature of our institutions, they were not formed for any such purpose. If I know the Constitution of the United States, under which we happily live, it contains an imbediment of general powers for national purposes; and if we confine ourselves legitimately and strictly to the execution of those powers, we shall follow out the system, the example, the practice of our fathers, and not intervene by word or deed in the affairs of any nation in the world. It is utterly impossible that the nations of the earth are so ignorant as not to know the sentiments that actuate every

American bosom. They know full well that we are all Democrats; that we are all Whigs; and that we are all Republicans. They know full well that in the bosom of every American there is a deep-seated principle in favor of the right of popular representation and self-government. They know full well that this lies at the foundation of all our institutions, and that we will never give it up for any consideration on earth. It is the principle on which our Government is based. It is the principle on which our lives will at any moment be staked. The nations of the earth know that full well. They want no information in regard to it. Your declarations here or elsewhere will give them no new light in reference to it.

Now when they know that, does it become us, upon every revolution in every part of the world, to manifest by an open declaration that we are glad that Kossuth in Hungary has led a reforming band and attempted to revolutionize the government under which he before lived? that we will be glad when some revolutionary Cromwell shall again rise in England and declare a Republic? that we will be glad when some Napoleon shall put down a French despot, and declare a Republic founded on the principle of the right of universal suffrage, after a while repealing it and getting clear of it? Do all these declarations, as revolution after revolution happens on the face of the earth, strengthen the great principle upon which American institutions are based—the right of self-government? In truth, sir, I do not conceive it to be our mission. I am a man of progress, as much so as the Senator from Michigan, [Mr. Cass.] But the difference between him and me is as to the mode of action by which to propel the great, the magnificent, and the liberal governments of the world. If I understand his progress, it is to do it by war and conquest. He can swallow Mexico without being injured. I have no faith in that kind of progress. My system is to try and enlighten the substratum of society; to make all the nations of the world—the little boys and girls of the world—learn and understand their rights—civil, political, and religious. When you can indoctrinate mankind by teaching them what their rights are, and show them that the physical power belongs to the multitude, you have the foundation upon which to erect a pyramid of Republican government to enlighten the whole earth, just as ours is doing. But you might as well attempt to make a pyramid stand by inverting it, as to attempt by war and conquest to establish a government. It cannot be done. My idea of progress—and my idea of the destiny of this Republic in reference to the other nations of the world—is this: let us evince that we can govern ourselves upon principles of justice; that we administer justice without sale, denial, or delay, to every human being; and by this course of conduct constantly hold up before mankind the broad example of Republican government. If you can thus diffuse knowledge; if you can thus enlighten the people—the subjects of the other nations of the world—they will do just what Kossuth and his companions have been doing—they will abolish the exemption of taxation in reference to the nobles; they will abolish the privilege of the nobles to be exempt, except by their own consent, to the judicial tribunals of the country; they will extend the right of suffrage; and they will ultimately, from the knowledge which they have, adopt their institutions according to the circumstances by which they are surrounded, and make them what they ought to be. We have an example of the attempting to make Republican or Democratic governments where the people are not prepared for them, in South America, where there is little else than one military despot after another. Now, who can say how far Louis Kossuth is identified with the true American principle? No one.

Mr. FOOTE, of Mississippi. If the Senator will allow me, I will answer the question from the President's message.

Mr. UNDERWOOD. I heard that read yesterday. It does not answer what I am after. Who can tell me that Louis Kossuth in any speech, in any vote, in any action of his life, has identified himself with the true American, Democratic representative principle, or with the Declaration of American Independence—that to the masses belongs all political power; that the government is formed for their use, for their benefit, and for their

happiness, and that they have at all times the right to alter, modify, change, or repeal it?

Mr. FOOTE. I will state that Governor Kossuth said, in at least three speeches in England, that he was a republican after the American model, and that Washington was the great object of his admiration and imitation. He has said that before all Christendom.

Mr. UNDERWOOD. He has then an additional title to my admiration. But surely if he has made that declaration in England, it was a declaration after the fact. I want to see the Declaration of Independence at the time the war was in progress. I want to see what they were fighting for at the time. When he is in exile, when he is in a country—England—where I admit human liberty is sustained to a very great extent, and when he is coming to a country like America, he would be very green indeed—if he intends to select it as his asylum and home, as I hope he may—he would be very green indeed, when making public speeches, if he did not assert his love, his admiration, his respect for the great men, and for the institutions of the country in which he is about to locate himself.

Mr. FOOTE. Governor Kossuth never said that he intended to locate himself in America. He said quite the contrary.

Mr. UNDERWOOD. That does not change the fact one iota. We have a declaration from Kossuth after the fact. What I have said I repeat: If any gentleman can show me a Hungarian Declaration of Independence—something upon which that revolution was based, like the American Government, and point me to the page and contents of it, I will receive the information with a great deal of thankfulness. No such document exists. I admit these reforms. They were great reforms. They were getting clear of the effect of feudal institutions like our own ancestors got clear of them. They were great and glorious changes for the people of Hungary. They helped to elevate the masses; and I am glad of it. But that government, if I understand it correctly, had been a government independent in its organization, governed by the Emperors of Austria as Kings of Hungary connected with the Hungarian Diet. The revolution broke out to sustain that state of things, with the reforms which the Diet had made. That is a short history of the matter, so far as I understand it. It was not connected with any of those democratic doctrines which are so dear to the American heart; at least if it was, it was not promulgated in any official shape to the world at the time. The very fact that I present this view of the subject, the very fact that other Senators present other views of the subject, which views conflict, show the utter impropriety of introducing a resolution of this sort into the American Congress. If this thing is to be tolerated as a precedent, if this is a beginning without end, whenever anything of this sort comes before us, we shall have to array ourselves in regard to the histories of the day; we shall have to ascertain whether the man performed his part in this battle, or in this council chamber, to enable us to come to a conclusion. Must we do all this?

One remark more. I believe there was a meeting in Tammany Hall not long ago. That hall sometimes puts balls in motion, not "solitary and alone," but in masses, that have a portentous influence, and seem to me to be ominous of the fate of my country. If I am correctly informed, the very idea suggested by the Senator from Michigan [Mr. Cass] two years ago, of interfering by word, not yet by act—

Mr. CASS. Will the Senator allow me to set him right? I said that cutting the strings of communication with Austria was not an interference. I do not claim the right to interfere. But I do not say that I would not at the proper time.

Mr. UNDERWOOD. That is ominous. He did not say that he would interfere; but he will not disclaim that he will at the proper time. That is the Tammany notion, according to my idea. Now, I say that if I should tell you, as a neighbor of mine, I will not hold any further intercourse with you for your conduct, that would be pretty direct interference. I have attempted to show that there may be interference by words. I come into your family. I undertake to say, You have lectured this boy improperly, you have spoken a harsh word to your wife, you are acting very improperly as a father and as a husband. That is

an interference by word of mouth; it is an interference in domestic, family matters. I have endeavored to show that this is an interference with the nations of the world so far as words are concerned. This resolution expressly declares that we are to compliment Kossuth. It makes it the duty of the committee "to communicate to him assurances of the profound respect entertained for him by the people of the United States, and to tender to him, on the part of Congress, and in the name of the people of the United States, the hospitalities of the metropolis of the Union." And why all that? Because of his past actions? Inasmuch as you compliment him, you throw reproach upon those with whom he was warring. The question is, whether it is not interference by words?

And now to advert to this Tammany matter. They have, as I understand, intimated that it becomes necessary to change the well-settled policy of the country from the days of Washington down, that this doctrine of intervention is to supersede that of non-intervention, which has subsisted from the foundation of the Government to this time; and for which doctrine, reiterated in his present message, I compliment the President. I am opposed to that change. I think the world and the Government is not yet prepared for anything of the kind. I am not for making idle declarations which we are not to carry out. If we do intervene by word, I am for intervening by action also. But I am not for intervening in any way. I think the soundest policy for any man, family, or nation, is to mind its own business and let the business of other people alone. If we can intervene in this sense of the term in regard to Austria or England—and my friend from Mississippi has given notice of his resolution in regard to Smith O'Brien and his compatriots—we can perhaps take up the affairs of Napoleon.

Mr. FOOTE. Do I understand the gentleman as presenting any opposition to my O'Brien resolution?

Mr. UNDERWOOD. No, sir. I do not know how it will be presented. I hope when it comes up it will be in such a shape that I can swallow it like my friend [Mr. Cass] can swallow Mexico.

I think the doctrine which I have advanced shows that if you can travel out of the United States and go into Europe, much more can the General Government go into the affairs of the States. I have said from the beginning, that our system divided the powers of government between the National and State Governments. I have said that certain subjects were local and domestic, that certain others were foreign and national, and that each government so managed its own affairs, and were just as separate and distinct in regard to the different powers under the National and State Constitutions, as are this Government and the other Governments of the world. Now, let this example be set; let us go into the affairs of Europe, and by expressing our opinions about European systems, European men, and European measures, and what reason is there that the American Congress could not get up and say, we express our opinions about State systems and State measures? And if you can look at tyranny, as you denominate it, in any part of the world, do you not tolerate the Senator from New Hampshire, [Mr. Hale,] whom I regard, in point of social intercourse, with a good deal of affection and esteem, although differing from him as to his political views—do you not tolerate and encourage him to get up and say, "I want to intervene a little; I think Kentucky has acted rather tyrannically; I think Georgia has rather a despotic system, and I want to express my sympathy with the oppressed?"

Sir, I am against this whole measure. Have we nothing to do but to talk away all our time on resolutions of this sort? Can we say to the American people that we have nothing that we can properly and usefully employ our time about, but that we must be ranging over the world to hunt up Kossuths, and O'Briens, and Napoleons, whom we must either compliment or condemn? Look at the Executive message! Look at the business to which you can turn your attention, and that profitably for the American people! Legislate! We have plenty of subjects of much more importance on which we can employ our time; and it does seem to me that we ought not to tolerate the introduction of resolutions compli-

menting or condemning Kossuth or O'Brien. If you can compliment, can you not condemn? Where is the difference in point of principle? If you compliment, which you now propose to do, does it not equally imply the power to condemn? Surely it does. And if we go into the condemnation of individuals, we can take the bear by the ear and shake him a little, and take the lion by the mane and shake him until we are tired; we can travel all over the Continent of Europe and do the same thing, and, not satisfied there, we can travel into Africa and Asia and condemn them all, one after another. Is that the legitimate business of the American Congress? Is that the thing for which we are sent here? Sir, when the American people begin to look at this thing, they will not tolerate it. There are a great many who think in regard to progress as I do. They are the farmers, the mechanic, the working professional men—men who have no office. It is the principle of the Government to protect them in all their rights, so that they can educate their children and live comfortably at home, and give them intellectual and moral improvement. These people, when they come to look at your complimenting Mr. Kossuth, or censuring the Emperor of Austria or the Czar of Russia, or anybody else, will be very apt to say, You are meddling with affairs which we did not send you to Congress to take up.

I did not intend to detain the Senate as long as I have in this desultory way, but I could not allow this resolution to pass without thus putting down the reasons for my opposition to it.

Mr. ATCHISON. I move to postpone the further consideration of this matter until to-morrow at one o'clock, for the purpose of going into the election of Chaplain, which was the special order for one o'clock to-day.

Mr. BERRIEN. I beg to make one suggestion. The hour of one o'clock to-day was fixed for the election of Chaplain, in order that Senators might have notice of it and be present. Another subject has engaged their attention. I perceive that many seats in the Chamber are vacant. I submit to the honorable Senator from Missouri, whether it is proper to press the execution of that resolution under such circumstances? I hope that an earlier hour to-morrow will be indicated, so as to enable us to go into it before we get into a discussion on another subject.

Mr. ATCHISON. I look upon the election of a Chaplain as a matter of but very slight importance. I presume all the gentlemen whose names will be presented, will be good and pious men—such men as will answer the purpose. I presume the Senate is about as full now as it will be to-morrow at one o'clock.

Mr. BERRIEN. If the election of a Chaplain be in the consideration of the Senate a matter of as small importance as it is in that of the honorable Senator from Missouri, it surely need not interrupt the discussion of this very interesting question. I believe we shall best discharge our duty by determining upon an hour to-morrow when we shall proceed to the election, making it our rule that it shall not be interrupted by any other subject—say twelve and a half o'clock. Justice to Senators who attach more importance to the election than the honorable Senator from Missouri, requires that they have an opportunity to vote.

Mr. ATCHISON. It is a matter of but little importance to me. I care not whether we postpone it or not. But the Senator from Georgia is very much mistaken if he supposes that I attribute to the resolution under discussion any great importance.

Mr. BERRIEN. I have not ascribed that opinion to the Senator. I have not supposed that he considers it of great importance; but it has been so pronounced by other Senators.

Mr. ATCHISON withdrew the motion to postpone.

Mr. HALE obtained the floor, but gave way to Mr. CASS, who said: I rise to make an explanation. It is simply this: In regard to the subject of interference, I wish to read General Washington's declaration in his memorable address to Mr. Genet, no less memorable for its sentiments than for the beauty of its diction:

"Born, sir, in a land of liberty; having early learned its value; having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my own country,—my

anxious recollections, my sympathetic feeling, and my best wishes, are irresistibly excited whenever, in any country, I see an oppressed nation unfurl the banners of freedom."

What words can be stronger than General Washington's sympathy for the oppressed and struggling nations of the Old World. He never dreamed of marching armies there. His sympathy was excited, and he expressed it; and here I would beg the Senator from Kentucky [Mr. UNDERWOOD] to discriminate between interference and non-intercourse. If he does not discriminate between them, I beg he will turn to the dictionary. If I choose to have no intercourse with a man, it is not interfering with him. The ground assumed by the honorable Senator was taken two years ago, but I thought it had been given up by this time. If we cut off all intercourse with Austria, no man has a right to say we interfere with that Power.

Mr. FOOTE, of Mississippi. The honorable Senator from Kentucky [Mr. UNDERWOOD] seems to be very much surprised that this resolution was brought forward at all. He seems to be inclined to impose on some of us a heavy responsibility. I am going to put the honorable Senator right on this matter, and let him see why action on this subject is recommended, and why the Executive Chief of this Government, even before any action on the part of Congress, expressed sympathy, the expression of which the honorable Senator so strongly condemns. Here is an extract from the President's message received yesterday:

"The Turkish Government has expressed its thanks for the kind reception given to the Sultan's agent, Amin Bey, on the occasion of his recent visit to the United States. On the 28th of February last, a dispatch was addressed by the Secretary of State to Mr. Marsh, the American Minister at Constantinople, instructing him to ask of the Turkish Government permission for the Hungarians, then imprisoned within the dominions of the Sublime Porte, to remove to this country. On the 3d of March last, both Houses of Congress passed a resolution requesting the President to authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity."

"The instruction above referred to was complied with, and the Turkish Government having released Governor Kossuth and his companions from prison, on the 10th of September last they embarked on board of the United States steam-frigate Mississippi, which was selected to carry into effect the resolution of Congress. Governor Kossuth left the Mississippi at Gibraltar for the purpose of making a visit to England, and may shortly be expected in New York. By communications to the Department of State, he has expressed his grateful acknowledgments for the interposition of this Government in behalf of himself and his associates. This country has been justly regarded as a safe asylum for those whom political events have exiled from their own homes in Europe; and it is recommended to Congress to consider in what manner Governor Kossuth and his companions, brought hither by its authority, shall be received and treated."

The gentleman may inquire of the President why he recommended action on the subject. I honor the President for having had the manliness and true republican independence to express his sympathy for Governor Kossuth, the champion of freedom in another hemisphere. I have very little respect, and I speak of no person here, for any American who calls himself a republican, whose coward heart does not allow him to express such sentiments.

Mr. UNDERWOOD. I hope that nothing has fallen from me in the course of the remarks which I made which indicates to anybody that I am averse to expressing sympathy for efforts in behalf of human freedom. If I said anything which could authorize an inference of that sort, I have certainly been most unfortunate in my expressions.

Mr. FOOTE. The gentleman stated expressly that he did not know enough of the merits of that resolution, or of the personal merits of Governor Kossuth, to justify us in any declaration of sympathy. That is what the gentleman said, and if he is properly reported he will find himself so reported. I excuse the language, because he has spoken in great haste. While up, the gentleman will allow me to say that I did not intend to apply the language which I used a moment ago to any member of the Senate. I repeat, that I have no respect for any man who calls himself a republican who is not manly enough everywhere to express his preference for republican over monarchical institutions, and his sympathy for those who are engaged in the great struggle for civil and religious freedom.

Mr. UNDERWOOD. I go further than that, and say that I have no respect for any man who has not manliness and firmness enough to declare his opinions on all questions, on all occasions.

If I have been understood by any member of this body as saying that I was opposed to the expression of sympathy for the Hungarian strugglers, I have been much misunderstood. If the reporters have got me down in that way let them report it.

I could not have used such language except in the heat of debate. On the contrary, I repeatedly said that the reforms which were introduced by Kossuth and his associates deserved the highest commendation of everybody.

Mr. FOOTE. I beg to remind the gentleman of a remark which he made which wounded my sensibilities very much. He said expressly that we ought to be on our guard as to expressing commendation or approval of the acts of the Hungarian chiefs, because, in approving them, we must necessarily condemn others—alluding to certain tyrannical Governments, whose conduct I hope all Americans condemn.

Mr. UNDERWOOD. I endeavored, as well as I could, to show that this was an improper subject to be introduced into Congress. But I hold to the principle that, as an American freeman, I have the right to express my opinions wherever and whenever I please, in regard to the institutions of the world. I hold that the whole American people have that right, and that all ought to sympathize with the Hungarian strugglers in favor of those reforms which I understood myself as commending. The gentleman must have misunderstood me, for I could not certainly have both commended and condemned the expression of sympathy for these people.

On the motion of Mr. HALE, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 3, 1851.

The House met at twelve o'clock, m.
The Journal having been read—

Mr. HARRIS, of Tennessee, asked the unanimous consent of the House to introduce a joint resolution, explanatory of an act approved September 28, 1850, entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States."

Mr. H. said: I simply desire to state to the House that it is the same resolution, with the amendment of the Senate, passed by the House of Representatives and the Senate last Congress, and which failed for want of time on the part of the House to concur with the Senate amendment. I think it is a resolution in which the constituents of every member are interested, and that it will receive the vote of every individual in the House.

The resolution having been read the first and second time,

The SPEAKER inquired to know what disposition the gentleman [Mr. HARRIS] desired to make of the resolution?

Mr. HARRIS. My object is to put the resolution upon its passage.

[Cries of "Read it!" "Read it!"]

The resolution was read.

Mr. MEADE said: I wish to have the resolution altered so as to include warrants that were issued during the war of 1812, under an act passed, I think, that year. I have several of those old warrants, which are not assignable, having been heretofore issued. Under the new law no claimant can apply for a warrant who has heretofore received one. That class of warrants would be left unassignable under this resolution. As the policy of this resolution is to make all assignable, in order to effect that end I wish to introduce a few words in amendment. Those words are to the effect that "all other warrants issued in pursuance of laws heretofore enacted." Under the late law, the claimants under the old law of 1811 or 1812, who have not already received their warrants, can apply and receive them now.

Mr. STEPHENS, of Georgia. I rise to a question of order. This is a bill for the appropriation of money, and all such bills must be first discussed in Committee of the Whole on the state of the Union.

The SPEAKER. I do not understand whether the gentleman objects to the discussion of the resolution itself, or of the amendment proposed.

Mr. STEPHENS. My objection is to any discussion of the subject at this stage of the reso-

lution. It must go to the Committee of the Whole under the rule of the House in reference to bills appropriating money.

Mr. MEADE. This is a mere motion to make an amendment to the resolution. That can be done, and then it may be committed. I wish only that my amendment be accepted by the gentleman from Tennessee, [Mr. HARRIS,] which I am sure he is willing to do, so as to make all warrants assignable.

Mr. STEPHENS. The rule of the House is, that there shall be no discussion of a bill making appropriations until it shall have been referred to the Committee of the Whole.

Mr. MEADE. I ask the gentleman from Tennessee to accept my amendment as a part of his resolution.

The SPEAKER. I understand the resolution contains an appropriation of money. Under the rule it must go to the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. If I understand the resolution, it does not make an appropriation at all, and consequently the rule does not apply.

Mr. STEPHENS. Let the Clerk read it.

The resolution was then read.

Mr. COBB. I think we can obviate the difficulty in relation to this resolution by striking out all except the first and fifth sections.

Mr. HARRIS, of Tennessee. To avoid the difficulty, I propose to strike out all except the first section: that simply construes the law so as to make the warrants assignable; and I have no objection to receive the amendment of the gentleman from Virginia, [Mr. MEADE,] the object of which is to make a different class of warrants assignable. Upon the resolution thus modified, I demand the previous question.

Mr. HOUSTON. Mr. Speaker, I rise to a question of order. I understand the gentleman from Tennessee proposes now to modify this joint resolution. The resolution, according to my understanding, is now the property of the House, and it is not competent for him, on his own mere motion, to modify or change it, any more than it would be for me to do so. The resolution has been offered and received by the House; passed from his hands; read, I believe, a first and second time, and is now upon its engrossment, or proposed to be engrossed, or proposed to be passed. You must come to the conclusion, that I have just as much power over this resolution as the gentleman from Tennessee, [Mr. HARRIS,] and that it is not competent for him to strike out, or add anything to it.

The SPEAKER. The gentleman is right; but the Chair has supposed that there was a general acquiescence.

Mr. JONES. I wish to call the attention of the Chair and the House to the 45th rule. After a motion is stated by the Speaker and read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment. Now, sir, I conceive my colleague has a right to withdraw his proposition.

Mr. HOUSTON. The gentleman from Tennessee [Mr. JONES] will see that the rule referred to contemplates that the mover of a proposition shall have control over it until the House passes upon it at some of its various stages. The resolution has been read the first and second time, and is now as much in the power of myself to modify it as the mover; but it is not in the power of either. It is as much my property as that of the mover of the resolution; and as such, there being a section in the bill that is material, as I conceive, to my constituents, I object to the modification unless it is done in due form. It proposes to strike out a section which I wish to retain.

Mr. JONES called for the reading of the 45th rule; and it was read, as follows:

"After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment."

Mr. JONES. When this proposition of my colleague [Mr. HARRIS] was stated by the Speaker, and read by the Clerk, it was in the possession of the House. There has been no decision upon this proposition—there have been no amendments made to it by the House; therefore it has not passed from under the control of my colleague, the mover of it; and I hold that he now

has a right to withdraw it. He could withdraw it, then modify and introduce it under the notice which he has heretofore given. I think there can be no difficulty about it at all.

Mr. HARRIS, of Tennessee. My object is to make these warrants assignable, and I am not particular as to the form or mode in which it may be done. If it is competent for me to do so, I will withdraw the resolution that I have offered, change its form so as to retain the first section, and move it again in the House. I would then modify it accordingly.

Mr. JONES. With the permission of my colleague, I will say he cannot propose to amend it if it is a question of appropriation. Under the rules, it must be first considered in Committee of the Whole on the state of the Union. My colleague has a right to withdraw it and present it in a modified form.

Mr. OLDS. I ask for the execution of the order in respect to the drawing of seats.

Mr. HARRIS. I desire to withdraw the resolution I have offered.

Mr. BURT. I object to any further debate at this time.

The SPEAKER. The Chair thinks it is too late for the gentleman to withdraw his proposition and submit it in a modified form.

DRAWING FOR SEATS.

The SPEAKER. The order made yesterday in relation to the drawing of seats was postponed until half past twelve o'clock this day. The time has now arrived for the execution of the order.

Mr. FLORENCE. I desire to state to the House that my colleague, [Mr. GILMORE,] a member from Pennsylvania, has been detained in the State of Maine by the serious illness of his wife. Under these circumstances, I wish to submit a proposition that one of his colleagues may be permitted to draw for him.

Mr. BOCKOCK. I object to that proposition.

Mr. FLORENCE. My suggestion is, that one of his colleagues from the State of Pennsylvania be permitted to draw for him.

Mr. BOCKOCK. One of my colleagues is also absent. If we go into that matter at all, we should include every absentee.

Mr. FLORENCE. I submit that this is a very peculiar case, on account of the serious illness of Mr. GILMORE's wife.

Mr. BOCKOCK. There are several other gentlemen similarly situated.

The CHAIR. The execution of the order will be proceeded with.

Mr. JONES, of Tennessee. Almost every seat here has the name of a member upon it; unless members will vacate the seats, and remain out of them until their names are drawn and a selection made, it will be almost impossible for them to know the seats that are chosen, or those which are vacant.

The SPEAKER. The Chair will suggest, in execution of the order, that when a member draws his seat, he shall take a piece of paper, paste his name upon it, and keep the seat until the whole number of seats are drawn. The Chair earnestly desires that each and every gentleman will feel it his duty to observe the rule, in regard to drawing of seats; otherwise we shall have inexplicable confusion.

The order directing the process was then read. It provided as follows:

"That the Clerk of the House place in a box the name of each member and delegate of the House of Representatives on a separate piece of paper; that he then proceed in presence of the House to draw from said box, one at a time, the said pieces of paper; and as each is drawn, he shall announce the name of the member or delegate upon it, who shall then choose his seat for the present session, provided that before said drawing shall commence, the Speaker shall cause every seat to be vacated, and shall see that every seat continues vacant until it is selected under this order. And inasmuch as Mr. DARBY, of Missouri, is confined at his lodgings in this city by reason of sickness, one of his colleagues is authorized to select a seat for him when his name is drawn."

The House then proceeded in the execution of the order. The members left their seats, and repaired to the area in front of the Speaker's table. The names of the members, which had been placed in the box, were drawn out, consecutively, by one of the pages, until the process was thus completed and seats chosen by all the members present.

ASSIGNABILITY OF LAND WARRANTS.

The SPEAKER stated that the resolution of

the gentleman from Tennessee [Mr. HARRIS] was now in order.

APPOINTMENT OF STANDING COMMITTEES.

Mr. RICHARDSON. I rise to a privileged question, connected with the organization of the House—if the House deem it necessary. I find that it has been usual to authorize the Speaker, by resolution, to appoint the standing committees of the House. I have examined the rules with a view to determine the propriety of this course, and while I have some doubts myself as to the necessity of it, I propose to follow the invariable custom of the House, and offer for adoption the usual resolution, which is in these words:

Resolved, That the Speaker be authorized to appoint the standing committees of the House.

Mr. WIGHTMAN. I ask the gentleman from Illinois, before that resolution is acted on, to allow me to offer a resolution in reference to the printing of the President's Message.

Mr. RICHARDSON. I will state to the gentleman from New Mexico, that that resolution will probably lead to a discussion. The longest discussions we have had in the House have been in relation to these very questions; sometimes they have arisen upon one resolution, and sometimes on another. The resolution I have offered is the usual one, and will doubtless be disposed of in a few moments.

The question was then taken on the resolution, and it was agreed to.

Mr. WIGHTMAN obtained the floor.

Mr. HOUSTON. I rise to a question of order.

The SPEAKER. The Chair must first ascertain the character of the proposition submitted by the gentleman from New Mexico.

Mr. HOUSTON. But it matters not what the proposition is. The question I desire to present is, whether it is not now the duty of the House to recur to the joint resolution of the gentleman from Tennessee, [Mr. HARRIS,] that being the unfinished business?

The SPEAKER. The Chair has already announced that that is the first business in order, and nothing can interfere with it, unless it be a question of privilege.

ASSIGNABILITY OF LAND WARRANTS.

Mr. HARRIS, of Tennessee. I understood the Chair as deciding that it was not within my power to modify the resolution which I offered.

The SPEAKER. The Chair so decided.

Mr. HARRIS, of Tennessee. Then I move to commit the resolution to the Committee of the Whole on the state of the Union; and if the House will indulge me, I will move immediately afterwards that the House resolve itself into Committee of the Whole on the state of the Union.

The question was then taken on the motion to commit the resolution, and it was decided in the affirmative.

So the resolution was referred to the Committee of the Whole on the state of the Union.

NEWSPAPERS FOR MEMBERS.

The SPEAKER. The unfinished business of yesterday is now in order, being the question on the adoption of the following resolution as amended:

Resolved, That the Clerk cause to be furnished to the members of this House, during the present session, such papers as they may direct, the expense thereof not to exceed the price of three daily papers to each member, from the commencement of the session.

On this question the yeas and nays had been ordered.

Mr. HARRIS, of Tennessee, moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was not agreed to.

The question then recurred on the adoption of the resolution of Mr. ROBBINS as amended.

Mr. TUCK. Would a motion to amend that resolution by substituting "\$50" for "\$30" be now in order?

The SPEAKER. No amendment would now be in order, as the resolution is under the operation of the previous question.

Mr. TUCK. Then I hope the resolution will not be adopted.

The question was then taken on the adoption of the resolution as amended, and it was decided in the negative—yeas 63, nays 139; as follows:

YEAS—Messrs. Aiken, Allison, W. Appleton, Averett,

Barrere, Bell, Bibbhausa, Bowie, J. H. Boyd, Bragg, Briggs, Buell, Busby, Caldwell, Chandler, Clark, Clingman, Cottman, Dawson, Disney, Dockery, Duncan, Eastman, Edger, Fitch, Floyd, Fowler, T. J. D. Fuller, Gaylord, Gentry, Goodenow, Hall, Hammond, Harper, Isham G. Harris, S. W. Harris, Hart, Hascall, Henn, Houston, Hunter, Jackson, Robert W. Johnson, J. Glancy Jones, Preston King, McMullen, Meacham, Miller, Molony, Morehead, Nabers, Penn, Phelps, Porter, Robbins, Stanly, Benjamin Stanton, Sweetser, George W. Thompson, Walsh, Wells, Wilcox, and Yates—63.

YAYS—Messrs. Abercrombie, Charles Allen, Willis Allen, John Appleton, Babcock, Bartlett, D. J. Bailey, Bennett, Bocoek, Bowne, Breckenridge, Brenton, Brooks, G. H. Brown, Burrows, Burt, E. C. Cabell, J. Cable, Lewis D. Campbell, Thompson Campbell, Cartter, Caskie, Chapman, Chastain, Churchwell, Cleveland, Cobb, Conger, Curtis, Daniel, George T. Davis, John G. Davis, Dean, Dimmick, Doty, Dunham, Durkee, Edmundson, Evans, Ewing, Faulkner, Ficklin, Florence, Freeman, Henry M. Fuller, Gamble, Goodrich, Gorman, Grey, Grow, Hamilton, Haws, Haven, Hebard, Hendricks, Hibbard, Hillyer, Holladay, Horsford, John W. Howe, Thomas Y. How, Thomas M. Howe, Ingersoll, Jenkins, Andrew Johnson, James Johnson, John Johnson, Daniel T. Jones, George W. Jones, George G. King, Kuhns, Kurtz, Letcher, Lockhart, Mace, Mann, Edward C. Marshall, Humphrey Marshall, Martin, McCorkle, McDonald, McLanahan, McNair, Meade, Millson, Miner, Henry D. Moore, Morrison, Murphy, Murray, Newton, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penniman, Polk, Price, Rantoul, Riddle, Robie, Robinson, Ross, Russell, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Snow, Frederick P. Stanton, R. H. Stanton, A. H. Stephens, Stratton, Strother, Stuart, Sutherland, Benjamin Thompson, Thurston, Toombs, Townshend, Tuck, Venable, Ward, Washburn, Watkins, Welch, Addison White, Wildrick, Williams, and Woodward—139.

So the resolution was not agreed to.

ADJOURNMENT TILL SATURDAY.

Mr. RICHARDSON. It is impossible to proceed with the business of this House to any advantage until the committees are appointed by the Presiding Officer. I intend, therefore, to move that the House do now adjourn until to-morrow, and then we can adjourn over until Monday, so as to give the Speaker an opportunity to appoint the standing committees of the House. I move that the House do now adjourn.

Mr. STEPHENS, of Georgia. Will the gentleman from Illinois withdraw that motion for a few moments, to allow me to offer a resolution for the consideration of the House?

Mr. RICHARDSON. I am appealed to by several gentlemen to withdraw my motion, so as to allow them to present resolutions; and in order to give them an opportunity of so doing, I will change my motion, and now move that when the House adjourns to-day, it adjourn to meet on Saturday next.

The motion was agreed to.

SEATS FOR THE OFFICIAL REPORTERS.

Mr. STEPHENS, of Georgia, offered the following resolution:

Resolved, That a committee of three be appointed by the Chair, to ascertain whether it be practicable to provide two or three seats within the bar of the House for the Reporters of the Congressional Globe, without incommencing the House, and that the committee report upon the subject.

The resolution was agreed to.

NEWSPAPERS FOR MEMBERS.

Mr. HEBARD offered the following resolution:

Resolved, That the Clerk furnish to each member and delegate of this House, such newspapers as they may designate, the cost not exceeding \$30 in the whole, to each member.

Mr. STANTON, of Kentucky, moved to amend the resolution by striking out the words "thirty dollars," and substituting therefor "fifty dollars."

Mr. TUCK moved the previous question.

The previous question was seconded, and the main question ordered; which main question was on the adoption of **Mr. STANTON's** amendment.

Mr. JONES, of Tennessee, moved to lay the resolution and amendment upon the table.

The motion was not agreed to.

Mr. CARTTER called for the yeas and nays on the adoption of the amendment; but they were not ordered.

Mr. FICKLIN demanded tellers on ordering the yeas and nays; but tellers were not ordered.

Mr. HALL moved to lay the resolution and amendment upon the table.

The **SPEAKER** stated that that motion, having just been voted down by the House, was not now in order.

The question was then taken on **Mr. STANTON's** amendment, and it was decided in the affirmative—yeas 94, noes 64.

So the amendment was agreed to.

Mr. HAMILTON moved to lay the resolution as amended upon the table, and called for the yeas and nays on that motion.

The yeas and nays were not ordered; and the question being taken, it was decided in the negative.

So the House refused to lay the resolution, as amended, upon the table.

The question recurred upon the adoption of the resolution as amended.

Mr. STANTON, of Ohio, called for the yeas and nays; and they were ordered.

The question was then taken, and it was decided in the negative—yeas 87, nays 109; as follows:

YEAS—Messrs. Charles Allen, Andrews, John Appleton, William Appleton, Bartlett, Breckenridge, Briggs, George H. Brown, Burrows, Burt, Cabell, Thompson Campbell, Chandler, Chapman, Chastain, Clingman, Conger, Cottman, George T. Davis, Dawson, Dean, Duncan, Edgerton, Ewing, Florence, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Gentry, Giddings, Goodenow, Goodrich, Hammond, Haws, Hebard, Horsford, John W. Howe, Ingersoll, Jenkins, Daniel T. Jones, George G. King, Preston King, Lockhart, Mace, Mann, Edward C. Marshall, Martin, McCorkle, McDonald, McNair, Miner, Henry D. Moore, Morehead, Morrison, Murray, Newton, Outlaw, Andrew Parker, Samuel W. Parker, Penniman, Perkins, Porter, Price, Riddle, Robie, Ross, Russell, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Smart, Snow, Frederick P. Stanton, Richard H. Stanton, Sutherland, Taylor, Benjamin Thompson, Thurston, Tuck, Walsh, Ward, and Washburn—87.

NAYS—Messrs. Abercrombie, Aiken, Allison, Ashe, Averett, Babcock, Barrere, Thomas H. Bayly, Bell, Bibbhausa, Bocoek, Bowie, Bragg, Brenton, Brooks, Buell, Busby, Cable, Caldwell, Lewis D. Campbell, Cartter, Caskie, Churchwell, Clark, Cleveland, Cobb, Colecock, Daniel, John G. Davis, Dimmick, Disney, Dockery, Dunham, Durkee, Eastman, Edmundson, Evans, Faulkner, Ficklin, Floyd, Fowler, Gaylord, Green, Grey, Grow, Hall, Hamilton, Harper, Isham G. Harris, Sampson W. Harris, Hart, Hascall, Haven, Hendricks, Henn, Hibbard, Hillyer, Holladay, Houston, Thomas M. Howe, Thomas Y. How, Ives, Jackson, Andrew Johnson, James Johnson, John Johnson, George W. Jones, J. Glancy Jones, Kuhns, Kurtz, Letcher, Humphrey Marshall, McLanahan, McMullen, Meacham, Millson, Molony, Murphy, Nabers, Orr, Peaslee, Penn, Phelps, Rantoul, Richardson, Robbins, Robinson, Skelton, Smith, Stanly, Benjamin Stanton, Alexander H. Stephens, Stone, Stratton, Strother, Stuart, Sweetser, George W. Thompson, T. Ooms, Townshend, Venable, Walbridge, Watkins, Welch, Addison White, Wilcox, Wildrick, Williams, and Woodward—109.

So the resolution was not agreed to.

On motion of **Mr. CARTTER**, the House then adjourned.

NOTICES OF BILLS.

By **Mr. HENN**: A bill creating three new land districts in the State of Iowa.

Also, a bill providing for the correction of errors in the location of military bounty land warrants and the entry of lands.

By **Mr. JOHNSON** of Tennessee: A bill to encourage agriculture and manufactures, and for other purposes.

By **Mr. CLARK**: A bill providing for a grant of public lands to the State of Iowa, to aid in the construction of a railroad from Du Buque to Keokuk, and from Davenport to Council Bluffs, in said State.

By **Mr. LETCHER**: A bill to change the times of holding the courts for the western district of Virginia, and to increase the salary of the judge thereof.

By **Mr. CABELL** of Florida: A bill granting the right of way and making a grant of land to the States of Florida and Alabama, in aid of the construction of a railroad from the waters of the Pensacola Bay, in Florida, to Montgomery, in the State of Alabama, and for other purposes.

Also, a bill making a similar grant to the State of Florida, in aid of the construction of the "Florida, Atlantic, and Gulf Central Railroad."

By **Mr. MACE**: A bill granting a portion of the public lands to actual settlers.

By **Mr. DOTY**: A bill to select the balance of the lands to which the State of Wisconsin is entitled under the act making a grant of land to aid in the improvement of the navigation of Fox and Wisconsin rivers, and the construction of Portage canal.

Also, a bill making a grant of land to aid in the construction of a railroad from the Copper Mines, on the shore of Lake Superior, to Chicago.

Also, a bill making a grant of land to aid in the construction of a railroad from the most eligible point on Lake Michigan, to the Falls of St. Anthony, in Minnesota Territory.

By **Mr. JOHNSON** of Arkansas: A bill granting the right of way through, and making a grant of public lands to the State of Arkansas, in aid of the construction of a railroad from St. Louis, in Missouri, via Little Rock, to Fulton, on the Red river, and from some point on the Mississippi river, in Tennessee, via Little Rock, to Fort Smith.

By **Mr. GORMAN**: A bill to supply a deficiency in the grant of lands to the State of Indiana for the benefit of a State University, under the ordinance of 1787.

By **Mr. GIDDINGS**: A bill entitled an Act to repeal the ninth and tenth sections of the "Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States from and after the 1st day of January, in the year of our Lord one thousand eight hundred and eight."

PETITIONS, &c.

The following petitions and memorials were presented

under the rule, and referred to the appropriate committees:

By **Mr. HENN**: The petition of Thomas McKnight, George H. McHenry, Warner Lewis, and Mordecai Mobley, registers and receivers of the land office at Dubuque, asking additional compensation for locating military bounty land warrants.

Also, the memorial of a convention of 204 delegates from the States of Wisconsin, Iowa, Illinois, and Missouri, and the Territory of Minnesota, assembled at Burlington, in the State of Iowa, on the 23d and 24th days of October, 1851, asking the removal of the obstructions in the Mississippi river, at the Des Moines and Rock river Rapids.

Also, the petition of H. D. Downey and Eastin Morris, register and receiver, and Jesse Bowen, late register of the land office at Iowa City, asking additional compensation for the location of military bounty land warrants.

Also, the petition of R. W. Steele and 29 others, citizens of Warren county, Iowa, asking for the establishment of a mail route, &c., from Oskaloosa, via Knoxville and Indianola, to Winterset.

By **Mr. CLARK**: The petition of Thomas McKnight, M. Mobley, Warner Lewis, and George McHenry, asking additional compensation as land officers.

By **Mr. CABELL** of Florida: The memorial of the Board of Internal Improvements of the State of Florida for the right of way and grant of public land in said State, in aid of the construction of the Florida, Atlantic, and Gulf Central Railroad.

IN SENATE.

THURSDAY, December 4, 1851.

Prayer by the Rev. C. M. BUTLER.

Mr. DOUGLAS of Illinois, and **Mr. BADGER** of North Carolina, appeared in their seats this morning.

The **PRESIDENT pro tem.** laid before the Senate a report of the Secretary of the Interior, made agreeably to law, communicating lists of the names of the invalids, widows, and orphans now on the Navy pension rolls of the United States; which was read, and ordered to be printed.

Also, a letter from the Treasurer of the United States, communicating copies of his accounts for the third and fourth quarters of the year 1850, and the first and second quarters of 1851, as adjusted by the accounting officers of the Treasury; which was read, and ordered to be printed.

Also, a report of the Secretary of the Treasury, communicating, agreeably to law, a report of the Superintendent of the Coast Survey, showing the progress of that work during the year ending November, 1851; which was laid on the table, and ordered to be printed.

Also, a letter from John P. Gaines, Governor of Oregon Territory, communicating, agreeably to law, information respecting the application of moneys appropriated for public uses in that Territory; which was read.

RECESS.

Mr. BADGER. I desire this morning to seize the first vacant moment in the business of the Senate, to attend to a highly-important matter, fearing that it might be overlooked if not now attended to. I hope that my friend from Wisconsin [**Mr. WALKER**] will give me his attention, and that on this occasion I shall be happy enough to obtain his concurrence. If I do obtain it, I have no doubt of the unanimous consent of the Senate. I move that when the Senate adjourns to-day, it adjourn to meet on Monday next.

Mr. WALKER. The honorable Senator who has just taken his seat has had such a very arduous and laborious duty to discharge during that portion of the session which has already elapsed, that I shall give him my concurrence in his motion to adjourn until Monday.

Mr. BADGER. I am much obliged to the Senator.

The motion was agreed to.

PETITIONS.

Mr. CASS presented a petition of citizens of Philadelphia, and also, surviving officers and soldiers, and widows and children of those deceased who served in the war of 1812, for a modification of the bounty land act of September 20, 1850, so as to give to each of the persons intended to be benefited not less than one hundred and sixty acres of land.

Also, of John A. Ragan, of Louisiana, for aid to enable him to execute a plan which he has discovered to prevent the overflow of the Mississippi river, and to drain and reclaim the inundated lands of the valleys of the Mississippi and its tributaries.

Mr. CHASE presented the petition of the present register and receiver, and the late incumbents of the land office at Defiance, in the State of Ohio,

for additional compensation for locating military bounty land warrants.

Mr. SEWARD presented the petition of B. Foster Pratt, praying compensation for the services and sufferings of his father in the revolutionary war. Laid on the table.

NOTICES OF BILLS.

Mr. CLEMENS gave notice of his intention to ask leave to introduce a bill granting to the State of Alabama the right of way and a donation of public lands for making a railroad from Selma to the Tennessee river;

A bill granting a right of way and a donation of public lands for making a railroad from Chattanooga to Memphis;

A joint resolution conferring on Major General Winfield Scott the brevet rank of Lieutenant General; and

A bill granting to the State of Alabama the right of way and a donation of public lands for making a railroad from Girard to Mobile Bay.

Mr. GWIN gave notice of his intention to ask leave to introduce a bill to authorize the President of the United States to equip and dispatch suitable vessels, with competent officers, to explore and examine that portion of the North Pacific Ocean embraced in the route and course to and from China and Japan, the Philippine Islands, &c., with the view to facilitate commercial intercourse.

Mr. FISH gave notice of his intention to ask leave to introduce a bill to establish a Mint of the United States in the city of New York.

BILLS INTRODUCED.

Mr. GWIN, in pursuance of previous notice, asked and obtained leave to introduce the following bills; which were severally read a first time and ordered to a second reading:

A bill to authorize and direct the payment of certain moneys into the treasury of the State of California which were collected in the ports of said State as a revenue upon imports since the ratification of the treaty of peace between the United States and the Republic of Mexico, and prior to the admission of said State into the Union;

A bill to establish a branch of the Mint of the United States in the State of California;

A bill to provide for the survey of the public lands in California, the granting of donation privileges thereon, and for other purposes; and

A bill to create a Board of Commissioners for the examination and payment of claims against the United States growing out of the conquest of California.

Mr. GEYER, in pursuance of previous notice, asked and obtained leave to introduce a bill granting the right of way and a portion of the public lands to the State of Missouri, for the purpose of aiding in the construction of a railroad from the city of St. Louis to the western limits of said State; which was read a first time and ordered to a second reading.

Mr. MORTON, in pursuance of previous notice, asked and obtained leave to introduce a bill granting the right of way and making a grant of lands to the States of Florida and Alabama, to aid in the construction of a railroad from the waters of Pensacola Bay, in the State of Florida, to Montgomery, in the State of Alabama, and for other purposes; which was read a first time, and ordered to a second reading.

Mr. UNDERWOOD, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution explanatory of the act approved September 28, 1850, entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States;" which was read a first time and ordered to a second reading.

THE IRISH PATRIOTS.

Mr. FOOTE, of Mississippi, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution expressive of the sympathy of Congress for the exiled Irish patriots, Smith O'Brien, Thos. F. Meagher, and their associates; which was read a first time and ordered to a second reading.

COMPROMISE MEASURES.

Mr. FOOTE, of Mississippi. I gave notice the other day, although it was not necessary according to our rules, of a resolution in relation to the com-

promise measures, so called. I now introduce the resolution. I wish it to be read.

[The resolution was read as published on page 21.]

Mr. FOOTE, of Mississippi. I hope the Senate will bear with me while I make a single remark, which is this: I expect to leave this place on the 20th day of this month. I am exceedingly anxious to carry such a resolution as this home with me, for various reasons which I need not state. It is the only favor which I shall ask of the Senate during the present session, and I trust that no opposition will be made to my motion to take it up now for consideration, with the view of making it the special order of the day for Monday next, at one o'clock.

The PRESIDENT. The Senator from Mississippi asks for the consideration of the resolution at this time. It requires unanimous consent.

Mr. CHASE. Then I object to it, because I think this resolution should not take precedence of the important business which has been already brought to the notice of the Senate.

Mr. FOOTE, of Mississippi. I feel very much flattered that the opposition comes from that quarter, and I hope it will be continued. We mean to put it down.

Mr. CHASE. It will undoubtedly be continued.

INTEROCEANIC SHIP CANAL.

Mr. GWIN submitted the following, which lies over under the rule:

Resolved, That the President of the United States be requested to communicate to the Senate a dispatch addressed by Mr. Niles, late American Chargé d'Affaires to Sardinia, to the Hon. John M. Clayton, Secretary of State, on the subject of a ship channel to unite the waters of the Atlantic and Pacific oceans, having date 30th June, 1849, if in his opinion such communication can be made without injury to the public interest.

COAST SURVEY.

Mr. PEARCE. It has been usual, I believe, to order an extra number of copies of the report of the Superintendent of the Coast Survey to be printed for the use of the Senate. I submit an order on that subject, which will, I suppose, go to the Committee on Printing:

Ordered, That five thousand five hundred additional copies of the report of the Secretary of the Treasury, and the accompanying report of the Superintendent of the Coast Survey, be printed for the use of the Senate, and that five hundred copies of this number be supplied to the Superintendent of the Coast Survey.

The PRESIDENT. The proposition will go to the Committee on Printing.

FLOGGING IN THE NAVY.

Mr. HALE submitted the following resolution; which lies over under the rule:

Resolved, That the Secretary of the Navy be instructed to inform the Senate if the Navy Department has been informed of any violations of the law of the United States abolishing flogging in the naval service, by any officers of the Navy; and if so, what measures, if any, has the Secretary taken to vindicate the law.

PUBLIC LANDS IN OHIO.

Mr. CHASE. I move that the bill which I introduced the other day, to grant to the State of Ohio the unsold and unappropriated public lands remaining in said State, be now taken up for consideration, so that it may be ordered to be printed.

Mr. ATCHISON. I do not know that I shall have any objection to the gentleman's bill; but I can see no reason why it should now be printed. It will be referred, of course, to the Committee on Public Lands when the committee shall have been organized. When bills are reported by committees, I believe, under our rules, they are printed for the use of the Senate, without any motion for that purpose. If this bill be now printed before its reference, when it shall have been reported it will be reprinted, and then we shall have the same bill printed twice, at a double cost. I hope that the Senator will withdraw his motion, for I can see no good object to be advanced by it.

Mr. CHASE. I hope the honorable Senator from Missouri will withdraw the opposition which he makes to the motion, when he understands the precise state of the facts. This bill was reported at the last session of Congress by the Committee on Public Lands. There now remains in the State of Ohio only something less than three hundred thousand acres of land, and that chiefly worthless, which it is proposed by this bill to cede to the State. It was drawn up at the Land Office, and has all the guards which that bureau thought

fit to impose upon it. Under these circumstances, having come from a committee of this body, having had the sanction of one of the Departments, I hope that it will be permitted to be printed, as several bills have already been. I trust that the printing of it will not again become necessary, but that printing it now will, in point of fact, facilitate its consideration.

Mr. ATCHISON. I would state to the Senate, that what I said was more a matter of suggestion to the Senator from Ohio than opposition on my part to the measure, as he seems to understand it. I withdraw all opposition to the motion.

Mr. FOOTE, of Mississippi. Can a single member successfully oppose this proposition?

The PRESIDENT. No, sir. The proposition is simply a motion to take up the bill for consideration.

Mr. FOOTE. The question, then, is: whether there is any opposition. I think the Senator from Ohio at this moment desires this as a favor from the Senate. As I am not in the habit of returning evil for evil, and especially as I do not wish to return illiberality for illiberality, I shall very gladly embrace the opportunity of voting for the proposition.

The motion to proceed to the consideration of the bill was agreed to.

Mr. CHASE. I am about to submit a motion for the printing of the bill. But before I do so, I wish to say a word in response to the honorable Senator from Mississippi. I think the Senate will bear me witness, that during the whole period of my service in this body, I have never been wanting in liberality to my brother Senators. And if I have objected to the consideration at this time of the resolution of the honorable Senator, it was from a deference to the public interests, and not from any personal illiberality towards him.

Mr. FOOTE. I am sure, from the language of the honorable Senator, that he could not have heard my application to the Senate. I stated that I should leave this city, and leave my seat here vacant, on the 20th of this month, and I had only one favor to ask of the members of this body during the present session, and that was, the simple favor of allowing the resolution which I have introduced, and which I hope will not cause any serious debate, to be made the special order for Monday next at one o'clock. I did not suppose any member would refuse such a favor. I merely explain this, that it may be understood how the thing stands. If the gentleman thinks that he is really entitled to commendation for his liberal disposition, I hope he will presently withdraw his opposition to that request.

Mr. CHASE. I move that the bill be laid on the table, and ordered to be printed.

The motion was agreed to.

THE COMPROMISE MEASURES.

Mr. FOOTE, of Mississippi. I now propose to renew the motion which I made some time ago. The honorable Senator from Ohio did not, as I supposed, hear the statement which I made explanatory of the reasons why I wished the resolution in regard to the compromise measures to be taken up; and he has been courteous enough to withdraw his objection. I hope no opposition will be made in any quarter to have that resolution considered at this time.

There being no objection, the Senate proceeded to consider the resolution; when,

On motion of Mr. FOOTE, of Mississippi, its further consideration was postponed till Monday, at one o'clock, and it was made the special order for that time.

RECEPTION AND ENTERTAINMENT OF KOSUTH.

Mr. HALE. I call for the order of the day. The PRESIDENT. The unfinished business of yesterday, being the joint resolution to provide for the reception and entertainment of Louis Kosuth, Governor of Hungary, in the United States, is now before the Senate for consideration.

Mr. HALE. Was not twelve and a half o'clock to-day assigned for the election of a Chaplain?

The PRESIDENT. No such assignment was made.

Mr. FOOTE, of Mississippi. I wish to ask leave to withdraw the resolution now before the Senate. I will simply state in relation to the matter, that inasmuch as I find opposition to this resolution coming from an unexpected quarter, and as

I am not willing that the time of the Senate shall be occupied with a long discussion on the subject, and especially as the resolution, if not acted upon by both Houses immediately, can do no good, with the consent of the Senate I would like to withdraw it, and leave the Governor of Hungary to the Administration and the people, for they will deal with him most liberally.

Leave being granted, the resolution was withdrawn.

Mr. SEWARD. I give notice that I will at some early day ask leave to introduce a joint resolution declaring that the Congress of the United States, in the name and in behalf of the people, give to Louis Kossuth a cordial welcome to the capital and to the country.

The resolution is as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the Congress of the United States, in the name and behalf of the people of the United States, give Louis Kossuth a cordial welcome to the capital and to the country.

ELECTION OF A CHAPLAIN.

Mr. HALE. I move that we now proceed to elect a Chaplain.

Mr. BADGER. Is it in order to move to proceed to the election of a Chaplain before the adoption of a resolution declaring that a Chaplain shall be elected?

The PRESIDENT. The usual mode has been to introduce a resolution for the election of a Chaplain, and then to designate the period when he shall be elected. In this case a simple motion was adopted to elect a Chaplain at one o'clock yesterday. That hour was passed over in consequence of the Senate being engaged in other business, and the Chair could not execute the order.

Mr. HALE. Then I offer the following resolution:

Resolved, That two Chaplains be appointed to Congress during the present session, one by each House, who shall interchange weekly.

Mr. BADGER. I suppose that resolution lies over?

The PRESIDENT. It lies over as a matter of course, unless the Senate chooses, by a unanimous consent, to take it up.

On motion, the Senate adjourned to Monday next.

HOUSE OF REPRESENTATIVES.

SATURDAY, December 6, 1851.

The House met at twelve o'clock, m. The Journal of Wednesday having been read,

Mr. POLK said he found that his name had not been recorded in the final vote on the resolution to provide newspapers for the members. He was present on that occasion, and had voted against the resolution. He desired that the Journal might be so corrected.

There was no objection, and the Journal was ordered to be corrected accordingly.

The Journal was then approved.

The following members appeared to-day, were qualified, and took their seats, viz: Messrs. JOHN H. BOYD, of New York; JAMES M. H. BEALE, of Virginia; ALEXANDER WHITE, of Alabama; LOUIS ST. MARTIN and J. ARTISTIDE LANDRY, of Louisiana; WM. H. BISSELL, of Illinois; and VOLNEY E. HOWARD, of Texas.

Mr. COBB said: I hold in my hand a bill, which I will send to the Speaker's desk, of which I have given previous notice. And I desire to give notice to the House, that when it shall have been read I will move that it be put upon its passage. It is simple in its bearings, and if the House will give me its ear for a moment until it is read, I think there will be no difficulty in its passage.

The SPEAKER. Will the gentleman from Alabama [Mr. COBB] indulge the Chair while he presents some communications from the Departments?

The SPEAKER laid before the House a letter from the Treasurer of the United States, communicating copies of his accounts for the third and fourth quarters of the year 1850, and the first and second quarters of 1851, as adjusted by the accounting officers of the Treasury.

Also, a report of the Secretary of the Treasury, communicating, agreeably to law, a report of the Superintendent of the Coast Survey, showing the progress of that work during the year ending November, 1851.

Mr. JONES, of Tennessee. I move that the communication from the Treasury Department be referred to the Committee of Ways and Means, and be printed.

Mr. RICHARDSON. I rise to a question of order. There is no such committee to which it can be referred. I move to lay the communication upon the table, and that it be printed.

The motion was agreed to.

Mr. EVANS. I wish to make a motion as to one of the communications upon the table—the report from the Superintendent of the Coast Survey. I desire to move that it be laid upon the table and printed, and that ten thousand extra copies be printed, five thousand of which to be at the disposal of the Coast Survey Bureau. It is the usual number of extra copies, and this report is still more valuable than any preceding one on this subject.

Mr. STEPHENS, of Georgia. I am opposed to that motion, and shall move, when the committees are appointed, that it be referred to the Committee on Printing, to report upon the propriety of printing the extra numbers. That is a matter which ought to be inquired into. I have no objections to its being ordered to be printed; but as to the printing of any extra copies I do object.

Mr. JONES, of Tennessee. I rise to a question of order. I wish to inquire how this subject was brought before the House?

The SPEAKER. By the unanimous consent of the House.

Mr. EVANS. I believe it has been customary in former years to print extra numbers of this document.

Mr. JONES, of Tennessee. I would suggest to the gentleman from Maryland, [Mr. EVANS,] that the rule requires all propositions for printing extra numbers to go to the Committee on Printing.

Mr. EVANS. The gentleman is mistaken. That is the rule only respecting the President's message and accompanying documents. If the gentleman will examine the rule he will see how it is, and that it does not apply to the printing of this document.

Mr. STEPHENS, of Georgia. I know it has been usual to print an extra number of copies of this report, but I have never been satisfied that it is proper to do so, and I am less satisfied now than I have heretofore been; and until there has been a report of a committee upon the propriety of so doing, I shall oppose the printing of extra copies. It is attended with immense expense, and with but little or no profit.

Mr. EVANS. I will occupy the attention of the House, in regard to this matter, but a few moments. There is perhaps no document which emanates from the Government in greater demand or of higher importance than this. Commercial men everywhere—not only here, but over the whole globe—send for copies of the Coast Survey; and we have had more calls for it, from every part of the world—from North and South America, from Europe, Asia, and Africa—than we have ever been able to supply. I will show to the honorable gentleman [Mr. STEPHENS] the importance of this document and the reasons why there should be no delay in the printing of it. As I stated a little while ago, there is in this document more than three thousand two hundred geographical posts, for the first time, ascertained with entire accuracy—posts of the highest importance to commerce and to the navy; the latitude and longitude of important points on the coast, and concerning which it is highly desirable that information should be given at once to commercial men everywhere. Now, if this were a new motion, on a new subject, it might be important that it should be examined by a committee. But it has been examined by the Committee on Printing, in former Congresses, from time to time and from year to year, and an extra number has always been ordered. We have the concurrence of all former Printing Committees to which this subject has ever been referred, in favor of printing extra numbers. I am not in favor of incurring extra and unnecessary expense; but this document is in great demand, and continual calls are made upon the Department and upon members of the House for it. It contains much information in regard to light-houses and their posts. It contains also the leading lines, and sailing lines, and directions for the most important parts of the coast—

as I said before, the latitude and longitude of a vast number of places highly important to the sailing part of the world.

I ask no deviation from the ordinary course. It has always been usual, when that document has come here and been laid upon the table, to print it, and then to print the usual extra numbers, of which the Department has had the control of a certain part of them.

I cannot imagine why the gentleman from Georgia [Mr. STEPHENS] should oppose it. He opposes it because of its extravagance. He cannot oppose it because of its impropriety; for, of the vast number of printed documents that emanate from this House, this is one of the very few useful ones, and I hope the gentleman will withdraw his opposition to printing extra numbers of it.

Mr. BAYLY, of Virginia. I do not attach the importance to this matter of printing extra copies of this document which the gentleman from Maryland [Mr. EVANS] seems to attach to it. I represent the Chesapeake Bay, in part, and nearly all the sea-coast of Virginia. The importance of this coast-survey cannot well be overated, but you cannot supply the whole demand for it by any number of copies that you will print. The great importance of it consists in its going into the hands of the chartmakers, for from this coast-survey they make out their charts, which are kept regularly for sale in all the cities and towns in the United States; and vessel-owners can supply themselves.

Mr. PHELPS. I rise to a question of order. This proposition to print extra numbers of this document must, of necessity, be referred to the Committee on Printing, in accordance with the joint resolution of the two Houses of Congress, passed in 1846. I ask that the first clause of the 3d section of that resolution be read.

It was accordingly read, as follows:

"That all motions to print extra numbers of any bill, paper, or document, in either House, shall be referred to the Committee on Printing of that House, who shall report on the propriety of printing, and the probable expense thereof, as early as convenient."

Mr. HOUSTON. I was about to rise to the same point. I have also here a copy of the Journal of the Thirty-first Congress, and I beg leave to call the attention of the gentleman from Maryland [Mr. EVANS] to it. It says, "Mr. Winthrop moved that four thousand copies of the report 'on the coast-survey be printed, which motion was referred to the Committee on Printing.'" It seems, therefore, that in corroboration of this construction of the rules of the House, its practice has been to refer such motions to the Committee on Printing.

Mr. JONES, of Tennessee. I move that when this House adjourns, it adjourn till Tuesday next.

The SPEAKER. That motion cannot be entertained while the gentleman from Virginia [Mr. BAYLY] has possession of the floor.

Mr. BAYLY. I had nearly concluded my remarks.

Mr. PHELPS. I rise to a question of order. The motion before the House is not in order.

Mr. EVANS. I call for the reading of the 61st rule.

The rule was then read, as follows:

"A proposition requesting information of the President of the United States, or directing it to be furnished by the head of either of the Executive Departments, or by the Postmaster General, or to print an extra number of any document or other matter, excepting the messages of the President to both Houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order in which they were presented, immediately after reports are called for from select committees; and when adopted, the Clerk shall cause the same to be delivered."

The SPEAKER. The Chair will take occasion to remark, that there seems to be some conflict between the rule of the House and the joint resolution of the two Houses of Congress. The Chair is aware that extra numbers of the President's messages and accompanying documents have been printed at the beginning of each Congress—

Mr. STEPHENS, of Georgia, (interrupting the Chair,) said: If the Chair will allow me, the part of the 61st rule to which reference has been made, has regard solely to the old rule of the House which required that all motions to print extra numbers of any document shall lie upon the table one day. In 1846 a joint resolution was

passed requiring that motions to print extra numbers of any document shall go to the Committee on Printing.

The SPEAKER. The Chair decides that, under the rule of the House, the motion must lie over.

The motion can be entered, but not acted upon. Mr. EVANS. Then I shall not press the matter further. I submit the motion that ten thousand extra copies be printed; and, according to the decision of the Chair, the motion will lie over.

Mr. HOUSTON. I desire, before this matter has passed from before the House, to suggest to the gentleman from Maryland, [Mr. EVANS,] whether it would not be better to order the usual number of copies to be printed now, and let the extra numbers lie over? I think it is better to take that course, and by the time the usual number are printed we can dispose of the extras.

The SPEAKER. Does the gentleman from Alabama make a motion?

Mr. HOUSTON. Yes, sir. I move that the report do lie upon the table and be printed.

Mr. STEPHENS. The Chair does not comprehend the point I suggested. "A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the executive departments, or by the Postmaster General," &c. That was the old rule. The amended rule then goes on to say: "or to print an extra number of any document, or other matter, excepting messages of the President to both Houses, at the commencement of each session of Congress, and the reports and documents connected with, or referred to in it," &c. The joint rule passed in 1846, requires that these documents shall be referred to the Committee on Printing. This is the rule that is to apply in this case; because this document, having been referred to in the President's message, forms one of the exceptions, and hence does not go over.

Mr. EVANS. I would suggest, that by general consent, this motion to print ten thousand extra copies be referred to the Committee on Printing when that committee shall have been appointed. I am perfectly willing that disposition should be made of it.

[Cries of "No objection!" "No objection!"]

Mr. EVANS continued. I will say just one word to the gentleman from Alabama [Mr. HOUSTON] in relation to his suggestion, that the House first order the usual number of copies to be printed, and leave the extras to be disposed of afterwards. That gentleman will see that if we adopt his suggestion, and the House at some subsequent time order the extra number of copies to be printed, the type will have to be reset. Suppose we order the usual number of copies to be printed now, and the committee delay to report for some days: the type will have to be set up again, and we shall be put to double the expense.

Mr. HOUSTON. That is supposing the committee will not do its duty. I am perfectly willing, however, that the motion shall go to the Committee on Printing.

The question was then taken, and the report was ordered to be laid upon the table.

It was then, by general consent, referred to the Committee on Printing, when appointed.

Mr. COBB. I now ask that the bill I sent to the Clerk's desk be read, and that it be put upon its passage. The necessity of its immediate passage will appear upon its face, and I trust there will not be a man upon this floor to oppose it.

The SPEAKER said it required the unanimous consent of the House.

Mr. CARTER objected.

Mr. COBB asked if it would be in order to move to suspend the rules?

The SPEAKER replied in the negative, it not being in order to suspend the rules except on Mondays.

Mr. COBB. I see the House is not in a state for action to-day. I withdraw my motion. [Laughter.]

Mr. STEPHENS, of Georgia. I move that the House do now adjourn.

Mr. JONES, of Tennessee, moved that when the House adjourns, it adjourn to meet on Tuesday next, to afford time to the Speaker to arrange the committees.

[Cries of "No, no! let's meet on Monday."]

Mr. GIDDINGS demanded the yeas and nays; but they were not ordered.

The question was then put, and carried in the affirmative—yeas 117, noes not counted.

The question then recurred upon the motion to adjourn.

Mr. LETCHER asked that the motion be withdrawn, in order to allow him to present an application to withdraw certain papers.

Mr. STEPHENS refused to withdraw.

The question was then taken, and

The House adjourned till Tuesday next.

NOTICES OF BILLS.

By Mr. WALSH: A supplement to the act of September 28th, 1850, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," empowering the heirs at law of deceased officers and soldiers who held in their lifetime certificates not located, to locate the same in their own names.

Also, a bill making the counterfeiting of bounty land certificates and other instruments of value, a criminal offense.

By Mr. STROTHER: A bill for the relief of the Orange and Alexandria Railroad Company.

By Mr. COBB: A bill for the relief of W. J. Price, of the county of Jackson, in the State of Alabama.

By Mr. TAYLOR: A bill further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

PETITIONS.

The following petitions were presented under the rule, and referred to the appropriate committees:

By Mr. BOWNE: The petition of Thomas B. Cottrill, for compensation for damages sustained by seizure of the schooner Essex by the Mexican Government; and the petition of Edward Quinn, for increase of pension.

By Mr. TAYLOR: The petition of H. J. D. Bruin and 43 others, citizens of Adams county, Ohio, praying Congress to relieve Lindsay Gossett, as one of the securities of Isaac Grutzman, late postmaster at Scott, in Adams county, Ohio.

By Mr. CABELL of Florida: The petition of Antonio Alvarez, for arrears of pay as keeper of the archives at St. Augustine.

IN SENATE.

Monday, December 8, 1851.

Prayer by the Rev. C. M. BUTLER.

The following Senators, in addition to those who appeared last week, took their seats this morning:

Mr. RUSK, from Texas; Mr. BELL, from Tennessee; Mr. BUTLER and Mr. RHETT, from South Carolina; Mr. DOWNS, from Louisiana; Mr. BORLAND, from Arkansas.

COMMITTEES.

Mr. BRIGHT. Mr. President, I believe the business of the Senate will be promoted by the appointment of our standing committees, which will supersede the necessity of laying business on the table, and hereafter again taking it up for reference. I therefore move that the 35th rule of the Senate be suspended, and that the gentlemen whose names will be found in the list which I send to the Chair, constitute the committees of the Senate for the present Congress. The 35th rule provides that the election of chairmen and members of the committees shall be by ballot. I understand, however, that time can be saved and much trouble obviated. By the unanimous consent of the Senate the rule can be waived, and I hope, by general concurrence, the list which I send up will be adopted.

There being no objection, the rule was suspended, and the following were agreed to as the committees of the Senate for the present Congress:

On Foreign Relations—Messrs. Mason, Douglas, Norris, Mangum, Underwood.

On Finance—Messrs. Hunter, Bright, Gwin, Pearce, Miller.

On Commerce—Messrs. Hamlin, Soule, Dodge of Wisconsin, Davis, Seward.

On Manufactures—Messrs. Sebastian, Bayard, Stockton, Upham, James.

On Agriculture—Messrs. Soule, Walker, Atchison, Spruance, Wade.

On Military Affairs—Messrs. Shields, Clemens, Borland, Dawson, Jones of Tennessee.

On the Militia—Messrs. Houston, Dodge of Wisconsin, Borland, Morton, Spruance.

On Naval Affairs—Messrs. Gwin, Stockton, Mallory, Badger, Fish.

On Public Lands—Messrs. Felch, Shields, Dodge of Iowa, Underwood, Pratt.

On Private Land Claims—Messrs. Downs, Whitcomb, Clemens, Davis, Hale.

On Indian Affairs—Messrs. Atchison, Sebastian, Rusk, Bell, Cooper.

Of Claims—Messrs. Brodhead, Whitcomb, Bayard, Pratt, Wade.

On Revolutionary Claims—Messrs. Walker, Chase, James, Foot of Vermont, Sumner.

On the Judiciary—Messrs. Butler, Downs, Bradbury, Berrien, Geyer.

On Post Roads—Messrs. Rusk, Soule, Hamlin, Upham, Morton.

On Roads and Canals—Messrs. Bright, Rhett, Douglas, Spruance, Sumner.

On Pensions—Messrs. Jones of Tennessee, Borland, Stockton, Foot of Vermont, Geyer.

For the District of Columbia—Messrs. Shields, Bradbury, Norris, Berrien, Clarke.

On Patents and the Patent Office—Messrs. Norris, James, Whitcomb, Dawson, Smith.

On Retrenchment—Messrs. Bradbury, Bright, Felch, Mangum, Fish.

On Territories—Messrs. Douglas, Houston, Gwin, Cooper, Jones of Tennessee.

On Public Buildings—Messrs. Whitcomb, Hunter, Clarke.

On Printing—Messrs. Borland, Hamlin, Smith.

On Engrossed Bills—Messrs. Bayard, Mallory, Hale.

On the Library—Messrs. Pearce, Clemens, Dodge of Iowa.

On Enrolled Bills—Messrs. Jones of Iowa, Badger.

To Audit and Control the contingent Expenses of the Senate—Messrs. Dodge of Iowa, Walker, Bell.

MEMORIALS.

Mr. UNDERWOOD presented numerous petitions from the States of Missouri, Indiana, Vermont, Illinois, Alabama, Delaware, New Jersey and Pennsylvania. All the memorialists, he said, represent that they are grieved by the election of Chaplains to serve in the Congress of the United States; and they are further grieved, they say, by the appointment of Chaplains in the land and naval forces of the United States; they therefore beg that the subject may be taken into consideration by the Senate, and steps adopted to get clear of these obnoxious appointments to them. I move that they be received, and for the present laid upon the table; which was agreed to.

Mr. SEWARD presented the petition of Sarah Bennet, widow of Asahel Bennet, asking compensation for his services during the revolutionary war; which was referred to the Committee on Pensions.

Also, of Gen. Hugh W. Dobbin, asking compensation for his services as an officer in the last war with Great Britain; which was referred to the Committee on Pensions.

Also, of Hugh W. Page and other officers of the Navy, asking compensation in consideration of peculiar hardships and increased expenses to which they were subject while in California; and of the petty officers, seamen, and marines who served in the frigate Savannah during her cruise in the Pacific in 1849, asking additional pay; which were referred to the Committee on Military Affairs.

Mr. BADGER presented the memorial of the President and Directors of the Raleigh and Gaston Railroad Company, asking a remission of the duties on certain railroad iron; which was referred to the Committee on Finance.

Mr. GWIN presented a joint resolution of the Legislature of the State of California in relation to the Peon fund; which was referred to the Committee on Naval Affairs.

Also, in favor of an act of Congress refunding to the State the duties collected in her ports previous to her admission into the Union; which was referred to the Committee on Finance, and ordered to be printed.

Also, instructing their Senators and requesting their Representatives to use their best efforts to procure the establishment of forts and the placing of troops along the borders of this State for the protection of the citizens against Indian incursions; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FOOTE, of Mississippi, presented the memorial of E. D. Reynolds, a Purser in the Navy, asking compensation for his services as a naval storekeeper at San Francisco, and to be allowed the pay of a Purser to a sloop-of-war for the time he performed the duties; which was referred to the Committee on Naval Affairs.

Also, from W. Henderlite, asking compensation for services in carrying the mail; referred to the Committee on the Post Office and Post Roads.

THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32D CONGRESS, 1ST SESSION.

WEDNESDAY, DECEMBER 10, 1851.

NEW SERIES....No. 3.

Mr. DAVIS. I am requested to present the petition of William Cranch, Chief Justice of the District of Columbia, who represents that by an act passed March 3, 1839, the duty of hearing appeals from the decisions of the Commissioner of Patents was imposed on him as the Chief Justice of this District. From that time forward he has attended to this service, but by reason of his age and infirmities, he does not feel able at this time to discharge that additional duty, and he prays that he may be relieved from it by a modification of the law. I move that this petition be referred to the Committee on the Judiciary.

While I am up I beg leave to add a word more. This venerable gentleman, respected by all who know him, and who is a very competent man for the station which he occupies, has, during this period, for the compensation of \$100, heard a great number of these appeals. That moderate compensation was put in the bill changing the mode of hearing the various questions that were raised by applicants for patents for inventions, and this compensation was fixed without knowing what was the extent of the duty. I have reason to think that the compensation is very inadequate. I hope that will be taken into consideration.

The memorial was referred to the Judiciary Committee.

Mr. DAVIS also presented the memorial of Winthrop Coffin, and Howard, Son & Co., proposing to establish a line of steamers between Boston and New Orleans, and asking that they may be authorized to contract for carrying the mails between those ports; which was referred to the Committee on Naval Affairs.

Mr. DOWNS presented the memorial of the police justices of the parish of Morehouse, Louisiana, asking a confirmation of the title of this parish to certain lands lying on the Bastrop grant; which was referred to the Committee on Public Lands.

Also, one of John Erwin, a settler on the Bastrop grant, asking to be allowed a section of land in lieu of what he had been dispossessed of by the United States; which was referred to the Committee on Private Land Claims.

Also, one of Thomas J. Durant, asking payment of a balance due him on a settlement of his accounts, and that he may be authorized to institute a suit against the United States, for the purpose of obtaining a judicial decision of his claim; which was referred to the Committee on the Judiciary.

Mr. PEARCE presented the memorial of petty officers, seamen, and marines of the United States frigate Savannah, asking additional payment for services in California; which was referred to the Committee on Naval Affairs.

Mr. MILLER presented the memorial of citizens of Newark, New Jersey, asking the enactment of a law giving further remedies for patentees; which was referred to the Committee on the Judiciary.

Mr. CASS presented the memorial of Hezekiah Miller, a clerk in the Indian Bureau, asking to be allowed certain arrears of pay.

Also, of certain Hollanders, settlers in the counties of Ottawa and Allegan, in the State of Michigan, asking an appropriation for the improvement of Black Lake Harbor, in that State; which was referred to the Committee on Commerce.

Also, of David P. Weeks, a pensioner of the United States, asking to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. UNDERWOOD presented the petition of James Jeffries and P. M. Smith, asking to be released from a forfeiture incurred under a contract for carrying the mails; which was referred to the Committee on the Post Office and Post Roads.

Mr. DODGE, of Iowa, presented the memorial of the late and present receiver of the land office at Dubuque, Iowa, asking additional compensation for services in locating military bounty land warrants; which was referred to the Committee on Public Lands.

Mr. GWIN presented a petition of Taverner, McKay, and others, of Carson Valley, California, representing that they had discovered a new route to California; but that, as it was disturbed by Indians, they proposed to protect emigrants on that route, for which service they ask that a tract of land may be ceded to them. The memorial was referred to the Committee on Public Lands.

On the motion of Mr. SEWARD, the petition of Stephen Warren, which he presented last week, was taken from the table and referred to the Committee on Pensions.

On the motion of Mr. CHASE, the petition of the land officers at Defiance, Ohio, which he presented a few days ago, was referred to the Committee on Public Lands.

NOTICES OF BILLS.

Mr. BORLAND gave notice of his intention to ask leave to introduce the following bills:

A bill to allow exchanges of and granting additional school lands to the State of Arkansas;

A bill to amend the laws on the subject of the inspection of steamboats, &c.;

A bill for the relief of the widow of General Worth; and

A bill for the relief of Mark and Richard Bean.

Mr. FELCH gave notice of his intention to ask leave to introduce the following bills:

A bill granting to the State of Michigan the right of way and a donation of public lands for the construction of a ship canal around the Falls of St. Mary's, in said State;

A bill granting to the State of Michigan the right of way and a donation of public lands for the purpose of constructing a road from Saginaw to Montreal river, with a branch from the Grand river into the same; and

A bill to extend the time for selecting lands granted to the State of Michigan for saline purposes.

Mr. RHETT gave notice of his intention to ask leave to introduce a bill to indemnify the State of South Carolina for money expended for the United States in the war in Florida with the Seminole Indians.

Mr. MORTON gave notice of his intention to ask leave to introduce a bill for the relief of Mrs. A. M. Dade, widow of the late Major F. L. Dade, United States Army.

Mr. GWIN gave notice of his intention to ask leave to introduce a bill to amend the act entitled "An act to provide for extending the laws and the judicial system of the United States to the State of California," passed 28th September, 1850.

Mr. NORRIS gave notice of his intention to ask leave to introduce a bill for the relief of Mrs. E. A. McNeil, widow of the late Gen. John McNeil.

Mr. BERRIEN gave notice of his intention to ask leave to introduce the following bills:

A bill to be entitled "An act to amend an act entitled 'An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments, in certain cases;'" and

A bill to regulate the compensation of the district judge of the United States for the district of Massachusetts.

Mr. HUNTER gave notice of his intention to ask leave to introduce a bill to change the time for holding the district courts of the United States in the western district of Virginia, and for other purposes.

Mr. DOWNS gave notice of his intention to ask leave to introduce a bill to aid the State of Louisiana in reclaiming the overflowed lands therein, and for other purposes.

Mr. UNDERWOOD gave notice of his intention to ask leave to introduce a bill to procure a revision of the acts of the Congress of the United States.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. RUSK, it was

Ordered, That the petition and papers of Samuel F. Butternorth, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. MORTON, it was

Ordered, That the petition and papers of William D.

Acken, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. UNDERWOOD, it was
Ordered, That the papers of Samuel M. Boots, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. CLARKE, it was
Ordered, That the petition and papers of William B. Green, on the files of the Senate, be referred to the Committee on Commerce; the petition and papers of the heirs of Wm. Barton, be referred to the Committee on Pensions; and the documents relating to the claim of the State of Rhode Island, be referred to the Committee on Military Affairs.

On motion by Mr. HUNTER, it was
Ordered, That the memorial of the Orange and Alexandria Railroad Company, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. PEARCE, it was
Ordered, That the petition and papers of William Hultman, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. MILLER, it was
Ordered, That the petition of Jno. Moore White, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. DODGE, of Iowa, it was
Ordered, That the petition and papers of the heirs of John Rice Jones, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. UPHAM, it was
Ordered, That the petition of Ira Day, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads; and that the petition of Axel Spalding be referred to the Committee on Pensions.

On motion by Mr. HAMLIN, it was
Ordered, That the petition of John A. McGraw, on the files of the Senate, be referred to the Committee on Commerce; also, that the memorial of the heirs of Judith Worth be referred to the Committee on Pensions; also, that the memorial of Rufus Dwinel be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. ATCHISON, it was
Ordered, That Johnston Leykins have leave to withdraw his petition and papers.

On motion by Mr. DOUGLAS, it was
Ordered, That the memorial of William H. Topping, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. BUTLER, it was
Ordered, That William Rall have leave to withdraw his petition and papers.

BILLS INTRODUCED.

Mr. CLEMENS, agreeably to notice, asked and obtained leave to bring in a bill granting to the State of Alabama the right of way and a donation of public lands for making a railroad from Selma to the Tennessee river; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Also, a joint resolution authorizing the President of the United States to confer the title of Lieutenant General by brevet for eminent services; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. GWIN, agreeably to notice, asked and obtained leave to introduce a bill to establish a navy-yard and depot on the Bay of San Francisco; which was read twice, and referred to the Committee on Naval Affairs.

Mr. UNDERWOOD, in pursuance of notice, asked and obtained leave to introduce a joint resolution, explanatory of the act approved September 28, 1850, entitled "An act giving bounty land warrants to certain officers and soldiers who have been engaged in the military service of the United States;" which was read twice, and referred to the Committee on Public Lands.

Mr. WALKER, agreeably to notice, asked and obtained leave to bring in the following bills; which were read a first and second time by their titles, and referred to the Committee on Public Lands:

A bill to cede the public lands of the United States to the States respectively in which they lie situated, on condition that the said States shall severally grant and convey the said lands to actual occupants only, in limited quantities for cost of survey, transfer, and title monuments merely;

A bill granting to the State of Wisconsin the right of way and a donation of the public lands

for the purpose of locating and constructing a railroad from Milwaukee to Prairie la Crosse, in Wisconsin; and

A bill granting to the State of Wisconsin the right of way and a donation of the public lands, for the purpose of locating and constructing a railroad from Fond du Lac to Janesville.

OFFICERS OF THE SENATE.

Mr. BRIGHT gave notice that he would move to amend the rules of the Senate as follows:

The Secretary of the Senate, the Sergeant-at-Arms, the Doorkeeper, and Assistant Doorkeeper, shall be chosen on the third Monday of the present Congress, and on the second Monday of the first session of every succeeding Congress.

BILLS REFERRED.

All the bills laid on the table during the present session, were taken up and appropriately referred.

RESOLUTION SUBMITTED.

Mr. DAVIS offered the following resolution:

Resolved, That the Secretary of the Senate be instructed to complete the sets of statutes of the United States in use in the Senate, its offices, and Committee rooms, by adding thereto the 9th volume.

FLOGGING IN THE NAVY.

The resolution submitted by Mr. HALE a few days since, respecting violations of the law abolishing flogging in the Navy, came up for consideration.

Mr. HALE. I wish to move to lay that resolution on the table for the present, for the reason that I am not certain whether the abuse to which the resolution refers occurred before or subsequent to the passage of the act.

The motion was agreed to.

INTER-OCEANIC CANAL.

The following resolution was taken from the table and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate a dispatch addressed by Mr. Niles, late American Chargé d'Affaires to Sardinia, to the Hon. John M. Clayton, Secretary of State, on the subject of a ship canal to unite the waters of the Atlantic and Pacific oceans, having date 30th June, 1859, if in his opinion such communication can be made without injury to the public interest.

CHAPLAINS TO CONGRESS.

The following resolution was also taken up and agreed to:

Resolved, That two Chaplains be appointed to Congress during the present session, one by each House, who shall interchange weekly.

RECEPTION OF KOSSUTH.

Mr. SEWARD, pursuant to previous notice, asked and obtained leave to introduce the following joint resolution:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the Congress of the United States, in the name and behalf of the people of the United States, give to Louis Kossuth a cordial welcome to the capital and to the country; and that a copy of this resolution be transmitted to him by the President of the United States.

The resolution was read a first time and ordered to a second reading.

Mr. SEWARD. I ask that it may now have its second reading.

Mr. CLEMENS. Let it lie over.

Mr. SHIELDS. I give notice that when this resolution comes up for consideration I shall move to substitute for it the resolution which was withdrawn the other day by the Senator from Mississippi. I ask that the amendment be laid upon the table.

The PRESIDENT. It will be laid upon the table informally.

Mr. SEWARD. I would suggest to the Senator from Illinois to move that both the resolution and the amendment be printed.

Mr. SHIELDS. I ask leave to introduce the following resolution:

Resolved, That a committee of three be appointed by the Chair to wait on Louis Kossuth, Governor of Hungary, and introduce him to the Senate.

That, Mr. President, may supply the place of the resolution which has been offered by the Senator from New York, [Mr. SEWARD.] This is precisely according to the precedent in the case of Lafayette. As I understand the matter, on that occasion the joint committee, which had been appointed to receive him, reported that it was impossible for the two Houses to receive him by joint action; and each branch of Congress received Lafayette in its own way, this body receiving him in

the manner which I propose by this resolution that we shall receive Kossuth.

I hope there will be no objection to considering this resolution at this time. Louis Kossuth is now amongst us. He is the guest of the country. Here he is at your door; and, as was said by the Senator from Michigan [Mr. CASS] the other day, it would seem very strange that we should turn our backs upon a distinguished man whom we have invited here. He was invited by the nation. He is the guest of the nation in some measure, and I can see no impropriety in receiving him in this simple manner. The resolution merely provides that he shall be introduced to the Senate, in the same manner that Lafayette was.

I do not know whether I am transgressing the rules of the Senate in making these remarks at present. Perhaps I am; but there is one thing more which I wish to mention. If this distinguished man shall be received at all—if we perform this act of courtesy, it ought to be performed with something like a good grace. It is merely an act of courtesy, of high national courtesy; and if performed at all, it should be performed in the spirit of courtesy.

I have heard objections to receiving this distinguished man from honorable Senators whom I esteem very highly—from my friend from Kentucky [Mr. UNDERWOOD] and others. Why, if Louis Kossuth ever goes to Kentucky, my word for it, he never received a more enthusiastic welcome than he will receive in that generous old State. Sir, if there is a place on earth where an exiled and unfortunate man would be received warmly, enthusiastically, and nobly, it is in that State. Take New Hampshire; would it not be the same there? Take Georgia; would it not be the same there? Yet, we are told that as there are other foreign exiles besides Kossuth, this would be setting a bad example, and, therefore, this honor ought to be refused. I can scarcely think the term "foreign exile" ought to be a name of reproach in the United States Senate.

The PRESIDENT. The Chair very unwillingly interferes with the honorable Senator; but the first question is on considering the resolution.

Mr. SHIELDS. If the Chair will permit me, I will terminate these irregular remarks by a single statement.

The world is now looking to the action of this body and this Congress. The prayers of Hungary follow this man. The hopes of the liberal party in Europe follow him. In my humble opinion, he is the great man of this day. I feel that if there is one man who will carry out, what I hope will be carried out, the concentration of the moral force of this age against despotism, that man is Louis Kossuth. I think that is his mission—not to involve us in war, not to force us into intervention, but to combine, unite, and concentrate the moral force of the civilized world against the power of the oppression of the world. If we are to receive him at all, what can be more simple than that three Senators should take Louis Kossuth by the hand and introduce him to the Senate of the United States, that we may hear what he has to say for his country and his cause? Let us hear him, at any rate. How are we to hear him? How is the Senate to receive him? I do not propose giving Louis Kossuth a governmental reception. What I propose is a mere act of courtesy, a mere honor to be paid to the representative of one of the oldest nationalities in the world—a nation that defended Christianity before this Union had an existence.

I regret that the Senator from Mississippi [Mr. FOOTE] the other day withdrew his resolution. I feel, I know that every act of the Senate of the United States is weighed, and poised, and considered in every part of the civilized world. Although there is no one here who objects to Louis Kossuth, yet the withdrawal of such a resolution, the defeat of such a proposition, goes forth to the world as if the United States invited a man to the country, sent a national ship to bring him to the country, and then refused to give him the compliment of a reception.

I have, in conclusion, to entreat the Senate to consider this resolution at this time.

The PRESIDENT. It requires unanimous consent to consider the resolution at this time.

Mr. UNDERWOOD. I wish to throw myself upon the indulgence of the Senate to make a few remarks, on account of the personal application,

perhaps, to myself of some of the remarks of my friend from Illinois. It might be inferred from what he said, that I have intimated an indisposition to receive Louis Kossuth, and give him, as an individual, the hand of commendation. My object in rising is to state, that as an individual, as a man, no one, here or elsewhere, will receive Mr. Kossuth with more heartfelt admiration than myself; and I will venture to say for the people I represent, that if he should visit Kentucky, my constituency would receive him not only with that courtesy which belongs to a distinguished foreigner, but with that admiration and sympathy which they believe is due to a man indoctrinated with the same principles of liberty which they themselves possess. But in the remarks which I made the other day, I endeavored to draw a distinction between what we ought to do individually as men, and what this Government ought to do as a Government, and this Congress ought to do as a Congress. I endeavored then to show that this was a subject, in all its relations, in all its bearings, which ought not to be introduced into the Congress of the United States. I think so still. I have made these remarks to put myself right in reference to the matter suggested by my friend from Illinois. I think he is altogether mistaken as to Kossuth's having been invited to come to this country; but that is a question which will come up when this resolution shall be before us for consideration. I do not think we ought to consider it now. Let the resolution take the usual course.

The PRESIDENT. Then the resolution will lie over.

ABD-EL-KADER.

Mr. HALE gave notice that to-morrow, or some subsequent day of the session, he will ask leave to introduce a joint resolution requesting the President of the United States to cause a correspondence to be opened with the President of the French Republic, the object of which shall be to interpose the friendly offices of the Government of the United States with that Government in behalf of the liberation of Abd-el-Kader.

CENSUS PRINTING.

Mr. BRIGHT, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution in relation to the printing of the returns of the seventh census.

It was read a first and second time.

Mr. BRIGHT. I move that it be referred to the Committee on Printing.

Mr. BORLAND. I must object to referring this proposition to the Committee on Printing. I can see no necessity for a reference. This is not a subject involving the public printing. It is a question as to policy, of which I think the Senate is the proper judge.

Mr. BRIGHT. I know of no committee of this body so appropriate as the Committee on Printing, to take charge of and report upon the joint resolution just read, and which I have offered with a full knowledge of the importance of having prompt action thereon.

This printing ought to have been performed during the recess of Congress, and, but for the confused condition of this branch of the public service, would now have been on our tables. There is a necessity for legislation before this work can be done. I have named the individuals proposed to be contracted with, in order that the Committee on Printing, or any other committee the Senate may think proper to refer the joint resolution to, may ascertain their ability to go on with the work immediately, for delay lessens the value of the service to be performed in this case. I think the Committee on Printing is the more appropriate one, and hope the Senate will so direct.

The motion to refer to the Committee on Printing was agreed to.

THE COMPROMISE MEASURES.

The Senate then proceeded to the consideration of the special order, being the resolution submitted by Mr. FOOTE of Mississippi, which he amended by substituting the words "faithfully observed," for the word "respected," in the last line; so that it stands as follows:

A Resolution declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it enacted, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her Northern and Western boundaries,

the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, entitled to be recognized as a definitive adjustment and settlement of the distracting questions growing out of the system of domestic slavery, and as such, that said measures should be acquiesced in and faithfully observed by all good citizens.

Mr. FOOTE of Mississippi. When I made up my mind to introduce the resolution now under consideration, I did not expect to say anything in explanation of it. The phraseology in which it is couched is neither mysterious nor equivocal, and therefore I had cherished the hope that its immediate adoption by this body would take place, without any extended discussion upon the delicate questions involved therein. I trust still, most confidently, that no excited or angry debate will arise on this resolution, either here or elsewhere, and that the two Houses of Congress, by uniting promptly and cordially in the solemn declaration which has now been twice made by the President of the United States, that he considers the series of measures recognized as constituting the plan of adjustment—"as a final settlement, in principle and substance, of the dangerous and exciting subjects which they embraced"—will do their part in securing an early restoration of the friendly and fraternal relations formerly existing between the different sections of this Confederacy, and thus aid, as far as it is in their power to do so, in the suppression of a dangerous and unseemly agitation, the former progress of which undoubtedly placed the institutions of the country in extreme peril, and involved the Republic itself in more or less of discredit. In departing from my original intention, and undertaking to address the Senate very briefly at the present time, my object is simply to prevent any misunderstanding touching my own motives, and counteracting certain misrepresentations in regard thereto, which I discover already to have been made.

Mr. President, I cannot believe that there are many individuals in this body, who are prepared to declare their disapproval of the conduct of the President in twice deliberately and formally arraying all the influence of eminent station and high character in favor of a scheme of pacification and settlement which had previously received the approval of the two Houses of Congress, and to which he had also imparted his own official sanction; but to which he was at the time aware that opposition of a serious and imposing character had been presented in different forms, and in opposite sections of the Republic. What was right in itself, and worthy of approbation in the President, will be equally proper on the part of Congress; and I am prepared to show, that still stronger reasons exist for such action as is proposed by this resolution than could be supposed legitimately to influence the mind of the Executive. The legislation of Congress upon the questions involved in the series of measures referred to in the resolution, was unfortunately in its progress surrounded by circumstances of a nature calculated to awaken more or less of doubt in regard to the real intentions and feelings of those who participated therein; and movements have subsequently occurred, not necessary here to be specified, which have called into existence in the minds of the friends of the Union grave apprehensions as to the intention of those who were originally opposed to the measures of compromise to defeat, or at least seriously obstruct, the faithful execution of the same now and hereafter. The number of those thus opposed to these measures, it must be acknowledged, was in the beginning by no means contemptible, and that number I fear has not so much diminished of late as many over-sanguine persons imagine. It is undeniable that armed opposition to a certain portion of these measures has occurred in more than one instance in particular vicinages, easy to be mentioned; and it is equally certain that substantial resistance to other portions of this plan of settlement has been quite as extensively contemplated elsewhere. Sectional jealousies, which have existed now for many years past, are not yet

as fully assuaged as all true patriots desire they should be. Factious politicians have been industriously at work in various States of the Confederacy, to inflame the popular mind of the country and to give perpetuity to that unfortunate misunderstanding which has so long continued between good men north and south of a certain geographical line. Great and persevering efforts have been made in the free States of the North by a certain class of political agitators, to array public feeling against the act for the restoration of fugitives from service, and scenes have occurred under such deplorable instigation of too ferocious and bloody a character to be more than alluded to on such an occasion as the present. Movements equally deplorable, in my judgment, have occurred in several of the Southern States of the Union, the tendency of which has been, to a considerable extent, to establish relations of permanent hostility between the people of the North and of the South. Belonging to that class of politicians who have uniformly looked to the measures of adjustment as constituting, unitedly, an equitable scheme of settlement, I have entertained a confident hope that they would ultimately receive a fair appreciation as such at the hands of my countrymen whether resident north or south of Mason and Dixon's line; and I rejoice in believing that the people of the Union, apart from the selfish politicians who have been so ardently struggling to delude them, are every day growing better and better satisfied with these measures. Still there is something for Congress to do, in order to reconcile more thoroughly the sectional feelings which a long course of industrious agitation has engendered. Coming, as we do, into the halls of national legislation from all parts of the Union, we cannot be otherwise than prepared frankly to report the present condition of public sentiment among our respective constituents; and I hope that we have it in our power, by reciprocal explanations and by joint action of the kind contemplated by the resolution under consideration, to restore at once that fraternal understanding among the different sections of the Union, without which it is impossible that the Government itself can be maintained, and the permanent happiness of the nation secured. I do not expect, Mr. President, this resolution to be unanimously adopted, either in this House or in the House of Representatives. I know that there are gentlemen committed, in both Houses, to a system of permanent opposition to our scheme of settlement; and it is but reasonable to expect that these persons will, both by votes and speeches, present such opposition to any such resolution as the one before us, as they may suppose to be necessary to the maintenance of their local popularity, or the attainment of other objects of a less reputable character. What I do expect most confidently is, that this resolution, or one of similar import, will be supported by so large a number of both Houses of Congress, as to give assurance to the whole country that no opposition can ever be successfully presented to any part of the plan of adjustment, either now or hereafter, and in any quarter of the Union.

Mr. President, I have not brought forward this resolution as a mere party man, or for the furtherance of mere party ends. Firmly and inflexibly devoted as I have been since the opening days of manhood to the great principles of what is known as the Democratic creed of the country, and desirous on all fitting occasions to give a hearty and unequivocal support to the same, I should scorn myself could I consent to blend the interests of any party with the movement which I have thought proper to originate for the attainment of different and far higher purposes. Nor do I, sir, look to party alone for the support of this resolution. Indeed, in the spirit of sincerity becoming so grave an occasion, I must acknowledge that I should hold it to be quite unsafe to rely alone upon party votes for the adoption of such a measure as is necessary to restore complete quiet to the public mind. I will go further, Mr. President, and acknowledge that I do not recognize either of the great national parties of the country, in their present state and condition, as entirely reliable for the faithful maintenance of the compromise in all its parts. Free-soilism in the North, and Secession in the South, are yet undeniably exerting an influence more or less mischievous in both the old party organizations. And events have occurred recently calculated to excite great

alarm in the public mind in regard to the future action of both the parties referred to, touching the faithful execution of the scheme of compromise. I had hoped before I reached this city to find both the Whig and the Democratic party prepared to repudiate all further connection with faction and its wretched devices. My mind had cherished the confident hope that at least the members of the Democratic party in Congress would be prepared to declare their determination to hold no alliance with any body of men pledged to resist the laws, or to keep alive agitation upon the subject of domestic slavery; and I yet trust that a course may be adopted by those gentlemen in Congress in whom I have heretofore confided, and with whom I have delighted to cooperate on great national occasions, more in unison with the ancient dignity of the Democratic faith, and less offensive to my own sense of propriety than certain proceedings which have of late gained a somewhat distressing notoriety. For my own part, Mr. President, I am resolved to hold no political fellowship with any association of men, by whatever name designated, whose opinions do not harmonize perfectly with the opinions of that noble body of lovers of the Union, whom I have the honor, for the present, alone to represent on this floor. What my worthy constituents think on this whole subject is so clearly and strongly set forth in the resolutions recently adopted by our State convention, that I shall ask leave to read them in hearing of the Senate:

Resolutions of the Committee of Thirteen, reported to the State Convention.

"Resolved, 1st, That, in the opinion of this Convention, the people of Mississippi, in a spirit of conciliation and compromise, have maturely considered the action of Congress embracing a series of measures for the admission of California as a State into the Union, the organization of territorial governments for Utah and New Mexico, the establishment of the boundary between the latter and the State of Texas, the suppression of the slave trade in the District of Columbia, and the extradition of fugitive slaves, and connected with them the rejection of the proposition to exclude slavery from the Territories of the United States, and to abolish it in the District of Columbia; and whilst they do not entirely approve, will abide by it as a permanent adjustment of this sectional controversy.

"Resolved, 2d, That we perceive nothing in the above-recited legislation of the Congress of the United States which should be permitted to disturb the friendly and peaceful existing relations between the Government of the United States and the government and people of the State of Mississippi."

"Therefore, resolved, 3d, That, in the opinion of this Convention, the people of the State of Mississippi will abide by the Union as it is, and by the Constitution of the United States without amendments."

"Resolved, further, 4th, That, in the opinion of this Convention, the asserted right of secession from the Union, on the part of the State or States, is utterly unsanctioned by the Federal Constitution, which was framed to 'establish' and not to destroy the Union of the States, and that no secession can in fact take place, without a subversion of the Union established, and which will not virtually amount in its effects and consequences to a civil revolution.

"Resolved, further, 5th, That, whilst in the opinion of this Convention, such are the sentiments and opinions of the people of the State of Mississippi, still violations of the rights of the people of the State may occur which would amount to intolerable oppression, and would justify a resort to measures of resistance, amongst which, in the opinion of the Convention, the people of the State have designated the following:

"1st. The interference by congressional legislation with the institution of slavery in the States.

"2d. Interference with the trade in slaves in the States.

"3d. Any action of Congress on the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety and domestic tranquility—the rights and honor of the slaveholding States.

"4th. The refusal by Congress to admit a new State into the Union on the ground of her tolerating slavery within her limits.

"5th. The passage of any law by Congress prohibiting slavery in any of the Territories.

"6th. The repeal of the fugitive slave law, and the neglect or refusal by the General Government to enforce the constitutional provisions for the reclamation of fugitive slaves.

"Resolved, further, 6th, That, in the opinion of this Convention, the people in the recent elections have been governed by an abiding confidence that the said adjustment measures of Congress should be enforced in good faith in every section of the land.

"Resolved, further, 7th, That as the people of the State of Mississippi, in the opinion of this Convention, desire all further agitation of the slavery question to cease, and have acted upon and decided all the foregoing questions, thereas by making it the duty of this Convention to pass no acts within the purview and spirit of the law under which it was called, this Convention deems it unnecessary to refer to the people, for their approval or disapproval at the ballot-box, its action in the premises.

"Resolved, further, 8th, The Convention having declared in the foregoing resolutions, the position which the people of Mississippi have taken, and which, in the opinion of this Convention, they will continue to occupy, on the great sub-

jects embraced in the resolutions, deems it a duty alike incumbent on us and equally important to the rights of the people to declare that, in our deliberate judgment and in their deliberate judgment, as we believe, the call of this Convention by the Legislature at its late extraordinary session by the act of the 30th of November, 1850, was unauthorized and unnecessary, and that said act is peremptorily ordering a Convention of the people of the State to be held, without submitting to them to be settled by the popular vote of the State, the question whether there should be a Convention or no Convention, was an unwarranted assumption of power by the Legislature, at war with the spirit of republican institutions, and an encroachment on the sovereign power of the people."

These resolutions, Mr. President, as all present know, were adopted by an overwhelming majority of the body in which they originated—there being in fact only three voices raised in the Convention in opposition to them. Now, sir, you discover that the sovereign people of Mississippi have formally and deliberately declared, that whilst they "do not entirely approve" the acts referred to in the first of the resolutions just read, yet they will abide by the whole series of these acts as "a permanent adjustment of the sectional controversy" which has been so long pending. You will observe, sir, also, that our Convention has declared further in the sixth resolution, that the people of Mississippi, "in the recent elections, have been governed by an abiding confidence that the said adjustment measures of Congress would be enforced in good faith in every section of the land." Such, sir, is the attitude of the people of Mississippi, and they have thought proper thus to make a public avowal of their opinions and expectations. They have adjudged the measures of compromise worthy of their approval, and they have determined to stand by them firmly and faithfully. They have not attempted to mystify their position, or to conceal their views and wishes in any respect whatsoever. They have a right to expect equal frankness and fidelity to be exercised by their fellow-citizens in other portions of the Confederacy. Through me they request at this moment, from the Senatorial representatives of the co-States of the Union here assembled, a declaration of the willingness of those under whose authority they act, firmly and faithfully to stand by and maintain the plan of adjustment in all its parts. Will honorable Senators speak out boldly and explicitly on this important subject? or will they, by remaining silent, permit themselves and their constituents to be misunderstood among those whose earnest wish it is to reciprocate friendly sentiments with them, and to be allowed to approve them, and to confide fully in them as just men and as patriots?

Let no member of the Senate, Mr. President, from the South say that our northern brethren need no additional assurance from us of our determination to acquiesce in and support the compromise. Events have occurred, as all truthful men will confess, calculated to awaken more or less of doubt as to the position likely to be assumed ultimately by the Southern States of the Union. Let no Senator from the North, either, declare that the people of the South have no right to demand from their fellow-citizens of that section of the Confederacy such an assurance as that embodied in the resolution under consideration. Every intelligent man in America knows the fact, that the number of active politicians in the Northern States is by no means inconsiderable, who stand pledged to agitate for the modification or repeal of the fugitive slave law, as it is called. There are men now in Congress—men who are sometimes, as rumor asserts, permitted to come into party caucuses too—who are not only committed to future agitation in opposition to this law, but who are known to have solemnly declared their opinion to be that it is wholly unconstitutional in all its material provisions. Besides, Mr. President, it is a fact well recollected by us all, and one which has been the source of much complaint and apprehension in the South, that only a small number of the members of this body representing the free States of the North were actually present at the passage of this law, so that their votes could be recorded in its favor.

I am perfectly aware that several of the gentlemen referred to were only accidentally absent, and perhaps all of them had some reason for not being present, other than an unwillingness to be recognized by their constituents as being friendly to this great and essential measure. Indeed, I believe most of them had previously declared their determination, either in converse or otherwise, to support the bill. But it is, notwithstanding, true,

that the circumstance of their being absent when the yeas and nays were taken on the final passage of the bill has been seized upon by certain persons in the South, hostile to the public repose, and wielded with great effect against the supporters of the plan of compromise, and to the serious endangerment of the Union itself. Besides, honorable Senators need not be reminded that declarations are constantly made by the enemies of the Union, in different States of the South, that great danger exists of attempts being successfully made, at some future period, by our fellow-citizens of the North, to apply the Wilmot proviso to our vacant Territories, and to overthrow, by Congressional legislation, the system of slavery in the District of Columbia. I have no such apprehension myself, and I know very well that the time has forever passed when either of the measures referred to could receive the sanction either of this body or of the House of Representatives. But until a formal declaration shall be made, in some such mode as that now proposed, of a determination to refrain from these acts of aggression, formerly so seriously menaced, it is unreasonable to expect all uneasiness on these points entirely to cease.

I have now, Mr. President, stated a few of the most prominent reasons which induced me to offer this resolution, and I will conclude what I have to say for the present, by declaring the high gratification which I shall feel at its obtaining the general support of the members of this body. I shall say nothing more, unless the resolution should be attacked in such a manner as to make some special defence of it necessary.

Mr. BUTLER. Mr. President, I do not propose to say much upon this subject at this time; but I will say that when I heard of this resolution, I heard of it with surprise. It is a mode of proceeding scarcely known, I believe, in any deliberative body that I ever heard of. To introduce at a subsequent session of the Legislature resolutions confirming what I suppose must be regarded as statutes upon the statute-book, is an *ex post facto* mode of reviewing the past. And for what purpose? If the legislation referred to by the honorable Senator from Mississippi be wicked, can he restore purity to it by a resolution of this kind? If that legislation be wise, is it not supererogatory and unnecessary to introduce such a resolution? For what purpose, then, is the resolution introduced? I have no right to arraign the gentleman's motives, nor do I. What may have been his object, I have no right to dispute, for he has avowed it; but as to what will be the effect of this resolution, I have a right to speak. If the gentleman had been selecting motions to introduce, he could not have been more successful in introducing one to open former discussions, and to let loose upon this land the waters of agitation. I protest against this mode of proceeding as unusual, as unnecessary, and as—I will not say intended, because I shall not use any word of the kind—but tendency of which will be to widen breaches which already exist, and to reach feelings that might perhaps have subsided under the influence of time or a better understanding among ourselves. I understand the honorable Senator from Mississippi to introduce the resolution with a view to give to the measures of compromise an authority which they do not possess by the act of legislation conducted with all the forms which the Constitution requires. Can he expect to do so? Can he give them any other authority—any other influence by a vote of this Senate than they would have had without it? Can he reconcile me to these measures by his vote or the vote of his friends? Sir, he knows the opinion I entertain of these measures, and the manner in which they were introduced and passed in this body. I then denounced them. I now denounce them; because I believe that they have made a precedent in the political history of this country, under the influence of which this Union, wielded by a despotic majority, will survive the Constitution. I believe now, as I believed then, that they were passed in violation of the spirit of the guarantees calculated to protect one section of this Union. Does the gentleman suppose that the South is to have security by an assurance such as he proposes? Does he expect that I, who have heretofore denounced these measures, shall now consent to put upon them the seal of approbation, and to kiss the rod of oppression, as I have regarded it? Sir, I cannot, with Druidical devotion, worship at the foot of a

tree whose fruits are to be bitterness and destruction to my posterity.

If there is any one thing in the political history of this country that will be developed by time, it will be this: that the Constitution of the United States never can be amended. I think it may be proclaimed as a settled fact, that the Constitution, which has been in operation for more than sixty years, never will be amended. And why? Because as soon as we meet with any difficulty from the administration of the Government—as soon as any trying juncture of affairs is presented—what is the expedient? Do we apply that great principle provided for in the Constitution of the United States, by which it can be amended? No, sir. The resort is to compromise, or to enlarging, by construction, some of the provisions of the Constitution. Who is it that will dictate compromises of this kind, and give to the Constitution its character under their operation? Will it be the minority? Will it be those whose interests have suffered and whose interests are in danger? No, sir. Whenever constitutions have to be patched up by compromises, or to be changed by construction, depend upon it, such propositions will never come from a minority. All expedients of that kind will proceed from a majority—the majority who have the temptation of interest to consult in giving character to the institutions of the country.

I am unwilling to go further into this debate at this time, except to protest against this mode of attempting to influence the deliberations of another assembly in my own State. I was in hopes that they would be allowed to deliberate the great question which they are called upon to consider fairly, and under auspices favorable to the protection of those whose rights have been violated, in my opinion, and whose political existence will be doomed, if expedients of this kind are to be submitted to by those who represent that section of the country. Will the honorable gentleman tell me that our institutions are not in danger, when he tells us that the billows of the free-soil agitation are already beating upon the base of the Constitution? When he tells me that our institutions are in danger from agitation of this kind, does he expect to give me security by having a vote in favor of measures which I have heretofore denounced and made war upon, and shall continue to denounce and make war upon, as our fathers made war on the alien and sedition laws, as long as I believed they had been framed in a spirit unfavorable and unfriendly to the rights and institutions of those whom I represent?

If this discussion had not been commenced, I do not think I should have opened my mouth upon this subject during this session of Congress, and I have uttered these few sentences to let the gentleman know my position, and to let him know the opinions entertained by more than myself. It may be that by singing his peans to the Union he may hush for a moment the tumult and opposition of those who would never have made war upon it if it had not been patched up and patched up by compromise, and compromise, and compromise! From whom do these compromises come? Never from the weaker portion.

Sir, I believe that the Southern people are a doomed people if proceedings of this kind are allowed to go forth. God knows there is no man upon earth who would go further than myself to prevent anarchy, and hostility, and blood, and violence in this age of reason, intelligence, and wisdom, to effect any reforms. It is alien to the genius of our institutions and the spirit of the common law of England, to effect any reform by violence and civil war. But if the Southern people and the Southern Representatives are not more united, I cannot answer for consequences. If these measures, which are intended, I suppose, to be somewhat improved by this indorsement, are intrinsically good, I cannot perceive any advantage to be derived from this resolution. It does look to me very much as if the gentleman was following the example of Lysurgus, who, after making laws, imposed on those who were to obey them the injunction that they were never to be changed—

Mr. FOOTE, of Mississippi. Until he returned.

Mr. BUTLER. Perhaps the Senator is going away, wishing to leave injunctions like those which Lysurgus left.

Mr. FOOTE, of Mississippi. I shall certainly come back. Lysurgus did not return.

Mr. BUTLER. The gentleman, then, is imitating Lycurgus. He does not wish these laws to be changed until he does come back; and he says that he is coming back.

Mr. FOOTE. The difference is that Lycurgus went away with the intention never to return, whereas I go *animus revertendo*, for I design returning in little more than a year from this time.

Mr. BUTLER. Then the gentleman intends to be superior to Lycurgus. He is going to come back when he pleases. Nothing can prevent him; not even death itself. I understood that Lycurgus went away expecting to die. I would not wish any such fate to befall the gentleman; but it is not for him to control his fate and to come back whenever he pleases.

Mr. FOOTE. My Union-loving Legislature will send me back.

Mr. BUTLER. That is relying upon the fidelity of your "faithful commoners."

Mr. FOOTE. I do rely upon them.

Mr. BUTLER. I do not wish to protract my remarks. I may have occasion when I have deliberated more upon the subject to say something else. I would wish to say nothing now inconsistent with the gravity of the subject and what should become the deliberations of this body. If the debate shall be continued hereafter, I may take occasion to go into it fully.

Mr. FOOTE, of Mississippi. I shall claim the attention of the Senate, Mr. President, for a short period only, in responding to the very extraordinary harangue with which the Senator from South Carolina [Mr. BUTLER] has favored us this morning. The exhibition which has just drawn to a close, sir, must have surprised every member of this body, as assuredly it has astounded myself; though there seems to be more or less reason to suppose that the honorable gentleman did not come to the conclusion to entertain us in a manner so striking and peculiar without considerable previous deliberation. Indeed, I should conjecture, from something in the honorable gentleman's manner and certain attendant circumstances, that the part which he has deemed it becoming to enact this morning, was devolved upon him, to some extent, as the result of previous concert and consultation. At any rate, it would be wronging the gentleman, I imagine, very greatly not to suppose that the speech which he has just delivered was the fruit of much meditation, as surely it ought to have been. Well, sir, I will accord to the gentleman all the credit to which he may be intrinsically entitled for having made just such a temperate, dignified, and statesman-like speech, as might have been expected from a Senator of his high reputation after the fullest deliberation and the amplest consultation.

Mr. BUTLER. I have had concert with no human being, and very little deliberation upon this resolution, for I only heard of it a short time ago.

Mr. FOOTE. Then the gentleman has had the misfortune to have been *inops concilii*. It would seem that he has neither consulted his friends nor his own sound understanding, as in justice to himself and the grave subject under consideration, he should have done before he ventured upon that stormy sea of controversy, amid whose swelling waves he has been essaying to navigate. What the honorable gentleman can see in this poor resolution of mine to justify him in that fierce revolutionary harangue, to which he has just given utterance, is entirely beyond my powers of discernment. Is there anything in the resolution personally insulting to that gentleman, or his sensibilities? Is there anything in it insulting to any of the sovereign States of this Confederacy? Was there anything in the few remarks which I offered to the Senate in support of the resolution, breathing the least discourtesy or suggestive of the least disrespect to any human being in the world? The Senate will bear me witness that I am innocent in all these respects; and yet the gentleman says that this is a very offensive resolution; and he rather intimates that it is intended to have a special effect in some vicinage of the South, where deliberations are now in progress which the honorable gentleman fears may be more or less disturbed by the adoption of such a resolution as the one before us. Sir, I confess that I do not exactly understand the honorable gentleman upon this point. Certainly the resolution was introduced for no sinister or concealed purpose, nor for any purpose

not clearly explained by me already. It is quite a mistake to suppose that I designed to interfere at all with any such deliberations as he more than hints may be now going on in his own State, having in view the withdrawal of that respected State from the Confederacy. Indeed I did not at all advert to the fact, in offering the resolution to the consideration of the Senate, that such deliberations as the gentleman refers to were going on. I will deal very frankly with the gentleman and the Senate, Mr. President, in reference to this very delicate point, and say that if the favorable action of the Senate upon this resolution should have the effect of quieting excitement in South Carolina, and effectually reconciling that noble State to remaining in the Confederacy, I shall be rejoiced beyond measure at such a result. But, sir, I again solemnly disclaim having intended to intermeddle with the special domestic concerns of any State in the Confederacy, or to obstruct any proceedings of a domestic character which may be now in progress in South Carolina.

But the gentleman says, and certainly not with his accustomed courtesy, that, in his judgment, this resolution is unwise and unnecessary. That is the gentleman's opinion. Well, sir, in my judgment, I will not say the resolution is a wise one, as this might look a little egotistical, but I will aver that I consider it quite a judicious one, and, under all the circumstances which surround us, almost indispensably necessary to the public repose and safety. I wish to make known to the honorable gentleman, also, that, (varying very decidedly from his own example on this occasion,) I did not introduce the resolution until I had made the movement which it proposes the subject of much calm and dispassionate examination, nor until I had consulted, as to the expediency of offering it, many gentlemen of acknowledged wisdom and of tried patriotism; and its introduction was therefore not determined upon by me until men far sager than myself had thus aided me with their valuable counsels. I regret that I have not had the good fortune to secure the honorable gentleman's cooperative aid in support of my resolution; and he will allow me to express the regret, which I should certainly feel, should I find out, or have reason to believe hereafter, that he would have been somewhat more inclined to have been a co-laborer with me on this occasion had the State of Mississippi not refused so signally in September last to cooperate with certain persons in South Carolina in breaking up the Union. I protest most seriously against such a perversion of the *lex talionis* principle on the part of the honorable gentleman.

The Senator said, I think, something about his not being willing to worship at the foot of a tree that bears poisonous fruit; and he says this in reference to the measures of compromise referred to in the resolution. I am not entirely certain that I duly comprehend this figurative language, which, to say the least of it, is as mystical in meaning as it is trite in allusion; but if I am to understand the honorable Senator as comparing the whole series of measures embraced in the plan of adjustment to a tree bearing fruit destructive of human life, then I must tell him that no such death-producing fruit has yet fallen from the boughs of that goodly tree upon the sacred soil of Mississippi, and that I am of opinion that the honorable gentleman has been unfortunate enough wholly to have misconceived the true character and bearing of the measures in question.

Sir, what are those measures, that they should thus be denounced before the country? Have they so operated as to injure any State of the Confederacy in any substantial respect whatsoever? Have they not rescued the Republic from such dangers as never were known to menace it with destruction at any former period of our history? Is there a single one of them all that can be justly charged with violating the Constitution, or with threatening serious detriment, or any detriment whatever, to any section of the Union in all coming time? I shall not at present go into a minute examination of these measures; it is not necessary. But the Senate, I know, will bear with me whilst I offer a brief and running commentary upon them, in order to show how little they deserve the harsh crimination which they have this day received at the hands of the honorable Senator from South Carolina, in the progress of a speech which, I must say, has been declamatory from beginning to end, and in which I cannot now recollect a

single sentence that approximated to the dignity of argument.

To begin with the California question. Sir, it is perfectly well known here that I did not vote for the admission of California. It was not in my power to do so, without violating public sentiment among my own particular constituents; unless indeed that act should be made to form part of a general scheme of settlement; and I decidedly preferred, at any rate, voting for the retention of California in the territorial condition for a year or two. My reasons for desiring that this should be the condition of California for a short period, were stated very frankly and fully at the time, in hearing of this body, and I shall not now recite them. But I wish it to be understood, sir, that I never regarded such act of admission as at all violative of the Constitution. On the contrary, I have constantly been of opinion, that there was no ground for doubt upon this point; and I am happy to recollect that my own honored constituents have at all time, with singular unanimity, entertained the same opinion. Indeed, Mr. President, I think myself justified in believing that there were never, even in this body, any considerable number of gentlemen who were willing to risk their character as public men before the country, by the assertion that the act of Californian admission was unconstitutional in its character. I well recollect that the honorable gentleman from Virginia, who sits over the way, [Mr. HUNTER,] in his celebrated protest, cautiously declined the assumption of any such position, and if I do not err in memory, that gentleman intimated, at the time of its presentation here, an impression that the measure of admission was not fairly subject to objection upon mere constitutional grounds. If the honorable Senator from South Carolina, to whom I am at present responding, entertained the opinion upon this question which he now expresses, he certainly made nothing like a regular argument in support of this view of the subject, or if he did so, it was not of a nature sufficiently striking to fix itself distinctly in my memory. Sir, California was admitted just in the mode adopted for the admission of every new State that has heretofore entered into the Confederacy. If she was unconstitutionally admitted, none of the new States heretofore admitted have ever yet found their way into the Confederacy in such manner as to entitle them to recognition, as legitimately appertaining to our Confederacy of sovereign States. Sir, I will not argue the question at length; it would be wholly profitless to do so. But let me ask the honorable Senator if it be in his power to show in what manner the admission of California has been at all detrimental to any of the older States of the Confederacy? In what respect is it possible that any such detriment could have been experienced? Have the people of California not been as good citizens since their admission as one of the sovereign States of this Union, as they were antecedent thereto? Have not the governmental proceedings of that new State been such as should command the respect of the nation? Is it not an ascertained fact, and does not the gentleman from South Carolina know, that the people of California have shown themselves as free from all sentiments of hostility to our peculiar institutions of the South as the citizens of any Southern State in the Union? If he is not aware of the fact, I beg leave to inform him, that the sentiment of fanatical opposition to the system of domestic slavery existing in the South, has never yet made itself manifest in the legislative councils of this new State. I say this in hearing of those altogether competent to correct me if I am in error upon the subject. Besides, the Senator from South Carolina should recollect that California, from the moment of her admission, has been represented in this Chamber by a gentleman whom we all respect, and who on all occasions has shown himself, in reference to the delicate and distracting questions which have placed the Republic in so much jeopardy, a true patriot, a zealous supporter of the constitutional rights of the South, and an unswerving friend of the Union. The admission of California, then, I contend has done us no injury, and the particular section of which the honorable Senator from South Carolina is the faithful and efficient representative here, has had no reason, thus far, to complain of such admission.

Now, sir, let us turn our attention for a moment to what is called the territorial acts. These bills provide territorial governments for Utah and New

Mexico, without the *Wilmot proviso*. Again, each of these acts provides, in the most emphatic and distinct manner, for the extension of the Constitution and laws of the Union to said Territories: thus securing, as I suppose all jurists worthy of the name would decide, the effectual abrogation of the Mexican laws abolishing slavery. These acts provide, as the Senator well knows, in addition, that the Territories to which they apply, when they shall become States, shall come into the Union with or without slavery, as the people thereof may, in their constitution, decide; and this provision is equally effectual in regard to all the States into which these Territories may be hereafter subdivided. Surely the Senator from South Carolina will rejoice with me that such are the terms on which territorial governments have been established in Utah and New Mexico, instead of extending to them what is known as the Missouri compromise line, as some ultraists in the South have contended should have been done. We all know that the Missouri compromise provides, in express terms, for the prohibition of slavery in all the territories of the Union north of 36° 30' north latitude. Now the principle of this boasted compromise applied to Utah would have at once driven all the slaveholders and their slaves now resident there, and enjoying the protection of law therein, beyond the confines of that Territory, and have closed the same forever to the reception of slavery; since all of Utah is known to be situated north of the line of 36° 30'. How this could at all benefit the South, remains yet for the learned doctors of the Secession school to show. To my simple apprehension it would be nothing more nor less than applying the hated *Wilmot proviso* to Utah. Sir, let me remind the Senator from South Carolina of the fact, that every Southern Senator, save two, voted for the Utah bill. Especially do I wish to remind him that his close and intimate ally, the honorable Senator from Virginia, [Mr. HUNTER,] voted for the Utah bill, as he did also, according to his own declaration to me this morning, for the New Mexican territorial bill—which is in all material respects correspondent therewith. Surely the honorable gentleman from South Carolina will not think of seriously reprehending this portion of the measures of adjustment, since, in order to do so with effect, he will have to unite in censuring those with whom I know it has long been his highest pride to act here.

Is it the Texas and New Mexican boundary act that the honorable gentleman supposes should awaken so much dissatisfaction to the South? As to this point I shall ask leave to turn him over to the honorable Senator from Georgia, [Mr. BERRIEN,] under whose monitions, and at the instigation of whose eloquent persuasions, the Senate is known to have given its sanction to this measure. By this act the disputed boundary line between Texas and New Mexico was definitively settled, and civil war, then seriously menaced, most happily prevented. The territory purchased from Texas now placed under the authority of the Government of New Mexico, became part of the Union under the resolution of Texan annexation; which resolution provided expressly that all new States into which Texas might be subdivided at any future period, lying north of 36° 30' north latitude, should be free States. It has been seen that the act establishing a territorial government for New Mexico, brought into operation a principle far more favorable than this rule of 36° 30' to our Southern institutions. Does the Senator from South Carolina object to this important emendation of the Texan resolution of annexation, when, as he must perceive, by means of it, slave States are allowed to spring up hereafter, where before this plan of settlement was adopted it was impossible that any but free States could exist?

Perhaps the gentleman mainly objects to the District of Columbia bill, as it is called. Well, sir, if he does, I have to say to him that he objects to what has been the law of this District during the whole of the present century. The act of Congress of 1801, to which the signature of Thomas Jefferson was attached, which adopted the old Maryland law on this subject and gave full validity and binding effect to the same in the part of the District not retroceded at the period of this enactment to the State of Virginia, having been far more stringent in its terms than the act of 1850; the former having provided, under the precise penalties of the present law, too, not only

against the bringing of slaves into the District for sale here, or for deposit here and sale elsewhere, but having denounced the penalty of forfeiture, &c., of all slaves brought hither, for any purpose whatsoever.

I can scarcely believe that the honorable gentleman can have intended to be understood on this occasion as murmuring over the passage of the fugitive slave law; though I believe I do not err in supposing the Senator from South Carolina not to have attached as much importance to this particular enactment as some other gentlemen are known to have done, who represented in Congress the border States of the Union. I recollect, too, quite vividly, various declarations, in this Chamber and elsewhere, at different times, made by certain Southern gentlemen of extreme opinions, that no great appreciation was due to this particular enactment, since it only carried out a plain provision of the Constitution. It is also not forgotten by me, and I hope that it is not forgotten by the Senate either, that this particular act would have been passed by the two Houses of Congress at a much earlier period of the session before the last than it was, but for the fact that it was not deemed politic by certain Southern Senators, who had special charge of the subject, to report a bill for the recapture and restoration of fugitives from service until it should be ascertained that all the other questions connected with the subject of domestic slavery were likely to be satisfactorily disposed of in Congress. The Senate will remember my former exposition of this matter here, and cannot have forgotten my statement of an important matter of fact connected with this delicate point, when I declared, in hearing of honorable Senators from the South, who could not deny the truth of what I said, that the honorable Senator from Michigan, [Mr. CASS,] and other Senators from the States of the North, now present, and whom I could easily name, requested me to see the Senator from Virginia, [Mr. MASON,] and the Senator from South Carolina, to whom I am now replying, at a very early day of the session then in progress, and to urge upon them both the importance of their reporting a bill without delay which, when it should become a law, would secure full justice to the South in regard to fugitives from service, pledging themselves to vote for any bill which should be thus reported, which should be free from constitutional objections. The motives of honorable Senators in not reporting this bill earlier I have never arraigned, nor do I on the present occasion. They were doubtless conscientious in their action, though I thought them at the time injudicious in the course adopted by them, as I still do: the reason given me for delaying the reporting of this bill, that if the question involved therein should be satisfactorily adjusted at that time, it might prove impossible thereafter to rouse the border States to energetic action in co-operation with the other Southern States, for the vindication of their essential rights, never having been considered by me to be of a character sufficiently solid to entitle it to operate potentially upon the deliberations of Congress. I repeat, Mr. President, that I cannot suppose that the honorable Senator from South Carolina could have seen anything in this particular law to demand that exhibition of his powers of parliamentary oburgation which we have witnessed this morning. To be sure, I was aware that when the President of the United States, in the course of the last winter, called our attention to the riotous proceedings in Boston, in opposition to this law—a painful remembrance of which I suppose all now present to bear in mind—there were Southern Senators present, yea, sir, Southern Senators, too, who assume to be the peculiar and exclusive guardians of the South—who did not hesitate to avow the opinion that any attempt on the part of the Executive to put down, by military force, such an armed opposition to the law as was known to have been set on foot, would be a most outrageous usurpation of authority, and a serious violation of the rights of the sovereign State of Massachusetts. Mr. President, this doctrine was at the time most justly denounced in this body, and its upholders most deservedly chastised; and the same doctrine has been regularly adjudged, by all intelligent men in the South, to have been in its inception little better than sheer nonsense.

Now, sir, I shall state a proposition to the honorable Senator from South Carolina, to which

I invoke his special attention. There is no part of the plan of compromise that is repealable in its character except the fugitive slave bill and the District of Columbia bill. The latter I have shown to be unworthy of a moment's consideration. California is already in the Union, and there is no remedy known to the Constitution by means of which she can be expelled therefrom and restored to the territorial state. The territorial governments are established, and on such principles as Southern men have always advocated; and I suppose that the honorable Senator would hardly contend that Congress could, otherwise than by a palpable usurpation of power, and a most shameless violation of vested rights, deprive the people of Utah and New Mexico, so long cut off from the blessings of regular government, of the protection now afforded to them by the Governments under which they live. Texas has received her ten millions of dollars, or a large portion thereof, and all sensible men know that there are no constitutional means of getting it back without her consent; whilst no one possessed of a particle of sanity would conjecture that she would ever willingly restore the benefits of a contract so manifestly advantageous to her. The great practical question at last upon my resolution is, *Shall the fugitive slave law be faithfully enforced?* In other words, Will our brethren of the North, through their representatives in the two Houses of Congress, now declare, in some formal legislative mode, that they will hereafter exert themselves faithfully and energetically to give full effect to this law, and thus evince their determination to see perfect justice done to their fellow-citizens of the South? I repeat, this is the only important question now before the Senate; and I must be permitted to declare my profound regret at finding that every Senator from the South is not found willing to coöperate in a movement upon the success of which the security and repose of that section of the Union are undeniably staked.

The honorable gentleman from South Carolina has been pleased to complain, specially, and with an emphasis not a little imposing, that the time seems to have gone by for amendments of the Constitution of the United States, without which, I suppose, the honorable gentleman would have us to understand the Southern States of the Union cannot remain safely in the Confederacy. This is not the first time that I have heard this proposition stated in this Chamber. When I heard it first, I was not a little startled by its enunciation. I protested against it the next day as of a character highly dangerous to the peace of the country. I meet it again now in the same spirit, for I consider the honorable Senator from South Carolina as clearly intimating that some constitutional amendment is at this moment indispensable to the peace and happiness of the Union. Sir, the only constitutional amendment that I have heard of lately, is that extraordinary one recommended in a certain posthumous political volume with which I hope every man in America will shortly make himself acquainted. The amendment suggested in this volume proposes, that instead of choosing one President of the United States, we should hereafter have two elected—one from the North, by Northern votes—one from the South, by Southern votes. Each of these Presidents, I believe, to have the command of the Army and Navy of the Union, and a double veto power is to be exercised by them. Such an amendment would, as every man of practical good sense in the world will readily decide, break up the Union in about four or five weeks. Now, if it is such a fantastical amendment as this, or anything like it, that the honorable gentleman from South Carolina wishes incorporated into that sacred instrument, I would counsel him most seriously to let the Constitution of our fathers alone for the present, or at least to be certain that he has some scheme of emendation already matured more worthy of approval than the one just specified, before he ventures either to obtrude it on the attention of his countrymen, or to complain that this noblest production of the human understanding has lost all those high capacities which the wise men of the land once supposed it to possess, of securing the freedom and happiness of the millions living under its protection, as long as civilization and social virtue should continue to dwell in this favored hemisphere.

The honorable gentleman complains somewhat vehemently of the want of union in the South, and

declares that the Southern States will be inevitably ruined unless there is more of concord and united action among them. There are two answers to this part of the honorable gentleman's speech. First, I am of opinion that the South is really already in quite a united condition—every Southern State, except South Carolina, having clearly and undeniably decided in favor of acquiescence in the acts of Adjustment; and secondly, if there is a want of absolute union in the South upon the questions embraced in the plan of settlement, it is simply because a small minority of Southern men, who seem to imagine themselves the whole South, refuse to pay a proper deference to the views of an overwhelming majority, who are entirely satisfied with what Congress has done to compose the troublesome feelings of the nation, which minority are constantly urging upon their countrymen some visionary project, of one kind or another, supposed by them to be an absolute *sine qua non* to the true happiness and glory of the nation.

I feel justified in adding, sir, that the intelligent citizens represented in this body by the gentleman himself, are quite inclined to allow the country to return to that state of repose which it formerly enjoyed; inasmuch as they have recently determined, by an overwhelming majority, not to secede from the Union on account of grievances imagined at present to exist, nor until some other Southern State shall testify a willingness to unite with them in this perilous experiment—which I confidently believe is a state of things that will never be realized. Sir, I must be allowed to express the high gratification which I have derived from the final decision of the people of South Carolina in opposition to the mischievous counsels of that band of demagogues who have sought to involve them in schemes of rank *disunion* and foul *treason*. I have rejoiced particularly over this happy result. Mr. President, because I had more than a year since predicted it both here and elsewhere. I always believed that the people of South Carolina, when allowed to think calmly and to act maturely upon this vital and momentous question of *Union and Disunion*, would so demean themselves as to prove to the world their utter unwillingness deliberately to surrender their own repose and happiness in order to gratify the unscrupulous aspirations of ambitious demagogues. I rejoice, sir, that the materials have been thus supplied for that which cannot but be recognized by posterity as the brightest page in the history of this ancient Commonwealth; and I trust that the day is yet far distant when, deluded by evil counsels, her people shall deliberately prefer the scenes of bloody anarchy and lawless confusion to the multiplied and unappreciable blessings which result from the sound and honest administration of a wise and beneficent government.

Mr. BUTLER. I wish to make an explanation. I must advert to some of the remarks of the gentleman. There is one part of his remarks that applied to me, I suppose, as chairman of the Judiciary Committee, in delaying to bring in the fugitive slave bill at as early a time as practicable, that it might have been acted upon. Now that fugitive slave bill was introduced by myself, as chairman of the Judiciary Committee, one session before it was taken up and acted upon at all. I hope that as long as I am the chairman or the organ of the committee, I shall never use my accidental position for any party purpose whatever. It has been my practice, as the representative of a committee, to bring in any measures ordered by that committee as early as practicable, and I brought in that measure one session before it was finally adopted. When my friend from Virginia [Mr. MASON] offered a substitute for it it was then in his hands, so far as regarded the amendment. That bill was called up in the early part of the session for consideration, and as the chairman of the committee I made some remarks upon it. I was followed by the gentleman from Virginia, [Mr. MASON], when, at the instance of the honorable Senator from Kentucky, [Mr. CLAY], these compromise measures were introduced, with a request that the consideration of the fugitive slave bill should be suspended until it should make a part of those measures.

Now, what my honorable friend from Virginia may have said to the gentleman in private, I know not. I do not undertake to say what he may have remarked, for I have had no conversation with him on the subject. I am not very much in the habit

of repeating private conversations. I have no doubt that my friend from Virginia might have said, Why take up this measure separately and alone, and thus weaken ourselves in the great contest in which we are engaged? I may say that there is no one on this floor who has acted so many different parts as the Senator from Mississippi. If I recollect aright his name was signed to a paper, which was sent to the Governor of his State, warning the people of that State against the dangers which were impending over us by one of the measures he has so much praised to-day.

Mr. FOOTE. All of which are obviated by this scheme of adjustment.

Mr. BUTLER. The Senator condemned that measure separately. He denounced it alone. But it seems that when it went with something else, he was willing to acquiesce.

Mr. FOOTE. I wish to explain. I did unite in a letter which the gentleman has evidently not read, in which I did state, on the 21st of January, of that very session, that California would be admitted into the Union, and united also in calling for instructions from the Legislature of the State as to what that body might deem right and proper, under the circumstances, if California should be admitted. There is not one word in that letter intimating the unconstitutionality of the admission of California. I had introduced a resolution early in the session asserting the expediency of establishing a territorial government in California. I had made a speech in support of it, and the only one that was made. I did not oppose the admission of California on constitutional grounds at all, but on grounds of expediency, and from regard to what I deemed the usage applying to such cases. After that, when there was a proposition pending in both Houses of Congress to admit California as a separate measure, conceiving, as I did, that its admission, in this form, would be objectionable; that instead of settling the questions growing out of the institution of slavery it would obstruct such settlement; under these circumstances I united in that letter. I said in that letter, which was very hastily drawn up by one of my colleagues, but which I still stand by, as my name was subscribed to it, that the *application* of California to obtain admission into the Union, under all the circumstances of the case, was (not the Wilmot proviso) but an attempt to obtain the passage of the Wilmot proviso in another form. I said it was an attempt, on the part of those pressing it as a *separate* measure, to obtain precisely those advantages in favor of the North over the South in California which the Wilmot proviso contemplated; but I aver that I never did undertake to say, in any shape or form, either to our Governor or to any one else, that I conceived the admission of California to be unconstitutional, and that its admission would justify extreme measures on the part of the South. What I insisted upon was, that it should form part of a general scheme of adjustment. I speak in the presence of Senators who recollect my whole course on the subject.

I did not charge the Senator himself with having the conversation to which I alluded in reference to the fugitive slave bill, but the gentleman must recollect that I went to him repeatedly and urged that the bill should be reported to the Senate. My friend from Indiana, [Mr. WHITCOMB], and my friend from Michigan, [Mr. CASS], will recollect that they urged me to go to these gentlemen and request them to bring forward the bill. I performed my mission, and was answered in the manner I have before stated. The gentleman being known to be on terms of extreme intimacy and confidence with the Senator from Virginia, when the latter gentleman replied to my proposition in the manner which I have before reported to the Senate, I did conceive they were acting upon something like a concerted plan. I did not undertake to censure them, for I have no doubt they both conceived it inexpedient at that time to push that particular question to a settlement; since other questions remained unsettled, the adjustment of which would be facilitated, as they may have supposed, by keeping the fugitive slave question open.

Mr. BUTLER. The explanation which I gave of what took place in reference to the fugitive slave bill cannot be contradicted. It is my duty, perhaps, to refer to some other remarks of the Senator, and to say something with regard to

them. I intend to be very cool and deliberate.

Mr. FOOTE. If the honorable Senator understood me as saying anything at all calculated to connect him with any improper movements here or elsewhere, adverse to the Union, he misunderstood me.

On motion, the Senate adjourned.

IN SENATE.

TUESDAY, December 9, 1851.

Prayer by the Rev. C. M. BUTLER.

Mr. HOUSTON, of Texas, appeared in his seat this morning.

PETITIONS.

Mr. MILLER. I have been requested to present the petition of petty officers in behalf of the crew of the United States frigate Congress, asking Congress to repeal a certain amendment made to the Navy appropriation bill at the last session, which deprives them of what they consider an important privilege. I beg leave to state of what it is they complain. Ever since the organization of the Government, the seaman has had the privilege of receiving money in lieu of such rations as, by a very rigid economy in the consumption of his allowance, could be stopped, by which he was enabled to provide himself with some comforts which did not belong to the ration. The Naval Committee at the last session of Congress deprived him of that privilege, and now he is compelled to take his rations as they come to him.

Now, Mr. President, there are few men in the service of the Government who have fewer comforts than the common seaman, and yet at the same time, no man could enjoy those little comforts more than he does. We deprived him of his grog. He, being a man of reform, submitted to that. We took away flogging; with Christian patience he submitted to that. And now, we have made an attack upon this little privilege of commutating his rations. That is too much for the sailor even to bear. I move that this petition be referred to the Committee on Naval Affairs, and hope that it will receive their early attention.

The petition was so referred.

Mr. CLARKE presented the petition of Elizabeth Arnold, only daughter of Jonathan Pitcher, deceased, an officer in the Navy during the revolutionary war, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. GWIN presented the memorial of Ambrose W. Thompson, proposing to establish, with the approbation of Congress, a line of mail steamers between California and China; which was referred to the Committee on Naval Affairs.

Mr. CLARKE submitted documents relating to the claim of Samuel Crafin, a pensioner of the United States, to an increase of pension; which was referred to the Committee on Pensions.

Mr. BRODHEAD presented a memorial of volunteers in the last war with Great Britain, praying a further grant of bounty lands to the officers and soldiers of that war; which was referred to the Committee on Public Lands.

Also, a memorial of citizens of Easton, Northampton county, Pennsylvania, praying a further grant of bounty lands to the officers and soldiers of the last war with Great Britain; which was referred to the Committee on Public Lands.

Also, a petition of citizens of Philadelphia, praying the enactment of a law to prohibit the introduction into the ports of the United States of foreign convicts, felons, and paupers; which was referred to the Committee on the Judiciary.

Mr. HAMLIN presented the petition of Leonard J. Thomas, praying that pensioners under the act of April 24, 1816, may be entitled to draw pensions from the date of the passage of said act; which was referred to the Committee on Pensions.

Mr. DODGE, of Wisconsin, presented the memorial of Mary W. Thompson, widow of Alexander B. Thompson, deceased, late an officer in the Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BADGER presented the memorial of Joseph Gideon, praying compensation for services performed by him as an acting purser in the Navy; which was referred to the Committee on Naval Affairs.

Mr. BORLAND presented a petition of the late and present land officers at Clarksville, Arkan-

sas, praying additional compensation for services in locating military bounty land warrants; and stated that a bill answering the prayer of the petitioners had three times passed the Senate and failed in the House for various reasons. It was referred to the Committee on Public Lands.

Mr. SEWARD presented the petition of George C. Paine and Polly Teall, heirs of Brinton Paine, deceased, an officer in the revolutionary war, praying to be allowed back pay and a pension; which was referred to the Committee on Pensions.

Also, a memorial of the committee of the Industrial Congress of New York, praying that no change may be made in the existing bounty land laws tending to increase speculation in the public lands; which was referred to the Committee on Public Lands.

Mr. BRIGHT presented the petition of Adam Hays, a pensioner of the United States, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. UNDERWOOD presented two petitions of citizens of Virginia, and a petition of citizens of Mississippi, praying that the office of Chaplain in the public service may be abolished; which were referred to the Committee on the Judiciary.

Mr. FELCH presented the petition of Hiram Moore and John Hascall, praying an extension of their patent for a harvesting machine; which was referred to the Committee on Patents and the Patent Office.

Also, the petition of the register and receiver of the land office at Sault St. Marie, praying compensation for services in the entry of lands on military bounty land warrants; which was referred to the Committee on Public Lands.

Also, a memorial of citizens of Monroe county, Michigan, praying certain amendments to the law of July 7, 1838, for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam; which was referred to the Committee on Commerce.

Mr. GWIN presented a memorial of members of the bar and citizens of California, praying that the salary of the district judge for the northern district of California may be increased, and said: Since that court has been organized it has been ascertained that the business is of the highest importance, and that the labor is very great. The judge has discharged his duties with great ability and to the satisfaction of the whole country, and it is the unanimous wish of the people of California that he should have his compensation increased. The memorial is drawn up with great ability, and covers the case.

It was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CHASE presented the memorial of James B. Moore, Josiah Lawrence, and Henry H. Goodman, of Ohio, and John H. Deihl, of Pennsylvania, and their associates, proposing, with the aid of Government, to establish a regular line of mail steamers from California or Oregon to China; which was referred to the Committee on Naval Affairs.

Mr. GWIN presented the memorial of H. P. Dorsey, a citizen of California, praying indemnity for loss by Indian depredations, in consequence of the want of adequate protection from the Government of the United States; which was referred to the Committee of Claims.

Mr. BUTLER presented the petition of Frances Moore, legal representative of John Moore, deceased, praying the payment of certain indents issued by the State of South Carolina, in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

CASE OF MR. THRASHER IN CUBA.

Mr. STOCKTON. I desire to present a petition from many respectable citizens of New Jersey in behalf of Mr. John S. Thrasher. It is a matter of some consequence, and I therefore ask that it may be read.

The petition was read, as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners, inhabitants of the city of Newark, in the State of New Jersey, respectfully beg leave to represent: That many of us are personally acquainted with Mr. John S. Thrasher, an American citizen, now a prisoner in the dungeons of the Punta Castle, in the city of Havana, and Island of Cuba, under Spanish rule.

They beg leave to state that said Thrasher has uniformly been found a gentleman of the strictest honor and integrity, a warm-hearted friend of Americans sojourning in the

Island of Cuba, and always ready to extend to his countrymen, when requiring it, his aid, advice, and protection, without fee or reward.

Your petitioners now learn, with pain and surprise, that Mr. Thrasher complains that he has been accused of treason to the Spanish Government, his papers seized, and he thrown into a dungeon, and all communication with his friends strictly prohibited; that he has been denied proper counsel to assist him at his trial; that the representations of our Consul in his behalf have been utterly disregarded; that instead of an open and fair trial, (which he, as an American citizen, was fully entitled to) he was compelled to be tried by a COURT-MARTIAL, in time of peace, without being furnished with copies of the charges against him; and that he had no access to the proceedings or testimony, and knew not of what crime he was accused.

To all these proceedings he made his solemn protest, as against treaty stipulations with his Government, the law of civilized nations, and his rights as an American citizen. Notwithstanding, he was sent back to his dungeon, and, after some days, informed that he had been sentenced to eight years confinement at hard labor, in chains, on the coast of Africa, and to pay costs—a sentence which, if carried out, would be more dreadful by far than death.

Your petitioners, and the public generally, view this mock trial as a gross violation of our national rights; the more especially as it has not been attempted to be proved that Mr. Thrasher was, in anywise, implicated with the Lopez expedition, further than to do all in his power to give that comfort which common humanity demanded to those suffering in captivity. That he has never expatriated himself, though urged by the Spanish Cuban Government to do so, but still claims to be an American citizen, and entitled to a full and fair protection from the American Government, and that he at least have a fair trial, and be furnished with proper counsel of his own or his Government's selection.

Your petitioners, therefore, pray that the Congress of the United States will take such measures in this pressing case as will prevent an American citizen of the highest respectability of character, and universally esteemed for his kindness and attention to our fellow-countrymen at Havana, from being sent in chains to serve out a long and horrible confinement as a galley slave, without a fair and full hearing in a proper court of justice, and where he may have proper counsel and full liberty to rebut the charges that may be brought against him.

Mr. STOCKTON. I suppose there is hardly an individual in the Senate, or out of the Senate, that will not agree with me in regard to the importance of this petition. I have the most profound respect for that ancient monarchy, but I wish that it would either mend its laws or its manners. The process by which American citizens are tried there has become no joke. It seems to me to be a very summary process; and punishment follows instantly upon the judgment. I know nothing of the circumstances of this case; but I desire to know something about them. And although I am not for intervention, yet, sir, I am not clear of the idea that American citizens cannot be justly punished in the way some of our citizens have been punished and with the summary process by which they have been adjudged. I hope that upon the investigation of this case, there may not appear to be so much offensive in it, as appears upon the face of that petition. If there is, I shall certainly be prepared to make some other motion—some motion that will testify the feelings of devotion of the Senate to the character and lives of their fellow-citizens abroad. At present, however, I shall satisfy myself by offering the following resolution:

Resolved, That the President of the United States be requested to lay before the Senate, if not incompatible with the public interests, all the information in his possession touching the imprisonment of Mr. John S. Thrasher, in the dungeon of the Punta Castle, in the city of Havana and Island of Cuba.

The petition was referred to the Committee on Foreign Relations, and the resolution was adopted.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BERRIEN, it was

Ordered, That the petition of members of the bar of Massachusetts, on the files of the Senate, relative to increasing the salary of the United States district judge for that State, be referred to the Committee on the Judiciary.

On motion by Mr. FELCH, it was

Ordered, That the petition of Sydney A. Allcott, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. HUNTER, it was

Ordered, That the memorial of the trustees of the Mercer Monument Association, on the files of the Senate, be referred to the Committee on the Library.

On motion by Mr. DOUGLAS, it was

Ordered, That the petition of the executors of Henry Eckford, deceased, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. RUSK, it was

Ordered, That the petition of Robert Jemison and Benjamin Williamson, on the files of the Senate, be referred to the Committee on the Post Offices and Post Roads; that the petition of Emily C. B. Thompson, widow of Charles Thompson, deceased, on the files of the Senate, be referred to the Committee on Naval Affairs; that the memorial of

Henry Smith, on the files of the Senate, be referred to the Committee on Indian Affairs; that the petition of John C. Hays, and the memorial of Robert Piatt, on the files of the Senate, be referred to the Committee of Claims; that the memorial of Mary W. Thompson, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. NORRIS, it was

Ordered, That the petition of Isaac Adam, on the files of the Senate, be referred to the Committee on Patents and the Patent Office.

On motion by Mr. MORTON, it was

Ordered, That the memorial of A. H. Cole, the memorial of Isaac Varnes, sen., and the petition of Allen G. Johnson, on the files of the Senate, be referred to the Committee of Claims; and that the documents on the files of the Senate, relating to the claim of Captain George E. McClelland's company of Florida volunteers, be referred to the Committee on Military Affairs.

On motion by Mr. DAVIS, it was

Ordered, That the bill of last session to amend the act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," be referred, together with the papers on the files of the Senate, and the report of the Committee, to the Committee on Commerce.

On motion by Mr. CLARKE, it was

Ordered, That the petition of Wm. Wilkinson, on the files of the Senate, be referred to the Committee on Revolutionary Claims; also, that the papers of Samuel Draper, on the files of the Senate, praying for compensation in consequence of wounds received in war, be referred to the Committee of Claims.

NOTICES OF BILLS.

Notices of bills to be hereafter introduced, were given by Mr. WHITCOMB, and Mr. JONES of Iowa.

BILLS INTRODUCED.

Mr. HUNTER, agreeably to previous notice, asked and obtained leave to bring in a bill to change the time for holding the district courts of the United States in the western district of Virginia, and for other purposes; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. MORTON, in pursuance of previous notice, asked and obtained leave to bring in a bill for the relief of Mrs. A. M. Dade, widow of the late Major F. L. Dade, United States Army; which was read a first and second time by its title, and referred to the Committee on Pensions.

Mr. WALKER, in pursuance of previous notice, asked and obtained leave to bring in the following bills; which were read a first and second time by their titles, and referred to the Committee on Public Lands:

A bill to extend the time for selecting lands granted to the State of Wisconsin for saline purposes; and

A bill granting the right of way and making a donation of land to the States of Wisconsin and Michigan in aid of the construction of a road from Green Bay to Lake Superior.

Mr. SEWARD, in pursuance of previous notice given by his colleague, [Mr. Fish,] asked and obtained leave to introduce a bill to establish a Mint of the United States in the city of New York; which was read a first and second time by its title, and referred to the Committee on Finance.

Mr. RHETT, in pursuance of previous notice, asked and obtained leave to introduce a bill to indemnify the State of South Carolina for money expended for the United States in the war in Florida with the Seminole Indians; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. DOWNS, agreeably to previous notice, asked and obtained leave to introduce a bill to aid the State of Louisiana in reclaiming the overflowed lands therein, and for other purposes; which was read a first and second time and referred to the Committee on Public Lands.

Mr. BORLAND, in pursuance of previous notice, asked and obtained leave to introduce the following bills; which were read a first and second time:

A bill allowing exchanges of, and granting additional school lands to, the several States which contain public lands, and for other purposes; which was referred to the Committee on Public Lands; and

A bill to establish a port of entry and delivery at Little Rock, in Arkansas; which was referred to the Committee on Commerce.

Mr. BERRIEN, agreeably to previous notice, asked and obtained leave to introduce the following bills; which were read a first and second time by their titles, and referred to the Committee on the Judiciary:

A bill to regulate the compensation of the district judge of the United States for the district of Massachusetts; and

A bill to be entitled "An act to amend an act entitled 'An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments, in certain cases.'"

Mr. GWIN, agreeably to previous notice, asked and obtained leave to introduce a bill to amend an act entitled "An act to provide for extending the laws and the judicial system of the United States to the State of California," passed 28th September, 1850; which was read a first and second time and referred to the Committee on the Judiciary.

Mr. FELCH, agreeably to previous notice, asked and obtained leave to introduce the following bills; which were read a first and second time by their titles, and referred to the Committee on Public Lands:

A bill granting to the State of Michigan the right of way and a donation of public lands for the construction of a ship canal around the Falls of St. Mary's, in said State;

A bill granting to the State of Michigan the right of way and a donation of public lands for the purpose of constructing a railroad from Saginaw to Montreal river, with a branch from the Grand river into the same; and

A bill to extend the time for selecting lands granted to the State of Michigan for saline purposes.

Mr. BORLAND, in pursuance of previous notice, asked and obtained leave to introduce the following bills; which were read a first and second time by their titles:

A bill for the relief of Mark Bean and Richard H. Bean, of Arkansas; which was referred to the Committee on Public Lands; and

A bill for the relief of the widow of General Worth; which was referred to the Committee on Pensions.

Mr. NORRIS, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of Mrs. E. A. McNeil, widow of the late General John McNeil; which was read a first and second time by its title, and referred to the Committee on Pensions.

Mr. DODGE, of Iowa, asked and obtained leave to bring in a bill to improve the navigation of the Upper Mississippi.

The bill was read a first and second time by unanimous consent, and was before the Senate as in Committee of the Whole.

Mr. DODGE moved that it be made the special order of the day for Wednesday, the 17th instant; which was agreed to.

RESOLUTIONS.

Mr. HALE, agreeably to previous notice, asked and obtained leave to introduce a joint resolution requesting the President of the United States to interpose the friendly offices of this Government with the President of the Republic of France, in behalf of the liberation of Abd el Kader; which was read a first time, and ordered to a second reading.

Mr. CASS submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, if not inconsistent with the public interest, any information the Executive may have received, respecting the firing into, and seizure of, the American steamship *Prometheus* by a British vessel of war, in November last, near Grey Town, on the Mosquito Coast; and also, what measures have been taken by the Executive to ascertain the state of the facts, and to vindicate the honor of the country.

Mr. BRIGHT, according to previous notice, introduced the following resolution:

Resolved, That the following shall be one of the standing rules of the Senate, to wit:

52. The Secretary of the Senate, the Sergeant-at-Arms, and Doorkeeper, and the Assistant Doorkeeper, shall be chosen on the third Monday of the present (first session of the 31st) Congress, and on the second Monday of the first session of every succeeding Congress.

Its consideration at the present time was objected to; and therefore it lies over.

Mr. DOWNS offered the following resolution; which was adopted:

Resolved, That the Secretary of the Department of War communicate to the Senate any reports which have been received in reference to the inundations of the Mississippi, and to state whether any further appropriation is required to complete the surveys and investigations heretofore directed.

RECEPTION OF KOSSUTH.

Mr. FOOTE of Mississippi. I hope that the

special order will now be taken up. (The Compromise Resolution.)

The PRESIDENT. It will be taken up as soon as the morning business is through.

Mr. FOOTE. Is that the inviolable order?

The PRESIDENT said it was.

Mr. FOOTE. Some honorable Senators around me seem to think that the special order should be taken up at the appointed hour, unless there should be an express order to the contrary.

Mr. SEWARD. I ask the Senator from Mississippi to allow me to call up the resolution in regard to Kossuth.

The PRESIDENT. The hour having arrived for the special order, the Chair will call it. It is the resolution offered by the Senator from Mississippi, [Mr. FOOTE], declaring the measures of the adjustment to be a definitive settlement of the difficulties growing out of the existence of domestic slavery.

Mr. SHIELDS. I will ask my honorable friend from Mississippi to permit that to lie over for a few minutes. I want to call up the resolution in regard to Kossuth.

Mr. FOOTE. If there was a prospect of passing it, I should hesitate to do anything to prevent it. But the Senator will see that I am placed in a very delicate situation—I have not the floor for the morning. I am here only as an auditor.

The PRESIDENT. The Chair having called for the special order, it can only be postponed by the action of the Senate.

Mr. SHIELDS. If the honorable Senator from Mississippi insists upon calling for the special order—

Mr. FOOTE. I have not insisted upon it. I have stated that another gentleman has the floor on that resolution. I merely suggested that it should be taken up.

Mr. SHIELDS. Then I move to postpone the special order for the present, in order to call up the Kossuth resolution. I think the subject of the measures of adjustment has been tolerably well considered in this body. I want to see this Kossuth resolution disposed of one way or the other. I move to postpone the special order until two o'clock.

The motion was agreed to, there being, on a division, ayes 20, noes 13.

Mr. SEWARD. I move to postpone all other business and take up the resolution offered by myself concerning Kossuth.

The PRESIDENT. It is the first resolution on the calendar, which comes up for a second reading.

Mr. SEWARD. I ask that the resolution may be considered and finally disposed of now. And because I am sincerely desirous of its passage, I shall endeavor to promote that object by refraining from any great latitude of debate, at least at present. What I have to say upon the subject will relate simply to the circumstances under which I think the resolution comes before Congress, and the nature and character of the measure which I have submitted.

Mr. UNDERWOOD. Let the resolution be read.

The resolution was read accordingly.

Mr. SEWARD. Mr. President, I have said that I should abstain from discussing this question on its merits at the present time. I will advert first simply to the circumstances under which it comes before Congress.

If the distinguished personage whom it is the design of this resolution to honor, had floated upon our shores unbidden and unheralded, there would have been no great embarrassment in suffering his arrival to pass without notice by Congress; but the case is widely different. The Congress of the United States found him a prisoner in Asia Minor—an exile from his native land, in an effort for the redemption of which he had fallen. They caused the President of the United States to express to him the sympathy of Congress with him in his exile and misfortunes, and to tender to him an invitation to come to America as an asylum, in one of the public vessels of the nation. The President executed these instructions, and in pursuance of them, it is known to all the world that Kossuth was liberated from his captivity, and he is now upon our shores. The President of the United States, in anticipation of his arrival, informed Congress on their assembling at the present session that he had executed their instructions, and that the arrival of this illustrious man was hourly

expected, and he recommended to Congress to take into consideration the proper manner and ceremonial of receiving the guest who had been brought here under their authority. This of itself was sufficient to engage the attention of the civilized world for the action of Congress in relation to the personage whose name and fame filled the eye and ear of the world. But the action of Government has not stopped here. In pursuance of this recommendation, and at the instance of the President and the administration, the subject has been opened in this Chamber—a debate has opened upon the question submitted by the President. Under such circumstances absolute silence would amount to nothing short of neglect, and neglect would be liable to be construed, in my poor judgment, into indignity. It is under these circumstances that this question comes before Congress, and I am sure it is not the intention of the Senate that their treatment of Kossuth should be that of either neglect or indignity. But if such would be the result, the consequence would be the inflicting of a wound upon the generous and noble heart of a friend of liberty, whose gratitude we have awakened and stimulated, and in whose bosom we have kindled the expectation of a warm, a generous, a cordial welcome. The effect would be this upon him. The effect upon his country would be to subdue the feelings of affection and gratitude which the expression of sympathy in their misfortunes heretofore has awakened. The effect of it would be to discourage the hopes and expectations of the friends of freedom throughout the world; and finally, it would have the effect to encourage the advocates of oppression throughout Europe in their efforts to prevent the transition of the nations of Europe from under the system of force to the voluntary system of government which we have established and commended to their adoption. Under such circumstances I was not at liberty to consent to be understood as being willing to allow the arrival of Kossuth in the United States to pass unnoticed. In order that I might put myself right, and give an opportunity to others who might agree with me in opinion to put themselves right, I have endeavored to submit a proposition which would avoid the consequences which have been deplored, and bring this question before Congress in a shape so unexceptionable that it seemed to me all might agree in adopting it.

I will say a word now upon the form of the reception, or welcome, which I propose. It is not in the form which I myself would originally have wished. I have no particular tenacity in regard to it. The proposition submitted by the honorable Senator from Mississippi [Mr. FOOTE] would have received my vote; it would have received it if it had said more, as was proposed by the honorable Senator from New Hampshire, [Mr. HALE.] It would have received it if it had said less. It would have received my support under any circumstances, if it had been pressed, and I should have endeavored to have cooperated with the honorable mover of it in avoiding any amendment which might have embarrassed its passage through the Senate. But that has passed; and in looking around for what might be substituted for it, it seemed to me that, if there was one sentiment more plainly and universally expressed by the American people than any other, in regard to the Hungarian revolution, and in regard to its hero, the champion of Hungary, it was that of WELCOME TO THE SHORES OF THE UNITED STATES. Taking that idea as my guide, I have submitted a resolution in which it is proposed that Congress shall declare that they give to Louis Kossuth, whom they have brought to our borders, a cordial WELCOME.

Less than this, Mr. President, no man can propose who thinks it proper to make any expression, or take any action; and more than this, it seems to me, must be waived. It must be something like this, or nothing, and this is better than nothing. I would have the passage of this resolution communicated to Kossuth by the President, the Executive organ of the nation. My own feelings would exact more; but I am content to waive them under this consideration—that the simplicity of the act will give it a peculiar value. I know not, in the history of this nation—I know not, in the history of modern times, a more sublime spectacle than would be afforded by seeing the Congress of the United States, in the name and behalf of the American people, bidding Kossuth, the represent-

ative of the cause of voluntary government in Europe, a cordial welcome on his escape from the perils of his position, and his arrival in this land where that system of government is established and in full operation.

There is a simplicity in this ceremony which is worthy the dignity of the American Government and of the greatness of the American people; there is a simplicity in it worthy the character of the illustrious citizen whom it is proposed to honor. I have no tenacity in regard to this measure in preference to any other which would make me insist on this at the hazard of its defeat. It seems to me to be preferable to that of the honorable Senator from Illinois, and gentlemen say that they do prefer it upon the ground that this would be the joint act of both Houses of Congress. I am quite sure that if adopted here it would be concurred in by the House of Representatives, and would thus become a national act of welcome. I confess that I am desirous that, as the Congress of the United States caused Kossuth to be brought here under their authority, his reception should be a national act; and that Congress should not be divided in its expression or its action on this the crowning occasion. This form also seems to me to commend itself to the adoption of the Senate, because it stops short of committing Congress or the Government to any action beyond that of simply giving welcome. What I desire is not the utterance of words. What I want to see—what I want to have Congress do, is to extend the welcome which the world expects us to give to the illustrious exile.

Objections have been made, to which I will advert very briefly. It has been said or intimated that we are not well aware of what we are doing—that we are not well acquainted with the character of Kossuth—that we do not know certainly that he is entitled to these attentions from the American people. Sir, in the course of human events we see the nations of Europe struggling to throw off the despotic systems of government, and to establish governments upon the principle of republicanism or of constitutional monarchy. Whenever such efforts are made we see it invariably happen that the existing despotisms of Europe combine to repress those struggles—combine to subdue the people. The consequence is, that despotism is a common cause, and it results also that the cause of constitutional liberty has also become one common cause—the cause of mankind against despotism. Now whatever people leads the way at any time in any crisis in this contest for civil liberty, becomes the representative of the nations of the earth. We once occupied that proud and interesting position, and we engaged the sympathies of civilized men throughout the world. No one can deny, that recently Hungary assumed that same position, and the records of our own Legislature show that we, in common with the friends of civil liberty in Europe, hold Hungary to be the representative of the nations of the earth in this great cause. We had a messenger on the verge of the battle-field ready to acknowledge her independence.

Mr. President, it happens, in the Providence of God, that whenever a nation thus assumes to open this controversy for liberty, in behalf of the nations of the earth, some one man more than another becomes identified with the struggle by his virtues, by his valor, by his wisdom, or by his sufferings, until he eclipses others who may be associated with him, and comes to be regarded by the country itself, in whose behalf he labors and struggles, and by mankind, as the representative of that nation, and of that cause. The deliverance of Switzerland brings up at once the name of William Tell. The struggle of Scotland calls up the name of Wallace; and all over the world no man ever hears the American Revolution spoken of, but it calls up the majestic form of Washington. So it happens that the name of Hungary calls up at once the great, the towering fame of the author, the hero, and the sufferer of the Hungarian Revolution. Now, then, shall we say that we do not know that Kossuth is worthy to be regarded as the friend and advocate of liberty in his own country? Shall we say that he does not merit the homage paid to him, as the leader of the Hungarian Revolution. Hungary herself has set the seal upon his merits, and concluded that question, and it would be as unreasonable and absurd to listen to those who should depreciate the princi-

ples, or the character of Washington, as it is to stand doubting or hesitating whether, in honoring Kossuth, we are really doing honor to his cause, and the cause of his unfortunate country.

But it is asked, why should the American people engage in paying this homage to Kossuth, granting all his merits, because he has done nothing for America? True, he never did anything for America. We have reached that time when no man living out of America can confer upon us a benefit. We are beyond the reach of beneficence other than at the hand of the Great Creator and Preserver of nations; but do we honor only those? Do we reward only those who confer benefits upon us? Certainly not. We honor those who serve the common cause of civil liberty throughout the world. That cause is our own cause. We honor those who advance and promote it. But, although Kossuth has done nothing for this country, Europe has. It has sent us a Lafayette, a Kosciuszko, a De Kalb, and a Steuben, and thus has created a debt against us, which, while we cannot pay to the illustrious dead, we can discharge towards fit and lawful representatives, in the persons of the illustrious living.

I shall notice a single other objection, and then I shall leave this resolution to its fate. It is an apprehension that, by the adoption of this, or a similar motion, the Congress of the United States will commit itself to some act of intervention in the affairs of Europe by which the Government of the United States may be embarrassed in its foreign relations. Mr. President, I am a lover of peace. I shall never freely give my consent to any measure which I think shall tend to involve this nation in the calamities of foreign war. I believe that our mission is a mission of republicanism. But I believe that we shall best execute it by maintaining peace at home and peace with all mankind; and if I saw in this measure a step in advance towards the bloody field of contention in the affairs of Europe, I, too, would hesitate long before adopting it. But I see no advance towards any such danger in doing a simple act of national justice and magnanimity. I believe that no man will deny the principle, that a nation may do for the cause of liberty in other nations whatever the laws of nations do not forbid. I plant myself upon that principle. What the laws of nations do not forbid, any nation may do for the cause of civil liberty in any other nation, in any other country. Now, the laws of nations do not forbid hospitality. The laws of nations do not forbid us to sympathize with the exile—to sympathize with the overthrown champions of freedom. The laws of nature demand that hospitality, and from the very inmost sources of our nature springs up that sympathy. What is that great epic poem which has filled the second place in the admiration, I had almost said in the affections, of mankind for two thousand years, but the history of an exile flying from the walls of his burning city and devoted State? Sir, the laws of nature require—the laws of nations command hospitality to those who fly from oppression and despair. And this is all that we have done, and all that we propose to do. We have invited Kossuth—we have procured his release from captivity—we have brought him here, and we propose to say to him, standing upon our shores with his eye directed to us, and while we know that the eyes of the civilized world are fixed upon him and us, “Louis Kossuth, in the name of the American people, we bid you a cordial welcome.”

Mr. SHIELDS. I understand that the resolution now before the Senate for consideration is that offered by the Senator from New York, [Mr. SEWARD.] I wish to move an amendment to it, and I do it without the slightest intention of derogating from it. I would vote for the resolution as it is, but for the purpose of facilitating its passage I move to strike out all after the word “resolved,” and insert, “That a committee of three be appointed by the Chair to wait on Louis Kossuth, Governor of Hungary, and introduce him to the Senate.” This is the resolution which I offered yesterday. I will state to the honorable Senator from New York the reason that I offered this, lest it should be supposed that we are running in opposition in this case. I find in the proceedings in relation to Lafayette that a joint committee of the Senate and House of Representatives was appointed to make arrangements for his reception. The House committee reported—I read from the proceedings of the House—

“That they have met the committee of the Senate on that subject, and that the committees have agreed to recommend to their respective Houses that each House should receive General Lafayette in such manner as it shall deem most suitable to the occasion.”

They stated at the same time, that there was no mode of receiving him jointly by the two Houses. Here are the proceedings when he was received:

“At one o'clock, General Lafayette entered the Chamber of the Senate, accompanied by the committee of that body. On entering the bar, Mr. Barbour, chairman of the committee, announced the presence of General Lafayette, in the following words: ‘We introduce General Lafayette to the Senate of the United States.’”

That was the whole ceremony, and I regard it as an excellent precedent. I do not wish to delay action on the matter by any discussion. In fact, I regret that I said as much as I did say yesterday, because I think an act of courtesy should always be clothed in as few words as possible.

The PRESIDENT. The Chair is under the impression that the Senator from Illinois is not at liberty to offer the amendment which he proposes. This is a joint resolution. It has been read twice and is now in Committee of the Whole. The resolution which the Senator from Illinois proposes to substitute for it is a simple resolution, which does not require the joint action of the two Houses of Congress. The Chair is therefore under the necessity of declining to receive the amendment proposed by the Senator from Illinois.

Mr. SHIELDS. Unfortunately I know very little of the rules; but I have understood that it was perfectly competent to move to strike out all after the word “resolved,” in a resolution, and insert something else. If, however, the Senator from New York would accept this as a substitute for his resolution, I have no doubt that all difficulty would be obviated.

Mr. BERRIEN. It does appear to me that this would be an inconsistent mode of proceeding. The resolution of the Senator from New York proposes the joint action of the two Houses of Congress. The amendment of the Senator from Illinois proposes the separate action of the Senate. The two cannot go together.

The PRESIDENT. Such is the decision of the Chair.

Mr. BERRIEN. It would be well, I apprehend, for the Senator from Illinois to allow the resolution of the Senator from New York to be disposed of, and then let him bring forward his proposition as a separate measure.

The PRESIDENT. The Chair has already said that he cannot entertain the motion to amend, as proposed by the Senator from Illinois.

Mr. FOOTE, of Mississippi. I rise to make a suggestion. We all have the same feelings on this subject. I imagine that the Senate will unanimously manifest a disposition to accord respect to this distinguished stranger. The main difficulty heretofore has been as to the manner in which we should act. The honorable Senator from Illinois has looked into precedents, and I think he has very satisfactorily shown that the precedent which he has brought forward is entitled to respect. It is most obvious, in the present state of things, that if those gentlemen who prefer the form sanctioned by precedent should vote against the resolution of the Senator from New York, they would be subject to be misunderstood. I therefore hope that, in the spirit of proper compromise, the Senator from New York will withdraw his resolution, and allow the other to be proposed and acted upon.

Mr. BERRIEN. I understand the Chair to have decided that the amendment proposed by the Senator from Illinois is not in order.

The PRESIDENT. Such was the decision of the Chair.

Mr. BERRIEN. Unless that is appealed from, the question comes before the Senate upon the resolution of the Senator from New York, and upon that resolution I desire to submit some brief observations to the consideration of the Senate.

Mr. SHIELDS. Will the honorable Senator from Georgia permit us to have this question of order determined before he proceeds any further?

Mr. BERRIEN. The question of order can only be determined by an appeal from the decision of the Chair; and I beg leave to say now, in relation to the precedent which has been referred to, that that was the result of a conference of a joint committee on the part of the two Houses of Congress. They conferred, and separately reported to their respective Houses. There is no prece-

dent, then, for the course which is now proposed by the Senator from Illinois.

Mr. HALE. I would like to take an appeal from the decision of the Chair.

Mr. BERRIEN. I believe I have the floor?

The PRESIDENT. The Chair suggests to the Senator from Georgia that he allow the appeal to be taken.

Mr. BERRIEN. That can be done presently, when I have finished.

The PRESIDENT. The Senator from Georgia has the floor.

Mr. BERRIEN. Mr. President, I consider this entirely too grave a question to be involved in forms of proceedings. I concur with my colleague [Mr. Dawson] in the position which he took the other day, in opposition to the resolution introduced by the Senator from Mississippi, [Mr. Foote,] and I am opposed myself to the resolution of the Senator from New York [Mr. Seward] in the form in which it is presented.

But I desire to say at the outset, in order that I may not be misunderstood on this subject, that this opposition arises from no doubt as to the merits or the services of the individual whom it is proposed to honor. His services as a patriot, who has distinguished himself in the cause of civil liberty, I am willing to admit in the largest extent in which they have been asserted by his most ardent admirers. Sir, I have not been an inattentive observer of events which have occurred in Hungary, within the last three or four years. I have seen that people struggling for the achievement of their national independence, have rejoiced in their prosperity, and have sympathized in their misfortunes. I am perfectly well aware, as everybody must be who has given his attention to this subject, that that struggle was for the preservation of an ancient constitution, which operated with great inequality upon the various classes of the people; but I did not doubt that after that independence was obtained, when peace was restored, when the existence of Hungary, as an independent nation, was acquiesced in, the progress of liberal principles incident to such a struggle would have resulted in ameliorating the organic law and in giving equal rights to all classes of people. With this view of the subject, I have looked to the progress of events in Hungary with no ordinary interest. I have rejoiced in the prospect of the successful issue of that struggle, and have regretted its defeat.

I have been at all times willing to accord to this distinguished individual—I am now willing to accord to him—the merit of having contended for the advancement of the principles of civil liberty in a manner which commends him to the feelings of every friend of freedom. While, therefore, fulfilling my duty as an American Senator, I oppose this resolution, I would not pluck a single leaf from the laurel crown which, whether in triumph or adversity, should encircle the brow of the patriot who is struggling for the advancement of those principles. No, sir, that is not my purpose.

Mr. President, if this resolution be, as has been suggested, the simple expression of the feelings of the American Congress, complimentary to Governor Kossuth, why, under the circumstances in which we are now placed—engaged, as we are, in the performance of our constitutional duties, with a mass of business which will command our earnest, constant, undivided attention for months to come—why has it not occurred to Senators to consider whether, neglecting our appropriate duties, we ought to employ our time in regulating the terms of a mere idle, valueless compliment?—idle in itself, and valueless in the view of him to whom it is addressed, as we know from his repeated declarations. So considering it, that question is submitted to the individual opinion and to the individual taste of every member of the Senate.

It seems, sir, we have got to a point of time, in this system of progress, when precedents are scoffed at. We are not to look at precedents—we are to decide *de novo* upon existing circumstances as they arise, and to make precedents which our successors will in like manner follow, or discard at their pleasure. Sir, this is not my view. I am not willing to depart from the usages of our predecessors, unless some reason can be assigned for such departure that is satisfactory to my judgment. Such also seems to have been the view of the advocates of the resolution, for they refer to the case of the

Marquis de Lafayette as a precedent to justify this proceeding. Mr. President, in the American Senate, in the highest legislative council of the Union, are we, who are reveling in the enjoyment of those liberties which this illustrious man assisted our fathers to achieve—are we to put the case which is now presented to us, in comparison with that of Lafayette? Who was that distinguished individual? What were his services? Sir, the career of Lafayette exhibits a noble patriotism unrivaled in the history of the world. Born and educated under a monarchical government, a French noble, invested with all the privileges of his rank, and accustomed to the deference which was paid to it, he forgot all the prejudices of birth and of education; surrendered the privileges of his rank; abandoned his home and his country, to come to us. He was with us and of us. He put life and fortune on the same cast with our fathers. He was their compatriot, friend, brother; and devoting himself with all the energies of his mind to the achievement of our liberties, he battled nobly in that glorious cause. When we gave him the reception which is referred to as a precedent in this case, he came not to agitate, not to advance a political principle, and not to involve us in European strife, but to revisit the scenes of his early and glorious struggles in the cause of freedom; to grasp the hands of his surviving brethren in arms, who had battled with him in the achievement of our liberties. Aye, sir, he came to view the glorious spectacle presented by the successful administration of that very government which he had risked life and fortune to establish. It was to this man, coming to us under such circumstances, that this tribute was offered. Sir, it has no parallel; it can have no parallel; it stands alone, and it should be permitted to stand alone. I would not diminish the value of the compliment which was paid to the Marquis de Lafayette, by its repetition in favor of any living man. We owed him a debt of gratitude for personal services and for pecuniary aid, which we endeavored to discharge. The personal homage which we offered was a tribute to his patriotism. We gave the reception which our feelings prompted. Sir, we look in vain to the case of the Marquis Lafayette for a precedent to the course which it is proposed to pursue on this occasion.

But if this were really and truly the mere unmeaning compliment which gentlemen seem to think it—if it were indeed a mere expression on our part of the feelings of the American people in relation to this distinguished individual, a simple welcoming to our shores, committing us to no future action—if this were truly the whole extent of the resolution that is proposed by the Senator from New York—I say again, I would refer it to the taste of individual Senators, exercising my own without troubling the Senate with the remarks which I propose to make on that branch of the subject.

Mr. President, this resolution is to be considered not merely with reference to the terms in which it is expressed, but also in its close connection with the circumstances under which it is presented. This individual, distinguished by his exertions in the effort to achieve the independence of his native country, was the victim of misfortune. Compelled to fly from his native land, he was imprisoned, or subjected to surveillance, in the dominions of Turkey. His situation and that of his associates excited our sympathy, and not merely ours alone, it arrested the attention of every portion of the civilized world where the blessings of freedom are held even in slight regard. What have we done? A great stress is laid upon the fact that we have invited him to our shores. We have not invited him alone. We have interfered for his relief and for that of his associates in captivity with the Government of Turkey, and our agency has been effectual in accomplishing that object. But our invitation was not addressed to him only; it included his associates. It was not designed as a mere compliment to Mr. Kossuth. It was intended as the expression of our sympathy with a band of gallant patriots who had struggled and fallen in the effort to achieve the independence of their country. Again, sir, for what purpose did we invite him here? Is it doubted by those to whom I address myself that the object and purpose of that invitation was to afford to these Hungarian patriots, who were then imprisoned, an asylum in our country? We dispatched a national vessel

for the purpose of securing their safe transit across the ocean. We have brought them here, and in my judgment, if they were disposed to remain, we have imposed upon ourselves the obligation to afford them an asylum in our land, and the means of enjoying that asylum in comfort. The moment they touched our shores they were under the protection of our laws. Beyond that, we have perhaps imposed upon ourselves the obligation to provide them the means of comfortable subsistence, and ultimately of achieving an independence for themselves. But looking to the public declarations of Mr. Kossuth, we know that this is not his object; that he does not come to seek an asylum here. No, sir; he comes here for the purpose of propagating a political principle; to assert the right of the people of every nation to regulate their own affairs, uncontrolled by the action of any foreign power; and to ask from this Government a pledge that it will aid him, not merely by moral, but by physical force, if it becomes necessary, in any future struggle in Hungary, to enforce and establish that principle.

The consideration which I am disposed to give to this subject, the gravity of the question presented to us, arises therefore from the fact, patent on the face of the proceedings exhibited to us—that Mr. Kossuth expects from us, from the American Government, voluntarily—of their own accord, if they will—and if not, from the American people, acting upon the American Government, under the excitement produced by his narrative of Hungarian wrongs, a similar result—a pledge that they will so far interfere in the contest about, as he states, to be renewed in Hungary, as to say to every foreign power: "You must abstain from all interposition. The people of Hungary have the right to establish the principles of their own government. They are engaged in a contest with the power of Austria. You must not interfere. We hold this to be the principle which our position in the civilized world requires us to maintain." We are to become the champion of this principle, and, in union with Great Britain, we are to say to the Emperor of Russia: "Stand off! If you attempt to interpose in this contest between Hungary and Austria, we shall feel bound to render such interposition fruitless." Is this a fair interpretation of the facts which are before the public? I ask, without quoting them, a reference to the speeches of Mr. Kossuth, delivered in various places in Europe—to the speech of a distinguished citizen of our own country in England—to the sentiments avowed by an American official there—and to various declarations made by Mr. Kossuth since his arrival on our shores.

Now, what is the position in which he places this matter? He says to you, The expression of your sympathies—of that feeling which is natural to every freeman—is grateful to the Hungarian; but the expression of your sympathy is valueless; it can do us no good. Our necessities require that the expression of sympathy should be followed by some efficient act on your part. I am a plain man, he says; I am now here where I am free to speak, and I tell you that I come to ask the aid of your Government to secure to my countrymen the enforcement of the principle, that no foreign power shall be permitted to interfere in the contest which we shall wage with Austria for the establishment of our independence. Sir, if gentlemen have read the speech of the distinguished American citizen in Europe, to whom I have referred, they have seen distinctly avowed this proposition.

There is about to be convulsion in Europe. A league of despots have combined for the purpose of destroying all republican governments; and the question proposed is, Shall we wait until, isolated and alone, we are compelled to arrest their aggressions? or shall we unite ourselves with the only really free Government on the other side of the Atlantic, and announce, in advance, our determination to maintain the principles for which Mr. Kossuth contends? In express language, it is said in the speech to which I have referred, that England and the United States, looking to their mercantile and naval marine, command the ocean; that they have it in their power to blockade the ports of these despotic powers, if it be necessary, or if not necessary, to place their vessels at the mouths of the harbors of their different ports; and to repeat the operation which was practised by our own Government upon Mexico during our war with that Power; to levy duties on vessels entering

those ports, and in that way to destroy their commerce.

I refer to these details not for the purpose of commenting upon them; not of expressing an opinion as to their efficiency, still less to intimate any opinion of the correctness of their avowal; but simply to show that it is not your sympathy which Mr. Kossuth asks. It is not public honors to himself which he seeks. No, sir, he comes here to obtain from you a pledge to enforce the principle, that no foreign Power shall be permitted to interfere between the Hungarian people and the Austrian Government in the event of a renewal of the contest. Are we prepared to give that pledge? Whence do we derive our authority? We have in these two Chambers the right to exercise all legislative power which is conferred by the Constitution; and among these powers is that of declaring war. Have we the power, under circumstances like the present, to pledge this Government irredeemably, to a course of action which may lead to war, and which must, in all human probability, have that result?

I do not know what estimate is formed of the character of the Emperor of Russia: it has not been a subject of my study. But I can imagine that if anything could arouse the feelings of an individual to resistance against such interference as is proposed, it would be the announcement of the principles that we, to them a trans-Atlantic Power—a free people who have hitherto declared that, while maintaining the principles of freedom within our own limits, we abstain absolutely and entirely from all interference with any other Government—may more, that we will allow (as some are disposed to assert) no interference of any European Power in the affairs of this Continent,—if any circumstance, I say, could arouse the feelings of the individual who is at the head of the Russian Empire to a degree which must inevitably result in war, it would be the course which it is now proposed to pursue. That this course is contrary to the settled policy of the Government from its foundation, I think no one will be disposed to deny. Our Presidents and our Congresses have not hesitated to express, in times past, their devotion to the principle of civil liberty. They will not hesitate now. But from the time of General Washington's Farewell Address to the American people, down to the present moment, the principle of avoiding entangling alliances with other nations—such as that which I think must be the inevitable result of the progress of these proceedings, if they should be adopted—the principle of avoiding all interference with the disturbances or convulsions of Europe, has been uniformly and emphatically avowed.

I desire to ascertain from the American Senate—according to the individual whom it is intended to honor, on this occasion, all the merit which his most enthusiastic admirers may be disposed to claim for him—whether they are disposed to depart from that principle of policy by adopting a measure which, in my judgment, necessarily involves that departure?

We are told of the interpretation which the civilized world has given to the mere act of invitation which has been extended to this individual and his associates, by sending for them a national vessel; and if, after the avowals he has made in England; if, after the declarations of the distinguished American citizen to whom I have referred, and which Mr. Kossuth says expresses all his feelings and all his desires; if he after the declarations which Kossuth has made after landing on our shores; the distinction which he has drawn between the Government and the people; his avowal of a determination to appeal to the people for the active sympathy which he invokes in behalf of his country; if after all this, which is perfectly known to us, the Congress of the United States, representing the thirty-one sovereign States of this Union, and the twenty-five millions of people which compose it, shall welcome him to the shores of the United States in this formal manner, do they not thereby impliedly acquiesce in the object which he thus publicly and in advance announces that he came here to accomplish? Is not that the very interpretation which the civilized world will give it? He says to the American people—and the declaration is before us while we are agitating the question:

"I do not come here to ask your sympathy. That is gratifying, but valueless. I come here to invoke the aid of the great American Republic to protect my people, peaceably, if they may, by the moral influence of their declara-

tions, but forcibly if they must, by the physical power of their arm—to prevent any foreign interference in the struggle about to be renewed for the liberties of my country. I am a plain man. I am in a land of freedom. I am permitted to speak freely my sentiments. This is what I ask. If this is accorded to me, I go home, and the liberties not merely of Hungary but of Europe, are secured. If not, I go with my countrymen alone to renew that struggle for the achievement of our liberties."

This language is too distinct to be mistaken. If this resolution passes, extending to him alone—(departing from your invitation, for that included his associates)—the welcome which it proposes, after these declarations of the object for which he comes here, the civilized world will be much more authorized than they were by the invitation which has been referred to by the Senator from New York [Mr. SEWARD] to conclude that the welcome to Governor Kossuth implies a pledge that we will interpose, if necessary, and in the manner he desires, for the protection of the Hungarian nation. In my judgment this inference is irresistible; and if it be not, yet if it occasion doubt; if it result in producing opposition to this resolution in its present form; if gentlemen do believe (and I doubt not that they are sincere in the declaration) that this is a mere testimonial of the respect and good will of the people of the United States toward a distinguished advocate of the cause of civil liberty, they will not hesitate to accept the amendment which I shall submit, and which is simply calculated to exclude this conclusion. I desire, in the first place, by the amendment which I shall propose, to fulfill the expectations which were reasonably created by the invitation, by extending this resolution to the associates of Governor Kossuth. The interposition of the American Government in behalf of these captives was not confined to that individual alone: it extended to all his associates in captivity. The invitation to our shores equally embraced them all. If, therefore, we are acting in fulfillment of the obligations created by that invitation, we must not confine the resolution to Governor Kossuth, but must extend it to his associates. To him and to them, to the full extent of my constitutional powers, I am willing to afford an asylum within the limits of the United States, and to provide all the means of making that asylum comfortable. But I should be unfaithful to my duty as an American Senator, according to the convictions of my judgment, if I suffered any zeal for the advancement of the principle of civil liberty on the other side of the Atlantic to induce me to jeopard the safety and the vital interests of the country which is my own; to which I owe my first, entire, and absolute allegiance. I am unwilling, therefore, to leave it to implication, that by this reception, under these circumstances, we have entered into a pledge that by the exertion of moral, and, if necessary, of physical force, we will protect the people of Hungary from all foreign interference upon the renewal of their struggle. Such a pledge once given would be irrevocable. It could not be violated without dishonor. It could not be redeemed without putting in jeopardy the best and most vital interests of our country.

These are the views which I entertain on this subject, and, in accordance with them, I propose to amend the resolution by adding to it the following:

"And be it further resolved, That the welcome thus afforded to Louis Kossuth be extended to his associates who have landed on our shores; but while welcoming these Hungarian patriots to an asylum in our country, and to the protection which our laws do, and always will afford to them, it is due to candor to declare that it is not the purpose of Congress to depart from the settled policy of this Government which forbids all interference with the domestic concerns of other nations."

Mr. HALE. I am desirous that the resolution shall pass, but I am not so desirous that this resolution shall pass that I am willing, in order to obtain that, to resign what I believe to be any of the privileges of a Senator. With great deference to the Chair, I look upon its decision as being in contravention of that right; and before I sit down I intend to take an appeal, and quote authority from the Manual, which I think sustains me. I refer to the decision that the amendment offered by the Senator from Illinois [Mr. SHELDS] to the resolution of the Senator from New York [Mr. SEWARD] is out of order. But before I proceed to do this, I wish to say a word or two upon that question in the aspect in which it is now presented; and I beg leave to assure the honorable Senator from Mississippi [Mr. FOOTE] that I use words

with no sectional, no hidden, no sinister meaning. I will endeavor to use as pure English as I can collect, and use English in the acceptance which it has as far South as civilization extends, and without any qualifications at all.

I am desirous that the resolution shall pass, and I am so desirous that it shall pass that I shall interpose no amendment, because the honorable Senator from Michigan [Mr. CASS] thinks that, on a former occasion, an amendment which I had the honor to propose operated very fatally upon the resolution which he introduced. My own opinion is, that the amendment lost strength by being tacked on to his resolution; and if I had introduced it as an original measure it would have passed. But to come to this resolution. I want to speak to what seems to me to be a great objection to it, and that is, that it wants precedent.

The PRESIDENT. The Senator gave notice that he was about to appeal from the decision of the Chair. If the debate goes on, he will be too late to take an appeal. The decision of the Chair is considered as acquiesced in, unless an appeal is immediately taken. When the Senator from Georgia rose, the Chair requested him to give way in order that an appeal might be taken. But the Chair will still receive the appeal; though, if the discussion goes on, it will be too late to take an appeal.

Mr. HALE. Yielding to the wishes of the friends of the resolution around me, I will not take an appeal, but I hope this decision will not be taken as a precedent. I deem it wrong; but I shall submit to the wrong for the present, for the purpose of getting to a greater good, and that is, the consideration of this resolution. I want to address myself to the objection that this resolution wants precedent. It is said that the only precedent which can be found was the case of the reception given to the Marquis de Lafayette. A very eloquent eulogy was passed on the sacrifices and services which that distinguished individual made in the attainment of the liberties of this country, which entitled him to the reception which he received when he visited our shores, something more than a quarter of a century since. Now, I want to take this very case of Lafayette, and see if it is not a case in point. I ask you, sir, if, when the idea was first suggested to the mind of Lafayette that here was to him a trans-Atlantic people—an ocean wider, for all practical purposes, by thousands of miles, than than now, was between him and this trans-Atlantic people, who had risen up with the energy of freemen and were asserting their rights, and struggling to maintain the declaration which they had made—if Lafayette, instead of acting with that noble and disinterested chivalry with which he threw himself into the contest without waiting to see whether fortunate or adverse circumstances attended those who were struggling here—if, instead of obeying the generous impulses of his own nature, he had begun to study the musty records of the monarchy of France to find a precedent, how long would it have been before he would have thrown his fortunes and his life into the scale in which he ventured his all? Sir, many, many centuries would have elapsed before he would have found a precedent for the course which he then took. He found that precedent by the occasion, and the occasion made the precedent.

Another word as to precedents, as applicable to us. What has been the history of the United States? Why, instead of following precedents, they have been making precedents.

Mr. FOOTE, of Mississippi. Presidents.

Mr. HALE. The honorable Senator from Mississippi says we have been making Presidents. I suppose the word *precedents* sounds so much like *presidents*, that the Senator from Mississippi cannot hear it without its calling up some other associations than those, as the only ones which belong to the occasion.

Mr. FOOTE. I would simply say, that knowing that the gentleman himself had at one time aspirations for the Presidency, I thought it possible that that was in his mind when he made use of the word; particularly as I understood him distinctly to pronounce the word *presidents*.

Mr. HALE. In dictionaries, and precedents, and pronunciation, I yield to the honorable Senator from Mississippi, [Mr. FOOTE,] but in nothing else. I think it is a little ungenerous in the Senator from Mississippi, who comes here from fields in which he has so successfully combated those

who opposed his claims—who comes here with plumed cap full of triumph, not to enjoy the blushing honors with which his State has crowned him, without a fling at my poor claims, which were so long ago rejected. I ask him if, while those honors are heaped upon him, he cannot remember Mordecai the Jew, sitting at the King's gate? I had hoped that prosperity would have brought better lessons with it, but it seems it has not. I leave the subject.

I say, that it has been the province and destiny of the United States not only to make Presidents but precedents. I believe that, when the members of the Continental Congress assembled on the 4th of July, 1776, and put forth the declaration which they have put forth to the world, they were acting entirely without a precedent; that a precedent is not to be found in which the representatives of a vast number of States had come together in peaceful conclave, and in solemn and mature deliberation come to the conclusion that it was a dictate of duty to separate the connections which had heretofore bound them to their mother country. Then they were acting without precedent. And after the justice of that declaration was vindicated by a seven years' war, the experience of a few succeeding years of peace had told them that peace itself might become valueless without something to render those blessings permanent and valuable, they assembled together in a convention which framed our Constitution, and they were then acting entirely without precedent. I believe you may search the world, and you cannot find an instance in which the representatives of a nation came together in that manner, and formed a written constitution. It was the second written constitution, I think, which the history of the world, up to that period, presented, and the first was that formed on board the Mayflower, when the Pilgrims were on their way from Delft-haven to this country. That was a matter without precedent, and so the history of our country has been without precedent. Instead of following in the vestiges which have been left us of nations gone before us, we have been following the destiny which seems to be ours—been making, instead of following precedents. And such, I trust, we shall continue to do.

In regard to this resolution of sympathy, respect, or condolence, or whatever it may be, with Kossuth, what is to be the effect of it? Some gentlemen may think that it looks to something ulterior, but it does not of itself include anything of that sort. It does not bind the people of this country to anything. It is simply the expression of what I believe the whole people feel—sympathy with Kossuth. They look upon him as the living representative of a great principle which has been the idol of their affections. They look upon him as the vindicator, in the struggles which he has sustained in his own country, of those great sentiments which are dear to the whole American people, and impressed upon the whole American heart. It is because the people of this country look upon him as the representative of these principles, and see in him the living embodiment of that which is dearest to their own affections. They desire in the most solemn form in which the action of the people or the Government of the United States can do it, an expression of those feelings to be given to the distinguished individual who has thus come to our shores.

And, sir, shall the American people hesitate, shall they pause, shall they be afraid to give utterance in the most formal, the most solemn, and the most effective manner in which they can do it, to the sentiments which the great body of the people entertain? If we are to pause before we give utterance to sentiments like these, until we think that they will fail to give offence to any of the other Governments of the world, we might as well abandon at once the idea of carrying out the principles which are embodied in the Constitution under which we are organized to-day. I have no doubt that the very formation of that Constitution, the very embodiment of the sentiments upon which the Constitution is founded, embraced in the Declaration of Independence, gave offence at the moment of their promulgation, and give offence now, and will continue to give offence to the latest period of time, to the despots of the Old World and of the New. They will never be pleasing; they will never be palatable to them. If the people and the Government of the United States are to

pause and reckon and calculate how the expression and utterance of their sentiments may be made palatable and void of offence to those who entertain directly contrary sentiments, we might as well at once close our mouths in eternal silence.

It is because the utterance of these sentiments will give offence to those who are always offended whenever the sentiments of liberty are uttered, that they have value. It is because they will testify to the victims of oppression everywhere that there is a feeling of sympathy, of commiseration, of condolence, and of respect in the whole American people with them in their misfortunes—it is because of this that this resolution has any value.

If you stop to fortify it with provisos and qualifications, and reservations and exclusions of conclusions, it may be a very good special plea, but it will be a very poor channel through which the sympathies are to find vent—to find utterance and expression. No, sir; let the expression of these sentiments be broad and manly, open, unqualified, and direct. Let them speak in the plainest manner in which the English language can present ideas, the sentiment which to-day is beating and vibrating through the hearts of the whole American people. Let the bearings and uprisings of the great American heart, which has been moved by the advent of this man, as it has not been moved for more than a quarter of a century, find a corresponding movement and expression here from the representatives of the nation in this Congress assembled.

Let us not be afraid that there is any danger of compromising or committing ourselves to any step which we may need hereafter to retrace or retract. It was said by a distinguished American statesman, on another occasion, that he took no step backwards. Such, I trust, will be the language of the American Senate and American people—that they will take no backward step. They have planted their banners. They are unfurled. They have written their sentiments where the world may read them, and where, I trust in God, all time will not efface them. Let it never be said to the victims of despotism in the Old World, that are straining their aching eyes and looking with throbbing hearts to hear what the only free people on the face of the whole earth will do, that we have hesitated, halted, furled our banners, lest our views, if repeated and reiterated by us, might give offence to those to whom the principles of liberty are always an offence. I trust that, instead of going back—instead of retrograding—instead of pausing—we will make this resolution more full and more explicit. If it wants more meaning, put it into it. We do not, by such a course as this, commit ourselves to anything and everything which somebody may have said: but we do commit ourselves to principles of fidelity to the great cause which lies at the bottom of our Revolution and is embodied in the principles of our Constitution. I trust that we are prepared to go as far as that. As I am desirous that the resolution shall pass, I will not trespass longer on the Senate, but will give way, hoping that we may arrive at early action.

Mr. MILLER. Mr. President, I desire, at this point of the debate, while the amendment of the Senator from Georgia is before the Senate, to say a few words. Three months ago, the object of this resolution was a prisoner in Turkey. Driven from his own country, forsaken by every Christian nation in Europe, the diplomacy of this country, actuated by a high and Christian spirit, sought him out, and tendered to him a national ship, in which he was brought to this country, under the flag of the Union. When he landed on the shores of this continent, he received, as he is now receiving, the sympathies of millions of free-men. Who was it that attracted the attention and the sympathies of this country? It was Louis Kossuth, the exile, not Louis Kossuth, the Governor of Hungary. It was not Kossuth, the successful hero and statesman, but the deserted and the unfortunate Kossuth, to whom we extended our liberality and our courtesy. In the spirit of the resolution which we passed at the last session, asking our Executive to interfere in a peaceful and a quiet way, by diplomacy, he was rescued from his imprisonment and placed upon our shores as an exile. In that spirit I am willing to receive him, and in that spirit the American heart is willing to receive him. It is not to Louis Kossuth, Governor of Hungary, that this resolution and the amendment of the Senator from Georgia ex-

tends. We receive him not with a crest upon his helmet, and sword and spear, not as Cæsar clothed in armor, but as Cato in his gown, as the great Apostle of Liberty, coming here after having been driven from his native land, seeking that liberty upon our shores which, with all his exertions, he could not obtain at home.

It is a common fashion to glorify the successful and conquering hero. But it is no common fashion for a great nation to seek the deserted and the weak and the down-trodden, and to award to them their sympathies and cordial greetings. I confess that I consider it one of the proudest chapters in the history of American diplomacy, where it interferes not by armed force, but by the great influence which is gathered around this country of liberty and law, to take from the dungeons of Turkey a man who had been trodden down by the despots of Europe, and without interfering with the rights of any, placed him at liberty and brought him here to this Western world, where he can enjoy the rights and privileges of a freeman.

The resolution of the Senator from New York does nothing more than to bid him welcome to this country in the name of the people. I should have preferred that resolution, had it not been for certain matters which have transpired since the landing of this distinguished individual upon our shores. In the first speech which he made on landing in New York, at Castle Garden, a speech prepared with great care, he declares, with the manly straight forwardness of an honest man, what he wants. He says that it is not merely our sympathies that he looks for, but that he wants pecuniary means and political aid, and nothing less. He asks for all the sinews of war—money, men, and political power. It is said that he has not asked this of the Government, but he has asked it of the people. What is this Government but the mouth-piece of a free people; and when this Government speaks to strangers and speaks to the world, it is the people of the country that speak in the language uttered by the Government. That is the great glory of our Republican institutions.

This distinguished man asks us—the people of this country—to go to war on the Continent of Europe, by money, men, and political influence, for the cause of human liberty there. Now, no man desires more than I do, that the great cause of civil and religious liberty should succeed upon the Continent of Europe; and I believe, judging from the signs of the times, the day is not far distant when, by reason of the influences which have been cast back upon that Continent from this country, by means of the continual and intimate social intercourse between that country and this, by means of emigration and reémigration, by the peaceful and quiet influence of this country, Europe is to be regenerated. But if we listen to this cry of armed interference, and if the people of this country are to go with men and money to fight the battles of liberty on the Continent of Europe, then we at once put an end to that wise policy which we have practised from the days of Washington to this hour; and instead of the influence of this country being exercised as it has been heretofore exercised, armed force, and war, and blood is to determine whether Europe is to be free or not. In my humble opinion, the first American gun discharged upon the Continent of Europe, in defence of a revolution in Europe, will be more disastrous to the cause of human liberty than all the batteries of all the despots in the world.

Sir, it is said that we have a great mission to perform: that it is our duty to interfere, not only by the expression of sympathy, but in some other way which gentlemen do not exactly define, in the cause of distressed humanity in Europe. We have a great trust to execute, and a great duty to perform; but, like every other trust and every other duty, domestic, social, and political, it is limited; it has its errand. If we go beyond that—if we turn crusaders for the purpose of executing that trust and performing that duty in other lands, like all crusaders we may get great honor, we may be renowned in chivalry and in song, but we shall neglect the great duties which we have to perform at home, where we can perform them to the advantage of mankind.

The altar of our liberty has its own temple. It is here. Here let the oppressed of every land come to worship. Here let them come if they

desire to get rid of oppression at home or to warm their patriotism to return to renewed efforts abroad. Let them come; but let us not take away that altar from our own temple and carry it off into the wilderness of European Revolution, there to be taken by the Philistines, or its fires to be quenched forever beneath an ocean of blood. No, sir; it is here that our duty is to be performed.

I have felt it my duty to make these remarks, because I intend to carry out the resolution of Congress which was passed at the last session, and to give to Louis Kossuth and his companions in exile, a hearty, a noble, and a generous welcome to this country. I care not as to the form of this welcome. While I am willing to do that, I wish it at the same time to be understood that I acknowledge none of these new doctrines which have been started, that we are to implicate ourselves in the affairs of Europe. I wish it also to be distinctly understood, that I do not agree with the doctrine of cutting off this nation from all social and international intercourse with Europe. I am not, in the language of the Senator from Michigan, for cutting the string. We have a duty to perform in this respect. I am for keeping up legal and international intercourse through diplomacy with all the nations of the earth, and maintaining friendly and social relations with them. I would not forsake Austria because of Austrian despotism. I would not forsake Russia because she is denounced to be a despotic power. Among the proudest nations of Europe, alongside of the highest and oldest flag, should our flag be sustained; not by war, but this great nation should be represented there by some of her patriotic and intelligent citizens. In the darkest days of the struggle for human liberty there I would maintain the influence of this Government; not for the purpose of interfering by armed force, but to hold out to the unfortunate and oppressed of those nations, if they cannot after all their exertions maintain liberty there, our flag and our influence will afford them a home here.

A word more, and I have done. The amendment of the Senator from Georgia does not at all, as I see, change the resolution offered by the Senator from New York. It merely avoids a conclusion which might be drawn from the passage by the Congress of the United States of a resolution in such general terms. The resolution with the amendment shall have my hearty concurrence. I, too, have not been an inattentive observer of the history and conduct of this distinguished individual. I admire his talents and patriotism. I believe him to be a man who has devoted himself not to any wild scheme of liberty in Hungary, but to the establishment of constitutional government and liberty for the benefit of his people. As such I shall personally greet Louis Kossuth cordially, and also as a representative of one of the States of this Union.

Mr. FOOTE, of Mississippi. I do not rise for the purpose of continuing this debate, and if any gentleman wishes to discuss the resolution, I shall give way to him. I intend simply to put myself right before the country in regard to this matter. I introduced the original resolution, as I have already stated, at the instance of the Secretary of State, and, as declared to me by him, and doubtless truly, with the sanction of the Administration itself, it being the opinion of the President and his Cabinet, as clearly intimated in the last annual message, that it was the duty of Congress, under all the circumstances existing, to provide a suitable reception for the distinguished personage whose character and actions have been the subject of such extended remarks on this occasion. I acted, I say again, at the instance of gentlemen of high official standing in Washington, with whom after full consultation, I had the good fortune to agree. I am willing to acknowledge, that in none of the conversations which I held on this subject, preliminary to introducing the original resolution, did any person undertake to intimate the propriety of so demeaning ourselves in the discussion of the question designed to be presented to the Senate, as to avoid enkindling the resentment of the Emperor of Russia. Had any such consideration been suggested to me, I should have felt not a little dissatisfaction with the personage in whose brain an idea so ignoble had arisen. I understood the resolution before us to be simply a proposition to afford to Governor Kossuth, on account of the high respect which we entertain for his public

character, and the ardent sympathy which the freemen of this country must naturally feel for him, and the noble cause with which he stands identified, a reception cordial and respectful on the part of the two Houses of Congress in the first instance, to be followed, as has been generally anticipated, by an additional reception on the part of the Executive of the Republic. I now regret exceedingly having withdrawn the original resolution, because it might, perhaps, have been acted upon before the present time. I withdrew it for reasons satisfactory to me, and which I stated in the hearing of the Senate. I supposed that it would be impossible for us, in consequence of the unexpected opposition presented in various quarters of this Hall, to act on the resolution brought forward by me in time to accord to Governor Kossuth that reception which I had hoped all the members of this body would have supposed to be due to him. Since that period, some delay having occurred in New York with regard to his public reception there, other gentlemen here, friendly to the original object which I had in view, have thought proper to introduce propositions to provide for him a respectful and affectionate reception in the capital of the nation.

Was there anything in the original resolution—is there anything in either of the resolutions which have been presented to the Senate since the withdrawal of the original one, which indicates an intention, on the part of those who have agreed that this illustrious personage is entitled to some respectful notice at our hands, of a nature to commit the Government to all the uncertainties and perils of a European war? No calmly-thinking and dispassionate man can examine any of the propositions presented, and come to such a conclusion. I do not understand the language of Governor Kossuth in New York as the Senator from New Jersey, [Mr. MILLER,] and some others, seem to understand it. I do not understand him at all as intimating an expectation that this Government, as such, should enter into a war at once without delay, for the maintenance of the independence of Hungary. I understand him—and the gentleman from Georgia, in one part of his speech seemed so to understand him—as clearly asserting a distinction between the people of the United States and their Government. That distinction was intimated by him, not in any spirit of hostility toward our institutions—not for the purpose of exhibiting any disrespect on his part towards the Government, or intimating any doubt in his mind as to the sincere sympathy which the Government of the United States entertains for him and his fortunes. The contrary idea is most emphatically stated by him. I understand him to appeal, as he has a right to do, to this nation of sovereigns, every man of whom is equally and completely independent, for the calm and dispassionate consideration of that claim to respect and sympathy which he has come here to present to them. Has he not a right to address public meetings of our citizens in behalf of the cause of Hungarian freedom and independence? Have not our people a right to listen to him respectfully—to avow their respect and affectionate sympathy for him, and to supply him with such pecuniary aid as he may be willing to receive? Have they not a right to do anything for the furtherance of the cause which he has at heart, which is not of a nature calculated to compromise our international relations, or involve us in foreign wars?

I maintain that he has said nothing at all in any of his speeches that I have seen which goes beyond this. I know that certain slanderous prints have asserted that he has employed language of a very different character. I know that in advance of his coming the most unmanly and illiberal efforts were made to poison the public mind in regard to him and his claims to our admiration and kindness. I have looked into this matter pretty closely, and I feel justified in asserting that great and cruel injustice has been done to this distinguished individual in regard to what he said in the city of New York. What is it that is now proposed? One gentleman simply urges substantially that we shall give to Governor Kossuth a hearty national welcome. Is there any harm in that? But it is said there is no precedent for this; and again it is answered that a precedent has been discovered. Then it is said that the precedent found does not apply, because Lafayette was a greater man than Kossuth, or had greater claims upon our regard. Both of them

were men, I believe. Both were illustrious men. Both were champions of freedom. Both had suffered in maintaining this cause. It is true, Lafayette was not Kossuth, and Kossuth is not Lafayette; but no one can deny that the character of each is such as naturally to command the respect of a nation of freemen.

We have said already, by a resolution adopted nearly a year ago, that Kossuth was entitled to our special sympathy. I undertake to assert, therefore, that the precedent established in the case of Lafayette is applicable in all its material bearings to this case. I do not care very much, though, about precedent in such a case. This is, in some degree a question of common sense, and still more a question of manly feeling—a question to some extent also involving our character as supporters of Republican institutions. I was not prepared to hear it said, or even insinuated here, that we should shudder with alarm in the performance of what we may consider a high moral duty to the cause of freedom, on account of the danger which is supposed to exist of our offending his High Mightiness, the Czar of Russia. I am resolved to perform what I deem my duty as an American Senator, and to risk all consequences; and I shall respect the government of this Republic far less than I now do when it shall fail to perform its clear public duty from dread of the censure or condemnation of any of the despotic powers of Christendom. I fear that there has been too much of this feeling in our national councils in times past; and I am sure that we have arrived at a period when it becomes us to express our opinions of public men and of Governments with more freedom and boldness than has heretofore been usually practised by men in power.

We owe, as I believe, to the illustrious Governor of Hungary, a cordial national reception. Can any one pretend that such reception would violate the laws of nations? No one has pretended that it would. What right, then, would the Emperor of Russia have to complain of it? Is it disrespectful to him to treat a man, who is, in the judgment of the civilized world, possessed of higher moral attributes than any reigning monarch, with special respect and even with reverential homage? If this potentate could feel insulted at an act on our part so becoming, so natural, and should be silly enough to complain of it, he would expose himself to the laughter and contempt of the civilized world, and I should rejoice that his proud and callous heart had been made to feel the softening influence of chagrin and mortification for once in his life.

I must confess that I greatly prefer the proposition of my friend from Illinois, [Mr. SHIELDS,] and but for the extraordinary desire felt by the honorable Senator from Georgia to gratify the American public with his views *in extenso* on this subject, the resolution of the Senator from Illinois might have been accepted by the Senator from New York as a substitute for his, and there would have been an end of the matter. The performance of such an act as that indicated by the resolution of the Senator from Illinois, would not have affected our peaceful relations with the Governments of Europe. How is it possible that any mischief can possibly arise from our being introduced to Governor Kossuth in our own Hall, and the other members and the Government performing the rites of hospitality in such manner as they deem appropriate and becoming? Sir, I deeply deplore this whole debate. I must say that I think it is calculated to detract somewhat from the dignity of the Government itself. Comparisons have been indulged, and parallels attempted to be run which, whilst they testified some ingenuity of a rather trivial and worthless character, are not at all in unison, as I must think, either with the rules of good breeding or the laws of sound taste.

Mr. SUMNER next obtained the floor, but gave way to—

Mr. RUSK, on whose motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 9, 1851.

The House met at twelve o'clock.

The Journal of yesterday was read and approved.

The following gentlemen appeared to-day, were qualified, and took their seats, viz: Mr. McQUEEN and Mr. WALLACE of South Carolina, and Mr. MOORE of Louisiana.

STANDING COMMITTEES.

The SPEAKER announced the standing committees which he had appointed under the rules and order of the House, viz:

Committee of Elections.—Messrs. David T. Disney of Ohio, William S. Ashe of N. C., Christopher H. Williams of Tennessee, Wm. T. Hamilton of Md., Abraham M. Schermerhorn of N. Y., John S. Caskie of Va., Presley Ewing of Ky., George T. Davis of Massachusetts, and James Gamble of Pa.

Committee of Ways and Means.—Messrs. George S. Houston of Alabama, George W. Jones of Tennessee, Edward Stanly of N. C., Harry Hibbard of N. H., James Brooks of N. Y., J. Glancy Jones of Pa., William Appleton of Mass., Cyrus L. Dunham of Ind., and John S. Phelps of Mo.

Committee of Claims.—Messrs. John R. J. Daniel of N. C., Alfred P. Edgerton of Ohio, Richard I. Bowie of Md., Origen S. Seymour of Conn., Robert Rantoul, jr., of Mass., William A. Sackett of N. Y., Carlton B. Curtis of Pa., William R. Smith of Ala., and Gilchrist Porter of Mo.

Committee on Commerce.—Messrs. David L. Seymour of N. Y., Andrew Johnson of Tenn., Alexander H. Stephens of Georgia, Thomas J. D. Fuller of Me., James H. Duncan of Mass., John Robbins, jr., of Pa., Louis St. Martin of La., William Aiken of S. C., and Thomas Y. Walsh of Md.

Committee on Public Lands.—Messrs. Willard P. Hall of Mo., W. R. W. Cobb of Ala., Henry Bennett of N. Y., James L. Orr of S. C., Albert G. Watkins of Tenn., John D. Freeman of Miss., Henry D. Moore of Pa., Bernhart Henn of Iowa, and Joseph W. McCorkle of California.

Committee on the Post Office and Post Roads.—Messrs. Edson B. Olds of Ohio, Alexander G. Penn of La., Orin Fowler of Mass., Paulus Powell of Va., John L. Schoolcraft of N. Y., Richardson Scoury of Texas, Ben. Edwards Gray of Ky., Edward C. Marshall of Cal., and Lincoln Clark of Iowa.

Committee for the District of Columbia.—Messrs. Orlando B. Ficklin of Ill., Thomas H. Averett of Va., David Outlaw of N. C., Edward Hammond of Md., Charles Allen of Mass., Junius Hillyer of Ga., Hiram Bell of Ohio, Alexander H. Buell of N. Y., and Daniel Mace of Ind.

Committee on the Judiciary.—Messrs. James X. McAnahan of Penn., Richard K. Meade of Va., Humphrey Marshall of Ky., Abraham W. Venable of N. C., Isham G. Harris of Tenn., James Meacham of Vt., John Bragg of Ala., Samuel W. Parker of Ind., and Preston King of N. Y.

Committee on Revolutionary Claims.—Messrs. Moses McDonald of Me., Richard H. Stanton of Ky., James F. Strother of Va., James M. Gaylord of Ohio, Henry M. Fuller of Penn., Robert Rantoul, jr., of Mass., Charles Murphy of Ga., Richard Yates of Ill., and Gilbert Dean of N. Y.

Committee on Public Expenditures.—Messrs. Andrew Johnson of Tenn., Charles Sweetser of Ohio, Marius Schoonmaker of N. Y., Nathan T. Stratton of N. J., John Letcher of Va., Thomas M. Howe of Penn., James T. Morehead of N. C., Leander Babcock of N. Y., and Thompson Campbell of Ill.

Committee on Private Land Claims.—Messrs. Timothy Jenkins of N. Y., George W. Thompson of Va., James Abercrombie of Ala., John L. Dawson of Penn., Lewis D. Campbell of Ohio, Benjamin D. Nabers of Miss., J. Aristide Landry of La., William W. Snow of N. Y., and John G. Miller of Mo.

Committee on Manufactures.—Messrs. James M. H. Beale of Va., Thomas B. Florence of Penn., Benjamin Thompson of Mass., Chauncey F. Cleveland of Conn., Addison White of Ky., William Murray of N. Y., Jared Perkins of N. H., Frederick W. Green of Ohio, and Emanuel B. Hart of N. Y.

Committee on Agriculture.—Messrs. John G. Floyd of N. Y., Fayette McMullin of Va., Alfred Dockery of N. C., Joseph Cable of Ohio, Charles Skelton of N. J., Samuel Brenton of Ia., Eben Newton of Ohio, James Duane Doty of Wis., and John McNair of Penn.

Committee on Indian Affairs.—Messrs. Robert W. Johnson of Ark., Volney E. Howard of Texas, George Briggs of N. Y., Joseph W. Jackson of Ga., James Y. Conger of Mich., Graham N. Fitch of Ia., Joseph P. Caldwell of N. C., Ed-

ward C. Marshall of Cal., and Charles Durkee of Wisconsin.

Committee on Military Affairs.—Messrs. Armistead Burt of S. C., William H. Bissell of Ill., Meredith P. Gentry of Tenn., Willis A. Gorman of Ia., Alexander Evans of Md., Ephraim K. Smart of Me., Thaddeus Stevens of Penn., John A. Wilcox of Miss., and Solomon G. Haven of N. Y.

Committee on the Militia.—Messrs. Charles H. Peaslee of N. H., John H. Savage of Tenn., George G. King of R. I., John G. Davis of Ia., William F. Hunter of Ohio, Charles Andrews of Me., William Hebard of Vt., Elijah W. Chastain of Ga., and William T. Ward of Ky.

On Naval Affairs.—Messrs. Frederick P. Stanton of Tenn., Thomas S. Bocoock of Va., Lorenzo Burrows of N. Y., Sampson W. Harris of Ala., E. Carrington Cabell of Fla., Thomas Ross of Penn., Ebenezer J. Penniman of Mich., Isaac Wildrick of N. J., and Robert Goodenow of Me.

Committee on Foreign Affairs.—Messrs. Thomas H. Bayly of Va., Joseph A. Woodward of S. C., Robert Toombs of Ga., William H. Polk of Tenn., John L. Taylor of Ohio, John Appleton of Me., Colin M. Ingersoll of Conn., Joseph R. Chandler of Penn., and John C. Breckenridge of Ky.

Committee on the Territories.—Messrs. William A. Richardson of Ill., Alexander R. Holladay of Va., Thomas L. Clingman of N. C., James W. Stone of Ky., Joshua R. Giddings of Ohio, David J. Bailey of Ga., Zeno Scudder of Mass., Charles E. Stuart of Mich., and James Lockhart of Ia.

Committee on Revolutionary Pensions.—Messrs. John S. Millson of Va., Joseph Russell of N. Y., Amos Tuck of N. H., Norton S. Townshend of Ohio, George H. Brown of N. J., William M. Churchwell of Tenn., Joseph S. Cottman of Md., John Z. Goodrich of Mass., and Willis Allen of Ill.

Committee on Invalid Pensions.—Isham G. Harris of Tenn., Rodman M. Price of N. J., Frederick S. Martin of N. Y., Richard S. Molony of Ill., Ben C. Eastman of Wis., John Johnson of Ohio, Joseph H. Kuhns of Penn., Daniel J. Jones of N. Y., and Charles Chapman of Conn.

Committee on Roads and Canals.—John L. Robinson of Ind., William F. Colecock of S. C., John W. Howe of Penn., John C. Mason of Ky., Benjamin Stanton of Ohio, Emanuel B. Hart of N. Y., Charles J. Faulkner of Va., Josiah Sutherland, jr., of N. Y., and James Johnson of Ga.

Committee on Patents.—David K. Carter of O., Milo M. Dimmick of Penn., William T. Ward of Ky., Benjamin B. Thurston of R. I., and Alex. White of Ala.

Committee on Public Buildings and Grounds.—Richard H. Stanton of Ky., Henry A. Edmundson of Va., Richard I. Bowie of Md., James Duane Doty of Wis., and John H. Boyd of N. York.

Committee on Revision and Unfinished Business.—W. R. W. Cobb of Ala., Thomas Y. How, jr., of N. Y., Thomas M. Bibbighaus of Penn., Geo. H. Busby of Ohio, and Israel Washburn, jr. of Maine.

Committee on Accounts.—John C. Mason of Ky., John A. Morrison of Penn., John Welch of O., Reuben Robie of N. Y., and James H. Duncan of Mass.

Committee on Milicage.—Thomas A. Hendricks of Ind., John D. Freeman of Miss., J. H. Hobart Haws of N. Y., John Letcher of Va., and John Allison of Penn.

Committee on Engraving.—Edward Hammond of Md., George Reed Riddle of Del., and Ahiman L. Miner of Vt.

Joint Committee on the Library of Congress.—Messrs. Joseph R. Chandler of Pa., Joseph A. Woodward of S. C., and Horace Mann of Mass.

On Enrolled Bills.—Messrs. Isaac Wildrick of N. J., and Nelson Barrere of Ohio.

On Expenditures in the State Department.—Messrs. Charles E. Stuart of Mich., William S. Ashe of N. C., John Wells of N. Y., Thompson Campbell of Ill., and Alexander Harper of Ohio.

On Expenses in the Treasury Department.—Messrs. Benjamin B. Thurston of R. I., Thomas A. Hendricks of Ind., Henry S. Walbridge of N. Y., Galusha A. Grow of Pa., and John Allison of Pa.

Committee on Expenditures in the War Department.—Messrs. Milo M. Dimmick of Pa., Willard

Ives of N. Y., Obadiah Bowne of N. Y., Andrew Parker of Pa., and Elijah W. Chastain of Ga.

Committee on Expenditures in the Navy Department.—Messrs. Fayette McMullin of Va., Sampson W. Harris of Ala., Jedediah Horsford of N. Y., Thomas B. Florence of Pa., E. Carrington Cabell of Fla.

Committee on Expenditures in the Post Office Department.—Messrs. Alexander G. Penn of La., William H. Kurtz of Pa., George T. Davis of Mass., Augustus P. Hascall of N. Y., and John H. Savage of Tenn.

Committee on Expenditures on the Public Buildings.—Messrs. Thomas Bartlett, jr. of Va., J. H. Hobart Haws of N. Y., David Outlaw of N. C., William M. Churchwell of Tenn., and John L. Taylor of Ohio.

CHAPLAINS.

[A message was received from the Senate, informing the House that that body had passed a resolution to authorize the election of Chaplains, that it had appointed a Committee on Printing, and on Engrossed Bills, &c.]

Mr. CARTER. I move that the House now proceed to the consideration of the resolution of the Senate in relation to the election of Chaplains.

There being no objection,

The resolution of the Senate was then read, as follows:

Resolved, That two Chaplains be appointed during the present session, one by each House, who shall interchange weekly.

Mr. JONES of Tennessee. I do not intend to detain the House by a speech upon this resolution; but being opposed to its adoption, and to the election of the officers it proposes—first, upon the ground that we have no authority to do so; and secondly, that it is a burlesque upon the Christian religion, I move to lay the resolution on the table.

Mr. CARTER. Upon that motion I ask for the yeas and nays.

Mr. HENN. I wish to offer an amendment to the resolution, providing that the Chaplains shall receive no compensation out of the public Treasury.

The SPEAKER. No amendment can now be offered.

Mr. HENN. I give notice of the amendment I wish to offer, and ask leave that it be read.

Mr. FOWLER. I object to the reading.

The CHAIR. Objection is made, and the amendment cannot be read.

The question was then taken upon Mr. Jones's motion, and there were—yeas 22, nays 169; as follows:

YEAS—Messrs. Abercrombie, W. Allen, Beale, Bragg, Joseph Cable, Chastain, Cobb, Edgerton, Ficklin, Gaylord, Grow, Isham G. Harris, Henn, Hibbard, James Johnson, George W. Jones, McCorkle, McMullin, Phelps, Robinson, Smith, and Toombs—22.

NAYS—Messrs. Aiken, Charles Allen, Allison, Andrews, John Appleton, William Appleton, Babcock, Bartlett, Barrere, David J. Bailey, Thomas H. Bayly, Bell, Bennett, Bibbighaus, Bissell, Bocoock, Bowne, John H. Boyd, Breckenridge, Brenton, Briggs, Brooks, George H. Brown, Buell, Burrows, Busby, E. Carrington Cabell, Caldwell, Thompson Campbell, Carter, Chandler, Chapman, Churchwell, Clark, Cleveland, Clingman, Conger, George T. Davis, Dawson, Dimmick, Disney, Dockery, Doty, Dunham, Eastman, Edmundson, Evans, Ewing, Faulkner, Fitch, Florence, Floyd, Fowler, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gentry, Giddings, Goodenow, Gorman, Grey, Hall, Hamilton, Hammond, Harper, Sampson W. Harris, Hart, Haws, Hascall, Haven, Hebard, Hendricks, Hillyer, Holladay, Horsford, Houston, Howard, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, J. Glancy Jones, Geo. G. King, Preston King, Kuhns, Kurtz, Letcher, Mace, Humphrey Marshall, Martin, McDonald, McLanahan, McNair, McQueen, Meacham, Miller, Millson, Miner, Molony, Henry D. Moore, John Moore, Morehead, Morrison, Murphy, Murray, Nabers, Newton, Olds, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Penniman, Perkins, Polk, Rantoul, Richardson, Riddle, Robbins, Robie, Ross, Russell, Sackett, Savage, Schermerhorn, Schoolcraft, Scudder, Scoury, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Stone, Stratton, Stuart, Sutherland, Taylor, Benjamin Thompson, George W. Thompson, Thurston, Townshend, Tuck, Venable, Walbridge, Wallace, Walsh, Ward, Washburn, Watkins, Welch, Wells, Addison White, Wilcox, Wildrick, Woodward, and Yates—169.

So the resolution was not laid upon the table.

The question recurred on the adoption of the resolution.

Mr. HENN. I now offer the following amendment to the resolution:

Provided, That said Chaplain shall receive no compensation out of the Treasury of the United States.

Mr. EVANS demanded the previous question;

which was seconded, and the main question ordered.

The question being first on the amendment—
Mr. HENN called for the yeas and nays; which were not ordered.

The question was then taken on the amendment, and it was not agreed to.

The question now being on concurring in the Senate's resolution—

Mr. HENN asked leave to be excused from voting.

There being no objection, he was accordingly excused.

The question was then taken, and it was decided in the affirmative.

So the resolution was adopted.

THE ELECTION OF CHAPLAIN.

Mr. FOWLER. I move that the House proceed forthwith to the execution of the order just made.

The question was then taken, and the motion was agreed to.

The SPEAKER. Nominations are now in order for the office of Chaplain. Whereupon the following nominations were made, viz:

By Mr. MOORE, of Pennsylvania—Rev. R. W. Cushman, of the District of Columbia.

By Mr. BRIGGS—Rev. R. R. Gurley, of the District of Columbia.

By Mr. WALBRIDGE—Rev. Dr. Wisner, of New York.

By Mr. PRICE—Rev. C. D. Westbrook, of New York.

By Mr. JOHNSON, of Tennessee—Rev. Littleton F. Morgan, of the District of Columbia.

By Mr. BOYD, of New York—Rev. S. S. Beeman, of New York.

By Mr. GORMAN—Rev. Mr. Daily, of Indiana.

By Mr. OLDS—Rev. W. A. G. Emerson, of Ohio.

By Mr. YATES—Rev. James Gallagher, of Missouri.

By Mr. McLANAHAN—Rev. David X. Junkin, of Pennsylvania.

By Mr. TOWNSHEND—Rev. Charles G. Finney, of Ohio.

By Mr. THOMPSON, of Massachusetts—Rev. Dr. Dewey, of the District of Columbia.

The SPEAKER appointed the following gentlemen to act as tellers, viz: Mr. FOWLER, Mr. JOHNSON of Tennessee, Mr. OLDS, and Mr. GORMAN.

The roll having been called, the tellers reported that 192 votes had been cast; necessary to a choice 97; of which—

Rev. Mr. Gurley received.....	70
Rev. Mr. Morgan.....	30
Rev. Mr. Cushman.....	29
Rev. Mr. Gallagher.....	13
Rev. Mr. Daily.....	12
Rev. Mr. Junkin.....	12
Rev. Mr. Finney.....	6
Rev. Dr. Dewey.....	6
Rev. Mr. Westbrook.....	5
Rev. Mr. Beeman.....	4
Rev. Dr. Wisner.....	3
Rev. Mr. Emerson.....	2

192

The following is the vote in detail, viz:

For Rev. Mr. Gurley—Messrs. Abercrombie, Willis Allen, Andrews, John Appleton, William Appleton, Thomas H. Bayly, Bissell, Bowne, Briggs, Brooks, Busby, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Chapman, Chastain, Clark, Cleveland, Clingman, Conger, Dinmick, Dockery, Edmundson, Ewing, Faulkner, Ficklin, Fowler, T. J. D. Fuller, Gentry, Hamilton, Hammond, Harper, Haven, Hebard, Hillyer, Howard, Thomas M. Howe, Ingersoll, James Johnson, John Johnson, George G. King, Letcher, Humphrey Marshall, Martin, McDonald, McNair, Meacham, Henry D. Moore, Morehead, Murray, Nabers, Outlaw, Peaslee, Penn, Polk, Richardson, Robie, Ross, Schermerhorn, Scurry, Origen S. Seymour, Smart, Frederick P. Stanton, Alexander H. Stephens, Strother, Sweetser, Taylor, Toombs, Walsh, and Watkins.

For Rev. Mr. Cushman—Messrs. Aiken, Averett, Babcock, David J. Bailey, Bibbhaus, Bocock, Burrows, Chandler, Cobb, Doty, Eastman, Grey, Sampson W. Harris, Jackson, Robert W. Johnson, J. Glancy Jones, McMullin, McQueen, Millson, Molony, John Moore, Rantoul, Stratton, Stuart, Thurston, Tuck, Venable, Wallace, and Woodward.

For Rev. Mr. Morgan—Messrs. Allison, Barrere, Beale, Bell, Linn Boyd, Joseph Cable, Churchwell, Dawson, Disney, Edgerton, Florence, Floyd, Gaylord, Isham G. Harris, Haws, Holladay, Houston, Hunter, Ives, Andrew Johnson, Daniel S. Jones, Mason, Orr, Perkins, Robbins, Savage, Smith, Stone, George W. Thompson, and George W. Jones.

For Rev. Mr. Gallagher—Messrs. Bartlett, Breckenridge, George H. Brown, Goodenow, Hall, Horsford, Miller, Penniman, Phelps, Porter, Ward, Addison White, and Yates.

For Rev. Mr. Daily—Messrs. Brenton, John G. Davis, Dunham, Fitch, Gorman, Hendricks, Lockhart, Mace, Samuel W. Parker, Robinson, Benjamin Stanton, and Welch.

For Rev. Mr. Junkin—Messrs. Bragg, Buell, Thompson Campbell, Curtis, Gamble, Kahns, Kurtz, McLanahan, Morrison, Andrew Parker, Riddle, and Wildrick.

For Rev. Mr. Dewey—Messrs. George T. Davis, Evans, Hibbard, Richard H. Stanton, Benjamin Thompson, and Washburn.

For Rev. Mr. Finney—Messrs. Charles Allen, Giddings, John W. Howe, Newton, Scudder, and Townshend.

For Rev. Mr. Beeman—Messrs. John H. Boyd, Miner, David L. Seymour, and Sutherland.

For Rev. Mr. Westbrook—Messrs. Bennett, Price, Sackett, Schoolcraft, and Schoonmaker.

For Rev. Mr. Wisner—Messrs. Hascall, Walbridge, and Wells.

For Rev. Mr. Emerson—Messrs. Cartter and Olds.

So there was no choice.

Mr. OLDS withdrew the name of Rev. Mr. Emerson.

Mr. BRIGGS inquired of the Chair whether it would be in order to move that the election be by resolution?

The SPEAKER said it could be done by unanimous consent.

Mr. BRIGGS then moved a resolution that the Rev. Mr. Gurley be elected Chaplain.

Objection was made, and the resolution was not admitted.

The roll was again called, and the tellers (the same as above) reported that 182 votes had been cast; necessary to a choice 92; of which—

Rev. Mr. Gurley received.....	87
Rev. Mr. Morgan.....	40
Rev. Mr. Cushman.....	30
Rev. Mr. Gallagher.....	13
Rev. Mr. Daily.....	3
Rev. Mr. Junkin.....	4
Rev. Mr. Westbrook.....	3
Rev. Mr. Finney.....	2

182

The following is the vote in detail, viz:

For Rev. Mr. Gurley—Messrs. Abercrombie, Willis Allen, Andrews, John Appleton, William Appleton, Barrere, Bell, Bennett, Bissell, Briggs, Brooks, Busby, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Cartter, Chapman, Chastain, Churchwell, Clark, Cleveland, Conger, Dawson, Dinmick, Dockery, Edmundson, Evans, Ewing, Faulkner, Fowler, Thomas J. D. Fuller, Gamble, Gentry, Hamilton, Harper, Haws, Haven, Hebard, Hibbard, Hillyer, Howard, John W. Howe, Thomas M. Howe, Ingersoll, John Johnson, J. Glancy Jones, George G. King, Kurtz, Letcher, Humphrey Marshall, Martin, McDonald, McNair, Meacham, Miner, John Moore, Morehead, Murray, Nabers, Outlaw, Samuel W. Parker, Peaslee, Penn, Polk, Richardson, Riddle, Robbins, Robie, Ross, Schermerhorn, Scurry, Origen S. Seymour, Smart, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Strother, Stuart, Sutherland, Taylor, Benjamin Thompson, George W. Thompson, Toombs, Walbridge, Walsh, Welch, and Wells.

For Rev. Mr. Cushman—Messrs. Aiken, Averett, David J. Bailey, Bocock, Burrows, Chandler, John G. Davis, Doty, Eastman, Henry M. Fuller, Grey, Sampson W. Harris, Hendricks, Holladay, Jackson, Robert W. Johnson, McMullin, Millson, Molony, Henry D. Moore, Penniman, Rantoul, Robinson, Stratton, Thurston, Venable, Wallace, and Woodward.

For Rev. Mr. Morgan—Messrs. Allison, John H. Boyd, Breckenridge, Brenton, Buell, Joseph Cable, Cobb, John G. Davis, Disney, Dunham, Edgerton, Ficklin, Florence, Floyd, Gaylord, Gorman, Isham G. Harris, Houston, Hunter, Ives, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, Mace, Mason, McQueen, Murphy, Newton, Olds, Orr, Perkins, Price, Savage, Scudder, Smith, Stone, Sweetser, Washburn, and Watkins.

For Rev. Mr. Gallagher—Messrs. Bartlett, Goodenow, Hall, Hascall, Horsford, Kuhns, Miller, Porter, Tuck, Ward, Addison White, Yates, and Phelps.

For Rev. Mr. Junkin—Messrs. Thompson Campbell, McLanahan, Andrew Parker, and Wildrick.

For Rev. Mr. Westbrook—Messrs. Sackett, Schoolcraft, and Schoonmaker.

For Rev. Mr. Daily—Messrs. Fitch and Lockhart.

For Rev. Mr. Finney—Messrs. C. Allen and Townshend.

So there was no choice.

The roll was called for the third time, and the tellers reported that 173 votes had been cast; necessary to a choice 87; of which—

Rev. Mr. Gurley received.....	84
Rev. Mr. Morgan.....	82
Rev. Mr. Cushman.....	5
Rev. Mr. Junkin.....	1
Rev. Mr. Finney.....	1

173

The following is the vote in detail, viz:

For Rev. Mr. Gurley—Messrs. Abercrombie, John Appleton, William Appleton, Bell, J. H. Boyd, Bowne, Briggs, Brooks, Burrows, Busby, E. C. Cabell, Caldwell, Lewis

D. Campbell, Cartter, Chandler, Chapman, Chastain, Clark, Cleveland, Dinmick, Dockery, Ewing, Faulkner, Fitch, Fowler, Thomas J. D. Fuller, Gentry, Hamilton, Harper, Haws, Hascall, Haven, Hebard, Hibbard, Horsford, Howard, John W. Howe, Ingersoll, John Johnson, J. G. Jones, George G. King, Kurtz, Landry, Letcher, Humphrey Marshall, Martin, McCorkle, McDonald, McLanahan, McNair, Meacham, Miner, Henry D. Moore, John Moore, Morehead, Murray, Nabers, Samuel W. Parker, Peaslee, Penn, Polk, Richardson, Robie, Ross, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scurry, Origen S. Seymour, Smart, Frederick P. Stanton, Alexander H. Stephens, St. Martin, Strother, Sutherland, Taylor, Benjamin Thompson, Toombs, Venable, Walbridge, Walsh, Wells, and Wildrick.

For Rev. Mr. Morgan—Messrs. Charles Allen, Willis Allen, Allison, Andrews, Averett, Barrere, Beale, Bennett, Bissell, Bocock, Linn Boyd, Breckenridge, Brenton, Buell, Joseph Cable, Thompson Campbell, Churchwell, Cobb, Conger, George T. Davis, John G. Davis, Dawson, Disney, Doty, Dunham, Eastman, Edgerton, Ficklin, Florence, Floyd, Gaylord, Goodenow, Gorman, Hall, Isham G. Harris, Houston, Thomas M. Howe, Thomas Y. How, Hunter, Ives, Jackson, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, Preston King, Kuhns, Lockhart, Mace, Mason, McMullin, McQueen, Miller, Millson, Molony, Olds, Penniman, Perkins, Phelps, Porter, Price, Rantoul, Riddle, Robbins, Robinson, Savage, Scudder, Smith, Richard H. Stanton, Stratton, Stuart, Sweetser, George W. Thompson, Thurston, Tuck, Ward, Washburn, Watkins, Welch, Addison White, and Yates.

For Rev. Mr. Cushman—Messrs. Aiken, Bibbhaus, Grey, Robert W. Johnson, and Wallace.

For Rev. Mr. Junkin—Mr. Andrew Parker.

For Rev. Mr. Finney—Mr. Townshend.

So there was no choice.

The roll was called for the fourth time, and tellers reported that 187 votes had been cast; necessary to a choice 94; of which

Rev. Mr. Morgan received.....	103
Rev. Mr. Gurley.....	83
Rev. Mr. Finney.....	1

187

The following is the vote in detail, viz:

For Rev. Mr. Morgan—Messrs. Charles Allen, Willis Allen, Allison, Andrews, Averett, Babcock, Bartlett, Barrere, Beale, Bell, Bibbhaus, Bocock, Linn Boyd, Breckenridge, Brenton, George H. Brown, Buell, Joseph Cable, Thompson Campbell, Churchwell, Cobb, Conger, George T. Davis, John G. Davis, Dawson, Disney, Doty, Dunham, Eastman, Edgerton, Ewing, Ficklin, Florence, Floyd, Freeman, Henry M. Fuller, Gaylord, Giddings, Goodenow, Gorman, Grey, Hall, Isham G. Harris, Sampson W. Harris, Hibbard, Holladay, Houston, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, Preston King, Kuhns, Kurtz, Lockhart, Mace, Mason, McCorkle, McMullin, McQueen, Miller, Millson, Miner, Molony, Morrison, Olds, Orr, Andrew Parker, Penn, Penniman, Perkins, Phelps, Price, Rantoul, Richardson, Robie, Robinson, Savage, Scudder, Smith, Snow, Benjamin Stanton, Richard H. Stanton, Stratton, Stuart, Sweetser, George W. Thompson, Thurston, Tuck, Ward, Washburn, Watkins, Welch, and Addison White.

For Rev. Mr. Gurley—Messrs. Abercrombie, John Appleton, William Appleton, Bennett, Bissell, Bowne, John H. Boyd, Briggs, Brooks, Burrows, Busby, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Cartter, Chandler, Chapman, Chastain, Clark, Cleveland, Clingman, Dinmick, Dockery, Edmundson, Evans, Faulkner, Fitch, Fowler, Thomas J. D. Fuller, Gamble, Gentry, Grow, Hamilton, Harper, Hart, Hascall, Haven, Hebard, Horsford, Howard, Ingersoll, James Johnson, J. Glancy Jones, George G. King, Letcher, Humphrey Marshall, Martin, McDonald, McLanahan, McNair, Meacham, Henry D. Moore, John Moore, Morehead, Murray, Nabers, Outlaw, Samuel W. Parker, Peaslee, Polk, Porter, Ross, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Smart, Frederick P. Stanton, Alexander H. Stephens, Strother, Sutherland, Taylor, Benjamin Thompson, Toombs, Venable, Walbridge, Walsh, Wells, Alexander White, and Wildrick.

For Rev. Mr. Finney—Mr. Townshend.

The SPEAKER said that the Rev. Littleton F. Morgan, having received a majority of the votes cast, was elected.

Mr. JOHNSON, of Arkansas, moved that the House adjourn.

Mr. JONES, of Tennessee, desired the gentleman to withdraw his motion that the message from the Senate authorizing the appointment of the Committee on Printing might be taken up for action. He said it would take but a moment.

Mr. JOHNSON, of Arkansas, for that purpose withdrew his motion.

JOINT COMMITTEE ON PRINTING.

Mr. JONES, of Tennessee, then moved to take up the message from the Senate upon the subject of the joint Committee on Printing.

The SPEAKER informed the gentleman from Tennessee, [Mr. JONES,] that it was but a mere notification that the Senate had appointed a committee on their part.

Mr. JONES then said, that the joint rule provided that the committee shall be appointed by the Senate and by the House—three upon the part

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of each. It did not provide that the committee should be appointed by the Speaker. He moved that the Speaker be directed to appoint the committee.

The question being put, it was agreed to.

On motion of Mr. JOHNSON, of Arkansas, the House then adjourned.

NOTICES OF BILLS.

Mr. PRICE gave notice of a motion for leave to introduce bills of the following titles:

A bill amendatory of the act entitled "An act to provide for holding the courts of the United States in case of the sickness or other disability of the judges of the district courts," approved July 20th, 1850; and

A bill authorizing the Secretary of the Navy to contract for carrying the mails between Jersey City, in the State of New Jersey, the port of New York, and Galway, or such other port as may be selected on the west coast of Ireland.

Mr. WALSH gave notice of his intention to offer a bill to enable the heirs of deceased officers and soldiers who in their lifetime held land certificates not located, to locate the same in their own names.

Also, a bill to make the counterfeiting of land warrants a criminal offence.

Mr. DOTY gave notice of his intention to introduce the following:

"Joint resolution tendering a welcome to Louis Kossuth, and making an appropriation to defray the expenses of his reception by the President."

Mr. HARRIS, of Tennessee, gave notice that he will, on some future day, ask leave to introduce a bill to amend an act entitled "An act to regulate the carriage of passengers in merchant vessels."

By Mr. PHELPS: A bill to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3d, 1849.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. PRICE: The petition of William A. Christian, praying to be allowed certain payments made to officers on board the United States steamer Princeton.

Also, the petition of Daniel S. Anderson, praying an allowance of prize money due his father, Thomas O. Anderson, one of the captors of the frigate Philadelphia.

By Mr. PORTER: The petition and papers of Thomas Allen, of St. Louis, Missouri, asking compensation for printing done by order of the State Department.

Also, the memorial of R. H. Griffith, L. P. Hallack, Parker Dudley, Benjamin Davis, and James F. Mahan, the late and present register and receiver at Palmyra, Missouri, asking compensation for locating military bounty land warrants.

By Mr. CABELL, of Florida: The petition of John G. Gamble, Frederick Class, James A. D. Lawrence, Captain John Phillips, and others; Captain William Black and others; John G. Smith, Alexander Watson, Jeremiah Wingate, the heirs of John Slaughter, heirs of Lieutenant John Gregg, Charles Reeder, Benjamin Holland, and Mastrovsky & Farrally.

Mr. MEACHAM asked leave to withdraw from the files of the House, and refer to the committees, the following papers: Vermont volunteers in the battle of Plattsburg, Rodman Chapman, Rebecca Funnan, Sylvanus Blodgett, Joseph Johnson, Samuel Page, and Emanuel P. Stedman.

By Mr. BUSBY: The petition and accompanying papers in relation to the claim of Andrew H. Patterson, of Ohio, asking payment for certain mail bags made for the Post Office Department.

By Mr. BOWNE: The petition of Thomas Barclay Livingston, United States Consul at Halifax, for increased compensation.

By Mr. DOTY: The petition of General William Blake for his back pension, and for an increase of the pension now received by him.

By Mr. STUART: The petition of certain Hollanders, citizens of the State of Michigan, asking an appropriation for the improvement of Black Lake Harbor, on Lake Michigan, in said State.

IN SENATE.

WEDNESDAY, December 10, 1851.

Prayer by the Rev. C. M. BUTLER.

A message was received from the House of Representatives by Mr. FORNEY, their Clerk:

MR. PRESIDENT: The House of Representatives concur in the resolution of the Senate for the election of two Chaplains to Congress, one by each House, and have elected the Rev. LITTLETON F. MORGAN, Chaplain on their part.

The House of Representatives have appointed, in pursuance of the joint rules of the two Houses, the following committees on their part:

On the Library—Mr. CHANDLER of Pennsylvania, Mr. WOODWARD of South Carolina, and Mr. MANN of Massachusetts.

On Enrolled Bills—Mr. WILDRICK of New Jersey, and Mr. BARRERE, of Ohio.

PETITIONS.

Mr. UNDERWOOD. I hold in my hand the petition of William L. Merideth, who represents

himself to be the son, and perhaps the only child and heir, of Major William Merideth, who was an officer in the army of the Revolution. He avails himself of the example set by the Congress of the United States, in the case of Miss Charlotte Lynch, to present this petition to Congress. I will not read about the sufferings of his father in the Revolution; it is sufficient to say that he was a soldier from its commencement to its end. He "states that his father received his commutation of five years' full pay, in lieu of the half pay promised him by his country for life. That he was reluctantly forced to this by a law to which he was no party, and by the necessity which the privations and losses of war had entailed upon him. He lived until the 23d February, 1833, (on which day he died,) a period so long that his half pay for life would have quadrupled the amount he received for his commutation. Your petitioner is rejoiced to see, that in a recent case—the case of Miss Charlotte Lynch—your honorable body has at length recognized the great rule of justice, as applicable to your revolutionary ancestors, that they are not to be deprived of the benefits of a contract to which they were a party, and which they sealed with their blood, by the provisions of a law to which they were no party at all," &c. He goes on to say that he hopes that Congress will mete out to him the same justice which was meted to Miss Charlotte Lynch, and allow him the difference between the half pay and commutation pay, which would now amount in his case to some twenty or thirty thousand dollars. I hope Congress will see the propriety of doing equal justice to all its citizens; and that Mr. Merideth's memorial may be referred, without further reading, to the Committee on Revolutionary Claims, and that they will take it into their special consideration. I will state that I will furnish to the committee, from the Pension Office, the evidences of Colonel Merideth's qualifications as an officer of the Army of the Revolution.

The memorial was referred accordingly.

Mr. SHIELDS presented a petition of the late and present land officers at Dixon, Illinois, praying compensation for services in entries of land under military bounty land warrants; which was referred to the Committee on Public Lands.

Mr. SMITH presented the petition of Avery Downer, a surgeon's mate in the revolutionary Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HAMLIN presented the petition of Jos. Mitchell, praying to be allowed arrears of pay and bounty land for services as a soldier in the last war with Great Britain; which was referred to the Committee on Public Lands.

Mr. GEYER presented the petition of the late and present land officers at Palmyra, Missouri, praying compensation for services in the entry of lands under bounty land warrants; which was referred to the Committee on Public Lands.

Also, a memorial of the Ohio and Mississippi Railroad Company, praying a grant of public lands to aid in the construction of their railroad; which was referred to the Committee on Public Lands.

Mr. FISH presented a memorial of the assistant marshal of Sullivan county, New York, praying additional compensation for services in taking the Seventh Census; which was referred to the Committee on the Judiciary.

Mr. DODGE, of Iowa, submitted additional documents in relation to the claim of the heirs of Henry King, deceased; which, with their memorial on the files of the Senate, were referred to the Committee on Revolutionary Claims.

Also, additional documents relating to the claim of John S. Devlin, administrator of Elijah J. Weed, deceased; which, with his petition on the files of the Senate, were referred to the Committee on Naval Affairs.

Mr. BERRIEN presented the memorial of Catharine B. Turner, widow and executrix of Daniel Turner, deceased, late a captain in the Navy, praying the reimbursement of expenses incurred by her husband in receiving and entertaining on board the vessel under his command

certain public functionaries of the United States, in foreign countries, while on foreign stations, from 1841 to 1844; which was referred to the Committee on Foreign Relations.

Mr. PRATT presented the memorial of Lavinia Taylor, widow of a private in the Army of the United States, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. FOOTE, of Mississippi, presented the petition of Anna De Neufville Evans, heir and legal representative of John De Neufville & Son, praying repayment of advances made by said De Neufville in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. MALLORY presented the memorial of the Board of Internal Improvement of the State of Florida, praying a grant of public lands to the Florida, Atlantic, and Gulf Central Railroad Company, to aid in the construction of their railroad; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. UPHAM, it was

Ordered, That the memorial of John T. Sullivan, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. CLEMENS, it was

Ordered, That the petition of Wm. C. Easton, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. SEWARD, it was

Ordered, That the memorial of H. Paulding, on the files of the Senate, be referred to the Committee on Naval Affairs; and that the petition of Horace Southway & Son, on the files of the Senate, be referred to the Committee on Finance.

On motion by Mr. DOWNS, it was

Ordered, That the memorial of the judges and members of the bar at New Orleans, Louisiana, and a memorial of the New Orleans bar, on the files of the Senate, in relation to the forms of practice in the circuit and district courts of the United States in Louisiana, be referred to the Committee on the Judiciary.

On motion by Mr. WHITCOMB, it was

Ordered, That the memorial of Mary B. Renner, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. ATCHISON, it was

Ordered, That the memorial of the heirs of Joseph Watson, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. HUNTER, it was

Ordered, That the petition of Alexander Y. P. Garnett, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. MALLORY, it was

Ordered, That the memorial of William A. Seely, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. RHETT, it was

Ordered, That the memorial of the heirs and executors of Samuel Prolean, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. MASON, it was

Ordered, That the memorial of Salvadora McLaughlin, widow of Lieutenant John T. McLaughlin, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. BRIGHT, it was

Ordered, That the documents on the files of the Senate relating to the application of Thomas J. Godman for an extension of a patent, be referred to the Committee on Patents and the Patent Office.

On motion by Mr. HALE, it was

Ordered, That the petition of the members of the bar of New Hampshire, and the documents on the files of the Senate relating to an increase of the salary of the United States district judge for the district of New Hampshire, be referred to the Committee on the Judiciary.

On motion by Mr. BERRIEN, it was

Ordered, That the petition of the members of the bar of the District of Columbia, on the files of the Senate, relative to an increase of the salary of the judge of the criminal court for that District, be referred to the Committee on the Judiciary.

On motion by Mr. GWIN, it was

Ordered, That a memorial, on the files of the Senate, for the relief of the widows and orphans of the officers and seamen of the United States brig Washington, lost in September, 1845, be referred to the Committee on Naval Affairs.

On motion by Mr. FELCH, it was

Ordered, That the petition and papers of Victor Morass, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. UNDERWOOD, it was

Ordered, That the petition and papers of the heirs of William Beatty, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. DAVIS, it was

Ordered, That the memorial of Martha Gray, widow of Captain Robert Gray, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. CHASE, it was

Ordered, That the petition of J. Williamson, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. NORRIS, it was

Ordered, That the petition and papers on the files of the Senate, relating to the claim of the widow of the late General John McNeil, be referred to the Committee on Pensions.

On motion by Mr. PEARCE, it was

Ordered, That the petition of the administrator of Gerard Wood, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. SMITH, it was

Ordered, That the memorial on the files of the Senate relating to the subject of amending patent laws, be referred to the Committee on Patents and the Patent Office.

On motion by Mr. FISH, it was

Ordered, That the petitions presented at the last session of Congress from assistant marshals, praying additional compensation for services in taking the seventh census, be referred to the Committee on the Judiciary.

NOTICES OF BILLS.

Mr. MASON gave notice of his intention to ask leave to introduce a bill to authorize the payment of invalid pensions in certain cases.

Mr. DOWNS gave notice of his intention to ask leave to introduce a bill for the relief of William Daly.

Mr. BORLAND gave notice of his intention to ask leave to introduce a bill to revive a portion of an act for the relief of the widows of deceased soldiers.

Mr. HALE gave notice of his intention to ask leave to introduce a bill increasing the salary of the United States district judge of the district of New Hampshire.

Mr. MALLORY gave notice of his intention to ask leave to introduce a bill for the relief of William Richardson and others.

Mr. WALKER gave notice of his intention to ask leave to introduce a bill to grant to the State of Wisconsin the Military Reservation at Fort Winnebago, in that State, to aid in improving the navigation of the Fox and Wisconsin rivers.

Mr. DODGE, of Wisconsin, gave notice of his intention to ask leave to introduce a bill granting to the State of Wisconsin a donation of public lands, to aid in the construction of a railroad from the city of Milwaukee to the Mississippi river.

Mr. DODGE, of Iowa, gave notice of his intention to ask leave to introduce the following bills:

A bill to relinquish to the State of Iowa the lands reserved for salt springs therein;

A bill to establish additional land offices in the State of Iowa; and

A bill to grant to the city of Burlington, in Iowa, the land heretofore reserved between that city and the Mississippi river.

Mr. JONES, of Iowa, gave notice of his intention to ask leave to introduce a bill for the relief of preëmption claimants for the land upon which the towns of Fort Madison and Burlington, in Iowa, are situated.

Mr. UNDERWOOD gave notice of his intention to ask leave to introduce the following bills:

A bill granting a pension to Sally T. Floyd, widow of Lieutenant George C. Floyd, late of the United States Army;

A bill for the relief of Theodore Offut; and

A bill to provide for the unpaid claims of the officers and soldiers in the Virginia State and Continental line of the Army of the Revolution.

Mr. PEARCE gave notice of his intention to ask leave to introduce a bill in addition to and amendatory of "An act to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions or otherwise in Mexico," approved 3d March, 1849.

Mr. BADGER gave notice of his intention to ask leave to introduce a bill for the relief of M. K. Warrington.

BILLS INTRODUCED.

Mr. CLEMENS, agreeably to previous notice, asked and obtained leave to introduce a bill granting the right of way and making a donation of land to the State of Alabama, in aid of the construction of the Mobile and Girard Railroad;

which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. WALKER, agreeably to previous notice, asked and obtained leave to introduce a bill to authorize the State of Wisconsin to select the residue of the lands to which that State is entitled under the act of August 8, 1846, to aid in the improvement of the Fox and Wisconsin rivers; which was read a first and second time by its title, and referred to the Committee on Public Lands.

RESOLUTIONS.

Mr. UNDERWOOD offered the following resolution; which was considered by unanimous consent and adopted:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of employing one or more competent civil engineers to make the necessary explorations and surveys, and to ascertain the cost of supplying the Ohio river and its navigable tributaries with water, during periods of drought, from artificial reservoirs, according to the plan submitted to Congress by Charles Elliot, jr., civil engineer, so as to make the same permanently navigable for vessels and boats drawing four feet of water.

The following resolution, submitted by Mr. DAVIS, on the 8th instant, was taken up for consideration and adopted:

Resolved, That the Secretary of the Senate be instructed to complete the sets of statutes of the United States in use in the Senate, its offices, and committee rooms, by adding thereto the ninth volume.

REPORT OF A STANDING COMMITTEE.

Mr. UNDERWOOD, from the Committee on Public Lands, to which was referred the joint resolution explanatory of the act approved September 28th, 1850, entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," reported back the same with an amendment; which was ordered to be printed.

RECEPTION OF KOSSUTH.

On the motion of Mr. SEWARD, the Senate proceeded to the consideration of the special order, being his resolution of welcome to Kossuth.

Mr. SUMNER. Mr. President, words are sometimes things; and I cannot disguise from myself that the resolution in honor of Louis Kossuth, now pending before the Senate, when finally passed, will be an act of no small significance in the history of our country. The Senator from Georgia [Mr. BERRIEN] was right when he said that it was no unmeaning compliment. Beyond its immediate welcome to an illustrious stranger, it will help to combine and direct the sentiments of our own people everywhere; it will inspire all in other lands who are engaged in the contest for freedom; it will challenge the disturbed attention of despots; and it will become a precedent, whose importance will grow, in the thick-coming events of the future, with the growing might of the Republic. In this view, it becomes us to consider well what we do, and to understand the grounds of our conduct.

For myself, I am prepared to vote for it, without amendment or condition of any kind, and on reasons which seem to me at once obvious and conclusive. In assigning these, I shall be brief; and, let me say, that novice as I am in this Hall, and, indeed, in all legislative halls, nothing but my strong interest in the question, as now presented, and a hope to say something directly upon it, could prompt me thus early to mingle in these debates.

The case seems to require a statement, rather than an argument. As I understand, the last Congress requested the President to authorize the employment of one of our public vessels to receive and convey Louis Kossuth to the United States. This honorable service was performed, under the express direction of the President, and in pursuance of the vote of Congress, by one of the best-appointed ships of our Navy—the steam-frigate Mississippi. Far away from our country, in foreign waters, in the currents of the Bosphorus, the Hungarian chief, passing from his Turkish exile, first pressed the deck of this gallant vessel; first came under the protection of our national flag, and, for the first time in his life, rested beneath the ensign of an unquestioned Republic. From that moment he became our guest. The Republic, which thus far he had seen only in delighted dream or vision, was now his host. And though this relation was interrupted for a few weeks by his wise and brilliant visit to England, yet its duties and its pleasures, as I confidently submit, are not yet ended. The liberated exile is now at our gates. Sir, we cannot do things by halves; and the hospitality thus,

under the auspices of Congress, begun, must, under the auspices of Congress, be continued. The hearts of the people are already open to receive him; Congress cannot turn its back upon him.

But I would join in this welcome, not merely because it is essential to complete and crown the work of the last Congress; but because our guest deserves it at our hands. The distinction is great, I know; but it is not so great as his deserts. He deserves it as the early, constant, and incorruptible champion of the Liberal Cause in Hungary—who, while yet young, with unconscious power girded himself for the contest—and by a series of masterly labors, with voice and pen, in parliamentary debates and in the discussions of the press, breathed into his country the breath of life. He deserves it, by the great principles of true democracy which he caused to be recognized—representation of the people without distinction of rank or birth, and equality before the law. He deserves it, by the trials he has undergone, in prison and in exile. He deserves it, by the precious truth, which he now so eloquently proclaims, of the Fraternity of Nations.

As I regard his course, I am filled with reverence and awe. I see in him, more than in any other living man, the power which may be exerted by a single, earnest, honest soul, in a noble cause. In himself he is more than a whole cabinet, more than a whole army. I watch him in Hungary, while, like Carnot in France, he "organizes victory;" I follow him in exile to distant Asiatic Turkey, and there find him, with only a scanty band of attendants, in weakness and confinement, still the dread of despots; I sympathize with him in his happy release; and now, as he comes more within the sphere of our immediate observation, amazement fills us all in the contemplation of his career, while he proceeds from land to land, from city to city, and with words of matchless eloquence, seems at times the fiery sword of freedom, and then the trumpet of resurrection to the nations—*Tubam mærum spargens sonum*.

I know not how others have been impressed, but I can call to mind no incident in history—no event of peace or war—certainly none of war—more strongly calculated—better adapted—to touch and exalt the imagination and the heart than his recent visit to England. He landed on the southern coast, not far from where William of Normandy, nearly eight centuries ago, had landed; not far from where, nineteen centuries ago, Julius Cæsar had landed also; but William, on the field of Hastings, and Cæsar, in his adventurous expedition, made no conquest comparable in grandeur to that achieved by the unarmed and unattended Hungarian. A multitudinous people, outnumbering far the armies of those earlier times, was subdued by his wisdom and eloquence; and this exile, proceeding from place to place, traversing the country, at last in the very heart of the kingdom, threw down the gauntlet of the Republic. Without equivocation, amidst the supporters of monarchy, in the shadow of a lofty throne, he proclaimed himself a republican, and proclaimed the republic as his cherished aspiration for Hungary. And yet, amidst the excitement of this unparalleled scene, with that discretion which I pray may ever attend him, as a good angel—the ancient poet aptly tells us that no Divinity is absent where Prudence is present—he forbore all suggestion of interference with the existing institutions of the country whose guest he was, recognizing that vital principle of self-government, by virtue of which every State chooses for itself the institutions and rulers which it prefers.

Such a character, thus grandly historic—a living Wallace—a living Tell—I had almost said a living Washington—deserves our homage; nor am I tempted to ask if there be any precedent for the resolution now under consideration. There is a time for all things; and the time has come for us to make a precedent in harmony with this unprecedented career. The occasion is fit; the hero is near; let us speak our welcome. It is true that, unlike Lafayette, he has never directly served our country; but I cannot admit that, on this account, he is less worthy. Like Lafayette, he periled life and all; like Lafayette, he has done penance in an Austrian dungeon; like Lafayette, he has served the cause of freedom; and whosoever serves this cause, whosoever he may be, in whatever land, is entitled, according to his works, to the gratitude of every true American bosom, of every true lover of mankind.

The resolution before us commends itself by its simplicity and completeness. In this respect, it seems to me preferable to that of the Senator from Illinois, [Mr. SHIELDS;] nor is it obnoxious to objections urged against that of the Senator from Mississippi, [Mr. FOOTE,] nor do I see that it can give any just umbrage, in our diplomatic relations, even to the sensitive representative of the house of Austria. Though we have the high authority of the President in his message for styling our guest "Governor"—a title which seems to imply the *de facto* independence of Hungary at the very time when our Government declined to acknowledge it—the resolution avoids this difficulty, and speaks of him without title of any kind—simply as a private citizen. As such, it offers him a welcome to the capital and to the country.

The comity of nations I respect. To the behests of the law of nations I profoundly bow. As in our domestic affairs, all acts are brought to the Constitution, as to a touchstone; so, in our foreign affairs, all acts are brought to the touchstone of the law of nations—that supreme law—the world's collected will—which overarches the grand Commonwealth of Christian States. What that forbids I forbear to do. But no text of this voluminous code, no commentary, no gloss, can be found which forbids us to welcome any exile of freedom.

Looking at this resolution in its various lights; as a carrying out of the act of the last Congress; as justly due to the exalted character of our guest; and as proper in form, and consistent with the law of nations, it seems impossible to avoid the conclusion in its favor. On its merits it would naturally be adopted. And here I might stop.

But an appeal has been made against the resolution on grounds which seem to me extraneous and irrelevant. It has been attempted to involve it with the critical question of intervention by our country in European affairs; and recent speeches in England and New York have been adduced to show that such intervention is sought by our guest. It is sufficient to say, in reply to this suggestion, introduced by the Senator from Georgia [Mr. BERRIEN] with a skill which all might envy—and also by the Senator from New Jersey, [Mr. MILLEN]—that no such intervention is promised or implied by the resolution. It does not appear on the face of the resolution; it cannot, in any way, be inferred from the resolution. It can be found only in the imagination, in the anxieties, or in the fears of Senators. It is a mere ghost, and not a reality. As such we may dismiss it. But I feel strongly on this point, and desire to go further.

While thus warmly joining in this tribute, let me be understood as in no respect encouraging any idea of armed intervention in European affairs. Such a system would open phials of perplexities and ills, which I trust our country will never be called to affront. In the wisdom of Washington we may find perpetual counsel. Like Washington, in his eloquent words to the Minister of the French Directory, I would offer sympathy and God speed to all, in every land, who struggle for Human Rights; but, sternly as Washington, on another occasion, against every pressure, against all popular appeals, against all solicitations, against all blandishments, I would uphold with steady hand the peaceful neutrality of the country. Could I now approach our mighty guest, I would say to him with the respectful frankness of a friend: "Be content with the outgushing sympathy which you now so marvelously inspire everywhere throughout this wide-spread land, and may it strengthen your soul! Trust in God, in the inspiration of your cause, and in the Great Future, pregnant with freedom for all mankind. But respect our ideas, as we respect yours. Do not seek to reverse our traditional, established policy of Peace. Do not, under the too plausible sophism of upholding non-intervention, provoke American intervention on distant European soil. Leave us to tread where Washington points the way."

And yet with these convictions, Mr. President, which I now most sincerely express, I trust the Senator from Georgia [Mr. BERRIEN] will pardon me when I say that I cannot join in his proposed amendment; and for this specific reason. It attaches to an act of courtesy and welcome a condition, which, however just as an independent proposition, is most ungracious in such connection. It is out of place, and everything out of place is, to a certain extent, offensive. If adopted, it would impair, if not de-

stroy, the value of our act. A generous hospitality will not make terms or conditions with a guest; and such hospitality, I trust, Congress will tender to Louis Kossuth.

Mr. STOCKTON. Mr. President, surrounded by Senators of so great ability—so experienced by many years in council—it is with profound deference to their superior wisdom, that I mingle my voice in this debate. I would much prefer being an auditor, but the extraordinary nature of the subject now under consideration, as well as of some of the doctrines insisted upon by those who oppose the resolution, compel me, however reluctant, to trespass for a few moments on your attention.

What is the subject of your deliberations? simply, whether or not you shall carry out the initiative hospitality of a preceding Congress. The adoption of the resolution "has this extent, no more." It is the natural sequel of the resolution of the last Congress, inviting the Hungarian exile to these shores. It contemplates nothing further. It involves no question of foreign policy—it looks neither to intervention nor to non-intervention.

Sir, I regard the honor of Congress more than I do Mr. Kossuth. The truth is, sir—and I might as well frankly avow it—some of the sentiments and opinions of this distinguished stranger and illustrious exile are not my sentiments or opinions in regard to the workings and the results of the British monarchy. But let that pass. I am glad that he has been received with so much cordiality by the people of New York, and that the Tammany Hall men and the Whigs have united to make his reception most honorable and gratifying to him. I commend this fact to the remembrance of the Senator from Kentucky, who, if he had known as much of the honor and virtue and patriotism of Old Tammany as he does of those old and time-honored principles of international law which would prevent an American citizen from expressing the honest feelings of a republican free-man without rebuke, he would have saved the fling he made at the old Democratic Wigwag in New York. But let that pass too. Sir, in view of the peaceful struggle now going on in the world between the friends of free government and despotism, it seems to me to be proper and right that his reception here should be hospitable and affectionate. Congress have made him the guest of the nation—as such the people in New York have received him. Europe will discern an *emphatic* moral in the event. The despots who drove him forth from his country, to seek an asylum here among the sons of liberty, will see from the greeting which we extend to him that the people of the United States fear them not; that on all suitable occasions we will speak out our abhorrence of their atrocious systems of government, and our sympathy with those gallant men, whether successful or unsuccessful, who strike a blow in defence of national independence and free government. By the course proposed, we shall testify our fidelity to the principles of our Revolution, and show that our Republic is steadfast in the faith of Washington and his compatriots. We will teach the world, that whatever of worth or wisdom, of exalted devotion to enlightened freedom, despotism in Europe may expel from her shores, will be appreciated here; that here our arms will be stretched forth and our doors open wide to welcome the exiled patriot; that in proportion to the ferocity of his persecution there, will be the cordiality of his reception here. But, sir, we are told that we will get entangled with other nations if we do this honor to Kossuth, and that blows will probably follow words. Well, sir, I am no prophet: I cannot tell what will happen. But suppose it should produce such a state of things, what then? Why, sir, we have got a Secretary of State who, with one oscillation of his great mind would blow all their fine-spun webs into thin air, and we have a gallant Navy who will teach them that blows will be given as well as received. Sir, I am not one of those who think that no change will ever be made in the principles of national policy which govern our foreign relations; on the contrary, I feel assured that the wonderful growth and development of the United States, far exceeding in amount and rapidity the most sanguine expectations of the founders of the Republic, will demand a modification of our national policy, in various respects different from that which prevailed in the infancy of the country. For the sake merely of illustrating this

position, and in reference to what fell from the honorable Senator from Massachusetts, I will hazard the assertion, that the rigid neutrality of the Washington administration, wise and just as it then was, would not now (if a similar belligerent State of the world existed) be possible. Then our weakness admonished us not to risk the trial of our strength, or tempt the hazards of war. We wisely suffered much, submitted to many wrongs, and endured them as less evils than war with a powerful adversary. In truth, we consulted the dictates of a masterly prudence, in preference to indulging the martial spirit of our country. We chose to nurse the infant Hercules, until he should be able to encounter, upon more equal terms, the monsters he was destined to overthrow. I need not say how the proud spirit of America chafed, and fretted under the insults and aggressions of Great Britain and France. It is recorded in history that we submitted not without murmurs of dissatisfaction. But the injuries of the boy should not rankle in the memory of the wise man. I have adverted to them only to show the change which has taken place in these principles, which will no doubt hereafter govern our foreign relations. No American statesman can now contemplate any condition of the world, or any principle of public policy which would for a moment permit the United States to submit to any indignity from any power on earth. We acknowledge no superiors. Nay; all christendom combined would not appal the stout heart of America. In a good cause, and with a united people, we know and feel that we are invincible.

Mr. President, it has become quite fashionable to approve and applaud constitutional monarchies; and the Government of Great Britain has been more than once referred to. Sir, I have not found, either in her traditions or her histories, one forward step in the cause of free government which she has taken except by compulsion. Look at her, and you will see a country whose government is monarchical and whose institutions are essentially aristocratical, the most prominent feature of which is the degradation of the masses. There, sir, the land, the operative capital, the law-making power, are in the hands of comparatively a few; while all the rest are reduced to a state of practical slavery of the worst kind—obliged to work for masters who are under no corresponding obligation to provide for their wants. Sir, this state of things in England is subversive of all the ends of just government. Their work-houses are crowded to overflowing; their home prisons and their convict receptacles abroad are peopled with the miserable results of their domestic serfdom. The end of all government should be the promotion of human happiness, the elevation of human nature; and a republican government is best calculated to realize these results. The issue in the coming struggle, disguise it as you may, is between kings and republicans; and, in my judgment, has commenced, in the amicable struggle now going on for British or American ascendancy on the ocean. The national sensibilities on both sides are keenly awakened and excited with reference to the contest. For my part, I desire the ascendancy of republican principles. All kings are alike to me. I desire the ascendancy of my country over all others—I desire, from my heart, success in this gigantic struggle for supremacy on the ocean. I desire to see the trident of the seas wrenched from the tenacious grasp of that haughty and kingly empire—not for the purpose of ambitious extension—not to tyrannize or dictate, in the spirit of an intermeddling propagandism; but to hasten the time when the sword shall no longer be the arbiter of national disputes. Peace is the true policy of this Republic. Peace is the animating genius of our institutions.

When the United States shall become the most powerful of all the nations of the globe, then I believe the time will have arrived when the principles of right reason, of humanity, and of Christianity, will exert their natural and superior power in making war no longer the last resort for the settlement of national quarrels. If we shall then presume to dictate, we will dictate Peace as the sovereign law of all nations, and War as the violation of that universal law. If ambition for the ascendancy of my country for such a purpose be censurable, I invoke the censure it merits; but before the world I declare this to be the spirit of my ambition.

Mr. UNDERWOOD. I rise for the purpose of saying to the Senator from New Jersey who has just taken his seat, that I should have asked the privilege of making an explanation during the progress of his remarks but for my reluctance to say anything while he was making the speech which he has so handsomely delivered. I hope he did not understand me when I spoke the other day as casting any reflection of an insulting character upon Tammany or the Tammany Society. If he did so understand me, he certainly misunderstood me, because I had no such intention. On the contrary, I spoke of the movement there as one indicating a disposition to change the long-settled policy of the country. I spoke of them as a body entitled to great influence, and possessing great influence, and I deprecated the movement on that account. I have risen merely for the purpose of putting myself right, I hope, in his estimation, and particularly in the estimation of the gentlemen who may compose that society, with which I acknowledge I have no great acquaintance, as the gentleman might have known from our relative positions on the continent. I have made this statement to show that I meant no indignity whatever to that Society, and I hope that I shall not be understood as having designed anything of the kind.

Mr. CLEMENS said: Mr. President, I regret very sincerely that this resolution was introduced. It is painful to do anything seemingly discourteous, and as I must oppose the adoption of this and all similar resolutions, I should greatly have preferred that the special champions of Louis Kossuth had been content to leave him in the hands of the people, without attempting to commit the Government to any of his schemes for revolutionizing Europe.

I have listened, Mr. President, with great attention to all that has been said in this debate, and if I have been convinced of nothing else, I am at least satisfied that the resolution on your table furnishes a most excellent subject for speech-making. It possesses the peculiar advantage, that the less we know about it, the better we can talk upon it. We may then give free reins to the imagination, and fancy can supply all that is needed to give beauty to a sentence or symmetry to the whole discourse. A great man bent, but not broken by misfortune; an exile pleading the cause of his bleeding country; a gallant people, struggling for freedom against overwhelming odds, overpowered, crushed for a time, but only waiting for a ray of hope, a word of sympathy, to rise again upon their oppressors; all these are themes upon which even a dull man might grow eloquent. The misfortune is, that so much of it is *fancy*; so little is *fact*. I understand the friends of Kossuth to base his claims to a public reception by Congress, partly upon the assumed fact that he is a republican in principle, and has been the great disseminator of republican sentiments throughout Europe; and I have heard, I must confess with some regret, that he was expected to *liberalize* still more the already liberal ideas prevailing upon this continent. In other words, that he is to give lessons to the descendants of the patriots of '76, and teach this benighted land the rudiments of civil liberty. Sir, I think it well enough to inquire, before we enter his school, when he became a republican? If I have read the history of that struggle aright, it was not until defeat and misfortune had overtaken him. In the zenith of his power—in the pride of his high place as Dictator of Hungary, he saw no beauty in universal equality, and knelt at no altar erected to Freedom. The contest in which he was engaged was not a contest between despotism and republicanism. It was a war of races. Kossuth and his associates were the oppressors, not the oppressed. So far from rebelling against the Emperor of Austria, they petitioned him, in the humblest terms, not for liberty, not for the security of their own rights, but for aid to enable them to keep another people in subjection. I have that petition before me. A short extract from it will enable the Senate to determine how far the Magyars at that day deserved the character of republicans:

From a Memorial presented to the Archduke by Kossuth and the Hungarian Ministry, July 4th, 1848.

"If his highness the Archduke John will bestow a careful attention upon all that we have just said, he cannot but be convinced of the true character of the rebellion of those States, which make great pretensions of fidelity to the sov-

ereign, whilst violating the royal authority, he cannot but perceive that even their offer of joining Austria is merely a feigned pretext, in order to give at the crisis of the struggle such a superiority to the Slavish element in Austria that, after thus completely paralyzing the German element, and undermining the Austrian throne, the empire shall be split up into independent Slavish kingdoms, and the very existence of the Austrian Imperial House shall be thus buried.

"And yet loyalty and attachment to the King is so deeply rooted in the heart of the Hungarian nation, that the Illyrian rebels are well aware, that in openly exhibiting their intentions, they will not meet any sympathy. They have therefore come forward in the spirit of reaction, as the pseudo-heroes of the royal authority, and against the Hungarian nation, who have not attacked the royal power, for whom a legal independence and a constitutional administration is not a recent grant, but an ancient right, sanctioned by innumerable royal oaths—against the Hungarian nation, which at this present moment, when almost every throne in civilized Europe is tottering, remains not only the firmest, but the only firm prop of the Austrian throne. This feeling and this experience have led us to request the kind assistance of his Highness the Archduke John with respect to the Illyrian rebellion."

"The disloyal rebels actually boast of the support of the offended ruling House itself! And when we requested his Majesty, in order to enlighten the unhappy and deceived people, by his own handwriting, to let the people know that his Majesty disapproves of the rebellion, and is determined to maintain, in all their integrity, the solemnly affirmed inviolability of the Hungarian Crown and the authority of the laws, the leaders of the rebels deceived the people by declaring that this has not been done voluntarily on the part of his Majesty, but that it is merely an unwilling expression, extorted by the Hungarian Ministry, through means of compulsion."

The Illyrian rebels, against whom Kossuth so humbly petitioned the aid of the King, had demanded, and were struggling to obtain, some small portion of the natural rights of man, and the war which finally ended in the subjugation of Hungary was begun by the Magyars to keep the Slavonian race in subjection—a people every way their equals, and who, if we are to judge from the different character of the petitions presented by them, seem to me to have been far better entitled to the sympathies of a free people than Kossuth and his associates.

I have read the petition of the Magyars; let me now call the attention of the Senate to that of their antagonists:

"Emperor, if you reject our prayers, we shall know how to vindicate our liberty without you; and we prefer to die heroically, like a Slavonian people, rather than to bear any longer such a yoke as is imposed upon us by an Asiatic horde, from whom we have nothing good to receive or to learn. Emperor, know that we prefer, if we must choose between them, the knout of the Russians to the insolence of the Magyars. We will not, on any terms, belong to the Magyars. Remember, that if Croatia forms but a thirty-fifth part of your empire, the Croats constitute a third of your whole infantry."

Sir, the men who uttered such sentiments deserved to be free. They are words fit to be spoken by freemen, and I must be excused if I cannot feel any extraordinary enthusiasm in the cause of a man who sought to hold them in bondage. The question with me is, not whether he preaches freedom and equality now, when he is a wanderer and an exile, but rather, what was his practice when power was in his hands, and when to have surrendered that power would have been indeed amerit worthy of a world's admiration. The task of tracing the history of that period affords me no pleasure, but when I am called upon, as the representative of a sovereign State, to aid in conferring on any individual an extraordinary honor, it is my duty to ascertain how far that honor is deserved. What, then, was his course during the whole progress of the memorable struggle in which he was engaged? Did he ever at any time give utterance to a republican sentiment? On the contrary, was not his whole course that of a determined and haughty oppressor? When the demands of the Slavonians were rejected by the House of Austria, and they proposed to join their forces to his, upon the sole condition that he should guaranty them equal rights and equal privileges, his reply was as haughty and imperious as any ever uttered by the most absolute despot to the humblest slave:

"There are three principles which must prove as a basis to any conciliation, and in regard to which WE SHALL CONCEDE NOTHING, ON ANY CONDITION WHATSOEVER, for it would amount to committing suicide with our own hands:

"1st. The unity of the State.

"2d. The integrity of the territory of the State as it has existed for centuries.

"3d. THE SUPREMACY OF THE MAGYAR ELEMENT, acquired one thousand years ago by the armed hand, the foundation of our autonomy, and consecrated by the use of the Magyar as the diplomatic language."

This was on the 10th of June, 1849, only two months before the armies of Hungary were anni-

hilated—Görgey a prisoner and Kossuth a fugitive in the dominions of the Turk. Even at that late moment the supremacy of the Magyar element was announced as an indispensable basis of any conciliation; and it thus becomes apparent that the right to enslave others rather than the right to be free themselves, constituted the main object of the war. The supremacy of the Magyar element was the leading idea, and much of the sympathy and enthusiasm which the advent of Kossuth has excited in this republican land might well have been reserved for worthier objects. I expect to be told, that whatever may have been his former sentiments he is now a republican in feeling and principle. Indeed the Senator from Massachusetts has already informed us that he has dared to utter such sentiments within the shadow of the throne of England. I have not so read his speeches. I have read a great deal in praise of the British constitution—nothing against the hereditary King and the hereditary nobility which disgrace it. British freedom is not freedom, as we understand it, and praises of the British constitution do not furnish the highest evidence of a clear conception of the principles of civil liberty. At all events, if we concede all that is claimed for him now, we must still bear in mind that he is only a recent convert. As long as there was a hope of his maintaining an iron rule over a people far more numerous than his own, republicanism never entered his thoughts. There is not a solitary paper emanating from him or his associates during the continuance of the war which does not establish clearly and conclusively that no one of them ever dreamed of the formation of a republic. The language of Count Pulszky is too explicit to leave a doubt upon this point:

"The most current misrepresentation of the Hungarians is, that they are Republicans, and that they have proclaimed the Republic in such of the Hungarian counties as are in their power, which now comprise almost all the Hungarian territory. This assertion is often unwarily repeated by friends of the Hungarians, who, considering that the Queen of England maintains amicable relations with the Republic of the United States, with the Republic of France, and the Republic of Switzerland, are not altogether horrified at the Republican appellation. But the real state of the matter is, that the Hungarians ARE NOT REPUBLICANS, and that the Republic has not been proclaimed anywhere in Hungary."

There is more, much more, to the same effect, but it is not needful for me to refer to it. As an individual, I am willing to concede to Kossuth whatever of merit he can justly claim; but I am not willing to say by my vote or otherwise, that I regard him as a purer patriot than Washington—a greater statesman than Jefferson, or a more skillful General than Jackson. There are living men now within the limits of this city whom I look upon as altogether his superiors. I am not one of those to whose vision it is said "distance lends enchantment." I respect rather that greatness which is near me—which I do not have to take upon the uncertain reports of others. If the nearness of the object should disclose infirmities—if dark spots or weak points should be revealed by it, I can still revere what is good and appreciate what is great, without looking for a perfection which is denied to man. I can kneel among the rank weeds at the base of a lofty mountain and worship the grandeur of the Almighty's work, without remembering the petty or the worthless things around me.

One of the most serious mistakes which has crept into this discussion, is the confident assumption that Kossuth is "the invited guest of the Nation." I deny it, broadly and explicitly. If he ever read the resolution under which he came he could not possibly have so understood it. That resolution was carefully and deliberately drawn by the Senator from Mississippi, [Mr. FOOTE,] whose knowledge of language is familiar to us all, and who we all know is not addicted to the use of words the full import of which he does not understand. It is in these words:

A Resolution for the relief of Louis Kossuth and his Associates, exiles from Hungary.

Whereas the people of the United States sincerely sympathize with the Hungarian exiles, Kossuth and his associates, and fully appreciate the magnanimous conduct of the Turkish Government in receiving and treating these noble exiles with kindness and hospitality; and, if it be the wish of these exiles to emigrate to the United States, and the will of the Sultan to permit them to leave his dominions: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is requested to authorize the employment of some one of the public vessels which may now be cruising in the Medi-

teranean to receive and convey to the United States the said Louis Kossuth and his associates in captivity.

I need not say in this Senate, that it is impossible to construe the word "emigrate" into "guest." All that the resolution says, all that it meant to say, is, that if he and his associates chose to come here as *settlers*—if they chose to seek an *asylum* here, we would furnish them with the means of transportation. I am willing to admit further, that by the passage of that resolution we tacitly pledged ourselves to provide them homes when they did come; but certainly no ingenuity can give to it a broader construction than that. He was not invited as a guest. He was not invited at all; but simply informed that if he desired to come among us as an *emigrant*, the means of reaching our shores would be placed at his disposal.

Mr. FOOTE. Did the Senator read the whole resolution?

Mr. CLEMENS. The preamble is the important part, but the Senator can have both. [Mr. C. then read the resolution, as given above.]

It will be observed, that the resolution refers not to Kossuth alone, but "his associates" are connected with him throughout. If he is our guest, they are equally so, and entitled to an equally honorable reception. Further, the resolution does not authorize the President to send a national vessel specially for them, but simply to direct their reception on board of one that might be at the time cruising in the vicinity.

Mr. FOOTE. That is all we intended.

Mr. CLEMENS. Certainly. So I understood then, and understand now.

I do not know, Mr. President, that it is expected in any quarter to make political capital out of the movements which preceded and accompanied the landing of the Hungarian Governor, and certainly I attribute no such purpose to the Senator from Mississippi; but I have heard a great deal of that "swelling tide of public sympathy," which we are warned not to disregard. We have been told that the people have received Kossuth, and Congress dare not turn their backs upon him. I propose neither to turn my back nor my face upon him. I propose to leave him in the hands of the people. If they choose to get up pageants in his honor; if they choose to carry him in procession from city to city and village to village, it is no concern of mine, and I shall not interfere with so harmless an amusement. But it is a different matter when the Senate of the United States is asked to take part in it. I have been able to find nothing in the history of this man—nothing in his whole career which demands such an honor at our hands. If it is a mere political speculation, it is so much the more to be reprobated. We are not altogether without example in our own land, to which it may be instructive to refer. Not many years since there was a struggle for freedom on the southwestern border of the Republic—a struggle which finally brought an empire into the Union. When the successful hero of that revolution landed upon our shores, not as a fugitive, but crowned with the wreaths of victory, who ever dreamed of inviting him here to receive the homage of Congress? Sir, he was bone of our bone, and flesh of our flesh. He had shed his best blood, in his youth, in defence of our land. In ripper years, he had accomplished a successful revolution, redeemed a people from bondage, and brought an empire to lay at our feet; but for him there was no Congressional homage—no resolution of welcome. Sir, I am afraid that we are sometimes inclined to overlook the merits of our own kindred, and unduly exalt those who have less claim upon our sympathies. We can intercede with Turkey for the Hungarian—with France for the Arab—with England for the Irishman; but not a word is spoken here of the fifty sons of America who were murdered in Cuba. We hear nothing of national vessels sent to the coast of Africa to redeem from bondage our own citizens, banished to this inhospitable shore, for no sin but that of loving liberty well enough to fight for it in another land than our own.

Mr. President, I have yet another and a graver objection than any yet urged to the passage of this resolution. Since the landing of Kossuth in England, evidence has been piled upon evidence that he seeks this land for political purposes—that he comes not as an emigrant, but as an agitator. I know the Senator from Mississippi has denied

that the speeches of Kossuth will bear this interpretation. That Senator surely could not have read those speeches with his usual care and attention. I read from Kossuth's London speech:

"When I declared, 'Let not remain barren your sympathy; help us to carry that noble cause to a happy issue; you have the power, so help,'—when I spoke that, I intended not to ask England to take up arms for the restoration of Hungary to independence and liberty. No, gentlemen, that is the affair of Hungary itself; we will provide for our own freedom. (Hear, hear.) All I wish is, that the public opinion of England may establish it to be a ruling principle of the politics of Europe to acknowledge the right of every nation to dispose of its own internal concerns, and not to give a charter to the Czar to dispose of the fate of nations—(cheers), and so not to allow the interference of Russia in the domestic concerns either of Hungary, or of whatever other nations on the continent—(hear, hear.) because the principles of freedom are in harmony, and I love—I am interested in—the freedom of all other countries as well as of my own. (Hear, hear.) My lord and gentlemen, these are the words which I again and again will repeat here in England, and there in the United States, from a most honored member of which I have had the honor to hear principles which quite once carried into effect, would and will give liberty to the world. I have heard it proclaimed from an honored citizen of the United States, the honored object of the sympathy and confidence of a great part of his countrymen, even a candidate to become the Chief Magistrate of the United States—I have heard, in answer to my appeal, declare that he believes the younger brother of the English race very heartily will give his hand to England to protect the oppressed nations not admitting interference with their domestic affairs."

Mr. FOOTE. I will ask from what paper the Senator is reading?

Mr. CLEMENS. The New York *Courier and Enquirer*. I shall read something stronger from other papers directly. Now, sir, it was not in London only, but everywhere in England, and since his arrival here, he has proclaimed himself a political missionary. His avowed object is to induce England and the United States to combine for the purpose of preventing Russian interference with the affairs of Europe. That is, we are to prevent Russia from interfering by interfering ourselves. We are to abandon the policy of Washington and his successors—forget all the lessons they have transmitted to us, and erect the United States into a kind of general guardian for the nations of Europe. I know he speaks of assuming a threatening attitude merely, and predicts that will be sufficient to overawe the Emperor of Russia. But suppose he should be mistaken in that prediction: we would then be fully committed to war. If he possesses one tithe of the foresight which has been ascribed to him, he must be aware that an interference begun by threats must be ended by cannon balls and bayonets. It is childish to talk of trammeling the action of Russia by threats uttered on this side of the Atlantic. She would laugh your threats to scorn. She would tell you that you have enough to do to manage your own concerns at home, without traveling beyond the Atlantic to interfere with the concerns of other nations. She would tell you to be careful that in traversing the world to give liberty to other nations, you did not lose your own. She would remind you that but recently a bitter sectional strife was raging in your midst, which threatened at one time to shatter your Confederacy into atoms—that the embers of that strife were still unquenched, and that it was the part of wisdom to secure internal peace before you engaged in external war; that when you had removed all the causes of bitterness at home—when you had fully cemented your own empire—it would then be time enough to say that the paw of the Russian bear should be planted on no soil without your consent. Such, sir, would be the answer of Russia, and such the answer we should deserve. To indulge in the use of threats towards Russia is either to cover ourselves with ridicule, or involve the country in war; and that, indeed, is the true purpose of Kossuth. Scarcely veiled in England, it has been almost openly proclaimed in America. Here is his New York speech:

"Then what is the motive of my being here at this very time? The motive, citizens, is that your generous act of my liberation has raised the conviction throughout the world that this generous act of yours is but the manifestation of your resolution to throw your weight into the balance where the fate of the European continent is to be weighed. You have raised the conviction throughout the world, that by my liberation you were willing to say, 'Ye oppressed nations of old Europe's continent, be of good cheer, the young giant of America stretches his powerful arm over the waves, ready to give a brother's hand to your future.' So is your act interpreted throughout the world."

What is the source of this apparition unparalleled in mankind's history? The source of it is, that your generous act

of my liberation is taken by the world for the revelation of the fact that the United States are resolved not to allow the despots of the world to trample on oppressed humanity. It is hence that my liberation was cheered, from Sweden down to Portugal, as a ray of hope. It is hence that even these nations which most desire my presence in Europe now, have unanimously told me, 'Hasten on, hasten on to the great, free, rich, and powerful people of the United States, and bring over its brotherly aid to the cause of your country, so intimately connected with European liberty?' and here I stand to plead the cause of the solidarity of human rights before the great Republic of the United States."

"Having thus expounded my aim, I beg leave to state that I came not to your glorious shores to enjoy a happy rest—I came not with the intention to gather triumphs of personal distinction, but because an humble petitioner, in my country's name, as its freely chosen constitutional chief, humbly to entreat your generous aid; and then it is to this aim that I will devote every moment of my time with the more assiduity, the more restlessness, as every moment may bring a report of events which may call me to hasten to my place on the battle field, where the great, and I hope the last, battle will be fought between Liberty and Despotism,—a moment marked by the finger of God to be so near, that every hour of delay of your generous aid may prove fatally disastrous to oppressed humanity."

This language leaves no room for conjecture. His object is to secure the armed assistance of England and the United States. And now let us inquire for what purpose that assistance is sought? To establish liberty in Hungary? No; but the supremacy of the Magyar race. The exiles who have come among us have probably imbibed, and have certainly proclaimed, republican sentiments; but who believes that such sentiments have found a home in the bosom of the Hungarian people? It has been their boast for ages that they constituted the firmest prop of the Austrian throne. It is a well-known historical fact that they have clung to their institutions with a tenacity even beyond that with which the Mohammedan clings to the Koran. It is those who have remained at home, constituting the vast majority of the population, who must give character to the institutions a successful revolt may enable them to establish; and who doubts they will return to that constitution and form of government for which they have manifested so decided a preference? Our aid, then, if given at all, will not be given to a republic but to a monarchy.

The Senator from Mississippi tells us that we ought not to shrink with alarm at the idea of a controversy with Russia. I have seen no manifestation of any great apprehension on the part of any one here. But it by no means follows that, because we do not happen to feel any great alarm at the idea of a controversy with Russia, we should provoke that controversy. It by no means follows that because we are not afraid of Russia, we should go to war with Russia. She has a right to the same courtesy at our hands that other nations have. She has a right not to be insulted. If this resolution should be adopted, under all the attending circumstances, and the Emperor of Russia has the feelings of a man, he must believe—he will believe—that we have offered him an unnecessary and causeless insult. To demonstrations on the part of the people he has no right to object; but acting in our official capacity, we ought to be cautious how we do things calculated to disturb our friendly relations with foreign Powers; and, above all, we should refrain from giving our public approbation to an individual who has told us openly before landing on our shores—who tells us now—that his object is to agitate—to excite enmity against a nation with whom we are on terms of amity; who tells us, further, that his object will not be accomplished unless he can obtain from the Government of the United States a sanction and approval of his mission. When the news reached Gov. Kossuth that the resolution introduced by the Senator from Mississippi had been withdrawn, he saw proper to become highly offended, and assumed to deliver a lecture to a Philadelphia committee upon the conduct of Congress. Listen to his reply to that committee, and then judge how far we can now be justified in inviting him here:

"Kossuth said he was extremely rejoiced at this demonstration on the part of Philadelphia, and that he felt the highest gratification in being thus honored by the glorious corporation of that renowned city. Before he left Europe, one of the pleasures he had promised himself was to meet and mingle with the citizens of that great city where the Declaration of Independence had been proclaimed; and he felt now particularly anxious to visit the hallowed spot where that immortal charter had been adopted. But he went on to say, that at the present moment it was quite impossible for him to declare at what time he could go there, and that, indeed, it was not certain that he could go there at all. His object in visiting this country was not a personal one—he did not come to promote any selfish purpose, and he could not,

therefore, do anything that was calculated merely to gratify himself. His object was to promote the great cause of liberty throughout the world, and especially in Hungary; and while he was sure the people of the United States sympathized in that object, he could not but say that he was deeply distressed at the action which had been taken by (one branch of) Congress. He had the highest respect and regard for Congress—he recognized it as the exponent of the national will, and in view of what it had done, his own movements were necessarily embarrassed. Whether he would be content to go beyond New York he could not now say; but he was free to declare that had the proceedings in Congress, to which he had adverted, reached him before he left Europe, he would have hesitated about coming to this country at all.

"The reason why I say this, is, that though I am fully aware of the circumstance that in the United States it is the public opinion of the people which decides in the last instance on public affairs, and though I must confess that I have received here in New York such a manifestation of the sympathy of the people as gives me hope and consolation, still I regard myself invited to this country by an act of Congress, initiated in the Senate. Now, had I known that in the same place where I was invited, the same body would now decline to bid me a welcome, I would have thought that I was not a welcome guest; so much the more as the President of the United States has formally invited the Congress in his message to consider what steps are to be taken to receive the man for whom he has sent a frigate to Asia, complying with the will of the same body in which now a resolution of no further political tendency—the simple resolution to bid me a welcome—was withdrawn on account of an unexpected opposition. Under such circumstances I would not have wished to intrude.

"And as it was, with the utmost gratitude to all who bestowed on him such marks of kindness as the city of Philadelphia had offered, and especially with sentiments of sincere regard for Philadelphia and its citizens, he must defer for a day or two any positive reply to the request which had been made to him."

Had the proceedings of Congress reached Kossuth before he left Europe he would have hesitated to come to this country. And why? Was there anything in those proceedings disrespectful to him? Was there a solitary remark made by any Senator on this floor which was not in the highest degree eulogistic of him and his character? Was there not everything in the proceedings of that day to gratify his personal vanity? Certainly; and there must have been some other cause why he would have failed to come to America if he had known what was to transpire. He would not have come here because those proceedings taught him that he could not succeed in engaging the Government of the United States in a war with any foreign Power, and as his mission here looked to that result, and that only. As he sought no personal sympathy, no personal protection, he would have directed his steps to some quarter where the prospect of obtaining armed aid for Hungary was more cheering. Sir, I protest against this intervention with the domestic concerns of other nations. I protest against this resolution, because it commits us in some degree to the wild schemes of an enthusiast; it sanctions the arrogance which rejects the home we offered, and demands as a right that we should offer in exchange the blood and the treasure of our people.

Mr. SHIELDS. Mr. President, having introduced a resolution upon this subject, I feel it my duty to say a few sober words. When I introduced the resolution, I was a little excited—perhaps a little more than I ought to have been. I shall endeavor to be brief, and perhaps what I say may furnish another illustration of the fact, that the less a man knows of this subject, the more eloquently he can speak upon it. I regret, and I wish that I could express my regret in such a manner as to convey it to others, that this resolution was ever introduced. I regret it exceedingly now. I feel that this movement, whether or not we shall be successful in it, is calculated, in some measure, to damage the great cause for which Kossuth has come to this country. I have watched his course very closely. I am somewhat acquainted with the history of Hungary, and I confess that I have been somewhat astonished at some of the illiberal remarks which have been made in relation to that man in this body. Honorable Senators, perhaps, in expressing themselves here, forget what I stated the other day, that every word spoken by an American Senator, in his place, in relation to this movement, must either aid the cause of liberty, or injure it, in Europe.

It has been stated here, by one of the most intelligent and experienced members of this body—by a gentleman for whose talents I esteem him as highly as any man in this body—the honorable and distinguished gentleman from Georgia, [Mr. BERRIEN:] that the constitution of Hungary was, in some measure, an unjust one toward the inferior races of Hungary. That is not the exact

language of the gentleman, but I think it expresses his idea. Now, the constitution of Hungary was what all constitutions in Europe were during that period. All were unequal; all were unjust. Undoubtedly, the constitution of Hungary operated unjustly toward some portion of the great family over which it spread. So, also, has the English constitution; so, even, the republican constitutions of Europe. But honorable Senators forget one thing—and the honorable Senator from Alabama [Mr. CLEMENS] forgot it—that the object of Kossuth and his associates was to render the constitution of Hungary equal toward all those inferior races. I do not care for some of those pretty histories which have been printed here, for most of them are libels. If there is a man living who has endeavored to give equal liberty, not only to the Magyar, but to the Croat, to the Slavonian, and to the Sclav, it is this distinguished man who is now in this country. Permit me here to say, in this Senate, that my reading of the history of their struggle is this: The associates of Kossuth, who surrounded him—who were the ruling and dominant men of the Magyars—did what is very seldom done in any country: they stripped themselves of their own power, they voluntarily cast off their privileges, and spontaneously elevated those inferior races. I think this is a remarkable example in the history of the world.

Take, now, the speech of the honorable Senator from Alabama to-day, in relation to this distinguished man, and I ask, in the sincerity of my heart, after a distinguished man has been invited to your shores, whether it is magnanimous, whether it is American, whether it is republican, to make any disparaging comparisons between him and others? One Senator runs a parallel between Kossuth and Lafayette. Another tells you that Kossuth is no republican, or that he has only become a republican since his exile; that he was not a republican in his prosperity. But, sir, I say here, that I have followed his course with deep and intense interest. I have followed the armies of Hungary and rejoiced in their victories; and I do not hesitate to say that there have been more unpleasant and hard things said of Kossuth in this Senate than have been said of him in all Europe, except by the bribed and hireling prints of some of the despots of the Old World. I know that these harsh sayings have been unintentional. I know that there is the best feeling for Kossuth here. I want to express this, because I am afraid it will be misunderstood abroad. There is not a gentleman who opposes this resolution that does not at this moment delight at the idea of seeing Kossuth in this country, and who would not rejoice in the supremacy of the principles he now advocates. But it will not go abroad to the world in this way. When a Senator in his place, in the American Senate, rises up and states that Kossuth is no republican, that he was a leader of despots, what will be the effect abroad?

It would, Mr. President, be exceedingly unseemly in me to say anything looking toward the violation of that great principle of American policy—the principle of non-intervention in foreign affairs. It would be ungracious; it would be unbecoming. And here I would say, that I regret as much as any man living some of those theories which are brought to this country by very honest and well-meaning individuals, but which are not at all applicable to the condition of the people of the United States. I regret these things. Every American statesman—every man who thinks—ought to hesitate long before he would embark this great country in any of those dangerous convulsions of Europe. If this country had been forced into the convulsions of France in 1789, no one can tell the effect it would have had on the liberties of the country. So of the convulsion of 1848. Although that seemed to be a more general one, we see how it has terminated. Hence I do not wonder that experienced Senators should hesitate long before they would commit themselves to such a principle as intervention. But I do not understand this resolution to be any such commitment. Far from it. It does not matter what Kossuth himself may expect: it is only what this country may choose to perform. No doubt he would have been delighted to have this country unite with England to check Russia, and prevent Russia from crushing his country, in case another revolution should arise.

Mr. DAVIS. He expects that.

Mr. SHIELDS. My friend from Massachusetts says that he expects that. I believe he does. It cannot be denied that he comes to this country expecting that.

Mr. DAVIS. Suppose we do not grant it?

Mr. SHIELDS. If we do not grant it, we shall disappoint his expectations. But by receiving him in the manner which is now proposed, we make no pledge to grant his expectations. I beg Senators to reflect on this.

I may say that the character of Kossuth was formed in an Austrian dungeon. He is one of the most remarkable men of the present age. He has recently told more political truths in England than they have heard for half a century. This is the man that comes here. Gentlemen ask why he does not come as an emigrant? Why, sir, if you gave him the whole United States he could not stay amongst you with the feeling that now possesses his heart. He has but one feeling, and that is a high and noble one—the redemption of his own country. He comes to this country expecting that we might aid him in the accomplishment of that object. I did believe that this resolution could have done so, and I think so now. It could have helped his cause without any fear of intervention, if, without any debate, Kossuth could have been received here in this Hall and in the other branch of the National Legislature, quietly, silently, and with dignity. That of itself, in connection with what has taken place in England, would have prevented any intervention with Hungary in case of another revolution. That is my opinion. It was not necessary for this country to give any pledge—any promise which might deceive Louis Kossuth. No, it ought not to have done so. But had we received him quietly and unanimously, the effect of that, in connection with what is now taking place in Europe, would have accomplished his object; and he knew it. There would have been no necessity for armed intervention.

It is said that Kossuth has made some important remarks since he came to this country; and some of our statesmen are a little offended because he has spoken about the sovereignty of the people, and has distinguished, as it were, between the government and the people. Perhaps he has. One thing I know: he has been so followed by little petty slanders, that I am very unwilling to credit anything I hear, until I find it better substantiated than it is in any of those papers, and particularly the paper from which the Senator from Alabama read. So far as America is concerned, this commenced at Marseilles, and it has followed him ever since. I read these accounts with a great deal of allowance. I have read all his speeches in England, and read them with pleasure. There, as was said by the Senator from Massachusetts, in a monarchy, in the presence of royalty—you may say a monarchy that has acted very liberally towards him and his associates, and toward Hungary—and I wish they would act as liberally towards some other countries—he declared himself boldly and fearlessly to be a republican. This ought to bring him some respect in America, and in an American Senate.

For one, I confess that I am a little afraid that the republicanism of Europe will not be able to accomplish much. For, when a king has been unfortunate—when a crowned head, who has struggled in the cause of royalty, is unfortunate, all the kings and all the crowned heads of the world enter into competition to do him honor. He is sacred to them, because he has been unfortunate in their cause. When the last Stuart fled from his throne, the monarch of France received him in a manner in which he would not have received any other man on earth. Why? Because he had been unfortunate in the cause of monarchy. But when a poor republican becomes unfortunate—when a man who has struggled and tried to elevate his country, and his country has been crushed by a conspiracy of monarchs—when such a man is unfortunate, and comes to a Republic, the cry is, Oh, no! oh, no! *Procul, O procul, este profani!* We cannot sympathize with you without getting into trouble. It is intimated that we might, perhaps, insult Russia or Austria. And yet Russia and Austria do not hesitate much in putting down free countries, and insulting republicanism. I look upon this as a melancholy fact; and I look upon it not as a hopeful fact for republicanism or for liberty. France scarcely becomes a Re-

public when she sends an army to crush another little Republic for assuming the very same right which she assumed for herself. She would not allow the right which she took herself to the Italians. America has become a great and powerful Republic. America got some aid in the hour of her trial; and now that she is powerful and great, she says to others, You may fight out your own battles in your own way. We are safe, and we will continue so. This is going rather far; and there is one thing which, I think, has been carried too far: it is the ostentatious parade of this principle of non-intervention. We may act upon it; and it may be prudent to act upon it; but why parade it before the world? Why tell the despots of the world, that no matter what Republic they may crush, our hands are tied; that we stand, as it were, self-excommunicated from the rest of the world in that way. I think it may be very well to act upon that principle: and hitherto it has been well. It has, no doubt, made this country great. But I feel, at the same time, that it is not very prudent to parade it before the world, as the permanent, fixed, and unalterable policy of this country. I can imagine a state of things—and it was suggested by the honorable Senator from New Jersey, [Mr. Srockton]—wherein this principle could not be acted upon. If the present appearance of the world be taken as an indication of the future, God only knows how long we shall be permitted to act on this principle. Reaction is now triumphant all over Europe. When it becomes successful universally, who can tell how long we shall be permitted to remain here without some interference? Be that as it may, it is not the question.

I say again, that it does not matter now whether this resolution pass or not. The effect of it has been destroyed by this opposition. Kossuth, in coming to this country, must have either benefited or injured his cause. He came to this country to benefit his cause. He has said frequently that he wants us to unite with England, and form a kind of alliance, to prevent the intervention of other countries in the affairs of Hungary, and make other countries observe the principle of action which we have laid down for ourselves. We wish to make our principle universal. He says that it will not do for any country not to intervene; because that would require that country to be unfaithful in its duty to humanity. There is something in that view. He asks us to unite with other liberal countries, and prevent intervention. This country need not give him an assurance that it will act on that principle of his. But, by receiving him kindly, generously, hospitably, magnanimously, we would have made an efficient impression upon him, so that he could go back to Europe and accomplish, perhaps, his object, so far as his own country is concerned. But it matters not now what we do, because it seems that the cause of Kossuth has not been benefited by the proceedings which have taken place in this Senate.

I would beg honorable Senators to abstain from saying anything with regard to Kossuth which may injure his prospects. He will go back; and within two years from his going back to Europe, mark my word for it, there will be seen a revolution in Europe such as has never yet been witnessed there. Kossuth, in my opinion, is the man, framed by misfortune, formed by education, and, if I may be allowed the expression, raised by the hand of God, to prepare the materials for that great and, I hope, final and successful revolution in Europe. Senators may say that he is not a man to compare with Lafayette, or this man, or that man. This country owes to Lafayette an immense debt; but I say that this age has produced no man to compare with Louis Kossuth. He is, in my humble opinion, in politics and statesmanship what Napoleon was in war. He looks over the whole field of Europe. His country is his idol. No man could be what he is, if he had not that grand ideal before him, which he has. He has studied not only the politics of Hungary, but of Europe.

Sir, in England he seems to know her institutions, her weakness, and her strength, as well as Lord John Russell, the Premier. They are astonished, they are astounded at it. So with regard to France. So with regard to Italy. I consider him, therefore, if I may use the expression, as raised by the hand of destiny for this great mission. The time is arriving; the hour will soon come—here is the man!—here he is amongst us!

His speeches thrill all Europe. And the cause of Hungary is the cause of all Europe. Every man felt that when Hungary was fighting, she was not only fighting her own battles, she was fighting the battles of liberty; she was fighting the battles of nationality for the whole civilized world. Kossuth will go back to his own country, whether you receive him or not—whether you give or refuse this little compliment. He goes back to Europe. The first revolution that takes place there—and that may not be very far distant—my impression is, that Hungary will be erect and free again. Hungary cannot be kept down unless Europe is kept down. Europe must be trodden down first. The fate of Hungary is involved in the fate of Europe; and they will not keep Europe down—never! never!!

There is the most extraordinary phenomenon in Europe now that ever perhaps was witnessed before. There are more men in arms, from the Volga to the Rhine, than there were when the battle of Leipsic was fought, when Napoleon was at the head of his army—when he had aroused all Europe. There are more men in arms in Europe now than there were then. Napoleon is dead; he is not at the head of his army now; he is lying buried on the banks of the Seine, and yet Europe is now trembling under the tread of armies. Of what is Europe afraid? Where is the enemy? No one nation is now afraid of another. No, sir; but they have armed against such men as Kossuth; against the spirit he brings, and against the principles he enunciates to the world. They have armed against the spirit of democracy. I do not mean that in a little party sense. I mean it in a broad, national, mundane sense. I say now that there are no governments on God's earth possible but democracies and absolute governments. The old governments are giving way. Even England is effete. She will go, and she feels it; and her statesmen now are preparing to launch her on the tide of democracy. She cannot live longer unless it is done. She must go with the Absolutists or with the Democrats. Her statesmen see it. Why was Kossuth received so warmly there, not only by the people, but by the first men of the land? Why has Palmerston taken such pains to rescue him from the dungeons of Turkey? Why is he shown such friendship in England? Sir, it is because Kossuth is fighting the battle of liberty everywhere. All must become absolute governments or democracies. Absolutism seems to be in the ascendant. There seems to be but one mind from St. Petersburg to Lisbon. All the principalities of Europe in that neighborhood, political and religious, have become absolute; there all are absolutists now. England sees it. She sees that if the tide of absolutism prevails, she is excommunicated from the continent of Europe. She knows and she feels it. In my opinion it will not be long before England will be launched upon the tide of liberty; and that is why England courts this country at this time. She now turns her face to a nation which she rejected, and I may say despised, for a long time. Why does she do it? Because she wants this great, young, powerful, unconquered and unconquerable country to stand at her back in defence of these great principles.

I say, therefore, that Kossuth, in this respect, is an extraordinary man. His history is one of the most extraordinary that has ever yet been known in this world. Take him in his Austrian dungeon, where he disciplined his mind for the present trial. Take him at the head of the proudest and oldest aristocracy of Europe, the Dictator, as it is said, the organizer of the armies of Hungary. Take him as a prisoner in Turkey. It has often happened that men have been chased away by Christians, and have found refuge under the Crescent. Take, as an illustration, this man, who, as the representative of a country which defended Christianity—that carried the Cross triumphant—that man in his country is crushed by Christians and Christian nations, and he finds a refuge—where? Not on the continent of Europe, but under the Crescent of Mahomet. Then follow him: England and America unite in obtaining his release. He comes to England—this extraordinary man, whose career is more romantic than romance—comes there, and how is he received by Englishmen? I do not speak of mere English officials—I do not speak of men in high political stations—I speak of the strong, bold, manly heart of the Englishman, who has that

inborn sense of pride and independence which scorns the idea that either Austria, Russia, or all Europe, would make him shrink from performing his duty towards a guest who comes to his country. I speak of that. I forgive England and Englishmen a few of the wrongs which they inflicted elsewhere, when they show the way in which they receive this man. There is something great in it. As for an Englishman, you could not get him to say that he is afraid of the Czar of Russia. You would never hear that from him. On the contrary, as was said by the honorable Senator from New Jersey, [Mr. Srockton,] if an Englishman is insulted in any part of the world, there is immediately an English fleet sent to repel that insult. I saw that myself very often.

From England he comes to this country. We propose here to give him a public reception and welcome. I before said that I regretted this discussion had commenced, but now that it has commenced, now that his name has been brought into it, I think it would be ungenerous, and almost wanting in magnanimity, to repulse him from us. In receiving Louis Kossuth you would do honor, not merely to him, but to a great principle. What is that principle? It is the very principle of our own political existence. Are you afraid to respect a man who is the incarnation of a great principle, when that principle itself is the very principle upon which our nation is founded? It seems to me that such should be the case. But this is said to be an empty honor. Very well; if it be an empty honor, why not give it to the Governor of Hungary, whom all acknowledge was once the Governor of Hungary? He was the governor of a great nation. Is not that sufficient to authorize his reception? I think so, and I believe that he will be Governor of Hungary again. I hope so; and I trust that this Republic will do everything a great nation can do to give him encouragement, and bid him God speed!

[Mr. FOOTE next obtained the floor, and made a few remarks relative to his connection with the subject under consideration. The report of them has been withheld for revision.]

Without finishing, he gave way for a motion to adjourn.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 10, 1851.

The House met at twelve o'clock, m.

The Journal of yesterday was read and approved.

The SPEAKER announced the following gentlemen to constitute on the part of the House, the members of the Joint Committee on Printing, viz: Mr. GORMAN, Mr. HAVEN, and Mr. STANTON of Kentucky.

Mr. COBB gave notice, under the rule, of his intention to ask leave to introduce a bill to enable the proper Department so to construe the act of June 28, 1850, granting bounty land to the officers, musicians, and soldiers of the American Army since the year 1790, as to embrace all persons who may have been mustered into, received pay from, and were mustered out of service by the General Government.

Mr. HALL, by unanimous consent of the House, introduced a bill, of which previous notice had been given, "granting to the State of Missouri the right of way and a portion of the public lands, to aid in the construction of a railroad from Hannibal to St. Joseph, in that State."

The bill was read a first and second time, and referred to the Committee on Public Lands.

ASSIGNABILITY OF LAND WARRANTS.

Mr. HARRIS, of Tennessee, moved that the rules be suspended, and that the House resolve itself into Committee of the Whole upon the state of the Union.

Mr. H. said, if the House will indulge me in a solitary remark, I will state that my object in moving to go into Committee of the Whole is to take up the joint resolution making land warrants assignable.

The question was put and the motion was agreed to.

So the House resolved itself into Committee of the Whole on the state of the Union, (Mr. Richardson in the chair.)

Mr. HARRIS. If it is in order, I will now move to take up joint resolution No. 1, explanatory of the act approved September 28, 1850,

entitled "An act granting bounty land to certain officers and soldiers who were engaged in the military service of the United States."

The CHAIRMAN. The motion is in order. The committee can determine what business it will first take up.

Mr. KING, of New York. Does not the rule require that we shall take up the business in the order in which it stands upon the Journal?

The CHAIRMAN. The gentleman is correct.

Mr. KING. Then I desire to know what is the first business in order.

The CHAIRMAN. The President's message is the first business in order. The gentleman from Tennessee must move to pass that by, in order to take up the joint resolution to which he has referred.

Mr. HARRIS. I make that motion.

The motion to pass by the President's message was then agreed to.

Mr. HARRIS then moved to take up for consideration joint resolution No. 1, in relation to the assignability of bounty land warrants; which motion was agreed to.

The resolution was read.

Mr. HARRIS. With the indulgence of the committee, I propose to make a brief statement as to the objects to be effected by the passage of the series of resolutions which I had the honor to introduce.

The object of the first resolution is to make the bounty land warrants, the issuance of which was authorized by the act of 28th September, 1850, assignable.

Of the 2d, is to authorize the registers and receivers of the United States land offices, to charge and receive for the location of these warrants the same rate of compensation that they would be entitled to where the land was sold at public sale at \$1 25 per acre, to be paid by the Government of the United States where the location is made for the soldier or his heirs, and in all other cases to be paid by the assignee or holder of the warrant.

Of the 3d, to provide for the same rate and character of compensation to registers and receivers for services already rendered in the location of this class of warrants.

Of the 4th, to extend the provisions of the act of 28th September, 1850, to all commissioned and non-commissioned officers, musicians, and privates, who have been mustered into the service of the United States to suppress or prevent Indian hostilities, and who have served a sufficient length of time to entitle them to bounty land under the provisions of that act.

Of the 5th, to extend the provisions of the act of 28th September, 1850, to the militia, volunteers, and State troops, who have been called out by the law or executive authority of any State, and whose services have been recognized and paid for by the Government of the United States.

The necessity of the passage of the resolutions under consideration addresses itself with so much force to the sound judgment and discretion of every gentleman upon this floor, that I should regard myself as trespassing unnecessarily upon the time and patience of the committee, to detain them with a word of comment upon it.

Mr. EVANS. I do not intend to offer any resistance to the passage of these resolutions. That these bounty land warrants should be made assignable, is very clear; whether they ought ever to have been granted, is another question. I can assure the gentleman who has introduced this measure that, so far as I am concerned, I do not intend to offer any opposition to it. Yet it must be apparent to every gentleman that we do not understand what it is. The resolutions are very long. I have heard them read twice, with great attention, and yet I am not able to comprehend them. There may be a great deal more in the resolutions than meets the eye. There may be a great deal more in them than strikes us at first hearing, and there ought therefore to be a copy of the resolutions upon the desk of every member here, in order that we may be able to suggest corrections and amendments if any shall be necessary. The resolutions can still be passed within a few days. They can be printed in a day or two, and we can then go into Committee of the Whole on the state of the Union again and pass them. They ought not to be passed with such precipitation. It is inconsistent with sound legislation to proceed with such unseemly haste. Neither is there any neces-

sity for it. What we propose to effect to-day, can easily be effected before a single week shall have passed away. No delay will be caused by waiting until we can inform ourselves in regard to the contents of these resolutions. With respect to one of them, it seems to me—although I may have misapprehended it—that it directly throws upon the Treasury of the United States expenses which ought perhaps to be borne by the possessor of the land warrant himself. It provides that the owner of the land warrant, if it be assigned, shall be responsible for all the charges connected with it, but that if the land warrant is not assigned, and is in the possession of the original holder, then the Treasury of the United States shall pay all the charges of the register and receiver, who are engaged in locating and recording it. I do not know the precise amount of these charges. I do not know what they amount to upon a single warrant. But I do know that the Secretary of the Interior informs us in his late report, that the total number of these land warrants, issued under the act of the 28th of September, 1850, will be at least two hundred and fifty thousand. Now I am not prepared to say that it is not right and proper that the Government should pay these charges, but it is at any rate a fair matter for consideration. It is known to those gentlemen who were in the last Congress, that I offered strong opposition to certain features of the bounty land bill, but I do not intend to offer any opposition to these resolutions, or even to vote against them, as I understand that it is the general feeling of the House that they shall pass. I will, however, respectfully suggest to the mover of these resolutions, that he should allow the committee to rise, in order that the resolutions may be printed, with the understanding that as soon as they are printed, we shall again go into Committee of the Whole on the state of the Union, and pass them. I move that the committee do now rise.

The motion was agreed to.

The committee then rose, and the Speaker having resumed the chair, the chairman of the committee reported that they had had joint resolution No. 1 under consideration, and had come to no conclusion thereon.

Mr. EVANS moved that joint resolution No. 1 be printed.

Mr. MARSHALL, of Kentucky, by unanimous consent, presented an amendment, [a copy of which could not be procured,] which he intended to offer to the resolution at the proper time.

Mr. DUNHAM asked the unanimous consent of the House to lay upon the table and have printed an amendment to the resolution, which he intended to offer at the proper time.

Mr. CARTER objected. The committee was, he said, the proper place for amendments.

The question was then taken on the motion ordering the joint resolution and the amendment of Mr. MARSHALL, of Kentucky, to be printed, and it was agreed to.

TRANSFER OF BOUNTY LAND WARRANTS.

Mr. COBB. A few days ago I asked the unanimous consent of the House to introduce a bill of which previous notice had been given. The gentleman from Ohio [Mr. CARTER] objected to its introduction at that time, because he did not know the contents of it. He now understands it, and is in favor of its passage. Duty to my country and to the parties more particularly interested demand that I should press the bill upon all occasions, and I therefore again ask leave to introduce it. It is simply a bill to authorize the transfer of bounty land warrants issued under the act of the 28th September, 1850, granting bounty land to the officers and privates of the American Army since 1790.

There being no objection, the bill was introduced, and read a first and second time.

Mr. COBB. I now move to put the bill upon its passage, and call for the previous question.

Mr. HARRIS, of Tennessee. Is it in order to move to refer the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. It is in order.

Mr. HARRIS. Then I make that motion.

Mr. CLINGMAN. I would submit this question of order to the consideration of the Chair: When a bill is before us and there is a call for the previous question, is it in order, while the Chair is in the act of ascertaining whether the previous

question will be sustained, for a member to make another motion? I submit that the gentleman from Tennessee [Mr. HARRIS] is too late in making his motion. If the previous question is not sustained, then further motions will be in order.

The SPEAKER. The gentleman from North Carolina [Mr. CLINGMAN] is correct. The motion to refer cannot be entertained pending the call for the previous question.

The question was then taken on sustaining the call for the previous question; and, on a count, there were—ayes 93, noes 31—no quorum voting.

Mr. CLINGMAN called for tellers; which were ordered; and Messrs. ROBINSON and COBB were appointed.

The question being again taken, there were—ayes 91, noes 24—still no quorum voting.

The SPEAKER stated, that if there was no objection the count would be taken over again.

There being no objection, the tellers resumed their places; and a new count having been had, there appeared—ayes 109, noes 25.

So the previous question was sustained.

The main question on the engrossment of the bill was then ordered; and the bill being engrossed was then read a third time.

The question now being, "Shall the bill pass?"

Mr. COBB demanded the previous question; which was seconded, and under the operation thereof, the bill was passed.

Mr. COBB moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. FICKLIN. I ask leave to introduce a bill of which previous notice has been given.

NAVAL COMMITTEE.

Mr. ROSS. I rise to a privileged question. I have had the honor of being appointed a member of the Committee on Naval Affairs. I regret to say that I am under the necessity of asking the House to excuse me from serving on that committee. I make the request, not with any disrespect to the honorable chairman or any member of that committee, but for reasons which are entirely satisfactory to my own mind, and which leave me no other alternative. I hope the House will excuse me.

The question was then taken, and he was excused.

Mr. FICKLIN, by unanimous consent, introduced a bill, of which previous notice had been given, to protect actual settlers on the lands on the line of the Central Railroad and branches, by granting preemption rights thereon; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. CLARK asked leave to introduce a bill, of which previous notice had been given, to grant a certain quantity of land to the State of Iowa for the purpose of aiding said State in the construction of a railroad from Dubuque to Keokuck.

Mr. CARTER objected, and inquired of the Chair what was the regular order of business?

The SPEAKER said, the regular order of business was to call the States for petitions.

Mr. CARTER asked if it would not be in order to take up the President's message and to refer it to appropriate committees?

The SPEAKER said that it would not be strictly in order.

On motion by Mr. JOHN W. HOWE, by unanimous consent, leave was granted to withdraw from the files of the House, for the purpose of reference to one of the executive departments, the petition and papers of John Morrison, asking for bounty lands under the law of 1850.

THE PRESIDENT'S MESSAGE.

Mr. CARTER. I now move that the House proceed to take up the President's message, and to refer it to the appropriate committees. My object in making that motion is to furnish the standing committees with their legitimate business, so that they may organize and go to work. I would inquire whether the message is now before the House, or whether it has been referred to the Committee of the Whole on the state of the Union?

The SPEAKER said it had been so referred.

Mr. CARTER. Then I move that the House do now resolve itself into Committee of the Whole on the state of the Union, with the view of taking up the President's message, and distributing it between the several standing committees.

Mr. SMART objected, and called for the regular order of business.

The SPEAKER said that the motion of the gentleman from Ohio [Mr. CARTER] was a privileged motion. The regular order of business was to call the States for petitions; but the gentleman had the right, under the rule, to move that the House resolve itself into Committee of the Whole on the state of the Union.

The question was then taken upon the motion to go into committee, and it was not agreed to.

SEATS FOR THE REPORTERS.

Mr. STEPHENS, of Georgia, by unanimous consent, from the select committee appointed on Wednesday last to inquire into the practicability of procuring, within the bar of the House, suitable seats for the Reporters of the *Congressional Globe*, reported the following resolution, viz:

Resolved, That the Doorkeeper be and he is hereby authorized and directed to provide three chairs for the Reporters for the *Congressional Globe*, to be placed in front of the Clerk's desk, similar to the chairs occupied by the Reporters on the floor of the Senate.

The resolution having been read,

Mr. STEPHENS said: I will barely remark, that upon investigation we have found that three chairs may be placed directly in front of the Clerk's desk for the Reporters of the *Globe* without at all incommoding the House. If they should, they can be removed. I move the previous question on the adoption of the resolution.

The previous question was seconded, and the main question ordered; which question being put, the resolution was adopted.

Mr. JONES, of Tennessee, moved that the vote just taken be reconsidered, and that that motion be laid upon the table; which latter motion was agreed to.

PETITIONS.

The SPEAKER stated that the States would be called for petitions, commencing with the State of Maine.

On motion by Mr. LETCHER, by unanimous consent leave was granted to withdraw from the files of the House the petition and papers of Richard Pool.

ADVANCES BY NEW HAMPSHIRE.

Mr. PEASLEE, by unanimous consent of the House, and in pursuance of previous notice, introduced a bill authorizing the payment of interest to the state of New Hampshire for advances made for the use and benefit of the United States, in repelling invasion and suppressing insurrection at Indian Stream, in said State; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. TUCK. I believe there is a rule of this House which authorizes the presentation of petitions without detaining the House; and believing that we shall do nothing else that will be useful, I move that the House do now resolve itself into Committee of the Whole on the state of the Union.

The question was put, and the motion was not agreed to.

Mr. WALBRIDGE presented the petition of Lemuel Hudson and Ephraim Sharp, which was referred to the Committee on Invalid Pensions.

MINT OF THE UNITED STATES AT NEW YORK.

Mr. BRIGGS, by unanimous consent, introduced a bill, of which previous notice had been given, to establish a Mint of the United States in the city of New York; which was read a first and second time by its title, and referred to the Committee of Ways and Means.

REFERENCE OF PRESIDENT'S MESSAGE.

Mr. JONES, of Tennessee. The House have already heard that petitions may be presented here under the rule of the House without wasting its time. It is important that the standing committees should have some basis upon which to commence their work; and preparatory to that, it is necessary to dispose of and refer the various subjects treated of in the President's annual message to the proper committees. That message has been referred to the Committee of the Whole on the state of the Union. Now, I think the proper course for us to pursue, is to go into committee, and refer it to the appropriate standing committees, and let those committees meet and report when they may think proper. It is right that they should have jurisdiction over the subjects to be referred to

them, and authority to call upon the Departments for explanation and information. I therefore move that the House now resolve itself into Committee of the Whole on the state of the Union.

Mr. HOUSTON. The House is aware that the message has not yet been printed. I had intended myself to make a motion similar to that just made by the gentleman from Tennessee, [Mr. JONES,] but until the message is printed, I can hardly see the utility of the motion. I think, therefore, the gentleman had better withdraw his motion for the present.

Mr. JONES. The message has been printed in the papers. It has not, to be sure, been printed by our public printer and laid upon our tables. When that will be done, the Lord only knows. [Laughter.] If we have to wait until we receive it from the public printer, with the documents which accompany it, we shall be obliged to wait for three months, at least.

Several MEMBERS. Five months.

Mr. JONES continued. My experience is, that it is not common to wait for these documents to be officially printed and laid upon our tables before referring it; but if it is the pleasure of the House to wait that time, I have no objection.

The SPEAKER. Does the gentleman withdraw his motion?

Mr. JONES. No, sir, I do not. The House may vote it down if they wish.

Mr. GORMAN. I hope the gentleman from Tennessee [Mr. JONES] will withdraw his motion. I doubt not, there are other gentlemen in the House in the same situation with myself, in relation to this matter. Papers have been referred to committees during the last Congress; they are now upon file in the Clerk's office, and cannot be withdrawn, except upon motion. But I hope the motion will be withdrawn for another reason. The rules of the House require that previous notice shall be given of intention to introduce a bill. Now, when the States are called for petitions, members are also allowed to give notice of their intention to introduce bills, as well as present petitions. I hope, therefore, it will be the pleasure of the gentleman from Tennessee to withdraw, for the present, his motion to go into committee.

Mr. JONES then withdrew his motion.

Petitions were then called for from the State of New York; and

Mr. JENKINS presented several.

On motion by Mr. HAVEN, by unanimous consent, it was ordered that the petition of Silas Champion for a pension, and the accompanying papers, be withdrawn from the files, and referred to the Committee on Invalid Pensions.

INSOLVENT DEBTORS.

Mr. HAVEN gave notice that he would tomorrow, or on the earliest day practicable, ask leave to introduce a bill to reenact and continue in operation certain acts for the relief of insolvent debtors of the United States.

On motion by Mr. SACKETT, it was

Ordered, That the petitions and papers of Jacob Kerr and Adam Garlock, be taken from the files of the House, and that the former be referred to the Committee on Private Land Claims, and the latter to the Committee on Revolutionary Pensions.

Mr. HART presented a petition from Samuel F. Butterworth; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. KING, of New York, it was

Ordered, That the petitions and papers of Ira Baldwin and Daniel R. Granger, be taken from the files of the House, and that the former be referred to the Committee on Private Land Claims, and the latter to the Committee on Invalid Pensions.

Mr. PRICE presented the petition of Jesse D. Brown, for balance of claim; which was referred to the Committee of Claims.

Mr. ROBBINS presented the resolution of the grand inquest for the eastern district of Pennsylvania, for the extension of the buildings occupied by the Philadelphia post-office; which was referred to the Committee on the Post Office and Post Roads.

Mr. MOORE, of Pennsylvania, asked the unanimous consent of the House to introduce a resolution providing for per diem and mileage to John S. Littell, as contestant of the seat of John Robbins, jr., in the Thirty-first Congress.

Mr. JONES, of Tennessee, objected; and the resolution was not received.

Mr. McNAIR presented a petition of sundry citizens of Delaware county, Pennsylvania, relative to a modification of the bounty land act of 28th September, 1850; which was referred to the Committee on Public Lands.

On motion by Mr. CHANDLER, leave was granted to withdraw from the files, for the purpose of reference to the War Department, the memorial and papers of Mary Ann Beecher.

On motion by Mr. CLINGMAN, it was

Ordered, That the petition and papers of Fielding G. Brown be withdrawn from the files of the House, and referred to the Committee on Invalid Pensions.

Mr. RIDDLE presented a petition from Delaware.

THE PRINTERS' MEMORIAL.

Mr. WALSH presented the memorial of the Congress of Printers upon the subject of the mode of giving out the Congress printing, and suggesting that a committee of three practical printers be authorized to act with a committee of Congress to fix the proper rates of compensation for the public printing, and praying a discrimination in favor of practical printers in awarding a contract for printing.

Mr. W. said that the respectable source from which it came commended it to the attention of the House.

The memorial having been read,

Mr. WALSH moved that it be referred to a select committee.

Mr. JONES, of Tennessee, moved that it be referred to the Committee on Printing; which motion was agreed to.

On motion by Mr. WALSH, it was

Ordered, That the petition and papers of John Gallagher be taken from the files of the House, and referred to the Committee on Pensions.

Mr. BOWIE presented sundry petitions; which were appropriately referred.

On motion by Mr. FAULKNER, it was

Ordered, That the petition and papers of Jacob Thody be taken from the files of the House, and referred to the Committee on Invalid Pensions.

Mr. F. also presented several petitions.

Mr. McMULLIN presented a petition.

ORANGE AND ALEXANDRIA RAILROAD.

Mr. STROTHER. I desire to introduce a bill, under leave of the House, of which previous notice has already been given, for the relief of the Orange and Alexandria Railroad Company.

Mr. JONES, of Tennessee, objected.

Mr. STROTHER. I presume the gentleman will not object when I tell him that I only desire to introduce the bill and have it referred to the appropriate committee. I ask that it be reported for information.

The bill was then read.

Mr. JONES. I would like very much to accommodate the gentleman, but I will say this to him, that if the State of Virginia will come here and ask this Government to pay the \$120,000 which she says she has advanced to it, I will vote to pay it, but I am not going to vote money for the construction of railroads in that country.

Mr. STROTHER. I should be glad if the gentleman would postpone his objections to the bill until it comes regularly before the House upon the report of the committee, at which time I hope to be able to relieve his mind from the difficulties upon the subject. Of course I shall not go into a discussion of the question now. If the gentleman from Tennessee will not withdraw his objection, I will move that the rules be suspended, in order to afford me an opportunity to introduce the bill.

The SPEAKER said it was not in order to move a suspension of the rules for any such purpose except on Mondays.

On motion by Mr. McMULLIN, it was

Ordered, That the petition and papers of George W. Hopkins, of Virginia, be withdrawn from the files of the House, and referred to the Committee on the Post Office and Post Roads.

On motion by Mr. THOMPSON, of Virginia, it was

Ordered, That the petition and papers of Daniel Steenrod be withdrawn from the files of the House, and referred to the Committee of Claims.

Mr. McMULLIN gave notice that at some future time he would ask leave to introduce a bill appropriating five hundred thousand acres of land to the Virginia and Tennessee Railroad.

Mr. JACKSON presented a memorial from

Thomas M. Newell, a captain in the Navy, asking for full pay during the period he was suspended from command; which, with the papers on the files of the House on the same subject, was referred to the Committee on Naval Affairs.

Mr. COBB asked leave to introduce a bill, of which previous notice had been given, for the relief of William J. Price.

Mr. RICHARDSON. I dislike very much to object to the motion of the gentleman from Alabama, [Mr. Cobb]; but if these things are allowed to go on in this way, we shall never reach the State of Illinois.

Mr. COBB then presented the petition of William J. Price; which, with the papers on the files of the House in support of the claim, were referred to the Committee on Public Lands.

COMMITTEE OF CLAIMS.

Mr. SMITH. I have been appointed upon the Committee of Claims, and I desire respectfully to ask the House to excuse me from serving on that committee.

Mr. BOCOCK. Mr. Speaker—

Mr. SMITH. I hope the gentleman is not about to interpose any objection. I have reasons which, in my opinion, are ample. I do not ask it out of any disrespect to the source of appointment, nor from any disposition, on my part, to shrink from the labor it imposes; but, as I have remarked, I have ample reasons for the request, and I hope the House will grant it.

Mr. BOCOCK. I rise simply to say that the gentleman from Pennsylvania [Mr. Ross] asked this morning to be discharged from service on one of the committees of the House. He gave no reason for the request, but merely stated that his reasons were such as were satisfactory to himself; and upon that statement he was excused. Another gentleman now, under similar circumstances, makes the same request, but gives no reasons upon which the House is to base its action. Now, I desire to propound this question to the House: If we go on to grant every request of this nature which is presented, without any reasons being given for granting such requests, what will become of the business of this House, or of the country? That is the suggestion I wish to make.

Mr. SMITH. I have no doubt the committees will remain full; there are a plenty of gentlemen who are willing to serve upon them. I trust, after one gentleman has this morning been excused, without giving his reasons, specially, the same courtesy will be extended to me.

The question was then taken, and Mr. SMITH was excused.

NOTICE TO LOUIS KOSSUTH.

Mr. SMITH. I give notice that on to-morrow, or some subsequent day, I will ask leave to introduce a joint resolution requiring the Secretary of State to furnish Louis Kossuth with copies of the acts of Congress which define treason and misdemeanors against the United States. The resolution also further contemplates that if, after the reading of these laws, he should continue to make such speeches as he has made since his arrival in New York, inciting the young men of the country to take up arms against a nation with which the United States is at peace, it shall be the solemn duty of the President to have him arrested, (laughter,) and detained until satisfactory assurances be given that he will cease his efforts to enlist the coöperative aid and armed interference of the people of these States in favor of Hungary.

Mr. GIDDINGS objected.

THE RULE IN POINT.

Mr. RICHARDSON. I rise to a question of order. I desire to propound this question to the Chair. I wish to know whether any gentleman has not the right to give notice of his intention to introduce a bill? If I understand the rules correctly, when the question is presented by the introduction of a bill, if objection be made, the question arises, "Will the House receive it?" and upon that question there is something upon which they can act definitely. I only desire that we may understand these rules correctly, so that we may start right. My information is, that when the proper time arrives, any gentleman may give any notice he pleases, and no one has the right to object.

Mr. JONES, of Tennessee. I think the gentleman from Illinois [Mr. Richardson] will, upon reflection, see he is in error. The practice of the

House has been, that when a member asks the unanimous consent of the House to give notice of the introduction of a bill, if objection be made, he cannot give such notice. If it be on Monday he may move a suspension of the rules, and the difficulty may be avoided. But in order to afford every one an opportunity of giving notice preparatory to the introduction of a bill, a rule has been adopted providing that notice may be given by the filing of it with the Clerk.

The SPEAKER. The Chair is not aware of any express rule with reference to giving notice of the introduction of bills, except that referred to by the gentleman from Tennessee, [Mr. Jones.] The Chair will remark, however, that it has been the usual practice of this body to give such notice by general consent.

Mr. STANTON, of Kentucky. I desire to ask my honorable friend from Alabama [Mr. Smith] whether it is his intention in offering this joint resolution to reenact the "Alien and Sedition" law?

Several MEMBERS. "Order! order!"

The SPEAKER. No discussion is in order.

Mr. STANTON, of Tennessee. I call for the regular order of business.

Mr. SMITH. I will answer the interrogatory of the gentleman from Kentucky, [Mr. Stanton.] I do not desire to reenact the "Alien and Sedition" law, but we want no more "Pampero" expeditions. The object of this resolution is to warn Kossuth of the ground on which he stands, and to remind the public officers of their duty.

The SPEAKER. The gentleman is not in order.

Mr. SMITH. Well, but I do not understand the decision of the Chair as to whether I have the right to give this notice.

The SPEAKER. The Chair decides that the gentleman has the right, under the rule, to give the notice, by filing it with the Clerk at any time.

On motion by Mr. MOORE, of Louisiana, it was

Ordered, That the petitions and papers of John H. Thompson be withdrawn from the files of the House, and referred to the Committee of Claims.

Mr. MOORE, of Louisiana, by unanimous consent, gave notice that he would, at the earliest day practicable, ask leave to introduce a bill, entitled "An act to make a grant of public lands to the State of Louisiana for the purpose of constructing railroads in said State."

Mr. TAYLOR, by unanimous consent, and in pursuance of previous notice, asked leave to introduce a bill further to extend the time of locating Virginia military land warrants, and for returning surveys thereon to the General Land Office; which was read a first and second time by its title and referred to the Committee on Public Lands.

Mr. GIDDINGS presented a petition.

Mr. BARRERE presented a memorial from Daniel Slack, of Batavia, in relation to the Mexican indemnity.

Mr. JOHNSON, of Ohio, presented a petition.

Mr. MARSHALL, of Kentucky, presented a petition from B. B. Bennett, of Kentucky, which was referred to the Committee on Pensions.

NEWSPAPERS TO MEMBERS.

Mr. STANTON, of Kentucky, asked the unanimous consent of the House to introduce a resolution; which was read for information as follows, viz:

Resolved, That the Clerk of the House furnish to each member such newspapers as he may desire, not exceeding in amount that allowed to members of the Senate.

Mr. JONES, of Tennessee, objected to the introduction of the resolution.

Mr. GIDDINGS inquired of the Chair whether the resolution was not in order under the rules as a part of the organization of the House?

The SPEAKER responded in the negative.

HOMESTEADS.

Mr. JOHNSON, of Tennessee, by unanimous consent, introduced a bill, of which previous notice had been given, to encourage agriculture, commerce, and manufactures, and other branches of industry, by granting to any man who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for a period therein specified; which was read a first and second time by its title, and referred to the Committee on Agriculture.

COMMITTEE ON PUBLIC EXPENDITURES.

Mr. JOHNSON, of Tennessee. I rise for the purpose of asking of the House to be discharged from service on the Committee on Public Expenditures. As the gentleman from Virginia [Mr. Boccock] thinks it incumbent upon gentlemen to do so, I will assign the reasons why I wish to be discharged from serving on the committee, if the House will indulge me two or three minutes in explanation. In the first instance, I will state that I do not ask to be excused from serving on this committee out of any disrespect to the Speaker, as, I think, he will bear me witness. If there is honor or emolument flowing from serving as chairman of said committee, I desire no longer to enjoy such honor or emolument, having enjoyed them heretofore. I will assign another reason, and a very good one, it seems to me, and that is, when you come to examine the rules of the House, which define the jurisdiction of this committee, you will find that the Committee of Ways and Means, by the same language in which it is conferred upon the Committee on Public Expenditures, have charge of every subject that could possibly come within the range and jurisdiction of the Committee on Public Expenditures. In addition to this, there are six other committees that have jurisdiction of all that could reasonably come within the range of the duties of the Committee on Public Expenditures, producing such a conflict of jurisdiction that it makes the Committee on Public Expenditures a perfect nullity, and in fact does away with the necessity of the committee altogether.

I will say, in this connection, that, humble as I am, I have no desire to occupy a position as chairman of a committee which has no duties to perform. I will repeat, if there are emoluments or honor to be derived as chairman of this committee, I have enjoyed them as long as I desire. There is one other reason I would name: I am a member of one other committee, which, in all probability, will have much labor to perform. I hope, therefore, that the House will have no hesitancy in excusing me from service upon this committee.

The question was then taken, and Mr. JOHNSON was excused.

Mr. GORMAN, by unanimous consent, introduced a bill, of which previous notice had been given, to supply the State of Indiana with the deficiency in former grants of lands for the use of the State University; which was read a first and second time by its title, and, with certain memorials upon the files of the House, referred to the Committee on Public Lands.

KOSSUTH AGAIN.

Mr. ROBINSON asked the unanimous consent of the House to introduce a joint resolution providing that the Congress of the United States, in the name and behalf of the people of the United States, give Louis Kossuth a cordial welcome to the capital of the country; and that a copy of the resolution be transmitted to him by the President of the United States.

Objection was made by several, and the resolution was not introduced.

Mr. BRECKENRIDGE presented the memorial of the widow of G. H. McKee, which was referred to the Committee of Claims; the petition of E. H. Taylor, which was referred to the Committee on Roads and Canals; the petition of Thomas L. Judge, which was referred to the Committee of Claims; the petition and papers of Thomas P. Dudley, which were referred to the Committee on Pensions; and the petition and papers of Josiah P. Pilcher, which were referred to the Committee on Military Affairs.

Mr. PICKLIN presented the petition of Rezin C. Martin and eighty-seven others, protesting against the employment of Chaplains by Congress at the expense of the Government, on constitutional grounds; which was referred to the Judiciary Committee.

Mr. BISSELL presented the petition of Mary Prettyman for allowance of a pension; which was referred to the Committee on Invalid Pensions.

Mr. BISSELL. I also present the petition of Dr. W. T. G. Morton, for remuneration as discoverer of etherization. I wish to state to the House, that in this case the petitioner represents himself to have been the first person who demonstrated by actual experiment the fact, that the

inhalation of sulphuric ether rendered the human body insensible to pain during surgical operations. I would state to the House that it is a matter of considerable importance; and I ask that a select committee of five be appointed to take it in charge.

The motion was agreed to, and the Chair was authorized to appoint the committee.

On motion by Mr. RICHARDSON it was

Ordered, That the petition and papers of Nicholas Bohlin be withdrawn from the files and referred to the Committee on Public Lands.

Mr. CAMPBELL of Illinois, and Mr. YATES of Illinois, presented petitions of certain registers and receivers, asking compensation for locating military land warrants; which were referred to the Committee on Public Lands.

On motion by Mr. THOMPSON, of Massachusetts, it was

Ordered, That the petition of Daniel Sampson, praying relief on account of blindness, brought on by exposure whilst in the service of the United States, as a caulker in the Navy, be taken from the files, and referred to the Committee on Naval Affairs.

Mr. HALL and Mr. MILLER presented several memorials from the State of Missouri; which were appropriately referred.

Mr. JOHNSON, of Arkansas, moved that the House adjourn; which motion was disagreed to.

On motion by Mr. CABLE, of Ohio, it was

Ordered, That certain papers in relation to James McKall and Charles Foutman, be taken from the files of the House, and referred to the Committee of Claims.

On motion by Mr. STUART, it was

Ordered, That the petition and papers of Moore and Hascall be taken from the files of the House, and referred to the Committee on Patents.

Mr. STUART, by unanimous consent, introduced a bill, of which previous notice had been given, granting to the State of Michigan the right of way and a donation of public lands, for the construction of a ship canal around the Falls of St. Mary, in said State; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. PENNIMAN presented a memorial from certain registers and receivers, asking for compensation for services in locating bounty land warrants; which was referred to the Committee on Public Lands.

Mr. CABELL, of Florida, by unanimous consent, introduced a bill, of which previous notice had been given, granting the right of way and making a grant of land to the States of Florida and Alabama, in aid of the construction of a railroad from the waters of the Pensacola Bay, in Florida, to Montgomery, in the State of Alabama, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Public Lands.

SESSION OF THE PUBLIC LANDS.

Mr. CABELL, of Florida, asked the unanimous consent of the House to introduce a resolution; which was read for information, as follows, viz:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the States in which they lie, alternate sections of the public lands along the line of all railroads, to construct which companies have been chartered by the Legislatures of such States, to aid in the construction of said railroads.

Mr. SWEETSER objected, and the resolution was not received.

On motion by Mr. HOWARD, it was

Ordered, That the following petitions be taken from the files of the House, and referred as indicated below, viz: the petition of Harris and McCulloch to the Committee on the Post Office and Post Roads; the petition of Maurice R. Simons to the Committee on Invalid Pensions; the petitions of Captain A. Buchel, John Huff, and G. W. Davis, to the Committee on Military Affairs; the petitions of William Alexander and Charles Pin to the Committee on the Judiciary.

Mr. CLARK, by unanimous consent, introduced the following bills, of which previous notice had been given; which were read a first and second time by their titles, and referred to the Committee on Public Lands, viz:

A bill to grant a certain quantity of land to the State of Iowa, for the purpose of aiding said State in the construction of railroads from Dubuque to Keokuck, and from Davenport to the Missouri river; and

A bill for the relief of the preemption claimants of the land upon which the towns of Fort Madison and Burlington, in Iowa, are situated.

Mr. HENN, by unanimous consent, introduced

a bill, of which previous notice had been given, to provide for the correction of errors in the location of military bounty land warrants, and the entry of lands; which was read a first and second time by its title, and referred to the Committee on Public Lands.

On motion by Mr. HENN, the following joint resolutions of the Legislative Assembly of the State of Iowa, were ordered to be taken from the files of the House, and referred to the respective committees to which they were heretofore referred:

A joint resolution for an appropriation for the improvement of the Des Moines and Rock River Rapids, on the Mississippi river;

A joint resolution asking a donation of lands to actual settlers;

A joint resolution for establishing a land office at Fort Des Moines; and

A joint resolution respecting saline lands; and a preamble and resolutions on the subject of procuring from the United States a compensation for services and expenses, in defending a portion of the territory of the United States against the unlawful claim to the exercise of authority by the State of Missouri.

On motion by Mr. HENN, it was

Ordered, That document No. 300, of the House of Representatives, (Treasury Department,) of the first session 29th Congress, together with the accompanying papers, be taken from the files, and referred to the Committee on Public Lands.

Mr. HENN asked leave to offer a resolution; which was read and agreed to, viz:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reoccupying Fort Kearny, near the mouth of Platte river; or of establishing a new military post at some point on the Missouri river, for the protection of the western frontier of the State of Iowa from Indian depredations.

Mr. HENN asked the unanimous consent of the House to introduce a resolution instructing the Committee on Military Affairs to inquire into the expediency of establishing a military post at the source of the Humboldt river.

Mr. SWEETSER objected, and the resolution was not received.

Petitions and memorials were then presented by Messrs. MARSHALL of California, and McCORKLE.

Mr. MARSHALL, of California, by unanimous consent, introduced a bill, of which previous notice had been given, to create a board of commissioners for the examination and payment of claims against the United States arising out of the conquest of California; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

On motion by Mr. FAULKNER, it was

Ordered, That sundry petitions of citizens of Virginia, asking that the military system now in force in the armories may be abolished, and that the said armories may be placed under civil superintendence, be taken from the files of the House, and referred to the Committee on Military Affairs.

Mr. VENABLE presented a petition from citizens of North Carolina against the employment of Chaplains; which was referred to the Committee on the Judiciary.

THE LAWS AND PUBLIC ADVERTISEMENTS.

Mr. SMART, by unanimous consent, introduced a bill, of which previous notice had been given, to regulate the publication of the laws of the United States, and of the public advertisements; which was read a first and second time by its title; when

Mr. S. moved that the bill be referred to a select committee of five, to be appointed by the Chair.

Mr. JONES, of Tennessee, moved that it be referred to the Committee on the Judiciary; which motion was agreed to.

PROSECUTION OF CLAIMS.

Mr. SMART, by unanimous consent, introduced a bill, of which previous notice had been given, to prohibit the prosecution of claims against the United States by heads of Departments, Senators, and Representatives in Congress, during the term of their respective offices; which having been read a first and second time by its title,

Mr. S. asked that it might be put upon its passage.

Mr. CARTTER called for the reading of the bill; and it was read.

Mr. JONES. That is tolerably broad. We are all in the habit here, or at least I am, of attending to every claim which our constituents may send us against the Government in any of the Departments, or before Congress. I have never

received, directly or indirectly, the first cent of compensation for such services. Now, this is a question which requires some investigation, perhaps legislation, and I will go as far as that gentleman or any other gentleman, to prescribe penalties of the severest character against members of Congress who may or shall prosecute claims against the Government for pay. But a bill should be so guarded as not to prevent others from attending to the legitimate demands of their constituents against the Government. I think that we cannot here, at this time, properly guard and frame a bill to effect these objects. I hope, therefore, that the matter will be referred to some appropriate committee—perhaps that of the Judiciary would be the most proper one.

Mr. SMART. I wish to say that there is a similar rule of this House in relation to one officer of the House at least, providing that he shall not prosecute any claim against the Government; and there is a penalty affixed to that rule. That officer, it is true, is a subordinate officer of the House; but for one, I have no idea of permitting men high in station to go unpunished, and visit penalties upon the acts of subordinate officers. I think the country calls for such a law as this. I have no objection to the proposition of the gentleman from Tennessee [Mr. JONES] to refer, and I think he will concur with me in the opinion that such an act should be passed by Congress as this bill contemplates. Everybody knows the enormous amount of claims that have been presented of a certain description. Everybody knows the amount of contingent fees that gentlemen, Senators and Representatives, have obtained in prosecuting these claims. Senators and Representatives become interested in these claims to an extent almost equal to the original claims; and I think it is a matter that requires legislation. Why, you have upon your statute-book a prohibition that no member of Congress shall make a contract with this Government, and yet you see Senators and Representatives taking here \$75,000 as contingent fees to obtain a claim against this Government. I have nothing more to say upon this subject now, and move the reference of the subject to the Committee on the Judiciary.

Mr. BOCOCK. I wish to ask the gentleman from Maine [Mr. SMART] one question: Does he mean to say that any member of the last Congress has received a fee for prosecuting claims?

Mr. SMART. Not at all. I did not mean to apply my remarks to any member of this House, but rumor and the press of the country say that Senators have received the enormous amount of \$75,000 for a single fee. I hope that the matter may be referred to the Committee on the Judiciary, with instructions to report a bill.

The bill was so referred.

PUBLIC EXPENDITURES.

Mr. SMART. I ask the indulgence of the House to present a resolution for obtaining some information, and I would like to have the unanimous consent of the House upon its passage.

Mr. JONES. I would inquire if the call for petitions has been gone through with?

The SPEAKER. Not yet.

Mr. JONES. Then I object, and call for the regular business.

Mr. SMART. The information which I call for is very important, and needs to be before Congress at an early hour.

Several MEMBERS. Read it; read it.

The resolution was then read for the information of the House, and is as follows:

Resolved, That the President be requested to cause to be communicated to this House, the whole amount expended by the General Government in each State and Territory since the year 1789, for forts, arsenals, armories, navy-yards, docks, light-houses, beacons, buoys, piers, and all public buildings, including cost of sites, and, as near as can be shown, the amount expended, including grants of land, in each State, for all works of internal improvement, and the probable amount that it will cost in each State and Territory to complete such forts, arsenals, armories, navy-yards, docks, light-houses, beacons, buoys, piers, public buildings and works of internal improvements as are authorized by law, and now remain unfinished. Also, the whole expenditures already incurred, or by law contemplated, for all public buildings and all local objects in the District of Columbia. Also, the whole amount expended by the Government, including the probable amount to be expended in virtue of existing laws for all the objects above-named. Also, the amount expended in each State and Territory in the removal of the Indians, including the amount paid to said Indians for vacating lands in each State and Territory aforesaid; and the cost of each Indian war since 1798, designating the tribes or nations with which

we have been at war, and the State or Territory to which said tribes or nations belonged while at war with the United States; and also, the whole expenditures of the General Government since the year 1789 among the Indians for all other purposes, designating the amount of expense in each State and Territory. Also, the amount of money furnished for sick and disabled seamen in each State since 1789, and the amount of pensions and land warrants granted to citizens of each State since the year 1789 aforesaid.

Mr. JONES. The departments, with the aid of fifty clerks, could not furnish that information by the end of this session. He therefore objected, and

The resolution was not received.

KOSSUTH AGAIN.

Mr. DOTY asked the unanimous consent of the House to introduce a joint resolution, of which previous notice had been given, tendering a welcome to Louis Kossuth, and making an appropriation to defray the expenses, under the direction of the President of the United States.

Mr. ORR objected; and the resolution was not introduced.

Mr. DURKEE presented a petition; which was appropriately referred.

Mr. PRICE, by unanimous consent, introduced a bill, of which previous notice had been given, entitled "A bill amendatory of the act entitled 'An act to provide for the holding of the courts of the United States in cases of sickness or other disability of the judges of the district courts,' approved July 29, 1850," which was read a first and second time by its title.

Mr. RICHARDSON moved to refer it to the Committee on the Judiciary.

Mr. JONES. I insist upon the enforcement of the rule, and that is to call through the States for petitions. Gentlemen whose States have been passed, cannot go back and bring up their cases again.

The SPEAKER. The bill just read was received by unanimous consent.

Mr. JONES. It was objected to over here.

The SPEAKER. The Chair did not hear any objections.

The bill was then referred to the Committee on the Judiciary.

Mr. SIBLEY asked the unanimous consent of the House to introduce a resolution calling upon the Secretary of War for information of a local character.

Objection was made, and the resolution was not received.

Mr. JONES. I move that the House now adjourn.

Mr. RICHARDSON. I ask the gentleman to withdraw his motion, in order that the message upon the Speaker's table may be taken up.

Mr. JONES. That would not be in order. The call of the States for resolutions would be the next business in order.

The question was taken, and the House then adjourned.

NOTICES OF BILLS.

By Mr. HENN: A bill to revive and continue in force the provisions of an act entitled "An act granting five years' half pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regulars and volunteers," approved February 22, 1849.

By Mr. BISSELL: A bill making a grant of land to the several States of the Union, for the benefit of the insane.

By Mr. EVANS: A bill to amend an act entitled "An act for the punishment of crimes in the District of Columbia."

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BRIGGS: The petition of Mathews, Wood & Hall, for compensation for losses incurred in building the custom-house at New York, owing to the failure of the Government to comply with their part of the contract, &c.

By Mr. AIKEN: A petition to change the name of the Swedish brig *Ulrica* to that of *Etiwan*, and for a register.

On motion of Mr. AIKEN, it was

Ordered, That the petition and papers of Capt. John Baker Rogers be taken from the files, and referred to the Committee of Ways and Means.

By Mr. CHANDLER: The memorial of James B. Moore, Israel Lawrence, Henry D. Goodman of Ohio, and John H. Diehl of Pennsylvania, and their associates, asking the Government to enable them to establish a regular line of mail steamers from California, or Oregon, to China.

By Mr. TUCK: The petition of W. H. Y. Hacket, Robert Rice, and others, praying for the erection of beacons and buoys in the harbor of Portsmouth, New Hampshire.

By HENRY D. MOORE: The memorial of Horatio N. Crabbe, praying for allowances withheld by the accounting officers of the Treasury.

Also, the memorial of Bernard Henry, praying for the payment of a balance due him from the Government of the United States.

By Mr. BRAGG: The petition of Hugh W. Wormley, praying for a pension.

Also, the petition of Gilbert C. Russell, praying for the payment of damages for the breach of a contract by the Government, and seizure of property.

By Mr. RIDDLE: The memorial of sundry citizens of Delaware, praying for an appropriation to establish certain buoys in the Delaware Bay.

By Mr. ALLISON: The petition of Robert Milligan, of Washington county, Pennsylvania, a soldier of the war of 1812, for an increase of pension.

By Mr. WILLIAMS: The petition of Robert L. Ganis; also, the petition of James S. Mitchell, one of the volunteers, praying Congress to so change the late Bounty Land law, that a meritorious class of volunteers may be provided for.

Also, the petition of Hugh W. Wormley, praying for a pension; also, the petition of the heirs of Robert Henry Dyer, praying for a pension on account of his services during the war with Great Britain; also, the petition of John H. B. Rolls, praying compensation for a horse and saddle converted to the public service in the Florida war.

By Mr. SCHERMERHORN: The petition of Amos Knapp, praying for a pension; also, the petition of George S. Clafin, praying for a pension; also, the petition of David Bell, praying for the payment of his share of the pension granted to the heirs of Jesse Bell, deceased.

By Mr. FLORENCE: The petition of William H. Topping, for services as Secretary to the Commission appointed to investigate the affairs of the New York Custom-House.

By Mr. MEACHAM: The petition of Henry McLaughlin; also, of Harry Halsegate, of Milton, Vermont.

By Mr. WALSH: The memorial of Samuel Collins, of Baltimore, in relation to Mexican indemnity; also, the memorial of Dawson Phenix, a passed midshipman in the United States Navy, praying the reimbursement of certain traveling expenses incurred by him.

By Mr. WASHBURN: The petition of Araham Pettin-gill for pension from September, 1834, to December, 1850.

Also, the petition of Eliza Merrill, widow of James Merrill, for arrears of pension.

By Mr. SCUDDER: The petition of Seth Crowell, and others, for a breakwater at Dennis, Massachusetts.

On motion by Mr. Briggs, it was

Ordered, That the papers relating to the establishment of a Mint in the city of New York be withdrawn from the files of the House, and referred to the Committee of Ways and Means.

Mr. BROOKS presented a memorial from the Industrial Congress of New York, remonstrating against proposed amendments to the bounty land bill, the reading of which was as follows:

To the Honorable the Senate and House of Representatives in Congress assembled:

The undersigned respectfully represent: That they were appointed a committee of the Industrial Congress of New York, to memorialize your honorable bodies against any amendment of the most recent bounty land act, passed at the session of '49-'50, giving to the soldiers of the wars of our country certain quantities of land, upon conditions of a personal and bona fide entry of their claims, unless so to amend such act as to make more stringent its provisions and render absolute settlement and improvement of their grants a condition precedent to a title from Government; or, in the event such conditions might become onerous to some fairly entitled to the consideration of the people and the beneficence of Government, the substitution of a money bounty in lieu of land, would, in the estimation of your memorialists, meet both the approbation of the people and the merits of the case, and furnish no cause of censure except to that class of men that in every country speculate upon the necessities of the race, and deliberately forecast the increase of population and the demand for land likely to accrue from such increase within a given period, and then, as deliberately antedate its possession, with a view to enrich themselves at the expense of the people, while scattering them over tenfold the area of ground they can profitably improve, either for their individual benefit or the welfare of the community in which they may reside, or of the country at large; while they at the same time withhold from sale all choice locations, all mines, streams, the best land, the forests, coal-beds, and every spot likely to become the future sites of commercial marts, with a view still further to render tributary to them those whom necessity drives to the outskirts of civilization for bread and employment, or for the means to attain that independence of position which constitutes the aim and the worthiness of the Democratic citizen and the progress of the age.

Your memorialists conceive the rights of every citizen are infringed upon, where the lands of a country are im-providently sold to those who seek them not for personal use and occupation, and that the duty of all Governments to the people which they represent, is to prevent the accumulation of soil in the hands of a few, by any and all means in their power, and much more may they claim at the hands of their Government that wise and humane forethought-ness, that shall leave no excuse to the citizen for holding in contempt the laws and institutions he is presumed to understand, and to have himself created or consented to.

The parent or trustee of an estate that should so manage his trust as to give to, or permit a few of its heirs to monopolize its benefits, to the exclusion of the vastly larger body of those entitled to the inheritance, or that would blindly encumber such estate by anticipating its revenues to squander upon favorites, or in illusory speculations and expectations of the future, law, justice, and common sense would equally condemn and subject to punishment or public censure, and your memorialists conceiving the relation your honorable bodies bear to the people and to them, the same in essence as that which constitutes the parent and trustee, would claim at your hands, for the benefit of the race, and of the American people especially, such laws in relation to the future disposal of the public lands of our country as shall most tend to compact settlements of the people upon them and facilitate the establishment of common schools, canals, roads, and every other desirable improvement of the ages present and prospective—a result that cannot be

reached and that seems not to be desired by those who would throw open to speculators lands ostensibly devoted to the payment of the soldier for services rendered to the country, while deeply infringing the rights of others and the public interest.

Your memorialists, in conclusion, would observe that the public mind is ripe for the occasion and opportunity to settle the unsold lands of the Union. That the spirit which animated our fathers of the Revolution has revived from the exhaustion of that and the later wars of the Republic, and under the better educational auspices of the times, is determined to conquer its liberties anew, and wrest from the grasp of monopoly and money, (which should at all times be the servant, not master of the people,) that which our fathers denied to the laws of primogeniture and entail. Nor would your memorialists omit to observe, that the conviction of the public mind is against the principle of granting bounty lands alone to the soldiers, not because they are not the soldier's due, but because he seldom reaps but a moiety of the benefit intended by such grants, and because the man of honest toil, upon whom the burdens and expenses of all wars mainly fall, is denied an equal claim to reward and the world's esteem, by the distinction raised in the preference given to the men bearing arms only. The public lands, acquired as they are by bequests upon, and by the toils of the people, should cease to be the sport of chance and the property of those who make the soldier's merits the pretence for their avarice and predetermined intention to hold in subjection to their aggrandizement the labors and increase of the population of the country; and the Government that tolerates and the people that submit to that invasion of their rights, and that neglect of duty which springs from a monopoly of land, however produced, can have neither a just claim to the title of democratic, nor be entitled to the applause of history or of mankind. Your memorialists, therefore, solicit that no change be made in our existing bounty land laws, tending to increase speculation in the public lands.

WM. J. YOUNG,
BENJ. PRICE,
JAS. HIBSON, } Com. Ind. Congress.

INDUSTRIAL CONGRESS, NEW YORK, Dec. 6, 1851.

IN SENATE.

THURSDAY, December 11, 1851.

Prayer by Rev. C. M. BUTLER.

Mr. BRADBURY, of Maine, appeared in his seat.

PETITIONS.

Mr. SEWARD submitted additional documents in relation to the petition of Hugh W. Dobbin; which were referred to the Committee on Pensions.

Mr. JONES, of Iowa, presented the memorial of Richard M. Johnson, praying remuneration for losses sustained by him in consequence of his impressment into the service of the United States, as a pilot, in the late war with Mexico; which was referred to the Committee on Military Affairs.

Mr. MILLER presented the memorial of William A. Duer, administrator of William Duer, deceased, praying the payment of a balance due to the estate of the deceased, on a contract for supplying rations to the army under General St. Clair, in the year 1791; which was referred to the Committee of Claims.

Mr. FISH presented the memorial of George Talcott, late of the Army of the United States, complaining that injustice has been done him in the sentence of a court-martial, by which he was dismissed the service, and praying that the Senate will investigate the proceedings of the court before acting on the nomination of the person appointed in his place.

Mr. F. said that he doubted whether the memorial should be presented in executive or open session, but on consultation with older Senators, he was advised that the latter was probably the best mode of presentation. He asked that it be laid on the table, without reference for the present; which was agreed to.

Mr. WALKER presented a petition of inhabitants of Fort Winnebago, Wisconsin, praying a grant to the State of Wisconsin of the military reservation at Fort Winnebago, to aid in the improvement of the Fox and Wisconsin rivers; which was referred to the Committee on Public Lands.

Mr. HALE presented a petition of citizens of New Hampshire, praying the establishment of a mail route from Pittsfield to Farmington Dock, in that State; which was referred to the Committee on the Post Office and Post Roads.

The PRESIDENT *pro tempore* laid before the Senate a communication of Aaron H. Palmer, accompanied by a description of the colonial dependencies of Japan, with a plan for opening that empire to the commerce of the United States.

Mr. DODGE, of Iowa, moved that the communication be referred to the Committee on Printing.

The PRESIDENT. If a motion to print is made, it goes to the Committee on Printing.

Mr. GWIN said it was a matter of considerable

importance, and therefore he moved to refer it to the Committee on Foreign Relations.

Mr. DAVIS. I do not know what the wishes of the memorialist are; but it is evident, from the general tenor of the letter, that if the memorial ought to go to any committee, it should be to the Committee on Commerce. I move to refer it to that committee.

Mr. GWIN remarked that he had desired to refer it to the Committee on Commerce, but after having had a conference with its chairman, he thought it was not the proper reference. He withdrew the motion.

Mr. HAMLIN. I had a conference with the honorable Senator from California, in relation to this matter. So far as I understand it, it is a question which properly belongs to the Committee on Foreign Relations, and not to the Committee on Commerce. I understand the object of the communication to be to make certain suggestions as to the best method of opening relations with the Japanese Government, the ports of which are now closed against us. While the matter is one of a somewhat commercial character, yet in all the incipient and subsequent steps which may be taken, it is one eminently connected with the foreign relations. I therefore think the motion made by the Senator from California was the proper one.

Mr. DAVIS. I certainly have no disposition to give any particular direction to this paper. I hardly know what it contains. But, as far as I was able to understand from the reading of the letter, it seemed to me to treat entirely of the means of enlarging the commerce of the country. I take it that it belongs to commercial affairs. But if the gentleman himself, or any one else, desires it to go to a particular committee, I have no objection.

Mr. DODGE, of Iowa. I suppose this is the document, or a part of the document, on which we had once "the battle of the books," between the Senator from Mississippi [Mr. Foote] and a Senator from Missouri, now no longer a member of this body, [Mr. Benton.] I supposed it was that; and I supposed that it would be a proper inquiry for the Committee on Printing to determine whether it should be printed or not. I am against the printing of these documents without the examination of a committee; I therefore moved its reference to the Committee on Printing.

Mr. GWIN. I would suggest to the Senator from Iowa that the question be divided.

Mr. DODGE, of Iowa. I agree to it at once. I know what it is. Let it be referred to the Committee on Commerce, and the question of printing go to the Committee on Printing.

Mr. HAMLIN. I hope the Senator from Iowa will withdraw the latter part of the motion, for this simple reason, if the communication goes to any standing committee, that committee will investigate the matter, and will be better able to judge of the propriety of printing it than the Committee on Printing. I apprehend it is not expected that the Committee on Printing should investigate the merits of every question presented. If obliged to do that, they certainly could discharge no other duty. I think, therefore, the simple question of reference should be made, and let the question of printing be determined subsequently.

Mr. DODGE, of Iowa. I yield to the suggestion of the Senator.

The communication was referred to the Committee on Commerce.

Mr. GWIN presented the memorial of William A. Christian, a purser in the Navy, praying to be allowed, in the statement of his accounts, certain payments made to officers on board the United States steamer Princeton, holding acting appointments; which was referred, with the papers on file, to the Committee on Naval Affairs.

Mr. GWIN presented the memorial of Daniel Anderson, son and heir of Thomas O. Anderson, deceased, late of the Navy, praying payment of the prize money due his father as one of the captors of the frigate Philadelphia; which was referred to the Committee on Naval Affairs.

Mr. SMITH presented the memorial of Thos. Pember, praying compensation for services rendered as a Purser in the Navy; which was referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. PEARCE, it was

Ordered, That the memorial of Robert M. Hamilton, on

the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. PEARCE, it was

Ordered, That the petition of T. P. McBlair, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. BRIGHT, it was

Ordered, That the widow of George R. C. Floyd have leave to withdraw her petition and papers.

On motion by Mr. SEWARD, it was

Ordered, That the petition of Abraham L. Knickerbocker, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the memorial of Thomson Hutchinson, and the petition of Barbara Kelly, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of Daniel Winslow, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. MILLER, it was

Ordered, That the papers relative to the claim of Thomas M. Taylor, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. SEWARD, it was

Ordered, That the papers on file relating to the claim of Francis P. Stockton, a Purser in the Navy, be referred to the Committee on Naval Affairs.

On motion by Mr. BERRIEN, it was

Ordered, That the documents on file relating to the claim of F. P. Stockton, be referred to the Committee on Naval Affairs.

Mr. PRATT submitted an additional document relating to the claim of Mary Williams; which, with her petition on the files of the Senate, was referred to the Committee of Claims.

On motion by Mr. PRATT, it was

Ordered, That the petition of Richard Mackall, the petition of Bryan Callaghan, and the petition of the heirs of Robert Sewall, on the files of the Senate, be referred to the Committee of Claims; that the memorial of the legal representatives of Rinaldo Johnson and Ann E. Johnson, the petition of the legal representatives of John G. Mackall, the memorial of Benedict J. Heard, the petition of the heirs and legal representatives of William Somerville, and the memorial of Hodges & Landsdale, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. DAWSON, it was

Ordered, That the memorial of Elizabeth Monroe, on the files of the Senate, be referred to the Committee on Pensions.

NOTICES OF BILLS.

Mr. MILLER gave notice of his intention to ask leave to introduce a bill giving further remedies to patentees.

Mr. HUNTER gave notice of his intention to ask leave to introduce a bill to establish a Board of Accounts.

Mr. BORLAND gave notice of his intention to ask leave to introduce a bill to amend the act of 1831 in relation to cutting timber on the public lands.

Mr. BRIGHT gave notice of his intention to ask leave to introduce a joint resolution repealing a joint resolution approved March 3, 1845, directing the Secretary of the Treasury, whenever any State shall or may be in default of the payment of interest or principal on investment in its stocks or bonds held by the United States in trust, to retain certain moneys to which said State is entitled, for the purposes there in named.

BILLS INTRODUCED.

Mr. DODGE, of Wisconsin, agreeably to previous notice, asked and obtained leave to bring in a bill granting to the State of Wisconsin a donation of public lands to aid in the construction of a railroad from the city of Milwaukee to the Mississippi river; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. BADGER, agreeably to previous notice, asked and obtained leave to bring in a bill for the relief of M. K. Warrington and C. W. J. Shubb, executors of Capt. Lewis Warrington and others; which was read a first and second time by its title, and referred to the Committee on Naval Affairs.

Mr. HUNTER, agreeably to previous notice by his colleague, [Mr. Mason,] asked and obtained leave to bring in a bill to authorize the payment of invalid pensions in certain cases; which was read a first and second time by its title, and referred to the Committee on Invalid Pensions.

Mr. FISH, agreeably to previous notice, asked and obtained leave to bring in a bill to establish a Mint of the United States in the city of New York; which was read a first and second time by its title, and referred to the Committee on Finance.

Mr. WALKER, agreeably to previous notice, asked and obtained leave to introduce a bill to grant to the State of Wisconsin the military reservation at Fort Winnebago, in that State, to aid in improving the navigation of the Fox and Wisconsin rivers; which was read a first and second time, and referred to the Committee on Public Lands.

Mr. JONES, of Iowa, agreeably to previous notice, asked and obtained leave to bring in the following bills; which were read a first and second time, and referred to the Committee on Public Lands:

A bill for the relief of Richard Cheyney and others; and

A bill for the relief of Charles Melrose.

Mr. PEARCE, agreeably to previous notice, asked and obtained leave to bring in a bill in addition to and amendatory of an act entitled "An act to provide for the settlement of the accounts of public officers, and others, who may have received moneys arising from military contributions or otherwise, in Mexico," approved March 3, 1849; which was read a first and second time, and referred to the Committee on Finance.

Mr. UNDERWOOD, agreeably to previous notice, asked and obtained leave to introduce a bill to procure a revision of the acts of Congress, and also of the statutory laws in force in the District of Columbia; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Also, a bill granting a pension to Sally T. Floyd, widow of George C. Floyd, late lieutenant colonel in the Army of the United States; which was read a first and second time by its title, and referred to the Committee on Pensions.

Mr. U. also obtained leave to have the papers on file in relation to this case referred to the same committee.

Mr. BORLAND, agreeably to previous notice, asked and obtained leave to introduce a bill to revive a portion of the act for the relief of widows of deceased soldiers; which was read a first and second time by its title, and referred to the Committee on Pensions.

Mr. WHITCOMB, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of John Devlin; which was read a first and second time by its title, and referred to the Committee of Claims.

Mr. MALLORY, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of William Richardson and others; which was read a first and second time, and referred to the Committee on Naval Affairs.

ADJOURNMENT.

Mr. HALE. As the Senator from North Carolina [Mr. Badger] is not in his seat, I move that when the Senate adjourns to-day, it adjourn to meet on Monday next.

The motion was not agreed to, there being on a division—ayes 16, noes 17.

Mr. BADGER. I hope it will be entered on the Journal by whom the motion was made. I should not like it to go out to the country that I made it and that it failed.

RESOLUTIONS.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of amending the laws in relation to alien and other passengers on board of vessels, so as to secure more effectually the penalties for the violation of such laws.

Mr. JONES, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate the report of the survey, estimates, &c., of a route from St. Louis to the Big Bend of Red river, made under the direction of the Topographical Bureau by Captain Joshua Ramey.

Mr. UNDERWOOD submitted the following resolution for consideration:

Resolved, That the Committee for the District of Columbia be, and they are hereby, instructed to inquire into the expediency, and probable cost, of straightening, grading, and paving Pennsylvania avenue from Seventeenth street west to Georgetown; the erection of a permanent bridge across Rock Creek, from the termination of Pennsylvania avenue, to intersect with Georgetown; the building of a sewer of suitable dimensions for draining Pennsylvania avenue from Seventeenth to Twentieth streets west; the extension of gas lights along the line of Pennsylvania avenue from

Seventeenth street west to Georgetown; an increase of the Auxiliary Guard, under a new system of organization, sufficient to make them an efficient body; of supplying the city with pure water from the Great Falls of the Potomac; and the extension of a line of gas lights from the bridge above said to High street in Georgetown, and thence along said street to its western termination.

Mr. UNDERWOOD. All these subjects were brought before the Senate by a variety of memorials which I presented during the last session of Congress. These memorials are on file, and I have been requested to bring the subject to the attention of the Senate again. I have thought best to do so by the resolution of inquiry. I hope the Senate will adopt it, and then I will move to take from the files the petitions on the various subjects embraced in it, that they may be referred to the same committee.

Mr. CASS. I object to the consideration of the resolution at this time. I do not do so because of any objection to the resolution itself; but I have a resolution before the Senate, upon which I am anxious to have its action; and it will not come up at all during the session, if every other resolution is discussed, as it is presented, and adopted.

COLONEL TALCOTT.

Mr. FISH submitted the following resolution; which was considered by unanimous consent:

Resolved, That the Secretary of War be directed to communicate to the Senate a copy of the proceedings of the General Court-Martial held in the city of Washington in June and July last, upon the trial of George Talcott, Colonel of Ordnance and Brigadier General by brevet in the Army of the United States; and of the testimony taken before the said court; together with the finding and sentence of the court, and the approval thereof by the President.

Mr. HALL. I shall vote against that resolution, for this reason: Various attempts have been made in the Senate to obtain copies of the proceedings of court-martials upon private soldiers and sailors even when they have been put to death, and the Senate has refused to interfere. It refused to call for the proceedings of the trial of sailors who were put to death on board the Somers. And last session I made application to call for a copy of the proceedings of a court by which some private soldiers in a fort at Portsmouth were sentenced to wear iron collars with prongs around them, and balls attached to their feet, for twelve months. I could never get it. Private soldiers and sailors may be subjected to the most infernal and horrible torments which can be devised, and applications to the Senate to call for the proceedings in their cases are refused. If we do not interfere to protect the private, I am opposed to interfering for the officer. But as soon as an officer is tried we have orders for publications that would outnumber the pages of the Bible. For these reasons I am opposed to the resolution.

Mr. BADGER. I would suggest to the honorable Senator who introduced this resolution, that there is perhaps some unnecessary language in it. We have been in the habit of considering that a call for the proceedings of a court-martial was necessarily a call for the evidence and everything in those proceedings.

Several Senators. It does no harm.

Mr. BADGER. I admit that it does not.

Mr. GWIN. I think this case is one in which we ought to have the papers, because it will come up before the Senate in another form. A nomination has to be made to fill the vacancy occasioned by the removal of Colonel Talcott. If I understand the case properly, it is important that we should have the papers, and the sooner we get them the better.

Mr. SEWARD. I have a single question about this resolution which I will propose for the consideration of those who are wiser than I am: whether it ought not to be addressed to the President of the United States instead of to the Secretary of War? I suppose that the sending of such papers here is a question left to the discretion of the President. I would ask my colleague to consent to an amendment, substituting the President of the United States for the Secretary of War, and putting in the qualification, "if consistent with the public interest."

Mr. FISH. I have no objection to such an amendment, if it is necessary. I understand, however, that the resolution is now in the form usual for calls upon heads of Departments. I presume the Senate is perfectly competent to direct a Secretary to transmit such papers as it may deem necessary for its own enlightenment with regard to the business which is to come before it.

The memorial which I presented this morning contemplates some further action by the Senate in the case of Colonel Talcott. For that action the proceedings of this court will become essentially necessary. They are voluminous, and it will take some time to prepare them. We know not when the Senate may be called upon in another capacity to act upon the case. I believe the resolution is in the form usual in such cases. If it be not, I will consent to the amendment.

Mr. SEWARD. I would say to my colleague that learned Senators around me are of the opinion that it will facilitate the passage of the resolution to substitute the President for the Secretary of War, and to insert "if consistent with the public interest."

Several Senators. Oh, no.

The resolution was adopted.

OFFICERS OF THE SENATE.

The following resolution, submitted by Mr. BRIGHT, on the 6th instant, was called up for consideration:

Resolved, That the following shall be a standing rule of Senate, to wit:

The Secretary of the Senate, the Sergeant-at-Arms, the Doorkeeper, and Assistant Doorkeeper, shall be chosen on the 3d Monday of the present Congress, (first session of the 32d,) and on the second Monday of the first session of every succeeding Congress.

Mr. BRIGHT asked for the yeas and nays on the resolution; and they were ordered.

Mr. BERRIEN. Mr. President, if I recollect aright, that rule was, after consideration by the Senate, repealed, upon a view of the inconvenience which resulted from frequent removals of the ministerial officers of the Senate. I really would desire, before I can give my vote in favor of this resolution, to know upon what grounds this change is proposed. It seems to me to be inconsistent with the character of this body to elect its ministerial officers every two years. The result of the operation of that rule would be to deprive the Senate of the benefit which is received from the experience which the persons filling those offices have in relation to its proceedings. I believe that there is no Presiding Officer who does not frequently find a great benefit from referring to some of those officers with regard to senatorial proceedings. I hope that however much or however little we may regard precedents in other cases, we shall adhere to precedent in this case. I am unwilling, for myself, to encounter the risk, by a biennial election, of depriving the Chair and the Senate of the experience of officers who have served for a considerable time in their respective places. It is the less necessary to adopt this rule, because we have the power at any moment, by a resolution, to dismiss any one of these officers who may act improperly, and supply his place by the election of another. These are my views. If there be any good reason for the change, for the restoration of what was found inconvenient, I shall listen to it with pleasure. As at present advised, I am decidedly opposed to the resolution.

Mr. BRIGHT. I have offered this resolution without being at all influenced by the consideration who are now, or may hereafter be the officers of this body. The tenure by which these subordinate officers are now held establishes a principle anti-republican in its character, and calling for such change as harmonizes with the elective franchise generally. I do not wish to be understood as striking at the present incumbents, or as seeking to revive the old rule in order to displace any particular one of them. If I am so understood, I am misunderstood. It is the tenure by which they hold, it is the principle involved, that I am striking at.

A reference to the Journals of the Senate shows, that at the first session of the Twenty-first Congress (rule 49) was passed, which rule required that the officers of this body should be elected in the manner prescribed in the resolution under consideration. At the close of the Thirtieth Congress, an honorable Senator from Missouri, no longer a member of this body, (Colonel Benton,) moved a resolution, which was adopted, repealing the 49th rule, thus continuing the present incumbents without limitation. Had my attention been called to this subject then, I should have opposed the measure. Thus the matter has rested until this time, many of us admitting that it is a very anti-democratic feature in our organization, and one that ought to be corrected, but all agreeing the task of undertaking it would be a most thankless

one, and in all probability result in the mover incurring the displeasure of those now in place. But be this as it may, and as much as I would regret to have the performance of that which I regarded as a public duty lead to such a result, I cannot be deterred by any such consideration from acting and speaking out.

Mr. President, I have never heard any satisfactory reason given for abrogating the 49th rule. It is said that Senators relieve themselves from the disagreeable necessity of saying yes or no to applicants who present their names for our consideration in connection with these offices; that it is a full and satisfactory answer to all our constituents who seek these lucrative offices, to say, Sir, we have disposed of them during the lifetime of the present incumbents, and therefore it is unnecessary for me to waste time discussing the merits of your claims, &c. Now permit me to say this is all wrong. These, like other places of public employment, should be left open for disposal at stated periods, thus enabling the incoming Senators at the opening of each Congress to aid in making a choice of the officers of the body in which they are to serve, and giving every good citizen an opportunity of sharing in whatever of honor or profit belongs to such stations. I do not mean by what I have said to be understood as advocating the principle of rotation in office. Where we obtain the services of gentlemen possessing peculiar qualification for the offices they are chosen to, and the public service would be promoted by their continuance, I would say, continue them; but continue them according to the forms and usages of a popular government, and not during good behavior, as it is called, which is nothing less than the grant of a life-estate.

Mr. SHIELDS. I regret that I shall be under the necessity of voting against any change in this rule. I regret to differ from my learned friend from Indiana; but I shall not vote for any change at this time. I do not want to see the Senate at this session, at all events, turned into a kind of electioneering hall. I think it is exceedingly imprudent, let me tell my honorable friend from Indiana, to introduce this subject at this session. After the general election, and after we have ascertained the result of that election, we may commence a general disturbing of officers everywhere. But I think this is a very bad time for the Democrats to commence to disturb the Senate. For one, I shall not do it just now. I am not prepared for it. It seems this aims at a general revolution. I perhaps might unite with the gentleman if he should introduce a resolution to remove a particular officer. Perhaps I might; but I do not know that I should. If that be the object, I should like to see it come in that way. I say again, I hope the gentleman will reflect that this is not a very auspicious time to commence a thing of this kind in the Senate.

Mr. BERRIEN. It was the concluding remark of the Senator from Indiana [Mr. BRIGHT] which announced to me the principle which actuated him in bringing up this resolution. Up to that time I had not understood what that principle was. Now I submit to the honorable Senator, that there is no such principle involved in the present practice of the Senate. The principle to which he objects is, that any officer under our institutions should have his office as a life estate. There is no life estate in the ministerial offices of the Senate. You can, by a resolution, remove the incumbents at once. They hold their offices at the pleasure of the Senate. They are the occupants of their places at our will. Certainly, if there be any misconduct on the part of any officer, a resolution for his removal would induce an inquiry. He would be furnished with the means of answering any allegations made against him. But by this process, if it is intended to affect the actual incumbents, they are to be deprived of their offices and condemned unheard. They are to be removed, divested of their present tenure of office, and depend upon their capacities to obtain the votes of Senators to be restored. I take it for granted that though these officers hold their places at our will, yet the Senate is a body holding itself responsible to the country for acting upon principles of equity and justice, and no officer should be removed who faithfully discharges his duty. If there be a single individual now in the employ of the Senate who has failed in the discharge of his duty, I will cheerfully unite with any Senator in his removal upon proper evidence.

But I reiterate what has been affirmed by the Senator from Illinois, that it really does look like canvassing for the offices.

Mr. HALE. I have endeavored, in my humble sphere, to move consistently. I have usually looked out for the privates. I understand this resolution is aimed at the privates. If it is insisted upon I shall be compelled to move to insert the Presiding Officer of this body at the head of the list of those officers to be elected. I am not willing to begin at the bottom. I want to begin at the head of the chapter. I shall vote against the resolution; but if it is pressed I shall move my amendment. I need not say to you, Mr. President, nor to any member of this body, that I am influenced only by a desire to carry out a great principle. I think if that principle applies to one it should apply to all.

Mr. BRIGHT. The honorable Senator from Georgia, [Mr. BERRIEN,] and the honorable Senator from Illinois, [Mr. SHIELDS,] reason upon this subject as though I were striking at particular officers of this body. I have announced that I did not seek or desire a change of the rule in order to reach any particular officer. If either of those Senators suppose that I am striking at a particular officer he is mistaken.

Mr. BERRIEN. Will the Senator allow me to explain? I have not made the slightest suggestion that he was acting through any such motive. I know he is not.

Mr. BRIGHT. I said, when first up, that my object was to reinstate a rule that had been over twenty years in operation, and one that is in union and harmony with the principles of the Government under which we legislate.

I cannot refrain from expressing my surprise at the opposition of the honorable Senator from Illinois, [Mr. SHIELDS.] I had every reason to suppose that the principle sought to be established by this resolution, would have found an advocate in him; but instead thereof, he seeks rather to weaken my proposition, by alleging that my motion is an imprudent one, and not altogether well-timed. I am at a loss how to interpret the language of the honorable Senator. Certainly there is nothing very imprudent in asking the Senate to declare that hereafter they will elect their officers every two years, thus abrogating the law of life estates in offices of this body. Certainly it is not ill-timed here or anywhere else, under a republican form of government, to advocate and declare in favor of so sound a political principle as the one sought to be established by this resolution. In view of the political changes in this Government, and the party proscription that has characterized the present Administration, I think there is something due our political friends wherever we have the power; and if the present incumbents are deserting the support of the party in the ascendant here, they have nothing to fear from the reinstatement of the old rule.

I have offered the resolution because I believe it right. I defend it because of my determination to permit no pressure from any quarter to influence my political action, and if voted down now shall renew it whenever parliamentary order permits.

A word in reply to the motion and speech of the honorable Senator from New Hampshire, [Mr. HALE.] He moves to include the President "*pro tempore*" in the list of officers to be elected. I will venture to advise him to bring up that as an independent proposition. It is not germane to the question before the Senate. That officer is chosen under a constitutional enactment, and the tenure of his office dependent on something higher than a mere rule of the Senate. I hope he will not persist in his motion to amend, but allow us to vote on the resolution as it is.

Mr. BADGER. The honorable Senator from Indiana [Mr. BRIGHT] seems disposed to get back to former usages again; to stand *super antiquas vias* of the Senate. So do I; and I suppose that the rule of the Senate, as it now exists, is that very same rule under which the Senate was originally organized. I agree with the honorable Senator, that it is perfectly proper that every legislative body, at its organization, should choose its own officers. But will he tell me when the Senate has ever been organized since the first Senate met? When has there ceased to be a Senate? At what period did a new Senate commence? At what moment in the past history of this body was it without an organization? Sir, under the Constitution, no such a thing takes place in this body as a new

organization. When the Senate commenced its proceedings, it appointed its officers according to the nature of its own constitution, and not according to the constitution of the other House of Congress, and so it proceeded for many years.

But I do not wish to pursue inquiries of that kind, but would suggest to the Senate this consideration: The rule which it is now sought to reinstate, had existed for a number of years. During the last Congress a Senator from Missouri, not now a member of this body, [Mr. BENTON,] offered a resolution to rescind the rule, and return to what had been the practice of this body from the beginning. We all recollect when that resolution was introduced, that it was adopted by the unanimous consent of this body. Not one word was said against it. What is the inference? We must suppose, as no one objected, that all were in favor of it. If everybody was in favor of it then, permit me to inquire why it is that any should have changed their opinions since? If it was proper to restore the practice of the Senate, when Mr. Benton was a member of this body, what has happened since, what facts have been developed, what discoveries made, what secrets transpired, which should lead us now to wish to undo what was then done by the unanimous consent of the body? It seems to me that we shall occupy a very unenviable position before the country, if we adopt this resolution. When Mr. Benton proposed the restoration of the old practice, no man opened his mouth against it, and yet now we are told that a high principle requires the adoption of this resolution. It must be inferred, then, that what was done commanded unanimous consent, because at that time either all of us were so ignorant that we could not discover the great principle involved, or all so timid that none of us objected to his proposition. I hope the resolution will not be adopted.

Mr. DOUGLAS. I shall vote for the resolution of the Senator from Indiana. I believe the principle involved is a sound one, and that the practice to which it tends is equally sound. I regard the present rule as substantially establishing the principle of life offices. I shall vote for the resolution without any reference to who are to fill the offices, or whether there shall be any change in them or not. That will be a question to be determined afterwards. But I do believe that the true principle is to have a fixed time at which the office is to expire and an election to be gone into; and in order to establish that, I shall vote for the resolution.

With regard to the suggestion of the Senator from North Carolina, I could not see that there was much force in it. I presume that the reason why there was no opposition made to the motion of the Senator from Missouri alluded to, was that it came up in the morning business, when it was not known what was the pending question. If I had known of it, I should not have voted for it; and the same I believe to be true with regard to the Senator from Indiana also. But whether that be so or not, is a matter of no consequence. The question is, What is the true practice of the Senate as regards this question? Believing that the sound practice is to have a fixed term of office, at the expiration of which a new election is to take place, I shall vote for the resolution.

Mr. BUTLER. I will add one word to what has been said by my friend from North Carolina, [Mr. BADGER.] I regard these officers as holding their places by a tenure at our pleasure, and also as holding them during good behavior. I say that the subordinate officers of this Senate should not be removed so long as they discharge their duties properly. That is my opinion. I differ from my friend from Indiana [Mr. BRIGHT] entirely, in saying that offices of this kind should be made the subject of contention and strife. An officer, like our Secretary and those who are associated with him, should be almost as stationary as the records. I like to have them associated together. I shall therefore vote against the resolution.

The yeas and nays being taken on the proposition, resulted—yeas 20, nays 24; as follows:

YEAS—Messrs. Bradbury, Bright, Brodhead, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Foote of Mississippi, Gwin, Hamlin, Hunter, James, Jones of Iowa, Norris, Sumner, Walker, and Whitcomb—20.

NAYS—Messrs. Atchison, Badger, Berrien, Borland, Butler, Clarke, Davis, Dawson, Fish, Foot of Vermont, Geyer, Hale, Miller, Morton, Pearce, Pratt, Rhett, Seward, Shields, Smith, Spruance, Stockton, Upham, and Wade—24.

So the resolution was rejected.

Mr. ATCHISON. I now move to reconsider the vote on the resolution; and I move that that motion lie on the table. I am not altogether satisfied with the vote which I gave. I wish further time for consideration. Therefore I move to reconsider the vote, and ask that that motion lie on the table. If it is laid on the table, I presume it can be taken up at any time a majority of the Senate think proper.

Mr. DOUGLAS. If I understand the matter, the effect of laying on the table of the motion to reconsider will be to clinch the matter against the power of reconsideration. The universal practice in the House of Representatives is, that after a measure is passed, a motion is made by some of its friends to reconsider it, and to lay that motion on the table, which, if agreed to, prevents the body touching the question again.

The PRESIDENT. The Chair does not consider that to be the effect of the adoption of the motion.

Mr. HALE. The practice referred to by the Senator from Illinois, is because in the other House it requires a two thirds vote to take any subject from the table. Here it only requires a majority.

Mr. DAWSO. If I understand the rule, notwithstanding you may lay this motion on the table, any Senator may, to-morrow, move to change the rules of this body to-morrow. We cannot be precluded by any motion of this kind from any exercise of any power belonging to the body.

Mr. BRIGHT. The object of the honorable Senator from Missouri is, I suppose, to reach the subject at a subsequent period of the session. If the process of repentance has already commenced in his mind, I hope it may continue until it shall reach that point that a sense of justice will permit him to support the proposition. I hope that a reconsideration will take place at some future day, and that the rule will be reinstated. I shall vote with the honorable Senator under that impression.

The motion to lay the motion to reconsider on the table was agreed to.

ELECTION OF CHAPLAIN.

On the motion of Mr. HALE, the Senate proceeded to the election of a Chaplain.

The PRESIDENT announced that forty-five ballots had been cast, of which number twenty-three was necessary to a choice; of which—

Rev. C. M. Butler received.....	25
Rev. Mr. Gallagher.....	12
Rev. Dr. Junkin.....	4
Rev. R. R. Gurley.....	3
Rev. C. W. Rodier.....	1

45.

The Rev. C. M. BUTLER was declared to be duly elected Chaplain of the Senate for the present session.

RECEPTION OF KOSSUTH.

The Senate proceeded to the consideration of the special order, being the resolution submitted by Mr. SEWARD, in these words:

Resolved by the Senate and House of Representatives of the United States in Congress assembled: That the Congress of the United States, in the name and in behalf of the people of the United States, give to Louis Kossuth a cordial welcome to the capital and to the country; and that a copy of this resolution be transmitted to him by the President of the United States.

When the resolution was under consideration yesterday,

Mr. FOOTE, of Mississippi, said: I regret exceedingly to feel constrained to say something more in defence of myself and in explanation of the attitude which I occupy in connection with this truly delicate and painful affair. But several remarks have fallen this morning from the lips of the honorable Senator from Alabama [Mr. CLEMENS] which compel me to throw myself again upon the indulgence of the Senate for a few minutes, whilst I endeavor to shield myself against that reprehension to which it is most apparent I must stand exposed should I remain silent under the strictures to which I have been so unexpectedly, and I will add so undeservedly, subjected. Sir, it is most true that I am the author of the resolution which has been read in our hearing this morning by the honorable Senator from Alabama, under the authority of which the illustrious champion of Hungarian freedom and independence was invited to our hospitable shores, and made for

a season the guest of the nation. It is equally true that at the time of the adoption of this resolution this renowned personage was a prisoner in charge of the Turkish Government, and that the main object which I had in view in urging the adoption of the resolution was to procure the liberation of Kossuth and his companions in captivity, and to secure to them a permanent asylum in this country, where the liberty of which they had been cruelly despoiled in their native hemisphere might be restored to them once more. It is also true, sir, that this resolution did not at all contemplate the least indelicate or intrusive intermeddling on the part of the Government of the United States with the affairs of continental Europe. It never entered into my head for a moment that this movement could in the least degree embarrass or compromise our international relations, or commit this Republic to the multiplied hazards of a bloody and exhausting war with the despotic powers of the Old World. I expected Governor Kossuth and his associates in imprisonment to be brought in one of our national vessels across the Atlantic, and to be allowed to become participants with ourselves in the multiplied blessings which a bounteous Providence has vouchsafed to the happy millions who inhabit this fair land. Our resolution did express sympathy for those in behalf of whom it was drawn up and presented for the consideration of the two Houses of Congress; but it did not express more sympathy, I am sure, than was felt by the whole body of our citizens, and was but faintly typical of that extraordinary outburst of affectionate regard and admiration with which this remarkable man is destined to be received in every part of our wide-spread Republic that may hereafter be honored with his presence. I have already stated once or twice, and I will again state, that I did not originate the resolution introduced by me in the beginning of our present session, and afterwards withdrawn because of the vehement opposition which I saw it was to encounter here, for the sake of gaining a little additional notoriety, or even because I had myself come to the conclusion that any particular form of reception by Congress was indispensably necessary. Indeed, I should never have connected myself with the affair at all, but for the fact that the gentleman who discharges with such marked ability the duties of Secretary of State at the present time did me the honor of calling my attention to the subject a day or two before the commencement of our session, and urged upon me the propriety of bringing forward a joint resolution providing for the reception of Governor Kossuth by the two Houses of Congress. Sir, it is not as a political ally that I refer to Mr. Webster at present, and surely not in the spirit of mere partisan opposition. The occasion is one, in my judgment, far above all mere party or personal considerations. But censured and carped as I am in consequence of the part which I have thought proper to act, under monitions from so high a quarter, I will say, that no one who knows the Secretary of State, and is familiar with the attributes which adorn his character as a public man, can suppose it possible that he could have counselled a movement calculated in the least degree to compromise our international relations. When I first proposed to the Senate the resolution offered by me, I distinctly stated the fact, that I acted under the advice of the Secretary of State, and that his name was mentioned in connection with this movement with the knowledge and consent of that gentleman himself. Now, sir, this is no fitting time or place for the delivery of a personal eulogy upon the accomplished statesman, jurist, and orator, to whose special promptings I have thought it not improper for me to yield, touching a transaction, all the bearings of which, whether domestic or foreign, I could not doubt his capacity fairly to appreciate; especially did I deem it discreet to conform my action to his counsels upon this very delicate subject, in consideration of the fact that he was discharging the functions of a high office under the Government, the incumbency of which necessarily enabled him to take a more extended view than any other man of all our international relations, and qualified him, above all men living, to determine as to the precise mode in which the various Departments of the Government should receive the distinguished guest of the nation at the nation's capital. Sir, I have said that I should deliver no eulogy on Mr. Webster. He needs

none at my hands. His fame fills the civilized world, and his name has become a terror to tyrants throughout Christendom. Indeed, I could not, perhaps, declare all the admiration which I feel for this gentleman's high powers and gracious qualities, without giving rise perchance to some suspicion that I was about to become the special supporter and advocate of his claims to higher official honors than he has yet enjoyed. Not being willing to incur the risk of an imputation which might embarrass my existing relations with the members of that great political party with which I have long had the honor of holding a firm and affectionate alliance, (relations, too, which no man could value more highly than I do;) and not feeling authorized, as a member of the Union party of my own beloved State, at present absolutely to commit myself in regard to the complex question of *who shall be elected President in 1852*—I shall, without saying more in praise of New England's gifted son myself, bring forward a witness in his behalf whose eloquent voice has been often heard in this grand Hall of national consultation, and whose manly advocacy of the Constitution and laws of the Union during that fearful struggle which, I hope, is now drawing to a close, will command for his winged words of fervent energy a more than patient hearing from those whom I behold before me and around me upon this grave occasion. Mr. Choate, the other day, in Faneuil Hall, spoke thus of Mr. Webster, in connection with the uncertain and tumultuous condition of the general affairs of the world at the present moment:

"How unsettled is that world, what clouds and darkness rests on its future of the next four years, you all appreciate. It seems as if the prerogatives of thrones, and the rights of man, and the hoarded up revenges and griefs of centuries, were unheating for a conflict, in which, as in the apocalyptic vision, blood shall flow to the bridles of the horses; in which the clock of time shall be found to have struck another hour; in which one age of the race shall pass away forever; in which society itself is to be tried by fire and steel, whether it be of nature and of God, or no."

"In such a conflict have we nothing to fear? Has not the whole expanse of the Atlantic, since Washington put forth his proclamation of neutrality, not the least of his titles to a pure as well as brilliant fame, has it not contracted, as it were, to a hand's breadth? That same cross sea, that confluence of all winds and waves, through which the great pilot scarcely steered the ship of state, is there no danger that this, that worse than this, will strain our fastenings and rend away our sails, and carry our masts by the board? Shall any seamanship but the highest hold the helm in such a prospect?"

"Who does not see how difficult and delicate a part the New World may have to act? To observe neutrality steadfast and impartial, yet maintain our rank and fulfill our mission as the successful Republic, whose sound has gone into all nations; to keep peace in this war of giants, if such there shall be, yet so to cause our light to shine before all men, that all, seeing with what felicity, with what glory the people may rule themselves, may be stimulated to pass on the torch of liberty, till its radiant round encircles the world; to mete out public sympathy in time and measure, yet hold unbroken every tittle of the public code to which the repose of the world is intrusted? Such, so hard to reconcile, may be the trials of the next four years."

"To steer our course, not between Scylla and Charybdis, but across a whole archipelago of rocks, seen and unseen, who shall be our pilot? Who of our statesmen in circumstances more perplexing than those of the administration of Washington may win a second time such praise, such envy as he extorted from all the world, even from the very belligerents who could not, or would not, adopt the wisdom of his policy? Does our partiality deceive us? or is it he, in whose intellectual and prudential character are so felicitously adjusted the antagonisms of conservatism and progress, institution and reform, liberty and law, the highest freedom compatible with the scheme of actual things on the one hand, and on the other, order, obedience, the sacredness of society, of property, and the rights of labor; who settled the boundary quarrel with England by his sense and temper, and put an end forever to the possibility of impressing a sailor from under the stars and stripes, by his spirit and argument; who rebuked the insolence of Austria, and will give the right hand of a nation's fellowship to Kossuth—yet raise no *casus belli* on which Hapsburg or the Czar could stand for a moment in the forum of States? Does our partiality deceive us, or is he the pilot for such a night on this sea?"

Mr. President, I agree perfectly with this distinguished gentleman, that we have both "a delicate and difficult part" to act as a nation at the present time. I admit most freely that it is our true policy, and not less our high moral duty, "to observe neutrality steadfast and impartial, yet maintain our rank and fulfill our mission as the successful Republic, whose sound has gone into all nations; to keep peace in this war of giants, if such there shall be, yet so to cause our light to shine before all men, that all, seeing with what felicity, with what glory, the people may rule themselves, may be stimulated to pass on the torch of liberty till its radiant round encircles the

world; to mete out public sympathy in time and measure, yet hold unbroken every tittle of the public code to which the repose of the world is intrusted."

Sir, I subscribe heartily to every word and sentiment of this noble paragraph. Is it true, Mr. President—I hope that no gentleman upon the Whig side of the Chamber at least will be inclined to dispute it—that in Mr. Webster's "intellectual and prudential character are so felicitously adjusted the antagonisms of conservatism and progress, institution and reform, liberty and law, the highest freedom compatible with the scheme of actual things on the one hand, and on the other, order, obedience, the sacredness of society, of property, and the rights of labor?" Was it Mr. Webster "who settled the boundary question with England by his sense and temper, and put an end forever to the possibility of impressing a sailor from under the stars and stripes, by his spirit and argument; who rebuked the insolence of Austria, and will give the right hand of a nation's fellowship to Kossuth—yet raise no *casus belli* on which Hapsburg or the Czar could stand for a moment in the forum of States?" I repeat the question emphatically, Mr. President, (and in asking I turn to the Whig side of the House,) Is Mr. Webster deserving of all these commendations, and did I yet act indiscreetly in acting upon his advice? Is the Secretary of State in fact to extend "*the right hand of a nation's fellowship to Kossuth*?"—yet are we censurable for simply urging upon Congress the propriety of according to him an affectionate national welcome?

Mr. President, I shall have more to say of Mr. Webster (nothing, surely, in a spirit of unkindness or disrespect) towards the close of these desultory remarks, when I shall undertake to show, by evidence of a nature not to be successfully opposed, that many years since this gentleman, in a well-considered and most masterly speech, gave expression to what I have ever deemed the true American doctrine, in regard to the policy of this Government towards the despotic Powers of Europe, touching the right claimed by them of intervening forcibly in the domestic affairs of nations rightfully as independent in all respects as themselves, in order to suppress movements therein tending to the establishment of free institutions. I shall lay certain portions of the speech of this gentleman upon the Greek question, delivered during the administration of Mr. Monroe, before the Senate, and I expect to satisfy every dispassionate mind present, that even in the year 1823, language was held by one of the most conservative statesmen that this country has at any time produced, assuming as high and, as I think, even higher and bolder ground, in regard to the rights and duties of this Government to interpose, in a discreet and becoming manner, for the purpose of preventing the armed intervention of Russia, Prussia, and other Powers, for the suppression of the rising spirit of freedom in continental Europe. When I read these extracts, with a view to historic elucidation merely, I hope not to be accused of having in view the promotion of any public man whatever to Executive honors in 1852. With the presidential contest, now almost at hand, I expect to have no very close connection, and I shall do nothing in the progress of it whatever that I may not think necessary to the great Union cause, to which, for the present, I am specially devoted.

I shall proceed to make, at this time, some additional remarks in reply to the honorable Senator from Alabama, to whose speech on this occasion I listened with a chagrin difficult to be expressed. Sir, I will say nothing disrespectful of that gentleman. I could not do so without greatly wronging that sincere friendship and esteem which I cherish for him. Surely, sir, my friend from Alabama could not have dispassionately examined the delicate and interesting question before us anterior to his launching so boldly upon the ocean of controversy. The honorable gentleman seems to have formed a highly unfavorable opinion of the public character of the great Magyar chieftain, and has indulged in various remarks of a nature decidedly unkind and derogatory. He has read to us, too, sir, copious extracts from the columns of a newspaper which he held in his hands, most bitterly aspersive of the motives and conduct of this persecuted patriot. Whilst the honorable gentleman was thus entertaining us,

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I ventured to inquire of him the name of the newspaper thus specially honored, and was answered, as I expected to be, that it was the *New York Courier and Enquirer*. Sir, I had read in the same paper everything brought to our notice this morning by the honorable gentleman, and I had also read more than one overwhelming refutation of every slanderous allegation which this *Thersites* of the American press had dared to fulminate against the exalted object of his fiendish hostility. I shall not go into details on this head at present. It would be useless to do so; but I venture to asseverate, that there is not one criminatory accusation that James Watson Webb has presumed to publish against Governor Kossuth which has not been so effectually disproved, in other newspapers of New York, and by the adduction of testimony the authenticity of which no man of standing will dispute, as to cover the author of these heartless calumnies with the most lasting contempt. Does the honorable Senator from Alabama know who this James Watson Webb is? Why, this is the renowned personage who left the shores of America, early in the administration of General Taylor, under very peculiar circumstances, as *Chargé* to Vienna; and whose nomination was rejected by an indignant Senate with indications of scorn, such as have never been known to mark any similar transaction in our annals. Rumor says that only seven Senators could be induced to vote for his confirmation. I shall not undertake to trace out the history of this personage as the habitual promulgator of printed scandal, and as a mercenary and time-serving political parasite. It is, in my judgment, by no means to be regretted that Kossuth has escaped the laudations of the *New York Courier and Enquirer*. The exorbitant and unblushing eulogist of the bloody house of Hapsburg cannot but hate, with all the demoniac intensity of an evil nature, the man whose resplendent virtues and high achievements have caused him to be recognized throughout the world as peculiarly and pre-eminently qualified for the high part which Louis Kossuth is evidently destined to enact on the theatre of continental Europe, as the heroic avenger of long-suppressed freedom, and the chastiser of earth's haughtiest and most heartless tyrants.

[To-day Mr. Foote continued:

Mr. President, I was not less surprised than mortified when I heard from the lips of the Senator from Alabama, the same erroneous views of the character of the Hungarian struggle, and of the conduct of Kossuth in connection therewith. If the honorable gentleman had taken pains to inform himself somewhat better in regard to the historic topics which he has discussed this morning with so much spirit, he would have been able to avoid the multiplied errors which he has committed, and the gross injustice which he has unwittingly done to Kossuth and his Hungarian associates. I can assure the gentleman that, when he shall hereafter have leisure for a more thorough exploration of the subject, he will discover with some surprise the grievous extent to which he has been misled by the ingenious fabrications to which he seems to have yielded the most implicit credence. If it should turn out in the progress of the debate to be at all necessary to bring forward here authentic evidence in refutation of the slanderous statements of the *New York Courier and Enquirer*, and no other Senator should find it convenient to do so, I may be tempted to assume the performance of this task. For the present I shall decline it, and proceed to notice several remarks which fell from the honorable Senator in regard to the circumstances connected with the coming of Kossuth to this country, and his conduct since he arrived upon our shores. The honorable gentleman denies that Kossuth is the *guest of the nation*, and contends that the language of the original joint resolution inviting him to this country, affords conclusive proof in refutation of this notion. This, it really seems to me, is a very strange position. The gentleman will not, surely, deny that the resolution did invite him to our shores, and that he is now here in accordance with that invitation, and brought

hither, in part at least, in one of our national vessels, dispatched to the coast of Asia for the purpose of bringing this distinguished exile into our midst. He is in America, in some capacity or another, and at our invitation. This country has not yet been chosen as his permanent home, and we all know that he has long since explicitly announced his intention to return in a few weeks to Europe. I confess that I cannot understand how he can be otherwise than regarded as our guest, towards whom we are bound, in every form, to exercise the rites of a cordial hospitality. The gentleman says that inasmuch as the resolution inviting him hither describes him as a person supposed by us to be desirous of emigrating and settling permanently among us, and, inasmuch as he has now concluded not to abandon his own country permanently, he is not at all entitled to be considered "the guest of the nation." Well, sir, it does seem to me that the honorable gentleman's philological explanations are of a most unsatisfactory character, and such as hardly demand more than the passing notice already bestowed upon them.

The Senator from Alabama is greatly dissatisfied with the language employed by Governor Kossuth on several occasions since his arrival in this country, and especially with his reply to the Philadelphia committee. The gentleman says:

"When the news reached Governor Kossuth that the resolution introduced by the Senator from Mississippi had been withdrawn, he saw proper to become highly offended, and assumed to deliver a lecture upon the conduct of Congress."

Sir, I have seen no such lecture; I have seen no proof of Governor Kossuth's becoming offended with the action of Congress at all; nor, in my judgment, did the printed extract read from Governor Kossuth's reported address to the Philadelphia committee at all warrant the description now given of it by the honorable gentleman. He expressed his regret simply, in decorous and respectful language, that Congress had hesitated about according him a national reception, and added:

"Had I known that in the same place, where I was invited to this country by an act of Congress, the same body would now decline to bid me a welcome, I would have thought that I was not a welcome guest."

Why, sir, surely if Congress should refuse to bid him welcome, he could not do otherwise than come to the conclusion that he was not welcome. If we refuse to welcome him, will he be welcomed by us? And if thus refused a welcome, will he have a right still to regard himself as welcome? He ventures to add, that had he anticipated this refusal of welcome, he "would not have wished to intrude." Certainly, sir, this language is exceedingly proper and not at all disrespectful in its character. What gentleman in the world would wish to intrude under the circumstances stated?

Again: the gentleman insists that the intention of Kossuth is to involve us in European war. I hope not, sir; and I must confess that I have seen not the least evidence yet of his entertaining any such intention. He has certainly, on many occasions, most explicitly disavowed any such design; and I hold in my hand a New York newspaper, in which is published an *authorized* declaration from him, which reads as follows:

"The impression having gone out through some of the public journals, that the purpose of Governor Kossuth aims at a forcible intervention in foreign affairs, we take leave to say, on authority, that such is not the fact. He asks simply that England and America shall unite in affirming the policy that 'every nation shall have the right to make and alter its political institutions to suit its own condition and convenience,' and that the two nations (England and America) shall not only respect, but cause to be respected, this doctrine, so as to prevent Russia from again marching her armies into Hungary. He holds that there is a wide difference between a resolute attitude, powerful enough to prevent interference, and the going to war to repulse an intervention already commenced. Governor Kossuth has not intended to suggest that America should copy the example of France during our Revolution, according to the letter, but according to the spirit. The circumstances are widely different, and all that can be hoped is, that a great and free country like this should act in behalf of Freedom according to the time and the circumstances in which it is placed."

I am not prepared at this moment to express my views in regard to the true policy of this country at the present moment upon the delicate

question herein referred to. That question, as has been repeatedly shown, does not at all arise upon this simple resolution of welcome, and I protest against this hasty and extemporaneous decision of a great question of national policy, which is entitled to a calm and extended examination at our hands, in all its grave and momentous bearings, and concerning which the ablest and most experienced statesmen of the Republic might well differ. Certain it is, that there are very distinguished gentlemen in this country who have avowed the opinion that a discreet and enlightened regard to our own safety and honor, as one of the independent nations of the earth, requires that we should, in some form or other, assert at this time, the acknowledged principle of international law, that "every nation shall have the right to make and alter its political institutions to suit its own condition and convenience." This principle is one of the utmost value in itself, and not less important to us than to other civilized nations; and it is undeniably true that movements have occurred within the last year or two, of a nature to call the validity of this principle into serious question, and which, if not in some way checked, must eventually subvert it forever. Sir, the views so forcibly presented by Governor Kossuth touching this point, are not now declared for the first time in this country. They have been long ago declared by some of our ablest and most conservative statesmen in the two Houses of Congress, in language of wonderful force and clearness, without, I believe, calling forth disapproval in any quarter. In proof of this, I beg leave to read in hearing of the Senate the extracts from the speech of the present Secretary of State, [Mr. WEBSTER,] upon the Greek question, in the year 1823, to which I referred in the beginning of these remarks. I shall not, on this occasion, declare my own entire sanction of the doctrines then asserted by Mr. Webster. Still less will I take it upon myself to denounce or to censure them; but I venture to assert, that Kossuth has neither gone further, nor is likely hereafter to go further, than did Mr. Webster during the calm and peaceful administration of Mr. Monroe, in asserting the policy of this country touching the attempts of the Allied Powers of Europe to intervene for the purpose of putting down republican governments newly springing into existence on that continent. It is thus that Mr. Webster expressed himself more than twenty-five years ago:

"I might well, Mr. Chairman, avoid the responsibility of this measure, if it had, in my judgment, any tendency to change the policy of the country. With the general course of that policy I am quite satisfied. The nation is prosperous, peaceful, and happy; and I should very reluctantly put its peace, prosperity, or happiness at risk. It appears to me, however, that this resolution is strictly conformable to our general policy, and not only consistent with our interests, but even demanded by a large and liberal view of those interests."

Again he says:

"It cannot be denied that the great political question of this age, is, that between absolute and regulated governments. The substance of the controversy is, whether society shall have any part in its own government. Whether the form of government shall be that of limited monarchy, with more or less mixture of hereditary power, or wholly elective, or representative, may perhaps be considered as subordinate. The main controversy is between that absolute rule, which, while it promises to govern well, means nevertheless to govern without control, and that regulated or constitutional system, which restrains sovereign discretion, and asserts that society may claim, as matter of right, some effective power in the establishment of the laws which are to regulate it. The spirit of the time sets with a most powerful current in favor of these last-mentioned opinions. It is opposed, however, whenever and wherever it shows itself, by certain of the great potentates of Europe; and it is opposed on grounds as applicable in one civilized nation as in another, and which would justify such opposition in relation to the United States, as well as in relation to any other State, or nation, if time and circumstance should render such opposition expedient."

"What part it becomes this country to take on a question of this sort, so far as it is called upon to take any part, cannot be doubtful. Our side of this question is settled for us even without our own volition. Our history, our situation, our character, necessarily decide our position and our course, before we have even time to ask whether we have an option. Our place is on the side of free institutions."

Further on, he thus continues:

"I will now, Mr. Chairman, advert to those pretensions, put forth by the allied sovereigns of continental Europe, which seem to me calculated, if unresisted, to bring into

disrepute the principles of our Government, and indeed, to be wholly incompatible with any degree of national independence. I do not introduce these considerations for the sake of topics. I am not about to declaim against crowned heads, nor to quarrel with any country for preferring a form of government different from our own. The choice that we exercise for ourselves I am quite willing to leave also to others, but it appears to me that the pretensions of which I have spoken are wholly inconsistent with the independence of nations generally, without regard to the question whether their governments be absolute, monarchical, and limited, or purely popular and representative. I have a most deep and thorough conviction that a new era has risen in the world, that new and dangerous combinations are taking place, promulgating doctrines and fraught with consequences wholly subversive in their tendency, of the public law of nations, and of the general liberties of mankind. Whether this be so or not, is the question which I now propose to examine, upon such grounds of information as the common and public means of knowledge disclose."

Mr. Webster then proceeds to examine, and to comment with great freedom and boldness upon various public documents, bearing evidence of the formal combination which had been entered into by the despotic Powers of Europe against free institutions, and gives expression to the following generous sentiments:

"But the second, and, if possible, the still more objectionable principle, avowed in these papers, is the right of forcible interference in the affairs of other States. A right to control nations in their desire to change their own government, wherever it may be conjectured, or pretended, that such change might furnish an example to the subjects of other States, is plainly and distinctly asserted. The same Congress that made the declaration at Laybach, had declared, before its removal from Troppau, that the Powers have an undoubted right to take a hostile attitude in regard to those States in which the overthrow of the government may operate as an example."

"There cannot, as I think, be conceived a more flagrant violation of public law, or national independence, than is contained in this declaration."

"No matter what be the character of the government resisted; no matter what weight the foot of the oppressor bears on the neck of the oppressed; if he struggle, or if he complain, he sets a dangerous example of resistance—and from that moment he becomes an object of hostility to the most powerful potentates on the earth. I want words to express my abhorrence of this abominable principle."

But, Mr. President, it seems that we are now urged by certain honorable Senators to be exceedingly cautious how we receive Kossuth, or hazard a declaration of opinions which may by possibility give offence to the Emperor of Russia. We are urged to do nothing that can possibly have the effect of wounding his delicate sensibilities. Well, sir, if I thought that the language of manly indignation uttered by members of this body could awaken the least remorse or mortification in the ice-bound bosom of this potential personage, and constrain him, for a single moment, to open the portals of his iron heart to the throbbings of a genial sympathy towards the millions whom he has so cruelly oppressed, and the hundreds of thousands whom he has so ruthlessly slaughtered in Hungary and in Poland, I should even be willing to continue this debate a day or two longer, as fatiguing and disagreeable as it has certainly become to those participating in it, and as offensive and disgusting as it has also become to the whole country. But to return to Mr. Webster's speech. He says, in relation to the principle of forcible intervention:

"I trust every enlightened man throughout the world will oppose it, and that especially, those who, like ourselves, are fortunately out of the reach of the bayonets that enforce it, will proclaim their detestation of it in a tone both loud and decisive. The avowed object of such declarations is to preserve the peace of the world. But by what means is it proposed to preserve this peace? Simply, by bringing the power of all governments to bear against all subjects. Here is to be established a sort of double, or treble, or quadruple, or, for aught I know, a quintuple allegiance. An offence against one king is to be an offence against all kings, and the power of all is to be put forth for the punishment of the offender. A right to interfere in extreme cases, in the case of contiguous States, and where imminent danger is threatened to one by what is transpiring in another, is not without precedent in modern times, upon what has been called the law of vicinage; and when confined to extreme cases, and limited to a certain extent, it may perhaps be defended upon principles of necessity and self-defence. But to maintain that sovereigns may go to war upon the subjects of another State to repress an example, is monstrous indeed. What is to be the limit of such a principle, or to the practice growing out of it? What, in any case, but sovereign pleasure is to decide whether the example be good or bad? And what, under the operation of such a rule, may be thought of our example? Why are we not as fair objects for the operation of the new principle, as any of those who may attempt to reform the condition of their Government, on the other side of the Atlantic?"

An extract or two more, and I am done:

"This asserted right of forcible intervention, in the affairs of other nations, is in open violation of the public

law of the world. Who has authorized these learned doctors of Troppau to establish new articles in this code? Whence are their diplomas? Is the whole world expected to acquiesce in principles which entirely subvert the independence of nations? On the basis of this independence has been reared the beautiful fabric of international law. On the principle of this independence, Europe has seen a family of nations flourishing within its limits—the small among the large—protected not always by power, but by a principle above power—by a sense of propriety and justice. On this principle the great commonwealth of civilized States has been hitherto upheld. There have been occasional departures, or violations, and always disastrous, as in the case of Poland; but, in general, the harmony of the system has been wonderfully preserved. In the production and preservation of this sense of justice, this predominating principle, the Christian religion has acted a main part. Christianity and civilization have labored together; it seems, indeed, to be a law of our human condition, that they can live and flourish only together. From their blended influence has arisen that delightful spectacle of the prevalence of reason and principle, over power and interest, so well described by one who was an honor to the age—

'And sovereign Law, the world's collected will,
'O'er thrones and globes elate,
Sits Empress—crowning good, repressing ill:
Smit by her sacred frown,
The fiend, Discretion, like a vapor, sinks,
And e'en the all-dazzling crown
Hides his faint rays, and at her bidding shrinks.'

But this vision is past. While the teachers of Laybach give the rule, there will be no law but the law of the strongest.

"It may now be required of me to show what interest we have, in resisting this new system. What is it to us, it may be asked, upon what principles, or what pretences, the European governments assert a right of interfering in the affairs of their neighbors? The thunder, it may be said, rolls at a distance. The wide Atlantic is between us and danger; and, however others may suffer, we shall remain safe."

"I think it a sufficient answer to this to say, that we are one of the nations; that we have an interest, therefore, in the preservation of that system of national law and national intercourse, which has heretofore subsisted, so beneficially for all. Our system of government, it should also be remembered, is, throughout, founded on principles utterly hostile to the new code; and, if we remain undisturbed by its operation, we shall owe our security either to our situation or our spirit. The enterprising character of the age, our own active commercial spirit, the great increase which has taken place in the intercourse between civilized and commercial States, have necessarily connected us with the nations of the earth, and given us a high concern in the preservation of those salutary principles, upon which that intercourse is founded. We have as clear an interest in international law, as individuals have in the laws of society."

"But, apart from the soundness of the policy, on the ground of direct interest, we have, sir, a duty connected with this subject, which, I trust, we are willing to perform. What do we not owe to the cause of civil and religious liberty? to the principle of lawful resistance? to the principle that society has a right to partake in its own government? As the leading Republic of the world, living and breathing in these principles, and advanced, by their operation, with unequalled rapidity in our career, shall we give our consent to bring them into disrepute and disgrace? It is neither ostentation nor boasting to say, that there lie before this country, in immediate prospect, a great extent and height of power. We are borne along towards this, without effort, and not always even with a full knowledge of the rapidity of our own motion. Circumstances, which never combined before, have combined in our favor, and a mighty current is setting us forward, which we could not resist, even if we would, and which, while we would stop to make an observation, and take the sun, has set us, at the end of the operation, far in advance of the place where we commenced it. Does it not become us, then—is it not a duty imposed on us—to give our weight to the side of liberty and justice—to let mankind know that we are not tired of our own institutions—and to protest against the asserted power of altering, at pleasure, the law of the civilized world?"

Mr. President, I cannot conclude without expressing the deep regret which I feel that circumstances should have arisen of a nature to make it apparently necessary that so much should be said in defence of a movement which, I do not doubt, will be warmly approved by nine tenths of the free and enlightened citizens of this great Republic. I hope that we may soon come to a vote upon the resolution.

Mr. BERRIEN. The question is on the amendment which I have had the honor of submitting to the Senate. It contains two propositions. First, it proposes to extend this welcome to the associates of Governor Kossuth. And secondly, disclaims the purpose which is there stated. I apprehend, therefore, that the Chair will concur with me that it is susceptible of division.

The PRESIDENT. Certainly. The amendment contains two distinct propositions, and the question can be taken separately upon each.

Mr. BERRIEN. At the suggestion of Senators, then, I ask that the question may be divided.

The PRESIDENT. The question, then, is on the first branch of the amendment:

"And be it further resolved, That the welcome thus offered

to Louis Kossuth be extended to his associate Hungarian exiles who have landed upon our shores."

Mr. SEWARD. I see no objection to that proposition, and if it will commend the main resolution to the favor of the Senator, I shall very cheerfully vote for it.

Mr. BERRIEN asked for the yeas and nays, and they were ordered.

Mr. FOOTE, of Mississippi. I wish to make an explanation, lest my vote on this amendment may place me in a wrong attitude. I thought that some special respect was due to Governor Kossuth over and above his associates. On that account I shall vote against the amendment, with the view of making this a special compliment to Kossuth.

Mr. SHIELDS. I am compelled to vote against the amendment of the Senator from Georgia. If it is adopted it will derogate very much from the original intention. I hold that his associates are entitled to this honor; but as we commenced with Kossuth himself, we ought to confine it to him, regarding him as the representative of Hungary and as the representative of liberty.

Mr. BADGER. It seems to me that my friend from Illinois makes a mistake, and that the premises from which he argues lead to a conclusion directly opposite that at which he arrived. We commenced by the joint resolution of the last session. We commenced with "Louis Kossuth and his associates in captivity." The Senator says he wishes to follow up as we began. How is that to be done by leaving out the associates of Kossuth?

Mr. FOOTE, of Mississippi. The gentleman forgets that we only included these associates in the proposition of release, and that this is intended as a cordial welcome to one who is entitled to be recognized as the personification, the embodiment of liberty beyond the rolling ocean.

Mr. BERRIEN. We did not merely unite the associates of Kossuth with him in the proposal of a release from captivity, but we united them in inviting to our shores and preparing the means of transit.

Mr. BADGER. Every word of the original resolution which applies to Kossuth applies to his associates.

Mr. CASS said: Mr. President, I shall vote against the amendment of the Senator from Georgia, [Mr. BERRIEN,] not because the fellow-sufferers of the illustrious Hungarian leader are not worthy of respect and commiseration everywhere, but simply because he comes here as the representative of a great principle, and I do not desire to have our testimonial in its favor weakened by the introduction of other names or topics. We all know the effect of amendment after amendment upon a resolution, and how easily its character and objects are changed by such proceedings. For myself, I shall adhere to the purpose we have in view.

Mr. President, I intended to say something upon this subject, and I may as well say it now upon the question before the Senate. This discussion has taken a very wide range—a very discursive range. I shall not follow it in its ramifications; but there are some observations which I wish briefly to offer to the Senate.

Now, with respect to the invitation from Congress to Kossuth, I am not going to enter into any critical analysis of it; I am not going to enter into any philological examination of its words. It is idle to say that we invited him as an ordinary emigrant, to come here to enter his one hundred and sixty acres of land and take up his residence in the forest.

To be sure, the word "emigrants" is used in the original resolution, but our attention was fixed upon the leader and his patriotic band, not because we sought them for the usual purposes of emigration, but because he had been an apostle and had become a martyr of liberty, and we desired to honor the cause and to honor the man; and we were truly anxious to rescue all these interesting sufferers from the evils of captivity, and the still greater evils impending over them, should Mohammedan hospitality be compelled to yield to Christian menaces. We invited the great leader of a great revolution to come among us; one who had performed a noble part in the history of his country, in the history, indeed, of the human race. It was an imposing procedure on our part. It

was, and was intended to be, a testimonial from the Congress of the United States, to a great man and a holy cause. Why, it went forth to the world as a homage from a great Republic to a principle, which is the corner-stone of its own institutions, and was announced in every journal from California to Siberia, wherever an iron despotism has not placed its foot upon the press. It was a most imposing legislative act. The arrival of the vessel we sent on this grateful mission upon the old Homeric waters of the Hellespont was heralded by the announcement of the fact to all the world. And a proud day it was for us, and I trust, for human liberty, when these hope-deferred exiles trod the deck of freedom, and found the ensign of a great and free people waving over them. Then, and not till then, were they safe.

And are we now to mar this beautiful page of our history, this tribute to patriotism and freedom, by saying that we merely invited a party of unfortunate Hungarians, as "emigrants," to our shores, and there they have landed, and there we leave them? They came as emigrants, and let them settle as such. And do we seek to prove by a philological examination of the invitation, merely, in fact, it would appear, to please two despotic monarchs, that we meant no honor to Kossuth, none to his companions, none to the cause to which they have devoted themselves? Why, sir, the common instincts of every man revolt against such a perversion. He came under no such circumstances. He came an exile, indeed, but admired and revered, wherever liberty has found an abiding-place, or wherever sincere but secret aspirations ascend to Heaven for its enjoyment. Such were the condition and claims of Kossuth. I regretted very much to hear upon this floor words of reproach, both against him and the revolution of his country. He needs no eulogy from me. He will find that in the hearts of mankind and in the voice of History. His name will go down to posterity, imprinting his character and principles upon the generation among which his great deeds have been done. Every age of the world is marked by the advent of peculiar individuals, who seem designed by Providence to perform a distinguished part in the concerns of the world. This age is marked by the deeds of Kossuth. Why, sir, there must be some great fascination about this wanderer, without power, without wealth, without a country. Such processions as those, that have welcomed his arrival both here and in England, have scarcely been seen in the world, since the pageants of Roman triumphs. No man can receive such voluntary homage from a free people, without possessing some of the highest qualities of our nature. Did he not, his presence would soon dissolve the enchantment, and reduce him to his true dimensions. But enthusiasm seems to increase as he becomes better known, and all join in tendering to him the tribute of admiration.

A good deal has been said about the revolution of Hungary, and a good deal in disparagement of it. I shall not follow these assaults to repel them. It would be a work of supererogation in this country. I will say, however, that it was a great and noble effort, worthy of the descendants of that band of heroes, who, centuries ago, upon the frontier of Christendom upheld the banner of the Cross against the standard of the Prophet of Mecca. It is objected here, that the Hungarians began their revolution with professions of loyalty to the Austrian crown and of attachment to the Austrian empire; that they asked but little at first, and that they avowed their determination not to be separated from their common country; and all this is brought forward here as a charge and a proof of inconsistency and insincerity. Well, sir, this is almost a chapter taken out of our own revolutionary history—almost a narrative of events and feelings in our own country, connected with the origin and progress of our struggle with England. The resemblance, not to say the identity, is remarkable. What did our revolutionary fathers do? They, too, began with declarations of attachment to the English crown and people, and it is a historical truth beyond contradiction, that they did not desire separation, and they at first condemned it as a great evil. If the Hungarians boasted, as is here said, that they were the firmest supporters of the Austrian power, and had freely shed their blood in its defence, did not the noble patriots who conducted us through our stormy and perilous

crisis, did they not boast in like manner, that they had shown their attachment to England by fighting her battles in the wars of 1745 and 1760, and had taken efficient parts in the capture of the Havana, of Louisbourg, and of Quebec, and in the annihilation of the French power upon this Continent? So began the contest, but sufferings and sacrifices on one side, and cruelty and oppression on the other, soon changed all these feelings, and converted sincere friendship into deadly enmity. And such is the natural course of all revolutions. They generally commence with moderate demands, but soon change their character and seek the permanent establishment of independence. Concessions, which would at first have been received with gratitude, are afterwards spurned with contempt, and the struggling party rises in its hopes and expectations in proportion to its own exertions and to the prospects of success. I repeat, it is human nature. Attempts at subjugation produce their necessary consequences—enmity and alienation. Now, sir, I do hope we shall hear no more of Hungarian inconsistency and insincerity; because little was asked at first and much afterwards; for we cannot hear it without being sensible that the same accusation may be made against Washington and his associates, whom we all love and honor. This has been precisely the course of all men, who have had to fight the battles of freedom, since human rights first contended against human despotism.

Mr. President, what is the object of the present proceeding?—I refer now to the resolution introduced by the Senator from Mississippi, [Mr. FOOTE,] as it is more comprehensive than the one offered by the Senator from New York, [Mr. SEWARD,] and better opens the whole subject. But by-and-by I shall briefly consider the latter. What, I repeat, is the object of this proceeding? It is to express the interest of the American people and their representatives in the glorious cause, aye, and in the glorious fate of this great Hungarian leader. What was that resolution of the Senator from Mississippi? It was substantially an expression of "sympathy" for a people "unfurling the banners of freedom," in the beautiful words of Washington; and these words furnish a precedent, which I hope the Senators from Georgia and Kentucky [Mr. BENNETT and Mr. UNDERWOOD] will consider sufficiently authoritative to enable them to join us upon this occasion in expressing the sympathy of our countrymen, as the same feeling was expressed by the first and greatest of our Chief Magistrates in the heroic age of the Republic. What have nations a right to do—a real practical right to do—under the circumstances, in which we are placed? That is the true question, divested of all the fears, whose anticipations have here fallen from eloquent tongues, but I trust upon unbelieving ears. Why, sir, every nation has the right to open wide its doors, and to receive, with welcome and kindness, all the victims of oppression, who, seeking to free their country from despotism, encounter the disastrous chances of a revolution, and are compelled to seek safety by flight. These unfortunate men are received and protected by every Government under heaven, except where excluded by the joint stipulations of some of those iron-hearted rulers, whose vengeance nothing but human blood will satisfy, and who desire to cut off all means of escape from homeless, houseless patriots. The moment a revolution is put down, those who have taken part in it, flee elsewhere, if they can, for protection. In Europe they find refuge in France and England. There are at this moment, some half a dozen wandering pretenders, whom revolutionary events have expelled or withheld from thrones, and who are roaming through Europe, protected by its various Governments. England, at one time, afforded an asylum to the refugees of two, if not of three, revolutions. I am not sure, that the representative of the Bourbon family was there when Louis Philippe was overthrown, but Louis Philippe himself, and those, who led to the revolution, that dethroned him, and were the victims of another struggle, found themselves in England at the same time, quietly enjoying the protection of her laws. Who ever complained that a place of refuge was thus found for the unfortunate? And yet, what is the importance of a small band of exiles upon a distant continent to the real presence and protection of him who claims, by the grace of God, the government

of a country? If the former is justly offensive, I should like to know what the latter is? If this poor privilege of escape were taken away, you would shut up, within a condemned district, every man under the ban of his rulers, and you would make each of the despotic countries of Europe one vast slaughter-house; and still more, you would destroy the very germs of liberty, throughout a vast portion of the world. But still further, the Governments of Europe appropriate money to defray the expenses of strangers, thus thrown upon their hospitality. The British Government has done this, and so has the Government of France, and to a large amount, for exiles, who have taken refuge there. It is a well-known fact, that the banished pretenders to several of the European thrones, have been aided, if not wholly supported, by the contributions of their monarchical brethren, who have been fortunate enough to retain their positions. And are we to refrain from even the poor tribute of expressing our sympathy for these interesting strangers, who come among us—these patriotic exiles, because we are republicans, and they desire their countrymen to become such? No one complains of monarchical sympathy! Let no man in this free country complain of the republican expression of it. It is futile to talk about intervention. There is no intervention in all this.

I suppose it would be a much more offensive proceeding to a persecuting government to have the subjects of its wrath protected and maintained, than would be a mere expression of sympathy in their misfortunes.

Mr. President, there is a great principle, which no one can deny, and that is, that in the internal contests of other countries, where one portion of a community is endeavoring to throw off an iron yoke, the other Powers of the earth have no right to interfere. England, and her continental allies, violated this salutary prohibition, in the invasion of France, towards the commencement of her revolution, and signally was this breach of duty rebuked and punished by triumphant armies, who carried the tri-colored flag from Lisbon to Moscow. As far as I understand, this is the very ground taken by Kossuth in his various answers and addresses, conceived, I must say, in the genuine spirit of eloquence. He is willing to abide the issue of the efforts of the Hungarians, if they are left to contend with the power of Austria alone. It may be, that in the many and extemporaneous answers he is compelled to make, he has not always laid down the precise limitations; but the general purport is sufficiently manifest, and, sir, I fully agree with him in this view. Russia and Austria have violated this great salutary principle. The latter, hard-pressed by the gallant Hungarians, invoked the aid of the Autocrat, and the Cossacks poured over the frontiers, and prostrated in the dust the banner of freedom. Now, what may other nations rightfully do under such circumstances? The law of nations is the bond, which unites all civilized communities together; which protects, not always, unfortunately, but often, the weak against the strong—the arbiter which substitutes reason for force. Every country under heaven has an interest in its immunity and preservation.

If, then, one of its great principles is violated, what may other nations rightfully do? Why, sir, the answer is easy and clear. If any nation believes its own interest so much affected by this violation, and that it is so grave in its character as to justify it, it may resort to that remedy at its discretion. It has the moral right to appeal to that final arbiter in the disputes among independent Powers. Whether it will take that serious step is a question for its own decision, depending upon its view of its own interest and policy.

But there are other methods, than war, by which the feelings and disapprobation of the impartial Governments of the world may be expressed. They may make a public and solemn protest against the proceeding, placing upon historic record their disapproval of this conduct, and avowing their determination never to assent to the consequences of such acts, nor to the doctrines they establish. Or they may remonstrate, in a diplomatic form, through their own representative, in terms more or less severe and decided, as the gravity of the circumstances and the interests involved may render proper; or the whole subject may be discussed, and the course condemned in the legislative bodies of other Governments, as is done in

France, in England, and in the United States. The public opinion of the world is a powerful engine in its social and political systems; and though not always strong enough to prevent injustice, it is never without a salutary effect. It cannot be wholly shut out from the most despotic countries, and it has often made the tyrant tremble on his throne. And the halls of free legislation are the very places, whence this warning voice may issue to perform its work. It seems to have been assumed in this discussion, that if we remonstrate against infractions of the law of nations—against this high-handed violation, for example, by Russia and Austria—that we must be prepared to support our declaration by war—that, in truth, the act itself pledges us to war. Why, sir, no error can be greater or more mischievous. The protests and remonstrances of nations are everyday occurrences in the diplomatic history of the world. England put upon record her protest against the occupation of Cracow, to record in all time her disapprobation of that act of violence and injustice. But she rested there. She did not think the circumstances called for war. And within the current year, it is known that both France and England made representations against the demand of Russia and Austria, that the Sultan should deliver up to their tender mercies the unfortunate Hungarian exiles. What the protesting States would have done, had this insolent demand succeeded, we do not know. It did not necessarily follow, that they would go to war. But it would be time ill spent to multiply instances in illustration of this doctrine. Modern history is full of them, and they are familiar to all. I repeat, that what we shall do, in cases where we find it necessary to pursue this mode of expressing our disapprobation, is a mere question of policy; and if we do nothing but put ourselves right by this process of a disapproval, we commit neither our dignity nor our honor. We put our views upon record, and then we are free to act at any time thereafter, as we please.

I take it for granted, that there is not a sane man in this country who dreams even of intervening by force in this affair—of sending a fleet to cover the Adriatic, and to blockade the lagoons of old Venice, and the port of Trieste, or another to take its station on the Sound, and close the entrance of the Baltic to the ships of Russia. It is not physical force that every true lover of his country would desire to employ on this occasion. It is moral force; that powerful lever in the affairs of the world, which sooner or later will do its work. Like truth, it is mighty and will prevail. Let not gentlemen, therefore, be alarmed at the proposed expression of sympathy and interest. It may keep alive the hopes of oppressed millions in Europe to know that their condition and prospects receive the warm regard of the great Republic, which in the new hemisphere has preceded them in the struggle for freedom, and now reaps the reward; and in doing this, we keep ourselves still in the pale of the law of nations, and give just cause of offence to no one.

Mr. President, eloquent allusions have been made here to the ominous condition of Europe. And truly it is sufficiently threatening to fix the regard of the rest of the civilized world. Elements are at work there, whose contact and contest must ere long produce explosions, whose consequences no man can foresee. The cloud may as yet be no bigger than a man's hand, like that seen by the prophet from Mount Carmel, but it will overspread the whole hemisphere and burst perhaps in ruins upon the social and political systems of the Old World. Antagonistic principles are doing their work there. The conflict cannot be avoided. The desire of man to govern himself, and the determination of rulers to govern him, are now face to face, and must meet in the strife of action, as they have met in the strife of opinion. It requires a wiser or a rasher man than I am, to undertake to foretell when and how this great battle will be fought; but it is as sure to come, as is the Sun to rise again, which is now descending to the horizon. What the free governments of the world may find it proper to do, when this great struggle truly begins, I leave to those upon whom will devolve the duty and the responsibility of decision. Even if I had the right, I have no disposition, to lay down the course, which the great interests of humanity may require the then established governments of the people to adopt. How far they will maintain by protest or remonstrance, or how far they will maintain by actual

force, the inviolability of the law of nations, or what other intervention they may find it expedient to adopt, can only be determined when the exigency arises. For myself, I would leave our successors unshackled by any declaration upon this grave subject, and I consider it unwise to prejudice either the circumstances, or the course which they may then impose upon us.

An auditor listening to the progress of this discussion might naturally suppose, that our proceedings would be followed by vials of wrath to be poured out by Europe upon our unfortunate country, to which the plagues of Egypt were but a gentle shower, compared to the tornado of the tropics. These observations have relation to the resolution of the Senator from Mississippi, [Mr. FOOTE,] and I have endeavored to show, that its adoption would give no just cause of offence to any Government whatever. But they apply with still more force to the resolution submitted by the Senator from New York, [Mr. SEWARD,] which simply says to the Hungarian Patriot, You are welcome to our country. And is it possible, that one member of this body can be found, who sees anything offensive in this expression of regard, or anticipates the slightest danger from the procedure? If there is, let him console himself. Would that we were as secure against all other evils, as we should be against the wrath of European sovereigns for this act of hospitality; if we were, our Government would endure, till all human governments shall have fulfilled their functions and disappeared.

I prefer the original resolution of the Senator from Mississippi, and regret that he found it necessary to withdraw it. I trust, however, that it will be renewed. My next choice is the one offered by the Senator from Illinois, [Mr. SHIELDS,] but if neither of these can pass, I shall then vote for the proposition of the Senator from New York. That, I have said, is a mere welcome, tendered to our guest; and really, sir, I cannot treat with becoming gravity, the fear that its adoption is to raise a storm of indignation against our country, which is almost to blot us out from the record of nations. Never could cause and effect be more disproportionate.

The honorable Senator from Georgia, [Mr. BEXTER,] proposes an amendment, which is to rescue us from our perilous condition, by making a declaration, which decrees that we declare nothing by this otherwise pregnant resolution. It is a sort of *pronunciamento*, if I may so say, which is to announce our true object, and to serve as the exclusion of a conclusion, when the Russian and Austrian Cabinets come to consider this grave measure, so directly affecting the rights and honor of their sovereigns. It is a kind of abstract announcement of our policy, appended to one of the most harmless procedures, that ever took place in our legislation.

Mr. President, I am utterly opposed to this careful regard of the susceptibilities of European arbitrary monarchs. It becomes neither us, nor the great people we in part represent. It is said, indeed, that we are in effect using threats towards the crowned heads, who rule over Russia and Austria. A most prolific engine of mischief is this same resolution. Our countrymen have too much regard for the character and position of our country to approve of the use of menacing language by their servants to other Powers, or to suffer it to be used to them. These are all chimeras, which I am sure a little reflection will dispel. Let us stand fast to our dignity, our character, and our principles. That is no threat; and if it be taken as such by the Autocrat of Russia, or by anybody else, so be it. Let him follow his own course, and seek his own remedy.

This proposed amendment is a sort of appeal to the good-will of these monarchs, saying in substance, Take no offence, for we mean none. The resolution does not pledge us to do you any injury, and we mean to let Hungarian affairs take care of themselves. Well, sir, it appears to me, that all this is uncalled-for, undignified, and unworthy of the representatives of the sovereign States of this Union. It shall never receive my assent.

The old well-known spectre of precedents has been revived. I hope that the two honorable Senators, who have opposed our action on this account, will see in the precedent of General Washington the true principles of this case. I would ask the Senator from Georgia, if the time has not arrived, when we may set precedents for those, who are to

follow us, as they have been set by those who preceded us.

It has been well said, that the existing generation stands upon the shoulders of its predecessors; its visual horizon is enlarged from this elevation. We have the experience of those, who have gone before us, and our own, too. We are able to judge for ourselves, without blindly following in their footsteps. There is nothing stationary in the world. Moral and intellectual, as well as physical sciences, are in a state of progress; or, rather, we are marching onwards in the investigation of their true principles. It is presumptuous at any time to say, that now is the best possible condition of human nature; let us sit still and be satisfied; there is nothing more to learn. I believe in no such doctrine. I believe we are always learning. We have a right to examine for ourselves. In fact, it is our duty to do so. Still, sir, I would not rashly reject the experience of the world, any more than I would blindly follow it. I have no such idea. I have no wish to prostrate all the barriers raised by wisdom, and to let in upon us an inundation of many such opinions, as have been promulgated in the present age; but far be it from me to adopt as a principle of conduct, that nothing is to be done except what has been done before, and precisely as it was then done. So much for precedents.

Sir, a most extraordinary spectacle is this day presented in the American Senate—extraordinary, I mean, when compared with what took place not long since in one of those old regions, which were the cradle and threaten to become the tomb of civilization. The comparison of our course with that of the Sultan of Turkey is far from being flattering to our national vanity. I am apprehensive, that the nations of the world will wonder at our timidity. Here we are halting, hesitating, doubting; afraid to express our approbation of a great principle, even in the guise of a mere hospitable barren welcome. And was the conduct of the Successor of the Prophet marked by such vacillation, when he was insolently required to deliver those relics of a revolution to their relentless enemies, that they might expire upon an Austrian scaffold, or suffer worse than death from Siberia and the knout? He nobly answered, "*No; they have eaten my salt, and by the faith of the Prophet not a hair of their heads shall be touched.*" And if he had been driven—if the successor of the Othmans had been driven to unfurl the standard of Mahomet, and to defend his dominions and the sacred rights of mankind at the head of his armies, every true American would have bid him God speed, and would have prayed for his success in upholding the doctrines of Christianity against the persecuting spirit of self-styled Christian rulers. I think that his rejection of the demands of those too great Powers, one of which touches his open frontier for hundreds of miles, while the other is always ready to pour its myrmidons from the heights of the Balkan and to drive him from Constantinople across the Bosphorus,—I say I think his course upon this occasion was one of the most remarkable instances of firmness, that the world has lately seen. I give him credit for it, and still the more, when I see with what cautious deliberation intelligent freemen explore this subject, and how unwilling they are to move when there is in truth "*nothing to make us afraid.*"

There is another circumstance connected with this matter, of a very different character, but scarcely less extraordinary. Here is a subject presented to Congress in the gravest form by the President, in his annual message, a document everywhere read through the civilized world. He asks our special attention to it, and a resolution is introduced, as an honorable Senator has publicly stated—and no man ever doubted his word—at the instance of the Secretary of State, to give effect to the President's recommendation; and yet we see gentlemen of the same political party opposing the whole proceeding, with zeal amounting almost to warmth, because it may give offence to other Powers. The high officers specially charged with our foreign relations, and who ought best to understand the bearing of this proposition upon them, tell us by their conduct, that the proposition is right. No injury can result from it, nor will any one have just cause of complaint. I repeat, that the circumstance is a very extraordinary one, and far beyond my comprehension. The Executive says, by the nature of his communication, there is no danger in all this; while our ears are assailed

with Jeremiads, almost proclaiming the downfall of our institutions. There seems to be a curious conversion going on. Upon this question, the President is abandoned by his own party and supported by ours. Well, sir, the President is right, and for once I am an Administration man. I go for the movement, heart, soul, and body. I have no fear of the consequences, and if I know my countrymen, they would defend the sacred cause of free opinion and action, if assailed, against all the Powers of the earth.

Mr. BERRIEN. Mr. President, the question which is before the Senate is upon the first branch of the amendment which I had the honor to submit. While that is the question, it is the only proper subject of discussion. The Senator from Michigan [Mr. CASS] has traversed the whole ground of the original resolution. I am not disposed to follow him in that discursive course, but he has addressed certain of his observations especially to myself; and upon these I desire to make a few brief remarks.

The Senator from Michigan inquires emphatically from me, whether we at this day have not a right to make a precedent. I am disposed to answer the question with a frank simplicity, and with a distinct affirmation of the proposition itself. Unquestionably we have a right, in the administration of the affairs of this Government, to do any act which in our judgment the circumstances which surround us may require; and if those circumstances have not previously existed, by the performance of the act which establishes a precedent. But how, I beg to ask the Senator from Michigan, did this doctrine of precedents come into this discussion? Was it introduced by the opponents of the resolution? Was it introduced by the advocates of the amendment? No, sir. The original movers of this resolution sought to rest upon the foundation of precedent, and what we have said upon the subject of precedent has been merely to show that the foundation upon which they propose to erect the superstructure was an unavailing attempt. If the circumstances of the case justify the act which you are about to perform, no man denies the right to make a precedent. We have not objected to a precedent, if the circumstances justify it; but when you have sought to arrest this proposition upon the basis of precedent, we have said to you that the circumstances do not justify it; that you are counteracting an established policy of your country. The amendment which I have offered was presented with a view of enabling Senators to place themselves distinctly before the country in affirmation or denial of the established policy of this Government.

The honorable gentleman talks of timidity—of an apprehension of exciting the indignation of the Powers which are to be prevented from interfering in the particular affairs of Hungary. He speaks of the fear which gentlemen seem to entertain; the alarm which he seems to think animates them at the prospect of war. I beg to say to that honorable gentleman, that I have not been influenced by any consideration of timidity; that the question, whether this shall excite the indignation of foreign powers, does not in the slightest degree actuate me; and that the apprehension of war itself, whenever my country shall be placed in a situation in which her interests and her honor may require that she should take that last resort, I will meet it with as little apprehension of its consequences as the honorable Senator from Michigan, or any individual who may avow indifference to such a result. No, sir; the motive by which I have been actuated is not timidity—not a consideration of the influence which this may have upon the minds of those whom it is proposed we shall restrain; not a fear of the consequences of any just and rightful war in which we may be involved; but a regard to the essential interests of my own country, and a solemn conviction that you do not present those circumstances which authorize you to put at hazard the vital interests of the country. That is the ground upon which I have presented this proposition; that is the ground upon which I have resisted the passage of this resolution.

But, sir, the question which is immediately before the Senate is upon the first branch of the amendment which I have submitted; and it is upon that question that I desire to have an expression of the senatorial will. Will you make this an insulated compliment to Governor Kossuth? Will you consider him as the sole individual who is

entitled to your cordial welcome, or will you include with him those Hungarian patriots in subordinate situations, who have struggled with a devotion to freedom as ardent as his own in this great cause? Or are you disposed, by voting against this branch of the amendment, to exclude those Hungarian patriots, who, like Governor Kossuth, periled life, fortune, all, in the maintenance of the principles for which they contended? Why will you make this distinction? I shall not at this moment turn you to the words of the original invitation, but I ask you—considering it as a perfectly new case—as a question unaffected by any preceding action—suppose this question now presented to you: Here are upon our shores a body of Hungarian patriots with their leader. They have all struggled in this glorious cause. Shall we direct our sympathies to the leader? Shall we, freemen, recognizing the principle of equality—adhering with devotion to freedom, whether it burn in the bosom of a President, a Governor, or an humble citizen—shall we say to these people you—the mass—are beyond the reach of our sympathy? We have invited you here, to be sure; and, according to the suggestion of the Senator from Michigan, we shall give you a hundred and sixty acres of land; but you are not the objects of our cordial sympathy; you are not the persons to whom we will extend the cordial welcome which this resolution proposes. The only individual among you is Louis Kossuth—to whom the open hand of welcome shall be extended, but not to you. If this were a question of first impression—if we had not committed ourselves by our previous action, I ask Senators whether they would be willing to make this discrimination between the private and the officer—open your heart to the leader, but turn the back of your hand to his associates by whom he was sustained, and without whose exertions and exposures to peril, from which he, perhaps, might have been safe, his efforts would have been utterly unavailing? Is this a principle of your action? Would this be a rule of the Senator from Michigan, if it were a question of first impressions—if we were not already committed by our previous action?

When we turn to the act of the Congress of the United States in relation to these Hungarian patriots, the idea which I was desirous of presenting to the Senate receives a thousandfold additional force. The honorable Senator from Michigan will not engage in any philological analysis of the original resolution. He will not engage in critical commentary upon its words. Who has asked it? Who has called upon the Senator to go into an analysis, or commentary, upon the words of the original resolution? The plain, the obvious interpretation of these words, points out to us what we have done before, and is an index to us of what we ought to do now, so far as it is proper for us to act at all. I would call the attention of the honorable Senator to that resolution. He will not agree to any analysis or commentary upon it; and why? To substitute his estimation of what has been done, for the record of what has been done. He says we have invited Governor Kossuth here, under circumstances which he has glowingly depicted, as the great leader of a noble struggle for freedom. He says we have invited him here in that capacity. I deny the fact; and I appeal to the record—to no philological analysis—to no critical commentary upon it, but to the plain recorded language of the American Congress:

A Resolution for the relief of Louis Kossuth and his Associates, exiles from Hungary.

Whereas the people of the United States sincerely sympathize with the Hungarian exiles, Kossuth and his associates, and fully appreciate the magnanimous conduct of the Turkish Government in receiving and treating these noble exiles with kindness and hospitality; and if it be the wish of these exiles to emigrate to the United States, and the will of the Sultan to permit them to leave his dominions: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is requested to authorize the employment of some one of the public vessels which may now be cruising in the Mediterranean to receive and convey to the United States the said Louis Kossuth and his associates in captivity.

I said that if this was a case of first impression, our sympathy was equally due to the associates of Mr. Kossuth as to himself. I say we are not at all at liberty to moot the question; that we have committed ourselves by the expression of our sympathies for his associates as well as for himself; that we have invited them to our country if

they desired to emigrate; and that we have imposed upon ourselves, therefore, an obligation to fulfill any reasonable expectation which that invitation was calculated to excite.

The honorable Senator says that it is quite customary for Governments to contribute to the support of exiles, whether monarchs or of lower rank. I doubt not the power of this Government—I have no doubt that we would violate no principle of the law of nations in extending to these Hungarian patriots such assistance as would be necessary to make the asylum which we have offered to them a comfortable one. I have no such doubt. But the question which I here present to you is, Will you confine your sympathy—will you confine your benevolence—will you confine the manifestations of your devotion to the cause of civil liberty throughout the world, to the person of Louis Kossuth alone, and turn the back of your hand upon those whom you have invited with him, and whom you authorized to expect would have a comfortable asylum accorded to them? That is the question. It is upon this branch of the amendment that Senators are now to record their votes, and that the country will find whether they mean to make this distinction in favor of the leader, and against his followers who assisted him to achieve that fame which is the subject of admiration.

Mr. CASS. I desire merely to answer the question put to me so emphatically by the honorable Senator from Georgia, whether I am in favor of making these distinctions, or not? I reply, that I am decidedly in favor of making these distinctions. Mr. President, you know, and every Senator knows, that it is an old way to defeat a measure by tacking tail after tail to it. I do not mean to say that the honorable Senator from Georgia has any such object in view, but I believe he would vote for the resolution if amended to suit him. I reminded the honorable Senator from New Hampshire, [Mr. HALE,] the other day, of an amendment which he proposed to a resolution of mine two years ago. I then proposed to suspend diplomatic intercourse with Austria. He proposed to tack on Russia. And if that had carried, I suppose some one else would have moved to attach China, and so on; and we might have traveled round the whole circumference of the globe before we got a vote upon the original resolution. Every one, therefore, understands it.

Here is a plain and distinct proposition. I confess, for one, I was in favor of the original resolution. I want to do honor to the great principle of human freedom in the person of Kossuth. Circumstances have given him a high and lofty position before the world; the eyes of civilization are upon him, and I desire emphatically to declare the opinion of the American people with reference to the principles he advocates. That is the reason I do not wish to mingle anything else with this resolution. I tell the Senator from Georgia, that I am perfectly willing to welcome the Italian exiles, the Irish exiles, or any other exiles who have come here from the oppressions of despotism; and if he will introduce resolutions for these purposes, I will vote for every one of them. But I will not tack them on to this proposition, so as to injure or defeat it. I will vote for every resolution he can bring forward welcoming a political exile from a land of oppression to a land of freedom. All I object to is the place. I do not want to have this resolution defeated or lessened in its value by the addition of anything else. Although I honor Kossuth much, I honor liberty more. It is because the eyes of the world have been upon him, and Providence seems to have placed him as the great leader, at the head of his countrymen; and therefore, in some measure, he has become the incarnation of a principle, and I am willing to do honor to the man, and honor to the principle with which he is connected.

Mr. BERRIEN. The honorable Senator from Michigan does not impute to me the intention.

Mr. CASS. I said that I believed the Senator would vote for the proposition; but I spoke of the general effect of tacking these things to resolutions that were introduced. I know the honorable Senator—and I stated that I knew he would vote for his proposition. But we have seen instances in this Senate where men have brought forward propositions which they did not mean to vote for. Therefore I am always cautious.

Mr. BERRIEN. I am perfectly satisfied that

the Senate, as well as the Senator from Michigan, will render it entirely unnecessary for me to disclaim any intention to do what he says is frequently done. But is this a tacking to an original proposition of an amendment which is calculated to defeat it? Did not the mover of this resolution begin by detaching from the original resolution of the Senate the associates of Governor Kossuth? That resolution embraced Governor Kossuth and his associates. In the spirit of that resolution they have been brought to our shores. Why do you not embrace them all in this welcome? So far have I been from attaching any extraneous subject to that which was the original spirit of the movement, that it is the mover of this resolution who has detached Governor Kossuth from his associates who were united with him in the original resolution. The original resolution embraced them both, and I desired merely to restore the ancient *status*—to carry out the original proposition of the Congress, and to correct the detachment of these Hungarian patriots from their leader.

MR. HALE. Mr. President, I do not rise to make a speech. My views of this resolution are well known. I shall vote for it in almost any shape in which it can be presented. My object is simply to divest the subject, if possible, with some suggestions of my own, from some extraneous considerations which have been thrown around it. Senators are looking to the consequences to result from the action of foreign nations, growing out of this. Gentlemen have been so fond of reading the foreign history of the world, that they have neglected domestic history. If gentleman had read carefully the history of this country, they would have seen that there is a precedent for every step that may, by any contingency, arise. Suppose we pass this resolution, and suppose some offence is taken at it: what have we to do? Simply introduce a joint resolution, and reannex Hungary to this country. [Laughter.] Reannexation is the remedy which is to be applied. Suppose Austria squirm at that: then all that is to be done is, for us to declare that war exists by the act of Austria. [Laughter.] Then we can, according to precedent, take two thirds of Austria. I wish to commend this view of the subject to gentlemen whose minds are oppressed by fear of the consequences that will grow out of the action of foreign nations. I appeal to the conservative portion of the Senate—without any offence—that here is a precedent clear and well established: a precedent which has led to glorious results heretofore; and we shall not only, in this way, welcome one hero to our shores, but we shall raise up another brood of our own. [Laughter.] I am sorry to see Senators treat so serious a matter so lightly. It seems to me to be unbecoming the subject.

I hope that this resolution will pass. A word more in regard to the admonition which has been so kindly, and, I have no doubt, so considerably bestowed by the honorable Senator from Michigan. I have refrained from offering any amendment to this resolution. I had another victim of oppression in my mind's eye, and I have a good many of all colors. I had a white victim in my heart, and wanted to have a little sympathy for him. But, instead of being subject to censure, by offering an amendment for that purpose, I have reserved it for an original resolution. And I propose to have the sympathies of the Senate expressed, at some future day, in favor of Abd el Kader; and, therefore, I have refrained, and will refrain, from offering any amendment.

A SENATOR. Is he white?

MR. HALE. I have no doubt that he is as white as some men that pass for white men. In accordance with what I have said, I shall vote against all of these amendments, because, when I want to extend the right hand of friendship to Kossuth, I want him to understand that it is a good, honest grip. I don't want to say, when I meet a friend from the Southern States—I shake hands with you, but I want you to understand that I do not agree to all your notions, and I do not want to favor your peculiar institutions—but I want to give him an honest shake, if he will take it; and if he takes one from me, I do not expect him to indorse all my fanaticism by the act. [Laughter.]

MR. FOOTE, of Mississippi. I simply rise to say, that if gentlemen desire to vote on such a resolution as that described by the honorable Senator from Georgia, they will probably have an

opportunity. Sir, I understand that such a resolution will probably be offered by the honorable Senator from New Jersey, [Mr. STOCKTON,] after awhile, as a separate proposition. I hope there will be no difficulty then. I am glad to see gentlemen's sympathy enlarging so rapidly.

MR. DOUGLAS. Mr. President, I shall not long detain the Senate.

I regret that this resolution has been introduced, not because I do not cordially unite with all my sympathies, in the proposed measures for the reception of Governor Kossuth, but for the reason that it could not pass this body unanimously. A resolution to give such a reception as has been proposed should pass with entire unanimity; for its discussion and a divided vote deprive it of its chief merit. I would not have brought forward the resolution for the simple reason, that I have yet to learn that the man lives, or ever did live, that could make a proposition in this body that would not give rise to discussion. It has been objected to this resolution, sir, that its passage would give offence to the principal Powers of Europe. I have heard this objection raised in relation to so many matters of legislation that I have become heartily tired of it. I do not deem it material whether the reception of Governor Kossuth will give offence to the crowned heads of Europe, provided it does not violate the laws of nations, and give just cause of offence. The question with me is, not whether it will be agreeable to the despotic Powers of Europe; for I well know that they will not be pleased with any action of this Republic which gives encouragement to European movements favorable to liberal institutions; the question, therefore, is not whether they will be pleased or displeased, but whether the adoption of such a resolution gives just cause of offence, according to the laws of nations. Sir, I know of no principle of the law of nations that deprives a Republic of the right of expressing its cordial sympathy in all movements tending to the establishment of free principles throughout the world. I hold that it is our duty to demonstrate our heartfelt sympathy and profound admiration, by every act which is appropriate to the occasion and to the subject-matter. It is due to our own character, in vindication of the history of our revolutionary struggles, which resulted in the establishment of republican institutions upon this continent.

But while it is our duty to do this much, I would take no step which would violate any principle of the law of nations, or give just cause of offence to any Power on earth. Nor do I think that a cordial welcome to Governor Kossuth, accompanied by the expression of our devotion to the cause with which his life is identified, and our sincere desire for his entire success, can be properly construed into such cause of offence. The distinguished Senator from Michigan has well remarked that it has been the usual practice of all enlightened nations in Europe to give a welcome and an asylum to all exiles who have been unsuccessful in their struggle for liberty in their native land. He has referred to the example of England, and might also have cited that of France during the period that he represented this nation with so much honor and dignity at the Court of Louis Philippe. If my recollection serves me right, Louis Philippe, for many years, in his annual speech from the throne, expressed his heartfelt desire and strongest hopes for the restoration of the *nationality of Poland*, which had been divided and apportioned among the Powers composing the Holy Alliance of despotism. He did not stop there, for, under the direction of his Minister of Finance, between one and two millions of francs were appropriated each year for the support of the several thousand exiles then in his own capital, waiting an opportunity, like Kossuth and his associates, to return and engage in the struggle for the independence and freedom of their native land.

If, then, a King, in the heart of Europe, could from his throne express such a desire in behalf of unfortunate Poland, and at the same time could tax his people to raise millions of money for the support of the patriotic exiles, without giving cause of offence to his brother Kings, shall it be said that Democratic America is not to be permitted to grant a hearty welcome to an exile who has become the representative of liberal principles throughout the world, lest despotic Austria and Russia shall be offended? We should not close

our eyes to the fact, that a great movement is in progress, which threatens the existence of every absolute government in Europe. It will be a struggle between liberal and absolute principles—between Republicanism and Despotism. Are we to remain cold and indifferent spectators when the time of action shall arrive, and the exciting scene shall be presented to our view? Will it not become our duty to do whatever the interests, honor, and glory of our own country may require, in pursuance of the laws of nations, to give encouragement to that great movement? Should we not recognize the independence of each Republic as soon as it shall be established; open diplomatic intercourse, and form commercial treaties; and, in short, extend the right hand of fellowship, tendering all the courtesies and privileges which should exist between friendly nations of the same political faith? I think that the bearing of this country should be such as to demonstrate to all mankind that America sympathizes with the popular movement against despotism, whenever and wherever made. I hold that the principle laid down by Governor Kossuth as the basis of his action—that each State has a right to dispose of her own destiny, and regulate her internal affairs in her own way, without the interference of any foreign Power—is an axiom in the laws of nations which every State ought to recognize and respect. I am prepared now to assert and affirm the proposition by a vote of the Senate, as a part of the international code. It is equally clear to my mind, that any violation of this principle by one nation, intervening for the purpose of destroying the liberties of another, is such an infraction of the international code as would authorize any State to interpose which should conceive that it had sufficient interest in the question to become the vindicator of the laws of nations. The armed intervention of Russia to deprive Hungary of her constitutional rights, was such a violation of the laws of nations as authorized England or the United States to interfere and prevent the consummation of the deed, if either had chosen to do so. If another alliance shall be formed by the despots of Europe to destroy the last vestige of freedom that now remains, the question will then arise, what course interest, duty, and honor, require us to pursue? We will have the right, under the law of nations, to interfere or not, according to our convictions of duty, when the case shall be presented. I will not say, as most Senators have said, that in no event will I be for interference by this Government. I will judge of the case when it arises. To say in advance that the United States will not interfere in vindication of the laws of nations, is to give our consent that Russia may interfere, in violation of the international code, to destroy the liberties of an independent nation. Such a declaration would afford as much encouragement to Russia and Austria in the consummation of their work of blood and vengeance, as a similar declaration by our Government on a recent occasion did in instigating Spain to butcher American citizens without the form of trial, and in violation of treaty stipulations. I will make no such declaration. I will grant no such license to the absolute governments of Europe. On the other hand, I will not advise the declaration in advance that we will interfere. Such a declaration might be looked upon as a blustering, empty threat. I would make no declaration upon the subject either way until the proper occasion shall arise. I would have this Republic retain within herself the control over her own action, so that we may be in condition to do whatever our interests and duty may require when the time for action comes. I think this is the most dignified and imposing position our country can occupy. It gives us the control of our own movements, and enables us to perform our duties to ourselves and to the rest of the world according to our convictions from day to day and year to year, as the occasion shall present itself.

Sir, something has been said about an alliance with England, to restrain the march of Russia over the European Continent. I am free to say that I desire no alliance with England, or with any other crowned head. I am not willing to acknowledge that America needs England as an ally to maintain the principles of our Government. Nor am I willing to go to the rescue of England to save her from the power of the Autocrat, until she assimilates her institutions to ours. Hers is a

half-way house between despotism and republicanism. She is responsible, as much as any power in Europe, for the failure of the revolutionary movements which have occurred within the last four years. English diplomacy, English intrigue, and English perfidy put down the revolution in Sicily and in Italy, and was the greatest barrier to its success even in Hungary. So long as England shall, by her diplomacy, attempt to defeat liberal movements in Europe, I am utterly averse to an alliance with her to sustain her monarch, her nobles, and her privileged classes. She must sustain her constitutional monarchy, even against absolutism, without receiving aid from republican America with my consent, and especially so long as she condemns to imprisonment and transportation for life the noble Irish patriots, whose only crime consisted in attempting that for which the great Hungarian is now idolized by the English people. She must do justice to Ireland, and the Irish patriots in exile, and to the masses of her own people, by relieving them from the oppressive taxation imposed to sustain the privileged classes, and by adopting republican institutions, before she can have my sympathy, much less my aid, even against Russia. I wish no alliance with monarchs. No republican movement will ever succeed so long as the people put their trust in princes. The fatal error committed in Italy, in Germany, in France, wherever the experiment was tried, consisted in placing a prince at the head of the popular movement. The princes all sympathized with the dynasties from which they were descended, and seized the first opportunity to produce a reaction, and to betray the people into the hands of their oppressors. There is reason to believe that much of this was accomplished through British diplomacy and intrigue. What more natural? The power of the British Government is in the hands of the princes and the nobility. Their sympathies are all with the privileged classes of other countries, in every movement which does not affect the immediate interests of their own kingdom. Republicanism has nothing to hope, therefore, from England so long as she maintains her existing government, and preserves her present policy. I repeat, I desire no alliance with England. We require no assistance from her, and will yield none to her until she does justice to her own people. The peculiar position of our country requires that we should have an *American policy* in our foreign relations, based upon the principles of our own Government, and adapted to the spirit of the age. We should sympathize with every liberal movement—recognize the independence of all Republics—form commercial treaties, and open diplomatic relations with them—protest against all infractions of the laws of nations, and hold ourselves ready to do whatever our duty may require when a case shall arise.

Returning to the immediate question before the Senate, I hold that a welcome to Governor Kossuth—a national welcome and a public reception by both Houses of Congress—is no cause of offence to any Power on earth. That the despotic Powers of the Old World would prefer to have us withhold from this distinguished champion of freedom every act of courtesy and evidence of sympathy, is doubtless true; for they would take his life, and consign his name to infamy, for the very deeds which endear him to every American heart, and make him the representative of the liberal movement in the Old World. We love and honor him for the same reason that they hate and fear him. Hence we cannot regulate our action by their wishes. We should not act in abject obedience to the wishes of other nations, whose institutions are different from ours, nor in fear of their resentment. We should act in fear of God, performing our duty to ourselves and to mankind, and leave the world to form its own opinion. I desire to extend this welcome to Governor Kossuth, because he is the recognized representative of the popular movement in Europe. The resolution does not commit us to anything in the future. It is no sufficient objection that Governor Kossuth may ask more for his country than we deem it consistent with the interests and honor of our country to grant. I repeat, we will judge of that question when it arises. I will not encourage the despots of Europe by our refusal to advance, nor will I mislead him by inducing hopes which may not be realized. Let us do our duty

now, and reserve the right to do whatever American interests and honor and duty may require in the future.

Mr. DAWSON. Mr. President, when the first resolution offered by the Senator from Mississippi [Mr. Foote] was presented, I briefly stated the reasons why I could not vote for that resolution. Since the discussion has commenced, the character of the proposition before the body has most essentially changed. It is due to candor, and to a right understanding of this subject, before the nation and the distinguished individual whom we are disposed to honor, that we should understand each other thoroughly; that we should know what were the expectations created in the mind of Kossuth when he received what is called the invitation to the hospitalities of this country. We have to ask him his impression of that invitation. We should know what expectations were created. We should understand them. We should understand his impressions of the obligation he is laid under. And then candor would compel us to investigate the understanding between the host and the guest. We tendered to him a national vessel to come to this country and seek an asylum; or to come and receive hospitality, according to the interpretation of some. We did not intend to interfere with the domestic affairs of Hungary, or any other country. We found him an exile, a voluntary captive, or under the hospitable protection of the Turkish Government. We asked him here. He has come. On his way to receive our hospitality, he announces to the world the character of the invitation. He lets us understand what is his construction of it: that he has come here, not merely for the purpose of receiving our sympathy, but to ask of us to interfere between his country and foreign Governments. He asks us to declare that we will interfere, in the event that the struggle should recommence in Hungary against Austria. He tells the world that this is the object of his visit. And, when he lands on our shores, he tells us that he knew he had our sympathies; that he and his countrymen had the sympathies of the world; that it was not for mere sympathy that he crossed the Atlantic ocean; that he came here to have something more substantial. He wants to receive the pledge of this Government, that if the hour of revolution should ever come again in his fatherland, the United States will stand by and see fair play; and that if any other nation on earth interferes, then the United States shall take part in the controversy. That is the character of the position he now occupies. He tells us that he expects the material of aid to protect his country. And what is that? Men, money, and arms. That is his impression.

Is it not, then, due to candor—do not honor and magnanimity require us to announce to Kossuth that this Government has no such design? Will you suffer him to come to the seat of Government with such expectations? or will you state to him the character in which you expect to receive him? My colleague, sensible of his position, and of the impression made upon the mind of this distinguished individual by this formal welcome to our shores, has introduced an amendment asking us to announce to him that he is mistaken; that he is not to come to the seat of Government of this great nation under the expectation that this Government gives any pledge, or any assurance, that they will sustain him at any time. Why should we not tell him that he must not expect that we shall afford him men and means as a Government? As an honorable man, connected with another individual, would you suffer that individual to have wrong impressions in relation to the course you intended to pursue? Would you not let him understand precisely what you intended? Just so with nations. It is due from the Government of the United States to announce to this distinguished individual the object they have in view. I submit to honorable Senators whether they intend to justify the expectations which Kossuth has announced he had in coming to this country? Will they allow the impression to be left on his mind that we are to furnish him with any material of war? I think not, although some Senators declare that they will not express an opinion one way or the other; that "sufficient unto the day is the evil thereof;" when the occasion arises, they will determine whether or not to interfere. This is the language of the Senator from Illinois, [Mr. Douglas.] This is the language of the Senator from Michigan, [Mr. Cass;] and indirectly, the

language of the Senator from Mississippi, [Mr. Foote.]

When the Senator from Mississippi read the speech made by the present distinguished Secretary of State in 1823, it at once drew my attention to the State of this country at that time, and to the principles upon which the Republican party have stood from the days of Washington down to the present hour. Then it was that revolutions were going on in South America; then it was that our country had to announce to the civilized world the principles upon which we administered this happy Government. Then it was, I would remind the Senator, that the distinguished Mr. Monroe, who concentrated in himself, on account of his purity, both the Republican and Federal parties, announced what were the principles of this Government, and the principles which had been sustained by Washington, by Adams, by Jefferson, and by Madison. I will show you, by reference to the message of 1824, what were the views of Mr. Monroe, and upon precisely such a question as this; that is, the question of interference with foreign Governments. I beg to read from that message, in order that this may go out with the speech which was read by the Senator from Mississippi.

Mr. FOOTE, of Mississippi. I wish to ask the gentleman whether we are to understand him as concurring with Mr. Webster, or Mr. Monroe?

Mr. DAWSON. If they differ at all, I concur with Mr. Monroe, though I do not think there is any difference of opinion. But I would ask the Senator, in return, whether in 1824 he would have concurred with Mr. Webster, or Mr. Monroe?

Mr. FOOTE. If their views were the same there is no necessity for that.

Mr. DAWSON. I read from Mr. Monroe's message of 1824:

"In turning our attention to the condition of the civilized world, in which the United States have always taken a deep interest, it is gratifying to see how large a portion of it is blessed with peace. The only wars which now exist within that limit, are those between Turkey and Greece, in Europe, and between Spain and the new Governments, our neighbors, in this hemisphere. In both these wars, the cause of independence, of liberty, and humanity, continues to prevail. The success of Greece, when the relative population of the contending parties is considered, commands our admiration and applause, and that it has had a similar effect with the neighboring powers, is obvious. The feeling of the whole civilized world is excited, in a high degree, in their favor. May we not hope that these sentiments, winning on the hearts of their respective Governments, may lead to a more decisive result? that they may produce an accord among them, to replace Greece on the ground which she formerly held, and to which her heroic exertions, at this day, so eminently entitle her.

"With respect to the contest, to which our neighbors are a party, it is evident that Spain, as a power, is scarcely felt in it. These new States had completely achieved their independence before it was acknowledged by the United States, and they have since maintained it with little foreign pressure. The disturbances which have appeared in certain portions of that vast territory, have proceeded from internal causes, which had their origin in their former governments, and have not yet been thoroughly removed. It is manifest that these causes are daily losing their effect, and that these new States are settling down under governments elective and representative in every branch similar to our own. In this course we ardently wish them to persevere, under a firm conviction that it will promote their happiness. In this their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which, in their judgment, may suit them best. Our example is before them, of the good effect of which, being our neighbors, they are competent judges, and to their judgment we leave it, in the expectation that other powers will pursue the same policy. The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own governments, has been declared, and is known to the world. Separated, as we are, from Europe, by the great Atlantic ocean, we can have no concern in the wars of the European Governments, nor in the causes which produce them. The balance of power between them, into which ever scale it may turn, in its various vibrations, cannot affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors, our situation is different. It is impossible for the European Governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them."

Sir, the principles here laid down by Mr. Monroe have been laid down from the foundation of this Government: that we should not interfere in the affairs of European nations; that we should take no part in their wars; and that we should

suffer no European Power to interfere or intermeddle with the internal relations of this continent. What is sought now to be done? I know that gentlemen disclaim the idea of interference; that is, they do not intend to intermeddle in any of their strifes. But what is the proposition before us, stripped of the verbiage and the rhetoric which have been thrown around it, and what does the proposition amount to? What does Kossuth expect from this country? What does he believe your invitation is intended to signify? From whom can you get this information but himself? He tells you, candidly, that he comes, not merely for your sympathy, but for your material—for your pronunciamento or proclamation, that in case Austria and Hungary again engage in bloody strife, you will stand by and see fair play; and if any other foreign Power interferes, we shall take a hand in it. I defy any Senator to put a different construction upon the language of this distinguished man. Yet, in a crisis like this, in our own country, at a time just preceding the presidential election, when the foreign influence is tremendous, we are called upon to do this. I say it is wrong. There is a want of candor and a want of magnanimity in giving him a public reception here, unless we tell him what we really intend to do, and what we intended at the time we invited him, and that when we opened our hearts to receive him, it was for the purpose of throwing around him the protection of the Constitution and laws of this country. But when he comes here, he changes his character to that of an agitator, and proclaims to us—Gentlemen, I will dine with you; but I shall prescribe the character of the dishes which shall be on your table; I shall tell you what I expect when I come to see you, and not leave it to your own taste. This question comes home to our candor and magnanimity, not as politicians, but as men and statesmen. The consequences growing out of this question will involve not us only, but our reputation as a Senate. Is there a Senator here who would say to Kossuth, We will give you the material of war at the proper time? But, he says, I come here under that expectation; I announced that expectation, and still you asked me to come. He will say to you, as he said to the deputation from Philadelphia, that "if he had known, before he came here, that this was the limitation put upon the invitation, he would have hesitated long before he would have come."

Kossuth is acting with candor. He is carrying out that boldness and independence of conduct which has marked his career. Let us follow the same example, and when dealing with a man of honor, of chivalry, of intelligence and statesmanship, let us deal with him in candor, and not allow him to be lead astray by our uncertain course. Hence it is that I have taken up my position in opposition to this resolution; hence, I oppose the resolution of the Senator from New York. What is meant by it? The Senator from Michigan says, we welcome Kossuth as the representative of a great principle. Of what principle? Kossuth says it is the right of nations to interfere with foreign nations; not the principle of non-intervention, but the right to interfere when two contending Powers are engaged in war to prevent a third Power from taking part. That is his principle, and he expects it to be sustained. Now, will you receive him, and receive him publicly, without announcing to him what we mean—without letting him understand, as proposed by my colleague, the principle which we intend to pursue—a principle coeval with the foundation of our Union?

I ask pardon of the Senate for having trespassed so long upon them. I did not design to speak, but I thought it necessary for me to do so in consequence of the position in which the question had been placed.

Mr. BADGER. I have some remarks which I should be extremely glad to submit to the Senate on this subject. As they are not intended for Buncombe but for the Senate, I should be extremely glad to have an opportunity of submitting them at an hour of the day when the Senate is full. In addition to that, I am laboring under a cold which unfits me for addressing the Senate this evening, and I should be extremely glad to have this subject postponed until to-morrow. I move that it be so postponed.

Mr. SEWARD. Does the Senator wish to

speak upon the amendment or upon the original resolution?

Mr. BADGER. I desire to speak upon the resolution, and upon the amendment as connected with the resolution.

Mr. DAWSON. I understand that a Senator from Alabama and a Senator from Texas, who are not now in their seats, also desire to speak upon the question.

Mr. SEWARD. Then I move that the Senate adjourn.

The motion was not agreed to.

The question recurred on the motion to postpone until to-morrow the further consideration of the subject.

Mr. CASS. I would yield as cheerfully to the Senator from North Carolina as any other gentleman; but it seems to me that this, instead of being merely courteous, would prolong debate. I would like to have this proposition voted on, for I understand that if it is voted down another will be offered. I hope the subject will be disposed of.

Mr. BADGER. I am extremely obliged to the honorable Senator from Michigan for that courtesy which manifests itself in words and not in acts; which shows itself with an almost spontaneous granting when there is no desire to refuse, and refuses at the very moment it is courteous to grant. I throw myself on the indulgence of the Senate. I do not often ask these things.

The motion to postpone was agreed to.

RECESS.

Mr. BADGER. I now desire, not for my accommodation, but at the suggestion of some of my friends on both sides of the Chamber, to renew the motion made this morning by the Senator from New Hampshire, [Mr. HALE,] that when the Senate adjourns to-day, it adjourn to meet on Monday next.

Mr. FOOTE, of Mississippi. I hope my friend will not press that motion. As I shall leave here in about ten days, I feel a particular anxiety in relation to one particular subject. I am exceedingly anxious to know the position of my resolution in relation to the compromise measures.

The PRESIDENT. That resolution is the next special order, and it will come up after this is disposed of.

Mr. GWIN. I hope the Senator from North Carolina will withdraw his motion, and that we shall meet to-morrow, with the understanding that this resolution shall be the subject of discussion.

Mr. BADGER. Does the Senator wish to push forward anything for California now?

Mr. GWIN. I want to have this resolution out of the way.

Mr. BADGER. As the ultimate object of my friend from California is to expedite the California business, I would say to him that *festina lente* is the best policy about that. This pushing forward of California will ultimately put her further behind. We have a long session before us. We are all extremely anxious at the earliest convenient moment to do everything that is necessary for California, but do not press us into sitting on Fridays before the Christmas holidays.

Mr. FOOTE, of Mississippi. I am utterly opposed to losing time in this way. It does seem to me rather censurable, and I think it will be censured by this country, if we adjourn until Monday without disposing of the Kossuth resolution. Unless it is disposed of before Monday, I feel that its adoption will do no good. As suggested by my friend from California, we might meet to-morrow with an understanding that the Kossuth resolution would be disposed of, after we should have the enjoyment of listening to the Senator from North Carolina. I think that we have already extended the spirit of accommodation far enough by postponing the resolution until to-morrow. I cannot consent to adjourn until Monday.

Mr. HALE. If the Senate refuses to adjourn until Monday, they will be departing from the usual and ordinary course—from the *super antiquas vias*. If we meet to-morrow, instead of lessening it will open the floodgates of debate, in my opinion, and inflict ten speeches for one we should otherwise have had. It will be considered a sort of invitation for gentlemen to come and speak. I know the Senator from Mississippi [Mr. FOOTE] has but a few days to stay and a great deal to say. Hence his anxiety that we should sit to-morrow.

Mr. FOOTE, of Mississippi. Having said a

good deal, I have very little more to say. I shall, during my continuance in this body this session, say nothing more unless something which I have already said shall be assailed.

Mr. HALE. If I did not know what the Senator meant by "a single word," I might be governed by his suggestion; but I do know. I hope the Senate will adjourn over.

Mr. SEWARD. I hope the Senate will indulge me while I make a single suggestion as regards this proposition to adjourn until Monday. We have excited an intense interest in the bosom of an illustrious man who is now upon our shores, and whose course, we know, may be affected by the decision at which we shall arrive. I hope that, out of consideration for him whom we have brought here, we will not adjourn over until Monday and leave him in suspense until next week.

Mr. DODGE, of Iowa. I call for the yeas and nays on the motion.

The yeas and nays were ordered; and, being taken, resulted—yeas 18, nays 27; as follows:

YEAS—Messrs. Atchison, Badger, Berrien, Clarke, Davis, Dawson, Fish, Foot of Vermont, Geyer, Hale, Hamilton, Hunter, Miller, Morton, Pearce, Pratt, Spruance, and Underwood—18.

NAYS—Messrs. Borland, Bradbury, Bright, Brodhead, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Foote of Mississippi, Gwin, Houston, James, Jones of Iowa, King, Mallory, Norris, Seward, Shields, Smith, Stockton, Sumner, Wade, Walker, and Whitcomb—27.

So the motion was not agreed to.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 11, 1851.

The House met at twelve o'clock, m.

The Journal of yesterday was read and approved.

The following gentlemen were announced to constitute the select committee authorized to be appointed yesterday upon the petition of W. T. G. Morton, praying remuneration as the discoverer of etherization, viz: Messrs. BISSELL, FITCH, STANLEY, RANTOUL, and SUTHERLAND.

LOUISVILLE AND PORTLAND CANAL.

Mr. DISNEY, on leave, and in pursuance of previous notice, introduced a bill to remit the tolls on the United States stock in the Louisville and Portland Canal Company, and to purchase the shares of the individual stockholders, and to make the navigation of the said canal free, and to construct a free canal on the Indiana side of the Falls of the Ohio; which, having been read a first and second time by its title,

Mr. D. moved that it be referred to the Committee on Roads and Canals.

Mr. VENABLE moved that the bill be referred to the Committee of the Whole on the state of the Union. It contained some important principles, and should be fully discussed.

Mr. KING, of New York. Let it be first referred to the Committee on Roads and Canals, and we can have the report of that committee to guide us.

Mr. VENABLE withdrew his motion.

Mr. JONES, of Tennessee, moved to lay the bill upon the table—the only place, he said, where it ought to be. He demanded the yeas and nays upon the question; which were not ordered.

The question was then taken upon the motion to lay the bill upon the table; and it was not agreed to.

The question recurring upon the motion to refer to the Committee on Roads and Canals, it was agreed to.

COMMITTEE OF ELECTIONS.

Mr. DISNEY asked to be excused from service on the Committee of Elections, for reasons which, he said, he deemed satisfactory to himself; not, however, for want of respect in the appointing power.

The question was put, and he was excused.

GRANT OF LAND.

Mr. PHELPS, on leave, and in pursuance of previous notice, introduced a bill granting the right of way and making a grant of land to the State of Missouri, to aid in the construction of a railroad from St. Louis to the western line of said State; which having been read a first and second time by its title,

Mr. PHELPS moved that it be printed, and referred to the Committee on Public Lands.

Mr. JONES, of Tennessee, remarked that it was not customary to print a bill until it was reported back from the committee. The committee might think proper to report an entirely different bill.

Mr. PHELPS withdrew the motion to print. The bill was then referred to the Committee on Public Lands.

THE PRESIDENT'S MESSAGE.

Mr. HOUSTON said that he felt himself called upon to move that the House resolve itself into Committee of the Whole on the state of the Union, with the view to take up and refer the President's annual message. He submitted that motion.

The question was put and agreed to; and The House resolved itself into Committee of the Whole on the state of the Union, (Mr. JONES of Tennessee in the chair,) and took up for consideration the President's message.

Mr. HOUSTON submitted a series of resolutions; which were read, as follows:

1. Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session, as relates to our foreign affairs, together with the accompanying correspondence in relation thereto—the proposed increase of compensation to the Commissioner to China—marking the boundary line between Oregon and the British possessions; so much as relates to the reception of Governor Kosuth and his companions—the amendment of the law for the protection or punishment of Consuls—be referred to the Committee on Foreign Affairs.
 2. That so much of said message as relates to the existing tariff, and recommends a revision and change thereof; so much as relates to the general condition of the finances—the revenue and the prevention of frauds in its collection—the Treasury—the public debt and its payment—the estimated receipts and expenditures for the next fiscal year, together with the report of the Secretary of the Treasury and estimates accompanying the same, be referred to the Committee of Ways and Means.
 3. That so much of said message and accompanying documents as relates to the condition and operations of the Army of the United States; so much as recommends an increase of the same, together with the report of the Secretary of War, and the accompanying documents, be referred to the Committee on Military Affairs.
 4. That so much of said message and accompanying documents as relates to the Navy of the United States—its condition and operations; so much as recommends the establishment of a navy-yard on the Pacific, together with the report of the Secretary of the Navy, be referred to the Committee on Naval Affairs.
 5. That so much of said message as relates to the appointment of a commission to revise the public statutes of the United States—as recommends a change in the law relative to fees to certain officers; so much as recommends the appointment of a commission to settle all private claims against the United States; so much as recommends the enactment of a law making it penal to forge, &c., bounty land warrants, be referred to the Committee on the Judiciary.
 6. That so much of said message and accompanying documents as relates to our intercourse with the Indian tribes, be referred to the Committee on Indian Affairs.
 7. That so much of said message and accompanying documents as relates to the Post Office Department, the transportation of the mail, the revision of the law regulating postages on printed matter, together with the report of the Postmaster General, be referred to the Committee on the Post Office and Post Roads.
 8. That so much of said message as relates to commerce, the improvement of harbors, reciprocal trade between the United States and Canada, and other British possessions near our frontier, be referred to the Committee on Commerce.
 9. That so much of said message and accompanying documents as relates to the public lands; so much as recommends an increase of compensation to commissioners to settle private land claims in California, and the establishment of land offices, be referred to the Committee on Public Lands.
 10. That so much of said message as relates to the improvement of the navigation of rivers, be referred to the Committee on Roads and Canals.
 11. That so much of said message as relates to the establishment of an Agricultural Bureau be referred to the Committee on Agriculture.
 12. That so much of said message as relates to the District of Columbia be referred to the Committee for the District of Columbia.
 13. That so much of said message and accompanying documents as relates to a revision and amendment of the laws relating to pensions, be referred to the Committee on Invalid Pensions.
 14. That so much of said message as relates to the public buildings be referred to the Committee on Public Buildings and Grounds.
- Mr. HALL said: Mr. Chairman, it is not my intention to discuss the President's message. By the indulgence of the committee, I design to say a few words with reference to a bill I introduced into the House on yesterday. That bill proposes to grant to the State of Missouri the right of way and a portion of the public domain to aid in the construction of a railroad from Hannibal to St. Joseph. Some gentlemen seem startled at the project. I assure them it is nothing new nor unheard-of in the history of our country. It is only about fifteen months since Congress made an ex-

tensive grant of land to the State of Illinois, to aid in the construction of a railroad from Chicago to Mobile bay. I am not aware that that grant has ruined or seriously injured either this Government, or any State, or any individual. On the contrary, I believe it has been of general benefit. At all events, the road it was intended to promote will be one of vast importance, and is destined to exert a most happy influence on the country at large. It is not, however, to be concealed that the Chicago and Mobile road must run nearly parallel with the greatest river on our continent, and must enter into competition with most of the great thoroughfares of the West. All the rivers of our great valley tend from the North to the South. The Ohio and its tributaries on the one hand, and the Missouri, the Arkansas, and the Red river and their tributaries on the other, in conjunction with the Mississippi, open up the entire West to New Orleans and the Gulf of Mexico. But between the Atlantic seaboard and the New States there is no direct natural channel of intercommunication. Commerce can be carried on successfully between the old States and the Mississippi valley only by doubling Cape Sable or through means of artificial avenues extending from the Atlantic coast far into the interior. Hence if the last Congress was justifiable in aiding the construction of a railroad from the northern lakes to the Gulf of Mexico, we shall be more than justified in aiding the construction of a highway from the extreme confines of Missouri to the States this side of the Alleghenies—a highway which will open a direct, speedy, safe, and economical communication between parts of the Union that now hold intercourse only by the most circuitous, tardy, hazardous, and expensive routes. The Hannibal and St. Joseph railroad will form an important part of such a line of intercommunication.

The town of Hannibal is situated on the west bank of the Mississippi river, in latitude 39° 45' north. The town of Saint Joseph is one hundred and eighty miles due west of Hannibal, on the east bank of the Missouri river. The city of Philadelphia, and the seats of government of Ohio, Indiana, and Illinois, are nearly on the same parallel of latitude with the town of Hannibal. So that a railroad running due west from Philadelphia would pass through the centre of the States of Ohio, Indiana, and Illinois, cross the Mississippi at Hannibal, and strike the Missouri at Saint Joseph. Within eighteen months a railroad will be completed from Philadelphia to Pittsburgh. Within the same time a railroad will be finished from Pittsburgh to Columbus, Ohio. A railroad is nearly finished between Terre Haute, near the western line of Indiana, to Indianapolis, in that State. The Illinois cross-cut railroad is already finished from Springfield to the Illinois river, and in less than two years will be finished to the town of Quincy, which is only twelve miles from Hannibal; so that in the course of a few years we may reasonably expect to see a railroad communication complete between Philadelphia and the Mississippi river. The construction of the Hannibal and Saint Joseph railroad will complete the connection as far west as the Missouri. The same chain of railroads, too, which will connect the western portions of the State of Missouri with Philadelphia, will unite with that great railway line already extending from New York city to Cincinnati, and also with the Baltimore and Ohio railroad, and with the road from Louisville, by way of Nashville, to Savannah, Georgia, and to Charleston, South Carolina. Thus, in a few years, may we hope to see the banks of the Missouri river, and the fertile country bordering thereon, brought within three days' travel of the metropolis of the Union, and of the great cities of Charleston, Baltimore, Philadelphia, New York, and Boston. Nor is this all. The railroad from Chicago to the mouth of the Ohio river is to be completed within a few years. The Hannibal and Saint Joseph railroad will connect with the Chicago and Cairo road, by means of the Springfield, Illinois, railroad. In this way will be opened to the South and to the northern lakes, as well as to the Atlantic seaboard, all the fertile country included within northern Missouri, and all that immense country to the west of our State, which is destined in a few years to be the home of multitudes of white men. Let any one, sir, turn to the map of the United States, and endeavor to trace out the line of railroads which will most promote the welfare of the whole

country, and he will inevitably fall upon that very line of which the Hannibal and Saint Joseph railroad makes a part. That road is on the parallel of latitude which passes midway between the northern boundary of the United States and the mouth of the Mississippi river. It is on the line which passes through the heart of Missouri, Illinois, Indiana, Ohio, and Pennsylvania. It is on the line which passes between the northern lakes and the Ohio river, at nearly an equal distance from each. It is on the line which divides the population of the United States into two equal parts. It is on the line which connects at the same time with the great New York, Pennsylvania, Maryland, Virginia, and southern railroads, and by means of which, therefore, more distant and more numerous points of the Union can be brought into easy communication than any other which can be conceived.

The opening of good roads between the eastern and western portions of the Union has been a favorite object with our greatest statesmen almost from the foundation of our Government. The Cumberland turnpike was projected by one of the "early Presidents," and has been carried forward at the expense of millions of dollars. In consequence of modern improvements, that work has become nearly useless. But the time has been when the Cumberland road, by its promise of opening a way from the old to the new States, was a much-cherished object with a large portion of the American people. It is now proposed to effect the same purpose by the greatest of modern improvements without the cost of a dollar to the Government—without the exercise of any dangerous or doubtful power, by the mere appropriation of a small portion of the public domain in a manner that will cover it with an industrious and active population, and convert it from a wilderness to cultivated farms and flourishing villages. There is no portion of this vast country which contains so large an area of fertile land, in proportion to its extent of surface, as northern Missouri. Yet that fertile and beautiful region is, to a great degree, a waste, because it possesses no channel for the transportation of its products. Its citizens are almost entirely dependent upon the Missouri river for getting to and returning from the markets of the country. That river is closed to steamboats for four months every year, and during the remainder of the time it is so difficult of navigation that those who ship by it are subject to much higher charges for transportation and insurance than the citizens of the neighboring States. The consequence is, that the farmers who live in the interior of northern Missouri, are almost as effectually shut out from all commerce with other sections of the country as though they laid at the North pole. The Hannibal and St. Joseph railroad is to penetrate the very centre of that entire section, and will bring it as near market as some portions of the Atlantic States. Our farmers, stimulated by fair prices for their produce, will open large farms, and our products will be multiplied many fold. To the southern and eastern States we will sell stock, provisions, and our other staples. From them we will receive in return sugar, cotton, salt, rice, and fabrics. As our means increase our consumption will increase also. We will consume not only articles of domestic but of foreign manufacture, and thus, while we shall add to the home trade, we shall also increase the foreign commerce of the country, and swell the resources of the Government.

If a proposition were submitted to connect New York or Boston with the extreme settlements of Missouri, all would admit the importance of the enterprise. Some would be willing, no doubt, to construct the road at the expense of the nation. No such charge upon the Treasury is, however, required in order to consummate a railroad communication between the Missouri and the Atlantic seaboard. A railroad is nearly finished from New York city to Cincinnati. Indiana is extending this road to her western boundary. Illinois is extending it through her territory to the Mississippi river; and all that is necessary to complete the entire chain of railroad from Boston to Saint Joseph—indeed from Portland, Maine, to Saint Joseph—is to construct a railroad through the northern part of Missouri.

The people of Missouri have, by an act of their Legislature, appropriated \$1,500,000 to the Hannibal and Saint Joseph railroad. Counties and

individuals have taken a large amount of stock in the work. And now we ask Congress to do for us what they have so frequently done for other States. We ask you to give us alternate sections of the public lands, through which our road will pass, for six miles on each side of the road, to aid us in our enterprise. This is not a proposition to take money out of the Treasury. If it was I would not advocate it. The effect of the proposition will be, in my opinion, to increase the revenues of the Government. And why? Because the alternate sections reserved by the United States are not to be sold for less than two dollars and a half per acre. Now they are liable to entry at one dollar and twenty-five cents per acre. So that you will receive as much, at least, from the public lands if this grant be made, as you will receive if it fail. Do gentlemen fear that the value of the public domain will not be enhanced by our road? let me beg them to look at our condition, at our soil, as fertile as any in the world; at our situation, possessing none but the most expensive and tardy means of reaching a market, and then to reflect on the effect which similar roads have had elsewhere. No such work has ever been made even through the most densely settled sections, which has not greatly enhanced the real estate in its neighborhood. How much greater enhancement of lands must follow the construction of a railroad through such a section as northern Missouri. It is now occupied by some three hundred thousand people; it is capable of sustaining a population of several millions. The making a railway through it will pour immigrants into it until every foot of land shall be occupied and improved. Its citizens now need mills, schools, churches, and many of the comforts of life. A railroad will secure to them all these advantages at one and the same time. In view of these facts, it is a most stubborn skepticism which doubts that the construction of the Hannibal and Saint Joseph railroad will appreciate the lands near it twofold or more. That appreciation will not be confined to the lands within six miles of the road. It will extend to lands even fifteen and twenty miles from it. Public lands that are not worth fifty cents an acre will readily bring the minimum price. Lands that soldiers will not locate with their warrants will be eagerly sought for this purpose, and the income of the Government from the public lands will be greatly augmented. This is not fancy. During the last Congress millions of acres of public lands were given to soldiers. It was confidently predicted here and elsewhere that for many years we would, in consequence of the military grants, receive no money from the public lands; and yet we find that our revenues from that source have greatly increased within the last year, and are still rapidly increasing. Why is this? Solely because numerous railroads are projected in the new States through the public domain. Some of these roads are now constructing. They have so largely appreciated the public lands that millions of acres are now bought which until recently were a drug in the market. This fact, and this alone, explains why it is that the receipts from the public lands have increased, notwithstanding the bounty act of the last Congress and the immense emigration which has recently gone from the Western States to Oregon and California.

There is another piece of history in connection with this matter, to which I must refer gentlemen of the committee. The only acts granting lands to new States, besides the Illinois grant of 1850, in which the price of the alternate sections reserved by Government was doubled, are those relating to certain lands in Ohio. The amount of those reserved sections is 259,423.96 acres, of which, up to the 30th of September last, nearly one half had been sold for two dollars and fifty cents per acre. No returns have been received as yet from the lands reserved by the grant of the last Congress to the State of Illinois. But the case of the Ohio grant shows that the doubling of the price of the alternate sections reserved to the United States in internal improvement grants is not a nullity. It is a reality which secures the Government from all loss.

I trust it will be borne in mind, that under the acts granting land to soldiers, warrants can be located only on land subject to private entry. Now, all the lands in northern Missouri are subject to private entry, and have been for sixteen years and more. Whatever, therefore, adds to the

value of these lands is for the benefit of soldiers having land warrants, whether in Maine, Virginia, or Texas. So that the Hannibal and St. Joseph railroad grant is not only recommended by its intrinsic merits, but by the tendency it will have to benefit a large and most meritorious class of our citizens who are scattered all over the Union.

What is the extent of the grant I ask? I am able to answer this question from official documents. The whole amount of public lands within six miles of each side of the proposed route of the Hannibal and St. Joseph railroad was, on the 11th day of April, 1847, 640,362 acres. A portion of these lands has passed into private hands since that time. All of them have been subject to private entry for many years—most of them sixteen years and upwards—so that they have been culled over and over again, and rejected as worth less than one dollar and twenty-five cents per acre. The most that Missouri can receive by the grant I ask is 320,181 acres of refuse land. She would not probably receive more than 250,000 acres if the grant should pass to-day. And in return for that, she not only engages to construct a railroad which will enhance your public domain two or three times as much as this grant will amount to, but to carry your troops and munitions of war over the road free of all charge forever, and to transport your mails at such prices as you shall prescribe.

When Missouri came into the Union, the Federal Government required her to promise not to tax the public lands within her limits "for the term of five years from and after the day of sale." In consideration of this promise, the United States agreed to pay to the State of Missouri five per cent. of the net proceeds of the sale of lands lying within her limits, of which three fifths was to be applied to purposes of internal improvements by her Legislature; and "the other two fifths in defraying, under the direction of Congress, the expenses to be incurred in the making of a road or roads, canal or canals, leading to the said State." In order to discharge a public debt, the United States have granted some 70,000,000 or 80,000,000 acres of land to those who have been in our military service in a time of war. A large amount of those lands has been located in Missouri, and more will be located there still. Those lands not being disposed of by this Government for money, the State of Missouri receives nothing for exempting them from taxation. The strict letter of the compact does not, perhaps, entitle her to anything. But surely a fair and liberal spirit on the part of the United States will give Missouri some equivalent for not taxing the lands within her limits which have been and will be located by military warrants. Missouri supposed that she was to receive a valuable consideration for her agreement not to tax the public lands "for the term of five years from and after the day of sale." The United States so understood it. Now, suppose all the public domain in Missouri should be absorbed by land warrants, what would she receive for not taxing the lands of this Government? Nothing, absolutely nothing. And would that be a fair and *bona fide* execution of her compact with the United States on the part of the latter? On the contrary, would not the United States be obnoxious to the charge of "paltering in a double sense?" of keeping "the word of promise to our ear and breaking it to our hope?"

Missouri does not ask that the land given to soldiers should be treated absolutely as land sold for cash. All she asks is, that inasmuch as the policy of granting bounty land is for the benefit of citizens of every State, each State shall bear its proportion of whatever expense and burden that policy costs. Missouri is willing to give up a part of her three per cent., but she does not think she should be required to relinquish all. And it appears to me that this Government cannot discharge the equitable demands of Missouri on better terms to the nation than by making the grant I am urging.

When Missouri makes a road through the land of her citizens, the landed proprietors benefited by the work are compelled to pay their share towards its construction, in the form of taxes. As the value of their land is increased, their taxes are increased also. Now, this Government is a great landed proprietor, and owns large domains in the State of Missouri. Is it right, is it just, is it fair, under these circumstances, that while private individuals are compelled to pay for improvements which add to the value of their estates, the Federal

Government should receive precisely the same benefits and not contribute one dollar? Let gentlemen from the old States revolve this matter in their minds, and I am sure they will dismiss some of the opposition which they manifest towards donations of lands to the new States.

It should be borne in mind that all the new States receive five per cent. of the net proceeds of the sales of the public lands within their limits, for the purposes of internal improvements, except Missouri, Illinois, Indiana, and Ohio. They receive but three per cent. for that object, the other two per cent. being retained in the Treasury for constructing, under the direction of Congress, a road or roads, a canal or canals, leading towards the limits of the enumerated States. It should also be remembered, that this portion of the public lands is not given to the new States as a gratuity. It is given in return for the non-taxation of the public domain for a term of "five years from and after the day of sale." This arrangement has never been a favorite with the new States. It originated with Congress, and was forced upon the Western States as a condition to their admission into the Union. From the statement just made, it will be perceived that Missouri, Illinois, Indiana, and Ohio, stand on precisely the same grounds, so far as their compacts with the United States are concerned. But how different, how widely different, is the treatment which Congress has meted out to them. In Ohio \$2,812,034 21 have been expended on the Cumberland road. In Indiana \$1,128,289 50, and in Illinois \$742,445 30 have been spent on the same work. In Missouri not one single cent has been expended by this Government on any like enterprise. Besides this, Ohio has received upwards of eleven hundred thousand acres of public land for the purpose of internal improvements. Indiana has received upwards of fourteen hundred thousand acres, and Illinois has received upwards of three millions of acres for canals and railroads. Missouri has received nothing. Why this difference in the policy of Congress towards these four States? Is not Missouri faithful in the discharge of her duties to the Union? Is she not upright in her engagements with her sisters? Is she not worthy of membership in this Confederacy? I have never heard any such charges made against Missouri, and I trust that the neglect of Congress has been unintentional. There is certainly no equity in treating Ohio, Indiana, and Illinois with marked kindness, while you turn away from Missouri as from a step-child.

It is, however, objected, that the grants of land to the new States for the purposes of internal improvement are injurious to the old States. In what way? I inquire. It has been shown that those grants do not diminish the revenues of the country, but largely increase them. They diffuse the comforts and conveniences of life into many a habitation and family that are now cheerless. They spread education and intelligence. They build up school-houses and churches, and they bring into communion and friendly intercourse distant parts of the Republic. Surely there is nothing in all this of which any member of the Union ought to complain.

But if the policy of granting land to the new States for railroad purposes is to stop, let justice be done to both sections of the Union. Heretofore those grants have been confined almost exclusively to the free States. Let Missouri, Arkansas, Mississippi, and other Southern States be placed upon an equal footing with Ohio, Indiana, and Illinois, before you refuse all grants. To stop before this is done would give color, at least, to the charge sometimes made, that the majority of this House cannot and will not do justice to the Southern part of the Union.

The old States should not overlook the fact that they have received all the unappropriated lands which were within their limits at the date of the Revolution. Massachusetts and Maine, even at this moment, possess a large domain that is undisposed of. Now all of those lands were acquired by the common blood and treasure of the nation. The lands of Maine and Virginia and Georgia, which were unappropriated at the time of our Revolution, were as much the common acquisition of the whole Union, as the public lands in any of the Western States. But the old States, I reiterate, received every foot of unappropriated land within their limits. And yet when a new State asks

for a small part of the public land within its limits, in discharge of high and important services, rendered by it in the construction of railroads through the Government domain, we hear the cry, Injustice to the old States. Place the new States on the same footing with the old States, and you would give them all the waste lands within their limits. This we do not ask. We are not so rapacious as the Atlantic States were when they occupied our position. All that we ask is a small appropriation, which, while it increases the receipts of the Treasury, will afford some remuneration for our services to the nation at large.

No other expenditure of public money has resulted in so much and so general good as that which has had for its object the settlement of the West. Separate the new States from the old ones; strike off the Valley of the Mississippi, even in imagination, from the Atlantic seaboard, and you will possibly form some small conception of the benefits which the settlement and improvement of the public lands have had upon our national wealth, greatness, and prosperity. The fortification of your coast, your Navy, your Army, are all useful; but no statesman will pretend that any one or all of these combined has contributed one tenth as much to our reputation abroad, or our security at home, as the settlement of the great West. Now, while the settlement of the West has been of greater advantage to the whole country than almost anything else which has transpired in our history, it has repaid by millions all the expenses it has occasioned to the Government. Your public domain has cost you \$74,757,879 58. Up to this time it has yielded you \$135,337,093 17—just \$60,381,213 79 more than it cost you. If the Navy, besides protecting our commerce, had yielded to the Treasury double the money it has cost, how irresistible would be an application for an appropriation to that branch of the service! But the settlement of the public domain has operated in that manner. It has increased the general welfare, it has augmented the resources and multiplied the power of the country, and it has at the same time repaid to the Government two dollars for every one it has cost.

Will not gentlemen be instructed by the history of the past? Experience has taught us that every foot of land brought under cultivation in a new State adds to the wealth and prosperity of all. "The current of emigration, from one part of the Union to the other—from the old to the new States—rolls back a golden tide of trade and business. The old States now supply nearly all the wants of the farmers of the Valley of the West, and hence its prosperity wonderfully promotes the welfare of the older States of the Union. The poor emigrant from the old States, who establishes a farm in the West, soon contributes more to the wealth and commerce of the State he left than if he had remained there in dependent poverty. The prosperity of the new States reacts, through the channel of trade and business, in favor of the old States, and hence the wonderful growth of the whole country." This is a fair statement of the fact. Every man of observation knows it to be true, and still you hesitate to be liberal to the new States—no, sir, not liberal, but just.

Mr. Chairman, Congress should either graduate the price of the public lands, or aid in enhancing the value of those which have been for a long time in market. All the public lands near our navigable rivers are readily sold and settled. So it is with the best lands in the interior. But the public lands of the poorer class remain unoccupied for years after they have been subject to private entry, dividing neighborhoods, keeping settlements sparse, and rendering it impossible, very frequently, for our people to enjoy even the blessings of common schools. In order to remedy this evil, the new States have been applying to Congress for more than a quarter of a century to graduate the price of the public domain. This has been steadily refused. Now, in order to settle our waste lands, we ask you to aid in increasing its value, by grants to railroads, which will enable Government to sell the public domain at its present minimum in all cases, and at double the minimum in many instances.

I hope gentlemen will not oppose this policy because the new States are to be its immediate beneficiaries. What would be thought if the West should vote against a proposition to fortify an im-

portant seaport because the money necessary to that purpose would be expended on the coast? Why, everybody would say, such a motive is unworthy an American citizen. Will you, then, apply a rule to the new States, which, if sought to be applied to the old States, would be repudiated as disgraceful in its conception and purposes? Rather inquire whether the propositions relative to grants of land to the West, are for the benefit of the nation and within your constitutional power. And being satisfied in the affirmative on both propositions, do not withhold your support because the donation is to a new State.

Mr. SWEETSER. I feel justified in detaining the committee for a few moments by the great importance of the subject to which the gentleman from Missouri [Mr. HALL] has called the attention of the House. I desire to see, at the commencement of this session, a distinction taken, which I conceive to be important, to control our action in relation to the disposition of the public domain. This House was scarcely organized before there was anxiety manifested to obtain the floor in order to introduce bills for the purpose of obtaining the public lands in aid of private incorporations. That anxiety was not confined to any particular section of the Union. It was not confined to the great West. It is, therefore, important, if this system of granting the public lands is to be carried out by this Congress, that we should here, at the outset, get a fair start in relation to the principles on which these lands are to be granted. There can be no controversy in relation to the manner in which the Government holds these lands and for what purposes. They are the common property of all, and are held by the Government in trust for the benefit of all the States of this Union, and the people thereof; and whenever Congress undertakes to dispose of these lands, they should adopt a policy in so doing of fairness, not only to the Western States, but to all the States of this Confederacy. Care should also be taken to grant these lands to the States, and not to individuals or private corporations. We have presented before us a great number of these bills. During the last Congress, and already during the present Congress, they have hovered, like birds of ill omen, over this Hall, and it is highly important that we should look at once into the matter, and see whether these bills are sought by States, for the purpose of aiding in internal improvements, or whether it is the corporations of the country, now swarming in every State, that are here importuning this Congress to grant them portions of the public lands for their benefit, and not for the benefit of the States. It will be observed that the main object of these bills is professedly to obtain "a right of way" for the purpose of constructing these works of internal improvement through the public domain, and in addition to that, they ask for alternate sections of land. Now, I suppose that no lawyer in this House will rise and maintain here that the States of this Union have not the right of way through the public lands within their limits for the construction of State works of internal improvement, without asking it from Congress. The right of eminent domain belongs to the States, and I am here to-day for the purpose of maintaining that right in its full extent.

Mr. HALL. Do I understand the gentleman from Ohio to insist that a State in which the public domain is situated has a right to take that public domain for public purposes by paying compensation for it, just as in the case of individual property?

Mr. SWEETSER. The gentleman shall be answered. I maintain this, that whenever any States of this Union have projected a public work—either a railroad or a canal—that they desire shall pass through the public lands held by Congress in trust for all the States, they have the right of way without any act of Congress to give it to them. The right of eminent domain belongs to the States, and when gentlemen come here asking for an act of Congress to give them the right of way, it is evident that they have some ulterior object. Whenever any State of this Union comes here to ask a grant of public lands to aid in the construction of works which she has projected, and which she owns, she shall cheerfully have my vote to whatever extent she may desire. Ohio does not ask her representatives upon this floor to be guilty of any act that could be construed into meanness. I have to tell the gentleman from Missouri that all

the grants which have been made to Ohio have been made to the State for the benefit of the State, and the works constructed are now the property of the State, with the solitary exception of the Columbus and Sandusky Turnpike Company.

Now, I will tell the committee why I make this distinction between grants to the States and grants to corporations. I doubt not only the propriety, but the constitutional power of this House to grant the public domain to the private corporations of the country, or to States for the purpose of aiding the private incorporations. Such a connection of public property or money is unsafe in such keeping, as all experience has demonstrated.

There is no State in this Union which has had a greater interest in public improvements than the State of Ohio. Early in 1824 she took the lead amongst the Western States in relation to internal improvements. Her two canals connecting the waters of Lake Erie with the Ohio river at Portsmouth and Cincinnati, are among her earliest efforts. The system was one of State policy and concern. I am glad to acknowledge that the munificent donations of public lands by Congress were important and necessary, and she has applied those grants faithfully and honestly, and her citizens here and elsewhere most cheerfully acknowledge their obligations. But, sir, Ohio has not perverted the object of the grants, and suffered her citizens to look upon her works of internal improvements now in the hands of incorporations or speculators.

I call upon the people's representatives here, at the very beginning of the session, to see who are the parties who are importuning Congress for grants of the public domain. Indiana has received large grants of the public domain. I appeal to the gentleman from Indiana, to say whether all her grants have not been made to the State, in aid of works which she has projected, and which she ought now to control and own.

Mr. DUNHAM. I should like to know whether in any instance Congress has granted lands otherwise than to the States?

Mr. SWEETSER. The gentleman's special pleading will not avail him. Gentlemen will recollect, that though grants are sometimes made to the States, they are made for the purpose of benefiting corporations.

In the case of grants to Ohio, the specific objects to which the lands were to be applied, were embraced in the grants, and to those objects alone have the lands been applied.

It is true, that in all the various projects to which I am objecting, it is answered that the grants are to the States. What are the facts? In many cases the States that seek these grants are not engaged in any system of internal improvements. And in many cases these grants are asked in aid of roads that have never been surveyed or located. Acts of incorporation in the Western States have been granted for the last few years, without limit. The incorporators, in many instances, do not expect to organize and make a road, unless they can obtain grants of public land. The name of the State is used as a *scape-goat* in order to obtain grants of land. And my honorable friend well knows the fate of all public property in the hands of private incorporations. I will cite an example in my own State. Ohio, in 1837-'38, changed her policy, and called in the aid of private incorporations to carry out the extended policy of internal improvements in railroads, canals, and turn-pike roads. Upon the organization of companies, under various acts of incorporation, and the subscribing of a certain amount of stock, the State subscribed, and became a joint stockholder. What was the result? Out of about five millions of public money thus invested, one half is entirely lost, and the balance is unproductive. I speak her convictions, when she repealed the odious Plunder Law. And in the light of her experience I warn other States of this Union, that public money or public lands are unsafe in the care and custody of private incorporations.

Mr. DUNHAM. Will the gentleman allow me to interrupt him for one moment?

Mr. SWEETSER. I have but one remark to make further, and I will yield to the gentleman. I was about to speak of the Wabash Canal in the State of Indiana. Gentlemen are aware that public lands have been donated for the construction of that canal; and I do not hesitate to say that, as far as the people of that State are concerned, they

have not derived the benefit which they had a right to expect from this canal. They permitted their interests to be entangled with private incorporations. What is the result? The Wabash Canal has been transferred to speculators, and is not now owned or controlled by the State. The consequence is, their canal is rendered almost valueless. I have seen whole fleets of canal boats stuck in the mud in consequence of bad management since the State has lost the control over it. I will now give way to the gentleman from Indiana.

Mr. DUNHAM. I dislike very much to take up the time of the committee in the discussion of this question. But I deem it due to this body, that I should correct the assertions made by the gentleman from Ohio [Mr. SWEETSER] in relation to the grants of Congress to the State which I have the honor in part to represent. The grants to which the gentleman refers, were applied by the State of Indiana in good faith to the improvement for which they were designed, and that work remained entirely under the control of the State until after a considerable portion of it was completed. But, unfortunately, the State of Indiana, like other States, became involved to some extent in her exertions to develop her immense resources, and for the purpose of paying off those debts, she conveyed the work (the Wabash and Erie Canal) to her creditors, together with the lands then unapplied, until the income arising from the canal and from those lands should relieve her from those liabilities, or she should choose to redeem them by herself paying off these liabilities. She has not entirely relinquished her control over the canal or the lands.

I should like to ask the gentleman from Ohio [Mr. SWEETSER] this question: What is the difference in principle between granting public lands to a State to be applied by her directly to her works of internal improvements, or granting them to her in such a way that she may, if in her sovereign wisdom she should deem it to her interest to do so, invest them in the stock of an incorporate company, which shall apply them in the construction of such works within her borders and for the benefit of her commerce and the convenience of her citizens, and thereby aid said companies in constructing such works? I ask if the gentleman's skill in political economy cannot discover any advantage in the expenditure of public money for works of internal improvement, more than simply the percentage which the stock invested may yield to the stockholders? Sir, my notions of political economy go beyond this. I apprehend that a State may derive advantage, not only from the percentage that may be derived from dividends, but she may also receive advantage from the improvement which those works may yield to that State in all the ways which the gentleman from Missouri, [Mr. HALL,] in his speech this morning, so ably enumerated—the improvement in her society, in the development of her resources, the improvement in her agricultural products, and in her commerce, and not only in the commerce of the State, but the commerce of the Union. But I desire also to allude to another thing.

Mr. SWEETSER. I beg to remind the gentleman that I only yielded for explanation, not for him to make a speech.

Mr. DUNHAM. I beg the gentleman's pardon; I thought he had concluded his remarks. I am sorry I have detained the gentleman so long.

Mr. SWEETSER, (resuming.) The gentleman cannot suppose that I am going into the question, to the full extent which he has suggested. I have a distinct object, and when that is effected I shall take my seat. But I will answer the gentleman's question. I had no intention of doing injustice to the sister State of Indiana. Her humiliation in the act to which I have alluded is sufficient for her, and it is not for me to augment her misfortunes or commit any act of unkindness to that fertile and promising State.

But I will not stop in my argument here; I appeal not only to the State of Indiana, but to the other States of this Union, for proof that the principle I have maintained is sanctioned by their experience. I have endeavored to enforce upon this House the danger of trusting the public property and the public money in the hands of corporations which are controlled by private individuals. I ask gentlemen to determine the question, whether it is

not better that the public lands which are to be given to the States should be under the State control? I can appeal to the experience of the great State of New York in corroboration of the position I have assumed, as well as to the State of Ohio, which I have the honor in part to represent on this floor.

Mr. HALL, (interrupting.) The gentleman from Ohio is certainly under a great misapprehension as to what I propose. My proposition is to grant land to the State of Missouri, not for the purpose of aiding a private corporation, but—

Mr. SWEETSER. I understand the gentleman's position perfectly. I think I shall not misrepresent him.

Mr. HALL. Well, I will say this to the gentleman: If the bill which I have had the honor to introduce this morning is not sufficiently guarded in its phraseology, to prevent the land from being squandered or passing into the hands of a private corporation, I ask him to suggest any amendment he may think proper, and I will adopt it. We want the land for the benefit of the State, and I desire as much as he does that it shall not go into the hands of a private corporation.

Mr. DUNHAM. Will the honorable gentleman from Ohio allow me the floor but for one moment?

Mr. SWEETSER. Certainly.

Mr. DUNHAM. I cannot allow the gentleman's remark about the humiliation of my State to pass without at least an answer.

If it is a humiliation to the State which I have the honor in part to represent upon this floor, to avail herself of the means which she honestly possessed for the purpose of paying her just debts, it is a humiliation of which I feel proud. After the United States had granted her this land for purposes of improvement, she did not divert them from the object for which they were granted; but while she appropriated them to that object, she has also paid her own debts, so that instead of its being a subject of humiliation, it is one of which every citizen of the State ought to be proud, and one of which the State is proud.

Mr. SWEETSER. My honorable friend will pardon me, I did not intend to place him or his State in a false position. But I submit this question to him: Has not the business of the canal to which I have alluded been impeded, in the manner which I have stated, week after week, in consequence of the canal having been sold into the hands of a private corporation?

Mr. DUNHAM. I will answer the gentleman. Is it not better the State should have received even these imperfect advantages, than to have received none at all? or is this a greater humiliation than that her debt should have gone unpaid? That is the answer I make; and besides, that work is not in the hands of a private corporation, but it is under the control of trustees, part appointed by the creditors of the State and part by the State, so that the interests of both parties are provided for and protected; and I will further add, that the work is at least as well conducted now as it was when under the sole control of the State, and affords as ample facilities for our commerce.

Mr. SWEETSER. The gentleman has the full benefit of his answer. It is not my object in making these remarks to oppose any particular bill. My objection is to the whole class and to the principle involved. I do not propose to go into the details of the bill of my honorable friend [Mr. HALL] at this time. I am speaking of general principles which, in my judgment, should control the action of this House in relation to the whole class.

Mr. HALL, (interrupting.) I have no doubt the gentleman will give his active support to my bill.

Mr. SWEETSER. When my honorable friend interrupted me, I was proceeding to remark upon the policy of several States upon this subject of internal improvements. New York was one of the first to embark in these enterprises, and having carried them to a length beyond that of any other State, a short time since, in a convention called for the purpose of amending her constitution, she inserted a provision, as a part of her organic law, prohibiting her Legislature from raising a single dollar by taxation, to be invested in any corporation whatever. That is the policy of the great State of New York; a policy which has been forced upon her by such dire necessities that she

has made it a part of her organic law. Ohio, too, has had some experience in this matter, and in a convention recently held in that State for the purpose of remodeling her constitution, a provision was adopted similar to that of New York. I do not believe there is a State in this Union which is so deeply interested in relation to these subjects as the State which I have the honor in part to represent. I speak from what I know in relation to this matter. Representing, as I do, the centre of that State, I know perfectly well the responsibility I take upon myself in opposing some of these measures in relation to granting public lands. I have no desire to oppose the plans of the gentleman from Missouri, except upon the principles stated.

Mr. HALL, (interrupting.) I have no plans. All I desire is, that while Congress has done justice to one State it should not refuse to do justice to another.

Mr. SWEETSER, (resuming.) I maintain that where grants of land have been made by Congress to Western States, they have uniformly been made for the purpose of aiding in the construction of works already projected by and owned by the State. They have not been appropriated for the aid of private corporations. I know that this system of giving away these lands for works of internal improvement has become quite popular in this House. Gentlemen will recollect that during the last Congress one of the strongest arguments used against the *bounty land bill* was, that it would destroy this land system. It was said it would destroy the prospect of obtaining these lands in aid of these works of improvement. I desire now for a moment to call the attention of the committee to the bill passed by the last Congress appropriating lands for the construction of a railroad in Illinois. Gentlemen will recollect that the bill was passed at a time when this House and the country were excited to a degree which forbade its receiving that discussion and deliberation which it should have had. But for those circumstances that bill would never have passed Congress. It never would have received my vote; and had I been present when it was under consideration, I should have raised my voice in opposition to it.

I repeat, that whenever a State comes forward and asks an act of Congress granting the right of way for a State work, or a railroad through the *public domain*, the State concedes the point that the proposed road or canal is a private enterprise, under the control of a corporation, for the reason that if it is a State work, no such legislation is necessary. If alternate sections are wanted, then the object is to obtain the public lands in aid of private incorporations. The right of way is a mere pretext. The gentleman from Missouri [Mr. HALL] will pardon me when I say, that before he attempts to force his conclusions upon the House, it is his duty to prove that it is necessary for a State to obtain an act of Congress granting the right of way over the public lands, which I deny.

Mr. HALL, (interrupting.) I have no doubt in the world that the assent of Congress is absolutely necessary before a State can make a railroad through the public domain. There is no question about it. If we have the right to take the public domain for making a railroad, we have the right to take it as individual property; we have the right to take just as much as we require for public purposes.

Mr. SWEETSER, (resuming.) I think the gentleman is in error in relation to this matter. We are at issue upon the legal proposition.

The people desire that some disposition should be made of these public lands. My honorable friend from Tennessee [Mr. JOHNSON] will excuse me when I allude to him. The bill he reported to this House upon yesterday will meet with public favor, and shall have my cordial support. I hope this Congress will not adjourn until it passes that bill, or one embodying its principles. It will be a matter of public justice, not only to the new States but to the old States of this Union. It will open up to the people of New England—those men who have been reared upon a barren and sterile soil—an object, an inducement to emigrate to a more congenial climate and locality better suited to the purposes of life. Sir, I shall go with my honorable friend from Tennessee in this matter, and I hope, when a proper occasion shall present itself, to be able to lay before this

House and the country some considerations in relation to the importance of that measure. If you give this public domain to the actual settlers, you not only furnish efficient aid for the construction of works of internal improvement, but you assist in bearing the burdens of the State. Extend this invitation to the people of all the States of this Union, and to the agricultural world, and you will be but carrying out the trust which is placed in your hands as the people's representatives, but you furnish to the laboring man of the Eastern States of this Confederacy a home in a more congenial climate. You furnish him, also, with a farm sufficient to sustain him and his family after him. That wise measure will extend to the cultivator of the soil an inducement to emigrate from all sections of the country into this land of promise—"The Great West."

I entered upon this discussion, without preparation, upon the impulse of the moment. My object was to call the attention of the House at this early stage to the various projects for absorbing the public lands; to the danger that these various bills import; and to give, if possible, a proper direction to our action. If I have succeeded in making myself understood, I am content to await the action of this House in disposing of a subject of such vital importance in the disposition of a trust of such grave importance.

Mr. BISSELL. Upon some future occasion, if I can get an opportunity, I design to present my views at some length upon the subjects embraced in the bill of the gentleman from Missouri, [Mr. HALL,] but not now. I rise upon the present occasion merely to indicate my intention to support this bill in precisely the shape in which it now stands. I do not mean to assert that the bill in every feature meets my entire approbation, not having examined it particularly. But the general features of the bill—the leading objects and main provisions contained in it, I shall support, not because similar grants have been asked for and made to other States, but because I believe the true policy of the Government with regard to the public lands will be carried out by the adoption of the provisions therein contained. I hold that it is perfectly susceptible of demonstration that the true interest—the pecuniary advantage, if you please—of this Government would be promoted thereby, as would the happiness and prosperity of its individual citizens.

Mr. Chairman, there was a time when Ohio—not then so rich as she is now—clamored loudly and ceaselessly in these Halls for grants of public lands to make railroads—to make canals and other improvements. She worried the Government until she obtained the grant of Congress for tracks of as fine land as this Government ever owned. She applied it to purposes of improvement, and put the money derived therefrom into her treasury. She continued to press her claims to the full extent of her power, and continued to get land from the Government until there was no longer any public lands within her borders. Then comes up Missouri, young and poor now, as Ohio was then, and asks for about one third as much public land as Ohio has received, for a similar object; and Ohio, if correctly represented here, starts up and demands that justice shall be done—that all the States shall receive an equal share. Now, if these notions had prevailed at the time—

Mr. SWEETSER, (interrupting.) The gentleman entirely misunderstands me. Ohio is not and has not been here, through any representative, asking that the public domain shall be given to corporations within the State. She never asked any such boon from Congress or the Government; she asked for public land to aid in improvements which had already been projected, which she constructed herself, and which she now owns. She has not asked aid for any corporation.

Mr. BISSELL, (resuming.) No, sir, she asked for herself, just as Missouri does. Does that change the case? She asked for herself and she obtained for herself, just as Missouri now asks for herself, and, by the justice of this House, I trust, will obtain for herself. When Ohio had secured the land, she made such disposition of it as she deemed best for herself—just as Missouri will do, and just as this Congress or any other power has no right to prevent her or Ohio from doing.

A MEMBER: That was granted for a specific object.

Mr. BISSELL. So is this asked for a specific

object—to be invested as the State deems best for its own interest. Is the gentleman not willing that Missouri shall take care of herself? Does he want to provide, by a law of Congress, that Missouri shall dispose of her own in a particular way, when Ohio did what she pleased with hers? If she has chosen since, or shall choose hereafter, to sell or give away any of the improvements made by the land she got from Congress, may she not do it? Has she not the power? Well, then, is it not perfectly idle to say that there ought to be some provision made by law that the land to be given to Missouri shall be invested in a particular manner—that the work proposed shall be made by her as a State? Would she not, the very moment it was completed, be at liberty to give it away, or sell it? Why not, then, leave her at liberty to dispose of the land to a company chartered to build the work, or to build the work herself? Why not give her full power from the first, as she will of course possess over the work after it is completed?

I hold that every State may be safely intrusted with its own affairs. The gentleman wants a system which shall be just and equitable to all classes and to all portions of the Union, and therefore he will oppose this bill, and will support the bill introduced by the gentleman from Tennessee, [Mr. JOHNSON.] So shall I support that bill. Will that bill be just to all classes? Let us see. That proposes, if I recollect aright, to give to each settler a certain amount of land, perhaps one hundred and sixty acres, on condition he will reside on and cultivate it. I ask if it is just to merchants and manufacturers? Does it give as equal advantages to operatives in New England, New York, and elsewhere, as it does to the agricultural classes in the West? Not at all. In the nature of things they cannot avail themselves of it. Does it hold out any advantage to the blacksmith, cooper, or shoemaker pursuing his business—the only business in which it is competent for him to obtain a livelihood. None at all. It is the agricultural class, and that alone that will derive any advantage from the bill introduced by the gentleman from Tennessee, [Mr. JOHNSON.] The friends of the bill say, support it, because it is just to all classes of the people; but it seems to me reasonable to oppose the bill, because it is partial. I do not design at present to say anything more; but upon some subsequent occasion more favorable than the present one, I will again express my opinions more at length.

Mr. SEYMOUR called for the reading of the eighth resolution; and it was read.

Mr. S. yielded the floor to

Mr. JOHNSON, of Arkansas, on whose motion the committee rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had the President's message under consideration, and had come to no resolution thereon.

Mr. ABRAHAM P. STEVENS, of New York, appeared, was sworn in, and took his seat.

EXECUTIVE COMMUNICATIONS.

Mr. HOUSTON said that it was important that the Executive messages on the Speaker's table should be referred and printed. He hoped that the House would consent to their presentation.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of State, agreeably to the act of Congress of March 28, 1796, covering a statement showing the number of seamen registered in the several collection districts of the United States during the year ending 30th of June, 1851; which, on motion of Mr. HOUSTON, was ordered to lie on the table and be printed.

FORTIFICATIONS—JURISDICTION OF THE MILITARY COMMITTEE.

The SPEAKER also laid before the House the report of the Secretary of War on the subject of fortifications, prepared in answer to a resolution of the House of Representatives of March 3d, 1851.

Mr. RICHARDSON moved that the report be referred to the Committee on Commerce.

Mr. JONES, of Tennessee, did not think that the gentleman from Illinois had proposed the proper reference. He supposed that the report was upon the subject of the defenses, and as such the Committee on Commerce had nothing to do with it.

Mr. BURT. I understand that that report relates not merely to the continuance of fortifica-

tions, but to the beginning of a system of fortifications, which may materially modify that now existing in the United States. It is known to the House, and indeed the rules of the House expressly prescribe, that all propositions for fortifications, whether to authorize or reject them in any way whatever, are proper subjects for the consideration of the Committee on Military Affairs. I do not see my honorable friend from North Carolina, [Mr. CLINGMAN,] who introduced a resolution to which this report is in answer. He intimated to me that he might move to refer the report to a select committee. I can see no sort of propriety in that reference. There certainly is none in referring the report to the Committee on Commerce. It is a matter which properly belongs to the Committee on Military Affairs, and I trust the House will not give it the direction of any other committee, unless some special cause be assigned. If that committee be a fit one for the duties which are devolved upon it by the rules of the House, it is a special act for its consideration. If the Committee on Military Affairs know anything of military subjects, they should know something of the system of fortifications. I am satisfied that that committee does not entertain any hostility to fortifications, and that it does not entertain any views that are adverse to the known views of the Administration or Department of War, and that it will be disposed to carry out, as far as may be consistent with its own views of good policy, any recommendation or suggestion of that Department. I trust the report will be referred to the Committee on Military Affairs.

Mr. MARSHALL, of Kentucky. I hope that the direction which the gentleman from North Carolina, [Mr. CLINGMAN,] not now in his seat, desired the report should take may be given to it, and that it may go to a select committee, for the reasons afforded by the chairman of the Committee on Military Affairs, that that committee did not entertain any hostility to the system of fortifications, and are willing to carry out the views of the Administration or Department in that particular.

Mr. BURT. If they are proper.

Mr. MARSHALL. The system of fortifications, or rather appropriations for the continuance of the system of fortifications, came, I supposed, from the Committee on Military Affairs at the last Congress, but it did not meet the approval of the House of Representatives. The fortification bill was defeated in the House. The Congress of the United States indicated its determination, by its defeat, to put an end to the system. I do not know how the gentleman from North Carolina [Mr. CLINGMAN] happened to call for this *exposé* from the Department, but I suppose that the report lying upon your table is an additional plea, upon the part of the Engineer Corps, for the continuance of the system in the old mode, or under some modification. I take it, if the Congress of the United States meant anything last year by the vote they gave on the subject, they meant this, that they ought not to throw this matter upon the Committee on Military Affairs, whose appropriations for fortifications in the last Congress were killed, and they ought not to trust this document from the Department to their keeping, but give it a special direction.

Mr. BURT. If my friend from Kentucky [Mr. MARSHALL] will allow me, I beg to say to him, that the bill on the subject of fortifications which was defeated the last session of Congress in this House, did not come from the Committee on Military Affairs, but from the Committee of Ways and Means. It was a bill to continue fortifications that had been commenced, and to make repairs upon those which had been completed. I hope my friend will allow me to say, that he has misconceived my remarks in relation to the policy of the Administration or the Department of War. What I did say, or certainly what I intended to say, was, that the Committee on Military Affairs have no hostility to any views of the Administration that are known, which they deem consistent with good policy. That committee will give to all recommendations of the War Department a free, candid, just, and impartial consideration.

Mr. MARSHALL. I have no recollection of the facts, and I stand corrected as to the fact that this fortification bill, which was defeated in the last Congress, may have come from the Committee of Ways and Means. I supposed, as a matter

of duty, that the Committee on Military Affairs, if it was an act especially under their cognizance, had transferred it. If they did not have the responsibility of it, it is the very best argument to show why they should now have no business with it; and as a matter of course it would lay the axe at the root of the claim which they set up here why it should be transferred to them, as a matter coming within their peculiar cognizance. I do not know what the views of the Administration are about fortifications, nor do I care; but I know what my own views are. I know what the views of the last Congress were upon it, and I am acting in continuance of those views. The Military Committee having their attention engaged, perhaps, exclusively in regard to the army—in regard to the defence of our southwestern frontier—the Pacific frontier—in regard to the transportation of the army—in regard to those bills which necessarily fall within their cognizance—will have a busy time of it—so busy a time of it to pass upon the policy of continuing or modifying this system of fortifications. I have no particular interest in this matter. The gentleman from North Carolina, [Mr. CLINGMAN,] to whose resolution this report is a reply, remarked to me yesterday, that he had a strong desire that this matter should go to a select committee. Not finding him in his seat, as a matter of courtesy to him, I move its reference to a select committee.

Mr. CARTTER. I hope the subject will take the direction desired by the gentleman from Kentucky, [Mr. MARSHALL.] I hope it may, under the indication of the House, that the system of appropriations for useless fortifications may terminate. It is true that the subject is in the prerogative of the Committee on Military Affairs, as I understand it. It is equally true that, as a standing committee, they are in the habit of carrying out the recommendations of the Department. Having been upon that committee for two years, I understand its practice. The Committee of Ways and Means took charge of the subject at the last session, followed out the appropriation recommended by the President, and then the House took charge and pinned it to the wall.

Mr. JONES, of Tennessee. The Committee of Ways and Means at the last Congress took charge of no proposition, I believe, connected with appropriations or fortifications which was not referred to that committee. The estimates submitted by the War Department, through the Treasury Department, for the support and continuance of fortifications, were referred to that committee. The Committee of Ways and Means, in pursuance of these estimates, reported a bill making appropriations for the continuance and maintenance of such fortifications as they thought should be established, and when that bill came here there were one or two of the members of the Committee of Ways and Means who cooperated with those who thought the system was a bad one and should be stopped, and they exerted themselves to defeat the bill. This is a different proposition. We will again have the estimates for fortifications when we get the other estimates, and they of course will go to the Committee of Ways and Means.

If I have any knowledge of what this report is, it is, as to the continuance or discontinuance of some fortifications, or the establishment of others upon a different basis from that now prevailing. If so, it goes legitimately and properly, under the rules of the House, to the standing Committee on Military Affairs.

Mr. CARTTER. I am glad to hear a response that the Committee of Ways and Means had charge of appropriations for fortifications. It was a new duty which they had fathered.

Mr. JONES. The gentleman misunderstood me, and I wish to correct him. I say that the Committee of Ways and Means at the last Congress had the estimates for fortifications referred to them. In pursuance of that reference and those estimates, in the discharge of their duty they reported a bill to the House. This is upon a different subject altogether.

Mr. CARTTER. I understood the gentleman as I do now—that the Committee of Ways and Means had in charge the subject now proposed to be referred; that they had in charge certain appropriations recommended to them by the Department, a part of which they adopted and a part rejected. The gentleman remarks again—that we are all informed of—that this is a special communi-

cation from the President, under a resolution of the House, designed to test the necessity of the continuation of fortifications, and the character of these fortifications. The fact that this communication is called out by special resolution, and the fact that it is a special communication to this House, proposing new measures in reference to fortifications, argues the propriety of committing the whole subject to a select committee. I do not wish to discuss this matter at all; but I am anxious to have that communication go to a special committee for the reason that I believe it will receive the attention that a special committee will give it, unprejudiced by the recommendation of the Department; unprejudiced by the habit of a standing committee in responding to the recommendations of the Department. It is under the conviction that a special committee will put an end to the whole system; will reflect the will of the nation as it was reflected in the last Congress in reference to the subject, that I desire the reference of the subject to a select committee. The last Congress refused to give anything for fortifications. If this Congress is wise, it will also so refuse, and put an end to this drain upon the Treasury, without any benefit to the country. We have learned the important fact, that when a man wants to be shot at he does not conceal himself behind a fortification. [Laughter.] I hope the bill may be referred to a special committee.

Mr. JONES, of Tennessee. A single word. The 91st rule prescribes that "it shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment."

Mr. CARTTER. Will the gentleman permit me to make a single inquiry?

Mr. JONES. Certainly.

Mr. CARTTER. Does the gentleman from Tennessee [Mr. JONES] read that rule for the purpose of convincing this House that they have not the power of committing this subject to a special committee?

Mr. JONES. Not at all. I read that rule for the purpose of letting the gentleman from Ohio [Mr. CARTER] and this House see what is the proper duty of the Committee on Military Affairs; and that this report, now before the House from the War Department, is one of the legitimate duties of that committee. If I understand the object of the gentleman from Ohio, in having this special committee raised, and this report referred to it, if you follow the parliamentary rule in organizing that committee, his object will be defeated. The standing committees of this House are organized upon broad national principles, in view of the subjects which shall be legitimately referred to them, and which have claims to their consideration. This subject is one of that character. It is proposed to refer it, however, to a special committee.

The report, we are told, proposes to modify in some degree the system of fortifications, establish a new system, and discontinue the old one. What will be the rule which should govern you in the appointment of that special committee? It will be to give this report into the hands of a favorable committee—to commit the child to its friends; and then, perhaps, you may expect, instead of an adverse report, a favorable one. If a special committee should be organized upon this principle, and in pursuance of the common law which governs all deliberative and legislative bodies, then I say the gentleman from Ohio is not acting in such a manner as to secure his object, and procure the kind of report which I should think he was desirous of securing from his remarks. I think, therefore, that it is right and proper that this report should go to the standing Committee on Military Affairs, and not to a select committee. If the duties and business assigned to these committees are to be taken from them and referred to special committees, we had better at once abolish all rules requiring their appointment; and whenever a subject has to be referred, send it to a special committee. I will go as far as the gentleman from Ohio, or any other gentleman upon this floor, in arresting not only appropriations for fortifications, but any other unnecessary, extravagant, and wasteful appropriations.

Mr. CLINGMAN. I understand that in my absence, which has been but a few moments, a motion has been made by my friend from Kentucky, [Mr. MARSHALL,] to refer this subject to a select committee. There was some little conversation between us on yesterday, and we both came to the conclusion that it would be the proper course. I will briefly state the reasons which operated upon my mind for making that suggestion to him. It will be recollected that at the last session the House rejected the fortification bill. The object of those, no doubt, who rejected it was not to refuse absolutely all appropriations for fortifications, but to obtain a change in the existing system. The bill was rejected, notwithstanding it received the sanction of the standing committee of this House. The Military Committee sanctioned the bill, and the chairman desired its passage.

Mr. BURT. I merely desire to say to my friend from North Carolina, [Mr. CLINGMAN,] that the Committee on Military Affairs never saw that bill until it was reported to the House. It was a bill which my friend will remember was reported, under the rules of the House, by the Committee of Ways and Means. We had nothing to do with it, and we did not see it, and some of the committee opposed it.

Mr. CLINGMAN. I will ask the gentleman if he did not urge the House to pass the bill?

Mr. BURT. Not at all. The gentleman is totally at fault. I believe that I made the first assault upon the fortification bill at a prior session of the last Congress. I think I was not in the House when it was voted upon at the last session of Congress.

Mr. CLINGMAN. I have no doubt the gentleman attacked the bill two or three years ago. The system has been attacked again and again. My impression was that the gentleman at the last session of Congress desired its passage; but I may be wrong in that. The object of the House in defeating that bill, was to change the system and substitute a new one, less extensive. That bill, or a similar bill, has regularly received the sanction of the House for many years past. It is known to those who have looked into the subject, that in 1816 a system of fortifications was adopted. That system proposed that one hundred and fifty seven forts should be built. Congress has gone on, from year to year, making appropriations. Up to this time fifty or sixty forts have been completed, or are in progress. More than one hundred have yet to be touched. We have gone on in this way, making appropriations from year to year; but a feeling prevailed in this House and in the country, that a change had taken place in the art of war—a great change, in the last few years, in the condition and strength of the country, which did not require a system of fortifications so extensive as this. Upon these grounds the House rejected the bill, and these resolutions were offered, therefore, with a view of retrenching the existing system. I understand—for I have had occasion to get some knowledge of that report since it came in two or three days since—that the Secretary recommends important changes in the system of fortifications, against the advice of the Corps of Engineers. He recommends that a large portion of the forts they propose to complete, shall be abandoned. Now I do not see how the Military Committee should have charge of this subject exclusively. It may be as well referred to a naval as a military officer, and in fact, the Secretary has furnished the opinions of naval men upon the subject. If the object is to defend our sea-coast mainly against naval attacks, the Naval Committee might just as well claim it.

The ground upon which I maintain that a special committee is proper is, that there is to be an entire change of the system, if the policy adopted at the last session of Congress is to be carried out. I have great respect and confidence for the Military Committee of this House as well as the Committee of Ways and Means. I know that the chairmen of these committees, to whom this subject has been heretofore referred, have regularly sanctioned the recommendations of the Engineer Department. I do not say that the gentleman did sanction it as chairman of his committee. It is a matter of complaint with many Army officers that we have been making appropriations for twenty or thirty years to finish forts; and we have had a large number of men superintending these works and receiving

salaries, but the works are never finished. What I desire is, that we may go on and finish the works necessary. The Secretary states that about \$16,000,000 have been appropriated to existing fortifications—to those which have been built or are now in progress; and that the sum of five or six millions of dollars will complete them; and that it will take at least \$20,000,000, perhaps more than that sum, to finish the other one hundred that are proposed to be built. I will say this to the House, that originally they classified the forts proposed to be built into six classes; when they had completed those in the first and second classes, the third was put in progress. Those forts are of the most important character, and necessary to the defence of points of importance on the sea-coast, as they protect a vast amount of property in our large cities. I rather think that Boston and New York are now pretty well fortified. Philadelphia, Baltimore, and Charleston, and other points, need something further. The works now in progress will enable us to protect these cities against attacks where there is a large amount of property invested, but no one supposes that every inlet into which a steamer can run shall be defended. I will here make another suggestion to the House: It will require an army of sixty-five thousand men, according to the estimate, to man these fortifications; and that is a larger army than we have ever had. If you do not put troops there, the enemy will attack and seize upon some of those fortifications. I consider the movement a judicious one in which to review the whole system—to finish promptly the forts which are already begun, and to abandon those which may be deemed unnecessary.

There are some other suggestions connected with the report of the Secretary which I do not desire to dwell upon now. I do not desire to have control of this question; my only desire is that the subject may receive that direction which will insure something being done. It was the business of the Military Committee, charged with the defence of the country, to have brought in recommendations for retrenchments, but, either from supineness or some other cause, they failed to do it. That may well justify the House in confiding the subject to a special committee. I hope the House will act upon the suggestion of my friend from Kentucky, [Mr. MARSHALL,] and refer the subject to a select committee, who will make that their special business—examine the large voluminous documents—bring in a report, so that we may see what ought to be done.

Mr. CARTTER. After this disclosure of purpose of the gentleman, and after the development of the contents of the budget that is proposed to be submitted, in justice to my own views, I am under the necessity of backing out of the proposition to refer the matter to a special committee. [Laughter.] I am satisfied that the honorable member from North Carolina [Mr. CLINGMAN] misapprehended the direction of the sentiment of the last Congress. If I understood it, it was an unyielding sentiment. Just stop there with this plunder, and not patch up a new system; but it appears that the Department has gone to work, under the resolution of the honorable gentleman, to propose a new one. There is no new system of public expenditure that can be proposed by this Government that will not swallow up more than the flanks of the old one.

Mr. CLINGMAN. My remarks may have done injustice to the Secretary. I will state this: that the original plan adopted in 1816 was a very extensive one. The Secretary recommended that a large number of these forts be abandoned, and leaves it to Congress to say whether they shall finish those in progress or not. I do not wish it to be understood that we should have any new system. The only question is, whether we shall abandon the old system partially or entirely.

Mr. CARTTER. If there is in this projected reformation a new system of fortifications, I am opposed to organizing a select committee for that purpose. If I understood the sentiment of the last House of Representatives it was to close the gates upon this useless expenditure. That is the only method of getting rid of it; that is the only sentiment which I would sanction. I had no idea at that time, that a Phoenix was to rise from the ashes of the dead. If I understood the action of the last Congress, it was, upon the subject of fortifications, a finality—a totality. [Laughter.]

Mr. BURT. Mr. Speaker, it is proper that I

should say a few words in relation to the Committee on Military Affairs. I cannot comprehend how that gentleman [Mr. CLINGMAN] and the gentleman from Kentucky [Mr. MARSHALL] could have been brought to think that the Committee on Military Affairs had charge of the fortification bill at the last session, or were in favor of it. The misapprehension may have arisen from the fact that I felt it my duty to defend the estimates of appropriations that were made for the Army—a bill, too, which was reported to this House by the Committee of Ways and Means, and a bill with which the Committee on Military Affairs had nothing whatever to do. Feeling it to be my duty to defend a bill containing estimates for the Army which I deemed indispensable for the service, I did not hesitate to do so, while gentlemen who sat upon that side of the House assailed that bill with great fierceness, and with unfortunate success. I stated, what this House will very soon see is true, that a demand would be made this session of Congress for supplying the deficiencies of that service, which were caused by striking out some of the items in the bill reported by the Committee of Ways and Means. Very large deficiencies have arisen, and the House will be called upon to supply them.

I do not understand what the gentleman from North Carolina [Mr. CLINGMAN] means, when he speaks of the supineness of the Military Committee preventing it from discharging its duties.

Mr. CLINGMAN. I believe, Mr. Speaker, that my remark was this: that the Committee on Military Affairs, whose business it was, and who claim it as their appropriate duty to look into the appropriations for these military fortifications, from supineness, or some other cause, (what it is the gentleman has not yet explained,) failed to make any movement in favor of retrenchment whatever during the whole two years.

Mr. BURT. Now, the gentleman from North Carolina [Mr. CLINGMAN] is quite as unfortunate in his phraseology as before. And, sir, I am to be understood as speaking, not with reference to myself, but in justice to that committee. The Committee on Military Affairs of the first session of the last Congress—I believe at their very first meeting—with unanimity determined to retrench very materially the expenses of the organization of the Army. The gentleman from North Carolina will remember that a Whig Secretary of War was then at the head of the Department, as there is now. It was deemed a matter of courtesy to that gentleman, and of common decency to the committee and the country, that the Secretary of War should be called upon to aid the Committee on Military Affairs in their work of retrenchment. He was called upon, but the aid was never rendered. We all know, who were members of that Congress, and the whole country knows, that the deliberations of both Houses of Congress very soon became engrossed by very exciting subjects. It was almost impossible to enforce upon the attention of either House of Congress any matter of ordinary legislation; and we were thwarted—I will not say by the supineness of the Secretary of War, or by the negligence—

Mr. CLINGMAN, (interrupting.) If the committee desired retrenchment, why did they not bring in a report to that effect?

Mr. BURT. The gentleman from North Carolina will see that any intelligent report to retrench such an immense establishment as the Army of the United States, or even the fortifications of the United States, which he has shown to be so very large; or the man who would strike with intelligence and discernment at that system, would require great labor and research. I say he cannot do it intelligently without the aid of the War Department. We may apply the knife, but we are just as apt to strike an artery as an unsound limb; and I would like to see, sir, from the disclosure the gentleman from North Carolina [Mr. CLINGMAN] has made, how he, at the head of a select committee, would be able to dispatch so soon the Herculean labor proposed in the report of the Secretary of War. I have no doubt he can do it. I have no doubt of his industry and energy; and I suppose the work would not be delayed by his supineness. I should like to see it; but, sir, if this subject is to be referred to a select committee, I ask of this House that the whole subject of the Army be referred to that committee. And I would like to see the gentleman from North Carolina

[Mr. CLINGMAN] at the head of that committee. I trust he is much better prepared for these military duties than are the members of the Committee on Military Affairs, and that he will perform them with great discretion and intelligence, and that the country will be immensely benefited by the result of his labors. I shall be glad to hear of it.

Mr. CLINGMAN. It was my purpose, in the event of the approval by the House of a select committee, that it should be given to some military gentleman like my friend from Kentucky, [Mr. MARSHALL,] who has been in service. I am but a civilian. I did not wish to have the charge of it, because there were others here more competent than myself to discharge the duties.

Mr. BURT. Mr. Speaker, I am sure that the gentleman would do it justice. I think it unfortunate that the gentleman from North Carolina did not suggest to you, when you were appointing the committees of this House, that there were gentlemen in the House who could perform these duties so admirably. I am sure the country would have been indebted to him for the suggestion which would conduce to such immense retrenchment. Now, upon the subject of retrenchment, it is needless to say how far I have gone. I fear I have sometimes gone too far. I can say, with a clean breast, that I have never supported anything which I considered an abuse; and I would be willing to compare notes upon that point of economy even with my friend from North Carolina—even with him. But, Mr. Speaker, it is not to be disguised—as I have had the honor to say upon this subject heretofore to-day—that there are numerous abuses in the Army, affording immense work for the knife of retrenchment; and I would like to see that instrument used, even by the skillful hand of my friend from Kentucky, or any other gentleman who would wield it wisely and effectively. I have tried to reach it. I would have done it, had I got the aid necessary to success at the first session of the last Congress. Every one knows that nothing could be done at the last session of Congress, as it was too short. No system could be matured. I have, in the Committee on Military Affairs, day after day, opposed applications for new fortifications. I have complained of the corps of engineers—one of the most admirable corps, however, in the world. I have complained that they have not made their recommendations for new fortifications with a proper discernment. I have, upon that ground, opposed many applications for new fortifications, that they were intended for the purpose of mere local expenditure, without regard to the great interests of the country.

I have endeavored to conceive some plan—for we can have no system of fortifications in the United States upon our immense sea-coast—by which the most important points of our coast would be defended. No man who has looked at the extent of our coast can suppose that every desirable point upon it may be defended by fortifications. It is impossible. And while I am utterly uninformed of the suggestions of the report upon your table, I confess, sir, I have great curiosity to hear them. I hope the Secretary of War may have suggested something that will enable us to improve entirely our plan of fortifying our coast. We can have no connected system of fortifications, such as prevails in many countries of Europe. In my opinion they are unnecessary here. I know that very many of these fortifications have been sought as the mere means of expending money in certain localities of our country. I hope all such abuses, as I conceive these to be, will be cut off by this report of the Secretary of War; and what the report is, I repeat, I am wholly uninformed. Of course, Mr. Speaker, the House will do me the justice to understand that I have no desire to increase my own labors, or those of the committee of which I am a member; but, sir, you know, as does every old member of Congress well understand, that a subject is not referred to a select committee unless there be some special reason for it, such as the idea that the measure will not receive a candid and just consideration from the standing committee of the House; and if this House are of the opinion that the Committee on Military Affairs, which has been so recently appointed, will not bestow such consideration upon this report, I beg them to refer it to such committee as will. If there be no such imagination upon the part of this House, I repeat that I cannot see

why the proper, the legitimate, the fitting duties of that committee should be delegated to a select committee of the House.

Mr. BOCK. As my friend from Illinois [Mr. RICHARDSON] is not in, I rise to renew his call for the previous question.

Mr. MARSHALL, of Kentucky. Will the gentleman allow me for a moment—

Mr. BOCK. The gentleman, I believe, has already addressed the House upon this subject; and with all courtesy and respect to him, I decline to withdraw my call for the previous question.

Mr. CLINGMAN. I will say to my friend from Virginia, that the gentlemen from Kentucky [Mr. MARSHALL] was about to withdraw his motion for a reference to a select committee.

Mr. BOCK. I withdraw the motion.

Mr. MARSHALL. I only intend to say, Mr. Speaker, that my motion to refer this subject to a select committee, was done as an act of courtesy to my friend from North Carolina, [Mr. CLINGMAN,] who intimated his wish to institute this inquiry, and that it was not done by way of relieving the Military Committee of what seemed to be a legitimate part of their duty; and certainly not with a view of disparaging the ability with which the chairman of that committee has always discharged his duties.

Mr. CLINGMAN. I beg leave to say, Mr. Speaker, that I mentioned to the chairman of the Committee on Military Affairs, my design of making this motion, and communicated to him the reasons that governed me. I prefer that it should be withdrawn. He understood that I was to make it, and knew my object in doing so.

Mr. BURT. I beg to inform the gentleman from North Carolina, in his absence this morning I felt it my duty to state to the House that he had intimated to me his purpose of moving for a select committee.

Mr. MARSHALL. Mr. Speaker, I do not feel desirous of prolonging this discussion. I certainly never dreamed that in making the motion for the raising of a select committee, it would be the intention of the gentleman from North Carolina [Mr. CLINGMAN] to shift the responsibility upon my shoulders. I certainly did not propose to trespass in the slightest degree upon the management of the Committee on Military Affairs by the gentleman from South Carolina, [Mr. BURT.] I will take this occasion to observe, in reply to the remarks of the gentleman from South Carolina, touching the deficiency bill, which he promised to this House—which he has spoken of as being the consequence of our failure to carry out the estimates as they came from the Department—that whenever the House of Representatives of this country, after denying to the Executive Department appropriations they have asked from us, are found consenting to meet those appropriations when expended, in the shape of a deficiency bill, it will be time for the representatives of the people to surrender their powers here, and the sooner they go back to the bosom of the people the better. I take this occasion to say, that for not a dollar of such deficiencies will I ever vote, and I do hope that the House of Representatives will never be found ready or willing to vote a dollar. We applied the knife to the Quartermaster's department. It may be we struck in the dark; but whenever the Quartermaster's department, or any other department, undertakes, in the absence of Congress, after appropriations have been refused, to make such expenditures, and come here expecting them in the shape of deficiency bills, then will be the time to assert our privileges as the representatives of the people, and the guardians of their Treasury. I withdraw my motion.

The report was then referred to the Committee on Military Affairs, and ordered to be printed.

OTHER SUBJECTS.

[A message was received from the Senate informing the House that that body had elected the Rev. Mr. BUTLER as their Chaplain.]

The SPEAKER laid before the House a communication from the Department of the Interior, transmitting the report of the Commissioner of Pensions, in obedience to the requirements of the act of July 10, 1832, comprehending lists of the names of the invalids, widows, and orphans, now on the naval pension roll of the United States; which was ordered to lie on the table and be printed.

Also, laid before the House the report of the Clerk of the House of Representatives, showing the expenditures out of the contingent fund, and for stationery, for the year ending 1st December, 1851; which was ordered to lie on the table and be printed.

Also, laid before the House a communication transmitting the acts of the Greek House of Representatives, for the sessions of 1848 and 1849, presented by that body to the House of Representatives of the United States; which were referred to the Committee on the Library.

On motion by Mr. MOLONY, leave was granted to withdraw from the files, for the purpose of reference to one of the executive departments, the petition and papers of Mary Stanton, the widow of Eldridge Stanton.

On motion by Mr. BISSELL, it was

Ordered, That the papers in the claims of Antoine Peltier and Nicholas La Chance be taken from the files of the House, and referred to the Committee of Claims.

On motion by Mr. JONES, of Tennessee, it was Ordered, That when the House adjourns it be till Monday next.

PROPOSED BOUNTY.

Mr. AIKEN asked the unanimous consent of the House to introduce a resolution; which was read for information as follows, viz:

Resolved, That the Committee on Public Lands be instructed to inquire into the justice and propriety of allowing bounty land to the Washington Light Infantry, Washington Volunteers, German Fusiliers, and Hamburg Volunteers, of South Carolina, who were engaged in the Florida war, and were discharged before the expiration of one month from the commencement of their term of service; and that the accompanying papers be and are hereby referred to said committee.

Mr. KING, of New York, objected; and the resolution was not received.

THE TREASURY ESTIMATES—THE DELAY IN PRINTING.

Mr. HOUSTON. Mr. Speaker, I desire to submit a matter to the consideration of the House, and I will only occupy a few moments time in doing so. It is known that the estimates from the Treasury Department are required by law to be laid upon our tables at the meeting of Congress. Two weeks of the session have now elapsed, and those estimates are not to be had. I do not undertake to say, Mr. Speaker, where the fault is; but it is very evident that there is a serious obstruction to the dispatch of the public business of the country, which will require the action of this House in some shape or other. I had intended on to-morrow—not supposing the House would adjourn over until Monday—to move a resolution upon that subject. I desire now merely to bring the subject to the attention of the House. On Monday I shall move some resolution, by which we will be enabled to get at the difficulty, and have it removed, if possible.

Mr. BROOKS. Mr. Speaker, I wish to say to the House, that the estimates required by law have been in the hands of the public printer of this House, who holds the public printing by contract under law, for some time.

Mr. HOUSTON. How long?

Mr. BROOKS. I cannot state the exact time, but for some considerable time. The Secretary of the Treasury has complied thoroughly with the requisitions of the law, and whatever the fault, or wherever it may be, it certainly is not on his hands. Nor is it the fault of his department. I do not understand the gentleman from Alabama as making any insinuation that the Secretary of the Treasury has violated the law. The estimates, I understand, have to come here printed, and be laid upon the tables of members; and as the Secretary of the Treasury was not the printer, it was not in his power to do more than to lay the estimates before the public printer. And if he has not complied with the requisitions of his contract, the fault is on his hands, and not those of the Secretary.

Mr. HOUSTON. I did not intend to convey an insinuation against the Secretary of the Treasury; for I could not know, except it might be privately, where the fault was. In the discharge of my official duties here, acting in the capacity in which I am, it is proper for me to bring this subject before the House. If it be not the fault of the Secretary of the Treasury—and I do not pretend to say it is—it is equally a matter that addresses itself to the sound discretion of the House, for its prompt action at some early day. I have ac-

complished, Mr. Speaker, all I intended to do today.

On motion by Mr. HALL, the House adjourned.

NOTICES OF BILLS.

By Mr. HALL: A bill to organize Nebraska Territory. By Mr. DAVIS, of Indiana: A bill ceding to the State of Indiana all the public lands within said State.

By Mr. STANTON, of Kentucky: A bill to abolish the office of Commissioner of Public Buildings.

By Mr. MALONY: A bill for the relief of Oris Crosby, of the State of New York.

By Mr. MASON: A bill to provide for the repair and improvement of the dam at the head of Cumberland Island in the Ohio river.

By Mr. CLARK: A bill to grant land to aid in the construction of the military road from Burlington to Fort Des Moines, in the State of Iowa.

Also, a bill making an appropriation for the construction of a military road from the Mississippi river to Fort Dodge, on the Des Moines river.

Mr. HASCALL gave notice of his intention to introduce the following bills:

A bill to be entitled "An act concerning invalid pensioners."

A bill to be entitled "An act authorizing the names of certain widows of revolutionary officers and soldiers to be placed on the pension list."

Mr. BENNETT gave notice of a motion for leave to introduce the following bills:

A bill to equalize the grants of lands to the several States.

A bill to establish an Agricultural Bureau, and to promote the interests of agriculture.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. MILLSON: The petition of Messrs. Ferguson & Milhado, praying that their bond given for duties may be cancelled.

Also, the petition of Messrs. Williams, Staples & Williams, for the same object.

Also, the petition of the heirs of Willis Riddick, asking compensation for losses sustained in the revolutionary war.

Also, the petition of John G. Wilkinson, praying compensation for his services as Navy pension agent.

By Mr. HIBBARD: The memorial of J. E. Martin, late acting Consul at Lisbon, praying for compensation for diplomatic services.

By Mr. CABELL of Florida: The petition of Giles W. Ellis, Augustus Steele, and James P. Roan.

By Mr. HALL: The petition of Thomas Ellis, of Platte county, Missouri, praying for a pension.

By Mr. APPLETON of Massachusetts: The petition of Robert B. Storer, President of the Boston Marine Society, and others, that the money now in the United States Treasury, unclaimed by deceased seamen, as prize money in public and private vessels, and from contributions made by all seamen of twenty cents per month, be applied to the further relief of disabled seamen.

By Mr. GOODENOW: The petition and memorial of Charles Foster, by Stewart Foster, his administrator, for a claim to indemnity against Mexico.

By Mr. HAMILTON: The petition of John Hanigan, praying that a pension may be allowed him for injuries received in the war of 1812.

Also, the petition of John W. Robinson, praying that a pension may be allowed him for injuries received in the war of 1812.

By Mr. MOORE, of Pennsylvania: The resolution of the grand inquest of the eastern district of Pennsylvania, relating to the deficiency of post-office accommodations in Philadelphia.

Also, the memorial of the officers of the Navy, relative to an equality of rank, &c.

By Mr. JOHN W. HOWE: The petition of Hugh Smith and 25 others, citizens of Crawford county, Pennsylvania, praying Congress to establish a post route from Smith's Mills, on Little Sugar Creek, via Cochranton, to Whitman's, on the Susquehanna and Waterford turnpike, in said county.

By Mr. CHANDLER: The memorial of David D. Porter, a lieutenant in the United States Navy, praying for similar allowance as was granted to John Hogan, as diplomatic agent to the Island of St. Domingo.

Also, the petition of L. R. Peal, asking for compensation for valuable articles lost by shipwreck while on the Exploring Expedition, and also for arrears of pay.

By Mr. HEBARD: The petition of Sarah Smith, widow of Alva C. Smith, a private in the Mexican war, for a pension.

By Mr. McNAIR: The petition of sundry citizens of Delaware county, Pennsylvania, relative to a modification of the bounty land act of 29th September, 1850.

IN SENATE.

FRIDAY, December 12, 1851.

Prayer by the Chaplain, Rev. C. M. BUTLER.

PETITIONS.

Mr. FISH presented the petition of Lydia Ann Mills, widow of John Mills, deceased, late a boatswain in the Navy of the United States, praying to be allowed a pension; which was referred to the Committee on Naval Affairs.

Mr. SHIELDS presented the petition of Jacob Cooper, praying to be allowed the seven years' half-pay due his father as lieutenant in the Army of the Revolution; which was referred to the Committee on Revolutionary Claims.

THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32D CONGRESS, 1ST SESSION.

TUESDAY, DECEMBER 16, 1851.

NEW SERIES....No 6.

Mr. GWIN presented a memorial of citizens of Washington, in the District of Columbia, praying the establishment of a Lunatic Asylum in that place; which was referred to the Committee for the District of Columbia.

Mr. DODGE, of Iowa, presented the petition of John Jackson, Joseph Pineau, and Louis A. S. Smith, citizens of Port-au-Prince, Hayti, praying payment of their traveling expenses in attending as witnesses for the United States in a criminal prosecution in the United States circuit court at Boston, in the year 1849; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BORLAND, it was

Ordered, That the petition of Lewis Morris, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. FELCH, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Jonathan Kersley, and the petition of John Biddle, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. UNDERWOOD, it was

Ordered, That the memorial of citizens of Washington, on the files of the Senate, relating to the improvement of Pennsylvania avenue west of Fifteenth street, and an increase of the Auxiliary Guard of Washington, be referred to the Committee for the District of Columbia.

On motion by Mr. WADE, it was

Ordered, That Eli Hobbs have leave to withdraw his petition and papers.

NOTICES OF BILLS.

Mr. BORLAND gave notice of his intention to ask leave to introduce a bill to grant to the State of Arkansas the hot springs in that State, and the four sections of land reserved from sale by the act of 1832.

Mr. BRIGHT gave notice of his intention to ask leave to bring in a bill relating to the improvement of the Ohio river as well above as below the Falls.

BILLS INTRODUCED.

Mr. MILLER, agreeably to previous notice, asked and obtained leave to bring in a bill giving further remedies to patentees; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. HALE, agreeably to previous notice, asked and obtained leave to bring in a bill increasing the salary of the district judge of the United States for the district of New Hampshire; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. UNDERWOOD, agreeably to previous notice, asked and obtained leave to bring in a bill to provide for the unpaid claims of the officers and soldiers of the Virginia State and Continental lines of the revolutionary army; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Also, a bill for the relief of Theodore Offutt; which was read a first and second time by its title, and referred, with the papers on file, to the Committee of Claims.

Mr. DODGE, of Iowa, agreeably to previous notice, asked and obtained leave to bring in a bill to relinquish to the State of Iowa the lands reserved for salt springs therein; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. BRIGHT, agreeably to previous notice, asked and obtained leave to bring in a joint resolution, repealing the joint resolution approved March 3, 1845, directing the Secretary of the Treasury, whenever any State shall have been, or may be, in default for the payment of interest or principal on investment in its stocks or bonds, held by the United States in trust, to retain certain moneys to which such State is entitled; which was read a first and second time by its title, and referred to the Committee on Finance.

REPORTS OF STANDING COMMITTEES.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the petition of Sidney S. Alcott, submitted a report, accompanied by a bill for his relief.

The bill was read, and passed to a second reading; and the report was ordered to be printed.

COAST SURVEY REPORT.

Mr. BORLAND, from the Committee on Printing, to whom was referred the motion to print additional copies of the report of the Secretary of the Treasury, with the accompanying report of the Superintendent of the Coast Survey, reported an amendment.

The Senate proceeded to consider the said report and amendment; and on concurrence therewith, it was

Ordered, That 10,000 additional copies of the report of the Secretary of the Treasury, with the report of the Superintendent of the Coast Survey, be printed for the use of the Senate; and that 5,000 copies thereof be for the use of the Superintendent of the Coast Survey.

MOTIONS TO PRINT.

Mr. FISH moved that the bill formerly introduced by him, to establish a Mint of the United States in the city of New York, be printed, and stated that he made the motion at the request of the chairman of the Committee on Finance.

The motion was agreed to.

Mr. DODGE, of Iowa, moved that the bill formerly introduced by him, for the improvement of the navigation of the Upper Mississippi, be printed.

The motion was agreed to.

RESOLUTIONS.

The following resolution, submitted by Mr. UNDERWOOD, on the 11th instant, was taken up for consideration and adopted:

Resolved, That the Committee for the District of Columbia be, and they are hereby, instructed to inquire into the expediency, and probable cost, of straightening, grading, and paving Pennsylvania avenue from Seventeenth street west to Georgetown; the erection of a permanent bridge across Rock Creek, from the termination of Pennsylvania avenue, to intersect with Georgetown; the building of a sewer of suitable dimensions for draining Pennsylvania avenue from Seventeenth to Twentieth streets west; the extension of gas lights along the line of Pennsylvania avenue from Seventeenth street west to Georgetown; an increase of the Auxiliary Guard, under a new system of organization, sufficient to make them an efficient body; of supplying the city with pure water from the Great Falls of the Potomac; and the extension of a line of gas lights from the bridge adjoined to High street in Georgetown, and thence along said street to its western termination.

The following resolution, submitted by Mr. SHIELDS, was taken up for consideration:

Resolved, That a committee of three be appointed by the Chair to wait upon Louis Kossuth, Governor of Hungary, and introduce him to the Senate.

Mr. SHIELDS moved to lay it on the table.

The motion was agreed to.

BOUNTY LAND WARRANTS.

A bill from the House of Representatives, enacting that the act passed 28th September, 1850, granting bounty land warrants to officers, musicians, and privates, of the American Army since the year 1790, be so construed as to authorize the transfer of said warrants, was read a first and second time by unanimous consent, and referred to the Committee on Public Lands.

Mr. WALKER offered an amendment, which was received informally.

STEAMSHIP PROMETHEUS.

The following resolution, submitted by Mr. CASS on the 9th instant, was taken up for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, if not inconsistent with the public interest, any information the Executive may have received respecting the firing into and seizure of the American steamship Prometheus by a British vessel of war in November last, near Grey Town, on the Mosquito Coast; and also what measures have been taken by the Executive to ascertain the state of the facts and to vindicate the honor of the country.

Mr. CASS said: Mr. President, I do not suppose that this resolution will meet with any opposition, and I rise principally to say that I know nothing of the facts of this case, except what is stated in the public letter of the captain of the steamship which was attacked and captured. It appears by his statement, that a wanton outrage was committed by a British vessel of war upon the flag of the United States, which calls for speedy explanation and redress.

I do not understand from the statement precisely where this aggression took place, whether within

any territorial jurisdiction as defined by the laws of nations, or upon the high seas, beyond its reach. In either event it was no less insulting than it was indefensible. If within the jurisdiction of the Indian chief, called the Mosquito King, England, before she approves the act, must disavow her own treaty obligations, because she has stipulated with us that she will not assume or exercise dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America. If the seizure was made upon the high seas, it involves considerations of the gravest character, affecting alike our honor and our interest.

When reports of such flagrant violations of our rights reach us, we cannot act with too much promptitude. Let us show to the nations of the earth, that the American Congress watches with jealous solicitude the conduct of other Powers towards our vessels, as well upon the broad ocean, as in the most secluded place to which the energy and enterprise of our citizens may conduct them. While England, in her dreams of universal maritime sovereignty, aspires to exercise a surveillance over all the navigable waters that surround the globe, it is our duty to exercise a surveillance over our own flag, and to guard it with the utmost power of the country from the desecration of foreign violence, so that wherever it floats, it may announce, that it is the ensign of a jealous Republic, ever ready to protect all the rights of its citizens within the law of nations, and where protection fails, to avenge them.

Mr. President, much of the infancy of our Government was passed in arguing the question of our maritime rights against the most outrageous claims ever urged by cupidity and ambition, as was yesterday stated by the honorable Senator from New Jersey [Mr. Stockton] in language equally eloquent and true. I trust its maturity will be passed in a very different manner—in defending and enforcing them, when necessary, not with the pen, but with the iron hand. The argument was long since exhausted, under the administrations of Washington and Jefferson and Madison; or rather, the true principles were stated with great force and knowledge; for argument against these positions there was none. Those statesmen maintained the doctrine, that in time of peace no power on earth has the right to board and search an American vessel for any purpose whatever, and that in time of war a belligerent power has the right to board a neutral ship solely for the purpose of ascertaining her real national character, which, having ascertained, the cruiser must depart peaceably, without touching seamen or cargo. And this doctrine of the inviolability of our flag, should be a cardinal principle in our policy, to be adhered to with unyielding tenacity in all our vicissitudes, whether of prosperity or adversity. The soil of the Republic and the flag of the Republic should be equally sacred, and the violation of either equally avenged. And I trust, that in all time to come, the boarding and search of an American ship upon the great highway of nations, where the proceedings of the officer are approved by his Government, except in a State of hostilities, as a belligerent right, merely to ascertain her national character, will be considered as an act of war, to be met by the whole power of the country, with an energy and unanimity as great as would an invading force crossing our boundary.

I observe among the executive papers, laid before us, in relation to the Cuban expedition, that pretensions are advanced by the British and French Governments, which bring up this claim to search our vessels in a new form. The principle has assumed many phases, and is destined to assume many more, before its final abandonment. The last comes in the guise of a right to protect the Government of Cuba, and to exercise a preventive policy over the neighboring seas, by stopping and searching vessels bearing our flag, and navigated by our citizens. We are not told whether the engagement for this purpose between France and England is a temporary diplomatic arrangement, or whether it is a permanent guarantee, making part of a secret treaty. Be this as

it may, we want no such ministerial officers to meddle with us. When our laws are violated, we are quite able to punish the offenders; and even when unforeseen accidents occur to prevent punishment, as sometimes will happen both here and everywhere else, we do not mean to invoke, and I trust we do not mean to permit, either France or England, or even France and England, to assume to be sheriffs and judges, and to take American citizens from the decks of American vessels, and from the jurisdiction of American tribunals, and punish them at their own discretion. "All our Government contends for," said the *London Times*, in 1842, on the subject of the right of search, "is the mere right to act as constables in boarding suspicious vessels bearing the American flag." A modest claim, and modestly urged, especially with the admission made by the same powerful but reckless journal, that in the practical enforcement of the claim to search, "the searching party, 'being from the nature of the case the strongest, and moreover, ordinarily speaking, persons of summary habits, were apt to be somewhat arbitrary in their judgments of who was American and who was English; when they doubted they took the trick.'" Memorable words, never to be forgotten by the American people or by their Government!

American citizens offending against our laws are responsible to our tribunals, and to no other earthly jurisdiction, except in the case of piracy, which by universal consent is a crime against all civilized nations, and may be punished by either of them. If indeed adventurers from our own country engage in an unlawful expedition against any other, they are of course liable to the consequences of their acts—punishment by the Government injured, when taken in the attempt. But this is far different from the voluntary interposition of other Powers to watch the high seas, under a pretension which cannot be carried into effect, without assuming as its corollary the right to search every vessel, which may make her appearance upon the Gulf of Mexico, or indeed along our coast, wherever these protecting powers may choose to exercise this new jurisdiction. For the claim to prevent vessels of a certain character from approaching Cuba, includes of course the claim to examine all vessels found within the *tubod* region, in order to ascertain whether they come within the condemned class; whether in fact the *trick* may not be taken, by virtue of a little well-timed doubt. Or, in other words, this doctrine, if established, would establish the full right of search at all times upon waters of the ocean, whose free navigation is as essential to the United States as is that of the English Channel to England, and would give to two great maritime Powers the control of the Gulf of Mexico and of the mouth of the Mississippi. Lord Palmerston, indeed, assures us that our commerce shall not be interrupted. Cold comfort this! We had rather depend upon our own rights and power, than upon his moderation or that of his country.

"*Timeo Danaos*" is a wise caution in political affairs, when counsel is proffered by those who are not with us, nor of us. We know the British Secretary of State for Foreign Affairs is not easily turned from his purpose. He has stamped his character as a bold statesman, if not a circumspect one, upon the history of the foreign intercourse of his country; and if he has not always scrupulously regarded the rights of other nations, he has kept a steady eye upon the interest of his own. He undertook to convince us a few years since, that because England had formed a treaty with some of the European continental Powers for the suppression of the slave trade, she had, therefore, a right to search our vessels, in order to carry these engagements into effect. And now, because France and England have constituted themselves the guardians of the Spanish Government in Cuba, therefore their cruisers are at liberty to violate the American flag in seas coterminous with our own coasts, and which are navigated by a large portion of our mercantile marine. The former effort failed, and this will fail, as will the others, in whatever fruitful brain they may originate, which are destined to follow.

I must express my gratification, in looking over the papers, at the ground taken by Mr. Crittenden in his communications with the French and British Ministers. He has laid down the true doctrine, the doctrine for which we have always contended; and I trust the Administration will firmly adhere to it. They will meet, I am sure,

with the general concurrence of the country. This is precisely one of those questions before which party disputes should be hushed, and which appeal to the hearts of the whole American people.

The resolution was adopted.

RECEPTION OF KOSSUTH.

The Senate resumed, as in Committee of the Whole, the consideration of the joint resolution of welcome to Kossuth.

Mr. HALE. I desire to say a single word of explanation. The honorable Senator from Georgia, not now in his seat, [Mr. BERRIEN,] who has manifested some interest in the discussion of this resolution, has been called from the city by sickness in his family. On a personal appeal made by him to me in view of that fact, I have concluded to pair off with him in regard to this resolution. I make this explanation as due to him. I shall therefore decline voting on the resolution.

Mr. BADGER. I rise for the purpose of saying, that although, according to the usage of the Senate, I am now entitled to the floor, for the purpose of discussing this question, yet an honorable Senator from Florida [Mr. MALLORY] having intimated to me that he desires to address some remarks to the Senate, and that, on account of the state of his health, he may not be able to remain within the Chamber so as to be able to submit his views to the Senate and the country at a later hour in the day, I have very cheerfully agreed that he should have the opportunity of presenting those views now.

Mr. MALLORY. Mr. President, I design to vote on this resolution, and ask the indulgence of the Senate while I state the reasons which govern the vote that I shall give. As becomes a new member of this body, I have listened carefully to the remarks of honorable Senators opposed to the resolution, with a mind unbiased, and anxious only to ascertain the course which wisdom and the dictates of a sound policy prescribe. This resolution is opposed by honorable Senators, whose negative, apart from any argument, carries with it a moral influence which this country well understands, and which no Senator better appreciates than myself; and in differing from them on this occasion, as it is my misfortune to do, it is no less respectful to them than due to myself, that I should express something more than a mere negative vote.

The objects of both resolutions, as I understand them—the resolution of the honorable Senator from Illinois, [Mr. SMITHS,] and that of the Senator from New York, [Mr. SEWARD]—are identical; and the motives which influence the support of one are equally applicable to the other; and I am free to say that I am prepared to vote for either. The object of the resolution is to extend to Kossuth an honor which, however it may be regarded by other Senators, I contemplate as the highest distinction of the age—a distinction, sir, infinitely above all the gorgeous triumphal spectacles which Rome ever conceded to her conquerors in the palmiest days of the Republic—a distinction emanating from a council of sovereigns—a distinction which derives both grace and gravity from its association with the name of Lafayette. I would ask, Is the man whom it is proposed thus to greet worthy of this rare and remarkable honor? I will not, at this inauspicious moment, stay to question all that his most ardent admirers concede to him. I will not here question his former views, plans, or policy with reference to his country's wrongs. I will not now, by a hypercritical investigation, seek an excuse for withholding from his present position—from his present heaven-born hope for freedom to Hungary—that sympathy, that respect which his former course, personal or political, whatever it may have been, might possibly have precluded.

In voting for this resolution, I do not regard Louis Kossuth as a man whose every word and deed are to be subjected—as they have been here to some extent—to an inquisitorial examination; an examination from which frail humanity, whatever form it take, can never emerge unscathed. But, in yielding him this respect, I regard him as the impersonation, the embodiment of the principles of civil and religious liberty among the millions of Europe. I regard him as a man followed to our shores by the eyes of the petty tyrants of every quarter of Europe, and as the man who has concentrated upon himself the gaze of the struggling millions of the earth, who are regarding him at this moment as the forlorn hope of freedom.

By both parties, by the oppressors and the oppressed, his advent here, the first breath he drew upon our soil, must be regarded as fraught with probabilities the most momentous; and every patriot of Europe, from the Rhine to the distant mountains of Transylvania, who has traced in our country the mighty results of the first steps of the Pilgrims upon this continent, doubtless puts up his prayer to Heaven that the footsteps of Kossuth may also lead to country, to freedom, and to home.

Now, sir, I am prepared to honor this man; I am prepared to sympathize with him, because he, in the centre of the despotism of ages and surrounded by the mighty moral and physical influences of time-honored monarchies, had the sagacity to direct his attention to our form of government, and the courage to lead his people by our example. Principles, sir, are more mighty in the change of empires than all the armed intervention that ever unfurled a flag. Kossuth struggled for a principle which we venerate—the principle of self-government, as I understand it,—and, struggling, failed. But his very failure in such a cause entitles him as fully to our sympathy and respect as any degree of success could possibly have done.

I feel called upon to say, that in supporting this resolution I am not governed by the question whether Kossuth be or be not the guest of the nation, or whether he was or was not invited to our country by the action of Congress. But, though the solution of this question, about which honorable Senators so widely differ, is regarded by me as unimportant, I am free to confess that I can perceive, neither in the joint resolution of Congress, nor in any act of any department of our Government, nothing which confers upon him this character, or justifies his friends in placing him in this attitude. No fair construction of language, in my judgment, can possibly regard the joint resolution of Congress as an invitation to our country. The utmost that was ever contemplated by this Government was to afford him and his companions in arms, prisoners in Turkey, a means of reaching the United States, if they should desire to emigrate here. No, sir; my sympathy is yielded regardless of any such consideration.

I believe that there is no disposition on the part of Senators who have spoken against this resolution to withhold from Kossuth their respect and sympathy. On the contrary, every Senator whom I have heard express an opinion seems to regard him as the Man of the Age. I will not stop to inquire whether adulation of this character be merited or well-founded. But while yielding him this personal tribute, the feeling with those who oppose this resolution seems to be, that if it shall pass it will be a species of intervention, or, at least, that it may lead to intervention and entangling alliances in the affairs of Europe. Now, differing in *toto*, as I do, from those honorable Senators, I must nevertheless respect the motive which dictates their opposition; and I am free to confess, that if I could regard it in this light—if I could look at it as intervention in the affairs of Europe, or as leading to such intervention, however slight it might be, it would never receive my vote.

But it is impossible to regard this simple resolution as intervention. I have listened to Senators who have spoken upon the other side of the question, to discover some argument on the subject to show that the expression of sympathy is intervention. But I have failed to discover any. Had I been convinced that it was intervention, the resolution should certainly not receive my support. I cannot regard it as even a discourtesy or as calculated justly to offend any power of Europe. Still I have no doubt but offence will be taken in certain quarters, if the resolution shall pass. It will be borne upon the wings of a thousand winds, and every petty tyrant, from the Rhine to the Volga, will be made to understand that the sympathies and prayers of the American people on this broad continent are with the masses; and the masses themselves will feel their hearts swelling with new hopes, their arms strengthened with new vigor; and it is for this very reason that I am prepared to support it.

If we may justly welcome Kossuth to our soil—if we could place a national ship at his disposal to bring him here—if we can express our sympathies in his past sufferings, and our ardent hope for his brilliant future,—if we can do this on our own soil, in our own family circle of States, and under the broad shadow of our flag, what care we

for any misinterpretation that may be put upon our conduct, if the conduct be correct in itself? It is our honor we have in charge, and not the opinions of despots in any part of Europe. Every act that we may do upon the subject of freedom, in any part of the globe, must be offensive to despotism. Our forms of government are antagonistic, and the progress of one leads to the destruction of the other. Our very birth was an offence to despotism. It grew out of it, and every step which we have taken in our political existence, has been but an augmentation of it. Every town, hamlet, and village in our country; every spot of earth consecrated by our flag; every star added to our Union, is not only an offence, but an attack, a direct attack, upon despotism; and our glorious country itself, towering, as it does, above the nations of the earth, and within the moral vision of all mankind, is a monument, I verily believe a monument designed by the Almighty, which tells as plainly as the writing upon the wall, that the days of despotism are numbered. Yes, sir, I believe our country is a monument permitted by Heaven to foretell the destruction of despotism; and that it has become a mere question of time.

But I cannot believe for a single moment that the honorable Senators who oppose this resolution are actuated by any consideration as to what the despots of Europe, or any Power of earth, may think of their conduct. No, sir; I am not to be told that any member of this body would deviate the thousandth part of a hair from any course which his judgment and patriotism would dictate, through fear of any of the consequences which might arise in that quarter. If any such cowardly instincts could find their way into these halls, the associations by which we are surrounded, the high vocation we pursue would make a hero of the coward, in an instant. But the opposition springs from the idea, that if this is not intervention *per se*, it may lead to it. As regards the abstract subject of intervention, I entirely concur with the gentlemen who have spoken in opposition to the resolution. I believe if we intervene at all, it must be morally, not physically. And in this light our intervention has been going on for years, and its march is mighty at this very moment. By bringing from Europe her down-trodden thousands; by offering to the martyrs of civil and religious liberty in the Old World a country and a home; by admitting them to the rights of citizenship before they speak our language; by bestowing upon them our public lands and throwing around them the protection of equal laws, liberties, and institutions, I believe we are doing more for the amelioration of man's condition, more for the development of human intellect, power and happiness, than all the armed intervention in the world could ever do.

But, sir, a species of amicable intervention has been alluded to. Protests have been spoken of by honorable Senators to whom it has always been my pleasure to look for instruction on that as on all other points of international law. And I say with all frankness now—though still open to conviction—that I cannot regard a protest as the result, or the evidence, of any amicable intervention. Neither do I agree with my honorable friends as to the policy, the wisdom, or the expediency of protesting against the conduct of any despotic power of Europe. The protest spoken of would, in my judgment, be an intervention, and an intervention equally novel and dangerous; because I cannot, in my mind, get rid of the absurdity of assuming a position by protest which we had not predetermined to maintain in the only manner which could possibly prove effectual among the nations of Europe. Our policy has been that of non-intervention; and when we make a protest, it goes forth accompanied by a tacit declaration of non-intervention as the policy of the land, unless contradicted by an unheard-of exception. As to its expediency, I would remind honorable Senators, who maintain this idea of protest, that but yesterday, as it were, we were engaged in a contest upon this continent, and I would ask them what would have been the result, if, in the midst of that contest with Mexico, we had heard, some cool morning, that the Czar of Russia, from his distant throne, had sent his protest to the State Department against our interference in the affairs of Mexico? What would have been the result? One universal shout of defiance would have ascended from the Kennebeck to the Rio Grande. It would have been regarded by men of all parties, and all

shades of opinion, as an intentional insult, and as such would it have been treated.

Bur, sir, as I have said, I do not see intervention in this proposition, and shall therefore vote for it. If, unhappily, those nations with which it is our duty as well as our interest, to cultivate amicable relations, should so construe it, the illusion would be dispelled by a firm adherence to the principle which has always governed us—the principle of non-intervention. Senators have talked as if the hour might speedily arrive when we may be called upon to abandon this time-honored principle. They have said not that it will come, but that it may be close at hand. Sir, I regret to hear it. I shall regret to see the time when we shall be called upon to intervene, directly or indirectly, in the political affairs of Europe. It has been asked, too, by the honorable Senator from New Jersey, [Mr. STROCKTON,] Is this firm adherence to one established principle, progress? I reply that the abandonment of it would not be progress. In my opinion it would be a step backwards. I profess, sir, to be a man of progress. I profess an abiding belief in the progressive development, under the immediate providence of God, of the intellect, power, and happiness of man; and, professing this, I say, Heaven forbid that we should ever be called upon to abandon the principle of non-intervention. Principles are eternal; and I would have this, especially, as eternal, as immovable as the stars of heaven by whose fixed and unchanging light we guide and regulate our progress.

I have also heard the idea thrown out that we have a mission, a political mission to perform. In my humble judgment, sir, if we have such a mission, we must look for the field of its exercise Southward, not Eastward. If it be our "manifest destiny" to regenerate mankind, I humbly conceive that we should continue as we have begun—take one continent at a time. Senators have indulged in a wide field of remark upon this subject; and as if to show our power, should we be led, by intervention, to cope with the Powers of Europe, it has been said by the honorable Senator from New Jersey, [Mr. STROCKTON,] and, said, too in tones which will rouse the blood in the heart of every American, tones which found an echo in the breast of every man in this Chamber, that our old mother herself, were she to enter into a contest with us, would find that there are blows to be received as well as blows to be given. And in illustrating his idea of her form of government, he denied her some things, which I apprehend no Senator will be more willing to concede to her than himself. I am not about to become the eulogist of Britain, her government, or her so-called, or rather mis-called, Constitution. It is unnecessary. I need not point to her thousand sources of greatness and glory, for I see around me Senators who are its living monuments. I see around me honorable Senators who cannot trace back their blood a hundred years without running into some of her purest fountains. But discarding this, and all minor claims to our admiration and respect, we should never forget to whom we are indebted for the language of Shakspeare and the laws of our land; for the writ of *habeas corpus*, for trial by jury, and for the very principles of civil government. And, sir, were we to divest ourselves to-day of everything we owe to Britain—of law, language, literature, and morals—we would hardly have anything with which to set up for ourselves.

But that is not the question. I agree with the honorable Senator from New Hampshire [Mr. HALE] that this is a great national act of courtesy; that as such it should be performed gracefully for our own sakes, or not performed at all; and that it should not be burdened with conditions which are tantamount to a declaration to the recipient that he must not abuse our hospitality. He has doubtless come to these shores under a hope—yea, more than a hope, under a conviction—that he can obtain governmental and substantial aid for himself and his country. I confess that I believe so; because I must be blind to the ordinary use of language, which he knows so well how to use, if I did not come to that conclusion from his own declarations. But it is an error which a month's residence in our country will dispel. We may well conceive what is the hope and wish of a man whose whole being is concentrated in one great and noble idea—the freedom of his country. Do not let us, while breathing words of welcome, thrust this rebuke of his error prematurely and

unhandsomely upon him. The wild Arab receives not the guest whom accident sends to his tent with such unmannerly hospitality.

The Senator from New Hampshire's idea [Mr. HALE] of greeting a man cordially, if you greet him at all—of grasping his hand with a truthful pressure, regardless of his peculiar idiosyncrasies—meets my assent; and, to use the strongest figure in my power, I will say to that honorable Senator, that even he, should he ever find himself beneath the roof-tree of any gentleman in the State which I have the honor to represent, his welcome will be dictated by the good old-fashioned rules of Southern hospitality, regardless of his peculiar idiosyncrasies. My voice admonishes me, sir, of my inability to continue these remarks, in which my only aim is to state briefly and frankly wherein I do not concur with my friends on this side of the Chamber, and the views which influence my support of this resolution.

I hold, sir, that before we are called upon to forbear the expression of feelings in the manner proposed, upon the ground that such an expression will be a departure from the settled policy of our country, argument and not declamation should be invoked to show it to be intervention; and I trust, sir, that opposition to the passage of the resolution will not be persisted in unless honorable Senators can sustain this point.

Mr. BADGER. When the Congress of the United States is called upon to award a high honor—an honor, according to the honorable Senator from Florida, [Mr. MALLORY,] who has just taken his seat, higher than triumphs which Rome, in her palmiest days, ever awarded to her conquering sons—it is certainly but reasonable to expect that the grounds should be clear and manifest upon which such a demand is made. In the past history of this country we have had but one example of such an honor having been awarded by the Congress of the United States. And surely, without troubling ourselves with any investigation of what is supposed to be the musty doctrine of precedent, we have a right to expect that gentlemen who ask this at our hands shall assign the reasons why we should now, for the second time, offer the contemplated honor to the individual who is named in this resolution. Gentlemen have felt that there was an obligation upon them to produce the reasons of this proceeding. My friend from Illinois, [Mr. DOUGLAS,] who deemed it strange and unreasonable that this resolution should provoke the least discussion, that gentleman himself, who seemed to suppose that any discussion of it could be accounted for only by the supposition that this Senate would always discuss any proposition—even he, with the sentence of censure upon all previous discussion upon his lips, went forward in the pursuit of that which he condemns in others, and occupied the Senate with a speech—to which I listened, of course, with pleasure, as I always do to whatever falls from that distinguished gentleman—which occupied no inconsiderable portion of yesterday's sitting. He delivered a speech, of which I will say it brought no new topic before the American Senate, upon this subject. It urged no new argument, it produced no new statement, it was made in reply to no new antagonist who had appeared in the debate. It was a reiteration for the fourth, fifth, or sixth time, of arguments—I will not say which had been as well expressed—into the arena of such criticism as that I dare not venture—but which had certainly been well and forcibly expressed by others. Now, sir, knowing, as I do, that that honorable Senator, when he speaks in this Chamber, always speaks to *this body*; that he seeks to enlighten and to guide our opinions, and that he has no ulterior objects and purposes before him, I have felt by these remarks of his the strongest possible conviction fixed upon my mind that the friends of this resolution thought it necessary to assign some reasons for its adoption. And I must say, that when I listened to that honorable Senator, and when I listened to some other Senators—my friend from Michigan, [Mr. CASS,] in particular—I have felt another conviction fastened upon my mind—that while they were doubly impressed with the extreme necessity of producing reasons, they found it no easy task to discover any to produce.

Mr. President, I wish to say, in the commencement of what I have to offer to the Senate upon this subject, that if discussion has been produced

here on this resolution, it is not to be charged to those of us who oppose its adoption. When the honorable Senator from New York, [Mr. SEWARD,] in discharge of the high duty which he thought was imposed upon him, thought proper to introduce this resolution, he accompanied its introduction with a long, elaborate, and soul-stirring appeal, which was calculated to arouse our feelings, to excite our passions, and for the moment to suspend the calm exercise of our judgments. When, after this storm of passion had subsided, we were at length allowed to exercise our own judgments, unimpeded by the mystic visions of grandeur and terror and glory, with which impassioned eloquence had surrounded us—when we were able once more to resume the exercise of a calm understanding, and to take, in the language of my friend from Wisconsin, [Mr. WALKER,] a dispassionate view of this subject, was it to be expected that, entertaining different opinions from others, we could, in justice to ourselves and what we believe to be the true interest of the country, fail to assign our reasons to the Senate? Were we not called upon, by considerations of high respect for the honorable and distinguished Senator from whom this resolution proceeded, as well as for the honorable and distinguished gentlemen who supported this resolution with their eloquence and their arguments,—were we not bound, independent of all other considerations, by due respect for them, to say why we could not go with them when it is always a matter of such deep-felt reluctance to part from them?

Mr. President, I think it is out of place to say that it is a waste of time to subject this resolution to discussion. It is a question which ought to be discussed; its intrinsic merits demand it. The circumstances which surround it in this Chamber and beyond these walls enforce the necessity and the propriety of it; and if we may drop from the high and solemn topics which have been gathered around the reception of Louis Kossuth and his associates in captivity, which have been so brilliantly spread before us—arching the heavens, spangling the firmament, and I know not what other, magnificent and startling figures—and look at some of the mundane operations which are immediately before us in the course of our political future soon to be history,—when we consider certain disposals of certain eminent political offices which in a short time are to be made by the American people, we find an additional reason. Why, if we can allow ourselves to subside from the torrent of excited feelings into which we have been plunged, we should present before the American people what we think is the calm and dispassionate and deliberate common-sense view of the subject before the Senate.

I agree with what was said by the honorable Senator from Massachusetts, [Mr. SUMNER,] who addressed the Senate a few days ago on this subject, that this is a case which requires statement rather than argument; and I would add to his proposition, that it requires argument rather than declamation, and proof of the propriety of adopting this course rather than, I will not say unmeaning (for nothing that is spoken on this floor is ever unmeaning) defiance of foreign Powers, and the large and expansive declarations of American power and prowess, which we have heard, and of our capacity to contend with a world in arms. Let us look at this question as it is presented to us upon its intrinsic merits. What is it? As I have said, gentlemen have admitted (as is plain, whether admitted or not) that they are to assign some reasons why this resolution should be adopted. The resolution proposes to bid, in the name of the American people, Louis Kossuth welcome to our shores. Several reasons have been assigned why we should adopt this course. I proceed to offer some remarks upon them.

It is said, in the first place, that by the joint resolution adopted at the last session of Congress, we have taken the initiatory step which requires us, in point of consistency and honor, to follow it up with what is now proposed. That I deny. I know no method by which we can ascertain what we did at the last session of Congress, and to what, therefore, we may consider ourselves as properly obliged as a consequence of it, than by looking at the language of the resolution. My honorable friend from Michigan [Mr. CASS] said that he scouted the idea of applying philology to this investigation. Scout the idea of applying

philological criticism, the rule by which we ascertain the meaning of language, to the question of the interpretation of language! Why, my honorable friend must have a very singular idea of the office and purpose of philology. He seems to have made a similar mistake in reference to that science which was made by a very respectable but a rather testy old gentleman of my acquaintance with regard to the science of arithmetic, or numbers, who became extremely offended when waggishly told by a young man sitting at the breakfast table with him, pointing to a plate containing three biscuits, "Mr. R., you cannot tell how many biscuits there are in that plate without counting them." "What! sir," says he, "do you take me for a fool, that I cannot tell that there are three biscuits in that plate without counting them?" He rejected the idea that computation and arithmetic were necessary to ascertain numbers, if the number of particulars were small. I know that my honorable friend did not mean that; but why did he use that high term? Why did he go into this Anglicized Greek word, of which many of our constituents at home know nothing, and who would naturally imagine, without an explanation, that those of us who are opposed to the resolution had brought some new and strange and barbarous machinery of interpretation to bear—brought, perhaps, from some of those European despotisms, and totally unknown to our country? Why, we cannot ascertain the meaning of anything which depends upon words, without the application of the rules of philology to it.

But did my friend mean to imply that there was any disposition to what is called hypercriticism; that is, to bring to the construction of this resolution a reluctant disposition to understand its meaning, and a disposition to cavil with it? Why, if he did, as was justly said by the honorable Senator from Georgia, [Mr. BERRIEN,] there is not the shadow of a foundation for the suggestion. Yet I may be permitted to say, that although I would not feel myself justified in applying to an ordinary resolution or act of Congress any particular strictures of interpretation; though I am not disposed to apply it to this, there would be nothing very unreasonable in such a process, when we recollect from whom the joint resolution proceeded. It came from my honorable friend from Mississippi, [Mr. FOOTE,] known to us all for his extreme exactness in the use of language, and, therefore, it may well stand out as an exception from the general legislation of this body, and we have a right to treat it with more closeness of examination, and more severity of criticism than a resolution proceeding from another person. We all know that the honorable Senator has a place in what he writes for every word; and, he will excuse me for saying, that we also know that he has a word for every place. It is impossible for us, according to my judgment, if I understand the English language, as it is used North and South, that there can be any mistake about the understanding of Congress at the time the resolution was adopted. It says:

Whereas the people of the United States sincerely sympathize with the Hungarian exiles, Kossuth and his associates, and fully appreciate the magnanimous conduct of the Turkish Government in receiving and treating these noble exiles with kindness and hospitality; and if it be the wish of these exiles to emigrate to the United States, and the will of the Sultan to permit them to leave his dominions: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is requested to authorize the employment of some one of the public vessels which may now be cruising in the Mediterranean to receive and convey to the United States the said Louis Kossuth and his associates in captivity.

The preamble of that resolution asserts, in the first place, a fact; and then it alleges a contingency; upon which contingency, and upon which alone, the particular direction of the resolution is founded and is to take effect. The fact affirmed is the sympathy of the American people for those exiles, and their estimate of the noble conduct of the Turkish Government in giving them a refuge. The contingency is, whether or not these exiles desire to emigrate to the United States. If they desire to emigrate, the President is requested to authorize the use of one of our ships cruising upon the Mediterranean sea to bring them to the United States. And if they did not mean to emigrate, it was not the intention of Congress that the President should furnish them with a national ship. I

presume that, without any particular dexterity in this dark, barbarous Greek-derived science of philology, we have a pretty tolerable understanding in this country of what is meant by an emigrant and emigration. If an English or a French gentleman comes over to this country to visit it; to look at its railroads, its steamboats, its harbors; to contemplate its government and the condition of its people, we do not call him an emigrant. When we speak of emigrant ships we think we have a clear and distinct meaning attached to the term. An emigrant is a man who leaves Europe; who comes to our shores with a view of making our country his home; who comes to settle amidst us and become one of our people; and to enjoy the privileges and protection which our laws give him; and ultimately, in due time, and at no very distant day, to be allowed to participate equally in all the municipal privileges conferred by the Constitution upon the citizen. Then to whom did this resolution apply? It applied to Kossuth and his companions in captivity, desiring to emigrate to this country and to make it their home. It was intended to afford them facilities in a public ship, in order that they might become domiciled here. That is the plain, unmistakable meaning of the law.

Now, besides the meaning of it as apparent from its terms, do we not all know that that is the way in which we understood it? We took it for granted—the outbreak in Hungary having been crushed by the power of the Czar added to that of the Emperor—the country being restored to its original condition of subjection, but stripped of its privileges—that Kossuth, languishing in a Turkish prison, was desirous to come to this country, and enjoy with us a common freedom, partake of the protection of our laws, and do what he could not do in Europe—live a peaceful and happy life, and die a Christian and quiet death. To this state of things it applied, and this was all. It was not a resolution directly for the benefit of Kossuth, the late Governor of Hungary, by way of doing him an honor in the character which he had then lately sustained. It was not a resolution that bears upon its face the slightest allusion to the fact, that, for the time, he had been possessed of and exercised sovereign power in the direction of this contest. It was addressed to Louis Kossuth as an exile in captivity, seeking to escape from the inauspicious condition of European coercion, to place himself, as a resident and a denizen, upon our shores. No man can successfully deny this. There was a reason why Congress should have desired the President to transport Kossuth and his associates in captivity here in a public ship, which has never heretofore occurred in the case of any other person desiring to emigrate. We all know that the Emperor of Austria considered his entertainment in Turkey an offence to him. We all know he demanded that Kossuth should be expelled from Turkey by the authority of the Sultan. We all know that he sought to seize him and bring him within his jurisdiction and authority, to subject him to such punishment as he might deem suitable to the occasion. It was, therefore, for that reason, important that when the Sultan gave permission to Kossuth and his associates to leave his dominions, if they desired to emigrate to the United States, we should put them under the protection of our flag, which would effectually prevent him from being seized by the power of Austria.

This being the state of the case, I desire to know upon what authority gentlemen say, that by that resolution we have invited Kossuth to our shores—have made him the guest of the nation? Is there a word in that resolution expressive of invitation? Is there a word in it that declares that the people of the United States desire that he should come to our shores as a guest? The difficulty interposed by the word "if" was to be solved before this public ship was to be placed at his disposal, or used for his service, and there is not a word in the resolution which intimates that the United States cared whether or not he decided to come. It announced nothing but this: This man was in captivity; we understood he wanted to come to our country. We knew that in the existing state of things, if he left Turkey without being put aboard an American ship, he might not be permitted to exercise his free wish to come. Therefore we tendered him the opportunity to come under the national flag of this country. That is

the whole of it. He was no invited guest of the nation,—not a whit more an invited guest of the nation than the humblest emigrant that leaves the shores of Europe and finds himself in the port of New York. If the fact of placing that ship at his control, or rather of charging that ship with the duty of bringing Kossuth and his companions to our shores; if the fact that he was brought to our shores in that ship would have constituted him the guest of the nation, he did not come in that capacity. He left that vessel at Gibraltar, and made an excursion to England. He left his associates to come under our flag without him, and he came here afterwards in a private packet. How, then, is he to be distinguished in the particular to which I am referring from any other emigrant who seeks our shores? He can in no way be distinguished. Other men who come here are more humble. They may not have achieved the name which he has acquired. They may leave a transient impression in the little circle which surrounds them, and then be forgotten, while his name may remain and be perpetuated by history to succeeding generations; but so far as the claims of an emigrant may extend—so far as a generous desire to give our hospitality to those who come—so far as a wish to offer a refuge to the persecuted, the oppressed, the unhappy, extends, Louis Kossuth stands no particle higher than the meanest and humblest down-trodden individual of Europe who ever reached our shores. Indeed, so far as claims to our sympathy are concerned, surely to a generous mind there are particular reasons why this sympathy should be opened and shown forth more towards the lowly and the humble. I say, then, that there being nothing in the original resolution but a simple proposition to bring to this country one who was supposed to be desirous of emigrating here, there is no more reason why we should pass a resolution of welcome towards him than towards those thousands of humble individuals who come here not under a particular resolution, but under general invitation held forth by our Constitution and our laws to the oppressed, the poor, and the humble of every state and clime.

The resolution of the last Congress, then, does not pledge us to this step; but if it did, I ask, how is it possible to resist the conclusion that the amendment offered by my honorable friend from Georgia [Mr. BERRIEN] ought to be attached to the pending resolution? and that the honorable Senator from New York, when he drew it, should have inserted in it the name—not the individual names—but the general name, descriptive of all those persons who are embraced in the original act of Congress which gave rise to those proceedings. The resolution of the last Congress makes no distinction among them. The President is requested to furnish to them all, as Hungarian exiles in captivity, a passage to this country—"to Kossuth and his associates in captivity." What a strange spectacle, then, do we exhibit, when our friends on the other side of the Chamber resolutely refuse to permit the associates of Kossuth to be incorporated in the resolution of welcome to Kossuth! Is it to be construed as a degradation to Kossuth to be put alongside in this resolution of those his associates? If the association be not offensive—if he was willing to keep company with them, to be prisoner with them, to receive their affectionate ministrations and their affectionate sympathies, my opinion is, that, if he has the soul of a man in his bosom, he will resent the idea of having compliments paid to him alone, did we offer to do it. When, during the war of 1812, and during the recent war with Mexico, one of our commanders gained a great victory, and Congress expressed the sense of the nation upon the subject, were the thanks of Congress expressed toward the commander-in-chief, and the officers and soldiers who served under him omitted and forgotten? No, sir; the thanks of Congress were always bestowed upon the commander-in-chief, and, through him, to the officers and soldiers who served under him, and by whose aid and assistance the victory had been achieved. Has it not been always so? We may vote medals to the generals; we may sometimes give additional pay to the soldiers; but the thanks of Congress, the expression of the sense of the country in behalf of those who have served faithfully, and added another leaf to the laurels which crown her brow, have always been voted to all, in whatever situation, who have partici-

pated in the gallant deed. And yet here are Mr. Kossuth's associates, not, I suppose, servants—men, I suppose, his equal in the sense in which we understand equality. I presume they are men whom he takes by the hand, whom he does not keep at a distance, compelling them to approach him in the attitude of servile dependence. Yet when Congress is asked to bring Kossuth and these very associates here, the first thing after that, and after they are brought, is, that a resolution is offered by the Senator from New York, [Mr. SEWARD,] to welcome Kossuth, and turn our backs upon his associates. Sir, if any reason in the world can be assigned for the resolution, it follows as a necessary and indispensable corollary from it, that the amendment should be also adopted. I do not understand this thing. It is not consistent with my notions, and what I believe to be American notions, of equality. We have sent a public ship, or we have authorized the using of a public ship, to bring Kossuth and some twenty or thirty other Hungarians, who have all fought for their country, who have shared a common captivity with him. When we propose to include these men in the resolution of welcome, it is opposed as interfering with the preëminent dignity of the chief. Is that the American idea of equality?

I do not understand a very great deal about this contest. Some of my honorable friends here, who are much better acquainted with the case than I am, have regarded it as a sort of attempt to uphold the Magyar—or Maguire, as some of us call it—superiority of race. Even if that is so, I presume these associates of Kossuth are neither Croats nor Slavonians, but belong to the privileged race, as well as himself. I do not suppose that Kossuth will feel his dignity insulted if we choose to say to him, We are glad to see you, and are glad also to see the men you have brought with you.

Mr. DODGE, of Iowa. I would ask my friend from North Carolina [Mr. BADGER] if he will vote for the resolution in case the amendment he has so much at heart should prevail?

Mr. BADGER. The question need not have been asked by the honorable Senator, because I had answered it already. Allow me to assure the Senator that he places me in no difficulty by asking questions of this kind. I have said, and I repeat, I am opposed to the whole resolution, with or without the amendment. Therefore the Senator did not ask the question in order to be informed. For what purpose he did ask it, he is best able to determine.

Sir, other reasons have been assigned in the course of this discussion. It has been said that we were committed to adopt some such precedent as this, because it was of Executive recommendation. I think, sir, some of the House who consider ourselves pretty good Whigs, were rather twitted by some of our friends on the other side, because we were opposing what they said the President recommended. Permit me to remark, it is no Whig doctrine, that a Whig is bound to support, with or without reason, whatever a Whig President may recommend. If that doctrine obtains among our friends on the other side with regard to a Democratic President, it may be necessary they should urge some special excuse for departing from it in any particular case, while such departure might, without such excuse, be considered a ground of censure, and an intimation that they had stepped off the Democratic platform. But we acknowledge no such doctrine, and therefore it would be a sufficient answer to say, that even if it were the President's recommendation, we do not agree in its propriety, and therefore cannot support it. But the fact is, the President of the United States has recommended no such thing?

Mr. FOOTE, of Mississippi. Will my friend allow me a moment of explanation?

Mr. BADGER. Certainly.

Mr. FOOTE. If I was understood as stating that the President of the United States recommended this resolution, I was certainly grossly misunderstood. I stated the simple facts to be, as I shall explain them on this occasion. I wish it to be understood distinctly, that I said this before, that I should never have moved, or thought of moving in this business, but that I received an unexpected, kind, and very complimentary written application from the Secretary of State of the United States, requesting an interview upon this subject; which interview was immediately held. In the course of that interview he brought to my atten-

tion, in advance of the President's message being received in this body, the fact that the President would make substantially the recommendation which is to be found in the message. He requested me especially, and in a manner marked with particular earnestness, to introduce, at the earliest possible moment after the commencement of the session, a joint resolution for the purpose of raising a joint committee of the two Houses of Congress, to decide, in accordance with the recommendation of the President contained in his message, upon the most expedient mode of affording a national reception to Governor Kossuth. He went further, as I may now state. I dislike to go into these particulars; but really, the allusion of the honorable gentleman makes it necessary for me to do it. He requested me—having a very high respect, as we all have, for that knowledge of parliamentary precedents which distinguishes so highly the Secretary of this body—to go to him immediately. I went to his house without delay, at the instance of the Secretary of State, for the purpose of ascertaining how, in some way consistent with Senatorial usage, such a joint resolution could be introduced and passed, if such a thing should turn out to be practicable, without the necessity of previous notice. I learned from the Secretary that the mode of proceeding thus intimated by the Secretary of State, was not practicable. Therefore I did proceed to give notice, as the Senate recollects.

I will state further, in explanation of my conduct, that I should not have mentioned the name of the Secretary of State at all except upon his express authorization. It appears to me that if a joint committee was raised, the Secretary should himself deliver the address to the Governor of Hungary. I spoke to him to that effect; which he promptly declined, from an unwillingness to do anything which might look like compromising our neutral relations.

If I had known at first that there would have been so much discussion about this delicate subject, as to the responsibility which the Administration have assumed, or intended to assume, I would have been more circumstantial in the first instance. But really I could not anticipate such a course of proceeding. It is true, and the Secretary of State will bear me witness of the fact, that in the course of my interview with him, he went so far into particulars as to refer to the former reception of the Marquis de Lafayette, as affording a proper precedent. So that idea did not originate with this side of the Chamber. He suggested it to me as the proper precedent, and said that in his opinion the best mode would be to bring in Kossuth, without any particular ceremony, to each House, and have him introduced to the President of this body and to the Speaker of the other House, when suitable addresses should be made, in some formal mode, by the presiding officer of each House. That was the idea of the Secretary of State; and concurring with him, I adopted the course which I have pursued.

I wish all to understand, that owing to the delicate character of this affair, I resolved not to enlist in it at all unless I could be authorized by the Secretary of State to say that it was at his instance that I acted, and that he sanctioned the proceeding. I hope that in all I have said, no one will understand me as casting censure on any person. I have been very desirous of receiving Kossuth in a manner creditable to the nation, creditable to our national feeling, and in a manner required by the almost unanimous voice of the people. Knowing the feelings of some members of the Administration, I was anxious to give the gentlemen on the other side of the House a fair opportunity of participating in the eclat of the proceedings, and if they have declined it, I think they have made a great mistake, and that it has been one of the most serious political blunders they have ever committed.

Mr. BADGER. I would ask my friend from Mississippi, whether, after having introduced this resolution, at the instance of the Secretary of State, he withdrew it without any conference with that gentleman?

Mr. FOOTE, of Mississippi. I withdrew the resolution certainly, without any conference with him. I withdrew it, because I did think honorable gentlemen had not conferred as they might have done with the powers that be. I did consider that I was rather ungraciously treated by some honorable gentlemen on the other side of the House,

who seemed to misunderstand my position, and not to afford me that liberal support which they ought to have done, when the proposition was brought forward under such auspices. I withdrew the resolution for the additional reason, that I saw very plainly, that if Governor Kossuth was received on the day when it was originally expected he would be received in New York, it was not at all likely, from the opposition experienced here, provided a similar opposition was presented in the other House, that we should be able to act in time to receive this distinguished stranger in the mode contemplated. I stated these reasons at the time I proposed to withdraw the resolution. I did it, as I stated then, without the least feeling of unkindness or disrespect toward any human being in the world; but with feelings of the most profound mortification, that gentlemen had not acted up to what I had supposed would be their course of conduct.

Mr. BADGER. I gave the opportunity to the gentleman from Mississippi with great pleasure to make these statements; because, although he has already spoken several times with reference to this particular point, some misapprehensions have prevailed which this opportunity has enabled him to rectify. But at the time he interposed I was not referring particularly to the introduction of his resolution, under the sanction of the Secretary of State; I was alluding to a remark made by the honorable Senator from Michigan, [Mr. Cass,] that this was a measure recommended by the Executive of the United States in his annual message. So far as that is concerned, it seems to me that no two things can be more clearly and distinctly separate than what is contained on this subject in the President's message and this resolution. The President had been desired by Congress to cause these Hungarian patriots to be brought here in a public ship. He had, in compliance with that request, caused them to be brought in the ship; and they were daily expected at the time the President's message was written. He could say nothing less than he has said. He has simply communicated to Congress the fact that these captives had been brought here according to their request, and he desired them to do what they thought proper under the circumstances. The President does not intimate that he wished one disposition or another to be made of them, or of the subject. Of course he was bound, as President, to inform us in his annual message what he had done in accordance with our desire, and to ask us to make such further disposition of the subject as we thought right.

Again: and now I refer to what my friend from Mississippi has said. It was the desire of the Secretary of State that this resolution should be introduced. As regards his application to the Senator from Mississippi for that purpose, the introduction of the subject and the withdrawal of the resolution, we must keep dates in view in order to give a proper influence to these various transactions. The President's message was prepared and printed, as we all know, before the meeting of Congress. It was in the town in which I lived, before I left there for the seat of Government. Before it was sent to either House of Congress it was in the possession of the postmaster, ready to be delivered when he should receive a telegraphic dispatch authorizing him to do so. Everything, therefore, in the President's message, was prepared, written and printed before the arrival of this gentleman in this country. The resolution, offered by my friend from Mississippi, was, if I recollect aright, introduced on the very first day of the session. It was withdrawn on the Thursday succeeding, being the fourth day of the session, and Kossuth did not arrive in this country until the day afterwards—until Friday. We must bear in mind that Kossuth had been expected to come to this country as an emigrant. It was in that character that a public ship was employed to bring him here. It was in that character he was expected to arrive. It was with reference to that character that the President's message referred to him. It was with reference to the same thing the resolution was proposed to be introduced by the Secretary of State, and that the resolution was introduced. That state of things continued until the resolution was withdrawn. Never, until Kossuth landed upon our shores, did we have any authentic declaration from him of the purpose for which he came here. We may have drawn our conjectures from what he said in

his hasty visit to England, but we had no authoritative expression of his purpose in coming, and what he expected to accomplish, until after he landed in this country.

Mr. FOOTE, of Mississippi. In justice to the Secretary of State, and to the Administration, I must say that the object of his visit was not spoken of in the interview which I had with Mr. Webster. The reception referred to and recommended by Mr. Webster was based upon our resolution of last session, and he suggested to me the propriety of my moving in the matter, on account of my being, as he knew, the author of the original resolution. I feel bound to say, that if the Secretary of State had supposed that any expectation was entertained by Governor Kossuth that an armed intervention was to take place on the part of the United States in European affairs, I think he would have been one of the last men in the world to have requested me to offer any resolution on the subject. I do not think now that anything of the sort is contemplated in any quarter.

Mr. BADGER. I am obliged to my friend from Mississippi for this explicit statement, which he has made with his usual candor. It seems, then, that so far as the action of the Administration is concerned, the President and the Secretary of State both referred to a supposed emigrant coming among us for the purpose of settling here, and making this country his domicile.

Mr. FOOTE. If the gentleman understood me as saying that the application was made to me to introduce my resolution this session with a view to providing for the reception of Kossuth as an emigrant, he misunderstood me. I stated no such thing. If the gentleman will refer to the British papers, he will find that Governor Kossuth stated in many speeches in England, that he was coming to the United States merely as a visitor in behalf of his country, and not as an emigrant. We ascertained months ago that our original expectations upon this subject had not been founded upon actual facts.

Mr. BADGER. I understood all that before. What I meant to say was this: Not that the Secretary of State had spoken to the Senator from Mississippi to offer this resolution to receive an intended emigrant—not at all. It was the resolution of Congress under which the President was directed to bring him here which fixed the character and what he now expected. That resolution contemplated his coming as an emigrant. Whatever he might have said in England, we had no authoritative exposition from him before he landed here, that he was to act in any other character. When, therefore, these proceedings took place, I say that it is clear upon the record that they referred to an expected emigrant. As soon as Kossuth lands upon our shores, he assures us that we were mistaken, and that he does not come as an emigrant; that he does not purpose to become a citizen of the country; but that he is here as a visitor—not for the purpose of curiosity or improvement, but upon a political mission. He comes here to agitate among the people of this country, and to endeavor, so far as he can, to awaken among them a spirit which may prompt intervention in the future contest that is expected between Austria and Hungary—intervention in order to prevent the Czar from interfering. Now the whole character of the case is changed. We invited Kossuth, if we invited him at all, to come here for purposes personal to himself. We invited him to come here as an emigrant and live among us. He says, I come in no such character, for no purposes personal to myself; I come upon a political mission, to place myself in that character before the people of this country, and to induce them to give me pledges that they will make any intervention on the part of Russia in the affairs of Hungary, ineffectual. There has been no sanction given by the Executive Department of this Government, in any of its branches, to a resolution proposing to welcome this gentleman in any such character. It is one thing to welcome him as a distinguished foreigner, coming from exile to settle among us, and it is another and a very different thing to welcome him as a political agitator among our countrymen. Whatever else may be said, it is no diminution of the high character this gentleman occupies for intelligence and high standing to say, that it is in exceedingly bad taste, in my judgment, for a foreigner, who has just set his foot on our soil, who comes here to invoke our

sympathies, to become a propagandist of his opinions, to endeavor to influence the people to the adoption of measures which he may think beneficial to the cause of Hungary, without regard either to the law or the policy of our Government; and to hint, not obscurely, that, whatever may be the action of Congress, he will appeal to the free-men of the United States, as our sovereigns.

Now, when emigrants come to this country to seek refuge from abroad; when they come to settle among us, and to mingle with our people, to enjoy the privileges of our institutions, to add energy to the industrial pursuits of our country, so that we may all together enjoy the blessings of civil liberty, and that they may become a perpetual strength to the country, we might well bid them welcome. And when emigrants come to this country, as sometimes they do, who are able to minister to our assistance, and to shed glory upon our country in different and far higher spheres, who are able to direct the thunder of our armies in the field, and to add grace and wisdom to our legislative counsels, I shall ever be ready, as, if my friend from Illinois [Mr. Shields] will permit me to say, I have in respect to him already done, to place them near to my heart. However it may not be in unison with the temper of the times, I say I thank no foreign emissary to come here and assume to instruct our people with regard to our duties at home or abroad. Whether it is a member of the British Parliament who endeavors to provoke sectional discord, and if possible to shake the fabric of this Union to pieces, or whether it is a Hungarian exile, however eminent, who comes here to persuade us either to make an empty boast and utter an unmeaning threat, and thus expose us to the derision of mankind, or else to mix us up in the turmoils of European politics and cause us to expend the blood and treasure of our free citizens in disputes with which they have no concern, and from which they can derive no benefit, terminate as they may, makes in this respect no difference to me. I can agree to welcome neither the one nor the other.

It may be, sir, that I have not got the idea of progress which is peculiar to the times. [Mr. Stocroton,] in speaking of that policy of non-intervention which we received from Washington, said that what was proper then might not be proper now, and he asks, Is adhering to that policy, progress? I think it is. A man may advance, though he does not change the road in which he travels. To make progress it is not necessary that a man should be perplexed and bewildered with repeated changes of direction, and perpetually retracing his steps, and beating out new and devious paths in which to tread. I want progress in old principles towards the full development of our institutions—to the consolidation of our liberty. Progress upon old principles to make us and to keep us Americanized forever. That is the progress which I wish.

Nor can I consider it entirely harmless in a person to come and inflame the people of the United States, or particular portions of the United States, hastily to commit themselves to measures like this. It is not only against the settled policy, but it is against the statute law of this country. Our law forbids armed intervention in all its forms, by citizens or others from the shores of the United States, in the affairs of other nations with whom we are at peace.

Mr. FOOTE, of Mississippi. I believe the sedition law has been repealed.

Mr. BADGER. It might perhaps be fortunate for some, in certain events, that the sedition law has been repealed. I am not affected by any reference to the sedition law. There is a sedition that does not depend upon that statute, and although that sedition law has been repealed, the repeal has not made sedition honorable. I say that it is not entirely innocent for any man to endeavor to inflame particular portions of the people of this country, in favor of this measure which Kossuth desires to recommend. Why is it not so? I was about to state why, when the anticipative genius of the Senator from Mississippi at once sprang far ahead of me, and he saw in his mind's eye that bugbear of the Democracy—the sedition law. We have a statute which forbids all armed intervention from this country in the affairs of any nation with which we are at peace. That statute forbids the sending forth, or setting

on foot, of any such expedition, and it necessarily condemns all preparatory steps by which such a result is to be produced. If they do not fall within the provisions of the statute, so as to be punishable by law, they certainly and indubitably are morally criminal in their character.

What does this gentleman [Kossuth] want these fellow-citizens of ours to commit themselves to? Why to this: that this country shall furnish the material and means to prevent the Emperor of Russia from interfering in the future contest between Hungary and Austria. What means? Paper resolutions, printed protests, or protests written upon parchment with the seal of the United States attached? How much do we suppose they will sway the mind of the Czar? No, sir, the moment we take that ground—the moment we occupy the position he desires, (I do not say what gentlemen here contemplate,) we will have, in my judgment, placed ourselves in such a position that we must advance in the event of a future conflict and the interposition of Russia, which I suppose is just as certain as the future conflict itself, or we must ingloriously retire. We must either abandon the policy of the country and involve ourselves in distant and future quarrels, of which no man can foresee the issue, or after having threatened we must ignobly retreat. I am willing to welcome foreigners who come to our shores for just and laudable and useful purposes, but I am not willing to welcome by my vote any man who comes here to endeavor to commit the citizens of this country to any intervention in foreign transactions. In saying this I do not mean to cast reproach on Kossuth, for I can understand the enthusiastic temper and the character of the man. I can understand how he has been led, on his first landing in the United States, to believe that our people were ready to pour by thousands and hundreds of thousands, to join his standards. It is natural. He is wrapt up in Hungary. He is devoted to Hungary. He lives for Hungary, and he is prepared to die for Hungary. We can understand his natural feeling on this account. We can understand his strong desire to solicit aid for his country; but when I am called upon to vote for a resolution, and welcome to our shores one who has openly and publicly made this announcement of his purposes—one who has made the most powerful appeals to the passions of his auditors everywhere, I cannot help seeing that the inevitable interpretation of the proceeding must be that we receive him in that character; that we indorse him as a political missionary. I take it that, by doing that, we would welcome him here as one who is to receive assurances of armed intervention to prevent the interference of Russia in a future quarrel between Hungary and Austria. I do not think that such a course is consistent with what I owe to my own country. While I would hold myself ready to adopt any measure which I believed to be just, reasonable, fair, and honorable towards this unfortunate exile, I cannot, by giving my consent to this resolution, aid to mislead him into believing that he will receive any such aid from us.

Again, Mr. President, it has been said that we owe this testimony to Kossuth as the great impersonation of the principle of free government. It has not been my fortune, though I do not profess any large knowledge on this subject, to have found in the past history of Kossuth any evidence that he occupies such a position. I have watched with interest the struggle between Austria and Hungary, and felt a sincere and anxious desire that Hungary should succeed in vindicating her independence. I was satisfied, from the examination I was able to give the subject, that the Emperor of Austria had violated the fundamental conditions upon which, for centuries, the originally independent Kingdom of Hungary had been attached to the Austrian Crown, and fell under the control of the House of Hapsburg. It was not a contest to establish republican institutions, according to our understanding of the term. I have no evidence of any such purpose. It was a war for national independence—a war justifiable on the part of Hungary, because the fundamental condition of union had been violated, and because that violation was obstinately persevered in—and, therefore, whether Hungary had intended to establish a despotic or free government for herself, I should have heartily wished for her success in the conflict. It was the cause of national independence, not of republican institutions, which Kossuth urged. I doubt very

much whether, in the whole struggle, the idea ever entered into his mind of a broadcast sowing of liberal principles and equal rights among his countrymen. He wished to establish an independent State and Nation under the supremacy of the Magyar race; leaving the Slavonians and other inferior castes to occupy the position that they had before occupied when the kingdom was connected with Austria. That I think is what he wished. It is a mistake, therefore, it seems to me, to suppose that Kossuth, in his struggles in Europe, was the imbedment of the principle of American freedom—freedom as we understand it. A country may be absolutely independent, and yet thoroughly despotic. Such is Russia. A country may be absolutely independent, and entirely aristocratical or absolutely independent and thoroughly Democratical. The interior regulations by which the public authority is distributed and the rights of the citizens are secured, are totally distinct from the position which in external relations makes the state or sovereignty independent. I am willing to admit that Kossuth represents a high principle—the principle of national independence, but not that of republicanism. When this subject is carefully considered, I think it will be found that the whole of it resolves itself into this: that Kossuth was expected or invited here as an emigrant—he came as a political emissary; and the question is, whether there is anything in our past history—in our present condition, in our present purposes, or our future prospects, which should induce us to pass a resolution of this kind in favor of one coming amongst us in that character and under such circumstances.

It has been said that his proceedings in Hungary were like those out of which sprang our own Declaration of Independence, and our State constitutions—our demands, originally small, growing larger as we advanced in strength. This, I think, is a mistake. Our fathers did not increase their demands on the British Government from time to time. They preferred a claim at once for all the rights of Englishmen—the rights which their ancestors enjoyed in England and brought here. They demanded no more. Although my friend from New Jersey [Mr. STOCKTON] seemed to suppose that Englishmen, as such, have no rights, our revolutionary fathers claimed before the Declaration of Independence no rights but the rights of Englishmen. It was an invasion of their birth-right as English subjects of which they complained. For years they solicited the Crown and Parliament to maintain or restore to them their ancient rights, and when these solicitations had proved ineffectual, then, as a last resort, they flew to arms and declared themselves independent. They scarcely waited an hour after that declaration before the several States formed constitutions for themselves; and what do they embody in them? The principle of English freedom—such as the *habeas corpus*, and the trial by jury; the liberty of speech and of the press; and when they came to frame their own declarations of rights, where did they resort for the materials out of which they were to be framed? Did they not resort to that very England? Assuredly they did. They struck off the external form of monarchy, and they provided by republican forms for the security of their rights—the civil rights which they had enjoyed as Englishmen, but which, in consequence of the changes of time, had become insecure or threatened by their connection with that country. They did not begin by making small demands, and hypocritically reserving to themselves until they acquired more strength the whole of what they required. All they asked at all, they asked at first. They asked the rights of Englishmen, as they understood them—as they had enjoyed them—as long as hope of success remained, and when that hope was over, they declared themselves independent, and provided, by republican constitutions, security for themselves. That is what they did.

There is therefore, so far as I can see, nothing in our history, or the history and present position of Kossuth, which should induce us to pass this resolution. But if we do pass it, I am totally unable to perceive why gentlemen should object to the amendment which my friend from Georgia proposes, to include the associates of Kossuth in the same welcome with himself. If we are to welcome the one, why not welcome the other? Is it because the associates of Kossuth have made no political speeches that we will leave them out?

Shall he be selected for this honor because, instead of landing on our shores quietly, as they have done, and enjoying the hospitality, he has occupied his time in inflammatory addresses to the people? Is this a reason why he should be singled out from his fellows in captivity, and have alone this distinguished honor? Whatever we do for the one, in the way of honor and compliment, let us do for all. In my judgment, the American Congress would act wisely to do no such thing as is proposed by this resolution in respect to any of the parties; but if to one, then surely to all alike.

Mr. President, I wish not to be misunderstood about this matter. I would be far from offering any indignity to the distinguished man who has come upon our shores. Far, very far be it from me to do so. He who is the victim of oppression, he who has fallen in a contest nobly maintained for the maintenance of national independence, and seeks our shores, I would always receive with the most cordial feelings. He may forfeit them by his subsequent conduct; he may forfeit them by showing that he brings a restless spirit with him, which is incompatible with the security of any State; but my first impressions must always be decidedly and heartily in his favor. In making these remarks, I have merely given my reasons for declining to vote for the passage of the resolution; and for deeming it eminently proper, if it passes at all, that the amendment proposed by the honorable Senator from Georgia should be attached to it.

Whatever may be the state of public opinion at present—excited, strongly and naturally excited, as the people now are—a calmer moment will ere long arrive. And if this resolution shall be adopted, I believe that at no distant day the whole American people will understand the character, and tendency, and consequences of this resolution—they will understand that, in the circumstances which surround us and give it significance, there is a great deal more implied than empty compliment or honorary gratulation; a great deal more than we can do in consistency with our past history, and with a just regard for our own interests and future peace and welfare.

Mr. FOOTE, of Mississippi. I wish to call the attention of the Senate, and of the Senator from North Carolina [Mr. BADGER] especially, to what I know he is as familiar with as any other man in existence—to one of the amendments to the Constitution of the United States, which reads as follows:

“Congress shall make no law respecting the establishment of religion, for prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances.”

I suppose that under that clause no one can doubt the right of the people peaceably to assemble. The right of freedom of speech is also fully secured. Therefore it seems to me that any gentleman, especially such an individual as this, invited to our shores and brought in a national vessel, might at least make a public speech without being denounced as a political emissary. I think he might be allowed to reply in a decent and proper manner to the addresses made to him by other persons. I venture to say that my friend from North Carolina, if he will look into the public prints of New York, will find that the demeanor of this gentleman since his arrival here has been modest, dignified, and judicious; that he has shown no intermeddling spirit; that he has not agitated against our institutions, but that under the most extraordinary tests he has manifested a disposition not to interfere in the least possible degree with domestic questions of any kind. He has said expressly that his mission is in behalf of his own country, and that he should deem himself disgraced if he were to utter or write a single word which could possibly be misconstrued to an intention on his part to interfere in our domestic concerns. These are the facts of the case. His speeches are all of one tenor and character. Yet the gentleman seems to conceive that in consequence of certain acts of Governor Kossuth, he is justified in denouncing him as an emissary. He cannot certainly be both an emissary and an emigrant. The gentleman's knowledge of philology has not, I think, been exactly as accurate on this occasion as it usually is. If he is an emigrant to this country, how can he be an emissary? We know that he is not an emigrant, because in England he took occasion to inform the whole civilized world that he came here as a

visitor for legitimate purposes. How can the gentleman call him an emissary when he has not been sent? The word emissary is derived, as we all know, from two Latin words—the preposition *ex* and *mitto*, to send. Who sent him? I understand him to come here *ex sua voluntate*, to some extent. We declared the consent of the people—yea more than their consent—that he should come and receive hospitable entertainment from us, and interchange sentiments with us upon those questions on which every lover of freedom must feel an intense interest.

Although I entertain sentiments of the greatest respect for my friend from North Carolina, [Mr. BADGER:] although there is no one whom I esteem more highly, yet I must say that he has uttered doctrines this morning which, if carried to their full extent, would make this the most absolute despotism in the world, break down the freedom of speech which we now possess, and lead to such violent and despotical proceedings as have outraged our sensibilities in republican France, and goaded the French people once more to the brink of civil revolution. I know the gentleman did not contemplate anything of the sort, but such would be the result of his doctrine. He seems to intimate that some interference should take place to prevent the speeches now being made by Governor Kossuth, which, in my opinion, are decorous, and modest, and eloquent. Certain portions of the American people have freely and voluntarily assembled, not only for the purpose of hearing him speak, but for the purpose of constraining him to speak by addresses delivered to him. This the gentleman seems to consider a great public grievance, and out of this he conceives great mischief is presently to flow. He seems to think that if this is allowed, it may have an injurious effect on the public quiet of the country, and tend to jeopard our free institutions.

The gentleman will allow me to say, in conclusion, that I would rather have traveled five hundred miles, on one of the hardest trotting horses in Christendom, without cessation and without sleep, and have submitted to all the discomforts that could possibly be experienced by a traveler under such circumstances, than listened to such an harangue from a gentleman whom I admire and love so much.

Mr. BADGER. It is one of the ordinary dexterities of accomplished debaters, among whom everybody knows the Senator from Mississippi occupies a high station, to put into the mouth of an adversary, language which he has not used. I have neither said nor intimated that I think Governor Kossuth should be arrested in his course of speeches.

Mr. FOOTE. I understood the gentleman to complain of the speeches now being made by Governor Kossuth, and to say that such speeches were dangerous, and to intimate clearly, that in his opinion, some steps ought to be taken, either positive or negative, to arrest him in what he deemed to be his mischievous course of proceeding. I suppose that the honorable gentleman meant that we should use the moral influence which would necessarily grow out of a refusal to do him these honors at the present time, and nothing more.

Mr. BADGER. I said nothing of the kind; and I said nothing from which anything of the kind could be inferred.

Mr. FOOTE. Did not the honorable Senator speak of moral sedition?

Mr. BADGER. I said nothing about moral sedition. I said this, and I will repeat it, that when I am called upon to give a vote of thanks to a foreigner who lands upon our shores, if I find him engaged in making political harangues to our people, the avowed object of which is to commit them to a course of conduct that may involve us in bragadocio toward a foreign Government, or in foreign war, that is sufficient reason with me to refuse that vote. I said that while the law of the land forbids any steps being taken for the purpose of organizing or setting on foot any such forcible interference with foreign States, it is not to my mind an entirely innocent thing for a foreigner to attempt to commit our people to the accomplishment of such an object by previous declarations.

That is what I said, and what I thought.

Mr. FOOTE. Did not the gentleman say at that point of his remarks, that the incipient step by inflammatory addresses which might lead to such a result was, in his judgment, highly censur-

able, and calculated to have a mischievous tendency, which, in his opinion, should be counteracted?

Mr. BADGER. I used no word of the kind. I said that if the law forbade the ultimate accomplishment, the incipient steps could not be innocent, whether punishable or not. I said nothing about inflicting punishment. I was assigning reasons why I could not vote for the resolution. It may seem very extraordinary to the Senator from Mississippi, but he must pardon me for saying, that with all my respect for and deference to him I must be governed by the exercise of my own judgment. The Senator gets up and reads an amendment to the Constitution about the liberty of the press and the liberty of speech. I have impugned neither right.

A short time ago we had another political emissary in this country. If the honorable Senator dislikes the name of emissary, he may dignify him with the name of missionary. We had a Mr. Thompson, a member of the British Parliament, coming over here exercising the liberty of speech, going about addressing public meetings in the New England States, endeavoring to stir up sectional feelings between different portions of the United States.

Mr. FOOTE. He was intermeddling with our domestic institutions.

Mr. BADGER. Undoubtedly.

Mr. FOOTE. Governor Kossuth has not done this.

Mr. BADGER. Certainly not.

Mr. FOOTE. Therefore the cases are not alike.

Mr. BADGER. The cases are not the same, but they may nevertheless be alike. If he who comes here to stimulate us to a domestic war is blameable, I think he who comes here to instigate us to a foreign war may be likewise blameable. It is the difference between "same" and "alike." The two cases are not the same, but they are in one respect alike.

I do not undertake to say whether Thompson could have been prosecuted and punished for anything he said. The Government of the United States has no sedition law, therefore, that would depend entirely on the laws of Massachusetts, and the other States, in which he made those flagitious appeals. Still, I have no hesitation in saying that I consider the conduct of that man as a great indignity, as a brutal insult, and as an infamous transaction on his part. When I say that, I do not intimate that he should be put in the pillory and whipped, because he made these speeches.

I am called upon here to give a vote in favor of this resolution, which, it seems to me, must be understood by the world as indicating that we approve the course Kossuth is pursuing, and the object for which he came. I do not approve of the course he is pursuing. I do not sanction the object for which he came; therefore, I will not, directly or indirectly, place myself in a position in which it can be attributed to me that I approved of it.

I am very sorry that my friend from Mississippi has such an idea of the character of my speech.

Mr. FOOTE. I thought it a very good one.

Mr. BADGER. We who have been here for the last four or five years have heard him characterize one hundred speeches in the same way. I have noticed that if any one makes a speech against any ground which the Senator from Mississippi supports, particularly if he makes a pretty good speech—that is, a speech which has any sense or reason in it, and which it is not so very easy for him to answer, he gets up and expresses his perfect astonishment and horror at hearing such barbarous, monstrous, and preposterous doctrines advanced, (laughter,) and declares that he would rather travel five hundred miles on a hard trotting horse than listen to him. (Great laughter.)

Mr. SEWARD. Mr. President: Under an expectation that the first part of the amendment proposed by the honorable Senator from Georgia [Mr. BERRIEN] would secure some favor to this resolution, which it might otherwise lose, I yesterday intimated that I would give it my support. But discovering now that no such advantage is to be gained, I beg leave to recall what I then said. I shall vote with the original friends of the measure against the amendment.

I will suppose now that the opposition made to this resolution is effective. I will suppose that the measure is defeated. Let us look to the con-

sequences beyond. What are they? Kossuth, admitted here to be the representative of the down-trodden constitutional liberties of his own country, and the representative of the up-rising liberties of Europe, shakes from his feet the dust that has gathered upon them on American shores, and returns to the Eastern Continent—returns upon a point of honor with the United States of America, and therefore, in a practical view, returns as he will say, and those devoted to his cause will say, repulsed, driven back. Where, then, sir, shall he find welcome and repose? In his own beautiful native land, at the base or on the slopes of the Carpathian hills? No! the Austrian despot reigns absolutely there. Shall he find it in Germany, east or west, north or south? No, sir; the despot of Austria and the despot of Prussia reign absolutely there. Shall he find it under the sunny skies of Italy? No, sir; for the Austrian monarch has crushed Italy to the earth. Shall he find it in Siberia, or in the frozen regions of the North? No, sir; for the Russian Czar, who drove him from his native land and forced him into exile in Turkey, will be ready to seize the fugitive. The scaffold awaits him there.

Where shall he go? Shall he seek protection again from the sceptred Turk? The Turk would say, You have eaten my salt as a voluntary captive, and I sheltered you until you left me under the seductions of the Republic of the United States. If you come now, the laws of my country and of my God will not oblige or allow me to hazard the peace of my own people again to extend protection over you. Where, then, shall he go? Where else on the face of broad Europe can he find refuge but in the land of your forefathers, in Britain? There, God be thanked, there would be a welcome and a home for him. Are you prepared to give to the world evidence that you cannot receive the representative of liberty and republicanism, whom England can honor, shelter, and protect?

But, Mr. President, will this transaction end there? I fancy that I see the exile winding his lonely way, with downcast looks, along the streets and thoroughfares of the great metropolis of Britain and the world, forsaken and abandoned, but not forgotten. Will it end in that? No, sir. Beyond us, above us, there is a tribunal, higher and greater than the Congress of the United States. It is a tribunal whose existence and jurisdiction and authority we have acknowledged, and to whose judgment-seat we have already called the Turk, the Austrian, and the Russian, to account for their action in regard to Hungary and to Kossuth. It is the tribunal of the public opinion of the world—the public opinion of mankind. Sir, that tribunal is unerring in its judgments. It is constituted of the great, the wise, and the good of all nations—not only of the great, and wise, and good who are now living, but of the great, the wise, and the good of all ages. Before that tribunal, States, great and small, are equal. Aye, before that tribunal the proudest empire is equalled by its humblest citizen or subject. Yes, the Indian and the serf are equal there to the American Republic and to the Russian Empire. I know no living man entitled by the consent of Christendom to preside in that august tribunal. But there is a venerable form that seems to rise up before me, and all the congregated nations and people deferentially make way as he advances and takes the judgment seat. It is the shade of Franklin. And there I see the parties opposed. On the one side stands Hungary, downcast and sorrowful, but she is surrounded by the people of many lands, who wait her redemption and their own. On the other side I see the United States of America, sustained—most singular conjunction!—by the youthful and impatient Bonaparte, the sickly successor of the Romans, and the Czar of all the Russias. I hear the impeachment read. It is, that the United States have dishonored and insulted the unfortunate representative of unfortunate Hungary; that they found him a captive in Asia Minor, under the protection of the Turk, but subjected to the surveillance of the Russian Tyrant; that they addressed to him words of sympathy and hope, and that they brought to the doors of his captivity a national vessel, with their time-honored flag, and bade him to come upon its deck and be conveyed to a land of constitutional freedom—a land where the advocates and champions of universal liberty were sure to enjoy respect and sympathy and fraternal welcome; and that when they had so seduced him

from a place of obscurity but of safety, and had thus brought him to their own shores; and when he stood waiting there for one simple word of welcome, one simple look of recognition, they turned away from him, spurned him from their presence, and cast him back upon the charities of Christian or Turk, in whatever land they might be found.

That is the impeachment. And the United States hold up the right hand and answer, "Not guilty." I see the books of testimony opened on behalf of Hungary. Here they are. A resolution of the Congress of the United States of America, passed in the year 1850, tendering the hospitalities of the nation, and the use of a national ship, to Louis Kossuth; then the message of the President of the United States, in 1851, calling upon Congress to say what shall be the ceremonial of receiving him who has been brought here under their authority; and then the record of this Senate, that upon a division of its members, a resolution of welcome was rejected. That constitutes the case on the part of Hungary. Sir, the United States appear in that august tribunal by learned and eloquent defenders and advocates. I see there my ardent and enthusiastic young friend from Alabama, [Mr. CLEMENS,] and the candid and learned Senator from Kentucky, [Mr. UNDERWOOD,] the impulsive and generous Senator from Georgia, [Mr. DAWSON,] the very learned and astute advocate who has just taken his seat, [Mr. BADGER,] and, lastly, he who holds the first place in our veneration of living Senators, save only one, (Mr. CLAY,) the honorable Senator from Georgia, who is now absent, [Mr. BERRIEN.] I listen to the long, elaborate, and earnest defence which they make against this impeachment. Hungary declines to reply; and Kossuth, the orator of modern times, upon whom she leans for support, for the first time overcome by a sense of cruel insult, is silent, dumb.

The defence is weighed by that august shade, in whose placid countenance I read at once the sagacity of the lightning hunter and the common sense of Poor Richard. "You say, that your invitation to the Magyar 'justified on his part and on the part of Hungary no expectation of a welcome.' How, then, came Kossuth, how came Hungary, how came the world, how came you, how came your President to misunderstand the invitation which was addressed to the exile? When did you first revise your diplomacy to ascertain to what extent you might abridge the hospitalities to which you had invited him? Not until you were committed before the world. You say that 'Kossuth was invited to be a resident, to become a citizen of the United States, and that he came, on the contrary, as a transient guest.' Grant it; what then? Is a welcome less due to him whom you have invited as a perpetual guest, when he comes to thank you and decline the courtesy, than if he had accepted it and become a perpetual charge upon your hospitalities? You say that the honors to Kossuth 'were moved in your Senate by ambitious aspirants for place and distinction.' Has, then, my country degenerated so much that there are no true, genuine patriots in the Senate of the United States who could lead that illustrious body in the discharge of so great a national obligation?

You plead that the Hungarian chief 'was a noble by birth, an aristocrat by education and association, and that he had devoted himself in an effort not to disseminate the spirit of universal liberty, but to fortify the privileges of the Magyar race?' If that be so, did you not know it when you invited him? If you did not, how can you justify your ignorance of a character that was blazoned to the world? But it is not true. Kossuth's first public action in early youth, was an effort, through the Hungarian Diet, to extend equal privileges of representation, of suffrage, and of taxation to all the people of Hungary, without distinction of rank, or cast, or race. For his fidelity to the great cause of human equality and freedom he was imprisoned three long years in a dungeon in the castle of Buda by the hand of the Austrian despot. When he came out from that captivity, he commenced that career of agitation for the restoration of the constitution of his country, which ended with success in the year 1848. When he had wrung that charter from the Emperor of Austria, his constitutional king, the first exercise of Hungarian authority by the Legislature which he directed, was an act which abolished all the feudal tenures, that

brought land within the reach of all, and put the Croat, the Waldachian, the Illyrian, the Jew, and the Magyar upon the same platform of equality before the law, equality before the government, equality in representation, equality in suffrage, and equality in enduring the burdens of government. It was for this that he was hunted from his native land and came an exile to your shores. Who pursued him there with reproaches of falsehood to freedom? Not the Jew, the Croat, or the Slave, but the tyrant of Austria, who has reduced all the people of Hungary, of whatever rank or race or cast, to the level of slaves.

You say that you were willing to give Kossuth a welcome, but that he demanded more. How did you know that he 'demanded more?' How did you learn that Kossuth demanded more than a cordial welcome? Where did he ask of you even so much as a welcome? Was it in your capital? To whom did he address his extravagant and offensive reclamation? Was it to your President? to your Ministry? to your Congress? No; all alike refused to receive him, refused even to hear him speak, and yet you say he demanded too much. You closed his mouth before he had time to tell you what he thought, and what he wanted, or whether he wanted anything. But you reply he was overheard to say that he expected arms, men, money, 'material aid, and intervention.' Overheard? What! did you deliver Kossuth from Russian surveillance in Turkey to establish an espionage over him of your own? Shame! shame to the country that so lightly regards the sanctity of the character of a stranger and an exile. But you say that he would have demanded intervention. Suppose he should? Would you have been less able to have met that unreasonable demand after having accorded to him the exact justice which was his due, than you are now when you have done him injustice, and thus clothed him with the sympathies of your people and of mankind! But you aver that he spoke irreverently of your authority: he was overheard to say, in the outgushing of his gratitude to the generous people who received him on Staten Island, that the people were the sovereigns of the government of the United States? and you cannot pardon that offence. What if he did say that? Are not the people the sovereigns of the Government of the United States? Which one of your Senators or Representatives dare deny in his place that the People are his sovereigns? But you say that you had a precedent; that you once took offence at a Minister of France who assumed the same position. You refer to Genet. But there is no parallel. Genet was a minister of a Government actually hostile, almost belligerent. He was in negotiation, and his demands were denied. He took an appeal from the decision of your Government to the people. But Kossuth is no minister. He is your guest. He went to you not to negotiate, or to demand a right. He went by your invitation to enjoy your hospitality. You have decided nothing against him. He submitted no appeal. I do not say that you ought to have granted intervention had it been demanded. But I do say this, that the Hungarian would have demanded no more of you than, in a strait less severe than his, I solicited and obtained for the United States of America from the Bourbon of France. Could you not have pardoned him for asking what you had once asked and obtained for yourselves? Was it so great a fault in him to suppose that now, in the day of your greatness, prosperity, and power, you might not be unwilling to do for Hungary what, in the day of your infancy, poverty, and weakness, France had done for yourselves? You say you stand upon precedent. Precedent? By whom established? By yourselves. Was Hungary concluded by such a precedent? And what precedent? The precedent of the reception given to Lafayette? Was not even that reception grudgingly given by the Congress of the United States? If the ashes of Lafayette could be reanimated, and he could present himself again upon your shores, would you not now willingly accord him a greater than the welcome he before received at your hands?—a welcome, such as it was proposed to give to Kossuth? Wherein does the parallel between Kossuth and Lafayette fail? Lafayette began his career as a soldier of liberty in the cause of your country; but he pursued it through life in an effort to establish a republic in his own beloved land. Kossuth found the duty which first devolved upon him was to

wage a struggle for freedom in his own country. When overborne there, he became, like Lafayette, a champion of liberty throughout the world. You say that the Russian might have taken offence. Is America, then, brought so low that she fears to give offence when commanded by the laws of nature and of nations? What right had Russia to prescribe whom you should receive and whom reject from your hospitalities? Let no such humiliation be confessed.

Thus in the tribunal of the public opinion of mankind, all our pleas are disallowed. We have exposed ourselves to the censure—I will not say to the derision, of the world.

It is said, Mr. President, that there is danger of intervention if we accord these honors; that intervention will follow them. No, sir; it is not a question of intervention future, but of intervention past! There has been intervention already. Russia has intervened and Hungary has fallen by that crime. Kossuth is an exile upon our shores in consequence of it. What we have done already, was by manifesting our sympathy for him, to express our abhorrence of the intervention of Russia, which has worked so great injustice, and to rebuke and prevent such intervention hereafter. What do we now propose to do? To grant a welcome to Kossuth. It is but the fit conclusion of an action already near complete. I greatly fear that we do not understand our own interests in this great question. We cannot extinguish sympathy for freedom elsewhere, without extinguishing the spirit of freedom which is the life of our own Republic.

Again, sir, you may reject Kossuth; you may, if you please, propitiate despotic favor by trampling the exiles of all Europe under your feet. But what will you have gained? This Republic is, and forever must be, a living offence to Russia and to Austria, and to despotic powers everywhere. You will never, by whatever humiliations, gain one friend or secure one ally in Europe or America that wears a crown. It is clear that the days of despotism are numbered. We do not know whether its end is to come this year, or next year, or the year after; in this quarter of a century or in this half of a century. But there is to come, sooner or later, a struggle between the representative and the arbitrary systems of government. Europe is the field on which that struggle must take place. While the representative principle is gaining strength among the people, the power of Russia is seen to culminate. That struggle will be between Russia, whose power extends across the whole northern part of the Eastern Hemisphere, and all the people of southern and western Europe. If the Russian Autocrat prevail in that contest, we shall be left without friends or allies in the Eastern World. Is it wise to deny ourselves the benefits of alliances with States kindred in political interests and constitutions? Far otherwise; true wisdom dictates that we lend to European nations, struggling for civil liberty, all possible moral aid to sustain them until they can mature and perfect their strength for that great conflict, through which they are doomed to pass. The nations that we thus lawfully aid to raise up, will constitute a lasting and impregnable bulwark for ourselves.

Mr. RHETT. I do not rise to debate this question, although I might have thought of saying something. I rise merely to suggest to the Senate, that as we have had a very long discussion on this subject, and as the gentleman who offered the resolution has had an opportunity of replying to its opponents, we should now take the vote.

Mr. DODGE, of Iowa. I rise simply to say, that I have paired off with the Senator from Maryland, who has been called home this evening. But for that, I should vote against all amendments and for the original resolution.

Mr. HOUSTON. I wish to say that I have paired off with my colleague, [Mr. Rusk,] who is too unwell to appear to-day.

The question being taken on the first branch of the amendment of Mr. BERRIEN, that the welcome offered to Kossuth be extended to his associate Hungarian exiles, resulted—yeas 13, nays 27; as follows:

YEAS—Messrs. Badger, Borland, Butler, Clarke, Clemens, Dawson, Geyer, King, Morton, Spruance, Underwood, Upham, and Walker—13.

NAYS—Messrs. Bradbury, Bright, Brodhead, Cass, Chase, Davis, Dodge of Wisconsin, Douglas, Felch, Fish,

Foot of Vermont, Foote of Mississippi, Gwin, Hamlin, James, Jones of Iowa, Mallory, Miller, Norris, Rhett, Seward, Shields, Smith, Stockton, Sumner, Wade, and Whitcomb—27.

So it was not agreed to.

The question then being on the other branch of the amendment—

"But while welcoming these Hungarian patriots to an asylum in our country and to the protection which our laws do, and always will, afford to them, it is due to candor to declare that it is not the purpose of Congress to depart from the settled policy of this Government which forbids all interference with the domestic concerns of other nations"—

On motion by Mr. DAWSON, it was modified by substituting "this Hungarian exile" for "these Hungarian exiles," in consequence of the rejection of the first branch of the amendment.

The question being taken, by yeas and nays, on the amendment as modified, resulted—yeas 15, nays 26; as follows:

YEAS—Messrs. Badger, Borland, Butler, Clarke, Clemens, Dawson, Geyer, Hunter, King, Miller, Morton, Rhett, Spruance, Underwood, and Upham—15.

NAYS—Messrs. Bradbury, Bright, Brodhead, Cass, Chase, Davis, Dodge of Wisconsin, Douglas, Felch, Fish, Foot of Vermont, Foote of Mississippi, Gwin, Hamlin, James, Jones of Iowa, Mallory, Norris, Seward, Shields, Smith, Stockton, Sumner, Wade, Walker, and Whitcomb—26.

So the amendment was not agreed to.

Mr. SHIELDS. When this resolution was first introduced, I gave notice that I should move to substitute in place of it the resolution originally introduced by the Senator from Mississippi. I now move to amend by striking out all after the resolving clause of this resolution, and inserting:

That a joint committee of the two Houses of Congress, to consist of three members of the Senate and five members of the House of Representatives, be appointed by the presiding officers of the respective Houses to make suitable arrangements for the reception of Louis Kossuth, Governor of Hungary, on his arrival in the United States, and to communicate to him assurances of the profound respect entertained for him by the people of the United States; and to tender to him, on the part of Congress, and in the name of the people of the United States, the hospitalities of the Metropolis of the Union.

Mr. BORLAND. I move to amend the amendment by striking out all after the word "That," and inserting—

"The Congress, in the name and on behalf of the people of the United States, cordially sympathize with the people of Hungary in their recent laudable and heroic struggle, and in their present misfortunes; that it recognizes and cordially welcomes Louis Kossuth, late Governor of Hungary, and his associate exiles, who have recently landed on our shores, as worthy representatives of their country, and invites them to the capital, as guests of the Union; that it requests the President of the United States to receive and entertain them, in such manner as he may deem proper; and that the sum of — dollars be and the same is hereby appropriated and placed at the disposal of the President, to pay the expenses of the reception and entertainment of such guests during their sojourn at the capital."

I will not detain the Senate with anything like a speech on this subject. The Senate has already heard a great deal on the subject, and it has heard remarks more valuable and interesting than any I could make. I propose, in a few words, to state the reasons why I offer this amendment.

Mr. BUTLER. With the consent of the Senator, I will move an adjournment.

Mr. BORLAND. I give way for that purpose.

Mr. FOOTE, of Mississippi. I hope the friends of the measure will insist on coming to a final vote.

The PRESIDENT. The motion is not debatable.

Mr. BUTLER. I withdraw the motion, in order to make a single remark. If the proposition of my friend from Arkansas shall be adopted, I, and perhaps others, may desire to say something. I was very much in hopes that the resolution might have passed in the form proposed by the Senator from New York, without any call for the yeas and nays. I shall object to the resolution in any other form. Any other form of the resolution will lead to great division of opinion. I renew the motion to adjourn.

Mr. BORLAND. I would say to the Senator from South Carolina that I shall not occupy five minutes.

Mr. BUTLER. Then I withdraw.

Mr. BORLAND. I offer this resolution, as the only one for which I can vote under the present circumstances of the case. In paying this compliment to a distinguished foreigner, I wish to pay it in a substantial manner. I do not want to commit this Government to any course of policy which he may have indicated. This proposition

is simply to welcome him as a distinguished stranger, one who has rendered services to his country which have deserved the admiration of the world. Inasmuch as the President of the United States has called the attention of Congress to the subject of a reception, I am for carrying out the resolution of the last session. Then we submitted to the President the employment of a public vessel, and I am now for leaving the question of entertainment to his discretion. In the amendment, I propose to place a sum of money at the disposal of the President for that purpose. In this amendment I have styled Kossuth "the late Governor of Hungary." I have done so in accordance with the historic fact. He was Governor of Hungary. He voluntarily resigned that place to another, and therefore he is no longer Governor.

Mr. FOOTE. I know that the honorable Senator from Arkansas does not intend to insult the gentleman whom he calls "the late Governor of Hungary," but who calls himself the Governor of Hungary in his last speech. He is recognized, I think, by the lovers of liberty throughout the world as virtually the Governor of Hungary—as the Governor *de jure* though not *de facto*. I am satisfied that there is no intention to insult the gentleman by calling him the late Governor of Hungary, and by proffering to him pecuniary aid in the manner proposed; but I beg leave to call the attention of my friend, to the fact that, speeches have been recently made by Governor Kossuth in New York, in which he expressly declares his entire unwillingness to receive the sort of entertainment proffered by the amendment. I must say in addition that, as I am a democrat and a strict constructionist, I doubt our power to do anything of the kind in the form now proposed; and I am assured of one thing, we should dishonor Governor Kossuth, and the cause in which he is engaged, by the adoption of the amendment.

Mr. RHETT. I shall vote for the simple resolution of the Senator from New York, and shall vote for none of these amendments. If the friends of the measure want a large vote in its favor they had better stand to the simple proposition of the Senator from New York.

Mr. DOUGLAS. I would suggest to the Senator from Arkansas that his substitute will be accompanied by one very great embarrassment. Under the rules of the other House, every appropriation of money must be referred to the Committee of the Whole, and go on the calendar in its regular order. If, therefore, we send the proposition to the House with an appropriation of money in it, we shall delay action there. I shall, therefore, vote against it.

Mr. BORLAND. I have no objection to striking from the amendment that portion of it making an appropriation of money. It has seemed to me, however, that if we undertake to do a thing we should provide means of doing it. How are we to treat Kossuth and his associates as the guests of the nation without some expense?

The Senator from Mississippi [Mr. Foote] objects to calling Kossuth the late Governor of Hungary. I call him so, in accordance with the historic fact. The only history which I have seen, which gives a reliable account of the Hungarian struggle, is the book of Dr. Naphegyi, which, it has been stated, has been submitted to Intelligent Hungarians, who have pronounced its statements correct. He was a great friend to Kossuth and to Hungary. He there asserts, as a historical fact, that Kossuth did yield his Governorship to Görgy, the individual who betrayed his country and delivered it up to Austrian power. Kossuth constituted, as far as he could, Görgy the Dictator of Hungary, and with the power thus conferred, he abandoned the battles which had been begun, and delivered his country into the hands of Austria. Kossuth voluntarily resigned the office of Governor, and therefore it is that I have called him the late Governor of Hungary. I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered; and the amendment to the amendment was rejected.

The question recurred on the amendment of Mr. SHIELDS.

Mr. CHASE. Mr. President, I had desired to express my views upon the subject which has occupied so much of the time of the Senate, but I have been for action, and prompt action. I have known well that every word uttered in this body on that subject has delayed action, and thus im-

paired the value of any action that we shall take. I shall vote with very great reluctance against the proposition submitted by the distinguished Senator from Illinois. I shall vote against it for the reason, amongst others, which has governed me in voting against all other amendments, viz: that the proposition of the Senator from New York is simple, fit, and adequate. It expresses the sentiments of the American people in reference to our distinguished guest, and I know of no form of expression by which we can add to its force, and none which will not impair its simplicity. I must therefore vote against this proposition. Whilst I do it for that reason, and should consider that reason of itself sufficient, we know that when the distinguished benefactor of America, Lafayette, was received by Congress, a joint resolution was proposed and a joint committee was raised, and that joint committee reported that it was impossible for the two Houses to act jointly. If, then, the proposition of the Senator from Illinois be adopted, it may result in a similar report, and thus still further delay the action which the occasion, and all the circumstances of the occasion, so imperatively demand should be prompt, frank, and generous.

Mr. SHIELDS asked for the yeas and nays on his amendment.

The yeas and nays were ordered, and being taken, resulted—yeas 16, nays 22, as follows:

YEAS—Messrs. Bradbury, Bright, Brodhead, Cass, Dodge of Wisconsin, Douglas, Felch, Foote of Mississippi, Gwin, Jones of Iowa, Mallory, Norris, Shields, Stockton, Walker and Whitcomb—16.

NAYS—Messrs. Badger, Borland, Chase, Clarke, Clemens, Davis, Dawson, Downs, Fish, Foot of Vermont, Hamlin, Hunter, James, King, Miller, Morton, Rhett, Seward, Smith, Spruance, Sumner, Underwood, and Wade—22.

The joint resolution was then reported to the Senate without amendment.

Mr. UNDERWOOD asked for the yeas and nays on the question of ordering it to be engrossed for a third reading.

The yeas and nays were ordered, and being taken, resulted—yeas 33, nays 6, as follows:

YEAS—Messrs. Bradbury, Bright, Brodhead, Cass, Chase, Clarke, Davis, Dodge of Wisconsin, Douglas, Downs, Felch, Fish, Foot of Vermont, Foote of Mississippi, Gwin, Hamlin, Hunter, James, Jones of Iowa, King, Mallory, Miller, Norris, Rhett, Seward, Shields, Smith, Spruance, Stockton, Sumner, Wade, Walker, and Whitcomb—33.

NAYS—Messrs. Badger, Borland, Clemens, Dawson, Morton, and Underwood—6.

The joint resolution was then read a third time and passed.

RECESS.

On motion, it was ordered, that when the Senate adjourns it adjourn to meet on Monday next.

On the motion of Mr. HUNTER, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened, and the Senate adjourned.

IN SENATE.

MONDAY, December 15, 1851.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. BELL presented the credentials of the Hon. JAMES C. JONES, elected a Senator of the State of Tennessee for six years from the 4th March, 1851. The oath having been administered, Mr. JONES took his seat.

Hon. WILLIAM K. SEBASTIAN, from the State of Arkansas, appeared in his seat.

PETITIONS.

Mr. DOWNS presented the petition of Joseph A. Barelli, praying that the Secretary of the Treasury may be authorized to issue a register to the brig Ada, late the British brig Josephine; which was referred to the Committee on Commerce.

Also, the petition of the Italian Mutual Benevolent Society of New Orleans, praying that certain marble to be used in the construction of a tomb or monument for the reception of the mortal remains of the members of the Society may be imported free of duty; which was referred to the Committee on Commerce.

Also, the petition of Jehiel Brooks, praying authority to sue the United States for damages sustained by him in defending his title to certain land against a suit brought against him by the United States under false representations; which was referred to the Committee on the Judiciary.

Mr. RHETT presented the memorial of George Hervey, agent for the owners and consignees of

the English ship James Mitchell, praying the payment of a sum of money due under an act of Congress, and retained in the Treasury of the United States; which was referred to the Committee on the Judiciary.

Mr. GWIN presented the petition of Ursula E. Cobb, widow of Charles Cobb, late a gunner in the Navy, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BRIGHT presented the memorial of the executrix and securities of Benjamin F. Hart, deceased, late a purser in the Navy, praying that his accounts may be cancelled on the books of the Treasury; which, with their memorial and papers on the files of the Senate, was referred to the Committee on Naval Affairs.

Mr. BRADBURY presented the petition of Nancy Wright, widow of an officer in the revenue service; which, with the papers on file, were referred to the Committee on Pensions.

Mr. FELCH presented a resolution passed by the Legislature of the State of Michigan, in favor of the construction of a ship canal around the Falls of the Ste. Marie; which was referred to the Committee on Commerce, and ordered to be printed.

Also, a resolution passed by the Legislature of the State of Michigan, requesting the Senators and Representatives of that State in Congress to use their exertions to procure the repayment of the money expended by her in furnishing volunteers for the Mexican war, and the expenses incurred in defending her territorial boundary as established by Congress before her admission as a State into the Union; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HALE presented a petition of B. F. Palmer and several others, citizens of Philadelphia, exhibitors of articles at the late Industrial Exhibition held in London, praying that an appropriation be made to pay the expenses incurred by citizens of the United States for the transportation and display of goods at the Industrial Exhibition at London; which was referred to the Committee on Patents and the Patent Office.

Mr. FOOTE, of Mississippi, presented the memorial of Mary Walker, widow of George W. Walker, late Paymaster of the Marine Corps, praying to be allowed the traveling expenses of her late husband in the settlement of his accounts; which was referred to the Committee on Naval Affairs.

The PRESIDENT *pro tempore* presented the petition of William M. Lapsley, receiver of public moneys at Cahaba, Alabama, praying compensation for services in making entries of land under bounty land warrants.

Mr. JONES, of Iowa, moved to lay it on the table, as the committee had made a report on the subject; which motion was agreed to.

Mr. DODGE, of Wisconsin, presented the memorial of William Butler, praying to be allowed a pension on account of injuries received in the naval service of the United States; which was referred to the Committee on Pensions.

Mr. MALLORY presented the memorial of John W. Simonton and others, owners of the Island of Key West, in Florida, praying indemnity in consequence of its occupancy by the United States; which was referred to the Committee on Naval Affairs.

Mr. GEYER presented the memorial of the Legislature of Missouri, praying a grant of land for the construction of the Lexington and Davies County Railroad; which was referred to the Committee on Public Lands.

Also, a memorial of the Legislature of Missouri, praying a grant of land for the construction of the Northern Missouri Railroad; which was referred to the Committee on Public Lands.

Also, a memorial of the Legislature of the State of Missouri, praying a grant of land for the construction of a plank road from Tully, in that State, to Bloomfield, in Iowa; which was referred to the Committee on Public Lands.

Also, a memorial of the Legislature of the State of Missouri, praying that an island in the Missouri river, opposite the town of Weston, may be granted for the improvement of the harbor and landing of that town; which was referred to the Committee on Public Lands.

Also, a memorial of the Legislature of Missouri, praying a grant of eighty acres of land to every free white citizen, being the head of a family and

not a land owner; which was referred to the Committee on Public Lands.

Mr. BRODHEAD presented a memorial of citizens of Pennsylvania, New Jersey and Delaware, praying the construction of piers and harbors in the Delaware river and bay; which was referred to the Committee on Commerce.

Also, a memorial of the heirs at law of Henry Miller, praying compensation for the military services of their ancestor in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. B. also presented the petition of Samuel C. Morton and twenty-eight other citizens of Philadelphia, praying Congress to provide for the erection of such piers and harbors in the Delaware river and bay as will afford shelter and protection to vessels, &c., navigating said river.

This petition (said Mr. B.) contains a brief but truthful statement showing the importance, if not the absolute necessity, for the appropriation therein asked. From the breakwater at the mouth of Delaware bay, to the city of Philadelphia, a distance of ninety miles, there is not a single safe harbor, in consequence of which valuable lives and large quantities of property are lost. According to the custom-house returns, there were twenty-seven thousand five hundred and fifty-five vessels entered the port of Philadelphia during the year 1850, and that from the first of January, 1830, to the first of January, 1851, the duties paid exceed \$59,000,000, and that but a comparatively small sum has been expended in improving said harbor. In view of these facts, he asked the early and serious attention of the Committee of Commerce to the subject. Referred to said committee.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. MASON, it was

Ordered, That the memorials and papers on the files of the Senate, relating to the claims of Roddy, Carter, and Jennings, be referred to the Committee of Claims.

On motion by Mr. MASON, it was

Ordered, That the petition of Asenath M. Elliott, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. BRADBURY, it was

Ordered, That the memorial of Walter Colton, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. FELCH, it was

Ordered, That the memorial of Ezra Williams, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. UNDERWOOD, it was

Ordered, That the documents on the files of the Senate, relating to the claims of William S. Waller, be referred to the Committee of Claims.

On motion by Mr. CASS, it was

Ordered, That the petition of General Robert Armstrong, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. DAWSON, it was

Ordered, That the memorial of Roger Jones, and the memorial of Margaret Hetzel, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. JONES of Iowa, it was

Ordered, That the petition of Harriet R. F. Capron, on the files of the Senate, be referred to the Committee on Pensions.

Mr. BRODHEAD submitted an additional document relating to the claim of Thomas Flanagan; which, with his petition on the files of the Senate, was referred to the Committee on Pensions.

NOTICES OF BILLS.

Mr. FOOTE, of Mississippi, gave notice of his intention to ask leave to introduce a bill granting to the State of Mississippi the right of way and a donation of public land, for the purpose of locating and constructing a railroad from Brandon to the eastern border of said State, in the direction of Montgomery, Alabama.

Also, a bill to reduce the price of the public lands lying south of the "Old Choctaw Line," in the State of Mississippi.

Mr. MALLORY gave notice of his intention to ask leave to introduce a bill to repeal an act entitled "An act concerning tonnage duty on Spanish vessels," passed on the 30th day of June, 1834.

Mr. BRADBURY gave notice of his intention to ask leave to introduce a bill for the ascertainment and satisfaction of claims of American citizens for spoiliations committed by the French prior to July 31, 1801.

Mr. HUNTER gave notice of his intention to ask leave to introduce a bill to provide for the compensation of such persons as may be designated by the Secretary of the Treasury to receive and keep the public moneys, under the 15th section of the act of August 6, 1846, for additional services required under that act.

Mr. UNDERWOOD gave notice of his intention to ask leave to introduce a bill to provide for the improvement of the dam at the head of Cumberland Island, in the Ohio river.

REPORTS OF STANDING COMMITTEES.

Mr. BORLAND. I am directed by the Committee on Pensions, to which was referred a bill for the relief of Mrs. Margaret L. Worth, widow of the late General Worth, to report back the same without amendment. I would ask, as it is a matter which will give rise to no discussion, and as the same bill passed the Senate last session, that it be considered now. I may state as a reason, what is known to many Senators present, that Mrs. Worth widow of the late gallant General Worth, is in very straitened pecuniary circumstances; and this bill provides relief for her and her family. It was passed at the last session without a dissenting vote, and failed in the House simply, I presume, for want of time. As it is not likely to give rise to any discussion, and as it is one of great merit, which every Senator will acknowledge, I ask that it be considered now.

Mr. RHETT. I object. It is, no doubt, a proper bill; but there is another matter which I am desirous should be taken up now.

Mr. BORLAND, from the Committee on Pensions, to whom was referred the bill granting a pension to Sally T. Floyd, widow of George R. C. Floyd, late a lieutenant-colonel in the Army of the United States, reported it without amendment.

Mr. B. also, from the same committee, to whom was referred the bill to revive a portion of an act for the relief of the widows of deceased soldiers, reported it without amendment.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the memorial of the heirs of Judith Worthen, deceased, reported a bill for their relief; which was read and ordered to a second reading.

Mr. J. also, from the same committee, to which was referred the petition of citizens of Niagara county, New York, in behalf of Stephen Warren, asked to be discharged from the further consideration of it.

Mr. SEWARD. It appears that that petition was referred, under an erroneous view of the nature of the case, to the Committee on Pensions. I do not object to the committee being discharged from its further consideration, but would move its reference to the Committee of Claims.

The motion was agreed to.

CALIFORNIA BRANCH MINT.

Mr. HUNTER, from the Committee on Finance, to which was referred a bill to establish a branch Mint of the United States in California, reported back the same with an amendment.

Mr. GWIN. I hope the Senate will indulge me in taking up this bill at this time. It has already passed the Senate once, and favorably reported upon unanimously by the Committee on Finance. It contains no appropriation of money. It only provides for the establishment of a branch Mint in California. I hope it will be considered now.

No objection being made, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the committee was to strike out the eighth section of the bill relating to the assaying office, and substitute in its place the following:

SEC. 8. *And be it further enacted*, That if required by the holder, gold in grain or lumps shall be refined, assayed, cast into bars or ingots, and stamped in said branch Mint, or in the Mint of the United States, or any of its branches, in such manner as may indicate the value and fineness of the bar or ingot, which shall be paid for by the owner or holder of said bullion at such rates and charges and under such regulations as the Director of the Mint, under the control of the Secretary of the Treasury, may from time to time establish.

SEC. 9. *And be it further enacted*, That so soon as the said branch is established in the State of California, and public notice shall be given thereof in the mode to be designated by the Secretary of the Treasury, then so much of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending 30th June, 1851, and for other purposes, as provides for the appointment of a United States assayer and the contracting for the assay-

ing and fixing the value of the gold in grain or lumps, and for forming the same into bars, be, and the whole of the clause containing said provisions, shall be hereby repealed.

Mr. HUNTER. This bill contains no appropriation. It simply provides for the establishment of a branch Mint in California. The bill as first introduced contained a provision for abolishing the present assaying office. That the committee did not adopt. They have substituted a provision to allow the holder of gold in grains or lumps to take ingots or bars at pleasure at such rates and charges as shall be appointed. In all other respects it is similar to the bill passed last year.

The amendment was agreed to, and the bill was reported to the Senate as amended, and the amendment concurred in.

Mr. BRODHEAD called for the reading of the section relating to the compensation of the officers.

After the reading of the bill had been proceeded with for a short time,

Mr. BRODHEAD said: I do not desire that the bill should be read any further. I understand that the salaries provided for in this are the same as those contained in the bill as it passed last session. I shall have no objection to it.

The bill was ordered to be engrossed for a third reading.

BILL INTRODUCED.

Mr. HUNTER, agreeably to previous notice, asked and obtained leave to bring in a bill to establish a Board of Accounts; which was read a first and second time by its title, and referred to the Committee on Finance.

WELCOME TO KOSSUTH.

A message was received from the House of Representatives, announcing that it had passed the joint resolution of welcome to Louis Kossuth.

In the course of the day the joint resolution was engrossed and signed by the Presiding Officers of the two Houses.

JOINT COMMITTEE ON PRINTING.

A message was received from the House of Representatives, announcing that Mr. GORMAN of Indiana, Mr. HAVEN of New York, and Mr. STANTON of Kentucky, had been appointed members of the Joint Committee on Printing.

CORRECTION.

Mr. FOOTE, of Mississippi. I rise to make a very short explanation. While I have been struck with the general accuracy of our Reporters this session, and the accommodating spirit which they have manifested towards myself and other Senators, yet I feel bound to state that it has happened that my hastily-delivered remarks made the other day, by way of explanation of one or two points raised by the honorable Senator from North Carolina, [Mr. BADGER,] were reported erroneously; and I rise for the purpose of correcting one of several mistakes. I hope the Reporters will not be pained at my saying that those mistakes would not have occurred if they had pursued their usual course—and the one which they are always bound to pursue—of bringing the report to the Senators before it is published in the papers. I do not censure them; but I regret that the necessity has arisen for making this explanation.

I will state what I am about to correct. The honorable Senator from North Carolina [Mr. BADGER] uttered certain general political doctrines to which I objected the other day. I am reported as saying "they break down the freedom of the press, destroy the freedom of speech, and after a while would lead to just such violent proceedings as have outraged the sensibilities of the so-called 'republican Government of France,'" &c.

I intended to be understood as saying, substantially, that they broke down the liberty of the press and destroyed the freedom of speech, and that while leading to just such violent proceedings as those adopted by the so-called republican Government of France, and which so outraged the feelings of the people of that country, &c. I rise more for the purpose of protesting, in this gentle and respectful manner, against the whole report made the other day, and with the view of giving this delicate and admonitory hint to the Reporters that they may always be kind enough to bring the report to me before it is published.

Mr. BADGER. I wish to say a word. I would not have said anything upon this subject, had not the Senator from Mississippi brought it up. Though I do not choose to enter into any

corrections, I would say that I noticed a number of mistakes in the remarks made by me the other day. They can, of course, only be avoided as suggested by the Senator from Mississippi, by giving Senators an opportunity of correcting.

[The report alluded to was not one published in the "Globe."]

THE COMPROMISE MEASURES.

Mr. FOOTE, of Mississippi. I hope the Senate will now take up the special order. I am informed at this moment that a gentleman who will go home to-morrow, or at some early moment, wishes to be heard upon the resolution which I submitted, and to reply to the few remarks I made the other day. For one, I am exceedingly anxious to accord him the opportunity.

The Senate proceeded to the consideration of the following resolution:

A Resolution declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it enacted, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her Northern and Western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, entitled to be recognized as a definitive adjustment and settlement of the distracting questions growing out of the system of domestic slavery, and as such, that said measures should be acquiesced in and faithfully observed by all good citizens.

Mr. BUTLER. Mr. President, I am very sorry that this debate has been suspended, because what I would have said last week would have been said in a very few words, and distinctly in reference to the topic before me. To resume and continue the debate now will not obviate the incidental injustice to myself and others, occasioned by so long a suspension. I went into the debate last Monday morning unexpectedly; that is to say, I spoke from information acquired only the day before. I had not seen any of the notices in the newspapers of the honorable Senator's resolution. I had not learned that they had been proposed in the Democratic caucus. Although, in some measure, I might have spoken from information thus acquired, my remarks were made mainly from views which I took of the subject whilst hearing the honorable Senator from Mississippi.

While I denounced his proposition as a mode of ratification of the compromise to which I had been opposed, I said not one single word, I made not a single allusion to his own State, or to himself, except, perhaps, of a political character, and that rather by implication than by any distinct expression. He was pleased to say I had come into the debate *inopis concilii*. I came into it, however, with nothing like *militia provocata*. I soon learned that I was contending with one who was conducting his movements with the concert and skill of political tacticians. But even regarding him as an organ confining himself to the views and purposes of himself and others, I might have felt little inclination or desire to continue and widen the debate. When, however, the gentleman enlarged the scope and aim of his remarks, and gave them such a direction that they could not escape me and others; and when he made allusions under a degree of excitement and passion for which I was not prepared, I had no alternative left but to make a rejoinder. They are allusions and remarks which cannot escape myself, in connection with the measures he has brought up for ratification, as a representative of the State of South Carolina. He knows as well as any man upon this floor, how painful it is to me to have anything like an occasion to participate in a debate of this kind. There are incidents in our lives which he knows very well make this painful to me. I must, however, discharge my duty, and I hope I shall do so in such a manner that, whilst I may show to the gentleman that "he who lives in a glass house should not throw stones," I may also endeavor to vindicate myself from some of the allusions and remarks which were intended to reach me. When I saw the gentleman, with so much deliberation, draw from his quiver

arrows that had been laid aside for a contest for which I was not prepared, I confess that I then looked with surprise as well as concern upon the course which the debate was likely to take.

If the gentleman had satisfied himself with simply avowing that he intended to put the seal of approbation upon the compromise measures, I might not have had cause to complain so much. If he had contented himself with being entirely silent as regards the effect which his resolution would have upon those who opposed it, I might not, perhaps, have been altogether satisfied, but I would not have taken material exceptions. But he went much further, and not only bestowed applause and commendation upon the cherished compromise measures, but turned round and fired on the camp of his former comrades. My duty to that camp, deserted as it has been, requires me to vindicate its history and the conduct of those who are connected with it. Under the cover of the proposition now before the Senate, there seems to be a double aim—to make a new platform for the security of some, and to expose others who are not willing to be forced from their original position; and this, too, in a manner unprecedented in the legislative history of this country, or any other. It is a mode of ratification of what is regarded as a popular measure by certain politicians—of course not so much for their own advantage as for the good of the whole country—not to give up to party what is meant for mankind. I may take a different view of the matter. Instead of quieting agitation and restoring harmony, this proceeding will sow the seeds of discord among those who have a common interest to defend the rights of the States, especially the Southern States, which are alone in danger, and which must be doomed if their true friends suffer party organizations to divide and destroy them. This measure is to be an ark for the elect of the land to be saved from the great deluge that may be coming over us. I suppose politicians will go into it by pairs, of different kinds, to make an improvement by amalgamation,—as Mr. Burke said of a similar class, a Mosaic-work, "here a black piece, and there a red one," &c. The benevolent plan is to put to the sword all who are to be excluded from the ark, or who cannot be admitted into it by a party passport.

I know that the honorable Senator said that his resolution originated in an enlarged patriotism, having no reference to party tactics. Sir, I have always remarked, that when patriotism becomes so diffused and enlarged, it becomes rather weaker than stronger. I did not know what the honorable Senator was aiming at, but, as I said then, I knew what the effect would be. Now, before I allude to or notice some remarks which specially claim my attention, I will dispose, by way of explanation, of some of the charges, or complaints perhaps I should say, which he made against those who had charge of the fugitive slave bill. He intimated that they did not do their duty to it. Perhaps the charge was not made so strongly as to accuse them of bad faith in relation to it, but it was something like it.

Mr. FOOTE, of Mississippi. I expressly disclaimed it.

Mr. BUTLER. The charge was, that they had not brought forward the bill with that promptness, and urged it upon the consideration of the Senate with the energy, which the occasion, in the opinion of the gentleman, and some of his special friends, called for. I made an explanation in reference to the bill once before. It was at the first session of the last Congress called up at an early day, and I made my speech upon it as the chairman of the committee; and my friend from Virginia [Mr. MASON] had also made a speech upon it, when, the late Senator from New Jersey [Mr. DAYTON] having the floor, the whole discussion was suspended, to give the Senator from Kentucky, not now in his seat, [Mr. CLAY,] an opportunity of bringing before the Senate his measures of compromise. No objection was then made to letting the bill drop for awhile; but before the Committee of Thirteen had matured and disposed of their work, I suppose the suggestion was made to bring up the fugitive slave bill as a separate measure. Perhaps it was intended to make it a test in advance. Some of us who had charge of the bill might not have been inclined to yield too readily to the suggestions of those in whose course of policy we did not exactly agree, or there may have been a fair difference of opinion as to the

mode of using the fugitive slave bill. But when the bill was brought up under the suggestion of the honorable gentleman, and with the understanding that his Northern friends and allies would support it, how many of them voted for it? The two gentlemen from Iowa [Messrs. DODGE and JONES] voted for the bill, and the honorable gentleman from Pennsylvania, no longer a member of this body, [Mr. STURGEON,] voted for the bill. The honorable gentleman from New York, [Mr. DICKINSON,] no longer here, would have voted for it, and explained at the time the reasons why he did not, having paired off with his colleague. There were but three Northern Senators who voted for it. Let the country understand now, for the first time, if it never has been understood before, why honorable gentlemen from the North, who are now so vehement upon the subject of these compromises, did not vote on that bill, either for or against it. When the compromise measures have swum to the shore, there are some willing to stretch out the hand of aid, but were unwilling to run the hazard of the flood when it was uncertain as to the fate of the bill referred to. Did they avoid that vote? or were they absent by accident when the vote was taken? Some of those gentlemen, I know, gave their moral support to the bill; but I state the fact, that it was not until the bill had gone to the country, and obtained its favorable judgment, as they suppose, that some gentlemen became its open advocates. So much for that.

Now for another complaint and charge, which the honorable Senator has made, which may apply to myself, that is, denying the President power to enforce the law. I beg to bring to the attention of the Senate the report which I submitted in relation to the President's message, calling for additional legislation to enable him to enforce the fugitive slave law.

Mr. FOOTE, of Mississippi. I thought that I was distinctly understood by the whole Senate in stating that I had no allusion to the honorable Senator in connection with this matter. I recollected his report, and I have had occasion to read it in my own State in language of commendation. He expresses some opinions in the report in which I do not entirely concur. But I was exceedingly struck with a portion of the language used in the report, expressing confidence in the disposition of the Executive to perform his duty faithfully in executing the powers vested in him on this important subject.

Mr. BUTLER. I wish to have the report read, not so much for any vindication of myself as that the Senate may understand my views.

The Secretary read the report, as follows:

"In submitting my views on the message of the President referred to the Judiciary Committee, it is not my purpose to express my dissent from the general and unqualified conclusion of the majority of the committee, to wit: that it is unnecessary at this time, by further legislation, to give the President power over the militia and military forces of the Government, for the purpose of suppressing insurrections and combinations to obstruct the execution of the laws."

"There are some subjects of the message presented to the consideration of Congress, and which address themselves specially to the consideration of the committee, upon which I feel it a duty to express an opinion, lest by silence there might be a tacit recognition of one of the assumptions and an approbation of some of the recommendations of the message."

"Previously to the act of 1807, it seems to have been the implied understanding of all the departments of the Government that the President was confined to the militia, 'to suppress insurrections against the State government and to suppress combinations against the laws of the United States.'"

"The act of 1795 indicates the occasions and prescribes the manner in which the militia shall be called out and employed. The President cannot order out the militia to suppress insurrection against the State government, without being called on to do so by the legislative or executive authority of the State concerned."

"To suppress combinations against the laws of the United States, it is the duty of the President to judge of the occasion for calling out the militia. On all occasions for calling out and employing the militia, it was made the duty, by the act referred to, to issue his proclamation as a previous warning to the employment of force."

"This provision was founded in usage, and has had the sanction of time, trial, and experience. It is but the warning voice of a forbearing Government. There might be some occasions when the interval between such warning and the actual employment of force might be of some duration. Other occasions might be such as to require the force to follow in quick succession to the warning of a proclamation. The order to call out the militia and the proclamation might emanate at the same time."

"It seems to have been in contemplation by the act of 1795 to put at the disposal of the President a *quasi* military *posse comitatus* of citizen soldiers, to maintain the dominion of the laws, in which they had the interest of citizens."

It was to make use of one class of citizens to bring another to a sense of justice and a proper submission to the law. I approve its wisdom. An insurrection would be much more easily quelled by the array of neighbors and fellow-citizens, than by the employment of a trained and organized army, whose only influence would be the employment of force. An overwhelming force might be employed in the first case, whilst the other might only be strong enough to provoke collision, and end in blood. Whatever might be the views of our ancestors, it is certain that until 1807 the militia was the only force put at the disposal of the President to suppress insurrection, &c.

"The act of 1807 is in these words: 'That in cases of insurrection or obstruction to the laws either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for suppressing such insurrection or causing the laws to be duly executed, it shall be lawful for him to employ for the same purpose such part of the land and naval force as shall be necessary, having first observed all the prerequisites of the law in that respect.'"

"So far as it regards the employment of the army and naval force, the President maintains that he is subject to no prerequisites of the act referred to, but that they are absolutely at his command for the purposes indicated."

"The words of the President are: 'Congress, not probably advertent to the difference between the militia and the regular army by the act of March 3, 1807, authorized the President to use the land and naval forces of the United States for the same purposes for which he might call forth the militia, and subject to the same proclamation. But the power of the President under the Constitution as commander of the army and navy is general, and his duty to see the laws executed is general and positive; and the act of 1807 ought not to be construed as evincing any disposition in Congress to limit or restrain any of his constitutional authority.'"

"The import of which is, that the President may use the Army and Navy as he may think proper under the plenitude of his constitutional authority, and that he is not constrained by the act of 1807, nor can he be restrained by any act of Congress. Being *ex officio* commander, he can use the Army in suppressing insurrections in a manner different from that in which he is required to use the militia."

"For the specific and sometimes delicate purposes indicated, I think Congress has the direction of the President. When actually in command for repelling invasion or for any other purpose, he must exercise his own judgment under his constitutional discretion. In one sentence I deny that the President has a right to employ the Army and Navy for suppressing insurrection, &c., without observing the same prerequisites prescribed for him in calling out the militia for the same purpose."

"His suggestion in his message is, that he shall have a right to employ the militia, as he contends he has a right under the Constitution to employ the regular military force—that is, without notice of a proclamation. I do not think he has the right to call out the military force of the Government without observing the prerequisites of the act of 1795, and I am unwilling to give him such power in calling out the militia. I would regard it as a fearfully momentous occasion to see the Army called out to shoot down insurgents without notice or proclamation."

"The truth is, it must be regarded as a significant omen of the times to be told that a marshal, under his plenary power to call out the *posse comitatus*, cannot execute constitutional laws without resort to force, and that to be executed with the promptness of executive will."

"Justice and the occasion require me to say, that I do not believe the power contended for would be abused by the present Executive. The precedent for the direction of a mild and just President may be the rod of power for a military despot. A. P. BUTLER."

"FEBRUARY 28, 1851."

Mr. BUTLER. Mr. President, this report did not materially differ from the report of the majority. I have seen it adverted to by the newspapers, and generally, I think, the report has been approved. If I had been influenced by feelings of sectional resentment, I might have been tempted to yield to the President's demands. The import of his message was, that he should be allowed not only to use the regular army, without proclamation, in putting down insurrections and bodies of men too formidable to be overcome by the ordinary *posse comitatus* of the country, but he required that there should be an armed militia at the disposal of his marshals, with bayonets and balls, who should put down those formidable bodies of men, without warning them—without having the riot act read to them at all. I did not agree to any such suggestion. I recollect that under the influence of the highly eloquent appeal which was made by the honorable Senator from Kentucky, [Mr. CLAY,] not now in his seat, this body was prepared almost for any law, and to adopt almost any suggestion. I recollected, however, that what might be urged as the precedent of to-day, might be the prescription of to-morrow, and the same principles which would prevail if his recommendation had been assented to in this case, might be abused by any arbitrary tyrant.

I made no allusion to the precedent as a means to overcome the liberties and institutions of the country. I say now, that if the fugitive slave law is to be enforced by the bayonet—by an armed *posse comitatus*, put at the disposal of the Executive—it is an evidence that it is a law which will not be enforced at all. I believe that it will

not—I believe that it has not been enforced. And in this Republic, when it is necessary that the bayonet should be used instead of voluntary submission to the dominion of the law by the citizens themselves, or by the ordinary force which can be evoked on the occasion to carry it into effect, it is a significant omen, and indicative of the times. Why, I read of these riots and these combinations being denounced as treason. I did not believe, at the time, that they would be construed so as to amount to treason against the United States. Whatever might be their real character, such would not be their complexion in the courts. The character of such meetings will depend more on the testimony of witnesses than the truth of facts, and no authority can overcome such influences. We have a great many rhetorical declamations in this Senate; and if the advertisements which go out from here were to indicate anything like the truth, there would be very little difficulty in carrying out the provisions of the Constitution. But the Constitution is a dead letter. United States courts have no jurisdiction over the subject, for it is not regarded as treason. It is referred to the State courts. What will be the result? The State courts take jurisdiction of this resistance of the fugitive slave law as of an ordinary riot or murder. Who are to decide upon the crime? A jury composed, perhaps, of those who sympathize with the person charged. Who is to award the punishment? The judge who, perhaps, entertains the same feelings, and indulges in the same sympathies. Or, if a tribunal could be found—which I never expect to see—stern enough, in defiance of public opinion, to do justice, under the sanction of an oath, to the obligations of the Constitution, the sentence would be remitted by the Executive of almost any one of the non-slaveholding States.

Gentlemen preach to me eternally that this fugitive slave law will be executed, when every newspaper brings a refutation of the assertion. Have we not arrived at an eventful period in the history of the country? When I see that, by combinations, by contrivances, by legislative enactments, one of the solemn articles of the Constitution—for the fugitive slave law is nothing but an affirmation and recognition of the Constitution—is not only violated, but even put under the ban of the pulpit, let the gentleman not tell me that we are to put bayonets at the disposal of an Executive to enforce any such law. Let the gentleman not lay that flattering unction to his soul. I know that the people may be addressed, and that parties may make excuses and patched-up platforms, for the purpose of concealing the truth from the public mind; but it cannot be done.

Mr. FOOTE, of Mississippi. Lest I should have misunderstood the gentleman, I will ask him whether we are to understand him as just now announcing the opinion, that armed opposition on the part of citizens of a country, for the purpose of arresting the execution of the fugitive slave law, would not amount to treason?

Mr. BUTLER. I said no such thing. I know the difference between riot and treason. It would be treason to levy war against the United States, if there had been a concerted movement of a public kind to defeat the execution of a law, or of the Constitution, it would amount to treason. But these riots which break out suddenly for a private end—the release of a fugitive slave from his master—would be construed to amount to mere riot, and would not be held to be treason. And I said, too, that if a judge would award proper punishment, the Governor of the State would remit it, Mr. BRODHEAD. Not in Pennsylvania.

Mr. BUTLER. I have a right to appeal to the Senate upon another subject in connection with this. The Senator from Mississippi vehemently urges the necessity of having statutory or legislative enactments for the ratification of this compromise. He may take either one of the horns of the dilemma. The gentleman was either opposed to some of the points of the compromise when they were under consideration, or he was in favor of them. I do not care which he takes. If he says he was opposed to some one of the propositions involved in the compromise, he must allow me to take his authority; and if, on that occasion, he denounced and was opposed to it, I have a right at least to expect from him some indulgence toward those who agreed with him on that occasion. If, on the contrary, the gentleman was in favor of

the compromises, he surely will not take the position that he was "rowing one way and looking another,"—that he gave us his voice by a simple monosyllable of *aye* or *no*, when he gave his heart and hand to those who were forcing the measure on. He must take one or the other. He cannot escape it. He was either opposed to the admission of California, and opposed to the abolition of the slave trade in the District of Columbia, or he was in favor of those two measures. For, as regards the fugitive slave law, of which so much has been said, it was not a part of the original compromise. I take it that the record must speak upon this subject. Here are his votes: and how does the gentleman stand in the parliamentary mirror? He stands opposed to the admission of California, upon the ground that it was a precedent not to be found in the political history of this country. If I remember right, at one time he denounced Executive interference for the procurement of the admission of California. I need not go through all the gentleman's speeches in support of this view, because they are too various; but I wish to go through this fairly. The gentleman said that California had been admitted under circumstances under which no other State had been admitted—in violation of all precedent; and in the next breath he says, why do the enemies of the compromise denounce this measure? He undertakes to vindicate California, and say that she came into the Union just like any other State. At another time he admitted that she came in in violation of all precedent; and at the next moment, he says she was admitted in the same manner as any other State was admitted into the Union.

Allow me to say, that although California has been admitted against my judgment, and in opposition to my will and vote, I have met her representatives here with all respect and kindness, and entertain for them entire friendship. I urged the constitutional objection as well as I could in the speeches made at the time, with great respect and deference to those who differed from me. I do not intend to repeat them. Whatever may have been the operation of that measure—and I think it may operate differently from the intention—the doctrine was proclaimed before her admission, and some of those who voted for it, assumed to do so on the ground that not another slave State should be admitted into this Union. Mr. Webster, with all his annotations and commentaries, has put it forth in that form. The doctrine was avowed and intended to be established by the precedent, that no other slave State should pollute the political association of this Confederacy; and the doctrine, if not avowed, was practically maintained, that the slave States of this Union were not, in a political point of view, equal to the non-slaveholding States. I believe the honorable Senator has exhibited many evidences of a mind sensitive to the honor of his State. Will he tell me that when these doctrines were announced and proclaimed, I was to submit to a system by which war was to be made upon the institutions of that section of the country which I in part represent? I opposed it on this ground, and I believe the honorable Senator did the same. Submit to inequality! Submit that my posterity shall not be equal in political eligibility with the sons of the honorable Senator from New York! [Mr. SEWARD.] Would I consent to the political disfranchisement of my own children? Yet such were the doctrines avowed, and such was the belief entertained as to the operation of that measure. I believe that gentlemen who entertain views of this kind, will be signally disappointed. I hope so, at least. For I believe the institution will continue to go South and West, and California will take it as peculiarly suited to her condition.

Now, let me ask the honorable Senator a question, which I expect him to answer—and I hope he will answer it without the least hesitation: Suppose a proposition were to come up to-morrow to divide California, with the understanding that one portion should be a slave State, or that both should be slave States, would he vote for it?

Mr. FOOTE, of Mississippi. I will answer by citing past history, if the gentleman will allow me. I introduced two propositions on the subject myself while this matter was pending, for neither of which, according to my recollection, I had the gentleman's support, or that of his political associates in this body. On the contrary, both of those

propositions received the fiercest denunciation from that quarter. When the proposition to admit California was pending, I moved to amend the bill so that California should be hereafter, with her consent, so divided as you, Mr. President, had previously proposed she should be. Upon consultation with you, [Mr. KING,] I took the line which is proposed in the amendment, for the reasons you stated. I did not get the support I anticipated; and I will be prepared to show hereafter, from the printed debates, what reasons were given by honorable gentlemen for not voting for that very proposition. I subsequently introduced another proposition, that California should be, with her consent, divided by that line, and that a territorial government should be established south of it. The objection, then, of certain gentlemen who called themselves, *par excellence*, State-rights men, was the supposition that they imagined my amendment to convey that California, not yet admitted, in their judgment, validly into the Union, should be treated with so much respect as to have her consent to this territorial curtailment asked. That also was voted down. Whenever any gentleman introduces a proposition here to divide California with her consent, by the line of 36° 30', or 35° 30', treating her in all these respects as a sovereign State, I shall vote for it, and some of those who will vote for it in connection with me will vote in a manner wholly repugnant to their former feelings.

Mr. BUTLER. Then the Senator admits that while he wishes to make the compromise immutable, he is perfectly willing to change it when it suits him. This is a "finality of a totality."

Mr. FOOTE. I should vote for that proposition in the same way that I should vote for a proposition to alter the boundary lines of any other State in the Union at her request. I would not vote for that sooner than a proposition to divide Texas or New York, if those States desire a new State to be formed within their limits. While I hold the compromise to be a definitive settlement, I do not hold it to be above the Constitution, and the Constitution expressly gives Congress the power of admitting new States. Now, perhaps, the gentleman is entitled to the triumph which he claims.

Mr. BUTLER. I claim no triumph. The gentleman's own explanation shows where he considers the triumph is. While he insists on these compromise laws being like unto the laws of the Medes and Persians, so perfect as not to be changed, yet he admits there are contingencies on which they may be changed. That is what I intended to say. It is so wise now that he does not choose to let anybody consult the progressive improvements and suggestions of time; but he wishes to stitch down and pin everybody else to his propositions, upon the ground that the Procrustean bed, whether shorter or longer, is the only true measure for the country. I shall put another proposition to the gentleman, and shall expect him to answer that too.

Mr. FOOTE. I will answer as many as the gentleman chooses to put to me, if he will only allow me an opportunity of answering them fully. Some gentlemen never answer any questions I put to them, but I challenge the propounding of questions from any adversary.

Mr. BUTLER. The honorable Senator in his speech referred to the resolutions of the Mississippi Convention. I wish to ask him a question, and I do not wish a disquisition in reply. I observe that the Mississippi Convention have resolved that there is no other remedy for abuse of the Constitution but revolutionary resistance; that there is no right in any one of the members of the Confederacy to resist the Government and form a new government except they incur the penalties of treason and rebellion against the Federal Constitution. The gentleman has chosen to denounce, in no measured language, the State of South Carolina. Now, I think he will find himself in a dilemma from which he cannot escape if he answer the question I now propound. The Mississippi Convention has said that for an interference with slavery in the States—interference with the commerce in slaves between States—the abolition of slavery within the District of Columbia—the repeal of the fugitive slave law—the abolition of slavery in the Territories, would constitute a ground for the dissolution of their connection with the Federal Government; and that for these causes which they have assigned, they would dissolve by revo-

lutionary resistance their connection with this Government. Now, the gentleman must be placed in this situation: Suppose Mississippi, for any of these causes, or all of them, should determine upon quitting this Union, or assume a position in which her connection could no longer be continued, and the gentleman was called upon to take sides with Mississippi or the Federal Government, which would he prefer?

Mr. FOOTE. I shall reply in due season if the gentleman will give me an opportunity, but in the first place I must tell him that I consider it insulting to the State which I represent here, which has always proved true to the Constitution, to put her in any such predicament as that described. Never will the State of Mississippi, in my opinion, be in such a position as to call on any of her sons to make war upon the Federal Government; and when she shall do so, I shall deliberate the question and decide according to my sense of propriety. I acknowledge my respect, my profound respect, for what I deem the supreme law of the land, and those who do not, in my opinion are traitors wherever found.

Mr. BUTLER. Well, then, the gentleman, in a contest between Mississippi and the Federal Government, would consider himself a traitor if he were to fight against the Federal banner.

Mr. FOOTE. The gentleman may make his own commentary; I shall state my views in full hereafter.

Mr. BUTLER. Mississippi here meant something or she meant nothing. If these causes were appended to the gentleman's resolution, I presume he would go for them or against them. What is the supreme law of the land of which he speaks? I say the settled doctrine of Virginia, North Carolina, South Carolina, and I believe of Georgia and of Alabama, would be, that this is a confederacy of sovereign States, and not a consolidated Government, which has the exclusive right to decide upon the duty of its members. I know there are questions of perplexity, and the gentleman might take time to consider; but I know where my allegiance will be in a contest of that kind. I would not stop to chop logic on the construction of papers when my hearth and fireside are invaded and I am called upon to defend them. If my blood is to be spilt in a contest between my State and the Federal Government, I would not take time to deliberate, as the gentleman says he would, where my allegiance was due. The impulse of my heart, and the dictates of a judgment long and deliberately formed, would mark out my path of duty.

Another of the topics upon which the Senator from Mississippi dwelt. He said he would never consent to have the Constitution of the United States amended—he said he wanted no amendment to the Constitution of Washington. Why, sir, the Constitution itself, with the wisdom that characterized its original organization, provides for amendments. My deliberate opinion is, that if amendments had been made to answer the exigencies and progressive development of this country, we would have been a happy Confederation of Republics, under a union having satisfactory guarantees for the rights and interests of all; but, instead of amending it according to the original provision of the Constitution, we have now got to a time when it is declared that it shall never be amended. And I would say to the gentleman frankly, that I can see no occasion why he should wish it amended. He has not said that he is in favor of a consolidated government, but he has maintained that this Government and the Constitution, in all the difficulties which may be involved, may be overcome by compromises—the compromises of the majority; and if the gentleman chooses always to act with the majority, he has no occasion for amendments.

Mr. FOOTE. Does the gentleman undertake to charge me with having said, at any time, that the Constitution of the United States could, in my opinion, be put down by compromises?

Mr. BUTLER. No, sir.

Mr. FOOTE. That is the way the gentleman's remarks will be understood. I stated the other day, that one of two reasons why I supported the compromise was, that it was not only constitutional in itself, but that none of the constitutional lawyers of this body had attempted to make an elaborate argument to this when they were challenged to attempt it.

Mr. BUTLER. I say that as long as the majority can make these compromises or give con-

structions to the Constitution, it will not be amended, and the gentleman is emphatically a majority man. I did not say that the gentleman would agree to what he regarded as a palpable violation of the Constitution, but I said the tendency of this mode of treating the Constitution was to have these excrescences in the form of compromises to give it a validity which it would not otherwise have. I think we ought to meet the crisis and provide a remedy.

The gentleman says that I have proposed no amendment. True, I have proposed none, but there are amendments which I will vote for. When the Federal Constitution was under consideration in Philadelphia, it was proposed that no measure affecting the regulation of commerce, or the disbursement of the public money, should pass without a vote of two thirds; and I tell the gentleman that I would now vote for such a provision. If an amendment was proposed to afford new guarantees to the slaveholding interest, requiring Congress to give governments to Territories, without restriction as to slavery, I should vote for it. If I were to consult the security of this Government, I would vote for amendments that would give enforceable guarantees to the minority, and not leave the majority to fritter it away by construction, or deform it by compromises. There are many salutary amendments that might be proposed.

In connection with this subject—and I say it to the Senator from Mississippi, more in sorrow than in anger—I wish he had not thought proper to allude, as he did, with rather a sneer, to the book of my late distinguished colleague, and to denounce the proposition contained in that book in a way which evidently showed that it was under the ban of his censure. I was not prepared for that. I have not read Mr. Calhoun's book. His memory is not committed to me, neither are the works of his great intellect committed to me. I would not be able to take care of them; but the least we could have expected of those who often agreed with and admired that distinguished man was, that we should not assail him before the world, and the Parliament of the nation, where the gentleman himself had so many, and seeming kindly, associations with him.

Mr. FOOTE. The gentleman does not charge me with ever having agreed with Mr. Calhoun that the Constitution should be amended, so as to give additional constitutional guarantees to the South? I protested against that during his life.

Mr. BUTLER. I did not say that.

Mr. FOOTE. What did the gentleman say?

Mr. BUTLER. I said that the gentleman frequently agreed with, and was a great admirer of, Mr. Calhoun.

Mr. FOOTE, (in his seat.) On some questions I did agree with him, but on most I did not.

The PRESIDENT. The conversation must not go on in that way. The Senator is always at liberty to make an explanation, with the consent of the gentleman having the floor, but he is not at liberty to sit in his chair to make comments while the speaker is going on.

Mr. FOOTE. I understand my duty as well as the Chair can inform me.

Mr. BUTLER. I am inclined to think that injustice has been done, perhaps unintentionally, to my late distinguished colleague; and perhaps some newspaper correspondents may make out of it something tributary to the state of the public mind. I think, however, that the book is not in danger from such commentaries, or any that can be made upon it by the Senator. They will not add to nor take from its merits. They may, it is true, make false impressions, for the time, upon superficial minds, who look not into the book itself; but those who are capable of appreciating it, and seek after the truth, will read for themselves, and form an enlightened and honest judgment. It is not true, as the honorable Senator has said, that Mr. Calhoun thought there should be two Executives with the same powers. He is a historian, and he knows very well that there were two Consuls in Rome, with a Tribune to control them. By a partition of power, and such control of it by the tribunital veto on occasion, the Roman Republic moved on with success and energy. I presume that Mr. Calhoun might very well have entertained the idea that two Presidents might be very well: one perhaps having jurisdiction of foreign and the other of domestic affairs, or some such partition of duties. I presume he intended that each should be independent in his

own sphere, and that no law should be passed without the concurrence of both. I am very sure that such a proposition as that, if ingrafted on the Constitution, might give it a better operation than it now has under the combination of interest and numbers. I do not undertake to be the expounder of Mr. Calhoun's views, nor do I say that I am prepared to adopt them. I am sure the gentleman has not done justice to them. I do not enter into the views of Mr. Calhoun; for he never mentioned the subject to me in his lifetime, and I have not yet had an opportunity, and I regret it, to read his book. I only noticed the remark of the gentleman, in passing, with a view to show that in some respects his interpretation of the book might not be the interpretation of everybody. There are other minds besides his to look at the subject; and when a great work of the kind is to be measured, it must be measured by an enlightened public opinion after full discussion upon the subject.

Sir, I have touched upon these things with regret. The Senator from Mississippi is in favor of the compromise; and he denounces, in no measured terms, all those opposed to it; not that the gentleman seems to be governed by unkind feelings to many embraced in the sweep of his censure.

Mr. FOOTE. I have here, elsewhere, and everywhere, wherever I have attempted to speak of the struggle which occurred in the two Houses of Congress, in reference to the questions contained in the plan of compromise, said, uniformly and emphatically, that, so far as the conduct of Senators and Representatives was concerned in that struggle, I had no censures whatever to bestow; nor that I wished them to be censured in any shape or form by any patriotic man in the country. The President of this body knows what my views on this subject were, for we have talked together. All that I have said was, that now, when these measures have become the law of the land; now that the great experiment of compromise was in course of trial, I did conceive that it was the duty of all parties, North and South, to make a fair experiment of those measures, and not to engage in violent agitations against any feature of them. I have simply condemned all attempts at the North, or at the South, at this time, to break up the compromise. But I have never undertaken to condemn any man, or set of men, for decent, zealous, patriotic opposition to any of the measures of adjustment which they themselves disapproved at the time. This is, and always has been, my attitude on that subject.

Mr. BUTLER. That may be; but the gentleman knows as well as any one here, that no one had greater influence—perhaps I may say that he had uncommon influence—in getting up the Southern Address; he was the prime mover of it. And I think the gentleman must, to some extent, assume the responsibility of the Nashville Convention. I say that, after the position which that gentleman has occupied, justice, if not generosity, requires that he should at least look to the motives, which I hope he will, of other persons who are disposed to stand up to the propositions which they avowed at the time in the Southern Address. I supposed it was a matter of historical interest to the gentleman. And now I will say here, for the first time, what I have heretofore said to my friends, that the Nashville Convention was premature. My friends know that this was my opinion. If there is one gentleman in this hall who has contributed fuel to the fires of Southern resistance and indignation, the honorable Senator has fed them as freely as any other. I am not now making any accusations against him for mere change of opinion and position. I have said nothing at all, nor will I say anything, in reference to a man's course, when he changes it; but when the Senator from Mississippi thought proper to speak of South Carolina, and allude to her internal contests, the least, in my opinion, that delicacy or propriety could require of him, was to forbear unkind allusions to her course, and especially to abstain from availing of his own change of doctrine and position to give point to those allusions. The mass of those who, in South Carolina, were for putting her in advance of what I regarded the position she should occupy, are persons whose motives and designs would place them before the tribunal of history in a point of view far above reach of the gentleman's arrow. They are as

high in spirit, as pure in motive, and would be as brave in action, as any men who ever adorned the pages of history. I differed from friends in South Carolina; but here, I cannot allow that difference to prevent my doing them justice, if they required it at my hands.

Mr. FOOTE, of Mississippi. If the honorable gentleman had read my speech as reported, or if he distinctly recollected what I said the other day, he would certainly find himself effectually relieved from the necessity of making the remarks which he has just made. I stated distinctly that I entertained a high respect for the people of the State of South Carolina. I expressed the high gratification which I felt, that the real people of South Carolina had come nobly to the rescue of the honor of the State in the contest lately in progress there between them and certain demagogues. I hoped that the people there, under the lead of the honorable gentleman and such as he, would vanquish the demagogues in that struggle. That is what I said. I did not denounce the Legislature of South Carolina. I did not denounce any organized body of men there, Legislature or Convention. If I have any particular sentiments unfavorable to such bodies, I withheld them; but I did denounce, and I shall continue to denounce, any man or set of men in South Carolina, who dared to urge the people of that State to attack the forts of the United States within her limits—to make war upon the General Government—and who dared to say, perverting the language of the immortal Henry, "I say we must fight." I did denounce such persons, and not those who were inclined to arm the State for her own defence against the General Government, in the event of an unjust attack neither menaced nor expected. I did denounce persons who, as I am prepared to prove by their speeches, attempted, without any aggression on the part of the General Government, to incite the people of South Carolina to an immediate attack upon the Government. These are the men that I denounced, and I am responsible here and elsewhere, for the strongest language used in decrial of them. I shall always deary them.

Mr. BUTLER. If I had not been interrupted I should have gone on and stated, perhaps, what the gentleman could not have taken exception to, so far as I am concerned. I have not said anything in a personal point of view, but I must do my duty to others.

Mr. FOOTE. If the gentleman chooses to defend such men, he can do it.

Mr. BUTLER. South Carolina, in her first resolutions of 1848, proposed nothing but coöperation with the other States. In 1849, in the mildest terms, she proposed the same thing. In 1850—I say it upon my responsibility in this Chamber—she called her convention in reference to a course projected and intimated by the State of Mississippi. I cannot be mistaken in that. Is it just that any reproach should attach to her from a representative of Mississippi?

There were many things well calculated to aggravate the popular excitement and indignation at the course of the General Government. Whilst the people were deliberating on their condition, and the course the State should pursue, the Administration showed both a want of wisdom and decency. For what purpose some troops were sent to the forts in Charleston is not distinctly understood. The effect was to arm all parties with a determination to resent the insulting demonstration; and it was difficult for her public men to restrain excitement and control consequences. That movement has left an abiding impression on the public mind. There was not the slightest occasion for troops, and if one drop of blood had been shed, there would have been a civil war that would have put the questions now in debate under the arbitrament of the sword. The gentleman might have found it a difficult task to have found enough constables to hang the traitors. He would have been consumed in his own State if he had made a demonstration against South Carolina. The issue would have been far above party strife or rhetorical display.

I cannot go further into this subject, except to express my opinion that injustice has been done to those of South Carolina who have attempted to conform to the suggestions of Mississippi; not altogether under the counsels of the honorable Senator, but yielding very much to influence which his counsels and those of others had. Therefore

I think such an allusion as he made was entirely unnecessary.

Mr. FOOTE, of Mississippi. I will not now ask the gentleman to allow me to explain, because I have interrupted him so often. Yet, if it would make no difference to him, I would go on now to explain the attitude of the State of Mississippi.

Mr. BUTLER. The gentleman is at liberty to proceed.

Mr. FOOTE. I shall explain more fully hereafter. I wish now simply to protest against what the gentleman has said in regard to the course and attitude of the State of Mississippi. It is true I signed the Southern Address; and I now approve every word contained therein. It is true, I did forward a letter from Mr. Calhoun to my own State which proposed the holding of the Nashville Convention, and which marked out to some extent the then expected *modus operandi* of that body. It is true, also, as I have heretofore asserted, that not one single word is contained in that Southern Address or in Mr. Calhoun's letter which recommends secession, or intimates that there should be any amendment to the Constitution. The State of Mississippi was willing to meet, in a proper manner and a truly patriotic spirit, the citizens of the rest of the slaveholding States of this Union in the Nashville Convention, for the purpose of fraternal consultation, in regard to the means most proper to be adopted for guarding against certain dangers with which we were then menaced—one of which was the abolition of slavery in the District of Columbia; another of which was the attempt to impose the Wilmot proviso. I will not reiterate all the measures with which we had been then menaced for some years, and to which the Southern Address, in the most solemn manner, called the attention of the South; to guard against which the State of Mississippi, under advice received from South Carolina through me, in the manner I have described, was willing to send delegates to a Southern Convention. I will add, though, that it was doubtless one of our objects in this movement, to secure our long-withheld right to an efficient congressional enactment providing for the recapture and restoration of fugitives from service. But I reiterate, that we did not commit ourselves to secession, nor did we insist on amending the Federal Constitution.

I will say further to the honorable gentleman, that the State of Mississippi, as she was justified in doing, came to the conclusion, gravely and deliberately—and I believe all dispassionate men will admit that she acted wisely in coming to that conclusion—that the plan of compromise effectually guarded against every single danger with which the South had been antecedently menaced, and secured to her the fugitive slave law, to which she was entitled by the Constitution, in addition, together with certain other incidental advantages, some of which I endeavored to point out the other day. Now if, in the opinion of the State of Mississippi, the compromise has operated in a manner so comprehensively beneficial, how can it be contended that the State of South Carolina, when she undertook, without just reason, to manifest dissatisfaction with the acts of adjustment, and proposed a Southern Congress for the purpose of arraying the Southern States against them, was led into that attitude by the State of Mississippi? I have heard that said before, and I have denied it. Had the wise monitions of the parent Convention of Mississippi been adopted by the Nashville Convention, the South would have had no further trouble. I believe this advice would have been adopted and acted upon, but for certain intriguing politicians, who attempted, in my opinion, in bad faith—of which I shall give the proofs hereafter—to wield the machinery of the National Convention, gotten up for very different purposes, for the overthrow of the Union; a very ingenious plan having been adopted, under the advice of certain persons who have openly avowed themselves subsequently to have been secret disunionists in heart and design at that time, in demanding terms of settlement so extravagant and unreasonable as to make all hope of their ultimate adoption utterly absurd.

One of the leaders of South Carolina, a gentleman who is reputed to be the author of the Nashville Address, declared, as I well recollect, in a speech delivered in Charleston, immediately after his return from the Nashville Convention, that he had entertained no expectation when the celebrated

demand of 36° 30' was made on the part of the Convention, that it would be acceded to; but that he, for many years past, had been tired of the Union and anxious to break it up, and expected, through the agency of the Nashville Convention, and by demanding terms of adjustment which would not be acceded to by Congress and the Northern States, to accomplish his long-cherished object. This noted avowal, I say, was made in Charleston after the session of the Convention had drawn to a close; but that gentleman cannot deny that he had been quite particular in not declaring such views and objects in the Nashville Convention. All will perceive from this statement that the honorable Senator [Mr. BUTLER] has entirely misunderstood the true position of the State of Mississippi, and I hope not hereafter to hear her accused of being instigated by any portion of the extravagant movements of certain factionists in South Carolina.

Mr. BUTLER. I have only said that South Carolina, to some extent, shaped her course according to the plan marked out by the State of Mississippi. The Senator has made allusions which cannot be mistaken. I must, therefore, in justice to my colleague, yield the floor, to allow him an opportunity of speaking, although there is much more which I would have said, but for the frequent interruptions with which the course of my remarks has been broken in upon, and the allusions to my colleague which it is but justice he should have an opportunity to notice.

Mr. RHETT next addressed the Senate until past the usual hour of adjournment, when, without finishing, he yielded the floor, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 15, 1851.

The House met at twelve o'clock.

The Journal of Thursday was read and approved.

Mr. STRATTON was appointed by the Speaker to fill the vacancy in the Committee of Elections, in the place of Mr. DISNEY, who was excused from service on said committee.

Mr. CULLOM, of Tennessee, and Mr. BROWN, of Mississippi, appeared, were qualified by taking the usual oath to support the Constitution, and took their seats.

LOUIS KOSSUTH.

A message was received from the Senate, announcing the passage by that body of "A joint resolution of welcome to Louis Kossuth."

Mr. BAYLY, of Virginia, asked the unanimous consent of the House to introduce a resolution calling upon the President for information.

Mr. ROBINSON. Is it in order now, Mr. Speaker, to move a suspension of the rules, to consider the resolution from the Senate?

The SPEAKER. The gentleman from Virginia has the floor.

Mr. BAYLY. I will say to the gentleman from Indiana, [Mr. ROBINSON,] that I have no intention of being in the way of the resolution concerning Kossuth. My resolution is simply one asking important information from the President; and to which I presume there will be no objection.

IMPRISONMENT OF MR. THRASHER.

There being no objection, the resolution was reported to the House, as follows:

Resolved, That the President of the United States be requested, so far as in his judgment may be compatible with the public interest, to communicate to the House any information in possession of the Executive respecting the imprisonment, trial, and sentence of John S. Thrasher, in the Island of Cuba, and to his right to claim the protection of the Government, as a native-born citizen of the United States.

The question was then put, and the resolution was adopted.

WELCOME TO LOUIS KOSSUTH.

Mr. ROBINSON. I now move a suspension of the rules, for the purpose of taking up the resolution of welcome to Kossuth. I shall also ask that it be put upon its passage.

The question was then taken, and the rules were suspended.

The resolution was then read the first and second times by its title.

Mr. ROBINSON. I now move that the resolution be put upon its passage; and upon that motion I ask the previous question.

Cries of "Read the resolution."

The resolution was read, as follows:

A Joint Resolution of welcome to Louis Kossuth.

Resolved, That Congress, in the name and behalf of the people of the United States, give to Louis Kossuth a cordial welcome to the capital and the country; and that a copy of this resolution be transmitted to him by the President of the United States.

The question now being upon ordering the resolution to a third reading,

Mr. ROBINSON called for the previous question.

Cries of "That's right!" "Let's have the previous question!"

The previous question was then seconded, and the main question ordered; and being put, was carried in the affirmative.

The resolution was then read a third time.

The question now being, "Shall the resolution pass?"

Mr. RICHARDSON moved the previous question; which was seconded, and the main question was ordered to be put.

Mr. CAMPBELL, of Ohio, asked the yeas and nays on the passage of the resolution; which were ordered; and being taken, were—yeas 181, nays 16; as follows:

YEAS—Messrs. Aiken, Charles Allen, Willis Allen, Allison, Andrews, John Appleton, William Appleton, Babcock, Bartlett, Barrere, David J. Bailey, Thomas H. Bayly, Beale, Bell, Bennett, Bibbhausa, Bock, Bowne, John H. Boyd, Breckenridge, Brenton, Briggs, Brooks, Buell, Burrows, Busby, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Cartter, Caskie, Chandler, Chapman, Chastain, Clark, Cleveland, Clingman, Cobb, Conger, Cullom, Curtis, Daniel, Geo. T. Davis, J. G. Davis, Dawson, Dimmick, Disney, Dockery, Doty, Dunham, Durkee, Eastman, Edmundson, Edgerton, Evans, Faulkner, Ficklin, Fitch, Florence, Fowler, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Gable, Gaylord, Gentry, Giddings, Godeonow, Gorman, Grey, Grow, Hall, Hamilton, Hammond, Harper, Sampson W. Harris, Hart, Haws, Hascall, Haven, Hebard, Hendricks, Henn, Hibbard, Hillyer, Horsford, Houston, Howard, John W. Howe, Thomas M. Howē, Hunter, Ingersoll, Ives, Jackson, John Johnson, Daniel T. Jones, J. Glancy Jones, Geo. G. King, Preston King, Kuhns, Kurtz, Landry, Letcher, Lockhart, Mace, Mann, Edward C. Marshall, Humphrey Marshall, McCorkle, McDonald, McLanahan, McMullen, McNair, McQueen, Meacham, Meade, Miller, Miner, Molony, Henry D. Moore, John Moore, Morrison, Murphy, Murray, Nabers, Newton, Olds, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Pennington, Perkins, Phelps, Porter, Price, Rantoul, Richardson, Robbins, Robie, Robinson, Ross, Sackett, Schermerhorn, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abram P. Stevens, Stone, St. Martin, Strother, Stuart, Sutherland, Sweetser, Taylor, Benjamin Thompson, Geo. W. Thompson, Thurston, Townshend, Tuck, Wallace, Walsh, Ward, Washburn, Watkins, Welch, Wells, Addison White, Alexander White, Wilcox, Wildrick, and Yates—181.

NAYS—Messrs. Abercrombie, Averett, Bragg, Albert G. Brown, Caldwell, Isham G. Harris, Holladay, James Johnson, George W. Jones, Martin, Morehead, Savage, Seely, Alexander H. Stephens, Williams, and Woodward—16.

So the resolution passed.

Mr. McMULLIN, when his name was called, said he should vote for the resolution, though with great reluctance. [Great laughter.]

Mr. ROBINSON moved to reconsider the vote just taken, and to lay that motion on the table; which latter motion was agreed to.

The question was then taken upon the title of the resolution; and it was agreed to.

Mr. SMITH. Mr. Speaker—

Mr. STANTON, of Tennessee. I rise to a question of privilege.

Mr. SMITH. I rose for the same purpose. I move to reconsider the vote just taken, by which the title of the resolution was adopted, and I ask if upon that motion I cannot submit a few remarks on the merits of the resolution?

The SPEAKER. Debate upon that question must be confined to the merits of the title of the resolution, and the reasons for its reconsideration.

Mr. RICHARDSON. I rise to a question of order. I desire to inquire whether there was a division upon the question of adopting the title? If there was no division, then I have no question to make.

The SPEAKER. There was no division. Mr. RICHARDSON. Then I have no question to make.

Mr. SMITH. I ask the Clerk to read the title of the resolution and the resolution.

Mr. CARTTER. I object to the reading of the resolution. That is not now under consideration.

The SPEAKER. It is competent for the House to order the reading of the resolution. The question, therefore, is, Shall the resolution be read?

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NEW SERIES.....No. 7.

[Loud cries of "No!" "No!" and "Yes!" from all parts of the Hall.]

Mr. EVANS. I submit to the Chair that the gentleman from Alabama [Mr. SMITH] has the right to demand that the resolution shall be read. If he has the right to discuss the merits of the title, and its pertinency to the resolution, I desire to know how he can show its pertinency without having the resolution read?

Mr. SMITH. If the House will but listen to me for two minutes—

Mr. CARTTER. I object.

[Cries of "Hear him!" "Hear him!" and great confusion in the Hall.]

The SPEAKER. The gentleman from Alabama [Mr. SMITH] is entitled to the floor, and will proceed.

Mr. SMITH. The notice which I gave the other day of resolutions I intended to introduce into this House, has placed me in a most extraordinary position before the country, and has rendered it necessary for me to make some explanation as to their object and the reason for their introduction. That is my only object for now asking the indulgence of the House.

Mr. CARTTER. I rise to a question of order. I desire to know of the Chair if the gentleman is proceeding in order?

[Cries of "Don't interrupt him!" "Let's hear him!"]

The SPEAKER. The Chair is of opinion that the gentleman is in order. The Chair cannot anticipate what application the gentleman intends to make with his remarks.

Mr. RICHARDSON. The gentleman from Alabama rises to explain. Now, since I have been a member of this House, the privilege of personal explanation has not been refused once, and I hope it will not be refused to the gentleman from Alabama.

Several MEMBERS. Certainly not.

Mr. CARTTER. It is not my desire to object to the gentleman's making a personal explanation, but—

The SPEAKER. The Chair is of opinion that the gentleman from Alabama has not transgressed the rules of legitimate debate.

Mr. CARTTER. But I understand that the gentleman's intention is, to discuss the merits of the resolution itself. He has the right only to discuss its title.

The SPEAKER. The Chair cannot tell what application the gentleman will make of his remarks. The gentleman from Alabama will proceed.

Mr. SMITH. I merely wish to explain my position. If the House will indulge me, I will get through in the time which gentlemen will consume with their interruptions. I believe I have the right to address the House upon this question, and I also ask it as a matter of courtesy. I desire to show, that at the time I gave notice of my intention to offer these resolutions, there were really grounds upon which they were properly based. Well, sir, I cannot get at this without going to some extent into the merits of the resolution just adopted, and also, to some extent, into the merits of the whole Kossuth question. I do not say that I have that right.

The SPEAKER, (interrupting.) The gentleman from Alabama will allow the Chair to say, that he has not now the right to discuss the resolutions of which he gave notice the other day, unless the House grant him leave; neither is it in order to discuss the main body of the resolution, except so far as it is necessary to inquire whether the title ought or ought not to be adopted.

Mr. McMULLIN. I rise for the purpose of propounding this interrogatory to the Chair: I desire to know whether it is in order to move that the gentleman from Alabama [Mr. SMITH] have leave to explain?

The SPEAKER. It is competent for the House to grant leave, if the rules are suspended for that purpose.

Mr. McMULLIN. Is it in order, then, to move a suspension of the rules for that purpose?

The SPEAKER. Certainly.

Mr. McMULLIN. Then I move that the rules of the House be suspended, in order to allow the gentleman from Alabama an opportunity for explanation.

Mr. CARTTER. Upon that motion I demand the yeas and nays.

Mr. GENTRY. I believe, according to previous usage, the House have the right to grant leave upon a mere motion. I move that the gentleman from Alabama have leave to explain, so far as he thinks it necessary for his own vindication.

Mr. JONES, of Tennessee. The gentleman from Tennessee has anticipated me. I intended to have made the same motion.

The question was then put, and carried in the affirmative.

So leave was granted.

Mr. SMITH. I thank my friend from Virginia [Mr. McMULLIN] for the motion to suspend the rule, in order to allow me the fuller opportunity of explanation. I noticed, when he voted, that he remarked, that he doubted the propriety of that vote. I am satisfied he will agree with my views. The course, Mr. Speaker, which has been taken upon this resolution presents to the country a most extraordinary spectacle. A few days ago, when it was introduced into one end of this Capitol, we hear, it met with so light favor that its projector [Mr. FOOTE]—a man of indomitable zeal and energy—thought proper to withdraw it, under the frowns of opposition. At that time the "Star of the East" had not arisen; at that time Kossuth had not appeared, and popular commotion had not been aroused in the country; at that time the mob power had not begun to be exercised. But since then a most astonishing change has come over our legislators; a resolution, though not in the same terms, yet looking to the same object, has been introduced in the Senate, and that body passed it with but six dissenting voices. Is that legislating within the walls of this Capitol, beyond the influence of popular commotion, or is it not, rather, the public outside these walls who make the law, and pass the resolution? But what do we see in this House? We see this same resolution brought forward here, at the hour of twelve o'clock, and before a remark could be made the previous question was called; that question was sustained, and the resolution passed. When I reached my seat I found the House voting upon the passage of the resolution, and was forced to vote in favor of it, in order that I might move a reconsideration, and thereby be enabled to make the remarks which I think so important to me.

Mr. CARTTER. I rise to a question of order. The question submitted to the House was, "Shall the gentleman from Alabama have leave to make a personal explanation?" That was the question submitted to the House, and the one upon which the House acted.

Mr. JONES, of Tennessee. That is just what he is doing.

Mr. CARTTER. The gentleman from Tennessee [Mr. JONES] says that is what he was doing. I do not understand what this personal explanation is, then, if it will allow the gentleman to start off with a general attack upon Kossuth, and this body, for passing the Kossuth resolution. If I understand the force and connection of his remarks, instead of being a personal explanation of the gentleman from Alabama, it is a reflection upon the whole House and its character, and particularly upon the friends of this resolution.

Mr. JOHNSON, of Arkansas. I call the gentleman from Ohio to order.

Mr. CARTTER. Well, that is the point of order I make.

Mr. SMITH. I believe the gentleman from Ohio [Mr. CARTTER] is a little fuller of a speech to-day than I am. [Laughter.]

The SPEAKER. The Chair will remark that, in his opinion, the gentleman from Alabama has not transgressed the privilege granted him by the House.

Mr. SMITH. It is impossible for me to make the explanation I wish, without going into the

merits of the controversy, and I will proceed to do it in brief. I will begin by looking upon Kossuth, standing, as he does, a man banished from his country—as an exile. Now, it is thought by some persons to be the greatest evil that can happen to man to be banished from his country; but this is not always the fact. The extent of the misfortune depends upon circumstances—the country from which he is banished, its situation, its wealth, poverty, its laws, and the home condition of the party banished at the time. Indeed, it is not always a misfortune.

I remember that Diogenes counterfeited coin in order that he might be banished from Pontus. I remember that Stragoniscus committed forgery in order that he might be banished from Straphos. They thought that to be banished from such countries was getting out of prison. Now, I think, if these things were applied seriously to the history and present condition of Hungary, that Kossuth might not only not be considered an unfortunate, but, truly, a most fortunate man. We have it, in the story of Themistocles, that when he was banished from Athens he fled to the court of Persia, where he was received with so much graciousness, that the great Monarch of Persia set apart for him six cities; one for his wine, one for his meat, one for his bread, one for his chamber, one for his wardrobe, and I suppose another for his kennel. Well, this Themistocles, while living in so much splendor, forgot poor little Athens, and considered himself the happiest of men; and in contemplating the splendor and luxuries with which he had been surrounded, he was led to lay his hands upon the heads of his children, and exclaim, "Ah! my children, we would have been undone, but for our undoing!" Happy Themistocles! Now, let us look at the man Kossuth again. There he stands, before the American people, welcomed as no man was ever welcomed before. Private assemblies and public assemblies, private mansions and public mansions are opened to receive him. Military chieftains and municipal authorities attend him with all the pomp and circumstance of place and power.

"Wine, wit, and beauty still their charms display,
Light all the shades of life and cheer him on his way."

Happy, happy Kossuth! And, in addition to this, it seems to be a part of his mission—and I intend to go into the merits of that mission, in order to sustain my resolution—to ask for money. Now, Mr. Speaker, in connection with my resolution, I propose to present him to this House as coming here to raise money. That was part of his business. We are told by his friends that he was detained in England, and did not arrive on our shores as soon as was expected, because he was there to arrange and provide for the wants of his associates, by a subscription, got up for them in London.

I see in his last speech in New York he unrolls a little magical scroll there, which gives him a great deal of pleasure, and which seemed to be a source of great pleasure to his audience—that dinner party—that great dinner party, which I suppose is to control, as the pulse of public sentiment, Congress as well as the sentiments of the whole American people. It is wise to remember that the sober second thought comes, not only after dinner, but after digestion.

The little document which he unrolled came from the city of Cincinnati. Why, sir, if Kossuth could but get that city (which is Porkdom,) as one of the six, he certainly might be contented, as much so as Themistocles.

Here it is:

CINCINNATI, OHIO, November 14, 1851.

M. LOUIS KOSSUTH, Governor of Hungary: Sir—I have authorized the office of the Ohio Life Insurance and Trust Company, in New York, to hand you drafts on me for one thousand dollars.

Respectfully yours,
W. SMEAD.
This was very gratefully received, and the Hungarian exile then proceeded to submit a proposition to raise more money.

Mr. SKELTON. I rise to a question of order. I desire to inquire of the Chair, if it is in order,

after the House has sustained the previous question, and when the resolution is not before the House, for any member to discuss it in this stage of proceeding. The resolution was put to the House, and a large majority of us voted for its adoption. I ask, therefore, if it is in order for the gentleman from Alabama, under the privilege granted him to make a personal explanation, to speak against the resolution when no one of its friends can be permitted to defend it?

The SPEAKER. The House, by a vote, have given the gentleman from Alabama leave to make a personal explanation. It has been the custom of the House, where such leave has been granted, to allow the largest latitude for debate; and in accordance with that usage, the Chair does not feel at liberty to interrupt the gentleman in his remarks; because it is not in his power to anticipate the application which the member from Alabama might make of the course of remarks he is now pursuing.

Mr. CARTER. I take an appeal from the decision of the Chair.

Mr. JONES, of Tennessee. I move to lay that appeal on the table.

The question was then put upon the motion to lay upon the table, and a division being had, 103 rose in the affirmative.

Mr. STUART demanded the yeas and nays; which were ordered.

Mr. FOWLER. I beg the Chair to inform the House of the state of the question.

The SPEAKER. The gentleman from Ohio [Mr. CARTER] takes an appeal from the decision of the Chair, that the gentleman from Alabama [Mr. SMITH] was not wandering beyond the limits prescribed by the House, in granting him leave to make a personal explanation. The gentleman from Tennessee [Mr. JONES] moves to lay that appeal upon the table; and upon that motion the yeas and nays have been ordered.

Mr. JONES. I withdraw the motion to lay the appeal upon the table. I understand an appeal is debatable, and I desire to make two or three remarks upon it.

Cries of "No! No!"

Mr. STUART. I rise to a question of order. I submit this point. After the yeas and nays have been ordered upon a motion, I submit that the mover has no right to withdraw it.

The SPEAKER overruled the question of order.

Mr. RICHARDSON. I rise to a question of order. I submit to the Chair, that when an appeal is taken from the decision of the Chair, according to our rules, that appeal must be decided by the House without debate.

Mr. JONES. Where do you get that rule?

Mr. RICHARDSON. It is one of the rules of the House.

The SPEAKER. The Chair overrules this point of order also. The gentleman from Tennessee [Mr. JONES] is entitled to the floor.

Mr. JONES. I merely wish to make a statement of the case, as I understand it, in order that the House in overruling the Chair, may not violate the rules of the House—because there may be a spirit here in favor of Kossuth to override all rules, and perhaps all discussion. The gentleman from Alabama [Mr. SMITH] asked leave to make an explanation. It was objected to.

Mr. STEPHENS, of Georgia, (interrupting.) I call the gentleman from Tennessee to order. I ask that the 35th rule be read.

It was then read by the Clerk, as follows:

"If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and if the case require it, he shall be liable to the censure of the House."

Mr. JONES, of Tennessee. That rule was suspended with the other, in order to permit the gentleman from Alabama [Mr. SMITH] to make his speech. The gentleman has been abused by the newspapers throughout the country, and it is right that he should have an opportunity of defending his course, [cries of "Order!" "order!"] I repeat that the rule has been suspended. [Renewed cries of "Order!"]

The SPEAKER. The Chair is of the opinion, notwithstanding the rules have been suspended for a particular purpose, that the gentleman from Alabama is subjected to the rules of the House in the course of the remarks which he may make, and that in any question arising on an appeal in this particular case, debate is not in order. The gentleman from Tennessee has withdrawn the motion to lay the appeal on the table.

Mr. JONES. I renew the motion to lay the appeal upon the table.

Mr. CARTER called for the yeas and nays upon the motion to lay upon the table; and they were ordered.

The question was then taken on the motion to lay the appeal upon the table; and there were—yeas 122, nays 58; as follows:

YEAS—Messrs. Abercrombie, Aiken, Allison, William Appleton, Averett, Barrere, David J. Bailey, Thomas H. Bayly, Bell, Bingham, Bissell, Beceock, Boyne, Bragg, Breckenridge, Brenton, Brooks, Baell, Burrows, Busby, E. Carrington Cabell, Caldwell, Thompson Campbell, Caskie, Chastain, Clark, Cullom, Curtis, Daniel, George T. Davis, John G. Davis, Dawson, Disney, Dockery, Dunham, Durkee, Edmundson, Etnaus, Ewing, Ficklin, Fitch, Florence, Fowler, Gamble, Gaylord, Gentry, Giddings, Goodenow, Gorman, Hall, Hamilton, Hammond, Isham, G. Harris, Sampson, W. Harris, Hays, Hascall, Haven, Hebard, Hendricks, Henn, Hillyer, H. Hladay, Horsford, Houston, Howard, John W. Howe, Thomas M. Howe, Jackson, Andrew Johnson, James Johnson, John Johnson, Daniel T. Jones, George W. Jones, J. Clancy Jones, Kuhns, Kurtz, Landry, Lockhart, Mann, Martin, McCorkle, McMullin, McQueen, Milson, Miner, Henry D. Moore, John Moore, Morrison, Nabers, Olds, Samuel W. Parker, Peaslee, Pennington, Phelps, Rantoul, Richardson, Robins, Ross, Savage, Schermerhorn, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Smart, Smith, Frederick P. Stanton, Alexander H. Stephens, Sutherland, Taylor, Benjamin Thompson, George W. Thompson, Walbridge, Wallace, Walsh, Watkins, Welch, Addison White, Alexander White, Wilcox, Williams, Woodward, and Yates—122.

NAYS—Messrs. Charles Allen, Willis Allen, Andrews, John Appleton, Babcock, Bartlett, John H. Boyd, Briggs, Joseph Cable, Lewis D. Campbell, Carter, Chapman, Cleveland, Clingman, Cobb, Conger, Dimmick, Doty, Edgerton, Faulkner, Floyd, Freeman, Grow, Hart, Hubbard, Ingraham, Preston King, Letcher, Humphrey Marshall, McDonald, McNair, Meade, Molony, Morehead, Murray, Newton, Andrew Parker, Penn, Perkins, Polk, Price, Robie, Robinson, Sackett, Schoonmaker, Skelton, Benjamin Stanton, Richard H. Stanton, Abraham P. Stevens, St. Martin, Strother, Stuart, Sweetser, Thurston, Townsend, Washburn, Wells, and Wildrick—58.

So the appeal was laid upon the table.

Mr. COBB, on his name being called upon the above vote, said: Duty and inclination come in conflict. I should like to vote yea, but my duty compels me to vote "No;" and I therefore do it.

Mr. SMITH then resumed his remarks, and said: To relieve the gentleman who has interrupted me so frequently, I will make this remark, that it is impossible for me to submit the explanation which I design, without vindicating the resolutions which I offered the other day, and I cannot vindicate those resolutions without going into the merits of the controversy. I should, however, have been nearly through by this time, and I trust that I shall not be met by any further interruption.

The fate of the unfortunate fifty who fell in Cuba, whose melancholy end is fresh in the recollection of us all, ought of itself to be sufficient to make the American people and the American Congress pause and make the solemn inquiry whether or not they are ready so soon to invite, to foster, to encourage, and to feast another foreigner—another perturbed, restless political revolutionist?

It is impossible for any one to look this question calmly in the face, without being compelled to see the close similarity between the Lopez expedition and any expedition which could be fitted out in this country in favor of Hungary. We cannot yet assign to Lopez his proper position; I trust that posterity will find in him all the elements of a martyr and of a hero. All we know of him is, that he beguiled the young of the country, and that he deceived the old of the country—not publicly, not by eloquence, but by dinner-table conversation, private understandings, loans and Cuban-bondisms.

Now, sir, this illustrious exile cannot consider that I bring him into contempt, by mentioning his name with that of Lopez. I do not do it with any such intention. I believe that Lopez may find a lofty place in the estimation of posterity. I refer to him merely for the purpose of showing the dangerous influence that this man may exercise in our country at this moment. Every American knows the excitability of the American disposi-

tion. At this particular time, so soon after the disbanding of our armies, when the country is so full of those young men who have tasted of war—whose swords have been whetted, whose ambition now has no outlet, no escape; who have no hope except in arms—at this particular time, the exciting speeches of this exile may have upon the country a most disastrous and unfortunate effect. It was to avert these evils that I desired to call the attention of the public officers of the country to him and to his position.

Now let us examine the merits of Kossuth's mission to this country. He told us in his English speeches that his object in coming to the United States was to endeavor to unite England and America in behalf of his country, and to induce us to abandon our old national non-interventionism, and to adopt an "armed non-intervention," as he is pleased to term it. He told us that this was his object. I have his speeches before me, in which he says that one of the objects of his mission to this country is to perfect a union between England and America, and to introduce into our policy a new code of national non-intervention. Here is what he says:

"I suppose it is known now that the policy of England and of the United States can unite; and when they are united, I myself hope that without wars the interests of mankind by that means will be secured."

When I go to the United States, I will consider it to be one of my duties to try if there cannot be an humble opportunity for this union, as I was an humble opportunity for the promulgation of the solidarity sentiment of nations for the principles of liberty."

In that same speech what did he say as to our policy of non-intervention—as to Washington's policy of non-intervention? Why he compliments the Father of his Country for promulgating what he is pleased to term, in his unique phraseology, "the letter-marque of despotism." Washington's policy of non-intervention is, in the idea of Kossuth, "the letter-marque of despotism!" Hear what he says:

"That is the principle—the sovereign right of every nation to dispose of itself. But this is not the non-intervention which would be defined by these words: 'I do not care whatever be the fate of humanity, whatever the disposal of the world may do with Europe or with its liberty, because my principle is non-intervention.' That, I say, is not non-intervention; it is the letter-of-marque to despotism; it would be an assurance to society to carry with certainty the victory to despotism."

Now, sir, when Kossuth arrived in New York he was met there by a Doctor somebody—Hobgoblin, or a name of a similar character—who gave him the following assurances:

"For my part, and I ask no one to be responsible for what I say, although I honestly believe that I speak the sentiments of the great mass of my fellow-countrymen, and especially the sentiments of those three and a half millions of stalwart, able-bodied young men of America whom our laws have designated for military purposes—I believe I speak the sentiments of this great mass of intelligent citizen-soldiers, who are not merely household troops, sir, but who have recently had an opportunity of demonstrating before the world what use they can make of arms in the enemy's country—I speak their sentiments, sir, when I say that the great Kossuth doctrine of armed non-intervention is the doctrine and sentiments of America—non-intervention for us—non-intervention for all."

What does Kossuth say in reply to this? Why, he says:

"The reception I have already experienced relieves me from much anxiety. If the doctrine of non intervention is understood, as you state, then the generous and efficient aid of the United States to my country's suffering independence is gained."

Let us pause a moment at this period. We see that Kossuth stated in England that the object of his mission to this country was to endeavor to unite England and America upon a new principle of non-intervention. When he arrived here he was told that three millions of armed young men were prepared to aid him; that "armed non-intervention" was the doctrine of America; and he then said that the great object of his mission was more than half accomplished.

I propose now to refer to some of the speeches which he made previous to the offering of my resolution. I propose to show that they contained phrases which authorized the resolutions. Recollect that it has been our policy from the very foundation of the Government to stay at home and to attend to our own wars—to our own business—and to let the other nations of the earth do likewise. Recollect, too, that we have adopted a statute which makes it almost treasonable for any man to aid in setting on foot any expedition against any country with which we are at peace.

Now, hear what Kossuth says of his motive in being here at this time:

"The motive, citizens, is that your generous act of my liberation has raised the conviction throughout the world that this generous act of yours is but the manifestation of your resolution to throw your weight into the balance where the fate of the European continent is to be weighed. You have raised the conviction throughout the world, that by my liberation you were willing to say, 'Ye oppressed nations of old Europe's continent, be of good cheer; the young giant of America stretches his powerful arm over the waves, ready to give a brother's hand to your future.' So is your act interpreted throughout the world."

He goes on to say:

"It is hence that my liberation was cheered, from Sweden down to Portugal, as a ray of hope. It is hence that even those nations which most desire my presence in Europe now, have unanimously told me, 'Hasten on, hasten on to the great, free, rich, and powerful people of the United States, and bring over its brotherly aid to the cause of your country, so intimately connected with European liberty.'"

Again, he says:

"And taking my ground on this principle of union, which I find lawfully existing, an established constitutional fact, it is not to a party, but to the united people of the United States that I confidently will address my humble requests for aid and protection to oppressed humanity. I will conscientiously respect your laws, but within the limits of your laws I will use every honest exertion to gain your operative sympathy and your financial, material, and political aid for my country's freedom and independence, and entreat the realization of these hopes which your generosity has raised in me and my people's breasts, and also in the breasts of Europe's oppressed nations. And, therefore, thirdly, I beg leave frankly to state that my aim is to restore my fatherland to the full enjoyment of that act of declaration of independence, which being the only rightful existing public law of my nation."

How is it possible for his fatherland to be restored without war? How could we possibly aid, financially, materially, and politically, without bringing war?

I refer to these speeches to show that my resolutions had some foundation in fact. But in addition to all this, we have another most extraordinary development. Kossuth was invited to review the militia of New York; he was invited to appear before the militia of the country with all the trappings of military gewgawism, no doubt with the privilege of expressing to those men in arms, the same sentiments that he expressed at the other meetings. Here is what he says in reference to that invitation:

"I am told that I will have the high honor to review your patriotic militia. Oh, God! how my heart throbs at the idea to see this gallant army enlisted on the side of freedom against despotism; the world would be free, and you the saviors of humanity."

Now, I ask if there was not some reason for the resolutions which I offered? I ask the House to look at this man, with his powerful eloquence, with his great ingenuity, with his greater character, coming as he does from the fields where liberty's battles were fought and won and lost—I ask the House to view him in his speeches and in his positions, with all his candor, and to say if there was not some grounds of apprehension that those inflammatory harangues would incite the young and the ambitious into an expedition? How long would it take New York, with its immense wealth and shipping resources, to supply and fit out an expedition? It is known that New York was the life, soul, and centre of the ill-starred Cuban expedition.

But I pass on to the general positions which he assumes in some of his other speeches. Was it generous in this man—was it returning our hospitality in a proper manner, to come here and so immediately, so directly, so unblushingly, so unhesitatingly to commence a direct interference in our public and private concerns. What does he say? Not content with receiving the homage of the people in their popular assemblies, he assails Congress and advises us to recall our Minister from Vienna! What a height of impudence is that! He tells us that we can spare Mr. Hulsemann. Here is his language:

"Now, as to your minister at Vienna, how you can combine the letting him stay there with your opinion of the cause of Hungary, I really don't know; but so much I know, that the present antibatistatistical atmosphere of Europe is not very propitious to American principles. I know a man who could tell some curious facts about this matter. But as to Mr. Hulsemann, really I don't believe that he would be so ready to leave Washington. He has extremely well digested the caustic pills which Mr. Webster has administered to him so gloriously."

Now notice the magical skill of this arch elocutionist. See with what ingenuity he mixes the flattery with the censure. Why, he is almost as polished and as ingenious as St. Paul, who, when he pleaded before Agrippa smoothed his way to

the King's heart by a magical touch, thus: "I think myself happy, King Agrippa, because I shall answer for myself, this day, before thee, especially because I know thee to be expert in all the questions and customs which are among the Jews." Here, in connection with these slurs upon our Austrian mission, and upon the respectable representative of that Government here, he soft-sawders Mr. Webster, endeavoring, I suppose, to obtain, and no doubt obtaining, by that soft-sawdering, the influence of some of Mr. Webster's friends. But he mistakes the American heart. Our triumphs bring pleasure and delight to us. Our friends rejoice when the victory is over, it is not ours to turn the knife in the wound; we are not cold enough for that. Mr. Webster's triumph in the little matter of diplomacy was very complete over Mr. Hulsemann—very gratifying, very satisfactory. Did Mr. Webster enjoy the pain which it gave his respectable adversary? No. He rejoiced not in the pain he inflicted; but in the intellectual pleasure of looking upon his own bantling—a great little letter! Now, I tell Kossuth that Mr. Webster feels great disgust for this heartless effort to revive an old quarrel, and to insult Mr. Hulsemann by referring to him in words of contempt coupled with a flattering allusion to the Secretary of State. I refer to this for the purpose of asking if it became an exile who had been brought to this country by the mediation of the Government, sanctioned by the people, so soon and so unblushingly to begin his interference in our public as well as our private affairs?

But I must hasten on. This man, in the last speech which he made in New York—to which speech I take no exception whatever—I have no doubt that he had seen or heard of my resolutions before he delivered it, because it is entirely free from the incendiary which marked his former speeches—but in that speech, he says that General Washington never recommended national non-intervention, but only neutrality, and he resorts to a species of fallacious logic by which he endeavors to draw a distinction between "neutrality" and national "non-intervention." Everybody knows, Mr. Speaker, what has been our policy. It makes no odds whether Washington recommended it in so many words. His word "neutrality" was quite sufficient, and upon it has been built the policy that has ruled us in all time. And what has been the result of that policy? Why, from the small beginning of three millions of inhabitants, we have now got twenty-three millions; from a small number of States, we are now over thirty; from a ragged population, we present the best dressed population in the world; and from poverty we have risen to the greatest wealth and prosperity. Why and how did we get all these? We got them by an adherence to the great principle of staying at home and minding our own business. It is a principle upon which a private man thrives. It is a principle upon which private families prosper. It is a principle upon which a neighborhood has peace and prosperity and enjoyment. It is that great principle which has raised us up to be the greatest government on earth. But Kossuth says that we may depart from that policy now—that it was wise when we were young, but that now we have grown up to be a giant and may abandon it. Here is another bit of philosophy for you. We can all resist adversity. We know the uses—and sweet are they—of adversity. It is the crucible of fortune. It is the iron key that unlocks the golden gates of prosperity. I say, God bless adversity. It tricks me. I bleed and am well. But the rock upon which men and upon which nations split is PROSPERITY. This man says that we have grown to be a giant and that we may depart from the wisdom of our youth. But I say that now is the time to take care; we are great enough; let us be satisfied; prevent the growth of our ambition, prevent our pride from swelling, and hold on to what we have got. Do you remember the story of the old governor, who had been raised from rags? His King discovered in him merit and integrity, and appointed him a satrap—a ruler over many provinces. He came to be great, and it was his custom to be escorted throughout the country several times during the year, in order to see and to be seen. He was received and acknowledged everywhere as a great man and a great governor. But he carried about with him a mysterious chest, and every now and then he would look into it, but let nobody else see what it contained.

There was a great deal of curiosity excited by this chest, and finally he was prevailed upon by some of his friends to let them look into it. Well, he permitted it, and what did they see? They saw an old ragged and torn suit of clothes, the clothes that he used to wear in his humility and in his poverty, and he said that he carried them about with him in order that when his heart began to swell, and his ambition to rise, and his pride to dilate, he could look on the rags, they reminded him of what he had been, and thus he was enabled to resist the temptations of prosperity. Let us see whether this can illustrate anything in our history. Raise the veil, if there is one, which conceals the poverty of this Union, when there were but thirteen States. Raise the veil that conceals the rags of our soldiers of the Revolution. Lift the lid of the chest which contains the poverty of our beginning, in order that you may be reminded, like this old satrap, of the days of your poverty, and be enabled to resist the advice of this man who now tells you that you were wise in your youth, but that now you are a giant and may depart from that wisdom. Remember now the use of adversity, and let us take advantage of it and be benefited by it, for great is the man, and greater is the nation, that can resist the enchanting smiles of prosperity.

In referring to our humble beginning, and our great and astonishing growth, I am induced to pause a moment, and ask why is it that we should so lightly and carelessly treat propositions of this sort, which involve, as it is admitted this proposition does involve, the very principle by which we have grown to our present condition? What was the cost of this great and glorious Confederacy? We cannot find it by going back and searching the old Quartermaster's reports. We cannot find it in dollars and cents—we know not how to estimate it by this method. The true place to find the cost is in the battle-fields of the Revolution—in the rags, the deprivations, the bleeding feet of your soldiers—the history of those brave men, who fell in their youth. In this contemplation, I cannot arrive at an estimate of the cost of these States. Now, I ask, if it is wise in this legislative assembly so lightly and carelessly to pass by the wisdom of our fathers?

In reference to this question of non-intervention, Mr. Kossuth rather exultingly asks, in answer to some objections, if France did not give us active and material aid in the days of the Revolution? Certainly; but that was her business, and not ours—that was her policy, and not ours. It is very simple in Mr. Kossuth to ask such a question. He should read history; the little tags he picks up from editors and reporters and conferring friends will not suffice. Do the advocates of this resolution—the advocates of the abandonment of our non-intervention—depend upon this question as an argument for them? Is it not known in history that France had possessions contiguous to the colonies, and that it was her business to protect them? It was her policy to come here and afford us aid against England, as well for her own sake as for ours. There is an answer to any little exaltation any man may have, in referring to the French question. I say it was her policy to desire to defeat England, as well as her inclination, to aid a suffering and oppressed people as we were at that time, which brought her to our shores.

And now, as I have a few moments left, I beg leave to call your attention to another fact. I have passed over many things which I should like to dwell upon, but I turn to consider another question, which is a part of his mission, and that is the question of RELIGION. Religion! I have a book, written by his biographer, and, of course, his friend, in which he says that one of Kossuth's objects is "to beat down the Catholic religion!" "That in the struggle in the Hungarian controversy depended the prevalence of the Protestant religion!" That is, the Protestant religion would rise or fall with the Hungarian struggle. This man goes on to show that Kossuth's object is to destroy the Catholic religion. (Telf's Book.) I refer to this in order to ask, whether freedom in religious worship is not one of the corner-stones of our institutions. I ask if it is proper in the Congress of the United States, by its assembled wisdom, to say to this man, "Come here—sit us up, in order that we may superintend secret expeditions against Austria; come here to feast, drink, loaf, and lounge, teach us politics, and in-

terfere with our religion, also?" Shall we say this? Sir, our notion of religious liberty is derived from the Pilgrim Fathers—was founded upon the Rock of Plymouth—and is diffused through all our institutions, so that the humblest log-cabin in the Far West, if dedicated to Christian worship, is as sacred in the eyes of the law as the lordliest cathedral in the Eastern world. And yet, you invite this man to come here to carry on his crusade upon religious subjects. Crusade! A word that reminds us of the days of chivalry; and if we would yield a moment to the false appearances of this day, we might say that Burke was wrong when he exclaimed "The days of chivalry were gone." The apostles of this man have already proclaimed him to this country as another *Peter the Hermit*. Ah! there is another exhibition of the religious part of his mission. I am willing to acknowledge, that Kossuth must be a man of consummate eloquence. I am perfectly satisfied of that fact. I have read his speeches with great admiration, mixed up with a little indignation, and that opinion I have expressed. I am not a man to turn my eyes from the face of genius. Wherever it exists, whatever may be its sentiments, I love to look upon it, because I know that in the face of genius there is the image of God. I am willing to say, that Kossuth possesses all the charms to make him a most accomplished man and a gentleman, and I should consider it my misfortune if he should pass through here without my seeing him, and, if I dared, I should venture to make his acquaintance. I do not think that the idea of a mission like that of *Peter the Hermit* will be tolerated in this country. What was the object of *Peter's* mission? It was to raise an innumerable army to fight in the cause of religion. He was said to be a man of great and exceeding eloquence, as no doubt he must have been, to have produced such a wonderful effect. I ask, you then, are we ready for another *Peter the Hermit*? Are we ready to be instructed by some Eastern monk? Why, sir, we have enough orators at home—men born in the West—cradled in the wilderness, where everything around them is grand; and if men grow where grandeur surrounds them, they cannot help being orators. If we want any *Peter*, we do not want him from the East. We want *Peter the Hunter*, from the West.

"Westward the star of empire takes its way."
Let our instructions come from that source.

I will make another observation, and that is in reference to the idea of establishing republican governments in Europe. New governments there are continually rising and falling; and have they not been trying to establish republican governments there for the last thousand years? Have they ever succeeded? And why not? Because of their antiquities, and their monuments breathing, smacking, and smelling of nobility and royalty, and because half of the people are pretenders. Where that state of society exists, one man will always want to be superior to the others, and the idea of human agrarianism is a mere absurdity. Look at the present condition of France. What a mockery upon republican institutions. Having driven out her King—having achieved the first step—having done all that was necessary, she could not take a common name for her President. She had to take a princely name—a name connected with royal and princely blood. What a mockery! What chance would such a republican name as Jones, Davis, Johnson, Thompson, or Smith have [laughter] of being President of republican France? I tell you that Republics exist where God has so ordained, and nowhere else; and all your sympathy for eastern Republics is thrown upon the water, without the virtue of the bread. Republics exist where men are born free—where there are no monuments of royalty—where there are no antiquities, no heraldries to remind one of the superior origin of his blood. God has written it, and it is inevitable, that no Republics shall exist for a long period of time in their true character, where the monuments of the country are indelibly connected with nobility and royalty; but they shall exist in the Western hemisphere, where the anointed king has never placed his foot. There is no regal atmosphere here. There are no histories, no heraldries, no songs to inspire us with the idea that one man shall be superior to another, except in the love and affections of the people. As long as that state of things exist, we will be free. But in the course

of time—I trust it will be thousands of years hence—by some accident of nature, we may be blotted out, and this which is now the Western abiding place of liberty, may be the Eastern home of kings, and the Eastern land, by some freak of nature, may be covered up, and these monuments of regality and nobility may be buried, and the places hallowed by the footsteps of kings may be thousands of feet under the earth. Then, and not till then, will there be a genuine republican government on the Eastern continent. Now, I say that all your sympathy is thrown away, and all your fighting for a man struggling to be a head of a republic in the East, is but to elevate a prince into places of power, in order that he may oppress his serfs. The present Republic of France is but the nursery of new Robespierres and Dantons, whose days of blood are not far off!

When did Kossuth become a republican? Never until he reached England. What was he fighting for? Why, for the permanence of the Hungarian constitution. Here is the Hungarian constitution, as he says to us himself in his New York speech—here is the constitution he was trying to perpetuate. "Hungary is a free and independent Kingdom"—(Kingdom)—"having its own self-constituent existence and constitution, and not subject to any other nation and country in the world. The only tie between us and Austria, was that we were bound to elect to be our Kings the same dynasty, which were also the sovereigns of Austria." Here you see that this free constitution and this free country fought for by Kossuth in the Hungarian struggle, had a King! And all Kossuth wanted, was to establish their ancient constituencies. There is the republic for whose perpetuation he was striving and fighting.

He comes here now to this country almost a red republican—a much better republican than ourselves, who were born republicans. But I am proud of his conversion. I congratulate him and the cause of liberty throughout the world, that American atmosphere has had such a magical effect upon him.

I had some interesting authorities, which I would like to read if I had time, but I will close my remarks by thanking the House for their kind indulgence in hearing me.

Mr. HIBBARD. I move to lay on the table the motion to reconsider the vote on the adoption of the title.

The question was then taken, and the motion to reconsider was laid upon the table.

RESOLUTIONS.

Mr. FITCH asked the unanimous consent of the House for the purpose of introducing a preamble and resolution, which was read for information, as follows:

Whereas on the 2d of January, 1848, the House of Representatives of the United States declared that the then existing war with Mexico was "unnecessarily and constitutionally begun by the President of the United States," which declaration, if uncontradicted, may hereafter lead to erroneous opinions of the cause of that war, and the views and motives of those engaged in its active prosecution; therefore—

Resolved, That the said declaration was a libel upon our country's cause, a stigma upon the memory of the brave dead of that war, and a reproach upon the living who fought its battles; that it was unfounded in fact, and expressed not the opinion of the people of the United States, but that only of an accidental majority in Congress.

Mr. STEPHENS, of Georgia. I object to their introduction.

Mr. FITCH moved a suspension of the rules, to enable him to introduce the resolution; upon which motion

Mr. STEPHENS, of Georgia asked for the yeas and nays; which were ordered; and, being taken, were—yeas 102, nays 53; as follows:

YEAS—Messrs. Aiken, Willis Allen, Andrews, John Appleton, Averett, Babcock, Bartlett, Thomas H. Bayly, Bissell, Biscoe, Brenton, Albert G. Brown, Buell, Busby, Thompson Campbell, Carter, Caskey, Clark, Cobb, John G. Davis, Dawson, Dimmick, Dory, Dunham, Eastman, Edmundson, Edgerton, Faulkner, Ficklin, Fitch, Florence, Freeman, Thomas J. D. Fuller, Gaylord, Gorman, Grow, Hall, Hamilton, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Henn, Hibbard, Holladay, Houston, Howard, Ingersoll, Jackson, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kurtz, Letcher, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, McCormick, McDonald, McLanahan, McMullin, McNair, Meade, Milson, Molony, Murphy, Murray, Nabers, Andrew Parker, Peaslee, Penn, Phelps, Polk, Price, Richardson, Robbins, Robie, Robinson, Ross, Savage, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stuart, Sutherland, Sweetser, George W. Thomp-

son, Thurston, Venable, Alexander White, Wilcox, and Wildrick—102.

NAYS—Messrs. Abercrombie, Allison, William Appleton, Bell, Bennett, Bowie, Bowden, Briggs, Brooks, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Chandler, Chapman, Chastain, Chingman, Conger, Cullom, George T. Davis, Evans, Ewing, Fowler, Gentry, Goodenow, Hascall, Haven, Hebard, Hillyer, Horsford, John W. Howe, Thomas M. Howe, Hunter, George G. King, Kuhns, Landry, Mann, Martin, Meacham, Miller, Henry D. Moore, John Moore, Morehead, Newton, Ottlaw, Samuel W. Parker, Penniman, Perkins, Porter, Sackett, Schermerhorn, Schoonmaker, Benjamin Stanton, Alexander H. Stephens, Taylor, Tuck, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, and Williams—53.

Mr. BRECKENRIDGE, who was without the bar when his name was called, asked permission to record his vote.

Mr. STEPHENS, of Georgia, objected. He had been there, he said, for eight years, and never knew the privilege to be accorded to any one.

So the rules were not suspended.

Mr. CLINGMAN, from the Committee on Territories, by general consent, reported the following resolution; which was read and adopted, viz:

Resolved, That the President be requested to communicate to this House all such information as may be in his possession, calculated to show the actual condition of things in the Territory of Utah; and especially to enable the House to ascertain whether the due execution of the laws of the United States has been resisted or obstructed; whether there has been any misappropriation of the public funds; and whether the personal rights of our citizens have been interfered with in any manner.

Mr. SMART, by unanimous consent, introduced the following resolution; which was read and agreed to, viz:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, any information he may have received respecting the seizure and confiscation of the barque "Georgiana," of Maine, and the brig "Susan Loud," of Massachusetts, by the Spanish and Cuban authorities; together with all applications and correspondence in reference thereto; and that he inform the House what measures (if any) have been taken for the indemnification, by the Spanish Government, of the captains, owners, and crews of said vessels.

The resolution was adopted.

Mr. MEADE asked the general consent of the House to introduce a resolution; which was read, as follows, viz:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, information, if any, in his power, first, as to the conclusion of the treaty between Spain, France, and Great Britain, in respect to the Island of Cuba, and the nature of that treaty; second, as to the relative strength of the British, French, and United States squadrons in the West India seas; and thirdly, whether additional appropriations are necessary to increase our force on that station.

Mr. CARTTER objected to the introduction of the resolution.

Mr. MEADE moved a suspension of the rules to enable him to introduce it; which question was put and agreed to.

The resolution was then adopted.

Mr. HOUSTON, from the Committee of Ways and Means, by general consent, reported the following resolution:

Resolved, That the Committee of Ways and Means be authorized to employ a clerk at the usual rate of compensation.

The question was taken upon the adoption of the resolution, and it was agreed to.

Mr. HOUSTON, from the Committee of Ways and Means, by the unanimous consent of the House, reported the following resolution; which was read and agreed to:

Resolved, That the Committee of Ways and Means be authorized to cause such repairs to be made in their committee room as the majority of such committee may deem necessary, not to exceed in cost the sum of \$20.

Mr. EVANS asked and obtained leave, and introduced a bill, of which previous notice had been given, to amend an act entitled "An act for the punishment of crime in the District of Columbia," which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. SIBLEY, by unanimous consent, introduced the following resolution; which was read and adopted, viz:

Resolved, That the Secretary of War be requested to inform this House, 1st. What progress has been made, if any, in the construction of certain roads authorized by Congress in the Territory of Minnesota; 2d. What amounts of the sum appropriated by Congress for that object has been expended, and for what specific purpose; 3d. What additional sum, in his opinion, will be necessary for the completion of the roads so authorized.

—LOUIS KOSSUTH.

Mr. WILDRICK, from the Committee on

Enrolled Bills, reported as correctly enrolled the joint resolution of welcome to Louis Kossuth; which was presented to the Speaker, and received his signature.

REFUNDING OF MONEYS TO CALIFORNIA.

Mr. MARSHALL, of California, on leave, introduced the following bill, of which previous notice had been given, to authorize and direct the payment of certain moneys into the treasury of the State of California, which was collected in the ports of said State as excise upon imports since the ratification of the treaty of peace between the United States and the Republic of Mexico, and previous to the admission of California into the Union.

The bill having been read a first and second time by its title,

Mr. MARSHALL moved its reference to the Committee on Military Affairs; and it was so referred.

Mr. JONES, of Tennessee. I object to the reference to that committee.

The SPEAKER. The objection comes too late.

Mr. JONES. I move a reconsideration of the vote by which the bill was referred to the Committee on Military Affairs.

The question was put, and the motion was agreed to.

Mr. JONES. I now move that the bill be referred to the Committee of Ways and Means.

Mr. MARSHALL. The reference that I moved, of this bill to the Committee on Military Affairs, was a very appropriate one under all the circumstances. The moneys which that bill provides to be refunded to the State, or rather to the treasury of California, were collected under a military administration, and are now in some part of the military department in this city. The matter is one that comes properly under the cognizance of the committee to which I have moved its reference. There are other reasons, sir, which I had intended some time or other in the course of this session to state—but perhaps it would be as well to state them now—why I prefer the Committee on Military Affairs to the Committee of Ways and Means. At the head, and the one next to the head of the latter committee, are gentlemen very distinguished for their economy—for an economy that induces them to negative everything which looks like an appropriation. I desire to refer my bill first to the Committee on Military Affairs—an appropriate and proper committee. I want it to escape, if possible, altogether the hands of the Committee of Ways and Means. These are the motives. Everybody understands them. If the bill ever falls into the hands of that committee, it is buried. I know that now. I therefore propose that the bill be referred as indicated and I rely upon the generosity of the House to sustain this reference, that it may, at least, have a fair chance—that at least it will not be prejudged before it is even presented.

Mr. JONES. I think the gentleman from California has certainly not made up his opinion of the Committee of Ways and Means from any knowledge that he has. I ask that gentleman if he ever heard of a bill referred to the Committee of Ways and Means, as now constituted, or as constituted at the last session of Congress, which was buried, or was permitted to sleep in that committee? I ask him, sir, if this is not a prejudgment and warning without knowledge upon his part? If the gentleman's bill is right, he has nothing to fear from me, or from the committee. If the gentleman will go back and look at the records of this House, and see when the Congress of the United States refused to give to his new State a territorial government after its organization in 1848—refused to give it the protection and benefit of our laws and government—and a proposition was brought here, sir, to send the tax-collector among that people, and levy taxes upon them, and make them pay tribute to a Government which denied them its protection and laws, he will find one individual—the one who now addresses you, sir, and who is a member of the Committee of Ways and Means—who voted against sending the tax-collector to his people without first giving them the benefit of the laws and government under which we claim that that people belonged to. Now, sir, I say again, that if his bill is right, I do not prejudge it. If it is right—if this money was collect-

ed before they had the benefit of our laws—they should have the benefit of the money. The Committee of Ways and Means is the appropriate committee, in my opinion, for it, and not the Committee on Military Affairs. I hope, sir, that the House will do with it what they may think, in their judgment, is right. I would merely ask for the reading of the rule defining what sort of jurisdiction the Committee on Military Affairs shall have, and what the Committee of Ways and Means.

Mr. HOUSTON. The very extraordinary course taken by the gentleman from California, and the unfounded and extraordinary remarks he has made with reference to myself, require that I should say a word upon the subject. I do not intend to give to it at present but a moment's consideration. The gentleman from California is, no doubt, well informed upon the matters coming before him, and under his peculiar management and jurisdiction. I do not pretend to deny to him transcendent abilities, peculiar knowledge, and a mind calculated to grapple with all subjects. And while he has, no doubt, his proper share of liberality, would it not have been well for him to have informed himself more correctly before he advanced any objection to the Committee of Ways and Means, or any of its members, and before he thus wantonly assailed, without, I apprehend, the least foundation in fact, the chairman and other members of that committee? I undertake to say that his declarations, as far as I am concerned, are gratuitous and unjust. From what, sir, does he judge of my course upon that subject? Does he know that I have prejudged his bill? And has he any reason for saying that I have such opinions of economy that I am unwilling to vote appropriations for anything, or give countenance to any proposition, that will draw money from the Treasury, however just the demand upon that Treasury? Sir, I was not in the last Congress. I presume the gentleman has not consulted my votes while I had the honor, formerly, of a seat here; and if he has, then he is more in fault, because my votes show, through the whole course of my legislative career here, that I voted for most of the propositions for appropriations that were deemed by the majority of the Committee of Ways and Means as necessary and right to the proper administration of the Government. Has he consulted the Journals thereof? I had the honor of being a member of the Committee of Ways and Means for several years, during the time I was a member of this House; and although I have been regarded as strict in my opinions of economy, I have never yet found any one who has been willing to hazard the expression, (for it is a hazard,) that I would prejudge a proposition of this character, or any other.

Mr. Speaker, the gentleman from California probably did not weigh the import of the language he used. He ought to know, if he does not, that we are here acting under the same solemn injunctions that are resting upon him. We have our duties to discharge to the country, and it ought to be presumed, at least, that we are as willing to discharge these duties as the gentleman himself; and if he had exercised that charity which he would wish others to exercise towards him, he would never have committed the blunder of making the unfounded and gratuitous attack upon the Committee of Ways and Means that he has made. Mr. Speaker, I am satisfied that the appropriate committee for the investigation of the bill presented by the gentleman from California, is the Committee of Ways and Means.

I have no desire, as one of the members of that committee, to have charge of the bill. If the bill should be committed to the Committee of Ways and Means, so far as my action is concerned, as one of that committee, I will give it the same careful and candid investigation which I intend to give to all other propositions that may come before that committee. I would examine into its merits, and if I supposed it had merits sufficient to entitle it to the favorable consideration of the committee and the House, I would give it my sanction; otherwise, I would not. And upon the subject of appropriation, allow me to say here, for myself, as defining the position I occupy, and the course I mean to pursue upon that subject—that I intend, as far as my action goes as a member of that committee and this House, to give to the Administration in power fair and liberal appropriations to carry on this

Government. Beyond that I do not intend to go.

I do not prejudge the estimates from the Departments. I do not pretend to say whether they are large, or whether they are small. When they come properly before me I will judge of them; but, as a general rule for my conduct as a member of the Committee of Ways and Means, and a member of this House, I intend, as I before said, to give the Administration in power fair and liberal appropriations to carry on the Government. I intend to pass, according to the best judgment I have, upon all bills that it may be the pleasure of the House to submit to that committee. It may, and I have no doubt will be the case, that I shall be found against some of the bills that will come before the committee. That is the case with members upon all committees. Every member must, at times, meet with disappointment in not getting his bills through the committees and the House. It is natural. We do not all view the merits of a bill alike. We differ in opinion upon the subjects involved, and it is natural that it should be so. While I have said thus much, and while I have declared here in my place that I will give my support to appropriations which I consider fair and liberal for the Government, I will not be found amongst those who are disposed—and I hope there may be none in this Congress—to waste and squander the public money. I regret exceedingly the remarks of the gentleman from California, [Mr. MARSHALL,] which made it necessary for me to say a word. They were so unjust, and so unfounded in fact, it was due to myself that I should say what I have said.

Mr. HIBBARD obtained the floor; but gave way to

Mr. MARSHALL, of California, who said: I am surprised, Mr. Speaker, at the storm that seems to be raised around me for a few suggestions I felt myself obliged to throw out. I conceived that the Committee of Ways and Means would have felt itself preëminently flattered at what I said. I found their character, for economy, prevailing so universally here, that I thought it was a thing at which they had aimed all their political life. I meant it as a compliment, though it did not suit me exactly; and I thought when the charge made by me against them found its way into the papers, and went to their constituents, that their political fortunes would be made forever. [Laughter.] Well, I did not mean to prefer against them any very grave charge. I did not mean anything that ought to occasion feelings of resentment, when I said that this bill, and all bills of this character, would be prejudged in that committee. I have no doubt these gentlemen will, in the spirit of a California committee, give this bill a fair hearing, as they say—just as our committees do give a fellow a fair trial, and then hang him. [Laughter.] He will have an admirably fair trial; but this is a bill in which I take an interest. It is a just and fair bill. It provides for the refunding of a sum of money to which California is entitled, if any country upon earth had a right to any money. Refunding is a proverbially difficult operation in the Congress of the United States. It is a matter of peculiar difficulty to get money paid back after it has once passed into the coffers of the United States, as this has done. I say, therefore, the bill labors under peculiar difficulties, and I have been obliged to say all this, and do all I have done. I felt I was obliged to do it in justice, to my constituents, because I knew, if in addition to the difficulties that beset it naturally and necessarily, it is referred to the aforesaid Committee of Ways and Means, that it was a gone bill. I know that; and I therefore do urge the reference of this bill to that committee which is equally as appropriate as the Committee of Ways and Means. Such reference is not without example—without precedents in the history of this very body. Mr. Clay made his celebrated report upon the public lands from the Committee on Manufactures, to which it was referred. Everybody recollects that. I say there is nothing inappropriate—no violation of rules in the reference which I wish to make to the Military Committee, as it is the only one which will have the collateral information necessary to a fair investigation, and a correct report. I do therefore urge its reference to the Military Committee, and not to the other. The object of the bill might have been gathered from its title. It is this: It is to repay to the State of California the money which was collected under the military occupation

of that country, at a time when she had no benefit from the laws of the United States, and at a time when she had no representative in any legislative body, thus involving the very principle of the revolutionary war—taxation without representation. It is perfectly just that the refunding should be made, and it is money, moreover, our young State wants. I hope the House will consider the necessity of the Military Committee having this bill, because it was under military occupation that the funds were collected; that military officers were the agents by which it was collected; and that that committee will alone be in possession of the information that is necessary to the proper understanding of the bill.

I have not the time nor the disposition to hunt up the Journals of this House, though I have looked at them some time ago, to establish and to prove the reputation which I charged upon those gentlemen—whether it is a creditable one to them or not—but I do not believe that the Journals of this House will show any one single, solitary instance of an appropriation out of the ordinary appropriations necessary to sustain the Government, and perfectly in the routine of their duty, having been supported by either of those gentlemen. I think not. I may be mistaken; but I do not know of any. Their reputation is general, as I have stated it. It has come to me everywhere. Whisperings have been made by members from bench to bench all around the Hall, that Jones and Houston are celebrated for that quality.

Several MEMBERS. "Order!" "Order!"

Mr. MARSHALL. Now, I do not mean to charge it as a bad quality. Economy is admirable in its place. I do not state it as a crime. I do hope the bill will be referred to the other committee, and taken away from that. I have felt obliged to say this much thus early in the session. I may possibly have to suggest the same thing in other cases. I rely upon the generosity of the House to give the bill at least a chance.

Mr. HIBBARD. I have but a word to say, and it is not with a view to vindicate myself, or any other member of the Committee of Ways and Means, from the remarks made by the gentleman from California, [Mr. MARSHALL.] I took no offence at them; I take none; but perhaps they were superfluous. If I have any objection at all to what the gentleman has said, it is that he did not do me the high compliment of including me, though an humble member of that committee, in his remarks. The gentleman says he deems the bill is prejudged—that it is sure to be defeated if it goes before the Committee of Ways and Means. I have no such opinion to express; but his firm conviction of the future fate of this bill has seemed to me to indicate in his own opinion that there is or may be something "rotten in Denmark." My mind is not in this way made up. As a member of the committee, of course my mind is open, as I suppose is that of the other gentlemen, to a fair consideration of that bill upon its merits. Nor have we, so far as I know, any wish that the House would impose duties upon us that do not belong to us. Nor have I any objection, if this House choose, with a full and fair understanding of the matter, to take from them this duty, or any other of the onerous duties which devolve upon the Committee of Ways and Means; but I wish to object to this understanding, because a precedent may be set in this matter. I suppose this bill ought to, and I wish it to, be referred to the Committee of Ways and Means, because I think it is clear, beyond all doubt, that it belongs to that committee. What is it, sir? The gentleman states it to be a bill respecting a part of the revenue of the Government—a part of the money that is now the revenue of the Government. It proposes to take from the Treasury of the United States a certain sum—several hundred thousand dollars—and refund it to the State of California. It was money collected as revenue, if I understand the bill aright, in California before it was a State, organized in its present form. This is a bill touching the revenue—touching the means of the Government to that extent. It is a matter that clearly and plainly belongs to the Committee of Ways and Means, and to none other. The House have power to send it elsewhere. They can do it if they please; but if this precedent—this example—is to be set, let it be done with a fair understanding of the question.

I propose only to read the first clause of the

78th rule, defining the duties of the Committee of Ways and Means, and the 91st rule, defining the duties of the Committee on Military Affairs. The first clause of the 78th rule provides, "that it shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report, from time to time, their opinion thereon; to examine into the state of the several public departments, and particularly into the lawmaking appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers."

The 91st rule provides "that it shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment."

Mr. STEPHENS, of Georgia. I rise to a question of order. I call for the reading of the 133d rule.

The Clerk read the rule, as follows:

"133.—All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House."

Mr. S. The question of order I raise is, that this debate is altogether out of order.

Mr. JONES, of Tennessee. The question was upon the propriety of the reference of the bill.

Mr. STEPHENS. I raise the point that no debate is now in order.

Mr. BRIGGS. I move the previous question. The SPEAKER. The gentleman from New York [Mr. BRIGGS] moves the previous question. The previous question, if sustained, will bring the House to a vote first on the proposition to refer the bill to the Committee on Military Affairs, and if that does not prevail, then upon its reference to the Committee of Ways and Means.

The previous question was then seconded, and the main question ordered to be put.

Mr. HIBBARD. I call for the yeas and nays on the question; which were ordered.

Mr. ROBINSON moved that the House adjourn; which motion was agreed to; and The House adjourned.

NOTICES OF BILLS.

By Mr. FREEMAN: A bill granting to the State of Mississippi the right of way and a donation of public land for the purpose of locating and constructing a railroad from Brandon to the eastern border of said State, in the direction of Montgomery, Alabama.

Also, a bill granting lands to the State of Mississippi for the purpose of improving the navigation of the Pearl, Big Black, and Yazoo rivers, in said State of Mississippi.

By Mr. TUCK: A bill to provide for the ascertainment and satisfaction of the claims of American citizens for spoils committed by the French prior to the 31st day of July, A. D. 1801.

By Mr. EASTMAN: A bill granting the right of way and making a donation of land in aid of the construction of a railroad in the State of Wisconsin, from the northern line of the State of Illinois to Lake Superior.

Also, a bill granting certain lands in the State of Wisconsin, in aid of the construction of a plank road from the Wisconsin river to the mouth of Willow river on Lake St. Croix.

Also, a bill granting certain lands in the State of Wisconsin for the purpose of improving the navigation of Black river.

By Mr. DOTY: A bill to establish the collection district of Wisconsin, and declaring Green Bay a port of entry.

Also, a bill to provide for the protection of commerce on Lake Michigan, within the State of Wisconsin.

Also, a bill to establish an Agricultural Bureau in the Department of the Interior.

By Mr. HENN: A bill to continue half pay to certain widows and orphans.

Also, a bill to relinquish to the State of Iowa the land reserved for salt springs therein.

PETITIONS, &c.

The following petitions &c., were presented under the rule, and referred to the appropriate committees:

By Mr. TAYLOR: The petition of Seneca W. Ely, present receiver of public moneys at Chillicothe, Ohio; John Hough, late receiver at the same place; Anthony Walke, present register of the land office, and Thomas J. Winship, late register at Chillicothe, praying Congress to allow the same compensation to land officers for their services in case of each land warrant already located, or hereafter to be

located, as is at present allowed for a cash sale of the same quantity of land.

By Mr. CHANDLER: The memorial of C. C. Sadler & Co., Seidl & Thompson, and other merchants of Philadelphia, asking for appropriations for erecting piers and constructing harbors in the river Delaware.

By Mr. SIBLEY: Papers relating to the claim of Joseph Mozeau, praying to be refunded certain moneys improperly paid out by the commissioners of the United States under the Sioux treaty of 1837.

Also, the petition of John Davis for a pension and for the allowance of bounty land.

Also, a memorial to Congress in favor of a preemption right to James K. Paul, on the Ontonagon river of Lake Superior.

Also, the petition of the people of Minnesota Territory for an appropriation to continue the construction of certain roads therein, and also for an appropriation to complete the capital buildings therein.

By Mr. HENN: The petition of A. D. Jones and 38 others, citizens of Madison county, Iowa, asking for the establishment of a mail route from Oskaloosa, via Knoxville, Indiana, and Charles, to Winterset.

By Mr. CABELL, of Florida: The memorials of Captain William Blake's company of Florida volunteers; Captain Phillips's company of Florida volunteers; Captain John G. Smith's company of Florida volunteers; Captain George E. McClellan's company of Florida volunteers; and Captains Bush's, Price's, and Suwarrar's companies of Florida volunteers.

Also, the memorial of the Jacksonville and Alligator Plank Road Company.

Also, the memorial of the Florida and Georgia Railroad Company.

Also, the memorials of Augustus Steele, Alexander Watson, Jeremiah Wingate, Bulon's heirs, Giles U. Ellis, and Samuel Clarke.

By Mr. MILLSON: The memorial of William B. Bingley and wife, asking compensation for lands sold to the United States as a site for the dry dock at Gosport.

Also, the petition of Mrs. Harriet Saunders, administratrix of Captain William Davis, praying compensation for the services, and reimbursement of the expenditures, of said Davis, whilst in command of the United States transport schooner Eufaula.

Also, the petition of James Lewis, asking compensation for attendance as a witness on the district court of the United States.

Also, the petition of Major C. H. Fitzgerald, United States Army, praying to be relieved from liability on account of the loss of \$2,000 of the public funds.

By Mr. BISSELL: The petition of Silas Noble and others, present and late officers of the land office at Dixon, Illinois, praying for compensation for locating military land warrants.

By Mr. THOMAS M. HOWE: The petition of C. A. Passavant and others, for the alteration of certain mail routes so as to conform to the route of a plank road now in process of construction between the city of Pittsburgh and the town of Franklin, in Pennsylvania.

Also, the petition of Thomas H. Baird, of Pennsylvania, for balance alleged to be due to Dr. Absalom Baird, for commutation of half pay, &c.

By Mr. PORTER: The petition of George Elliott, formerly of Kentucky, now of Franklin county, Missouri, a soldier of the war of 1812, who was wounded and disabled while in the discharge of his duty at the battle of Fort Meigs, on the 5th of May, 1813—asking Congress for arrears of pension.

Also, a petition for the relief of Elizabeth Prewitt, widow of Robert Prewitt, deceased, of Lincoln county, Missouri, in regard to services rendered by her deceased husband under a certain mail contract.

Also, the petition of Samuel Gladney, of Lincoln county, Missouri, asking Congress to release to him any title the United States may have in a certain tract of land, in said county.

Also, the petition of James W. Campbell, for relief in regard to the supposed entry of certain lands at the United States land office at Pulmyra, Missouri, some years since; which lands he had lost by the failure of duty of the register of said land office.

Also, the memorial of the General Assembly of Missouri, asking Congress to make a grant of land to aid in the construction of a railroad through northern Missouri, from the city of St. Charles to the northern boundary of said State.

By Mr. DOTY: The petition of Thomas L. Franks, and the administrator of Louis Grignon, for compensation for supplies furnished the troops of the United States.

Also, the petition of the register and receiver of the land office at Willow river, for compensation for extra services for land warrant entries.

By Mr. FULLER, of Maine, the petition of William Wetherlee and others, citizens of Castine, Maine, merchants and ship owners, praying for the erection of a monument on Steel's Ledge, so called, in Penobscot Bay.

By Mr. DIMMICK: The petition of Thomas Stetor and 130 other persons, of Northampton county, Pennsylvania, praying for a modification of the bounty land law of September 28th, 1850, so as to increase the allowance of land granted to the persons mentioned in said law, and make it equal to that granted to the soldiers in the war with Mexico.

Also, the petition of divers officers and soldiers of the war of 1812, praying for a like modification of the act of 28th September 1850, and an increased allowance of land to be granted to the persons mentioned in said law, equal to that granted to the soldiers in the war with Mexico.

By Mr. MURRAY: The petition of the assistant marshals of Sullivan county, New York, praying for additional compensation for taking the Seventh Census.

By Mr. JOHN W. HOWE: The petition of Robert Allen and others, citizens of Butler county, Pennsylvania, praying Congress to establish a post road from the city of Pittsburgh, via Alleghany city, Perryssburg, Wexford, Zelienople, Harmony, Whitestown, Prospect, Centerville, Harrisville, and Wesley, to Franklin, Venango county.

On motion by Mr. KING, of New York, the petition and

papers of Sylvanus Burnham were referred to the Committee on Invalid Pensions.

Also, the petition and papers of Zacharia Barber were referred to the Committee on Revolutionary Pensions.

Also, the petition of Samuel Drew, asking interest on pay due to him as a soldier in the war of 1812.

Mr. BRAGG withdrew from the files the petition of the heirs of Senioice, and referred the same to the Committee on Private Land Claims.

IN SENATE.

TUESDAY, December 16, 1851.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of State, showing the amount expended from the appropriation for the expenses of the agent of the Sublime Porte, and the balance remaining in the Treasury; which was read.

Ordered, That it be referred to the Committee on Finance and printed.

IOWA ON THE COMPROMISE MEASURES.

Mr. JONES, of Iowa. Mr. President, it is with feelings of gratification and pride that I present to the Senate certain resolutions, which were adopted by the Legislature of Iowa on the 25th of January last, but which did not reach me until after the adjournment of the last session of Congress. I regard these resolutions as speaking the true American sentiment upon the question of slavery, and the rights and duties of our people under the Constitution and laws of the land. But to me, Mr. President, they afford an additional gratification, which is, that they are in sentiment an approval of the course of my colleague and myself upon that series of measures known as the "Compromise." We were the only Senators from any of the free States who were not instructed to vote for the Wilmot proviso, and its kindred abolition doctrines. Left to our own judgment, we gave a cordial and unwavering support to each and every one of those measures, believing, as I then did and now do, that we voted on the side of our country, and for its future welfare and prosperity.

These resolutions, I am very certain, reflect the sentiments of the Democratic party of Iowa, and a small portion of the Whigs of that State. The democracy of Iowa never adopted the Wilmot proviso in any State or even county convention, and their whole course through that period of fanatical excitement was such as, in my humble judgment, to commend itself to every lover of the Union. I wish I could say as much for my political opponents in that State, who, through their county and State conventions, and presidential electors, all declared for that proviso, and strove for its adoption, notwithstanding the attitude assumed by every Southern State upon that question. And it is due to truth further to say, that some of these designing and fanatical Whig politicians, who strove to introduce the poisonous ingredients of Abolitionism and Free-Soilism into the Legislature of our State, and voted in that body to instruct their Senators here to go for the Wilmot proviso, have been rewarded by this Administration by appointment to some of the most responsible and lucrative offices in that State, and that, too, after the President and the department (Interior) had been notified, verbally and in writing, as well as by reference to the journals of the Legislature, (to which they had access,) of the obnoxious proceedings of those to whom they deemed it proper to extend their favor and patronage. These attempts of the Administration to keep in favor with that class of politicians in Iowa and in other Northern States, are, doubtless, unknown to my distinguished friend, [Mr. Foote,] who has, within the past week, been so complimentary to those who now administer the General Government.

Mr. President, there are, in my opinion, other acts of gross violation of public duty upon the part of this Administration. I allude, sir, to their course towards the people of our country in not seeing that their rights were protected, and the laws and treaty stipulations for their benefit fully enforced. Their management of our foreign relations calls condemnation at the hands of other members of this body, who are more competent to the task, and who, I hope, will, at the proper time, do so. I am sure our honorable friend from Mississippi [Mr. Foote] would, were he permitted to remain with us during the residue of this session. The public press—Democratic I mean, not Whig—as well as the people everywhere, North and South,

in public meetings and otherwise, have spoken in terms of rebuke not to be misunderstood, and it appears to me to be the duty of this body, particularly, to hold up such acts of gross dereliction of duty to the scorn of the world. Among these are to be enumerated the insults offered to our flag, in the firing into the Falcon; the arrest of the Prometheus; the merciless and inhuman butchery of fifty untried, unarmed, American youths; "the Anglo-Franco guard-a-costa of Cuba;" and the vindictive cruelty to Thrasher,—not to speak of the transportation, to the dungeons of Spain, of the one hundred and fifty American citizens who, like Thrasher, were condemned upon a mock trial, thereby adding insult to injury.

I move that the resolution be printed, and laid on the table.

The motion was agreed to.

MEMORIALS.

Mr. GWIN presented the memorial of Eliza C. Bache, widow of George M. Bache, a lieutenant in the Navy, praying that she may receive the same amount that was paid to the widows of those officers who were lost in the brig Somers; which was referred to the Committee on Naval Affairs.

Also, the proceedings of a meeting of the citizens of San Diego, California, protesting against the change proposed to be made in the contract with the Pacific Mail Steamship Company, by the substitution of a coasting steamer; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of officers of the revenue service stationed in California, praying an increase of pay; which was referred to the Committee on Finance.

Also, the petition of Joseph Hill and sons, praying compensation for horses and mules stolen by the Indians in California; which was referred to the Committee of Claims.

Also, the petition of James R. Browning, praying indemnity for property stolen and destroyed in California during the war with Mexico; which was referred to the Committee on Military Affairs.

Also, the memorial of James C. Cushing and others, representing that they have discovered a pass through the greater range of the Sierra Nevada, and proposing to open a wagon-road upon certain conditions; which was referred to the Committee on Public Lands.

Mr. HOUSTON presented the memorial of S. H. Duff, praying compensation for services in seizing spirituous liquors under an order of General Taylor, during the war with Mexico; which was referred to the Committee of Claims.

Mr. SHIELDS presented a memorial of officers of the Army serving in New Mexico, praying that they may be placed on the same footing in regard to pay as the troops serving in California; which was referred to the Committee on Military Affairs.

Mr. SHIELDS. I present the memorial of José Maria Jarero, a citizen of Mexico, praying the payment of a claim of an American citizen against the Government of Mexico, which was received by said Jarero in payment of a debt. He represents himself to be a citizen of Mexico, and a General in the Mexican service.

Mr. S. As I desire to have this memorial referred to the Committee of Claims, I should like to have the attention of the chairman of that committee for a moment. The memorialist states, that previous to the war he procured, in payment of a debt, a claim against the Mexican Republic; that this claim was for arms and munitions of war purchased by the Mexican Minister for his Government. He further states that the claim was established in the courts of Mexico, and admitted by the Mexican Government; that after the treaty of Guadalupe Hidalgo the Mexican Congress decreed that it was one of the claims to be paid out of the three millions and a quarter which was set apart by the treaty for that purpose; that upon the application of the Mexican Minister, the claim was submitted to the Board of Commissioners for their decision; that the decision of the Board was adverse, on the ground that it was not an American claim at the date of the treaty, being held by a Mexican. Now this is the point to which I particularly request the attention of the chairman of that committee, as well as of such of the members as may be present in the Senate. It was considered a valid American claim in its origin and character; but having passed into

the hands of a Mexican previous to the date of the treaty, and being in his hands at the date of that instrument, it ceased to be an American claim, and consequently became a Mexican claim, and was, therefore, not provided for by the treaty. It should also be observed that the treaty makes the decision of the Board of Commissioners final; and that, consequently, this memorialist has no redress except by application to Congress.

He states, still further, that there are \$45,000 of the residue of the three millions and a quarter still unexpended, and that the Government of his country have requested that this amount should be applied to the payment of this debt. I again beg to state that the commissioners decided that this claim was a just one, and that it was American in its origin, American in its character; but that having been assigned to a Mexican at the date of the treaty, it ceased to be American and became Mexican; whereas, the petitioner shows most conclusively that this decision is not within the spirit and meaning and equity of the treaty.

I move that this memorial, together with the accompanying documents, be referred to the Committee of Claims.

The motion was agreed to.

Mr. WADE presented the petition of Priscilla C. Simonds, praying compensation for the effects of her son, Mosas H. Simonds, who died in service, which were taken possession of by his superior officer and lost; which was referred to the Committee of Claims.

Mr. DAVIS presented the petition of Gridley Bryant, proposing to enter into a contract with the Government for the erection of a permanent lighthouse on Minot's Ledge, in Massachusetts bay; which was referred to the Committee on Commerce.

Mr. BRADBURY presented the petition of Isaac Lilly, praying compensation for a vessel and cargo seized and sold by an agent of the Government, under the erroneous pretext of her having on board timber cut from the live-oak land of the United States; which was referred to the Committee on the Judiciary.

Mr. FISH presented the memorial of E. Pavestadt and F. A. Schumacher, praying the return of duties paid on goods which were lost at sea; which was referred to the Committee of Claims.

Mr. BRADBURY. I present a memorial of William T. Johnson and others, publishers of newspapers in Maine, praying an alteration in the rates of newspaper postage.

I am requested to call the particular attention of the Committee on the Post Office and Post Roads to a defect in the present postage law. The petitioners do not, by any means, ask to do away with the system established by law during the last session of Congress, but desire that a defect in that law may be remedied. They set forth that they are the publishers of newspapers which are devoted to the publication, in an extended form, of the details of legislative proceedings and debates; that their circulation is largely dependent upon members of the Legislature, who purchase their papers in quantities from time to time for distribution among their constituents; that the present postage law, establishing a high rate upon transient newspapers and requiring their prepayment, operates very injuriously against that part of their circulation which is thus derived from members of the Legislature; and that their paper is thus prevented from having as full a distribution as it would have were this part of the law somewhat modified. Undoubtedly, members of the Legislatures of other States were similarly situated, as well as the publishers of other papers.

The memorialists believe that the existing rates of postage established in regard to papers sent from their office are adequately sufficient, and they therefore ask that, in this respect, the law may be modified.

I move to refer the memorial to the Committee on the Post Office and Post Roads.

The memorial was so referred.

Mr. SEBASTIAN presented a petition of the late and present land officers at Batesville, Arkansas, praying compensation for services in entering lands under bounty land warrants. A bill having been reported, it was

Ordered, That it lie on the table.

Mr. CASS presented the petition of Samuel Spalding, praying arrears of pension; which was referred to the Committee on Pensions.

Also, the petition of Jacob Young, praying to be allowed a pension; which was referred to the Committee on Pensions.

Also, a memorial of citizens of Washington, praying an appropriation for the erection of an equestrian statue of Washington under the resolution of Congress of 1783; which was referred to the Committee for the District of Columbia.

Mr. WHITCOMB presented resolutions adopted at a meeting of citizens of Westfield, Indiana, recommending that the sale of the public lands be discontinued, and that they be granted in limited quantities to the citizens of the United States with families; which were referred to the Committee on Public Lands.

Mr. MALLORY presented the memorial of Isaac Bush, John Price, and Thomas Suarez, praying compensation for themselves and the officers and men under their command during the Seminole war in Florida; which was referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. GWIN, it was
Ordered, That the documents on the files of the Senate relating to the claim of B. Juan Domercq, a Spanish subject, be referred to the Committee of Claims.

On motion by Mr. HOUSTON, it was
Ordered, That the petition of G. Thomas Howard, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. CLARKE, it was
Ordered, That the petition of Samuel Crapin, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. DOWNS, it was
Ordered, That the memorial of L. E. L. A. Lawson, heir of General Eleazer W. Ripley, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. SEWARD, it was
Ordered, That the petition of Phebe Glover, on the files of the Senate, be referred to the Committee on Pensions.

NOTICES OF BILLS.

Mr. DAVIS gave notice of his intention to ask leave to introduce a bill for the relief of Charles A. Kellet.

Also, a bill for the relief of Enoch Baldwin.

Mr. FELCH gave notice of his intention to ask leave to introduce a bill to revise and continue in force for a limited time the provisions of an act relative to suspended entries of public land.

Also, a bill to authorize the State of Illinois to select the balance of the lands to which she is entitled under the act of 2d March, 1827, granting lands to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan.

Mr. UNDERWOOD gave notice of his intention to ask leave to introduce a bill to extinguish the individual stock in the Louisville and Portland Canal, in order to make the navigation free and to enlarge it.

Mr. JAMES gave notice of his intention to ask leave to introduce a joint resolution authorizing the President of the United States to appoint a committee of practical scientific men, to make a series of practical experiments for the purpose of ascertaining if possible the cause or causes of the explosion of steam boilers.

PRIVATE CLAIMS.

Mr. PRATT submitted the following resolution for consideration:

Resolved, That after the first day of January next, Fridays of each week shall be set aside for the consideration of private claims, and that on those days private bills have priority over all other business.

REPORTS OF STANDING COMMITTEES.

Mr. FELCH, from the Committee on Public Lands, to which was referred the petition, reported a bill authorizing Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere; which was read, and passed to a second reading.

He submitted a report on the subject, which was ordered to be printed.

He also, from the same committee, to which was referred the bill for the relief of Charles Melrose, reported it without amendment.

He also submitted a report on the subject, which was ordered to be printed.

He also, from the same committee, to which was referred the bill to extend the time for selecting lands granted to the State of Wisconsin for saline purposes, reported it with amendments.

He also, from the same committee, to which

was referred the bill to extend the time for selecting lands granted to the State of Michigan for saline purposes, reported it without amendment.

SEVENTH CENSUS.

Mr. BORLAND, from the Committee on Printing, to which was referred the joint resolution in relation to printing the Seventh Census, reported it without amendment, as follows:

Be it resolved, &c., That the Joint Committee on Printing be directed to contract with Donaldson & Armstrong for printing the census returns, upon such terms as they may deem reasonable.

Mr. BRIGHT asked that the resolution might be considered at this time.

Mr. UNDERWOOD. Let it lie over.

The resolution was passed over accordingly.

BILLS INTRODUCED.

Mr. HUNTER, agreeably to previous notice, asked and obtained leave to bring in a bill to provide for the compensation of such persons as may be designated by the Secretary of the Treasury to receive and keep the public moneys, under the 15th section of the act of August 6, 1846, for the additional services required under that act; which was read a first and second time by its title, and referred to the Committee on Finance.

Mr. DOWNS, agreeably to previous notice, asked and obtained leave to bring in a bill for the relief of William Darley; which was read a first and second time by its title, and considered as in Committee of the Whole.

On motion by Mr. DOWNS, it was

Ordered, That the further consideration thereof be postponed to Monday next, and be the special order of that day.

Mr. UNDERWOOD, agreeably to previous notice, asked and obtained leave to bring in a bill to provide for the repair and improvement of the dam at the head of Cumberland Island, in the Ohio river; which was read a first and second time by its title, and considered as in Committee of the Whole.

On motion by Mr. UNDERWOOD, it was

Ordered, That it lie on the table.

Mr. BRIGHT, agreeably to previous notice, asked and obtained leave to bring in a bill to provide more effectually for overcoming the obstructions to the navigation of the Ohio river at the falls thereof; which was read a first and second time by its title, and referred to the Committee on Roads and Canals.

Mr. DODGE, of Iowa, agreeably to previous notice, asked and obtained leave to bring in a bill to grant to the city of Burlington, in Iowa, the land heretofore reserved between that city and the Mississippi river; which was read a first and second time by its title, and referred to the Committee on Public Lands.

FRENCH SPOILIATIONS.

Mr. BRADBURY, agreeably to previous notice, asked and obtained leave to bring in a bill to provide for the ascertainment and satisfaction of claims of American citizens for spoiliations committed by the French prior to 31st July, 1851; which was read a first and second time by its title.

On motion by Mr. BRADBURY, it was

Ordered, That it be referred to a select committee consisting of five members, to be appointed by the President.

Mr. BRADBURY, Mr. SMITH, Mr. BRIGHT, Mr. DOWNS, and Mr. FELCH were appointed the committee.

TONNAGE DUTIES.

Mr. MALLORY, agreeably to previous notice, asked and obtained leave to bring in a bill to repeal the act entitled "An act concerning tonnage duty on Spanish vessels;" which was read a first and second time by its title, and referred to the Committee on Commerce.

CALIFORNIA BRANCH MINT.

The engrossed bill to establish a branch of the Mint of the United States in California, was read the third time and passed.

WELCOME TO KOSSUTH.

Mr. SHIELDS. I move to take up a resolution which I moved to lay on the table the other day. The resolution proposes the appointment of a committee of three to introduce Louis Kossuth to the Senate. I presume that, after what has taken place, both here and in the other House, there will now be no opposition to the resolution.

Mr. PRATT. I should like to have the resolution read.

The resolution was read, as follows:

Resolved, That a committee of three be appointed by the Chair to wait upon Louis Kossuth, Governor of Hungary, and introduce him to the Senate.

Mr. GWIN. I would be much gratified if the Senator from Illinois would withdraw his motion for a few moments, so as to permit a bill to be read a third time. I feel pretty well assured that there will be debate on the resolution of the Senator from Illinois—the Senator from Wisconsin amongst others will debate it—and it will not take one minute to have the bill I have mentioned read a third time. If there were not likely to be debate on this resolution I would not ask the Senator to give way.

Mr. SHIELDS. I wish to call up this resolution because I think that under existing circumstances it should now be acted upon. If it is likely to create any debate it can be laid over. But after the action that has already been had upon the subject I cannot imagine that it will generate debate. I think the question has been as much debated already as is desirable, and I am also inclined to believe that the Senate generally concur in that opinion.

Mr. BADGER. It seems to me that the question with regard to this resolution occupies a different position from that which it occupied on the joint resolution. I entertain now precisely the same opinions which I entertained prior to the passage of that resolution—opinions which I have already expressed to the Senate. But, by an uncommon unanimity in both branches of Congress, Kossuth has been recognized as the guest of the nation. This has been done no doubt upon the supposition that the joint resolution would be approved by the President of the United States, of which there can be no doubt; and the question now is, Being, by the action of the constituted authorities, such guest of the nation, is it proper that this resolution should be taken up and passed? That point being settled I shall make no vexatious opposition to the proceeding.

Mr. BORLAND. It seems to me that the action of the Senate, so far as this resolution is concerned, has settled the question, unless a change takes place in the minds of the Senators. This resolution was a material part of the resolution which was rejected the other day, and which was offered as an amendment to the resolution of the Senator from New York.

The PRESIDENT. It is not in order to discuss the resolution until it is taken up.

Mr. BORLAND. That is the reason why I think it cannot be taken up, being part of the resolution of the Senator from New York; and that resolution was the same in substance as the resolution of the Senator from Illinois, with the exception of this portion which it is now proposed to revive.

The question was then taken on the motion to take up the resolution, and it was decided in the affirmative.

Mr. ATCHISON. I would like to know the effect of that resolution before I vote. If this committee shall be appointed, I suppose they will proceed to New York, or wheresoever Kossuth may be, for the purpose of bringing him to Washington and introducing him to the Senate.

Mr. SHIELDS. I will amend it by saying "on his arrival in the capital."

No objection being made, the resolution was so amended.

Mr. WALKER. Mr. President: Notwithstanding it has been announced by the mover of this resolution that it has been discussed sufficiently, I ask the attention of the Senate for some ten or fifteen minutes, that I may express my views upon the subject. It is true that the resolution has been discussed, but my views have not been expressed. Differing so widely in some respects from some who have spoken, I have been particular in maturing my own views, and I shall be particular in expressing them to the Senate.

The present occasion and the subject of present discussion, are more momentous and of deeper import than the eye or the mind will readily discover without careful examination and deep reflection. They merit this examination and reflection; and from me they have and shall receive them—not, however, from considerations of mere etiquette—of what is due to Governor Kossuth as a

man or a patriot, or to the Senate, as regards its dignity; but from considerations of a far deeper, broader, and more sacred character—such as concern the happiness, security, and duty of our Republic.

When the question was taken upon the resolution to welcome Governor Kossuth to the capital and country, I voted for it, as I shall for that now under consideration; but for very different reasons, and from very different motives from any that I have heard expressed in the Senate. I did and shall do so, not as a mere personal compliment to Governor Kossuth, (great and preëminent as I concede and claim his merits to be;) for this, I infer, he did not and does not desire. The purpose of his mission and his life has a far higher and more noble end and aim. Nor did I, nor shall I vote on this subject for the purpose of rendering mere vocal tribute to his political creed, principles, or character. This can be better done by the people in their spontaneous plaudits, responsive to his sentiments. Indeed, sir, if these had been and were the only reasons which my mind could urge upon the subject, I should have voted against the former, and would vote against the present resolution. I am averse to all personal adulation, intended merely as such, and where no practical good is intended or can result. I mistake Governor Kossuth's republican principles if he do not entertain similar sentiments. Nor yet, sir, have I voted, nor shall I vote for these resolutions because I can see in their consequences no change in our neutral policy, but for the very reverse. I advocate them because I think I discover in them the initiatory step toward the abandonment of our now impolitic, unwise, and unjust system of neutrality.

Let no one do himself the injustice, or me the false charity, to suppose that this is a conclusion or determination to which I have hastily sprung. Far from it, sir. I have long desired to see our neutral policy abandoned or overthrown; and I hail the events of the present hour, as happy omens of a speedy consummation of my wishes.

I contend, Mr. President, that what was our policy in our infancy and weakness, has ceased to be our true policy now that we have reached to manhood and strength. And I deny, what is so often asserted, that either Washington or any of the founders of the Republic, ever recommended that the neutral policy of our early days should become an established principle, to govern the conduct of the country in the days of its maturity and power.

As a period and condition of human existence, infant weakness is naturally timid, and instinctively cautious. It ranges only within the walks of security and home; is governed by its wants or necessities—without the power of adventure to supply or gratify even these. It may look on with tears, commiseration, and pity, at a cruel imposition or infliction upon its fellow and infant associate; but it can neither resent the wrong nor defend against it—it can only stand careful and trembling for its own security. Strike it cannot—to interpose would be futile and dangerous. But when arrived at manhood, the same course of conduct would merit and receive the hiss of scorn, and stamp the wretch a coward and poltroon. It would also render his position insecure, by inviting insult and aggression.

So it was, so it is, and so it will be, with our Government and country. When we had but just struggled into infant existence, we could manifest commiseration and pity only, when we saw the feeble breast of our sister, Poland, mangled by the iron heel of despotism, and her substance divided, and her name blotted out by tyrants. But now, when matured and strong, shall we supinely and timidly look on, and see all the morals, justice, and principles of international law violated, without interposing? The law of nations, under that of the Creator, is the law of the civilized world—is as binding upon despots as upon republicans, and republics are as much interested in its maintenance as monarchies, or despotisms, and have more right to interpose to defend and maintain it, than they to violate and destroy it. And what principle or rule of that law should be more dear to America, than that which secures the right of the masses to rise and throw off the yoke of oppression through the medium of revolution, and this, too, in a fair and single-handed contest with the oppressor? But, while this principle is thus dear and important to our country and the cause of

liberty, shall we never raise our voice or hand to defend or sustain it, but erase and expunge it, by conceding the right of despots to perpetually violate it? Shall another Poland be stricken from nationality and independence, to non-entity and oblivion, by a triple European despotism? Shall Italy again, while able, willing, and striving to stand erect and free against her native oppressor, be stricken down, bleeding, and more enslaved, at the feet of tyrannic France and Austria? Or shall Hungary, struggling alone and friendless against the tyranny of Austria, with victory and triumph already perching upon her republican standard, be again trampled to the dust—enslaved and chained by intermeddling Russia? and all this without a murmur or a blow from the land of Washington and Franklin? God forbid! Yet, address these questions to some Senators, whose heads have whitened in the service and battle of conservatism, and they will answer, Yes; but I address them to the manly hearts of the American people, and the answer will be one universal and indignant, *No! NEVER!*

Sir, our strength no longer consists in a policy so criminally neutral. It did so in the beginning, only because the success of our experiment was distrusted by the people of all countries; and we could gain no sympathy by showing sympathy with others. But our success is no longer problematic, nor the permanency of our Government and institutions doubted by any. Republican spirits, in every clime, feel joy in our triumph, and are enlisted for our defence and protection. Their hopes run high to imitate our example; and they feel those hopes would be forever blasted by our downfall. If we now discharge aright our high mission, by sympathizing with them in their struggle, and danger should assail us, they will feel our cause to be their own; and whatever soil they may tread, will be made a recruiting station in our defence. The next army that invades our country will come to fight our battles, and not to crush our liberties. With us, the day of conflict with mercenaries will have passed; and armies of invasion will have become but organized armies of immigration, seeking a hearthstone and a home among us, to be enjoyed and defended in common with our own. Sir, if you deem me visionary, or over-sanguine in these opinions and hopes, pray tell me where you would find the Hungarian, the German, the Irishman, the Briton, Frank, or Swede, who would wield the sword or bear the standard of a despot upon our shores, and against our country and republic? You could not more gravely insult the millions of these brave amongst us, than by asking them if they would do so. Yet, sir, they are but the representative few of countless hosts left behind, actuated by a similar spirit. The situation of a Haynau, commanding an army of these in America, would soon be forlorn and pitiable indeed. The treatment of the English brewers would be mercy and hospitality itself, compared to that he would receive here, at the hands of his own troops.

But, sir, seal or lock up the stores of your sympathy—suffer the spirit of liberty to struggle, bleed, and expire alone in its unequal conflict with intruding despots, and you cut the sympathetic chord that binds the freedom-loving world to your cause; you consolidate despotism, and at length, when it shall turn upon you, as the last survivor of republicanism, you, too, must struggle, bleed, and fall alone. No friendly heart or hand will be left to sympathize or strike in your cause or your defence.

This, sir, must be the result at last, if we continue our present policy. No one can believe, that, with the present and growing intelligence of the world, despotisms and republics can much longer occupy the earth together. The flame of conflict is already kindled; the blood of one or the other must quench it. Between the spirits of the two political existences, there can be no compromise; one or the other must quit the world. In the struggle we cannot remain neutral if we would—and it is useless longer to disguise the fact. For one, I throw off all disguise. I am for the cause of liberty and free Government, against slavery and despotism, throughout the globe—and this without disguise.

Far be it from me, however, to recommend or advocate the policy of predatory or aggressive warfare, or warfare for conquest. I will go as far as the most pacific against all interference in the

internal polity or concerns of other nations. But I take and maintain a wide distinction between the *internal concerns* of nations, and *international concerns*. While Russia or Austria is content under a monarchy or despotism, or so long as the monarch or despot can, within himself, or with his own resources, maintain his authority and power, be it so—let him alone. This is a matter of internal concern to the nation, and she has the right to be let alone. I would protest against the interference of our own or any other country as a Government. But when the people of either rise up and seek to throw off the yoke, or break the chain that galls them, and the other would interfere to prevent them, this becomes an *international concern*—an affair between nations; and involves a breach of the law and morals of nations, in which we become an interested party with all other nations. Against such interference I would not only have our country protest, but I would have her interpose both *her moral and physical power*, whether in conjunction with England or alone. In this case we have the right to interpose, and I contend that justice, as well as our interest and security, makes it our duty to interpose.

Sir, peace is beautiful and holy when it can be justly and honorably maintained; but war, with all its tragedy and blood, is less to be dreaded than dishonorable or "ignoble peace;"—peace at the expense of peace, justice, liberty, and the rights of man. In the case supposed, even war on our part, against intervention, would be sacred to the cause of peace. It would be necessary in order to conquer conflict, establish peace, and defend the right. Without our interposition, there would not be peace, but wrongful war; and we, too, a party to the wrong by acquiescence. As a friend and advocate of peace, as well as of national morality and national law, I would recommend war in such an extremity, when merely moral means had proved unavailing. Nor would I delay or wait for the coöperation of England—though I am not one of those who would decline it. An alliance for such an occasion would not conflict with the policy or advice of Washington. He never condemned alliances temporary and for the occasion. He only declared that "it is your policy to steer clear of permanent alliances." He did not even recommend that this "*policy*" should be permanent and perpetual; but for such time only as would enable you "to gain time to your country to settle and mature its institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it the command of its own fortunes."

I believe that such time has been gained, and that our country has reached the required condition; and so far from condemning and declining the occasional coöperation of other countries in such a cause, I would approve and accept it, as I would, indeed, invite it.

Mr. President, of two things I feel certain: first, that the spirit of Russian absolutism, unless prevented by the interposition of constitutional governments, will triumph and prevail in Europe, and ultimately turn upon liberty here and elsewhere; and, second, that the only Powers on the broad face of God's earth which can interpose and prevent it, are the United States and England. Separately or in concert, then, we must act or fall; or, if not fall, must ultimately suffer and bleed to a degree of depletion tenfold that which our timely interposition would cause.

Sir, the portents of the hour are momentous indeed; and I fear are too dimly seen, or not at all, by the Senate and the country. With no enemy afield, despotic Europe is trembling under the sullen tread of a conscript soldiery; while gloomy Apprehension sits a joint occupant of the throne of monarchy. Why is this so? It is that a murmur of discontent—suppressed and low indeed, yet determined and universal—is heard to rise from the oppressed and down-trodden millions; and because monarchs see and know that occasion only is awaited by these millions, to rise and strike a more universal, terrible, and determined blow than ever yet was struck, for self-emancipation, self-government, and freedom. They see, also, that such an occasion will offer in the approaching struggle for the French Presidency. Princes, on the one hand, are looking to the Czar of Russia to bear them safely through; while the republican masses, on the other, are looking with beseeching

eyes to America and England. Shall we turn coldly away, and leave tyranny to riot in its crimson orgies, and to raise its shout of triumph over the rights of nations and mankind? or shall we interpose, AND INTERPOSE NOW, to prevent it, and to staunch the flow of human blood? For one, by all the sacred promptings of the human heart, I am for the latter! I would now, or before another moon had waned, throw patent to the world a declaration that hereafter the practice, if not the policy of nations, must be "hands off," or non-intervention in the internal concerns or revolutions of other nations; and this declaration I would make good, too, when occasion should demand, by the blood and treasure of the land. But with such a declaration, the occasion would never arise: we would have no occasion to shed the one or to expend the other. These, sir, are the views which I entertain. I speak for no one but myself; but I should speak as I have thought I knew I stood alone. I neither ask nor expect commendation from this Senate—it is not for its commendation that I speak or think in matters of political import, but for the approval of my own heart, and for the promotion of right and justice, with the best interests of the Republic.

These being my views, I have all along regretted to hear Senators, while advocating these resolutions, so careful to disavow any meaning in them, or, in other words, to hear them declare, in effect, that they designed nothing tangible or practical; and yet, at the same time, profess the highest devotion to the cause of liberty, and the deepest sympathy for struggling and oppressed humanity. If our devotion and sympathy lie no deeper than the lip, they will be but little consolatory to Kossuth or to Hungary. To prove that they lie no deeper, I would advise that, when we meet the country's guest, and extend to him the right hand in fellowship, we offer him with the left our act of neutrality; and declare to him that it is a fixed, unalterable law of the land. From that he may read:

Sec. 1. *Be it enacted, &c.* That if any citizen of the United States shall, within the territory and jurisdiction thereof, accept and exercise a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than \$2,000, and shall be imprisoned not exceeding three years.

Sec. 3. *And be it further enacted,* That if any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district or people, with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States, for any ship or vessel, to the intent that she may be employed as aforesaid, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than \$10,000, and imprisoned not more than three years, &c.

From this, Kossuth will learn that lip-devotees to liberty in the United States, punish practical devotees as malefactors and criminals.

Sir, I repeat that if I had nothing but words to render in the service of Hungarian freedom, I would be silent. But I have more: I will not only speak for it, but I will vote for it—write for it; and when occasion shall demand, under the smile of Heaven, I will fight for it. So would others who have spoken with so much seeming caution—and they might as well avow the fact. They do no good by their mental reservations—let them speak out, and act. Then Kossuth will have received a compliment, sublime indeed—a compliment of the means to triumph in the cause of liberty, and Hungary will be free.

Mr. BADGER. There is one thing in that resolution to which I wish to call the attention of my honorable friend from Illinois, [Mr. SHIELDS.] The resolution styles Louis Kossuth, "Governor of Hungary." That, I suppose, must be intended to assert the fact that he is Governor in reality or Governor in right. I suggest to my friend that he does not mean to make any such assertion. And surely it cannot be necessary to make known who Louis Kossuth is, to add as a description beyond his name the words, "Governor of Hungary." I would suggest, also, to the Senator, that the phraseology of the joint resolution which has passed both the Senate and the House differ from this. He is there designated as Louis Kos-

suth. If he was sufficiently known and described by that name there, is it necessary or proper to assert a different description here?

Mr. SHIELDS. I had no object in view, except to make it conform to the language of the President's message. I do not want to tavail about it. I think he is called Governor in the message. We are accustomed in this country, when a man has held an office, to continue calling him by the title which he had while in that office. I do not think it amounts to much. Some honor me, by calling me "General," though I am no General now. And we have Governors and Generals all over the country. However, I am willing to make it conform to the exact language of the President's message, whatever that may be, because I regard that as a kind of committal by the Executive, the representative of the nation, and I wish to go on as he commenced.

Mr. BADGER. I shall not move any amendment to the resolution. The Senator can shape it as he pleases. But I would submit to my friend, that when, in the joint resolution, which is the act of both Houses and is of the nature of a law, this gentleman is named by his Christian and surname only, and as this proceeding of the Senate is intended to follow out what has been done by that joint resolution, that it is the resolution which we are to follow, and not the incidental expression in the President's message. This resolution styles him "Louis Kossuth, Governor of Hungary." I admit that in common conversation, in addressing the honorable Senator from Illinois, we call him "General Shields;" but I submit that no formal paper in the world would now describe him as "James Shields, Brigadier General."

Mr. SHIELDS. I will read the language of the President's message. I hope my honorable friend from North Carolina will not regard it as a mere incidental expression, or as a trivial document. "The instruction above referred to was complied with, and the Turkish Government having released Governor Kossuth," &c. "Governor Kossuth." I am willing to make the resolution conform to that.

The PRESIDENT. The Senator from Illinois proposes to strike out "Governor of Hungary," and insert previous to the name "Louis Kossuth," the word "Governor," so that it will read "Governor Louis Kossuth."

Mr. HALE. The President, when he first mentioned this matter, simply calls the gentleman "Louis Kossuth," and I think that is a better title than any we can put on him. Governors are very cheap. There are a good many of them. There is but one Louis Kossuth, and I think "Louis Kossuth" sounds better than "Governor Kossuth," or "Squire Kossuth," or any other title.

Mr. DOUGLAS. It would not add any importance to it, unless an objection were taken to it. Then, if we should strike it out, it might be significant. If it be necessary to express the proper idea, I presume the addition of one word will accomplish it—we might say "Louis Kossuth, the rightful Governor." If he be not the Governor *de facto*, if he is not in the exercise of the power belonging to that station, I apprehend there can be no question that he is the rightful Governor of Hungary, although ejected from Hungary for the time being. I would suggest the insertion of the word "rightful."

Mr. HALE. Before the question is taken on the amendment of the Senator from Illinois, [Mr. SHIELDS,] I desire to read a single extract from the President's message, in which he refers to the resolution passed last session. He says: "On the third of March last, both Houses of Congress passed a resolution requesting the President to 'authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity.'" That is the President's message. Reference is there had to what Congress had formerly done, and I suppose that the same words are used. If the Senator would make the resolution read literally correct, I suppose it would be "Louis Kossuth aforesaid;" but I presume he will not do that. It will be better to let it stand as it stood originally. It is a better title than any we can give him.

The question being taken on the part of the amendment offered by the Senator from Illinois, [Mr. SHIELDS,] to strike out "Governor of Hungary," it was agreed to.

The latter part of the amendment to insert the word "Governor" before "Louis Kossuth," was not agreed to.

The question was then on the resolution as amended.

Mr. MASON. I do not doubt that the very distinguished gentleman for whom this honor is intended, is the patriot whom he has been described to be by Senators on this floor; and that he is worthy of the honors which have been heaped upon him by the people of America. When the vote was taken upon the resolution of welcome to him, I was not here, or I should have voted for it cheerfully. But I am not prepared to extend the distinguished honor of a reception by the Senate, to that gentleman—an honor which has never been, I believe, conferred upon a citizen of America. It has been conferred only upon General Lafayette, who had been identified with the most trying scenes of our revolutionary struggles.

It is not, therefore, for any purpose of detracting from the merits of the gentleman to whom this honor is proposed to be extended, that I have desired thus to place myself right in the vote I shall give. I have another reason, sir. So far as I understand it, his avowed mission to the United States of America is to endeavor to induce this Government to depart from our long-established policy in relation to foreign nations. It may be that if this peculiar reception be given him by the Senate, it may be construed into some disposition on the part of the Senate to accredit him on his mission.

Mr. SHIELDS. Will the honorable Senator allow me to make a suggestion? I have interfered with the Senator from South Carolina, [Mr. RHETT,] believing that this would occasion no debate.

Mr. MASON. I have finished what I had to say.

Mr. UNDERWOOD called for the yeas and nays.

Mr. SHIELDS. Oh! no. It will be a much higher compliment to pass it without the yeas and nays.

The yeas and nays were ordered.

The question being taken, resulted—yeas 30, nays 15; as follows:

YEAS—Messrs. Atchison, Bradbury, Brodhead, Cass, Chase, Clarke, Davis, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Fish, Foote of Mississippi, Foot of Vermont, Geyer, Gwin, Hamlin, Houston, James, Jones of Iowa, Miller, Norris, Seward, Shields, Smith, Stockton, Sumner, Wade, Walker, and Whitcomb—30.

NAYS—Messrs. Bayard, Borland, Butler, Clemens, Dawson, Hunter, Jones of Tennessee, King, Mason, Morton, Pratt, Sebastian, Spruance, Underwood, and Upham—15.

The resolution was adopted as amended, as follows:

Resolved, That a committee of three be appointed by the Chair to wait upon Louis Kossuth, on his arrival at the capital, and introduce him to the Senate.

THE COMPROMISE MEASURES.

The Senate resumed the consideration of the special order, being the resolution declaring the measures of adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Mr. RRETT resumed and finished the speech which he commenced yesterday, a report of which will be found in the Appendix.

After a few words from Mr. FOOTE, and a brief conversation, in which Mr. BORLAND, Mr. FOOTE, Mr. MASON, and others took part, (for which see Appendix,) Mr. MASON obtained the floor, and on motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 16, 1851.

The House met at twelve o'clock, m.

The Journal of yesterday was read and approved.

COMMITTEE ON THE RULES.

The SPEAKER announced that the following gentlemen had been appointed the Committee on the Rules, by a resolution of the House: GEORGE W. JONES, of Tennessee; ALEXANDER H. STEPHENS, of Georgia; JOSEPH R. CHANDLER, of Pennsylvania; JOHN L. ROBINSON, of Indiana; EDWARD STANLY, of North Carolina; DAVID L. SEYMOUR, of New York; GEORGE G. KING, of Rhode Island; EDSO N. B. OLDS, of Ohio; and DANIEL WALLACE, of South Carolina.

UNFINISHED BUSINESS.

The SPEAKER then announced that the first business in order would be the unfinished business of yesterday—the motion to refer to the Committee on Military Affairs the bill to refund to the State of California certain moneys collected in her ports.

COMMITTEE ON REVOLUTIONARY CLAIMS.

Mr. STANTON, of Kentucky. I rise to a question of privilege. I perceive that I have been appointed on three of the standing committees of the House. The rules allow me to decline serving on one of these committees, and therefore I avail myself of the right to decline serving on the Committee on Revolutionary Claims. In doing this, I intend no disrespect to the Speaker, nor to any of the members of that committee, but simply because I cannot perform the duties of so many committees.

The SPEAKER. Under the rules of the House, the gentleman has a right to decline serving; and if there be no objection, he will be accordingly excused. So it was.

Ordered, That Mr. STANTON, of Kentucky, be excused from further service on the Committee on Revolutionary Claims, and that the Speaker be authorized to fill the vacancy created thereby.

On motion by Mr. HUNTER, by unanimous consent, it was

Ordered, That the petition and papers of Henry Johnson be withdrawn from the files of the House, and referred to the Committee on Invalid Pensions.

THE WORKMEN ON THE CAPITOL.

Mr. FLORENCE. I ask the unanimous consent of the House to submit a resolution. It is known probably to the House, that a number of persons have been recently discharged from employment on the works at the Capitol now in progress of construction. I have been called upon by a number of these persons, and they desire me to present a resolution.

The following is the resolution:

Resolved, That the Committee on Public Buildings, or whichever committee may have charge of the subject, be requested to report forthwith a bill making further appropriations for the continuance of the work recently in progress for the extension of the Capitol buildings, in order that a large number of mechanics and workmen, who have been deprived of work, and thereby their present means of subsistence, having been discharged a few days ago from that employment, may be again employed, it being exceedingly difficult at this inclement season of the year to obtain employment elsewhere in the city.

Mr. CLINGMAN inquired of the Chair the order of business?

The SPEAKER. The Chair has already announced that the unfinished business of yesterday is now in order. Any other business cannot intervene except by the unanimous consent of the House. The gentleman from Pennsylvania asks the unanimous consent to introduce a resolution.

Mr. RICHARDSON. I rise to a question of order. I understand the Chair to state that the unfinished business of yesterday is in order.

The SPEAKER. Will the gentleman from Illinois [Mr. RICHARDSON] allow the gentleman from Pennsylvania [Mr. FLORENCE] to ask the unanimous consent of the House to introduce a resolution?

Mr. STEPHENS, of Georgia. I object to the introduction of any business out of order.

Mr. RICHARDSON. I understand the Chair to state that the business in order is the unfinished business of yesterday. I want to call the attention of the Chair to the fact, that upon yesterday a motion to suspend the rules was in order. I understand the rule to be, that when the day arrives upon which it will be in order to move a suspension of the rules, business undisposed of on the previous suspension day would come up as the regular business in order. Hence it is not now in order—this not being suspension day—to recur to the bill introduced yesterday under a suspension of the rules.

The SPEAKER. The Chair must remind the gentleman that the question of order is, in his opinion, not admissible.

Mr. EVANS. I do not wish to debate this matter, but make a suggestion, if the Chair will have patience with me for a single moment. The 23d rule declares:

"That as soon as the Journal is read, the Speaker shall call for petitions from the members of each State and delegates from each Territory, beginning with Maine."

The 27th rule says that—

"After an hour shall be devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day."

Then by the 58th rule:

"The unfinished business in which the House was engaged at the last preceding adjournment shall have the preference in the orders of the day, and no motion on any other business shall be received without special leave of the House until the former is disposed of."

Mr. HALL. I rise to a question of order. I understand that no debate is in order upon the question of priority of business.

The SPEAKER. The Chair has already announced that the question of order is not debatable.

Mr. EVANS. I was reading the rules.

Mr. HALL. I understand you are making a speech.

Mr. EVANS. Not in the least. I suggest that the first business in order is the call of States for petitions, next for reports of committees; and then resolutions are in order. And when the orders of the day come up, the unfinished business of yesterday will have the preference. I call for the reading of the 23d, 27th, and 58th rules.

The rules were then read as inserted above.

The SPEAKER. The Chair begs leave to state the ground of his decision, which is this: But for the fact that the previous question had been seconded and the main question ordered to be put, the rules referred to would have required this bill to go over and take its place upon the calendar of the House. But the House ordered the main question to be put, and thus gives this bill or the unfinished business preference over all others. The main question must therefore be now put. By reference to the Journal of the Twenty-eighth Congress, the gentleman will find a decision directly in point. Is there any appeal from the decision of the Chair?

No appeal being taken, the Speaker stated the question as follows: The gentleman from California [Mr. MARSHALL] moved a reference of this bill to the Committee on Military Affairs. The gentleman from Tennessee [Mr. JONES] moved its reference to the Committee of Ways and Means. Upon this question the previous question was seconded and the main question ordered, and the yeas and nays were also ordered upon said question. The first question will be upon the proposition to refer the bill to the Committee on Military Affairs.

Mr. MARSHALL, of California. I would ask permission of the House to make a few remarks in explanation of a personal matter.

Mr. STEPHENS, of Georgia, objected.

Mr. MARSHALL. I hope the objection may be withdrawn, as I shall consume but a very little time.

The SPEAKER. Objection being made, the Chair is bound to enforce the rule.

Mr. MARSHALL. I wish to inform the House, in the course of this explanation, in regard to the nature of the bill and the propriety of the reference.

Mr. CARTTER. I object.

The SPEAKER. The Chair calls the gentleman from California [Mr. MARSHALL] to order.

Mr. MARSHALL. I wish to exculpate myself from the charge of making an attack upon the committee.

Mr. RICHARDSON. Is it in order to make a motion to suspend the rules to allow the gentleman to proceed?

The SPEAKER. It is not in order.

The question was then taken upon referring the bill to the Committee on Military Affairs, and decided in the negative—yeas 75 nays 110; as follows:

YEAS—Messrs. Abercrombie, Allison, Bell, Bibbians, John H. Boyd, Breckenridge, Albert G. Brown, Burrows, E. Carrington Cabell, Lewis D. Campbell, Chapman, Cleveland, Cullom, Dawson, Disney, Doty, Edgerton, Evans, Ewing, Faulkner, Fitch, Fowler, Freeman, Henry M. Fuller, Gaylord, Goodenow, Green, Grey, Grow, Harper, Hart, Hascall, Haven, Thos. M. Howe, Andrew Johnson, James Johnson, George G. King, Kuhns, Landry, Letcher, Edward C. Marshall, Mason, McCorkle, McNair, Meacham, Meade, Miller, Miner, Molony, Henry D. Moore, John Moore, Morehead, Newton, Olds, Perkins, Polk, Porter, Price, Sackett, Smith, Snow, Benjamin Stanton, Fred. P. Stanton, Richard H. Stanton, Alexander H. Stephens, St. Martin, Sweetser, Taylor, Tuck, Wallbridge, Walsh, Ward, Welch, Addison White, and Yates—75.

NAYS—Messrs. Aiken, Charles Allen, Willis Allen, Andrews, Wm. Appleton, Ashe, Averett, David J. Bailey, Bennett, Bissell, Bocoock, Bowie, Bragg, Brenton, Brooks, Buell, Busby, Joseph Cable, Caldwell, Carter, Caskie, Chastain, Clark, Clingman, Cobb, Curtis, Daniel, George T.

Davis, John G. Davis, Dimmick, Dockery, Dunham, Eastman, Edmundson, Ficklin, Florence, Floyd, Thomas J. D. Fuller, Gamble, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Haws, Hebard, Hibbard, Hillyer, Holladay, Horsford, Houston, John W. Howe, Ingersoll, Ives, Jackson, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kurtz, Mace, Mann, Humphrey Marshall, Martin, McDonald, McLanahan, McMullin, McQueen, Milson, Morrison, Murphy, Murray, Nabers, Orr, Outlaw, Andrew Parker, Samuel W. Parker, Peaselee, Penn, Penniman, Phelps, Rantoul, Riddle, Robbins, Robie, Robinson, Ross, Schermerhorn, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smart, Abrahm P. Stevens, Stone, Stuart, Sutherland, Benj. Thompson, Geo. W. Thompson, Thurston, Townshend, Venable, Wallace, Watkins, Wilcox, Wildrick, and Williams—110.

So the motion was rejected.

The question was then taken upon referring the bill to the Committee of Ways and Means; and it was agreed to.

Mr. COBB. I call for the regular order of business.

PAY TO HON. MR. DARBY.

Mr. MOORE, of Pennsylvania. I wish to offer a resolution, and I am sure I will get the unanimous and favorable action of this House upon it. Mr. DARBY, a Representative from the St. Louis district, came to Washington to enter upon the discharge of his duties as a Representative. On Monday morning, the 1st of December, he was suddenly and unexpectedly stricken down with paralysis; and from that time to the present moment he has been confined to his bed as an invalid and helpless as an infant. He is here now at the seat of Government, thousands of miles away from his family and friends, in this distressing and helpless condition. I feel sure that the mere mention of these facts will be sufficient to claim from the members of this House favorable action upon this resolution.

The resolution was read, as follows:

Resolved, That inasmuch as Mr. JOHN F. DARBY, of the First District of Missouri, has been in Washington from the commencement of the session, and been prevented by severe indisposition from taking his seat as a member of this House, that he be allowed to draw his per diem and mileage; and that the Sergeant-at-Arms is hereby authorized to pay him the same.

Mr. JONES, of Tennessee. I would suggest to the gentleman to modify his resolution by substituting the Speaker for the Sergeant-at-Arms. It is the Speaker who has charge of the matter, and not the Sergeant-at-Arms.

The question was then taken, and the resolution was agreed to.

PRESENTATION OF PETITIONS.

Mr. COBB. I call for the regular order of business. Let us hear from Utah.

The SPEAKER then proceeded to call the States and Territories for petitions, commencing with the Territory of Utah.

Mr. DOTY, by unanimous consent, introduced a bill, of which previous notice had been given, granting the right of way and making a donation of land to the State of Wisconsin, in aid of the construction of the Central Railroad; which was read a first and second time by its title, and referred to the Committee on Roads and Canals. Subsequently, On motion by Mr. HALL, this reference was reconsidered, and the bill was committed to the Committee on Public Lands.

Mr. McCORKLE, by unanimous consent, introduced a bill, of which previous notice had been given, to provide for the survey of public lands in the State of California, and for granting donations and other purposes; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. ABERCROMBIE, by unanimous consent, introduced a bill, of which previous notice had been given, granting the right of way and making a donation of land to the State of Alabama, in aid of the construction of the Girard railroad which was read a first and second time by its title, and referred to the Committee on Public Lands.

On motion by Mr. BRAGG, leave was granted to withdraw from the files of the House, for the purpose of presentation to the Senate, the joint resolution of the State of Alabama, in regard to certain reserved lands in Clarke county, in that State.

Mr. LETCHER, by unanimous consent, introduced a bill, of which previous notice had been given, to change the time for holding the district courts of the United States in the western district of Virginia, and for other purposes; which was

read a first and second time by its title, and, with the various petitions heretofore presented upon this subject, now on the files of the House, was referred to the Committee on the Judiciary.

Mr. KING, of New York, asked permission to offer a resolution.

Mr. EVANS objected, and called for the regular order of business.

RESERVED LANDS IN IOWA.

Mr. HENN, by unanimous consent, introduced a bill, of which previous notice had been given, to relinquish to the State of Iowa lands reserved for salt springs therein; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. H. I have also a resolution which I wish to offer, and I hope that it may be put upon its passage immediately, as it is a matter of importance to my constituents. It is a resolution, I apprehend, that will not be objected to by any one.

Mr. EVANS. I object.

ADDITIONAL LAND DISTRICTS.

Mr. HENN. I have also another bill which I wish to introduce, and of which previous notice has been given. It is a bill creating three additional land districts in the State of Iowa.

Mr. TAYLOR objected to its introduction.

On motion by Mr. HOWARD, it was

Ordered, That the memorial of George Simpton, praying compensation for vessels lost in the public service during the late war with Mexico, be taken from the files and referred to the Committee of Claims.

Mr. CABELL, of Florida, asked the unanimous consent of the House to introduce a resolution.

Mr. EVANS objected.

Mr. PHELPS asked the unanimous consent of the House for leave to introduce a bill, of which previous notice had been given.

Mr. TUCK objected.

Mr. MILLER presented a petition from sundry citizens of Monroe country, Missouri, praying for the establishment of a mail route from Paris, through Shelbyville, to Newark, Missouri; referred to the Committee on the Post Office and Post Roads.

Also, the petition of Robert Nelson for leave to change an entry of land; referred to the Committee on Private Land Claims.

Mr. CAMPBELL, of Illinois, gave notice that he would to-morrow ask leave to introduce a bill for the improvement of the Rock Island and Des Moines Rapids on the Mississippi river.

Mr. MOLONY presented the petitions of D. Clapp and Silas Noble, register and receiver, asking for an increase of pay for locating bounty land warrants; which were referred to the Committee on Public Lands.

Mr. FICKLIN presented the petition of A. M. Patterson and one hundred others, praying the establishment of a mail route from Vincennes, in the State of Indiana, via Lawrenceville and other places, to Springfield, in Illinois; which was referred to the Committee on the Post Office and Post Roads.

Mr. MOLONY asked the unanimous consent of the House to introduce a bill to correct an error in the pension of Orris Crosby.

Objection was made, and the bill was not introduced.

Mr. GREY, by unanimous consent, introduced a bill, of which previous notice had been given, to provide for the repair and improvement of the dam at the head of Cumberland Island, in the Ohio river; which was read a first and second time by its title, and referred to the Committee on Roads and Canals.

Mr. EVANS. I wish to inquire of the Chair, if bills cannot be introduced, when States are called for resolutions, under the rule?

The SPEAKER. By the unanimous consent of the House, they can be introduced at any time. [Cries of "That is the rule!" "That is the practice."]

THE WORKMEN ON THE CAPITOL.

Mr. STANTON, of Kentucky, asked the unanimous consent of the House to introduce a joint resolution, authorizing the architect of the Capitol to continue in employment the mechanics and laborers upon the two wings thereof.

Mr. STEPHENS, of Georgia, objected.

Mr. STANTON, of Kentucky. I ask that the resolution may be read, as it contains very important matter.

Mr. STEPHENS, of Georgia, objected.

Mr. EDGERTON presented the petition of Alexander Armstrong, praying compensation for property lost during the war of 1812; which was referred to the Committee of Claims.

Mr. BELL, by unanimous consent, gave notice that on to-morrow or some subsequent day, he should ask leave to introduce a bill to amend an act of Congress, passed September 28, 1850, allowing bounty land warrants to those who served in the war with Great Britain and other wars, &c.

Also, presented the petition of the heirs of Lieutenant Joseph Parrott, an officer in the Army during the revolutionary war, praying commutation pay; which was referred to the Committee of Claims.

On motion by Mr. CARTTER, it was

Ordered, That the petition and papers of A. H. Patterson, on which a favorable report was made at the last session of Congress, be withdrawn from the files of the House, and referred to the Committee on the Post Office and Post Roads.

Mr. PENN presented the petition of Thomas J. Durant, of New Orleans, for the payment of a balance claimed to be due him for services as attorney of the United States, in the district of Louisiana; which was referred to the Committee on the Judiciary.

Mr. FREEMAN, by unanimous consent, introduced a bill, of which previous notice had been given, granting to the State of Mississippi the right of way and donation of public lands, for the purpose of locating and constructing a railroad from Brandon to the eastern boundary of said State, in the direction of Montgomery, Alabama; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. F. also asked unanimous consent to introduce another bill; to which objection was made.

Mr. F. I understand we have a right to introduce bills upon a call of the States?

The SPEAKER. Upon a call of the States for resolutions you have, but not upon a call for petitions.

Mr. FREEMAN. I should like to know why objection is made to the introduction of this bill, when other gentlemen have been permitted to introduce bills?

The SPEAKER. Debate is not in order. Objection being made, the bill cannot be introduced.

Mr. WILCOX presented the petition of the register and receiver at Augusta, Mississippi, praying for additional compensation for locating military bounty land warrants; which was referred to the Committee on Public Lands.

On motion by Mr. DISNEY, it was

Ordered, That the papers in the case of Captain Linn and heirs of Joshua Huddy be taken from the files of the House, and referred to the Committee of Claims.

On motion by Mr. SACKETT, it was

Ordered, That the petition of John Reynolds and others, for the improvement of the harbor of Pultneyville, on Lake Ontario, be taken from the files of the House, and referred to the Committee on Commerce.

Mr. COBB asked the general consent of the House to introduce the following bills, viz:

A bill granting the right of way and alternate sections of the public lands to the State of Alabama, for the purpose of constructing a railroad from Selma to the Tennessee river;

A bill granting the right of way and making a grant of land to the States of Mississippi and Alabama, to aid in the construction of the Memphis and Charleston Railroad; and

A bill to graduate and reduce the price of the public lands belonging to the United States, and for other purposes.

Objection was made.

Mr. HARRIS, of Alabama, presented the petition of William M. Lapsley, of Alabama, asking compensation for services rendered as receiver at the land office at Cahaba, Alabama; which was referred to the Committee on Public Lands.

Mr. OUTLAW presented the petition of C. B. Hassell, and 831 others, citizens of North Carolina, praying Congress to abolish the office of Chaplain to the two Houses, and in the Army and Navy of the United States; which was referred to the Committee on the Judiciary.

Mr. MOORE, of Louisiana, presented the petition of R. W. Wynn, John Webb, and others, to establish a post-road from Bastrop, in the parish of Morehouse, Louisiana, to Winnsborough, in the parish of Franklin, &c.; which was referred to the Committee on the Post Office and Post Roads.

Also, a joint resolution of the Legislature of Louisiana, in regard to awarding the contract for carrying the mail, to such company as may have the right of crossing the Isthmus of Tehuantepec by the shortest and most expeditious route; and also praying for an appropriation to survey the said route from the Gulf of Mexico to the Pacific, in Tehuantepec; which was read and referred to the Committee on the Post Office and Post Roads.

Also, the petition of Jehiel Brook, praying for authority to sue the United States for damages for a suit instituted against him; which was referred to the Committee on the Judiciary.

Mr. MORSE, of Louisiana, gave notice that on to-morrow, or on some other day, he would ask leave to introduce a bill making appropriation for the removal of the raft in Red river.

Mr. WALSH asked the unanimous consent of the House to introduce a resolution.

Objected to.

Mr. BOWIE asked the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee for the District of Columbia inquire into the expediency of preventing the issue of small notes, under the denomination of five dollars, in the District of Columbia, and that they report by bill or otherwise.

On motion by Mr. GROW, it was

Ordered, That the papers and petitions of Conrad Hines and others, for recompense for the services of Captain Bartlett Hines in the revolutionary war, be withdrawn from the files and referred to the Committee on Revolutionary Claims.

Mr. ALLISON presented the memorial of John Crosby, administrator of the late A. D. Crosby, purser in the United States Navy, praying to be allowed a credit to his account for payment made to certain warrant officers; which was referred to the Committee on Naval Affairs.

Also, the memorial of James A. Fawns, praying that he may be allowed the salary of purser while acting as such on board the United States brig Bainbridge, on the coast of Brazil; which was referred to the Committee on Naval Affairs.

Also, the memorial of James W. Wilkins, praying to be allowed the salary of purser for the time he performed the duties of that office during the late war with Mexico; which was referred to the Committee on Naval Affairs.

On motion by Mr. FULLER, of Pennsylvania, it was

Ordered, That the petition and papers of the heirs of Samuel Ransom be withdrawn from the files of the House, and referred to the Committee on Revolutionary Claims.

Mr. CURTIS presented the petition of Samuel Baker, a soldier of the last war, praying that he may be allowed a pension; which was referred to the Committee on Invalid Pensions.

Mr. FLORENCE presented the petition of Buckingham Hoty, administrator of Peter Hoty, praying for an examination of the proceedings of the Board of Commissioners on claims against Mexico, in relation to a claim presented to them and rejected; which was referred to the Committee of Claims.

Also, the petition of sundry citizens of Pennsylvania, asking for the enactment of a law to prevent the immigration of foreign paupers into the United States. Referred to the Committee on Foreign Relations.

Also, the memorial of citizens of Pennsylvania, New Jersey, and Delaware, for an appropriation to erect a harbor and piers in the Delaware bay and river, for the shelter of vessels navigating them. Referred to the Committee on Commerce.

Also, the petition of citizens of the city and county of Philadelphia, praying for a modification of the bounty land law of 1850, so as to give 160 acres of land to those and the children of those officers and soldiers who served the war of 1812. Referred to the Committee on Military Affairs.

Also, the memorial of Benjamin Holbrook, of Philadelphia, asking indemnity for the loss of a vessel in the service of the United States. Referred to the Committee on Naval Affairs.

Also, the petition of John Duncan, a blind sailor, who lost his sight in the service of the United States, asking for a pension.

Also, the memorial of the route agents of the Post Office Department, asking for an increase of compensation. Referred to the Committee on the Post Office and Post Roads.

Mr. PRICE asked leave to introduce a bill, of which previous notice had been given.

Mr. EVANS objected.

Mr. PRICE claimed that, under the 44th rule, he had the right to introduce the bill.

The SPEAKER decided that the bill could not be introduced, except by unanimous consent.

Mr. PRICE took an appeal from the decision of the Chair.

Mr. DUNHAM moved to lay the appeal on the table; which was agreed to.

Mr. PRICE presented a petition from sundry citizens of Newark, New Jersey, asking the passage of a law giving proper remedies to patentees; which was referred to the Committee on the Judiciary.

Mr. P. also gave notice that he would, at the earliest day practicable, ask leave to introduce a bill for the purpose of giving proper remedies to patentees.

Mr. HASCALL presented the petition of Mary Hascall, the widow of Benjamin Hascall, a soldier of the Revolution, asking for a pension; which, with the papers on the files of the House upon the same subject, was referred to the Committee on Pensions.

Mr. SEYMOUR presented the petition of John Burlason, for a pension; which was referred to the Committee on Invalid Pensions.

Also, the memorial of certain officers and soldiers in the war of 1812, praying for relief. Referred to the Committee on Public Lands.

Also, presented additional papers in the case of Thomas Thooly; which, with those on the files of the House in regard to said claim, were referred to the Committee of Claims.

Mr. HORSFORD presented the petition of Peter Van Buskirk, asking pay for property furnished to the American troops during the revolutionary war. Referred to the Committee on Revolutionary Claims.

Mr. BENNETT presented a petition for a mail route from Vallonia Springs, via Minerva and Coventry, to Oxford. Referred to the Committee on the Post Office and Post Roads.

On motion by Mr. CLEVELAND, it was

Ordered, That the petition and papers in the case of Dr. Avery Downer, a surgeon's mate in the revolutionary war, with the bill No. 74, and report No. 44 of the Committee on Revolutionary Pensions, of the first session of the Thirty-first Congress, be taken from the files of the House, and referred to the Committee on Revolutionary Pensions.

Mr. MANN presented the petition of Jesse French, of Braintree; which was referred to the Committee on Revolutionary Pensions.

Mr. SIBLEY presented the papers relative to the claim for compensation of the volunteers who served in the suppression of the Winnebago hostilities in July, 1850; which was referred to the Committee on Indian Affairs.

On motion by Mr. GAYLORD, leave was granted to withdraw from the files of the House, for the purpose of presenting to the Senate, the petition and papers of Zachariah Lawrence.

REPORTS OF COMMITTEES.

The SPEAKER proceeded to call the committees for reports; when

Mr. EVANS, from the Committee on Military Affairs, reported a bill for the relief of the Virginia Woolen Company; which was read a first and second time by its title, and, with the report accompanying, ordered to be printed, and referred to a Committee of the Whole House.

THE WORKMEN ON THE CAPITOL.

Mr. STANTON, of Kentucky, from the Committee on the Public Buildings and Grounds, reported a joint resolution authorizing the architect of the Capitol to continue in employment the mechanics, laborers, and others employed upon the two wings thereof.

The resolution was read a first and second time by its title.

Mr. STANTON remarked that the appropriation for the additions to the Capitol had been exhausted, and that some three hundred mechanics and laborers—some of them with large families—who had been brought on to Washington under the expectation of permanent employment, had been discharged. They had been thrown out of employment, too, in the most inclement season of the year, without the means of support and without any hope of employment elsewhere. He would appeal to the House to pass the resolution immediately. He had been told by the Architect that they could be profitably employed. They were willing to work and await the appropriation by

Congress. He hoped the resolution would be put on its passage.

Mr. CARTTER. Will the chairman of the committee permit me to ask him a question?

Mr. STANTON, of Kentucky. Certainly.

Mr. CARTTER. We are informed by the chairman of the committee that the funds appropriated are all expended. Can he give the House any information as to the fact that a large portion of that money has been expended in sending to the Catskill mountains for lime to lay these foundations with, when there is an abundance of lime within sight of the Capitol? I should be very glad if the chairman of the committee could throw any light upon that subject.

Mr. STANTON. The House, and perhaps the country too, know that I have had some little experience in this matter of lime, having used a great deal of it when I was a boy and growing up. I have seen this lime that has been so much talked about, and I declare to the House that I have never seen better lime in my life. I think the architect, the Secretary of the Interior, and the other agents engaged in making the contract, did well in selecting this lime, for it is preferable to any other that I have ever seen in this neighborhood or elsewhere.

I do not know what amount of money has been expended in the purchase of lime; but I know that a great deal of work has been done, and that a great deal of material has been accumulated with the \$100,000 appropriated a year ago. A great deal more work has been done, and a larger quantity of material accumulated, than I expected to see.

Mr. CARTTER. I would like to ask the gentleman an additional question, and that is: What is the cost per bushel of this lime which has been used, and what is the cost of the lime which could be obtained within sight of the Capitol? I am informed that there has been a little speculation about this matter.

Mr. STANTON. I cannot answer that question.

Mr. BELL. I have but a word to say upon this subject. I do not wish to throw any impediment in the way of the progress of this work, but I wish to inquire of the gentleman who drew up this resolution whether the language in which it is couched would not make it obligatory upon the agent to continue in pay every hand who is now or has been engaged upon this work?

Mr. STANTON. It was certainly not so intended by me, and if the resolution is susceptible of such a construction I have no objection whatever to its modification so as to obviate that difficulty.

[A message was received from the Senate, accompanied by the bill, which had passed that body to establish a branch of the Mint of the United States in California.]

Mr. BELL. Their I understand that the gentleman is willing to accept of a modification of his resolution?

Mr. STANTON. I will accept of a modification if it is in my power to do so, but as this is a report from a committee I presume that I have not the power.

The SPEAKER. As the resolution is a report from a committee, it is not in the power of the gentleman to modify it.

Mr. FICKLIN. I have listened with a good deal of pleasure to the remarks of the gentleman who has introduced this resolution—

Mr. SACKETT, (interposing.) If the gentleman from Illinois will allow me, I will suggest to the mover of the resolution that he should modify it by the addition of these words: "If he shall think advantageous to the Government." That will relieve the resolution from the objection suggested by the gentleman from Ohio, [Mr. BELL.]

Mr. FICKLIN. The modification that is suggested does not make the resolution acceptable to me. There is a passage in the preamble which will certainly prevent the resolution from receiving my vote. What is that preamble? The preamble states that whereas these individuals have been thrown out of employment, and cannot at this season of the year obtain employment elsewhere, be it therefore resolved to quarter them upon the Government. That is the proposition when stripped of the verbiage by which it is surrounded. It is a plain, simple proposition to quarter these individuals upon the Government during the winter, because they cannot now find employment else-

where. Every hand that has been engaged upon this work will be willing to remain in the service or in the pay of the Government, and their clamor will induce the superintendent to continue them in the pay of the Government.

My honorable friend over the way [Mr. BELL] inquired if this resolution made it obligatory upon the Superintendent to continue these hands in employment. This resolution, together with the clamor that will be sent up to him, will prevent him from discharging any one of them. I am opposed to the passage of this resolution; and I would inquire of my honorable friend from Kentucky, [Mr. STANTON,] in whose charge is this expenditure? Is this building under the charge of the Superintendent, or is it not under the charge of other officers of the Government?

Mr. STANTON, of Kentucky. It is under the charge of the Secretary of the Interior and of the Architect. The Architect has charge of the building, of the employment of hands, and of the payment of the money.

Mr. FICKLIN. Well, then, if the Secretary of the Interior deems it proper to continue this work during the winter, and to keep these hands in employment, let him take the responsibility of asking Congress to make an appropriation for that purpose. We can do it in an hour from the time that he makes his application. But this resolution places it in the power of the Superintendent to keep all these hands in the employment of the Government during the winter.

I am opposed to the passage of the resolution at present, at all events, and in order that its merits may be examined into and its demerits ascertained, if there be any attached to it, I ask its reference to the Committee of the Whole on the state of the Union.

The preamble and resolution were read; as follows:

Whereas, in consequence of the exhaustion of the appropriation heretofore made for the improvement of the Capitol, a large number of mechanics, laborers, and others employed there have been discharged, and are thrown out of service at a season of the year when employment cannot be obtained elsewhere,

Be it therefore resolved, That the architect of the Capitol be and he is hereby authorized to continue in service, until an appropriation shall hereafter be made, as many of the mechanics, laborers, and others who have been employed in the extension of the Capitol as shall be willing to remain in service and await any appropriation which may be hereafter made by Congress for their pay.

Mr. SACKETT. I hope the gentleman from Illinois will withdraw that motion for a moment to allow me to propose a modification of the resolution.

The SPEAKER. The gentleman from North Carolina [Mr. VENABLE] has been recognized by the Chair.

Mr. FICKLIN. Permit me to suggest to my friend from New York, that as this resolution is a report from a committee, the gentleman who offered it cannot modify it.

Mr. SACKETT. I can move an amendment, I suppose?

The SPEAKER. The gentleman from North Carolina has the floor.

Mr. VENABLE. There may be the very best reason in the world why these workmen should be retained. If that reason was the preservation of the public work, and if that work was likely to be injured or destroyed unless this resolution was adopted, I might, perhaps, very cheerfully vote for it. But I never can vote for the employment of these men for the reasons set forth in this resolution. I never can consent to recognize, by my vote, the principle that it is the primary duty of this Government to afford work to anybody. I am opposed to Fourierism in all its shapes; and I repeat that I never can recognize it as a primary duty of this Government to supply people that are out of employment with work. If these men have made a contract with the undertaker of this work, and the money appropriated by the Government is exhausted, they must take their luck, as others do. When the people in my country get out of work, they never come to Congress and ask to be provided with employment, and they have never recognized the principle that it is the business of this Government to take money out of the Treasury to supply people who are out of work, or idle people with the means of living. If it can be satisfactorily shown that the adoption of this resolution is necessary for the protection of the public works, I will cheerfully give it my support. But

here is the bald proposition introduced into this House, and placed before the country, that because these men are out of employment and cannot find work, it is therefore our duty to authorize the creation of a debt upon the Treasury, and to permit the architect, or superintendent of the work, to employ these men upon the faith of the promise of Congress that an appropriation shall be made hereafter for their payment.

I agree with the gentleman from Illinois [Mr. FICKLIN] that this resolution had better be referred to the Committee of the Whole on the state of the Union, so that it may be put in a proper form, and that it may not go forth that this House has sanctioned the doctrine that it is a primary duty of the Government of the United States to furnish those who are out of work with employment.

Mr. FICKLIN. With the permission of the gentleman from North Carolina [Mr. VENABLE] I wish to suggest to him that this resolution takes the responsibility from the Secretary of the Interior, and interposes between him and his duty to this Government.

Mr. VENABLE. I was about to make that very remark. I am one of those who believe in the responsibility of agents. I believe that you ought to fix the duties of your agent, and hold him responsible for the discharge of those duties. I never will, by any vote of mine, step in between him and his responsibility, so that if there is mismanagement, a waste of the public funds, or a direction given to those funds that was not contemplated by the act of Congress, he can shelter himself by saying, "I was doing exactly what the law required, and you stepped in and interfered with me." No; let us hold the Department of the Interior responsible for this work. If they need a further appropriation; if the works need protection; or if there be sound and good reasons for an additional appropriation, let the information come from the Department, and let us have the reasons before us on which we are to act.

Mr. STANTON, of Tennessee. I would inquire of the gentleman from North Carolina, whether there is not an estimate from the Department for the continuation of this work? If so, is there any good reason why the work should stop during the present season? Would it not be for the public interest to let the work go on in anticipation of the appropriation which has been asked for by the Department?

Mr. VENABLE. I have no disposition whatever to obstruct or to arrest the execution of this work, but I do protest most solemnly against the admission of the principle, in our legislation, that it is a primary duty of this Government to furnish work to those who are in need of employment.

Mr. FLORENCE, (interrupting.) Here are a number of persons who have come from the different States of the Union—having given up employment elsewhere—under the impression that they could have continued employment here. I apprehend that every one of them earns all that he obtains for his labor. I apprehend that every one of them feels at the close of his day's work, that he has performed his duty to himself and to the Government, and would despise the idea that he had "quartered himself" upon the Government.

The prospect was held out to these men—from the fact that the building of these Capitol wings would be continued for years—that they would have permanent employment here. And I desire to say, on behalf of these persons, that they would not think for a single moment, of "quartering themselves upon the Government" without rendering what some one has called a *quid pro quo*.

Mr. VENABLE. All that is nothing new to me. I did not rise for the purpose of disussing the character of these men or the calculations which they may have made. Arguments of that sort ought to have no influence here. These men appear before us just like any other laborers. I have exactly as much respect for them as I have for any other honest laborers. If they made a contract with the agent of the Government to work for a certain number of days, they ought to be paid for that work, but if they made a bargain to work as long as the money which had been appropriated lasted, and that money is now exhausted, they have worked out their contract, and we have not deceived them or withheld anything from them which they had a right to expect, however respectable they may be, or however unwilling to quarter them-

selves on the Government—and I freely admit that they are so. I say again, that if that resolution is passed for the reason given upon its face, that these men have been thrown out of employment, and cannot at this season obtain employment elsewhere, it is a recognition of the principle that it is a primary duty of this Government to furnish men who are out of work with employment. To such a principle, I for one, can never give my sanction.

Mr. SACKETT. Will the gentleman from North Carolina allow me to submit an amendment?

Mr. VENABLE. I will yield the floor to the gentleman.

Mr. SACKETT. I suppose that this work is under the charge of the Secretary of the Interior.

Mr. JOHNSON, of Tennessee. I rise to a question of order. I wish to inquire of the Chair if the motion now pending is not a motion to refer this resolution to the Committee of the Whole on the state of the Union?

The SPEAKER. That is the question now pending before the House.

Mr. SACKETT. That motion was withdrawn.

Mr. FICKLIN. No, sir; I have not withdrawn it.

The SPEAKER. The first question put to the House will be upon the motion to refer the joint resolution to the Committee of the Whole on the state of the Union.

Mr. VENABLE. And I am entitled to the floor, and was discussing the propriety of that very reference. This resolution is, in my opinion, properly referable to the Committee of the Whole on the state of the Union. There the whole subject can be examined and discussed, and the report can be amended. The resolution makes an appropriation, and it must therefore go to the Committee of the Whole on the state of the Union.

I should not have opened my mouth upon this subject, except to have voted for the reference, but I could not consent to remain silent, and thus appear to recognize the principle involved in this resolution, that it is a sufficient reason for the employment of anybody that he is out of work. As has been justly remarked by the gentleman from Illinois, [Mr. FICKLIN,] the effect of this resolution, and of the clamor and pressure from without, would be that the Superintendent would continue in employment every one of these individuals.

Economy must begin somewhere. Responsibility with regard to the expenditure of the public funds must be fixed somewhere, and as we have fixed the responsibility of this expenditure in the Department of the Interior, and as the appropriation is exhausted, I am unwilling to make a further appropriation until it is applied for by the Department. While, therefore, I am not opposed to the continuance of this work, I am not disposed to further it in violation of the rules of this body, and of proper rules of economy. Let the whole subject come before the Committee of the Whole on the state of the Union. It is better that these workmen should be without employment for a day or two than that we should violate the rules of prudence and economy.

Mr. HARRIS, of Tennessee, called for the previous question.

The previous question was seconded, and the main question ordered; which main question was on the motion to refer the joint resolution to the Committee of the Whole on the state of the Union.

Mr. FICKLIN called for the yeas and nays; and they were ordered.

The question was then taken, and there were—yeas 93, nays 58; as follows:

YEAS—Messrs. Aiken, Willis Allen, William Appleton, Averett, David J. Bailey, Bell, Bissell, Bocoec, Brenton, Buell, Caldwell, Carter, Caskey, Clark, Cleveland, Cobb, John G. Davis, Dawson, Dinmick, Dunham, Edgerton, Faulkner, Ficklin, Fitch, Floyd, Thomas J. D. Fuller, Gamble, Grey, Hall, Hamilton, Isham G. Harris, Hart, Hascall, Haven, Henn, Hibbard, Holladay, Horsford, Houston, Ingersoll, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, Preston King, Kuhus, Kurtz, Landry, Leitcher, Lockhart, Mace, Humphrey Marshall, Martin, Mason, McDonald, McMillin, McNair, Molony, John Moore, Murray, Nabers, Orr, Andrew Parker, Peaslee, Penn, Pennington, Perkins, Phelps, Porter, Rantoul, Richardson, Robbins, Robie, Ross, Scurry, David L. Seymour, Origen S. Stephens, Smith, Abraham P. Stevens, Alexander H. Stephens, St. Martin, Sweetser, George W. Thompson, Townsend, Venable, Wallace, Watkins, Welch, and White—93.

NAYS—Messrs. Abernethy, Allison, Thomas H. Bayly, Bennett, Biglough, Bowne, John H. Boyd, Briggs, Brooks, Burrows, Lewis D. Campbell, Thompson Camp-

bell, Chapman, George T. Davis, Doty, Edmundson, Evans, Ewing, Florence, Fowler, Henry M. Fuller, Gaylord, Green, Hammond, Harper, Haws, Hebard, Howard, John W. Howe, Thomas M. Howe, George G. King, Mann, McCorkle, Meacham, Miner, Henry D. Moore, Morehead, Samuel W. Parker, Polk, Price, Riddle, Sackett, Schermerhorn, Skelton, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Stuart, Sutherland, Taylor, Thurston, Tuck, Walbridge, Walsh, Ward, Williams, and Yates—58.

So the joint resolution was referred to the Committee of the Whole on the State of the Union.

Mr. WALSH moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering the joint resolution just referred thereto.

The question was taken upon this motion; and on a division, there were—yeas 55, nays 51. No quorum voting.

On motion by Mr. STANTON, of Tennessee, the House then adjourned.

NOTICES OF BILLS.

By Mr. YATES: A bill making appropriations for the improvement of the navigation of the Illinois river.

By Mr. BROWN of Mississippi: A bill to perpetuate pre-emptions to actual settlers on the public lands.

Also, a bill to grant the right of way and make a donation of public lands to the States of Mississippi and Louisiana, in aid of the construction of a railroad from New Orleans, Louisiana, to Jackson, Mississippi.

PETITIONS, &c.

The following memorials, petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BOWIE: A memorial of Charles Fletcher, of Lancaster, on behalf of himself and others, praying for a charter to build a railroad, through the District of Columbia, in a northwestern course to the Maryland line.

By Mr. HUNTER: The petition of Johnston Lawrence and 83 others, praying for a new mail route from Powhatan Point, in Belmont county, to Malaga, in Monroe county, Ohio.

By Mr. TOWNSEND: The memorial of Leonard Skinner, presenting his claim to back pay and bounty land.

By Mr. SCHERMERHORN: The petition of Capt. Thos. Duer, praying pay for money advanced while in the service of the United States during the late war with Great Britain.

By Mr. DOTY: The petition of A. W. Clarke, J. E. Garland, J. B. Winchell and others, praying for a mail route from Princeton, in Wisconsin, to Weyanwewa.

By Mr. ROBBINS: A memorial signed by James Devcreaux, Samuel C. Morton and others, citizens of Pennsylvania, New Jersey, and Delaware, praying Congress to make an appropriation for the construction of a harbor on the eastern side of Reedy Island, in the Delaware river, where substantial piers would be erected at a moderate expense, which would afford shelter to vessels navigating said river.

By Mr. MILLSON: The petition of Nelson H. Hodges, heir of Wm. Hodges, deceased, asking remuneration for injury to property while in the occupation of the troops of the United States, during the late war with Great Britain.

Also, the petition of Henry and Robert Blow, heirs of Henry Blow, deceased, asking arrears of pension due deceased.

Also, the memorial of Thomas Robinson and others, "forward officers" of the Navy, asking that their pay may be graduated according to sea service.

IN SENATE.

WEDNESDAY, December 17, 1851.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The Hon. WILLIE P. MANGUM, from the State of North Carolina, attended in his seat.

NAVIGATION OF THE ST. LAWRENCE.

The PRESIDENT *pro tem.* laid before the Senate a communication from the President of the United States, transmitting a report of the Secretary of State in answer to the resolution of the Senate of the 8th March last, submitted by Mr. DAVIS, of Massachusetts, as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to inform Congress, at the earliest date, whether any arrangements are in progress, or likely to be made, with Great Britain and the British Provinces of North America, for securing to the citizens of the United States the free navigation of the St. Lawrence, St. John, and other large rivers, and the right to enjoy freely, in common with British subjects, the sea and coast fisheries of the British fisheries of the British North American Colonies.

The communication was laid upon the table, and ordered to be printed.

CASE OF MR. THRASHER IN CUBA.

The PRESIDENT *pro tem.* laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

In answer to the resolution of the Senate of the 9th instant, requesting information in regard to the imprisonment of John S. Thrasher, at Havana, I transmit a report from

the Secretary of State, and the documents which accompanied it.

WASHINGTON, December 16, 1851.

The message was read.

On motion by Mr. HUNTER, it was

Ordered, That it be referred to the Committee on Foreign Relations, and be printed.

THE CASE OF THE PROMETHEUS.

The PRESIDENT *pro tem.* laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

I have received a resolution of the Senate, adopted upon the 12th instant, in the following terms:

"Resolved, That the President of the United States be requested to communicate to the Senate, if not inconsistent with the public interest, any information the Executive may have received respecting the firing into and seizure of the American steamship Prometheus by a British vessel of war, in November last, near Grey Town, on the Mosquito Coast; and, also, what measures have been taken by the Executive to ascertain the state of the fact and to vindicate the honor of the country."

In answer to this request, I submit to the Senate the accompanying extracts from a communication addressed to the Department of State by Mr. Joseph L. White, as counsel of the American Atlantic and Pacific Ship Canal Company, dated 2d instant.

This communication is the principal source of the information received by the Executive in relation to the subject alluded to, and is presumed to be essentially correct in its statement of the facts. Upon receiving this communication, instructions, such as the occasion seemed to demand, were immediately dispatched to the Minister of the United States in London. Sufficient time has not elapsed for the return of any answer to this dispatch from him; and, in my judgment, it would at the present moment be inconsistent with the public interest to communicate those instructions. A communication, however, of all the correspondence will be made to the Senate at the earliest moment at which a proper regard to the public interest will permit.

At the same time instructions were given to Commodore Parker, commanding the home squadron, a copy of which, so far as they relate to the case of the Prometheus, is herewith transmitted to the Senate.

MILLARD FILLMORE.

WASHINGTON, December 16, 1851.

The message was read.

On motion by Mr. BRODHEAD, it was

Ordered, That it lie on the table and be printed.

INTEROCEANIC CANAL.

The PRESIDENT *pro tem.* also laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, requesting the communication of a dispatch addressed to the Department of State by Mr. Niles, late Chargé d'Affaires of the United States at Turin, I transmit a report from the Secretary of State, which is accompanied by a copy of the dispatch.

MILLARD FILLMORE.

WASHINGTON, 16th December, 1851.

The message was read.

On motion by Mr. MASON, it was

Ordered, That it lie on the table and be printed.

CONTINGENT EXPENSES OF THE DEPARTMENT OF WAR.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, accompanied by statements showing the expenditures from the appropriations for the contingent expenses of the offices and bureaus of that Department; which was read.

Ordered, That it lie on the table and be printed.

TOPOGRAPHICAL ENGINEERS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 15th February last, a report of the Chief of the Corps of Topographical Engineers, giving the rules for the government of that corps, and the duties on which each officer has been employed since 1838; which was read.

On motion by Mr. BORLAND,

Ordered, That it lie on the table.

PETITIONS.

Mr. CHASE presented a petition of citizens of Ohio, praying an amendment to the laws relating to the diplomatic intercourse between the United States and foreign countries; which was referred to the Committee on Foreign Relations.

Also, the petition of Zachariah Lawrence, praying compensation for the capture of a British sloop called the Venture, during the last war with Great Britain; which was referred to the Committee of Claims.

Mr. DOWNS presented a petition of the late and present land officers at Monroe, Louisiana,

praying additional compensation for locating boundary land warrants.

Ordered, That it lie on the table.

Mr. GWIN presented a petition of the officers of the United States sloop-of-war Falmouth, attached to the Pacific squadron, praying extra pay; which was referred to the Committee on Naval Affairs.

Also, a document relating to the claim of Mariano G. Vallejo to indemnity for property taken for the use of the United States troops under the command of Captain J. C. Frémont; which was referred to the Committee on Military Affairs.

Mr. CLEMENS presented a memorial of the Legislature of Alabama, praying the sale of reserved lands in Clark county in that State; which was referred to the Committee on Public Lands.

Mr. UNDERWOOD presented the memorial of Peter G. Washington, John F. C. Saloman, and William Selden, proposing to enter into a contract for supplying the cities of Washington and Georgetown with water from the Potomac river, above Georgetown; which was referred to the Committee for the District of Columbia.

Mr. BUTLER presented a petition from citizens of the districts of Kershaw and Lancaster, South Carolina, praying the establishment of a mail route from Camden, in that State, to Monroe, in North Carolina; which was referred to the Committee on the Post Office and Post Roads.

Mr. WALKER presented the memorial of Benjamin H. Mooers, for himself and the other heirs of Benjamin Mooers, deceased, an officer in the revolutionary Army, praying to be allowed the depreciation on the commutation certificates issued to their ancestor in lieu of his half-pay for life; which was referred to the Committee on Revolutionary Claims.

FLOGGING IN THE NAVY.

Mr. BRODHEAD. I have been requested to present a memorial, signed by a large number of the citizens of the United States, praying for the restoration of the law authorizing prompt and summary punishment for petty offences in the Navy and commercial marine. I understand the petitioners to pray for the restoration of the law authorizing flogging. I move that the memorial be referred to the Committee on Naval Affairs.

Mr. STOCKTON. I am quite amazed, Mr. President, at that paper. I did not believe it possible that so many people in Philadelphia could have been found to sign such a memorial as that seems to be. I hardly know at this moment of surprise what to say in relation to it. It is a very important matter, which is presented to the Senate, in reference to which I ought not, perhaps, inconsiderately to discourse. I cannot but remember that the State of New Jersey was one of the first in the Union which approved those important amendments to the Constitution of the United States which secured freedom of religion, of speech, and the right to petition, and which has so securely guarded the State sovereignties from encroachments by the General Government. For myself, I yield to no man in respect to the right of petition; and as long as truth is permitted to combat error, I will throw no obstacles in its way. Sir, if there be a right to petition the Senate upon such a subject, I suppose it is entirely within the power of the Senate to take what action they may think proper upon it; and therefore perhaps it would be most prudent for me to postpone the expression of my opinions, and ask that for the present the memorial should be laid upon the table, with the view of taking it up again for discussion on Tuesday next. By adopting this course, I shall have an opportunity of reading the memorial. In the mean time, I give notice to those who may be in favor of the measure, that I will fight it from the start. Sir, I am entirely opposed to any such proposition; and move that it be laid on the table.

Mr. SEWARD. What is the prayer of the petition?

Mr. STOCKTON. To lick the sailors.

The PRESIDENT. If the memorial is laid upon the table, it can be called up at any time.

Mr. SEWARD. I move to lay it on the table, and let it lie there.

The motion to lay the memorial on the table was agreed to.

Mr. GWIN, at a subsequent period of the day, rose and said: Mr. President, I wish to make a

remark respecting a memorial which was presented this morning by the Senator from Pennsylvania, [Mr. BRODHEAD,] praying for a restoration of flogging in the Navy. Before that memorial shall be referred to the Committee on Naval Affairs, it will be desirable to know whether it is intended to restore flogging, or to substitute any other system of punishment in the Navy. That the opinion of the Senate may be expressed on this subject, I give notice that I shall call up the memorial on Tuesday next, and I hope the Senator from New Jersey will then be ready to debate it.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. UPHAM, it was

Ordered, That the memorial of Sylvester Churchill, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. HUNTER, it was

Ordered, That the petition of the heirs of Charles Lewis, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of James Dunning, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. BRADBURY, it was

Ordered, That the petition of John O. Means, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. DAWSON, it was

Ordered, That the documents on the files of the Senate, relating to the application of John Schley, for a renewal of a patent, be referred to the Committee on Patents and the Patent Office.

On motion by Mr. DAWSON, it was

Ordered, That the petition of George Talcott, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. SEBASTIAN, it was

Ordered, That the memorial of J. K. Rogers, legal representative of David Cordery, deceased, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. HUNTER, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the petition of the legal representatives of John Moore, and that it be referred to the Committee on Revolutionary Claims.

On motion by Mr. HAMLIN, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the petition of the Italian Mutual Benevolent Society of New Orleans, and that it be referred to the Committee on Finance.

NOTICE OF A BILL.

Mr. MANGUM gave notice of his intention to ask leave to introduce a bill for the relief of the personal representatives of William A. Slacum.

CONSTITUTIONAL GOVERNMENTS *versus* MONARCHIES.

Mr. WALKER submitted the following resolutions for consideration:

Whereas the signs of the times are portentous of an approaching struggle in Europe between the republican masses, for constitutional governments on the one side, and the advocates of monarchies for absolute governments on the other; and whereas it pressingly behooves the representatives of the American people of the united sovereign States of America to seriously consider, and betimes to inquire into the relations of the Government and the country to this struggle, and their duty, in view of it, to themselves, to foreign nations, and the international law: Therefore,

Be it resolved, That the Committee on Foreign Relations be instructed to inquire into, and report upon, the expediency of an open declaration by Congress to foreign nations and the world, that the United States hold strictly to the policy and principle, that each individual, nation, state, or power, possesses for itself the exclusive right, and sole power, to take care and dispose of its own internal concerns, without and exempt from the intervention and interference of any foreign government, state, confederacy, alliance, or power whatsoever, and that any such intervention or interference by, or on the part of, any foreign government, state, confederacy, alliance, or power, constitutes an infraction of the law of nations, authorizing and justifying the interposition of any or all other governments, confederacies, or powers, at their discretion, to prevent such intervention, and to repair such infraction of the law of nations.

Resolved, further, That the same committee be instructed to inquire also into the expediency of requesting the President of the United States to cause negotiations to be opened with all other constitutional governments, with a view and to the end of obtaining their coöperation with the United States in the declaration aforesaid, and the policy and principle thereof, and in the observance, defence, and maintenance of the law of nations in this respect.

REPORTS OF STANDING COMMITTEES.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the petition of William P. Greene, submitted a report, accompanied by a bill for the relief of William P. Greene.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. H. also, from the same committee, to which was referred the petition of John A. McGaw, submitted a report, accompanied by a bill granting relief to John A. McGaw, of New York.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. H. also, from the same committee, to which was referred the bill supplementary to the several acts of Congress providing for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes, reported it without amendment.

Mr. FELCH, from the Committee on Public Lands, to which was referred the bill to grant to the State of Ohio the unsold and unappropriated public lands remaining in that State, reported it with an amendment.

COMPENSATION OF TREASURERS.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public moneys, under the fifteenth section of the act of 6th August, 1846, for the additional services required under that act, reported it without amendment.

It will take but little time, said the honorable gentleman, to dispose of this bill, and I ask the unanimous consent of the Senate to take it up for consideration now. It was passed during the last session of the Senate. It is designed to provide compensation for a class of officers who were omitted to be provided for by the act of 1846—I mean that class who were designated as the “depositors.” This bill having passed the Senate last year, probably failed in the House because it only reached that body in the regular order of business.

The motion to take up the bill was agreed to.

The bill was then considered by the Senate as in Committee of the Whole, and there being no amendment thereto, it was reported to the Senate, and ordered to be engrossed for a third reading.

BILLS INTRODUCED.

Mr. DAVIS, agreeable to previous notice, asked and obtained leave to bring in a bill for the relief of Charles A. Kellett: which was read a first and second time by its title, and referred to the Committee on Commerce.

Also, a bill for the relief of Enoch Baldwin and others; which was read a first and second time by its title, and referred to the Committee on Commerce.

WIDOW OF GENERAL WORTH.

The Senate, on the motion of Mr. BORLAND, proceeded to consider, as in Committee of the Whole, the bill for the relief of Margaret L. Worth.

Mr. HALE. Is there any report accompanying that bill? If there be, I should like to have it read.

Mr. BORLAND. There was no report in the case. It was a bill introduced by me last session of Congress granting a pension to the widow of General Worth. There was no report necessary in the case. The facts were known to all. His position in the Army, the circumstances of his death, his great merit as an officer, added to her claims to support under these circumstances, she was generally regarded as deserving of the care and sympathy and relief of the Government. There were no facts beyond these necessary to be set forth in a report, and these facts were in the knowledge of every Senator. For this reason no report was made. When the bill was reported from the committee, I asked for its consideration. It was passed in the Senate and went to the House, but failed there for want of time, not coming up in the regular order of business. One reason why I ask for its passage by the Senate now is, that I learn from members of the House that it can be passed in that branch of Congress at an early day, and thus afford relief to the widow of one of the most gallant officers ever known in our Army—relief of which she stands eminently in need.

Mr. HALE. I am by no means opposed to the passage of the bill, and shall not make any objections. My reason for inquiring whether there

was any report was this, that I know the circumstances under which it was reported last session. I know, also, that a bill was introduced for the relief of the widow of another distinguished officer—I mean the widow of General McNeil. When that bill came up, it did not go quite so easy, and I want to know if there is anything peculiar in the two cases. I supposed that if there was anything peculiar which could distinguish the one case from the other, that peculiarity would have been set forth in the report.

Mr. BORLAND. I will not prolong the discussion on this bill, but will merely answer the Senator from New Hampshire, by remarking that I know of no peculiar feature in the bill for the relief of the widow of General McNeil which should prevent its passage. That bill will soon be reported by the committee, and it shall have my support. But I cannot conceive how that bill can have anything to do with this.

Mr. UNDERWOOD. I believe that I made an objection to the bill for the relief of the widow of General McNeil, and I also object to this. It is the introduction of the principle to which I object—that of pensioning the widows of distinguished men by making them exceptions to general laws, and of legislating upon each particular case without a general law. That is the principle we are introducing in this case, and in others like it, and therefore I am opposed to it. But I have made opposition to this principle so often, and yet so ineffectually, that I know the inutility of renewing that opposition now, and therefore I surrender the point, merely expressing my disapprobation of all bills of the kind.

Mr. SEWARD. If were possible to frame a general law embracing cases so meritorious as this and no others, I would agree with the honorable Senator from Kentucky. But I despair of ever seeing any such law; and because it is only by special legislation that we can obtain the attention of Congress to a case so peculiarly meritorious as this, if such a general law were passed; and because other applications less meritorious in their character than this would often obtain an equal consideration under it, I think it is right, and proper, and wise, to consider these cases separately. I think it just to single out for favor such as come recommended to the consideration of the Government by the magnitude and heroism of services rendered, and the destitution of families bereaved.

Those cases which have not merit will undoubtedly fail by the way. I therefore cordially support the proposition contained in the bill. I shall record my vote for it now, and I shall be equally happy to record it on its final passage.

Mr. UNDERWOOD. The Senator from New York has expressed a wish to have an opportunity of recording his vote in favor of this bill, and I wish to give him that opportunity, as well as to have myself an opportunity of recording my vote against the principle, and therefore I will ask for the yeas and nays. I wish to ascertain the sense of the Senate on this matter—because I think it will save time and expense hereafter—whether they will undertake to legislate in particular cases, and grant pensions when there are no general laws authorizing it. I believe that if we introduce this principle, it will lead to more partiality, more favoritism, and interfere more with the regular legislation of Congress, than almost anything else that we can do. And, Mr. President, my experience has been that there is hardly any case where you bring forward the claims of the individual, and present him or her with the wants by which he or she is surrounded to the sympathies of Congress—I say, there is hardly any individual case which may be thus presented, which will not be provided for; and if you begin to act in this way, without a general principle, you will consume the whole time of Congress in these individual gratuities. Sir, what was the case of Charlotte Lynch? I had occasion, the other day, to mention that case.

Mr. HALE. And upon that I had occasion to meet you.

Mr. UNDERWOOD. Sir, that case illustrates the whole condition of things. An accomplished lady—

Mr. HALE, (in his seat.) Certainly, a poetess.

Mr. UNDERWOOD. Yes, sir, a poetess, intermingling and associating with members of Congress, making a deep impression upon them by her merits in every way; and, sir, it required all

my firmness to resist an application of that sort, and I own that I was near giving way myself. (Laughter.) Now, sir, you present an individual case, man or woman, and you have eloquent appeals made in favor of that man or that woman, and the consequence is that you give the gratuity which may be asked for. And, sir, with reference to this, we had an illustration the other day. One of my good constituents, who, upon the principle of that bill is entitled to receive fifteen or twenty thousand dollars from the Treasury, was represented by me here the other day. I was advocating his cause on that precedent, and my friend to the left [Mr. HALE] shook his head and said that we had gone far enough. Now, sir, let us have the yeas and nays. And I will say that if you go it in this case, I shall make no resistance, but will say go it in all. Sir, we have innumerable widows to provide for; and if from the fact of their being the widows of meritorious and distinguished men you are to provide for them all upon the same footing, you will have claims upon you enough to bankrupt any treasury. If, then, gentlemen wish to set the example in this case, I assure them that I will not trouble them hereafter with speeches upon the subject.

The PRESIDENT. Does the Senator propose to take the yeas and nays upon the engrossment of the bill? I suppose that is his proposition.

Mr. UNDERWOOD. Yes, sir.

The question was then taken on the call for the yeas and nays, and they were ordered.

Mr. BORLAND. I desire to say one word, although it is not my purpose to say anything in relation to this bill, but simply in response to a remark made by the Senator from Kentucky. I insist that in asking for the passage of this bill we do not seek the introduction of any new principle. It may indeed be a new principle, according to the letter of the law, but it certainly is not so according to the spirit of the law; for our present law grants pensions to the widows of all officers and soldiers who are killed in battle, or who die of their wounds or of disease contracted while in the service of their country. Now, sir, it is true that General Worth was not killed in battle; but I do insist upon it, and say it upon my personal knowledge, as well as upon the knowledge of others, that he returned from Mexico, after having fought the battles of his country, broken down with disease, suffering from wounds received in former battles, and in that condition was ordered to Texas, in the face of the cholera, and he fell before it—marching to San Antonio—a more formidable enemy than any he had ever encountered on the field of battle—leaving his family, whom he had not been able to take care of for more than thirty years, destitute of the common comforts of life. I contend, then, that Mrs. Worth is eminently entitled to receive this pension. I say, also, that there is no new principle, nor any new precedent, involved in the proposition, because we have done the same thing for other widows. This sum of \$50 per month, is precisely the sum which was given to the widow of Commodore Decatur. That is the sum which was asked and obtained in that case, and that case can be claimed as a precedent, if necessary, so that the consciences of gentlemen may be relieved on the score of want of precedent. I have no more to say.

The question was then taken by yeas and nays on the engrossment of the bill, and resulted—yeas 38, nays 5; as follows:

YEAS—Messrs. Atchison, Badger, Borland, Bradbury, Brodhead, Butler, Chase, Clemens, Davis, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Fish, Foot of Vermont, Geyer, Gwin, Houston, James, Jones of Iowa, Jones of Tennessee, Mallory, Mangum, Mason, Miller, Morton, Norris, Sebastian, Seward, Shields, Smith, Spruance, Stockton, Sumner, Upham, Wade, and Walker—38.

NAYS—Messrs. Dawson, Hunter, King, Pratt, and Underwood—5.

THE COMPROMISE MEASURES.

The Senate resumed the consideration of the special order, being the resolution declaring the measures of adjustment to be a definitive settlement of the questions growing out of slavery.

Mr. MASON. Mr. President, I do not know that I should have taken part in the debate on this resolution, but that I have thought it proper, and perhaps necessary, to place myself right upon some questions which have arisen heretofore, and were adverted to at a former period by the Senator from Mississippi, [Mr. Foote], in reference to

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the action of certain Senators from the Southern States, myself included, upon the bill for the reclamation of fugitive slaves, which passed during the last Congress, and which formed one of that series of measures which some gentlemen term the compromise. In order that I may be distinctly understood upon this question, I will ask the permission of the Senate to read the remarks made by the Senator from Mississippi during the present session, so far as they refer to it. Those remarks, as reported, were as follow:

"It is also not forgotten by me, and I hope that it is not forgotten by the Senate either, that this particular act would have been passed by the two Houses of Congress at a much earlier period of the session before the last than it was, but for the fact that it was not deemed politic by certain Southern Senators, who had special charge of the subject, to report a bill for the recaption and restoration of fugitives from service until it should be ascertained that all the other questions connected with the subject of domestic slavery were likely to be satisfactorily disposed of in Congress. The Senate will remember my former exposition of this matter here, and cannot have forgotten my statement of an important matter of fact connected with this delicate point, when I declared, in hearing of honorable Senators from the South, who could not deny the truth of what I said, that the honorable Senator from Michigan, [Mr. CASS,] and other Senators from the States of the North, now present, and whom I could easily name, requested me to see the Senator from Virginia, [Mr. MASON,] and the Senator from South Carolina, to whom I am now replying, at a very early day of the session then in progress, and to urge upon them both the importance of their reporting a bill without delay which, when it should become a law, would secure full justice to the South in regard to fugitives from service, pledging themselves to vote for any bill which should be thus reported, which should be free from constitutional objections. The motives of honorable Senators in not reporting this bill earlier I have never arraigned, nor do I on the present occasion. They were doubtless conscientious in their action, though I thought them at the time injudicious in the course adopted by them, as I still do; the reason given me for delaying the reporting of this bill, that if the question involved therein should be satisfactorily adjusted at that time, it might prove impossible thereafter to rouse the border States to energetic action in coöperation with the other Southern States, for the vindication of their essential rights, never having been considered by me to be of a character sufficiently solid to entitle it to operate potentially upon the deliberations of Congress."

Such is the reference made to this subject by the Senator from Mississippi, as contained in the report from which I read. He said there, and said correctly, that a like reference had been made to the same subject at a former time, his purpose being then, as it was the other day, to show that those Senators who it was supposed had the most particular charge of the bill adverted to, had not brought it forward or pressed it upon the consideration of the Senate in such a manner as the Senator from Mississippi, and those Northern Senators with whom he advised, deemed it became them to do. I have looked back to his former reference to this subject, and desire now to give a history of the action of the Senate on that bill, and of the agency of those having it in charge, so far as the same has been questioned by the Senator—that series of measures to which I have adverted, and which is called "the compromise." It is well known that this batch of measures had been aggregated into one bill, called, after the fashion of the day, the "omnibus," and that from being overloaded, or the passengers quarreling by the way, the omnibus broke down, and each measure was left to take care of itself. They were separated. A great effort had been made to keep them together. But it failed; and each bill stood upon its own merits. The bill for the admission of California passed August 13, 1850. It had on the day previous been ordered to a third reading. On the same day it passed, a motion was made by the Senator from Illinois, [Mr. DOUGLAS,] chairman of the Committee on Territories, to take up, as next in order, the bill providing a government for the Territory of New Mexico. The Senator from South Carolina, at the head of the Judiciary Committee, [Mr. BUTLER,]—the committee that reported the fugitive slave bill—interposed, and said that, according to his view, the bill for the reclamation of fugitive slaves had the precedence, and should be taken up next in order. It was at that time that the Senator from Mississippi took the first notice of what he supposed, and it would appear yet supposes, to have been some delinquency, either on the part of the Senator from

South Carolina, who had reported the bill, or on my part, I having introduced it, in pressing it upon the attention of the Senate. The Senator from Mississippi stated, on that occasion, as he has stated now, that at a former period of that session he had been specially applied to by some Senators from the northern States, among whom he instanced the Senator from Michigan, [Mr. CASS,] who had suggested to him to confer with those Senators who had charge of the bill, upon the propriety and expediency of bringing it forward and urging its passage; that he made that application to me, amongst others; and that it was declined. I do not recollect such application, though I have no doubt of the fact, as the Senator from Mississippi has said so. But I have just as little doubt that various conversations took place between the Senator and myself, and other Senators and myself, upon the expediency and wisdom, as things then stood, of bringing on this fugitive slave bill in advance of the other measures with which it had been connected, and urging it upon the attention of the Senate. What my reply to him was I do not know. I have no doubt, however, if the Senator's memory is accurate, that he has reported it correctly. I shall come presently to that.

I wish to show now from the record, because I am desirous that it may go before the country, what steps were taken in reference to that fugitive slave bill; how they progressed, and where they terminated. I have had reference to the register, and find that on the 3d of January, 1850—a very early day after the Senate met—I gave notice of my intention to introduce that bill. It was introduced January 4th, and on the same day, on my motion, was referred to the Committee on the Judiciary. January 16th the chairman of that committee reported it to the Senate. January 22d I offered an amendment to it, which, at my instance, was laid on the table and printed. I should say, however, that on the 16th of January, the day upon which the chairman of the committee reported the bill, it was on his motion made the special order of the day for January 23d, one week off. On the 23d, as appears from the register, other business interposed, and, on the motion of the chairman of the Judiciary Committee, the special order was deferred until the next day. On the 24th the bill was debated pretty much at length by the chairman of the committee who reported it. The Senate on that day adjourned until Monday, the 28th, when I engaged in the debate and spoke at length on the bill. On the 29th, (the next day,) the very distinguished Senator from Kentucky, [Mr. CLAY,] whose absence from the deliberations of this body, and its cause, we all deplore, introduced his resolutions for the purpose of covering all the subjects then before the Senate arising out of the institution of domestic slavery, and on his motion they were made the special order of the day for the 5th of February, six days off. On that day, the Senator from Kentucky addressed the Senate upon the subject of his resolutions, and continued that address during the next day, occupying the 5th and 6th. The debate continued on these resolutions, and on the 13th of February the honorable Senator from Mississippi [Mr. FOOTE] gave notice that he should at an early day, move for a special committee to which the entire subject should be referred. On the 25th, the debate still continuing on those resolutions, the Senator from Mississippi moved this reference. The debate then continued upon the resolutions of the Senator from Kentucky, and upon resolutions of like character offered in the mean time by a Senator from Tennessee, [Mr. BELL,] in connection with the motion made by the Senator from Mississippi to refer them.

Now, as to the fugitive slave bill, I have said that it was made the special order of the day for January 24th; that it was debated by the Senator from South Carolina on that day; that the Senate did not again sit until the 28th, when the debate was continued by myself. On the same day (the 28th) the Senator from New York [Mr. SEWARD] informed the Senate that he had been requested by the Senator from Ohio [Mr. CHASE] to ask that

the further consideration of the bill be postponed. The reason assigned was, that the Senator from Ohio desired to be heard upon it, but that he was called from the city by illness in his family. It appears, however, that a Senator from New Jersey, no longer a member of this body, [Mr. DAYTON,] obtained the floor, but did not continue the debate. Thus it was, that the law for the reclamation of fugitive slaves, which had been introduced at an early day of the session, and promptly and actively carried on through its various stages, lay in repose, after the 28th of January, for reasons which I am about to assign to the Senate.

The Senator from Mississippi says, according to his recollection or his construction, that there was a policy on the part of the gentlemen who had charge of the bill, in thus keeping it back. I think I have shown, that up to January 28th, whether there was a policy or not, the bill was not kept back, but was urged and pressed upon the consideration of the Senate. I have shown that on the next day (the 29th) the resolutions of the Senator from Kentucky were introduced, and that the debate continued upon them, together with the motion to refer, up to the period to which I am about to advert. On the 13th of March, the resolutions of the Senator from Kentucky and of the Senator from Tennessee, in connection with the motion to refer to a special committee, being still under debate, a Senator from Connecticut, no longer a member of this body, [Mr. BALDWIN,] moved that all matter in the resolutions relating to the State of California be excluded from that reference. I have no doubt that many Senators, who were present then, will recollect that there was a strong and prevailing inclination on the part of gentlemen opposed to the reference, to except certain favorite measures of theirs from it. This California bill was one of them. Upon the proposition to exclude it, a Senator from Massachusetts, no longer a member of this body, but at the head of the Department of State, expressed himself strongly in favor of keeping it separate. The Senator from Michigan [Mr. CASS] expressed himself favorable to the plan of reference, but said, "My hopes are not strong as to any favorable results to grow out of this committee. The chances have been much diminished by the vote taken on yesterday, if that vote contained any indication of the feeling in this Chamber with regard to the committee itself, and the benefit to result from it." The vote to which the Senator from Michigan had reference, was a vote taken the day before on the motion of the Senator from Mississippi to take up the resolution, and his motion to refer, which proposition to take up was carried by a majority of two votes only, the vote being 24 yeas to 22 nays. From this the Senator drew an unfavorable augury as to any benefit to result from the committee proposed to be raised by the Senator from Mississippi. The Senator from Michigan went further, and said: "I am sorry to say that I can anticipate very little good from the proposition of the Senator from Mississippi. For myself, I am not prepared to say what my views will be upon this whole matter; they are not formed. I say merely, that this course holds out some hope, and is therefore well worthy of adoption." And he goes on to say: "We have been three months here, and what have we done? Nothing. We have not passed a single law of the least material importance. We have occupied the whole time by the discussion of this question, and no practical result has been attained; and present appearances do not indicate that such a result is near. But though we have done nothing, we have ascertained that some things cannot be done"—referring to the fact, that in his belief the Wilmot proviso and Missouri line could not pass.

As a part of the same debate he went on to say: "Well, then, Mr. President, if these things are impossible—if they cannot be done, it remains to inquire what it is in our power to do. My own opinion is, sir, that we should take up the bill for the recapture of fugitive slaves, reported by the Judiciary Committee. I am disposed to suspend

*all our discussion, and to lay aside all other business, with a view to act upon that bill," &c.

It was to this idea, thus thrown out in debate at that time, when the honorable Senator from Michigan expressed his apprehension, because of the vote taken the previous day, and for other reasons, that no good result was likely to follow from this committee, that it would be better to lay aside all the pending business of the Senate, and take up the fugitive slave bill, and act upon that alone,—it was to this stage of the proceedings that the Senator from Mississippi had reference, I presume, when he said that he had had a conversation with the Senator from Michigan, and other Senators, who had expressed a desire to have this law taken up; and that he consulted with the chairman of the Judiciary Committee and myself, and we differed from him in opinion. I shall not discuss the question as to who was right and who was wrong in our decisions as to the expediency of carrying out the suggestion of the Senator from Michigan. I know I considered in my best judgment that I was right, and that he was wrong; and I acted accordingly. What was the state of things? The resolutions of the Senator from Kentucky, [Mr. CLAY,] I think some eight in number, were intended to cover the whole ground then agitated before this body. The seventh resolution had immediate reference to this fugitive slave bill. It is in these words:

"7th. *Resolved*, That more effectual provision ought to be made by law, according to the requirements of the Constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory of the Union."

The proposition of the Senator from Mississippi was to refer the resolutions of the Senator from Kentucky, and everything contained in them, to this special committee, which committee, by its deliberations on all the subjects thus connected, might be enabled to present such a series of measures as would tranquilize and quiet the public mind upon this entire subject.

The resolution to refer was in these words:

"*Resolved*, That the President's message and accompanying documents, on the subject of admitting California, be referred to a special committee of fifteen, (afterwards amended to thirteen,) to be chosen by ballot, whose duty it shall be to consider the same; and also to take into consideration the various propositions now before the Senate relating to the same subject, in connection with the subject of domestic slavery in all its various bearings; and to report, if they find it practicable to do so, a plan for the definitive settlement of the present unhappy controversy, and rescue from impending perils the sacred Union itself."

The resolution, then, was to refer the whole subject, embracing the resolutions of the Senator from Kentucky and of the Senator from Tennessee, to this committee, for a great, practical, and wise end; requiring of the committee to report such a series of measures, embracing the whole subject committed, as would tranquilize the public mind, and make a final disposition of the subject committed. I went for it earnestly and zealously. There were some Senators from Southern States—one of whom, I more especially recollect, was the very illustrious Senator who then in part represented the State of South Carolina, and who is now no more, [Mr. Calhoun,]—who thought it would be better to defer raising that committee until the debate had ended. I differed from that distinguished Senator with great diffidence and great distrust of my own judgment; but I differed, and believed that it was our duty—a duty we owed to the subject and the country—to take the "chance," as expressed by the Senator from Michigan, of some good resulting from the deliberations of such committee. As the best evidence of the opinions of Senators representing slave States on the expediency of raising this committee, I advert to the fact that on the vote which startled the apprehension of the Senator from Michigan—the vote of 24 to 22 on taking up these resolutions—of the 24 yes 17 were from the Southern States, and only 4 from the Southern States were in the minority of 22. I advert to this for the purpose of showing that those Senators who represented slave States, including, of course, those Senators who more immediately represented the fugitive slave bill, went for the committee, and in every instance voted for the reference. There were Senators who were against it altogether. A very distinguished Senator from Missouri, no longer a member of this body, (Mr. Benton,) was against it. Certain it is that he made strenuous efforts to except from its action the admission of California as a State into the Union. That excep-

tion was first moved by the Senator from Connecticut. The Senator from Missouri afterwards attempted it in the form of instructions to the committee, that they should not deliberate upon it. Further: the Senator from Wisconsin [Mr. WALKER] moved to except from the reference to the committee this very fugitive slave question. I have a memorandum of it in my notes, showing that on the 18th of April, he moved to except from the reference "such parts" of the resolutions "as related to the capture and return of fugitives from service or labor." The vote was taken by yeas and nays, and the proposition was rejected by 17 yeas to 27 nays. Amongst the 27 nays was one Senator alone representing a State holding the institution of slavery; that was the Senator from Missouri, (Mr. Benton.)

I adduce these facts for the purpose of showing that it was the policy of those with whom I acted upon the fugitive slave bill, to let that subject go along with the rest to the committee. It was embraced in the resolutions of the Senator from Kentucky, directly, by a separate and independent resolution. It was embraced in the proposed reference of the Senator from Mississippi, in comprehensive as well as in direct terms; and every attempt that was made to except any part of the general subject from that committee, was resisted by the almost combined vote of Senators from Southern States. I recollect perfectly—and doubtless other Senators recollect—that we considered it a matter of great moment that these questions should not be separated, if a committee was raised. I know, in reference particularly to the bill for the admission of California as a State, which I and some others looked upon as the most important in the whole batch, and against which our resistance was most sternly directed, every effort to exclude it from the committee failed by the vote of Southern Senators. And I would ask of the Senate, and of the Senators from Michigan and Mississippi, with what propriety, with what justice or reason—contending as we always had contended, that if that committee was raised, the whole subject should go to it—contending, as we had more especially done, that the question of the admission of California should go to it—could we have asked that this measure for the reclamation of fugitive slaves should be alone excluded? It would have destroyed the whole plan of operation, which, whether right or wrong, was that the whole subject before the Senate, affecting the institution of slavery in any manner, should be committed to that committee.

Mr. FOOTE, of Mississippi. Will the honorable Senator allow me to make one remark? I wish simply to state, that when I brought these facts to the attention of the Senate, upon which the Senator from Virginia has commented, my object only was to correct an impression that I feared might be made by certain remarks of the honorable Senator from South Carolina, [Mr. BUTLER,] in reference to the position in which he intimated, or at least suspected, certain honorable Senators to be, in reference to the enactment of any law upon this subject. It will be recollected that he complained, in a special and emphatic manner, that there had been a very decided reluctance shown by Senators from the North to doing the South justice upon this subject; and that upon the spur of the moment, and certainly without the least deliberation or concert, I simply rose and vindicated those gentlemen by a statement of the facts which have been referred to by the honorable Senator from Virginia. My object only was to show here, and to the country, for obvious purposes, and with the view of quieting feeling that already, I thought, had been too much marked with extreme excitement upon this subject, that the Senators from the North—of course I allude chiefly to my political friends in this body—had manifested a disposition to do full justice to the South upon this subject. I stated the facts with a view of doing justice to honorable Senators whom I recollected distinctly authorized me to have the interviews alluded to early in the session, in regard to this question of slavery. I never said anything on the subject with the view of causing any one to misunderstand the position of the honorable Senator from Virginia, or the honorable Senator from South Carolina, in reference to this measure. I have always taken it that every member in this body from the Southern States must have felt the necessity of some legislation upon

this subject, more efficient than that formerly adopted.

Mr. MASON. My only object is, as is sometimes said by my friend from South Carolina, [Mr. BUTLER,] to take care of history—to have this matter correctly on record, and to vindicate, as far as may be necessary, myself and those with whom I acted, from any charge that we had been careless of our appropriate duties in reference to this fugitive slave law. It is thus seen that the motion of the Senator from Mississippi was designed to take the matter of this bill, together with its kindred subjects, from the Senate, and to carry them to a committee—a policy in which I fully concurred, and which was ultimately effected. One great and controlling purpose was, when that committee was raised, to except nothing from it, but let the whole subject go to it.

Thus it was, I apprehend, that the honorable Senator from Michigan, when, on the 13th of March, he proposed to take up the fugitive slave bill and act upon it separately, was, as he stated at the time, induced to do so because his hopes of raising the special committee had failed. He adverted to the close vote taken the day before, and declared his belief that no special committee could be raised; or, if raised, would result in no good. I take it for granted that the Senator from Mississippi thought differently; for he continued to press the committee, and eventually carried the measure. Whilst the motion to refer was before the Senate, we thought our original line of policy was the safest, and that the whole should be referred together.

Now, as to what particular views or opinions gentlemen held, or by what motives they were governed, either separately or collectively, I can, after so long a time, answer nothing. The record shows that we desired to except nothing from the deliberations of the committee.

Of the particular conversation referred to by the Senator from Mississippi, I have no recollection, though doubtless we had many. I do recollect that heretofore alluded to by the Senator from Indiana, [Mr. WHITCOMB,] But what my answer to him was I do not know, except that I declined the proposition he made, because we deemed it injudicious and inexpedient to press the bill at that time. I should hold so still. I think it highly probable that it was frequently said in conversation, that it would be impolitic in Southern Senators to do it, lest, among other reasons, they should weaken their position upon other vital questions affecting the institution of slavery, then before the Senate. The Senator from Mississippi says, that the reasons assigned for declining a change of our policy was, lest by so doing we might find it "impossible thereafter to rouse the border States to energetic action in cooperation with the other Southern States for the vindication of their essential rights." This may very probably have governed us to some extent in our desire to keep the subject together. I should have deemed myself wanting in my proper duty as a representative of one of the Southern States, if I had done anything which might tend to weaken the position which the Southern States then held. I trust I have thus shown to the Senate, and to the country, that so far as depended upon those to whom the fugitive slave law was more particularly committed, we were not only not wanting in our duty, but we did that which we deemed best for the occasion, and from which certainly no mischief has resulted, for the law ultimately passed in a most stringent form, without any very serious or decided opposition.

Mr. FOOTE, of Mississippi. It has ever afforded me the highest satisfaction on all occasions when the matter has been discussed, to state that I believe the whole body of Southern Senators had been perfectly faithful to the South on that subject, and that the honorable Senator from Virginia [Mr. MASON] and the honorable Senator from South Carolina [Mr. BUTLER] acted not only with fidelity to the South in reference to this matter, but with great energy, judgment, and skill. That has been my opinion, and I have always expressed it. I would never have undertaken to intimate the fact which I have stated, that Northern Senators urged, through me, earlier action on this subject than took place, but for the fact that certain remarks which fell from the lips of the Senator from South Carolina, [Mr. BUTLER,] if unreplicated, might leave the impression that Northern Senators

generally had manifested most decided opposition to early legislation on this important subject. I rose simply for the purpose of stating the facts of the case, with the view of vindicating the secret truth of history which had not been previously revealed. My object was not to implicate the Senator from South Carolina or the Senator from Virginia, but simply to enable us to have a better understanding among ourselves, and to let my constituents, and the citizens of the South generally, understand that there was a strong and earnest desire on the part of influential Northern members of this body to accord to the South all that the South could claim on this point. That was my sole object.

Mr. MASON. I have finished what I had to say on this point, but I do not wish to take my seat without saying a few words upon the resolution now before the Senate. What I shall say must be brief, from reluctance to detain the Senate, as well as from my present condition, for I am unfortunately so hoarse that I can scarcely speak at all.

The resolution which is now before the Senate is of a character which does not, in any form, address itself to my approbation. I can see no reason for it, and no occasion for it. As I understand it, it declares that, in the opinion of this body, the measures cited should be considered as terminating all questions arising out of the institution of slavery. Now, I am not aware that there is any State in this Union, except the State of South Carolina, which continues to protest against them. I am not aware of one of the Southern States, except the State of South Carolina, which has not declared, in the most emphatic manner, to the majority in this Government, If you will stop there, and execute in good faith the law for the reclamation of fugitive slaves, we will acquiesce in what has been done. That being the condition of the country, I can see no reason, no propriety, in further interference with the subject by the Congress of the United States. As to the measures themselves—the law for the admission of the State of California into the Union, the law for the abolition of what is called the slave trade in the District of Columbia, and the law for the dismemberment of Texas—I have no change of opinion to announce, no palinode to sing. I opposed them upon this floor by my voice and by my votes; and when they passed, I united with other Senators in a solemn protest against them. I retract nothing of what I then said; my opinions of them remain unchanged. But they have passed to the statute-book; they constitute a part of the law of the land. I have never counseled, and never shall counsel, my people to further resistance on account of these laws. If they are allowed to remain as they are, and are efficiently executed, there is no purpose or desire on the part of the people of my State to disturb them, hardly and unjustly as we have, in our opinion, been dealt with by their enactment.

Such being the general feeling in those States most seriously affected by these measures, where is the necessity, where the propriety of disturbing again the subjects they disposed of? As to the fugitive slave law, I do not entirely agree with the honorable Senator from South Carolina [Mr. BURLEIGH] as to the practical effect of that law. I am not aware (unless it be in the first instance which occurred at Boston) of any instance where the officers of the Federal Government, in the execution of that law, have failed to do their duty. I am aware that, notwithstanding what I really believe to have been the fair and honest purpose of those officers to execute the law, in two States at least it has been effectually resisted. I refer to the cases in Lancaster county, Pennsylvania, and Syracuse, New York. What was there done is now the subject of judicial investigation; and I am content to wait the result of that investigation, before I form an opinion whether it is or is not the intention of those States to have the law enforced.

So far the law has done good. It has awakened public attention to the necessity of having its provisions carried fully into execution. It has attracted around it the patriotic feeling of a large and intelligent portion of the people in those States. The subject is yet pending, and I am not prepared to pronounce a judgment upon the result. I trust that I am not hoping against hope when I say that I believe, in time, and in good time, the sentiment of the people of those States will be regenerate on

this subject. They will find that it carries with it a portion of their constitutional duty; and they will find, also, that it carries with it the safety of the Union. It has been placed upon that distinct issue by almost all of the Southern States, and among others by the State of Virginia; and I do not despair of that law yet doing its office effectually.

Then as to this resolution further. I had understood from gentlemen who voted for those measures as a compromise, that they were to be received by the country as the great tranquilizing measure of peace—to end the discord and ill feeling which always attend the agitation of the subject of slavery in our deliberations. I object to this resolution, because it is not the usual and proper mode of legislative action. Our functions are to express the legislative will of the country through the forms of law and under the sanctions of law. The resolution on the table has no sanction—none whatever. It is inofficious, and, for whatever end introduced, its effect must be rather to renew agitation than to quiet it.

We are all aware that while these questions were pending the safety of this Union was most seriously endangered; but, in the language of Mr. Jefferson, I had hoped and believed that the bill which threatened us had passed under the ship. The public mind has become to some extent tranquilized. The people of the Southern States who felt themselves aggrieved by it, if not reconciled, are disposed to acquiesce; and in such condition of things, I submit, to what useful end should the subject be further agitated here? Sir, I did not sympathize in the slightest degree with what fell from the honorable Senator from South Carolina, [Mr. RHETT,] who addressed us yesterday and the day before, when he declared himself for disunion. There is no State which made greater sacrifices to obtain this Union than the State which I have the honor in part to represent. She has made another great sacrifice to preserve it, by her acquiescence in the measures which are referred to in this resolution. The transactions of the past Congress, so far as they may affect the institution of slavery, are with her matters done with and ended. For what has passed, Virginia does not seek disunion. None can look with greater horror than do her people upon disunion for disunion's sake. But the Union which they cherish must continue a Union under the Constitution. A Union by force, or a Union in which the forms of the compact are alone regarded, whilst the rights of the minority are violated, her past history shows she will be the first to repudiate and to disown.

Mr. FOOTE, of Mississippi. Mr. President, as I stated yesterday, it would be exceedingly gratifying to me to obtain an early vote on this resolution. If I could be satisfied that the Senate would be now prepared to decide the question involved in the resolution, I should not hesitate to decline to address them, more especially as I feel that my present physical condition is such as to justify a desire on my part not to be compelled to go through the labors of the debate now in progress. I would say in addition, that if there are honorable Senators here who are anxious to be heard upon the question, and who do not design making any extended address to the Senate, I shall willingly give way. I mention this, because a friend suggested to me this morning that he should perhaps deem it desirable to be heard for a few minutes in explanation of the position of his own State in relation to this delicate question. I am willing to give way, or to take any course which honorable Senators may see fit to prescribe.

Mr. BRODHEAD. If the honorable Senator from Mississippi is not prepared to proceed with his speech, which I know will take him some time to deliver, I have a few remarks to make, in consequence of an allusion made to my State by the Senator from South Carolina, [Mr. RHETT.]

Mr. FOOTE. I shall give way to the gentleman with pleasure.

Mr. BRODHEAD. Mr. President, I design to make a statement, not a speech; for while I occupy a place here it is my intention to endeavor to make myself useful as a working man, rather than conspicuous as a speech-maker. The observations of the gentleman from South Carolina respecting the execution of the fugitive slave law in Pennsylvania, render it necessary for me to bring to the notice of the Senate the whole truth upon the sub-

ject. The gentleman stated, in a very denunciatory tone, that the fugitive slave law had not and would not be executed in any of the other Northern States; cited the Christiana riots in Pennsylvania, the recent trial in Philadelphia, and asserted that not a hair of the heads of the offenders would be harmed; and if they were convicted of offending against the laws, the Governor would pardon them. Now, sir, this statement does the State which I have the honor in part to represent, great injustice, and casts an imputation upon her, and the public authorities, which I feel bound to repel. It calls in question the fidelity of that State as a member of this Confederacy, in a manner entirely unauthorized by the facts; for there is not a State, old or new, more loyal to the Constitution and laws, or more devotedly attached to the Union.

Mr. President, I undertake to say to the Senate that the fugitive slave law has been executed, and will hereafter be faithfully executed in the good old Commonwealth of Pennsylvania, and that if any man is convicted of riot or any other offence in resisting it, the distinguished Democratic Governor elect (Colonel Bigler) will not grant a pardon, certainly not sooner than to any other offender. The single instance, or rather exception, to which the gentleman has referred, proves nothing against the other facts of the case. He might as well have cited any other case of riot in Pennsylvania, to prove that we cannot execute our own laws, and maintain the public peace. Is there anything in the recent trial in Philadelphia that goes to prove that the officers did not do their duty? Does any lawyer pretend to say that the distinguished judge (Grier) did not expound the law of treason correctly to the jury, and did not properly denounce abolition fanaticism? Would the honorable gentleman have charged the jury in any other way if he had occupied a place upon the bench? The zeal upon the part of the officers in Philadelphia faithfully to execute the law, led them, perhaps, to mistake the proper remedy and undertake too much. In connection with the Christiana case, another important fact should be stated, to wit: that in nearly every week since the passage of the fugitive slave law, fugitives from labor have been delivered up in Pennsylvania. The truth is, sir, that if a prejudice exists in Pennsylvania which could obstruct the due administration of justice, it is against the Abolitionists.

But, Mr. President, I have still stronger evidence to submit to the Senate in support of the position I assume, and that is the action of our State Legislature, and the result of the recent election in that State. The fugitive slave bill became a law in September, 1850. Shortly after that our Legislature assembled, and there being a large Democratic majority in the lower House, and a small one in the Senate, a bill was passed repealing the State laws which were in contravention of that provision of the Constitution relating to the surrender of fugitives from labor. The Whig Governor refused to sign the bill—the Legislature adjourned, and he kept it in his pocket. In a month thereafter the Democratic party assembled in convention, nominated a candidate for Governor, (Colonel Bigler,) passed resolutions in favor of the fugitive slave law, the compromise measures generally, and the repeal of all obstruction laws. The candidate accepted the nomination, and in the most emphatic manner pledged himself to carry out the views of his party, especially in relation to the fugitive slave law. The Whig convention met, and Governor Johnston made a speech before it, in which he talked about the right and duty of Congress to modify the law, and refused to say whether he would or would not sign the bill repealing the obstruction laws. Here are the resolutions adopted by the Democratic Convention:

Resolved, That the sixth section of the act of the Legislature of Pennsylvania, passed on the third of March, 1849, denying, under severe penalty, the use of our State jails for the detention of fugitive slaves while awaiting their trial, ought to be expunged from our statute-books, both because it interposes obstacles, by means of State legislation, to the execution of the provisions of the Constitution of the United States, and because it is a virtual disregard of the principles of the compromise, and is calculated seriously to endanger the existence of the Union.

Resolved, That the Democratic party of Pennsylvania are true to the Union, the Constitution, and the laws, and will faithfully observe and execute, so far as in them lies, all the measures of compromise adopted by the late Congress for the purpose of settling the question arising out of domestic slavery; and this not only from a sense of duty as good citizens of the Republic, but also from the kind and fraternal

feelings which they cherish towards their brethren of the slaveholding States.

You will therefore perceive, Mr. President, that a distinct issue was thus made up, and an appeal was made to the virtuous, intelligent, and patriotic mind of the people, and their decisive result is well known. Shortly after both candidates were nominated I took occasion to declare my own position upon the question, and state my view of the issue to be decided, in a letter which I wrote to a Philadelphia committee, an extract from which I beg leave to read to the Senate.

"Political issues are to be determined this fall in our good old State, which justly occupies so important a position between the dividing interests of the North and the South, of the gravest character, in a State as well as a national aspect. I need not name them all. The true friends of the Union throughout the Confederacy look with anxious solicitude to the result. No State election was ever held so important in its national bearing. Pennsylvania is now to decide what she esteems to be her duty to her sister States upon the slavery question. She is now to decide how she construes the compact of Union. The Democratic party and its candidate frankly declare their purpose faithfully to execute the provisions of the Constitution, the fugitive slave law without complaint or modification, to repeal all obstruction laws, and to cherish fraternal feelings toward their southern brethren. Governor Johnston, the Whig nominee, (for whom personally I have the highest regard,) is pledged to a different policy; modification or repeal of the fugitive slave law, further agitation of the slavery question, and no repeal of the obstruction laws. Now, let us have an election which will decide something; for the safety of the Republic requires that there should be some end to the discussions about negroes and negro slavery. Let us see whether the National Whigs, as they call themselves, and the Abolitionists can unite in support of Governor Johnston. There has been heretofore too much paltering with grave and important questions prior to elections, and the result was witnessed in the fearful struggles of the last Congress, and can now be seen in the difference of opinion which exists between the Whig national and State administrations."

It seems to me, therefore, I have submitted sufficient evidence to the Senate to show that the fugitive slave law will be faithfully executed in Pennsylvania, and that one reason assigned by the Senator from South Carolina for desiring to withdraw from the Union has no foundation in fact.

While up, Mr. President, I beg leave to refer to another matter, in connection with this subject. It has been asserted that my honest, patriotic, and true-hearted predecessor, (Dr. Sturgeon,) who voted for the fugitive slave law, was not reelected on that account. Sir, that is not the fact. The people of Pennsylvania approved of that vote. If I had been here, I would have voted in the same way; and those who elected me very well knew it. My position in regard to the Wilmot proviso and Abolitionism was and is well known.

Mr. RHETT. In the observations which I made the other day, I was very far from desiring to cast any imputation upon the ancient Commonwealth of Pennsylvania. I thought myself fully justified by the facts as they have occurred, to suppose that the fugitive slave law would not be there fully executed. I think my honorable friend from Pennsylvania has shown sufficient grounds himself, in what he has now submitted to the Senate, for the belief which I had intended to express. He has told us that the Governor of Pennsylvania refused to sign an act repealing the prohibitory laws which stood in the way of the execution of the fugitive slave law in Pennsylvania. He has told us further, that it became an issue in Pennsylvania; that the Democratic party took issue on that question, whether those laws should be executed or not. He tells us that the Democratic party have prevailed; but by what majority? Why, I believe by a majority of some six or eight thousand out of over three hundred thousand votes cast. The question was made a party issue, in which one half the people were arrayed against the other half. Under such circumstances, had I not good grounds to suppose that a law of this kind could not and would not be faithfully executed? One man on a jury may defeat the execution of a law.

Several things are yet to occur in Pennsylvania which may alter the impression which I have entertained. If the Legislature of Pennsylvania should again pass an act repealing those prohibitory laws, certainly it will be a strong indication on the part of that State that she is determined to carry out the fugitive slave law in good faith. Another requisite is, that all offenders who have resisted the execution of the law should be punished. That is yet to be shown. Although the honorable Senator—and I have no doubt he speaks

with the utmost confidence in his opinion—says it will be enforced, it is yet to be seen that a single man can be punished in the free States for resistance to this law. There has not yet been one man punished for resisting it in any part of the North, although the frequent infractions of the law call loudly for punishment. The result of the Christiana trials must yet show whether these offenders can be punished. I should be very happy to know that Pennsylvania or any other State would do anything to accommodate the differences which now exist, by showing a disposition to be faithful toward the execution of laws. I have my doubts, however, and these doubts are based upon the facts which the Senator himself has laid before the Senate.

Mr. BRODHEAD. It is true that the Democratic candidate for Governor had but about eight thousand majority, but the issue to which I have referred was not the only one to be tried before the people.

One word as to the Executive pardon, and the manner in which the fugitive slave law is to be executed. The gentleman has intimated that offenders against this law will not be punished. Why, if there is any prejudice in the State which would prevent the due administration of justice, it is against the Abolitionists, and not against the southern slaveholders. That is my answer.

Mr. HALE. Mr. President, I did not intend to trespass upon the Senate during this discussion; and while it was confined entirely to another latitude, I did not feel disposed to interfere. But it seems to be peeping up this side of 36° 30', and therefore I may put in a single interrogatory. An inquiry has already been put and answered by the Senator from Mississippi, which throws some light upon the subject in regard to what my duty may be as to the vote I am called upon to give. That is the question which was propounded by the honorable Senator from South Carolina [Mr. BUTLER] to the honorable Senator from Mississippi. It was laboring in my own mind at the time, and I felt relieved when the question came out and was answered. The question was this: If a proposition should be submitted to the Congress of the United States now to divide California by the line of 36° 30', would the embodiment of the compromise go in for it? The honorable Senator from Mississippi says he would go in for it. The compromise, then, is to be final, with exceptions.

Mr. FOOTE, of Mississippi. I am reported in the *Republic* to have used precisely the language which the gentleman has attributed to me; but I was very particular in expressing myself to a somewhat different effect to that just now stated. I said most expressly, that I would vote upon such a proposition, coming from the State of California, precisely as I would upon a similar proposition coming from any other of the sovereign States of the Confederacy. I said that I did not conceive the compromise to be above the Constitution; and that, as the Constitution allowed new States to be formed out of old States, with the consent of those States, if such a proposition were submitted, with the consent of California, and if I should deem it politic and right to allow such division to take place, why I would deem it right, under present circumstances—especially knowing, as I do, the desire entertained by a large portion of my constituents—I would vote for the proposition, not with the intention of impairing the compromise, or calling into question the principle upon which the compromise is based, or in the least degree interfering with the compromise as a compromise. Every principle of it would still stand firm. All that we would do, would be to establish a new State, in the manner and form allowed by the Constitution. If the honorable Senator, or anybody else, considers the compromise above the Constitution, and, therefore, as liberating honorable Senators from the obligation which is imposed upon them by their oath to maintain the Constitution inviolate, it is not my sentiment. I did not say, here or elsewhere, that I shall attempt to obtain a modification of the compromise, so as to allow new States to be formed within the limits of California; but I said distinctly, that I would treat this proposition, coming from the State of California, precisely as I would treat a proposition of a similar kind coming from the State of Texas, or from New York, or from any other State; and that in doing so, I should not consider myself as interfering in the least degree with the

compromise acts. On the contrary, I should look upon them, in the language of the President of the United States, as, in principle and substance, a final and definite settlement of the question.

Mr. HALE. I am unfortunate in not seeing that the Senator has made any difference between the manner in which he has now stated the proposition, and the way in which I understood him to state it before. He says he holds it, as a compromise, to be final; but that a certain measure, if brought up in a certain shape, would receive his support. He would be willing to divide California if she wished it.

Mr. FOOTE, of Mississippi. It must be obvious to the gentleman, that I should have considered the admission of California as part of the plan of compromise, just as valid, if the line of 35° 30' or 36° 30' had been made the southern boundary, instead of the present line. Will any man of sense will the Senator himself—undertake to point out to this Senate, how the compromise is better or worse, as a compromise, in consequence of a particular line being the southern boundary of California? Would it not be precisely a compromise, and a settlement of the question of slavery, whether the southern boundary of California were one line or another? If the people of California, as a sovereign State of the Union, should think proper to apply for a subdivision of their territory, in such manner as to establish new States therein hereafter, and they should come into the Union, upon the same terms upon which California came in, will any one undertake to point out in what respect the compromise, as a compromise, in principle or in substance, would be in the least degree impaired? I am not now engaged in a chop-logic contest; nor do I wish to amuse the audience by lightly discussing these great points; but what I have said will serve, in other minds, if not in the mind of the Senator from New Hampshire, I think, as a pretty solid distinction, and one based upon principles exceedingly valuable to those of us, at least, who seek the future repose of the country.

Mr. HALE. My object simply was to obtain light, and I wish to put in a query now, before the Senator from Mississippi makes his argument. I want light, and I want to attract his attention to the points upon which I need enlightenment. I understand him now—stripped of all the eloquent adjectives with which he has dressed out his proposition, and which he uses as well as any man in the Senate—I understand him now, after these repeated disclaimers and explanations, to go back to precisely the same answer which he gave to the honorable Senator from South Carolina; that is, if the sovereign State of California, in her sovereignty, comes here to this representative conclave of sovereignties—(I am not a sovereign man, and hence I do not know that I always use this adjective in a proper way; I do not represent a sovereign State here; the State of New Hampshire has not a right to make war or peace; she has no right to coin money, or to send or receive ambassadors, and she is stripped of a great many other attributes of sovereignty)—but if California comes here as a sovereign State, and asks for a division, she will not lack the vote of the Senator from Mississippi in order to obtain it. That I understand to be the proposition.

I am not discussing the question whether it is proper or improper, or how far it is consistent with the views of those gentlemen who have supported the compromise. I simply want to ask Northern Senators what they got by this compromise? A compromise, I understand to be something in which there is a giving and a taking on each side. The honorable Senator from Mississippi said—and I think with a great deal of truth—that the South ought to be satisfied, for they had got everything which they had demanded. I believe it. I have been asked sometimes by some of my unsophisticated constituents at home, "What did the North get in this compromise?" Well, I have been compelled to tell them that it had escaped my recollection if they had got anything. It was said that the North had probably got something by the admission of California; that that great State had been admitted with a constitution excluding slavery. But some of my friends have said, Did not the people of California frame their own constitution, and is not that the Southern doctrine, that every State may frame its own constitution, and ask for admission into the Union,

That seems to me to be a Southern doctrine rather than anything peculiar to the North. All that the North got began, and continued, and ended with the admission of California.

Mr. FOOTE, of Mississippi. I wish to correct the gentleman with regard to myself. What I meant was simply this, that, in my opinion, although we of the South were opposed to the admission of California at the time when she was admitted, I preferred that she should remain in a territorial condition for reasons satisfactory to us, but not at all based on the supposition of many of us, that her admission would be unconstitutional. Although we were not particularly anxious that the District of Columbia bill should be passed through Congress in the form in which it did pass, yet I have said that I am prepared to maintain it. The South, the unaggressive South; the South, that has never claimed anything except the enjoyment of her domestic rights; the South, that has stood firmly for the great principle of non-intervention and non-aggression; the South, that has only claimed the establishment of internal government, without any instructions on the subject of slavery;—that South, even in this compromise, has obtained, in my opinion, everything she claimed, which was simply a strict adherence on the part of Congress to the provisions of the Constitution. I did not say that the South, in a matter of bargain, had got the advantage of the North. I did not undertake to say that in a scheme of management the South had out-managed the North. I did not say that there were any essential advantages secured to the South by this plan of adjustment which the Constitution had not previously most amply secured. Nothing of the sort. But I did say, and have always maintained, that although we were opposed on grounds of expediency to the admission of California at the time that she was admitted, and opposed to it for reasons not, in my opinion, very important to the passage of the District of Columbia bill in the terms in which it did pass, yet that the plan of compromise, as a plan of compromise, was, in all its essential features, marked with the true spirit of moral equity, and, as such, ought to be and was satisfactory to the South, she never having claimed anything at the hands of her sister States of the North but simple justice, and a strict and faithful adherence to the Constitution.

Mr. HALE. I am confirmed again. The Senator did say that the South had got everything they claimed. Now, I did not say that the South had claimed anything which was unjust.

Mr. FOOTE. The gentleman certainly intimated that the South claimed something which the Constitution did not give her.

Mr. HALE. I do not know where the Senator from Mississippi saw the intimation. He might have felt it in the secret sanctuary of his own conscience, but he could not have seen it in anything which I said, for I did not say any such thing; I did not mean to intimate any such thing. But the Senator did say, and I think he said it with great truth, that the South had got everything which they claimed. When the historian of our land—and I do not know whether Bancroft has brought his book down to this period or not—but when our historian has written up to these times, the last chapter of our history from the foundation of the Government to the overthrow of the universe, it will be read that the South got everything they claimed. It has been so from the beginning; it is so now; and I have no doubt that it ever will be so. If the North were to speak the language of truth to the South, when we hear such reflections and taunts as we heard yesterday, our reply, however mortifying it might be, would be the language of Balaam's beast to him when he smote him: "Why hast thou beaten me these three times? Am I not thine ass, upon which thou hast ridden ever since I was thine?" [A laugh.] That, sir, would be the truth of history.

I was proceeding to relate in my own way something which had passed between myself and my constituents when they had asked me what the North had got by this compromise. There was a question raised some years ago in the other House about what was called the "Wilmot proviso." I think the vote upon that question was nearly, if not quite, unanimous from the Northern States. I do not know that the vote was quite unanimous, but there were certainly very few exceptions. That vote, if ever there was a vote of the House

of Representatives that did it, spoke out the sentiments of the North. That was the matter upon which issue was joined. There was no dispute then about any fugitive slave law; there was no dispute then about the admission of California; there was no dispute then about whether we should give Texas ten millions of dollars, and a hundred and fifty thousand square miles of land not to make war upon us. The sole and simple question which agitated the public mind, and divided the public councils, at that time, was the application of this Wilmot proviso to our Territories. That is settled, and what have the North got there? How much of this territory has been appropriated to them? Not one single inch. You had a northern majority here in the two Houses; you made the law for that territory; and as if you were not certain that slavery would watch its own interests carefully enough—as if you had doubts that that institution which had watched with sleepless eye the progress of this Government from its first institution to the present moment, and would not be quick to grasp every advantage that might possibly accrue to it—your Northern men invited the South to carry slavery there. It was not enough that you left it open, but you put in the bill a suggestion to them to take slavery there. You said to the South, "Take your slaves there, and it shall form no objection to your admission as a State at a future day—you may come in with or without slavery, as you choose." The South knew that before, just as well as they did after the passage of the act. It seemed to me that it was entirely unnecessary to put that into the bill by way of suggestion; but there it is. That is the way the question was disposed of. There was an entire and utter abandonment of principle in relation to every inch of the territory. California was admitted; the fugitive slave law was passed; and in the whole series of measures, I do not know of anything which passed in which the most brazen-faced man that ever stood up before an insulted constituency, could tell them there was anything favorable to the North, unless in the admission of California. I do not know of anything else. The law abolishing the slave trade in the District of Columbia was, if I understand it, exactly the law of Maryland. We just assimilated the law of the District to what the law of Maryland was. True, we got nothing. We did not get the shadow of anything, unless it was the admission of California. And now we are called upon to vote that this system of measures called the "Compromise," is to be final and conclusive in everything except that which had the shadow of something which was favorable to the North. That is to be left open for repeal.

The Senator says that he would not put the compromise above the Constitution. Well, would he put the compromise above the Constitution in any other respect except in the admission of California? The fugitive slave law is but an act of ordinary legislation. Is that law above the Constitution? And suppose that some sovereign State should come here in her sovereignty and ask that it should be repealed, is the question not to be opened? I understand this compromise perfectly, and I understand this resolution perfectly; and if they were put in the meaning which, in effect, they carry to the public mind, the resolution would read thus: "Resolved, That the South having got everything they claimed, they will be content until they want something more; and when they want something more, they will take it." [Laughter.] If they want California divided, they will have it divided. If that is not enough, if it is found that these institutions for which these champions are ever so zealous and of which they are so jealous—if they find that these emigrants who come in such fearful numbers, as was portrayed by the eloquent Senator from South Carolina, [Mr. RHETT,] and fill up this territory and make free States, and it is found to be necessary for the protection and extension and perpetuation of human slavery that Cuba should be annexed, I wonder if the compromise would be regarded final as touching that? No, sir; not at all. Whenever they want any more slave territory, they will have it. Pass your compromises and cover them over with resolutions every session, they are only calculated to be binding for the present, until something further is wanted.

Mr. FOOTE. The resolution contains nothing against the acquisition of territory.

Mr. HALE. The gentleman suggests that there is nothing in the resolution against acquiring territory at a certain end of the Union.

Mr. FOOTE. Anywhere.

Mr. HALE. I threw these questions out that the Senator from Mississippi may see what is laboring in my mind, and why I cannot vote for the resolution with the light which I now have. But there is another subject which has addressed itself to my mind, which I want the sense of the Senate upon in some way or other before the session is over. I want to know if it is intended by this compromise, and by this resolution, to endorse the doctrines that have been promulgated in the judicial administration of this law? I want to know if the odious and infamous doctrine of constructive treason, which brought Charles the First to the block and which drove the second James a wanderer from the throne of his ancestors—I want to know if the doctrines of constructive treason, which have been broached in some instances by very high authority, are to be baptized in this senatorial font by this resolution of approbation which we are to pass? Sir, I think that here, if nowhere else, in the great council of the nation, the attention of men, of patriots, ought to be directed to this outrage which is perpetrated on the Constitution and laws of the land, and upon all the ideas of constitutional liberty which every man who is read in English or American history must have entertained since the Revolution of 1688. I want to know if the framers, the founders of the Constitution, when, with that foresight which belonged to them, acquainted as they were with the history of the country from which they came, they inserted this provision into the Constitution: that "treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort," imagined that it was to be overridden by this compromise, or its administration? I look upon it as one of the main dangers of the times, as one of the most alarming facts that the history of this country has developed, that the judiciary of the land have been so swift to prostrate and to prostitute themselves before the operation of this law, so as to override, and nullify, and destroy that great safeguard of constitutional liberty which the framers and founders of our Constitution thought they had secured. I hope that the honorable Senator from Mississippi will let us hear from him upon this subject.

I want to know if the fugitive slave law, which confessedly takes away the trial by jury from persons claimed as fugitives, also takes away the right of trial by jury from every one who may come in contact with the operation and administration of this law? I think this is a subject which has not yet attracted the attention which belongs to it. Evil precedents and evil examples always grow up in this way. In times of great excitement, when a very popular, or a very unpopular cause is before the country, men's minds become excited, and, in the madness of the moment, they resolve that which it seems they could not have resolved if their intellects had not been scathed by the Almighty. They utter something which in after times is seized upon as a precedent, and works the most dangerous consequences to the interests of the country. I hope that before this subject is finally disposed of, this matter will attract and receive attention.

I trust it is not necessary for the preservation and conservation of any institution in the land, that that great principle of constitutional liberty which has been ingrafted upon the Constitution by its founders, and which they learned by the bloody history of the Revolution the necessity of inserting, shall not be overridden by any attempts to give peculiar force to the administration of the fugitive slave law.

I wish to throw out another subject, on which I trust the Senator from Mississippi will speak, for it was alluded to by the honorable Senator from South Carolina. When I have spoken upon this subject, I have been in the habit of speaking plainly. The honorable Senator from South Carolina, [Mr. RHETT,] when speaking of the great difficulties which embarrassed the South in this matter, said, in effect, that the majority of the judges who had been sent by the Administration into the newly-organized Territories of Utah and New Mexico, were supposed to be those who would give a judicial construction to the law, unfavorable to what he thought was the constitutional

law of these Territories. I do not now know what the facts of the case are, but I do know this; that whatever may be the character of the territorial judges, there is a tribunal that sits beneath this Senate chamber, which is the very citadel of American slavery; and that it will be perfectly safe here, whatever the territorial judges may say. I know that although a very large majority of the people of these Territories may come from the free States; yet the sleepless and watchful guardians of that peculiar interest have retained, and will retain, in the organization of that court, a majority of members who form their local—

Mr. STOCKTON. I am altogether unacquainted with the rules which govern the order of the Senate; I do not, therefore, know exactly what course to take except this—to say that, as an American citizen and a Senator, I cannot sit here and hear such language in reference to the Supreme Court of the United States, without doing something to arrest this course of debate. I call the Senator to order.

The PRESIDENT. The Senator from New Jersey calls the Senator from New Hampshire to order. The Chair does not think himself at liberty to decide that the Senator from New Hampshire is out of order, inasmuch as his remarks do not apply either to this body or to the other House, the rules particularly protecting the other House against any improper allusion on the part of members of the Senate. It is for the Senator himself to determine how far it is proper for a member of this branch of the Government to hold up either to ridicule or denunciation, another coördinate branch of the Government. It must rest with himself.

Mr. HALE. The honorable Senator from New Jersey misunderstood the application of one remark that I made, and that was, in reference to the prostration and prostitution of certain influences. This remark did not apply to the Supreme Court of the United States, because no case growing out of the fugitive slave law ever came before them. I confess that I had supposed it was but a legitimate range of debate to comment upon the proceedings of other branches of Government; and I thought I had authority for it, from remarks which have been thrown out this session, in commenting on some of the duties of the President of the United States. I supposed that the President of the United States was a coördinate branch of the Government, as much as the Judiciary; but remarks reflecting on the conduct of the President of the United States have been indulged in at this session. If my reading is right, there has heretofore been a good deal of latitude allowed in debate, not only in speaking against acts, but in impeaching and impugning his motives. I have only said that the constitution of the Supreme Court of the United States was composed of a majority of men who, from their local position, are supposed peculiarly to represent this interest, and that the advocates of slavery would always find a safe citadel there. They may be driven from the Senate, but it will be a great while before that comes to pass; for these twenty-eight States will not come in so fast as the Senator from South Carolina fancies. I have found that it is always States that are called free that, when they get into Congress, and go to voting, are found voting on the side of what the Senator from South Carolina would denominate the fanatics. They are sometimes very conservative in their views; and there is a great deal of truth in the remark which the Senator from South Carolina made yesterday, that the North were South in the House some time ago on this subject; that is, the North sustained slavery in its demands; but he said the South were not true to themselves. What was the reason? Why, it was because Northern servility outran Southern arrogance. That is the reason. They saw Northern men ruining themselves at home among their constituents by the depth to which they yielded, and therefore it was that some from the South gave way and said, they would not slaughter their friends at home by asking them to sacrifice themselves for them. That is the reason the South did not get all that some Southern men desired.

Some of those Northern men found what General Scott found when he was ordered to Mexico. They found a fire in the rear, and they began to find that the fire in the rear was hotter than the fire in front; therefore it was that there was a change brought about on the floor of the House

of Representatives in regard to the subject of slavery. I say, and I repeat, with all the respect which is due to the Supreme Court—and I am not going to say how much that is—reading the reports of their decisions whenever that institution has come before them, the most jealous friend of slavery could not fail to have his fears quieted as he read in the Book of the Chronicles the doings of that tribunal in regard to the institution which is the subject of his affections. No, sir, all the proceedings of those territorial judges, be they what they may, must come for ultimate supervision and correction before this tribunal of the Supreme Court of the United States.

I have not, as I said, been making a speech. I have been putting forth matters by way of interrogatory, for the purpose of opening that reservoir of information and instruction which will soon pour its learning upon the Senate, in the hope that the darkness under which I am laboring—the cloud which obstructs my vision—may be illuminated. I confess that there is another dark speck in the horizon. It seems to me that these compromise measures have not had that quieting effect upon the nerves of gentlemen which their friends anticipated. The honorable Senator from South Carolina, [Mr. RHETT,] to whom I listened with a great deal of pleasure and some instruction, did not seem to be quieted. If the honorable Senator from Mississippi is not going to bag his game, and go home in a hurry, I may hope to reply to that speech at some future day. The honorable Senator from South Carolina says the condition of the South is infinitely worse than it was before these compromise measures were passed. He says that before their passage there was a comparative state of quiet, not perfect, for nothing can be perfect in this world, but there was a comparative state of quiet until these "distinguished men of the Senate" came with their soothing palliatives and healing plasters to cover up these bleeding wounds, but that since they have, the case has been infinitely worse. Well, the Senator from Mississippi seems now to think the disease must be treated on the homeopathic principle, and that, as these compromise measures in several acts have produced such a state of irritation in the patients, a small dose by way of resolution, will certainly cure the disease. I do not believe it. I believe, with great deference to the better judgment of the honorable Senator from Mississippi, that the introduction of this very measure—of this very resolution, has not been healing, quieting, and soothing. I know it is out of order to make personal allusions, but I think the honorable Senator from South Carolina [Mr. BUTLER] mentioned in his speech that it had not had that effect on him, but that it rather opened old wounds which he had hoped the healing influences of time might have cured.

Mr. FOOTE. Has it had a soothing influence on the Senator?

Mr. HALE. The honorable Senator makes a personal appeal to me; he wants to know if it has had such an effect upon me. I confess that it has not; nor did the original dose in the first instance. I thought it ill-judged and ill-advised, and I think so now. I think it was the greatest misnomer that ever was known to call it a compromise. I think the honorable Senator from Mississippi has very rightly named it when he says that the South got all she claimed; but he adds that she did not claim anything but what was right. I remember hearing a controversy about the freedom of conscience in old times between a Quaker and a Presbyterian. The Presbyterian told the Quaker, "You have liberty of conscience; you have liberty to believe what is right, and nobody should have liberty to believe what is wrong." The honorable Senator says the South got all she claimed; but he consoles us and applies a palliative to our irritated feelings by telling us that she only claimed what was right. I thought that we of the North claimed nothing but what was right. We claimed that the Government should go on in its old course. We claimed that that system of legislation, older than the Constitution itself, sanctioned by Washington, and by all our Presidents, from Washington to James K. Polk, affirming and determining the right of legislation over slavery in the Territories, should be adhered to. We asked that there should be no new lights set up for us to follow. We asked that we might go on as in the old days of the Republic—that we might walk in the footsteps which Washington himself had

planted, and guide our way by the light which his successors had shed upon the path of duty. That was all we asked, and we humbly thought we were asking nothing but what was right; but the Senator from Mississippi comes and asks us to reverse our steps—to retrace our progress, and nullify and stultify the legislation which has marked the history of the country from the adoption of the Constitution, and before the adoption of the Constitution, to the signing of the Oregon bill, and give slavery free liberty to enter upon all the Territories. The honorable Senator asked us to do that, and we did it; and then he says we did no great things after all, because he only asked us to do what was right. When he asked us to give up a principle which had been consecrated by the continued practice of the Republic from its first days to that moment, he asked us not only to say that there should be no legislation against slavery, but that we should invite slavery to go to the Territories. Now he says it was right, and we did well.

Sir, I should like to see a spirit of candor, and Northern men and Southern men sit down and candidly talk over the compromise, and count up their winnings and losings. What have the North given up? Why, when a citizen of the free States, black or white, is claimed as a fugitive from labor, all that a Northern man has ever held sacred in the institutions of human government, he has to surrender. He has the trial by jury, and the habeas corpus, and the right of personal replevin—all are to be thrown into the scale, and surrendered at once. And is that all? No, sir. He is called upon, after he has done all this—after he has yielded to the last inch, every claim, and every demand that are made upon him, and it is said that he cannot have the reputation of being an honest citizen unless he is ready once in twelve months to reëndorse the act, and to swear to the compromise.

I am afraid that if we magnify this compromise much more, it will come, by and by, in the political creed, to usurp the place of the famous resolutions of '98; and that instead of their being a standard and measure of a man's orthodoxy, it will be this compromise. I thought it was ill-timed in the beginning—I thought it was ill-timed to call it up now to have it rechristened. It seems to me to be an impeachment of the orthodoxy of those who passed the act. Sometimes we know that when a man is converted from one sect to another pretty rigid one, although his children may have been baptized in the form of his old faith, they have to be rechristened in the new. It seems to me that that is the attempt which is made now. It is an impeachment of the orthodoxy of those who passed the act, and as if it gave a force and validity which the original act did not. Therefore it is, perhaps, that we, in our wisdom and strength, are to reëndorse and rebaptize it, and tell the good people of the United States that this fugitive slave law in particular is a good one. If this resolution is to be adopted (although I have been accused sometimes of offering amendments with sinister views to defeat the original resolution) I shall question whether it is not my duty, as a member of this Congress, to add some other acts to it, and to include in the resolution other measures which the last Congress in their wisdom enacted, which are good, and ought to be observed and carried out, until some sovereignty wants it altered, for it seems to me that that is all the limitation which the Senator would impose.

Mr. FOOTE, of Mississippi. I simply rise to say that I am desirous of having an opportunity of vindicating this poor resolution of mine against the opposition of extremists in the opposite sections of the Union. I had expected to see this happy harmony between gentlemen of extreme opinions North and South; I had expected them to feel that sweet concert of action and sentiment here, and my anticipation has been fully realized. But I am exceedingly anxious, feeble as I am, and inadequate as I am to the performance of the task, to have an opportunity of meeting these extremists of the North and extremists of the South upon this subject. I am anxious to have an opportunity of showing to the whole country that this resolution has been wholly misunderstood in its character and bearing, and that it is calculated to have a very different effect from that which the honorable gentleman who has just taken his seat thinks it likely to produce.

Certainly it is not at all astonishing that the honorable Senator from New Hampshire, [Mr. HALE,] and the honorable Senator from South Carolina, [Mr. RHETT,] should be opposed to this resolution. It would have surprised me exceedingly if either of them had been in favor of it, because all must understand that the resolution is not calculated to produce additional agitation or to disquiet the public mind. It seems to be strongly censured by gentlemen not very remarkable, they will permit me to say, for the manifestation of a proper willingness to allow the public mind North and South to remain in a state of quiet and composure. The opposition of these gentlemen is the best recommendation to the resolution, and will serve to show to all that the resolution is such a one as should be adopted by the Senate.

I did not rise at the present time for the purpose of replying to the remarks of these gentlemen, but simply for the purpose of suggesting to the Senate the claim which I feel that I have upon their indulgence, to allow me an opportunity to reply to the Senators from New Hampshire and South Carolina to-morrow.

Mr. BUTLER. I feel it to be but an act of justice to the judiciary to say something in relation to the remarks of the Senator from New Hampshire. I participated in the same feelings which actuated my friend from New Jersey, [Mr. STROCKRON,] when he rose to the point of order. What does the Senator from New Hampshire mean, when he says that so long as the Supreme Court of the United States is organized as it is, we must expect the influence of the judges in favor of slavery? Is it his object to say that that Court should be constituted differently from what it is constituted under the Constitution of the United States? Is it to its organization, as a judicial tribunal, that he objects? What does he mean?

Mr. HALE. What I meant to say was this: That the division of the United States into judicial circuits, is such as to give a majority of judges upon the Supreme Bench to those localities in which the institution of slavery is sustained.

Mr. BUTLER. Then the Senator undertakes to say that the judges who come from the southern portion of the United States are not honest? for it amounts to that. As far as I can speak of the opinions of the Supreme Court, I can say that I have discovered nothing of the tendency attributed in the decisions of the judges from one portion of the Union to the other. In the case of *Prigg* and the State of Pennsylvania, the judgment was, I believe, pronounced by a Southern judge, and I believe it has been generally understood to be one of the most unfortunate decisions, in its effects upon the South, of any that has ever been made by that bench. I believe that Judge Wayne was authorized to draw that opinion.

Mr. SUMNER. Judge Story delivered that opinion.

Mr. BUTLER. I am informed that Judge Story delivered the opinion in that case, but Judge Wayne certainly concurred in it. The judges were not divided in their decision by any geographical line.

Since the gentleman has been so bold in his expressions, I defy him, in the face of this Senate, to produce a single case in which the Supreme Court has deliberated on any matter affecting the institution of slavery in accordance with the sections of country from which they came. The gentleman has made a bold assertion, which he cannot sustain. The strongest opinion ever given on the Supreme bench, in relation to this subject, was in the case of *Prigg* vs. the State of Pennsylvania, in which Judge Wayne, the extreme Southern judge, gave a separate decision, concurring with Judge Story. Has it come to this, that because judges in the original organization of the Supreme Court under the Constitution, and at a time when honest men were disposed to preserve and observe it—were sworn to observe the Constitution and the laws of the land—they can have it imputed to them that, if they come from one section of the Union, they are less likely to be honest than those who come from another? If the gentleman intends to have a reorganization of this Court, I presume he wants to have it in such a way as to give a preponderance to the Northern section.

If you will select a lawyer from any section of the United States, and place him upon that bench, if he is an honest man, I would as soon trust him

if he came from the North as if he came from the South. I am not one of those who believe that a judge can act under the temptations of a demagogue. Placed on that bench—elevated above the ordinary excitements which too much influence political controversies, they have nothing to do but to appeal to the Constitution, and be governed by their consciences in the administration of justice. I will not, as a Southern man, allow myself to suppose that any of the considerations imputed to Southern judges would influence Northern judges while in the discharge of the high duties devolved upon them. I will not make such an imputation upon the judges of the North. It is a casuistry of morality which will allow gentlemen to make such charges to pollute the public mind. I would rather have heard of any other department of this Government being assailed, because the other departments may have their representatives and advocates on this floor. The President has his advocates here. The different political parties have their advocates. The Judges of the Supreme Court have to take the aspersions of everybody who may think proper to make political capital by attacking them. I am a very unworthy person to speak for them on this occasion, and I do solemnly declare, so far as regards their opinions on the subject of slavery, in looking through them, I have not been able to discover anything like a bias, North or South.

Mr. HALE. One fact cannot have escaped the attention of anybody who has been in the Senate for the last few years, because it is a fact to which attention has been called. There was a great constitutional question of law, upon which there was difficulty. I allude to the question whether slavery was or was not abolished in the territories acquired from Mexico by the operation of the Mexican laws. It was remarked as a very astonishing fact upon the floor of the Senate, that every Senator who spoke on that subject, living south of a certain geographical line, took one view of the constitutional question, and those living north of that geographical line, took a contrary view.

Mr. WALKER, Mr. BUTLER, Mr. UNDERWOOD, and others. It is not so.

Mr. DOUGLAS. That is contrary to the fact.

Mr. HALE. I say that the fact was so stated upon the floor of the Senate. Such is my recollection. There may have been some exceptions, and gentlemen will remember them if there were. The general fact was, that lawyers on one side of the line pronounced that the question of constitutional law ought to be one way; and lawyers on the other side of the line pronounced that it ought to be the other way. If there were individual exceptions, they have escaped my recollection. This fact was alluded to in a speech delivered to the Senate by the Senator from Ohio, [Mr. CHASE.] It is no impeachment of a man's integrity—whatever the Senator from South Carolina may consider it—to say that a man's opinions are influenced, bent, and biased, by the circumstances in which he may be placed—by the localities and influences amid which he may be educated. It is to say nothing more than to say that man is human. That is the fact, and the history of the country will show it; and we are not so blind as to shut our eyes to an existing fact, because we think the fact is not consistent with the highest degree of purity in mankind. Such is the fact; it always has been, and always will be so until human nature is regenerated.

What did I say about the Supreme Court? I said, and I repeat, that I believe it is the citadel in which this institution of slavery has been protected, and will be protected; and I say that the constitution of that court—not its constitutional organization, for the circuits are organized by act of Congress—I say that these judicial districts or circuits, are so organized that a majority of the judges upon the Supreme Bench are from those parts of the country in which the institution of slavery is upheld. The Senator from Ohio alluded to this in a speech which he delivered to the Senate some time ago, and in that speech demonstrated, by reference to the history of the country, that it had always been so. If it has not always been so, and if Southern gentlemen have had such high confidence in Northern lawyers, I wonder it has not manifested itself in the legislation of the country.

Mr. CASS. Does the honorable Senator mean to intimate, that the four judges from the non-

slaveholding States have uniformly gone against the five judges from the slaveholding States, in reference to this question?

Mr. HALE. I did not say any such thing.

Mr. CASS. Then it was not owing to the division of the districts.

Mr. HALE. I did not mean any such thing. The honorable Senator from South Carolina alluded to that; and he says that you cannot find a case in which the judges were divided in their opinions by geographical lines. Well, can the Senator from South Carolina find a case where Senators upon this floor have divided according to geographical lines? Can he find it in the other House? But to return to the point. If these gentlemen have such high confidence in the integrity of Northern lawyers, why has it happened that they have never trusted a majority of Northern lawyers on that bench? If they have had such confidence in the learning and the integrity of Northern lawyers, why, in the name of God, has it not manifested itself in the legislation of the country? No, sir. The territory covered by the free States is vastly larger, and their population and business is vastly larger than that of the slave States; yet this interest has always been careful; or, if it has not always been careful, it has always accidentally secured a majority of Southern gentlemen upon that tribunal, from the beginning of the Government down to the present time. It would be time enough to talk of having confidence in the integrity of Northern lawyers, when you shall have shown yourselves willing to trust a majority of them to try those cases. You never have trusted them, and, my word for it, the day is far distant when this confidence will be manifested in the organization of this court.

I know that I am speaking in a Senate full of lawyers. I believe that more than nine tenths of the body are lawyers. I know what the feelings of lawyers are in regard to judges. I know that respect for courts is a part of their very nature; and I suppose that I have as much of that in my constitution as most men. But with all of it I say, and I repeat it, I appeal to the country to bear me witness, I will make the issue before the world, I will stake what little reputation attaches to so humble a name as my own upon the assertion, that upon the decisions of the Supreme Court of the United States rest the final hopes of the institution of slavery. I have said this without impeaching their integrity. I have said nothing about their integrity; and the remark which the honorable Senator from New Jersey [Mr. STROCKRON] attributed to me, about some judges prostrating and prostituting themselves before the influence of this institution, did not apply to the judges of the Supreme Court, but elsewhere, because there have been no cases under this law before that court. I stand to the general truth of the remark which I have made. I believe what I have said, that it has been constituted with that object in view, with the hope that the anchor of slavery might there rest in a sure place. A majority of that court have been selected for their local positions. In saying this I do not mean to say that a man coming from a certain latitude is a dishonest man. No such thing. I have said nothing from which that can be intimated. What I have said I repeat, that the judges of the Supreme Court are nothing but men. I think I have seen as good specimens elsewhere. Being nothing but men, from the necessity of their moral and intellectual constitution, it must be that they are influenced, more or less, by the institutions and influences of the places from which they come. This is what I have said, and this is what I stand by.

Mr. UNDERWOOD. I rise to correct the Senator from New Hampshire in one particular. He has fallen into a great mistake, when he says that the Senators south of Mason and Dixon's line thought alike upon the particular subject to which he alluded. In reference to the continuation in full force of the laws of Mexico, I expressed the opinion, upon the floor of the Senate, that they did so continue, in response to a question put to me by the late Senator from New Jersey, [Mr. DATTON,] some years since. I have entertained that opinion from that day to this, and have avowed it on all suitable occasions. After the compromise bill was reported by the Committee of Thirteen, I contended that that provision which prohibited the local Legislatures from passing any law in respect to slavery within these territories,

amounted, on that account, to the Wilmot proviso, and was anxious that it should be stricken out on that account. I go further. If I am not mistaken, my colleague, [Mr. CLAY,] who was in a very great degree the author of these compromise measures, entertained and expressed the same opinions which I myself have entertained on this subject. So that we at least constitute exceptions to the gentleman's remarks.

The Senator from New Hampshire seems to have forgotten that in the organization of the Supreme Court and districts over which the judges are to preside, that that took place many years ago, before this agitation on the subject of slavery occurred. If he will reflect a moment he will see that he is mistaken in another particular. There is much more territory east of the Mississippi, within the limits of the slave States, than there is within the limits of the free States; and in the organization of these judicial districts, originally, some respect was paid to territory as well as to population. On that account the legislation of Congress, in forming the judicial districts, necessarily produced the organization of the court as it is.

The Senator is mistaken in supposing that at the time these judicial districts were formed, the free States had a greater extent of territory than the slave States. The fact is entirely the reverse. So that you can account for the existing state of things without supposing that there were any sinister motives in Congress, in the organization of the Supreme Court, which I think the gentleman has attributed to the two branches of Congress. He should also recollect that during this whole time there has been a majority of the free States in both Houses of Congress. It was Congress that regulated these districts, and they regulated them upon the basis of territory and population.

I ask you, Mr. President, and I ask the Senate, if it be right to make imputations against the judges of the Supreme Court, or to make remarks from which inferences can be drawn unfavorable to their purity—from which inferences may be drawn stigmatizing them as corrupt men, without specifying the particular act? When the gentleman makes remarks of this sort, let him point out the particular decision—the ruling of a particular point, which he may be disposed to denigrate corrupt or incorrect, before we can take issue with him. It is a very easy matter to deal in general declamation, and to say that a body of men may be unworthy of trust—that they may be corrupt. Why, you cannot take issue upon a general declaration of that sort, except by an unqualified denial.

The gentleman chooses to impeach the proceedings of the Supreme Court. Let him point to a decision; let him bring evidence, either of imbecility or corruption, and then we can see the ground upon which the charge is made. So far as my observation of the proceedings of that court has gone; so far as I have read the decisions of that court on questions connected with the institution of slavery, they have done nothing more than carry out the Constitution and laws of the country; and if they had not carried out that Constitution and those laws, they would have been corrupt. They are bound by an oath to support the Constitution and the laws, and their administration of those laws, in accordance with the Constitution, is the very best evidence of their purity.

Mr. FOOTE, of Mississippi. I believe that the honorable Senator from North Carolina [Mr. BADGER] wishes to make a few remarks on this precise point. I shall be pleased to hear him, but he is not now here. I move that the Senate adjourn.

The motion was agreed to, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 17, 1851.

The House met at twelve o'clock, m.

The Journal of yesterday was read and approved.

GOVERNOR KOSSUTH.

Mr. CARTTER asked the unanimous consent of the House to introduce a resolution proposing the appointment of a committee of five by the Chair to wait upon Louis Kossuth on his arrival in Washington, and introduce him to the House of Representatives.

Mr. C. said the resolution was the same as that passed on the part of the Senate.

Objection was made by several, and the resolution was not received.

Mr. JONES, of Tennessee, called for the regular order of business.

Mr. FICKLIN. If I can get the ear of the House, I desire to make a single suggestion. It is, that by general consent we now proceed to call the States for resolutions, in order to give gentlemen an opportunity to introduce their resolutions and bills.

WORKMEN ON THE CAPITOL.

The SPEAKER. The first business in order is the motion pending on the adjournment yesterday, that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union, with the view to consider the resolution introduced by the gentleman from Maryland, [Mr. WALSH,] for the continuance of the work on the Capitol.

The question was then taken, and decided in the negative—ayes 46, noes not counted.

So the House refused to resolve itself into Committee of the Whole on the state of the Union.

Calls for the regular order.

The SPEAKER said that petitions were in order from the State of Maine.

Mr. CLINGMAN. I would respectfully submit that there have been a great many attempts made by gentlemen to introduce resolutions and bills. I hope, by general consent, we will have a call of the States for resolutions and bills.

Mr. FICKLIN. Let us have the general consent to the call for resolutions.

Mr. JONES, of Tennessee, objected.

The House then proceeded to the regular order of business, which was the call of the States for petitions.

Mr. KING, of Rhode Island, presented the petition of Lewis E. Simmons, Captain in the United States Navy, praying to be reimbursed for the expenses of certain suits to which he has been subjected in consequence of the discharge of his duty; which was referred to the Committee on Naval Affairs.

Mr. SEYMOUR, of Connecticut, presented the memorial of Norman Sherwood, of Southport, Connecticut, praying for relief in relation to Mexican indemnity; which was referred to the Committee of Claims.

Mr. KING, of New York, said he had no petitions, and asked the unanimous consent of the House to present a resolution, which he hoped might be read for information.

Mr. CLINGMAN objected.

Mr. HAVEN presented the petition of John O. Hodge, of Cleveland, Ohio, now a pensioner at the rate of \$96 per year, for an increase of pension, in consequence of disabilities received in the Mexican war; which was referred to the Committee on Invalid Pensions.

On motion by Mr. BOWNE, it was

Ordered, That the petition and papers of Joshua P. Powers be taken from the files of the House and referred to the Committee on the Judiciary.

Mr. BOWNE also presented the petition of the assistant marshals of the county of Kings, and southern district of the State of New York, for increased compensation for their services in taking the Seventh Census; which was appropriately referred.

Mr. BURROWS presented the petition of Captain Hugh N. Page and other officers of the Navy, asking Congress to make provision for their relief similar to that made for the United States army serving in California and Oregon; also, the petition of petty officers, seamen, and marines of the United States Navy, who served in the frigate Savannah, on the coast of California, praying for compensation similar to that granted by Congress to the army serving in California and Oregon; which were severally referred to the Committee on Naval Affairs.

Mr. B. also presented the petition of Phebe Thompson, widow of John Thompson, praying for a pension; which was referred to the Committee on Invalid Pensions.

Mr. CHANDLER presented the memorial of merchants and others of the city of Philadelphia, asking for the erection of piers and the construction of a harbor in the Delaware river; which was referred to the Committee on Commerce.

On motion by Mr. JOHN W. HOWE, it was

Ordered, That the petition and papers of John Lynch be

withdrawn from the files of the House, and referred to the Committee on Pensions.

On motion by Mr. KUHN, it was

Ordered, That the papers of James Johnson be withdrawn from the files of the House, and referred to the Committee of Claims.

On motion by Mr. HAMMOND, it was

Ordered, That the petition and papers of Samuel T. Anderson, of the city of Baltimore, be withdrawn from the files of the House and referred to the Committee on Naval Affairs.

Mr. BOCOCK presented the petition and papers of Daniel Guenant for a pension, in consideration of injuries received while in the service of the United States during the war with Great Britain; which was referred to the Committee on Invalid Pensions.

Mr. CLINGMAN gave notice of his intention to move to repeal so much of the standing rules of the House as provides for calling the States for petitions.

Mr. AIKEN presented the memorial of Ann Y. Kelly, of Charleston, South Carolina, praying for an examination of the proceedings of the Board of Claims against Mexico; which was referred to the Committee of Claims.

Mr. JOHNSON, of Georgia, presented the petition of James M. Smyth; also, of A. H. Shepherd, for indemnity for loss sustained from hostile Creek Indians in 1836; which were referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Georgia, it was

Ordered, That the petition of the heirs of Moses Matthews, praying for indemnity for property destroyed by the enemy during the war of the Revolution, be taken from the files of the House, and referred to the Committee on Revolutionary Claims.

Mr. JACKSON presented the petition of William O. Handley, grandson of Major George Handley, of the Georgia line of the Continental Army, praying for commutation pay; which was referred to the Committee on Revolutionary Pensions.

Mr. MOORE, of Louisiana, presented the petition of the register and receiver of the land office at Monroe, Louisiana, for compensation for locating military land warrants and Choctaw scrip; which was referred to the Committee on Public Lands.

Mr. M. also asked the unanimous consent of the House to introduce a bill, of which previous notice had been given, for the removal of the Red river raft.

Mr. McMULLIN objected.

Mr. GIDDINGS wished to say to the House that the presentation of petitions in this manner was a waste of time. Gentlemen were at liberty to send in their petitions indorsed at any time under the rules. He moved that we dispense with the further call for petitions, and that the House do now proceed to the next order of the day.

Mr. JONES said that motion was not in order.

Mr. GIDDINGS then asked unanimous consent. Objection was made.

Mr. EDGERTON presented the petition of Abner Merrill for an invalid pension; which was referred to the Committee on Invalid Pensions.

Mr. E. also gave notice that he would on tomorrow, or some subsequent day, introduce a bill for the survey of the townships of Pulaski, Centre, and St. Joseph's, in Williams county, Ohio, being townships six north, and ranges one, two, and three east of the principal meridian.

Mr. MARSHALL, of Kentucky, asked the unanimous consent of the House to introduce a bill, of which previous notice had been given. He asked that it might be read for information.

Mr. FICKLIN said, that he would be glad to accommodate the gentleman from Kentucky, [Mr. MARSHALL,] but objection had been made to all other attempts to introduce bills. He therefore objected to this.

Mr. STANTON, of Kentucky, presented the memorial of Charles C. Lacy and J. F. Jones, late assistant marshals in the State of Kentucky, asking for compensation for taking the census; which was referred to the Committee on the Judiciary.

Mr. JOHNSON, of Tennessee, presented a resolution of a public meeting of the citizens of the town of Westfield, county of Hamilton, and State of Indiana, recommending that no more public lands be sold, and that Congress provide for the free grant of the public lands, in small parcels, to

the landless citizens of the several States and Territories. He asked that it be referred to the Committee on Agriculture; which motion was agreed to.

Mr. HENDRICKS presented the petition of Hiram Duncan and 52 others, of the counties of Hancock and Hamilton, State of Indiana, praying that the offices of chaplain in the Army and Navy and Congress might be abolished; which was referred to the Committee on the Judiciary.

Mr. BISSELL presented the petition of Jacob Shy, praying for a back pension; which was referred to the Committee on Invalid Pensions.

Mr. B. also asked the unanimous consent of the House to introduce a bill; which was objected to.

Mr. FICKLIN presented the petition of James M. Davis and others, land registers and receivers of the land office at Vandalia, Illinois, asking compensation for the location of bounty land warrants; which was referred to the Committee on Public Lands.

Mr. CAMPBELL, of Illinois, presented the memorial of the widow and heirs of Elijah Beebe for losses by Indian depredations; which was referred to the Committee on Indian Affairs.

Mr. C. also asked the unanimous consent of the House to introduce a bill for the improvement of Rock Island and the Des Moines Rapids, in the Mississippi river.

Mr. EVANS objected.

Mr. CAMPBELL also presented the memorial of John Frink, praying for relief; which was referred to the Committee on the Post Office and Post Roads.

Mr. JOHNSON, of Arkansas, asked the unanimous consent of the House to introduce a bill, of which previous notice had been given.

Mr. J. said, if objections were continually made to the introduction of bills, he wished to know when members were ever to have the opportunity of introducing them, and having them referred to the appropriate committees?

Mr. EVANS objected to its introduction.

On motion by Mr. STUART, it was

Ordered, That Henry Chapman and William Woodbridge have leave to withdraw their petitions and papers from the files of the House, that they may be referred to the Committee on the Judiciary in the Senate.

Mr. CONGER presented the memorial of C. Roosevelt and others, late and present registers and receivers of the land office of Genesee, Michigan, asking compensation for locating military land warrants; which was referred to the Committee on Public Lands.

Mr. C. also presented the joint resolution of the Legislature of Michigan in favor of a canal around the Falls of St. Marie; which was referred to the Committee on Commerce.

Mr. C. also gave notice of his intention to ask leave to introduce a bill to provide for the construction of a ship canal around the Falls of the St. Marie river, at the foot of Lake Superior. Also of a bill to grant certain public lands to the State of Michigan, to aid that State in the construction of the Clinton and Kalamazoo canal; which were referred to the Committee on Commerce.

Mr. EASTMAN presented the petition of Cornelius Ziehl, for back pensions; which was referred to the Committee on Revolutionary Pensions.

Mr. SIBLEY gave notice of his intention to introduce a bill to grant to the several States of the Union the proceeds of certain public lands, for the relief and support of the indigent insane therein.

THE PRESIDENT'S MESSAGE.

Mr. WEIGHTMAN said the people of New Mexico had been urged to set up an independent government for themselves, and they had been promised the sustenance of several of the States of this Union. He hoped, under these circumstances, it would be the pleasure of this House to grant the people their light to impart to them knowledge of the affairs of the Government. He asked the unanimous consent of the House to introduce the following resolution:

Resolved, That the Clerk of the House of Representatives be directed to cause, as soon as practicable, to be translated into the Spanish language the President's message and reports of heads of Departments, and to have printed in said language five thousand copies of the same, for distribution among the Mexicans, in the territory acquired by the treaty of Guadalupe Hidalgo.

Mr. FICKLIN objected to the introduction of the resolution.

Mr. HOWARD presented a memorial from the

merchants and other business-men of Galveston, Texas, praying for a reconnaissance of the coast of Texas, and for the construction of a light-house, navy-yard, and fortifications; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

The SPEAKER then proceeded to call the standing committees for reports.

On motion by Mr. HOUSTON, it was

Ordered, That the Committee of Ways and Means be discharged from the further consideration of the petition of Thomas Barclay Livingston, consul for the United States at Halifax, Nova Scotia, for increased compensation, and that it be referred to the Committee on Foreign Affairs.

On motion by Mr. H., it was

Ordered, That the Committee of Ways and Means be discharged from the further consideration of the petition of Pierce Crosby and William E. Buckner, officers in the Navy of the United States, praying to be paid their respective shares of the award of the sale of the schooner Oregon, and that it be referred to the Committee of Claims.

On motion by Mr. HALL, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the [subject not heard,] and it was referred to the Committee on Private Land Claims.

On motion by Mr. CABELL, of Florida, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the petition of Abigail Connell, of New Hampshire, for a navy pension; and it was referred to the Committee on Invalid Pensions.

On motion by Mr. BOCK, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the petition of Josiah P. Pilcher, a volunteer, asking for certain pay, and that it be referred to the Committee on Military Affairs.

It was so referred.

RESOLUTIONS.

The SPEAKER then proceeded to call the States for resolutions, commencing with the State of Maine.

Mr. FULLER presented the following resolution; which was read, considered, and agreed to, viz:

Resolved, That the Committee on the Judiciary be and they are hereby instructed to inquire into the expediency of repealing so much of the provisions of the act of Congress, approved March 3, 1847, chapter 45, as deprives seamen, who may libel a vessel for the recovery of wages, from recovering full costs, and to report by bill or otherwise.

NEWSPAPERS TO MEMBERS.

Mr. FULLER submitted a resolution providing for four daily papers to the members of the present and future Congresses.

Mr. JONES, of Tennessee. I believe that the rules prescribe that no member shall offer more than one resolution.

The SPEAKER. That is the rule of the House.

Mr. FULLER. That is in regard to resolutions on the same subject.

The SPEAKER. It is not in order without the general consent of the House—the resolution being a distinct one in a distinct form.

Mr. FULLER withdrew the resolution.

Mr. GOODENOW offered the following resolution, and upon its adoption demanded the previous question:

Resolved, That during the present and every future session of Congress, each Representative and Delegate in Congress be furnished with such newspapers and publications as he shall select, not to exceed in amount per annum the cost of four daily papers.

The previous question was then seconded, and the main question ordered.

The question now being on the adoption of the resolution,

Mr. STANTON, of Ohio, demanded the yeas and nays; but they were not ordered.

Mr. STEPHENS, of Georgia, asked for tellers upon the call for the yeas and nays; but they were not ordered.

Mr. JONES moved to lay the resolution upon the table; which motion was disagreed to.

The question recurring on the adoption of the resolution, it was taken, and the resolution agreed to.

Mr. FULLER moved to reconsider the vote by which the resolution was adopted, and to lay that motion upon the table; which latter motion was agreed to.

Mr. TUCK, in pursuance of previous notice, on leave, introduced a bill to provide for the ascertainment and satisfaction of claims of American citizens for spoils committed by the French prior to the 31st day July, 1801; which having been read a first and second time by its title, Mr.

T. said there may be a difference of opinion in the House as to the allowance of these claims, but I think there should be no difference as to a proposition to refer the bill to a select committee.

Mr. BAYLY moved that it be referred to the Committee on Foreign Affairs.

Mr. TUCK hoped that it would not be killed in that way.

Mr. DUNHAM moved that it be laid on the table.

The question was then taken, and the House refused to lay the bill upon the table.

The question then recurred upon referring the bill to the Committee on Foreign Affairs; which was agreed to.

Mr. MEACHAM, agreeably to previous notice, on leave, introduced a bill providing for the payment of Vermont volunteers in the battle of Plattsburg; which having been read a first and second time by its title, Mr. M. moved to refer it to the Committee of the Whole on the state of the Union.

Mr. DUNHAM moved its reference to the Committee on Military Affairs.

The question was then taken upon referring it to the Committee of the Whole on the state of the Union, and it was not agreed to.

The question then recurred upon referring it to the Committee on Military Affairs, and it was agreed to.

Mr. ALLEN offered the following resolution:

Whereas the best interests of the country demand that the great and rapidly-increasing patronage of the Executive Department of the General Government be diminished, by transferring the power of appointment, whenever it can be done without prejudice to the public service from the Executive to the people; and whereas the appointment of more than twenty thousand deputy postmasters constitutes the largest branch of that vast patronage—

Be it therefore resolved, That the Committee on the Judiciary be instructed to report, within thirty days, an amendment to the Constitution, by which Congress shall be empowered to provide, as far as practicable, for the election of deputy postmasters by the qualified voters in the respective localities in which post offices are situated: *Provided*, That if, in the opinion of said committee, Congress has already such constitutional power, said committee shall, instead of said amendment, report within the time aforesaid the bill to effect the aforesaid object.

The resolution having been read—

Mr. ALLEN demanded the previous question.

Mr. ORR. I propose to debate the resolution. Does it go over?

Mr. JONES, of Tennessee. It goes over under the rule.

The SPEAKER. The resolution would go over after the first thirty days of the session.

Mr. ORR. I make the question with the Chair. Will the Chair decide it?

Mr. JONES. If the Speaker will refer to the 24th rule—that in relation to receiving petitions the first thirty days—he will find it as follows: "That petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall be made verbally by the introducer; they shall not be debated on the day of their being presented."

The 25th rule says, that resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions.

The SPEAKER. The Chair, upon examining the 24th and 25th rules, and finding that resolutions must be disposed of in the same manner as petitions, changes his opinion, and the resolution must go over.

Mr. ORR. I propose to debate the resolution.

The SPEAKER. Then it will go over.

Mr. KING, of New York, offered the following resolution; which was read, and by unanimous consent considered and agreed to:

Resolved, That the President be requested to communicate to this House the correspondence upon which the claims of citizens of the United States against Portugal have been adjusted, if not incompatible with the public interest.

Mr. HAWS, on leave, introduced a bill, of which previous notice had been given, entitled "An act to amend an act entitled 'An act regulating the carriage of passengers in merchant vessels,' approved February 22, 1847; also to amend an act entitled 'An act to provide for the ventilation of passenger vessels,'" approved May 17, 1845; which was read the first and second time by its title, and referred to the Committee on Commerce.

Mr. BO E, on leave, introduced a joint res-

olution to grant land to the Hungarian exiles; which was read a first and second time by its title.

The resolution was as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That one hundred and sixty acres of land be granted to each of the Hungarian citizens, who have been transported to this country by the orders of this Government; said land to be located by such Hungarian citizens from any lands belonging to this Government now unoccupied.

The question now was, Shall the resolution be read a second time?

Objection was made.

The SPEAKER. Objection having been made, the question will be, Shall the resolution be rejected?

Mr. CABELL, of Florida. I ask the gentleman from New York to add a proviso to the joint resolution, that they go and live upon the land.

Mr. JONES. I move to reject the bill.

Mr. HALL. I would inquire if it is in order now to offer an amendment to the resolution?

The SPEAKER. It will not be in order until the resolution shall have been read a second time. It has been read the first time, and the gentleman from Tennessee [Mr. JONES] moves its rejection.

Mr. HALL. I want only to propose that our citizens shall be entitled to the same privileges as his Dutchmen. That is all.

Mr. GIDDINGS demanded the yeas and nays on the rejection of the resolution.

Mr. GORMAN. This resolution is simply a resolution of the House, and it has not the words necessary to make it a joint resolution. I presume if it is proposed to debate it, it will go over under the rule.

The SPEAKER. The gentleman from Tennessee [Mr. JONES] having moved a rejection of the resolution, in the opinion of the Chair that question will have to be taken.

Mr. JONES, of Tennessee. I withdraw the motion to reject, as it is not a joint resolution.

The SPEAKER. Does the gentleman from Indiana [Mr. GORMAN] intend to debate the resolution?

Mr. GORMAN. Certainly.

The SPEAKER. The resolution then goes over.

Mr. EVANS. I ask whether it is not a joint resolution?

The SPEAKER. It has no title, but it is in the nature of a joint resolution.

Mr. EVANS. I wish merely to suggest to the Chair that the gentleman from New York, [Mr. BOWNE,] when he offered that resolution, called for the previous question. After the gentleman had called for the previous question, the gentleman from Tennessee [Mr. JONES] moved to reject the resolution. The motion for the previous question was not put by the Chair, and the gentleman had no right to interpose the proposition he made—thereby carrying the resolution over, unless the previous question was first rejected.

The SPEAKER. The House refused to second the call for the previous question.

Mr. EVANS. It may be so, but the gentleman from New York [Mr. BOWNE] tells me that the motion was not put.

Mr. BOWNE. I moved the previous question, but I do not understand that it was put.

The SPEAKER. I trust the gentleman from New York will be indulged in testing the sense of the House upon the call for the previous question.

Mr. HALL. I move to lay the resolution upon the table.

Mr. STUART. I wish to inquire if it is a joint resolution?

The SPEAKER. The Clerk so reports it.

Mr. STUART. I would inquire if under the 59th rule it would go over?

The SPEAKER then read the 115th and 116th rules, as follow:

"Every bill shall receive three several readings in the House previous to its passage; and bills shall be dispatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House."

"The first reading of a bill shall be for information, and if opposition be made to it, the question shall be 'Shall this bill be rejected?'"

Mr. JONES. Has notice been given to the Clerk, under this rule, of an intention to introduce this resolution?

To this interrogatory no response was heard.

The SPEAKER. As the proposition is made to debate the resolution, it goes over; and unless

there be an appeal from the decision of the Chair, he will so order it.

Mr. SACKETT introduced a bill, of which previous notice had been given, entitled "An act to amend an act entitled 'An act to extend the patent heretofore granted to William Woodworth,'" which having been read a first and second time by its title, Mr. S. moved to refer it to the Committee on Patents.

Mr. TUCK moved to lay it upon the table.

Mr. JONES, of Tennessee, said the same bill had been killed over and over again. They had to kill it every session.

The question was then taken, and the House refused to lay on the table.

Mr. SACKETT said that gentlemen were mistaken in regard to the bill.

The bill was then read through.

Mr. TUCK said that, from the title of the bill, he inferred that it was a bill which had been repeatedly before Congress. He withdrew his motion.

Mr. ROBBINS renewed the motion to lay the bill upon the table; and, the question being put, it was not agreed to.

The question was then taken on referring it to the Committee on Patents; and it was agreed to.

Mr. HASCALL, on leave, introduced a bill, of which previous notice had been given, concerning invalid pensioners; which was read a first and second time by its title, and referred to the Committee on Invalid Pensions.

Mr. HAVEN, on leave, introduced a bill, of which previous notice had been given, to reenact and continue in operation certain acts for the relief of insolvent debtors of the United States; which was read the first and second time by its title, and referred to the Committee on the Judiciary.

Mr. BENNETT, on leave, introduced a joint resolution, (and desired that it might be put upon its passage,) to establish certain post routes; which was read a first and second time by its title.

Mr. JONES, of Tennessee, moved that it be referred to the Committee on the Post Office and Post Roads.

Mr. BENNETT. I will only say a word upon the subject. I ask the consent of the House to let this resolution pass.

A MEMBER. It is not debatable.

Mr. BENNETT. The reason I ask this, it is a new and important route.

Mr. FICKLIN. There is a motion to commit it.

The question was then taken, and the resolution was referred to the Committee on the Post Office and Post Roads.

Mr. HEBARD offered a resolution; which was read as follows, viz:

Whereas Kosuth, in a speech by him lately delivered at New York, is reported to have declared that he considered the resolution recently passed and adopted by this House "has a political meaning;" Therefore,

Resolved, That said resolution was intended by this House to have no "political meaning," nor to pledge this Government to any political action; but that it was intended merely as a testimonial of sympathy and respect for Kosuth, and the cause in which he is engaged.

Mr. CLINGMAN. I propose to say something upon that resolution.

The SPEAKER. The resolution goes over, then, under the rule.

Mr. DISNEY. Do I understand the Chair to decide that the resolution goes over because the gentleman proposes to debate it?

The SPEAKER. That was the decision of the Chair.

Mr. DISNEY. Will the Chair refer me to the rule?

The SPEAKER. The Chair refers the gentleman to the 24th and 25th rules.

Mr. DISNEY. The 24th rule is in these words:

"Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall be made verbally by the introducer; they shall not be debated on the day of their being presented, nor on any day assigned by the House for the receipt of petitions after the first thirty days of the session, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they are presented."

Now, here are two direct limitations upon the debate of the presentation of resolutions—upon the day of presentation, and again upon the day

assigned by the House for the reception of petitions.

Mr. JONES, of Tennessee. I rise to a question of order. Is there any question before the House?

The SPEAKER. The gentleman rises to a question of order.

Mr. JONES. Has there been an appeal from the decision of the Chair?

Mr. DISNEY. I will suggest to the Chair—

Mr. JONES. All I want is, if the gentleman from Ohio makes a speech, I wish to be heard in reply. If there is no appeal, it will be said I have no right to speak.

Mr. DISNEY. I have no desire to make a speech, but informally to make these remarks as a suggestion to the Chair; but as the gentleman from Tennessee [Mr. JONES] has avowed his desire to make a reply, for the sole and only purpose of gratifying the gentleman from Tennessee, I do make an appeal from the decision of the Chair.

Mr. TUCK. As this appeal is taken for the only reason, as stated by the gentleman from Ohio, [Mr. DISNEY,] to enable him and the gentleman from Tennessee [Mr. JONES] to have a little exercise in public debating, I would suggest to him, if it would not be better for the public, that this debate should take place in some committee-room, or any other private room? [Laughter.]

A brief discussion here took place between Mr. DISNEY, and Mr. JONES of Tennessee, relative to the decision previously made by the Chair, that resolutions giving rise to debate must lie over, Mr. D. citing the rules to show that debate was in order, and Mr. J. sustaining the decision of the Chair. The appeal was then withdrawn. These remarks, owing to the imperfect manner in which they were heard, the Reporter is constrained to omit.

Mr. SEYMOUR, of New York, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of so altering the value of the specie coin of the United States as to make the real and nominal value of said coin equal.

Mr. PRICE, on leave, introduced a bill, of which previous notice had been given, "to authorize the Secretary of the Navy to contract for carrying the mails between Jersey City, in the State New Jersey, and port of New York, and Galway, or any other port which may be selected, on the west coast of Ireland."

The bill was read a first and second time by its title.

Mr. PRICE moved that the bill be referred to the Committee on Naval Affairs.

Mr. DUNHAM moved that it be referred to the Committee on the Post Office and Post Roads.

The question was first taken on Mr. PRICE's motion; and it was not agreed to.

The question was then taken on Mr. DUNHAM's motion, and it was agreed to.

So the bill was referred to the Committee on the Post Office and Post Roads.

Mr. MOORE, of Pennsylvania, offered the following resolution:

Resolved, That the Clerk of the House be directed to ascertain as soon as possible the legal expenses of the contested election in the Fourth Congressional District of Pennsylvania, and pay the same out of the contingent fund of the House; and that he also be directed to pay to John S. Little, the contestant, his mileage and per diem allowance, from the commencement of the first session of the Thirty-first Congress until the 11th September, when the contest was determined.

Several gentlemen desiring to debate the resolution, it was laid over, under the rule.

Mr. MCNAIR. It is well known that there are a great many Germans in many parts of the United States. In my own district—and no doubt in many others—there are many of them who are very anxious to have the President's message printed in the German language, in order that they may be able to read it. If this be not done, they are entirely cut off from knowing what the message contains, unless they have a clerk to read it to them, and in the agricultural districts they are not much accustomed to having clerks to read to them. I therefore hope that it will be the pleasure of the House to adopt the following resolution:

Resolved, That five thousand copies of the President's message be printed in the German language.

Mr. ORR desiring to debate the resolution, it was laid over.

Mr. RIDDLE. I desire to offer a resolution, which is upon the same subject—although it differs in effect—as the resolution offered yesterday by the gentleman from Kentucky, [Mr. STANTON,] and which was referred to the Committee of the Whole on the state of the Union. I do not desire to debate the resolution further than to say, that all the objections urged against the resolution yesterday, are obviated by the one which I now offer. If it is read, I feel confident that it will meet with the concurrence of the whole House, as, I am assured, it does meet with the concurrence of the Committee on Public Buildings. The resolution was read, as follows:

Whereas the appropriation for the improvement of the Capitol has been exhausted: Therefore

Be it resolved, That the Architect of the Capitol be and he is hereby authorized to continue in service, until an appropriation shall hereafter be made, such mechanics and laborers as may, in his opinion, be demanded by the interests of the Government.

Mr. RIDDLE demanded the previous question on the adoption of the resolution.

Mr. FULLER, of Maine. Is it in order to offer an amendment to that resolution?

The SPEAKER. It is not in order, as the previous question is demanded.

Mr. FULLER. Then I move to lay the resolution upon the table.

Mr. VENABLE demanded tellers; which were ordered; and Messrs. ORR and MEACHAM were appointed.

Mr. WALSH. I submit to the Chair that we have no power to appropriate money, except by joint resolution; and as this resolution necessarily involves an appropriation, it is not in the proper form.

The SPEAKER. That may be a reason for voting down the resolution, but the Chair cannot upon that ground rule it out of order.

The question was then taken on the motion to lay the resolution on the table; and the tellers reported—ayes 72, noes 61.

So the resolution was laid upon the table.

Mr. EVANS submitted the following resolution:

Resolved, That the Secretary of the Treasury be requested to inform this House whether any, and if any, what measures he may deem necessary to prevent the exportation of silver coin, and whether he recommend to Congress any new adjustment of the relative value of gold and silver; and also whether, in his opinion, seigniorage or charge upon the coinage of silver coin be necessary or proper.

The resolution having been read,

Mr. CAMPBELL, of Illinois, desiring to debate the resolution, it was laid over under the rule.

Mr. WALSH submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to communicate to this House a statement of the accounts between the United States and the State of Maryland, for advances of money made by said State to the General Government during the war of 1812; and that he also communicate a statement of the account between the United States and the said State for money advanced by Maryland to aid in the erection of the Capitol at Washington.

Mr. BOWIE offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee for the District of Columbia inquire into the expediency and practicability of preventing the issue and circulation of small notes, under the denomination of five dollars, in the District of Columbia, and that the committee report by bill or otherwise.

Mr. STANTON, of Kentucky, from the Committee on Printing, reported the following joint resolution:

Resolved, &c., That the Executive documents, the printing of additional copies of which have been ordered during the present session, or may, during either session of the present Congress be ordered by either House of Congress, and the size of which shall not be less than 250 pages, such additional copies shall be bound, under the direction of the Joint Committee on Printing: *Provided*, That the cost shall not exceed twelve and a half cents per volume for the whole number ordered.

Mr. S. stated that this resolution was precisely similar to the one passed by the last Congress. The joint resolution having been read twice, was ordered to be engrossed for a third reading, and was subsequently read a third time and passed.

Mr. S. moved to reconsider the vote on the passage of the resolution, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. CLINGMAN offered the following resolution:

Resolved, That so much of the 17th standing rule as provides for the admission of certain persons therein named within the Hall of the House of Representatives, be so modified as to embrace Governor Louis Kossuth, of Hungary; and that the Speaker of the House be requested to communicate the same to Governor Kossuth.

The resolution having been read,

Mr. CLINGMAN demanded the previous question on its adoption.

Mr. JONES, of Tennessee. I believe that a motion to amend the rules cannot be made without one day's notice.

The SPEAKER. The gentleman from Tennessee is right.

Mr. CLINGMAN. I was in hopes that the gentleman from Tennessee would have offered no objection to this resolution.

Mr. JONES, of Tennessee. I do object to it. We have enough admitted now.

The resolution was then laid over.

Mr. AIKEN offered the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the justice and propriety of allowing bounty land to the Washington Light Infantry, Washington Volunteers, German Fusiliers, and Hamburg Volunteers, of South Carolina, who were engaged in the Florida war, and were discharged before the expiration of one month from the commencement of their term of service; and that the accompanying papers be and are hereby referred to said committee.

The resolution having been read,

Mr. JOHNSON, of Tennessee, moved to amend it, by inserting after the words "term of service," the words:

"Also, all those who were engaged in the removal of the Cherokee nation west of the Mississippi, from 1835 to 1838."

Mr. MEACHAM moved to amend the amendment, by adding thereto the words:

"And also the Vermont volunteers who were engaged in the Battle of Plattsburg."

Mr. AIKEN. I object to those amendments. The gentlemen can bring in resolutions of their own.

The SPEAKER. Debate is out of order.

Mr. ORR demanded the previous question, with a view of cutting off further amendments.

The previous question was not sustained.

The question was then taken on the amendment to the amendment, and it was agreed to.

Mr. CARTTER. I propose now further to amend the amendment, by adding at the heel of it these words: "and all the rest of mankind." [Great laughter.]

The question being taken, the amendment to the amendment was not agreed to.

Mr. FOWLER. I propose further to amend the amendment, so as to include the soldiers of the revolutionary war who served less than six months and more than one month. No provision has ever been made for them.

Mr. CARTTER. I wish to inquire of the gentleman from Massachusetts whether he proposes that those soldiers of the revolutionary war shall locate their lands here or in eternity? [Laughter.]

Mr. FOWLER. I think the question is not relevant, and I therefore decline to answer it. [Laughter.]

Mr. SCURRY. I propose to amend the amendment, so as to make it include all those who served in the revolution in Texas. [A laugh.]

The SPEAKER. There is already an amendment to the amendment pending, and the amendment of the gentleman from Texas is not therefore in order.

Mr. GORMAN. I understand that the previous question has been demanded and refused.

The SPEAKER. It was not seconded.

Mr. GORMAN. I believe the House is now prepared to sustain the previous question, and therefore I demand it.

The question being taken on seconding the call for the previous question, there were ayes 63, noes 36. No quorum voting.

On the motion of Mr. STANTON, of Tennessee, the House then adjourned.

NOTICE OF A BILL.

By Mr. HAWS: A bill in relation to the office of assistant treasurer, in the city of New York.

PETITIONS, &c.

The following memorials, petitions, &c., were presented under the rule, and referred to the appropriate committees: By Mr. JOHN W. HOWE: The petition of E. Kingsbury and 39 others, citizens of Butler county, Pennsylvania, praying Congress to establish a mail route from Pittsburg,

via Allegheny City, Perryville, Wexford, Zelienople, Harmony, Whitestown, Prospect, Centerville, Hamsville, and Wesley, to Franklin, Venango county, Pennsylvania.

By Mr. STANTON, of Kentucky: The petition of sundry citizens of Grant county, Kentucky, praying that arrearages of pensions may be paid to George Williams, who was wounded in the war of 1812.

Also, the memorial of Aaron Adams, of Grant county, Kentucky, an invalid pensioner, asking an increase of pension, and compensation for a horse lost in the Indian war of 1812.

By Mr. BROWN, of Mississippi. The petition of Thomas K. Knowland, for himself and others, praying for the establishment of a post route.

IN SENATE.

THURSDAY, December 18, 1851.

Prayer by the Chaplain, Rev. C. M. BUTLER.

PETITIONS.

Mr. MASON presented the petition of Charles Fletcher, proposing to establish a line of steam-packets between Norfolk, Virginia, and the ports of Cadiz and Gibraltar in Spain, and praying that the Secretary of the Navy may be authorized to contract with him for carrying the mail between those ports; which was referred to the Committee on Naval Affairs.

Mr. HALE presented the memorial of Caleb Dustin, praying the redemption of certain continental money issued to his grandfather for his services in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Also, a resolution passed by the Legislature of the State of New Hampshire, in favor of the establishment of a Bureau of Agriculture in the Department of the Interior at Washington.

Ordered, That it lie on the table and be printed.

Mr. BORLAND presented a memorial of Robert Mills, architect, praying to be allowed an opportunity to justify his acts as Architect and Superintendent of the Patent Office wing building, against certain charges made against them by the Commissioner of Public Buildings in his report to the Department of the Interior; which was referred to the Committee on Public Buildings.

Mr. FISH presented a petition of the assistant marshals for taking the Seventh Census of King's county, New York, praying to be allowed additional compensation for their services; which was referred to the Committee on the Judiciary.

Mr. PRATT submitted additional evidence in relation to the claim of the legal representatives of William Somerville, deceased; which was referred to the Committee of Claims.

Mr. BUTLER submitted additional evidence in relation to the petition of the representatives of John Moore, deceased; which was referred to the Committee on Revolutionary Claims.

Also, the petition of Derrill H. Darby, for himself and the other heirs of Colonel William Johnson, an officer in the revolutionary army, praying to be allowed commutation pay.

Colonel Johnson is well known from his historical reputation. He was a soldier in the revolutionary continental service. He performed a gallant part in the battle at Fort Moultrie, and served from that time until the capitulation of Charleston, in May, 1780. Colonel Johnson and his regiment were prisoners of war, and continued so until an exchange of prisoners was ordered in May, 1781; so that he claims commutation pay as a soldier or officer in the service of the Revolution, until October, 1780; because the law provides, that those who served till that time, without resignation or being cashiered, shall be entitled to this commutation pay. Although this is the provision of the law, neither he nor his representatives ever received this pay. This is one of those claims which I would especially commend to the attention of the chairman of the Committee on Revolutionary Claims. I move that the petition be referred to that committee.

The petition was so referred.

Mr. DOWNS presented the petition of Francis Gardere, praying compensation for certain land claimed by him under a Spanish grant, and occupied by the United States for military purposes; which was referred to the Committee on Private Land Claims.

Mr. MALLORY presented the memorial of the administrator of Joshua B. Smith, deceased, praying compensation for the use of a vessel employed under a contract with a Government officer in transporting troops during the Florida war; which was referred to the Committee of Claims.

Also, the petition of John H. Patterson, praying compensation for his services as a lieutenant in the Florida war; which was referred to the Committee of Claims.

Also, the petition of C. H. Blood, praying compensation for supplies furnished to a company of Florida volunteers in the Seminole war; which was referred to the Committee of Claims.

Also, the petition of Sarah Flinn, praying compensation for supplies furnished the troops of the United States in the Florida war; which was referred to the Committee of Claims.

Also, the petition of David Osburn, praying compensation for corn and fodder furnished the troops of the United States in the Florida war; which was referred to the Committee of Claims.

Also, the petition of John W. W. Jackson, praying compensation for a horse killed in the service of the United States; which was referred to the Committee of Claims.

Also, the petition of José Baya, praying compensation for a horse lost in the military service of the United States; which was referred to the Committee of Claims.

Mr. UNDERWOOD presented the petition of Leslie Combs, praying the payment of certain bonds issued to him by the late Republic of Texas.

The memorialist represents that he holds Texas bonds for the sum of \$69,200; that he has filed these bonds in the Treasury Department, with the view of obtaining compensation according to the act granting ten millions of dollars to Texas; that the Treasury Department, according to the statement of this memorialist, had ascertained that there were more than twelve millions of these Texan bonds falling within the provisions contemplated by the act of Congress. The memorialist says that the Government therefore refuse to pay him or any of the holders of these bonds unless they will agree to accept such a proportion of the twelve millions of dollars as five millions will pay, thus scaling him down to less than one half. He concludes his memorial by saying that the United States never intended to disgrace themselves or to dishonor the Government by repudiating an acknowledged debt, and he hopes that provision will be made for paying him the whole of his \$69,200. I move that the memorial be referred to the Committee on Finance.

The memorial was so referred.

Mr. U. I also present a memorial of John A. Rajan, proposing to execute a plan discovered by him for draining the lands overflowed by the Mississippi and its tributaries, on condition of a grant of a portion of the lands reclaimed.

This memorial is of vast importance, if the project proposed can be accomplished. The memorialist is a native of Georgia, but is now a citizen of the parish of Natchitoches, in the State of Louisiana. He states, that after much attention and study, he has discovered a plan to prevent the overflowing of the Mississippi river, so as to throw the surplus water into Hudson's Bay in one direction, and through Texas in the other. He proposes to accomplish all this, if Congress will but give him the one half of the lands which he will save by this operation; and he proposes to have the work completed in ten years, if Congress will patronize him. I think, sir, that we should make a most admirable bargain, if we could accomplish so great a work at this price. I move that the memorial be referred to the Committee on Roads and Canals.

The memorial was so referred.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. WADE, it was

Ordered, That the memorial of Cadwalader Wallace, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. HAMLIN, it was

Ordered, That the memorial of merchants, ship-owners, and others, inhabitants of Portland, Maine, on the files of the Senate, relating to the establishment of a marine hospital at that place, be referred to the Committee on Commerce.

On motion by Mr. UNDERWOOD, it was

Ordered, That the petition of the heirs of William Beatty, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

NOTICES OF BILLS.

Mr. FISH gave notice of his intention to ask leave to introduce a bill amendatory of the act entitled "An act to provide for holding the courts of

the United States, in case of sickness or other disability of the judges of the district courts."

Mr. SEWARD gave notice of his intention to ask leave to present a joint resolution for the establishment of post routes in the State of New York.

LAKE SUPERIOR IRON REGION.

Mr. FELCH submitted the following resolution for consideration:

Resolved, That five thousand five hundred additional copies of the Report of Messrs. Foster and Whitney, in relation to the iron region of Lake Superior, Michigan, which was ordered to be printed by the resolution of the Senate of the 13th March last, be printed for the use of the Senate, and that three hundred copies thereof be furnished to the Smithsonian Institution for distribution, and two hundred copies to Messrs. Foster and Whitney.

The Senate proceeded to consider the said resolution by unanimous consent, and it was

Ordered, That it be referred to the Committee on Printing.

REPORTS OF STANDING COMMITTEES.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the memorial of Eliza C. Bache, submitted a report, accompanied by a bill for the relief of the widows and relatives of certain officers and seamen of the United States brig Washington, who were lost overboard in a hurricane.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

THE BRIG ADA.

Mr. HAMLIN, from the Committee on Commerce, to which the subject was referred, reported a bill authorizing the Secretary of the Treasury to issue a register to the brig Ada; which was read a first time, and ordered to a second reading.

Mr. DOWNS. I hope that the Senate will agree to consider this bill now.

Mr. HAMLIN. This bill is in the usual form required for such bills, and is one of that class that is never objected to. It simply authorizes the Secretary of the Treasury to issue a register to this brig Ada, upon its being shown that she has been thoroughly repaired, and that the repairs have exceeded three fourths of the original cost of construction. As the owners of the vessel cannot employ her, or send her out without this register, I trust that the consent of the Senate will be given to dispose of the matter now.

The bill was then read a second time; and, having been considered by the Senate as in Committee of the Whole, it was reported back without amendment, and ordered to be engrossed for a third reading.

MISSISSIPPI AND ALABAMA RAILROAD.

Mr. FOOTE, of Mississippi. Pursuant to previous notice, I ask leave to introduce a bill granting to the State of Mississippi the right of way and a donation of public land, for the purpose of locating and constructing a railroad from Brandon to the eastern border of said State, in the direction of Montgomery, in the State of Alabama.

Leave was granted, and the bill was read a first time.

Mr. FOOTE. I ask that this bill may be read a second time now.

The PRESIDENT. With a view to reference?

Mr. FOOTE. No, sir; I think this is a case in which the Senate will concur with me that reference is not necessary. I wish to make a simple statement with reference to this bill. This is a bill which passed the Senate last session without the least opposition from any quarter, but failed in the other House for want of time. It involves a little land in the State of Mississippi which is not of any present value to the Government. It is a matter of great importance to many persons interested in railways that it should be acted upon, and I hope that under all the circumstances the Senate will agree to its second reading.

The bill was then read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

Mr. BORLAND. I move that this bill be referred to the Committee on Public Lands; and I do so not with any intention of opposing the bill, for I think that when it comes before the Senate, if it be reported favorably upon by the committee, I shall vote for it very cordially. But I hold that taking up a bill without reference, and passing it simply because it has passed the Senate at a previous Congress, is giving it precedence and advan-

tage over other bills which have similar objects in view. I have introduced two bills equally as important as this, and which passed the Senate last Congress, but were left wholly neglected by the House. These bills have been again referred, and I think this one ought to be referred also.

Mr. FOOTE. I am sure the Senator from Arkansas will do me the justice to say that I have never manifested a desire to depart from the usual order of doing business in the Senate, and that it is but rarely that I have come forward to ask anything for the State which I represent. I may be allowed to state, however, that in two days from this time, my State will be entirely unrepresented here. That is a fact; and I hope, therefore, that this bill may be considered as an exception, and be allowed to pass. I think the honorable Senator from Arkansas will admit that I have usually given him my support when he has had anything before the Senate, in which the interest of his State was concerned, and I hope he will extend to me his courtesy on this occasion. This measure, at the last session, was referred to a committee, and underwent the fullest investigation. Several amendments were proposed, and with these amendments it passed the Senate. I can assure the honorable Senator from Arkansas that the facts connected with this bill are rather peculiar. The lands have been suspended from sale with a view of securing to the State of Mississippi the advantages which were expected to arise from the passage of this law. Its passage we have been in the habit of looking upon as a fixed fact, and its suspension will create great inconvenience. I am informed by gentlemen connected with this railroad, that the engineers have laid it out, and that they are prepared for substantial and practical action. They are only waiting for this bill to pass, in order that they may take such steps as will bring about the speedy consummation of the work. I hope, therefore, that, under all the circumstances, it will be allowed to pass. It is, most probably, the last time that I shall ever ask the Senate for any favor.

Mr. BORLAND. I have never in my life refused an act of courtesy. I therefore yield to the Senator from Mississippi.

Mr. FELCH. I do not rise for the purpose of making any objection to the last request of the Senator from Mississippi, but simply to say that this bill is in precisely the form approved by the Committee on Public Lands last session, and adopted by the Senate, and that this bill is like all others of a similar character. Many bills have been referred to the Committee on Public Lands asking for similar grants. That committee have not yet fully consulted upon the subject; but they intend to take the whole matter into their consideration—the form which was adopted last session, and also with the view of adopting such amendments as may be suggested. I have no objection to the particular form, nor have I any objection to the bill; but I think it my duty to state this fact.

Mr. HALE. I hope the Senate will pass this bill. I have no doubt that the next form will be more liberal, and I think we shall gain something by passing this bill thus early. [A laugh.]

The bill was then reported back to the Senate without amendment, and was ordered to be engrossed for a third reading.

BILLS INTRODUCED.

Mr. GWIN, agreeably to previous notice, asked and obtained leave to bring in a bill granting the right of way for, and to aid in, the construction of a line of telegraph from the Mississippi river to the Pacific ocean; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

Mr. FELCH, agreeably to previous notice, asked and obtained leave to bring in the following bills:

A bill to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of 2d March, 1827, granting land to aid that State in opening a canal to connect the waters of the Illinois river with those of lake Michigan; and

A bill to revive and continue in force for a limited time the provisions of an act relative to suspended entries of public lands.

The said bills were read a first and second time, and referred to the Committee on Public Lands.

Mr. MANGUM, agreeably to previous notice,

asked and obtained leave to bring in a bill for the relief of the personal representatives of William A. Slacum, deceased; which was read a first and second time, and referred to the Committee on Foreign Relations.

BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

A bill for the relief of Margaret L. Worth; and

A bill to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public moneys, under the fifteenth section of the act of 6th August, 1846, for the additional services required under that act.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ROBB, Chief Clerk:

Mr. PRESIDENT: The House of Representatives have passed the following joint resolutions:

Joint resolution providing for the binding of certain documents;

Joint resolution to authorize the Postmaster General to legalize certain contracts for the transportation of the mail in California and Oregon; and

Joint resolution providing for the printing of additional copies of the Journals and public documents.

In which they request the concurrence of the Senate.

THE SEVENTH CENSUS.

Mr. BRIGHT. There is a joint resolution before the Senate providing for the printing of the returns of the Seventh Census. The public interest would be promoted by early action upon it, and I think it my duty to call to it the attention of the Senate. As there is, however, other business before us to-day, I shall not insist upon calling it up for consideration at this time, but would move that it be made the special order of the day for Monday next, at one o'clock.

The motion was agreed to.

EXPLANATION.

Mr. HALE. I ask the indulgence of the Senate while I make a brief explanation in regard to the report of what occurred here yesterday.

Mr. FOOTE. I know very well what the gentleman from New Hampshire is about to be at, and I rise to oppose his explanation, not from any discourtesy towards him, as he well knows. But I know very well, and he knows it also, that as soon as he makes his explanation, three or four other Senators will be on the floor in a few seconds to make their explanations also, and thus I shall be cut off from any opportunity of being heard on the question which comes up as the special order. I appeal to the gentleman, therefore, whether he will not withhold his explanation for the present.

Mr. HALE. I shall not occupy two minutes.

The PRESIDENT. The Senator from New Hampshire, according to the usage of the Senate, has a right to make his explanation.

Mr. HALE. This is but the second time, Mr. President, that I have ever asked the indulgence of the Senate for such a purpose, and in all probability it will be the last. In the debate of yesterday I remarked that—

"There was a great constitutional question of law, upon which there was difficulty. I allude to the question whether slavery was or was not abolished in the territories acquired from Mexico by the operation of the Mexican laws. It was remarked as a very astonishing fact upon the floor of the Senate, that every Senator who spoke on that subject, living south of a certain geographical line, took one view of the constitutional question, and those living north of that geographical line, took a contrary view.

"Mr. WALKER, Mr. BUTLER, Mr. UNDERWOOD, and others. It is not so.

"Mr. DOUGLAS. That is contrary to the fact."

I now want to read a few words from a speech delivered by Thomas Corwin, late Senator from the State of Ohio. I do not mean Thomas Corwin, Secretary of the Treasury, but Thomas Corwin, late Senator from the State of Ohio. It is from the *Congressional Globe*, and is as follows:

"What is there in the way, then, of my giving an intelligent vote on this subject? Nothing at all. I would take this bill in a moment, if I had faith in the processes through which that law is to pass until it becomes a law in the Chamber below. But I have not that faith, and I will tell the gentleman why. It is a sad commentary upon the perfection of human reason, that with but very few exceptions, gentlemen coming from a slave State—and I think I have one behind me, who ought always to be before me, [Mr. BADGER.]—with a very few exceptions, all eminent lawyers on this floor from that section of the country, have argued that you have no right to prohibit the introduction of slavery into Oregon, California, and New Mexico; while, on the other hand, there is not a man, with few exceptions, (and some highly respectable,) in the free States, learned or unlearned, clerical or lay, who has any pretensions to legal

knowledge, but believes in his conscience that you have a right to prohibit slavery. Is not that a curious commentary upon that wonderful thing called human reason?"

"Mr. UNDERWOOD. It is regulated by a line."

I have done, sir. That is all the explanation I have to make.

Mr. DOUGLAS. As the report is read there, it would seem to convey the idea that I questioned the veracity of the Senator, when I said that such was not the fact. I referred to the declaration by which he made it appear that all on one side of the line had taken one view of the matter, and all on the other side had taken another and an opposite view of it. It may have been true that a Senator had previously made such a statement upon this floor. That was not my denial. My denial was, that if any Senator had made such a statement, that statement was not true in fact. It seems now that Mr. Corwin once said in the Senate, that, with few exceptions, those on the one side had voted in one way, and, with few exceptions, those on the other side had voted the other way. But whether the exceptions constituted the majority or the minority, the Senate has now no means of ascertaining. I know a large number of Senators from the South, who are eminent lawyers, who took the view that these laws were in force; and others, again, from the North who took the view that these laws were not in force, but there was no division such as has been spoken of by a geographical line. I understood the Senator from New Hampshire yesterday to say that the South had been unanimous in one view of the question, while the North had been equally. I am not aware that a question of law or of constitutional construction ever arose in this body on which all the Northern members took the one side and the Southern Senators took the other. It was this proposition which I denied when I said that such was not the fact.

I will now say, in this connection, that so far as I have been familiar with the proceedings of the Supreme Court, that body has never brought itself under any just suspicion in regard to their opinions on this matter as a legal or constitutional question. The gentlemen from the North on the Supreme Bench, as their decisions will show, have uniformly, firmly, and rigidly adhered to and protected the constitutional rights of the South, as the gentlemen on that bench who were born in the Southern States. There has frequently been a diversity of opinion among the judges of the Supreme Court on points of law and constitutional construction that might affect this slavery question; but where that diversity has existed, the Southern judges have been divided amongst themselves, and the Northern judges have also been divided amongst themselves; but never has it been known that the judges from the North, collectively, have taken one view of the question, and the judges of the South, collectively, taken another and a different view of it. If you examine the decisions of the Supreme Court on this question, you will see an entire absence of this supposed bias or impression on the minds of the judges, growing out of locality of interest, or association, or birth. I have been gratified that such has always been the case in the past, and I trust it will always continue to be the case in the future; that whatever may be the differences of opinion which exist in this body, or elsewhere, the bench of the Supreme Court of the United States is never to be affected or influenced, or to be rendered subject even to the suspicion of entering into any of those local feelings to which reference has been made. I believe that that court is above all such imputations.

Mr. UNDERWOOD. I understood the gentleman from New Hampshire to say that he made no exception. I do not know that he used the term "no exception," but he certainly made none in the course of his remarks. My only object in rising yesterday was to show that there were exceptions. Now, sir, I will admit what I said at the time of Mr. Corwin's making his speech, that the majority of members on the south side of 36° 30' denied the power of Congress over the subject of slavery in the Territories, and contended that they had a right to take and hold their slaves in the Territories under the Constitution regardless of Mexican laws; and that the majority on the other side of the line were of a different opinion.

Mr. BUTLER. What has this to do with this question?

The PRESIDENT. The Chair is very unwilling

to interrupt gentlemen, but he must say that this debate is altogether irregular. The gentleman from New Hampshire got up for the purpose of making an explanation, and he read an extract from a speech of a gentleman formerly a member of this body. This discussion is out of order.

Mr. UNDERWOOD. I rose, also, to make an explanation. The gentleman from New Hampshire read what I said when Mr. Corwin made his speech, as if what I said then contradicted what I said yesterday. It does not. I admit that a geographical line seemed to control the opinions of majorities. But it was not universal, as I understood the gentleman to affirm. There were exceptions.

A SENATOR. Well, well; now move the special order.

Mr. UNDERWOOD. I will call for the special order.

THE COMPROMISE MEASURES.

The Senate proceeded to the consideration of the resolution declaring the measures of adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Mr. BADGER. I have an amendment to offer to this resolution. It is for the purpose of relieving it of two objections which may be taken against it, one of them perhaps having some intrinsic force, and the other, I think, without any intrinsic, but having some apparent force. The first objection to which I allude, is as follows: The resolution, as it now stands, undertakes to declare, in respect to the series of measures constituting the compromise, what is the duty of the public at large. The second is, that it implies, or may be made to intimate, that the Senate suppose that the acts of legislation referred to are irrevocable, or that it is beyond the power of Congress to modify them. I know that this was not the intention of the mover of the resolution; but as it is important, if it should be adopted, that it should be distinctly understood, I suggest an amendment which I think will avoid all difficulty, and express with clearness and precision what is designed by it. It is to strike out of the resolution the words—

"Entitled to be recognized as a definitive adjustment and settlement of the distracting questions growing out of the system of domestic slavery, and as such, that said measures should be acquiesced in and faithfully observed by all good citizens."

And insert as follows:

"A settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embraced, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse."

Mr. FOOTE, of Mississippi. I accept the amendment with great pleasure. I am not particular about the phraseology of the resolution. What I wish is, to get a large vote in its favor.

The PRESIDENT. The Senator from Mississippi is not privileged to accept it. The question must be taken upon it.

The question being taken on the amendment, it was agreed to, there being on a division—yeas 24, nays not counted.

The resolution therefore now stands as follows:

A Resolution declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it enacted, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her Northern and Western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850;

"An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embraced, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

Mr. FOOTE, of Mississippi, then addressed the Senate at length, giving his views in favor of the resolution, and in reply to the speeches of Mr. BUTLER and Mr. RHETT. [For which see APPENDIX.]

Without concluding, Mr. F. gave way to a motion to adjourn.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 18, 1851.

The House met at twelve o'clock, m.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the State Department, covering a statement showing that of the \$10,000 appropriated last session for the expenses of the agent of the Sublime Porte, the sum of \$4,051 81 had been expended for that purpose, and that there was a balance remaining in the Treasury of said appropriation of \$5,948 19; which communication,

On motion by Mr. HOUSTON, was ordered to lie on the table and be printed.

Also, laid before the House a communication from the War Department, showing the expenditures in the several bureaus in said Department of their contingent funds, in compliance with the twentieth section of the act of August, 1842; which,

On motion by Mr. HOUSTON, was referred to the Committee of Ways and Means, and ordered to be printed.

INDIGENT INSANE.

Mr. BISSELL asked the unanimous consent of the House to introduce a bill, of which previous notice had been given, with the view to its commitment, making a grant of public lands to the several States of the Union for the benefit of indigent insane.

Mr. STEPHENS, of Georgia. I have no disposition to object to this bill. But the introduction of a bill at this time is altogether out of order; and if the House will proceed in regular order, in the course of an hour and a half all these bills can be introduced and be perfectly in order. I therefore call for the regular order of business.

The SPEAKER. Objection is made, and the bill cannot be introduced.

BRANCH MINT IN CALIFORNIA.

Mr. McCORKLE. I ask the unanimous consent of the House to take up Senate bill No. 6, for the establishment of a branch of the Mint of the United States in California, in order that it may be referred.

There being no objection, the bill was taken up, read a first and second time by its title, and referred to the Committee of Ways and Means.

On motion by Mr. DISNEY, it was

Ordered, That the petition and papers in the case of Samuel Allen be withdrawn from the files of the House, and, together with the petition of the Hon. A. Allen, now presented, be referred to the Committee of Claims.

On motion by Mr. D., it was also

Ordered, That the papers in relation to Hiram Powers be withdrawn from the files of the House, and referred to the Committee on Public Buildings.

Mr. COBB. I call for the regular order of business.

PETITIONS.

The SPEAKER. The regular order of business being called, the States and Territories will be called for petitions, commencing with the Territory of Utah.

Mr. BERNHISEL presented the petition of Robert Owen, George A. Smith, and other citizens of the Territory of Utah, praying for the establishment of a monthly mail route from San Diego, California, via Barrow, to Great Salt Lake City; which was referred to the Committee on the Post Office and Post Roads.

Mr. SCURRY presented two several petitions of citizens of Arkansas, Texas, and Louisiana, praying for the removal of the raft in the Red river; which was referred to the Committee on Commerce.

Mr. FICKLIN presented the petition of Silas Noble and other officers of the land office at Dixon, Illinois, praying compensation for locating military bounty land warrants; which was referred to the Committee on Public Lands.

Mr. MOLONY. I ask unanimous consent to introduce a bill, of which previous notice has been given, to correct an error in the pension of Orris Crosby.

The SPEAKER. It will be read, if there is no objection.

Mr. STEPHENS, of Georgia. I object.

The SPEAKER. Objection is made, and the bill cannot be received.

Mr. MOLONY. Then I present the petition of Orris Crosby, praying for the correction of a mis-

take in the pension of Orris Crosby; which was referred to the Committee on Invalid Pensions.

LOUISVILLE AND PORTLAND CANAL.

Mr. MARSHALL, of Kentucky, presented the petition of A. J. Sharpless, A. E. Hamilton, Wm. C. Kennett, and two hundred and eighty others; also the petition of the passengers and crew of the steamer Fleetwood, praying for an appropriation from the national Treasury of such an amount as will be necessary to purchase the small remaining private stock in the Louisville and Portland Canal, and to make the same free of tolls and to suit the wants of commerce.

Mr. M. I have also in my hands a bill connected with the same subject, which I ask leave now to present, in order that it may be referred. I ask that the bill may be read, and that it may be, together with the petitions, referred to a select committee.

The bill was accordingly read a first and second time by its title.

Mr. M. I move that it be referred to a select committee.

Mr. JONES, of Tennessee. I move that it be referred to the Committee on Roads and Canals. That is the appropriate committee.

Mr. MARSHALL. I do not wish to trespass upon the jurisdiction of any regular committee of this House; but it does seem to me that the usual rules which govern the gentleman from Tennessee [Mr. JONES] might be waived, and that I might be permitted to give this bill, covering a subject of so much importance, into the hands of its friends, who will have an opportunity to present their views, connected with the subject, to the House in a form more imposing than is done ordinarily. And I trust that the Speaker, in the selection of that committee, will place upon it the representatives of the sections most particularly interested in the variety of schemes connected with the subject already presented to the House.

Mr. JONES. We have standing committees of the House, and it seems to me that the rule which should govern the action of the House should be, that when a bill or proposition is offered here it should be referred to the appropriate standing committee, unless there be some good reason against it. If there is any good reason why this bill to purchase the individual stock in the Louisville and Portland canal should not go to the Committee on Roads and Canals, I have no objection to a select committee. But as a general rule, I think a select committee should not be appointed when the subject to be investigated comes within the legitimate sphere of a standing committee.

Mr. CLINGMAN. I wish to inquire if this subject, giving rise to debate, does not go over?

The SPEAKER. This subject was taken up by unanimous consent, therefore the gentleman's point is overruled.

Mr. JONES. All I have to say, Mr. Speaker, is, that it is a wrong policy to raise select committees for the examination and investigation of subjects which properly belong to a standing committee, unless there is some good and valid reason why the standing committee to which it appropriately belongs should not have charge of this subject.

Mr. ROBINSON. I have very little pride or personal ambition about this matter; but inasmuch as I have the honor of standing at the head of the Committee on Roads and Canals, I feel it my duty to resist this attempt to take subjects properly belonging to that committee and refer them to a select committee. The subject-matter of the petition presented by the gentleman from Kentucky [Mr. MARSHALL] has already been referred by a vote of this House to the Committee on Roads and Canals. If, therefore, you raise a select committee, you will have this subject distributed to two different committees. If it is the pleasure of the House to abolish the Committee on Roads and Canals, I shall make little or no objection to it, as I will then have no work to do; but inasmuch as this subject belongs clearly to that committee, I hope the House will adhere to the rule and send it to them.

The question was taken upon referring the bill and petitions to the Committee on Roads and Canals, and they were so referred.

On motion by Mr. MARSHALL, of Kentucky, it was

Ordered, That the papers in regard to the claims of Cassius M. Clay, Stanton Gaar, and John Poe, be taken from the files of the House, and referred to the Committee of Claims.

Mr. HUNTER asked the general consent of the House to introduce a resolution; but objection being made it was not received.

Mr. TAYLOR presented the memorial of Thomas J. Durant and others, citizens of New Orleans, praying Congress to pass a law which will enable him to bring a suit against the United States, to obtain a judicial decision upon a claim which he prefers against the United States; which was referred to the Committee on the Judiciary.

Mr. BELL presented a petition, prepared by the Colonization Society of Greene county, Ohio, and signed by seventy-nine citizens of that county, asking Congress to recognize the independence of the Republic of Liberia; and praying that Congress establish a line of steamers to run from the United States to said Republic of Liberia; which was referred to the Committee on Naval Affairs.

Mr. GAYLORD presented the petition of Levi Deaver, Francis Pettit, and one hundred and thirty others, citizens of Morgan county, Ohio, asking Congress to carefully consider the unconstitutionality, injustice, and oppression of the national Chaplaincy system, and to abolish the office of Chaplain wherever it may exist by the authority of Congress; which was referred to the Committee on the Judiciary.

On motion by Mr. ST. MARTIN, it was

Ordered, That the petition and papers of John Mitchell, James M. Howard, and Moses H. Coats, be taken from the files of the House, and referred to the Committee of Claims.

Also, on motion by Mr. ST. MARTIN, it was Ordered, That the petition and papers of the heirs of Cattalina Badon, formerly Cattalina Montienar, be taken from the files of the House and referred to the Committee on Private Land Claims.

On motion by Mr. MOORE, of Louisiana, it was

Ordered, That the petition of John A. Regan, praying to be allowed to drain such lakes in the Mississippi valley as he may designate, on certain conditions, be withdrawn from the files of the House, and referred to the Committee on Public Lands.

Mr. BROWN, of Mississippi, asked the general consent of the House to introduce a bill, of which previous notice had been given; but objection being made, it was not received.

Mr. FREEMAN asked the general consent of the House to introduce a bill; but objection being made, it was not received.

On motion by Mr. FREEMAN, it was

Ordered, That the petition and papers of Anna C. De Neuville Evans, and A. B. Dawson, be taken from the files of the House, and referred to the Committee of Claims.

Mr. CABLE, of Ohio, presented a memorial in regard to patents, and the draft of a law for the protection of patentees; which was referred to the Committee on Patents.

On motion by Mr. MEADE, it was

Ordered, That the petition and papers of Samuel Jones be withdrawn from the files of the House, and referred to the Committee on Revolutionary Claims.

Mr. FLORENCE presented the petition of William Abbott, harbor-master, and Harman Yerkes, master-warden, and others in the city of Philadelphia, and the pilots navigating the Delaware bay and harbor, and other citizens of the States of Pennsylvania, New Jersey, and Delaware, praying for the erection of a pier and harbor to afford better shelter for vessels navigating said bay; which was referred to the Committee on Commerce.

Mr. CHANDLER asked the general consent of the House to offer resolutions; which were read for information, as follows, viz:

Resolved, That the Speaker of the House be and he is hereby authorized to cause such arrangement to be made in the interior of the Hall, as may be deemed necessary to the comfort and health of the members. Also,

Resolved, That the Doorkeeper be and he is hereby authorized to appoint an additional assistant, if he deem it necessary to the proper execution of the duties of his office.

Mr. JONES, of Tennessee. I object.

Mr. CHANDLER. It is a privileged question, and I trust my friend will not object. I am, as many others are, doomed, by a species of lottery, to take a seat out here upon the boundaries of civilization; but I will be well content with that distance if—

Mr. EVANS. I call the gentleman to order.

[Cries of "Leave!" "Leave!" "Go on!" "Go on!"]

Mr. CHANDLER. I will be well content to occupy this place, but I object to the hyperborean winds that blow in upon my back, and I ask some remedy for that. I do not like this attack in the rear. I beseech the House, therefore, to allow me the privilege of presenting resolutions which look towards a remedy. We are, day by day, attempting to pass laws here for putting money into this man's and that man's pocket, to the comfort and convenience of the people; but *salus populi suprema est lex*—the great law of the land is the health and comfort of the legislators. [Laughter.] I hope, therefore, that it will be heard, and approved, and passed.

[Cries—"I object!" "I object!"]

Mr. CHANDLER. It seems to be an interior gentleman who objects. Is the first resolution objected to?

[Cries—"No!" "No!"]

Mr. JONES, of Tennessee. Read the first resolution.

The first resolution was then read as above.

Mr. SCURRY. I would inquire of the gentleman from Pennsylvania, what he means by the comfort of the members? I do not understand it.

Mr. STEPHENS, of Georgia. I submit to the Chair, whether it is not a question of privilege?

Mr. CHANDLER. It is a question of privilege entirely, whether the House vote it down or not.

Mr. STEPHENS, of Georgia. It was decided by the Speaker of the last Congress, that the election of a Doorkeeper, which touched the organization of the House, was a question of privilege.

The SPEAKER. That is very true; but the election of Doorkeeper is provided for by the rules of the House.

Mr. STEPHENS. A proposition touching the health and comfort of the members is a privileged question, and, of course, overrides all others.

The SPEAKER. The Chair overrules the point of order raised by the gentleman from Georgia.

Mr. SCURRY. I have no doubt there are many here—Whigs and Democrats—who would be desirous of getting friends to administer to their comfort; but I would like to know what comfort they would provide.

Mr. CHANDLER. Let me have only a word upon the second resolution.

Objection was made.

Mr. C. then withdrew the resolution.

The question was then taken on the first resolution, and it was adopted.

Mr. FULLER, of Pennsylvania, presented a petition of citizens of Carbondale, Pennsylvania, praying Congress to make suitable provision for the erection of a line of telegraphs from Fort Independence to some eligible point on the Pacific coast; which was referred to the Committee on Commerce.

Mr. JONES, of New York, presented the petition of the supervisors and others of the towns in the county of Onondaga, New York, asking that bounty land may be granted to the officers, musicians, and privates of the twenty-seventh brigade of New York militia, who were ordered into the service October 25, 1814, and discharged on the 27th November, at Sackett's Harbor, one hundred miles from home; which was referred to the Committee on Public Lands, with instructions to inquire and report by bill or otherwise upon granting bounty lands to the persons serving in the brigade mentioned in the petition, and to all who rendered service under similar circumstances.

Mr. HASCALL gave notice that he will, tomorrow, or at some subsequent time, ask leave to introduce a bill to be entitled "An act to amend an act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,'" approved March 3, 1851.

Mr. FULLER, of Maine, presented the petition of Samuel Adams and others, with an accompanying paper of Castine Hancock to himself, praying for the erection of a light-house on the island of Au-Haute, in Penobscot bay; which was referred to the Committee on Commerce.

Also, the petition of Hiram R. Nason, and other citizens of Crawford, Washington county, Maine, praying for the establishment of a post road through said town; which was referred to the Committee on the Post Office and Post Roads.

Mr. PENNIMAN submitted joint resolutions of the Legislature of Michigan, relative to moneys advanced by said State to the United States, and for the amount paid by the State for expenses incurred while a Territory in maintaining the territorial boundary; which was referred to the Committee of Claims.

Mr. BISSELL asked leave to introduce a bill making a grant of public lands to the several States of the Union, for the benefit of the indigent insane.

Objection being made, leave was not granted.

Mr. OLDS, from the Committee on the Post Office and Post Roads, reported a joint resolution authorizing the Postmaster General to legalize certain contracts for the transportation of the mail in California and Oregon; which was read a first and second time by its title.

Mr. O. said: As I intend to ask the House to put the resolution upon its passage, I will say a few words in explanation. It will be recollected by the members of the last House that this bill passed the Senate, and was lost in this body, at the moment of the adjournment, under a call for the previous question and the yeas and nays. It authorized the Postmaster General to make proposals for carrying the mail in California and Oregon, the contracts to be opened and acted upon at San Francisco. Objection was then made, in consequence of the belief of some members that it would establish a sub-department of the Post Office in California. The Postmaster General, acting upon the supposition that the law would pass, had the advertisements made in California and Oregon, and ordered the contracts to be opened in San Francisco; but the bill having failed in this House there was not time for readvertisement. The proposals consequently were opened at San Francisco, and adopted, with the reservation indorsed upon the contracts that they could be abrogated by the Department at any time it saw proper. The Postmaster General states in his report, that these contracts have been made upon advantageous terms—much lower than those made previously. He does not ask that there shall be a sub-department there, but merely that these contracts thus entered into shall be legalized and continued until 1854, the same period as other contracts in the Northwestern and Southwestern division of the mail contracts for the United States are to exist. The resolution does away with all the objections urged before the last House, and the legalization of these contracts saves the necessity of readvertisement and re-letting.

The joint resolution was then ordered to be engrossed, and read a third time.

Subsequently, having been engrossed, it was read the third time and passed.

Mr. OLDS moved that the vote by which the resolution was passed be reconsidered, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. GORMAN, from the Joint Committee on Printing, reported a resolution providing for the printing of one hundred copies of the Journal and documents of the House of Representatives in addition to the number now printed, to be deposited with the Secretary of State for distribution according to law.

Mr. G. said he would make simply this remark, that the Secretary of State addressed a letter to the Clerk of this House, informing him that the usual number of copies was insufficient, and would not supply the officers of our four Territories with the public documents.

The joint resolution was then read a first and second time, and ordered to be engrossed and read a third time; and subsequently, having been engrossed, was read a third time and passed.

The SPEAKER stated that the next business in order was the unfinished business of yesterday; which was the resolution offered by the gentleman from South Carolina, [Mr. AIKEN,] providing bounty land to certain volunteers in the Florida war. The question immediately pending was upon the demand for the previous question.

Mr. ORR rose to a privileged question. He moved that when this House adjourns to-day, it adjourn to meet on Monday next; which motion was agreed to.

Mr. MARSHALL, of Kentucky, moved that the House do now adjourn; which motion was rejected.

Mr. WALSH moved that the rules be suspended, and the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up and considering the resolution relating to the workmen upon the Capitol, and upon that motion called for the yeas and nays; which call was subsequently withdrawn, and the motion rejected.

Mr. SMART moved that the House adjourn.

The yeas and nays were called for, but not ordered.

[A message was received from the Senate, informing the House that that body had passed the bill entitled "An act to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public moneys, under the 15th section of the act of 6th May, 1846, under the additional security required by said act;" also, "An act for the relief of Margaret L. Worth."]

Mr. SEYMOUR, of New York, requested to be permitted to suggest to the mover to withdraw his motion for adjournment until the President's message was referred. There were important matters in that document to be referred to committees of the House.

The question was then taken on the motion to adjourn, and agreed to—yeas 88, nays 74.

The House then adjourned until Monday.

NOTICES OF BILLS.

By Mr. FAULKNER: A bill to provide for the settlement of claims against the United States.

By Mr. PORTER: A bill to relinquish to the State of Missouri the two per cent. of the net proceeds of the public lands sold in said State since the 6th day of March, 1820, and which have been heretofore withheld from said State.

Also, a bill to grant to the State of Missouri the right of way and a portion of the public lands, to aid in the construction of a railroad from the city of St. Charles, on the Missouri river, to the northern limits of said State.

By Mr. MILLER: An act entitled An act making an appropriation for the improvement of the Missouri river.

By Mr. MILLSON: A bill making further provision for the satisfaction of Virginia military land warrants.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FAULKNER: The petition of Isaac Fonke, administrator of Eli H. Carrell, of Harper's Ferry, Virginia, praying relief on account of loss sustained by the purchase of a building at said place.

Also, the petition of the heirs of James Greer, deceased, praying compensation for the use of a patent machine for boring gun-barrels at the national armory at Harper's Ferry.

Also, the petition of Thomas Russell, a disabled mechanic at the National Armory at Harper's Ferry, praying to be placed on the pension roll.

By Mr. DAWSON: The petition of Edmund Rine, of the second regiment of Pennsylvania volunteers in Mexico, praying for bounty land.

Also, the petition of John R. Edie, heir of John Edie, praying for commutation pay and interest.

By Mr. APPLETON, of Massachusetts: The petition of the Boston Marine Society, for restoration of the light on the Minot Ledge, in Massachusetts bay.

IN SENATE.

FRIDAY, December 19, 1851.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. HUNTER presented the credentials of the Hon. JOHN I. McRAE, appointed a Senator by the Governor of the State of Mississippi, to fill the vacancy occasioned by the resignation of the Hon. Jefferson Davis; which was read; and the oath prescribed by law having been administered to Mr. McRae, he took his seat in the Senate.

PETITIONS.

Mr. MASON presented the petition of Thomas J. Page, praying compensation for services rendered as purser on board the brig Dolphin, in the years 1849 and 1851; which was referred to the Committee on Naval Affairs.

Mr. FISH presented the petition of D. S. Edwards, Richard McSherry, and Elisha R. Kane, medical officers in the Navy, praying to be placed on the same footing as to pay and allowance with the medical officers of the Army, during the time they served on shore with the army in Mexico; which was referred to the Committee on Naval Affairs.

Also, a memorial of the assistant marshals for taking the Seventh Census in King's county, New York, praying additional compensation for their services; which was referred to the Committee on the Judiciary.

Mr. MALLORY presented the petition of Jas. P. Lightbourn, praying compensation for property destroyed while in the occupation of the troops of the United States during the Florida war; which was referred to the Committee of Claims.

Mr. DAWSON submitted additional documents relative to the memorial of Jane Irwin; which were referred to the Committee on Revolutionary Claims.

Mr. CASS presented the petition of Squire Moon, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. NORRIS submitted additional documents in relation to the claim of Israel Ketcham; which, with his petition on the files of the Senate, were referred to the Committee of Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. FOOTE, of Mississippi, it was

Ordered, That the memorial of Clements, Bryan & Company, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of Noah Miller, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. CLEMENS, it was

Ordered, That the petition of William R. Hallet, administrator of Joshua Kennedy, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. CHASE, it was

Ordered, That Bryan Callaghan have leave to withdraw his petition and papers.

REFERENCE OF PRESIDENT'S MESSAGE.

On motion by Mr. HUNTER, it was

Ordered, That so much of the President's annual message as relates to the finances be referred to the Committee on Finance; that so much thereof as relates to naval affairs be referred to the Committee on Naval Affairs; and that so much thereof as relates to military affairs be referred to the Committee on Military Affairs.

On motion by Mr. FELCH, it was

Ordered, That so much of the President's annual message as relates to the public lands be referred to the Committee on Public Lands.

On motion by Mr. MASON, it was

Ordered, That so much of the President's annual message as relates to the foreign relations of the country be referred to the Committee on Foreign Relations.

NOTICES OF BILLS.

Mr. MANGUM gave notice of his intention to ask leave to introduce a bill for the relief of John B. Bryan, administrator of Isaac Garretson, deceased, late a purser in the United States Navy.

Mr. MILLER gave notice of his intention to ask leave to introduce a bill for making appropriations for the improvement of certain harbors and rivers.

FLOGGING IN THE NAVY.

Mr. GWIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to furnish the Senate with any letters from officers of the Navy on the subject of corporal punishment in the Navy, and any code or codes of law or regulations which he may have had prepared for the better government of the Navy.

CLERK TO THE COMMITTEE ON PRINTING.

Mr. BORLAND submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be authorized to employ a clerk during the present Congress, to whom the usual per diem compensation shall be paid out of the contingent fund of the Senate.

FLORIDA CLAIMS.

Mr. MALLORY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to furnish to the Senate the original record of examinations of witnesses prepared by a "Board of Examiners," composed of General Churchill, United States Army, and other officers, relative to sundry claims of citizens of Florida, and also the record of examinations of witnesses prepared by Major Thomas, United States Army, and other officers, on the same subject, which records were prepared by order of the War Department, and are now on file in said department.

IRON REGION OF LAKE SUPERIOR.

Mr. BORLAND, from the Committee on Printing, to whom was referred the resolution of Mr. FELCH, of the 18th instant, "that five thousand five hundred additional copies of the report of Messrs. Foster and Whitney, in relation to the iron region of Lake Superior, Michigan, which was ordered to be printed by the resolution of the Senate of the 13th March last, be printed for the use of the Senate, and that three hundred

'copies thereof be furnished to the Smithsonian Institution for distribution, and two hundred copies to Messrs. Foster and Whitney,'" reported that the same be printed; and the report was concurred in.

BILLS INTRODUCED.

Mr. SEWARD, agreeably to previous notice, asked and obtained leave to bring in a joint resolution, to establish certain mail routes in the State of New York; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

Mr. ATCHISON, agreeably to previous notice, asked and obtained leave to bring in a bill for the relief of the heirs and legal representatives of Colonel Alexander G. Morgan; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. FISH, agreeably to previous notice, asked and obtained leave to bring in a bill amendatory of the act entitled "An act to provide for holding the courts of the United States, in case of the sickness or other disability of the judges of the districts courts," approved July 29, 1850; which was read a first and second time by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

JOINT RESOLUTIONS FROM THE HOUSE.

The joint resolution, providing for the binding of certain documents, was read a first and second time by its title, and referred to the Committee on Printing.

The joint resolution to authorize the Postmaster General to legalize certain contracts for the transportation of the mail in California and Oregon, was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

The joint resolution providing for the printing of additional copies of the Journals and Public Documents, was read a first and second time by its title, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

A bill authorizing the Secretary of the Treasury to issue a register to the brig Ada; and

A bill granting to the State of Mississippi the right of way, and a donation of public land, for the purpose of locating and constructing a railroad from Brandon to the eastern border of said State, in the direction of Montgomery, in the State of Alabama.

THE COMPROMISE MEASURES.

The Senate proceeded to the consideration of the special order, viz: the resolution submitted by Mr. FOOTE, and amended on the motion of Mr. BADGER, as follows:

A resolution declaring the Measures of Adjustment to be a definitive settlement of the question growing out of domestic slavery.

Be it enacted, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her Northern and Western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplement to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embraced, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

Mr. FOOTE, of Mississippi, who was entitled to the floor, resumed and concluded the speech commenced yesterday; the report of which is withheld, at his request, for revision. [It will be published in the APPENDIX.]

Mr. HOUSTON next obtained the floor, but he gave way to

Mr. RHETT, who desired to make a brief reply. He, however, also yielded to the request of Senators. And the Senate adjourned.

IN SENATE.

SATURDAY, December 20, 1851.

Prayer by the Chaplain, Rev. C. M. BUTLER.

PETITIONS.

Mr. SEWARD. Mr. President, I present the petition of the Industrial Congress of the city of New York, praying for the adoption by the Government of the United States of a policy in its diplomatic relations with foreign Powers which shall favor all struggles for freedom worthy the genius of a democratic people.

The memorial, which is as follows, was referred to the Committee on Foreign Relations:

To the Senate and House of Representatives of the United States in Congress assembled:

The Industrial Congress of the city of New York, deeply sensible of the benefits and blessings flowing from free institutions and republican government—the happy possession of the American people—are anxious that these blessings should extend to, and be enjoyed by, the entire family of man.

The last few years have witnessed many manful efforts and heroic struggles on the part of the people of the Old World, to cast off the yokes of despotism and monarchical government, and erect in their stead forms of government more in consonance with the principles of democratic liberty.

These struggles have not yet ceased. The fire of liberty has not yet been quenched, but is burning with an intensity in the bosoms of our European brethren equaled only by that which pervaded our fathers in America's earlier career.

The Industrial Congress esteem it the religious duty of a people so fortunately situated as are the people of the United States, to manifest their sympathy and extend their aid in behalf of the depressed of other lands. It therefore respectfully memorializes your honorable bodies so to modify the foreign policy of the Government of the United States as to admit of a practical expression of sympathy and extension of aid, on the part of our people, in behalf of such victims of European despotism as may hereafter desire and require it.

In thus memorializing the Congress of the United States, the Industrial Congress would not be understood as seeking to involve our Government in foreign war, to infringe upon our treaties with other nations, nor to disturb our international law. On the contrary, we simply ask that in our diplomatic relations with foreign Powers, a position shall be assumed and maintained in behalf of all strugglers for freedom, worthy of a just, generous, and democratic people, knowing that the assumption of such a position on the part of Government will be followed by a ready and hearty response from the citizens of the United States; and that this combination of sympathy for the oppressed cannot but be instrumental in hastening the day when the entire human race shall be delivered from the thralldom of monarchy and despotism.

In behalf of the Industrial Congress:

H. A. GUILD, Secretary.

Mr. DAWSON presented the petition of W. R. Nevins, praying an extension of his patent for a machine for rolling and cutting crackers and biscuits; which was referred to the Committee on Patents and the Patent Office.

Mr. MORTON presented the petition of Daniel Brister and others, praying compensation for property taken and destroyed by the Camanches and other Indian tribes; which was referred to the Committee on Indian Affairs.

Mr. SMITH presented the memorial of Charles Massey, jr., and other citizens of Philadelphia, praying indemnity for French spoiliations prior to 1800; which was referred to the select committee on French Spoiliations.

Mr. HAMLIN presented a petition of citizens of Maine, praying an appropriation for the erection of a breakwater in Owl's Head harbor, in that State; which was referred to the Committee on Commerce.

Mr. GWIN presented the petition of Z. F. Johnston, an officer in the Navy, praying the reimbursement of certain expenses to which he was subjected in obeying an order of the Secretary of the Navy, and to be allowed the pay of a Captain in the Navy during the time he discharged the duties of that office; which was referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. CLEMENS, it was

Ordered, That the petition of Thomas Rhodes, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That John C. Sheldon have leave to withdraw his petition and papers.

On motion by Mr. MASON, it was

Ordered, That Albert Fitz have leave to withdraw his petition and papers.

On motion by Mr. UNDERWOOD, it was

Ordered, That the petition of Mira M. Alexander, on the files of the Senate, be referred to the Committee on Pensions.

THE CONGRESSIONAL GLOBE.

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32D CONGRESS, 1ST SESSION.

WEDNESDAY, DECEMBER 24, 1851.

NEW SERIES...No. 9.

NOTICES OF BILLS.

Mr. SEWARD gave notice of his intention to ask leave to introduce a bill for the relief of Thos. H. Leggett.

Mr. SEBASTIAN gave notice of his intention to ask leave to introduce a joint resolution authorizing the Secretary of the Interior to commute the payment of certain Choctaw annuities.

REPORT FROM STANDING COMMITTEES.

Mr. MANGUM, from the Committee on Foreign Relations, to whom was referred the bill for the relief of the personal representatives of William A. Slacum, deceased, reported it without amendment.

BINDING OF DOCUMENTS.

Mr. BORLAND. I am directed by the Committee on Printing, to whom was referred a joint resolution of the House providing for the binding of certain documents, to report the resolution without amendment, and to recommend its adoption by the Senate. I ask that the resolution may be read, as then I have a remark or two to make upon it.

The PRESIDENT. The resolution has not come up for action.

Mr. BORLAND. Then I move that the resolution be taken up now.

The PRESIDENT. It requires unanimous consent. If there be no objection the resolution will be taken up.

The joint resolution was then read a second time, and considered by the Senate as in Committee of the Whole.

It provides that all the Executive documents of which additional copies have been ordered to be printed, which shall not contain less than two hundred and fifty pages, shall be bound, under the direction of the Joint Committee on Printing, provided the cost thereof shall not exceed 12½ cents per volume.

Mr. BORLAND. Before proceeding with the remarks which I have to offer, I desire to submit an amendment, which is necessary, in order to give the effect intended, to the resolution as it came from the House. The amendment is to insert the word "of," after the word "that" in the first line.

The question was taken on the amendment, and it was adopted.

Mr. BORLAND. I am opposed to the resolution, and I will briefly state the reasons of my opposition. This resolution proposes to adopt the same course with regard to binding public documents, that was adopted last session. And I ask the attention of Senators to this matter, because it is one especially affecting their convenience, as well as the interests of the country, so far as the printing and binding of the documents are concerned. At the last session a resolution was adopted by which it was agreed to bind all the public documents of a certain size. At that time it was supposed that this course would greatly increase the value of the documents by enabling us to keep them in better preservation. The practical working of that resolution, however, was the very reverse of what was intended by the adoption of it. So far from facilitating the work, and so far from rendering the documents more valuable by placing them in a better condition for preservation, the reverse of this was the case. And one of the principal causes of the long delay which we experienced in obtaining these documents was, that the binding required considerable additional time. As a consequence of this, we have not yet received all the documents which were ordered last session of Congress.

There is another ground of opposition, to which I desire to refer. This proposition for binding the documents opened another door for additional imposition upon the Senate and the country by providing another case of failure to comply with the terms of the contract. We all well know the inferior character of the work which was done under contract during the last two or three years in the way of printing. That was bad enough. We had submitted to imposition enough, and difficulty enough, in getting the documents printed; and when we agreed to have them bound we opened a

door—I will not say to fraud, for I make no such charge against any parties—but at all events, we opened such a door as let in upon us, if not invited, culpable disregard of the terms and conditions of the contract. The binding was greatly inferior to the kind stipulated for, and it proved impracticable to hold the contractors to their contract.

In justification of myself, I feel bound to state a fact in this connection. Under that contract, which seemed as stringent as it was possible to make it, so far at least as words and obligations could go, I, as chairman of the Committee on Printing, had to examine and pass upon these documents when they were brought in by the contractor. The work at first was nearly up to the contract, and the committee agreed to receive it notwithstanding it was a little below the quality stipulated for.

But the next batch of documents was so badly printed, and especially so badly bound, that, as chairman of the committee, I considered it my duty to reject them. The committee at first sustained me in the course I pursued; but notwithstanding this decision, those having the work to do, persevered in doing it in the manner I have mentioned. Documents were piled up in the document rooms, appeals were made to the members of the committee, and others of the Senate and House, and my rejection, at first sustained, was overruled, and thus we were imposed upon by this inferior work. Under the joint resolution under which the committee was formed, and the subsequent resolution for binding, made it my duty to make this examination, &c., of these documents, and the binding. That I performed that duty faithfully, I believe no one will question; and yet, under the operation of the persuasion of the contractor, my decisions were overruled and the contract was thus trampled under foot. I believe, sir, most decidedly, that such a system of contracting as that of which we have already had experience, will result in nothing better than putting money into the hands of speculators; that inferior work will be done, and that the Senate and the country will thus be imposed upon. Money will be taken out of the Treasury which will not go to subserve the public interest, and the pockets of speculators will be filled with it. Sir, I am opposed to such a system. We may not, perhaps, get clear of the whole of the evil, because we must have printing done; but here, I think, is a door which has been opened to imposition, and which I think may now be effectually closed, and with great advantage to the public. At any rate I, for one, cannot agree to a proposition of this sort, because I feel fully convinced that we will not get the work done without great delay and greater imposition. As chairman of the committee I am unwilling to perform this duty, because I know quite well in advance what will be the consequences. I know that I will not be sustained in my duty; and so far as the committee is concerned it will avail nothing to protect the Treasury and the public.

Mr. HAMLIN. I concur in many of the suggestions which have fallen from the chairman of the Committee on Printing; yet as to the propriety of adopting the resolution which the House has sent to us, I do not agree at all with him. I am inclined to think, while we print extraordinary numbers of the President's message, and the Patent Office reports, and various other reports from different Departments of the Government, containing valuable and useful information to the country, that it is desirable to preserve them, and put them in a state of preservation for distribution throughout the country. It is very true, I believe, that in but few if any instances where contracts have been made by Congress, have the contractors been made to comply strictly with their contracts. Indeed, I know of none that have been literally complied with. I think, however, if Senators will take the trouble to examine the matter, they will find that these binders have better complied with their contract than almost any other contractors with Congress. I know of no contractors who have fulfilled their contracts so faithfully as these binders have done. And, sir, let me say further, that there are

some extenuating circumstances in relation to this matter, to the benefit of which these contractors are entitled. The large editions of documents which are published go to the binders in a state which precludes and absolutely prevents the binding of the documents in that manner in which they would be bound if the sheets were dry and in a different state of preparation when they go to be bound. If a document is bound while the sheets are yet moist, it will after binding shrink, and it cannot be so well bound as it can be if it be allowed to lie till the sheets are dry. Hence the distinction between this and ordinary binding. But if Senators will look at the documents which have been bound, and particularly that mass to which allusion has been made, I think they will be found to be of a good quality. It should be borne in mind that the sum which we pay for the binding of all these documents is but twelve and a half cents per volume. It is a matter in which, individually, I feel no particular interest; but still I am decidedly of opinion that while we publish large editions of the various works to which I have alluded, it is desirable that we should put them into a state in which they may be preserved, and for that reason I shall vote for the resolution.

Mr. MANGUM. I move that the further consideration of the resolution be postponed until Monday next. It is interfering with and cutting off the morning business.

Mr. BORLAND. I have no objection to the postponement of it. I would be glad to have it postponed indefinitely.

Mr. HAMLIN. Let it go over until Monday.

Mr. BORLAND. I hope that will not be done, for I shall not be here on Monday next, and I should like to be present when the resolution is again considered.

Mr. MANGUM. Well, then, say Monday week.

Mr. BORLAND. Yes; Monday week. That will do.

The question was then taken on the motion of Mr. MANGUM to postpone the further consideration of the joint resolution until Monday week; and it was decided in the affirmative.

MONARCHICAL *versus* CONSTITUTIONAL

GOVERNMENT.

Mr. WALKER. I desire to take up the resolutions which I had the honor of introducing the other day, with the view of moving that they be printed. I refer to the resolutions of inquiry addressed to the Committee on Foreign Relations, in reference to our foreign policy. I make this motion, because I discover that there is some misapprehension existing, not only in the minds of Senators, but also in the public mind, in reference to what these resolutions are. In one of the papers published in this city, the *Union*—towards which I entertain the most cordial feeling, as well as towards the publishers of that paper, and I am very confident that they do not feel otherwise towards myself—I find this statement:

"Mr. Walker introduced a resolution declaring it the true policy of the United States to 'intervene against intervention' in the cause of Hungary."

I have also been inquired of by Senators, and indeed by several others, whether my resolutions were absolute, and declaratory of the policy of the United States, or whether they were merely resolutions of inquiry. The resolutions themselves having relation to a very important subject, and finding this misapprehension prevailing regarding them, I desire that they may be printed, in order that there may no longer be any misapprehension about them, and that their phraseology may be submitted to the most careful examination and scrutiny.

The motion to take up the resolutions was agreed to, and they were then ordered to lie on the table and be printed.

BOUNTY LANDS.

The PRESIDENT. There is a joint resolution upon the table in relation to the act granting bounty lands to soldiers who have been engaged in the service of the United States. It will now be read a second time.

The resolution was accordingly read.

Mr. BORLAND. Is the resolution open to amendment?

The PRESIDENT. It is open to amendment, unless it be referred.

Mr. UNDERWOOD. This whole subject is now under the consideration of the Committee on Public Lands. I have been instructed to hold a conference with the Commissioner of Public Lands, and expect to report on Monday or Tuesday next. I think, therefore, it would be better to let this resolution lie over until the committee who have this bill under consideration make their report; and when it is made it will most probably be matured in such a way as to make the whole matter satisfactory. I therefore think it advisable to postpone the subject for the present.

Mr. BORLAND. I quite agree with the Senator from Kentucky; but I have an amendment which I wish to propose to the bill when it comes up for consideration, and which I wish to be referred to the committee with the other papers.

The amendment was read, as follows:

Be it further resolved, That in all cases where the militia, or volunteers, or State troops, were called out under the requisition of the Secretary of War, or of any officer of the United States Army duly authorized, and whose services have been recognized and paid by the United States, shall be considered as having been in the service of the United States, and shall be entitled to the benefit of the act of which these resolutions are explanatory.

Mr. SHIELDS. I wish to say a single word in reply to the Senator from Kentucky, [Mr. UNDERWOOD,] and that is, that this bill passed the Committee on Public Lands in both branches of Congress last session, but by some means or other it failed between the two Houses. I believe it has also passed the Committee on Public Lands this session.

The PRESIDENT. No, it was introduced on leave.

Mr. SHIELDS. Well, it is the same bill which passed the committees of both Houses last session, but failed by some means which I cannot explain.

Mr. UNDERWOOD. I rise to state to my friend from Illinois that the Committee on Public Lands have an amendment under consideration, which it is of some consequence to be matured, and which will probably be done next week. That amendment is to make the locations which have taken place on land warrants assignable as well as the warrants themselves. There are, also, some other amendments in contemplation; and I have some information, derived from the Commissioner of Public Lands, which I propose laying before the Committee. Now, although this resolution in substance passed during the last session of Congress, it did not make provision on this new subject I have mentioned, and therefore I think it would be better to refer this resolution to the Committee on Public Lands, that have the subject under consideration, and let that committee review the whole subject and report early upon it.

Mr. SHIELDS. Certainly I have no objection.

The PRESIDENT. Does the Senator from Kentucky make that motion?

Mr. UNDERWOOD. With the consent of the Senator from Illinois I will move its reference to the Committee on Public Lands.

The question being taken on the motion to refer, it was agreed to.

Mr. BORLAND. I now move that my amendment be printed.

The motion to print the amendment was agreed to.

Mr. WALKER. There is an amendment which I wish to offer. It is a proviso to the first resolution; and as the amendment offered by the Senator from Arkansas has been ordered to be printed, I move that my amendment be printed also.

The amendment is as follows:

Provided, That not more than two land warrants, of one hundred and sixty acres each, or their equivalent in warrants of less denominations, shall be located by or in the name of the same individual upon any of the public lands.

The motion to print the amendment was agreed to.

THE EXILED IRISH PATRIOTS.

The joint resolution expressive of the sympathy of Congress for the exiled Irish patriots, Smith O'Brien, Thomas F. Meagher, and their associates, came up in its order, and was read the second time, and then passed over.

THE LIBERATION OF ABD EL KADER.

The joint resolution requesting the President of the United States to interpose the friendly offices of this Government with the President of the Republic of France in behalf of the liberation of Abd el Kader, came up in its order, was read the second time, and was then passed over.

PRINTING OF THE JOURNAL, &C.

The resolution providing for the printing of additional copies of the Journal and public documents, was read a third time and passed.

CLAIM FOR COMPENSATION.

Mr. UNDERWOOD. I have a matter to bring before the Senate for which I have a precedent in the case of Mrs. Worth. Mrs. Alexander, of Kentucky, is the only daughter of George Madison, late Governor of Kentucky. She represents that her father, being captured and taken prisoner and being carried to Quebec, never received compensation, and no provision was made for his family. I move that the papers be withdrawn from the files of the Senate, and referred to the Committee on Pensions, so that this lady may be put upon the same footing as other ladies, being the representative of a distinguished man, who, it is said, lost his life by disease contracted in the service of his country.

The PRESIDENT. Has any report been made in this case?

Mr. UNDERWOOD. I believe that a favorable report has been made, but I am not quite certain.

Leave was given to withdraw the papers, and they were referred to the Committee on Pensions.

THE COMPROMISE MEASURES.

The Senate then resumed the consideration of the special order, being the resolution submitted by Mr. Foote, declaring the compromise measures a definitive settlement of the questions growing out of the subject of slavery.

A debate ensued, to which Mr. RHETT and Mr. FOOTE were the parties, which occupied the Senate until near the usual hour of adjournment. And for which see Appendix.

Mr. HOUSTON then rose and said, that as the day was so far advanced he should prefer to take an earlier portion of the day on Monday, if it met with the approval of the Senate.

The suggestion was assented to, and on motion the Senate proceeded to the consideration of Executive business; and after some time spent therein the doors were reopened, and,

The Senate adjourned.

IN SENATE.

Monday, December 22, 1851.

Mr. JONES, of Iowa, presented the proceedings and a memorial of the Railroad Convention of the State of Iowa, in favor of the enactment of a law granting the right of way and making a grant of land to that State, in aid of the construction of a railroad from Dubuque to Keokuck, and from Davenport to the Missouri river, at or near Council Bluffs, in Iowa; which were referred to the Committee on Public Lands.

Also, the memorial of Mary Robb, widow of Hugh Robb, a soldier in the last war with Great Britain, praying to be allowed a pension; which was referred to the Committee on Pensions.

Also, the petition of S. Hempstead and others, praying that a pension may be granted to David L. Davis, in consideration of an injury received while in the service of the United States as an assistant surveyor of public lands; which was referred to the Committee on Pensions.

Mr. HAMLIN submitted additional documents in relation to the petition of Nathan Weston, jr.; which, with his petition on the files of the Senate, were referred to the Committee on Military Affairs.

Mr. DOWNS presented the petition of Thomas Mullett, praying compensation for his services as a deputy surveyor of public lands in Louisiana; which was referred to the Committee of Claims.

Also, the petition of W. C. Templeton, proposing to establish a line of mail steamers from New Orleans, via Tampico, to Vera Cruz, and praying that the Postmaster General may be directed to enter into contract with him for the transportation of the mail between those places; which was referred to the Committee on the Post Office and Post Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. PRATT, it was

Ordered, That the petition of the heirs of John Ireland, on the files of the Senate, be referred to the Committee of Claims.

STEAMSHIP PROMETHEUS.

On motion by Mr. CASS, it was

Ordered, That the message of the President of the United States, communicating, in compliance with a resolution of the Senate, information in relation to the firing into and seizure of the American steamship Prometheus, by a British vessel of war, transmitted to the Senate the 17th instant, be referred to the Committee on Foreign Relations.

MESSRS. FOSTER AND WHITNEY'S REPORT.

On motion by Mr. FELCH, it was

Ordered, That of the additional number of copies of the report of Messrs. Foster and Whitney, ordered to be printed by the resolution of the Senate of the 19th instant, five hundred be furnished to the Commissioner of the General Land Office.

CLERK TO THE COMMITTEE ON FINANCE.

Mr. HUNTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance be authorized to employ a clerk during the present session, who shall receive the usual compensation.

BILLS INTRODUCED.

Mr. SEWARD, according to previous notice, asked and obtained leave to bring in a bill for the relief of Thomas H. Leggett; which was read a first and second time by its title, and referred to the Committee on Commerce.

Mr. DODGE, of Wisconsin, by unanimous consent, asked and obtained leave to bring in a joint resolution for the relief of Alexander P. Field, late Secretary of Wisconsin Territory, and sureties; which was read a first and second time by its title, and referred to the Committee on Finance.

Mr. MANGUM, according to previous notice, asked and obtained leave to bring in a bill for the relief of John R. Bryan, administrator of Isaac Garretson, deceased, late a purser in the United States Navy; which was read a first and second time by unanimous consent, and, with the papers on the files of the Senate, referred to the Committee on Naval Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. SHIELDS, from the Committee on Public Lands, to whom was referred the bill to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of 2d March, 1827, granting land to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan, reported it without amendment.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred a bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of a railroad in said State, reported it with an amendment.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the petition of Elizabeth Arnold, submitted a report, accompanied by a bill for her relief.

The bill was read, and passed to a second reading.

Ordered, That the report be printed.

RIVER AND HARBOR IMPROVEMENTS.

Mr. MILLER. Pursuant to a notice which I gave on Saturday last, I ask leave to introduce a bill making appropriation for improvements in certain rivers and harbors.

In presenting this bill to the Senate, I desire merely to say, that it is the same bill as that which passed the House at the last session of Congress, but which was defeated in this body on the last night of the session, for want of time to bring it to a final vote.

It has been the habit of both branches of Congress to delay action upon measures of this kind until towards the close of the session, when it is impossible to give to them that attention which their importance demands.

My object in introducing this important measure to the attention of the Senate at so early a day, is to give ample time for its consideration, and thereby save it from the catastrophe which defeated it at the last session. I hope that the subject may receive the early attention of the Committee on Commerce, to which I move its reference.

Leave being granted to introduce the bill, it was

read a first and second time, and referred to the Committee on Commerce.

FLOGGING IN THE NAVY.

Mr. HALE. I move to take up a resolution which was laid upon the table some days ago, calling upon the Secretary of the Navy for some information in regard to the practice of flogging in the Navy.

The motion to take up the resolution was agreed to.

Mr. HALE. I now move to amend the resolution, by striking out all after the word "resolved," and inserting what I now send to the Chair.

The amendment was read, as follows:

Resolved, That the Secretary of the Navy be directed to inform the Senate whether any charges were preferred by any officer of the United States frigate Cumberland against William K. Latimer, while commanding said frigate on her recent cruise, for illegal punishment and disobedience of orders; and also, whether any court of inquiry was held on the conduct of said Latimer, and if so, what was the finding or recommendation of said court of inquiry; and if any such charges have been made against said Latimer, or if any such court of inquiry has been held, that he furnish the same to the Senate; and that he also inform the Senate what proceeding the Secretary of the Navy has taken in the premises, both as regards said Latimer and the officer who preferred said charges.

Mr. DAWSON. I would suggest to the Senator from New Hampshire, whether it would not be better to alter his amendment so as to call upon the President for this information. I believe it is not usual to call upon the Heads of Departments directly for any information; but through the medium of the President. I move to amend the amendment by striking out the words "Secretary of the Navy" and inserting the words the "President of the United States." I believe this is the usual course.

Mr. HALE. I am not positively certain what the practice is; but I understand that it is both ways.

The PRESIDENT. Does the Senator from Georgia propose to amend in the way he has suggested?

Mr. DAWSON. I have no particular wish to interfere with the amendment of the Senator from New Hampshire. My only object was to observe a conformity to what I believed to be the usual custom.

The PRESIDENT. Sometimes calls for information are made upon the Heads of Departments, and at others upon the President. I believe there is no fixed custom upon the subject.

Mr. DAWSON. Well, it is immaterial, and I will withdraw my amendment.

The question was then taken on the amendment offered by Mr. HALE, and it was agreed to.

The question then recurred on the adoption of the resolution as amended, and it was decided in the affirmative.

CONSIDERATION OF PRIVATE CLAIMS.

The PRESIDENT. The resolution of the Senator from Maryland will now be taken up for consideration.

The resolution provides, that from and after the first of January next, Fridays of each week shall be set apart for the consideration of private claims, and that on these days private bills shall have priority over all other business.

Mr. DAVIS, (in his seat.) I hope that resolution will not pass.

Mr. PRATT. I did not suppose that this resolution would have met with opposition on the part of any member of this body; but I understood the Senator from Massachusetts to say, in an under tone of voice, that he hoped this resolution would not pass. I was a member of the Committee of Claims during the last session of Congress, and I have the honor of being upon the same committee now. During the last session there were more than a hundred claims favorably reported upon by the committee, and yet not one of them was acted upon by the Senate. During the same session, there were more than one hundred claims which were reported upon unfavorably, and all of these latter mentioned reports were immediately sanctioned by the Senate. Anterior to the last Congress I believe that two days in each week were assigned for the consideration of private claims. I have been instructed by the committee to ask the Senate to pass this resolution. I hope it will be adopted; for one thing is certain, and that is, that that committee design to ask the Senate to abolish it as one of the standing committees

of this body, unless their action is to receive some attention on the part of the Senate. Let me ask why this committee is to be engaged session after session in investigating private claims, if gentlemen are to express the hope (no doubt expecting that by the mere expression of the hope it will be realized) that such a resolution as that will not pass?

Mr. President, unless the Senate agree to fix some particular day in each week for the consideration of these claims, they will not be considered at all. The experience of the whole of the last Congress shows this to be true. It is clear that you are doing injustice to this committee of the Senate by imposing upon them this labor without considering what they have done. Mr. President, I repeat that I am instructed by this committee to ask for the passage of this resolution by the Senate; and it may be as well to say, that if the Senate will not consent to give some little attention to what we do, we do not intend to do anything more but to ask the Senate to abolish the committee.

Mr. DAVIS. It is very true, Mr. President, that I did express a hope that this resolution would not pass, and I did so because I believe that by adopting it, we are not going either to save the time of the Senate or to facilitate the dispatch of business. I do not know how it should happen in the course of a session of three months, when every bill goes upon the calendar, private as well as public, that we should not reach these private bills. But then I take it as the result of another disorderly practice which we have adopted here—and I trust the Senate will excuse the use of that word, for I do not use it disrespectfully—I refer to the system of making special assignments of business from day to day, and from time to time, and from hour to hour. Now, to say the least, I think that this is an erroneous practice; that it creates confusion; that it does not hasten the progress of business at all; while, on the contrary, I believe that if we would permit the business to go on in the order in which it stands on the calendar, we should accomplish much more than we do, and do it more to our satisfaction. I have no objection to the assignment of a day or days for the consideration of these private claims, if the honorable Senator and his committee desire it; but instead of selecting certain days of the week for that purpose, I would select those seasons and times when the public business does not press upon us; and in such seasons and times I would assign certain days for taking up these bills and for the action of the Senate upon them.

There is another reason why I would prefer this course—a reason in the force of which I think all gentlemen here of any experience will agree—and that is, that if you assign Fridays and Saturdays to private bills, you will seldom have a quorum in this body. Gentlemen will abandon the Senate. That is the experience of the past, and if you adopt this rule again you will very often find yourselves in that condition. Those gentlemen only who happen to feel an interest in private claims, will come here just for the purpose of having those claims in which they are particularly interested brought to an issue. Other gentlemen will say, "I have no particular interest in this business; I can employ my time in a manner which will be much more agreeable to me, and I will leave the Senate."

If any change is to be made in the mode of doing business, I believe it would be better to take the business as it stands upon the calendar, and lessen the number and frequency of special appointments—the assignment of particular days for particular things if you please, and take them in the order in which they stand on the docket. I by no means wish to throw any obstruction in the way of private bills, but desire that they may go through the Senate in the ordinary way. If I differ with the gentleman, it is merely as to which is the best way of doing this business, he appearing to suppose that we can accomplish it best by the adoption of one mode, while I think we can do it best by the adoption of another.

Mr. PRATT. I do not know that I precisely comprehend the argument of the gentleman from Massachusetts; but if I do understand it, it is this: That the claims of the citizens of this country against the Government for money due them do not come under his category of "public business;" that it is not a kind of business which demands the action of Congress—

Mr. DAVIS. If the Senator will allow me, I

beg to say that I did not make any such assertion as that. Not at all. I merely wished that a discrimination should be made here between a certain class of bills known as private bills, and a certain other class called public bills. That was all I intended.

Mr. PRATT. The Senator from Massachusetts does not make in terms, the assertion or the argument which I attributed to him; but in reality he does so. What is it that he asks? He says that he has no objection that some days should be fixed for the consideration of private claims, but he wants such days fixed as will not interfere with public business. Although, therefore, in so many words the Senator does not assert what I stated, yet in substance he certainly did so. All these claims are to be superseded if there be anything for the consideration of the Senate which is called "public business." I apprehend that there is not a single claim which has been passed upon by that committee which was not investigated most rigidly and patiently; and I am satisfied that none of them were favorably reported upon which ought not at once to have passed. On the contrary, I know, both as a member of this body and as a member of that committee, that not one of these claims has been passed upon by the Senate. Where the Government is indebted to citizens it is the duty of Congress, which I believe the Senator from Massachusetts will not in the abstract deny, to pay those citizens, rather than to attend to resolutions and discussions which the gentleman may consider as public business, especially such business as we have been engaged in since the commencement of this session. I hold that we should have been much more profitably engaged if, instead of discussing the abstract propositions which have thus far engaged our attention, we had been engaged in doing justice to citizens who have claims against the Government—if we had been engaged in paying our honest debts. Yes, sir, this would have been much better than devoting our attention to people who have no particular claim upon us.

I hope, then, that this resolution will be passed. It is due to those claimants that it should be passed, and to refuse to pass it is to do injustice. There are claims here which have been standing for the last ten years, which have been favorably reported upon, and which certainly ought to be passed. That the Government owes the money there can be no doubt. That money has never been paid; and I hold it to be the duty of this body to fix some day for that purpose. To this end I have offered this resolution, so as to see whether we can prevail upon Senators to pay the just claims of their fellow-citizens upon the Government, and to attend to the reports of their committee.

Mr. MANGUM. After a long course of observation I am satisfied that any departure from the ancient rules of the Senate in this respect will tend to obstruct rather than to facilitate the course of business. If this body will do what it did some years ago—pertinaciously adhere to the calendar, we shall get through the whole business satisfactorily and accurately. But, sir, there is a struggle here towards the close of the session, and very often at the early part of it, to get precedence to take up particular claims in which individual Senators feel an interest, to the prejudice of all others. If the Senate will adhere to the ancient rule, and suffer nothing to be taken up out of its order, unless it be in a case of great emergency, we shall accomplish all in due season. I am opposed to the passage of this resolution. I have seen this thing attempted at least twenty times, with very indifferent effect as to the progress of business, besides the risk of injustice sometimes being done to the Treasury by the minority. On the other hand, if everything comes up in its due order, everything will be done satisfactorily to the country and to this body. I hope, therefore, that this resolution will not pass. I am perfectly satisfied that all the business of the Senate can be done, and well done, if the Senate will adhere to its ancient rule and take up all business in its order. Under such a rule, public and private business shares an equal fate.

Mr. ATCHISON. I concur with the Senator from North Carolina in one point of view. If we do adhere to the calendar all these difficulties will be obviated. But the Senator knows as well as any gentleman here that we do not do it—that the Senate never has done it—

Mr. MANGUM, (in his seat.) Yes it has.

Mr. ATCHISON. And they never will do it.

Mr. MANGUM. Oh, yes they will.

Mr. ATCHISON. There were three abstract resolutions introduced at an early period of this session, out of which no earthly good can possibly grow. These resolutions have been discussed day after day, and that, too, against the ancient usages of the Senate, on Fridays and Saturdays, and, sir, from one o'clock till four o'clock on each day. There is the Kossuth resolution, and the Compromise resolution, and the O'Brien resolution yet to come up—

Mr. DAWSON. And the Abd el Kader resolution.

Mr. ATCHISON. All abstract resolutions, that have had precedence of all other matters; and they are made the special orders of the day, from day to day, until the final vote is taken upon them, for they are sometimes taken up even in the morning hour, and the discussion of these questions runs through the whole day.

Now, sir, let me mention another matter. Here we have been sitting on Fridays and Saturdays, at this early period of the session, for the discussion of these abstract resolutions. This custom of sitting on these two last days of the week is never adopted at the commencement of a session, but usually towards the close of it, and such has been the practice ever since I was a member of this body. Thus far, Fridays and Saturdays have been employed in debating these questions, and—

Mr. PRATT, (in his seat.) And all those claims which have been favorably reported upon remain untouched.

Mr. ATCHISON. Just so; not one of them acted upon; not a single claim from any committee disposed of. Now let us pass this resolution and fix these days, and these claims will soon be disposed of. They will be settled in one way or another, and the calendar and the committee room will not be burdened with them. Sir, I know of matters which have occupied the attention of some of the committees for four or five months, which have been reported by these committees, and yet to which the Senate has never bestowed even five minutes' consideration. With a resolution similar to the one offered by the Senator from Maryland this could never be the case.

Mr. HUNTER. I concur in what has been said by the Senators from Massachusetts and North Carolina in relation to this rule. I believe that the claimants would be worse off after the adoption of this rule than they are now. I have witnessed the operation of a similar rule in the House of Representatives, and the effect will be that whenever we have a matter of public importance to discuss, we shall set aside the rule, and set aside private bills on the days appropriated to them, and we shall go on with the business just as we do now. The effect will be that they will lose the day set aside for them, and they will never be taken up on any other day. On the other hand, if we adhere to the calendar, we shall reach these bills in their order, and settle questions appertaining to them quicker and better than can be done by an alteration of the rule.

There is much in another point which was urged by the Senator from Massachusetts, namely, that if we set aside these days for these claims, we shall hardly ever have a quorum. Not only that, but it is the custom of the Senate to adjourn on these days during the first months of the session. Private bills will therefore lose that attention which they might otherwise get during the early portion of the session. For these reasons, I am of opinion that private claimants will be much worse off by the adoption of this rule than by adhering to the course we now pursue.

Mr. HAMLIN. I shall vote in favor of this resolution, for two or three reasons, which I will state to the Senate. I do not concur in what appears to be the recollection of the Senator from Virginia in regard to the operation of this rule in the other House. Without that rule I am quite satisfied that no private claimant would have got a hearing at all; and the only hearing which they had there was in virtue of that rule. If we could adopt the course suggested by the Senators from Massachusetts and North Carolina, I would most cheerfully coöperate with them. But the practice of the Senate shows that we cannot adhere to our own rules. Sir, what is on your table at this present moment? Four special orders—one of which, as has been well remarked by the Senator

from Missouri, [Mr. ATCHISON,] is not only useless, but worse than useless—which have overridden the rules of the Senate. There is a practical commentary on adhering to the rules as suggested by the Senators from Massachusetts and North Carolina.

Again, sir, there is another reason, which I think will commend itself to the sense of the Senate. There were a few private claims which received the favorable action of the Senate last session. But how was it accomplished? By a struggle on this floor, and an attempt to obtain action upon any particular bill, to the exclusion of other business in which other Senators might feel an interest; and hence there was produced a collision between Senators, and a struggle for the floor, to take out of the ordinary course of business the few bills which did get through. Besides that, I have not forgotten, and Senators will not perhaps forget, that I stood in my place here till I was almost exhausted, attempting to keep the order of the calendar. And what was the result? Simply that a little band of us round here were disposed to adhere to the business as it stood upon the calendar, and take it up in that order. "Special orders" on "special orders," were piled upon your table, and the ordinary course of business was not pursued, and the Senate refused, time after time, to take up the business on the calendar. Now, what has been the practice for the last five or six years, we may anticipate will be the continued action of the Senate, when we look at the fact that you have now at this early period of the session four special orders on your table, not one of which is a private claim. Sir, I think we should adopt this rule. There is an obligation on the part of the Senate, to examine and pass upon these claims; and entertaining that opinion, I endorse every word which has fallen from the Senator from Maryland. There is an obligation upon us, that the Government should discharge its indebtedness, because in many instances, this delay works the most cruel injustice. True it is, that some of these claims are what may be said to be entirely of a disputed character; but whatever they may be, let us at least vote upon them after the committees have made their examinations and reported to the Senate.

Mr. MANGUM. Every gentleman, with only one exception, who has spoken upon this subject, admits the soundness and propriety of the rule of proceeding according to the calendar; and all the arguments which have been offered in favor of this resolution, proceed upon the presumption that the Senate will fail to do its duty. Now, I will not be so discourteous to the Senate as to act upon any such assumption. I hope, sir, that while the Senate is well convinced of the propriety of taking up the calendar in its order, they will adopt an additional rule, that no business shall be taken up out of its course, without a vote of two thirds of this body.

A SENATOR. No, no.

Mr. MANGUM. A majority regulates the business, and that is as it should be; and if a rule requiring a two-thirds vote should be adopted, the business would go on smoothly and properly; and, in any case of emergency, that number could be obtained to set aside the rule for the time being.

Sir, I am perfectly satisfied, from long observation of the course of business here, that if private claimants are to have their business pass through this body with any certainty, it can only be done by adhering to the rules of the Senate. If that is done, all will be accomplished in due season. I admit that I have witnessed what I would hardly regard as strict decorum in this body, when gentlemen were pressing claims; but, if a majority will turn their faces against this thing, and remain steady and firm, there will be no difficulty at all. I repeat, sir, that all the arguments which have been urged in favor of the adoption of this resolution, have been based on the assumption that this body is not to be trusted in the true and proper discharge of its duty; and I think that Senators, by their votes, will hardly give countenance to such an assumption.

Mr. DOWNS. I feel it my duty, as a member of two committees engaged in the business of the Senate—the Judiciary Committee and the Committee on Private Land Claims—to express my entire concurrence in what has been said by the Senator from Maryland; and unless this resolution is adopted I shall consider it as amounting almost to a determination of the Senate not to dis-

pose of these claims. We had formerly a rule of this kind, though it was sometimes dispensed with on particular occasions; but I recollect that when this rule was in force we disposed of much more business of this kind than we have done without it. The Senator from North Carolina seems to admit that with the present system some additional rules are necessary; that we should take up bills according to their order upon the calendar. We were told over and over again last session that this was the proper course, and we tried to pursue it, but were defeated in all our attempts. On many occasions the Senate refused to take up bills, on the ground that it was proper that they should come up in their regular order; and you, Mr. President, can bear witness that we did not for a single day adhere to that rule. And, sir, if we adopt it again we will not adhere to it now. I feel satisfied that we will not. There are many inconveniences which would be experienced with such a rule. It would be inconvenient that we should so cramp ourselves by rule or practice as to take nothing up which might not happen to be in the regular order of the calendar. Sir, emergencies might arise when it would be necessary to travel out of the usual order—emergencies which are common to all legislative bodies. We may have indulged in this practice of taking up bills out of their order too much; we may have carried it too far; but we have pursued it so long that I do not think that we shall depart from it now; and therefore, Mr. President, I hope that this rule will be adopted. Let us try it for a while at any rate. Matters in respect to these private claims cannot be worse, with this rule, than they were last session, for we then got nothing; and if we can do nothing with this rule, let us try some other. I am unwilling to admit that the Senate has got into such a habit that Senators will not attend to the duties for which they are sent here. It is especially incumbent upon the Senate to proceed in this matter now, especially since we all know that the last session of Congress passed off without anything being done in this large and important part of the business of Congress. The course we have pursued in regard to these claims has furnished more real cause of complaint than perhaps any other. We cannot force the Government to do anything, but we may at least be permitted to ask for justice. I hope, sir, that this resolution will pass.

The PRESIDENT. The Chair may be permitted to state, in consequence of a remark made by the Senator from Massachusetts, in which he alluded to what he considered a "disorderly" practice, that the practice of making special orders could not be considered disorderly, inasmuch as it was the wish and decision of the Senate. The remark, too, would seem to convey the idea that the Chair had indulged Senators in "disorderly practices." The practice of making special orders may be a very inconvenient one, but it cannot sustain the designation which has been given to it. The Chair feels called upon to make this statement. The practice being the action of the Senate itself, it cannot with propriety be designated as disorderly.

The question was then taken on the adoption of the resolution, and there were for the motion 21; against it 19.

So the resolution was adopted.

PRINTING THE SEVENTH CENSUS.

Mr. BRIGHT. There is upon the table a special order for this morning of which I hope the Senate will dispose. I allude to the resolution in relation to the printing the returns of the Seventh Census.

The PRESIDENT. Another special order has the priority, upon which the Senator from Texas has the floor.

Mr. BRIGHT. I hope the resolution to which I refer may be acted upon, with the consent of the Senator from Texas. I believe it will occupy but a brief period, after which the Senator may proceed.

Mr. HOUSTON. I am disposed to yield for twenty minutes, if the resolution can be disposed of in that time.

Mr. SMITH. I hope the Senate will not take up that resolution. I shall have occasion to move an amendment to it.

Several SENATORS. Offer it now.

Mr. SMITH. I have not yet prepared it. I knew there was another special order before that

resolution, and therefore I did not come prepared to offer my amendment. I repeat the expression of my wish that the Senate will not agree to the motion of the Senator from Indiana. It will occupy considerable time in its consideration when it shall come up.

Mr. BRIGHT. If it will lead to discussion I am bound not to press it, but I give notice that I shall to-morrow, and each succeeding day thereafter, press it upon the attention of the Senate until it is disposed of, and I hope the Senator from Connecticut will come prepared with his amendment.

The motion was then withdrawn.

THE COMPROMISE MEASURES.

The Senate resumed the consideration of the special order, being the resolution submitted by Mr. FOOTE, as amended on the motion of Mr. BADGER, declaring the compromise measures a definitive settlement of the questions growing out of the subject of slavery.

The resolution is as follows:

A Resolution declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it enacted, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplement to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

Mr. HOUSTON. Mr. President, for several days past I have hoped this resolution could be disposed of. I have evinced but little anxiety to participate in this debate, though I have thought much in relation to the disposition which is to be made of the resolution which is now before us. I must confess that it was a matter of astonishment when I first met with it in this body. I had expected nothing of the kind. The general aspect of affairs throughout the country seemed to be of the most favorable character towards the harmonious adjustment of the difficulties which have excited the community, and I had hoped that they would have been permitted to have taken their natural course, and that the good sense of the American people would have regulated these matters, without the interposition of any deliberative or legislative body. The contrary, however, has been the case, and it devolves upon me as a member, not only of this body, but of the Democratic party, to declare my objections to it.

I may say that I occupy no equivocal position in relation to the matter of the compromise, for I believe the records of the Senate will prove that I am the only Senator now upon this floor that voted for every measure of the compromise. An honorable Senator from Pennsylvania [Mr. SUMNER] also voted for all the provisions of the compromise, but he is no longer a member of this body. This being my position, I feel at liberty to acquit myself of all embarrassment, and to proceed to the investigation of this subject, I hope, without incurring the suspicion of any design to conceal or smooth over any portion of my conduct. I desire, sir, to have no broader platforms than those now existing and maintained by the two parties of this country. I understand that the Democratic party is tolerant in its principles; that they are not proscriptive; that they are not for applying the Procrustean rule to every member of the party. Harmonious as they generally are, some gentlemen of the same party differ essentially upon the subject of internal improvements. That has been evinced on former occasions here, within my recollection, and I believe it extends much further back than my familiarity with the proceedings of this body. And not only that, for I have heard discussions here by the members of the same political party on the tariff, in regard to which there was a wide difference of opinion; yet it was not a ground for proscribing the members of the party, or excluding them from participating in all the rights pertaining to it.

This being my view of the principles of the party, I am perfectly willing that the platform upon which we have heretofore acted should remain as it now is, and has been recognized. If gentlemen have departed from the principles of the Democratic faith, and they choose to return to the same platform, I know no objection to their doing so. They have a right to return at any time they please, and the mere concurrence with a paper resolution, unless they feel it here, [laying his hand upon his heart,] will never constrain them to cooperate with the party in good faith. I have this to say to gentlemen who are tenacious on this subject, "Show me your faith without your works, and I will show you my faith by my works." When this rule is applied I can see no difficulty in the way of concurrence of opinion and action in the Democratic party. Moreover I object most especially to the action of this body upon the subject of political platforms. I understand that the business of the Senate of the United States—at least I so regard my own duty—is legislative employment, and not to construct political party fabrics for the people. I would defer to the pressure from without, but I should not expect to benefit the community by radiating from this point, influences of opinions that savor too much of centralism. Centralism is the danger against which the States have to guard; and if our legislation has this tendency, as has been complained of—I do not say it has—but if such dangers are to be apprehended from legislative action, are they not much more to be dreaded by converting the Senate of the United States into a political machine? I never will agree to this, sir. I will never exercise a function in this body that is not clearly delegated by the relation which I bear to my constituency, and for which I was sent here.

It is a principle which is orthodox, and essential to the Democratic party, that the citizen, in a republic, is to delegate no power that he can conveniently exercise himself; and the powers which he cannot conveniently exercise he delegates to his representative, who is to perform the functions for him. If I am correct in this, whenever the powers delegated are diverted from the objects to which they ought to be directed, it is an application of them which is foreign to the rights of the people; and therefore I will never exercise any power, which I may have in this body, towards creating sentiment at home, when I ought, in justice, to derive that sentiment from my constituency. We have seen the effect of it in days gone by. I do not say it for the purpose of awakening any feelings or reminiscences that would be unpleasant, but is it not within the recollection of members of this body, that opinions which were sent from here to the several States throughout the South, had a powerful influence in producing the excitement which existed in the country? I was opposed to all this, because I deemed that the people throughout this Union were sufficiently intelligent to appreciate their true condition, and that if there was a necessity for correcting evils that might grow up in the country, they would have an ample opportunity, at the ballot-box, for exercising their powers in correcting them. These are my opinions in relation to this matter. If the Democratic platform and the Whig platform are not broad enough for all to occupy, let the people put on any additional plank which they deem needful. We know not but that we, by enlarging, may induce an accession too great for the platform to bear, and it may break asunder.

Resolutions similar to the one under consideration were introduced into a caucus of the Democratic members of the other House, and met with little favor there; some fifty to thirty rejected it. It was not introduced into a caucus of Senators, or I presume it would have met with as little favor. But it has found its way into this body; for what purpose? For the purpose of benefiting a party that was acting, I believe, harmoniously. Some differences of opinion existed, as is always the case, and always will be; but how easy would it have been within a short time for all these asperities of feeling to have worn out, and enabled the members of each party to act harmoniously.

Mr. FOOTE. Does the Senator intend to intimate that I had any party purpose in view in introducing this resolution?

Mr. HOUSTON. I cannot believe that the Senator had, and would be sorry to believe that there was any individual purpose in it. But cer-

tainly it was not an emanation of party, and the gentleman has the privilege of disposing of it in a manner suitable to himself.

Mr. FOOTE. I did not introduce it as a party man.

Mr. HOUSTON. I have witnessed with concern the proceedings of this body for some days past. I have been silent, for if no older person than myself were present, there were Senators here who are more familiar with the proceedings of the body than I am, and to them I deferred the duty and privilege of regulating the conduct of Senators, if it was not in accordance with the practice of the body, and I looked moreover to an enlightened President. For myself, having occupied no great portion of the time of this body, I shall claim the privilege of proceeding without interruption, unless for the purpose of correction of some misstatement which I may make in the progress of my speech. My disposition is never to provoke interruption or produce annoyance to honorable members of this body, and I cannot suspect that any one would have the design of annoying me; but every Senator must be aware that such things must be unpleasant, if not discourteous.

I should think, Mr. President, according to the rule which I have laid down, that if we were to pass resolutions in this body, or if joint resolutions were passed by Congress, prescribing the faith of either party, or what their principles should be, that every one who did not come within the exact measure prescribed would be reproachfully treated, or at least arrayed at the tribunal of party, not where he would have a hearing, because he would be excluded. He would not have the privilege of a hearing. Sir, I am for leaving to every gentleman's own conscience, and to the high motive of love of country and patriotism, to determine with which party he will act, and how far he will act with it. If the representative of a party is brought forward and that representative is sustained, though not agreeing in opinion with all of those who elected him, I should say that he was entitled to its consideration, and that he should be received by the members of that party, because as long as a man remains within it he is bound by its general principles.

It is the boast of the Democratic party, I believe, that it is the true conservative party of the country, though, at the same time, it is the boast of every political party. I will not deprive either of them of the agreeable assurance. But, sir, if the Democratic party is truly conservative, I think the platform upon which it now stands is wide enough, broad enough, to embrace the whole Union. If it is not I am not a member of it. I know that I have been arraigned for having been too latitudinous in my feelings; but I must confess that my country seems not too large to love, to cherish, and support. Then, sir, if the object of the party is conservatism, and to preserve what we believe the true constitutional principles of the Government, whoever loves and supports that Constitution strictly, is my fellow. I know how the Constitution was formed. It was by concessions made by the several States, or by grants of certain powers that were to remain in the Federal Government; but these delegated functions were to be exercised by it for the benefit of the whole. So far the Federal Government has rights, but no further. The States were free, sovereign, and independent, until these concessions were made. The Federal Government became the repository of delegated powers, and there they remain for the benefit of the several States. The States, in the full enjoyment of the powers reserved, are independent within their sphere and subject to no control from the Federal Government. These are my opinions, and I believe they agree with the Democratic faith. Incidentally various subjects have arisen in this body since I have been a member of it, and upon all these I have recorded my opinions. I know they have been at variance, on some occasions, with my party, or rather the party with which I act—I will not call it mine; I belong to it. As some of them have been incidentally adverted to, I feel bound to take up more time in some explanatory remarks in regard to my course, than I should otherwise have any disposition to do.

One thing I must be permitted to say. On this compromise, which appears to be again brought into this body, and the several measures of which have produced divisions in the Democratic party, I acted, to be sure, with the majority; but because

gentlemen of the same political party differed with me I am not their censor, nor have I any right to judge them beyond the exercise of my own power or to impute to them motives unworthy of Senators. I have never done this; and I claim exemption only from charges of this character.

I had hoped that the agitation on this question was fast dying away; and it might ere this have been forgotten had it not been for the introduction of this unfortunate resolution, which has renewed all the agitation of former times, and produced crimination and recrimination, and scenes not less violent in their character than those exhibited upon the adoption of the compromise itself. It is unfortunate; and if in the inception of a resolution of this kind, such are the fruits, and if such they are in a green tree, what must they be in a dry? I apprehend that no earthly good can grow out of the adoption of the resolution. The usurpation of the people's rights will be manifest. If a modification is to take place in the Democratic platform, let it take place in a convention of the delegates of the people sent there for a political purpose, not for the purpose of legislation, but for the formation of certain creeds and imbediments of opinions, by which the party is to be regulated in its action. That is where I wish to see such action take place. But further than this I am not prepared to go. I am not disposed to set myself up here to dictate what the peculiar political faith of my constituents shall be, or to unite in saying what the faith and opinion of the whole party throughout the United States shall be. But I am willing to vote in the passage of laws that shall extend throughout the whole Union, and the infractions of which shall incur penalties. I am not competent to perform the former tasks, nor do I think they are designed for me to do.

As the State to which I belong has been alluded to in this body in relation to the compromise measures, I will detain the Senate while I utter a few words on that subject. The compromise, sir, was the work of able, patriotic, and renowned statesmen. Some of them are no longer in this body. It is with regret, Mr. President, that I witness the absence of one who bore an important and a conspicuous part in the accomplishment of that compromise. I allude to the venerable Senator from Kentucky, [Mr. CLAY,] who is detained from this Chamber by sickness, with which he is deeply afflicted. I trust he will again resume his place in the Senate. The wisdom of his counsels, the brilliancy of his genius, the strength of his will, and the patriotism of his heart, never shown brighter than during their manifestation in this body in the achievement of that compromise. But my State has been arraigned by a portion of this Union, and of the Democratic party, too, for making a disposition of a portion of her territory to the detriment of Southern interests; and that I felt. It was not that she was disposed to abridge or impair any of the rights of the South. Texas, no doubt, had a right to dispose of it. Did not Georgia dispose of her territory to the Federal Government? Did she not sell enough to make the States of Alabama and Mississippi? And have any complaints been made against her for it? And had Texas, who came into this Union as free and independent as Georgia did, no right to dispose of her domain to the Federal Government? She did it, sir; and I have this to remark, that had it been any obstacle to the compromise of the jarring interests of this country, and to their reconciliation, I would have been willing that every foot of the territory which she claimed, should become a lake of fire and brimstone rather than it should have thrown an impediment in the way of the peace and harmony of the Union.

I voted also for the admission of California. I did it upon the acknowledged and avowed principle of the South: "Let us alone; let the people regulate their municipal and domestic institutions; let them alone." And I put it to the candor of honorable Senators from the South, no matter how ardent their feelings may have been, whether, if California had made application for admission into the Union, with a constitution declaring that slavery should exist, they would not have disregarded all the irregularities which may have been connected with it, and readily have voted for her admission as a slave State? The same rule which would induce me to vote for it in one situation, would constrain me to do it in another. I did it. What advantage would have resulted from a

delay? Was there any hope for a change of her institutions? Was there any probability of it? No. She came in; and whatever reproaches are attached to the vote I gave, I derive my consolation from the general prosperity and happiness of my country.

Allusion has also been made, I believe, to the vote I gave on the organization of the Oregon Territory, containing the Wilmot proviso. Upon that subject, Mr. President, I feel myself fully sustained. I voted for the Missouri compromise line. Upon the admission or organization of Oregon, that Missouri compromise line was repudiated by the South, and I was the only clearly Southern Senator that voted for that admission. I voted in harmony with the Missouri compromise line. I based my vote upon that ground, and in this Senate, it will be remembered what my declarations and sentiments were. To sustain myself upon that, I will bring forward a portion of a speech which was made at that time. It was by the distinguished Senator from South Carolina, no longer on earth, (Mr. Calhoun.) During the debate in relation to the territorial government of Oregon, he said:

"After an arduous struggle of more than a year on the question whether Missouri should come into the Union, with or without restrictions prohibiting slavery, a compromise line was adopted between the North and the South; but it was done under circumstances which made it no wise obligatory on the latter. It is true it was moved by one of her distinguished citizens, [Mr. CLAY,] but it is equally so that it was carried by the almost united vote of the North against the almost united vote of the South, and was thus imposed on the latter by superior numbers in opposition to her strenuous efforts. The South has never given her sanction to it, or assented to the power it asserted. She was voted down, and has simply acquiesced in an arrangement which she has not had the power to reverse, and which she could not attempt to do without disturbing the peace and harmony of the Union—to which she has ever been adverse. Acting on this principle, she permitted the Territory of Iowa to be formed and the State to be admitted into the Union, under the compromise, without objection: and that is now quoted by the Senator from New York to prove her surrender of the power she claims for Congress."

Although no State in the Union and no assemblies had become adverse to this, yet it appears that it was taken for granted that it was unwelcome to the South, and therefore it was repudiated. But in going on further, to show the extent of that gentleman's dislike to it, and an expression doubtless that influenced materially the action of the Southern Senators, he proceeds to say:

"Now, let me say, Senators, if our Union and system of Government are doomed to perish, and we to share the fate of so many great people who have gone before us, the historian, who, in some future day, may record the events tending to so calamitous a result, will devote his first chapter to the ordinance of 1787, as lauded as it is and its authors have been, as the first in that series which led to it. His next chapter will be devoted to the Missouri compromise, and the next to the present agitation. Whether there will be another beyond, I know not. It will depend on what we may do."

Here was a formal repudiation of the Missouri compromise line, upon the principle of which Texas had been brought into the Union, and by which one third of her territorial limits had been cut off to free soil. As Texas did come into the Union upon that line, I felt warranted and instructed by the Texan people to vote for the Missouri compromise when a bill for a territorial government came up, and I did it.

In aiding the production of this compromise, or in its effectuation, I found it necessary, in justification of myself, and in the urgency I felt for its success, to make some remarks. I will read some extracts from the debate which took place. In a speech upon Mr. Clay's resolutions, and when it was pretty well ascertained they would not pass, on the 8th of February, 1850, I made the following remarks:

"But I call upon the friends of the Union from every quarter, to come forward like men, and to sacrifice their differences upon the common altar of their country's good, and to form a bulwark around the Constitution that cannot be shaken. It will require manly efforts, sir, and they must expect to meet with prejudices growing up around them that will assail them from every quarter. They must stand firm to the Union, regardless of all personal consequences. Time alone can recompense them for their sacrifice and their labors; for devotion to country can never be forgotten, when it is offered freely, and without expectation of reward. The incense of self-sacrifice, when thus offered on the altar of their country, will be acceptable to the people. I have no doubt that this question might be easily adjusted, if gentlemen would encourage such disposition and feeling as doubtless actuate a large portion, if not all, of this body, if they would come up to the work. I have no doubt six Senators here could be designated, without reference to party, (you may, if you please, disregard the section of country from which they come,) who would act as a Committee of Conference, and sit down together as wayfarers

men, and produce satisfactory reconciliation, thereby diffusing universal peace, and calming the agitated waves that are lashing at the base of our Capitol, and speak comfort and solace to millions of freemen.

"Do not the American people love this Union? Are they not devoted to it? Is not every reminiscence of the past associated with its glories, and are they not calculated to inspire prayers for its prosperity and perpetuity? If this were not the case, you might think lightly of our noble Confederacy; but so it is—it stands connected with every fibre of the national heart, and is interwoven with every glorious recollection of the past, which affection or reverence can inspire in the minds of the American people. It is not, Mr. President, that twenty-three millions of souls are involved in the perpetuity of this Union; it is not that every consideration of happiness connected with country appertains to it; but it is because it is the great moral, social, and political lever, that has moved, is moving, and will continue to move the world. Look abroad at foreign nations, and behold the influence of our example upon them—not ours, for I feel a sense of humiliation when I contrast the efforts of any man now living with the illustrious achievements of the departed sages and heroes who performed this mighty work."

These were the remarks which I made in that speech. In the progress of it, the honorable Senator from Mississippi, supposing that I alluded to the convention which had assembled in Mississippi, interposed and said:

"Mr. FOOTE. Does my friend from Texas wish to be understood as undertaking to censure or censure the State of Mississippi for having originated this convention?"

The reply was:

"Mr. Housron. The last thing in the world."

I again proceeded with my remarks, when the honorable Senator from Mississippi interposed:

"Mr. FOOTE. I hope my friend will pardon me for asking of him an additional explanation. I trust he did not intend to insinuate as a matter of opinion, still less to make the statement as a matter of fact, derived from any authority, that the sovereign State of Mississippi, in the incipient movement towards the Nashville Convention, for which she is responsible, was instigated by South Carolina, or her statesmen; or that she acted otherwise than upon her own unbiased judgment without instigation from any quarter. I know that what he has said will be understood as intimating, at least, that this conventional movement of ours was stimulated by South Carolina, and was the result of concert between certain South Carolina politicians and certain politicians in Mississippi, with a view of having that movement originate in the State of Mississippi instead of South Carolina, in order to avoid any odium that might thereby arise. I am sure he did not intend to be so understood, and yet he will be if he does not correct his remarks."

My reply was:

"Mr. Housron. I can assure the honorable Senator that this is a very delicate and complicated question. But I believe that if South Carolina never had existed, and if it had not been for her disposition, and the movement which began there, Mississippi would never have thought of it."

Again the gentleman said:

"Mr. FOOTE. If the honorable Senator will permit me to interrupt him, I will remark, that upon the point on which he has been so well answered by my colleague, I have nothing to say. But in addition I wish to say that if the honorable Senator from Texas supposes that there is a single man of intelligence and character in the State of Mississippi who recognizes any human being as his leader, his political leader, or as his master, by whom and to whom he is to be held responsible, he has grossly misjudged the people. I had hoped that the demeanor of those who represent Mississippi here and elsewhere, would have afforded satisfactory evidence to that Senator and to all men, that, highly as we reverence character, high intellect, purity of heart, and spotlessness of reputation, there is no man who represents the State of Mississippi in the Halls of Congress at the present time, who recognizes any human being in the world as his leader or controller, or as entitled to have any undue influence over his mind or conduct—at any rate I speak for myself—and I hope the Senator will understand me when I say, I recognize no leader on the face of the globe."

Mr. FOOTE. I must explain my connection with a matter which is more or less connected with myself, and which, if unexplained, may subject me to misapprehension. It will be seen that, in a speech which I made here a few days ago, I did state what I now know to be true, that Mr. Calhoun, during his life, with the purest intentions, with no disposition to lead or control our State, had a pretty extensive correspondence with persons there. This is a fact which I did not know at the time I delivered the speech which has been read by the honorable Senator. The truth is, that I never heard, until recently, of the letter which I read the other day of Mr. Calhoun to a fellow-citizen of mine, Mr. Tarpley. I was surprised when I found that such a letter had been written. In the course of last year—and I say it without intending to cast any imputation anywhere—I ascertained by various evidences, that several gentlemen in my own State had been corresponded with by the distinguished Senator from South Carolina, now no more, on this subject. The letters that I have seen, according generally with this one, satisfied my mind that the *modus operandi* of the Convention was more or less marked out by his great intellect.

At the time I made the remarks which have been read, I did not believe that any human being in the world had received a letter from Mr. Calhoun on the subject, except one which I myself received, and which has been published long since. I must say that a gentleman, a friend of mine, in the State of Mississippi, well known to my colleague, who was a partner of mine in the practice of the law, and for many years an intimate friend, (but from whom I am now very painfully separated by existing questions,) wrote me a letter early in the summer before last, desiring me to correspond with various distinguished Southern statesmen, including Mr. Calhoun, for the purpose of ascertaining what their opinions were as to the action which was to be considered in the State of Mississippi in the event of a Convention being called. I was then in the State of Virginia, in my native county, and I undertook to hold a correspondence with various persons on this subject. If there was any intrusion on this delicate matter on the part of anybody, I was the intruder. I wrote to the late Senator from South Carolina, [MR. CALHOUN;] I wrote to the Senator from Virginia, [MR. HUNTER,] who wrote me a very patriotic and interesting letter, which never has been published, but which, if published, would evince the correctness of the opinion which I have always entertained of him—which would prove that he is a sound statesman, and an upright patriot. Neither of their letters indicated disunion, or intimated the necessity of a change in the Constitution, or certainly I would not have been the medium through which their communications were introduced to the people in my own State. When this matter came up to-day, the Senator from Texas pursued a line of remark at which I was somewhat galled, I confess, as one of the Senators from Mississippi. I refer to his insinuation that that State was controlled by certain persons in South Carolina. I did not know then that letters had been addressed to any member of the Convention, except to Judge Sharkey. So far as I knew, no other members of the Convention received any communication from him. I believe that another letter addressed to me by Mr. Calhoun was pretty freely circulated—I was so informed, at least. I make this statement to throw some light on my course in regard to this matter. I still say that the State of Mississippi was not dictated to—was not led or controlled, and that no attempt was made to lead or control it, so far as I know. Yet, through me a correspondence took place, which, no doubt, resulted in the adoption of a certain course of proceeding by that State, as I now believe. I am much indebted to the gentleman for allowing me this opportunity to explain.

MR. HOUSTON. I wish to put myself right in relation to the views I then entertained upon the subject. Certainly I did not know officially or reputedly that any interference had taken place in reference to this matter, but I believed, from the indications which afterwards surrounded me, that something of the kind must have been done. And when I alluded to it, it was without information further than that which results from analogy to other things. I find that the honorable Senator from Mississippi, the other day, declared as follows:

"I have heretofore mentioned in this body, that it was through me, in the first instance, that Mr. Calhoun succeeded in instigating the incipient movements in Mississippi, which led to the calling of the Nashville Convention. I repeat that statement now, and insist that my fellow-citizens of Mississippi, who had been thus induced to assume the responsibility of calling the general convention into being, had a right to expect the earliest information to be given to them of any contemplated departure from the original plan of operation."

This merely corroborated what I then stated. It establishes it beyond all controversy. It will be remembered that in 1847 I was denounced for voting for the Missouri compromise line. In October, 1849, the Mississippi Convention occurred, and the Nashville Convention grew out of it. At the adjourned meeting of the Nashville Convention the ultimatum laid down by that body was that very identical line which had been repudiated by the whole South. That line they made the ultimatum for all difficulties then existing. Their motto was "Thirty-six thirty or fight." I had been denounced for supporting and voting for that line, and the whole South had repudiated it. In 1850, the Nashville Convention laid it down as the only ground of compromise that could be acceded to by the South. I only wish to show

the consistency with which I adhered to it until it was repudiated. Even afterwards, when the compromise was brought up, I introduced a resolution for the purpose of asserting the claim of the South to extending the line of 36° 30' to the Pacific. That is what I wish to do. Certain gentlemen did not seem to consider me so ultra when I voted for the Missouri compromise in favor of the South, as when I voted for it when it favored the North. I voted for it upon principle. But after I did vote for it it was repudiated by the South and thus rendered void.

I well remember another thing in which I differed from the honorable Senator from Mississippi. However much I may defer to his intelligence, wisdom, statesmanship, and patriotism, yet I have been unfortunate in dissenting from various schemes of his. I was directly opposed to the Southern Address. I did not sign that Address. My colleague [MR. RUSK] did not sign it. I believe we were the only Southern Senators who did not sign that Address. I believed that that Address was fraught with mischief; and when I saw the consequent action that grew out of it—when I saw the Mississippi Convention and the Nashville Convention—I became more satisfied with my own course in not signing it. I did not denounce those gentlemen who did sign it; but I wish to show that I have been consistent throughout in reference to the compromise and to the rights of the South. I have been unwilling to sacrifice those rights. My associations and all my interests are in the South. If I do not own millions of broad acres, all that I do own is in the South; yet I am not going to insist upon requisitions that I do not deem right; nor am I going to follow fantasies for legislative direction by which the country cannot be benefited. I am sent here to act in a legislative capacity for my State in matters of detail, and for the Union on general subjects. I have one director in that: it is the Constitution. Wherever that directs me there will I go.

MR. PRESIDENT, I delivered my speech on the subject of the compromise on the 8th of February, 1850; and the resolution of compromise was introduced on the 14th of February following—six days afterwards, so that I have not been wholly disconnected from that matter. I put it to the candor of any gentleman, whether I have not been as zealous and as forward in the support of that measure as any other member of this body. I occupied no equivocal position in relation to it, or the results growing out of it. I wish to add no additional plank to that platform. The honorable gentleman may deem it necessary to do so. If he presents himself as the organ of the party to which I belong, and wishes to ingraft this condition upon the platform, I, as a member of the Democratic party—unimportant as I may be—most solemnly, in the face of the Senate, this assemblage, and the world, protest against any test that has not its origin in the action of the Democratic National Convention, called for political purposes. I never will record my vote on the Journals of this Senate for a resolution that is not connected with legislation, and is purely political in its character. I will not blacken the white paper of the Senate with it. If I distrusted the intelligence of the American people; if I distrusted their patriotism, I might set myself up as a dictator of opinions, and instruct them in what they ought to do. But I have no pretensions to the character of a leader. I am willing to follow; and I have got the broad road before me. I have got the platform on which we have stood, and on which we have acted. I did not expect an entire concordance of opinions, or of platforms; but such as have formerly reconciled those opinions. Heretofore gentlemen in favor of internal improvements and gentlemen opposed to them have stood upon the same platform. Tariff and anti-tariff gentlemen have stood upon the same platform: they have supported the great creed of Democracy; and if you begin to enlarge that platform we shall have more trouble hereafter in reconciling other jarring interests. It will create additional trouble to the party. I believed that the discord which had existed throughout the country on various subjects, and particularly the conflict between the North and South, was fast dying away and would soon be forgotten, until some new subject would furnish excitement to the American people, and divert their minds from this subject, which had so long agitated them. I thought they had determined to be reconciled.

What was done has had the acquiescence of both political parties. It has been unfortunately so mixed up as to have had a wet blanket thrown over it; and really at this time I had hoped that agitation was about to subside, and that the old parties would fall into their ranks and march on quietly to the attainment of the objects they thought most eligible or judicious. And I never shall sanction any measure which is calculated only to distract the party to which I belong. I will do everything I can, fairly and justly, conformably to the Constitution, to pour oil on the troubled waters and to quiet them; but I will not introduce a fire-brand. I will not attempt to distract the party by anything extraneous to the principles which have bound them together. I never will, as long as I live, seek to become the dictator of a party, as to what they ought to do. If I have any measure relating to the interests of the party to introduce, I will submit it to its members; and if they think it ought not to be introduced, I will be prepared to hear their reasons; and if a majority shall overrule my own opinions, I will, upon conviction, surrender my impressions to their decision. I have never attached sufficient importance to myself to believe that I have a right to control the party, or to believe that my dictation should be their law, or my opinions their guide.

If I could be induced for one moment to believe that the Democratic party could derive any benefit from the adoption of this resolution, without prejudice to the general weal of the country, I might not oppose it. But now I can see no propriety or utility in it, and therefore I shall oppose it.

Is it intended to give effect to the compromise? Will those measures derive any additional force from the passage of this resolution? Will they be more binding? I think not. Is it customary to reenact laws of Congress, or to indorse them by resolution while they remain upon the statute-book? Will not the adoption of this resolution in effect declare that we have not full confidence in existing laws passed by a former Congress? If this resolution is necessary at this time, will not a similar resolution be necessary at each succeeding Congress, upon the compromise and every other important measure that may be passed? And will not such a course have a tendency to produce unpleasant scenes in the halls of legislation, impair public confidence in our proceedings, and keep incessant agitation in the community? If a minority are willing to acquiesce in a measure, and the country is tending to repose after the settlement of controverted questions, so far as they can be settled by the action of Congress, does it become a magnanimous majority to open afresh the sorest points of severe conflicts that have been allayed, and which the minority do not propose to disturb? And especially, sir, is it magnanimous in the majority to open these questions again, when the very object of their adoption was to allay agitation? I voted for them, each and all, as peace measures. As such they have been received by the country, and millions have rejoiced that these unhappy controversies had been adjusted. Since these peace measures were adopted, an entire session of Congress has passed, and now at the commencement of a new session of a new Congress, a resolution is offered which again opens, and has opened, the aggravating agitation. It is an AGITATING RESOLUTION upon a series of PEACE MEASURES, and measures, too, acquiesced in by nearly the whole country. Where, sir, is the practicability of this resolution? Its friends have not shown it, and cannot. Its evil influences are already apparent as defeating the very object of the compromise measures; and as a fast friend of the adjustment, I cannot consistently vote for it. Why not, sir, introduce a resolution here declaring that the independent treasury bill shall be a final adjustment of the questions that arose during its progress through the two Houses of Congress? Some of our political friends at first opposed that measure, but have since acquiesced in it. If the position of the Senator from Mississippi be correct, we must get up a resolution to "commit" Senators upon that measure at the present time. Why is it not done? Simply because such a course would be weakness, and worse—it would be ridiculous; but no more ridiculous than the resolution now before us. I cannot, Mr. President, trifle with laws in this way. It is not compatible with the dignity of this honorable body, or consistent with the well-established principles of legislation

in this country. Sir, I again say there is no practicability in this resolution. It may be adapted to a peculiar platform in Mississippi; but it is not a suitable platform for the Democratic party of this whole country.

I do not expect to occupy any of the time of the Senate by adverting to matters in connection with myself. But at the conclusion of the last session of Congress, I was attacked by a then member of the Senate from South Carolina, in a manner of which I cannot refrain from speaking. A publication had appeared over my name in a letter addressed to a gentleman, and in which some error had accidentally occurred in transcribing. I was attacked as having charged upon South Carolina certain principles which were not contained in her constitution. It was said that what was in her constitution was in the constitution of every other State, and therefore I must have been either very ignorant of the laws of South Carolina and the other States, or it was a very useless charge. It has been my misfortune to be charged with having assailed the State of South Carolina. Now once for all, as I have no great inclination to be speaking in the Senate or elsewhere, I will place myself right in relation to South Carolina. Whenever I have spoken of that State, I did not allude to the people, but to her rulers. I did not call in question their patriotism, but their policy. I had repeatedly been attacked by citizens of that State; I had been denounced by the illustrious man, upon whose memory I would not cast a slur. He is gone, and with him are buried all the resentments I might ever have felt; but my feelings towards him were only those which resulted from wrongs, real or imaginary, which I had suffered. I have no enmity with him, so that I can have no feelings of enmity to gratify when I allude to South Carolina, or to her most distinguished citizen. When I speak of her, I do it with all deference to her honored Senator, [Mr. BUTLER,] who sits before me. I do not agree with all her institutions; and though she is very tenacious in relation to State rights, of which I am a sincere lover—for I would die before I would see any of the rights which belong to the States wrested from them—yet it seems to me that if South Carolina was as sensitive with regard to her municipal institutions as she is with regard to her relations with the Federal Government, she would perhaps find that she had a great deal to do. In looking over the constitutions of the various States of the Union, and comparing them with the Federal Constitution, I have come to the conclusion that South Carolina is not more liberal in her institutions to her own citizens than are most of the other States. If the Federal Government were to enact a law by Congress, approved by the President, dictating to any State or States that they should not exercise the fullest latitude of suffrage or franchise, it would be deemed a flagrant usurpation, and no State would submit to it. Suppose Congress, if it had the power, were to pass a law saying to Virginia or New York, or any other State, You shall not permit your citizens to vote for the electors of President or Vice President; you shall not permit them to vote for the Governor of your State; what would be said in reply to this? Why it would be one of the most flagrant outrages by Federal authority that ever was committed upon the rights of the States. It would be a usurpation of a most atrocious character. Yet South Carolina has never permitted one of her private citizens to vote for the electors for President or Vice President, or to vote for the Governor of the State. They know no more who is to be voted for as the Governor, or who is to be voted for as the Chief Magistrate of the Union, than they know of the interior of Africa.

I used the term oligarchy towards the legislative body of South Carolina, because the constitution of that State is in their power. Such is the rotten-borough system of South Carolina that forty persons in the lowlands wield as much political influence as thousands in the uplands. These were the objections which I made to the institutions of the State. I made no objection to the people of the State. I made it to those whom I believed to be oppressors and usurpers. The people of South Carolina are a gallant and daring people. They are as generous, noble, and warm-hearted as the sun under which they live. I commend them. But let us recollect that had the gallant Palmetto regiment returned from Chapultepec,

where it was commanded by the gallant and generous Butler, who, not satisfied with the infliction of severe wounds, rushed on bravely, leading his men on to victory, till he fell, he would not have had the privilege of voting for the Chief Magistrate of his State, or for electors for the President and Vice President of the Union. Nor, sir, would any one of his gallant followers. I say it is wrong thus to deprive the people of South Carolina of their privileges; and if disunion were to begin there, no one could blame the highlanders of South Carolina for drawing a line of demarcation between oppressors and the oppressed. But I would be sorry to see discord of that kind arise. And there may be policy in keeping up agitation against the Federal Government, for some men would rather be chief in a village than second in Rome; and it might do very well to create a diversion by loud complaints against the Federal authorities, to prevent the people from looking into their domestic affairs.

I have on some occasions not had the good fortune to act in accordance with the wishes of the honorable Senator from South Carolina, [Mr. BUTLER,] I never have believed, nor will I ever believe, that one, associated as he is with such patriotic recollections from the commencement of the Revolution down to the present day—that he, in whose veins flows the blood of all the Butlers, would be wanting in patriotism. I respect his love of country, though I dissent from him in some of his opinions.

Mr. President, twenty-seven years ago I had the honor to occupy a seat in the House of Representatives from the State of Tennessee. I recollect that in the discussion of the tariff act of 1824, for the first time in my life I heard the idea suggested that there might be secession, disunion, or resistance to the constitutional action of the Federal Government. When I heard it, I was amazed. I could hardly think it possible that a representative of any portion of the American people would have the fierce temerity to suggest disunion or resistance to the constitutional authorities of the land. It produced deep and intense meditation on my part. I did believe then that an example ought to be made of it, but there was no way to touch it. It wanted some technicalities to make it treason. I have heard principles of disunion boldly avowed in this Hall, and have heard Senators avow what was treason, not technically, but which was not stripped of one particle of the moral turpitude of treason. Disunion has been proclaimed in this Hall. What a delightful commentary upon the freedom of our institutions, and the forbearance of the public mind, when a man is permitted to go unscathed and unscourged, who, in a deliberative body like this, has made such a declaration! Sir, no higher assurance can be given of the freedom of our institutions and the forbearance of the American people, and their reliance upon the reason and the intelligence of the community. The intelligent mind is left free to combat error. Such sentiments, with their authors, will descend to obscurity and the tomb of oblivion. I have only to say in conclusion, that those who proclaim disunion, no matter of what name politically—that those who, for the sake of disunion, conspire against the Union and the Constitution, are very beautifully described in Holy Writ. They are "raging waves of the sea, foaming out their own shame; wandering stars, to whom is reserved the blackness of darkness forever!"

Mr. FOOTE, of Mississippi. Mr. President, I regret very much to be compelled to trespass upon the attention of the Senate, but all must perceive that it will be impossible for me, without relinquishing all sentiments of self-respect, to permit what has fallen from the honorable Senator from Texas to go unreplicated. Whether the Senator prepared his speech, expecting I should be absent, and made the first regular assault on me which he has ever undertaken in this body, under the hope that it would not be responded to, remains to be decided by others. I happened to be here, and I intend, so far as I can, to give him a Roland for an Oliver.

Mr. HOUSTON. If the gentleman will permit me, I would say that I notified him on Saturday, that I should oppose this resolution.

Mr. FOOTE. The gentleman did; but he gave no notification that he would make such an attack as he has made. I had heard a rumor through

town, that I was to receive a drubbing here this morning, during my absence, and I remained on that account. I have heard the gentleman at length, and have listened to him with forbearance, without any undue resentment; and I am very happy that he has given me a legitimate and proper occasion for commenting, with suitable feeling, not much at length, and with no malignity, upon his course in connection with the pending question.

The gentleman undertakes to intimate, in the very face of my solemn declaration to the contrary, (a declaration which I formally put in writing and read to the Senate,) by multiplied innuendoes, that I had introduced this resolution for some illicit party purpose; and he has given the Senate, on this occasion, the benefit of a regular party harangue. I deny the imputation made by him.

Mr. HOUSTON. I especially exempted the Senator from it.

Mr. FOOTE. The Senator did exempt me from it, but still entangled me in it, by insinuation. He knows how to manage these things very well. The impression which will go out from the Senator's speech is, that I introduced this resolution for the purpose of destroying the harmony of the Democratic party. The gentleman talked about doctors, and about persons undertaking to enlarge the party platform. All that is perfectly understood by some of us. Is there anything in this resolution repugnant to Democracy? If so, Democracy is in itself a monstrous thing. Is there anything in these compromise measures contrary to the great principles of the Democratic creed? I deny it. As a Democrat I deny it, and assert that there is not one single important, material feature connected with this plan of settlement which is not in perfect harmony with the great fundamental principles of the Democratic faith. The man who does not understand that, does not understand the first elementary principles of the Democratic creed. Why, the Democratic party is a Union party—a party strictly observant of the Constitution. The Baltimore platform, (I am afraid the gentleman has never read it,) embodies every principle of this plan of compromise. I took occasion to say the other day that the Democratic party fought out the contest of 1848 on the principle of non-intervention. I said elsewhere, in this city, in the hearing of the gentleman, that the great contest of 1848 was fought upon the principle of non-intervention, which is the principle embodied in this plan of settlement. That principle was not received from the Senator from Texas, but from another and a much higher source, and was adopted by the whole Democratic party of the country. Does this resolution, then, add to the Democratic platform? But for the high respect I entertain for the Senator, I should pronounce this statement a slander upon the Democratic party. When the Democratic party becomes a Free-Soil party—when the members of it are permitted to enter into secret intrigues for the purpose of securing the Free-Soil votes for the presidential and other offices, by avoiding a bold and manly assertion of the great principles which lie at the very foundation of the Democratic creed of the country, and which are essential to the prosperity and true power of this great Republic—when such schemes can succeed, then indeed will the glory of our Democratic Israel depart, and unprincipled demagogues be enthroned in high places. I understand this matter, and the country shall understand it.

The gentleman says he defers to the feelings of this body; he does not originate anything here; he looks to outward feeling. It is a curse to this country that there are so many members of Congress who are constantly looking out beyond the body to ascertain what are the indications of public feeling, not because they respect public feeling more than other men, but because they are anxious to bolster up their tottering popularity to obtain high office, by trimming their sails to any gale that happens to be blowing. The *aura popularis* is the breeze under the influence of which these gentlemen sail; and they are eternally looking out to ascertain whether there are any breakers ahead that may possibly shatter the frail vessel which contains their hopes of future political advancement. Therefore, they do not look into their own consciences for motives of action, and they do not consult their own understandings. They do not undertake to examine the great prin-

ciples of public expediency, but they ascertain, if they can, what is popular, or what is likely to be popular, by looking out of Congress, as the gentleman says, and in that way they expect to obtain, some of them, high office. They have underrated the intelligence of the people of this country. The people have a little more understanding than some persons suppose. The trickery of demagogism has already become so familiar to the intelligent and sagacious people of this country that it is no sooner practised in their view than the performer finds himself prostrated before an indignant and outraged constituency.

Sir, I hope the day has gone by when any little tricksters, with shallow intellects, utterly deficient in all knowledge of statesmanship, with no moral quality on the face of God's earth, who would induce any man to think of them for high station, will be able by sly trickery and underhanded management, to attain high places, the incumbency of which by such persons must inevitably inflict permanent, lasting, and inefaceable disgrace upon our free institutions. I have no respect for demagogues; I like sometimes to expose them. I am not doing it now; oh no, I would not be so discourteous and unparliamentary; but I do like sometimes to expose persons of this class. I do like sometimes, if I may use the expression, to employ the cudgel of casigation upon such people.

The Senator from Texas talks about the Senate of the United States being converted into a political machine. What did he mean by that? Nothing in the world, of course. He talks about the resolution being a flagrant usurpation upon the people's rights. He did not mean anything disrespectful by that—oh, no. But the gentleman says that this thing commenced in the Democratic caucus, and that a similar resolution being rejected there, it was vamped up and reintroduced here for a similar purpose. The gentleman is willing, as I understand him, that the unity and concord of the Democratic party shall not be so far broken in upon as to prevent the rankest Free-Soilers from coming into our midst, and exercising efficient influence in the political contests of the day. I understand what the gentleman means. He has a very special audience. (Here the speaker pointed at Mr. RANTOL, who was sitting just behind him.) The signs of the times are very ominous. I understand them well enough. There are some men (of course not in the Senate) who are prepared to give their deliberate sanction to corrupt political bargains, by means of which mean and unprincipled men are to be elevated to high stations, through the agency of corrupt intrigue and management, of such a nature as almost to stamp permanent discredit upon the escutcheon of the Republic. Because some of us say we do not wish to associate with such people—because we say we will have no political connection with any man pledged to agitate against the fugitive slave law, who calls himself a Democrat, but who stands solemnly pledged to a fanatical constituency to come here and agitate constantly, in opposition to this law—is it to be said that we are disturbing the harmony of the Democratic party? The gentleman may if he chooses have association with such people. I do not wish to associate with them. I have said everywhere in my own State, and I say it here, that the man who is pledged in the North to agitate against the fugitive slave bill; and the man in the South, who is pledged to agitate in opposition to any part of this great plan of compromise, is, in my judgment, no patriot in the first place, and is secondly no Democrat. I do not charge the gentleman with wishing to associate with such persons. I do not say that he has corrupt intentions himself. I do not say that he wishes to use certain persons for his own particular purposes—that he is willing to discredit the Democratic party, to disgrace its ancient creed, to pull down its primeval dignity in order to have an opportunity of foisting himself, a wretched political humbug, into the highest place in this Republic. This whole imagination is nauseating—it is disgusting—it is horrifying.

The gentleman quotes Scripture, and says that he wishes to judge men by their works, not by their professions. So do I. What are the works of the honorable gentleman? I will show him up a little on that score. What are his works, I repeat? Why, he intimates that he is the author of the compromise. He says he made a speech, in which he prepared the way for the compromise; and then went off to Texas, leaving other persons

to perform the labor of perfecting the scheme. I can say with perfect truth, that the gentleman did nothing to promote the passage of any of the measures of compromise, except the bill granting money to Texas.

Mr. HOUSTON. I voted for every measure composing the compromise.

Mr. FOOTE. I voted for every measure except the California bill and the District of Columbia bill. Why did that gentleman vote for the California bill? Was it because he was more disposed to sympathize with California than other Senators? Why did he vote for the Oregon bill in 1848, following the lead of the late illustrious Senator from Missouri? [Mr. BENTON.] Rumor says—I will not say it, for it would be unparliamentary—that the honorable gentleman was then looking out for the Free-Soil vote, and hoped to be elected by means of certain Free-Soil support to the Presidency. I know a man, sir, who thinks he has very high pretensions to presidential honors; who, to my knowledge, for the last four or five years has been constantly engaged in the most corrupt and contemptible trickery, in order to secure the highest advancement known in this country, through the wretched instrumentality of the Free-Soil vote of the North; notwithstanding he was a Southern man by birth, and professed to have feelings such as belong naturally to Southern men upon the disputed questions of the times. Such a man I pronounce to be a traitor to the South, no matter who he is—I pronounce a traitor to all honest principles, and a contemptible demagogue, wholly unworthy the respect of this body, and deserving of expulsion from it, should he ever obtain a place here. Such is my opinion, and I am responsible for its expression in every mode known to honorable men.

The gentleman says he did not sign the Southern Address. No, I never expected him to do it. I knew that the motives of that Senator (pointing to Mr. Rusk) were pure and upright; and every man knows him to be so. I know him and I admire him; and he will allow me to say I hope that I have a true affection for him. I say nothing about the motives of anybody else. The Senator did not sign the address. No, sir; but I admit that there were many honest and patriotic members of Congress who did not sign it. The late Speaker of the House of Representatives, Mr. Cobb, and others, whose motives I have always vindicated, did not subscribe the Southern Address. But there was a mode of manifesting opposition to this address as a political movement, and there is a spirit capable of being manifested on such an occasion, which, among men of proper astuteness of mind, will supply the plainest evidence of the basest treachery to a Southern constituency, and of the grossest infidelity to Southern rights.

I suppose the gentleman did not mean to say anything unkind, when he spoke of this resolution of mine as blackening the white paper on which it was written. That particular gentleman is never found enlisted in the process of blackening anything. Oh, no! all his movements are as pure as vestal purity itself.

He denounces this resolution as a torch, introduced, as he says, into the Democratic party, in order to consume the temple of our party strength. He considers it a sort of incendiary movement, I suppose.

He seemed to intimate that the resolution was introduced also by somebody who wished to "lead" and "direct" the people. I know he intends no unkindness. Oh, no, the Senator from Texas is just the kindest man in the world; but I must say, before God and my country, that I introduced that resolution, alone, for the purpose of aiding, as far as I could, in securing a restoration of fraternal feeling in this country. Every enlightened Southern man, in my opinion, must see that the South is entitled, at this moment, on the part of our Northern brethren, to some special assurance that the fugitive slave law shall be faithfully executed. I, for one, as a Southern man, am willing to give to my brethren of the North an assurance, in return, that the remainder of the compromise scheme—the District of Columbia bill, and the rest—shall be faithfully carried out.

I know, sir, that my motives have been arraigned, but I aver, that no man of honesty, no man of sound intellect, no man whose mind is not unduly swayed by prejudice of some kind, can look at my whole conduct in this affair, and censure me for

any act which I have performed. I have attempted to force no man to vote for this resolution, nor have I used urgent persuasions of any kind to secure the support of honorable Senators. I have spoken what I thought was true, when I said that I thought it was a movement, in support of which patriots of both the old political parties could unite, from regard to the vital interests of the country, and with a view to restoring quiet and fraternal feeling among us.

Sir, for one, I am desirous that the question of slavery, in its various bearings, should be entirely withdrawn from the presidential contest, and that this important election should take place without the least regard to what has occurred in connection with it. But I feel bound to say that, in my opinion, there would not have been any particular opposition to this resolution in the Senate, if certain gentlemen, easy to be named, had not chanced to entertain presidential aspirations. This is our whole difficulty. Every man who is disposed to perform his duty, independently and honestly, as a Senator, without looking to the right or to the left, or entering into secret arrangements, in order to get a particular class of votes north of Mason and Dixon's line, for some high office, (he being a slaveholder south of that line,) would be likely to approve this resolution. If there are Northern politicians (I trust there are none such) who are disposed to cater to undue local excitements in the South, and by the manifestation of an apparent sympathy with factionists there, are striving to arrange for additional support in that quarter of the country, in the expected presidential contest, I hold that they are unworthy of the respect of the nation. The man who cannot forget all personal aspirations, at such a moment as this—the poor wretch, in whose heart sentiments of pure and elevated patriotism do not display themselves, and under circumstances like those which now exist, is unworthy to be recognized as an American citizen. The contemptible demagogue who would enter into a corrupt and illicit scheme for the purpose of securing support, as a presidential aspirant of a particular body of factionists in the North, by the avowal of more sympathy for them and their principles than any honest Southern man can profess, is not only unworthy of the Presidency, but unfit to act as a constable in the most obscure hole in the Republic.

I believe I have given the gentleman a Rowland for his Oliver, as I promised him I would do; and I am content with the result of our most kindly and amicable conference.

Mr. HOUSTON. I was very much edified, and I might say amused, by the remarks of the honorable Senator from Mississippi. I cannot but be astonished at the temper of the gentleman. I had not intended to say anything to excite his ire, because I flatter myself that I am a prudent man, and do not like to provoke assaults. I am exceedingly gratified at one thing. In the course of his entire tirade, I believe the gentleman did not state a single fact. He has indulged in many conjectures in relation to Free-Soilism and catering for the Presidency. Why, I should feel that I was not only degrading myself, but degrading the nation and the body in the midst of which I stand, if I would cater to the passions of men or compromise my principles for the Presidency. What I have, I have. I wish to make no new voyages. I am satisfied with the position which I occupy. What I might adventure might be lost. Therefore, I have no petty hankerings after office to gratify. Nor have I any party intrigues to enter into. I have had no correspondence on the subject of the Presidency. The world is acquainted with what I have said. What I do, they make it a point to know. The same charge was made against me on my way here; but, as you, Mr. President, very well know, I expressed the same sentiments at Montgomery, Alabama, which I have expressed here to-day. I addressed a public assemblage there. They knew my sentiments. There were no Free-Soilers there with whom to concoct schemes of personal aggrandizement for presidential advancement. The honorable Senator has no desire to be King; but I think that for a few years past he has been playing Warwick or King-maker. He has made various insinuations against me which I would not have made against any gentleman on this floor. When I have resentments, I speak them out. When I have charges to make, I make them directly. I do not imply

a charge and then disavow the imputation. I do not state a hypothetical case, leaving others to apply it. I did not charge the gentleman with having derived this resolution from the State Department. I have not said that it was concocted there. The gentleman seems to acknowledge the wish to raise a third party, to break up the two old parties, and run a third-party man for the Presidency. Whether the honorable Senator from Mississippi is to be front or rear in the race, I do not know. I do not impute any design of the kind.

I should be sorry to suppose that there could be the least ground for applying to me the term "demagogue." What demagogism was there when I gave unpopular votes in this body, when there was no prospect for advancement in popularity, for I was denounced far and near? What intrigue could I then have had, with a party unimportant in the country, when I could have gone with the whole South if I had chosen to sacrifice my own opinions on the Oregon question? Was I playing the demagogue when I refused to sign the Southern Address? Did I not vote for every one of these compromise measures? The honorable Senator from Mississippi did not vote for them all. I voted for all. I think, then, that I am a better compromise man than the honorable Senator from Mississippi.

If I had charged the gentleman with a design to distract the Democratic party, he might have repelled the charge. If I had charged the gentleman with manufacturing a platform to suit the peculiar condition of Mississippi, I would only have reiterated a charge which I have heard frequently for a year or more. The gentleman's furious onslaught has given me a better opinion of my character as a man; for if we had sworn together to commit high treason, he would certainly have betrayed me. The honorable gentleman reminds me of an anecdote, which I will relate to the Senate:

There was a reverend gentleman, one Parson Means, possessing many amiable and excellent qualities as a neighbor and as a companion. He was a generous, hospitable man, but he had a restless disposition, and never could be kept out of mischief, notwithstanding the restraints of religion and morality. He disorganized every church and congregation with which he had any connection. He was a common agitator. At last he passed from the stage of action. Afterwards a particular friend, and a great admirer of his, had a vision in which he was translated to Paradise. When he arrived there, he felt, as he represented, somewhat strange and solitary. He thought he would like to see some old friend or acquaintance, and the first one who presented himself to his mind was Parson Means. He inquired for Parson Means, and was informed that he was not there, but that perhaps he could be found in Purgatory. He repaired to Purgatory, and was received by the keeper with great cordiality and courtesy. While compliments were passing between them a loud noise was heard in Purgatory. "Stop," said the keeper, interrupting the conversation, "wait a moment if you please; Parson Means has broken his chains, and unless I have him fastened again he will turn Purgatory upside down." [Great laughter.]

When I review the conduct of the honorable Senator from Mississippi for several days, and indeed for several years past, I have had deeply impressed upon my mind the anecdote of Parson Means. The course the Senator has pursued has suggested itself so strikingly to me, that I could not resist relating the anecdote to the Senate for their application of it.

Mr. HALE. Mr. President—

Mr. FOOTE. I hope the honorable Senator will allow me to make an explanation.

Mr. HALE. I suppose I must give way.

Mr. FOOTE. What I have said I have said. All I have uttered I uttered with gravity, with a solemn conviction of the truth of every syllable enunciated by me. I have used the language of honesty and patriotism. If I have delineated character in a somewhat striking manner, it is because I understand that character well, from having studied it closely, and from having made up my mind concerning it without prejudice. The Senator from Texas says that I have spoken indirectly. He is the only gentleman who thinks so. Certainly I meant all that I have said that was at all disrespectful for him, and for him alone; and the whole country will so understand it.

The PRESIDENT. If the Chair had supposed that such was the intention of the Senator, he would have felt it his duty to call him to order.

Mr. FOOTE. I do not now repeat what I have said. My reason for not applying my denunciatory language directly, was that I knew I could not do so without violating the rules of senatorial propriety. I knew, sir, that if I did so you would call me to order. Having given my reason for using indirect language, I hope the gentleman, and everybody else, will understand me. A word as to the gentleman's anecdote. He may consider me a very restless person; and if he supposes it necessary to chain me in order to prevent my doing mischief to his presidential pretensions, or something else in which he is interested, all I have to say is, that it is not in his power to forge a chain strong enough to hold me in duress, when I have, a public duty to perform, and especially such a duty as I have been called to perform this morning. My language is ever free, unequivocal, and independent; and whenever I find a case of concealed iniquity, requiring, in my judgment, a prompt and explicit disclosure, I shall be ever ready to employ such language of manly contempt and indignation as the occasion may seem to demand. I am perfectly content, in harmony with his very chaste and classical anecdote, either to go to Purgatory headlong, or descend in *infernus*, as may suit his taste.

Mr. HOUSTON. I have a better illustrative anecdote than the one I told, but I shall not occupy the time of the Senate by repeating it at this late hour. Mr. President, I assure you, I assure the Senate, and I assure the country, that every insinuation against me of indirect plotting by myself or by my friends, within my knowledge, with one party or another—very insinuation that imputes to me any other design than that of preserving the Government in its purity, and the Democratic party in its own faith without an extension of platform, is altogether unfounded. I voted for the compromise, for every measure of it. But I did not insinuate that I had started it. The records of the Senate, however, will show that I gave out the inception of a suggestion of a committee of six Senators. In my absence, owing to the sickness of members of my family, the honorable Senator from Mississippi introduced his resolution for the appointment of a committee of thirteen. Whoever insinuates that I have had any intrigue, or any understanding, or any correspondence upon the subject of free-soil, abolition, disunion, or secession, insinuates what is utterly unfounded, and without the slightest countenance of truth. I make that declaration here without any feelings of unkindness towards the gentleman from Mississippi, for I can assure him that I wish him a smooth and untroubled path of life, and that for his own good and for the gratification of his friends, I hope it may be less troublous hereafter than it has been heretofore. [Laughter.]

Mr. FOOTE, of Mississippi. I thank the gentleman for his generous wishes in my behalf. I trust I may have a quiet career hereafter. I have felt pained at the necessity, which I thought was imposed upon me, of vindicating myself on this occasion. The first assault did not come from me. The Senator from Texas will bear me witness that I warned him solemnly this morning, that, if at this moment when I was about starting for my home, he should undertake to indulge in illiberal remarks, in the expectation that I would probably not stay here and vindicate myself, he would find himself to have committed a great error.

I will announce to him now, that he cannot get out of the predicament in which he has deliberately placed himself. The language of the gentleman in the first instance, as he declares, was intended to be strictly political. My words of derogation and contempt were designed to be most emphatically personal. I have nothing more to say.

Mr. BUTLER. Mr. President, I am not inclined to take any part in this debate at this time; nor do I know that I shall take part in it to-morrow morning. If I were to consult my own feelings, after what has passed between gentlemen, I would not say a word. But I must be permitted to express my surprise that the honorable Senator from Texas [Mr. HOUSTON] should have thought proper to wage war on the constitution of South Carolina. It is not the first, second, nor third time that he has thought proper to allude to the

constitution and laws of South Carolina, and to hold them, as far as he could, to censure and condemnation. I have not the least idea that the constitution of South Carolina is in any danger from the assaults of the honorable Senator. I would just as soon suppose that a diamond could be cut by having rubbed upon it a piece of stained glass. But allow me to say, in a tone of seriousness, that if the sentiment of union between us, the representatives of the sovereign States, is to be preserved and cherished, it will not be by allowing any man upon this floor to look into the constitution of a State which one of his fellow Senators represents and make criticisms upon it.

Next to the religion of any people is their laws and constitution. Now, what would be thought of a Senator upon this floor rising and speaking of the representatives of Louisiana—I do not know that either of them is a Catholic, but there is a very large Catholic population in Louisiana—or of Maryland, where there is also a large Catholic population, and of the religion of their constituents in language of censure? What would be thought of any Senator who spoke in terms of censure of the religion of any portion of the people? And I say that next to the religion of any people, is their laws and constitution.

I would as soon suppose that the Roman constitution would have suffered from the rebuke of the Scythian, as that the constitution of South Carolina will suffer from any remarks of the honorable Senator from Texas. I am sorry that he has thought proper to allude to it for the third or fourth time. What brought that subject into this debate? Does the gentleman suppose that by bringing himself in comparison with South Carolina and her institutions, he is to shine more brightly by the contrast, in his professions of love for the Union? Is that his object? Why has he selected peculiarities in the constitution of South Carolina, when they obtained in the constitution of almost every State in the Confederacy, until very recently. Some provisions which have been put into the constitutions of the States of late years, have not, in my opinion, improved them. Why, at this moment North Carolina has the same features in her constitution, so far as regards a property qualification for Governor and a property qualification for Senators. In Georgia, a Senator sometimes represents five hundred people, while another may represent two thousand or three thousand. It is so.

What does the Senator mean when he speaks of an "oligarchy" in South Carolina? Does he mean to say that the people of South Carolina are governed as slaves by an oligarchy who have concealed from them the knowledge of their rights, or have defrauded them of those rights? I will not speak in anything like flattery of the people of South Carolina; but I would inform the Senator that that people will not appeal to him for instruction as to their rights. Philip of Macedon had a party in Greece; Napoleon Bonaparte had a party in Italy; and perhaps the gentleman may suppose that he has a Houston party in South Carolina.

The Senator asked a question which is perhaps illustrative of his doctrine as to the relation of the Federal and State Governments. What was it? I wish to put it in a prominent point of view, with no disposition to throw anything like personal odium on him. But he asked, in a very emphatic manner, if the Federal Government were to inhibit the people of New York, or of any other State, from voting for electors of President and Vice President, would it not be considered an outrageous usurpation of their rights? He turned round and in the next breath said, South Carolina had done the same thing, and she is to be held equally responsible to the condemnation of history, or I suppose to the condemnation of the gentleman, who is to set himself up as the muse of history—as the modern Clio.

Mr. HOUSTON. I said nothing about condemnation.

Mr. BUTLER. No; but the gentleman made this illustration. The gentleman's doctrine will have that effect to some extent. I have always contended that the Federal Government acted under derivative and delegated powers, and could not by any act of legislation affect any State beyond the powers conferred. I have contended that the States possessed all powers that have not been delegated to the Federal Government; that they

are on a parallel of equality. The idea of the Senator, as I understood it, was, that because she has thought proper by her constitution to exercise her franchise for electors of President and Vice President in a certain way, she is as reprehensible as the Federal Government would have been if it had done the same thing. He cannot get rid of that proposition. The fact is that nearly every State in the Union exercised this power in the same way as South Carolina until very recently. In South Carolina the people vote for the representatives who elect the Governor. They vote for representatives, knowing that those representatives are to select presidential electors. They do not make the matters of popular election directly, but they are so indirectly, because these things are done with intelligence. The people of South Carolina know their rights, and they exercise them in a way they think most conducive to the security of the community. I am one of those who believe that the United States is an organized confederacy of republics. I am not one of those who believe that it is a wild democracy. This thing of breaking down the conservative guarantees of State constitutions will destroy the Confederacy.

The gentleman talks of the Union. It is one of his themes. I believe he is the only practical secessionist on this floor. I believe he is the only man here who voluntarily left the Union. He left the Confederacy and went abroad to enjoy practically in another community these high democratic or *sans culotte* doctrines which he professes. Sir, I believe he did not go, like Coriolanus, to make war on his ancient mother. I have never said or believed anything of the kind. He went to make his fortune, and I award to him all the reputation of being historically connected with the creation of the State which he now so very ably represents. I shall deny him nothing. But I do say, and I say it now for the first time, that he is the last man who should speak unfavorably of South Carolina. Look at the course of South Carolina in connection with the history of Texas. Who proposed for the first time in the Senate of the United States to recognize the independence of Texas? He was a Senator from South Carolina—William C. Preston. Who supported it in the other House? My friend and relative, General Johnson. Who consummated it? My distinguished predecessor and colleague, Mr. Calhoun—with an ability for which the gentleman ought to feel an obligation instead of a disposition to throw imputations on his memory. Sir, who was the hero of the Alamo? Who commanded the troops with so much gallantry at the battle of San Jacinto? A citizen and native of South Carolina, my friend General Rusk. Who was the gallant Travis? He was born not more than five miles from my place of birth. His gallant compeer, Bonham, drank out of the same spring, and went to the same school. Who advanced money for Texas when she needed it? A South Carolinian. Who have had a greater agency, next to the gentleman himself, in bringing into existence a political association with this Confederacy the State of Texas than the people of South Carolina? Yet it is the institutions of that State the gentleman is continually aspersing:

"How sharper than a serpent's tooth it is
To have a thankless child."

The honorable Senator has expressed kind feelings for me and for my family. I believe he entertains them; but I cannot suffer my mother and my country to be assailed under compliments of the kind. The injustice which has been pronounced upon that State more than once, must be rebuked, or I cannot hold my place upon this floor with anything like feelings of perfect equality. No man on this floor has the right to look into the institutions of another State. I will not have the indecency to do so. Suppose I were to look into the institutions of Texas, and hold up something that I might not approve, what would be thought of it? It has only been done on this floor by the Senator from Texas in relation to South Carolina. It is the fourth time it has been done by him.

I have not said that the gentleman is a candidate for the Presidency and is fishing for popular support. If he were to fish in South Carolina for popular support, and to appeal to the people, as distinguished from the rulers, as he calls them, he would fish with a hook so naked that the people would see and despise it. I know, sir, that a great deal might be said on this subject. I do not

wish to protract this debate, for I do not feel that the institutions of South Carolina are in danger from the gentleman's attacks. Coke's Commentaries upon Littleton have been read, and have instructed the great lawyers of the land. Justinian has embalmed and given immortality to the Pandects. I suppose we shall have a book coming out, "Houston on the Constitution of South Carolina," as equal with them in literary merit and instructive matter. I am willing to let it go forth with all the authority of the Senator's high name.

Mr. HOUSTON. It is seldom that I ask the indulgence of the Senate; it is with regret that I ask that indulgence now. I started upon the compromise resolution, but I believe we have travelled off and around it until we have got to "Coke and Justinian." I am really very sorry that the honorable Senator from South Carolina has gone so much into detail in relation to the position I bear to his State. It would appear from his remarks that I had wantonly, at various times, made attacks on South Carolina. I will be a little personal to myself, but I hope not egotistical, in stating the only occasions on which I made any allusions to the constitution of South Carolina. The first difficulty that originated was with a distinguished citizen of South Carolina, and I hope the gentleman did not understand me as casting the slightest reflection on the late Senator from South Carolina, [Mr. CALHOUN.]

Mr. BUTLER. The Senator said that he did not intend to cast any such reflection; therefore I must believe him. I always confide in that Senator's word.

Mr. HOUSTON. I said that I buried any resentment which I might have had against him, and I wished it so understood. I have no resentments against the dead. I was proceeding to state that the first thing in this controversy was the denunciation of me by that distinguished man, when he said that I ought to be held up to public reprobation for voting for the Oregon bill. I adverted to that matter in an address to my constituents. The next cause was a letter which I received of a most abusive character from Colonel Gadsden, of that State. I responded to it. I was not the assailant in either case. The next cause was, that a member of the other House issued a most scurrilous publication against me. I repelled that; so that I was merely acting defensively. At the conclusion of the last session an attack was made on me by a Senator, which was followed up by another. I am now repelling that attack, which I had not the opportunity of doing then. I care not what others may think about it; but I thought it due to myself that I should let these facts be known. I designed no reflection beyond the facts. I intended to say nothing in derogation of the State of South Carolina, or of her citizens.

We have lately seen a practical manifestation of the truth of my remarks. The Legislature has taken one course in the recent proceedings in that State; the matter was submitted to the people; and notwithstanding the unanimity of the Legislature, we find that the people, by eight thousand majority, negated the course indicated, so that I am right in relation to the matter in South Carolina.

The Senator says that I am a practical secessionist. I never was a secessionist. If I left my own to visit an adjacent country, it was no secession from principle or from allegiance to this country. If a new government was formed, and I was a part of that government, I owed my allegiance to it, but that did not make me an enemy to my native land. It is said South Carolina has imposed obligations on Texas in her veriest need. I recollect that a Governor of South Carolina denounced Texas and her cause when she was bleeding at every pore. When her women and children were fugitives, and distracted with fear and apprehension—when an invading and victorious enemy were sweeping over her plains—then it was that a Governor of South Carolina denounced us as vagrants and vagabonds. Sir, if this imposed an obligation upon us in our veriest need, I have yet to learn a sense of gratitude for such favors. We honor the memory of the gallant sons of South Carolina who fell in the Texan contest, and we have recompensed their representatives as far as possible; but to say that South Carolina ever aided Texas in the advance of one penny—

Mr. BUTLER. I never said that South Carolina did.

Mr. HOUSTON. Then the gentleman says, I suppose, that some of her citizens did.

Mr. BUTLER. I have always understood so. Mr. HOUSTON. I assure the gentleman that he is mistaken in his apprehension. I do not mean any disrespect to South Carolina. I have stated facts. I intended to make no disreputable intimation. I can assure the gentleman that I am not fishing for the favor of South Carolina. I do not like the sea-board, and in the mountains they have nothing but trout, and I never was a fisherman. I would not fish for political influence in South Carolina particularly, until some change or modification takes place in the power of the people to express their opinions. I do say, once for all, that I do not intend to reflect on the people of South Carolina, or on the memory of the illustrious dead. I am sorry we have had such a rambling, desultory debate to-day, but I have done with it.

Mr. HALE. Mr. President, I do not know that I shall make the motion which it was my intention to make when I at first rose.

Mr. BADGER. I must beg, as a favor of the honorable Senator from New Hampshire, that he will allow me one moment for the purpose of making an explanation.

Mr. HALE. I have given way already an hour and a half for explanations, and I shall never get the floor in the world if I give way any more. I do not know that I shall make the motion which I at first intended to make, which was to lay the subject on the table. I am too unpopular to carry the motion, and too good-natured to persist in it, particularly when I have been notified that several gentlemen want to speak upon it. But I do hope that at a very early day the motion will be made. I wish to call the attention of the Senate, and of the Senator from Mississippi, who is about to leave us, to one fact. He says, and I have no doubt of it, that his intention in introducing the resolution was to produce a brotherly feeling. Well, I think the exhibition he has had hereto-day will satisfy him, that so far as we have had any experimental knowledge of the effects of his brotherly resolution, it has been a failure.

Mr. FOOTE. I never expected, when I introduced the resolution, that it would pass without opposition. I expected that every Abolitionist would oppose it, of course; that every Free-Soiler and every disunionist would oppose it. I expected that all from the South who were catering for Free-Soil votes at the North, and that all from the North who were catering for secession votes at the South, would oppose it; but I believed that all patriotic votes—that is, the votes of all the rest of the members of the Senate—would be given in favor of the resolution. I wanted the fight to take place here. I thought the factionists would die hard; but die they must. I thought, however incompetent I might be for destroying such monsters, that I might have a chance for striking one or two blows more for my country.

Mr. HALE. I think that the illustrations of the healing and brotherly influence which this resolution is to produce, was best manifested by the state of mind in which the Senator from Mississippi himself addressed the Senate. It was the operation which it had produced upon himself that induced me to come to the conclusion that it could not produce brotherly feeling.

The Senator said he expected the Free-Soilers to die hard. Why, we can die without making as much fuss as the Senator does in living upon this earth. I think we shall not have as many spasmodic throes as he has in the full life and experiment of the resolution itself. You know, Mr. President, that I am a diffident man; but I think I have a right to advise these gentlemen from the South upon this subject. I appeal to the Senate, that when we had this agitation on our side we managed it in much better temper, and more quietly. If this resolution is to operate on the country as it has operated upon the Senate, the effect will be to throw the patient into fits before it is cured. But that may be the intention of the physician. He may be one of those doctors who cannot cure a patient without throwing him into fits. It is said that there are some such. I believe conscientiously that this resolution is not calculated to do any good in the world; and it certainly cannot be the object of the gentleman from Mississippi to kill off the Free-Soilers before he retires; for he announced here during the last Con-

gress, as often as once a week, that the Free-Soilers were dead.

Mr. FOOTE. We are merely performing their obsequies now.

Mr. HALE. But they are not dead. It seems to me that the task of killing them is not over. It is altogether a mistake. I want to call the attention of my friends to another view of this subject presented by the honorable Senator from Mississippi the other day. In urging Southern men to vote for the resolution, he gave as a reason that the South had got everything they claimed; but he added, by way of proviso, that they claimed nothing but what was right and patriotic.

Mr. FOOTE. Nothing but what the Constitution allowed.

Mr. HALE. He did say so; but he said they got everything they claimed. But to-day he says it is a thoroughly Democratic measure, by which I understand the modern definition of his democracy is, that it is thoroughly Democratic to give to the South everything they want, and that is the reason Southern men are to vote for this compromise resolution. I want to appeal to some Northern gentlemen here, for there are some Northern members on this floor representing Northern States and Northern constituencies. What can we—we patriotic men, I am not speaking of factionists—after we have taken this dose, and given this great glory to our friend to go home to Mississippi with, what can we tell our constituents that we got? The South, remember, got all she claimed; what did we get?

Mr. BADGER. All the rest.

Mr. HALE. The honorable Senator from North Carolina has made the best answer in the world. The South got everything she asked; the North got all the rest. That is a complete answer, and it is a highly satisfactory solution of the whole difficulty. With that I suppose we can stand before our constituents.

But the honorable Senator from Mississippi, as I said the other day, does not consider this to be final. He means it to be final until the South wants something more, and then the compromise is no longer binding.

Before the honorable Senator goes home, I can assure him that if he has not produced a brotherly feeling all around, he has on me: I have none but the kindest feelings for him. But when he and the honorable Senator from South Carolina [Mr. RILEY] the other day were disputing the palm with one another, to know who had done most for the Abolitionists, and which acted with them the best, I remembered very well that it used to be the fashion when I was getting what little education I have, to have debating societies, where the disputants displayed themselves, and where it was the fashion for the presiding officer to scan up the merits of the various disputants, and to award the palm. As it is not precisely in accordance with your position, Mr. President, to assume that place, and as from the very nature of the case, I supposed the appeal was made to me to pronounce which was the better Abolitionist of the two, I think it is my duty to the country to announce the fact. I can assure both of these honorable Senators that they have done a great deal more for the Abolitionists than either of them is aware of. But on the score of magnanimity, and on no other score, I think I must award the palm to Mississippi; and I will tell the honorable Senator why. He says the South got all they claimed, and having got all they claimed, they are willing to acquiesce for awhile. Having got all they wanted they do not care about dissolving the Union. South Carolina is in the same category with Mississippi. She gets everything she wants, and everything the North has got to give; but, like the old lady who got a new kettle, she is neither for borrowing nor lending any more. She is for dissolving the Union and going on for herself. Having got everything she claimed, and everything we could give, she thinks the Constitution has entirely failed to bring about what was intended, and she is for going off. Mississippi has the advantage in this respect, and in this alone.

I would not undertake to go further into the comparison. If the honorable Senator would permit me to quote Latin, I would say *non nostrum inter vos tantas componere lites*. I would leave the controversy between the two where it stands; but I must say that I hope I shall not hurt anybody in Mississippi by doing this.

Mr. FOOTE. Do not praise me too much.

Mr. HALE. I will not praise the gentleman too much. I only give him credit for magnanimity. On that score alone, I give the palm to Mississippi. If I were to follow the dictates of my own judgment, I would move to lay this resolution on the table, not that I think it will do any great hurt to the Free-Soil party or to anybody else. I am certain, however, that it will do no good. I sympathize with some of those honorable gentlemen who spoke to-day for the private claimants; and I think that something is due to them. I do not wish the whole time of the Senate to be occupied during this long session in re-discussing what took us a long session two years ago to discuss. We have in our courts in New Hampshire a sort of trial on review; and I have always found in my experience as a practitioner, that it takes twice as long to try a case on review as on the original issue. This is caused by new evidence coming up, and the case being presented in new aspects. What is this? Strip of its technicalities, it is nothing but the trial, upon review, of the compromise measures. The honorable Senator who introduced it was in a hurry to have it passed, so that he might go home in season to be inaugurated Governor of Mississippi, and carry the resolution in his pocket. He may go home, be inaugurated, serve his time out, and come back; and, in the ordinary course of legislation, we shall not have got through the resolution unless the Senate come to the conclusion that they will do something practical, and lay the resolution on the table. I shall not make the motion which I rose to make, because I see some gentlemen opposite me—some young gentlemen—who are anxious to distinguish themselves before the country, and shed light on the subject, and I am desirous to hear them.

Mr. CLEMENS next obtained the floor; but it being four o'clock, he yielded the floor,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 22, 1851.

The House met at twelve o'clock, m.

Prayer by the Chaplain, Rev. Mr. MORGAN.

The Journal of Thursday last was read and approved.

ALPHABETICAL LIST OF CLAIMS.

Mr. DANIEL, by unanimous consent, from the Committee of Claims, presented to the House a report made to him, as chairman of said committee, by the late Clerk of the House, Richard M. Young, showing the progress made in preparing an alphabetical list of private claims, the nature of said claims, and the action thereon, accompanied by the following resolutions, viz:

Resolved, That the Clerk of the House be and he is hereby directed to have completed, in the shortest possible time consistent with accuracy, the digest of claims authorized by the resolution of the House of the 27th of January, 1848, and the 2d of September, 1850, in the manner and at the rate of compensation therein authorized to the extra clerks employed upon the same; and that he pay the compensation due for services already performed on the work, which has been withheld in consequence of the restriction as to time in the resolution of 1850.

Resolved, further, That the Clerk be and he is hereby required to withhold the work from the press until the whole of it shall have been completed and subjected to a re-examination with the journals, reports, laws, &c., and to have reprinted so much of that now printed as shall, by the discovery of errors in it, connected with that now incomplete, or otherwise, be deemed necessary; and that the work, when ready for the press, be printed by the printer now engaged upon it.

[A message was received from the Senate, informing the House of the passage, by that body, of the joint resolution of the House providing for the printing of additional copies of the Journal and documents; also, an act to authorize the Secretary of the Treasury to issue a register to the brig Ada; also, an act granting to the State of Mississippi the right of way and a donation of public land for the purpose of locating and constructing a railroad from Brandon to the eastern borders of said State, in the direction of Montgomery, Alabama.]

The resolutions of the Committee having been read,

Mr. DANIEL said: I beg leave to state, that as this matter requires the immediate action of the House, I trust there will be no objection. It is in regard to the digest of private claims which was

authorized by a previous Congress, and continued under a resolution of the last Congress. The printer has suspended the work, awaiting the action of the House, as some inaccuracies have been found in the work, until the sense of the House can be taken whether they shall be corrected or not. The committee have had the matter under consideration, and have authorized me to report to the House the resolutions which have been read, that the House may see the state of the work. I ask that the Clerk read the report I send to his desk. It is a report made to me, as chairman of the committee, which more properly might have been made to yourself as the Presiding Officer of the House.

The report of the late Clerk of the House, showing the progress made in preparing the alphabetical list of private claims, was then read.

Mr. JONES. I wish to inquire of the chairman of the Committee of Claims, when it is probable that this work will be completed, and how many clerks are now employed upon it; and, also, what sort of volume it will make?

Mr. DANIEL. It will make three volumes about the size of the Congressional Globe. There are about a dozen clerks now employed upon the work, and I understand, if the course recommended by the committee be pursued, it will be completed in five to ten months, and then we shall have probably a work as nearly accurate as one can be made.

Mr. JONES. The thing was wrong in the start. I am opposed to going on with it.

Mr. APPLETON, of Maine. I would like to inquire if the committee know what amount of money has been already expended and contracted for?

Mr. DANIEL. I will first give the House some idea of the progress and origin of the work, and they can then judge for themselves. This work was authorized previous to the last Congress, and was recommended by the Committee of Claims. They found in their investigation, that some digest and index referring them to the action, which the two Houses of Congress had had upon the various claims which had been before them, would not only facilitate the labors of the several Committees, but would tend to protect Congress from imposition. It was found, that claims sometimes rejected in one shape, sometimes assumed another shape, and afterwards very unjustly passed. I have been referred to a case, which was twice paid by Congress, at the distance of only eight years. The committee, therefore, felt the necessity of such a work, and recommended that a work similar to the digest of claims which had been prepared by the Senate, should be also prepared, containing all the cases which had been before this House, and that Mr. Young, a gentleman of this city, who had performed the duties of clerk to the Committee of Claims in previous years, should prepare the work. During the last Congress, feeling the necessity of the work, and wishing to have it completed as soon as possible, the Committee of Claims inquired what progress had been made, and found that although Mr. Young had been engaged some three years, he had made but very little progress, and that if he were alone employed upon it, years would elapse before we should have the work, without any saving, as regards expense. It seemed best, therefore, to the Committee of the last Congress, that the work should be hastened, but first requested the Clerk of the House to ascertain, from such source as would impart correct information, what force would be necessary, in addition to the Clerks of the House, to complete the work within twelve months. We wished to have it completed by the last session of the last Congress. It was a matter about which all was mere conjecture. We had no idea of the vast labor which was required, nor, as it seems, had the Clerk, who supposed that seven extra clerks would be sufficient to complete the work within twelve months. The House, under the recommendation of the Committee of Claims, therefore, passed a resolution authorizing an additional number of clerks, but thought proper not to restrict him as to the number, for it was very obvious that it was all mere conjecture. As the work had been commenced, and we were desirous of having the work completed, and if seven clerks were not sufficient to complete it, that the Clerk should be authorized to employ a greater force. He proceeded at first with the smallest number supposed to be necessary to complete the work in the requisite time. But as the time approached he found that the force was not sufficient, and enlarged it to

something like a dozen. They have been employed in making examinations—they have gone through the Journals, reports, and laws—they have examined written and printed reports—they have examined the files, and in fact everything relating to the action of the House upon the various claims which had been before it as well as the Senate. They have, as I understand, completed the alliteration of all the letters of the alphabet, except perhaps the letters M, S, and T. They have made extracts from printed reports, laws, and the files of the House, and arranged them under their respective letters. That is the condition of the work, so far as the alliteration is concerned. The late Clerk, being exceedingly anxious to hasten the work, thought proper to have the copies of the alliteration under the two first letters of the alphabet, A and B, sent to the printer, and they have been printed.

Mr. McMULLIN. Will the gentleman allow me to ask him a question? Was it not understood that this work was to be finished by the 1st of September last?

Mr. DANIEL. It was so expected, sir; but, as I have stated, it was not so finished. There was no just idea of the immense amount of labor which it involved. The object of the index or digest is for the purpose of reference to claims which have been before Congress. It must be obvious to the House that the same claims may appear under different names. For instance, an original claimant presents a claim. After it has been pending some time, he dies. Then his representative presents it. The claim would appear first in the name of the original claimant, which name might begin with the letter A, and subsequently it would appear in the name of his representative—sometimes of assignees. The letters A and B have been prepared and sent to the printer before a comparison of the alliteration under subsequent letters had been made; and, therefore, there is no reference of cases under those two letters to the same cases appearing under different names beginning with subsequent letters of the alphabet. After sending the work so far as it was supposed to be completed to the printer, the clerks, on proceeding with a comparison of other letters, found that there were many cases under other letters that ought to be referred to under letters A and B, and that the work would be imperfect unless it should be suspended until the alliteration was completed, and the copies for the printer be compared with the originals, and they with the Journals, reports, &c. Although this work is far more accurate and extended than the work of the Senate, there are, it seems, some mistakes in copying as well as in the abstracts, which we are anxious to have corrected, and have, if possible, an accurate work, and not an imperfect work, like the Digest of the Senate. That, I understand, is exceedingly imperfect. I am informed that there are thousands of cases which have been before the Senate, and upon which they have acted, which are not to be found in the Digest. So that that Digest is calculated to mislead as to cases which it does not embrace, but which have in truth been acted upon by the Senate; and I understand there are thousands of cases that have been omitted. This we wish to avoid in the Digest under consideration. If the Digest which has been prepared thus far, should be suffered to go to the printer, although incomplete and inaccurate in some respects, yet it would be valuable, and might aid in guarding against imposition, but would be more valuable if accurate. These matters have been taken into consideration by the Committee of Claims, and they have instructed me to report a resolution which directs the Clerk of the House to withhold the work from the printer until the entire alliteration has been gone through with and compared, and an examination of the Journals, laws, and files of the House have been made, so as to insure the greatest possible degree of accuracy. There is another matter embraced in the resolution which the committee thought proper to bring to the consideration of the House. This is a matter which falls within the contract of the printer of the last Congress. If the work should be suspended as proposed, a claim might be set up by the printer to the present Congress, and the committee have thought proper to provide by resolution, that the work should be done by the printer who has heretofore performed a part of it. He has his

type already set up, and can correct with less trouble and expense the defects which exist under the letters A and B, than to make an entire reprint of the work. I will state to the House, that the committee have been informed by the clerk of the Senate Committee on Printing, and one of the printers engaged about the work, that the cost of the printing which has been already done, if that should be thrown aside, will be a little the rise of two thousand dollars. Fourteen hundred copies of the work, under the letters A and B, and some perhaps under the letter C, have been printed. The committee thought it would be best even to pay that sum to have the work accurate. They believe that a great deal of the work which has been printed under letters A and B, might be embraced in subsequent reprints; so that the probability is, if the House see fit to act upon the suggestions of the committee, the cost will be much less than \$2,000. It is supposed if they were to compare the copies with the original abstracts, under the different letters, it would require some two or three months to have the work ready for the printer; and to compare the abstracts with the Journals, reports, and laws, might require some four or five months more. The number of clerks employed at present is about twelve, as before stated, and they receive the compensation of engrossing clerks—salaries of \$1,500 per annum. The House can see, therefore, what the additional cost will be. I suppose, if the work shall be so prepared and so printed as to insure that accuracy which the committee think highly desirable, the whole cost will be upwards of \$20,000—perhaps as high as \$25,000. Even if the cost should reach that sum, it might save the Treasury double, treble, even ten times the amount in a single Congress. I trust that with these explanations there will be no objection to the resolutions, and that they will be adopted.

I desire to add one single remark, which I omitted. I understand from the clerks who have been engaged in this investigation, that the indices to the Journals and the reports of the House have been found to be exceedingly inaccurate. In one case several hundred matters that have been before the House are not indexed at all. I make this remark with the hope that those engaged in preparing the indices will pay more attention in future.

Mr. JONES, of Tennessee, called for the yeas and nays on the adoption of the resolution.

The yeas and nays were not ordered.

The question was then taken on agreeing to the resolution, and on a division there were—ayes 100, noes 38.

So the resolution was agreed to.

Mr. SACKETT moved to reconsider the vote just taken, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

RECEPTION OF LOUIS KOSSUTH.

Mr. CARTER asked the unanimous consent of the House to introduce the following resolution:

"Resolved, That a committee of five be appointed by the Chair to wait upon Louis Kossuth on his arrival at the capital, and introduce him to the House of Representatives."

Mr. JONES, of Tennessee, objected.

Mr. CARTER moved that the rules be suspended, to enable him to introduce the resolution.

Mr. JONES called for the yeas and nays.

Mr. BAYLY, of Virginia. I desire to debate the resolution.

The SPEAKER. The motion now is, to suspend the rules to enable the gentleman from Ohio [Mr. CARTER] to offer his resolution.

The yeas and nays were ordered.

The question was then taken on the motion to suspend the rules; and there were—yeas 111, nays 58; as follows:

YEAS—Messrs. Willis Allen, Allison, Andrews, John Appleton, Babcock, Bartlett, Bennett, Bissell, Bowne, John H. Boyd, Brenton, Briggs, Busby, Joseph Cable, Thompson Campbell, Carter, Caskie, Chandler, Chapman, Chastain, Clark, Cleveland, Clingman, Cobb, Conger, Curtis, George T. Davis, John G. Davis, Disney, Doty, Durkee, Eastman, Faulkner, Ficklin, Florence, Floyd, Fowler, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Gaylord, Gentry, Giddings, Green, Grey, Grow, Hascall, Hendricks, Hibbard, Horstford, Howard, John W. Howe, Thomas M. Howe, Ingersoll, Ives, John Johnson, J. Glancy Jones, Preston King, Kuhns, Kurtz, Landry, Letcher, Mace, Edward C. Marshall, Mason, McDonald, McNair, Molony, H. D. Moore, Murray, Nabers, Newton, Olds, Andrew Parker, Peaslee, Penniman, Perkins, Polk, Rantoul, Richardson, Robbins, Robie, Robinson, Sackett, Schermerhorn, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Richard H. Stanton,

Abraham P. Stevens, Stone, St. Martin, Stuart, Sutherland, Sweetser, George W. Thompson, Thurston, Townshend, Tuck, Walbridge, Walsh, Ward, Washburn, Welch, Addison White, Wildrick, and Yates—111.

NAYS—Messrs. Abercrombie, Aiken, Ashe, Averett, Barrere, Thomas H. Bayly, Bibbhaugh, Bocock, Bragg, Breckenridge, Albert G. Brown, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Cullom, Daniel, Dockery, Dunham, Edmundson, Evans, Fitch, Goodenow, Hall, Hamilton, Hammond, Harper, Sampson W. Harris, Haven, Hebard, Henn, Hillyer, Holladay, Houston, Jackson, Andrew Johnson, James Johnson, George W. Jones, Lockhart, Humphrey Marshall, Martin, McMullin, Millson, Morehead, Morrison, Murphy, Orr, Penn, Powell, Scurry, Smith, Stantley, Alexander H. Stephens, Taylor, Benjamin Thompson, Venable, Watkins, Wilcox, and Williams—58.

Mr. HARRIS, of Tennessee, asked leave to record his vote, being without the bar when his name was called; but objection was made.

So, two thirds not voting in the affirmative, the rules were not suspended.

HOLDERS OF BOUNTY LAND WARRANTS.

Mr. BRENTON, by unanimous consent, and pursuant to previous notice, introduced a bill "for the relief of the holders of bounty land warrants issued under the act of September 28, 1850."

The bill was read a first and second time by its title.

Mr. BRENTON. I wish to make a very few remarks in reference to that bill. It is one which, in my opinion, demands the prompt and speedy action of Congress; and if I had confidence in the general correctness of its phraseology, I would ask the House to pass upon it immediately, without any reference to a committee.

The object of the bill is to permit the location of these bounty land warrants upon lands above the minimum price of \$1 25 per acre; and also to confirm the titles of the holders of land of that character that has already been located. Under the present law the Commissioner has suspended the operation of locations at several offices upon lands of that character. Many warrants have been located upon these lands under the instructions applicable to the location of Mexican bounty land warrants; but those locations have been suspended, and it is important that they shall be confirmed, in addition to extending the privilege of locating on these lands, to the present holders. Again, patents have already been issued upon locations that have been made of the character described in the bill, and it is important that the last section shall pass in order to confirm the titles of the present holders of these patents. The offices where there are lands of this character are now suspended, as far as the location of warrants is concerned, and have been since some time in the month of September last. I myself know of hundreds of cases where individuals are now held in suspense—locations having been made and the Commissioner having authorized the canceling of those locations in some instances and the suspension of them in others. It is therefore important that the patents of the holders shall be legalized.

Believing that the bill can meet with no objection from any part of the House, I ask that it be put upon its passage immediately. If objection is made, I shall move its reference to the appropriate committee.

Mr. HALL. This is a bill of considerable importance, and I do not think it ought to be passed without being examined by a committee. I therefore move its reference to the Committee on Public Lands.

The motion was agreed to, and the bill was referred to the Committee on Public Lands.

ASSIGNABILITY OF LAND WARRANTS.

Mr. BISSELL moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up for consideration the joint resolution explanatory of the act approved September 28th, 1850, entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States."

Mr. B. said: If the House will indulge me for a single moment, I will state that there are matters contained in this resolution which require prompt action on the part of this House. I know of no measure that has been or can be brought before us that requires prompt action more than the matters embraced in this resolution. I hope, therefore, that there will be no objection to going into committee and passing it to-day.

The resolution provides, amongst other things,

for compensating land officers for locating military bounty land warrants. This is but an act of justice, and one which is demanded by every principle that should govern our action here.

I will state to the House, that there are land officers in the West who, under the impression that compensation would be made to them for locating these warrants, have held on to the offices for two or three years, which only yield them one hundred dollars a year above clerk hire. The very fact that all the lands around them in their districts are entered upon by these warrants prevents them, of course, from receiving that percentage which they have heretofore received when their land has been entered by money. All that they get, therefore, is the \$500 salary, and very small dribblings received from other sources, which do not compensate them for their labor. I hope there will be no objection to my motion.

Mr. TUCK. I desire to inquire of the gentleman, whether it is his purpose to ask that the other parts of the resolution which he proposes to take up, shall be passed, besides that to which he has referred?

I have not yet heard of any opposition to that part of the gentleman's resolution to which he has referred, but I consider it a matter demanding the utmost deliberation before we determine to create an indefinite and, at present, unknown extension of the law of 1850, granting bounty lands.

Mr. HOUSTON. I call the gentleman to order. I object to this debate.

The SPEAKER. The debate is not in order. The question was then taken on Mr. BISSELL's motion; and it was agreed to—ayes 81, noes 36; [the Speaker voting in the affirmative to make a quorum.]

So the rules were suspended, and The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HIBBARD in the chair.)

Mr. RICHARDSON moved to pass by all the business preceding the joint resolution in relation to bounty lands warrants, with the view to take up and consider that resolution.

Mr. JONES, of Tennessee. That motion is not in order. The 135th rule requires that the business shall be taken up in committee in the order in which it stands upon the calendar; and it is a question for the committee to determine whether they will proceed with the first business in order, or whether it shall be laid over.

Mr. RICHARDSON. The gentleman from Tennessee is right, and I was but anticipating the rule. If, however, the Chairman will designate what the business is that precedes the resolution, I will move to pass it by.

The CHAIRMAN stated that the first business in order was the resolutions of the gentleman from Alabama, [Mr. HOUSTON] for the distribution of the President's message to the several standing committees.

Mr. RICHARDSON. I move to lay aside those resolutions.

Mr. HOUSTON. I do not understand the gentleman from New York [Mr. SEYMOUR] as yielding the floor for a motion of that sort. When the committee was last in session, that gentleman was entitled to the floor, and is, therefore, now entitled to it. Unless he shall yield the floor, the motion of the gentleman from Illinois cannot be entertained.

Mr. RICHARDSON. When the gentleman from New York gave way for the committee to rise, he lost the control of the floor. It is for the committee to determine each day what business they will take up. They have entire control of the business.

Mr. SEYMOUR, of New York. I will state that when the committee last had under consideration the President's message, the floor was awarded to me. The question was about to be taken upon the resolutions introduced by the gentleman from Alabama, [Mr. HOUSTON]; and desiring to offer an amendment to one of these resolutions, I obtained the floor. I do not propose to enter into an extended discussion, but merely to offer an amendment to one of the resolutions. For one, I hope that the President's message will take precedence, and that the subjects therein contained will be referred to the appropriate committees, so that the committees of this House may have subjects before them to consider during the recess, or during the time when this House will not be seri-

ously occupied with business until after the 1st of January. It will not take long to dispose of the message, and then this resolution can be taken up.

Mr. RICHARDSON. I rise to a question of order. I desire to know from the Chair whether or not the gentleman from New York is entitled to the floor?

The CHAIRMAN. The Chair decides that the gentleman from New York is entitled to the floor.

Mr. RICHARDSON appealed from the decision of the Chair.

The CHAIRMAN. The business before the committee is the consideration of the resolutions of the gentleman from Alabama, [Mr. HOUSTON], in relation to the President's message. The gentleman from New York [Mr. SEYMOUR] having obtained the floor before the committee last rose, the Chair decides that he is now entitled to the floor. From that decision the gentleman from Illinois appeals; and the question now is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. RICHARDSON. As I understand that the gentleman from New York desires only to occupy the floor for a few moments, I withdraw the appeal; but I shall renew it hereafter with a view of testing the propriety of the decision of the Chair.

Mr. CARTTER. I want that question decided at once, and therefore I renew the appeal.

The question was then taken, and the Chair was sustained.

Mr. SEYMOUR called for the reading of the eighth resolution; and it was read as follows:

"8. That so much of said message as relates to commerce, the improvement of harbors, reciprocal trade between the United States and Canada, and other British possessions near our frontier, be referred to the Committee on Commerce."

Mr. S. then moved to amend the resolution by inserting before the word "harbors" the words "rivers and;" and also to strike out the 10th resolution, which provides that so much of the message as relates to the improvement of rivers be referred to the Committee on Roads and Canals.

Mr. S. said: Mr. Chairman, the remarks I propose to submit upon this amendment will be very brief and of an entirely practical nature. It will be perceived that the resolution as offered by the gentleman from Alabama, [Mr. HOUSTON], proposes, among other things, to submit to the Committee on Commerce the consideration of the improvement of our harbors; whereas the same resolution proposes to submit the subject of the improvement of our rivers to the Committee on Roads and Canals. Now, the amendment which I have submitted proposes to submit the consideration of both these subjects to the Committee on Commerce, as has been the practice of the House heretofore.

I am aware that the resolution as offered by the gentleman from Alabama, [Mr. HOUSTON], is strictly in accordance with the 98th rule of this House, by which the Committee on Roads and Canals was established. That rule provides, that this committee shall have consideration of all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, or be referred to them by the House, &c. That rule, however, I will remark, bears date twenty years ago; and if gentlemen will take the trouble to examine, they will find that the universal practice of the House, from that period down to the present time, has been to refer all matters relating both to the improvement of harbors and rivers, to the Committee on Commerce. I have not been able to find a single instance where the two subjects have been separated. Such has been the uniform practice of the House, and I suppose it has been thus uniform for good reasons. A full investigation of the matter will convince gentlemen of the propriety of this practice. The subjects themselves are of a similar nature; both have reference to matters affecting the foreign commerce of the country.

A rule which has been promulgated—and which we have endeavored, certainly, to adhere to, in relation to the improvement of rivers—that all appropriations for such objects shall be of a national character, shows the propriety of the reference of all matters pertaining to the navigation of our large rivers, as well as those pertaining to the improve-

ment of our harbors upon the Atlantic and Pacific coast, or upon the lakes, to the Committee on Commerce. The committee will perceive that appropriations made for these subjects, if separated, will often be expended upon similar objects. The improvement of a river is many times the improvement of a harbor—the river itself helping to form that harbor. Gentlemen are aware of the great pressure for appropriations upon these subjects. I trust, therefore, that they will see the propriety and importance of referring them both to the Committee on Commerce, in order that those subjects, which are kindred in their character, may be considered and decided upon by one and the same committee. If the House is to pass a bill the present session, making such appropriations as our constituents may reasonably expect, it seems to me that it can be better matured in one committee than in both. I wish to be distinctly understood, in making this motion, that I cast no disrespect upon any member of the Committee on Roads and Canals. I believe that this, or any other subject, which it may be the good pleasure of the House to refer to them, will receive their deliberate and impartial investigation; and I believe that investigation would be conducted with ability. I make the motion for the purpose of preserving uniformity of proceeding upon this subject, and for the purpose of subserving to what I believe will be the best interests of the country, in relation to these matters. I present these remarks for the consideration of the committee, and I leave them to make what disposition of the subject they may deem proper.

Mr. BISSELL. As this subject furnishes a theme for discussion about as illimitable as any other, I move that it be now laid aside.

Mr. ROBINSON. I hope that it will not be the pleasure of the committee to pass it over.

Mr. BISSELL. Well, I make the motion to lay it aside temporarily, in order to take up the next business on the calendar.

Mr. ORR. I desire to inquire of the gentleman from Illinois, [Mr. BISSELL], if the resolution which he proposes taking up, has been printed and laid upon the desks of members?

Mr. BISSELL. It has been printed, but it seems has not been very generally distributed.

Mr. ORR. I will merely remark that I have just sent out for a copy of it and cannot obtain one.

The question now being upon the motion to lay aside the resolution under consideration,

Mr. BISSELL demanded tellers, which were ordered, and Messrs. CARTER and FOWLER appointed.

The question was then taken, and the tellers reported—ayes 41, noes 57; no quorum voting.

[Cries of "Re-count!" and "Call the roll!"]

The CHAIRMAN said that the roll would be called to ascertain the names of the absentees.

The roll was then called and the committee rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union having found itself without a quorum, had instructed him to report that fact to the House, with the names of the absentees.

A quorum being now present, the committee resumed its session; and the question being taken upon the motion to lay aside the resolution under consideration, the tellers reported—ayes 65, noes 61.

So the motion prevailed.

The CHAIRMAN stated the next business in order to be a joint resolution explanatory of the act approved September 28, 1850, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States."

Mr. DUNHAM desired to offer an amendment. Mr. JONES, of Tennessee, called for the reading of the resolution.

It was read by the Clerk. The following is the first section, as read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the act approved September 28, 1850, "granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," shall be construed as to prevent the sale and transfer of any certificate or warrant issued by virtue of said act, prior to the location of the same, or the issue of the patent thereon.

Mr. DUNHAM. I desire to offer an amend-

ment, which I send to the table, to come in as an additional section.

The CHAIRMAN. Does the gentleman from Indiana propose to amend the first section?

Mr. DUNHAM. I do not.

Mr. STEPHENS, of Georgia. I suggest to the gentleman from Indiana, [Mr. DUNHAM,] that he move to amend in such a manner that the whole shall take the form of an act, and not of a resolution.

Mr. DUNHAM made a reply that was entirely inaudible to the reporter.

Mr. STEPHENS. Then I move to amend the first section, by striking out the word "Resolved," and inserting the words "Be it enacted."

The question being taken, the amendment was agreed to.

Mr. FICKLIN. I move to amend the first section by inserting the following as a substitute therefor:

SECTION 1. That hereafter all military bounty land warrants shall be assignable by indorsement thereon, and may be either by a special or blank assignment, but shall in all cases be dated on the day of the assignment, attested by two competent witnesses, and acknowledged before some officer authorized to take the acknowledgment of deeds, who shall certify that the person making the assignment is personally known to him to be the individual making the assignment, or that his identity was established by two competent witnesses, which said assignment to be attested by the seal of a court of the proper county, and shall authorize the assignee thereof to locate the said warrant in his own name.

Mr. FICKLIN. It may be proper for me to say, in explanation of the amendment I propose, that I concur entirely with my friend from Georgia, [Mr. STEPHENS,] that it is proper that this resolution should throughout assume the form of an act. I think it proper also that, instead of saying that nothing in the act shall be construed to prevent an assignment, that there should be an express authority given to make the assignment; and that the mode of making it should be designated, so that all may understand it. As I understand it, sir, the act which has heretofore been passed making land warrants assignable, is so loose that infinite frauds upon the Government in making assignments have been committed; and that one location after another has been set aside by the proper officers of Government, because of defects in the assignment and transfer of warrants. I am not prepared to say that the amendment I propose is perfect; but I am prepared to say that there should be an amendment giving express authority to the holders of these warrants to assign them, and also pointing out the mode and manner of making that assignment, so that it may be understood by every person how he can effect an assignment of these warrants to make them good at the land offices.

Mr. BISSELL. As the amendment proposed by my colleague [Mr. FICKLIN] aims at the accomplishment of the same object as the first resolution of the series, and perhaps is better adapted to accomplish that object, I see no objection to its being adopted. The object will perhaps be more certainly and more effectively attained.

Mr. BRENTON. I ask that the amendment may be read, as I desire to make a few remarks in reference to it.

The amendment was accordingly read as above.

Mr. BRENTON. Mr. Chairman, I have some objections to the form prescribed in the proposed amendment. It would be much better, sir, to provide simply that the warrants shall be assignable, leaving the form to be prescribed by the Commissioner of the General Land Office. The practice has been, in reference to warrants issued under the law of 1847, to accompany them with the blank form of an assignment. The form prescribed would be objectionable, if for no other reason than this, that the law would not be in the hands probably of ten out of a hundred of those that will hold these warrants. But if authority be given to make these warrants assignable, under the instruction of the Commissioner of the General Land Office, in the form of the assignment accompanying the warrant, every individual, when he receives the warrant, will at once have the form before him.

Mr. FICKLIN. With the permission of my friend from Indiana, [Mr. BRENTON,] I wish to ask him if he is not aware that such instructions have heretofore been given under the act of 1847, and that in very many cases of warrants being

located these locations have been set aside one or two years after the location for a defect in the assignment?

Mr. BRENTON. I will answer the gentleman, that such is the fact; but the remedy is not to be found by embodying the form of the assignment in the law. It is true, sir, under my own observation, that thousands of these warrants have, during the last few years, been assigned in the most informal manner, even with the blank form of assignment, and by attorneys who have acted for the holders of warrants. If the form of assignment is embraced in the law, and no authority given to have it printed upon the warrants themselves, the law will not be generally circulated, and greater evils and informalities will grow out of it than have grown out of the practice heretofore.

Mr. FICKLIN. I would inquire of the honorable member from Indiana, if the printing of this first section, as to the mode of assignment upon the warrant, would not obviate his objection entirely?

Mr. BRENTON. I answer the inquiry of the gentleman further: Under the act of 1847, the ninth section of that act, by which these warrants are authorized to be issued, and by which they were made assignable, accompanied the warrant, and was then followed by a bill of instructions from the Commissioner himself, printed upon the back, prescribing the form in which these warrants should be assigned; and I conceive all that is necessary in making these warrants assignable, is to leave the matter with the Commissioner of the General Land Office to prescribe the form, and to have that form printed upon the back of the warrant, that every holder may have it directly before his eye. I have known hundreds of cases where warrants have passed into the hands of attorneys who have undertaken to transact this business, and these warrants have come to the Land Office regularly assigned apparently, but with only one attesting witness, and in many cases with no seal of any officer attached to them.

The instructions should be made so specific that every individual who holds a warrant, however ignorant, may be enabled to fill up the assignment, and to put his name to it so as to save, in the language of the law of 1850, the soldiers from any expense whatever in the location of their warrants. I would remark further, sir, while upon this point, that, as regards the location of these warrants, the provisions of law in reference to the expenses incurred by the soldiers have, to my mind, been contravened. Expenses have been incurred by the holders of warrants issued under the act of 1850, which, I think, are wholly uncalled for, in order to their location. I am decidedly in favor of the transfer or assignment of all these warrants, and want a provision inserted in the first section, such as shall authorize the Commissioner of the General Land Office, or the Commissioner of Pensions, issuing the warrants, to cause to be printed upon the back of them the form of an assignment, such as shall be recognized by the proper authority for the location of these warrants. And as I have not the amendment before me, and I do not know at what point precisely to introduce that provision, I will leave it with the committee, that it may be introduced. In that form and with that change in the proposed amendment I shall favor it.

Another point, sir. If I understand the language of the proposed amendment, it is simply that hereafter all warrants shall be made assignable. Is the language there used intended to embrace all warrants now outstanding, or warrants which shall hereafter be issued? It should be made retrospective.

Mr. FICKLIN. It means all outstanding warrants. It embraces all warrants.

Mr. BRENTON. I supposed that was the intention.

Mr. BISSELL. It must be recollected that the form which it is proposed the Commissioner shall adopt, cannot reach the thousands of warrants already out; therefore I think that we should fix in substance the form, so that holders of warrants already issued can have the help of the Commissioner, and may know how to assign them. I think, therefore, that the form proposed in the amendment of my colleague [Mr. FICKLIN] should be adopted; and if it is thought advisable, to suggest to the Commissioner, or require that any warrants hereafter to be issued, should have printed

upon them the form corresponding with what we here contemplate, it will be well. But, in addition to that, it is necessary here to fix the substance of the form, in order to meet the case of warrants already passed beyond the control of the Commissioner.

Mr. BRENTON. There is very little difference between me and my friend from Illinois, [Mr. BISSELL.] There is no difference as regards the propriety of the assignment and the form of the assignment. The point is this, to get the assignment in such a form that the mass, the illiterate and the uneducated, shall understand it.

Mr. CARTER. I rise to a question of order. It is this: Is it competent to discuss the point the gentleman is now discussing, when there is no amendment before the committee. He said he has an amendment somewhere in contemplation.

Mr. BRENTON. I am thankful that the orderly gentleman from Ohio has called my attention to a point of order. I always, as a stranger to parliamentary proceedings, feel myself under obligation to any gentleman who sets me right, and puts me in order when I am out of order. I understand that in discussing this question in the Committee of the Whole, I would have a right to take up and discuss every letter and syllable of this section, as well as the proposed amendments, and still be in order. I only suggested to my friend from Illinois [Mr. FICKLIN] the propriety of having that amendment so changed as to authorize the indorsement of the form of the assignment upon the back of the warrant.

Mr. FICKLIN. I have no objection. It is right.

Mr. TAYLOR inquired if it was in order to submit an amendment to the amendment?

The CHAIRMAN replied that it was.

Mr. TAYLOR then submitted the following amendment, to come in at the end of the first section, viz:

In conformity with a form to be prescribed by the Commissioner of the General Land Office.

Mr. BISSELL. One suggestion upon that amendment: It would not reach the warrants already out.

Mr. TAYLOR. I apprehend it will, just as readily as the form suggested by the gentleman from Indiana, [Mr. BRENTON.] It is not my purpose to detain the committee. I believe a very large majority of the House would like to see these land warrants made assignable. I believe that is the desire of the country—particularly of those persons to whom these warrants have been issued. The object of the gentlemen who have discussed this question is to adopt some form by which this may be done. Now, sir, I think there is no better person to prescribe a form for such warrants than the Commissioner of the General Land Office, and the amendment I move to come in at the end of the first section will meet that view. I propose these land warrants shall be made assignable in the form prescribed by the Commissioner of the General Land Office. That will be known to the country, and accessible to everybody, and probably will be printed upon the back of the land warrant itself. This I think meets the views of the gentleman from Indiana, [Mr. BRENTON,] so intelligently expressed. I will add to my amendment the words, "and be printed upon the back of the warrant." It is very evident, Mr. Chairman, that these land warrants are to be made assignable; and I think if these words are adopted, they will meet the views of the committee.

The CHAIRMAN. Does the Chair understand the gentleman to modify his amendment?

Mr. TAYLOR. I think my amendment as first offered will meet the wishes of gentlemen, and I will not modify it.

Mr. RICHARDSON. I move the committee rise. My object is to terminate this debate.

Several MEMBERS. "Oh, no!" "Oh, no!"

Mr. RICHARDSON. If the resolution I intend to propose is adopted, we can go back into committee again; gentlemen can offer all of their propositions, have a vote upon, and five minutes to debate them. I want to terminate this sort of debate, as there is evidently no good to result from it. I move the committee rise.

Mr. CARTER demanded tellers; which were not ordered.

The question being taken, the motion was not agreed to.

Mr. HARRIS, of Tennessee. The amendment

of the gentleman from Illinois [Mr. FICKLIN] is one in substitution of the first section—is it not, sir?

The CHAIRMAN assented.

Mr. HARRIS, of Tennessee. Then I suppose it is in order to perfect the first section before the vote is taken upon the substitute. I offer the following as a proviso, to come in after the first section, and I desire its adoption, although I have no objection to the substitute offered by the gentleman from Illinois.

The CHAIRMAN. It is the impression of the Chair that the amendment submitted by the gentleman from Ohio, [Mr. TAYLOR,] being in fact to perfect the first section, takes precedence. The first vote must be upon it.

Mr. HARRIS, of Tennessee. I supposed it was an amendment to the substitute of the gentleman from Illinois.

Mr. CLEVELAND called for the reading of the section as it would be if the amendment were adopted; which was read by the Clerk.

Mr. JOHNSON, of Arkansas. I will detain the House but for a moment. The sense of the House upon the subject now before them is a matter very well ascertained. We will not reach the time when we can proceed to vote upon these questions at all, so long as there is a gentleman in this Hall disposed to go on and make a speech, except by proceeding according to the regular rule; that regular rule is, that in the House we shall pass a resolution which shall limit debate to five minutes. Then every gentleman can have an opportunity of offering amendments and of making five minutes' speeches upon them, and those opposed to them will have, also, five minutes in which to state their objections. If we are disposed to go on and get through with this matter, which has been half passed upon already by this House and the Senate, there can be but one motion now introduced that is in order, which will cause the business to progress, and that is, sir, that the committee rise. I intend, if the committee rise, to present the resolution I have indicated, which I hope may pass.

Mr. HARRIS, of Tennessee. I rise, Mr. Chairman, to a question of order. I had the floor and yielded it but for the reading of the amendment offered by the gentleman from Ohio, [Mr. TAYLOR,] to learn to what end that amendment was submitted. I did not think proper to interrupt the gentleman from Arkansas while he was addressing the committee. My question of order is, that the gentleman has no right to offer the motion, as I am entitled to the floor.

Mr. JOHNSON, of Arkansas. I am very sorry that my friend has been cut off so unceremoniously. I will withdraw the motion.

Mr. HARRIS. I understand the amendment offered by the gentleman from Ohio is an amendment to the original section, and that it is in order to offer an amendment to the amendment: I therefore offer the amendment which I send to the Clerk's table, to come in after the amendment of the first section.

The amendment was read by the Clerk, as follows:

Provided, That in all cases the assignment shall be acknowledged or proven by two subscribing witnesses, before some officer authorized to take the probate of deeds, who shall certify under his seal of office that the person making the assignment is personally known to him, or that his or her identity has been proven by two credible witnesses.

Mr. WALSH. I move an amendment as a substitute for the whole, in order to simplify the subject.

A MEMBER. The gentleman is out of order.

Mr. WALSH. Only one word, as was allowed the gentleman from Indiana, [Mr. BRENNON,] The difficulty has been, it is said, that these persons will not understand the particular rules governing these assignments, established by this House. Now, every man in every city understands the local laws governing the transfer of real property. I desire to so amend the bill that said assignments shall be authenticated in all respects in the transfer of land as authenticated in the State where said assignments are made.

Mr. HARRIS, of Tennessee. I rise to a point of order, which is, that there is a substitute pending for the whole of the first section; that there is an amendment to an amendment perfecting the first section, and therefore no other amendment is in order, according to my idea of the rules. I make the question of order.

The CHAIRMAN. That is the impression of the Chair. The proposition submitted by the gen-

tleman from Illinois [Mr. FICKLIN] was in fact a substitute. The gentleman from Ohio [Mr. TAYLOR] moved an amendment to the original section, which he had a right to do, and the gentleman from Tennessee [Mr. HARRIS] moved an amendment to the amendment, which is now the question before the committee.

Mr. JOHNSON, of Arkansas. If I understand aright I would not certainly intervene between any gentleman, and any wish he has in regard to the offering of an amendment. I will say the motion I proposed to make is one which will cause the advancement of business; and when this step has been taken every gentleman will still have in the committee, upon the same subject, the right to offer amendments. I therefore move that the committee rise with reference to the putting a limit upon debate. We cannot get along if members are permitted to offer all the ideas they desire.

I move the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. HINBARD] reported that the Committee of the Whole had had the state of the Union generally under consideration, and particularly the joint resolutions explanatory of the act, passed 28th of September, 1850, entitled "An act granting bounty lands to certain officers and soldiers engaged in the military service of the United States," had made progress therein, but had come to no conclusion thereon.

Mr. JOHNSON, of Tennessee. I offer the usual resolution for closing debate in Committee of the Whole on the state of the Union in five minutes after the said committee shall have again resumed its session.

The resolution was adopted.

Mr. RICHARDSON moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. HALL, of Missouri, rose to a privileged question, and moved that the House adjourn; which motion, upon a division of the House, was agreed to—ayes 64, noes 56.

So the House adjourned.

NOTICES OF BILLS.

Mr. WEIGHTMAN, of New Mexico, gave notice, under the rule, of his intention to introduce the following bills:

A bill to authorize the Governor of New Mexico to call an extra session of the Legislature, if the same shall by him be considered necessary and expedient, and for other purposes;

A bill to extend to officers and enlisted men of the Army, and to volunteers and militia called into the service of the United States by competent authority, and doing duty in New Mexico, the provisions of the act of September 28th, 1850, making appropriations for the support of the Army;

A bill to increase the salaries of civil officers in New Mexico;

A bill to authorize the survey of the public lands in New Mexico, and for other purposes;

A bill providing for the arming and equipping the militia of New Mexico; and

A bill to provide for a geological and mineralogical survey of New Mexico.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FAULKNER: The petition of Passed Assistant Surgeon Richard McSherry, of the United States naval service, to recover compensation for extra services performed in Mexico.

Also, the petition of Joshua Lewis, a disabled mechanic of the national armory at Harper's Ferry, praying to be placed on the pension roll.

By Mr. ANDREWS: The petition of George F. Patten and others, of Bath, for the improvement of Kennebec river by the erection of beacons, buoys, and spindles, and for an appropriation of \$5,000 to complete the same.

Also, the petition of Francis Tribon, for an invalid pension; and the petition of William Elwell, for the same.

By Mr. CHANDLER: The memorial of Thomas C. Rockwell, Whelan & Co., and many other merchants of Philadelphia, asking Congress to purchase the remaining stock in the Louisville and Portland canal.

By Mr. BOWNE: The petition of Joshua R. Sands, praying for the payment of the expenses incurred in carrying out Hon. Wilson Shannon as Minister to Mexico.

Also, the petition of C. L. Franklin and others, assistant marshals of Kings county, southern district of New York, for increased compensation for taking the Seventh Census.

By Mr. CHASTAIN: The petition of sundry citizens of Paulding county, Georgia, praying for the extension of mail route No. 3376 from Rome to Cedartown, Georgia, to Pumpkinville post office, Georgia.

IN SENATE.

TUESDAY, December 23, 1851.

Prayer by the Rev. Mr. MORGAN.

FLOGGING IN THE NAVY.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Navy,

communicating, in compliance with a resolution of the Senate of the 19th instant, letters from officers of the Navy on the subject of corporal punishment in the Navy, and a revision of the rules and regulations of the Navy by a board of naval officers.

Ordered, That it be referred to the Committee on Naval Affairs, and printed.

Mr. GWIN. I move that this communication, with the accompanying papers, be referred to the Committee on Naval Affairs, and be printed for the use of the Senate. And I also give notice, that instead of calling up the memorial of the Senator from Pennsylvania, [Mr. BRODHEAD,] as I intended to do to-day, I shall postpone calling it up until the 6th of January, when I hope that those gentlemen who are in favor of this practice will be prepared to give their views upon the subject.

Mr. DAVIS. I wish merely to say, that this is a question of some interest, agitating the public mind in many quarters to a considerable extent; and I hold that the whole matter should go to the Committee on Naval Affairs, who should take it into their deliberate consideration, and make a written report, which may go out to the country.

Mr. GWIN. I have moved that the communication and papers go to the Committee on Naval Affairs, and stated that I will postpone the consideration of the memorial presented by the Senator from Pennsylvania until the 6th of January.

The question was taken, and the communication and papers were referred to the Committee on Naval Affairs.

PETITIONS.

Mr. BRODHEAD presented a petition of citizens of Pennsylvania, praying that the stock owned by individuals in the Louisville and Portland Canal may be purchased by the United States; which was referred to the Committee on Roads and Canals.

Mr. DODGE, of Wisconsin, presented the petition of Catherine Elmes, widow of Alfred W. Elmes, a surgeon in the Army, praying a pension; which was referred to the Committee on Pensions.

Mr. UNDERWOOD submitted additional documents in relation to the petition of William L. Meredith; which were referred to the Committee on Revolutionary Claims.

Mr. STOCKTON presented the memorial of Jesse E. Brown in his own right, and as administrator of Wm. J. Russell, deceased, complaining that injustice has been done him and his intestate in the rejection, by the late Board of Commissioners for settling claims against Mexico, of a large portion of their claim for indemnity, and praying that a tribunal may be established for reviewing the decisions of that Board; which was referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. McRAE, it was

Ordered, That Samuel Colburn have leave to withdraw his petition and papers.

On motion by Mr. SHIELDS, it was

Ordered, That the memorial of Charles S. Jackson, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the memorial of Preston Starritt and others, and that it be referred to the Committee on Indian Affairs.

On motion by Mr. SHIELDS, it was

Resolved, That the Committee on Military Affairs be discharged from the further consideration of the petition of W. R. Hallett, administrator of Joshua Kennedy, and that it be referred to the Committee on Indian Affairs.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the memorial of Richard M. Johnson, and that it be referred to the Committee on Naval Affairs.

On motion by Mr. DAWSON, it was

Ordered, That the petition of Charles Lee Jones, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. DAVIS, it was

Ordered, That the petition of John W. Whipple, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. WALKER, it was

Ordered, That the heirs of James Bell have leave to withdraw their petition and papers.

NOTICE OF A BILL.

Mr. SHIELDS gave notice of his intention to ask leave to introduce a bill to increase the

THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32D CONGRESS, 1ST SESSION.

WEDNESDAY, DECEMBER 31, 1851.

NEW SERIES.....No. 10.

ciency of the Army by a retired list for disabled officers.

CHRISTMAS HOLIDAYS.

On motion by Mr. ATCHISON, it was
Ordered, That when the Senate adjourns this day, it adjourn to meet again on Friday next.

REPORTS OF STANDING COMMITTEES.

Mr. CLEMENS, from the Committee on Military Affairs, to whom was referred the joint resolution authorizing the President of the United States to confer the title of Lieutenant General, by brevet, for eminent services, reported it without amendment.

Mr. DAWSON, from the Committee on Military Affairs, to whom was referred the petition of Margaret Hetzel, submitted a report, accompanied by a bill for the relief of Mrs. Margaret Hetzel, widow, and administratrix of A. R. Hetzel, late assistant quartermaster in the Army of the United States.

The bill was read and passed to the second reading.

Ordered, That the bill be printed.

Mr. D. also, from the same committee, to whom was referred the memorial of Roger Jones, submitted a report, accompanied by a bill for the relief of Adjutant General Roger Jones.

The bill was read and passed to the second reading.

Resolved, That the report be printed.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the bill to relinquish to the State of Iowa the lands reserved for salt springs therein, reported it without amendment.

NAVAL DEPÔT AT KEY WEST.

Mr. MALLORY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into and report on the expediency of establishing a Naval Depôt at Key West, in the State of Florida.

CLERK TO COMMITTEE ON PENSIONS.

Mr. JONES. I wish to offer a resolution, and I ask the unanimous consent of the Senate that it may be considered now.

The resolution was read, as follows:

Resolved, That the Committee on Pensions be authorized, as heretofore, to employ a clerk.

Mr. ATCHISON. Unless the pension business has greatly increased within the last few years, there is no necessity to appoint a clerk to that committee. I was a member of that committee at one time—I believe for about two years—and, to the best of my recollection, two members of the committee disposed of all the business brought before that committee. Two working members were at that time amply sufficient to dispose of all the business without occupying half of their time. Now, I am not aware that there has been such an increase of business as to require a clerk; and it does seem to me that five members, who constitute that committee, can dispose of pension claims. These claims are generally disposed of upon the opinion of the Commissioner of Pensions. The memorial is enclosed to the Commissioner, and he gives his opinion in relation to it, embracing the law and its application to the facts; and it is no difficult matter then for the committee to determine whether they will allow or disallow the pension.

Mr. JONES, of Iowa.* I believe, sir, that an immense saving to the Government will be the result of the employment of this clerk. It is his duty to carry communications, petitions, and papers, in every case, to the Commissioner of Pensions; to confer with him; to ascertain the facts in each case respectively; and also communicate by letter with the Commissioner, by order of the committee, in each case. At the last session of Congress the clerk of our committee addressed some two or three hundred communications to the Commissioner, made very frequent visits to him on behalf of the committee, and also prepared a

synopsis of each case; and I am well satisfied that a great saving to the Government was the result of his labors. I know this as a fact; and at the first session of Congress which I attended, in 1848, the chairman of the Committee on Pensions (Governor Johnson, of Louisiana) assured me that almost the whole business was in his hands; that the committee permitted him to make reports in nearly every case. At the last session of Congress a similar course would have been pursued if I, as chairman of the committee, had been willing to assume so much responsibility. This I declined to do, and the committee were unanimous in their opinion that the interests of the country would be subserved by the appointment of a clerk. On this, as I have just remarked, the committee were unanimous; and in consequence of the great number of cases now before us, and the utter impossibility of obtaining the services of the different members of the committee, they have therefore instructed me to offer this resolution; and I am satisfied that by doing so the business of the claimants will be better attended to, and a considerable saving to the country be effected.

Mr. ATCHISON. I am satisfied with what the Senator from Iowa has said, and I will take his word, without any argument. I did not know that this proposition came from the Committee on Pensions, or was presented by that Senator. The reasons he has assigned I think are sufficient to authorize the appointment of a clerk.

The question was then taken, and the resolution was adopted.

REINVESTIGATION OF SETTLED CLAIMS.

Mr. UNDERWOOD. I desire to offer the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the reinvestigation, by the judicial department of the Government, of all payments made by any of the executive departments, when there is ground to apprehend fraud or mistake.

I beg leave to make a statement, and then to ask for the immediate consideration of this resolution.

I brought this subject to the attention of the Senate perhaps two years since. The necessity of some provision of this sort grew out of a case somewhat personal to my family. I had an old uncle who happened to be a revolutionary captain in George Rogers Clark's regiment. He died in 1794; and under the act of 1832, allowing half pay, there were some two or three thousand dollars to which my family were entitled, and which some twenty years ago they drew from the Treasury. Subsequent to that time a North Carolina family sprung up, pretending to be the heirs of John Rogers deceased, insisting that he lived till 1822 or 1823, and drew from the Treasury some fifteen or twenty thousand dollars, for the services of the same man whose family had drawn two or three thousand dollars before. This money was drawn two or three days before I reached Washington, and when I was informed of it, I went at once to the department and made some inquiry to know how this had happened. They showed me a bundle of papers in which there was affidavit after affidavit, and memorial on memorial, and circumstance after circumstance, to show that this North Carolina family were the real descendants of John Rogers, alleging that he had been a married man, and left a great many children; when, in fact, the real John Rogers was never married, and died a bachelor. Well, I asked if there was no way of investigating this matter, and getting the money back again. It was said that perhaps the decision of the department was final, and there could be no reinvestigation; and thus it appears that two sums of money have been paid in consequence of the services of the same man. For the reputation of my family, allow me to remark, that I was obliged to send home and get copies of the original commission, which fortunately had been retained; and we also retained the diploma of his being a member of the Cincinnati Society, signed by General Washington, and countersigned by Knox. It so happened that the claim twenty years ago, on behalf of the true representatives of John

Rogers was made on the affidavit of a single soldier, and it was overruled by the pile of affidavits to which I have referred; and we were told that there could be no reinvestigation, because the action of the department was final. I brought this subject to the attention of the Congress of the United States, and, since that time, I have received letter after letter stating other cases of precisely the same kind. I hope the Committee on the Judiciary will attend to it. I once drew up a bill for the remedying of this evil, but it fell through. I want them to provide by law a remedy in case of payments being made by the Executive department of the Government, where there is ground to apprehend fraud or mistake, that remedy to be by bringing suit against the party supposed to be in the wrong, and make them refund the money. Justice requires this; and I hope that the Committee on the Judiciary will take the subject under their consideration, and report us a bill to that effect. I ask that the resolution may be now considered, and the subject referred to the Committee on the Judiciary.

The consent of the Senate being given to the present consideration of the resolution, and the question being taken on its adoption, it was decided in the affirmative.

MESSENGER OF THE SENATE.

Mr. BELL. I offer the following resolution.

The resolution was read, as follows:

Resolved, That Owen Connelly be and he is hereby appointed messenger to the Senate, the appointment to take effect from the first day of March, 1851.

I do not know, Mr. President, whether this is in strict conformity with the usual mode of proceeding in such cases; but it was suggested to me that I should make the proposition, and ask the unanimous consent of the Senate to consider it now. I will merely state to the Senate what I have been informed in regard to the condition of this man. He was formerly a watchman upon the grounds of the Capitol, and had the misfortune to be dreadfully crushed. He recovered, however, sufficiently to be able to perform the duties of an ordinary messenger about the Senate, although not sufficiently to be able to perform labor about the grounds. By this accident he has been left destitute. It is true that this man has not suffered in the Army or the Navy, but he has suffered in our service here; and as there are several duties that he can competently perform as a messenger, I trust the Senate will agree to consider this proposition now. This is a dreadful season for a man to be cut off from the means of support, especially when he has been deprived of the energy and activity with which he was by nature endowed. It is a dreadful season for a man in this condition to be cast upon his own resources—indeed this man has no resources; and as he suffered in our service, I hope there will not be an opposing voice to the taking up of this resolution, and the passing of it.

Objection being made, the resolution was laid over under the rule.

COMPROMISE MEASURES.

The Senate resumed the consideration of the special order, being the resolution submitted by Mr. FOOTE, as amended on the motion of Mr. BADGER, declaring the compromise measures a definitive settlement of the questions growing out of the subject of slavery.

The resolution is as follows:

A Resolution declaring the Measures of Adjustment to be a definite settlement of the questions growing out of domestic slavery.

Be it enacted, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her Northern and Western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of

Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

Mr. CLEMENS, who was entitled to the floor, yielded it for a few minutes at the request of the Senator from Michigan, who desired then briefly to address the Senate.

Mr. CASS. Mr. President, I am much obliged to the Senator from Alabama for yielding me the floor; and as I shall occupy it but for a few minutes, I trust he will then be permitted to resume it, in order to go on with his remarks, which I am sure the Senate will find more interesting than anything I have to say.

Though I expressed, sir, to the honorable mover of this resolution [Mr. BADGER] my regret at its introduction, yet here it is, and I am required to vote upon it; to testify my satisfaction at the passage of the compromise measures, and my conviction that the arrangement was a just, and should be a final one, no more to be disturbed in whole or in part. I have before taken occasion, in my seat here, when practical subjects involving all these issues were before us, to state my views, and I shall not now repeat them, when the course proposed proposes no legislative action. I am not generally in favor of mere legislative declarations, leading to no practical results; yet, the circumstances which surround this proceeding give to it unusual importance, and it may well rest upon its own peculiar claims. The peace of the country has been assured, I trust, by this series of measures. But reports have gone forth, more or less imposing in their character, that they would be assailed in Congress, and some of them repealed, or so modified as to destroy their efficiency and acceptability. Agitation is thus kept alive by the expectation of change, prepared to renew its fearful work, and in this state of things, I find myself face to face with a resolution which asserts, as I believe, the true character and just inviolability of these measures, and seeks thereby to remove from the public mind all apprehension that the perilous contest through which, by the kindness of Providence, we have safely passed, will again be renewed; and I should discharge my duty as faithfully to my constituents as to myself, if I did not meet this proposition with frankness, and support it with firmness. And especially, sir, am I unwilling to be misunderstood in this grave conjuncture, after the denunciations we have heard for the first time, from an American Senator, in the American Senate, against the Confederation and Government of our common country. If such sentiments are to furnish motives to any one for the rejection of this proposition, they will furnish motives to me for its support, as I desire, by my voice and my vote, equally to mark my disapprobation of them.

Mr. President, the words that fell from the honorable Senator from South Carolina [Mr. RHETT] were as unwelcome as they were unexpected. They fell upon reluctant, I may well say, indignant ears, and they went to sorrowing hearts. I have not the most distant idea of following the Senator in his bill of indictment against his country, against my country, against this glorious Union, the most precious political gift of God to man since the exodus of our first parents from the garden of Eden. I will not follow him—the task would be too irksome—in his arithmetical calculations of what the different portions of our country have lost or gained in the collection and disbursement of revenue, in the disposition of the public lands, nor even in the amount of pensions granted to the poor and time-honored, but time-stricken relics of our revolutionary struggle; not only because many of the facts, and almost all the conclusions, are erroneous, but still more, because, after all the inequality, which really exists not, but which may be shadowed forth by the most dis-tempered imagination, there remains a sum of freedom and prosperity, of enjoyment and of blessings, such as the world never saw before, and will never see again, if this Union is dissolved. That it is the freest government the sun ever shone upon, requires no clearer proof than is furnished by the very denunciations against it, uttered in this high place, in the presence of the portrait of the Father of his Country, hallowing, not merely adorning, these walls, and who, in his last solemn act, warned

us against sectional feelings and their consequences. That Government has not been merely assailed in a strain of invective, rare even in the contests of party, but the determination has been avowed, in language not less clear than unqualified, to break up the Union, by breaking the prestige of its integrity, and to reduce it to a kind of temporary partnership, feeble and inefficient in its operations, both at home and abroad, and equally contemptible to its own citizens and to the rest of the world. Does the honorable Senator believe, there is another government under the face of heaven, where such language and such objects can be uttered and avowed with impunity? And does he not find, in the great principle of the right of speech, of free speech, unshackled by conditions or limitations, unknown indeed in its extent elsewhere through the world,—does he not find, I say, a refutation of his own position that we live under a despotism; a practical commentary, which rebuked, even while he uttered them, his harsh denunciations?

As to the ruin so confidently asserted or predicted, or both, where is it, or even a sign of it as big as a man's hand, like that seen by a prophet, more truly inspired, I trust, than the honorable Senator from South Carolina? [Mr. RHETT.] Has the eye of man ever rested upon a more prosperous country than this? And if such a condition is ruinous or pregnant with ruin, where shall we find prosperity, but in some new Paradise specially created and governed by God? though even in such a place sad experience has taught us that a tree of evil may be found, and the highest blessings rashly rejected in a spirit of impatience and discontent.

North and South, East and West, the sun rises and sets on a happy land, teeming with an intelligent people, with free and equal institutions, with all the avenues of position and employment open to all, and advancing in every element of power and prosperity with a rapidity which outstrips human expectation, as it has outstripped human experience, and with nothing to fear but our own crimes and follies, and the just judgments of God. And while republics, and empires, and monarchies, have fallen and are still falling before us, marking this as the age of social and political revolutions, our institutions have been preserved, our boundaries enlarged, our power augmented, and the beacon-light of liberty still shines from our shores, inviting the struggling nations of the earth, tossed upon a sea of oppression, to follow us to a haven of safety. For almost three score years and ten this has been my country, my happy, glorious country, and for more than half a century, since I have been old enough to appreciate and to love it, its Government has protected me and mine from foreign aggression and domestic violence. The honorable Senator from South Carolina seems to measure the value of free institutions by a standard adapted to his own peculiar notions of the operation of fiscal laws, and the assumed want of equality, which he has strangely and strongly asserted, but has failed to prove, may be the knell, is now, indeed, the passing knell, he hopes and believes, of this world-watched Republic. But our real equality, the true American equality of condition, by which we have neither high nor low among us, and which freely offers fortune and honors alike to the hopes and exertions of all, this condition of social existence the Senator has not glanced at, probably has not even thought of, in his search after the evidences of sectional inequality. But it is an institution which those who commenced life under circumstances less fortunate than himself, regard as the brightest spot in our political firmament, as offering ample compensation for any temporary partial operation of public measures, where such occur, (and they must sometimes occur in every Government,) far greater than in the cases, even if they were all liable, which they are not, to this objection, whose proofs have been collected with so much industry, and spread before us with so much power, and I doubt not sincerely, but with so little conviction. Such was the charge against the non-intercourse, the embargo, the war, the tariff, and to some extent against the removal of the deposits; and the foreboding of ruin, happily rebuked by the results, was then as wide-spread as it can be again, and was rendered still more powerful by that strange spirit of hallucination, to which the best and the wisest are often subject during periods of excitement in this, our world of errors. And I may well speak with a full heart upon the subject

of our equality of condition; for this very condition, joined, indeed, to the undeserved favor of my fellow-citizens, has given me, whose early prospects in life were shrouded in difficulties, and who passed much of it in hard and harsh duties in the forest, it has given even to me this opportunity, and I glory in it, of bearing my testimony of gratitude to the priceless value of the Constitution here, in this great depository of its power. And when, in God's good time, I shall need its protection no longer, may I leave it, as a most precious legacy, untouched and unscathed, to those who are most dear to me, an object of pride and affection for them as it has been for me.

One more word, Mr. President. What a strange spectacle does the opposition to the compromise exhibit? Assailed with equal violence, not to say virulence, North and South, its enemies unite in condemning it with equal zeal, but they unite in nothing else. Both parties charge it with unconstitutionality and injustice, because it concedes all to one, and nothing to the other, while each considers itself the injured party, and its rights and feelings as sacrificed by the arrangement. For myself, sir, I believe it was a wise and patriotic disposition of the eventful questions, which agitated and threatened us, and I think, if other evidence were wanting, it has been supplied by the criminations and recriminations which are yet sounding in our ears.

Mr. CLEMENS next addressed the Senate at considerable length in favor of the Compromise measures, and in favor of the passage of the resolution. His speech will be found in the Appendix.

Mr. DOUGLAS followed, and entered into explanations of his position on the fugitive slave bill, and the circumstances which prevented his presence in the Senate Chamber to vote for the bill on its passage. His remarks will be found in the Appendix.

Mr. DOWNS was next recognized by the Chair. He said he was desirous of addressing the Senate on this resolution, but the day was too far advanced to enable him to do so satisfactorily. He therefore moved that the further consideration of the subject be postponed to the first Monday in January next.

The motion was agreed to, and the Senate adjourned to Friday next.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 23, 1851.

The House met at twelve, m.

Prayer by the Chaplain, Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

ASSIGNABILITY OF LAND WARRANTS.

The SPEAKER stated that the first business in order was the unfinished business of yesterday, being the motion of the gentleman from Illinois, [Mr. RICHARDSON,] that the rules be suspended, and that the House resolve into Committee of the Whole on the state of the Union.

Mr. TUCK rose to a privileged question, and moved to reconsider the vote of the House, yesterday, adopting the resolution limiting the debate in Committee of the Whole on the state of the Union upon the bill in relation to the assignment of bounty land warrants.

Mr. T. said: I propose to occupy the attention of the House for but a few moments.

Mr. JONES, of Tennessee, (interrupting.) I rise to a question of order. I submit that a motion to reconsider a resolution closing debate is not debatable, for the reason that the resolution itself, when upon its adoption, is not debatable. It is like a motion to reconsider a motion to lay on the table; the motion to lay on the table not being debatable, a proposition to reconsider that motion cannot be debatable.

The SPEAKER sustained the point of order.

Mr. TUCK. I do not propose to take an appeal from the decision of the Chair, but I recollect that the practice of the House has been directly contrary.

The SPEAKER. The resolution itself not being debatable, a motion to reconsider the vote by which that resolution was disposed of, cannot, of course, be debatable.

Mr. TUCK. Well, I hope the House will look at the 4th section of the bill. I am sure it cannot be understood.

The SPEAKER. Does the gentleman from

New Hampshire ask for a vote on his motion to reconsider?

Mr. TUCK. I do.

Mr. HARRIS, of Tennessee, moved to lay the motion to reconsider upon the table.

The question being taken, on a division there were—ayes 75, noes 58.

So the motion to reconsider was laid upon the table.

The question recurring upon the motion of the gentleman from Illinois, [Mr. RICHARDSON,] it was taken and decided in the affirmative.

So the rules were suspended, and the House resolved itself into Committee of the Whole on the state of the Union, (Mr. HIBBARD in the chair.)

The CHAIRMAN stated that the question before the committee was on the amendment of the gentleman from Tennessee [Mr. HARRIS] to the amendment of the gentleman from Ohio, [Mr. TAYLOR.]

The following is the first section of the bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the act approved September 28, 1850, "granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," shall be construed so as to prevent the sale and transfer of any certificate or warrant issued by virtue of said act, prior to the location of the same, or the issue of the patent thereon.

Mr. TAYLOR had submitted the following amendment to come in at the end of the above resolution:

"In conformity with a form to be prescribed by the Commissioner of the General Land Office."

Mr. CARTTER called for the reading of the amendment to the amendment, and it was read as follows:

"Provided, That in all cases the assignment shall be acknowledged or proven by two subscribing witnesses, before some officer authorized to take the probate of deeds, who shall certify under his seal of office that the person making the assignment is personally known to him, or that his or her identity has been proven by two credible witnesses."

Mr. MARSHALL, of Kentucky, demanded tellers on the adoption of the proviso; which were ordered, and Messrs. FOWLER and CARTER appointed.

The question was then taken on the amendment to the amendment, and there were—ayes 52, noes 56—no quorum voting.

[Cries of "Another count!" and "Call the roll!"]

The CHAIRMAN. By unanimous consent another count will be had.

Mr. KING, of New York. No, call the roll.

The roll was then called, and the absentees noted. The committee then rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union having found itself without a quorum, had instructed him to report that fact to the House, with the names of the absentees.

Mr. STANTON, of Ohio, stated, that Mr. PARKER, of Indiana, was detained from his seat by sickness.

A quorum being now present, the committee resumed its session; and the question being taken on the amendment to the amendment, tellers reported—ayes 67, noes 59.

So the amendment to the amendment was agreed to.

The question recurred on Mr. TAYLOR's amendment as amended.

Mr. SACKETT. Is an amendment now in order by way of substitute?

The CHAIRMAN. It is not now in order.

Mr. TAYLOR asked for the reading of the amendment as amended, and it was read.

Mr. STEPHENS, of Georgia. I propose to amend the amendment by inserting at the commencement thereof the words "but the same shall be assignable."

Mr. MARSHALL, of Kentucky. That would make it imperative.

Mr. STEPHENS. Then I will make it "may be assignable." As the bill now reads, it says that nothing in the existing law shall be so construed as that the warrant shall not be assignable. My object is to make it affirmative.

Mr. SACKETT. I ask leave to have an amendment read which I propose to offer as a substitute for the whole of the first section.

The CHAIRMAN. The substitute is not now in order, but by universal consent it can be read for information.

Several MEMBERS objected to the reading.

Mr. STEPHENS, of Georgia. I now offer the amendment which I indicated just now.

Mr. FICKLIN. Do you propose to strike out that about the construction of the law?

Mr. STEPHENS. No; I propose to strike out nothing, but merely to insert the words which I have read, so as to make it affirmative.

The question was then taken on Mr. STEPHENS's amendment to the amendment, and it was agreed to.

Mr. FICKLIN. I propose now to amend the amendment as amended, by inserting after the word "assignment" the words "by indorsement upon the warrant;" so as to make it read: "Provided, That in all cases the assignment by indorsement upon the warrant shall be acknowledged or proven," &c.

The object of that amendment is, that the soldier shall have his warrant before he makes an assignment of it, and that he shall make the assignment upon the warrant, instead of upon a separate piece of paper. A great many of the frauds which have been committed have arisen from the want of such a provision as this.

Mr. JONES, of Tennessee. If we are not exceedingly cautious, we shall get into difficulty about this whole matter. This amendment of the gentleman from Illinois [Mr. FICKLIN] requires the assignment to be upon the warrant. Now, the warrant never leaves the Department. It is filed there; a certificate of location is issued to the soldier, and it is located and returned here. I believe that has been the case with nearly all the warrants that have been issued.

Mr. BISSELL here interposed a remark, which was not heard by the Reporter.

Mr. JONES, (continuing.) The best way to provide for this assignment, I think, would be to declare that such sale, transfer, or assignment shall be made and authenticated in accordance with rules to be prescribed by the Secretary of the Interior. He can then alter them to suit the circumstances.

Mr. FICKLIN, (interposing.) I would suggest to the gentleman, that the certificate of location is the paper that is assigned, and is the one that is located upon the land.

Mr. JONES. Then put in "warrant or certificate of location."

The CHAIRMAN. Does the gentleman from Illinois modify his amendment?

Mr. FICKLIN. I have no objection to do so, but it is understood already. The certificate of location is the paper that is assigned.

Mr. MARSHALL, of Kentucky. I suggest to the gentleman from Illinois, that his amendment would be more acceptable, if it did not require the assignment to be proven before the person authorized to take the probate of deeds. It will require a man to go to the clerk's office in the county seat every time he wants to make an assignment.

Mr. FICKLIN. I will state to the gentleman from Kentucky, that the provision to which he has reference, is contained in the amendment of the gentleman from Tennessee, [Mr. HARRIS,] which has already been adopted by the committee. My amendment is simply to have the assignment made upon the warrant or certificate of location, and not upon a separate piece of paper. My object is to prevent fraud and forgery.

Mr. JONES, of Tennessee. Is this an amendment to an amendment?

The CHAIRMAN. It is.

Mr. HARRIS, of Tennessee. I thought the gentleman from Illinois was willing to modify his amendment, by adding the words "or certificate of location."

Mr. FICKLIN. I will do it.

The amendment was modified accordingly.

Mr. JONES, of Tennessee. Is it in order now to offer an amendment?

The CHAIRMAN. It is not; there is an amendment to an amendment now pending.

Mr. STEPHENS, of Georgia. I think, as the gentleman from Tennessee [Mr. JONES] has said, that we are likely to get into great difficulty with this bill. The gentleman from Illinois [Mr. FICKLIN] has submitted an amendment that these assignments shall be authenticated by two witnesses before some officer authorized to take the probate of deeds.

Mr. FICKLIN, (interrupting.) That provision was contained in the substitute submitted by me yesterday, which has not been voted upon by the

committee. The gentleman from Tennessee [Mr. HARRIS] offered an amendment requiring the same thing, which has been voted on and adopted by the committee, and I intend, therefore, to abandon my substitute.

Mr. STEPHENS. What I wish to say is, that different officers have authority to witness deeds, in the different States of this Union. This would occasion some difficulty, if we were to pass such a law as this, and therefore I think it would be better to adopt the amendment suggested by the gentleman from Maryland, [Mr. WALSH,] providing that the assignment shall be witnessed by such parties as are authorized to authenticate deeds in the several States where the assignments are made. We have been here for two days engaged upon one section of the bill, and it is impossible for gentlemen upon different sides of the House to understand one another in reference to this subject. We shall spend two more days upon the bill at this rate. I shall therefore move that the committee rise, for the purpose of submitting a motion to the House to take this bill from the Committee of the Whole on the state of the Union, and refer it to the Committee on the Judiciary, who can present to the House a bill that will meet the views and wishes of all. We can never perfect such a bill here. I move that the committee rise and report the bill to the House with a recommendation that it be referred to the Judiciary Committee.

Mr. JOHNSON, of Arkansas. I ask permission to say a few words upon that motion, and I usually say as little as any gentleman here. It is well known—

Mr. TUCK. I object.

The CHAIRMAN. The gentleman from Arkansas can only proceed by unanimous consent, as debate is out of order.

Mr. JOHNSON. The gentleman's objection came too late. A gentleman must object before a man has begun his remarks. [Laughter, and cries of "Go on!"] I have merely to say that I am perfectly satisfied of the entire sincerity of the gentleman from Georgia [Mr. STEPHENS] in making this motion, for I have been with him here for some time. But at the same time I know that after the amount of discussion which we have had upon this bill, if we now put it beyond our reach and send it to a committee, it is lost beyond resurrection. If we want these land warrants made assignable and the other relief given which is contemplated by this bill, we must go on and consider the bill and act upon it now.

If there is not sufficient intelligence amongst the members of this House to perfect a bill that was discussed for weeks during the last Congress, and has been so much discussed already in this, no Judiciary Committee can do it; it cannot be done at all. If we go back now and refer this bill to a committee, we shall have again to go through the whole process of considering and discussing separate amendments. If the committee rises now without considering and perfecting the bill, we shall have gone back to where we commenced yesterday morning. The whole country demands that these warrants shall be made assignable, and that the other provisions contemplated by this bill shall be made. We had better proceed with the bill and perfect it. I call for tellers on the motion that the committee do now rise.

Mr. STEPHENS, of Georgia. The gentleman from Arkansas [Mr. JOHNSON] appeals to the experience of this House to sustain him in saying that should this resolution go to the Committee on the Judiciary, it will be the last we shall see of it. I would barely remark that such has not been my experience.

Mr. JOHNSON. I hope the gentleman will not understand me as casting any slur upon that committee.

Mr. STEPHENS. I did not understand the gentleman as casting any slur upon that committee; but I think the experience of this House in regard to the past is, that bills which have been referred to the Committee on the Judiciary, have been considered and acted upon with promptness. The gentleman says this House has sufficient intelligence to perfect this resolution. I do not doubt its intelligence, but I submit that however intelligent it may be, it is impossible for us to perfect this resolution so well here as it can be done by the Judiciary Committee. I submit, with all due respect, that this committee is constituted of gentlemen who are more competent to perform

this duty; they can better draw up bills, and put them in the proper legal form, than the majority of the members of this House. Many gentlemen are not lawyers, and they may state what they desire to be done in order to put the bill in a form to make it acceptable to them. The gentleman says that it is poor soldiers whose claims are presented in this bill. Now, in my judgment, this forms an additional reason why the bill should be committed to the Committee on the Judiciary, in order that we, as members upon this floor, may not fail in our efforts to accomplish the object we have in view, by employing improper language. I think, therefore, that it will facilitate this business if the committee rise and report the bill to the House, in order that it may be referred to the appropriate committee for perfection, with instructions (if gentleman desire it) to report with as little delay as possible. I move that the committee do now rise.

Tellers were demanded, and ordered; and Messrs. CARTER and FOWLER were appointed.

The question was then taken, and the tellers reported—ayes 68, noes 67.

So the motion prevailed.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and especially joint resolution No. 1, in relation to bounty land warrants, and had instructed him to report the same to the House, with the recommendation that it be referred to the Committee on the Judiciary.

Mr. ORR. I desire that the House will also refer the bill upon this subject which was prepared by the Commissioner of the General Land Office. It embraces all the points touched upon in the bill before the House, and is, in many respects, preferable to any bill I have seen, and I hope that it will be referred to the Judiciary Committee along with that bill. It is as follows, viz:

A BILL declaring warrants for military bounty land assignable, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all warrants for military bounty lands which have been, or may hereafter be issued, under any law of the United States, and all valid locations of the same which have been, or may hereafter be made, and the same are hereby declared, assignable, according to such form, and pursuant to such regulations, as may be prescribed by the Commissioner of the General Land Office.

Sec. 2. *And he it further enacted,* That the registers and receivers of the United States land offices shall hereafter be severally authorized to charge and receive, for their services in locating all military bounty land warrants, the same rate of compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre; the said compensation to be paid by the assignee or holder of such warrant, in all cases where the same have been transferred by the soldier or his legal representatives; but in any case in which the warrant has been or may be located by and for the use of the warrantee or his heirs, no compensation shall be charged by the register or receiver for any services they may render in making such location; and the provisions of the act of 17th May, 1848, requiring "the holder of military land warrants to compensate the land officers of the United States for service in relation to the location of those warrants," be, and the same are hereby repealed.

Sec. 3. *And be it further enacted,* That the franking privilege be, and the same is hereby extended to the principal clerk of public lands of the General Land Office.

Mr. BISSELL. Is there any motion before the House?

The SPEAKER. Nothing except the report of the Committee of the Whole on the state of the Union.

Mr. BISSELL. Then there is nothing before the House.

Mr. ORR. The report of the Committee of the Whole is before the House, and the question is on concurring with the recommendation of that committee. I submit that that is the motion.

Mr. STEPHENS, of Georgia. I understand that the question now pending is to refer the bill under consideration to the Committee on the Judiciary, as recommended by the Committee of the Whole.

Mr. BISSELL. That question could not come before the House without a motion, and no such motion has been made.

The SPEAKER. The Chair decides that the recommendation of the Committee of the Whole is now before the House, and the question pending, therefore, is to refer the bill to the Committee on the Judiciary.

Mr. BISSELL. Is that motion debatable?

Mr. STEPHENS. Certainly; but I have possession of the floor.

The SPEAKER. The gentleman from Georgia [Mr. STEPHENS] has been recognized.

Mr. BISSELL. I submit, with due deference to the Chair, that I was recognized first.

The SPEAKER. It is true the gentleman from Illinois [Mr. BISSELL] was recognized by the Chair; but that gentleman only asked a question, which the Chair answered, when the floor was accorded to the gentleman from Georgia.

Mr. STEPHENS. I do not claim the floor for the purpose of debating this question. I merely rise for the purpose of moving the previous question.

Mr. DUNHAM. Will the gentleman from Georgia withdraw the demand for the previous question for a moment, in order that I may be allowed to make a single inquiry?

Mr. STEPHENS. I will withdraw it for that purpose.

Mr. DUNHAM. I desire to inquire of the gentleman from Georgia if he would not accept an amendment to his motion, to refer the bill to a select committee, instead of the Committee on the Judiciary?

Mr. STEPHENS. I have no objection to its going to a committee composed of the friends of the bill. I will accept the gentleman's amendment.

Mr. MARSHALL, of Kentucky. I rise to a point of order.

Mr. STEPHENS. I have not yet yielded the floor.

Mr. MARSHALL. I suppose I have the right to state my point of order, whether the gentleman yields the floor or not. What I wish to say is, that after the gentleman from Georgia [Mr. STEPHENS] has moved the previous question, he has no right to withdraw it for the purpose of allowing one gentleman to get in his amendment, when the rest of us will not be permitted to offer ours.

Mr. STEPHENS. If the gentleman objects, then I shall insist upon my first motion, to refer the bill to the Committee on the Judiciary. I make that motion, and now move the previous question.

The SPEAKER. The Chair would inquire of the gentleman from South Carolina, [Mr. ORR,] whether he designed his motion as a distinct proposition, or to be incorporated in the motion of the gentleman from Georgia?

Mr. ORR. I asked that the bill to which I referred might go with the bill under consideration to the Committee on the Judiciary.

The previous question was then seconded.

Mr. HALL. I desire to propound a question to the Chair.

The SPEAKER. No remarks are in order.

The main question was then ordered to be put.

Mr. HALL. I now desire to inquire whether, if the House refuse to refer the bill, it will not then be in order to put it upon its passage?

The SPEAKER. It will be in order to move that it be engrossed and read a third time.

Mr. STANTON, of Ohio. I desire to ask how the gentleman from South Carolina [Mr. ORR] has got his bill before the House?

The SPEAKER. By the unanimous consent of the House, the gentleman from South Carolina was permitted to move that his bill be referred, along with that before the House, to the Judiciary Committee. If the gentleman desire it, however, the question will be taken separately upon the reference of each bill.

Mr. STANTON. Well, I make it as a point of order, that the gentleman from South Carolina had no right to introduce his bill.

The SPEAKER. It was introduced by unanimous consent.

Mr. STANTON. But there was no opportunity of making objection.

The SPEAKER. The question was pending to refer the bill under consideration to the Committee on the Judiciary. The gentleman from South Carolina, by unanimous consent moved, as an amendment, to refer along with it the bill drafted by the Commissioner of the General Land Office. The question, therefore, now is to refer both bills to that committee.

Mr. FICKLIN demanded the yeas and nays; which were ordered; and the question being taken, there were—yeas 82, nays 81; as follows:

YEAS—Messrs. Abercrombie, Aiken, Allison, John Ap-

pleton, William Appleton, Babcock, Thomas H. Bayly, Bennett, John H. Boyd, Bragg, Briggs, Brooks, Albert G. Brown; Burrows, Busby, Joseph Cable, Carter, Chandler, Chapman, Curtis, George T. Davis, Dockery, Evans, Faulkner, Floyd, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Giddings, Grey, Grow, Hamilton, Hascall, Haven, Hebard, Hendricks, Hibbard, Hillyer, Howard, Thomas M. Howe, Hunter, Ingersoll, Ives, Jackson, James Johnson, Daniel T. Jones, George W. Jones, Preston King, Kuhns, Landry, Letcher, Martin, McDonald, Meacham, Henry D. Moore, Morehead, Nabers, Newton, Orr, Andrew Parker, Perkins, Robbins, Robie, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Stanly, Alexander Stephens, Sutherland, George W. Thompson, Thurston, Townshend, Tuck, Venable, Walbridge, Wallace, Welch, Wilcox, and Wildrick—82.

NAYS—Messrs. Willis Allen, Andrews, Averett, Barrere, Bartlett, Bibbhaus, Bissell, Bocock, Breckenridge, Brenton, E. Carrington Cabell, Caldwell, Caskie, Chastain, Churchill, Clark, Cleveland, Clingman, Cobb, Conger, Cullom, John G. Davis, Doty, Dunham, Eastman, Edger-ton, Edmundson, Ficklin, Fitch, Florence, Gamble, Gaylord, Gentry, Goodenow, Gorman, Green, Hall, Isham G. Harris, Sampson W. Harris, Henna, John W. Howe, Andrew Johnson, John Johnson, Robert W. Johnson, J. Glancy Jones, Kurtz, Lockhart, Mace, Humphrey Marshall, McCorkle, Millson, Miner, Molony, Murphy, Olds, Peaslee, Penn, Penniman, Porter, Richardson, Riddle, Robinson, Sackett, Savage, Smart, Benjamin Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, St. Martin, Stuart, Sweetser, Taylor, Walsh, Ward, Washburn, Watkins, Addison White, Williams, and Yates—81.

The CHAIR voted in the negative, and the bill was not referred.

Mr. RICHARDSON. I move this House do now adjourn.

[Cries of "No!" "No!"]

The question was then taken by tellers, (Messrs. RICHARDSON and CLINGMAN acting,) and decided in the negative—ayes 23, noes not counted.

So the House refused to adjourn.

Mr. FICKLIN. I move the previous question upon the bill.

Mr. DUNHAM. I rise to make an inquiry. It is whether the bill is not still under the operation of the previous question?

The SPEAKER. The previous question was ordered upon the motion to commit.

Mr. DUNHAM. I then inquire of the Chair whether or not, after the previous question has exhausted itself, the question may not be reconsidered?

The SPEAKER. The question is upon ordering the bill to be engrossed and read a third time. The Chair thinks that as the House is acting upon the direction or recommendation of the Committee of the Whole, the previous question would not apply to the question of engrossment. The question is now on ordering the bill to be engrossed and read a third time, on which the previous question has been demanded.

[Cries of "Question!" "Question!"]

Mr. MARSHALL, of Kentucky. If the House should refuse now to order the previous question, will it not be in order to refer the bill again to the Committee of the Whole on the state of the Union?

The SPEAKER. It will.

Mr. EVANS. How will this previous question operate?

The SPEAKER. To bring the House to a vote upon the question of ordering the bill to be engrossed for a third reading.

Mr. EVANS. I then rise to a question of order. I submit that the bill takes its place in regular order upon the Speaker's table, and comes up under the 27th rule, after messages, executive communications, bills and resolutions from the Senate on their first and second reading, engrossed bills and bills from the Senate on their third reading, according to the provisions of that rule. It comes up in the fifth order, and not in the first, and cannot be now taken up on the question of engrossment without the unanimous consent of the House. The 27th rule expressly provides that it shall be the fifth business in order.

The SPEAKER. I overrule the point of order made by the gentleman from Maryland, [Mr. EVANS.]

Mr. EVANS. I appeal from the decision of the Chair, and ask that the 27th rule may be read.

The rule was then read, as follows:

"27. After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day—January 5, 1832; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:—September 14, 1837.

1st. Messages and other Executive communications.—September 14, 1837.

"2d. Messages from the Senate and amendments proposed by the Senate to the bills of the House.—September 14, 1837.

"3d. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees and put under way; but if, on being read a second time, no motion be made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.—September 14, 1837.

"4th. Engrossed bills and bills from the Senate on their third reading.—September 14, 1837.

"5th. Bills of the House and from the Senate, on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading.

"The messages, communications, and bills on his table, having been disposed of, the Speaker shall then proceed to call the orders of the day.—September 14, 1837."

Mr. RICHARDSON. What question can arise now upon the report of the committee after that report has been acted upon?

Mr. EVANS. I had the floor upon the bill.

The SPEAKER. The question is not debatable.

Mr. RICHARDSON. I move that the appeal be laid upon the table.

Mr. CLINGMAN. I hope that by general consent the 50th rule may be read, which governs this case and shows that it is now covered by the previous question. The previous question is not exhausted.

The 50th rule was then read, as follows:

"The previous question shall be in this form: 'Shall the main question be now put?' It shall be only admitted when demanded by a majority of the members present; and its effect shall be to put an end to all debate, and bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any—then upon pending amendments, then upon the main question."

Mr. CLINGMAN. In the confusion that occurred I did not understand the Chair to decide that the previous question was exhausted. If so, I should have appealed from that decision; and I respectfully request the Chair to inform me of the operation of that decision if it has been made. It will be seen by the rule quoted that the previous question has not been exhausted, and it has been the every-day practice of all the Congresses of which I have been a member. I desire to take an appeal from the decision of the Chair.

Mr. FICKLIN. There is an appeal now pending.

The SPEAKER. I am inclined to believe that my decision upon that subject was wrong.

Mr. EVANS. I admit that if the previous question is pending, I cannot take an appeal. But that is not the question. It is whether the previous question is pending or not. I submit to the Chair, whether I am not entitled to debate the bill. I do not wish to occupy many minutes.

The question was then taken upon the motion of Mr. RICHARDSON to lay the appeal upon the table; and it was decided in the affirmative.

The SPEAKER. The Chair is disposed to review its decision, and his opinion is, that the previous question is not exhausted, and does apply to the engrossment and reading of the bill a third time.

Mr. DUNHAM. I rise to make an inquiry, whether, if we now go on and order the bill to be engrossed, the previous question will not have exhausted itself?

The SPEAKER. It is very true. It is not now in order to interrogate the Chair upon that subject. The Chair will, however, decide that question when it comes up in order.

Mr. MARSHALL, of Kentucky. I move that the House resolve itself into a Committee of the Whole on the state of the Union, with a view of taking up this bill.

Cries "Not in order!" from different parts of the Hall.

Mr. JONES, of Tennessee. You cannot get it there.

Mr. MARSHALL. My motion was made with the idea that the previous question had not been ordered by the House at all. I understood the Chair decided that the previous question had exhausted itself.

The SPEAKER. The Chair decided that the previous question had not exhausted itself. The question now recurs upon ordering the bill to be engrossed for a third reading.

Mr. TUCK. I submit that this bill was in Committee of the Whole, and before it was in

order to rise and report it to the House, it was necessary that each section should be read, and amendments thereto, if any, should be considered in the committee. We had not concluded deliberations upon the first section, when the motion was made that the committee rise, and report the bill.

Mr. OLDS. I call the gentleman to order. We are not in committee but in the House, and the gentleman has no right to refer to what was transacted in committee.

The SPEAKER. The Chair overrules the point of order taken by the gentleman from New Hampshire. The bill was referred back to the House by the committee, with the recommendation that it be committed to the Committee on the Judiciary. The House refused so to refer it. The Chair decided that the previous question had not exhausted itself; and the House is brought now to a vote directly upon the question of engrossing the bill.

Mr. TUCK. I appeal from the decision of the Chair.

Mr. RICHARDSON. I move that the appeal be laid upon the table.

Mr. CARTER. I rise to a privileged question. I move the House do now adjourn.

The question was taken, and the House refused to adjourn.

The question was then taken upon the motion of Mr. RICHARDSON to lay the appeal upon the table, and it was agreed to.

Mr. COBB. I find we are getting into considerable difficulty.

The SPEAKER. The gentleman is not in order.

Mr. COBB. I rise for personal explanation.

The SPEAKER. The gentleman from Alabama is not in order.

Mr. CARTER. I call for the reading of the third section.

Mr. RICHARDSON. I object.

Cries of "Let the bill be read!"

Mr. CABELL, of Florida. I move that when this House adjourns it adjourn to meet on Friday next.

The question was then taken, and the motion was agreed to.

The bill was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the act approved September 28, 1850, "granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," shall be so construed as to prevent the sale and transfer of any certificate or warrant issued by virtue of said act, prior to the location of the same, or the issue of the patent thereon.

Sec. 2. And be it further resolved, That the registers and receivers of the United States land offices shall hereafter be severally authorized to charge and receive for their services in locating bounty land warrants, the same rate of compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of \$1 25 per acre, the said compensation to be hereafter paid by the assignees or holders of such warrants, in all cases where the same have been transferred by the soldier or his legal or personal representative, under the provisions of the acts of Congress, and the regulations of the General Land Office on that subject, and to be paid out of the Treasury of the United States, upon the adjustment of the accounts of such officers, where it shall be shown to the satisfaction of the General Land Office that the same was located by the soldier or warrantee, or in case of his death by his next of kin, as provided by the acts of Congress aforesaid.

Sec. 3. And be it further resolved, That the said officers, whether in or out of office at the time of passage of this act, or their legal or personal representatives in case of their death, shall be entitled to receive from the Treasury of the United States, for similar services heretofore performed in such cases, an amount equal to the compensation provided for by the first section of this act, after deducting the amount already received by such officers under the act entitled "An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants," approved May 17, 1848: Provided, That no register or receiver shall receive any compensation out of the Treasury of the United States, for past services, who has charged and received illegal or exorbitant fees for the location of such warrants.

Sec. 4. And be it further resolved, That nothing in the first section of the act of the 28th of September, 1850, granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States, shall be so construed as to exclude any commissioned or non-commissioned officer, musician, or private, whether of regulars, volunteers, rangers, or militia, who was mustered into the service of the United States for the suppression or prevention of Indian hostilities, and served the length of time required by said act, or whose services were subsequently recognized by the United States.

Sec. 5. And be it further resolved, That in all cases where the militia or volunteers, or State troops were called out under the laws or executive authority of any State, and who served in defence of the country, and whose service

have been recognized and paid by the United States Government, shall be considered as having been in the service of the United States, and shall be entitled to the benefit of the act to which these resolutions are explanatory.

[Mr. WILDRICK, from the Committee on Enrolled Bills, reported to the House, as correctly enrolled, the joint resolution providing for printing of additional copies of the Journals and documents.

It was then signed by the Speaker.]

The question recurred on ordering the bill to be engrossed and read a third time.

The yeas and nays were demanded and ordered. Mr. CARTER. Is it competent, under the operation of the previous question, to call for a separate vote upon each section of the resolution? There is a rule somewhere, but I do not know where it can be found.

Mr. WELCH, (in his seat.) Rule 53. Mr. BISSELL. If the previous question is still in force, I call for the question.

[A message in writing was here received from the President of the United States; which in a subsequent part of this day's proceedings was laid before the House.]

Mr. JONES, of Tennessee. I wish to make a question of order at this time.

The SPEAKER. The Chair would remind the gentleman that while the roll is being called it is not in order to make explanations.

Mr. JONES, of Tennessee. This bill makes an appropriation of \$500,000.

Cries of "Call the roll!" "Call the roll!"

Mr. BRENTON, when his name was called, asked to be excused from voting, as he was included under the exceptions contained in the 40th rule.

The question being put and taken upon ordering the bill to be read a third time and engrossed, it resulted—yeas 89, nays 66; as follows:

YEAS—Messrs. Abercrombie, Willis Allen, Andrews, Ashe, Bartlett, Bennett, Bibbhaus, Bissell, Breckenridge, Albert G. Brown, Busby, E. Carrington Cabell, Caldwell, Chastain, Churchill, Clark, Cleveland, Clingman, Cobb, Conger, Cullom, John G. Davis, Doty, Dunham, Eastman, Faulkner, Ficklin, Fitch, Florence, Gamble, Gaylord, Gentry, Giddings, Gorman, Grey, Hall, Isham G. Harris, Sampson W. Harris, Hascall, Hendricks, Hillyer, John W. Howe, Thomas M. Howe, Jackson, Andrew Johnson, John Johnson, Robert W. Johnson, J. Glancy Jones, Kuhns, Kurtz, Lockhart, Mace, Humphrey Marshall, Martin, Molloy, Morehead, Murphy, Nabers, Olds, Peaslee, Penn, Polk, Porter, Powell, Rantoul, Richardson, Riddle, Robinson, Sackett, Savage, Smart, Benjamin Stanton, Richard H. Stanton, Abram P. Stevens, Stone, Stuart, Sweetser, Taylor, Thurston, Venable, Walsh, Ward, Washburn, Watkins, Welch, Addison White, Wilcox, Williams, and Yates—89.

NAYS—Messrs. Aiken, Allison, John Appleton, William Appleton, Averett, Babcock, Bocoek, J. H. Boyd, Bragg, Burrows, Joseph Cable, Lewis D. Campbell, Carter, Chapman, Curtis, George T. Davis, Dockery, Durkee, Edmundson, Evans, Floyd, Fowler, Thomas J. D. Fuller, Goodenow, Grow, Harper, Haven, Hebard, Hubbard, Houston, Howard, Hunter, Ingersoll, Ives, James Johnson, Daniel T. Jones, George W. Jones, G. E. King, Preston King, Landry, Letcher, McDonald, Meacham, Milson, Henry D. Moore, Newton, Orr, Andrew Parker, Pennington, Perkins, Robbins, Robie, Scudder, Scurry, David L. Seymour, Oregon S. Seymour, Skelton, Smith, Alexander H. Stephens, Sutherland, George W. Thompson, Townshend, Tuck, Walbridge, Wallace, and Wilcock—66.

So the motion was agreed to.

Mr. HARRIS, of Tennessee. I move to reconsider the vote by which this bill was ordered to be engrossed and read a third time, and to lay that motion upon the table.

Mr. MARSHALL, of Kentucky. I call for a division of the question.

Mr. JONES, of Tennessee, called for the yeas and nays.

The SPEAKER. It is not divisible.

Mr. STEPHENS, of Georgia. The question is divisible, and the first question is upon laying the motion to reconsider upon the table. If that motion is voted down, then the question will recur upon the reconsideration.

The SPEAKER. By the option of the House it may be divided; but cannot by the Chair.

The question was then taken upon laying the motion to reconsider upon the table, and it was not agreed to—yeas 47, noes not counted.

Mr. DUNHAM. I believe the previous question has now exhausted itself, and I hope the motion to reconsider the vote by which the bill was ordered to be engrossed and read a third time may prevail; for if it—

Mr. STEPHENS, of Georgia. I rise to a point of order. The bill having passed under the operation of the previous question, the motion to reconsider is not debatable.

The SPEAKER. The opinion of the Chair is,

that the previous question has been exhausted, and that the motion to reconsider is debatable.

Mr. DUNHAM. I hope the motion to reconsider the vote by which the bill was engrossed and read a third time may prevail. If it does, I mean to make a motion to refer the bill to a select committee where it may be fully considered.

Mr. BRECKENRIDGE. I wish to say a word upon that motion to those having constituents interested in these land warrants. I am in favor of the reference of the subject to a select committee. By the bill as it now stands the holders of these warrants are limited in the location of them to the lands in the market at the time the bill was passed. Since that time great quantities of lands have been brought into market. Should you not adopt an amendment including the lands that were brought into market after the passage of that bill, it will be practically excluding the holders of land warrants from the best portion of the public domain.

Mr. CABELL, of Florida. Will the gentleman allow me to say a word?

Mr. BRECKENRIDGE. Certainly, sir.

Mr. CABELL. I propose to the gentleman from Kentucky that he will offer as an amendment such as I send to the Clerk's table.

Mr. BRECKENRIDGE. I will cheerfully yield to an amendment that will accomplish my purpose.

Mr. HOUSTON. The amendment is not in order.

Mr. CABELL. I do not propose to amend the bill. This question is open to discussion, and I only desired that the proposition should be read, with a view to carry out the purposes of the gentleman from Kentucky, [Mr. BRECKENRIDGE.] I will state to the gentleman from Kentucky, and to the House, that when this bill granting bounty lands originally passed, it had no such provision attached to it as that which he proposes to repeal. All lands, subject to entry at the time of making the application to locate the bounty lands, were open to the soldier. At the succeeding session of Congress, a gentleman from Ohio, no longer a member of this House, (Mr. Vinton,) who seemed to be specially anxious to prevent new States from acquiring benefits which had been conferred most liberally upon his own, introduced, at what time I know not, in a bill having no connection with bounty lands whatever a proviso, to repeal which the gentleman from Kentucky now makes his motion. In one of the general appropriation bills of the preceding session, a proviso was introduced, providing that no land bounty for military services granted by the act of the 28th of September, 1850, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States, or by virtue of any other act of Congress heretofore passed granting land bounties for military services, shall be satisfied out of any public land not heretofore brought into market, and now subject to entry at private sale under existing laws." This was a proviso to the civil and diplomatic appropriation bill. In that way it passed the House, and, as I think against the sense of the House. I intend, when it shall be in order, to offer an additional section to the bill, to repeal that clause of the civil and diplomatic bill, thus:

And be it further resolved, That so much of an act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th June, 1852, and for other purposes," as provides "that no land bounty for military services granted by the act of the 28th of September, 1850, entitled 'An act granting bounty land to certain officers and soldiers who have engaged in the military service of the United States,' or by virtue of any other act of Congress heretofore passed, granting land bounties for military services, shall be satisfied out of any public land not heretofore brought into market, and now subject to entry at private sale under existing laws," be and the same is hereby repealed.

Mr. BRECKENRIDGE. The proposition is not now in order. It is evident that the gentleman from Florida and myself are aiming at the same thing. I rose merely for the purpose of explaining a portion of the bill, and of showing the importance of amending it in the manner suggested. I hope the friends of the soldier will vote for the reference, and for giving this privilege to holders of land warrants.

Mr. TUCK. I am in favor of the reconsideration moved, although I would oppose it, if nothing influenced me but the reasons which have hitherto been assigned in its favor. I am decidedly opposed to the amendment which the gentleman from

Florida [Mr. CABELL] designs to offer to the bill, in case the vote to reconsider prevails. To open the virgin lands of the territories to the liability of being taken by the holders of these warrants, is a measure which I can never support. I had the pleasure during the last summer to travel through several of the Western States, and into one of the Territories. In Minnesota I found men who had removed from Illinois and Wisconsin to escape the effect of such a provision as the gentleman from Florida proposes, by his amendment, to make general throughout the Territories and our whole domain. These men gave me as the only reason for leaving the fertile fields and prairies of those States, that the villages which they had commenced to build up by hard labor, amidst the inconveniences of a frontier life, had become surrounded by the lands of those who had bought up and located land warrants, and who, amidst the luxuries of eastern cities, were waiting for their lands to be made valuable by the hard labor of the western farmer. They told me that they would no longer work to develop a country, when the land about them, without an inhabitant upon it, was to be enhanced in value by their labor only; and to escape such a necessity they had gone to Minnesota, where land warrants cannot be located by the laws of the country, and where the actual inhabitants own the soil. These men were those who live by the sweat of their brows—honest citizens, desirous only of earning a livelihood and competence, by hard labor and patient industry.

It may be that the only satisfaction we shall derive from attempting to arrest the passage of this bill, will be to gain the privilege of giving a deliberate vote against it. That satisfaction I hope to have, and also that of calling the attention of the House to some of my objections to its provisions. I call the attention of members to the fact, that this bill has its present place ahead of all other business, because we have, in regard to this measure, dispensed with the formalities, requirements, and tests which are required in all other cases. This bill has been to no standing committee, has never been considered in Committee of the Whole House, except the first section of it, and is now attempted to be forced through, under the operation of the previous question. I am unable to understand the occasion of this hot haste, and undignified rapidity of legislation, unless speculators in warrants are impatient to have a good branch of business opened to them for the winter. Gentlemen may suppose that the multiplication of land warrants by this bill will especially benefit the Western doers of the land. They may be right in this supposition, but I can assure them that the sharp-sighted speculators of the Atlantic cities will divide the spoils with them. They will buy the warrants at a great discount, locate them in large or small parcels in all parts of the West, and patiently wait at home for the Western men to give a high value to these lands by labor and toil, in which the speculators will not participate. The lands will thus be held in a sort of mortmain, and the new States be cursed by the sharps, who refuse to take a share in the hardships of that frontier life, by which they attempt to become enriched.

This bill has been talked about yesterday and to-day; but until within a short time, we have not heard a word upon that part of it which gives to it its chief importance. The great feature of the bill is contained in the fourth section. To that section, I invite the particular attention of this House. It proposes to grant bounty lands to all who have been engaged since 1790 in the suppression of Indian hostilities. It creates a new class of beneficiaries for bounty land, indefinite in number, and to an extent unestimated and unknown.

The attempt is made to force this law to the last stage of enactment, when no gentleman has yet proposed to lay before us any estimate whatever of the extent of land which will be appropriated under the operation of this law. Does this haste become us? Is it necessary for the friends of the law to deny us light, and to force a vote without knowing themselves, or permitting others to know, anything of the amplitude of the provisions of this law?

Let me call the attention of the House to the fate of the proposition contained in the fourth section, in the last Congress. It was then thoroughly discussed, and, after mature consideration, was

condemned. It was stated during the discussion, by a gentleman from Ohio, of great experience and great wisdom, (Mr. Vinton,) that applications for these gratuities of land had been before Congress for about twenty-five years, and had always been refused. The applications had been examined at every Congress and condemned, first because of want of merit in the applicants, who had been paid for all services they had performed, and therefore deserved nothing, in justice; and secondly, because the policy of our legislators had always condemned all schemes of plundering the public Treasury, or the public domain. Yet a law did pass the last Congress of unparalleled amplitude, giving lands to an immense number, which it is now proposed to follow up, by a precipitate enactment of another law of unestimated and unknown capacity. If gentlemen, after examining the law, and ascertaining what it means, and what it is to accomplish, are inclined to vote for it, so be it. I shall not be captious, but shall content myself with the opposition which one member can make, and which my own judgment dictates.

Let me say a few words in regard to the first section of the bill, which relates only to the making of land warrants assignable. We have been in Committee of the Whole House, and have heard many remarks upon this section; but it has not yet been stated, what I now say, that some ten days ago a bill passed this House, and is now before the Senate, making land warrants assignable. This section is entirely unnecessary, and can do nobody any good. I voted for the other bill, and I have no objection to the reenactment contained in this section, if one reason could be given for it. I do not believe that such reduplication in the labors of this branch of Congress is becoming, assuming, as it does, that the attention of the Senate may not be attracted by doing a thing over once. It will also lead to confusion.

I will only say in regard to the fifth section of the bill, which is designed to give bounty lands to such State troops as have been recognized and paid for by the United States, that the section does not enlarge in the least the law of 1850, as now administered. Such claimants are now allowed bounty lands, as any one may learn by inquiring of the Commissioner of Pensions.

The second and third sections in regard to payments to assistant registers, I have not examined with much care. As at present inclined, I interpose no objection. I believe that all officers should have fair compensation for their services, and if it be the intention of these sections to secure such a purpose, I shall give them my support. I consider the fourth section of the bill creating the new class of land warrants, as before stated, to have an overwhelming importance, which throws all the other sections into comparative insignificance. To that I have exclusively directed my attention, leaving others to examine the other provisions of the measure. I entreat gentlemen to consider the great feature of this bill, and to consider the policy of this extravagant appropriation of the public domain, as well as the effect of it upon the new States, before they give to it the sanction of their support. Let it go through the ordinary stages of legislation, and be tried by those tests which are thought necessary in laws which have not one thousandth part of the importance of this. Under the fourth section of the bill there is concealed a monster, whose talons may pierce the new States, and curse them for many years. I cannot pretend to drag him forth and destroy him. I content myself with only pointing to the place where he lies concealed.

I did not rise with the purpose of occupying so much of your time. As I said at the outset, I fear, from the indications about me, that opposition will be fruitless, and that I must content myself with the enactment of a bad law, by the reflection that I opposed and voted against it. I have pointed out some of my objections to the bill, and I close.

Mr. RICHARDSON. The gentleman from New Hampshire [Mr. TUCK] has opened a discussion here as to the effect upon the new States of the resolution now before us for consideration. I have thought, and still think, that the Representatives from the West understand her interests. They have not been accused heretofore of any negligence in this respect. The gentleman is very much afraid that our interests will be neglected and forgotten. Well, for one, I beg leave to say, that I think we understand the interests of

the West quite as well as the gentleman from New Hampshire. The gentleman says that he is opposed to certain provisions in this bill, because they open a door to speculation. How, sir? We have watched the operations of the bill as it now exists, and how has it been? The speculator who buys the land or buys the warrant without an assignment upon the back, buys it at a far less price than he would if he got the assignment, because he is to run the hazard of getting the title. The man who intends to buy him a home, and who has only money enough to do it, is not going to run any chance in speculation. It is only the speculator who will do it.

Mr. TUCK. It seems I was not fortunate enough to make myself understood. I voted for the law which passed a few days since, making these land warrants assignable. The gentleman misunderstood me. I said I am opposed to any proposition subjecting the public domain to entry by these land warrants, for the reason that it would open all the new Territories to the speculators; and to this I am opposed.

Mr. RICHARDSON. I understood the gentleman from New Hampshire, I think. What reason is it here that this Government should not give the privilege to enter land in Minnesota as well as in Illinois? Can the gentleman assign any good reason? He says the effect of it is, to drive our population from Illinois to locate in the Territories, where they will not have to meet competition from the speculator holding these land warrants. Has not your Government perpetrated fraud by pretending to give the public domain to your citizens for public services, when it only gives them the refuse of the lands? Can the gentleman assign any reason why an individual who has his warrant from Government for land, should not locate in Minnesota as well as in Illinois? The gentleman says that the question was discussed in the last Congress, and that the subject was perfectly understood. I concur with the statement made by the gentleman from Florida, [Mr. CABELL,] that the amendment restricting the location of the warrants to the lands then in market, found its way through this House covertly; that its purpose was not avowed, nor was it understood. I understand from gentlemen around me, that it came from the Committee of Ways and Means in one of your appropriation bills, and under the plea that it would have checked the wheels of Government, unless these lands were cut off from the soldiers. Thus it was that the bill was passed. I think, however pertinent this whole discussion may be at this time, that there is an appropriate place for the discussion of all these questions. I want this thing disposed of, and for the purpose of producing this result, I move the previous question.

Mr. BAYLY. I wish the gentleman would withdraw his call for the previous question for a few moments.

The call being withdrawn—

Mr. BAYLY resumed. I only desire to say a word in reference to the remarks of my friend from Florida, [Mr. CABELL,] and my friend from Illinois, [Mr. RICHARDSON,] in respect to the provision contained in the civil and diplomatic bill passed at the last session of Congress. It was true that that amendment was moved by the gentleman from Ohio (Mr. Vinton) at that time, and that I aided him zealously in passing it. I therefore feel myself quite as responsible for that amendment as the gentleman from Ohio. The motives which actuated us were these: At that time it was almost certain that unless we husbanded the resources of this Government very carefully, we should have to resort to loans to carry on the Government. A loan had been recommended by the Secretary of the Treasury, and I felt it my duty, in the position which I then occupied, to take every means in my power to obviate that necessity. We desired to confine the location of these warrants to lands which had been already in the market, in order that we might still continue to get some revenue from the public lands which at that time I thought we would want very much. I have not seen the report of the Secretary of the Treasury, and I am not able, therefore, to say with any great confidence whether this source of revenue from the public lands can now with safety be dispensed with. By the operation of this provision, notwithstanding the predictions that this bounty land bill would cut off the entire revenue from the pub-

lic lands, we were enabled in the last year to receive from that source more than two millions of dollars. We had another view, or at least I had, in advocating the adoption of the provision to which my friend from Florida has referred. I shall not imitate the example of the gentleman from New Hampshire, [Mr. TUCK,] and undertake to instruct these Western members as to what is their interest, because in my experience here during five Congresses I have found that they are exceedingly smart and adroit in taking care of themselves.

Mr. TUCK. I wish to say to the gentleman, that I defy him or any other member who heard my remarks, to find one word that assumed any position or any right to instruct members from any part of the country.

Mr. BAYLY. If that is the case, let the matter drop. That was the understanding of my friend from Illinois [Mr. RICHARDSON] of the speech of the gentleman from New Hampshire. It is a small matter any way. I had another view in wishing to confine the location of these warrants to lands already in market. My own decided opinion is, that it is the policy of this Government to withdraw its proprietorship over the public lands within the States as rapidly as it can be done with propriety. I knew that the public lands in nearly all of the States had already been surveyed and were in the market; and I knew, also, that by confining the location of these warrants to such lands, it would compel the extinction, to the extent of these warrants, of the Government proprietorship in these cases. I did not regard it as a matter of any hardship to these soldiers, because there are in these States, now open to private entry, as fine lands as there are on the face of the earth. It was for these reasons, and not from any disposition to do injustice to warrant holders, that I felt it my duty, in the position I then occupied, to husband the resources of Government as much as I could. In doing that, I was pleased to find that I was at the same time carrying out this very policy of the Government, to which I have referred—that is, the extinction of the proprietorship of this Government over these lands.

Mr. BISSELL. The land warrants throughout the West might have been located in the State of Illinois, and still there would be three millions of acres left there now.

Mr. BAYLY. That was the policy I pursued.

Mr. CARTTER. I will trespass upon the time of the House but a few moments. I hope that the motion to engross this bill may be reconsidered, for I understand by gentlemen best acquainted with the rules of the House, that they permit an expression of the sentiment of the House in reference to the merits of the bill, and that they also tolerate amendments. My objections to the bill are not of the character that have been alluded to, and do not obviate the objection of throwing away the public domain. I am done with that point; but my prayer now is, that my friend from Tennessee [Mr. JOHNSON] may urge forward his measure for the distribution of the public domain among men who will till and occupy it. The measure will succeed. The struggle in regard to this bill, and every bill of a kindred character, which has come before this body since I have had the honor of a seat here, has been a mere scramble among speculators to plunder the public domain.

In the pursuit of this measure, you have hunted up all the patriots that ever shouldered a musket, and they have even got warrants for corn-stalk service in the States. We have exhausted this avenue to the expenditure of the public domain; for every man that ever heard or smelt powder, or that had a great-great-grandfather that ever did, has been provided for as a patriot in the public service. [Laughter.] I know that this way of talking is a little unpopular. The army, and everybody that ever heard of it, is canonized, and I am aware that I run some little risk of getting into collision with this patriotic force. Nevertheless, no gentleman will differ with me in this, that, in the wide range of public benevolence, in the direction of military service, they have got them all in—corn-stalks and all.

But, sir, my objection to this bill is, that we are exhibiting our financiering talents; we are making an exhibition of our abundant capacity to throw away the public domain—a domain purchased out of the general Treasury, and paid for in the coats

and pantaloons of the citizens—a domain that belongs, (if tax-paying constitutes any rule of judgment in the premises,) not to the States, as some have contended, or to the corn-stalk army; but that belongs to the individual citizens, in rights secured by individual taxation, and that is to be compensated for, when it is alienated by the Federal Government, in the same description of taxation. Nevertheless, it is doomed to go, and I do not raise my voice against its alienation, for it would be impotent for that purpose.

But to the question of financiering as connected with this subject. We are proving ourselves abundantly profligate in throwing away the public domain, and not only that, but abundantly profligate in drawing out of the public Treasury money outside of the domain, to provide for its distribution. You not only tax the citizen by his contribution to the Federal Treasury, for the purchase of this domain, but you propose by this bill to tax him further in the process of giving it away to patriots. What is the third section of this bill? It says, "*officers, whether in or out of office.*" You are not content with paying officers in office, and with prospects for the future, but you pay men whether in or out of office—the rest of mankind. [Laughter.]

Mr. BISSELL. Will the gentleman from Ohio permit me—as I may not be able to get the floor when he shall have concluded—to say a word or two upon that third section?

Mr. CARTTER. Well, perhaps I might if I knew what you were going to say.

Mr. BISSELL. What I should say would be directly against what you are saying, and it would be based upon the bill itself which you misapprehend entirely.

Mr. CARTTER. I may misapprehend the bill, but it certainly reads, that "*said officers, whether in or out of office at the time of the passage of this act, or their legal or personal representatives, in case of their death, shall be entitled to receive from the Treasury of the United States*"—not from the revenues of the public domain, not from the fund proposed to be distributed by this bill, but from the general revenues of the United States.

Mr. ORR, (interrupting.) I desire to make a suggestion to the gentleman. Is he aware that that applies also to the Mexican bounty land warrants that have already been paid?

Mr. CARTTER. Precisely so. It is a bill in the past, present, and future tenses; providing for the dead and the living; for men in office and out of office. A more flagrant and profligate measure for drawing money out of the public Treasury, it appears to me, has never been submitted to this House. Is it not enough in all conscience to tax the American citizen to fill your public Treasury, and then give away the resources that have been purchased by his taxation, without drawing upon the public Treasury to provide the ways and means by which it shall be given away? I regard it as an outrage upon the private rights of the citizen who has not had the gratification of shouldering a corn-stalk.

Mr. MARSHALL, of Kentucky. Will the gentlemen permit me?

Mr. CARTTER. I mean no disrespect to the officers of the late war. [Laughter.]

Mr. MARSHALL. I supposed the gentleman had finished.

Mr. CARTTER. I will give way to the gentleman.

Mr. MARSHALL. I did not rise with the intention of replying to the gentleman's remarks, but merely to say that it must be apparent to the House, that the course of this proceeding had thrown the friends of a measure similar to this into a position on which they must either have engrossed the bill or killed it, and it is to be hoped that the House will now unanimously agree to the reconsideration, and to the commitment of the bill either to the Committee of the Whole on the state of the Union, or to a select committee, with a view that a bill may be brought in here upon which gentlemen can expend their eloquence and their energy. I move the previous question.

The CHAIRMAN. Does the gentleman from Ohio [Mr. CARTTER] yield the floor for that purpose?

Mr. MARSHALL. The gentleman yielded the floor absolutely.

Mr. JONES, of Tennessee. I understood the

gentleman from Ohio as merely yielding for an explanation.

Mr. CARTTER. Certainly. I only yielded for an explanation, and I wish now to state a fact.

Mr. MARSHALL. I declined to take the floor for the purpose of explanation.

The CHAIRMAN. The Chair desires to know of the gentleman from Ohio, whether he had yielded the floor finally, or merely for explanation?

Mr. CARTTER. Only for explanation.

Mr. MARSHALL. Well, I declined at the time to accept it for that purpose.

The CHAIRMAN. The gentleman from Ohio is entitled to the floor.

Mr. CARTTER. I will yield the floor finally in a moment, but not by calling the previous question. The fact that I was about stating at the time my friend from Kentucky rose, was this, that every one of these warrants costs the public Treasury two dollars. Now I want this measure opened up. If we dispose of this public domain, let us do it intelligently and responsibly, and not under the gag of the previous question, or by force of the drill, taking hold upon combinations here. Give us an open sea, and a fair sail upon this question, and I apprehend that a portion of this bill at any rate will be obliterated.

Mr. JONES of Tennessee. It is very evident, I think, from the vote of this House refusing to lay upon the table the motion to reconsider the vote by which the bill was ordered to be engrossed, that the bill is not now in a form that meets the wishes and views of a majority of the House. While there is a decided majority of the House for the main and principal feature of this bill, there is also, I think, a majority against the bill as it now stands.

In the first place, the first section of this bill is perhaps wholly and entirely unnecessary, because this House has, upon a former day of the present session, passed a provision to effect exactly the same purpose that this section is intended to accomplish.

The next section, which provides for giving fees and augmented fees to the receivers and registers of the land office who shall locate the land warrants, is not in a form that suits myself, and I think very many of us, if not a majority of this House.

I must say that I do not understand the full bearing of that section. If it shall pass into a law, I suppose it is to give to these officers the same fees to which they would have been entitled if the land had been entered and paid for as provided for in this section; and not only this, but, if I understand it, it does more—it authorizes the registers and receivers to receive similar fees for the land warrants they have heretofore located under the law granting bounty lands to the soldiers in the Mexican war. But this section makes a distinction between the soldiers who are the beneficiaries of the Government under the acts of Congress granting bounty lands. It provides that the soldier shall locate the land himself, and that the Government shall then take the responsibility of paying the register and receiver for locating them. I ask you how does the soldier who paid it in the first instance to the receiver of the land office get it back from that officer? This bill provides in the first instance, that everybody shall make payment to the register and receiver the fees for locating the warrants, and that when he comes to settle with the Treasury Department there shall be refunded to him from the Treasury of the United States as much as he has received from the man himself. It provides that—

"The registers and receivers of the United States land offices shall heretofore be severally authorized to charge and receive for their services in locating bounty land warrants, the same rate of compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of one dollar and twenty five cents per acre, the said compensation to be hereafter paid by the assignees or holders of such warrants, in all cases where the same have been transferred by the soldier or his legal or personal representative, under the provisions of the acts of Congress, and the regulations of the General Land Office on that subject, and to be paid out of the Treasury of the United States, upon the adjustment of the accounts of such officers, where it shall be shown to the satisfaction of the General Land Office that the same was located by the soldier or warrantee, or in case of his death by his next of kin, as provided by the acts of Congress aforesaid."

Mr. BISSELL. Will the gentleman allow me for a moment?

Mr. JONES. Certainly.

Mr. BISSELL. By the terms of this resolution

it is not contemplated that the soldier himself, in locating the warrant, shall pay anything to the register and receiver for said location. The Government itself is to allow compensation to the register and receiver, when the soldier has not transferred the warrant; but when the soldier has made a transfer, the assignee who made the purchase is required to pay the compensation to the register and receiver.

Mr. JONES. Still you authorize the soldier to transfer his warrant, and you charge the assignee the price of the fees which you authorize the register of the land office to receive for making the location. When the man comes to buy the warrant from the soldier, it will reduce the value exactly to the amount which he is to pay to the receiver of the land office. Then this section makes an appropriation out of the Treasury; and by our rules the bill should be considered in Committee of the Whole on the state of the Union, where this section has not been considered. To the next section, which provides for extending the benefits of the act approved September 28th, 1850, to other persons, I have no objection; but it will not suffer from undergoing an investigation by the committee to which it will be referred, and who will report it back in an intelligible form which will bear the test of scrutiny.

I desire to make a few remarks upon another subject which has been introduced here; that is, the proviso which was incorporated into the civil and diplomatic bill the last session prohibiting the location of bounty land warrants upon any lands other than those which had been surveyed and brought into market. I think the gentleman from Virginia [Mr. BAYLY] will find he is mistaken when he says that this provision was incorporated into the civil and diplomatic bill under the recommendation of the Secretary of the Treasury that it would be necessary to make a loan. My recollection, is that the recommendation of the Secretary of the Treasury for a loan was in the first session of the last Congress. This proviso, restricting the location of these bounty land warrants, was passed upon the last day of the last session of the last Congress, when it had been ascertained that the revenues of the country would exceed even the wasteful and extravagant and prodigal estimates and demands of the Administration, sustained and backed by the Congress of the United States.

Mr. BAYLY, of Virginia, (interrupting.) I only wish to set the gentleman from Tennessee right as to the matter of fact in relation to this loan. Does not my friend recollect that he and I had three or four discussions during the last session of Congress, in which he undertook to show that the bills we had reported largely exceeded the revenues of the country?

Mr. JONES. That was the first session.

Mr. BAYLY. At the second, too.

Mr. JONES, (resuming.) Then how did this proposition get into the civil and diplomatic bill? They cannot say I did it. The first move which was made was to refuse to make any appropriation for the further survey of the public lands and to provide for their being brought into market subject to being located upon by these warrants. The Department said that they must have money to survey the lands, and it was decided to put it into the bill, at the instance of Mr. Vinton, whose name has been mentioned in connection with this subject; but when the appropriation was put in, it was accompanied by a proviso to prevent the location of warrants upon such lands as should hereafter be surveyed. When it came into the House that proviso was stricken out of the bill by an overwhelming majority, so large that those who advocated it had no show at all upon the question. Mr. Vinton was, from the beginning, uncompromisingly opposed to the passage of the bounty land law, and threw all the obstacles in his power in its way. If I mistake not, my friend from Virginia [Mr. BAYLY] voted against that law when it was before the House.

Mr. BAYLY. I must say that my friend from Tennessee does not exhibit his usual accuracy today. I voted for it.

Mr. JONES. I recollect that the gentleman said in a speech that he did not want his constituents to get these lands and remove from his State.

Mr. TAYLOR. Will the gentleman from Tennessee permit me to ask him if this proviso did not come from the Senate, as an amendment?

Mr. JONES. That is just what I am coming to. When it had been stricken out in the House, the bill went to the Senate, and it was understood that Mr. Vinton followed it there and got the proviso incorporated. It came back to the House, and a committee of conference was appointed upon the bill, and that committee, I believe, with my friend from Virginia, [Mr. BAYLY] and Mr. Vinton both, on it, on the part of the House, reported it back here, when the clock wanted but five, ten, or, at most, fifteen minutes to twelve o'clock, the 4th of March, 1851. I then called for a vote upon it. I wished to defeat the proviso; and I would have defeated the appropriation bill sooner than to have seen it passed the House with the proviso in it. The committee had not time to meet again, and unless the House concurred in the report the bill would be lost. In that state of feeling, and at that period of the session, passed the proviso, after three fourths of the members had voted against it.

I hope this bill will be referred either to a select committee or to the Committee on the Judiciary, or to some other committee, which will take the subject into consideration and make the bill such as it should be and such as shall meet the wishes of a majority of this House, and which, at all events, shall provide for the repeal of that proviso in the civil and diplomatic bill of the last session.

I move the previous question.

The previous question was then seconded, and the main question ordered.

Mr. CLARK asked that the previous question might be withdrawn for a moment.

[Cries of "Too late!"]

The SPEAKER said no remarks could be made after the previous question had been seconded. The question was now upon reconsidering the vote by which the bill was ordered to be engrossed and read the third time.

The question was then put, and carried in the affirmative.

So the House agreed to reconsider; and the question again recurring upon ordering the bill to be engrossed and read a third time—

Mr. DUNHAM moved to refer the bill to a select committee of five.

The question was put, and the motion to refer was agreed to.

Mr. DUNHAM moved to reconsider the vote just taken, and to lay that motion upon the table; which latter motion was agreed to.

CUBAN AFFAIRS.

Mr. BAYLY, of Virginia, asked that by unanimous consent the Chair be permitted to lay before the House the several Executive communications upon the Speaker's table. One of these was of a most important character, and should be referred to the Committee on Foreign Affairs. There being no objection,

The SPEAKER laid before the House the following communication from the President of the United States, viz:

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State in answer to the first part of a resolution of the 15th December, 1851; and also a report from the Secretary of the Navy, in answer to the remaining part of the same resolution.

MILLARD FILLMORE.

WASHINGTON, 23d December, 1851.

[The first part of the resolution of the House referred to in the above, called upon the State Department for any information in its possession in regard to the conclusion of a treaty between Spain, France, and Great Britain in relation to the Island of Cuba, and the nature of such treaty. The Department informs the House that it has no knowledge of the conclusion of any such treaty, and that there is good reason to suppose that no such treaty has been entered into, although there is no official information upon the subject. The second branch of the resolution called upon the Navy Department for information in regard to the relative strength of the British, French, and the United States squadrons in the West India seas, and whether additional appropriations are necessary to increase the force of the United States on that station. In response to the above, the Secretary of the Navy reports that the United States have in those seas but five vessels, carrying sixty-five guns in the aggregate; that the British squadron consists of twenty-one vessels, carrying in the aggregate six hundred and thirty-two guns; and that the force of the French is deemed to be equal to that of the English. He also states that additional appropriations are necessary if the United States squadron be increased, unless the vessels be drawn from other stations.]

Mr. BAYLY moved that the communication and accompanying documents be referred to the Committee on Foreign Affairs, and be printed; which motion was agreed to.

The SPEAKER also laid before the House a communication from the Treasury Department, transmitting, in compliance with the 20th section

of the act of 26th August, 1842, detailed statements of the manner in which the contingent funds of said Department have been expended during the year ending the 30th day of September, 1851; which,

On motion by Mr. HOUSTON, was referred to the Committee of Ways and Means, and ordered to be printed.

Also, laid before the House a communication from J. J. Albert, Colonel of the Corps of Topographical Engineers, a report relative to the construction of roads in Minnesota Territory, in answer to the resolution of the House of the 15th instant; which,

On motion by Mr. SIBLEY, was referred to the Committee on Territories, and ordered to be printed.

Also, a communication from the Navy Department, transmitting a report from the Fourth Auditor of the Treasury, exhibiting in detail form the pay and allowance of the several officers of the Navy and Marine Corps of the United States for the fiscal year ending 30th June, 1851; which,

On motion by Mr. BOCKOCK, was referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN S. THRASHER.

The SPEAKER also laid before the House the following communication from the President of the United States, viz:

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 15th instant, requesting information in regard to the imprisonment, trial, and sentence of John S. Thrasher in the Island of Cuba, I transmit a report from the Secretary of State, and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, December 23, 1851.

The communication having been read, Mr. BAYLY, of Virginia, moved that it be referred to the Committee on Foreign Affairs.

Mr. BROOKS moved to amend the motion as follows:

"With directions to examine into the laws of domicile in the Island of Cuba, and to see if they are not proper matters for negotiation and treaty."

The question was put, and the amendment was agreed to.

Mr. B. said: I do not propose to make any remarks upon that amendment at the present time.

A MEMBER. You can't, for it has passed.

Mr. B. continued. But I will, at a proper time, by the indulgence of the House, enter into an explanation of what these laws are, and how unjustly they operate upon our citizens, and the reason why I think it a proper subject for negotiation upon the part of our Government.

The whole subject was then referred to the Committee on Foreign Affairs.

Mr. BOCKOCK. I believe that the first message which was read from the President of the United States, was in answer to a resolution offered by my colleague from the Petersburg district, [Mr. MEADE,] a few days ago, calling upon the Executive for information, as to whether there had been a treaty concluded between England and France having relation to Cuba. The communication in answer to this legitimately goes to the Committee on Foreign Relations. There was another part of that resolution calling upon the President of the United States to inform the House whether, in his opinion, it was necessary that our navy in the Gulf of Mexico should be increased. In answer to that part of the resolution there was a communication from the Navy Department, and it is my impression that communication should go to the Committee on Naval Affairs. The chairman of that committee is not here, and supposing that is the legitimate reference, I move, or ask, if it is not apparent to the chairman of the Committee on Foreign Relations that it be referred to the Committee on Naval Affairs.

Mr. BAYLY, of Virginia. The reference I moved was a proper one, as the communication refers to international affairs. I have not, however, the slightest objection to the reference proposed by my colleague.

Mr. BOCKOCK. If the reference to the Committee on Foreign Relations is the proper one, I am satisfied.

Mr. HASCALL moved the House adjourn; which motion was agreed to.

So the House adjourned.

NOTICE OF A BILL.

By Mr. FOWLER: A bill for regulating the mileage of members of the Senate and House of Representatives of the United States.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BRIGGS: Memorial from citizens of New Bedford, Massachusetts, for the relief of seamen at home, and in foreign ports.

Also, for the same, the Nautical Institution and Ship-Master's Society of the city of New York.

Also, for the same, citizens of the United States trading with Havana.

Also, for the same, the President and Secretary of the Marine Society of the city of New York.

Also, for the same, the Society in Philadelphia.

Also, for the same, the Chamber of Commerce in the city of New York.

Also, for the same, citizens residing in the city of Philadelphia.

Also, for the same, citizens residing in Havre de Grace, France.

Also, a memorial from the Chamber of Commerce in the city of New York, for the construction of a light house on Sandy Key, Florida.

By Mr. BRAGG: The memorial of the assignees of the claim of Francis Collet, praying for the confirmation of the title to a tract of land in the city of Mobile.

By Mr. STANTON, of Kentucky: The memorial of the administrators of John H. McClinton, deceased, praying to be allowed the commutation to which he was entitled.

By Mr. GAYLORD: The petition of J. S. Armstrong and sixty others, citizens of Wesley and vicinity, Washington county, Ohio, asking a grant of land for the benefit of education in the "Independent School Association, of the Commonwealth of Wesley."

Also, the petition of citizens of Somerset, Perry county, Ohio, asking the establishment of a mail route from the town of Somerset, in Perry county, to the town of Jackson, in Licking county, Ohio.

By Mr. WILLIAMS: Two petitions, numerous signed, praying for a mail-route from Decaturville, Decatur county, by the way of the Hermitage and Swallow Bluff, to Savannah, Harden county.

By Mr. MILLSON: The petition of Vincent Walker, and other watchmen of the Gosport navy-yard, asking an increase of their pay.

Also, the petition of Thomas Murry, asking the payment of compensation improperly withheld.

By Mr. CHANDLER: The memorial of Patrick Hayes, C. Massey, jr., and many other citizens of Philadelphia, asking Congress to remunerate the sufferers by French spoliation on the commerce of its citizens of this country previous to 1800.

By Mr. MOORE: The memorial of citizens of Philadelphia asking an appropriation for the erection of piers and harbors in the Delaware river and bay.

Also, the memorial of Messrs. H. P. & W. C. Taylor, and Powers and Weighman, of Philadelphia, asking Congress to pay the expenses of sending the American specimens of art to the London Industrial Exhibition.

IN SENATE.

FRIDAY, December 26, 1851.

Prayer by the Rev. L. F. MORGAN.

The PRESIDENT called the Senate to order at thirty-five minutes after twelve o'clock; and stated that there was not a quorum present.

Mr. FELCH. I move that the Senate adjourn.

Mr. MANGUM. Will the Senator withdraw that motion?

Mr. FELCH. I withdraw it.

Mr. MANGUM. I move that when the Senate adjourns, it adjourn to meet on Monday next.

The PRESIDENT. The Chair is under the impression that the motion cannot be received. The Constitution of the United States expressly designates what is to be done. We cannot adjourn for more than three days without a joint resolution; and when there is not a quorum in attendance we can only adjourn from day to day. Such is the Constitution of the United States.

Mr. FELCH. Then I renew the motion to adjourn.

Mr. BRADBURY. I think there will be a quorum present in a few minutes. I hope the Senate will not adjourn until we order some investigation into the causes of the late fire. I think the Sergeant-at-Arms might easily secure a quorum.

The PRESIDENT. It is in the power of the Senate to send for absent members if such is its pleasure.

Mr. CASS. I do not think it is worth while to send for absent members during the holidays. I have prepared a resolution in relation to the fire, which I intended to submit, but I am willing to let it lie over.

Mr. FELCH. If there is any object to be accomplished by withdrawing the motion, I will withdraw it.

The PRESIDENT. The only object which

can be accomplished by not adjourning, will be the sending for absent Senators. The Senate can order the attendance of absent members, or wait to see whether or not they will come in.

Mr. CASS. I would only say that I do not think there is any probability of obtaining a quorum.

Mr. MANGUM. I renew the motion to adjourn.

The motion was disagreed to—ayes 10, noes 10.

After waiting for some time longer without obtaining a quorum,

On the motion of Mr. MANGUM, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 26, 1851.

The House met at twelve o'clock, m.

The following gentlemen have been appointed by the Speaker to constitute the select committee on the joint resolution in relation to the assignability of land warrants, viz: Mr. DUNHAM, of Indiana; Mr. STEPHENS, of Georgia; Mr. HARRIS, of Tennessee; Mr. TUCK, of New Hampshire; and Mr. BISSELL, of Illinois.

"BURNING OF THE LIBRARY OF CONGRESS."

The SPEAKER, by unanimous consent, laid before the House a communication from the Librarian of Congress; which was read, as follows, viz:

LIBRARY OF CONGRESS, December 25, 1851.

Sir: It is my very painful duty to communicate to Congress the destruction of the books, paintings, statuary, medals, and other property of the principal saloon of their Library, yesterday morning, by fire that originated in the room, in a manner to me altogether unaccountable, as no fires have been used in it for a long time, and no candles, lamps, or other lights, have ever been used in it during the whole time that it has been under my charge.

I have not been able to ascertain the precise number of the books that were destroyed, but believe that it may be estimated at about thirty-five thousand.

It is truly gratifying to have it in my power to add, that about twenty thousand volumes of books that were in the Law Room, and in the two rooms adjoining the Saloon of the Library, are safe. Many of these books belonged to the library of the late President Jefferson, that was purchased by Congress in the year 1815.

They constitute the several chapters in the Catalogue of the Library, agreeably to Mr. Jefferson's classification, under the following heads: Ancient History; American History; Ecclesiastical History; Chemistry; Mineralogy and Conchology; Moral Philosophy; Law of Nature and Nations; the five chapters composing the law department of the Library; Religion; Politics, (including the science of Legislation, Political Economy, Commerce, Banking Statistics, &c.) part of the chapter on Architecture, and the entire chapter on Music; Dialogue and Epistolar; Logic; Rhetoric and Orations, and the Theory of Criticism.

I sincerely hope that the searching investigation Congress will give to the distressing event, which every lover of science and literature must deeply deplore, will lead to a detection of the causes that produced it, and to the adoption of means that will prevent, in all future time, a recurrence of the sad calamity.

With the most respectful regard, I have the honor to be, your obedient servant,

JOHN S. MEEHAN, Librarian.

To the Hon. LYNN BOYD,

Speaker of House Representatives U. S. Congress.

Mr. STANTON, of Kentucky, asked the unanimous consent of the House to introduce a joint resolution in reference to the subject referred to in the communication just read.

[Cries of "Read it!" "Read it!"]

The resolution was then read the first and second time, as follows:

Joint Resolution authorizing an inquiry into the origin of the late fire, by which the National Library was destroyed.

Resolved, That the Joint Committee on Public Buildings and Grounds be instructed to inquire into the origin of the fire by which the National Library was consumed, on the 24th instant, and whether the same occurred from the negligence of any officer of Government, or person in the employment of either or both Houses of Congress, or from the defective construction of the furnaces or flues, or was the act of an incendiary; and also the extent of injury to the building, and the best mode of reconstructing the Library Room, so as to afford perfect security in the future against the like disaster, and report the facts to the House. The said committee shall have power to send for and examine, on oath, such persons as may have information touching the premises.

Mr. SWEETSER. I move to amend the resolution by making it the duty of a select committee, to consist of five, instead of the Committee on Public Buildings.

The SPEAKER. The gentleman from Ohio moves to strike out the "Joint Committee on Public Buildings and Grounds," and insert a "select committee of five."

Mr. SWEETSER. At the suggestion of the

members around me, I will move to insert the Committee on the Library, instead of that proposed in the resolution.

The question was then taken on the amendment, and it was lost.

The resolution was then read a second time, and ordered to be engrossed for a third reading.

Mr. FOWLER. I suggest an amendment to the last part of the resolution. It proposes that the committee shall have power to send for such persons as may have information. Now, how are we to know they have information? I suggest as an amendment the words "that may be supposed to have information," instead of the words used in the resolution.

The SPEAKER. The amendment can be introduced only by unanimous consent.

Mr. STANTON, of Kentucky. It has been suggested to me, that in the resolution offered to the House, the Library has been misnamed, and that instead of being called the National Library, it should be called the Congressional Library, or the Library of Congress. I suppose that by the unanimous consent of the House that alteration can be made.

The SPEAKER. If there was no objection the alteration could be made.

No objection being made, the resolution was altered accordingly.

The SPEAKER. The proposition of the gentleman from Massachusetts [Mr. FOWLER] is objected to, and cannot be entertained.

Mr. STANTON, of Tennessee. It seems to me that the resolution is defective in one particular. I merely make the suggestion to the gentleman who offered the resolution, and to the House, that if the House concur with me in that respect it may be amended without objection. One object of the resolution seems to be to inquire into the best mode of making the Library, when it should be rebuilt, fire-proof, so that it cannot be subjected to any similar accident in future. I simply wish to inquire, and suggest whether the range of investigation ought not to go further than this, and inquire as to the best means of making the whole Capitol fire-proof. It is well known to all that this accident not only destroyed the Library, but endangered every other part of the Capitol. The structure of this building above the House and Senate is of wood, and both the Senate and House of Representatives are liable to be consumed at any time, as was the Library day before yesterday. I make this as a suggestion, and I think the resolution should be so amended.

Objection was made to any such change, and the suggestion was not considered.

The resolution was then read the third time and passed.

SEIZURE OF THE BRIG AROC.

Mr. FULLER, of Maine, by the general consent of the House, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, any information in possession of Government relative to the seizure of the brig "Aroc," of Eastport, Maine, owned by Z. A. Faine, and commanded by Captain A. C. Spates, and the detention and imprisonment of the master in the year A. D. 1859, by the Haytian authorities at the port of Jeremie; and also what measures, if any, that may have been taken to procure indemnity to the owners of said brig for her detention, and for the imprisonment of the master.

Mr. SWEETSER asked the unanimous consent of the House to withdraw certain papers from the files; but it was objected to.

Mr. COBB. Many of us have important bills to present to the House, and have referred to the appropriate committees, but we shall never be able to do so, unless we proceed to the regular order of business. The regular order of business is calling the States and Territories for petitions, and I call for that order of business now.

EXPENSES OF THE FIRE.

Mr. STANTON, of Kentucky. With the permission of the gentleman from Alabama [Mr. COBB] I will state that the Committee on Public Buildings received a communication this morning from the Commissioner of Public Buildings, stating that great expense had been incurred in extinguishing the fire on the 24th instant, and that an appropriation is needed to meet this expense, and for the purpose of putting the building in a condition to be secure from the action of the

weather. I request the gentleman from Alabama to withdraw his call for the regular order of business, to enable me to introduce a bill for that purpose.

Mr. COBB. I have no objection. I consent.

Mr. STANTON, of Kentucky. I ask the general consent of the House to introduce a bill, and to move to refer it to the Committee of the Whole on the state of the Union.

Several MEMBERS. "Read the bill!"

The bill was then read, as follows:

An act making appropriation to meet the expenses incurred in consequence of the late fire at the Capitol.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of five thousand dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, or so much thereof as may be necessary, under the direction of the Commissioner of Public Buildings, in discharge of expenses incurred in the extinguishment of the late fire in the Library Room, the removal of the rubbish, and the preservation of such books and other articles as may have been saved, and the construction of a tin roof for the preservation and protection of the public building now exposed.

The reading of the communication from the Commissioner of Public Buildings was then called for, and it was read, as follows:

OFFICE OF COMMISSIONER OF PUBLIC BUILDINGS,
WASHINGTON, 26th December, 1851.

Honorable RICHARD H. STANTON,

Chairman Com. on Public Buildings and Grounds:

SIR: The late destruction of the Hall of the United States Library by fire, has left a mass of burning books and papers, which I am now having removed. I am also constructing a temporary roof (covered with tin) over the exposed arches which cover the rooms immediately east of the Library, which I hope to finish this week.

To enable me to pay the cost of these works, and also the buckets, axes, &c., purchased during the fire, and wages of men employed to guard the premises and prevent further extension of fire to other parts of the Capitol, I very respectfully pray your committee to ask for an appropriation of five thousand dollars, which I hope will be sufficient for these purposes.

I am, with great respect, your obedient servant,
WM. EASBY,
Commissioner of Public Buildings.

Mr. SWEETSER. The bill makes an appropriation of money, and must go to the Committee of the Whole on the state of the Union.

The SPEAKER. Is there any objection to the introduction of the bill?

Mr. SWEETSER. Yes, sir, I object.

Mr. COBB. I now make a motion to proceed with the call for resolutions, dispensing with the call for petitions, &c.

Mr. CLINGMAN, (interrupting.) If the gentleman will allow me, I ask the general consent of the House to offer a resolution, of which I have given previous notice, and which I think will meet with no objection, which resolution is as follows:

Resolved, That so much of the standing rules as provides for calling States and Territories for petitions, be rescinded and repealed.

Objection was made by Mr. JONES, of Tennessee, and the resolution was not received.

Mr. RICHARDSON. I move that when this House adjourns, it adjourn to meet on Tuesday next.

Mr. FOWLER demanded the yeas and nays; which were ordered.

Mr. RICHARDSON. Is there a quorum?

The SPEAKER. A quorum is not necessary on a proposition for yeas and nays.

Mr. BOCKOCK. I move to strike out Tuesday, and insert Monday.

Mr. RICHARDSON. I have no objection.

Mr. STEPHENS, of Georgia. I wish to be indulged to say a word or two. If we adjourn over till Tuesday, it will be impossible to pass before that time upon the bill, of which notice was given, appropriating money to defray the expenses incident to the burning of the library, and necessary to preserve the other portions of the building now exposed to the weather. It is a bill that should be passed immediately, and sent to the Senate, before its adjournment to-day, for action thereon. If the House remain in session, reports from committees will soon be in order, when the chairman of the Committee on Public Buildings and Grounds can introduce as a matter of right his bill, which has just now been precluded by the objection of the gentleman from Ohio, [Mr. SWEETSER.] The House should not adjourn to-day before passing the bill. We must sit here until we can reach that bill in the regular order of business.

Mr. RICHARDSON. There is barely a quo-

rum of the House now present. Gentlemen have left with the impression that there would be no business transacted until after New Year's day.

The SPEAKER stated that there was no quorum.

Mr. SWEETSER. I withdraw the objection I made to the introduction of the bill offered by the gentleman from Kentucky, [Mr. STANTON,] but I do it with considerable reluctance. I was in favor of a more stringent course than that indicated by the chairman of the Committee on Public Buildings, but I withdraw it upon the suggestion of my friends.

The SPEAKER. The question is now upon the motion of the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. RICHARDSON. I withdraw my motion in reference to adjournment for the present.

Mr. STANTON, of Kentucky, by unanimous consent then introduced the bill, heretofore referred to, making appropriation to meet the expenses incurred in consequence of the late fire at the Capitol; which was read a first and second time by its title.

Cries "Read the bill!" "Read the bill!"

The bill was accordingly read as reported above.

Mr. STANTON, of Kentucky. I move that it be referred to the Committee of the Whole on the state of the Union.

Mr. STEPHENS, of Georgia. There can be no objection to its being passed upon immediately, without sending it to the Committee of the Whole. The rule can be suspended by unanimous consent; and we can pass it, and send it to the Senate for their action upon it to-day.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed it was then read a third time and passed.

Mr. RICHARDSON. I now renew the motion I made a few moments since, that when the House adjourns, it adjourn to meet on Tuesday next.

Mr. STEPHENS. I ask that the Clerk be authorized to carry forthwith to the Senate the bill which has just been passed.

The SPEAKER. It will be done as a matter of course.

Mr. FOWLER called for the yeas and nays on the motion of the gentleman from Illinois, [Mr. RICHARDSON,] which were ordered; and having been taken, were—yeas 91, nays 54; as follows, viz:—

YEAS—Messrs. Aiken, Willis Allen, John Appleton, William Appleton, Ashe, Averett, Babcock, Thomas H. Bayly, Barrere, Bartlett, Beale, Bennett, Bissell, Bockock, Boyne, John H. Boyd, Bragg, Brooks, Albert G. Brown, Burrows, Busby, E. Carrington Cabell, Caldwell, Chastain, Churchwell, George T. Davis, Disney, Dockery, Dunham, Eastman, Edgerton, Evans, Ewing, Fitch, Florence, Floyd, Henry M. Fuller, Thomas J. D. Fuller, Gorman, Hall, Hamilton, Harper, Isham G. Harris, Sampson W. Harris, Hebard, Houston, Howard, Hunter, James Johnson, John Johnson, Robert W. Johnson, George W. Jones, George G. King, Mace, Humphrey Marshall, Martin, McCorkle, McDonald, McMullen, Millson, Miner, Morehead, Olds, Orr, Penn, Powell, Price, Richardson, Riddle, Robinson, Sackett, Schermerhorn, Schoonmaker, Scurry, David L. Seymour, Smart, Snow, Stanly, Frederick P. Stanton, Richard H. Stanton, Stuart, Sutherland, Taylor, Benjamin Thompson, Thurston, Venable, Wallace, Addison White, Wilcox, Williams, and Yates—91.

NAYS—Messrs. Abercrombie, Allison, Brenton, Briggs, Joseph Cable, Lewis D. Campbell, Chapman, Clark, Cleveland, Clingman, Cobb, Conger, John G. Davis, Doty, Ficklin, Fowler, Gaylord, Goodenow, Goodrich, Gray, Grow, Hascall, Haven, Hendricks, Hemi, Hillyer, Horsford, John W. Howe, Thomas M. Howe, Ingersoll, Ives, Jackson, Andrew Johnson, Daniel T. Jones, Preston King, Kubus, Landry, Lockhart, Mason, Meacham, Molony, Murphy, Nabers, Newton, Peaslee, Penningman, Perkins, Rantoul, Robie, Scudder, Origen S. Seymour, Benjamin Stanton, Alexander H. Stephens, Stone, Sweetser, George W. Thompson, Townsend, Tuck, Walbridge, Ward, Washburn, Watkins, Welsh, and Wildrick—64.

So the motion was agreed to.

Mr. ORR moved that the House do now adjourn; upon which question tellers were demanded and ordered, and Mr. ORR and Mr. FOWLER appointed. The question was taken, and the tellers reported—ayes 74, noes 59.

So the House adjourned to Tuesday next.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. JOHN W. HOWE: The petition of William Nickoll and forty-four others, citizens of Venango county, Pennsylvania, praying Congress to establish a post route from Agnew's Mills, in said county, via Lamartine and

Five Points, to Cass, on the Susquehanna and Waterford turnpike, ten miles east of Franklin.

By Mr. CLEVELAND: The petition of S. Burrows and other citizens of the town of Wales, in the State of Massachusetts, praying for the settlement of all national questions by a Congress of Nations.

By Mr. BENNETT: The petition of C. A. Thorp, Esq., and other citizens of Chenango, New York, asking for a law to give more effective protection to the rights of patentees.

By Mr. STANTON, of Kentucky: The memorial of Robert Mills, late Architect of Public Buildings, recommending the construction of a temporary Hall for the use of the House of Representatives on the site of the late Library Room, and the use of the present Hall for the Library.

By Mr. BAYLY, of Virginia: The petition of Charles Fletcher, of Lancaster, for a contract for carrying the United States mail in a line of steamers proposed to be established between Norfolk, in Virginia, and Cadiz, in Spain.

IN SENATE.

SATURDAY, December 27, 1851.

Prayer by the Rev. L. F. MORGAN.

There being no quorum present,
On the motion of Mr. SMITH, the Senate adjourned.

IN SENATE.

MONDAY, December 29, 1851.

Prayer by the Chaplain, Rev. C. M. BUTLER.

FLOGGING IN THE NAVY.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Navy, communicating, in compliance with a resolution of the Senate of the 22d instant, the record of the proceedings of a Court of Inquiry, convened November 20, 1850, on board the United States ship Cumberland, in the bay of Naples, for the investigation of charges preferred against William K. Latimer, an officer in the Navy; which was read and ordered to lie on the table.

DEFICIENCIES IN NAVAL APPROPRIATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Navy, communicating estimates for deficiencies in the appropriations for the naval service for the year ending June 30, 1852; which was read:

Ordered, That it be referred to the Committee on Naval Affairs.

PETITIONS.

Mr. SHIELDS presented the petition of James Corrigan, a pensioner of the United States, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. CLEMENS presented a petition of citizens of Cherokee county, Alabama, praying that remuneration may be demanded of the Spanish Government for the seizure of the property of Edward Stiff, a citizen of the United States, and his imprisonment by order of the Captain General of Cuba; which was referred to the Committee on Foreign Relations.

Mr. FELCH presented the petition of Amos Kendall and John E. Kendall, praying compensation for services rendered the Western Cherokees in prosecuting their claims; which was referred to the Committee on Indian Affairs.

Mr. WALKER presented the petition of citizens of Wisconsin, praying that the right of pre-emption and a credit of two years may be allowed to the settlers on the Menomonee Purchase, in that State; which was referred to the Committee on Public Lands.

Mr. UNDERWOOD presented additional evidence in relation to the claim of James Jeffries and Jeremiah M. Smith; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAWSON submitted additional evidence in relation to the claim of Calvin B. Seymour; which, with his memorial on the files of the Senate, was referred to the Committee on Indian Affairs.

Mr. DODGE, of Wisconsin, presented a petition of citizens of La Crosse county, Wisconsin, praying the establishment of a mail route from La Crosse to Black River Falls, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. GWIN presented the petition of Santiago E. Arguello, a captain in the California battalion, praying compensation for losses sustained during the late war with Mexico; which was referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. FELCH, it was

Ordered, That the petition of Joseph W. Edwards, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. PRATT, it was

Ordered, That the memorial of citizens of Baltimore, on the files of the Senate, relating to the establishment of a line of mail steamers between the ports of Baltimore and Norfolk and England, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. P., it was

Ordered, That the memorial of William Blackiston and others, citizens of Maryland, in relation to the establishment of a line of mail steamers between the ports of Baltimore and Norfolk and England, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. DAWSON, it was

Ordered, That the petition of Willard Boynton, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. BELL, it was

Ordered, That the memorial of the representative of William Russwurm, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the petition of William Roberts, and the documents relating to the claim of Rhoda Frisbie, on the files of the Senate, be referred to the Committee on Pensions.

NOTICES OF BILLS.

Mr. SEBASTIAN gave notice that he should ask leave to introduce a bill to grant the right of way and a portion of the public lands in the State of Arkansas, to aid in the construction of certain railroads therein.

Mr. DAWSON gave notice that he should ask leave to introduce a bill to provide for the payment to the State of Georgia of moneys expended and losses sustained, in horses and equipments, by the volunteers of the State militia, while engaged in the suppression of Indian hostilities.

REPORTS FROM STANDING COMMITTEES.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred the memorial of the heirs of Joseph Watson, reported a bill for the relief of the representatives of Joseph Watson, deceased; which was read, and passed to the second reading.

Mr. JONES, of Iowa, reported from the Committee on Enrolled Bills that they had presented to the President of the United States the joint resolution providing for the printing of additional copies of the Journals and public documents.

THE HOLIDAYS.

On the motion of Mr. ATCHISON, it was

Ordered, That when the Senate adjourns, it will adjourn to meet again on Friday next.

MILITARY ROADS IN IOWA.

Mr. JONES, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of constructing a military road from Dubuque, in the State of Iowa, to Fort Dodge, in said State.

Mr. JONES also submitted the following resolutions; which were considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate such information as may be on file in the War Department relative to the construction of a military road from Fort Dodge to Dubuque, in Iowa; and that he inform the Senate what the cost has been for the transportation of the munitions of war, provisions, &c., used at said fort, from the usual place of deposit upon the Mississippi river.

Resolved, That the Secretary of War be also directed to communicate to the Senate a plan and estimate for the construction of a military road from Dubuque to Fort Dodge, and the amount necessary to pay for the survey and estimates for such road.

GEOLOGY OF IOWA, WISCONSIN, AND MINNESOTA.

The following resolution, submitted by the Senator from Iowa, [Mr. DODGE,] came up in order for consideration:

Resolved, That five thousand five hundred copies of the report of Dr. D. B. Owen, on the geology of Iowa, Wisconsin, and the Territory of Minnesota, together with the maps, illustrations, &c., be printed; and that five hundred copies be delivered to the Commissioner of the General Land Office, two hundred copies to Dr. Owen, and three hundred copies to the Smithsonian Institution.

Mr. UNDERWOOD. That resolution was passed over the other day at my instance, and I am so very hoarse now that I do not know that I can

speak upon the subject at all; but I want to make a suggestion to my friend from Iowa, [Mr. DODGE,] I perceive, from the wording of the resolution, that the printing is to be done in the quarto form. All the printing that has been done heretofore has been done in the octavo form. By departing from the mode of doing the printing, if I am correctly informed, you will leave the printer at liberty to make his own charges, without any regard to the past action of Congress on that subject. This proposal seems to me to be a departure from the mode which we have heretofore adopted in relation to printing. If we pursue it we shall order a thing to be done in a new mode, and there will be nothing to govern us in fixing the compensation. I think our past experience ought to have shown us that this mode is not the right one. I desire that this matter shall be referred to the Committee on Printing. According to my experience on subjects of this sort, there will be a great many plates, diagrams, and engravings. I recollect having looked into the subject a year or two ago, and the amount paid for engravings in a report from the Patent Office was such as to astonish me. I believe it amounted to some thirty or forty thousand dollars for a single volume.

If we adopt a resolution of this sort, changing the form in which the printing is to be done without knowing anything of the number of diagrams or plates which it may be necessary to print, we shall do it in ignorance of the amount of the cost. I therefore think it would be prudent—and I make that motion—to refer this matter to the Committee on Printing, that that committee may make an investigation of the whole subject.

Mr. DODGE, of Iowa. I do not object to the reference of this resolution to the Committee on Printing, though the number stated is precisely that which was ordered to be published of Foster & Whitney's report. This document was ordered to be published at the Executive Session of the Senate, commencing the 4th of March, 1851, by a resolution which I offered at that time. But as it is proposed to publish it in a new form, and as I am anxious that it shall be published in that form, (that being the form recommended by Dr. Owen,) and as the Senator from Kentucky has made some observations in reference to the matter, I hope the resolution will be referred to the Committee on Printing.

The question was then taken on the motion to refer, and it was agreed to.

PRINTING OF THE CENSUS RETURNS.

The following resolution, offered by Mr. BRIGHT, was taken up for consideration:

Be it resolved, &c., That the Joint Committee on Printing be directed to contract with Donelson & Armstrong for printing the Census returns, upon such terms as they may deem reasonable.

Mr. SMITH. As this is a subject of very considerable importance, and as it will involve an appropriation to the amount of several hundred thousand dollars, I should be very sorry to have it brought under consideration, and receive its disposition at our hands while the Senate is as thin as it is at the present time. I have no disposition to throw any obstacle in the way of the consideration of this question; but I desire to take the opinion of the Senate—of the entire body—upon it. There is very little more than a quorum now present; and I would suggest to my friend from Indiana, that the consideration of the resolution had better be postponed until after the holidays, and at an early day next week I will be prepared to submit to the Senate such suggestions as I may deem proper. I therefore move that the subject be postponed until Monday next, when I will be prepared to have it taken up, and disposed of at as early a day as possible.

Mr. BRIGHT. It will be recollected that this resolution has been the standing order of the body for the last ten days. I refused to call it up on one occasion, when the honorable Senator from Connecticut objected. He alleged that he would be ready, on the morning following, with an amendment. There is an urgent necessity for acting on this subject. A part of the returns of the census are ready for delivery, and ought to be in the hands of the printer. I dislike to press it if the honorable Senator objects; but I can see no good reason for delay in the matter. The public contract which we have for the printing of this body does not cover this class of printing, and we have to dispose of it to other and different persons

than those holding the contract. The joint resolution provides that the Committee on Printing shall contract with the gentlemen named in it, who are prepared to go on with the printing, at fair prices. I can see no objection to the resolution, and I hope it may be the pleasure of the Senate to take it up and act upon it now.

Mr. SMITH. I have already said to the Senate that we have very little more than a quorum present. There are only some thirty-four or thirty-five Senators here, and it is exceedingly doubtful whether there will be a quorum in the Chamber if we undertake to go into the discussion of this resolution. I have some suggestions to make to the Senate in opposition to its passage, and I hope to be able to satisfy the honorable Senator from Indiana that there are very serious objections to its adoption; but I am unwilling to address myself to only about one half the Senate. I believe it is very unusual to take up questions of this importance, involving the expenditure of some three or four hundred thousand dollars, if not half a million, when there is but little over one half the Senate present, to make a disposition—a final disposition—of them, so far as we are concerned. I wish to say nothing at present in regard to the character of the resolution; but it is a proposition to reverse what has been the policy of the two Houses of Congress during the last five or six years. Some four or five years ago we determined that the public printing should be divorced from the political presses of this city. It is now proposed to reestablish the connection which formerly existed. If it shall be the purpose of the Senate to reestablish that connection in the manner proposed by my honorable friend from Indiana—if that be the real judgment and opinion of the body—I for one shall not complain; because I have no objection whatever to the respectable and worthy gentlemen named in the resolution. But I wish the opinion of the entire Senate upon the subject. I am unwilling to be called upon to address the Senate on a subject of so much importance when there is barely a quorum present. I therefore feel it my duty to persist in the motion to postpone its consideration. I certainly do not desire any delay. I have come for three or four mornings in succession prepared to address the Senate on the resolution. But I trust those gentlemen who constitute the majority in this body will be willing to postpone the question until we have the Senate in its usual condition, with something more than a bare quorum.

Mr. BRIGHT. I understand the honorable Senator from Connecticut to remark that some four or five years since, this body proposed to divorce the printing from the public press of this city. The proposition was made and acted upon, and I ask him, and every other Senator, what has been the result? What has the sequel proved? That we have either not had the printing done at all, or done in a manner unfit to be put in our archives. The work proposed to be done by this resolution is important, containing statistics to which we shall want to refer in all time to come; and to print it upon paper of the character used under the contract system, and to have it done in the manner in which it is now done will render it valueless. This resolution is framed with reference to giving the work to responsible persons—persons who are ready to commence it, and to execute it, as the Committee on Printing may require. It is not an appropriation of money. The honorable Senator says that it will involve an expenditure of thousands of dollars. It is true that money will be expended, but it is to be expended under the direction of our committee, and one of them is a gentleman practically acquainted with the subject. The Census returns are soon to be presented, and hence I find an apology for pressing the matter now. I am willing to hear the Senator from Connecticut at this time, and I presume the body generally are ready to hear him.

Mr. PRATT. In my judgment we have not the necessary information to enable us to act upon this resolution. I notice that the Secretary of the Interior, speaking upon this subject in his report, says:

"With the view of enabling Congress to form a just estimate of the importance and varied character of the information derived from the late census, and of the admirable arrangement of the tables, the Superintendent has, with my sanction, caused the returns of Maryland to be printed for the use of the members of the two Houses. That State was selected, because, from its central position, and the

character of its population, soil, productions, and industrial pursuits, its census presented the best illustration of the extent and practical utility of the information which has been gained."

"Another object was to furnish a specimen of the style in which, according to my judgment, it ought to be published. Such a specimen will be of great value in contracting for the publication of the entire work by furnishing a standard by which the contractor will be governed in regard to the paper, printing, and general style of execution."

I have seen a part of the proof-sheets of the publication which the Secretary of the Interior says he has caused to be prepared; but it has not been laid upon our tables; and I think the Senate should be informed of the extent of the printing, for which they are about to contract, before they authorize it to be done. The census of Maryland, which the Secretary proposes to exhibit to the members of both Houses, contains a short history of the State, and of each county in the State, the period at which it was settled, by whom it was settled, and a great deal of information of this kind. If the whole Census returns are printed upon such a basis, they will take up some twenty or thirty volumes as large as the Documentary History which is being published, some of which are in the archives of the Government, and involve the expenditure, I suppose, of half a million of dollars.

A SENATOR. Yes, more.

Mr. PRATT. Yes, or more. I do not know what the amount is to be; but ought we not to know what it is to involve before we direct the printing? If we publish a work of this character, ought we not to see the work itself, and form some judgment of its utility, before we direct the committee to contract for its printing? What is the resolution? "That the joint Committee on Printing be directed to contract with Donelson & Armstrong for printing the census returns, upon 'such terms as they may deem reasonable.'" What is to be printed? If it is to be a history of each one of the United States, and of each county in those States, giving the population of each, the period at which, and by whom, it was settled—if it is to be such a work as has been prepared in reference to Maryland, surely each Senator ought to examine it before we vote to have it published. If it is sufficiently valuable to be printed in this form, it should be done in the best manner, regardless of the cost. But for one I desire to see the work—to see the sample which the Secretary of the Interior says he is preparing to exhibit to us, which is now being printed, and which will be laid upon our tables. I desire that it shall be laid there, so that each Senator may examine it and know what it is.

Mr. HAMLIN. Will the Senator allow me to ask a question? I would inquire if the printing to which he has alluded has not been suspended? I have been informed, and I deem the information to be reliable, that from some cause the printing has been suspended, and that nothing is now being done in regard to the matter.

Mr. MANGUM. Perhaps I can answer that question. I had an interview with the head of the Census Bureau, and he informed me that this work was in progress now, and would soon be completed, and that it was impossible to form a just estimate of what expenditure would be required until that work should be laid before the Senate. I have no sort of objection to the gentlemen mentioned in the resolution. They would perform the duties as well as any others I have no doubt. I have no choice in that respect. But I do think before we embark in so large an expenditure, we ought to know something about it. I hope the Senator from Indiana will not press the immediate consideration of this resolution, in the absence of such information as would let us know what we are about to do. It has been said that half a million of dollars will be required. Sir, it will in all probability be three half millions—certainly nearer that amount than half a million. I hope we shall not take a leap in the dark. I hope the consideration of the resolution will not be pressed upon the body when there is scarcely a quorum present. At all events, before I give a vote affirmatively upon any proposition of this sort, I desire to know the probable amount of the expenditure, and this can be ascertained only when we have the work alluded to on our tables.

Mr. PRATT. I did not know that the work had been suspended. I knew it had been commenced, and I have seen some twelve or fifteen proof-sheets of the Maryland census of which the

Secretary speaks. I should like to be informed, if it has been suspended, why it has. We want that information. I should like to know with whom the contract was made to print it; whether the printer under that contract is to be connected with the contract under this resolution; and whether the suspension has not been caused by the proposition contained in the resolution. I desire all this information before I vote upon the subject.

But my great object in rising was to ask the attention of the Senate to this point: If the work is to be published in the manner proposed by the Secretary of the Interior, we should examine it—we should see that it is a work of such a character as would do credit to the country before we order its publication. If it is to consist of the mere tabular statement of the census, as the last was, I should have no objection to any mode of publication which might be required. But if it is to be published in this extended form, according to the view of the Secretary of the Interior, and as it will be published if this resolution passes, I say we have not sufficient information in regard to the character of the work to vote understandingly upon it.

Mr. GWIN. I think the arguments of the Senators from Maryland and North Carolina justify us in passing this resolution now. If we get the information of which they speak, it must be through the committee. What does this resolution propose to direct the committee to do? To print the census. If they find it necessary to give this historical account of each State, they will come to the two Houses of Congress for instructions. This resolution simply provides for the publication of the census.

Mr. BADGER. What for? The census.

Mr. GWIN. What is the census taken for, if it is not wanted? Why was it taken, if not to make a portion of the permanent archives of the country? I want it printed at once. The Senator from North Carolina [Mr. MANGUM] says that it will cost several half millions of dollars. I should like to know if the postponement of it will make it cost any less. If we are going to print it, let us do it at once. Whether we print it under the contract, or give it to different individuals, let us do it at once. I think that the very information these gentlemen wish will come more properly through the committee than any other way. If the committee want additional power, or additional instruction, let them come to the Senate and House of Representatives for it. We ought to act on the subject, so that the printing may progress. In regard to the specimens alluded to by the Senator from Maryland, he seemed to intimate that they were probably printed in the office of the gentleman mentioned in the resolution.

Mr. PRATT. I did not say so.

Mr. GWIN. I take it for granted that they have had no agency in the suspension of the work. I feel confident that they have not. The object of the Senate should be to have this work printed, and an appropriation should be made at once. We have another special order for next Monday. If we postpone this resolution to that day, it may lead to its being put off from time to time. It seems to me that its postponement will only embarrass the Senate. I think we had better take it up and pass it, or amend it, now.

Mr. PRATT. I have been very singularly unfortunate, if the argument which I intended to make has proved the exact contrary of that for which I used it. What is this resolution? Is it that this committee shall inquire in reference to what is to be done, and what is to be published? Does it give to the committee the power to inquire? On the contrary it takes from the committee that power, and directs them to contract for the printing of the census, which the Secretary of the Interior has prepared. That book, that census, that which he has reported to the Senate as having been prepared as the census, is what this committee is directed to print. They have, under this resolution, no power to inquire. They are not instructed to inquire. The sole power proposed to be conferred by this resolution is to contract for the printing of that paper, which has been prepared by the officers of the Government as the returns of the Seventh Census. I apprehend, then, that I was not wrong in the argument which I made.

Mr. BADGER. The Senator from California seems to have fallen into a mistake—an evident mistake—as to the nature of the joint resolution.

which it is proposed we shall pass. He seems to suppose that we are merely to refer this subject to a joint committee of the two Houses; that that committee is to take some preliminary steps; and that, after the joint resolution passes, we are to have some control over the subject. But the effect of it is to put the committee in the place of Congress as to the disposition of this printing. They are to make the contract; they are to make no report to us; they are to get no further directions from us; their contract is not to be sanctioned by us. When made by them, it is a contract of the Government. The Senator said that the census returns ought to be published; that they are wanted—that they are needed. I asked the Senator for what? What we are now considering is a mere question of time. Everybody admits that they ought to be published; but I desire to know where is the necessity? What public purpose is to be served by having them printed now? What public injury will be sustained by delaying the publication a week? That is all that is asked. It is impossible to assign any reason why there should be such hot haste in the publication. Surely, they ought to be published; and that in a reasonable time. But they ought to be published in such a manner as to do credit to the country, so as to perpetuate in the best manner the materials contained in the returns. But they ought to be published with some reasonable care, that there shall be no unnecessary expenditure; and particularly in passing this joint resolution for the publication of the census returns, we should, as has been suggested by my friend from Maryland, [Mr. PRATT,] not turn the Superintendent of the Census Bureau into a historiographer, and biographer of the United States, and of all the counties in the States thereof—for I presume that this must contain information as to "the first families" in those parts of the United States where they are so fortunate as to have first families. I think we have a right to have some little time to inquire into this matter.

But again, Mr. President, I ask you, if such a thing has ever been known since you have served in the Senate—certainly it never has to my knowledge since I have been here—of a measure of considerable importance, involving the expenditure of money to the amount, as some gentlemen say, of a million and a half of dollars, being hurried through this body during the Christmas holidays? Again, the Senator from Connecticut says he desires to be heard upon the subject of the resolution. He gives his reasons why; though ready himself, he has not had an opportunity heretofore of being heard. He wishes to be heard by a full Senate, and not by a body consisting of little more than a constitutional quorum, and he asks the indulgence of the Senate for the postponement of this subject until the day following our next meeting. I ask you, sir, if, in your experience of the proceedings of this body, such a request at this season was ever denied to any Senator? This resolution is an important one besides and beyond the amount of public money which it is proposed to expend. I confess, that to me the amount of the expenditure is not the primary consideration. If this work be published, I wish it to be published well; I wish those who print it to be well paid for their work. But this involves another question—namely, as to our diverting from, and ultimately subverting, the system which has prevailed here of printing by contract.

I agree with the Senator from Indiana [Mr. BRIGHT] entirely in regard to the contract system. I am opposed to it. I have been willing for years to vote for a law or joint resolution to abolish it. Our experience in this body, as well as that of the other House, has shown that under it we get documents wretchedly published upon bad paper, with worse printing and still worse binding. For one, I am tired and sick of it. The publications are disgraceful to the body that has them published; and the probability is, that in most of them, in a few years, the ink will have destroyed the miserable substitute for paper, and leave them illegible. My mind has been made up on that subject, and I agree with the Senator from Indiana in regard to it. When this resolution comes up, I should be glad to see a provision appended to it for repealing the joint resolution or law under which the contract system exists. But if the Senator from Indiana considers for a moment, he will see that in order to have an expression of

opinion which will be at all available, we should get it from a full Senate. I am not at all opposed to the printing of these census returns. I wish it to be done by competent persons, and I wish them to be well paid. I have no sympathy with that wretched policy which endeavors to save money to the Government by inducing people to come forward, and by competition make bids at ruinous rates, and either lose money or resort to the trick of foisting upon the public worthless and badly executed documents. I think it is unbecoming for us to obtain from any man his time and services for anything less than a fair equivalent. But at the same time I would suggest that this resolution should not be pressed at this time, if for no other reason, according to the usages of the body. The suggestion of the Senator from Connecticut, and the reasons he has assigned why he has not heretofore had an opportunity of being heard, ought to induce us to let this measure go over until our next sitting day. If the publication is delayed for ten days it will answer all the purposes for which it is intended.

Mr. GWIN. The Senator from North Carolina [Mr. BADGER] speaks of "hot haste." Is it not known to every Senator that this subject was brought to our attention near a year ago by the President or by the head of one of the Departments? Is it not known that it was pressed then, and that we should have acted on it then? Has not this resolution been before us almost from the commencement of this Congress? I do not think there has been any "hot haste" about it. The question presented is, whether we shall take this up and act upon it. If it is taken up now, as long as it is before the Senate it will postpone other special orders. The object which I have in view is to press the business of the Senate. I am not anxious to press the consideration of this resolution now, because there is a thin Senate; but I want it taken up, so that if it is not settled to-day, it may come up from day to day as unfinished business until it is settled.

Mr. BADGER. I think the Senator from California did not distinctly understand the Senator from Connecticut, [Mr. SMITH.] He said that in consequence of a cold he was not able to address the Senate to-day.

Mr. GWIN. I certainly did not hear that. But all that I have to say is, that I want this resolution taken up for consideration, so that it may be taken up as unfinished business at the next meeting of the Senate.

Mr. BRIGHT. I certainly did not understand the honorable Senator from Connecticut as objecting to the consideration of the resolution on the ground of his inability to address the Senate to-day. I should not have pressed this matter, if I had so understood him.

Mr. BADGER. I understand that my statement was a mistake. It was the Senator from Kentucky, [Mr. UNDERWOOD,] and not the Senator from Connecticut, who pleaded indisposition.

Mr. BRIGHT. I am not disposed to press the consideration of this subject on a thin Senate. I do not desire this resolution to pass unless it has merit, and unless it ought to pass. I introduced it at an early day of the session, believing that it was important that the work should be entered upon. It will be a very voluminous work. It will require time; and it will require the expenditure of a large sum of money, but nothing like the sum named by the honorable Senator from Maryland, [Mr. PRATT,] and the honorable Senator from North Carolina, [Mr. MANGUM.] The cost of the printing of the last census amounted to less than \$200,000, and I feel authorized to say, on inquiry which I have made, that the cost of this printing will amount to less than \$300,000.

The honorable Senator from Maryland inquires what it is we are to print. He thinks the gentleman who has charge of this subject ought to lay on our tables the forms of the returns. I understood him to say that there is a great deal of historical matter connected with the census returns which will be placed before us to be printed. The answer to his inquiry is to be found in the law of the last Congress. We are to print the enumeration of the inhabitants of the United States and such statistics as shall be reported by the committee appointed by this body to prepare the work. If the Census Bureau has collected historical matter relating to Maryland and other States of the Union not contemplated by the law, we clearly are

not authorized to print it. This resolution merely directs the Joint Committee on Printing, who are presumed to know all about this subject, to contract at fair prices with the individuals named in the resolution for printing just such matter as Congress declared in express terms should be prepared—nothing more and nothing less. Hence there is no force in the argument that we should delay the consideration of the subject for the purpose of enabling this bureau to lay before us all the matter which they have collected. I am willing, however, that the resolution should lie over to next Monday.

After a brief conversation as to the proper course to pursue, the joint resolution was made the special order for Tuesday week, the 6th January, at half past twelve o'clock.

RECEPTION OF KOSSUTH.

A message was received from the President of the United States, by M. P. FILLMORE, Esq., his Private Secretary:

MR. PRESIDENT: I am directed by the President of the United States to inform the Senate that he has approved and signed the joint resolution of the two Houses of Congress entitled "A resolution of welcome to Louis Kossuth."

On the motion of Mr. SHIELDS, the President *pro tem.* was authorized to supply the vacancy occasioned by the resignation of Mr. Foote in the special committee appointed under a resolution of the Senate, to wait upon Louis Kossuth on his arrival at the capital, and introduce him to the Senate of the United States.

The PRESIDENT appointed Mr. Cass.

The committee, therefore, consists of Messrs. SHIELDS, SEWARD, and Cass.

Mr. SHIELDS subsequently rose, and made the following report from the special committee:

The special committee appointed to wait upon Louis Kossuth on his arrival at the capital, and introduce him to the Senate of the United States, have had the same under consideration, and recommend that the same proceedings be pursued as in the case of General Lafayette, to wit: That the chairman of the committee introduce him in these words: "We present Louis Kossuth to the Senate of the United States." Upon which the Senators are recommended to rise, and the President will invite him to be seated.

JAMES SHIELDS,
WILLIAM H. SEWARD,
LEWIS CASS.

The PRESIDENT stated the question to be on the adoption of the report.

The report was adopted.

DESTRUCTION OF THE CONGRESS LIBRARY.

The PRESIDENT *pro tempore* laid before the Senate a letter from John S. Meehan, Librarian to Congress, communicating information of the destruction by fire, on the 24th instant, of the books, paintings, statuary, medals, and other property of the Government, in the principal saloon of the Library of Congress; which was read, as follows:

LIBRARY OF CONGRESS, December 25, 1851.

SIR: It is my very painful duty to communicate to Congress the destruction of the books, paintings, statuary, medals, and other property of the principal Saloon of their Library, yesterday morning, by fire that originated in the room, in a manner to me altogether unaccountable, as no fires have been used in it for a long time, and no candles, lamps, or other lights, have ever been used in it during the whole time that it has been under my charge.

I have not been able to ascertain the precise number of the books that were destroyed, but believe that it may be estimated at about thirty-five thousand.

It is truly gratifying to have it in my power to add, that about twenty thousand volumes of books that were in the Law Room, and in the two rooms adjoining the Saloon of the Library, are safe. Many of these books belonged to the library of the late President Jefferson, that was purchased by Congress in the year 1815.

They constitute the several chapters in the Catalogue of the Library, agreeably to Mr. Jefferson's classification, under the following heads: Ancient History; American History; Ecclesiastical History; Chemistry; Mineralogy and Conchology; Moral Philosophy; Law of Nature and Nations; the five chapters composing the law department of the Library; Religion; Politics, (including the science of Legislation, Political Economy, Commerce, Banking Statistics, &c.) part of the chapter on Architecture, and the entire chapter on Music; Dialogue and Epistolary; Logic; Rhetoric and Orations, and the Theory of Criticism.

I sincerely hope that the searching investigation Congress will give to the distressing event, which every lover of science and literature must deeply deplore, will lead to a detection of the causes that produced it, and to the adoption of means that will prevent, in all future time, a recurrence of the sad calamity.

With the most respectful regard, I have the honor to be, your obedient servant,

JOHN S. MEEHAN, Librarian.

To the Hon. W. R. KING,
President of the Senate, U. S. Congress.

A message was received from the House of Representatives by Mr. FORNEY, their Clerk:

Mr. PRESIDENT: The House of Representatives have passed a joint resolution authorizing an inquiry into the origin of the late fire, by which the Congressional Library was destroyed. Also a bill making appropriation to meet the expenses incurred in consequence of the late fire at the Capitol; in which resolution and bill they request the concurrence of the Senate.

The resolution was read a first and second time, as follows:

Joint resolution authorizing an inquiry into the origin of the late fire, by which the Congressional Library was destroyed.

Resolved, That the Joint Committee on Public Buildings and Grounds be instructed to inquire into the origin of the fire by which the Congressional Library was consumed, on the 24th instant, and whether the same occurred from the negligence of any officer of Government, or person in the employment of either or both Houses of Congress, or from the defective construction of the furnaces or flues, or was the act of an incendiary; and also the extent of injury to the building, and the best mode of reconstructing the Library Room, so as to afford perfect security in the future against the like disaster, and report the facts to the House. The said committee shall have power to send for and examine, on oath, such persons as may have information touching the premises.

Mr. BADGER. I move to refer that resolution to the Committee on Public Buildings.

The resolution was so referred.

The bill was read the first and second time, as follows:

An Act making an appropriation to meet the expense incurred in consequence of the late fire at the Capitol.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of five thousand dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, or so much thereof as may be necessary, under the direction of the Commissioner of Public Buildings, in discharge of expenses incurred in the extinguishment of the late fire in the Library Room, the removal of the rubbish, and the preservation of such books and other articles as may have been saved, and the construction of a tin roof for the preservation and protection of the public building now exposed.

Mr. CASS. I have another section which I wish to add to the bill. It is a short section, simply that the sum of — (say ten thousand dollars) be appropriated to the purchase of a new library.

The amendment is as follows:

And be it further enacted, That the sum of — dollars be and the same is hereby appropriated for the purchase of books for the Library of Congress, to be expended under the direction of the Joint Committee on the Library.

On the motion of Mr. BADGER, the bill and amendment were referred to the Committee on Finance.

Mr. WHITCOMB, from the Committee on Public Buildings, to whom was referred the resolution authorizing an inquiry into the origin of the late fire, by which the Congressional Library was destroyed, reported it without amendment.

On the motion of Mr. WALKER, the Senate proceeded to consider the said resolution as in Committee of the Whole.

Mr. CASS. I regret that the resolution does not contain any provision about constructing the wings of the Capitol so as to render them indestructible. Our public buildings are constructed in a shameful manner. I wish to have an amendment inserted as to the construction of the wings, but I suppose that cannot be done without delaying the investigation. I am therefore willing to postpone it.

The resolution was reported to the Senate without amendment.

Mr. BADGER. I wish to ask whether if that joint resolution should pass in its present form, it would have to go to the President of the United States for his signature?

The PRESIDENT. If the resolution shall be passed in its present shape, it will require the concurrence of the President. The usual mode is to pass a concurrent resolution—the House to appoint a committee to act jointly with such committee as may be appointed by the Senate.

Mr. BADGER. That thought occurred to me. It seems to me to be a very great outrage that we should pass a resolution to inquire into a fire in our building in such a form that it cannot go into effect without the signature of the President of the United States. The resolution ought to be amended. It should not pass in its present form. I move to lay it on the table for the present.

The motion was agreed to.

Mr. CASS submitted the following resolutions for consideration:

Resolved, That a committee be appointed, jointly with such committee as may be appointed on the part of the House of Representatives, to inquire into and report the cause of the recent fire in the Capitol; and also, what

measures it is proper to take to prevent the occurrence of a similar accident hereafter. And the said committee be also instructed to examine the proposed mode of construction of the addition to the Capitol, and ascertain whether it is intended to render the same fire-proof; and, if not, what should be done to secure it, as far as possible, from the danger of fire.

Resolved, That the Committee on the Library be instructed to examine and report what measures should be taken immediately to procure such books as may be most indispensable; and what plan it is best to adopt to procure a library, which, in its extent and in the character of the works, shall be sufficiently useful and honorable to the country.

The Senate then adjourned to Friday next.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 30, 1851.

The House met at twelve o'clock, m.

Prayer by the Rev. Mr. BUTLER.

The Journal of Friday last was read and approved.

Mr. GILMORE, of Pennsylvania, appeared to day, and, after taking the usual oath to support the Constitution of the United States, took his seat.

RECEPTION OF KOSSUTH.

Mr. CARTTER. I move that the House resolve itself into a Committee of the Whole on the state of the Union, with a view of proposing a resolution in the committee. I hope the House will permit me, at least, to make a single remark. I wish to say that the friends of the resolution do not contemplate any action of the committee or the House towards opening this Hall to any harangues, but simply to carry out quietly an act of courtesy, the initiative of which the nation has already taken.

The resolution was then read, as follows:

Resolved, That a committee of five be appointed by the Speaker, to wait upon Louis Kossuth, and introduce him to the House of Representatives.

Mr. McMULLIN objected.

Mr. CARTTER moved that the rules be suspended for the purpose, and on that motion demanded the yeas and nays; which were ordered.

Mr. BAYLY, of Virginia. I would suggest, that if the motion of the gentleman from Ohio prevails, the Committee of the Whole on the state of the Union cannot take up that resolution. They can entertain no subject but such as has been referred to it.

The SPEAKER. That question is not now before the House.

Mr. McMULLIN. Is it in order to move a call of the House?

The SPEAKER. It is in order.

Mr. McMULLIN. Then I make such a motion.

The question was put, whether there should be a call, and determined in the negative.

The question was then taken upon Mr. CARTTER's motion, and resulted—yeas 103, nays 49; as follows:

YEAS—Messrs. Willis Allen, Allison, John Appleton, William Appleton, Babcock, Bartlett, Beale, Bissell, Bowie, Bowne, John H. Boyd, Brenton, Briggs, Buell, Busby, Joseph C. John, Lewis D. Campbell, Carter, Chapman, Chastain, Cleveland, Clingman, Conger, George T. Davis, John G. Davis, Dean, Disney, Doty, Durkee, Eastman, Ficklin, Floyd, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gaylord, Gentry, Giddings, Gilmore, Gorman, Green, Grow, Hascall, Hendricks, Horstford, John W. Howe, Thomas M. Howe, Hunter, Ingersoll, Ives, John Johnson, Robert W. Johnson, Daniel T. Jones, George G. King, Preston King, Kuhns, Letcher, Mace, Mann, Edward C. Marshall, McDonald, Meacham, Minor, Moiray, John Moore, Nabers, Newton, Olds, Peaslee, Pennington, Perkins, Rantoul, Richardson, Riddle, Robie, Robinson, Sackett, Schermerhorn, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Stuart, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Stratton, Stuart, Sutherland, Sweetser, George W. Thompson, Thurston, Townsend, Tuck, Walbridge, Walsh, Ward, Washburn, Welch, Addison White, Wildrick, and Yates—103.

NAYS—Messrs. Abernethy, Aiken, Ashe, Averett, Barrere, Thomas H. Bayly, Biscoe, Bragg, A. G. Brown, E. C. Cabell, Caldwell, Churchill, Clark, Calton, Dockery, Edmundson, Ewing, Fitch, Goodenow, Hall, Hamilton, Harper, Isham G. Harris, Sampson W. Harris, Haven, Richard, Henry, Hillyer, Jackson, Andrew Johnson, James Johnson, George W. Jones, Humphrey Marshall, Martin, McMullin, Milson, Morehead, Murphy, Orr, Powell, Savage, Seely, Smith, Stanley, Taylor, Venable, Wallace, Watkins, and Williams—49.

So the rules were suspended, and the House resolved itself into Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

Mr. CARTTER. I move that the committee take up the resolution which I send to the Clerk's desk; and I ask that it may be reported.

The CHAIRMAN. The first business in order is the resolutions proposing to refer the President's message to the appropriate committees.

Mr. CARTTER. Did the Chair hear my motion?

The CHAIRMAN. What was the gentleman's motion?

Mr. CARTTER. My motion was to take up a resolution which I sent to the Clerk's table for the consideration of the committee as its first business.

The CHAIRMAN. The rule requires that the business shall be taken up in the order in which it stands on the calendar.

Mr. CARTTER. I move, then, to lay aside all other business, and take up my resolution.

The CHAIRMAN. The first business is the resolutions referring the President's message.

Mr. CARTTER. One of the subjects referred to in the President's message is the subject of my resolution. I move to take up that subject in the form of my resolution, and act upon it.

The CHAIRMAN. That motion is not in order.

Mr. CARTTER. Do I understand the Chair to decide that it is not in order to take up a subject embraced in the President's message which has been referred to this committee, and which is embodied in the proposed resolution?

The CHAIRMAN. It is not in order to make that motion, as it is not the first business in order upon the calendar.

Mr. CARTTER. Well, then, I move to lay aside the resolutions relating to the President's message, with a view to take up my resolution.

The question being taken, the motion was agreed to, and the resolutions were laid aside.

The CHAIRMAN stated the next business in order to be the joint resolution authorizing the Architect of the Capitol to continue in employment the mechanics, laborers, and others employed upon the two wings thereof.

Mr. CARTTER moved to lay that resolution aside.

Mr. WALSH. I hope that resolution will not be laid aside, but will be acted upon at once. I am perfectly willing to do every appropriate honor to Louis Kossuth, and to extend to him a hearty welcome; but I think that our own people who are suffering, are entitled to precedence. I hope, therefore, that the motion will not prevail.

Mr. RICHARDSON demanded tellers; which were ordered; and Messrs. STANTON, of Tennessee, and CARTTER were appointed.

The question was then taken, and there were—yeas 85, noes 58.

So the resolution was laid aside.

Mr. CARTTER. I would now inquire of the Chairman, what orders have precedence of the resolution which I have submitted?

The CHAIRMAN. Nothing. The committee has disposed of the business referred to it by the House and now has nothing before it.

Mr. CARTTER. I now move the resolution which I have sent to the Clerk's table, and ask that it may be reported.

The CHAIRMAN. It is not in order. The committee has no business before it.

Mr. CARTTER. But I move this resolution as business, and I again call for its reading.

The CHAIRMAN. The Chair has informed the committee that, having disposed of the business referred to it by the House, there is no business before it, and it is the opinion of the Chair that the Committee of the Whole on the state of the Union cannot originate business.

Mr. CARTTER. I appeal from that decision, and I ask that my resolution may be read, in order that the committee may vote intelligibly on that appeal.

Mr. FICKLIN. I desire to inquire of the Chair, if a resolution cannot as well be offered before the Committee of the Whole on the state of the Union, as before a standing committee or any other committee?

Several MEMBERS. Certainly.

The CHAIRMAN. The Chair has before stated that the Committee of the Whole on the state of the Union has charge of, and jurisdiction over, only such business as may have been referred to it by the House.

In reference to the standing committees of the House, the Chair is aware that the rule is different. The rules of the House prescribe the duties

and jurisdiction of each of the standing committees, but do not prescribe the duty of this committee. The Chair, therefore, decides that this committee can originate no business. From this decision the gentleman from Ohio [Mr. CARTTER] appeals.

Mr. BAYLY, of Virginia. I would suggest another reason why the decision just given by the Chair is a correct one, besides the conclusive one which the Chair has given.

Mr. CLINGMAN. I object, unless there is to be an opportunity granted for reply.

Mr. BAYLY. I rise to a point of order.

The CHAIRMAN. The gentleman is out of order. There is nothing before the committee except the appeal from the decision of the Chair.

Mr. BAYLY. Well; I meant to debate that appeal.

Mr. CLINGMAN. I object to its being debated.

The CHAIRMAN. The Chair decides that in the present case the appeal is debatable, although the Chair is aware it is departing from the general rules which govern the committee.

Mr. CARTTER. I appeal from the last decision of the Chair.

The CHAIRMAN. The appeal is not in order. Mr. BAYLY. I do not intend to detain the committee, but I do intend to say that I think the decision of the Chair is clearly right. This resolution proposes to raise a select committee. Now, the Committee of the Whole on the state of the Union cannot raise such a committee. It is, of itself, only a committee. Such a committee as the resolution contemplates can only be raised by the House itself.

Mr. CLINGMAN. I must say that it seems to me the position taken by the gentleman from Virginia [Mr. BAYLY] is a very singular one. It is true that the Committee of the Whole on the state of the Union cannot appoint a committee. This resolution, however, proposes no such thing. It proposes only to recommend to the House the appointment of the committee.

[A message was here received from the President of the United States, announcing that he had approved and signed a joint resolution providing for the printing of additional copies of the Journals and other documents.]

Mr. C. continued: I was about to say that the Committee of the Whole on the state of the Union can recommend to the House the passage of any resolution or bill which any other committee can recommend; and it can originate a resolution such as any other committee might originate—for the appointment of a committee, or for any particular purpose. We have repeatedly had recommendations for the appointment of committees upon particular subjects, emanating from the standing committees of this House. They report their recommendations to the House, but the House adopts the resolutions and appoints the committees. If the Committee of the Whole should pass this resolution, it will not undertake to appoint the special committee. The resolution, in the event of its passage, will be reported to the House; and if the House then adopt it, the Speaker will appoint the committee. Its appointment will be the action of the House, and not of the Committee of the Whole on the state of the Union. I think, therefore, that the Chair will not hesitate to decide this question—if it be a matter of division—that the committee have the right to recommend this resolution to the House. This very subject (I mean that of Kossuth) has been referred to this committee, among various others, in the President's message. We all know that it is the practice of this committee, when various subjects are referred to it in the President's message, to report upon one part of that message on one day, and upon another part on another day. We are not obliged to make one report only upon that message. I submit, therefore, that, as the President's message is now before us, and as this subject is embraced in that message, we have the right to take this subject up, and report this resolution to the House.

A MEMBER. It is not before the committee.

Mr. CLINGMAN. I understood the Chairman to decide that it was before the committee.

Mr. BAYLY. It has been laid aside.

Mr. CLINGMAN. Then we can take it up again. I make this point, that as there is now no business regularly before the committee, it is com-

petent for us to take up any business which has been submitted to the committee. The fact that it has once been laid aside is no reason why we may not take it up again.

A MEMBER. We have not laid aside the President's message; we have only laid aside one resolution connected with that message; it is in our power to take up any other resolution relating to it.

Mr. CLINGMAN. That was precisely my understanding. If the facts are as stated by the gentleman from Virginia, [Mr. BAYLY,] we can take up the subject again; but if it is already before the committee, why so much the better.

Mr. GORMAN. I desire to say just one word. It seems to me that the practice of the House justifies the introduction of this resolution. I understand that it has been the practice in Committee of the Whole on the state of the Union, on the principle of right, to report a resolution asking to be discharged from the further consideration of any subject. I understand the President's message—at least, the general subjects contained in it—is still before the committee. If so, it seems to me that a resolution relating to it, but contemplating no action in committee further than a report to the House, can be originated here. It seems to me it may be introduced (if I may be permitted to use the expression) by common right. As I understand it, this resolution, which the gentleman from Ohio [Mr. CARTTER] proposes, is simply to refer the matter to the House. It is not to originate any new business—it is not a subject of legislative business to which it refers: it is a matter entirely within the jurisdiction of the committee, totally irrespective of any legislative action. That is my view of it.

Mr. OLDS. It seems to me that we have fallen into error in not considering the condition which this committee is now in. According to parliamentary law, the Committee of the Whole can act only with reference to such matters as are referred to it by the House; but the Committee of the Whole on the state of the Union is not subject to such restrictions, because it has under consideration the state of the Union, and it is raised for the purpose of taking into consideration everything pertaining to the Union. And when you, Mr. Chairman, leave that chair, you are compelled to make a report to the Speaker different from that which you would make if you were chairman of the Committee of the Whole—not on the state of the Union. You are compelled to report that the Committee of the Whole have had under consideration the state of the Union generally, and specially the subject upon which the committee had been engaged. Let me refer to precedent. If I recollect aright, during the last Congress a gentleman from Wisconsin was allowed to introduce into the Committee of the Whole a bill to admit California into the Union, and he was sustained by the House. If you will go back and examine the practice of this House, you will find that in Committee of the Whole on the state of the Union, some of the most important war measures have been originated, and have been reported from that committee to the House for its action. It is different from the Committee of the Whole; it is the Committee of the Whole upon the state of the Union; and you have under consideration everything pertaining to the state of the Union; and therefore you can originate measures of this kind in it, and report them to the House for its action thereon.

Mr. STEPHENS, of Georgia. Do I understand the gentleman to say that the Committee of the Whole upon the state of the Union have originated any proposition?

Mr. OLDS. I so understand it. Certain it is that during the last Congress the gentleman from Wisconsin introduced a bill into that committee for the admission of California into the Union.

Mr. STEPHENS. That bill was introduced in connection with the President's message. It was never reported to the House as an original proposition; if it had been I undertake to say that it would never have been sustained by this House. There is not in the history of this country, a case in which the Committee of the Whole on the state of the Union originated any matter. They could not do it, and have no power to do it. The committee has already laid aside the consideration of the President's message. If that message were now under consideration, the resolution in relation

to Kossuth, in connection with that part of the message relating to him, would be in order.

Mr. STANTON, of Tennessee. I do not think there can be any difficulty in regard to this question. It seems to be admitted on all sides that the President's message is before the committee. This resolution is pertinent to that message, and is therefore in order. Now, sir, the President's message is still before the committee, and we cannot discharge ourselves from the consideration of it. We have not attempted to do so. We have merely laid aside the consideration of particular resolutions in reference to that message, for the express purpose, as understood by everybody, of taking up this very resolution in reference to Kossuth—a subject which is referred to in that message. The message is still before the committee, and we can take up this resolution, or any other which is equally pertinent to the President's message. That is what we propose to do.

Mr. STEPHENS. That is not the question at all. I understand that the President's message has been laid aside.

Mr. STANTON, of Tennessee. Not at all. But if it had been, we could take it up again for the purpose of passing this resolution, which is pertinent.

Mr. STEPHENS. When we take up the message, then this resolution will be in order.

Mr. STANTON, of Tennessee. The President's message is still before the committee. This resolution is pertinent to it, and in taking it up, we take up that particular branch of the message. It is therefore perfectly in order, and in the hands of the committee.

The CHAIRMAN. The President's message was first before the committee. The committee by a vote laid the message aside, and it is not now under consideration. After all the business upon the calendar was disposed of by the committee, a proposition was made by the gentleman from Ohio [Mr. CARTTER] to introduce a resolution. The Chair decided that the Committee of the Whole on the state of the Union could originate no subject within itself. It could only act upon such questions as had been referred to it by the House. From that decision the gentleman from Ohio took an appeal. The Chair, for reasons first assigned, is still of opinion that the decision is correct; and for other reasons, he is confirmed in that opinion, and more strongly than before. By referring to the 134th rule, it will be found that it is provided that the rules of proceedings in the House shall be observed in a Committee of the Whole House, so far as they may be applicable—except the rule limiting the times of speaking—and no member shall speak twice to any question, until every member choosing to speak shall have spoken. Now one of the standing rules of this House is, that no member shall introduce a resolution or make a proposition except by unanimous consent, or when the States are called for resolutions. That rule, then, is applicable to the Committee of the Whole on the state of the Union. Suppose that this resolution had been offered to the House, and objected to: no motion could have been made, under the rules, to suspend them for its admission, consequently it could not have been introduced. A motion could only be made on Monday to suspend the rules, and this would be the only way, in the House, in which this resolution could be introduced upon any other day than Monday, except by unanimous consent.

Mr. STUART. I wish to inquire of the Chair how his decision, that this appeal is debatable, can be sustained; it being an appeal founded upon the order of business?

The CHAIRMAN. The Chair stated, when this appeal was taken, that it was a new question, and for that reason he would decide that it was debatable. The Chair is now perfectly clear that the decision appealed from is right. The Chair has no pride of opinion about it, and is perfectly willing that the committee should overrule it, and say what shall be done.

[Cries of "Question!" "Question!"]

Tellers were demanded and ordered, and Messrs. VENABLE and CARTTER were appointed.

The question was then taken, and the tellers reported—ayes 68, noes 80.

So the decision of the Chair was overruled.

Mr. CARTTER. I now offer the resolution, that a committee of five be appointed by the Chair to wait upon Louis Kossuth, upon his arrival at

the capital, and introduce him to the House of Representatives.

Mr. BAYLY, of Virginia. I rise to a question of order. The point I make is, that special committees can only be appointed by the Speaker, unless the House order otherwise. This is a proposition to appoint a special committee by the chairman of the Committee of the Whole on the state of the Union. I submit it cannot be done.

The CHAIRMAN. The Chair is of opinion that the point of order raised by the gentleman from Virginia is well taken.

Mr. CARTTER. I will modify it by inserting the word "Speaker" in the place of the word "Chair."

Mr. FICKLIN. Change the phraseology so that it shall read that it be recommended to the Speaker to appoint a committee, &c.

Mr. RICHARDSON. I want to make a single suggestion. I fully concur with the gentleman from Virginia [Mr. BAYLY] in the point of order raised by him. In my opinion there is but one plan by which the gentleman from Ohio [Mr. CARTTER] can attain his object. It is by recommending to the House the passage of a resolution to authorize the raising of a committee. That is the only way in which it can be done.

Mr. STANTON, of Tennessee. I understand the object of this resolution is nothing more than a recommendation to the Speaker of the House. Every subject that comes before the House in the form of a bill, which is passed by the Committee of the Whole, is merely a recommendation to the House to pass this resolution. Before it passes, it must first pass the committee. It is no more than a recommendation to the House.

Mr. HALL moved that the committee rise.

Mr. CARTTER. Is that motion subject to amendment?

The CHAIRMAN. I think not. [Cries of "Tellers!" "Tellers!"]

Tellers were ordered; and Messrs. CULLOM, and KING of New York, were appointed.

The question having been taken, the tellers reported—ayes 44, noes 85.

So the motion that the committee rise was negatived.

Mr. CAMPBELL, of Ohio. Is an amendment in order now?

The CHAIRMAN. The resolution is not yet before the committee.

Mr. CARTTER. I ask that the resolution be now reported.

The CLERK then read the resolution, as follows:

Resolved, That a committee of five be appointed by the Speaker to wait upon Louis Kossuth, and introduce him to the House of Representatives.

Mr. CARTTER. The resolution is now subject for the action of the committee. I move the committee rise and report the resolution to the House, with the recommendation that it do pass.

Mr. STEPHENS, of Georgia. I do not understand the resolution is yet before the committee.

The CHAIRMAN. The Chair considers the resolution now before the committee.

Mr. STEPHENS. I object to the reception of the resolution, under the 136th rule, which provides "that no standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended except by a vote of at least two thirds of the members present; nor shall the order of business, as established by the rules, be postponed or changed, except by a vote of at least two thirds of the members present." The 17th rule defines what class of persons shall be admitted upon the floor of the House. It is a downright breaking down of the rules of the House, if this resolution is entertained without one day's previous notice.

Cries of "Question!" "Question!"

The CHAIRMAN. The Chair concurs in opinion, individually, with the gentleman from Georgia; and but for the recent vote of the House overruling the decision of the Chair, he would sustain the question of order.

Mr. STEPHENS, of Georgia. This is another and entirely distinct point, and I call upon the Chair to decide it. I call also for the reading of the rules.

The CHAIRMAN. The Chair thinks the committee suspended the rules, and are now acting

without rules, as they intend to get the subject before the committee. [Laughter.]

Mr. STEPHENS. It then amounts to this—that we are in the midst of revolution. [Laughter.]

Mr. BAYLY, of Virginia. From that decision of the Chair I take an appeal.

Mr. CARTTER. I rise to a question of order. I understood the Chair to state that the resolution was before the committee for their action. After that decision of the Chair, and without an appeal being taken from it, the gentleman from Georgia [Mr. STEPHENS] first, and then afterwards the gentleman from Virginia, [Mr. BAYLY], rise to questions of order as to the reception of the resolution in committee. Now, is it in order to do this after the committee have received it?

The CHAIRMAN. The gentleman from Virginia [Mr. BAYLY] appeals from the decision of the Chair, deciding that the resolution was before the committee.

Mr. CLINGMAN. I wish to submit this to the consideration of the Chair, whether the 136th rule referred to does not apply to motions made in the House by individual members to change the rule, and not to reports of the Committee on Rules, or of the Committee of the Whole? The one day's previous notice is necessary on the part of an individual member, but not by a committee.

Mr. BAYLY. I will not embarrass this resolution in the Committee of the Whole, and will withdraw my appeal. I, however, give notice that I shall make all these points over again in the House.

Mr. CAMPBELL, of Ohio. Is it in order to move an amendment?

Mr. GIDDINGS. No. The question is upon rising and reporting.

The CHAIRMAN. The resolution is before the committee. The gentleman from Ohio proposes to amend the resolution, and it is certainly in order to offer any amendment the gentleman may think proper to submit.

Mr. CAMPBELL, of Ohio. I move to strike out all after the word "resolved," and to insert the resolution offered the other day by the gentleman from North Carolina, [Mr. CLINGMAN], embracing Governor Kossuth amongst that class of persons entitled to the privilege of the floor under rule 17th. My desire is to have a resolution adopted similar to the one passed in favor of another very distinguished friend of humanity, who came to this city about a year ago. I allude to Father Mathew. A resolution was passed simply giving to that distinguished man the privilege of this Hall.

Mr. STEPHENS, of Georgia. That was done by universal consent.

Mr. CAMPBELL, of Ohio. I hope there will be no objection in this committee to the passage of a resolution of that kind.

The CHAIRMAN. The Chair decides the resolution of the gentleman from Ohio, offered as a substitute, is not in order, because it is upon a different subject, and proposes a change of the standing rules of the House.

Mr. MACE proposed the following amendment, viz: to strike out all after the word "resolved," and insert:

That the Speaker wait on Governor Louis Kossuth, and give him a cordial welcome, and introduce him to the members of the House of Representatives.

The question being taken, the amendment was rejected.

Mr. VENABLE proposed to strike out all after the word "resolved," and to insert as follows:

That the Speaker be authorized to invite Louis Kossuth to a privileged seat within this House.

Mr. VENABLE said: Mr. Chairman, I ask the indulgence of the committee whilst I submit a few remarks on the amendment which I have offered. For the distinguished stranger, whose advent has produced such a sensation, I feel all the sympathy which is due to one who has struggled, although unsuccessfully, for that national organization which suits his views of civil liberty. However I might differ with him as to what constitutes that liberty, I feel satisfied that in the struggle in which he has fallen he was sincerely contending for the constitution of Hungary. I regret, however, that I am compelled to remark, that this distinguished stranger has not sustained the high estimate which I had formed of him as a prudent statesman and a reliable patriot. I mean not to question the sincerity, but the practical reliability of his patriotism. Invited as a prisoner and an emigrant, he,

before he reached the shores of England, became a propagandist. At Southampton, almost in hearing of the coast of Ireland, where the shrieks of the families of Mitchell and O'Brien had but lately rent the air, he eulogized the British Government, who had awarded to those patriots the fate from which the intervention of our Government had rescued him. Believing that there are no degrees in despotism, I did not comprehend the propriety or admire the taste of that eulogy. Since he has landed on our shores he has disavowed the character of an emigrant seeking an asylum in our country, but is an avowed propagandist of political heresy, so far as we are concerned—harmless, I admit, unless made mischievous by our indorsement. The coolness with which he announced in his speech to the New York Bar, that if Russia should disregard the policy of non-intervention which he recommended to our country, we must fight or be disgraced, left nothing to be disclosed as to his purpose or his policy. He has followed up that demonstration, until in Baltimore, recognizing a difference between the people and the Government, he calls for a pronunciamento as to the propriety of intervention should Russia interfere hereafter in the affairs of Hungary. Sir, I am opposed to any act which commits this Government to intervention in the disputes which embarrass and often convulse the Old World. Separated by oceans and by distance, the problem is left to us to work out, what can be done for human liberty by those who duly appreciate the principles on which it is founded? And here let me remind the committee, that there is a great practical evil in interference in the domestic affairs of other nations. He has read history with but little profit, and observed his own times without improvement, who has not learned that all communities who deserved and who could take care of civil liberty were in possession of that blessing. It is the natural result of a just appreciation of, and a determination to possess the full enjoyment of equal rights. Whenever the experiment is tried of making a people free before their time, it will result in compelling the reception of liberty by brute force—in the folly of sustaining the minority against the majority—which will be abundantly manifest when the assisting foreign force is withdrawn. It is a policy as unwise as that of furnishing a prodigal the means of wasteful expenditure. It is an undertaking in advance of the call of the people, and doomed always to disaster and defeat. Our own history teaches an important lesson. Three millions of people, scattered over a vast country, encountered and conquered the opposition of the most powerful nation on the globe.

A MEMBER. What if France had not interfered for us, would we have secured our liberty?

Mr. VENABLE. We were always free, and we fought, and fought successfully, against oppression in prospect—against the asserted right of taxation without representation. France interposed, but it was an act of war, so acknowledged and so regarded; and long were the dreary years before she exhausted the cup of bitterness the dregs of which she was compelled to drink, and which she had placed to her own lips. I do not believe that the havoc and the blood which mars and stains the history of France, from the commencement of the Revolution of 1790-'91, has resulted in any permanent good to human liberty or social rights. I rejoice that I am one who, four years ago, recorded my name amongst the forty-seven who refused to congratulate Europe and mankind upon the sudden appearance of the mushroom-republic of France, which has been in so summary a manner uprooted by the bayonets of Louis Napoleon. They have all the liberty which they can take care of—more would make them a nuisance to themselves and the world. I believed so four years ago, and ask no particular credit for sagacity in the conviction—time has demonstrated its soundness. But, sir, I repeat, all nations who desire and rightly appreciate civil liberty, acquire and preserve it, and are invincible in that cause.

[Mr. VENABLE was here interrupted by calls of "Question! Question!" from a particular part of the House.]

Mr. V. continued. Mr. Chairman, there are persons even in this Hall who, either from defective breeding or obtuseness of perception, place themselves beyond the pale of that courtesy which regulates the intercourse of gentlemen; and I can assure those persons who interrupt me by calls of

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"Question! Question!" whilst I am in possession of the floor, that they only awake sensations in my bosom which it would be unparliamentary for me to designate in this House.

I would return, and remark, that we are not left to our own experience on this subject. I shall not go to the lore of Greek and Roman records. Look at Switzerland, surrounded by despotism, the object of hatred and the subject of assault: she stands like her own Alps, and, free as the winds which sport amongst her glaciers, unmoved and unsubdued. Her own Mont Blanc is not more fixed than the neutrality of Switzerland, because she understands and appreciates liberty, and is invincible.

I am unwilling to see our Government become a knight-errant in the great cause of national liberty and independence over the whole face of the earth. For this diffusive benevolence I have not much respect. Like other knights-errant, in the zeal to redress wrongs, there is no estimate of wrongs perpetrated. If Hungary is to demand our intervention, what shall we say to Poland, to Ireland, and to the revolutionists of Naples? Where will our mission end? I think the first and most obvious remedy for such a zeal would be the publication and diffusion of a cheap edition of the adventures of the Knight of La Mancha, familiarly known as Don Quixote. Sir, I, as a statesman and representative of the people, can neither encourage nor indorse the doctrines of Louis Kossuth in this country. I protest against any interference on the part of our Government, or its functionaries, as such, in the affairs of Europe, any further than they concern ourselves. I would reserve our remonstrances and our demonstrations for our own wrongs and insults, which are not wanting in the history of the present time; and I would refrain from giving the sanction of a representative of my district, to the opinions of one who demands intervention in the affairs of Europe, and calls upon the people to make pronouncements in his favor. I trust that my amendment may prevail, that the Speaker may invite the distinguished Hungarian to a privileged seat—such courtesy as Father Mathew and others have received—and leave him to the impression which speeches may make upon the public mind. Let all contribute who choose, but I protest against any act which seems to complicate our Government with the affairs of others who have no claim for our protection and no right to ask intervention. I am not afraid; but I know that the intermeddling in private life becomes contemptible, and it is equally true of nations. Let Kossuth be invited to a privileged seat, treated with due respect, welcomed with cordiality, and made free to come and free to go.

Mr. CARTER. I rise simply to say, that I did not desire myself to address the committee; and I trust we will not enter upon a general discussion of matters collateral to this resolution. I avowed the purpose, when I offered the resolution, that I introduced it simply as a peaceful act of courtesy, already made necessary by the previous action of this House and nation, and not for the purpose of bringing upon this floor any of the elements of discussion outside of this House. Although I would be glad, when the time arrives, to open the broad field of discussion that lies behind, yet, as foreign to this act of courtesy, I shall not do it at this time; and I hope that the committee will not do it. If we are to be involved in a discussion of the general topic, and that is settled, why I am ready to enter upon it, and the friends of the resolution are also ready. I hope the question may be taken, and the prevailing sense of the House realized. If it is adopted, I hope the act of passing it may be simply regarded as an act of courtesy on the part of this body, made necessary by the position in which it stands. That is all I intended. I hope, with this view, the amendments may be voted down, and the original resolution passed, or defeated, without entering into any further discussion.

Mr. McMULLIN. Is it in order to offer an amendment to the resolution?

The CHAIRMAN. There is an amendment

already pending. An amendment to the amendment might be in order.

Mr. McMULLIN. I desire to offer the following amendment, viz:

And that said committee also introduce to this House Colonel Scott Harris, and such others, now in this city, as were engaged in the late Cuban expedition, and who were taken prisoners by the Spanish authorities and have been since released.

[Laughter.]

The CHAIRMAN. The amendment is not in order.

Mr. McMULLIN. Do I understand the Chair to decide that it is out of order?

The CHAIRMAN. I do.

Mr. McMULLIN. It is painful to my feelings to take an appeal from the decision of the Chair. [Laughter.]

The CHAIRMAN. Does the gentleman take an appeal?

Mr. McMULLIN. I believe I will not. [Laughter.]

Mr. BROOKS. I intend to vote for the passage of the resolution of the gentleman from North Carolina, [Mr. VENABLE;] but I intend also to give the reasons why I vote for that resolution, because it often happens in this House that when votes are given, unless you seize the time of giving them, it is impossible to accompany them with any explanation. We are about to make a mark, a significant mark on the history of this Government; and while that mark is making, I desire to give the reasons why I aid in making it, and to accompany my vote with a translation. I do not intend that it shall be said, when I vote for this resolution, that I mean to intervene or interfere in the affairs of all this earth, not even of all this continent, or of any other continent. I intend merely to pay a political compliment to a political principle. While paying it I do not intend to pay it officially; I do not intend to pay it in behalf of this Government, but as an individual, as a citizen, as a member of our common society; for that reason and for no other. I cherish in my bosom a deep and warm sympathy for the political principles which not only Kossuth, but O'Brien, Meagher, Avezzana, and Garibaldi, and others on the Continent of Europe, have contended for. The tribute of my heart, the tribute of my warm desire for their success, the force of the example which this country can set by peace and quietude, and by a good example—all these I am willing to give; but I stand, as a Northern man, upon one ground, upon one political principle, that is, non-interference with other people's affairs; and upon that breakwater alone can I defend myself from the surges which rise up around me, and which seek to deluge portions of this country, as well as other governments over sea. If once this Washington principle of non-intervention or non-interference with other Governments can be broken down, I see no land ahead, nay, nothing but a dark and stormy sea before me. If interference with other States or other people is ever to become the rule, or a leading principle in this Government, has it never occurred to gentlemen that it will not stop in Europe, but begin on this continent, and perhaps first in this country, in intermeddling with, and revolutionizing the peculiar organization and institutions of a portion of our own complex society? I am quite sure the thought has occurred at least to one gentleman I see before me—the shrewd, keen-eyed gentleman from Ohio, whose zeal and whose energy to-day, though a member of the peace society, in the general cause of war, can only be accounted for by his determination to break down the barrier of non-intervention and non-interference that stands between him and the society and governments of large portions of this country.

While preaching peace, bringing peace propositions within this Hall, denouncing all of us who will not vote against armies, and clamoring against all of us who are ever for war, even for just war—I see him anxious to-day, with others of his class, to sally forth upon the general principle of intervention and war—*bella, horrida bella*, with universal creation. I protect myself from the surges of

social and domestic intervention which that gentleman and those who act with him would raise about me when they are clamoring for the principles of universal liberty—liberty for all races, all colors, and all breeds, by saying, "that it is my duty as a peaceful citizen, living within my own Government, to attend to my own business and concerns, and let other people attend to theirs." I am no Peter the Hermit. I have no chivalrous mission to go forth and enlighten the whole earth. I will not take my little candle and walk among the powder-magazines of all mankind and set those magazines on fire, and then rejoice at the general and glorious explosion. I defend myself from that gentleman and his associates when they assail our own State governments, and clamor for universal liberty, by the general declaration, that it is none of my business what is done in other State governments than my own—that I am opposed to intervention of all sorts. Attend to your own concerns, mind your own business, take care of your own household affairs, is the primary duty of a nation as well as of a family or individual. This I am sure, is the duty of a good citizen and a good legislator. If we once lay down and establish the principle that this Government has a right to interfere and intervene and take up arms against slavery in Hungary, or any other portion of the continent of Europe, there stand in my own State more than a million of human beings who cry, "that there is no slavery on God's earth so horrible as the chattel slavery of the Southern States, and that our first duty, before we arm ourselves against European despots, is to seize the cannon, the musket, the torch, and the firebrand, go across the Potomac, and set fire to the whole southern country at once." I do not stop to discuss this question with such people theologically or economically; but constitutionally, I say Southern slavery is none of your business; you have no authority over, or right to interfere with it. If ever, then, this principle of non-intervention in the affairs of other people is broken down, it is in vain for me, and those who act with me, to attempt to resist the universal crusade which will sweep us, not towards Europe, but across the Potomac into the whole Southern country.

This Government was formed for peculiar and special purposes, and for none other. It was made a limited Government especially to make us attend to our own concerns. Nowhere in our Constitution can the power be found to intervene in the affairs of other nations, in Europe or on this Continent; and when such a thing in Genet's day was attempted, both Washington and Jefferson put it down. We can only protect ourselves and our institutions by that humble primary maxim of minding our own affairs.

I know, sir, that this is no popular speech of mine. It will bring me no cheers and secure me no votes if I desired them, and make me no friends where this excitability exists, and especially in the combustible city which I in part represent. It may be the popular excitement will for a moment sweep a man away. The hearts of my people are warm, and for a time their passions may run away with their heads; but when their judgments cool, and reason seizes the rudder again, the man who has done right, and fearlessly right, on all and every occasion, will in the end receive the popular support and the popular applause. I may be overthrown. I may be a victim to the resistance which I make to the wild passions which are hurrying on this country towards intervention in the affairs of the whole earth—toward universal war. I submit to the sacrifice. I care not what becomes of myself. I did not intend to vote for the resolution; I should not have uttered a word. But this translation must go forth with my vote; and when Kossuth reads—if he condescends to read—my humble vote upon this resolution, he will see in the translation to that vote, that however we may open our hearts to him; however we may cherish his principles, all we mean is sympathy, welcome, encouragement to him and his in their efforts to imitate our own bright and glorious example.

Mr. RICHARDSON obtained the floor, but yielded it to

Mr. GIDDINGS. I am astonished at the excitability of gentlemen on this floor. It would appear that no subject whatever can be introduced here but some minds will seize upon it and give it a connection with matters which are not legitimately connected with it. Most heartily do I concur with the gentleman from New York [Mr. Brooks] in paying the tribute of my respect to this distinguished foreigner. I shall do it most cheerfully. The act is one simple in its character, and obvious in its tendency. But, sir, what right has the gentleman upon the present occasion to drag my name in and attempt to arraign me before this House and before the nation? Why attempt to charge me with a design of involving the nation in war? I have not uttered a word upon this question. I sat here in silence, without the remotest idea of mingling in this debate; and had I taken upon myself to address the committee, it would never have entered into my mind to connect this resolution with the question of slavery, as the gentleman has done, or to connect it with war, as the gentleman has wantonly accused me of doing. Far, far from my thoughts would have been such an idea, and I deny the right of that gentleman or any other, before I have spoken, to anticipate the positions which I should take, and arraign me before the House and before the country for those positions. Have I ever at any time hesitated to express my views openly, with perfect frankness, on any and on every question that has been presented to this body since I have had the honor of a seat in this Hall? I appeal with confidence to those who have served with me, to the country who have read my remarks and votes on every subject brought before us, against this unfounded, this ungenerous charge of the gentleman. My whole political life bears testimony in contradiction of it. Whenever a proper occasion shall present itself, I shall not hesitate to express my opinion on the subject of peace with other nations, and among all nations, in favor of universal peace. But I cannot be dragged into a discussion of those principles on a subject so unsuitable as that now before us.

What authority had the gentleman from New York, or any other gentleman, to charge me with inconsistency in relation to my avowed principles of peace? Certainly from nothing which I have said; nor from any vote which I have ever given. There is something most wanton in his charges. I surely had not provoked it at his hands. To him I would say, Your charge is unfounded and false; you have traveled out of your way to assail me; on those charges I will meet you most cheerfully at the proper time, or whenever the proper occasion shall arrive. The gentleman has spoken of popular sentiment, of which he appears to stand in great dread. I have no such fears. The popular mind is lighted by the intelligence of the people, and it will mete out justice, and no more than justice, to that gentleman and to myself. However much he may shrink from it, he must meet it. The gentleman appears now to tremble in view of the penalty of that "higher law" written upon the hearts of men by the finger of God. This law he has contemned and ridiculed. For the subversion of this law he has sent so many thousands of "lower law sermons" broad-cast throughout the free States. He must, however, meet the penalties of the popular will; he may fear and tremble and turn pale at its approach. It must come; he cannot avoid this supreme law, before which we must all bow. It is already inflicting its penalties upon him, and ere long will consign him to the charnel-house of political apostates.

Mr. Chairman, while on the floor I will take occasion to say that I shall most cheerfully and most heartily vote for the resolution. I wish to tender to the distinguished Kossuth not merely the homage of my own heart, but I wish this House, the representatives of the people, to do it officially, in the name and on behalf of the nation. For this reason I wish to see this resolution pass, and that speedily. I decline all attempts to drag me into a discussion of its merits; they will be appreciated by the people without any aid from us.

Mr. RICHARDSON. I was proceeding to say before yielding the floor, that I did not think there was much difference between the gentleman from North Carolina, [Mr. VENABLE,] who proposed this amendment, and the gentleman from Ohio,

[Mr. CARTER,] who submitted the original resolution; and it is for that reason that I am willing to vote for the proposition of either of those gentlemen. But I am unwilling to go any further. I perfectly concur in the sentiment which has been expressed by gentlemen who have preceded me in this debate, that we should not commit this country to war for any people except our own. I have read with a great deal of pleasure some of the speeches of Mr. Kossuth, and some of them with much less pleasure. If it is to be a struggle as to who shall rule in Hungary—if it is to be a question as to the independence of that people, and not a question of the elevation of the masses, then it is a matter of utter indifference to me. I do not care who shall govern in that country. But if it is a struggle for the freedom of the people, they have my sympathy, my wishes, and my prayer for their success. If it be a question of power, as to whether this man or that man shall govern the country with despotism, it is a matter, as I have said, of utter indifference to me. But, sir, I trust, I believe, I hope that the struggle has been to give liberty to the masses; and, believing that, I am willing to tender to Kossuth, as the representative of that country, the hospitalities of this. But I am not to be deterred from giving this vote because heretofore we have not been successful while expressing our sympathies for the millions of France, in securing their liberty. The liberties of the people of France have not been placed in proper hands, and they will fail in Hungary if they fall into similar hands. Whatever else may be done or accomplished in France, one thing has been accomplished: the divine right of kings to rule has been broken and destroyed.

We have heard a great deal said about peace and war, but, as I have said before, if this country is to be involved in a war, I want it to be on her own account. I never wish to see an American army guided by a power alien to us. I never want to see a war carried on except by the direction of our own legislation. I wish to see the American people carry it on under their own guidance and for their own purposes; otherwise that flag which has never trailed in the dust may be humbled. And I am unwilling, while I extend freely the hospitalities of the nation, and the hospitalities of the individuals of the nation, to Mr. Kossuth, to commit the nation to a policy until I know what that policy is. I repeat, if the struggle in Hungary is for the ascendancy of the individual who is to control, and not for the elevation of the masses, it is a matter of utter indifference to me whether they succeed or not; but if it is for the liberty of the masses, they have my ardent hopes and my best wishes for success.

Mr. BAYLY, of Virginia. I do not regard the resolution before this committee as committing this Government to the doctrines which Kossuth has been attempting to propagate in the speeches he has made since his arrival upon our shores. If I so regarded it, it would not receive from me the feeble opposition which it will now encounter at my hands. On the contrary, if I regarded it in any such light, I should esteem it as solemn duty to my country to resist it with every energy with which God has endowed me. My opposition to the resolution is not of that high character; if it were, the resolution should never pass so long as opposition could delay it. If this Government should ever connect itself with the principles which Kossuth has been attempting to propagate, it would be to give it such a blow as it has never yet received, and which our liberties could not for any length of time survive. It would commit this Government to a course of policy which we have no constitutional power to carry out. I shall not attempt to elaborate this view of the matter at the present time, but I shall feel it my duty upon a proper occasion to go into it more at large. But I desire here, to say that I do not regard this Government as altogether blameless in its conduct in reference to Kossuth. There is evidently a misunderstanding between him and us. He obviously regards the Government as, in some degree, committed to his doctrines; and the Government ought not to allow this delusion to continue: if it does, it may involve humanity in Europe in an extent of suffering such as is not anticipated.

Suppose this delusion is permitted to continue upon his mind; suppose this Government does not, in some emphatic manner, repudiate his doctrines, and with the expectation of succor from

us, Hungary should again rise and she should again be put under the iron heel of despotism, and this Government should fail to interfere, as we all know, and with absolute certainty, that we should do, shall not we in a degree become responsible for the suffering and calamities which that people would be subjected to in consequence of permitting them to continue under the delusion which Kossuth is obviously now laboring under? If my counsel can prevail, he will not leave this country until there is a distinct understanding between him and this Government; such an understanding that nobody in Europe, or anywhere else, shall be deluded into acts with any expectation of succor from us. There ought to be a distinct understanding. He is clear and explicit in what he asks; we ought to be equally so. I do not understand this resolution as committing this Government at all. My opposition does not grow out of any such impression; it is based upon this: I think we are offering an extent of adulation to Kossuth which his antecedents do not authorize. I have a feeling in respect to this adulation growing out of another circumstance, and a feeling which I confess has touched every patriotic impulse of my heart. Sir, Kossuth is not the first man who has fallen in the fight for liberty in Europe who has visited our shores. About 1793, I think it was, when the fires of liberty were burning in this land with a brightness with which they do not now burn; when the patriots of the Revolution were still living; when our Washington was still among us, Kosciuszko, with whom I will not undertake to compare Kossuth, because it would be doing injustice to the dead; Kossuth, who fell in the defence of the liberties of Poland—

A VOICE. No! Kosciuszko.

Mr. BAYLY. Did I say Kossuth? Of course I mean Kosciuszko; I meant that man of whom when he fell the poet said: "Freedom shrieked when Kosciuszko fell." His merits as a European patriot, I undertake to say, were at least equal to the merits of this man; death has canonized him, but I canonize no man until death has sealed his character. But his claims upon our gratitude did not stop with his claims to the title of "friend of freedom" in Europe. He was the companion in arms of Washington, and aided in achieving those liberties which we now enjoy. But when he came here and went hence, he received none of those adulations which are so lavishly poured out upon Kossuth. When I contrast the reception of that man upon his arrival upon our shores with the reception which it is now proposed to give Kossuth, I confess I look upon it not entirely without feelings of mortification and shame.

But, Mr. Chairman, when I took the floor, I did not design to go into this matter to the extent which my feelings have carried me. I wish to say here, and desire that it should go forth to the country, that from an intimate association with members of the two Houses of Congress, and having made it a frequent subject of conversation with them, I here assert—and I hope it may meet Kossuth's eye—that I do not believe there are twenty members in both Houses of Congress who would be willing to sanction the doctrines he has attempted to propagate in this country. And if there are those who are carried away by the enthusiasm which is running through the land, who will for a moment fall in with it, either from motives of popularity-hunting, or from other motives—I say, if there are twenty members of this Congress who are prepared to give way to that feeling—which I am quite sure is not the case—I believe that nineteen twentieths of the American people are the other way. From where I am now standing to the Rio Grande, I do not believe there are one thousand men of substance and character—men whose opinions upon matters of this kind are regarded with respect—I do not believe that one thousand men of this character can be found who would be willing to commit this Government to a policy which would involve us in an eternal strife between European Powers—which would bring upon us standing armies, heavy taxation, and national debts, such as are now pressing down the nations of Europe, and a greater part of which have been incurred in wars waged to carry out this very doctrine of intervention, or non-intervention, whichever you are disposed to call it. If our Government were to become wedded to this policy, I repeat, I do not believe our liberties would survive twenty years; and I believe this is

the opinion of the American people. Upon this mere incidental motion, which I do not regard as committing the House to anything, I shall not go into this debate fully. I shall do it hereafter. I have only said what I have said with a view, if possible, of commencing that understanding between this Government and Kossuth, which, I think, ought to be perfected; and which, if I can have my way, will be perfected before he leaves these shores. He shall be told, in language which he cannot misunderstand, that this Government has no idea of involving itself in the policy which he so actively and industriously propagates.

Mr. MARSHALL, of Kentucky, said: I shall imitate the example of the gentleman from New York [Mr. Brooks] so far as to send the vote I shall cast upon this question to the country, accompanied by the reasons which induce it; but, unlike the gentleman, I choose that my vote and the reasons therefor, shall harmonize with each other.

We are urged to pass the resolution offered by the gentleman from Ohio, [Mr. CARTER,] because it is said that the passage thereof is due as *an act of courtesy*, simply, to Mr. Louis Kossuth. We are told that it is intended as a *mere personal courtesy*; its introduction being accompanied by a disclaimer of any idea of committing the Government to a line of public policy. Mr. Chairman, I cannot be deluded by this disclaimer, nor by the want of pretension with which this act is heralded. We are here, not in the simple capacity of private citizens, or as a body of American gentlemen, only; we are here representatives of the American people—a constituted legislative body—a part of a constitutional Government; and whatever resolution we pass, is a governmental act, so far as we can manufacture a public act; whatever extent our act has, so far we commit our Government *ex necessitate*. Ah! but it is only proposed to introduce Kossuth to this House under the guidance of a committee appointed by the Speaker—no more. The gentleman from Ohio assures the House that he is as much opposed to “hearing a harangue” as any one can be, and that he contemplates no such result to flow from the passage of his resolution. Let me assure that gentleman, and this committee, that while his purposes are so praiseworthy, there are other gentlemen here who do contemplate the delivery of “a harangue” by the Hungarian chief, and who support the resolution because they expect to hear that harangue whenever Mr. Kossuth comes within this Hall. Let me assure the honorable member that the evidence is strong and persuasive that Kossuth himself expects to address this House, and that a few days since he sought temporary retirement from public observation, with the view of preparing the oration he expected to deliver to this Congress. Now, Mr. Chairman, I have more than the common stock of patience; but I confess that it has been exhausted by the manner in which this distinguished stranger has been treated by the people of the Atlantic cities, and by his “harangues” in New York, and thence to Baltimore, in presence of the multitudes and in reply to the societies which have addressed him. Sir, he is a man of genius, of talent, of wonderful oratorical facilities; but his sentiments are Quixotic, and especially they are not American sentiments, or calculated, by their impress upon the American mind, to promote the harmony and the happiness of this people, or the influence, and glory, and permanency of this Government. When I have read his speeches to the bar, the bench, the press, the people, and have remarked the care he has taken to teach that the lessons of our forefathers were crude, and can have no permanency as principles of national conduct, every drop of American blood in my frame flows faster with indignation at the estimate he must place upon American intelligence, and at the rapidity with which he uncoils himself under the warmth of our honest, hearty, and well-meant sympathy for him while chilled by misfortune. Look there at our own Washington, as his great image looks down upon this debate, and say whether it becomes us, as Americans, to hear within this Hall, sacred to the business of the people, an oration from a foreigner, the burden of which must necessarily be an attempt to unteach all that he taught; to loosen all the ties which his wisdom provided in our infancy as the guides of our manhood as a nation; to leave behind us forever the landmarks by which the vessel of State has

thus far been steered through storms and tempest, and under this new pilotage to go careering over the sea in a crusade after the rights of humanity and the Utopia of universal liberty? I do not understand how, among well-balanced minds, there can be a difference of opinion as to our public duty in regard to this question.

Mr. Chairman, if this is an act of mere courtesy to which we are invited, then it is extravagant, under all the circumstances. Compliments, to be appreciated at due value, should be graduated by some standard. Precedent has furnished the standard by which the courtesy of an American Congress should, through all future time, be measured. There (pointing to the portrait of Lafayette) is the “token” of a man, the compeer and compatriot of Washington, to whom in his old age the United States designed to offer the very highest compliment they could bestow upon mortality. He had abandoned prosperity, the smiles of his sovereign, the adulation of a court, fortune, family, and had embarked his all in the struggle for American independence. He had bled freely in that cause. He had expended of his own means \$140,000 to clothe our naked soldiery, and had from his own stores put shoes upon the bleeding feet of the American patriots who were fighting by his side through the Revolution. He was an adopted son of the Union. He understood the principles of our Government, because he was of the glorious band who laid the foundations of our freedom. He was the companion of Washington. He had illustrated his principles by a long career in Europe, ever devoted to the establishment of rational liberty. Congress, obedient to the national affection, invited Lafayette to leave his own homestead to revisit our shores that he might contemplate our growth and look upon the results of his own glorious services in our national development. When he came, the undoubted guest of America, Congress passed a resolution directing the Speaker to congratulate him upon his arrival, and to assure him of the satisfaction of Congress in being able to testify to him in person a nation's gratitude. He was introduced accordingly by a committee, and such honors paid as you now propose to accord to Kossuth! Are the cases parallel? Have we so fallen in love with Louis Kossuth that we are ready, without having any further acquaintance with him than is obtained through the mists of the Hungarian war and his own speeches, to pay him the same amount of honor that we offered to Lafayette, and more than we have accorded to Kosciuszko, to Father Mathew—to any man of foreign birth, or to any hero of our own free clime? If you so cheapen what has been offered to Lafayette, abolish the grades of compliment and avow that your courtesy means as little as that of the Spaniard, whose usual salutation is to request his visitor “to hold all his host possesses at his own disposition.” The universality of your politeness will then render it alike valueless to all. Sir, it must not be forgotten that the compliment bestowed upon Lafayette, of an introduction to the American Senate and House of Representatives while those bodies were in session, is the only instance of the kind to be found in the history of this Government. It is the only instance to be found in the history of any civilized government since the middle ages. Roman consuls had ovations, and returned from conquests attended by crowds of captives to pass under triumphal arches amid the buzzes of the multitude. These did no more. Even these halted at the steps of the Senate house. When gentlemen propose this exalted and extraordinary honor, therefore, to Kossuth—I say extraordinary, since the precedent is nowhere to be found save in the case of Lafayette—I may be well excused for the inquiry as to the cause of this undue excitement in his behalf. Is his extraordinary merit testified by honorable scars received in the fields of battle upon the plains of Hungary? Did he suffer amid the snows of Szolnok, or nerve the Honvöds to stand the dreadful charge of cavalry? Sir, I do not mean to criticise his participation in the struggle of his country. I award him willingly all the merit of patriotism, though in my limited reading I have been so unfortunate as never to have ascertained in what battle his laurels were won. I remember well when Ujhazy—the glorious old Governor of Comorn—came to this country from the fields of Hungary, such honors as these were

not proposed in his behalf. He, too, was identified with Hungary as surely as Kossuth. He was a patriot-soldier in the cause of his country, and had fought her battles valiantly and well. He was commended to our consideration as that chief who patriotically held the garrison of Comorn to the close of the campaign against vast odds, and made the terms of his surrender the passport to his expatriation. When the Iron Crown of St. Stephen had fled the limits of Hungary, Ujhazy found a new asylum in a land of real liberty, where he has settled to the peaceful enjoyment of life as a Republican farmer. Now, I respectfully ask why a different grade of compliment should be paid to this Magyar from the mark that Magyar received, admitting both to have been equally patriotic, and equally conspicuous in the cause of their common country? Why shall we pay higher honor to the orator for his advocacy of the principles of liberty, than to the brave old soldier who fought and periled all, and finally asserted the principle in the very terms of his most honorable capitulation to an overwhelming force and necessity? I have indulged in these remarks to prove to this committee that we are asked upon this occasion to go too far, mere precedents considered. But, sir, for one, I am not willing to leave this subject with a cloud of doubt upon it in another of its aspects.

We are told that Kossuth is the invited guest of the country; that Congress sent after him in a national ship; that since his arrival Congress has welcomed him to the capital, and now that he has actually reached the city, Congress is bound, in the exercise of an ordinary courtesy, to welcome him into this Hall, and that the members of Congress shall be personally introduced, &c., &c. Now, Mr. Chairman, I voted in the last Congress, if I remember correctly, to suspend the rules to consider the resolution in regard to sending the ship after Kossuth; but I have no recollection that I voted for the passage of the resolution. I may have done so; I have no memory of the fact. But there was an understanding in Congress at that day that the lives of Kossuth and his associates were in danger; that the Sultan was in jeopardy because of his noble determination to perform the sacred duties of hospitality; that Austria wished the delivery of the exiles into her power; that Russia threatened to avail herself of this pretext to strike the long-meditated blow at the Ottoman Porte, and that, after all, and above all, that Kossuth was anxious to emigrate hither, and to follow Ujhazy and his companions to the far West, where the Magyar might plant his own vine under new and nobler auspices than he had yet known. In all these representations there was much to excite the sympathy of the American bosom. Sympathy for the exile from home and country is a common sentiment of humanity—an emotion of the savage as well as of civilized man. But here was a case of a patriot exiled from his native land, because he had contended for his freedom and her constitutional rights, not to say ameliorations, and we were informed that from his prison grates he looked wistfully to this great country, and probably depended upon our aid for his existence.

Sir, we did extend that sympathy, and actively too; but it was on the state of case already made out. When the flag of the Union floated from the quarter-deck of the Mississippi before the prison-house of Kossuth, and he saw its broad folds to protect him under the very Ægis of Liberty—when America was at Kilitianah to bear him from a dungeon to freedom, the cause of her intervention was distinctly announced in the preamble and resolution of Congress, which proclaims that Congress understood it was Kossuth's wish and determination, when released, “to emigrate to the United States.” Therefore it was the national ship was employed. Therefore it was the arm of this Government was extended to aid him to reach a shelter from the pitiless storm that pursued him, and to find here again a home and a country. I dare to aver no member of that Congress, at the time, dreamed of making Louis Kossuth the Nation's Guest, or of scenes through which we are now passing. Well, sir, in my opinion Kossuth was committed, by his acceptance of the conveyance furnished, under the character of a resolution that accompanied the offer of that conveyance, to the distinct acquiescence in the correctness of our supposition that it was his deliberate purpose, on

being released, "to emigrate to the United States." When he came on board the Mississippi, it was in the character of an emigrant and of an exile from Europe. Who was to find upon these shores an asylum from oppression, and to raise here new altars to patriotism. If, then, Kossuth and Congress labored under mutual mistake as to the intentions of this distinguished character, surely, when we ascertained that his restoration to liberty was but the signal for his renewed activity in the field of European politics, all Christendom would have held us released from any further obligations springing from the exertion of our sympathy in his behalf. He availed himself of a very early occasion to announce that he did not intend to emigrate to the United States—that he was consecrated to the cause of Hungarian Independence, and that his mission was henceforth to preach that cause and to arrange the instrumentalities through which its success might be achieved. After these disclosures—even had he been invited hither as an emigrant—we should have been under no obligation to receive him as a political propagandist. His mission was distinctly proclaimed in England. He proclaimed it after he was free, and after he had abandoned the conveyance of the frigate Mississippi. Then we, as a people, and Kossuth were mutually released from whatever obligations to each other.

But, Mr. Chairman, the mission to which he has devoted himself brought him here, not our invitation—if it be still insisted that he was invited. True to that apostolical character he assumes, Kossuth commenced his labors in that mission immediately on his arrival at Staten Island. From his first speech there to this moment he has, on no occasion, failed to proclaim why he is in America; what brought him to America, and what results he expects to accomplish by his visit to America. He has accepted every demonstration of popular adulation, as an evidence of approbation of his doctrines. Emboldened by the passive submission of the people to these, his conclusions, and intoxicated by the more active and bold acquiescence in his political principles, by desperate politicians or mere holiday orators, he has at length commenced the work of polling the American population, in imitation of the mode adopted in the Hungarian *comitats*, making up an expression of the sovereign will of the people upon certain political propositions of his own propounding, which public will he is now bearing to the Government as testimony from the masses, to dictate future American policy! Methinks I can hear the sound and conservative voice of the interior, as it dwells with incredulity upon this insatiation—this folly. Yes, sir, it is a fact, that from the capital of Pennsylvania the programme of Kossuth has been returned to him, indorsed by the people, and he has proudly proclaimed the fact. In New York he directed a vote in a New York *comitat* (God save the mark!) on the same propositions, and yesterday in the city of Baltimore, in a public assembly, with all the pomp and ceremony due to so imposing an occasion, and with a judge for his herald, the same profound propositions were again received with acclamations of popular applause, and adopted without contradiction!

These propositions constitute his published programme of principles whereby the family of nations is to be saved through the application of intervention, to enforce non-intervention. I shall not enter upon the discussion of these principles or of the policy they portend. I am not afraid of their adoption by my country. I allude to them now merely to indicate who it is—the character of the mission, and some of the virtues of the apostle we are called upon as an American Congress to receive here in our places with superlative forms of commendation, and compliment almost without a parallel in the history of civilized government. Mr. Chairman, it is worthy of remark that Mr. Kossuth enforces these (his) propositions with a strain of logic and oratory at once peculiar, and, to American ears, no doubt, felicitous. Not to go further back than to his speech in Baltimore, he tells our people that of all national policy, that which, in his opinion, is most important, is our foreign policy; that the foreign policy we have pursued from the era of the Constitution to the present time is "no policy at all," and that through the future our true policy is to be found in the programme of principles he has furnished, and which the people of Baltimore afterwards so clamorously

adopted. He goes further. He says that the illustration of American policy heretofore, may be found in the economy of the silk-worm—"a poor, miserable insect," which wraps itself in its own self-woven web, from which it creeps only—to die. That America belongs to the family of nations, owes duties to the family of nations, or she may exile herself among the nations, and while she weaves at home a woof of comfort will, like the miserable insect in question, only come forth under the policy of Washington eventually—to meet death as a nation, consigned as a "miserable creature" to the contempt of those to whom we owed duties and from whom we withheld favors. Now, sir, this language and these illustrations are to my comprehension alike offensive and impudent. They explain the character of this foreigner, and serve to prove the folly of that popular adulation which has accompanied his progress so far on our Continent, in some places, Mr. Chairman, as observable in the case of a danseuse or a cantatrice as in the instance before us—to us, perhaps, not so remarkable, but exceedingly apt to intoxicate and mislead the deluded recipient of these bountiful ministrations. I am desirous to be distinctly understood upon this occasion. I listen with no patience to Mr. Kossuth, when he invites me to abandon the counsels of Washington, and to desert the ancient, time-honored, household gods of my own country, to follow him in the task of reestablishing those of Hungary, if need be, at the expense of war to the United States. I may be an admirer of the artist, of the eloquent advocate, of the enthusiastic patriot, of the knight-errant who preaches the crusade for Hungarian independence with all the zeal of Peter the Hermit,—I may be willing, as a private gentleman, to extend the courtesies and civilities due from an American to a distinguished stranger, and, indeed, may do him festive honors to testify "the passing noble emotions of the heart and the hour,"—I may be willing to the proposition of the member from North Carolina, which authorizes the Speaker to invite Kossuth to a privileged seat. But, Mr. Chairman, these duties of courtesy and these extensions of privilege are easily comprehended by the recipient and by the world.

I am unwilling to see the American Congress, as a legislative body, pass the resolution now before us. I know it will be the precursor of disturbance. I know it is the entering wedge for an order of things destructive of the stand we should occupy before our own countrymen. I am unwilling to turn this sacred Hall into a lecture room—a school house—where American statesmen may receive their lessons in political wisdom and be taught the propositions upon which are said to rest the prospective grandeur and the glory of the Union, from a foreigner who has not been yet thirty days upon our shores.

Mr. INGERSOLL remarked: It was with many regrets he had witnessed a discussion springing up on the resolution now before the committee. He had hoped that the bare announcement of the resolution of the honorable member from Ohio to this body would have elicited a prompt and universal response from all parts of the House; and coming as we do direct from the voices of the sovereign people of these States, we would respond to what he believed to be the wishes of that people, and award to the illustrious individual whose name forms a part of the resolution, that cordial welcome which, wherever he has gone, the friends of liberty have given him. He had witnessed with feelings somewhat akin to mortification, the course which the discussion of a resolution of welcome to Kossuth had taken in another end of this Capitol; and when he thought of the effect of that course upon the sympathizing friends of freedom in the Old World, and when he could almost hear the exultations of the minions of despotic and monarchical power when the news of that discussion shall have crossed the Atlantic and reached the ears of those despots who claim by "divine right" to awe into submission "their people," upon whose necks their feet are placed, he could almost bow his head in shame and sorrow. It had been his fortune, perhaps misfortune, to have spent the better portion of the last few years in a land of strangers to liberty and the rights of man. The greater portion of that period was spent within the dominions of that northern Autocrat whose hireling forces crushed the rising spirit of Hungary, and sent her illustri-

ous leader a wanderer in other lands. He (Mr. I.) had witnessed the struggle and the defeat, (a temporary one, he trusted in God;) and knowing what he did of that struggle, and of the feelings in regard to it of the people of the patriotic State he had the honor in part to represent in Congress, he should be unworthy of a seat in that body, aye, of the name of an American citizen, could he hesitate for one moment as to his course of action upon the resolution now before the House. This was not, it seemed to him, the proper time and occasion to go into the history of the Hungarian war, the greater part of which Kossuth was. The time for speeches has passed—the time for immediate action has arrived. Kossuth is in our country, as he was before his arrival in the hearts of our countrymen. He is at our inner doors: shall we wound him in the house of his friends? How does he come here?—as an exile? Let gentlemen remember that a national ship received him from his exile in Turkey, and that before he put foot upon our shores he was received by a national salute—that salute fired from a national fortress—that fortress in the command of the Executive of these United States. Away, then, with the idea of Kossuth as an exile. No, Mr. Chairman, he is here as the great champion of freedom in Europe; and in view of what the Government here has already done towards receiving him, good faith and honor on our part, to say nothing of the dictates of humanity, demand that we should extend to him all the honors so justly his due.

But in voting for this resolution, he (Mr. I.) wished not to be understood as placing himself at this time upon the platform of armed intervention by the Government of this Union in the affairs of Hungary. That was not necessary in voting for this resolution. Indeed he would add, that, for his part, he was willing to abide by the counsels of Washington and the doctrines of Monroe in regard to intervention. He (Mr. I.) was not quite ready to send an American army to the Danube; and, in conclusion, he would remark that he had witnessed, with some forebodings, the position of men at the North who surrounded Kossuth during his sojourn in New York, and who were urging the intervention policy upon the Government and people of this country. He thought he saw in their movements a foundation for a plan, to be developed hereafter, to interfere in the affairs of our domestic States, as they now wish, on the same plea of humanity, to intervene in the affairs of foreign States. But he would not now go into this great question of intervention, and he hoped that the resolution would pass with great unanimity.

Mr. GENTRY. I should have preferred to have given a silent vote upon the proposition that is before this committee. I think that would have been in the best taste, in my own view of what is proper, and in view of what we owe to ourselves under the circumstances which surround us. But so much has been said pro and con, that I feel disposed to say a word or two by way of indicating the reasons which have influenced me, and will influence me in all the votes I may give in connection with this Kossuth question. If a man presents himself at my door when I know he comes for the purpose of asking me to indorse his note for \$50,000, if he is a gentleman in character and position I will invite him into my house, and extend to him all the courtesies which are due to a gentleman, though I may know him to be insolvent, and though I may feel all the while that duty to myself and my children imperiously imposes upon me the necessity of refusing to indorse the note. I would be careful more especially to do so, if the doors of my house had been opened to him by myself, and I had invited him to come there upon another ground not connected with the indorsement of his note. I would invite him into my house if I supposed him a gentleman of high character, principles, genius, and talent—overwhelmed by a torrent of misfortune, though I might know he came to ask me to do that which would imperil the fate of myself and family, and though I could not give him all he came to ask. Still, respecting him as a gentleman—respecting him for his genius, the exalted principles and motives which I believe actuated his conduct—though I might believe that the wave of misfortune had buried him beyond all hope of resurrection, and I could do nothing for him except to give him my respect and sympathy, would I slam the door in

his face and say, "Get away from here! you shall not ask me to indorse that note?" [Laughter.] Not at all. It would be an exceedingly painful operation, and therefore I should make my courtesies and hospitalities all the more abundant, because presently I should have to give a most unwelcome response to the favor which he asked of me.

That is the position in which we stand in reference to Louis Kossuth; and the only question in the American House of Representatives to consider is, that they shall be careful to demean themselves as gentlemen upon this occasion, and not as rowdies. The question of indorsing the note is an *after question*, which we are not called upon to consider now. We are called upon to extend the civilities and courtesies which the proprieties growing out of the circumstances that surround us demand at our hands. We are called upon to represent and take care of the dignity and character of this great nation in this regard. Whether in relation to what is passed we have done right or wrong, is not now the question. This gentleman is here. How is he here, and what are the circumstances under which he presents himself here? It surprises me that any debate or adverse opinions should have arisen here in relation to this subject. After the disastrous termination of the Hungarian struggle for national existence, when Louis Kossuth was a prisoner in Turkey, this Government, responding to the just, proper, and honorable feelings of the American people, in all the forms which it could employ exhibited its anxiety for his condition and fate. Much as I am opposed to embarking this nation in the affairs of Hungary, I am not ready to admit that we are called upon to be afraid to show we sympathize upon this or the other side of questions which may arise beyond our borders. Congress passed resolutions upon this subject. Our diplomatic representatives to European Governments were instructed and required to use the influence which they might legitimately and rightfully employ to release Kossuth from imprisonment. A ship was sent across the Atlantic ocean, and its commander was instructed to receive and bring him home to our shores, if he chose to come. Kossuth accepted the offer, and he is here, regarding himself as the guest of the nation. It is enough that the world so understands and regards it, whether we shall so regard it or not.

Now, the question is, what does propriety require at our hands? Though perchance since his arrival upon our shores, as an humble petitioner he may ask that which we cannot grant, yet propriety requires at our hands that we should receive him with all the civilities due to the occasion and the circumstances which surround him and us.

But gentlemen are afraid that he will make a speech—that he will overturn the long-established policy of the nation. They seem to be afraid that the American people in their admiration for Kossuth will forget Washington. I have no such fear. Let him speak as much as he pleases. Let him go into every Congressional district in the United States of America, and speak as often as he desires. His speeches will be harmless. I expect, if occasion should make it necessary, to resist, with as much firmness as any other man, the line of policy which he would induce us to take. Let him speak. Why, sir, I am so much of a Democrat—a *real genuine* Democrat—that I am willing to submit every and all questions which have arisen, or can possibly arise, involving the interests and honor of this Republic, to the arbitrament of the American people. If the people are not competent to solve safely for the Republic all questions that can be submitted to them, why, then our Government is founded upon a false idea, and it is needless for us to struggle against the ruin that is inevitable. If Kossuth can overturn this Republic, or unsettle the long-established and firm convictions of this people, and make them disregard the admonitions of Washington, so as to make them abandon the policy that has made them what they are, and which, if persevered in, is destined to make them infinitely more powerful than language can tell, or imagination conceive—if any foreigner from another clime can do all that, if our only safety is in not giving him a chance to speak, [laughter,] why, then this legacy which we have inherited from our fathers is not worth struggling or fighting for at all. In respect to the safety of this Government, and the

stability of its policy, I consider Louis Kossuth as a very harmless individual. If I am wrong in that, I am wrong in believing the theory upon which this Government is founded. If this people can be made to forget the high destiny to which they are called, and the great responsibility which rests upon them—if they can be made to forget Washington for Louis Kossuth, why then our institutions are not worth a struggle, and the whole experiment which our fathers have undertaken, and which we are seeking to perpetuate, is a fallacy and is of no value. I do not believe a word of it. A rabble of fools and demagogues, in this or that locality, may shout at his heels, and profess themselves in favor of plunging this Government into any line of policy which he may request. Such characters as these are merely seeking to appropriate to themselves some small portion of the glory and eclat that surround the name of Kossuth; and after all it will presently be seen that they cannot really effect anything, either to save or destroy the Republic. Let them shout—let them huzza—it is all harmless. Who is afraid? [Laughter.] You need have no fear for the Republic in this regard. The intelligence and patriotism of the American people will take care of all these questions. The only thing we have to look to, is to *take care of our dignity, and not permit the thing to be overdone*. I have the most profound confidence in the capacity of my friend from Ohio [Mr. CARTER] [laughter] to form a just conception of what the proprieties of the occasion demand; and if this resolution shall be adopted, the SPEAKER will doubtless associate other sensible gentlemen with him, and such a committee will no doubt execute in good taste what a just conception of the circumstances of the case demands. Let Louis Kossuth be invited into this Hall, and let him take a seat within the bar of the House of Representatives, and let that be the end of it here. Let him speak elsewhere as much as he wants to, and I will give five or ten dollars to hear him. I have already subscribed a paper to give him a dinner. Let him speak, but he cannot un-Americanize me, or this Congress, or this nation. If I am wrong in that, I want to be undeceived. I desire to see the experiment tried. [Laughter.] Gifted though he be, eminently gifted, let us not be afraid of his genius. Is there no genius in America—are there none to plead as eloquently and as ably as he can do, for the United States, and the duties of this Government, in view of the present and coming generations, as well as those that are past? Do not be scared about it. [Laughter.] If gentlemen have any surplus cash—if you are disposed to be liberal, hand it over. [Laughter.] We are rich and prosperous, and can stand a little of that sort of individual and voluntary depletion. Gentlemen are afraid of Kossuth, lest he should make us forgetful of our duties as American legislators, into whose hands has been committed this great legacy of freedom, which we hold in trust for all mankind—not for this generation alone, but all coming generations. Let them dismiss their fears.

When it shall become necessary, we will tell Mr. Kossuth—and I desire to call him Mr. Kossuth distinctly, and for a reason, because it is the policy of this Government to recognize existing governments—governments *de facto*—and I conform to this established policy—we will tell Mr. Kossuth, that inasmuch as it was our example which animated him and his Hungarians to the great and glorious efforts which they made, and which, though unsuccessful now, we hope will be more successful in the future, we will keep that light of our example burning and shining upon the pathway of the nations, to guide them onwards like that cloud by day and pillar of fire by night which guided the Israelites from Egyptian bondage to the promised land. We will keep it burning upon their pathway, to guide them from the darkness of tyranny and despotism to the sunlight of liberty. But we will not imperil the good we have ourselves, and which we hold in trust for all humanity, by plunging into adventures as he invites us to. When the proper time comes for us to tell him this, we must tell it to him. But being here under all the circumstances in which he is here, we are called upon to behave towards him as gentlemen.

The Senate has passed a resolution, I believe, precisely similar to that which the gentleman from Ohio has offered. Now, is it in good taste for the two branches of the legislative departments of the Government to be at issue upon such a question

as this—a mere question of courtesy, involving nothing beyond that? Let gentlemen do what is demanded of them as gentlemen, and as Representatives of the dignity and character of the nation, quietly, decently, and in order. The only danger is of its being *overdone*. There ought to have been no debate about the matter at all. There ought to have been an understanding among us as to what was the proper resolution to be offered, and it ought not to have been debated, but should have passed without any argumentation whatever.

Mr. Chairman, you must realize the fact—every gentleman here must realize the fact that if you were to go to the house of any gentleman where you understood you had an invitation, or, at least, an implied permission to go, and when you got to the door you found one half the family declaring that you should not come in, and the other half insisting that you should come in—a sort of intestine war in the household as to whether you should be received and treated with courtesy or not—though you might get in by and by, you would not enjoy yourself much. [Laughter.] You would wish to be away again.

Now I think that we ought quietly to pass this resolution, without further debate, and leave it to the discretion and good taste of the gentleman from Ohio, [Mr. CARTER,] and of the other gentlemen that the good sense of the Speaker will associate with him, to do this little mere matter of manners in that way which the proprieties of the occasion demand. We disgrace ourselves by talking on the subject.

Mr. STEPHENS, of Georgia. I think that the gentleman from Tennessee [Mr. GENTRY] has been quite as unfortunate in the analogy that he has submitted to the House as he has been in his argument. He has compared Kossuth to a poor man who comes to your door with a note of \$50,000, which you know he cannot pay; but he asks, "Will you, therefore, refuse to admit him?" And he asks, Would it be civil to turn the door upon him? Sir, that is not the case. But I will give him one. Suppose that a man in the condition he represents, going through the gentleman's own town endeavoring to raise money, should receive a note on the street by a messenger from the gentleman, inviting him into the gentleman's house—into his parlor—and after he gets in, the gentleman should say, I cannot indorse your note: would it be civil to send for the man barely to tell him that you would not aid him in the matter? I ask the gentleman who has been lecturing us to-day about good taste, and manners, and courtesy, if he does not think that it would be rude to send out on the highway and ask a man into his house to treat him in such a manner? Would it not be much more courteous at least to wait until he should come and knock? Mr. Kossuth, we all know, wants money, or "material aid." It is true he has not yet knocked at our door—but we all know it—and the gentleman says that he does not intend to grant it: He has said so here to-day. Why, then, do you ask him here? why invite him into your house, unless it be to tell him that he cannot get the "aid" he desires? If, Mr. Chairman, Louis Kossuth was here as the representative of the principle to which the gentleman from New York [Mr. Brooks] referred, I might extend this courtesy to him. But I do not look upon Louis Kossuth on the continent of America as Louis Kossuth in Hungary. He is no longer the representative of the principle of constitutional liberty that was overthrown in his native land. The only principle that he is now the representative of is the principle of intervention to prevent intervention. That is the principle which he is now urging—the object of his mission is to carry out this principle. Does he advocate any other wherever he goes? Did he not make the issue distinctly in New York? "I do not want to be feasted," said he. He does not ask your courtesy or your compliments. He wants nothing short of armed intervention, if need be. He wants you to change the settled policy of your Government—and he wants no mistake about it. I admire his candor. He said he wished not to steal into our feelings "by any easy, slippery evasion." He is here, I say, as the open, avowed representative of this great principle, and there can be no mistake about it. If, then, we take him by the hand, and extend to him the privileges of this floor, do we not do it in approbation of the cause

which he styles his mission? Can we do it without giving countenance to that principle?

The gentleman from Tennessee tells us that he is not afraid of Louis Kossuth; and he says "don't be afraid." Sir, I do not know whether the gentleman thinks Kossuth a little man, and, therefore, not to be feared. I will tell him, however, that I am by no means in a panic. But I am not one of those who seem disposed to attribute too little importance to the powers of this man. I believe him to be a man of great abilities—a man of rare talents. In my estimation he stands forth as one of the first of his species. Every speech, everything that he says, bears the marks, the deep unmistakable impress of mind, of intellect, and of genius of the highest order. It is because I admire him, and believe that he has the mind to appreciate sense and intellect, that I wish not to go through with the solemn mockery that gentlemen here would urge upon the American Congress. Let us not ask him in the House that we may tell him that we do not intend to indorse this new principle of his. If we do not intend to give him the indorsement, let us treat him with that dignity that will become him and ourselves. But, sir, the gentleman says again, "don't be afraid."

Well, I will say to him I was not very apprehensive myself of the effect of this illustrious foreigner's influence upon the American mind until I came here this morning. Since then, I must confess my mind has had reason to undergo a change on that subject. It is true, we are told with an easy air and grace not to be afraid that the legacy of Washington will be thrown away! Sir, those were wise and patriotic words that fell from the lips of Patrick Henry, "The price of liberty is eternal vigilance." I have received a new lesson upon that subject here this day. We are here in the American Congress, having intrusted to us, if you please, that legacy. I hold in my hand the Constitution of the United States, which imbeds that language, and which we have all sworn to support—that this Constitution says that the members of this House shall make rules for their government. We have made rules in the exercise of this power granted. Here they are. These rules are the law of this House—as much binding upon every member of it as any law of the land. The 17th of these rules declares who shall be entitled to a place or seat on this floor. All others are excluded. Louis Kossuth does not come within either of the classes of persons herein named as those who may be admitted upon the floor. The 136th rule declares that there shall be no change or alteration of either of the standing rules of this House without one day's notice. The gentleman from Ohio [Mr. CARTER] comes in here and moves a resolution giving the privileges of the floor to a person not now entitled under the 17th standing rule, and without any notice. Not only this, but he moves this resolution in Committee of the Whole on the state of the Union, where, according to all parliamentary law, no original matter can originate; and yet I have here this day seen a majority of this House disregard precedent, usage, and the express law of the House under the Constitution, and sustain this unheard-of proceeding—carried away, I suppose, by this late contagious sympathy for the cause of intervening in other nations' affairs in order to give and secure universal liberty to mankind. And I have seen the gentleman from Tennessee himself acting with that majority—riding "rough-shod" over the laws of this House to be civil and courteous to a man who comes here to teach us that Washington did not understand the interests of this country as well as he does—this, too, in the very presence of the Father of his Country, as his noble countenance beams from yonder canvas. It comes, sir, with a bad grace from the gentleman to tell me, in the midst of these scenes, and what I have here this day witnessed, not to be "afraid that the legacy of Washington will be thrown away." Here the gentleman stands, and here a majority of this House stands, presenting the strange spectacle to the world of taking the initiative step for assuming jurisdiction over the liberties of all the rest of mankind by grossly violating and overriding the laws of their own Government. Poor defenders, gentlemen, you will prove yourselves to be of other people's liberties when you will not maintain the bulwarks of your own! And never would I, if I were Kossuth, place much reliance on the promises of any people to

defend the liberties of my country, when they paid so little regard to the principles of their own.

Sir, I say again, I was disposed to have little apprehension of the effect of Kossuth's progress here till I saw that his coming had disorganized the American House of Representatives. Answer me, answer me, any man upon this floor, whether you can pass the resolution to-day without beating down and battering down the law by which you are governed, and with it one of the safeguards of the Constitution of your country? You cannot do it. Gentlemen speak a great deal of down-trodden Europe and liberty. Sir, I am an admirer of liberty; I am a friend of liberty; but the liberty I have attachment for is constitutional liberty. It is not a wild unrestrained licentiousness, but it is a liberty defined and regulated by written law. It is such liberty as I find in my own country, and nowhere else on the habitable globe. For this reason I love my country—this "my fatherland." And when we look out upon the nations of the earth and see our country rising up as the great light of the world to cheer up the spirits and gladden the hearts of the victims of power and misrule elsewhere—when I look upon it, as the gentleman from Tennessee [Mr. GENTRY] says, as "the pillar of cloud and of fire" to direct other nations in their exodus from tyranny and despotism—it may not be impertinent to ask ourselves, what is it that makes it so? What are the massive columns that uphold this towering dome of American liberty in its majestic might—in that grandeur which challenges the admiration of the world?

My countrymen—for so shall I appeal to you this day while you are acting, as you now are, upon this resolution in violation of the law of the House—I address you as a town-meeting, for you have no rightful power to consider this resolution but by an overthrow of your own rules and in open disregard of public law—I say to you, that this great work of American liberty, my countrymen, this great achievement which no other nation or people have ever attained, depends solely upon the supremacy of the law. This is the whole secret—a strict maintenance of the law. The first step towards despotism is a disregard of law. When the restraints of law are removed, anarchy reigns until force is called in for self-preservation; and I call upon every man that regards his own country, not only to stand this day by the laws of this House, but by the principles upon which his own Government was founded, and do not, in an eager desire to be conspicuous in giving evidence of a surpassing liberality abroad, overthrow and demolish the outposts of liberty at home.

Mr. GENTRY. In reply to my friend from Georgia, [Mr. STEPHENS,] I will say, in all frankness, that although I have been a member of this House a good many years, I have not scanned and studied the rules with great care. I have thought that, generally, business was more expedited by acquiescing in a wrong decision, than by debating questions of order; and hence I generally put myself under the protection of the Speaker, or the Chairman, as the case may be, and in most cases am willing to abide their decision. Thus frankly disclaiming everything like pretensions to a very accurate knowledge of the rules of the House, and of parliamentary law, I must say that the gentleman's argument rests mainly upon an assumption, which, in my humble opinion, is unfounded in fact. In my opinion, the House has not overridden its rules, as contended by the gentleman. If you look into the copy of the rules before you, you will find it noted there, that in the early history of the Government no proposition touching an appropriation of money could originate elsewhere than in a Committee of the Whole House. That being found inconvenient, the rule was changed in that regard. My opinion is, that when the House chooses to resolve itself into a Committee of the Whole upon the state of the Union, the Committee of the Whole may make any report back to the House which it may believe to be demanded by the exigencies of the Union. That is my belief; but I will waive that. I will not argue it. It is needless to do so.

In answer to the gentleman's argument that to pass the resolution now under consideration will be to change a standing rule of the House, in palpable violation of that rule of the House which requires notice to be given in advance of such proposition, before it can be made, I maintain that by the action now proposed we change no

standing rule of the House. We only make an exception to the operation of a standing rule. I hope that this distinction will be borne in mind. We change no standing rule of the House. We agree to invite Louis Kossuth upon this floor, but the standing rule remains unchanged. We simply, by virtue of power residing in this House, in view of reasons satisfactory to ourselves, choose to make an exception to a standing rule, which we have prescribed for our everyday ordinary government; and that standing rule still remains unchanged as the common law of the House. We choose, for reasons satisfactory to ourselves, to make an exception to the standing rule for this present necessity. I have so high an opinion of the fairness and candor of the gentleman who has spoken, that I cannot even intimate that he has indulged in any intentional sophistry upon this question. I think, however, that when the excitement of the hour has passed from his mind, when he reviews his argument, he will see that he has not to-day met this question fairly and squarely, as he usually meets questions. I think he has not exhibited his usual candor. I think the skill of the advocate has pushed aside the candor of the man. I think he plays the lawyer a little upon this occasion.

Mr. STEPHENS, of Georgia. Will the gentleman allow me to put a case to him which tests the sophistry.

The CHAIRMAN stated that the gentleman from Massachusetts [Mr. RANTOUL] had yielded the floor to allow an explanation to be made, and he did not conceive the gentleman had a right to yield it to others.

Mr. RANTOUL yielded the floor.

Mr. STEPHENS, of Georgia. We have a standing rule of this House that bills shall be offered in a particular manner. Suppose an individual member arises and moves as an exception to allow his bill to come in, would it be sophistry to urge that the House should not change the rule? No, no, I move barely this as an exception to the standing rules. You cannot make an exception to a standing rule, but by changing it. The rule has to be removed to make the exception. I think the gentleman would so decide, could he see through the Kossuth fog which has come over his brain.

Mr. GENTRY. I would gladly answer the question propounded to me by my friend from Georgia, [Mr. STEPHENS,] but another gentleman was talking to me when he propounded it, and prevented me from hearing or comprehending him. It is by no means essential to the purpose of this debate, waiving all question of rules, I assume here, and do it fearlessly, that while ordinarily due deference and observation ought to be paid to the rules we have instituted for the regulation of the ordinary business of legislation, an occasion may arise when the rules may be set aside by the will of the House, in deference to what the public necessity may demand. We do it every day upon the most trivial questions, and I am surprised that the thunders of my friend's eloquence have not heretofore been heard upon this floor, when he has seen questions of order decided one way to-day, and reversed the next day. We have constantly recurring examples of opposite and contrary discussion upon questions of order, just according to the humor of the House. I am sure this declaration will be supported by every gentleman who has any experience on the floor. This habit has, I think, grown into an abuse that ought to be corrected. However, admitting what he says is true, I stand where I stood in regard to the proprieties of the occasion. I do not admit the arguments or conclusions of the gentleman. He says if we invite the gentleman in we are bound to indorse his note. I am willing to rest it there. I say if a man of high character, of honorable and high aim, one as he has been so known and recognized through his whole life, shall be overtaken and overwhelmed by misfortune, although I may believe he had come to my house to ask me to indorse his note for \$50,000, which in view of what was due to myself and children, I would be bound to refuse, yet I could not, as a gentleman, shut the door in his face, because I knew he had come to ask a favor which duty would not permit me to grant. Am not I, under such circumstances, bound to invite him in? Am not I bound to extend to him every civility, which a gentleman, and especially a gentleman overwhelmed by mis-

fortune, has a right to demand? Am I not all the more bound to be thus courteous, because of his misfortunes; because those misfortunes will make him more sensitive to the slightest omission of courtesy? And am I not bound to be more assiduously observant of such courtesy, because I know that presently I will be under the painful necessity of refusing him a favor? I will not argue it. I refer it to your hearts. I refer it to your feelings as gentlemen. I say, in regard to this point there can be no question.

Well, suppose Kossuth asks us to overturn the settled policy of the country—supposing him to come to us, as he says he does, an humble petitioner in behalf of his downtrodden and ruined country, to try to induce us to enter into a line of action which he thinks will resuscitate, resurrect, and restore his country to national existence, although we know we cannot grant his request consistently with the duties and obligations which are binding upon us, still shall we treat him rudely? Cannot we excuse him for a little extravagance in this regard? Suppose he sees the advice and views and opinions of Washington standing in his way, and that he, in the extremity of his desire to make an impression upon us, to accomplish something for that bleeding and ruined country of his, which he has left behind—suppose he shall argue and try to persuade us to disregard even the policy of Washington—we will not do it, I trust—cannot we pardon something in the motives that animate and the object which impels him in these efforts for his countrymen and his annihilated country? If we believe his motives to be high and honorable, cannot we sympathize with him in those motives and objects, although we see, as in the case of the unfortunate gentleman who comes and asks us to be responsible for \$50,000, that we cannot indorse the note without ruining ourselves, yet we must treat him with all possible courtesy? We must not offend or regard him as a madman, because in his enthusiasm he believes he will be able to convey us harmlessly through the enterprise—like the unfortunate gentleman who asks you to indorse his note, and who, in his anxiety to escape from the hands of the sheriff and marshal, and save his wife and children from poverty and ruin, may ask us to trust in HIS HOPE, rather than in any reasonable and rational prospect. That is the precise posture of the question, and we ought to be unanimous. I do not wish to be understood as reproaching any gentleman. My opinion is, the whole argument against this resolution is founded upon erroneous assumptions and false premises. I regret this debate. We ought to have acted unanimously, and I hope we may do so yet.

Mr. RANTOUL. I desire to say that I shall vote for this resolution, not because I consider Louis Kossuth to be identified with the great cause of European liberty—although I sympathize strongly with all who are the champions of that cause,—nor simply because he stands before the country as a champion of national independence—although there is no holier or higher cause in which man can be engaged than that; but because he comes here the representative of a principle heretofore almost peculiar to our own institutions. The case of Hungary is the case of a sovereign independent State united with other States under one common executive for limited and specific purposes, that sovereign State reserving her own rights, and Louis Kossuth stands here before the country, the first European that ever stepped upon our shores, the champion of State rights. It is that principle which he personifies, and no other man ever came from the Old World that could be said to personify it. That is the highest claim which he has upon my regard, and, as I believe, upon the regard of the civilized world. What was the case of Hungary for several hundred years? She had constituted a part of a confederated Empire—she had had her own rights and guarded them with jealous care, and she had her separate State independence and sovereignty, which perished through the encroachments of the central power—a power created originally under express limitations. If this Republic shall go the downward path which every republic has gone whose history has been written, from what cause will it perish? I stand here to welcome Louis Kossuth because I love this Union and pray that it may be eternal; but I see in this Government a symptom of mortality, and what is it? If this Government shall perish, it

will perish by the encroachments of the central power upon the reserved rights of the separate States. And here stands a man whose whole life has been devoted to the vindication of State rights against consolidation and centralization. That is the principle he embodies, and it is for that we should welcome him here, if we welcome him at all—as I trust in God we shall do cheerfully and with our whole hearts.

Now, what is the reason why liberty has been impossible in Europe from the earliest times down to the present day? Simply because they have had no contrivance there for dividing the powers of the Government among many different administrations. How was it that that great man—the apostle of liberty in two worlds—and his compatriots failed to establish constitutional government in France? Why is constitutional liberty impossible now in France? For one reason, and one only; and that is, because all the powers of the Government are intrusted to one central power. And that power must of necessity be altogether too strong for liberty to exist anywhere.

And, sir, when I see here in this country the universal tendency of power to attract to itself power; when I see that there must, some day or other, come up the question, Shall this cluster of Republics cease to be a cluster of Republics? Shall it become a national Government? When I see a party sometimes calling itself national, because it carries national powers further than other men are disposed to carry them; when I see such tendencies—I allude not to the present time particularly, but to different periods since the foundation of our Government—when I see that that is the great danger against which every man in this country ought to contend who desires the preservation of our institutions; and when I see here a man who has devoted his life, his energies, his genius—a genius which I will not now pause to characterize, for I trust all around me appreciate it as I do—a man who has devoted all the powers that God has given him to the single purpose of defending the institutions and independence of his country against the central power of her Federal Government, I ask myself, is it possible that any man who sees in the rights of the several States the bulwark and safeguard of our liberties, can for a moment hesitate to welcome such a man? The mystery is to me incomprehensible. I confess I cannot fathom it; and nothing that I have yet heard in the debate upon this floor has given me any assistance in understanding what is at the bottom of this unwillingness to welcome our brother, our friend, our copatriot in the defence of that great principle which lies at the foundation of all our institutions.

If, sir, Louis Kossuth had not been brought here in a government ship—if he had come in his own vessel, at his own expense—if he had never been heard of except as the champion of the principle which I have already specified—that alone would have been claim enough on me. And when such a man has been brought here at the national expense, are we to stand parleying while he is at the door, and debating whether we will let him in or shut him out? What new light have we on this subject? Are we to say that by admitting Louis Kossuth we sanction all the opinions that he has ever uttered? If that be so, we never should have invited him here. He had uttered a good many opinions before he came to this country in which I for one could not agree with him. But I say that we must take the man as the glorious representative of a glorious cause. As such we can take him to our hearts, differ from us as he may on a great variety of questions, and important questions, too, that may arise. All honest men, having sound intellects, do differ. When I find two men agreeing precisely in opinion, I take it for granted that they are either both fools, or that one of them is a fool and is controlled by the other. This man has a right to his own opinions. Let him express them, and express them fearlessly. I do not say by my vote that I indorse any of his opinions. I simply say that I glory in welcoming to America the peculiar champion of the great principles of American institutions.

With this exposition I am willing that my vote shall go forth to the country; and whatever course Kossuth may hereafter take, I shall not feel that I have reason to regret that vote.

Mr. EWING. I am gratified to have the opportunity of making a brief explanation (and I promise it shall be nothing more) of the vote which

I shall give upon this resolution. The gentleman from Ohio [Mr. CARTER] will observe the inconsistency in which his own position upon this subject involves him, when he speaks of our being committed to this act by steps heretofore taken, upon this ground calls upon us to adopt the resolution now before us, and yet tells us we cannot possibly be committed to anything further by what we are now to do.

It seems to me, sir, that the time has already come when we should stop and inquire how much further we are to go. If we are committed, first by the offer of a vessel under a misunderstanding, to extend a national welcome, and then by this welcome forced to lavish these extraordinary honors upon this individual, patriot though he be, and unsatisfied with the hospitality so liberally extended by the people, to turn this great council-house of the nation into a reception room, we have a right to stop, and before we go further to demand whither we are tending, and how much further we are to be driven on and on, and on, by the consequences of one act to the perpetration of another. He tells you with sufficient plainness, his view of the matter, and we owe Mr. Kossuth—I ask his pardon if I do him injustice in denying him a title—we owe him a debt of gratitude for his candor. He has proclaimed over this land, that if we are once committed to say to Russia, in diplomatic phrase, as has been proposed already by some gentlemen on this floor, that we will not be indifferent to a second interference on her part; and if she does not subvert her whole policy in deference to our protest, we must then go to war, or be degraded before the eyes of the civilized world! Startling commentary upon this new doctrine of precedents and commitments!

It is said that he comes here as the representative of State-rights doctrines. I much fear me the gentleman from Massachusetts, [Mr. RANTOUL] who has just taken his seat, has learned that doctrine too recently fully to appreciate or comprehend it. State-rights doctrines! Let me ask those gentlemen, who have hitherto complained of the encroachments of the Federal Government in the exercise of implied and doubtful powers—who have complained of the latitudinarian construction of the Constitution—whether the teachings of Louis Kossuth are in conformity with a strict construction of that instrument?—which, as much as he may despise the political philosophy of its framers, tells us, in language too plain to be mistaken, that it was formed “to secure the blessings of liberty to ourselves and our posterity,” not to Hungary or any other people on earth. Let me ask those gentlemen who have been so much shocked at the idea of expending two or three pitiful millions in the improvement of the navigation of our streams, where they find the power for the expenditure of untold millions in a scheme of knight-errantry to redress the wrongs of every oppressed people, and if of every people, of course of every oppressed individual upon the face of this broad earth? Every subject of Austria has rights as sacred as those of her Hungarian subjects, and have, too, many of them, struggled to assert them. Without kinship, with no ties of relationship, we are called upon to go to the extreme boundaries of civilization, even to the borders of barbarism itself, upon a crusade in the cause of liberty, while tens of thousands of us, American citizens with Irish blood flowing in our veins, have looked idly, passively, inactively on while Great Britain has denied those sacred rights to Ireland. But in this new crusade the Crescent and the Cross are to be united in the same cause! Those banners which are floating in so strange a combination over our great capitals, which are kissing each other in so new and extraordinary a friendship, are no more to flout defiance at each other, as they have hitherto done upon so many a battlefield; but the Union Jack and the Stars and Stripes, the Crescent and the Cross, are henceforth to march side by side in the van of the armies of Liberty! In this reunion of the ancient oppressor and the revolted colonies, we might well inquire who is to be the annexer and who the annexed? We should not be over confident in our own past success, for the conqueror of India and of Canada, upon whose dominions the sun never sets, may with some reason boast her greater proficiency in this rival art. What new developments are to be made, sir, in our relations with the world? what new system to be built up on the ruins of the ancient policy of

our fathers? Again I ask, whither are we tending, and to what point are we to be driven?

Mr. ORR. I move that the committee do now rise.

Cries of "Oh no!" "Oh no!"

The question was taken, and 55 rose in the affirmative.

Mr. CARTTER demanded tellers, which were ordered; and Messrs. BRIGGS and WILDRICK appointed.

The question was then taken, and the tellers reported—ayes 81, noes 60.

So the motion prevailed.

The committee accordingly rose, and the Speaker, having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and had come to no conclusion thereon. [Laughter.]

Mr. FICKLIN. I rise to a question of order. I make this point. It is the duty of the chairman of the Committee of the Whole on the state of the Union to report the facts as they existed in the committee. Now, a resolution was introduced and debated in that committee, and various amendments were proposed; and I submit with all due deference to the chairman of the committee, [Mr. JONES,] that he should have reported the introduction of that resolution to the House.

Mr. JONES, of Tennessee. I concur fully with the gentleman from Illinois [Mr. FICKLIN] in the position he has assumed, that the chairman of the Committee of the Whole should report the state of the facts as they occurred to the House. But I tell you and the House that I have reported the facts. I say that the Committee of the Whole on the state of the Union always have the state of the Union generally under consideration; and further, that the chairman of that committee never makes a report of anything unless something is done. When you, Mr. Speaker, called him to the chair this morning, the first business in order on the calendar was the message of the President of the United States, which had been referred to that committee, and a resolution had been introduced in relation to it by the gentleman from Alabama, [Mr. Housen.] If that resolution had been adopted, your chairman would have reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the annual message of the President of the United States, and had come to no conclusion thereon. He would have said nothing about the resolution which had been adopted, or any resolution which had been introduced. He would have made no reference to anything which had not been referred to it by the House. I take it that the chairman of the committee can make no other report without the special instruction of that committee.

The SPEAKER. The Chair will state to the gentleman from Illinois [Mr. FICKLIN] that he sees no good reason for impugning the motives of the chairman of the Committee of the Whole on the state of the Union. He thinks the report made to the House was a correct one.

Mr. FICKLIN. I do not want to embarrass the Chair, nor do I desire to make any reflection upon the honorable chairman of the Committee of the Whole on the state of the Union. But I make the suggestion, that when the House go into the Committee of the Whole upon the state of the Union, they go there for the consideration of a particular bill, and I think the chairman should make his report in relation to that bill.

Mr. CLINGMAN. There is nothing now before the House. I move the usual resolution stopping debate on the Kossuth resolution in half an hour after the House shall have again resolved itself into Committee of the Whole on the state of the Union; and upon that motion I call for the previous question.

Mr. MILLSON. I move that when this House adjourns it adjourn to meet on Friday next.

Cries of "No! no!"

The question was then put, and the motion was not agreed to—ayes 53; noes not counted.

Mr. ORR moved that the House do now adjourn.

Mr. KING, of New York, demanded the yeas and nays; which were ordered; and the question being taken, there were—yeas 90; nays 57, as follows:

YEAS—Messrs. Abernethy, Aiken, Allison, John Appleton, William Appleton, Ashe, Averett, Thomas H. Bayly, Barrere, Bocock, Bowne, Brenton, Brooks, Albert G. Brown, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Churchwell, Clark, Cobb, Cullom, George T. Davis, Disney, Dockery, Dunham, Edmundson, Ewing, Ficklin, Fitch, Henry M. Fuller, Thomas J. D. Fuller, Gentry, Gilmore, Goodenow, Gorman, Grey, Hall, Harper, Isham G. Harris, Sampson W. Harris, Haven, Hebard, Hendricks, Hillyer, Howard, John W. Howe, Thomas M. Howe, Jackson, Andrew Johnson, James Johnson, Robert W. Johnson, George W. Jones, George G. King, Landry, Letcher, Lockhart, Humphrey Marshall, Martin, Mason, McDonald, McMullin, Meacham, Miller, Millsen, Miner, John Moore, Morehead, Murphy, Olds, Orr, Porter, Powell, Richardson, Savare, Schermerhorn, Scudder, Scurry, Origen S. Seymour, Smith, Snow, Stanley, Benjamin Stanton, Alexander H. Stephens, Taylor, Wallace, Watkins, Addison White, Williams, and Yates—90.

NAYS—Messrs. Willis Allen, Bartlett, John H. Boyd, Briggs, Buell, Joseph Cable, Carter, Chapman, Cleveland, Clingman, Conger, John G. Davis, Dean, Doty, Durkee, Edgerton, Florence, Floyd, Fowler, Gaylord, Giddings, Green, Grow, Hascall, Horsford, John Johnson, Daniel T. Jones, Preston King, Mann, Molony, Newton, Penscoe, Penningman, Perkins, Robie, Robinson, Sackett, Schoonmaker, David L. Seymour, Skelton, Smart, Frederick P. Stanton, Richard H. Stanton, Stratton, Stuart, Sutherland, Sweetser, George W. Thompson, Thurston, Townshend, Tuck, Walbridge, Walsh, Ward, Washburn, Welch, and Wildrick—57.

So the motion prevailed, and the House adjourned.

PETITIONS, &c.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BROWN, of Mississippi: The remonstrance of Ellis Henderson and 49 other citizens of Mississippi, against any extension of the grant of the public lands to the Ohio and Mobile Railroad Company which shall conflict with the interests of settlers, &c., &c.

By Mr. DISNEY: The memorial of the Chamber of Commerce of Cincinnati, asking for the erection of a marine hospital in that city.

Also, the memorial of the administrator of J. P. Wallace, deceased, in relation to Mexican indemnities.

By Mr. BRIGGS: The memorial of 70 merchants and others, of the city of New York, to refund the duty on merchandise destroyed by fire in the year 1845.

Also, for the same, memorial of the Common Council of the city of New York.

Also, for the same, resolution of the Chamber of Commerce of the city of New York.

By Mr. WALBRIDGE: The petition of Moses Barker and 51 other citizens of Danby, in the county of Tompkins, New York, for a mail route from Ithaca, in the county of Tompkins, to Spencer, in the county of Tioga, through West Danby.

Also, the petition of Homer Muck and 121 other citizens of Ithaca, for same mail route.

Also, the petition of N. T. Gary and 43 other citizens of Spencer, for same mail route.

Also, the petition of Tamza Smith, for relief.

By Mr. TAYLOR: The memorial of Charles D. Arfiedson, asking remuneration for his services as Charge d'Affaires ad interim at the Court of Stockholm.

By Mr. MEACHAM: The petition of O. A. Burton, President of Champlain Transportation Company, and others, for a light-house on Lake Champlain.

By Mr. TAYLOR: The petition of Adonijah Crane and 96 others, citizens of Scioto and Adams counties, Ohio, praying Congress to establish a post route from Lucasville, in Scioto county, to Locust Grove, in Adams county, Ohio.

By Mr. WRIGHTMAN: The memorial of the Council and House of Representatives of the Territory of New Mexico, praying the enactment of a law providing for geological and mineralogical surveys of said Territory.

Also, the memorial of the Legislative Assembly of the Territory of New Mexico, asking for said Territory a grant of \$50,000 to enable it to open a wagon road from Santa Fe to the valley of Taos.

Also, the memorial of the Legislative Assembly of the Territory of New Mexico, praying the relinquishment to said Territory of all the right, title, and interest the United States may have to certain lots and houses in the city of Santa Fe.

By Mr. RISSELL: The memorial of J. L. Collins, praying that the benefits of the bounty land law of September 28, 1850, may be extended to the volunteers raised in New Mexico, in 1849, by Colonel Washington.

By Mr. SCUDDER: The petition of Willis Hawes and others, citizens of Massachusetts, for a survey and appropriation for a breakwater at Dennis, in Barnstable bay.

Also, from the files of the House, the petition of Job Chase and others, for the location of a light-boat on Kellpond bar in the Vineyard Sound.

Also, from the files of the House, the petition of Andrew Harwood, of Bristol county, Massachusetts, for a pension on account of wounds received and services performed in the Mexican war.

HOUSE OF REPRESENTATIVES.

• WEDNESDAY, December 31, 1851.

The House met at twelve o'clock, m.

The Journal of yesterday was read and approved.

RECEPTION OF LOUIS KOSSUTH.

Mr. STANLY. I rise to a question of order upon the proposition offered yesterday by my colleague, [Mr. CLINGMAN,] to stop debate in the Committee of the Whole on the state of the Union

in half an hour after we shall again go into such committee. I beg leave to call the attention of the Chair and the House to the 136th rule. That rule provides that whenever any bills are referred to the Committee of the Whole by the House, the House may, according to that rule, discharge the committee from the further consideration of them after acting without debate on all amendments pending, and that may be offered. The rule contemplates only bills referred to the committee on the part of the House. This resolution relates to no bills, nor to any action upon a bill referred to the committee by the House. And I submit that if Mr. Kossuth comes in this House at all, he should not come here by force of any gag resolution.

The SPEAKER. The gentleman will remember that the resolution before the House is not debatable; and further, that no question of order arising out of that proposition can be debated.

Mr. STANLY. I only rise to make an inquiry of the Chair. I wish to state my point of order so that the Chair may understand it.

The SPEAKER. I did not intend to interrupt the gentleman in stating his point of order. I desire to give him every reasonable facility for doing so.

Mr. STANLY. I wish to have my point of order understood; and if I succeed in doing so, I will acquiesce in the decision of the Chair.

The SPEAKER. The rule to which the gentleman refers, does not in terms specify resolutions. But it has been the uniform practice under that rule to consider in Committee of the Whole, not only bills, but also resolutions, the President's messages, and whatever other matter may have been referred to it by the House. The Chair would refer the gentleman from North Carolina [Mr. STANLY] to an authority contained in the Journals of the last Congress, directly to the point, which the Clerk will read to the House. The debate upon the President's message, in that case, was stopped by a resolution similar to this one now before the House.

Mr. BAYLY, of Virginia. The Speaker can only know what has transpired in the Committee of the Whole House upon the state of the Union, from the report of the chairman of that committee. That chairman did not report that the President's message was under consideration, and he could not have so reported, for such would not have been the facts in the case.

Mr. GIDDINGS. Is there an appeal from the decision of the Chair?

The SPEAKER. It is the opinion of the Chair that the resolution introduced by the gentleman from North Carolina [Mr. CLINGMAN] is in order. [Great confusion in the Hall.]

Mr. STEPHENS, of Georgia. I call for the reading of the resolution.

Mr. STANLY. I do not understand the decision of the Chair. I did not hear a word of it.

The SPEAKER. The Chair decides that the resolution is in order.

Mr. STANLY. I did not understand the Chair as giving any reasons for such decision.

The SPEAKER. The Chair stated that it had been the practice of the House, under the 136th rule, for the Committee of the Whole on the state of the Union to consider not only bills, but also resolutions, and whatever else may have been referred to it by the House.

Mr. STANLY. I would like to hear of a case in point establishing such a practice. I never heard of it before.

The SPEAKER. The Clerk will read from the Journals.

The Clerk then read the authority referred to by the Speaker, from the House Journal of the second session of the Thirty-first Congress, on page 33, as follows:

"Resolved, That the debate in the Committee of the Whole on the state of the Union, on the President's message, shall cease in five minutes after the committee shall again resume the consideration of the same, (if the committee shall not sooner come to a conclusion upon the same,) and the committee shall then proceed to vote on such propositions as may be pending, or offered, in reference to the same; and shall then report it to the House, with such propositions as may have been agreed to by the committee."

Mr. STANLY. How did the Kossuth resolution get before the committee? It has not been referred to it by the House.

The SPEAKER. The President's message was before the Committee of the Whole on the

state of the Union, and it makes direct reference not only to Kossuth, but to his arrival here, and the manner of his reception by this House.

Mr. STEPHENS. I call for the reading of the resolution submitted by the gentleman from North Carolina [Mr. CLINGMAN] referred to.

Mr. STANLY. That resolution does not cover the case in point.

The Clerk read the resolution, as follows:

Resolved, That all debate in the Committee of the Whole House on the state of the Union, upon so much of the President's message as relates to Louis Kossuth, shall terminate in one half hour after the committee shall again resume its consideration, (if the committee shall not sooner come to a conclusion on the same,) and the committee shall then proceed to vote on such propositions as may be pending, or offered, in reference to the same: and shall then report it to the House, with such propositions as may have been agreed to by the committee.

Mr. STANLY. And this resolution stops the debate in the Committee of the Whole on the state of the Union, when that part of the message which refers to Kossuth comes under consideration.

The SPEAKER. It does; and the Chair decides that the resolution is in order.

Mr. JONES. I appeal from that decision.

Mr. BAYLY, of Virginia. I wish to make an additional point of order. It is this: we cannot stop debate upon a part of the President's message any more than we can upon a section or part of a bill.

Mr. KING, of New York. I call the gentleman to order.

The SPEAKER. Debate is not in order.

Mr. JONES. It is difficult to state a point of order; my object in taking an appeal is not upon the ground that a resolution to stop debate upon the President's message is not in order, but upon the ground that you cannot stop debate upon one part of that document and not upon the remainder.

The SPEAKER. The Chair overrules the point of order taken by the gentleman from Tennessee.

Mr. JONES. Then I appeal from that decision of the Chair, and upon that question I ask the yeas and nays.

Mr. RICHARDSON. I desire that the rule may be read which authorizes the stopping of debate in a Committee of the Whole.

The 136th rule was then read, as follows:

"The House may, at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union—January 25, 1848—from the further consideration of any bill referred to it, after acting without debate on all amendments pending, and that may be offered.—March 11, 1844.

Mr. TUCK. I move that the appeal taken by the gentleman from Tennessee [Mr. JONES] be laid upon the table.

Mr. JONES, of Tennessee. I call the yeas and nays upon the motion.

The yeas and nays were ordered.

Mr. GIDDINGS. I wish to inquire of the Chair if it has not been the uniform practice of this body, that when we have arrived at a conclusion upon one resolution touching any one portion of the President's message, to report that to the House before the other parts of the message have been disposed of, and without reference to them?

The SPEAKER. The Chair has stated to the House, that it has been the practice of this body to pursue the course now proposed by the resolution. There can be no doubt about it.

Mr. STEPHENS, of Georgia. The Chair states that it is the practice of the House to do what is now proposed to be done. I ask the Chair if any instance can be given, by any member upon this floor, when the House has, by such a resolution as this, discharged the Committee of the Whole from the consideration of any separate portion of the President's message?

The SPEAKER. The Chair is not aware of any practice upon that particular point.

Mr. STEPHENS, of Georgia. The Chair stated that such was the practice.

Mr. TAYLOR. I wish to inquire of the Speaker what would be the effect of laying the appeal upon the table? Whether it would cut off all further debate upon the resolution?

The SPEAKER. The effect will be to sustain the decision of the Chair. The question is upon laying the appeal on the table; upon which motion the yeas and nays have been ordered.

The question was then taken, and the appeal was laid upon the table—yeas 91, nays 65; as follows:

YEAS—Messrs. Willis Allen, Allison, John Appleton, Babcock, Bartlett, Bissell, John H. Boyd, Breckenridge, Briggs, Buell, Burrows, Busby, Joseph Cable, Carter, Chapman, Chastain, Cleveland, Clingman, George T. Davis, John G. Davis, Dean, Disney, Doty, Eastman, Edgerton, Ficklin, Florence, Floyd, Fowler, Thomas J. D. Fuller, Gaylord, Gentry, Giddings, Gilmore, Gorman, Green, Grow, Hascall, Hendricks, Henn, Horstford, John W. Howe, Thomas M. Howe, Ingersoll, Ives, John Johnson, Daniel T. Jones, Preston King, Kuhns, Letcher, Mace, Mann, Mason, McDonald, Meacham, Melony, Nabers, Newton, Peaslee, Peim, Pennington, Perkins, Riddle, Robie, Robinson, Sackett, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Stone, Stratton, Stuart, Sutherland, Sweetser, George W. Thompson, Thurston, Townsend, Tuck, Walbridge, Walsh, Ward, Washburn, Welch, Addison White, and Wildrick—91.

NAYS—Messrs. Aiken, William Appleton, Ashe, Averett, Thomas H. Bayly, Barrere, Bell, Bocoek, Bowne, Brenton, Brooks, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Churchill, Clark, Cobb, Conger, Cullom, Dockery, Dunham, Edmundson, Fitch, Gendow, Hall, Hammond, Harper, Isham G. Harris, Sampson W. Harris, Haven, Hebard, Hillier, Hunter, Jackson, Andrew Johnson, James Johnson, Robert W. Johnson, George W. Jones, George G. King, Landry, Lockhardt, Humphrey Marshall, McMullin, Miller, Millson, Miner, John Moore, Morehead, Murphy, Olds, Orr, Porter, Powell, Schermerhorn, Seury, Smith, Stanly, Alexander H. Stephens, Taylor, Venable, Wallace, Watkins, Wilcox, Williams, and Yates—65.

So the decision of the Chair was sustained.

The question then recurred upon the adoption of the resolution.

Mr. CAMPBELL, of Ohio. I would inquire if it is in order to move an amendment?

The SPEAKER. It is in order.

Mr. CLINGMAN. I would remind the Chair that I moved the previous question, on yesterday, on the adoption of the resolution to close debate.

The SPEAKER. The Chair's recollection is that the previous question was demanded by the gentleman.

Mr. STEPHENS, of Georgia. I call for the reading of the Journal, to see if it was or not; because my recollection was the other way. But I will be governed by the Journal.

Mr. CLINGMAN. I remember the fact. I do not know how the Journal is.

The SPEAKER. The Chair recollects that the gentleman made such a motion.

Mr. STEPHENS, of Georgia. I paid strict attention to the reading of the Journal, and it does not state the fact. I rely upon the Journal, and it corroborates my recollection.

Mr. CLINGMAN. I know I made the motion.

Mr. STEPHENS. I will ask the Speaker if there is any record of it?

The SPEAKER. The Chair will state his recollection of the proceedings. There was a good deal of confusion at the moment. The gentleman from North Carolina [Mr. CLINGMAN] offered the resolution, and, according to the recollection of the Chair, called for the previous question. The gentleman from South Carolina [Mr. Orr] then moved that when the House adjourned, it should adjourn till Friday next. Another gentleman moved that the House adjourn. The Chair first put the question upon the adjournment to Friday, and it was voted down; then upon the adjournment, which motion was carried, and the House adjourned. But previous thereto, upon the introduction of the resolution, the gentleman from North Carolina [Mr. CLINGMAN] arose to a question of order, in regard to which the Chair replied he would be heard after the motion was disposed of upon the adjournment.

The Chair did not state to the House the demand made for the previous question, the other matters intervening; but it is his recollection that the gentleman from North Carolina [Mr. CLINGMAN] demanded it.

Mr. GENTRY here read an extract from the report of yesterday's proceedings as published in the "Globe." The extract is as follows.

"Mr. CLINGMAN. There is nothing now before the House. I move the usual resolution stopping debate on the Kossuth resolution in half an hour after the House shall have again resolved itself into Committee of the Whole on the state of the Union; and upon that motion I call for the previous question."

The SPEAKER. That is the recollection of the Chair.

Mr. GENTRY. The Journal is subject to correction.

The SPEAKER. Upon this resolution the previous question is demanded.

Mr. CAMPBELL, of Ohio. I do not consider the newspaper as any authority at all. I would inquire if it is not necessary that there should be a motion to amend the Journal, so as to show that the previous question was demanded, before we shall be called upon to vote to second the previous question?

The SPEAKER. There is no necessity of amending the Journal.

[Cries of "I object!" "I object!" "I object!"]

The SPEAKER. The Journal can be amended; but the Chair does not regard the omission as controlling any decision which he gave. The motion does not, it is true, appear upon the Journal; but, according to his recollection, the previous question was demanded, and it is the duty of the Chair to put it. Does the gentleman appeal from the decision of the Chair?

Mr. CAMPBELL. If I understand the Speaker to decide that the demand for the previous question can now be made, as the Journal stands, without amending it, then I take an appeal.

The SPEAKER. Debate is not in order pending the demand for the previous question.

Mr. CAMPBELL. I was not debating it.

The SPEAKER. The decision of the Chair is, that the previous question was demanded by the gentleman from North Carolina, [Mr. CLINGMAN,] and that he had a right to do so.

Mr. CAMPBELL. Then I appeal from the decision of the Chair.

Cries of "Question!" "question!" "question!"

Mr. MARSHALL, of Kentucky. I have something to say upon the appeal.

The SPEAKER. No remarks are in order.

Mr. FICKLIN. I move to lay the appeal upon the table.

Mr. MARSHALL demanded the yeas and nays; and they were ordered.

Mr. CLINGMAN. I understand that the motion to correct the Journal is a privileged one, and takes precedence of all other motions, and therefore I move that the Journal be corrected in that respect.

The SPEAKER. It is not in order at this stage of the proceedings to move to amend the Journal.

Mr. JONES, of Tennessee. I merely wish to say, that there are many in this immediate neighborhood who do not know what the precise question is before the House.

The SPEAKER. The Chair will, then, state it. The Chair declares that, according to his best recollection, and about which he has no doubt, the gentleman from North Carolina [Mr. CLINGMAN] introduced his resolution upon yesterday evening, and demanded the previous question thereon. There are gentlemen upon this floor who think that the Chair is mistaken about it. The Chair has no pride of opinion or memory to gratify, as it is a question of fact, and not of parliamentary law. The Chair decides that the gentleman had demanded the previous question, having a right to do so; and it is the duty of the Chair to propound that question to the House. From that decision the gentleman from Ohio [Mr. CAMPBELL] takes an appeal.

Mr. CAMPBELL. I understand the Speaker to decide that, as the Journal stood, the question could be taken upon the demand for the previous question. I do not deny the fact, that the gentleman from North Carolina may have made the motion, but the Journal does not show it.

The point I make is this: that you cannot take a vote to sustain the demand for the previous question until the Journal is amended to show the demand. An additional point I make is this: that a motion cannot be made to amend the Journal while I have the floor, proposing to amend the resolution which is to be reported to the House.

Mr. CLINGMAN. Do I understand the gentleman from Ohio [Mr. CAMPBELL] as having resigned the floor for the purpose of having the question of order decided?

Mr. CAMPBELL. I have resigned it only for that purpose.

Mr. CLINGMAN. I must insist, according to the practice of the House, that the motion to amend the Journal must be acted upon and take precedence, though the previous question had been sustained upon a previous day and we had adjourned over. My motion is right, and will take precedence of a motion to amend this resolution,

or any other motion. It may be I am not entitled to take the floor while the gentleman from Ohio has it. The moment he sits down, if I have the floor, I may make that privileged motion; which motion must be acted upon before the House proceeds to the other question.

The SPEAKER. The Chair will decide the points in the order in which they are made. The gentleman from North Carolina [Mr. CLINGMAN] asked for the previous question on yesterday upon this resolution. The Journal does not show that fact. The gentleman from Ohio [Mr. CAMPBELL] takes the floor, and moves to amend the resolution. The decision of the Chair at the moment was, that the demand for the previous question must be put. The gentleman from Ohio now assumes that he has the floor upon the proposition to amend the resolution, and that the floor cannot be taken from him to supply defects and add to what should have been in the Journal, and in that state of things no motion can be made to amend the Journal. That is what I understand to be the proposition of the gentleman from Ohio. The Chair decides that it is competent even in that condition of things to move to amend the Journal, as he regards it as one of those privileged motions which must be put. The Chair is therefore of the opinion that the motion of the gentleman from North Carolina to amend the Journal is in order.

Mr. OLDS. I move to lay the appeal upon the table.

Mr. STEPHENS, of Georgia. Can I rise and deprive a member of the floor, to make a privileged motion? I cannot take the floor from him and move an adjournment as a privileged motion, or to bring a question of privilege before the House.

The SPEAKER. The gentleman from Ohio [Mr. CAMPBELL] was not entitled to the floor at all, the previous question having been demanded. It is moved to lay upon the table the appeal now taken by the gentleman from Ohio, for it has changed its character somewhat.

Mr. WILLIAMS demanded the yeas and nays; and they were not ordered.

Mr. CABELL, of Florida, called for tellers on the yeas and nays; which were ordered, and Messrs. STONE, and STEPHENS of Georgia, appointed.

The count was made, and the yeas and nays were ordered.

The SPEAKER. The Chair will again state the point of order upon which the appeal has been taken. The question is simply this: that the gentleman from North Carolina [Mr. CLINGMAN] had a right to move to amend the Journal. The gentleman from Ohio [Mr. CAMPBELL] appeals from the decision of the Chair. The motion is now made to lay that appeal upon the table, and upon that motion the yeas and nays are ordered.

Mr. CABELL. I desire to be informed as to the point of order, and if I am mistaken, I desire to be corrected. The Chair has decided, that while one member had the floor, another member had the right to move to amend the Journal.

The SPEAKER. The Chair has made no such decision; for, if the demand for the previous question was pending, the gentleman from Ohio [Mr. CAMPBELL] had no right to the floor.

Mr. CABELL. The gentleman from Ohio was upon the floor, and was recognized by the Chair.

The SPEAKER. He had no right to it.

Mr. CABELL. He was recognized by the Chair.

The SPEAKER. Gentlemen will preserve order.

The question was then taken on laying the appeal upon the table, and it was decided in the affirmative—yeas 109, nays 41; as follows:

YEAS—Messrs. Aiken, Willis Allen, Allison, John Appleton, William Appleton, Ashe, Averett, Bartlett, Bell, Bissell, Bowne, John H. Boyd, Bragg, Breckenridge, Brenton, Briggs, Buell, Burrows, Busby, Joseph Cable, Carter, Chapman, Chastain, Clark, Cleveland, Clingman, Cobb, Conger, George T. Davis, John G. Davis, Dean, Doty, Durkee, Eastman, Edgerton, Ficklin, Florence, Floyd, Fowler, George W. Fuller, Gorman, Green, Grow, Hall, Sampson W. Harris, Hascall, Hendricks, Henn, Hillyer, Horsford, John W. Howe, Humphreys, Ingersoll, Ives, Johnson, Daniel T. Jones, Preston King, Kuhns, Letcher, Lockhart, Mace, Mann, McDonald, McMullin, Meacham, Milson, Miner, Molony, Nabers, Newton, Olds, Orr, Peaslee, Penn, Pennington, Perkins, Powell, Richardson, Riddle, Robie, Robinson, Sackett,

Schermerhorn, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Frederick P. Stanton, Richard H. Stanton, Stone, Stratton, Stuart, Sutherland, Sweetser, George W. Thompson, Thurston, Townsend, Tuck, Walbridge, Wallace, Ward, Washburn, Welch, Addison White, Wildrick, and Yates—109.

NAYS—Messrs. Babcock, Thomas H. Bayly, Barrere, Bocoek, Bowie, Brooks, E. Carrington Cabell, Caldwell, Joseph P. Campbell, Lewis D. Campbell, Churchwell, Cullom, Disney, Dockery, Dunham, Grey, Hammond, Harper, Isham G. Harris, Haven, Hebard, Hunter, Andrew Johnson, George W. Jones, Landry, Humphrey Marshall, Martin, Miller, Morehead, Murphy, Porter, Savage, Scurry, Smith, Stanly, Benjamin Stanton, Alexander H. Stephens, Taylor, Venable, Walsh, Watkins, Wilcox, and Williams—41.

So the appeal was laid upon the table.

The question recurring upon Mr. CLINGMAN's motion to amend the Journal; and being taken, it was decided in the affirmative.

So the Journal was ordered to be so amended.

ADJOURNMENT UNTIL SATURDAY.

Mr. JONES, of Tennessee. I desire to make a privileged motion. To-morrow is New Year's day; I see that there are to be a great many houses open, and members will doubtless be visiting them, and perhaps they will not be in a very good condition for business the day after. I therefore move that when the House adjourns to-day, it adjourn to meet on Saturday next.

Mr. TUCK. Will not the resolution to adjourn till Saturday be quite as much in order after the adoption of the Kossuth resolution as it is now?

The SPEAKER. The Chair will decide that question when it arises properly.

Mr. FOWLER demanded the yeas and nays; which were ordered; and the question being taken, it was decided in the negative—yeas 74, nays 89; as follows:

YEAS—Messrs. Aiken, John Appleton, William Appleton, Ashe, Averett, Thomas H. Bayly, Barrere, Bell, Bocoek, Bowie, Bragg, Brooks, Brown, Burrows, Busby, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Churchwell, Cullom, George T. Davis, Disney, Dockery, Dunham, Edmundson, Fitch, Florence, Henry M. Fuller, Thomas J. D. Fuller, Gentry, Goodenow, Green, Hall, Hammond, Isham G. Harris, Sampson W. Harris, Haven, Hebard, Hillyer, Hunter, Jackson, James Johnson, George W. Jones, Kuhns, Lockhart, Mace, Humphrey Marshall, Martin, McMullin, Miller, Milson, Miner, John Moore, Morehead, Murphy, Nabers, Olds, Orr, Powell, Richardson, Riddle, Savage, Schermerhorn, Scurry, Smith, Stanly, Richard H. Stanton, Alexander H. Stephens, Sutherland, Taylor, Venable, Wallace, Wells, and Williams—74.

NAYS—Messrs. Willis Allen, Allison, Babcock, Bartlett, Bissell, Bowne, John H. Boyd, Breckenridge, Brenton, Briggs, Buell, Joseph Cable, Carter, Chapman, Chastain, Clark, Cleveland, Clingman, Cobb, Conger, John G. Davis, Dean, Doty, Durkee, Eastman, Edgerton, Ficklin, Floyd, Fowler, Gaylor, Giddings, Gilmore, Gorman, Grey, Grow, Harper, Hascall, Hendricks, Henn, Horsford, John W. Howe, Thomas M. Howe, Ingersoll, Ives, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George G. King, Preston King, Letcher, Mace, McDonald, Meacham, Molony, Newton, Peaslee, Pennington, Perkins, Robie, Robinson, Sackett, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Frederick P. Stanton, Stone, Stratton, Stuart, Sweetser, George W. Thompson, Thurston, Townsend, Tuck, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Addison White, Wilcox, Wildrick, and Yates—89.

So the motion was not agreed to.

The question then recurring upon seconding the demand for the previous question.

Mr. STEPHENS, of Georgia, demanded tellers; which were ordered, and Messrs. STEPHENS of Georgia, and RICHARDSON were appointed.

The question was then taken, and the tellers reported—ayes 89, noes 48.

So the previous question received a second.

The main question, viz: on the adoption of Mr. CLINGMAN's resolution to close debate, was then ordered.

Mr. HARRIS, of Tennessee, moved to lay the resolution on the table, and called for the yeas and nays.

The yeas and nays were ordered; and the question being taken, it was decided in the negative—yeas 56, nays 100; as follows:

YEAS—Messrs. Abercrombie, Aiken, Ashe, Averett, Thomas H. Bayly, Barrere, Bocoek, Bowie, John H. Boyd, Bragg, Brooks, Albert G. Brown, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Churchwell, Clark, Cullom, Dockery, Dunham, Edmundson, Ewing, Fitch, Hall, Hammond, Harper, Isham G. Harris, Sampson W. Harris, Haven, Hebard, Hillyer, Jackson, Andrew Johnson, James Johnson, George W. Jones, Landry, Humphrey Marshall, Martin, McMullin, Milson, Moore, Morehead, Murphy, Orr, Powell, Savage, Scurry, Smith, Stanly, Alexander H. Stephens, Taylor, Venable, Wallace, Watkins, Wilcox, and Williams—56.

NAYS—Messrs. Willis Allen, Allison, John Appleton, William Appleton, Babcock, Bartlett, Bell, Bissell, Bowne, Breckenridge, Brenton, Briggs, Buell, Burrows, Busby, Joseph Cable, Carter, Chapman, Chastain, Cleveland,

Clingman, Cobb, Conger, George T. Davis, John G. Davis, Dean, Disney, Doty, Durkee, Eastman, Edgerton, Ficklin, Florence, Floyd, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gaylor, Gentry, Giddings, Gilmore, Gorman, Green, Grey, Grow, Hascall, Hendricks, Henn, Horsford, John W. Howe, Thomas M. Howe, Hunter, Ingersoll, Ives, John Johnson, Daniel T. Jones, Preston King, Kuhns, Letcher, Lockhart, Mace, Mann, Edward C. Marshall, Mason, McDonald, Meacham, Molony, Nabers, Newton, Olds, Peaslee, Penn, Pennington, Perkins, Porter, Richardson, Riddle, Robie, Robinson, Sackett, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Stone, Stratton, Stuart, Sutherland, Sweetser, George W. Thompson, Thurston, Townsend, Tuck, Walbridge, Walsh, Ward, Washburn, Welch, Addison White, and Wildrick—100.

So the House refused to lay the resolution upon the table.

The question recurring on the adoption of the resolution, it was taken, and decided in the affirmative—yeas 102, nays 56; as follows:

YEAS—Messrs. Willis Allen, Allison, John Appleton, Bartlett, Bell, Breckenridge, Briggs, Buell, Busby, Joseph Cable, Carter, Chapman, Chastain, Clark, Cleveland, Clingman, Cobb, Conger, George T. Davis, John G. Davis, Disney, Doty, Durkee, Eastman, Edgerton, Ficklin, Florence, Floyd, Fowler, Henry M. Fuller, Gaylor, Gentry, Giddings, Gilmore, Goodenow, Gorman, Grey, Grow, Sampson W. Harris, Hascall, Hendricks, Henn, Horsford, John W. Howe, Thomas M. Howe, Ingersoll, Ives, John Johnson, Robert W. Johnson, Daniel T. Jones, Preston King, Kuhns, Letcher, Lockhart, Mace, Mann, Edward C. Marshall, Mason, McDonald, Meacham, Molony, Nabers, Newton, Olds, Peaslee, Penn, Pennington, Perkins, Rantoul, Richardson, Riddle, Robie, Robinson, Sackett, Schermerhorn, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Stone, Stratton, Stuart, Sutherland, Sweetser, George W. Thompson, Thurston, Townsend, Tuck, Walbridge, Wallace, Walsh, Ward, Washburn, Welch, Addison White, Wildrick, and Yates—102.

NAYS—Messrs. Abercrombie, Aiken, Ashe, Averett, Thomas H. Bayly, Barrere, Bocoek, Bowie, Bragg, Brenton, Brooks, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Churchwell, Cullom, Dean, Dockery, Dunham, Edmundson, Ewing, Fitch, Hall, Hammond, Harper, Isham G. Harris, Haven, Hebard, Hillyer, Jackson, Andrew Johnson, James Johnson, George W. Jones, Landry, Humphrey Marshall, Martin, McMullin, Miller, Milson, Miner, John Moore, Morehead, Murphy, Orr, Porter, Powell, Savage, Scurry, Smith, Stanly, Alexander H. Stephens, Taylor, Venable, Watkins, Williams—56.

Mr. CARTTER moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

ADJOURNMENT UNTIL FRIDAY.

Mr. STANLY moved that when the House adjourns to-day, it adjourn to meet on Friday next.

Mr. VENABLE demanded the yeas and nays; which were not ordered.

The question was then taken on the motion, and it was agreed to, on a division; ayes 98, noes 46.

The question recurring on Mr. CARTTER's motion, it was taken, and agreed to.

So the rules were suspended, and the House resolved itself into Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

The CHAIRMAN stated the business before the committee to be the annual message of the President of the United States, in relation to which a series of resolutions had been offered by the gentleman from Alabama, [Mr. HOUSTON], and an amendment to that resolution by the gentleman from New York, [Mr. SEYMOUR].

Mr. CARTTER. I move that the committee do now take up that portion of the President's message which relates to Kossuth.

Mr. BAYLY, of Virginia. I rise to a question of order.

The CHAIRMAN. The entire message of the President is before the committee, and the only question pending is the resolution of the gentleman from Alabama and the amendment thereto offered by the gentleman from New York, [Mr. SEYMOUR].

Mr. SEYMOUR, of New York. As I had the honor of proposing that amendment to the resolution offered by the chairman of the Committee of Ways and Means, and as that gentleman is not now present, I hope, by general consent, the resolution and amendment will be passed over, and the committee will proceed to take up the resolution which was under consideration yesterday. I make that motion.

Mr. CLINGMAN. I submit this point of order: the business which was before the committee on yesterday—that is, the resolution of the

gentleman from Ohio [Mr. CARTTER]—was left unfinished, and I ask if that is not the regular business before the committee?

Mr. SEYMOUR. I insist upon my motion to lay aside the resolution of the gentleman from Alabama, [Mr. HOUSTON,] and the amendment which I had the honor of proposing to that resolution, and that we proceed to take up the resolution which was under consideration yesterday, offered by the gentleman from Ohio, [Mr. CARTTER.]

The CHAIRMAN. The Chair decides that a motion to postpone any particular part of the President's message is not in order. The President's message and resolution of the gentleman from Alabama are now regularly before the House, and the Chair thinks they cannot be postponed in part.

Mr. SEYMOUR. My amendment relates not to the consideration of the message, but to one of the specific resolutions offered by the gentleman from Alabama, [Mr. HOUSTON,] I suppose it is in order to move to postpone that, if not all the resolutions offered by the gentleman from Alabama, and take up the resolution offered by the gentleman from Ohio [Mr. CARTTER] yesterday, which relates also to the message. If the Chair decides that motion to be out of order, I shall be constrained to take an appeal from that decision.

The CHAIRMAN. The Chair is of opinion that the committee, when last in session, having had a resolution introduced which was not based upon the questions referred by the House to the committee, that it does not come up as unfinished business of a former session of the committee. The Chair is further of the opinion that the motion of the gentleman from New York, [Mr. SEYMOUR,] proposing to postpone a particular resolution to distribute the message, is not in order. The only legitimate course for the committee to pursue, the Chair thinks, is to proceed with these resolutions in the order in which they stand on the calendar.

Mr. SEYMOUR. I take an appeal from that decision.

Mr. RICHARDSON. The gentleman from New York, [Mr. SEYMOUR,] as I understand it, proposes to lay aside the resolutions introduced by the chairman of the Committee of Ways and Means and an amendment proposed by himself to one of those resolutions. Does the Chair decide that motion to be out of order?

The CHAIRMAN. The Chair decides that it is not in order to move to lay aside those resolutions unless the whole message goes with it. It is upon the same principle as when a bill is pending in the House and an amendment thereto: if a motion be made to lay that amendment upon the table, and the motion prevail, it carries with it the whole bill.

Mr. RICHARDSON. I want to make one single inquiry. The effect of the motion is to be decided hereafter. The right to make that motion has never been questioned in committee. In my opinion the Chair is clearly in error in deciding that the gentleman from New York [Mr. SEYMOUR] has not the right to make a motion to lay aside these resolutions.

The CHAIRMAN. The gentleman from Illinois [Mr. RICHARDSON] is clearly right in saying the right to make the motion has never been questioned; for if the Chair is correct, such motion has never been made in Committee of the Whole on the state of the Union. The Chair adheres to its decision. From that decision the gentleman from New York [Mr. SEYMOUR] appeals.

Mr. CLINGMAN. I made a point of order which comes up first. I desire to appeal from the decision of the Chair—if it is competent for me to do so—upon the point I made, that the business pending when the committee rose was so much of the President's message as relates to Kossuth and the resolution in regard to it. That resolution was not disposed of yesterday, and, as I understand it, comes up here as unfinished business to-day, and is the regular order. The Chair, as I understand him, decides that it does not so come up. From that decision I desire to appeal.

The CHAIRMAN. The Chair overrules the point made by the gentleman from North Carolina, [Mr. CLINGMAN,] The Chair will state further, that one of the resolutions before the committee proposes to make a reference of so much of the message as relates to Louis Kossuth. The

resolution to which the gentleman from North Carolina refers, as having been before the committee at a previous sitting, has no relation to and does not connect itself with the President's message at all.

Mr. CLINGMAN. Whether it relates to the President's message or not, it is before the committee under the Chairman's own decision. I care not whether it is connected with the message; it has come up before the committee, and stands as the unfinished business. It is upon that ground that I take an appeal from the decision of the Chair.

The CHAIRMAN. The Chair decides that the President's message, and the resolution of the chairman of the Committee of Ways and Means, are now the business before the committee. The gentleman from New York [Mr. SEYMOUR] moves to lay aside all of the message except so much as relates to Louis Kossuth, and to proceed to the consideration of that part of it. The Chair decides that the motion is not in order, and from that decision the gentleman from North Carolina [Mr. CLINGMAN] appeals.

Mr. CLINGMAN. The Chair misunderstands me. My point is, that the resolution under consideration yesterday is now the regular business before the committee. I understand the Chair decides differently. It is from that decision that I take an appeal.

The CHAIRMAN. The rules of the House prescribe the mode of proceeding in Committee of the Whole on the state of the Union; and those rules prescribe that the business shall be taken up in the order in which it is referred and stands upon the calendar. The committee cannot go back, as the Chair conceives, and take up anything as unfinished business, but must take up the business as it stands upon the calendar, as the rule prescribes.

Mr. RICHARDSON. I desire to ask a single question.

The CHAIRMAN. There is an appeal now pending which was taken by the gentleman from North Carolina, [Mr. CLINGMAN,] The question is, "Shall the decision of the Chair stand as the judgment of the Committee?"

Mr. RICHARDSON. But I desire to ask the gentleman from North Carolina [Mr. CLINGMAN] a question in relation to this very matter. I think that gentleman is clearly wrong in the point he has made. I submit to that gentleman if, when the compromise measures were before the last Congress, it was not the invariable practice of the Committee of the Whole on the state of the Union to take up the business as it stood on the calendar at each sitting and lay it aside? I think, according to the invariable practice of the committee, the course proposed by the gentleman from North Carolina is wrong; and that proposed by the gentleman from New York [Mr. SEYMOUR] is right.

Mr. GENTRY. I desire to ask one question. Did not the House this morning decide that all debate in Committee of the Whole upon the state of the Union should cease upon this resolution in a half hour after the committee commenced its session, and that the committee should proceed to vote upon this resolution? If this is so, I submit if the House has not decided these questions about which there seems to be so much difficulty?

The CHAIRMAN. The Clerk will report the resolution.

The resolution was then read, as follows:

Resolved, That all debate in the Committee of the Whole House on the state of the Union, upon so much of the President's message as relates to Louis Kossuth, shall terminate in one half hour after the committee shall again resume its consideration, (if the committee shall not sooner come to a conclusion on the same,) and the committee shall then proceed to vote on such propositions as may be pending, or offered, in reference to the same, and shall then report it to the House, with such propositions as may have been agreed to by the committee.

The CHAIRMAN. The Chair will remark, that the resolution provides for terminating the debate upon so much of the message as relates to Louis Kossuth; but the entire message is before the committee, and the resolution does not terminate debate upon any other portion of the message.

Mr. CARTTER. I wish to ask this question: I want to know whether any motion can be made which, in the judgment of the Chair, will be in order; and which will bring that portion of the

President's message relating to Kossuth before the committee?

The CHAIRMAN. If the Chairman were a member upon the floor, there are several motions which he thinks he could make in order, but he does not deem it his province to instruct gentlemen as to the proper motions to be made. It is his duty to state to the committee the business as it comes up; and the good sense and knowledge of gentlemen will certainly enable gentlemen to proceed with the business of the committee.

Mr. FICKLIN. In connection with these questions of order, I ask that the last paragraph on page 150 of the Manual, be read.

Mr. CABELL. We seem to be in the midst of great confusion. I move that the committee do now rise; and upon that motion I call for tellers.

Tellers were ordered; and Messrs. FULLER and WILLIAMS were appointed.

The question was then taken, and the tellers reported—ayes 36, noes 86.

So the committee refused to rise.

The CHAIRMAN. The question is now upon the appeal of the gentleman from North Carolina, [Mr. CLINGMAN,]

Mr. SEYMOUR, of New York. Before the question is taken, I ask of the Chair if two appeals can be taken at the same time?

The CHAIRMAN. The gentleman from North Carolina appealed from the decision of the Chair before the gentleman from New York submitted his; but it was not put to the House, and is therefore, now, the only one pending.

Mr. FICKLIN. I now ask that the paragraph in the Manual be read.

The CHAIRMAN. It will be read, if no objection is made.

A MEMBER objected.

The question now being "Shall the decision of the Chair stand as the judgment of the Committee?" tellers were demanded and ordered; and Messrs. MARSHALL of Kentucky, and ORR were appointed.

The question was then taken, and the tellers reported—ayes 36, noes 75—no quorum.

[Cries of "Call the roll!" and "Recount!"]

Mr. CLEVELAND. I call for another count.

The CHAIRMAN. Another count is called for. If there is no objection, it will be done.

[Cries "I object!" "I object!" all over the House.]

The CHAIRMAN said the roll would be called to ascertain the names of the absentees.

The roll was then called and the absentees noted. The committee rose, and the Speaker having resumed the chair, the Chairman of the Committee [Mr. JONES, of Tennessee] reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and especially the President's message; and having found itself without a quorum, caused the roll to be called, and had instructed him to report the facts to the House, with the names of the absentees.

The CHAIRMAN also stated that Mr. HOUSTON, of Alabama, is confined to his rooms by sickness, and that he had been requested to state that fact to the House.

A quorum being now present, the committee resumed its session; and the question being taken on the appeal of the gentleman from North Carolina [Mr. CLINGMAN] from the decision of the Chair, the tellers (Messrs. MARSHALL, of Kentucky, and ORR) reported—ayes 29, noes 89.

So the appeal was sustained, and the decision of the Chair overruled.

The CHAIRMAN. By this decision the committee have decided that the message of the President of the United States is not before the committee; but that the resolution introduced to the committee when last in session by the gentleman from Ohio, [Mr. CARTTER,] proposing to appoint a committee of five to receive Louis Kossuth, is before the committee; and upon that question the gentleman from Ohio [Mr. DISNEY] is entitled to the floor.

Mr. STANTON, of Tennessee. I rise to a question of order. I do not understand that the committee has decided that the President's message is not before the committee.

The CHAIRMAN. The Chair stated distinctly that the message was before the committee. The gentleman from North Carolina [Mr. CLINGMAN] made a question of order that the resolution of the

gentleman from Ohio, [Mr. CARTER,] introduced to the committee on a former occasion, was the business before the committee as unfinished business at its last session. The Chair decided against him; and from that decision an appeal was taken, and the committee overruled the Chair. The Chair is therefore constrained to say that the resolution is now before the committee as the unfinished business.

Mr. STANTON. I am not disposed to appeal from the decision of the Chair that the President's message is not a part of the question before the committee, being satisfied that the statement of the Chairman cannot alter the facts.

Mr. DISNEY. Had it been the pleasure of the House yesterday to have permitted me to speak when I first obtained the floor, I should probably then have said much, very much, in relation to the merits of the resolution before the committee, which I shall now refrain from uttering. I shall now abstain from presenting any extended views. I see around me indications too evident to allow me to doubt the propriety and, indeed, absolute necessity of action instead of debate. Influenced by considerations of this sort, and animated by a desire to bring this matter to a final decision, I will not avail myself of the privilege of discussion even to the extent which I may under the resolution, limited as it is to one half hour. I propose to trespass upon the patience of the committee but for a very brief period indeed; but I regret the conclusions to which I have been forced to come in this respect, and the mode in which circumstances will compel me to handle the subject, the less, because, independently of all other incidental questions and of the various views in which this matter may be presented, the gentleman from Tennessee [Mr. GENTRY] has in fact practically presented the entire actual question before the House for its decision. It is a wise and safe rule which teaches us that when we have one point upon which a case may be properly decided, we never should seek for another. But as I have obtained the floor, and may, under the rules, occupy the attention of the committee for a few moments, I will take the occasion, before I sit down, to utter some sentiments. It may be that they are peculiar to myself; that may be so; they are at least quite different from the general course of remark I heard yesterday uttered in this Hall—I allude, sir, to the idea of intervention. And here, once for all, let me say in advance, that intervention stalks no spectre in my path. It cannot startle me from my notions of right and wrong; but as I shall say something upon this part of the matter before I take my seat, I will, in the first place, ask leave to address myself to some of the questions of order, which I see evidently will, when this committee rises, be raised in the House for its decision. First, it is objected that this resolution is not properly before the committee. Now, every one at all familiar with parliamentary law and the history of the origin of committees, knows that all committees, of whatever character, whether special, select, or standing, have full power to act in each and every case upon such subjects as may be embraced in the general scope of the authority conferred upon them by the rule or order creating and establishing them, as well as in all other matters which may be specially referred to them by order of the House. Committees of the Whole were constituted for particular purposes. They were to relieve the legislative body from the rigor of the common laws, if I may so express myself; to place the House in its undress; to permit it to consider the subject on two different occasions—the one with freedom and with ease, unrestrained and untied down by these formal ceremonies or principles of the law; and in the other case, to consider it according to the rules and ceremonies which custom, reason, and, I may add, common sense combined, have established for the government of legislative bodies. The very essence and existence of committees of the whole are to be found in the freedom with which you can discuss and handle subjects. One attribute of all committees is, that when any particular subject may have been referred to them, they may act with regard to it, and, in the language of the law, report upon it either by bill or otherwise. Read the Manual, and you will find that when any paper or subject is referred to the committee, they may originate matter concerning it, either by resolution or by bill, and report it to the body who has appointed such committee. In truth, as I un-

derstand this matter, it seems to be conceded upon all hands, that if the subject-matter of this thing shall be fairly before the committee—that is, the subject out of which the resolution may have legitimately grown, or may legitimately grow—that then the resolution may be acted on, and properly reported to the House. That being conceded, the only question that remains for us to inquire into is simply whether there is now legally before this committee any subject-matter out of which a resolution of this sort can come? The House has decided this question. I flatter myself, if I had been heard upon this subject yesterday, that I could have convinced gentlemen that the introduction of the resolution was right, because such subject-matter did exist; but I am saved the necessity of the attempt to-day, by the decision which this House came to this morning, in relation to a resolution offered by the gentleman from North Carolina, [Mr. CLINGMAN,] by and in which you asserted and decided that so much of the President's message as relates to Louis Kossuth, was and is before this committee, and that out of it this resolution has grown. I say, that point is already decided by the resolution of the gentleman from North Carolina; but I waive all these positions. They are not necessary or essential to the decision of this question. The latitude to which I have adverted, as belonging to committees of the whole, is established and known to the law. Still you, by your usages and rules, have not been content with that, but have gone further, and created another committee of the whole, with higher and broader privileges, and less restrained in regard to the freedom of debate, or its mode and manner of procedure. You have not only a Committee of the Whole, but you have a Committee of the Whole on the state of the Union—a committee unknown to the common law, and in which you exercise a latitude of debate sanctioned by immemorial usage unknown even to those allowed even in committees of the whole.

What is your every-day practice, no matter what particular subject may be the matter pending before the committee? A gentleman rises in his place, and presents his views upon any subject within the range of human comprehension. He does not talk at all about the matter upon which he is going to vote. He is tied down by none of the rules of order as generally known to the common law. He is not put down by those motions and actions which usually govern committees of the whole. As we have been told here, the practice of the House has been to originate bills in this committee, as in the case stated by the gentleman of a bill being introduced in the committee for the admission of California. It originated in the committee, consequently in conformity to the general provisions to which I have alluded before in regard to the powers of the committee. Then, in my judgment, it is sufficient to rest this matter upon the general fact, that the Committee of the Whole upon the state of the Union, having the Union generally under consideration, and this matter pertaining to the official action of the Government—having relation to the Government as a Government—is within the scope and authority of the Committee of the Whole on the state of the Union. But I will not trespass further upon this point. Time flies rapidly. Another objection is raised, and it is, that the resolution proposes to refer a subject to the action of another committee. I apprehend that the gentlemen who read that resolution carefully will find it proposes no such thing. It does not propose that this committee shall refer any subject to the action of another committee; for I admit, in that it is well established that no committee—neither the Committee of the Whole, nor any standing or select committee—can refer a matter of which it has the charge to any other committee. Does this resolution propose to do any such thing? I apprehend not. What is that resolution when fairly and fully written out? "*Resolved by the House of Representatives, That a committee be appointed,*" &c. I know not whether the technical phraseology is in the resolution or not; but if it be there, gentlemen will discover afterwards, upon the very face of the resolution, that it does not propose that this committee shall refer this matter to another committee; but it proposes that the House shall refer this subject to the action of the proposed committee—a committee to be raised by the order of the House. This committee is only discussing

the propriety of recommending to the House this matter. But, sir, I stated, when I got up, I had no intention of trespassing long upon the attention of the committee. I feel myself, and I know that in that feeling I participate with a vast majority of the members of this House, that the committee will prefer action rather than either words or ideas.

But before I take my seat, I must say that I feel also that, in justice to myself, I ought to enter my dissent from the doctrines and opinions advanced upon this floor yesterday in reference to the reception of this distinguished person. It has been intimated that favorable action upon this poor resolution involves some matter of principle—that it will commit the House to the doctrines advanced by Louis Kossuth. I was pleased to hear the distinguished chairman of the Committee on Foreign Relations admit that, in his judgment, it involved no such committal. Nor does it. I apprehend that this is the sound conclusion to which every gentleman will come, and must come, who sits down and calmly looks over the whole matter. What are the facts before us in regard to this subject? You have invited him to your country; you have passed resolutions inviting him to your seat of Government; and now the only question before this committee to decide is, whether you will appoint a committee of a few gentlemen as a part of the arrangement to introduce him? It is objected by some that he is a foreigner, and they do not desire to be taught the doctrines of republicanism, or the true policy of our foreign relations, or the principles of our institutions of government, by foreigners. How very alarming! how well founded! But, really, is there anything to startle us from our propriety? What are the bare and naked facts? Here comes a man under the circumstances I have stated—a man who needs no eulogy from my hands. I attempt no eulogy upon Louis Kossuth. I make none. No, sir; no. No, I shall do no such silly, foolish thing. He is too far beyond my power of praise. He has written his own eulogy. He has written his name—he has written himself a MAN upon the historic page of the present age, and he has written it in the broad character of living, enduring light, which will be read as long as the history of the human race is read. He is beyond all eulogy at my hands. His fame will be perpetual, no matter what may be the action which we may take in regard to this petty resolution. I say petty, because it contemplates a ceremony involving nothing of principle, but, as the gifted gentleman from Tennessee [Mr. GENTRY] so forcibly and eloquently said, does involve somewhat of our own dignity.

It is objected that he, a stranger, comes forward and advocates doctrines gentlemen cannot assent to. Sir, he would be false to his mission, coming here to beg for his suffering and down-trodden country, if he did not seek to obtain your aid by every means and argument that the powers of his mighty intellect could suggest. Great as Louis Kossuth is, he comes here in a mightier character than even all of his own ennobling qualities can make him. He comes here as the representative of a people. It is a nation that talks to you when Kossuth speaks. Hungary appeals to you through him. Read the page of history from the earliest time, and nothing is more common than missions for assistance from one people to another. But our Government is peculiar. On the continent of Europe, where monarchies and kingly crowns exist, these missions are settled in the audience of the Prime Minister, who, under those Governments, represents the Government and the power of the nation; but we have no such government here. A man to reach this Government must appeal to the representatives of the people; and it is for this that Louis Kossuth seeks to address himself to you, and if possible, to persuade you, by every means and argument, to his convictions. Is there anything wrong in this? Is there anything indelicate in it? Is there anything in it to startle gentlemen in the fear that they may subject themselves to the charge that they were learning the doctrines of American republicanism at the hands of a foreigner? I repeat it, that he would be false to his mission if he did not seek to have an audience before you—you the representatives of this mighty Republic—and if possible, to convince you of the righteousness of his cause; to enlist your sympathy and aid in his behalf. This is his object, and for it he desires to make his appeal. Are we afraid

that he will convince us? Are we afraid that if we are convinced in the cause of human freedom, and in relation to the great rights of nations, that if we acknowledge the fact that the confession will involve some cost? And shall we shrink under such an apprehension? Such is not the temper of the American people. No one believes more sincerely and cordially than I do in the profound wisdom of the doctrines laid down by the early founders of our Government. Interference with foreign nations in our infant condition would have been unwise, so the men who formed that Government understood it, and hence the Father of his Country distinctly recommended us to avoid them. The recommendation at the time was wise, but the principle was but the principle of policy. It was, as I have said, wise, just, sound, and becoming in a nation of some three millions of inhabitants; but, sir, it would not be wise in a nation of twenty-five millions of people, with a commerce spreading itself throughout the globe, with powers hardly yet developed, but developing themselves with a rapidity which amazes and startles both. Sir, never in my life did I feel prouder of myself as an American citizen than when I read the letter of the present distinguished Secretary of State to the Austrian. It has been my lot, it may have been my misfortune, to have differed with that gentleman all my life in reference to other questions, yet I confess that my blood in my veins tingled to my finger ends under the glow of patriotic admiration as I read that specimen of noble American pride—that expression of a just consciousness of American power, as well as of American right. The records of your negotiations heretofore are marked by a creeping caution, a fear of giving offence, and a shrinking, no evidence of which you find in the letter to which I now refer, and which spoke out as became not only a Republic, but as became a nation of twenty-five millions of freemen, freemen proud of their character, and, if it please you, sir, proud, in a righteous cause, of their power, too.

Mr. WILLIAMS. With the permission of the gentleman from Ohio, [Mr. DISNEY,] I desire to ask him a question. The distinguished gentleman from Virginia [Mr. BAYLY] announced to the House yesterday, seemingly with great pleasure, that there were not twenty members in this Congress that indorsed the doctrines of Louis Kossuth. I thought then that he was mistaken, and I desire now to ask the gentleman from Ohio whether we are to understand him as indorsing the doctrines of Louis Kossuth?

Mr. DISNEY. If the gentleman will honor me by listening to my remarks, he will understand precisely where I stand.

I desire, then, to say briefly and rapidly—for I will trespass but little longer upon the committee—that, in my opinion, the day has gone by when this country may wrap itself up in its own selfishness and have nothing to do with the affairs of other nations. I regretted to hear, on yesterday, the sentiment advanced by the gentleman from North Carolina, [Mr. VENABLE,] that the nations of the earth that had no liberty, deserved to have none. God cannot love the wretch he starves.

Mr. VENABLE. The gentleman misunderstood me: I said that they were not ready for liberty.

Mr. DISNEY. My time is nearly out; I must hasten. Sir, we are a living antagonism to the despotic Governments of Europe, and they never can have peace and quiet there so long as this country exists with the prosperity and happiness with which it now exists. There is not a steam-packet which floats upon the waves of the broad Atlantic, as it bears the letters from emigrants in this country to their friends on the European continent, but carries the seeds of liberty to that continent. There is not a gale which wafts your commerce across the ocean—there is hardly a billow which breaks upon its broad bed which does not bear upon its bosom the seeds of republicanism as they are borne upon their way to Europe's despotic shores. The very pictures of happiness and prosperity existing in this country, as the emigrants here describe them, must favorably impress their friends in Europe as to the effect of republican institutions. These letters are read throughout the neighborhoods to which they are dispatched, and thus we are hourly furnishing a constant and steady supply of republican thoughts to the people of Europe. And, sir, when our institutions are having this constant effect upon

Europe, it is all idle for you to shrink back and say, that because your immediate, peculiar, and personal interests are not directly and immediately concerned, that you will not interfere. Such is not the law of nature; it is not the law of God; it is not the law which God himself has stamped upon humanity.

In our daily pursuits, how often does the sentiment to which I have adverted rise up in the bosom of every man, and tempt him to step aside and do that which the instinct of which I speak tells him is right? This country cannot wrap herself up in any such miserable, selfish policy as would refuse every generous appeal. This country has a mission to fulfill. It is a high and noble one; and though some of us may seek to postpone the hour, yet it is rolling on—destiny impels us onward, and the time must come, and will come, when our institutions will come in conflict with those of the despotic Governments of Europe. The battle must be fought. It would require no very great ingenuity to show by argument that it even may be sound policy, even in an interested and selfish point of view, to interfere when any great infraction of the laws of nations shall have been perpetrated by any of the great monarchical Governments. The laws of nations are but the laws of right, as established by common sense and sanctioned by human reason; and when these laws are violated and trampled down by the strong arm of power, it is the duty alike of nations and of individuals to protest against the outrage.

It is not necessary that I should refer here to particular cases. I have not the time. But it is both the right and duty of the Government to lay down her broad and general principles of right, and to protest against the wrong; and if the protest shall be disregarded, it will be time sufficient for the country to determine upon its course when that hour arrives and the case presents itself. But, in my humble judgment, looking to the power and the future destiny of this country, it is its bounden duty, in the position which it occupies on the theatre of the world, to protest at any and every and at all times against any and every of those terrible infractions of the laws of nations that may be and sometimes are perpetrated by the hands of power; and I would protest against them, no matter how great or formidable may be the guilty power. It does not follow as a matter of course, that because you protest against infractions of the sort, you are therefore bound to intervene with armed force upon all occasions. No, sir; you place yourself right before the world by the protest. You give the moral power of your position to the doctrines which you announce; and if the particular case does indeed require it, why then you can intervene—aye, if necessity or honor calls, intervene by force of arms. Having exhausted the time allotted to me, and thus hurriedly, rapidly, and imperfectly expressed my views, I take my seat.

Mr. CAMPBELL, of Ohio. I have not time now to reply to the remarks of my colleague, [Mr. DISNEY,] I will, however, send to the Clerk's desk an extract, which I wish to have read to the committee, from one who, though dead, yet liveth, I trust, in the hearts of his countrymen; it is from the Farewell Address of Washington.

The Clerk then read the following extract:

"The great rule of conduct for us in regard to foreign nations, is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let it stop.

"Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude, as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?"

Mr. CAMPBELL, (resuming.) No better argument can be presented by any living man, upon the proposition just made by my colleague, [Mr. DISNEY,] than the one which has been read at the desk. I do not propose now to add to it a single word. But I do desire to understand from my colleague fully and unequivocally the extent to which he proposes to go. I desire to know from him whether it is his design to advocate the doctrine of intervention, as it has been proposed by Louis Kossuth in the various speeches that he has made? I desire to know from him whether he intends to advocate the position that this Government shall declare to Russia, in the event of a struggle between Hungary and Austria, that she shall not interpose; and whether he would be prepared to back that declaration by war?

Mr. CARTER (rising to a question of order) inquired whether the half hour allowed by the resolution closing debate had not expired?

The CHAIRMAN stated that it had just expired.

The resolution and the pending amendment were then reported, as follows, viz:

Resolved, That a committee of five be appointed by the Speaker to wait upon Louis Kossuth and introduce him to the House of Representatives.

Mr. VENABLE had moved to strike out all after the word "resolved," and to insert,

"That the Speaker be authorized to invite Louis Kossuth to a privileged seat within the House."

The CHAIRMAN. The Chair thinks it proper, under the curious circumstances under which the committee is now acting, to state, that in the opinion of the Chair the resolution which was adopted in the House this morning terminating debate upon "so much of the President's message as relates to Louis Kossuth," does not apply to the resolution now under consideration. The Chair is of that opinion, because this resolution does not connect itself with the message by any language which is contained in it.

Mr. CLINGMAN. I appeal from that decision.

Several Voices. "You cannot get the floor."

Mr. CLINGMAN. I have a right to appeal.

Loud cries of "Order!" "Order!"

Mr. CAMPBELL, of Ohio. I have not yielded the floor, nor do I design to do so unless I am decided to be out of order.

The CHAIRMAN. The Chair made the point of order himself, and stated it to the House, and he thinks that gentlemen have a right to appeal. The question now is, "Shall the decision of the Chair stand as the judgment of the committee?" If the decision of the Chair shall be overruled; it will be regarded by the Chair as a decision that this resolution of the gentleman from Ohio, with the pending amendment of the gentleman from North Carolina, is before the committee, and that the resolution adopted by the House terminating debate upon so much of the President's message as relates to Louis Kossuth, should be applied to that resolution.

Mr. JOHNSON, of Tennessee. Is the appeal debatable?

The CHAIRMAN. As the question of order on which the appeal is taken grew out of a resolution to close debate, the appeal, in the opinion of the Chair, is not debatable.

Mr. ORR demanded tellers on the appeal; which were ordered, and Messrs. VENABLE and WILLIAMS appointed.

The question was then taken on the appeal, and the tellers reported—ayes 8, noes 99—no quorum voting.

Loud cries of "Call the roll!" "Call the roll!"

The roll was then called, and the absentees noted. The committee rose, and the Speaker having resumed the chair, the chairman of the committee [Mr. JONES] reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and, having found itself without a quorum, ordered the roll to be called, and instructed him to report this fact to the House, with the names of the absentees.

A quorum being now present, the committee resumed its session.

Mr. WILLIAMS. I move that the committee rise.

Mr. STEPHENS, of Georgia, demanded tellers; which were ordered, and Messrs. FOWLER and McMULLIN appointed.

The question was then taken, and the tellers reported—ayes 10, noes 95; no quorum voting.

[Cries—"Call the roll!" "Call the roll!"]

The roll was again called and the committee rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union, having again found itself without a quorum, had caused the roll to be called, and instructed him to report the facts to the House, with the names of the absentees.

Mr. SWEETSER. I rise to a privileged motion. I move a reconsideration of the vote by which this House resolved to adjourn over until Friday.

The SPEAKER. No motion is now in order under the rules and practice of this House. A quorum of the House being now present, the chairman of the committee will resume the chair.

Mr. KING, of Rhode Island. Would it be in order to move a call of the House?

The SPEAKER. No business is now in order before the House.

A quorum being now present, the committee resumed its session.

The CHAIRMAN. The question now before the committee is on the appeal taken from the decision of the Chair by the gentleman from North Carolina, [Mr. CLINGMAN.]

Mr. LETCHER. I move that the committee rise, and report the resolution offered by the gentleman from Ohio [Mr. CARTER] to the House, with instructions that it pass.

The CHAIRMAN. The motion of the gentleman from Virginia is not now in order. The question is upon the appeal taken by the gentleman from North Carolina, [Mr. CLINGMAN.]

Mr. ORR. I move that the committee rise. It is getting late.

Mr. FOWLER. I rise to a point of order. It is this: We have just taken the question upon rising, and no business has been done since. It cannot be in order to move that same question again at this time.

The CHAIRMAN. The gentleman from Massachusetts is mistaken.

Mr. MARSHALL, of Kentucky. As I understand it, the committee rose for want of a quorum while there was an appeal pending.

The CHAIRMAN. The gentleman from South Carolina moves that the committee now rise.

Mr. CARTER demanded tellers; which were ordered, and Messrs. CARTER and Brooks were appointed.

The question was then taken, and the tellers reported—ayes 52, noes 85.

So the committee refused to rise.

The question now being upon the appeal taken by the gentleman from North Carolina,

Mr. MARSHALL, of Kentucky, demanded tellers; which were ordered, and Messrs. CARTER and Fowler were appointed.

The question was then taken, and the tellers reported—ayes 5—and while the noes were being counted—

Mr. CLEVELAND said, I rise for the purpose of asking the Chair to discharge his duties according to the rules of the House.

[Cries of "Order!" "Order!" "Order!"]

Mr. CLEVELAND. But I ask—

[Cries of "Order!" "Order!" "Order!" all over the House.]

Mr. CLEVELAND. Mr. Chairman, may I ask—

[Cries of "Order!" "Order!" and great confusion.]

The tellers then reported the vote on the appeal of the gentleman from North Carolina, and there were—ayes 5, noes 89. No quorum voting.

Mr. CLEVELAND. Yesterday, sir, we listened to—

[Cries of "Order!" "Order!" "Hear!" "Hear!" and great confusion in the Hall.]

Mr. CLEVELAND. I call upon the Chair to enforce the rule which requires that every member in his seat shall vote.

[Cries of "Order!" "Order!"]

Mr. CLEVELAND. I find many of those who were yesterday denouncing the friends of the resolution as violators of the Constitution and the rules, now sitting in their seats and doing that of which they accused those who differed with them in opinion merely.

[Cries of "Order!" "Order!" and great confusion.]

Mr. CLEVELAND. It is alike disgraceful to the House and the country.

The CHAIRMAN. Will the gentleman from Connecticut come to order? No debate is in order.

[Great noise and confusion.]

Mr. RIDDLE. I move that the House do now adjourn. [Laughter and great confusion.]

The CHAIRMAN said, that the roll would be called, to ascertain the names of the absentees.

The roll was then called, and the absentees noted. The committee rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union, having found itself without a quorum, had ordered the roll to be called, and instructed him to report the facts to the House, with the names of the absentees.

A quorum being now present, the committee resumed its session.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. MARSHALL. I move that the committee rise.

The CHAIR is of the opinion that that question is not now in order. Nothing has been done since the committee last found itself without a quorum upon the appeal taken from the decision of the Chair. The motion that the committee rise has been put, and therefore the question is not now in order.

Mr. DEAN. I would like to make an inquiry: Have we not a rule in this House, that every member must vote?

The CHAIRMAN. That is the rule of the House, but I have never yet seen any one forced to vote.

Mr. McMULLIN. We are not governed by rules. You voted down all rules.

The CHAIRMAN. The decision of the Chair is, that the resolution adopted in the House, terminating debate upon so much of the President's message as relates to Louis Kossuth, is not applicable, and does not stop the debate upon the resolution, which the committee had before it.

Mr. RICHARDSON. Do I understand the Chair that we cannot make a motion to rise?

The CHAIR decides that a motion was made that the committee rise, put and negatived. The question then was upon the appeal. Upon that question the committee found itself without a quorum, and, nothing having been done since, a motion now that the committee rise would not be in order.

Mr. VENABLE. If the Chair will pardon me, I rise to make a point of order.

The CHAIRMAN. There is one point of order already pending.

Mr. STEPHENS, of Georgia. I beg the House will indulge me for a moment—

[Cries of "I object!" "I object!" "I object!"]

Mr. STEPHENS. I wish to say a word to the committee, if they will indulge me. I will on this question vote to make a quorum, in order that the Chair can entertain a proposition that the committee rise. As the case now stands the motion cannot be made.

The CHAIRMAN. The question will be again taken by tellers.

The tellers (Messrs. CARTER and Fowler) having resumed their places, the question was again taken, and there were—ayes 35, noes 99.

The CHAIRMAN. The decision of the Chair is overruled, and the committee determines that the resolution adopted this morning, terminating debate and discharging the Committee of the Whole from the consideration of so much of the President's message as relates to Louis Kossuth, applies to and terminates debate upon the question now pending in the Committee of the Whole.

Mr. BOCK. I move that the committee rise.

Mr. STEPHENS, of Georgia, demanded tellers; which were ordered, and Messrs. MEACHAM and VENABLE were appointed.

The question was then taken; and there were 61 ayes and 83 noes.

So the committee refused to rise.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from North Carolina, [Mr. VENABLE,] to strike out all

after the word "resolved," in the original resolution, and to insert the following, viz:

That the Speaker be authorized to invite Louis Kossuth to a privileged seat within this House.

Mr. JOHNSON, of Tennessee. I move to reconsider the vote by which the decision of the Chair was reversed.

The CHAIRMAN. The Chair must remind the gentleman that a motion to reconsider cannot be made in the Committee of the Whole.

Mr. CHURCHWELL. I offer the following amendment to the original resolution:

Provided, That by the adoption of the pending resolution this Government does not depart from its long-established doctrine of non-intervention; and does not intend to indorse the doctrine of Kossuth, if that doctrine be direct interference by this Government with foreign Powers.

Mr. CAMPBELL, of Ohio. I must insist upon it that I am entitled to the floor. [Laughter.] At the time the question of order was raised I had the floor, and proposed to amend the amendment offered by the gentleman from North Carolina, [Mr. VENABLE.]

The CHAIRMAN. The gentleman from Ohio. [Mr. CAMPBELL] will recollect that he was occupying the floor under the half-hour rule, when he was arrested in his speech, and the committee determined that he could not proceed under the rule. Of course he was cut off, and did not have the floor.

Mr. CAMPBELL. I beg leave to say to the Chair, that I distinctly stated at the time that I desired to introduce an amendment.

The CHAIRMAN. The gentleman cannot be prevented hereafter from offering his amendment. He is certainly, in the opinion of the Chair, not entitled to the floor, as, under the time which was assigned before, the half-hour had expired. The gentleman from Tennessee [Mr. CHURCHWELL] offers his amendment to the amendment.

Mr. BROOKS called for the reading of the amendment as amended.

The CHAIRMAN. The Chair thinks that the amendment relating to Kossuth, and the doctrines he has maintained, is in order.

Mr. CHURCHWELL. Mr. Chairman, the amendment which I offer is intended as an addition to the resolution. I do not desire to oppose the proposition to welcome Kossuth; but I do desire to inform him that in giving this welcome Congress does not intend to indorse the views which he seems to entertain. The honorable gentleman from Ohio, [Mr. DISNEY,] while he declares himself to be in favor of direct interference by this Government, asks if we are afraid to encounter the spectre of non-interference in our path. I can answer that gentleman—we have no fear, nor have the people I have the honor to represent. They are the people of Jackson—liberal, generous, and brave. Nor am I, sir, to be frightened from the path of duty. I come with liberal views, and when I say that my heart is full of sympathy for those who struggle in the Old World for a change of government, and manifest a desire to adopt the institutions under which we have grown prosperous and powerful, I only express the feelings of my people. We should be glad to see the institutions which we so much prize, and which are so dear to us, established throughout the civilized world. But while we entertain these views and are animated by these feelings, I do not feel prepared to go the length which Kossuth seems to desire. I am not willing to see resolutions adopted by this Assembly touching the great question of intervention, without expressing my dissent.

There are no people who are more generous in their feelings than those that I have the honor to represent; but while they would be willing to welcome the distinguished Hungarian, they would not agree that he should be the recipient of the nation's honor if by that honor gentlemen mean to indorse his views. The high position of our Republic demands that we do not compromise its dignity. The teachings of that man who is without a model, the immortal WASHINGTON, who speaks to us from yonder canvas as though animate with life—the recollection of JEFFERSON, the sagacious statesman—the memory of JACKSON, who rests in the bosom of his mother earth at the Hermitage in my own native State,—forbid us to take a step which has no parallel in the records of the history of our country.

Kossuth asks, yea, demands the aid of the young American giant in his behalf. Sir, for such

direct interference I am not prepared, nor are the American people. We have advanced to the high station we now occupy, commanding respect both at home and abroad, by adhering to our Constitution and respecting the precepts of the sages who framed it. Sir, suppose we give him our sympathy as it was given four years ago to the French people, who it was supposed were anxious to enjoy free institutions; will you not bestow it unworthily? Grant that you give him the nation's sympathy, give him men, give him money—for like Cæsar he demands them—and who can foresee the result? May we not expect to behold in a few years the novel spectacle of Kossuth being crowned Emperor of the Republic of Hungary? We gave our sympathy to the French people. Bonaparte is a Republican Emperor. France is not free.

We are happy and independent. We have always recognized the feeling of independence wherever manifested, and given it our countenance without interference. And, sir, let us, for the high respect we entertain for the honored dead, pause, and consider the step we are now invited to take. For myself, I am opposed to the adoption of the resolution unamended; and I am unwilling that it shall go to the country, especially after the eloquent speech of the gentleman from Ohio, [Mr. DISNEY,] in favor of direct international interference, without the expression of my dissent. Kossuth has been honored on his way to the capital. More fortunate than most men in adversity, he has been taken by the hand and welcomed by our distinguished men; grey-headed men—men who have grown up with the Republic, and whose heads are crowned with laurels for services in defence of the cause of liberty in their country, have taken him by the hand and given him a hearty welcome to our shores. The Empire City has done him honor. The roar of the American cannon has scarcely died away that announced his arrival. What more can he ask? It is true he has been unfortunate in the controversy at home; but are we prepared to undertake to restore him? The Bourbons were long out of power.

There seems to be a strange, wild infatuation pervading this assembly. Indeed, sir, I am at a loss to conjecture from what political wardrobe gentlemen have dressed themselves within the last few days. I well recollect that before I had the honor of a seat upon this floor, there were resolutions introduced here proposing to furnish "material aid" for the Mexican war, in which our own country was justly engaged. Sir, there are gentlemen here who voted against those resolutions who are now the advocates of that which is before us. I feel a license to speak freely on this subject, because, with others of both the Senate and the House, I have united to give a banquet in honor of the distinguished stranger.

[Here the chairman's hammer fell, to intimate that the gentleman's five minutes had expired.]

Mr. BISSELL. I desire to say one word upon the amendment of the gentleman from Tennessee. It is too indefinite, and I cannot vote for it. I intended to vote, and still intend to vote for the original resolution, or something like it—designing thereby simply to render an act of courtesy to a distinguished individual—nothing more, nothing less. I wish this explanation to go forth to the country, that in voting for the resolution I mean to do nothing more than I have stated. But I am free to say, also, that Louis Kossuth has advanced some doctrines here which I am not prepared to sanction. While I make this declaration, however, I admit he has advanced other doctrines and principles in regard to intervention and non-intervention, which I am willing to indorse. I believe in the right to act precisely as Kossuth seems to desire it should. I am willing, when the time comes that makes it necessary, be it sooner or later, that our Government should make such declaration formally as Kossuth desires. But the time has not come, and there is nothing existing which calls for it. I am willing to pass the naked resolution, therefore, not coupling it with any conditions, explanations, or qualifications. Whenever the occasion arrives—I trust it may never come—which will make it important or necessary for our Government to make such a declaration as Kossuth would have us to make now, and to follow up that declaration with war; if it is necessary, I am ready for it. But this amendment is too indefinite; and I should not know what I was voting for or against if I vote for that amendment. What is the well-

established doctrine and principle of this Government in regard to non-intervention? Can that gentleman tell me? It would require many pages and almost a volume to tell us, what is the principle of this Government in regard to non-intervention. Again, what is the doctrine of Kossuth in regard to this subject? The hints he has thrown out are entirely too crude for me to form any very accurate and definite notions as to his own ideas upon this subject. If that amendment be adopted, as it now stands, who shall say that we are authorized to interfere even with the affairs of this continent? Suppose that England, France, or any other foreign Power, should attempt to subjugate Mexico, would we not be estopped from interfering in such a case, if we were to adopt that amendment? I say again, therefore, that the amendment is too indefinite; and, in voting upon it, I should not know what I was voting for or against.

[Here the hammer fell.]

Cries of "Question!" "Question!"

Mr. SEYMOUR, of New York. Mr. Chairman—

The CHAIRMAN. No further debate is in order.

Mr. HARRIS, of Tennessee. I desire to offer an amendment to the original resolution.

The CHAIRMAN. The amendment offered by the gentleman from North Carolina [Mr. VENABLE] was a substitute for the one introduced by the gentleman from Ohio, [Mr. CARTTER.] The gentleman from Tennessee [Mr. CHURCHWELL] proposes to amend the original resolution. It is perfectly in order to perfect the original resolution before the question is put upon a substitute.

Mr. HARRIS. That is precisely what I intend to do.

The CHAIRMAN. An amendment to the amendment of the gentleman from Tennessee [Mr. CHURCHWELL] is in order.

Mr. HARRIS. I offer the following as an amendment to the amendment:

And that said committee be instructed to inform Louis Kossuth (when they shall wait upon him) that the settled policy of this Government is: "Friendship with all nations—entangling alliances with none."

Mr. WILLIAMS. I would suggest to my colleague, [Mr. CHURCHWELL,] that he withdraw his amendment, and let the question be taken upon the amendment of my other colleague, [Mr. HARRIS.]

The CHAIRMAN. That cannot be done except by unanimous consent.

Objection was made.

Mr. HARRIS. Then I move to insert my amendment as a substitute for the amendment of my colleague, [Mr. CHURCHWELL.]

Mr. HARRIS said: The whole course of Kossuth since he reached our shores has been characterized by an amount of candor and frankness that is at least worthy of our imitation. Immediately upon his arrival in this country he announces distinctly the mission upon which he comes. He tells you plainly that he comes not for the purpose of partaking of your empty hospitalities or your empty compliments, but that he comes in the character of a political propagandist—upon a political mission. He comes to ask this Government to interfere in the struggles that are going on in Europe; and after having thus distinctly announced to you his object, it is but natural that he should construe every act of courtesy that you extend to him, as an indorsement of that object; at all events, it is quite clear that he does so construe them. If gentlemen doubt this, I refer them to his speech at New York: in noticing the passage in the Senate of the resolution of welcome, he said "that it was said that the passage of this resolution had no political meaning; BUT THAT HE KNEW THAT IT HAD."

Indeed, sir, if this resolution passes without my amendment, while the speech of the gentleman from Ohio, [Mr. DISNEY,] and the speeches of other gentlemen in favor of intervention are ringing in his ears, what can he understand from it but a declaration in favor of that policy?

Sir, in my opinion the time has come when we should understand ourselves, and let Kossuth, the country, and the civilized world, understand precisely how far we do intend to go in this matter. If it is the intention of the House to commit itself to the policy of intervention in the affairs of other Governments, vote down the amendment that I have proposed, and let Kossuth and the

country understand that we no longer adhere to that principle of non-intervention taught us by a Washington and a Jefferson. But if, upon the other hand, it is intended to pay Kossuth a mere personal compliment, without indorsing the policy that he urges upon us, then adopt the amendment that I have offered, and deal fairly, candidly, and honestly with him, with the country, and with yourselves.

For myself, I desire to say, that while I am as ready as any gentleman upon this floor to extend to Kossuth a personal compliment, I am equally ready to resist to the last extremity upon this floor, any attempt to commit this Government to the desertion of that principle of non-intervention which we have cherished from the earliest infancy of our Government up to this hour. And if gentlemen intend no more than a personal compliment, why should they object to the adoption of this amendment, which tells him plainly and frankly, that that is what we intend—that it is all we intend? His frankness with us demands at least this much at our hands.

It is said by the gentleman from Ohio, [Mr. DISNEY,] and others, that the principle of non-intervention was a very proper one for the adoption of this Government when an infant Republic, but not so now when we have grown to be a great and powerful nation.

My own opinion is, that the principles and policy which were then necessary for the healthful development of the genius and powers of the young republic, are equally necessary now, to protect the strength and purity of that Government when grown great and powerful; and if this principle was worthy of our adoption then—and experience has sanctioned its utility from that time to the present—it is certainly worthy of our maintenance, now and hereafter.

If, then, the House intends to do no more than pay to Louis Kossuth a personal compliment, they will join me in adopting this amendment, and in paying that compliment. But if it is the intention of the House to do more than this, let them vote down the amendment, and Kossuth and the country will understand it as a declaration upon the part of the House of Representatives of the American Congress, against that great and vital principle of non-intervention upon the part of this Government in the affairs of other governments, bequeathed to us as a rich and last political legacy by the Father of his Country.

[Here the hammer fell.]

Mr. CARTTER. I do not rise for the purpose of prolonging this discussion, or, at least, for the purpose of following the vein of discussion sought to be introduced here by the amendment of my friend from Tennessee, [Mr. HARRIS.] The great mistake in his position, in connection with the resolution that has been offered, is the identifying of the line of political and national action with the subject of the resolution. Now I protest, as I did when I offered the resolution, that the committee should perform the naked office that it professes to perform—that it should not be incumbered with the doctrines of intervention or non-intervention. While I would not wish to see ingrafted upon it the doctrine of intervention, I protest against ingrafting upon it the doctrine of non-intervention.

Mr. HARRIS, of Tennessee. Will the gentleman allow me to ask him a single question?

Mr. CARTTER. Certainly.

Mr. HARRIS. Can the speech of the gentleman's colleague [Mr. DISNEY] be understood by Kossuth or the country in any other connection?

Mr. CARTTER. They can understand just as much from the speech of my colleague as from the speech of the honorable gentleman from Tennessee, [Mr. HARRIS,] that neither of them represents the sentiments of the entire American people, and neither of them represents the sentiments of the entire House of Representatives! That is what they will understand. They will understand just as much by it as if the sentiment had been uttered by any other gentleman. But one thing has been said which is legitimate to the resolution by the gentleman from Tennessee, [Mr. HARRIS.] That gentleman says that Louis Kossuth repudiates the honors we are about to pay to him. Now, I look in vain for any such avowal upon the part of Mr. Kossuth. It cannot be found in any of his speeches. But, on the other hand, every speech he has uttered

breathes a spirit of pure devotion to the great principles of this nation, and pure devotion to the great American character, and an acknowledgment of gratitude in the receipt of American notice. That is the inference which I draw from all he has said; and I proposed the resolution in the first place, and I support it now, because I regard it as involving considerations only personal to Kossuth, although I protest that the resolution was not offered with a view of settling the principle of intervention or non-intervention. Yet it does incorporate the sentiment of the American heart, that it sympathizes always and everywhere with the sentiment of liberty; and that it sympathizes always with every person who may be involved in the misfortunes of oppression. Now, that is the real soul of the resolution; and I hope the friends of it, whatever may be their feelings in relation to intervention or non-intervention, will suffer this simple tribute, thus unincumbered, to go forth from this Hall without attempting to ingraft upon it the principle of non-intervention. I shall vote against the amendment.

[Here the hammer fell.]

The question now being on the amendment of the gentleman from Tennessee, [Mr. HARRIS] to the amendment of his colleague [Mr. CHURCHWELL], tellers were demanded and ordered, and Messrs. CLINGMAN and HALL were appointed.

The question was then taken, and the tellers reported—ayes 82, noes 53.

So the amendment was adopted.

The question then was on the adoption of the amendment as amended.

Mr. STEPHENS, of Georgia, called for tellers; which were ordered, and Messrs. PENN and HUNTER appointed.

The question being then taken, there were—ayes 71, noes 77.

So the amendment as amended was not agreed to.

Mr. COBB moved to amend the original resolution by inserting after the word "Kossuth," the words "and his associates in exile."

Mr. C. said: I desire it to be distinctly understood that I intend to vote for the original resolution; but at the same time my sympathies are not confined to the distinguished chieftain. Whilst we remember the epaulettes, let us not forget the knapsack. Whilst I admire Louis Kossuth as much as any man upon this floor, my sympathies do not stop there. I admire also those of his gallant associates who are now in this city with him; and I contend that it would be a personal indignity to those brave men to confine our invitation to the distinguished individual whose name now stands alone in the resolution. If you will revert to the language of the resolution adopted by the last Congress, you will see that Kossuth and his associates in exile were invited to come to our shores. They are here to-day; and shall we make a distinction between them? I offer this resolution in good faith. I hope it will be adopted. I trust that when Kossuth is admitted to this Hall, his companions in exile will be admitted likewise. Whatever inference might be drawn from my votes upon this resolution since its introduction, I have stated in private conversation long since, that although I was willing that Kossuth should be admitted to a seat upon this floor, I yet repudiated his doctrine. I repudiate it to-day. The gentleman from Tennessee [Mr. GENTRY] asked "Who is afraid of Kossuth's speeches?" I answer, Not I. I am not afraid of Kossuth's eloquence or power. He may go into my own district and promulgate his doctrine there. If my people choose to indorse it, let them do it; but, for one, I will not.

I have voted throughout for the resolution to introduce Kossuth into this Hall. I want his doctrine to be promulgated here in the very midst of the Representatives of the American people. Let them hear it from his own lips. I understood it when he landed at New York; but when I told Kossuth's friends that he entertained such opinions, they denied it. I was in hopes that Kossuth would be allowed to speak here, and that our Speaker, in receiving him, would have so addressed him as to have required him to be explicit in his answer. Thus his doctrine would have been disseminated through the land without the possibility of its being misrepresented.

[Here the hammer fell.]

Mr. NABERS. I had not the most distant idea

in the beginning of this discussion that I should trespass for a single moment upon the attention of the committee. I had intended to content myself with my vote, to explain to my constituents and the country my views in relation to this matter. I will say, however, by the courtesy of the committee, that every single syllable that I have heard urged against the adoption of the original resolution has only tended to confirm me in the belief that it is right and just and proper that we should adopt it in the form in which it was first presented to us. What has been said in opposition to it? Every word which has been said in opposition to it has been based upon an assumption which does not apply to the resolution. Has anybody here proposed intervention? No, sir; and it would be just as proper to charge those who oppose this resolution with being the apologists of the Emperor of Russia—aye, sir, with being the apologists of the bloody butcher Haynau, as it is to charge the friends of this resolution with desiring to plunge the country into a war of intervention.

Again, let me ask who will be offended at the adoption of this resolution? Will it offend anybody whose good opinion we now have? No, sir. It may offend the iron-hearted despots of Europe; but do they love us now? Did they ever love us? They would have strangled us in our infancy if they could. They would do it now if it was in their power.

Now, I desire to make a kind of home application of this matter. I have the honor to represent that gallant and magnanimous constituency, the first Congressional district of the glorious State of Mississippi, and I undertake to say that there is not a man or a woman in that district who would not welcome Kossuth to their roofs and their firesides. And what would they say to him? Would they say to him, "Mr. Kossuth, we are sorry that Haynau did not butcher you and your wife"? Would they tell him that it would have been well for the world if Haynau had butchered him and his wife and children? Would they talk in that way? No, sir; not in my country. [Laughter.] They would tell him that they regretted the fatal calamity that overtook the Hungarian cause. But would they put on their knapsacks the next morning and go to Hungary to fight for her? I think not. And yet gentlemen tell us that if, after adopting a resolution of welcome to Kossuth, we now raise a committee to carry out that resolution, the construction will be put on it that we are prepared to take up our arms and go to war for the Hungarian cause. I repeat again that every syllable I have heard urged against this resolution is based upon a false assumption. In other words, you build up a man of straw and then knock him down. [Here the hammer fell.]

[Cries of "Go on!" "Go on!"]

The question was then taken on Mr. Conn's amendment, and it was not agreed to.

Mr. DEAN moved to amend the resolution by striking out the words "the Speaker," and inserting in lieu thereof "this House," so as to make it read,

Resolved, That a committee of five be appointed by this House to wait upon Louis Kossuth and introduce him to the House of Representatives.

Mr. BAYLY, of Virginia. I rise to a question of order. The point I make is, that this being the Committee of the Whole on the state of the Union, we have no right to change the power which appoints the committees of the House.

The CHAIRMAN. This committee can do nothing final. Whatever is done here must go to the House, and one of the standing rules of the House is, that all committees shall be appointed by the Speaker, unless otherwise ordered by the House. The Chair therefore thinks the amendment in order.

Mr. DEAN. I am entirely satisfied with and shall vote for the original resolution, and should not have offered this amendment were it not perfectly evident, from what we have seen in this city and the action of this House, that there is an organized opposition, who are determined not only to defeat this resolution, but, if possible, to offer insult and indignity to the illustrious guest of the nation. Any man who witnessed the arrival of Louis Kossuth yesterday, and saw him received in the capital of the country by a crowd of boys and three shabby carriages, with a single pair of crow-be-spoken horses harnessed to each of them—(much laughter)—I say, that any one who wit-

nessed that disgraceful scene, that miserable apology for a public reception, and who has seen the conduct of a portion of this House, must be perfectly satisfied that there is reason for proposing this amendment.

We have witnessed here a deliberate attempt, which has been for two days systematically persisted in by a factious minority, to defeat the will of a majority of this House; and I for one, want that the whole action of this body should go forth before the people of this country, that they may understand who it is that thus endeavors to thwart their will, and from what quarter this movement proceeds. There is another thing which makes it proper that this amendment should be offered—and that is the hypocritical conduct of the present National Administration toward Louis Kossuth. The President, after having, by direction of Congress, sent a national ship to bring him to our shores; after naming him in his annual message, and directing the attention of Congress to his expected arrival—calling him in that message, Governor Kossuth; after having sent a special messenger to New York, with the resolution so unanimously passed by this Congress, welcoming him as the nation's guest, and thus impliedly inviting him here, we now find that the organ and the friends of the Administration are secretly stabbing him to the heart, and attempting, by every means in their power, to give him a cool reception—and they have thus far succeeded. But the people of this country, when they come to understand it, will indignantly frown upon this conduct, and will by their action reverse the decision which has led to this reception. For these reasons, sir, I want a committee appointed by the friends of Kossuth, or the majority of this House—not a committee who will go to him and say, "We come to perform an unwilling duty"—but a committee who, with warm hearts, will rejoice to welcome and introduce the representative of free principles in Europe to the representatives of the only free Government in the world. Let, then, the friends of Hungary, the friends of universal freedom, the opponents of Russian interference and of Haynau, be appointed on this committee instead of the friends or apologists of either.

I have said I should vote for the original resolution. I shall do so, because I consider myself so instructed by the almost unanimous voice of the citizens of my State. The people of the Empire City—the commercial emporium of the whole Union—have, by their enthusiastic reception of Governor Kossuth, and the people of the capital of that State have, at a public meeting, instructed me to vote for such a resolution. But I needed no such instruction. I should do it cheerfully, from the dictates of my own heart. No man needs an apology for voting for such a proposition, sustained as it is by the voice of the whole country; for I had rather trust the generous sympathies—the spontaneous sentiment of a free people—than the cool calculations of the shrewdest politician.

[In the middle of this sentence, the Chairman's hammer fell.]

Mr. WILLIAMS. I desired very much, on yesterday, that I should have had an opportunity to place my views and opinions with regard to this whole Kossuth matter fairly before the country. I have only five minutes now, but I feel disposed to express those opinions in an unbridled manner. The pretence—the hollow pretence that that resolution is merely designed for the purpose of doing honor to Kossuth, has been stripped of its plausibility, and the proposition now stands nakedly before the gaze of the American people. My colleague and friend from Tennessee [Mr. HARRIS] offered a proposition here in the language of George Washington, that we are prepared to enter into "friendly relations with all, entangling alliances with none." That was a plain and simple proposition, that could not have offended Louis Kossuth or anybody else, but it was voted down by this committee.

Sir, the assertion that Louis Kossuth was invited here as the guest of the nation by the last Congress, is not warranted by the records of the country. We found him an exile from Hungary, having voluntarily abandoned his high position as Governor of Hungary, and wended his way to a Turkish prison, and we offered him an asylum here. He lands upon our shores, and declares that he scorns your sympathy unless you follow

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up that sympathy, and declare to the world that you are the propagandists of universal emancipation. That is the language of Kossuth in all his speeches. He proclaims to you that his country is in the attitude of a man who is drowning in the surf on the sea-shore, and if you delay assistance he is lost; just so, he says, is it with Hungary—if you fail, or even delay to decide this question in favor of intervention, it is death to her liberties, and to the liberties of the other European countries. And yet, notwithstanding this declaration, the House and the country have witnessed in New York, Philadelphia, and Baltimore, not merely the rowdies, but men of high character, and who occupy a high position in the American nation, following Kossuth, and cheering him on, and sustaining him by contributing to a popular excitement unsurpassed in the history of our country. Even now whilst I am speaking, that popular excitement is beating against the very base of this Capitol, and prompting the American people to disregard their cherished principles, and to proclaim that they are now in favor of intervention. Why, we have already heard that doctrine proclaimed in this Hall, and I predict that in the approaching presidential canvass, it will be a leading element in the contest.

Sir, I have been surprised to hear the sentiment uttered on this floor by the gentleman from Ohio, and by other gentlemen in private conversation, that it is the duty of this House to proclaim to the world that they are prepared to sustain the blood-stained banner of Louis Kossuth. For one, as an humble representative on this floor—as an American citizen, I reject indignantly that blood-stained banner. My first, my last, my great, my only duty is to my own country. Louis Kossuth seems to be devoted body, soul, and mind to Hungary. May I not imitate his example? May I not go for my own country? and should I not be a traitor to that country, and to the blessings by which we are surrounded—

[Here the hammer fell.]

Mr. DEAN asked if it would be in order to withdraw his amendment?

The CHAIRMAN stated that it could only be withdrawn by unanimous consent.

[Loud cries of "Object!"]

The question was then taken on Mr. DEAN's amendment, and it was not agreed to.

Mr. BAYLY, of Virginia, moved the following amendment:

Provided, That nothing in this resolution contained shall be construed as expressive of a design to involve ourselves in entangling alliances with European governments.

Mr. FICKLIN. I rise to a point of order, in reference to this amendment. I inquire if this amendment is not in substance the same as one offered some time ago?

The CHAIRMAN. It is not in the same language. I believe there is no rule or practice of the House which says an amendment once offered and voted down shall not be again offered.

Mr. BAYLY, of Virginia. It is not the resolution in substance of my honorable friend from Tennessee, [Mr. HARRIS.] His resolution instructed the committee, which the original resolution proposed to raise, to inform Louis Kossuth that the settled policy of this Government was, friendly relations with all nations and entangling alliances with none. This resolution differs from it in this: it does not say what is our policy, but only declares a purpose upon our part to express by his reception here no design of involving ourselves in alliances. On yesterday, I took the ground that the resolution as it stood did not commit our Government to the principles which he was propagating; but, sir, a change has come over the spirit of the dream of some of us. We have heard it avowed here to-day that intervention in European affairs might be the policy of this Government; all I call upon this committee now to declare is, what I maintained upon yesterday, that this resolution commits us to nothing except the showing of an act of courtesy to Kossuth. I was opposed to that resolution on yesterday for some reasons I stated. I said on yesterday I was not

willing to canonize any man until death had fixed its seal upon his character. Two years ago if Louis Napoleon had come here there would have been somewhat such a demonstration in his favor as there is now in behalf of Kossuth.

Mr. CARTER. Not at all.

Mr. BAYLY. It was made to some extent without his coming, by the two Houses of Congress. Without the inspiration of his presence, there was to some extent a manifestation of this unjustifiable disposition in the American character to idolize and to prematurely canonize—for that is the expression—these European advocates, as they are called, for liberty. I confess I am no great admirer of them. They are too transcendental for me. Louis Napoleon, who now stands before the world as arrant an usurper as the world ever saw, two years ago received adulation. If his illustrious uncle, when at one period he stood before the world as the friend of freedom, had come here, and a disposition had then prevailed which now does to go mad over foreigners, he would have been deified; and ovations would have been made to him, not surpassed by those made to Kossuth; and yet afterwards he became the scourge of humanity. I do not wish to commit this Government in any respect. I am free to say that I have not that admiration for those transcendental European advocates of liberty which I have for those who founded our Government and gave it a character. And I am not willing to abandon the policy of the fathers of the Republic in a fit of enthusiasm for Kossuth. This amendment does not undertake to say what our policy shall be, but it precludes the idea that it is anything more than what the friends of the resolution claim that it is—an act of courtesy that commits us to nothing. And, I ask, who can object to it?

Mr. SWEETSER. It seems to me that the time for disguise is gone by, and that I should fail to discharge the duty which I owe to my constituents did I not endeavor to give utterance to what I believe to be their views and sentiments upon this question. Those gentlemen who have seen fit to oppose this resolution for the reasons which they have assigned to the House and the country, have undoubtedly represented truly their constituents. I differ from those gentlemen. Whatever may have been the policy of this Government hitherto, I believe that the time has come, in this nineteenth century, when the power of this nation, with its twenty-five millions of people, is not only to be felt in a moral point of view, but is to be felt with all the force we can command. Two of the counties that compose the Congressional district which I have the honor to represent upon this floor, being the central counties of the great State of Ohio, have spoken out upon this subject; and while they, in common with the whole people of this country, understand the issue which Kossuth desires to make in coming here, they have, by their resolutions, instructed me to say in my place here that so far as relates to the mission of this man to our country—so far as relates to the principles which he maintains, they are prepared to declare not only to this Congress, but to the world, that the time has come when the American nation, with twenty-five millions of people, will enter their protest against such atrocities as characterized the interference of Russia in the recent contest between Hungary and Austria. They have, by their resolutions, authorized me to say this; and in saying it they have not been unmindful of the precepts given to us by the Father of his Country. Prudential motives alone stimulated that illustrious man and the patriots of his day to recommend that policy. Prudential motives authorized the passage of the neutrality laws of 1816, which I desire to see repealed. Their execution and construction have made their repeal necessary. The condition of the nation has changed since that time.

No man who has watched the signs of the times can shut his eyes to the fact, that Europe is at this time on the very brink of an outbreak—an outbreak that will not be confined to Hungary alone. And shall the American Government and the American people, whom we represent upon this

floor, remain silent and adhere to the policy of non-intervention? As one of the representatives of the people, I declare, in my place here, that whatever may be the consequences, it is the duty of this Government, if there should be another outbreak in Hungary, to say to the Autocrat of Russia that he shall not go there for the purpose of beating down the flag of freedom. We are determined to see a fair fight. Whatever may be the consequences of that act, I take upon myself to say that one hundred thousand freemen from the central district of Ohio are prepared to back me in the sentiments which I express to-day. If I was authorized to speak for the whole American people, and had the voice of ARTICULATE THUNDER, I would tell the despotic Governments of Europe that henceforth in contests for liberty—where constitutional freedom has been trampled under foot, there must be no such interference as there has been in the past. And, sir, whatever may be the responsibilities that attach to this declaration, I will no longer remain silent. I will pledge that portion of the people of my State that I am authorized to represent, that they will, when the time comes, protest against the interference of Russia in another contest in Hungary for liberty. I say this in the Capitol of the Union. I hope that, if Louis Kossuth takes the trouble to read the debates here, he will find that Ohio, in this contest, is not only prepared to do him this simple act of courtesy, but is also prepared to say to the world that we are here to-day for the purpose of representing the people of this country, and not for the purpose of representing the Autocrat of Russia or the other despotic Powers of Europe.

Mr. STANTON, of Tennessee, moved to amend the amendment by adding thereto the following:

But if, in any great emergency, the Government of the United States can secure the liberties of Europe, by preventing the intervention of despotic powers, this Government will not refuse to maintain the laws of nations by any practicable exertion of its power.

Mr. S. said: My object in offering this amendment to the amendment of the gentleman from Virginia, is to do what I am sure I shall have no other opportunity of doing, to express my opinion in favor of the original resolution without any amendment whatever.

I am opposed to any declaration in connection with this resolution of the disposition of this Government, either to interfere in European affairs, or not to interfere. My disposition is in conformity with that of the mover of the resolution—that is, to pass a simple resolution for the purpose of recognizing a great principle—a principle that lies at the foundation of our Government, and all free governments—by doing honor to Louis Kossuth. But while I am disposed to do this, apart from any declaration, I am prepared to say at the same time, that I believe the propositions made to the American people by Governor Kossuth, are worthy of the deliberate attention of the American Government. I do not think it improbable that the time will come, and is near at hand, when every man in this House will be prepared to take the position which Governor Kossuth at this time advises, requests, and begs the American people to take. Now, what is the condition of Europe? An armed force of two millions of men holding in subjection three hundred millions of people. You see that, by the will of a single man, some of the greatest men—some of the purest patriots in Europe are sent to the dungeon without law. You see the constitution of a great nation struck down and trampled under foot. You see Thiers, Cavaignac, and other distinguished men, legitimists and republicans, sent to prison by the will of a single man; and this state of things is maintained in Europe by two millions of armed men against three hundred millions of people. Suppose the people of Europe were to rise—suppose that, in an extraordinary state of affairs, any reasonable intervention on the part of the Government of the United States would secure the liberties of Europe by one blow—suppose that the hands of Prussia may be stayed, will the Government of the United States refuse to intervene? I say, that the Government of the United States will not refuse. I

say that you, sir, Mr. Chairman, whatever may be your opinions now, would not refuse. I say, that the majority of this House, whatever may be their views at the present time, would not refuse, because circumstances may arise which will render intervention necessary. It is not because they have arisen, but because they may arise, that I am unwilling to see this Government commit itself to a declaration that we will not interfere, under any circumstances, for the purpose of securing the liberties of the down-trodden nations of Europe. I say, when we can intervene, it is our duty to do it, and we will do it.

Mr. VENABLE. Mr. Chairman, if I had been doubtful before as to the propriety of caution on our part in relation to the course to be pursued towards M. Kossuth, all my difficulties would have been removed by the events occurring in this House and during this debate. Although it was manifest that he was for intervention on our part in the troubles of Europe, we had seen no indorsement of that policy by the representatives of the people in Congress. This is no longer the case. We have heard more than one distinguished member of this House announce that intervention in favor of universal liberty was our destiny and mission. We have more than once been reminded that we had nothing to fear, and there has been even some merriment at the apprehensions of those who thought it prudent for our Government to avoid the hazards of entering the whirlpool of European revolutions. We have been admonished, that although the doctrines of General Washington's Farewell Address were suitable to the infancy of our Republic, they were no longer applicable to the grown-up power which now stood forth amongst the first on the platform of nations; that a new destiny and new duties had been revealed; and that to be insensible to them was inexcusable. Those whose ignorance or timidity induced them to advise caution have, by one gentleman from New York, [Mr. DEAN,] been spoken of as the apologists for the Butcher Haynau. I can assure him that the days of *Anacharsis Cloots—the orator of the human race*—are among the things which have passed by never more to return; that Red Republicanism is at a discount even in France; and that it will neither exalt his reputation for practical wisdom or as the possessor of the qualification of the elements of profound statesmanship, to fix a policy upon our country which shall present a future history like the roll in the prophet's vision, written within and without with "mourning, lamentation, and woe." I fear no just quarrel of our own—I apprehend nothing from the consequences of war in such a quarrel beyond the calamities necessarily belonging to that condition; but I shrink from that causeless and unholy strife which drenches a country in blood and strews the fields with the slain; which is productive only in the nurture of a savage and destructive spirit, the tears of widows, and the sorrows of orphans. We have even seen the platform of Kossuth recommended for our adoption, and one and another has openly avowed our duty to declare to the world our purpose to aid the oppressed in their struggles for liberty. The gentleman from Tennessee [Mr. STANTON] speaks of the present condition of Europe, where two millions of bayonets hold down and oppress more than one hundred millions of people. If the removal of this evil be our duty, we have indeed a great work before us, one concerning which I think we ought to prudently pause and ponder the consequences of the undertaking. He speaks of the present condition of France, whose liberties have but just been overthrown by Louis Napoleon. He speaks of the imprisonment of Thiers, Cavaignac, and other deputies, and more than intimates that the time is near for us to intervene in such affairs. Sir, I think that the bursting of this French bubble is full of instruction to us. We ought to learn the folly of being premature in even an expression of approbation for the measures in which national identity is destroyed. France has fallen by the institutions which were chosen by the people themselves. The army, which kept their liberties, has taken them for their own use, and a mushroom republic bids fair to find its maturity in a finished despotism. I admit that the imprisonment of the representatives of the people is a great outrage on the part of the President of France, and I do not wish to see it re-enacted here. Should the doctrines of those gen-

tleman who see our duty in a mission of destiny prevail, we must keep on foot such an army as shall enable us to fulfill it; and we may live to see the representatives of our people forcibly ejected by our own troops, conveyed to dungeons by our own Executive, and he perpetually seated and kept secure in authority by the army, who were to be the missionaries of universal emancipation. Sir, neither the dread of being identified with the defenders of Haynau the Butcher, nor the shame of being considered an antiquated politician, whose views are fitted only for the infancy of a great republic, can deter me from making resistance to the doctrines advanced in this debate, or protesting against the adoption of the troubles of every foreigner, who, visiting our shores, can by his eloquence and his tact excite the passions of the masses who may listen to his orations. If to study the interests of my country, and my whole country—if to adhere to the policy under which we have grown great and powerful—if to remember that we have inherited the office of the keepers of the Temple of Liberty, and to be resolved that no hand shall apply the torch to it whilst vigilance and patriotism can prevent it, constitute an antiquated politician, I glory in the name. I shall never blush at the remembrance that I was unwilling to forget my country's dignity, under any excitement, or compromise that dignity by a departure from those rules of propriety amongst nations, so essential to the comfort and prosperity of individuals. With those who suffer for the cause of liberty in Europe I feel, as I trust, a proper sympathy, but I do not perceive the wisdom of an intervention which can only compromise us and do them no good.

[Here the hammer fell, the five minutes having expired.]

Mr. V. intended to have continued his remarks, by observing, that if we felt very much inclined to look for a quarrel, the questions involved in the policy of England in relation to the Mosquito kingdom, the firing into the Prometheus, and the assumed guardianship by the English Government of the *locum tenens* negro king, to the injury of our commerce and the insult of our flag, would afford at least temporary employment for the zeal of those who are inclined to seek for wrongs to redress. I propose that we adjust our real quarrels before we engage in amateur disputes.

The question was then taken on Mr. STANTON'S amendment, and it was not agreed to.

Mr. TAYLOR moved the following amendment to the amendment, viz:

Resolved, That the vote of welcome heretofore given by this House and the Senate of the United States to Louis Kossuth had no political meaning, but was intended to carry out the kind intention of the United States in their joint resolution, approved March 3, 1851, in relation to Kossuth and his associates in captivity, to afford them a secure asylum in the United States.

Mr. TAYLOR. Now, Mr. Chairman, I have listened here for several days to a debate which I think would have been more profitable if we had had it at the time when the resolution of welcome was under consideration. I have sat here quietly for many days, anxious to engage in the public business, and do justice to our fellow-citizens all over the United States, by taking up the great questions of public policy which are pressed upon our attention by the millions of people we represent. I have, sir, noticed with disgust the movements of men who seek high places in your country, since the unfortunate exiles of Hungary landed upon your shores; yea, sir, from the time he took his departure from your frigate-of-war Mississippi, to become a propagandist in England first, to excite a feeling in that country, and then in this, to induce us to depart from that wise policy—that straight-forward policy recommended to us by Washington, and which we have carried out from the foundation of our Government. I have looked at the progress of this business from its inception. No class of men have been more anxious to do honor to Louis Kossuth, and to show him the kindness which did honor him, than the politicians of the country, and for the purpose of upholding their own fortunes. Look around this House, and see what a billing and cooing there is here of persons from the most extreme sections.

Sir, if there is one man upon this floor, who will pretend to sympathize with the Hungarian exiles more than another, he does dishonor to himself and a great injury to his fellow-members. We all sympathize with the exiled Hungarians in their

great struggle for liberty, and the best evidence of it is found in the fact, that when we learned that about four thousand refugees had taken refuge in the Turkish empire, this Government took the initiative step to express the sympathy of this nation for them. We, on the 3d of March, 1851, passed the joint resolution to which I have referred. For what purpose? Merely to liberate these Hungarian exiles? No, sir; but to afford them an asylum in the United States of America; a home, as emigrants to this country. They intimated their desire to live under our glorious stars and stripes, and to become citizens of the United States. Now, what do we see? Do you suppose that, if it had been known on the 3d of March, 1851, that Louis Kossuth would come here to undertake to incorporate a new principle—a great principle in the foreign policy of our Government—which we have abstained from and kept aloof from until this time, under the advice of the great Washington, the Father of our country—do you suppose that if he had announced that as his intention at that time, that we should ever have passed that joint resolution? Never, never! We passed it to aid the Ottoman Sultan in liberating, from extreme danger, the unfortunate exiles who had fled from their own country for life, and to afford them, as I say, a secure asylum in the United States. I think, sir, in passing that vote of welcome a week or two ago, we exhausted all our duty to him as members of this House; and by that vote welcomed him to the country, its protection, and to its hospitalities, if he should choose to become a citizen of the United States. I am opposed to the whole proceedings now before us—the original resolution of my colleague from Ohio, [Mr. CARTER,] and all the amendments. I say, this House is not called upon to take any such step. Let us treat this gentleman with the utmost kindness; but to do more, to carry out the objects he now proposes, would be a departure from the national policy which has enabled us to become the admiration of the world. I would cheerfully unite, as a citizen of the United States, in promoting their settlement in this country, and rendering it a safe retreat and secure asylum to Kossuth and his associates in captivity. But, sir, let us adhere to the settled policy of the country—let us avoid "entangling alliances" with foreign nations, and show, by exact justice in our intercourse with foreign nations, and wise legislation, for the benefit of our own country, that our constitutional form of republican government is the wisest and best to promote the true interests of the people, and our example will be powerful for good in all the nations of the world.

Mr. GIDDINGS. I believe we should be doing better justice to our own reputations as statesmen, if we were to proceed in the ordinary mode of legislation upon the subject-matter before us, and avoid all reference to matters not legitimately under consideration. I believe, sir, it is due to ourselves, as the representatives of the people of this nation, that we do the business which is presented to us, and do it in the ordinary forms and in the ordinary manner, without factious opposition, and without any extraneous matters being brought in for investigation. I make these remarks because, from some experience in this House, I am constrained to say, that, from this factious opposition which we have sometimes seen displayed in this body, we have never seen any good result. It does not serve to raise our reputation with the American people, nor does it increase our own self-respect. I sincerely hope we may proceed to vote upon this resolution; but while I am up, I am constrained to notice the extraordinary inconsistency of certain gentlemen upon this floor. If I mistake not, my colleague who has just taken his seat [Mr. TAYLOR] voted for a certain resolution, of a direct character, interfering and proclaiming our sympathies with a foreign and European nation in a cause of freedom. I ask the Clerk to read the resolution I have sent him.

The Clerk then read the resolution referred to, from the *Congressional Globe*, of 1847-'8, vol. 18th, page 592, as follows:

Resolved, That in the name and behalf of the American people, the congratulations of Congress are hereby tendered to the people of France, upon the success of their recent efforts to consolidate the principles of liberty in a republican form of Government.

And be it further resolved, That the President of the United States be and he is hereby requested to transmit this resolution to the American Minister at Paris, with instructions to present it to the French Government.

Mr. GIDDINGS, (continuing.) Mr. Chairman, how men's minds alter and change! My colleague who has just taken his seat, [Mr. TAYLOR,] there pronounced this in relation to an European nation and an European people.

Mr. TAYLOR, (interrupting.) Who were they?

Mr. GIDDINGS. Has my colleague forgotten? [Laughter.] Sir, it becomes politicians to have memories. If for nothing else they should know what to do. [Great laughter.] My colleague is not the only man—

Mr. TAYLOR, (interrupting,) made a remark inaudible to the reporter.

Mr. GIDDINGS, (continuing.) If I stand here to be interrogated by every one who is contradicting his former actions, I may be kept here till morning. [Laughter.] The honorable chairman of the Committee on Foreign Affairs, whose holy horror has been called up here, and who has expressed himself in such eloquent language, he, too, voted for this very resolution, and now he turns round and proclaims anathemas to every man who will vote a welcome to Louis Kossuth! Again, the very eloquent gentleman from North Carolina—

A Voice. Venable? [Laughter.]

Mr. GIDDINGS. Yes, sir, my friend from North Carolina, whose sympathies thus flowed out in eloquent language in regard to that foreign people, he too, has forgotten the sentiments he then held. [Laughter.]

[Here the Chairman's hammer fell.]

[Cries of, "Go on!" "Go on!"]

Mr. GIDDINGS. Mr. Chairman, I only want to say that when resolutions of sympathy shall come before the House, I will discuss them, and I will express my sentiments freely and frankly; but I will not express them upon subjects altogether foreign to the subject-matter before the House.

The question was then taken on the amendment of Mr. TAYLOR to the amendment, and it was rejected.

The question recurring on the amendment of Mr. BAYLY, tellers were called for and ordered, and Messrs. JOHNSON, of Arkansas, and SACKETT were appointed.

The question was then taken, and the amendment was rejected—ayes 50, noes 85.

Mr. CHURCHWELL. I offer the following as an amendment to the resolution:

Provided, That by the adoption of the above resolution a compliment only is intended to the distinguished Hungarian.

I am astonished at the wild enthusiasm which seems to pervade this assembly. We are told that this distinguished foreigner comes among us, not seeking our interference with the Powers of Europe—not asking us to enter into an entangling alliance. What! do gentlemen recognize the speech which I hold in my hand, in which he says: "I desire the young giant of America to raise his arm in favor of that principle?" What principle, I ask, is it that he desires this young giant to adopt? He gives the answer in the preceding sentence of his own speech. He says, "we do not wish to fight against the world; the only thing which we desire is fair play." Yet gentlemen tell us that he comes not here seeking an intervention with foreign Powers! Why, he puts the question distinctly to the American people as a court and jury, and waits for the decision from the American Congress. Here is his concluding remark: "When that tribunal speaks, I must hear with sentiments of joy, if it is joyful, but with resolution and not despair, if it is not joyful. I have pleaded my cause." We are told by the gentleman from Ohio, [Mr. CARTER,] that perhaps we do not represent the views of the American people. Mr. Chairman, for one, I claim when I speak upon this floor to speak for the people of my district. I oppose this resolution not for the mere purpose of opposition, but because I believe the effect of the resolution will be to commit this Government to the doctrine of intervention, and I am not willing that it should pass without being accompanied by such a proviso as I have offered.

The gentleman from Illinois [Mr. BISSELL] asks me where I get my notions of a long-established doctrine of non-intervention. I answer the gentleman, that it is in the language of Jefferson: "Friendship with all nations—entangling alliances with none."

I hope, if the resolution be adopted, that the

amendment will also be adopted. If gentlemen, as they say, only intend to compliment Kossuth by the adoption of the resolution, why not express it in so many words? He has been frank; let us be equally so. I do not desire to detain this House longer, and with a simple reference to resolutions adopted by the Legislature of my own State honoring Kossuth as Kossuth, I yield the floor.

Mr. McMULLIN. I regret that the distinguished gentleman from Ohio [Mr. CARTER] was permitted to introduce this resolution originally. I have risen now, not for the purpose of protracting this debate, which has already continued too long, but for the purpose of defining my position, and setting myself right upon this question before the country, and especially before my constituents. I avail myself of this opportunity of tendering my congratulations, and not only my congratulations, but those of my constituents, for the stand he assumed when this matter was first presented to the House. Although that gentleman is a young member among us, yet I regard his position as a manly one before this House and the country. It is true he acted somewhat rashly in maintaining that position, but still I regard him as deserving the thanks of this House and of the country.

Mr. Chairman, I, for one, would be willing, and more than willing, to tender my hand to the distinguished Hungarian in his true character—as a champion of freedom. But I deny that we have any right to indorse his principles which he is seeking to propagate in this country. What, I ask you, was the phraseology of the joint resolution of Congress which invited him to our shores? It was, that if he and his countrymen, then in exile, desired to emigrate to this country, we would tender to him and them the use of a national vessel. And what is the condition of things now? Why, here, in this last day of the year 1851, we see the Congress of the United States gravely considering whether we shall appoint a committee upon the part of the House to wait upon this same personage, whom we only invited to emigrate to this country, and pay to him honors similar to those which were paid to Lafayette—the second Father of his Country. And permit me, in this connection, to remark, that in the other end of this Capitol, where Senators have thought proper to associate him with that distinguished man, I could not regard it otherwise than as an insult to the memory of Lafayette. It is true, I voted the other day for the resolution inviting him to this capital; but I gave that vote under a protest; and I take this occasion to declare, that if that vote had not been given, I would not now give it. But the invitation has been given, and while, under the circumstances, I am willing that the Speaker should receive Mr. Kossuth and introduce him to the members, I am unwilling that, in order to extend to him those civilities, we should ride over the rules and trample down the rights of the House; and I cannot sit here quietly and see its rules thus disregarded. I here solemnly enter my protest, as the representative of my constituents, against this proceeding. I say again that I am willing to extend to Kossuth the hand of friendship, as a man and as a patriot. But I am not willing to countenance him in the attempt which he has made to lecture the American people upon the character of our institutions. What do gentlemen mean when they tell me that they do not intend to commit this Government to his doctrines? Has not Mr. Kossuth told you that he does not desire your sympathy? And if he does not want your sympathy, what does he want? Why, it is men and money to fight the battles of Hungary. But I tell gentlemen that he will neither get men nor money by my vote. I repeat that I am willing that the Speaker should tender to him the same hospitalities that were tendered to Father Mathew, although the latter gentleman is doing much more good to our country than is Mr. Kossuth; but I am not willing to go further.

[Here the hammer fell.]

Mr. APPLETON, of Maine. I move to amend by striking out the word "only."

I desire once more to bring back this committee to the original resolution which was proposed by the gentleman from Ohio, [Mr. CARTER.] When that gentleman offered that resolution he expressly stated that he repudiated any idea of intervention or non-intervention. He only asked that it

should be considered merely as a matter of courtesy. I agreed with that gentleman then in that opinion, and I do not mean now to be driven from that position by anything which I have heard since. It is only a matter of courtesy. Why, sir, we have gone too far in this matter now to recede. The gentleman from Virginia [Mr. McMULLIN] expresses the same opinion when he says that if he could give his vote over again upon the resolution inviting Kossuth to this capital, that he would give it against that resolution. But that vote cannot be recalled. The question is decided; the issue has been made; and, sir, there was a previous question to that. We invited Kossuth to our shores; we sent a national vessel for him; and we adopted a resolution of welcome to him after his arrival in this country, by a large majority of both branches of Congress. However gentlemen may refine about it, he must be regarded in some sort as the nation's guest. I know very well that it has been said by gentlemen upon this floor that Kossuth was not invited here as the guest of the nation—that the object of the original resolution was merely to rescue him from imprisonment and give him a home among us; but that only shows that we did not know the man with whom we were dealing. He had a loftier character than we gave him credit for. He had been through a long struggle at home, and by power and treachery united, he had been signally defeated. He had been a wanderer and an outcast—separated from his family—deprived of his home—cut off from his country—and obliged to seek Turkish imprisonment as a shelter for his life. Even in that retreat, the threats of Austria had been constantly sounding in his ears, and he was compelled almost daily to feel that his hospitable host placed in jeopardy his own peace and power for the purpose of protecting him. Under such circumstances, we gave him the means of escape, and might almost be pardoned for believing that he would be glad to forget his past sufferings in future comfort, and soothe his broken spirit amidst the quiet of a western home, where he would be sure to find sympathy for his misfortunes, and a generous approval of his republican course. Yet it was not so. It was no poor broken-hearted dreamer, sighing for personal care and comfort, and almost regretting the sacrifices which had made him an exile from his home, that the steamer Mississippi received on board, when Kossuth came upon her deck at Constantinople. No, sir; but the moment he stood beneath a free flag, and trod upon a free deck, and saw around him the men and the arms of a free country, his great spirit swelled to its old dimensions, and the love and power of liberty were renewed in his veins together. Not for him a cottage in some far retreat. Not for him the delights of a homely fireside, and all the comforts of ease and competence. Not for him the plough and the sickle, and the peaceful employments to which they tend. Far other visions occupy his mind. His thoughts are with his countrymen who are still oppressed; and the pale and bleeding form of Hungary seems to walk constantly before him, and to beckon him onward to the great work of her deliverance. Sir, in all this, I find nothing to diminish our estimate of the man, but much rather to increase it. The patriotism and self-sacrifice which he has thus shown give him a new title to our regard, and justify by fresh reasons the welcome which we have given him. Sir, I believe he has deserved that welcome by his past services, and I hope he will deserve a still more illustrious expression of our regard, by the events of his future career. All this, I think it has been the right and the duty of the American Congress to declare—and to declare it with no scanty phrases, no bated breath, and no trembling voices—but in tones loud enough to be heard alike by the despots and the subjects of the Old World, and firm enough to carry the conviction wherever they go, that we mean what we say. To this extent we have high authority to justify us, as well as the teachings of our own minds.

And beyond this it is not necessary now to declare ourselves. I do not intend to go into the broad questions of national policy which have been opened here to-night. Upon these questions I have nothing to say. They do not belong to this debate. But I recognize in Louis Kossuth the great master-spirit which has been evoked by the late European excitements. It is almost a law of revolutions that they create their own chief guides

and leaders. From out the stormy waves of the French convulsions emerged Napoleon Bonaparte, who seized with an iron hand the helm of Europe; and wrote his name with the point of his sword in ineffaceable characters upon the history of the world. In our own Revolution, also, Providence raised up the man for the times, and gave as that Washington whose fame is yet the dearest treasure of his countrymen, and whose name is honored wherever liberty is praised. But in looking over the late agitations of the Old World, no man, it seems to me, appears who can fairly contest the palm of supremacy with Kossuth. When revolution had failed everywhere else, and the old darkness was settling over the nations, it was he who kept Hungary alive with freedom, and so animated her with his own spirit that she beat Austria from the field, did not tremble before Austria and Russia combined, and only bowed her head at last before the treachery of one of her own sons. Sir, for what this man has done I am willing to give him my cordial thanks, and I care not how loudly and how warmly he may be welcomed to our shores. I am willing to see the people load him with honors, and make him the almoner of great wealth. All this they have a right to do, and there is no power on earth which can control them. Nor do I fear that they will ultimately go too far. I have great and abiding confidence in their "sober second thought." But I warn gentlemen that any abatement of a proper courtesy on our part towards the illustrious Magyar may awaken an indignant feeling among the people, which may react in favor of those very doctrines of his which some of us do not see fit yet to avow.

[Here the hammer fell.]

Mr. GROW. It was not my purpose thus early in the session to mingle in the debates of this Hall, nor would I at this late hour of the day trouble the House with any remarks but for the charge that has just fallen from the lips of the gentleman from Virginia, [Mr. McMULLIN.] I cannot refrain from replying, when I have the words of Kossuth to do it with. Let his own language defend him against the charge of audacity. He comes here advocating the rights of crushed humanity and the cause of his native land, and asks the American people for their aid against the despots of his country. Frankly he lays his claims and wishes before his hearers, and asks their consideration. He asks them as men standing under the shadow of Washington, to consider the cause of humanity; and for this he is charged with being guilty of the greatest impudence! Are his requests unreasonable, that they should not be heard? He brings to their elucidation the light of his master intellect, and the impulses of a warm heart. In what consists his impudence? Does he make a demand upon this Government or people, and attempt by threats or intimidation to coerce it? He presents his cause and reasons, and asks you for a voluntary decision; and if in his favor, then he will leave your shores—the herald of glad tidings to enthralled nations. But if you answer no, in his own language "you will see a mournful tear in the eye of humanity—its breast heaving with a sorrowful sigh—yet the answer must be accepted." "If you answer, 'you would rather be on friendly terms with the 'Czar than rejoice in the liberty and independence of Hungary, Italy, Germany, and France, yet 'dreadful as it is I will wipe the tear of sorrow 'from my eye, and say to my brethren, let us pray, 'and go to the Lord's last supper, and then to battle and to death. I will say to them, there is no 'help for us but in our trust in God, and in our 'own good swords. I will leave you with a dying 'farewell, and bless you with the warmest wishes 'of my heart, and pray to God that the Sun of 'Freedom may never decline from the horizon of 'your happy land." If this be "impudence," in what way would you have an apostle of liberty appeal for the sympathy and aid of a people whose country has drank the life-blood not only of its own martyrs, but of the martyrs of every clime? Is it impudent for a man just escaped from Austrian dungeons and Turkish exile to stand up in the face of nations and advocate the conscious rights of man? Is it "impudent" for the representative of a brave people to present the claims of his fatherland to the sympathies of the descendants of Washington, Franklin, and Jefferson?—to make his appeal in behalf of bleeding humanity to a people whose every battle-field in the first and second war of independence is red with the blood of for-

signers—to a country that in the hour of peril received the aid of a Lafayette, De Kalb, and Kosciuszko, and whose soil still holds the ashes of Pulaski and Steuben?

Mr. McMULLIN, (interrupting.) His impudence is in attempting to destroy the teachings of Washington.

Mr. GROW. Devoutly as we turn to the teachings of that greatest of mortals—and Heaven grant the day may never come when it shall be otherwise with the American—still the institutions, opinions, and men, both living and dead, of this country, as of all others, are here proper and open subjects of manly discussion. Freedom of opinion and expression on any and all subjects, is the right of a freeman under a free Government. The only sure reliance in every case is on the virtue, intelligence, and integrity of the people to correct all errors. It becomes not the American to bow with blind reverence to opinions or institutions because of their grey age. For while knowledge is growing more comprehensive, man's relations becoming better known, he who would cling blindly to all the notions of other times, acts a suicidal part to the best interests of the present. While truth and society are progressive, he who would seek the one with an honest heart and fearless mind, and act with a generous soul for the best interest of the other, cannot entertain all the notions of his predecessors.

If the doctrine of non-intervention was proper for our country in the days of Washington, and even though bequeathed to us as his dying legacy, has not the time come, or will it never arrive, for this Republic to decide whether in its foreign relations it is an inveterate rule never in any case to be departed from; that we must stand with folded arms and closed lips and see a brave people, goaded by the wrongs of centuries and battling for liberty and the rights which God and nature has given them, and even when they have driven the invader from their soil, struck down by the hireling myrmidons of united despots, and their country drenched with the blood of the noble and the brave, blotted from the map of nations? Is it the legacy of wisdom and humanity bequeathed by Washington and his copatriots, that American freemen must forever, in silence, be pierced with the "shrieks of liberty" as her votaries fall?

Whatever may be the policy or decision of our Government in reference to armed intervention, as the generous spirit sits not at the social board with the robber and the assassin, let it, at least, in its intercourse with other nations, be as circumspect in its company as the private citizen. To that nation which tramples on the laws of nations and the common rights of humanity, let it not extend the hand of fellowship. Let us welcome to our shores, and to the hearts of our countrymen, the exile driven by oppression and wrong from the fireside of his fathers.

Mr. GORMAN. As the gentleman's time is not yet out, I desire to make a statement to the friends of this resolution. I desire to say to them, that if they expect to arrive at a vote upon the resolution to-night, they must not discuss it themselves. If gentlemen will recollect, during the last Congress the Committee of the Whole on the state of the Union were kept from a vote for sixty days precisely in this way. For one, I intend to sit here till midnight rather than not to dispose of this resolution.

The question was then taken on the amendment of the gentleman from Maine, [Mr. APPLETON,] and it was not agreed to.

Mr. STANTON, of Kentucky. I have an amendment which I propose to offer, after which I intend to ask the Clerk to read an extract from a speech of Kossuth's. I move to strike out all after the word "provided," and insert the following:

First, That, feeling interested in the maintenance of the laws of nations, acknowledging the sovereign right of every people to dispose of its own domestic concerns to be one of these laws, and the interference with this sovereign right to be a violation of these laws of nations, the people of the United States—resolved to respect and to make respected these public laws—declare the Russian past intervention in Hungary to be a violation of these laws, which, if reiterated, would be a new violation, and would not be regarded indifferently by the people of the United States.

Second, That the people of the United States are resolved to maintain its right of commercial intercourse with the nations of Europe, whether they be in a state of revolution against their government or not; and that, with a view of approaching scenes on the continent of Europe, the Government should take appropriate measures for the protection of the trade of our people in the Mediterranean; and,

Third, That the Government of the United States should declare its opinion in respect to the question of the independence of Hungary, and act accordingly.

Mr. S. said: The amendment is simply the platform of Kossuth himself, as presented to the American people, and seems either to have been misunderstood, or forgotten, by those who have undertaken to announce his purposes in the debate which has taken place on this resolution. Kossuth himself can better explain what he means by these propositions, than any one else, and as he has had no chance of speaking to-day for himself, I propose to afford him an opportunity. When Kossuth shall have spoken, it will be a fit time to close this debate; and I trust that the little speech which I send to the Clerk to read, from the great Hungarian himself, explanatory of his platform, will be the last made upon the subject.

The following extract from Kossuth's address to the Jackson Democratic Association, was then read:

"My nation believes that the United States, presenting themselves before the world in that imposing attitude, will restrain tyrants without any war. Let me say, that I came not to try to engage your arms and the blood of your hearts, to fight our battles. We will fight our battles ourselves. [Applause.] I came not to entangle you in a war. We can fight our own battles. We are a nation capable of achieving our own freedom if we have fair play. If a nation like Hungary, with fifteen millions of inhabitants, is not able to fight its own battles, by its own force, against its own enemy—if it is not strong enough to settle its own domestic matters, by its own strength, it deserves not, it merits not, to be free. All we want is fair play. [Applause.] We do not wish to fight against the whole world. The only thing which we desire is fair play."

Mr. BAYLY, of Virginia. I will remark that the extract which has just been read, does not contain all that Kossuth has said on this point. [Prolonged laughter.] I hope that laugh will not be taken out of my time. [Renewed laughter.] He has told us, with that candor which has characterized him since he came amongst us, that when he asks us to declare against intervention, if that declaration of ours was disregarded upon the part of Russia, that he expected us to go to war to sustain it. That is what he said, and it cannot be disputed on the floor; and an attempt ought not to be made to disguise it. Now, I want to put to the American Congress one or two simple inquiries in respect to this doctrine in favor of non-intervention. I ask what department can commit us to it in a form to be authoritative and respected? Suppose the Executive should declare it, does not every one know that, coming from that Department alone, it would be *brutum fulmen*? Suppose it should not be respected, as it most probably would not be, what could the President do? He could not back it with the Army and Navy of the United States. The war-power resides in Congress; and no appropriation to that use can be made for a longer period than two years. All he could do would be to convene Congress, and recommend to it to declare war to make good his declaration. Congress is, as we all know, a fluctuating body; an opposition Congress is not always disposed to carry out Executive recommendations, and it cannot be relied upon with certainty that all future Congresses would go to war to sustain such a declaration, even if made by a President to whom it was friendly. It certainly would not do it in a case which did not strongly enlist its sympathy. Yet to cause the principle to be respected in any case, it would be necessary to vindicate it in all. I repeat, what Kossuth himself admits in effect, that, unless it is known by other nations that we would vindicate our declaration by war if it was not respected, that it would be mere *brutum fulmen*.

Suppose the declaration made by the Executive and by Congress also. It could only bind the Congress that would make it.

Kossuth's doctrines are impracticable under our form of government. Let me illustrate. Suppose this Government was to commit itself in all of its branches to them; suppose about August, Hungary should again strike for her independence; suppose Russia should interfere—as interfere she would, for the right to do so, as she esteems, is the vital principle of her system, and she would risk a war with us, or anybody else, sooner than surrender it—all the President could do would be to convene Congress. This would take sixty days. We would debate at least six weeks, more likely six months, before a declaration of war would be made. Then we would have to take time to raise and discipline an army, unless we do

what I think is an indispensable adjunct to this policy—keep on hand a large standing army. Then they are to be transported to Hungary, and in the mean time she is again prostrate; and we, I suppose, would either return with our fingers in our mouths, or wage a war to resuscitate her. In other words, we would wage a war to bring into existence a republic rather than to succor one. If we desire to engage in this policy, I think France presents a fair theatre. That is the view I hinted at yesterday; but I did not wish to elaborate it then, and, of course, I do not mean to attempt it now, in the five minutes that are allotted me. I shall do it hereafter. But I undertake to say that this doctrine of intervention is utterly inconsistent with the whole structure of our Government. Under a monarchy it is different. When the King of England or any other of the potentates of Europe make a declaration against intervention, they have all the war power in their own hands, and they can back their declaration without consulting anybody. I undertake to say, with some little knowledge of history upon this subject, that there has been no case where any nation of Europe has taken the decisive stand which we are called upon to take, that did not at least commence making preparation for war coexistent with its declaration. In most cases the preparation has preceded the declaration; and to cause it to be respected this must be done. If we are to adopt this European policy, we must adopt all essential parts of it.

[Here the hammer fell.]

The question was then taken upon Mr. STANTON's amendment to the amendment of Mr. CHURCHWELL, and it was not agreed to.

Mr. RICHARDSON. I desire to offer an amendment to the amendment of the gentleman from Tennessee, [Mr. CHURCHWELL.] I offer the following:

Resolved, That the Speaker be requested to appoint a committee who shall report to this House whether, in their opinion, the resolution of the last Congress, inviting Father Mathew to a seat in this Hall, committed members of Congress and the Government of the United States to the cause of temperance.

[Great laughter.]

The CHAIRMAN. The amendment is not in order.

Mr. STEPHENS, of Georgia. What is the pending amendment?

The CHAIRMAN. The amendment of the gentleman from Tennessee, [Mr. CHURCHWELL.]

Mr. STEPHENS. What has become of the amendment of the gentleman from Illinois?

The CHAIRMAN. It is not in order.

Mr. YATES. I offer the following amendment to the amendment:

"And that said committee be instructed to inform Louis Kossuth that the Government of the United States will not look with indifference on the intervention of Russia, or any other foreign Power, against Hungary, in any struggle for liberty she may hereafter have against the despotic power of Austria."

Mr. YATES said: I have introduced this amendment only for the purpose of saying that I am in favor of the original resolution. I am astonished that gentlemen will not permit the House to come to a fair vote upon that resolution. The resolution does not commit the House to the principle of intervention. No, sir; not even by implication or construction. There is nothing in it which, according to a fair and honest interpretation, can be construed a commitment to that principle. The only question is, whether we will extend a cordial welcome to this illustrious champion of human rights. It contains a simple direction to the committee to wait upon Louis Kossuth, and to introduce him to this House. When gentlemen array the objection of intervention against this resolution, they travel out of the record. There is no such averment in the declaration. It is a simple act of courtesy, and no more. I would not, sir, heedlessly involve this nation in the affairs of foreign nations. I see no reason yet to change the time-honored policy of the country—entangling alliances with none; and immediate intervention, by means and men, might prove most disastrous to the best interests of our country, and might even endanger its existence, to say nothing of the blood to be shed and the immense amount of treasure to be expended in such a fanciful crusade for liberty.

But, sir, I would be willing to go further even than this resolution, and to express, in unequivocal terms, our sympathy for every nation strug-

gling against power and despotism for true and genuine liberty.

Who is Louis Kossuth? He stands forth prominent before the civilized world as the distinguished representative of the democratic principle in Europe; as one who, in the council chamber of his native land—in the Hungarian Diet—contended for the abolition of feudal prerogatives, for the principle of popular representation, and for unrestricted equality without regard to rank or birth—and who is now the great missionary of freedom, and is setting on fire the whole civilized world by the splendor and power and brilliancy of his eloquence in the sacred cause of oppressed humanity. He comes here an exile. Overcome by his enemies, defeated by the treachery of his friends, incarcerated in Austrian dungeons, banished from his native country, from the home of his childhood, yet his lofty spirit, still unbroken, towers with the great idea of redemption to Hungary, and his great heart still beats with the unfaltering purpose to strike for freedom and the rights of man. This, sir, is the man whom we propose to welcome.

Sir, if it be intervention, which I deny, to shake by the hand *this republican*, then I am for intervention. If it be intervention to proclaim our sympathy for any people struggling for disenthralment from tyranny, for the great principles of democratic liberty, then I am for it. [Several voices: "That's right."] If it be intervention for this Congress to express its indignant condemnation of the tyranny of Austria and the double tyranny of Russia, in the progress of this Hungarian war, then I am for it. [Voices: "That's right."] Sir, the *inglorious sentiment* that we, the freest nation in the world, enjoying all the blessings of republican government, can be indifferent to the struggles of the oppressed for the same liberty we possess, is a sentiment unworthy of the spirit of the age in which we live, and should find no lodgment in the American heart. It has been the policy of this Government to express its sympathy in such cases, and I hope it will continue to be. We must do right, sir, let the consequences be what they may. If Russia and Austria take offence and bring on war, it will be their war and not ours. We shall fight in the defence; and in a righteous war upon our own soil, we could bid defiance to the despotisms of the world. Bright glories have covered our arms in three wars already; but in this last and final struggle between freedom and despotism, our good old flag would be borne aloft in triumph, the glorious ensign of liberty to the world.

Mr. Chairman, we are told that there is no precedent for this welcome. I am willing to admit that precedent is worth something, and could show that we had precedents in a good measure similar to the case now before us, in the reception of Lafayette and Father Mathew; but what is it for which gentlemen ask a precedent? Why, sir, it is this: we must not take a good republican by the hand, because we have no precedent for it. This, sir, with due deference to gentlemen, I must say is simply ridiculous. No precedent, sir! I will inquire if all advance in legislation, all progress in civil or political reform, and even the friendly exchange of the common courtesies of life, are to be disregarded, because there is no precedent for them? Sir, it is in politics as it is in the physical sciences, in improvements in agriculture, or the mechanic arts; it is an age of progress in which in some things we are leaving the old landmarks behind and striking out a new path. Less than half a century ago, and there was no precedent for steamboats, or railroads, or telegraphs. Now, sir, we have precedents in the palaces that float upon the bosoms of our rivers and plough the ocean; in the iron horse that thunders along our mountains and valleys; and in the long wires which bear our thoughts and messages faster than eagles fly. Sir, if there is no precedent in the annals of Congress for tendering the hospitalities of this nation to so distinguished a champion of human rights as Louis Kossuth, then the sooner we have such a precedent the better. The more is the honor to us, if we shall be the first Congress to set such a glorious precedent.

But Kossuth is a foreigner. This, sir, is no objection with me. It is justly our boast, that ours is an asylum for the oppressed of every clime; and long, long I hope it will continue to be. When the lone exile of oppression shall find no other refuge, here, sir, in all time to come, may he find a foothold. A considerable portion of the

population of the district I have the honor to represent, consists of Germans, and, sir, they are distinguished for their intelligence, enterprise, and public spirit; but more than this, they are distinguished for their ardent devotion to our Government. They readily learn our language, take an interest in our schools and public works, and I believe, sir, are as sober, industrious, moral, and patriotic as our native American citizens. Upon the great subject of liberty I humbly trust that this House cannot hesitate because Kossuth is a foreigner. The true friends of freedom are united in the bonds of brotherhood throughout the world, and no natural barriers, no differences of locality, of clime, or country, no ocean running between, should divide them.

Mr. Chairman, this is a noble opportunity for the representatives of this great nation to testify to the world their sympathy for a nation struggling to be free. It should not pass. We should give to Kossuth such a welcome as is worthy of his exalted worth—of his privations in the cause of freedom—of his illustrious services, and of him as one of the greatest living orators of the age—and such a welcome as is worthy of this great nation. Ours is the greatest and freest nation on the earth. We have attained to a fuller and more perfect development of the democratic principle than any other people. Then, sir, let us welcome Kossuth in a manner worthy of this our great land of free States and spreading millions of free people. Let no idle and inglorious fears of offending the despots of Europe deter us from the plain dictates of patriotic duty. Let Kossuth feel that the simple, unostentatious welcome of this House is a full reward for all his services in behalf of oppressed humanity; and that this land, with institutions based emphatically upon the power of the people, is indeed an asylum for the oppressed. Let him feel that if he does not get men and money and armed intervention from our Government, he gets what is not less potent for his cause—the moral power of this nation.

Mr. Chairman, let not the representatives of the people be behind the people themselves. I rejoice, sir, that standing in this the Capitol of my country for the first time, it is my prerogative to speak for this resolution. Let us hail Kossuth, not for himself only, but for his cause, as the elder Adams said of the Fourth of July, "with gratulation and joy, with bonfires and illuminations." Welcome should be inscribed upon the doors of the Capitol, upon the flag that floats above us—

[Here the hammer fell.]

Mr. GREY said, that this debate had taken a range and latitude, which to him seemed strange and inappropriate. The simple question presented by the resolution of the gentleman from Ohio, [Mr. CARTER,] was as to the appointment of a committee to introduce Mr. Kossuth to the House of Representatives. Yet a person entering the Hall and ignorant of the true question before the House, would suppose that the proposition under discussion was war with Russia and direct intervention in the contest between Hungary and Austria. The resolution presents no such issue. The question is simply whether we shall now repudiate, or carry out the invitation heretofore tendered to Kossuth; whether we shall extend to him the courtesies to which we stand committed by the action of the Executive and by past legislation. In February last, the Secretary of State, the officer charged with the management of our foreign relations, had taken the initiative, and instructed our Minister in Turkey to open negotiations with the Turkish Government for the liberation of Kossuth. This proceeding of the national Executive had been subsequently indorsed and approved by Congress, by the resolution of March last, instructing the President to send a national vessel to bring Kossuth to this country.

The President in his message informed Congress that he had complied with their instructions, and that Kossuth was soon expected to arrive, and he referred to their consideration the question of the manner of the reception and treatment of this distinguished man, thus brought to this country by the order of Congress. Kossuth arrived, and the President of the United States, as Commander-in-Chief of the Army and Navy, had received him at New York as the nation's guest with a national salute. Congress then adopted the following Joint Resolution:

"Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the Congress of the United States, in the name and behalf of the people of the United States, give to Louis Kossuth a cordial welcome to the capital and to the country; and that a copy of this resolution be transmitted to him by the President of the United States."

Where did this demonstration in favor of Kossuth originate? It was not a Democratic measure, nor a Whig measure; but a measure of the National Executive—of the Secretary of State, who controls the foreign affairs of the country, and who first suggested that we should pass a joint resolution welcoming Louis Kossuth to the capital and the country.

In compliance with the invitation tendered him by Congress in this joint resolution, Kossuth presents himself in this capital. Now, the plain question is, Will you recall, or will you fulfill the invitation you have given him? Are you now doubtful of his worth and merits? And had you not the same data, by which to judge of his worth and merits, before you gave him this invitation, as now? My colleague on my right [Mr. EWING] fears that this tends to intervention in the affairs of Europe, and asks where are we to stop? I answer, that the question of intervention or non-intervention is not before us. It will be time enough to decide that question when it arises. The question now presented, and the only question, is, shall we fulfill the reasonable expectations created by our own previous action? Having invited Kossuth to come to the capital, shall we receive him and treat him with courtesy, now that he has accepted our invitation? And shall we, by so doing, express our sympathy for the progress of liberal institutions and republicanism in Europe, of which he is the representative? I do not intend to contribute in any way to involve my country in a war, for the propagation of the doctrines advocated by Kossuth. Yet I see no reason why we should not give him and his cause the moral influence of our countenance and sympathy, by receiving him with the civility and politeness due to our own self-respect. The law of nations does not forbid the exercise of such hospitality, nor the expression of our sympathies for this distinguished man and the cause he represents. The despotic powers of the world combine to maintain and uphold their doctrines, and why should we hesitate to give the moral influence of our sympathy to the cause of liberal and republican institutions, or to extend to their representative the civilities to which we are committed? To my colleagues, who differ from me on this question, I say that the people of Kentucky would not hesitate to do so, fully, frankly, heartily, and gracefully, as the occasion demands.

Sir, Louis Kossuth, as the great apostle of liberty, as the representative of those who advocate liberal principles in Europe, as a martyr to those principles, and an exile from his own dear Hungary, would be greeted nowhere with a more cordial and whole-souled welcome, than in Kentucky. To my colleagues who oppose this resolution (Messrs. MARSHALL and EWING) I will suppose this case: They unite in an invitation to a distinguished but unfortunate individual, a citizen of another State of this Union, or, if they please, of a foreign government, to come and make his home in Kentucky. They send their "coach and four" to bring him to the State. He arrives. They again unite in a joint note, bidding him welcome to the State, and to their houses. He so conducts himself that he is received in every town and city with the greatest enthusiasm, with every token of the highest appreciation, and he is escorted by committees from town to town, till he reaches the doors of my two colleagues. Would they then say to their families and friends, "Sit still, be quiet, don't move; I won't invite this man in, nor introduce him to my household, for fear he may next ask for a loan of money, or some new favor; or lest he may not behave like a gentleman, and act in all respects with propriety." Is this Kentucky hospitality? No, sir; no. After such invitations and antecedents, a Kentuckian would meet the stranger at the door; would do it handsomely; would take him cordially by the hand, and exclaim, "Welcome, sir, thrice welcome to these halls. Allow me the pleasure of introducing you to my family and friends." This much is due from this House to the distinguished patriot and exile, who now stands at our door—our own invited guest. The resolution of the gentleman from

Ohio does this, and commits us to nothing more; and I will vote for it with all my heart.

But it is said that if you receive him, as this resolution proposes, he will next ask your aid and intervention in the affairs of Hungary. Be it so. Will it be a crime in Kossuth to ask our aid? I think not. He has a right to ask, as we have a right to grant, or to withhold, as we may judge fitting and proper, when the demand or request is presented. And I ask how we will be in any worse condition to refuse his request, after we have received him with that hospitality and those civilities, which seem called for by the invitation which has brought him here. If you invite a man to your house, you receive him when he comes, with cordial courtesy; and if he afterwards presents an unreasonable request, or one which you do not think proper to concede, you may then with better grace decline.

It has been imputed, as an offence, to Kossuth, that he has appealed from the Government to the people. I do not so understand him. In contrasting the Governments of Europe with that of the United States—a contrast drawn from him by the excitement of the warm reception with which his landing in America was greeted by the people—he has said that here the people are sovereign, as they should be, and as he wishes to see them in his own country. In declaring that the people are the true sovereigns, I understand him as declaring his assent to that principle of our Government, which he wishes to see introduced into his own country. Has not every member of this House, in his canvassing, used the same language, and in the same spirit, when addressing the people? If so, did they mean any offence to the people or to the Government? If not, why take exception to the same language when spoken by Kossuth? For my part, being well convinced that he intended no offence, I will not captiously take offence. It is also urged that we offered him an asylum; that we invited him to become a resident amongst us; and that we ought not to receive him because he comes, not to reside, but as a transient visitor. But if you invite a person to take up his abode with you, and he comes to thank you, will you turn your back upon him, because he respectfully makes known that his circumstances prevent his accepting your kind offer? We do not do so in Kentucky. No, sir. Congress invited Kossuth to come to America. On his arrival, the President received him as the nation's guest, with a national salute. Congress has since invited him to the capital; and since he has come on that invitation, I, for my part, will receive him in the manner which I think our previous action requires—with the cordial sympathy due to his cause, with the honors due to him as its representative, and with the polite courtesy and generous hospitality for which the American people are distinguished, and none more than the people of the State which I have the honor in part to represent.

Mr. STEPHENS, of Georgia, demanded tellers on Mr. YATES's amendment; which were ordered; and Messrs. AVERETT and FOWLER appointed.

The question was then taken, and the tellers reported—ayes 6, noes 90. No quorum voting.

[Loud cries of "Call the roll!" "Call the roll!"]

Mr. HARRIS, of Alabama, inquired if a motion that the committee do now rise was in order. The CHAIRMAN replied that the motion would not be in order, as the rule required that when the committee found itself without a quorum the roll should be called.

The roll was then called, and the committee rose, and the Speaker having resumed the chair, the chairman of the committee reported the facts to the House, with the names of the absentees.

A quorum being now present, the committee resumed its session.

Mr. HARRIS, of Alabama, moved that the committee rise.

Mr. CARTTER demanded tellers; which were ordered, and Messrs. ORR and FOWLER were appointed.

The question was then taken, and decided in the negative—ayes 50, noes 74.

So the committee refused to rise.

The question was next again taken on Mr. YATES's amendment; and the tellers reported—ayes 2, noes 77. No quorum voting.

So the roll was again called.

The committee rose, and the Speaker having

resumed the chair, the chairman of the committee reported the facts, and the names of the absentees to the House.

A quorum being present, the committee resumed its session.

Mr. CABELL, of Florida, moved that the committee rise.

Mr. WALSH moved to amend the motion by adding, "with instructions to report the resolution to the House."

The CHAIRMAN ruled the amendment out of order.

Mr. STEPHENS, of Georgia, demanded tellers on the motion that the committee rise.

Tellers were ordered; and Messrs. SNOW, and JOHNSON of Tennessee, appointed.

The question being then taken, tellers reported—ayes 15, noes 74; no quorum voting.

The roll was called.

The committee rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union, having caused the roll to be called, had found itself without a quorum.

Mr. ASHE moved that the House adjourn.

Mr. STANTON, of Tennessee, inquired if a motion for a call of the House would not take precedence of the motion to adjourn?

The SPEAKER ruled that it would not.

Mr. TOWNSHEND called for the yeas and nays; and they were ordered.

The question being then taken, it was decided in the negative—ayes 54, noes 88; as follows:

YEAS—Messrs. Aiken, Ashe, Averett, Thos. H. Bayly, Barrere, Bacoock, Bowie, Brooks, Albert G. Brown, E. C. Cabell, Caldwell, Lewis D. Campbell, Churchwell, Cobb, Cullom, Dockery, Edmundson, Ewing, Fitch, Goodenow, Hall, Hammond, Harper, Isham G. Harris, Haven, Hendricks, Hillyer, Jackson, Andrew Johnson, James Johnson, George W. Jones, Kuhns, Landry, Lockhart, Humphrey Marshall, Martin, McMullin, Meacham, Miller, John Moore, Morehead, Murphy, Porter, Powell, Savage, Schermerhorn, Scurry, Smith, Stanly, Alexander H. Stephens, Taylor, Venable, Watkins, and Williams—54.

NAYS—Messrs. Willis Allen, Allison, Babcock, Bartlett, Bell, Bissell, John H. Boyd, Breckenridge, Brenton, Briggs, Buell, Busby, Joseph Cable, Carter, Chapman, Chastain, Cleveland, Clingman, Conger, George T. Davis, John G. Davis, Dean, Doty, Durkee, Eastman, Edgerton, Ficklin, Florence, Floyd, Fowler, Henry M. Fuller, Thos. J. D. Fuller, Gaylord, Gentry, Giddings, Gilmore, Gorman, Green, Grow, Henn, Horsford, John W. Howe, Thomas M. Howe, Ingersoll, Ives, John Johnson, Robert W. Johnson, Daniel T. Jones, Preston King, Fletcher, Mace, Mann, Millson, Molony, Nabers, Newton, Peaslee, Penniman, Perkins, Rantoul, Robie, Robinson, Sackett, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Stratton, Stuart, Sutherland, Sweetser, George W. Thompson, Thurston, Townshend, Tuck, Walbridge, Walsh, Ward, Washburn, Welch, Addison White, Wildrick, and Yates—88.

So the House refused to adjourn.

Before the above result was announced—

Mr. GENTRY asked the unanimous consent of the House to propound a question to the Chair. I simply wish to know whether it will be in order for me to move, provided the House does not adjourn, that the Committee of the Whole be discharged from the further consideration of the resolution, and instructed to report that resolution forthwith to the House without amendment?

The SPEAKER. It can be done by unanimous consent.

Mr. VENABLE. I object.

[Cries of "Go on!" "Go on!"]

Mr. GENTRY. I do not claim the right of debate, but only ask the permission of the House—

[Cries of "Order!" "Order!" "Go on!" "Go on!" from numerous members.]

Mr. GENTRY. I was about to remark—

[Cries of "Order!" "Order!"]

The SPEAKER. Objection being made, the gentleman cannot proceed.

The SPEAKER. There being a quorum present, the chairman of the committee [Mr. JONES, of Tennessee] will resume the chair. That is the order of business under the rules.

The CHAIRMAN resumed the chair, and announced that the question before the committee was the amendment of the gentleman from Illinois [Mr. YATES] to the amendment of the gentleman from Tennessee, [Mr. CHURCHWELL.]

Mr. CABELL, of Florida. The question before the committee was on the motion to rise.

The CHAIRMAN. The gentleman from Florida is correct. Upon this question tellers had been ordered, and when they had reported,

it was ascertained that no quorum was present. The tellers will resume their places.

Mr. GORMAN. I beg to remark that I believe the question before the committee was upon the motion that the committee rise, and that the inflexibility of the opposition is such that every one must perceive, if they are determined to hold out, it is out of the question to pass this resolution to-night. Gentlemen will remember a similar scene upon the California question during the last Congress, and the amount of time consumed in five minute speeches. And in this case, unless gentlemen want to make five minute speeches, I insist that the committee do rise.

The tellers, Messrs. BROWN of Mississippi, and CHAPMAN, having resumed their places, the question was taken on the motion that the committee rise, and the tellers reported—ayes 62, noes 74.

So the committee refused to rise.

The question recurring upon the amendment to the amendment,

Mr. STEPHENS, of Georgia, demanded tellers; which were ordered, and Messrs. GILMORE and CABELL were appointed.

The question was then taken, and the tellers reported—aye 1, noes 75; no quorum voting.

[Cries, "Call the roll!" "Call the roll!"]

The roll was then called, and the committee rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union having found itself without a quorum, caused the roll to be called, and instructed him to report the facts to the House with the names of the absentees.

There being no quorum present,

Mr. STEPHENS, of Georgia, moved a call of the House; which motion was agreed to.

Mr. STANLY. I move that the House do now adjourn.

Mr. WILDRICK called for the yeas and nays on that motion; which were ordered.

The question was then taken, and the House refused to adjourn—yeas 61, nays 77; as follows:

YEAS—Messrs. Abercrombie, Aiken, William Appleton, Ashe, Averett, Thomas H. Bayly, Barrere, Bocoock, Bowie, Brenton, Albert G. Brown, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Churchwell, Cobb, Cullem, Dockery, Edmundson, Ewing, Fitch, Freeman, Gentry, Goodenow, Gorman, Grey, Hall, Hammond, Harper, Isham G. Harris, Haven, Hendricks, Hillyer, Andrew Johnson, James Johnson, Robert W. Johnson, George W. Jones, Kuhns, Landry, Lockhart, Humphrey Marshall, Martin, McMullen, Miller, Milson, John Moore, Morehead, Murphy, Powell, Riddle, Savage, Schermerhorn, Scurry, Smith, Stanly, Alexander H. Stephens, Taylor, Venable, Watkins, and Williams—61.

NAYS—Messrs. Willis Allen, Allison, Babcock, Bartlett, Bissell, Bowne, Briggs, Buell, Joseph Cable, Carter, Chapman, Chastain, Cleveland, Clingman, Conger, John G. Davis, Dean, Doty, Durkee, Eastman, Edgerton, Ficklin, Florence, Floyd, Fowler, Henry M. Fuller, Gaylord, Giddings, Gilmore, Green, Grow, Hascall, Henn, Horsford, John W. Howe, Thomas M. Howe, Ingersoll, Ives, John Johnson, Daniel T. Jones, Preston King, Letcher, Mace, Mann, Meacham, Molony, Newton, Peaslee, Penniman, Perkins, Porter, Rantoul, Robie, Sackett, Scudder, David L. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Stratton, Stuart, Sweetser, George W. Thompson, Thurston, Townsend, Tuck, Walbridge, Walsh, Ward, Washburn, Welch, Addison White, Wildrick, and Yates—77.

Mr. FOWLER. I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up the subject under consideration at its last sitting.

The SPEAKER. The House has already ordered that there shall be a call of the House, and it is the duty of the Chair to direct the roll to be called.

Mr. STEPHENS, of Georgia. The yeas and nays were called upon that question.

The SPEAKER. The Chair did not so understand it.

Mr. STEPHENS. I had just risen, when the motion was made to adjourn, to call for the yeas and nays, when the gentleman upon my right [Mr. CLINGMAN] called for them. The Chair said it was too late. I raise this point of order. It is never too late to call for the yeas and nays, because it is a constitutional right.

The SPEAKER. There is no doubt that it is a constitutional right, but it is too late to call the yeas and nays upon a question that has passed.

Mr. JOHNSON, of Arkansas. Is the call still in force?

The SPEAKER. We are under an order of the House for a call of this House.

Mr. JOHNSON. I move that all further proceeding upon the call of the House be suspended.

Mr. STEPHENS. I demand the yeas and nays upon that motion.

Mr. ORR. I rise to a question of order. It is, that no proceedings have been had since the call of the House, and it is not in order to make such a motion now.

The SPEAKER. It is competent for the House at any time to rescind its order.

The yeas and nays were ordered.

Mr. JOHNSON. I withdraw my motion.

Mr. CARTTER. Is it in order to make a motion to adjourn?

The SPEAKER. It is.

Mr. SWEETSER. I rise to a question of order.

Mr. CARTTER. I have the floor.

The SPEAKER. The gentleman from Ohio [Mr. CARTTER] has the floor.

Mr. CARTTER. I move that the House do now adjourn.

The question was taken, and the motion was agreed to.

So the House, at ten p. m., adjourned to Friday.

PETITIONS, &c.

The following memorials, petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. JOHN W. HOWE: The petition of John Gilfillin and 65 others, citizens of Lawrence county, Pennsylvania, praying Congress to pass a law making land warrants under the act of 1850 assignable.

By Mr. APPLETON, of Maine: The petition of citizens of Portland, in the State of Maine, for an appropriation to build a marine hospital.

Also, petitions of citizens of Bangor and Eastport, in said State, for an appropriation to build a breakwater at Richmond's Island.

By Mr. ALLISON: The petition of Elizabeth Swagers, widow of George Swagers, a soldier of the revolutionary war, for a pension.

By Mr. MARSHALL, of Kentucky: The memorial of the General Council of Louisville, for the purchase of the Louisville and Portland Canal.

By Mr. McDONALD: The petition of Enoch Burt and others, asking for compensation for inventing an important improvement in the art of weaving by power.

By Mr. GORMAN: The memorial of the heirs of Colonel Francis Vigo, for advances made to the United States during the campaign of General George Rogers Clark.

By Mr. SCHERMERHORN: The petition of H. N. Curtis and 35 other citizens of Rochester, New York, praying for the passage of a law for the protection of American patentees against the violation of their rights in the neighboring province of Canada.

NOTICE OF A BILL.

By Mr. MACE: A bill to grant a right of way for a railroad from Springfield, Illinois, to Toledo, Ohio, via Lafayette and Delphi, Indiana, and making a grant of land to said States to aid in the construction of such road.

IN SENATE.

FRIDAY, January 2, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

EXECUTIVE COMMUNICATION.

The following message was received from the President of the United States:

To the Senate of the United States:

I transmit herewith a copy of a letter of the 26th instant, addressed to the Secretary of State by the contractors for paying the next installment due to Mexico, pursuant to the treaty of Guadalupe Hidalgo, representing the necessity of an immediate appropriation by Congress of the money necessary for that purpose. MILLARD FILLMORE.

The message was read, and it was

Ordered, That it be referred to the Committee on Finance.

PETITIONS.

Mr. DOWNS presented the petition of Richard King, praying to be allowed to enter certain land within the "Maison Rouge Grant," upon the terms allowed by the act of the last session of Congress for the relief of purchasers of land within that grant; which was referred to the Committee on Private Land Claims.

Mr. SHIELDS presented the petition of Samuel Noah, praying compensation for services during the last war with Great Britain; which was referred to the Committee of Claims.

Also, the petition of officers of the Army stationed at Fort Laramie, praying an increase of compensation; which was referred to the Committee on Military Affairs.

Also, the petition of Maria Davis, praying a pension and bounty land in consideration of the services of her son, Thomas Davis, in the late war

with Mexico; which was referred to the Committee on Pensions.

Mr. GWIN presented two petitions of citizens of San Francisco, California, praying the establishment of a branch of the Mint of the United States at that place; which were ordered to lie on the table.

Mr. DAVIS presented the petition of William Blodgett, a revolutionary pensioner, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. BORLAND presented the petition of the late and present land officers at Washington, Arkansas, praying compensation for services in making entries of land under bounty land warrants; which was ordered to lie on the table.

Mr. FELCH presented the petition of Elvira F. Smith, widow of an Army officer, praying a continuance of her pension; which was referred to the Committee on Pensions.

Also, the petition of the administrators of John Anderson, praying remuneration for property destroyed by the enemy during the last war with Great Britain; which, with the documents on the files of the Senate relating to the claim, was referred to the Committee of Claims.

Also, the petition of Hiram McCarty, praying indemnity for the confiscation of the property of his late father by the British authorities in Upper Canada, in consequence of his adhering to the American cause in the last war with Great Britain; which was referred to the Committee of Claims.

Also, the petition of William Woodbridge and Henry Chipman, late judges of the United States in the Michigan Territory, praying compensation for services rendered by them which did not properly belong to their office; which was referred to the Committee on the Judiciary.

Mr. DODGE, of Wisconsin, presented a petition of citizens of Wisconsin, praying that so much of the land contained in the Fort Howard military reservation as is not required for military purposes may be surveyed and brought into market; which was referred to the Committee on Public Lands.

Also, the petition of James Edi, praying the establishment of an Agricultural Bureau; which was referred to the Committee on Agriculture.

Mr. WALKER presented a petition of citizens of Wisconsin, praying a grant of public land to that State, to aid in the construction of a railroad from Milwaukee to the Mississippi river; which was referred to the Committee on Public Lands.

Mr. SEBASTIAN presented the petition of Edward Holt, praying permission to enter a quarter section of land, lying in a military reservation, on which he has made improvements; which was referred to the Committee on Private Land Claims.

Mr. UNDERWOOD. I have received a petition from William T. Finch, of St. Louis, which is of a rather extraordinary character. He represents that he feels that he is destined, in the providence of God, to fulfill a destiny. He says that he has been engaged during the whole course of his life in the cause of human progress and advancement. He says that, unfortunately, he has not met with that success in his efforts which his cause deserves. In this petition he evidently takes the side of "intervention" as his doctrine, and would go so far as to extend it throughout the world. He prays that Congress would take his memorial into their consideration, and that they would put him upon the same footing as other foreign refugees are placed who come into the United States; that they would give him a tract of land, and make a special provision to that effect, in the bill which he understands is now before Congress for granting lands to foreign refugees. He further states, that if this cannot be done without prejudice to the presidential election of 1852, he prays that he may at least have the warmest sympathies of this body. I move that this memorial be referred to the Committee on Public Lands.

The memorial was so referred.

MEXICAN CLAIMS.

Mr. DOWNS. Mr. President, I have in my hand one of several memorials of persons claiming indemnities for losses sustained in Mexico. They represent that their claims were presented to a former, as well as to the late Board of Mexican Claims; and some of them allege that their claims were entirely rejected by the late Board, although

they had been approved by the previous Board. Others, again, state that their claims have been greatly reduced, and set forth that, in consequence of this reduction, injustice has been done to them by the Board of Commissioners; that, by the course which the Government of the United States has taken with Mexico, in relieving that country from all of these claims, it has become bound to do them justice, and they ask that another Board may be organized, or some other mode adopted, by which the justice of these claims may be ascertained, and payment of them made, if they are found to be just. I feel a good deal at a loss to know what ought to be done in cases of this kind. I understand that there are a great many of them besides those that have been intrusted to my care. They ask for an investigation of the matter by the Senate. They desire the appointment of a committee, with power to send for persons and papers. I entertained some doubt whether this was a proper subject for the investigation of this body; but I became convinced that there was propriety in it, since the object of the memorialists is not to make any criminal charge against the Commissioners, but simply to have a reinvestigation of their claims, in order that the facts may be ascertained, and the question be presented and decided, whether the Government of the United States will feel itself bound to pay these claims beyond the amount of indemnity stipulated in the late treaty with Mexico. It is suggested by some of the memorialists, that the three millions stipulated for the payment of these indemnities has not yet been exhausted, so that there is yet a fund remaining, out of which some of these claims at least can be paid; and thus there is a question presented to us which we must meet at some time or another, whether the Government will go beyond the awards of the late Commission.

I understand that there is a number of other memorials in the hands of Senators, of a similar character; and as they, like myself, feel some doubt as to what disposition should be made of them, I will merely present these memorials now, and move that they be laid upon the table.

The following memorials were accordingly presented, and laid upon the table:

The memorial of James W. Zacharie, assignee of Asmus C. Breedall, praying the establishment of a tribunal for reviewing the decisions of the late Board of Commissioners for investigating claims against Mexico.

The memorial of Edmund J. Forstall, and the memorial of Nathan C. Folger, assignee of Chas. Guenet, representing that there is a variance between the awards made on their claims by the Board of Commissioners for the settlement of claims of American citizens against Mexico, and praying the payment of that portion of their claims disallowed by the said Board.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. HAMLIN, it was
Ordered, That the petition of Charles Cooper & Co., on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. SHIELDS, it was
Ordered, That the memorial of the clerks in the Adjutant General's Office, on the files of the Senate, be referred to the Committee on Military Affairs.

RECESS.

On motion, it was
Ordered, That when the Senate adjourns, it be to Monday next.

NOTICES OF BILLS.

Mr. FELCH gave notice that he should ask leave to introduce a bill granting to the State of Michigan the right of way and a donation of public land, for the purpose of constructing a canal or railroad across the Peninsula of Michigan; and
A bill to establish an additional land office in Michigan.

Mr. CLARKE gave notice that he should ask leave to introduce a joint resolution declaratory of the principles of the United States Government upon the doctrine of intervention with the internal relations of other States, and reaffirming the known settled policy of our country.

Mr. CLEMENS gave notice that he should ask leave to introduce a bill, to be entitled "An act to provide for the appointment of a United States district attorney for the northern district of Alabama."

RECALL OF OUR MINISTER TO FRANCE.

Mr. WALKER. A memorial has been sent to

me, from an association known and styled as the "Industrial Congress of the city of New York," with a request that I would present it to the Senate. This memorial asks for the recall of the United States Minister from France, and the suspension of all diplomatic intercourse with the Government of that country. I present this memorial as I would present any other which might be transmitted to me with a request that I would present it. I will ask that it may be read. I do not know whether in consequence of its being read, it will go into the public journals of the day or not, but it is desired by the memorialists, in a letter accompanying the memorial, that it should do so.

The memorial was then read, as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The Industrial Congress of the city of New York, in view of the late tyrannical and unpardonable conduct of Louis Napoleon Bonaparte, President of the French Republic, respectfully pray your honorable bodies immediately to recall Hon. William C. Rives, your Minister to France, and the suspension, on the part of our Government, of all diplomatic and commercial relations with that Power. The Industrial Congress is not insensible of the importance and responsibility that would naturally attach to the assuming of the position herein recommended. It well knows the fact, however, that the United States Government was the first to acknowledge the Republic of France. This recognition was manifested on the ground that the people of that unfortunate nation had become wearied of the form of government under which they so long had lived, and had risen in their majesty, and established a Democratic government.

Louis Napoleon Bonaparte, he whom the French people had honored with their confidence, and elevated to the Presidency of the Republic, has proved treacherous to the trust reposed in him; he has violated and trampled under foot the constitution he had solemnly sworn to support, and has in various ways proved recreant to his duty, and thrice recreant to humanity.

Under these circumstances, the Industrial Congress esteem it not only proper, but necessary and right, that our Government should enter its sternest protest against the flagitious tyranny of the usurper Napoleon.

In behalf of the Industrial Congress,

H. A. GUILD, Secretary.

Mr. W. I move that this memorial be referred to the Committee on Foreign Relations.

Mr. MANGUM. If the motion which I am about to offer will take precedence of the motion which has just been made by the Senator from Wisconsin, I will move that that memorial be laid upon the table. It proposes to reverse the entire policy of the Government.

The PRESIDENT. The motion of the Senator from North Carolina has precedence.

Mr. MASON. Will the Senator from North Carolina withdraw his motion for a few moments? I will renew the motion, if the Senator desires it.

Mr. MANGUM. Certainly. I withdraw the motion.

Mr. MASON. I understood this to be a memorial to the Senate, but I did not distinctly hear what was its purport.

The PRESIDENT. It is a memorial from the Industrial Society of the city of New York.

Mr. MASON. From a society called the "Industrial Congress of the city of New York"—the memorial of a society of which we know nothing except through newspaper reports, asking this Government, because of an alleged change in the form of the French Government, to recall its Minister, under circumstances of discourtesy, without regard to the consequences which would certainly ensue on the adoption of such a measure.

Mr. President, this is from the same type of which we have recently had many impressions from the same quarter of the Confederacy. I had intended, when I first heard this memorial mentioned, to oppose any reference. I did not know what reference the honorable Senator who presented this memorial might ask for it, but I had intended, without wishing to treat that paper with any disrespect—and I do not wish to treat any paper with disrespect that may be presented here—to oppose its reference to the Committee on Foreign Relations, chiefly with the view of showing that the Senate are not disposed to entertain a proposition of that kind. I now renew the motion made by the gentleman from North Carolina, that the memorial be laid upon the table.

Mr. DAWSON. Will the Senator from Virginia withdraw that motion for a few moments?

Mr. MASON. I withdraw it if the Senator from Georgia wishes it.

Mr. DAWSON. This question is now fairly presented to the Senate; and if it be desirable on the part of any member in this body to make this issue before the American people, no time can be

better than the present. If we are to change the foreign policy of this country at this time, let us do it now; but, on the other hand, if we are determined not to do so, let us announce it at once. What committee, then, can more appropriately make a report upon this subject than the Committee on Foreign Relations? Now I am desirous that this should be done. If it is desired that this question should be discussed, let it go before the American people, and let it be thus determined whether we shall take part in the strife and wars of other countries, or abide by the course which, in this respect, we have pursued since the first foundation of the Government. I trust that this reference may be made, and that that committee will report upon the subject. I hope the Senate will not lay the memorial upon the table.

Mr. WALKER. I should regret exceedingly if the introduction of this memorial should at this time give rise to any discussion. I certainly introduced it with no such expectation, no such desire, no such design. I perhaps know more of the association whence this memorial comes than most of the Senators who have spoken in reference to it. I believe it is constituted of a class of men to whom respect should be shown—that is, if respect is to be shown in the Republic of the United States to what constitutes the laboring and mechanical portion of the country. This association, termed the "Industrial Congress of New York," is chiefly composed of that class of men—not all of whom it is true—who are under the necessity of laboring for a livelihood. Some of them, I am aware, by their labors, have acquired a fortune. I believe them to be as good republicans as any who stand on this floor, and I should regret exceedingly that any disrespect should be shown to their memorial. I have moved its reference to the Committee on Foreign Relations; and I have done so with somewhat of the motive which has been expressed by the Senator from Georgia, [Mr. DAWSON.] The subject of our conduct towards certain foreign governments is one which is now agitating the country to a considerable extent. We shall undoubtedly have this subject fully before Congress. We cannot keep it out. It is one of those matters that will come before us, and it is now a mere question of time as to when we shall meet it. I think, as the Senator from Georgia has expressed himself, that the present is just as good a time to meet it as we shall ever see; and what committee is better qualified to report and throw light upon the subject than the Committee on Foreign Relations? I am grateful to that Senator for his concurrence in my motion to refer this matter to that committee. I hope it will go there, and that we may have a report which the country will study with that interest which such a report would be entitled to receive. This, I think, is the better way to treat this matter, and not as the Senator from Virginia would treat it, by rising immediately on the bare mention of the subject in the Senate with apparent indignation, both in his voice and manner, and moving to lay it upon the table. This is not the way to receive it. I said that I introduced this memorial because I had been especially requested to do so. That was my only motive, with the further motive of giving the memorial the reference I proposed, and that that committee to which this memorial and papers of a kindred character may be referred, may give us a report which may go before the country for its consideration.

Mr. MANGUM. It was certainly, sir, with no purpose of treating these memorialists with disrespect that I made the motion to lay the memorial on the table. But it asks us to act contrary to the whole spirit of the Constitution and our organization. The interposition of the voice of the Senate in matters of this sort would be a violation of the policy of this Government, which has existed from the earliest day until the present time. Sir, we shall meet these questions; we shall have them to meet. I, in my humble capacity, am willing to take the responsibility of meeting them at any moment. A joint resolution, of which notice has this morning been given by the Senator from Rhode Island, [Mr. CLARKE,] will bring up this question distinctly; and we shall see, upon the vote, who are willing to stand by the ancient usages and principles of the Government, and who, on the other hand, are willing to go for foreign intervention with the view of propagating liberty

throughout the world. And here, sir, I can only hope that our policy may not be changed. I therefore again move, with no feeling of disrespect to the memorialists, that the memorial be laid upon the table. Should any gentleman, however, desire to speak upon the subject, I will withdraw the motion.

Mr. UNDERWOOD. I desire to make a very few remarks.

Mr. BUTLER. I desire to say a very few words. I agree with very much of what my friend from North Carolina has intimated. If we are to change the whole mode of treating our foreign relations; if, instead of having a communication of this kind come through the Executive organ to the Senate, it is to be introduced by any public body—an irresponsible one, so far as it is known to the Constitution—I do not say irresponsible so far as regards their relations as citizens—if, I say, such communications are to be introduced into the Senate for the purpose of dictating to the Executive, who should take the initiative in all matters of foreign relations, it will, in my opinion, change the whole spirit of the Constitution.

I think the more promptly we meet the subject the better. What is this? A memorial from a numerous, intelligent, and I suppose a very influential body in New York, praying that we should take a step which does not lie within our province. In New York I have no doubt the politicians, who are so much wiser than the Constitution, or at least the usages of the Government under the Constitution, are willing to have subjects of this kind agitated to favor their wild doctrines, for wild I must call them—fourierism, socialism, &c.—which tend to pull everything down to a level with what they may conceive to be right. I do not say that this is not an accurate standard, but it is a standard to which I do not choose to conform. I regard this Union as a Confederacy of organized Republics, and I believe that our conduct in reference to it should be regulated by the Constitution. When we violate or disregard precedent on this subject, we are prepared for a revolution ourselves; and while looking out for the interests of others abroad, I think we had better take care of ourselves at home.

Mr. UNDERWOOD. I concur very much in the views of the Senator from North Carolina, [Mr. MANGUM,] and of the Senator from South Carolina, [Mr. BUTLER.] But we shall have to meet all these new questions, which are forcing themselves before us, in some way or other, sooner or later. I think that the sooner you meet them, the better it will be for the country. The longer you postpone the combating of error, the greater root error takes; and through delay the most dangerous evils are more likely to spring up and overshadow the country. The question here is, What course ought we to take upon the present occasion? If these memorialists want Congress to interfere with the Executive department of the Government, would it not be proper to give them an answer through the committee, that that ought not to be done, that the Constitution does not tolerate it, and thus bring their attention to the very objections which are made on the different sides of this Chamber? As the memorialists are indorsed as respectable by the Senator who has presented the memorial, it does seem to me that the most satisfactory answer to them—if you can reason with them at all, if they are not enthusiasts, with whom you cannot reason—would be to say, you are interfering, and requesting Congress to interfere, with matters which pertain exclusively to the Executive department.

Mr. President, there is a temper pervading the country at this time which, in my judgment, is lamentable to the greatest degree. I feel called upon—and it is a thing which I very seldom do—to make a personal explanation, growing out of a speech made in the other branch of this body, embodying what seems to have been published in one of the New York papers. It is not my habit to apply epithets upon any occasion to any body or any set of men. Epithets do no good. If you were to take all the caustic words in all the languages, living and dead, and form them into a cataplasm and apply it to the gangrene souls of some men, you could not excite a redeeming blister. It is useless to apply epithets to any one. The matter to which I want to call the attention of the public—and I do it because it has found its way into a very able speech of Mr. SMITH, of

Alabama, which has been printed for circulation—is the following:

"The scene on Wednesday last in the United States Senate, during the debate on the Kossuth resolution, was one of peculiar interest. The Russian Minister was the distinguishing feature of the occasion. He was observed to pay the deepest interest to the discussion. When Foote spoke, he looked on with that expression of contempt and disgust with which one of our codfish aristocracy would regard a Democratic harangue from Mike Walsh. When General Cass spoke, however, the countenance of M. Bodisco assumed a melancholy expression, as if touched with a presentiment of the power of the untimely Democracy of this country in shaping out the action of our Government. But there were two sides to the question; and when General Dawson, of Georgia, took the Russian side, the Siberian coldness of the distinguished envoy was thawed into a genial smile of approbation. The speech of Mr. Underwood, however, told with the happiest effect. Several times he lifted his hat, as if about proposing three cheers for Underwood, but desisted, most likely, out of respect to the Senate.

"The fact is, the Russian Ambassador had achieved a great victory. He had heard Kossuth and his cause denounced in the American Senate, and he had occasion to plume himself upon the result. Why? Because, as we are apprised, he had been seen in close and suspicious confab with Messrs. Dawson and Underwood on the floor of the Senate the day before."

There is not one word of truth in it, so far as I am concerned. No such confabulation ever took place—no such interview ever occurred on the floor of the Senate, or elsewhere. It is lamentable that letter-writers and others will flood the journals of the country with falsehoods derogatory to the character of Senators, and the character of this body. These things go abroad. But for the effect this might have of being published in the other branch of the Legislature, I would not have noticed it here, because it is useless to enter into a war with an editor, who has an arsenal of missives of that sort when you have none.

Mr. DAWSON. I would not have referred to this subject had not my friend from Kentucky alluded to it. I would now merely say that the statement made is not true. M. Bodisco may have been here, and I may have been in conversation with him, but not upon that subject; and as for the three being engaged in conversation together, I have no recollection of it. I have no recollection of having seen M. Bodisco here the day alluded to. As the Senator from Kentucky says, it is certainly a misrepresentation, or the writer may have been mistaken.

Mr. DAVIS. I do not think it a matter of great importance as to what disposition is made of this petition; but I agree with the remarks which have been thrown out by some gentlemen, that the time has arrived when it is, perhaps, expedient that there should be some discussion upon this subject, and perhaps action by the Senate upon it. And I hope when it does come up it will be deliberate in its character. I hope so, sir, because I think there is some misapprehension as to duties which we owe to ourselves and to other Governments. There is, I apprehend, an idea prevalent to some extent—I hope not largely so—that free institutions, republican Governments, and public liberty, may be created and sustained, and Governments of that character built up and supported by the bayonet. I hold this view of the subject to be utterly delusive and false. I hold that all the experience of the world is at war with that idea, and that it is quite impossible by force and violence to cherish and build up these principles of free government which are the result of peaceful inquiry and an enlightened public intelligence. The public mind must be imbued with a just conception of what political liberty is, and of the means by which it is to be enjoyed and maintained before it can be successfully established among a people. Premature efforts have and will be unavailing—war may overwhelm arbitrary power—an outbreak of indignation under oppression may break down the power of the oppressor. This is neither difficult nor uncommon, but how unfrequently such a state of things has proved a harbinger to public liberty!

We saw the revolutions in Europe in 1848. We saw the thrones of those ancient monarchies fall to the ground under the public breath. Almost no force, no violence, no arms were necessary to accomplish so great and so extraordinary an event in human progress. But what do we see now? Why, if there had been in Europe the requisite wisdom—that just view of the subject which I hope and have every reason to believe prevails throughout our own land, then was the time, then was the opportunity which every lover of liberty might have embraced to work out the great change in

political condition so much desired. Then they might have built up free institutions, and established them permanently. But, I regret to say, they failed, signally failed; and is it not to be ascribed to a deficiency of those moral elements which are indispensable to the maintenance of public liberty? There was an absence of that intellectual discipline which prepares the public mind to act with harmony in the attainment of great objects, nor did the people seem to be able to take that comprehensive view of this subject which is indispensable to build up and sustain free government in the place of the absolutisms which they had prostrated. It is lamentable that it is so. No one can deplore it more than I do.

But may we not learn a lesson from facts of this sort which may be of some importance to us? Suppose that instead of these thrones crumbling to the earth in the manner they did, they had been prostrated by war, overtured by the intervention of the sword and bayonet; would the people, then, have been any better prepared to build up and sustain free institutions? No, sir. Public liberty ripens like the fruit upon the tree, and it is in vain to attempt to hasten it except by moral and pacific means. And give me leave to say, that whenever force and violence interfere with a view to hasten a people into the enjoyment of liberty which is not fitted for it, however patriotic the feeling may be, and however strong the desire for the enjoyment of public liberty, it ordinarily ends in swinging from one form of absolutism into another, and thus removing the day of deliverance further away. Do we not see this in France now? How long is it since the constitution, which was deliberately adopted, was overthrown and prostrated in the dust in a single night? It is only a few days since we received the intelligence that that constitution is in the dust, the Executive Department of the Government having abolished the Legislature and returned to the imperial model. All I wish to say at this time is, that when we are treating of this subject, do not let us delude ourselves with the idea, that force and violence can, unaided by fitting moral and mental preparation, propagate free institutions. There must be a preparation in the public mind for such an event. The public must have the requisite intelligence—it must embrace and understand the subject itself, in order to enable it to execute a purpose of this sort. If they have not this comprehension, all measures of force are not only wasted, subverting no efficient purpose, but are positively injurious. I hope this subject will be discussed and examined with calm consideration, and that in the end the policy of the Government which has hitherto sustained us may be vindicated.

I do not stand here to say that no case can arise in which intervention may not be appropriate. I can understand that a case may arise when it may become a proper, if not the only remedy. I can imagine that combinations may exist to suppress free government—combinations to overwhelm us in detail; but I see at this time no distinct evidence of such a purpose. When that day comes, and come it may—when that great issue is made, which is so much talked of, between absolute and free governments, we know where we shall be. We understand what part we shall espouse. But that day will come fast enough of itself, without our undertaking to hasten it. There will be nothing gained by undertaking to hasten it by wars and violence. On the contrary, much mischief may be accomplished in that way, by arousing the very spirit we deprecate. I do not wish to go into any discussion now; but I thought this was the appropriate time to throw out the views which I have suggested. I am indifferent as to what disposition is made of this memorial.

Mr. MASON. I will detain the Senate but a few moments. I entertain the impression which I expressed when this proposition was first sprung upon the Senate, that this memorial ought not to have a reference. And the first and insuperable objection is, that it asks the Senate to do what it is not competent for it to do—it asks the Senate to recall a minister. I have read the petition, and it is *coram non judice*. If it should be referred, the committee could do no more than to say that it was not within their jurisdiction. But I have another and still stronger objection, if a stronger one could be made to its reference. Sir, the commu-

nication that takes place between nations through their respective representatives is one of national courtesy alone. The President of the United States is the organ, and the only organ, of this Confederation in that respect. When he thinks it advisable or proper, in the discharge of his trust, to recommend that we should have a minister in one of the nations abroad, he does so upon his own responsibility as President; if Congress agree with him, they make an appropriation to maintain that minister. If it be important—and I need not say to the Senate that it is of the highest importance—that the departments of this Government should proceed harmoniously, and not interfere with, much less encroach upon the rights of the others, it is most important that it should be so between the President and the Senate. If this Industrial Congress, or any other body of men, think a minister should be recalled, let them address the President. But if we give their memorial a reference, it will be to that extent, at least, (considering that we have entertained the proposition made,) to give consideration to that which, in my judgment, the Senate ought not to entertain, because it does not come within their proper sphere. I will not go into the matter discussed by the honorable Senator from Massachusetts, [Mr. DAVIS,] as to the character of the present French Government, or what it may or may not become this Government to do. If I should say anything, I should say that the experience of the world will show, for the last half century, that the French people at present are incapable of self-government. Ever since the present century began we have had that demonstrated to us; but as to that, I have now nothing to say. I am against intervention in every form, whether intervention to prevent intervention, or intervention direct. This is intervention in a modified form. But, for the reasons which I have presented, with great deference, to the Senate, I think the committee, if this memorial were referred, could make but one report—that is, that the subject is not a proper one to come before this body. When the time comes—and we are aware that a resolution has been submitted by the Senator who introduced that memorial—for the subject to go to that committee, they will, I have no doubt, avail themselves of the opportunity to make known their views upon the whole subject. I renew the motion to lay the memorial upon the table.

Mr. WALKER called for the yeas and nays; which were ordered; and being taken, resulted—yeas 21, nays 14; as follows:

YEAS—Messrs. Atchison, Bell, Berrien, Butler, Clarke, Clemens, Cooper, Dawson, Downs, Geyer, Gwin, Jones of Tennessee, King, Mallory, Mangum, Mason, Morton, Rusk, Sebastian, Smith, and Underwood—21.

NAYS—Messrs. Bortland, Bradbury, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Hamlin, Jones of Iowa, Norris, Shields, Sumner, Wade, Walker, and Whitcomb—14.

So the memorial was laid on the table.

Mr. DAWSON, when called upon to vote, said: As this seems to be a test question, in order that my views may be understood I must vote to lay the memorial on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the bill to change the times for holding the district courts of the United States in the western district of Virginia, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill to authorize notaries public to take oaths, affirmations, and acknowledgments, in certain cases, reported it without amendment.

Mr. BRADBURY, from the Committee on the Judiciary, to whom was referred the bill giving further remedies to patentees, reported it without amendment.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred a bill to create a Board of Commissioners for the examination and payment of claims against the United States growing out of the conquest of California, reported it with an amendment.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the bill for the relief of Richard Charey and others, reported it without amendment.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to whom was referred the memorial of Rufus Dwinel, submitted a report, accompanied by a bill for his relief.

The bill was read, and passed to the second reading, and the report ordered to be printed.

Mr. UNDERWOOD, from the Committee on Public Lands, to whom was referred the bill to provide for the unpaid claims of the officers and soldiers of the Virginia State and Continental lines of the revolutionary army, reported it without amendment.

He also submitted a report on the subject; which was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the bill for the relief of the widow of Major A. M. Dade, reported it back without amendment.

BILLS INTRODUCED.

Mr. DAWSON asked and obtained leave to bring in a bill to provide for payment to the State of Georgia for moneys expended by the State for horses and equipments lost by volunteers and militia whilst engaged in the suppression of the hostilities of the Creek, Seminole, and Cherokee Indians, in the years 1836, 1837, and 1838; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. DOWNS asked and obtained leave to bring in a bill to grant the right of preemption to settlers on the public land known as the "Maison Rouge Grant;" which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

JUDICIAL SYSTEM IN NEW MEXICO.

Mr. DAWSON asked and, by unanimous consent, obtained leave to introduce a bill to amend the act entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9th, 1850; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. BUTLER subsequently rose and said: A bill was referred a moment ago to the Judiciary Committee which ought to have been referred to the Committee on Territories. That committee has heretofore had cognizance of all territorial business. I do not wish to take work off other people's hands. I move to reconsider the vote by which the bill introduced by the Senator from Georgia [Mr. DAWSON] was referred to the Committee on the Judiciary.

Mr. DAWSON. It is to amend the judicial system in the Territory of New Mexico.

Mr. BUTLER. I recollect that when this subject was up before, some gentlemen said it was a judicial question; but it was taken from the Judiciary Committee by a vote of the Senate. All the bills in reference to California and the Territories at the last Congress were taken from the Judiciary Committee and referred to the Committee on Territories. As the Territorial Committee has had the whole subject under consideration, and as the Senate took the subject from the Judiciary Committee, I do not wish it to be referred to the Judiciary Committee.

Mr. DAWSON. The Judiciary Committee is the proper committee to which should be referred all matters relating to the judicial system of the country.

Mr. BUTLER. I trust that my friend from Georgia will acquiesce in my motion, and let the subject be referred to the Committee on Territories. If he knew as much of the history of the matter as I do, he would not resist my motion. If this subject had not before been taken from the Judiciary Committee, I should not now object to its reference to that committee.

The question being taken on the motion to reconsider, it was found there was no quorum present.

After waiting a short time without obtaining a quorum,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 2, 1852.

The House met at twelve o'clock, m.

The Journal of Wednesday was read and approved.

REGENTS OF SMITHSONIAN INSTITUTION.

The SPEAKER. In pursuance of the act of Congress, I beg leave to announce the names of the following gentlemen as the Regents of the "Smithsonian Institution:" Messrs. COLCOCK, of South Carolina, FIRCH, of Indiana, and MEACHAM, of Vermont.

CORRECTION OF THE JOURNAL.

Mr. BRENTON. I rise to a privileged question. I wish simply to have the Journal corrected in two particulars. I find that I am recorded on the Journal as having voted in the negative on Wednesday last on the motion to lay on the table the appeal of the gentleman from Tennessee, [Mr. JONES,] whereas my vote should have been in the affirmative. I find myself again reported as having voted in the negative on the passage of the resolution stopping debate, when it should have been in the affirmative.

There being no objection, the corrections were ordered to be made in the Journal.

MR. PARKER, OF INDIANA.

Mr. STANTON, of Ohio, stated to the House that Mr. PARKER, of Indiana, was confined to his bed with sickness on Tuesday and Wednesday last, which would account for his absence from the House.

The SPEAKER stated that the first business in order was the call of committees for reports.

Mr. CARTTER. I would inquire whether it is in order during the morning hour to move that the House resolve itself into Committee of the Whole?

The SPEAKER. It is in order.

LOUIS KOSSUTH.

Mr. CARTTER. Then I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. BAYLY, of Virginia. Let us go into committee upon private bills.

The question was then taken upon the motion of Mr. CARTTER, and it was agreed to.

So the rules were suspended, and the House resolved itself into Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

The CHAIRMAN. Under the decision of the committee at its last sitting, overruling the decision of the Chair, and declaring that the resolution introduced by the gentleman from Ohio [Mr. CARTTER] was the unfinished business at the preceding sitting of the committee, the Chair will so consider it on the present occasion.

Mr. CARTTER. Is it necessary to make a motion to take it up, or proceed as of course?

The CHAIRMAN stated the question as follows: The gentleman from Ohio [Mr. CARTTER] had offered the following resolution, viz:

Resolved, That a committee of five be appointed by the Speaker to wait upon Louis Kossuth and introduce him to the House of Representatives.

Mr. VENABLE had moved the following, as a substitute therefor, viz:

That the Speaker be authorized to invite Louis Kossuth to a privileged seat within the House.

The gentleman from Tennessee [Mr. CHURCHWELL] had moved to amend the original resolution by adding thereto the following, viz:

Provided, That by the adoption of the above resolution a compliment is only intended to the distinguished Hungarian.

The gentleman from Illinois [Mr. YATES] had moved to amend the amendment by adding thereto the following:

And that said committee be instructed to inform Louis Kossuth that the Government of the United States will not look with indifference on the intervention of Russia, or any other foreign Power, against Hungary, in any struggle for liberty she may hereafter have against the despotic power of Austria.

And the pending question is upon the amendment offered by the gentleman from Illinois [Mr. YATES] to the amendment.

Mr. STEPHENS, of Georgia. Upon that I ask for tellers.

Mr. YATES. With the consent of the committee, I wish to withdraw my amendment.

The CHAIRMAN. It cannot be done without unanimous consent.

Mr. STEPHENS, of Georgia. I object, because I want to know how many will vote for it.

Tellers were then ordered; and Messrs. DAVIS, of Indiana, and BRIGGS were appointed.

The question was then taken, and the tellers reported—ayes 7; noes 111.

So the amendment to the amendment was rejected.

Mr. STANLY. I wish to submit the following amendment to the amendment, viz:

Resolved, That in adopting this resolution this House does not believe that Louis Kossuth, nobly struggling in behalf of his oppressed country, has given his approbation to, or has any sympathy with the Abolitionists, who, in a convention recently held in Pennsylvania, at which an address was delivered by one of the members of this House, with a wicked disregard of the obligations of the Constitution and laws of the land, proclaimed that they sympathized with Kossuth in his heroic devotion to the cause of human freedom, "and expressed the hope that his herculean labors in this behalf would conduce to the overthrow of oppression not in Hungary alone, but in the United States and throughout the world."

Mr. S. said: I am glad to see that some gentlemen in this part of the House are satisfied with that resolution, and I hope they will vote for it.

I shall not vote for the resolution of the gentleman from Ohio, [Mr. CARTER,] as it now stands. I wish to do all that courtesy requires. But in the first place, we have not had an opportunity of presenting our views upon this question of national intervention, and then again because a demand has been made in a solemn form, to give to Louis Kossuth the aid and influence of the Abolition society. I have regarded his movements with a great deal of interest since his arrival in this country, and had I been here when the resolution of welcome from the Senate was passed, I might have voted for it. Since then I have had my eyes opened, and I think it is time for every gentleman here, especially from the Southern country, to pause and see what they are about. Now look at the state of things on this floor! Who are the most strenuous and foremost in advocating this resolution? Who most ardent in violating all rule, and then sanctimoniously talking of good behavior? Is there an Abolitionist here, who is not urgent in demanding that Louis Kossuth shall be privileged to admission in this House? The honorable member from Ohio, [Mr. GIDDINGS,] and from Massachusetts, [Messrs. MANN and RANTOUL,] and others, are most earnest in aiding to stifle debate, and welcome Kossuth. One of the gentlemen from Massachusetts, who sits near the door, [Mr. RANTOUL,] has said that Kossuth was a "State-rights man." A new idea of State rights! That gentleman attained his present position by his opposition to the fugitive law, which he denounced as violating "State rights." Louis Kossuth is proclaiming in his speeches, that he is a "State-rights" man. What is the meaning of this new doctrine? Do the gentlemen from Ohio and Massachusetts, [Messrs. GIDDINGS and RANTOUL,] think the late Abolition convention in Pennsylvania were advocating State rights in adopting the resolutions I hold in my hand, and will insert in my remarks? I wish I had time to read them.

[From the National Intelligencer of Dec. 23d, 1851.]

At a Convention of "the members and friends of the Pennsylvania Anti-Slavery Society," held at Philadelphia last week, and said to have been "largely attended," and at which addresses were delivered by Hon. J. R. Giddings and the Rev. Wm. H. Furness, the following resolutions were passed, which appear to us to be too significant to be withheld from our readers:

Resolved, That we heartily congratulate one another, and the friends of liberty throughout the land, upon the auspicious result of the recent trial of Castner Hanaway; and that the efforts to revive in this country the obsolete and infamous doctrine of constructive treason, and to paralyze, by the terrors of the dungeon and the scaffold, not merely the fugitive's cherished hope of maintaining his freedom, but even the liberty of the press and the freedom of speech on the subject of slavery, have so signally failed; and that, in the final rejoicing of the people, in view of this result, we see an evidence of the progress of our cause, and a sign of its future triumph.

Resolved, That the Convention recommend to the Executive Committee of the Pennsylvania Anti-Slavery Society to prepare an address, for presentation to Louis Kossuth, expressive of sympathy with him in his heroic devotion to the cause of human freedom, and of earnest hope that his Herculean labors in this behalf will conduce to the overthrow of oppression, not in Hungary alone, but in the United States, and throughout the world.

A member of this House [Mr. GIDDINGS] was present at the meeting where they passed resolutions congratulating the country upon the acquittal of Castner Hanaway—one concerned in the Christiana murder—as being a sign of their success, and indicating a repeal of the fugitive law. They also passed a resolution, in which they expressed the hope that the efforts of Kossuth "would conduce to the overthrow of despotism in the United States." Now, sir, what does this mean? How

are his efforts to aid the abolition of slavery in the United States? Sir, I cannot go in such company in honoring Kossuth: I fear I should reluctantly consent to go to Heaven in such company. [Laughter.] But I need have no apprehension of that kind, for these State-rights men, in the charnel-house Abolition party, are not bound in that direction. I could not follow them, no matter how sacred the flag they pretended to raise. I should first desire to examine the foot of the standard-bearer, to see if it was not cloven. I could not believe such men were in the right path, unless one rose from the dead, to assure me, when I saw among their leaders, the members from Massachusetts and Ohio, [Messrs. MANN, RANTOUL, and GIDDINGS.]

Mr. Chairman, I have heard it said that Austria, Russia, and Haynau, had friends and advocates in this House. I might, with propriety, refer this unworthy remark to the gentlemen on the other side. The author of it will find among his political friends men of patriotism equal to his, whose deportment he had better imitate, who are as firm in their opposition to this resolution as any on this side of the House. Gentlemen of both parties are opposing it. Whigs and Democrats, actuated by principle, firm, true, and unflinching men, unite in opposing it. Sir, if I were to say of any one here, he spoke like one who had been intimate with discussions at the Five Points in New York, and there learnt his courtesy, I should not be more unjust than he was, who charged those who opposed this resolution as being friends of Haynau.

This matter demands careful consideration when we see the course adopted by the Abolitionists. When we see the proceedings of the Abolition Convention, when we look to the Senate, and there find Seward and Sumner taking the lead in this matter, I pause to know what it means. It is true that General Cass is with them, but Governor Seward will beat him at that game out of sight.

Not only in Pennsylvania, but Ohio, a man, bearing the name of Kinkle, is collecting money, and avowing he intends to aid in abolish slavery. I have seen several of the Ohio papers publishing the proceedings of meetings in which the Pennsylvania Convention finds aiders and abettors.

I have only time to add, Mr. Chairman, that I am willing to do all that courtesy requires towards Kossuth: but it is due to him that his name be not allowed to appear as sanctioning the wishes of those who so unworthily are willing to injure him, to give themselves some poor advantage. We are by no means, sir, free from danger. Attempts have been made within a year to invade the Island of a power with whom we are at peace—our whole country has been agitated by the malignant efforts of fanatics North and South—Canada is not always quiet, the world is seeming to be unsettled, and a war is still proclaimed against the South by the enemies of the country. Is this a time for us to commit ourselves to Kossuth's doctrines? I think not. And my duty compels me to vote against this resolution as it now stands.

[Here the hammer fell.]

Mr. GIDDINGS. I have long known the gentleman from North Carolina, [Mr. STANLY,] who has just taken his seat. I know his sentiments, and the feelings of his heart. I have long served with the gentleman here, and I receive all that he has said in perfect kindness. I will say to him at the commencement, very frankly, that he need feel no trouble about going to Heaven in company with those referred to, or alone. Indeed, I fear he will never find the path there. [Laughter.] The gentleman has not discussed any matter which is before the House, but he has thought proper to travel to Philadelphia and pick up some newspaper article there to discuss in this Hall, instead of the resolution which is under consideration. He appealed to me, as if he felt confident that he could so far draw me from my propriety as to enter into a discussion of that kind. In this he certainly paid no compliment to my judgment. If he had known me as well as I think he should have known me, he certainly would not have flattered himself that he could induce me to participate in such a discussion on such an occasion as the present. I thank him not for the left-handed compliment thus paid to my judgment. He should have known that no slaveholder or overseer could drive

me by the crack of his lash into such an impropriety. To the sentiments which I have at any time expressed here or elsewhere, the gentleman well knows I am ready on all proper occasions to respond and vindicate. The gentleman will bear testimony to the promptitude with which I have ever been ready to take up and answer any attacks upon my opinions on every fitting opportunity. The gentleman shakes his head. I ask the gentleman to point to a single instance in which I have ever failed to meet any gentleman who has assailed my opinions in this Hall when propriety would admit.

Mr. STANLY. You have now.

Mr. GIDDINGS. I will do that on a proper occasion, but not upon this resolution, and under the five minutes rule. The gentleman knows that the opinions which I entertain could not be explained, enforced, and advocated in a five minutes speech. He is attempting to draw me into the vortex of interminable debate, but I am not to be caught in that way. He may, perhaps, catch some younger opponent and drag him into this improper discussion, but he might have known that I was not to be thus caught. I repeat for the fortieth time, that I will not discuss matters which have no relation to the pending resolution. Sir, have we not trifled with this subject long enough? We have injured our reputation in the eyes of the American people by the revolutionary and disorganizing proceedings which were witnessed at our last session. And for what? To prevent the passage of a simple resolution in honor of Louis Kossuth. A minority of this House, in which I regretted to see my friend from North Carolina—for I did not expect to find him in such company—have resorted to revolutionary and disorganizing measures for the purpose of defeating the will of the majority. The country will mark it as an era in the history of American legislation.

In conclusion, I will say to the gentleman from North Carolina that here or elsewhere my opinions are the same, and I shall be prepared to vindicate them as soon as we enter upon the discussion of the President's message. I shall then be most happy to cross swords with the gentleman if it be his pleasure.

Mr. STANLY. Just as I expected. He backs out.

Mr. STEPHENS demanded tellers, on the amendment to the amendment.

Tellers were ordered; and Messrs. INGERSOLL and BRIGGS were appointed.

The question was then taken, and decided in the negative—ayes 27, noes 92.

So the amendment to the amendment was not agreed to.

Mr. WASHBURN moved to amend the amendment of the gentleman from Tennessee, by adding thereto the following:

Provided, That nothing in this resolution shall be construed as impairing the effect, or questioning the policy of the measures passed by the last Congress, known as the compromise measures.

Mr. STANTON, of Tennessee. I raise the question of order, that this amendment is not at all pertinent to the subject-matter before the committee. It relates to the compromise measures of the last Congress.

The CHAIR ruled the amendment out of order.

Mr. WASHBURN. I move, then, to amend the amendment, by striking out the word "only." The resolution of the gentleman from Ohio [Mr. CARTER] is but a compliment, and it seems to me that it is a natural and appropriate sequence of the joint resolution, which passed a few days ago by the nearly unanimous voice of both Houses of Congress. The opposition which this resolution meets with seems to me a very strange thing. What does this resolution imply? What is it? It implies just what it expresses—nothing more and nothing less. It says that inasmuch as this distinguished stranger has been invited to the capital, and is now at our gates, it is proper and fitting for us to provide for his introduction and reception here, in a manner worthy of ourselves and worthy of him. It cautiously and studiously ignores the question of intervention or non-intervention, and all other questions. And if it is strange that such a resolution should meet with opposition, it is still stranger to me that it should meet with the kind of opposition which it has encountered here. Gentlemen are not only unwilling to pass the resolution, but it seems as if they felt themselves under

an obligation to insult the distinguished stranger, and wound the cause that they profess to have at heart. Not content with opposing the resolution in a fair, legitimate, and straightforward way, they have resorted to every species of obstruction and strategy to prevent us from coming to a vote on the resolution. And for what? Simply to stifle the expression of the feeling of the people of this country in favor of Kossuth and his cause. It would have been infinitely better that no resolution had been introduced here, than that we should have made such a record as will be made—a record that will stand as long as this Government shall last—a record that cannot be blotted out or burnt out.

Gentlemen have endeavored to alter this resolution. They have stood here and chaffered and bartered as to the amount of courtesy that is to be shown to this distinguished republican. They have tried how small a modicum of courtesy they could get extended to him. Allusion has been made to other distinguished individuals who have been invited into this hall. But there has been no case at all parallel to this. Kossuth is here by invitation of Congress. He was brought here, as the President informs us, under the authority of Congress. In an Executive communication, the President recommends that we shall consider the manner in which this man, brought in by our own authority, shall be received and treated. Besides all this, we ourselves, by a nearly unanimous vote, have invited him to come here. He has responded to that invitation, and is now here. I say, then, that we can pass no less resolution than this. This is not like the cases of Father Mathew, Ujhazi, and others. No other individual has been brought to our shores under the authority of Congress, been made the subject of an Executive communication to Congress, or been invited here by joint resolution of both Houses. The circumstances of the case are different, and therefore our action should be different also. I submit further, that it is better to let the naked question go to the country than to qualify it. I have voted against all amendments and qualifications, because I will not have an issue raised before the country independent of the question of courtesy. If we adopt any qualification, we raise an issue; on that issue we shall have to go to the country, and it will be said by the people and the press throughout the land that the House of Representatives has as good as said, that should there be another contest between Austria and Hungary, Russia may interfere as much as she likes, with our consent. The adoption of a qualification of any kind means something. You cannot add anything that is unnecessary and out of place without meaning something, and that is the translation that the country will give to it. Now, I say that it is not wise for us to make such an issue. It is better for the peace, quiet, and harmony of the whole country that we should pass a simple resolution.

[Here the hammer fell.]

Mr. BARRERE. Coming as I do from a State which is said to be favorable to this resolution, and intending to vote against it, it is right and proper that I should give some of the reasons why I take that course. It is but proper that the friends of the resolution should give us the reasons why it should be passed, and I have had some anxiety to ascertain why it should be passed. One gentleman tells us that it is a mere matter of courtesy; another, that it is a tribute to the great principles of republicanism and national independence; a third, that it is to indorse Kossuth's views of intervention; and a fourth tells us that it is because the executive officers of this Government have not acted towards M. Kossuth with becoming deference. As to the matter of courtesy, if any blame attaches to the manner of his reception in Washington, it attaches to the Senate's committee, who received him; and not to the executive officers of the Government, or the minority in this House. The President of the United States and the heads of several executive departments, have received and treated him with marked attention and respect. I do not think that this proceeding can be properly looked on in that light. Gentlemen may get up here as much as they like, and say that they do not mean this or that; but the construction that the country, our people at home, and the world, would put upon this resolution will be that we indorse this man's doctrines.

Now, what principle does he represent? If he represents in these United States any principle at all, it is the principle of intervention for the sake of non-intervention, and further, one which has not been remarked upon in this House, but which I think more objectionable than any other, and that is, that we shall acknowledge the independence of Hungary—a nation that is not now in existence; and, also, that we shall acknowledge him as Governor of Hungary, when he voluntarily resigned his office to a man whom his friends and admirers in this House charge with being a traitor to Hungary. If this man comes here as the representative of any great principle at all, it is of that. Are we to suppose that he preaches one set of doctrines, when he intends to represent another? Look at his speeches; if they contain the views and doctrines which he intends our people to understand he came here to represent, then he is the representative of the doctrine of intervention for the sake of non-intervention. I do not blame Kossuth. I undertake to say that I feel as much sympathy for him, and admiration for his talents, for his genius, and for the efforts he made in behalf of his oppressed country, as any man in this House. I undertake to say, that no man here feels more for downtrodden humanity, wherever found, than I do. The gentlemen who represent the opponents of this resolution as the apologists of Haynau, or any other tyrant, show little understanding of the intelligence of the American people. I am not to be swerved from my course, because the great cities are in favor of this man's doctrine; for I take upon myself to say, that the people of the great cities are not so sound upon the political questions of the day, as are the yeomanry of the country. We are asked whether we are afraid that Kossuth wants to lead the American people away from Washington, and the policy of Washington. For one, I am not afraid. I do not fear that the American people would be led away from the sacred policy of the country, even though the American Congress should prove recreant to its duty, and vote for all of Kossuth's propositions; for I have no fears that any foreigner, however distinguished, whether a whiskered Pandour, or a fierce Hussar, or any other character, can lead the popular mind of this great country away from its allegiance to its long cherished and settled policy. The hearts of the American people are still fixed with pride and exultation upon Washington and his policy.

Whilst, therefore, I am willing to extend to Kossuth the hand of friendship; whilst I am willing to do all in my power for downtrodden humanity, I am not willing that the American Congress shall commit itself to the approbation of a set of doctrines which in my opinion are destructive of the maxims, views, and principles laid down by the great founders of our Republic.

[Here the hammer fell.]

The question was then taken on Mr. WASHBURN'S amendment to the amendment, and it was not agreed to.

Mr. STANTON, of Ohio. I offer the following as an amendment to the original resolution:

And that the Government and people of the United States sympathize with the people of Hungary in their struggle for liberty.

The CHAIRMAN. The amendment is not strictly in order. The original resolution has no reference to Hungary, but to Louis Kossuth.

Mr. FICKLIN called for the reading of the resolution.

The resolution was read.

The CHAIRMAN. The amendment of the gentleman from Ohio [Mr. STANTON] is in order as an amendment to the substitute of the gentleman from North Carolina, [Mr. VENABLE.]

Mr. STANTON, of Ohio. Being a friend to the original resolution, I had not intended to occupy the time of the committee in discussing it, and I should not have done so had I not differed from my colleague, [Mr. BARRERE,] for whom I entertain a very high regard. It is the first time I have ever heard it gravely argued that a simple act of civility—an exercise of the common hospitalities of life, committed a man to the sentiments of his guest. This resolution contemplates a simple act of hospitality. Nay, it is not even that. The two Houses of Congress have cordially welcomed Louis Kossuth to the capital and the country. He is now the nation's invited guest. He stands before it in that position, and it cannot

be escaped. This resolution—copied from one passed by the Senate almost without opposition—merely contemplates the formal mode of receiving and entertaining him. It is as though you said, when he reaches your door, "Walk in, and take a seat." That is the whole effect of the resolution.

But it is argued that the adoption of this resolution would commit this Congress and the nation to the sentiments of their guest. Sir, I take it to be no such thing. I will not clog this resolution with anything that is inconsistent with it—with anything that is equivalent to saying that we perform this act of civility reluctantly, grudgingly, and hesitatingly, because that is the same as saying that Kossuth is an unwelcome guest.

Some other things that have taken place in this discussion are rather extraordinary, to my mind. Even though gentlemen are not disposed to intervene in favor of Hungary or any other country, I cannot see the necessity of avowing it before the time arrives. The only effect of it can be to say to the despots of Russia and Austria, "So far as we are concerned, you have our approbation, indorsement, and permission to go on and trample under foot the nations of the European continent." For one, I will hold out no inducements or encouragement to the despots of Europe to trample down the people there.

But I will do this: I am prepared to express the sympathy of the Government and people of this country in the European struggles for liberty. I am prepared to interfere with every species of intervention short of armed intervention; and whether I will resort to armed intervention or not, I will decide when the question shall properly arise. I will say, however, that I can hardly imagine any contingency in which I would vote for a national war, for I am opposed to wars of all descriptions; but I am certainly opposed to declaring in advance and before the occasion calls for it, that we will under no circumstances intervene.

But, sir, as I have already said, that question is not now before us. The question before us is simply one as to the formality in receiving one who is already the nation's guest. I shall vote for this resolution because it is a simple form that has been adopted by the other branch of the Government, and I shall vote for it, too, as an additional indication of the sympathy which we feel for the downtrodden classes of Europe. Sir, I confess I have been much surprised that upon a question of this sort, involving no constitutional or political principle, and which commits the House and the nation to no practical action that affects the welfare of the country, revolutionary struggles should have been resorted to, and that a minority should have placed itself in the attitude of a factious endeavor to defeat the passage of the resolution. Now, if such a course is to be pursued upon a question of this sort—if a minority is to rule this body upon an unimportant question, may we not expect the same power to be exercised on every occasion; and is not the right of the majority to govern in this House effectually stricken down?

[Here the hammer fell.]

Mr. MILLSON. I confess, Mr. Chairman, that I am somewhat impatient of this protracted discussion, and I should be entirely satisfied if the committee would come at once to a vote upon the propositions pending before it. I, for one, have not engaged in any scheme, as gentlemen call it, to defeat the final action of the committee upon the resolution of the gentleman from Ohio, [Mr. CARTER.] I have voted upon every division, and therefore the censures, of which gentlemen have been so lavish, are not applicable to me. The committee seem determined to adopt some one of the complimentary resolutions under consideration, and I see no good that can result from mere delay; not that I am at all in favor of the resolution of the gentleman from Ohio. On the contrary, I am warmly and decidedly opposed to it, though not altogether for the reasons that have been urged by those who have preceded me in the debate. The adoption of this resolution will not necessarily commit us to intervention in the affairs of Hungary, though there is a significance in the declarations of Kossuth, and in the remarks of several gentlemen upon this floor, which makes it dangerous to overlook this objection entirely. Nor do I see, as the gentleman from North Carolina [Mr. STANLY] seems to suppose, that there is any necessary connection between the question of slavery and a public reception of Kossuth. And I am sure, I need

not say that my objection to the resolution proceeds in no degree from an unwillingness to bestow upon the distinguished Hungarian any civilities which it might become us to offer. I oppose it as a mere matter of good taste. I do not think it becomes an American Congress to bestow these honors upon any man. I supposed, when Kossuth arrived upon our shores, that he would receive those civilities—even those exaggerated honors which our people are sometimes so ready to offer. To all this there could be no serious objection. He and they, in their character of private citizens, stand upon a footing of equality. But, sir, the people of the United States, in their public, corporate, sovereign capacities, ought not to bow down before any created intelligence. I am unwilling that the Representatives of thirty-one sovereignties should dance attendance upon any mortal now living. I object, then, to this resolution. I object to it in substance and in phraseology. I will not consent that a committee of five gentlemen of this House, representing as it does the sovereignty of thirty-one States, should wait upon—yes, that is the phrase—should “wait upon” Louis Kossuth. It implies subserviency. It seems to exact the customary service rendered by an inferior to his superior. It is true, that in the view in which I am presenting this subject, it is a mere question of dignity; but in national affairs, questions of dignity are matters of importance. Junius has well said, “the feather that adorns the royal bird, supports his flight.”

But, sir, is it one of the functions of an American Congress to bestow honors upon men; and is it altogether consistent with the genius of a republican government to do so? It seems to me, sir, to be eminently anti-republican. These things belong to monarchies, but they are out of place here. The President Montequieu understood this principle very well when he said that honor was the chief spring of monarchical governments. The framers of our Constitution understood it very well, when they denied to Congress the power to grant titles of nobility. But you seek to confer honors—mere honors—when, as it seems to me, the very spirit of our institutions forbids it. But some gentlemen have said that these honors are offered to Kossuth as the representative of a great principle. Sir, what man can claim to be the representative of a great principle? Political equality is of the very essence of our institutions; and no man, whatever may be his advantages of fortune, station, or intellect, can claim to be the representative of a principle, which belongs to the whole community. But, sir, are honors ever bestowed for other reasons than those now urged by the friends of this resolution? It is always to the representative of some principle, so to speak, that they are offered, when they are conferred at all. They are not given to mere flesh and blood, but to rank, and wit, and piety, and to literary merit, or military genius. These are some of the principles represented by those upon whom the favor of the monarch may be lavished. But it is not so with us. Our republican theory is, that the agents of the people are their servants. Office is not designed to confer personal distinction, but to furnish occasion for rendering public service. The only orders they receive, are those they are required to obey.

[Here the hammer fell.]

The question was then taken, and the amendment to the amendment was rejected.

Mr. CLARK. I desire to inquire of the Chair what is the precise state of the question?

The CHAIRMAN. The amendment pending is that of the gentleman from Tennessee [Mr. CHURCHWELL] to the original resolution.

Mr. CLARK. I suppose it will be in order for me to offer an amendment to the amendment.

The CHAIRMAN. It will be in order.

Mr. CLARK. On examining the pending amendment I find that my amendment will not be in order as an amendment to the amendment. I suppose, however, it will be in order to offer it as an amendment to the original resolution.

The CHAIRMAN. It will not be in order. One amendment is already pending, and no amendment is in order except as an amendment to that amendment.

Mr. CLARK. Then I desire to give notice that I will offer an amendment to the resolution as soon as I shall have an opportunity.

Mr. STUART. I move to amend the amend-

ment by inserting the word “high” in the amendment immediately before the word “compliment.”

Mr. S. said: As my amendment indicates, I do not rise for the purpose of discussing the resolution nor the many subjects, extraneous as I think, which have been brought in and discussed during the many hours which this committee have been in session, but I rise simply for the purpose of saying, with many gentlemen who have spoken here, that I think it is due to ourselves that we should come to some definite action upon this subject. There is much which I should like to say, both in the way of argument and in reply to the many propositions which have been submitted as amendments to this resolution, and also in reply to many arguments which have been advanced, but I repeat that it is not my purpose to do so. I rise merely for the purpose of saying to those who favor the adoption of the resolution, and those who oppose it, Let us, as becomes the representatives of thirty-one American States, proceed to definitive action upon this subject, and proceed at once. I hold myself ready to vote for any form of words that suits any gentleman or any number of gentlemen upon this floor, provided those words are respectful in their character, and do not carry with them, either expressly or impliedly, a commentary upon the course of Kossuth since he arrived upon our shores. I offer these words for the purpose of pacification. Let us meet upon some common ground, that is objectionable to none of us—with which we can all comply—and let us adopt it. But do not—I ask it of the friends of the resolution—insist so strenuously upon any particular form of words as to render our course obnoxious in the opinion of our opponents. And I ask of our opponents, that they will not show themselves so punctilious as to insist upon incorporating into this resolution—a mere matter of hospitality—anything which is offensive. Do not say to this distinguished man what you would dislike yourselves to say to any man who was approaching your domicile—“I am happy to meet you and welcome you to my home, but I despise your politics, I condemn your religion, and I have but a very slight opinion of your morality”—for, sir, Louis Kossuth might well say, From all such compliments as this “good Lord deliver us.” Now, I say—and it is all I rose to say—I beseech gentlemen upon both sides of the House to stop this debate; let us agree upon some form of words—something that is acceptable to all, and let us adopt it, and put ourselves right before the country and before the civilized world.

Mr. STEPHENS, of Georgia. Compliments! the gentleman says. If we do not pass this resolution, unaccompanied with any proviso, Mr. Kossuth may say: “Good Lord deliver me from such compliments.” Now, sir, I understand that this gentleman, Mr. Kossuth, says that he does not want your compliments. He has not come here to receive compliments. His mission is of quite a different character. He has distinctly made it known. He wants you to change the policy of your Government. This is the issue he made in New York. The same he presented again in Philadelphia; and still again repeated in Baltimore. And why should we pay a compliment to any man, who says in advance that he will not thank you for it—that he is for higher and more substantial things than empty, unmeaning ceremonies? Do we, or shall we, maintain our own self-respect, in tendering compliments under such circumstances? Gentlemen may look upon it as they please, but I cannot, for myself, consider the passage of the resolution in any other light than an indorsement, to some extent, of the principle which he advocates. Any unusual mark of esteem to any man engaged in any great work or enterprise, it seems to me, cannot be looked upon but as expressing, in some degree, an approbation of the cause advocated by the recipient of such distinguished tokens of respect.

But this, sir, goes to the merits of the resolution and the propriety of its passage. I did not rise to discuss that now. My object is to repel the charge that the minority in their action against the majority in this matter are pursuing a factious course. I belong to that minority; and I am prepared to defend their course against any such charge either in this Hall or out of it. We stand upon the right. And in this position I intend, as one of them, to stand in perfect defiance of both in-door and out-door clamor. If there be a fac-

tion here, it is the majority, who are endeavoring to carry their views in open violation of the rules of this House. I stand by these rules; and in standing by them, I stand by law and order. Who is it that is disorganizing this body? How was this resolution brought in here, and how is it attempted to be passed through? Stand up, gentlemen, and defend yourselves if you can. If not, cease to talk about faction. How did this resolution get here? Last Monday a week, when it was perfectly in order, the gentleman from Ohio [Mr. CARTER] moved to suspend the rules, that he might be enabled to offer it. It required two thirds of the House to suspend the rules. There were less than two thirds who voted for his motion. That method failing, he came into Committee of the Whole on the state of the Union and offered it here, contrary to all usage, precedent, and parliamentary law, as well as in direct violation of two express rules of this House. Never before was it proposed, in any parliamentary body that I ever heard of, that the Committee of the Whole, who are only empowered to act upon such matters as are referred to them by the House, could originate and bring forth matter that had not been so referred. Yet the gentleman did this, and the majority sustained him in it by simple numerical force in overruling the decision of the Chair. But this is not all, sir. The 17th rule of this House, which I hold in my hand, expressly declares that “No person, except members of the Senate, their Secretary, Heads of Departments,” &c., &c., “shall be admitted into the Hall of the House of Representatives.”

This is one of the standing rules of this House; and the 136th rule also declares, that “no standing rule of, or order of the House, shall be rescinded or changed without one day’s notice thereof.” No such notice was given or pretended to be given, and yet the efforts of the majority are to carry this measure by trampling these rules under their feet. They attempted to carry their object by overriding the rules of their organization. Who then are the disorganizers? They desire to have a committee appointed to introduce into this Hall Louis Kossuth, and this cannot be done but by “rescinding,” or “changing,” or violating the 136th rule. Their object is to violate that rule, and to do this by numerical strength and the clamor of faction, which clamor is usually resorted to by those who are claiming the exercise of illegal and unjust powers.

Now, sir, I say that these rules, made and adopted in pursuance of the Constitution, for the government of the proceedings of the House, are the law of the House. And who are greater disorganizers than those who strike at the very foundation of their own organization? The gentleman from Virginia, [Mr. MILLSON], to whose speech I listened in the main with a good deal of pleasure, dropped one word, or uttered one sentiment that I cannot let pass; and which I regretted to hear him express. He said while he was opposed to the passage of the resolution, yet finding that it was the manifest wish of the majority that it should pass, that he felt inclined to acquiesce. Now, sir, I will at all times defer to the will of the majority, when legally and constitutionally expressed, but never will I yield to the dictation of a majority, who attempt to force upon me any measure in violation of law. Some gentlemen talk as if a majority had the right to have their way upon all questions, and that it was a duty to yield to the known will of the majority. Sir, I deny the doctrine *to lo cato*, and I will oppose the will of a majority on this floor, and everywhere, when that will does not conform to law, as unyieldingly as I would oppose any other outrage upon my rights.

Sir, I war against usurpation, let it be begun by many or few, by a majority of this House, or by one man. What is usurpation, Mr. Chairman? It is the exercise of powers that do not belong to those who claim the right to enforce them, whether it be by many or a few—whether it be by a majority of this House or one man—there is no difference. And I shall war against the attempted usurpation of the majority here this day, with the same spirit that I would war against the usurpation of Louis Napoleon, if I were in France; and the craven heart that would basely yield to your illegal declaration, barely because you are in the majority, would be a fit subject to bow his neck to his imperial edicts! And I will resist you as

quick as I would him. I would as soon have one master as many. I tell gentlemen, then, plainly, that they may cry factious opposition as loud and as long as they please. For one, I intend to stand by the rights of the minority in this House under the rules. I should feel that I was an unfit representative of the rights of a free people, if I should on this occasion prove recreant in the defence of my own. This is the position I occupy, and I shall hold it, and maintain it, if I can get a little band to stand by me, much longer than Louis Kossuth ever defended the liberties "of his fatherland." You shall never pass this resolution in this way, if I can prevent it.

When this resolution was first brought forward on Monday week last, I gave a silent vote in my seat against the suspension of the rules to allow its introduction. If two thirds had voted for it I should simply have recorded my vote against it. I should not have attempted to thwart the will of the majority properly and legally expressed. But I shall not be run over in this way, nor will I sit by and see the rules thus trampled upon for any purpose. If gentlemen wish to carry this resolution, which they say there are two to one for, let them cease their present efforts to force the House in this irregular way. Let them bring forward their motion next Monday to suspend the rules, to allow it to be properly considered. If they have two to one they can easily pass it. I shall offer no further obstacle than my vote and my reasons, and if there are not two thirds for it they will have to do as all others do who fail to succeed in their wishes in bringing forward measures here: they will have to submit to the will of the House when properly and fairly expressed under the rules. If they attempt again to force the measure by numbers alone, or by physical indecorum, they will then see the same unyielding defence of the rights of the minority on this floor. I feel that I and the minority hold the right in this issue. No one on this floor can or has pretended to answer the argument; and holding this position, I shall continue to hold it and maintain it; I shall never surrender it. Upon that you may depend.

The question was taken on the amendment to the amendment, and it was lost.

Mr. WALSH moved the following amendment to the amendment:

And that the Speaker, in the name of the members of this House, then assure him of their deep gratitude for his signal services in the cause of freedom, and their high respect for his exalted character and genius.

Mr. W. said: I have but very few words to say in support of this amendment. The gentleman from New York [Mr. Brooks] said that this House was putting a mark upon this age. It is, and I am afraid it is going to be a bad mark; I am afraid it is going to be one in reference to which we can utter the ejaculation of "God save the mark!" I therefore want to relieve myself from all connection with it. Sir, we have fallen upon strange things and strange times. But a short period has elapsed since this distinguished leader, with his associates, were driven from their country, and sought refuge within the limits of Turkey. Christendom then turned her back upon her own champion. The Crescent seemed for a time to assume the energies of nature, and to borrow its light from the Sun of Righteousness. You transferred these people then to your own country, and they were received upon your shores with a shout of welcome such as is not often heard within the limits of the Republic, prone as that heart is to generous impulses. Maid and matron joined the holy cause; and ministering angels, around your domestic altars, left the scenes of their devoted life, and came forth to bless and hallow the festival of freedom. The sons of toil, with the sweat of their brow turned into gold, came with their offering to his cause. Men, who are accustomed to instruct the wise and hold together the masses, stood confounded by his wisdom, and fascinated by the necromancy of his voice. And where is this distinguished individual to receive, for the first time, the cold shoulder? It is in the councils of the American nation! not in the aristocratic Senate—so called—but from the offspring of the masses, so that your future history will read, that of all the people of this great nation, none refused to give him hospitality except those who asked him to come and get it.

I have but little more to say upon this subject, but I ask gentlemen what translation we can give

of our votes upon this subject; what translation do we give to the President of France? Gentlemen will recollect that the President of France opposed his coming into that country, and we follow in his footsteps and say that he shall not come into the Capitol. When the record of this proceeding gets to Europe, what will the friends of liberty think of it? I have not time to look into the matter now, or to express my views in connection with it; but let us look at the effect upon our people. When the gentleman from Virginia [Mr. BAYLY] said the other day that there were not twenty men in this House who were in favor of intervention, the words were scarcely out of his mouth when the gentleman from Ohio, [Mr. DISNEY], almost the head of his party—a man who was a prominent candidate for the Speakership in the Democratic caucus, and standing in the position he does, whose words are almost the organ of the Democratic party, what does he tell you? He says, never trifle with the people. This man is at your door, and if you do not receive him, if you turn him away from your door, recollect the people will take the matter into their own hands.*

Mr. NEWTON. I do not rise for the purpose of explaining or translating the votes I have been giving, and expect to give, upon the resolution. They need no explanation, no translation. My object is to offer some considerations to the committee in favor of the passage of the resolution. The resolution is a simple proposition to introduce Louis Kossuth, the representative of a nation whose elevation we devoutly wished, and in whose depression we sincerely sympathize, to the Hall of the House of Representatives of the American nation—the most free, liberal, enlightened and powerful nation on earth; one whose free institutions and laws are the wonder and admiration of the whole civilized world; for whose model the masses of all enlightened nations strive. There is no long trail of committals, either express or implied. It is a sentiment of itself, and for itself—a sentiment we inspired, kindled, and kept alive, and permitted to spread over the land, until it would be suicidal to our honor to repel and reject it. Is this resolution and its effects a mere offer to see the naked walls of your Capitol, and view coldly and ceremoniously the nation in its Representatives, there congregated? No, no! verily, no! It is an introduction to the nation, in all her honor, her glory, and her pride. It is an introduction of the Hungarian nation to the American nation in her full majesty and strength. It is a free-will offering of the American nation in her prosperity, to the Hungarian nation in her adversity. It is a compliment rarely bestowed, but never more richly deserved. It is a relation we sought, and cannot, in honor, coldly repel and cast off. How should it be bestowed? Not grudgingly and provisionally; not with exclusions of conclusions; not timidly and fearfully; not in a controversial spirit, grumbling and murmuring; but as freemen, proud and able to bestow upon one proud and deserving to receive. Does he come uninvited and unsought, seeking an introduction, or interfering

*BALTIMORE, January 3, 1852.

DEAR SIR: There are some errors in the report of my remarks, in your paper of this date, which I ask the favor of you to correct by the publication of this note.

I referred to the services done by the Government of Turkey to Kossuth and his associates, and in that connection said: "That in this matter the Crescent appeared to adapt itself to the analogies of nature, and to receive its light from the blessed Sun of Righteousness." This language, I admit, is imperfect; but it conveys the meaning. The terms used by your excellent Reporter, "The energies of nature," do not bring about that result. I should have said, that in this matter the Crescent appeared to be governed by a rule analogous to that prevailing in the natural world, and to derive its light, &c.

I said that Mr. DISNEY himself (not his words) might be considered, looking to his relations to the Democratic party, as in some measure an organ of its views.

I did not say that this gentleman told the House not to trifle with the people. I referred to his avowal, of concurrence in the views of Kossuth, and relied upon it as an additional reason why the House should do justice to that exalted person. That if it did not, there were thousands of citizens whose sympathies would carry them to the path laid out by the eloquent gentleman from Ohio. I was in this course of remark when the rule stopped me.

Yours, very respectfully,

T. YATES WALSH.

JOHN C. RIVES, Esq.

with your relations, or disturbing our repose? No; his skill and bravery in contending with a more powerful foe, and still more powerful intruder, for the elevation of his country, attracted the eye and ear of this nation, and his bleeding country guided the nation's ship, with the nation's resolve, across the ocean, to his incarceration, humiliaity, and degradation, and found him shut up and shut out from the world, because kings and kingdoms feared him. And what did you do with him? To use his own eloquent sentiment, you raised him from the dead, and warmed him into life, and permitted him to breathe the free air, inhale free principles, express free sentiments, and tread the free earth.

You have done more: you have invited him into your palace; and, when he knocks at your door, will you refuse him, vilify him, slander him, and shut the door against him? Who asks anew to let him in? At least two thirds of the nation. And yet you repel their earnest wish and desire, and turn them off with scorn and contempt. I ask you to pause and obey the expressed will and desire of the nation, that reached him in his solitude and safety, and the reiterated voice of the country, and not crucify him afresh, in the house of his friends. Has he feelings? If so, respect them. Has the nation feeling? If so, respect that. But be careful how you repel this warm, this generous, and eloquent heart, that swells with the love of liberty and patriotism, and let loose the ultimate and crowning wish of his humble prayer rampant over the country. The importance of its passage is vastly increased by its introduction and discussion. Here we are, a house arrayed against itself. To one room he is invited and welcomed, and from the other he is shut out and refused an entrance, and by it is degraded in his own estimation, and that of his country and the world. What! have you brought him here, and held him up to the gaze of the world to humble and degrade him anew? If you refuse him this common civility and turn him from this Hall, and not permit him to see the promised land, you turn him over to the common arbiter of all from principles—the People. And they will ride with him upon the wings of the wind, and spread his prayer to the four corners of the earth. Do you not loose the reins every hour you withhold your assent, and give impetus to the car? Soon you cannot chain, nor guide it. Retract—yield to the voice of the nation, once and again expressed. Yield to the voice of your honor knocking at your door. My friend from Georgia [Mr. STEPHENS] seems to stand upon technicalities, with great tenacity. But does not that gentleman know that the interpretation of these rules is a matter which the House must determine for itself?

Mr. STEPHENS, of Georgia. Will the gentleman allow me for a moment? When the rules of the House have been adopted, they are the law of the House, and can only be altered or changed through the regular mode.

Mr. NEWTON. So I understand.

Mr. STEPHENS. Very well; that cannot be done without giving one day's notice.

Mr. NEWTON. True. But the application of this rule to the subject under consideration, is a matter of opinion for the House to determine. [Here the hammer fell.]

The question was taken, and the amendment to the amendment was negatived.

Mr. CLARK. I move to amend the amendment by adding the following, viz:

In the same manner as General Lafayette was introduced to the House of Representatives.

Mr. C. Mr. Chairman, I have kept my seat here for two days in silence, with this interesting topic has been under discussion. I have been moved with no ambition to break that silence; but, sir, the door has been open wide, and every gentleman who chose to express his sentiments upon this subject has had an opportunity. I take this occasion to say, that a large portion of the people whom I have the honor to represent here, have, within a few years, emerged from the same condition of depression and wretchedness which attends the people of Hungary, who are now the focus of all the world; and that condition draws upon them not only the observation, but the solicitude and sympathy of the world. But, sir, were I to keep utter silence, those whom I represent, at least that portion of my constituents to whom I

have alluded, might think I was recreant to the cause which they hold dear. They might suppose I did not treat their sentiments and feelings with proper respect. I am moved, therefore, to utter a few sentiments upon this resolution, and I regret to see that the question has taken somewhat of a geographical character. Now, sir, I think this condition of things is to be deprecated. I come from the latitude of 42° 30', and had I sufficient standing and influence here to make myself a peace-maker, I should hope that the little I may have to say would not be without influence, and that the humble sentiments I express would not fall to the ground without any effect whatever.

I can say to my brethren from the South, that they need have no fear of me. There are circles at home, limited, it is true, in which I am regarded as sufficiently a Southern man; and if this be sufficient to regard me a constitutional man, I glory in the estimate put upon me where I live. But, Mr. Chairman, to return to the resolution itself: it seems to me that those gentlemen who have opposed this resolution have opposed it without cause. I speak with great respect of those who have opposed the resolution. I refer to the gentleman from Georgia, [Mr. STEPHENS,] from Kentucky, [Mr. MARSHALL,] and the gentleman from North Carolina, [Mr. STANLY;] and I can say most heartily that anything that should fall from the lips of those gentlemen would be entitled to great consideration from me. But, Mr. Chairman, are not their conclusions badly drawn from the proposition? They seem to suppose that if this proposition passes it is an indorsement of the doctrines which have been so zealously and pointedly set forth by the distinguished Hungarian.

Mr. Chairman, I think these conclusions are unwarranted. It has often been said that the only purpose of this resolution is a mere compliment to the distinguished hero of Hungary.

[Here the Chairman's hammer fell.]

Mr. CLARK. I must say I am taken by surprise.

Mr. BELL. I had no desire to take up the time of the committee by remarks upon this subject; but as it has become fashionable for every member to either offer or oppose some amendment, for the purpose of submitting his views upon the matter at issue, I rise to protest, to some extent, against what I understood to be given as the opinion and feelings of the free and independent citizens of Ohio, by one of my colleagues. I refer, Mr. Chairman, to the gentleman from Ohio, [Mr. DISNEY,] who spoke on a former day, under the half hour rule. When he was inquired of to know how far we may go with propriety, as a nation, upon the subject of intervention, he was not, if I understood him, free to say that he was in favor of the policy which we have recognized since our national existence—that policy of non-intervention, recommended to us by the Father of our country, and practised by all the Presidents of this Republic, from that day to this.

The correctness of the policy of non-intervention with the governments of Europe, is imbedded deep in the hearts and affections of the people of Ohio. I undertake, Mr. Chairman, as one of the representatives from that State to say, that the people of Ohio have no desire to change that policy. But, while I am free to declare their true adherence to the former and present wise policy of our Government, on the subject of foreign intervention, I do not believe that the people of Ohio, or of any considerable proportion of our common country, wish by the action of this House, to proclaim to all nations of the world, that they may exercise the iron rule of tyranny against those who are struggling to be free as we are, and there shall be no arm to interfere or succor the oppressed. I had prepared, and would have offered, had it been in order under this proposition, an amendment to the original resolution, providing that nothing in the aforesaid resolution should be considered as committing this Government in favor of, or against foreign intervention. That is the ground upon which we should stand.

I heard my friend from North Carolina, [Mr. STANLY,] in his ingenious manner, refer to other subjects, which I hope will not be connected with this resolution or debate. Does he suppose his friends from the South can be driven from their support of this measure by such a course? I ask the gentleman from North Carolina [Mr. STANLY] if he expects to drive these men from the support

of this resolution by the shallow pretext of its receiving support from some of the Abolitionists? If he does I think he is mistaken.

The compromise measures of last session have also been referred to. Sir, I do not desire to disturb those measures, now that they have been adopted; not because I approve of all the principles embraced in those measures—for some I do not approve—but because they were passed and adopted as a compromise; and I assure my friend from North Carolina [Mr. STANLY] I intend for one to live up to the spirit of those measures; but at the same time I pledge him and his associates further, being one of the representatives of a free State with a free constitution, that I will not permit the enemies of the abolition cause, here or elsewhere, (because the name may be obnoxious to some,) to connect that with this matter, to interfere with or prevent my expression of sympathy for the oppressed and the great principles of human freedom, of which Louis Kossuth in the Old World has been the exponent, and the man whom we have welcomed to the people of the nation, and assented to by their approbation of the sentiments contained in the President's message. The voice of this nation has spoken. You have invited Kossuth to your doors. Will you invite a guest to your table, and not set him a chair? Is that the courtesy we are to extend to him? I hope not.

[Here the Chairman's hammer fell.]

The question was then taken on the amendment offered by the gentleman from Iowa [Mr. CLARK] to the amendment of the gentleman from Tennessee, and it was rejected.

Mr. FULLER, of Pennsylvania. Mr. Chairman I offer the following amendment to the amendment, viz:

That in the opinion of this House the armed intervention of one Power in the affairs of another, is a violation of the public law of the world, and a war upon the rights of nations.

Mr. F. Mr. Chairman, I have forborne heretofore from taking any part in this discussion, with the hope that the majority of this House would succeed in securing that final action upon the original proposition of the gentleman from Ohio, [Mr. CARTER,] which appeared to meet with the wishes and approbation of a majority of this body; but, sir, as that seems to be impossible, and as the opportunity is now afforded for all to express their opinions and views upon this question, I avail myself of it.

I was surprised that there should be any difference of opinion with regard to the propriety of that resolution. It seemed to me, that it should have met at once the unanimous approbation of every member of this House; that it was but the natural consequence of what we had already done; that it was simply, as has already been stated, an act of courtesy, merely decent behavior, upon our part, in consideration of what had previously been done. Why, sir, who intervened to prevent the surrender of this illustrious stranger to the power of Austria? Who intervened to secure his liberation? Who brought him here? Upon whose invitation is he here? And now that he is knocking at our doors, shall we throw them open, or close them in his face? It is, to be sure, sir, an expression of opinion in favor of the Hungarian revolution. I regard it as such.

It has been well said, by one of the most gifted orators of this country, "that, although the whirlwind has its power, and the lightning its power, and the earthquake its power, yet public opinion is stronger and mightier than them all." And it is to a very great extent the public opinion of this country in behalf of free institutions and popular rights, which is now operating, and shaping, and moulding public opinion abroad. That the uprising will come which is now predicted, I verily believe; and that Italy and Germany, Poland and Hungary, and even Ireland, will yet successfully maintain their independence, I fervently hope—for, although the head of Emmet has rolled from the block; although O'Brien, and Mitchell, and O'Meagher, have been doomed to transportation, yet the spirit of liberty is still there, and as long as there remains a heart to throb, or a hand to strike, there is hope for their deliverance.

The spirit of liberty has been well compared to volcanic fires, which cannot be quenched, and which, though mountains may press it down, and oceans overwhelm it, will sooner or later burst forth and flame up to heaven. I trust the time

will come quickly when all these oppressed nations may successfully wage war upon their oppressors, and when the chains which have been forged for them will be burst asunder, and break the heads of their oppressors—when men will be free to act as God has made them free to think. I believe that time is coming; but whether it be the policy for this country now, forcibly to interfere, is a very grave proposition, and one which I very much question.

At home, on our own soil, in our own defence, we can resist the world. The experiment of a foreign war, on a foreign soil, requires sober consideration. Our mission is one of peace—our settled policy has been "friendly relations with all, entangling alliances with none." It is true, we live in an extraordinary age. Ancient usages and established policy are yielding to the force of new opinions. Our position, too, is marked and peculiar. We are the free State among the nations. Our history, mixed population, and commercial relations make us interested observers of what is transpiring in Europe; and while we are watching the effect of our opinions and our example upon the continental Powers, is it not proper for us to declare ourselves in favor of popular rights and constitutional liberty? It becomes us as a nation to assert that we are in favor of our own institutions, and that we recognize the right of every people to frame and adopt their own form of government, and that we regard any foreign interference as an infraction of the law of nations, and at war with the rights of humanity.

Mr. MANN. I do not rise, Mr. Chairman, to utter any warm or passionate words. I wish only to bring the committee to a calm consideration of the circumstances in which we have placed ourselves. The relation in which we stand to Governor Kossuth, was not sought by himself but by us. This Government took the initiative. The Secretary of State, by command of the President, first addressed a communication to our Minister at Constantinople, in behalf of this fugitive from Austrian oppression. This step was followed by the action of the Government, tendering the services of a national vessel to bring him to our shores. He accepted the offer, placed himself under the protection of the American flag, and from that time was the nation's guest. The President, in his last annual message, referred to the subject anew, spoke complacently of what had been done, and commended the subject of further demonstrations in behalf of this victim flying from oppression, to the consideration of Congress. In both Houses, Congress acted promptly upon the subject. A joint resolution was passed, extending to him a "welcome,"—a sincere one, as was believed,—and this resolution was signed by the President, and officially communicated to Governor Kossuth. He accepted our salutation, and, as in duty bound, has come here to make fitting acknowledgments. And here we all know he is. He waits only to have the etiquette of his introduction arranged. The President has received him. The Senate has fixed upon the day for a formal reception. But the House demurs. While he stands at our door, we compel him to overhear a wrangle within the House, whether he shall be received in pursuance of the invitation given, or driven rudely away.

And why this revocation of our "welcome," and this breach of decorum? So far as I have heard, for no reason except that he is understood to entertain some notions in regard to a breach of the "law of nature and of nature's God" respecting the intervention of one nation in the affairs of another to put down its liberties. He says that when a people has broken loose from the oppressor, a third party ought not to come in and bind the chains anew. But in the first place, is this sentiment so flagitious that we cannot bear to hear it? and, in the second place, where has it been uttered? He has advanced it only in circles of his friends where he has been invited to speak. He has, as yet, made no request of the Government of the United States to act upon this principle. When he makes such a request of us, it will be time enough to refuse him. Nay, I go further, and say, if we fear that he will make such a request of the responsible head of this Government, and we are unwilling to trust that head to answer it, let us instruct the Committee on Foreign Relations to bring in a resolution defining or denying the duty of this Government to interpose against

the tyrant and in behalf of the tyrannized. That is the only legitimate method of treating the case. All else seems premature, irrelevant and insulting. Nothing can be more grateful to his enemies and the enemies of liberty in Europe, than to see him rebuffed by the American House of Representatives. After having first invited this distinguished exile to come to us from abroad, and then welcomed him when he landed upon our shores, I hold that it would be disreputable to ourselves, and wounding to the spirit of freedom everywhere, now to refuse to take him by the hand and give him free access to our House. I trust the country will analyze the votes, and place the responsibility of the opposition where it belongs.

The question was then taken upon the amendment offered by the gentleman from Pennsylvania [Mr. FULLER] to the amendment; and it was rejected.

Mr. TAYLOR offered the following amendment to the amendment:

No change is contemplated in our uniform course of policy, in conducting our foreign relations.

Mr. POLK. I rise to a question of order. I wish to know, having no special knowledge of the operation of the rules of this House, whether a principle can be ingrafted upon a simple resolution of courtesy? The resolution of the gentleman from Ohio, if I understand it, was to appoint a committee to wait upon Louis Kossuth, and invite him upon this floor. Can gentlemen offer amendments involving the great principle of intervention or non-intervention, upon the part of this Republic? I want to know the legitimacy of the amendment.

The CHAIRMAN. The gentleman from Tennessee cannot argue the point.

Mr. POLK. I will not argue it; I merely suggest a point of order.

The CHAIRMAN. The gentleman from Tennessee [Mr. POLK] makes a point of order upon the amendment of the gentleman from Ohio [Mr. TAYLOR] to the amendment of the gentleman from Tennessee, [Mr. CHURCHWELL.] The original resolution offered by the gentleman from Ohio [Mr. CARTER] is one proposing to appoint a committee to introduce Louis Kossuth into the House of Representatives. The amendment offered by the gentleman from Ohio [Mr. TAYLOR] proposes to declare what we intend by that invitation. It is considered by the Chair, that the amendment is in order, as it is a further declaration or explanation of what the House intends to do or not to do, and the Chair believes it to be pertinent, and therefore in order.

Mr. POLK. I wished to submit my case, so that I might make an appeal.

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair?

Mr. POLK. I do appeal.

Mr. RICHARDSON. I desire to ask a single question—if after you send a matter to a committee, the only way in which you can attach anything to it is not by instructions to that committee?

Mr. POLK. Is the appeal debatable?

The CHAIRMAN. The appeal is debatable within the five-minute rule.

Mr. POLK. I do not desire to occupy five minutes; but wish to call the attention of the House to this question: If members are permitted upon this floor to offer amendments and discuss them for five minutes, when are we to terminate? It will be interminable. Then, sir, if the decision of the Chair is sustained, I can offer an amendment to make temperance—as my friend from Illinois, [Mr. RICHARDSON,] a few days ago, did—to make temperance the ruling order and control of this House. [Laughter.] I can go further: I can introduce an amendment declaring that this Government will not longer entertain diplomatic intercourse with the Emperor of Austria. I can go further: I can declare upon an amendment to this resolution, that we will cease diplomatic intercourse with every Government upon the continent of Europe. Is that legitimate? Sir, can I go to that extent? Can I declare upon this resolution that we will maintain relations of friendship and amity and of commercial intercourse with Great Britain? No, sir; you will say. But if I cannot do so, can you decide that the declaration of intervention in the affairs of Europe can be considered here under the head of a proposition merely inviting a distinguished foreigner to take a position upon this floor. Why, sir, if you give me such a liberty, if you give me such a

privilege, I can bring to your attention the question of the Prometheus, the Thrasher case, and introduce upon this platform the case of the poor Cuban invaders. Where is it to stop? Whenever the chairman of this committee will mark out the boundary, and fix a place to stop, I am willing to obey his mandates. But when he confines himself to this case, and admits propositions directly reflecting upon our foreign intercourse, I must claim the privilege of throwing myself upon the House to be sustained.

The CHAIRMAN. The Chair must state that, upon reflection and examination of the rules, the decision of the Chair that the appeal is debatable, was not correct.

Mr. POLK. I take back my five minutes, then. [Laughter.]

The CHAIRMAN read the 136th rule in support of his decision. The Chair decides that the pending amendment is in order, and the gentleman from Tennessee [Mr. POLK] appeals from that decision. The question now is, Shall the decision of the Chair stand as the judgment of the committee?

Tellers were demanded upon the question and ordered, and Messrs. Brown, of Mississippi, and Hunter were appointed.

The question was then taken, and the tellers reported—ayes 88, noes 35.

So the decision of the Chair was sustained.

Mr. TAYLOR. I would not consume the time of the committee even for five minutes, if it were not that I hear it constantly asserted upon this floor that the illustrious Hungarian exile, now within the city of Washington, is "the guest of the nation." He has been received formally by the President of the United States, courteously, hospitably, frankly, and in a manner becoming this great nation and the Chief Magistrate of our country. He is still remaining with us, receiving the attentions and polite hospitalities of the people of this city, and of many of our most distinguished citizens. But, sir, I dissent from some gentlemen upon this floor, who insist that Louis Kossuth is "the guest of our nation." How is he the guest of the nation? What steps have we taken to bring him to this country, and how does he come here? Are all who emigrate to our country the guests of the nation? The messages of the President of the United States made to Congress at the present session, which I have before me, present a list of papers embracing a correspondence between the Secretary of State of the United States and our Foreign Minister at Constantinople, a letter from Kossuth himself, and one from Mr. Brown, our dragoman at Constantinople, the whole tenor of which goes to show that these Hungarians desired to emigrate to the United States. That after the Sublime Porte received four thousand Hungarian exiles in his Empire, and defied the power of Russia and Austria to take them out of it by force, that he saved their lives by his power, and maintained them by his hospitality and liberality. The people of the United States had their feelings of sympathy aroused in their behalf. And the correspondence between the Government of the United States, our Minister at Constantinople, and the Turkish authorities, shows, that while the Sultan of the Ottoman Empire was willing to pay their expenses to get them out of his country, and send them, or some of the chief personages amongst them, to England, they had not the means wherewith to come to the United States of America, as they desired to come. What did we do, sir, under this state of things, having had their wishes officially announced to us? The Congress of the United States, on the 3d of March, 1851, passed a joint resolution, which I have before me, and which, it appears, gentlemen of this House forget or greatly misunderstand. In order that the country may understand it, and that I may stand justified before my constituency, I will read the resolution:

"Whereas the people of the United States sincerely sympathize with the Hungarian exiles, Kossuth and his associates, and fully appreciate the magnanimous conduct of the Turkish Government in receiving and treating these noble exiles with kindness and hospitality; and whereas it is the wish of these exiles to emigrate to the United States, and the will of the Sultan to permit them to leave his dominions: Therefore,

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is, requested to authorize the employment of some one of the

public vessels, which may be now cruising in the Mediterranean to receive and convey to the United States the said Louis Kossuth and his associates in captivity."

We gave them a passage in one of our foreign vessels as exiles—as men desiring to emigrate to this country for a secure asylum and a home. And that secure asylum and protection they would receive; the whole power of the Government against the nations of the Old World would be exerted to secure it to them, now that they are amongst us, if they choose to remain with us and become adopted citizens of this country. Now, I say we have not made Louis Kossuth, by this proceeding, "the guest of the nation." We have welcomed him and his associates. We have welcomed him, formally, to the capital and to the country. I ask, does that imply that we should go further, and place him upon the footing of Lafayette?—the immortal Lafayette, who struggled and fought for us during our seven years' revolution, and aided us by his fortune, the risk of his life and sacred honor, to secure our own independence? I say that he cannot be placed upon the same footing, and does not deserve to be received in the same way. Yet I would extend to him every sympathy and kindness suitable to his late eminent position in Hungary and his present situation, and do all that is becoming in me to do towards him and his associates, as a citizen of the United States of America.

I now wish to allude one moment to the course of my colleague from the Ashtabula district, [Mr. GIDDINGS,] who, during the debate in the last session of the committee, read at the Clerk's table certain resolutions which he alleged had been voted for by myself.

In the debate on Wednesday last, my colleague, [Mr. GIDDINGS,] to show what he considered my inconsistency, charged me with voting for a certain resolution of a direct character, interfering and proclaiming our sympathies with a foreign and European nation in the cause of freedom; and caused certain resolutions of Mr. Cummins, offered in this House on the 22d March, 1848, relating to the state of affairs then existing in France and Italy, to be read by the Clerk. They were read as follows:

"Resolved, That it becomes the people of the United States to rejoice that the sentiment of self-government is commending itself to the favorable consideration and adoption of the intelligent and thinking men of all intelligent nations.

"Resolved, That the only legitimate source of political power is the will of the people, and the only rightful end of its exercise their good.

"Resolved, That we sincerely hope that downtrodden humanity may succeed in breaking down all forms of tyranny and oppression, and in the establishment of free and national governments for the good of the governed, and not for the aggrandizement of those who govern.

"Resolved, That we tender our warmest sympathies to the people of France and Italy in their present struggle for reform, and sincerely hope they may succeed in establishing free and constitutional governments, emanating from and based upon the will of the governed, suited to their wants and condition, and such as will secure to them liberty and safety.

"Resolved, That we tender our sympathy and hopes of success to every people who are seeking to establish for themselves free and national governments, and that whatever of blood and treasure may be shed or spent in a struggle of the oppressed against the oppressor, is to be charged to the unjust resistance of the oppressor, who strives to hold and exercise the rights of the people, usurped against their will, and exercised for the benefit of the few and the oppression of the many, and not to the people, who seek only to regain and exercise their natural rights in such manner as will best secure and promote their own happiness and safety."

I was charged with voting for them, and with inconsistency; and the gentleman refused to say who offered the resolutions, or give me any information about them. He did not even say who offered them. But how does it appear by the record? See the *Congressional Globe*, page 521, vol. 18. These resolutions were objected to, at the time they were offered, and they were not received. No direct vote was afterwards taken upon them. Nor did I vote for them. The *Congressional Globe* was before the gentleman, and he saw and well knew that I had not voted for or against those resolutions, because no vote was taken upon them, except to suspend the rules to introduce them. I therefore must believe that it was the design of the gentleman to misrepresent me—knowingly, willfully, and maliciously—by a false allegation. [Here the hammer fell, the five minutes having expired.]

Mr. TAYLOR intended to continue his remarks, by observing:

To show this, it is only necessary to look at the

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report of the proceedings of Wednesday last, in the *Globe* of this morning. The gentleman is there represented as having read by the Clerk the following resolutions: (See *Congressional Globe* of 1847-8, vol. 18, page 592:)

"Resolved, That in the name and behalf of the American people, the congratulations of Congress are hereby tendered to the people of France, upon the success of their recent efforts to consolidate the principles of liberty in a republican form of government.

"And be it further resolved, That the President of the United States be, and he is hereby, requested to transmit this resolution to the American Minister at Paris, with instructions to present it to the French Government."

Now, sir, my colleague [Mr. GIDDINGS] did not cause these last resolutions to be read at all. But to show what he called my inconsistency, he had the resolutions of Mr. Cummins read, and not those adopted by the Senate, and sent us for concurrence, in relation to the then recently-established Republic of France.

Those resolutions of the Senate passed this body on the 10th of April, 1848, by a vote of 174 yeas to 2 nays. I voted in the affirmative for the Senate's resolutions. Nor do I act inconsistently, by opposing the resolution offered by my colleague, [Mr. CARTER.] I regret that my colleague [Mr. GIDDINGS] should find it necessary to say, in reference to myself—

"Has my colleague forgotten? Sir, it becomes politicians to have memories. If for nothing else, they should know what to do."

Sir, I would say to him, that it is equally necessary for politicians to have honesty, and to speak the truth. And now, Mr. Chairman, let me ask you, and honorable gentlemen on this floor, with what grace or propriety he dares thus indirectly to censure me, by charging me, in this House, with voting for resolutions when I did not vote for them, and holding me up to the House and to the country as acting inconsistently.]

Mr. BOWNE. Mr. Chairman, I rise here, sir, as a friend of Kossuth and of Hungary, and as one who has voted with the majority throughout this contest, to ask of that majority a simple act of justice. We find that the minority in this House will not rest satisfied with the resolution now under consideration as it now stands, inasmuch as it seems to them to contain something under the rose. Sir, it has been said that any appendix to this resolution would seem to imply a discourtesy to Louis Kossuth. Permit me to suggest that we have high authority for differing from this proposition. We find that the President of the United States, in the very act of welcoming Louis Kossuth in person to these shores, took occasion to say clearly and distinctly, and withal most courteously and properly, that this Government could not indorse the doctrines of its distinguished guest, as regards the propriety of an intervention on our part between the Powers of Europe. Under such circumstances we find the minority here unwilling to vote for a resolution which seems to cover a cloven foot. Now, as a friend to this measure, I call upon the majority, and especially upon my friend from Ohio, [Mr. CARTER,] who offered this resolution, to come forward and explain to this committee whether or not there is anything behind the proposition now under consideration which does not appear upon its face. I consider that this is due to the minority, and that if the majority do not do it they are responsible for giving what is here been called an insult to Kossuth.

It has been said that by protracting this debate, we insult him. Who are responsible for this, I desire to know? a majority, a majority who can afford to be generous, for they represent a generous principle, or a minority struggling to avoid being misrepresented—a minority, permit me to add, in my belief, quite as honestly devoted to Kossuth and his cause as the majority here present? And now, sir, I ask again, if the gentlemen with whom I have been voting here do not desire to do wrong—if they do not wish to involve Louis Kossuth in difficulty with the people of this country, how can they object to coming out and satisfying the minority on this head? I admire the man Kossuth

and his cause; and I am willing to congratulate him and to ask him here, where he may learn and know what are true republican views. And therefore I trust that this captious argument may be no longer continued—that it may come to an end—and that the majority, with whom I am identified, will show a disposition to abandon their captiousness, and show that, in their desire to compliment the living imbodiment of a just principle, they have no selfishness, but are willing to throw open their doors to all who may wish to join them. And, sir, furthermore, I will say that unless this majority will consent to this measure which I now propose, I, for one, distrusting their ungenerousness, will be constrained to refuse again to accord to them my humble vote. And, in doing this, I trust and believe that my motives, as a true friend of Hungary, of Kossuth, and of liberty the world over, will be fully appreciated here, as I know they will be by those whom I represent here, whose undying devotion to the cause of human freedom is above fear and above reproach.

The question being taken upon the amendment of Mr. TAYLOR to the amendment of Mr. CHURCHWELL, it was rejected.

Mr. MOLONY offered an amendment to the amendment, which was read by the Clerk, as follows:

Resolved, That the passage of the original resolution shall be understood as expressive of the indignation of this House in behalf of the American people at the despotic intervention of the Czar of Russia, and crushing by his armed legions the republican and triumphant spirit of Hungary.

Mr. MOLONY said: Mr. Chairman, I owe an apology to the friends of Kossuth upon this floor for offering this amendment at this time. I should not have done it, was I retaining a particle of that strong assurance which, at the commencement of this debate, I entertained, viz: that a proper regard for the dignity of this body, for the proprieties of courtesy due to our illustrious guest, for the manifest will of the American people, which it is our sole province to reflect in our action upon this resolution, and at all times, would insure a favorable and harmonious action upon it. I repeat, I had hoped that these considerations, each and all of them, would secure for this original resolution an emphatic, cordial, and universal adoption. But, sir, that hope has died within me. I perceive, sir, that a factious minority, and in numbers almost contemptible, has for the last three days and part of one night, held, in Committee of the Whole, at bay, by parliamentary tactics, an overwhelming majority of this body—gagged them, sir, and through us gagged the sentiments of the American people in regard to our illustrious stranger—an act alike disgraceful to this body as it is insulting to the nation and its honored guest. I repeat it, sir, that this House, by its unwarrantable, factious opposition to the passage of the original resolution, has disgraced itself in the eyes of the civilized world. Governor Kossuth, sir, is here the guest of the nation; such he is by an invitation extended to him by the proper national authorities, while an exile and a guest of the Sultan of Turkey; such he is by the orders given by the Executive of the nation, that a national salute should announce his arrival in New York; such he is by an invitation of the President and Congress, since his arrival on our shores, to visit the nation's capital; and yet, sir, after all this, the unfortunate yet glorious exile no sooner arrives here than this House is seen perpetrating an act, in them most ungraceful, and insulting to the feelings of their guest, in debating for three days and a part of one night a simple resolution for introducing him to the floor of this House. I have, sir, no responsibility in this matter; I mean to have none. And, sir, for the purpose of putting myself right upon the original resolution before the House, my constituency, and country, I rise, and to throw it upon those who must answer for it to themselves, and should to their constituency and the country. For the original resolution I go hand, head, and heart; and in saying this, I say not that I speak for myself alone, as has been repeatedly announced on the other side of the House, but I speak it as the rep-

resentative of a constituency of two hundred thousand. Yes, sir; and I would have it understood by the despots of Europe and their sympathizers in America, that my constituency feel strongly the sentiments embodied in my amendment, and when the proper time and occasion shall arrive, I, as their representative, am prepared to declare by vote that the armed intervention of despotic Russia, in the domestic concerns of Hungary, crushing by its armed legions the republican and triumphant forces of that people, was an outrage upon the sympathies of the Christian world, and alike a violation of international and divine law.

Mr. Chairman, I have accomplished my object in offering my amendment—that was, an opportunity to put myself right upon the original resolution; and, as I have always voted not to embarrass the original simple question with any amendments, I shall defer my approbation of my own amendment for a more fitting time and occasion, and accordingly now vote against its adoption.

[Here the hammer fell.]

Mr. CULLOM. I had not intended, Mr. Chairman, to have participated in this discussion. It was my purpose to vote silently, as I have done from the origin of this question; but since gentlemen arrogate to themselves the prerogative upon this floor of denouncing me and those with whom I act upon these questions as factionists, I have the right as an American citizen—the double right, as a member upon this floor, of acting upon these questions, as upon all others, under all the obligations and sanctions which this high trust imposes. I would be false to myself and unloyal to my constituency, if I did not, as I here do, hurl it back upon its authors as a falsehood. [Applause, and cries of "Good!" "Good!" and "That's right!"] What have I done as a Representative here for which I am to be thus censured? Have I not demeaned myself in every phase this question has assumed in strict conformity with the rules prescribed by this body for its government? Might I not with far greater propriety charge that the dominant majority upon this question have madly overridden the stubborn rules of the House in order to precipitate this question? and in their holy zeal to do honor to Mr. Kossuth, would crush and thus denounce those whom they choose to call factionists, but who, I assert, are the real American law-and-order party of this House. [Great applause. "Order!" "Order!"] While I am disposed to treat members with all the courtesy due their station as representatives of American freemen, I am here to exact that same observance; and whilst gentlemen are talking for Buncombe and the mobs at the Five Points, they must learn that these indignities are highly unbecoming. Mr. Chairman, I have fully, in my opinion, discharged the obligations of courtesy in relation to the distinguished individual who is the subject-matter of this discussion. Our Government had invited him to our free country as a refugee from European oppression, and in that same spirit I voted the invitation to visit the capital of this mighty nation. There I choose to stop and hand the distinguished gentleman over to the hospitality of the American people generally, and to the people of Washington in particular; feeling that my legislative functions have ceased; but every amendment limiting our action to mere courtesy (and nothing more, we are assured, is intended) has been voted down, and a new and dangerous doctrine has been shadowed forth through the speeches of gentlemen, from which, as an American, I shrink. My American pride has forced me to take my stand, and it shall be my last intrenchment, by my own country and her time-honored usages. Mr. Chairman, ours is justly called a model republican Government, whilst its enemies tauntingly point to it as a mere experiment; and so it will prove, if your quacks are permitted to practice their experiments upon it. Yes, sir, gentlemen eloquently point to it as a beacon light to which the world have turned their eyes in their struggles against the despotisms of the Old World. How important that this great light should be always steady

and stable; but in the hands of the progressive gentlemen, it would be a mere jack o'lantern, leading the nations of the earth to quagmires and marshes. I am not prepared to commit this country, by my vote, to the new-made and dangerous policy of espousing the quarrels and wars of other and foreign Governments. I am for maintaining our own national honor and rights, at any and all times, let the consequences be what they may. But I adhere to the sacred saying, which has with us become an axiom, "Friendship with all, but entangling alliances with none." I am here, sir, to do homage to no man living. I am no man-worshipper. If I were, the patriots of my own country are entitled to my first adoration. But, in the language of one, upon a very solemn occasion, "I bow the knee to no power, save God Almighty." I lick the dust from no man's feet, I care not what the trappings of royalty or circumstance may be. I am an American. I am a Tennessean. And those honorable gentlemen who have been so excessive in their eulogies of the great Magyar—and great I admit him to be—will have the same regrets, I fear, that the same people did, who were foremost in their adulations of Mr. Dickens. Yes, Mr. Chairman, he will write a book, and, I fear, these eulogistic gentlemen will occupy the same page that Dickens's admirers did in his book. But for the conservative position which we, who are denounced madly as factionists, occupy, our nation would be precipitated from its ancient moorings.

[Here the hammer fell.]

The question was then taken on Mr. MOLONY's amendment, and it was rejected.

Mr. MEADE offered an amendment to the amendment, (a copy of which was not obtained.)

Mr. M. I am one of those who draw a distinction, and a very material distinction, between the honor it is proposed to do Louis Kossuth by the original resolution, and the ultimate design of some, if there be any such in this House, to involve this country in difficulties with European Powers. I am opposed to the latter, and in favor of the former. I believe the questions to be entirely distinct. Permit me, Mr. Chairman, to say to my brethren of the South, that it seems to me they have manifested upon this occasion an undue sensitiveness in reference to this proposition. Do they intend to imply by opposition to this resolution, that the march of free principles in Europe is a march upon the South? If they do, I must beg leave to part from them. I stand here amongst the foremost, whenever republican liberty is the question, to give my aid in every legitimate form for its progress. I do not believe the establishment of freedom anywhere can operate to the prejudice of the South or Southern institutions, and any undue sensitiveness upon that subject is calculated to do us injury—serious injury with the lovers of freedom throughout the world, because we teach them by that means to draw a distinction between the republicanism of the South and republicanism elsewhere. I admit no such thing. I assert that the triumph of democratic constitutional liberty does not, and cannot interfere with the Southern institutions. I will not admit there is a paradox presented by our institutions and the constitutional liberty we enjoy. They are altogether compatible, and I shall always be found among the foremost in advocating whatever may legitimately tend to the establishment of freedom in other parts of the world, but not to the extent of involving my country in intervention with European politics. I am opposed to a policy of that sort; but when the simple question is, Shall we do such honor to the representative of free principles in Europe as will give aid and comfort to those noble hearts who are now beating high with aspirations for freedom, shall I withhold it? No, sir; I will not withhold it through the vain fear that it may recoil upon our institutions. Our institutions are based upon a firmer principle—a firmer foundation; and the march of liberty elsewhere is not in conflict with our interests. We, at the South, know there would be as much wisdom in a man emancipating his infant children before they have arrived at the years of discretion, as there would be in emancipating the black race. The difference between the two is, that the children of the white man will arrive to a period when they become freemen, and can provide for themselves; the negro never can. A distinction drawn by the hand of the Almighty between the black and the white race, has placed the negro

in his present position, and there he must remain, receiving protection from the white man, and rendering him service for it. The white man must be served by them as the little boy of ten years must serve his father, who protects him. A negro is always a child. Unless we can stand upon a principle which is immutable in relation to our institutions, and also compatible with the great truths of republican government, we shall be condemned; and we are pronouncing our own condemnation if we refuse our sympathies to the oppressed of other countries. Let us avoid, sir, even the appearance of it.

Mr. BOCOCK. This debate has been long protracted, and I have not made an attempt before this in the last two days, to participate in it. Nor should I have done so now, but for the fact that the speech which has been just made by my colleague [Mr. MEADE] places me, and those who have acted with me, in a false position before this House, the country, and our constituents. He has assumed in the remarks which he has just made, that we have been guided solely by a sensitiveness upon the subject of slavery in our course here.

Mr. MEADE. If in the hurry of my remarks I made any such statement, I did not intend it. I only inferred the thing from the resolution offered by the gentleman from North Carolina, [Mr. STANLY,] and from the fact that the vote here had partaken in a measure of a sectional character.

Mr. BOCOCK. If the gentleman has not intended it, I take this occasion to say for myself to this House, and this country, that it is not the consideration which has chiefly operated upon me, or any of us on this side, so far as I know.

Mr. MEADE. I am glad to hear it.

Mr. BOCOCK. The vote has in fact been very far from a sectional one. Gentlemen from Indiana, Ohio, and New York have been prominent on our side.

I ask upon what principle is it expected that this resolution is to be adopted? Is it as a personal compliment to Louis Kossuth? Nobody claims that. Is it because he is the representative of a great principle, that we are to honor him in this House? Now, I ask of what principle is he the representative? He comes to declare before this country what principle he represents; and he is the organ of his own opinions, sentiments, and wishes. He has proclaimed trumpet-tongued, "I do not ask your empty compliments; I do not ask your empty sympathy." He says the sympathy he wants is operative sympathy. He wishes us to take European affairs under our management, and if necessary to fight for Hungary. When a resolution like this was sent him from the other end of the Capitol, what did he say? He was told it was a compliment. He said no; I know better than you do. There is a meaning, a political meaning in it. He was deceived. Well, it is not Louis Kossuth that we are only deceiving. In deceiving him, are we not, as was said by my colleague, [Mr. BAYLY,] deceiving his countrymen at home, and deluding the poor Hungarians? In aid of his sentiments, we see men in the northern States leaping forward as if in eager competition, to be the first to join in this current. When we see the thing taking through the country, and the public mind becoming inflamed, and when we see gentlemen upon this floor rising and uttering such sentiments as we have heard in this debate from several speakers, and when we see a majority here breaking down the rules to carry out their purpose in this respect,—I ask, is it not time for reflecting, serious, and sober-minded men to pause in their course, ere they upturn the long established policy of the country? We have told him that he was welcome to the capital of the country. We have rendered all that the country, all that magnanimity and liberality required. This I willingly consented to. No man feels more sympathy with the cause of freedom throughout the world, or with the men who dedicate themselves to it, than I do. But our first duty is to ourselves.

I am willing to pay compliments and extend courtesies to the worthy and deserving, if harmless. But when we see that serious consequences are likely to follow from our action, is it not time, I ask, to pause and reflect? And when gentlemen come here, and tell me that with the minority I have resorted to revolutionary measures, and to a factious course, I tell them that the charge they

make against us applies to them. They have trampled on the rules; we have not. They have resorted to unusual and unprecedented modes of action; we have not. We have endeavored to deprive such efforts of a successful result, and thus to maintain the rules and protect our own rights. But for doing so, we are not to be misunderstood as having no sympathy with Kossuth and his cause, nor as improperly bringing the institution of slavery into the arena. We have not done anything to give good grounds for either charge.

Mr. RICHARDSON. I desire to know if it will be in order to move that the committee rise and report the resolution and amendments to the House, and to recommend their reference to the Committee on Foreign Affairs. The gentleman from Georgia, [Mr. STEPHENS,] the other day, carried to the House, from the committee, a bill similarly situated.

Mr. STEPHENS. With the permission of the gentleman, that would not be in order, as it would cut off debate on the amendments. Suppose the resolution should go to the Committee on Foreign Affairs, they have to report everything to the House. I make this suggestion to the gentleman: Let us adjourn over till Monday. It will be then in order to move to suspend the rules to introduce this resolution. If two thirds vote for it, our opposition ceases. If two thirds do not vote for it, is it right that less than two thirds of the House shall pay a compliment to any foreigner, in derogation of the rights of one third of our number? Now, if gentlemen do not want to be factious, give it a fair test; meet on Monday next, when it is in order to move a suspension of the rules, and if two thirds vote for it, let it be done.

Mr. RICHARDSON. This question of rules is a matter about which gentlemen upon this floor may well differ. I have my own opinions, and they are as firm and fixed as those of the gentleman from Georgia, [Mr. STEPHENS,] I entertain them as the representative of the American people, and I abide by them as firmly as he does. We differ very often about them. I make the motion that the committee rise, report the resolution with the amendments to the House, with a recommendation that they be referred to the Committee on Foreign Affairs.

Mr. STANLY. I ask the Chair, if the committee rise and report this resolution and amendment to the House, and then the previous question be moved, and another gag is forced upon us, where we will be?

Mr. VENABLE. I understand that previous question.

Mr. RICHARDSON. I will ask the Chair, if we are not at liberty to have such a recommendation offered by gentlemen, if it is not in the shape of an amendment?

The CHAIRMAN. Debate is out of order.

Mr. JOHNSON, of Arkansas. Is debate not in order?

The CHAIRMAN. All debate is terminated by the latter branch of the 136th rule. This rule provides, "that the House may, at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union, from the further consideration of any bill referred to it, after acting without debate on all amendments pending, and that may be offered." This rule provides, that the House itself may discharge the Committee of the Whole upon the state of the Union from the consideration of any proposition committed to it without debate, after voting upon all amendments which have been offered or may be offered. The committee, by this vote and decision, have determined that the debate upon this resolution should terminate. Then, in the opinion of the Chair, it cannot be reported to the House until all the amendments pending, and which may be offered, shall be voted upon. The Chair overrules the motion of the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. RICHARDSON. From that decision I appeal, and demand tellers.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the House? Upon that question tellers are called for.

Mr. RICHARDSON. I desire to ask a single

question of the Chair: If it is in his remembrance, that a measure was carried out in committee the other day upon the motion of the gentleman from Georgia, [Mr. STEPHENS,] with precisely the same recommendation?

The CHAIRMAN. There were no amendments if my recollection serves me. The Chair has not a very distinct recollection of the circumstances attending that resolution, and would thank gentlemen to inform him, whether or not debate had been terminated.

Mr. DUNHAM. There was then no objection to such proceeding. It was by general consent.

Mr. STEPHENS. Debate had not yet terminated.

The CHAIRMAN. It is in the recollection of the Chair, that the debate had not been terminated. A motion was made that the committee rise and report the resolution, with a recommendation to the House to discharge the committee from its further consideration.

Mr. RICHARDSON. I think the Chair is mistaken.

The CHAIRMAN. The Chair is of the impression further, that the proposition that the committee rise was agreed to by unanimous consent.

Mr. RICHARDSON. So much the stronger for my position.

The CHAIRMAN. There was no objection to it. There was also a suspension of all rules, and this resolution could be introduced into the House in the same way by unanimous consent.

Mr. STEPHENS, of Georgia. I beg to correct the Chair, and state the facts. I recollect them perfectly. My motion was first made, as a suggestion to the committee. No member persisted in taking a vote upon the pending amendment, and the committee permitted the question to be decided by tellers. It was carried by one vote, and you will see, by referring to the *Globe*, that no member made objection. If any objection had been made, I should have withdrawn my motion.

Mr. RICHARDSON. If there was no objection, it but makes the precedent the stronger. If passion leads to it—

The CHAIRMAN. The gentleman is not in order.

Mr. RICHARDSON. I want to correct the Chair as to one thing. There were amendments pending, and the question arose in the House, as to whether those amendments came with the original proposition or not. It was decided that nothing came with the original resolution. The whole question was presented; and concurred in unanimously by this House then, and ought to be now, I think.

The CHAIRMAN. The gentleman from Illinois [Mr. RICHARDSON] appeals from the decision of the Chair, and upon that question tellers are demanded.

Tellers were ordered, and Messrs. CARTER and CABELL appointed; and the question being taken, the tellers reported—ayes 78, noes 44.

So the decision of the Chair was sustained.

The question recurring upon Mr. MEADE's amendment to the amendment, it was taken and decided in the negative.

So the amendment to the amendment was not agreed to.

Mr. TUCK offered the following as an amendment to the amendment, to come in at the end thereof:

And it is hereby declared to be the judgment of this House, that the late intervention of Russia in the affairs of Hungary was a violation of the law of nations.

Mr. T. said: That amendment expresses my sentiments, and I am for speaking them out here, let who may take offence.

Mr. CARTER. I would inquire of the Chair, whether that amendment is in order?

The CHAIRMAN. In the opinion of the Chair, the amendment is not in order.

Mr. SAVAGE. I wish to offer an amendment.

Mr. TUCK. I have not yielded the floor yet.

The CHAIRMAN. Did the gentleman appeal from the decision of the Chair, declaring his amendment out of order?

Mr. TUCK. No, but I wanted to offer another amendment.

The CHAIRMAN. The gentleman's amendment was decided out of order.

Mr. TUCK. But I offered another.

The CHAIRMAN. The gentleman lost his right to the floor when the question, upon which

he obtained it, was ruled out of order, and consequently passed from before the committee. The floor has been assigned to the gentleman from Tennessee.

Mr. SAVAGE then offered the following amendment to the amendment:

Resolved, That Congress disapproves the political doctrines of Louis Kossuth, in relation to the foreign policy of the United States, and that it is contrary to the practice of this Government and the spirit of the Constitution to pay mere personal compliments to individuals.

Mr. SAVAGE said: Mr. Chairman, I had hoped to have passed through this unpleasant discussion without detaining the House by any remarks upon the subject. But I have felt it my duty to offer the amendment just read. It covers in brief the many reasons which have controlled my action relative to Kossuth.

Far be it from me to entertain sentiments of hostility to the so-called great Hungarian. I wish every man on earth peace, glory, success, and contentment; nor shall I ever travel out of my path to lessen the honor of any man, no matter how unmerited he may wear it. But when a question comes up in the line of my duty, no tempestuous enthusiasm, no considerations of safety to myself, shall drive or deter me from expressing my honest and deliberate convictions.

I cannot approve the political principles of the great Hungarian apostle, and there is nothing left for me to bow to. I have been taught to honor principles, not men; and especially will I fail to seek an occasion to pay an unusual compliment to a man advocating principles the practice of which will destroy the peace and glory of this proud Republic. I desire my acts and opinions to accord with each other.

"Whoever dares think one thing and another tell,
My soul detests him as the gates of hell."

It is right to deal honestly with Kossuth, and I confess I have not the ingenuity of paying a compliment to his person and a curse to his principles by the same act. Besides, I am not sent here for either purpose. I am the Representative of a portion of the people of Tennessee. I have been sworn to support the Constitution of the United States, and am willing to perish in a struggle for that purpose whenever an Almighty Providence shall so decree. I have not been sworn to support the Constitution of Hungary, or to go upon a crusade for the world's liberty; and I am unwilling to peril the interests I have sworn to guard by an interference with the affairs of the European States. I am an American, and want no new light to shine upon my pathway in politics. The star of Washington has lost to my vision none of its charms or brilliancy. It rose in glory with our Government, to shine eternal and unchanging upon our political horizon. My feet shall follow but one path, my eyes shall see but one light, although many others may glitter in the heavens.

We all know that all the light above us is not useful or substantial. Although many be the stars that have shone upon man's dark and dreary destiny, yet other lights have oftentimes come upon the heavens—not stars of eternity, or of the age or century, but airy, unsubstantial things—brilliant illusions, meteors of the moment, that have ascended in the dark—we know not when or how—whose only glory is displayed in their fall.

Sir, I am content with the history of my Government. It is a lesson of wisdom. I want no new apostle, new bible, or new faith. I would not alter a syllable of the past if I could. I only hope the future may be like it.

Mr. JOHNSON, of Arkansas. I presume it is a matter of very small consequence to the committee what my position is in regard to this matter, and I do not state it because of its consequence, but I ask that a little consideration may be given to the few words which I am about to utter.

I have desired, from the outset of this discussion, to take no part whatever in it, but so to regulate my course as to bring the committee to a direct vote upon this resolution—the importance of which has been so much magnified—in order that we might settle it one way or the other. We began this contest last Monday week, when the resolution was rejected, because it did not receive a two-thirds vote. The same was the case last Monday; and now we have been occupied with the subject all day Tuesday, all day Wednesday, and during the whole of yesterday.

If we are going to grant this privilege as an act

of courtesy—and it is evident from the general expression of the House, that if granted at all, it will be as a courtesy and not as an indorsement—let us do it at once. My position in regard to this matter has certainly not been an extravagant one on either side. I have been voting all along so as to bring us to a direct vote on the original resolution; and whenever we reach that point I shall vote against the reception as proposed in that resolution. That is the position which I occupy. Now let us look at the position of the matter itself. The gentleman from Ohio [Mr. CARTER] has offered a resolution that Kossuth shall be received by a committee; but, as I understand it, no one knows what is to be done when he shall be so received; we do not know but that it might lead to his delivering an address in this body, and thus sanction the implication that he was received here for that purpose, and that we indorsed his sentiments on the subject of intervention. There are, therefore, sound and rational objections to that resolution, as I think, if such a possibility exist. On the other hand, the substitute offered by the gentleman from North Carolina [Mr. VENABLE] only proposes that Kossuth shall be admitted to a privileged seat on this floor, as Father Mathew and other distinguished foreigners, among them the compatriots of Kossuth, have been. To that, I believe, no rational man can object. But we cannot get to the vote on either of those propositions. Why? Because there are hundreds of amendments to the original resolution which must be perfected before the substitute can be voted on.

I hope, therefore, that after this long debate, we may be permitted to have a cessation of amendments to the original resolutions, and may come to the substitute itself, to which gentlemen can offer such amendments as they desire. But it seems to me, that it would be much wiser and more rational to have a vote upon the substitute at once. I candidly believe that it would be carried, for appreciating M. Kossuth, as we all do, I believe we should all be disposed to admit him to a privileged seat.

Gentlemen must bear in mind, that we have debated this question, not only before the American public, but before the whole world; every kind of extravagant consideration connected with the subject, has been brought in. I hope the Buncombe is now exhausted, and that after four days talking, we may be permitted to have a vote.

The question was then taken upon Mr. SAVAGE's amendment to the amendment, and it was not agreed to.

Mr. BRENTON offered the following amendment to the amendment, viz:

Provided, further, That nothing contained in this resolution, or any action which may be had thereon, shall be so construed as to identify any member of this House, against his own will, with any of the principles advocated by Louis Kossuth.

Mr. B. said: My object in offering this amendment is not to relieve myself but other gentlemen from the fears under which they labor, lest their votes should be wrongfully construed by the country. By the adoption of that amendment every gentleman will, at once, be placed in a position where he can exercise his own private judgment, either for or against the principles which have been advocated by Louis Kossuth.

It has fallen upon my ears most strangely when I have heard the arguments which have been advanced and the declarations which have characterized this House since the beginning of this debate, that an act of courtesy, extended to Louis Kossuth personally, involves necessarily the adoption or recognition of the principles which he advocates. If this position be correct, then whenever we condescend to extend the common civilities of life to those who may differ in opinion from us, we adopt the sentiments which those individuals may entertain upon any great question whatsoever. There is nothing more erroneous. We practice upon this principle every day in the ordinary business of life. Is it true, because I invite a neighbor to partake of the hospitalities of my house that I necessarily adopt all the abominable notions he may entertain upon any question whatever? Suppose, for instance, the honorable gentleman from North Carolina [Mr. STANLY] should, under the influence of his known hospitality, tender to his distinguished friend from Ohio [Mr. GIDDINGS] the hospitalities of his house: would it be taken for granted that he had adopted the senti-

ments of that gentleman, and would the country become alarmed with the fear of his becoming a Free-Soiler? If so, they would come to that conclusion against every principle of common sense. The most that could be made out of it would be this: that the gentleman from North Carolina had, in the kindness of his heart, thrown open his doors, and, while detesting the sins of the party, he loved the sinner. Mr. Chairman, I have sufficient confidence in the intelligence of the people of this country, and especially in that of the people whom I have the honor to represent. I believe they will distinguish between the personal reception of this distinguished individual and the adoption of his principles. If Louis Kossuth had come to this country on his responsibility, by his own funds, as a private individual, I would be ready to do him honor, and the country would be ready to do him honor; for I know we are ready and willing to extend this honor to individuals of high rank from foreign countries, and we are especially willing to pay those honors to the poor and downtrodden who have fled from foreign despotism, when they shall land upon our shores; but we extend this honor to them without adopting their principles.

Mr. MOORE, of Louisiana. I desire to say a few words to set myself right upon this question. I was originally in favor of this resolution, and I am still in favor of it, because it is paying respect to a great principle of liberty which I recognize as republican. But although I am in favor of paying this tribute of respect, I have voted with the minority in this committee, and I cannot consider that a factious minority, as we are acting under the rules and orders of this House, and those rules and orders are the statutes of this country—as much so as any other statutes until they are repealed. As I have stated, I have voted with the minority upon several occasions, because this resolution was introduced here in violation of the rules of the House, and in violation of the decisions of the honorable chairman of this committee, and therefore I say that the minority were not acting factiously. They were acting under the rules and orders of this House, and they have the right so to act. Though I had intended to vote for the resolution, yet I have voted with the minority, because the rules of the House were violated by its introduction. With this explanation, I shall vote for the resolution, though I am opposed to intervention; and in voting for it I wish to be understood that I do not indorse the doctrines of Louis Kossuth. I shall support the same policy—the policy of Washington—in relation to intervention, which has always been supported by this Congress since the foundation of this Government. With this explanation I take my seat.

Mr. GORMAN. I understand that gentlemen are permitted to speak five minutes for and against an amendment, by a rule which was adopted during the last Congress. I ask the Chair if I am right?

The CHAIRMAN. The gentleman is correct.

Mr. GORMAN. Then the rule provides that one gentleman may be permitted to speak five minutes in favor of the amendment, and another in opposition to it the same length of time. I rise to say, that I hope the Chairman will enforce this rule, and not allow two gentlemen to speak upon one side of the same amendment. I hope the friends of the resolution will not speak at all.

The question was then taken upon Mr. Brexton's amendment to the amendment, and it was not agreed to.

Mr. POLK offered the following amendment:

When the Committee on Foreign Affairs shall report, all who wish will have an opportunity to speak on the subject of intervention.

The CHAIRMAN. That amendment is not in order.

Mr. POLK. Upon what ground does the chairman rule my amendment out of order?

The CHAIRMAN. Upon the ground of irrelevancy.

Mr. POLK. Then I move to strike out in the amendment the word "distinguished;" not that I am not willing to award to Kossuth all the honor to which he is entitled, but I do it for the purpose of enabling me to express my views upon this question. If I understand it correctly, the President of the United States directed our diplomatic agent at Constantinople to invite Kossuth to this country. Three days after, if I understand the

record, Congress passed a resolution inviting him here. Here is a double duty. The President first, and Congress afterwards sanctioning the Executive power. And not only that, but an American vessel is sent to bear him to our shores. He lands here and becomes the nation's guest. He comes to Washington; and what does Congress do? It says, "Mr. Kossuth, your sentiments are such that we cannot receive you in our delegated capacity." No. You pass a resolution three or four days after the beginning of the present Congress in which you invite him to the capital of the country. And now, how does the case stand? Kossuth is here by the invitation of this House, with but sixteen votes in the negative—for I remember the yeas and nays were called—but sixteen were found to vote against giving to the great Magyar a reception worthy of himself and the cause in which his country has fallen. By your own invitation he stands at your portals, and what are you doing? You are consulting whether you will receive him or not. You invite a guest, and then call a family circle to discuss the propriety of receiving him. Kossuth is in the city. He is under the very portals of your Capitol, and here we are debating the question as to whether we will receive him! Gentlemen upon the other side of the House have indulged in epithets, and have even used the word "falsehood" to the majority, because we dare to exercise our rights. Sir, we dare to proclaim them factionists, and we dare to stand by the consequences. We have done nothing to elicit this charge. I belong to that majority, and I will give my vote for any reception which I may deem proper and just; and that minority must understand that I will not share in any opprobrium or epithets of that character. When they fling stones of that kind they must take care that they do not—

[Here the hammer fell.]

Mr. ROBINSON. Mr. Chairman, I hope that we shall soon come to a vote upon this question; and I know if I do not get the floor now, some one else will, to fill out the five minutes that would be appropriated in opposition to the amendment of the gentleman from Tennessee, [Mr. Polk.] I do not know that my opinions are of any consequence here or elsewhere, upon this question. And I have no solicitude whatever, sir, as to what conclusion may be drawn from my vote, in favor of this resolution to receive Governor Kossuth—none whatever. I shall not travel out of my way for the purpose of making a declaration to Russia, if you interfere again in the affairs of Hungary there will be no danger from us. If there were no other reason in the world why I would refuse to make such a declaration, it would be that, and that alone, that while it would palsy the arms of patriots struggling for liberty, it would nerve the arm of the tyrant that is now stretched over them. Gentlemen say they are as much the friends of Kossuth and his cause as we are. I shall not question their motives; but let me ask them what the effect of their opposition is? Who are they who first upon this floor talked about incorporating a principle upon that simple resolution? Were they the friends of this resolution? No, sir; but the enemies of it, who, looking far into the future for something to embarrass us, must go out of their way to declare that they will or will not do thus and so. Sir, I had just as leave, and rather, that Russia should infer from our action here that we intended to interfere. I will not say what I would do, but it seems to me he is not a wise statesman who, without knowing anything about the extent of the danger that surrounds the future—who, without knowing anything about what governments we may get into difficulty with, or what embarrassments may result to our commercial relations, or what the extent of our interests involved, yet goes out of the way to try his hand upon a principle of that kind. Sir, I hope the friends of this resolution will cease offering amendments; for if we cease offering them, the five minute speeches will soon be ended. Let the enemies of the resolution talk alone and take the consequences. So far as I am concerned, I am not so much mystified as some others at the result. The country can know just as well, whether this resolution pass or not, who were and who were not in favor of it, and the motives by which they were governed. Governor Kossuth himself is too intelligent not to know, that though this resolution may not pass, that there are two to one in favor, and that it is

by resort to parliamentary manoeuvres that it is defeated.

A Voice. Two to one cannot suspend the rules.

Mr. STEPHENS, of Georgia, (interrupting.) If the gentleman will allow me—

Mr. ROBINSON. I cannot be interrupted in a five-minute speech. The gentleman has had two or three speeches. The gentleman from Georgia bases his opposition upon the rules, and that if we set them aside, we are in a revolution. Does not every gentleman know, who has been here a sufficient length of time, that nothing is more common than that when a majority desires, they override the rules?

[Here the Chairman's hammer fell.]

The question was then taken upon the amendment offered by the gentleman from Tennessee, [Mr. Polk.] and it was rejected.

Mr. BROWN, of Mississippi, offered the following amendment:

And be it understood, that the House of Representatives declines at this time to express any opinion as to whether this Government will or will not interfere in the wars that may hereafter occur between other nations.

Mr. BROWN. I have offered this amendment in good faith.

The CHAIRMAN. The Chair is of opinion that the amendment is not strictly in order. It does not connect itself with the resolution.

Mr. BROWN. I will change the resolution so that it will read in this manner:

Be it understood, that the House of Representatives declines at this time to express any opinion as to whether this Government will or will not be indifferent to the doctrines of Kossuth.

I offer this amendment in good faith. When, a little more than twelve months ago, I voted to send a national ship to bear this distinguished man to our shores, I did it, sir, that he might come here in the character of an emigrant. I never dreamed—as I am sure no member of the last Congress ever dreamed—that he was coming here as a propagandist of new doctrines. I appeal to every member of this Congress, who was a member of the last House of Representatives, if any member supposed he was coming here upon any such mission? The first we hear of his intentions was in one of his English speeches—I think in his Southampton speech—when for the first time he made it known that he was coming to procure the intervention of this Government in the struggles that were going on in the Old World. I do not desire that our action here, either in inviting this distinguished man to this country, or inviting him to come to take a seat within the bar of this House, shall be construed into any expression of opinion upon the subject of his doctrine of intervention. And why? I can very readily imagine that in the progress of human events a case may arise in which it may become important for this Government to interfere. No such case has, in my judgment, arisen yet. But I would not, by saying that we never would interfere, cut ourselves off from the possibility of doing so if a case should arise. So much has been said upon this subject, not only by that distinguished man himself, but by his friends in Congress and out of it, that the inference may be drawn that we either intend to indorse his doctrines upon the one side, or that we do not upon the other. That, in my judgment, it is imperative upon us to say whether, in our action here, we do intend to express a judgment pro or con. Surely this cannot wound the sentiment of the distinguished Governor of Hungary. But whether it does or does not, we are here the representatives of the American people, not responsible to Kossuth, but to the people of this country—responsible for the exercise of an important trust, and the manner in which we shall exercise it will have an important bearing upon the present and future peace and prosperity of the country. I have done nothing, and I shall do nothing capiously. I am willing to do all proper honors to this distinguished man, but I am not prepared to show him such honors as never have been shown to any living man. If it is the will of his friends to vote him an invitation within the bar of this House, when we have sufficiently discussed the question to show to the American people that we do not intend to indorse his doctrine, then I am willing to withdraw opposition and invite him in. But you cannot separate this distinguished man from the great principles he

avows. What does he tell you every day? He says, I am not here to be complimented. I am here to procure the recognition of a great national principle. And this is the shield which he bears between himself and the American people, from day to day. No man, I undertake to say, can approach him except through this shield. You must indorse his doctrines, or he seeks no intercourse with you. I am for saying, in the language of that amendment, that we neither indorse nor refuse to enforce his doctrines at this time, reserving any such question until a proper case shall arise.

Mr. FOWLER. I do not rise even for the purpose of making a five minutes speech, but to ask the friends of the resolution to abstain from speaking. I am in favor of the resolution, but not any amendment. The gentleman from Indiana, [Mr. GORMAN,] who last spoke, requested the friends of the resolution not to offer amendments. I request them not to make speeches of five minutes in answer to amendments. That is all I have to say. Let us have the question.

Mr. SWEETSER demanded tellers upon the question; which were ordered; and Mr. VENABLE and Mr. FOWLER appointed.

The question being taken upon the amendment, there were in the affirmative 53, and in the negative 56—no quorum voting.

Mr. CLEVELAND asked to have a recount.

The CHAIRMAN stated that by unanimous consent there might be a recount.

Mr. STEPHENS objected.

[Cries of "Call the roll!" "Call the roll!"]

The roll was then called, and the names of the absentees noted; the committee rose, and the Speaker having resumed the chair, the chairman of the committee reported the facts to the House, with the names of the absentees.

A quorum being present, the committee resumed its session.

Mr. CLINGMAN. I move that the committee rise. Let us adjourn. I never saw a minority fail to beat in this House—we have tried it often. It is not worth while to keep up the struggle.

The question was then taken; and it was agreed to.

The committee rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole had had the state of the Union generally under consideration, but came to no conclusion thereon.

Mr. CLINGMAN. I believe I will make a privileged motion, that when the House adjourns, it adjourn to meet on Monday next.

[Cries of "No!" "No!" "No!" "No!"]

Mr. CLEVELAND demanded the yeas and nays; but they were not ordered.

The question was then taken on the adoption of the resolution, and on division there were—ayes 91, noes 58.

So the motion was agreed to.

Mr. ORR moved that the House adjourn.

The SPEAKER. Will the gentleman withdraw that motion, to enable the Chair to dispose of some Executive documents?

Mr. ORR withdrew his motion.

CASE OF J. S. THRASHER.

To the House of Representatives:

As a further answer to the resolution of the House of Representatives of the 15th ultimo, calling for information respecting the imprisonment, trial, and sentence of John S. Thrasher in the Island of Cuba, I transmit another report from the Secretary of State.

WASHINGTON, January 2, 1852.

Mr. BAYLY moved that the communication and accompanying documents be referred to the Committee on Foreign Affairs, and printed.

Mr. FLOYD moved to amend the motion, by adding thereto these words:

And that the Committee on Foreign Affairs be instructed to wait upon Louis Kossuth, and introduce him to this House.

On that motion, he asked the previous question. The SPEAKER ruled the amendment out of order.

The question was then taken on Mr. BAYLY's motion, and it was agreed to.

So the communication was referred to the Committee on Foreign Affairs.

MEXICAN INDEMNITY.

To the House of Representatives:

I transmit, herewith, a copy of a letter of the 26th instant, addressed to the Secretary of State by the contractors for paying the next installment due to Mexico, pursuant to the

treaty of Gaudalupé Hidalgo, representing the necessity of an immediate appropriation by Congress of the money necessary for that purpose.

MILLARD FILLMORE.

WASHINGTON, December 29, 1851.

On motion of Mr. JONES, of Tennessee, the communication was referred to the Committee of Ways and Means, and ordered to be printed.

CLAIM OF THE STATE OF MARYLAND.

The SPEAKER also laid before the House a communication from the Treasury Department, transmitting, in compliance with the resolution of the House of the 14th instant, a statement of the accounts between the United States and the State of Maryland for advances made by said State during the war; also, for advances made to aid in the erection of the Capitol.

Mr. WALSH. I introduced the resolution calling for that information, and I am instructed by the agent of the State of Maryland, Colonel Howard, to ask that the subject-matter of that communication be referred to a select committee. I move that it be so referred. The communication relates to a claim of one of the States of this Union, and I hope there will be no objection to the reference to a select committee.

Mr. JONES, of Tennessee, moved to refer the communication to the Committee of Ways and Means, and that it be printed.

The question being first taken upon Mr. JONES's motion, it was agreed to.

So the communication was referred to the Committee of Ways and Means, and ordered to be printed.

DEFICIENCY ESTIMATES.

The SPEAKER also laid before the House a communication from the Navy Department, submitting estimates for the deficiencies in the appropriations under the control of that department, for the fiscal year ending 30th June, 1852, amounting to \$219,888 94.

On motion by Mr. JONES, of Tennessee, the communication was referred to the Committee of Ways and Means.

RELATIVE RANK OF SURGEONS.

The SPEAKER also laid before the House a communication from the Medical Institution of Charleston, relative to relative rank for the surgeons in the Army and Navy.

Mr. FITCH moved that the memorial be referred to a select committee.

Mr. BISSELL. It seems to me that that memorial might with propriety go either to the Committee on Military Affairs or to the Committee on Naval Affairs. I move its reference to the Committee on Military Affairs.

Mr. JOHNSON, of Arkansas. I would suggest to the gentleman that neither of those committees is composed of doctors, and this memorial should go to a committee of doctors.

Mr. FITCH. If gentlemen will examine that memorial they will see that there is no standing committee to which it can properly be referred; I hope, therefore, that it will go to a select committee.

Mr. BOCKOCK. Does not that communication refer to the subject of rank in the Navy?

Mr. FITCH. In part, only.

Mr. BISSELL. It refers also to rank in the Army.

Mr. STANTON, of Tennessee. I would suggest that so much of the communication as refers to relative rank in the Navy be referred to the Naval Committee; and that so much as relates to the same subject in the Army, be referred to the Committee on Military Affairs.

Mr. BISSELL. I will modify my motion in that way.

The question was then taken on Mr. BISSELL's motion, and it was agreed to.

Mr. ORR. It has been suggested to me that there is a portion of that communication that has not been referred by the action just taken by the House, and therefore I think that the motion of the gentleman from Indiana, [Mr. FITCH,] to refer the communication to a select committee was the proper one.

The SPEAKER. After reading the paper, the Chair is of the opinion that the whole of it has been referred to the appropriate committees.

On motion of Mr. JOHNSON, of Arkansas, the House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. WASHBURN: The petition of Josiah Smith and 204 others, of Bangor, Maine, for land reform.

Also, the petition of Joseph Webb, for increase of pension.

By Mr. SCUDDER: The petition of Thomas Hillard and others, citizens of Massachusetts, for the erection of a breakwater at Dennis, in Barnstable Bay.

By Mr. MASON: The petition of J. Decret, for bounty land for E. Thoron's heirs.

By Mr. HARPER: The petition of Joshua Dickerson and 124 other citizens of Guernsey county, Ohio, praying that the employment of chaplains in the Navy, Army, and Congress, may hereafter be dispensed with.

Also, that the petition and papers of George W. Cassiday, on file in the office of the Clerk, be referred to the Committee on Pensions.

By Mr. MANN: The memorial of the Religious Society of Friends of New England, praying for a repeal of the fugitive slave law.

IN SENATE.

MONDAY, January 5, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. MANGUM. At the request of divers persons, I desire the consideration of the Senate while I submit a motion which I hope will pass with unanimity. It is to suspend the rules of the Senate so far as to admit ladies behind the bar of the Senate Chamber.

Gentleman can at any time call and see the illustrious stranger whom we are to receive to-day; but if ladies are not now gratified, another occasion may not perhaps be presented to them. I hope there will be no objection to my motion.

The PRESIDENT. The motion cannot be received except by unanimous consent.

There being no objection the motion was received and agreed to.

A great number of ladies were then admitted, filling all the space without the bar. The circular gallery was occupied exclusively by ladies from an early hour; and the usual occupants of the Reporters' Gallery were placed in a dilemma between fluty and gallantry. Gallantry was triumphant; and any imperfections in the reports of the proceedings—any defects in the history of this day's transactions—will meet with charitable consideration wherever gallantry, their cause, has potency.

In the group of gentlemen present several foreign embassies had their representatives. Amongst them were three *attachés* of the British Legation. The Secretary of the Interior, the Hon. A. H. H. Stuart, the Attorney General, the Hon. John J. Crittenden, and probably other Cabinet officers, were in the crowd of ex-senators, members, and ex-members of the House of Representatives, and other distinguished gentlemen.

THE SMITHSONIAN INSTITUTION.

A message from the House of Representatives, by Mr. FORNEY, their Clerk, was read as follows:

Mr. PRESIDENT: The House of Representatives, in compliance with the provisions of the act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men, have appointed Mr. COCKOCK, Mr. FITCH, and Mr. MEACHAM, Regents on their part.

PETITIONS.

Mr. McRAE presented a petition of the late and present land officers at Jackson, Mississippi, praying compensation for locating military bounty land warrants; which was ordered to lie on the table.

Mr. MASON presented the petition of H. M. Bell and David Points, assistant marshals in taking the Seventh Census, of Augusta county, Virginia, praying additional compensation; which was referred to the Committee of Claims.

Mr. BRODHEAD presented a memorial of citizens of Philadelphia, Pennsylvania, praying for an appropriation for the erection of piers and harbors of the Delaware river and bay; which was referred to the Committee on Commerce.

Also, a petition of John H. Parker and sixty other citizens of Philadelphia, Pennsylvania, praying the enactment of a law to prohibit the introduction into the ports of the United States of foreign convicts, felons, and paupers; which was referred to the Committee on the Judiciary.

Mr. MALLORY presented a petition of the underwriters of the city of Boston, Massachusetts, praying the reconstruction of the lighthouse on Sand Key, on the coast of Florida; which was referred to the Committee on Commerce.

Mr. DODGE, of Iowa, presented the petition of Benjamin Arnold, praying compensation for damages done to his property by the enemy during the last war with Great Britain; which was referred to the Committee of Claims.

Mr. COOPER presented a memorial of citizens of Huntingdon county, Pennsylvania, praying that the transportation of the mails on the Sabbath may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Also, three memorials of merchants of Philadelphia, Pennsylvania, praying for an appropriation for the erection of piers and harbors in the Delaware river and bay; which was referred to the Committee on Commerce.

Mr. UNDERWOOD presented a memorial of citizens of the United States, praying that the office of Chaplain in the public service may be abolished; which was referred to the Committee on Naval Affairs.

Mr. FELCH presented six petitions of citizens of Michigan, praying a grant of public land to the Zilwaukee Grand Traverse and Mackinaw Plank Road Company, to aid in the construction of their road; which was referred to the Committee on Public Lands.

Also, a memorial of the Board of Education of the State of Michigan, praying a grant of land to that State for the use of the State Normal School, equivalent in value to the land originally granted for that purpose, of which the State has been deprived; which was referred to the Committee on Public Lands.

Mr. NORRIS presented the petition of John Clark, praying that a contract may be entered into with him for rebuilding the light-house on Minot's Ledge, near Boston harbor; which was referred to the Committee on Commerce.

Mr. DODGE, of Wisconsin, presented a petition of citizens of Middletown, Wisconsin, praying a change in the laws providing for the sale of the public lands; which was referred to the Committee on Public Lands.

Mr. ATCHISON presented the petition of Johnson Lykins, praying compensation for services as physician for the Osage river band of Pottawatomie Indians; which was referred to the Committee on Indian Affairs.

Mr. JONES, of Iowa, presented a memorial of the people of Iowa, assembled in convention at Iowa City, praying a grant of public land to aid in the construction of the Dubuque and Keokuck, and the Davenport and Council Bluffs railroads; which was ordered to lie on the table.

Mr. BUTLER presented a memorial of the Charleston Chamber of Commerce, praying that a light-boat and fog bell may be placed on the shoals east of Cape Roman, on the coast of South Carolina; which was referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. HAMLIN, it was

Ordered, That the three petitions of inhabitants of Sedgwick, Maine, on the files of the Senate, in relation to a port of entry at that place, be referred to the Committee on Commerce.

On motion by Mr. NORRIS, it was

Ordered, That the memorial of A. A. Frazier and Alvin Baker, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. BELL, it was

Ordered, That the petition of Joseph Byrd, on the files of the Senate, be referred to the Committee on Military Affairs.

NOTICES OF BILLS.

Mr. WHITCOMB gave notice that he should ask leave to introduce a bill granting lands to aid in the construction of a railroad, with right of way, from La Fayette, Indiana, by way of Peoria, Illinois, and Burlington, Iowa, to the Missouri river.

Mr. GWIN gave notice that he should ask leave to introduce a bill to suppress Indian hostilities in the State of California and Territory of Oregon, to establish an Assistant Commissioner of Indian Affairs for the Pacific coast, and for other purposes.

Mr. MORTON gave notice that he should ask leave to introduce a bill granting the right of way and a donation of land to aid in the construction of a plank road from the city of Pensacola, in Florida, to the town of Montgomery, in Alabama.

Mr. RUSK gave notice that he should ask leave to introduce a joint resolution authorizing the

Postmaster General to contract for the placing of an ice-boat on the Potomac river.

Mr. MALLORY gave notice that he should ask leave to introduce a bill to be entitled "A bill for the relief of Kennedy and Darling."

BILLS INTRODUCED.

Mr. FELCH, agreeably to previous notice, asked and obtained leave to introduce a bill granting to the State of Michigan the right of way and a donation of public lands for the purpose of constructing a canal or railroad across the peninsula of Michigan; which was read a first and second time by its title, and referred to the Committee on Public Lands.

He also asked and obtained leave to introduce a bill to establish an additional land office in Michigan; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. SEBASTIAN, agreeably to previous notice, asked and obtained leave to introduce a bill for the redemption of certain Choctaw annuities; which was read a first and second time by its title, and referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the bill to grant to the city of Burlington, in Iowa, the land heretofore reserved between that city and the Mississippi river, reported back the same without amendment.

Mr. UNDERWOOD. The Committee on Public Lands have, after considerable labor, prepared an amendment which they have instructed me to offer to the Senate bill, providing for the assignability of land warrants. I ask that it may be received informally, and ordered to be printed. It was received and ordered to be printed.

Mr. BRODHEAD, from the Committee of Claims, to whom was referred the petition of A. S. Williamson, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Allen G. Johnson, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to a second reading, and the report was ordered to be printed.

PRIVATE BILLS.

The bill for the relief of Sidney A. Allcott, was read a second time and considered as in Committee of the Whole. The object of the bill is to allow him to enter land in Michigan, for which in 1836 he paid \$200, but neglected to enter. The bill was reported to the Senate, and was ordered to be engrossed and read a third time.

The bill for the relief of the heirs of Judith Worthen, deceased, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

It provides that the Secretary of War be authorized and required to pay out of any money in the Treasury, not otherwise appropriated, to the heirs of Judith Worthen, deceased, widow of Isaac Worthen, late a revolutionary pensioner, such sum as she, if now living, would be entitled to receive under the act of July 7th, 1838.

Mr. UNDERWOOD. I would ask if there is any report on this bill?

The PRESIDENT. A report was made at a former session, but not at this session.

Mr. UNDERWOOD. I would like to hear it read.

The report of the Committee on Pensions was read.

Mr. BRADBURY. I trust that the objections in the mind of the Senator from Kentucky will be relieved by the reading of the report. It appears that the pensioner in this case was entitled to a five years' pension under the act of 1838; that the proofs were duly filed in the office of the Commissioner of Pensions; but owing to the press of business in that office there was some delay in the decision of the case. This delay cut off the claim. The pensioner was equitably entitled to a pension under the provisions of the act of 1838. I have had occasion to look into the case, and I think there is no valid objection to the bill. I hope the Senator from Kentucky will make no objection.

Mr. UNDERWOOD. I have made no objection.

The bill was reported to the Senate without

amendment, and ordered to be engrossed for a third reading.

A bill authorizing Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere, was read a second time and considered as in Committee of the Whole. No amendment being made thereto, it was reported to the Senate and ordered to be engrossed and read a third time.

The Senate proceeded to consider as in Committee of the Whole the following bills:

A bill for the relief of Charles Melrose; and

A bill granting a pension to Sally F. Floyd, widow of George R. C. Floyd, late a Lieutenant Colonel in the Army of the United States; and no amendment being made thereto, they were reported to the Senate.

Ordered, That they be engrossed and read a third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill to revive a portion of an act for the relief of the widows of deceased soldiers.

It had been reported back from the Committee on Military Affairs with an amendment.

Mr. DAWSON. I ask that it be passed over for the present. It requires some investigation.

Mr. BORLAND. I hope it will not be passed over. It has been before the Senate the last few sessions, and has not been passed because it has never been properly reached. It is a bill of great merit, and I hope the Senate will now consider and act upon it.

Mr. DAWSON. The bill will give rise to discussion. I move to lay it on the table.

Mr. BORLAND. I must ask the yeas and nays upon that motion.

Mr. DAWSON. My object is not to oppose the bill, but to have an opportunity to look into the facts.

Mr. BORLAND. If the Senator will withdraw the motion I will explain the merit of the bill.

Mr. DAWSON. I withdraw it.

Mr. BORLAND. It is a proposition to revive that portion of the act of 1816 which granted five years' half pay to the widows of soldiers who died in the service, or of wounds incurred in consequence of service, in the war of 1812. There are but few of those widows now remaining. There are no minor children entitled to benefit under the provisions of the act of 1816, and but very few widows. Those widows are old and many of them destitute. There now remain but a small remnant of the widows of those gallant men who fell in defence of their country in the war of 1812, or who died of disease contracted in that war.

This is a bill, which it appears to me, appeals not only to the sympathies but to the sense of justice of every one. It is impossible to ascertain the precise number of those widows now remaining, because when the five years expired—that is in 1821—all these persons passed off the pension roll. The attempt, therefore, to obtain information from the Pension Office, as to their number, fails. The Pension Office cannot give the information, but any one who will look into the matter will perceive that there can be but very few of those widows remaining. So far as my knowledge extends, most of them are very poor. Some of them are infirm. I know in my own State some one or two only, and I learn from others that there are very few in any of the States. I hope, therefore, the Senator will not make a motion to lay the bill on the table, but will let it be passed.

Mr. DAWSON. I would ask whether the bill proposes that the pensions shall be from 1821 to the present time, or shall commence after the passage of this act?

Mr. BORLAND. If the Senator will let the bill be read, he will see what are its provisions.

The bill was read accordingly. It provides that so much of the act of April 16, 1816, entitled "An act making further provision for military services during the late war, and for other purposes," as applies to the widows of deceased soldiers, and which expired by limitation five years after the passage of that act, should be thereby revived and extended during the natural life of any widow therein described.

Mr. DAWSON. I perceive that that bill grants a thirty years' pension to all these widows that are living; and according to the practice which has prevailed, I suppose that the children of all who have died in the mean time will claim up to the time of the death of their parent.

Mr. BORLAND. I would say to the Senator that such is not my understanding of the provisions of the bill. I understand it to apply from the passage of the act. That is the view of the committee. It does not grant a thirty years' pension.

Mr. DAWSON. I think that the construction of the bill is contrary to that given by the Senator from Arkansas. I think it gives a pension for thirty years. I move to lay it upon the table.

The motion was agreed to.

JUDICIAL SYSTEM IN NEW MEXICO.

The Senate proceeded to consider the motion submitted by Mr. BUTLER, on the 2d instant, to reconsider the vote referring to the Committee on the Judiciary the bill to amend the act entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for the territory of New Mexico," approved September 9, 1850; and the motion was agreed to.

Ordered, That the bill be referred to the Committee on Territories.

PRIVATE CLAIMS.

Mr. DOWNS. I move to postpone the prior special orders, in order to take up the bill for the relief of William Darby.

The motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole.

It provides that there shall be paid to William Darby the sum of \$1,500, in full compensation for labor and materials furnished in surveying and making a map of the Territory of Louisiana in the years 1812 and 1813.

Mr. DOWNS. I wish to state very briefly to the Senate the merits of this bill. It was introduced during the last Congress, and referred to a select committee, as it could not be referred to any of the standing committees with propriety. The present Secretary of the Treasury (Mr. Corwin) was chairman of that select committee. A favorable report was made, and the bill passed the Senate, but failed in the House of Representatives, as many private bills did. It proposes compensation for very important services rendered by this distinguished geographer, William Darby, at an early day in exploring what was then a new country, now Louisiana and Arkansas. For that service he contended, and the committee considered, that he was entitled to this very moderate and reasonable compensation. I hope, therefore, that there will be no objection to the bill.

A committee reported a much larger sum for services of less value formerly; and this bill was not seriously opposed before. It then passed the Senate, and I hope it will pass again without opposition. Mr. Darby is now a very old man, maintaining himself by his own labor in a subordinate office under the Government.

The PRESIDENT interposed, and the honorable Senator yielded the floor, it being understood that the distinguished guest of the Senate was about to enter.

On motion by Mr. DOWNS, the bill was laid on the table.

RECEPTION OF LOUIS KOSSUTH.

At one o'clock the doors of the Senate Chamber were thrown open, and Governor Kossuth, supported by the committee appointed by the Senate to introduce him, the Hon. JAMES SHIELDS, the Hon. WM. H. SEWARD, and the Hon. LEWIS CASS, entered and advanced within the bar, the Senate rising to receive them.

The suite of Governor Kossuth, in military uniforms, were grouped below the bar.

Mr. SHIELDS addressed the President, as follows:

"Mr. President, we have the honor to introduce Louis Kossuth to the Senate of the United States."

The PRESIDENT *pro tempore* then addressed him, as follows:

"Louis Kossuth, I welcome you to the Senate of the United States. The committee will conduct you to the seat which I have caused to be prepared for you."

He was then conducted to a chair in front of the President's desk, and seated with the Committee of the Senate.

Mr. MANGUM rose some time afterwards and

said: Mr. President, with a view of affording Senators an opportunity of paying their respects to our illustrious guest, I move that the Senate do now adjourn.

The motion was agreed to.

The PRESIDENT then descended to the floor of the Senate, and was introduced to Governor Kossuth by the committee. The other Senators were also severally introduced; after which gentlemen and ladies present in great numbers sought the same gratification. Amongst the incidents of the levee, it may be mentioned that when the martial figure of General Houston approached Kossuth, there appeared to be a special attraction in the person of the hero of San Jacinto. The introduction having been made, the following brief but expressive dialogue ensued:

Mr. HOUSTON. Sir, you are welcome to the Senate of the United States.

M. KOSSUTH. I can only wish I had been as successful as you, sir.

Mr. HOUSTON. God grant that you may yet be so.

Subsequently the distinguished stranger was conducted to the Vice President's room, to which the President *pro tem.* and Senators retired with him.

SENATE CHAMBER, January 2, 1852.

To the Editor of the Congressional Globe:

DEAR SIR: You will find me reported, in the proceedings of the Senate to-day, as voting against laying the memorial of "The Industrial Congress of the city of New York" upon the table. I write this by way of explanation, lest the mere vote, without remark, may be misunderstood. I voted against laying the memorial on the table, and would have voted for its reference to the Committee on Foreign Relations, not that I favor the views or wishes of the memorialists, but because I regard this movement of theirs as one of a series which is now in rapid progress of development, the effect of which, if favored by Congress, is to involve us in the political affairs of other countries, in a way and to an extent not intended or recognized by the Constitution, and which, in my opinion, can end only in changing the character of our Government, and bringing ruin upon our country. Such movements, threatening, as I believe, great evil to the country, should be met and arrested (so far as Congress may be able to arrest them) at the threshold. To give them the go-by, by laying the proposition to consider them upon the table, is, in my opinion, but to cover the flame at a single point of its exhibition, with the certain effect of stimulating and encouraging the efforts of those whose vocation seems to be to pile fuel upon the fires of its source. I am for meeting the evil at once, by referring its consideration to an appropriate committee, and when their report should be brought in, by expressing the sense of the Senate, by an emphatic vote, upon the merits of the whole question.

I am one of those who believe that our Government was formed, and we, the representatives of those who formed it, were sent here for the sole and exclusive purpose of legislating for the promotion of American interests. I find no authority in the Constitution under which I hold my seat here, and which alone prescribes and limits my duties and powers, to do anything else; and in the teachings and admonitions of the "Father of his Country," and of those wise men who cooperated with him in framing and administering the Government, I find the highest and strongest considerations, if additional ones were needed, for keeping within these well-defined and sacred limits.

As individuals, we may rightfully sympathize with whom we please; and I would remove every legal barrier which now prevents the citizens of our country, as individuals, from manifesting any sympathy they may feel for any man or any cause, by deeds as well as words. But as public functionaries, deriving all our duties and powers solely and exclusively from the Constitution, which we have sworn to support, I hold that American interests and American citizens alone can claim our official interference and protection. When we undertake to go beyond these limits, in my opinion we usurp powers which were never conferred upon us, and enter upon a career which can end only in ruin to those whose interests we were appointed to take care of.

I hope, and doubt not, an opportunity will soon occur when such action as I have indicated may be taken upon this general subject. Then I shall be prepared to vote, and to give at length my reasons for it. For the present I desire only that this brief expression of opinion may go to the public along with the vote it is intended to explain. Do me the favor, therefore, to let this appear in the same number of your paper with this day's proceedings of the Senate, and oblige yours,

Very respectfully and truly,

SOLOM BORLAND, of Arkansas.

P. S. I am authorized to say that other Senators who voted as I did were influenced by similar considerations with those which governed my vote. S. B.

HOUSE OF REPRESENTATIVES.

MONDAY, January 5, 1852.

The House met at twelve o'clock, m.

The Journal was read and approved.

THE COMFORT OF THE MEMBERS.

The SPEAKER. Some days ago a resolution was adopted by the House of Representatives, "that the Speaker of the House be authorized to

'cause such arrangements to be made in the interior of the Hall as may be necessary for the general health of the members.'" The Speaker has looked into the matter, and is at a loss to determine what can be done to increase the comfort of the members in that portion of the Hall. Upon consulting those members, however, there seems to be a general concurrence of opinion, that nothing could improve their condition so much as to have another assistant doorkeeper appointed to guard the door to the Gallery in that quarter. The Chair does not feel at liberty to authorize the appointment of that assistant doorkeeper or messenger, without the consent of the House. It will, therefore, be for the House to determine whether an additional messenger shall be appointed or not. The Chair is assured by gentlemen in that quarter of the Hall, that such an appointment would greatly improve their condition; and he asks to be instructed upon that point.

Mr. STEPHENS, of Georgia. I presume there will be no objection.

There was no objection; and an assistant to the Doorkeeper will be appointed.

THE RECEPTION OF LOUIS KOSSUTH.

Mr. CARTTER. I move that the rules of the House be suspended, in order to enable me to offer the following resolution. I have simply to say, that if we seek to do respect to the distinguished man named in that resolution, we must do it between this and Friday, for upon that day he is to leave this city.

The resolution was then read, as follows:

"Resolved, That a committee of five be appointed by the Speaker to wait upon Louis Kossuth, and introduce him to the House of Representatives."

Mr. STEPHENS, of Georgia, demanded the yeas and nays on the motion to suspend the rules.

Mr. STUART. For the purpose of obviating a difficulty, which suggests itself to the minds of some of the members, I propose to offer an amendment, which I desire to have read; and which I ask the mover of the resolution to accept.

The SPEAKER. It is not in order to discuss the resolution, until it is before the House. The amendment can only be offered by unanimous consent.

Mr. STEPHENS, of Georgia, objected.

Mr. HEBARD moved that the House proceed to the call of the States for resolutions.

The SPEAKER. That motion is in order.

But the motion offered by the gentleman from Ohio [Mr. CARTTER] to suspend the rules, is also in order, and takes precedence; and upon that motion there can be no debate.

The yeas and nays were then ordered.

Mr. STUART. I am sure no gentleman will object to the reading of the amendment which I propose to offer. I only desire to have it read for information.

Mr. STEPHENS, of Georgia. I do object, and I would state the reasons for my objection if the Chair would give me leave.

Mr. STUART. Well, I have the right to propound the inquiry to the gentleman who offered the resolution, in order—

The SPEAKER. No discussion is in order. There is no motion before the House which can be acted upon, except the motion to suspend the rules; and not until the rules are suspended can the gentleman from Michigan [Mr. STUART] offer his amendment.

Mr. STUART called for the reading of the original resolution.

Mr. CARTTER. I hope the modification will also be read, so that gentlemen may understand what it is.

Cries of "Read it!" "Read it!"

Mr. STEPHENS. I will withdraw my objection, as gentlemen around me are desirous of hearing the resolution read.

The proposed amendment was then read, as follows:

And that the chairman of that committee introduce him in these words: "We introduce Louis Kossuth to the House of Representatives of the United States." Upon which the members are recommended to rise; and the Speaker will invite him to be seated."

The question was then taken, and resulted—yeas 117, nays 51; as follows:

YEAS—Messrs. Charles Allen, Willis Allen, Allison, Andrews, John Appleton, Babcock, Bartlett, Beale, Bell, Bowne, Breckenridge, Brenton, Briggs, Buell, Burrows, Busby, Joseph Cable, Cartter, Caskie, Chapman, Chastain,

Clark, Cleveland, Clingman, Conger, Cottman, Curtis, Geo. T. Davis, John G. Davis, Dawson, Dean, Dimmick, Disney, Doty, Dunham, Eastman, Faulkner, Picklin, Florence, Fowler, Henry M. Fuller, Gaylord, Gentry, Giddings, Gilmore, Goodnow, Gorman, Green, Grow, Hart, Hendricks, Henn, Hibbard, Howard, John W. Howe, Hunter, Ingersoll, Ives, John Johnson, Daniel T. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Letcher, Mace, Mann, Edward C. Marshall, Mason, McNair, Meade, Miller, Miner, Molony, John Moore, Murray, Nabers, Newton, Olds, Peaslee, Penn, Penniman, Perkins, Porter, Price, Rantoul, Richardson, Robbins, Robie, Robinson, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, St. Martin, Stratton, Stuart, Sutherland, Sweetser, Benjamin Thompson, George W. Thompson, Thurston, Townshend, Tuck, Walbridge, Walsh, Ward, Washburn, Wells, Addison White, and Yates—117.

NAVY—Messrs. Abercrombie, Aiken, William Appleton, Ashe, Averett, Thomas H. Bayly, Barrere, Boccock, John H. Boyd, Albert G. Brown, Caldwell, Lewis D. Campbell, Churchwell, Cobb, Cullom, Edmundson, Ewing, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Haven, Hillyer, Holladay, Houston, Jackson, Andrew Johnson, James Johnson, George W. Jones, Landry, Humphrey Marshall, Martin, McMullen, Milson, Henry D. Moore, Morehead, Murphy, Orr, Outlaw, Powell, Savage, Smith, Stanly, Alexander H. Stephens, Taylor, Venable, Wallace, Watkins, Alexander White, and Williams—51.

Previous to the announcement of the above result,

Mr. THOMAS M. HOWE said: I have reached this Hall, after some three or four days of absence by reason of sickness. I am exceedingly anxious to record my vote upon this question in the affirmative, and I ask leave to do so.

Mr. STEPHENS, of Georgia. I object.

The SPEAKER. Objection is made, and the gentleman cannot record his vote.

So the rules were suspended, and the gentleman from Ohio [Mr. CARTER] had leave to introduce his resolution, above referred to.

Mr. CARTER. Upon that resolution I move the previous question.

Cries of "Good!" "Good!"

The previous question then received a second, and the main question was ordered to be put.

Mr. ROBBINS demanded the yeas and nays; which were ordered.

Cries of "Read the resolution!" "Read the resolution!"

The resolution was accordingly read, as above reported.

The question was then taken, and there were—yeas 123, nays 54; as follows:

YEAS—Messrs. Charles Allen, Willis Allen, Allison, Andrews, John Appleton, Babcock, Bartlett, Beale, Bell, Bowne, Breckenridge, Brenton, Briggs, Buell, Burrows, Busby, Joseph Cable, Carter, Caskie, Chapman, Chastain, Clark, Cleveland, Clingman, Conger, Cottman, Curtis, George T. Davis, John G. Davis, Dawson, Dean, Dimmick, Disney, Doty, Dunham, Eastman, Faulkner, Picklin, Florence, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gaylord, Gentry, Giddings, Gilmore, Goodnow, Gorman, Green, Grow, Hart, Haswell, Hendricks, Henn, Hibbard, Howard, John W. Howe, Thomas M. Howe, Hunter, Ingersoll, Ives, John Johnson, Daniel T. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Letcher, Lockhart, Mace, Mann, Edward C. Marshall, Mason, McNair, Meade, Miller, Miner, Molony, John Moore, Murray, Nabers, Newton, Olds, Peaslee, Penn, Penniman, Perkins, Polk, Porter, Price, Rantoul, Richardson, Robbins, Robie, Robinson, Schermerhorn, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, St. Martin, Stratton, Stuart, Sutherland, Sweetser, Benjamin Thompson, George W. Thompson, Thurston, Townshend, Tuck, Walbridge, Walsh, Ward, Washburn, Wells, Addison White, and Yates—123.

NAYS—Messrs. Abercrombie, Aiken, William Appleton, Ashe, Averett, Thomas H. Bayly, Barrere, Boccock, Albert G. Brown, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Churchwell, Cobb, Cullom, Edmundson, Ewing, Hall, Hamilton, Hammond, Harper, Isham G. Harris, Sampson W. Harris, Haven, Hebard, Hillyer, Holladay, Houston, Jackson, Andrew Johnson, James Johnson, Robert W. Johnson, George W. Jones, Landry, Humphrey Marshall, Martin, McMullen, Milson, Henry D. Moore, Morehead, Murphy, Orr, Outlaw, Powell, Savage, Scurry, Smith, Stanly, Alexander H. Stephens, Taylor, Venable, Wallace, Watkins, Alexander White, and Williams—54.

So the resolution was adopted, and in pursuance thereof

The SPEAKER appointed Messrs. CARTER, CLINGMAN, GENTRY, STANTON of Kentucky, and PEASLEE, to constitute the committee.

Mr. CARTER rose to a privileged question, and moved to reconsider the vote by which the resolution was passed, and to lay the motion of reconsideration upon the table; which latter motion was agreed to.

THE DOCTRINE OF NON-INTERVENTION.

Mr. BROWN, of Mississippi, asked the unanimous consent of the House to introduce a reso-

lution; which was read for information, as follows:

Resolved, That the House of Representatives declines at this time to express an opinion on the subject of the future intervention or non-intervention of the United States in the affairs of other nations, believing, as it now declares, that no case has yet arisen which requires such expression.

Mr. JOHN W. HOWE objected.

Mr. BROWN, of Mississippi, moved the suspension of the rules; and upon that motion called for the yeas and nays, which were not ordered.

Tellers were then demanded, but refused.

The question being taken, the House refused to suspend the rules.

GRANTS OF LAND.

Mr. SIBLEY, by unanimous consent, introduced a bill, of which previous notice had been given, granting the right of way and making a donation of public lands to aid in the construction of a railroad from the falls of the St. Louis river to St. Paul, on the Mississippi river; which was read a first and second time by its title.

Mr. S. moved its reference to the Committee on Territories; which was agreed to.

Mr. HALL moved the reconsideration of the vote by which the bill was referred to the Committee on Territories, and that the bill be referred to the Committee on Public Lands. He had tried to get the ear of the Speaker before the question was taken upon the reference, but failed.

Mr. SIBLEY. Is that motion debatable?

The SPEAKER replied that it was.

Mr. SIBLEY. I do not wish to detain the House at this period with remarks of any length, on the motion just made by the chairman of the Committee on Public Lands to refer this bill to that committee. We have a standing committee of this House, whose business it is to attend particularly to the legislation for the Territories. Now, this bill is proposed to be taken from the committee to which I believe it properly belongs, and to be referred to the Committee on Public Lands, where, to a certainty, it will be served exactly as bills referred to that committee at the last session. Territorial bills always came in at the heel of the session, for the reason that the States have the preference. We have a standing committee with special reference to territorial legislation, and I hope this House will not, under any circumstances, agree in the motion just submitted by the chairman of the Committee on Public Lands, and trust that they will adhere to their decision that this bill go to the Committee on Territories.

Mr. HALL. It is very true there is a committee of this House whose appropriate duty it is to take charge of the business of the Territories; but it is equally true that there is another committee of this House whose duty it is to administer the public domain. The Committee on Public Lands is the one. I believe that this bill proposes to make a grant of public lands for the purpose of aiding in the construction of railroads. Bills making grants for such works, and other internal improvements, have uniformly gone to that committee. We have before that committee now a great many bills upon this subject, coming from all parts of the country; and the committee are endeavoring to fix upon some principle which shall guide their actions upon all of them. I think it a matter of great importance, in order that justice may be done to every portion of the Union in reference to the subjects of these bills—the granting of public land to aid in the construction of works of internal improvement—that all of them should be referred to the same committee. If it be believed by this House that the Committee on Public Lands is not competent to discharge its duties, I trust the bills upon this subject will be taken from them and referred to the Committee on Territories. Now, as to the remark of the gentleman from Minnesota, [Mr. SIBLEY,] that this bill if referred to the Committee on Public Lands will never be heard of, I think it is entirely gratuitous. I believe that that committee are disposed—nay more, determined, in regard to this and all other subjects that may be referred to them, to report for or against. Now, the gentleman's bill, he may rest assured, will be reported upon time enough for the action of this Congress.

Mr. SIBLEY. I beg to say to the gentleman, I had not the least idea of imputing any neglect of duty, or any want of attention by the Committee on Public Lands, to the business that may come before them. The practice of this House

has uniformly shown, that whenever territorial questions were referred to committees, they had to yield to those from States. In all questions that come before them—the Committee on Public Lands, as well as the other committees—the States have the preference.

Mr. HALL. I cannot understand the force of the objection made by the gentleman from Minnesota, [Mr. SIBLEY.] He says that his experience is, that all committees have given the preference to subjects from States over those from the Territories. Well, I suppose if this matter goes to the Committee on Territories, it will be treated just as it would be by the Committee on Public Lands. I will assure the gentleman that he need not be afraid of the non-action of the Committee on Public Lands. I am certain that it will act at the earliest practical period in regard to this matter, and all similar bills that may be committed to its charge. My desire is, that all these bills may go to the same committee, as they involve the same principle. They may be considered together, and reported to the House, so that a like action may be had in regard to all of them. There is another thing the gentleman knows well: that it is the practice of the House of Representatives to set aside three days each session for the consideration of territorial business. He need not be uneasy that this or the other territorial bills will be neglected, as they will come up as territorial business, and then will be determined upon by the House.

Mr. RICHARDSON obtained the floor, but gave way to

Mr. SIBLEY. I wish to ask a question of the chairman of the Committee on Public Lands—whether, last Congress, a bill providing for a donation of public lands to the Territory of Minnesota did not come into the House on the day set apart for territorial business, and under the rules of the House was not acted upon, because it was not considered strictly territorial business?

Mr. HALL. I do not remember the case. The decision of the House then was right. This is not strictly of a territorial character, and ought not to go to the Committee on Territories; and if it is not territorial in its character, the motion of the gentleman is improper.

Mr. RICHARDSON. I understand the question before the House is the reference of a bill granting a donation of land to the Territory of Minnesota to aid in the construction of a railroad. I believe, according to the uniform practice of the House, this subject properly belongs to the Committee on Public Lands, and not to the Committee on Territories. I expect, and I think the country expects, of that committee that they will originate some general system upon this subject by which they will provide for the construction of roads through the lands of the Government by donations, not only in the States, but in the Territories. I am very free to say, as one member of the Committee on Territories, that it is a subject that I do not want the charge of. We have enough to do if we discharge the other duties before us, without coming into conflict, as we necessarily should, with the system laid down by the Committee on Public Lands, were this bill referred to us.

Mr. HEBARD obtained the floor, but gave way to—

Mr. SIBLEY. I want to ask a question of the gentleman from Illinois—whether he does not recollect that a bill granting a donation of public lands to Florida, passed during the first session of the last Congress, was reported from the Committee on Territories? The Committee on Public Lands had nothing to do with it.

Mr. RICHARDSON. I have no distinct recollection upon the subject. I will, in reply to the gentleman, say that my opinion is, the Government ought to deal liberally with these Territories in donations. It is the policy and interest of the Government to do so—to settle them up as rapidly as possible, by making improvements that will give facilities for settlement, and for the transportation to market of the agricultural products of the country. I am not hostile to the object of which the gentleman is in favor; nor do I believe it is the policy of this Government, of this House, or the Committee on Public Lands, to be so. I do not recollect whether at the last session of Congress an important bill of this character came from the Committee on Territories. I should have no hesitation in reporting such a bill back if I believed it

right, and I speak only for one member of that committee.

Mr. SIBLEY. I will withdraw my opposition to the reference of the bill to the Committee on Public Lands.

Mr. HEBARD. I did not rise to discuss the question, not having any interest in it; but merely to save further time in discussion. I will not move the previous question as the bill is now to be disposed of.

The question being taken upon the motion to reconsider, it was agreed to.

On motion by Mr. HALL, the bill was then referred to the Committee on Public Lands.

EMIGRANTS FOR THE WEST INDIA COLONIES.

Mr. BAYLY, of Virginia, asked the unanimous consent of the House to introduce a resolution calling on the President for information.

Objection was made.

Mr. BAYLY moved the suspension of the rules for the purpose of introducing his resolution; which was agreed to.

The resolution was read by the Clerk, as follows:

Whereas there was issued on the 16th October, 1850, by the Secretary of State of Colonial Affairs of the British Government, the following circular, viz:

"CIRCULAR.

"DOWNING STREET, October 16th, 1850.

"Sir: I have to acquaint you that it has been suggested to me that a desirable class of emigrants for the West India Colonies might be induced to come to them from among the black and colored population of the United States, whose arrival and location, if they choose to come, would, I have no doubt, be advantageous both to themselves and the Colonies. I am not aware of anything which can be done by the Colonial Government to encourage such immigration, beyond showing a readiness to pass acts giving the privilege of naturalization to any such persons as might come and settle there, and providing that a bounty should be payable on such immigrants under such arrangements as may be thought desirable. I would also suggest, as deserving of consideration, whether laws might not be passed rendering binding on certain conditions engagements to pay sums of money which may have been agreed on by immigrants, although such engagements may have been contracted in America, and while the parties were in a state of slavery.

"I have, &c., GREY."

And whereas the subject referred to in said circular is a matter of the deepest interest to the people of one portion of this Confederacy; now, therefore,

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, any information he may possess respecting said circular; and particularly what action the Legislative Assemblies of the British West India Islands have taken in pursuance of the suggestions contained therein.

Mr. BAYLY demanded the previous question; which was seconded, and under the operation thereof the resolution was adopted.

WIDOW OF GEN. WORTH.

Mr. BRIGGS asked the unanimous consent of the House to take up Senate bill No. 32, for the relief of Margaret L. Worth, for the purpose of referring it to a standing committee.

Objection was made by several.

Mr. BRIGGS moved to suspend the rules for the purpose of allowing him to introduce his motion; and upon which he demanded tellers; which were ordered, and Messrs. JOHNSON, of Tennessee, and KING, of New York, were appointed.

The question being taken, the tellers reported—ayes 101, noes 19.

So the motion to suspend was agreed to.

Mr. BRIGGS then submitted his motion; and the bill was read a first and second time by its title.

Mr. B. moved that it be referred to the Committee on Military Affairs.

Mr. DUNHAM moved that it be referred to the Committee on Invalid Pensions.

The question was put on the motion to refer to the Committee on Military Affairs; and it was disagreed to.

The latter motion was then agreed to.

Mr. ROBBINS asked the unanimous consent of the House to introduce a resolution, which was read for information, as follows, viz:

Resolved, That the Committee of Elections be requested to ascertain and report the amount due to Alderman Gallaway, for services rendered as commissioner to take testimony in the contested-election case from the fourth district of Pennsylvania, in accordance with a resolution of this House, passed January 23, 1850.

Mr. R. moved that the resolution be referred to the Committee of Elections.

Mr. MOORE, of Pennsylvania. I move that the Committee of Elections also be requested to

ascertain the amount due to John S. Littell for contesting that case.

Mr. JONES, of Tennessee. The resolution is not before the House.

The SPEAKER. The Chair understood that the resolution was before the House by unanimous consent.

Mr. JONES. I understood the consent was only for reading it for information.

The SPEAKER. The gentleman from Pennsylvania moved that it be referred without the Chair inquiring whether there was any objection or not. If there is no objection, he will entertain it now.

Mr. JONES. I object.

Mr. ROBBINS. Then I move a suspension of the rules for the purpose of enabling me to introduce the resolution just read.

The question was then taken, and it was agreed to.

So the rules were suspended.

Mr. ROBBINS then demanded the previous question; which was seconded, and the main question ordered.

The question was then taken, and the resolution was adopted.

A message was here received from the President of the United States.

On motion by Mr. STUART, leave was granted to withdraw the petition and papers of Samuel Spalding for the purpose of transferring them to the Senate.

On motion by Mr. KING, of New York, it was

Ordered, That the petition and papers relative to the claim of Lyon and Howard be taken from the Clerk's files and referred to the Committee of Claims.

IMPROVEMENT OF RIVER SAVANNAH.

Mr. JACKSON asked the unanimous consent of the House to introduce a bill, of which previous notice had been given, for the removal of obstructions in the river Savannah, in the State of Georgia.

Mr. CLARK objected.

Mr. JACKSON moved to suspend the rules for the purpose.

The question was then taken, and the rules were not suspended.

Mr. JONES, of Tennessee. I rise to inquire of the Chair whether it is resolution or petition day?

The SPEAKER. The Chair rules it is petition day.

Mr. JONES. I call, then, for the order of the day.

The SPEAKER. The order of the day will be to call upon the States for petitions, beginning with Maine.

Mr. McNAIR. I ask the unanimous consent of the House to introduce a resolution, and I feel certain that no gentleman in this House will object to it when they know something about it. I will say a word—

The SPEAKER. Debate is out of order.

Mr. McNAIR. I want simply to give an idea—

The SPEAKER. It is impossible for the Chair to allow discussion under the rules.

The resolution was then read, as follows:

Resolved, That a committee be appointed to inquire into the firmness and solidity of the foundation of the extension of the Capitol, now laid, and whether the strength of the stone be sufficient to uphold the superstructure about to be erected thereon.

Mr. McNAIR moved to suspend the rules.

A division being asked, the question was taken, and there were—ayes 78, noes 45.

Mr. McNAIR demanded tellers; which were ordered; and Messrs. McNAIR and BEALE were appointed.

The question was then taken, and there were—ayes 77, noes 34.

The SPEAKER. There appears to be no quorum voting.

Mr. STEPHENS, of Georgia, moved that the House adjourn. On which motion,

Mr. JOHN W. HOWE demanded the yeas and nays; which were ordered; when—

Mr. STEPHENS withdrew his motion.

Mr. GIDDINGS. I ask the unanimous consent of the House to offer a resolution; and hope there will be no objection.

The SPEAKER. The motion cannot be entertained at present. The proposition is now to suspend the rules for the purpose of enabling the gen-

tleman from Pennsylvania [Mr. McNAIR] to introduce a resolution, which will be again read for the information of the House.

Mr. MOORE, of Pennsylvania. I would suggest to my colleague that if he would substitute the Committee on Public Buildings, the resolution would pass without any objection.

Mr. McNAIR. I prefer a select committee.

Mr. FICKLIN said tellers were ordered, and there was no quorum. I ask for a recount, that we may see if there is not a quorum present.

A recount was then had, (Messrs. PENN and McNAIR acting as tellers,) and there were—ayes 84, noes 42.

So the rules were suspended.

Mr. McNAIR moved the previous question upon the adoption of the resolution.

Mr. COBB demanded tellers; and they were ordered.

Mr. FOWLER. Will it be in order to move the reference of the resolution to the Committee on Public Buildings?

The SPEAKER. The reference will not be in order during the pendency of the previous question.

Mr. FOWLER. I think that is the appropriate committee.

The question was then taken on the call for the previous question, (Messrs. FOWLER and McNAIR acting as tellers,) and resulted—ayes 78, noes 23.

The SPEAKER. There is no quorum voting.

Mr. STEPHENS, of Georgia. I move that the House adjourn.

Mr. JOHN W. HOWE demanded the yeas and nays; which were not ordered.

The question was then taken, and the House adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. MILLSON: The petition of John C. Cohoon, administrator of F. W. C. Murren, asking payment of pension due deceased.

Also, the petition of Wm. B. Thomas, asking compensation on account of the services of his father, Jas. Thomas, a pilot, in saving from capture the frigate Constitution during the war of 1812.

By Mr. GOODENOW: The petition of Clemmance Eaton, for arrears of pension.

By Mr. ALLEN, of Illinois: The petition of John T. Cook, and other citizens of Illinois, praying the right of way and a donation of the public lands for the construction of a railroad from Shawneetown, Illinois, to a point opposite to St. Louis, Missouri.

By Mr. SCUDDER: The petition of John F. Morton, late collector of customs for the district of Edgartown, Massachusetts, for allowance of commissions on duties received.

By Mr. TOWNSEND: The petition of Henry E. Mussey, and four hundred and thirty other citizens of Lorain county, in reference to the harbor at the mouth of Black river, on Lake Erie.

By Mr. CABLE, of Ohio: The petition of Joshua Shaw, and twenty-two other citizens of Carroll county, Ohio, for a law to correct errors, under the old surveys of lands, in dividing sections into quarters, and to guard against similar results in future.

Also, the memorial of Nathan Winteringer, accompanied by four hundred and ninety-six petitioners, asking remuneration for a boat and load of produce seized and applied to the use of the army under General Jackson at the battle of New Orleans.

Also, the memorial of Capt. Daniel Harburgh, accompanied with papers.

By Mr. MILLER: The petition of sundry citizens of Missouri, praying the establishment of a mail route from Bloomington to Edina, Missouri.

Also, the petition of sundry citizens of Missouri, praying the establishment of a mail route from Shelbyville to Kirksville, Missouri.

Also, the petition of John Davenport, of Boone county, Missouri, praying Congress for arrears of pension from September, 1834, to December, 1844.

By Mr. INGERSOLL: The memorial of Mary Woodward, of Connecticut, widow of Lieutenant Woodward, who lost his life while on hazardous duty in the United States revenue service, asking for a pension and other relief.

Also, the petition of Julia F. Gibbs, of Connecticut, praying for a pension on account of the revolutionary services of her husband, Samuel Gibbs.

By Mr. MANN: The petition of Hannah Harris, of Newton, Massachusetts, praying for a pension.

By Mr. SIBLEY: The memorial of Henri P. Ritter and one hundred and thirty other citizens of the District of Columbia, praying for the establishment of a Lunatic Asylum in said District.

By Mr. HAVEN: The petition of Dolly Tracy, of Ashford, Cattaugus county, New York, the widow of Solomon Tracy, a revolutionary soldier, for a pension.

By Mr. KUHN: The petition of Robert Graham and twenty-two other citizens of Westmoreland county, Pennsylvania, praying for such alteration in the present laws so as to prevent the transportation and delivery of mail on the Lord's day.

By Mr. STANTON, of Ohio: The petition of Elliott McColloch, of Logan county, Ohio, praying the passage of

a law authorizing him to surrender his patent for a section of land west of the Mississippi, and that scrip may be issued to him therefor.

By Mr. ROHIE: The petition of Lyman N. Cooke, asking an increase of pension.

By Mr. STANTON, of Kentucky: The memorial of Gregory Ennes, executor of Philip Ennes, deceased, asking payment of a balance due him on contract for work done on public grounds, and damages for the arbitrary rescission of said contract by the Commissioner or Public Buildings.

By Mr. ROBBINS: A memorial of citizens of Pennsylvania, signed by Arthur B. Coffin and twenty-one others, praying Congress to erect substantial piers on the eastern side of Reedy Island, in the Delaware river, for the purpose of making a harbor to protect and shelter the vessels navigating said river.

IN SENATE.

TUESDAY, January 6, 1852.

Prayer by the Rev. L. F. MORGAN.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Navy, accompanied by a memorial addressed to the President of the United States by the petty officers, seamen, and marines, attached to the United States squadron in the Pacific, asking an increase of pay; which was read.

Ordered, That it be referred to the Committee on Naval Affairs.

REPORT OF SECRETARY OF THE TREASURY.

The PRESIDENT. The Chair has received the annual report of the Secretary of the Treasury on the state of the finances, which will be read.

Mr. HUNTER. I move that, without reading, it be referred to the Committee on Finance, and that it be printed.

The report was so referred, and it was ordered that it be printed.

Mr. HUNTER. I move that ten thousand extra copies be printed for the use of the Senate.

Mr. BRADBURY. It was my purpose, Mr. President, had I been able to take my seat here before the extra copies of the public documents of this session had generally been ordered to be printed, to have offered a resolution providing that a COMPENDIUM OR ABSTRACT of the annual public documents be prepared and printed. It has long appeared to me that something of this kind is imperiously demanded. By the mode of printing the public documents now adopted, large numbers of volumes of the President's message and the accompanying documents are printed for general circulation, containing, with a great amount of valuable matter, a still greater amount of no public interest whatever. These documents sometimes extend to three or four or more large volumes at a single session. By a reference to these books, it will be seen that hundreds of pages are occupied with mere details and estimates, of no earthly service except to members of Congress, or possibly for deposit in the public libraries. What possible interest can it be for us to print and send abroad amongst our constituents, the minute estimates for the various items of provisions and clothing required at our various naval and military stations? With this mass of useless detail we bury the valuable information which the documents otherwise contain. We should separate that which is of public interest from that which is not, and print for general circulation only that which is of general interest. I can perceive no way in which this can be accomplished, except by the preparation of a COMPENDIUM OR ABSTRACT of the public documents. I believe it to be practicable to condense all that is valuable for general use, into a single volume of reasonable size, suited for circulation, and with a good index, made exceedingly valuable and convenient. Every individual to whom such a volume should be sent, would have the substance of the documents, showing the operations of the Government, and all that is of value to him, in a convenient form.

It would be a volume which, for its compactness and convenience, would be worth more to the general reader than the whole set of annual documents, as now published. But it is known to every Senator that the sets, as now distributed, are very generally broken. One volume is sent to one constituent, and one to another. If the full set is sent to each person to whom the first is forwarded, the circulation is necessarily confined to a small number of persons, and they have a small library of the valuable and the worthless bound up together.

Another reason for the change suggested, is the saving of the expense of printing volumes of useless matter.

It may be necessary that the proposed abstract or compendium should be prepared by the head of one of the Departments—perhaps the Secretary of the Treasury or the Secretary of the Interior. It can hardly be expected that it could be conveniently done by the Secretary of the Senate or a committee of either House.

The subject has been brought to the attention of the Senate somewhat unexpectedly, as I was not aware that a question of this kind would come up at this session. I throw out these suggestions for the attentive consideration of the Senate, and hope they may lead to the adoption of a system by which the evils of the present may be avoided, and we may be able to condense into a single volume what is material for general information. By so doing we can greatly increase the circulation of all the important matter, and at a great saving of expense. I throw out these suggestions, not with the view of interposing any objection to the motion of the honorable Senator from Virginia, [Mr. HUNTER,] inasmuch as the report under consideration is one of the most important of our public documents, but rather as a notice that I intend to call the attention of the Senate to the subject hereafter.

The question was then taken on the motion of Mr. HUNTER, and it was decided in the affirmative.

THE CUBAN PRISONERS.

The following message was received from the President of the United States, by Mr. M. P. FILLMORE, his Private Secretary:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State relative to the persons belonging to the expedition of Lopez, who were taken prisoners in Cuba and afterwards sent to Spain, and who have now been pardoned and released by her Catholic Majesty. The appropriation, the expediency of which is suggested in the report, I cordially commend to the consideration of Congress, with the single additional suggestion, that to be available it should be promptly made.

MILLARD FILLMORE.

WASHINGTON, January 5, 1852.

The message was read, and it was

Ordered, That it be referred to the Committee on Finance.

PETITIONS.

Mr. SEWARD presented a petition of merchants, underwriters, and others, of New York, praying a survey of such parts of the China seas, the Straits of Gaspar, and the Java sea, as lie directly in the tracks of vessels proceeding to and from China; which was referred to the Committee on Commerce.

He also submitted a statement showing the amount of gold bullion received at the port of New York from California, from January 6 to December 1, 1851; which was referred to the Committee on Finance, and ordered to be printed.

Also, a petition of citizens of Rochester, New York, praying that the bill now before the Senate, giving further remedies to patentees, may become a law; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of the assistant marshals for taking the Seventh Census, in Ulster county, New York, praying additional compensation; which was referred to the Committee of Claims.

Mr. WADE presented the petition of Zebulon Parker, praying the renewal of his patents for certain improvements in hydraulic power; which was referred to the Committee on Patents and the Patent Office.

Mr. ATCHISON submitted documents in relation to the claim of Henry C. Miller, Philip W. Thompson, and Jesse B. Turley, to indemnity for cattle stolen by the Osage band of Indians; which were referred to the Committee on Indian Affairs, with the papers on file relating thereto.

Mr. SUMNER presented two petitions of citizens of Massachusetts, a petition of citizens of New Jersey, and a petition of citizens of New Hampshire, praying that the bill now before Congress, giving further remedies to patentees, may become a law.

Ordered, That they lie on the table.

Mr. BRODHEAD presented a memorial of citizens of Philadelphia, Pennsylvania, praying indemnity for French spoils prior to 1801; which was referred to the select committee on French spoils.

Mr. WHITCOMB presented the memorial of David A. Cameron, representative and heir of James Bell, deceased, and assignee of the other heirs of said Bell, praying payment of advances made to the American Army during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. BRODHEAD presented a memorial of citizens of Pennsylvania, New Jersey, and Delaware, praying the construction of piers and harbors in Delaware river and bay; which was referred to the Committee on Commerce.

Mr. BORLAND presented the petition of John McVey, a soldier in the last war with Great Britain; which was referred to the Committee on Pensions.

Also, the petition of L. M. S. Holleville, praying a modification of the laws relating to the disposition of the public domain; which was referred to the Committee on Public Lands.

Mr. DOWNS presented a petition of citizens of Washington, in the District of Columbia, praying that Pennsylvania avenue, east of the Capitol, may be improved and lighted; which was referred to the Committee for the District of Columbia.

Mr. FISH presented the memorial of the Chamber of Commerce of New York, praying the completion of the light-house on Sand Key, on the coast of Florida; which was referred to the Committee on Commerce.

Also, the memorial of Thomas B. Cottrell, and the memorial of Frederick Bange and Albert Southmayd, praying the establishment of a tribunal for reviewing the decisions of the late Board of Commissioners under the treaty with Mexico; which was referred to the Committee on Foreign Relations.

Also, a petition of the assistant marshals for taking the Seventh Census in Dutchess county, New York; and a petition of the assistant marshals for taking the Seventh Census in St. Lawrence county, New York, praying additional compensation for their services; which were referred to the Committee of Claims.

Mr. PEARCE presented the petition of Sally J. Matthews, praying compensation for the services of her late husband, as clerk in the Treasury Department; which was referred to the Committee of Claims.

Mr. FISH presented a petition of citizens of Albany, and a petition of citizens of Brooklyn, New York, praying an appropriation for paying the expenses of the American contributors to the World's Fair at London; which were referred to the Committee of Claims.

Mr. GWIN presented the memorial of Charles D. Arfendson, praying compensation for services as Chargé d'Affaires *ad interim* at the Court of Stockholm; which was referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. WHITCOMB, it was

Ordered, That the memorial of the heirs of James Bell, deceased, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. BRADBURY, it was

Ordered, That the memorial and petitions on the files of the Senate, on the subject of indemnity for French spoils prior to 1801, be referred to the select committee on French spoils.

On motion by Mr. ATCHISON, it was

Ordered, That the memorial of D. D. Mitchell, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. RUSK, it was

Ordered, That the memorial of J. Smith, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. McRAE, it was

Ordered, That the petition of George Poinexter, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. BRADBURY, it was

Ordered, That the memorial of J. K. F. Mansfield, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. PEARCE, it was

Ordered, That the memorial of the Association of the Defenders of Baltimore in 1814, and the memorial of Edward Thompson and others, calling themselves "Old Defenders" of Baltimore in the war of 1843, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. DODGE, it was

Ordered, That the memorial of Edwin James, Sr., on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the memorial of F. Hultman; from the further consideration of the petition of Joseph Byrd; and from the further consideration of documents relating to the claim of Mariano G. Vallejo.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of James R. Brownrigg, and that it be referred to the Committee of Claims.

NOTICE OF A BILL.

Mr. BERRIEN gave notice that he should ask leave to introduce a bill to be entitled "An act to provide for the removal of obstructions in the river Savannah, in the State of Georgia."

BILL INTRODUCED.

Mr. SHIELDS, agreeably to previous notice, asked and obtained leave to bring in a bill to increase the efficiency of the Army by a retired list for disabled officers; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

FLOGGING IN THE NAVY.

Mr. GWIN. There was a memorial laid upon the table some time ago, which I promised to call up to-day. It relates to flogging in the Navy. I move that it be taken up and disposed of.

Mr. BRIGHT. A week ago this morning, the joint resolution in relation to the printing of the returns of the Seventh Census, was made the special order for to-day, and the morning hour has now passed.

The PRESIDENT. That is the first special order.

Mr. BRIGHT. I hope there will be no objection to proceeding with its consideration now.

Mr. SHIELDS. But committees have not yet been called upon for reports, and I have one which I wish to present.

The PRESIDENT. The hour of one o'clock has arrived, and if the Senator from Indiana calls for the special order, that will be the next business for the consideration of the Senate.

Mr. BRIGHT. I withdraw the call for the special order, to give the Senator from Illinois an opportunity of presenting his report.

Mr. GWIN. If the call of the Senator from Indiana for the special order is withdrawn, I must insist upon my motion. The Senator from New Jersey [Mr. STOCKTON] wishes to make some remarks, and I also wish to offer some observations on this subject. I hope, therefore, that the memorial will now be taken up.

Mr. STOCKTON. So far as I am concerned, I am quite willing to be satisfied so long as this memorial is allowed to lie upon the table; but as soon as it puts its head above the table I shall talk about it.

The PRESIDENT. The Chair will not call for the special order until reports are made, if the Senator from Indiana wishes to withdraw his call for the special order.

Mr. BRIGHT. I withdraw the call for the present.

REPORTS FROM STANDING COMMITTEES.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the bill to establish a navy-yard and dépôt on the Bay of San Francisco, in California, reported it with amendments.

He also made a report on the subject; which was ordered to be printed.

Mr. CLEMENS, from the Committee on Military Affairs, to whom was referred a bill to indemnify the State of South Carolina for money expended for the use of the United States in the war in Florida with the Seminole Indians, reported it with amendments.

Mr. DAWSON, from the Committee on Military Affairs, to whom was referred the bill to provide for the payment to the State of Georgia for moneys expended by volunteers and militia whilst engaged in the suppression of the hostilities of the Creek, Seminole, and Cherokee Indians, in the years 1836, 1837, and 1838, reported it without amendment.

DESTRUCTION OF THE CONGRESSIONAL LIBRARY.

Mr. HUNTER, from the Committee on Finance, to which, was referred the bill from the House of Representatives making appropriation to meet the expenses incurred in consequence of

the late fire at the Capitol, and the amendment of the Senate appropriating ——— dollars for the increase of the Library, reported them back, and recommended their passage.

He presumed there would be no objection to the immediate consideration of the bill, and he therefore asked the unanimous consent of the Senate to take it up.

The motion being agreed to, the bill was considered as in Committee of the Whole, and the blank in the amendment was filled with \$10,000.

The amendment was ordered to be engrossed, and the bill as amended was subsequently read a third time and passed.

Mr. HUNTER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Public Buildings be instructed to inquire into the expediency of appropriating a sum not exceeding ——— dollars, to fit up the document room near the Library and a part of the adjoining passage, for the temporary reception of the books of the Congressional Library.

MARINE CORPS.

Mr. CLEMENS submitted the following resolution for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of adopting a separate code of regulations for the government of the Marine Corps of the United States.

Be it further resolved, That said committee be also instructed to inquire into the expediency of authorizing the President of the United States to appoint annually two cadets to the Military Academy at West Point, to be educated with a view to appointment in the Marine Corps.

WIDOW OF GENERAL BELKNAP.

Mr. SEWARD submitted the following resolution for consideration:

Resolved, That the Committee on Pensions be instructed to inquire into the justice and propriety of awarding a pension to the widow of the late Brevet Brigadier General Belknap, who served during the late Mexican war with distinguished fidelity and ability, and recently died while actively engaged in the public service.

PRINTING OF THE SEVENTH CENSUS.

The Senate proceeded, as in Committee of the Whole, to consider the following resolution, introduced by Mr. BRIGHT, and reported back by the Committee on Printing:

Be it resolved, &c., That the Joint Committee on Printing be directed to contract with Donelson & Armstrong for printing the census returns, upon such terms as the committee may deem reasonable.

Mr. BORLAND. When this resolution was before the Senate on a previous day, I stated that I should offer an amendment to it. I now propose to strike out the words "Joint Committee on Printing," and insert "Secretary of the Senate and Clerk of the House of Representatives." I shall also move further to amend it, by striking out the word "committee," in the latter part of the resolution, and inserting "Secretary of the Senate and Clerk of the House of Representatives," so as to make it read consistently with the first amendment.

The PRESIDENT. If the former amendment is adopted, the latter follows as a matter of course.

Mr. BORLAND. I do not offer this amendment with the view, as some might suppose, of defeating the resolution. I offer it in good faith, for the purpose of putting the resolution in what I consider the proper form. I am in favor of the purpose of the resolution; but I deem it due to the Committee on Printing, to myself particularly as chairman of that committee, and still more due to the Senate, that this alteration should be made in the resolution as reported from the committee. In its present form the resolution proposes to impose duties upon the Committee on Printing which I do not think ought to be imposed upon it, and which I think calculated to do injury rather than good to the public service. It requires executive, or rather administrative duties of the committee—a class of duties which are not required of the other committees of the Senate. It constitutes them an executive board, and imposes upon them duties analogous to those which are performed in every other Department of the Government by a bureau, at the other end of the avenue. I am not opposed to performing any duty which the Senate may impose upon me, as the member of any committee. I think I have labored faithfully; I know I have labored industriously and assiduously in the performance of duties which have been imposed upon the Committee on Printing, and those duties are well known to be arduous. But, sir, I am opposed to being burdened

by duties which I have neither the time nor competency to perform in a manner or with results satisfactory to myself or useful to the public; and which, even if I had the time and competency to perform ever so well, were never intended to be performed by any Senator, and are not contemplated or provided for in the organization of the committees of this body.

This resolution requires the Committee on Printing to go out into the streets, as it were, and engage in chaffering and bargaining with those who wish to do this portion of the public work. The mere statement of this fact, it seems to me, shows that the resolution is wrong in this respect, and imposes duties upon Senators which would carry them beyond their legitimate and proper sphere, and utterly incompatible with their other and appropriate duties.

I have said that I do not feel competent to perform the duties required by this resolution. I repeat it with emphasis, and in all sincerity and candor. There are details in the proposed arrangement of this business which I do not understand, and which I have neither time nor inclination to learn. But the persons whom I propose to substitute in the place of the committee, have the qualifications which I do not possess. It is in the line of their duty—a duty which they have habitually performed for years past.

I am not a practical printer, though I have some knowledge of the printing and publishing business, from having heretofore been engaged in it; but I do not know enough about it to do this work as it ought to be done, and as it must be done, if the public interest is to be taken care of. To require it of me is to require impossibilities at my hands; and I now notify the Senate and all concerned, that if, notwithstanding what I have said, the resolution shall pass in its present form, some other member of the committee will have to perform the duties it imposes, if they shall be performed at all. But who is the member who will or who can perform them? Sir, I turn to my associate on the committee, the Senator from Maine, [Mr. HAMLIN,] who alone may be supposed to be competent to perform these duties, and he says that, like myself, he is not. I am sure then no other member of the committee is competent.

In justice to the other members of the committee and to myself, I must say, I do not oppose the imposition of these duties upon us, because we are unwilling to perform any amount of labor, assume any responsibility which may legitimately fall to our share. But, sir, because I am convinced that these cannot properly be required of us; and even if they could be, they exceed our powers of performance. The passage of the resolution, then, in its present form, will, in my opinion, result in confusion in the public business, and, in all probability, defeat the object sought to be accomplished by its introduction. On the other hand, if the gentlemen I propose to substitute for the committee, be charged with these duties, there is the best reason for believing they will be faithfully and efficiently performed.

Mr. CASS. I desire to say one word upon this subject. It seems to me, that under any view which we can take of it, this committee is quite as competent to perform the duty as the Secretary of the Senate and the Clerk of the House; the members of the committee are as much practical printers as they are. I believe the committee has a clerk, who could collect all the necessary facts. There is a good deal of responsibility about the matter, and it seems to me that it will be much safer with the committee than with the Secretary and the Clerk. I wish, for myself, that the Committee on Printing may go on with it; and if they do not, I would much prefer the appointment of a select committee to attend to it. I think the responsibility had better be assumed by a committee of this body than by the Secretary and Clerk.

Mr. BRIGHT. The practical effect of the amendment proposed by the Senator from Arkansas would be to let out this contract to the lowest bidder. That, for one, I wish to avoid, for the reason that experience has proved that under that system we cannot get our work done in a suitable and proper manner, and in reasonable time. It is clearly demonstrated that this work, to be valuable, should be performed promptly, and for its prompt and proper execution we are willing to pay a fair price. Hence, the resolution was

framed to pay a fair price, and to give it to gentlemen who, we knew, were able to go on immediately with the work. I am sorry to hear the honorable Senator say that he is unwilling to undertake the labor of making the contract and disposing of the work. It is a duty which belongs legitimately to the committee of which he is the chairman. This is a legitimate method of disposing of this branch of the public business. There are precedents on the Journal showing that, heretofore, we have authorized public printing to be done through the medium of the Committee on Printing; and I hope the honorable Senator will reconsider his determination.

The Joint Committee on Printing of the two Houses can afford to do that which the officers of this body dare not do. They can afford to say that they will give to gentlemen who are ready and qualified to do this work, a fair price for it; and they would not be censured for doing so; but if the officers of the two Houses should do that, they would subject themselves to censure; and it is for the purpose of relieving them that I object to the amendment. I feel quite sure that the Joint Committee would be sustained in giving a fair price, provided the work were done immediately and done well. For these reasons I object to the amendment, and hope it will not be agreed to.

Mr. BORLAND. I repeat that it is not to avoid either labor or responsibility that I proposed this amendment. I am as ready to perform labor or to assume responsibility, here or elsewhere, as any other Senator. I have never shrunk from either. I would remind the Senate, however, in support of what I have already said, that the Committee on Printing are acting under the joint resolution of 1846, which prescribes their duties. When that committee was appointed they looked to that resolution for the rule and prescription of their duties; and I hold that it is not proper or competent for the Senate to change that resolution and make the committee a pack-horse—if I may so express it—to perform any drudgery which it may please the Senate to have performed in the dispatch of its business. Why, sir, if you may legitimately require us, under a resolution of this sort, to do what it proposes, you may also require us to go out into the streets and bargain for the wood with which we make our fires; or you may require us to establish a public printing office, and then give all our time and attention to the details of a printer's business. This might all seem very right and proper in the eyes of the Senators who are urging the adoption of this resolution. But for myself, as a Senator, and as member of the committee, I protest against it, and against everything of like character and tendency.

The Senator from Indiana [Mr. BRIGHT] says that the committee can perform this duty in a manner, and give "a fair price" for the performance of this work, which the Secretary of the Senate and Clerk of the House "dare" not do. Why "dare" not do it? Does the Senator mean to say, or does he think, that the committee could or would give more than "a fair price," and that if they did, they would be censured, and justly censured, for doing so? Surely he does not. And if not, why would not the Secretary and Clerk "dare" do the same thing? A "reasonable"—that is, a "fair"—price is what the resolution provides for. Let the Secretary and Clerk give that—as I am sure they would—and who would, who "dare," censure them? If any one, his censure would be harmless. I do not seek to save the committee from such responsibility as that. The Secretary and Clerk need not fear to incur it.

Some Senators seem to think it an easy task to perform the duties of the Committee on Printing. The duties may seem simple, and the matters referred to them very trivial. True, the matters referred to them are often very trivial; but they are, nevertheless, very troublesome, and require much time in attending to them. Senators can convince themselves of this by undertaking for a short time some of the duties they are so anxious to impose upon others.

Even as it is now, and has been for the last two years, it has been difficult for the committee to perform their duties with satisfaction to themselves—impossible it has seemed to give satisfaction to the Senate or the country. And why? The first obstacle in the way of success has been found in the "contract system," under which our printing has been, and is now, required to be done,

and which not only permits, but encourages bad faith in the execution of the public work. And the second obstacle—the most pertinent, perhaps, to be mentioned here, has been found in the action of the Senate itself—in this: that when the committee have time and again faithfully performed their duty, in requiring the terms of the contracts to be complied with, the Senate, instead of sustaining the committee, and thus insuring the proper execution of the public work, have (invariably, I think I may say, for I can recall no instance of the contrary) abandoned and overruled the committee, and sided with and sustained the faithless contractor. This was the case during the last Congress, as most of the Senators well know; and unless some radical change be speedily made in the system I have spoken of, and also in the practice of the Senate, there is reason to fear that the same things will be done over again during the present Congress. In view of this state of things, consider, sir, the position of the Committee on Printing! It surely is bad enough, and the burdens you have already imposed upon us are heavy enough, to entitle us to be spared that which this resolution proposes to add.

The advocates of this resolution seem to agree with me in condemning the contract system, and speak of this as if it were a remedy for the evils of that system. In this, I beg leave to say, with all respect, they are widely mistaken. The proposition of the resolution is, that a contract be made, and it differs from the present evil system in no material particular. It differs only in changing the parties to the contract, and allowing latitude for paying a somewhat higher price. Instead of putting the work out to the lowest bidder, it names the contractor who shall have it; and instead of making it the duty of our executive officers, the agent of Congress, it imposes that duty upon the Committee on Printing. Supposing the committee to be qualified to perform this duty and the contract to be made, it might be that the work would be better done and furnished in better time than it has been our fortune to obtain under the present system. But all that would depend upon the good faith of the contractor, as it now does, and has done for years past under the present system. Where, then, is the advantage to be gained? Let those find it who can. But, sir, suppose the contract to be violated in this case, as it has heretofore always been, there is this additional disadvantage to the committee: They would then be liable to censure not only for failure to perform the impossibility of holding the contractor to his terms when the contract had been made by another agency, but as the agents who themselves made the forfeited contract. For the committee and myself, I ask to be spared this additional burden.

Mr. GWIN. I can appreciate the desire of the chairman of the Committee on Printing to get clear of the labor of making this contract. I can appreciate his feelings. I know that it would take a great deal of his time to attend to that work. But really I do not think his arguments should influence the Senate at all. The Committee on Naval Affairs was raised for the purpose of attending to the business of the Senate pertaining to the Navy; and we all know perfectly well that they have to attend to business relating to the carrying of the mails. The Senate imposes that duty upon them. One of the most responsible of the duties imposed upon them is the directing or superintending of the great lines of mail steamers.

Mr. BORLAND. I would ask the Senator one question. He alludes to the increased duties imposed upon the Committee on Naval Affairs. I will ask him if, in these increased duties, the Senate have ever directed that committee to contract with individuals for constructing ships or carrying the mail? If they have done that, I will admit that the cases are parallel; not otherwise.

Mr. GWIN. The printing is a specific object. We must have it done, and we have appointed a Committee on Printing to attend to it. This is a question pertaining to that subject. We must have the census returns printed; and as to the additional duty which it will impose upon that committee, it strikes me that if it is as laborious as it is represented, it would impose a duty upon the Secretary and the Clerk which would incapacitate them for the discharge of their present duties, which are onerous. But I am convinced that the labor which will attend this contract is over-

rated. I take it for granted that the parties who have authorized this application to be made to Congress are prepared to relieve the Committee of this great labor, by laying before them the conditions upon which they propose to do this work. They will do it in a manner so simple that it will be impossible for the committee to misunderstand the contract. I am confident that the labor of making this contract will be taken from the Committee by facts which will be laid before them by the parties. I agree with everything which has been said about the necessity of printing these census returns in a manner that will make them a part of the archives of the country, of which we shall not be ashamed. I hope the Senator will review his determination, and consent to attend to this work, and, if he does, I am sure he will do it as he always does the work which falls into his hands.

Mr. CASS. It seems to be conceded on all hands that we have arrived at a position in respect to this business in which there must be some special contract made. The census was taken a year and a half ago. It has not been published and laid before us yet. I do not believe there is another country on the face of the globe in which such a delay would have taken place. The decennial term will almost expire before the people get the information contained in this census. So we are treated in all our printing. Where is the Biennial Register, which should have been laid on our tables? Shall we get it this session or the next?

A SENATOR. Who was to print it?

Mr. CASS. I do not know who was to print it; but it should be here. The law contains a provision that it should be here. So it is with everything we have. All our printing comes to us after the subject-matter of it has almost passed from the public mind.

Here is some printing which is to be done. How is it to be done? The proposition is to refer the making of the contract to a committee of this body. Can it be in better hands? What is the objection to it? The honorable Senator from Arkansas objects to the labor which it will impose upon the committee. I suppose it will not amount to much. They will have to go into no specific details, for the facts will be before them.

But the Senator does not like the responsibility; and then the proceedings of the committee have been censured by the Senate! I never knew that they had been censured. But is it not better that this responsibility should be taken by a committee of this body, rather than by the Secretary of the Senate and the Clerk of the House? What was said by the honorable Senator from Indiana [Mr. BRIGHT] is very true, that they can make a more just contract than the Secretary and Clerk, for the best of reasons. If the Secretary and Clerk should go to every man in the country and ask him what he would do the printing for, and thus bring it down to the lowest bidder, which is the position in which we are now, it would defeat our object, which is to have the work done speedily. It cannot be done unless it is done by persons who are every way prepared to do it; and that preparation is perhaps in the hands of only one or two. I appeal to my friend from Arkansas, whether the responsibility had not better be taken by himself and the other members of the committee, than laid upon the two persons whom he proposes to substitute for the committee, neither of whom, in a practical point of view, has better information than the members of the committee. Why, then, should not the responsibility be with the committee? It seems to me that it would be the better way to treat this very extraordinary case.

Mr. BORLAND. I am sorry to trouble the Senate any further. Still I feel it due to myself and to the position I occupy in this matter, to say a few words more. The Senator from Michigan, [Mr. Cass,] I am happy to find, agrees with me upon one point—that responsibility should never be avoided in this body. I am glad to be sustained by his high authority. I certainly never have avoided, nor desired to avoid, responsibility. I hope I shall be joined in that respect by that distinguished Senator always hereafter, and that when questions involving responsibility come before this body, he will, with me, (to use a phrase common in the far West, where I live,) "toe the mark."

I must confess that I cannot fully understand one position taken by the Senator from Indiana, [Mr. BRIGHT,] and sustained by the Senator from Michi-

gan, [Mr. Cass,] to which I have already alluded. It is, that the committee can go further than the Secretary and Clerk, and, in the price to be paid for this work, do what those officers "dare," not do. I cannot understand the precise meaning and force of that position without an explanation. To me, it is an enigma which I am not able to unriddle. The resolution provides that the contract shall be entered into at a "reasonable" rate of compensation. No one, I apprehend, who knows the Secretary of the Senate and the Clerk of the House of Representatives, and who has any knowledge of the proposed work, will doubt that they are peculiarly and eminently qualified to judge of what is "reasonable" in this respect; certainly better qualified than any committee that either House, or both Houses of Congress can appoint. The Secretary of the Senate has for years been engaged in the performance of work of this very kind. It has for years been part of his annual duty. He has become perfectly familiar with it. The committee would have to rely mainly upon him, if they undertook to perform it. The Clerk of the House of Representatives is, perhaps, one of the most experienced men in the business of printing that we can find in this city or elsewhere. He is peculiarly well qualified.

But I come back to a point which I wish to insist upon. I said that in the joint resolution of 1846, under which the committee was raised, its duties are prescribed. I hold in my hand the rules of the Senate, from which I will read what are the duties required from the Committee on Printing:

"A Committee on Printing, to consist of three members, to whom shall be referred every question on the printing of documents, reports, or other matter transmitted by either of the executive departments, and all memorials, petitions, accompanying documents, together with all other matter, the printing of which shall be moved, excepting bills originating in Congress, resolutions offered by any Senator, communications from the Legislatures, or conventions lawfully called, of the respective States, and motions to print by order of the standing committees of the Senate; and excepting, also, messages and other communications from the President of the United States, and such reports and communications from the heads of departments, as may be made to Congress, or to the Senate, in obedience to law, or in answer to calls from the Senate; and it shall be the duty of said Committee on Printing to report in every case in one day, or sooner, if practicable."

You perceive from this the character of the duties required of the committee. It is to report upon the propriety of printing various papers which come before this body, and we are required to report, certainly in one day, and sooner if practicable. Will any one undertake to say that the committee can perform the duties required by this resolution in one day, or in one week? No one who knows anything about it, would say they could be performed in a week. Even if competent to do it ever so well, I would not undertake to do it in any time less than one month. A practical printer, or one experienced in the performance of such duties, might do it sooner.

The joint resolution prescribes also that the committee shall audit the accounts of the public printers. That duty they have been in the habit of performing. But this resolution goes further, and requires them not only to do this, and to make reports, but to go out into the market and make contracts.

The Senator from Michigan [Mr. Cass] says this is all very easy and simple, and will require but little time and labor. He surely has never looked into the manner of making the contracts for the public printing. If he had but examined one sheet of the calculations necessary to be made in order to provide for the different classes of printing, he would not, he could not say that it is a simple thing, and one easily done.

I insist that the resolution under which the committee was formed, and the rule of the Senate under which they have heretofore acted, shall be adhered to and observed. And I protest against being required to perform these other duties, which are altogether foreign to the purpose for which the committee was raised, and for which it can be legitimately employed.

Mr. BRIGHT. The honorable chairman of the Committee on Printing has made a remark which seems to require a reply from me. He says that I made use of an expression which is an enigma to him, particularly when it was coincided in by the honorable Senator from Michigan, [Mr. Cass.] He cannot understand how it is that the Committee on Printing can afford to give a higher price for this printing than the ministerial officers of the

two Houses. I will explain what I meant by that remark, but first let me go a little further back.

The first speech of the honorable Senator is a sad commentary on our mode and manner of legislating here. He states that we have a law authorizing the letting out of the public printing to the lowest bidder, and yet there is not a day that we do not see a practical violation of that law. Day after day the printing is laid on our tables bearing on its face evidence of the violation of the contract. It is our duty as legislators to improve the morals of those for whom we legislate. It is certainly immorality on our part to tolerate this violation of contracts day after day. It is to prevent that state of things that I advocated this resolution. I know that there is a violation of the contract regulating the public printing, and I believe that if we were to let out this class of valuable printing under this system, it would be violated again.

I have hitherto advocated the letting out of the public printing to the lowest bidders. As a general rule, I approve of that manner of disposing of the public work, but having seen so many practical illustrations, which prove that we cannot get our printing done in a suitable manner under that system, I am now opposed to it. If this work should be let out to the lowest bidder through the officers of the two Houses, I do not believe that it will be done in the manner which the public service requires. If the officers of the two bodies have the matter referred to them, I believe they will have no alternative, and we shall have these important returns printed like every class of public printing for the last few years.

Every morning we have public printing laid on our tables. It is done under a law which provides that it shall be executed on paper of fifty pounds to the ream, and at a cost of seven dollars and a half. Now, I presume those who execute our printing will not pretend that their paper weighs over forty pounds to the ream, or that it costs more than five dollars. And I learn from others that the paper on which the printing is generally done is but two and a half instead of seven dollar paper. Shall these valuable census returns be thus printed? And yet, if we impose the duty of making this contract upon our Secretary and the Clerk of the House of Representatives, will they feel themselves authorized to do otherwise than submit it to this ruinous system of competition which is productive of such lamentable results? The joint Committee on Printing, on the other hand, from their position before the country could do that which the officers of the two Houses would not venture to do. The joint committee could calculate the cost of good paper; they could ascertain how much it costs per hundred *ems* to set type; they can sit down and in a few hours make a calculation showing how much the whole work will be worth; and then they can say to these parties on what terms they will be willing to make a contract. They can say we will give you so much for performing this work, meaning that they will give a fair price for paper and for setting the type, and a fair profit on the work. That, I apprehend, Congress is willing to give. We do not desire to give less. It is for the purpose of avoiding the evils resulting from the present contract system of printing that it is proposed to give to the Committee on Printing the privilege of selecting those whom we know can do the work, and do it well.

Mr. UNDERWOOD. These are very precious confessions which the gentlemen are making. The gentleman from Indiana tells us that the contract system of letting our printing to the lowest bidder, has proved a failure; and the gentleman from Arkansas says that one reason of that is, that the Senate will not sustain the Committee on Printing in its efforts to prescribe a remedy for the evil. What does all that mean? Why, that we have not the virtue and the firmness to rein up those persons who make contracts with us to perform their duty. That I understand to be the plain English of it. I, for one, am not willing to bear any imputation of that sort. I wish to sustain the Committee on Public Printing in its efforts to make the undertakers, these employees of the Government who make contracts with us, perform their duty. I am not willing, for one, to say to my constituents, that "that rule by which all your bridges are built, by which all your jails and your court-houses and public works are erected, by which you do everything in your neigh-

borhood, and which works so well at home, fails in Congress, because we have not virtue and firmness enough to have it executed." I am not willing to go before the country with any such acknowledgment as that. Sir, if we will do our duty—if we will say to these bidders who are endeavoring to get jobs and contracts, Put in such a bid as you can live by, and if you do not, we intend to make you suffer and feel the effects of your own folly; nay, of your own frauds,—if we will do that, my word for it we shall have our work well and promptly done; and we shall have no more complaints about not being able to get it done.

These acknowledgments are reflections upon this body, reflections upon the whole country, and reflections especially upon the employees that they are permitted to trifle with their contracts, to impose upon us a fraudulent article in paper, to execute their work in such a manner that when the documents are placed in the archives of the country they will not last perhaps ten years. These avowals are degrading to us and to the country. We ought to enforce the remedy by telling all these people, in the language of the Senator from Arkansas, You must "toe the mark;" you shall "toe the mark;" and if you do not you shall reap the consequences of your own folly and improvidence in making bids by which you cannot stand. It is manifest that it is the conduct of Congress, in endeavoring to patch up those who put in improper and fraudulent bids, that has led to the whole series of mischiefs of which complaint is now made.

Mr. BORLAND. Mr. President, the Senator from Kentucky says that these are "precious confessions," which have been made on this side of the House, and that they reflect very injuriously upon members of this body. I am not responsible for the inferences which may be drawn from what he calls "confessions" on this side of the House. I have always acted upon the rule, that truth should be told, and I have told it.

Mr. UNDERWOOD. I thank you for it.

Mr. BORLAND. I am not responsible for the inferences which may be drawn. I based my statement upon what I know to be facts, and I will give the case to which I particularly referred at the time I made the remark. During the last Congress the public printing was let out by contract. As chairman of the Committee on Printing, I examined that contract; and my knowledge of the printing business, though not extensive or minute, was sufficient to satisfy me that the contractors had taken the public printing at prices at which, if the contract should be faithfully executed, they would lose a large amount of money. Before any of the public printing was done, I notified them that this was the opinion of the committee—I reminded them of the fact that the contractors of the preceding Congress had come before us and exhibited a loss of about twenty thousand dollars; and I knew that they (the new contractors) had taken the work at about twenty-five per cent. lower, and that it was impossible for the work to be performed according to contract without heavy loss. By authority of the committee, I accompanied this notice with the assurance, in advance, that they would be held to a faithful performance of their contract, and that no work below the contract standard would be received or paid for.

Well, the work came in; it was at first a little below the standard; it became worse; it got to be very bad; it became intolerable; I rejected it. What was the consequence? Was I sustained? In despite of my rejection of it, the work continued to be done in this inferior, this miserable style, and was sent here, and piled up in the document room, till it reached the ceiling. I was called upon every day by Senators, who requested me to receive the work. I refused. I said it was done in violation of the contract; that I could not receive it, nor approve any account for its payment. The contractor came to the Senate, and made his appeal here; and the consequence was that I was overruled; and the work was received. Senators had the documents folded and sent to their constituents. But the contractor never sent his bill to the committee while I remained in the city. He retained them till after I had left.

I was complained of, I was censured, but I stood upon the contract, and insisted upon its being executed. Senators know that. I make

no random assertions. I state what is known to be true by all who were here at the time. Work of an inferior quality, not half up to the contract standard, was received. And not only was the proposition made here, but it actually passed this body, to pay the contractor a profit of ten per cent. upon the whole amount of his expenditures. That failed in the other House. But at the last session the House of Representatives passed a joint resolution, not only receiving all his work, but providing for paying him a profit of nearly two hundred thousand dollars on that work. It came to the Senate at the close of the session, and was not passed. If it had come earlier, I cannot say what would have been its fate. The resolution, as it passed the House of Representatives, allowed a profit, as I can show any one by a simple calculation, of very nearly two hundred thousand dollars on the work. Was that no censure on the Committee on Printing that had performed their duty in rejecting the work? Was it no censure on the committee to receive the work and to pay the contractor a profit in double the amount of the contract, for a violation of that contract? These are the facts to which I alluded; and they are facts which cannot be controverted. Call them "precious confessions," or what you please; let them reflect injuriously upon whom they may, I appeal to the Senate for their truth, and am not responsible for them or their consequences. I did all in my power to prevent their occurrence. Had I been sustained in that attempt, the Senate would have been spared these "confessions," and have avoided any censure they may imply.

Mr. PRATT. Mr. President, the proposition under consideration is, as I understand it, that the Secretary of the Senate and the Clerk of the House of Representatives shall be substituted for the Committee on Printing, and that the same powers shall be given to the Secretary and the Clerk, which this resolution proposes to give to the committee, to make this contract. My friend from Indiana says the object of this amendment will be to put this printing out to the lowest bidder. I cannot see that that is to be the legitimate result of the amendment which has been proposed. What is to be the effect? The Secretary of the Senate and the Clerk of the House of Representatives would be directed, if this amendment should prevail, to make this contract; they would be directed to make it in the same words in which the resolution directs the committee to make it. Why, then, are we to assume that the Secretary of the Senate and Clerk of the House would let this work out to the lowest bidder, if the committee are not bound to do so? The gentleman tells us, that it is because the committee would assume responsibilities which the Secretary and Clerk would not assume. The argument of the honorable Senator from Michigan [Mr. Cass] is, that the Secretary of this body and the Clerk of the House will employ persons who are not prepared to do the work. His whole argument is predicated upon that assumption.

Mr. CASS. If the Senator will allow me, I will correct him. I meant to convey no such idea. I merely meant to say that the Secretary of this body and the Clerk of the other House might conceive it to be their business to go to every printer, and ask the lowest price at which he would do the work, and take that as a standard. That was my idea.

Mr. PRATT. The idea conveyed to my mind by the Senator's remarks was, that he supposed the Secretary and Clerk, if this matter were left to them, would employ persons who were not prepared to do the work; whilst the Committee on Printing would employ those persons who had their printing presses and paper and everything ready, prepared to go on with the work. It occurs to me, that from the very fact that the persons who would have to make the contract, if this amendment should pass, would not be willing to assume the responsibility which it is supposed the committee would be willing to assume, that they would take care to employ those who were prepared to do the work—persons who would do the work well, and who would do it at a fair price—because they would act as though they owed responsibility to the respective Houses for which they acted. On the other hand, a committee might act without any fear of that responsibility. I think, therefore, that we have every reason to suppose that, by the adoption of this amendment, the per-

formance of the work will be better secured than if it were left to the committee.

I can see no reason why the committee should be preferred to the Secretary and Clerk, except the ground, not brought into view very directly, but certainly covered up by what has been said, that the committee might give this printing to a political press irrespective of the manner in which it is to be performed, and irrespective of the price; whilst the Secretary of this body and the Clerk of the other House, owing responsibility to their respective bodies, would be afraid to do so.

Mr. BORLAND called for the yeas and nays upon the amendment; and they were ordered.

Mr. BADGER. As the yeas and nays have been ordered on this amendment, I wish to say a few words to explain the reasons of my vote. I agree that the duty which the amendment of my friend from Arkansas proposes to impose upon the officers of the two Houses, is at once a difficult and delicate one. For myself, I should be perfectly willing that the resolution should remain in its original form; but that the honorable Senator from Arkansas, who is at the head of the Printing Committee, informs the Senate that he is not willing to take the responsibility which it is thus proposed to devolve upon him. He is not willing to become an agent for contracting to let out the work of the Senate. And when I recur to the rule of the Senate under which that committee was constituted, and find that no duty of the kind was contemplated to be imposed upon that committee; and that this resolution, in its original shape, directs this committee to perform what does not properly belong to the Senatorial duties of members of this body, I do not see how I can, with propriety, with a just regard for the motives which the Senator from Arkansas has stated, and from the circumstances of this case which entitle him to ask an exemption from having placed upon him a duty not belonging to his office as a Senator, and not belonging to the position which he occupies on the committee, refuse a vote which is to concede to him what he desires, and what I think he has a right to ask. I do not see how I can refuse to exempt him from a duty which I think the resolution cannot rightfully impose upon him and his associates of the Printing Committee. For that reason, and that reason only, I shall vote for the amendment.

Mr. GWIN. I wish to make a statement, which I think will induce the Senator from North Carolina [Mr. BADGER] to change his opinion. I wish to ask this question of the Printing Committee: Suppose the present contractor fails to perform his duty, would it not then be the duty of the Printing Committee to make a contract for the printing? I so understand the law. The very duty which it is said we are now throwing upon the committee is already imposed upon them by law. They are now required, if I understand the law, in the event of the contractor failing to perform his duty, to make another contract for the Congressional printing. Then this is not a new duty which we would impose upon them. It is merely acting up to the letter and spirit of the law.

Mr. CLEMENS. I wish merely to get the statement of a fact. I understand that this matter was submitted to the Joint Committee on Printing, and that a majority of that committee overruled the Senator who has offered this amendment, and refused to accede to it.

Mr. BORLAND. The Senator from Alabama is correct. I did not offer this amendment as coming from the committee. I offered it from my own sense of propriety. Since the Senator has referred to the action of the joint committee, it will not be improper, I apprehend, to state the vote of the committee. I will state it. The joint committee, as is known to the Senate, is composed of three members of the House and three Senators. The vote was, three in favor of the resolution, two against it, and one member of the committee did not vote at all. I voted with the majority. I so voted with the express declaration, that it was for the purpose of getting the matter before the Senate, but that I would offer this amendment. If the whole of the committee had voted, I think there would have been a majority in favor of the resolution as I proposed to amend it, and that it will be so found when the vote comes to be taken here. At any rate, this amendment of mine represents the sentiments of a majority of the Senate committee.

Mr. HAMLIN. Mr. President, I only desire to state, in addition to what has been said by the chairman of the Committee on Printing, in relation to the vote which decided this matter, that I am, myself, the individual upon that committee who withheld his vote. I withheld it for this reason: I was in favor of giving the contract to the persons named in the resolution; and so I am now; but I was not in favor of making any committee a "pack-horse" for the Senate, nor was I in favor of making any committee of Senators go out into the streets and chaffer for the Senate, while they had ministerial officers to whom those duties properly belonged. The Senator from Arkansas will recollect the fact, that I withheld my vote, not because I was opposed to the resolution, but solely because I wished this business to be done by our ministerial officers and not by the committee.

Mr. BORLAND. That is the fact.

Mr. BRIGHT. Mr. President, I certainly felt some delicacy in pressing this resolution after the Senator from Arkansas announced that he was opposed to the performance of the duties imposed by the resolution upon the committee; but since his first speech I have turned my attention to the general law under which the printing of Congress is now done, and I find that this joint resolution proposes nothing more than is now in force under a law that was passed on the 3d of August, 1846. I understand from that law that if a contractor should fail to perform the public printing, or any part of it, it is the business of the committee of the two Houses to select another agent, and make full and ample provision for the public printing. But the law does not stop there. It goes on to say, that these committees shall audit the accounts of the public printers. There is great force and propriety in that law, because the Committee on Printing in each House has been furnished with a clerk; and during the recess of the last Congress, or the Congress before the last, I am not certain which, a committee of Senators sat, and for services which they then rendered as members of the Committee on Public Printing, they received their per diem of eight dollars.

Mr. BORLAND. The statement of the Senator from Indiana [Mr. BRIGHT] has reference to a state of things which existed before I became a member of the committee or of the Senate. Prior to that time it was customary, not for the committee to remain, but for one member to remain to audit the accounts of the public printers, presented after the adjournment of the Senate. Since I have been on the committee, a different practice has prevailed. Now, instead of any member of the committee remaining to audit the printers' accounts, and drawing his *per diem* during that period, the Secretary of the Senate, the Clerk of the House of Representatives, and the clerk of the Committee on Printing, are constituted a board to audit and settle the accounts of the public printers during the recess. The Secretary of the Senate and the Clerk of the House receive no extra compensation for that service; but the clerk of the Committee on Printing merely receives his *per diem*. That is the present state of the case.

Mr. BRIGHT. I do not understand the law, however, to have been changed since the period mentioned. The same law under which Senators and Representatives acted as a joint committee, and drew pay during vacation then, is now in force. The Senator complains of the duty which will be thrown upon the Committee on Printing. I think that the reading of the law will clearly demonstrate that we do not propose to impose any additional duty on that committee. This joint resolution will throw no additional labors on them whatever. The law of 3d of August, 1846, under which the public printing is now done, provides—

"That a committee, consisting of three members of the Senate and three members of the House of Representatives, shall be chosen by their respective Houses, which shall constitute a Committee on Printing, which shall have power to adopt such measures as may be deemed necessary to remedy any negligence or delay on the part of the contractor to execute work ordered by Congress, and to make a *pro rata* reduction of the compensation allowed, or to refuse the work altogether, should it be inferior to the standard."

This committee, as it is now organized under this law, has large and plenary powers. It has a right to declare a contract under that law abrogated by any non-fulfillment; and I think our committee ought to have declared the present contract

void, if the character of the printing be as it is represented to be by the chairman; and I think he represents the case correctly. That, however, is perhaps outside of the question now before us.

The honorable Senator from North Carolina [Mr. BADGER] was inclined to vote against the amendment until he was convinced by the remarks of the Senator from Arkansas that this would impose additional duties upon the Committee on Printing. I have read this section of the law of 1846 for the purpose of relieving his mind, and the minds of other Senators, upon that point; for it really does impose no additional duties.

Mr. BORLAND. The Senator from Indiana, [Mr. BRIGHT,] it seems to me, must perceive a very material difference in the cases to which he has referred. In the joint resolution of 1846, from which he has read, provision is made against a contingency that is supposed not likely to happen; that in case the public printer should violate his contract, then the Committee on Printing should have power to employ somebody else to do the work and pay for it. It provides further that the public printer and his sureties shall be responsible for the difference between the contract price and the increased amount which shall be paid for the work. Such a case has not arisen since the Committee on Printing has been constituted.

There has been no case in which this duty has been performed; and although the committee might have to perform it, it is a provision against a contingency which was supposed not likely to happen, and not a prescribed duty. At the time the joint resolution passed, I suppose no one expected that the contractors would not fulfill their contracts. But here it is proposed to send the committee out beyond the walls of the Capitol to chaffer and make bargains. Nothing of the sort is done by any committee of either House. We have a Committee on Public Buildings, which takes charge of all matters relating to the public buildings; but that committee is not required to make contracts for building. There is a Commissioner of Public Buildings for that purpose. We have a Committee on the Contingent Expenses of the Senate. That committee, I suppose, audits the accounts for the fuel consumed, and the stationery used by the Senate; but do we send that committee out to contract with the wood haulers and paper makers of the country to supply the Senate? We have a Committee on Naval Affairs, but that committee does not make contracts for the building of ships of war. The Senator from California has referred to carrying the mails. The Committee on Naval Affairs pass on the policy or propriety of a particular measure, but it is not required to make contracts with persons for carrying the mails. Why, then, should we require the Committee on Printing, which was raised for the purpose of examining questions submitted to the Senate as to the propriety of printing documents, to go into market and perform a duty so different from any duty performed by other committees of the Senate? Why should you require that committee to contract with printers for doing this work? I can see no reason for it. It is without precedent. I adhere to my objections.

Mr. BADGER. Mr. President, there is nothing in the joint resolution of 1846, as I think was well stated by the Senator from Arkansas, which is at all conclusive upon the objection which he has stated, and which I was inclined to support by my vote. That joint resolution requires contracts for the printing to be made by the executive officers of the two Houses. They advertise for proposals. They receive proposals. They come to a decision. They award the contract. And then the resolution proceeds to make provision for cases, not, as some gentlemen have supposed, unlikely to happen, but I presume from the very nature of the joint resolution of 1846, to provide for a case which it was supposed would be very likely to happen; that is, a case wherein the contractor would not discharge his duty; and in such an event, it directs the Joint Committee on Printing to take such measures as should be necessary on account of the failure on the part of the contractor. They were to do what the emergency required. The law provides, that during the session of Congress, when there would be no opportunity of resorting to any other instrumentality, this joint committee should at once, and promptly, supply the means of doing the printing which the

two Houses had ordered. That is, in substance, what the joint resolution of 1846 directs.

Now, it is proposed to put the Committee on Printing in a new attitude—to originate contracts and make bargains. Well, it shows, if anything were necessary to show it, how exceedingly unfortunate the joint resolution of 1846 was. It was unfortunate in many respects; unfortunate, as I think, in the whole contract system, which has produced nothing but difficulty, delay, bad paper, bad printing, and bad binding, for the Senate as well as for the House of Representatives; and unfortunate in this—a consequence flowing out of the first unfortunate step of the resolution—in introducing a joint committee of the two Houses to a function, which I believe was never before discharged by any committee. We are now to take a still further step, and put a committee of the two Houses in the attitude of making contracts and bargains. It seems to me that this is taking a step which the two Houses will find reason to repent. There is great force in the suggestion of the honorable Senator from Arkansas, that, whilst we have committees charged with a great many subjects relating to contracts, in no instance has any of these committees been charged with the making of contracts.

Mr. GWIN. Has not the Committee on the Library been required by the Senate to make a contract for the printing of the papers of Jefferson and Madison? This is a case in point. I appeal to the chairman of the Library Committee if that is not a fact.

Mr. PEARCE. The statement of the Senator is correct. The Committee on the Library were charged with the duty of attending to that matter.

Mr. BADGER. If the honorable Senator had only adverted to the facts of that case, he would have seen that it had no reference to such a one as is now under the consideration of the Senate. When the Congress of the United States purchased the papers of the distinguished dead, to whom he has alluded, it was a subject of literary taste—it was a subject of Congressional and delicate discretion that must have been exercised by the committee of our body to determine which of those papers should be printed. It was not intended by Congress that the whole of the papers indiscriminately purchased should be printed at the expense of the Government, and it necessarily and properly devolved on its committee the difficult and delicate duty of making a selection. A just regard to the interests of the public made it necessary that that matter should be under the disposal of the committee.

But I was about to say that my friend from Arkansas, in his zeal of illustration, (if he will permit me to say so,) fell into one grave error—he undertook to refer to the functions discharged by the Committee on the Contingent Expenses of the Senate. I beg him to be more cautious hereafter—he was touching a subject which should never be alluded to in open Senate. He knows very well that in one of the Departments of the Government which has charge of our external affairs, there is secret service money, and who ever heard any inquiries made with regard to that fund? The remark of the Senator was irregular. I know it was not intentional. I was once a member of the Committee to Audit and Control the Contingent Expenses of the Senate. Unfortunately for the Senate and for the country, I am no longer so. [Laughter.] But still I cherish a very high respect for the confidential operations of that committee, and I hope on no occasion hereafter to see such indiscretion committed by my friend, or by any other member of the body, as to allude to the particular functions which they discharge.

Mr. DODGE, of Iowa. I shall vote against the amendment offered by the Senator from Arkansas; but lest I should seem discourteous towards him, as the chairman of the Committee on Printing, I desire to make an explanation of the reasons which influence my vote. I think that some reform is necessary in regard to our printing. I think something should be done by which efficiency would be secured, and when we order documents, that they will be printed in some reasonable time. I have received various letters and communications from all parts of the country asking me for copies of the census returns. I received some of them so long since that I have lost or mislaid them; and I do not know that I

could find them all. Now, I know, by repeated conversations with the worthy Secretary of this body, that he does not desire that this duty should be imposed upon him. I know that he has besought me, as a member of the body, to keep this duty off him.

In reply to the political argument of the Senator from Maryland, [Mr. PRATT,] I am ready to say; that so far as the bestowment of this job, or any other job which is proposed here, is concerned, I shall expect the Committee on Printing to give a preference to those of their own political faith; but I expect them to do it upon most reasonable and just terms. I believe that the Committee on Printing of this body is competent to discharge all and singular its duties; and if a comparison must be instituted between that Committee and the Secretary of the Senate or the Clerk of the House of Representatives, I believe, whether as Senators or as practical printers, I should give the committee the preference if the printing were my own or if it were to be done for the Senate. They have had experience in their station. As a member of the body, I have had something to do in retaining them in their present position for this session. I have been glad to help to replace them in the position which they have heretofore occupied. I approved of their course during the last session, and I am disposed to sustain them in this position, believing, as I do, that they are more competent as practical printers, and better judges of what is economical and proper to be done under this contract than either the Secretary of the Senate or the Clerk of the House of Representatives.

Mr. BORLAND. Mr. President, I have not at all changed my views upon this subject. Before doing what I now rise to do, I wish to say a very few words. I reassert, and I do it with all candor and sincerity, that I am not competent to perform the duty which this resolution proposes to impose on me. I candidly confess that I do not know how to perform it, and I have not now time to learn. If the other members of the committee have this competency, they will have to perform the duty. If not, it will not be performed by the committee at all. Of this I now give fair notice to the Senate. I have deemed it my duty to make this statement. Whatever opinion other Senators may entertain of my competency for this business, I think I know what I am able to do; and I know that I am not competent to do this. I am not one of those who believe that a man cannot know himself. I have always thought that a man's capacity is better known to himself than to anybody else. I have looked somewhat into this matter, and I know I am not capable of performing this duty. For that reason, I do not wish to be obliged to perform it. But as I fear that my amendment may embarrass some of my friends, and as I am unwilling to impose duties on the executive officers of the two Houses of Congress which would involve them in any painful or injurious responsibility, or which their friends are unwilling that they should assume, I will withdraw the amendment which I have proposed; closing my remarks with a repetition of the assurance to the Senate that I am unable to perform the duty required by the resolution, and if it is imposed on the committee I shall not undertake it. I withdraw my amendment if it is in my power to do so.

The PRESIDENT. By unanimous consent the amendment can be withdrawn.

There being no objection, the amendment was withdrawn.

Mr. SMITH. I have some views which I desire to present to the Senate in regard to this subject, which will be very likely to occupy more time than remains at present according to the ordinary practice of the Senate. I would, therefore, be very glad to have this resolution postponed until to-morrow. I therefore move, if it meets the approbation of honorable members of the body, that the resolution be postponed until one o'clock to-morrow, and be made the special order for that time.

The motion was agreed to—ayes 22, noes 18.

ASSIGNMENT OF PRIVATE BUSINESS.

Mr. DOWNS. The bill for the relief of William Darby was under consideration yesterday, but it was then interrupted by the introduction of the distinguished stranger who then visited us. I hope it will now be disposed of. It was laid on

the table yesterday on my motion. I move that it be now taken up.

The PRESIDENT. The Chair will take this occasion to call the attention of the Senate to a resolution which was adopted some time since in these words:

"Resolved, That after the 1st day of January next Fridays of each week shall be set aside for the consideration of private claims, and that on those days private bills shall have priority over all other business."

The Chair brings the subject to the consideration of the Senate in consequence of a different construction being put on this resolution as he understands by different Senators. There seems to be doubt as to whether it is intended that that day shall be exclusively set apart for private bills, and that they shall not be taken up on any other day, or whether they shall be taken up in regular order on the calendar as they are reached and yet have entire preference on Friday. The Chair is unwilling to give any construction of the resolution, inasmuch as it is for the Senate to decide what they intended when they adopted the resolution.

Mr. DOWNS. I think the Senate itself has put a construction on that rule. I recollect that a similar rule was in force two or three sessions ago, and the construction then was, that such a rule did not prevent private bills being considered when they were reached on the calendar in regular order, even though it was not on the day fixed.

I consider that the Senate has at this session put that construction on this rule, because yesterday they took up several private bills and disposed of them.

The PRESIDENT. The Chair, without consulting the Senate yesterday, finding them upon the general orders, took up several bills, which were ordered to a third reading. They have not been read a third time to-day, because the Chair kept them back until the Senate should decide whether private bills were to be acted upon on every day of the week or only on Friday.

Mr. DOWNS. It certainly was my construction, and the construction of the honorable Senator who offered the resolution, that fixing a particular day for the consideration of private bills should not deprive them of the privilege of being considered on other days when reached in their order, because it might very well happen that such a rule as that would do great injury to those whom it was intended to benefit. It very often happens that in the early part of the session we do not sit on Friday, and very often on those days private bills are necessarily interrupted by a press of other business. And if by fixing a particular day for the consideration of private bills, we cannot take them up at any other time, such a rule, instead of promoting the interests of parties, might subject them to great inconvenience.

I hope the Senate will agree with me in the construction which I have given to the rule, that when these bills are reached in their regular order in the calendar, they will be taken up as well as considered on Friday. I think that was the general understanding of the rule when it existed at previous sessions.

Mr. HUNTER. I recollect distinctly that I opposed the resolution at the time it was introduced and one of the grounds that I took was, that it would work an injury to private claimants, for it would devote Friday to them, and they would be denied a place on the calendar, which they had hitherto enjoyed. It certainly could not have been the intention of the Senate to have given private bills a precedence over public bills, not only on Fridays but on all other days. They could not have intended by setting apart a day for their consideration, that on other days they should also have precedence over bills of general interest. Under the rules of the House of Representatives, Fridays and Saturdays are set apart for the consideration of private bills, and under these rules, they are not considered on any other days. I think such is the fair consequence of the establishment of such a rule; and therefore it was that I thought at the time of the adoption of this rule, that we would be better off if we adhered to the old practice of the Senate, and stood by the calendar. We would be better off if the Senate would return to the ancient rule. I suppose the rule must be construed as it was construed in the House of Representatives. If certain days are to be assigned to private bills, they ought to be confined to those

days, that we may have the rest of the week for the transaction of public business, or else let us return to the old rule, one or the other.

Mr. BADGER. There is nothing in the rule or resolution adopted by the Senate on the subject of private bills which either expresses or implies that these bills should not be in order on any other day of the week than Friday. The resolution simply declares that on Friday they shall have priority. On the other days they have no priority. There is nothing in the resolution which says they shall not be considered on any other day. There is nothing in the resolution to prevent them being considered when they are reached on the calendar—no matter on what day. This is not the first instance in which the Senate has passed the resolution setting apart Friday for the consideration of private bills. It has been done at former sessions at which I have been here, and I have never heard it suggested before that in consequence of setting apart Friday for the consideration of private bills it was not in order to take them up on any other day, when they were reached on the calendar. There is nothing in the resolution—nothing in the practice of the Senate under former resolutions of the kind which sanctions the idea that by having Friday given to private bills they lose their chance on every other day of the week.

Mr. BRADBURY. Mr. President, I voted for the rule setting apart Friday for the consideration of private bills. I believed, that by assigning a particular day for their general consideration, our attention would be drawn to those bills which were matters of private concern, and that we should be more likely to give them a careful consideration, and discriminate between those which have merit and those which have not. One difficulty which I hoped to avoid, was the constant habit of springing upon the Senate the consideration of matters about which we necessarily could know nothing. If we are repeatedly called upon, and without any indication as to the time when to consider those matters which are not of such general concern, we necessarily pass our opinion upon them without the requisite information. If, however, we set apart a day, as the Senate has already done, for their consideration, every Senator has notice that such bills are to come up. I do not say that we should be confined to that day when they are reached on the calendar in their order. I would consider them on other days; but if, after having given them priority on one day, we will now say that we are to call them up irregularly, we shall have ourselves exposed to the difficulty to which we had hoped we had put an end, by setting apart a particular day. I hope, then, that private bills will not be brought up irregularly, but that we shall consider them only when reached in their order upon the calendar, or on Friday, except some good and satisfactory reason can be given for taking up a particular bill out of order. After having given them priority on one day, they should stand on the calendar until reached in regular order on other days. I hope, therefore, the motion of the Senator from Louisiana, a gentleman whom we would all very gladly accommodate, may not prevail, unless some particular reason can be given why the bill which he proposes should be taken up.

Mr. RUSK. Mr. President, all this opposition to private bills, it seems to me, proceeds, or seems to proceed, from the principle of guarding the Treasury of the United States. We have got into difficulty by almost repudiating all the debts of this Government. This is the way that fraudulent claims pass. Individuals who have claims against the Government, come forward and present them, and are delayed in one way or another until they become twelve, fifteen, or twenty years old, and all the facts are forgotten. Then it is that claims, sometimes not well-founded, are enabled to pass the Senate and the House of Representatives, and become a charge on the Treasury.

The rule, setting apart Friday for the consideration of private bills, has been adopted several times before by the Senate. It has never before been construed to exclude bills on any other day when reached on the calendar. There seems to be a general disposition to give private bills the go-by. If we are to repudiate the debts of the Government, let us do it at once. What will be the consequence of the continuance of these claims? It will be to break up the individuals who have them, and to fill the Capitol with agents to get

them through, who will annoy every Senator. It is time that we should take up these bills and dispose of them one way or the other. Let us reject or adopt them, and do it immediately, that individuals may have their claims decided while they are alive, and not leave their heirs to prosecute them when they die.

The PRESIDENT. The Senator is aware that it is simply for the Senate to decide what construction they will put on the resolution.

Mr. RUSK. That is the point to which I am trying to direct my attention.

Mr. HAMLIN. I wish to inquire whether it is the decision of the Chair that a formal motion should be submitted?

The PRESIDENT. The Chair was under the impression, though it has been stated otherwise by honorable Senators, that when a rule of this kind has prevailed heretofore, private bills were passed over on other days, and were taken up only on the day set apart for their consideration. Such was the impression of the Chair, but it is for the Senate, who adopted the resolution, to say whether it was intended that the general orders should be taken up as they stand on the calendar, whether of a public or private character; and that on Friday all questions of a public character should be excluded.

Mr. HAMLIN. I move, as the sense of the Senate, that the rule adopted by the Senate shall not affect the standing of the private bills on the calendar on other days.

Mr. BADGER. A motion is already pending.

The PRESIDENT. The Chair does not consider that a motion is necessary. He has simply endeavored to ascertain the sense of the Senate as to the construction of the resolution. He wishes to conform to the view of the Senate.

Mr. HAMLIN. I voted for that resolution. If the Chair had not called attention to the subject, I should never have dreamed that there could be any question about the matter. As has been well said by the Senator from North Carolina, what is not in the resolution does not belong to it.

The PRESIDENT. The Chair then understands that the construction put upon the resolution is, that the calendar shall be taken up in regular order, whether the bills are of a private or public nature; and that on Friday public bills are to be excluded, and private bills solely acted upon. Is that the understanding of the Senate?

[Several Senators. "Agreed!" "Agreed!"]

The PRESIDENT. The Chair was under the impression that it was necessary to bring the question to the notice of the Senate, because some Senators had entertained a different opinion from that expressed by the honorable Senator from Maine, and the honorable Senator from North Carolina, and others.

Mr. DOWNS. One of the honorable Senators from Maine [Mr. BRADBURY] thought that we should not take up private bills out of their order. I have moved to take up this bill because yesterday being a day of ceremony it was not disposed of. It would have been passed in five minutes, but for the arrival of our distinguished guest. That is the reason why I want it taken up and disposed of now. It will take but a short time.

WILLIAM DARBY'S RELIEF BILL.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill for the relief of William Darby.

Mr. DOWNS. I concluded yesterday what I had to say in relation to this bill. It is one of very great merit. It was passed before by the Senate, and I hope we will pass it again. The gentleman for whose benefit it is intended is very old and very poor. I hope it will pass without opposition. I will not take up time by discussing it.

Mr. FELCH. I believe there was a report made in this case some two or three years ago. I recollect that last year we voted on this question by yeas and nays, and I think the Senate was very nearly equally divided. I should like to hear the report read.

The report not being on the Secretary's desk, Mr. FELCH continued: If I understand the matter, there was a report from a select committee, of which Mr. Corwin, then a member of the Senate from Ohio, was chairman. That report was acted on that session. The bill has since been twice introduced on leave, but no new facts

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have been laid before the Senate. Last year, or the year before last, the bill passed the Senate. At that time I listened to the discussion, and was unable to discover any principle ever sanctioned by this Government on which this claim could be allowed. This applicant claims that he was once employed by the Government in making certain surveys in Louisiana. He received his pay, as others do who are employed as surveyors. He claims that he acquired certain information in regard to the geographical character of that country, which information was disposed of by him to an individual named Mellish, who published a map in Philadelphia about that time, and there was a difficulty between him and Mellish in regard to compensation. He alleges in his petition that no compensation was ever received. But I am not aware that upon that ground there is any reason why we should interfere, and grant from the public Treasury a compensation for a loss which may have resulted from any private contract.

I do not understand that this individual was employed by the United States to acquire the information for which he now claims compensation. I do not understand that we have received anything from him for the benefit of the Government, for which compensation should be paid. He acquired certain geographical knowledge, and claims that in certain treaties—a treaty made with France, and a treaty made with Spain, in 1819, which referred to the Mellish map—that map being made use of, received virtually the sanction of this Government to such an extent that his private information was not afterwards valuable to him, and that, therefore, he could not sell any maps which he might make after that period. I do not understand that he made any maps, but that he acquired information from which he might have made them; and he claims that we destroyed the value of that property, because we referred to the Mellish map in the treaties made with France and Spain. That is the whole foundation of the claim.

Now, if we are to pay for information which individuals derive from their own private enterprise, and surveys for the purpose of publishing maps and literary works of any kind, I take it that we shall have plenty of persons applying to us for compensation. I do not see how the facts stated in the petition and in the report are to be a proper foundation for this claim. I looked into the report a few days since, and I do not see how, from any facts there stated, it can result as a consequence that the United States are under an obligation to pay this claim, unless we are under a general obligation, when an individual has become distinguished as a geographer, and has devoted his time and attention and talents to scientific pursuits, to come forward and pay from the Treasury on that account. I do not see why we should pay this claim in this particular case.

Mr. BADGER. I wish to ask a question of the honorable Senator from Louisiana. Has not a bill, precisely in this form, passed the Senate heretofore? I understand from him that such a bill has passed this body. I wish, then, to say, without any further investigation of the subject, that that fact determines my vote. If we undertake to investigate and reinvestigate all the private bills that come before us, we shall never be able, whatever diligence we bestow on them, to do justice to one fiftieth part of the claims which come here.

For my own part it is with extreme difficulty I can be prevailed upon to vote against a private bill which comes before us with the sanction of all the members of a committee of this body. The Senate have already determined this case. They have determined that in equity this sum is properly due to this individual. I am therefore relieved from all further difficulty. I will not go into an investigation to ascertain whether that decision of the Senate was right or wrong. I presume it was right. I am satisfied it was right. I am sure it was right.

The report of the committee upon this claim having been procured, was read to the Senate. It

states that Mr. Darby was the first to furnish an accurate map of that portion of the territory of the United States lying west of the Mississippi, and bordering on the line between the United States and the Spanish dominions, as fixed by the treaty ceding Louisiana. The materials for a map procured by Mr. Darby, were used by Mr. Mellish, in his map of 1816. Mr. Darby was never remunerated for his services, which were of great value to the United States. The committee consider that \$1,500 was not an adequate compensation, but as his claim was not a strictly legal one, the committee have allowed this sum, thinking it might afford some small recompense to Mr. Darby.

Mr. BERRIEN. I am very desirous of voting for this bill. I know the very worthy man for whose benefit it is intended. If this Government has availed itself of his labors, it is proper that he should receive compensation for them, but I desire to be informed why it is that this claim is presented at this late day? Why it has not been presented before to the notice of this body? The Senator from Louisiana can probably give me that information.

Mr. DOWNS. I do not know any other reason than the fact that this gentleman, who is now very old, has been in previous portions of his life in a more prosperous situation, and did not feel the necessity of presenting the claim. There may be another reason. In the early history of this Government there were not very liberal appropriations made for surveys and maps. Recently the Government has been very liberal in this respect; and I think it was very natural, when Mr. Darby saw the thousands of dollars which were appropriated for the surveys in California and elsewhere, that he should think it right to come forward and claim some little compensation for much greater services, rendered at a much earlier period, in sections of the country of so much importance.

Mr. SHIELDS. I should perhaps do myself injustice if I did not say a word or two in favor of this claim. I know this old gentleman well. When I had the honor to be at the head of the land office he was one of the clerks. I examined the claim at the time, and I know it would never have been presented to Congress had it not been for his very dire necessity. I am satisfied that there is not a more worthy man presenting a claim to the Congress of the United States. I am also satisfied that he performed very great services for the country at that time, and that he even declined remuneration for them, for he was then wealthy, as has been stated by the honorable Senator from Louisiana. He was then in prosperity, and is now poor and old, feeble and disabled. I found him in office, and I was afraid then that he was not able to discharge its duties. But I retained him there, because I felt that to turn him out would be turning out an old and serviceable man, on the charity of a cold and unfeeling world. I shall vote for the claim, and shall be very sorry to see it rejected.

Mr. BRADBURY. I would gladly vote for this bill, but I cannot regard it in any other light than as a gratuity. Therefore, without going into the facts of the case I wish to record my vote against it.

The bill was reported to the Senate, and on the question of ordering it to be engrossed for a third reading.

Mr. FELCH asked for the yeas and nays; and they were ordered; and, being taken, were—yeas 29, nays 11; as follows:

YEAS—Messrs. Atchison, Badger, Borland, Bright, Brodhead, Clemens, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Fish, Geyer, Gwin, Hamlin, Houston, James, Jones of Iowa, McRae, Miller, Morton, Pratt, Rusk, Sebastian, Seward, Shields, Smith, Spruance, and Walker—29.

NAYS—Messrs. Bayard, Berrien, Bradbury, Felch, Hunter, Jones of Tennessee, King, Norris, Sumner, Wade, and Whitcomb—11.

BILLS PASSED.

The following engrossed bills were severally read the third time and passed:

A bill for the relief of Charles Melrose;
A bill granting a pension to Sally T. Floyd,

widow of George R. C. Floyd, late a Lieutenant Colonel in the Army of the United States;

A bill for the relief of Sidney S. Allcott;

A bill for the relief of the heirs of Judith Worthen, deceased; and

A bill authorizing Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 6, 1852.

The House met at twelve o'clock, m.

Prayer by the Chaplain, Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

VIRGINIA MILITARY LAND WARRANTS.

Mr. MILLSON, by unanimous consent, and in pursuance of previous notice, introduced a bill making further provision for the satisfaction of Virginia military land warrants; which was read a first and second time by its title, and referred to the Committee on Public Lands.

RECEPTION OF LOUIS KOSSUTH.

Mr. CARTTER, from the select committee appointed to wait upon Louis Kossuth and introduce him to the House of Representatives, submitted the following report; which was read, and ordered to lie upon the table:

The committee appointed for that purpose beg leave to report, that they will be prepared to introduce Louis Kossuth to the House of Representatives on Wednesday at one o'clock, p. m.; and would recommend ceremonies similar to the action of the Senate in the same case.

Mr. HALL asked leave to make sundry reports from the Committee on Public Lands.

Mr. HOUSTON objected, and called for the regular order of business.

The SPEAKER stated that the regular order of business was the call of committees for reports, and thereupon proceeded to call the committees for reports.

APPROPRIATION BILLS.

Mr. HOUSTON, from the Committee of Ways and Means, reported the following bills; which were severally read a first and second time by their titles, referred to the Committee of the Whole on the state of the Union, and ordered to be printed, viz:

A bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30th, 1853;

A bill making appropriations for the payment of invalid and other pensions for the year 1853;

A bill making appropriations for the payment of Navy pensions for the year ending 30th June, 1853; and

A bill for carrying into execution, in further part, the twelfth article of the treaty with Mexico of the 2d of February, 1848.

On motion by Mr. HOUSTON, it was

Ordered, That the Committee of Ways and Means be discharged from the further consideration of the petition of John B. Rogers, and that it be referred to the Committee of Claims.

On motion by Mr. HOUSTON, it was

Ordered, That the Committee of Ways and Means be discharged from the further consideration of the petition of Vincent Walker and others, watchmen of the Gosport navy-yard, asking for an increase of pay; and the petition of H. W. King, clerk of the naval constructor of the Gosport navy-yard, asking increase of pay; and that they be referred to the Committee on Naval Affairs.

PUBLIC PRINTING.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to report to the House some papers which have been referred to that committee by the Secretary of the Treasury, that the House may take the order that it considers necessary upon the subject. There is a letter from the public printer, Mr. Hamilton, and also one from the acting Secretary of the Treasury, calling upon the Committee of Ways and Means to pay for printing the annual estimates of the Secretary of the Treasury, which were laid upon

our tables some few weeks since. The Committee of Ways and Means do not conceive it to be their duty to investigate matters of printing. In the first place it seems to have been usual, as far as the committee can ascertain the facts, for the Secretary of the Treasury to pay for the printing of these annual estimates out of his own contingent fund for printing. He writes, however, that he has no fund out of which to pay it. The printer, it seems, has charged for the printing of the estimates as a job; he does not consider that it falls within the range and influence of his contract; and we were asked to make an appropriation to meet his account. We did not feel authorized to do so, for if the work went to the public printer as a part of the public printing of the House, then, in the opinion of the committee, it would fall within the range of his contract, and the rates of charge must be influenced and controlled by that contract. The matter was not, however, appropriately before the Committee of Ways and Means, nor could it be; and the committee therefore deemed it prudent to report the papers to the House, and let the House make such order as it might see fit upon the subject. I ask for the reading of the letters. I suppose that the Joint Committee on Printing would be the proper committee to which to refer them.

The letters in regard to the matter were then read.

Mr. HIBBARD moved that the papers be referred to the Committee on Printing.

Mr. GORMAN. It seems to me that this communication ought not to be so referred. It has been before that committee already, or at least it has been before one member of that committee. I have examined it myself, and I do not see what the Committee on Printing has to do with the auditing and settling of an account of the public printer. It seems that the Secretary of the Treasury had some printing done; the public printer presented his account to that officer for payment; the Secretary declined making the payment, alleging that he had no funds; the public printer then brought his account to me, and asked my opinion about it; and I told him—and, I believe, indorsed it on the back of the account—that, in my opinion, the Secretary of the Treasury was bound, under the law, to pay that account, or cause it to be paid. That the Committee on Printing should be compelled to make an auditor's office of itself in regard to the accounts of the public printer, is not, I apprehend, within the purview of the duties assigned to it. The Committee of Ways and Means have to devise ways and means for the payment of the debts of this nation. This matter has been referred once by the letter of the Secretary of the Treasury to that committee. It should go there now. They must find means to pay this account, if the Secretary of the Treasury has not the means of doing it. The Committee on Printing have no mode of ascertaining anything except whether the printing was done. That, I apprehend, is not in controversy. The only question in controversy is, how is the work to be paid for and the duty of ascertaining that, belongs certainly to the Committee of Ways and Means. The Committee on Printing do not want to have anything to do with the matter. It is not within the purview of the duties assigned to them. I am willing, however, to undertake any task which the House may impose upon me, and I have no doubt that I may say the same for the whole of the Committee on Printing.

Mr. HOUSTON. The gentleman from Indiana [Mr. GORMAN] I think misapprehends the force of my remarks. I have no doubt the House will see at once, after reading the letter from the Secretary of the Treasury, that there was a principle to settle, in connection with that account, before it could be paid by any committee. The Committee of Ways and Means did not refer it back to the House because they had not the ways and means of liquidating the debt, but because a principle was involved which they believed ought to be settled by some appropriate committee of this House before the Committee of Ways and Means should be called upon to make an appropriation.

Mr. HALL, (interrupting.) I rise to a point of order. I believe the gentleman from Alabama [Mr. HOUSTON] has already addressed the House once upon this subject, and according to our rules, he has no right to speak again so long as any other member wishes to speak upon the same subject.

Mr. HOUSTON. If the House do not want to hear me, of course I do not wish to press myself upon their attention.

The SPEAKER. The gentleman from Alabama having once addressed the House upon this subject, is not in order, if any other gentleman wishes to speak upon the same subject.

No other gentleman having claimed the floor, Mr. HOUSTON (resuming) said: I did not know that I was trespassing upon the patience of the House, or I should not have attempted to make any remarks upon this subject.

I was going on to say, that, in my opinion, the principle to be settled in connection with that account is one which ought to be settled by the Committee on Printing. It is their province to examine the contract with the public printer, and see whether, from the general scope and tenor of that contract, this account should not be embraced in it. If so, then the Committee on Accounts, if that is the appropriate committee, can pay it, or it may take such a direction as the House may choose to give it, that it may receive its liquidation. But unless the Committee of Ways and Means were satisfied what the proper charges were, and unless they were satisfied whether or not it should be included in the contract with the public printer, it is impossible for them intelligibly and satisfactorily to make an appropriation for its liquidation.

I am asked by some gentlemen around me how this printing has heretofore been paid for. A law was passed in 1846, providing that the Secretary of the Treasury should have prepared, printed, and laid upon the desks of the members, the first day of the session of Congress, annually, estimates of the appropriations required in that Department. The printing of those estimates has been paid for, as I understand it, out of the contingent fund of the Treasury Department, by the Secretary of the Treasury. I am not aware that it has ever before been referred to any committee of this House.

Mr. STEPHENS, of Georgia. At what rate has it been paid?

Mr. HOUSTON. I do not know what rate the Secretary of the Treasury has allowed for the work.

Mr. STEPHENS. What I wished to inquire was, whether this printing has heretofore been done at the contract, or job rates?

Mr. HOUSTON. I do not know what rates the Secretary of the Treasury has heretofore allowed. I presume, however, that it has been paid for at the job rates.

Mr. BAYLY, of Virginia. The printing of these estimates has heretofore been done under the law of Congress requiring the Departments to have the printing done by contract. I inquired of my friend from Tennessee, [Mr. JONES,] how the work has been heretofore done, but he says he has no means of ascertaining, and I do not know.

Mr. ORR. I am under the impression that, heretofore, the estimates of the Secretary of the Treasury have been printed by a printer other than the public printer of either House of Congress. It has been included in a class known in the last Congress as "Department Printing." It was never done by the public printer.

Mr. HOUSTON. That is the point which I was endeavoring to present, that heretofore, in carrying out the law of 1846, the Secretary of the Treasury has let out this, as a part of the printing of the Department, and has paid for it out of the contingent fund of that Department; and paid for it at the rates which he pays for his other printing. I suppose he has paid for it heretofore as a job, under the contract or arrangement, such as he has made with his printer. I believe, furthermore, with the gentleman from South Carolina, [Mr. ORR,] that in every instance heretofore the printing of these estimates has been done by some other printer than the public printer for either House of Congress.

I have nothing to do with the contingent fund of the Secretary of the Treasury. If he has exhausted that fund improperly, it is a matter which has to come before this House, when he gives us an account of his expenditures. If then the Committees on Expenditures of the various departments of the Government see fit to take up this subject, they can give us all the information which may be desired, but until then, we have no course left but to bring the matter before the House, that it may take such direction as the House may choose to give it. For the present, I do not see

how it can be disposed of otherwise than by referring it to some committee, for the purpose of settling the principle upon which the rate of compensation must be determined.

Mr. HALL. I rise for the purpose of moving the previous question. And I will say that my only object is to cut off debate. If any gentleman desires that I should make a motion to dispose of the matter, I will do it with the greatest pleasure.

Mr. FICKLIN. I would suggest to the gentleman from Missouri, [Mr. HALL,] that he move to refer this matter to the Committee on the Judiciary, with instruction that they settle the principle whether or not this account should come under the contract with the public printer.

Mr. HALL. I move that this matter be referred to the Committee on the Expenditures of the Treasury Department. And upon that motion I call for the previous question.

Mr. HIBBARD. I rise to a question of order. There was already a motion pending to refer this matter to the Committee on Printing.

The SPEAKER. That motion will not be cut off by the previous question.

Mr. HIBBARD. Will not that motion take precedence?

The SPEAKER. It will take precedence.

Mr. ORR. Mr. Speaker, I desire to say—

The SPEAKER. Debate is not in order pending the call for the previous question.

Mr. ORR. Then I move to lay the whole subject upon the table.

The question was put, and on division, there were—ayes 30, noes 74—no quorum voting.

Mr. CLINGMAN called for tellers; which were ordered, and Messrs. HAMILTON, and STEPHENS of Georgia, were appointed.

The question was then taken, and the tellers reported—ayes 10, noes 115.

So the motion was not agreed to, and the subject was not laid upon the table.

The previous question was then seconded, and the main question ordered to be put; which question was first on the reference of the subject to the Committee on Printing.

The question was taken, and decided in the affirmative.

REPORTS OF COMMITTEES.

Mr. SEYMOUR, of New York. The Committee on Commerce have instructed me to report to the House that in consequence of the large and increasing amount of business before them, they are in need of a clerk. They have, therefore, directed me to offer the following resolution:

Resolved, That the Committee on Commerce be authorized to employ a clerk at the usual rate of compensation.

Mr. JONES, of Tennessee. I think that it is unnecessary for that committee to have a clerk. I move, therefore, to lay the resolution upon the table.

The question was taken, and the resolution was laid upon the table—ayes 82, noes 46.

Mr. WALSH, from the Committee on Commerce, to which was referred the petition of certain owners of the Swedish barque Ulrica, reported "a bill to admit a certain vessel to registry," which, having been read a first and second time by its title—

Mr. WALSH expressed the hope that the bill would be read through and put upon its passage. The vessel was now lying in the harbor of Charleston, ready for sea.

The bill was read through, and then ordered to be engrossed and read a third time; and having been engrossed, it was read a third time and passed.

On motion by Mr. HALL, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the petition of William S. Grayson and other settlers on the Maison Rouge Grant; the petition of Samuel Gladney; the petition of William B. Ross, and other citizens of Columbia county, Florida; and that they be referred to the Committee on Private Land Claims.

On motion by Mr. HALL, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of resolutions of the public meeting of the citizens of Shelbyville, Indiana, on the subject of grants of the public lands, and against the assignment of land warrants issued under the act of September 28, 1850, and that they be referred to the Committee on Agriculture.

Mr. HALL also, from the same committee, reported "A bill in relation to a certain lot of land

in the town of Gnadenhutzen, in the State of Ohio;" which, having been read a first and second time by its title, he moved that it be put on its passage.

Mr. H. said: I only wish to say in reference to this bill, that by an act of Congress in 1824, a lot of ground, about one acre in extent, was granted to this town for the purpose of a market square. The inhabitants of the town have now become so few in number that they no longer need the ground for a market square, and they ask that they may be permitted to use it for other purposes. The United States have no use for the ground at all.

The bill was then ordered to be engrossed and read a third time; and, having been engrossed, was read the third time and passed.

Mr. MOORE, of Pennsylvania, from the Committee on Public Lands, made an adverse report on the petition of William Fisher and Solomon Wood; which was ordered to lie on the table and be printed.

Mr. HENN, from the Committee on Public Lands, to which was referred House bill No. 27, to relinquish to the State of Iowa the lands reserved for salt springs therein, reported back the same to the House without amendment and with a recommendation that it do pass; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. RANTOUL, from the Committee of Claims, reported a bill for the relief of the Orange and Alexandria Railroad Company; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. McMULLIN, from the Committee on Agriculture, reported back with an amendment the bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified; which was read a first and second time by its title.

Mr. McM. I am instructed by the Committee on Agriculture to move that the bill be referred to the Committee of the Whole on the state of the Union, printed, and made a special order of the day for the first Tuesday of February next.

Mr. COBB. I suggest to the gentleman from Virginia [Mr. McMULLIN] an amendment, that it be considered from day to day until disposed of.

Mr. McMULLIN. That is part of the instructions under which I act.

Mr. STEPHENS, of Georgia. I rise to a point of order. The bill cannot be made the special order without unanimous consent.

The SPEAKER. It requires a suspension of the rules. It cannot be made a special order unless by unanimous consent.

Mr. McMULLIN. I am not at liberty to depart from the instructions of the committee; but if it be the pleasure of the committee and of the House, I will move that the bill be printed and referred to the Committee of the Whole on the state of the Union, and made a special order of the day for the first Tuesday of February next, and so continue from day to day until disposed of.

The SPEAKER. The Chair has stated that the motion to make this bill a special order cannot be entertained, it being objected to on the left of the Chair.

Mr. JOHNSON, of Tennessee. I understand that the gentleman from Georgia [Mr. STEPHENS] withdraws his objection, and it can be made a special order of the day by unanimous consent.

Mr. COBB. I suggest to the gentleman from Tennessee [Mr. JOHNSON] that it should go to a Committee of the Whole House, and not to the Committee of the Whole on the state of the Union. If it goes there we shall never hear of it again.

Mr. JOHNSON. I am in hopes the objection will be withdrawn. There will be ample time, and the bill can come up and be considered in its proper place.

Several MEMBERS. "I object."

Mr. COBB. I desire that the gentleman from Virginia [Mr. McMULLIN] will consider whether the bill should not go to a Committee of the Whole. I have never known a bill considered in the Committee of the Whole on the state of the Union in my life.

Mr. McMULLIN. I accept of the modification of the gentleman from Alabama, [Mr. COBB.]

Mr. JONES, of Tennessee. If this bill be committed to either committee, it certainly should go to the Committee of the Whole on the state of the Union. It is a general bill—one not in the nature of a private claim, but proposes to dispose of a large portion of the public domain of the country; and it is one which will suggest itself to every member of the House as proper to go the Committee of the Whole on the state of the Union. I submit that motion.

Mr. McMULLIN. I have no authority to act for the committee, but so far as I am individually concerned as a member of the committee, and of this House, I would accept the proposition of the gentleman from Tennessee, [Mr. JONES.]

Mr. BROWN, of Mississippi. Before the question is taken upon the motion to print, I desire to give notice of my intention to introduce an amendment, which I ask to have included in the motion to print, that it may be printed along with the bill.

The question was then taken, and the bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed, together with the amendment offered by Mr. Brown.

Mr. BISSELL, from the Committee on Military Affairs, made an adverse report upon the memorial of James Rogers, asking compensation for the loss of a horse by his son, who was killed in Mexico; which was ordered to lie upon the table and be printed.

Mr. B. also, from the same committee, reported a bill for the relief of Edward Everett, late surgeon in the United States Army; which was read a first and second time by its title, referred to the Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. WILCOX, from the Committee on Military Affairs, reported a bill entitled "An act for the relief of David C. Cash and Giles U. Ellis; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

On motion by Mr. FLORENCE, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the petition of Benjamin Holbrook, asking for a revision of the decision of the Board of Commissioners on Mexican Claims, and that the same be referred to the Committee on the Judiciary.

On motion by Mr. BURROWS, it was

Ordered, That the Committee on Naval Affairs, to which was referred the petition of Ira Baldwin, praying for the payment of a balance due him on a contract with the Navy Department, be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

On motion by Mr. MILLSON, it was

Ordered, That the Committee on Revolutionary Pensions, to which was referred the petition of Jesse French, of Braintree, asking for a pension; and the petition of Cornelius Ziely, asking for a back pension, be discharged from the further consideration of the same; and that they be severally referred to the Committee on Invalid Pensions.

Mr. JOHNSON, of Ohio, from the Committee on Invalid Pensions, reported a bill for the relief of John W. Robinson; which was read a first and second time by its title, referred to a committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. HARRIS, of Tennessee, from the Committee on Invalid Pensions, reported bills for the relief of Gardner Herring and Silas Chapman; which were severally read a first and second time by their titles, referred to a committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

On motion by Mr. HARRIS, of Tennessee, it was

Ordered, That the Committee on Invalid Pensions, to which were referred the petition of John Gallagher, for an invalid pension; the petition of Alexander Estep, praying for a pension from the time he was disabled in the war of 1812, to the time he was placed on the pension list; and the petition of L. L. Gaines, praying for arrears of pension, be discharged from their further consideration, and that they be severally ordered to lie on the table to be printed.

Mr. H. also, from the same committee, to whom was referred the bill concerning invalid pensions, reported the same back to the House, with a recommendation that it do not pass.

He moved that it lie upon the table; which motion was agreed to.

Mr. ST. MARTIN, from the Committee on Invalid Pensions, reported a bill for the relief of

Philip Miller; which was read a first and second time by its title, referred to a committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Also, from the same committee, made adverse reports upon the petitions of John Concklin and Richard L. Jones, for increase of pensions; which were severally ordered to lie upon the table, and be printed.

Mr. KUHNS, from the Committee on Invalid Pensions, made an adverse report in the following cases; which were ordered to lie on the table and be printed, viz:

On the petition of Edward Quin for a pension;

On the petition of Mary Wright, of Conneaut, Ohio, for a pension; and

On the petition of William Batchelder for a pension.

Mr. K. also, from the same committee, reported two several bills for the relief of Albro Tripp and Joseph Johnson; which were read a first and second time by their titles, referred to Committees of the Whole House, made the order of the day for to-morrow and ordered to be printed.

Mr. EASTMAN, from the Committee on Invalid Pensions, reported two several bills for the relief of Robert Milligin and Sylvanus Blodgett; which were read a first and second time by their titles, referred to Committees of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. E. also, from the same committee, made adverse reports in the cases of Benjamin Holland, Hugh Wallace Wormly, and Mary Prettman, praying for pensions; which were severally ordered to lie on the table and be printed.

Mr. MOLONY, from the Committee on Invalid Pensions, made two several adverse reports in the cases of Sarah Smith for a pension on the ground of the services of her husband, Elba Smith; and on the bill for the correction of an error in the pension of Orris Crosby; which were ordered to lie on the table and be printed.

Mr. M. also, from the same committee, reported two several bills for the relief of Amos Knapp and Artemas Conant; which were read a first and second time by their titles, referred to Committees of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

On motion by Mr. M., it was

Ordered, That leave be granted to withdraw the papers of James W. Low from the files of the House, for the purpose of reference in the Senate.

Mr. STUART, by unanimous consent, introduced the following resolution; which was read, considered, and adopted:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of erecting spindles and placing buoys upon the "Muscle Ridges," on the coast of Maine; and that the said committee be authorized to take from the files of the House any papers showing the necessity of erecting spindles and placing buoys upon said Muscle Ridges.

Mr. BERNHISEL. I rise and protest against the publication by the returning officers of the United States for the Territory of Utah, on their return, in Missouri papers, and now in the *New York Herald*, and before it is communicated to Congress, of a report, extraordinary in its details, of high crimes and misdemeanors, and calculated, if not intended, to prejudice and render odious a distant and dependent people, and to involve them in inexplicable difficulties with the General Government. I ask for them a suspension of public opinion—of executive and legislative action—until the truth can be elicited touching the grave charges contained in an *ex parte* report.

Mr. CARTER. I wish to inquire of the Delegate from Utah whether he himself did not procure that publication, and cause it to be sent to the *New York Herald*; and whether it is not a garbled report of the Utah affairs?

Mr. BERNHISEL. I reply that I did not furnish, or cause it to be furnished.

Mr. CARTER. My information is, that the gentleman from Utah is the only person who has had access to the documents in the Department, and that there is reason to suppose that he caused the communication in the *New York Herald* (which is a garbling of the report) to be sent to that paper. If that is the case I should like to see an investigation had.

Mr. BELL. I ask leave to introduce a bill, of which previous notice has been given.

Mr. STEPHENS, of Georgia. I insist upon going through with the call for reports.

Mr. BELL. I would not have asked leave for the purpose indicated, had I not supposed that the call upon committees had been gone through with.

Mr. RICHARDSON. I desire to propound a single question to the Chair. I want to know if there is upon the Speaker's table a communication from the President in answer to the resolutions of inquiry introduced by the gentleman from North Carolina, originating from the Committee on Territories, in relation to the matter just spoken of? If there is, I ask the unanimous consent of the House that it may be referred to the Committee on Territories, that they may get possession of the question before it is judged of by the public.

A MEMBER. Regular business is not yet through with.

The SPEAKER. There is a communication on the Speaker's table.

Mr. RICHARDSON. I will wait until we get through with the regular business.

Mr. MARSHALL, of California. I ask the unanimous consent of the House to introduce a resolution.

It was read for information by the Clerk, as follows:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the practicability and expediency of providing water by tanks, wells, or otherwise, upon the following routes to California: From Red river via El Paso del Norte, the mouth of the Gila, to Los Angeles; from Independence via the South Pass to Sacramento; from Independence, via Salt Lake and Humboldt's river, to Sacramento.

Mr. STEPHENS, of Georgia, objected.

Mr. HAMMOND, from the Committee on Engraving, made the following report, viz:

The Committee on Engraving recommend to the House the adoption of the following resolution:

Resolved, That the Committee on Engraving be, and they are hereby authorized to contract for lithographing or engraving eleven (11) maps accompanying the President's message, provided the cost shall not exceed four thousand dollars; and four maps accompanying the report of the Secretary of War, showing the positions of the fortifications of the country, provided the cost shall not exceed seven hundred dollars.

And the committee further report, that there are a large number of plates accompanying the President's message, showing plans for the construction of buildings in navy-yards, and for such like purposes, which they do not propose to have published.

Mr. GORMAN moved to lay the resolution upon the table.

Mr. FOWLER demanded tellers; which were ordered, and Messrs. FOWLER and HAMMOND appointed.

The question being taken, the tellers reported—ayes 73, noes 46.

So the motion was agreed to.

Mr. CLINGMAN. I rise to a privileged question. I voted upon the last motion under a misapprehension, and therefore move to reconsider that vote. I do not desire that it shall come up now.

Mr. MARSHALL, of Kentucky, moved to lay the motion to reconsider upon the table; which question was put and agreed to.

Mr. STANTON, of Kentucky, moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up and considering the bill authorizing the Architect to continue in employment the workmen engaged on the additions to the Capitol.

Mr. BAYLY, of Virginia. I will request my friend to withdraw that motion, until we can get off the table some Executive communications which ought to be referred. There is one I want to get myself. It will take but a few minutes.

Mr. STANTON withdrew his motion.

THE CUBAN PRISONERS.

The SPEAKER laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

I transmit to the House of Representatives a report of the Secretary of State, relative to the persons belonging to the expedition of Lopez, who were taken prisoners in Cuba, and afterwards sent to Spain, and who have now been pardoned and released by her Catholic Majesty. The appropriation, the expediency of which is suggested in the report, I cordially commend to the consideration of Congress, with the single additional suggestion, that to be available it should be promptly made. MILLARD FILLMORE.

WASHINGTON, January 5, 1852.

[The communication from the Secretary of State covers the dispatches of the 12th ultimo, from Mr.

Barringer, the minister of the United States at Madrid, announcing the pardon and release of the prisoners taken in Cuba. It also recommends an immediate appropriation for the purpose of paying the expense which may have been, or may be incurred in administering to the necessities of those persons while in Spain, and until their return to the United States; and represents their condition as forlorn and deplorable.]

On motion by Mr. BAYLY, of Virginia, it was referred to the Committee on Foreign Affairs, and ordered to be printed.

LIBRARY OF CANADIAN PARLIAMENT.

The SPEAKER also laid before the House the following communication from the President of the United States; which was read, viz:

To the House of Representatives of the United States:

I transmit to the House of Representatives a copy of the resolution adopted by the Legislative Council of Canada, together with the copy of the note by which the resolution was communicated to this Government, expressing the satisfaction of that council at receiving intelligence of certain donations in aid of the reconstruction of the library of the Canadian Parliament. MILLARD FILLMORE.

WASHINGTON, January 2, 1852.

REPORT ON THE FINANCES.

The SPEAKER also laid before the House the annual report of the Secretary of the Treasury on the condition of the finances; which was referred to the Committee of Ways and Means, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Navy Department, transmitting a memorial addressed to the President of the United States by the petty officers, seamen, and marines attached to the United States squadron in the Pacific ocean, asking for increase of wages for the time they have served, and may serve faithfully in cruising in our vessels of war upon the western coast of America, and the islands adjacent. The Secretary of the Navy, in his communication, unhesitatingly recommends such additional compensation be granted to the petty officers, seamen, and marines, who served in the Pacific ocean and upon the coast of California, during the late war with Mexico, and until the present time, as Congress in its wisdom may deem just and proper. Referred to the Committee on Naval Affairs.

Also, a communication from the Secretary of the Territory of Minnesota, (Mr. Alexander Wilkins,) transmitting, in accordance with the provisions of an act to establish the territorial government of Minnesota, a copy of the laws of Minnesota Territory, passed at the last session of its Legislative Assembly, and of a code of laws adopted at the same session.

The SPEAKER stated that he had had the communication in his possession for several days past, but as yet has not received the documents referred to.

On motion by Mr. RICHARDSON, the communication was laid upon the table.

Mr. STEPHENS, of Georgia, asked the unanimous consent of the House to take up the resolution of the gentleman from California, [Mr. MARSHALL,] to which he had objected.

There being no objection, the resolution was considered and adopted.

Mr. HASCALL asked to introduce a bill, of which previous notice had been given, authorizing the names of certain widows of revolutionary officers to be placed upon the pension roll.

Mr. CABELL, of Florida, objected.

THE CALIFORNIA MINT BILL.

Mr. MARSHALL, of California. I desire, if it is in order, and I know it used to be, to make an inquiry of the chairman of the Committee of Ways and Means as to the reasons why the bill has not been reported back to the House for the establishment of a branch Mint in California?

The SPEAKER. The courtesy of the House has usually allowed such interrogatories.

Mr. MARSHALL. It simply accords him a right he ought to have.

Mr. HOUSTON. In reply to the question of the gentleman from California, I have only to say, that the Committee of Ways and Means have not acted upon the subject of a Mint at California or at New York. They have not yet taken up that subject. They have been engaged with other matters for a portion of the time. Some of the committee have been out of the city, and we could not get a quorum. For the last ten or twelve days I

have been unable to come either to the committee or the House; hence we have not been able to take up the subject.

MEXICAN INDEMNITY.

Mr. HOUSTON. I now move the rules be suspended, and that the House go into Committee of the Whole on the state of the Union, for the purpose of taking up the bill reported from the Committee of Ways and Means to-day, making an appropriation to carry into execution the 12th article of the treaty with Mexico.

The question being taken, on a division there were—ayes 18, noes 28; no quorum voting.

Tellers were demanded and ordered; and Messrs. ROBBINS and CALDWELL appointed.

The question being taken, the tellers reported—ayes 102; noes not counted.

So the motion was agreed to, and the House resolved itself into Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

The CHAIRMAN stated that, under the decision of the committee heretofore, the resolution of the gentleman from Ohio [Mr. CARTTER] comes up first as the unfinished business.

Mr. CARTTER, with the unanimous consent of the House, withdrew his motion.

THE PRESIDENT'S MESSAGE.

The CHAIRMAN stated that the next business in order was the resolution of the gentleman from Alabama proposing to refer to the standing committees the President's annual message.

Mr. STANTON, of Kentucky, moved that the message be laid aside.

The question was put and the motion was disagreed to.

The CHAIRMAN stated that the question immediately pending was the motion of Mr. SEYMOUR, of New York, to amend the 8th resolution, by inserting before the word "harbors" the words "rivers and."

The 8th resolution proposed to be amended was read, as follows:

8. That so much of said message as relates to commerce, the improvement of harbors, reciprocal trade between the United States and Canada, and other British possessions near our frontier, be referred to the Committee on Commerce.

Mr. ROBINSON. The House need not apprehend that it is my purpose to detain them very long. Standing, as I do, at the head of the Committee on Roads and Canals, I feel it my duty, however, to say a few words in opposition to this amendment and in reply to the gentleman from New York, [Mr. SEYMOUR,] the chairman of the Committee on Commerce, who offered it. The Committee of Ways and Means, as the House will observe, when they reported these resolutions to the committee, it was with a view of parcelling out and referring the President's message, and have referred so much of the President's message as relates to rivers to the Committee on Roads and Canals. The gentleman at the head of the Committee on Commerce desires that all that relates to the subject of rivers should go to his committee. I am aware, as the gentleman from New York [Mr. SEYMOUR] stated, that it has been the practice—an improper one, I think, however—for a very few years past, to send everything relating to rivers to the Committee on Commerce. To show that it is an improper practice, allow me to read the 98th rule:

"It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient."

The rule in reference to the Committee on Commerce makes no reference whatever to the improvement of the navigation of rivers. The practice has grown up within a few years past, of making this Committee on Commerce a kind of reservoir, that has drawn into its vortex everything of this nature. The consequence has been, that they have reported what are termed omnibus bills like the one reported and passed by this House at its last session, and which fell in the Senate. Now, if this House, composed as it is of a very large majority of Democratic members, will carry out the principle—one of the fundamental principles of the party, as I think—and if they will undertake to break up this system of omnibus bills, they will then pursue that course of legislation which will

make all those measures relating to harbors and rivers stand as much as possible each upon its own merits, so that the meritorious and unmeritorious will not be thrown together and the whole be defeated. The gentleman from New York took occasion the other day to remark, that so far as he had examined, it had been the uniform practice to refer these matters to the Committee on Commerce. In this he was mistaken, as it is a very modern practice. And if he will examine the resolutions parcelling out the President's message back seven, eight, or ten years, he will find, that no resolutions have been reported by the Committee of Ways and Means, referring the subject of the navigation of rivers to the Committee on Commerce. I say it is a new notion, grown up within the last few years, since omnibus bills have become fashionable; and since they have become so, no appropriations have been made for anything whatever. I do not recollect a single omnibus bill that has become a law, except the one under Mr. Tyler's administration, in 1843-'4, I think. There were two or three passed under Mr. Polk's administration, all of which he vetoed, and properly too. In 1831 the 98th rule of the House was inserted in your general rules, under the administration of General Jackson; and a committee was then raised with the special view of taking into custody and charge the subject of the navigation of rivers. That was the reason why the committee was raised, and it is the only important subject that is referred to them at all.

There is another view of this question, to which I wish to call the attention of gentlemen coming from the Northwest. Those of us who live in the Northwest know that it is the habit there, particularly with our political opponents, to charge upon us that while we vote large appropriations for the harbors upon the Atlantic coast, we always overlook the great West. Now, I wish to ask those who should feel an interest in the prosperity of the great West, to turn to the list of committees and see who compose the Committee on Commerce. Now, I will be the last man in the House to intimate a want of proper confidence in that committee; but committees are always raised with reference to the subjects referred to them: They are raised so as to represent the various interests involved. Let us see how many upon the Committee on Commerce come from the great Northwest, comprising thirteen States of this Union, and in which we find nearly all the great rivers of the Union. The first gentleman on the committee—its chairman—is from New York; the second from Tennessee; the third from Georgia; the fourth from Maine; the fifth from Massachusetts; the sixth from Pennsylvania; the seventh from Louisiana; the eighth from South Carolina; and the ninth from Maryland. Not a solitary man from one of the great States of the Northwest. Now, I would not have it inferred that I impute anything improper to the Speaker in the organization of this committee. I presume the Speaker followed the rule, and had it in his eye, when he appointed the committee; and seeing that the Committee on Commerce could properly have under its jurisdiction only those cases relating to our foreign commerce—there was nothing in the rules referring the subject of the navigation of rivers to them—he very properly formed the committee so as to represent the great commercial points on the sea-board. When he formed the Committee on Roads and Canals, he took gentlemen who resided, to some extent at least, upon the great rivers of the country, so as to have them represented.

I wish to note another fact here. I have stated that since this idea of making omnibus bills has become fashionable, bills of any character making appropriations for what are termed internal improvements, have generally failed. I have stated also that prior to this practice under the administration of General Jackson, when this Committee on Roads and Canals was first authorized, it was common for the western waters to get appropriations, and that bills making appropriations for these waters did not come from the Committee on Commerce, nor was it ever thought then that the power to make appropriations for purposes of this kind was to be found in that part of the Constitution which speaks of regulating commerce. If I were to look into the Constitution to seek for power upon the part of this Government to make such appropriations, that clause would be the very last to which I would refer.

I will not stop, however, to argue the constitutional question. Personally, as a matter of course, it can be of very little interest to me where this subject is referred. It will relieve me of a good deal of trouble if it goes to the Committee on Commerce. I only feel it my duty, however, to make this statement to the House, being placed in the position where I am, because I am friendly to appropriations for the improvement of the navigation of the great rivers of the country. To some extent, I say that I am friendly to such appropriations. I am not inimical to appropriations for harbors, when they come within what I deem the constitutional rule.

I warn northwestern gentlemen who feel a solicitude upon this subject, that if all these measures go to the Committee on Commerce, no bill can find its way through this House. While I would approve of a great many of the objects named in the bill of the last Congress, I will never vote for an omnibus of such a character as that one was. I promised not to detain the committee. They have the question now before them, whether they will follow the rules giving one of their standing committees jurisdiction over the subject, and which the rules say belongs to it; or whether they will allow the Committee on Commerce to usurp it.

Mr. SEYMOUR, of New York. I will only say a few words by way of reply to the gentleman from Indiana, [Mr. ROBINSON.] I think that gentleman has labored under a mistake in reference to the course of practice upon this subject. I concede that the rule to which he has alluded—the 98th rule—refers not only matters relating to roads and canals, but those which may relate to the improvement of rivers, to the Committee on Roads and Canals. I think he will look in vain, in the practice of this House, from the period when that rule was established, down to the present time, to find a single instance, when, either by a resolution of this House referring the President's message, or otherwise, the committee has had referred to it the consideration of the improvement of the rivers of the country. And I think he will also find, as a matter of fact, no such bill for the improvement of the navigation of rivers has ever emanated from the Committee on Roads and Canals. This, in my apprehension, has arisen from the very reason which was at the foundation of the committee designated now as a Committee upon Roads and Canals. If the committee will look at the facts and circumstances which attended the original organization of this committee, I think they will see a good reason which has influenced our predecessors, and which should influence this House in departing from the strict language of the rule, and adhering to the settled practice of the House upon this subject. This 98th rule, to which the gentleman has referred, the committee will see was incorporated in our rules in the year 1831, now twenty years ago. Previous to that time, and at that very session, there existed a select committee upon the subject of internal improvements. It was distinctly and emphatically an internal-improvement committee, organized and operating for the purpose of carrying out that great system of internal improvements which then occupied the public mind in this country—a system which had extended so far, that at the time when General Jackson interposed by his veto upon the Maysville road bill, there were reported ready for action by this House, bills involving the expenditure of more than \$100,000,000. This system had grown up in this way. It had been fostered by the action of the Internal Improvements Committee. General Jackson's doctrine incorporated in his veto altered the course of things upon this subject, and a new doctrine was established, which was followed up by another message returning a bill which had passed Congress in the year 1832; and declaring that the true line of distinction should be, whether the works for which these appropriations were made were national or merely local in their character. At the session of 1832, for the first time, a Committee on Roads and Canals was appointed, and to that committee was referred, under the general reference of topics in the President's message, all the subjects that related to the internal improvements of the country, so that this committee was really a substitute for and incorporation of the select committee, formerly known as the Internal Improvements Committee, and occupied its place

precisely, both in its character and the subjects which were referred to it. If you will take the trouble to look at the debates that occurred upon the motion to appoint this Committee on Roads and Canals, and the vote also that was first taken, you will find that the measure was sustained by the internal improvement party of this country, sustained and advocated upon this floor, and voted upon and carried by them by a majority of six votes.

I am right, therefore, in the assumption, that this Committee on Roads and Canals, in its organization, was essentially an internal improvement committee. Now, what is the reason that since the first organization of this committee by our predecessors down to the very last House that preceded us, the subject of the improvement of our large rivers—though in some cases the reference has not been specifically made on the subject—has been referred to the Committee on Commerce—to the same committee to which the subject of the improvement of harbors has been referred, and the general matters pertaining to commerce? I think it is clearly seen that it has, because the policy of this Government has changed in this respect, and we have put ourselves, since that period, upon the ground of appropriating only for national objects, and have left entirely this whole system of internal improvements, as a system, to be carried out under the auspices of the National Legislature. That being so, the Committee on Commerce has properly had under consideration all matters relating to the commerce of the country—to its foreign commerce—to the improvement, protection, and maintenance of that commerce, so far as a national legislature ought to interpose. It has been the national power that has been exerted for the purpose of supporting and sustaining the national commerce, whether that commerce shall be found upon the Atlantic coast, upon the Gulf of Mexico, the Pacific, or upon the great rivers of this country. That has been, I affirm, the settled practice of this House for the last twenty years.

Mr. CARTER. With the permission of the gentleman, I will make an inquiry. Does the gentleman understand that the structure of the committee confines it to appropriations for the improvement of harbors opening out upon foreign commerce alone? I wish to ascertain that fact, with a view to the harbors upon the lake, and of determining my vote.

Mr. SEYMOUR. I will say, in reply to the gentleman from Ohio, [Mr. CARTER,] that the Committee on Commerce have not as yet had this subject under consideration, for the reason that this question has been a pending question; and for another reason, also: Many of the committee have been out of town, and their opinions could not be ascertained. It would be improper in me to commit any gentleman to any precise line of action upon this subject; but as for myself, I am willing to say, that I think the true ground which should be taken by this House upon this subject, is the one which was marked out in the Maysville Veto Bill, and reaffirmed in the subsequent message of President Jackson, to which I referred.

We should report to this House, and this House should pass such a bill in relation to these works—many of which have been already fostered by Government and received very large expenditures, but now going to decay—as will sustain them. If there are new points at which the commerce of the country, in its most enlarged sense, which needs to be fostered and sustained, they should also receive proper appropriations for their protection. I am as much opposed as the gentleman who preceded me to what he terms an omnibus bill. I do not wish to be the organ of a committee, to present to this House a bill that shall not have in itself intrinsic merits—merits such as this House shall approve—such as our constituents shall approve, and upon which we can fairly stand before the country, and not by such strength as is to be derived merely from appropriations for the purpose of carrying out and subserving local interests. Thus much I feel prompted now to say.

Before I sit down I ought to advert briefly to a topic to which the gentleman has alluded, and that is, the construction of the Committee on Commerce. For my part, in relation to these matters of great national concern, I have not been disposed to scan closely the locality of gentlemen who

might compose the committees. I had hoped that gentlemen who were placed upon important committees of this House would act, as I have no doubt they will, feeling that they represent every portion of this nation, so far as their action upon the committees of the House is concerned. I am not to see whether a man comes from the North or South, from the East or West, to judge of him in advance and determine whether he shall be favorable or unfavorable to any particular policy. I may wish to advance by the action of a committee. I hope and believe that such will not be the judgment of this House, either as respects the Committee on Commerce or any other committee.

Let us go a little into particulars upon this subject, as the gentleman has, and denote the residences or cities from which the members of that committee have been selected. He has appealed to gentlemen from the Northwest in reference to their interests; and he said that no gentleman connected with or having any interest in the trade or commerce of that part of the country was to be found on the Committee on Commerce. If he will look at that committee, he will find a gentleman, [Mr. ST. MARTIN,] as far as his State is concerned, whose locality is at the mouth of the Mississippi river—a river upon which floats the great commerce of the West—a river upon which, and its tributaries, large appropriations are needed for the purpose of protecting that commerce. I have no doubt the interests of that quarter of the country, if they are to be represented by that gentleman, will be safe in his hands. If he will look at another State upon the western side of the mountains, he will find upon that committee the gentleman from Tennessee, [Mr. JOHNSON,] an old and experienced member; and surely a gentleman coming from that quarter is safely to be intrusted, not only with the interests of his own State, but with all the interests that might pertain to the commerce of the great valley. He will find also another gentleman [Mr. ROBBINS] representing the State of Pennsylvania, whose trade and commerce extend to one of the great western lakes, and finds its outlet upon the river nearest us. Finally, (and the committee will pardon me—the Speaker has been pleased to place me upon that committee. The State of New York, which I have the honor in part to represent, has an interest as deep and abiding in the source of the prosperity and trade of the great Northwest, as any State in this Union. The river upon which I reside—the Hudson river—is the great outlet of all that commerce scattered over the extreme Northwest, brought down through the Erie Canal and other avenues, and all concentrating in our great commercial emporium. It is needless—it would be improper for me to say, to what extent I would be willing to go to foster that trade. Suffice it to say, that I feel that my constituents have a deep and abiding interest in it, and as far as constitutional power will permit the House to go, in my judgment, on this subject, I shall be disposed to go for all necessary protection of that interest.

I have been constrained to go thus minutely into this matter from the course which the gentleman from Indiana [Mr. ROBINSON] has taken. I do not wish to detain the committee by a discussion of the vexed question of internal improvement. The whole matter will come up before the committee when a bill shall be presented. I would rather that that bill should be judged of by its own merits, than to have it forestalled here by the suspicions of any gentleman. I will merely say now, that it must be obvious to the gentlemen of the committee that this whole interest of internal improvement which relates to the commerce of the country, whether that commerce be upon the seaboard or upon the northern lakes, or upon our larger rivers, is almost identical. They are connected together, and the power that acts upon one should act upon them all. As I said when I had the honor of presenting my amendment, these improvements, in many cases, are themselves connected together. By the resolutions presented by the gentleman from Alabama [Mr. HOUSTON] you grant power to the Committee on Commerce to report appropriations for harbors, and you grant to another committee—the Committee on Roads and Canals—power to report appropriations for rivers that enter into those harbors, when the very constructions, in many instances, which you propose to erect for the protection of your commerce, are connected together.

The experience of our legislation for twenty years past has sanctioned the reference of this whole subject to the Committee on Commerce, as the appropriate power that should act upon it; and I hope that the practice, thus uniformly followed, will be adhered to by this House. The chairman of the Committee of Ways and Means, of the last House, reported a resolution similar to this, separating the improvement of rivers from the improvement of harbors, and referring the former to the Committee on Roads and Canals, and the latter to the Committee on Commerce. After discussion, that resolution was negatived, and the whole subject sent to the Committee on Commerce. That is the most recent action upon the subject, and I hope that the example of our predecessors will be followed by this House.

Mr. SUTHERLAND. I have heard no good reason assigned, in the course of this discussion, why this subject of the improvement of rivers should be taken from the Committee on Roads and Canals and sent to the Committee on Commerce. Two reasons have been given: one relates to the policy and the constitutional right of Congress to make these appropriations, and the other to the necessary connection existing between the two subjects—the improvement of rivers and the improvement of harbors. The policy of these appropriations for the improvement of rivers and harbors, and the constitutional right to make them, are questions to be discussed when the bill is reported to the House. But to say that those are appropriate considerations in deciding to which committee the subject shall go, is assuming a knowledge on the part of the House, of the feelings and opinions of the committees, which I think ought not to be assumed.

My colleague [Mr. SEYMOUR] says that rivers and harbors have a necessary connection, and relate to the commerce of the country. I would ask what thing is not connected with commerce? Is a river or harbor necessarily more connected with the subject of commerce, than agriculture is? Without exports, you cannot have commerce, and without grain and other produce, you cannot have exports. Is it any more connected with commerce than naval architecture is? Without ships, you cannot have commerce. Is it any more connected with it than astronomy? You cannot navigate a ship without the north star. Is it any more connected with it than electricity and magnetism? You must have a compass.

Why, according to that argument, the Committee on Commerce might claim that all matters and subjects relating to the arts and sciences, should be referred to them. I am myself a member of the Committee on Roads and Canals, but I am not so extravagantly fond of cold water, as to desire to have jurisdiction not only over rivers and canals, but also over the ocean. For myself, I would quite as lief get rid of the labor of taking up this subject, which will probably be a very laborious one, but I have had the pleasure of meeting our committee once or twice, and have a very high respect for our chairman. I know his intelligence and ability to take charge of this subject, and as the rules expressly assign this duty to us, I hold that it should be so referred.

Now I have had no experience in legislation, but permit me to ask whether—even if the precedents to which the gentleman has referred do exist—the practice of three or four sessions is to override the rules of the House, one of which expressly says that it shall be the duty of the Committee on Roads and Canals to take this subject into consideration.

There is another reason why this amendment ought not to prevail, and I mention it with all possible respect to the chairman of the Committee on Commerce. But I say that when the chairman of a committee appeals to this House, to refer to that committee a subject which is not before them, it is presumptive evidence that the subject ought not to be committed to them. Why? Because the very anxiety to get hold of the subject authorizes the presumption, that there is an opinion already formed; and certainly it is for the good of the country, that subjects should be referred to committees who, when they take hold of them, are entirely impartial and unbiased.

But I have yet another reason for opposing this amendment. I have a great respect for the Speaker of this House; and when he appointed these committees he had the rules before him, and knew the

duties assigned to the different committees by these rules. And why did he put me on the Committee on Roads and Canals, and my colleague on the Committee on Commerce? Not certainly because, being taller than my colleague, I could perhaps touch bottom in the ocean as well as in the shallow rivers better than he could; for, as the poet says:

“The mind’s the stature of the man.”

When the Speaker appointed these committees, he inquired not only with regard to the general standing of gentlemen, but also as to their intellectual stature. I have no doubt, that in compliance to the high intellect of my colleague, [Mr. SEYMOUR,] he gave him the broad ocean, the great ships, the great steamers, and the whole commerce of the country, whilst he gave to me and my colleagues on the committee—being men of less intellectual stature—the shallow rivers and the little muddy canals. And we want to show that it is not too much for us. I express no opinion whatever, one way or the other, about the doctrine of internal improvements. My opinions on that subject are known, I believe, to no human being here. I have no personal feeling upon this subject, and should be glad to accommodate my colleague; but I have made these remarks because it is the desire of the respected chairman of the Committee on Roads and Canals, that this subject should be referred to that committee.

Mr. HOUSTON. I do not intend to occupy the committee long, and I am not going into a discussion of the amendment of the gentleman from New York. The rule has been read, and that is sufficient justification for me and for the resolutions which I had the honor to submit, proposing to distribute the President’s message. The gentleman from New York [Mr. SEYMOUR] says that a like thing was done at the last session of Congress, and that the House overruled the then chairman of the Committee of Ways and Means by amending his resolution in reference to this subject, which was similar to that which I have offered. Well, sir, the House can give any direction they see fit to this subject, but I conceive that in submitting these resolutions for the action of this committee, I had no discretion at all in the matter. I am bound by the rules of the House which have been adopted for our government, and one of those rules expressly says that this subject shall go to the Committee on Roads and Canals. I have proposed, therefore, to give it that direction. If this committee shall see fit to overrule that rule of the House—if it shall see fit to adhere to its practice instead of to its rules, I shall be perfectly content that the subject should be referred to either committee. My main purpose in addressing the committee now is to call their attention to another subject which is pressing upon Congress for early action. I hope that the committee will vote upon the resolutions which I have submitted, and let us then pass on to a bill upon which the President has urged us in his message to take early action. I allude to the bill which I had the honor to report this morning, making an appropriation for the purpose of carrying out the twelfth article of the treaty between the United States and Mexico.

Mr. STUART, (interposing.) If the gentleman will allow me, I would suggest, that as there are several topics connected with the message that will probably give rise to considerable discussion, it would perhaps be better to lay aside these resolutions for the present, and proceed to the consideration of the bill to which he has referred.

Mr. HOUSTON. I have no hesitation in doing that, if it be true, as indicated, that an extended debate will be likely to grow out of it. I do hope that the message may be referred, and that we may come to this subject at once.

A MEMBER. We cannot get through with it to-day.

Mr. HOUSTON. Then I find myself in a very unpleasant situation in regard to this matter. We are called upon very urgently to take up the Mexican indemnity bill and pass it. I am satisfied that it ought to be taken up. I am satisfied that this bill appeals to this House for its early action. I therefore move that this subject be laid aside, with a view of reaching it.

Mr. GIDDINGS. Will the honorable chairman of the Committee of Ways and Means inform me at what time that Mexican indemnity will fall due?

Mr. HOUSTON. It will become due the 30th of May, 1852.

Mr. GIDDINGS. I understand it will become due the 1st of May, 1853. So it seems we are called on thus urgently to legislate for May, 1853!

Mr. HOUSTON. The gentleman is mistaken. The indemnity becomes due in 1852. I am sure I am right in this matter. If the gentleman from Ohio chooses to do so, he can examine the documents.

Mr. GIDDINGS. If the gentleman will permit me, I will say that I do not assert it as certain; but I am very certain that we legislated for the payment of the installment due next May, near the close of the last session of Congress. If this is so, the payment for which we are now urged to legislate will not fall due till the 30th of May, 1853. I am sure of that.

Mr. HOUSTON. If the message of the President is on the Clerk's table, I must ask that he will read that part of it which refers to this subject. But I know the fact, which I have stated, to be true. I know that there was no law passed the last session of Congress. There was a bill before the House during the last session of Congress, but it failed to become a law. By reference to the treaty, you will find that the last installment becomes due 30th May, 1852, and no payment is to be made in 1853.

The CHAIRMAN. Does the gentleman move to lay the resolutions before the committee aside?

Mr. HOUSTON. I do make that motion.

Mr. GIDDINGS. If the gentleman will permit me. I understand that the bill, to which I have alluded, passed the House during the last session, but failed to become a law.

Mr. HOUSTON. It is very necessary that we should legislate upon this subject as soon as possible. By our treaty stipulations, we are to make negotiations for \$3,180,000, to be paid in the city of Mexico by the first of May, 1852. I think the time is already too short. I regret that the proper legislation was not had the last session. I therefore move that this resolution be laid aside.

The question was then put, and upon division there were—ayes 95, noes 17; no quorum.

Tellers were demanded and ordered; and Messrs. PENN and BRECKENRIDGE were appointed.

The question was again taken, and the tellers reported—ayes 113, noes not counted.

So the resolution was laid aside.

WORKMEN ON THE CAPITOL.

The CHAIRMAN stated the next business in order to be a joint resolution providing for continuing in employment the workmen engaged upon the extension of the Capitol.

Mr. HOUSTON moved to lay it aside.

Mr. WALSH. Will the gentleman allow me to say a single word? I think there was, at least, an implied understanding that this business—

The CHAIRMAN. No debate is in order.

The question was then taken, and the bill was ordered to be laid aside—ayes 72, noes 47.

Mr. HOUSTON. Is it competent for me to move to lay aside all business which takes precedence of that relating to the Mexican indemnity?

The CHAIRMAN. Not except by unanimous consent.

No objection was made, and the committee proceeded to take up and consider the bill to provide for carrying into execution, in further part, the 12th article of the treaty concluded with Mexico at Gaudalupe Hidalgo.

Cries of "Read the bill!"

The bill was then read.

Mr. HOUSTON. I do not know that any explanation of this bill is necessary. I will say, however, that, as the reading of the bill has indicated, its object is to carry into effect the stipulations of the treaty between Mexico and the United States, by which the United States agreed to pay Mexico \$15,000,000. Three millions was paid upon the ratification of the treaty, and the remaining \$12,000,000 was to be paid in installments of \$3,000,000, annually. According to the provisions of the treaty each installment carried with it the interest on the whole amount then due. The first installment which was paid at the expiration of twelve months after the ratification of the treaty was \$3,720,000 according to the provisions of the treaty, it being \$3,000,000, and six per cent. upon the whole \$12,000,000 then due. The second payment was \$3,000,000, and the in-

terest upon \$9,000,000 for twelve months at six per cent. In that way payments have been made until the last installment, which falls due the 30th of May, 1852, with the interest upon that amount for twelve months. That is the reason why the appropriation is for \$3,180,000. The \$180,000 is the twelve months interest at six per cent. upon that \$3,000,000. The committee, I have no doubt, are just as familiar with the whole legislation that has occurred upon that subject, and of the provisions of the treaty, as I am, or as I can make them. This is one obligation growing out of the twelfth article of the treaty, in which we have stipulated and pledged our faith as a nation, that we will at certain periods pay certain sums of money to Mexico, upon the ratification of that treaty.

Mr. McMULLIN. I desire to know of the chairman of the Committee of Ways and Means how this indemnity is to be paid, and to whom it is to be paid? I remember that during the last Congress a payment was made to Mexico through a certain house, while there was a proposition submitted—informally, I admit—by which the Government would have saved from sixty to eighty thousand dollars. My object now is to ascertain from the chairman of the Committee of Ways and Means, by whom this money is to be paid—by what house, or by what concern?

Mr. HOUSTON. Mr. Chairman, I am unable to answer the question of my friend from Virginia, for the very good reason that I consider that it is a subject with which this House and committee have nothing to do. We are required—

Mr. BAYLY, of Virginia, (interposing.) If the gentleman from Alabama will allow me, I will take the liberty of answering the question myself. I will not consume the time of the House now, but I wish to say that my colleague is entirely mistaken in the remark he made, that a proposition was rejected here which would have saved the Government a cent.

Mr. McMULLIN. I did not say the proposition was rejected here.

Mr. BAYLY. It was the proposition of Duff Green to pay three millions and a quarter of dollars, and in that proposition he offered to do it for one half of one per centum less than anybody else. The Committee of Ways and Means did not believe that Duff Green was the man to pay three and a quarter millions of dollars in the State of Mexico.

Mr. McMULLIN. I did not state that the proposition had been rejected. I stated that I understood there was a house, or an agent, who would have negotiated this payment, and by that negotiation the Government would have saved sixty or eighty thousand dollars; and I understood a house in this city proposed that the Government should not advance anything until they had absolutely paid over the last dollar required by the stipulation, and should show to the Government sufficient vouchers from Mexico that the payment had been made. My object now in calling the attention of the chairman of the Committee of Ways and Means to this subject is, that if we can save sixty or eighty thousand dollars by requiring the payment to be made through some other house than that of *Corcoran & Riggs*, I desire the attention of the House to be called to the fact, with a view of saving that vast amount of money, and I hope the chairman of that committee will give this important view of the subject his special attention.

Mr. HOUSTON. I have nothing to do with what was done by the Committee of Ways and Means or by the House, at the last session of Congress. My opinion is, however, that the Committee of Ways and Means of the last Congress, if I understand their action, acted as the Committee of Ways and Means at this session have done and propose to do—and as a matter of course I believe it to be right.

It is not our province, Mr. Chairman, to receive propositions from *Corcoran & Riggs*, or Duff Green, or anybody else, as to the mode of paying this installment. We are called upon to appropriate the money, but the responsibility rests with the Government of the United States—the present Administration—for its faithful and efficient and proper payment. We are not called upon to take from the President his responsibility. We have ours, which is to make the appropriation, and when we shall have completed our labors, the matter rests

with him. If he sees fit to make any negotiation by which the Government loses, that is a matter between him and Congress and the country. His is the responsibility and not ours. It is not our province, as I conceive, to introduce a provision into this bill by which we should direct the manner or the agency through which that money should be paid to Mexico, because by so doing we should, at once, involve ourselves in all the difficulties and troubles which may grow out of it. By so doing we should make ourselves responsible for any loss or miscarriage that might occur, and relieve the President entirely of his responsibility in the discharge of his duties upon this important question. I believe that it is a matter entirely foreign to our examination and inquiry here. The question presented for the consideration of this committee is, in the first place, the amount of money due; and if it be determined that it is due, then what is the usual mode of action on the part of Congress to secure its payment. Why, Congress does not carry on the negotiation, we do not appoint an agent, we do not say how it shall be paid, but simply put the money at the disposal of the Administration, and then the power, the duty, the responsibility all rests with them, and not with us.

There seems to be no difficulty, Mr. Chairman, unless it may be one which I have endeavored to show is foreign to our inquiry, and which I hope will be kept out of this discussion entirely.

Cries, "Question!" "Question!"

Mr. BAYLY of Virginia. I have no disposition to say anything upon this subject, if there is a disposition to pass this bill.

Cries, "Let us pass the bill!" "Let us pass the bill!"

Mr. KING, of New York. There is a point in controversy, as to the expense of making the payment of the last installment to Mexico. It is charged that the expense was increased by making the payment through the Secretary of State, instead of the Secretary of the Treasury, and it is upon that point that the gentleman from Virginia [Mr. BAYLY] proposes to make an explanation, as chairman of the Committee of Ways and Means of the last Congress.

Mr. McMULLIN. I hope my colleague will postpone his remarks until morning. It is getting late, and I should like to have time to look into this measure.

Mr. BAYLY. I have but one objection to this, and it is, that I dislike to have a speech upon my mind worse than anything else in the world.

Mr. HOUSTON. The gentleman must perceive the great difficulty in reaching this bill in the morning. We shall then have to go through half a dozen other matters to get at it again.

Mr. BAYLY. I think the chairman of the Committee of Ways and Means is right. I think this bill should pass to-day. I will, in a few words, explain precisely the action of the Committee of Ways and Means of the last Congress upon this subject. In the first place that committee, at the last Congress, came to the same conclusion unanimously which it has come to at this; and that is that the payment of this indemnity was an executive and not a legislative duty. We were then of opinion that when Congress had appropriated the money to make this payment, our functions were at an end, and that the payment of this money was an executive duty.

We believed, as the chairman of the Committee of Ways and Means has informed us that the present committee believe, that we ought not to take the responsibility of managing the mode of this payment, when we could not have any control over it. We did not think it was expedient for this House to assume a responsibility when it would have no control of the subject. Well, sir, for these reasons we reported a bill, which was precisely the bill now before us, with the exception of the sum appropriated. There were a parcel of speculators here, who put out pamphlets in reference to this matter, filled with misstatements. They succeeded in making an impression upon members of this House, and when we got before it we had a very long debate, which is reported in the Congressional Globe.

Amongst other points which were made was the point to which the gentleman from New York [Mr. KING] has referred—that the payment of this indemnity, which under Mr. Polk's administration had been made by the Secretary of the Treasury, had been taken by General Taylor's administra-

tion from the Secretary of the Treasury and conferred upon the Secretary of State. I informed the House at the last Congress of the reasons of this transfer. So far from either of these officers desiring to have the charge of this payment, Mr. Meredith, at that time Secretary of the Treasury, insisted that it belonged to Mr. Clayton, and Mr. Clayton insisted that it belonged to the Secretary of the Treasury, each one wishing to escape the trouble and calumny they knew they would involve themselves in making this payment. The officer to make the arrangement was made, as I was authorized to state upon this floor, a matter of Cabinet consultation; when the Cabinet of General Taylor decided, that inasmuch as it referred to our foreign relations; as it was a matter connected with a foreign nation, it properly belonged to the State Department, and not to the Treasury; that although it was a payment of a sum of money, yet if the Secretary of the Treasury had the management of the matter, he must have communicated through the Secretary of State, because he was the one that conducts all business with foreign nations. These were the reasons that induced the Cabinet of General Taylor to decide that the State Department was the one to make this negotiation.

Well, sir, General Taylor died. The present Administration came in when the affair stood in that plight, and Mr. Fillmore's administration determined to carry out, or rather to adhere to, the decision which General Taylor's administration had made, and Mr. Webster made a contract with Messrs. Corcoran & Riggs, Howland & Aspinwall, and Baring Brothers, to make this payment. They agreed to give three and a half per cent. to the Government for the privilege of making it. The proposition which was made by Green and his associates was to give four per cent. The debate upon that matter—I have not recurred to it, as I did not anticipate that this bill would be brought up to-day—but the debate will show that I demonstrated upon that occasion that the proposition of Corcoran & Riggs was the better proposition for this Government of the two in a pecuniary point of view, even supposing that Duff Green and his associates had been the proper persons to intrust with this business.

But I was authorized by Mr. Webster to say, that no matter what had been offered by Green and his associates—if it had been twenty per cent.—he should not have contracted with them in reference to the subject. I showed, too, that the arrangement the Administration made was, at least, as good a one as that of Mr. Walker's; and I believe, after a thorough investigation of the whole subject, that the conduct of the Administration in this matter had been fair—that there had been nothing exceptionable in it. That was the unanimous opinion of the Committee of Ways and Means. The matter was discussed in this House for several days, and the Committee of Ways and Means were sustained by a vote, I think, of two or three to one. The bill was carried to the Senate, where this whole discussion was renewed, and after full debate there, the bill which we sent there from this House was passed by an overwhelming majority. For the part I acted upon that occasion, in sustaining an arrangement which I thought was a judicious one, for reasons I have assigned at length in the debates at the last Congress, I have paid the usual penalty. A little sheet published in this city—*The Telegraph*—edited by one of the disappointed contractors, (Duff Green,) has been maligning and traducing me from that time to the present moment. I will tell my friend from Alabama [Mr. Houston] that he has not a conception of the number of insidious enemies he will have at the end of this Congress; for every man who has a scheme to plunder the Treasury—which it will be his duty to defeat—will recollect it as long as he lives, and they will use every opportunity of making him feel, as far as they can do, that it is remembered. But they will conceal the ground of their enmity. This is not the only case. I have referred to it especially, because I notice that some of the papers, from whom better things might be expected, copy these attacks, without knowing the source whence they emanate. This is not the only case I have traced to the manner in which I discharged my duty as chairman of that committee at the last Congress, of the most inveterate enmity any man ever had to encounter. I do not wish to go into this matter. If there is

any gentleman who wishes to be informed on anything connected with the conduct of the committee at the last session, I am prepared to inform him. It was precisely that of the Committee of Ways and Means this session.

Mr. HIBBARD. One word upon this subject, and but a word. I concur fully with what has been said by the chairman of the Committee of Ways and Means [Mr. Houston] and the gentleman from Virginia, [Mr. Bayly,] with regard to the expediency of this House taking into consideration offers that any individual or firm may make for the payment of this money. It is with the Executive power solely and particularly. It belongs to them by law; and the responsibility is with them. If they do wrong, with them is the blame. There is no good reason, in my mind, for our entering into the consideration of the offers individuals may make, or may have made. Now, as to the history of the transactions in this House at the last session with regard to the same bill. I understand the gentleman from Virginia [Mr. Bayly] to say there was an offer from Duff Green to negotiate the payment of this indemnity at one half per cent. less than those made by others. It was disregarded, as I understand the then chairman, by the Committee of Ways and Means, and by the House. Their action was based upon two grounds: one was, which has been referred to here, that it was not a matter properly coming within their jurisdiction; and another very good ground was, the general apprehension that it was not a responsible offer—a statement which, probably, might with safety be made. There was, however, another proposition made before the House and before the Committee of the Whole, by the firm of Rothschild, through their agent, Mr. Belmont, of New York, to negotiate the payment of this same installment at a rate materially less than that offered by the house of Barings—for it was virtually by the Barings, though I do not know in what name it was made—one half per cent. less. I think the gentleman from Virginia [Mr. Bayly] will concur with me in this; and allow me to say, Mr. Chairman, that some proposition from the Rothschilds, through an agent authorized by them, to the Department of State, appeared before the Committee of Ways and Means, and I think before the Committee of the Whole.

Mr. BAYLY. With the gentleman's permission. The offer of the Rothschilds, as I have shown on the occasion of the debate at the last session, was one that was inadmissible, inasmuch as it conflicted with the treaty. The debate will show it. I know the fact, that I satisfied the House they could not accept that offer without the negotiation of a new treaty.

Mr. HIBBARD. I do not make these statements with any view of expressing a different opinion touching the propriety of the action of the House. Thus much, I think, was apparent, that if the committee, or the House, had accepted the offer of the Rothschilds, the responsibility would have been upon the House, had there been any miscarriage. I do think such was the responsibility of the firm of Rothschilds, that no danger could have been incurred by the Department, had they accepted the offer of that house. I agreed in the conclusion the House came to, that it was inexpedient for the House to listen to the propositions. I was not so clearly satisfied as was the distinguished gentleman from Virginia, [Mr. Bayly,] as to the propriety of the action of the Department upon that question. I was not satisfied that the Department of State could not with safety and with propriety have accepted the offer of the Rothschilds, because it was the first banking-house in the world—as responsible surely as that of the house of the Barings. I thought then, and I think now, that the offer might have been accepted without any additional increase of liability. I will not take up time with going into my reasons for that belief. I was a member of the Committee of Ways and Means, at the last session, and I was not satisfied that the action of the Department was clear upon this subject. It may have been as the gentleman from Virginia states. If it was so, well; but if there was fault—if there was blame—if there was an offer equally responsible that might have been accepted, saving to the Union from sixty to one hundred thousand dollars in the negotiation for the payment of the installment, let the responsibility lie at the door where it belongs: at that of the Department of State and the Admin-

istration. I repeat, that I am not in favor of the House taking into consideration these negotiations for payment which do not belong to them. The rules prescribe our duties, and if we enter into the consideration of the subject, we should transcend our duties. I hope the bill will pass as it now is, and with these remarks I take my seat.

Mr. McMULLIN. I did not expect when I propounded the interrogatory to the gentleman from Alabama, [Mr. Houston,] that it would lead to this debate. I am now satisfied that the House ought to take a little more time for deliberation before they pass this bill. This bill was reported to-day, and I believe it has not been usual to pass bills through the House upon the same day they are introduced. There is ample time for the House to give it that consideration which its importance demands. I am inclined to the position assumed by the chairman of the Committee of Ways and Means, [Mr. Houston,] my colleague, [Mr. Bayly,] and the gentleman from New Hampshire, [Mr. Hibbard,] that the provision for the payment of this money belongs to the Executive Department. It is true there has been a loss to the Government in the payment of the last installment of the indemnity of some sixty or eighty thousand of dollars. I ask of this House whether it is not worth while to stop and pause a moment to look into this matter. I tell the House and the country I am informed—not by a published pamphlet—directly by a gentleman, that he would engage the payment of the installment at one half per cent. less than it was negotiated by the Executive and the Secretary of State.

Mr. BOCOCK. I think it is perfectly evident this subject cannot be completed to-day, and with the consent of my colleagues I will move that the committee rise.

The question was put and agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. Jones] reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 46, providing for carrying into execution in further part the 12th article of the treaty concluded with Mexico at Guadalupe Hidalgo, but had come to no conclusion thereon.

On motion by Mr. BRIGGS, the House then adjourned.

NOTICES OF BILLS.

By Mr. DOTY: A bill to grant a certain quantity of land to aid in the construction of a railroad from Manitowoc to the Mississippi river.

Also, a bill making a grant of land to aid in the construction of a plank or other road from the United States military road, between Fort Howard and Fort Crawford, to Fort Wilkins.

Also, a bill to provide for the completion of certain military roads in Wisconsin.

Also, a bill to grant the right of preemption for the term of two years from the notice of sale, to settlers on that portion of the public lands in Wisconsin known as the "Munomonee Tract."

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. CABELL: The memorials of Rufus Ballard and Samuel Bray, keepers of light-houses near Apalachicola.

By Mr. HASCALL: The petition of Jacob Coe, of Michigan, for compensation for property lost in the late war with Great Britain.

By Mr. FLORENCE: The petition of a number of citizens of Philadelphia, praying that a hundred and sixty acres of bounty land may be granted to soldiers of the war of 1812, &c.

Also, the petition of Sophia Anderson, of Philadelphia, praying for a pension.

By Mr. CABELL: The memorial of M. Carrington Watkins, a Lieutenant in the Navy, asking an appropriation for the exploration of the interior of Africa.

By Mr. DIMMICK: The petition of N. B. Eldred, and 24 other citizens of Wayne county, Pennsylvania, praying for an appropriation sufficient to meet the expenses necessarily incurred by the contributors of articles from this country to the Great Industrial Exhibition at London.

By Mr. SCUDDER: The petition of Uriah Hawes and 145 others, citizens of Massachusetts, for the erection of a breakwater at Dennis, in Barnstable bay.

By Mr. SWEETSER: The memorial of C. W. Jay and 21 others, citizens of Trenton, New Jersey, asking Congress to pass a law requiring the "Ministers of the despotic Governments of Europe to reside, during their official term, at a distance of at least one hundred miles from the seat of Government during the session of Congress."

By Mr. HENN: The petition of Joseph Broket and 66 others, citizens of Marion county, Iowa, asking for the establishment of a mail route from Oskaloosa, via Knoxville, the county seat of Marion county, and Indianola, the county seat of Warren county, to Winterset, the

county seat of Madison county, and for semi-weekly service in two-horse coaches thereon.

Also, the petition of Aaron S. Johns, of Polk county, Iowa, asking for a law authorizing the correction of an error in the location of a military bounty land warrant.

By Mr. HASCALL: The petition of Jacob Coe, of Michigan, for compensation for property lost in the late war with Great Britain.

By Mr. TAYLOR: The petition of John Madeira, and 65 other citizens of Pope county, Ohio, praying Congress to extend the time for locating Virginia military land warrants in the Virginia Military District, in the State of Ohio.

By Mr. HIBBARD: The petition of Betsey Whipple and Calvin Whipple, praying for leave to surrender patents for lands in Arkansas, and take other land.

By Mr. PERKINS: The petition of Selden Brown, of Marlow, New Hampshire, asking for relief.

By Mr. MILLSON: The petition of Ro. Owens, asking the difference of pay between that of a chief boatswain's mate and a boatswain.

Also, the petition of Solomon Cherry, asking a pension, on account of inability from wounds received in the military service of the United States during the last war with Great Britain.

By Mr. DAVIS, of Massachusetts: The petition of Manson, Brothers, and others, of New York, that an appropriation be made to reimburse advances made by George Peabody, Esq., and others, for the protection of American interests at the World's Exhibition.

By Mr. FOWLER: The petition of Wm. A. Crocker, and 30 other citizens of Jaunton, Massachusetts, praying that a sum be appropriated sufficient to defray their unavoidable expenses in preparing their goods for exhibition at the Crystal Palace, in London.

By Mr. WRIGHTMAN: The memorial of a citizen of New Mexico, praying the enactment of a law authorizing the Governor of the Territory of New Mexico to call one extra session of the Legislative Assembly of said Territory.

By Mr. HAVEN: The petition of O. B. Evans, of Buffalo, New York, asking that Congress appropriate money to pay the charges on goods sent to the World's Fair.

Also, the petition of W. D. Allen, and 90 other citizens of Buffalo, New York, asking Congress to make suitable provisions for extending a telegraph from Fort Independence to the Pacific, by the passage of a law that will protect and encourage.

Also, the petition of Elizabeth E. N. Field, of Milton, Massachusetts, widow of the late Captain George P. Field, for a continuance of her pension.

By Mr. FITCH: The memorial of Thompson Barnet, of Indiana, asking compensation for services in transportation of mail.

By Mr. INGERSOLL: The memorial of Hon. Charles J. Ingersoll, of Philadelphia, in relation to a claim for contesting his seat in Congress.

By Mr. KUHN: The petition of Samuel Slick, (not the veritable Sam Slick, of Slicksburg, down East, but of Bedford county, Pennsylvania, the son of a revolutionary sire, praying for a pension.

IN SENATE.

WEDNESDAY, January 7, 1852.

Prayer by the Rev. L. F. MORGAN.

PETITIONS.

Mr. WADE presented the memorial of Daniel Slack, representing that there is a variance between the awards made on his claim by the two Boards of Commissioners for the settlement of claims of American citizens against Mexico, and asking the payment of the difference of awards.

Also, one of a similar character from Johnson H. Alford, by his administrator Henry P. Bates; both of which were referred to the Committee on Foreign Relations.

Mr. GEYER presented the memorial of Mary S. Wetmore, widow of the late Major Alphonso Wetmore, of the United States Army, praying a pension; which was referred to the Committee on Pensions.

Mr. G. I present the petition of Richard B. Lee, an officer in the Army, praying to be allowed the amount of public funds stolen from him, and which he repaid to the United States.

The memorialist states that he was ordered by the commander to proceed to the Sandwich Islands and purchase supplies for that portion of the army which was in California and Oregon; that on his return he employed a vessel which was chartered by an individual who was in control of it. He further states that he deposited eleven hundred dollars with the charterer, and took a bill of lading. On his arrival at San Francisco, this money had been taken on shore and deposited with some merchants there. It appears, however, that this money was appropriated to the payment of the debts of this individual. He absconded, was pursued, overtaken, and searched, but no money was found. The major being without remedy against the general orders, sought relief by attaching the vessel, in which, however, he failed, this being before the admission of California as a State, and there being no tribunal there by which a specific remedy against the vessel could be enforced. Under these circumstances he felt obliged to make good

the money; and he now prays the action of Congress for his relief. I move the reference of the memorial and the accompanying documents to the Committee of Claims.

The memorial was so referred.

Mr. SUMNER presented the petition of citizens of Boston, Massachusetts, praying that the expenses incurred by American contributors at the World's Fair in London may be defrayed by Congress; which was referred to the Committee of Claims.

Mr. BRODHEAD presented the memorial of Benjamin Holbrook, and the memorial of Charlotte B. Holtz, administratrix of Peter Holtz, praying the appointment of a Board to review the decision of the late Board of Commissioners for settling claims against Mexico; which were ordered to lie on the table.

Mr. RUSK presented the petition of Charles Uhde & Co., praying the return of duties paid on certain cotton goods shipped by them at New Orleans for Point Isabel, in Texas, and lost at sea; which was referred to the Committee on Commerce.

Mr. FISH presented the memorial of the heirs of Charles Oakley, praying compensation for the services of said Oakley in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Also, a memorial of the heirs of Jacob Latting, praying indemnity for spoiliations by the French prior to 1801; which was referred to the select committee appointed on the subject.

Also, a letter from the Mayor of the city of New York, communicating a resolution of the Board of Aldermen and Assistants, tendering to the United States a plat of land within that city for the erection of a Mint; which was referred to the Committee on Finance, and ordered to be printed.

Mr. DOWNS presented a petition of citizens of Caldwell Parish, Louisiana, residing on the "Maison Rouge Grant," praying an amendment of the late act of Congress for the relief of purchasers of land in that grant: which was referred to the Committee on Private Land Claims.

Also, the petition of Evariste Blanc, praying the confirmation of his title to a certain tract of land; which was referred to the Committee on Private Land Claims.

Mr. GWIN presented the memorial of L. M. Goldsborough, S. J. Van Brunt, and S. F. Blunt, naval officers, praying additional compensation for services on special duty to California and Oregon; which was referred to the Committee on Naval Affairs.

Mr. SEBASTIAN presented a memorial of the First Christian and Orchard Parties of Oneida Indians, asking interest on certain moneys improperly withheld from them after the same became due; which was referred to the Committee on Indian Affairs.

CUBAN EXPATRIATED INVADERS.

Mr. CLEMENS. Mr. President, I desire to present a petition, which I will ask the Secretary to read.

The Secretary read it, as follows:

To the President and members of the Senate, and the Speaker and members of the House of Representatives of the Congress of the United States:

GENTLEMEN: Your petitioner, a resident citizen of the city of New Orleans, in the State of Louisiana, most respectfully begs leave to represent, that, on the 3d day of August last, he, in company with 434 associates, embarked on board the steamship Pampero, for the Island of Cuba, with the only and openly avowed intention of joining the Creole population for the purpose, and that alone, of aiding and assisting them in the contest which we were fully convinced had then commenced for the overthrow of the Spanish authorities there, and the establishing in their stead republican institutions similar in all respects to those governing our own highly-favored and prosperous country; and in furtherance of their wishes, a debarkation of our force was effected on the Island on the night of the 11th and 12th of the same month, between the hours of 11 and 2 o'clock; but, after undergoing privations and hardships well calculated to appal as well as to demoralize the stoutest and purest heart, without the commission of a single outrage either public or private which can cause the blush of shame to mantle the cheek, or the breath of detraction to justly sully the soldier's escutcheon with the taint of dishonor, and the having been engaged in several very hotly contested battles with her Spanish Majesty's troops, your petitioner, with the entire force under his command, was entirely cut to pieces, or dispersed, rendered fugitive and finally captured and conveyed to Havana as prisoners, where 160 to 175 of the number were, by order of his Excellency the Captain General, Coucha, condemned as public malefactors to ten years' servitude in the fortress of Cento, and were by him sent to Spain to undergo the infliction of the punishment decreed; but, through the exercise of the high pre-

rogative of the pardoning power vested in her hand, her Catholic Majesty, the Queen of Spain, has deemed it both merciful, politic, and wise, to commute the sentence of punishment, to knock the shackles from the bound, and to set the prisoners free.

Therefore, with a full knowledge of the destitute situation of these brave and gallant, but unfortunate men, (the most of whom are known to be gentlemen in their own individual personal right, and of highly reputable relationship in the United States,) and in view of that devotion to liberal republican principles by them herein exhibited, and of the action of your honorable bodies in behalf of refugees driven from their homes on the continent of Europe in consequence of similar espousals of the cause of liberty, your petitioner does most earnestly and urgently pray the taking such immediate steps by your honorable bodies as will authorize and command the Executive head of the nation to furnish a vessel with all necessary supplies for the transportation, in comfort and health, of these pardoned and released soldiers of liberty's army back to the shores of their own free and happy land; for which your petitioner in all good faith, must ever pray. WM. SCOTT HAYNES.

WASHINGTON, D. C., January 5, 1852.

On motion of Mr. CLEMENS, the memorial was referred to the Committee on Foreign Relations.

RECONSIDERATION OF VOTE.

Mr. BRIGHT. Yesterday the Senate passed a bill entitled "An act granting a pension to Sally T. Floyd, widow of Lieutenant George R. C. Floyd." I see that the bill was introduced by the honorable Senator from Kentucky [Mr. UNDERWOOD.] As a general rule, I should defer greatly to his judgment in such matters, but on looking over the papers of this morning, particularly with reference to this bill, I find that it contains what I consider a dangerous principle—the granting of a pension to the widow of an officer who died outside of the service. I desire to move the reconsideration of the vote by which this bill was passed; and as I observe that the Senator is not in his seat, I will make the motion, and consent that it lie on the table till I may have an opportunity to examine the papers relating to the subject.

The motion was accordingly laid on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. GEYER, it was

Ordered, That the memorial of the heirs of Herman Blannerhasset, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. MILLER, it was

Ordered, That the petition of Eliza M. Evans, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. FELCH, it was

Ordered, That the petition of William Miller, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the petition of Mira M. Alexander, and that it be referred to the Committee of Claims.

Mr. PRATT. My attention has been called to a memorial of citizens of the District of Columbia, which is on the files of the Senate, praying that the United States may purchase a portion of the Columbia Turnpike Road, which is in the District of Columbia, so that it may be made free.

The Senate are aware that the Government have built a bridge across the Potomac river, now connecting the District with the State of Virginia. Senators are also aware that we have purchased the bridges across the Eastern Branch, thus connecting the District with the State of Maryland. I believe that this turnpike road is the only thoroughfare through the District which may not now be traveled free of expense. I move that the memorial be taken from the files of the Senate and referred to the Committee for the District of Columbia, and I hope they will give it their early attention.

The memorial was accordingly so referred.

NOTICES OF BILLS.

Mr. CLEMENS gave notice that he should ask leave to introduce a bill for the relief of Thomas Snodgrass.

Mr. FISH gave notice that he should ask leave to introduce a bill to increase the salary of the judge of the United States district court for the southern district of Florida.

Mr. PEARCE gave notice of his intention to ask leave to introduce a bill for the relief of Sarah E. McKay, widow of Lieutenant-Colonel McKay.

BILL INTRODUCED.

Mr. BERRIEN, agreeably to previous notice, asked and obtained leave to bring in a bill to provide for the removal of obstructions in the river

Savannah, in the State of Georgia, and for the improvement of the same; which was read a first and second time by its title, and referred to the Committee on Commerce.

REPORTS OF STANDING COMMITTEES.

Mr. DAWSON, from the Committee on Patents and the Patent Office, to whom were referred documents relating to the application of John Schley for the extension of a patent, reported a bill to extend a patent heretofore granted to John Schley, of the State of Georgia.

Mr. DAVIS, from the Committee on Commerce, to whom was referred the bill for the relief of Charles A. Kellett, reported it without amendment, and submitted a report; which was ordered to be printed.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred a memorial of members of the Bar of the District of Columbia, reported a bill to make the salary of the judge of the criminal court of the District of Columbia equal to that of an assistant judge of the circuit court of said District; which was read and passed to the second reading.

He also, from the same committee, to whom was referred a bill amendatory of an act entitled "An act to provide for holding the courts of the United States in case of the sickness or other disability of the judges of the district courts," approved July 29, 1850, reported it without amendment.

On motion by Mr. JONES, of Tennessee, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the documents relating to the claim of the State of Rhode Island for advances to volunteers in the late war with Mexico.

On motion, also, by Mr. J., it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of Nathan Weston, Jr.

TONNAGE OF VESSELS.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be instructed to communicate to the Senate the following information, to wit:

First. The number and tonnage of American and foreign vessels which have arrived annually in the United States from foreign ports after 1814, designating the countries to which such vessels belonged, and that from which they last, before their arrival, cleared.

Second. The number and tonnage of such vessels which have arrived, during the same period, annually, in the ports of Portland, Boston, New York, Philadelphia, Baltimore, Mobile, and New Orleans, respectively.

Third. The number and tonnage of such vessels which have arrived in the United States during the same period from foreign ports on the lakes, classifying in all cases such vessels in the usual manner.

FLOGGING IN THE NAVY.

Mr. GWIN. As I believe the morning business is concluded, I hope the memorial introduced some time since by the Senator from Pennsylvania, [Mr. BRODHEAD], relating to flogging in the Navy, which has been laid upon the table, may be now taken up. Its consideration is due, as a matter of courtesy, to the honorable Senator from New Jersey, [Mr. STOCKTON.]

The motion was agreed to.

Mr. BERRIEN. Let the petition be read.

The CLERK read it, as follows:

To the honorable the Senate of the United States of America:

The memorial of the subscribers, citizens of the United States, beg leave respectfully to represent to your honorable body, that at the last session of the Congress of the United States an important change was made in the regulations by which the discipline of the Navy and of the commercial marine of the United States was enforced, and which, in the opinion of your memorialists, if it be not modified or repealed, will lead to the most disastrous results to that great arm of the national defence and welfare.

Your memorialists refer to the law by which commanders of vessels are not permitted, for the commission of petty offences against the regulation of their ship and the laws of naval discipline, to inflict a prompt and ready punishment upon offenders for the commission of such offences.

Your memorialists most respectfully represent, that on the high seas, where ready access to legal civil tribunals cannot be obtained for the prompt punishment of offenders against the laws of the naval and marine service, and where it is neither possible to discharge such offenders from the service or to obtain others to occupy their places and perform their duties, it is of the highest importance that a power should be conferred upon commanders to compel the service of their crews by means and punishments which, under other circumstances, would not be required.

Your memorialists would state, in illustration of the foregoing proposition, that they have been informed, and be-

lieve, that considerable numbers of the crews of our ships, on approaching the coast of America in the winter season, have retired from their duty, knowing that the commanders had no legal authority to compel their service by the prompt and summary infliction of punishment, and that such vessels have been exposed in most inclement weather to great danger from such abandonment of duty on the part of this portion of their crew.

Your memorialists would also further state, that the desertion of duty before referred to in all cases had been on the part of the worst portion of the crews of those ships, and that it thus imposes upon the better portion of them so severe a duty that their strength may, in the hour of the utmost need, fail them, and that whilst deserters from duty are enjoying themselves in their hammocks, protected from the fury of the storm, their exhaustion may lead to the loss of the ship, and the destruction of the lives of all on board of her. Good men, who do their duty, fear no punishment, and it is not inflicted upon them. The good men of the service, it is believed, desire the repeal of the late law. It imposes upon them the duty of bad men, who shelter themselves under it from the performance of their duty. It is not, in the opinion of your memorialists, punishment, whether it be of the lash, the dungeon, or the sword, that disgraces a man. It is the offence which merits such punishment that disgraces him. Lafayette was not disgraced by incarceration in the dungeons of Olmutz, Algernon Sydney by the axe of the second Charles, nor the great Apostle to the Gentiles by the repeated infliction on his person of the Mosaic law of "forty stripes save one."

If a sailor be so lost to a sense of duty, feeling, and honor, as to desert his post, or to commit crime, there is little danger to be apprehended of his feeling disgraced by the infliction of punishment by the lash, the chain ball, or the treadmill.

And your memorialists would further add, that the necessary power of moderate and prompt punishment for petty offences committed on board ship has been, and still is, conferred on commanders of British vessels, and was so upon commanders of American vessels until the last session of the Congress of the United States; and will only refer, in addition to the foregoing statements, to the high state of discipline and efficiency attained by these great maritime powers as a vindication of that practice, and an argument in favor of its reenactment.

And your memorialists, as in duty bound, will ever pray.

Mr. STOCKTON. Mr. President, the subject of this memorial, in my judgment, is equal in importance to any which is likely to occupy the attention of Congress. It was, therefore, sir, that I asked the Senate, on its first presentation, to permit it to lie on the table for a few days, that I might have an opportunity to examine it. At the same time I promised the Senate, when it next came up, that I would express my views in relation to it. It is my purpose now to redeem that promise.

The memorial upon the table presents for the consideration of the Senate nothing less than the whole foundation of our naval structure—the human material by which your ships are worked and fought, your guns leveled, and their thunders pointed at your foes. Good ships, well built, well rigged, and fully equipped, are magnificent and perfect specimens of human science and art. But unless they are manned by good men they will sail only to become prizes to your enemies. If you do not desire to build ships for your enemies, you must give them crews worthy to defend them. Sir, the difference between sailors is as great as the difference between other classes of different nations. There is as much difference between the American sailor in our whaling and coasting service and the sailors of other nations, as there is between the raw European emigrant and the sturdy son of one of our frontier pioneers. The emigrant will, in some cases, almost starve, while the pioneer is building his log house, enclosing his cornfield, and making himself an independent and useful man.

I am of opinion that the nation whose service is supplied with the best common sailors, will excel in naval warfare, as well as in all maritime pursuits. I am further of opinion, that in versatility, education, courage, and industry, our sailors in the whaling and coasting service excel those of all other nations. I am furthermore of opinion, that the superiority of the American sailor has decided the battle in our favor in many a bloody conflict, when, without that superiority, it might have been otherwise. I desire to secure and preserve that superiority. To that end, and for humanity's sake, I am utterly and irreconcilably opposed to the use of the lash in the Navy, or anywhere else. The longest, the most arduous voyages are made in the merchant service without the use of the lash. In the Polar seas—among the icebergs of the Arctic and Antarctic oceans, the intrepid New Englander pursues his gigantic game and hurls his harpoon; and after a three years' voyage, returns with the oily spoils of his adventurous navigation. But he owes none of his success, his patient endurance, his exemplary discipline, and his in-

defatigable industry, to the guardian ministrations of the lash. To say that men who can make such voyages, and endure such hardships cheerfully and contentedly, cannot navigate their own national ships without the infliction of the infamous lash, is a libel. Is their nature changed the moment they step on the deck of a national vessel? Are they less men—less Americans—as soon as the custody of the American flag, or the national honor, is intrusted to their keeping? No, sir; it is a libel. I do not mean to use the word in an offensive sense, nor shall I to-day use any word in that sense. It is one of those inconsiderate, thoughtless opinions, which mankind seem to think they have a perfect right to express in regard to sailors. It was not long since, sir, that I had a conversation on this subject with a gentleman who had for several years commanded a fine ship in the merchant service, but who is now an honorable, active, and efficient man of business in one of our large cities, and to whose integrity, generosity, and humanity, I would intrust anybody but a sailor. After he had heard my views on this subject, he instantly replied, "Why you mean to treat them like human beings." The theory that the Navy cannot be governed, and that our national ships cannot be navigated without the use of the lash, seems to me to be founded in that false idea, that sailors are not men—not American citizens—have not the common feelings, sympathies, and honorable impulses of our Anglo-American race.

I do not wonder, when I look back on the past history of the sailor, at the prevalence of this idea. His life has been a life of habitual, I will not say of systematic, degradation. The officers who command him—the oldest, the bravest, and the best—have been accustomed from their boyhood to see the sailor lashed about the ship's deck like a brute. He who by the laws of the service in which he is engaged is treated, or liable to be treated, like a brute, soon comes to be thought of as at least but little better than a brute. Who in social life respects a man whose back has been scarred at the whipping-post? Into what depth of contempt does such a punishment sink its victim? And here is one of the worst evils of the system. It destroys those feelings of respect and kindness which officers ought to entertain for the sailors under their command. But this is only one of the worst evils of the system. It destroys those feelings of regard and respect which the sailors should entertain for their officers. The truth is, there are no relations of affection and regard between them. The one is the oppressor, the other the oppressed. Sir, a man may fear or hate; but he neither loves nor respects his tyrant. The worst government upon earth is that of fear; the best, that of love and affection. These sentiments, by a law of our nature, must be mutual sentiments. Bonaparte was the idol of the soldier, because the soldier was his idol. They loved him because they supposed he loved them. There is nothing that gallant and brave men will not do and suffer for a commander whom they love. Difficulties and dangers and death have no terrors for such men. In great battles, where the contest has been doubtful, those soldiers have always fought most desperately whose devotion to their commander was the greatest. It has always been considered as an essential element in the character of a successful commander, that he should be able to excite and encourage the confidence and affection of the men under his command. But what confidence or regard can be expected under the government of the lash? But more than this: this punishment destroys the sailor's own self-respect. What has honor—what has pride—what has patriotism to do with a man who may be, at the caprice of another, subjected to an infamous punishment, worse—aye, sir, in some cases worse a thousand times—than death? Can nobleness of sentiment, or an honorable pride of character, dwell with one whose every muscle has been made to quiver under the lash? Can he long continue to love his country, whose laws degrade him to the level of a brute? The infamous "question" of torture now only remains as a blot on the page of Anglo-Saxon history. The whipping-post, where the worst vagrants used to expiate their offences, has been discarded from society. The worst offences in our State prisons are no longer punished by the lash. Why is all this? Why are those punishments now condemned as the shameful relics of a bar-

barous age? It is because the light of a better day has dawned. It is because the precepts of the Gospel of Christianity have ameliorated our laws. It is because society has made the discovery, that if a man is fit to live at all, he ought not to be divested of all the qualities which make a man, by the infamous mutilation of his body. What is the answer which is given to all this by those who seek to restore this relic of barbarism to the Navy? Why, they tell us we intend only to apply this system of punishment to seamen—we intend only to flog sailors. That is quite true. It is only sailors who are to be treated like brutes—aye, sir, worse than brutes. There is no man who hears me, who would permit his dog to be thus treated. There is no spot on the habitable globe known to me, where a man would be permitted to seize upon a dog, and lash him until he cut the flesh from off his ribs, and the blood should be made to run down from his backbone to his heels. But, sir, it is only the sailor, for whom this punishment is to be reserved.

Who, O Senators! is the American sailor, that he is to be treated worse than a dog? He has been my companion for more than a quarter of a century—through calm and storm, privations, sufferings, and danger. In peace and in war I have lived with him, and fought with him side by side, by sea and land. I have seen him in the northern ocean, where there was no night to veil his deeds. I have seen him on the coast of Africa, surrounded by pestilential disease. I have seen him among the West India Islands in chase of pirates, with his parched tongue hanging almost out of his mouth. I have encamped with him on the California mountains, and on the plains of the Mesa. I have seen the rays of the morning sun play on his carbine and his boarding-pike. I have seen him march one hundred and fifty miles through an enemy's country, over mountains and through rivers. I have seen his feet scarified by the projecting rocks, as he hauled his cannon over the hills. I have seen him with no shoes on but those of canvas, made by his own hands, and with no provision but what he took from the enemy. I have seen him plunge into the Rio San Gabriel, and drag his guns after him in the face of a galling fire from a desperate foe. And finally, I have laid beside him on the cold ground, when the ice has formed on his beard. Sir, his heart has beat close to my own. I ought to know him. I do know him. And this day—now, before the assembled Senate of the Republic, I stand up to speak in his behalf. I hope he will find an abler advocate. Nay, I am sure he will find abler advocates on the floor. But, nevertheless, hear me.

Mr. President, the American sailors, as a class, have loved their country as well, and have done more for her in peace and war, than any other equal number of citizens. Passing by for a moment their antecedent glorious achievements, let me remind you that he has recently gained for his country an empire. Through perils by land and perils by water he has gained a golden empire, which has added to his country's renown and greatness, and perhaps saved his fellow-citizens from almost universal bankruptcy and ruin. And what has his country done for him? When the fighting was over, the battles won, the conquest achieved, you sent a band of Mormons to California to drive him to his ship, and rob him of his glory. And historians too have done more to prove that history is a lie. You refused to give him "bounty lands," which you gave to the soldier—his comrade fighting by his side—and you have neglected to give him even your thanks. And now, to cap the climax of his country's ingratitude, these memorialists would have him scourged. They would scourge him for drunkenness, when they put the bottle to his mouth. They would scourge him for inattention to his duty, when injustice and wrong have made him for an instant discontented and sullen. Shame! Shame! You would scourge him while living, and when dead consign him to a felon's grave. That I may not be supposed to have drawn upon my fancy, or to have exaggerated his country's inhumanity, I ask the Secretary of the Senate to read these documents.

The Secretary read them as follows:

To the Honorable the Senate and House of Representatives in Congress assembled:

The undersigned, President and Trustees of the Boston Marine Society, of the city of Boston, in the State of Mas-

sachusetts, beg leave to represent to your honorable bodies, that, having had their attention directed, for many years, to the condition of seamen, abroad and at home, they have been much impressed with the fact of the sufferings of this valuable class of our citizens by sickness and accidents, and from poverty arising from these circumstances, connected with their proverbial improvidence for the future, with their pecuniary means.

The benefits of medical aid and comfort in foreign ports enjoyed by others, are hardly ever obtained by them, and, in consequence, after receiving such comforts and attentions as the ships they are attached to, and their officers can give, they are frequently brought home and placed in our marine hospitals, where no seaman can remain beyond the time limited by the laws regulating those institutions.

It is very often the case that they are dismissed from these hospitals, when not sufficiently restored to render them fit for their active service, and, in consequence, they become paupers or tenants of public almshouses, though most of them would rather die than suffer this degradation.

It is well known to all, observant of seamen, that they are always ready to answer the call for their services, whether it be in the service of the navy, or of the mercantile marine—as ready to fight with valor for their country as to aid in its commerce—and so true is this, that very few seamen, advanced in years, can be found who have not served in both our public and private ships.

Your attention is respectfully called to the fact, that there is, at this moment, in the public Treasury, as your memorialists have been informed, money to the credit of seamen who have been attached to the Government marine, and to the mercantile marine, amounting to more than a million of dollars.

This large amount has accrued from unclaimed sums due to deceased seamen, from unclaimed prize money belonging to seamen of private as well as public armed vessels, and to the contributions made by all seamen of twenty cents per month in the name of hospital money.

In view of these facts, your memorialists beg leave to solicit from your honorable bodies, that measures may be taken to ascertain the amount accumulated from these sources in the United States Treasury, and that, therefrom, suitable provision may be made in the principal seaports in the United States for the further maintenance of seamen, citizens of the United States, who are infirm and unfit for service, from sickness, advanced age, or any other cause.

All of which is respectfully submitted.

PRESIDENT AND TRUSTEES, B. M. S.

Z. RING, Esq.—DEAR SIR: I herewith furnish you with the information desired. During the year 1850 there were 106 deaths of seamen; of which number 45 were buried by friends, the balance (61) were taken by the Alms-House to Potter's field; for the latter cause the Government allow us \$5 each—(\$3 for coffin, and \$2 for ground.)

Not one in ten have money to provide for themselves.

Very respectfully,

JOHN L. ROOME,

Superintendent of City Hospital, N. Y.

POTTER'S FIELD.—The grand-jury for the September term examined 276 complaints, and found 133 bills of indictment. They visited the various public institutions, but made no presentment. Previous to being discharged by the court, the foreman, Henry Erben, Esq., at the request of the grand inquest, stated to the court that the jury had visited Potter's Field, and found it in a horrible condition. One pit was about half filled. The coffins were exposed to the sun. The stench from them was very great. They directed Mr. Webb, the keeper, to come before the grand-jury on the following day. On the 19th he made the following affidavit:

GRAND-JURY ROOM, September 19, 1851.

William O. Webb, being duly sworn, saith, that he is the keeper of Potter's Field; that the ground on Randall's island, used for a burying-place, is not at all suited for it; that it is full of rocks; pits are dug for the dead, where they are put in layers of six deep. The bottom of the pits being solid rock, when decomposition takes place, the liquid, not being able to go in the ground, passes through the top, causing a horrible stench, which can be smelt for more than a mile.

There is no earth between the layers of coffins, and there are only about eighteen inches of earth over the top layer of coffins—that it frequently happens that at high tides and heavy rains, the water gets into the pits, so that the coffins are floating. He further saith that in less than three weeks there will be no room left in the yard to bury another person. He also states that the south end of Ward's Island is a suitable place for a Potter's Field, the soil being good and free from rock.

Sworn this 19th day of September, 1851.

HENRY ERBEN, Foreman.

Mr. STOCKTON. Mr. President, to whom in time of peace are intrusted the lives of the thousands who traverse the ocean? Whose energy and skill, and hardy self-denying toil, carry the products of your soil through the world, and bring back the rich return? It is the American sailor. By his superior qualities as a man he has enabled you to rival in commerce the boasted mistress of the ocean. Where is the coast or harbor in the wide world accessible to human enterprise to which he has not carried your flag? His berth is no sinecure. His service is no easy service. He is necessarily an isolated being; he knows no comforts of home, and wife, and children. He reaps no golden rewards for the increase of treasure which he brings to you. When on shore he is among strangers and friendless. When worn out he is scarcely provided for. Making many rich, he lives and dies poor; carrying the arts of civilization and the blessings of the Gospel through the world, he is treated as an outcast from the mer-

cies of both. But look to your history—that part of it which the world knows by heart—and you will find on its brightest page the glorious achievements of the American sailor. Whatever his country has done to disgrace him and break his spirit, he has never disgraced her; he has always been ready to serve her; he always has served her faithfully and effectually. He has often been weighed in the balance, and never found wanting. The only fault ever found with him is, that he sometimes fights ahead of his orders. The world has no match for him, man for man; and he asks no odds, and he cares for no odds, when the cause of humanity or the glory of his country calls him to fight. Who, in the darkest days of our Revolution, carried your flag into the very chops of the British Channel, bearded the lion in his den, and woke the echoes of old Albion's hills by the thunders of his cannon and the shouts of triumph? It was the American sailor. And the names of John Paul Jones and the Bon Homme Richard will go down the annals of time forever. Who struck the first blow that humbled the Barbary flag, which for a hundred years had been the terror of Christendom, drove it from the Mediterranean, and put an end to the infamous tribute it had been accustomed to extort? It was the American sailor. And the name of Decatur and his gallant companions will be as lasting as monumental brass. In your war of 1812, when your arms on shore were covered by disaster—when Winchester had been defeated—when the Army of the Northwest had surrendered, and when the gloom of despondency hung like a cloud over the land, who first relit the fires of national glory and made the welkin ring with the shouts of victory? It was the American sailor. And the names of Hull and the Constitution will be remembered as long as we have left anything worth remembering. That was no small event. The wand of Mexican prowess was broken on the Rio Grande. The wand of British invincibility was broken when the flag of the Guerriere came down. That one event was worth more to the Republic than all the money which has ever been expended for the Navy. Since that day the Navy has had no stain upon its escutcheon, but has been cherished as your pride and glory. And the American sailor has established a reputation throughout the world—in peace and in war, in storm and in battle—for unsurpassed heroism and prowess.

Mr. President, I am no painter. I cannot draw with artistic skill the scene I would have you look upon. But it requires no artist. Picture it to yourself, sir. See the gallant bold sailor who has served his apprenticeship with Hull in the Constitution, or one who helped to drag the guns across the San Gabriel, stripped and lashed worse than a dog. Can you stand it, sir? Yet your laws have authorized it to be done—it probably has been done. And now it is proposed to give authority to do it again. Will the American people stand it? Will this more than Roman Senate long debate whether an American citizen, as he is—the sailor shall be entitled to all his rights as an American citizen or not; whether, freeman as he is, he shall be scourged like a slave? Cicero's climacteric, in his speech against Verres, is, that though a Roman citizen, his client had been scourged. And shall an American citizen be scourged? Forbid it, God of humanity, forbid it. For my own part, I would rather see the Navy abolished, and the stars and stripes buried with their glory in the depths of the ocean, than that those who won its glories should be subjected to a punishment so ignominious and brutalizing. Sir, if I had the power vouchsafed to others, to impress my own feelings upon the hearts of those who hear me, I would rouse in the minds of Senators such a sense of national pride and human sympathy that they would with one voice demand that the memorial which seeks to rob the American sailor of his rights as an American freeman, should be thrown under your table and trampled beneath your feet.

Mr. President, the object of all our legislation for our seamen should be to elevate them as a class, and not to degrade them. In proportion as you do this, and teach the sailor to respect himself, you will bring him to the performance of his duty with cheerfulness and alacrity. You best appeal to his patriotism by showing him that he is honored and respected by his country. You best appeal to his sentiment of native pride by presenting motives to his emulation. You can do

infinitely more with him by rewarding him for his faithfulness than by flogging him for his delinquencies. Whatever the peculiarities of the sailor may be, he is still a man, with all the impulses, wishes, and hopes of a man. And if there is one trait more peculiar to him than another, it is the sentiment of gratitude. He never forgets a kindness, and would take his heart out of his bosom to save a friend. Let him only see that he is honored and respected by his country, and her honor and interest will always be safe in his hands.

I believe that many of the officers of the Navy have fallen into the error of supposing that sailors are more influenced by their fears than by their affections. They do not rightly appreciate his character. If they would take more pains to think for him—to keep him out of temptation—to attend to his wants—to see that he was fairly and justly dealt by—and properly to consider the fair allowance which ought to be made for him, they would find it much less difficult to enforce discipline, to gain his confidence, and find him much more tractable. It is not by the severity of discipline as much as it is by a firm, just, and generous government, that he is to be controlled. It is so among men everywhere. It is rather by humane and judicious laws, than by the severity of penal enactments, that good government is established and maintained. Again: in the training and governing those men who are to fight your battles, and face every danger with courage, their fear should seldom be appealed to. You ought not to cultivate the emotions which make men cowards, and teach them habitually to shrink from the fear of personal suffering. You ought rather to teach them to despise an honorable suffering. True heroism is an intellectual quality. It is moral intrepidity that makes the man of true and reliable courage. And this can only coexist with a proper sense of personal honor and self-respect. Degrade a man by an infamous punishment, which destroys his personal honor and self-respect, and you do all that human ingenuity can to make him cowardly.

But it is said that the Navy cannot be governed without the lash. As a general proposition, I express my utter dissent to it. I admit that among sailors, as among other classes, there will always be found some who are vicious and troublesome. That is the case in the Army as well as in the Navy; and they have abolished the lash in the Army. It is as easy to get other and less offensive punishments for the Navy as for the Army; and if those punishments will not answer, the refractory person had better be driven in disgrace from the Navy. He is not fit to be trusted in the hour of peril—he is unworthy to have the honor of the flag confided to him. Sufficient inducements should be offered to the better classes to enter the Navy; and a part of those inducements should always be good treatment. A free use of the lash—nay, its probable use, its permission by law—has always been an objection urged by the better classes to entering the Navy. They prefer the merchant service, where they can at least select their own commander, while in the Navy they know not into whose hands they may fall. Thus you see that the very necessity which is pleaded creates, in a great degree, the circumstances out of which it is supposed to spring. You flog because there are bad men in the Navy, and the fact that you do flog excludes the better class of sailors from entering the service; so that the mischief is self-perpetuating. But again, it is said that a large majority of the officers of the Navy are of opinion that the lash is necessary and indispensable. Well, there are differences of opinion about it. We all know, however, that old notions and opinions are hard to be rooted out, and that men are very apt to love arbitrary power when they are to exercise it, and not be subject to it. All history shows this, and the experience of all reformers confirm it. Lord Denman, late Chief Justice of England, in a letter on the subject of legal reform, complains that everywhere he met the objection that the judges were opposed to it. And Lord Brougham, in a speech delivered in Parliament on the same subject, expresses a similar sentiment; yet it was not long before the judges and the bar and the people concurred in opinion as to the beneficial effects of the same reforms. It would seem, sir, that it is a part of man's nature to yield with great reluctance the smallest atom of power with which he may be invested. He is

unwilling to admit that he can abuse it. Its safest depository he considers is his own hands. For these and similar reasons, I think that the opinion of the officers of the Navy on this subject should be taken with many grains of allowance. I find no fault with the independent expression of their opinions. It is the opinion itself which I propose to combat. Their argument is as brief as it seems to some minds formidable. They declare the lash to be necessary and indispensable. If they are right in this opinion, there is an end to the matter. Necessity has no law. But I beg leave to inquire into this alleged necessity.

And first, I ask for what offences has this lash been so freely used? Has it been inflicted for serious or atrocious crimes, which involve the honor of our flag or the safety of our national vessels? Or rather, let me ask, has it not been inflicted for offences which, if they had been entirely overlooked, would not have injured the proper discipline of the Navy? Has the lash ever been used in the hour of battle, or in that of preparation for battle? Is it reasonable to suppose that a coward or traitor would face a cannon-ball to avoid the lash? It would seem, then, without multiplying words, that so far from the lash being necessary for the maintenance of discipline in the most important duty of a ship-of-war, it never has and never will be used. How is it, then, in regard to the next most important matter concerning the discipline of a man-of-war? Has it ever been used for the suppression of mutiny? No, sir; the law has provided for that offence, as well as for cowardice, the punishment of death. Having thus briefly stated what the lash has not been used for, let me inquire, what are the offences for which it is deemed so absolutely necessary? We may derive some information in this particular from the published reports of the offences and punishments which have actually occurred on board our ships-of-war. By reference to the report of the Secretary of the Navy on this subject, you will perceive that one of the offences for which it has been used is that of suspicion of theft. One would hardly say it was either necessary or proper in that case. The offence for which, however, there seems to have been more lashes inflicted than for all other offences, is that of drunkenness. Now, sir, the Government furnishes the liquor for the sailor, and if he gets drunk upon his allowance, the Government itself is responsible, and the sailor ought not to be flogged. If he procures it on board of a ship by theft or bargain, it is evidence of a laxity of discipline, for which others are responsible, and for which the sailor ought not to be flogged. The lash, therefore, is not necessary to prevent drunkenness, not only for the reasons just stated, but because it must be universally admitted that it never has and never can prevent the offence of drunkenness, if he who is habituated to it is permitted to have liquor.

The offence of disobedience of orders will be found frequently in this report. But we are not informed of the precise nature of the offence. Whether it is actual or constructive disobedience of orders; whether it is a serious or trifling matter; whether it is for accidentally spitting on the deck, or neglecting to clean the bright works of a ship, or not mending his clothes, or leaving his bag on deck; or whether it was a positive refusal to do his duty. We are, therefore, left to infer its seriousness by the punishment inflicted for it. I will hazard the opinion, judging by that standard, that stopping the offender's allowance of tobacco, or rum, tea, sugar, and coffee, would have been, in every case, a much more reasonable and a more efficient punishment. And now, sir, what has become of this plea of necessity?—I will not call it in this connection the tyrant's plea; the officers of the Navy do not deserve such a reproach from any one, and especially from myself, because I did when in the service execute, and permit to be executed, the law of the lash as I hope I did all other laws of the service, which I had sworn to obey and to enforce. And this should be a sufficient answer to those who expect to escape from the grasp of argument and facts by indulging in individual recrimination, and will be sufficient to remind them that there is some difference in the position of those who are called upon to make the laws and those whose duty it is to execute them.

The officers of the Navy, in my judgment, are entitled to high commendation. They are, as a class, brave, noble, generous, and patriotic men;

and in all the elements of character which constitute valuable public servants, they have no superiors. But however much respect I may entertain for them as a class, it is my duty, which I shall endeavor to perform, to deal without reserve or false delicacy with their arguments, and the errors which disgrace and paralyze the service to which they belong. It does appear to me, Mr. President, that the argument, from necessity, has resolved itself simply into this: that the lash is an easy and short way to settle a trifling difficulty with a sailor. And so were the thumb-screw and the rack an easy and short way to get a confession, and the inquisition settled matters of faith easily and readily. But, sir, there has been a great change in the opinions of mankind on this subject, and I hope the change will go on until the last relic of barbarism shall be banished from the world.

But I care very little for the details of this argument, and will not detain the Senate any longer in relation to them. There is one broad proposition upon which I stand. It is this: That an American sailor is an American citizen, and that no American citizen shall, with my consent, be subjected to this infamous punishment. Placing myself upon this proposition, I am prepared for any consequences. I love the Navy. When I speak of the Navy, I mean the sailor as well as the officer. They are all my fellow-citizens, and yours; and come what may, my voice will ever be raised against a punishment which degrades my countrymen to the level of a brute, and destroys all that is worth living for—personal honor and self-respect.

Mr. President, reference has been made by these memorialists to the example of the British Government. With what propriety such an appeal is made by the citizen of a free republican Government to the institutions of monarchy, let others determine. But, sir, I am not aware that the British Parliament has ever by statute expressly authorized the use of the lash. There is no doubt that it is used in the Navy of Great Britain, and has been so used since the restoration of the monarchy under the Stuarts; but there is no evidence that the practice of flogging prevailed in the republican fleets of the English Commonwealth; and it is doubted by the best authorities that it ever was tolerated prior to the act of 13th Charles II. We have copied it from their practice, and not from their statute-book. But our Congress did what no British Parliament ever did: they sanctioned it in express terms by the laws of the United States. And here, Mr. President, you must permit me to call the attention of the Senate to a most singular fact, which is this: Our law of April, 1800, was principally copied from the statute of Charles II., and is openly and avowedly more severe and arbitrary than the British act, even under the Stuarts, and has remained so until last year, although flogging, as a punishment, was tolerated during the whole of that time, and up to the present moment, on land in England.

The act of Charles II. alluded to, was passed when the Duke of York, afterwards James II., was Lord High Admiral of England, and may be supposed to have been done at his instance. The English historian, the Earl of Clarendon, tells us, that when that prince entered on his duties, he found the Navy too republican for his taste or purposes, and set about reorganizing it by getting rid of the republican officers. In pursuance of this policy, he procured the passage of the act of 13th Charles II. Although that act does not, in express terms, authorize the use of the lash, yet by virtue of a clause contained in it, the Lord High Admiral, or the commissioners for executing his duties, issued instructions authorizing the use of the lash in the British Navy; and certainly it may be cited to justify any tyranny. I would not have noticed the reference of the memorialists to the practice in the British Navy, but that I desire, on this subject, not to leave a peg to hang a doubt upon. But, sir, the example of the British Government, such as it is, is no justification for the United States. The infliction of corporal punishment for certain offences has always, as far as I know, been sanctioned by British laws. The sailor in the British Navy receives the same punishment that is inflicted upon land in England; whereas, in the United States it has been almost universally abolished, and certainly has never been sanctioned by the laws of the United States,

except in the Army and Navy. Justification it has none; and if palliation is to be looked for, it could only be found in its infliction by the judgment of the sailor's peers. But the trial by jury is unknown to the naval service. Those great conservative safeguards, so dear to the freemen—the arraignment and trial before a jury of his peers indifferently selected, counsel and defence, are unknown to the everyday discipline of a man-of-war. Much less has the sailor any appeal. The process by which he is tried is a short process, and the punishment follows immediately on judgment. Where the power to punish is so absolute, the law should at least protect its victim from an infamous punishment for a petty offence, which may disgrace and ruin him for life. If when a citizen enters into the service of his country, he is to forego the protection of those laws, for the preservation of which he is willing to risk his life, he is entitled in all justice, humanity, and gratitude, to all the protection that can be extended to him in his peculiar circumstances. He ought certainly to be protected from the infliction of a punishment which stands condemned by the almost universal sentiment of his fellow-citizens; a punishment which is proscribed in the best prison-government; proscribed in the school-house; and proscribed in the best government on earth—that of parental domestic affection. Yes, sir, expelled from the social circle, from the school-house, the prison-house, and the Army, it finds defenders and champions nowhere but in the Navy. To say that no laws can be devised for the government of the Navy which do not tolerate the lash, is an acknowledgment of imbecility which this Senate will never make.

The difficulty in regard to this matter has been, that in framing articles for the government of the Navy, three things have been overlooked, which ought never to be lost sight of. First, that an American sailor is an American citizen and a freeman, though in the service of his country. Second, that he has yielded no legal right, not inconsistent with his obligations of duty. Third, that naval officers are not infallible, and require as stringent regulations for their government as other citizens invested with authority.

And now, Mr. President, I come to the discussion of a part of this subject far from being agreeable. Why is it that naval officers, and even some seamen, as I am told, desire to have the lash restored to the Navy? It is a symptom of unfavorable augury. It is an indication, that the moral standard by which the Navy is estimated, is low and degraded. It argues a preference for the exercise of arbitrary power, rather than appeal to those feelings of respect and sentiments of honor, which should influence the conduct of honorable men towards each other in the service of their country. The great Montesquieu has said, that while virtue was the principle of a republic, honor was that of a monarchy. Now, the actual government, in peace or war, in your military and naval service, is necessarily, in some degree, monarchical. Within the limits of his command, and in reference to those immediately subject to him, the captain, the colonel, the general, or the commander of a ship of war, is a sovereign—a monarch; and I hold that honor is the principle on which the government of his subordinates should be founded. Tell me not that a sailor's heart is insensible to the dictates of honor. I know better. It is there. It may indeed slumber and remain passive, and be almost extinguished by sullen revenge or bitter hatred; yet there it is, as real, and in as perfect existence, as in your breast or mine. By proper appeals to it, by generous treatment, by manly and discriminating excitement, it kindles into activity, and becomes the supreme arbiter of the sailor's life and conduct. Sir, if the officers would only believe in the existence of this sentiment of honor, and appeal to it as an instrument for the preservation of discipline, we should not be asked to restore the lash. A requisition for the lash proceeds on the supposition that there is no honor in a common sailor. Now, so far from that dogma having any foundation in fact, it must be known to all who appreciate the character of a true-hearted sailor, that honor is almost the only principle by which nine tenths of them are governed. When an unsuccessful appeal is made to the honor of a sailor, it is not because he is destitute of the principle, but because the appeal has not been properly made.

In the view I take of the subject, then, the argument derived from a low and degraded estimate of the Navy, is unfounded in any of the characteristics belonging to the common sailor. Has it any foundation in the incapacity of the officers to excite and cultivate those feelings of honor in a sailor which make him obedient and tractable? I hope not. If there be any such, they should not be intrusted with any command. They are destitute of the faculty of commanding. They have not the necessary qualifications. They are not safe depositaries for such absolute power, or for the security of our public ships. How can they rouse the sailor's sense of honor in time of battle, who have proved themselves incapable of believing in its existence at all other times. I apprehend, if the restoration of the lash be made to hinge upon the question, whether the sailor is destitute of honor, or the officers of capacity to successfully appeal to that honor, that we should not be troubled with many importunate demands for its restoration. If the desire to restore the lash to the Navy is evidence that the standard by which the Navy is judged is low and degraded, it is also evidence, to my mind, that the Navy has not kept pace with the moral improvement of the age. If it be the general opinion in the Navy that the lash is necessary and indispensable for the preservation of discipline, then, I say, we are now just where public sentiment stood in 1660, during the infamous reign of Charles II. Then the thumb-screw and the rack were in vogue, too. And if we are to go back to the lash, I do not see why we should not retrograde likewise to the boot, the rack, and the torture. What would be thought of the man who should propose to introduce into our penal code those horrible and barbarous punishments of which I have spoken? What would be thought of the civilized community who would approve such a proposition, and reinstate punishments in vogue three hundred years ago? Yet the proposition to restore the lash is of a similar character. It takes for granted that the sailor has remained stationary, ever since the rack, the thumb-screw, and the boot were abolished as part of the criminal law of civilized nations; it takes for granted that of all the light which has irradiated the human mind during the progress of the world, none of it has been poured on the understanding of the sailor. That he alone has remained stationary. That he alone has remained ignorant and incapable of improvement. That he alone is doomed to remain the victim of injustice and cruelty. Look, sir, through the various pursuits of human life, and wherever your eyes rest, you find that improvement has advanced with giant strides. You find that it has elevated and enlightened the ploughman in his field—the mechanic in his workshop—the merchant—the professional man—the daily laborer—all have felt the benign influences of improved civilization. If the sailor has not felt it in an equal degree with other classes, it is because you have degraded and abused him, by treatment from which other classes have compelled you to relieve them. His voice has not been heard like that of other classes in the halls of legislation. He has no representative in such places. He wields no political influence. He has no residence. His domicile is on the ship. If the interests of the sailor had received a tithe of the attention bestowed by legislators on the interests of other classes, we should not now be discussing the question whether or not he should be remanded to the tender mercies of these penal atrocities, from which the progress of modern improvement has relieved all other denominations of men—we would not now be discussing the question whether he should be treated like a man or a brute.

Mr. President, a word or two more and I am done. We hear a great deal of the delinquencies of sailors. There are delinquencies of officers, as well as of sailors. There are officers in the Navy, as well as sailors, who ought not to be there. If you desire to prepare the Navy for the exigencies of war—if you desire to preserve your ancient renown as a naval Power, you must, in my judgment, abolish the lash, and adopt a system of rewards and punishments in its stead. You must abolish the liquor ration; you must alter the whole system of the recruiting service; in one word, you must purge the Navy of all its foul stuff, in high places as well as low places; and you must lay

broad and deep the foundation of your naval greatness in the character of the common sailor. The bone and sinew of every Navy is the common sailor. You require the commanding intellect of scientific officers to direct him, and you require good ships. But after all, the common sailor is the working power which enables the captain and the ship to gain laurels. 'Tis the sailor who works and sails and fights the ship; and in proportion as he is superior or inferior, will be the success of the captain and the ship. Sir, in all the best traits of character which distinguish sailors, no nation excels the United States. The American sailor is bold, intelligent, hardy, and enterprising, and in nautical skill is unsurpassed. He shrinks from no danger, he dreads no foe, and yields to no superior. No shoals are too dangerous, no seas too boisterous, no climate too rigorous for him. The burning sun of the tropics cannot make him effeminate, nor can the eternal winter of the polar seas paralyze his energies. Foster, cherish, develop these characteristics by a generous and paternal government. Excite his emulation, and stimulate his ambition by rewards. But above all, save him, save him from the brutalizing lash, and inspire him with love and confidence for your service; and then there is no achievement so arduous, no conflict so desperate, in which his actions will not shed glory upon his country. And when the final struggle comes, as soon it will come, for the empire of the seas, you may rest with entire confidence that victory will be yours.

I move you, sir, that it is inexpedient to grant the prayer of the petitioners.

Mr. HAMLIN. I do not propose to occupy the time of the Senate. It is known probably to Senators, that the Senator from Louisiana [Mr. Downs] has been for several days extremely desirous of addressing the Senate upon another subject. The Senator from California, upon whose motion the Senate this morning proceeded to the consideration of this matter, has been called from the Senate. He was desirous of submitting the motion to lay it on the table for the present; and in his absence I have risen simply to make that motion.

Mr. BADGER. I wish to make a few remarks upon the subject.

Mr. HAMLIN. I trust the Senator from North Carolina will yield, for the benefit of the Senator from Louisiana. I therefore move to lay the subject on the table.

Mr. BADGER. I hope it will not be done, sir.

Mr. HAMLIN. I submit the motion because I told the Senator from California that I would do so.

Mr. BADGER. And because the Senator from California is absent, is that to preclude a member of the Naval Committee from saying a word on the subject?

Mr. HAMLIN. I wish the Senator from North Carolina to understand my position. I do not propose, by moving to lay this subject on the table, to preclude all further discussion of it; but only to preclude it so far as to allow the Senator from Louisiana to address the Senate to-day upon another subject, as he is anxious to do, so that he may leave the city for a time. It is out of kindness to him that I make the motion.

Mr. DOWNS. I did desire to address the Senate to-day; but if the Senator from North Carolina desires to continue this debate, I shall be very willing to wait until to-morrow.

Mr. HAMLIN. Then I withdraw the motion.

Mr. BADGER. I have no disposition to inflict a speech upon the Senate upon this subject. The views that have been submitted to the Senate by the honorable Senator from New Jersey, have in some respects struck me with surprise; and I think that as they have been delivered to the Senate upon an occasion when it is not usual for us to go into discussions or investigations of this kind, as I am a member of the Naval Committee, to whose custody, long ago, according to my view, this memorial should have been intrusted; and as I entertain a very different opinion upon the subject of this petition from that which has been so forcibly and eloquently expressed by the honorable Senator from New Jersey, I could not think it right that remarks of this kind should go forth to the country without an instantaneous notice from some gentleman who belongs to that committee. In the absence of the chairman, I have assumed that duty myself.

Mr. President, it is necessary that, on every occasion of this kind, we should understand what is the subject that is presented for the consideration of the Senate. We should look at it as it is, not as it is presented to us by oratorical exaggerations. The honorable Senator from New Jersey speaks of administering the lash to these gallant and noble sailors until the flesh is torn from their backs, while the blood is running down to their heels; and he assumes, or supposes, that the petition now on your table is an application to the Senate of the United States to be instrumental in restoring—I should say, sir, in introducing—such horrible barbarity into the service. Now, what is the petition? It is simply a petition that the Congress of the United States will restore a discipline to the Navy which had existed in it from its institution, and was discontinued only during the last session of Congress. It is an application to restore a discipline to the Navy which went into operation under the sanction of the immortal Washington, and was continued under all succeeding administrations of the Government; and surely I need not say, sir, that asking us to restore such a discipline, is not asking us either to restore or introduce into the Navy a system of horrible, barbarous, and detestable exaggeration of punishment, such as cannot be stated without making the heart turn sick with horror and detestation.

The honorable Senator from New Jersey was pleased to say, that if he could make the proposition with propriety to the Senate, he would be glad to see that petition, praying for the restoration of a law more than half a century old, which was sanctioned by Washington and by all his illustrious successors, praying for nothing more, laid under the table and trampled under foot. I hope, Mr. President, that he would not also send with it under the table, and under the same trampling of feet, those of us here who think the petition right and reasonable and just; for it seems to follow, if those who ask this thing of the Senate are to be treated with indignity by this body, that either precisely the same or some similar treatment is justly due to those who advocate the petition they present. But little is gained in discussions in this Chamber or elsewhere, as I imagine, by observations which do not meet the merits of the question under consideration. To that I desire to invite your attention for a few minutes, without undertaking to follow the Senator through the whole of his remarks, or to notice in detail the statements which he has made on this subject.

His objections to the punishment which it is proposed to restore to the discipline of the Navy divide themselves into two heads. So far as I see, my task will be a very easy one, for the honorable Senator himself has distinctly refuted both of them in the course of his remarks. The first is, that this punishment is positively mischievous; that to subject the sailor to the lash is to teach him to be a coward; that if you expect him to maintain the glory of the country, to maintain possession of the public ships, to resist the enemy who assails him; if you do not wish to build ships, not for yourselves, but for your enemies, you must abolish the lash; for by accustoming the sailor to that punishment, you deprive him of the principles of honor, and make him a coward. Yet in the very same breath the honorable Senator reminds us of those gallant and noble achievements which distinguished the progress of the late war with England—of those victories upon the ocean and lakes which have made the names of the naval commanders immortal, and shed lustre upon this country; and of which I would only say, that I should be entirely satisfied, if the successes of our naval commanders under this, or any modification of the law, would equal them. How were those sailors bred? Under what discipline were they trained? Was it not with this very discipline of the lash, which the honorable Senator says must be abolished in order to make them brave? Every victory which they have gained, every monument of naval renown which, at the day, was received with shouts of joy and gratulation from one portion of the Union to the other, and the memory of which is cherished by us all, was gained by sailors, noble, daring, courageous sailors, but sailors who were formed under the discipline of the lash.

Now, it seems to me that nothing can be plainer, as I have said, than that this objection of the honorable Senator is refuted by himself; for, so far from speaking of these achievements and exploits

as but the beginnings of naval renown hereafter to be emulated and exceeded, he speaks of them in glowing terms of eloquence, which I have not the power of language or the graces of delivery to equal. He brings them forward as glorious examples which we are to follow. If they are examples which we are to follow; if the ends then attained are what we are to propose as the ultimatum of our hopes, is it not a contradiction for the honorable Senator to say that the very discipline which trained men for their accomplishment, makes men cowards? So much with regard to the mischievous tendency of this punishment.

The next objection of the honorable Senator was, that this punishment is inexpedient and unnecessary. Let us see how that is. As I should have said, it is a punishment that obtains in every naval service on the globe. It obtained in ours from the establishment of our naval marine until the last Congress. It is said by the honorable Senator, that nothing is urged, in the form of an argument, in support of the necessity and propriety of that punishment. He says the common course is to say that the punishment is necessary, that it cannot be dispensed with, and there leave the subject. What more does the honorable Senator say in reply, but simply to make a strong and confident assertion; and what is that? That it is unnecessary. He says that no officer, who is fit to command a ship, needs the lash. Is that an argument? or is it not rather one assertion opposed to another? Certainly the opinion of the Senator is entitled to as much weight and consideration as that of any man in this country. But it is no more an argument, than the opinion of any other man. And then, as I have said, the honorable Senator has refuted his own proposition by his own statements. What does he say? "He that is fit to command a ship does not need the lash." The honorable Senator has certainly told us, in the eulogy he passed on the celebrated victory of Hull in the Constitution, that Hull was fit to command a ship. I suppose that Decatur, I suppose that Perry, the conqueror of the lakes, that Morris, that Warrington, were all fit to command ships. Yet they all needed, they all used, the lash. They formed their men with the lash; and in using that term, I do not mean to say that they were engaged in excessive flagellation. No one asks or contends for that; but that they used it as a means of discipline, as a means of coercing their authority and forming the sailor to habits of obedience. Then, if the honorable Senator has conceded the fact that these men actually needed the lash; if, as he has shown, they were fit to command ships, I ask if he has not repudiated all his objections?

But again: the honorable Senator has repudiated them further, for he tells us, in anticipation of what he supposes may be a reply, by an *argumentum ad hominem*, that when he was in the command of ships, he used the lash. And why? He says he acted in obedience to the law. What law? There never was a law in the United States that required the commander of a ship to use the lash. The law authorized him to use it when it was needful. It made him the judge, and the sole judge, of that necessity. He has no assessors in his tribunal. He has no jury to determine when the lash shall be used. He is the one supreme judge on his own ship. The law says to him, in fact, "When you shall deem it necessary for controlling and directing your vessel and governing your men, for restraining misconduct, for giving a proper degree of order to the ship and efficiency to the service, you are at liberty to use the lash." Now, the honorable Senator says that when he was in command of a ship he used it. There is no man who knows him, and who knows the kindness of his heart, who would suppose that he ever used it except in a case of necessity in his judgment. Then he himself, being in the possession of a power at liberty to use it at his own discretion when it was needful, and to forbear using it when it was not needful, actually used it. I suppose none of us here doubt for a single moment that he is fit to command a ship; he is eminently fit for it, at least he was while he was in the service. Thus I think I have a distinct refutation of the honorable Senator's own proposition. It is precisely logical. He that is fit to command a ship needs not the lash. It is refuted very simply. All the leading commanders in our service did need the lash as an instrument of authority,

the honorable Senator himself included; they were fit to command ships; therefore the lash was needful.

The honorable Senator commenced his remarks by saying, that that government is the best which rules by love, and not by fear. I am a good deal in the habit of distrusting these abstractions. I do not know that we are exactly able to form an idea of what is the best government in the abstract. If we confine ourselves to the affairs of this globe on which we live, and on which our ancestors have lived before us, we will find that there never has been any such government in it, either human or divine, for one single instant of time. When that primeval pair, from whom we have all sprung, were placed in perfect and happy innocence in Paradise, with their affections all attuned in a harmonious disposition to love, to reverence, and to serve their great Creator, were they left without the influence of this principle of fear? Not at all. "In the day that ye eat thereof, ye shall surely die." However agreeable and pleasing it may be to us to imagine a state of society in which all men shall do exactly everything that is right, and nothing that is wrong, merely because of a spontaneous disposition to do it, it is very certain that no such government ever has existed, or ever can exist, until there is a total renovation of man's character. All governments, that is, all wise and just governments, act by the double influence of hope and fear, by the application at one time of reward, at another of punishment. Is not that the rule in the domestic circle? We encourage and lead our children; but if they will not be encouraged and led we punish them. We endeavor to induce them to do right from love to us; but if they will not do it from love, they must do it from fear. It is the object to be accomplished that is to be looked at. If we are faithful to ourselves, we do not leave them without the necessary coercive means. The end to be accomplished, is obedience and submission—the doing right. If you can bring it about by encouragement, and persuasion, and love, so much the better. If you cannot, you must resort to fear, because the end is too valuable to be sacrificed.

Mr. President, I believe greatly in the tribute which the honorable Senator has paid to the character of the American sailor; but permit me to say that the honorable Senator does not exactly, as I think, meet the question presented by this petition. He says the American sailor is a noble specimen of a man. As a general remark, what he says is true. He says that such a man as that ought not to be degraded. I admit it; but is it proposed to degrade him? Is this a petition that Congress shall pass a law compelling the officers who have charge of the public ships of the country to whip all the men, those who behave well and those who behave ill? It does not propose that commanders shall do as our old friend Caleb Quottem, the schoolmaster in the friend, did. He had to leave his school to go to the review. He first went to the school-house, and not being able to remain long, he thought it best to whip the boys all round before he started, because, he said, he knew they would deserve it during the day. There is no proposal of that kind. These petitioners simply wish to restore that discipline in virtue of which a man who offends—a man who, by his conduct, soils this fair and excellent character which belongs to the American sailor—shall be made to suffer, and to suffer by punishment sufficient to restrain him, if possible, and if not, at least to warn others, whose virtue and whose principles may not be very strong, from falling into a like error.

The honorable Senator says that it is very clear, upon looking at the report which has been made here of the number of whippings inflicted for drunkenness and other offences, that this punishment is useless and does no good, and is therefore unnecessary. Is that a proper conclusion? Is it one justly drawn? Can it stand the test of examination? Suppose that a man should come forward and call upon society to abolish all punishments, and trust to the genial influence of moral suasion to prevent those who have a disposition to put their fingers into their neighbors' pockets and take their neighbors' pocket-books, or those who desire to steal horses, getting over their neighbors' hedges, or those who are bloodthirsty from cutting their neighbors' throats, it seems to me that he might offer precisely the

same argument for abolishing all punishments. He would take up the criminal calendars which show how many men were punished for stealing, how many were punished for murder, and say: "These punishments are of no avail—they have done no good, and therefore no punishment should be inflicted." No man supposes for one moment that any institutions of society would ever prevent the occurrence of crime. But before we come to the conclusion of the Senator, we must ascertain what would have been the condition of things in the Navy, and the condition of things in society in the case I have taken, if all legal restraint were removed. Now the spirit of evil would rise refreshed, like a giant refreshed with wine. It would go forth for destruction and ruin upon all the best interests of society and social order. The Senator's argument proves this—if it proves anything—that the system of punishment, severe as it was, was not more than adequate to preserve a tolerably sound and healthy condition in the naval branch of the service, and, in my opinion, it proves nothing more.

Sir, I shall be extremely glad to see a state of things in which our officers would conduct our ships over the wide surface of the ocean, and that the service should be carried on always, and in all circumstances, by free and willing minds; and that under the stars and stripes there should never be a necessity for resorting to any punishment. We would all rejoice at it. I should be extremely glad to believe that the particular punishment alluded to can be dispensed with; but it does not help forward the consideration whether it ought to be dispensed with or not, to say that it is treating the sailor like a slave. That, I admit, conveys to the mind something shocking and terrible. Why, the honorable Senator would not at all object to confining the sailor who had been guilty of misbehavior in irons or in double irons. I think it would be extremely difficult to show how a man could exhibit more the appearance of slavery than with his hands and legs manacled with double irons, and he himself locked up in prison on board ship. It would not be thought right, if I objected to that punishment, to say, that putting a man in irons was treating him like a slave. In one sense of the word, whenever we seize an offender and restrain him in the exercise of his liberty, we are treating him like a slave, but we are treating him like a slave, because he has shown himself to need such treatment. We take from him that liberty which he has abused—he shows that he is not worthy to exercise the freedom of heaven, and we are obliged to take away some of his privileges.

Doubtless there have been men who have been so happily constituted in the command of an armed force as to be able to lead about their troops, as it were, by a charm. There may have been men under whose command punishment was unnecessary. The poet has told us of the gallant General Wolfe, that "his example had a magnet's force, and all were swift to follow whom all loved." Still, if the general who commands the army be not that attracting magnet which induces his men to follow him from love, the interest, not of the officers but of the country, requires that the men should be made to follow him from fear. Why, the poets tell us that the herds voluntarily followed Orpheus when he moved through the fields; but the ordinary herdsmen of that day were under the necessity of carrying goads to drive before them their reluctant steers.

We cannot argue from these particular instances; we must adapt our law to the general condition and character of mankind; and I think it would be as unwise to speculate upon the capacity of officers of the Navy superseding stringent and effectual punishment by attracting the love of their sailors towards them, as it would be if any unfortunate herdsmen in ancient times had said he would take a flute or a fiddle, throw away his thong, go out into the fields, and endeavor by piping to induce his cows and kine to follow him home to their pasture.

Upon the subject of this petition I will say this—although I was myself entirely opposed to the change in the law made by the last Congress—made, as we all know, in a manner irregular and not according to what are or should be the usages of sound legislation, by thrusting in an amendment upon a general appropriation bill—the civil and diplomatic bill—a proviso to abolish the punish-

ment of flogging in the Navy; although, as you well knew, Mr. President, a vast number of petitions and applications upon this subject had been received by the Senate, and had been referred to the Committee on Naval Affairs, and as I knew that committee had been diligently engaged in collecting information from every quarter whence it could be obtained, and were exceedingly desirous to present to the Senate some measure of improvement which, while it preserved the power of the officer in circumstances where it was necessary to use the lash, should, at the same time, prevent its hasty and ill-tempered or excessive application; and while we had the materials ready to make a report on the subject after having paid such attention and vigilance to the subject as we had hoped might make it worthy the consideration of the Senate, this was put into the civil and diplomatic appropriation bill without any inquiry except a moment's discussion in the Chamber and was passed—although this measure was thus put, I, for one, am not for touching it now.

I want our policy on the subject to become settled. We have become dissatisfied with our past experience. The glories of the Navy, the admirable state in which it has always maintained itself and performed its duties towards the country under the ancient discipline, have not been sufficient to induce Congress to trust it as it was. They have abolished flogging in the Navy. Now, I want no frequent changes in the discipline of the Navy. I want the problem worked out by actual experiment whether this species of punishment is necessary to the Navy or not. We can only ascertain this by waiting and seeing what is the operation of the present system. If it shall prove to be entirely inadequate—if the punishment shall be seen by the country to be absolutely necessary—if it shall be restored with proper safeguards against its abuse if those safeguards did not exist before—then it will be restored by a community satisfied that the punishment is necessary, and then we may hope to have some rest, and escape from further agitation on the subject. That is my view; and, therefore, for my own part, I have no disposition to see the subject contained in that memorial further prosecuted at this session of the Senate. If the honorable Senator from New Jersey prefers it, I, for one, am perfectly willing that the petition shall lie on the table without being called up again. I want no hasty changes backward and forwards on this subject. I assure that Senator, and every other Senator, that, if the naval service can be carried on with efficiency, and its character maintained, without that punishment, I will be as reluctant to see it restored as any member of this body. I was opposed to abolishing it because I believed it necessary to retain it. If it shall be found that it is not necessary, I shall be as strongly opposed as the Senator from New Jersey to restoring it. I am indifferent whether the petition goes to the Committee on Naval Affairs, or remains on the table without further action by the Senate.

Mr. STOCKTON. Mr. President, I have been accustomed heretofore to look to the Senator from North Carolina [Mr. BADGER] for direction and counsel in important matters. I have always had great pleasure in considering him not only my friend, but worthy of the most entire confidence and respect; but however much I may regard him individually—however much I may esteem his great learning and acquirements, I must say to the Senate, even at the risk of being thought quite presumptuous, that I do not think that the Senator from North Carolina has treated my remarks with his usual candor and fairness. He has stated my arguments in his own way, and then unceremoniously declares, that I have myself refuted them. His speech seems to have been characterized by a degree of sentimental levity not altogether in good taste. It appears to me that under the circumstances, I had a right to expect something more kind and considerate from the honorable Senator. Certainly the attempt to turn my argument into ridicule was the last thing I should have expected from him.

Mr. BADGER. I beg pardon of the Senator. I intended no such thing.

Mr. STOCKTON. I thought the gentleman intended to do so.

The gentleman at ~~am~~ took advantage of the opportunity to display to the Senate, at the expense of my argument, the versatility of his

genius, and his classical erudition. As far as it was agreeable to him, I am glad that he had the opportunity to do so. But, sir, there is nothing, in my judgment, which the Senator said worthy of a reply from me, except one remark. In referring to my remark, that when the sailor was flogged he was scourged like a slave, the honorable Senator intimated that I was claiming more for the sailor than he was justly entitled to. Sir, all that I ask for the American sailor is, that he shall be treated like an American citizen. I have asked for nothing more. Now, I would inquire of the Senator if American citizens are generally scourged?

Mr. BADGER. Certainly they are.

Mr. STOCKTON. They may be in North Carolina. I believe it is said that that State is a little behind the age.

Mr. BADGER. And in Virginia and Delaware. Most respectable company for North Carolina.

Mr. STOCKTON. I shall say nothing about Delaware, and I have no knowledge of flogging being allowed in Virginia. But I say, that the American citizen in the other States of the Union is elevated high above the scourge. All I ask is, that the American sailor should be treated like any other American freeman, and not punished like a slave. The slave is, perhaps, as universally punished by the lash, when he deserves it, as the American freeman is exempt from such a punishment. Therefore it was that I said that an American freeman as he was, the American sailor ought not to be scourged like a slave. Now, I would ask the honorable Senator whether he would have the punishment of the lash inflicted upon the freemen of the United States generally? If the honorable Senator is prepared to say that he is willing to have this punishment inflicted on all the citizens of the United States, there may be some consistency in his position.

Mr. BADGER. Does the gentleman wish me to answer that question?

Mr. STOCKTON. Certainly, if you see fit.

Mr. BADGER. Then I would say that I am totally opposed to any law for whipping all of the citizens of the United States, for we should be brought into the difficulty of being citizens of the United States. With regard to the subject of punishing offences, I am very well satisfied that the system of punishment prescribed by the laws of the United States, prevails over the citizens of the United States; and I am very well satisfied that the system prescribed by law, prevails over those citizens of the United States who are sailors. I would ask the Senator, if he intends that the sailors shall have all the privileges of citizens of the United States? Does he intend that bills shall be found against them by grand-juries, and they be brought to trial before judge and jury?

Mr. STOCKTON. I should be very glad if sailors could have the benefit of a trial by jury. The Senator says wisely, that he does not want all the citizens of the United States scourged. He does not wish to be scourged himself, nor does he wish that the Executive Department of this Government, nor the members of the two Houses of Congress, should be scourged. Now, sir, let him tell us why a Senator should not be flogged as well as a sailor. Or why any other public servant, as well as the sailor, should not be scourged. Especially let him tell us, why the defrauders of the Government—those men who rob the public Treasury—should not be scourged as well as the sailor.

The honorable Senator knew, when he began this argument, that he had no good cause, but, lawyer-like, he has worked all round the circle, and at last got back to the very same place from which he started. He now says, that he is not willing to restore the lash at present; therefore, Mr. President, I move that it is inexpedient to grant the prayer of the petitioners.

Mr. MALLORY. Mr. President, as one of the Committee on Naval Affairs, it is my misfortune to differ with the honorable Senator from New Jersey. The views which he has advanced so eloquently, came upon me very unexpectedly. I have been familiar with the Navy for some twenty-odd years, and in interest in the Navy, I can yield to no Senator on this floor. I have some views, which I could wish to express on this matter, but as it is now the usual hour of adjournment, if the Senate will indulge me, I would express those views to-morrow morning. I therefore now move that the Senate adjourn.

Mr. GWIN. I hope the Senator will withdraw that motion, inasmuch as I wish to submit a few remarks on the subject at this time.

Mr. MALLORY. I withdraw the motion.

Mr. GWIN. I was absent when the Senator from New Jersey concluded his speech. I wish to make some few remarks upon this subject, but I am not now prepared to go into the discussion of this question, for a document which I called for and hoped would be on our tables some days ago, has only been placed before us this morning, and I have had no opportunity to examine it.

Several Senators entreated the honorable gentleman to yield the floor, as it was the usual hour of adjournment.

Mr. GWIN. I will yield the floor, then, to the Senator from Florida.

Mr. MALLORY. Mr. President, I again move that the Senate do now adjourn.

Mr. DOWNS. Will the Senator from Florida withdraw the motion for a moment?

Mr. MALLORY. I withdraw the motion.

Mr. DOWNS. I have been prepared for two or three days to make a speech on the compromise resolutions. I expected that I should have had an opportunity to make that speech before this, and therefore I would ask the honorable Senator to move to postpone this subject until the day after to-morrow, so that I can have the floor for to-morrow.

Mr. MALLORY. I move, then, to postpone the further consideration of this memorial until the day after to-morrow.

The PRESIDENT. That will be Friday, the day which has been set apart for the consideration of private bills.

Mr. PRATT. I would remark to the Senator from Florida, that the only difficulty is, that Friday has been already appropriated to a specific purpose—the consideration of private bills; therefore if Monday would be agreeable to the Senator, I would move to postpone the further consideration of the memorial until that day.

Mr. MALLORY. Friday or Monday—it is indifferent to me.

The motion to postpone until Monday was then agreed to.

ANNIVERSARY OF THE BATTLE OF NEW ORLEANS.

Mr. BADGER. I would like to seize a single moment to call the attention of the Senate to a subject which I am afraid may escape their observation. To-morrow is the 8th of January, the anniversary of the victory of New Orleans. The other House, I believe, in accordance with usage has adjourned over until the day after to-morrow. We should not be behind them in respect for the day. As some of my Democratic friends do not like to take the responsibility of making this motion, I move that when the Senate adjourns it adjourn to meet on Friday.

The motion was agreed to.

BILLS FROM THE HOUSE.

The bill from the House of Representatives to admit a certain vessel to registry, was read a first and second time by its title, and referred to the Committee on Commerce.

The House bill in relation to a certain lot of ground in the town of Guadenhutton, in the State of Ohio, was read a first and second time by its title, and referred to the Committee on Public Lands.

WILLIAM DARBY'S RELIEF BILL.

The engrossed bill for the relief of William Darby was read the third time and passed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 7, 1852.

The House met at twelve o'clock, m.

The Journal of yesterday was read and approved.

A message was received from the Senate, by ASBURY DICKINS, their Secretary, informing the House that the Senate had passed the bill of the House, entitled "An act making an appropriation to meet the expenses which were incurred in consequence of the late fire at the Capitol."

Mr. BRIGGS moved that when the House adjourns, it adjourn to meet on Friday next.

The question was taken, and it was agreed to.

Mr. HOUSTON. My object in rising now is to make a suggestion to the House, that the few minutes left before the special order of the day is executed be appropriated, by universal consent, to the reception of bills from all gentlemen who have bills to offer, for the purpose of referring them to committees. I have no bills myself to offer at all, but I know that there are several gentlemen here who have. I move, then, that universal consent be given.

[Cries of "Agreed!" "Agreed!"]

Mr. CLARK, on leave, introduced a bill for the relief of Edward Brown; which was read the first and second time by its title, and referred to the Committee on Revolutionary Claims.

Mr. BAYLY. I am directed by the Committee on Foreign Affairs to report back a bill—

Mr. RICHARDSON. I object. The Committee on Foreign Affairs can report at any time.

Mr. BAYLY. I report it, then, upon my individual responsibility.

Mr. BAYLY then, on leave, introduced "A bill for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain;" which was read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. BELL, on leave, introduced a bill to amend an act entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850; which was read a first and second time by its title.

Mr. B. I ask that the Clerk shall read a short communication from the Secretary of the Interior.

[Cries of "I object!" "I object!"]

Mr. RICHARDSON. I move the reference of the bill to the Committee on Military Affairs.

Mr. BELL. I do not wish to take up the time of the House. It is a general act, and I make this motion for the purpose of having the communication printed. I move that the bill be referred to the Committee on Public Lands.

It was so ordered.

Mr. LOCKHART, on leave, introduced a bill "granting the right of way and making a donation of land to the States of Indiana and Illinois, in aid of the construction of a railroad from New Albany, in the State of Indiana, via Mount Carmel, on the Wabash river, to Alton, in the State of Illinois;" which was read the first and second time by its title, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Arkansas, on leave, introduced a bill "granting to the States of Arkansas and Missouri the right of way and a portion of the public lands, to aid in the construction of a railroad from St. Louis, Missouri, via Little Rock, to a certain point on Red river, near the town of Fullerton, in Arkansas, and for branches thereto;" which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. SIBLEY, on leave, introduced a bill providing for the survey of the Mississippi river above the Falls of St. Anthony; which was read a first and second time by its title.

Mr. S. moved that it be referred to the Committee on Territories.

Mr. DUNHAM said that all other bills of this kind had gone to the Committee on Roads and Canals. He moved its reference to that committee.

The question was first taken upon Mr. SIBLEY's motion, and it was not agreed to.

The question was then taken upon Mr. DUNHAM's motion, and it was agreed to.

So the bill was referred to the Committee on Roads and Canals.

Mr. THOMPSON, of Virginia, on leave, introduced a bill to provide for the survey of artificial sites for reservoirs, to be constructed in the main affluence of the Ohio river, in accordance with the plan submitted to Congress by Charles Ellet, jr., and for other purposes; which was read a first and second time by its title, and referred to the Committee on Roads and Canals.

Mr. POLK. I rise to a privileged question. The hour is approaching when the order of the House is to be executed, and I have a motion which I desire to submit. I will, however, give way to enable gentlemen to get in their bills, with the understanding that I shall have the opportunity to submit my privileged motion.

Mr. HENN, on leave, introduced a bill to create three additional land offices in the State of Iowa; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. H. also introduced a bill to continue half pay to certain widows and orphans; which was read a first and second time by its title, and referred to the Committee on Invalid Pensions.

Mr. McMULLIN, on leave, introduced a bill making grants, on certain conditions, to the Virginia and Tennessee Railroad Company, to aid in the construction of their railroad; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. McMULLIN. I rise to a privileged question, and I desire the attention of every gentleman present—

Mr. POLK. I rise to a point of order. [Great laughter and confusion in the Hall.] By universal consent, as I understood it, I was to be allowed to make the motion that the ladies be allowed to occupy seats within the bar. [Laughter.] The gentleman from Virginia, [Mr. McMULLIN,] I believe, is about to make that motion. He is going to take the wind out of my sails. [Roars of laughter, and great confusion.] I find, Mr. Speaker, to treat this question seriously—

Mr. BISSELL. I call the gentleman to order.

Mr. POLK. Will the gentleman reduce his point of order to writing? [Laughter.]

Mr. BISSELL. My point of order is, that there is no question before the House.

The SPEAKER. By unanimous consent the gentleman from Virginia, [Mr. McMULLIN,] can submit his motion; but not otherwise.

Mr. McMULLIN. I ask most respectfully that the House of Representatives shall be as courteous and respectful to the ladies of our country as was the Senate of the United States; and that, by the unanimous consent of the House, the ladies be permitted to appear within the bar of the House and witness the ceremonies of the day.

There being no objection, it was so ordered.

The doors were then thrown open, and the vacant space outside the bar was soon filled with ladies. Many were also introduced within the bar, the members vacating their seats for that purpose.

Mr. COBB, on leave, introduced the following bills; which were severally read a first and second time by their titles, and referred to the Committee on Public Lands:

A bill granting the right of way and alternate sections of the public lands to the State of Alabama, for the purpose of constructing a railroad from Selma to the Tennessee river, in said State;

A bill granting the right of way and making a grant of public lands to the States of Mississippi and Alabama, to aid in the construction of the Memphis and Tennessee railroad; and

A bill to graduate and improve the price of the public lands belonging to the United States, and for other purposes.

Mr. PHELPS, on leave, introduced a bill to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. FOWLER, on leave, introduced a bill for regulating the mileage of members of the Senate and House of Representatives; which was read a first and second time by its title.

Mr. F. moved that the bill be referred to the Committee on Mileage.

Mr. RICHARDSON. I object to that motion. When this matter is referred, I want another matter to go with it, and that is the payment of members after the time for which they have been elected has expired.

Mr. FOWLER. I will withdraw my motion for the present.

The motion was withdrawn.

Mr. BISSELL, on leave, introduced a bill making a grant of public land to the several States of the Union, for the benefit of indigent insane persons; which was read a first and second time by its title.

Mr. B. moved that the bill be referred to a select committee of five.

Mr. HALL moved to refer it to the Committee on Public Lands.

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32D CONGRESS, 1ST SESSION.

SATURDAY, JANUARY 10, 1852.

NEW SERIES... No. 15.

The SPEAKER. The question must first be taken upon the motion of the gentleman from Missouri.

Mr. BISSELL. I hope that motion will not be persisted in.

The SPEAKER. If debate arise, the Chair will have to rule that the bill must lie over.

Mr. BISSELL. I do not propose to debate it. The question was then taken on Mr. HALL's motion; and it was agreed to.

So the bill was referred to the Committee on Public Lands.

Mr. HALL moved to reconsider the vote on referring the bill, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. DOTY, on leave, introduced a bill to establish an Agricultural Bureau in the Department of the Interior; which was read a first and second time by its title, and referred to the Committee on Agriculture.

Mr. GREY, on leave, introduced a bill making a grant of public lands to the Commonwealth of Kentucky, to aid in the construction of railroads in that State; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. MACE, on leave, introduced a bill granting lands to actual settlers; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. CAMPBELL, of Illinois, on leave, introduced a bill for the improvement of the Rock Island and Des Moines Rapids in the Mississippi river; which was read a first and second time by its title, and referred to the Committee on Roads and Canals.

Mr. MOORE, of Louisiana, on leave, introduced a bill granting the right of way and making a grant of lands to the States of Louisiana, Mississippi, and Arkansas, to aid in the construction of certain railroads; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. CONGER, on leave, introduced a bill to provide for the construction of a ship canal around the Falls of the St. Marie river, at the foot of Lake Superior; which was read a first and second time by its title, and referred to the Committee on Roads and Canals.

Mr. BROWN, of Mississippi, on leave, introduced a bill granting the right of way and making a donation of public lands in aid of the construction of a railroad from the city of New Orleans, in the State of Louisiana, to Jackson, in the State of Mississippi; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Tennessee, on leave, introduced a bill to encourage agriculture, and for other purposes; which was read a first and second time by its title.

Mr. J. then moved to postpone the further consideration of the bill until the first Monday in February, and that it be made the special order for that day.

Mr. ORR objected.

The bill was therefore laid on the Speaker's table.

Mr. HASCALL, on leave, introduced a bill authorizing the names of certain revolutionary officers and soldiers to be placed on the pension list; which was read a first and second time by its title, and referred to the Committee on Revolutionary Pensions.

Mr. DEAN, by unanimous consent, introduced the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Fishkill village, in Dutchess county, through Brinkerhoff, Johnsville, Oregonville, Gay, Head, and Cortlandville, to Stormville, in said county.

Mr. JACKSON, on leave, introduced a bill for the removal of obstructions in the river Savan-

nah, in the State of Georgia, and for the improvement of the same; which was read a first and second time by its title.

Mr. J. moved to refer the bill to the Committee on Commerce.

Mr. DUNHAM moved that it be referred to the Committee on Roads and Canals.

The SPEAKER stated that the question would first be taken on the motion of the gentleman from Georgia, [Mr. JACKSON.]

Mr. JACKSON demanded tellers on that motion; and they were ordered.

Mr. STANTON, of Tennessee, (it being now ten minutes to one o'clock,) said that it must be apparent to gentlemen that it was utterly impracticable to divide the House at the present moment, and he would therefore suggest that all further business be suspended until the order of the House should have been executed. It wanted but a few moments to one o'clock—the time fixed for the introduction of M. Kossuth.

The suggestion was concurred in; and, by general consent, all further business was suspended until the hour of one o'clock arrived.

RECEPTION OF LOUIS KOSSUTH.

M. LOUIS KOSSUTH, escorted by the Committee of Reception, and followed by his suite, entered the Hall and advanced up the aisle in front of the Speaker—the members of the House generally rising to receive him.

Mr. CARTER (the chairman of the Committee of Reception) then addressed the Speaker as follows:

Mr. SPEAKER: We have the honor to present Governor LOUIS KOSSUTH to the House of Representatives.

The SPEAKER. As the organ of this body I have the honor to extend to LOUIS KOSSUTH a cordial welcome to the House of Representatives of the United States.

M. KOSSUTH replied in the following words:

SIR: It is a remarkable fact in the history of mankind that while, through all the past, honors were bestowed upon glory, and glory was attached only to success, the legislative authorities of this great Republic bestow the highest honors upon a persecuted exile, not conspicuous by glory, nor favored by success, but engaged in a just cause. There is a triumph of republican principles in this fact.

Sir, in my own and my country's name I thank the House of Representatives of the United States for the honor of this cordial welcome.

M. KOSSUTH was then conducted by the Committee to a chair which had been prepared for him.

Mr. STANTON, of Tennessee. For the purpose of giving the members of the House of Representatives an opportunity to pay their respects to the distinguished guest of the House, I move that we now adjourn.

The motion was agreed to, and the House adjourned until Friday.

The Representatives were then presented by the Speaker and Committee of Reception to M. Kossuth, as were also the immense crowd of ladies and gentlemen who had assembled upon the occasion.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. STUART: The petition of the citizens of Albion, Michigan, praying that Congress will make suitable provision for the erection of a line of telegraph from Fort Independence to some eligible point on the Pacific coast, by the passage of a law that will protect and encourage the telegraphic inventions of American citizens.

Also, the petition of the Board of Education of the State of Michigan, praying for a grant of lands to them equal in value to certain salt spring lands heretofore granted to said State and erroneously confirmed by the Secretary of the Treasury.

By Mr. SCUDDER: The petition of Mary Ruggles, of Tisbury, Massachusetts, widow of the late Timothy Ruggles, praying that a law may be passed giving pensions to the widows of revolutionary soldiers who were married subsequently to the year 1800; and for other relief.

By Mr. TAYLOR: The petition of William H. Winder, praying Congress to purchase the building at the corner of

F and Seventeenth streets, in Washington city, now rented of him by the Government.

By Mr. SCHERMERHORN: The petition of Sarah K. Jenks, asking for compensation for losses sustained by the seizure of the brig Jane and cargo at Laguayra.

IN SENATE.

FRIDAY, January 9, 1852.

Prayer by the Rev. L. F. MORGAN.

The Hon. PIERRE SOULE, from the State of Louisiana, attended this day.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in obedience to law, statements of the contracts which have been made under the authority of that Department during the year 1851; which was read, and it was

Ordered, That it lie on the table and be printed.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, made in obedience to law, accompanied by a statement showing the expenditures for contingencies of the military establishment during the year ending December 31, 1851; which was read, and it was

Ordered, That it lie on the table and be printed.

LIBRARY OF THE CANADIAN PARLIAMENT.

The following message was received from the President of the United States, by Mr. M. P. FILLMORE, his Private Secretary:

To the Senate of the United States:

I transmit to the Senate the copy of a resolution adopted by the Legislative Council of Canada, together with the copy of the note by which the resolution was communicated to this Government, expressing the satisfaction of that Council at receiving intelligence of certain donations in aid of the reconstruction of the Library of the Canadian Parliament.

MILLARD FILLMORE.

WASHINGTON, January 6, 1852.

"LEGISLATIVE COUNCIL,

"WEDNESDAY, August 20, 1851."

"*Resolved*, That this House receives with much satisfaction the intelligence of the munificent donations which have been made in aid of the reconstruction of the Parliamentary Library by the Houses of Congress of the United States, the Legislature of the State of Vermont, and the Legislature of the State of New York."

BRITISH LEGATION,

WASHINGTON, October 30, 1851.

SIR: The Governor General of Canada has forwarded to her Majesty's Legation the copy which I have the honor to inclose herewith of a resolution adopted by the Legislative Council of that Province when the Provincial Parliament was last in session, expressive of the satisfaction with which they have received the intelligence of the munificent donations which have been made by the Congress of the United States, by the Legislature of the State of Vermont, and by the Legislature of the State of New York, in aid of the reconstruction of the Library of the Canadian Parliament.

I have accordingly to request that you, sir, will have the goodness to cause the above resolution to be communicated to the Congress of the United States, as well as to the Legislatures of Vermont and New York.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration,

JOHN F. CRAMPTON.

The Hon. DANIEL WEBSTER, Secretary of State.

On motion by Mr. PEARCE, it was

Ordered, That it lie on the table and be printed.

NEW MEXICO.

The PRESIDENT *pro tempore* laid before the Senate a letter of William S. Allen, Secretary of the Territory of New Mexico, communicating, in obedience to the act establishing a territorial government for New Mexico, copies of the acts, resolutions, and memorials, of the Legislative Assembly of that Territory, passed at a session begun and held the 2d of June, 1851.

On motion by Mr. HUNTER, it was

Ordered, That it be referred to the Committee on Territories and printed.

PETITIONS.

Mr. WALKER presented a petition of citizens of Cincinnati, Ohio, praying that the public lands may be ceded to the States for the purpose of settlement; which was referred to the Committee on Public Lands.

Mr. BAYARD presented a petition of citizens of Pennsylvania and Delaware, praying an appropriation for the repair of the piers at Port Penn,

in the Delaware river; which was referred to the Committee on Commerce.

Also, a memorial of the Commissioners of the town of Newcastle, Delaware, praying an appropriation for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

Mr. CLARKE. I am requested to present to the Senate a petition signed by a large number of merchants and underwriters in the State of Rhode Island, asking Congress to make provision by law for the survey of such parts of the China seas, Straits of Gaspar, and Java sea, as lie directly in the track of vessels proceeding to and from China. I move that the memorial be referred to the Committee on Commerce; and I beg leave to suggest to the committee that some provision should also be made to facilitate our trade in the North Pacific, so as to change the course of that trade, which now has to pass around Cape Horn to California, and thence to China.

The memorial was referred to the Committee on Commerce.

Mr. HAMLIN. I am instructed to present to the Senate a memorial signed by the journeymen bookbinders of the city of Washington, in which they set forth their views at length why no contract should be made for the binding of the public documents. That matter has been considered by the Committee on Printing, and there is a resolution now before the Senate proposing to make a contract. Inasmuch as the committee have acted upon the matter, I move that the memorial lie upon the table, with a notice which I shall now give that when the subject shall come up for consideration before the Senate, I shall move the reading of that memorial, that the reasons stated by the bookbinders may be thus presented to the Senate.

The motion was agreed to.

Mr. SHIELDS presented a petition of citizens of Washington, in the District of Columbia, praying the incorporation of the Eagle Steamboat Company; which was referred to the Committee for the District of Columbia.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. WADE, it was

Ordered, That leave be given to withdraw the petition of Joseph Venzie.

On motion by Mr. CLARKE, it was

Ordered, That the memorial of Edward Dexter, on the files of the Senate, be referred to the Committee on Finance.

On motion by Mr. MASON, it was

Ordered, That the petition of William D. Porter, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. MASON, it was

Ordered, That the memorial of the heirs of Caleb Swann, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. MASON, it was

Ordered, That the petition of the Pioneer Cotton Manufacturing Company of Georgetown, on the files of the Senate, be referred to the Committee for the District of Columbia.

On motion by Mr. BRADBURY, it was

Ordered, That the documents on the files of the Senate relating to the claims of the States of Maine and Massachusetts against the United States under the treaty of 9th August, 1842, between the United States and Great Britain, be referred to the Committee on the Judiciary.

On motion by Mr. PRATT, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the petition of Colonel John C. Hays, and that it be referred to the Committee on Military Affairs.

On motion by Mr. NORRIS, it was

Ordered, That the memorial of Combs Greenwell, on the files of the Senate, be referred to the Committee of Claims.

STATE OF THE SURVEYS.

Mr. SHIELDS submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be directed to employ a draftsman to mark and lay down on the maps now in the room of the Committee on Public Lands the state of the surveys, and also show what has been disposed of by sale or otherwise. The rate of compensation for the service shall be the same as that of a clerk not exceeding \$1,800 per annum.

NOTICES OF BILLS.

Mr. BAYARD gave notice that he should ask leave to introduce a bill concerning the sessions of the courts of the United States within the State of Delaware.

Mr. BRODHEAD gave notice that he should ask leave to introduce a bill for the payment of

outstanding loan office and final settlement certificates issued for money loaned, or for services, or for supplies during the revolutionary war.

Mr. GEYER gave notice that he should ask leave to introduce a bill declaring the assent of Congress to the State of Missouri to impose taxes on lands hereafter sold by the United States in said State, from and after the day of sale.

Mr. BORLAND gave notice that he should ask leave to introduce a bill to grant a quantity of the public land to the State of Arkansas, to aid in the construction of a railroad from the Mississippi river to the western boundary of Arkansas, by the Helena and Fort Smith Railroad Company.

BILLS INTRODUCED.

Mr. CLEMENS, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of Thomas Snodgrass; which was read a first and second time by its title, and referred to the Committee on Indian Affairs.

Mr. PEARCE, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of Sarah D. McKay, widow of Lieutenant Colonel McKay; which was read a first and second time by its title, and referred to the Committee on Pensions.

Mr. CLARKE, agreeably to previous notice, asked and obtained leave to introduce a bill to remit or refund duties on goods, wares, and merchandise destroyed by fire; which was read a first and second time by its title, and referred to the Committee on Finance.

Mr. BORLAND, agreeably to previous notice, asked and obtained leave to introduce a bill to amend the act approved March 2, 1851, entitled "An act to provide for the punishment of offences committed in cutting, destroying, or removing live-oak and other timber or trees reserved for naval purposes;" which was read a first and second time by its title, and referred to the Committee on Public Lands.

REPORTS FROM STANDING COMMITTEES.

Mr. BAYARD, from the Committee of Claims, to whom was referred the memorial of H. P. Dorsey, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill for the relief of Theodore Offutt, reported it with an amendment, and submitted a report on the subject, which was ordered to be printed.

Mr. HUNTER, from the Committee on Public Buildings, to whom the subject was referred, reported a bill to provide a room for the Congressional Library; which was read a first and second time by its title, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate, ordered to be engrossed and read a third time, and subsequently it was read a third time and passed.

The bill simply appropriates the sum of \$1,200, to be expended under the direction of the Superintendent of the Public Buildings, to fit up a room temporarily for the reception of a portion of the books of the Congressional Library.

Mr. WADE, from the Committee of Claims, to whom was referred the memorial of A. H. Cole, submitted a report, accompanied by a bill for his relief; which was read a first time and passed to a second reading.

Mr. BAYARD, from the Committee of Claims, to whom was referred the petition of James Dunning, reported a bill for his relief; which was read a first time and passed to the second reading.

MAIL SERVICE IN CALIFORNIA AND OREGON.

Mr. RUSK. The Committee on the Post Office and Post Roads have instructed me to report a joint resolution of the Senate and House of Representatives to authorize the Postmaster General to legalize certain contracts for the transportation of the mails in California and Oregon. As this is a matter of some importance, I hope there will be no objection to its being considered now, and I ask the unanimous consent of the Senate to that end.

The Senate proceeded to consider the resolution as in Committee of the Whole, and no amendment being offered, it was reported to the Senate.

Mr. NORRIS. I should like to have some explanation of this resolution.

Mr. RUSK. The object of the resolution is fully explained in the report of the Postmaster

General to Congress, both at the last and the present session. Contracts were made in California and Oregon at the same time and under the same circumstances as contracts were made elsewhere. A proposition was before Congress last session authorizing contracts to be opened by the agent in California, and the contracts to be made there. Owing to the confusion which prevailed at the close of the session, this amendment to the Post Office bill was not adopted. These contracts have been made by the agent and the postmasters in California and Oregon, containing a stipulation that they might be set aside if it should be desired by the Postmaster General, inasmuch as they did not reach here by the stipulated time. All the mails are carried there by contract at this time, and at a rate of some forty or fifty per cent. cheaper than formerly. The Postmaster General has recommended that these contracts be confirmed; and if they are confirmed, they will remain in force until the year 1854. If they are rejected, new contracts will have to be made, and a large additional expense will undoubtedly be incurred in the transportation of these mails.

The resolution was ordered to be read a third time.

RESOLUTIONS.

The Senate resumed the consideration of the resolutions submitted by Mr. WALKER the 17th December, concerning the relations of the United States with foreign nations; and,

On motion by Mr. WALKER, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

PRIVATE CLAIMS.

On the 22d of December last, the Senate adopted the following resolution:

Resolved, That after the 1st day of January next, Fridays of each week shall be set aside for the consideration of private claims, and that on those days private bills have priority over all other business.

The PRESIDENT, after the presentation of executive communications this morning, announced to the Senate, that under that resolution this day had been set apart for the consideration of private claims.

Mr. HAMLIN. Does that include the morning hour?

The PRESIDENT. The resolution is comprehensive so as to cover the whole.

Mr. CLEMENS. I ask leave to introduce a private bill of which notice has been given.

The PRESIDENT. It is not in order according to the resolution, which requires that we shall proceed in the order as laid down by the calendar.

Mr. SHIELDS. I hold in my hand a private petition which I wish to present.

The PRESIDENT. It cannot be presented.

Mr. HUNTER. Is it not competent to postpone that business, or would it require a suspension of the rule?

The PRESIDENT. It is an order of the Senate, and not a rule which requires notice to change it. The execution of the order of the Senate may be postponed by a majority of the Senate.

Mr. HUNTER. I move, then, that the execution of that order be suspended until one o'clock. The motion was agreed to.

When the hour of one o'clock arrived, the consideration of private claims was announced as the special order.

Mr. GWIN. I am entirely in favor of the consideration of these private claims; but we have no calendar, and it is very important that we should have one, that we may know what the bills are before they are called. I hope the chairman of the Committee on Private Claims will consent that these bills be passed by until we have a calendar, and that the special order may be postponed, that we may go on with other business. It is important that we have a calendar. We cannot act understandingly upon these bills without one.

Mr. BRODHEAD. It will not afford you any information.

Mr. GWIN. I cannot act understandingly without one; and if we postpone the special order now, by next Friday we can be prepared and ready to consider these bills. I hope we shall go on with the consideration of the resolution relating to printing the returns of the Seventh Census.

Mr. BRODHEAD. I do not feel at liberty to consent, nor do I know that my consent is necessary. The Senate can dispose of the motion of the Senator from California as it pleases.

Mr. PRATT. The objection of my friend from California is, that we have no calendar printed. Now, I do not know that we can learn from the calendar anything about the character of a bill, or the propriety of its passage. Bills are upon our tables as well as the reports of committees, and I suppose that the reading of these reports will give the principle upon which the committees have reported. From these reports we may judge, but certainly not from the calendar. I do not think the reason assigned by my honorable friend is such as to make it necessary that we should postpone this matter. It is now the first time within three years that the Senate of the United States have made an effort to devote one day in the week to doing justice to claimants against this Government; and this very first day that we propose to consider these claims, a motion is made to postpone their consideration because there is no calendar ready. I hope we shall show the whole country that we are determined, upon this day, to devote ourselves to the passage or rejection of as many of these bills as we can dispose of.

The PRESIDENT. There is no motion now before the Senate.

Mr. GWIN. Then I will make the motion that the order of the Senate, in relation to private claims, be postponed, in order to proceed to the consideration of the resolution in relation to the printing of the returns of the Seventh Census.

Mr. BRADBURY. I certainly am not disposed to interpose any objection to the consideration of private claims, whenever we are in a situation to examine them. I was in favor, and am still in favor, of the rule which was adopted, setting apart a particular day for their consideration. On a former occasion I gave my reason for favoring that rule, which was, that by this regulation we might have our attention particularly directed to the consideration of cases of that character. By an examination of the calendar we could ascertain what cases were to come up, and then, by a reference to the reports upon these cases, we should understand something of their merits. I do not agree with the Senator from Maryland, [Mr. PRATT,] that the calendar is of no service; on the contrary, I regard it as highly important. We all know that there is such a multiplicity of business presented to the consideration of the Senate, that we resolve ourselves into a sort of chancery court to consider private claims—a work which we are almost incompetent properly to perform; that there is such a large number of these claims, that it is impossible to investigate everything; but by a reference to the calendar, we can give our special attention to the cases which are first to come up on the day set apart for their consideration. I am, therefore, inclined to favor the motion of the Senator from California, to postpone the execution of this order till Friday next. We can probably have a calendar by that time, and have an opportunity to look into the cases which are to come up, and do justice to honest claimants, while at the same time we scrutinize all those cases which may be of a doubtful character.

Mr. BAYARD. The Senate, some time back, adopted a rule the object of which was to facilitate the transaction of business of a certain character. Now if we are to repudiate that rule on the grounds which have been urged to-day, it will be just as liable to be repudiated on other grounds which may be urged on other occasions. If we do not now adhere to this rule which was adopted by the Senate after much discussion, we might as well abandon it altogether. I confess I am unable to see the force of the argument in relation to having a printed calendar. I presume that the bills relating to private claims stand in their order upon the regular calendar of the Senate, and there can be no difficulty in taking them up in the order in which they there stand. You take them up on other days in that order; and there is no reason now, when you have excluded other business from being disposed of on this day, that I can discover, nor any want of sufficient means of obtaining the necessary information so as to act upon the private bills which have been brought into the Senate and reported upon. I am decidedly in favor of any system which, as far as practicable, tends to subdivide and appropriate to particular times particular classes of labor. For this reason I think that this reversing of a former order of the Senate, deliberately made, and that, too, on the very first

occasion of its being acted upon, will have a bad effect, and tend to make the order a mere nullity.

Mr. GWIN. I made this motion for the purpose of advancing the action of the Senate in regard to private claims. For myself I confess that I have not hitherto had time to examine these claims. If we had a calendar we could examine the bills as they would have to come up in their order. I doubt whether the Committee of Claims will ever report a bill which I shall vote against, because they are close in their investigations. But at the same time it is the duty of the officers of the Senate to furnish a calendar, in order that we may know the business of the session. We ask for the reading of reports simply because these reports are not in the recollection of any Senators except, perhaps, those who made them; and I have asked that we may have a calendar, on the ground that we would make much greater progress on this day week than we would on to-day and this day week together without a calendar. There are a great many bills of this kind, and I am as anxious to have them considered and disposed of as any Senator can be. Now there is a question which has been discussed by the Senate at great length, and which might probably be disposed of to-day—I mean the question in regard to the printing of the Seventh Census; and there is another question which the Senator from Louisiana [Mr. Downs] has been waiting from day to day to discuss. Either of these questions might be brought up and disposed of while the Senate is getting ready to dispose of these private claims. I made the motion with no other object than to facilitate the business of the Senate, because I want these bills out of the way as soon as possible.

Mr. WADE. Will it be in order to move to lay the motion offered by the Senator from California on the table?

The PRESIDENT. It will be in order.

Mr. WADE. I fear that we shall not make much progress with anything if we go on in this way; and I therefore move to lay the motion on the table.

Mr. PRATT. I wish to say only a single word, and perhaps the Senator from Ohio will oblige me by withdrawing that motion for a few moments.

Mr. WADE. I withdraw it.

Mr. PRATT. We have now occupied nearly half an hour—

Mr. GWIN. Oh no; only ten minutes.

Mr. PRATT. Very well. Ten minutes, then, we have occupied in discussing the question suggested by the Senator from California. Now, the last argument of that Senator is, that if we do not act upon these private bills to-day, but postpone our action until Friday next, we shall do more on that day than we should do both to-day and next Friday, when the calendar will be ready.

Mr. GWIN. So I think; that is, on the supposition that we have no calendar before us.

Mr. PRATT. But the argument proceeds on the supposition that a calendar will be prepared by next Friday; and then, that if we do not act upon these claims to-day, we can do more on Friday next than we can do on both days together. Now, I cannot see the force of that argument. If the question is to be taken on the motion of the Senator from California, I desire that we may have the yeas and nays, so that the country may see whether Senators are willing to postpone action further in reference to claims of this character. The Senator has remarked that he does not know that the committee will ever report a bill for which he will not vote. The inclination is rather to protect the Government than the individual. I think the reverse should be the case, and that where an individual presents a *prima facie* case of an honest claim, they investigate it with all the scrutiny they can give.

Mr. GWIN. I withdraw the motion.

Mr. PRATT. Very well, sir.

CASE OF WILLIAM P. GREEN.

The Senate then proceeded, as in Committee of the Whole, to the consideration of a bill for the relief of William P. Green.

Mr. CLARKE. Mr. President, I beg leave to say to the Senate, that at the last session that bill was passed by the Senate without a dissenting voice. The bill is founded on a claim for services performed by him under an appointment as an officer of this Government. In 1849 he received

the appointment of collector of the port of Providence, and he received a subsequent appointment as measurer of salt, and that appointment was sanctioned by the Secretary of the Treasury. It was afterwards ascertained by the Secretary that the two offices of surveyor of customs and measurer of salt were incompatible. The duties of the two offices were performed by him, and though he would have received the ordinary fees, amounting to but little more than three hundred dollars, the Secretary of the Treasury was obliged to disallow them. The collector had no other recourse than to apply to Congress for relief. I suppose the circumstances are all well understood, and I presume there will be no objection on the part of any member to the passage of the bill.

The bill was then reported to the Senate, and ordered to be engrossed for a third reading.

CASE OF JOHN A. MCGAW.

The Senate then proceeded, as in Committee of the Whole, to the consideration of a bill for the relief of John A. McGaw.

Mr. HAMLIN. This bill received the favorable action of the Senate last year, and I believe the unanimous vote of the Senate, after a slight discussion upon it. If there be any necessity for an explanation after the reading of the report, a few remarks will place the matter distinctly before the Senate.

The bill was designed to pay to McGaw the sum of \$1,400 for demurrage—\$100 a day for fourteen days, while his vessel was detained at Vera Cruz, by the default of the agents of the United States.

The report was accordingly read. There being no proposition to amend the bill, it was reported to the Senate, and ordered to be engrossed for a third reading.

REPRESENTATIVE OF WM. A. SLACUM.

The Senate proceeded, as in Committee of the Whole, to consider the bill for the relief of the personal representative of Wm. A. Slacum.

The bill enacts that the proper accounting officers of the Treasury be authorized to settle and adjust the accounts of the late Wm. A. Slacum, and pay his personal representative, in addition to what Mr. Slacum received in his lifetime; his charges for expenses incurred in visiting the Columbia river in pursuance of the direction of the Secretary of State, in the years 1836 and '37, provided that the amount allowed for such expenses shall not exceed the sum of \$712 90; and also to pay his said representative for services rendered to the United States by Mr. Slacum on that mission, at the rate of six dollars per diem, commencing the first day of June, 1836, and continuing to the 15th day of March, 1837, provided, however, that the amount of pay received by Mr. Slacum, as purser in the Navy of the United States, during the period of time embraced in the above dates, be deducted from the amount of said per diem allowance.

Mr. MANGUM. I suppose that no explanation of this case is necessary. If any gentleman requires it, I will call for the reading of the report of the committee. That bill has passed the Senate three or four times, after a very full examination by the late Mr. Sevier, who was at the head of the Committee on Foreign Relations; and I think it was reported with entire unanimity.

The bill was reported to the Senate without amendment, and was ordered to be engrossed for a third reading.

ELIZABETH ARNOLD.

The bill for the relief of Elizabeth Arnold was read a second time, and considered as in Committee of the Whole.

It provides that the Secretary of the Interior be directed to place upon the pension list the name of Elizabeth Arnold, only child of Jonathan Pitcher, a lieutenant in the Navy during the revolutionary war, and pay her during her life twenty dollars per month, to commence December 20, 1851.

Mr. BRODHEAD called for the reading of the report of the Committee on Pensions.

The report was read accordingly, from which it appears that Elizabeth Arnold is the only child of Jonathan Pitcher, of Pawtuxet, in Rhode Island, who was appointed by Congress a lieutenant in the Navy on the 22d of December, 1775, and who rendered highly important services to

the country during the revolutionary war; that she is now eighty-three years old; and that in view of the facts before the committee, they have deemed it proper to report a bill for her relief.

Mr. FELCH. I would inquire of the chairman of the Committee on Pensions, what principle is involved in the bill; whether by passing it we shall not be extending pensions to a class of cases which have never been recognized by us heretofore; and whether there are any special circumstances which require a departure from the rule?

Mr. CLARKE. If the chairman of the Committee on Pensions will allow me to state the peculiar circumstances of this case, I will do so. On the 22d of December, 1775, more than six months before the Declaration of Independence by Congress, it is known that a naval force was fitted out in this country, which went upon a cruise and finally took possession of the Island of New Providence, and brought to the country a large amount of the munitions of war. That naval force was fitted out in the waters of Rhode Island; and I may be allowed to say that in my own veins runs the blood of one of its commanders. A selection was made of the most able, experienced, and gallant men that could be found to officer the vessels of the force. Small as those vessels were, imperfectly fitted as they were, the most gallant men that could be selected were got to command them. Among the appointments made—and it is upon the very earliest record of your Government—was that of Jonathan Pitcher, a man whom I myself knew, and who had the universal reputation of being one of the most gallant, patriotic, and daring men that had entered into the service of the country, either on sea or on land. He was one of those men who did not look for his pecuniary reward from the Government. He went into the service from a warm and earnest zeal to sustain the Declaration which had been made by his country. He continued in the service as long as the naval force was sustained by the United States; and in that, as well as in the privateering service, did his whole duty to annoy and destroy the commerce of the enemy. While he was in France, and lieutenant on board the ship Providence, which was commanded by John Paul Jones, Dr. Franklin, I believe, after John Paul Jones had concluded, on account of some other engagement, to leave the vessel, put it under his command to bring it back to the United States. Perhaps in the Navy there might have been found a more accomplished man—he was rough, but honest; perhaps there might have been a more accomplished gentleman, but there was not one who entered into it more zealously, and did more effective service. He made no claims against his Government. He lived and died in a humble situation. He always said that his services were offered to his country, because of love to it and to liberty. He asked no pension for himself, nor any, during his life, for any one connected with him. During the last year, this aged daughter of his, who is his only surviving child, at the advanced age of eighty-three, came to me, and stated to me her totally destitute situation. She had nothing whatever but the recollection of the debt that was due from her country to her father, who so gallantly exposed himself in defence of its liberties, and she did hope that the Congress of the United States would give her this little pittance, which would make her comfortable for the remaining days allotted to her here. That is the situation of this lady; aged and infirm as she is, she cannot long be a tax to this Government, or to any one else in this world. She is now perfectly destitute; and if the services of her father, during the revolutionary war, do not entitle her to this small recompense from this Government and country, which has now grown so strong and rich, I know not what appeal can be made either to our justice or sensibilities. There is the whole case, sir. If any objection can possibly be made to this allowance, I shall be glad to hear it.

Mr. FELCH. I have no doubt of the statement made by the Senator from Rhode Island upon this subject, both as to the meritorious services of the father of this applicant and her poverty. I asked the question of the chairman of the committee which has been answered by the Senator from Rhode Island. What is the principle involved in this bill? Now, I have no objection to going as far as any one in providing liberally for those

officers and soldiers who have served in the various wars in which this country has been engaged; but it seems to me that this bill is adopting an entirely new principle, which has never been applied either in the naval pensions or in the army. Naval pensions commenced about the year 1800, when a special fund was set apart for the purpose of paying them. Various laws, very liberal—so liberal as to have absorbed that fund, as I understand—have been passed at various times, naming the different classes of individuals who were to receive them; but there was never a law passed which embraces a case of this kind. All the provisions which have been passed embracing widows and children, only apply to those cases in which the father or husband died in the service, or of wounds or disease incurred in it. That is not this case. This would be a departure from the established rule. None of the laws which embrace widows and children have gone so far as this. They embrace, in most instances, the widows, or where they embrace children, it is only those who are minors; and then they are, most of them, for five years and for children less than sixteen years of age. The question now is, are we prepared to depart from the established rule? If we are prepared to depart from it in this instance, I am prepared to act upon a general bill to depart from it in all cases. This is, no doubt, a meritorious case. There can scarcely be any cases arising from the revolutionary war that can be characterized in any other manner than as highly meritorious. If we are to adopt this principle, I am prepared to act upon a proposition of that kind; I am prepared to go for it if it is advisable and right to do so; but I am not prepared to single out this individual case and apply it to it.

We had this same principle proposed here in regard to army pensions at the last session of Congress—a principle to extend it to children, and carry it beyond the provisions of the laws. It was first presented in the way of a general provision, or law, adopting that principle as a general provision. I had the curiosity—and I did it in the performance of what I considered my duty—to inquire at the Pension Office to see how far that principle led. I ascertained that, if it was carried out, we should adopt a provision which would require us to pay something like half a million of dollars from the Treasury. I take it that almost every man who looked at that bill without making inquiry, would have felt astonished, as I did, if he had traced it out in the same manner, and found it to involve a principle of so much importance. And now, before we adopt the principle here in regard to navy pensions, I am disposed to look into the matter, at least so far as to call attention to the principle which we are adopting, and ask that, if we adopt it, we may do it by a general provision of law, and not by a special provision in an individual case.

Mr. CLARKE. I certainly have no disposition to follow the honorable Senator through his remarks about a principle of which we have heard a great deal lately. But he asks, upon what principle is this bill to be passed? I simply answer, upon the principle of humanity.

Mr. MANGUM. And justice.

Mr. CLARKE. Yes, sir, and justice, too; I thank my friend for his suggestion.

Mr. BORLAND. And national gratitude.

Mr. CLARKE. Justice to an old and faithful revolutionary servant, who has left this daughter, his only posterity, in a destitute situation. That is the principle, and you never need fear that the Congress of the United States will be swayed from its propriety by such a principle too often or to too great an extent. The Senator, in speaking of the bills which have heretofore been passed, says that they were confined either to the individual who performed the service, to his widow, or to his children who were not above sixteen years of age. I simply answer the gentleman, that this poor old lady has arrived at her second childhood. I can conceive of no stronger appeal to present to the Senate of the United States than to ask this pittance for this poor old decrepit lady, who is suffering from paralysis and has nothing to support her—a lady who is the only surviving child of one of the bravest men who ever trod the quarter deck of a ship of the United States, whether in the revolutionary or any other war. She, herself, destitute as she is, reluctantly asks this small pittance from her country as evidence

of its appreciation of the services of her father. I trust the Senate of the United States will not refuse the request.

Mr. BRADBURY. After the appeal which has been made by the honorable Senator from Rhode Island to the sympathies of the Senate, I feel, certainly, very great reluctance to the interposing of any objection to the bill now under consideration. But I do regard it as a bill involving a principle of very great importance. If we pass it, we not only open the door, but we take it from its hinges; we declare that we will grant pensions to the children of all those who served in our revolutionary struggle—for almost every individual who engaged in that struggle, whether he acted in the capacity of an officer or private, performed services of the most meritorious character. It is now proposed to take an insulated case and pension a surviving child. I know no reason why, if we do this, we should not do it in every other case; and if we proceed in this manner we shall soon have one half of the country pensioned upon the Government. I regret, as I said at the commencement, to interpose any objection to the bill after the remarks of the honorable Senator from Rhode Island; but I am not prepared to vote for a bill upon the principles of humanity alone, for I think that we cannot as legislators justify ourselves in acting upon that principle. We must have some principle beyond that of general benevolence, because we are not sent here to dispense alms. I hope that a bill of so much importance will receive the attentive consideration of the Senate, and with a view of having an opportunity of further considering it, I will move that it lie upon the table, in order that it may be called up again after we have considered it further. I do not make this motion for the purpose of having a test vote, but simply to give further time for an examination of the bill.

Mr. CLARKE. Will the honorable Senator do me the favor to withdraw that motion?

Mr. BRADBURY. Certainly, if the Senator will renew it.

Mr. CLARKE. I would merely say that this is one of those cases in which any delay is denial. We all know how long it would take to get through the other House. Once more I will say, that if her father, who served his country so faithfully and so well, had been living, he would have been entitled to a pension. That father has died and left this his only child, whose only inheritance is her father's good name, his blood, and the claim he had upon his country; and upon this she asks for a slight pittance to ease her lot, which will not be long upon earth. I have no more to say, but renew, according to my promise, the motion to lay the bill on the table.

The motion was not agreed to—there being on a division, 17 yeas and 17 nays.

Mr. PRATT. I would like to have the yeas and nays on that bill. The effect of the bill, as I understand it, will be to extend the pension laws to the children of deceased soldiers or officers. Now, sir, I can readily comprehend the results if the Senate are disposed to act upon the principle avowed by my friend from Rhode Island, [Mr. CLARKE.] They did act upon it the other day with reference to the widow of General Worth. If I had voted affirmatively on that occasion, I should vote now with my friend from Rhode Island. But having voted against that proposition, and looking upon it as a matter of principle involving a large amount of money, I ask the yeas and nays, that we may see who are disposed to extend the pension laws as far as the principle of this bill does.

The bill was reported to the Senate without amendment; and the yeas and nays were ordered upon the question of ordering it to be engrossed for a third reading.

Mr. BORLAND. Before the vote is taken, I desire to say one word in favor of the bill. I have often heard it said upon this floor, that the passage of a bill of this sort established a principle which would require us to extend the pension laws. I do not think that that follows as a consequence at all. It is not true, in fact, that we, by a bill of this sort, determine to extend the benefits of the pension laws to all the children of persons who have served the country in the Army or Navy in the revolutionary war, or any of the wars in which we have been engaged. It simply provides for the application of the benefits of this

law to one child of one worthy and distinguished man. The propriety of doing so depends upon the merit of the particular case, and involves no principle that requires us to go beyond cases that are equally meritorious. I make these remarks in reference to this particular case. I made the same in regard to the case of Mrs. Worth, which has been referred to; and I do not hesitate to say, that whenever any case equally as meritorious as the case of Mrs. Worth, or this case, is presented to the Senate, I shall be prepared to vote for it. I think not only that correct principles of legislation authorize and require us to do so, but that every consideration of humanity and national gratitude requires it.

I am prepared to go even further. I am prepared to go as far as it is said the principle of this bill would carry us. I do not think it would carry us to the extent which has been stated; but whenever a proposition is made to carry it to that extent, I am prepared to go for it. As long as I have a seat on this floor, I will vote to take care of the destitute widows and orphans of those who have devoted their lives to the service of their country, and especially of those who have died in consequence of their devotion to the interests of the country.

Mr. CASS. Before I vote upon this question, I desire to ask a question. I did not listen attentively to what was said, and should like to know if the person for whose services the pension is asked died during the revolutionary war?

A SENATOR. He did not.

Mr. CASS. He did not die in the service, I understand. Of course this petitioner, his child, must be of a very advanced age.

Mr. CLARKE. If the honorable Senator will allow me, I will answer his question, whether the father of the petitioner died in the service. He did not. He received for his service in the revolutionary army his pay in what was called Continental money. But it is not upon that that this poor lady rests her appeal for aid. Under the circumstance it was her father's good fortune, perhaps, that he did not die in the service of his country; but it would seem as if it were her misfortune.

The question being taken by yeas and nays on ordering the bill to be engrossed for a third reading, resulted as follows:

YEAS—Messrs. Berrien, Borland, Clarke, Cooper, Davis, Douglas, Fish, James, Jones of Iowa, Mangum, Miller, Morton, Seward, Smith, Upham, and Wade—16.

NAYS—Messrs. Bayard, Bradbury, Brodhead, Cass, Dawson, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Geyer, Gwin, Hamlin, Hunter, Jones of Tennessee, King, McKee, Mallory, Norris, Pratt, Spruance, Sumner, Underwood, Walker, and Whitcomb—24.

So the bill was rejected.

MRS. MARGARET HETZEL.

The bill for the relief of Mrs. Margaret Hetzel, widow and administratrix of A. R. Hetzel, late assistant quartermaster in the Army of the United States, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

It enacts that the Secretary of the Treasury shall be thereby authorized to allow and pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Margaret Hetzel, widow and administratrix of A. R. Hetzel, late assistant quartermaster in the Army of the United States, the sum of \$12,988 74, being the amount claimed by him in the account rendered by him for a part of the third quarter of the year 1838, and which was disallowed at the Treasury.

Mr. BRADBURY called for the reading of the report of the Committee on Military Affairs; which was accordingly read.

It appears from the report that A. R. Hetzel died on the 20th of July, 1847, at Louisville, Kentucky, after most laborious service at the city of Vera Cruz, Mexico—leaving a wife and three children to mourn his loss. He served in the Quartermaster's Department more than twelve years previous to his death. He disbursed large sums of money. His accounts were all settled at the Treasury. In an account rendered by the deceased for part of the third quarter of 1838, there appeared this item: "Percentage on disbursements on account of the appropriation for preventing and suppressing Indian hostilities from the 4th day of July, 1836, to the 30th of September, 1838, on \$519,549 60 at 2½ per cent., amounting to \$12,988 74." That duty was entirely disconnected from the regular quar-

termaster's account which was covered by the official bond. But during this very period his disbursements on account of the Army amounted to several hundred thousand dollars, and his accounts were all duly closed at the Treasury Department. He did not retain the amount charged as percentage, but he considered that he was entitled to it, in consequence of the unusual and extraordinary responsibilities he assumed as principal quartermaster in the Cherokee nation. He established such a system of accountability that not one dollar of the funds of the Government placed in his hands—nearly \$800,000—was lost. His duties were arduous in the extreme, as several commanding officers represent. The character of this officer was strictly honest and honorable. To show it, the committee extract some items from his accounts.

By the act of 3d March, 1839, claims of this character were not thereafter to be allowed. This cut off this claim. But the committee think that that law ought not to apply to a case where the extra service was previously rendered.

The report is accompanied by certificates from Major General Scott and Major General Wool, as to the good character of Mr. Hetzel and the value of his services to the Government.

Mr. HUNTER. If I understand the case it is this: This quartermaster discharged service that belonged to his office, only he had a little more duty than usual. But that was a contingency he had a right to expect when he accepted office. I believe we have long ago decided, by the passage of a law to that effect, that we will not give double pay to an officer who merely discharges the duties required by the service. It seems to me that this is contrary to law.

Mr. DAWSON. Mr. President, in the absence of the chairman of the Committee on Military Affairs, with whom this bill originated, I beg to state, that the services of this officer were rendered prior to the passage of the law prohibiting extra pay being allowed to officers for services performed while in the discharge of their duty, and that this is the only case of the kind now remaining. The reason why two successive committees, of which I have been a member, have reported the bill unanimously—for it was reported last year by the honorable Senator from Mississippi, [Mr. DAVIS,] no longer a member of this body—is this, \$800,000 was sent to the Cherokee nation to aid in the emigration of the Indians. The whole of the money was placed in the hands of Captain Hetzel. It was beyond his duty; he was under no obligation to receive it and take care of it. The money was placed in his hands by General Scott. He took care of it, and, as General Scott says, he was held responsible for the amount. He had to employ various persons to disburse the money in various sections of the Cherokee country. He discharged the duty to the entire satisfaction of the Government. This was all done prior to the passage of the act of March 3, 1839. When he returned, he went to the accounting officer and paid up every single dollar, claiming this amount of two and a half per centum for the expenditure. Under these circumstances the accounting officer said he had no power to make the allowance. Instead of holding on to the money, as officers did previous to the passage of the act of 1839, he paid every dollar into the Treasury, and laid his claim before Congress. Since the period of the application, the Military Committee has twice, to my own knowledge, unanimously authorized the reporting of this bill.

If there ever was a claim in which extra compensation ought to be allowed, this is one of them. And surely General Scott and General Wool would never have given the certificates which have been read unless the facts were as stated. Why, there are hundreds of precedents prior to the 3d of March, 1839, precisely in point. But for the act of 1839 the auditing officer would have allowed this sum. That act was passed before Mr. Hetzel's accounts were settled; but the extra services were rendered prior to the passage of the act. The act was to operate prospectively and not retroactively.

This case is sustained by precedent. It is in violation of no principle of policy settled prior to 1839. If the judgment of the Committee on Military Affairs be worth anything, this bill ought to be passed, for the committee was unanimous in its favor. I believe it is as economical and care-

ful as any committee of the Senate, in relation to public expenditures. All who were here during the last session of Congress will recollect the speech which was made in favor of this bill by a gentleman who was then Senator from Mississippi [Mr. DAVIS.] It then passed with scarcely a dissenting voice, and went to the House of Representatives, and was there lost in consequence of the failure of the House to act on private bills. It is founded in justice and equity. There can be no objection to it except an indisposition to pass any claim, and the only reason why such indisposition can exist is a want of a thorough knowledge of the subject.

I would never have consented to the bill being reported if I did not believe it just and proper that the money should be paid. No lawyer or agent of any character would have discharged the services which Mr. Hetzel performed, so honorably and settled so punctually, without being entitled to compensation, and none who would not have asked it. He has asked, and his widow now asks for it, in conformity with the established usage of the government down to 1839. As was stated by the Senator from Mississippi last year, this is the only remaining case of the kind, and it is due to a meritorious, honorable, and worthy man. It is not upon principles of humanity that this is asked. It is a matter of justice and equity. I have nothing more to say.

Mr. UNDERWOOD. Mr. President, I recollect perfectly well the discussion that took place at the time this subject was up at the last session, and I recollect the grounds on which this bill was passed. It then seemed to me, and it now seems to me, that it is reasonable. I had something to say when I was a member of the House of Representatives on the subject of cutting off all these extra allowances, and a bill, if I recollect rightly, was passed in 1839—it was a part of some appropriation bill—we had to get it into an appropriation bill—suppressing all these allowances. The practice before the passage of that bill was, in settling the accounts of officers, to make these allowances. Congress determined to put an end to that system forever; therefore, for the purpose of accomplishing that object, they amended one of the appropriation bills, so as to cut off these extra allowances from officers of the Army. This service of Mr. Hetzel had been rendered before the passage of that act; and if he had been treated like all other paymasters, this commission would have been allowed.

The reason why this bill passed with the unanimity with which it did when it was up before Congress was, that Congress wished to mete out to him the same allowances, by this bill, which had been made to others similarly situated. He could not get the allowances by virtue of the act of 1839, which cut him off before the settlement of his accounts, although the service had been rendered before. That is my recollection of the whole matter.

Mr. DAWSON. He paid over every dollar to the Government.

Mr. UNDERWOOD. Perhaps that fact ought to be remarked. When Mr. Hetzel settled his accounts, as the Senator has remarked, he claimed the allowances usually made to paymasters; but this law which had been passed in 1839, according to the construction of the Department, prevented his receiving it, and instead of holding on to the percentage and allowing the Government to sue him, he paid over every dollar, percentage and all, and said he would resort to Congress, and see if they would not treat him precisely as all other paymasters had been treated. I think his punctuality and promptness in settling his accounts, instead of operating against him, ought to operate for him.

The bill was then reported to the Senate without amendment, and ordered to be engrossed for a third reading.

GENERAL ROGER JONES.

The bill for the relief of Adjutant General Roger Jones was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

The bill enacts that the accounts of Adjutant General Roger Jones shall be settled by the accounting officers of the Treasury on principles of equity and justice, and in such manner as to allow him the pay and emoluments of Adjutant General from the time of the reduction of the Army in

1821, to March 7, 1835, when he was restored to his rank and commission in the staff of the Army, the pay and emoluments of captain of artillery which he received during the same period being first deducted therefrom.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

REPRESENTATIVES OF JOSEPH WATSON.

The bill for the relief of the representatives of Joseph Watson, deceased, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

It enacts that the Solicitor of the Treasury shall be authorized and directed to cause to be executed, on the part of the United States, a full release and acquittance of the claims of the United States against Joseph Watson, as one of the sureties of Henry Ashton, late Marshal of the District of Columbia, and that the property in the city of Washington, at present held in trust as security for the payment of said claim, be reconveyed to his legal representatives free from such incumbrance.

The report of the Committee on Indian Affairs was read.

It appears from it, that the claim in question has been before Congress for many years, and reports for and against it have been made. The services of Joseph Watson, for which his representatives ask compensation, were rendered and sanctioned by the head of the territorial government of Michigan. But these services were performed without any provision of law regulating their compensation. The difficulty appears to have been to ascertain the exact amount of remuneration for them. The services seem to have extended from the year 1806 to 1812, making six years, during which Joseph Watson performed, when required to do so, the duties of superintendent and storekeeper, for which he received no remuneration. In view of the difficulty referred to, the committee being desirous to do justice between the Government and the claimant, deemed it proper to offset his claim, against a claim of the Government against him as one of the sureties of Henry Ashton, late Marshal of the District of Columbia. It appears from an extract from the docket of the Solicitor of the Treasury, annexed to the report, that at the November term in 1849, a verdict was rendered in the United States District Court in the District of Columbia, in the case of James Williams, one of the six sureties of Henry Ashton, for \$8,150. It further appears, from the letter of the chief clerk in the office of the Solicitor annexed to the report, that in 1842 the representatives of Joseph Watson made an arrangement with the Secretary of the Treasury, whereby his indebtedness to the United States, as one of the sureties of Henry Ashton, was secured to the satisfaction of the Government. The debt thus secured amounted to \$1,375, for which a deed of trust on real estate in this city was conveyed to the Government. It appears that of the appropriations made for the contingent expenses of the Territory of Michigan, from the year 1806 to the year 1812, there remained in the Treasury on the first of January, 1813, a balance of \$1,050. No part of that appropriation appears to have been paid, on account of the Indian Department or to Joseph Watson. Taking into consideration the circumstances in which the liability on the part of Joseph Watson had its origin, and the fact admitted on all sides that the services for which compensation is at present demanded were actually rendered, but not paid for, while this balance of \$1,050 for the contingent expenses for the Territory of Michigan, nearly the amount of said liability, remained in the Treasury, the committee deemed it just that one should be regarded as an offset against the other. The committee gave evidence showing the value of the service, and concluded with the recommendation that the bill should be passed.

Mr. BRADBURY. I would like to hear the bill read again. I wish to see, if we undertake by this bill to discharge one of the sureties, how far it is to operate on the others.

Mr. BRODHEAD. It will discharge them all.

Mr. RUSK. It would generally release them all; but if the honorable Senator had attended to the reading of the report he would have perceived that an arrangement was entered into between the Government and the sureties by which each became

surety for his own proportion. These representatives of Joseph Watson became sureties for their proportion; and to secure it they granted to the Government a deed of trust. The bill will not go any further.

Mr. BRADBURY. The explanation is sufficient. I was unable to hear the report when read. I was unable to ascertain the facts of the case; but as I understand the Senator from Texas, the petitioner performed services which may be offset against his liability as surety.

Mr. RUSK. Mr. President, some two or three sessions ago, I investigated this case, and made this report. At the last session, on a full investigation, this bill passed the Senate by a large majority. There is a mass of testimony in the case which has been collected by the representatives of Joseph Watson, deceased. He has long since deceased. His representatives are females, and it was with considerable difficulty that they could collect this testimony. This judgment of the United States against them is levied upon, and in fact secured by the only property which they have; when, if the claim had been pursued at the right time, there would have been absolutely due by the Government of the United States to Joseph Watson's representatives a larger sum, I have not the slightest doubt. A difficulty with this case is, that it has lain over for a number of years. The investigation showed that he performed these services—that under one appointment he performed the services pertaining to one or two other appointments. The testimony goes on to show further, that in a critical time on the northwestern frontier his services were invaluable.

There is a circumstance alluded to in the report which is strong presumptive evidence that the Government at that time intended to pay him for these additional services. In the annual appropriation for that Department there remains unexpended upwards of \$1,000—almost the amount asked to be released. The testimony is ample and full that he was a faithful officer; that he discharged those duties over and above those properly pertaining to his appointment, and that those duties accrued to the interests of the country. Now, under such circumstances, with a very doubtful claim against him, created by his generosity towards his friend, amounting to about \$1,300, the question is, will the Government of the United States, on such a showing as this, and when, I have no doubt, if the claim had been pursued in proper time, it would have been a much larger amount, as a hard-hearted creditor enforce this judgment against his heirs, and turn them out of the last vestige of property that they have?

Mr. BRADBURY. The Senator from Texas has stated a fact on which this case may well rest. He says the evidence was satisfactory to the committee that the petitioner had a claim for services equal to the amount of the liability—a claim that was equitable and just. That is satisfactory to my mind, and I withdraw all opposition to the bill.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

MRS. DADE.

The Senate then proceeded, as in Committee of the Whole, to consider the bill for the relief of Mrs. A. M. Dade, widow of the late Major F. L. Dade, of the United States Army. It enacts that the Secretary of the Interior be directed to place the name of Mrs. A. M. Dade, widow of Major F. L. Dade, deceased, late of the United States Army, on the pension roll from and after the 18th of December, 1848, for and during her natural life, at the same rate of pension she has heretofore received.

Mr. MORTON. That bill, as its title imports, is for the relief of the widow of the late Major Dade, of the United States Army. Major Dade fell at the commencement of the Seminole war, in Florida, in the year 1835. He fell in that battle which is known in the history of that war as "Dade's Massacre," when he and all his command, save two, were massacred by the Seminoles. This bill passed the Senate during the last Congress without any opposition. It went to the House of Representatives, and there shared the fate of all bills of that character. I hope it will be the pleasure of the Senate, without any further comments on my part, to pass the bill with the same unanimity they passed it at the last Congress.

The bill was reported to the Senate without

amendment, and ordered to be engrossed for a third reading.

ALLEN G. JOHNSTON.

The bill for the relief of Allen G. Johnston was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

It enacts that the Secretary of the Treasury shall be authorized and directed to cause to be paid to Allen G. Johnston, of the State of Florida, the value of certain subsistence stores turned over by him as captain of a company of Florida mounted militia at the time he was mustered out of service, on the 6th of January, 1840, to J. B. Collins, quartermaster in the service of the United States, but not credited to him by said Collins in his return to the Treasury Department; the amount so paid not to exceed the sum of \$123 63.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

RICHARD CHANEY AND OTHERS.

The Senate proceeded, as in Committee of the Whole, to consider the bill for the relief of Richard Chaney and others.

It enacts that the land officers for the district of Fairfield, in Iowa, shall be thereby authorized to examine into and adjudicate, on their own merits, subject to the revision of the Commissioner of the General Land Office, the claims under the pre-emption act of June 19, 1834, to the lands on which the towns of Fort Madison and Burlington, in Iowa, are situated, under instructions that have been or may be prescribed in relation thereto, and independent of the appropriations made of these lands for town sites, by the acts of July 2, 1836, and of March 3, 1837. If the said land officers shall decide that any of the said claims would have been good and valid under said pre-emption laws and instructions, if the lands covered by said claims shall be appropriated, they shall proceed, under the instruction of the General Land Office, to ascertain from disinterested testimony the value of the lands covered by such claims at the time the claimants were deprived of them by their appropriation for town sites, and also the value of any lot or lots, if there be such, purchased by such claimants under the acts of July 2, 1836, and March 3, 1837, as aforesaid; all which they shall certify to the Commissioner of the General Land Office. And it further enacts, that if the Commissioner of the General Land Office shall be satisfied, by sufficient evidence, of the correctness of the decisions of the land officers and the value of the lands, he shall deduct therefrom the value of said lands at \$1 25 per acre, and also the value of any and all lands, if such there be, in either of the said towns purchased by any of the said claimants, under the acts of July 2, 1836, and March 3, 1837, and pay the balance to the claimants or their legal representatives, in certificates of location, at the rate of \$1 25 per acre, which shall be located on any unsettled or unimproved lands within Fairfield district: provided that previous to such certificate being located the claimants, or their legal representatives, shall file with the land office a relinquishment of all right, title, and interest, in and to all the lands on which the said towns are situated; and provided, further, that no claim shall be adjudicated under the provisions of the act, which shall not be presented within six months after its passage; nor shall any certificates be located which shall not be presented within eighteen months after the passage of the act.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

RUFUS DWINELL.

The bill for the relief of Rufus Dwinell was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

It enacts that the Secretary of the Treasury be authorized and directed to cause to be paid to Rufus Dwinell the sum of \$13,037 72, with interest from March 4, 1837; the sum to be paid out of any money in the Treasury not otherwise appropriated.

Mr. HUNTER called for the reading of the report of the Committee on the Post Office and Post Roads; and it was read.

It appears that in the year 1837, James Thomas, of the State of Maine, entered into a contract with the Postmaster General for carrying a daily mail between certain points therein specified, which

contract was to remain in force for four years from the time of its date. Subsequently, in consequence of the embarrassed condition of the Post Office Department, the service was reduced to tri-weekly, and for several months of the year there was no service whatever, with a view to a reduction in the expenses of the Post Office Department. The contractor had made all his arrangements for a daily transportation of the mails, and for that purpose had obtained the best carriages and horses. It was necessary for him, when the change was made, to keep on the road a full force half employed, or to sell his stock at a great loss at a season when that description of property was not in demand. Under these circumstances, the contractor felt himself bound to be in readiness to adhere to the terms of his original contract. He presented his account to the Department as if the service had been rendered. The Post Office Department paid him more than they would have paid for the reduced service, amounting to \$919 31 additional. Colonel Thomas, the contractor, requested that suit might be brought against him for the balance claimed to be due, and the trial took place before the circuit court of the District of Columbia, at the March term, 1841. The jury, instead of finding a verdict for the balance, found a verdict of \$13,037 72, with interest from March 4, 1837, in favor of Mr. Thomas. No exception was taken on the part of the Government to the verdict. The plea on the part of the Government for having disallowed part of the amount was, that there had been a change in the service with the assent of the contractor, and that the contract might be changed. In answer to this, it was proved that Mr. Brown, an officer of high rank in the Department, had notified the contractors, Colonel Thomas among others, that so soon as the Department would be able to do so, it would make everything right. The committee did not recognize the right of either party to cancel or alter the contract without mutual consent, in which case it could only be done, as they think, by an instrument of equal solemnity with the original contract. In the present case no such formal change took place. Although, in the opinion of the committee, the verdicts of juries do not always furnish a very safe standard for measuring the liabilities of the Government, yet, under the circumstances of the present case, they cannot but believe that they can find no better guide. The jury was composed of men of intelligence and respectability, which is attested in the strongest manner by the highest authority; and the court is universally admitted to be one of great experience, of extensive legal knowledge, and of entire impartiality. The contractor was unable of himself to provide the means of carrying out his contract. The present petitioner, among others, made advances for that purpose. To save himself, Mr. Dwinell was forced to purchase the claims of other parties. He, in all probability, looked to the original contract as a source of reimbursement; and the committee consider that the faith of the Government was impliedly, if not expressly, pledged to his payment. The committee, after the most mature consideration, came to the conclusion that this sum ought to be paid to Mr. Dwinell.

Mr. HUNTER. I move to amend the bill by striking out of it the words "with interest from the 4th of March, 1837." I believe it is not the practice of the Government to pay interest on claims against it.

Mr. HAMLIN. Mr. President, I know very well what the rule of the Government has been in relation to interest; but it seems to me that this is one of the cases within the rule which the Government itself has adopted. There are certain cases which have always met the favorable consideration of Congress, wherein interest has been allowed to the individual where payment has been delayed, not by the remissness of the person to whom the money was due, but by the failure of the Government to pay him. Now, this report is predicated, and this claim rests, upon the decision of a jury; and that decision shows that this amount was due to the person at that time. Certainly, if there is any safe basis for our action, it should be that of a jury of the country where there has been a trial, and witnesses have been examined by the Government and by the claimant for the purpose of adjudicating and determining the sum due. It seems to me, therefore, that this is one of that class of cases where the claimant is equitably entitled to interest.

Mr. WHITCOMB. Why has not this claim been presented before?

Mr. HAMLIN. There have been applications made before, and if I am asked why it has not been granted, I can give the same reason that applies to other cases: the want of due diligence on the part of Senators and Representatives. I think this is one of that class of cases where this committee have been right. It is true, I am this year a member of the Committee on the Post Office and Post Roads, and I gave my concurrence to the report. It was, however, matured at a previous session, when I was not a member of this committee. I think that the claimant is equitably entitled to interest.

Mr. HUNTER. I do not feel the force of the argument of the Senator from Maine. If interest should be allowed in this case, I do not see why it should not be allowed in every other case. It is said that interest should be allowed because the claim is due; and the same is said in relation to every other claim presented here. I do not think that the verdict of a jury gives it any particular force, or gives it a better right to interest than other claims presented here. The United States does not allow itself to be sued; and why? Because it is afraid to trust itself in the hands of juries. This is an indirect mode of accomplishing what the law does not allow, and what the policy of the Government is opposed to. Whether that policy be right or wrong, I do not pretend to say; but such has been the policy of the Government. I am not satisfied that the claim is due at all. I am not satisfied but that the change in the mail service was according to the agreement of both parties; and I do not believe it requires an instrument under seal to change the agreement. But I have not examined the matter; and, as the Committee on the Post Office and Post Roads report this sum to be due, I am willing to let that go, but I cannot consent to allow interest. If we establish this precedent; if we allow interest in this case, I do not see why we can refuse it in any other case in which the Government owes a debt. It is no answer to say that Congress did not act upon the case at the time; because that would cover a vast amount of money, and a great many cases hanging over here from year to year. I hope the Senate will agree to the amendment, and not consent to allow interest.

Mr. RUSK. I made the report in this case after a very full investigation of all the papers relating to it. In my opinion, it is fully a legal claim against the Government. Certainly it is a very strong equitable claim which the individual has. As the report states, the contract was made by an individual for the transportation of the mail, without any reservation of power on the part of the Government to reduce the contract. It was for the purpose of relieving the Department from an embarrassment, which was supposed, at the time, to be temporary only, that it was changed, and with the assurance to the contractor that what was right in the premises should be done. The contractor had gone on and stocked the road. He had made all the necessary preparations, and gone to all the expense necessary to complying with the contract. He was enabled to comply with the contract by advances made to him by his friends, but was unable to do it himself. By the arrangement which was afterwards made, for the purpose of relieving the Department, this heavy loss fell, not upon the contractor, but upon those who had made these advances to enable him to comply with his contract.

There is a mass of testimony in the case. The testimony before the jury was, that the assurances mentioned in his petition, and in the report, were made from the Department itself. That they were intended to be fairly performed at the time, there is not any reason to doubt; because the Department paid him an amount larger than the reduced service, which they had made to relieve a temporary derangement of the Post Office Department. They had overpaid him the sum of nine hundred dollars. They sued him to recover that amount; and then those individuals who advanced the money come forward and make the claim. In place of paying this claim, the Department charged the contractor with having received nine hundred dollars more than he was entitled to, under the reduction of the service made by the Postmaster General, to relieve the service for the time being. All parties consented that a suit should be brought.

It is brought here, near the Department, where the testimony could all be taken, and where the United States prosecuted the claim against the individual by respectable counsel, before a highly respectable jury. The testimony is, that the jury were highly respectable men. This jury, sworn to do justice and equity between the parties, instead of giving a verdict of nine hundred dollars for the Government, gave a verdict against the Government for the amount named in the bill.

There are peculiar circumstances in this case which render it peculiarly hard to the individual who now makes this claim. He made advances to the contractor, but the contractor gave the preference to other persons who had made advances to him. In order to avail himself of the benefit of this security, whatever it might be; in order to get back the amount which he had actually advanced, this individual had to go into the market and purchase the rights of those who were before him. So that he had not only advanced money to the Government, but he has had to go into the market and take up liabilities, in order to enable him to try to get the benefit of his claim. This particular circumstance seems to me to present a very strong case; and I am free to say, if I were a party in interest, I could not consent, with my conscience and my notions of right and wrong, to refuse to pay the individual the interest as well as the principal.

Mr. BAYARD. Mr. President, I confess that after hearing the Senator from Texas, I cannot see that his argument touches the question connected with the amendment of the Senator from Virginia. Like every other claim that comes before us, if we allow it, we allow it upon the ground that it is just, and either a legal or an equitable claim against the Government. But the general rule is, that the Government does not allow interest on claims against itself. Now, what distinction has been pointed out which makes this case different from any other? It is the case of a claim ascertained by a jury, if you will. Claims may be ascertained in other modes, but they are all supposed to be just claims against the Government when passed. If the general rule is not to allow interest, what reason is there, and what reason have the opponents of the amendment presented why interest should be allowed in this case? If the rule is not right, rescind it in all cases, and pay interest in every case; but if the rule be wise and necessary, as I believe it is, the exceptions must be few and rare in which the Government can pay interest upon a claim against it. I shall feel myself impelled to vote in favor of the amendment of the Senator from Virginia, that this claim of interest ought not to be allowed. I see nothing in the argument of the Senator from Texas, to bring this as an exception to the general rule, that the Government will not pay interest on claims against it.

Mr. HAMLIN. I think I may have been misunderstood in a point which I designed to make a few moments since. What I meant to say was this: that this was a sum determined upon by a jury, who had heard the evidence in a legal trial between the parties, and that it ought to stand higher in our estimation than it would stand on that evidence which is of an *ex parte* character, furnished to a committee here. Besides, if it had been a judgment against an individual, the judgment would have been enforced by the party in whose favor the judgment was given. He would have been entitled to recover that amount, and would have received what would have been equivalent to that sum with interest now.

It is true that there is no general rule that may include this case. But there are particular cases, and they are very numerous, as the Senator knows, where interest is allowed; and I insist that this is one of those excepted cases, which has at least as much equity as those which are favorably considered by the Senate. This is my view of the matter; and inasmuch as the claimant here, if he could have the right to enforce this judgment, would have the right to enforce it with interest, I hope we will allow him interest. And we must consider that the claim comes to our favorable consideration by having passed the scrutiny which it must have passed through before a jury.

Mr. MALLORY. Mr. President, gentlemen seem to be divided on the question, simply not whether the principal should be paid here, but whether interest upon the claim shall be paid.

Although the total amount in this case is quite small, it is a question of very vital importance—one that has occupied a great share of public attention during the past few years, and one that may occupy it still more during the coming year. Standing here, representing the State of Florida, I have to say, that perhaps that State is more interested at this moment in the question whether this Government is bound to pay interest on adjudicated claims, than any other State in the Union. I could refer to a very able opinion on that point, recently pronounced by a Federal judge; but it may not be pertinent to this question.

This sum has already been adjudicated upon by the consent of the country; and the question now is, whether the country will go behind the adjudication—go behind the verdict of the jury, in search of what it was that influenced the minds of the jury. I think the United States are concluded. They have submitted to the suit: they are, therefore, concluded. How can they inquire why it was that the jury found this sum? They must pay it. And then the question of interest comes up. Every Senator concedes that the Government is forced to do justice by paying the principal. The principle that the Government does not pay interest is based upon the principle, that she is always ready to pay; and that the neglect to pay arises from the *laches* of the claimant, from a delay to prosecute the claim in time.

I go further, and say that Congress has in no case set forth the doctrine that the Government will never pay interest. It is a mere rule of the accounting officers. The rule has been adhered to: but it is an unjust one. And one of the earliest cases where this rule was enforced, arose under the Florida treaty. By an article of that treaty, those individuals who had claims under the old Spanish rule of Florida—who had claims when Florida was under the Spanish flag—it was provided that such should have their claims adjudicated by due course of law. The Government failed to provide a due course of law for their adjudication. Those claimants were kept out by no *laches* of their own, but clearly by the fault of the Government. And when a law was provided, it was temporary in its character, and insufficient to allow time to claimants to make their claims good. The law contemplated that the claim should be adjudicated or reported by the commissioner to the Secretary of the Treasury. He was to examine the evidence and allow or discharge the claim at his discretion. And at that time, shortly after the acquisition of Florida, in the year 1821, his discretion was to disallow interest; although interest was justly due to the parties, and they had suffered in consequence of the negligence of the Government. I apprehend that this doctrine has derived additional strength from the position which the Secretary of the Treasury then took. I apprehend, therefore, that the question is not very clearly before the Senate, whether we ought or ought not to pay interest as a general rule. If we pay interest in this case, we do not establish a precedent for the payment of interest in all cases; and even if we did so, the bill should have my support.

Mr. BAYARD. Mr. President, I am unable to agree with the Senator from Florida. I consider the rule denying interest a wise one, because the tendency always is, according to my observation in these claims, to delay them. The Senator takes a position to which I am perfectly willing to assent—that the Government is always supposed to be ready to pay, and therefore does not pay interest because the principle is that the delay flows from the *laches* of the claimant. I say that that principle applies here with all its force. The claimant here had the evidence of his claim, arising from the verdict of a jury as early as the year 1841. Why then was not the claim presented to Congress long before this? If he chooses to let it be delayed, is the Government bound to pay interest in the *interim*? Has the Government not been able to pay in the *interim*? Has the Government not had any money which it could have disbursed for the purpose of paying the party when he had the full evidence of the character of his claim in 1841? Upon what principle, then, can he ask interest from us from the time of the rendition of the verdict? I submit, therefore, if this principle be true—and I think it is sound—that where a party has a claim against the Government, the Government is supposed to be ready to pay it

if it is a good one; and if it is not paid, the presumption is that it arises from *laches* on his part; if he does not present his claim for ten years after obtaining full evidence, by the verdict of a jury, of its amount, he should be debarred from obtaining interest.

Mr. RUSK. Mr. President, the principle laid down by the honorable Senator from Delaware is, that the Government refuses to pay interest upon a sort of legal presumption. Now, cannot the legal presumption be removed by a state of facts adverse to it? It has been done in numberless instances of appropriations made by Congress for debts which were due. It is not by means of his *laches* that this claimant does not receive this amount of money; but it is because it is refused to him by the Department. They bring suit with his consent. He waives the jurisdiction, and allows them to bring suit in this District, where the testimony can all be obtained. This is certainly the prosecution of the claim, because he comes before the jury and submits proof of the validity of his claim. Does not this rebut that presumption?

But the committee went behind the verdict of the jury. I know that many objections are raised to the verdicts of juries against the Government of the United States. I know they are liable to very many and very serious objections. The committee did not take the verdict of the jury without an investigation of the testimony upon which the verdict was given. From the testimony, they became satisfied that the verdict was a correct one, and that the debt was due by the Government of the United States. It seems to me that these facts are amply sufficient to do away with any presumption which could relieve the Government from the payment of interest.

Mr. PRATT. I hope to be excused, Mr. President, for saying one word after the argument which has been made. The particular proposition here is, whether the Government is bound to pay interest on debts admitted by the Government, or ascertained to be due by the Government, to States or individuals. I think the sound legal mind of the honorable Senator from Florida will at once see the fallacy of the distinction which he attempted to draw between this and ordinary cases. The verdict of the jury does not decide the case; it only ascertains the amount of indebtedness. Conceding that the verdict of the jury only ascertains the amount of indebtedness, it only does that which the Senate ascertains in reference to every claim which is brought before this body. When the Senate decide in any one of the claims which are brought before them, we ascertain that upon a particular day a particular service was rendered, or a particular amount of money was due by the Government to an individual. The Senate's ascertainment of the fact of the indebtedness at the particular time, is as much an ascertainment of fact, as is the verdict of a jury. You can, therefore, invoke this verdict only for the purpose of showing the indebtedness, on the part of the Government, at the time the verdict was rendered.

Conceding the indebtedness, the broad question comes up: Is the Government bound to pay interest? I am not committed to the policy of the Government heretofore. I believe that the Government, like individuals, is bound, when it owes an honest debt, and I insist upon its duty to pay interest upon it, as much as I would in the case of an individual. If the Senator assumes this broad doctrine, I can go with him; but there is no distinction between this and every other case in which the Government has paid a debt which has been due for any length of time. If the honorable Senator, therefore, will put this upon the broad ground, and the Senate will understand that we are deciding the broad principle that, whenever the Government of the United States owes a sum of money to an individual it is bound to pay interest on that sum, from the point of time when it becomes due, I will go with him. But there is no distinction between this and any other case.

Mr. BRADBURY. Mr. President, I understand that the proposition here is to pay interest from the time when the proof of the claim was made complete. In 1837, the claimant prosecuted his claim and made his proof complete. I know that some two or three years ago I had the honor of serving upon the Committee of Claims, and in sundry cases we undertook to adopt the principle that interest should be paid from the time when

the proof of the claim against the Government was made complete. In regard to the payment of interest which has been spoken of, it is a question which has been settled by the accounting officers of the Treasury. I suppose it is competent for Congress to determine in what case it will, and in what case it will not pay interest. I understand the chairman of the Committee on the Post Office and Post Roads to say that in this case, the committee did not even rely upon the verdict of the jury, but were fully satisfied by the evidence in the case, that the verdict of the jury was correct.

Mr. HUNTER. I call for the yeas and nays on my amendment. It is an important question.

The yeas and nays were ordered.

Mr. BERRIEN. I desire simply to ask of the chairman of the committee one question. I understand that the verdict of the jury was rendered in 1841—more than ten years ago. The information which I desire is, why has not this claim been presented before? Or was it presented to the proper Department immediately after the verdict was rendered?

Mr. RUSK. My recollection of the matter is, that it was presented to the Department immediately. This report was made two years ago, and as a matter of course, some of the facts have escaped my recollection. Of one thing I am sure: the claim was presented and urged by these individuals immediately after the performance of the contract. It had been pressed more than once. Finally an understanding took place between them and the Department, that upon a claim of nine hundred dollars said to have been over paid to these individuals, suits should be instituted, and the whole matter should go before a jury. Whether application was made to Congress before the last Congress I do not know. I am inclined to think not; but I may be mistaken. My recollection is, however, that immediately after the verdict of the jury was rendered, they attempted to get their payment from the Department, but failed in that; and that they made application to Congress two years ago.

Mr. BERRIEN. My inquiry was, whether, after the verdict of the jury, application was made for the payment of this sum, and when? The United States has no inflexible rule in regard to the payment of interest. The opinion of the present Chief Justice, when he was Attorney General, is very distinct on that subject. The United States proceed generally in the payment of claims upon the principle that this Government is always ready to meet all just demands against it. Now, assuming the fact on which the chairman has relied, not resting exclusively upon the verdict of the jury—for the verdict of a jury against the United States is not always the purest criterion of the correctness of a claim—but assuming the fact which has been stated by the chairman, that the committee had examined the evidence upon which the verdict was rendered, and that it was satisfactory to them; then upon the rendering of that verdict there was a claim against the United States which is now ascertained to be just, and the withholding of the payment of that claim would, in my judgment, subject the United States to the payment of interest on it. The important inquiry, therefore, is, when was the claim, after it had thus been ascertained to be just, presented to the proper Department?

Mr. HAMLIN. If the chairman will allow me to answer the honorable Senator from Georgia, I will do so. I cannot answer as to the specific time when the claim was pressed upon the Department, and I am not certain that the papers show it; but I can answer the Senator from Georgia, that immediately after the rendition of the verdict, within, at the furthest, a very few months, the matter was presented to the Department and urged upon them. The individual who was the contractor in this case was a contractor for other routes, and did other service. This was mixed up with other accounts, and he continued to press it to the day of his death. It has come equitably into the hands of the parties who now prosecute it as advancing the funds to support him in his contract with the Government.

Mr. BERRIEN. I do not mean to make the slightest distinction between the rights of the original claimant and that of the present claimant; but I presume that the report, better than the recollection of individual Senators, will show the facts

concerning the delay. I should prefer myself to take time to look into these matters. If the friends of the bill do not choose to fix upon a time when this claim can be ascertained to have been made upon the Government subsequently to the ascertainment of its correctness, that will impose upon me the obligation to vote in favor of the motion to strike out.

The question being taken on the amendment, by yeas and nays, resulted—yeas 28, nays 11; as follows:

YEAS.—Messrs. Badger, Bayard, Berrien, Borland, Butler, Clarke, Cooper, Davis, Dawson, Dodge of Iowa, Felch, Fish, Geyer, Hunter, James, Jones of Iowa, King, Mason, Miller, Pearce, Pratt, Seward, Smith, Spruance, Sumner, Underwood, Wade, and Whitcomb—28.

NAYS.—Messrs. Bradbury, Brodhead, Dodge of Wisconsin, Downs, Gwin, Hamlin, Houston, McRae, Mallory, Morton, and Rusk—11.

So the amendment was agreed to.

The bill was then reported to the Senate as amended, the amendment made in committee was concurred in, and the bill was ordered to be engrossed for a third reading.

EXTENSION OF A PATENT.

The bill to extend the patent heretofore granted to John Schley, of the State of Georgia, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

It enacts that the patent granted to John Schley, on the 27th of October, 1836, for a new and useful improvement on the cotton-gin, and the application of his machine to a new and useful purpose—the packing and breaking of wool and grain, and seedless cotton, and dislodging and cleansing them from those substances which prevent them being properly dyed; also, for mixing cotton and wool together for carding purposes—be extended for the term of fourteen years after the expiration of the term for which such patent was originally issued, and be granted to the executors or administrators of John Schley, now deceased.

Mr. BADGER. I would like to inquire from some member of the Committee on Patents, whether that bill was reported unanimously by the committee?

Mr. DAWSON. It was.

Mr. NORRIS. The bill was agreed upon by the committee. No one dissented. The case, in short, is this: The original patentee died, and the heirs could not make an application seasonably at the Patent Office.

Mr. BADGER. I am satisfied.

Mr. DAVIS. I notice that this bill proposes to extend this patent for fourteen years. The law provides for the extension of patents only for seven years, and it has been the policy of Congress heretofore, I believe, not to create an inducement for people to come to Congress to get extensions by doubling the time, but to limit the time to the period fixed by law. I therefore move to strike out "fourteen," and insert "seven."

The amendment was agreed to, and the bill was reported to the Senate as amended.

The Senate concurred in the amendment made in the Committee of the Whole, and the bill was ordered to be engrossed for a third reading.

On motion, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 9, 1852.

The House met at twelve o'clock, m.

The Journal of Wednesday was read and approved.

Mr. PEASLEE asked the unanimous consent of the House to introduce a bill of which previous notice had been given.

Mr. STEPHENS, of Georgia. I shall object to the introduction of this bill, and for this reason: I think I am right—and I ask the Chair if I am not—in saying, that if we proceed in regular order, under the 25th rule, to call for reports of committees, it will then be in order to call for resolutions, and, as I understand it, by the 114th rule, these bills can all be introduced.

The SPEAKER. The gentleman is correct; but by unanimous consent, it is competent for the House to pass over the call of committees for reports.

Mr. STEPHENS. I move, then, that the Chair proceed to call the States for resolutions, when it will be in order for gentlemen to introduce their bills.

The SPEAKER. If there be no objection, the Chair will take that course.

Mr. HOUSTON. I desire to make one suggestion in connection with this subject. I am as anxious as any one that these bills should be introduced and receive their proper reference; but if this course is taken, some of them will give rise to debate, and we shall consume our whole time with them.

Mr. STEPHENS. Not at all. There can be no debate.

The SPEAKER. Under the rule there can be no debate.

MEXICAN INDEMNITY.

Mr. HOUSTON. Well; I desire that the House shall go into Committee of the Whole, and take up the bill which we had under consideration when we were last in session, providing for the payment of the last installment of the Mexican indemnity.

PRIVATE CALENDAR.

Mr. BAYLY, of Virginia. In the absence of the chairman of the Committee on Private Claims, [Mr. DANIEL,] I move that the House do now resolve itself into Committee of the Whole upon the private calendar.

Mr. MASON demanded tellers; which were ordered, and Messrs. MASON and VENABLE appointed.

The question was then taken, and the tellers reported—ayes 71, noes 58.

So the motion prevailed.

The House accordingly resolved itself into Committee of the Whole, (Mr. VENABLE in the chair.)

THE VIRGINIA WOOLEN COMPANY.

The CHAIRMAN stated that the first business in order was House bill No. 30, for the relief of the Virginia Woolen Company.

The bill having been read through, and there being no objection, was laid aside to be reported to the House, with a recommendation that it do pass.

EDWARD EVERETT.

House bill No. 50, reported from the Committee on Military Affairs, for the relief of Edward Everett, late a sergeant of the United States Army, came up next in order.

The bill having been read through,

Mr. BISSELL. I desire to say a word or two in explanation of this bill. It was reported to the House by the Committee on Military Affairs, by whom all the facts connected with the subject were fully investigated. A precisely similar bill passed the Senate at its last session, was reported favorably upon by a committee of this House, and failed here only for want of time. The bill provides for the payment of the claim of Edward Everett, for services as clerk in the Quartermaster's Department during the Mexican war. Everett was a sergeant in the first regiment Illinois volunteers, in General Wool's column of the Army, and while in the discharge of his duty at San Antonio, Texas, received a pistol-shot wound in the knee, which permanently disabled him. But before proceeding further, I would inquire of the Chair whether the report of the committee in this case has been printed? If so, its reading will aid me in the explanation of the case.

The CHAIRMAN. The report has not been printed.

Mr. BISSELL. The main column of the Army moved forward into Mexico, but Everett's wound compelled him to remain at San Antonio. On the surgeon's certificate of permanent inability, Everett forwarded an application to the Commanding General, now far in Mexico, for a discharge, to which he was clearly entitled; but in consequence of some misapprehension on the part of his friends who took charge of the application, there was returned to him, not a discharge, but a furlough for the balance of his term of service. This furlough gave him the right, of course, to the use of his own time during the remaining portion of the term for which he had enlisted. He had a perfect right, then, to return home or go whithersoever he pleased—a perfect right to the avails of such labor as his crippled condition might enable him to perform. This is clear.

It so happened that Captain Ralston, the United States quartermaster at San Antonio, was at that time in pressing need of the services of an addi-

tional clerk in his department, and he engaged Everett, under an agreement to pay him the same compensation as was allowed to other clerks for similar services. Everett served in that capacity, most efficiently and satisfactorily, from October to June, when he returned home. The Quartermaster paid him, according to the stipulation, some six hundred dollars. This was all right; but, upon adjustment of the quartermaster's accounts with the Department here, the sum which he had thus paid to Everett was disallowed, on the technical ground that inasmuch as Everett was not actually discharged from service, he could, under no circumstances, receive for services rendered the Government more than a sergeant's pay. This decision of the Department being made known to Everett, he promptly, and from the most elevated motives, refunded to the quartermaster, Captain Ralston, the entire sum he had received from him, and he now applies to Congress, who alone have the power, under the circumstances, to do him justice.

Mr. GIDDINGS. I wish to inquire—for I know nothing about this bill—if this gentleman was receiving pay also for his services in the Army while upon his furlough?

Mr. BISSELL. Assuredly so. It is always the case. I hope there will be no further opposition to the bill. I know it to be a meritorious one. I know it of my own personal knowledge; besides, the proofs before the committee were ample and satisfactory. Any man who will pay any attention to the subject, will be satisfied that he is entitled to what he asks, as much so as any man was ever entitled to a cent for services rendered.

Mr. GIDDINGS. I well know it is an ungracious task to oppose any private claim in this body. Very early in the history of this Government, we adopted certain rules, and more recently we are disposed to trample those rules under foot. As early as 1804, this identical question, now urged upon us, was particularly before this body, and before the other branch of the Legislature. It was then decided, that in no instance should we allow a man double pay; that when a man enters the service of the Government, it is a contract by which he is bound to bring with him his ability to perform the duties that shall be assigned him, within the scope of his engagement. Here is a sergeant, as I understand the gentleman from Illinois, [Mr. BISSELL,] entering the service and pay of the United States, being wounded, and while receiving the compensation for which he engaged to serve, and by which he bound himself to bring with him all the energies and powers which he possessed—

Mr. BISSELL, (interposing.) I still have the floor. I wish to say to the gentleman from Ohio, as well as for others, that in this case he is not paid twice. The bill by its operation deducts from his pay as a clerk, what he received as a sergeant. I hope that it is understood, and that it will obviate the objection of the gentleman from Ohio.

Mr. FOWLER. I wish to inquire of the honorable gentleman from Illinois, [Mr. BISSELL,] whether the individual named in this bill is drawing a pension? It was stated by a gentleman, that he was receiving a monthly pension, if I understood him. I wish to know whether he is receiving a pension, or whether he is an applicant for one.

Mr. BISSELL. I do not know personally whether he is, or is not. I know he ought to be, because he is disabled for life, having a stiff knee, from a wound received while in discharge of his duties. But that certainly constitutes no reason why he should not receive a fair compensation for services performed under the circumstances already explained. I repeat, that this bill does not propose to pay him twice. It deducts from what he was fairly entitled to as a clerk, that which he received as a sergeant. Is the gentleman's difficulty obviated?

Mr. GIDDINGS. Is the gentleman through?

Mr. BISSELL. I prefer, while I am upon the floor, to answer any objections that may arise.

Mr. GIDDINGS. I have no objection to state what I was about to remark. I have no intention to occupy the time of the House long. I am in a minority upon this floor, and the responsibility is with the majority. I shall give my vote according to the known and established rules which

should, and which in former days and better times of this Republic did actually, guide our deliberations. I, then, repeat what I was about to remark, that I know nothing of this individual case. I have never seen the individual named in the bill, and never heard of the case before the bill was read. I have no other feeling or desire in regard to it, than to obey the great and important rules which should govern us in our deliberations. And I now, again, refer to the point that, when a man is in the employ of the Government, he is bound to exert such powers and ability as he possesses, for the benefit of that Government. If he is wounded, it gives him no title to increased pay at her hands, unless it be by way of a pension; and it gives him no title to increased pay if he was able to perform the duties of clerk, after he was disabled for the field. It was the duty of his officer to employ him in that department. In that employment the officer had a right to require his services; and it was his duty to render them. Now, Mr. Chairman, this is the rule we had in former times observed. The gentleman says, that in consequence of this wound, being disabled for the field, he had an increased claim upon the Government for an increase of pay, because he performed the arduous duties of a clerk—the more easy duties of a bureau in an office, rather than those of a field, and the sufferings of a soldier. I do not think the reasoning good. It is not such as has been admitted as cogent and good in former times. It gives him no increased claim upon the Government. Now, sir, this man, being in the employment of the Government, and agreeing to serve, was entitled to his compensation from the time he entered it up to the time of his discharge. I am willing to give him this; and then he is entitled to a pension from that time from the Government, and unquestionably does receive it. He is, therefore, now in receipt of his pension, according to laws in force at the time of his engagement. I would give him that pension, but I would not heap upon him the extra compensation which this bill contemplates. I repeat that it is a most ungracious and unwilling task to stand here and oppose a private claim. But we have had one continued rule upon this subject for thirty years—never departed from—and to that rule I am, for one, disposed to adhere. I am unwilling to depart from it; but, as I said before, upon the majority of this House rests the responsibility, and not upon me.

Mr. BISSELL. A single word. The gentleman from Ohio overlooks the fact altogether, that it is in proof before this committee that this young man was entitled to his discharge, and that he applied for it. He also overlooks the fact that the furlough for the balance of his time entitled him to his own services, and to the earnings of his own labor, from that time to the expiration of his term.

Mr. GIDDINGS. It was far from my intention to overlook this point, as I said before, and so says the gentleman now, that he received his furlough. For what? Because he was disabled for the field. It gave him no right to claim additional compensation from this Government whatsoever because he was permitted to return home from the field. It was only because he was incompetent to follow the army, and discharge field duties. When he did this, it was his duty to render his best services to the bureau to which his officer assigned him.

Mr. BISSELL. I ask the gentleman what avail, then, was his furlough, if he is to derive no benefit from it? Why make a mockery of the thing, and send him a furlough for the balance of his term, and then claim his services for that unexpired term?

Mr. GIDDINGS. I will reply to the gentleman with his permission.

Mr. BISSELL. Certainly.

Mr. CARTER. I rise to a question of order. Is it in order for one gentleman to give the floor to another, with his consent that he make a speech?

The CHAIRMAN. The gentleman from Illinois [Mr. BISSELL] has the floor, and it is not competent for him to give the floor to another.

Mr. BISSELL. I wish merely to ask again, of what avail was his furlough? and, according to the doctrine of the gentleman from Ohio, [Mr. GIDDINGS,] what was it but an insulting mockery to send him a furlough for the balance of his term on the ground that the severe wound he had received disqualified him for the duties of a soldier, which he had undertaken to perform? When you

sent him that furlough did you tell him the Government is still entitled to his services? That furlough gave him a right to the balance of his term, the same as a discharge would have done, and he entered into a special contract with an officer of the Government there, for a specific price to act as clerk in the Department, precisely the same as if he had returned to New Orleans and engaged with a merchant there to act as clerk; and whether this be according to precedent or not, I say here, so help me God, so long as I have a seat in this Hall I will forever vote for claims like this.

Mr. CLEVELAND. It seems to me that this is not correctly understood by my worthy friend from Ohio. In the first place, as to the matter of the rules and practice of the House, when they run counter to the principles of justice, I am opposed to them. But this claim is not very well understood by the gentleman upon my right, [Mr. GIDDINGS.] When this man enlisted to serve his country, he enlisted to serve that country as a soldier; and one of the conditions necessarily implied by that enlistment was, if he received wounds in that country's service, he should be entitled to a discharge or furlough. Now am I right in this? If I am, then when he had received a wound, in the discharge of the duties that he contracted to perform for that Government, and was disabled from the further discharge of those duties, I ask whether the Government had any claim upon him either in law or equity? There is not a man in this House but who will say, no—no claim whatever. Has it come to this, that if I enlist to serve my country, and suffer from wounds received in the service of that country, they have a right to turn me over to become a shoe-black, or clerk, or anything else I may still be able to perform? This seems to be the substance of the claim of the gentleman from Ohio, [Mr. GIDDINGS.] Now, the Government discharged him from the performance of further military duties; and having done so, they had no right to call upon him to perform another duty—which I presume the committee found was necessary for some one to do; and having done so, I ask, is there a man in this House who is not willing to pay him for that extra duty? Upon the same principle, a master mechanic might refuse to pay a useful servant for overwork. With equal propriety the gentleman from Ohio might claim, as we pensioned him, that we have a right to compel him to perform clerical duty the rest of his life, when he owed no sort of duty to the Government any more than any member of this House owes duties outside of this House. And with that view, it seems to me there cannot be ten men found in this House who would not be ready to vote for this claim. It is as righteous and just a claim as ever was presented for consideration in any deliberative body. And in addition to that, the man who employed him, and who, all will allow, was more competent to decide the matter than we can be, felt the justness of it so strongly that he paid it out of his own pocket; and this man might have kept it. But he was a noble man. When he found that the Department felt constrained to refuse it, he paid it back, and comes here and asks this House whether they will refuse to pay him. If I had one hundred votes to give, I would most cheerfully give them in favor of this man; and I believe such is the voice of a large majority of this House.

Mr. CHANDLER. I merely rise for a moment. I have no voice or inclination to address the House. This matter was submitted to my examination last year, as a member of the Committee on Military Affairs. I remember its merits. I looked at this case carefully. Having examined it with great attention, I became satisfied that the claim upon the Government was just, and that the first payment to Mr. Everett was correct, and was more satisfied of the correctness of his intentions by his willingness to repay it. My honorable friend from Ohio [Mr. GIDDINGS] who urges such arguments against it, speaks from his own feelings when he talks of the right of the Government to the services of a dismissed soldier. Because he would volunteer his services it does not follow that the Government has a right to compel the services of a man whom it has dismissed for honorable wounds. It was upon that view of the subject that I reported a bill at the last Congress similar to the bill now before the House. I became fully satisfied of the merits of the case, not only because the man had done the service to

the country for which he claims payment, but because the country had no more right to his services then, than it has to come and claim one of the clerks in front of your desk, to go and do any clerical duty in the western part of the city. This man was dismissed, and was employed anew by the officer of the Government, and he was properly paid, not the full payment of a clerk, but the payment of a clerk, less the amount of his services as a dismissed soldier. Upon this ground I shall vote for it. I should have said more about it, but my honorable friend [Mr. CLEVELAND] who has just taken his seat, has so fully and fairly stated the case that further remarks are unnecessary, and I will take my seat.

Mr. EDGERTON. The simple question we should ask, as regards the payment of this claim is: Did the United States require the services performed by this Mr. Everett? It is to be presumed that the United States did require that service.

Requiring the service, it is a matter of perfect indifference to the Government whether it was performed by Edward Everett, John Jones, or any other person; and the only question we have to ask is simply, was the service required by the Government; was it performed to the satisfaction of the Government; has the Government paid any person for the performance of this service; if the service was performed—as it was of course—was it performed by Mr. Everett? If he had not performed it, some other person would have been required to do it, and the Government would have paid them for it. It is simply for the reason that the service was required and performed, and the Government has not paid for it, that I shall vote for this bill.

Mr. WILCOX. It seems that the services in this case were required. There is, then, but one point involved in the consideration of this bill, which is simply this: It appears that he was under a furlough, from the officer who had a right to give him a furlough. During the pendency of the furlough, his military identity was suspended, and he had a perfect right to employ himself as a clerk in the different departments; and I know of no bill presented to the House, or that will be presented, that is more meritorious than the one now under consideration. I know something of the hardships of camp duties, and I know something of the rights, too, of a soldier; and while this Government has been just and liberal heretofore in the passage of bills and bestowing of bounties, still I think there never has been a case presented to the consideration of this House, having more merits than the one now under consideration. This individual was disabled by the accidental discharge of a pistol. He could not discharge such duties as the regulations of the United States required to be performed at his hands. Consequently he sought employment in one of the departments, and discharged the duties there devolved upon him faithfully, promptly, and efficiently. It appears from the papers appended to the memorial that those duties were required, and that he was paid for those services the entire amount which was allowed him under the contract. The quartermaster presented his claims to the Government, but the Government having refused to allow it, he, as an honest American citizen—as a soldier, true to his Government and just to his country—paid back the money to the quartermaster, and now throws himself upon the justice of his country through the Representatives in Congress. I hesitate not a moment to believe that the Congress of the United States will pass a bill so meritorious as the one now under consideration.

Mr. JOHNSON, of Georgia. I know but little about military affairs, or military operations—in fact, nothing. But I understand there is a difference between a discharge and a furlough. That when an individual is put under a furlough, he is subject to the order and command of the Government, under the laws and Constitution of the Government. Then the question does not present itself in the shape stated by some of the honorable members—that the Government used his services, and therefore should pay him. When an individual is on furlough, his services are in requisition when required by the Government, according to the contract between the Government and the volunteer.

Mr. BISSELL moved that the bill be laid aside, and reported to the House, with a recommendation that it do pass; which motion was agreed to.

DAVID C. CASH AND GILES U. ELLIS.

House bill No. 51, for the relief of David C. Cash and Giles U. Ellis, reported from the Committee on Military Affairs, next came up in order for consideration.

The bill having been read,

Mr. WILCOX. I desire to submit a few remarks upon the questions involved in the passage of this bill. It seems that during the Seminole war, Mr. Ellis and Mr. Cash, the one as a private and the other as a lieutenant, received for distribution certain public property from R. R. Crum, a legally authorized quartermaster of the Government. They distributed that public property under proper regulations and orders of their commanding officer. In the reception of this property they would sign their vouchers as acting assistant quartermasters, and regularly appointed quartermasters of the Government. At the conclusion of the war, they made an application to the Government for whatever pay might be due to them, the one as a private and the other as a lieutenant upon the muster-roll. They were denied what they considered their just dues by the Government, from the simple fact, that from an inspection of the papers which were returned from the quartermaster's department, they found a deficit in the public property; and the Government now seeks to hold them responsible for the distribution of the same. There seems to be a failure, so far as the quartermaster is concerned, to make his return to the Government, thereby throwing a seeming liability upon Cash and Ellis, who were his agents. The Government refused to pay them what was their due, from the simple fact that they signed their vouchers, as acting assistant quartermasters.

It is a well-settled legal principle in the interpretation of instruments of writing, that the *intent* and *meaning* of the parties by such writing is to govern, and nothing can be more consonant with sound reason; and while it is equally well settled that a party by parol contemporaneous evidence cannot "contradict or vary" the terms of a written instrument, yet parol evidence is admissible "to explain written instruments" in order to an ascertainment of their just meaning, namely, "by showing the situation of the party in all his relations to persons and things around him, or, as elsewhere expressed, by proof of the surrounding circumstances," or if "the terms be vague and general, or have divers meanings." * * * "In all these and the like cases, parol evidence is admissible of any extrinsic circumstances, tending to show what person or persons or what things were intended by the party, or to ascertain his meaning in any other respect; and this without any infringement of the rule, which, as we have seen, only excludes parol evidence of other language declaring his meaning than that which is contained in the instrument itself." The above quotations are from Greenleaf's Evidence, vol. 1, p. 412, where will be found numerous authorities in support of the same doctrine.

Now, the only question is, What was the meaning of Giles U. Ellis and David C. Cash in signing themselves, the former as "Assistant Quartermaster at Fort Gilleland" and "Acting Quartermaster at Fort Gilleland," and the latter as "Acting Assistant Commissary" and "Acting Commissary of Subsistence?" and this meaning we are to deduce according to the rule laid down, not by the addition of other language than that expressed, but by explanation of the language actually used, by its consideration in connection with the circumstances with which the transaction is connected. Neither Ellis nor Cash were agents of the United States in the Quartermaster's or Commissary's Departments. This position is incontrovertible, for the United States did not appoint them as such, nor were they so recognized by act of Congress; and Crum, the quartermaster, had, of course, no power to appoint them agents of the United States in either of those Departments.

What, then, without any reference to contemporaneous parol evidence, were those officers? They were not acting or assistant quartermasters or commissaries by appointment of the Quartermaster's or Commissary's Departments. Nor were they such by recognition of law. R. R. Crum was the legally-recognized officer and agent of the United States for the Quartermaster's Department. Again, it will not be pretended that R. R. Crum, the quartermaster recognized by

law, or any other officer of the staff, had any power either to appoint an agent or an assistant to act for the United States in the Quartermaster's or Commissary's Department, or had power to delegate his own authority to another, for "the true doctrine," as stated by Story on Agency, p. 17, "to be deduced from the decisions is, (and it is entirely coincident with the dictates of natural justice,) that the authority is exclusively personal, unless, from the express language used, or from the fair presumptions growing out of the particular transactions, or of the usage of trade, a broader power was intended to be conferred on the agent."

It is not contended that any such broad power was given to Mr. Crum, either directly or indirectly. Of course, therefore, he could substitute no one to perform his official duties and to be accountable in his stead to his principal, the United States. He might employ sub-agents, and this was all he could do. With this, however, the Government (the principal) has nothing to do. It neither enjoins, nor forbids, their employment. It is a matter purely between the officer and his agent. If he deems it necessary for the performance of his duty, he has the right to employ all necessary means for the performance of that duty, and whoever he may employ is responsible to him, unless there is privity between the Government (his principal) and himself, concerning the employment of the sub-agent.

The law on the subject is stated in Story on Agency, p. 486, to be, "that if an agent employs a sub-agent to do the whole, or any part of the business of his agency, without the knowledge or consent of the principal, express or implied, there, inasmuch as no privity exists in such a case between the principal and the sub-agent, the sole remedy of the latter is against his immediate employer, and his sole responsibility is also to him."

The principal in these cases (the Government) had no knowledge of the appointment of sub-agents, and gave no consent thereto; nor, as heretofore stated, was there any appointment to them, or any legal recognition of them in any form as the direct agents of the Government. Whatever their authority was, therefore, it was wholly and exclusively derived from Crum, the quartermaster, and could be, as has been shown, derived from no other source, and their accountability is likewise wholly and exclusively to said Crum as his sub-agents.

This conclusion is irresistible from the nature of the case itself, and without resorting, to sustain it, to the rule respecting evidence, which is laid down in the books, and referred to in the first part of this paper, to wit: That it is competent for a party to adduce parol evidence to explain his written instrument, in order to arrive at its just meaning and true intent, which is always to govern.

But if recourse is had to the legal rule referred to, it will surely serve to confirm this conclusion, and to remove every doubt as to the sub-agency, and as to the accountability of the sub-agents. Each of these parties signs himself as "assistant," "acting assistant," or "acting" quartermaster or commissary. The words "assistant," "acting assistant," and "acting," clearly imply an agency—that the parties thus signing are not acting for themselves, or in their own right, but for another. But it is nowhere stated who they are agents for, and certainly there is nothing in the writing to furnish that information. Still less is there an implication even, that they are agents of the United States.

Now the rule of evidence comes in to explain whose assistants or agents the parties are. (See authority before adverted to for admitting explanatory parol evidence, Greenleaf, vol. 1, p. 412.)

Without this explanation the writing is incomplete and unintelligible in respect of the important item as to whose agents the parties are. For the rule is, that the meaning of the writing must be ascertained from "the meaning of the words" parties "have used" in the writing itself, and the duty of the court is "merely a duty of interpretation;" "that is, to find out the true sense of the terms as the parties used them. (Greenleaf, vol. 1, p. 399.) Now the writing is incomplete, for wherein is it made to appear therefrom for whom Ellis & Cash acted? and this being unquestionably its state of incompleteness and consequent uncertainty, as Greenleaf has it in another place (vol. 1, p. 405)

equally in point with the reference on page 412 of same volume:

"When the agreement in writing is expressed in short and incomplete terms, parol evidence is admissible, to explain that which is *per se* unintelligible, such explanation not being inconsistent with the written terms;" and on same page he adds: "To ascertain the meaning of these words, (the words used in the written instrument,) it is obvious that parol evidence of extraneous facts and circumstances, may in some cases be admitted to a very great extent, without in any wise infringing the spirit of the" general rule excluding parol evidence of the language of parties.

The admissibility of parol evidence being established in these particular cases, as well as the propriety and necessity of its application thereto, it only remains to refer to that adduced in support of the application of the memorialists, consisting, independently of the testimony of the parties interested, (Ellis & Cash,) and also of that of Crum, the officer for whom they acted, of the affidavits in Ellis's case, of six credible and competent witnesses, and in Cash's of that of the commanding officer of the detachment in which Cash also was an officer—all explaining the true meaning of the writing by supplying what was absolutely necessary to make the instrument intelligible and perspicuous, or, indeed, to give it any practical use or effect.

This testimony, it is conceived, is sufficient evidence that the present applicants were sub-agents, accountable alone to their immediate principal, R. R. Crum, and of course (and what we wish to establish by this argument) that they cannot be held liable or accountable by the United States for the public property received by them as the agents of Crum, which it is proved they were.

In conclusion, sir, permit me to say, that R. R. Crum, in his affidavit, says that these, his agents, acted in good faith, and accounted to him faithfully for all the supplies which they received from him as Quartermaster or Commissary of Subsistence—that they turned over to him all their receipts, papers, and vouchers. It is plain, then, sir, that he is the only party responsible to the Government, and that Ellis & Cash should be relieved from liability, and paid whatever may be due them on the muster-rolls for their services—the one as private and the other as lieutenant in the Seminole war.

I thought it proper upon this occasion, in sheer justice to the gentlemen concerned, to submit these remarks.

The bill was then laid aside, to be reported to the House, with a recommendation that it do pass.

JOHN W. ROBINSON.

House bill No. 52, for the relief of John W. Robinson, reported from the Committee on Invalid Pensions, coming up in order, was considered, and laid aside, to be reported to the House, with the recommendation that it do pass.

GARDNER HERRING.

House bill No. 53, for the relief of Gardner Herring, reported from the Committee on Invalid Pensions, coming up in order for consideration, was read through by the Clerk.

Mr. FOWLER. I would like to have the report accompanying this bill read.

The CHAIRMAN. The reports are not printed in any of these cases. They were sent to the printer.

Mr. FOWLER. I would like to hear the reasons for it.

Mr. HARRIS, of Tennessee. The report in this case shows the petitioner was disabled in the military service during the war of 1812. It is a case that has been before this House for a number of years. It is my belief that at every session of Congress since it has been here reports have been made favorable to the claim. Bills have repeatedly passed, but failed between the two Houses, as private bills too frequently do. There has never been a report made against it. The proof in the case clearly shows his disability and his service.

Mr. STEPHENS, of Georgia. Have bills passed this House?

Mr. HARRIS, of Tennessee. They have.

Mr. FOWLER. Why has not this case been presented to the Pension Department?

Mr. HARRIS, of Tennessee. In consequence of the fact that the party is unable to make the proof in compliance with the strict rule required

by the Pension Department; yet no one can doubt the truth of every material fact.

Mr. FICKLIN. Do I understand the Chair to state that reports intended to accompany these bills have not been printed?

The CHAIRMAN. So I understand from the Clerk.

Mr. FICKLIN. That being the fact, and as it is unsafe to pass these bills without a knowledge of the facts, I move the committee rise.

[Cries of "Agreed!" "Agreed!"]

Mr. FOWLER. We ought not to pass them without the reports.

Mr. FICKLIN demanded tellers on his motion, which were not ordered; and the question being then taken the committee refused to rise.

There being no further objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

SILAS CHAMPION.

House bill No. 54, "for the relief of Silas Champion," reported from the Committee on Invalid Pensions by Mr. HARRIS, of Tennessee, was next taken up for consideration, which bill was then read through.

Mr. FOWLER. I would like to hear the report upon this case.

The CHAIRMAN. It is not printed.

Mr. FOWLER. I then would like to hear from the chairman a statement of the facts.

Mr. HARRIS, of Tennessee. I regret the fact that these reports are not yet printed. The facts of this case as they appeared before the committee, as far as I recollect them, are: that Silas Champion volunteered in 1814 upon an emergency. He was at the battle of Plattsburg. The proof shows that the night after the battle, whilst acting as sentinel, he was exposed to a cold and incessant rain. Up to that service the proof further shows that he was a very sound, healthy, and industrious man. Upon the very next morning after this exposure, he was attacked with a fever and an inflammatory rheumatic affection. This disease continued for a number of weeks, perhaps months, from the effect of which he has never recovered. The testimony of the physicians shows that he is totally disabled in consequence of it. These are, I believe, the main facts. I regret that the report is not before the House.

Mr. FOWLER. I also regret that the report in each of these cases is not before the House, and I concur with the gentleman from Illinois, [Mr. FICKLIN,] that we are acting blindfold, and ought not to proceed. Perhaps when I can see the facts in this case, I shall be ready to vote for this bill. I think it highly probable; but I wish to act with my eyes open, and with the light that may be laid before us. I move, as the bills are not printed, and we cannot go forward understandingly, that the committee rise.

Mr. MASON. There is but two or three more of these small bills for the committee to pass upon, and I hope the committee will not rise.

The CHAIRMAN. Debate is not in order.

Mr. CARTER demanded tellers; which were not ordered.

The bill was then laid aside, with a recommendation to the House that it do pass.

PHILIP MILLER.

House bill No. 55, for the relief of Philip Miller, reported from the Committee on Invalid Pensions, next came up for consideration. It was read through by the Clerk.

Mr. FOWLER. I again call for the report. I want light before I act.

The CHAIRMAN. The report is not printed.

Mr. MARTIN. I made that report upon a full investigation of the facts of the case. This bill has been before the House, I think, every session since 1848. Favorable reports have uniformly been made in this case. At almost every session of this House a bill has been passed, but failed in the Senate for want of time. The applicant is an old man; and at the time of application was seventy-three years of age. His wounds were received in the spy service upon the frontier of Virginia. The fact of the existence of the man, and his decrepitude, are well sustained by proofs—by a member upon this floor, in whose district in the State of Kentucky he now resides. I think the claim is a meritorious one—one that ought to pass. The report is full and ample. The committee adopted

the report previously made, with a statement of some additional facts.

A MEMBER. Why have we not a report?

Mr. MARTIN. I do not know. It was sent up with the bill to the Clerk's desk.

Mr. ALLISON. When we are seeking for objects upon which to bestow favor, I think we should have confidence in the committee that have investigated claims of this kind to adopt them, where they are recommended by the committee. I have no doubt that a large majority of this House would at once adopt a report made by a committee constituted as that committee is; but when it is to relieve the wants and distresses of those who have suffered in our wars, I think we should not question the propriety of the report of the committee. It is very well, sir, the gentleman who makes a report, accompanied with a bill, should explain in a few words the ground upon which it is made. While it is not in print upon our desks, members should know what they are doing. Yet this class of claims should be preferred to all others. It is the claim of the old soldier, who comes here and asks that you will give him some relief in his declining years. I hope the committee will not rise until all these claims shall be heard, and favorably passed upon. While we are ready to spend thousands of dollars for purposes of doubtful propriety, I hope we shall not chaffer about a few dollars to those who have come forward when their country needed their service, and may be their lives. I repeat, I hope we will not rise until these claims have all been heard, and favorably passed upon.

The bill was then ordered to be laid aside, to be reported to the House, with a recommendation that it do pass.

ALBRA TRIPP.

House bill No. 56, reported from the Committee on Invalid Pensions for the relief of Albra Tripp, was next considered, and ordered to be laid aside, and reported to the House, with a recommendation that it do pass.

JOSEPH JOHNSTON.

House bill No. 57, reported from the Committee on Invalid Pensions for the relief of Joseph Johnston, came up next in order for consideration. The bill was read through by the Clerk.

Mr. FOWLER. I feel extremely reluctant to object in this case. Perhaps all these cases are meritorious. I am bound to believe so; but my faith must rest upon no basis whatever, when there is nothing before this House to sustain these cases—no report having been printed and laid upon our tables. Therefore, that I may act understandingly, I ask for the facts in this case.

Mr. KUHS. It was several days since that I reported the bill to the House, and the facts in some measure have escaped my recollection. They are in general evidences of a series of very important services rendered by Joseph Johnston along the frontier of Canada, through a very inclement season of the year. The company of which he was a member were engaged in several severe skirmishes with the enemy. They conquered in every instance, and brought off triumphantly upon several occasions numerous prisoners from the British army. This case is supported by the most ample testimony not only in regard to his courage as a soldier, but also in regard to the important services he rendered to his country. The evidence is clear and conclusive that in that service he contracted a disease which, from that hour to this, has rendered him totally disabled and incapable of discharging the duties to himself and family. The case appeals more strongly than any I have yet witnessed to the justice of the country. I may say, that the testimony is voluminous and irrefragable in his behalf, and so conclusive that in every instance—which I believe amount to four in all—where this case has been brought to the consideration of the Committee on Invalid Pensions, the committee have reported in his favor. Nothing has delayed this meritorious claim but a want of time for the action of both branches of the Legislature upon it.

And here I may say, for the information of this gentleman, and other gentlemen who feel an interest in protecting the funds of the Government, and who feel, perhaps, a like interest that justice shall be awarded to those to whom justice is due, that in every case that has been reported from the Com-

mittee on Invalid Pensions, the case has in the first instance undergone a careful scrutiny of a member of that committee to whom it had been specially referred. Upon his report, the case has again undergone the investigation and closest scrutiny of every member of the committee before it receives their approbation, and before instructions are given to the member to report it to the House. I have seen scrutiny in courts of justice—I have seen the scrutiny of different tribunals, and I am free to say here, in the face of this House and country, that no case has passed our committee and been directed to be reported to this House which has not undergone the closest scrutiny, both as to the law and facts of the case. No case has come from the Committee on Invalid Pensions to this House but has merit and justice in it, entitling it to claims upon the country and upon Congress, which is to administer justice according to the laws and equity of the country.

Now, this petitioner has been knocking at the door of Congress—I do not know how many years. I sent to the Clerk's table to obtain the report of the committee, so as to lay the facts before the House, but it seems that report is not printed. I regret it, because I would like to bring before the House all of the facts in the case, speaking out, as they do, their own merits in language that cannot be misunderstood. I hope, therefore, the gentleman is satisfied, and I hope Congress will award to this meritorious case the justice it demands. I would be glad to give to the House the particular dates; but, under the circumstances, I cannot furnish them at this period, because it is some two weeks since I examined the case and made a report of the facts. I dismissed them from my recollection, relying upon that report for the exhibition of them to the House. I know that it is a claim based not upon any fictitious foundation, but one having in it the highest merit; one which has received the sanction of three or four committees in its favor. I take that as *prima facie* evidence, at least, that there is something meritorious in the claim.

The bill was then laid aside, and ordered to be reported to the House, with a recommendation that it do pass.

ROBERT MILLIGAN.

The House bill No. 58, reported from the Committee on Invalid Pensions, for the relief of Robert Milligan, coming up next in order, was read through by the Clerk.

Mr. EASTMAN. I had the honor to report that bill, and will state to those interested the facts of this case, as I recollect them. A pension of four dollars per month was granted this man for several years, as stated in the bill. Testimony was produced before the committee, which was of such a character that it was believed, showing that, since that bill passed, he has become totally disabled by the wounds he had received, so much so that it was impossible for him to perform any kind of manual labor; hence he has to rely solely upon his pension for his support. The committee, upon that state of facts, which were sufficiently established, have reported a bill granting him an additional four dollars per month.

The question was then taken, and the bill was ordered to be reported to the House, with a recommendation that it do pass.

SYLVANUS BLODGET.

The CHAIRMAN stated that the next bill in order, No. 59, was a bill from the Committee on Invalid Pensions, for the relief of Sylvanus Blodget.

The bill having been read through,

Mr. EASTMAN said: The reason why this man has not been entitled to a pension before is, that he was not regularly mustered into the service of the United States at the time of the war between Great Britain and the United States, in 1812. He was at the battle of Plattsburg, called from the State of Vermont, and served there as one of the militia. From exposure there he contracted a disease, which has totally disabled him from performing manual labor. This appears from numerous depositions and evidence furnished to the committee, who, after scrutinizing the whole mass of the testimony in the most careful manner, came to the unanimous conclusion, that, if there ever was a meritorious case before them, this was one.

Mr. FOWLER. Is this the first time the application has been brought here?

Mr. EASTMAN. It is the first time.

Mr. FOWLER. Why has he not brought it before?

Mr. EASTMAN. He may not have wanted it before.

Mr. FOWLER. Then I will inquire of the committee, whether they adopt the rule that, if a man thirty years afterwards becomes infirm, he is to be an applicant before this House?

Mr. EASTMAN. The rule we have adopted in relation to this question is, if the applicant can trace disease back to a cause, which commenced in the service of his country, then we report in favor of the applicant, unless there is a contradiction by competent testimony.

Mr. HEBARD. I wish to inquire of the gentleman from Wisconsin, [Mr. EASTMAN,] if he is not mistaken in saying that this is the first time the claim has been presented?

Mr. EASTMAN. I think I am not mistaken, although it has been some time since I prepared the report.

Mr. HEBARD. I think I reported a bill for relief in this case at the last session, which failed for want of time.

Mr. EASTMAN. If I am mistaken, I have confounded this with another case.

Mr. HEBARD. I am sure I am correct in this, that the bill was favorably reported upon, and only failed to receive the action of this House for want of time.

Mr. EASTMAN. It may be that I am mistaken. I know this, that it is a meritorious case.

Mr. DUNHAM. If this is a new bill, as the gentleman who reports it to the House states it to be, it is in violation of a principle of action here, to which I wish now to call the attention of the House. It is very important, if we grant a pension to this man, to know whether it shall go back to 1846. I so understand the bill. I ask that it may be read.

The bill being again read—

Mr. DUNHAM resumed. It is as I have stated. It does seem to me it is a strange thing to have this pension given by Government for current support to men for seven or eight years, and thus giving the applicant a little fortune to begin with. I call the attention of the House to that fact. If we pursue this course, and vote to him that pension, the consequences will be that we shall have brought before us all the invalid pension cases heretofore granted for arrears of pension. If they go to the Pension Office, they can get the pension from the time their application is completed. If they neglect that for a few years, instead of going to the Pension Office to have their pensions granted, they will come here for back pensions, when they could not get it there. It seems to me, if the object of Government is to give a support to those who have served their country, it is quite enough that we give a pension from the time that their cases first commenced in this House. I shall move to strike out 1846 and insert 1850. This is the time that I understand the case was favorably reported upon in the House.

Mr. HARRIS, of Tennessee. When the gentleman makes that motion I shall resist it. I understand the object of giving an invalid pension to be to give the means of support and maintenance to a man who has lost the ability to support himself by manual labor, by reason of disease contracted in the military service of the country. The rules adopted by the Departments, and, indeed, by the law that governs those Departments, require that the pension shall not go further back—or in other words, the pension shall commence at the time the applicant completed his testimony and made a demand upon the Government. Whenever he has made out such a case as this Government can act upon and allow, why then his pension commences. Take the case before the committee at present. Here is a man who presents a case meritorious in its character—a case where the applicant has lost the ability to make a support for himself, by reason of wounds received in the service of his country. He has demanded of this Government a pension, that you admit he is entitled to. He does all that is necessary for him to do to make out his case. According to the argument of the gentleman from Indiana, [Mr. DUNHAM,] he is willing to allow him a pension from January, 1850, for and during his natural life. Then you make him a loser by your own laches and neglect to perform the duty

that devolves upon you. He demanded this pension in 1846, and made out such a case as you are willing to allow to-day. He did everything that was necessary for him to do towards completing his case. He proved every material fact that was necessary for him to prove. And because you have neglected to perform your duty to him—because you failed to take up the case he made out and give him what you are willing to admit was then his due, you will decide, I suppose, that he shall starve from 1846 up to this hour, and shall not receive what would have been due him—what he would have received every year since that time if this Government had performed the duties it owed him at that time. Then the Committee on Invalid Pensions have adopted this as an inflexible rule, controlling its action upon this question, that whenever the party has made out just such a case as we can allow at all, we will allow the pension from the day that he completed and perfected the proof in his case. If it be but yesterday, it shall commence then. If it be five or ten years ago, his pension shall commence when he perfected and made out such a case as we shall feel bound to allow at all, in order that our neglect to perform the duties we owe him—in order that our laches shall not run against him. That is the principle we have adopted; and the bill before the committee is founded upon that principle. I shall, therefore, when that amendment is offered resist it, for the reason that it is unjust to the petitioner to adopt any amendments upon that principle. If the principle be true, it will be the policy of this Government not to decide for or against a case of merit, but to delay, delay, until you have literally starved out the wounded soldier who has lost the ability to support himself. And, indeed, that principle has been already too nearly adopted by this Government. We are to delay in meeting the demands that have been made upon us by those cases which have merit in them. I trust the Government will abandon a policy so unreasonable and unjust.

Mr. JONES, of Tennessee. I wish to make an inquiry of my colleague. There was a report made in this case, which has gone to the printer, and we have not the facts of the case before us. The bill proposes to give a full disability pension for life. The inquiry I wish to make is, what are the facts upon which this pension is to be granted, and why it is that it cannot be granted at the Pension Office? Now, if he first received this disability while in service, and in the line of his duty, which prevents him from obtaining a livelihood by manual labor, then he can get his pension at the Pension Office. What is the defect in the proof of this case? Why is it? He would get it granted there.

Mr. HARRIS. I will answer it with pleasure. As a general answer to his question, I will state, that whenever a case has been presented to the committee, and upon investigation they determine that it is such a case as can be allowed under the rules of the Department, we turn the petitioner over to the Department, because it is not a case which requires any special legislation. But in this particular case, the pension could not be allowed by the Department, for the reason that he had never been technically and formally mustered into the service of the United States. He was called out, as I stated in another case of the same character a few moments since, upon an emergency, when the army of the enemy was making a descent upon our forces stationed at Plattsburg. When a flag was sent through the country, and the information reached the State of Vermont that the little force we had at Plattsburg was likely to be overrun by the enemy rapidly descending upon them, volunteers from that State rushed to the scene of action; there was a large detachment that marched from all parts of that State, under the emergency of the moment. They were in that battle, and greatly exposed for a few weeks—for they performed efficient service to the country. Many of them lost their lives; others their limbs; others their health. While they were never technically and formally a part of the American army, they performed important and efficient service in the American army as soldiers. Their cases cannot be allowed by the Department, because they were not mustered into the service of the United States; yet they were in that service. They performed important duties, and made heavy sacrifices. For those services they present cases

for the consideration of this House, as meritorious as if they had served years in the regular army. For that reason these cases cannot be allowed by the Department—for that and other reasons, they ought to be allowed by this House.

Mr. OLDS. It will be recollected by the members of the last Congress, that this question in regard to the time at which these pensions should take effect, was discussed nearly a whole day in this House when we were in Committee of the Whole upon the private calendar. This very case was one of the cases acted upon. It being objection day, if any objection was made, the bill was compelled to go over, but the friends of this bill, as well as the friends of other bills, under similar circumstances, permitted a gentleman from New York [Mr. CONGER] to make an amendment similar to the one proposed by the gentleman from Indiana, [Mr. DUNHAM,] that these pensions should take effect from the 1st of January, 1850. But when the bills were reported back to the House, then a contest was waged upon that very question. After a few days discussion the House determined that these pensions should commence at the time the papers of the applicant were perfected before Congress. The case now under consideration, was one of the cases then acted upon, and the amendment then made on the motion of the gentleman from New York, [Mr. CONGER,] striking out 1846 and inserting 1850, was rejected; and the original features of the bill were reinstated. The argument then urged is the same that is now urged. Why is it, if these men were entitled to a pension, and have perfected their papers, that the action of Congress is delayed year after year? In this very case a bill has twice passed this House, the 30th and 31st Congress granting to this very man a pension, and yet he has no pension; and why? Because there was no time for action upon this bill in the other branch of your National Legislature. Now is it his fault, the bill having passed this House, that he is not receiving his pension? Why, then, would you cut him off the four or five years he is entitled to a pension, merely because there has not been time for his bill to pass both branches of the National Legislature. I am sure my friend from Indiana, [Mr. DUNHAM,] acting upon the principles of justice, will see the propriety of dating this case back to the time the papers were perfected, and will withdraw any objection of that kind, and let the bill pass.

Mr. MARTIN. There is one fact I wish to bring to the notice of the committee—that the rule adopted by the Committee on Invalid Pensions in regard to perfecting testimony, is the same rule that is practised upon in the Pension Office. Whenever the testimony is perfected, and presented in the Pension Office, from that time the pension dates. That is the same rule adopted by this committee, and is considered a very equitable one, although there are instances where the rule is apparently very hard. But upon a full hearing of the subject before the committee, we have come to the unanimous conclusion to adopt that mode, being determined to keep within the same lines. This is one of these cases. How came this man not to fall within the lines? He went to Plattsburg upon a proclamation issued by General Macomb, who was military commander there. Your humble servant was among the number who were there, under the call of that proclamation. We were never mustered into the service of the United States, and the men who remained there were severely exposed. This man produces irrefragable testimony that his health was destroyed in consequence of such exposure during that short campaign. These are the facts why he cannot apply to the Pension Office for a pension. I know the facts personally, for I was among the number who answered the proclamation. Our very excellent Governor of the State of Vermont at that time refused to order the military over, but we went in there by any mode of conveyance we could get upon that side of the lake. I hope and trust that this bill will not lie over, and that the poor old man, whose bosom must soon be covered by the clouds of the valley, shall be remunerated eight dollars a month, from the time his testimony is perfected.

Mr. EASTMAN. I desire that the report of the committee made in this case on the 19th of July, 1848, shall be read.

The report was then read, as follows:

The Committee on Invalid Pensions, to whom were referred the petition and papers of Sylvanus Blodgett, report:

That it appears from the statement of the petitioner on oath, sustained by satisfactory evidence, that he was a private in the company of volunteer militia from the town of Jericho, in the county of Chittenden, State of Vermont, commanded by Captain Peter L. Allen, of said town; that on hearing that the British forces were advancing upon Plattsburg, in the State of New York, early in September, 1814, said militia company volunteered to defend their country against the invading foe, marched to Lake Champlain, which they crossed, and were actually engaged in the battle of Plattsburg; that the petitioner, while in the line of his duty as a private in said company in the defence of Plattsburg, by reason of fatigue and exposures, lying out on the ground in cold rainy nights without covering, took a severe cold and was subsequently carried home sick, with severe pain in his head, back and hips, and also a very sore throat and mouth; that he was then confined by severe sickness, by rheumatism in his hips, back, and right knee and ankle, about six weeks, and also severe inflammation in his eyes, which rendered them very weak and sore, gradually growing worse ever since, and has been able but a small portion of the time to perform manual labor; that for nearly twenty years past he has been too blind to do much labor; that ever since his return from Plattsburg he had been more or less afflicted with rheumatism, and at times very severely; that he has lost the use of one of his eyes, and can see but dimly with the other; that before he went to Plattsburg he was in robust health, but since his return his general health has been very poor; that he is fully satisfied that his afflictions came upon him by going to Plattsburg, as aforesaid; that he is poor and now about sixty-five years old, and is dependent entirely on a son, who is in low circumstances, for a house to shelter himself and family. Therefore, in consideration of his services and consequent afflictions, the petitioner prays that Congress will grant him common soldier's pay during the remainder of his life.

The facts of petitioner's service and faithful performance of his duty as a private, as stated, are sworn to by his captain and colonel, and the fact of his being a healthy, robust, and athletic man previous to said service, is sworn to by his captain and several of his neighbors, who were well acquainted with him previous to and since his return from said service; and also his being brought home sick, and remaining sick for several weeks, and fully corroborating him in his statements as to his continued bad health, inflammation of the eyes, and subsequent blindness and poverty.

There is also the testimony of two physicians, who certify that the petitioner is in the condition set forth by him, and that it is their opinion that the cause of his said complaints was in consequence of his exposures at the battle of Plattsburg.

Your committee, being fully satisfied that the petitioner is entitled to the relief, report a bill accordingly.

Mr. DUNHAM. I do not intend to detain the committee long. When I made my motion I understood the gentleman on my left [Mr. EASTMAN] to say that this was the first application of the petitioner. In that he is undoubtedly mistaken, for I remember this as an old case. I maintain, however, that the principle is a wrong one. It does seem to me that the same principle which requires us to pay back pensions—the back principal—would require us to pay interest also; for if we have improperly retained the money, we ought to pay interest upon it. But that is not the intention of the Government. The intention of the Government is to furnish a support to the individual who has been disabled in the public service from earning a livelihood by his own exertions, and it seems to me that that is all we ought to do. Suppose a case is brought before this Congress; we think that the claim is not sufficient and reject it. It comes before another House and they reject the claim, and so it goes on for eight or ten years. Finally, a House comes up that is favorable to the bill and passes it, reverses the decision of the eight or ten Congresses before, and gives a back pension. It is for the House to say whether that principle is correct. I do not think it is.

Mr. AVERETT. I rise to make an inquiry as to a fact. Is it a fact that there have been heretofore adverse reports and adverse proceedings of the House upon this case?

Mr. DUNHAM. I cannot answer that question, because the committee's reports are not before the House. We are legislating here without any of the facts of the case before us. The reports are not here and we can tell nothing about the cases. But I understand this case to have been here for several years. I understand the gentleman to have sent to the table the first report made, and that was in 1848, and I presume, therefore, that the case failed to receive the favorable action of Congress.

There is another suggestion which I desire to make. If there is a good claim against the Government, in this case, why is it here? Because the case does not come within the purview of the law, and consequently there is no valid claim against the Government. The claimant comes here to ask from us, not a matter of right but a

gratuity. His case comes not within the general law under which the Department is acting. I ask, then, with what propriety can it be said that because this case has been before Congress for five years, we are therefore bound, not to furnish the claimant with a current support, but to set him up in life with sufficient capital to begin with? I say that the principle is wrong. Before I take my seat, I will change my amendment and move that "1846" be stricken out and "1848" be inserted in lieu thereof.

Mr. FOWLER. I wish to say that I objected to this case in the outset, for want of the facts. I understand now that the gentleman from Wisconsin [Mr. EASTMAN] has introduced the substantial facts of the case, by presenting a former report. That report being authenticated, is satisfactory to me, and I state, by way of explanation of my objection in former cases to-day, that it arose solely from the want of light. That was the ground on which I originally objected to this case. I am now satisfied, because we have got a report.

Mr. HEBARD. I believe that the objection to this case is not with reference to the merits of the case, but merely with reference to the point of time at which the pension shall commence. The gentleman from Indiana [Mr. DUNHAM] has modified his amendment, and it is not a matter of very great consequence now, except as regards the establishment of a principle. It seems to me that when the gentleman yields the first point, as his amendment indicates, he yields the whole. The gentleman says this is a gratuity. That is very true; but it is a gratuity founded upon the merits of the particular case. I am aware that the principle has been established heretofore in granting invalid pensions, that we shall not go back to the time of service for the date of the commencement of the pension, but that we shall follow the rule adopted by the Pension Department, and allow the pension from the time when the case was made out. Now I understand this case to have been made out to the Pension Department in 1846. That department did not refuse to grant the pension because the case had no merits, but because they were acting under certain rules and regulations, and there were technical objections to their granting the pension. The committee, therefore, acting upon the rule that the pension should commence at the time when the case was made out, have fixed the period at 1846.

It seems to me that we should be acting by a very artificial rule, if, in endeavoring to do justice here, we should deny the first element of justice in the case. If this man was ever entitled to a pension under any law, or according to any principle of or analogy to law, it was when he had made out his case. I hope the House will not undertake to act under any artificial rule or technicality, but will deal out a measure of justice by granting to this very meritorious man, who has made out a very meritorious claim, his pension from the time the committee have recommended.

Mr. MILLSON. There are before the Committee on Invalid Pensions, and before the committee of which I am a member, a great many applications for pensions, and it is very important that the House should use some circumspection in establishing the principle by which they are hereafter to be governed.

I understand that the present application is to place an individual on the pension list, who is not entitled to be there by any existing law. I do not see, therefore, that the objection made in the Pension Office, is of the character described by the gentleman from Vermont, [Mr. HEBARD]—a mere technical objection. The claim was rejected, it appears, by the Commissioner of Pensions, not because of any technical objections, but because there was no existing law which authorized this individual to be placed upon the pension list at all.

Mr. HEBARD, (interrupting.) With the permission of the gentleman, I will state that when I spoke of technical objections, I meant that the claim was not disallowed for want of merit.

Mr. MILLSON. Now, for aught I know, there may be petitions before this House, asking that the pension system may be extended to the State volunteers, as well as to the officers and soldiers of the regular Army, and it may be very well for this House to determine whether they will extend the pension system as far as that or not. But it seems to me to be somewhat dangerous to legislate

upon general principles, and to apply these general principles only to particular cases. If it be right to place an individual upon the pension list who has been engaged in the service of his State, then, there ought to be a general law embracing those cases; and that is the decision to which the Committee on Revolutionary Pensions, to which I belong, has invariably come. There are now before us very many applications from different persons, asking that the benefit of the pension law may be extended to them. The widows of revolutionary soldiers are entitled to receive pensions if they married before the 1st of January, 1800. We have before us now, and there have heretofore been, a great number of petitions asking that those widows who were married since the 1st of January, 1800, may receive pensions from the United States. Those petitions have been invariably rejected, upon the ground, that if the Government chooses to extend the pension laws, it ought to be done by a general law applying to all cases—those cases to be adjusted at the Department, and not by Congress. But the committee have been unwilling to extend relief in a particular case when it would apply to a larger number of instances.

I am expressing no opinion, at this time, as to the propriety of extending our pension system as far as is asked, but I think it is somewhat dangerous to legislate upon these particular applications when we may be committed to such an extension of the system as would be objectionable to the majority of this House. It is not, therefore, because I have come to any definite conclusion in regard to the subject under discussion, but because we are now at the commencement of our session, and because the principles declared to-day, may, if they do not control, at least embarrass our future action, and because we are legislating without the aid of those reports which are intended to give information to the members, that I suggest there should be some little delay at least, before we come to a conclusion which may lead to consequences somewhat formidable. I therefore move that the committee rise.

The question being taken, there was found to be no quorum voting.

Mr. HAMILTON demanded tellers; which were ordered, and Messrs. HAMILTON and MURPHY appointed.

The question being then taken, it was decided in the negative—ayes 43, noes 74.

So the committee refused to rise.

Mr. BISSELL. This application was made some time since—no matter how long ago—and we are about now, for the first time, to take action upon it and decide it. There can be no doubt that we have the power to act arbitrarily in this matter, and do just as we please in reference to it, but I do hold that in this case, as in all others, we ought to have some little regard to consistency. If we decide that this petitioner is entitled to a pension, we decide so upon the case that he made out and presented to us some time ago, but which we have not acted upon till now. There is no additional proof presented to us at this time which was not before us when the application was first made. If he is entitled to a pension now, he was then; and if he was not entitled to it then, he is not now. If we vote him a pension at all, therefore, that pension ought to date back to the time when he made out his case and presented his application. He made out his case and presented it long ago, and now when we are about to act upon it, what consistency or propriety is there in saying that he shall have a pension from this time? Remember that we must decide this case as it was presented to us at first. It has undergone no change—no modification. I will read to the committee a section of the act of 1822, which, I am this moment informed by a friend, covers this case. It is as follows:

"The right any person now has, or hereafter may acquire, to receive a pension in virtue of any law of the United States, shall be construed to commence at the time of completing his testimony, pursuant to the act hereby revived and continued in force."

That is not only law, but it is reason and common sense; and it is clear that this claim ought either to be rejected altogether, or allowed from the time when the application was made and the case perfected.

Mr. SKELTON. I have but a few words to say upon this subject. The gentleman from Illinois [Mr. BISSELL] says, that if this petitioner is entitled to a pension at all, he is entitled to one

from the time when he first made his application. Now, there is a principle involved in this granting of pensions, which the gentleman seems to have overlooked. We grant pensions in some cases upon principles of justice, and in other cases upon principles of humanity. If the petitioner claims his pension upon principles of justice, he is evidently entitled to it for the whole time; but if he claims it on principles of justice and humanity, it is fully competent for us to decide on the extent of his claim. If we acknowledge the principle indicated by the gentleman from Illinois, we must give the pension back to the time when the services were rendered. Now, that is a principle which is acknowledged by no one here.

Mr. HARRIS, of Tennessee, (interrupting.) I desire to say one word of explanation. The principle of allowing pensions from the time when the testimony in the case was completed, does not necessarily carry back the allowance to the time when the services were rendered. It proceeds upon this principle: that if the applicant has neglected his rights and slumbered on them, he must take the consequence of having so done; but if, on the other hand, he has made out his case and Congress has neglected to act upon it, then we are bound to allow him his pension from the time when the application was made. In other words, the principle upon which we proceed is, that our neglect shall not prejudice his rights, while his own neglect shall prejudice that right.

Mr. SKELTON. The gentleman bases his proposition on the principles of right and justice; while I contend that these pensions are given upon principles of humanity, out of gratitude, on our part, for services rendered to the country, and that those persons claiming pensions have no right to come to us on principles of justice.

I shall vote for this amendment, because I am opposed to this payment of back pensions, as I believe it to be prejudicial to the interests of the country, and a principle that ought not to be allowed in our legislation.

The question was then taken on Mr. DUNHAM's amendment, and it was not agreed to.

The next question being, "Shall the committee report the bill to the House with a recommendation that it do pass?" it was taken and agreed to.

AMOS KNAPP.

The next bill in order was House bill No. 69, reported from the Committee on Invalid Pensions, for the relief of Amos Knapp.

There being no objection to the bill, it was ordered to be reported to the House, with a recommendation that it do pass.

ARTEMAS CONANT.

The next bill that came up was House bill No. 61, for the payment of arrears of pensions to the guardians of Artemas Conant, reported from the Committee on Invalid Pensions.

No objection being made, the bill was ordered to be reported to the House, with a recommendation that it do pass.

The calendar having now been gone through with,

Mr. GOODENOW moved that the committee rise; which motion was agreed to.

The committee rose accordingly, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole House had had under consideration sundry bills, from number 30 to number 61, inclusive, on the private calendar, and had instructed him to report them all to the House without amendment, and with the recommendation that they do pass.

The bills were then severally reported to the House by their titles.

The SPEAKER said the question on their engrossment would be taken in gross, unless gentlemen desired that it should be taken upon them separately.

Mr. DUNHAM asked that a separate vote be taken upon number 61 for the payment of arrears of pension to the guardian of Artemas Conant.

Mr. STANTON, of Ohio, asked that a separate vote be taken upon number 60 for the relief of Amos Knapp.

The other bills were then ordered to be engrossed and read a third time; and having been engrossed, were severally read the third time and passed, as follows, viz:

A bill for the relief of the Virginia Woolen Company;

A bill for the relief of Edward Everett, late a sergeant of the United States army;

A bill for the relief of David C. Cash and Giles U. Ellis;

A bill for the relief of John W. Robinson;

A bill for the relief of Gardner Herring;

A bill for the relief of Silas Champion;

A bill for the relief of Philip Miller;

A bill for the relief of Albra Tripp;

A bill for the relief of Joseph Johnston;

A bill for the relief of Robert Milligan; and

A bill for the relief of Sylvanus Blodgett.

AMOS KNAPP AGAIN.

The question then recurred upon the engrossment of number 60, being "A bill for the relief of Amos Knapp."

Mr. STANTON, of Ohio. There has been no statement in regard to this bill as to what are its merits. I ask that it be read.

The bill was accordingly read.

Mr. MOLONY. For the information of the House in relation to this bill, I will state, that the papers accompanying the report, and which were before the committee, show the fact of the discharge of Knapp from the service of the United States during the war of 1812. Knapp's declarations, made under oath, prove to the committee not only the fact of his service for the United States, but his disability incurred in that service; and that the disability has continued from the time it was incurred down to the time of his presenting his case to Congress. He states, furthermore, in that declaration, that he was not only disabled from taking care of himself by disability, but that he is embarrassed in his pecuniary condition—that he is very poor. The declarations of Knapp are sustained, in the first place, by the certificates of nine citizens of Rochester, (the residence of Knapp,) indorsing his statements in relation to his disability, his poverty, and his being engaged in the service of the United States. The character of those nine citizens for high standing and for veracity is indorsed by the member of this House from Rochester, [Mr. SCHERMERHORN.] The fact of Knapp's disability being incurred in the service of the United States is attested by two fellow soldiers who enlisted and served in the war with him—the depositions of those soldiers being taken before a judge of the county court for the county in which Rochester is situated, (Monroe,) and the official character and signature of that judge is attested by the member of this House to whom I have just alluded. The disability of Knapp is attested by two physicians, whose high standing and professional character is indorsed by the same member of this House. These are the material facts which sustain the claim of Knapp, and which were, in the opinion of the committee, sufficient to warrant them in giving a favorable report.

Mr. STANTON, of Ohio. I desire to ask the gentleman from Illinois, [Mr. MOLONY,] now, what are the reasons for granting this claim? I understand there is a general law authorizing the Commissioner of Pensions to grant pensions to persons wounded in the military service of the country. I wish to know why this case does not come within the provisions of the general law; and why is it that a special act is necessary?

Mr. MOLONY. The reasons are these: Knapp enlisted in the service of the United States. While in that service he received bodily disability. It also appears that he is now very poor, and needs his rights at the hands of the Government. These are the reasons which have influenced the committee in giving their report.

The bill was then ordered to be engrossed and read a third time; and having been engrossed, it was read a third time and passed.

ADJOURNMENT OVER.

Mr. GENTRY. I rise to a privileged question. In consequence of the request of some gentlemen on the other side of the House, who say they are fatigued, [laughter.] I move that when the House adjourn, it adjourn to meet on Monday next.

Mr. LETCHER demanded the yeas and nays; and on a division they were not ordered.

The House then agreed to the motion—ayes 99, noes 56.

ARTEMAS MOLONY, AGAIN.

The question now being, "Shall bill No. 61 be engrossed and read a third time?"

Mr. DUNHAM called for the reading of the bill.

The bill was read.

Mr. DUNHAM. I think this is a very singular bill, to say the least of it; and it is due to this House, if nothing more, that the gentleman who reported it, should give an explanation of it. It provides for paying a pension to a guardian from 1830 to 1846, in violation of the principles upon which this Government has heretofore acted.

Mr. MOLONY. For the information of the gentleman last up, and of the House, I will give the facts upon which this report was made. I agree with the gentleman that upon the face of it, it has the appearance of contradicting the rules by which this House has been governed heretofore in granting pensions. It also has upon the face of it an appearance of contradicting the rules that govern the Committee on Invalid Pensions, as has been stated by the chairman of that committee. But it will only become necessary to lay open to the House, and to the gentleman from Indiana, [Mr. DUNHAM,] the facts as they are, and the *prima facie* evidence will be rebutted. The facts are, that this said Artemas Conant, in the year 1815, was put upon the pension roll at the rate of \$5 per month, for services in the war of 1812. It appears that he continued to draw his pension regularly until 1830; that from 1830 to 1846 his pension was suspended, and for this reason: That the certificate of the physician required by law, and the rules of the Department, to wit—to the fact of the continuation of his disabilities—was not, from 1830 to 1846, rendered to the Department. Hence, according to the rules of the Department, if not according to specific law, the Department refused to give him his pension. In 1846, and from that time to the present, application was successively made to the Department. Accompanying that application was a certificate of a physician, required by statute, of the continuation of the disability upon which the pension was originally granted. The question naturally arises in the minds of gentlemen now here, why this suspension of a pension to 1846, and why did not a certificate of a physician accompany the application? For the reason, as appears in the evidence fully, that said Conant was violently insane—so violent that he would not, and did not, submit to the necessary examination by a physician for the certificate to be rendered. In 1846 his insanity became partially relieved, so much so that he was made to understand the necessity of an examination by a physician, and of a certificate, in order to procure his pension. He submitted to that examination. From that time a certificate has been given, and he has drawn his pension.

Mr. DUNHAM. I wish to inquire if he is still living?

Mr. MOLONY. He was a short time since.

Mr. DUNHAM. Then I move, so far as I am concerned, simply to amend this bill by inserting after the word "guardian," the words "for the use of said Conant."

The question was taken on the amendment, and it was agreed to.

The question was then taken upon ordering the bill to be engrossed and read a third time, and it was agreed to. The bill having been engrossed, it was then read the third time and passed.

Mr. GOODENOW. I ask leave of the House to report a bill from the Committee on Naval Affairs. When that committee was called the other day, I did not hear it at all. I am anxious to report a bill, that it may be put upon the calendar.

Mr. ORR. The committees will be called in a day or two again. I move the House adjourn.

Mr. VENABLE. I hope the gentleman will withdraw his motion, for the reason that there is a communication upon the table which, I think, is in answer to the call which emanated from the Committee on Territories. I hope the House will not adjourn until that communication be opened and read. The public feel an interest in it. I take an interest in it, and I think the House does.

Mr. ORR. I will withdraw it for that purpose.

Mr. MILLER. I ask the consent of the House to introduce a bill, of which previous notice has been given.

Mr. STEPHENS, of Georgia. I move that the House proceed to the consideration of the business upon the Speaker's table.

Mr. JONES, of Tennessee. The motion is not in order.

The SPEAKER. It is not in order if objection is made.

Mr. STEPHENS. It is always in order after one hour. We have exhausted the private calendar.

Mr. JONES, of Tennessee. I object. It is not in order.

The SPEAKER. It is not in order if objected to.

Mr. FOWLER. I move that the House do now adjourn.

Mr. JONES, of Tennessee. I withdraw my objection to the motion of the gentleman from Georgia, [Mr. STEPHENS.]

Mr. FOWLER. I withdraw my motion to adjourn.

UTAH TERRITORY.

The SPEAKER, by unanimous consent, then laid before the House the following communication from the President of the United States, viz:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 15th ultimo, requesting information in regard to the Territory of Utah, I transmit a report from the Secretary of State, to whom the resolution was referred.

MILLARD FILLMORE.

WASHINGTON, January 9, 1852.

[For which documents see Appendix.]

Mr. POLK. On account of the voluminous character of the documents accompanying the communication from the Executive, I move that their reading be dispensed with, and that they be printed.

Mr. KING, of New York. Let us have it.

Mr. CLINGMAN. If the gentleman will allow me, I will move to amend that motion.

Mr. BERNHISEL. I move—

Mr. CLINGMAN. I wish to ask the gentleman from Utah—

Mr. POLK. I have not yielded the floor. If the gentleman wishes to propound a question I will yield.

Mr. CLINGMAN. My question is simply to request the gentleman from Tennessee [Mr. POLK] so to modify his motion that, in addition to the motion to print, there may be one of reference to the Committee on Territories, who have called for this information.

Mr. POLK. I move that the communication from the President of the United States be printed, and referred to the Committee on Territories. I consider it a matter of great importance. We have had rumors from that country, and the National Legislature should take some charge of them if they are true.

Mr. BERNHISEL. I move that the communication of the President of the United States, and accompanying report, be read and referred to the Committee on the Judiciary—as it involves some grave legal questions—and that it be printed.

Mr. Speaker, before the reception and reference of the report addressed to the President of the United States by the three disappointed and returning officers of the United States for the Territory of Utah, containing, as I am informed and believe it does, grave and grossly-exaggerated, not to say false and perverted statements, impugning the conduct and character not only of the Governor, but the whole people of a new and distant Territory whom I have the honor, as a Delegate on this floor, to represent. From my own knowledge in part, and from others, I know and am informed, and venture to assert, that if time and opportunity should be given for that purpose, the committee to whom the reference shall be made will be furnished with ample evidence of the grossly exaggerated, shamefully perverted, and apparently misrepresented facts, statements, and detailed occurrences contained in the report. Unable to communicate at this season of the year with the Governor and people of that distant and dependent Territory, loyal as I know them to be to the Government and Constitution of the United States, assailed and aspersed as they are in that report in their official, moral, and religious character, and charged with crimes and misdemeanors of such enormity and character as to challenge credulity and stagger belief—

Mr. HEBARD. I rise to a question of order. It is whether it is proper to refer to the sentiments of that report when it has not been read, and we know nothing about it?

The SPEAKER. It is in order upon a motion to print to refer to the body of the report.

Mr. BERNHISEL. I ask for the reading of the report.

The SPEAKER. The gentleman can perhaps facilitate his object by taking the question on the motion that the communication be read.

Cries—"Mr. Speaker!" "Mr. Speaker!" all over the House.

The SPEAKER. The gentleman from Utah has the floor if discussion arises.

Mr. BERNHISEL. At an early day I shall ask for a commission to be appointed by the Speaker of this House, or by the President of the United States, to proceed to the Territory of Utah, under authority and with instructions to take testimony to be laid before Congress and the committee touching the matters contained in the report referred to; and in the mean time I bespeak a suspension not only of Executive action based on this report, but of the opinion of the members of this House and the people of this country in relation to the Governor and people of Utah, and the libelous report preferred against them, and on file in the Department of State. After the reference, I shall ask leave to offer a resolution, that the committee to whom it is referred shall have power to send for persons and papers, and to send a commission to Utah to take testimony to be laid before Congress in this case.

I renew my motion that the communication be read, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. POLK. I desire to inquire of the Chair if the motion I made is not first in order?

The SPEAKER. It is so considered by the Chair.

Mr. STUART. I only wish to say a word or two before this question is submitted to the House. I will simply remark, that this is a communication derived from the Executive through the action of the Committee on Territories. A resolution was introduced by the gentleman from North Carolina, [Mr. CLINGMAN,] under instructions from that committee, of which I have the honor to be a member, and which was adopted at a former day. This communication is a response to it, and I know of no reason why it should be referred to any other committee.

Mr. BERNHISEL. I do hope the House will refer this question to the Committee on the Judiciary, as it involves grave legal questions.

Mr. CLINGMAN. I have individually no preference in relation to this matter, but I feel it to be my duty, as I do not see the chairman of our committee—the gentleman from Illinois, [Mr. RICHARDSON]—in his seat, to say that he regarded it as a part of the duties of the committee, and the whole committee were of the opinion that we should have this information. It is the duty of our committee to recommend appropriations for, and also what laws are necessary to be passed for the good government of the Territories. It will be found, therefore, that the resolution which the committee instructed me to offer is very comprehensive. It calls for all information in relation to the present condition of that Territory, to enable us to determine whether the existing laws are sufficient for its good government—to protect our citizens there; also to ascertain what has become of the public money heretofore appropriated, and whether these charges of misapplication are true, and various other matters I do not now propose to go into. It cannot act until it has this information. For one, sir, with the impressions upon my mind, I will not be disposed to recommend any appropriation for that Territory to this House, nor will I vote for any appropriation to the Territory of Utah until I ascertain what truth there is in these allegations. It was therefore that the committee made the call; and in the absence of the chairman, who understands the question better than I do, perhaps better than any member of the committee, I thought it courteous and proper that the information called for by the committee should go to them. Individually I would prefer that the Judiciary Committee should take charge of the matter. It would relieve us from the labor of the investigation. I make this statement in behalf of the chairman of the Committee on Territories, who is absent. I now call for the previous question.

Mr. GIDDINGS. Will the gentleman from North Carolina withdraw his motion for a moment? I will renew it.

Mr. CLINGMAN. I have no objection.

Mr. GIDDINGS. There is much force in the argument of the gentleman from North Carolina.

I am also a member of the committee to which he belongs, and I have not, nor has that gentleman any personal desire to take jurisdiction of this matter. These people are a distant people. They are represented upon this floor by a representative who is certainly a young member here, and who desires these charges should go to the Committee on the Judiciary. I, as a member of the Committee on the Territories, am perfectly willing and desirous they should go to that committee. I do not know but it is certainly as proper as that it should go to the Committee on the Territories. It is for an infraction of the laws. The people of the Territory are charged with violating the laws of the United States, and it appears to me these questions are appropriate ones for the Committee on the Judiciary. I have thus spoken solely because the gentleman from Utah [Mr. BERNHISEL] is a young member here. He feels anxious these charges should go before that committee, and to gratify him and that distant people, I hope it will go to the Committee on the Judiciary. I will now move the previous question.

Mr. CLINGMAN. I wish to say a word.

The call for the previous question was withdrawn.

Mr. C. I have no preferences in the matter. I do not care what the House does. If it judges this to be more appropriate for the Judiciary Committee, let it go there; but our committee took a different view of it. The chairman is not here. I regard it as falling properly within the duties of that committee. I am not aware of any reason why that committee would not just be as likely to do justice to the gentleman, whom I never saw or heard of until he became a member of this House. I presume no member of the committee has any prejudice against Utah. I have none upon the subject; but if there was, I do not see why that should change our action here. I doubt whether they knew these charges would be preferred at the time that gentleman left home. He may have some reason for referring it to the Judiciary Committee, but he has not assigned any. If the House think it proper, let it go there. I renew now the call for the previous question, because I regard debate as unnecessary.

Mr. LOCKHART. I ask for the reading of the 95th rule.

The rule was read by the Clerk, as follows:

"It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents."

Mr. CLINGMAN withdraw the call for the previous question at the request of—

Mr. McLANAHAN, who said the question whether this matter be submitted to one or the other of these committees is one of serious importance. It seems to me the reading of that rule ought to be sufficient to convince the House that the proper reference of the question is to the Committee on Territories. As a matter of courtesy, the disposition of some members of that committee seems to be to refer it to the Committee on the Judiciary. It is a question that originates under the organic law of that Territory, and it is the peculiar duty of the Committee on Territories to see that the organic law, coming through their hands in its original form, should be fully, fairly, and honestly carried out. Doubtless, sir, questions of constitutional law may arise; but it is not to be presumed, because such questions are involved in this case, that therefore no other committee of the House is capable of attending to them except the Committee on the Judiciary. If the House think proper to impose the duties upon that committee, I trust we will discharge them with fidelity; but, under the rules of the House, as well as considering the committee from which this investigation has originated—the committee who had the resolution passed, and to whose inquiry this is a response, I think, as a matter of courtesy as well as of parliamentary duty, it belongs to the Committee on Territories. The Committee on the Judiciary do not claim it as a right; they cannot claim it as a right, whether arising out of courtesy or under the rules of the House; but for the reasons I have suggested, I think the House would act with great propriety in referring it to the committee in which the resolution of inquiry originated.

Mr. BERNHISEL. I will withdraw my motion to refer it to the Committee on the Judiciary.

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TUESDAY, JANUARY 13, 1852.

NEW SERIES....No. 16.

Mr. McLANAHAN. I call for the previous question.

Mr. BERNHISEL. I renew my motion to have the document read and printed.

The SPEAKER. During the pendency of the call for the previous question, the gentleman cannot submit the motion to have the document read.

Mr. HOUSTON. It has never been read. If the House will agree to pass this subject over until morning, the communication will appear in the morning papers, and then we can all tell whether this matter ought to go to one committee or the other, and it will supersede the necessity of reading an immense amount of matter.

[Cries of "Question!" "Question!"]

Mr. CLINGMAN demanded the previous question.

Mr. HOUSTON. The gentleman has a right to ask that a document shall be read at any time. I think the rule so states, that the question shall be put to the House as to the reading, and when a paper is before the House that has not been read, I understand that the rules authorize any member to have it read at once.

Mr. CLINGMAN. Is this in order upon the call for the previous question?

The SPEAKER. It is true, under the rules any gentleman of the committee, or any other member, has a right to have all papers accompanying the President's message read as a matter of course, which must be done independent of the call for the previous question.

Mr. HALL asked for the reading of the 57th rule.

Mr. STANTON, of Tennessee, moved that the House adjourn; which was not agreed to.

The 57th rule was then read.

Mr. HENN. I wish to ask whether the motion now before the House is debatable?

The SPEAKER. It is not.

The previous question was seconded, and the main question ordered, which was upon referring the communication to the Committee on Territories, and ordering it to be printed.

The question was then taken, and it was agreed to.

Mr. BERNHISEL. I beg leave to offer the following resolution, and send it to the Clerk to be read.

[Cries of "I object!" "I object!"]

The SPEAKER. The resolution may be read for information.

The resolution was then read, as follows:

Resolved, That the committee to whom has been referred the report of the three returned officers of the United States for the Territory of Utah, addressed to the President of the United States and communicated to this House, have power to send for persons and papers, and to send a Commissioner (to be designated by the Speaker of this House) to Utah, duly instructed and commissioned to take depositions in writing touching the matters contained in said report as are of public concern, and to return and report the same to said committee; and that the Delegate in Congress from that Territory have authority from this House to retain counsel to conduct the proceedings in this case before said committee.

Mr. HALL objected, and the resolution was not received.

Mr. KURTZ had leave to withdraw from the files of the House the petition and papers of Henry Miller, praying for a pension; and on his motion, the same were referred to the Committee on Invalid Pensions.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the War Department, transmitting, in compliance with the acts of April 21, 1808, and March 2, 1809, statements of what contracts have been made under the authority of this Department during the year 1851.

Also, a communication from said Department, under the act of 1809, transmitting a statement of the expenditures from the appropriation for the contingent expenses for the military establishment; which communications were severally referred to the Committee on Military Affairs.

Also, laid before the House a communication from the Navy Department, transmitting, in com-

pliance with the act of 26th August, 1842, a statement showing the clerks employed in that Department during the year 1851; which, on motion of Mr. STANTON, of Tennessee, was referred to the Committee on Naval Affairs.

LAWS OF NEW MEXICO.

The SPEAKER also laid before the House copies of the acts, resolutions, and memorials of the Legislative Assembly of the Territory of New Mexico, beginning in June, 1851; which was referred to the Committee on Territories, and ordered to be printed.

The SPEAKER begs leave to present the laws of the Territorial Council of Minnesota. I ask leave to remind the House, that there was a letter presented in connection with this subject, and laid upon the table.

Mr. SIBLEY moved that the copy of the communication, with a copy of the acts, be referred to the Committee on the Territories; and it was so ordered.

Mr. HENN asked leave to withdraw certain papers; which was objected to.

Mr. STUART. I wish to inquire if the acts sent from New Mexico are now printed?

The SPEAKER. According to my best recollection, the laws of New Mexico were ordered to be printed.

Mr. JOHNSON, of Arkansas. I will move to reconsider the vote taken a few minutes since; and I desire to say a word upon it. I would be glad that any one would show me when the Territories send copies of their laws here, why we should order them to be printed. I would be glad to have any one give me a good reason why we should print a mass of legislative matter, with a great deal of which we have nothing to do, and which is entirely and wholly an unnecessary expense. If the Committee on Territories shall think that they want any portion of these laws printed for the purpose of action by this Congress, then they can apply to this House and have them printed. But to print the entire body of these laws, seems to me too absurd an idea to consider.

Mr. SIBLEY. I wish merely to state to my friend from Arkansas, [Mr. JOHNSON,] that by the order of the House all these communications come to the Committee on Territories, and it is from them that any action of the House emanates. There is no necessity for printing an additional number of laws that may come here. Those from Minnesota are already printed; and those from New Mexico are in manuscript.

The SPEAKER. There is no order to print the laws from Minnesota. There is one to print those of New Mexico.

Mr. JOHNSON. I understand that there is a separate order to print the laws of New Mexico. I move to reconsider the vote, so that the printing shall not be ordered. The code as it now stands, with slight change, was printed years ago. Now, under the organization of these Territories, Congress has jurisdiction of all the laws which have passed there. We have the veto power if we choose to exercise it. There is not one act out of a hundred which Congress would be disposed to take hold of or consider at all. Under these circumstances, why shall we order the whole of these acts to be printed? The committee can tell, in nine cases out of ten, by reading the title of an act through, whether it is necessary to look into it at all.

Mr. STUART. I wish to make a suggestion to the gentleman. If he will let the question to reconsider stand over until the chairman of the Territories can have a moment to look at it, there will be no difficulty about it.

Mr. KING, of New York. When was this motion made to print?

The SPEAKER. Only about ten minutes ago.

Mr. JOHNSON, of Arkansas. I have but very little more to say upon this matter. The very gentleman who made the motion says upon reflection he will consent to a reconsideration.

Mr. BAYLY, of Virginia, (interrupting.) I will not consent. Will the gentleman give way for explanation?

Mr. JOHNSON. Certainly, for purposes of explanation.

Mr. BAYLY. I do not want to explain. I wish to reply to the gentleman.

Mr. JOHNSON. I well know what the gentleman wants. I know him full well, and I know that he is an economist of the first water. I like the gentleman exceedingly for his most excellent and kindly deportment in this House, and I would be glad to vote with him, if he can show me what there is in these laws which require that we should print them, and which the committee cannot read in manuscript. The laws now proposed to be printed relate to the local legislation of that Territory, and every trifling and insignificant act. The printing of them will be wholly and entirely an expense without a consideration. The acts are of every character, class, and variety—everything, from a premium for a wolf-scorp out. Why does that gentleman wish to get at these laws? It has some relation to the fugitive slave law, I take it. Why, such an object can be attained by the Committee on Territories making ordinary examinations of these laws in manuscript, and if proper for our consideration they can present them by their titles to this House with a request that they shall be printed, accompanied with such resolutions or recommendations of action as they may think proper.

Mr. BAYLY, (again interrupting.) Will the gentleman give way for a moment?

Mr. JOHNSON. I have no doubt the Speaker will assign the floor to the gentleman as soon as I am through, and it will give me great pleasure if he will do so.

I would be glad to know why the gentleman supports a motion to print the laws that have been enacted by these Territorial Legislatures—which they have not seen fit to print for themselves, or at least have not seen fit to send here in the printed form? I am certain that in times past, when these laws have been referred to the Committee on Territories, there has never been issued—at least where there has been any debate or consideration upon the subject—an order of this House to print the entire laws of the Territories. These laws are too local and inconsiderable in their character for it to be necessary for us to print them. For one I am opposed to it, and I hope the House will reconsider and vote down the motion.

Mr. BAYLY. I care little about this matter, but the gentleman from Arkansas [Mr. JOHNSON] has asked me what particular laws of these Territories I want printed. I do not know one word about any one law that either of these Territories have passed, and for the very reason that I know nothing about it, I want these laws printed that I may see what they are.

Mr. HALL. I understand that nearly all of these laws have been printed by this House, and are now bound up in one of our Executive documents of four or five years ago. The Legislature have reenacted the Kearny code.

Mr. BAYLY. There is a species of economy that I have never been the advocate of, though my friend from Arkansas has seen fit to pronounce a eulogy upon me as an economist, in which, of course, he referred to me in my public capacity, and not in my private capacity. Well, in one sense I am an economist. But I am not for that sort of economy by which we may save a few hundred dollars and keep ourselves in darkness in reference to matters of important public concern.

Now, the Congress of the United States has already reserved to itself a veto over the legislation of the Territory. To enable us to act understandingly in this capacity which we have reserved to ourselves, it is proper that these laws should be printed, so that we can know what they are.

It is for the very reason that I do not know what a solitary one of these laws is, that I desire to have them printed. The expense of printing is a small matter.

The gentleman from Arkansas says that they have sent these laws here in manuscript—that they have not printed them themselves. Well, that supplies a very good reason why we should do it.

Mr. JOHNSON, of Arkansas. I believe I did not say that. You misunderstood me.

Mr. BAYLY. Then what was it that you said?

Mr. JOHNSON. I did not say that they had not printed them at all. I said that if they had printed them, they had chosen to send us the manuscript only.

Mr. BAYLY. That does not alter the case at all. The only copy of these laws which we have is in manuscript. Now every member of the House has a right to see those laws, because every member has a right to move to disapprove of them, and there is but one copy of them in the city. Can there be a better reason assigned for printing them? Suppose the copy of those laws is referred to the Committee on Territories; there are nine members of the committee, and each one of them is to read these laws in the manuscript. Why, it would take nearly the whole session for the members of the committee, with their other engagements, to read them—to say nothing about the members of this House. I want to see these laws, and they ought to be printed.

The gentleman from Missouri [Mr. HALL] tells me that these laws are nothing but a transcript of the Kearny code. I do not know anything about that.

Mr. FOWLER. You want to see that code, I suppose?

Mr. BAYLY. Yes, I want to see that code, as the gentleman from Massachusetts suggests; and I undertake to say here, in respect to the legislation of this Territory of Utah, that if the American Congress does not keep its eyes open, and does not look to what they are doing there, we shall one of these days have an extent of trouble with that people that nobody here now dreams of. Let any one read the history of that people.

Mr. MEADE. Will my colleague allow me to say one single word, as an additional reason for the printing of these laws?

Mr. BAYLY. Certainly. I yield the floor to my colleague.

Mr. MEADE. I will inform my colleague and the House, that I understand that code to have been written by a private soldier in the Army of the United States.

Mr. JOHNSON, of Arkansas. Well, what then?

Mr. MEADE. I want the code printed, because I understand that it reflects great credit upon the private soldier who drew it up.

Mr. JONES, of Tennessee. It has been printed, and is now amongst the public documents.

Mr. JOHNSON, of Arkansas. I should be glad to ask the gentleman from Virginia, whether that soldier had anything more to do with the code than the copying of it? Whether he really drew it up, and whether he enacted it? Because if he did, it would certainly add much to the credit he may deserve.

Mr. MEADE. I will explain to the gentleman from Arkansas, that I understand the code was made at the time that the Territory was without laws, and in the occupancy of General Kearny. One of his privates was called upon by him to write a code of laws, and he not only wrote it, but drew it up. And that private is now a member of this House.

Mr. JOHNSON. Will the gentleman from Virginia [Mr. BAYLY] yield me the floor for a moment?

Mr. HARRIS, of Tennessee. Permit me to move an adjournment.

Mr. BAYLY. Oh no, let me finish what I have got to say.

Mr. JOHNSON. Does the gentleman yield the floor?

Mr. BAYLY. Reluctantly, I do.

Mr. JOHNSON. It has been ascertained that these laws were copied—and I say it with no disrespect to those who copied them—from an odd volume of the old laws of the Territory or State of Missouri. Now we are asked to reprint, for the benefit and use of this House, all those old things that are to be found in print everywhere!

Mr. BAYLY. The opposition to the printing of these laws only creates an additional necessity for doing it, because gentlemen—and certainly gentlemen such as my friend from Arkansas—never make useless opposition to anything. I want to see these laws, and it is proper that they should be printed. But, to resume what I was

saying with respect to this Territory of Utah. Unless this Congress keeps its eyes open with respect to the movements of that people, we are going to have an amount of trouble with them that nobody now conceives of.

Mr. HALL. You are not in order in referring to that subject now.

Mr. BAYLY. If gentlemen will not interrupt me, I shall soon finish what I have to say. It is very rarely that I have ever been found out of order in this House, since I have been here.

I will not, however, pursue the remarks which I intended to make in reference to the Utah Territory, because I find the hour is so late that gentlemen are indisposed to hear debate of any kind. [Loud cries of "Go on!"]

Mr. BAYLY. I do not wish to pursue that topic now. But I say, it is false economy, it is a grand mistake to undertake to save money by refusing to print matter in which this House ought to feel an interest, and, if it does not, in which the country feels a deep interest.

I want to see the laws that have been passed in New Mexico and Utah. I want to understand what is going on in those Territories. There has enough transpired already, in one of them, to awaken the vigilance of the American people. As I have already said, the House has a veto upon their legislation; and to enable us to act understandingly, we ought to have their laws before us. I care not whether they are written by a private in the Army, or by a general, or by anybody else. I want to see them, and I want to see them all the more, if they were written by a military man, for I have no confidence in military legislation—none whatever.

Mr. STUART. If the gentleman will allow me, I will occupy the floor but a moment.

Mr. JOHNSON. If the gentleman from Michigan [Mr. STUART] will allow me, I desire to say in reply to the gentleman from Virginia. [Mr. BAYLY] that I now hold in my hand the document which is proposed to be printed. The gentleman from Missouri, [Mr. HALL] who was in his seat a minute ago, told me that, with the exception of some half a dozen pages, the whole of this voluminous document is now in print, and that, as the Kearny code, it was nearly all copied from the laws of Missouri, and those half dozen pages contain little else but blank paper. So this very slight portion of it is all that remains unprinted. Yet the whole document is to be reprinted, and for what purpose? Now, I ask my friend from Virginia—for I will use that word, so often very improperly used in this House—if he ever in his life read a copy of the laws of any one Territory when they were printed? If these laws were printed, I do not believe they will be read by a single member. The Committee on Territories, whose business it is to examine into these matters, will of course do it. Now, I desire to ask the gentleman from Virginia if he ever in his life read one single copy of the laws of any Territory, when presented in this manner for our consideration? I hope the gentleman will give me a categorical answer.

Mr. BAYLY. I will answer the gentleman.

Mr. JOHNSON. Yes or no?

Mr. BAYLY. I do not choose that the gentleman shall dictate to me my answer; I prefer to give it in my own way.

Mr. JOHNSON. I will not insist upon the gentleman's answering it categorically.

Mr. STUART. I think I can dispose of this question, if gentlemen will allow me, so that neither of them will have any right to complain.

Mr. JOHNSON. Well; I will not keep my friend from Michigan [Mr. STUART] standing much longer. [Laughter.] I will allow him to have his way.

Mr. BAYLY. Will the gentleman allow me for one moment?

Mr. STUART. Will the gentleman allow me first to make my suggestion?

Mr. BAYLY. Certainly.

Mr. STUART. I would suggest that if this House adjourn pending this motion, the paper will still be printed. I understand the Speaker may control this matter to some extent, and he may order it to be printed or not. I assure the House that the Committee on the Territories will not proceed rashly in this matter, the chairman being absent. I hope the House will now adjourn.

Mr. BAYLY. I undertake to say that, if the

House adjourn with this motion to reconsider the motion to print still pending, no printing will be done until that motion is disposed of.

The SPEAKER. The Chair will remark that he shall feel himself called upon to order a suspension of printing until this motion is disposed of.

Mr. STUART. Under the assurance of the Chair, I move that the House do now adjourn.

The motion was agreed to; and
The House adjourned till Monday next.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. MILLER, for Mr. DARBY: A petition of the Ohio and Mississippi Railroad Company, asking for right of way and grant of lands.

Also, the petition of John C. Kuhn, for compensation for services in the Mexican war.

Also, the petition of George K. McGunagle, surviving partner of Hill & McGunagle, for compensation for subsistence furnished in the Black Hawk war.

Also, the petition of Gustavus Peterson, for pension for services in the Black Hawk war.

Also, the petition for compensation for services in the Mexican war.

Also, the petition of Robert Forsyth, asking a confirmation of title to a tract of land in St. Louis county, Missouri.

Also, the petition of James W. Kingsberry, for confirmation of a Spanish grant of land to him as legal representative of John Pierre Cabauum.

Also, the memorial of the St. Louis Chamber of Commerce, for the improvement of the Ohio river opposite Louisville, Kentucky.

Also, the petition of Hall Hutson, praying for a pension.

By Mr. CHANDLER: The memorial of many merchants and other citizens of Philadelphia, asking that one or more vessels be detailed by the Government for a reconnaissance of such parts of the China seas, the Straits of Gaspar, and the Java sea, as lie directly in the various tracks of vessels proceeding to and from China.

Also, the memorial of J. R. Warchever, D. Lewis, and numerous other citizens of Philadelphia connected with commerce, asking Congress to make appropriation for constructing piers and harbors in the river Delaware.

Also, the memorial of numerous citizens of Philadelphia, asking for a repayment of duties paid by petitioners upon imported merchandise destroyed by a great fire in New York.

Mr. CHANDLER asked permission to withdraw from the files of the House the memorial and accompanying papers of Amelia and Louisa Dumas, to be referred to the proper committee.

By Mr. JOHNSON, of Tennessee: The following petitions and memorials: Of Nathan H. Wells, application for arrears of pension; of Lewis Roberts; additional proof of Charles and Valentine Sevier, applicants for a pension; and the application of Brooksy Bell, for arrears of pension.

Also, the petitions and memorials of the following persons, which have been heretofore referred to the appropriate committees: William K. Blair, John Conklin, Henry Click, Cha's C. Cargill, Washington Deaham, John English, Lawson Goodwin, Valentine Sevier, Cornelius Hughes, Elizabeth Huntsman, John Kerbaugh, widow of Edward Moody, Jonathan Naif, James M. Rhea, Lewis Roberts, David Troxall, Robert Trevitt, Virginia and Tennessee Railroad, James Wright, Jr., N. H. Wells, Nathaniel H. Wills, Howson Kenner, William Mann, John Naff and W. W. Rockhold, Thomas Whitney.

By Mr. FITCH: The petition of Hartley T. Howard and 556 other citizens of Indiana and Illinois, asking a donation of public land to aid in the construction of a railroad from Lafayette, Indiana, to intersect the Illinois Central Railroad.

By Mr. FOWLER: The petition of Benjamin F. Winslow and six other citizens of Fall River, Massachusetts, praying that a law may be passed prohibiting the importation of intoxicating liquors from foreign countries.

By Mr. SEYMOUR, of New York: The petition and papers of R. M. Roubin.

By Mr. BRAGG: The memorial of citizens of South Alabama, praying for a resurvey of the public lands in the district of St. Stephen's, Alabama.

By Mr. BROWN, of Mississippi: The memorial of William F. Walker, of Mississippi, praying to be released from a judgment in favor of the United States.

Mr. THOMPSON, of Virginia, asked and obtained leave to withdraw the papers in the case of Drusilla Bukey, and that the same should be referred to the Committee on Revolutionary Claims.

IN SENATE.

SATURDAY, January 10, 1852.

Prayer by the Rev. L. F. MORGAN.

PETITIONS.

Mr. HALE presented the petition of citizens of Alton, New Hampshire, praying the adoption of measures for the amicable adjustment of international controversies; which was referred to the Committee on Foreign Relations.

Mr. BUTLER presented the memorial of the Chairman of the Board of Port Wardens of the port of Charleston; the memorial of the President and Secretary of the Charleston Marine Society; and the memorial of the President and Secretary of the Charleston Chamber of Commerce, praying that

from the fund which has accumulated in the Treasury from hospital and prize money and unclaimed balances due to deceased seamen, provision may be made in foreign ports for the comfort and accommodation of sick seamen; which was referred to the Committee on Commerce.

Mr. FISH presented a petition of the petty officers, seamen, and marines, on board the United States ship North Carolina, praying the repeal of the act of last session of Congress requiring them to receive their ration in kind; which was referred to the Committee on Naval Affairs.

Mr. JONES, of Iowa, presented the memorial of a convention of citizens of Iowa, held at Orka-loosa, praying a grant of land to that State for the construction of a railroad from Davenport to Council Bluffs; which was referred to the Committee on Public Lands.

Mr. BORLAND presented the memorial of the Arkansas Central Railroad Company, praying a donation of land for the construction of a railroad from the Mississippi, opposite Memphis, to the boundary of Texas; which was referred to the Committee on Public Lands.

Mr. GWIN presented the petition of James W. Low, praying compensation for the capture of the British private armed schooner "Ann" during the last war with Great Britain; which was referred to the Committee on Naval Affairs.

Mr. CASS presented the memorial of the heirs of Sylvester Day, late an assistant surgeon in the Army, praying the reimbursement of the money paid by the demand for a substitute during the time he was prevented by sickness from discharging his duties as surgeon at the United States arsenal, at Alleghany, Pennsylvania; which was referred to the Committee of Claims.

Also, a memorial of a Committee of Inventors and Patentees, praying certain amendments to the patent laws; which was referred to the Committee on Patents and the Patent Office.

Mr. SPRUANCE presented a petition of citizens of Pennsylvania, praying an appropriation for the construction of piers and harbors in the Delaware river and bay; which was referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. MASON, it was

Ordered, That the petition of Nathaniel King Kendall, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. SMITH, it was

Ordered, That the petition of Francis P. Gardiner, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. MORTON, it was

Ordered, That the memorial of John Tucker, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. MORTON, it was

Ordered, That the petition of Gad Humphreys, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. MORTON, it was

Ordered, That the petition of John Underwood, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. HALE, it was

Ordered, That the report of the Secretary of the Navy, communicating the proceedings of the Court of Inquiry in the case of William K. Latimer, a captain in the Navy, be referred to the Committee on Naval Affairs.

BILLS INTRODUCED.

Mr. BRODHEAD, agreeably to previous notice, asked and obtained leave to introduce a bill for the payment of outstanding loan office and final settlement certificates issued for money loaned, or for services, or for supplies during the revolutionary war; which was read a first and second time by its title, and referred to the Committee on Finance.

Mr. GEYER, agreeably to previous notice, asked and obtained leave to introduce a bill declaring the assent of Congress to the State of Missouri to impose taxes on lands hereafter sold by the United States in said State, from and after the day of sale; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. SEBASTIAN, agreeably to previous notice, asked and obtained leave to introduce a bill granting the right of way and making a grant of land to the State of Arkansas, in aid of the construction of certain railroads in said State; which was read a first and second time by its title, and referred to the Committee on Public Lands.

REPORT FROM COMMITTEE.

Mr. DAVIS, from the Committee on Commerce, to whom was referred the bill for the relief of Enoch Baldwin and others, reported back the same without amendment, accompanied by a report, which was ordered to be printed.

CONSTRUCTION OF THE CAPITOL.

The Senate proceeded to consider the resolution submitted by Mr. CASS, the 29th December, in relation to the construction of the Capitol, and the restoration of the Library.

On motion by Mr. CASS, it was

Ordered, That it lie on the table.

RAILROAD COMPANIES.

Mr. FELCH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing by law for granting a right of way through the public lands to all railroad companies authorized by the laws of the respective States to construct said roads, when the same pass through such lands.

MARINE CORPS.

The Senate proceeded to consider the resolution submitted by Mr. CLEMENS, on the 6th instant; which was read, as follows, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of adopting a separate code of regulations for the government of the Marine Corps of the United States.

Be it further resolved, That said committee be also instructed to inquire into the expediency of authorizing the President of the United States to appoint, annually, two cadets to the Military Academy at West Point, to be educated with a view to appointment in the Marine Corps.

STATE OF THE SURVEYS.

The Senate then proceeded to the consideration of the following resolution, submitted by Mr. SHIELDS yesterday:

Resolved, That the Secretary of the Senate be directed to employ a draftsman to mark and lay down on the maps now in the room of the Committee on Public Lands the state of the surveys, and also show what has been disposed of by sale or otherwise. The rate of compensation for the service shall be the same as that of a clerk not exceeding \$1,800 per annum.

Mr. SHIELDS. Lest there should be some misunderstanding with regard to this resolution, I will state what is its object. It is a resolution which I was instructed by the Committee on Public Lands to report to the Senate. Draftsmen have been employed by the House of Representatives for several years, who have prepared maps showing the state of the public lands in the different States of the Union. That labor has been performed at a very great expense, and has been exceedingly difficult and troublesome. Those who have performed the work have gone to the General Land Office and examined the plats and the surveys, and have brought these maps up nearly to the present time. In our committee room we have the maps ready for the work, and the work is nearly performed under the operation of some former resolution. The object of this resolution, then, is not to go into anything like the expense which has been incurred in the House of Representatives. I should object to that. But the labor has been done in the House, and is on the maps of the House, and all we want is to transfer that work to the maps which are now in our room. I understand the work can be done without much loss of time, and at a very trifling expense. It can be done, perhaps, in three months. The expense, as will be seen by a reference to the resolution, is not to exceed the hire of a clerk for the time he is employed; and we shall secure thereby the benefit of all the information which has been collected in the House of Representatives for several years. The expense has been incurred and the labor performed for the House, and the question is, whether we will take advantage of it.

The resolution was adopted.

BILLS FROM THE HOUSE.

A message from the House of Representatives, by Mr. FORNEY, their Clerk, was received, as follows:

Mr. PRESIDENT: The House of Representatives have passed the following bills, in which they request the concurrence of the Senate:

An act for the relief of the Virginia Woolen Company;

An act for the relief of Edward Everett;

An act for the relief of David C. Cash and Giles U. Ellis;

An act for the relief of John W. Robinson;

An act for the relief of Gardner Herring;

An act for the relief of Albra Tripp;

An act for the relief of Silas Champion, of the State of New York;

An act for the relief of Philip Miller;

An act for the relief of Joseph Johnston;

An act for the relief of Robert Milligan;

An act for the relief of Sylvanus Blodget;

An act for the relief of Amos Knapp; and

An act for the payment of arrears of pension to the guardian of Artemas Conant.

MAILS IN CALIFORNIA.

The joint resolution to authorize the Postmaster General to legalize certain contracts for the transportation of the mail in California and Oregon, was read a third time and passed.

ENGROSSED BILLS PASSED.

The following engrossed bills were read a third time, and passed:

An act for the relief of Mrs. A. M. Dade, widow of the late Major F. L. Dade, United States Army;

An act for the relief of Richard Chaney and others;

An act for the relief of William P. Greene;

An act granting relief to John A. McGaw, of New York;

An act for the relief of the personal representatives of William A. Slacum, deceased;

An act for the relief of Mrs. Margaret Hetzel, widow and administratrix of A. R. Hetzel, late assistant quartermaster in the Army of the United States;

An act for the relief of Adjutant General Roger Jones;

An act for the relief of the representatives of Joseph Watson, deceased;

An act for the relief of Rufus Dwinell;

An act for the relief of Allen G. Johnson; and

An act to extend a patent heretofore granted to John Schley, of the State of Georgia.

NAVY-YARD AT SAN FRANCISCO.

Mr. GWIN. I should be gratified if the Senate would now proceed to the consideration of Senate bill No. 15, which is a bill to establish a navy-yard and depot on the bay of San Francisco, in California. This is a bill on which it appears necessary that there should be immediate action. The bill requires the President of the United States to cause an examination and survey to be made of the bay of San Francisco, by a board of experienced officers, with a view of selecting such a site for a navy-yard and depot, on that bay, as will be most suitable for such an establishment. Now, if that board is not appointed immediately, it will be impossible for them to make a survey and report upon it before the next session of Congress, and, of course, impossible to take any active measures before that time for the construction of a navy-yard. It has been found that in the site formerly designed for a navy-yard, there is not sufficient water, and that some other location will have to be chosen.

There is another reason why this bill should be passed as early as possible. At the last session of Congress an act was passed authorizing the building of a sectional floating dry-dock, and the same objection exists in regard to the location of this dock, as in the location of the navy-yard, namely a want of sufficient water. There was a site selected for this dock, and an experiment made by which it was ascertained that the location was unsuitable. The dock is now built, and in a few days it will be ready to be shipped. But unless another location be selected, it will be of little or no use. There will be no expense incurred in consequence of the passage of this bill except from the appointment of these commissioners, and the selection of a site for this dock and navy-yard. This bill was reported unanimously by the Committee on Naval Affairs, and I hope that there will be no objection to taking it up.

The PRESIDENT. The motion is to postpone all the previous orders in order to take up this bill.

The question being taken, the consideration of the previous order was postponed, and the motion to take up the bill was agreed to.

The bill was then read and considered by the Senate as in Committee of the Whole.

The original bill consists of two sections, reported by the Committee on Naval Affairs, with two additional sections as amendments. The first section authorizes the President of the United States to cause an examination and survey of the bay of San Francisco to be made by a board of commissioners, to be appointed by him for that purpose, with the view of selecting a location for a navy-yard and dry-dock. The second section provides that when such site shall be so selected, the President shall appoint and assign such officers, and make such arrangements, as may be necessary for the establishment of such navy-yard, upon the most approved plan.

The amendment reported by the committee, and contained in sections three and four, provides that in the selection of such site, regard shall be had to its adaptation for the construction of a basin and railway, and the location of the sectional floating dry-dock now in course of construction; and that the President be authorized to allow additional compensation, not exceeding double the amount of their present pay, to the officers whom he may appoint, and to allow them the actual amount of their expenses consequent upon the performance of their duty.

Mr. GWIN. The Senator from Virginia has suggested to me an objection to the bill, which he will state to the Senate. In order that I may make progress, I am willing that the section to which he objects should be stricken out.

The PRESIDENT. The first question will be on the adoption of the amendments.

Mr. BRODHEAD. I would suggest that this bill should be laid over until Monday. It is a very important bill. We have erected a number of dry docks recently, and I think this is a matter which should be carefully examined.

Mr. GWIN. I will not object to that, for I wish the bill to be fully considered.

Mr. BRODHEAD. Then I move to postpone the further consideration of the bill till Monday next.

The question was taken, and the motion to postpone was agreed to.

THE COMPROMISE MEASURES.

The Senate resumed the consideration of Mr. Foote's resolution as amended on the motion of Mr. BADGER, declaring the series of compromise measures of the last session a definitive settlement of all questions growing out of the subject of slavery.

[Mr. Downs spoke at length on the subject; and in favor of the compromise measures. For a report of his speech see Appendix.]

Mr. DAVIS then rose and said: I believe we have reached an hour when, perhaps, it would be as well to adjourn, and I make that motion.

Mr. McRAE. I would ask the Senator to suspend his motion for a moment, in order that I may ask him a question.

Mr. DAVIS. I comply with the Senator's request.

Mr. McRAE. Does the Senator desire, by making the motion to adjourn, to obtain the floor?

Mr. DAVIS. I desire to submit a few remarks on the resolution.

Mr. McRAE. I desired myself, at as early a period as I could do so, to give expression to my views on the subject which is before the Senate; therefore it was that I asked the Senator whether he desired the floor. I yield to him.

The Senate then adjourned.

IN SENATE.

MONDAY, January 12, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

PETITIONS.

Mr. SEWARD presented the petition of the widow of Orlando Pierce, a private soldier killed in the war with Mexico, praying a pension; which was referred to the Committee on Pensions.

Mr. RUSK presented the memorial of F. Macmanus, praying the enactment of a law to authorize debenture on goods transported through Port La Boca, San Antonio, and the Rio Grande, to Mexico; which was referred to the Committee on Commerce.

Mr. BRADBURY submitted additional documents in relation to the claims of the States of Maine and Massachusetts to indemnity for lands surrendered to enable the United States to comply

with the stipulations of the 4th article of the treaty of Washington of August 9, 1842; which were referred to the Committee on the Judiciary.

Mr. DODGE, of Iowa, presented the memorial of Benjamin S. Roberts, an officer of the United States Army, praying indemnity for losses sustained during the war with Mexico; which was referred to the Committee on Military Affairs.

Mr. FISH presented the petition of assistant marshals for taking the Seventh Census in Westchester county, New York, praying additional compensation; which was referred to the Committee of Claims.

Mr. GWIN presented the memorial of officers of the United States Army stationed in California, praying a continuance of the increased pay granted by an act of Congress; which was referred to the Committee on Military Affairs.

Mr. SHIELDS presented the petition of citizens of Illinois, praying a grant of the right of way through the public lands for a railroad from Shawneetown to the Mississippi river, opposite St. Louis, Missouri; which was referred to the Committee on Public Lands.

Mr. STOCKTON presented two petitions of citizens of Trenton, New Jersey, against the introduction of corporal punishment in the Navy; which were ordered to lie on the table.

Mr. DOUGLAS presented the memorial of Robert H. Caffee and others, lately attached to the Commission for running and marking the boundary line between the United States and Mexico, praying to be allowed their pay and traveling expenses from the time they ceased to be employed on that service until their return to their homes; which was referred to the Committee of Claims.

Mr. SEWARD presented the petition of Wesley Smith, alderman, and five hundred residents of the eleventh ward of the city of New York, calling the attention of Congress to the question of intervention of Russia in the struggle of Hungary for freedom. It was referred to the Committee on Foreign Relations, and is as follows:

To the honorable the Senate and House of Representatives of the United States of America:

We, the undersigned, citizens of the eleventh ward in the city of New York, do respectfully represent, that we do consider that the petition of Louis Kossuth, on behalf of the people of Hungary, is in accordance with those principles of justice and right which we find implanted in our minds, and to which all humanity owes allegiance. And as we consider that to shrink from the performance of a duty imposed by those principles, as cowardly in a great nation, we ask of your honorable bodies that you, in behalf of the United States, of whom we are a part, do proclaim your acquiescence in the three petitions offered by said Louis Kossuth in a speech made at the banquet given by the municipal authorities of New York, or in so many of those petitions as our Constitution and laws permit your acquiescence in.

LOUISVILLE AND PORTLAND CANAL.

Mr. UNDERWOOD. I have a petition, very numerously signed by the people of Tennessee, and particularly of the city of Nashville. It prays Congress to make an appropriation for the purpose of rendering the navigation of the Louisville and Portland canal free. It shows the amount of tolls received upon that canal from the time of its construction. The sum received in 1850 was \$115,000; and in 1851 the amount, it is believed, was \$150,000. I will not detain the Senate by showing how the amount received has increased from \$12,750 up to \$150,000. I have already given notice that I intend to bring in a bill upon this subject, which I shall offer within a few days. I do not know any committee to which it will be proper to refer the memorial at present, and therefore I hope it will be received and laid upon the table.

It was accordingly laid on the table.

Mr. UNDERWOOD. I have also received, upon the same subject, the proceedings of the General Council of the city of Louisville, in which they represent the necessity of making the navigation of that canal free, and of an appropriation for its enlargement; and embracing a series of resolutions upon the whole subject; and for the reason already assigned, I will give it the same destination.

It was accordingly laid on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. CLARKE, it was

Ordered, That the petition of Nancy Bowen, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. HUNTER, it was

Ordered, That the memorial of Elizabeth V. Lomax, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. SEWARD, it was

Ordered, That the petition of George G. Bishop and Peter V. Morgan, administrator of John Arnold, deceased, on the files of the Senate, be referred to the Committee on Patents and the Patent Office.

REPORTS FROM STANDING COMMITTEES.

Mr. WADE, from the Committee of Claims, to whom was referred the petition of William A. Duer, administrator of William A. Duer, deceased, submitted an adverse report; which was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the bill to revise and continue in force for a limited time the provisions of an act relative to suspended entries of public land, reported it without amendment.

He also, from the same committee, to whom was referred the bill to establish an additional land office in Michigan, reported it without amendment.

Mr. SEWARD, from the Committee on Commerce, to whom was referred a communication from Aaron H. Palmer, submitted a report, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be discharged from the further consideration of the communication of Aaron H. Palmer, relating to the colonial dependencies of Japan, and a plan for opening that empire to the commerce of the United States.

On motion by Mr. SEWARD, it was

Ordered, That the report be printed.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred a memorial of citizens of Portland, Maine, submitted a report, accompanied by a bill making an appropriation for the erection of a Marine hospital at Portland, Maine.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the memorial of James B. Cushing and others.

CASE OF CAPTAIN THOMAS SNODGRASS.

Mr. SEBASTIAN, from the Committee on Indian Affairs, reported a bill, accompanied by a report, for the relief of Captain Thomas Snodgrass.

The bill provides that the sum of \$230 be appropriated out of any money in the Treasury not otherwise appropriated, to reimburse to Captain Thomas Snodgrass the expenses incurred by him for a team, and balance for forage and subsistence furnished to his company of volunteers while employed as a guard, or escort, for a party of emigrating Cherokees in the year 1838.

Mr. S. I will say, in explanation of the report, that this bill was before the Committee on Indian Affairs at a previous session; that at that time this claim received a faithful investigation, and from the evidence adduced, it was clear that it was just, beyond all question. The committee therefore, without hesitation recommended the passage of that bill at the last session, and in the report they now present, they merely refer to a report which was formerly made. The amount recommended is the same as that embraced in the former Senate bill.

Mr. CLEMENS. I wish to ask the unanimous consent of the Senate to act upon this bill now. It has been reported upon before, and was unanimously recommended by the committee.

There being no objection, the bill was considered by the Senate as Committee of the Whole, and no amendment being offered, it was reported back to the Senate, and ordered to be engrossed for a third reading.

LOCATING MILITARY LAND WARRANTS.

Mr. FELCH. I am instructed by the Committee on Public Lands to ask to be discharged from the further consideration of a number of petitions referred to them, asking additional compensation to the several land officers for locating military bounty land warrants in the several States.

Mr. WALKER. I would inquire if the committee have any special reasons for asking to be discharged from the consideration of these petitions, and whether the committee which makes this report wish to be understood as being averse to giving further compensation?

Mr. FELCH. I should have stated, but I supposed every Senator knew, that we have reported in favor of giving additional compensation; and therefore it was that we ask to be discharged from the further consideration of these memorials.

Mr. WALKER. If I understand what the Senator refers to, it is an amendment to the bill providing for the assignability of land warrants; but if that bill should not become a law, the provision to which the Senator refers will go down of course.

Mr. FELCH. We cannot be accountable for what may be the action of the Senate on the subject; but whatever it may be, it is competent for any member to present the subject again.

The motion was agreed to, and it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the petition of the late and present land officers of Dixon, Illinois, praying additional compensation on account of services connected with bounty lands, and from the several memorials and petitions on the same subject referred to the committee.

Mr. UNDERWOOD subsequently moved to postpone all prior orders for the purpose of taking up and disposing of the bill referred to, to make bounty land warrants assignable. He said he learned from many Senators, that they were in the receipt of large numbers of letters in relation to that measure. He had received many himself, and he was desirous that the subject should be disposed of. As it was discussed and passed at the last session, he apprehended no debate upon it now, and hence he made his motion, believing that it would consume but very little time.

After a brief conversation, the honorable Senator agreed to postpone his motion until to-morrow.

COMMITTEE ON PUBLIC LANDS.

Mr. SHIELDS. I wish to ask a favor of the Senate this morning, and that is, that I may be discharged from further service as a member of the Committee on Public Lands. I am chairman of two other committees of the Senate; and as the committee is now constituted, there are three members from three adjoining States. I think, therefore, that it is but just to the Southwest, or some other portion of the country, that they should have a representative.

The question being taken, it was agreed to; and on motion of Mr. SHIELDS, it was

Ordered, That the President *pro tempore* of the Senate fill the vacancy thus occasioned in the Committee on Public Lands.

Mr. BORLAND was appointed.

BILL INTRODUCED.

Mr. FISH, agreeably to previous notice, asked and obtained leave to bring in a bill to increase the salary of the district judge of the United States for the southern district of Florida; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

NOTICE OF BILL.

Mr. FELCH gave notice of his intention to ask leave to introduce a bill for the relief of William A. Richmond.

INDEX TO THE LAWS.

Mr. PEARCE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That of the synoptical index of the laws prepared and printed pursuant to a resolution of the Senate, there be distributed in the same manner as the copies of Little & Brown's edition of the laws were distributed under the act of 8th August, 1846, (except to the Library of Congress,) six hundred and seventy copies; and to each member of the Senate and House of Representatives who has not already received the same, one copy; and that ten copies be placed in the Library of Congress.

Resolved, That each member of the Senate be furnished with the 9th volume of Little & Brown's edition of the laws, and that the preceding volumes be furnished to those members who have not already received them.

PRIVATE BILLS.

The following bills from the House of Representatives were read a first and second time by their titles:

An act for the relief of the Virginia Woolen Company;

An act for the relief of Edward Everett; and

An act for the relief of David C. Cash and Giles U. Ellis.

Ordered, That they be referred to the Committee on Military Affairs.

The following bills were read a first and second time by their titles:

An act for the relief of John W. Robinson;
An act for the relief of Gardner Herring;
An act for the relief of Albra Tripp;
An act for the relief of Silas Champion, of the State of New York;

An act for the relief of Philip Miller;
An act for the relief of Joseph Johnston;
An act for the relief of Robert Milligan;
An act for the relief of Sylvanus Blodgett;
An act for the relief of Amos Knapp; and
An act for the payment of arrears of pension to the guardian of Artemus Conant.

Ordered, That they be referred to the Committee on Pensions.

FIRE AT THE CAPITOL.

A message was received from the House of Representatives by Mr. FORNEY, their Clerk:

Mr. PRESIDENT: The House of Representatives concur in the amendment of the Senate to the bill making appropriation to meet the expenses incurred in consequence of the late fire at the Capitol.

Mr. BADGER subsequently reported the bill duly enrolled.

PRINTING OF THE SEVENTH CENSUS.

Mr. BRIGHT. I desire to make a motion. I believe it will be necessary to move to suspend the present order of business, for the purpose of taking up the joint resolution to provide for the printing of the returns of the Seventh Census. I move, therefore, to suspend all the previous orders, both special and general, with the view of taking up that resolution.

Mr. DAVIS. Is not the unfinished business of Saturday the order of the day?

The PRESIDENT. It is the first special order; but the Senator from Indiana [Mr. BRIGHT] moves to postpone all the orders of the day, both special and general, to take up this joint resolution.

Mr. DAVIS. I have no particular objection to that. I think that as my friend from Connecticut [Mr. SMITH] has been kept in a state of painful suspense for some time, with all these papers before him, it is but fair that he should have an opportunity of expressing his sentiments. I hope, however, if this measure is taken up this morning, it will be with the understanding that the unfinished business shall follow it.

The PRESIDENT. It will follow as a matter of course, being the unfinished business.

The question was then taken on the motion to postpone the previous orders, and it was agreed to.

The PRESIDENT. This is a joint resolution, and is now before the Senate as in Committee of the Whole. The resolution is as follows:

Be it resolved, &c., That the Joint Committee on Printing be directed to contract with Donelson & Armstrong for printing the Census returns, upon such terms as the committee may deem reasonable.

Mr. SMITH. I desire to submit an amendment to the resolution. It is to strike out all after the enacting words and insert:

It shall be the duty of the Secretary of the Interior, in conformity with the provisions of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year 1847," approved on the 18th day of May in the said year, to contract for the composition and press-work of — copies of the returns of the Seventh Census, as the same are classified and arranged by the said Secretary; and in like manner to contract for so much paper and of such quality as he shall deem proper for the said work; and in like manner to contract for the binding said returns as printed in such style as he may judge expedient: *Provided*, That parties to each of said contracts shall give such guaranty, and said paper and work shall be subject to such inspection as said Secretary shall require to insure the faithful performance of the same.

Mr. S. Mr. President, I regret that I should have the ill fortune of being a member of the Committee on Printing, the duties of which are perhaps more irksome and unpleasant than those of any other committee in this honorable body. But the Senate having been pleased to assign me to a position as a member of that committee, it has become my duty to turn my attention to the subject that is now before the Senate—a subject of very considerable importance in its practical results, and still more important in reference to the principle or rule of conduct in regard to this subject which is involved in the resolution now before us.

At the outset, Mr. President, of my remarks upon this subject, I desire it may be understood that I have no other purpose in addressing the Senate upon the present occasion than to promote such a disposition of the subject as shall conform to the public interest. I desire also to disclaim entertaining any sentiment of antipathy, either

political or personal, for the highly-respectable gentlemen whose names are introduced in this resolution. If I were about to confer a favor upon any one of the proprietors of the various printing establishments in this city, I know of no reason why I should not do that favor as readily and as cheerfully to the gentlemen who are named in that resolution as to any other firm or parties whatever, who are concerned in this department of industry. But, Mr. President, it is proposed in this resolution to dispose of an important work, which involves the expenditure of a very large sum of money, upon the principle of favoritism; a principle to which I utterly object, and which I conceive to be inadmissible on the present occasion. What is the character of the resolution that is now submitted to the consideration of the Senate? It is proposed by my honorable friend from Indiana [Mr. BRIGHT] that the two Houses of Congress shall make a peremptory order on the Committee on Printing, to make a contract with a certain firm in this city denominated Donelson & Armstrong, for the execution of this work, upon such terms as this committee shall judge to be reasonable. We are not, sir, to inquire whether Messrs. Donelson & Armstrong are competent to perform this work. We are not to inquire whether they have the requisite machinery and the requisite material, or the requisite capital to enable them to perform the work in a manner that shall comport with the public interest. We are not to inquire whether they are as competent, or more competent than the proprietors of other printing establishments in the country. We are not to inquire whether they would be willing to do this important work on terms as favorable to the public as those on which other individuals might be willing to do it. But we are to make a contract with them at all events. There is to be no qualification except what is involved in that clause of the resolution which provides that it is to be done "upon such terms as the committee may deem reasonable." Nothing can be further from my thoughts than to cast any imputation upon my honorable friend from Indiana who has submitted this proposition to the consideration of the Senate; and I certainly would not express, as I do not entertain, the slightest want of confidence in the rectitude of my honorable friends who constitute a majority of the Committee on Printing. But, I ask, what is the character of this resolution? It is, that a committee of this body, or rather of the two Houses of Congress, organized, and properly organized I admit, upon political considerations, a majority of which, in the proportion of four to two, sympathize in feeling and opinion, and properly so, with the majority of the two Houses of Congress, shall make a contract, not with any of the citizens of the country who are prepared to do this work on terms most favorable to the public, but with the proprietors of a political organ—a highly-respectable organ I admit—to do this work on such terms as the majority of the committee shall deem to be reasonable. Now, what does that mean, Mr. President? It is proposed that a majority of the two Houses of Congress should confer this work upon the proprietors of this political establishment, as a matter of favoritism, and as a job, to be done, to be sure, "upon such terms as the committee may judge reasonable."

Now, sir, we are not among those who would, for one moment, harbor the thought that the honorable chairman of the Committee on Printing, [Mr. BORLAND,] or my other honorable friend, [Mr. HAMLIN,] would enter into any stipulation, under this resolution, and make any arrangement with Donelson & Armstrong, or any other individuals on earth, which they believed to be unjust, or inconsistent with the public interest. But the very character of this transaction—the fact that this work is not to be open to the public generally, the fact that the drawing up of this contract, and the settlement of its terms, is to be committed—to whom?—not to the Executive, not to the Secretary of the Interior, not to any officer connected with the executive department of the Government, but is to be put into the hands of a committee, organized, and properly organized, and composed of highly respectable gentlemen, I admit—saying nothing of the minority—who are to make a contract with the proprietors of a political organ in this city, who sympathize with a majority of the committee, on such terms as the committee may deem reasonable. I am not at all surprised that my honorable

friend, the chairman of the Committee on Printing, of whose rectitude, and whose fidelity to his duties as a member of this committee, I shall ever speak with the highest respect, has manifested the utmost repugnance to having this duty devolved upon him.

I contend, then, that the very character and essence of this resolution involves the idea that a contract is to be made which is to confer pecuniary advantages upon a particular party; and I do not hesitate to say—I care not what efforts may be made by honorable members constituting a majority of this committee—that it will involve the expenditure of a very large sum of money over and above what should be required for the execution of the work which is now under consideration.

But, Mr. President, there are some objections, which should be urged in detail, to the measure now before the Senate, and to which I wish to invite the particular attention of the members of this body. In the first place, I have to remark that in the present state or condition of this subject, the resolution, in the form in which it is presented to the Senate by my honorable friend from Indiana, is utterly impracticable, or in other words, it is impossible for the Committee on Printing to determine what terms would be “just and reasonable,” or what terms they should require of Donelson & Armstrong, for the reason, that Congress has not yet made any order specifying the number of copies of these returns which they intend to have printed. My friend from Indiana does not propose to settle, by his resolution, what number of copies are to be ordered by the two Houses of Congress; and yet it would seem to me that this is a question to which he should have addressed himself at once when he proposed to print the Census returns. Are we to enter into a contract for the printing of these returns without knowing how many copies are to be ordered by the two Houses of Congress? How can the Committee on Printing determine what terms are just and reasonable unless they know what is to be the number of copies and the magnitude and extent of the work? If my honorable friend from Indiana will reflect on this subject for a single moment, he will see that it is utterly impossible for us to form any opinion in regard to what shall be the terms. And why is it so? Because the cost of composition for one hundred copies, or even one copy, is exactly the same that it would be for ten thousand copies. If you order five hundred copies, you are then to pay per copy a comparatively high price, because the expense of composition is only spread over five hundred copies. But if you order the printing of five thousand copies, the cost of composition is divided among the five thousand copies, and the price becomes comparatively low per copy; and if you print ten thousand, then the expense of composition is distributed over a greater number of copies, and the cost per copy becomes still lower than if five thousand copies are printed. I say again, then, that the first thing to be done, before we make any contract for this printing, is to determine what number of copies we are to print. If my friend from Indiana will refer to the act of Congress which was passed in regard to the Sixth Census, he will find that the law which provided for the printing, fixed also the number of copies to be printed. It provides:

“That when the aforesaid enumeration shall be completed and returned to the office of the Secretary of State, by the marshals of the several States, he shall direct the printers to Congress to print for the use of Congress ten thousand copies of the aforesaid returns received from the marshals.”

Now, then, Mr. President, I object entirely to the passage of that resolution, even in the form in which it has been presented by my friend from Indiana, until the Senate is prepared to decide as to the number of copies of these returns which shall be printed; for there is no possibility of the Committee on Printing deciding what terms would be just and reasonable until they know what number of copies they are to order.

But, Mr. President, what is more than that, the price per copy will not only depend upon the number of copies to be printed, and also on account of the distribution of the cost of composition over the entire number of copies, but there comes in another element which is material to be taken into consideration, and it is, that if it be a large number of copies, the parties who under-

take the printing can afford to make a proportionate reduction, not only in consequence of the distribution of the cost of composition over a large number of copies, but they can afford to make deductions in consideration of the magnitude of the work itself—I mean the magnitude of the number of copies ordered. If it be a large job—if there be ten thousand, or fifteen thousand, or twenty thousand copies ordered—the magnitude in reference to the number becomes an important element to be taken into consideration, in order to enable us to decide judiciously and properly what terms are “just and reasonable.” And, sir, besides all this, not only will the committee be involved in inextricable difficulty, unless the number of copies is fixed, but I desire also to inquire how Donelson & Armstrong can themselves decide whether they will accept such terms as the committee may see fit to prescribe or dictate, unless they know what is to be the number of copies printed?

Thus there is another difficulty in the way of the resolution of my friend from Indiana. It would seem to be equally necessary that both the committee and the proposed contractors should know the magnitude or extent of the work to be done; and, Mr. President, what do we know about it? The work is not completed; no report of this work has been submitted to the two Houses of Congress. What the work is to be the Senate does not know, neither is there any human being in the country who does know, or can know at present. We know—or rather we have every reason to believe—that it is to be a work of very great magnitude. From the number of persons employed on the work at the present time, and from the length of time in which they have been engaged, and are still likely to be engaged, we may conclude that it is to be a document of an unusual size. I have understood that in making up the census returns of 1840, there were only seventeen clerks employed in all. That, we know, was a large work; and I believe it was laid before Congress and published as early in the session as this time, in 1841 or 1842. But instead of seventeen clerks employed, I understand that they have now in the Census Office a hundred and sixty-one clerks and messengers. I do not know how many messengers there are, or how many clerks; but I understand the roll of the present employees runs up to a hundred and sixty-one, and I suppose the services of all these clerks are rendered necessary by the great number of interrogatories and the vast amount and variety of statistics brought into the returns of the marshals by the act of Congress on this subject. What is to be the magnitude of this work I have no means of knowing; and how can the committee, without that knowledge, decide what terms would be “just and reasonable?” Sir, if Messrs. Donelson & Armstrong, in consequence of the vast magnitude of the work, have to get a vast deal of new machinery, and presses, and a vast quantity of type, which would be of very little use to them after the work is completed, and upon which, when they come to make a disposition of the machinery and presses and type, and other materials, they must sustain a great loss, then the committee ought to accord one set of terms. If, on the other hand, it is comparatively a small work, coming within the capacity of their present machinery, they could afford to do it on another set of terms. And how can we judge of the ability of Donelson & Armstrong to do the work, unless something is known of what this work is to be?

But again, who ever heard of the two Houses of Congress ordering a document of this importance to be published before it had been communicated to them? I have never heard of such a thing.

Mr. BORLAND. Will the Senator from Connecticut allow me to ask him a question?

Mr. SMITH. Certainly.

Mr. BORLAND. Did I understand the Senator to say that the Census Board had a hundred and sixty-one persons employed in the preparation of the returns of the census?

Mr. SMITH. I understand that there are one hundred and sixty-one clerks and messengers employed.

Mr. BORLAND. I asked the question simply for information.

Mr. SMITH. I suppose the employment of these persons is rendered necessary by the extent and complexity of the interrogatories that were

propounded by order of the two Houses of Congress? But the Blue Book will tell the story, and my honorable friend can refer to it.

The provisions of the Census act, as I insist, shows conclusively that Congress could not have contemplated the printing of these returns until they had been made out and submitted to the two Houses of Congress. This act provides that “the Secretary of the Interior shall see that all ‘due diligence is employed by the marshals and ‘assistant marshals to make the returns of their ‘respective doings complete at the times herein ‘prescribed. And further: as the returns are so ‘made, to cause the same to be so classified and ‘arranged in the best and most convenient manner ‘for use, and to lay the same before Congress at ‘the next session thereof.”

Why lay them before Congress? Not for the purpose of founding any legislation upon them. Formerly the census returns were laid before Congress to enable Congress to apportion the members of the House of Representatives among the various States of the Union. But that labor has been taken off our hands. These returns were to be made out and laid before Congress, not for the purpose of becoming the foundation of legislation, but solely to enable Congress to make a suitable and proper order in regard to their printing. I can conceive of no reason for communicating the census returns to the two Houses of Congress, except simply that we might have them before us in order to form an opinion in regard to their character and in regard to their value: to see whether they are properly arranged—whether we have reason to believe they are accurate, and then, in reference to the magnitude of the work, to decide how it shall be printed, and what number of copies shall be printed.

But the honorable Senator from Indiana, before these returns came in from the Secretary of the Interior, who was to complete and submit them to the two Houses of Congress, proposes that we should take a leap in the dark; that without knowing anything as to the magnitude of the work, or as to its accuracy; or whether it comes before us in a form in which it ought to be printed; without knowing anything in regard to the number of copies—he proposes what? Ah! a job is wanted for the proprietors of the *Union* office in this city. Such seem to be the indications of the case, and therefore we are to take time by the forelock, and seize hold of the first page that happens to be completed; or perhaps the committee are to go up to the Census Office, (for my honorable friend does not propose to make an order on the Secretary of the Interior to hand over any portion of these returns,) and, for aught I know, to break into the office, and capture a portion of this document and hand it over to the proprietors of the *Union*. From all the circumstances of this case, we may be led to infer that that office is pretty hard pushed for supplies. Why cannot the Senator wait till the document comes here? The Secretary of the Interior is not ordered to hand the document over to them; he is only ordered by the law to lay it before Congress. Surely the worthy and highly-respectable gentlemen, who are the proprietors of the *Union*, are not in a state of starvation. Why, then, should there be such monstrous haste to get hold of some portion of the public Treasury to sustain the organ of the Democratic party, for which, as I have said, I have a very great respect? It is an excellent organ—it supports the principles and doctrines and views of a very patriotic party; though, as I believe, a party which is monstrously mistaken with regard to some very important questions of public policy. Still I admit that it is necessary and proper that they should have an organ; and I am perfectly willing and desirous that it should prosper. I do not know but that I may be persuaded, by and by, to come into this measure myself, and hand over to them the job of printing the Census returns; for I believe I am a very accommodating gentleman. I am disposed to oblige my Democratic friends, and particularly my honorable friend from Indiana, the author of this resolution. I have received a great many favors from him since I have been a member of this body, and if he should put it on the footing of reciprocity of favors, I might go a great way to oblige him, and do something for this *Union* office, which seems now to be so severely pressed that it cannot wait for this document, but must catch hold of its head or tail, and print it before we know

anything about it. I do not know that this will not be done; but I will wait until I see a majority of the two Houses of Congress in favor of this proposition, before I shall be prepared to believe it. Sir, I maintain that it would be in the highest degree indiscreet for Congress to commit itself in the dark to the printing of such an important document as this without knowing what it is to be. We ought to have the document first, and ought to refer it to the appropriate committee to give it a thorough examination. I do not know what they are making up in the Department of the Interior. I have a very great regard for the honorable head of that Department, and great confidence in his rectitude and patriotism; but I may not have the same confidence in all heads of bureaus. It is very possible that these returns may be made up in a way, and may be in a form which would not meet with the approbation of the two Houses of Congress; and what is more than that, they may be erroneous. That is not by any means an unexampled circumstance in the history of the country. In the case of the Census of 1840, after the returns came in, it was discovered that there was probably a very serious error in the taking of the census in an adjoining county to this District—the county of Montgomery, in the State of Maryland—and Congress passed a law authorizing the census of that county to be taken over again. It was taken over again, and an error of several hundred—I do not now recollect how large the number was, but I know that an error of several hundred was discovered on retaking the census of the county of Montgomery, in Maryland.

I maintain, then, that a document of so much importance as this, and so deeply affecting the interest and honor of the country, ought to come into the hands of the two Houses of Congress, and undergo a careful examination, before we commit ourselves in regard to printing it; whereas this is a proposition to hand this entire document over to the head of the Census bureau. I do not know how competent he may be. I believe he is a very worthy young man of some twenty-five or thirty years of age. For aught I know he is doing his duty very well; but I am not prepared to say that he shall settle this question of the census printing finally and forever. I am not prepared to say that even the very able and excellent Secretary of the Interior shall do so. We ought to have it before us. We ought to scrutinize it. We ought to see whether it is correct or not; whether it is made out in proper form, and whether it is made out in conformity to the law, before we commit ourselves to this printing. Why this hot haste? Cannot my honorable friend from Indiana wait for six months? For within that period, I venture to say these returns will be completed. Cannot he wait till the close of the present session of Congress? For a bill can be passed at any time for printing these returns. Or, if these returns should not be completed during the present session of Congress, cannot the Senator from Indiana wait till the opening of the next session of Congress? I most strenuously resist this extraordinary manner of doing business. When an important document is to be made out—a document that is to go down to posterity—a document that is to contain facts and statements, to say nothing about population, in regard to our great industrial and agricultural interest, which I trust and hope, and am inclined to believe, will be made out correctly. I insist that it would be in the highest degree rash, not to say presumptuous, for us, without knowing what it is, to commence the printing of some portion of it; and what portion, in the name of Heaven, the beginning, middle, or end, no human being knows.

But, sir, I have another point to make; and that is, that this resolution, if passed, would, in my opinion, be an encroachment on the functions and duties of the Executive, and would, in fact, be a usurpation of Executive power. It is, no doubt, competent for Congress to order the printing to be done, and to fix the number of copies. We may, perhaps, say that certain parties shall execute the work, or that it shall be let to the lowest bidder. Congress may doubtless prescribe the condition and terms; but, having said, for example, that it shall be executed by Donelson & Armstrong, can Congress take upon themselves the making of a contract? And can they, by the agency of one of their committees, draw it up and put it in form? If we can do so, who is to attend to the execution of the

contract? Who is to determine whether Donelson & Armstrong have or have not conformed to the terms of the contract? To whom is the work to be delivered? Who is to pay for it? Will my honorable friend tell me whether it is to be paid for out of the contingent fund or not? Is it printing for the Senate? Is it printing for the House of Representatives? Or is it printing to enable us to perform our legislative duties? My honorable friend, for reasons that will be directly apparent, will hardly contend that this is Congressional printing. I ask, then, who is to attend to the execution of the contract, and from what fund is it to be paid? There is no doubt that Congress can provide for such printing as is necessary for the performance of the duties of both Houses, or either House. But is this Congressional printing? My honorable friend said, the other day, that it was not; and therefore we are not obliged to give it to A. Boyd Hamilton. I must acknowledge, Mr. President, that on very mature consideration, I have come to the conclusion that it is not Congressional printing, and not within the contract of A. Boyd Hamilton. It is not printing for either of the two Houses of Congress; it is not printing to enable us to discharge our legislative duties; but it is printing for the Government and for the country. I admit that either of the two Houses of Congress has a right, by a committee or otherwise, to make a contract for such printing as may be essential to enable them to discharge their respective legislative duties. But can Congress, through one of the committees of either House, arrogate to itself the power of making contracts for other printing than such as is required to enable it to discharge its legislative functions? Will my honorable friend from Indiana [Mr. BRIGHT] contend that we should take into our own hands the business of making contracts for the printing that is required for the various departments of this Government? Has Congress the right or power to embark in the business of making contracts generally? If, through the agency of the Committee on Printing, we can make a contract for printing that does not appertain to our legislative duties, I desire to inquire of my honorable friend whether, through the agency of the Committee on the Post Office and Post Roads, we can make a contract for the transportation of the mail? Why not raise a joint committee, on the principle of this resolution, and make a contract for the transportation of the mail? Why not raise a joint committee on Naval Affairs, and make a contract for the construction of a frigate or ship of the line? Why not arrogate to ourselves all the executive duties and powers of this Government? Mr. President, you know very well that the public printer—that is, the printer employed by the two Houses of Congress—is considered an officer of the two Houses. He is an officer of the Senate, and an officer of the House of Representatives. And why? Because he is employed in doing certain work for us that is necessary to enable us to discharge our duties. Now, if we adopt this resolution, will Messrs. Donelson & Armstrong be officers of the two Houses of Congress? Appointed for what? Not to print for the Senate or the House, but to print for the Government and for the people of this country.

My honorable friend from Arkansas, [Mr. BORLAND,] when he was on the floor the other day, objected most strenuously to the devolving of this duty of contracting upon the Committee on Printing, insisting that it should be given to the Secretary of the Senate and the Clerk of the House of Representatives, because, as he truly said, the resolution called upon that committee to discharge executive duties. Ah! executive duties! Then why are we providing for the discharge of executive duties by a joint committee of the two Houses of Congress? We have a Joint Committee on the Library; and as a library is an important establishment to enable us properly to perform our legislative duties, we charge it with the duty of purchasing a library for us. But shall we charge it with the duty of purchasing a library for the Attorney General, for the Secretary of the Treasury, for the Department of the Interior, or for the Post Office Department? I maintain, sir, that this is entirely out of the range of our legislative duties. It is an executive duty, which must be discharged, if properly discharged, by the executive department of the Government, and cannot be discharged by a committee of the two Houses of Congress.

I now come to the last objection which I shall urge to the passage of this resolution. It has been the policy of Congress, for some years past, to open the public printing to competition, and thus prevent its being conferred on the political presses in this city as a matter of favoritism; and the question for the consideration of this honorable body now is, whether the connection which formerly existed shall be renewed. The proposition submitted by my honorable friend from Indiana is precisely this, that we shall confer the printing of the census returns upon one of the political presses in this city. Here I desire to call the attention of the Senate to the first introduction of our policy—and I believe a highly salutary policy—on this subject into the legislation of the country. It will be found in a provision introduced into the civil and diplomatic appropriation bill, which passed the two Houses of Congress, and was approved May 18, 1842; published in the tenth volume of the Acts of Congress, page 189. It is as follows:

“For incidental and contingent expenses of the Department of State, including the publication and distribution of the laws, \$25,000: *Provided*, That the job printing, stationery, and binding of each of the Executive Departments shall, until otherwise directed by law, be furnished by contract, proposals of which shall regularly be advertised in the public prints, and the character and description of printing specified in each advertisement, as far as that can be done, it being made a condition in all cases, unless otherwise specified in the advertisement, that the work shall be done in the city of Washington, and the contract shall in each case be given to the lowest bidder, whose bid shall be accompanied with the proper testimonials of the ability of the bidder to fulfill his contract.”

Here, for the first time, was introduced into the legislation of the country the provision that all the departmental printing should be advertised and put out to the lowest bidder, and that remains the law of the land to the present hour. But Congress continued, notwithstanding the passage of that law, to confer the printing for the two Houses of Congress upon the political press in this city; and in this respect I admit that there has been no difference between the two parties. The Twenty-seventh Congress passed the law of 1842, to which I have referred. Then came the Twenty-eighth Congress. The Senate was one way, and the House of Representatives the other. The printing of the Senate was conferred upon the publishers of a political press in this city, entertaining views in accordance with the majority of the Senate; and the House made a disposition of their printing in accordance with their views. This state of things continued until the first session of the Twenty-ninth Congress, when, the two Houses having become convinced that the business of conferring the public printing upon considerations of political favoritism was unsound and injurious to the public, passed the joint resolution of the 3d of August, 1846, requiring the printing of Congress to be let out to the lowest bidder.

My friend from Indiana, [Mr. BRIGHT,] and other gentlemen, who advocate the resolution under consideration, are obliged to take the ground that this printing does not come within the joint resolution of 1846, or in other words, that it is not Congressional printing. Under what, then, does it come? It comes within the provision of the law of 1842. It is departmental printing, which is already provided for. You have nothing to do with it unless to order the number of copies to be printed. You may say how it is to be printed and of what quality the paper shall be. But the very moment that you order the number of copies, fix the style of the work, and the quality of paper, and determine what the work shall be, then comes in the law of 1842 and imposes it upon the Secretary of the Interior to let it out to the lowest bidder. Why, then, does my honorable friend propose to interfere with this law? Why has he introduced this resolution? He says it is not Congressional printing. Why not let the law operate? Ah! but “the Union” office wants a little patronage. Is that a public reason upon which the Senate are to act? Are we about to upset this law of 1842, take this job out of the scope of the operation of that law, and hand it over to whom—and by whom? By a highly-respectable committee I admit, but one organized upon political considerations. We are to turn it over to a political organ. And this is to be done by the Senate of the United States! Pretty elevated legislation it is to be sure. We have our law that departmental printing shall go to the

lowest bidder; and this is not Congressional printing says my honorable friend. Besides the document is not here, and we do not know what is done, whether the beginning, middle, or end. I presume we are to capture a part of it. My friend from Arkansas, [Mr. BORLAND,]—for whom I have great respect, and who we know has had some experience in the military service of the country, and very creditable experience too—is to march at the head of the Committee on Printing and invade the Census Bureau, capture something, and hand it over to the proprietors of the *Union* printing office. I do not know but that it will be done; but I shall wait a good while before I believe it.

But, says my honorable friend from Indiana, the contract system is an utter failure, and it ought to be blown up sky-high. I join issue with my friend on that subject. I will admit that the contract system for the two Houses of Congress has proved, to some extent, a failure; but I utterly deny that the contract system for the departmental printing has failed at all. On the contrary, I can demonstrate that it has succeeded, and has promoted the public interest in a very high degree. I know, Mr. President, that the contract system for the departmental printing is exceedingly distasteful to some portions of the political press in this city. The Democratic and some portions of the *Whig* press do not like it.

Mr. HALE. How is it with the Free-Soil portion?

Mr. SMITH. I do not know how it is with the Free-Soilers. I cannot say, as I am not in very intimate communication with them. I will leave that to my honorable friend from New Hampshire, who is entirely competent to represent that portion of the publishing interest in this city.

But I defy gentlemen to show an instance where there has been any failure. My honorable friend from Michigan, [Mr. CASS,] who, I am sorry to see, is not in his seat, indicted the contract system for the departmental printing on the ground that the "Blue Book" had not been furnished us. He said that the law required that it should be laid on our tables; he did not say when, exactly, but he was for blowing up the whole concern because we had not the "Blue Book." It is a pretty large concern, [exhibiting a copy,] and is growing rapidly. I have sometimes thought that I would take the "Blue Book" of the present day, and that which was published when I came into Congress, and take the difference between the two in pounds avoirdupois. I think the difference may be calculated in pounds; at all events, I know that it is very large, and it is an indication of what strides our Government is taking in extravagance, not to say in downright corruption. But my friend from Michigan wants to blow up this system of departmental printing by contract because he has not the Blue Book. If it had so turned out that the Blue Book had not been published just when it was ordered to be published, viz: the first Monday in January, taking into view our monstrous labors during the six weeks of the session—you know, Mr. President, what they have been, the manner in which we have devoted ourselves to other subjects, and the profound anxiety under which we have labored for the promotion of the public interest, particularly under the head of settling over again that matter of the compromise—one would suppose that the Senator from Michigan ought not to make such grave complaints, if the delivery of the book had happened to be some two or three days behind the time.

But, sir, I have taken the liberty to inquire into this matter, and I have here a memorandum of the delivery of this most interesting concern called the Blue Book, which is contracted out to the lowest bidder. It is a pretty good book; the paper, the type, the binding, are all good. If I get the census returns printed as well, I shall be content. The law says that it shall be laid on our tables on the first Monday in January; and I believe that was the very day on which the Senator from Michigan made his speech by way of assault on this departmental public printing. Now, I find that one hundred and seventy-five copies were delivered on the 29th of December, one hundred and twenty on the 31st, and two hundred and five on January 3, which was Saturday; and the law said they should be here on our tables on the Monday following. That is the case which was brought forward by my friend from Michigan, to

prove that we ought to blow up the system of letting out the departmental printing to the lowest bidder; and my friend from Indiana was obliged to take the ground that the printing of the census returns was departmental printing, to get it out of the hands of A. Boyd Hamilton, the printer of the two Houses of Congress.

I have already stated that the proprietors of the political and of the job presses of this city are very willing to get rid of the contract system, and that they would like to have the public printing given out as a matter of favoritism; but I deny that it has proved a failure. On the contrary, I believe it has saved a very large sum of money to the public Treasury. I have here another document printed under the system for departmental printing. It is a history of the condition and prospects of the Indian tribes, by R. H. Schoolcraft, LL. D., illustrated by S. Eastman, United States Army. A more beautiful specimen of typography, of paper, and of execution I never saw. I am ready to take up this census matter and deal with it liberally and fairly, and I would propose the printing of it in a style of magnificence corresponding substantially with this work. There has been, then, no failure of the contract system in its application to departmental printing. But I admit that there has been some failure in it as it regards the Congressional printing; and I shall explain to the Senate how it is.

But before I go any further I wish to call the attention of the Senate to the amendment which I have offered, and I will explain to the Senate its precise character. It proposes to separate the composition and press work from the supplying of the paper, and both from the binding, and to make a separate and distinct contract for each, and all to be done under the provisions of the law of May 18, 1842. Perhaps by way of amendment to the resolution it would not be strictly necessary for me to propose anything more than a specification of the number of copies, with a provision that the work should be executed under the supervision and direction of the Secretary of the Interior. It would then become departmental printing, and would necessarily be executed under the law of May 18, 1842. But if I were simply to propose an amendment of that character, it would leave the composition and press work to be paid for in connection with the supplying of the paper; for the party to do the composition and press work would supply the paper for the work. But for reasons which I shall indicate directly, I think it is highly important that the composition and press work should be separated from the supplying of the paper, and that both should be separated from the binding. My amendment, therefore, contemplates, on the one hand, the adoption substantially of the principle of the law of May 18, 1842. But some modification of that law is deemed necessary, so that the composition and press work shall be separated from the supply of paper, and moreover, that the party who enters into this contract shall give due security for the performance of the contract, the law of 1842 containing no provision of that character. Having thus explained briefly the character of my amendment; having shown the Senate that this is departmental printing, and having proposed that it shall be brought within the scope of the provisions of the law to which I have alluded, I now proceed to the consideration, as briefly as I can, of the subject of Congressional printing, for the two are necessarily connected to some extent with each other.

I have already insisted, and, I trust, have shown, that there has been no failure of this system under the head of departmental printing; but I have also said that there is a failure, and a very serious failure, in its application to Congressional printing. And why has that been so? The joint resolution directing the printing for the two Houses of Congress to be let out to the lowest bidder, was adopted at the first session of the Twenty-ninth Congress. At the second session of that Congress a contract was made, in conformity with the provisions of that law, with Wendell & Van Benthusen, to execute the largest portion of the work. A small portion of it was assigned to another firm of the name of Tipten & Streep; but much the largest portion of it—nearly the whole, in fact—was assigned to Wendell & Van Benthusen. I admit that they utterly failed in the performance of their contract. They failed in the typography. According to the stipulations, they

were to be paid so much for every thousand *ems*. The type and the size of the page were specified, but I have understood, and suppose the fact was so, that they got fonts of type cast to spread the letters out, so as to get many more *ems* than would be had if the type was put in the usual form. That was undoubtedly a violation of the contract. It was also violated in the quality of the paper. There was an utter failure to conform to the terms of the contract in that respect, and there was a more injurious failure, so far as the public business was concerned, in not furnishing the printed matter within such a period of time as was indispensably necessary to render the documents valuable to Congress for the transaction of the public business.

Coming down to the last Congress, we find that the contractors were William M. Belt, who took the second, fourth, and fifth classes; John H. Trenholm, who took the third class; and John T. Towers, who took the first class, which was the printing of bills and resolutions. In regard to Mr. Towers, it ought to be stated that, so far as I know and believe, there was a most perfect performance of the contract on his part. I think the chairman of the Committee on Printing will agree with me in regard to that. But so far as regards Trenholm and Belt, there was a failure not less gross and aggravated than that during the preceding Congress. I do not know that they had type of a peculiar character cast to help out the line and spread the matter over as much surface as possible. I suppose they had not. But, nevertheless, there was an utter failure in the quality of the paper and in the binding, as the chairman of the committee very well knows. Trenholm and Belt were contractors for the binding I believe; and I understand that they farmed it out and made considerable profit upon it, to the amount of several thousand dollars. There was the same failure with regard to the promptitude of the execution of the work, which was necessarily indispensable to the public interest. Every word which the chairman of the committee stated on that subject was true. I shall ever bear testimony to the rectitude and fidelity with which he and the other member of the committee [Mr. HAMLIN] discharged duties, in regard to it, which were very painful.

But I will add something which the chairman forgot to state, and that is, that after the documents had accumulated in our document room, and after he and the Senator from Maine [Mr. HAMLIN] had decided that they would not receive them—and I believe that I concurred with them, too—at my suggestion the other members of the committee saw fit to appoint me a sub-committee to look into the matter; and I believe they gave me instructions not to receive the documents; or rather, I was appointed to receive them if they conformed to the contract. I went into the document room and looked at them. I knew that the contract, if performed according to its spirit and letter, would involve the contractor in an enormous loss. And I confess that I had in my proceedings under that head some reference to the condition of the surety of the contract. I refer to Mr. Ritchie. I felt for him a sentiment of commiseration. I thought he had a ruinous contract. Members wanted the documents; and I took the responsibility of deciding that they should come in. I thought they were worth all that we had agreed to pay for them, although they did not accord with the contract. They were received; but I did not suppose that the two Houses of Congress would entertain the purpose of passing a bill to make up any loss that he would sustain under that contract which was violated so grossly; and least of all did I believe that they would pass a bill, as the House of Representatives did, and as I was afraid the Senate might possibly do, which would give him the enormous fortune, according to the statement of the Senator from Arkansas, of \$200,000 under this broken contract. I never had the slightest idea that they would give him a fortune of \$100,000; least of all did I believe that it would go up to such a figure as that named by the Senator from Arkansas.

In this way I admit that this method of disposing of the public printing to the lowest bidder under the joint resolution of 1846 has proved a failure. But the system of disposing of the departmental printing—and this is printing of that character—in that way, has not failed. But why has the contract system with regard to the printing of the two

Houses of Congress failed? It is partly the fault of the two Houses of Congress, but perhaps much more the fault of the contractors themselves. When the Thirtieth Congress, either by design or neglect, tolerated Wendell & Van Benthuyssen in the violation of their contract—so grossly as they violated it—they laid the axe at the root of the tree; they laid the foundation for the complete subversion of the whole system. What followed? In the case of Trenholm & Belt, they underbid even the prices of Wendell & Van Benthuyssen, who claimed to have sustained under their contract, broken as it was, a loss of about twenty thousand dollars. What did they do? In consequence of the toleration that had been extended, in the violation of their contract, to Wendell & Van Benthuyssen, they did exactly the same thing. Then comes A. Boyd Hamilton. It is no part of my business or duty, or even of my right, as I am situated, to prejudge his case; but I know perfectly well what is to follow. We are not to have the documents in proper season. Those that are laid on our tables may be, perhaps, printed according to the terms of the contract, or very nearly so; but in regard to the long numbers, we have every reason to anticipate the same violation of contract by him, which we have tolerated in Wendell & Van Benthuyssen, and which, in the case of the last Congress, we were about to compensate by an enormous fortune—and would have done so had it not been for my friend from Maryland, [Mr. PEARCE,] who stepped in and performed the very unpleasant task of objecting to it, at the last moment of the last session of Congress. He thus successfully resisted a measure which I can only characterize as a most enormous outrage; though not so intended by honorable Senators here who favored that measure, for I impeach the rectitude of no man. Then it is absolutely necessary that we should have some change in this system. But I desire to say to my honorable friend from Indiana that I am not for giving up the contract system, though we can change it; and we ought to attend to the modification of it immediately. Perhaps I may feel it my duty, at the very next meeting of the Senate, to introduce a resolution on this subject, charging the Committee on Printing with the duty of considering what modification should be made in this system. And I am willing to make the resolution larger—to inquire whether we should not repeal or set it aside entirely: for I wish no limited inquiry on this subject. But I will now indicate what are my ideas in regard to the change that should take place. I do it with the more freedom, because it will serve to illustrate my views in introducing to the consideration of the Senate the amendment which I have offered to this resolution.

I think we should separate the supply of paper from the composition and press work. That is the first step to be taken. Why should not the United States furnish its own paper? What has been the difficulty with the execution of former contracts? And what are to be the difficulties of the present session of Congress? They arise from the manner in which we are cheated in paper; and I do not believe I use too harsh a term in connection with this subject. Let us furnish our own paper. I want to know why we should be cheated in paper? Why is it that adventurers can come into this city—men who are not connected with any establishment here—and underbid all the local printers? It is because the bidding is not merely on the composition and press work. The party takes his pay on the composition and press work. If the orders are for short numbers, composition and press work is to be high; if for long numbers composition and press work will be comparatively low. The bidding being on the press work and composition with a stipulation in regard to the quality of the paper, the parties who really intend to get the contract, and at the same time cheat us out of the due performance of it, come in and bid on composition and press work at a very low rate: whereas, the proprietors of the *Union*, the proprietors of the *Intelligencer*, the proprietors of the *Republic*, and the proprietors of the various job establishments in this city, such as Towers', bid for the composition and press work with the idea of performing the contract. But your adventurer comes here and bids on composition and press work at a low figure—below everybody else—and then calculates to make up the difference by supplying a kind of paper utterly inferior. Thus these adventurers get the means of taking con-

tracts. Now if we separate the supply of paper from the composition and press work, they will have no margin; they will have to bid for the thing itself. As things now are managed they do not bid on the composition and press work alone; but combine it with the idea that they will cheat in the paper. All we have got to do, is to furnish ourselves with the paper. I am perfectly willing to say to the honorable Senator from Indiana, that if he will join with me in separating the supply of paper from the composition and press work, I do not care what he does with the composition and press work. I think that strictly, it ought to be let out to the lowest bidder; but I do not care two straws, if it is distributed around among the various printing establishments of the city; and if you are hard pressed for the want of a little support for a political organ, why I will indulge you with a large slice; and you can take it all for aught I care. The large fortune that has been made by one concern in this city, has been principally realized in the profit on paper. I do not mean to accuse those gentlemen of cheating in the paper; for I have no idea that they did so. And if this plan be carried out, and a contract be made with Donelson & Armstrong to do this great job—they to furnish their own paper—if they do not make a large fortune, I am greatly mistaken. One hundred thousand dollars transferred from the public Treasury to their private coffers, would be the very lowest figure which the amount of profits would probably reach. If they do the work, I am perfectly willing they should have a reasonable profit. I am willing they should have a profit of \$5,000 or \$10,000; and I would not find much fault if it were to be \$20,000; but when you come to this business of handing over to men—I care not who they are, whether they belong to the *Union* office, the *National Intelligencer* office, or the *Republic* office—large fortunes, I object to it in toto. It is of evil example.

Mr. President, no man knows better than yourself, that the idea has got to be somewhat rife in the country, that men can come to Washington, spend one or two winters here, and carry large estates out of the city, obtained, too, from the Government. I have seen men about our public hotels smoking cigars, and enjoying themselves in a variety of ways, who come here and remain during a few sessions of Congress, and return home with large estates, obtained in prosecuting claims before the Departments, before Congress, and before Commissioners here. When any man makes an enormous amount of profit here, on anything, no matter what it is, it brings a horde of people upon us: it is ruinous in every shape and form; and is doing infinite evil and infinite mischief to the country. I am utterly opposed to this system. I have been in the habit of earning what little bread I have eaten by the sweat of my brow; and all of us who are here in the two Houses of Congress, I believe, earn pretty well the pittance we receive in the form of compensation. When I am at home, like other honorable members of this body, I devote myself to the duties of my profession, and endeavor, with other citizens of the country, to earn an honest livelihood. But I am totally opposed to this system of getting estates by filching from the Government—coming here with enormous claims for a quarter or a half million of dollars, and dividing the plunder with influential and able men, who are supposed to have an influence with this Secretary, or that board of Commissioners. I say that is corrupt; it is of evil example; and therefore I resist this scheme. It is not designed, I know, to be a scheme of plunder, but I venture to say it will result in plunder.

How is this contract to be enforced against Donelson & Armstrong? Suppose we enter into stipulations with them, and they do not choose exactly to perform them: suppose they do not furnish as good paper as the contract requires them to furnish: suppose they do not execute the work in the time stipulated—how is the contract to be enforced? Is it to be believed that a political majority of the two Houses of Congress getting up a contract to support a political organ, will enforce that contract to the ruin of the proprietors of that organ? I say they never will do it; and I will not claim that the party with which I act stands on any higher ground in this respect than the Democratic party. I have lived long enough to understand that there is but little difference between parties in regard to men, although

there is some difference in regard to questions of public policy. We may have different views with regard to the questions whether we should encourage our own domestic industry; whether we should have a system of harbor and river improvements. And if I am a Whig this day, it is simply because I believe that certain measures of public policy are indispensable to the public welfare; and it is not because I believe the Whig party, in general or in detail, is any more pure or any more honest than the Democratic party. I might illustrate this, and show how the two parties act when they give out jobs of this character to political organs.

I referred a while ago to gentlemen for whom I have the highest respect—the proprietors of the *National Intelligencer*. More pure, more honest or excellent gentlemen do not live on the face of the earth. But in the Twenty-seventh Congress, having a large Whig majority in the two Houses, we made an order that the public printer should do the printing at the rates of 1819, with twenty per cent. off. We elected Gales & Seaton printers for the House of Representatives, and Thomas Allen printer for the Senate. We went along very well, until the last day of the Congress, (the 3d of March,)—and I would remind Senators that if any mischief is to be done, it is sure to be done on the 3d of March. There was then slipped into the appropriation bill a provision repealing those rates, and paying the public printers the rates of 1819 in full. This is the history of the matter so far as the political party with which I am connected is concerned. I am inclined to think that I am about as impartial on this subject as any other member of this honorable body; and I sometimes think I am the only man entirely competent to do justice to both parties in this matter. [Laughter.]

I would refer to the case of Thomas Ritchie, who violated his contract in the most outrageous manner. He was a printer, and made his contract with his eyes open; and yet the House of Representatives passed a bill last year, giving him the rates of 1819, with fifty per cent. off. The honorable chairman of the Committee on Printing, for whom I have a sincere respect, has told us that that would have put two hundred thousand dollars into Mr. Ritchie's pocket. So that I think the two parties stand exactly even. It is a neck and neck-race between "Eclipse" and "Henry."

In the Twenty-seventh Congress, we Whigs had a majority. We made an order that the public printers should receive the rates of 1819, with twenty per cent. off. When they accepted the office of public printers under these rates, a contract was made thereby; and I have always believed that we had no right to vote that money. Although I was then a member of the House of Representatives, I was not present at the time. I do not know what might have been done if I had happened to be there. But it so happened, that very urgent professional engagements called me to my home some two or three days before the close of the Congress. Possibly I might have voted for it; I might have been persuaded to vote for it. And this is the way in which these things are usually done.

If we make this contract, Donelson and Armstrong will have money, and a good deal of it, out of the Treasury. Mr. Donelson is a gentleman who has occupied very conspicuous positions in our diplomatic relations; and long before I knew him personally, I was taught, by a perusal of his correspondence with the Government, to cherish sentiments of very high respect for him, as a man of talents and a man of high integrity. If you give these gentlemen this contract, I believe that they will manage it in the same manner that other contracts have been managed. They will intend to do the business with integrity and with fidelity. But, suppose there shall be a defalcation in the paper; if you brought them right up to the mark, it might be ruinous to them. I want to know if a political committee, or a political majority in the two Houses of Congress, will enforce the contract against them in such a case? No, they never will do it.

I have said that this is departmental printing. If the amendment shall pass, we separate the paper from the composition and press-work. There is one fact which I must state here. There is a stipulation in our contract for the Congressional printing, requiring that it shall be done on paper

weighing fifty pounds to the ream. My worthy friend, the chairman of the Committee on Printing, has obtained information which he will excuse me for mentioning: he has heard of cheating among the manufacturers of paper. In modern times they have discovered a mode of introducing some mineral substance into paper to make it weigh some twenty-five per cent. more than the proper materials would weigh. I have no idea that Donelson and Armstrong would buy such paper. But suppose you stipulate with them as you have stipulated with A. Boyd Hamilton, that the printing shall be done on paper weighing fifty pounds to the ream; I have no idea that gentlemen as respectable and honest as I believe Donelson and Armstrong to be would, knowingly, purchase such inferior paper: suppose, however, that it was their misfortune to have such paper, and they actually print the Census returns upon it: suppose when you get the Census returns you should find the weight of the book to be made up of lead or some material improperly intermixed with the paper,—are you going to exact anything from these gentlemen? Are they to be made to stand up to their contract? Would not the condition of the *Union* office then come into view? and would it not be said, We must not suffer our organ to be broken up? You never can enforce such a contract made with the proprietors of a political organ, by a political committee, appointed by a political majority in the two Houses of Congress—certainly to subserve the public interest, not to support the organ. I would not suggest such an idea as that, because it would involve an imputation on the motives of honorable Senators, in which I never indulge.

I am in favor, then, of separating the supply of paper from the composition and press-work, in the printing of the two Houses of Congress, for then printers can stand face to face, and bid on the composition and press-work, the prices of which are well known to everybody. The market prices of composition and press-work are just as well known as the price of cotton in Texas. The difficulty heretofore has been that the contractors have had a vast margin under the head of cheating in paper. If that margin is taken away, it is all that is wanted. If that is done I do not care what you do as to composition and press-work. I would be very well satisfied to distribute that work amongst the various printing establishments in the city; and I am not certain that I would not say that I would allow no one to compete for composition and press-work unless he were a resident of the city of Washington, and had his establishment here: for I wish to keep these adventurers out of this matter. I feel a sincere respect and sympathy for the press here, and am willing myself to do something towards sustaining it. I think that, strictly, the composition and press work ought to be given to the lowest bidder, but if you choose to distribute it among the printing offices here, I will not object; or if you choose to elect a printer to do it, still I have no objection. But I do object to this old corrupt system of enabling men by being elected printers to Congress to make large fortunes mainly by defalcations in paper. It is corrupt in its tendency. It is of evil example. It serves to disseminate in the country the idea that a man can, by undue means, make a fortune out of the Government of the United States. Indeed, our Government has made progress, and I am sorry to say it, in corruption, during the past few years, which should awaken and alarm all good citizens of the country.

When I came into Congress the received opinion among members was, that the expenditures of the Government should, in no event, exceed about twenty-one millions of dollars per annum; and I remember very well that the expenditures by General Jackson's and Mr. Van Buren's administrations, of about twenty-one millions of dollars per annum, during what is usually denominated the Harrison campaign, was held up in contrast with the expenditure of the administration under John Quincy Adams, as being perfectly enormous and in the highest degree corrupt. But what now is the state of things? These expenditures have been carried from twenty millions up to about fifty millions of dollars; and it is a painful duty for me to discharge when I say, what I verily believe, that corruption and extravagance in the Government have increased just about in the same proportion as the increase of our expenditures—more than one hundred per cent. It is

high time that public attention should be called to this matter.

I have already occupied more of the time of the Senate than I intended to occupy; and I am sensible that I have given my views, such as they are, to the Senate in a very imperfect form; but I intended to have gone into the subject of the enormous expenditures under the head of printing—and here I wish to speak of one evil that flows from giving the public printing out to political favorites by a majority of the two Houses of Congress. The tendency of it is, in my opinion, to enhance the amount of expenditures enormously under one party or another. I say that if a majority of the two Houses of Congress arrogate to themselves the power of giving out the printing upon considerations of political favoritism, it influences, in a very considerable degree, the number of copies that are to be printed. When you embark in the matter of political favoritism, avowedly, or if not avowedly, really; when you make a contract under this feeling, is there not a strong temptation held out to the majority to augment unduly the quantity of matter ordered to be printed? I do not say that any such purpose is entertained here in regard to this printing. I do not say that any honorable member of this body would intentionally do any such thing; but I do say that such is the tendency. I believe that this principle of political favoritism has operated heretofore in the procuring of an undue increase of the amount of printing ordered by the two Houses of Congress. Perhaps honorable Senators and honorable members of the House of Representatives have hardly been aware of the presence of the motive in their own minds; perhaps it would not be so with a majority of the members; a considerable number may be in favor of printing a large number of any particular document without reference to any consideration of that character; yet a few, with a view to favor the public printer, a political favorite, might be induced to think that on the whole they would favor the proposition, although, otherwise, they would be opposed to it.

I have before me some statistics in regard to the Congressional printing, which I obtained from the office of the Register of the Treasury. I will not occupy the time of the Senate by going into any details. I wish to give some statistics, and then conclude this branch of my remarks. The aggregate amount paid for the printing of the two Houses during the Twenty-second Congress, the first Congress under General Jackson's administration, was \$142,685 65; for the Twenty-third Congress, \$353,429 18; being a great deal more than double the cost of printing for the preceding Congress; for the Twenty-fourth Congress the amount was \$154,221 17; for the Twenty-fifth Congress, \$218,047 59; for the Twenty-sixth Congress, \$190,824 59; for the Twenty-seventh Congress, \$293,457 38—that was a Whig Congress, and it seems to have gone pretty deep into the Treasury under the head of printing; for the Twenty-eighth Congress the amount paid for printing was \$356,431 65; for the Twenty-ninth Congress, \$259,596 75.

That closed the old system of choosing political favorites to be printers to both Houses. Now we come to the new system. For the Thirtieth Congress, the printing cost \$182,887 12. I have a statement here of what has been paid out of the Treasury for the printing of the last Congress. It is \$125,783 36; but I understand that there is a considerable amount of work yet to be done. Therefore we cannot yet tell what will be the aggregate expenditures for the printing of the Thirty-first Congress. Thus, since General Jackson came into power, the enormous sum of \$2,277,364 40 has been expended in printing for the two Houses of Congress. I do not hesitate to say that every penny of this over half a million of dollars was completely thrown away. We have printed almost everything of which the human mind could conceive, until we were converting Congress into one vast book concern, as our honored friend, the former Senator from Missouri, (Mr. Benton) used to express it.

Now, then, I will admit that we are brought to a period when we ought to consider what we are to do in regard to Congressional printing. I have thrown out these views in a manner which I confess is somewhat embarrassed and imperfect, resulting in a great degree from a weakness of my lungs at the present time, laboring, as I do, under

a cold. Yet I do think that there is in this subject matter that is entirely worthy of attention, and I want my Northwestern friends particularly to consider it. We ask nothing for our State; we are not petitioners here for the assistance of Congress in any form, for improvements of our harbors and rivers, or for appropriations of public lands in aid of railroads. They are asked and demanded, and required in the Northwestern section of our Union, and I stand ready to accord them, and will do so most cheerfully. But to enable us to do it, I demand, and shall insist, on a proper economy in all the Departments of the Government. Where shall we begin? I think some reformation is necessary, and I think the very first thing we should do is to reform ourselves, reform Congress, reform the extravagant and wild expenditure which we have had here. And how are we to do it? Not by making the public printing a matter of favoritism, but by dispensing it, as I conceive, under the provisions of existing laws, though I should like to have such modifications made as I have suggested in these remarks.

What have we before us, Mr. President? and what are the results at which we have arrived? This is not Congressional printing; it is departmental printing. Then I say the number of copies should be specified; and in regard to that, there is a blank to be filled in my amendment. I wish to say a few words on that subject in this place. In 1839, when Congress passed a law for taking the Sixth Census, they made a provision for printing the returns; and they then ordered ten thousand copies of the returns to be printed. Now, what number of copies shall we order at this time? I have great difficulty as to making any order about it, until I know what is the magnitude of the work. If it is to be a very large work, as I believe it will be, I am for a small number of copies. I doubt exceedingly whether we ought to exceed ten thousand. I know we have more States now than we had in 1840. We have added five additional States since that time; we have a vastly larger extent of territory, and a much larger population. Therefore I will not complain if honorable Senators should propose to print twelve thousand copies. In the Twenty-sixth Congress I believe ten thousand copies of the returns of the Sixth Census were ordered to be printed, and in the Twenty-seventh Congress we ordered a compendium to be made, and twenty thousand copies of it to be printed.

I am opposed to any compendium of this census. Blair & Rives obtained a very large and lucrative job in printing the original returns of the Sixth Census; and I hope it was not the purpose of the Whig Twenty-seventh Congress to give a job in the form of a compendium to the *Madisonian* newspaper then printed in this city. That compendium cost a large sum, and I believe it never was of the least practical utility. I do not believe it necessary to print a vast number of such a document as this to circulate all over the country. It will be of no use. Congress must have a proper supply—the Congressional Library, the Departments, the State governments, the leading seminaries of learning, and the literary institutions of the country, should be well supplied. As for putting this census into the hands of a vast multitude of people in this country, it is, in my judgment, utterly absurd and ridiculous. It is of very little use, except to Congress, to enable it to make an apportionment of the members of the House of Representatives among the respective States, and to furnish statistics of the population and of the business of the country. But who are the men who are competent to deal with the contents of the census in this regard? Only statisticians—very learned men, and there are a very few of them in this country. I am perfectly free to admit that I should myself be utterly incompetent for such an undertaking of this sort, although there may be members of this body who may be competent. I would therefore have no compendium—I would print a limited number of copies of this work. My own belief is, that ten thousand or twelve thousand copies will be an abundant supply for the entire country. You ought to have some copies to send to Europe, to interchange with foreign Governments, and perhaps some to send to some of the leading seminaries of learning in Europe.

After we have supplied Congress, the General Government, the State governments, and the va-

rious seminaries of learning, and sent copies to the Foreign Ambassadors, I think we shall have gone quite as far as the public interests require. I am, therefore, for filling up the blank in this amendment, as at present advised, with ten thousand copies; but I will not even object to twenty thousand copies, if honorable members desire that number; but I should be utterly opposed to printing a compendium such as was ordered by the Twenty-seventh Congress, because I believe there is no real practical utility in such a work.

Having demonstrated, as I trust I have, conclusively, that this is departmental printing; having shown that the law of 1842 is now in full force; having shown that that law has worked well, and that all contracts under that law have been performed; having shown that the public treasure has been economized in a very considerable degree by the operation of that law; having shown, as I trust I have, that the public interests in every regard, require that that law should be maintained, and that the law which provides for the printing of the two Houses of Congress should be amended, I ask, upon what principle is it that any one member can rise in his place and demand the passage of the original resolution submitted by my honorable friend from Indiana, and upon what principle can any one object to the amendment which I have proposed, separating the supply of paper from the composition and the press-work and from the binding, and requiring the Secretary of the Interior, with proper securities and under proper supervision, to let out all three matters to the lowest bidder, which I am entirely sure can be done, and will secure this printing more effectually than in any other form which can be proposed?

I was near overlooking one single point. If a majority of the Senate (which I can hardly believe) shall reject my proposed amendment, then I have prepared another amendment, upon which I shall ask my honorable friend from Indiana to reflect, and which I think will meet with his concurrence—that is, to give the composition and press-work to Donelson & Armstrong upon such terms as the committee may think reasonable; but at the same time to require the Secretary of the Interior to contract with the lowest bidder for the paper, and also for the binding of the work. If the proposition I now make shall be rejected, I shall then consider it as settled—so far as a majority of the Senate are concerned—that they are determined to put this work, to some extent at least, in the hands of Donelson & Armstrong, and I shall then feel it to be my duty to make an endeavor to improve the proposition in other modes. In this way, if it shall be the pleasure of the body to patronize the establishment of Donelson & Armstrong, (and I admit that it is a highly respectable one,) it will have a very ample patronage, and a very large and lucrative job to do the composition and press-work. It will be a job which I will venture to say will furnish them with all the supplies which will be required under present emergencies. I have no feeling on the subject. I am simply doing a public duty, and I leave the subject in the hands of the Senate, with the assurance that for one, I intend to acquiesce cheerfully in whatever may be the decision of a majority of this honorable body.

Mr. BRIGHT. I am very anxious that a vote should be taken on the resolution this evening. I have heretofore said more on the subject than I expected to say at the time I introduced the resolution, and yet there is much in the speech of the honorable Senator who has just taken his seat that deserves a reply. Much of it, however, does not meet the question before the Senate. At the time I offered this resolution, my sole object was to secure the performance of a work which I thought would be of great service to the public. I can assure the honorable Senator that I had no such motives in view as he would seem to impute to me. It is true that I named in the resolution which I offered the individuals who were to perform the service. And why? For the reason that, upon inquiry, I ascertained that they were in possession of the materials; that they were so situated that they could go forward with the work immediately, provided they could get a fair price for it. I beg leave to remark, that ever since I have been a member of this body, until this session, I have advocated the contract system, and I only abandoned it when I found that the men we

employed abandoned us, and abandoned their contracts. I have come to the conclusion that it is immaterial what kind of contract we make, or how guarded it may be, we cannot get the work laid on our tables in the manner we contract for it. I was even disposed to tolerate that in view of the repeated decisions of the Senate, so long as it applied to work of an ordinary character. But I was unwilling to see this class of service; I was unwilling to see returns so valuable as I considered these returns to be, printed on the kind of paper and in the manner in which our public printing has been hitherto done. Hence I proposed, in the resolution, that the committee should have a discretionary power; not that they should be absolutely compelled to contract with these parties, but that they should contract with them provided they would make a contract for work upon reasonable terms, done in the manner the committee would require.

Under this resolution, the committee will have enlarged powers. They will have a right to say that they will pay so much for paper, so much for composition, and so much for press-work; and I hope that, if the resolution shall pass, the contract for the paper, and the contract for the composition and press-work will be separate. I believe that, in this way, we shall get the work better done. They have the power to say on what kind of paper the work shall be done, and how much they will give for the composition, and how much for the press-work.

The printing provided for in this resolution is not covered by any general law. That, the committee have already decided and reported to this body. This printing is not disposed of; and the question is, What disposition will the Senate make of it? The gentleman says we are in hot haste; that we are too early; that an effort is made by this resolution to reward a partisan press. The honorable Senator certainly forgets that at the last session of Congress he himself proposed in the Committee on Printing to give this very work to the *Republic*. Hot haste! It was not too early at the last session of Congress to agitate the question.

Mr. SMITH. As the honorable Senator never has attended any of the meetings of the Committee on Printing, I presume he makes the statement that I was in favor of giving the printing of the census returns to the *Republic* on the authority of others. All I have to say is, that the gentleman is entirely misinformed.

Mr. BRIGHT. If I am not correct I hope the chairman of the Committee on Printing will correct me.

Mr. BORLAND. I presume the statement of the Senator from Indiana was made on information received from me. He is mistaken, however, in supposing that I said the Senator from Connecticut proposed to give this printing to the *Republic*. I did say that the Senator from Connecticut was in favor of the proposition made by the Superintendent of the Census to leave the printing to him, and have it executed at that time. Whether he would have had it done at the *Republic* office or elsewhere I do not know. But the Superintendent of the Census did express a wish—and that subject came before the committee—to be permitted to have the printing executed as he might think proper at that time. The committee decided that an arrangement of that sort could not be entered into, because the census bill itself, after providing for the execution of the preliminary printing, required that the report of a plan for publishing the census should be made to Congress at the present session, and that the printing of the census returns should be done as this Congress should direct. Therefore they did not feel authorized to enter into any arrangement, or give their assent to anything of that kind. I then understood the Senator from Connecticut, and I now understand him, to have been in favor of the arrangement proposed by the Superintendent of the Census.

Mr. SMITH. I wish to say a word on this subject. It is very unusual, I believe, to bring into the Senate conversations in the rooms of the committees of this body.

Mr. BRIGHT. I refer for my information to a debate that came up on a collateral question at the last session. I have not the debates before me, but I think that I can turn to them and show that the honorable Senator from Connecticut expressed a preference at that time for giving to the

gentleman who has charge of the Census Bureau the privilege of making a contract for this printing. The inference follows as a matter of course that it would have taken the direction which I indicated.

Mr. SMITH. I do not know what the gentleman may find recorded in the debates of the Senate, as having been said by me, but I know that I never entertained any such view as that. I must also say, in very broad terms, that my friend from Arkansas [Mr. BORLAND] is entirely mistaken. I do not know but that I may have used language from which he properly inferred what he seems to have inferred; but I have never entertained any such views, but have been from the beginning totally opposed to breaking up the contract system. And if I felt at liberty to state to the Senate the appeals which have been made to me by some of my own political friends in this city, proprietors of political presses, or at least of one of them, in regard to this very thing, and in furtherance of the views of the honorable Senator from Indiana—

Mr. BRIGHT. I gave way for an explanation. I hope the honorable Senator from Connecticut will not extend his remarks.

Mr. SMITH. I was not going to extend my remarks further; but I wished to say that if I felt at liberty to bring the matters to which I have alluded before the Senate, nobody would have any doubt with regard to the position which I now occupy, and ever have occupied, on this subject.

Mr. CLARKE. If the honorable Senator from Indiana will give way, I will move an adjournment.

Mr. BRIGHT. I desire to conclude what little I have to say on this subject this evening. I think I see a disposition on the part of the Senate to vote on the resolution this evening.

Mr. DAWSON, Mr. CLARKE, and others. You cannot get a vote to-night.

Mr. BADGER. I hope the Senator will give way. It is now late.

Mr. BRIGHT. I yield.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, January 12, 1852.

The House met at twelve o'clock, m.

The Journal of Friday last was read and approved.

Mr. CLINGMAN. There is, I understand, upon the Speaker's table a bill which has been returned from the Senate with an important amendment. It is the bill making appropriation for the repair of the Capitol. It ought to be acted upon; and if there be any objection, I shall move a suspension of the rules, with a view of taking it up, and in order that we may act upon the amendment of the Senate.

THE LAWS OF NEW MEXICO.

THE SPEAKER. The first business in order is the proposition to reconsider the vote by which the laws of the Territory of New Mexico were ordered to be printed. That being a privileged motion, it must be first disposed of before a motion to suspend the rules can be entertained.

Mr. WEIGHTMAN. I was not, Mr. Speaker, in my place when this debate took place, and when the gentleman from Arkansas [Mr. JOHNSON] made his motion to reconsider the order to print the laws of New Mexico; and I hope if he be not prevented by any important matter of principle from so doing, that he will withdraw his opposition. I am desirous that any suspicion, which may be harbored in the mind of any gentleman upon this floor, in reference to the laws of New Mexico—that they contain anything hostile or anything inconsistent with the existence of the most kindly respect towards the Government and people of the United States—may be discharged by the fullest investigation. The gentleman from Arkansas, [Mr. JOHNSON,] and other gentlemen, are, I believe, mistaken in supposing that these laws have ever been printed. Heretofore the laws of the Kearny code, as it is called, were reënacted in such words as these: "And all that portion of the Kearny code and laws of Mexico, not inconsistent with the Constitution of the United States, and the laws passed by this Legislature, are hereby reënacted." That is all that the gentleman can find upon this subject. They never have

been printed, to my knowledge; and I hope the gentleman will withdraw his motion to reconsider, and allow the laws to be printed.

[A message in writing was here received from the President of the United States, by the hands of his Private Secretary, MILLARD P. FILLMORE.]

Mr. RICHARDSON. This is the first instance, I believe—certainly the first I have been able to find—when the laws of a Territory have been sent here without being printed. It has been the invariable practice of Congress and of this House, from the foundation of the Government to the present time, to send those laws to the Committee on Territories. I know of no very good reason why they have been sent there. I do not recollect any instance in which they have reported upon them. They have been invariably sent there in printed form; and it may be, if we depart from the custom of Congress on this subject, we may see the necessity arise for such action. I think it is necessary that these laws should be printed and sent to that committee, whose duty it is to examine them, and see what they are. I have no doubt, sir, that while you and myself were members of that committee, at a former Congress, that some members of the committee at all times examined the laws passed by the Territories—though few in number—sent to them. Those Territories are now increased; they are remote and distant from us, and their legislation becomes a matter of deep importance to us in some instances. I do not know, and I do not believe, that there is anything improper in the legislation of New Mexico. I do not know such to be the fact in any of the Territories. It is necessary, however, that these things should be brought before the country. Every gentleman should have the opportunity of examining them, if he is disposed to do so; and it may become important hereafter, in relation to another Territory, to which we have given laws, and to which we are bound to give government. I think it is necessary, then, that this motion to reconsider should not prevail; and that those laws should be printed, that they may come before the committee; and that gentlemen here and elsewhere may have an opportunity of examining them, to ascertain what they are. It is true, sir, that in the Territory from which they come, a large portion of the citizens there have but recently been brought into the United States. We have a guardianship to some extent over them; and if we do not expect to find anything wrong or improper in those laws, still it is necessary that we should examine them.

Mr. CLARK. I wish to inquire if this is not resolution day, and whether the regular order of business is not to call the States in order?

The SPEAKER. It is: but this is a privileged question, and must be first disposed of.

Mr. JOHNSON, of Arkansas. I wish merely to answer the question of the gentleman from New Mexico, [Mr. WEIGHTMAN,] and then submit two or three remarks in regard to this matter. I made the motion to reconsider at the last session of this House. I would withdraw that motion to gratify the gentleman, but I believe that the motive which he has chiefly in view is entirely a mistaken one. I have no idea myself, nor do I believe any one else has, that there is anything wrong in the legislation of that Territory. If I thought so, I would be willing to incur any amount of expense that might be necessary to enable this House to correct any wrong legislation there. So far from my motion having any effect in the shape of a reflection upon the legislation of that Territory, it is rather an exhibition of the confidence of this House in its legislation. For these reasons—with all willingness in the world to gratify that gentleman, [Mr. WEIGHTMAN,]—I shall decline to withdraw the motion to reconsider. But to look at the matter of printing itself, I submit to the House, if they will examine the matter, they will find that these laws, when printed, will form a respectable sized volume. Now, I would be glad if any gentleman will inform me how many copies of it will have to be printed. I presume there will be enough printed for every member of this House, and enough extras for the committees to act upon, and still a surplus beyond what will be so required. I am aware of the fact that the Government of the United States has to pay all the expenses of the government of every Territory, and that in paying those expenses, the printing these laws comes in as a part. But they will have to be printed at home.

If we pay a double expense of having them printed again here, there will be but this limited number printed, which will not be sufficient to answer the purposes of home consumption.

Then the only object there can be in incurring this unnecessary expense in printing is this, that we may have perfectly in our power to run through a long list of laws passed by a Territory, the substance of which we can ascertain, in nine cases out of ten, or in twenty-nine cases out of thirty, just by a casual glance at the titles of the laws. Now, this matter has been referred to the Committee on Territories; and I suggest whether it would not be wise for them to run through those laws by their titles, and report back to the House such, which will not be ten at the outside, as they desire to have printed. The House will grant the request at once.

Then where is the necessity for printing all these laws, of such varied character? Almost every member is familiar with the laws of his own State, and with the varied character of the enactments thereof; hence he must see how perfectly futile, idle, and useless it will be to print all these laws of the Territory of New Mexico, with the view to any practical good? If they were never to be printed elsewhere, I would say print; but they are to be printed at home, and it is not necessary to print them here.

Mr. RICHARDSON. If the gentleman from Arkansas [Mr. JOHNSON] will allow me to interrupt him, I will say that the labors of the Committee on Territories are going to be pretty arduous. We have gone far enough to see that. It will take the committee some time to determine what they want printed, if anything. The expense of printing is not very great, and the amount that will be printed will be the usual quantity ordered by the House, for the use of the House. It may become very important, hereafter, that these laws should be printed.

Mr. JOHNSON, of Arkansas. The gentleman refers to the amount of labor devolving upon the Committee on Territories. How long will it take to turn over fifty, sixty, or a hundred pages of manuscript, when there will never, probably, be more than one title upon a page, and look out those acts which the committee wish printed, and report them to the House, without taking the trouble of any deeper investigation?

[Here a message was received from the Senate by the hand of ASBURY DICKINS, Esq., their Secretary, accompanied by several bills, which had passed that body.]

Mr. JOHNSON, (resuming.) The object of printing these laws, then, is merely, as I have stated, for the purpose of enabling the committee to examine them. The amount of labor which they have to encounter, is, as it seems to me, a matter of moonshine, for the honorable chairman of that committee himself says that it is not probable that they will want many of them printed. It is very probable, he says, that they will want none. I never heard of one that was printed by the order of this House from any cause of necessity growing out of their consideration here. It is not necessary to the power of supervision of this Congress over those laws. It is not necessary that we should adopt or that we should approve them. They stand as the laws of this land, unless they are taken up by the House, considered, and rejected. So that we do not have to approve them by any action, and it is only by positive acts that they ever stand rejected. Under these circumstances, it seems to me that every guarantee that is necessary, is left to us for security without printing them at all, if the committee will merely take the pains to run through them. I will say in conclusion, that so far as I have anything to do with it, I am done with it. I am perfectly willing that these laws shall be printed, if it be the desire of the House; and if I had been satisfied that there was a decided majority in favor of it, I would never have made the motion at all.

Mr. CARTTER. The question made by the chairman of the Committee on Territories is, whether we will order the printing, and thus bring before this body the territorial laws of New Mexico. I understand the objection made by him to be based upon pecuniary considerations, chiefly. It is a sufficient answer to that objection, as it appears to me, that pecuniary considerations amount to nothing, comparatively, when contrasted with our position as a National Legislature to the

Territories. It ought not to amount to any consideration. What is our position here? Under the organic law of that Territory we sustain the same relation to it that the President of the United States does to the legislation of this body. It is our duty to examine and approve or disapprove of their legislation. And the proposition is made here to deprive this body of the means of determining its own judgment of approval or disapproval. In the case of New Mexico, I presume that their legislation is squared to the Constitution of the United States—that it is subordinate to the organic law of the Territory.

Mr. JOHNSON, of Arkansas. Before the gentleman goes any further, I will correct him upon one point. No proposition is made to deprive the House of the power of examination into it—not at all. You cannot define it in that manner.

Mr. CARTTER. I define my own ideas in my own language, and when I wish to use a dictionary, I hope the gentleman will permit me to select my own. The proposition is to cut off the printing of these laws, and to shut them up in the archives of a court; and if it is not one to shut them out from the criticism and personal examination of this House, I do not understand the force of a measure. Now, sir, I do not know but they are all right, and, as I have remarked before, in pursuance of and in subordination to the Constitution of the United States and the organic law of the Territory. Whether right or wrong, is immaterial to my position—I do know that this House is the responsible body to know whether they are right or wrong; and I know that the suppression, or the denial of the privilege of reading them—for it amounts to that—is a denial of the privilege of judgment.

Now, to a single remark of the gentleman from Illinois, [Mr. RICHARDSON,] that the Territories are multiplying; that they are measuring greater distances from us; that their relations to us are becoming more interesting, and that these relations are becoming more complicated with the machinery of this Government. And precisely as you multiply their number, increase their distance, and augment the complication of their relations, precisely in that ratio rises the responsibility of this body, and the necessity of a thorough examination of what they do, with a view of preserving the organic law of that Territory. I have no doubt of the ability of the gentleman in relation to monetary affairs; but he will agree with me, that this is but a two-and-sixpenny question of printing. I have no doubt that he has examined all these laws and knows they are all right; but he will not ask us to indorse his opinion. I go for light. I go for displaying them before the American people, that they may know what their infant brethren are about—that we may know it—that we may stand guard over these Territories under the Constitution, and under their organic law; and that if there is anything wrong, it may not be permitted to steal into a precedent, to become an authority, without our knowing it. Let us not shift the responsibility upon the committee in this respect, although that committee is an able one and will perform its duty. I go for printing.

Mr. RICHARDSON. The cost of printing this document will be about \$100. The expense of our deliberation is about \$800 per hour. Upon the score of economy, I just submit the question, whether it is cheapest to have this printed, or to debate it an hour? If I had the chance, I would move the previous question.

Mr. JONES, of Tennessee. I think the true course in this matter would have been to refer the question to the Committee on Territories. That committee could have examined these laws and all the papers accompanying them, and when they make their report back to the House it could be with a recommendation to print the whole document, or such part of it as they thought might be necessary. It is certainly not customary, I think, to print when first a subject is referred to one of the standing committees. I will not consume the time of the House; but I think our true course and best policy would be to reconsider the vote ordering this document to be printed, and refer the question to the Committee on Territories, let them examine the laws, and report back to the House whether it is necessary to print all or any part of them. I ask for the previous question.

Mr. JOHNSON, of Tennessee. I move to lay the motion to reconsider upon the table; which motion was agreed to.

So the motion was laid upon the table.

THE FOUNDATION OF THE ADDITIONS TO THE CAPITOL.

The SPEAKER. The Chair begs leave to state, that at the adjournment on last Monday there was pending a resolution introduced by the gentleman from Pennsylvania, [Mr. McNAIR,] upon the adoption of which the previous question had been called. Is there a second?

Mr. McMULLIN. Let the resolution be read. The resolution was read by the Clerk, as follows:

Resolved, That a committee be appointed to inquire into the firmness and stability of the foundation of the extension of the Capitol now laid, and whether the strength of the stone be sufficient to uphold the superstructure about to be erected thereon.

The call for the previous question was then seconded, and the main question ordered to be put.

The question now being upon the adoption of the resolution, it was put, and there were, upon a division—ayes 107, noes 28.

So the resolution was adopted.

REPAIRS AND RENEWAL OF THE LIBRARY.

Mr. CLINGMAN. I renew the motion to suspend the rules, with the view of taking up the bill from the Senate making appropriation to meet the expenses incurred in consequence of the late fire at the Capitol, which comes back to us with an amendment.

The question being put, the motion was agreed to.

So the rules were suspended.

Mr. CLINGMAN. I think it may be necessary, as the bill provides for an appropriation of money, that I should move to suspend the rule requiring this bill to go to the Committee of the Whole, which I do. I make the motion with a view of having the House pass the bill at once. I understand this appropriation of \$10,000 which the Senate recommends for the purchase of books—

The SPEAKER. Will the gentleman suspend his remarks until the amendment of the Senate is read?

Mr. CLINGMAN yielded.

The amendment of the Senate was read by the Clerk, as follows:

To add as an additional section, the following, viz:

And be it further enacted, That the sum of \$10,000 be and the same is hereby appropriated for the purchase of books for the Library of Congress, to be expended under the direction of the Joint Committee on the Library.

Mr. CLINGMAN. I was about to say that I am informed that, with this sum of \$10,000, and the standing appropriation of \$5,000, they will be able to get those books we are most in need of. Such books can be procured in the course of two or three weeks in the principal cities. In that time, by passing another bill which has come in from the Senate, and I presume is upon our table, making an appropriation of \$1,200 to fit up a couple of rooms by throwing them together, so as to furnish a temporary library room, we can have those books within our reach which we are most in need of. I hope there will be no objection, but that all will concur in that amendment. I have no disposition to speak upon it, but wish that it may pass.

Mr. JONES, of Tennessee. I will inquire of the chairman of the Library Committee on the part of the House, if that committee have examined and approved of this amendment for an appropriation?

Mr. CHANDLER. If I am permitted I will answer the gentleman. We have not examined the amendment, because it was not before the committee at its last meeting. The committee have had a meeting, and have been over with care the list of books. They have selected a large number of daily account amongst the members, but which will cost considerable. The passage of that amendment will facilitate the acquisition of these books, which it will indeed be necessary to procure. They may be procured in a week or ten days. Some less than a week if we had the money.

The question being put, the motion was agreed to.

So the rule requiring this bill to be first considered in Committee of the Whole was suspended.

The question then recurring upon the amendment of the Senate, it was put, and the amendment was concurred in.

HUNGARIAN EXILES.

Mr. STANLY. I ask the unanimous consent of the House to offer a resolution, which I wish to refer to the Committee of the Whole, if objection be made to it.

Mr. FICKLIN. I will inquire what is the regular order of business?

The SPEAKER. The call upon States for resolutions.

Mr. FICKLIN. I call, then, for the orders.

Mr. STANLY. I had the floor before that motion was made, and was recognized by the Chair.

The SPEAKER. The gentleman has a right to move to suspend the rules.

Mr. FICKLIN. I ask that the resolution be read. I have no disposition to object.

The resolution was read, as follows:

A Joint Resolution requesting the President of the United States to inquire into the condition of certain Hungarian exiles now in New York, and providing means for the relief of their suffering should it be found to exist.

Whereas information has reached Congress, that there is great suffering among the exiles from Hungary now in the city of New York, many of whom are believed to be in danger of dying by starvation and the inclemency of the season: therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be authorized and requested to inquire into the truth of said information; and if it appear to be true, that he be authorized to take such steps as he thinks proper to relieve their suffering, until homes can be provided for them, and for that purpose the sum of — thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. STANLY called for the yeas and nays; which were ordered.

Mr. KING, of New York. I desire to ask the gentleman from North Carolina one question.

Mr. STANLY. I will answer no questions from that quarter.

Mr. KING. I will ask the gentleman if he voted for the resolution to receive Kossuth?

Mr. STANLY. These are real exiles, and no humbug.

Mr. RICHARDSON. Is it in order to move an amendment?

The SPEAKER. It is not in order.

Mr. RICHARDSON. I give notice, then— [Cries of "Order!" "Order!"]

The question being put upon the motion to suspend the rules, there were—yeas 46, nays 125; as follows:

YEAS—Messrs. Abercrombie, William Appleton, Barrere Bell, John H. Boyd, Brenton, George H. Brown, Burrows, E. Carrington Cabell, Thompson Campbell, Chandler, Cleveland, Clingman, Conger, Curtis, Disney, Doty, Duncan, Freeman, Goodenow, Harper, Hart, Hebard, Howard, Kuhns, Mann, Humphrey Marshall, Martin, Miner, Henry D. Moore, John Moore, Polk, Robbins, Robinson, Sackett, Stanley, Frederick P. Stanton, Richard H. Stanton, Thaddeus Stevens, Stuart, Taylor, Thurston, Tuck, Walbridge, Walsh, and Williams—46.

NAYS—Messrs. Aiken, Charles Allen, Willis Allen, Allison, John Appleton, Ashe, Averett, Thomas H. Bayly, Bartlett, Bibbighans, Boeck, Briggs, Albert G. Brown, Joseph Cable, Caldwell, Lewis D. Campbell, Carter, Caskey, Chapman, Churchwell, Clark, Cobb, George T. Davis, John G. Davis, Dawson, Dear, Dimmick, Dunham, Durkee, Eastman, Edgerton, Edmondson, Ewing, Faulkner, Ficklin, Fitch, Florence, Fowler, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Giddings, Gilmore, Gorman, Grow, Hall, Hamilton, Hammond, Isham G. Harris, Hascall, Haven, Hendricks, Henn, Hibbard, Hillyer, Houston, John W. Howe, Hunter, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kurtz, Letcher, Lockhart, Mace, Edward C. Marshall, Mason, McLanahan, McMullin, McNair, Meade, Millson, Morrison, Murphy, Murray, Nabers, Newton, Olds, Orr, Outlaw, Andrew Parker, Pensley, Penn, Perkins, Phelps, Powell, Price, Rantoul, Richardson, Robie, Ross, Savage, Schoolcraft, Scudder, Scurry, Origen S. Seymour, Skelton, Smith, Snow, Benjamin Stanton, Abraham P. Stevens, Alexander H. Stephens, St. Martin, Stratton, Sweetser, George W. Thompson, Townshend, Wallace, Ward, Washburn, Watkins, Welch, Addison White, Alexander White, and Wilcox—125.

So the motion to suspend the rules was disagreed to.

[At the request of Mr. STANLY, the reporters insert the following article from a New York paper, as the information to which he referred. The rules not having been suspended, he had no opportunity to bring the evidence before the House:]

"THE HUNGARIAN EXILES.—We are assured on all hands, that there is exceedingly great suffering among the exiles from Hungary, now in this city; and they present a claim for the sympathy of our fellow-citizens, which should not go unheeded. Every man of them is willing to labor if the opportunity offers; and we know a Magyar noble of high rank, who after struggling for months to prevent starvation and avoid beggary, boasts that he now earns in a hat factory, twenty-seven cents a week more than his

board! Yet he is one of the most fortunate among his countrymen—many of whom are suffering incredibly.

"It has been suggested, and we think wisely, now that it is apparent to everybody that nothing can be done for Hungary, with the funds recently raised here, that the committee get together and call upon the donors; through the press, for permission to use this fund for the benefit of the suffering Hungarians in our midst! This is feasible, practicable, and wise; and this should be done. Not one dollar of the sum raised can be used in Europe; and this is fully demonstrated by the recent usurpation in France. We hope, therefore, that the committee who has charge of this fund, will ask permission of those who contributed it, to use it for the relief of the really suffering Hungarians in the United States, instead of squandering it upon so visionary a project as the creation of a revolution in Hungary. Every member of the committee well knows, that it cannot be used for the benefit of Hungary, except in aid of her suffering children in America; and we therefore entreat of them to strive and appropriate it, with the sanction of the donors, to this praiseworthy object, instead of leaving it to be squandered hereafter, in some reckless and futile attempt to disturb the peace of Europe. Even Kossuth, now that he sees what has occurred in France, with the sanction of the French people, should counsel this proceeding.

But one thing is certain,—there is suffering in our very midst by the exiles from Hungary; and it is the duty of those who possess the means, to extend to them the aid they so imperatively require, to prevent death by starvation and the inclemency of the season.]

Mr. WALLACE. I ask the unanimous consent of the House to offer a resolution.

Mr. FICKLIN. I insist upon the regular order of business.

The SPEAKER. The gentleman from Illinois [Mr. FICKLIN] objects to the introduction of the resolution.

Mr. WALLACE. Then I move a suspension of the rules.

The resolution was then read for information, as follows:

Resolved, That the papers in the invalid pension claim of Hamilton Carroll, of South Carolina, be withdrawn from the files, and referred to the Committee on Pensions.

Mr. FICKLIN. I withdraw my objection to the resolution.

The question was then taken, and the resolution was agreed to.

Mr. STANTON, of Ohio. I call for the regular order of the day.

BOUNTY LANDS.

The SPEAKER announced, as the regular order of business, the resolution submitted by Mr. Aiken, when the States were last called for resolutions, which had been amended so as to read as follows, viz:

Resolved, That the Committee on Public Lands be instructed to inquire into the justice and propriety of allowing bounty land to the Washington Light Infantry, Washington Volunteers, German Fusiliers, and Hamburg Volunteers, of South Carolina, who were engaged in the Florida war, and were discharged before the expiration of one month from the commencement of their term of service; and that the accompanying papers be, and are hereby, referred to the said committee; also, all those persons who were engaged in the removal of the Cherokee Indians west of the Mississippi river, from 1835 to 1838; and also, the Vermont Volunteers who were engaged in the battle of Plattsburg."

The pending question when the House passed from its consideration being upon agreeing to the following amendment, submitted by the gentleman from Massachusetts, [Mr. FOWLER,] viz:

"And also the soldiers of the revolutionary war who served less than six months, and more than one month."

The question was then taken upon the amendment pending, and it was agreed to.

The question then recurring upon the adoption of the resolution as amended, it was taken and agreed to.

So the resolution as amended was adopted.

REPORT ON THE COAST SURVEY.

Mr. GORMAN. I offer the following report from the Committee on Printing:

The Committee on Printing, to whom was referred the subject of the Coast Survey, have directed me to report the following resolution:

Resolved, That there be printed for the use of the House of Representatives five thousand copies of the Coast Survey report, and one thousand for the use of the Superintendent of the said survey.

Mr. EVANS. I move to amend that resolution, not by increasing the number of copies, but by dividing them equally, so as to make three thousand for the use of the House of Representatives, and three thousand for the Superintendent of the Coast Survey. If I were to make my motion, the House of Representatives should have one thousand, and the Coast Survey the other five thousand. I apprehend it will be a much better disposition than that proposed by the honorable chairman of this committee. A very injudicious use is com-

monly made, by the members of this House, of documents of this kind. In the first place, many are distributed where there is little demand for them, and a great many go into the interior of the country, where they excite but very little interest, and certainly where they are of very little use. Now, the officers of the Coast Survey, upon the contrary, know precisely where they can be used for the best interests of the country. Having no possible object or motive to distribute them in an improper quarter, it is just and right that the larger quantity should go to that office. I think, however, that the committee should have reported in favor of a larger quantity of this document. It contains a larger quantity of valuable matter than it has contained in former years; and that matter of a different character and description. At the last session of Congress the special Committee on Printing reported in favor of printing six thousand extra copies of this document; three thousand, perhaps four thousand, of which were to go to the Coast Survey. That report was so amended by this House as to increase the quantity to ten thousand. The Coast Survey report of this session contains a great variety of valuable matter, not contained in the report of last year. There are a large number of geographical positions contained in this report. Of these, I think, there are about three thousand positions, and a large number of points upon the coast of the United States; the latitude and longitude of which are important to be known to navigators. It is equally important that these positions should be communicated to merchants and sea-faring men, and all who are engaged in the commercial transactions of this or any foreign country. On this account, therefore, I had hoped that the Committee on Printing would increase the number of copies to more than six thousand. I protest against the distribution made by this House of five thousand to the House, and one thousand to the Coast Survey. I ask the House to content itself with three thousand copies, and let the other three thousand go to the Coast Survey. There will be no inpropriety in this course. If we get three thousand, it will be a sufficient number for distribution to all of our constituents who are interested in the report. The Superintendent of the Coast Survey, and all of the officers engaged in the survey, will make a much better distribution of the three thousand copies that will be allowed them, than we can possibly make. I move an amendment, then, that three thousand be printed for the use of the House of Representatives, and three thousand for the Coast Survey.

Mr. FULLER, of Maine. Is it in order to move an amendment to the amendment?

The SPEAKER. It is.

Mr. FULLER. I move to make the number ten thousand.

Mr. EVANS. I accept the amendment.

Mr. FULLER. The expense of this Coast Survey to the Government was over \$300,000. This report, as I understand it, is the legitimate fruit of that expenditure.

Mr. GIDDINGS. I rise to a question of order. This debate is out of order, and I call the attention of the Speaker to the 26th rule of the House, and also to the 21st joint rule. The 26th rule provides that the whole of this day shall be appropriated to the reception of resolutions. The 21st rule provides "that it shall be in order for the Committee on Printing to report at any time." Now, I regard it as a violation of the rules entirely to occupy this day in discussing reports of that committee. The report will lie over, and certainly it is not in order to occupy the day appointed to resolutions in the discussion of reports.

The SPEAKER. The Chair does not recollect what the practice of the House has been upon this subject. The joint rule of the two Houses provides "that the Committee on Printing may report at any time." It makes no provision in regard to the discussion or disposition of the report which they may make. The rules of this House appropriate this day to the calling of States for resolutions. The Chair was under the impression that the joint rule would be controlling, and that the authority to report carried with it the authority to dispose. The Chair thinks that is the proper construction of the rule, and that it is in order to dispose of the report thus made.

Mr. GIDDINGS. For the purpose of testing the sense of the House, I take an appeal.

The question was then taken, and the decision of the Chair was sustained.

Mr. FULLER said: I deem this document of vast importance to the whole country, indeed, of more real value than perhaps two thirds of the documents annually ordered to be printed by Congress. Three hundred and twenty thousand dollars was appropriated the past year to defray the expense of the Coast Survey. This work now proposed to be printed, is the *legitimate fruit* of that expenditure; and not to occupy too much of the time of the House, the following points will show the importance of publishing a larger number of copies of the annual report of the Superintendent of the Coast Survey than has heretofore been done:

1. It will give two thirds the work of the season, and most of the work of former seasons.

2. Sixty-five sketches will accompany it, forty of which will be charts for the navigator, eighteen sketches will relate to the western coast, and thirteen sketches will show sites for light-houses, &c.

3. It will give a list of 3,240 geographical positions, the first ever published, and bringing the work down to July, 1851. This list will not be published again for several years. Hence the necessity of a large supply for the Coast Survey office.

4. It will present the methods of copying plates by the galvanic battery, pursued in the Coast Survey office, showing the numerous improvements that have been introduced. Plates can by this process be made in eight to ten days, which take years to engrave.

5. There will be a large amount of geographical information embodied in this report.

Another, and additional reason, which gives increased importance to this report is, that by act of Congress approved March 3d, 1851, it is made the duty of the officers in charge of the coast survey, to examine and report upon light-houses, beacons, buoys, piers, &c., &c.—information which has been greatly desired—and this report contains valuable information upon that branch of the service. If no more than five thousand copies be printed, the share which would be assignable to me, will not supply the academies and public libraries in my district with a copy.

It interests alike the Atlantic coast, the Pacific coast, and the great lakes of the North and the Northwest.

Every man can refer to the coast survey with just pride, as a standard and scientific work, alike creditable to our own Government and the age in which we live.

As it is a work in which the navigating and commercial interests of my district and State have a deep interest, I hope the amendment will prevail.

Mr. STANTON, of Tennessee. I think there is nothing of a domestic character in which this Government is engaged, or which this Government ever does, that is more important to some of the greatest interests of the country, than this very work known as the Coast Survey. The present report, combining the results, and the very important results of the operations of many years, is perhaps more important than any report ever before published, and contains more useful information of a practical kind. Under these circumstances, it struck me with some little astonishment that the Committee on Printing should not be willing to give the usual number of extra copies.

It has been stated that the engravings or sketches contained in this report are sixty-five in number. Now, it ought to be known to the House that all the engraving has been done by the Coast Survey itself, and that there will be no expense for engraving consequent on the printing of this extra number. They have done it by the galvanic process, as is known to every gentleman here who has taken the trouble to inquire into the matter. That expense, therefore, will not be attached to this printing. The expense of these additional copies will merely be for the paper and press-work—a very inconsiderable amount. When we consider the mass of printing, of a very different character to this, that is performed at the public expense, I do not see any good reason for reducing the number of extra copies usually ordered.

I am informed by the Superintendent of the Coast Survey, that these reports have been so much in demand, that parties endeavoring to

make up a complete set, have offered very considerable sums for a single report, and in some instances been unable to obtain it. This fact is sufficiently indicative of the value of the work, and of the great demand for it by a certain class of the people of the United States.

I hope that the amendment just offered by the gentleman from Maine [Mr. FULLER] will prevail, and that the House will not, at this time—a more important occasion than has ever before occurred in the progress of this work—reduce the usual number of copies.

Mr. VENABLE. I simply rise to add my testimony to that of the gentleman from Tennessee, [Mr. STANTON,] who has just taken his seat, as to the great importance of this work, and of diffusing it widely through the country. I should be ungrateful to the Coast Survey, and to the gentlemen conducting it, if I did not recognize and acknowledge the vast importance it has been to the coast of North Carolina, not only as regards the safety of our navigation, but also with reference to the reduction of the insurance on the cargoes of vessels, and on the vessels themselves, and the convenience of all who are engaged in the commerce of our coast; all of which has been secured by the faithful, able, and diligent work of the Coast Survey.

I know of no document which will be published during the whole session, which has a higher claim to be generally diffused and circulated throughout the United States, than this.

I hear gentlemen say that they represent inland constituencies; that the ocean touches no part of their districts; and that they have, therefore, no use for this work. I should be much indebted to those gentlemen if they would give their copies of it to me. I found no document which I received during the last Congress, so desirable, so much coveted, or so frequently sought after as this, and I trust that if we amend the resolution at all, it will be to increase the number. I shall vote with great pleasure for the highest number proposed, because it will diffuse throughout the whole country an amount of information which can be obtained nowhere else, and which is of great value.

The reason why this work is so valuable is, that it is based upon certainty. The coast surveys heretofore have been mere nautical surveys and nautical charts, but here we have geodetic surveys. The topographical surveys are made with reference to the actual shape of the earth; the hydrographic surveys presume the earth to be a plane, and being based upon that presumption, although the chart may be accurate with regard to a single port, it must mislead you when that chart is compared with the chart of another port. In the present surveys, the hydrographic are taken by the Navy, and the topographical by the Engineer Corps of the Army. These surveys having reference to the shape of the earth—to use a phrase of surveyors—the plats will meet, and if all the surveys are laid together, you will find that they represent precisely the spheroidal shape of the earth.

This work has been prepared by gentlemen well qualified by scientific attainments to give us valuable information. We have a sea-coast extending from the mouth of the Rio Grande to Maine; a coast, too, upon our lakes; and it is of the first importance to our navigation and commerce, that the whole of it should be fully understood, with that certainty which can only be attained by surveys. I hope, therefore, that this information will be diffused throughout the whole country.

Mr. HOUSTON. The gentleman from Maryland, [Mr. EVANS]—as well as some of the other gentlemen who have addressed the House upon this subject—is, I think, mistaken as to the action of the House heretofore. I understand the gentleman from Maryland to say that at one or other of the sessions of the last Congress, there were some three or four thousand copies given to the office of the Coast Survey. Now, at the first session of the last Congress the Committee on Printing reported to the House, that four thousand five hundred extra copies should be printed, and that five hundred of them should be given to the office of the Coast Survey; and the House agreed to that report.

Mr. EVANS. The gentleman misunderstood me. I did not say that the Coast Survey had four thousand copies, but that the committee reported

in favor of four thousand copies, and that the House increased it to six thousand copies.

Mr. HOUSTON. I understood the gentleman to say that they increased the number to six thousand to be divided equally between the House and the Coast Survey office.

Mr. EVANS. Oh no, I did not say that.

Mr. HOUSTON. I am not speaking of the gentleman's proposition, but of his argument.

Mr. EVANS. The gentleman misunderstood me. I said that the House increased the number to six thousand. I am in favor of ten thousand now.

Mr. HOUSTON. At the first session of the last Congress, the House did not increase the number reported by the committee, but adopted the report of the committee, ordering the printing of four thousand five hundred extra copies—five hundred of which were given to the office of the Coast Survey. At the second session of the 31st Congress, I find by the Journal that the committee reported that six thousand extra copies of the report of the Superintendent of the Coast Survey be printed—five thousand for the use of the House and one thousand for the Coast Survey office. So that instead of the Committee on Printing having now departed from the usages of the House, they are in fact conforming to those usages more strictly than we should be if we agreed to this amendment.

In deciding on these propositions to print, we are not only called upon to consider the direct and immediate expense of the particular item of printing; they involve considerations of a much higher character.

Mr. FULLER, (interrupting.) Can the gentleman state what will be the expense of this extra printing?

Mr. HOUSTON. I do not know what the expense would be, and I am not going to argue upon that subject. I intended to present this view to the House: that on a proposition of this sort, we have only to refer to the legislation of Congress heretofore to see how all these things grow and increase. The expense at this or the preceding Congress may be too small and trifling to occupy our time for consideration or investigation, yet these things grow and enlarge until after a while they become so large as to be serious items—as in the case of the orders to print the Patent Office reports. As a proof of this, gentlemen have only to look at the contingent fund of this House for printing, which has increased within the last few years from fifty thousand or seventy-five thousand dollars, to nearly three hundred thousand dollars. Why is this? How has it been brought about? It is because these various small items are presented to us, which we readily adopt, and then they go on enlarging session after session, until finally they become serious items of expenditure.

There is another consideration involved in this proposition. Gentlemen tell us that these members who represent interior districts and whose constituencies are not, therefore, so deeply interested in these documents, can hand them over to those who represent constituencies on the seaboard. It is very true that they could do so. But is that the object of our legislation? Are we to make appropriations for the printing of large numbers of documents which do not—according to the confession and admission of the gentlemen themselves—interest all parts of the country? If it is true that all parts of the country are not interested in this document, then the number reported by the committee is large enough.

I am informed that the Senate have ordered ten thousand extra copies of this report of the Coast Survey to be printed, and, if I am not mistaken, five thousand copies go to the Coast Survey office; and yet it is proposed here to give several thousand copies more to that office. How many copies of the report of the Secretary of the Treasury do you give to that officer to distribute? How many copies of their reports do you give to the officers of the other bureaus and departments of the Government for distribution? None at all. Not a copy. But this is to be an exception to the general rule; and, singularly enough, that exception is attempted to be applied to a document which is admitted by the friends of the proposition to print a large number, to be uninteresting to a large portion of the people of this country.

My object in rising was more particularly to bring before the House the facts to which I have

referred as having occurred in the last Congress, and you will find the same in previous Congresses. I do not intend to investigate or discuss here the merits or demerits of this Coast Survey. I am willing to acknowledge its merits; but while I do that, I do not feel called upon to go further than the committee have gone in the printing of extra copies of the report.

Mr. STEPHENS, of Georgia. I think that all the copies of this report that are ordered to be printed—and I am not now going to discuss the propriety of the number—ought to be left with the Coast Survey for distribution to those persons who may want them. The gentleman from North Carolina [Mr. VENABLE] says that this document is very much sought after in his district. He represents an interior district, I believe, and so do I, and I can say that the document is never sought after from me, in my district, although I do not doubt that it is much desired in some of the districts of the country—those along the coast. It is but a waste of money to give me a number of these documents to distribute. I know not to whom to send them. Persons wanting them do not write to me for them. Now, if they are all left in the Coast Survey office, they can distribute them in the best manner. I, therefore, heartily concur in the suggestion of the gentleman from Maryland, that at least half of whatever number we order should go to the Coast Survey, and if it was in order I should move that the whole of them should go to that office.

Mr. HAMMOND. It is not my purpose to oppose either the resolution offered by the chairman of the Committee on Public Printing, or the amendment. But I do desire to know what it is I am about to do, and I desire the House to know what it is they are about to do. Now, I wish to know from the gentlemen who compose the Committee on Public Printing, whether they intend that all the plates and charts that accompany this report of the Superintendent of the Coast Survey shall be printed? This is a question which will come up appropriately on the report of the Committee on Engraving. It may seem extraordinary that there should be any doubt whether the charts which accompany this report are to be printed with it, but it will not seem so extraordinary when gentlemen are reminded that they refused, the other day, to publish the maps from the Commissioner of the Land Office showing the public lands that have been surveyed, and the character of those lands—whether swamp or mineral, or of what character—maps which are certainly as important as these charts. These charts are no more interesting to our constituents upon the sea-board than were these maps which the House refused to publish the other day to our Western settlers and to all who are migrating to the West.

But it has been said by the gentleman from Tennessee, [Mr. STANTON], that this engraving has already been done, and that no additional expense will be incurred except that which pertains to the press-work and paper. It is very true that these charts have been engraved upon copper, but to publish the large number of extra copies which will be ordered, in time to be of any use to the House during the present session, the impressions will have to be transferred from the copper to stone, and the expense of that transfer will be added to the expense of the printing and paper, which by itself will be a material item in so large a number of copies as five or ten thousand. Yet I suppose it would be as extraordinary to imagine that any person could understand this report without the charts as it would be to expect that a child could learn geography without an atlas. The House need not be surprised, if they pass this resolution intending the charts to be published, if six or seven thousand extra copies should cost at least upwards of \$2,000.

Mr. MEADE. It seems to me that to carry out the policy that governed us in ordering this printing, some steps should be taken to secure its fruits. I agree with the gentleman from Georgia, [Mr. STEPHENS], that the distribution of these works among the members of Congress is of very little use, and does not answer the purposes for which they should be published, and that is to improve the commerce and facilitate the trade of the country. If we intend to appropriate to ourselves any benefit that may be derived from the work of these officers, we should distribute their reports among the owners of vessels. Let every

vessel of so many tons burden, for instance, be furnished with a copy, to belong to the vessel as an appendage to it. In that way we may realize the fruits of this labor, but not by distributing four or five thousand copies among the members of Congress, most of whom live in interior districts, where the work cannot be appreciated and will be of no service. I thoroughly agree with the gentleman from Georgia, that it will be a work of supererogation; and so far as I am concerned, though I represent a district that has some connection with the sea-coast, I should be perfectly satisfied to have only half a dozen copies or so to supply some few individuals, while the residue of the copies should be deposited in the Coast Survey office for distribution.

But the only question with me is whether it is competent for Congress to expend money for this purpose; and while the gentleman from Georgia was addressing the House upon this subject, it occurred to me that if we did not think proper to order this work to be distributed among the navigators of the United States, we might, at least, place it in such a condition as to enable them to obtain it by adopting the policy which is usually pursued by the State governments in reference to the publication of the decisions of their courts of appeal. In my own State, so many copies of those decisions are ordered to be printed at the public expense, and then a sufficient number is also printed to supply the practising attorneys throughout the Commonwealth, and others who may want them, at the cost of the work.

I am not particular in relation to the manner in which this thing shall be done, or whether it shall be done entirely, or only in part at the expense of the Government; but as the publication is to be made, as the printing is to be done, as the copies are to be furnished, and as they must ultimately be paid for out of the Treasury of the United States, let us adopt that mode by which the country can reap the most benefit—that is by causing the distribution of the work among those who are engaged in navigation. Let the work be distributed along the coast where it may be useful. It can be of no service to gentlemen residing in the interior of the country, except to some few literary men who would make this study a matter of amusement. Generally speaking, it would be of very little service to any other class of our citizens but commercial men and navigators.

Now, inasmuch as to secure the object at which I have hinted, it would be necessary to draft this resolution more particularly with reference to that object, I should prefer that the subject should be passed over for to-day, so as to afford members an opportunity of preparing amendments, which would secure the object which we all have in view—to make such a distribution of this work as will enable those most interested in it to derive most profit from it. I suggest to the friends of the measure, the propriety of passing it over for the present.

Mr. STANTON, of Kentucky. I should regret exceedingly to see this resolution disposed of in the manner proposed by the gentleman from Virginia, [Mr. MEADE], or in any other way which would produce the slightest delay. The eminent gentlemen who are at the head of the Coast Survey, are very anxious that the resolution should be adopted. They have appealed to me to urge its passage, that the work may be in a state of progress as soon as possible; and surely if we intend to give to the country the benefit of so important a report, we should do it immediately.

As a member of the Printing Committee, I have had an opportunity of learning the wishes of the gentlemen having charge of the Coast Survey, in regard to the printing of these extra numbers of the report. They ask for ten thousand copies. In view of the interesting and valuable character of the work, I do not think this number too many. It differs materially from the report of last year, because it contains highly important and valuable information not contained in other reports. It brings the work down to July, 1851, and embodies a variety of geographical and other valuable facts connected with the work, and interesting and important to the country, never before published. By the aid of the gentlemen having charge of the Survey, I am enabled to afford some idea of what the report will contain:

"It will give two thirds of the work as it has progressed the present season, and nearly all of former seasons.
"It will contain sixty-five sketches, forty of which will

be charts, valuable for purposes of navigation; eighteen will relate to the western coast, and thirteen will show suitable positions for light-houses, &c.

"It will give a list of three thousand two hundred and forty geographical positions, the first ever published. This list will not again be published for many years.

"It will embody a large amount of geographical information.

"In addition to the foregoing, it will present the mode adopted by the Coast Survey of copying plates by the galvanic battery, and exhibit the numerous improvements which have been introduced into this process. In eight or ten days, plates may be made by this mode which would take years to engrave."

These constitute many of the important features of the report, and when properly appreciated, as I trust they are by the House, will be sufficient to justify the publication of the number of copies asked for.

"The gentleman from Maryland, [Mr. HAMMOND,] is disturbed by apprehensions that some enormous expense for plates is to be incurred, over and above the press-work and paper. I can relieve him from all fears in relation to that part of the subject. If I understand correctly, the distinguished scientific gentlemen at the head of the Survey, have devised a plan by which plates may be made, through the instrumentality of the galvanic battery, much more easily than was ever known before. In eight or ten days may be accomplished by this process, what hitherto has been the work of years. These plates are all made. They are to be transferred to stone by the gentlemen of the Coast Survey, and nothing then will remain to be done but to take the impressions. The preparation of the plates is therefore a work already accomplished by the Government officers, and need not cost an additional cent to what has already been expended. Impressions can be taken from the stone at the inconsiderable cost of less than one and a half cents per sheet, indeed at the rate of fifty for sixty-five cents. So my honorable friend from Maryland will perceive that all his apprehensions in regard to the enormous expense referred to, are without foundation.

But why is the larger number of ten thousand copies of this report objected to with so much vehemence? Are they more than the country requires or can find use for? We are told that the operations of the Coast Survey for the last year cost the Government about \$300,000. Is this a useless expenditure? No gentleman will hazard his reputation for intelligence, by declaring it to be so. If it is important to expend so large a sum of money to obtain hydrographical and topographical information of the condition of our immense line of coast, then surely it is important that that information should be given to the public. Do gentlemen desire that the labors of the Coast Survey shall be known only to those who make them? The whole world is interested in the results of this immense scientific undertaking. It is one, hitherto unequalled by any similar enterprise in the history of nations; and having achieved so much at such immense expense, I am not willing that its benefits should be lost to the world on account of the expense to be incurred by publishing them.

The honorable gentleman from Alabama, [Mr. HOUSTON,] who is at the head of the Finance Committee of the House, opposes the amendment increasing the number of copies to be printed, for a reason which I deem of but very little force indeed. He takes the position, that the expense of printing this report ought not to be incurred, because the aggregate of expense for printing each year has been gradually growing larger. Does not the gentleman know, that with the increase of territory has come an increase of population, and as our population has increased, so, also, has increased the intelligence of the country? Is it, then, wonderful that with the growth of population and intelligence of the country, our printing expenses should grow upon us? Every day's progress makes necessary additional expense in this particular. The advancing character of the very work upon the Coast Survey creates the necessity for increased expenditure in the publication of its report. The last report was but a small pamphlet; the report this year will embrace four hundred pages, and will be a good sized book well bound. And why has the report grown to such a size? Why, sir, the work has been advancing with great rapidity and success, and the material for the report has accumulated in due proportion. As a member of the Printing Committee, I opposed the number named in the report of the chairman, because I considered it too small. I advocated in

committee, and am now in favor of printing the number contemplated by the amendment of the gentleman from Maryland, [Mr. EVANS.] It is idle to say, that the information to be derived from the report is only interesting to citizens upon the sea-coast. This is a great mistake. In the distribution of those printed by the House last year, about thirty fell to my share. They were sent to my residence after the adjournment; and even there in the distant West I found gentlemen—men of intelligence and science, eager to get possession of them. I had no difficulty in distributing them. Should the ten thousand copies be published, it will afford to each member not more than forty copies each; and there is no district in the Union where that number may not be usefully sent. Besides the demand which exists in our country with men of science and others interested in the progress of the Coast Survey, I understand many applications have been made to the Superintendent from scientific men in other countries, for copies of this work. It is not surprising that a work of so much importance should attract the attention and elicit the interest of distinguished men abroad; and we should be proud that it is so. But it is a matter of regret, that on account of our niggard policy in this matter of printing, the distinguished head of the Coast Survey has heretofore been unable to supply the demands made upon him for copies of his report, from other countries. I trust now, sir, we shall place it in his power to furnish all that may be asked for. The Senate has considered the work of importance enough to justify the printing of ten thousand extra numbers, and I hope the House will order an equal number.

Mr. CAMPBELL, of Ohio. I rise for the purpose of moving the previous question. Before doing so, however, I desire simply to say, that there is a great defect in the distribution of all these public documents. I represent an agricultural district, and I do not care to have a single copy of the Coast Survey to distribute in my district, and have no demand for them. It is true, if I were to take a large number of bound volumes of reports of any description into my district, and announce publicly that they were there, I should have a great number of gentlemen calling upon me for them. But the great demand in that district is for the agricultural branch of the Patent Office report. While, therefore, I am ready and willing to vote for any reasonable number of copies of the Coast Survey, I should prefer that the whole number ordered should be given to the officers connected with that bureau for distribution, believing that the distribution would be more judicious by those officers than it could possibly be done by the members of this House. There are members here representing districts intimately connected with the subjects treated of in this report, and who will need a good many copies for distribution; but of course they can get them by calling upon the officer to whom they shall be given. I would, therefore, prefer that this resolution should be put in such a shape as to leave the distribution of these reports entirely to the officers connected with the Coast Survey.

Mr. FULLER, of Maine. Has the gentleman no academies and public libraries in his district?

Mr. CAMPBELL. The gentleman inquires if we have no schools and public libraries in my district? We have. And I took occasion during the last Congress to exhibit the number of schools and academies in that district; but if I wish any document of this kind to send to any academy, college, or public library, I have always found the officers of the Coast Survey ready and willing to supply me with anything under their control. If, therefore, it is the wish of the House to print this document, and distribute it among the members, I shall propose to some gentleman—for instance, to a gentleman representing some portion of the city of New York whose constituents do not care about knowing the best method of raising wheat, or what kind of soil is best adapted to the culture of corn—I say, I shall propose to him to exchange my portion of the report on the Coast Survey for copies of the agricultural part of the Patent Office report, which will be of use to my constituents.

Mr. MILLSON. As the gentleman from Ohio [Mr. CAMPBELL] has indicated his intention to move the previous question, I desire to say that I am in favor of the suggestion of that gentleman proposing that all the copies of this document

shall be given to the Coast Survey. I wish to inquire whether the gentleman from Georgia [Mr. STEPHENS] did not move that as an amendment?

Mr. STEPHENS. I did not. There was already an amendment to the amendment pending, and it was not in order.

Mr. MILLSON. I did not so understand it. I understood that the gentleman from Maryland [Mr. EVANS] accepted the amendment of the gentleman from Maine, [Mr. FULLER,] and therefore it would have been in order to move an amendment to the amendment. I would suggest to the gentleman from Ohio, [Mr. CAMPBELL,] that before he calls the previous question, he should move an amendment to the amendment giving all the copies which the resolution provides for printing to the coast survey, for distribution.

Mr. CAMPBELL. That is my purpose. Then if gentlemen desire any copies for distribution among their constituents, by calling upon those officers and leaving the names of the persons they wish to send them to, they will be sent. For myself, I do not want a solitary copy, unless institutions of learning in my district desire them; in which case I can obtain them as I have indicated. If it is in order, therefore, I now move an amendment to the amendment so as to provide that all the copies of that document which the resolution provides for printing shall go to the Coast Survey for distribution. I make that motion, and upon it I call the previous question.

Mr. CARTER. Will my colleague withdraw the demand for the previous question for a moment?

Mr. CAMPBELL. Will the gentleman renew it?

Mr. CARTER. I will renew it if the gentleman desires it.

Mr. CAMPBELL. Then I withdraw my call.

Mr. CARTER. I am opposed to the amendment offered by my colleague, [Mr. CAMPBELL,] for the simple reason that I believe that the gentlemen who represent this nation in its various districts upon this floor are fully as capable of distributing this information as a clerk in the Coast Survey office. That is my humble opinion upon the subject.

Mr. CAMPBELL. Will my colleague allow me to ask him a question?

Mr. CARTER. By all means.

Mr. CAMPBELL. Does not the gentleman believe that we should be able to get as many copies from the Coast Survey as we desire?

Mr. CARTER. I will answer that in my regular course of remark. We have learned by the mover of this proposition that the number of forty copies are given to each Congressional district in the United States; and this enormous number of books seems a subject of great burden to my colleague. He does not know how to dispose of them all in the great "Butler" district. We are told, at the same time, that this document brings to light the minute geography of our coast, hitherto unexplained in the geographical books of the country. This is another item.

Mr. CAMPBELL. Will the gentleman allow me one word? I do not pretend that my constituents of the Butler district are very desirous of entering into all the minutiae of the coast survey business; but I doubt whether the gentleman's constituents, notwithstanding he may have sent his forty copies among them, have ever read a single copy. I doubt very much whether my colleague himself ever read one entire, and I put that question to him, whether he ever did read one? I confess I never have, for I feel no interest upon the subject.

Mr. CARTER. I hold that no gentleman upon this floor who is as incapable of appreciating the importance of this geographical survey as my colleague, by his remarks, has proved himself to be, is entirely at liberty to ask the question as to whether anybody else has ever read this work.

Mr. CAMPBELL, (interrupting.) But will my colleague answer the question?

Mr. CARTER, (continuing.) He is at liberty to ask whether the constituents of anybody have ever read it. But I think if the gentleman will appeal to the colleges of my district—to a public acknowledgment rendered to my humble self, in courtesy for having transmitted this very geographical information to them during the last Congress, he will find an answer to his question.

Mr. CAMPBELL. Will not the gentleman—

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NEW SERIES....No. 17.

Mr. CARTTER. No further interruptions! Mr. CAMPBELL. But the gentleman has failed to answer the question I propounded to him. I ask—

Mr. CARTTER. No more interruption! I cannot allow the gentleman again to interrupt me!

The gentleman is in great difficulty how he is to dispose of his forty copies containing the geographical information, brought to light at an annual cost of \$300,000 to the nation. He cannot conceive how an interior district in the West can be benefited by any information of this description. Why, do you not wish to overspread this Republic with this minute geographical information which you have brought to light by the energies of your Government? And have not you sprinkled over the whole country, institutions the whole object of which is to enlighten the public mind with regard to these very facts?

But my colleague has forgotten another important fact. He has forgotten that this coast survey also applies to and is extending along three thousand miles of lake coast in the West, penetrating the great interior; and in connection with which both his district, and my district, and every district in the interior of the great West, is interested—the coast by which every barrel of flour and every pound of pork must be transported; and with reference to the peculiar interest of my friend's district, every barrel of whiskey, too. [Great laughter.] Now is this great interior, or this great Northern interior, stretching for three thousand miles along the coast of these great inland seas, which bear upon their bosoms a commerce equal in extent to the salt water coast, to be told that they do not want information upon this subject? And are we to be told that it is better for us to commit to a clerk in the Topographical Bureau the distribution of this information, rather than to the Representatives in Congress? Why you cannot find a district, be it ever so benighted, or ever so isolated, in the great West, the people of which do not inquire every day and every week in reference to these great issues of commerce, which are to carry off the productions of the soil.

But our constituents in the West desire to inquire into another important matter. When this Government is lavishing its expenditure upon the salt water border, in developing its geography and its topography—while they are doing that, our constituents want to inquire what they are doing for the interior commerce of the nation, and the interior sea-board? If it is for no other purpose than to discover the patronage of the Government along the coast of the nation, I would send them this profile of our great national work, that they might go and demand what is coming to them. Now I cannot see any particular difficulty—I have myself no very serious apprehensions that I shall not be able to dispose of forty whole copies of this Coast Survey in my district. [A laugh.] And I presume my friend [Mr. CAMPBELL] will wait upon his constituents as courteously, although he is indisposed to support this resolution, for I know his fidelity to them and industry in their service is not exceeded by any other gentleman upon this floor. I hope this amendment will not prevail.

In accordance with my promise, I now move the previous question.

Mr. CAMPBELL. Will the gentleman withdraw it for a moment?

Mr. CARTTER. I am under special obligations to insist upon the previous question. [Laughter.]

Mr. CAMPBELL. I ask the gentleman to withdraw it. I have propounded the question—

The SPEAKER. Debate is not in order unless the call for the previous question be withdrawn.

Mr. CARTTER. Well, I will withdraw the call for the previous question for my colleague, if he will promise to renew it. [Great laughter.]

Mr. CAMPBELL. I will renew it. For some time I was utterly unable to understand the reason why my colleague had assumed the position which he has taken in relation to the distribution of these copies of the report on the Coast

Survey. Towards the close of his remarks, however, the secret leaked out. It seems he has a particular interest in the whiskey trade. [A laugh.] Now, if that article does happen to be a staple in my district, and that gentleman and his constituents feel a deep interest in the subject of its transportation, let me say to him that they can be supplied from my district without the aid of any information from this Coast Survey. [Laughter.] That gentleman represents a district in central Ohio. I have the honor to represent one in the southwestern portion, and the article can be carried by the overland route. It is not necessary to employ any conveyance upon the high seas to furnish them with as much as they want to answer their purposes.

But the position which my colleague has assumed may be accounted for, perhaps, in another way. He told us that he had received resolutions from schools and colleges in his district, tendering to him their most profound thanks for distributing these documents to them; and yet it will be observed by this House that while I, with frankness, admitted that I had never examined a word in any one of these Coast Surveys, yet when I put the question to my colleague—when I asked him to say whether he had ever read any one of them himself, he refused to make any response. While he bears down upon me for my neglect, he does not seem to have the manliness to acknowledge the same neglect in himself, but dodges the question. Therefore I have the right to assert before this House that he has never read that report, and I have the right to draw the inference, that if a gentleman possessing, perhaps, as much intelligence as any in this House, has never considered the subject of sufficient importance to examine it in detail, it follows, as a matter of course, that his constituents care nothing about it.

But the point I make by my amendment and by the remarks which I have submitted is, that this nation is going into an enormous expenditure of the people's money to print this document, and when it is printed the copies are to be scattered over the country at great expense to the Post Office Department for transportation, while they are utterly worthless when they reach their destination. I desire to see some reform in this respect. I desire to see the Coast Survey office transmit this document to the coast itself—to those who are engaged in carrying on our trade upon the high seas and are interested in having a knowledge of the condition of our harbors; and that these reports relating to agriculture—these reports which point the farmer to the true road to prosperity, shall be circulated in all our agricultural districts. That is my proposition. My colleague's constituents may feel a deep interest in this Coast Survey. Mine do not. I speak for mine, not for his. My constituents desire that kind of information, if we give it publicity here, which will result to their practical advantage. The farmers of my district, and I think I may say the farmers of my colleague's district too, care nothing about examining the maps and profiles presented in this coast survey. I would not vote a dollar, were I to look to the interests of my constituents alone, for the publication of this report. But when I look at this Union—when I look at this great interest of all interests, the commercial interest of the country, I find it necessary to have this document printed. All I desire by the amendment which I have submitted is to have these reports sent where they will be of some practical service.

So far as respects the intelligence of my constituents I have nothing to say, except—

Mr. FULLER, of Maine, (interrupting.) I believe it has been the universal practice of the Superintendent of the Coast Survey heretofore when these charts and reports were published, to address a note to every member of this House, requesting them to point out the particular institutions and persons to whom they may wish the report sent, and to send them to such as are pointed out.

Mr. CAMPBELL, (resuming.) I am obliged to the honorable gentleman from Maine for reminding me of that fact; and my colleague [Mr.

CARTTER] was no doubt one of those members who were addressed upon the subject. And let me say here, that I have very strong suspicions that the resolution of thanks from that country school in my colleague's district, of which he has boasted, originated from the fact that he had transmitted the identical charts to that school which had been sent to him by the Superintendent of the Coast Survey, and did not come through the distribution provided by the joint resolution.

Now, sir, my colleague's objection is, that a clerk in the Coast Survey department is not as competent as a member of this House. Let me say that I regard the Superintendent of the Coast Survey as better qualified to disseminate the information contained in these reports—which is doubtless valuable—than the gentlemen who have the honor to represent the agricultural districts upon this floor. Yes, sir, better perhaps than those who represent any other sort of districts. And, Mr. Speaker, my object, while I have the honor of a seat upon this floor, is to put this Government to no expense whatever that may not result in some practical good. The gentleman talks about economy, and yet he wants forty or fifty or a hundred copies of the Coast Survey report to circulate in a district that is in nowise interested in the survey of the coast. I did not rise, Mr. Speaker, for the purpose of consuming so much time as I have done. I hope the motion will prevail.

Mr. STANTON, of Tennessee. I ask the gentleman to allow me a single word. I desire to say I fell into a mistake in regard to ten thousand being the usual number of extra copies which is printed of this report. I supposed that that was the case, without having examined the particular facts; but it does not alter the state of the argument I had the honor to present to the House. I think the report is of sufficient importance to justify the printing of the number demanded.

Mr. CAMPBELL. I have no objection to the number proposed to be printed, but to the manner in which they are to be distributed. I move the previous question.

The previous question received a second, and the main question was ordered to be put.

Mr. GORMAN. I believe I have the right to make an explanation. I do not want to make an hour's speech, nor even a ten minutes one. As chairman of the Committee on Printing, I have taken some pains to investigate this question of printing, and I reported this resolution in obedience to the will of a majority of that committee. I did not concur in printing even six thousand copies; nor do I concur now, but I yielded my assent. Some remarks have been made in regard to the cost. Let me say to the House, in the first place, that the Senate have passed a resolution ordering ten thousand copies to be printed—five thousand copies to go to the Superintendent of Survey, and five thousand for the use of the Senate. Last year this House ordered six thousand copies—one thousand for the use of the Survey and five thousand for the use of the House. Some gentlemen have undertaken to speak of the cost. After investigating that subject, I can say to the House that the cost of engraving alone, notwithstanding the use of the Electrotpe process by which they are able to do it with greater facility than formerly, is from ninety to ninety-two cents for each one of the extra volumes. For every thousand copies that are published, they are obliged to renew the plate. This is done by the Electrotpe process, which I confess I do not accurately understand, except as it has been explained to me by the members of that Survey. The engraving for these extra copies will cost from \$1 12 to \$1 25 per copy, and if I am not mistaken, it will in all probability exceed the highest sum named. I looked into the question to know where these copies were to go to, and what the Coast Survey wanted to do with so enormous a number. I said, where do you propose to distribute them? The same interrogation was made by the honorable gentleman from New York, [Mr. HAVEN.] The response was, We want to give

some to the officers of the Army. How many? Two or three hundred. We want to give some to the officers of the Navy. How many? Two or three hundred copies. We want to send some abroad—to Europe, for the purpose of disseminating a knowledge of our coast in that country. How many? A thousand copies. They had not yet reached two thousand copies. What other sources do you desire to supply? We desire to supply the colleges and academies, schools and various institutions throughout the country. How many? A thousand copies, I suppose. Still they have not reached three thousand. What else do you desire to do with them? Well, for general distribution. Under the general head of "&c.," we have allowed two or three thousand copies. This Coast Survey will receive five thousand copies from the Senate; and one thousand from this House—six thousand copies in all for the use of the Superintendent of the Coast Survey. The Senate will have five thousand copies—some seventy or eighty to each member of that body. And the House five thousand copies—some twenty or thirty to each member. This number will doubly supply all the institutions of the country; it will supply all the purposes of education through the country, unless you should include all the two-mile district schools. It will supply all your public libraries, and still there will be some one or two thousand for miscellaneous distribution—if you please.

The whole cost of these five or six thousand extra copies will be from seven to eight thousand dollars—most likely eight thousand dollars. I speak now of the extra copies, not of the original cost of the plates, and the number to be printed for each member. To this six thousand you must add the usual extra number—say one thousand—and you will have seven thousand copies, and if you get off with an expense of ten thousand dollars you will do better than I expect.

I have nothing to say with respect to the utility of this document, for I apprehend this House is fully satisfied that there is more or less public utility in the distribution of this work; but I have this to say, that I regard the argument which has been used upon this floor as potent, that the printing of this country is becoming enormous. When this country is informed that the printing for the Government has increased from seventy or eighty thousand, to a quarter of a million of dollars, they will begin to call the representatives of the country to an account. What has produced this additional expenditure of a quarter of a million of dollars? This, among other reasons, which I shall not now enumerate, is the main reason for my opposition to the publication of ten thousand copies of this Coast Survey report. A strict investigation of this whole question will dispel this idea which has got into the heads of members, that we need ten thousand copies.

No college wants more than one copy, no academy wants more than one copy, an officer in the Army or Navy needs but one copy, the heads of Department but one copy, to be placed in the public libraries to which they have access. I repeat again, that the number of this document published has increased by one thousand copies each year since this Coast Survey commenced. If we are to judge the future by the past, the demand next year will be for ten thousand copies. The argument is urged by one of my friends from Kentucky [Mr. STANTON] that our Government is increasing; our institutions are increasing, our population is increasing, and therefore the necessity for the increase of this expense. I do not regard this argument as being at all a good one. I hope the amendment will be voted down, and that the report of the committee will be acceded to. If gentlemen had taken the pains which I have, in investigating this matter, they would not ask for the publication of more than the Coast Survey officers themselves ask for.

[Mr. BARRERE, from the Committee on Enrolled Bills, reported as correctly enrolled, a bill making appropriations to meet the expenses incurred in consequence of the late fire; which was presented to the Speaker, and received his signature.]

Mr. SEYMOUR. I wish to inquire of the gentleman from Indiana [Mr. GORMAN] what number the officers of the Coast Survey asked to have printed?

Mr. GORMAN. Eight thousand, as I understand it.

The resolution, the amendment, and the amendment to the amendment were read for information.

The question being put upon the amendment of Mr. CAMPBELL, of Ohio, to the amendment so as to provide for the printing of ten thousand copies for distribution by the Superintendent of the Coast Survey, it was decided in the negative.

The question then recurred upon the amendment of Mr. EVANS; upon which

Mr. STEPHENS, of Georgia, demanded tellers; which were ordered; and Mr. STEPHENS, of Georgia, and Mr. HAMILTON were appointed.

The question being put, the tellers reported—ayes 66, noes 80.

So the amendment was rejected.

The question being then put upon the original resolution, upon a division there were—ayes 134, noes not counted.

So the resolution was adopted.

CENSUS TABLES.

Mr. ALLISON. I ask leave to offer a resolution. If objection is made, I will move a suspension of the rules.

Mr. JACKSON. I rise to a point of order. The question of order I make is this: that when the call for the State of Georgia was made by the Chair, a response was prevented by a motion from a privileged committee, and that, consequently, it is now in order for gentlemen from the State of Georgia to respond.

The SPEAKER. The gentleman is aware, however, that on Monday it is in order to move for a suspension of the rules. The gentleman upon the left of the Chair moves to suspend the rules.

Mr. JACKSON. I hope the rules will not be suspended, that I may have the privilege I am entitled to.

The resolution was read for information, as follows:

Whereas the Superintendent of the Census has published—in the *Globe* of January 1st, 1852—a clear and condensed report of the Census, containing a large amount of valuable information:

And whereas that information, now desired by the people, cannot be had, in the ordinary course of printing, for a long time to come, and then in limited and very inadequate quantities: therefore

Resolved, That the Committee on Printing be instructed to order 100,000 copies of that report for the use of this House, provided the cost shall not exceed one cent per copy.

The question being put—on a division there were—ayes 100, noes 48.

So the rules were suspended.

Mr. OUTLAW called for the yeas and nays; which were ordered.

Mr. CAMPBELL, of Illinois, moved the House adjourn; which motion was agreed to.

So the House adjourned.

NOTICES OF BILLS.

Mr. WASHBURN gave notice of intention to introduce the following bills:

An act making a grant of land to the State of Maine, in aid of the construction of the European and North American Railway within said State.

An act in relation to invalid pensions.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. SCUDDER: The petition of Joseph Grinnell and others, merchants and insurers, of New Bedford, Massachusetts, asking that one or more vessels of the United States may be detailed for a survey or reconnaissance of such parts of the China seas, Straits of Gaspar, and Java sea, as lie in the tracks of vessels proceeding to and from China.

Also, the petition of the heirs of the late Captain Rufus Lincoln, of the Massachusetts Continental line, for compensation pay, &c.

Also, a petition was had under the rules to withdraw from the files of the House the petition of Russel Elliot and others, of Provincetown, Massachusetts, asking compensation for bringing a prisoner from Nova Scotia to Boston for trial, and to refer the same to the Committee on Commerce.

Also, the petition of Levi Eldridge and others, of Chatham, Massachusetts, asking an allowance of fishing bounty in the schooner *Harriet*, lost at sea, be withdrawn from the files and referred to the Committee on Commerce.

Also, that the petition of Atkins Dyer, of Truro, Massachusetts, for a return of tonnage duly paid, be taken from the files and referred to the Committee on Commerce.

By Mr. SMITH: The petition of John Baird, praying a pension for military services.

Also, the petition of R. M. Sheppard and others, praying a post route from Fayette Court-House, Alabama, to Reform.

By Mr. WHITE, of Kentucky: The petition of sundry citizens of Knox county, Kentucky, asking for the establishment of a mail route from Mount Welcome, in Clay county, Kentucky, via Flat Lick, Knox county, Kentucky, to Boston, in Whitley county, Kentucky.

Also, the petition of sundry citizens of Owsley and Morgan counties, Kentucky, asking the establishment of a mail route from Booneville, in Owsley county, via Duff's Store, to Hazlegreen, in Morgan county.

By Mr. STANTON, of Ohio: The petition of Joseph Newell, of Ohio, praying that he may be authorized to surrender his title to a section of land west of the Mississippi, and that scrip may issue to him authorizing him to locate other lands.

By Mr. BRIGGS: The memorial of sundry merchants of New York, Boston, Philadelphia, and Baltimore, praying a return of duties paid by them during the year 1828.

By Mr. BARRERE: The petition of Lieut. U. S. Grant, for losses sustained by him as commissary and regimental quartermaster of fourth infantry at Tacubaya, Mexico, together with the proceedings of a court-martial held at Jalapa, Mexico, June 25, 1848, and the proof of said losses taken before said court.

By Mr. JOHNSON, of Tennessee: The petition of Edward Taylor, of Tennessee, praying Congress to grant him a back pension.

By Mr. MOORE, of Pennsylvania: The memorial of officers, soldiers, seamen, marines, &c., from Philadelphia, asking a modification of the bounty land act of September, 1850.

By Mr. KUHN: The petition of Jabez Hollingsworth, L. Brennehan, and 232 others, citizens of Armstrong county, Pennsylvania, on the subject of the freedom of the public lands, and praying Congress to provide for laying them out in farms and lots for the free use of such citizens not possessed of other lands, and that the jurisdiction of the public lands be transferred to States or Territories on that condition.

IN SENATE.

TUESDAY, January 13, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Senate, showing the number of persons employed in his office during the year 1851, and the compensation allowed to each.

On motion by Mr. DODGE, of Iowa, it was Ordered, That it lie on the table and be printed.

The PRESIDENT *pro tempore* also laid before the Senate a report of the Secretary of War, transmitting, in compliance with the resolution of the Senate of December 29, 1851, information relative to the construction of a military road from Fort Dodge to Dubuque, in Iowa, and the cost of transporting munitions of war, provisions, &c., used at that fort from the Mississippi river; which was read, and

On motion by Mr. JONES, of Iowa, it was

Ordered, That it be referred to the Committee on Military Affairs, and be printed.

The PRESIDENT *pro tempore* also laid before the Senate a report of the Secretary of the Senate, with a statement of the payments from the contingent fund of the Senate for the year ending November 30, 1851; and

On motion by Mr. DODGE, of Iowa, it was

Ordered, That it lie on the table and be printed.

PETITIONS.

Mr. MILLER presented the proceedings of a public meeting of citizens of Trenton, New Jersey, in favor of the intervention of the United States in behalf of the people of Hungary; which was referred to the Committee on Foreign Relations.

Mr. SHIELDS presented the memorial of Ambrose W. Thompson, proposing to enter into a contract with the Postmaster General to convey the mails between the United States and Ireland in first-class steamships; which was referred to the Committee on the Post Office and Post Roads.

Mr. RUSK presented the petition of John A. Lynch, praying compensation for his services as a clerk in the Treasury Department; which, together with the papers on the files of the Senate relating to the same subject, were referred to the Committee of Claims.

Mr. SOULE presented the petition of John S. Maunsell and William Parker, praying that a register may be issued to them for the brig "Sylphide," which was referred to the Committee on Commerce.

Also, the memorial of Thomas Powell, by his assignee, the New Orleans Canal and Banking Company, praying the appointment of a board to revise the decisions of the late Board of Commissioners for settling the claims of American citizens against Mexico; which was referred to the Committee of Claims.

Also, the memorial of Nathan C. Folger, praying the appointment of a tribunal to review the decisions of the late Board of Commissioners for

the settlement of claims of American citizens against Mexico; which was referred to the Committee of Claims.

Also, the memorial of Gabriel Villere, praying indemnity for damages done to his property by the American and British forces during the last war with Great Britain; which was referred to the Committee on Military Affairs.

Mr. STOCKTON presented a petition of passed midshipmen of the Navy, praying that a separate grade may be established by law, with an increase of pay, for that class of naval officers; which was referred to the Committee on Naval Affairs.

Also, a petition of John West and others engaged in the merchant and privateer service during the last war with Great Britain, praying compensation for loss of time and privations in consequence of their capture and imprisonment by the enemy; which was referred to the Committee of Claims.

Also, a petition of forward officers of the Navy, praying an increase of pay; which was referred to the Committee on Naval Affairs.

Also, the petition of Hugh Wallace Wormeley, formerly an officer of the Navy, praying a pension; which was referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SHIELDS, it was

Ordered, That the memorial of Thomas Kennedy, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. SHIELDS, it was

Ordered, That the documents on the files of the Senate relating to the claim of the Common Council of New York city, for expenses in organizing, equipping, and subsisting a regiment of New York volunteers for the Mexican war, be referred to the Committee on Military Affairs.

On motion by Mr. BERRIEN, it was

Ordered, That the memorial and papers of L. Ralston, on the files of the Senate, be withdrawn and referred to the Committee on Indian Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the bill for the relief of Edward Everett, late a sergeant in the United States Army, reported back the same without amendment.

He also, from the same committee, to whom was referred the bill for the relief of the heirs and legal representatives of the late Colonel Alexander G. Morgan, reported back the same without amendment.

He also, from the same committee, to whom was referred the bill to increase the efficiency of the Army by a retired list for disabled officers, reported back the same with amendments.

Mr. DAWSON, from the Committee on Military Affairs, to whom was referred the bill for the relief of the Virginia Woolen Company, reported back the same without amendment.

BILLS INTRODUCED.

Mr. UNDERWOOD, in pursuance of notice, asked and obtained leave to introduce a bill (S. 110) to purchase the stock owned by individuals in the Louisville and Portland canal, and for other purposes; which was read a first and second time by unanimous consent, and ordered to be printed.

Mr. FELCH, in pursuance of notice, asked and obtained leave to introduce a bill (S. 111) for the relief of William A. Richmond; which was read a first and second time by unanimous consent, and referred to the Committee on Indian Affairs.

NOTICE OF BILL.

Mr. STOCKTON gave notice that he should to-morrow, or on some early day thereafter, ask leave to introduce a bill to authorize the Postmaster General to contract for carrying the mails between Jersey City and port of New York and Galway, in Ireland.

COMPENDIUM OF PUBLIC DOCUMENTS.

Mr. BRADBURY asked, and by unanimous consent obtained leave to introduce a joint resolution providing for a compendium of the annual public documents; which was read a first and second time by its title. It is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he hereby is authorized and requested, at the commencement of each future session of Congress, or as soon thereafter as may be practicable, to cause to be prepared a compendium of the public documents accompanying

the President's message, and of the reports of the Secretary of the Treasury on the finances, and on commerce and navigation, and of such other reports of any of the Secretaries as may be of general interest, embracing only the more important portions thereof, for the purpose of being printed in a single volume, as a substitute for the extra numbers of said documents heretofore published.

Mr. BRADBURY. I move that the resolution be laid upon the table and printed.

Mr. BADGER. I would ask the honorable Senator if that resolution ought not to be referred to some committee? It seems to me that there is a provision in the latter part of it which requires grave consideration. It is whether, if that joint resolution becomes a law, it will not have the effect of preventing the Senate from publishing these documents at large. I suggest that it should be referred.

Mr. BRADBURY. By reference to the phraseology of the resolution, it will be seen that it will have no such effect. The resolution contemplates the preparation of a compendium of the more material portions of the public documents in order that they may be printed. It does not declare that they shall be printed; but the number of documents that shall be printed in full, and the number of compendiums that will be printed, will all be matters depending on the future action of Congress. After the resolution is printed, if any necessity shall arise for its examination it can then be referred.

The motion to lay the resolution on the table and print it, was then agreed to.

ADDITIONAL COMMITTEE CLERKS.

Mr. GWIN submitted the following resolution for consideration:

Resolved, That the Committee on Naval Affairs be authorized to employ a clerk.

Mr. RUSK submitted the following resolution for consideration:

Resolved, That the Committee on the Post Office and Post Roads be and they are hereby authorized to employ a clerk.

ASSIGNABILITY OF LAND WARRANTS.

Mr. HUNTER. Mr. President, there is a bill upon your table which perhaps more than any other interests the public. If it can be taken up I believe it will be passed in a few minutes. I allude to the bill making bounty land warrants assignable. I hope it will be the pleasure of the Senate to take it up, and to effect that object I move that all previous orders be postponed.

Several SENATORS. It will lead to debate.

Mr. SEBASTIAN. I believe there are some two or three resolutions on the calendar as unfinished business, which should be first disposed of. The honorable Senator from Virginia, I believe, thinks the bill which he mentions can be taken up and passed without discussion. Now, I happen to know that there are questions involved in that bill which will not be disposed of without considerable debate. Under these circumstances, I hope that bill will not be taken up.

Mr. HUNTER. I withdraw the motion for the present, but give notice that on Monday next I will renew it.

PRINTING THE SEVENTH CENSUS.

The Senate resumed the consideration of the following resolution:

Be it resolved, &c., That the Joint Committee on Printing be directed to contract with Donelson & Armstrong for printing the Census returns, upon such terms as the committee may deem reasonable."

Which Mr. SMITH had moved to amend by substituting the following:

"It shall be the duty of the Secretary of the Interior, in conformity with the provisions of the act entitled 'An act making appropriations for the civil and diplomatic expenses of the Government for the year 1842,' approved on the 18th May of said year, to contract for the composition and press-work of — copies of the returns of the Seventh Census, as the same are classified and arranged by said Secretary; and in like manner to contract for so much paper and of such quality as he shall deem proper for said work; and in like manner to contract for binding said returns as printed in such style as he may judge expedient; provided the party to each of said contracts shall give such surety, and said paper and work shall be subject to such inspection, as said Secretary shall require to insure a faithful performance of the same."

Mr. BRIGHT proceeded to address the Senate at some length in defence of the resolution, and in reply to the remarks of the Senator from Connecticut, [Mr. SMITH,] of yesterday. This speech will be found in the Appendix.

Mr. SMITH. I wish to make a very few remarks in reply to my honorable friend from In-

diana; and I am prompted to do so on account of the personal issue which my honorable friend made with me last evening. That honorable Senator saw fit to remark, that at the last session of Congress he understood me to take ground in the Senate in favor of giving the printing of the census returns to a political press in this city—I think he named the *Republic*. I then suggested that he was under an entire misapprehension upon that subject. I do not suppose that my honorable friend intended to misrepresent my position in that regard. The truth is, that from the very outset of this business, I have been utterly opposed to the re-introduction into Congress of the old practice of dispensing the public printing, on any principle of political favoritism; and it so happens that I find myself on record, in a train of remarks submitted to the Senate, in relation to this very subject of printing the census returns, in which, views are expressed, such as I had the honor to lay before the Senate in the remarks which I made yesterday; and I hope the Senate will indulge me in reading from these remarks a few extracts, showing what I said. In the first extract which I will read, I remarked as follows:

"I fully record in the opinion which has been expressed by my friends upon the other side of the Chamber, that the time has gone by for investing the head of any department with an arbitrary discretion upon this subject of printing."

And then again:

"Now, then, this committee has reported this bill, as I have before remarked, containing the provision of the old law, and conferring on the head of the Department of the Interior the arbitrary power of making a contract with any individual that he pleases, and upon any terms that he may see fit, without advertising, without competition. To any such provision in this bill, I am utterly opposed—not that I believe the honorable gentleman at the head of that Department would abuse the trust thus confided in him; I am convinced he will execute it with as much fidelity as any other of the distinguished citizens of the country."

"Now, sir, in order to realize, or rather to carry out what has been the policy of the Government for several years past, to wit: to have all the printing let out at contract, and given to the lowest bidder, all that is required is the addition of a few words to the clause of the twentieth section."

The last clause reads thus:

"And further, as the returns are made, to cause the same to be classified and arranged in the best and most convenient manner for use; and ———— thousand copies thereof to be printed for distribution."

"Now, sir, if the amendment of my honorable friend shall fail, I shall propose to add to that clause these words: 'On contract, as now provided by law.' That is to say, to the lowest bidder."

And then, again, I remarked:

"I would say that I am not for subsidizing the press of the city, either the Whig or the Democratic press—either the one or the other."

And again:

"As to the scheme of giving the printing, at this late day, to the political press of this city, it is a proposition that I shall resist to the uttermost, and at all times."

And finally, I remarked:

"I am opposed to the existing system of printing. It must be amended; and I trust that before the present Congress is over, we may have some plan of doing the Congressional printing which will secure accuracy, good quality, expedition, and all the other elements which are indispensable to the transaction of business of Congress. I intend, sir, to resist now, and at all times hereafter, the connection of the public printing with the political press of this city, whether upon the one side or the other. I therefore insist that the 21st section is exactly right; and with respect to the preceding section, all that is required is simply the addition of four or five words such as I have already suggested to the Senate."

Such, Mr. President, were my views then, as they have been at all times; and I have resisted to the uttermost, and on all occasions, the idea of breaking up the existing policy of the two Houses of Congress, and letting out the printing—either the printing of Congress or the departmental printing—to the lowest bidder. But I understand my honorable friend from Indiana [Mr. BRIGHT] to say, that the amendment which I propose to his resolution contemplates giving this printing to the Secretary of the Interior, to be disposed of by him arbitrarily and at his own discretion; or, in other words, to confer upon him the power, if he should see fit, to confer the execution of the work upon some portion of the public press in the city. I regret very much, Mr. President, that when I closed my remarks yesterday, I did not move the printing of this amendment; and when I consider the character of my chirography, I will not complain that my honorable friend from Indiana [Mr. BRIGHT] should have entirely misapprehended the character of this amendment. It does not, sir, pro-

pose at all to confer any discretionary power upon the Secretary of the Interior. On the contrary, it requires him, in the first place, to let out the composition and the press-work; in the next place, to contract for the supply of paper; and in the third place, to contract for the binding, in conformity with the provisions of an act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year 1842," or, in other words, to let it out to the lowest bidder; to advertise it in the public papers for thirty days; to receive the bids of all those who choose to enter into this competition, and then to let it out to those who will do the work for the lowest price, according to the specifications—the party bidding to give security, and the work, the whole work—the paper, the composition, the press-work, and the binding—to be subjected to such supervision and inspection as the honorable Secretary may deem to be necessary in order to secure a full and faithful performance of the contract. By my proposed amendment, therefore, I banish all favoritism in the execution of the work in any and every form, and put it upon the same footing as the departmental printing, except in one or two points which I regard as improvements, such as the separating of the printing and press-work from the purchase of the paper, and these again from the binding—making each department distinct; and then again in requiring security and inspection and supervision in the execution of the work. There is, therefore, not to be any favoritism. The work is to be done on the lowest terms, and it will be done, I have no doubt, in a manner which will be entirely satisfactory to the Departments, as well as to Congress and the people of the country in general.

Again, Mr. President, the honorable Senator from Indiana saw fit to remark, that I had, as he presumed, greatly underrated the value of this work, and that I seemed to suppose that it was of very little consequence—that it was a thing to be printed and thrown aside, like many other documents, as of no value. In his argument, however, the Senator says it is a work of very great value—that it is to go into the records of the Government, and into our colleges and the various States of the Union; and the honorable Senator saw fit to have read, at the desk of the Clerk of the Senate, some eulogies by some foreign writer (I hardly know who) on the value of this work, and speaking of it as being a very great improvement on any work of this character, either in this country or in Europe. Sir, I have not undervalued this work. I know that it is a work of high importance. But what, let me ask the honorable Senator from Indiana, has that to do with printing it at the *Union* office? That is the question I wish him to answer me. What has the importance of the work to do with the printing of it at the *Union* office without any competitors? What has that to do with the question of the propriety of conferring this work upon the political press of this city as a matter of favoritism? I do not know but that there may be Senators enough to carry out such a scheme; but at all events I am going to wait to hear the votes of Senators announced before I will believe that they will do it. But the honorable Senator stands up and gravely tells the Senate that this work is undisposed of—that it is a sort of waif and stray, which the honorable Senator proposes we should capture and deliver over to the proprietors of the *Union* newspaper in this city. And "it is work," says the honorable Senator, that is "undisposed of!" And this is said, I presume, to alleviate any little irritation of conscience which there may be; and I venture to say that there is a good deal on all sides of this Chamber in regard to the propriety of taking this course. It is a work which the honorable Senator says is "undisposed of!" And why is it undisposed of? Simply because we have not ordered the Secretary of the Interior to print it. And if it were ordered to be printed, then it would come under the law of 1842, which tells the Senator from Indiana that it shall not go into the *Union* office, or, in other words, that it shall not be disposed of unless they do it in this form. The Senate is to make this order, and then comes in the law of 1842 to take hold of it. The gentleman proposes to alter this law to take it out of the hands of the proper party, and to hand it over to my friend from Arkansas; [Mr. BORLAND.] He again [Mr. BORLAND] replies

that he will have nothing to do with it, and I respect and honor him very much for coming to such a conclusion. He does not like the job. But, says my honorable friend from Indiana, "I guess I can find Senators who would be willing to do this." Possibly he may; I do not know but he will. Perhaps the honorable Senator from Indiana himself will volunteer to help this most lucrative job into the office of a certain concern, for the welfare of which he appears to have a profound solicitude.

"But," again says the honorable Senator, "I can furnish you a precedent for all this, because Congress has been buying books from Gales & Seaton for I don't know how long—about a quarter of a century—and handing them over to themselves." Very well; I can tell that honorable Senator that I have not a very exalted opinion of that operation; and if he will introduce a proposition to repeal the whole system, I will vote for his proposition, and restore all the books that I have got, to the Government. I say that a more wasteful, more prodigal, more wicked system of disbursing the public money never existed on earth than this system of distributing books among members of Congress. I do not say this with the view of being understood as objecting to any pay which members get either in the form of mileage or *per diem*. It is not because I believe that they really get anything more than a fair compensation for their services here. I know that I earn every dollar which I receive here; and if I have a trifle to carry home to keep to pay the expenses of my family during the recess, I think I do very well. It is not because we take out of the public treasury \$17 to pay for a volume to give to a member that I object—seventeen dollars to pay for that which is absolutely not worth three dollars. We pay hundreds of thousands of dollars out of the Treasury of the United States every year for what is of no real use to us.

A SENATOR, (in his seat.) Oh, move to divide the money amongst ourselves.

MR. SMITH, (laughingly.) Yes if we could divide the money among ourselves, there would be some propriety in that—some good common sense in that; but for the sake of conferring some little miserable pecuniary benefit upon this member, or upon that one, when he newly comes to Congress—and I take my full share of responsibility on this matter, for I have had these books myself, and when they are applied for for others who have not received them, I am constrained to vote for them for very shame, because I myself have had them—but I say, in all earnestness, that it would be infinitely better, if this system is to be continued, to take this money openly and manfully out of the Treasury and distribute it amongst ourselves, than to resort to this indirect method of increasing the remuneration of members in a mode which is really of very little value to us one way or the other. But the honorable Senator from Indiana says that because this old and corrupt system—and I beg pardon for using the word "corrupt," for I mean nothing offensive by the way in which I use it—which has come down to us, I do not know how long, is still in use, and because we are in the habit of ordering books for members of Congress, and now that we have a piece of departmental printing, which the honorable Senator thinks will cost not more than three hundred thousand dollars, reckoning on the basis of six dollars per volume as the cost of the Archives, whereas that cost was no less than seventeen dollars a volume; and because—

MR. BRIGHT. I desire to correct the Senator, I did not use the word "corrupt," nor did I say anything against the system of printing books. I have never voted for books; I have always voted against the practice, though I have taken them, as I understand the Senator from Connecticut has also.

MR. SMITH. I am sensible, in speaking of the distribution of books among members, that I have traveled in some degree out of the proper limits; but the honorable Senator referred to it, as being some justification of this extraordinary measure. I think I am in order to denounce this system as an abuse. But after all, what is it but buying books? It is not Congressional printing, it is not departmental printing; it is buying certain books, containing a great deal of information which we distribute among the members for the purpose, as we suppose, of enabling us the better to discharge

our duties here. But I must confess they have had very little effect so far as I am concerned, for there are many volumes of them into which I have never looked. I know that Congress has purchased books, and has paid for them a great deal more than they were worth; and I hope that when my friend brings up the subject as one to be imitated, he does not propose that we shall pay this enormous price of \$17 per copy; for if he does, instead of \$300,000, it will cost half a million of dollars at the very least.

But how does he know it will cost only \$300,000? On what basis does he make that calculation? Has the Senator told how many copies of this work he proposes to have printed? and is it not absolutely necessary that Congress should settle the question in regard to the number of copies before anybody can make any calculation on the expense of the work, or even the cost of composition, to say nothing about press-work? Now my friend—and I certainly cherish for the Senator from Indiana sentiments of the very highest respect; I know he is a vigilant and highly-valuable member of this body, and I will do him the justice to say here, that I know of no man who is more prompt, more energetic, and more determined in resisting the passage through this Senate of any bill which will be likely to cast a burden upon the Treasury, without the severest scrutiny, and will more insist on knowing all the elements of the cost—on this occasion seems to be prepared to go to the entire extent of the result which may follow from his proposition, without knowing what number of copies we are to have printed; and he proposes to rush into this field at once, and in the dark.

There appears to be something that has disarmed the usual vigilance of my friend from Indiana, for he says the Secretary tells him this morning that he has one State done. I do not know how long they have been in arriving at that point of consummation; and when the remaining States are to be completed, I do not know.

Sir, I know that Congress has been in the habit of buying books; and I know that we provide for the publication of our debates—to what profit I will not undertake to say, or with what utility to the country. We paid at the last Congress \$7 50 per column for the publication of our speeches in the *Intelligencer*, and \$7 50 to the *Union*. The *Intelligencer* could not live by it, and has therefore gone out of the business. But the *Union* continues to prosecute the work, and I hope will prosecute it with success. As it is very important, or is supposed to be very important, that our debates should be published in full, if \$7 50 is not a sufficient compensation to the "*Union*," I am willing to add to it, particularly as we are now relieved from the expense of publishing them in the "*Intelligencer*." But what has that to do with the question before us? What if we do hire the *Union* to print our debates, what if we do not open the printing of our debates to competition? This is a matter relating to departmental printing; and I say that the very moment we determine upon the number of copies to be printed, and order the Secretary of the Interior to print the work, it comes under the operation of existing laws, and is disposed of.

But, Mr. President, after having addressed the Senate, perhaps at an unreasonable length, yesterday, upon this subject, I do not deem it right that I should trespass further upon the time and attention of this body; and I have to express my thanks for the patience and attention that has been shown in listening to me.

MR. HALE. I want to say a word or two upon this subject, though I enter upon it with great reluctance, and if the Senate will excuse me, with great diffidence, [laughter] because, sir, we have been entertained, of late, with such lofty subjects, the safety of the *Union*, the spirit of the age, progress, manifest destiny, national intervention, the Magyar race, &c., that it is a great effort to clip the wings of a man's imagination and come down to a printing office, and deal in such a commonplace subject as the mere printing of these Census returns will be. But it is a part of what we are bound to do, and we must do it. I apprehend that a great mistake has arisen from the fact that we are endeavoring to be a little more pure, a little more patriotic than our poor human nature will allow us to be. And here is an opportunity offered to us—I mean, to us Democrats—to do a

great public benefit to the country, and a little private benefit to a party at the same time; and that a great good and a small good can be effected at once. We had better not shut our eyes to the existing realities about us, and to strain them at some great national object that does not exist. We had better look close at hand. We have a country first, and the country has got a Whig and a Democratic party in it. We cannot get along without them; and the next thing to be looked at is, that the party cannot get along without an organ. Who ever heard of a party without an organ? But the countryman, who never saw an organ, and sees for the first time the man who is performing upon one, comes to the conclusion that the man who is touching the keys is the only one employed in making the music. He does not know that there is a boy behind, who blows the bellows. [Laughter.] What sort of an organ would it be without somebody behind? This bill is the boy that blows the bellows; this is the wind that fills the pipes; the keys are to be played elsewhere. All that the public ordinarily sees, is the man; the bellows boy is behind. The bellows boy in this case has to sit behind—and “raise the wind,” as a friend near me suggests. Now, it seems to me, it is a little ungenerous in the Whigs—standing on a high moral platform—I now stand on a high platform, I can look down upon and talk to both parties—I say it seems to me a little ungenerous in the Whigs who, according to the authority which the honorable Senator from Indiana has adduced, have had bellows blowers for a long time, and their keys have been touched, for Whig organs will not go without bellows blowing any more than Democratic organs—I say it is a little hard, when they have had their bellows blown so long, that they are not willing to have these new performers have the benefit of a little wind. Donelson & Armstrong cannot touch the keys without this blowing, and I am willing to give a liberal quantity of wind; I am willing to give anything not very extravagant; and I hope, if we do this, as we certainly shall—for we all know where the majority is—we are a majority here, sir, I mean we, the Democrats, and we are going to have a broad platform, broad enough for all conservatives and republicans to stand upon, both North and South—being in a decided majority, we shall carry this measure in one way or another. There is no doubt about it, for human nature is as human now as it ever has been, and it will continue to be the same, at least till after the next presidential election. Well, I hope, looking to the future, that after we have been so liberal, our liberality will continue, for there is another party, a very small party, I mean now the Free-Soil party—and they, too, want wind. They only publish a weekly paper now, but by and by, as the party is progressing, they may have a daily organ; and if they do, their organ cannot go any more than yours can without wind. And I hope those whose organs have been so long making such sweet music, the public all the while blowing the bellows, will show some magnanimity to them when they come forward with their very modest request to raise a little wind. Now this, I think, is the real, sober, matter of fact view of the case. That is to say, this is what we will talk over between ourselves. I hope the reporters will not print this, because this is not for the public; it is for us. Our organs want wind; we have the means to give it to them, and we will give it to them. I know that this will be a favor to these gentlemen, I know that if I were in power—but I forgot, I am of the Democratic party, [laughter]; but if I were differently situated, I would go for giving to my friends in preference to those who are opposed to us. Now, as this is the natural and common-sense view of the subject—the view we all take of it, the view that everybody has taken since the fall of Adam—I do not mean of Adams—as that is the proper view, why not come up to it at once? I presume that Donelson & Armstrong are highly respectable gentlemen; I do not know them. And I hope there will be a provision, or that the committee will arrange the matter so that what we do for the Union now will not prejudice Mr. Ritchie's claims, because he said that he played and furnished the wind. I hope then this will not prejudice his claim, but that we shall remember him.

“Let others hail the rising sun—
I bow to him whose race is run.”

And I hope we will not forget to reward—not to reward, but do a patriotic act to those coming on the stage. I am perfectly satisfied that a majority of this Senate will give this patronage to their friends. It would be strange if they did not. I think if my friend from Connecticut [Mr. Smith] was in power, he would do the same thing; if he would not, he would not live up to that reputation he has acquired, for his reputation has been that he will stand by his friends. No man need blush for that. I hope my friends will stand by me. I have not a great many here, sir; but I hope what few I have will stand by me.

Now let us have done with this matter. I have no doubt this will help the Union, and I am willing that it should be helped. The great Union has been saved, and the little Union ought to be helped; and the two acts are in unison. I hope we shall all take this practical view of it. I trust I do not offend the sensibilities of any one; I hope nobody is loaded with a flowery speech, full of tropes and figures of rhetoric, who will be shocked at the apparently trifling manner in which I have treated this subject. I am in earnest; and being so, I can assure the honorable gentlemen from Connecticut and Indiana, that I do not impeach their motives in the least. I believe there is a good deal of human nature in mankind generally, and as much of it in these honorable Senators as there is in high-minded men everywhere, and not any more. And I believe that manifest destiny points to this manner of doing this printing. Let us bow to manifest destiny, and let us not spend a great deal more time in discussing this question. I hope I have given a rational view of this subject—one that will commend itself to the mind of every Senator, and that we shall be disposed to come to a decision of this question at once.

Mr. DAWSON. Before the question is taken I desire to say a few words on the subject. The resolution and amendment both contemplate the printing of the census returns, and it is a question of judgment submitted to this body which is the best plan, and which will carry out the object of the Senate, and be most advantageous to the country. That is the question on which we are to divide, and I am sure, for one, that party considerations will not influence the votes of the majority of this body. The resolution of the Senator from Indiana proposes that this printing shall be let out by the Committee on Printing of this body, and designates that a contract shall be made with persons therein named. Now I object to this course, for the reason that it excludes all competition, and places the publication of an important work in the hands of a mere newspaper establishment—not a bookbinding or book printing establishment at all.

It is very true that there is a precedent for this. That is a false truth. Both parties in Congress at different times have probably pursued this course; but the question at present is, has there ever been, since this Government commenced, one single proposition for printing for the benefit of the country involving so large an amount? What is the question? It is in truth an appropriation of from three hundred thousand to five hundred thousand dollars of the public money to execute this printing. The Senator from Indiana puts down this work at six dollars per volume, and makes it to consist of two volumes, thus making twelve dollars for the set; and he limits the number to twenty-five thousand volumes, which makes the sum of three hundred thousand dollars. Now, sir, if Senators will only reflect for a moment, I think they will soon perceive that the Senator from Indiana has not given us more than half the estimate of what this work will actually cost. Look at all the history of the past, and all the precedents that can be cited, the patent reports and others, and see whether this is not the case. This document will be admitted to be a vastly more important publication than any we have ever ordered. Suppose, now, that we should print fifty thousand copies—and a friend on whose judgment I can rely, supposes we shall need that number—then the amount will run up to six hundred thousand dollars.

Now, what is it that we want? We want a book published in the best and cheapest style; and the question is, what plan shall we adopt to effect this? I maintain, Mr. President, and I think I can show it satisfactorily, that the plan proposed by the amendment submitted by the Senator from

Connecticut [Mr. Smith] is the proper plan. And what is that plan? It is that the work shall be let out under contract by the Secretary of the Interior. And why is it proper that the Secretary of the Interior should have something to do with this work? Has not the Census been taken under the law, through that department of the Government? Is not the Superintendent of the Census, the head of that bureau, subject to the Government of the country? Certainly. Who knows most about the plan of this work, or about the way in which the compendium has been formed, or how it should be printed, so as best to carry out the intentions of Congress, as perfected in and through the Interior Department, as the Secretary of the Interior? And is it not well known to this body that the printing of this work will be commenced before the work itself is completed in the office of the Secretary of the Interior? It seems to me that, in a matter involving so many figures—for I believe the work will consist pretty much of figures, except merely a few words of introduction to each State—with this exception, all the rest are statistics,—I say, that in a matter where there are so many figures, there must be liability to very many errors. And how are those errors to be avoided or corrected except by those who superintend the publication? And who can better superintend the publication than the head of the Census Bureau, or Superintendent of the Census, under the direction of the Secretary of the Interior? Sir, it is clear that no one can do it so well as he.

And here permit me to throw out a suggestion for the consideration of both sides of this House, whether they be Democrats or Whigs. What would be the suggestion which would be made in relation to this resolution, if we were to pass it just on the eve of a presidential election? Would it not be said that through the agency of party power, we had made an appropriation of public money to sustain an organ at the expense of the Government? I do not make any such charge; but it is our duty so to legislate as to prevent the public mind from entertaining the belief that we are influenced here by improper motives. Now, how can this best be done? Why, sir, by doing that which is right—by doing our duty, and then endeavoring to satisfy the country that what we have done is right. And I submit it to you, and to every Senator on this floor, if we as individuals had the contract to let out, having to pay from three to five hundred thousand dollars, whether we would not do it under special contract, and let it out to the lowest bidder, first giving him the means of ascertaining the terms we proposed, and the character of the work which we desired to have done? We should certainly do this. We would feel ourselves bound to employ those persons whom we believed would do the work best, and at the cheapest rate. And who, sir, understands this matter best? and who should be our agent? Not the Committee on Printing of the Senate, for their chairman refuses to undertake the great and important work of making a contract by which from three to five hundred thousand dollars are to be expended. Why does he refuse? Because, he says, that he is not competent; that it is not in the line of his usual vocation; that he has not the requisite judgment to protect the country through his instrumentality from probable imposition or from a bad contract. This is honest and correct on his part.

Where then can we next best go to? We go to the head of the Interior Department. And who is the head of that Department? And what are his qualifications for this business? We all know that so far as printing is concerned, he is an individual who has more printing to be done than any other of the Secretaries in the various departments of this Government. And has not the printing of these various departments for years been done under contracts made by the gentlemen at the head of these various departments? Certainly it has. And has not that printing been satisfactory? Have we ever heard of any complaints similar to those which we have heard in reference to the printing of the Senate? No, sir; not any. Why then do we say “We will not trust you?” Why take it from him? Is he not as competent as the committee of this House? And will he not be more competent when he can say to the world, “Here is a contract which will involve the expenditure of five hundred thousand dollars; I require these census returns to be published according

to the plan or size of a certain book, on such and such paper, and the binding to be done in such and such a manner and who is the public printer;" from Appleton, of Boston, to Harpers, of New York, who will undertake this work, and do it cheapest, according to the plan proposed by the Secretary of the Interior? Are we to suppose that he will propose a plan for the work not durable in its character, and advantageous to the country? Not at all. Then by this means we have competition, and competition regulates prices. Competition brings down labor to the mere point where it can make support, and it is our duty to make it so. Now, I ask, is the *Union* office to be deprived of the same privilege, or the *Intelligencer* or any book-binding establishment in the United States? No. They come in competition; and if they have the material, and the time, and the proper capacity to execute the work, there is the public announcement; put in your bid, and if you are the lowest bidder you will get it. By this mode you will not exclude the *Globe* or the *Republic*, or any other office. And why then give it exclusively to the *Union*? Is it because they can do it better than any other? Not at all. They may do it equally as well. The only objection I have to the resolution is, that by it you confine the printing to certain individuals, and deprive the country of the benefit of competition.

Mr. President, it is said that our work has been badly done. In some instances, I admit this may be so, but to make this declaration with respect to all of it, is unjust towards that old gentleman who formerly did our printing. I speak of Mr. Ritchie. To say that his work, so far as the printing is concerned, was not done honestly, and in good faith, is not true. The printing by Mr. Hamilton has been better than for many years preceding, and the paper has been honestly supplied, and all the material has been such as shows durability and clearness upon its face.

Mr. BORLAND. I wish to inquire of the Senator from Georgia, if I understood him to say that the printing has been done according to contract.

Mr. DAWSON. Not at all.

Mr. BORLAND. It is my duty to say that I have most carefully examined both the printing and the paper, weighing the paper with a pair of scales, prepared expressly for that purpose, and I find it to fall short, at least twenty-five per cent., of what the contract requires.

Mr. DAWSON. I am not speaking about the contract; I maintain, though, that the paper and printing are both clear, and to my eye very good.

But it is alleged, on the one side, that you have failed in all the special contracts which you have made; and on the other, that all the contracts which you have made by letting out the work to the lowest bidder have been a total failure. I will ask of the Senate, where is the special contract, which was made with the lowest bidder according to the terms specified, that has not been conformed to and the printing well done for the Senate of the United States? Is it your "Blue Book"? Is it Schoelcraft's publication in relation to the aborigines of this country? They have come up to the public expectation. They have come up to the contract. And, besides, if you let the work out to the lowest bidder, upon terms specified and agreed on, and the bidder fails to discharge his duty, what are your courts of justice intended for? What is the judgment of your body? You have the power of appropriation; and if there be a failure to comply with the contract, you have it in your power to stop the appropriation for it, and also to sue the violator of the contract and recover damages. Why, sir, has it come to this that there is such a want of confidence in the contractors with this Government that we should look necessarily for a failure, and that we should make a contract for an amount above what we could procure it for from other individuals, merely to avoid the consequences of the failure on the part of contractors to conform to their contracts? It is unjust to argue thus. The presumption is, that every man who enters into a contract is honest and will honestly conform to it.

I stated that I preferred the amendment of the Senator from Connecticut; and why? Because it would permit competition to enter into the disposition of this contract; because it would give to all connected with the printing interest of the United

States a right to judge whether they could bid lower than another or not. In disposing of the public work, where printing is involved, it is a right that belongs to every printing establishment to have the liberty of making a proposition to do it. It is contrary to the principles of our Government to confine our contracts to particular persons, to the exclusion of others equally competent to perform the work. We should observe an equality, sir, and base our action upon such a ground that every man in the community who desires, may compete for the contract. I submit to the Senate and the country whether either party, I care not which, that pursues the course proposed by the resolution of the Senator from Indiana, is not confining itself down to terms inconsistent with the public interest, and in violation of the right of other citizens of the country. What! if I am a printer in the city of Washington, and the *Union* office is also a printing establishment here, shall I be excluded from the right of competing with it for the public printing upon any principle that we can adopt? Upon what principle would it be? The Senator from New Hampshire rather ironically presented a state of things here which I do not pretend to stand upon—that it grows out of party considerations. I cannot believe that—I ought not to believe it. But if these charges go forth to the country against the character of this body, should we not avoid giving any foundation for them? And how can we avoid it? By pursuing a proper and consistent course on this subject. Let your printing go where it ought to go. This is an emanation from the Department of the Interior. There is a responsible man there deeply interested in the proper publication of this work. He superintended the taking of the census. His reputation is involved in it. We are now about to adopt much in that work which was never authorized by law; for in the act authorizing the census to be taken nothing is said about ascertaining when the States were settled, when the counties were formed, or making any historical or geological representations of the various States in the Union. That was never contemplated. But it is all in the returns. They contain that valuable information all of which we are to adopt. Who is the author of that? Congress did not authorize it to be obtained. The Superintendent of the Census, through his labor, has brought all that into the census returns. It is his production; and is it not just to him, if you adopt that as a part of your census returns, that he at least should have the superintendence of the publication, so that he may correct any errors which might creep into it. When you passed the law authorizing the census to be taken, you said that the printing of this work should be reserved to Congress. And why? To keep it out of the public printer's hands—the printer that you had already employed by contract to do the Congressional printing. And why did you do that? In order that it might be printed in a style to accord with your views and wishes. Now, Congress can prescribe the manner and style of publication, and direct the Secretary of the Interior to attend to it, or we can direct him to prescribe the manner in which it should be done, and he can have it done.

Mr. President, I have very little interest in this matter as to the amount of appropriation. I have an interest, though, in protecting this body from unjust insinuations. I have no objection to the *Union* office having this printing. But I object to their having the exclusive right to it. I maintain that Rives, or Gales & Seaton, and everybody else, should have the same privilege. No party considerations govern me in this matter. None at all. I stand independent of all influence of that kind. We do not know how the papers will be divided in the presidential canvass. It was said by the Senator from New Hampshire, [Mr. HALE,] that human nature will be the same at least until after the next presidential election. What does that mean? It means that we are acting on party purposes; that we are laying down party positions, and making contracts merely to subserve party considerations, and not the interests of the country. I say it is our duty to avoid that; and the only way to avoid it is to accept the amendment of the Senator from Connecticut.

Mr. SMITH. There is a blank in the amendment which is to be filled. I move to fill it with twelve thousand.

Mr. BADGER. I move to fill it with fifty thousand.

The PRESIDENT. The question will be first on the motion of the Senator from North Carolina to fill the blank with fifty thousand.

When a division was called for—

Mr. BADGER said: As gentlemen seem to be startled at the idea of fifty thousand copies, I will change my motion to twenty-five thousand copies. The twelve thousand proposed by the Senator from Connecticut will be entirely too inadequate. It will only involve the necessity of Congress publishing a future edition of the work with increased expense.

Mr. PEARCE. Does this refer to the printing of a compendium or of the original returns?

Mr. SMITH. The original returns as arranged in the Census Office. It is the large work.

Mr. BADGER. I did not know that.

Mr. PEARCE. The number is entirely too large. I think one-fourth of the quantity will be entirely adequate.

Mr. BADGER. I thought it related to the compendium; but as it relates to the original returns, I withdraw my motion.

Mr. BORLAND. I think the whole proceeding, now proposed, embracing the original resolution, as well as the amendments under consideration, is irregular and premature. The act of the last Congress, commonly called the Census Bill, in reference to the results of which it is now proposed we shall act, requires, by express provision, that after the information had been collected by the marshals, and forwarded to Washington, the Superintendent of Census should digest and prepare a plan for its publication, and lay it before Congress at this session; and further, that the printing of the information thus obtained, prepared, and laid before us, should then be done, as Congress should direct. Now, sir, I ask, has this duty of the Superintendent of Census been performed? Has the information required by the law, and in the form required, been laid before us? If so, where is it—who has seen it—who can tell us anything about it? What are we to print? Shall it be the whole mass of matter, in the crude and undigested state in which it was received from the deputy marshals, that has been received by the Superintendent of Census? Or, if not the whole, then how much of it, and what part of it? It seems to me that every one must perceive that, before we undertake to dispose of this matter, it is indispensable that we shall know what it is; that is, we must know what, and how much, we intend to print, before we can print it; or, what is the same thing, contract for it, as proposed in the resolution. With all the information before the Senate, or the committee, which could possibly be obtained, it would be very difficult to make the estimates to insure an intelligent and practicable contract. Without any information at all, as to the character and quantity of the work, as we now are, it would be impossible. No one can tell us, except by vague and unreliable guesses, whether the work, when printed, will make one volume, or twenty volumes. But all the information I have mentioned, the law actually requires we shall have before we proceed further. I think every consideration of duty and of policy demands that we should conform to the requirements of the law.

At the suggestion of a friend near me, I ask for the reading of the amendment proposed by the Senator from Connecticut, [Mr. SMITH.]

The amendment was read.

Mr. BRIGHT. The original law which was introduced at the first session of the Thirty-first Congress, directing the taking of the Seventh Census, constituted the Secretary of State and Attorney General a Census Board. They were directed by the terms of the law to agree upon the statistics and enumerations of the inhabitants of the United States which were to be taken. The forms that are now in use or have been used were adopted. The census, the enumeration, and statistics were collected in pursuance of that law. The Superintendent of the Census Bureau has prepared at the head of each State, what is called a historical account of the State. A description of the counties, of their political organization, resources, &c., is also given. I understand some Senators to object to the printing of so much of that collection as relates to the counties. The resolution which I have offered, places it in the power of the committee to say whether it shall be printed or not.

I do not see how the Senate can decide that. I have proposed to refer it to the committee, inferring that they are the judges as to what should be printed in this case, as they have been in all other cases of printing—for when we introduce a bill or report, I believe, under the rule, it goes to that committee, and they have the power to decide whether it shall be printed or not, or at least to act upon it and recommend to the Senate what should be done. And I have known of no case where their report was overruled.

Mr. BORLAND. It has been done frequently. Mr. BRIGHT. At any rate, the original resolution contemplates the reference of this matter to that committee, and they are to decide what shall be printed, and upon what terms it shall be done. I shall not address myself to the amendment of the Senator from Connecticut, for the reason that I have no idea that it can be adopted. I think, however, that twenty-five thousand is an ample number; but that is a matter not provided for by my resolution. The committee can decide upon that and report to the Senate.

Mr. BORLAND. The Senator from Indiana [Mr. BRIGHT] has fallen (inadvertently, I have no doubt) into a mistake upon two points:

1st. He has, I think, misapprehended the preliminary census bill as to the functions and duties of the Census Board created by it. He proceeds upon the supposition that the powers of that Board were plenary, and its action final, in adopting the plan for taking the Seventh Census. In this he is mistaken. It was made the duty of that Board to prepare a plan, embracing schedules, for the use of the marshals in taking the census. That was the extent of its powers; and its action, even to that limited extent, was not final. It was required to report to this body what it had done. That report was made, and we all remember what was then done. A census committee was then appointed, to whom the report of the Census Board was referred. The plan proposed by the Board was revised, and materially modified by the committee. And the revision and modification did not stop there; but when the committee reported to the Senate, a protracted discussion was had—the whole subject was examined, perhaps more thoroughly and critically than any other subject has ever been examined here; many days, indeed my memory is that several weeks, were occupied with it. Many, and in some respects radical, changes were made. In the schedules, whole columns were stricken out and others were added; and in several instances, I think, the captions were so altered as to give an entirely new character to the information to be collected. When we had done with it, in this respect, and adopted a general plan, which may be called a new plan, of our own, upon the basis, I admit, of those furnished us by the Board and committee, but materially differing from both, we were so careful to guard the consummation of a work to which we attached so much importance and upon which we had bestowed so much labor, that we would not agree that its results should be printed and published until it should again undergo our scrutiny and revision. For this final scrutiny and revision, we provided in the census bill, proper, passed at the conclusion of that careful and extended discussion, by requiring that the Superintendent of Census, after the information should have been collected, under the law and according to the plan we had adopted, should classify and arrange that information and lay it before us with a plan for its publication at this session of Congress. The duty of thus classifying and arranging the information collected under the census bill, and of laying it, together with a plan for its publication, before us, has not yet been performed. Until that shall have been done, we have nothing to act upon for the purpose of printing. There is nothing to print.

2d. The Senator is equally mistaken as to the functions and powers of the Committee on Printing. The powers of that committee, like those of all our other committees, are properly limited to making reports and recommendations. In the matter of ordering documents to be printed, its action is, in no case, final. A motion to print is made in the Senate, and then referred to the committee. This is followed by a report from the committee, which is only a recommendation which the Senate can adopt or reject at its pleasure; and it is well known that they not unfre-

quently do reject these recommendations. As a general practice, I admit, the reports from the Committee on Printing are adopted; but there have been many instances of rejection, and still more of modification. Certain it is that the action of the committee is, in no such case, final.

Mr. BRIGHT. I desire to make one remark to correct the Senator from Arkansas. I was not mistaken in saying that the census, as taken under the present heads, is in conformity with the directions of Congress. I think the Senator himself is mistaken in having mistaken me. I stated that the report made by the Census Board was adopted, to be sure with alterations, by Congress subsequently; but the recommendations made by Congress, correcting the report of that Board, have been adopted and followed by the Superintendent of the Census. It is in pursuance of corrections made by the Senate that the census has been taken and prepared, and it is now ready for delivery. The Senator from Massachusetts [Mr. DAVIS] can correct me if I am mistaken.

Mr. DAVIS. Mr. Pres—

Mr. BORLAND. Will the Senator permit me to make a single remark?

Mr. DAVIS. Certainly.

Mr. BORLAND. I will admit that the Superintendent of the Census has followed the general plan prescribed in the census bill for taking the census. But in the remarks I just now made I did not allude to that part of his duty; I was speaking of his other duty, required by the law, to classify and arrange the information collected, and prepare and lay before us a plan for its publication. I repeat, the census bill requires this last-named duty of him, and its due performance is an indispensable preliminary to our action upon the question of printing. We are not to print and throw out to the public the enormous and crude mass of matter made up of all the returns of all the marshals in the form in which it has been received at the Census Office. Why, sir, if we were so unwise as to undertake such a work as that, it would be difficult to estimate its cost in dollars and cents, and equally difficult, perhaps, to find room in the Capitol for the books after they were printed. I feel quite sure this Chamber is not large enough to contain them. But the proper course alike for the Superintendent of Census and for us, is plainly and imperatively marked out by the law: He shall classify and arrange the information, and then lay his plan for its publication before us; and it becomes our duty, after adopting, modifying, or substituting that plan, to order the printing in accordance with the plan agreed upon. Any plan to be adopted must of course embrace such a condensation and digest of the whole mass of information as to bring it within a compendious and practicable compass for printing.

Mr. DAVIS. I do not think it is very important to go into the history of the bill under which the census was taken, though I apprehend that both the gentlemen, especially the Senator who brings forward this resolution, are under some mistake about it. The truth is, that the Census Board, as it is termed, was directed by Congress to make a set of tables; but when Congress assembled, no set of tables was laid before them. They, however, appointed a special committee to enter upon this subject. That committee had accomplished nearly all their labors before any official report was made at all, and then a very large portion of their work, as my friend knows, was incorporated into the report of this very board. That is the history of those tables. They came in an unofficial form that had been worked out by a number of individuals who had been employed upon that subject. They contained information of very great value. They were of very great importance, but at the same time they were not officially laid before us. It was upon them that the tables were finally built up mainly and chiefly by the committee. But that is not of any importance. It was sufficiently discussed at the last Congress.

Mr. President, I had supposed when the discussion upon this subject first commenced, when this topic was first brought before the Senate, that there was in preparation—indeed, I had seen it announced in the newspapers that there was in preparation—a condensation of the statistics for the State of Maryland, which was to be laid before Congress as a specimen of the method of

the preparation, which would be followed out with the residue of the States and Territories. It has been so said since the subject has been under consideration here. Well, sir, it is quite necessary that this vast mass of matter, which I suppose goes into the Census Office by cart-loads, should be condensed with great judgment and good sense, and reduced to some practical size, so that it can be brought into print without incurring any very enormous expense to do it, and into a form that will be useful to the public. On that hangs all the value of this immense undertaking of collecting statistics of population, &c. I do not know to what the expense of all this will sum up, but I suppose it will be from one to two and a half millions of dollars. My honorable friend from Connecticut says that it will be somewhere between seventeen and eighteen hundred thousand dollars. I speak of the expense of taking the census. I mean to say, that this information is acquired by the payment of a vast sum of money. It is either valuable or ought to be valuable. And, sir, when we are undertaking to arrange this matter so as to spread it before the public in a form that will make it accessible, I really think we ought to understand what we are about to do. Now, I would ask the Senator who takes the lead in this business, where is that account of the State of Maryland which was proposed to be laid before us?

Mr. BRIGHT. I have a copy.

Mr. DAVIS. I have not seen it on my table. It has not been communicated in any form that I have seen.

Mr. BRIGHT. I will answer the Senator. I obtained a copy only by applying at the office for it, for the purpose of information. I obtained it as a sample to show the size of the work, and what would be the probable cost of it. I did not bring all which relates to the State of Maryland.

Mr. DAVIS. The Senator says he has been favored with a part of it. We all want to see it. We all desire to see the plan, to see what the Superintendent of the Census proposes to do with the information which has been collected. After we have seen his plan and arrangement in regard to Maryland, we can form some opinion as to what will be the size of the work; whether the arrangement of the work is judicious; whether it is thrown into a form which will be most useful; or whether it is capable of improvement. If it is capable of improvement, the improvement ought to be made. Gentlemen ought to have an opportunity of seeing it. They ought to have an opportunity of examining it; and when they have done that, they can act understandingly on the subject, and not before, in my opinion. The act itself, as has been justly said by the Senator from Arkansas, [Mr. BORLAND,] provides that such an arrangement, when made, should be reported to this body. It ought to have been done long ago. We cannot act understandingly upon the business until we see what the plan of operations is—until we can comprehend what is to be done.

Well, it is said that the statistics of each State, and of each county, and for aught I know, of each town, are to be preceded by a succinct history of the State and county. Now, if I do not misjudge, this is entirely out of place. It does not belong to statistics. It is no part of the object of Congress to publish a history of the country. It is to publish the figures with such explanations as will enable the reader to understand them. That is all. And of what importance is it to know whether a county exists, when it was first laid out, and when it was divided or subdivided? Of what importance is that? All that information can be obtained elsewhere with great ease. It belongs to other parts of history. It does not belong to statistics. Moreover, it is likely that by a process of that sort you will swell this work to a very inordinate size, at a very enormous expense; for it is carried on, as every one concedes, with an enormous expenditure. Then why should we trouble ourselves with this? Why not bring these tables down to the smallest possible compass, with an arrangement lucid in its character, and which should give the facts. That is what we want. We want a tabular statement; we want accuracy; we want a clear and succinct method of doing it; and that is what we desire. We do not want history.

I did not wish to say one word about this matter; but when I am called on to vote without proper

information before me, I must say that I feel extremely embarrassed in giving my vote. I do not know what I am to vote for. I do not see the plan of operations. I am not able to comprehend what is to be the size and magnitude of the work. If there is anything in the suggestion which has been thrown out—I trust there is not, I am not prepared to believe it—that there is a purpose of making a job of this, it will be easy to swell it out with historical matter, as to towns and counties and States. If this is a job to be paid for by the page or by the em, by a rule which pays them according to the proportionate magnitude of the work, there will be an inducement to swell it out. Under these circumstances, I think it very clear that we ought to understand at least something about the limits of this work; something about the extent to which it is to run, in all human probability. If we have laid before us the sample of a State which exhibits the method complete, then we can form a pretty good opinion when that comes to be run through the whole Union.

Mr. COOPER. Mr. President, I think it must strike everybody that there is great wisdom in the suggestions which have been made by the Senator from Arkansas, [Mr. BORLAND,] and by the Senator from Massachusetts, [Mr. DAVIS.] We are yet in the dark, and cannot know what we are doing until we have a sample of what is proposed to be done by the Superintendent of the Census. I understand, from the suggestions which have been made, that there is to accompany that which is, correctly speaking, the census, a historical account not only of the States, but of the counties, and perhaps of the towns in the States. I need not tell you, Mr. President, and I need not tell the Senate, that this must necessarily be very inaccurate, and but very little calculated to promote a knowledge of the condition of the country. We have seen gazetteers of several States, prepared by persons who have taken the utmost pains to ascertain the historical facts in relation to the States, and in relation to the counties, and yet we know how inaccurate all these gazetteers are, and how little of accurate history they really contain.

As has been remarked by the Senator from Massachusetts, it does seem to me that we are departing entirely from what ought to be the object of Congress in making an enumeration of the population and of those things which are properly statistical, when we go beyond the population and productions of the country, to give a history, by a gentleman competent to do the work which was originally intended, but, from the extent of the work, necessarily incompetent to give anything like an accurate history of the various States, and counties and towns in the States. I am opposed to this altogether; and before I can vote understandingly on this subject, I must be informed what is proposed. When I see the character of the work that is to be produced, I shall be prepared to say what number of copies I will be ready to vote for, what number of copies I suppose may be distributed with advantage amongst my constituents. But until I know that, I shall be voting in the dark. I therefore think this measure should be postponed for the present, until there is a sample or example of the work presented to the two Houses of Congress, in order that they may know what should be stricken out, and if there be anything that ought to be added, what it should be.

I think that the suggestions made by the honorable Senator from Arkansas [Mr. BORLAND] and the honorable Senator from Massachusetts [Mr. DAVIS] contained much wisdom; and I hope that the resolution will be postponed, and that the subject will lie over until the sample shall be furnished which will enable us to vote understandingly. I repeat here that I am entirely opposed to a history gotten up in this way; for it must necessarily be a mass of trash. It is utterly impossible that a gentleman, however qualified he may be to write a history, if he had the time necessary, can give a correct history of all the States in this Confederacy, and of all the counties in those States, in the short time which has transpired since the taking of the census.

Mr. HAMLIN. Mr. President, I shall detain the Senate but a very few moments. I have just had placed in my hands what purports to be a part of this work, as prepared at the Census Bureau. It appears to be the census returns for a part of the State of Maryland. It was the first

knowledge I had that the head of our Census Bureau had turned historian. It was the first knowledge I had that the law we passed contemplated any such thing. Indeed the law does not contemplate any such thing. It neither contemplates such a thing, nor can you draw from it that power by any possible deduction. My friend from Pennsylvania [Mr. BRODHEAD] suggests that a twenty-four horse power might possibly draw it. I doubt it very much. I have turned to the law for the purpose of seeing what the law was, and comparing it with the thing which they have presented to us here for our action. The law is very plain and very clear. It prescribes, first, the duties of the marshals, and what they shall do; what information they shall collect and return to the Secretary; and then the section concludes by saying, "and further, as the returns are so made out, to cause the same to be classified and arranged in the best and most convenient manner for use, and lay the same before Congress at the next session thereof."

Is there any power given there by which this Bureau was authorized to become an Historical Bureau? I know not how it may be with other Senators here, but I should regret exceedingly to see any one individual, however qualified he might deem himself for the task, make an attempt to condense the history of all the States. I know of no individual connected with that Bureau, with whom I would intrust that power, or the duty of condensing the history of the State from which I come. Who is there there who knows intimately of its great and extended commerce? Who is there there prepared to enter into those details that we should deem essential in our own State, and which would be necessary to do justice to the State, if they are to be sent broadcast over this land, and sent to other countries? Why, it is a monstrous stretch of power; and it is a key which shows why they have had a hundred and sixty clerks employed in that Bureau—a number truly astonishing—employed for the purpose of compiling the statistics that were returned by the marshals.

How accurate the History of Maryland may be I know not. I presume it is well written, but I have not read it, and do not mean to express an opinion. I am not qualified to judge of its correctness. But I do say, that I am unwilling, as one of the Representatives of one of the States, to intrust that power, or that duty, to these men. Besides that, I do not believe that it is properly connected with the work. Congress asked for no such thing in the law, and I do not believe they will either ask or accept of it now. Why we have been accused already of turning book-makers; and now comes the next phase, and we are turning historians. We are to publish the history of the States, if this plan is to be carried out. And more than this, we are to publish the history of counties; and we will next get down to the history of municipal corporations. We want this work; and we want to make it valuable. Valuable it may be made, from the information contained in the returns.

I do not know what may be the views of other gentlemen with whom I am associated in the Committee on Printing; but this I do know—and I think it my duty frankly to express it to the Senate—if the duty, if the burden, is wrongfully placed on me, of making this contract, I say here in my place, that I will contract for printing no such matter, unless I am directed in express terms by the Senate to do so. If the Senate should deem it advisable to convert this body, or any of the committees under it, into historical bureaus, they may do so; and it will be my duty to act in obedience to their directions.

I have the sample of the Census of the State of Maryland before me. The returns of the State of Maryland, which are comprised in this sample, make twenty-eight pages.

Mr. BUTLER. That is only half of it.

Mr. HAMLIN. There are twenty-eight pages in it, as I said; but these twenty-eight pages only contain one half of the returns of the State. Twenty-one pages of these twenty-eight—more than two thirds—are devoted to the historical account, to which I have already alluded. If twenty-one pages are to be appropriated to the historical account of each State—and Maryland, at least, may be assumed to be a medium State—we would have some six or seven hundred pages of historical matter connected with the census returns.

Several SENATORS named a larger number of pages.

Mr. HAMLIN. I am not very ready in figures, but gentlemen can easily calculate it by multiplying twenty-one by thirty-one.

Mr. BUTLER. What the Senator speaks of are only one half of the returns of the State of Maryland.

Mr. HAMLIN. I am aware of that, but I judge from the appearance of that half that the concluding portion of it will be appropriate, to wit: the tables which show the population, and the various products of the industry of the State.

It might have been well, when the census was first taken, to have confined it simply to an enumeration of the people; but the law for taking the census has already been passed, and I am not, at least, for transcending that law: I am not for going beyond that. Taking the State of Maryland as a State which will average with all the States, old and new, large and small, we shall have a work which will contain some six or seven hundred pages of historical matter. I saw in the outset of this resolution, as soon as it was presented, that it would meet with these various objections, and I have deemed it advisable to say, that my view of the subject would lead the committee, appropriately, to exclude all that part relating to the history of the States and counties from any contract which they might make, and I shall so act unless the Senate shall express a different opinion, or otherwise direct.

Mr. PEARCE. Mr. President, I think the remarks which have fallen from the honorable Senator from Arkansas, and from other gentlemen, most abundantly satisfy the Senate that this discussion is premature, and that the resolution itself is premature. We really do not know what is the matter upon which we are now proposing to act. If the Senate would have a little patience; if they would wait some two or three weeks, they would be furnished with a sample of the work as the Superintendent of the Census proposes to have it done. I understand that he has prepared the returns of the State of Maryland, and that they are now in press, and are expected to be furnished to the Senate in the course of two or three weeks. When we get these returns, which will furnish a sample of the whole work, we shall understand what is his plan; and we shall not understand what his plan is until we get those returns. It is true that a brief historical sketch preceded the returns of each county. It may be true that the Senate may approve of the historical sketch; perhaps they will reject it. If they decide to reject it when they receive the returns of Maryland, nothing will be easier than to say that we disapprove of this historical sketch, and then the Superintendent of the Census may save himself the labor of making other historical sketches. In justice to the Superintendent of the Census, I must say that these historical sketches are very brief; and whether useful or not, they do not seem likely to fill such an enormous amount of space as the Senator from Maine supposes. It may not be desirable to publish them, but the calculation of the Superintendent of the Census is, that with all the historical sketches and tables, the returns will not exceed, at the utmost, two or three volumes of the size of the "American Archives." That is his calculation. But if the Senate will wait two or three weeks, until they get the sample which is being prepared, which will show what the work will be if his plan is adopted, they can have before them the information which the law contemplated. This sample is the report called for by the law. When the Senate get it, they can act understandingly. Until they do get it, they cannot act understandingly. I think it proper, therefore, to postpone the subject for two or three weeks; and I now move that the further consideration of this resolution be postponed until this day three weeks.

Mr. BUTLER. I was on the Census Committee at the last Congress, and I desire, therefore, to say a few words now. I did not hear all that was said by the Senator from Massachusetts. I have no doubt he gave a fair view of the difficulties of the subject. This is an exemplification of what I said at the time the census bill was before the Senate. I said at that time, that in my deliberate judgment, the act went beyond the scope of the Constitution. I say that the act under which the marshals have made their returns to the

Superintendent of the Census, brought matters within the operation of the census which were never contemplated by the Constitution itself. I said then, that the Constitution provided that a census should be taken. What is comprehended under the word "Census?" Why, an enumeration of the population. For what purpose? To enable Congress to regulate the representation of the different portions of the Confederacy. It was also intimated, perhaps, that it might legitimately fall within the scope of such an agency to take also an estimate of property, real and personal. To that extent I was willing to go. But the act went further. It required a species of information, rather to satisfy the curious than to comply with the strict requisitions of the Constitution.

This is history, it is said. It must be regarded, according to my notions, as of the same kind of information as that to which I have just alluded. And how does it come before the Senate? We supposed that in the act which we passed for taking the census, we imposed legislative sanctions, by which the information there provided for should alone be collected. But after the act was passed, I suppose, this Superintendent of the Census, or somebody else, wrote to the marshals, voluntarily, requiring them to become historians as far as regards collecting certain materials of the history of their own counties and districts. Who, then, is to be the historian? The Superintendent himself, taking these materials and making a book of them?

I have heretofore regarded the office of a historian as one of the very highest importance, requiring a rare combination of industry, talents, and judgment; and, above all, a degree of deliberation, and extreme impartiality, and honesty in reviewing all the incidents and materials put before his mind. And here we are now proposing to add, after what has been provided by the act, a book of about fifteen hundred pages at least, composed of historical matter.

I agree with my friend from Maryland that we ought not to act upon this subject without having a sample before us. But if we leave it to the Secretary of the Interior, to the Superintendent of the Census, or to any committee of the body, we do so blindly, on faith, when they may do what perhaps we might reject. If we had committed it to the Secretary of the Interior, and he had embraced these matters, we see what an abuse it might have been. If we had committed it to the Committee on Printing, they might have undertaken to have added these as an appendix to what the law requires, and that would have been an abuse. We cannot intelligently legislate on this subject, without having before us some sample of what is to be printed; and I would be prepared to strike out rather than to add, for I think we have required a great deal of curious information to be collected under the act not contemplated by the Constitution, much of which ought to be stricken out. I shall vote, therefore, to postpone, with a very clear view of the subject in connection with what I had of it before.

Mr. BORLAND. Mr. President, I desire now merely to call attention to the language of the law, to which I have several times referred.

First, however, I would correct the misunderstanding into which I find some of my friends have fallen, as to what I said of the manner in which the Superintendent of the Census has performed his duty in having the census taken. I was understood by some to indorse the manner in which he has performed that duty—to say that he had done so in strict conformity with the law. In this I was misunderstood. What I intended to say—and what I think I did say—was, that I was willing to admit, and had no reason to doubt, that he had so performed that part of his duty. Whether he has so performed the duty or not, I have no means of knowing, for I have not seen the work. I based my admission in his favor, to that extent, upon the opinion—the correctness of which I have no reason to doubt—that he is a gentleman of intelligence and integrity, who would do his duty under the law.

But to the main purpose for which I rose. I said, and repeat, that, in my opinion, this whole movement for having the printing of the census undertaken at this time is premature, and not only not in conformity with the law, but in derogation of it. I hold that law in my hand, and find this subject disposed of in the nineteenth section.

After prescribing the general duties of the Superintendent for taking the Census, and receiving the marshal's returns, it holds this language:

"And, further, as the returns are so made, to cause the same to be classified and arranged in the best and most convenient manner for use, and lay the same before Congress at the next session thereof."

Now, sir, this duty of the Superintendent has not been performed—his plan, as required by the law, has not been laid before us. We have not the matter before us which the law requires we should have before we act, and without which, in the very nature of things, we cannot make our action either sensible, practical, or useful.

This, if it were needed, would be placed in a clearer and stronger light, by quoting another and subsequent passage of the same section of the law, providing directly and specifically for this very printing. I will read it, from the *Proviso*, at the close of the section:

"The blanks and preparatory printing for taking the Census shall be prepared and executed under the direction of the Census Board; the other printing to be executed as Congress shall direct."

How can we execute this provision of the law—how direct this printing to be done, unless we know *what*, and *how much* is to be done? The work we are now asked to have done, is not before us, and has never been here—indeed, it has no existence anywhere; for, remember, it is the "plan" of publication upon which we are to act, and in regard to which we are to give our "direction." It is certainly our duty, then, I think, to postpone all action upon the question until we have something to act upon.

Mr. DAVIS. If the gentleman will allow me, I will recall one fact to his mind. In the original Census bill, as reported by the committee, there was a provision for printing the census returns. When the subject came to be discussed, it was found that there was so much difficulty attending the making of a provision by anticipation, that by common consent that provision was stricken out and there was substituted for it a clause that Congress should provide for the printing of the returns. It was said "We will wait until we see the returns before we make any order as to printing them."

Mr. BORLAND. The Senator from Massachusetts is correct in his recollection. I thank him for the suggestion. It was said that as we differed so much about the details of the general plan for taking the census—as the Census Board, the Census Committee, and the Senate each entertained different opinions on subjects which in all their parts were before us, we would, indeed, be acting unwisely to prescribe what should be done in matters of which we had, and then could have no knowledge whatever. So we reserved this final action to future discretion, when the only proper basis for correct action, the matter to be acted upon, should be fully and intelligibly before us. Certainly, no one, then, entertained the idea that the disposal of the main and most important point in this whole matter, that upon which the value of all the work depended, and the disposal of which we so carefully guarded, was to be left to the discretion of a single individual, no matter what might be his qualifications. The law which, after protracted discussion, and the most careful revision, we then passed, reserved this final action to ourselves, and, in my opinion, wisely so reserved it. That law, also, prescribed the basis of our action—a basis which all must admit to be indispensable to useful action, and there I think it ought to rest, and so far as my vote will influence the decision, it shall rest.

Mr. ATCHISON. Mr. President, it is my intention to move to lay this resolution on the table to effect the object intended to be effected by the Senator from Maryland, that this matter may be postponed until it shall be ascertained what it is we are to print. It is the opinion of the Senator from Maryland, and it seems to be the opinion of other gentlemen, that perhaps in two or three weeks this may be effected. Now, by laying the subject on the table, we will have a test question on whether it shall be postponed or not—not for the purpose of finally disposing of the resolution, but that it may lie on the table until the information referred to shall be received; and then any gentleman can move to take it up. I move to lay the resolution on the table.

Mr. BRADBURY. If the Senator will withdraw the motion, I will renew it.

Mr. ATCHISON. I withdraw it.

Mr. BRADBURY. I understand the object of postponement to be that we may have an opportunity of examining the historical part of the document which is being prepared. The original act specifies with sufficient distinctness what is the duty of the Census Board. For one, I am totally opposed to going beyond what that act requires, and publishing anything more than that act made necessary. It has already been stated by a member of the Committee on Printing that he should not regard it as his duty to contract for the publication of any of the historical part of the work which is said to be prepared. He stated that he regarded it as no part of the census, and as having no necessary connection with the tables which should be published. I think that is the general opinion of the Senate. It is for that purpose that I am prepared to vote for the original resolution authorizing this committee to contract for the publication of the census.

I really think that it is magnifying the labor of the clerks in the Census Bureau who have undertaken, as a work of supererogation, to turn historians, that we should delay for a fortnight or three weeks in order to examine their history, and see whether we will embody it in the census returns. For one, I am totally opposed to it, and I do not think we need any delay for that purpose. I hope, therefore, that the motion, which I shall feel bound to renew, of the honorable Senator from Missouri, will not prevail, but that we shall get rid of this subject to-night. We wish to publish the census, and we wish to have the printing well done. Competent men are prepared to contract, and it is proposed that a committee, in whom we can repose confidence, shall contract with them, provided they can do it on fair terms. I see no difficulty, then, in the way of the adoption of the resolution at once. It seems to me that we shall only magnify a trifling matter by attempting to postpone our action to a future day. Time enough has already been occupied in debate on this question. We have seen resolutions of equal importance, involving an equal amount of expenditure, passed almost without debate. I presume that every Senator has made up his mind, and that we can act now as well as at any time. The difficulty that has arisen in the minds of Senators has arisen in consequence of the suggestion that the Census Bureau have gone beyond the requirements of the law, and have undertaken to give a historical detail of the States, the counties in the States, and perhaps the towns. Inasmuch as we shall not probably desire to embrace any such information in the census returns, I think we may as well act on the resolution now. According to promise, I renew the motion of the Senator from Missouri.

Mr. BRIGHT. I hope the Senator will withdraw his motion, and I will renew it if he requests it.

Mr. ATCHISON. I made the motion for the purpose of getting rid of debate, but I withdraw the motion to accommodate the honorable Senator from Indiana.

Mr. BRIGHT. I find that this proposition is greatly embarrassed by a collateral question which has really nothing to do with it. This resolution is couched in very plain language. It directs the Committee on Printing to perform a certain duty—that duty is pointed out by a previous law. A previous law of Congress prescribes that a census of the inhabitants of the United States shall be taken in a certain way—that certain statistics shall be collected under proper heads, and arranged and classified. This resolution merely contemplates that the Committee on Printing be directed to contract for the printing of this work. It now appears that the Board who have been charged with the duty of preparing these tables have added some extraneous matter. This question is embarrassed by the consideration whether this extraneous historical matter shall be printed. My impression is that Senators greatly magnify the amount of this printing; but I do not wish, by any act of mine, to seek to force gentlemen to vote without having an opportunity of understanding the question in all its parts; and as the mover of the original resolution I am willing to accept the motion of the honorable Senator from Maryland to postpone its further consideration until this day three weeks, to give Senators an opportunity of looking into the matter.

Mr. PEARCE. The motion submitted by me

was to postpone the further consideration of this resolution until this day three weeks.

Mr. BRIGHT. Let it be made the special order for one o'clock that day.

Mr. PEARCE. I modify my motion so as to include that.

The motion was agreed to, and the resolution was postponed and made the special order for Tuesday, February 3d, proximo.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 13, 1852.

The House met at twelve o'clock, m.

Prayer by the Chaplain, Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

On motion by Mr. DUNCAN, leave was granted to withdraw from the files, for the purpose of transmitting to the office of the Commissioner of Pensions, the petition and papers in the case of Hector Brown.

On motion by Mr. SIBLEY, it was

Ordered, That the petition and papers of Charles Curceno be withdrawn from the files of the House and referred to the Committee on Military Affairs.

Mr. CLARK. I rise to ask the unanimous consent of the House to suffer the call of the States to proceed from the point where it ceased yesterday. It must be well known to gentlemen that there are many bills and resolutions to be introduced, and they cannot be introduced by right, except on resolution day, which does not occur again for two weeks. I trust the States will be called.

Mr. STEPHENS, of Georgia. If the House will consent to do what they did on Friday morning—that is, allow the States to be now called for resolutions as they would have been in order under the rules on Wednesday last, all these bills can be introduced.

The SPEAKER. Is it the pleasure of the House that this course shall be taken?

Mr. JONES, of Tennessee. I call for the regular order of the day.

On motion by Mr. CULLOM, leave was granted to withdraw from the files of the House, for the purpose of laying them before the proper Department, the petition and papers in the case of John Ditty and Joseph Hadaway.

[Mr. BARRERE, from the Committee on Enrolled Bills, reported as correctly enrolled the joint resolution for the transportation of the United States mail in California and Oregon; and it was then signed by the Speaker.]

REPORTS OF COMMITTEES.

Mr. HOUSTON, from the Committee of Ways and Means, reported a bill making appropriation for the support of the Military Academy for the year ending the 30th June, 1853; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. MACE, from the Committee of Claims, reported a bill for the relief of William Greer; which was read a first and second time by its title, referred to a Committee of the Whole House, and made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. MACE, from the Committee of Claims, made an adverse report on the petition of J. C. Linn for damages for injuries sustained by the conduct of certain United States troops; which was ordered to lie on the table and be printed.

On motion by Mr. SEYMOUR, of New York, the Committee on Commerce was discharged from the further consideration of the petition of Lewis H. Bates and William Lacon, asking to be indemnified for losses sustained by them in consequence of a legal seizure of a quantity of iron imported by them, and that it be referred to the Committee of Claims.

On motion by Mr. SEYMOUR, the Committee on Commerce was discharged from the further consideration of the petition of William H. Topping, praying for compensation as clerk to take testimony in relation to the New York custom-house, and it was referred to the Committee of Claims.

Mr. SEYMOUR, from the Committee on Commerce, made an adverse report on the petition of William D. Allen and others, praying Congress

to make suitable provision for extending a telegraph line from Fort Independence to the Pacific; which was ordered to lie on the table.

Mr. FULLER, of Maine, from the Committee on Commerce, reported back, with an amendment and with a recommendation that it do pass, House bill No. 23, to amend an act entitled "An act to regulate the carriage of passengers in merchant vessels," approved February 23, 1847, and "An act to provide for ventilating passenger vessels," approved May 17, 1848; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. F., also, from the same committee, reported the following bills, which were severally read a first and second time by their titles, referred to a committee of the Whole House, and made the order of the day for to-morrow, and, with the reports accompanying, ordered to be printed, viz:

A bill for the relief of Williams, Staples Williams; and

A bill for the relief of James Ferguson, the surviving partner of Ferguson & Milhardo.

On motion by Mr. WALSH, the Committee on Commerce was discharged from the further consideration of the petition of John McKee and Henry Lelf, asking for indemnity for losses sustained by the illegal seizure of the barge "Mary Teresa;" and it was referred to the Committee of Claims.

Mr. HALL, from the Committee on Public Lands, reported a bill further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office; which was read a first and second time by its title.

Mr. HALL moved that the bill be referred to the Committee of the Whole on the state of the Union, and that it be printed.

Mr. STANTON, of Ohio. I desire to say something against the bill when it comes up for consideration.

Mr. TAYLOR. That bill relates to an unsurveyed tract of country in the district which I have the honor to represent, and I would inquire if it is not in order now to have it put upon its passage?

The SPEAKER. It will be in the power of the House to order that it be engrossed and read a third time. The first question will be upon committing it.

Mr. TAYLOR. Is it in order to submit any remarks upon the bill?

The SPEAKER. Remarks are in order upon the propriety of referring the bill to the Committee of the Whole on the state of the Union.

Mr. TAYLOR. The object of that bill is to extend the time of locating Virginia land warrants in the district of country commonly known as the Virginia military lands. The time for locating those lands having expired upon the first day of this month, the Virginia military land office in the city of Chillicothe is closed against the entering of lands in that district, until such a bill as the present may pass. I can see no objection to the passage of the bill immediately. I will not detain the House many minutes upon the subject. But my colleague has some objection to the bill, which may be as well presented now as at any other time. It is simply a question of time for locating these warrants, two or three years—similar bills having passed this House for the last eight or ten years, with a view of closing that office. It is a singular fact, that in Ohio the only unsurveyed lands in the State are within this military district, being about eighty-five thousand acres. It is impossible to survey, locate, or appropriate them by the holders of warrants, unless we pass such a bill as this. I can see no objection to extending the time. Certainly the interests of the State of Ohio, as every other section of the country interested in these Virginia military warrants, require that this office should be kept open. We have a Surveyor General who was appointed by President —, and who keeps an office in Chillicothe, where the original records of the Virginia military district in Ohio are preserved. I do not suppose that it is the desire of my colleague to shut up that office, and prevent the location of eighty-five thousand acres of land yet unsurveyed; and I hope the House will pass the bill. I can see no impropriety in it. Congress has repeatedly had the subject under its consideration; and so far as I know, no objection has been made to extending

the time. I may be asked; why I wish the time to be extended? It is because I wish the surveys to progress, that this vacant land may be entered, and to stimulate the holders of warrants to locate them speedily, so that this Virginia military district may be surveyed and settled. The time has been extended for two years at a time by several acts of Congress, all of which have now expired, and I merely ask that it may be again extended. I ask that the bill be now put upon its passage, and I hope that it will pass.

Mr. RICHARDSON. There are a number of other gentlemen who desire to make reports from committees, and as this is an important bill, and one likely to give rise to much discussion, I move the previous question.

Mr. STANTON, of Ohio. I hope the gentleman from Illinois does not intend to force this bill through under the operation of the previous question.

Mr. RICHARDSON. I want to send it to the Committee of the Whole on the state of the Union, where it can be fully debated.

Mr. STANTON. I have no objection to its commitment. The question being taken on seconding the demand for the previous question, there were—ayes 82, noes 6—no quorum voting.

Mr. RICHARDSON demanded tellers; which were ordered, and Messrs. TAYLOR and SAVAGE appointed.

Mr. TAYLOR inquired of the Chair, what would be the effect of the previous question?

The SPEAKER stated that the effect would be to bring the House to a vote, first upon the motion to refer, and then—in case of the motion to refer, being negatived—upon the engrossment of the bill.

The question was then taken, and it was decided in the affirmative—ayes 120, noes not counted.

So the previous question received a second.

The main question was then ordered, which was upon the motion to refer the bill to the Committee of the Whole on the state of the Union, and order it to be printed.

The question was taken and it was decided in the affirmative—ayes 106, noes not counted.

So the bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. McLANAHAN, from the Committee on the Judiciary, reported back a bill "authorizing the payment of interest to the State of New Hampshire for advances made for the use and benefit of the United States in repelling invasion and suppressing insurrection at Indian Stream in said State," with an amendment and recommendation that the bill do pass.

Mr. McL. moved that the bill be referred to the Committee of the Whole House, made the order of the day for to-morrow, and be printed.

Mr. STUART. It seems to me that that bill would go more appropriately to the Committee of the Whole on the state of the Union. I move that it be so referred.

Mr. McLANAHAN. The reference of a similar bill was made last session to the Committee of the Whole House. This is a claim of very great merit, and one that should receive the action of the House at as early a day as possible.

Mr. JONES, of Tennessee. I would inquire of the gentleman from Pennsylvania if that bill does not make an appropriation, and is not a general bill to pay money to one of the States? Now, a bill of that kind is never treated as a private claim and sent to the Committee of the Whole House, but is sent to the Committee of the Whole on the state of the Union, where the largest latitude of debate is allowed.

Mr. McLANAHAN. In reply to the gentleman from Tennessee, I will inform the House that this is in the nature of a private claim, and that the bill and report are therefore properly referable to the Committee of the Whole House. It is not a public or general claim, but it is a claim set up in equity and justice against the United States for the payment of a certain sum to the State of New Hampshire for military services rendered by her. Similar claims have been allowed to other States, and I believe that in every instance the reference has been to the Committee of the Whole House. This bill was reported at the last session of Congress, but failed to be acted on for want of sufficient time. I think that under the rules, as well as the precedents, the motion

that I make is the legitimate and proper one, and I hope that it will be adopted by the House.

Mr. RICHARDSON. As this matter is going to lead to debate, I move the previous question.

The previous question was seconded, and the main question ordered.

The SPEAKER stated that the question would first be taken upon the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. COBB asked for the reading of the bill.

Several MEMBERS objected.

The question was then taken, and there were—ayes 62, noes 48—no quorum voting.

Mr. MARSHALL, of Kentucky, demanded tellers; which were ordered, and Messrs. PENN and WALLACE appointed.

The question being again taken, it was decided in the negative—ayes 39, noes 19.

So the House refused to refer the bill to the Committee of the Whole on the state of the Union.

The question recurring on the motion to refer the bill to the Committee of the Whole House, it was taken and agreed to.

So the bill was referred to the Committee of the Whole House, made the order of the day for tomorrow, and ordered to be printed.

Mr. McLANAHAN, from the Committee on the Judiciary, reported back, with an amendment, the bill "to change the time for holding the district courts of the United States in the western district of Virginia, and for other purposes;" which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. MEADE, from the Committee on the Judiciary, reported the following resolution; which was considered and agreed to, viz:

Resolved, That the Committee on the Judiciary inquire into the expediency of providing by law for a revision and compilation of the laws of the United States of a general nature, and for embodying in a separate volume the laws relating to the District of Columbia.

Mr. HARRIS, of Tennessee, from the Committee on the Judiciary, reported back House bill No. 16, "to regulate the publication of the laws of the United States, and of the public advertisements," with a recommendation that it do not pass.

Mr. STUART. That bill was introduced by a gentleman from Maine, who is confined to his room by indisposition. I hope that no action will be taken on it until he is able to be in his seat.

There being no objection, the bill was laid upon the Speaker's table.

Mr. HARRIS, of Tennessee, from the Committee on the Judiciary, reported back House bill No. 17, to prohibit the prosecution of claims against the Government by the Heads of Departments, and Senators and Representatives in Congress during the terms of their respective offices, with an amendment as a substitute for the bill.

Mr. H. moved that the bill be referred to the Committee of the Whole on the state of the Union, and that the bill and amendment be printed; which motion was agreed to.

Mr. MARSHALL, of Kentucky, from the Committee on the Judiciary, made an adverse report on the petition of Mrs. Susan T. Randall, widow of the late district judge of Pennsylvania, asking for remuneration for certain services of her husband, which was ordered to lie on the table and be printed.

Mr. MARSHALL, of Kentucky, from the Committee on the Judiciary, to whom was referred the bill to amend an act entitled "An act for the punishment of crime in the District of Columbia," reported back the same with an amendment and a recommendation that it do pass.

The bill was read.

Mr. MARSHALL. The amendment proposed by the committee is simply to insert the words "or outhouse." I will state to the House that as the law of this District now stands, there is no penalty attached to the burning of an outhouse, unless there is merchandise, grain, or hay in it, at the time it is consumed. For instance, if a painter's shop is burned in the District of Columbia, with whatever intention, the offence is not punishable under the existing law.

The amendment of the law proposed by this bill, is merely intended to embrace that case, and

to render the willful and malicious burning of an outhouse in which there are no goods, subject to the same penalty as the law attaches to the burning of an outhouse with goods in it. I suppose there is no objection to the bill, and I move, therefore, that it be put upon its passage.

Mr. SACKETT. Would it not be better to insert, after the word "outhouse," the words "or building?" The phraseology, as it now stands, would not include carpenters' shops.

Mr. MARSHALL, of Kentucky. I should suppose "building" would be embraced in the term "house or outhouse?"

Mr. SACKETT. I doubt very much whether that embraces every kind of outhouse. I move to insert after the word "outhouse," the words "or building."

Mr. MARSHALL. I suppose "house or outhouse" would cover every sort of building.

The SPEAKER. The Committee on the Judiciary propose to insert the words "or outhouse" after the word "house."

Mr. McLANAHAN. The gentleman from New York [Mr. SACKETT] wishes to introduce into this bill a term so indefinite in its meaning, and so comprehensive in its application that it can scarcely find a place in any law or even civil act. The term "building" relates to so many kinds of buildings, and is so perfectly indefinite in its character, that a man might be indicted by it for burning anything in the shape of a building—anything that has been constructed, from a hen-coop up. The words "house," and "outhouse," are those which have a legal signification, long known in the common as well as the statute laws, as interpreted by the decisions of the judges of various States. But, as I have said, the term "building" is so perfectly indefinite in its meaning and so comprehensive in its character that it would be impossible not to indict a man for the burning of any building, however petty in its character. I hope, therefore, the House will not allow the amendment offered by the gentleman from New York [Mr. SACKETT] to be adopted.

Mr. SACKETT. I have no desire to alter the bill so as to extend it in any way beyond the intention of the committee who reported it. I was aware of the defect in the existing laws of the District of Columbia, in relation to the burning of certain unoccupied buildings, and that it was necessary to amend those laws by extending them so as to cover this class of buildings that are not now embraced within it. But the bill as reported to this House, in my opinion, will not entirely remove the difficulty. I think it does not cover such buildings as unoccupied mechanics' shops.

Mr. McLANAHAN. I would ask the gentleman if a mechanic's shop is not embraced in the word "house?" His shop is a house, and if a man were found guilty of setting it on fire he would be convicted.

Mr. SACKETT. I do not know what the gentleman from Pennsylvania [Mr. McLANAHAN] may think, or what construction his legal learning may put upon the word "house," but I doubt very much whether an unoccupied mechanic's shop is comprehended in that term. I do not believe it at all; and if it is intended to frame a bill here which shall cover that character of building at all, and sufficiently general in its terms to meet the wants of the community for whom it is to be framed, it must contain terms such as shall cover every class of building that it is necessary to protect.

Now I deny that the term "house" is thus sufficiently comprehensive to embrace every class which should be protected. It does not embrace the class to which I have before alluded—that of unoccupied mechanics' shops—and I think such a building ought to be protected. I am not tenacious as to the particular word to be inserted. If the word "shop," or any other which any gentleman will name, which will be sufficiently comprehensive to cover every class of buildings that need protection is more acceptable, I am satisfied.

I am not aware of the legal signification given to the term "house" which the gentleman from Pennsylvania [Mr. McLANAHAN] gives it. I am not aware, especially, that in criminal jurisprudence, laws are so construed as to embrace within particular terms objects other than those which are particularly included in those terms. I am not aware of any such construction in criminal law. Upon the other hand, particular terms, such as

"house," are used to designate a particular class of buildings, and none other. If this is so, and if the committee intend to embrace the class of buildings to which I have referred, then some more comprehensive term should be used.

Mr. MARSHALL, of Kentucky. I do not wish to detain the House with useless discussion upon this subject. The Committee on the Judiciary think that every building that should be protected will be protected by the term "house or outhouse." The bill, as originally introduced by the gentleman from Maryland, [Mr. EVANS], was drafted by a lawyer of high standing in this city. The committee have enlarged the bill, and have made no other alteration than to enlarge it by the addition of the words "or outhouse;" and they supposed that the class of buildings referred to by the gentleman from New York [Mr. SACKETT] would certainly be embraced by the term "house or outhouse;" and I must say that I do not understand what sort of a building would not be embraced by that term. The law does not provide a penalty for burning a detached shop, if it is not connected with a house. The bill which the committee reported expressly provides a penalty for the burning of that class of buildings. The conclusion which the gentleman from New York expresses upon this subject, I do not think is one which the authorities will bear out. For the purpose of terminating this discussion, however, I call the previous question.

Mr. STUART. I hope the gentleman will withdraw that call for a moment.

Mr. MARSHALL. I cannot withdraw it.

Mr. WALSH. I hope the gentleman will withdraw his call for the previous question. We had better follow the laws of Maryland upon this subject. I have just procured a copy of those laws from the Library.

The SPEAKER. Debate is not in order.

Mr. THOMPSON, of Virginia. I move to lay the bill upon the table, in order that it may be taken up at some future time, when we may examine it more fully.

Mr. T. subsequently withdrew the motion.

The question now being upon seconding the demand for the previous question,

Mr. GIDDINGS demanded tellers; which were ordered, and Messrs. WALSH, and THOMPSON of Virginia, were appointed.

The question was then taken, and the tellers reported—ayes 80—noes not counted.

So the previous question received a second.

The main question was then ordered to be put, which main question was upon the adoption of the amendment to the amendment.

The question was then taken, and the amendment of Mr. SACKETT, to insert after the words "or outhouse" the words "or building," and it was disagreed to.

The question then recurring upon the adoption of the amendment reported by the committee, and, being taken, it was agreed to.

The question now being, "Shall the bill be engrossed and read a third time?"

Mr. MEADE moved to refer it to the Committee of the Whole on the state of the Union.

The SPEAKER said that, under the operation of the previous question—which extended to ordering the bill to be engrossed and read a third time—a motion to refer would not be in order.

The bill was then ordered to be engrossed and read a third time; and, having been engrossed, it was read a third time.

Mr. STUART asked if it would be in order to move to reconsider the vote just taken, by which the bill was ordered to be engrossed and read a third time?

The SPEAKER said it would be in order.

Mr. STUART. Then I submit that motion; and upon it I wish to offer a word or two. Before doing so, however, I ask that the bill as amended may be read.

The bill was then read.

Mr. STUART. I do not rise for the purpose of discussing the merits of this bill, nor the propriety of the amendment which has been introduced by the Committee on the Judiciary; for unless it be printed or placed in our hands, no profitable discussion in relation to it can be carried on without great difficulty. But, I rise for the purpose of answering the argument of members of that committee. My object in moving this reconsideration, is to have this bill referred to the Com-

mittee of the Whole on the state of the Union, and to have it printed, that gentlemen may examine it and be able to reach this very difficulty which these amendments are designed to reach. Now, if the construction of this term "outhouse" is such as is ordinarily given it, certainly no gentleman will pretend that it reaches the difficulty presented in the original bill. The term "outhouse" is settled by authority. As I understand the term, "outhouse" reaches only to such buildings as are pertinent to the main building—which are in the curtilage. It is not an independent building. An independent building, occupied for a different purpose, does not, as I understand it, come within that class of buildings known as outhouses. Now our judicial construction upon acts of this kind, are necessarily very close. The crime of arson is one of the very highest known to our laws, and the most rigid rule of construction is therefore always given to acts of this character. But "outhouse" or "house" being terms well known to criminal law, have necessarily received a settled and definite construction; and they do not, I repeat, reach such independent buildings as a shop, office, store, or any building of that character. I am not by any means prepared to say that this bill does not reach any difficulty which it was intended to cover; but I am prepared to say, and from my knowledge of law I do say, though with deference to every other gentleman upon this floor, that the construction that is sought to be given here to the term "outhouse," will be found not to be sustained by judicial authority. But inasmuch as I am at all times very much averse to occupying the time of this House, and especially so at this time when other committees desire to report, I hope the House will agree to reconsider the order for engrossing this bill, and refer it to the Committee of the Whole on the state of the Union, and have it printed, so that we may all read and understand it, and that we may be enabled to do justice not only to this District, but to the whole community, by so perfecting the law that it will reach every offence within its contemplation.

Mr. MARSHALL, of Kentucky. My object, and, of course, the object of every member of the Committee on the Judiciary, is to cover by law, and by penal law, all classes of offences of which complaint has been made. It is of very little avail to carry on this discussion about the term "outhouse." My opinion is that every building detached from the main building, whether it is in the curtilage or not, is embraced by the term "outhouse." I have had my attention drawn particularly to the matter, but I have no pride of opinion about it. I understand that if we reconsider the vote by which this bill was ordered to be engrossed and read a third time, that it will then be in a condition for amendment, and I suppose the insertion of the word "shop" would settle the matter, and probably cover every species of building which would not be covered by the term "house or outhouse."

Mr. THOMPSON, of Virginia. Would it cover a printing office?

Mr. MARSHALL. I suppose so. I suppose the term "house, outhouse, or shop" would cover a printing office. I trust, however, that inasmuch as this discussion has arisen, that the House will take the matter under its own charge. I hope the reconsideration asked for will be given, and if offences go unpunished while the Committee of the Whole on the state of the Union is reaching it, that the House will be ready to take the responsibility of it.

Mr. TUCK. I rise for the purpose of moving the previous question. But before doing so, I wish to say that it seems to be admitted that some additional legislation is necessary for this District, in order to provide the means for bringing criminals to punishment. The proposition has been referred to the Committee on the Judiciary, and they have given it their consideration. They have made a report, which was unanimously agreed in, and which was satisfactory to that committee. They propose in a certain manner, and by a certain method, to meet the exigency of the case; and they call for certain action by this House. Now, gentlemen rise here upon the spur of the moment and propose a different course. With all due respect to the gentlemen who have spoken upon this subject, I will not say that it does not comport with my notions of a proper respect to the Committee on the Judiciary, to give to this little

bill, so comparatively unimportant, a direction different from that which they have unanimously agreed to recommend. But for myself, I will say that I have no sort of difficulty in supporting by my vote the proposed action of the Committee on the Judiciary. I shall vote against the motion to reconsider. I now move to lay the motion to reconsider upon the table.

Mr. PARKER, of Pennsylvania. I hope the gentleman will withdraw that motion.

Mr. TUCK. I would be glad to accommodate the gentleman, but I cannot withdraw it.

Mr. STEVENS, of Pennsylvania. I appeal to the gentleman to withdraw.

Mr. PARKER. I am in favor of this new direction—

Mr. TUCK. The gentleman misunderstood me. I declined to withdraw the motion to lay on the table.

The SPEAKER. Then no further debate can be entertained.

The question was then taken, and the motion to reconsider was laid upon the table.

Mr. MARSHALL, of Kentucky, called for the previous question upon the passage of the bill; and, upon a division, there were—ayes 64, noes 36—no quorum voting.

Mr. M. demanded tellers; which were ordered, and Messrs. HARRIS, of Tennessee, and VENABLE were appointed.

The question was then taken, and the tellers reported—ayes 84, noes not counted.

So the previous question received a second, and the main question was ordered to be put; which main question was upon the passage of the bill.

The question was put and the bill was passed.

Mr. MARSHALL, of Kentucky, moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. BRAGG, from the Committee on the Judiciary, reported the following bills, which were severally read a first and second time by their titles, referred to a Committee of the Whole House, and made the order of the day for to-morrow; and, with the reports accompanying, ordered to be printed:

A bill for the relief of the executors and heirs of John Fletcher; and

A bill for the relief of James Lewis.

Mr. GIDDINGS. I wish to ask if the morning hour has not expired?

The SPEAKER. It has.

Mr. GIDDINGS. I move, then, that we proceed to the orders of the day.

The question was then taken, and it was not agreed to.

The SPEAKER. Reports of committees are still in order.

On motion by Mr. STANTON, of Tennessee, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the petition of John G. Wilkinson, praying compensation for his services as Navy Pension Agent for the years 1836, 1837, and part of the year 1838; and also of the petition of Charles Reeder, praying compensation for services as a member of the Board of Examiners, to make experimental trials of inventions and plans to prevent the explosion of steam-boilers; and that they do lie upon the table.

Mr. S. remarked, that the two several petitions above referred to had been heretofore favorably reported upon by different committees to which they had been referred, but that the House had decided against them; and that the Committee on Naval Affairs were not disposed to revive the discussion of these matters, and therefore had instructed him to ask to be discharged from their further consideration.

Mr. S., from the same committee, also reported a bill for the relief of J. G. Pendergrast, a commander in the United States Navy; which was read a first and second time by its title, referred to a Committee of the Whole House, and made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. GOODENOW, from the Committee on Naval Affairs, reported a bill for the relief of Hannah Sampson; which was read a first and second time by its title.

Mr. G. If the House will consent, I desire that the bill may now be put upon its passage.

Mr. FICKLIN. Let it be committed.

The SPEAKER. Objection is made, and it cannot be put upon its passage.

The bill was then referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. TUCK, from the Committee on Revolutionary Pensions, to whom was referred the petition of Peter Winifred Ashby, deceased, praying for arrears of pension, made an adverse report thereon; which was ordered to lie on the table, and be printed.

Mr. T. also, from the same committee, reported a bill for the relief of the heirs of John Jackson; which was read a first and second time by its title, and referred to a Committee of the Whole House, and made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. BOCKOCK, from the Committee on Naval Affairs, reported two several bills for the relief of Gustavus A. De Russy, and James McCormick, assignee of Robert A. Parker; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, made the special order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. HARRIS, of Tennessee, from the Committee on Invalid Pensions, made adverse reports in the following cases; which were ordered to lie upon the table, viz:

In the case of the memorial of Daniel Guérant, praying compensation for injuries received in the military service of the United States; and

In the case of the memorial of Tamza Smith, for relief for expenses incurred in supporting Amos F. Stillson, an officer and soldier in the Army of the United States.

Mr. MARTIN, from the Committee on Invalid Pensions, made an adverse report on the petition of Charles H. Pointer, praying compensation as an invalid on account of disability by sickness while in the service of the United States; which was ordered to lie on the table and be printed.

Mr. M. also, from the same committee, reported a bill for the relief of Cornelius Hughes, of Tennessee; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. JONES, of New York, from the Committee on Invalid Pensions, made adverse reports in the following cases; which were ordered to lie upon the table and be printed, viz:

The petition of Thomas Whinney, praying for compensation on account of disability from exposure and fatigue in the military service of the United States during the war of 1812; and

Upon the petition of Elijah Close, praying Congress to grant him a pension for disability occasioned by exposure in the war of 1812.

Mr. J. also, from the same committee, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, and made the order of the day for to-morrow, and, with the reports accompanying, ordered to be printed, viz:

A bill for the relief of Francis Tribeau;

A bill for the relief of James Wright, jr.; and

A bill for the relief of John Kerbaugh.

Mr. EASTMAN, from the Committee on Invalid Pensions, reported a bill for the relief of Ichabod Weymouth; which was read a first and second time by its title, referred to a Committee of the Whole House, and made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. EASTMAN asked the unanimous consent of the House to introduce a bill, of which previous notice had been given; but objection being made, it was not introduced.

Mr. JOHNSON, of Ohio, from the Committee on Invalid Pensions, reported a bill for the relief of John McIntosh; which was read a first and second time by its title, referred to a Committee of the Whole House, and made the special order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. J. also, from the same committee, made adverse reports in the following cases; which were severally ordered to lie upon the table and be printed, viz:

The petition of Susan M. Sweeny, the widow of Thomas Sweeny, praying to be placed upon the pension rolls, in consequence of the death of her husband by disease contracted while in the military service during the Mexican war;

The petition of Ephraim Sharp, of Dryden, Tompkins county, New York, praying for a pension;

The petition of Jacob Shy, praying for a back pension on account of services in the war of 1812;

The petition of Samuel Butler, praying for a pension on account of disability incurred in the military service of the United States in the war of 1812; and also

The petition of Eliza Merrill, of Bangor, Maine, praying for arrears of pension due James Merrill.

Mr. STANTON, of Kentucky. I am authorized by the Committee on Public Buildings to state, that there is a bill from the Senate now lying upon the Speaker's table, appropriating the sum of twelve hundred dollars for the purpose of fitting up two rooms to be occupied as a library, and for containing the books which shall be purchased with the money which was appropriated for that purpose by a bill passed yesterday. The Committee on Public Buildings are desirous that the bill should be passed immediately, and I am authorized by them to ask the unanimous consent of the House that it may be taken up and acted upon now.

Mr. DUNHAM. I object.

The SPEAKER. Objection being made the bill cannot now be taken up.

On motion by Mr. RICHARDSON, the Committee on Territories was discharged from the further consideration of the preamble and resolution of the Legislative Assembly of the State of Iowa, on the subject of compensation to the soldiers and others, while that State was a Territory, for defending the southern boundary of said Territory; and it was referred to the Committee on Military Affairs.

Mr. NEWTON. I ask the consent of the House to withdraw certain papers from the files of the House, for the purpose of returning them to their owners.

Mr. STEPHENS, of Georgia. I object.

Mr. DUNHAM. Are reports from select committees in order now?

The SPEAKER. They are.

Mr. DUNHAM. Then, sir, I propose to make a report from the select committee to which was referred the joint resolution explanatory of the act of September 28, 1850, entitled "An act granting bounty lands to certain officers and soldiers who were engaged in the military service of the United States," and the subject of amending and extending the bounty land bill. The report is to strike out the original bill that was referred to the committee, and to insert the following as a substitute therefor, viz:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all certificates or warrants for military bounty lands which have been, or may hereafter be, issued under any law of the United States, and all certificates of valid locations of the same which have been or may hereafter be made, are hereby declared to be assignable by indorsement thereon, and such assignment shall be executed and acknowledged, or proved, in the same manner and with the same formalities that deeds for the conveyance of land are executed and acknowledged, or proved, in the State or Territory where such assignment shall be made.

SEC. 2. *And be it further enacted,* That from and after the passage of this act, the registers and receivers of the United States land offices shall each be entitled to receive fifty cents for his services in locating each bounty land warrant by him located, to be paid by the person or persons locating the same; but this act shall not be so construed as to allow any register or receiver to receive any greater maximum of salary and fees than by law he is now entitled.

SEC. 3. *And be it further enacted,* That the act of which this act is explanatory, shall be so construed as to include all commissioned and non-commissioned officers, musicians, and privates of militia, volunteers and rangers who were mustered into the service of the United States for the suppression or prevention of Indian hostilities, or whose services of that character were recognized and paid by the United States prior to the passage of said act, and who served the length of time required by said act.

SEC. 4. *And be it further enacted,* That in computing the term of service of the officers and soldiers of militia, volunteers, and rangers, for the purposes of this act, or of the act of which this act is explanatory, such term shall be computed from the time they were mustered into the service of and paid by the United States to the time they were discharged therefrom.

SEC. 5. *And be it further enacted,* That if any officer or soldier entitled to bounty land under this act or under the act of which this act is explanatory, has died since the pas-

sage of said act, or shall hereafter die without having obtained a warrant for the same, leaving a widow, the warrant shall issue to such widow; if no widow, then such warrant shall issue to his minor heirs, if any shall survive him; and if the warrant shall have issued before his death, then such warrant shall pass to and be vested in his widow, if he shall leave one; and if no widow, then to his minor heirs, if any.

SEC. 6. *And be it further enacted,* That the warrants which have been, or may hereafter be issued, in pursuance of said act, or of this act, may be located upon any lands of the United States subject to private entry at the time of such location.

SEC. 7. *And be it further enacted,* That the proviso to the second section of the act of which this act is explanatory, be and the same is hereby repealed.

Mr. DUNHAM. Mr. Speaker, I have been directed to report the amendment that has just been read by the majority of the committee. The minority, however, will probably offer another amendment to the bill. The bill will stand, if amended as we propose, so as to make certificates assignable by an assignment upon the warrant in the same manner and under the same restrictions that deeds are required to be executed in the respective States where the warrants are assigned. The object of the committee in making this provision was this: they supposed with such a provision the officers and citizens of the different States would more readily understand what they had to do in making valid assignments of certificates than in any other way. Every public officer of a State understands, or can readily ascertain, what steps he has to take to execute a valid deed; and, consequently, he can take the same steps for the assignment of a land warrant. I apprehend there will be no difficulty in the Department's ascertaining what are the laws in the different States upon the subject. There can be no difficulty upon that score. They can easily inform themselves of the laws of the several States for the proper execution of a deed. No difficulty will arise in the application of these laws to the assignment of warrants.

Mr. TUCK. I rise to a point of order. I am not aware what is the motion before the House.

The SPEAKER. It is upon an amendment proposed by the committee to the original bill referred to them.

Mr. TUCK. I submit whether it is in order to do that, unless there is a motion submitted that the bill be put upon its passage?

The SPEAKER. The question is upon the amendment proposed by the committee. There being no motion to commit the bill, that is the question before the House.

Mr. TUCK. Is it in order to move to commit the bill to the Committee of the Whole on the state of the Union?

Mr. DUNHAM. Not until the gentleman gets the floor.

The SPEAKER. The gentleman from Indiana has the floor.

Mr. DUNHAM. The second section is in reference to the payment of registers and receivers for the location of bounty land warrants. The committee have stricken out this section in the original bill, and propose to provide for the payment of these officers for locating land warrants hereafter. It may be possible that in some of the offices labor has been done for which their fees and salary have not been an adequate compensation; but it was impossible at this time for the committee to inquire into the receipts by registers and receivers throughout the United States to ascertain which had and which had not been sufficiently paid for the services they rendered. We considered it was better to leave those officers individually to prefer their claims to the Government. If their case is meritorious, undoubtedly the Congress of the United States will be disposed to grant relief. But in many of these offices they are not entitled to this privilege. They have in many instances received almost the maximum the law allows them to receive, without any payment whatever for the location of land warrants. In other places they have not received near that amount. It would be a long and tedious investigation to examine into every case to find out whether the officer has received an adequate compensation for his services or not. We did not consider it proper to load down a bill of a general character, as this is, with these individual claims for services rendered—for some of which there was no right of payment. They are left in the same situation as private claims. We provide for the future claims of officers for locating these

warrants, that the register and receiver for the location of a warrant receive each fifty cents. That is the fee which they are now entitled to for locating forty acres of land at one per cent. upon the money received by each officer. They now receive, the register one per cent. and the receiver one per cent., which would make for the location of forty acres to each officer fifty cents. I submit to the House that there is no more trouble in the location of one hundred and sixty acres than there is in locating forty acres of land. We, therefore, ought not to pay any more in the one case than in the other. The committee could not conceive why there should be a distinction. The distinction is a reasonable one, if the officer has to take charge of the funds. He there incurs a responsibility, and that responsibility increases with the amount of money received. This cannot apply where lands are located by means of warrants. In this respect the committee have changed the original bill. They make the fee payable in all cases by the person who makes the location, whether he be the original grantee or not. The original bill provides, if the land is entered by the assignee, that the fee should be paid by him, and I apprehend no gentleman will doubt if the land warrant is to be sold and transferred, the transferee has to pay this additional price for locating the warrant. That enters into consideration when he buys the warrant. There can be no propriety in making a distinction in the payment of the fee, when it is located by the original grantee, or by his assignee. If it is located by the assignee, he should be made to pay the fee. I submit to every member of the House whether every business man will not take that into consideration when he buys the warrant from the original grantee, and whether there is any reason in principle or practice why there should be a distinction between the payment of the fee by the person to whom the warrant has been granted or his assignee.

The next section provides for that class of men who are called out for the suppression or prevention of Indian hostilities under the authority of the States, but whose services were recognized and paid for by the United States out of the public Treasury. We thought that this was no more than fair; no more than justice demanded. If for these services they have been paid out of the Treasury, the presumption is that they were valuable to the General Government. There is no reason why, the Government having considered these services of so much advantage as to require at their hands remuneration, they should not be put upon the same footing with persons legitimately called into the service of the United States. In this respect we have not departed to any extent from the original bill.

The fourth section provides that the time of service shall not be computed, as is now done, at the Department, but that in computing the term of service of the officers and soldiers, of militia, volunteers, and rangers, for the purposes of this act, or the act of which this act is explanatory, such term shall be computed from the time they were mustered into the service and paid by the United States to the time they were actually discharged therefrom. The object is to cover all that class of cases. I will give you an instance: In the Black Hawk war rangers were called out for twelve months service. The war closed after they had been in service only thirty days, some sixty and some ninety days; but those troops were kept in active service upon the Indian frontier for the purpose of intimidating the tribes and to keep them in order, for the whole term for which they were enlisted—twelve months. Yet the Department, because the Black Hawk war ceased within thirty, sixty, or ninety days after their enlistment, say they shall only receive a warrant for the time they served in the war.

The fifth section provides for those cases where application is upon file in the Department, and where no warrant has issued, that if any person entitled to bounty land under this act, or under the act of which this act is explanatory, has died, or hereafter shall die, the warrant shall issue to the widow in the first instance upon her application; if no widow, then to the minor heirs, in the same manner as if he had died after obtaining the warrant. It also—

Mr. FICKLIN. With the consent of my friend from Indiana, I wish to make an inquiry. The chairman of the select committee to whom

this bill was referred, understands that this fifth section changes the mode of descent and transfers this warrant to the widow, and if there is no widow to the minor heirs. The widow possesses it entirely, and no benefit accrues at all to the minor heirs unless there is no widow.

Mr. DUNHAM. In that respect we follow precisely the original act. In case the soldier died before his warrant has issued, we give the warrant when it does issue, in the same manner as if he had not made his application, to his widow; and if there is no widow, to his minor heirs. If he has made application which has been acted upon, and a warrant issued but not located, and shall thereafter die, the bill provides that the warrant shall first descend to his widow, and then to his minor heirs. If the intention was originally, as the act indicates, to give it first to the soldier, and in case of his death, to his widow, or if there is no widow, to his minor heirs, is there any reason why we should make a distinction between the soldiers who die after the application and before the warrant has issued, and those who die after the warrant has been issued? We all know very well in the Western country, that when you come to divide a land warrant amongst a half-a-dozen heirs in that way, it amounts to nothing. The original intention was to provide for the widow, and then for the minor children, to help her to support and educate them until they arrived at maturity, and able to take care of themselves.

The sixth section of the act provides that the warrants which have been or may hereafter be issued under these acts, may be located upon any lands of the United States subject to private entry. In other words, this section repeals a proviso which we recollect was forced upon Congress with our eyes open, requiring these warrants to be located upon lands then in market. I allude to the proviso which was moved to the civil and diplomatic appropriation bill, by a gentleman from Ohio, [Mr. VINTON,] not now a member of this House.

Mr. LOCKHART. I wish to ask the gentleman whether this sixth section does not violate one of the general land laws—whether it does not permit these warrants to be located upon alternate sections reserved at a double price where lands have been granted to railways and other public improvements?

Mr. DUNHAM. I take it the fair construction of this law would not interfere with that class of lands. They are not embraced in the term "to be subject to private entry." I apprehend when we speak of lands open to private entry, the fair interpretation would be, lands open to private entry at the minimum price. That was the intention of the committee; and if gentlemen think the bill is not sufficiently guarded in that respect, they can amend it.

The seventh section repeals the proviso to the original bill, which prevents members of Congress, who are entitled to bounty land under the late law, and under the Mexican bounty land law, from receiving it. I have given this brief explanation, that the House may be aware of the reasons that led to the adoption of this bill.

Mr. MEADE. If the gentleman will allow me—

Mr. DUNHAM yielded.

Mr. MEADE. To bills of this character, when before the House, it is very inconvenient, if possible, to get amendments in deemed to be essential. I will suggest to the gentleman from Indiana [Mr. DUNHAM] some of the defects I consider attached to this bill. In the first place, he has altered the mode by which assignments shall be made and proved, by abrogating the forms recognized by the Department, and requiring these assignments to be authenticated in the same way deeds are authenticated in the State where the holder of the warrant lives. Now, I think it is very likely that in many of the States of this Union, as in my own, it would prevent the sale of the warrants, or at least incumber them with so many difficulties, that the object of this amendment, explanatory to the act passed by Congress, would be entirely defeated. We all know that the mode by which warrants are now assignable is by assignment in blank, and they are certified in the usual way by a notary or magistrate, with the certificate and seal of the clerk of the county in which the party resides. They are passed off into the hand of some attorney, or member of Congress, to sell for the claimant, and when he sells he inserts the name of the assignee. Such an assignment as

that in my State, under this provision, would not be a good one, because if the assignment was to be certified and proved in the manner deeds are in my State, it would be necessary for the certified officer there—a justice of the peace, to recite the deed, and in this case to recite the assignment. Now the object for which this law was passed would, in the case of my people, be entirely defeated, or to a great extent. This is one objection to the proposed mode of certifying assignments. I think the mode is now understood through the country; and as they usually attach the form to every warrant issued, it is a better mode of assigning than that proposed by this bill.

Another objection that suggests itself to me is, that it does not provide for cases that may happen.

Mr. BISSELL. I should like to know which of the gentlemen has the floor.

The SPEAKER. The gentleman from Indiana [Mr. DUNHAM] is entitled to the floor.

Mr. MEADE. I am only suggesting the amendments the gentleman may make to save the time of the House. I have to notice but one other defect I perceive in this bill. It is this: it provides, that if the warrant shall have issued before the death of the warrantee, then such warrant shall pass to, and be invested, in his widow, if he shall leave one; if no widow, then to his minor heirs. Now suppose a man dies after obtaining his warrant, and leaves no widow and no minor heir, it would seem this bill intends to deprive his general heirs of the warrant in that case.

Mr. STEPHENS, of Georgia. That is the intention of the bill.

Mr. MEADE. I hardly suppose the gentleman from Georgia [Mr. STEPHENS] understands me. The warrant has been issued; it is in the possession of the claimant; he keeps it for twelve months, or five years, and dies without having assigned it, leaving no widow or infant children—is it intended by this bill that this warrant shall go back to the Government, thus cutting off the general heirs? In that case, by inference, this bill would seem to involve such a result, for it says, if the warrant shall have issued before his death, then such warrant shall pass to, and be invested, in his widow; if no widow, then to his minor heirs. In a majority of cases, they have no widow and minor heirs. Many of these soldiers are so old that all of their children have grown up. In such a case as that, warrants would be dead property, and pass to nobody; but it would appear such a warrant was in existence, and so much land had passed out of the hands of the Government. It would involve great abuses.

Mr. STANTON, of Tennessee. I hope the gentleman from Virginia will allow me to ask him a question in reference to this matter. This language seems to apply to warrants now in existence, and to cases in which the holder may have died, or may hereafter die. I ask the gentleman, whether it is possible for the Government of the United States to control the descent of that property—whether it is not controlled by the laws of the State?

Mr. MEADE. I will reply to the gentleman from Tennessee [Mr. STANTON] by saying that it is my opinion that it is not competent for this bill to change rights already vested, and therefore it could not apply to warrants heretofore issued. I will state another thing to the House. I have received letters from the Department, in which they have given this construction to the law of 1850: if a man makes application in his lifetime for his warrant, and dies before that warrant issues, that it cannot issue unless he has a widow and infant children. And in one case particularly in my district, a widow made application for the land to which her deceased husband would have been entitled, but before the warrant issued in her case, she also died, and the Department decided she was not entitled to it, nor her heirs. Now it seems to me, by the words of that bill, if a man be living at the time of the date of that bill, and died previous to his obtaining his warrant from the office, that it is a vested right, descendable to his heirs generally, and they cannot be divested of it by any construction given to that law by the Department. I think, if the House agree with me that if a man be living at the date of the last bill, and entitled to his warrant, he has a vested and indefeasible right to it, that such a declaration ought to be contained in this bill; for I consider the construction given to the act by the officers is entirely unwarrantable.

Mr. DUNHAM. In reference to the first inquiry by the gentleman, I will frankly state I did not, as an individual, sanction that section as it now stands; but I believe, excepting myself, the committee were unanimous for that provision. Experience has shown—at least so the officers of the Department tell me—that the mode of assigning warrants which has been practised in reference to the Mexican bounty land warrants, has resulted in very great fraud. If this matter had been left to the Department, they would have undoubtedly imposed such restrictions as would have prevented fraud. We ought now to provide a mode that will prevent fraud in assignments of warrants. If you permit assignments in blank you open the door to a great many abuses in the assignment of these bounty land warrants. For instance, a warrant has been issued to myself; I assign it in blank to A B, and make the acknowledgment that he has the warrant in his possession, with this blank assignment. He loses it, or it is stolen from him, or in any other way may get out of his hand. C, who may get hold of it, may fill up the blank assignment and may make the location, and you have no remedy. If the bill oppose obstruction to that kind of assignment, I think it will have accomplished a good end. If it is stolen, the thief might indorse his name upon it at once, and the mere indorsement transfers it from hand to hand. If the blanks were left open to be filled, all these guards we have studied to throw around them, and which the Department has endeavored to throw around them, would be good for nothing. I think experience will show the gentleman is mistaken in another thing. I understand the construction which the Department has given to the law as it now stands is, that if a soldier dies before he locates his land warrant, it does not pass to his heirs, but the warrant has to be surrendered up. If he leaves a widow, however, it goes to her; and if no widow, to his minor children. If he has no widow, he then has no right under the law. That is the construction put upon it, and the committee did not feel authorized from the action of this House, to change that construction by positive enactment. That is the answer I have to make. Now, in reference to the sixth section, I hope that by unanimous consent the amendment may be made limiting the locations upon land which may be in market at the time of the location, at the minimum price. If there is no objection, I submit an amendment, to come in at the end of this section in these words: "At the minimum price."

Mr. BISSELL. I would like to inquire of the honorable chairman of this select committee what motion he intends to make in reference to this bill?

Mr. DUNHAM. I intend to move its reference to the Committee of the Whole on the state of the Union. I will state, that my object in doing that is, because it will be impossible to dispose of the bill to-day, and unless such a motion is made the bill will go upon the Speaker's table, and, consequently, will not come up to-morrow. I make that motion with the expectation of withdrawing it at the proper time.

Mr. BISSELL. I understand now, and I am glad to hear it, that the honorable chairman of this select committee designs to have this bill referred to the Committee of the Whole on the state of the Union.

Mr. DUNHAM. I supposed the gentleman from Illinois [Mr. BISSELL] at the time merely rose to make an inquiry. I intended to submit that motion.

Mr. JOHNSON, of Arkansas. I rise to a privileged question, that will entitle me to the floor, so far as that question is concerned. It is to move to take up the business on the Speaker's table. This bill will stand as the first business in order in the morning.

The SPEAKER. The morning hour having expired, the gentleman from Arkansas, [Mr. JOHNSON] has a right to arrest proceedings for the purpose of submitting the motion he has made.

Mr. JOHNSON. I will ask if this bill does not come up the first business in the morning, if we proceed with the business upon the Speaker's table?

The SPEAKER. The Chair thinks it will.

Mr. JOHNSON. I will make the motion to refer it to the Committee of the Whole; and that will bring it up as the first business in order.

The SPEAKER. The gentleman cannot have the floor to submit that motion.

Mr. JONES, of Tennessee. I wish to inquire if the House now pass to the business upon the Speaker's table—a motion having been made to refer this bill to the Committee of the Whole upon the state of the Union—if this bill will not go to the Speaker's table and come up as the unfinished business?

The SPEAKER. That is the course the bill will take.

Mr. DUNHAM. Then I move to refer this bill to the Committee of the Whole upon the state of the Union.

Mr. JOHNSON, of Arkansas. I call for the business upon the Speaker's table.

BRITISH WEST INDIA COLONIES.

The SPEAKER then laid before the House a communication from the President of the United States; which was read as follows, viz:

WASHINGTON, January 12, 1852.

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 5th instant, I herewith transmit to it a report and accompanying papers from the Secretary of State.

MILLARD FILLMORE.

DEPARTMENT OF STATE,
WASHINGTON, January 10, 1852.

To the President of the United States:

The Secretary of State, to whom has been referred the resolution which was adopted by the House of Representatives of the United States on the 5th instant, requesting the President to communicate to that House, if not incompatible with the public interest, any information he may possess, respecting a circular which was issued by the Secretary of State for the British Colonial Department, on the 16th of October, 1850, relative to the employment in her Britannic Majesty's West India Colonies, of free blacks and liberated slaves from the United States, and particularly what action the Legislative Assemblies of the British West India Islands have taken in pursuance of the suggestions contained in said circular, has the honor to report to the President the accompanying copy of papers, which embrace all the information possessed by this Department on the subject of the said resolution. Respectfully submitted,

DAN'L WEBSTER.

Mr. Lawrence to Mr. Webster.

LEGATION OF THE UNITED STATES,

LONDON, November 14, 1851.

Sir: A few weeks since George W. Owens, Esq., of Georgia, called upon me to say that he had seen a newspaper, published in the Island of Antigua, containing a circular dispatch from the Colonial Office, recommending the British West India Colonies to enter into contracts with persons held in slavery in the United States. Soon after the interview he furnished me with a copy of the dispatch.

Mr. Owens seemed greatly annoyed at Lord Grey's dispatch, although I told him that this Government could not have the intention of meddling with slavery in the United States. He, however, was anxious for an explanation from the Government. I did not feel authorized, nor did I think it wise to make an official matter of the subject, as I believed I could accomplish the object in a more satisfactory manner by a personal interview. I accordingly called on Lord Palmerston, in the absence of Lord Grey, and received from him a verbal explanation, disclaiming any such purpose as Mr. Owens had drawn from the language of the dispatch. On Lord Grey's return to town, I received from him an informal note to the same effect. I immediately wrote Mr. Owens a note, embodying the substance of these explanations, and received from him a reply, dated at Liverpool, expressing dissatisfaction with them. Not knowing what use he may make in the United States of the circular dispatch, I deem it my duty to place you in possession of a copy of my letter to him. I have read this letter to Lord Palmerston, and have received from him an assurance that it is entirely in accordance with his own views, with the views of Lord Grey, and with those of the Cabinet Ministers.

The dispatch in question was, as you will see, sent to the West Indies some time in the autumn of 1850, and as it has never been heard of in the United States, I apprehend it was never acted upon by the Colonial Legislatures. It grew out of the action of the late Mr. Turnbull, who was, I believe, of the mixed Commission in Cuba, and an agent of this Government in matters connected with the slave trade. He was in Washington about two years since, and while there saw many persons of Maryland, Virginia, and other Southern States, respecting the free colored people of those States, and communicated the result of his observations to this Government.

I should not have thought it necessary to trouble you with this matter, if Mr. Owen had expressed himself satisfied with my letter.

I have the honor to be, sir, very respectfully, your obedient servant,

ABBOTT LAWRENCE.

Hon. DANIEL WEBSTER, Secretary of State, Washington.

Extract from the *Antigua Weekly Register*, published in the city of St. John's, 26th November, 1850.

HOUSE OF ASSEMBLY,
THURSDAY, November 21, 1850.

When the House was formed, which was not before two o'clock, Mr. Speaker informed the House that he had received a message from the Governor-in-Chief, which he read, as follows:

"R. J. McINTOSH, the Governor-in-Chief, transmits, for the information of the House of Assembly, the accompanying copy of a circular dispatch which he has received from

her Majesty's Secretary of State, suggesting measures to be adopted for the encouragement of emigration to the West Indies from the United States.

"GOVERNMENT HOUSE, ANTIGUA, November 18, 1850.

[CIRCULAR.]

"DOWNSING STREET, October 16, 1850.

"Sir: I have to acquaint you that it has been suggested to me that a desirable class of emigrants for the West Indian Colonies might be induced to come to them from among the black and colored population of the United States, whose arrival and location, if they choose to come, would, I have no doubt, be advantageous both to themselves and the colonies.

"I am not aware of anything which can be done by the Colonial Governments to encourage such immigration beyond showing a readiness to pass acts giving the privilege of naturalization to any such persons as might come and settle there, and providing that a bounty should be payable on such immigrants, under such arrangements as may be thought desirable.

"I could also suggest, as deserving of consideration, whether laws might not be passed rendering binding, on certain conditions, engagements to pay sums of money which may have been agreed on by immigrants, although such engagements may have been contracted in America and while the parties were in a state of slavery.

"I have, &c.,

GREY."

Mr. Lawrence to Mr. Owens.

LONDON, November 8, 1851.

MY DEAR SIR: I have just received a reply to my note to Lord Palmerston, accompanied by Lord Grey's explanation of the dispatch to which I called his attention. I am assured that he never intended to sanction or suggest entering into any arrangement with regard to slaves not first known to and approved by the masters; and that so far from supposing that any American would or could complain of the proposed arrangement, it was believed the slaveholders would receive it with satisfaction, and join in carrying it into effect.

It appears that Lord Grey has been aware for some time that the West India Colonies are suffering from the want of an adequate supply of labor. A gentleman from these colonies directed his attention to the fact that there were in some of the slaveholding States a large number of free blacks whom the whites would be glad to have removed, and who would meet to a certain extent the wants of the colonies. Knowing it to be the policy of the slave States to rid themselves of such a population, he thought a measure contemplating such a result would be favorably received by them.

He was further led to suppose, on the authority of certain American gentlemen, communicated to him through the same channel, that many slaveholders would avail themselves of such an opportunity to emancipate their slaves, if they could be assured of their being removed from the country.

He was informed that the laws forbade emancipation, unless the liberated slaves were also removed, and that the expense of this prevented persons who would otherwise emancipate their slaves from doing so. But it was said a measure would be acceptable which would enable such persons to remove their slaves from the country when liberated without expense to themselves.

With this view he prepared a plan, which should aim at the employment in the West India Colonies of free blacks from the United States; and should also offer to the planters the prospect, not only of a removal of their liberated slaves without expense, but of a recovery of a portion of their value also. He recommended this plan to the colonies, and wrote the circular in question in the belief that the want of labor would be supplied from these two sources, with the assent and co-operation of the slaveholders and the governments of the slaveholding States.

It is to be regretted that, with such an end in view, language should have been employed capable of a different construction; but this explanation appears to deprive it of its objectionable character.

With great consideration, I remain, dear sir, very faithfully yours,

ABBOTT LAWRENCE.

On motion by Mr. BAYLY, the communication was referred to the Committee on Foreign Affairs, and ordered to be printed.

DEFICIENCY ESTIMATES.

The SPEAKER laid before the House a communication from the Treasury Department, transmitting a statement of additional appropriations required for the current fiscal year in the bureaus of said Department, amounting to \$16,500. Also, for the contingent expenses of the branch Mint at New Orleans, \$12,000; and for annuities and drafts \$750; amounting in the aggregate to \$29,250.

On motion by Mr. HOUSTON, referred to the Committee of Ways and Means, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Treasury Department, transmitting statements from the War Department of additional appropriations necessary for the support of the Army for the present fiscal year; which,

On motion by Mr. HOUSTON, was referred to the Committee of Ways and Means, and ordered to be printed.

DEFICIENCY ESTIMATES—DEPARTMENT OF THE INTERIOR.

The SPEAKER also laid before the House a communication from the Department of the Interior,

transmitting estimates of appropriations necessary to meet deficiencies in the service of this Department for the fiscal year ending 30th June, 1852, amounting to some \$700,000.

On motion by Mr. HOUSTON, it was referred to the Committee of Ways and Means, and ordered to be printed.

Mr. JONES, of Tennessee. I would ask the chairman of the Committee of Ways and Means if it would not be better to send that communication back to the Department of the Interior and ask them to submit their estimates according to the laws, and what has heretofore been the practice. It has always been the practice, and I believe the law requires it, that they shall submit their estimates to the Secretary of the Treasury, and he shall send them in here. Some days ago we had an estimate from the Navy Department, and now we have one from the Department of the Interior. I suppose in a short time the War Department will present one, too; and after a while the Secretary of the Treasury will also submit one. In my opinion, they should all be sent back, and made in accordance with the law and custom. I move, therefore, that this communication be returned to the Secretary of the Interior, and that he be directed to submit it according to law.

Mr. STANLY. If the Secretary of the Interior has been guilty of any neglect or duty, he has not done so certainly with any intention. I hope my friend from Tennessee [Mr. JONES] will not resort to this mode of proceeding. After the committee have had this paper under examination, they can report such resolution and send it back; but to throw it back now in the face of the Secretary, is certainly not becoming ourselves or him. I hope my friend from Tennessee will not insist upon his motion, for I think it is a little uncourteous.

Mr. JONES. The manner in which they make their reports to Congress looks a little uncourteous, to say the least of it.

Mr. HOUSTON. I made no reply to my friend from Tennessee, because I took it for granted that the remarks he had made would bring the subject to the attention of the heads of the Department, so that they would hereafter pursue the ordinary course of communicating through the Secretary of the Treasury to Congress. I believe, with the gentleman from North Carolina, [Mr. STANLY] that it would be, probably, too severe a rebuke to send it back. The remarks of the gentleman from Tennessee have sufficiently presented the subject to the attention of the heads of the Departments; so much so, that they will hereafter follow the law and custom upon that subject. It is certainly irregular and unusual to make this sort of communication, but still I agree with the gentleman from North Carolina [Mr. STANLY] that it would probably be too decided a step for us to take, at this time, to send it back.

Mr. JONES. It certainly would not be any stronger expression of the House towards that Department than this course is, upon the part of the Department, uncourteous towards the House. The law requires, if I mistake not, that the several Departments shall submit their estimates to the Congress of the United States through the Treasury Department. The Treasury Department is required by law to make its report directly to the Congress of the United States. Since I have been here it has been the uniform practice, I believe, when the Secretary of the Treasury submits his annual estimates of appropriations to accompany them also with such estimates for deficiencies for the current year as the several Departments may report to him. If gentlemen think that the course I suggested would be too severe a rebuke towards the Secretary, I will withdraw the motion I made, and move to lay the communication upon the table, and there let it rest until it comes to us in a proper manner.

The question was then taken on Mr. JONES's motion, and it was agreed to.

So the communication was laid upon the table. Mr. JONES, of Tennessee. I rise to a privileged question. I understand that there is a similar communication from the Navy Department, which has been referred to the Committee of Ways and Means. I move to reconsider the vote by which it was so referred, in order that it, too, may be laid upon the table until sent in in the regular manner.

Mr. HOUSTON. I think the gentleman from

Tennessee is mistaken in regard to that communication.

Mr. BAYLY. I rise to a privileged question. The SPEAKER. The gentleman from Tennessee [Mr. JONES] has already submitted a privileged question.

Mr. HOUSTON. I think that the estimates from the Navy Department were sent in in the correct manner.

Mr. JONES, of Tennessee. Then I will withdraw my motion, and move now to reconsider the vote on the motion to lay that last communication upon the table, and to lay the motion to reconsider upon the table.

Mr. BAYLY. I hope the House will not lay the motion to reconsider upon the table. (Cries of "Order!") Gentlemen are acting under a mistake.

The SPEAKER. No debate is in order. Mr. JONES, of Tennessee, demanded the yeas and nays upon his motion; and they were ordered.

Mr. JOHNSON, of Arkansas, moved that the House adjourn.

Mr. HOUSTON. I appeal to the gentleman from Arkansas to withdraw that motion for a little while. We can then pass by this question of reconsideration, and refer the bills upon the Speaker's table, many of which have been there for nearly a month, and ought to be referred.

Mr. JOHNSON, of Arkansas. I withdraw my motion for that purpose.

Mr. HARRIS, of Tennessee, renewed the motion that the House do now adjourn.

Mr. LETCHER, on that motion, demanded the yeas and nays; but they were not ordered.

Mr. BAYLY demanded tellers; but they were not ordered.

The question was then taken, and it was decided in the affirmative—ayes 97, noes 52.

So the House adjourned until twelve o'clock to-morrow.

NOTICES OF BILLS.

Mr. CABELL, of Florida, gave notice of the following bills:

A bill to revive and continue in force for a limited time the provisions of an act relative to suspended entries of public land.

Also, a bill to legalize certain entries of public land in the State of Florida.

Also, a bill to authorize and require the survey of the public lands in the State of Florida, now occupied by the Seminole Indians, and for other purposes.

Mr. MARSHALL, of California, gave notice of his intention to ask leave to introduce a bill for the relief of sufferers by fire in the city of San Francisco in the years 1849, 1850, and 1851.

Mr. STEVENS, of Pennsylvania, gave notice that he will on to-morrow, or at some subsequent day, ask leave to introduce a bill to amend the tariff act of 1842.

By Mr. YATES: A bill to grant to the States of Illinois, Indiana, and Ohio, the right of way and a portion of the public lands to aid the said States in making that portion of the Northern Cross Railroad in the State of Illinois, lying between the Mississippi and Illinois rivers, and in extending said road from Springfield, Illinois, to the eastern line of said State, and thence through the States of Indiana and Ohio to Toledo, on Lake Erie.

PETITIONS, &c.

The following petitions and memorials were presented under the rule, and referred to the appropriate committees:

By Mr. SMITH: The petition of John Baird, praying to be reimbursed in certain moneys spent for the Government.

Also, the petition of John Hargrove and others, praying the establishment of a post road from the city of Tuscaloosa via Hardy Clemens's Cotton Factory, to Scottsville.

By Mr. FAULKNER: The memorial of sundry citizens of the county of Morgan, State of Virginia, praying an amendment of the act of Congress of the 28th September, 1850, granting land bounty.

Also, the memorial of Benjamin Moor, late master armorer at the Harper's Ferry National Armory, praying compensation for certain inventions and improvements in machinery used by the Government.

Also, the petition of Samuel W. Brady, of Frederick county, Virginia, a disabled soldier of the Mexican war, praying to be placed on the pension roll.

By Mr. MOORE, of Pennsylvania: The memorial of John F. Dumas, of Philadelphia, asking the appointment of a Committee on Claims of his father against the Spanish Government.

IN SENATE.

WEDNESDAY, January 14, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, with estimates of appropriation necessary to meet deficiencies in the service of that De-

partment for the fiscal year ending 30th June, 1852; which was read, and referred to the Committee on Finance.

PETITIONS.

Mr. WADE presented the petition of Sarah Flinn, praying compensation for supplies furnished the United States Army in Florida; also the petition of David Osburn, in relation to the same subject; both of which were referred to the Committee of Claims.

Mr. SEWARD presented the petition of Andrew Rassmussen, praying compensation for services rendered under an appointment from an inspector of the customs for the district of Oswego, New York, in 1812; which was referred to the Committee of Claims.

Mr. COOPER presented the petition of citizens of Pennsylvania, praying Congress to pass a law to prohibit absolutely the deportation, banishment, or immigration from foreign countries to the United States of any and all convicts, felons, and paupers, publicly recognized as such at home in their own countries; which was referred to the Committee on the Judiciary.

Also, the petition of Joseph Rodney Croskey, American Consul at Cowes and Southampton, England, praying remuneration for expenses incurred in entertaining the officers of the United States ship St. Lawrence, and in the reception of Kossuth; which was referred to the Committee on Naval Affairs.

Also, the petition of Lieutenants Thomas Bingham and William A. Hammond, officers of the United States Army serving in New Mexico, praying for themselves and in behalf of the soldiers under their command, an increase of pay; which was referred to the Committee on Military Affairs.

Mr. BORLAND presented the memorial of the Arkansas Central Railroad Company, praying a grant of land and right of way, to aid in the construction of a railroad from Memphis, on the Mississippi river, to the boundary of Texas; which was referred to the Committee on Public Lands.

Mr. DODGE, of Iowa, presented the petition of citizens of Iowa, praying a donation of land to that State for the construction of a railroad from Burlington, on the Mississippi river, to some point on the Missouri river; which was referred to the Committee on Public Lands.

Mr. BERRIEN presented the petition of members of the General Assembly of the State of Georgia, praying an increase of the salary of the United States district judge for that State; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. PEARCE, it was

Ordered, That the memorial of Philip F. Voorhees, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Frances E. Baden, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. BRADBURY, it was

Ordered, That the petition of Tobias Purrington, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the petition of the heirs of William Grayson, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. GWIN, it was

Ordered, That the petition of officers and soldiers of the Army who served in California, on the files of the Senate, be referred to the Committee on Military Affairs.

NOTICE OF A BILL.

Mr. BORLAND gave notice of his intention to ask leave to introduce a bill to grant to the State of Arkansas the right of way and a portion of the public land to aid in the construction of a railroad from a point on the Mississippi river, opposite the town of Memphis, Tennessee, via Little Rock, to some point on Red river, on the border of Texas.

REPORTS FROM STANDING COMMITTEES.

Mr. SEWARD, from the Committee on Commerce, to whom was referred the bill for the relief of Thomas H. Leggett, reported it without amendment, accompanied by a report, which was ordered to be printed.

Mr. BRIGHT, from the Committee on Finance, to whom was referred the joint resolution for the relief of Alexander P. Field, late Secretary of

Wisconsin Territory, and sureties, reported back the same without amendment, accompanied by a report, which was ordered to be printed.

Mr. BRADBURY, from the select committee to whom was referred the bill to provide for the ascertainment and satisfaction of claims of American citizens for spoiliations committed by the French previous to the 31st of July, 1801, reported it back without amendment, accompanied by a report, which was ordered to be printed.

Mr. FELCH submitted the views of the minority of the above committee, adverse to the allowance of said claims; which were ordered to be printed.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the memorial of Mrs. Mary Walker, widow of Major George P. Walker, submitted an adverse report; and in concurrence therewith it was

Ordered, That the committee be discharged from the further consideration of the subject.

He also, from the same committee, to whom was referred the petition of Emily C. B. Thompson, widow of Commodore Charles Thompson, submitted a report; which was considered by unanimous consent, and, in concurrence therewith,

Ordered, That the committee be discharged from the further consideration of the subject.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred a resolution of the Legislature of Michigan relative to the construction of a ship-canal around the Falls of Ste. Marie, submitted a report; which was considered by unanimous consent, and, in concurrence therewith,

Resolved, That the committee be discharged from the further consideration of the subject.

On motion by Mr. H., it was

Ordered, That the report be printed.

Mr. BERRIEN, from the Committee on the Judiciary, to whom was referred the bill to increase the salary of the district judge of the United States for the southern district of Florida, reported it without amendment.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the bill declaring the assent of Congress to the State of Missouri to impose a tax on lands hereafter sold by the United States therein from and after the day of sale, reported it without amendment.

Mr. DOWNS, from the Committee on Private Land Claims, to whom was referred the bill to grant the right of preemption to settlers on the public lands known as the Maison Rouge Grant, reported it without amendment, and submitted a report on the subject, which was ordered to be printed.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the bill to aid the State of Louisiana in reclaiming the overflowed lands therein, and for other purposes, reported it without amendment.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred the bill to admit a certain vessel to registry, reported it with an amendment, and on his motion the Senate proceeded to consider the bill as in Committee of the Whole.

The reported amendment having been agreed to, the bill was reported to the Senate, and the amendment was concurred in.

Ordered, That the amendment be engrossed and the bill read a third time.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the petition of William D. Acken and Julia Acken, reported a bill for the relief of Julia Acken; which was read and passed to the second reading.

Mr. FELCH, from the Committee on Public Lands, to whom the subject was referred, reported a bill to authorize the construction of railroads through the public lands in certain cases; which was read and passed to the second reading.

Mr. UNDERWOOD, from the Committee on Public Lands, to whom was referred a resolution explanatory of the act approved September 28, 1850, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," reported it back with an amendment.

The Senate proceeded to consider the resolution as in Committee of the Whole, with the amendment reported thereto; and,

THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32d CONGRESS, 1st Session.

FRIDAY, JANUARY 16, 1852.

NEW SERIES.... No. 18.

On motion by Mr. HUNTER, it was
Ordered, That the further consideration thereof be postponed until to-morrow, and that it be the order of the day.

BILL INTRODUCED.

Mr. BORLAND, agreeably to previous notice, asked and obtained leave to introduce a bill granting to the State of Arkansas the right of way and making a donation of a portion of the public lands, to aid in the construction of a railroad from Helena to Fort Smith, in Arkansas; which was read a first and second time by its title, and referred to the Committee on Public Lands.

WIDOW OF BRIGADIER GENERAL BELKNAP.

The Senate proceeded to consider the resolution submitted by Mr. SEWARD the 6th instant, instructing the Committee on Pensions to inquire into the expediency of granting a pension to the widow of Brigadier General Belknap; and the resolution was agreed to.

TONNAGE DUTY ON SPANISH VESSELS.

Mr. SEWARD, from the Committee on Commerce, submitted the following resolution for consideration; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury communicate to the Senate such information as he may have in relation to the expediency of repealing or modifying the act of June 30, 1834, concerning tonnage duty on Spanish vessels.

THE STEAMER EDITH.

Mr. SEWARD submitted the following resolution for consideration:

Resolved, That the Secretary of the Navy be requested to furnish the Senate as early as practicable, with a copy of the proceedings of the Naval Court of Inquiry in relation to the loss of the United States steamer Edith in 1849, together with copies of the correspondence which formed the ground of the order given to constitute said court, and of all the papers referred to in the record of proceedings; also, copies of all reports or charges made to the Department against any member composing said court in reference to conduct while attached to the Pacific squadron; copies of all correspondence between the Department and Commodore Thomas Ap Catesby Jones, relating to the said steamer Edith; copies of the correspondence with Richard W. Meade, late a lieutenant in the United States Navy during the year 1851; copy of the charges and specifications preferred by Lieutenant Tunis A. Craven, against Commodore Jones in 1849 and 1850, with the reasons of the Department for not acting thereon; and copies of the correspondence between the Department and the commanders of the Pacific squadron, and all other officers of the Navy, in relation to the erection of a steam circular saw-mill in California, and the expenditures thereon.

ARSON IN THE DISTRICT OF COLUMBIA.

A message was received from the House of Representatives by Mr. FORNEY, their Clerk:

Mr. PRESIDENT: The House of Representatives have passed a bill to amend an act entitled "An act for the punishment of crimes in the District of Columbia," in which they request the concurrence of the Senate.

Subsequently it was read a first and second time by its title, and referred to the Committee on the Judiciary.

PRIVATE BILL.

The engrossed bill for the relief of Thomas Snodgrass was read a third time and passed.

APPOINTMENT OF COMMITTEE CLERKS.

Mr. RUSK. I laid upon the table yesterday morning a resolution to authorize the Committee on the Post Office and Post Roads to employ a clerk. I ask that it may now be considered.

The motion was agreed to, and the resolution was read, as follows:

Resolved, That the Committee on the Post Office and Post Roads be, and they are hereby, authorized to employ a clerk.

Mr. DODGE, of Iowa. I suppose the fight may as well commence upon this resolution as any other. I think we have it pretty evidently shown that every committee of the Senate will, in future, have to be provided with a clerk to perform the labor of the committee in part. I apprehend that we have gone as far with that matter as we have ever gone, with the exception of the clerk asked for by my friend from Texas. We accorded a clerk to that committee at a time when it was supposed, from an amendment of the Post Office laws, there was some unusual amount of labor to be per-

formed by that committee. I am not aware that such labor is to be performed now, and the chairman of the committee has not so stated. If a clerk is now allowed to each of these committees, they will become permanent appendages of the Senate, and will hereafter be just as regularly employed as the clerks under the Secretary of the Senate. Three are now asked for. But without consuming the time of the Senate, I ask for the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered.

Mr. RUSK. I desire to say a word or two upon the subject. A clerk has been employed by this committee for the two last sessions of Congress, and he was fully employed during that time. There is not, perhaps, a committee of this body on whom more labor is devolved than on the Committee on the Post Office and Post Roads. The post office machinery extends all over the country; and everybody in the populous and sparsely settled portions of the country is equally interested in the manner in which that machinery is worked. The laws regulating that Department are in confusion. They run over a period of fifty years. Constant changes are required in these laws to meet the wants of our country; and it will require a vast amount of labor for the purpose of meeting those changes, which will necessarily come before and ought to attract the attention of that committee. Rules which would apply to a densely populated portion of the country will not apply where the population is sparse. There are some eighteen or twenty thousand post offices, many millions of miles of transportation of mail matter, and there are now many complaints of confusion in the machinery of the Post Office Department. Once or twice it has been recommended that we should revise all the laws relating to the Department, which are now in great confusion. It is the object of the Department to make it what it should be for the benefit of the whole community. Under such circumstances, if the labor is devolved upon us, we cannot be expected to perform it at all satisfactorily. I am very willing to labor as far as I can in the discharge of the duties which may devolve upon me as a member of that committee; but of one thing I am very sure, which is, that the Senate cannot employ a clerk with more general benefit to the community than in the service of the Committee on the Post Office and Post Roads.

Mr. GWIN. As I understand the opposition to be equally made to the employment of a clerk by any committee of this body, and inasmuch as I offered a resolution yesterday for the appointment of a clerk for the Committee on Naval Affairs, I wish to give the reason that induced that committee to ask for a clerk. I will very briefly state some of the labors which that committee is expected to perform. They are expected to prepare:

1st. "A code of laws for its energetic government and administration."

2d. "A furlough or retired list."

To ascertain what additional legislation, if any, is necessary to ensure,

3d. "A fair, stringent and active system of administration by the Secretary of the Navy, equalization and impartiality in service afloat and ashore, and a strict and positive obedience to, and enforcement of, all orders, without favor."

4th. "An invariable rule, that in the selection of officers for commands afloat, their physical abilities, morals, standing and fitness, should be first clearly ascertained before they are intrusted with the important duties attending foreign service."

Every member of the Senate must perceive that, to enable the committee to discharge the duties imposed upon them satisfactorily to the country, it must have a clerk.

Mr. HALE. I would suggest to the Senator from Texas whether it would not be better to modify the proposition. As the resolution now stands it is unlimited, and might be construed to mean that this committee should have a clerk in all time to come—forever, sir. I would suggest to the Senator to limit his resolution to the present session of Congress.

Mr. RUSK. I am quite willing that the resolution should be so modified. I will, therefore,

move to amend the resolution by adding the words "during the present session of Congress."

The amendment was adopted.

The question then recurred on the adoption of the resolution as amended; and the yeas and nays having been ordered and taken, they resulted—yeas 34, nays 7; as follows:

YEAS—Messrs. Bayard, Bell, Berrien, Borland, Bradbury, Cass, Cooper, Davis, Dawson, Dodge of Wisconsin, Downs, Foot, Geyer, Gwin, Hale, Hamlin, James, Jones of Iowa, Jones of Tennessee, McKim, Mallory, Miller, Norris, Pearce, Rusk, Sebastian, Seward, Smith, Soule, Spruance, Stockton, Sumner, Upman, and Wade—34.

NAYS—Messrs. Bright, Brodhead, Dodge of Iowa, Hunter, King, Underwood, and Walker—7.

So the resolution was adopted:

CLERK TO COMMITTEE ON NAVAL AFFAIRS.

Mr. GWIN. I now move to take up the resolution relative to the appointment of a clerk to the Committee on Naval Affairs, and I move to amend it by adding the words "during the present session of Congress."

The PRESIDENT. The question will first be on taking up the resolution.

The motion to take up the resolution was agreed to.

The resolution was read, as follows:

Resolved, That the Committee on Naval Affairs be authorized to employ a clerk.

Mr. GWIN. I now move to amend by adding the words "during the present Congress."

Mr. CASS. I desire to say one word, Mr. President, on this subject, and it is simply this: We are to be called upon to appropriate hundreds of thousands—nay, millions of dollars—for the estimates of the various Departments; and it does seem strange to me, that if five of our colleagues in this body, who may be appointed as a committee, come and tell you that they are not able to do their duty satisfactorily to themselves without the aid of a clerk, that we should make any objection to it.

The question was taken on the amendment; and it was agreed to.

The question then recurring on the adoption of the resolution as amended, it was decided in the affirmative.

CLERK TO THE COMMITTEE ON COMMERCE.

Mr. HAMLIN. I ask that the resolution which I submitted this morning may be taken up for consideration now, that we may dispose of all these matters at the same time.

The PRESIDENT. It cannot be taken up without unanimous consent. If there be no objection it will be taken up.

No objection was offered.

The resolution was accordingly read:

Resolved, That the Committee on Commerce be authorized to employ a clerk, from and after the first proximo, at the usual rate of compensation, during the present session of Congress.

Mr. HAMLIN. I desire to state that I offer that resolution by the unanimous approval of the Committee on Commerce. I wish to state, in addition, that we have before that committee fully one hundred questions relating to internal improvements, connected with our harbors, lakes, or rivers, in almost every State in the Union. To act intelligently, there should be a synopsis filed, with each one of these cases, showing what has been done by the Government, and a complete and accurate statement of the cases presented, so that the committee and the Senate may act intelligently. Senators will recollect how much we were at fault at the last session, as to what was the true situation of the works alluded to. Besides this, there is scarcely a day passes when there is not some subject comes up which requires correspondence, or an interview with a Department, and to do these subjects justice is beyond the power of that committee. I believe there is no committee in this Senate which has so varied and extensive subjects committed to it as the Committee on Commerce.

The resolution was adopted.

FLOGGING IN THE NAVY.

Mr. GWIN. The memorial offered some time ago by the Senator from Pennsylvania [Mr.

BRODHEAD] in relation to corporal punishment in the Navy, is yet undisposed of. When the question was last under consideration, the Senator from Florida [Mr. MALLORY] had the floor. It is, as I understand it, unfinished business, and I hope it will be taken up now.

The PRESIDENT. The Senator from California is right; this is the unfinished business. The memorial was postponed to a day certain; that day has passed, and it comes up now in its order.

Mr. DAVIS. Does this take precedence of the compromise resolution? I understood the Chair that the compromise resolution followed the business to which it gave way yesterday.

Mr. GWIN. I hope the Senator from Massachusetts will permit that subject to pass over this morning. The Senator from Florida was on the floor, and had delivered a portion of his speech when the question was postponed until last Monday. This matter has been postponed from day to day, and I hope it will now be taken up and disposed of.

The PRESIDENT. The Chair will state that the first special order is the resolution offered by the Senator from Mississippi, [Mr. FORTRE], which was postponed to Monday, the 5th of January. The question in relation to the memorial presented by the Senator from Pennsylvania, was postponed until January 12th, and can now be taken up on motion, if the Senator from California thinks fit to make that motion.

Mr. GWIN. Then I make that motion, and hope the Senate will sustain it.

Mr. DAVIS. I am not impatient to address the Senate. All I desire to say is, that I have a few remarks to make on this compromise resolution. If it is more agreeable to the Senate to hear them at another time I am quite willing to postpone them for the present. I perceive that the Senator from Florida has a number of books and papers on his desk, and appears to be ready to address the Senate. I would not, therefore, be willing to keep him in suspense, for I know that it is a very painful condition to be in. I am not in that state myself; but if I can only understand from the Senator from California—that is, if he knows—when this resolution can come up, and not be in the way of other business, I will move to postpone it till that time.

Mr. GWIN. Very well; say next Monday.

Mr. DAVIS. Why not say to-morrow?

Mr. GWIN. Because for to-morrow there is a special order.

Mr. HUNTER. The special order for to-morrow is the bill making land warrants assignable.

The PRESIDENT. This resolution will be the first special order, to the exclusion of the bill making land warrants assignable.

Mr. DAVIS. I do not speak for myself altogether in this matter, or rather, I should say that I do speak with regard to my own views. But then I know that the Senator from Mississippi [Mr. McRAE] is anxious to address the Senate on this subject, and I would be glad to have the thing put in such a shape as to accommodate his feelings and wishes as well as my own. If it can be taken up to-morrow morning, I am content to have it postponed till that time; but I would be glad to have it understood by the Senate that it may come up to-morrow morning.

The PRESIDENT. The Chair will state to the Senator from Massachusetts that it comes up as a matter of course, being the first special order, unless it should be postponed to take up some other subject. The question now is on taking up the memorial from citizens of Pennsylvania on the subject of flogging in the Navy.

The question was taken on the motion to take up the memorial, and it was agreed to.

Mr. MALLORY. Let the memorial be read.

Mr. BRODHEAD. Oh it is unnecessary; it has already been read three or four times.

The PRESIDENT. The Senator from Florida asks for its reading, and it is obliged to be read.

The memorial, as it has already appeared in the columns of the *Congressional Globe*, page 218, was then read.

Mr. MALLORY then addressed the Senate until the hour of adjournment, in favor of a restoration of corporal punishment.

Without concluding, Mr. M. gave way to a motion to adjourn,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 14, 1852.

The House met at twelve o'clock, m.

Prayer by the Rev. Mr. BUTLER.

The Journal of yesterday was read and approved.

AFFAIRS IN UTAH.

Mr. BERNHISEL. Mr. Speaker, I rise to a question of privilege. I find that the report (as printed) communicated to this House by the President of the United States, containing the report of the three United States officers returning from Utah, is not the same as the copy furnished me from the Department of State. I was as much surprised at the appearance of the official printed report, as I was at the publication of a like report a few days before in the *New York Herald*, both of which are different from the report furnished to me, or a copy thereof, from the State Department, though bearing the same date. I must protest against the change or alteration of an official report, containing such serious charges against the Governor and people of the Territory which I have the honor to represent; and without saying more at this time, I now move the House, on presenting the copy of that report which was furnished to me by the Department of State, that the same be printed and laid before this House. I have not carefully compared any of the reports, and know not which to rely on as authentic, and official, except it be the one on file at the State Department and furnished me by that Department. I shall hold this to be the true copy of the indictment, and trust that this House will so order it after it shall be printed and laid before the House.

Mr. CARTTER. I rise to a question of order. I do not think that this matter can be considered a question of privilege.

The SPEAKER. The Chair is unable to perceive any question of privilege. The gentleman from Utah can only proceed by the unanimous consent of the House.

Mr. CARTTER objected.

Mr. ORR. I move that the gentleman from Utah [Mr. BERNHISEL] have leave to proceed.

The SPEAKER. The Chair is of opinion that this is not one of those cases which would allow the gentleman to proceed on a motion of that character. If the gentleman had been called to order on the ground of irrelevancy in debate, or for other disorder, it would then have been in order for the gentleman from South Carolina to submit a motion that the gentleman from Utah be allowed to proceed in order. But, in the opinion of the Chair, the gentleman from Utah is not entitled to the floor, and therefore the gentleman from South Carolina cannot submit the motion which he proposes. The Chair decides that the gentleman from Utah cannot proceed without the unanimous consent of the House.

ESTIMATES FROM THE DEPARTMENT OF THE INTERIOR.

The SPEAKER then stated that the first business in order was the proposition to reconsider the vote by which the communication from the Department of the Interior was laid upon the table. The gentleman from Tennessee [Mr. JONES] had moved to lay the motion to reconsider upon the table, and upon that motion the yeas and nays had been ordered.

Mr. JONES, of Tennessee. By the consent of the House I desire to withdraw my motion to lay the motion to reconsider upon the table. I will also state—though it is not strictly in order—that I hope the motion to reconsider will prevail, and that this question may be fully examined. It is a new one, and is, at least, worthy the consideration of the House.

There was no objection, and the motion to lay on the table was accordingly withdrawn.

The question then recurred upon the motion to reconsider the vote by which the document was ordered to lie upon the table.

Mr. HOUSTON. If this question is not likely to give rise to additional debate, and it is the intention of the gentleman from Tennessee [Mr. JONES] to merely refer it to some committee, I am willing that it should be reconsidered.

The SPEAKER. It is not now in order to debate the question.

Mr. HOUSTON. I understand that it is not debatable now; but if the reconsideration takes place, it will then be debatable. I desire to say

that I have a matter of interest connected with the public printing, to bring before the House at the earliest opportunity.

The question was then put, and the House agreed to reconsider the vote by which the message from the Secretary of the Interior was ordered to lie upon the table.

Mr. JONES, of Tennessee. The motion now pending is one made by myself on yesterday, to send this communication back. I will, if there be no objection, withdraw that motion; and then the motion made by the gentleman from Alabama, [Mr. HOUSTON], to refer the message to the Committee of Ways and Means, and to have it printed, will be in order.

The SPEAKER. The recollection of the Chair is, that the gentleman from Tennessee yesterday withdrew the motion to which he has referred, and substituted the motion to lay upon the table.

Mr. JONES, of Tennessee. Then I propose to withdraw the motion to lay the document on the table.

There was no objection, and the motion was accordingly withdrawn.

The question then recurred upon the motion submitted by the gentleman from Alabama, [Mr. HOUSTON], to refer the document to the Committee of Ways and Means, and to print.

Mr. HOUSTON. Does the gentleman propose to debate it now?

Mr. JONES, of Tennessee. Yes; but I will not occupy the time of the House more than five minutes.

I made the motion yesterday to lay this communication upon the table because it is an infraction of custom and a violation of the law. So far as my opinion goes, and so far as I have been able to investigate the question, it is the first time any Department, other than that of the Treasury, has submitted to this House estimates for appropriations and asked for the enactment of laws to make those appropriations.

Mr. STEPHENS, of Georgia. I rise to a question of order. The question now before the House is the disposition of the Executive documents upon the Speaker's table; and the rule says they shall only be taken up in regular order. The only opportunity for debate would have been upon the privileged motion to reconsider. But that motion having been withdrawn, of course the communication lies upon the Speaker's table, and can only be taken up in its regular order.

Mr. JONES, of Tennessee. This question comes legitimately before the House this morning, upon the motion to reconsider. This leaves the question to refer it to the Committee of Ways and Means just where it was yesterday, when that motion was made.

The SPEAKER. The gentleman from Tennessee is correct.

ASSIGNABILITY OF LAND WARRANTS.

The SPEAKER. The regular order of business during the morning hour, is the call of committees for reports. The first business in order, therefore, in the opinion of the Chair, is the report of the select committee on the joint resolution explanatory of the act of September 28, 1850, entitled "An act granting bounty lands to certain officers and soldiers who were engaged in the military service of the United States," and the subject of amending and extending the bounty land bill.

Mr. JONES, of Tennessee. There is another question why this matter is before the House. I know that it was uniformly held by the Speaker of the last House, that when any proposition was before the House at the time of adjournment, and an amendment pending to refer it to any committee, it kept it off the Speaker's table, and brought it up as the unfinished business.

The SPEAKER. The Chair admits that it is unfinished business to come up in its order. The call of committees for reports being first in order, the unfinished report of yesterday will take precedence of the other unfinished question.

Mr. JONES, of Tennessee. I am very certain that is a change of the practice of the House.

The SPEAKER. The first business in order is upon the motion to refer the report made by the gentleman from Indiana [Mr. DUNHAM] to the Committee of the Whole on the state of the Union.

Mr. BISSELL. Upon that question—

Mr. HOUSTON. I appeal to the gentleman from Illinois, [Mr. BISSELL,] and ask that he will permit me to bring to the attention of the House the condition of the public printing.

Mr. BISSELL. I am sorry to disoblige the gentleman, but I cannot yield the floor for that purpose.

Mr. HOUSTON. I hope the gentleman will allow that subject to be brought now before the House, as the subject upon which he proposes to speak will consume the balance of the day.

Mr. BISSELL. I should be glad to oblige the gentleman, but it strikes me that this question of printing will consume not only this day, but many days in succession, if we lay aside other business to attend to it.

Mr. HOUSTON. I rise to a question of order. It is this: Whether I have not a right, under the rules of the House, to make a report from the Committee of Ways and Means, stating the reasons why the appropriation bills have not been reported within thirty days from the announcement of the Committee of Ways and Means by the Speaker?

The SPEAKER. The Chair knows of no rule of the House giving the gentleman that right.

Mr. BISSELL. Mr. Speaker, upon the question of referring the report submitted yesterday by the chairman of the select committee upon the bounty land question, I wish to say a few words. I was gratified that the chairman of that committee made the motion to refer the bill to the Committee of the Whole on the state of the Union, but I regretted very much that he afterwards announced to us that he had made that motion with the view of subsequently withdrawing it, and of putting this bill upon its passage here, under the operation, as I suppose, of the previous question. Now, sir, I hope no vote will be taken upon this bill under any such strategy. It will be most manifest to every man who will pay the least attention to the provisions of this bill, that it is one that requires, perhaps more than any other one that has been before us during this session, that deliberation and attention which it can only receive in Committee of the Whole. Sir, he is a bold man who, understanding the provisions and foreseeing the operation of this bill, votes to-day that it become a law. And he is a rash one, who votes for it without that understanding and foresight. No, sir; this bill should go to the Committee of the Whole; and I hope the members of this House are prepared at once to reject it altogether, or, at least, that they will see the propriety of letting it take that course which bills of far less importance than this generally do. To some portions of the bill I have no objections whatever. To other parts of it, I think a large majority of the members of this House will object. Of some portions of it I have no language sufficiently strong to express my disapprobation.

The first section proposes to make land warrants assignable. That is very well; but I think, upon mature reflection, that the mode of assignment provided for in this first section is by no means the best one; and my reasons for thinking so can be given in very few words. The section provides that these warrants shall be assignable, the assignment to be executed and acknowledged, or proved, in the same manner and with the same formalities that deeds for the conveyance of land are executed, acknowledged, or proved in the State or Territory in which the assignment may be made. Now, at first blush, that seems very well; and I am not so much opposed to that mode of assignment as that I would go against the bill on account of it if it suited me in other respects. But I think the bill must be essentially modified in nearly all of its provisions; and, while we are about it, I am for having this one perfected also. Look at the effect of providing this mode of assignment. A land warrant is assigned, for instance, in Florida; executed and acknowledged there in accordance with the laws of that State regulating the execution, acknowledgment, and proving of deeds for the conveyance of land. Now, how is the register or receiver of a land office in Oregon expected to know, when the warrant is presented at his office, what are the laws of Florida upon that subject? and, without such knowledge, how can he know that the assignment is legal or valid according to the provisions of the law we are now about to enact? Another one is

assigned in Maine according to the mode in which deeds are executed and acknowledged there. How is this same register in Oregon, ninety days afterwards when the warrant is presented to him, to know what are the laws of Maine in relation to deeds conveying land? And further still, how is any register or receiver expected to know the laws of all the States and Territories and of the District of Columbia, regulating this subject, so that he may know, when the warrant is presented to him at his office, whether the assignment upon it is legal or not? Why, it would require a lawyer, indeed, and one of much reading, too, to be enabled to act understandingly under such a law as you propose for the guidance of registers and receivers.

Mr. DUNHAM. Has the gentleman always been of that opinion, or has he recently embraced it, and since the committee acted upon it?

Mr. BISSELL. Personally, I have always preferred a different mode of assignment from that provided by this first section, yet I did not object to this mode in committee, willing, if the balance of this bill should suit me, to indorse the whole; but as I have said before, when I came to see the frightful disproportions of the other parts of the bill, I was disposed to have it nearly all modified—this section as well as others.

Now a far more simple, better, and wiser plan, is that which was provided for in the bill before us originally; and I now call the attention of gentlemen to that better mode. The first section of that original bill provides that the warrants for military bounty lands, which have been, or may hereafter be, issued under any law of the United States, shall be assignable in such form, and pursuant to such regulations, as may be prescribed by the Commissioner of the General Land Office. Now the Commissioner has constant communication with all these local offices, and the moment you may pass this original bill, he will send his circular containing this law and the prescribed form to each of the registers and receivers, and they will have all the required information before them in plain and simple language, directly from the Department here. Thus that provision of law regulating the assignment of warrants, will pass into all the local land offices, and all other public offices where business of that kind is transacted by officers or individuals. Every man may then see and easily understand, what is necessary to constitute a legal assignment of a bounty land warrant. Now, which of these plans is the better one? Nay, I would ask, indeed, if the one reported by the majority of this select committee is not almost utterly impracticable? So much for the first section of the bill, which is to be forced through the House under the operation of the previous question.

The second section of this bill—and I ask those gentlemen who have not given it particular attention to attend to it now—provides, that for locating warrants hereafter, registers and receivers shall receive fifty cents upon each one located. Now, gentlemen, you are all aware that the location, by these warrants, commenced some three or four years ago. Since that time so many locations have been made under them, that probably not one fourth part of those originally directed to be issued now remain unlocated. The officers who have located them, have never received one single cent, except a small pittance, originally provided for locating such as had been assigned. The subject of compensating these officers for their services comes before this House; is referred to a select committee, and they report in favor of compensating such officers as may render the same services hereafter, and wholly neglect to provide the same equal and just compensation, or any compensation at all, to those who have performed these services up to this time. Is there justice in that? If the location of these warrants hereafter to be made is a service, fairly and justly entitling the registers and receivers to compensation, why not compensate those who for three years have devoted nearly all their time to that labor without receiving so much as one hundred dollars, over and above clerk hire, office rent, and other necessary expenses? Why, the very fact that the committee proposes to pay for locating these warrants hereafter, shows them to be aware of the fact that there is justice in the claim of those who ask compensation for having located them heretofore. Why provide for payment only to future officers? Let

us see how this matter is got over by the chairman of the select committee, [Mr. DUNHAM.] After providing in this comprehensive bill for paying officers who shall hereafter locate these warrants, he tells you that those who have been engaged in locating them heretofore, can come to Congress, each with his individual claim, and get a bill through here for his compensation. Is not that a most extraordinary proposition? Is it not a most unreasonable one, so far as the present, and late incumbents of these offices are concerned? This bill provides for paying officers who perform these services hereafter, and invites those who have performed them heretofore—some of whom are in office now, and some not—to come to Washington by dozens, and scores, and hundreds, and present to Congress, each his individual claim, in the form of a private bill, for the purpose of obtaining his pay, as register or receiver, for locating these land warrants heretofore. That, sir, is an improvement upon the General Land Office system, which is as ingenious as it is just to retiring land officers. Why, the land office system is designed to be, and should be, complete and perfect in itself. The claim of these officers for compensation should be adjusted, now and always, not by Congress but by the head of that Department here. If, pursuant to the invitation of the chairman of this committee, fifty or a hundred of these land officers come up to Washington and present their claims to Congress, I should like to know when they may reasonably expect their bills to be all got through? How much of the time of Congress would be consumed in passing them, and how much of the money of these honest claimants be expended, in employing agents and in personal attendance, session after session, till their bills are passed? How simple, how sensible, how right would it be, to provide in preference for those who have already located these warrants, just as we do for those who shall locate them hereafter? Provide that those registers and receivers who have heretofore located these warrants shall receive a certain percentage on each warrant so located by them, under regulations of the Department, the whole amount allowed to any one in no case to exceed the maximum of compensation now allowed by law. There is no difficulty in regulating this, none at all. The head of the Land Office Department here knows how much pay each land officer has received, year by year—

Mr. DUNHAM. Will the gentleman allow me to ask him a question?

Mr. BISSELL. Certainly.

Mr. DUNHAM. I should like to know, in settling those accounts at the Land Office, how you are to ascertain the amount they are entitled to for locating Mexican land warrants?

Mr. BISSELL. In the easiest possible way, I assure the gentleman. I will turn to the records of the General Land Office here, or introduce that gentleman to a clerk who will do it, and show, in less time than I have been speaking, precisely how much each land officer has received for each year, during the whole time in which entries have been made by these warrants.

Mr. DUNHAM. The gentleman will find himself very much mistaken, or else my inquiries have resulted in a wrong answer, for my—

Mr. BISSELL. The books of the General Land Office show whether a warrant was located by the original holder, or by his assignee. If by his assignee, the Department knows that the register and receiver has received fifty cents. If by the original holder, the Department knows that the local land officer has received nothing. Therefore it is entirely practicable to obtain the necessary information on this point. When that information is obtained, the Department should be authorized to allow each register and receiver a percentage upon entries by warrants, under the restriction or limitation as to amount, which I have already suggested. This is exactly what the majority of the select committee propose to do for registers and receivers who may perform this service in future. Is there any more difficulty about the past? This whole thing ought to be settled in this bill. We want no future legislation on the subject. We do not want these registers and receivers—nor their widows and children—here in mournful procession with their private bills for compensation, year after year, till our patience and their spirits shall be worn out. Regulate the compensation to which they are entitled now, when it can so easily be

done; and save to them the time and the money they may otherwise expend hereafter in successful or unsuccessful efforts to obtain delayed justice. Let not the honorable chairman of this select committee say they are not entitled to anything, for by the fact of proposing to compensate officers for the same services hereafter, and by the further fact of virtually inviting the retiring registers and receivers to come here and present their claims to Congress, he is estopped from denying the justness of their claim.

Now the fact is, that some of those officers have not received more than one or two hundred dollars in the last year, over and above their clerk hire and other expenses, because nearly all the entries in their districts have been made by these warrants; whereas in other districts in which most of the entries have been made in money and in which not one fourth as much labor is required as in the case of entries by warrants, have received very nearly or quite the maximum sum allowed by law. Is this equal justice?

There is another argument upon this subject, which I address to the exclusive consideration of my Democratic friends round about me, and I know they will appreciate it. My friend from Indiana [Mr. DUNHAM] proposes to pay officers who shall locate these warrants hereafter; and proposes, in the same bill, to issue a very large batch of new warrants to another class of our citizens; but, to those who have been engaged in locating warrants without pay for the last three years he has nothing to say, except that they had better come up to Congress at some future time, and get the pay allowed them, each by a separate bill. Now, we Democrats all know very well who will hold these offices for the next four years. We know—do we not, my Democratic friends?—that there is to be a change in the Administration, and that, after a little time, good Democrats will fill these offices for some years to come. Well, these Democratic registers and receivers to be are provided for—very properly, of course—in this bill. They are to receive pay for each warrant they may locate. But these poor Whigs, who have performed the labor of locating all these warrants—for I believe they have all been located since the commencement of General Taylor's administration, and who are about to retire, I mean at the incoming of the next Democratic Administration—are to be turned off without pay. They are told to whistle for their pay, or, which is the same thing, to come up and apply to some future Congress for it. Now, I ask my Democratic friends if this is just? I do not say we ought to be magnanimous to our Whig friends who are to go out of office, but we ought to be just to them. If it is just to compensate Democratic officers, who will fill those places during the next Administration, I think it equally so to compensate those Whigs, who, by an extraordinary streak of good luck, have been in office for the last three years. I admit, very cheerfully, that our Whig friends, in the general, deserve a good deal of scourging, but let it be visited upon them in a different way—by keeping them out of office. But in pecuniary matters, let us not fail to give them their full dues.

Now, I have proofs before me, but I will not detain the House by reading them, showing that the necessary, unavoidable labor of locating a tract of land with a military bounty land warrant, is more than four times as great as in locating the same tract with money. There is proof, also, that in some of the land districts nearly all the land has been located for the last year or two with these warrants. As a consequence, the percentage which officers receive upon cash sales, has been lost to the receivers and registers in such districts. This quadrupled their labor and diminished by three fourths their pay. There is proof, also, that in other land districts the sales have mostly been made for cash, and the officers in such districts, though performing comparatively little labor, have, through the percentage to which they are entitled on cash sales, realized more than four times the compensation received by the less fortunate class I have already referred to. Now I ask the majority of this select committee—for I would have the House bear in mind that it is composed of five, and that it was by a bare majority that this bill was reported—if there is any principle of even-handed justice discernible in their whole proceeding? If any gentleman is of opinion that the salaries of land officers are too

high, let him move to cut them down. Perhaps I will go with him; but let us make them equal. If you reduce the pay of one man, reduce that of all others; and at any rate do not put additional labor upon one and give him less compensation than another gets for his labor.

Again: this bill provides that a man entering one hundred and sixty acres of land with a land warrant shall pay fifty cents to the receiver and register. Do we consider how much the Government pays for having that same one hundred and sixty acres of land entered with cash? It pays two dollars. A speculator appears, loaded down with land warrants which he has purchased at sixty to ninety dollars each, and with each one of which he buys one hundred and sixty acres of land. For entering that one hundred and sixty acres which really has cost him less than a hundred dollars, he pays to the register and receiver fifty cents, and no more. A poor emigrant who has managed to raise two hundred dollars in specie, goes to a land office in Minnesota, Iowa, or Illinois, purchases one hundred and sixty acres of land with that two hundred dollars of genuine Jackson currency. For receiving his money and giving him a certificate of entry the register and receiver are allowed each a dollar. Such inconsistencies will every day arise under the operation of this bill. It is considerations of this character that compel me to say the bill ought not to pass. It should go to the Committee of the Whole on the state of the Union, and be there thoroughly investigated and essentially modified. It ought not to become a law unless entirely changed in nearly all its essential features.

[A message was here received from the President of the United States, informing the House that he had attached his signature to certain bills.]

I think, Mr. Speaker, that I have dwelt long enough upon the monstrous injustice and inequality proposed by this bill in reference to the compensation of land officers. That it will work the grossest injustice I think I have shown. I think I have also shown that this proposition, taken in connection with the remarks of the gentleman from Indiana, [Mr. DUNHAM], on yesterday, proposes a change in the land office system which members of this House will be slow to sanction, to wit, in the mode of compensating land officers for entries heretofore made with warrants.

Mr. DUNHAM. The gentleman misunderstands me upon that point. I stated on yesterday, that I considered, as a general thing, they had been amply paid for the services they rendered in the location of land warrants; but that there might possibly be instances where their compensation was inadequate. In such cases their claims should be presented to Congress.

Mr. BISSELL. Then I ask, if as a general rule they have been amply paid, why provide additional payment to those who shall perform the same services hereafter? That will not do. If they have been amply paid under that system, those who shall come into office after them, and render the same service, will be paid in the same way. If the compensation is sufficient for those who are about to go out of office, why not for those who may succeed them? Why not strike out the provision compensating officers in future? The plan that we, the minority of the committee, propose, will prevent those who have received compensation already from getting any more, as it authorizes the Department here to pay those who have not received what they are entitled to by law, (their maximum salary and percentage)—so much as will make up that amount, and no more; so that if any officer has received ten dollars less than he was entitled to, he will be paid by the Department that amount (if his locations by warrants would entitle him to so much) on the adjustment of his accounts here. Or, if another has received \$1,300 less than he would have been thus entitled to, he may, on the same principle, receive that amount from the Department, when his accounts are adjusted. We see how perfectly that equalizes the matter, dispensing even justice all around.

I will now ask the attention of the House to the third section of the bill. It reads as follows:

Sec. 3. And be it further enacted, That the act of which this act is explanatory, shall be so construed as to include all commissioned and non-commissioned officers, musicians, and privates of militia, volunteers and rangers, who were mustered into the service of the United States for the

suppression or prevention of Indian hostilities, or whose services of that character were recognized and paid by the United States prior to the passage of said act, and who served the length of time required by said act.

I like this section very well, and, in view of its comprehensive grasp, I am very much inclined to suggest that the title of the bill should be "An act *extending*," instead of "*amendatory*" "of a previous act." I will ask the chairman of the select committee, if he will allow me, whether he has any approximate knowledge as to the number of persons who will be embraced in this section?

Mr. DUNHAM. As a reply to the gentleman's interrogatory, I might refer to his own knowledge of the matter. On certain occasions he has manifested considerable anxiety upon the subject, and it was mainly through his efforts that this section was introduced into the bill.

Mr. BISSELL. Do not misunderstand me. I am for the section; and I am also in favor of the bill of the gentleman from Tennessee, [Mr. JOHNSON], which proposes to give land to every actual settler who will live upon and cultivate it. The gentleman from Indiana [Mr. DUNHAM] and I cannot be at issue on this section. I thought it right, however, that the House should have some information as to the number that will be embraced under this section. It provides for all those who have been mustered into service for the suppression or prevention of Indian hostilities, or whose services of that character have been recognized and paid by the Government. I am for the section, but wish that it was still more comprehensive. So, as I said before, I am in favor of the bill of the gentleman from Tennessee, which one of these days I hope to help him to pass—so far as my vote goes at least. I think that it is a sensible and equitable bill, and I think this would be an equitable and sensible section were it carried further. But I suspect that the House will not vote it a law until they have more information than I possess as to the number and class of persons embraced by it.

Ever since the settlement of California there have been rumors of Indian disturbances there and expectations of Indian outbreaks. Are all those who may have been mustered into the service to prevent these outbreaks provided for by this section? I read in this morning's paper an item of news brought by the last steamer from California, to the effect that Major Jack Hays, whom we all recollect and admire, had proceeded towards San Diego with volunteers to prevent an apprehended rising of the Indians. Are he and his men included in this section? If they are not I insist they shall be. I have also a petition in my drawer from citizens in New Mexico, asking for land for a battalion of four companies raised there in 1849, by Colonel Washington, who are excluded by the present law. I would like to know whether that class of our New Mexican citizens—for I believe they were all New Mexicans—are embraced under this section. They served some six months, and so far as I learn their services have not been recognized and paid by the Government. If they are not embraced in this third section I will have none of it. A section so comprehensive as that might be extended a little further, so as to do justice all around. How many does it embrace of those who were called out by State authority, at various times, to prevent Indian hostilities in the Creek country—in Florida, and elsewhere in the South and West? The more that is included, I say the better, and yet I should like to have some knowledge as to the number whom we might finally embrace. A more general bill, a friend near remarks, would be more equitable.

Such important provisions as those contained in this bill, I repeat, should not be adopted by us without mature deliberation—to receive such deliberation the whole subject should go to the Committee of the Whole on the state of the Union.

To the 4th section of the bill I have no objection. The 6th section is the only other one to which I will direct the attention of the House. It provides:

"That the warrants which have been, or may hereafter be issued, in pursuance of said act, or of this act, may be located upon any lands of the United States subject to private entry at the time of such location."

I will tell you what I think will be the practical operation of this section as indicated by past experience.

These warrants which are now issued, and which by this bill you are to issue, depend upon it, will very soon pass into the hands of specula-

tors. Those who hold them for their own purpose, enter their land immediately or very soon. But I suppose that about nine tenths of the whole number sell their warrants for cash to speculators. Those who have money and disposition to speculate in lands buy these warrants for from \$80 to \$100, say at an average of about \$90. These speculators will horde them up. When the poor emigrant wants a piece of land to live upon he takes the first piece of good land he reaches, lays his warrant, settles and cultivates it. The speculator, with his scores of warrants, lies back until a new and rich district is opened for sale. Before the day of sale comes on, he is there, by himself or his agent, with his warrants. He selects out the best lands in advance, and covers in a day thousands of acres with his warrants. Then he holds these lands—which instead of being entered at \$200 for a hundred and sixty acres have cost him less than half that sum—till surrounding cultivation and improvements by actual settlers have enhanced their value fourfold. Then, for that enhanced price he sells them out for cash to emigrants desiring them for settlement. His ultimate profits are so great that he can well afford to retain his warrants for a long time before locating them, and hold his lands up from sale for a long time afterwards.

I think, therefore, that this section should be stricken out, and that you ought to place those who may hold these land warrants now proposed to be issued upon the same footing with those who took warrants under the acts already in force. Let them lay their warrants upon lands which were in market at the time the original bill was passed, or, if you please, upon those lands which are new in market. But do not extend their privileges in this particular any further.

There are lands enough already in the market, and good lands too, upon which these warrants can be laid. Why give so many, such accumulated advantages, to those who may speculate in these warrants? They are advantages which will rarely inure to the soldier, or original holder. No, no; restrict these locations by warrants to lands already in the market. It is no hardship to the warrant-holder. The soldier will never regard it as an injustice; and, as for the speculator, we care not for him.

In conclusion, I desire to say, that my friend from New Hampshire [Mr. Tuck] and myself, who constitute a minority of this committee, propose that this bill shall be sent to the Committee of the Whole, as I trust it will. We propose to make a counter-report in the shape of a bill, embracing all that we conceive to be good or desirable in the present bill, and free from its most manifest defects. Let it go to the Committee of the Whole, and when it has been there examined and discussed, with the aid of such information as we may get from the Departments, let us pass a better one in lieu of it.

Mr. TUCK. Mr. Speaker, I propose to—

Mr. HOUSTON. I would inquire if the morning hour has not expired?

The SPEAKER. It will expire in one minute.

Mr. HOUSTON. The gentleman from New Hampshire had better let us pass to the unfinished business now, as there is but a moment left to him of the morning hour. I intend to move, as soon as the morning hour has expired, that we proceed to other business. This is a most unnecessary debate, because it proposes a reference of the bill at last.

Mr. STEPHENS, of Georgia. Take the vote first upon the reference.

Mr. TUCK. I wish to inquire if I can be interrupted in my remarks?

The SPEAKER. It will be competent for gentlemen to arrest proceedings and call for the orders of the day.

Mr. HOUSTON. I will suggest to the gentleman from New Hampshire [Mr. Tuck] that he holds the floor for to-morrow morning upon this subject. There are bills upon the Speaker's table which it is very important should be referred to committees; and if the House will consent to pass to the orders of the day, and refer these bills, I would like it.

Mr. TUCK. I intend to proceed in the discussion of this subject, if it is the sense of the House to examine it. I have but little to say upon the greater part of this bill; but there is a proposition contained in it, which upon its face purports

to be an act explanatory of an act, which deserves to be thoroughly considered by this House. I believe the only way in which this bill can ever be passed through the House, is to have it passed under circumstances that will give it a thorough examination. I notify the friends of the bill that it is my belief, if this bill should go to the Committee of the Whole on the state of the Union, and is there discussed, that it will be killed dead, as it deserves to be. I believe that all, except a sectional portion of the country, would be satisfied to have this bill receive its quietus in Committee of the Whole, because there are propositions before the Senate which are sure to bring it up in a manner which will give us the opportunity of passing any enactment upon any subject embraced in this bill, which deserves our approbation. Gentlemen will not be committed by the loss of this bill—they will find other measures and other opportunities of procuring such enactment upon the subject as ought to pass this House—

Mr. JONES, of Tennessee. I now move—the morning hour having expired—that we proceed with the business upon the Speaker's table.

The question was then taken, and it was agreed to.

On motion by Mr. WILCOX, it was Ordered, That the petition and papers of J. P. Montgomery, praying for compensation for services performed in the war with Mexico, be taken from the files of the House, and referred to the Committee on Military Affairs.

DEFICIENCY ESTIMATES FROM THE INTERIOR DEPARTMENT.

The SPEAKER. The first business in order is the proposition to refer the report of the Secretary of the Interior, of estimates for deficiencies, to the Committee of the Whole on the state of the Union, and that it be printed.

Mr. JONES, of Tennessee. On yesterday, when this question was before the House, I moved to lay that report upon the table, because it had come here, as I believed then, and as I now believe, contrary to the law, and in violation of the uniform practice and custom of the Government and the Departments thereof. To show that I was not mistaken, I now propose to investigate that question for a short time, to see how these estimates for appropriations should come before the House of Representatives. By the act establishing the Treasury Department, approved September 2, 1789, it is provided by the second section: "That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenues, and the public expenditures."

Here is the first act passed by the Congress of the United States, establishing the Treasury Department. It is made the duty of the Secretary of the Treasury to prepare his estimates of revenue and estimates of expenditure. There is no distinction made in them. It does not speak of one or another Department of this Government preparing and reporting estimates of the public revenue and expenditures. We find that another act, supplementary to an act entitled "An act to establish the Treasury Department," approved May 10, 1800, provides that "It shall be the duty of the Secretary of the Treasury to digest, prepare, and lay before Congress, at the commencement of every session, a report on the subject of finances, containing estimates of the public revenue and public expenditures, and plans for improving or increasing therevenues from time to time, for the purpose of giving information to Congress in adopting modes of raising the money requisite to meet the public expenditures."

Here is again the second act passed upon this subject in May, 1800, declaring it to be the duty of the Secretary of the Treasury to report directly to Congress upon the revenue and estimates of expenditure necessary to be made; and upon reflection, it will be seen, I think, that it was founded in wisdom and sound policy. Suppose that each and every one of the Departments shall make their own estimates, and submit them to Congress, either directly or through the President, how will the Secretary of the Treasury arrive at anything like a correct knowledge of the amount of revenue necessary to be raised in order to meet the expenditures of the Government? Is the Secretary of War to make his estimates and submit them to Congress, and the Secretary of the Interior and

of the Navy are to come here separately, what will the Secretary of the Treasury base his estimates upon as to the amount of revenue necessary to meet the expenditures of the Government? But when they submit their estimates to him to be transmitted to the Congress of the United States, he has before him the amount which will be required. He then makes his estimates of the revenue to be received by the Government for the year. If there appears from his estimates of the revenue to be received that there is a surplus, he reports the fact. If there should appear to be a deficiency in his estimates of revenues to be received, then it is his duty to suggest plans and recommend the means by which the revenue shall be increased; or if he cannot present any plans satisfactory to himself which will raise the necessary amount of revenue, then it becomes his duty to recommend loan, and to what amount. I believe it was the uniform practice, from the act of 1800 down to 1846, for the Secretary of the Treasury to report his estimates with his annual financial report at the commencement of each session. And this has been the practice from the commencement of the Government to 1842, I believe. The fiscal year commenced upon the first of January, and ended upon the 31st of December of each year. If I mistake not, it was in 1842 that an act was passed altering the commencement and termination of the fiscal year, declaring that it should commence upon the first of July of each year, and end upon the 30th of June thereafter. The act approved August 26, 1842, provides "that on and after the first day of July in the year of our Lord 1843, the fiscal year of the Treasury of the United States, in all matters of accounts, receipts, expenditures, and appropriations, shall commence on the first day of July in each year; and the report of estimates required to be prepared and laid before Congress at the commencement of each session by the Secretary of the Treasury, in obedience to the acts of Congress of the 2d of September, 1789, and of May 10th, 1800, shall be a report of estimates for each fiscal year commencing as aforesaid and terminating on the 30th day of June in the succeeding calendar year." It is also made the duty of the Secretary of the Treasury, by the second section of this act, "to submit to Congress, at the commencement of the session, his annual report upon the state of the finances and estimates of appropriations required for the support of the Government for the half calendar year ending on the 30th day of June next, and particular and distinct estimates for the fiscal year ending on the 30th day of June, 1844."

It is again made the duty of the Secretary of the Treasury here in this act altering and fixing the commencement and termination of the fiscal year, to prepare his estimates of the revenue to be received and the expenditures to be made. In obedience to that act, they have continued to make these estimates and submit their annual report to the head of that Department up to the year 1846. If I am not mistaken, it was under this change of the fiscal year, that these large and uniform estimates for deficiencies commenced; and here it may be said that these laws requiring the Secretary of the Treasury to submit his estimates, apply to annual estimates and not to deficiencies. If that distinction be made, it will be found that the law contemplates no deficiency. It contemplates that the Secretary of the Treasury would have sufficient knowledge to make his estimates large enough to meet the expenditures of Government, and that they would be made accordingly. But we see here, when this fiscal year was changed, that there were at every session reported with the annual estimates, large estimates for deficiencies; and accordingly, in the annual report on the 4th of December, 1845, there were deficiency estimates submitted of \$1,290,526 25. In the next estimate submitted on the 19th of November, 1846, being the first year of the war with Mexico, there were deficiencies of \$5,459,700 72. In November 24, 1847, the deficiency estimates were \$10,061,844 57. In November 16, 1848, the deficiency estimates were \$3,744,903 69. In November 16, 1849, the deficiency estimates were \$1,696,851 47. In November 23, 1850, the deficiency estimates were \$2,575,305 64.

In each of these years the deficiency estimates were submitted at the same time that the annual estimates were for the then next fiscal year, and

it was by the resolution of the 7th of January, 1846, that the Secretary of the Treasury was directed and required to make his estimates, have them prepared and printed, ready for delivery to members of Congress at the assembling of the body. The resolution reads:

"That it shall be the duty of the Secretary of the Treasury to cause his estimates of appropriations, which he is by law required to prepare and submit to Congress, to be printed, and copies of the same to be delivered to the Clerk of the House of Representatives in time for distribution at the commencement of each session; and that the Clerk distribute the said estimates in the manner in which documents printed by Congress are directed to be distributed."

There is another resolution of Congress relating to the acts of 1789 and 1800, directing that the estimates which the Secretary of the Treasury is required to prepare and submit to Congress shall be printed by him before the meeting of Congress, and that he have them ready for delivery when the members shall assemble. Now, the fiscal year having been changed, and not commencing until seven months after the session of Congress for which these estimates are submitted, why was it necessary to require that these estimates shall be printed and ready for delivery upon the assembling of Congress? It was that the members might have them at the earliest day, that they might investigate, report, and pass upon these appropriation bills in time. Then, if the reason would apply in the case of the estimates of appropriation for the year—not to commence until seven months after these estimates shall have been submitted—will it not apply with tenfold force for estimates required for the current fiscal year in time of the assembling of Congress? For instance, at the meeting of this session of Congress, we had the estimates required for the year commencing upon the 1st day of July, 1850, and terminating upon the 30th of June, 1852. Here was seven months to operate upon before one dollar of the estimates of the appropriation here submitted would be required for expenditure; and here is the present year terminating upon the 30th of June next, in which we have not one dollar of estimates required in addition to those heretofore submitted and appropriated for at the last session.

I say the reasons are tenfold stronger why we should have estimates submitted for deficiencies at the commencement of the session, than those which may be required for the succeeding year. I find it was the uniform practice, as I have before shown, from the time they were required to make these estimates and submit them. Here is the construction given to this joint resolution requiring these estimates to be printed. What does the present Secretary of the Treasury? In his estimate submitted to Congress at the last session, he tells you this—which he had printed and placed in the front of the volume which contained the annual estimates for this year—"that agreeably to the joint resolution of Congress of the 7th of January, 1846, I have the honor to transmit, for the information of the House of Representatives, printed estimates of additional appropriations proposed to be made for the service of the fiscal year ending the 30th of June, 1851, amounting to \$2,575,305 64."

Here he informed us, at the last session, that it was agreeably to this joint resolution that he submitted the additional estimates for deficiencies which would be required for the year ending the 30th of June, 1851. Then, after he gave them, having received them doubtless, as these estimates show, from the various Departments, he, in obedience to the same resolution of the 7th of January, 1846, submits to Congress estimates for the fiscal year commencing the 1st of July, 1851, and terminating on the 30th of June next. The present, I believe, is the first instance in which the Secretary of the Treasury has failed to submit those deficiency estimates with the estimates for the succeeding year. Why is it done upon this occasion? I am wholly at a loss to see what has influenced the officers of Government to take this course of separating their estimates, and sending them in here, each upon his own individual responsibility. But it must be for one of two reasons—either that this Administration has no unity, or that the heads of the Departments under this Administration are not upon such friendly terms and intercourse, that they can harmonize, and that each one sets up for himself. It must be that they are not inclined to let them come in together, and show the amount at one view.

Now, what have we exhibited to us at this time? No estimates for deficiencies were submitted by the Secretary of the Treasury at the commencement of the session. Some weeks after we have been in session, the Secretary of the Navy comes in with estimates for deficiencies required in his Department, of \$219,000. He sent that report here, and when it was read at the desk—the chairman of the Committee of Ways and Means being confined to his room—I moved to refer it to that committee, and to have it printed.

The irregularity and illegality of its introduction into the House did not occur to me at the moment. Yesterday we received a letter from the Secretary of the Treasury, enclosing estimates for deficiencies in his own Department, and another enclosing estimates for deficiencies in the War Department. The Secretary of the Interior and the Secretary of the Navy have not sent in their estimates through the Treasury Department, but have, I believe, for the first time in the history of the Government, sent them directly to this House. I have been unable to find any law which authorizes either of those officers to communicate directly to either branch of Congress, upon the amount of money which may be required to defray the expenses of their several Departments.

Now, what is the amount of the deficiencies for the present year? Why, as I before said, the Secretary of the Navy, some days ago, submitted his estimates to the House, asking for \$219,000 to meet the deficiency in the appropriations for the current year ending June 30th, 1852. Then the Secretary of the Treasury submits estimates for his own Department, for \$29,250, and he also submits estimates for the War Department to the amount of \$2,516,012—making altogether the aggregate amount of \$3,428,338 70 asked for by these various Heads of Departments for deficiencies.

When we look to the annual report of the Secretary of the Treasury, submitted to Congress a few days since, we find that he estimates the receipts and expenditures for the fiscal year ending June 30th, 1852. He estimates the receipts for that time from all sources and the money in the Treasury, at \$62,411,645 68 cents. He then estimates the expenditures for the year—giving the actual expenditure for the first quarter of the fiscal year, and estimating the expenditure for the three remaining quarters—and shows that, according to his estimate, the expenditures for the current year will be \$50,952,902 59. Now, he must have had the estimates from the Secretaries of the Interior and Navy by him before he could make this estimate with such exact nicety, with such precise particularity, as to come even to the odd cents in a sum of over fifty millions of dollars. If he had them at the time, why did he not send them to us with the other estimates? If he did not have them, how did he come to his conclusion as to the precise amount, to a cent, that would be required during the year? If he did not have the estimates from those Departments, but made out his estimate without the deficiencies which we are now told are required by the Secretary of the Interior and by the Secretary of the Navy, then, instead of this report of his being correct, it will require over a million of dollars more for the year than he has estimated for. And if that state of the case is correct, how does he know for what amount of revenue to estimate? The estimates of the Secretary of the Interior, submitted on yesterday, amount to \$693,327, and those of the Navy Department, sent in a few days ago, amount to \$219,000—making altogether estimates for over \$900,000, which have come in here, as far as we know or have a right to presume, without the knowledge of the Secretary of the Treasury.

Now this question is, I think, of more importance than would perhaps strike a person at first blush. This is, I believe, the commencement of this thing; it is the first step, and if we tolerate it now, it will go on and get the finances of the country, and the business of the Treasury Department into such inextricable confusion that, in the course of a few years, it will be impossible for the head of the Department, or anybody else, to understand anything about the state and condition of the Department, and of the finances of the country. That is, in my opinion, the soundest and best policy, which requires the Secretary of the Treasury to estimate for all the receipts and all the expenditures of the Government. The other

heads of the Departments have nothing whatever to do with estimating how the revenues are to be raised, and where the means are to come from to meet the expenditures which they propose, and it is therefore only through the Treasury Department that these estimates can legitimately, legally, and properly come before the Congress of the United States for their action. I hope the House will take such a course as will have this thing corrected now at the very threshold, so that we may have no more of it.

The gentleman from Illinois [Mr. BISSSELL] told us to-day, that he believes there will be a change of Administration next March twelve months. It may be so, and I hope it will, and for that reason, I do not want any of these wrong and illegal precedents set to be followed by the Democratic party when it shall come into power. I want them to have no such footsteps as these to tread in, but to have things done according to law, according to custom, and according to sound policy and wisdom. Now is the proper time to check this practice, when it is first attempted to be commenced in the Congress of the United States. Let us go in the good old way. If we cannot improve upon it, for God's sake, do not let us make it worse.

Mr. BAYLY, of Virginia. I shall not follow the gentleman from Tennessee.

Mr. JOHNSON, of Tennessee, (interposing.) With the permission of the gentleman from Virginia, I wish to make a suggestion. A few days since we had a bill before us to appropriate \$3,000,000 to meet the Mexican indemnity; and it was urged upon us that we ought to pass that bill before we adjourned upon that day. I would merely suggest, therefore, if it would not be better for us to go into Committee of the Whole now, take up that bill, and pass it. The gentleman's remarks can as well be made at any other time. He himself urged upon us the other day the necessity of immediately passing the bill to which I have referred, and I hope therefore that he will not now delay that bill merely for the sake of making a speech.

Mr. BAYLY. I am not going to follow the gentlemen from Tennessee [Mr. JONES] through the whole course of his remarks. I have very little to say, and that little I can say in a few minutes; and then the House may take such action with reference to its business as to the House may seem best. With respect to the remarks made by the gentleman from Tennessee [Mr. JOHNSON] about my having—when the Mexican indemnity bill was last up—urged the importance of its immediate passage, he will recollect that I made that statement in deference to the chairman of the Ways and Means. That gentleman, for reasons which he stated, said that the passage of this bill would be delayed—and it has turned out so—unless it was passed then, and I yielded to his suggestion.

I will say further, with reference to that Mexican indemnity bill, that I understand a memorial is to come before Congress in relation to it; and for one—as a few days will not be a matter of very great consequence—I would prefer, if it suits the convenience of the chairman of the Ways and Means, that that memorial should come in before the bill is taken up again. There are a good many things in connection with that bill that require to be explained, so that this House and the country may understand it better than they now do.

Mr. HOUSTON. In reply to the suggestion of the gentleman from Virginia, I will merely say that it is my purpose, at the earliest possible moment, to move to go into Committee of the Whole on the state of the Union, and take up that bill. From the indications in all parts of the House, there is to be a long debate upon it, and during that debate the memorial to which the gentleman refers can come in if it comes in at all.

I do not intend to endeavor to press the bill to an immediate vote; but as there must be a debate upon it, I desire that it shall be progressing.

Mr. BAYLY. I desire to say to the gentleman from Alabama, [Mr. HOUSTON,] that during the whole Congress, he will not find me disposed to object to any course he may suggest in respect to the business of this House which he has especially in charge, because I know the indispensable necessity that he should, to a very great extent, have his own way. But I shall not detain the House ten minutes, for, as I have already said, I

do not mean to go over the ground that has been occupied by the gentleman from Tennessee, [Mr. JONES.] What little I have to say, I propose to say at once.

It will be recollected that, on yesterday, when the communication came from the Secretary of the Interior, submitting the estimates of deficiencies, the gentleman from Tennessee got up and said it was a violation of law, and moved to return the communication to the Secretary. As that course had not been pursued with any of the other Secretaries, I thought that it was designed to show official discourtesy to the Secretary of the Interior. Now, although he and I have differed as politicians, from the time that we were class-mates at College to this hour, yet we have always been upon terms of the most intimate personal relations, and when, therefore, I saw the House disposed to select him out from the others as an object to whom indignity was to be shown, under a mistake, as I stated at the time, I felt it due to him, and due to the State of which we are both sons, that I should suggest that in this matter there had been no violation of law and nothing unusual.

This morning, when I found that the gentleman from Tennessee was disposed to press this matter, I suggested to him that the matter had better be dropped—saying that I had no disposition to vindicate the statement I had made, that there had been no violation of law. My friend declined the overtures I made to let the matter pass without debate; and since he has gone into the subject, there is no alternative left me but to reply to him, or let the statement I made go unvindicated.

I shall confine myself to the single point that, in sending these estimates here, the Secretary of the Interior has done nothing illegal or unusual, and that therefore there is nothing which would justify this House in offering an indignity to him. As to all the other matters of which the gentleman from Tennessee has spoken, some political friend of the Secretary of the Interior may defend him, if he supposes a defence necessary—which I do not.

In 1846, the Congress of the United States passed a joint resolution, the title of which is as follows:

"Joint Resolution relative to the printing and distribution of the annual estimates.

"Resolved, &c., That it shall be the duty of the Secretary of the Treasury to cause the estimates of appropriations, which he is by law required to prepare and submit to Congress, to be printed, and copies of the same to be delivered to the Clerk of the House of Representatives in time for distribution at the commencement of each session; and that the Clerk distribute the said estimates in the manner in which documents printed by Congress are directed to be distributed.

"APPROVED January 7, 1846."

Now, the gentleman from Tennessee says that in the eye of the law, there is no distinction between casual estimates for deficiencies and annual estimates. Let us see how that matter is. The gentleman has already read to you the law of 1789, organizing the Treasury Department. That law referred to the annual report of the Secretary of the Treasury, and not what we now refer to as estimates; but let us see how it is in the subsequent legislation of Congress. On the 10th of May, 1800, Congress passed the following law:

"That it shall be the duty of the Secretary of the Treasury to digest, prepare, and lay before Congress at the commencement of every session, a report on the subject of finance, containing estimates of the public revenue, and of the public expenditures, and plans for improving or increasing the revenues, from time to time, for the purpose of giving information to Congress in adopting modes of raising the money requisite to meet the public expenditures."

That law also refers to the annual report of the Secretary of the Treasury required to be made by law. Now let us look to the still subsequent legislation.

The next law upon the subject is the act of 1820, in the 8th section of which it was enacted:

"That it shall be the duty of the Secretary of the Treasury to annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the services of the year which may have been made by former acts, and also a statement of the sums remaining in the Treasury or in the hands of the Secretary of the Treasury as the agent of the War and Navy Departments, from the appropriations of former years, estimating the amount of each sum which will not be required to defray the expenses incurred the previous year, and showing the whole amount which will be subject to the disposition of the executive Government in the year to which the estimates apply."

By the act of 1842 it was enacted—

"That it shall be the duty of the several heads of Depart-

ments, in communicating estimates of expenditures and appropriations to Congress or to any of the committees thereof, to specify as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded; and in so doing to discriminate between such estimates as are conjectural in their character, and such as are framed upon actual information and application from disbursing officers; and in communicating the several estimates reference shall be given to the laws and treaties by which they are authorized, the dates thereof, and the volume, page, and section, in which the necessary provisions are contained."

Now, here you will observe is the first law which contemplates anything else than the annual report from the Treasury Department. It will be observed that the law of 1842 contemplates the submission of estimates by any of the heads of the Departments, not only to the Secretary of the Treasury; but to Congress or any of the committees thereof. The law of 1846 changed the law in that respect; but it changed it only in relation to the annual estimates, and not to casual or unforeseen estimates. Since 1846, all the annual estimates have been made from the several departments to the Secretary of the Treasury. Since then the annual estimates have been sent in by the Treasury Department. And it ought to be so, for the reason that the gentleman from Tennessee has assigned, that when the Secretary of the Treasury was asking Congress for appropriations for a year yet to arrive, he could not estimate properly for the amount of revenue to be raised, unless he was informed of the amount, which it was contemplated would be expended. But that reasoning does not apply to deficiencies, because the revenue for the current year has already been ascertained to a great extent, and there is no necessity, therefore, of going to the Secretary of the Treasury for these estimates, because we have before us the precise state of the Treasury; we know whether the condition of the Treasury, as reported by the Secretary, will bear these appropriations asked for the services of the fiscal year, and if the state of the Treasury will not bear it we must accompany the appropriations for deficiencies either with a tax or with authority for a loan.

But, sir, what has been the practice? It is true that at the last session of Congress, when there were very large deficiencies known to exist before the meeting of Congress, the Secretary of the Treasury did send in an estimate for the deficiencies bill. But does not the gentleman from Tennessee know—I will not even put the question in that form, but assert the proposition positively, because I know such to be the fact—the gentleman from Tennessee knows, that after the Secretary of the Treasury had sent in that estimate for deficiencies, there came, addressed to the Committee of Ways and Means, additional estimates for deficiencies from the heads of other Departments, not through the Secretary of the Treasury at all. We received such additional estimates from the War and Navy Departments, the Interior Department, including the Pension Bureau, the Indian Bureau, and, indeed, from nearly all the Departments and the Bureaus. The gentleman knows that he and I complained during the whole session that we could never know when they had done asking for appropriations. Day after day, during the whole session, additional estimates were coming, directed not to this House, but to the Committee of Ways and Means; and such has been the case ever since I have been in Congress, which is not quite so long as the gentleman from Tennessee has been here.

Why is it, this House may ask, that this estimate has been sent to the House, through its Speaker, rather than in the usual and ordinary mode—to the Committee of Ways and Means, through its chairman? I have not seen Mr. Stuart; but my colleague, [Mr. LETCHER,] who represents the district in which that gentleman resides, has informed me this morning that Mr. Stuart had authorized him to say, that it had been sent to the Speaker of the House rather than to the Committee of Ways and Means—which is the usual course of proceeding—at the special instance and request of the chairman of the Committee of Ways and Means.

Mr. HOUSTON. I intend to reply to the remarks of the gentleman from Virginia, [Mr. BAYLY,] if I can get the floor when he is through. I will, however, upon this point say that there must be some mistake. I have never changed a single word with the Secretary of the Interior since I came here, until last night.

Mr. LETCHER. I think I can explain this matter. Being the immediate representative from the county from which the Secretary of the Interior comes, I went to him this morning for the purpose of ascertaining something about this matter which had raised such a disturbance in the House yesterday. While there, he sent for Mr. Harrington, the Chief Clerk in the Treasury Department, and that gentleman stated to Mr. Stuart that the Committee of Ways and Means had instructed them to send their estimates directly to the House, instead of sending them to the chairman of the Committee of Ways and Means.

Mr. HOUSTON. I desire to make a single explanation in connection with the point now presented here. The gentleman from Virginia [Mr. LETCHER] and the House will see that the statement made by him is wholly incorrect—is entirely unfounded. A few days since I was at the Treasury Department, when the Acting Secretary of the Treasury told me that he intended to send estimates to the Committee of Ways and Means from the Treasury Department, asking that committee to authorize the Secretary of the Treasury to build or purchase six revenue-cutters. The Acting Secretary and the Chief Clerk of the Treasury Department (Mr. Harrington)—who had come in—insisted that the legal mode was to communicate with the Committee of Ways and Means and to send the estimates, for those things, there. I told them that the only regular course was to send their estimates directly to Congress, and not to that committee. Now, that conversation applied solely to the action of the Secretary of the Treasury. It had no reference to the head of any other Department. The gentleman from Virginia and the House will, therefore, see that the Secretary of the Interior and the Chief Clerk of the Treasury Department are entirely mistaken in making any such statement.

Mr. LETCHER. One word more. I imagine that when that communication was made by the chairman of the Committee of Ways and Means [Mr. HOUSTON] to the Secretary of the Treasury and his Chief Clerk, that the various Departments of the Government connected with the Treasury Department were probably—

Mr. HOUSTON. The gentleman is mistaken. Our conversation was confined to one point exclusively, and that point had reference to the Secretary of the Treasury alone, and not to the head of any other Department. I requested the Secretary of the Treasury to send his communication directly to the House, and not to the Committee of Ways and Means. But the point was not brought up at all, as to whether the head of any other Department, or the head of any bureau, should communicate through that Department or directly to the House, or to the Committee of Ways and Means. That is my explanation.

Mr. LETCHER. Well, it seems there was a conversation in relation to the mode of communicating between the Treasury Department, and of course between the various other Departments connected with that Department and the House.

Mr. HOUSTON. Not the various Departments. It related to none but the Treasury Department.

Mr. LETCHER. It has been contended in the whole course of this argument, from the commencement of this controversy to the present time, that the Secretary of the Interior was under the control and management of the Secretary of the Treasury, so far as these communications in regard to estimates of the expenditures of his Department are concerned. Now, I can very readily see how it might occur upon this occasion, in the conversation between the chairman of the Committee of Ways and Means and the Secretary of the Treasury, and his Chief Clerk, that the conclusion might have been drawn precisely as it has been drawn by Mr. Stuart, and those in his Department connected with him. Every gentleman knows, I apprehend, because most gentlemen here have been in Congress longer than I have, that as far as these communications from the Departments to Congress are concerned, they are generally made through a clerk in each of the Departments, who are well acquainted with the proper forms to be used. They are prepared by the clerks, and are sent to the Secretary of the Interior or Secretary of the Treasury, or the head of the Department to which they may belong for their official signatures, and to receive the proper legal sanction.

Now, in relation to this matter about which so

much disturbance has been raised. I understand the whole amount of it is this: A clerk in the Department of the Interior prepared this communication for the Secretary of the Interior, and he, under the belief that there was nothing disrespectful or improper in it, sent it to this House.

There is another point of view which I desire to notice, if my colleague [Mr. BAYLY] will indulge me for a moment. The argument of the gentleman from Tennessee, [Mr. JONES,] this morning, goes to show that the estimates of the revenues and expenditures of the Government shall annually come from the Secretary of the Treasury to the Speaker of this body. Now, were not these very deficiencies, which is the subject of this complaint now, estimated for in the report of the Secretary of the Treasury last year? Did not he present his estimates then, not only of the incoming revenue, but of the expenses of the Government, at that very time; and did not those estimates and these expenditures cover this matter now the subject of consideration? I understand that at the last session of Congress appropriations were not made for the sums asked for by the Secretary of the Interior, through the Secretary of the Treasury, and these deficiencies may have occurred in that way. It seems to me that the whole thing came here properly enough, and knowing Mr. Stuart, as I do, and regarding him personally, as I do, to be a most excellent man, I have no idea that he would send a communication here in a manner not authorized by this House.

Mr. STANLY. I think this matter has already consumed more time than it is worth. I have no doubt that the explanation given by both the gentlemen from Virginia will satisfy the House in regard to the course taken by Mr. Stuart. I move the previous question.

Mr. HOUSTON. I hope the gentleman from North Carolina will withdraw the call for the previous question. I do not wish to occupy much time.

Mr. STANLY. Will the chairman of the Committee of Ways and Means be responsible for the delay?

Mr. HOUSTON. If I had not been improperly drawn into this debate, I should have had no cause for asking its withdrawal.

Mr. STANLY. I will withdraw it for the chairman, as I am only his lieutenant on the Committee of Ways and Means. I only desire that we should get along with the public business.

Mr. HOUSTON. I do not intend to occupy much time in the remarks I have to make upon the subject, and shall confine myself to the point now directly before the House. I said in my remarks yesterday, that I did not believe the Secretary of the Interior had pursued the course which he had done with any purpose of acting in violation of the law. I said further, that I did not think he deserved the rebuke which was intended by the motion of the gentleman from Tennessee [Mr. JONES.] I believe I put it upon proper grounds. What I censure most is, that he is endeavoring to shift the responsibility from himself, and place it upon me.

Mr. LETCHER. Will the gentleman give way for one moment?

Mr. HOUSTON. Certainly.

Mr. LETCHER. The gentleman entirely misapprehends me. I did not understand, nor did I desire to be understood by this House, that Mr. Stuart wished to make up an issue with the Committee of Ways and Means. I called upon Mr. Stuart this morning and inquired into this matter, when the conversation related by me occurred. If the gentleman supposes that the Secretary of the Interior desires to place him in any difficulty, he entirely misapprehends me; as did the House, if he is so understood me.

Mr. HOUSTON. While I am in favor, as I was in favor on yesterday, of referring this communication to the Committee of Ways and Means, and having it printed, yet I cannot subscribe to the doctrine that has been advanced by the gentleman from Virginia, [Mr. BAYLY.] I understand that gentleman to place his defence of the Secretary of the Interior upon two leading points. One of which is, that it is no violation of law; the other is, that it is in strict conformity with the usages of the House. Upon these points, I take issue with the gentleman from Virginia; and to sustain my position I have but to refer to the law of 1789, creating the Treasury Depart-

ment, referred to by the gentleman from Tennessee, [Mr. JONES.] It goes on to make it the duty of the Secretary of the Treasury to prepare and submit to Congress, estimates of the appropriations needed by the Government. Then the amendatory act passed in May, 1800, reiterates, substantially, all that was contained in the law of 1789, making it the duty of the Secretary of the Treasury to prepare these estimates, and submit them to Congress. But the gentleman says that the law of the 10th of May, 1800, applied exclusively to estimates for expenditures, of which the Secretary became apprised before the meeting of Congress. This could not be otherwise. He must have time to form his opinions and digest his plans, in order to arrive at his conclusions of what the expenditures will be. This law reiterates, substantially, all in the law of 1789, which created the Treasury Department, and makes it the duty of the Secretary of the Treasury to make these reports; and in doing so, gives the reason why he is required to do it. The law says he must do it, that he may be enabled to prepare his estimates to correspond with the means he has on hand, and the estimates of the revenue to be derived from all sources. That is a good reason, and I ask why it does not apply as well to deficiencies as to the annual estimates? I think the remark of the gentleman from Tennessee, [Mr. JONES,] that the law creating this Department never contemplated any deficiencies, is a very true one. It was expected that the Secretaries of the Treasury would, in their respective reports, present estimates amply sufficient to carry on the Government for the ensuing year, and that no deficiency would be called for; hence, there is nothing said in the law upon the subject of deficiencies. But let us illustrate this subject still further. We say that the Secretary of the Treasury must prepare and digest his plans, and submit his estimates of the expenditure and of the revenue. And for what reason? It is that he may make the expenditure and means correspond. But here, after he does that—after he submits his estimates of receipt and expenditure—we are called upon to make appropriations of which he has no knowledge—which we have received from other departments and bureaus of the Government, and which, as a matter of course, must disarrange all his plans and estimates. It is the duty of that officer of the Government at least to make the receipts balance the expenditures, so that the receipts shall not fall below the expenditures, and that the Government shall not, in times like these, become involved and embarrassed with debt. How, then, can he make the estimates, how adjust the plans, how know what amount of revenue is necessary to be raised, unless all this information comes through him, and is communicated to him? The gentleman from Virginia [Mr. BAYLY] refers to the law of 1842, read by him, which speaks of communicating with Congress, or with the heads of committees. Now the object of that law is very plain. It was to enable the committees of Congress, when estimates had been submitted to them, to have communication with the heads of Departments, and to obtain from them the necessary explanations of the appropriations sought.

[Cries of "Read the law!" "Read the law!"

Mr. H. continued: Gentlemen say, read it, and I have but to read it to sustain the views and the position I have taken. It is thus:

"And be it further enacted, That it shall be the duty of the several heads of Departments, in communicating estimates of expenditures and appropriations to Congress, and to any of the committees thereof, to specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded; and, in so doing, to discriminate between such estimates as are conjectural in their character, and such as are framed upon actual information and application from disbursing officers," &c.

Now, Mr. Speaker, you must see at a glance that the object of that law was to enable the committee to obtain the precise information they might desire, of the subjects upon which they had to act, and to enable them, without coming back to the House, to go directly to the Departments and ask them for the necessary explanations, in reference to the appropriation sought.

The gentleman from Virginia [Mr. BAYLY] says that the Secretary of the Interior, in sending his estimates directly to this body, has done nothing unusual. In that I also differ with him. I presume if he should endeavor to furnish us with a

precedent, he would find it quite difficult to do—I think I could venture to say, impossible to do. I am sure he could not make it appear to be usual. Mr. Speaker, so far from this being in conformity to the usage of the heads of Departments, the very reverse is the case. The Secretary of the Treasury reports directly to Congress, in pursuance of express law. The other Secretaries do not. Even their annual reports are made to the President of the United States, and by him sent to Congress; so I lay it down as true, that there is no case in which the other Secretaries report directly to this body, except, perhaps, they might do so in reply to a resolution calling upon them, and even that is acknowledged by all to be very irregular and unusual. But again: The Secretary of the Treasury is responsible for the estimates of all the Departments, and when furnished to him by the other Secretaries, he can refuse to send them to Congress. He can increase or diminish them as he may see fit. And why is this so? It is so because of his duty and responsibility under the law. It is made his duty, as I have before said, to prepare and submit to Congress plans of raising revenue, and also estimates of the public expenses. It is given him to manage the finances of the Government. The law makes it his duty, and devolves upon him the responsibility; and how can he, or why should he, be justly held accountable, if you deprive him of the control, in whole or in a material part, of the subject? If this Government, in time of peace, should be so managed as to contract a large debt—I mean in its ordinary fiscal operations—public indignation would be aroused, and the condemnation would be loud; but would the bad management be charged upon the Secretary of the Interior? Surely not. He is not our financial officer; he has no control over the revenues, nor has the other Secretaries, except the Secretary of the Treasury. So he is the one who would be censured, because he has full control over all estimates to be submitted, and they all should, in pursuance of law and usage, undergo his supervision and action.

Mr. Speaker, it was not my intention to have occupied much of the time and, especially as I see indications from all parts of the House of a desire to proceed to business at once, I do not feel at liberty to occupy any more time.

[Cries of "Call the previous question!" from several members.]

Mr. H. Gentlemen say I must call the previous question. Although I dislike to make a speech and then move the previous question, still, in accordance with the general wish, I will do so. I will say, at the same time, that I am, as I was yesterday, in favor of referring the report to the Committee of Ways and Means. I do not think any wrong was intended on the part of the Secretary of the Interior. I have made these remarks merely that this Department may know what my views are, as one of the humble members of this body.

The previous question then received a second, and the main question was ordered.

Mr. JONES, of Tennessee. I move to lay the communication upon the table.

Upon this motion the yeas and nays were demanded, and ordered.

The question was then taken upon the motion of Mr. JONES, of Tennessee, to lay the communication upon the table; and there were—yeas 56, nays 111; as follows:

YEAS—Messrs. Aiken, Willis Allen, Averett, Bissell, Bocoek, Bragg, Busby, Joseph Cable, Carter, Chastain, Churchwell, Daniel, John G. Davis, Dawson, Dean, Dunham, Edgerton, Ficklin, Florence, Thomas J. D. Fuller, Gamble, Gaylord, Green, Hall, Hamilton, Hammond, Isham G. Harris, Hart, Hendricks, Hens, Hubbard, Hillyer, Thomas Y. How, Ingersoll, Robert W. Johnson, George W. Jones, Mace, McNair, Milson, Murphy, Murray, Olds, Peaslee, Polk, Powell, Robbins, Robie, Robinson, Ross, Russell, Scurry, David L. Seymour, Snow, Sweetser, Townsend, and Wallace—56.

NAYS—Messrs. Abernethy, Allison, William Appleton, Thomas H. Bayly, Barrere, Bartlett, Bell, Bighaus, Brenton, Briggs, Brooks, George H. Brown, Buell, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Caskie, Chandler, Chapman, Clark, Clingan, Cobb, Conger, Cullom, George T. Davis, Disney, Dockery, Doty, Duncan, Durkee, Edmundson, Ewing, Faulkner, Fitch, Fowler, Freeman, Giddings, Gilmore, Goodenow, Gorman, Grey, Grow, Harper, Sampson W. Harris, Hays, Hascall, Haven, Holladay, Horsford, Houston, Howard, John W. Howe, Hunter, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, John Johnson, Preston King, Kuhns, Kurtz, Landry, Letcher, Mann, Edward C. Marshall, Martin, Mason, McMullin, Meade, Miller, Miner, Molony, Henry D. Moore, John Moore, Nabers, Newton, Orr, Outlaw, Parker, Penniman, Per-

kins, Price, Rantoul, Sackett, Savage, Schermerhorn, Schoolcraft, Scudder, Skelton, Smith, Stanly, Frederick P. Stanton, Stratton, Stuart, Taylor, George W. Thompson, Thurston, Tuck, Walbridge, Ward, Washburn, Watkins, Welch, Wells, Alexander White, Wilcox, Williams, and Yates—111.

So the House refused to lay it on the table.

The question recurring on the motion to refer to the Committee of the Whole on the state of the Union, it was put and decided in the affirmative.

THE PUBLIC PRINTING.

Mr. HOUSTON. It is so late that I will not move that the House go into Committee of the Whole for the purpose of taking up the Mexican indemnity bill. I desire now to make a statement to the House, and shall not occupy much time. I have drawn up a resolution upon the subject. It is a matter in which the House ought to do something immediately, and for that reason I must trespass upon their patience for a few minutes. The Committee of Ways and Means are required to report a portion of their appropriation bills within thirty days after the committee has been appointed by the Speaker. The present committee has not complied with that rule, and I may say that no other preceding committee has complied with it. I desire to give the House the reasons why we have not done so, and that of itself will bring the subject to the attention of the House. The Committee of Ways and Means at this session of Congress would have had in all the appropriation bills which the rule requires reported within the thirty days, if the public printer had furnished them with the printed reports of the heads of the Departments and bureaus necessary to enable them to act. We have reported several days since all the bills that the Committee of Ways and Means can possibly act upon with any degree of understanding, or any degree of satisfaction, either to themselves or the House, until the public printer shall furnish the House with the President's message and accompanying documents. We have been laboring upon a portion of the bills yet behind. We have made personal calls upon the heads of bureaus and departments, in order to obtain that information which will enable us to act, and we find our labors will be interminable if we pursue that course. Hence we have determined to bring the whole subject before the House, that it may take such action as it sees fit in the premises. For instance, take the Navy bills, in which there are large expenditures involved. The Committee of Ways and Means are called upon to make large appropriations—unusually large—for the various navy-yards, and these estimates are printing and as yet we have not one solitary word of explanation before the Committee of Ways and Means. If we had seen fit to adopt the estimates submitted to us by the heads of the Departments, and committed to that committee by this House, we could have had the bills here; but we preferred to examine those estimates, and have done so, so far as we have acted. The bills now not acted upon by the Committee of Ways and Means contain many items that require explanation from the departments or bureaus of the Government. These explanations are in the hands of the public printer, and have been ever since the reference of the President's message. We have, as yet, received no copy of them. Now it is impossible for us, under these circumstances, to act upon the appropriation bills which are behind. It is impossible for the committee to discharge any additional duty devolved upon it in connection with these appropriation bills until the House shall do something that will enable us to obtain the information upon which we can act.

It may be said, possibly, that the President's message and accompanying documents are larger than usual. Within the last few years I know, as well as other members of this House who have paid any attention to this subject, that the size of that document is largely increased; but that should not prevent its coming to us in the usual time. The usual time for laying that document upon the tables of members has been from two to four weeks after the commencement of the session. I understand that has been the practice. If the number of pages and amount of matter and labor necessary to be bestowed upon the work are largely increased, then it is proper that the public printer should increase his force to correspond and keep pace with the increase of work and labor, so that the documents should be placed upon the tables of

members within the usual time. I intend to introduce a resolution to instruct the Committee on Printing to inquire into the condition of the public printing, and report to this House the character of the work.

The resolution was then read, as follows:

Resolved, That the Committee on Printing be instructed to examine into, and report to the House, the condition of the public printing—whether the public printer is not acting in violation of his contract, not only as to the time of delivering the printing to the House, but also in the character of his work, and the quality of the material used in said work.

THE SPEAKER. The question is upon the adoption of the resolution.

Mr. STANLY. I object.

Mr. HOUSTON resumed. I was only about to say, that as far as the printing obtained from the public printer is concerned, the paper is inferior, and the execution of the work in infinitely below the style demanded by his contract.

THE SPEAKER. The question is upon the adoption of the resolution.

Mr. STANLY. I objected to that resolution distinctly, a few minutes since.

Mr. HOUSTON. I will not insist upon it, if there is any objection to it.

THE SPEAKER. The resolution proposed by the gentleman from Alabama [Mr. Houston] is objected to.

Mr. DUNHAM. I submit whether the objection does not come too late, as the Chair had pronounced the question to the House?

THE SPEAKER. The Chair has no disposition to deprive the gentleman of his privilege under the rule, and he has no doubt the objection was made.

Mr. HOUSTON. I will briefly respond to the suggestion of the gentleman from North Carolina, [Mr. Stanly], that in a conference with members of the Printing Committee, they say that they will report back a resolution at once, recommending prompt action.

THE SPEAKER. Discussion is out of order.

Mr. CLARK. I beg leave to introduce a joint memorial of the Legislature of Iowa and Minnesota, with a bill for the benefit of the Territory of Minnesota and the State of Iowa, and I move their reference to the Committee on Public Lands.

There being no objection, the bill was introduced, read a first and second time by its title, and referred, with the accompanying documents, to the Committee on Public Lands.

On motion, the House then adjourned.

NOTICES OF BILLS.

By Mr. SMITH: A bill supplemental to the act entitled "An act to enable the State of Arkansas and the other States, to reclaim their swamp lands."

[The following is the substance of the supplemental bill: Whereas, the proviso of the second section of the above recited act limits the appropriation of the proceeds of said lands to the purpose of reclaiming the said lands by the means of levees and drains:

Now be it enacted, &c., That the State of Alabama, through her Legislature, may, and she is hereby authorized, to apply the proceeds of said lands to the clearing out and making navigable any of the streams upon which the said swamp lands are situated; and also to the building and erecting causeways, plank roads, and bridges over said streams, and through said swamp lands.]

Mr. PRICE gave notice of his intention to introduce a bill for the construction of a railroad and other roads from the western boundary of the State of Missouri to the eastern boundary of the State of California.

PETITIONS, &c.

The following memorials, petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. MILLER, for Mr. DARRY: The memorial of the orphan heirs of George G. Alford, in relation to Mexican indemnities.

Also, a memorial from the Mayor and City Council of St. Louis, in relation to the improvement of the harbor of St. Louis.

Also, the petition of Terry Scudlock, praying for relief on account of worthless money paid him for services to Government.

By Mr. DUNCAN: The petition of Nathaniel Noyes, for a register to the brig "America," late British brig "Primrose."

Also, the petition of Charles Winter and others, praying compensation for services rendered the United States.

By Mr. WELCH: The petition of Horace Parsons, asking pay for a horse lost in the service of the United States in the last war.

Also, the petition of John Rutherford and others, praying the establishment of a mail route through Meigs and Vinson counties, in the State of Ohio.

By Mr. JOHNSON, of Arkansas: The petition of Roswell Beebe and others, stockholders in the Arkansas Central Railroad Company.

By Mr. LETCHER: The petition of William R. Ash-ton, administrator of Doctor Benjamin Chapin, late a sur-

geon in the Navy of the Revolution, asking seven years half pay.

By Mr. HAVEN: The petition of Lewis Eaton and 14 others, for the passage of a bill to give further remedies to patentees.

Also, the petition of Samuel Lake and 10 others, to make bounty land warrants assignable.

Also, the petition of 2 commanders, 32 lieutenants, 67 passed midshipmen, 7 surgeons, assistant surgeons, and passed assistant surgeons, 6 pursers, and 4 professors of mathematics in the Navy, that Congress authorize by law the commissioning of "masters in the line of promotion;" and also distinction in midshipmen, and other reforms in the Navy.

By Mr. PRICE: The memorial of the forward officers of the Navy, praying an increase of compensation.

By Mr. CHANDLER: The memorial of officers in the United States Army serving in New Mexico, asking the same allowance and per diem that have been granted to the troops in California and Oregon.

By Mr. THURSTON: The petition of 30 assistant marshals of the State of Rhode Island, for additional compensation for taking the census.

By Mr. BELL: The petition of 150 citizens of Dayton, Ohio, praying for further protection to American inventors from those using their patented machines in the British Provinces.

Also, a petition praying for a mail route from Greenville, Darke county, Ohio, via Abbotsville, Pittsburg, New Lebanon, Centre Salem, to Dayton.

By Mr. AIKEN: The petition of the Charleston Marine Society, and others, praying that the money now in the United States Treasury unclaimed by deceased seamen as prize money, in public and private vessels, and from contributions made by all seamen of twenty-five cents per month, be applied to the further relief of seamen.

Also, the memorial of the Charleston (South Carolina) Chamber of Commerce to the House of Representatives of the United States, praying for a light boat on Cape Roman Shoal, coast of South Carolina.

Also, the petition of heirs of Dr. Henry Collins Flagg, Apothecary General, &c., for commutation pay.

By Mr. DOTY: The petition of Timothy Barker, and others, for a continuation of the Mobile and Chicago railroad by Woodstock, Illinois, and Fond du Lac, Wisconsin, to Lake Superior.

By Mr. MANN: The petition of sundry citizens of North Bridgewater, Massachusetts, praying for legal protection against the pirating of patent rights by residents in adjoining countries.

Leave was granted to withdraw the petition of Captain Edward J. Glasgow, of Missouri, and to refer the same to the Committee on Military Affairs.

Also, to withdraw the petition and accompanying papers of Nathaniel Patten, late of Missouri, deceased, praying the passage of a law to return to him a certain sum of money stolen from the post office at Franklin, Missouri, while he was postmaster, and which he had accounted for to the post Office Department, and to refer the same, in the name of the legal representatives of said deceased, to the Committee of the Post Office and Post Roads.

By Mr. DISNEY: The memorial of James Young, asking relief.

By Mr. GREEN: The petition of citizens of Wood county, Ohio, asking an appropriation for the improvement of the navigation of the Maumee river.

By Mr. BUELL: The petition of Darius Hawkins, for arrears of pensions.

IN SENATE.

THURSDAY, January 15, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

PETITIONS.

Mr. MORTON. I have been requested to present the memorial of George D. Fisher, one of the assistant marshals of the United States, employed in taking the Seventh Census in the State of Florida. He states, in a communication addressed to me and which I beg leave to present with the memorial, that while he was engaged in taking the census of Santa Rosa county, he traveled more than fourteen hundred miles, and was assiduously and laboriously engaged for upwards of three months; and he says that whether he estimates his compensation by the square root of the miles, or the cube root of the families, it amounts to but little more than a hundred dollars. He asks, therefore, for additional compensation.

The memorial was referred to the Committee of Claims.

Mr. MORTON. I also beg leave to present a memorial, signed by many citizens of Apalachicola, in the State of Florida, asking that remuneration be made to Samuel Bray, for losses in a gale which prevailed on that coast, on the 21st, 23d, and 24th days of August last. It appears that Mr. Bray was the keeper of the light-house on Dog Island, and that that terrific gale swept away the light-house and the residence of the keeper; that he lost all of his effects, even to his clothing; that five members of his household were swept away by the tornado, and perished, and that one of his children perished in his arms. The citizens of Apalachicola in this petition, numerous signed, ask that Mr. Bray be remunerated for the loss of his property. It is a case which appeals to the

kindly sympathies of our nature, and I hope it will receive the favorable and liberal action of the Senate. I move that it be referred to the Committee on Commerce.

It was so referred.

Mr. CLARKE. I am requested to present the petition of the assistant marshals of the State of Rhode Island, asking additional compensation. They state that the compensation awarded them by the act of Congress, is wholly insufficient. I have a letter from the marshal himself, stating that the compensation is much less, according to the labor done, than the compensation for taking the census of 1840. And with that, he has given a statement of the census returns, giving the statistics required by law, which shows that an immense amount of information has been secured by these returns, and that the assistant marshals had a vast amount of labor to perform in order to obtain it.

The memorial was referred to the Committee of Claims.

Mr. DOUGLAS presented the memorial of Samuel H. Kettlewell, lately attached to the commission for running and marking the boundary line between the United States and Mexico, praying pay and traveling expenses; which was referred to the Committee of Claims.

Mr. BORLAND presented the petition of William Field, clerk of the United States district court for Arkansas, praying payment for services in making statements of the proceedings under the bankrupt law, made in pursuance of a resolution of the House of Representatives; which was referred to the Committee on the Judiciary.

Mr. FELCH submitted a joint resolution of the Legislature of Michigan, recommending the payment of a balance due, under the treaty between the United States and the Ottawa and Chippewa nations of Indians, concluded at Washington on the 28th March, 1836; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FISH presented the memorial of Edward K. Collins and his associates, praying additional facilities in transporting the mail between New York and Liverpool; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. FOOT presented the petition of Thomas Cowperthwaite & Co., proposing to furnish the Government with copies of the reports of the decisions of the Supreme Court of the United States for distribution; which was referred to the Committee on the Judiciary.

Mr. DODGE, of Iowa, presented the petition of Stephen P. Yeomans and others, praying that certain arrears of pension due Zachariah S. Conger may be paid to his widow; which was referred to the Committee on Pensions.

Mr. STOCKTON presented the petition of Thomas Copeland, praying compensation for improvements in machinery at the Gosport navy-yard; which was referred to the Committee on Naval Affairs.

Mr. PEARCE presented the petition of Charles Fletcher, praying that a charter may be granted to him and his associates, for the construction of a railroad from the District of Columbia to the Point of Rocks, in Maryland; which was referred to the Committee for the District of Columbia.

ALABAMA ON INTERVENTION.

Mr. CLEMENS presented two enrolled joint resolutions, expressive of the sense of the General Assembly of Alabama in relation to the policy to be pursued by our Government in its intercourse with foreign nations; which were read as follows, and ordered to be printed:

Enrolled Joint Resolutions, expressive of the sense of the General Assembly of Alabama in relation to the policy to be pursued by our Government in its intercourse with foreign nations:

Whereas from many indications of popular feeling in some of the States of this Government, and from the speeches and acts of many public men, high in the confidence of their own constituents, and in that of the people of the United States, we are led to the belief that a spirit of interference in the political affairs of the European continent prevails to so great an extent as to induce the fear, that for the want of calm reflection we may be involved in all the troubles and difficulties of the political affairs of nations and people far removed from us:

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That we hold it to be the duty of the Government and the people of the United States to cultivate relations of amity and good will with all the nations of the

earth; in peace to treat all as friends—in war enemies; and to have entangling alliances with none, and to practice literally the doctrine of non-intervention.

Resolved, That the Governor be requested to forward these resolutions to our Senators and Representatives in Congress, with a request to lay the same before their respective bodies.

JOHN D. RATHER,

Speaker of the House of Representatives.

CHARLES MCLEMORE,

President of the Senate.

APPROVED, January 9, 1852. H. W. COLLIER.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. DOUGLAS, it was

Ordered, That the petition of Cyrus H. McCormick, on the files of the Senate, be referred to the Committee on Patents and the Patent Office.

On motion by Mr. DODGE, of Wisconsin, it was

Ordered, That the petition of Robert Grignon, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. COOPER, it was

Ordered, That the petition of John S. Van Dyke, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. SHIELDS, it was

Ordered, That the memorial of citizens of Georgetown, on the files of the Senate, relative to certain improvements in that place, be referred to the Committee for the District of Columbia.

On motion by Mr. SEWARD, it was

Ordered, That Aaron H. Palmer have leave to withdraw his memorial and papers.

REPORTS OF STANDING COMMITTEES.

Mr. CLEMENS, from the Committee on Private Land Claims, to whom was referred the memorial of John Rice Jones, reported a bill for the relief of the legal representatives of John Rice Jones, deceased. Having been read,

On the motion of Mr. CLEMENS, the bill was read a second time, and considered as in Committee of the Whole. No amendment being offered, it was reported to the Senate, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the memorial to provide for the final settlement of the accounts of Jonathan Kearsley, late receiver of public moneys at Detroit, and of John Biddle, late register of the land office at that place, reported a bill for that purpose, accompanied by a report, which was ordered to be printed.

Mr. FISH, from the Committee on Naval Affairs, to whom was referred the petition of Surgeon D. S. Edwards, reported a bill to provide for placing certain medical officers of the Navy, who rendered service on land in Mexico, on the same footing with medical officers of the Army for similar services; which was read and passed to the second reading.

He also submitted a report on the subject; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill for the relief of John R. Bryan, administrator of Isaac Garretson, late a purser in the United States Navy, reported it without amendment, and submitted an adverse report on the subject, which was ordered to be printed.

Mr. SHIELDS, from the Committee for the District of Columbia, reported a bill to incorporate the Pioneer Manufacturing Company of Georgetown, in the District of Columbia; which was read, and passed to the second reading.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the petition of Harriet R. F. Capron, submitted a report, accompanied by a bill for the relief of the children of Captain Erastus A. Capron; which was read, and passed to the second reading.

Ordered, That the report be printed.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the petition of James W. Low, reported a bill for the compensation of James W. Low and others, for the capture of the British private armed schooner "Ann," during the late war with Great Britain; which was read, and passed to the second reading.

NOTICE OF BILL.

Mr. SEBASTIAN gave notice of his intention to ask leave to introduce a bill to release from reservation, and restore to the mass of public lands, certain lands in the State of Arkansas.

BILLS INTRODUCED.

Mr. BORLAND, agreeably to previous notice, asked and obtained leave to introduce a bill granting to the State of Arkansas the right of way and a portion of the public land, to aid in the construction of the Arkansas Central Railroad from a point on the western bank of the Mississippi river, opposite the town of Memphis, Tennessee, via Little Rock, to a point on Red river, on the border of Texas; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. BORLAND, agreeably to previous notice, asked and obtained leave to introduce a bill to grant the Hot Springs, in Arkansas, to that State, and to secure the interests of bona fide settlers within the limits of the Hot Spring reservation; which was read twice and referred.

Mr. JAMES, agreeably to previous notice, asked and obtained leave to bring in a joint resolution to authorize an investigation into the causes of the explosion of steam boilers, and the best means of preventing the same; which was read a first and second time by its title, and referred to the Committee on Naval Affairs.

INDIAN CLAIMS.

Mr. FELCH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing by law for the payment to the Ottawa and Chippewa nations of Indians, of the overplus money which shall be found due under the treaty made with them at Washington, the 28th of March, 1836, and by virtue of the provisions of the fifth article thereof, as amended and ratified by the Senate.

BILL PASSED.

The bill to admit a certain vessel to registry was read the third time, and passed with an amended title.

BINDING OF CONGRESSIONAL DOCUMENTS.

Mr. BORLAND. I am directed by the Committee on Printing, who a few days since reported a House resolution on the subject of binding the public documents, and which was laid upon the table, to ask that it be now taken up for consideration. It is a joint resolution of the House, and was referred to the Committee on Printing, and reported from that committee, and on motion, I believe, it was laid upon the table.

The PRESIDENT. The joint resolution to which the Senator from Arkansas refers is on the general orders. The proposition must be to postpone the general orders, and to take up that resolution.

Mr. BORLAND. My supposition was that it was laid upon the table.

The PRESIDENT. No, sir; it is on the general orders.

Mr. BORLAND. Then I move to postpone all the prior orders and to take up that resolution.

Mr. MALLORY. I do not know how much time will be occupied in the consideration of this resolution; but with the permission of the Senator from Arkansas, I would observe that the hour of one has arrived, and that I should like to finish the remarks which I commenced yesterday, and I will not detain the Senate long.

Mr. BORLAND. I do not suppose that this resolution will occupy any time, for I am not aware that there is any disposition to discuss it. I am opposed to its passage myself, but I believe it will be favorably considered by a majority of the Senate.

After some further conversation the motion was withdrawn.

FLOGGING IN THE NAVY.

Mr. MALLORY rose and concluded his remarks commenced on yesterday. He read from the report of the Secretary of the Navy and letters of naval officers, showing the consequences that had resulted from abolishing corporal punishment, and expressed a belief that nineteen-twentieths of the whole Navy would be in favor of the restoration of the lash, and maintained that no officer of the Navy would be in favor of flogging if he thought its honor and interest could be maintained without it. [His speech will be found in the Appendix.]

Mr. HALE. I had intended to say a few words on this subject, though I see the Senator from New Jersey has arisen. If he wants the floor I will yield it to him, as he can treat the subject much better than I can.

Mr. STOCKTON. I would desire that the honorable Senator from New Hampshire should go on. I should prefer to close this discussion.

Mr. HALE. I was going to say, that, knowing something of the history of the legislation of Congress upon this subject for some eight or ten years past, and something of the modes by which the act abolishing flogging has been secured, I had intended to address the Senate. I am not prepared at this moment to go on in full, but I would, by way of introduction to the subject, remark, that I am not at all anxious in regard to anything that we may do, so far as the sailor is concerned. I feel the fullest confidence that that battle has been fought, finally fought, and the victory has been won. I look upon it as morally impossible for the country to retrace that step. I know, sir, that when the prophet of Israel was sent to the King to announce to him that he should recover, the King asked of the prophet some sign, and it was, whether the shadow should go forward upon the dial ten degrees, or backwards ten degrees; and the King says it is a small thing for the shadow to go forward ten degrees; nay, says he but let it go back; that will be a miracle of which all the world will take notice. That is the attempt now. It is to put off the advancing shadow that the sun of humanity has cast upon the darkness of this dial-plate back ten degrees, and more than that.

Now, sir, able and eloquent as the honorable Senator from Florida is, and speaking as he says for the whole Navy, if I understood him, I tell him that this cannot be done. My only anxiety now is, for the character of the Senate; I am not at all anxious about the sailor. If I may be indulged in a figure of speech, I look upon all the efforts of the cat-o'-ninetails to restore itself, only as the floundering of a whale after he has been thoroughly harpooned. They are the mere struggles and throes of death. I do not suppose, I never have supposed, that such a monstrous evil as that, and one that was as old as that was—one that, as the honorable Senator from Florida says, dates away back as far as we have any acquaintance with profane history, would submit at once. I did suppose that efforts would be made, feebly to be sure, though I did not expect so serious an effort as this—to revive, and revivify, and reestablish the barbarous custom which received its death-blow by the late act of Congress. There never was any great power that had a pitched battle with another power and got vanquished and overthrown, but that after the great battle little parties were organized which kept up a guerrilla warfare. The same is to be expected in every moral and every political conflict. It has been so, and probably will continue so.

But the honorable Senator has gone into some details. He has alluded to some reports in answer to inquiries which have been made by the Secretary of the Navy, which require examination—which require some facts to be brought up to meet them. I wish to tell the honorable Senator at the outset, however, that the censure which he throws on the origin of this measure does not fall just exactly where he thought it would fall. I am not mistaken in my recollection that one of the efficient friends of this legislation, a man who gave it very potent aid and helped to embody it into the legislation of the country, in the general appropriation bills year after year, in the House of Representatives, was a late member of that House—General McKay, of North Carolina. We have the honor of claiming him as one of those individuals who came from a section of the country where I do not suppose the honorable Senator thought he was dealing his censures when he spoke of this matter. If I may be permitted to refer to another individual, who is not now living, but who is not obnoxious to the censures which the honorable Senator attempted to cast on the friends of this measure, I will mention an honored colleague of yours, Mr. President, now no more—the honorable Dixon H. Lewis, who did me the honor on one occasion, while he dealt out in a kindly spirit his censure at what he termed my vagaries and fanaticism, of saying, "but upon this matter you are right, and have my sympathies, and I will go with you."

Before I leave the subject, and then I shall move to postpone it to a day certain, I wish to tell the honorable Senator that there is one point which he brought up to illustrate his view, which

I think he might as well have left out, because it will come up again, and I wish to discuss it independent of all other considerations. The honorable Senator thought that if he could, in pushing his favorite views, make at the same time an attack on the Abolitionists, there would be at least that point gained. Therefore he said, by way of illustrating his position, that in the country which he represents, they look upon negro stealing as the very meanest sort of crime which can be committed. I have the honor to tell him that in the country which I represent, my constituents look upon it in the same light. So far as that went, no censure fell where he intended it should. I agree with him fully and entirely as regards that. Therefore if it illustrates his side of the argument, it also illustrates mine, for we both look upon it in the same light; we will have no controversy about that. When he rose in his seat, and for the purpose of illustrating his position, told me that his people look upon negro stealing as the meanest kind of crime, I tell him that I entertain the same view, and that that has been the conviction of the people whom I represent ever since they have read that command of Inspiration, which says, "He that stealeth a man and selleth him shall be put to death." I believe the text used to read, "if he be found in his hands;" though I do not know but that the Bible has been expurgated. But I leave that subject. I am sorry that the honorable Senator forced me thus far.

This matter is one that commends itself to the humanity of the age. The honorable Senator from Florida [Mr. MALLORY] thinks that the Navy is disorganized—that it is approaching a state of total disorganization and disgrace, and that the honorable men who used to enlist in it will not go into it now. And why? Because, owing to the legislation of Congress, they are deprived of the luxury of having their backs scourged with the cat-o'-ninetails! The honorable Senator stands up, with a serious face, and tells the Senate and the country that the Navy is getting into disrepute, that the recruiting service is languishing, and we cannot get men to enlist, because, in the spirit of a "false philanthropy," Congress, led away by some mistaken notions that have been imposed upon them by some feeling philanthropists, who do not understand what true economy is, have enacted, in their wisdom, that the skins of their own sons shall not be tortured, and mutilated, and cut to pieces by a cat-o'-ninetails. And then an eloquent appeal is made to the pride, the patriotism, and the ambition of the country, to come up to rescue this drowning Navy, which is at its last gasp for want of the restoration of this humane institution. I cannot believe—yes, I can believe—that the honorable Senator is in earnest; but if he had not said a good many other things which astonished me, I could hardly believe that he was in earnest in this. As I said before, I do not believe that we are in any danger of restoring this punishment. Not at all. I do not believe there is the least danger that the vote of the Senate will ever be recorded—I do not think there is the least danger that the vote of the other branch of Congress could ever be obtained for restoring it, at least at the present time, until we have had some demonstration that it is impossible to maintain the Navy without it. I, for one—and I speak only for myself—am free to confess that if the issue was presented to me of a navy with a cat-o'-ninetails, or no navy without it, I would, with as much alacrity, and as much zeal and earnestness as I ever expressed a conviction in my life, say, if the Navy cannot be maintained without the cat-o'-ninetails, let them both go down together, and let no resurrection-trump ever call up the Navy if it has to bring the cat-o'-ninetails with it. These are my sentiments. They may be esteemed fanatical. I do not think they are. I do not suppose that such are the sentiments of a majority of the Senate.

I think the honorable Senator is exceedingly mistaken when he says that the sentiments of the officers of the Navy are so unanimous in favor of the restoration of this inhuman practice. I think he is exceedingly mistaken in it. I know he is mistaken when he undertakes to tell me that the sailors themselves want it restored. I know better than that. If I did not know it in any other way, I know that the sailor is a man, and that I am a man; and knowing these things, it would be enough to demonstrate to me that the sailors do not want it. But I have better proof than that: When

this proviso that was attached to the appropriation bill of 1850 became a law, I happened to have had some agency in bringing it about, and I had some reports from the sea as to how it was received. One of the first things that one of the finest officers who ever trod the deck of an American vessel (who was then in command of a vessel in the Mediterranean squadron) did, was to go down to his cabin, while in command, and write to as humble an individual as myself, his hearty and earnest thanks for the agency I had in doing away with this infernal custom. That was not all: When one of the best ships of your Navy, which was on her way to this country, came near enough the shore to get the news of what Congress had done in their behalf, the men belonging to her, with the consent of their officers, called a public meeting on board the ship, and passed resolutions unanimously thanking the humble individual who is now addressing the Senate for his agency in the matter, and dispatched a man of their crew to Washington as soon as the ship came to shore to deliver, with his own hand, the resolutions to me. These are facts which I would not have mentioned had not the honorable Senator from Florida undertaken to say that, from his experience and knowledge of the Navy, both officers and men were in favor of the restoration of this punishment. Sir, if you should go aboard a vessel with all the officers about you, and call up the men and take a vote upon the question of the restoration of flogging, I suppose that nine hundred and ninety out of a thousand would be for restoring it. But send the officers ashore—send them out of the way—do not let them be there—introduce among the sailors what the Democracy of Massachusetts introduced into their election, the first result of which was the election of my friend from Massachusetts, [Mr. SUMNER,]—the secret ballot—and the majority will be the reverse. There will be nine hundred and ninety-nine against restoring it, and the thousandth man who is for it will not be found. It is idle to tell me that the seamen are in favor of its restoration. But I find that I am trespassing upon the time of the Senate, and as I am not prepared to say at this time what I propose to say, and as I desire to present to the Senate some facts, I move that the further consideration of the subject be postponed for a week.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. ATCHISON, the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned to Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 15, 1852.

The House met at twelve o'clock, m.

Prayer by the Rev. C. M. BUTLER, Chaplain of the Senate.

The Journal of yesterday was read and approved.

ASSIGNABILITY OF BOUNTY LAND WARRANTS.

The SPEAKER stated that the first business in order was a motion to refer the report of the select committee on the bounty land bill, to the Committee of the Whole on the state of the Union; and upon that motion, the gentleman from New Hampshire [Mr. TUCK] was entitled to the floor.

Mr. SIBLEY asked the unanimous consent of the House to introduce a bill, of which previous notice had been given, with a view to reference.

INTRODUCTION OF BILLS ON LEAVE.

Mr. STEPHENS, of Georgia. I would suggest to the House, that by unanimous consent the States be called, so as to enable gentlemen to introduce bills which will not give rise to discussion. There are a great many gentlemen who wish to introduce bills, and I do not think the call of the States would occupy half an hour.

The SPEAKER. Is it the unanimous consent of the House that the States be called for the introduction of bills of which previous notice has been given, and upon which no discussion shall arise?

Mr. STANTON, of Tennessee. Will that order include resolutions?

The SPEAKER. The proposition as submitted

by the gentleman from Georgia would not include resolutions.

Mr. STEPHENS. My object is simply to allow gentlemen to introduce bills of which previous notice has been given, and upon which no debate shall arise.

Mr. HOUSTON. I have no objection to the proposition of the gentleman from Georgia, but I desire to know from the Chair whether that order will supersede the morning hour?

The SPEAKER. It will not.

Mr. HOUSTON. As soon as I can do so, I desire to move to go into Committee of the Whole on the state of the Union, and take up the Mexican indemnity bill.

The SPEAKER. The morning hour will not be superseded, unless so ordered by the House.

Mr. HOUSTON. I should like the morning hour to be dispensed with, as I want to go into Committee of the Whole on the state of the Union.

The SPEAKER. Is there objection to the suggestion of the gentleman from Georgia?

Mr. TUCK. If it is the intention of the chairman of the Ways and Means—if the House unanimously consent to this arrangement—to propose to take up other business to the exclusion of the morning hour, I shall object.

The SPEAKER. The Chair has already announced that this proposition will not supersede the morning hour.

Mr. TUCK. Very well; then I make no objection.

No objection being made, the Speaker proceeded to call the States.

Mr. COBB. I wish the gentleman from Georgia would extend his motion, so as to include resolutions upon which no debate might arise.

Mr. STEPHENS. I cannot do it.

On motion by Mr. CHASTAIN, it was

Ordered, That the memorial and papers of Moses Perkins, asking compensation for damages sustained in the removal of the Cherokee Nation, be withdrawn from the files of the House and referred to the Committee of Claims.

Mr. PEASLEE introduced a bill, of which previous notice had been given, for the settlement and payment of the claims of the State of New Hampshire for the services of her militia and for disbursements for military purposes during the last war with Great Britain; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. FOWLER introduced a bill, of which previous notice had been given, for regulating the mileage of members of the Senate and House of Representatives of the United States; which was read a first and second time by its title, and referred to the Committee on Mileage.

On motion by Mr. RUHNS, leave was granted for the withdrawal of the papers of Elizabeth Kreider Brunot, from the files of the House for the purpose of reference to one of the Executive Departments.

Mr. FAULKNER introduced a bill, of which previous notice had been given, to establish a board for the settlement of claims against the United States; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

On motion by Mr. STANLY,

Ordered, That the papers of Elizabeth H. Willis be withdrawn from the files of the House and referred to the Committee of Claims.

Mr. JACKSON. As I am not in the habit of occupying much time here, I hope the House will indulge me on this occasion, by permitting a bill to be now referred which I introduced upon Wednesday week last, and the reference of which could not be ordered in consequence of the pressure of the time for the introduction of the Hungarian exile. The bill to which I refer is a bill for the improvement of the Savannah river, in the State of Georgia, and for the removal of obstructions therein; and my motion was that it be referred to the Committee on Commerce.

No objection being made, the bill was taken up and ordered to be so referred.

On motion by Mr. MURPHY,

Ordered, That the papers relating to the claim of Andrew Smith be withdrawn from the files of the House and referred to the Committee on the Judiciary; and that the papers relating to the claim of M. P. Robinson be withdrawn from the files of the House and referred to the Committee of Claims.

Mr. WHITE, of Alabama, introduced a bill, of which previous notice had been given, to establish a certain post route in the counties of Chambers, Talapoosa, and Talladega, in the State of Alabama; and a bill to establish a post route in the counties of Benton and Cherokee, in the State of Alabama; which were severally read a first and second time by their titles, and referred to the Committee on the Post Office and Post Roads.

Mr. COBB asked the unanimous consent of the House to introduce a resolution of inquiry, to be referred to one of the committees of the House.

Mr. STEPHENS, of Georgia, objected.

Mr. COBB asked that the resolution might be read.

Mr. STEPHENS objected.

Mr. FREEMAN introduced a bill, of which previous notice had been given, to reduce the price of the public lands lying south of the old Choctaw line, in the State of Mississippi; and a bill granting lands to the State of Mississippi for the purpose of improving the navigation of the Pearl, Big Black, and Yazoo rivers, in said State; which were severally read a first and second time by their titles, and referred to the Committee on Public Lands.

Mr. BROWN, of Mississippi, introduced a bill, of which previous notice had been given, to authorize the Commissioner of Public Lands to order a resurvey of public lands in certain cases; which was read a first and second time by its title.

Mr. B. said that as the bill contained but a solitary and simple provision, he asked that it be put upon its passage now.

Mr. FOWLER objected.

On motion by Mr. BROWN, the bill was then referred to the Committee on Public Lands.

[A message was here received from the Senate, by their Secretary, ASBURY DICKINS, Esq., informing the House of the passage by that body of certain bills.]

Mr. PENN asked the unanimous consent of the House to take up a Senate bill upon the Speaker's table to change the register of a vessel.

Mr. STEPHENS, of Georgia, objected.

Mr. MOORE, of Louisiana, introduced a bill, of which previous notice had been given, making an appropriation for the removal of the raft in Red river; which was read a first and second time by its title.

Mr. M. moved that the bill be referred to the Committee on Military Affairs.

Mr. SEYMOUR, of New York, moved that it be referred to the Committee on Commerce.

Mr. SCURRY. I hope the House will not refer that bill to the Committee on Commerce.

The SPEAKER. If debate arises, the bill must lie over.

The question was then taken on Mr. MOORE's motion, and it was agreed to.

So the bill was referred to the Committee on Military Affairs.

Mr. TAYLOR introduced a bill, of which previous notice had been given, to incorporate the Eagle Steamboat Company; which was read a first and second time by its title and referred to the Committee for the District of Columbia.

On motion by Mr. BELL, leave was granted to withdraw from the files of the House the petition and papers of William Flinn, for the purpose of reference to one of the Executive Departments.

Mr. CARTTER asked the unanimous consent of the House to offer a resolution.

Mr. STEPHENS, of Georgia, objected.

Mr. CARTTER asked that his resolution might be read for information.

Mr. STEPHENS objected.

On motion by Mr. NEWTON,

Ordered, That leave be granted for the withdrawal from the files of the House of the petition and papers in the case of the heirs of Thomas Johnson and James Hacklay.

On motion by Mr. HIBBARD,

Ordered, That the petition and papers of John Hazen be withdrawn from the files of the House and referred to the Committee on Invalid Pensions.

Mr. SMITH introduced a bill, of which previous notice had been given, supplementary to an act entitled "An act to enable the State of Alabama, the State of Arkansas, and other States, to reclaim their swamp lands;" which was read a

first and second time by its title, and referred to the Committee on Public Lands.

Mr. WATKINS introduced a bill, of which previous notice had been given, for the relief of certain Tennessee volunteers; which was read a first and second time by its title; and referred to the Committee on Military Affairs.

Mr. WATKINS introduced a bill, granting lands to the State of Tennessee, to aid said State in the construction of certain railroads therein; which was read a first and second time by its title, and referred to the Committee on Public Lands.

On motion by Mr. WILLIAMS, leave was granted to withdraw from the files the petition and papers of Elijah Story, for the purpose of reference to one of the Executive Departments.

Mr. MACE introduced a joint resolution, of which previous notice had been given, proposing an amendment to the Constitution of the United States, so as to provide for the election of Senators by the qualified voters of each State; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. MACE introduced a bill, of which previous notice had been given, for an act granting the right of way and making a grant of lands to aid in the construction of a railroad from the Wabash to the Missouri river; and a bill granting to the States of Ohio, Indiana, and Illinois, the right of way for and a portion of the public lands, to aid in the construction of a railroad from Toledo, in the State of Ohio, via Delhi and Lafayette, in the State of Indiana, to Springfield, in Illinois; which bills were severally read a first and second time by their titles, and referred to the Committee on Public Lands.

Mr. HENDRICKS introduced a bill, of which previous notice had been given, authorizing certain soldiers in the war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. BISSELL asked leave to present the petition of certain citizens of New Mexico, asking for a repeal of the revenue laws of that Territory.

The SPEAKER. The Chair feels it his duty to state, that by the order of the House nothing is in order except the introduction of bills and joint resolutions.

Mr. CAMPBELL, of Illinois, introduced a joint resolution, of which previous notice had been given, authorizing the location of military bounty land warrants on public lands now subject and hereafter to be subject to entry at private sale, under existing laws; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. YATES introduced a bill, of which previous notice had been given, making an appropriation for the improvement of the navigation of the Illinois river; which was read twice by its title.

Mr. Y. moved that the bill be referred to the Committee on Roads and Canals.

Mr. SEYMOUR, of New York, moved to refer it to the Committee on Commerce.

The question being first put upon referring it to the Committee on Roads and Canals, upon a division, 65 rose in the affirmative.

Mr. SEYMOUR demanded tellers; which were ordered, and Messrs. SEYMOUR and ROBINSON were appointed.

The question was then taken, and the tellers reported—ayes 78, noes 41.

Mr. WALSH asked for the yeas and nays; which were ordered; and the question being put, there were—yeas 113, nays 70; as follows:

YEAS—Messrs. Abercrombie, Willis Allen, Ashe, Barrere, Bell, Biggins, Bissell, Brazz, Breckenridge, Brenton, Brooks, Albert G. Brown, George H. Brown, Busby, E. Carrington Cabell, Lewis D. Campbell, Thompson Campbell, Carter, Caskey, Chandler, Chastain, Cleveland, Cobb, Conger, Cullom, Curtis, Daniel, John G. Davis, Dawson, Disney, Dockery, Dunham, Eastman, Edgerton, Ewing, Faulkner, Ficklin, Freeman, Gaylord, Gentry, Gilmore, Goodenow, Green, Hall, Hammond, Harper, Sampson W. Harris, Hart, Hasaell, Hendricks, Henn, Hibbard, Hillyer, Horstorf, Houston, John W. Howe, Hunter, Jackson, Andrew Johnson, James Johnson, John Johnson, George W. Jones, J. Glancy Jones, Kuhns, Landry, Lockhart, Mace, Edward C. Marshall, Mason, Meade, Miller, Millson, Miner, Molony, Henry D. Moore, John Moore,

Morrison, Murphy, Orr, Samuel W. Parker, Phelps, Porter, Price, Rantoul, Robinson, Sackett, Savage, Schoolcraft, Skelton, Smith, Benjamin Stanton, Richard H. Stanton, Abraham P. Stevens, Alexander H. Stephens, Stone, St. Martin, Stratton, Stuart, Taylor, Benjamin Thompson, George W. Thompson, Tuck, Wallace, Ward, Watkins, Welch, Addison White, Alexander White, Wilcox, Williams, Woodward, and Yates—113.

YAYS—Messrs. Aiken, Charles Allen, Allison, Andrews, John Appleton, William Appleton, Averett, Babcock, Bartlett, Bovee, Briggs, Buell, Burrows, Joseph Cable, Caldwell, Chapman, Churchwell, Clark, Clingman, Dean, Doty, Duncan, Durkee, Edmundson, Fitch, Florence, Fowler, Thomas J. D. Fuller, Giddings, Grow, Hamilton, Isham G. Harris, Haws, Haven, Hebard, Holladay, Howard, Thomas Y. How, Ingersoll, Ives, Jenkins, Daniel T. Jones, Preston King, Kurtz, Mann, McMullin, McNair, Murray, Nabers, Newton, Outlaw, Andrew Parker, Peaslee, Pennington, Perkins, Powell, Robbins, Robie, Russell, Schermerhorn, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Stanly, Sweetser, Thurston, Townshend, Walbridge, Walsh, and Wells—70.

So the bill was referred to the Committee on Roads and Canals.

Mr. STUART. I move to reconsider that vote; and inasmuch as I propose to debate it, I suppose it goes over.

Mr. CARTTER. I move to lay that motion upon the table.

Mr. STUART. You cannot do it. I propose to debate it.

The SPEAKER. The motion gives rise to debate, and consequently the bill goes over.

Mr. PORTER introduced the following bills, of which previous notice had been given; which were read a first and second time by their title, and referred to the Committee on Public Lands, viz:

A bill granting to the State of Missouri the right of way and a portion of the public land for the purpose of aiding in the construction of a railroad from St. Charles, on the Missouri river, to the northern limits of said State.

Also, a bill to relinquish to the State of Missouri, on certain conditions, the two per centum of the net proceeds of the sales of public lands in said State since the first day of January, 1821, and reserved by the act of Congress of the sixth day of March, 1820.

On motion by **Mr. PORTER**, it was

Ordered, That leave be granted to withdraw from the files of the House the discharge and note, together with the petition, of Stephen Spalding, heretofore referred to the Committee on Pensions, for the purpose of being returned to the petitioner.

On motion by **Mr. CONGER**, it was

Ordered, That the petition of C. A. Trowbridge and 200 others, for the construction of a canal around the Falls of St. Mary's, and for improvement at Ontonagon river and Eagle Harbor, be withdrawn from the files of the House, and referred to the Committee on Roads and Canals.

Mr. CONGER introduced a joint resolution declaratory of the law of nations, in reference to the doctrine of non-intervention, and the right of every nation to establish for itself such form of government as the people thereof may think most suitable to their own condition, and best adapted to promote and secure their own prosperity and happiness; also declaratory of the view entertained by the Government and people of the United States of the conduct of Russia, by the armed intervention of that Power in the late contest between Austria and Hungary; which was read a first and second time by its title.

Mr. BAYLY, of Virginia. I move that it be referred to the Committee on Foreign Affairs.

Mr. JONES, of Tennessee. I ask if there has been any notice given of its introduction?

The SPEAKER. Notice has not been given.

Mr. JONES. Then I object to its introduction.

The SPEAKER. It is objected to, and must go over.

Mr. CONGER. Then I propose to give notice of my intention hereafter to introduce the resolution just read.

The SPEAKER. The notice will be entered.

Mr. CABELL, of Florida, introduced a bill, of which previous notice had been given, to revive and continue in force, for a limited time, the provisions of the act relative to suspended entries of public lands; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. HENN. I ask the unanimous consent of the House to introduce a resolution of inquiry of the Secretary of War; and as a lady is interested in the matter, I hope the gallantry of this House will allow it to come in. It is as follows:

Resolved, That the Secretary of War be requested to

furnish this House information as to what, if any, depredations have been committed by the Indians on the property of white settlers in the western portions of the State of Iowa, during the last two years, and particularly the facts connected with the recent capture, by the Omaha or Pawnee Indians, of Mr. Carpenter and his wife, on Boyer river, in said State.

Mr. STEPHENS, of Georgia. I object.

The SPEAKER. Objection is made, and the resolution cannot be introduced.

Mr. CLARK introduced a bill, of which previous notice had been given, for the survey and construction of a military road in the State of Iowa; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. C. Will it be in order to ask that a bill and memorial, introduced by me yesterday, be printed?

The SPEAKER. Not without the unanimous consent of the House.

Mr. CLARK. I move, then, that the bill and memorial which I had the honor to introduce yesterday, for the benefit of the Territory of Minnesota and State of Iowa, and which was referred to the Committee on Public Lands, be printed.

Mr. STEPHENS, of Georgia. I object.

Mr. CLARK. I believe joint resolutions are in order?

The SPEAKER. Yes; but only those of which previous notice has been given.

Mr. EASTMAN introduced the following bills, of which previous notice had been given, which were severally read a first and second time by their titles, and referred to the Committee on Public Lands, viz:

A bill granting the right of way and making a grant of land in aid of the construction of a railroad in the State of Wisconsin, from the northern line of the State of Illinois to Lake Superior;

A bill granting certain lands in the State of Wisconsin in aid of the construction of a plank road from the Wisconsin river to the mouth of the Willow river, on Lake St. Croix; and

A bill to grant a quantity of land in the State of Wisconsin, to aid in the improvement of Black river.

On motion by **Mr. EASTMAN**, it was

Ordered, That leave be granted to withdraw the papers accompanying the petition of William Butler from the files of the House, for the purpose of having them referred in the Senate to the appropriate committee.

Mr. DOTY introduced the following bills, of which previous notice had been given; which were severally read a first and second time by their titles, and referred as indicated below, viz:

A bill to authorize the State of Wisconsin to locate certain lands granted for the improvement of the Neenah and Wisconsin rivers; which was referred to the Committee on Public Lands;

A bill to provide for the protection of commerce on Lake Michigan; which was referred to the Committee on Commerce; and

A bill to grant a certain quantity of land to aid in the construction of a railroad from Manitowac to the Mississippi river; which was referred to the Committee on Public Lands.

[A message was here received from the Senate, by **ASBURY DICKINS**, Esq., their Secretary, returning a bill entitled "An act to admit a certain vessel to registry," with an amendment, and asking the concurrence of the House therein.]

Mr. PRICE introduced a bill, of which previous notice had been given, giving further remedies to patentees; which he moved to refer to the Committee on the Judiciary.

Mr. CARTTER moved that it be referred to the Committee on Patents.

The question was first taken on the motion to refer to the Committee on the Judiciary, and it was not agreed to.

The question was then taken on the motion to refer to the Committee on Patents, and it was agreed to.

Mr. PRICE. I ask leave to introduce a resolution.

The SPEAKER. The Chair will be compelled to rule it out of order, in accordance with the express order of the House.

Mr. SIBLEY introduced a bill, of which previous notice had been given, to grant to the several States of this Union the proceeds of certain public lands, for the relief and support of the indigent insane therein; which was read a first and second

time by its title, and referred to the Committee on Public Lands.

Mr. LANE introduced a joint resolution, of which previous notice had been given, for the relief of Elizabeth F. Thurston, of the Territory of Oregon; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

Mr. WEIGHTMAN introduced a bill, of which previous notice had been given, authorizing the Governor of New Mexico to call an extra session of the Legislative Assembly of said Territory, should the same be deemed necessary and expedient; which was read a first and second time by its title, and referred to the Committee on Territories.

RIGHT TO THE FLOOR.

Mr. HOUSTON. The call of the States is now completed, and I move the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER. The first business in order is upon the proposition to refer to the Committee of the Whole on the state of the Union the report of the select committee on the joint resolution explanatory of the act granting bounty lands to certain officers and soldiers, &c., and upon which question the gentleman from New Hampshire [Mr. Tuck] has the floor.

Mr. HOUSTON. That is very true, but I am entitled to the floor now; as the business of the morning hour has not been taken up, and the hour has expired.

The SPEAKER. The Chair apprehends that the gentleman from Alabama [Mr. Houston] cannot take the floor from the gentleman from New Hampshire.

Mr. HOUSTON. If that be true, it sets aside the rule which says that it is always in order to suspend the rules to go into Committee of the Whole on the state of the Union. I am entitled to the floor now because—

The SPEAKER. The gentleman from Alabama [Mr. Houston] rose before, to submit a privileged motion. The Chair thinks, under the circumstances, that he is entitled to the floor.

Mr. TUCK. I submit that he cannot have the floor for that purpose. I refer not only the Speaker, but the gentleman himself, to the circumstances under which this matter has intervened, and under these circumstances he has not, and ought not to have the floor. I obtained the floor as soon as we had got through the call for bills, and he has no right to take it from me.

Mr. HOUSTON. More than the morning hour has now expired.

The SPEAKER. The Chair decides that the morning hour has just commenced.

Mr. HOUSTON. But I stated to the House, when the gentleman from Georgia [Mr. Stephens] made the proposition to the House to call the States for bills, that I desired, as soon as the morning hour should elapse, to go into Committee of the Whole on the state of the Union. That is my object. The morning hour has been occupied with other business, and that is the reason why I make the motion.

Mr. STEPHENS, of Georgia. These subjects, in my opinion, stand exactly as they stood this morning after the Journal was read; for everything done since has been by unanimous consent.

The SPEAKER. Precisely the same.

Mr. HOUSTON. I do not controvert that at all. I have no doubt about that, but—

The SPEAKER. The question is whether the gentleman from Alabama [Mr. Houston] can deprive the gentleman from New Hampshire [Mr. Tuck]—who is certainly in order, and entitled to the floor—of the floor. The Chair decides that he cannot.

Mr. HOUSTON. I shall not appeal from the decision of the chair; but that decision unquestionably prevents the chairman of the Committee of Ways and Means from availing himself of that rule.

The SPEAKER. Not at all.

Several Voices. "Not at all!" "Not at all!"

The SPEAKER. The gentleman's motion will be in order, when he shall have obtained the floor to make it, but he cannot deprive another gentleman of the floor when he is entitled to it.

Mr. BAYLY, of Virginia. Unless the gentle-

man appeals from the decision of the Chair, I maintain he is out of order.

Mr. HOUSTON. That is a communication to the House, for which I am very much obliged to the gentleman.

Mr. BAYLY. The gentleman is perfectly welcome.

The SPEAKER. The Chair decides that the question is not debatable.

Mr. HOUSTON. I was going to propound this question to the Chair: Suppose that in the morning, before the business of the morning is taken up, or before the Speaker has stated that the business of the morning was the calling of the committee for reports, I, or any gentleman, should obtain the floor and move that the rules be suspended, with a view of the House going into Committee of the Whole on the state of the Union—

The SPEAKER. The Chair would decide as he has in this particular case.

Mr. HOUSTON. Then I could not do it during the whole day.

BOUNTY LAND BILL.

The SPEAKER. The question pending is the motion to refer to the Committee of the Whole on the state of the Union the report of the select committee on the joint resolution explanatory of the act of 1850, granting bounty lands to certain officers and soldiers who were engaged in the military service of the United States.

Mr. TUCK. I feel I ought to make an apology to the House, for attempting to occupy the time which I deem it my duty, upon the present occasion, to do, and that apology is this: The chairman of the select committee, who reported this bill, has made a motion to refer it to the Committee of the Whole on the state of the Union, with the avowed purpose of presently withdrawing that motion, and to ask the House to put the bill upon its passage. Inasmuch as the previous question will in such case be called early, and that free discussion be presented, which ought to be given to this bill somewhere, I have concluded to present my views at the present time upon this very important question. In asking the House to put this bill upon its passage, the chairman of the select committee [Mr. DENHAM] is bound to do two things: First, to show to the members of this House that the bill deserves their approbation; and in the second place, to demonstrate that it is more deserving than any of the other laws before this body; for otherwise, it is not expedient to allow this bill to take precedence of all others—to be exempt from those checks and the common routine of enactment to which all other laws are subject. For the extraordinary course proposed, there can be no apology, unless, as I have said before, the gentleman can show that this is the most important subject that can be presented to us, and one which demands our immediate attention, to the exclusion of everything else. I shall not expend much time in examining what I consider comparatively unimportant parts of this bill; but I will, nevertheless, as I progress in my remarks, notice the several sections briefly.

The first section provides for the assignability of land warrants. Well, this is a proposition against which few, if any, have objections. I call the attention of gentlemen to the fact, that the proposition to make bounty land warrants assignable has already received our consideration and our sanction. We have already, dispensing, by common consent, with the rules of the House and the ordinary routine of business, passed a law for that purpose, which was sent to the Senate, and is now under consideration in that body, and I have been assured, within a few hours, that there is no question but the Senate will give it their approbation. Why, then, I ask, is it that another provision to accomplish the same object is incorporated in this bill? I know of no reason for it, unless it is to make a proposition which receives the universal approbation of this House, the medium by which to impose upon the country and upon us a measure which, if considered in its own merits alone, would receive our condemnation. I know of no other reason. There seems to be some want of concert among those who have planned this magnificent scheme, by which the proposition for the assignment of land warrants was permitted to get the start, pass the House, and go to the Senate, without having attached to it the obnoxious propositions tacked to it in this bill. I sub-

mit that it is derogatory to the dignity of the popular branch of the Legislature, to reenact this bill again. The Senate will attend to our action without this repetition of legislation. I do not object to the principle of the assignability of land warrants, proposed in this first section; but since this matter was considered in the committee; since conversing with the Commissioner of Pensions upon this subject, and since hearing the unsatisfactory argument of my friend from Illinois, [Mr. BISSELL,] who addressed the House on yesterday, I am forced to the conclusion that the method of assignment, pointed out in this section, is impracticable—that it cannot be administered by the officers of the Government.

We now come to the second section, which I believe is intended to give currency to other parts of the bill more obnoxious. This clause provides for the payment of certain sums to registers and receivers of the General Land Office for locating bounty land warrants. This proposition has many friends upon this floor, and I wish those friends to understand that their scheme is likely to be defeated by being connected with the third, fourth, and sixth sections of this bill. Nothing can kill it sooner than its attachment to these propositions. Their interest lies in laying this whole bill on the table, and bringing up their proposition upon its own merits. Now, in regard to the paying of these registers and receivers, I do not design to detain the House long: the subject has been discussed by others. I recognize the force of the argument used on yesterday. This section provides that registers and receivers shall be paid a certain amount for locating land warrants *hereafter*; the fault found by my friend from Illinois [Mr. BISSELL] was, that it does not provide for the payment of those who rendered service heretofore. I am in favor of low salaries for public officers, but I do not support or profess any doctrine that compels men to work for nothing. I understand that many of these registers and receivers of the land offices have done a great deal of labor in regard to these land warrants for nothing. It seems to me that the question is, whether we shall pay moderately and fairly for services performed or pay nothing. I am in favor of the former alternative. These registers and receivers went into office prior to the passage of the bounty land bill of 28th September, 1850, when by the sale of the public lands they were entitled to a certain percentage. It was enacted by the act of 1850 that land warrants should take the place of cash in the disposition of the public lands, and that they should be located by registers and receivers for nothing. Now, the very fact of making a provision that those who shall hereafter perform these services shall be compensated, constitutes an admission that payment should be made to those who heretofore have performed similar and greater services. The registers and receivers have already entered the great mass of these warrants, and by the provisions of this bill they shall have nothing—not one cent for doing nine tenths of all the work, while for the driblet of services hereafter to be performed in disposing of the few warrants outstanding and to be issued, we recognize the propriety of payment. Now, if we enact any provision let us do substantial justice, not only to those who shall hereafter fill these offices but to those who, for no pay at all, have done the chief part of the labor.

I come next to the third and fourth sections, which embrace the great scheme of this bill—a scheme to squander away a large, indefinite, and unknown quantity of the public domain. It comes here under the most innocent title imaginable—a title that gives you no clue whatever to the character of the proposition, or the extent of land that is to be appropriated under its cover. The title of it is: "An act explanatory of an act approved 28th September, 1850, entitled 'An act granting bounty lands to certain officers and soldiers who were engaged in the military service of the United States.'" Instead of merely explaining, it contains new propositions unconnected with and as entirely independent of that act as it is possible for one act to be independent of another. It creates a new class of bounty land warrants, the extent of which no gentleman—not even the chairman of the select committee, who ought to understand it, and who several times has been called upon to state it—can give us any idea. Does he rely so much upon the rashness of this House as to expect we shall pass a bill in relation to which we have no knowledge? I trust our action will disappoint him. If the bill

shall reach an engrossment, the first act of the chairman of the select committee will be to move that the title be amended, as it is now entirely inadequate to give any idea of the character of the bill.

I shall, before proceeding further in the consideration of the subject, say a few things in regard to the public domain. I believe we are introducing a new method of disposing of the public lands, and are changing the general policy of the Government in respect to the same. I believe this change will be hazardous to the best interests of the country, and that we ought to resist the change that is taking place. The Government disposed of the public domain at first in large tracts to individuals and companies, but it was early discovered that this policy was not only injurious to the Government, but that it retarded the settlement of new States, and was also disastrous to those who became owners of these large tracts. Some thirty-five years ago, the Government changed its policy and adopted the present excellent system, by which every individual, who is desirous of laboring, and who is fit to be the owner of an acre of land, can, by his own industry, become a freeholder. We have prospered under this system beyond parallel. Of late, we have been departing from this system; and so eager have many become to squander the public domain, that a great part of our labor here is to attend to the various claims which come up in a thousand ways for grants of land. When I examine the records of Congress, and peruse the counsels and opinions of wise statesmen who have gone before us, and who have given their views upon this subject, I am confirmed in my disposition to oppose the struggle now going on among corporations, private companies, and individuals, to get possession, under one pretence and another, of the public domain. We have prospered as a nation, beyond all parallel, under the policy heretofore existing; and for one, I say that policy shall not be abandoned without my opposing vote.

I wish to call the attention of the House to the fact, that the proceeds of the sales of the public lands have been pledged, as security for borrowed money, by the action of Congress, and that this land cannot be given away, as proposed in this bill, without a violation of the public faith.

I send to the Chair, and wish that it may be read, the 19th section of a law passed in 1847, entitled "An act to authorize the issue of Treasury notes, loans, and for other purposes." This law was passed in reference to a proposed loan of \$23,000,000, with which to carry on the Mexican war. The section reads as follows:

"And he it further enacted, That for the payment of the stock, which may be created under the provisions of this act, the sales of the public lands are hereby pledged, and it is hereby made the duty of the Secretary of the Treasury to use and apply all moneys which may be received into the Treasury from the sales of the public lands, after the 1st day of January, 1848; first, to pay the interest on all stocks issued by virtue of this act; and secondly, to use the balance of said receipts, after paying the interest aforesaid in the purchase of said stocks at their market value, provided no more than par shall be paid for said stocks."

Now, by that act it was obviously intended that the receipts from the sales are all sequestered, set apart and pledged for the payment of this debt and interest. Secondly, after the interest is paid, the remainder is to be kept as a fund to pay that debt now outstanding as it becomes due, or as it can be purchased at par before it becomes due. And thirdly, after paying interest annually in the purchase of stocks, the remainder will be an accumulated fund, to redeem the debt when it becomes due. Now that is a pledge of the faith of this country, which we are bound to regard, no matter what may be the ability of this Government, as we think now, to meet the payment of this loan when it shall become due. We have pledged these public lands—we have pledged the faith of the country to those who have invested in these stocks, that we will maintain and preserve the moneys to be received from the sales of the public lands, to meet that payment. I have had the curiosity to look over the yeas and nays recorded upon the passage of that bill, in order to see who of those now in this House aided by their votes in pledging the faith of the country. Before I read the names, I will say, that I do not assume that all those whose names I shall read are now ready to violate that pledge. I would rather assume the contrary—that they intend to keep it.

I find in this list of yeas and nays, the names of Messrs. Thomas H. Bayly, Linn Boyd, Armistead Burt, Orlando B. Picklin, Meredith P. Gentry, George S. Houston, Andrew Johnson, George W. Jones, and Alexander H. Stephens, who all voted for this sequestration.

Mr. DUNHAM. I would like to ask the gentleman one question, and that is, whether he has not upon this floor taken ground in favor of donating land to actual settlers, and whether he is not now in favor of it?

Mr. TUCK. I will answer these questions when they come up. I defy the gentleman to show any act of mine in violation of this pledge. I recorded my vote in 1850, against the bill of the 28th of September of that year.

I have reason to believe that my neighbor from Georgia, [Mr. STEPHENS,] who was on the select committee that reported this bill, will support it, and yet I have read his name in favor of pledging the faith of this Government to preserve this fund sacred. If the honorable chairman of the committee could detect me in any inconsistency, or willingness to violate this pledge, which he cannot do, I ask him, if it would be a good excuse for violating it on his part?

Mr. DUNHAM. Do I understand the gentleman to say that he is not now in favor of granting land to actual settlers? Did he say no to that question?

Mr. TUCK. I am surprised that the able chairman of this select committee should expect me, or any man, to give an answer to a proposition—a most important proposition—imbodyed in the indefinite language which he has used. He knows that I am willing to record my vote and express my opinions upon any proposition that may come up, which I will do at the proper time. But I shall desire to express my propositions for new laws, in more guarded language, and in less sweeping terms than those presented to me in the gentleman's question.

In considering this proposition to dispose of another portion of the public lands, so soon after the act of 1850, we shall do well to remember the vast extent of that law. We are informed by the Secretary of the Interior, that by the law of the 28th of September, 1850, there will be about two hundred and fifty thousand land warrants issued; and that twenty millions of acres of land will be appropriated. This land is worth \$25,000,000, a sum large enough for bounty to soldiers at present. Confident as we may be of the ability of this country to meet all its engagements, we ought to leave these lands sacred to the purpose for which they were intended. This bounty land bill of 1850, I opposed; and state this fact in order to assure gentlemen that when I come to speak of the sectional character of the bill now under consideration, they will not suppose me to be actuated by any sectional interest in opposing it. I opposed the bounty law when it was general, as in the act of 1850, and I oppose it now, when it becomes sectional and special. Although on many points I have the misfortune to differ with my neighbor from Georgia before me, [Mr. STEPHENS,] yet in reference to this bill of 1850, I am happy to find, by examining the Journal, that gentleman, and also his colleague, [Mr. TOOMBS,] on the same side with myself, opposing it. I assume that the gentleman from Georgia [Mr. STEPHENS] could not find it in his conscience to vote for the bill of 1850. He was aware that the faith of the Government was pledged, and it was not in him to violate that pledge. I do not see how he can now support this bill, and I call his attention to his vote in 1850, against the bounty land bill, because if he supports this bill, as I infer from his action on the committee with me, he will do, I wish the matter to be explained. If the friends of this bill ask us to create a new class of bounty land warrants, I wish them to explain their past opposition, and clear away all the obstacles that they possibly can, in order to enable us to go with them, if we can, and save all the self-respect possible in such a course.

The 3d and 4th sections of the present act read as follows:

"Sec. 3. And be it further enacted, That the act of which this is explanatory, shall be so construed as to include all commissioned and non-commissioned officers, musicians, and privates of militia, volunteers and rangers, who were mustered into the service of the United States for the suppression or prevention of Indian hostilities, or whose services of that character were recognized and paid by the United States prior to the passage of said act, and who served the length of time required by said act.

"Sec. 4. And be it further enacted, That in computing the term of service of the officers and soldiers of militia, volunteers, and rangers, for the purposes of this act, or of the act of which this act is explanatory, such term shall be computed from the time they were mustered into the service of and paid by the United States to the time they were discharged therefrom."

I call the attention of the House to this fact: The Commissioner of Pensions, in his annual report to the Secretary of the Interior, states that in administering the law of the 28th of September, 1850, he has come to the conclusion that there are some meritorious claims which ought to be further provided for by this Government. He has specified those claims in his report; but the provisions in this bill for a new class of warrants does not touch any of the meritorious cases which the Commissioner has thought alone deserved his recommendation.

I would also direct the attention of the House to another fact, and that is, that the propositions contained in the third and fourth sections are brought up as a spontaneous act of giving away the public domain. I do not recollect of any petitions or memorials addressed to Congress asking us to do any such thing as this. It is a magnificent work for gentlemen to bring forward, upon their own motion, such a proposition as this, unasked for and unrecommended. It will be quite another thing to pass it, I trust. What is the amount of land to be appropriated by this bill? Nobody can tell, and nobody knows. I have asked the Commissioner of Pensions if he would communicate to me some information in regard to the extent of land to be taken by this bill, to be laid before the House, in order that we might all know what we were about when called upon to vote upon the bill. He said: "I cannot tell, nor can anybody tell." The bill is very comprehensive, and will embrace a vast number of claims. It is requisite that gentlemen should read over with care the third section, in order that they should understand what may be the effect of that proposition. It provides that all are to be allowed land who have been mustered into the service of the United States since 1790, or whose services in suppressing or preventing Indian hostilities have been recognized and paid for by the United States. There have been a vast number of persons paid for services in respect to the Indians since 1790, and not one of them will fail, if this bill passes, to be claimed as serving to suppress, or prevent, Indian hostilities.

The law of 1850 gave bounty land to those engaged in time of war in the military service of the United States. This bill gives land to those who have performed military service in time of peace. The beneficiaries of this act, from 1790 to the present time, may not have seen danger, or the enemy. If only they have had the art to make the Government pay for services, supposed to be rendered to suppress or prevent Indian hostilities, they are to be put upon the list of patriotic heroes, and be presented with a portion of the public land, in token of a nation's gratitude. Those who have seen other enemies than Indians are of no sort of account; it is no merit to have served to suppress or prevent other hostilities. Those who have harassed the Indians are only remembered in this bill.

The claimants under this act will be those who have lived in the vicinity of the Seminoles, Creeks, and Cherokees, and a few engaged in the Black Hawk war, and Winnebago disturbances. Those who served in any war with these tribes have already been provided for in the act of 1850; and the present bill is to give bounty to those who hung upon the skirts of these tribes in time of peace, and who have had the good fortune to make the Government pay them well for so doing. There is not a sixth part of the country that can have any interest in this bill if it passes; while it is proposed to take what belongs to the whole country to bestow upon a few who have already been paid all or more than they ever earned or deserved. I have never seen so sectional a proposition brought before Congress. If we must squander the public lands, we shall find more meritorious persons in the offices in Washington, where men have become incapacitated for other business by serving the public for good pay in clerks' offices.

The Commissioner of Pensions has recommended the flotilla men in the war of 1812, under Commodore Barney, the marines who did duty on shore, and the men who were in battle, but not out long

enough to receive land by the law of 1850. Why has the majority of this committee passed over all that the impartial Commissioner recommended, and included such a multitude whom he did not and could not in conscience recommend? I invite the attention of the Representatives of the people around the Chesapeake and Delaware bays, whose citizens have been overlooked in this law, to examine the subject and look after their rights. I invite the Representatives of the old States, generally, to determine whether it becomes them to tolerate an enactment of this sort, when their own citizens in the war with Great Britain are denied bounties for services much more important and hazardous than the services of those who helped remove the Cherokees, or watched the Seminoles and Winnebagoes. The men of the whole northern border of the country are forgotten or despised in the proposed enactment of this bill. Why are they left out of this bill, and no merit recognized except in those who have seen Indians?

Mr. DUNHAM. I will ask the gentleman from New Hampshire, whether, if they are left out, all that class of men who were called out in the last war, do not receive their bounty land under the law passed last year? In every case where the Government has recognized services upon the Northern frontier, it has paid for them.

Mr. TUCK. The gentleman is mistaken; and in order to correct his error, as well as to present the views of the Commissioner of Pensions upon other parts of the gentleman's bill, I will present the following letter which I have received, and send it to the Clerk's desk to be read:

PENSION OFFICE, January 10th, 1852.

SIR: In accordance with your request I have the honor to present the following views in relation to the bill entitled "An act explanatory of an Act approved September 28th, 1850," &c.

The first section proposes to make land warrants assignable, and to require that those assignments shall be executed and acknowledged, or proved in the same manner, and with the same formalities that deeds for the conveyance of land are executed and acknowledged, or proved, in the State or Territory where such assignment shall be made.

It is suggested that it would probably facilitate business to have uniformity in these assignments, and that the object of the bill could be obtained by requiring that the Justice of the peace or notary shall certify that the party assigning is well known to him, or that his identity has been proved by the affidavits of A B and C D, known to him as respectable persons and credible witnesses.

Most of the persons now claiming are living among their friends or acquaintances, and hence their identity can be readily established, and thus many of the frauds practiced under the act of 1847 can be prevented.

The second section provides for compensating the land officers for their services in locating these lots.

The third section is somewhat ambiguous in its provisions. It would seem to embrace all the militia, volunteers, or rangers, whose services in suppressing or preventing Indian hostilities, had been recognized and paid by the United States, and who had served the length of time required by the act of 1850. The doubt is in relation to the scope and extent that should be given to the term "prevention," in the bill, unless indeed it be the intention of Congress to grant bounty land to all the militia, volunteers, and rangers whose services had been recognized and paid since 1790, and who had served the length of time required by the act of 1850. If such be the fact, it would be well so to express it; and such expression would obviate the necessity of enacting the fourth section.

The rule now is to allow all claimants for the time they served in any war since 1790, except of course those in the Mexican war, for whom provision was made by the act of 1847. If, however, the duration of service in war as prescribed by the act of 1850, is not to be regarded as the measure by which these claims are to be decided, but the length of time for which their services have been recognized and paid by the United States, of course the fourth section is unnecessary, as its provisions are involved in those of the third section.

The provisions of the 5th section of the bill are identical with the construction given to the first section and last clause of the third section of the act of 28th September, 1850, and hence there is no necessity for enacting it.

The sixth section of this bill, after authorizing the location of warrants or lands subject to private entry at the time of such location, directs that warrants issued prior to the death of the soldier, and which were not located or assigned by the warrantee, shall inure to the benefit of his widow, if he left one; and if not, to his minor heirs.

This is contrary to the uniform construction given by this office to the act of 28th September, 1850. The first clause of the 3d section of that act provides that those warrants "shall be located by the warrantee or his heirs at law." Under this it has been held that wherever a warrant issued before the death of the warrantee, it was his property and inured to his heirs at law or devisees, who could locate the same as thus provided by law.

In the 7th section there is an error, as there is no provision to the 2d section of the act of 1850.

I have thus given you my views frankly on the provisions of this bill, as requested by you. The 3d section of it, as thus construed, would materially extend the provisions of the act of 1850, and require the review of many cases, especially in the Black Hawk, Seminole, and Creek wars, where warrants have already been issued, and require the return and cancellation of those warrants, and the issue of

others for greater quantities of land, or of new warrants for deficiencies, where those issued have been located or disposed of. It would also introduce new classes of cases, where troops had been called out to prevent or suppress Indian hostilities, as in the Cherokee and Winnebago disturbances, &c., which have not been regarded as wars, and for services in which bounty land has not been allowed.

There are, however, some meritorious classes of cases, which are not provided for by this bill, as the flotilla men under Commodore Barney, in the war of 1812, who rendered efficient and valuable service in the defence of the coast, and on land whenever required. Marines, also, on several occasions served on land. The militia and volunteers in several of the States were required to drill, and to be subject to call at any moment. These men were allowed only for the time they were actually in the field, as that was the period for which they were paid by the Government. Others were in actual battle, but not having served a month are not entitled.

I would also suggest, that preceptors be authorized to locate the land actually improved by them, with these warrants, even where it is not subject to private entry, and that where the minimum price is more than \$1 25 per acre, that the party locating shall pay the increase in cash.

The party settlers on the public lands are entitled to the fostering care and consideration of the Government. It was through the sufferings, privations, and toil, of those hardy pioneers, that the fruitful lands of the West have been opened up to the enterprise and industry of the teeming millions who now people them. And it is but a small privilege that they shall be permitted to enter their improvements with these warrants.

Whether it would be expedient in this bill to exclude the lands in California and Oregon from location by land warrants is respectfully submitted. Those lands are not now subject to private entry, but when they are made so by law, the locations of these warrants might seriously interfere with claims and inchoate rights arising or which have arisen under existing laws, and thus long and harassing litigation be induced.

Very respectfully, your obedient servant,

J. E. HEATH,

Commissioner of Pensions.

Hon. AMOS TUCK, House of Reps.

I commend to the gentleman and to the whole House, a careful examination of the foregoing letter. I could hope, that the Commissioner, aided, I doubt not, by the intimate knowledge of this subject and of the operations of all laws affecting the public lands, possessed by his excellent chief clerk, Mr. Wilson, might have some influence in inducing even the gentleman from Indiana to abandon his bill. But I fear he will still urge it. Although it is obnoxious to criticism in every part, and is besides of an entirely sectional character, he knows, and I know, it affects the interests of those who will fight earnestly for it. It is their habit. I can already foresee the zealous support which it will call forth from the gentleman from Georgia [Mr. STEPHENS] and others. I only wish that we could have the benefit of the denunciation which he would pour out upon this measure, if he were differently situated and could be affected by the bill, and see its enormity, as we do, who live in other parts of the country.

I will now proceed to a few remarks upon the 6th section of the bill, which is in the following words:

"Sec. 6. And he it further enacted, That the warrants which have been, or may hereafter be issued, in pursuance of said act or of this act, may be located upon any lands of the United States subject to private entry at the time of such location."

My objections to this section I stated some weeks since, and will not now repeat at much length. I believe it to be wise policy to preserve the lands that are now being put into market in Minnesota, and which are soon to be put in market there and in Oregon, California, and elsewhere, exempt from control by these warrants. The reason is this: the infant settlements, and men on the frontier just beginning improvements, are incapable of bearing up against the incubus resulting from these warrants. It is well known that most of them find their way very soon into the hands of speculators, who take up the choice lots in the neighborhood of improvements, and by means of these warrants, here in the villages, and refuse to improve or to sell their land, except at exorbitant prices, which the actual inhabitants are unable to give. The holders of the warrants stay in their comfortable palaces of the Atlantic cities, and wait for their land to be enhanced in value by the labors of the hardy and humble pioneer. The evil is an almost intolerable annoyance in the new settlements of the West, and we shall aggravate by passing the sixth section of this bill. The States of the West, wherein there is abundance of land to satisfy the warrants already subject to them, have an ability to defend themselves, having passed the period of their infant existence. But such is not the case with Minnesota, western Iowa, Oregon, and California.

It should be remarked, that it would be particularly bad policy to pass the sixth section, so as to open Oregon and California to these warrants, as soon as land is offered for sale there. Where the arable land is confined to valleys and gorges, the location of a few land warrants will prevent the settlement of large tracts. New mines may be discovered, and other inducements not now anticipated spring up to induce speculators to cover over the better parts of these new countries. It seems to me there can be no doubt of the wisdom of the policy of refusing any new privileges to the holders of these warrants.

In speaking of Oregon, I am reminded that the claimants in that Territory, for bounty land under this bill, should it pass, (and there will be many claimants there,) will have more land than they know what to do with, having already secured to them from three hundred and twenty to six hundred and forty acres each. The seventh section of the bill in the following words, is of trifling importance, but is a mistake, as is stated in the letter of the Commissioner of Pensions.

I only call the chairman's attention to the fact, to show him how much his bill requires to go to the committee for amendments, and how little he is prepared to urge, as he intends to do, its passage at once.

I was disposed to vote that the bill go to the committee; but being requested by many to move at a proper time that it lie on the table, and believing that the House will not hesitate to give a summary quietus, I shall probably make that motion, unless some other person does so before me. But at present I wish it to be discussed.

Mr. FITCH next obtained the floor.

Mr. DUNHAM. Will my colleague yield me the floor for a moment? I merely wish to offer an amendment to one of the sections of the bill.

Mr. FITCH. I will yield the floor for that purpose, and for that only.

Mr. DUNHAM. I hope my colleague will allow me also to explain the motives which operate upon me in offering that amendment. It is but just to myself that I should do so.

Mr. FITCH. I suppose I must yield the floor to my colleague.

Mr. DUNHAM then moved to amend the first section of the bill by striking out all after the word "assignable" therein, and inserting the following in lieu thereof:

Under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Mr. D. said: I hope I may be indulged in making a very few remarks in connection with that amendment, for it will perhaps seem singular that it should come from me at this time; but I assure the House that before I get through it will not strike them with so much astonishment that such an amendment should come from me, as will some of the remarks that have been made by gentlemen who were associated with me upon that committee. I think that it will not be out of place for me to say here, that at the time that first section was passed upon in the committee, I did reserve to myself the right to submit the amendment which I have just sent to the table, stating that I was opposed to the section as the committee proposed to report it. I will not state what took place in the committee, except hypothetically. But we will suppose there was a committee raised upon an important subject of this character, and that the chairman of that committee offered a section which would have been as that section will be, if my amendment is adopted—urging in its favor the very reasons which fell from the gentleman from Illinois [Mr. BISSELL] on yesterday, and from the gentleman from New Hampshire [Mr. TUCK] to-day—every one of them, with all the ability which he possessed; and suppose that, after he had urged those reasons, every member of the committee had voted against him; and then, when the bill was reported to the House, those same gentlemen had come in here and opposed the bill on account of that provision which was inserted in opposition to the chairman of the committee, and by their own votes! I submit this matter to the House, and I ask if it does not show that there were motives operating there, and that an effort may have been made to defeat the bill. I will not say that such an effort was made; but it does seem to me, that if I had been disposed to defeat the bill, I might have endeavored, by my vote in committee, to get a pro-

vision put in the bill which I believed was odious to a portion of this House; and then, when the bill came into the House, have made war upon it on that very point. I do not say that the gentlemen have pursued such a course as that; but I can imagine that I might have done it if I had been disposed to defeat the bill.

Mr. TUCK. Will the gentleman yield me the floor for a moment?

Mr. DUNHAM. Certainly.

Mr. FITCH. I must object to my colleague giving away my time.

Mr. DUNHAM. I want to add but a single word.

Mr. TUCK. Will not the gentleman from Indiana, [Mr. FITCH,] who is entitled to the floor, yield it to me for a moment?

Mr. FITCH. I must decline to do it, or all my time will be consumed.

Mr. DUNHAM. The only additional remark that I wish to make is this: That it does seem to me that the course pursued here by the gentleman from Illinois, [Mr. BISSELL,] indicates that he wants to fasten a rider upon this bill; that he is not disposed to let it go through by itself; that if it cannot be made to carry his rider through, the bill itself is to be defeated here, and that rider is a provision for the back remuneration of registers and receivers.

Mr. BISSELL. I ask the gentleman to yield me the floor for one moment.

Mr. DUNHAM. I have no right to yield it without the consent of my colleague, [Mr. FITCH.]

Mr. BISSELL. Well; I ask the gentleman if I did not state in the committee that I should oppose this bill in the House?

The SPEAKER. The gentleman from Illinois is not in order, the gentleman from Indiana [Mr. FITCH] having refused to yield the floor.

Mr. DUNHAM. I understand the gentleman's question to be, whether he did not, when in committee, avow his purpose to oppose this bill. Well, as he has thus referred to what took place in the committee, it may not be improper for me to reply to him. I answer, that he did; and I cannot make that answer without going a step further and adding—for the reason that, unless the bill could be made the horse on which this favorite rider of his was to go through the House, the horse itself might go down.

Mr. BISSELL. Will the gentleman now allow me to make a remark?

Mr. DUNHAM. I have only this further remark to make upon the subject of the registers and receivers—

Mr. BISSELL. After what the gentleman has said, he will surely have justice enough to permit me to make a remark.

Mr. DUNHAM. I cannot do it; I only hold the floor by the courtesy of my colleague.

Mr. BISSELL. Then I appeal to the gentleman's colleague to allow me to say a word.

Mr. FITCH. I have already refused any extension of the leave to my colleague, to the gentleman on the other side of the House, [Mr. TUCK,] and I cannot certainly make a distinction between him and another gentleman. I therefore feel constrained to refuse the gentleman from Illinois any portion of my time.

Mr. BISSELL. I think it very fortunate for his colleague, that the gentleman will not yield the floor. That is all I have to say about it. [A laugh.]

Mr. DUNHAM. All I wish to add is, that the amendment which I have sent to the Chair, embodies my sentiments. It is not necessary that I should go over the arguments in favor of that amendment, because they were very forcibly put by the gentleman from Illinois [Mr. BISSELL] on yesterday. I think he borrowed them, but I will not say that he did. I know one thing—that those very arguments—as the gentleman will himself admit—had been urged by another individual on a previous occasion, and that other individual was myself, although I do not mean to say that I could have presented them with so much force and ability as the gentleman did yesterday. I only hope that the House gave them due consideration. I believe this matter should be left to the Secretary of the Interior, because I believe that that section of the law, as it now stands, would be almost impracticable, and because I also believe that if left under the control of the Department, the Secretary of the Interior would be able; when frauds were

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discovered, so to alter the rules and regulations as to avoid a repetition of those frauds.

With reference to the back pay of the registers and receivers, I will not travel out of the scope of the amendment I have offered, to say anything upon that subject now, but I do hope that before this matter is definitely settled, I shall be heard, and I will then exhibit to the House, in the fullest manner, and from statistics, how much merit there is in this proposition to pay the registers and receivers.

I want now to make an inquiry of the gentleman from New Hampshire, and of the gentleman from Illinois. They have made inquiries of me with reference to the probable extent of the operation of that section of the bill which provides for the granting of land to certain soldiers who were called out for the suppression of Indian hostilities. I am not able to answer that question exactly, but I would ask if any gentleman upon this floor, who voted for the original bounty land bill, knew or could have found out by the utmost industry, what would be the precise extent of the operation of that bill? Now, I am not exactly a Yankee, but I am a sort of a first cousin to it, and I will answer the gentlemen's question by asking them another, and that is, whether they can tell this House how much money will have to be appropriated out of the Treasury to give back pay to these registers and receivers?

Mr. BISSELL. Yes, I will answer it in three minutes, if the gentleman will engage then to support the bill.

Mr. DUNHAM. I hope my colleague [Mr. FITCH] will permit the gentleman from Illinois to answer the question.

Mr. KING, of New York. I desire to inquire of the Chair whether, under a motion to refer, it is in order to discuss the general merits of the bill?

The SPEAKER. They may be examined in order to ascertain the propriety of the reference of the bill.

Mr. DUNHAM. One interrogatory which I desire the gentleman to answer is with reference to the amount of this back pay; and the other is whether he can give any information as to how much has been received by these registers and receivers under the law, of which there has been no report? That question I do not propose to discuss now; but if I have an opportunity before the subject is disposed of, it is my intention to give the facts of the case in reference to this matter.

Mr. BISSELL. As I have been appealed to so directly by the gentleman from Indiana, [Mr. DUNHAM,] I trust his colleague [Mr. FITCH] will now allow me to reply.

Mr. FITCH. I must put a stop to this kind of discussion.

Mr. BISSELL. I trust the gentleman will, at least, give me an opportunity to answer the last question.

Mr. HOUSTON. I rise to a privileged question. As the morning hour has expired, I suppose I have the right to move that we do now proceed to dispose of the business on the Speaker's table.

The SPEAKER. That motion is in order.

Mr. HOUSTON. There are many bills upon the Speaker's table—

Mr. FITCH. This, I suppose, is the effect of courtesy. I will yield to the gentleman from Alabama, [Mr. HOUSTON;] but it is the last time I will yield for the purpose of explanation. I had no sooner yielded to my colleague [Mr. DUNHAM] than he commenced a warfare upon the other members of the same committee—

Mr. DUNHAM. The gentleman is mistaken.

The SPEAKER. This discussion is out of order. The gentleman from Alabama has moved to proceed to the consideration of the business upon the Speaker's table; which motion is in order.

The question was then taken, and carried in the affirmative.

So the House proceeded to the consideration of the business on the Speaker's table.

REPORT FROM THE TREASURY.

The SPEAKER laid before the House a communication from the Treasury Department, transmitting copies of additional estimates, and accompanying papers, submitted by the Secretary of War, and which that officer requests may be considered as supplementary to the estimates transmitted under date of the 12th instant; which communication was referred to the Committee of Ways and Means.

Also, laid before the House a communication from the Clerk of the House, accompanied by a statement of the clerks and other persons employed in his office during the year ending December 31, 1851, and showing the amount of their pay and the time employed; which was ordered to lie on the table and be printed.

BILLS ON THE SPEAKER'S TABLE.

The House then proceeded to consider House bill No. 47, being "An act to admit a certain vessel [brig *Ettawan*] to registry," which had been returned from the Senate with an amendment.

Mr. WALSH. I move to concur in the amendment of the Senate. I will state to the House the substance of the amendment. When this subject was first before the House, the committee to which it was referred thought the evidence sufficient to show that it was an American vessel, having been substantially rebuilt at Charleston, South Carolina, and the House at once directed the collector to admit her to registry. The Senate thought proper, however, to refer the whole matter to the Treasury Department, which I think is a more proper direction. I hope the House will concur in the amendment.

The question was then taken, and the amendment was concurred in.

SENATE BILLS REFERRED.

The SPEAKER then laid before the House a Senate bill, to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public money under the fifteenth section of the act of the sixth of August, 1846, for additional services required under that act; which was read a first and second time by its title, and referred to the Committee of Ways and Means.

Also, Senate bill to authorize the Secretary of the Treasury to issue a register to the brig *Ada*; which was read a first and second time by its title.

Mr. PENN. It will take but a moment to dispose of this bill, and I move that it be put on its passage.

The bill having been read through, it was ordered to a third reading. It was then read the third time and passed.

Senate bill granting to the State of Mississippi the right of way and donation of public lands for the purpose of locating and constructing a railroad from Brandon, on the eastern border of said State, in the direction of Montgomery, Alabama, was read a first and second time by its title, and referred to the Committee on Public Lands.

Senate bill for the relief of Mrs. A. M. Dade, the widow of the late Major T. L. Dade, Major in the United States Army, was read a first and second time by its title, and referred to the Committee on Invalid Pensions.

Senate bill for the relief of Richard Chaney and others, having been read a first and second time by its title,

Mr. CARTTER moved to refer it to the Committee of Claims, as he believed it was a private claim.

Mr. HENN moved that it be referred to a Committee of the Whole House, and made the order of the day for to-morrow.

The SPEAKER. Does the gentleman from Ohio move to refer the bill to the Committee of Claims?

Mr. CARTTER. I understand that it originated with the Committee on Public Lands. I now move to refer it back to that Committee. My only object is to dispose of the bill.

Mr. HENN. I will state to the gentleman that the same bill has been up once before the Commit-

tee on Public Lands. The committee have acted upon it. I can therefore see no advantage in referring it back to that committee. I move that it be referred to the Committee of the Whole, and that it be made the order of the day for to-morrow.

The question was then taken, and the bill was referred to a Committee of the Whole House.

The following Senate bills were severally read a first and second time by their titles, and referred as indicated below, viz:

The bill for the relief of Charles Melrose, referred to the Committee of Claims;

The bill for the relief of Sidney S. Alcott, referred to the Committee of Claims;

The bill for the relief of the heirs of Judith Worthen; referred to the Committee of Claims;

A bill to authorize Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere, referred to the Committee on Public Lands;

The bill for the relief of William Darby, referred to the Committee of Claims;

The bill for the relief of William B. Greene, referred to the Committee of Claims;

The bill granting relief to John A. McGaw, of New York, referred to the Committee on Commerce;

The bill for the relief of the personal representatives of William A. Slacum, deceased, referred to the Committee on Foreign Affairs; and

The bill for the relief of Mrs. Margaret Hetzel, the widow and administratrix of A. R. Hetzel, late an assistant quartermaster in the Army of the United States, referred to the Committee on Military Affairs.

The bill from the Senate for the relief of Adjutant General Roger Jones, was read a first and second time by its title.

Mr. BOCOCK moved that it be referred to the Committee on Military Affairs.

Mr. GORMAN. I ask the gentleman from Virginia, [Mr. BOCOCK,] who made the motion to refer that bill to the Committee on Military Affairs, to withdraw it. I apprehend that this bill need not be referred to any committee. It has passed the Senate three several times unanimously, and has met with favorable reports three several times from committees of this House; and it passed the Senate a few days ago with one single dissenting voice, after having had its whole merits spoken of and reported upon by a committee. I ask the gentleman from Virginia, therefore, to withdraw his motion, and let the bill be put upon its passage.

A Voice. What is the bill?

Mr. GORMAN. A bill for the relief of General Roger Jones—

Mr. CARTTER. To pay him for an office he did not hold.

Mr. BOCOCK. I have no objection to the bill being put upon its passage if the gentleman from Indiana [Mr. GORMAN] desires it. I have examined into its merits and am satisfied that it ought to pass. If, in the gentleman's opinion, there is any chance of its being passed if now put upon its passage, I will with great pleasure withdraw the motion to refer. But I did not suppose at the time I made the motion that the House would be willing to put the bill upon its passage without examining it. I will, however, withdraw the motion at the suggestion of the gentleman.

Mr. CARTTER. I renew the motion.

Mr. GORMAN. Do I understand that the gentleman from Ohio [Mr. CARTTER] makes the motion to refer it?

The SPEAKER. He does.

Mr. GORMAN. Very well, I will upon this occasion ask the House to refuse to refer it, for the reason that there is no necessity for it. Two minutes will satisfy the House, I apprehend, of that fact.

Mr. CARTTER. Is the question debatable?

Mr. GORMAN. It is.

Mr. CARTTER. Very well, and I shall take the liberty to reply.

Mr. BISSELL. I would suggest to my friend from Indiana, [Mr. GORMAN,] that the bill will pass quite as speedily by referring it. It is a bill

of manifest merits, and that a committee cannot but report favorably upon it.

Mr. GORMAN. I will withdraw.

Mr. CARTTER. I do not want this bill to go before the House with this manifest advantage. I think I have some knowledge of it; and if I correctly comprehend it, it is nothing more nor less than a naked proposition to pay a military officer a salary, covering a period of time when he did not hold the office. It strikes me that bill was before the Committee on Military Affairs at the last Congress.

Mr. GENTRY. I hope my friend from Ohio [Mr. CARTTER] will allow me to correct him in a misapprehension. I feel confident that he would not wish to prejudice the House against the bill if he comprehended the facts. He is in error in the facts which he states.

Mr. CARTTER. I will say to my friend, that I made these remarks merely with the view of bringing the attention of the House to this fact. They will find, when they investigate the bill—if my memory serves me right in regard to the investigation of it during the last Congress—that it is a proposition to give him pay, in imitation of pay given to certain other officers—pay outside of the provision for his payment in the office that he held during the time.

Mr. GENTRY. My friend is entirely wrong upon the subject.

Mr. CARTTER. I hope the House will investigate it.

Mr. GENTRY. It is to give him pay for an office which he held legally and constitutionally—that fact having been decided by authorities competent to decide it—but an office from the duties of which he was excluded for a time by what has been decided to be an improper exercise of Executive authority. The bill proposes that which is in conformity with the practice of the Government in all similar cases. When the Army was reduced in 1817, if I remember right—there being two adjutant generals—the President of the United States did not retain either, but displaced them both, and appointed another man *de novo*. The Senate of the United States took the matter into consideration, and decided that, under the law, the President had no right thus to act, and refused to confirm his nomination. It was made the subject of a formal communication to the Senate by the Executive of the Government, arguing the question at length, and was taken under consideration by the Senate, and ably discussed and reported upon, and still the Senate refused to confirm the nomination thus made; and so, in the Army Register for several years under President Monroe's administration, this office was reported as vacant, while legally it was not vacant. General Jones was the adjutant general *de facto*, and by the law; but by this act of the Executive he was not permitted to perform its duties. When Mr. Adams came into power, knowing fully the facts of the case, instead of issuing a general order to the Army to recognize General Jones as adjutant general, and not wishing, I suppose, to cast any censure upon his predecessor, he reappointed him, and the Senate confirmed that appointment. This was founded upon the previous act of the Senate, which had refused to acknowledge the vacancy, and constantly recognized him as the legal adjutant general of the United States Army. This bill proposes to give him the pay he would otherwise have drawn through this period of time.

Mr. CARTTER. I wish to inquire of the member from Tennessee [Mr. GENTRY] whether he did not receive the pay of adjutant general during the whole time?

Mr. GENTRY. He did not. This bill proposes to correct that deficiency, and nothing more.

Mr. CARTTER. What pay did he receive?

Mr. GENTRY. He received pay as lieutenant of artillery.

Mr. CARTTER. Was that his rank?

Mr. GENTRY. That was his lineal rank before he was promoted to Adjutant General.

Mr. CARTTER. Then he is paid.

Mr. GIDDINGS. I would be willing that this bill should pass, out of courtesy to the gentleman from Indiana, [Mr. GORMAN,] but it is a practice against which I must be allowed to enter my protest. We have time to investigate every bill that is brought before us, if gentlemen will sit in this Hall and do our duty to our constituents, ourselves, and our country. We can examine them

fully in the regular routine, but the manner we are now adopting, of taking up certain favorite measures and passing them through, is doing injustice to the great mass of bills upon the calendar. Now I propose that this bill shall take its regular routine, go to a Committee of the Whole, and be taken up as it should be. We should adhere to the uniform practice of this House in former times. Now, we are giving certain favorites the opportunity of getting their measures through, while we are neglecting others of equal merit. I have nothing more to say upon this subject, except that I know nothing of the merits of this bill. I do not speak upon the merits of it. But I say it should go to the Committee of the Whole, where it can be fully and freely examined and understood, and passed in the ordinary routine.

The question was then taken on the motion of Mr. CARTTER, to refer the bill to a Committee of the Whole House; and it was agreed to.

The following bills from the Senate were then severally read a first and second time by their titles, and referred as indicated below:

The bill for the relief of the representatives of Joseph Watson, jr.; referred to the Committee on Indian Affairs.

The bill for the relief of Rufus Dwinell; referred to the Committee on the Post Office and Post Roads.

The bill for the relief of Allen G. Johnson; referred to the Committee of Claims.

The bill to extend a patent heretofore granted to John Shly, of the State of Georgia; referred to the Committee on Patents.

CONGRESSIONAL LIBRARY ROOMS.

The bill from the Senate to provide a room for the Congressional Library, was read a first and second time by its title.

Mr. STANLY. If there is no objection, I suggest the propriety of putting that bill upon its passage.

[Cries of "Read it!" "Read it!"]

The bill was then read, as follows:

"That the sum of \$1,200 be hereby appropriated, to be expended under the direction of the Commissioner of Public Buildings, for the purpose of fitting up the document-room and a portion of the adjoining passage, to receive, temporarily, a portion of the books of the Congressional Library."

Mr. CHANDLER. I hope that the bill will be put immediately upon its passage. If there is no objection, I will move the previous question.

The SPEAKER. As the bill makes an appropriation, it requires the unanimous consent of the House to its passage now.

There being no objection, the bill was read a third time and passed.

The bill from the Senate for relief of Thomas Snodgrass, was read a first and second time by its title, and referred to the Committee on Indian Affairs.

The bill from the Senate for the relief of the legal representatives of John Rice Jones, was read a first and second time by its title, and referred to the Committee on Private Land Claims.

The SPEAKER stated that all the business on the Speaker's table was disposed of.

On motion, the House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. HENDRICKS: The petition of William Williams, a citizen of Johnson county, Indiana, praying that he may be authorized to surrender the title to a quarter section of bounty land, situate in the State of Missouri, and that he may locate his warrant upon the same quantity of land subject to private entry, &c.

By Mr. WALBRIDGE: The petition of A. T. Cochran and 74 others, citizens of Corning, New York, for a telegraph line from Fort Independence to the Pacific.

Also, the petition of 102 citizens of Millport, New York, praying for the relief of Joseph C. Stott, postmaster of Millport.

By Mr. HENN: The petition of James McAvoy, of Iowa, asking for relief.

Also, the petition of John K. Cook and 54 others, citizens of Iowa, asking for the creation of a new land district in the western part of said State, and for the location of the land office thereat at Kanessville.

Also, the petition of W. B. Ferguson and 25 others, upon the same subject.

By Mr. ROBBINS: The petition of Ald. Wm. Gallaway, asking Congress to pay him for services rendered in taking testimony in the case of the contested election in the fourth Congressional District in Pennsylvania, in accordance with a resolution of this House, passed January 21, 1850.

By Mr. FULLER, of Maine: The memorial of Samuel Adams, *et al.*, citizens of Castine, Maine, praying Congress to take measures to have national disputes settled by "un-

pirage," rather than by an appeal to arms, and that nations will war no more.

By Mr. BRIGGS: The memorial and resolution by the President and Directors of the American Seamen's Friend Society, in the city of New York, asking relief for seamen at home and in foreign ports.

By Mr. KUHN: The petition of William P. Bowhay, for compensation for services rendered the Government in ship building, by his invention and improvements, being a coving or a dwelling instrument.

By Mr. MILLSON: The petition of 37 citizens of Princess Anne county, Virginia, asking authority to cut a canal to connect the western extremity of Linkhorn bay with Lynnhaven river and Lynnhaven bay.

On motion by Mr. JONES, of Pennsylvania, it was Ordered, That the papers of W. H. Dicht be withdrawn from the files of the House, and referred to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 16, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. Mr. BUTLER.

The Journal of yesterday was read and approved.

On motion by Mr. DANIEL, it was

Ordered, That the petition and papers of William B. Nourse, a passed midshipman in the Navy of the United States, praying payment for the discharge of duties not called for by his rank, be taken from the files of the House, and referred to the Committee on Naval Affairs.

Mr. D. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole upon the Private Calendar.

Mr. FITCH. It requires, I believe, a suspension of the rules for that purpose, and I would ask if the motion supersedes the ordinary business of the morning hour?

The SPEAKER. The 29th rule provides that Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.

Mr. MASON. Then let us have the regular order of business.

The question being put, the motion was agreed to.

So the House resolved itself into Committee of the Whole House, (Mr. SEYMOUR, of Connecticut, in the chair.)

The CHAIRMAN stated the first business before the committee was bill No. 88, for the relief of William Greer, reported by Mr. MACE from the Committee of Claims.

The bill was then read through.

Mr. GIDDINGS. I would like to hear the report made in this case read.

The CHAIRMAN. The Chair is informed by the CLERK that the report has not yet been returned from the printer.

Mr. MACE. The claim of Mr. Greer is one growing out of a contract which he had with the Post Office Department, to furnish certain blanks, &c., to the postmasters of the State of Georgia. Under his contract, when he distributed this post office matter to the postmasters of that State he was required to take vouchers, and these vouchers were to be transmitted to the Post Office Department, amongst other things to avoid the payment of postage. But it seems that at Savannah, the postmaster, instead of doing this, transmitted these vouchers directly to Mr. Greer; and for the purpose of obtaining them, he was compelled to pay the postage upon them. The postage amounted to \$60 25; and the Post Office Department refused to make this allowance, because they were not transmitted to the Post Office Department, and because the Postmaster General conceived that he had not the authority to make the allowance under any law. Had these vouchers been transmitted to the Post Office Department directly, as they should have been, there would have been no difficulty about it. They were transmitted to Mr. Greer, and he had to pay the postage for them out of his own pocket. So the committee must see, that according to every principle of right, Mr. Greer is entitled to this sum of money, with interest upon it.

Mr. FOWLER. When did this take place?

Mr. MACE. In 1843.

The bill was then ordered to be laid aside, and reported to the House, with a recommendation that it do pass.

WILLIAMS, STAPLES & WILLIAMS.

The bill (No. 89) for the relief of Williams, Staples & Williams, came up as the next in order upon the calendar.

The bill was then read through.

Mr. FOWLER. Let us hear the report in this case.

The CHAIRMAN. There has been no report made in regard to it.

Mr. FULLER, of Maine. The bill states substantially the facts of the case. There was a report made, but I understand it has not been printed. The persons claiming relief in this case imported molasses. By an agreement between the importers and the collector of the port, the goods were stored in the warehouse mutually agreed upon by them—the public warehouse at that time being thought not sufficiently safe. The goods while in that state, in unbroken packages, were destroyed by fire. The importers paid the duties, and they went to the Treasury for relief. Being advised they could not get it there, they applied to Congress to have the duties refunded to them. It is, therefore, simply to refund the money they paid upon these several hogsheads of molasses which were destroyed, and which did not go into the general consumption of the country, that this bill is reported. The bill is one in accordance with universal usage from the foundation of this Government.

Mr. FOWLER. I wish to ask one question. It is, whether this is not the same case which was brought up here during the last session of Congress?

Mr. FULLER. It is the same bill, and it was reported upon favorably. In no case, I believe, where duties have been paid upon goods destroyed by fire, while in the public warehouse, and where other goods were necessarily imported to fill their place, have the Government refused, upon application, to refund the duties.

Mr. GIDDINGS. What was done with the bill at the last session?

Mr. FULLER. It failed for want of time, like a great many others.

Mr. MILLSON. I will say by way of explanation, that this bill has received the unanimous approbation of the committee, as it has twice received the unanimous approval of the popular branch of two Congresses. I have before me the report of the committee made at the last session, and I will send it to the Clerk's table to be read, as it sets forth all the facts in the case.

"That it appears from the facts in the case that the petitioners imported into the port of Norfolk, on or about the 6th of June, 1848, a cargo of sugars, consisting of 192 hogsheads and six tierces, upon which the duties amounted to \$1,877 40; that the entire cargo was bonded and warehoused not in the ordinary public stores, as they were considered by the collector of the port unsafe at the time, but in a warehouse selected by the revenue officers of the Government for the especial purpose, having been examined by the surveyor of the port, and approved by the petitioners; that subsequently the said warehouse, together with 121 hogsheads of the aforesaid sugars, was destroyed by fire; that the memorialists immediately paid the duties chargeable upon the remaining 71 hogsheads and six tierces, amounting to \$720 30, which were saved from the conflagration, and applied to the Secretary of the Treasury to cancel their bond upon which remained still due the sum of \$1,156 50, the amount of duties chargeable upon the sugars destroyed as aforesaid; that failing in this relief, in order to prevent expense of a suit, they also paid the sum of \$1,156 50 in full, which they now ask Congress to authorize the Secretary of the Treasury to refund to them. Your committee are of the opinion that their request should be granted, and accordingly hereby report for their relief."

Mr. MILLSON resumed. I myself have some personal knowledge of the very disastrous conflagration by which these goods were destroyed. At the time of their destruction the duties had not been paid by the memorialists. They accordingly addressed a memorial to the Thirtieth Congress, requesting that their bond might be canceled. A favorable report was made from the Committee on Commerce; and a bill reported for their relief, directing their bonds to be canceled, was unanimously passed by the House of Representatives, which failed, however, to be considered in the Senate. In the mean time the bond became due, and it was necessary that payment should be made. They discharged the bond, which had not been canceled, and addressed their petition to the last Congress, requesting the return of duties which had been paid. A bill was reported from the Committee on Commerce by Mr. Phoenix, of New York, which again passed the House of Representatives unanimously, at an early period of the session, but a second time, amid the multifarious occupations of the Senate, failed to pass that body, though it passed this body. The petitioners were again under the necessity of coming

to Congress for relief. They have again received a favorable report from the committee, and I am very sure that it will again receive the approbation of this House, and be unanimously adopted.

Mr. GIDDINGS. I wish to inquire of the gentleman if the report of this year coincides with the report just read?

Mr. MILLSON. I take it for granted that it does.

Mr. FULLER, of Maine. With the leave of the gentleman, I will answer that question. The Committee on Commerce this year adopt as their report that of the Committee on Commerce of the previous year, which has just been read.

Mr. GIDDINGS. I only wish to say this: that it strikes me that it is founded upon a general principle which has long prevailed, of refunding duties upon goods that are thus destroyed. It was adopted in regard to the great fire in the city of New York, and has ever continued from that time down to the present.

Mr. FULLER. The principle dates back to the year 1790.

Mr. MILLSON. It is a principle which has always received the approbation of Congress. It is one which has never been called in question. These goods, as appears from the report of the committee, were in possession of the Government at the time of the destruction of the building. The building was itself selected by the Government as the depository of goods. These persons have paid to the Government duties upon merchandise which never entered into the consumption of the country, and which was destroyed while in the possession of the Government, in a building selected by the officers of the Government themselves. I trust that it will be allowed to pass.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

JAMES FERGUSON.

The next bill in order, No. 90, for the relief of James Ferguson, the surviving partner of Ferguson & Millado, was then read through.

Mr. FULLER, of Maine. This case stands precisely upon the same facts as the case which has just passed from under the consideration of the House. It is for sugars and molasses destroyed in the same fire and precisely under the same circumstances.

Mr. HUNTER. I desire to ask the gentleman from Maine [Mr. FULLER] what reason there is why the exact amount to be paid cannot be stated in the bill? Why is it, that the precise amount cannot be ascertained now and stated in the bill?

Mr. FULLER. It is stated, I will inform the gentleman.

Mr. HUNTER. It says, not more than so much, which means going up to the highest point.

Mr. FULLER. I will only say, that the evidence before the committee, by the certificate of the collector and the Secretary of the Treasury, shows, that the maximum in the bill was the precise amount paid. As to the form of the bill in that case, which bill I had the honor of presenting as a member of the Committee on Commerce, I only adopted the printed bill of the previous session, to save the trouble of drawing it up.

Mr. MILLSON. I will state to the gentleman from Ohio, [Mr. HUNTER,] that I obtained the certificate of the amount paid.

Mr. HUNTER. Is it the amount named in the bill?

Mr. FULLER. It is the amount named in the bill.

Mr. HUNTER. I only object to it because the precise amount to be paid is not fixed definitely in the bill.

Mr. FULLER. I can see very readily the reasons for having the bill drawn in that form, and it is out of abundant caution. The memorialists in this case have shown to the committee, and to their satisfaction, the amount they paid. The bill in its terms requires them to show to the collector also the amount, up to the maximum in the bill. If by possibility there has been a mistake—if the maximum is too high, the language of the bill gives security on the side of the Government.

Mr. HEBARD. I wish to inquire of the gentleman from Maine, who reported this bill, whether there was any proof before the committee that these goods had been burned?

Mr. FULLER. There was clear and satisfactory proof before the committee.

Mr. HEBARD. I wish to inquire, also, why that proof is turned over to the Secretary of the Treasury for examination, before the money can be paid?

Mr. FULLER. I will answer the gentleman, that it was only out of abundant caution, requiring them to furnish to the Department the same proofs, of which the committee has possession, to guard against the possibility of mistake.

Mr. HEBARD. I only inquire, whether it was proved to the satisfaction of the committee, and that will be satisfactory to me.

Mr. FULLER. The original bond and the certificate of cancellation of the collector of the port, were before the committee.

Mr. BELL. I do not rise to object to the principle embraced in the two bills which have been presented to the House, but I think it is at least an injudicious method of arriving at the matter. I suggest to the committee which reported these bills, whether it would not be well to report a general law, embracing the principle contained in these private bills, and leaving it discretionary with the Treasury, to adjust all such cases under the rule prescribed by such general law. Here are two cases precisely alike, and probably there may be fifty more during the session, of a similar character.

Mr. STEPHENS, of Georgia. The Government has warehouses now.

Mr. BELL. That may be all true, but the principle of this is not different from the general principle, where the property has been destroyed by fire or accident; and I understand that it is for that reason, the remedy is proposed to be given to the applicant here.

Mr. MILLSON. I have only a word to say. Perhaps there may be some constitutional difficulty in the general law proposed. I need not discuss that question at this time, however, though money cannot be paid from the Treasury except in consequence of specific appropriations made by law. This money having once gone into the Treasury, perhaps there will be some difficulty in paying it out again without specific appropriation by law.

Mr. STEPHENS, of Georgia. The Committee on Commerce have received no instructions from this House to report any such general law. Without such instruction, they cannot report a bill for a general law. We can report upon nothing except that which is referred to us. These particular bills were referred to us. I will state to gentlemen, however, that other nations do refund the duties in all cases similar to this—the result of fire. I think the principle is right, and that this country should refund just as in the case of drawbacks. The gentleman from Virginia, upon reflection, will see there can be no possible objection to it.

Mr. MILLSON. Waiving the question of constitutional objection, I will add, what the gentleman from Georgia has anticipated me in saying, that the committee could only act upon questions before them; and this Committee of the Whole can hardly be interrupted in the duties now devolving upon it, by the consideration of what it may be their duty to do hereafter in similar cases. I trust the bill will pass.

Mr. SEYMOUR, of New York. I sincerely hope that the passage of this bill will not be embarrassed by the general considerations which have been suggested in reference to what might be politic as to the passage of a general law which will apply to all such cases. I am fully of the opinion, that such a general law would save a great deal of trouble to individuals, and much time that is devoted to legislation upon this subject. This bill has been prepared in precise conformity with the line of precedents found upon our books since 1790, in form, and carrying out the principles. But if it shall be found expedient, at any future time, to ingraft upon our statute book a general law, as is the case in Great Britain and some other commercial nations of Europe, I think myself, with the gentleman upon the other side, who has alluded to it, that it would be of very great advantage to adopt such a principle. This bill comes here after mature consideration, in conformity with the precedents in such cases, and I hope it will receive the favorable action of the House at this time.

Mr. KUHN. I do not know that I have any objection as to the merits of this claim, but it strikes me that there is an important fact to be determined,

whether a fire actually took place, by which this property was destroyed.

Mr. FULLER. If the gentleman had heard the bill read, he would have seen, that it appropriated a specific sum for this purpose. There was the fullest evidence of the fire before the committee, and the phraseology of the bill was only adopted in conformity with precedents; and in order to be upon the safe side, they required the memorialists to furnish proof twice over.

Mr. KUHN. That explanation is satisfactory.

Mr. BELL. I do not rise to object to the bill. My only object is to call the attention of the committee to the subject, whether a general law could not be passed, so as to embrace all these particular cases and save local legislation hereafter.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

INTEREST TO NEW HAMPSHIRE.

The next bill on the calendar, No. 4, authorizing the payment of interest to the State of New Hampshire, for advances made for the use of the United States, in repelling invasion and suppressing insurrection at Indian Stream, in said State, was read through.

Mr. PEASLEE called for the reading of the report; and it was read, as follows, viz:

The Committee on the Judiciary, to whom was referred the bill authorizing the allowance of interest money paid out by the State of New Hampshire, upon the advances made by the State for the use of the United States Government in repelling invasion and suppressing insurrection at Indian Stream, in said State, report:

That in consequence of the encroachments of Great Britain upon our northeastern frontier, and the claim of the Canadian Government to a part of the territory of the State of New Hampshire, and the measures threatened and adopted to enforce said claim, the Legislature of that State were unanimously of opinion that a small portion of its military force should be called out for the defence of its territory and the preservation of its citizens and property.

The expenses incurred by the State were exceedingly low for the services rendered, and the result of the measures adopted proved their necessity and propriety.

These advances were not reimbursed the State for about thirteen years after the claim was made, and all the necessary evidence and vouchers furnished the General Government by the State to sustain it, and almost the entire amount of interest paid out by the State has been during this delay.

Uniform precedent, in regard to such claims, shows that the State is entitled to receive the amount she has been compelled to pay out, in the name of interest, for the use and benefit of the General Government, in consequence of these expenditures, up to the time when the principal may have been reimbursed by the United States, if the same measure of justice is to be meted out to her that has been over and over again to her sister States. Similar claims have been repeatedly sanctioned by Congress ever since the organization of the Government.

The committee refer to the several acts, involving precisely the same principle, passed in favor of the State of Virginia, the State of Maryland, of Pennsylvania, New York, South Carolina; the cities of Baltimore and Mobile; and the act of January 26, 1849, for the relief of the State of Alabama, involving the same principle as the bill for the relief of the State of New Hampshire. Also, the act of the last Congress, allowing the payment of interest to the State of Georgia, for advances in the suppression of the Creek and Seminole, and Cherokee Indians, in 1836, 1837, and 1838; and the act of March 3d, 1851, authorizing the payment of interest to the State of Maine, for advances made for the protection of the same northeastern frontier. The committee thereupon recommend the passage of the bill as referred, with the exception of the proviso to the first section, which they recommend to be stricken out, and in that they ask the concurrence of the House.

The CHAIRMAN stated the first question to be upon agreeing to the amendment of the Judiciary Committee, to strike out the following proviso:

"Provided, That said amount shall not exceed six thousand dollars."

Mr. FOWLER. I should like to know what the amount of interest is. It may be that it is more than that sum.

Mr. McLANAHAN. The Committee on the Judiciary reported an amendment to this bill, to strike out the proviso limiting the amount of interest to be allowed. I confess that I did not see the propriety of striking out that proviso, and I think it would be just as well for this committee to reject the amendment of the Judiciary Committee. The object of striking it out is to prevent the accounting officers from coming up to the limit that is fixed by the House in the passage of this bill. My own impression is, that it would be better to reject the amendment and pass the bill in the form in which it was referred to the Judiciary Committee.

Mr. VENABLE. I am for striking out the proviso limiting the interest to six thousand dollars. If the debt is due, we ought to pay it all.

If it is not due, then we ought to pay none of it. If, upon the accounting officers looking into this account, it is ascertained that the State of New Hampshire either advanced money for the benefit of the United States, or that she paid interest upon money for the purpose of suppressing insurrection and protecting the territory of the United States, then, whether it amounts to six or to ten thousand dollars, it ought to be paid. I am averse to adopting a system of legislation which, upon its face, indicates a suspicion on our part that our own accounting officers are thieves; it would be by our own legislation, declaring that we are unwilling to trust to the integrity of those who act under our authority, and are our accounting officers. It is therefore that I am disposed to strike out the proviso. If the sum of ten thousand dollars is due to the State of New Hampshire, it ought to be paid; if but one thousand dollars, it ought to be paid; and if nothing at all is due, it ought to be so declared. I can see no reason why the amount should be limited to six thousand dollars. Above all, I protest against our so legislating here as to declare to the world that we have no confidence in those whose official duty it is to settle the accounts of the Government.

Mr. FOWLER. It is very clear that the interest ought to be paid—every cent of it. It may be, as has been well said by the gentleman from North Carolina, that it will amount to seven or eight thousand dollars, and if so it ought to be paid. We can trust our accounting officers to ascertain the amount. I am, therefore, clearly of the opinion that the proviso ought to be stricken out.

Mr. WALSH. I desire to say a word upon this subject, as the claim of the State of Maryland has been referred to in the report. Maryland has never been paid.

Mr. McLANAHAN. The city of Baltimore has.

Mr. WALSH. Baltimore has. I will not charge the accounting officers of the Government with any fraud in regard to matters of this description, but there was a most singular mistake in the mode of payment of the account of Maryland, and there is now due to that State something like seventy thousand dollars. It is necessary to strike out this proviso to prevent a mistake of a similar character in this case.

Mr. McLANAHAN. I have only one remark to submit in reference to this matter. I consider it very immaterial whether the amendment is adopted or rejected by the committee. The data upon which the calculation is to be made are all in the possession of the accounting officers. The amount of interest is to be computed on a certain principle, and whether it exceeds or falls short of \$6,000 is to be a matter of calculation. But from the time when the principal was paid up to this time, it is impossible that the interest could come up to the sum of \$6,000, and therefore it is of very immaterial importance whether the amendment reported by the Committee on the Judiciary be adopted or rejected.

Mr. HALL. I fully agree with the gentleman from North Carolina, [Mr. VENABLE,] and the gentleman from Massachusetts, [Mr. FOWLER,] that this interest should be paid to the State of New Hampshire. I have no doubt at all upon that point. But in the course of my experience here I have become satisfied that Congress, when it passes a bill of this sort, should fix definitely the sum which shall be paid out of the Treasury of the United States.

Why, it is in the recollection, doubtless, of every gentleman here, that only a few years ago we passed a bill, under which the officers of the Treasury were required to act in the same manner as they are required to act by this bill—I refer to the Galphin claim. We all know what an uproar the allowance made by the officers of the Treasury in that case created throughout the country. And, sir, the history of that bill, and the experience we have had in regard to it, satisfied me that the committees who report these bills ought to adjust the matter, and say what is the precise amount due.

[A message was here received from the President of the United States.]

Mr. H. continued. I am willing to pay the whole amount due to the State of New Hampshire; but I wish to know, when we pass this bill, how much money we are appropriating out of the Treasury. I am not willing to throw open the doors of the Treasury just as wide as the ac-

counting officers—no matter how honest and discreet they may be—shall think proper.

Besides all this, the gentleman from New Hampshire, [Mr. PEASLEE,] who introduced this bill, and who doubtless understands exactly how much is due to the State of New Hampshire, himself proposes this limit of six thousand dollars. He does not ask us to appropriate any more money than that; and why should this House be so anxious to grant to the State of New Hampshire more than her Representatives ask for? They say that six thousand dollars is all they want; but the Judiciary Committee say, we will not put this limit on their claim, but will let the officers of the Treasury allow as much as they, in the adjudication of this matter, may think proper.

I understand gentlemen to say that if you retain this proviso, limiting the amount to six thousand dollars, the officers of the Treasury Department will be sure to allow that sum. Now, most assuredly they will not allow it, if they discharge their duty, unless they become satisfied that it is due. I would just as lief say that six thousand dollars shall be paid to the State of New Hampshire as not, because I suppose it will amount to about that sum.

Mr. HEBARD. I have risen to make a similar suggestion to that made by the gentleman from Missouri, [Mr. HALL,] who has just taken his seat. We have had much experience in this House in reference to this matter, and I think that the committees, in passing upon these claims, should take the trouble to ascertain the amount actually due; should form their own rules of computation, so as to see how much interest ought to be paid, if any, and report a specific sum in the bill.

I will not undertake to anticipate what may be the evils or frauds growing out of any of these sliding scales or sliding rules of ascertaining the amounts to be paid out of the Treasury. We have seen that there has been a great deal of dissatisfaction in the country in consequence of the action of one of the Departments of this Government, on account of a law passed in this way.

I hope, therefore, that this bill will not be laid aside to be reported to the House, with a recommendation that it do pass, but that it will be referred back to the committee which reported it.

Mr. PEASLEE, (interrupting.) I wish merely to remark, that so far as relates to the State of New Hampshire, we wish for no larger appropriation than the sum mentioned in the bill as that which shall not be exceeded. I cannot conceive that it can make any difference, either to the State of New Hampshire or to the United States, as it is a mere matter of calculation, whether the proviso is in or not; but we prefer that it should be in, as \$6,000 is about the amount that is expected to be received.

Mr. HEBARD. I hold that it is a right principle, that when a committee undertake to pass on a claim, and find that something is due, they should ascertain exactly how much is due, and recommend the payment of that amount.

I am not arguing against the allowance of this claim, for I suppose it is a just and equitable one; but I can see no sort of difficulty in the committee fixing on the sum to be paid. I understood the chairman of the Judiciary Committee [Mr. McLANAHAN] to say that there were different rules and modes by which the interest could be computed, and that remark suggested to my mind the very great importance of having the proper rule of computation investigated and laid down by the committee.

Mr. HUNTER, (interposing.) I would suggest to the gentleman, that in almost every instance where a bill of this kind has been passed, it has been found afterwards that the accounting officers of the Treasury have paid too much. Now, why cannot we just as well find out the exact amount that ought to be paid, instead of throwing upon the accounting officers the responsibility that properly attaches to us?

Mr. HEBARD. That is precisely what I was saying. If the House undertake to settle the fact whether anything is due or not, it is their duty at the same time, if there is more than one mode of ascertaining the amount, to fix upon that amount.

I have no objection to this particular case; still, I do not like, any more than other gentlemen do, to see a limit put in the bill beyond which the accounting officers are not to go, because it is say-

ing, by implication, that otherwise they might go beyond what is just and right.

I hope the bill will be referred back to the Judiciary Committee, and that they will take the subject into their own hands, make their own calculations, see what is the exact amount due, and put it into the bill.

I suppose the claim is due. I raise no objection to its merits, although it is true that the State which I in part represent, has a perhaps equally meritorious claim, of which we cannot get even the principal. However, I make no objection to this bill upon that ground. If it can be ascertained what the precise amount of the claim is, I shall have no objection to the passage of the bill, but I hope that it will not pass until a definite sum can be fixed on.

Mr. STANTON, of Tennessee. I think that the gentlemen who have spoken upon this subject, and especially the gentleman from Missouri, [Mr. HALL,] have been a little mistaken in the application of their facts. The reference made by the gentleman from Missouri to the celebrated Galphin claim can certainly have no possible application to this case, because that was not a case in which the officers were directed to pay interest, while this is a case in which it is a simple direction to pay interest. Nor can there be any difficulty, or any different modes of calculating the interest, except in reference to one single point, which is a legal question that has often been decided by the courts of the country, and that is, where payments less than the amount of interest accumulated at the time, have been made. I believe the courts generally—I know the courts of my own State—have decided that the true way of computing interest, is to add the principal and interest together at the time of payment, subtract the payment, and then calculate the interest on the remaining amount. In case the payment was less than the amount of interest accumulated, then the interest will be to a certain extent compounded. Now, you ought to settle the rule whether the interest shall be compounded in that way or not; but when you direct interest to be paid you ought not to limit it; you ought to pay the whole amount of interest due, or else to pay none. I think, therefore, that this proviso ought to be stricken out.

Mr. PEASLEE, (interrupting.) The limitation was put into the bill by its friends, and I will state that \$6,000 is the utmost amount that can be received.

Mr. STANTON. Very well; if that is the fact, there is no necessity for the limitation to be in; but it is the principle for which I contend. If this interest is due, it ought to be paid in full. You may, as I said before, settle the rule of computing the interest, but you ought not to say we will pass only so much and leave the balance unpaid, because, if you do, it may be the ground of another claim hereafter for the balance of the interest, if more shall be found to be due than \$6,000.

Mr. GIDDINGS. Formerly, it was the practice of this House in all cases of private claims, to ascertain the precise amount, and then order the payment of it; to perform its whole duty and leave nothing to the Department but the simple administration of our laws. After that a different practice prevailed. It was the rule then to lay down certain definite and distinct principles, and direct the Department to pay the claims according to those principles. And recently a still more latitudinous course has been adopted, that of ordering the Department to ascertain the amount due, without any limitation—thus making them the legislators and the administrators of justice.

Now, if we are to attempt to do anything in this House upon correct principles, it would be better to go back at once to its ancient practice of fixing the precise amount in every case, and directing the Department to pay that amount. Let us not throw upon the Department the responsibility that properly belongs to us.

Now, I am in favor of striking out this proviso and of so amending the bill as to put in the precise amount that is to be paid—I care not whether it be five, six, or seven thousand dollars; and so I would do in every case.

I make these remarks in order to call the attention of the House to the looseness of our legislation, which is, in fact, becoming alarming. We are here passing bills without even the responsibility of a report from a committee of the House. We are thrusting our hands into the Treasury,

and throwing the public money broadcast over the land. To me it does look alarming; to other gentlemen it may appear different. But I should prefer that we should return to the former practice of the House—perform our own duty distinctly and definitely, and leave it to the Department to perform theirs.

The question was then taken on concurring in the recommendation of the Judiciary Committee, to strike out the proviso from the bill; and it was decided in the negative.

So the proviso was not stricken out.

The bill was then ordered to be laid aside to be reported to the House, with a recommendation that it do pass.

HEIRS OF THOMAS FLETCHER.

The next bill on the calendar was House bill No. 91, for the relief of the executors and heirs of Thomas Fletcher, deceased.

The CLERK read the bill.

Mr. HERBARD asked for the reading of the report of the committee.

The CHAIRMAN stated that there was no report accompanying the bill.

Mr. MASON. That bill was reported from the Judiciary Committee. It has frequently been reported on favorably before. Unlike the bill just passed, it asks for no appropriation out of the Treasury. It is simply for the purpose of enabling the heirs and executors of Fletcher to have a settlement.

General Fletcher was security for a paymaster during the late war. The Government, for reasons satisfactory to them, have never proceeded to collect any damages for the non-payment of this bond on the failure of the paymaster for a period of thirty-odd years. General Fletcher died wealthy, all his family were wealthy, and the Government of course had good reasons for not prosecuting this claim. It was said everywhere that the Government could not have collected it, because the parties had a good defence, and that they did not, therefore, choose to incur the expense of a prosecution.

Mr. JOHN W. HOWE. I want to ask the gentleman if there is a suit pending now upon that bond?

Mr. MASON. No, because the Attorney General, and all who examined this case, said that it would be impossible for the Government to recover the money. The children and heirs of General Fletcher are, however, kept out of the property left to them by their father, because the executors say that if they settle, they will still be liable to this old claim of the Government upon that bond. It amounts to nothing, in reality, but still it operates as an obstacle to a settlement between the heirs and executors.

The proof in this case was fully and fairly made out, to the satisfaction of the committee. General Fletcher, who was a meritorious officer in the late war, was a member of this House after this bond was held against him. This paymaster failed at a time when the Government was in embarrassed circumstances, and when many of these paymasters failed. The fact is, that this paymaster did pay over the money, but his vouchers were lost. By order of Major General Harrison, he put them on board of a vessel to carry them across the lake, and the vessel was lost; but the parties have now sufficient proof to defend the case, if it should ever be prosecuted. But it never will be prosecuted, and the only effect of holding this bond over the heirs, is to prevent them from obtaining a settlement with the executors. The Government is not interested in this matter; nobody—besides the heirs—is interested in it, except the executors, and they are willing to have a settlement, provided this bill is passed.

Mr. KUHN. What is the date of the bond?

Mr. MASON. 1814.

Mr. KUHN. When did the breach occur in the bond?

Mr. MASON. There was no breach in it. The accounts of this paymaster have never been settled at the Treasury Department. But these parties have a defence which would protect them whenever the Government brought suit against them—which they never have done, and never will.

Mr. KUHN. It seems, then, to be an abandoned claim.

Mr. MASON. It is an abandoned claim.

Mr. GIDDINGS. I would like to inquire of the gentleman from Kentucky if there has ever been a written report in this case?—if the facts have ever been reported to the House by any committee?

Mr. MASON. I understand that they have been reported twice; but I will now give way to the gentleman who reported this bill.

Mr. BRAGG. The facts of the case are all set forth in the petition of these parties, and if the Clerk will read the petition, the House will see the precise character of the case.

This bill was reported by me under instructions from the Committee on the Judiciary, because the committee thought that there ought to be some limit placed upon the time that this Government should be allowed to bring suit against these parties. This difficulty occurred in the year 1816. The Government instituted suit against the executors of Fletcher, the security on the bond; and when that suit was called, the Government, for reasons satisfactory to the Attorney of the United States, took a nonsuit in the case. That was thirty-five years ago. They have never instituted another suit upon the bond; and the object of this bill is simply to enable the heirs of Fletcher to have a settlement with the executors. The committee were of the opinion that, as the Government instituted a suit upon the bond, and had taken a nonsuit thirty-five years ago, and no proceeding had been taken since that time for the recovery of the claim, that the parties now ought to be released from all claims on the part of the Government.

Mr. JOHN W. HOWE. I would like to ask the gentleman if there was any petition brought at the time the suit was instituted?

Mr. BRAGG. Yes, sir.

Mr. HOWE. Well, I will not take up the time of the House further than to say that if this Government will permit any claim to run on for thirty-five years without pressing the suit, and without ascertaining whether it can be collected or not, I am prepared, so far as I am concerned, to release the parties from all further obligations to the Government. If these are the facts of the case, it is all I desire to know in relation to it. I hope the committee will release the parties from the bond.

[Cries of "Question!" "Question!"]

The question was then taken, and the committee ordered the bill to be laid aside and reported to the House, with a recommendation that it do pass.

JAMES LEWIS.

The committee next proceeded to the consideration of House bill No. 92, being a bill for the relief of James Lewis.

The bill was read through.

Mr. VENABLE. Mr. Chairman, that is a case where the claim is manifestly a just one. The facts in relation to it are these: the Government, desiring to have the testimony of this man Lewis; he was taken into custody at the Sandwich Islands; was confined, placed on board a vessel, and brought to Norfolk; and not being able to give security for his appearance at court as a witness, was there kept in confinement until the case was tried, and he had given in his testimony. He simply asks pay as a witness. I will further remark, that this is the third or fourth time—I think the third—that this case has been reported on. It was reported upon favorably by the committee which had it in charge the first session of the last Congress; and again at the last session. I have examined the case minutely, and I have no doubt, in my own mind, that the claim ought to be paid. He was taken, as I remarked, in the Sandwich Islands, by order of the Government of the United States. He was brought here, and detained in confinement until the case in which his testimony was desirable was tried; and upon being discharged, he comes here and asks the same pay that is allowed to any other person under similar circumstances.

Mr. GIDDINGS. I desire to know of the gentleman from North Carolina, whether Lewis asks his pay as a witness, and nothing else?

Mr. VENABLE. Simply as a witness. He brings no claim for anything else.

Mr. GIDDINGS. Has a report ever been made upon the case?

Mr. VENABLE. It has been reported on two or three times, and reported upon favorably.

Mr. MILLSON. I will send to the Clerk's table the report upon this case, which was read last session. I presume it contains all the facts in relation to the case.

Mr. VENABLE. It does. I ask that it may be read.

The report was read by the Clerk.

Mr. VENABLE. I hope there will now be no objection to the passage of the bill. The man is in necessitous circumstances, and ought to have his money.

Mr. JOHN W. HOWE. I want to know upon what rule the sum proposed to be appropriated for his relief is ascertained?

Mr. VENABLE. The same as that used in the courts for estimating the payment of witnesses under similar circumstances.

Mr. HEBARD. My opinion is, from hearing that report, that the committee have appropriated a sum sufficiently large, and that is all I desire.

Mr. J. W. HOWE. I would like to know from the gentleman from North Carolina if there will be any further claim for interest on the claim?

Mr. VENABLE. The gentlemen will have to ask the claimant himself. As I have not seen him I cannot answer the inquiry.

[Cries of "Question!" "Question!"]

The question was then taken, and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

G. J. PENDERGRAST.

The committee then proceeded to the consideration of House bill No. 93, being a bill for the relief of G. J. Pendergrast.

The bill was read through.

Mr. STANTON, of Tennessee, asked if there was a printed report of the case?

The CHAIRMAN said the report had not been printed.

Mr. STANTON. Then I will state to the committee that the bill was accompanied with a report giving all the facts in relation to the case. Commander Pendergrast was employed at the United States navy-yard at Memphis, where a surgeon is usually employed, and while on duty there he was taken sick, and during his sickness it became necessary for him to employ a physician. He did so; and afterwards applied to the Secretary of the Navy to have his account allowed. The Secretary of the Navy referred the application to Attorney General Toucey, who decided that he was entitled to his pay, because every officer of the Navy, as well as every seaman, contributes a portion of his annual salary for the purpose of furnishing medical assistance to diseased officers and seamen, and because it has been the custom from time immemorial on board ships and at stations, under similar circumstances, to allow these accounts. The accounting officer of the Treasury, however, differed from the Attorney General, and refused to pay it; and there was no alternative left but to come to Congress for relief. The Committee on Naval Affairs concurred with the Attorney General, who gave his opinions and reasons at length, which were embodied in our report, and which I regret has not been printed. Upon these grounds I think the bill is a proper one, and ought to be passed.

Mr. FICKLIN. I desire to inquire of my friend from Tennessee, [Mr. STANTON,] whether there was, at that time, an Army surgeon at that station?

Mr. STANTON. There was not, and it is because there was none that you are called upon to pay this claim. You will observe that, in the estimates for appropriations for the navy-yard at Memphis, an appropriation was always made for the pay of a surgeon, although there was none there; or, at least, there was none up to the time to which this claim relates.

Mr. FICKLIN. Then there was no surgeon on duty at that time?

Mr. STANTON. There was not.

Mr. HUNTER. I move that this bill be laid aside to be reported to the House, with the recommendation that it do not pass. I do it for the reason that the sum to be appropriated is not specified in the bill. I am well aware that the gentleman who is at the head of the Committee on Naval Affairs [Mr. STANTON, of Tennessee] is just as competent to ascertain the proper amount to be given as any other gentleman. I want the committees, when they come here and ask me to vote

money for any object, to specify the amount which it is proposed to appropriate.

Mr. STANTON. I reported that bill myself, and its phraseology and provisions were made, such as they are, from the fact that I was incapable of determining the amount proper to be inserted. I propose to refer it to the officers of the Treasury to pay, not an exorbitant sum, not what a physician in Memphis thought proper to charge, but his reasonable expenses for necessary medical assistance. It is guarded in every possible way. I do not feel competent to determine whether a physician's bill is correct or not; but I have referred to the proper officer in the Treasury to take proof and determine whether it is or not; and I think that is the proper course.

Mr. HUNTER. The gentleman from the Memphis district [Mr. STANTON] I feel assured is just as capable of ascertaining the correctness of a physician's bill, as is the Secretary of the Treasury; for I am sufficiently well acquainted with that officer to know that he is not a physician, but, like my friend from Tennessee, he is a lawyer; and I know of no other officer in this Government, who is better qualified to ascertain what is the correct amount of a physician's bill, than the committees of this House. We are obliged to pay the money, or to order it to be paid; and it is our duty to ascertain the amount of money which we are to pay. I know of no mode of ascertaining this matter unless we take the physician's bill, or some physician's bill, or regulate the pay according to the amount which your surgeons receive, or in some such manner. I am sure there is some mode by which the committee can ascertain the proper amount to be paid.

Mr. J. W. HOWE. I would inquire of the gentleman from Tennessee, when this sickness occurred?

Mr. STANTON. Some three years ago, I think. I remember the circumstance very well. Commodore Pendergrast was attacked by a very serious indisposition, which required the aid of medical assistance.

Mr. HOWE. I desired to know if it was in the war of 1812?

Mr. STANTON. It was not.

Mr. FICKLIN. There seems to be an indisposition to pass this bill, because the amount to be paid is not specified in it. In order, therefore, to test the sense of the committee upon that question, I will move that the bill be reported back to the House, with the recommendation that it be again referred to the Committee on Naval Affairs, in order to ascertain what is the proper amount to be appropriated. I make this motion for the purpose of testing the sense of the committee upon the question.

A MEMBER. Does that motion take precedence of the other motion?

The CHAIRMAN. It does.

Mr. STANTON. I desire to state to the committee, that the amount involved in this case is very small, only, I believe, something like from one to two hundred dollars. I hope the committee will not recommend its reference again to the Committee on Naval Affairs.

Mr. GOODENOW. I am satisfied that it is unnecessary to send this bill back to the Committee on Naval Affairs. As stated by the gentleman from Tennessee, [Mr. STANTON,] the amount involved in the bill is very small, and can better be determined at the Treasury Department than in that committee. As a member of the Committee on Naval Affairs, I do not feel myself competent to determine the proper amount of a physician's fee. I think the bill is sufficiently guarded in its phraseology to prevent anything exorbitant from being allowed. It provides that the accounting officer of the Treasury shall allow what is reasonable and right, and I am sure this committee will not hesitate in granting that to Commodore Pendergrast. The Naval Committee have once had it before them, and I hope, therefore, that the motion of the gentleman from Illinois [Mr. FICKLIN] will not prevail.

Mr. J. W. HOWE. I desire to inquire if it is in order to offer an amendment to the motion? If it is, I will move that the bill be reported to the House, with the proviso that the amount to be paid shall not exceed \$100. I am willing to see this matter disposed of in this manner, but I wish to establish a correct principle in future, in relation to this matter. If it is in

order I will move that the bill be laid aside, with the proviso that the amount to be paid shall not exceed \$100.

The CHAIRMAN. The Chair is of the opinion that, pending the motion to report to the House with instructions to recommit, the gentleman's amendment is not in order.

Mr. FICKLIN. The honorable chairman of the Committee on Naval Affairs, [Mr. STANTON,] says that the amount involved in this bill is a trifling one. Now, the amount which he has proposed to be appropriated in this bill may be trifling, but does not the honorable chairman, and all the members of that committee, know the fact, that from the phraseology of the bill, the question of the sum to be paid is left entirely open, and that the representations which may have been made to the committee does not in any way bind the physician in the account which he may present to the Treasury in virtue of this claim? He may represent before the committee that \$100 or \$150 is sufficient, but when the account comes to the Treasury he may demand five times that sum.

Mr. STANTON. If the gentleman will allow me. This is a case for refunding the money which has been actually paid by Commodore Pendergrast, amounting, according to my recollection, to something less than \$200, for which he has his receipts.

Mr. FICKLIN. That constitutes a still stronger reason why this bill should not be passed without ascertaining the amount and specifying it in the bill. What are the mail facilities between this city and Memphis, Tennessee? But a few days will be required to enable the chairman of the Naval Committee, who represents so ably that district, and who, I believe, resides in the city of Memphis, to receive the necessary information as to the amount paid to the physician, and report to this House the bill, with that amount incorporated in it. If it has already been settled, what is to be the amount? It seems to me that there can be no excuse for passing this bill and leave it to the Secretary of the Treasury to determine what sum shall be paid.

Mr. STANTON. There can be no difficulty in ascertaining what is the amount to be paid by the Treasury Department. The papers are now in the printer's hands. The Navy Department made no opposition to the application, and the account can be settled much better at the Treasury Department than in the Naval Committee. It is a simple matter to decide. I have, however, no objection that there should be a proviso placed in the bill that the amount appropriated shall not exceed \$200.

Mr. FICKLIN. I desire to inquire of my friend from Tennessee when this claim was first presented to Congress?

Mr. STANTON. It was first presented at the last session, but was not acted upon for the want of time.

Mr. FICKLIN. Was there a report made upon it?

Mr. STANTON. There was no report made at the last session.

It is suggested by a friend near me, that I should withdraw my motion to refer, and substitute a motion to insert a proviso limiting the amount to be paid. I will make that motion; but I will here remark, that it is well understood by all the members of this committee, that when a proviso is inserted in a bill limiting the amount to be appropriated—for instance, if you were to insert in this bill a proviso that the amount should not exceed \$150, or any given amount for medical services, if the physician has done nothing more than dress the sore toe of the patient—he will receive the \$150, or whatever sum may be named in the bill. So with regard to any bill: if you insert a proviso that the amount shall not exceed a certain given sum, they always receive that sum. As it is suggested, however, I will withdraw my motion to recommit the bill to the Committee on Naval Affairs, and move the amendment which I have indicated—that the amount shall not exceed \$150.

Mr. DANIEL. I renew the motion first made by my friend who has just taken his seat, [Mr. FICKLIN,] I think this is a bad system of legislation. I have already seen its injurious effects. It is throwing the responsibility off our shoulders and placing it upon the shoulders of the accounting officer of the Treasury. As has been well embarked, whenever there is a proviso inserted in

a bill, they are certain to come up to the maximum. There may be some particular cases where it is well enough to leave the whole matter to the accounting officer of the Treasury. There may be cases in which, while the committee are aware that something is due, yet it is impossible for them to determine the amount without a cross examination in the case. It is well in such cases to refer the matter to the accounting officer of the Treasury, with authority to take testimony, so that it can examine witnesses upon the part of the Government as well as upon the part of the individual. But in every case where the facts of the case can be fairly ascertained, I think they ought to be reported to the House. I think the committee should report the amount which they believe to be due, and recommend that it be paid. It seems that in this case the facts were known, but the committee did not take the responsibility of reporting any particular sum to the House. I shall vote for referring this bill back to the Committee on Naval Affairs, to ascertain the amount to be paid; and we can then judge of the propriety of paying it.

Mr. J. W. HOWE. Some minutes since I proposed to offer an amendment, which was ruled out of order on the ground that the gentleman from Illinois [Mr. FICKLIN] had moved to refer it back to the committee, which motion took precedence. That gentleman has, however, since withdrawn his amendment. I now ask whether it would not be in order to move to insert a proviso in the bill, limiting the amount to \$100?

The CHAIRMAN. The Chair is of the opinion that a motion to recommit takes precedence of a motion to amend.

Mr. HOWE. But the motion to recommit has been withdrawn.

The CHAIRMAN. It was renewed by the gentleman from North Carolina, [Mr. DANIEL.]

Mr. HOWE. Then, of course, my amendment is not in order.

The question was then taken, and it was ordered that the bill be laid aside to be reported to the House, with instructions that it be recommitment to the Committee on Naval Affairs, to ascertain the amount due.

HANNAH SAMPSON.

The next bill on the calendar was House bill No. 94, being a bill for the relief of Hannah Sampson.

The bill was read through by the Clerk.

Mr. GOODENOW. I had the honor of reporting that bill to the House, and I think it is a very meritorious one. Her husband was employed at the navy-yard at Charleston in 1815, and continued in the discharge of his duties at that yard until 1845—a period of nearly thirty years. The evidence in the case shows that he was a sober, industrious, temperate man, frugal in his habits, and faithful in the performance of his duties. In the year 1834, while employed by the Government, he received an injury in one of his eyes; and subsequently, in 1845, in the summer season, while employed under the direction of the officers at the navy-yard, being exposed to the weather and sun, he received what, I believe, is called a sun-stroke, the consequence of which was, he became totally blind. From that period up to July, 1849, he remained in an unfortunate and helpless condition. In 1847 he made application to Congress for relief, and in the month of January, 1848, the Committee on Naval Affairs reported a bill for that purpose. That report was, however, not acted upon. He continued to linger along in that hapless condition until July, 1849, when he died, leaving a widow in deep distress. The little money he had accumulated by his industry had been expended during his inability to labor and his sickness in consequence of the injury he had received. The whole evidence in the case shows that he was a sober, industrious, honest, and faithful man. I presume the records of the House will not show a stronger case of moral worth and fidelity to duty than is evidenced in the case of this man.

Mr. SACKETT. Will the gentleman allow me to ask him a question?

Mr. GOODENOW. Certainly.

Mr. SACKETT. I desire to know whether this man was connected with the military establishment, or whether he was a laborer employed in the navy-yard?

Mr. GOODENOW. He was employed as a day laborer, and received a per diem compensation; but he was employed during the whole time at the navy-yard, whenever his services were required by the Government.

Mr. SACKETT. Although, Mr. Chairman, this case may be one recommending itself very strongly to the sympathies of this House, and to the sympathies of the country, it would, I think, open too wide the doors, to begin to grant a man a pension in cases of this character. It seems that the claimant was in the employment of the Government upon day wages; that he remained in that employment a very considerable portion of his life; that misfortune overtook him, and, after a period of suffering for two or three years, he died. Now, if we are to grant a pension in every case of this kind, we shall find the calendar full of such claims. Although this case elicits our sympathies very strongly, yet, it seems to me, that it will not do for the Government to undertake to open its doors to pensioners of this character.

Mr. STANTON, of Tennessee. I will say, in reference to this matter, that it is a very peculiar case; and if the granting of pensions were confined to cases only of this character, I do not think it would open the door too wide. Here is a man who was engaged in the service of his country for a great number of years, at a daily compensation. In his old age he was rendered perfectly blind by exposure in that service. The blindness was the consequence of his employment in the public service. Now, sir, you will find many cases on record where Congress has granted pensions to persons overtaken by misfortune while in the public employment, or in consequence of his public employment. To men whose arms have been blown off, although they were in the temporary employment of the Government, pensions have been granted. Why are such cases as this brought before Congress? Because they do not come under any general law; because the party cannot go to the Navy or War Department, or any other Department, and claim a pension under any existing law. But certainly, if there is any case, outside of the general law, in which a pension ought to be granted, it seems to me this is one.

Mr. SACKETT. This case, if it should be allowed, is one of a very numerous class of cases. This Government has constantly in its employ upon wages, and ample and adequate compensation, a very large number of men; and if we are to begin to grant pensions to those whom calamity overtakes among this immense number of employees, I know not where the granting of pensions may end. Now, I do not dispute that this man may have been overtaken by calamity—I do not dispute that his widow may be in necessitous circumstances—but I doubt not that there are hundreds and thousands of other cases of this kind among those who have been in the employment of the Government for the last half century. There is no complaint that the compensation has not been adequate, or that it has not been paid. There is no complaint of suffering other than from the calamity which overtook him as a citizen while employed upon the part of the Government.

There is another consideration in reference to this bill. It proposes to give a pension for life in a case where, if the individual had been in the regular military service of the country, he would have been entitled to a pension for only five years.

Mr. TUCK. I am satisfied that the allowance of this pension will not form a dangerous precedent, to be followed in our action hereafter. This claim, I well remember, was before the Committee on Naval Affairs, four years ago, and received their unanimous approbation. It is a case of peculiar hardship—a case so peculiar, that I should be perfectly willing to grant a pension in all other cases of similar hardship that may be presented. While in that service, he was required to perform varied duties, and he is as meritorious as he would have been had he enlisted in the military service of the United States, and the affliction which he suffered was as severe as if it had been inflicted upon him by the public enemy. He was required, according to my recollection, to be engaged in the laborious service of calking the sides of United States vessels, and while so employed—although at times unconscious of danger, and

perhaps those who oversaw his work were likewise unconscious of danger—lost his health and the use of his eyes. He lingered along for years, and four years ago he made his application for a pension, which was referred to the Committee on Naval Affairs, and by them favorably reported upon, I believe, and received the approbation of the House. He died without receiving any relief. His widow, in poverty, in affliction, now comes here and asks this humble pittance. It is of little consequence to us; it is one of the trifles in our legislation; but be assured, sir, it is a matter of great consequence to this poor woman. I trust we will give it our approbation.

Mr. GIDDINGS. In all the sympathy which the gentleman from New Hampshire [Mr. TUCK] has manifested for this poor widow, I participate. I would that our ability were sufficient to justify us in extending our sympathies to the relief of all the suffering poor of the land. My benevolence, I hope and trust, is as extensive as is that of the gentleman from New Hampshire; but, Mr. Chairman, do we come here, are we sent here for the purpose of administering the funds of the Government to the relief of the poor of the nation? Is that the principle upon which we come here as American statesmen—to look up the poor, the suffering poor throughout the land, and extend to them relief from the National Treasury? Now, sir, in all our relations of private life, these things address themselves to our sympathies, and to the best feelings of our nature. But we come here, sir, to do and perform the stern duties of statesmen—to legislate for the nation. Now, what is the case presented to the House? A man and a laborer—and who is as worthy as any of us—seeks employment, in the course of his occupation, and prefers that of the United States to any other; and I have no hesitation in saying that every man of his profession in that State, would have sought his place, in preference to that of private employment—for the Government is the very best of paymasters. Well, sir, we permitted him to labor upon our ships because he preferred it to any other, and in the ordinary course of events he was seized with this malady, to which reference has been made, and he falls a victim to it. Now suppose he had been employed upon merchant vessels in that port, and the same malady had overtaken him, would the Government extend to him the relief which the Committee on Naval Affairs now recommend? I think not. And let me say here that this subject of private pensions in drawing from the Treasury of the United States a support to individuals has grown to an alarming extent. It has gone so far, that it seems to me that limits should be set to it. How far does the gentleman intend to extend this system? Will he carry it to civil life? Will he carry it into the Departments of Government, and to the men who are employed there, and who have grown old and decreped in that service? Will you extend to them pensions? Will he extend it to those who have served the public here in this House, and have worn themselves out in that service? Will you give them pensions? Will you give them all relief, to be paid out of the public Treasury? Will you carry it out to the whole of the employees of Government—to postmasters, mail-carriers, and all others? Mr. Chairman, I have no disposition to occupy the time of the House upon this occasion. But let me say to the gentleman from New Hampshire, [Mr. TUCK], that he is mistaken when he says we can grant this pension in a passing moment of legislation, never to be heard of again. It is to go down to all coming time, as a precedent to every employee of Government, who falls a victim to any malady, contracted while in the service of the Government. This fact I would impress upon the House, that we are legislating here for all coming time, and establishing precedents, from which we cannot hereafter depart. When we once establish a precedent, other employees will come in and seize upon it, to support similar claims. It is against the establishment of this precedent that I contend, and against which I protest.

Mr. BOGOCCK. I do not desire to discuss the bill now under consideration, reported from the Committee on Naval Affairs. I should not have had reason to say one single word in relation to it but from the fact that it is reported from a committee of which I am a member, and that my silence might seem to commit me to this particular bill and to the principles involved in it. I

therefore desire to say to the committee, that if the statement of the facts, upon which this bill rests, is a correct statement, I have not given my consent to it, and I am opposed to it. I do not think I was present when this bill was submitted to the committee. I am very sure that if the facts which have been detailed, are the facts upon which this bill rests, they never came to my attention. I agree with the gentlemen who have already spoken upon this bill, that not only is this particular case wrong in itself—having no particular merit—but that it establishes a bad and dangerous precedent, the extent of which, and the effect of which, upon the future legislation of the country we cannot foresee. To establish the principle of pensioning a man for life, simply because he was in the public employment—simply because he was deriving a sum of money for working for the public—not in war, not in any engagement—strikes my mind as dangerous and odious, and I shall record my vote against it, and my voice will always be raised against any such bill.

Mr. McMULLIN. I move that it be reported to the House, with the recommendation that it do not pass.

Mr. GOODENOW. I can hardly comprehend that kind of economy which seems to break forth upon a private claim, that comes before this House for the benefit of a meritorious individual, and at the same time measures which involve thousands and tens of thousands of dollars pass with very little debate or objection. I am as much in favor of economy as any man in this House, and I will do all in my power to promote an economical and just administration of the funds of the Government; but I am surprised that gentlemen should rise up in opposition to this bill, which only proposes to relieve the widow of an individual who devoted the greatest portion of his life to the service of his country. He was engaged in the service of this Government, and therefore, in my judgment, entitled to the same compensation that any individual, who has been employed under like circumstances, is entitled to receive. It may be true—

Mr. FICKLIN, (interposing.) With the permission of the honorable member who advocates this bill, I would inquire if he is in favor of pensioning those individuals in this District who have held civil office under this Government for life, and of pensioning their widows, their husbands dying poor, and leaving nothing with which to support them?

Mr. GOODENOW. When such a case presents itself to the House I will decide upon its particular merits.

Mr. FICKLIN. It is the same principle entirely.

Mr. GOODENOW. I maintain it is not the same principle. Here was a man employed in a navy-yard, and continued to be employed there for a series of years, receiving a per diem compensation, and, as the facts show, his services were required by the commanding officer of the yard at the time he received his injury. I say, that when his services were being rendered for the benefit of this Government and he received an injury, it should entitle him, and he should receive, a compensation by way of pension; and it is no more than right and just that his widow should receive the same compensation from Congress for those services thus rendered. I do not understand, Mr. Chairman, why it is that gentlemen rise up on all hands and declare that this is establishing a dangerous precedent. I do not understand why the gentleman from Ohio, [Mr. Gimpings] is so stringent in his objections to this bill. I hope, then, this House will give this bill favorable consideration. I believe it is just and right, and that it commends itself to our consciences.

I have no fear of precedents. Every case brought before this House will be adjusted upon its peculiar merits; and if we pass this bill without precedent, so much the better. We are disposed to do justice, and individually we are acting according to the best dictates of our nature. We are trying to relieve the distresses of the widow of one who suffered in the employment of the Government. I hope this House will not agree to the motion made by the honorable member from Virginia, [Mr. McMULLIN,] and that it will do justice to that widow, by reporting this bill to the House with a recommendation that it do pass.

Mr. JOHN W. HOWE. I hope the committee will take a vote upon this bill immediately, and that they will send it to the House, with a recommendation that it do not pass.

Mr. DANIELS. I am not prepared to introduce into this country a system of civil pensions. I hope, sir, such a system will never be introduced here. We know the extent to which that system has been carried in Great Britain. If it gets a foothold here, we know not how far it may be carried. It is true this bill presents an isolated case, but it may be drawn into a precedent, give rise to similar bills hereafter, and draw after them others, and thus pave the way for a system of civil pensions. I am not aware that any case, in principle like this, has before been established as a precedent, and I would not lend my sanction to make this one a precedent. I hope the motion will prevail.

The question was then taken upon the motion of Mr. McMULLIN, and it was agreed to.

So it was ordered that the bill be reported back to the House, with a recommendation that it do not pass.

Mr. INGERSOLL. I move that the committee rise; upon which motion tellers were demanded and ordered, and Messrs. Fowler and Millson appointed.

The question was then taken, and the tellers reported—ayes 58, noes 73.

So the committee refused to rise.

HEIRS OF JOHN JACKSON.

The CHAIRMAN stated that bill 95, reported by Mr. Tuck, from the Committee on Revolutionary Pensions, for the relief of the heirs of John Jackson, deceased, came up next in order.

Mr. CARTTER. Read the report.

The CHAIRMAN. There is no report.

Mr. TUCK. There was a report made upon this claim by the committee, but I suppose it has gone into the hands of the printer. It has been favorably reported upon several times before. The bill only proposes to carry out the pledge of John Paul Jones, and to carry into execution the action of the Continental Congress upon that pledge, which took place upon the 28th of September, 1785. This man, John Jackson, was compelled by John Paul Jones, when he was off the coast of England, in 1779, and just before his engagement with the Serapis, to act as pilot. He was an Englishman, and on board of the Bon Homme Richard during that severe conflict, in which he lost an arm. John Paul Jones then gave him one hundred ducats, and a written stipulation on behalf of the Continental Congress of the Colonies, that he should have the pension of a private for life. That certificate was forwarded to Paris, where it was recognized and approved by Mr. Jefferson and Doctor Franklin. This stipulation, certified by Doctor Franklin and Mr. Jefferson, was sent home to the Government, and acted upon by the Continental Congress, who passed the resolution which this act proposes to carry out. These papers have been lost. John Jackson lived in England until 1815, when he died. His son came here to this city to collect this pension, but the papers could not be found. He entered into the service of the United States, but a few years since died. His widow and his son, now a small boy, reside at present at the navy-yard. She asks for the passage of this act.

Mr. JOHN W. HOWE. I am not disposed to take up the time of the House in this matter, but this is an old, stale claim, to which I plead the statute of limitation, and ask that it be laid aside, with a recommendation to the House that it do not pass.

Mr. AVERETT. Mr. Chairman, is a motion that the committee do now rise in order?

The CHAIRMAN. It is.

Mr. AVERETT. Then I make that motion. Sir, I am in favor of giving prompt and faithful attention to the bills on the calendar, but I am opposed to acting and voting in the dark. We have no report before us upon this case. It is impossible that we can act understandingly upon it without a report. The developments brought out, in the discussion of the case last disposed of, ought to teach us the necessity, not only of having the report before us in every case, but of investigating that report closely.

The CHAIRMAN. Debate is not in order pending the motion to rise.

Mr. CARTTER demanded tellers; which were

ordered, and Messrs. Fowler and Millson were appointed.

The question being put, the tellers reported there were in the affirmative—ayes 79, noes 50.

So the committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported, that the Committee of the Whole House had had under consideration in the private calendar, bills Nos. 88, 89, 90, 91, and 92, and recommend that they do pass; also, bill No. 93, which they recommend be recommitted to the Committee on Naval Affairs, to inquire into the particular amount of the claim; also, bill 94, which they recommend do not pass.

ADJOURNMENT TILL MONDAY.

Mr. BISSELL moved, that when the House adjourn to-day, it be till twelve o'clock on Monday next.

Mr. JOHN W. HOWE called for the yeas and nays; which were not ordered.

The motion being put, it was agreed to.

Mr. SWEETSER moved the House adjourn; which motion was disagreed to.

Mr. BOCKOCK. I suggest that we take a vote upon the entire report of the Committee of the Whole House, except in cases where gentlemen may desire a separate vote to be taken. I move we take the vote upon sustaining the whole recommendations of the committee.

The SPEAKER. That can be done only by unanimous consent.

Mr. CLEVELAND. I object to it.

The SPEAKER stated, that if there was no objection the vote would be taken upon the engrossment and ordering to a third reading of all the bills recommended for passage by the Committee of the Whole House at once, viz:

No. 88, a bill for the relief of Wm. Greer.

No. 89, a bill for the relief of Williams, Staples & Williams.

No. 90, a bill for the relief of James Furguson, surviving partner of Furguson & Mihaldo.

No. 4, a bill authorizing the payment of interest to the State of New Hampshire for advances made for the use of the United States, in repelling invasion and suppressing insurrection at Indian Stream in said State.

No. 91, a bill for the relief of the executors and heirs of Thomas Fletcher, deceased.

No. 92, a bill for the relief of James Lewis.

The question being put, the above-named bills were ordered to be engrossed and read a third time, and having been engrossed, were read a third time and passed.

Mr. HART asked the unanimous consent of the House to grant him leave to withdraw the petition and papers of Bates & Lacon, with the view of having them presented to the Senate.

Objected to.

Mr. WALSH asked the unanimous consent of the House to introduce a bill, of which he had given previous notice.

Objected to.

Mr. McMULLIN moved the House adjourn; which motion was disagreed to.

J. G. PENDERGRAST.

The next question was on concurring in the recommendation of the Committee of the Whole that the bill for the relief of J. G. Pendergrast be recommitted to the Committee on Naval Affairs, with instructions to ascertain and insert in the bill the amount of appropriation necessary.

Mr. STANTON, of Tennessee. I believe that in the Committee of the Whole there was no objection to the principle of this bill; and I am perfectly satisfied that it is entirely useless to send it back to the Committee on Naval Affairs. The amount of this little account, as I learn since from the papers, which I thought were in the printer's hands, is \$260. The petitioner, J. G. Pendergrast, is probably known to many gentlemen here as an individual who would not impose upon the Government under any circumstances, especially in the trifling amount of a doctor's bill. The legal proof was not before the committee, and I suppose if it goes to the committee in order that they may ascertain the amount of the doctor's bill, they will have to take depositions, or such proof as the accounting officers of the Treasury are in the habit of taking when they pay accounts of this kind, under the same circumstances. I say that, in order to do justice and protect the Government, it

is entirely unnecessary to send this little matter back to the committee.

Mr. DANIEL. I trust the recommendation of the committee will be carried out, because I think this mode of legislating is based upon highly improper and incorrect principles. Now I do not intend to cast any imputations upon this gentleman. Far be it from me to cast any imputation upon him, if his character is perfectly proof against any imposition. I think it is wrong to legislate in this way. I think every case which comes before us ought to be brought up to the same standard; and every demand ought to be proved according to rules which will guard the Treasury against imposition. If we take the say-so in this individual case of a man free from suspicion, we will go a little further, and after a little while we will take the statements of somebody else, permit them to make their demands upon the Treasury, and we will pay what they demand.

Mr. STANTON. The gentleman is proceeding upon the supposition that we require the House to take the say-so of this gentleman, because he is respectable, and free from suspicion. I have not asked the House to do any such thing. I have only asked them to refer this matter to the officers of the Treasury, who will proceed only upon regular proof.

Mr. DANIEL. It is much safer, as a general rule, for committees, when they can ascertain the amount they propose to appropriate from the Treasury, to ascertain it, and recommend that the amount be paid. The objection I made is not answered at all. I trust the motion will prevail.

Mr. HEBARD. I believe there was serious objection to this bill upon two grounds, and the third one has presented itself now, since this bill has got back into the House. One objection was—and it was an objection of principle—that the bill did not settle the amount to be paid. It was thought by many that it was the only correct principle, that the committee should ascertain the amount and make the recommendation. I have not heard the chairman of that committee, or any other gentleman upon that committee, express even an opinion in relation to any amount, or that anything was due, further than to recommend the passage of the bill. Another objection was, that there is no report of the facts of the case. It was thought that the amount was between one hundred and two hundred dollars. It seems, since we have got back to the House, that it has increased to between two and three hundred dollars. If we allow this bill to go to the Secretary of the Treasury before the amount is ascertained, and it keeps increasing in that ratio, I do not know what the amount will be. I hope that the recommendation of the committee will be complied with, and the bill be sent back to the Committee on Naval Affairs, for them to obtain such proof as will satisfy them in relation to the equity of the claim and the amount due. Let them fix upon the amount, put it into the bill, and report such a state of facts as will satisfy the House that the claim ought to be paid. Then I will be in favor of it. I move that the bill be recommitted to the Committee on Naval Affairs, with instructions to ascertain and place in the bill the amount to be paid; and upon that motion I ask the previous question.

The previous question was seconded and the main question ordered.

The question was then taken, and it was agreed to.

So the bill was recommitted to the Committee on Naval Affairs, with instructions.

The SPEAKER. The bill No. 94, for the relief of Hannah Sampson, was reported by the committee to the House, with a recommendation that it do not pass.

Mr. STEPHENS, of Georgia. I move the previous question, and I move that we concur with the recommendation of the Committee of the Whole.

Mr. HARRIS, of Tennessee. I move to lay the bill upon the table.

The question was put, and the motion was agreed to.

Mr. MILLSON moved to reconsider the vote by which bill No. 89, for the relief of Williams, Staples & Williams, was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

On motion by Mr. SWEETSER, The House then adjourned.

NOTICE OF A BILL.

Mr. DAVIS, of Indiana, gave notice of his intention to introduce a bill granting a quantity of the public lands for the improvement of the navigation of the river Wabash.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. SIBLEY: The memorial of Bartholomew Baldwin, James R. Clewet, A. Perret, and Pierre, Benjamin, and Julian Gervais, asking for compensation for injuries received by being driven from the Military Reserve at Fort Snelling by the United States troops in the year 1840.

By Mr. PHELPS: The memorial of M. M. Marmaduke and others, for pay for property stolen from them by the Indians.

Also, the petition of W. B. Edwards, praying for an invalid pension, heretofore presented.

By Mr. FULLER, of Maine: The memorial of D. W. Dinsmore and others, praying Congress to establish a whistle or fog bell at Petit Menan light house, at the entrance of Narraguagus bay, on the coast of Maine.

By Mr. FLORENCE: The petition of Moses M. Russell, of Philadelphia, praying for an increase of pension to the late Mrs. Esther Russell, widow of Dr. Philip M. Russell, who served in the war of the Revolution.

By Mr. HOUSTON: The petition of William Nelson, of Morgan county, Alabama, praying to be allowed to change an erroneous entry of public land as therein set forth.

By Mr. JONES, of Tennessee: The petition of the heirs of Dr. Samuel Kennedy, praying compensation for services during the revolutionary war.

IN SENATE.

MONDAY, January 19, 1852.

Prayer by the Rev. L. F. MORGAN.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the War Department, transmitting, in compliance with acts approved April 20, 1818, and August 26, 1842, and a resolution of the House of Representatives of 13th January, 1846, a list of the clerks and other persons employed in that Department other than officers of the Army, during the year 1851.

On motion by Mr. SHIELDS, it was Ordered, That it lie on the table and be printed.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Secretary of War, in pursuance of an act approved April 2d, 1794, containing a statement of the expenses of the national armories, and of the number of arms and appendages made and repaired thereat during the fiscal year ending 30th June, 1851.

On motion by Mr. HUNTER, it was Ordered, That it lie on the table and be printed.

PETITIONS.

Mr. BRIGHT presented a petition of citizens of Oregon Territory, praying the removal of the port of entry from Fort Nesqually to Sleetacour City, and the establishment of a mail route from San Francisco to the head of Puget's Sound; which was referred to the Committee on Commerce.

Also, the petition of Elizabeth Parsons, widow of James Parsons, praying compensation for extra services performed by her late husband while employed at the Penitentiary of the District of Columbia; which was referred to the Committee of Claims.

Mr. WADE presented a petition of Warren Young, praying that the laws may be so amended that the executors and administrators of those holding land warrants may locate those warrants; which was referred to the Committee on Public Lands.

Mr. WALKER presented a petition of citizens of Dunlevy, Ohio, praying that the public lands may be ceded to the States for the purposes of settlement; which was referred to the Committee on Public Lands.

Mr. FISH. I present the memorial of the New York State Colonization Society, praying the establishment of a line of mail steamers to the western coast of Africa.

The memorial states that a very large trade is now being carried on by Great Britain with that coast, amounting to some twenty-five millions of dollars annually, and it is calculated that England has already received two hundred millions of dollars of gold from that coast. They also urge that the establishment of this line would tend greatly to suppress the slave trade, and render unnecessary the present squadron which this Government

maintains on that coast. I move that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. GEYER presented the petition of the heirs and legal representatives of Joseph Thompson, deceased, praying the confirmation of their title to a tract of land in the State of Missouri; which was referred to the Committee on Private Land Claims.

Also, the memorial of the administrator of George G. Alford, praying the appointment of a tribunal to review the decisions of the late Board of Commissioners for settling claims of American citizens against Mexico; which was referred to the Committee on Foreign Relations.

Also, the memorial of the City Council of St. Louis, Missouri, praying the reimbursement of money expended in prosecuting work commenced by the United States for the improvement of the river and harbor at that place; which was referred to the Committee on Commerce.

Mr. SHIELDS presented a petition of A. Anderson and others, citizens of the United States, praying the construction of a railroad from Lake Michigan to the Pacific, under the direction of the General Government; which was referred to the Committee on Public Lands.

Also, three petitions of citizens of Illinois, praying the right of way and a grant of public land for the construction of a railroad from Shawneetown to the Missouri river, opposite the city of St. Louis; which was referred to the Committee on Public Lands.

Also, the memorial of Henry H. Sibley, for and in behalf of the people of Minnesota Territory, praying a grant of land for the construction of a railroad from the western extremity of said Territory to the Mississippi river, with a branch to St. Paul in said Territory; which was referred to the Committee on Territories.

Mr. HAMLIN presented a petition of inhabitants of the Island of Martinicus, on the coast of Maine, praying the transfer of that Island from the Penobscot collection district to the district of Waldeboro', in the State of Maine; which was referred to the Committee on Commerce.

Mr. UNDERWOOD presented the petition of William W. Sale and others, praying an amendment of the patent laws; which was referred to the Committee on Patents and the Patent Office.

Mr. CASS presented the memorial of John M. Reynolds, praying to be indemnified for losses sustained in consequence of a change in his contract for building a light-house on Beaver Island, in Lake Michigan; which was referred to the Committee on Commerce.

Also, a memorial of citizens of Pennsylvania, praying a modification of the late bounty land law; which was referred to the Committee on Public Lands.

Mr. DAVIS presented a petition of citizens of Cambridge, Massachusetts, praying that the bill giving further remedies to patentees may become a law.

Ordered, That it lie on the table.

Mr. DAVIS. I present also the petition of Robert M. Lee, and other citizens of Pennsylvania, in which they represent that the bounty land law makes an unequal provision for the benefit of certain soldiers. In other words, that the soldiers of the war of 1812 are not placed on a footing of equality with the soldiers who served in the Mexican war. They ask that that bounty land law may be so modified as to place those soldiers on a footing of equality with those who served in the Mexican war by granting them a larger quantity of land than they have received. As a bill in relation to the subject is already before the Senate, I move that, without reading, the petition be laid upon the table.

The motion was agreed to.

Mr. JONES, of Tennessee, presented a petition of citizens of Tennessee, praying that the expenses incurred by American contributors to the World's Fair at London, may be defrayed by Congress; which was referred to the Committee on Manufactures.

Mr. BRODEHEAD presented a petition of citizens of Philadelphia, Pennsylvania, praying a modification of the late bounty land law.

Ordered, That it lie on the table.

Mr. FELCH presented a preamble and resolution passed by the Legislature of Michigan in re-

lation to the land claims of Joseph Sansfacon and others; which were referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. STOCKTON presented a memorial of inventors, praying that the Patent Office building may be completed according to the original design, and kept exclusively for the transaction of the business of that office; which was referred to the Committee on Patents and the Patent Office.

MEXICAN CLAIMS.

Mr. STOCKTON. I have a memorial in my hand which strikes me as one of very great importance. It is from Jonas P. Levy. It seems from his memorial that he was a merchant doing business in Mexico, on whose property spoiliations were perpetrated. His case was presented to the Board of Commissioners appointed for the adjudication of such claims. He complains that that Board did not do him justice; besides that, he says they have lost his papers, and he prays that Congress will grant him relief. The importance of this memorial would seem to justify a little more attention than is generally paid to such things when they are referred to the ordinary committees of the Senate. I therefore move that a special committee be appointed on this memorial, with power to send for persons and papers.

Mr. HUNTER. I believe occasions are very rare when the Senate creates special committees. It seems to me that this petition ought to go properly to the Committee on Foreign Relations; and I move that it be referred to that Committee.

The PRESIDENT. That being a standing committee, the latter motion will be first put.

Mr. DOWNS. Several memorials of the same kind have been presented by myself and others, which have been laid upon the table. I think this is a very important matter. I would like some time to consider whether it is proper to refer these memorials to the Committee on Foreign Relations. The general impression has been that they ought to be referred to a select committee. These memorials are very similar in some respects to those on the subject of French spoiliations, which have been referred to a select committee. I have some other memorials to present on this subject; I hope, therefore, that this memorial will be laid upon the table for the present until the others can be offered.

Mr. HUNTER. I am willing to accommodate the Senator.

Mr. DOWNS. I move that the memorial be laid upon the table.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SHIELDS, it was

Ordered, That the documents on the files of the Senate, in relation to the claim of the widow of Lieutenant-Colonel Aneas Mackay to a pension, be referred to the Committee on Pensions.

On motion by Mr. BORLAND, it was

Ordered, That the petition of Mark Bean and Richard H. Bean, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. FELCH, it was

Ordered, That the petitions of citizens of Michigan, on the files of the Senate, relating to the adjustment of private land claims in that State, be referred to the Committee on Private Land Claims.

On motion by Mr. BRIGHT, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Ebenezer Dumont, be referred to the Committee of Claims.

On motion by Mr. DOWNS, it was

Ordered, That the memorial of Thomas H. McManus, on the files of the Senate, be referred to the Committee on Private Land Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. BAYARD, from the Committee of Claims, to whom was referred the petition of Samuel M. Boots, asking compensation for clerical services, submitted an adverse report; which was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to whom was referred a memorial of the Legislature of the State of Alabama, reported a bill authorizing the sale of certain reserved lands in Alabama; which was read and passed to a second reading.

He also, from the same committee, to whom was referred the bill in relation to a certain lot of land in the town of Gnadenhütten, in the State of Ohio, reported the same without amendment.

Mr. STOCKTON, from the Committee on Pensions, to whom was referred the petition of Eliz-

abeth Munroe, praying a pension, reported a bill; which was read and passed to a second reading.

He also presented a report on the above petition; which was ordered to be printed.

He also, from the same committee, to whom was referred the petitions of Sarah Bennett and of Thomas Flannagan, praying to be allowed pensions, reported adversely thereon.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the memorial of Mary W. Thompson, reported a bill for her relief; which was read and passed to a second reading.

He also presented a report on the above memorial; which was ordered to be printed.

NOTICES OF BILLS.

Mr. SHIELDS gave notice of his intention to ask leave to introduce a bill to amend an act entitled "An act to incorporate the Washington Gas-light Company," approved July 8, 1848.

Mr. BRADBURY gave notice of his intention to ask leave to introduce a bill to alter and amend the judicial system of the United States.

Mr. GWIN gave notice of his intention to ask leave to introduce a bill to release the bonds given for duties on goods, wares and merchandise destroyed by fire in the city of San Francisco, in California, and for other purposes.

Mr. BORLAND gave notice of his intention to ask leave to introduce a bill to amend the act approved April 20, 1818, entitled "An act in addition to the 'Act for the punishment of certain crimes against the United States,' and to repeal the acts therein mentioned."

BILLS INTRODUCED.

Mr. GWIN, agreeably to previous notice, asked and obtained leave to introduce a bill to refund to the State of California the expenses incurred in suppressing Indian aggressions in that State; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. STOCKTON, agreeably to previous notice, asked and obtained leave to introduce a bill to authorize the Postmaster General to contract for carrying the mails between Jersey City, State of New Jersey, and port of New York, and Galway, in Ireland; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

Mr. WADE, agreeably to previous notice, asked and obtained leave to introduce a bill to amend an act entitled "An act to provide for the due execution of the laws of the United States in the State of Ohio;" which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. SHIELDS, agreeably to previous notice, asked and obtained leave to introduce a bill to authorize Jacob Banta to locate two revolutionary bounty land certificates; which was read a first and second time by its title, and referred to the Committee on Public Lands.

NON-INTERVENTION.

Mr. CLARKE, agreeably to previous notice, asked and obtained leave to bring in joint resolutions reaffirming the doctrine of non-intervention; which were read a first and second time by their titles, and considered as in Committee of the Whole.

The resolutions are as follows:

JOINT RESOLUTIONS.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress recognizes and reaffirms these truths: "That governments are instituted among men to secure the inalienable rights of life, liberty, and the pursuit of happiness, deriving their just powers from the consent of the governed: That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation upon such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Resolved, That while we claim for ourselves these comprehensive rights of self-government, and also as a consequence of sovereignty, the right to be exempt from the coercion, control, or interference of others in the management of our internal affairs, we concede to others the same measure of right—the same unqualified independence.

Resolved, That it is upon the sacred principle of independent sovereignty that we recognize, in our intercourse with other nations, governments de facto, without inquiring by what means they have been established, or in what manner they exercise their powers.

Resolved, That this Government has solemnly adopted, and will perseveringly adhere to, as a principle of international action, the advice given by Washington in his Fare-

well Address: "Observe good faith and justice towards all nations. Cultivate peace and harmony with all." "Give to mankind the magnanimous and too novel an example of a people always guided by an exalted justice and benevolence." "Sympathy for a favorite nation betrays itself into a participation into the quarrels and wars of another, without adequate inducement or justification." "Against the insidious wiles of foreign influence, the jealousy of a free people ought to be constantly awake, for foreign influence is the most baneful foe of republican governments." "The true rule of conduct for us in regard to foreign nations, is in extending our commercial relations, to have with them as little political connection as possible." "Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?"

Resolved, That while we cherish the liveliest sympathy towards all who strive for freedom of opinion and for free institutions, yet we recognize our true policy in the great fundamental principles given to us by Jefferson: "Equal and exact justice to all men, of whatever State or persuasion—religious or political—peace, commerce, and honest friendship with all nations, entangling alliances with none."

Resolved, That although we adhere to these essential principles of non-intervention as forming the true and lasting foundation of our prosperity and happiness, yet whenever a prudent foresight shall warn us that our own liberties and institutions are threatened, then just regard to our own safety will require us to advance to the conflict rather than await the approach of the foes of constitutional freedom and of human liberty.

On motion by Mr. CLARKE, it was

Ordered, That they lie on the table and be printed.

SPIRIT RATION IN THE NAVY.

Mr. SUMNER submitted the following resolution for consideration:

Resolved, That the Committee on Naval Affairs be directed to inquire into the expediency of abolishing the spirit ration in the Navy of the United States, and at the same time of increasing the monthly pay of all the enlisted men in this service.

ADDITIONAL COMMITTEE CLERK.

Mr. SEBASTIAN submitted the following resolution for consideration:

Resolved, That the Committee on Indian Affairs be authorized to employ a clerk during the present session of Congress.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives by Mr. FORNEY, their Clerk:

Mr. PRESIDENT: The House of Representatives have passed the following bills from the Senate:

"An act authorizing the Secretary of the Treasury to issue a register to the brig Ada;

"An act to provide a room for the Congressional Library."

They concur in the amendments of the Senate to the bill to admit a certain vessel to registry.

The President of the United States approved and signed, on the 13th instant, the following bill and joint resolution:

"An act making appropriations to meet the expenses incurred in consequence of the late fire in the Capitol;

"Joint resolution to authorize the Postmaster General to legalize certain contracts for the transportation of the mail in California and Oregon."

BILLS FROM THE HOUSE.

The following bills from the House of Representatives were read a first and second time by their titles and referred to the Committee on the Judiciary:

An act authorizing the payment of interest to the State of New Hampshire, for advances made for the use and benefit of the United States in repelling invasion and suppressing insurrection at Indian Stream, in the said State;

An act for the relief of the executors and heirs of Thomas Fletcher, deceased; and

An act for the relief of James Lewis.

The following bills were referred to the Committee on Finance:

An act for the relief of James Ferguson, surviving partner of the firm of Ferguson & Milhado; and

An act for the relief of Williams, Staples & Williams.

An act for the relief of William Greer was referred to the Committee of Claims.

THE COMPROMISE MEASURES.

The PRESIDENT announced the arrival of the hour for the consideration of the special order, viz: the resolution some time since submitted by Mr. FOOTE, of Mississippi, declaring the compromise measures a definitive settlement of all questions growing out of the subject of slavery.

Mr. UNDERWOOD. I hope that resolution will be laid upon the table or passed over informally, that the Senate may proceed to the consideration of the bounty land bill. I move that its consideration be postponed until to-morrow.

The PRESIDENT. By unanimous consent it may be passed over.

Mr. HUNTER. I hope it will be passed over, for the Senator from Mississippi, [Mr. McRAE,] who is desirous to follow the Senator from Massachusetts [Mr. DAVIS] on that subject, is prevented by sickness from being in his seat to-day.

Mr. DAVIS. I have no objection to its being passed over.

The resolution was accordingly passed over.

ASSIGNABILITY OF LAND WARRANTS.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives explanatory of the act passed September 28, 1850, entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States."

The PRESIDENT. An amendment has been reported to that bill by the Committee on Public Lands, which will be read.

The amendment was read, as follows:

Strike out all after the enacting clause and insert:

That all warrants for military bounty lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are hereby declared to be assignable, according to such form, and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owner of the warrant or location.

Sec. 2. *Be it further enacted*, That the registers and receivers of the land offices shall hereafter be severally authorized to charge and receive for their services in locating all military bounty land warrants issued since the 11th day of February, 1847, the same compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of \$1 25 per acre, the said compensation to be hereafter paid by the assignees or holders of such warrants where they have been transferred under the provisions of any act of Congress and the regulations of the General Land Office: and to be paid out of the Treasury of the United States upon the adjustment of the accounts of such officers, where it shall be shown to the satisfaction of the Commissioner of the General Land Office that the warrant was located by the soldier or warrantee, or his next of kin, as provided for by law.

Sec. 3. *Be it further enacted*, That registers and receivers, whether in or out of office at the passage of this act, or their legal representatives in case of death, shall be entitled to receive from the Treasury of the United States, for services heretofore performed in locating military bounty land warrants, the same rate of compensation provided in the preceding section for services hereafter to be performed, after deducting the amount already received by such officers under the act entitled "An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants," approved May 17th, 1848: *Provided*, That no register or receiver shall receive any compensation out of the Treasury for past services, who has charged and received illegal fees for the location of such warrants: *And provided further*, That no register or receiver shall receive for his services during any year a greater compensation than the maximum now allowed by law.

Sec. 4. *Be it further enacted*, That in all cases where the militia or volunteers or State troops of any State were called into the service of the United States, and whose services have been accepted and paid by the United States subsequent the 18th June, 1812, the officers and soldiers of such militia, volunteers or troops shall be entitled to all the benefits of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28th, 1850, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required.

Sec. 5. *Be it further enacted*, That where any company, battalion or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized; in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, with a view to determine the quantity of land any officer or soldier is entitled to under said act, approved 28th September, 1850, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized, to the place where the same was mustered into the service of the United States; and also one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter service.

Mr. UNDERWOOD. Mr. President, I do not propose to make any remarks, by way of a speech, on the subject of the provisions of this bill, unless it shall be assailed by some other Senator, and then I shall reply to any suggestions which may be made against it. I rise now to offer a slight amendment to the amendment which has been sanctioned by the Committee on Public Lands. The original amendment which the committee have offered was introduced by the honorable Senator from Maine, [Mr. HAMLIN,] and was referred to the Committee on Public Lands with the bill. The committee modified the amendment to some extent, but in that modification, upon consultation with the gentleman from Maine, and likewise

on consultation with members of the committee, it has been thought that the language retained in the amendment which has just been read does not express with sufficient clearness the idea which was intended to be conveyed by the amendment. That part of the fourth section which I propose to amend reads as follows:

"That in all cases where the militia, or volunteers, or State troops of any State were called into the service of the United States, and whose services have been accepted and paid by the United States."

The change which I wish to be made is, to strike out the word "the," before the word "service," and insert in its place the word "military," and to strike out the words "of the United States;" also to strike out the words "accepted and," If the amendment shall prevail, then the language will be:

"That in all cases where the militia or volunteers or State troops of any State were called into military service, and whose services have been paid for by the United States," then they shall have the benefit of this act.

If this amendment shall be adopted, it will make the language very explicit, and show the intention of Congress to grant bounty lands to those troops who were called into service for military purposes by a State, or by an officer of the United States, and whose services were paid for by the United States, thereby showing an acceptance on the part of the Government of the services thus rendered. It will not confine the operations of the act to those troops which were mustered into service according to the provisions of the previous acts. It will, perhaps, enlarge somewhat the bounty of Congress towards those who rendered meritorious services, and it will not require the same particularity to be observed which was required to be observed by former acts, in regard to the manner in which the troops were called into service. If the amendment prevails, the question will be, in regard to any troops, Did they render military service? and was that service so far sanctioned by the Government as to be paid for by it? If they rendered service, and were paid, it is the object of the Committee on Public Lands to give them the benefit of the bounty of Congress. I hope that the amendment of the committee will be amended in the manner I have proposed, as it is more verbal than anything else, and I hope that this amendment may be agreed to, and the bill passed.

The amendment to the amendment was agreed to.

Mr. SEBASTIAN. I move to amend the amendment, as it has been modified by the motion of the honorable Senator from Kentucky, by inserting after the word "service" the words "in any of the wars mentioned in the act of 28th September, 1850, entitled 'An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States.'"

If that amendment shall be adopted, it will make necessary the adoption of another amendment, which I now offer:

"That the last proviso of the 9th section of the act of the 11th of February, 1847, be and the same is hereby repealed: *Provided*, That nothing herein contained shall authorize bounty lands to those who have heretofore received or become entitled to the same."

The PRESIDENT. The question will first be taken on the first amendment.

Mr. SEBASTIAN. I will offer a few words in explanation of the effect intended to follow the adoption of these amendments. By the original act of 1847, which granted bounty lands to soldiers engaged in the Mexican war, and by the subsequent act of the 28th of September, 1850, proposed to be explained by this act, there were two or three classes of persons omitted from the benefit of those acts. In consequence of a proviso to the ninth section of the act of 1847, all persons engaged in the war with Mexico were excluded from the provisions of that act, who were not actually marched to the seat of war. The act of the 28th of September, 1850, rather improved upon that. It required that all persons who were to receive the bounties of the act, should have been mustered into the service of the United States and performed actual service. The effect of this provision was to exclude the same classes of persons that were excluded by the last proviso of the act of 1847. The Committee on Public Lands, who have had this subject under consideration, have now obviated the requirements of the act of 1850 so far as to embrace the entire class of persons

enumerated in the amendment offered by the honorable Senator from Kentucky. It dispenses with actual service. It dispenses with the requirement that the person should have been mustered into the services of the United States. The result is, that the amendment offered by the Senator from Kentucky embraces every person engaged in the different wars mentioned in the act of 1850, whose services inured to the benefit of the United States, without regard to the fact whether they were engaged in the actual conflict of arms, or were mustered into the services of the United States, or were marched to the seat of war.

So far as any policy is indicated in that amendment, I go further. The amendment of the honorable Senator from Kentucky contains nothing more than what is an equitable adjustment of the rights and claims of every person engaged in the military service of the United States to the bounty of the Government. But there was a class of soldiers who served in the Mexican war who come within the description of the amendment of the honorable Senator from Kentucky, but who have been excluded by a technical construction which was, as it was thought, benevolently placed upon the act of 1847. I mean that class of men—and there are many of them—who, though enlisted for the service—although they underwent privations which in other cases have entitled men to the gratitude and bounty of the Government, yet who were excluded by the operation of the proviso of the ninth section of the act of 1847, from the simple fact that they were not marched to the seat of war. It so happens that one half of one of the regiments of Missouri volunteers, who come within the description of the proviso of the act of 1847, have received their bounty. It was, to be sure, by a mistaken view of the operation of the act; but the error was not corrected until one half of the regiment had received their bounty. The operation of the amendments which I have had the honor to offer, will be nothing more than to extend the same measure of justice to the remainder of that regiment which has already been accorded to one half of it by the action of the executive department.

There is another reason why these amendments of mine should be adopted. The act of 1847, in the proviso to which I have just alluded, had a retrospective as well as a prospective operation. It is no doubt in the recollection of all that at that time, during the prosecution of the war with Mexico, the policy of the Government had been suddenly changed. The tactics of the war had been revolutionized, and there had been adopted a more vigorous system for the prosecution of the war. The consequence was that the Government exerted all its energies for the purpose of calling out a sufficient force to conquer peace, in the language of that day. It was thought necessary for that purpose to hold out temptations and inducements—a kind of premium, to men to enlist in the service of the United States. The consequence of this has been that those who enlisted after the passage of the act of 1847, notwithstanding many of them were not marched to the seat of war, have received the bounty of Government, whilst those who performed precisely the same character of services, and underwent the same privations, but whose patriotism had induced them to offer their services at an early period of the war, when the Government was not offering bounties, have been excluded from the benefit of the provisions of that act.

If this were now an original question, it might become necessary to resort to a very different kind of argument. It might be necessary to show the policy and justice of this law. But we are no longer holding forth temptations to men to enlist in our service. We are no more fulfilling faith pledged in the contracts of the Government. But we are remunerating the services of soldiers engaged in our late wars. This is nothing but an act of gratuity—a mere bestowal of the bounty of the Government upon those who have earned its gratitude. Whatever may have been the original policy of these acts, the policy of the Government has now been changed. We are now proposing to extend bounties to men, and we are adjusting a sliding scale by which to measure the gratitude of the Government. I have shown that we have not yet accorded justice according to the equity of the case.

The principle which I now ask to be sanctioned

by the adoption of my amendments in reference to the soldiers of the Mexican war, is the introduction of no new principle. It has already been recognized in the amendment which the Senator from Kentucky has offered and which has been adopted. One half of one of the Missouri regiments have already obtained the very bounties which it is now proposed to extend to the other half. All those soldiers who enlisted after the passage of the act of 1847, have, for the same class of services, received the bounty of the Government, whilst those who enlisted previously have been unprovided for. It is necessary, therefore, to equalize and make uniform the bounty of the Government. For that purpose I have offered these amendments:

Mr. BRADBURY. The language employed by the honorable Senator from Arkansas is exceedingly indefinite. If the object of that amendment be to secure bounty land to a certain regiment of troops, or to a portion of a regiment, the other portion having already received the benefits of a former act, it will be very easy to specify in distinct terms the extent to which the Senator desires that the amendment may reach. In other words, we can hardly understand the extent to which it may be construed to reach. It looks so indefinite that it may go much beyond the scope designed by the honorable Senator. If his object is to reach any particular regiment or class of men, he can say so in the amendment. I hope that after the committee have matured the bill, and given attention to the language employed, we shall not hastily adopt an amendment of a character so exceedingly general and indefinite.

Mr. HAMLIN. The original section, as was stated by the Senator from Kentucky, [Mr. UNDERWOOD,] was drawn up by myself, and it was drawn after a consultation with the Pension Bureau. I believe the section was drawn up by myself in that office; and it was to obviate precisely the objection to which the Senator from Arkansas has alluded. If he will look at the section as the committee have reported it, or amended it subsequently, he will find that it will meet precisely the class of cases which he designs to meet, while the amendment which he desires to adopt will leave it somewhat ambiguous; for in all cases where the Government has received and paid for services, the right to the warrant is recognized by the bill as reported.

Mr. UNDERWOOD. I would remark to my friend from Arkansas that there is in the fourth section an expression to which I will call his attention. It is this:

"That in all cases where the militia or volunteers or State troops of any State were called into the service of the United States, and whose services have been accepted and paid by the United States subsequent to the 18th of June, 1812," &c.

Now, if the Senator from Arkansas will lay a stress upon the expression "subsequent to the 18th of June, 1812," he will find that the section does embrace all that his amendment calls for. I trust, therefore, that he will not insist upon his amendment.

Mr. SEBASTIAN. As my amendment seems to alarm the Senator from Maine, and as he supposes that that amendment embraces a large and undefined additional class of persons, I will withdraw my first amendment and content myself with the repeal of the provision of the act of 1847. The effect of that will be precisely to carry out what the Senator from Maine considers as the effect of this amendment.

The Senator from Kentucky will allow me to remind him that while the provision of the act of 1847 is in force, it excludes, as a class, all persons engaged in that war, and that the most proper way to do would be to construe these acts together. Now, by simply repealing the proviso of the act of 1847, and withdrawing the amendment, which seems to meet with some dissatisfaction on my right, the object we are aiming at will be attained, which is not to disturb the description of the wars in which these soldiers were engaged, but to remove an impediment which has hitherto existed in the way of carrying out what is supposed to be the spirit of the law, and to place a very limited class of persons who were engaged in the Mexican war upon the same footing as those embraced in the amendment suggested by the Committee on Public Lands. I therefore withdraw the first amendment, and submit to the Senate the latter one, which is—

"That the last proviso of the ninth section of the act of the 11th of February, 1847, be, and the same is hereby, repealed: *Provided*, That nothing herein contained shall authorize bounty lands to those who have heretofore received or become entitled to the same."

Mr. UNDERWOOD. I rise for the purpose of stating to the Senate, that the effect of that proviso in the bill of 1847 was not considered in the committee at all. I have read the proviso at the desk of my friend over the way, and that proviso refuses to give bounty land to those soldiers who enlisted in the Mexican war or who were called to fight in the Mexican war, unless they were marched to the scene of battle. Now, that was not considered in committee; and the only objection to the repeal of that proviso is, that we may be doing something; the effect of which we do not exactly foresee. It would seem equitable that those men should be paid who enlisted, and who remained at home performing military service or in the garrison, and did not go to the frontier. The only objection I have, then, to the amendment is, that it was not considered in committee, and we do not see precisely how far it may go, or why it was that this proviso was originally inserted in the bill, that bounty lands should not be granted unless the soldiers actually marched to the frontier. I do not know the reasons which influenced Congress on that point. If these soldiers were otherwise entitled to bounty lands, I do not see why they should be prohibited from receiving them because they remained at home or in the garrison. I would be willing to vote for the amendment unless it should be thought that it would embarrass the bill.

Mr. HAMLIN. It seems to me that the amendment of the Senator from Arkansas should be adopted. The bill or amendment reported by the Senator from Kentucky, embraces precisely the spirit of the amendment offered by the Senator from Arkansas. By a technical construction of the law, the Department did not allow bounty lands to that class of men who were not mustered into service under United States officers, and they were excluded under that construction. The original law provided that they must be in the service of the United States, and the Department determined that, to come within the provision of that law, they must have been technically mustered into service. Now, we have reported a bill which goes upon one principle, and draws the distinction in another place, to wit: That where the soldiers have been paid by the Government, it should be assumed that they have been in the service of the Government; and that is the equitable place where the bill draws the line, and where, in my humble judgment, the distinction should be drawn; and if this amendment of the Senator from Arkansas is adopted, it will only be carrying out in words, what this bill carries out in spirit. I shall vote for the amendment.

Mr. BRODHEAD. I should like to hear the proviso, which the Senator from Arkansas proposes to repeal, read.

The proviso was accordingly read, as follows:

"*Provided*, That nothing contained in this section shall be so construed as to give bounty lands to such volunteers as were accepted into service and discharged, without being marched to the seat of war."

The question was then taken on the amendment, and it was agreed to.

The PRESIDENT. The question is on the adoption of the amendment as reported by the committee.

Mr. HUNTER. I rise to suggest to the Senator from Kentucky, whether this compensation is not higher than it need be. I find a law on the statute-book in relation to this subject, in which the measure of compensation is established for those who enter the warrants given for bounty lands during the Mexican war. It seems to me probable that that would be the best measure, and that it would be better to substitute that rule for the one proposed here. I throw the suggestion out for the consideration of the Senator from Kentucky. Here is a measure already established, providing the price to be paid for registering those land warrants:

"*Be it enacted, &c.*, That for the services which may be rendered after the passage of this act by the registers and receivers of the several land offices of the United States, in carrying out the provisions of the ninth section of the act of the 11th of February, 1847, entitled 'An act to raise for a limited time an additional military force, and for other purposes,' they shall each be entitled to require from the holders of warrants issued under that act for one hundred and sixty acres, the sum of fifty cents for each, and from the holders of warrants issued under the same law for forty

acres, the sum of twenty-five cents for each, as full compensation for their services: *Provided*, That in all cases where a warrant is located by and for the use of the volunteer or soldier to whom such warrant may have issued for services under the act aforesaid, no compensation shall be charged either by the register or receiver for making such location."

Mr. UNDERWOOD. I will state to my friend from Virginia, that the committee very thoroughly considered the subject, and came to the conclusion that fifty cents was not an adequate compensation; they therefore enlarged the compensation, and at the same time put in a limit, as you will perceive that the compensation is not to exceed the maximum allowed by law. It may not come up to that.

Mr. HUNTER. What is that maximum?

Mr. UNDERWOOD. It is three thousand dollars. The statements that came before the committee in our deliberations were, that it gave more trouble to make these entries, and locate these military bounty lands, than to grant a certificate upon cash payments. It was stated that the labor was greatly enhanced, and that fifty cents was not a sufficient compensation. Therefore we gave the compensation which is here stated, and put a limit to it. The committee thought that a sufficient guard to secure the interest of the Government, at the same time that it would allow these officers a sufficient compensation. It was all thoroughly considered in the committee, and I hope it will be allowed to stand as the committee have arranged it.

Mr. WALKER. If the amendment be adopted, will it be in order to move to amend it?

The PRESIDENT. It will not be in order to move to amend it until it is reported to the Senate.

Mr. DOWNS. I have an amendment to offer to meet certain cases, for which I see the bill does not provide. At the last session of Congress there was a clause inserted in the civil and diplomatic appropriation bill, which I certainly did not notice at the time, and which, perhaps, no member of the Senate noticed, which operates very injuriously upon a certain class of holders of bounty land warrants. The effect of it is to exclude them from the application of such warrants in payment of their preemption, even where they are the original holders of the warrants. It is operating with very great injustice, as I know. I have known cases where the original holders could not enter upon land on which they resided, in consequence of this proviso. I wish therefore to offer an amendment, which is, merely to repeal this restriction, so as to leave the law as it was before the adoption of this proviso, and allow them to locate on lands which they have settled upon, on payment of their preemption. It certainly is an act of great injustice, to say that the homestead on which they have made many improvements may be taken from them, with the bounty land warrant in their hands, and that they cannot locate upon their own homestead. The proviso which I desire to have repealed is as follows:

"*Provided*, That no land bounty for military service granted by the act of twenty-eighth September, one thousand eight hundred and fifty, entitled 'An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States, or by virtue of any other act of Congress heretofore passed, granting land bounties for military services shall be satisfied out of any public land not heretofore brought into market, and now subject to entry at private sale under existing laws.'"

Now the only object of that proviso is, not to allow the old soldiers, who hold these bounty land warrants, to enter this preemption before the land is subject to public sale; to let it stand and come into competition with other lands. I hope it will be repealed, and for that purpose I offer the following amendment:

Provided, That the proviso in the civil and diplomatic appropriation bill of the year 1850, which restricts the location of bounty land warrants not heretofore brought into market, and now subject to entry at private sale under existing laws, be, and the same is hereby repealed.

That will leave it just as it was before. I would say that the objection which is made, is not valid, in my opinion. If I understand it rightly, the land warrants were not assigned for the payment of the preemption; but while held by the original holders they could be so received. That was the law before this amendment was made. If gentlemen wish to make it more specific, I am willing that it should be limited to the holders or their heirs; but I wish that the holders themselves may have the right to enter their preemption with these bounty land warrants.

Mr. WALKER. I would not have the least

objection to the amendment offered by the Senator from Louisiana, if it were to have only such an effect as he intends or has expressed himself as intending. If he will draw up an amendment which will give to the preëmptor the right to hold the land on which he has settled, I will go with him. But I can tell the Senator what will be the effect of his amendment. He will find that these land warrants will be held in large numbers by persons in anticipation of some new tract of country for which we have just paid the Indians, being opened for sale; and as soon as it is in market you will have them coming in with their warrants to take up the whole of it, and thus prevent the Government from selling a single dollar's worth for money. I am in favor of such an amendment as the Senator appears to intend—that is, to give to the preëmptor the right to obtain his title to his land by this depreciated paper currency, as well as to enable others to get it away from him. Now, if the operation of the proviso in the act to which the Senator has referred is as he has described it, it is only consistent with the whole system. The design is not to facilitate settlements, or to aid those who are disposed to settle to make a location. That is not the object; and if there were an express proviso in the law declaring that no settler should have his title by a land warrant, it would be in perfect keeping with the whole system. The effect of this amendment would only be to enable speculators to buy up these warrants, and the Senator from Louisiana indicates the most unsophisticated innocence if he supposes it would have any other effect. The whole object of the bounty land system is the very contrary of what the Senator would seem to suppose it. It is not to give the land to the settler, but to the speculator. If the Senator from Louisiana saw this matter in its proper light, he would see that the provision of the bill to which he has referred is perfectly consistent with the whole system, and that Senators would be acting very inconsistently if they sought for its repeal.

Mr. DOWNS. The Senator from Wisconsin has attributed to me a good deal of "unsophisticated innocence," [laughter.] There is very little doubt that I am not more innocently unsophisticated than himself. There might, indeed, have been some doubt on that point until the gentleman replied to the proposition which I made, and that was that the practice of the land office before this provision was passed was to prevent all the evil which the gentleman preaches so strongly against, because, as I stated before, they did not allow the assigned warrants to be located in payment of preemption except in the hands of the original owners. It is not because I wished to make any change in the law as formerly existed that I have introduced this amendment. I am not aware of any complaint of the practice under that law, but it is because I have found in my communication with my constituents the actual holder of these bounty lands in danger of having his preemption taken from him unless he could prove it up before public sale. I repeat again, that my only object is to restore the law as it was before, and I do not care whether these transferred warrants can be located on preemptions or not. No, Mr. President, if I was not so "unsophisticated" as the gentleman from Wisconsin seems to suppose, I could readily show how the assignment of land warrants could benefit other men as well as speculators. I understand that the gentleman is a great advocate for homesteads and homestead exemptions, and for giving the public lands to actual settlers. Now it may appear to him very "unsophisticated," but it does not to me, that if you fix the law so that a settler can get land at a little less than the Government price and secure his settlement upon it, it might, peradventure, operate not altogether in favor of the speculator alone, but in favor of those very settlers whom the gentleman has made such a noise about. You wish to give the settlers their rights; and when we wish to make these warrants assignable when we know they will be sold under par, the cry is raised that they are to go into the hands of the speculators. "Oh, no," the gentleman replies, "that is not my thunder; that is not my scheme; and therefore it is very unsophisticated to suppose it."

I go for facilitating, in every possible and legal manner, the entry of their preemption rights by the settlers; and when I see that these warrants may be sold under par, and that the settler may

be enabled to get his one hundred and sixty acres of land for less than he would by the payment of cash—and I know that the original holders of the warrants can do it—I am in favor, and if I had the office of an agent myself, I would be in favor of the free payment of these warrants. But does the gentleman oppose the assignability? Does not the original law say that they may be assigned? But the question of their assignability is not now before us. I am not particular about the form, but as that provision did the evil, I thought the most effectual way was to eradicate it; and I think so yet.

Mr. WALKER. I am really very sorry that my manner should have led the honorable Senator from Louisiana to suppose that I meant to speak disrespectfully of him in the least; nor do I know by his words that he deems me as speaking disrespectfully, but I judge so from his manner only. Now, I said to him and to the Senate, that I was with him in his amendment, provided that this bill making land warrants assignable was to pass. And while I am with him in that amendment if the bill is to pass, I want the preëmptor to be on an equal footing with the speculator. Hence I am with him; and what I meant, in speaking of his innocence in regard to this whole system, was intended as a compliment; for I intended to excuse him, as one of those who were not guilty of the scheme which thus favors the speculators.

Mr. DOWNS. I did not so understand the Senator.

Mr. WALKER. It is what I really meant, and I do believe that if there be a man who is really innocent of any design to aid the speculators, the honorable Senator from Louisiana is the one, for I have never seen him operating in any way to favor them. I meant what I said as a sort of satire upon the system of issuing land warrants at all, and not upon the Senator from Louisiana. I will state again that my reason for favoring his amendment is, that the preëmptor may be on an equal footing with the speculator if this bill shall pass. The Senator is right. The bill in its present form will cut out the preëmptor, and will not allow him to get lands for \$1 25 per acre, while the speculators will get them under this depreciating system for less than half that sum. I will suggest to the Senator, that he should offer an amendment providing that this provision of the appropriation bill of the last Congress shall not extend to persons who desire to have secure titles to land on preemption. I think the Senator may thus accomplish his object, and secure an end which is desirable.

Mr. GWIN. Although the amendment of the Senator from Louisiana may not be exactly in form, certainly the principle contained in it ought to be adopted. If that provision in the civil and diplomatic bill be not repealed, there is not a single citizen of California who can get any bounty land, because there is not a foot of land surveyed there upon which a location could be made. I presume there is not a State in the Union in which there are more persons entitled to land warrants than in California. Citizens who were in the last war, are living there. They cannot get any land there unless the provision of the civil and diplomatic bill be repealed. I hope it will be repealed.

Mr. ARCHISON. I will make a suggestion which I think will meet the object of the Senator from Louisiana. If I understand the Senator, his object is this: That a person entitled to a preemption right, shall have the privilege of paying for the preemption right to one hundred and sixty acres or eighty acres, as the case may be, with a land warrant. Why not say so at once in direct terms? Why not say that these land warrants shall be receivable at the different land offices in the United States, in payment for preemption rights? By doing that you will get through the difficulties suggested by the Senators from Wisconsin and California, for most assuredly the effect would be to allow the location of land warrants. If this amendment be adopted in its present terms, it will open all the public lands to these land warrants, whether they have or have not been offered heretofore by the Government for sale.

Mr. UNDERWOOD. I will read an amendment which I have prepared in consequence of the suggestion of the Senator from Louisiana, to see whether it will not reconcile all the difficulties. I concur with the Senator from Missouri, [Mr. ARCHISON,] that it would not do to open the whole

of the public lands to these land warrants, all over the country in every direction. Why not? I am asked. Because, if speculation will be carried on, as has been maintained by the Senator from Wisconsin, [Mr. WALKER,] it would give speculators an opportunity of withholding the location of the warrants with the view of entering not only into lands which are now open but which may hereafter be opened. I am not willing to open the public lands thus. I do not think it would be good policy. But I am willing, according to the suggestion of the Senator from Louisiana, to allow the preëmptor to pay for his lands in these warrants, and with that view I have prepared in haste the following amendment. If acceptable it can be used. It is to make an additional section:

Be it further enacted, That it shall be lawful for any assignee of any land warrant, who is entitled to preemption, to pay for such preemption in whole or part with the warrant or warrants he or she may hold as assignee, anything in a former law to the contrary notwithstanding.

Mr. DOWNS. That would meet the object, with the exception that there is an omission in it. It gives the assignee power to pay with the warrant, but does not give the original holder that power. By inserting the words "holder or" before assignee, it would meet the purpose.

Mr. UNDERWOOD. Make it "warrantee or assignee," then.

Mr. DOWNS. But I have drawn up an amendment, in accordance with the suggestion of the Senator from Missouri, which I think covers the whole point. It may come in as a proviso to the first section:

Provided, That any actual settler entitled to preemption may enter his preemption or any part thereof with said land warrants.

That confines it either to the original holder or assignee. I therefore withdraw my other amendment and offer this.

Mr. FELCH. It seems to me that it would be better, in carrying out the object the Senator has in view, to provide that any land warrant might be used in paying for any land subject to preemption, at the rate of \$1 25 per acre, for the preemption right may attach itself to different sub-divisions, and then there will manifestly be a difficulty. If it is less, the balance of the warrant cannot, under the present law, be located elsewhere. I would suggest to the Senator from Louisiana to put his amendment in that shape, that in paying for any land to which a person has a preemption right, he shall be at liberty to use any warrant he may have, at the rate of \$1 25 per acre.

I will say one word in reference to the other provision referred to. The difficulty which the Senator from Louisiana wishes to obviate, does not arise from the provision which it was proposed by his first amendment to repeal. It arises from other laws altogether. In the first place, it arises from the law giving preemption right, which requires a person having such a right to pay in money for his land in a specific time; and then from the bounty land law, which specifies the land upon which the location shall be made; so that the repeal of the provision referred to would not effect his object. If the amendment were adopted, it would leave the proviso, which it is proposed to repeal, standing as it does now. I would suggest to the Senator to adopt the following, in place of his amendment:

Provided, That any person entitled to preemption right to any land, shall be entitled to use any such land warrant in payment for the same, at the rate of \$1 25 per acre for the quantity of land therein specified.

Mr. DOWNS. I will accept that.

Mr. GWIN. Suppose one of the holders of these warrants is not entitled to preemption, can he locate his land under that proviso?

The PRESIDENT. Upon any land subject to private entry.

Mr. GWIN. Is that all? That cuts off a very large class of persons who are entitled to their warrants, but are in sections of country where there are no lands subject to private entry. There is not an acre on the Pacific coast subject to private entry, and will not be for years.

The amendment to the amendment was adopted.

Mr. DODGE, of Iowa. I offer an amendment, to come in at the latter part of the bill:

SEC. — And be it further enacted, That if any officer or soldier, entitled under the act of September 23, 1850, shall have died since the passage of said act, the right accruing under said acts to said officer or soldier shall survive to his heir or heirs at law, anything in said act to the contrary notwithstanding.

Mr. FELCH. I would inquire what particular case that is intended to meet? What effect, in that regard, the laws now existing have?

Mr. DODGE. I will insert in the amendment after "September 28, 1850," the words "or of this act."

Mr. HUNTER. I hope this amendment will not pass. I fear that we are overloading the original bill with amendments, and are exposing it to hazard in sending it back to the other House. This amendment proposes to alter the principle of the original bill—

Mr. DODGE. I will relieve my friend by withdrawing the amendment. It is one in which I have not much interest.

Mr. DAWSON. I have not proposed any amendment to this joint resolution; but I suggest to the friends of this measure—and I profess to be one—an amendment which I think is necessary for the protection of the Government. Under the law granting bounty lands to soldiers who served in the Mexican war, the power of transfer was given. It has often been the case that fraudulent applications have been made to the Pension Office, and evidence so strong been produced that warrants have been issued to the persons presenting them. I have understood that in one case, five different warrants have been issued for one service. These warrants have all gone into the hands of innocent purchasers, transferees, without any knowledge on their part of the fraud committed on the Government. On principles of equity the Government is bound to carry out the contract and issue a patent to each holder of the four fraudulent applications.

Now, can no plan be adopted by which the Government can be protected from this kind of imposition? A warrant is issued. It is transferable. A gets it to-day, and transfers it to B to-morrow, without any knowledge on the part of B that it is fraudulent. B applies for a patent. It is granted to him. How are we to investigate this? Can any amendment be offered to this joint resolution, in order to relieve it from these consequences? If it cannot be done, you see at once that the Government is in a position in which it is liable to be defrauded.

I have a case of the kind of which I have spoken in my mind now. A man by the name of King, of the State of Georgia, enlisted in the service during the Mexican war. He died at Sullivan's Island, in South Carolina. Immediately after the passage of the law authorizing bounty lands to be given, two females in the city of New Orleans applied, as the surviving sisters of this man, for a warrant, and the papers were made out and submitted to the office here. A warrant was issued. It was transferred to a gentleman, I believe a son-in-law of a Senator upon this floor, innocently, and he got a patent. I am now applying in the name of the true representatives of the person that died. I shall get a patent for them, and thus there will be two for the same service. I make these suggestions; and if any gentleman, who has been looking into this matter, can form an amendment by which the Government can be protected, I shall vote for it. For my part, I can at present see no way to avoid the difficulty.

Mr. HUNTER. If I understand the difficulty to which the Senator from Georgia refers, it is this: Two persons claim to be the real assignees of the warrant. A patent issues to each of them. Is that the difficulty?

Mr. DAWSON. Yes, sir.

Mr. HUNTER. It seems to me that it would effect the Senator's object if it was provided that no patent should issue except to the last assignee whose name was upon the face of the warrant. The warrant then would show to whom the patent ought to issue, and the Government would not have to look into the question of the ownership of the warrant.

Mr. DAWSON. That is not the point. It is this: Persons fraudulently representing themselves to be the next of kin of a deceased officer or soldier, impose upon the Government testimony which goes to establish that fact. A warrant issues, and is immediately transferred to an innocent purchaser. The innocent purchaser will be protected, and a patent will have to issue under the warrant thus fraudulently obtained; and yet the rightful person will apply and he will get a proper warrant, and thereby there will be two patents for the same service.

Mr. HUNTER. The only remedy for that is to punish the man who applies fraudulently; and that remedy ought to be provided for in another act, not in this.

Mr. DAWSON. That would not get the land back to the Government.

Mr. UNDERWOOD. This is purely a legal question, and I rise for the purpose of making a few suggestions in response to my friend from Georgia, [Mr. DAWSON.] In all cases of assignment, the general principle is, that the assignee stands precisely in the same condition with the assignor. If that principle is carried out in reference to these land warrants, the assignee will occupy no better condition than the person who fraudulently obtained the warrant. If the Government, therefore, discovers the fraud before it makes the grant, it can suspend the issuing of the grant, because it has the same equity against an assignee that it has against a fraudulent holder of a warrant. In that case, the Government would withhold the grant of the patent, and refuse to allow this fraudulent warrant to be carried into a grant. That is one remedy.

The difficulty would arise in this way. Before making any discovery of the fraud the warrant may be located, and a patent may then issue. If the patent issues, and the Government thereby parts with its title, the title is passed into the hands of an innocent holder by that transfer. But how are you to get clear of that fraud? The innocent holder will say if you attempt to deprive him of his land, that it is your own fault to have brought this title into market whereby it came into his hands innocently, and that he should not be the loser by it. The question is, can you have any remedy for that state of the case? You have but one remedy, and the question is, would it be politic to apply it? What is the remedy? There is but one, and that is to declare that all grants and all warrants issued in fraud of these acts shall be void. You cannot reach it any other way than by declaring, that whenever a warrant is issued in fraud of the law, that the warrant and all subsequent steps taken to perfect it and every subsequent act are wholly and utterly void by law, and passes no title from the Government to the fraudulent holder of the claim. That would be a complete remedy if a proposition of this sort should be offered and adopted.

But then the question is, would it be politic to apply that remedy? Would it be proper to provide by law that the patents which issue upon those warrants shall be void? If that is done, it will embarrass to a very considerable extent the sale of this property in the market; and you are making these land warrants assignable with a view of benefiting the old soldier. When you adopt such a remedy as that, the purchaser of the warrant will say to the soldier, I can give you so much for it, and no more, because I am not sure but that half a dozen other warrants have been issued before this, fraudulently, for this identical service. When a tract of land patented is offered to be sold, the speculator and the purchaser will say to the seller, I can only offer you so much for it, because I have to risk the fact whether half a dozen other patents have not been founded on this same service; five out of which half dozen must be fraudulent. By an attempt to prescribe a remedy in a case of the kind, you embarrass all the titles and all the tracts, and produce the state of things which I have anticipated.

There is no difficulty about this thing if the officers of the Government will only do their duty. And I am sorry to say that from an investigation at the Pension Office where these land warrants are granted, that there are not those alphabets kept which are necessary in order to prevent these frauds being practised upon the Government. There ought to be an alphabet kept and arranged in such a way that whenever an application is made to obtain a warrant, it would be within the power of the officers of the Pension Bureau to turn directly to the record and ascertain whether a warrant has been issued before for that identical claim.

I am sorry to say that I believe this is not the fact; I have had occasion to inquire into matters of this sort, and it is almost impossible to get that direct information which would be easily obtained if these alphabets were kept in such manner as to obtain at once the full information which ought to be had.

Sir, I am inclined to think that we had better

let things go on as they are, and make these land warrants assignable without making a provision in this bill to cover the fraudulent cases which my friend from Georgia supposes may exist. That there will be frauds practised on the Government to some extent, we may well imagine from what has already taken place. If the officers of the Government would keep such an alphabet as that to which I have alluded, and would look into that before multiplying warrants, then there would never be two warrants issued upon the same claim.

Mr. BELL. You would have to issue the rightful one whenever it was claimed.

Mr. UNDERWOOD. It may be as my friend says, that you would have to issue the rightful warrant whenever it was claimed, but it would be done upon full deliberation, and in that way you would find that you had issued one warrant fraudulently, and there would not be more than two issued. But in the case which my honorable friend from Georgia puts, there may be half a dozen, and perhaps a dozen, fraudulent warrants issued, unless officers of the Government will work in the way I have mentioned. I have had occasion before this, to remark that I considered it to be the absolute duty of Congress to have all the executive offices, and the books in those offices, examined from beginning to end, in order that we might know how the executive departments conduct their business and keep their books. We could then see what frauds were permitted. I do not know that this has ever been done. It has not been done since I have been a member of Congress. I do not know that it has been done since the foundation of the Government to this day, but I believe that there is not a State Legislature in the United States that does not do the same thing annually.

I have thrown out these remarks by way of answer to the suggestions of the honorable Senator from Georgia. I do not see that there can be any remedy, unless you will provide, as I have suggested, that everything that does issue without sufficient legal warrant shall be void. That would reach the case, but the question is, whether it would not be impolitic.

The PRESIDENT. No amendment has been proposed by the Senator from Georgia.

Mr. DAWSON. None at all. I would have proposed an amendment, such as is suggested by the honorable Senator from Kentucky, but for the fact that I thought it would depreciate the value of the warrants in the market, and thereby injure the old soldier, whereas it is the object of the bill to benefit him.

Mr. DAVIS. I am inclined to think that this difficulty may be met in two ways. It may be met by declaring that a warrant issued on fraudulent evidence shall be void. That might embarrass some people it is true; but if this is not done there will be an innocent holder of every fraudulent warrant that is issued, and you can never reinstate yourself. But if there be one or more fraudulent warrants issued in the name of an individual, you will have to issue the true warrant after all. Now, I apprehend that if you go a little behind this, there must be some defect in the proceedings. I regret that the honorable Senator from Georgia did not tell us by what kind of evidence this heirship of which he spoke was established. The falsity of this thing lies in a person's coming forward and pretending to be heir to a soldier when he is not an heir, and establishing that fact by evidence satisfactory to the bureau. Suppose, now, that you should require that whoever undertakes to establish heirship, shall establish it in the locality by evidence before a judge, and that that judge shall place the seal of the court to it, how is it then to be fabricated? There is no difficulty in requiring that information at all. How, then, is it to be fabricated? Why a man may forge the seal of the court. But that interposes another difficulty, for there is a severe punishment annexed to that crime. I apprehend that by some such provision as that, either adopted voluntarily in the bureau, or if not adopted there made compulsory by law, would put a stop to fraudulent pretensions of this sort. It would not, under such circumstances, be a very easy thing for a person falsely claiming to be heir to establish that fact before a judge in the vicinity who, upon satisfactory evidence, should put his seal of office to the testimony. I do not see a great deal of difficulty in it.

It seems to me an amendment might be easily drawn up which would meet the case.

The substitute reported by the Committee on Public Lands as amended was agreed to.

The bill was then reported to the Senate, as amended in Committee of the Whole.

The PRESIDENT stated the question to be on concurring with the amendment made in Committee of the Whole.

Mr. WALKER. I suppose this would be the proper time to offer an amendment to the amendment?

The PRESIDENT. It is now open to amendment.

Mr. WALKER. Before the amendment of the committee is adopted by the Senate, I have some amendments which I propose to offer. I look upon this measure as being effectually an abandonment of our present land system, but at the same time, seeing it to be evidently the determination of the Senate to pass it, I wish to offer my amendments, and shall simply ask of the Senate to give me a recorded vote on them, by yeas and nays. The first amendment which I propose to offer is to insert after section 2, as section 3 of the amendment reported by the committee, the following:

Sec. 3. *And be it further enacted*, That where any person, being a citizen of the United States, or having declared his or her intention to become such according to existing laws, and being of the age of twenty-one years or upwards, or the head of a family, shall settle upon any of the public lands of the United States not reserved for forts, arsenals, dock-yards, navy-yards, or other needful buildings or special purposes, or appropriated for other special uses, except such as are known to contain mines of the precious or gross metals, or precious stones, and shall reside upon and cultivate the same, or a part thereof, for the term of five years, such person shall be allowed to enter, without charge, in legal subdivisions, at the proper land office, the land so settled upon and occupied not exceeding in quantity a quarter section, or one hundred and sixty acres, the said settlement and occupancy to be manifested and proved according to such regulations as shall be adopted and promulgated by the Secretary of the Interior: *Provided*, That when the settler shall not be a citizen of the United States, but shall have declared his intention only as aforesaid, he or she shall not be allowed to make the entry aforesaid until he or she shall have perfected his or her naturalization according to the laws of the United States.

Mr. President, the proposition which I have offered does not fully embrace my views in regard to the disposition which should be made of the public lands. I have heretofore submitted a proposition which I believed to be the correct one; and I have heretofore had hope of a favorable vote of the Senate upon it. They have, however, as often as they have voted upon it, voted it down. This amendment is going to some extent in conformity with my own individual view, but not to the whole extent. It will be perceived that this is but simply a proposition to grant to five years' actual settlers one hundred and sixty acres of the public lands without charge. It is a proposition which has been heretofore submitted to the Senate in the form of an original bill. I remember that the Senator from Illinois, [Mr. DOUGLAS,] in the last Congress, offered a proposition of the kind. Mr. Webster, formerly a Senator from Massachusetts, when in this body, offered a resolution embracing a proposition of this kind. There was no final vote taken upon either of those propositions. I now bring forward this proposition; and I offer it not in competition with this bill for the assignability of land warrants, but as additional thereto.

The proposition under consideration, as reported by the committee, is not, it is true, one which proposes to grant land warrants, but one which proposes to make them assignable. However, it does propose to authorize the issue of land warrants to a certain class of soldiers, who have heretofore not been entitled to them. I think it but fair, but just, and but in keeping with the correct policy of the country, that if this class of individuals is to be permitted to have the public lands gratuitously, he who occupies the soil, who cultivates it, who contributes to the wealth of the country by the payment of taxes, should also be permitted to receive lands gratuitously. But I shall make no extended speech on this subject. I shall make no argument in advocacy of it. It is a proposition upon which every Senator must have long reflected; and the mind of every one is probably made up in regard to it. I will merely ask that the vote upon this amendment be taken by yeas and nays.

The yeas and nays were ordered.

Mr. BORLAND. Before the vote is taken, I

desire to say that I have no objection to the proposition contained in this amendment, and as a separate proposition, I think I should vote for it, but as an amendment to this bill I shall vote against it; because I think it is presenting a new question, and one which must defeat the passage of the bill. I am very anxious that the bill, in its present form, should pass. For that reason I shall vote against the amendment; but I will say to the Senator, that as a separate proposition I should be favorably disposed towards it.

Mr. FELCH. I merely wish to remark, that this proposition involves a question of very great magnitude, and one which was discussed at some length at the last session of Congress. The proposition contained in this amendment, if I understand it correctly, goes further than any of the propositions which have been heretofore submitted for the attainment of the object of the Senator from Wisconsin. Most of the other propositions have provided for some compensation to the General Government for the amount expended by the General Government in procuring the title to the public domain. According to the statistical accounts upon that subject, if I recollect rightly, the cost of the public domain to the General Government is something like twenty-two cents per acre. These expenditures are constantly going on. That is, we are constantly proceeding with the surveys of the public lands. We are constantly keeping up a system of administering the public lands—land offices, surveyor's offices, &c., so that these expenditures are constantly accumulating. Former propositions proposed to remunerate the Government to a certain extent—some to a greater and some to a less extent for these expenditures. This proposition, however, abandons that entirely, and provides simply for granting a portion of the public domain to every person who shall settle upon it without any compensation therefor. The other bills always provided for carrying out the details of the new system. If I understand the reading of the amendment correctly, we are to require that there shall be five years' occupancy before any title can be acquired by the settler. It is perfectly obvious if we are to provide for a system of that kind, we need further legislation upon that subject.

The Senator from Wisconsin proposes the adoption of a new and complicated system. When I say he proposes a new system, I do not mean by that that we have never had any laws which required a settlement of the lands before certain rights were acquired; but I mean new as applied to the general distribution of the public domain—a great and important interest as every man must see; and so it has ever been regarded. The little experience which we have had in this matter, is that which relates to Florida—to the armed occupation of Florida, as it was called. We required a settlement for a certain length of time to acquire certain rights. The legislation upon that subject is most instructive. From the time we passed a law giving certain rights of this description, and providing for a certain manner of proof to show a compliance with the law, almost up to the present time, there has never been a session of Congress in which there has not been more or less legislation on that subject. I cite this for the purpose of showing that this amendment involves grave and important questions.

If it is the will of the Senate, and of Congress, and of the country to change the administration of the public lands, let us never forget that we are dealing with a great and momentous question; and that there is connected with it, and must be connected with it, a vast machinery, so complicated, that unless our legislation upon the subject shall be carefully matured, unless we shall have recourse to the lights of experience upon the subject, unless we resort to a careful observation of the results of what we have done, we shall never be able to adopt such a system as will accomplish the objects of those who desire to see it carried into effect.

Sir, I have my own views in regard to the administration of the public domain; and whatever others may think of it, I cannot regard it in any other light than as a great and momentous question. For my own part, though I am ready to take up and examine it—and I desire to examine it in a view of liberality and with a wish to afford every facility for the speedy settlement of the public domain which can be afforded—yet I certainly shall regret to see any hasty legislation on the

subject. Before a proposition of this kind should be adopted, I would wish again to express my views in regard to it. If they are modified by experience, very well. If they are the same as they were last year, very well. Ought gentlemen, I know, stand in the same position. And to dispose of the matter by an amendment offered to a bill, to the subject-matter of which it has no relation, and to dispose of it by a silent vote in this manner, it seems to me would be asking almost too much. Of course, I am prepared to cast my vote on the subject, if that vote must be cast. But if we are to think of the subject maturely; if we are to act upon it, I think it would be better to take it up in a separate bill, and to act upon it by itself, and let it receive the investigation which it deserves—a full consideration by the Senate. I hope we shall not dispose of the subject in this summary manner. I shall not be in favor of adding it to this bill, nor should I be in favor of it if I agreed in the propriety of the proposition to the fullest extent. I wish to see the details of the new system.

Mr. BADGER. There is great force and wisdom in the observations of the honorable Senator from Michigan, who has just taken his seat. We seem to be complicating this measure with a great variety of things which have no connection whatever with the main scope and purpose of the bill. The object of the bill is to make these land warrants assignable, so as to put them upon the same footing with all other property in this country. That is to say, at the disposal of the owner. I have always been in favor of that object; and for one I am indisposed to add any proposition to the bill which shall not have some reasonable connection with its main object and purpose.

But I confess that so many amendments, and amendments to amendments, have been proposed, that I, for one, am incapable of understanding the operation and effect they are to have upon our general land system to which the honorable Senator from Michigan has referred. I hope, therefore, that this amendment may be allowed to be printed, and that the Senate will adjourn. I move that the amendments be printed.

Mr. BORLAND. I would suggest that the bill as amended, with the proposed amendments, be printed.

Mr. BADGER. I adopt the suggestion and make that motion.

The motion was agreed to.

Mr. FELCH. I understood the Senator from Wisconsin to suggest that there were some other amendments which he wished to offer to the bill. I would suggest that he had better submit them all informally, and let them be printed.

By unanimous consent the amendments were ordered to be printed.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, January 19, 1852.

The House met at twelve o'clock, m.

Prayer by the Rev. L. F. MORGAN.

The Journal of Friday was read and approved.

The SPEAKER stated that the first business in order was the motion made upon Monday last by the gentleman from Pennsylvania, [Mr. ALLISON,] to suspend the rules to enable him to offer the following resolution:

Whereas the Superintendent of the Census has published—in the *Globe* of January 1st, 1852—a clear and condensed report of the Census, containing a large amount of valuable information:

And whereas that information, now desired by the people, cannot be had, in the ordinary course of printing, for a long time to come, and then in limited and very inadequate quantities; therefore

Resolved, That the Committee on Printing be instructed to order 100,000 copies of that report for the use of this House, provided the cost shall not exceed one cent per copy.

On this question the yeas and nays had been ordered.

Mr. SWEETSER moved to lay the resolution on the table.

The SPEAKER said that the resolution was not now before the House. The question was upon the motion to suspend the rules to enable the gentleman from Pennsylvania to offer the resolution.

Mr. RICHARDSON. That resolution refers, I believe, to a publication that was made in the *Globe*. I do not know myself what it is, and I

dare say that there are many gentlemen here who are in the same situation. If it is a short article, it might be read by the Clerk.

Mr. STANTON, of Tennessee. We have all read it.

The SPEAKER said that the article could only be read by unanimous consent.

Mr. JOHNSON, of Tennessee, objected.

The question was then taken, and there were—yeas 132, nays 38; as follows:

YEAS—Messrs. Charles Allen, Willis Allen, Andrews, John Appleton, William Appleton, Ashe, Averett, Bell, Bibbhaus, Bocoock, Bragg, Breckenridge, Brenton, Briggs, Brooks, Albert G. Brown, Buell, Burrows, Busby, E. Carlington Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Cartter, Caskie, Chandler, Chapman, Churchwell, Clark, Cleveland, Cobb, Colcock, Cullom, George T. Davis, Dawson, Dean, Doty, Duncan, Durkee, Eastman, Edmundson, Ficklin, Fitch, Florence, Fowler, Freeman, Thomas J. D. Fuller, Gentry, Giddings, Gilmore, Goode, now, Green, Grow, Harper, Sampson W. Harris, Hart, Haws, Hascall, Haven, Hebard, Henn, Hibbard, Hillyer, Holladay, Horsford, John W. Howe, Thomas M. Howe, Hunter, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Landry, Lockhart, Mace, Martin, McAnahan, McNair, Meade, Miller, Miner, Molony, Henry D. Moore, Morehead, Murray, Nabers, Newton, Andrew Parker, Samuel W. Parker, Peaslee, Powell, Price, Richardson, Robinson, Ross, Russell, Schermerhorn, Schoonmaker, Scudder, Origen S. Seymour, Smith, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, Stuart, Taylor, Benjamin Thompson, Geo. W. Thompson, Thurston, Townshend, Tuck, Walbridge, Ward, Washburn, Watkins, Welch, Wells, Alexander White, Wilcox, Williams, Woodward, and Yates—132.

NAYS—Messrs. Abercrombie, Barrere, Chastain, Clingman, Daniel, John G. Davis, Edgerton, Gaylord, Hamilton, Isiah G. Harris, Hendricks, Houston, Thomas Y. How, James Johnson, George W. Jones, Letcher, Humphrey Marshall, McGorkle, McDonald, John Moore, Murphy, Olds, Orr, Penn, Phelps, Polk, Robbins, Sackett, Schoolcraft, Scurry, Alexander H. Stephens, St. Martin, Sweetser, Venable, Wallace, Walsh, and Addison White—38.

So the rules were suspended.

Mr. ALLISON then submitted his resolution.

And the question being on its adoption,

Mr. STUART moved the previous question; which was seconded, and the main question ordered to be put, which was upon the adoption of the resolution.

Mr. JOHNSON, of Georgia, demanded the yeas and nays; which were ordered.

Mr. POLK called for the reading of the resolution.

The resolution was again read.

Mr. ORR. Will not this resolution, if adopted, break the contract of the public printer?

The SPEAKER. It is not for the Chair to determine what will be the effect of the resolution.

Mr. ORR. Well, that will be the result of it. If it is adopted, we shall have the public printer coming to this House for compensation.

The SPEAKER. Debate is not in order.

Mr. ORR moved to lay the resolution on the table, and on that motion demanded the yeas and nays; which were ordered.

Mr. DUNCAN. Is the question debatable?

The SPEAKER. It is not.

Mr. BOCOOCK. Has the previous question been ordered on the resolution so that it cannot be amended?

The SPEAKER. Yes.

The question was then taken, and there were—yeas 49, nays 127; as follows:

YEAS—Messrs. Abercrombie, Barrere, Bocoock, Brooks, Lewis D. Campbell, Churchwell, Clingman, Colcock, Daniel, John G. Davis, Disney, Dunham, Edgerton, Florence, Hall, Hamilton, Isiah G. Harris, Haws, Hendricks, Houston, Thomas Y. How, James Johnson, George W. Jones, Landry, Letcher, Mace, Humphrey Marshall, McMullin, Milton, John Moore, Murphy, Olds, Orr, Outlaw, Penn, Phelps, Polk, Price, Robbins, Sackett, Scurry, Stanley, Alexander H. Stephens, St. Martin, Sweetser, Venable, Wallace, Walsh, and Addison White—49.

NAYS—Messrs. Charles Allen, Willis Allen, Allison, Andrews, John Appleton, William Appleton, Ashe, Averett, Bocoock, Bartlett, Bibbhaus, Bissell, Bragg, Breckenridge, Brenton, Briggs, Buell, Burrows, Busby, Caldwell, Thompson Campbell, Cartter, Caskie, Chandler, Chapman, Chastain, Clark, Cleveland, Cobb, Cullom, Curtis, George T. Davis, Dawson, Dean, Dimmick, Dockery, Doty, Duncan, Durkee, Edmundson, Ewing, Ficklin, Fitch, Fowler, Thomas J. D. Fuller, Gaylord, Gentry, Giddings, Gilmore, Goodenow, Green, Grey, Grow, Harper, Sampson W. Harris, Hart, Hascall, Haven, Hebard, Henn, Hibbard, Hillyer, Holladay, Horsford, John W. Howe, Thomas M. Howe, Hunter, Ingersoll, Jackson, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Lockhart, Martin, McGorkle, McAnahan, McNair, Meade, Miller, Miner, Molony, Henry D. Moore, Morehead, Morrison, Murray, Newton, Andrew Parker, Samuel W. Parker, Peaslee, Porter, Rantoul, Robinson, Ross, Russell, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton,

Abraham P. Stevens, Stuart, Taylor, Benjamin Thompson, George W. Thompson, Thurston, Townshend, Tuck, Walbridge, Ward, Washburn, Watkins, Welch, Wells, Alex. White, Wilcox, Williams, Woodward, and Yates—127.

So the House refused to lay the resolution upon the table.

The question being put upon the adoption of the resolution, it was agreed to.

Mr. ORR. I move to reconsider the vote by which the resolution was adopted. I believe that motion is debatable?

The SPEAKER. It is.

[Mr. BARRERE, from the Committee on Enrolled Bills, reported as correctly enrolled the bill to admit the vessel called the *Elitwa* to registry; and it received the signature of the Speaker.]

Mr. ORR. I do not propose to trouble the House with a long speech, but I desire to call their attention to the resolution they have just adopted, with the hope that the vote by which it was adopted will be reconsidered, and then that it will be rejected. Before proceeding I desire to inquire of the gentleman who introduced this resolution if it was not his purpose, if it was not understood that this printing, instead of being executed by the public printer of the House, is to be executed at the *Globe* office?

Mr. ALLISON. With the consent of the gentleman, I will reply to the interrogatory he has addressed to me. I certainly had no such intention; I had no purpose that the publication should be made at the office of the *Globe*. The only desire that I had was, that we should be permitted to disseminate the information contained in that publication throughout the country. There was no design to have it published at any particular office, but that the Committee on Printing should have the entire direction of the matter, as it certainly has by the language of the resolution.

Mr. ORR. With the permission of the gentleman, I will ask him another question. Why is it then that reference is made in the preamble to the resolution to the publication in the *Globe*?

Mr. ALLISON. I shall answer that by saying that I did not know how I should designate the particular matter I desired to have published better than to indicate the time that report was published in the *Globe*, to wit: the 1st of January, 1852.

Mr. ORR. One other question, if the gentleman will favor me with an answer.

Mr. ALLISON. Certainly.

Mr. ORR. It is proposed to give to the Committee on Printing, by virtue of this resolution, the power to contract with any other person than the public printer, if they see proper to do so. Is it intended to confer that authority?

Mr. ALLISON. In answer to the gentleman, I have to say that the authority or direction I intended to give in the language of the resolution was, that the committee should merely contract to have printed one hundred thousand copies of that report—not that they should have power to go to this office or that office, or to divert it from the office to which it rightfully belonged.

Mr. ORR. The effect of it is necessarily to take this printing from the public printer and give it to some one else. The public printer has already entered into a contract by which he obligates himself to do the printing for this House, and has entered into bond for the faithful execution of it. The terms of the resolution, by conferring upon the committee the power to go and make a contract, contemplates the taking away of this printing from the public printer. I do not object to that particularly, but only to the result that will grow out of it; and gentlemen who have any experience here will bear testimony to the fact, when I declare it, that the slightest pretext will be seized upon by the public printer to claim indemnity from this House for an alleged violation of his contract. We have had experience already upon this subject. What will be the result if the printer fail to discharge his duties? A motion will be made to bring him before the House or the Committee on Printing, to whom he will reply, that Congress has violated their contract by voting to another a portion of the public printing which legitimately belonged to him. He will bring in a memorial here claiming indemnity. It has been charged that the public printer has thus far failed to do his duty. I have nothing to say for or against him, until that becomes manifest. Let the Committee on Printing report to

the House, and let them abrogate the contract system; but I object to the giving the public printer a pretext to come here and demand compensation from this House for a supposed violation of the contract, and declaring it void. If he has failed to perform his obligations, do not give him the excuse to come here and say "that you have violated the contract as well as I have, and that therefore the right does not exist in you to hold me to a strict accountability." The public printer has already begun to make complaints. I saw, a day or two ago, a memorial of his addressed to the Senate in reference to the census printing. He states that he has made large outlays, that he has purchased some five or six presses, brought hands here and a large amount of type, for the purpose of doing the printing. In my own opinion he has taken the contract at less prices than the work can be executed for. It will, I think, result in a failure; and if you give him the least pretext to come here and demand compensation by the passage of this or a similar resolution, you will settle upon yourselves the necessity of paying for the breach of contract \$40,000 \$50,000 or \$100,000.

Mr. INGERSOLL. I ask the gentleman from South Carolina, whether it is within his knowledge that, if this matter goes to the Committee on Printing, they will give it to some other office than that to which it properly belongs?

Mr. ORR. My reason for assuming it to be so, is based upon the preamble of the resolution, to which I desire to call the attention of the gentleman. It reads:

Whereas the Superintendent of the Census has published—in the *Globe* of January 1st, 1852—a clear and condensed report of the Census, containing a large amount of valuable information:

And whereas that information, now desired by the people, cannot be had, in the ordinary course of printing, for a long time to come, and then in limited and very inadequate quantities: therefore, &c.

Mr. INGERSOLL. I understand there is a condensed report published in the *Globe*, and that there is also an elaborate report to be published hereafter. It is proposed by this resolution inasmuch as there is a condensed report, and that it will take a long time to print the elaborate report, that the report as contained in the *Globe* be published. It does not seem to me that the resolution indicates that the printing shall be done by the *Globe* office.

Mr. FULLER, of Maine. I wish to inquire of the gentleman from South Carolina, [Mr. ORR,] if the motion to reconsider prevail, whether the resolution could not be amended so as to authorize the purchase of one hundred thousand copies of the *Globe*, and thus obviate all the difficulty suggested by the gentleman?

The SPEAKER. If the vote be reconsidered, it would bring the resolution back under the previous question.

Mr. ORR. I was about to remark, that by adopting the course suggested, it would obviate the objection I have stated. I am opposed myself to printing any of these copies at all, but there is evidently a majority of the House in favor of it. If the vote be reconsidered, and the resolution reached, gentlemen may move to amend it by ordering the purchasing of one hundred thousand copies of the *Congressional Globe*. Then it would not interfere with the public printing at all.

Mr. STANTON, of Kentucky. In the absence of the chairman of the Committee on Printing, I will make a statement in reference to this matter, so that the House may understand the provision in the contract. Some time ago there was a resolution introduced into the Senate, directing the printing of the census to be given to the editors of the *Union*. That resolution was referred to the joint Committee on Printing of the two Houses. The committee met, took the matter into consideration, sent for the public printer, received from him a statement of his claim to that particular portion of the printing, which he presented in writing. That claim was examined attentively by the committee of the two Houses, together with his contract; and they came to the conclusion, I believe, unanimously, that both by the terms of the contract itself and by the law of Congress which directed the census to be taken, the public printer was not entitled to this printing. The contract itself excluded it, and the law reserved to Congress the right to print this matter as they should think proper.

THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32d CONGRESS, 1st Session.

WEDNESDAY, JANUARY 21, 1852.

NEW SERIES....No. 20.

Mr. ORR. That was altogether a different matter, I suspect, from what is contemplated in this resolution. It is an abstract of the census, as I understand it, and a contract is to be made for its printing. The very fact that the resolution contemplates the necessity of making a contract, shows that it is to be taken from the public printer, and as such I think it gives to him the right to come to this House and claim damages from the House for a violation of the contract with him, inasmuch as they contracted to give him the public printing.

Mr. STEPHENS, of Georgia. I will ask the gentleman a question: I believe he is on the Committee of Printing?

Mr. ORR. I am not.

Mr. STEPHENS. I will not then put the question to him I intended. I will wait until he gets through.

Mr. ORR. I am through.

Mr. STEPHENS. The public printing of this House, Mr. Speaker, is now regulated by law. We have got a joint resolution of the two Houses passed some years ago, providing for the letting out of all the public printing to be done for the Senate and House by contract. Here is the resolution. I will not detain the House by reading it. The different kinds of printing are specifically provided for: the reports of committees at particular rates; the acts of Congress at particular rates; printed bills at particular rates; and then "all other kinds of printing ordered by either House" are provided for in a general clause. This is a public law of the land, passed by the Senate and House. In pursuance of this law, all the various classifications of printing have, at certain rates set out in the contract, been let out by contract. Now, I ask this House, how can we go and make a contract with anybody else touching any printing that we may want done, and how can we ask the present contractor to do it for less than the rates set forth in his contract? This resolution (the one now before the House) says, "provided we can get the work done for one cent per copy." The public printer has already got your bond that he shall have all the printing, classed and specified at fixed rates. That is his contract.

One word on another view, presented by the gentleman from South Carolina. He says that it would not violate our existing contract with the public printer for the House to purchase a certain number of the copies of the *Globe* containing this census matter from Mr. Rives. If the gentleman will look at it, I think he will see that such a course would be as much a violation of the contract as the one now under consideration, because how can you get the printing from Mr. Rives but by a bargain or contract with him to furnish you with so much printed matter of a particular kind which you want? and that is just what the present public printer has already contracted to do.

Mr. FULLER, of Maine. Suppose Congress order a number of extra copies of the life of John Adams and Alexander Hamilton to be printed: does that come within the contract for the printing?

Mr. STEPHENS. I am not prepared to answer that question of the gentleman at this moment. If Congress were to make such an order, it would have to be done by law—by the joint action of the two Houses and by bill or joint resolution. Not being on the Committee on Printing, and not very familiar with all the limitations of the present contract, I am not prepared, this moment, to give an answer to the gentleman, and to say whether the present contractor would be legally entitled to the execution of such an order or not. But he must know, when we order an extra number of any document in this House, or any printing for the use of this House, the contractor for the printing is certainly entitled to it. That is the very object of the contract. It is by throwing all the work into the same hands to get it done at the lowest rates. And if we were to give any of this printing to any other person, the

contractor might justly complain. That is all I have to say to the gentleman from Maine, [Mr. FULLER.] I consider that it would be a violation of our contract with the public printer, as it now exists, for us to order any number of any document from Mr. Rives or anybody else but the contractor. I am entirely opposed to this House taking the initiative in the violation of that contract. I am for holding these contractors to their bond. Both Houses of Congress have been very much imposed upon in the public printing.

Besides this, sir, I am opposed to sending out this abstract of the census at this time. I want such a compendium of the census as we intend to publish as soon as possible. I want it printed as soon as possible. And I trust the Committee on Printing will look to it, and if there is unnecessary delay, that they will bring the subject before the House, so as to give us an opportunity to apply the proper remedy. If we print this abstract, we shall have to reprint it in the compendium. I want but one job of printing; and I want nothing but a succinct and complete compendium.

I am utterly opposed to the publication of this large work which they are now discussing in the Senate, for it will cost us six or seven hundred thousand dollars. I believe we have already spent for the printing pertaining to this census near half a million of dollars. The exact amount I do not know, but the sum is large. How much more are you going to spend? Let us not send out these partial returns or abstracts. Let us get an accurate compendium of the whole and make one business of it. Let us wait until what we want is finished, and then have as many copies of it printed as we may think proper. I am for a reconsideration of the vote by which the resolution was passed.

Mr. DUNCAN. I am entirely at a loss to account for the sensitiveness of many gentlemen upon this floor in regard to the publishing of this very useful document. I hope the House will not be alarmed by any bugbears about the public printing or printer from ordering this publication. The resolution does not propose to take it from the public printer, if it belongs to him. It places the matter at the disposal of the Committee on Printing, who are to judge in relation to it. If they decide that this printing belongs to the public printer, they will give it to him. They are limited to be sure in the price, and if the public printer cannot print it under the limitation—one cent per copy—the committee will so report to the House, and the House will take due order upon the subject. For myself I have no great solicitude about the House being so particular to live up to their contracts with the public printer. Ever since I have been here the public printers have been violating their contracts from day to day.

Mr. ORR. The gentleman first says that this matter is to be intrusted to the Committee on Printing, and if they decide that it belongs to him, they will make the contract. Have we not a contract with the public printer which embraces this and every other description of work? How will you set aside that contract and make a new one?

Mr. DUNCAN. The answer will be this: By the resolution the cost is limited to one cent per copy. If the committee decide that the job belongs to the public printer, and he will not execute it at the price stipulated in the resolution, they come to the House for instructions. It cannot be the cost of the printing of this document that alarms the gentleman. The whole cost of the one hundred thousand copies, if my arithmetic is right, is but \$1,000. I recommend it as a measure of economy, because, in my humble judgment, it will prevent the necessity of printing one thousand copies of the full returns of the census. I think that no gentleman who has read this document, will hesitate to order its publication. It is a very lucid abstract and compendium of the results of the census. The census is completed, and the whole country are desirous to learn the results. Our constituents are addressing inquiries to us every day, and from present indications no

order will be taken for printing the returns of the census in full until near the close of this session. We will be fortunate if we receive them by the close of the present Congress. This compendium will furnish all the information in regard to the census which nine tenths of the people of this country require.

Mr. STEPHENS, of Georgia. Let me ask the gentleman if it gives the white population of each State?

Mr. DUNCAN. I believe it does.

Mr. STEPHENS. It does not.

Mr. DUNCAN. Then I am greatly mistaken. So far as it goes, it seems to me to be a very lucid abstract of the returns of the census, and furnishes precisely that information which will be satisfactory to nine tenths of the people of this country. I hope, therefore, the House will not hesitate to order the printing.

Mr. CARTER. I voted for the suspension of the rules for the introduction of this resolution. I so voted with the distinct appreciation of the fact that in the act of doing so, we might be, or we might not be, trampling upon the nominal terms of the contract. It is suggested here, as a matter of serious apprehension to the opponents of this resolution, that the contractor with the Government for the printing of Congress may demur to this diversion of the printing of the House to the hands of other printers. He would be a pretty subject to do it—a man who has day by day and hour by hour since his undertaking lived in a series of violations of his contract.

Mr. ORR, (interposing.) I do not propose to defend the public printer. I do not know him at all. I do not know how he has discharged his duty. But I will call the attention of the gentleman from Ohio to this fact, that of the public printer has failed thus far to discharge his duty, the Committee on Printing have not discharged their duty, by reporting that fact to the House.

Mr. CARTER. I am not a member of that committee, and will not hold myself responsible for their short-comings of duty. But this I do know, and this fact is known to every gentleman upon this floor, that from the opening to the close of the last Congress, and from the opening of this Congress down to the present time, this contractor has lived in violation of his contract and existed upon the mercy of this House. I hesitate not to declare that upon every occasion I will vote to send the printing where it can be had.

Mr. STANTON, of Kentucky, (interrupting.) I desire to say, in response to the inquiry made a few moments ago by the gentleman from South Carolina, [Mr. ORR,] that the Committee on Printing have had this matter under consideration, and that no later than last Friday we sent for the public printer and had a long interview with him. We inquired of him how far he was prepared to go, in the faithful and honest execution of his contract; and he gave us to understand distinctly that he could not comply with his contract, and did not expect to do it, in this respect, that he was not prepared to furnish such a description of paper as the contract required. The contract requires a description of paper which weighs fifty pounds to the ream, while the paper now used weighs only from thirty-eight to fifty pounds per ream. He says that the reason is, that he cannot purchase the paper required by the contract, because he has no money to pay cash for it and cannot get it on credit. In reference to the manner of executing the work already ordered, he says that the President's message cannot possibly be ready in less than two weeks, but that nearly all the bills and reports sent to him have been printed and furnished to the House.

Mr. STUART. While the gentleman from the Committee on Printing is explaining this matter to the House, I would be glad to learn what measure is in contemplation for the relief of the contractor?

Mr. ORR. And how long it will be before they submit a report on the subject?

Mr. STANTON, of Kentucky. I mentioned that matter to the committee, and they thought it

was necessary to have some direct action on the part of the House. The honorable chairman of the Committee of Ways and Means was appealed to, to offer a resolution instructing the Committee on Printing to take this matter into consideration and make a report upon the subject. We were ready to act, and would have acted that very day, if the resolution had been adopted, but when the honorable gentleman presented his resolution it was objected to all over the House. Whenever the House shall authorize the committee to take the subject into consideration, we shall be ready to act, and to act promptly.

Mr. CARTTER. I am very glad to learn that this public printer had honestly enough to confess to the Committee on Printing, the truth which I was stating when I was interrupted—that he never has complied with his contract, and the history of his connection with this House, has been a continued and living violation of his contract. I care nothing about it so far as he is concerned individually, but inasmuch as it encumbers, and embarrasses, and arrests the proceedings of this House, we have a right to complain. The remedy must consist either in a report from the Committee on Printing, or in the direct action of this House, in procuring the publication of the matter that it sends forth. The power to do it is here; the will to do it is here; and the duty to do it is also here. I am indisposed to await the crooked, tortuous delay experienced by the last Congress through the action of the Committee on Printing. In the first place, we are encumbered by a set of rules, under which we can do nothing except out of order; and in the second place, we are encumbered with an insolvent contractor, who holds back the printing that we order, under the pretext that he cannot do it, and then this very insolvency of the contractor is held up by honorable gentlemen as a solemn obstacle to the publication of our documents.

Mr. STEPHENS, of Georgia, (interrupting.) I would suggest to the gentleman from Ohio, that if we have an insolvent contractor, it would be well for us immediately to impeach those officers who made the contract with him. Let us be bound by our laws. The law requires that those who make the contract, shall take good security for the faithful fulfillment of it. Now if it be true that this has not been done—and I do not know whether it is true or not—let us commence rightly, by bringing those who made the contract to judgment and punishment.

Mr. CARTTER. The gentleman from Georgia differs from me in an important particular. He proposes to stay the hand of Congress, to delay the action of the House, and deprive us of this printing until we can try a collateral question, and impeach collateral officers. Now, I am for impeaching these officers, if they have been guilty of a dereliction of duty, but I would disregard the contract too.

Mr. STEPHENS, of Georgia. The gentleman would not do it without a hearing.

Mr. CARTTER. Not at all. I would give them from now till the day of judgment, but I would have the printing done in the mean time.

Mr. STEPHENS. Let me make another suggestion. Would it not be better for us this day to instruct the Committee on Printing to inquire into the condition of the public printing before we violate the contract?

Mr. CARTTER. I think not. It is against my whole view of the subject to do any such thing. According to my understanding of the legal obligation of a contract, when one party finds the other in default, and especially in default in a precedent undertaking, he is at liberty to disregard the obligation, and the laches on the part of the precedent obligee furnishes a legal foundation for his doing it. Now, this contractor has, in conversation with our committee, acknowledged himself to be in that position, and still the gentleman from Georgia suggests that we had better delay.

Mr. STEPHENS. The joint Committee on Public Printing have made no such report.

Mr. CARTTER. That is very well understood by the House.

Mr. STEPHENS. Let us call for a full report. Let the committee announce to this House, in pursuance of law, that the contract has been forfeited, and then I will assist the gentleman to provide a remedy.

Mr. CARTTER. The only difference between the honorable member and myself is, that he pro-

poses to travel through the formula of a report, instead of taking a confessed fact and acknowledged truth.

Mr. KING, of New York. There is one point which has not been alluded to in this discussion, to which I desire to call the attention of the House for my own information, and for theirs.

I understand that in case of the refusal or neglect of the public printer to do the work suitably and conveniently for the House, there is authority by the contract itself to procure the printing to be done elsewhere.

Mr. TAYLOR. Who is authorized to do it?

Mr. KING. Why, the parties who made the contract under the authority of the House—the clerks, I suppose. I ask that the Committee on Printing should communicate to the House whether what I have stated is the fact or not. I understand that it is so.

Mr. CARTTER. My view of the subject presupposes that there is no such express alternate in the contract, but that the House has the alternative that every party to a contract that has been violated has, in virtue of the violation itself, and that is clearly our condition. This printer has neither conformed to his contract in time, ink, paper, or any of the essential elements of his undertaking; this has been a confessed truth through two long years; and here we are now, starting off in a new Congress with the same promises of fidelity to the contract, and yet we are arrested when we attempt to pick up a little abstract of the census, with the plea that we are endangering the integrity of our contract with this party. For one, I am prepared to do it. The result of this census, if dependent on the administration of this contract and the disposition of the Census Department or Bureau—whichever you call it—will not be published until we are called upon to take another Census. The Census Office is assuming the character of a permanent bureau, and all the agencies and appliances about that office have in their tendencies the object of making it a fixed Department of the Government. And, therefore, instead of having a prompt and punctual publication of the results of the census, which is only valuable for present purposes, except as an historic document, it is being delayed for years. It is an abuse of the Government to tolerate it. It is an abuse of the public mind to tolerate it. What with this printer and the tendency of the Department to protract its action in connection with the census, you will drag along through this Congress without enlightening the public in reference to the results of the last census.

One of the important designs of the last Congress, in giving the details of statistics embodied in that census, was to enlighten the citizens of the United States and our public officers with regard to the resources and current condition of the country. That object—which was the primary object in relation to the statistics—is completely voided and defeated by this delay. I am in favor of compensating for it as far as we are able; and this bugbear about violating the contract of this man, whose very existence is a violation of his contract, will not deter me from giving such votes as I think proper. I now move to lay the motion to reconsider upon the table.

Mr. STEPHENS, of Georgia, demanded the yeas and nays; which were ordered—ayes 27, noes 84.

A MEMBER. What is the state of the question?

The SPEAKER. The proposition was made by the gentleman from South Carolina [Mr. ORA] to reconsider the vote by which the House has just ordered 100,000 copies of a census document to be printed. The gentleman from Ohio, [Mr. CARTTER,] moves to lay that motion on the table. Upon the latter motion the yeas and nays have been ordered.

The question was then taken, and there were—yeas 112, nays 57; as follows:

YEAS—Messrs. Charles Allen, Allison, Andrews, John Appleton, William Appleton, Averett, Babcock, Bartlett, Bibbiana, Bragg, Brenton, Briggs, Albert G. Brown, Buell, Burrows, Busby, E. Carrington Cabell, Caldwell, Thompson Campbell, Chandler, Chapman, Chastain, Clark, Cleveland, Cobb, Conger, Cullom, George T. Davis, Dawson, Dean, Dimmick, Dockery, Duncan, Durkee, Fitch, Fowler, Freeman, Thomas J. D. Fuller, Gaylord, Giddings, Gilmore, Goodnow, Green, Grey, Grow, Harper, Hart, Haws, Hascall, Haven, Helard, Hendricks, Henn, Hibbard, Hillyer, Horstford, John W. Howe, Thomas M. Howe, Hunter, Ives, Jenkins, Andrew Johnson, John

Johnson, Daniel T. Jones, J. Glancy Jones, Kuhns, Kurtz, Lockhart, Martin, McNair, Meade, Miller, Miner, Molony, Henry D. Moore, Murray, Nabers, Newton, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Porter, Price, Rantoul, Robinson, Ross, Russell, Savage, Schermerhorn, Scudder, Origen S. Seymour, Skelton, Smith, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, Stuart Benjamin Thompson, Thurston, Townshend, Walbridge, Ward, Washburn, Watkins, Welch, Wells, Wilcox, Williams, and Yates—112.

NAYS—Messrs. Abercrombie, Barrere, Bell, Bocock, Brooks, Churchwell, Clingman, Colcock, Daniel, John G. Davis, Disney, Doty, Dunham, Edgerton, Ewing, Ficklin, Florence, Hamilton, Isham G. Harris, Sampson V. Harris, Houston, Howard, Thomas Y. How, Jackson, James Johnson, George W. Jones, Letcher, Mason, McLanahan, McMullin, Milton, John Moore, Murphy, Olds, Orr, Outlaw, Phelps, Peck, Richardson, Robbins, Sackett, Schoolcraft, Schoonmaker, David L. Seymour, Stanley, Alexander H. Stephens, St. Martin, Strother, Sweetser, Taylor, George W. Thompson, Venable, Wallace, Walsh, Addison White, Alexander White, and Woodward—57.

So the motion to reconsider was laid upon the table.

THE ELECTION OF THE DELEGATE FROM UTAH.

Mr. BRIGGS. I ask the unanimous consent of the House to offer the following resolution, viz:

Resolved, That the Committee of Elections be instructed to inquire into the election of John M. Bernhisel, the present Delegate from the Territory of Utah—whether said election was held according to law, and whether any bribery, corruption, or other illegal means were made use of by said Bernhisel, with Brigham Young, or any other persons, to secure the said election and return; with power to send for persons and papers.

Mr. STEPHENS, of Georgia. I shall not vote for that resolution, unless some member will rise in his place and say there are good grounds for such an investigation.

Mr. PHELPS. Is not the question upon the suspension of the rules in order to allow of the introduction of the resolution?

The SPEAKER. The Chair is of opinion that it is a question of privilege.

Mr. BRIGGS. The resolution has been offered by me with the best of motives—for the purpose of investigating the legality of the election of the present Delegate from that Territory.

I have reason to believe—and I think this House must have come to the same conclusion, from evidence laid before them recently by the returned officers from that Territory—that the gentleman now occupying a seat here, as a Delegate from that Territory, holds it with no shadow of right by law; and that I might not prejudice the case, I have offered this simple resolution to have the subject referred to the Committee of Election, for investigation. I do not desire to prejudice the case by any remarks upon the resolution. I prefer to await patiently the action of the Committee of Election. I firmly believe that the gentleman has no more right to that seat than a subject of a foreign country.

Mr. KING, of New York. The Delegate from Utah is not in his seat at this time. It will be recollected by the Chair, and by the House, that when the communication from the returned officers was made to the House the other day, a committee of investigation was asked for by that Delegate. The reading of the communication at that time was refused by the House. I do not know of any facts—neither does my colleague [Mr. Briggs] state any particular facts—upon which to ground a suspicion against the right of that gentleman to a seat in this House. As that gentleman is not here, I suggest to my colleague that this matter lie over until he shall be in his seat.

Mr. BRIGGS. Inasmuch as the gentleman from Utah is not in his seat, I propose to permit the resolution to go over until to-morrow.

No objection being made, the resolution accordingly went over.

COLONIZATION SOCIETY MEETING.

Mr. DISNEY. I ask the unanimous consent of the House to introduce a resolution which I send to the Clerk's table.

It was read by the Clerk, as follows:

Resolved, That the use of the Hall be granted to the Colonization Society for its meeting on the 20th instant.

Mr. JONES, of Tennessee. I object.

Mr. DISNEY. I move a suspension of the rules for that purpose.

Mr. JONES called for the yeas and nays; which were ordered.

Mr. JONES, of Tennessee. I will state that

the last time they had the Hall all the curtains around the bars were torn down, and many of the windows were broken.

[Cries of "Order!" "Order!"]

The question was then taken, and there were—yeas 94, nays 69; as follows:

YEAS—Messrs. Wm. Appleton, Barrere, Bell, Breckenridge, Briggs, Buell, Burrows, Busby, Thompson Campbell, Chandler, Chapman, Clark, Cleveland, Conger, George T. Davis, Dawson, Dimmick, Disney, Dockery, Doty, Duncan, Ficklin, Fitch, Florence, Fowler, Gaylord, Gentry, Gilmore, Goodenow, Green, Grow, Harper, Hart, Haws, Hascall, Haven, Hebard, Hendricks, Horsford, John W. Howe, Thomas M. Howe, Ingersoll, Ives, John Johnson, J. Glancy Jones, Preston King, Kuhns, Kurtz, Lockhart, Edward C. Marshall, Martin, Mason, McLanahan, McNair, Miller, Miner, Molony, Henry D. Moore, Morehead, Morrison, Murray, Newton, Olds, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penniman, Porter, Rantoul, Richardson, Robbins, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Origen S. Seymour, Stanley, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Sweetser, Taylor, Benjamin Thompson, George W. Thompson, Thurston, Walbridge, Walsh, Washburn, Welch, Wells, Williams, and Yates—94.

NAYS—Messrs. Abercrombie, Aiken, Willis Allen, Allison, Andrews, Averett, Babcock, Bartlett, Bocoek, Bragg, Brenton, Albert G. Brown, E. Carrington Cabell, Caldwell, Carter, Chastain, Churchwell, Clingman, Cobb, Coleock, Cullom, Curtis, John G. Davis, Dean, Dunham, Edgerton, Ewing, Freeman, Thomas J. D. Fuller, Grey, Hall, Hamilton, Isham G. Harris, Sampson W. Harris, Henn, Hebard, Hillyer, Holladay, Howard, Thomas Y. How, Jackson, Jenkins, Andrew Johnson, James Johnson, George W. Jones, McCorkle, McMullin, Meade, Millson, Murphy, Nabers, Orr, Penn, Phelps, Powell, Ross, Savage, Smith, Alexander H. Stephens, St. Martin, Stuart, Townshend, Venable, Wallace, Ward, Watkins, Alexander White, Wilcox, and Woodward—69.

So the rules were not suspended.

RIGHT OF STATES TO EXCLUDE NEGROES.

Mr. CLINGMAN. I ask the unanimous consent to offer a resolution; and if there be objection, I will move a suspension of the rules.

The resolution was then read for information, as follows:

Whereas some of the States of the Union have in their constitutions provided for the absolute exclusion of free negroes from their several territories, while others have sought to attain the same object by legislation: And whereas complaints have at times been made of these things by other States and Nations: Therefore,

Resolved, That in the opinion of the House of Representatives, it is the unquestionable right of each one of the States of the Union to exclude, either wholly or partially, from her territory negroes, whether free or slaves, and that the exercise of this right affords no just ground of complaint to any other Nation or State.

Mr. JOHN W. HOWE objected.

Mr. CLINGMAN. Then I move a suspension of the rules, and upon that motion demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 69, nays 85, as follows:

YEAS—Messrs. Aiken, William Appleton, Thomas H. Bayly, Bibbiana, Bocoek, Bragg, Breckenridge, Albert G. Brown, Busby, E. Carrington Cabell, Caldwell, Chastain, Clingman, Cobb, Coleock, Cullom, Curtis, Dimmick, Disney, Dockery, Ewing, Ficklin, Fitch, Florence, Gaylord, Gentry, Gilmore, Grey, Hall, Hamilton, Isham G. Harris, Sampson W. Harris, Hart, Henn, Hillyer, Holliday, Houston, Howard, Jackson, Andrew Johnson, George W. Jones, J. Glancy Jones, Kurtz, Letcher, Lockhart, Mason, McCorkle, McMullin, McNair, Meade, Miller, Morehead, Murphy, Nabers, Orr, Outlaw, Penn, Phelps, Polk, Porter, Powell, Robinson, Savage, Smith, Stanley, Frederick P. Stanton, Richard H. Stanton, Strother, Stuart, Venable, Wallace, Walsh, Ward, Watkins, Addison White, Alexander White, Wilcox, and Woodward—69.

NAYS—Messrs. Abercrombie, Willis Allen, Allison, John Appleton, Averett, Babcock, Barrere, Bartlett, Bell, Bissell, Brenton, Briggs, Buell, Thompson Campbell, Carter, Chandler, Chapman, Churchwell, Clark, Cleveland, Conger, George T. Davis, John G. Davis, Dawson, Dean, Doty, Duncan, Dunham, Edgerton, Fowler, Thomas J. D. Fuller, Goodenow, Grow, Harper, Haws, Hascall, Haven, Hebard, Hibbard, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Ingersoll, Ives, James Johnson, John Johnson, Daniel T. Jones, Preston King, Kuhns, Martin, McLanahan, Miner, Henry D. Moore, Morrison, Murray, Newton, Andrew Parker, Peaslee, Penniman, Rantoul, Robbins, Ross, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Benjamin Stanton, Ab'm P. Stevens, Alexander H. Stephens, Sutherland, Sweetser, Taylor, Benjamin Thompson, George W. Thompson, Thurston, Townshend, Tuck, Walbridge, Washburn, Welch, Wells, and Williams—85.

So the House refused to suspend the rules.

Before the vote was announced,

Mr. HAMILTON said that he was requested to state that **Mr. SMART** was absent from the House in consequence of indisposition.

Mr. CLEVELAND also, when his name was called, said that he was opposed to agitation, and, therefore, voted no.

[A message was here received from the President

of the United States, by the hand of **MILLARD P. FILLMORE**, his Private Secretary.]

CLAIMS ALLOWED BY THE DEPARTMENTS.

Mr. FULLER, of Maine, asked the unanimous consent of the House to introduce a resolution, which was read for information, as follows:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of the Navy, the Secretary of War, and the Postmaster General be, and hereby are, instructed to cause to be reported to this House, as soon as may be practicable, full and complete lists of all claims, if any, (including principal and interest, and designating each separately,) allowed and paid by the respective Departments, or any Bureau thereof, since the 4th day of March, A. D. 1849, which had been previously presented, suspended, or disallowed, in whole or in part; and specifying the character of such claims; and also, that they cause to be reported the names of all persons who at any time acted as the agents or solicitors for said claims, and the persons who received any portion thereof, or were interested therein.

A MEMBER objected.

Mr. FULLER. I move that the rules be suspended, in order to enable me to introduce the resolution; and upon that motion I ask the yeas and nays.

Mr. GOODENOW. I move that the House do now adjourn.

Mr. CARTTER demanded the yeas and nays; which were not ordered, and tellers upon the yeas and nays were also refused.

The question now being on the motion to adjourn,

Mr. ROBINSON demanded tellers; which were ordered, and Messrs. **ROBINSON** and **CLINGMAN** were appointed.

The question was then taken, and the tellers reported—yeas 87, nays 47.

So the motion prevailed, and

The House adjourned till twelve o'clock tomorrow.

NOTICES OF BILLS.

Mr. SMITH gave notice of his intention to introduce a bill to establish the following post roads in Alabama, to wit: From Tuscaloosa, via Hardy Clement's Cotton Factory, to Scottville, in Bibb county.

From Fayette Court-House, via Newtonville, to Reform, in Pickens county.

From Fayette Court-House, via Big Pond and Mud Creek and Olinda, to Columbus, Mississippi.

Mr. DOTY gave notice of his intention to introduce a bill with the following title:

"A bill to establish a Bureau of Printing in the Department of the Interior; and providing for the execution of all printing required by Congress, and by the executive Departments."

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees: By **Mr. DAWSON**: The petition of David Tate, a private in the war of 1812, praying for a pension on account of injuries received.

Also, the petition of Peter Lane, praying for a grant of land for services rendered during the war with Great Britain.

Also, the petition of the citizens of Greene county, praying for a post route from Waynesburg to Middlebourne, Virginia.

By **Mr. SEYMOUR**, of New York: Two memorials of the city of Troy, New York, praying the erection of buoys in the Hudson river, and the improvement of its navigation between Troy and Albany.

By **Mr. BRIGGS**: The resolution by the Common Council of the city of New York, tendering the General Government a site for a Mint in that city.

By **Mr. MILLER**: The memorial of sundry citizens of Missouri, praying the establishment of a mail route from Shelbyville to Kirksville, Missouri.

By **Mr. SWEETSER**: The petition of G. W. Helwick and 32 others, citizens of Franklin county, for an increase of mail facilities, &c.

By **Mr. MARSHALL**, of California: A petition from the officers engaged in the coast survey in California and Oregon, for additional compensation.

By **Mr. BABCOCK**: The petition of citizens of Madison county, New York, praying Congress to make an appropriation to pay the charges and expenses accruing upon the goods exhibited by American citizens at the World's Fair.

By **Mr. PORTER**: The petition of James H. Robinson, guardian of Nathaniel Patten, a minor, and only heir of Nathaniel Patten, late of Missouri, deceased.

By **Mr. WHITE**, of Alabama: A petition for the removal of the land office at Lebanon, Alabama, to Goshen, Cherokee county.

By **Mr. PEASLEE**: The petition of John Brown, jun., for a pension.

By **Mr. INGERSOLL**: The petition of Rebecca Napes and others, of the State of Connecticut, heirs of Paul Napes, asking for relief.

By **Mr. FULLER**, of Maine: The memorial and petition of Idco K. Tolman and 63 others, citizens of Maine, asking Congress to make an appropriation for a breakwater on the eastern side of the Island of Matinicus, for the safety and protection of navigation and commerce.

Also, the memorial of J. D. Parker and 108 others, citizens of the counties of Washington and Hamilton, Maine,

praying Congress that a light-house may be established on Eastern Island, at or near the entrance of Goulsborough harbor, in the town of Steuben, in said State.

Also, the memorial of Mark Trafton and others, praying Congress to pass a special law allowing manufactured lumber, exclusively of the growth and production of the soil of Maine, and which may be manufactured at the Aroostook falls on the Aroostook river, situated partly in the State of Maine and partly in the Province of New Brunswick, to be imported into the United States free of duty.

IN SENATE.

TUESDAY, January 20, 1852.

Prayer by the Rev. L. F. MORGAN.

EXECUTIVE COMMUNICATION.

The following message was received from the President of the United States, by **Mr. M. P. FILLMORE**, his Private Secretary; which was read:

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, accompanied by a letter to him from the contractors for paying the installment of Mexican indemnity due on the 31st of May next, and respectfully invite attention to the subject.

MILLARD FILLMORE.

WASHINGTON, January 19, 1852.

Ordered, That it be referred to the Committee on Finance and printed.

PETITIONS.

Mr. BADGER presented a memorial of Washington A. Bartlett and other officers of the Navy, praying additional pay during their service in the Pacific; which was referred to the Committee on Naval Affairs.

Mr. MILLER presented the petition of the heirs of William Tuttle, a revolutionary officer, praying to be allowed commutation pay; which was referred to the Committee on Revolutionary Claims.

Mr. JONES, of Iowa, presented the petition of Margaret Farrer, praying that a sum of money due her under the treaty of 1836 with the Sac and Fox Indians, may be paid; which was referred to the Committee on Indian Affairs.

Mr. GWIN presented the memorial of Thomas O. Larkin, praying compensation for supplies furnished for the use of the California battalion during the late war with Mexico; which was referred to the Committee of Claims.

Mr. BRODHEAD presented the memorial of the Marine Insurance Company of Philadelphia, praying that the salary of the United States district judge at Key West, in Florida, may be increased; which was referred to the Committee on the Judiciary.

Mr. NORRIS submitted additional documents in relation to the petition of Isaac Adams; which were referred to the Committee on Patents and the Patent Office.

Mr. SHIELDS presented a petition of citizens of Washington, D. C., praying the improvement of Delaware Avenue, north of the Capitol; which was referred to the Committee for the District of Columbia.

Mr. SEWARD presented a resolution of the Board of Aldermen and Board of Assistants of the city of New York, tendering to the United States a plot of ground in that city for the erection of a Mint; which was referred to the Committee on Finance, and ordered to be printed.

Mr. BRADBURY presented the memorial of the administrator of Charles Foster, praying the appointment of a tribunal for reviewing the decisions of the late Board of Commissioners for settling claims against Mexico.

Ordered, That it lie on the table.

Mr. DAVIS submitted additional documents in relation to the petition of John W. Whipple; which were referred to the Committee of Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by **Mr. HUNTER**, it was

Ordered, That the memorial of the representatives of William Teas, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by **Mr. HUNTER**, it was

Ordered, That the petition of Elizabeth Jones, heir of John Carr, on the files of the Senate, be referred to the Committee on Pensions.

On motion by **Mr. MALLORY**, it was

Ordered, That the memorial of George McKay, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by **Mr. MALLORY**, it was

Ordered, That the petition of Gilbert Knapp, on the files of the Senate, be referred to the Committee of Claims.

On motion by **Mr. MALLORY**, it was

Ordered, That the memorial of the heirs of Darius Garrison, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. RUSK, it was

Ordered, That the memorial of the widow of Marvin W. Fisher, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. SEWARD, it was

Ordered, That the petition of Anna Norton and Louis Foskit, heirs at law of Zephaniah Ross, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. SEWARD, it was

Ordered, That leave be granted to withdraw from the files of the Senate the documents in relation to the claims of Charles Reeder, Walter R. Johnson, and the legal representatives of Thomas P. Jones.

On motion by Mr. DAVIS, it was

Ordered, That the petition of citizens of Plymouth county, Massachusetts, on the files of the Senate, in relation to the improvement of North river, be referred to the Committee on Commerce.

On motion by Mr. DAVIS, it was

Ordered, That the resolutions of the corporate authorities of Lynn, Massachusetts, with the documents on the files of the Senate relating to the establishment of a port of entry at that place, be referred to the Committee on Commerce.

REPORTS FROM STANDING COMMITTEES.

Mr. UPHAM, from the Committee on the Post Office and Post Roads, to whom was referred the petition of John T. Sullivan, submitted a report, accompanied by a bill for his relief, which was read and passed to a second reading.

Ordered, That the report be printed.

Mr. MALLORY, from the Committee on Naval Affairs, to whom was referred the memorial and papers of Joseph Gideon, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. M., also, from the same committee, to whom was referred the memorial and papers of John O. Means, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. WADE, from the Committee of Claims, to whom was referred the petition of Robert Platt, submitted an adverse report, which was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom the subject was referred, reported a bill to reimburse the Common Council of New York expenditures made for the first regiment of New York volunteers.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the bill granting the right of way to the State of Missouri, and a portion of the public lands to aid in the construction of a railroad from Hannibal to St. Joseph, in said State, reported it with an amendment.

He also, from the same committee, to whom was referred the bill granting to the State of Michigan the right of way and a donation of the public lands for the purpose of constructing a canal or railroad across the peninsula of Michigan, reported it without amendment.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the resolution to authorize an investigation into the causes of the explosion of steam-boilers, and the best means of preventing the same, reported it with an amendment.

He also, from the same committee, to whom was referred the proceedings of a court of inquiry in the case of William K. Latimer, a captain in the Navy, reported the following resolution:

Resolved, That the charges and specifications, and also the report and opinion of a court of inquiry in the case of William K. Latimer, and the letter of the Secretary of the Navy transmitting the same, and the general order in said case, dated July 1, 1851, be printed for the use of the Senate.

Mr. BORLAND, from the Committee on Public Lands, to whom was referred the bill granting to the State of Arkansas the right of way and a portion of the public lands to aid in the construction of a railroad from a point on the western bank of the Mississippi river, opposite the town of Memphis, Tennessee, by way of Little Rock, to a point on Red river, on the border of Texas, reported it with an amendment.

He also, from the same committee, to whom was referred the bill granting the right of way and

making a grant of land to the State of Arkansas in aid of the construction of certain railroads in said State, reported it without amendment.

He also, from the same committee, to whom was referred the bill granting to the State of Arkansas the right of way and making a donation of a portion of the public lands to aid in the construction of a railroad from Helena to Fort Smith, in Arkansas, reported it without amendment.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the bill entitled "A bill for the relief of David C. Cash and Giles U. Ellis," reported it without amendment, and that it ought not to pass.

Mr. DOWNS, from the Committee on Private Land Claims, to whom was referred the petition of John Ervin, submitted a report, accompanied by a bill, to confirm the claim of John Ervin to a certain tract of land in the De Bastrop claim.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

Mr. DAWSON, from the Committee on Military Affairs, to whom was referred the petition of George Poindexter, reported a bill for his relief; which was read and passed to the second reading.

On motion by Mr. FELCH, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of six petitions of citizens of Michigan, in relation to the Zilwaukee, Grand Traverse, and Mackinaw Plank Road Company; a memorial of the Legislature of Missouri, in relation to the Lexington and Daviess County Railroad; a memorial of the Legislature of Missouri, in relation to a plank road from Tully, in that State, to Bloomfield, Iowa; a memorial of the Legislature of Missouri, in relation to the Northern Missouri Railroad; a petition of citizens of Wisconsin, presented January 2; a memorial of a railroad convention of Iowa, presented December 22, 1851; a petition of citizens of Iowa, presented January 14; and a memorial of a convention of citizens of Iowa, presented January 10.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the memorial of Thomas Kennedy, and the memorial of Gabriel Villere.

BILLS INTRODUCED.

Mr. SHIELDS, agreeably to previous notice, asked and obtained leave to introduce a bill to amend an act entitled "An act to incorporate the Washington Gaslight Company," approved July 8, 1848; which was read a first and second time by its title, and referred to the Committee for the District of Columbia.

Mr. BAYARD, agreeably to previous notice, asked and obtained leave to introduce a bill concerning the sessions of the courts of the United States in the district of Delaware; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. UNDERWOOD, agreeably to previous notice, asked and obtained leave to introduce a bill granting lands and the right of way to the States of Indiana and Illinois in aid of the construction of a railroad from a point on the Ohio river opposite Louisville, Kentucky, to a point on the Mississippi river opposite St. Louis, in Missouri; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. GWIN, agreeably to previous notice, asked and obtained leave to introduce a bill to provide for the appointment of a superintendent of Indian affairs in California; which was read a first and second time by its title, and referred to the Committee on Indian Affairs.

He also, agreeably to previous notice, asked and obtained leave to introduce a bill to release the bonds given for duties on goods, wares, and merchandise, destroyed by fire in the city of San Francisco, in California, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Finance.

REPORT OF SENATE PROCEEDINGS.

Mr. NORRIS submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be and he is hereby authorized and instructed to audit, and from time to time to settle the account of John C. Rives for the reports of the Senate proceedings and debates published in the *Daily Globe*, at \$7 50 per column.

CENSUS RETURNS.

Mr. HAMLIN submitted the following resolution for consideration:

Resolved, That the Secretary of the Interior be requested to furnish the Senate with an estimate of the number of pages which the census returns will contain if the same shall be completed on the plan now pursued by the Census Bureau.

Also, what part of the same will be composed of statistical tables, and what part of other matter.

CLERKS TO COMMITTEES.

On the motion of Mr. SEBASTIAN, the Senate proceeded to consider the resolution submitted by him yesterday, in the following words:

Resolved, That the Committee on Indian Affairs be authorized to employ a clerk during the present session of Congress.

Mr. DAWSON. I move to amend by adding, "and the Committee on Patents and the Patent Office."

Mr. HALE. I move to amend the amendment by adding, "and the Committee on Engrossed Bills."

Mr. CASS. I would like to know whether these applications are made by order of the committees. I wish to know whether these committees deem the employment of these clerks necessary.

Mr. HALE. I will answer the honorable Senator so far as the Committee on Engrossed Bills is concerned. That committee has not considered this matter, because there has been no room assigned where they might meet for consultation.

Mr. CASS. That is enough.

The amendment to the amendment was rejected.

The question then recurred on the amendment.

Mr. DAWSON. If there is any committee besides the Committee on Finance and the Committee on Pensions which needs a clerk, it is the Committee on Patents and the Patent Office. There are numerous applications for extensions of patents made to that committee, which require a great deal of investigation, and a great deal of running to the Patent Office. Every member belonging to that committee would be relieved of a great deal of trouble by the appointment of a clerk. I think it due to that committee that it may be thus relieved, and I have therefore offered this amendment.

Mr. CASS. Did I understand the honorable Senator to say that the Committee on Patents and the Patent Office have applied for this clerk?

Mr. DAWSON. We have not made an order to that effect, but there was an informal agreement by the majority of the committee, that a clerk was necessary for the transaction of their business, if a clerk was necessary for any other committee.

Mr. RUSK. If it be at the request of the committee, and they say that they desire the service of a clerk, and need his services, I shall be willing to vote them a clerk very cheerfully. But this proposition might embarrass the original resolution to give a clerk to the Committee on Indian Affairs.

Mr. DAWSON. I can appeal to the chairman of the Committee on Patents to say whether this clerk is not necessary.

Mr. JAMES. I can only answer as a member of that committee, that the duties brought before the committee are very arduous, and that it is highly necessary we should have a clerk at an early day.

Mr. CASS. If we are to hold the committees responsible for the employment of these clerks, we should require some formal action from the committees; we should have their approbation of the measure and hold them responsible for it.

Mr. BADGER. I suppose the only thing necessary is to be satisfied that the committee deems a clerk necessary, and desires to have a clerk. Whether that desire is manifested by individual members or by any particular member under the instruction of the committee, it seems to me that it makes no kind of difference in the practical result. These gentlemen say their committee needs a clerk, and that they desire a clerk; therefore I am for giving them one.

Mr. SEBASTIAN. So far as there is any necessity for the appointment of a clerk to the Committee on Indian Affairs, I have the authority of the committee. I was instructed by them to report this resolution. It was a subject considered by them. We have felt not only at this session but at the last session the necessity of a clerk. We forbore, however, at the last session to urge a motion of this kind, in consequence of what was understood to be a very general opposition, on the part of the Senate, to extend that kind of relief to the duties of the committees. Since then, however, the Senate is aware of a great accumulation of business upon the hands of that committee. Constituted, as it is, with some of its members disqualified, from ill health and other reasons, for attending upon the committee, I will say that it is

totally impossible to discharge the duties incumbent upon the members of the committee as such, in addition to the ordinary legislative duties required of them in their capacity as members of this body.

There has been a vast accumulation of business upon the hands of this committee. I believe that something like fifty treaties negotiated by the Government are now before the committee for consideration. It must be borne in mind, also, that our relations and our policy in reference to the Indian tribes constitute probably the most variegated piece of patchwork, in defiance of our general regulations of the system, of all the legislation of this Government in reference to any subject whatever.

I have felt it necessary to make these explanations in view of what I saw was evidently a misapprehension on the part of some gentlemen here. The committee ask for this clerk, not as a personal exemption from duties, but as something which they deem absolutely indispensable to a proper discharge of those duties.

Mr. DAWSON. I do not feel at all inclined to embarrass the action of the Senate; and as the idea has been suggested to me, that the amendment which I have proposed might injure the direct application of the chairman of the Committee on Indian Affairs, I will withdraw the amendment which I have offered.

Mr. BRIGHT. I have no idea that any objection I can make will influence the Senate to vote down this proposition; nevertheless this consideration shall not deter me from an effort to correct that which I regard as an abuse; for every proposition that adds a clerk to the committees of the Senate, I regard as an abuse, and it cannot have my vote. Heretofore the Committee on Finance have had a clerk, and I am willing to admit there was a propriety in this, during the actual sessions of Congress, for the labors of this committee are of a kind, that a competent man can make himself useful as clerk. But there are reasons, operating in favor of the employment of a clerk by this committee, that do not exist with any other of the body. I need not waste time on this point. Senators all know to what I refer.

A few days since we ordered clerks for the committees on Naval Affairs and Commerce, now we are asked to order clerks for the Indian and Committee on Patents, and if the order is made (as I presume it will be, judging from the past, and in view of the great facility with which we act affirmatively on all such matters,) we will be asked to grant clerks to every standing committee of this body. Why the Committee on Naval Affairs should ask a clerk, is a matter of astonishment to me. What duty will the clerk of that committee perform. Will he make up a brief in each case presented for the decision of the committee, and decide the merits of the case? If so, we will have only the opinion of the clerk, and not the majority opinion of the committee, founded on an actual examination of the case. While, as a general rule, I might be willing to act upon the opinion of a Senator, expressed after a full examination of the report presented by him, I would not be thus willing to adopt and act upon the opinion of a clerk of whom I know nothing, and who has no legislative responsibility. I was for several years a member of the Naval Committee, and therefore I have singled out and remarked upon what I considered the claims of this committee, and have no hesitation in saying, that while I had the honor of a place on that committee, I should have opposed the employment of a clerk, on the ground he would have been a useless piece of furniture, so far as the proper legitimate business of the committee was concerned. It would be a source of convenience to every Senator to have the services of a competent gentleman, about his general business affairs, transacting business at Departments, and keeping up his correspondence; and I do not say there would be anything wrong in thus employing an employee of the committee; but if this abuse (for as such, I can only characterize it) is to exist, and grow into a practice, let it be general—give all the committees of the body clerks, and then we will all be upon an equal footing. If this resolution be adopted, as a matter of course we will expect to order a clerk for each standing committee.

Mr. BADGER. I do not know how my honorable friend from Indiana undertakes so confidently to determine upon what is and what is not

required by all the committees of this body. I think it would be much better for us to rely upon the determinations of the committees themselves; to allow them to speak for their own committees, and to confine ourselves, as a former Senator from Missouri [Mr. BENTON] used to say, to our own bailiwicks.

The Senator from Indiana has referred to the Committee on Naval Affairs, and supposes that that committee cannot have any need of a clerk. This is but an instance to show the hazard which any gentleman undertakes, in pronouncing an opinion upon the condition of other committees than his own. Sir, we have very great need of a clerk. In the condition of affairs before the Naval Committee at this time, we have need of an active and intelligent clerk. We have need of him to facilitate our transactions in the business which the Senate has committed to us. We have need of him, to enable us to carry on the necessary intercourse between us and the Department, and the various bureaus of the Department; for the purpose of collecting the information which is required to facilitate those inquiries which the Senate has demanded of us to make, and how we are to report our own judgment. We do not want a clerk to communicate his judgment to us. We want him there to get together such materials as we may require, in order to enable us to form our own judgments. The honorable Senator says that the Committee on Naval Affairs has nothing for a clerk to do; and he supposes this to be the case with regard to every committee of the Senate, except the Committee on Finance. He says that it is, nevertheless, very convenient to have a clerk, in order that he may attend to the private business of members of the committee. Do I understand the Senator to mean by that, that clerks are asked for by committees here when they have no use for them, with regard to the discharge of their Senatorial duties; but that they are actually practising an imposition upon this body, by asking for officers to be employed at the public expense, to attend to the private business of members? I am sure that the honorable Senator should not make such an imputation as this, unless he could produce some evidence to sustain it. It impeaches the honor—the personal honor, the official honor—it impeaches the respectability of honorable gentlemen as members of this body, if there be any individual upon any committee who is supposed to be influenced by any such low, groveling, personal purpose, in asking for a clerk.

With regard to myself I can say that when I wished a clerk to be appointed by the naval committee I had no personal business of my own for him to do. My own business I do myself. Whether well or ill done, it is done by myself, and without the assistance of others. I feel very well satisfied that no gentleman associated with me upon the Committee on Naval Affairs wishes a clerk for any such indirect personal object. But how does it happen that the honorable Senator admits that the Committee on Finance have need of a clerk? Why has the Committee on Finance need of a clerk? Is it on account of the peculiar nature of the business which that committee has to do? Or is it on account of the amount of business which that committee is called upon to perform? I presume that other committees of this body need a clerk as well as the Committee on Finance. There is nothing in the name of that committee which makes a distinction and shows it should have such assistance, and that other committees should not have it. I have no doubt that the Committee on Finance eminently needs a clerk. The Senate has been in the habit of furnishing a clerk to that committee, and I have always been glad to see it done. But when honorable members upon this floor announce to me that, in their judgment, the convenient dispatch of the public business committed to them requires that they should be furnished with a clerk, I shall always feel it to be my duty to presume that they are actuated by public considerations, and are not asking to obtain any private advantage.

Now, with regard to this committee, after what has been said by the chairman of the Committee on Indian Affairs, [Mr. SEBASTIAN,] it seems to me that it would be difficult for us to furnish a satisfactory reason why we should refuse to this committee what we have granted to other committees. We have granted a clerk to the Committee on the Post Office and Post Roads, at

the head of which is my honorable friend from Texas, [Mr. RUSK.] Every one well knows why it is necessary that that committee should have a clerk. My friend from Texas said on a former occasion that that committee did need a clerk. I am satisfied that he said so because he believed it, and that nothing would have induced him to say it if he had not believed it. So it is with regard to the Committee on Military Affairs, of whose business I have had some experience; and I have known the business of that committee to suffer for want of such assistance.

With regard to the expenditure involved in this, permit me to say that it is a little of "penny wisdom and pound folly," while we are ready to pour out the public money at the bung, to be so carefully engaged in stopping a little spigot-hole out of which but a small portion of the public treasure oozes; and especially when it is expended for the purpose of enabling committees more satisfactorily to themselves, and more beneficially to the country, to discharge the duties imposed upon them.

The honorable Senator from Indiana thinks that members of committees ought to take this labor upon themselves; and he says he is willing to do it. I believe he is. He is a young man; a man in vigorous health, and is fond of labor. He is pleased with a kind of investigation, which to me is absolutely repulsive. Let him go on then, and devote those powers which he possesses to the service of the Senate, in the honorable and efficient manner that he now does; but do not let him deny to those of us who have not the same capacity, and that kind of business facility which our age, or indisposition, or any other cause may render necessary, to enable us to come at a practical and beneficial result of our operations.

Mr. HUNTER. I move to postpone the further consideration of this subject until to-morrow, in order that we may get at the special order of the day, which is the bounty land bill.

Mr. BRIGHT. This is rather an unimportant matter; but since the remarks of the honorable Senator from North Carolina, I must be indulged with a short reply. I employed no such language in my previous remarks as that Senator attributes to me, nor did anything which I said justify the construction which that honorable Senator sought in his remarks to put upon mine. I said not a word which could, by implication even, be regarded as reflecting upon the honor or integrity of any Senator, and I venture the assertion that the honorable Senator from North Carolina stands alone in this misconception of that which I did say. I said in general terms that I believe clerks to committees of this body useless appendages, as far as the legitimate business of this body was concerned, and their employment an abuse of our privileges here; and this I again repeat, not by way of censure to others who may take a different view of this subject, but by way of expressing my decided condemnation of thus summarily fastening on to the Treasury a new batch of pensioners; for mark, sir, every one of the individuals provided to be employed under this and similar resolutions, will be continued over at the end of this to the opening of the next Congress, and so on from year to year, adding another and another to the long list of abuses that are daily creeping into every department of this Capitol. And again mark, at the end of this session, about the last day or night thereof, you will have a resolution offered by some kindly-disposed Senator, giving, in addition to the \$1,500 per annum now paid clerks, a gratification of \$250 more; and this will not only be done at the long, but unless a new practice obtains, these very clerks, that are now employed only for present use, will be continued over to the short session, and the same salary be given for three months work, and the \$250 extra pay again added. I am speaking of the probable future, having my eye on the past; and I have on this point only said what I feel quite sure will be realized, unless a great change takes place in our mode of legislation.

The honorable Senator from North Carolina feels at liberty to read me a lecture on account of my notice of the Naval Committee. I spoke in the most respectful terms of that important committee, and remarked that when I was a member of it, as I had been for two or three sessions past, the chairman and members of it had experienced no inconvenience for the want of a clerk, and that I was not aware of any greater necessity for a clerk

now than then. And now, notwithstanding the opinions of the honorable Senator from North Carolina, expressed in a very authoritative manner, I beg leave again to say, that I do not believe the Naval Committee can find employment for a clerk; and I will go further and add, that there is not a committee of this body, unless it be the Committee on Finance, that can profitably employ one, so far as the interests of the public are concerned. Whether while I was a member of the Committee on Naval Affairs I contributed in the least degree to lighten the labors of the honorable Senator from North Carolina, who was never known to shrink from any responsibility or the performance of any duties, is a matter of very little consequence at this time. The question now is, whether the public interest will be promoted by this loose system of creating a new set of useless officers. I think not, and have plainly given some of my reasons, without intending to offend in the slightest degree any Senator. Knowing, however, what I do, as to the manner such propositions as this are generally disposed of here, I cannot say that I have the least idea it will be defeated, and consider all I have or might say in opposition to the resolution as labor lost. I am content to affix my mark of opposition upon it, and let it go.

Mr. BADGER. I wish to remind the honorable Senator from Indiana of two things with regard to the Naval Committee, which seem to have escaped his recollection. In the first place, while he was a member of that committee, he was a member of one or two other committees, furnishing so much occupation for his time that it was very seldom that we could get on that committee the assistance which his labors and his counsel would have afforded. Hence, with my friend from New Jersey, [Mr. MILLER,] at that time a member of the committee, and the then Senator from Florida, [Mr. YULEE,] who was at the head of the committee, we had thrown upon us an amount of labor and responsibility under which we were borne and pressed down, and in which the honorable Senator from Indiana shared very little, and of the oppressive character of which he knew nothing. That is the first fact.

Then I wonder that the honorable Senator has not thought of the other fact; and that is, we now have the State of California in the Union, and it would require a clerk to attend to the business of that State, while the members of the committee were able to attend to the rest of the United States.

Mr. HALE. I did not intend to mingle in this debate, but as the honorable Senator from North Carolina says he has been oppressed, and as I feel myself bound to advocate the cause of the oppressed, I want to say a word or two. It strikes me that we are making mistakes in the discussion of this matter. That is, we are going too much into detail. We are not taking a national view of the thing. I want to suggest a national view of this matter. We are not only doing what we are doing for to-day, but we are making precedents, and they will stick and be followed hereafter. I wish now to suggest a possible state of things which may exist hereafter. It may be that in the coming years that are before us, there will be an administration of the General Government in power, and a majority of the Senate in opposition. Well, then, we that are in opposition will have some friends; our friends will come here and want places. We cannot give them places unless we make some neat little places in the committees, where we shall not have a President to interfere to nominate. We want places where we can confirm without a nomination. I think, in view of what may possibly occur hereafter, an arrangement of this sort will be very convenient. Although I have but very few friends, they are enough to be troublesome, especially to a man who has no sort of influence with the Administration; and it is exceedingly convenient, when all these places are filled by our enemies, to say, at least, there is a little clerkship in our committee which the Senate, for their own purposes, hold in their own hands. In that way we would be doing a great public good—granting relief to those who are oppressed by that labor under which the honorable Senator from North Carolina has suffered until the marks of premature age are creeping upon him. I say, that while the Senate would be doing a great public good, they would be relieving themselves from

this oppressive labor by the establishing of a precedent which we are this day setting. I trust that the honorable Senator from Indiana will take a national view of the thing, and look into the coming future. As the eulogist of General Jackson once said, I hope the Senator will listen to the footsteps of coming generations, and legislate for all time, so that when it does happen, as I have no doubt it some time will happen, when the majority will be in opposition to the Administration, we shall have some little patronage of our own about which we need not consult the President.

This is what I consider taking a national view of the thing. I consider this as rising above such little picayune things as the writing of reports, and as going to establish the character and policy of the Government. In this view, it seems to me if the Senate had listened and attended to this, I am certain they would not have refused to give the Committee on Engrossed Bills a clerk. I have been frequently called out when my friend from North Carolina was making a speech, to examine an engrossed bill, and to certify to its correctness. This requires deliberation.

I shall vote for the motion of the honorable Senator from Virginia, [Mr. HUNTER,] to postpone this resolution until to-morrow, for I think that a thing of this sort should not be done in a hurry. I hope that this resolution may be postponed to a day certain, so that we may give it that due deliberation which it deserves.

Mr. HUNTER. As the time has arrived for the consideration of the special order, I withdraw the motion I made a while ago, and move that the subject be laid upon the table.

Mr. BADGER and others. Let us vote on the resolution.

Mr. HUNTER. As it is suggested that the resolution may now be voted upon, I withdraw that motion.

The resolution was then adopted.

FOREIGN INTERVENTION.

Mr. CASS. I desire to lay upon the table, with the view of having it printed, a resolution which I intend to offer as a substitute for the resolution offered by the Senator from Rhode Island, [Mr. CLARKE,] yesterday. I was not present when the Senator offered his resolution, and I merely wish now that the paper I offer may be printed, and to give notice that when the resolution comes up, I will move this as a substitute.

The substitute proposed is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That while the people of the United States sympathize with all nations who are striving to establish free governments, yet they recognize the great principle of the law of nations which assures to each of them the right to manage its own internal affairs in its own way, and to establish, alter, or abolish its government at pleasure, without the interference of any other Power; and they have not seen, nor could they again see, without deep concern, the violation of this principle of national independence.

The PRESIDENT. This can only be received informally.

Mr. CASS. I merely wish that this resolution may be printed, so that when the resolution of the honorable Senator from Rhode Island comes up I may be able to offer this as a substitute.

The resolution was ordered to be printed.

Mr. SEWARD submitted the following informally, that it might be printed. It is an amendment which he will offer to the joint resolutions offered by Mr. CLARKE:

Strike out all after the second resolution, and insert the following as a substitute:

Resolved, That while the United States, in consideration of the exigencies of society, habitually recognize governments de facto in other States, yet that they are nevertheless by no means indifferent when such a government is established against the consent of any people by usurpation or by armed intervention of foreign states or nations.

Resolved, That considering that the people of Hungary, in the exercise of the rights secured to them by the laws of nations in a solemn and legitimate manner, asserted their national independence and established a government by their own voluntary act, and successfully maintained it against all opposition by parties lawfully interested in the question, and that the Emperor of Russia, without just or lawful right, invaded Hungary, and by fraud and armed force subverted the national independence and political constitution thus established, and thereby reduced that country to the condition of a province, ruled by a foreign absolute power: The United States, in defence of their own interests and of the common interests of mankind, do solemnly protest against the conduct of Russia on that occasion, as a wanton and tyrannical infraction of the laws of nations. And the United States do further declare, that they will not hereafter be indifferent to similar acts of national injustice, oppression, and usurpation, whenever or wherever they may occur.

ASSIGNABILITY OF LAND WARRANTS.

The Senate then proceeded to the consideration of the special order, being a bill to authorize the transfer of land warrants issued under the act of September 28, 1850, granting bounty land to the officers and privates of the American army since 1790.

The PRESIDENT. The joint resolution was considered by the Senate as in Committee of the Whole, and was amended. It was then reported to the Senate, and the question now is on an amendment offered by the Senator from Wisconsin, [Mr. WALKER.]

Mr. WALKER. After the yeas and nays were ordered on this proposition yesterday, there were some observations made by the Senator from Arkansas, [Mr. BORLAND,] and others by the Senator from Michigan, [Mr. FELCH,] to which I wish to offer a few words in reply. The objection of the Senator from Arkansas is to the proposition on account of its connection with the main subject under consideration; and he seemed to intimate that if my amendment were offered as an independent proposition, he would vote for it. His objection to it appeared to be its connection with this joint resolution.

Mr. BORLAND. Will the Senator from Wisconsin allow me to interrupt him for the purpose of making a single remark? and perhaps I can thereby save him the necessity of making the observation he was about to make in reply.

Mr. WALKER. I give way to the Senator from Arkansas.

Mr. BORLAND. I desire to correct, to some extent, a short remark which I made yesterday. Upon looking over the report of my remarks in the paper this morning, as well as adverting to my recollection of what I said at the time, I find that I took a position which I would not be able fully to stand upon. That, however, arises from the fact that I misconceived, to some extent, the proposition of the Senator from Wisconsin. The subject of preemption was under consideration when he made his proposition; and the impression made upon my mind was, that his proposition referred to preemption rights, and not to an absolute donation of land to actual settlers, without any compensation being given by them to the Government. I desire to say now, that I would not be willing to go for such a proposition. My understanding of it was, that it included only preemption rights, and to that extent I would be willing to go. I make this observation with the view of correcting my remark yesterday, and by way of explaining what I intended.

Mr. WALKER. The correction of the Senator from Arkansas will not change the course of observation which I was going to make, for the objection which he yesterday made to my amendment was one which is almost universally made to any amendment proposed in the Senate that embraces in itself the principal subject. That objection is, that the amendment is not offered in the proper place. That as a separate proposition it might or might not be supported. Now I think the amendment which I proposed yesterday is perfectly relevant to the subject under consideration. The subject in reality in its substance and intention, embraces a method of getting rid of the public lands. It cannot be contended that it is anything more or anything less. It is true that on its face it professes to be a proposition legalizing the assignment of land warrants; but we all know perfectly well that the operation of these assignments will be to open a new method of acquiring public lands by individuals, and a new method by which the General Government shall dispose of them. Now what I propose is an addition to this method of disposing of the public lands, so that we may give a free grant of a hundred and sixty acres of land to every person who will demonstrate in good faith his intention of becoming a resident upon the land, by dwelling upon it and cultivating it for five years. This is the proposition.

The objection of the Senator from Michigan, who is chairman of the Committee on Public Lands, was of a similar character to the objection urged by the Senator from Arkansas, but with this additional objection, that the proposition was sprung upon the Senate suddenly, and that it did not give the Senate proper time to deliberate upon it and to frame the necessary machinery by which to carry out the object. Now I regret that

the Senator from Michigan has made this objection, for, during the last Congress, I had before the Senate a bill for the purpose of relieving the General Government of all the burdens of the land system; to vest these lands in the governments of the several States in which they may lie, and then going on to provide the machinery by which these provisions in favor of actual settlers should be carried out; and after long and mature deliberation and much debate, a majority of the Senate voted against it. The same principle was offered as an amendment to other bills, and it was still voted down. At this session I have again renewed the bill. It has been before the Committee on Public Lands since the commencement of the session. I have not heard from it since.

I do not wish to be understood as censuring the committee if they have not reported. It is an important committee, and has great and important duties to discharge, and it discharges them faithfully. But still I am not censurable for any delay in regard to this matter, for I have been industrious in bringing this proposition in all its details before the Senate. While that bill, introduced at the last session of Congress, and again introduced at this session, and at both sessions referred to the Committee on Public Lands, embraces my own peculiar views—if gentlemen see proper to consider them peculiar—yet I think I ought not to be amenable to the language used by the Senator from Louisiana, [Mr. Downs,] that I objected to every other proposition because it was not my thunder. Now, this proposition is in character with that which I have been urging upon the attention of the Senate. I am not tenacious with regard to who may avail himself of the proprietorship of the thunder, so that I can accomplish the end I desire. I am not very particular whether the proposition which I first suggested be carried out or not; I would prefer it, but I do not adhere very tenaciously to it in the proposition which I now offer. I would relieve myself, if I had the power, from the duty of urging these views upon the Senate; for I am aware that I urge them upon unwilling ears. But let any one live in a new State, and have the experience and opportunity to make the observations that I have, and he would not wonder that I wish to see this system of granting the public lands adopted by the Government so far as it applies to actual settlers.

Why, sir, take the State in which I live, which is not yet four years old as a State, and which as a Territory does not exceed fifteen years, and yet for the earth upon which our log-cabins are built, where our hearth-stones are erected, and where our homes are placed, in that new country, laboring under all the embarrassments which we have had to contend against, we have paid into the Treasury of the United States upwards of seven millions of dollars; and that, too, from a State in which we have no public works constituting a great source of revenue to us, where it has been a constant struggle to get our public roads where we best can, to establish schools, and build mills and bridges, and establish the other conveniences of society. While all this has been the case, and every improvement has been a drain upon the energies of the settlers, we have had a continual drain from us of everything—every substantial footing on which we could rest. This was not the case with the old States. They were the proprietors of their own lands; and if they charged anything for the lands upon which the settlers located, the money received went into the treasury of their own State, and was disbursed among their own people. But we have made improvements which render the lands of the State valuable, and yet when sold the money is not disbursed from our State treasury, but it goes into the Treasury of the United States; and when we ask for a little to be returned to protect life or property, or even enough to facilitate the construction of railroads or to improve the Fox or Wisconsin rivers, there seems to be the most astonishing opposition on the part of Senators to any such grant. And yet no State has paid so large an amount in the same time into the Post Office Department, and no State in the Union has paid so large an amount into the Treasury from the sale of public lands, and no State has been so little embarrassing to the Treasury of the United States.

I am honest in the belief that we have already aid for our homes as much as we should pay,

and I believe that it would be the best policy for the Government to allow the new settler to have his home, that he may contribute more in what he pays for articles imported into the country and thus increase the revenue from that source. I believe it to be the best policy, and I do not urge it for the purpose of clap-trap, or as an item of thunder for myself. I am honest and sincere, and I shall continue to urge it so long as I believe it will be the best policy both for the States and for the Government. Then I do hope I may not be looked upon with a prejudiced eye when I urge this doctrine of giving the public lands to actual settlers. I am not peculiar in this. Some of the greatest minds in the country have believed it. As far back as the time of General Jackson he recommended it in four successive messages; Mr. Webster has also introduced a proposition of this nature here; and the honorable Senator from Illinois, [Mr. Douglas,] and also the honorable Senator from Texas, [Mr. Houston,] have introduced similar propositions; and it seems to me it is about time that the country should begin to look at the matter in its true light, in place of setting itself, through its representatives, against those who may urge its claims upon the Senate.

I do not wish to detain the Senate, but I look upon it as bidding a final farewell to the present land system with the prospect of the most melancholy results. Sir, here are most of the States manifesting a belief that we should no longer seek a revenue from that quarter, but that these lands should be ceded for purposes of internal improvement. But what is the course pursued now? You are making large grants for purposes of internal improvements, and when you throw into circulation this immense amount of paper currency in the shape of land warrants which you propose to do by this bill, what is likely to be the real value of the lands you grant for the building of railroads? Why, sir, these grants will be in a measure valueless; they will become as nothing. You will derive no benefit by those grants, even when they are made for the purpose of aiding the States in the construction of railroads. But it may be said that this is a matter of no consequence to the old States and those in which no public lands lie. I deny it; I do not think so. I regard it as a matter of the highest importance to all the States, whether old or new. I say that so long as the old States command the passes to the Atlantic ocean they are most deeply interested in all that affects the facilities of transportation of the various products of the Western country and of the Mississippi valley; and they are acting on a very short-sighted policy when they withhold these grants, or do anything which could lead to the frustration of the beneficial results to be derived from them. Sir, I believe that, whatever may be the determination of the Senate eventually, it is bad policy to pass this measure at the present time. I think that, if it is to be passed, we had better wait till the end of the session—until we can see what the States are likely to make of their several improvements, or what price they are likely to obtain for the lands through which these improvements are to be located; and not be making grants of land and then taking them back again because they will afford no revenue to the projectors of these improvements, owing to the immense number of land warrants thus thrown into the market. I believe that it would be much better to postpone the bill for the present, even if it should ultimately be passed.

Mr. DOUGLAS. This is a very important amendment, and I ask that it may be read.

The amendment was read; as published in the *Congressional Globe*, page 303.

Mr. WALKER. Before anything further is said, I wish to state, that the proviso which is attached to that amendment, is one which is brought in, in view of opinions of other Senators, and not of my own. If I had brought in a proposition, embodying my own views only, the restriction in the proviso to the amendment would not have been inserted.

Mr. UNDERWOOD. I do not rise for the purpose of entering into any argument with my friend from Wisconsin upon the propriety of his amendment. If we were to discuss the propriety of granting lands to those who have declared their intentions of becoming citizens of the United States, and thereby invite the foreign population of all the world to our shores, I think there would

be matter enough in that subject to occupy perhaps a month; we might say a great deal for and against such a proposition. Now, it seems to me it is too large a subject to be introduced here as an amendment, to encumber this bill which I had the honor of introducing, and I hope the bill may not be encumbered by it. The bill which I had the honor of originating simply designs to perfect a system in reference to grants of land to those who fought the battles of our country, and my friend's amendment proposes to introduce an unbounded grant of lands to those who have performed no civil service, much less military service, for the country. His amendment looks to the improvement of the land by the clearing of the forests and cultivating the soil, as an inducement upon which the grant is to be made. The policy which we have settled by past legislation, and that policy which my bill proposes to perfect, is to show a favor, to show a kindness, to make a gratuity in behalf of those who have rendered the country some military service, and thereby to encourage the whole country, whenever there shall be a war prevailing, whenever there is any necessity for military service, to run to the standard of the country. My little bill is to perfect that system which has been already adopted, while the proposition of the Senator from Wisconsin, is to cover the whole country with unbounded grants, not for civil or military service rendered to the country, but merely to improve the land.

I have already stated that it is a large theme to be connected with this bill, and if we attempt to do it, we shall be here for weeks, discussing this question. I hope those who have this little bill at heart, and who think we have perfected it by the amendments adopted yesterday, will not allow any other amendment to be attached to it, but just vote for the bill, and pass it as it is. If we can do this, we shall get clear of this proposition which has been pending for weeks, and can then go to the consideration of something else; and in the course of the session, I suppose my friend will have it in his power to go lengthily into the propriety of giving the grants which he proposes. I will not discuss this subject further, because I know that my example may operate as an inducement to others to do the same, and thereby there will be a consumption of the time of the Senate. I have ventured to make these few remarks in the hope that we might be allowed to have a vote taken upon the bill as it was perfected yesterday, without further discussion.

Mr. DAVIS. Mr. President, I wish to say that I concur in the remarks just made by the Senator from Kentucky. The measure now before the Senate is one of justice to persons already provided for. I made a pretty early struggle when that bill was up, to get rid of the clause which prevented the grantees from enjoying that property which we were to give, and which violates a principle which is usually conceded to persons holding property, to wit: the right of disposing of it in their own way. I foresaw the great inconvenience which they would labor under; I foresaw that it would be impossible for them to go into the enjoyment of the benefit which Congress was disposed to grant to them, provided it was trammelled in the way which the bill indicated. I believe that Congress has come at last to see that it is but just that these warrants should be made assignable, because it is very evident that those who live at a distance from these lands do not intend to go and occupy them, and cannot avail themselves of the benefit of the grant, unless the warrants are made assignable. It seems to me right that they should be made so. And now, I entreat the honorable Senator from Wisconsin not to interfere with a measure which is large enough to stand upon its own merits, and is comprehensive enough to command the attention of this body, and require a great deal of discussion before it can be matured. I entreat him not to embarrass this bill by the measure which he proposes. I hope he will withdraw his proposition, and that we may be allowed to pass the bill, so that the old soldier may have the benefit of the act.

I will say further, that I am rather inclined to favor the settlers when a suitable measure can be adopted, whenever it can be prudently and wisely done. I am not unwilling to extend benefits to that class of our fellow-citizens; but at the same time, I shall be obliged to vote against it if it is proposed as an amendment here.

Whatever my sentiments and opinions may be in regard to the merits of the proposition contained in the amendment, he will compel me, if it is offered here, to vote against it. I hope, therefore, he will see that he places us in a false position, and withdraw his amendment.

Mr. WALKER. I would if it were in my power; that is, if I could do so without violating my duty to those whom I represent, I would accede to the request made by the honorable Senator from Massachusetts. But I am not at liberty to do it; I feel myself under the fullest obligations to urge this subject upon every suitable occasion. But if we take the argument submitted by the Senator from Kentucky, and that submitted by the Senator from Massachusetts, and compare them with each other, I think we shall see that they are a most singular and astonishing fallacy. The honorable Senator from Kentucky says that this proposition, of which he claims to be the father, is one to give a mere gratuity to those who have fought the battles of the country. Why, sir, that gratuity was given in the bill which this proposes to explain; and that gratuity, it turns out, was a gratuity which the old soldiers do not want. It provides for a class of people who have fought the battles of their country, and now it turns out that they do not want the grant; and then the Senator from Kentucky makes a great merit of it, that when he has given what they do not want, he provides a way by which those who wish to speculate in the land can obtain it at one half or one third of its real value. That is the argument. A gratuity is given, and when it turns out that it is a failure, the actual settler must be injured in order that the speculator may be benefited. And there is so much merit in that, in the estimation of the Senator from Massachusetts, that it must be held up before the Senate as a preëminent matter of consideration, and we must exclude all other classes of mankind, and all other classes of grants of land, and suffer nothing to be interposed between it and the consideration of the object which he has in view. I believe there is more merit in the amendment than in the proposition before the Senate. There are vast numbers who would like to have a piece of land on which to settle; and if there be those of the old soldiers who will not go to occupy these lands which are granted to them, it is no good reason why those who desire to have a home should not have one; it is no reason because they will not go and avail themselves of the home which is offered to them, that nobody else shall go. It is said that the old soldier does not need the land himself. But what does he want? The Senator from Kentucky proposes to give him, after he refuses to take the land, what will be worth to him perhaps fifty dollars. You then give him the privilege of selling his warrant for fifty dollars, by which the holder of the warrant will get land worth, at the Government price, \$200, and the Government will be wronged out of \$150. The speculator will be indefinitely benefited by imposing upon the holders of warrants in this way.

Now it was urged here yesterday that the assignment of land warrants would operate beneficially to the actual settler, and the Senator from Louisiana [Mr. Downs,] asked "if the settler is to buy his land and pay for it, and can buy it with a warrant for which he has paid only a hundred dollars, will not that be reducing the price of land to actual settlers?" It would indeed, if it could be done so; but whatever may be the case in other States, this practice has not obtained in Wisconsin. Land warrants are chiefly purchased at the agency offices in New York, and Philadelphia, and Buffalo, and in Washington and other places. These warrants, when thus purchased, are sent in large numbers to Milwaukee and other places in Wisconsin, and are located. Now if the settler whose preëmption is about to expire, goes to the agent to purchase a warrant for the purpose of securing his title to his land by payment with the warrant, the chances are a hundred to one if the agent will sell him one. The agent will reply, "I have no warrants for sale. What do you want with a warrant?" And the applicant will reply, "I desire to save my preëmption." "Well," says the agent, "I'll tell you what I'll do: I'll locate your land and improvements in my own name, or in the name of the company who own the warrants, and I will give you an instrument, providing that you shall have your farm clear in

two years, provided you can then pay me two hundred dollars for the warrant, with twelve per cent. interest." Well, in very many instances the two years pass over, and the settlers are without the ability to pay according to their bargain; and thus the man who has located the warrant allegedly for the benefit of the settler, gets not only his land, but the benefit of all the labor which he has bestowed upon it for years. That is the operation which the production of these land warrants has produced in the Western country; and it is not a fact, that in that region they furnish any facility for the location of lands. It is rarely that they do otherwise than result in injury when they get amongst us. It is true, that sometimes a solitary individual from the West, when in New York, may purchase a land warrant for a little less than the Government price of the land, and may, when he reaches home, go and locate it; but these cases are by no means common. If, therefore, you seek to make this bill a facility for the location of lands, you will fail, and the result will be that the settler will not only lose his location, but his improvements also. I think, then, that there are reasons why Western men should make the most strenuous opposition to the assignability of these warrants. A gratuity to the soldier is not the thing that is wanted. The design, indeed, may be good, but the result is not so. You give him an assignable warrant which he sells for half or one third of its value, and which finds its way into the hands of speculators. These speculators locate the warrants, and, as I have shown, by flattering prospects held out, frequently possess themselves of improvements which are the result of years of labor. The whole system, in all its operations, is prejudicial to the interests of those who are professedly most to be benefited; and as the representative of one of the Western States, it is a plan which I cannot support.

Mr. UNDERWOOD. When I was up before, I did not intend to utter an expression which could elicit debate. I merely remarked that this amendment was to perfect the system which Government had pursued toward these old soldiers. I did not intend to be driven into a discussion. Time is valuable, and I think voting is better than discussion. If I were to consume time in debate, I think I could demonstrate, beyond the possibility of a doubt, that the policy of my friend from Wisconsin, in refusing to make these warrants assignable, helps the speculator, and enables him to double and treble his profits, and make the whole out of the pockets of the old soldiers. Those who now purchase these warrants, make the fact that they are not assignable a pretext for a reduction of the price to be paid for them. I could demonstrate that the system which the gentleman advocates, while it ruins the old soldier does not benefit the country, and operates in favor of the speculator. He is the speculator's friend on this floor, giving him a profit daily and hourly. But I have said I will not be driven into a discussion on this subject. I merely wish to say that I disclaim much that the gentleman has imputed to me.

Mr. DAWSON. I wish to say a few words in reply to my friend from Wisconsin. What is his proposition? Here we have a bill proposing to give one hundred and sixty, or eighty, or forty acres of land, as the case may be, to the old soldiers for their toil, trouble, and dangers in the service of the country; and by the amendment proposed, we say to every foreigner in all the world, "You may just step over into the United States and settle on one hundred and sixty acres, and you will have all the rights and privileges with the old soldiers who have fought the battles of the country."

Mr. WALKER. I knew that would be the argument of the Senator from Georgia, if he spoke at all; for it is the fourth or fifth time he has introduced it when he has spoken on this subject. But I wish to reply to the honorable Senator from Kentucky, and say to him that I am not the speculator's friend either in the operation of my amendment or in intention.

Mr. UNDERWOOD. I do not say it is his intention to befriend the speculator, but his arguments lead to it.

Mr. WALKER. I will ask the Senator from Kentucky if he knows of an office in any city for the purchase of these new land warrants? I know there are agencies in every city in the country for the purchase of the warrants given to the soldiers

in the Mexican war; but the gentleman cannot find an agency for the purchase of this new batch of land warrants; there is too much risk in it. They cannot become a circulating medium at present.

Mr. UNDERWOOD. If the gentleman will allow me, I will give him facts, as he inquires for them.

Mr. WALKER. I yield the floor.

Mr. UNDERWOOD. In my section of country, I know a young man to have been employed to go out and locate these warrants. He makes his contracts in this manner: "You give me so much for my trouble in visiting the States where the public lands are to be found, and locating your warrants"—making a handsome profit upon that—"and then I will pay you so much, if you will convey your claim to me when the patent is obtained." That is the way in which the bargain is made, and the sum which is received by the original holder of the warrant is not half of what he will get if you will make the warrants assignable at once.

Mr. WALKER. That is the case given by the Senator from Kentucky of a young man who contracted to locate these land warrants, and with the prospect of securing a title to the land. That is very indefinite. I do not know what he is to get, neither what he is to receive for his compensation, nor what he is to pay for the land. But I will make this assertion, that if you make these land warrants assignable, without affixing to them a given cash value, they will come down to a price which will be merely nominal. Sir, I know of agencies established, not to purchase these warrants, but to locate them in the best places for the benefit of the large holders. There is an agent in the city in which I live who will agree to locate a hundred and sixty acres for ten, and eighty or forty acres for five dollars, and who will guaranty its quality. And, sir, if any land is worth \$1 25 an acre to the General Government, that land is worth that much to the proprietor when the warrant is located. I am quite aware that in many instances land warrants have brought their full value; but if you make all this new batch assignable, there will be so much competition that the price will come down to a mere fraction of what it ought to be, as was the case with the Mexican lands. If the soldiers, in whose favor these land warrants were issued, would employ men who would honestly discharge the duty of locating the warrants, they would obtain the full value of them, and we should hear nothing more of the clamor about this gratuity of the Government to the soldiers having gone into the hands of others than those for whose benefit it was exclusively designed. I know an instance in this city of a man who had two warrants which he offered for \$210, and the man to whom they were offered refused to take them at the price; but he located them for the individual, and since that time he has sold this land—the whole of the three hundred and twenty acres—for \$4 an acre, thus realizing \$1,280 for what, a short time before, he had offered for \$210. Now, that is an instance that I know of, and yet it is urged by those who are interested in speculating in these warrants, that they cannot be made available to the holders at this time. That is an argument which has been urged out of doors, and Senators are made to believe that there is no way of benefiting the soldier but by making the warrants assignable. It is, however, a false argument—one which is made to bear upon those who control the newspaper press, and is echoed here by Senators who do not, I admit, intend to reflect the interests of men engaged in these speculations, but who do it completely in effect. That is, however, the effect; and I repeat that it is an argument which is unsound and false, to say that the warrants cannot be made to benefit the holder to the full extent, if they would take the proper means to avail themselves of such benefit. I will venture to say, that if the holders of the warrants will locate them for themselves, or will employ proper persons to do it for them, the lands will be worth double the price which they will get for them if they are made assignable. My opposition, then, to the assignability of land warrants is friendly to the holders.

It is not because I am inimical to the interest of the old soldier that I oppose this bill; but I believe that, when the warrants are made assignable, his interests will be sacrificed sooner and with more

certainly than by any other system. But you may say that is his own business: he is a freeman, and can do as he pleases with his own property. I know there is some force in the objection that we give lands and then tie it up in the hands of the holders of the warrants. But that you should have considered in the first place, and not have taken a course to throw away the benefit which you propose to bestow. Now, when it turns out, according to this outside argument which we hear, that the soldier does not want the land, it is taken for granted that the only other manner in which you can benefit him, is to make the warrants assignable. It is not so; and the holders of the warrants will see that it is not so, if they will take into consideration their true interest, and they will locate their warrants themselves when they understand that the assignment of them will be of very small pecuniary benefit to them.

Mr. DAWSON. I have been somewhat surprised at the observation of the Senator from Wisconsin, [Mr. WALKER,] as to his having heard the argument that I made, used before by me. I recollect that when the subject of the distribution of the public lands was before us heretofore, the Senator erected a platform, and presented himself upon it in such a manner that no one could fail to have his attention drawn to it. Since that time it has been understood that his mode and manner of disposing of the public lands formed a sort of platform for some purpose or other, which I cannot say now. If I were so unkind or ungenerous as to retort upon him, I might say, how often have I heard the same argument from him, not only in the Senate, but in other places, which he has used on this occasion? But I have nothing to say against his doing that. It is the principle advocated which I oppose, and the manner which he assumes to himself to control the action of this body, and express his views, somewhat indignantly, against the views of all others.

He says that these public lands ought to go—to whom? To the people. What people? I agree with him that they should go to the people of the United States; that they should be the property of the country upon certain terms; and whenever we make donations to them it should be according to the bill of my friend from Kentucky, [Mr. UNDERWOOD,] giving them to the old soldier. But when, Mr. President, I see propositions made to favor people who are not now within the limits of our country; who never paid a dollar of tax into the Treasury; who never shouldered a gun in defence of the country, and to place them on a footing with the citizens and soldiers of our country, it looks a little strange to me at least. Because I draw a distinction between men who served the country in every capacity, and men who never served it at all, it is presented here as a strange and extraordinary argument. Shall I say to the Senator from Wisconsin that his course of policy is just of a character to cause the whole country to be settled by a foreign population? His plan is to make a gratuity to every man who will come from any section of the world, and settle on the public lands. At whose expense is this to be done? Who paid for the extinguishment of the title of the aborigines of the country to the soil upon which you reside? The whole people of the United States paid for it in and through taxation. And who gave you the power of taxing? The men who fought the battles of your country and sustained your Government. Yet they are to be disregarded, and cannot get any of these advantages upon the same terms as those who may have fought against us. Because I expressed an opinion of that kind, the Senator says he expected to hear it again. Why hear it again? Because it is founded in truth, in justice, in principle, and in patriotism. It is not advanced as a mere scheme to gain public applause, or to throw myself upon an elevated platform by which to gain the applause of parts of the community. The plan of my legislation is to act upon principles of equality and justice; to do justice to every section and to every man belonging to the country, according to his service. And because I express my opposition to giving the public lands, which my constituents assisted to pay for, to men who never paid a dollar into the Treasury, it is looked upon as something exceedingly strange. If ours was a Government not subject to the principle of the elective franchise, if it was governed differently, it might be done.

From our local positions, and from other circumstances, we are led to adopt certain views, and become attached to them. I do not blame the Senator from Wisconsin for holding his views. But the lands in Alabama and Mississippi have been disposed of, and the proceeds have gone into the Treasury; and now because there are lands in other sections of the country, the people who go there are not to be subjected to the same proceeding, and are not to pay the same money into the Treasury as others did. There is a want of justice, of equity, and equality, in that. There is no principle about it at all. Why should we pass a law here to seduce our people to leave the old States and settle in the limits of other States? At whose expense will you be doing this? The States of Georgia and Kentucky are called upon to vote for a measure which will induce their population to go off and settle elsewhere, because by it property in other States will be given to them. Is it wise and politic—is it to be expected that the old States will give their support to a measure which will lead their population to leave them, and thereby diminish their own strength? The Senator from Wisconsin will in a moment see the impropriety of it. How is this to be done? Not by the money of the General Government merely, for it is the money of the people. And if the money of the people, which is now in the Treasury, or which has gone into the public lands under your control, is to be divided, to whom should it go? To the people who paid and fought for the land, and not to those who never gave a dollar or an hour of service to the Government. The principle advocated by the Senator from Wisconsin would give the lands to those who never advanced a dollar to the country; while mine is to give them to men who fought our battles and paid taxes into the Treasury.

I was not desirous of going into this matter. Whenever the time will come to rally for the rights of the citizens of this country, native and adopted, against this plan of giving land away, or any other analogous to it, you will find that the people will rally for them. It is right that they should do so; and because I referred to it, I am held up here as repeating an argument. No better argument can be made. When I suggested the condensed argument, it was because a mere repetition of it supplies the whole argument, and there was no necessity of going into an extension of it. Every man comprehends it. I would not have made a reply to the Senator, but for what I consider an unkind and unnecessary remark, that he expected the argument from the Senator from Georgia, for he had heard it from him the fourth or fifth time. I have seen my friend more than four or five times standing upon the platform which he erected two years ago; and when he stood up so high, because I paid my respects to him, he ought to have felt grateful, instead of being excited, at what I said. These are my views.

Mr. WALKER. Mr. President—

Mr. CLEMENS. I rise to a point of order. I believe the Senator from Wisconsin has spoken on this subject more times than the rules allow, and I have the preference for the floor.

Mr. WALKER. I will give way with great cheerfulness.

Mr. CLEMENS. I move that the Senate proceed to the consideration of Executive business.

The PRESIDENT. The motion cannot be received while this question is under consideration.

Mr. CLEMENS. As I think it important that we should proceed to the consideration of Executive business, I move to postpone this subject until we have more time to hear speeches upon it.

At the suggestion of Senators, the motion was withdrawn.

Mr. WALKER. I hope no one will suppose that I am going into an extended argument—

The PRESIDENT. Does the Senator from Alabama make his point of order?

Mr. CLEMENS. I do not make any motion, as there seems to be a desire to vote upon the question. But I want to get into Executive session. I will not press my point of order.

Mr. WALKER. I will detain the Senate only while I make a single observation, in reply to the Senator from Georgia. When I said that I expected to hear the argument from the Senator, if he said anything, I spoke entirely of his reference to the foreign population who might be embraced

in this bill. It was the Native American tendency of the argument to which I intended to make a reply. I said that I expected, if I heard anything from him upon that branch of the amendment, that it would be just what he had said. Upon a previous occasion I offered a proposition in the Senate, to the bill authorizing the issue of land warrants, which amendment proposed to give to those who had declared their intention to become citizens, the rights and benefits resulting from it; and then the Senator objected to this feature of my proposition. He objects to it again. But now, will not the Senator allow me to pay him a compliment? It was that very argument that he thus made, objecting to that feature in my amendment, and a similar argument made by the Senator from Kentucky, that induced me to make the change which is made in the proposition which I have brought before the Senate—to require citizenship before an entry should be permitted. I intended to compliment the views of the Senators from Georgia and Kentucky, by the change which I have made in the proposition since I offered it upon a previous occasion. The Senator will perceive that naturalization must be perfected before the entry is permitted, according to the amendment.

I have no disposition to keep off this vote. I know that the joint resolution will be adopted, but I still wish to discharge my duty. It is what every Senator desires to do when he knows that his constituents feel anxious that he should make head against it if possible, and when he feels a reciprocal interest and anxiety to discharge faithfully his duty and meet the wishes of his constituents. I hope I have done nothing more. I do not wish to force my peculiar views upon the Senate. I wish not to tire the patience of any. I wish not to be offensive. If you wish to pass the measure, pass it. I can see the evil consequences which will result from it. My constituents see them, and they wish me to resist the measure to the last. They wish me to resist this last measure of oppression to them in their young settlements. I do believe it will result in that. Take your vote and pass it; and if the consequences to the Western States which I have prophesied and pointed out do result, and if hereafter Western members see that I did point them out, let them thank themselves and bear in mind that I warned them upon the present occasion.

The question being taken on the amendment to the amendment by yeas and nays, resulted—yeas 8, nays 35; as follows:

YEAS—Messrs. Dodge of Wisconsin, Douglas, Gwin, Seward, Sumner, Wade, Walker, and Whitcomb—8.

NAYS—Messrs. Atchison, Badger, Bayard, Bell, Brien, Borland, Bradbury, Bright, Brodhead, Clarke, Clemens, Davis, Dawson, Dodge of Iowa, Felch, Foot, Geyer, Hamlin, Houston, Hunter, Jones of Iowa, Jones of Tennessee, King, McLean, Mallory, Mangum, Miller, Norris, Rusk, Sebastian, Smith, Spruance, Stockton, Underwood, and Upham—35.

So it was rejected.

Mr. WALKER. I have another amendment, which I shall offer as a proviso to the first section of the amendment, as follows:

Provided, That not more than two land warrants of the denomination of one hundred and sixty acres each, or the equivalent thereof in warrants of a less denomination, shall be located by or in the name of the same individual upon any of the public lands.

The amendment to the amendment was not agreed to.

Mr. WALKER. I will have completed my duty when I shall have offered the following as a proviso to the first section of the amendment:

Provided, That no land warrant shall be located within six miles of any proposed railroad line or route, unless such location be intended for purposes of actual settlement, to be ascertained by the oath of the party proposing to make the location.

The amendment to the amendment was not agreed to.

Mr. GEYER. I have an amendment which I wish to offer to the first section of the amendment. It is to insert after the words "are hereby declared to be assignable," the words "by deed or instrument of writing made and executed after the taking effect of this act." I will explain in a few words the object of it. It is to prevent past assignments, that are prohibited by law, from being set up in any form. There are many instances in which assignments have been made by individuals holding these warrants, and of course they have been subject to large deductions on account of the risk. The design of this amendment is twofold:

to afford an opportunity to those individuals to reexamine the subject before they make a new assignment, before they transfer their warrants; and also to prevent parties setting up a prohibited assignment.

The PRESIDENT. The first section as proposed to be amended will read—

"That all warrants for military bounty lands which have been, or may hereafter be, issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are hereby declared to be assignable by deed or instrument of writing made and executed after the taking effect of this act, according to such form," &c.

Mr. UNDERWOOD. Perhaps it is due to the committee to say that, in their deliberations on this subject, nothing occurred which would sanction the idea that we intended to ratify past assignments and contracts in reference to these warrants, made in violation of the law. I suppose that the object of my friend from Missouri is to prevent any such inference from being drawn, and to make it positive that those contracts which were illegally made before, can only be legalized by an instrument of writing made after the taking effect of this law. I have no objection to that; I suppose no member of the committee will object to it. It was not the intention either of any member of the committee or myself to ratify any such illegal warrants.

Mr. DOWNS. I have no objection to the object of the amendment. I think it a very good one; but I have some doubts whether perhaps a different construction might not be put upon it. Could it not be more simply expressed? I suppose the Senator means by his amendment transfers made in the ordinary way. But the public officers might understand it differently. Some States may give a different interpretation to the words "deed or act."

Mr. UNDERWOOD. The word "act" is not used. It is "instrument of writing."

Mr. GEYER. The words which follow in the bill explain it. The deed or instrument of writing is to be made "according to such form, and pursuant to such regulations, as may be prescribed by the Commissioner of the General Land Office."

Mr. UNDERWOOD. That shows it. The amendment to the amendment was then agreed to.

Mr. DODGE, of Iowa. I have an amendment which I wish to offer to the amendment. It is to insert in the 4th section, after the words "of any State," the words "or Territory," so that the section may read: "That in all cases where the militia or volunteers or State troops of any State or Territory were called into military service, and whose services have been paid for by the United States," &c., I presume there will be no objection to it.

The amendment to the amendment was agreed to.

Mr. GWIN. I have an amendment to propose as an additional section:

SEC. — And be it further enacted, That every actual settler, being an American citizen or having filed a declaration of intention to become such, whether the warrantee or assignee of a military bounty land warrant, shall be allowed to locate the same upon any public land inhabited and improved by such settler (provided the same be not mineral land) not exceeding in quantity one hundred and sixty acres, whether such land be subject to private entry or not, upon making proof to the satisfaction of the register and receiver, of actual inhabitation and cultivation of the tract or tracts thus sought to be entered: *Provided*, That such locations shall not be permitted upon any land the price of which exceeds \$1 25 per acre, unless the difference in cash be first paid.

Mr. GWIN. I will briefly give the reasons why I think this additional section should be incorporated in the bill. There are a great many persons in the State which I represent entitled to bounty land warrants who could not claim a preemption on the lands upon which they are living, because they have left their farms in the States from which they emigrated. These parties cannot use these warrants. They are now settlers there on the public lands. They cannot claim the privileges of preemption because the law limits and excludes certain persons, and they are of that class. But they are the parties to whom these warrants are to be issued. All I wish is, that they may be permitted to locate them on the lands upon which they have settled. There is another important matter which seems to have been overlooked in this bill, and it is this: In extending the location of these bounty land warrants the mineral lands of California have not been excluded. They should be excluded from location in express terms

in this bill. There should be a clause in it by which none of its provisions should be extended to the mineral lands of California. At present there is no guard of that kind in the bill, and is an additional reason why my amendment should be adopted.

Mr. UNDERWOOD. I really think that there is no necessity for the amendment of my friend from California. The original bill and the prior legislation upon the subject does not open any portion of the lands in California to these land warrants. The public lands in California have not yet been opened by any legislation of Congress so far as I know.

Mr. GWIN. Oh, yes! There is a Surveyor General for California, and the lands are being surveyed, and are open to preemption claims.

Mr. UNDERWOOD. That may be; but the public lands in California have not yet been brought into market by proclamation of the President of the United States. No sales have yet been made. Steps have been taken, I know, to have the public lands in California surveyed, but none of these warrants can be located on lands unless they are subject to entry by private individuals; and they cannot be subject to entry by private individuals until they have been offered for sale in the market, under the proclamation of the President of the United States. That is the operation of the law as it now stands. So far as relates to the use of these land warrants in securing the home of the settler, we made provision for that by an amendment which we adopted when the bill was up yesterday. It does, therefore, seem to me, that the amendment of my friend from California cannot have a beneficial, but must have an injurious effect. I hope it will not be adopted. It is merely providing for that which is already provided for. If the Senator intends to enlarge the use of land warrants for settlers, so as to allow the settlers who have them to enter on the public lands, and locate them before the lands have been offered at public sale under proclamation of the President of the United States, I think it would be a bad policy to adopt any such provision. I hope, therefore, that on reflection, my friend from California will see the propriety of not pressing his amendment.

Mr. GWIN. In reply to what the Senator from Kentucky has stated, I will say that these lands are now being surveyed, and unless we legislate on this subject during this session of Congress, before the next they may be offered for sale, or open to entries under the preemption laws; and therefore the very same process that exists in other States in regard to the public lands will be in operation there. Whenever the public lands in California are surveyed, a settler can claim a preemption right in that State, under existing laws; and if a settler on the public lands, there or elsewhere, has served in the war, and is entitled to a bounty land warrant, I propose that he shall have the privilege of locating his warrant on the land upon which he lives, whether he is or is not entitled to a preemption. That is the whole point of the case.

There is, however, another provision in my amendment which I think a very important one, and that is, that none of the mineral lands in California shall be subjected to the provisions of this law. I consider that as of the very highest importance. The public lands in that State are being surveyed, and I have no doubt will be speedily offered at public sale, because the wants of that country require that they should be soon disposed of. Hence I think that this is of very great importance, for before we can pass another law upon this subject, these lands may be brought into market. All that I wish is, that every individual who has a bounty land warrant in his own right, now living on and cultivating the public lands in California, or any other State, when those lands shall be surveyed and brought into market, shall have the privilege of locating his warrant, instead of going to somebody else to sell it. Many of the citizens of California, emigrating from other States, have left a quantity of land undisposed of, that excludes them from the advantages of the preemption laws, and these individuals will be forced to sell their warrants, although they are now living on the public lands. I wish that every person in California, to whom a warrant is issued, shall have the privilege of locating it on the land on which he resides.

Mr. UNDERWOOD. I would say to my

friend from California, that he proposes the introduction on the spur of the occasion, of a very important matter, which has not been deliberated upon by the Committee on Public Lands; and it strikes me that it will lead to consequences which we are not perhaps prepared to meet. I am not certain that there is any law granting preemption rights in California.

Mr. GWIN. The general land laws have been extended there.

Mr. UNDERWOOD. The chairman of the Committee on Public Lands [Mr. FELCH] is much more familiar with this subject than I am; for, for the last two years I have not been a member of that committee, and I would defer to his superior information on this subject. I do not know that there is any law in force in reference to the public lands in California which grants preemption rights there, or states how much land the settler can have. I recollect very well that provisions have been made in regard to the public lands in the Territory of Oregon, but I have no recollection now of any specific legislation which embraces the public lands in California; and I doubt whether the public laws in reference to the preemption rights in force in the rest of the United States before the acquisition of that territory will apply, unless they have been expressly extended there. These matters are sprung upon me just upon the spur of the occasion, without having any opportunity of examining the statutes, without any opportunity of ascertaining whether my ideas upon the subject are right or wrong. I am not prepared to adopt any amendment of this kind in such a hurry, without its having gone through an investigation by the Committee on Public Lands. I would like to hear from the chairman of that committee on this subject.

Mr. GWIN. At the last session of Congress a clause was inserted in one of the appropriation bills extending the land laws to California, providing for the appointment of a surveyor general, and making appropriations for the purpose of surveying the public lands in that State. The Committee on Public Lands had reported a land bill for California, which was elaborately prepared, and debated in the Senate; but owing to the discussion which arose upon the river and harbor bill it was not acted on. In order that the State which I represent should have the benefit of the land laws, and for the purpose of commencing the surveys of the public lands, an amendment was made to an appropriation bill of the character I have described. Under it a surveyor general has been appointed, and is now actively engaged in the performance of his duty. The Secretary of the Interior has estimated for a large amount to be appropriated for the survey of the public lands in California—an appropriation of some three hundred thousand dollars. The preemption law, as well as the general land laws, has been extended to California, as well as to other States where the lands are surveyed and brought into market, as the lands in California will very soon be. But here is the point in this case: There are persons in that State who, technically, are not entitled to the benefits of this general preemption law, because they have emigrated without having disposed of the lands they lived on. They are entitled to bounty land warrants as soldiers in the Mexican war, but cannot locate their warrants on the lands upon which they now reside. I simply wish that they shall have the privilege, if they are actual settlers and cultivators, of locating their own warrants to include their present homes and improvements—provided those locations shall not be made on mineral lands. That is the whole case.

Mr. FELCH. It is perfectly manifest that this provision cannot be adopted and carried out without breaking in upon the whole system of the Government with regard to the public lands. The lands in California are not yet in the market; and although an appropriation was made for a surveyor to commence the surveys there, yet the system, as a system, is not to be extended in its practical operation to that portion of the country. The provision of law, under which the Surveyor General of California was appointed, makes an appropriation for the surveys in the ordinary manner, and under the general law of the United States; but there is not one acre of land in California which can be purchased by anybody for money or in any way. There can be no pur-

chasers of land there, and no entries of land, by land warrants or anything else, unless there be established land offices. There is neither land office nor land district in that portion of the country.

Further provision of this kind, therefore, at the present time, is entirely inapplicable to the state of the case. It does not appear, as yet, what may be done in regard to the lands in that country. What we have hitherto done is this: We have provided for settling claims of all Spanish and Mexican settlers, who claim by virtue of grants from Spanish or Mexican governments. We have done nothing more. There was a bill before the Senate, to which the Senator from California has referred, extending the general system of the land laws to California, and granting certain preemption rights and donation rights; but the bill did not become a law. We have, therefore, scarcely started upon the system of disposing of the public lands in that country. All we have done is to send a surveyor there, who may or may not have commenced the surveys. I am not informed upon that point.

Mr. GWIN. He has commenced the surveys.

Mr. FELCH. If this provision should be adopted, it will be impossible, under the bill, to commence proceedings in favor of any one man having a warrant there. He cannot locate it there, as there is no land office where he can locate it. There is no authority to allow him to locate. That is the state of the case at the present time.

Preemption rights cannot, of course, apply to California, because the preemption right applies only to cases where the lands have been surveyed and are ready to be brought into market. Formerly those rights did not attach until the land was offered for sale. A more liberal law now prevails; and after the surveys are made with a view to sale, within the land districts where purchases can be made, there preemption rights may accrue. But settlers who have gone on the public lands in California, even if they have land warrants, are precisely in the same condition as men who have money in their pockets. Neither of them can take up lands there. They stand precisely on the same footing.

Unless we are disposed to go beyond the principles which have heretofore been adopted, it does not seem to me that this provision could be of any practical effect, even if incorporated into the bill. Certainly it does not seem to me to be wise, at the present time, to adopt it.

Mr. GWIN. From the statement which has just been made by the Senator from Michigan, it is perfectly evident that this bill is to have no bearing at all in California. That State is to be entirely excluded from its operations. I am astonished that when we are legislating upon so important a question as this, that there is no provision in this bill applicable to such a vast amount of lands as there is contained in the State of California. We all know that registers and receivers will very soon be appointed for that country; and then the general law of preemption will certainly be in operation. All I wish is, that the land laws may be extended, in every particular, to the people of California as they are to other sections of the Union. If we adopt this amendment now, it will not be necessary to legislate upon this subject again when the California land bill comes up for consideration. I am opposed to the passage of this or another law that will have to be altered hereafter, and adapted to laws to be enacted for California; for I know the difficulty of getting any special legislation for that State. I wish this to be a general law, and when we do adopt a land system for California, and carry it out by the appointment of proper officers, the citizens of that State will have the same rights as the citizens of other States under the same land laws. It is evident that in a short time we shall extend the land system into California, and appoint registers and receivers. Then why not have a provision in this law giving to the citizens of that State the same rights which citizens of other States are to have?

Mr. FELCH. It is not California alone to which the principle applies which the Senator states. It applies to Oregon, where we have sold no lands; it applies to New Mexico; it applies to Utah; it applies to most of the new States; it applies to a portion of my own State; it applies to all the unsurveyed lands. It has never been the policy of the Government to induce persons to come and

settle on the land before it is ready to be brought into the market under any circumstances. We throw into the market every year a much larger amount of the public lands than is demanded for the ordinary sales of the year.

As I remarked before, formerly we restricted preemption rights to a very small portion of territory. Now, we have extended them; and a person may go to any portion of the public lands where surveys have been made and acquire a preemption right. This proposition is to allow persons not only to go on the lands after the surveys are made, and the boundaries are understood, and the monuments affixed, and the locations are defined, so that a man can know on what land he is; but it is proposed to allow people to settle on the lands and acquire preemption rights before anything is done to make the landmarks, before anything is done to fix the locations. There is great liberality in the law which now prevails in reference to the granting of preemption rights; and I heartily concur in the principle which has been adopted. But it seems to me that we could scarcely carry it further without doing it great injustice, and at the same time making great confusion in the administration of the public domain.

Mr. GWIN. We know perfectly well that in all of the new States settlements are made on the public lands before they are surveyed; and when the lands are surveyed, the settlers have the rights and privileges of preemptors. The public lands are now being surveyed in California. We have asked for a large appropriation for their survey. Surveys in that country are made with great rapidity if ample means are placed at the disposal of the Surveyor General. It is expected that in twelve months there will be a large quantity of our public lands open to the preemption laws.

With regard to Oregon, it is true the preemption laws have not been extended there—but why? Because you give the lands away there. You give them donation privileges, and they do not want preemption rights. In regard to New Mexico and Utah, I know that the preemption laws have not been extended there. No Surveyor General has been appointed for these Territories. They need legislation, and they need it badly. But it is my duty to endeavor to bring into active operation in California the provisions of the preemption laws, and to give every person entitled to a bounty land warrant, and an actual settler and cultivator of the public domain other than mineral lands, the right of locating his warrant on his own home. This is the only object I have in view.

Mr. SHIELDS. I would suggest to the Senator from California, that when the land system shall be extended to his State, this law will apply to that State. I am for the general principle of our preemption law. I understand the matter perfectly; and I say that the gentleman, by his amendment, will accomplish nothing whatever.

Mr. GWIN. The amendment will accomplish this: it will permit an individual living on the public lands in California, after the lands shall have been surveyed and opened to preemption, to locate his own warrant on the land on which he resides and cultivates. That is certainly a new principle, and a very important one. Citizens of every State in the Union, who served in the war with Mexico, have emigrated to California, and I want to give them the privilege of locating their own warrants to include their new homes, whenever the public lands shall come into market.

The amendment to the amendment was rejected. The amendment made in Committee of the Whole as amended, was agreed to.

THE PRESIDENT. The question now is: Shall the amendment be engrossed, and the bill be read a third time?

Mr. WALKER. On that question I ask the yeas and nays.

The yeas and nays were ordered, and being taken resulted—yeas 35, nays 3; as follows:

YEAS—Messrs. Bayard, Bell, Berrien, Borland, Bradbury, Brodhead, Clarke, Davis, Dawson, Dodge of Wisconsin, Douglas, Downs, Fish, Foot, Geyer, Hale, Hamlin, Hunter, James, Jones of Iowa, Jones of Tennessee, McKee, Mallory, Mangum, Miller, Norris, Pearce, Sebastian, Seward, Shields, Soule, Spruance, Stockton, Sumner, and Underwood—35.

NAYS—Messrs. Gwin, Wade, and Walker—3.

EXECUTIVE BUSINESS.

On motion, the Senate proceeded to the consid-

eration of Executive business; and after some time spent therein, the doors were reopened, and The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 20, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

ASSIGNABILITY OF LAND WARRANTS.

THE SPEAKER. The first business in order is the consideration of the joint resolution No. 1, heretofore reported from the select committee, to which the same was referred, with an amendment explanatory of the act of 1850 granting to certain officers and soldiers bounty land, &c.; the pending question being on the motion submitted by the gentleman from Ohio, [Mr. DUNHAM], to commit the said joint resolution and pending amendments to the Committee of the Whole House on the state of the Union, and on which question the gentleman from Indiana [Mr. FITCH] is entitled to the floor.

Mr. HOUSTON. I should like the House to go into Committee of the Whole on the state of the Union this morning, and take up the Mexican indemnity bill, if the gentleman from Indiana [Mr. FITCH] would yield the floor for that purpose.

Mr. FITCH. I am not particular as to the time of resuming the consideration of this joint resolution, but my object is, that whenever it does come up—and upon which I have the floor—to make my objections to it known. If occupying the morning hour in the consideration of that report will interfere with the business of the Committee of Ways and Means, I have no objection, so far as I am concerned, to give way to the gentleman from Alabama, [Mr. HOUSTON].

Mr. HOUSTON. I wish to state to the House, though I do not know it, other than from rumors, aside from the fact that the House possesses the knowledge, that there is a strong necessity for acting upon this bill at an early period. I understand there is a communication upon the Speaker's table from the President of the United States, urging that we shall act upon it speedily. I will, therefore, move that the communication be first read, and then I will propose to go into Committee of the Whole on the state of the Union.

AFFAIRS OF UTAH.

THE SPEAKER (there being no objection) proceeded to lay before the House a communication from the President of the United States, in regard to the affairs of Utah.

Mr. JONES, of Tennessee. That is not the message referred to.

Mr. HOUSTON. Never mind. Let it be read, and I will move that it be laid upon the table and printed.

The communication was accordingly read, as follows:

To the House of Representatives:

I transmit a copy of a letter which has been addressed to me by the Secretary of the Territory of Utah since my recent message to the House of Representatives, in answer to its resolution requesting information in regard to the affairs of that Territory. MILLARD FILLMORE.

WASHINGTON, 16th January, 1852.

To the President of the United States:

SIR: Among the official papers relating to affairs in the Territory of Utah, as published in "The Daily Globe" of the 10th instant, is a letter from Governor Brigham Young to the President of the United States, dated September 29th, 1851. In this letter the following paragraph occurs, to wit:

"Mr. Harris informed me, in a conversation which I had with him, that he had private instructions, designed for 'no eye but his own,' to watch every movement, and not pay out any funds, unless the same should be strictly legal, according to his own judgment."

I beg leave to say, that the statement contained in this paragraph, to the effect that I said to Governor Young that I "had private instructions, designed for no eye but my own, to watch every movement," &c., has no foundation in truth, and is so very improbable in itself as to excite astonishment that Governor Young should have made it. I had but one conversation with Governor Young, within my recollection, in which official instructions were mentioned at all, and that conversation was in substance as follows:

Governor Young was striving to induce me, by argument and persuasion, to disburse the public money then in my possession, in payment of the mileage and *per diem*, and the contingent expenses of the last Legislature of the provisional government of the State of Deseret. I informed him that I could not comply with his wishes. "But," said he, "suppose the Territorial Legislature, about to as-

semble, should so appropriate the money, and direct you to pay it; you would of course comply?" I replied "that I could not; that I had instructions from the Treasury Department to guide me as disbursing agent, and that I would not be permitted to plead an act of the Legislature in excuse for the illegal disbursement of the money in my hands."

I had no other conversation with Governor Young which could possibly have suggested to his mind the idea of making such a charge against me.

There are other misstatements in the letters of Governor Young and Mr. Bernhisel equally gross and untrue; but as they do not relate to me alone, I do not deem it proper to refer to them more particularly in this communication.

I have the honor to be, with the highest regard, your most obedient servant,

B. D. HARRIS.

Secretary of Utah Territory.

WASHINGTON, January 12th, 1852.

On motion by Mr. HOUSTON, the communication was ordered to lie on the table and be printed.

MEXICAN INDEMNITY.

The SPEAKER also laid before the House a communication from the President of the United States, covering a letter from the contractors for paying the installment of Mexican indemnity due on the 31st of May next.

On motion by Mr. HOUSTON, the communication was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

The CHAIRMAN. The first business before the committee is the annual message of the President of the United States.

Mr. HOUSTON, (interrupting.) But I think that under the rules of the House governing the committee, I have the right to move to take up any appropriation bill, or any bill for the purpose of executing a treaty.

The CHAIRMAN. That is the rule.

MEXICAN INDEMNITY BILL.

Mr. HOUSTON. I move, therefore, to take up the bill to provide for carrying into execution, in further part, the twelfth article of the treaty with Mexico, concluded at Guadalupe Hidalgo.

The bill is as follows, viz:

Be it enacted, &c., That the sum of \$3,180,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the installment and interest which fall due on the 30th of May, 1852, under the twelfth article of the treaty between the United States and Mexico, made and concluded at Guadalupe Hidalgo, on the 2d of February, 1848.

Mr. McMULLIN. It is, perhaps, unfortunate for me that I am entitled to the floor, particularly as I have not given this subject that consideration which its importance demands; and I shall not occupy the time of the House but a very few moments. I have already effected the object with which I originally set out—that of calling the attention of the House and of the country to this particular case. At the last Congress this subject, or rather a bill providing for the payment of the Mexican indemnity, was before the House. It was my misfortune then to differ with several gentlemen, and with my honorable colleague, [Mr. BAYLY,] who was then the chairman of the Committee of Ways and Means, and with whom it is at all times painful to me to differ. I am sure I need not say one word to my colleague with a view to reconcile him to the course which I have taken in reference to this matter. That gentleman knows full well that there are but few men, if any, upon this floor, whose capacity and efficiency as a legislator I appreciate more highly than his. But I thought then, as I think now, that there was something wrong in relation to the payment of this Mexican indemnity. I understand, sir, that this subject will be discussed at some length, and my object is simply to call the attention of the House to the fact, that in the payment of the last Mexican indemnity, there was a loss to this Government of some sixty or eighty or one hundred thousand dollars, because of the manner in which that payment was made; in other words, if the payment had been differently made—made by agents who proposed to make it, other than Corcoran & Riggs, and those British bankers, there would have been a saving to the American Government of some sixty or eighty thousand

dollars. Now, it is not my purpose to reflect upon the Committee of Ways and Means of the Thirty-first Congress, nor is it my purpose to cast any reflections whatever upon the Committee of Ways and Means of this Congress. But I wish to say, sir, that it is a subject worthy of the consideration of the Committee of Ways and Means, and of their investigation, to see whether or not a saving could be made to this Government in the manner of payment of this indemnity.

But, Mr. Chairman, I hold also, that if it is practicable to negotiate this payment, so as to save the sum, which I presume can be saved to the Government, and at the same time accommodate Mexico, it is the bounden duty of this Government to do it. My understanding was, during the last Congress, that the Mexican Government desired the payment to be made to them otherwise than through this channel by which it was proposed to be made. I presume, if you look into the facts of the case, you will find that the Mexican Minister, then in the city of Washington, protested against the payment of the indemnity in the manner proposed. I shall not stop, sir, to inquire into the amount which was made heretofore by these British bankers and Corcoran & Riggs. That is a matter with which I have nothing to do; but there is one point of view in which I desire to examine this subject. It was contended by the Committee of Ways and Means of the last Congress, and by you, sir, as one of that committee, and also by my honorable colleague, [Mr. BAYLY,] then chairman of the Committee of Ways and Means, and perhaps by others, that Congress had no right thus to negotiate the payment, without another treaty. Now, Mr. Chairman, I do not profess to be versed in constitutional law, nor do I profess to be versed in laws growing out of treaty obligations and stipulations. But I do profess to know a little something about ordinary and common-place transactions. Sir, will you tell me, or will my honorable colleague, or any other member upon this floor, tell me, and stake his reputation upon that issue, that if the Mexican Government, through her duly-constituted agent in the city of Washington, indicates her purpose to receive the payment of the indemnity, or the amount due to her, from the legally-constituted agent of the American Government, and that a payment thus made at the instance of the Mexican Government, through the agency and instrumentality of the Mexican Minister, would not be valid in law? I know that such an opinion is entertained. Now, with due regard to the opinion of my colleague, [Mr. BAYLY,] and others, who differ with me upon this subject, I undertake to say that if you submit this question to the American people, as a practical, plain, common-sense people—and this being a common-sense view of this question—they would decide that if the payment had been thus made, there would have been the end of it. In reference to the assaults made upon my colleague [Mr. BAYLY] through the newspapers, I have nothing to do.

I now desire, Mr. Chairman, to address myself more particularly to the chairman of the Committee of Ways and Means, [Mr. HOUSTON.] I desire that gentleman and his committee to investigate this point in the case. Has the American Congress the authority, by the sanction of the Mexican Government, and her legal agent and representative here, the right to direct how this payment shall be made? In the investigation of this subject we are met by my honorable colleague [Mr. BAYLY] and others with this view of the case: If you undertake to direct the payment of this indemnity otherwise than as provided for by the treaty stipulations, you will throw a responsibility upon an irresponsible source. In other words, it was contended, as it is contended now, that the Executive Department of this Government, as the treaty-making power, must see to the payment of this money. Now, I ask the gentleman at the head of the Committee of Ways and Means, if the Mexican Government shall agree to receive this indemnity by means of any other agent or agents than Corcoran & Riggs, and those British bankers, by which the Mexican Government shall save one or two hundred thousand dollars, and the American Government some sixty or eighty thousand dollars, whether it is not competent, without calling for another treaty, thus to provide for the payment of the money? To my mind it is competent for the Government to

pay off that indemnity in the manner suggested, without any other treaty.

Mr. HOUSTON. I will give the gentleman my opinion. I have no question of the power of Congress, if they shall see proper, to instruct as to the mode and manner of making this payment. I have no question but Congress has the power to direct the President in the manner the payment shall be made, if they shall see fit so to act. The position I took was, that unless some gentleman will say that the President of the United States, or the authority making the payment, has done so improperly, corruptly, or fraudulently, we have nothing to do with the manner of payment. We ought to do our duty by passing the appropriation, and leave to the Executive the responsibility which, under the law, rests upon him, in executing fairly the laws passed by Congress. I have no doubt about the power of Congress. Charges are talked about without there being anything brought forward, anything tangible. If the gentleman will say that the President or Secretary of State are guilty of fraud or corruption, then it is not only in the power of Congress, but the duty of Congress, to control their action.

Mr. McMULLIN. The chairman of the Committee of Ways and Means has conceded a little more than I expected he would have done, but still he desires that some gentleman shall come forward and do—what? Charge that there is corruption or impropriety on the part of the Executive Department of the Government. Can the chairman of Ways and Means tell me that that is the duty of every member of this House, unless they are satisfied that corruption really exists? No, sir; but any member of this House has the right to ask that payment of the indemnity shall be made differently than that proposed by the Executive, if it shall go to the saving to the Government of the United States of a large amount of money, without charging corruption.

Mr. HOUSTON. With the permission of the gentleman from Virginia, I will say this much further in illustration of the position I have taken—that if the President of the United States, in the execution of the law which we may pass for appropriation, shall fail to protect the Government of the United States and all its interests in making that payment, or if he shall put it into the power, by the manner in which the indemnity is paid, of the bankers of this country, of England, or of France, or anywhere else, to impose upon Mexico, then I say he has not acted properly in the discharge of his duty. That is what I mean. If the case is presented, that the President of the United States could have saved by a different mode of payment, or that he could now save any amount of money to the Treasury which he otherwise would let go into the hands of private individuals or companies, or has made his arrangements understandingly so as to enable Mexico to be fleeced by American citizens or others, then the President of the United States has not discharged his duty.

Mr. McMULLIN. Well, Mr. Chairman, such have been the charges preferred against the President of the United States outside of this House through the papers, and also against the Cabinet, who are concerned in this matter. It demands investigation.

Mr. CABELL, of Florida. I will ask the gentleman from Virginia [Mr. McMULLIN] to state by whom these charges have been made here to justify the action of this House.

Mr. McMULLIN. I did not state that they had been made upon the floor of the House of Representatives, but I stated they have been preferred in the newspapers.

Mr. DISNEY. With the permission of the gentleman from Virginia, I would like to address a word to the chairman of the Committee of Ways and Means, [Mr. HOUSTON.]

Mr. McMULLIN. Certainly, sir.

Mr. DISNEY. As I understand it, this whole affair is simple in its character and easily to be arrived at. Charges have been made in the public prints of this city, that while the Mexican Government, through its accredited Minister here, expressed its willingness and desire to have this money paid here upon the draft of the Mexican Government, and thus to consult at once the wishes, interest, and policy of the Mexican Government, as well as the pecuniary interest of the United States, it was the pleasure of the Executive De-

partment to make different arrangements. Now, nothing could be easier than to arrive at correct information in reference to the truth or falsity of these charges; and I now suggest it to the chairman of the Committee of Ways and Means, that without the adoption of a formal resolution by the House, that upon his own motion he go to the Secretary of State, and inquire into the actual facts connected with this matter, and then, being possessed of all information, he can stand upon the floor of the House, and meet all of these statements with official and authoritative information. It will, perhaps, be said, as it in point of fact has been stated, that Mr. Webster has already made the statement. I do not so understand it. By a careful reading of the reply of Mr. Webster in connection with the allegation, you will find that it does not meet the charge. If the charges be true, that written reply and formal communication of the Secretary of State was an evasion of the inquiry. I repeat, then, that it is easy to find out the truth of all these matters. Do not let gentlemen stand up without any authority or information of the actual facts. But, as I have said, let the chairman of the Committee of Ways and Means go and possess himself directly, immediately, and personally, with regard to them. I make the suggestion.

Mr. HOUSTON. The suggestion of the gentleman from Ohio [Mr. DISNEY] is so very singular it is proper that I should respond to it. That gentleman, as I understand, was a member of the last Congress when this difficulty grew up. I am sure that he is too observant a member and too intelligent a gentleman to let anything pass of this kind without himself knowing as much in regard to it as any other member of this body. Then I ask, Mr. Chairman, why it is that he has not presented to the House of Representatives a resolution calling for this information? It cannot be expected, because such has not been the custom—such is in conflict with the usages of this House—that I should go, upon my own mere motion, and privately obtain information which this House was desirous of possessing—information which was to sustain or defeat the grave charges or insinuations against a high public functionary of the Government. The universal rule has been to make your call for it. The gentleman from Virginia [Mr. BAYLY] states that the call has been made and answered; and my friend from Ohio [Mr. DISNEY] says that it is a practical evasion. Then, if it be true that it was an evasion upon the part of the Secretary of State, that he did not fairly and frankly respond to the call of the House at the last session of Congress, how easy would it be for my friend from Ohio, or for any other member who believes that corruption exists, or that impropriety has been practiced upon the part of the President of the United States, or his Secretary, to frame a resolution to meet the evasions, and to get the information in that way? In order to obtain official information in a different way, I must go upon my own mere private responsibility, and then make a statement to the House of my recollection of what the Secretary of State might tell me. It might be that I would misunderstand him, or it might be that he would misunderstand me, and in that way discrepancies would arise. Now the House have the authority to call upon any Department of the Government for that knowledge; and if the information is called for in the right manner, the President of the United States and the Secretary of State are bound to respond to the call. In that way the information touching this most important subject can be officially laid before the House. If the gentleman chooses to present a resolution of that sort, or any other gentleman, I shall go for its adoption.

Mr. DISNEY. The honorable chairman of the Committee of Ways and Means talks about the singular suggestion I made to him. Now, one word by way of explanation, in order to ascertain upon which side the singularity is. Why, sir, that gentleman is chairman of a committee in this House, whose bounden duty it is to report no appropriation for the action and sanction of this House until, as the chairman of that committee, he satisfies himself that the appropriation is just and proper, and should be made in the manner desired. Who, then, is singular—the chairman, for evading the charge imposed upon him by our organization and the rules, the practice and usage of the House; or me, for suggesting to him that he should con-

form to his duty upon the present occasion? Why does the gentleman make this particular case an exception to the general rule which governs him in regard to all of the items of appropriation which he reports to the House in the various appropriation bills? Why not inquire into this in the same way that he inquires into all the other items of appropriation he presents and asks this House to sanction, that he may be enabled to stand up before the House and satisfy it that the appropriation is right? Who, then, is singular in this regard? He says you can, and why do you not, offer a resolution calling this information particularly before the House? I have heretofore endeavored to obtain information on this subject. I stated in my remarks a few moments ago that there was no necessity for a resolution—no need for any formal thing of the kind, but that the chairman could go to the Secretary of State, upon his own motion, and obtain a correct statement of the facts. It is his bounden duty to inquire into these matters. There was no impropriety in the suggestion that I made. In the regular discharge of his duty he would have obtained the information, dispensing with the necessity of the adoption of any resolution by the action of this House. It is a duty imposed upon him to ask for that information, and also to post himself up in regard to everything connected with it. Outside rumor is sufficiently plausible to give reasonable cause for inquiry. The gentleman has doubtless read the charges in the public prints of the city, and yet we are asked to pass that bill, without making any inquiry at all. But I will come back to the general question—to the advice which I suggested to the gentleman. He asks why do I not offer a resolution? To satisfy the gentleman, I will offer a resolution. If he cannot discharge the duty without a resolution, he shall have it. He says that I was a member of the last Congress, when this matter was up. So I was. I acted then as I do now. I endeavored then to have the matter inquired into, and the requisite information brought before the House, but from some cause I failed.

The facts are as I have stated. Enough has been said out of doors about this matter to put this House upon the inquiry; and this House and the chairman of the Committee of Ways and Means will not be true to themselves and the interests of the country, unless they make this inquiry, no matter how high the name or the authority of those who will stand in opposition to it. Now let me say here, that the gentleman misunderstood me when he says I make charges or express any belief in regard to the matter. I make none. I know not whether they are true or false; but this I do know, that these charges have been made so publicly—have been stated, iterated, and reiterated through the city, until the time has come when a regard for the character of the House and the interests of the country, and for the character of the persons interested in these charges, demand that an inquiry should be made. And I trust, if it cannot be arrived at in any other way, that this House will, by a formal resolution, direct the inquiry to be made and the facts to be laid before it. I repeat, let the chairman of the Committee of Ways and Means be induced to make the inquiry, without the formal action of the House instructing him to do it. It is his bounden duty to do it, without the special direction of the House.

Mr. HOUSTON. The gentleman from Ohio [Mr. DISNEY] seems to have received the impression that I gave him advice, or attempted to do so. Why, sir, he is greatly mistaken. I never considered myself competent, and I shall not be so presumptuous as to undertake a task of that sort. The gentleman forgot himself—he gave me that advice. He told me that I did not possess the information, and he also told me how I ought to get it. The gentleman says that I ought to have a knowledge of the correctness of the appropriation I propose to make and the manner in which it should be made, before I ask the House to vote the appropriation. Let us see whether I possess the proper knowledge upon that subject. Here I ask the House to appropriate \$3,180,000 to pay an installment due to Mexico in May next. By reference to the treaty, I find that we are bound to pay that money. By reference to the same treaty, I find that we are bound to pay \$185,000 as the interest upon the installment. So one question of the gentleman from Ohio [Mr. DISNEY] has an answer. But he says I ought to be able to tell the

House the way in which the payment is proposed to be made. How is this payment proposed to be made? Does the gentleman from Ohio know? I should like him to tell us, if he undertakes to say how it should be made, upon what terms the payments are to be made. I should like him to give us all the minutiae in regard to these payments. I have never heard how it was to be made except from the statements of the gentleman that it was to be made through certain houses, and that other houses had proposed to make the payment. So, then, I think, this house possesses all the information as far as my appropriation bill is concerned. It finds an appropriation of money is due, and ought to be paid. If the President of the United States proposes in any particular way to pay it which this House condemns, or questions, or desires to examine into, then let the House indicate it, and the terms of the payment shall be brought before the House, and the House then can see whether the proposition is a correct one or not—whether the proposed mode of payment is correct or not. The Committee of Ways and Means had nothing before them showing how the payment was proposed to be made. There was no proposition, either to Congress or the country, that reached the Committee of Ways and Means, by which they were informed whether the payment was to be made through one house or another, or directly by the Secretary of the Treasury to Mexico. Hence the committee could not have done any more than they did. The committee reported the appropriation bill precisely as the treaty, which is the highest law of the land, required it should be done, and that appropriation is now before you. Ah, but the gentleman says I ought to go and obtain the information; and he seems to have referred very frequently to the fact that I said his suggestion was to me a singular one. I certainly said, not out of any improper spirit or feeling at all, that I thought it was singular; and I think I will convince my friend from Ohio that it is a very singular fact, if he will but hear me. He says he called upon the Secretary of State at the last Congress for this information, and although he had the House to sustain him in the call for the information from the President of the United States, yet he bravely tells this House now that the call was refused, and it was evaded by the Secretary of State. Well, then, let me say to my friend from Ohio, [Mr. DISNEY,] suppose the Secretary of State evaded a response to a call of this House, made upon him in due form, would it be more likely he would communicate the information to me personally than to the House? He is bound under the law, by his official duty, whenever an application is made to him, to respond solemnly to the call made upon him.

Mr. DISNEY. I did not say the Secretary of State had evaded answering the call. I said that the charge had been made, and that the response to it was an evasion.

Mr. HOUSTON. The gentleman from Ohio declares he did not say that the Secretary had evaded answering the call, but that the charges had been made. My friend from Ohio did say this, I am sure, that he made the call and failed.

Mr. DISNEY. I said that I made an effort to get the information.

Mr. HOUSTON. A resolution was passed and sent to the Secretary of State, and that resolution was responded to. But the gentleman from Ohio has more than intimated that the Secretary of State evaded, intentionally, a manly, frank, and honest response to that call.

Mr. DISNEY. I said that the charge was made. I disclaim endorsing the charge.

Mr. HOUSTON. I am aware of that, when he referred to a charge of that sort. It is certainly an intimation, that upon our part we are not satisfied. So then I am endeavoring to present to this committee an utter impossibility. I have brought before the House, by instruction of the Committee of Ways and Means, the bill proposing to make the appropriation which is required of us by the treaty with Mexico. And we have got all the information that the committee could be possessed of; and if any other information is to be obtained it should be upon a call of the House. If the gentleman desires it, I will go as far as any other gentleman in an effort to bring the information before the House.

Mr. McMULLIN. The fact of my having yielded the floor to gentlemen on either side has

been of great service to me, and to this House. I think it is now perfectly evident that this subject must be investigated. I must be permitted to say to the chairman of the Committee of Ways and Means, that he has furnished me with evidence sufficient to satisfy my mind that if he will discharge his duty faithfully—as I have no doubt he will—as chairman of the Committee of Ways and Means, he will investigate this subject. I hold that it is not necessary that this investigation shall come before the committee by a formal resolution. No, sir, I concur fully with the view taken by the gentleman from Ohio, [Mr. DISNEY,] that if the Committee of Ways and Means, having to provide for the payment of this indemnity, shall be of the opinion that there has been an abuse of power on the part of the Executive of this Government, it is their high and solemn duty to investigate the matter, and report the facts to this House and country. Yes, sir, and I tell the head of this committee, that unless they now investigate this subject—the matter having taken this direction—he will be held responsible by his constituents and the country. What is the view of this case as now presented? A member upon this floor rises in his place and tells the House and the country, that there have been charges preferred against the Executive of this Government, in regard to the payment of the late indemnity. Here is another bill proposing to pay a further indemnity; and in the payment of which there may be saved a large amount of money to this Government, and yet do justice to the oppressed sister Republic of Mexico. If these charges, as preferred against the Executive of this Government through the newspapers of the country, are to be relied upon, Mexico has been most fraudulently and shamefully imposed upon. I say if these charges preferred against the Executive of this Government, in connection with the Rothschilds, the Barings, and Messrs. Corcoran & Riggs, are well-founded, there has been palpable injustice done to the oppressed Government and people of Mexico.

I hope the honorable chairman of the Committee of Ways and Means will not undertake to tell the House and country, that he is bound in good faith to carry out all the suggestions and recommendations of the Executive, whether right or wrong. I beg that gentleman to remember—and there are gentlemen upon this floor who will remember—that in some of the campaigns recently come off, it was charged upon the Democratic party in the last House of Representatives, that if our appropriations were extravagant and enormously high, they were made by a Democratic Committee of Ways and Means. I beg that gentleman to remember, that while the present House is composed of a very large and overwhelming majority of the Democratic party, the last House of Representatives could not be said to be composed of a majority of either party. For certainly, it will be recollected by every gentleman who is here present, neither party at the last Congress had a practical majority; and notwithstanding that fact, in some of the States of the Union, the Democratic party were held responsible for the enormously extravagant appropriations of the last Congress, because of the fact that we had a Democratic Committee of Ways and Means. Now, I beg gentlemen upon this floor to remember, that one of the gentlemen from Maryland, [Mr. BOWIE,] upon the other side of the hall, proposed to retrench the expenses of our Government, and he met a hearty response in his immediate neighborhood and upon our side of the House. Now, I desire that we shall meet that gentleman; and the chairman of the Committee of Ways and Means placed in a position in which he may be able to effect much in retrenching and reforming the expenses of the Government.

But I come back to the original question, Is this subject worthy of investigation? Ought it to be investigated? Is it not due to the country—due to the Government—due to Mr. Webster—due to the Mexican authorities—due to all the parties concerned, that there should be an investigation? I do not mean to offer a resolution on the subject. I had intended to do so. I had a resolution prepared for the purpose of eliciting information upon the subject, but I now take the ground—and from that position I hope that the worthy chairman of the Ways and Means will not attempt to escape—that it is the duty of that committee, these charges having been preferred not only in the

newspapers of the country but by the gentleman from Ohio, [Mr. DISNEY,] from his place upon this floor, to investigate the matter. I call upon the committee to investigate it and see whether—even if there has not been corruption—there has not been, at least, a species of favoritism exercised. If I were allowed here to draw upon my very humble resources, and to speculate in reference to the late transactions for the payment of this indemnity, I think I could satisfy the House that if there has been no corruption, there has been something very like favoritism, or that has, at least, an awful squinting towards it.

I beg pardon of the committee for having occupied so much of their time. I did not intend to do so, as I stated when I rose. My object is accomplished by having called the attention of the House and of the country to the fact, that there was dissatisfaction in the last Congress and is now, and that an investigation is demanded.

Mr. APPLETON, of Massachusetts, called for the reading of the President's message and the accompanying communication in reference to the subject before the committee.

The CLERK read the communication, which is as follows:

To the Senate and

House of Representatives of the United States:

I transmit to Congress a report from the Secretary of State, accompanied by a letter to him from the contractors for paying the installment of Mexican indemnity due on the 31st of May next, and respectfully invite attention to the subject.

MILLARD FILLMORE.

WASHINGTON, January 19, 1852.

DEPARTMENT OF STATE, January 19, 1852.

To the President of the United States:

I lay before the President another letter from the contractors for the payment of the remaining installment due to Mexico under the treaty of Guadalupe Hidalgo.

This affair appears to have become urgent. The contractors would seem to have had a right to expect that the proper appropriation would have been made by Congress in such season as to have given them a reasonable time to have made arrangements for the fulfillment of their undertaking.

For the last payment, which fell due on the 31st of May last, an appropriation was made on the 25th day of September, 1850, which gave time for the necessary arrangements. A bill for making an appropriation for the installment now to fall due in May next, passed the House of Representatives on the 26th day of February last, but failed to be considered in the Senate, as it is understood, for want of time.

The honor of the country requires that provision should be made to meet this payment with punctuality; and it is apparent that inconvenience and loss may probably ensue if the appropriation be longer delayed.

Respectfully submitted: DANIEL WEBSTER.

Boston, January 14, 1852.

Sir: The undersigned had the honor to address to you on the 26th ultimo, a letter urging the importance of the immediate passage of the appropriation bill for the payment of the installment of the indemnity due to Mexico on the 31st of May next.

In the remarks made in Congress when the bill was reported, they were alluded to in such a manner as makes it proper that they should state their position towards the payment, in justice to themselves, and also that the passage of the bill, any delay in which may occasion great loss to the Government, should not be impeded by useless discussion.

The undersigned had ceased to regard themselves as contractors, as the delay that had occurred was such as to render it impossible for them to go on and make the payment in the absence of such needful and timely appropriation, as was contemplated by both parties in making the contract, and without which its execution became impracticable; awaiting, however, the action of Congress, and the intentions of the Government, and prepared to aid in carrying them out when occasion for their services should offer. In this position, and knowing from their own experience the importance of time to make the funds in Mexico, and the great loss to which the Government might be subjected by prolonged delay, they addressed to you their letter of 26th ultimo, that the matter might have the attention of the Government.

To show clearly the effect of this delay, and to prevent the possibility of any misconception as to their present position, the undersigned beg to ask your attention to the following statement of the result of the last payment made by them.

To make the required funds, their agent proceeded to Mexico in October, and was occupied from that time until June following, in disposing of his exchange on England, France, and the United States, and was finally obliged to borrow three hundred thousand dollars on his bills, to be negotiated afterward, in order to complete the payment on the 31st of May. Thus it took nine months to draw the bills without depressing the market so as to make a loss.

The result of this immense exchange operation with all its attendant risks, was a profit of about one per cent. on the amount, and the contractors made no other profit except what resulted from loaning a portion of their own funds (not advanced by the United States) to the Government of Mexico, and to merchants in Mexico, at the current rates of interest. Adding the interest received for their own money, to the profit on the exchange, as stated above, the net result was a division of three and one third per cent. among the three contracting houses. This comprises the whole of their profits direct or indirect in connection with

the business. The United States Government made no payment to the contractors, except in reimbursement of payments made by them in Mexico, from their own moneys, and on presentation of duly authenticated receipts at Washington. Nor were any moneys received by the contractors from the Government prior to the first of March, and the last payment of about two millions of dollars was not made to them until the 27th June last, so that in fact the average of payments to them fell about 15th of May.

You will perceive that the accumulation of funds which required last year nine months for its completion, cannot now be made in the short space of time that remains without loss to the Government, and Congress ought to be fully aware of the responsibility it assumes by increasing the delay which may render compliance with the treaty stipulations a matter of great loss. Those difficulties were urgently represented by the undersigned at the time the appropriation bill was pending at the last session.

It will be perceived from the foregoing, that the contractors made all their payments in Mexico out of their own funds, and were afterwards reimbursed in the United States, at a date averaging the 15th of May, and the last and largest payment by the United States to the contractors of two millions of dollars was not made until the 27th of June, nearly one month after they had paid the full installment to Mexico.

Any statements that have been made in regard to them at variance with the above facts, or implicating them in any way in the purchase of bonds for the purpose of speculating on the payment, or any other indirect transaction whatever, are an entire fabrication. No consideration would have induced them to depart from the full performance of everything implied in the strict interpretation of their undertaking.

We have the honor to be, sir, with great respect, your obedient servants,

BARING, BROTHERS & Co.,
By T. W. WARD, Atty.
HOWLAND & ASPINWALL,
CORCORAN & RIGGS.

To the Hon. DANIEL WEBSTER, Secretary of State.

Mr. JOHNSON, of Tennessee, moved to amend the bill by adding thereto the following:

And that said sum be paid over to the proper authorities of Mexico by the Secretary of the Treasury of the United States under the supervision of the President.

Mr. MARSHALL, of Kentucky. I have not arisen with a purpose to prolong this debate, by indulging in either the attack upon or defence of the honorable Secretary of State, but, if it were possible by my suggestions to do so, to secure its termination at once by coming to a vote upon the bill.

I respectfully submit to those who seem intent upon an assault on the Secretary of State, that this is not the proper time or occasion for the execution of their determination. It is not the proper place for criticism upon his conduct, even in the particular transaction of the payment of the Mexican indemnity. The House is not in possession of facts to indicate the position of Mexico, in regard to this affair of the indemnity.

At an early stage of the last Congress a bill was presented, to appropriate for the payment of \$3,500,000—the installment due in 1851, under the treaty of Hidalgo—and it was then said that General Taylor's administration had signified a willingness to meet that and the rest of the installments, by accepting drafts of the Mexican Government, drawn for the several installments, payable at the city of New York. It was said that the Herrera administration, of which General Arista was a member, desired to have the use of the money, in advance of the day of payment, because the fear was entertained that a revolution impended which would, in all probability, break out at the period of the presidential election in Mexico. It was said that Mexico wanted to transfer her business from the hands of British capitalists into the hands of American capitalists, with the view of nurturing credit and fostering friendship here, instead of in London. I thought then, and yet think, that it would be generous and magnanimous on our part to make these payments in such form and manner as would be most agreeable to Mexico; provided it is safe and just to our own country. The treaty stipulates the payment of each installment "in the city of Mexico." Has Mexico signified to this Government, through the usual and accredited channel, any desire for the change in the place of payment? Has Mexico, as a government, through her departments which have the power to modify the terms of treaties and to change her laws, even yet signified to this Government a proposition to make the change suggested? Have the drafts alluded to been presented, or has any form of acquittance of this Government under the treaty been submitted for the consideration of the Executive of this Republic? It will not be enough that the President and Cabinet of Mexico have desired the acceptance of drafts for the amount of the installment. They have no power to bind their country to the modification, or to release us from our obligations under the treaty. But, Mr.

Speaker, it will be perceived that I speak of the reports which we heard last year, of what *had been* the respective wishes and concessions of the Mexican and American Administrations. Neither of the then existing Administrations now hold power. What is *now*—to-day—the attitude of the Mexican Government in regard to the payment of the installment falling due in 1852?

I understand that the charge against Mr. Webster is, that, immediately upon his accession to the office of Secretary of State—disregarding the commitments of the former Secretary, and without the slightest respect to the wishes of a neighboring power, and with a most ungraceful haste, he transferred the business of making these payments, under the treaty, to certain capitalists—British bankers, if you choose—thus evincing his utter disregard of true national policy, and his overweening desire to promote the private interests of himself and his friends. But, sir, this charge, whether true or false, can throw no light upon the question as to the present views of Mexico in regard to the installment now becoming due. We cannot learn, by discussing Mr. Webster's conduct in making the arrangement complained of, whether Mexico now wishes the \$3,700,000, due in May, to be paid in New York or in Mexico, and whether Mexico is now making, in form, any application to this Government upon the subject. The money is to be paid in May: the treaty stipulates that it is to be paid in the city of Mexico. The money cannot be obtained until Congress passes this bill. It will require time to make the arrangements for exchange, so as to place so large a sum in the city of Mexico without deranging business. We cannot possibly acquire any material assistance in the discharge of our plain duty in the premises, by spending hours and days in discussing whether the Secretary of State acted properly in arranging as he did for the payment of the last installment.

I understand that the arrangement or contract which he entered into (subject of course to ratification by Congress) covered all the installments to become due after the date of said arrangement. I understood this from the debate of last year. Whether rightfully or wrongfully acting, the Secretary took the responsibility of making the arrangement in advance of the passage of the law, and under that contract the installment of 1851 was paid. Now, after our Government had, *pro tanto*, determined upon our line of conduct, am I to understand that Mexico yet wants the remaining installment to be paid in the city of New York *upon our acceptance*? Is any one here ready to say that this is the attitude of Mexico *now* before the Government of the United States? The anticipated revolution in Mexico did not occur. Aris! went into power without any trouble. Time has so nearly brought to maturity the installment due in May, 1852, that it would seem impossible for Mexico to derive any advantage from the peculiar manner of making the payment or the place where made. After the expression of our determination to pay *at Mexico, according to the treaty*, I imagine that Mexico has scarcely *continued to apply* for our acceptance at New York even conceding that she ever did so apply formally. In making the arrangement for the payment, in advance of the passage of the law, the Secretary of State may have committed an unpardonable error, or he may stand justified by a plea of necessity from want of time. This is not the proper time or occasion to investigate the propriety of his conduct.

Our duty is simple and plain. The treaty stipulates the payment of \$3,700,000 in May next. The Executive calls our attention to this matter, and our Committee of Ways and Means brings in a bill appropriating the money. This done, the rest will remain with the Executive Department. It is understood that the arrangement under which the last installment was paid also covers the payment of this installment—that the Secretary of State made, but the single arrangement and that extended to the whole of the payments to be made under the treaty. Shall we undertake to alter the manner in which this contract, already partially executed, is to be carried out, or shall we permit the Executive to pay according to the treaty, we affording the means, and then hold the Executive to a just responsibility before the country for the fidelity and skill with which the duty shall have been discharged? It seems to me that all this debate about the wishes of Mexico, and about the

conduct of Mr. Webster, is out of place. The question was substantially decided in 1850. The whole subject-matter is foregone.

But there will be a time when gentlemen who desire to discuss the conduct of Mr. Webster will have an opportunity. A memorial has been referred to a committee of this House—the Committee on the Judiciary—upon the consideration of which the propriety of the conduct of that gentleman in this matter, and in regard to other affairs of a public nature, interesting and important, will necessarily pass in review before the House and the country. The information can by that time be procured in full, to enable the House to pronounce its judgment upon the conduct of that public functionary, when his friends will have the opportunity to meet the issue fairly with his foes. At present, gentlemen are premature in their assaults on the Secretary of State; and on a proper consideration of the question presented by this bill, I hope it will appear that we are uselessly consuming precious time in an extra discussion, all of which will be hereafter repeated. I advise gentlemen to save their ammunition for the proper occasion. It is confessed that the information is not before us upon which these assaults are to be justified. There is no gentleman upon this floor who can say that Mexico is now an applicant before this Government for any favor, or for any change as to the time and place of paying the money to which this bill relates. No one here can say that Mexico will now *permit* us to pay the remaining installments elsewhere than is stipulated by the treaty. No one here will rise in his place and indorse any charge against the Secretary of State, impugning the propriety of his conduct in regard to this transaction. This business demands our action—our instant action. It does seem to me, under these circumstances, that we had best proceed to pass the bill making the appropriation, so as to have the money paid under the treaty and according to the treaty. If it shall hereafter appear that the arrangements for the payments have secured a loss to us, or have effected any imposition upon a weak neighbor, let the Executive take the responsibility, and we may in the discharge of our proper functions pronounce our judgment, condemning the course of the Executive or lending to it our expression of approbation.

One additional remark as to the amendment offered, or indicated by the gentleman from Tennessee, [Mr. JOHNSON,] and I shall have done. A similar amendment was offered to the bill of 1850, providing for the payment of the installment due in 1851. I voted for it then, because I preferred that the Secretary of the Treasury should pay out the public money, and did not clearly perceive why the payment should be intrusted to the Secretary of State. The House decided then, that the Executive should not be controlled in the distribution of these duties to his heads of departments, but might, upon his own responsibility, confide the payment to the Secretary of State, or the Secretary of the Treasury. It was then known that the Secretary of State would negotiate the arrangement for the payment. If we now reverse the determination of the Thirty-first Congress, by directing the Secretary of the Treasury to make future payments, and so discharge the Secretary of State therefrom, we shall by that act stain the reputation of Mr. Webster as a public officer, and as a man. I shall not, by any act of mine, so directly inflict an injury upon the reputation of any man, and surely I shall not under the circumstances here presented, and after what has transpired in connection with the conduct of Mr. Webster touching these installments. I thought we had best *commence*, where the gentleman's amendment proposes we shall now go. I voted accordingly, but with no bias upon my mind, and no desire by that vote to reflect upon any one. Were the circumstances the same, I should so vote again. But the circumstances, as I have shown, are radically different. When the Secretary of State was assailed here, in the last session, this question was much in the state in which it is now presented, and it will be remembered that the House, by a very decisive vote, refused to transfer the duty of making the payment to the Secretary of the Treasury, or to order the substitute which contemplated the acceptance of the drafts. These circumstances render it still more difficult now to interfere with the Executive in determin-

ing the functionary who shall make these payments.

Therefore, in the absence of any knowledge of the exact desire now entertained by the Mexican Government in regard to the place and manner of our meeting the remaining installments, and unwilling ever to censure any man unless I am certain that my duty compels it, I am willing to vote for the passage of this bill. If it shall be found hereafter that loss has occurred, or that wrong has been done, or frauds have paved the way for speculation through the instrumentality of these public transactions, I shall be ready, without the slightest regard to party ties or political affiliations, to mark my condemnation in the most public manner upon the guilty.

Mr. DUNHAM. I concur most fully in the opinion expressed by the gentleman from Kentucky, that this question is presented to us prematurely. In the first place, even if there has been wrong done, there is no pretension that the money which has heretofore been appropriated for the purpose of complying with the terms of the treaty of Guadalupe Hidalgo, has been diverted from that purpose; nor is there any apprehension that this appropriation will be diverted from the purpose for which we intend it. It cannot be doubted that there is a necessity that this money shall be speedily appropriated, in order that the terms of the treaty may be complied with, without loss or expense to the Government. The true course is, to pass this bill and let the money be applied, and then if gentlemen think that there has been corrupt and improper conduct on the part of the Secretary of State, let them come forward and institute an investigation; but we ought not, for the purpose of investigating a supposed charge against a high officer of the Government, to stay the necessary proceedings to carry out this important treaty. Now there is no apprehension that loss can occur to the Government by making this payment through the Secretary of State, and afterwards investigating his conduct, if necessary; while there is great danger that if we delay the appropriation for the purpose of making beforehand such an investigation into his conduct, loss will occur to the Government.

Now, one word in reference to the amendment of the gentleman from Tennessee, to take the control of this payment from the Secretary of State and give it to the Secretary of the Treasury. Aside from the suggestion made by the gentleman from Kentucky, that it would be an implied censure on the Secretary of State, before an investigation, I ask what officer of the Government ought to carry out this treaty? Does it belong to the Secretary of State, or to the Secretary of the Treasury? The payment of this money is to comply with the terms of a treaty. Has the Secretary of the Treasury anything to do with the negotiation, or in the execution of a treaty? No, sir; this properly devolves upon the Secretary of State. Why will you, then, without any previous investigation, take this duty from the officer upon whom it properly devolves, the officer who has charge of our foreign relations, and give it to another officer, who has not usually had, and never ought to have, any control over such matters? It belongs to the Secretary of State, as the organ of this Government in its intercourse with foreign nations, and not to the Secretary of the Treasury.

Mr. JOHNSON, of Tennessee, (interposing.) The gentleman says that the Secretary of the Treasury has never had charge of matters of this sort. I desire to ask that gentleman whether a former Secretary of the Treasury—Mr. Walker—did not provide for the payment of one of these installments?

Mr. DUNHAM, (resuming.) I do not know but it may have been as the gentleman suggests. But what I wish to say is, that it is a duty that properly belongs to the Secretary of State; and no matter what has been the course taken heretofore, if it is a duty which devolves properly upon that officer, it should be discharged by him. The duties of the Government are divided. They are executive and legislative. Now, all that this House is called upon to do in relation to this matter is, in the proper discharge of their functions as the legislative branch of the Government, to appropriate the money necessary to enable the Executive to discharge his duty in executing the law, that is, in complying with the treaty, for there is practically no difference in these terms.

The treaty is a law—a national law; and it devolves upon the Executive to see that this law shall be properly executed. And when we step out of our own legitimate sphere of action and undertake to dictate what officer shall discharge a particular duty belonging to the executive department of the Government, we at once relieve the Executive from all responsibility connected with the discharge of that duty and take it upon ourselves. If we undertake to dictate what officer shall make the payment of this money, I ask with what face can we go back to the President and call upon him for explanation in relation to it? How can we hold him responsible if the money shall be misapplied? He will turn upon us and say, "I am not responsible, because you yourselves pointed out the officer who should discharge this duty and the manner in which it should be discharged; this officer, and not myself, is responsible to you; he is your agent, not mine." Now, I am for holding the Executive responsible. The treaty stipulations must be carried out, and I am for appropriating the money necessary to carry it into effect, and then hold the Executive responsible for its faithful execution.

If gentlemen, then, suppose that these means have been improperly employed—if they suppose that this law has not been properly carried into execution, let them come here and prefer their charges before this House, and let the matter be investigated.

I will say one word in reference to the duty of the Committee of Ways and Means in reference to these charges; and perhaps it is not necessary to say even a word upon that subject, for I think the chairman of that committee has amply vindicated the course we have pursued in reference to this matter. What are the duties of that committee? Is it their duty to investigate all the charges which may have been made against the executive officers of the Government? Our duty is to provide the means necessary, according to law, for carrying on the Government, and then to see that those means are properly applied in accordance with the law. But is it supposed by any gentleman upon this floor that this money will not be applied in accordance with the law of the land, and in accordance with our treaty obligations? By those treaty obligations we are to pay to Mexico a certain amount of money. Now, if we appropriate that money, and if it is applied, why it is in accordance with the law, and the Committee of Ways and Means have nothing else to do with the matter. We have nothing to do except to appropriate the money necessary for carrying out the law, and to see that it is applied for the purpose of carrying out the law. It is just as much the duty of the honorable gentleman from Ohio [Mr. DISNEY]—every bit as much—if he believes that corruption has existed in the execution of this treaty, to take the proper steps for having the matter investigated, as it is that of the Committee of Ways and Means, or of any member of that committee. If he believes such to be the fact—if he believes that this money has been misapplied, it is his duty to come before this House and ask for an investigation. That gentleman says he has been talking about this matter for two years. I ask him if he can clear his conscience as a representative of the American people upon this floor, when being satisfied that these charges were well grounded, and, as he says, deserving of investigation, when he has not insisted upon an investigation?

Mr. DISNEY. I did make a move in the matter.

Mr. DUNHAM. The gentleman did not make an effectual move, or there would be no necessity for making it now. If he made it, he should have followed it up until the matter was investigated and his object was accomplished.

Mr. DISNEY. I did follow it up until it failed.

Mr. DUNHAM. Well, it is plain that the gentleman did not accomplish his object, else, why is the question now before the House? And why are we here discussing it? But again, this question has been before the House ever since the commencement of the session. These rumors, as the gentleman says, have been talked of in the city and have been mentioned in the public prints, yet the gentleman from Ohio [Mr. DISNEY] has sat here quietly in his seat as a member of this House and has made no move in reference to it until now, when the emergency is precipitated upon us, when

we are called upon to appropriate the money necessary to carry out our treaty stipulations with Mexico; and now gentlemen propose to delay this appropriation, and thus stop the means of the Government to carry into effect the provisions of that treaty until this investigation can be made. Why, if the investigation was to be made at all, it should have been made when the officer was first suspected. The question should at least have been raised at the commencement of the session, and not now.

Now, what is the state of the case? The stipulations of the treaty must be carried into effect; its terms must be complied with; but in order to comply with these terms it is necessary that a certain amount of money should be appropriated. It is, then, clearly the duty of this House to appropriate that amount of money, and thus furnish the means to the Administration, or the Executive Department, to carry out the provisions of the treaty. That is what we have to do. If then the Executive fails to apply the money to the purpose for which we have designed it, then it will be our business to investigate in relation to it. But is there any doubt upon that point? Has the charge been brought by any one that the money heretofore appropriated for the payment of the former installments has not been properly applied? Have not the installments been paid to the last dollar? No, sir, that is not the charge. The charge is, that although the Executive has complied with the treaty—although the installment has been paid to the last dollar, yet that in some manner, they have made a speculation out of it. Well, is that for the Committee of Ways and Means to investigate? The money which has been appropriated out of the Treasury has been paid over, every dollar of it, and paid according to law. So far as the duty of the Committee of Ways and Means goes, then, it has been discharged. If corruption has been practiced upon the part of the Secretary of State; or upon the part of any other executive officer, it is as much the business of the gentleman from Ohio [Mr. DISNEY] to investigate it, as it is for the Committee of Ways and Means, or any member of that committee.

Mr. HOUSTON, (interrupting.) How can they investigate it unless it is referred to them?

Mr. DUNHAM. The honorable chairman of the Committee of Ways and Means [Mr. HOUSTON] suggests that this matter has not been referred to that committee. I ask the gentleman from Ohio—for he is a gentleman of a good deal of legislative experience—if it is usual, as far as his experience goes, for a committee to act upon mere vague rumors, gotten up by or circulated through the newspapers, without the authority of the House? Our committee was raised—for what purpose? Was it raised as a sort of grand-jury, to bring forward and investigate every vague charge of every person or newspaper; to hunt up every little slander or rumor which circulates about the country? Or is it our duty to carry out such matters as are referred to us by the House, either by your resolutions or by your laws, and which we are bound to carry out and execute? I ask, whether it is made a part of my duty, as a member of the Committee of Ways and Means, or any other committee of this House, to read the newspapers every morning, or to walk up and down the streets of the city, to learn what idle rumors are afloat? Or whether it is a part of my duty, as a member of that committee, to enter into the private controversies of speculators, in their scramble for spoils? For I tell gentlemen, that the great bone of contention is a contention between speculators for the job of paying the three millions of money, by which they hope and expect to make a profit off of somebody. I had never supposed it was my duty to seize upon these idle rumors, and bring them officially before a committee of this House, and ask for action upon them in the committee-room, and convert ourselves into a sort of inquisition, to hunt up charges and commence these investigations. I do not believe this is the business of any committee of this House; and if it is, I hope to God I may never be placed upon another. My understanding of the duties of a committee of this House is, that we are to act upon such subjects as come to us legitimately through this House, by the laws of the land, or by the action of the House. Now, as to the charges which have been brought against the Secretary of State,

we know that he has discharged his duty, as far as the faithful payment of the money appropriated by Congress goes; but further than that I do not know. God knows that I am no political admirer of the Secretary. I do not stand up here to vindicate him. I care not for him so far as I am concerned. All I ask is that the laws of the land may be properly executed, and our treaty obligations faithfully complied with, and that the Executive officers of this Government may have the means of carrying out the treaty, and that they may use those means for that purpose in their own way, so that we can hold them responsible for the manner in which they shall use them. That is all. We are bound to provide the means necessary to execute the treaty, and let the Executive execute them.

Mr. Chairman, I have taken up the time of this committee longer than I intended, and I will only add one thing further. Shall we hesitate in the passage of this law and appropriating the money necessary to carry out the stipulations of this treaty, for the purpose of gratifying the malice and revengeful feelings that have been engendered amongst certain stock-jobbers against the Secretary of State, because they did not happen to be the fortunate speculators in this transaction? That is the real question at issue, and you cannot escape it. It is a question whether we shall embarrass the action of the Executive branch of this Government by these charges, for the purpose of gratifying the malice of those who have been thwarted in their purpose of obtaining the contract for the payment of this installment. The experience of every man in these transactions is, that this money ought to be appropriated, and that speedily, in order to enable the Government to transfer the money in the usual way to the Mexican Government in time to make the payment by the day stipulated. To do this we have no time to lose. If we delay we may incur much additional expense and trouble to our Government in making this payment, the responsibility of which must rest upon those who obstruct the speedy passage of this bill.

Mr. DISNEY. I did not propose to say another word to the committee, in addition to what has already fallen from gentlemen, upon this subject; but the course of remark indulged in by the gentlemen who have just taken their seats, [Messrs. MARSHALL and DUNHAM,] compels me to say a word or two in reply.

I confess that I cannot see what there is in connection with this subject that so utterly blinds us to all investigations in regard to these charges. Now, what are the facts of the case? Allegations have been made here involving two distinct points. One is, that the bargain made, in a pecuniary point of view, was not a just one to the Government of the United States. The second one is, that by the payment of the money upon the draft of the Mexican Government, the interests and wishes of that Government, as well as the interests of the United States, would be better consulted than by the payment now proposed to be made. These charges are made, and they are important ones. If they have not been made on this floor, they have been through the public prints of this city, as I stated before, and in the lobbies of this House, until some members of the House have become convinced that there is reasonable ground for the inquiry. What, then, is the objection to the investigations proposed? Why do gentlemen rise here and denounce it? The gentleman from Kentucky [Mr. MARSHALL] says we should first pass this bill, and then hold the Executive responsible for the improper discharge of his duties.

Mr. MARSHALL. I ask the gentleman from Ohio, whether he is prepared to say that the Mexican Government desire that this installment shall be paid otherwise than in the manner provided for in the treaty?

Mr. DISNEY. There is reasonable ground for the inquiry to ascertain whether the fact be so or not. And why will gentlemen rise here, and refuse the light, and refuse me the information which I desire in order to enable me to vote intelligently? But we are told that all that this House has to do is to appropriate the money, and place it at the disposition of the Executive, and our treaty obligations are discharged as far as this House is concerned. Let me ask of that gentleman, and every member of this House, have we, or those of us who have asked for information in order to enable us to vote intelligently upon this

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matter, shown any disposition to violate the terms of the treaty? No, sir. We are not disposed to be guilty of any act which could be construed into a violation of the interests or the good feelings which ought to exist between this country and the Government of Mexico. We are exactly upon the other side of this matter. And when it is represented that the Government of Mexico wishes that this matter should be arranged in a different manner from that of the last installment, it is necessary that this matter should be inquired into, and we, who ask for this information, wish to consult at once, both the interest and wishes of the Government of Mexico, as well as the interests of the United States, for both are involved in this matter. I do not wish to interpose any delay. To obtain the information we ask for will not prevent the passage of this bill in time to make the payment. Never before in the history of legislation was it heard, that when it is suggested that money was about to be improperly used, either as regards the pecuniary interest of this country, or as it tends to disturb the good feeling which exists between this country and the Government of Mexico, and we rise up here and ask for information in order to arrest and to prevent that sort of action, gentlemen get up here and say, No, no, the executive department of this Government is charged with the execution of treaties, and we will place the money in their hands and leave the responsibility with them.

Mr. DUNHAM, (interrupting.) The gentleman seems to base his remarks upon the hypothesis that Mexico herself desires this change to be made. No response has been made to the gentleman from Kentucky who puts this question, whether any gentleman is willing to say that the Mexican Government is desirous, at this time, for such a change to be made. I wish to put another question. It is, whether this whole matter, so far as the Mexican Government is concerned, was not brought about by speculators who went from here there, for the purpose of inducing that Government to change this mode of payment for their own private benefit? And whether, in inducing that Government to do this, they did not address themselves to the necessities of the Mexican Government, which necessities made that Government desire to appropriate this indemnity a little sooner than it could if it was paid according to the terms of the treaty as now proposed, and that that inducement was what operated upon the Mexican Government?

Mr. DISNEY. I am at a loss to understand the pertinency or the importance of this question. We have certain facts charged, and with them we have to deal. Now, of what importance is it to this House, what caused the Mexican Government to do it? It is charged that the Mexican Government does wish this installment paid here, and we ask that you shall make an official investigation and an official inquiry into the truth of the facts. But what are gentlemen doing? They are asking us to pass this bill, and by their acts, their doctrines, and the policy they advocate, they seek to withhold from us the information we desire with regard to the facts charged, and they rise up here and ask us whether we know them to be true.

Mr. MARSHALL, of Kentucky. I do not choose that the country shall understand from the lips of the gentleman that there are charges here which I attempted at all events to smother. I ask the gentleman from Ohio [Mr. DISNEY] who makes the charges? Where are they made? and are you willing, upon your official responsibility, to introduce the charges to the notice of the country?

Mr. DISNEY. I will respond to the gentleman with great pleasure. I say again that the public prints of your city have teemed with charges of this sort. I say I have heard these charges until they have brought to my mind the conviction that there is reasonable grounds to put this House upon the inquiry. And it is not requisite that a member, or this body should be satisfied of any truth, but it is sufficient when the House or any of its members shall be satisfied that there are reasonable grounds for the inquiry, to make it

proper that this House should make that inquiry. How are we to ascertain whether it be true or not? That is the point which we are seeking to arrive at. Gentlemen ask me whether I am willing to state that they are true? I am not; but I want to be advised as to whether they are true or not. You want me to vote with reference to this bill, while the truth of these charges is undetermined. What objection can be fairly urged towards the course suggested? What tangible, fair, solid, and substantial reason can be urged upon an unbiased and impartial mind, why this House should not make the inquiry, and possess itself of the proofs in regard to the charges made? The country will ask you why, when these charges pending and made in the public prints, you did not make the inquiry, to know whether they were true or false? That is all I desire. But you object to it. No, not fairly, not solidly. Then why this constant opposition to obtaining the information with regard to this matter? Why will gentlemen seek to withhold from us that kind of information which will enable us to act and vote intelligently in regard to it? But we are told that we ought to pass this bill, and then afterward hold the Administration responsible for a proper application of the money. Sir, what would be said if a man was told that the groom who had the charge of his horse intended to make way with the animal, and he should say let him—he has the charge of him; I will take no preventive steps; but if he does the deed I will hold him responsible for the act? Why, such a course would earn but scorn. In this case it is worse, for we are but the agents of the people, and we have been told that such things are intended; and if we shall pass this bill, and place the money in the hands of the Executive, and subsequent developments should prove the charges true, with what face could gentlemen stand up and face their country and face their constituents? You will be asked, why did you permit this thing to be done? You knew that the facts were charged, and yet you gave the means to be perverted. Of what avail would be your defence? Oh, yes! we knew that the facts were charged, but we determined to hold the Administration responsible afterwards. As to this sort of by-tings as to this matter of opposition having been started by speculators out of doors, I know nothing, I care nothing; for they are not important to the issue. The charges are grave and important, and, as I have said, they have brought to my mind the conviction that they are reasonable enough in their character to put this House upon inquiry, and I desire that inquiry to be made; and I repeat, I cannot understand why it is that gentlemen oppose every effort to obtain the information. The gentleman from Indiana [Mr. DUNHAM] asks why I did not make the offer before? I did at the last session, but this same sort of opposition then met me that meets me now. The gentleman says, why did you not make it before this session? How could I make it more opportunely than when the question itself was before the House? I might upon some resolution day, if I had been smart enough to out-hollow and out-jump some fifty gentlemen struggling for the floor at the same time, have got a resolution of that sort in. But certainly there could be no opportunity, no time so pertinent as when the subject was up before the House. It is now up for the first time, and I avail myself of the opportunity. But I ask the gentleman to put it to himself, to his own judgment, to his own conscience, to say how he can feel justified to his constituents, when he puts every obstacle in his power in the way of obtaining information to enable this House to decide whether these charges are true or false.

Mr. DUNHAM. I do not choose to allow the gentleman, by that kind of inquiry, to place me in a false position before the country. I do not think that the gentleman can, if he will consider for a moment, with propriety make such an inquiry as that after the remarks I made. My object is not to stifle this inquiry. No person will be found, who will devote more ardent energy to the prosecution of this inquiry, than I myself, at a proper

time and upon a proper occasion. I say this is not the proper time and occasion, because in doing it, you obstruct the execution of that treaty, and lose more to the Government by delaying this payment, than you gain, for the reason that you may now make this payment under this contract, and lose nothing to the Government by transportation and exchange. If you delay this matter until it is too late to execute the contract that has already been made, you will have to send your own agent there to pay this money. But when you do that, I apprehend you will lose more by the operation, than you will save by this investigation. I do not object to the investigation, and I hope no friend of the Secretary of State will object to it, for if he is an honest man, who has done his duty properly, he ought not to fear an investigation; and if he has not, the country is interested in having it made. It is not the investigation I avoid, but it is the time at which it is proposed to be made. I wish, while I am up, to make another suggestion. This whole controversy is not about the manner in which the money shall be paid, but about the men and the officer through whom it shall be paid—who shall have the contract to pay it. In other words, it is as to who shall have the pickings arising from the job.

Mr. DISNEY. The gentleman from Indiana [Mr. DUNHAM] has found out, that there is great danger of the non-execution of the treaty if we should now make the investigation, and that the treaty stipulations cannot be executed if this House endeavors to avail itself of the necessary information, to enable it to act intelligently in regard to the affair. Why, sir, one of the matters charged is that the Mexican Government is now standing ready to receive the money here. But, says the gentleman from Indiana, if you are delaying this matter, and going through a long and tedious inquiry, the time will have flown and past by, and the contractors will either refuse or be unable to make this payment in Mexico at the time limited and required by the terms of the treaty itself. I repeat, sir, if the charges be true, the money can be paid here, and at once consult both the interest of our Government in a pecuniary point of view, and do an act of courtesy towards the Mexican Government. If it is not, as the gentleman from Indiana seems to think, that it is a mere question of dollars and cents, but were it, that is of sufficient importance, in my judgment, to attract the attention of this House. The people, sir, expect us to have a regard for the Treasury. They expect us to make such an administration of their affairs, so far as they may come under our control, as will consult their pockets.

But it is said that the Mexican Government wishes to avoid the influence which British bankers would and do exercise over them by having control of the payment of this money—that they would prefer to have it paid here by the Government to their own agent, upon their own direction. The objects and benefits to be accomplished, then, are twofold: first, the saving of money to the Treasury of the United States; and secondly, the relief of the Mexican Government from the influence of British bankers, which they so much desire to avoid. But to suppose that the execution of the treaty will be seriously endangered by an offer upon the part of this House to obtain from the Secretary of State the information which will enable this House to decide upon the truth or falsehood of the charges mentioned, is too absurd, in my judgment, to require a serious refutation at my hands. We ask but light; and let us have it, that we may be enabled to vote intelligently upon this bill. I desire at the proper time to offer a resolution to call for this information. It is all moonshine—it is downright absurdity to talk of endangering the execution of the treaty, because the House wishes to direct such an inquiry to the Secretary of State. The information can be obtained in forty-eight hours, and thus with but little delay the bill can be passed.

Mr. BAYLY, of Virginia. If there is any other gentleman who desires to address the committee upon this subject, I wish he would do so

now, as I do not wish to speak until I have heard all that gentlemen desire to offer.

Mr. BROOKS. I wish to call the attention of members of the House to the fact, that this whole subject was discussed at great length last year, and all the facts which could be elucidated, were brought out in the course of the debate, and from the documents laid before the Committee of Ways and Means, of which I had then the honor of being a member. These surmises, these ambiguous voices which the gentleman from Ohio [Mr. DISNEY] has given utterance to, as has also the gentleman from Virginia, [Mr. McMULLIN,] were scattered not so much through this House as they were through the newspapers, and I, as a friend of the Administration, as intimately connected with the President of the United States, being a member of his own State, felt it my duty to rise upon the floor of this House, and state such surmises and suspicions were afloat, and I called upon the House to take action upon the matter at that time, before they voted upon the appropriation. This is the fact, and every gentleman who was then a member knows that such was the fact. The mode of payment I did not approve; and in the course of the discussion of that bill, I submitted a proposition, I may say, on behalf of some of the friends of the Administration, certainly of this portion of the House, and with whom I was connected, that that contract be put up, as loans are put up, to the lowest bidder. I stated to the House, and I have the debate and record before me, that however the House then acted, having all of these facts before them, it was not in the power of members hereafter upon this floor, as fair men to the Administration, to rise again and make opposition, when the House had had the opportunity of putting this contract up to the lowest bidder. I did not approve of the manner that it was proposed by the Committee of Ways and Means to make the payment. In and out of committee I resisted that mode of payment; and I said at that time that I wished to make a record, and that I wished the House to stand upon the record in throwing the facts before the House, or before the country, with all the surmises and imputations against the President and the Secretary of State. I wished the House either to indorse or reject the action of the Administration, and as a friend of that Administration, I wished that contract to be put up to the lowest bidder. How did the House act? I obtained only fifty votes for it in the Committee of the Whole on the state of the Union, and that after a great struggle, and with difficulty; but when the question was brought before the House I could not obtain enough for it to make a record, by the call of the yeas and nays. There were but fifteen members who rose upon the floor and were disposed to make the record. If the contract had been put up to the lowest bidder at that time, a large sum of money would have been made by the Government. The House having passed this bill, it failed for want of action in the other branch of Congress, and there it died. It has so happened from the failure of the bill to pass, that it is not in the power of the contractors to make money. Now the only means by which they could make money, was by having the securities of this Government. They alone would then have held the securities of the Government, and could loan money to Mexico, having adequate securities for its repayment. There being no appropriation upon the part of this House and Government, they had no securities whereby they could lend money to Mexico so as to secure a repayment, and thereby they have been deprived of the means of making the profits I anticipated, and which they would have made had the law passed both Houses of Congress. There now has arisen altogether a different state of things from what existed then. The faith of the Government is pledged in the treaty of Guadalupe Hidalgo. In my next the payment must be made—no matter what it costs—under the treaty of Guadalupe Hidalgo. There is no time to put it up as a loan and offer it to the highest bidder. There is no means by which the Government can make the three and a half per cent. it had in its power to make then. The contractors, or whosoever take it, can hardly, I think—though I have not studied the state of exchanges—make anything at all under any sort of contract, such as they would have made had the appropriation passed at that time. The gentleman from

Ohio, [Mr. DISNEY,] and the gentleman from Virginia, [Mr. McMULLIN,] both old members with myself, had all of these facts before them. The country possessed also a knowledge of all these facts. They are, sir, all upon the record to a great extent. If it had been the desire of the House to take the responsibility, and the House could have taken it, not to pass the bill as it did pass, without fifteen members rising to call for the yeas and nays, I say to the gentleman that it is not fair dealing; it is not honorable, after a friend of the Administration rose upon the floor of the House and challenged investigation, and predicted that this state of things would arise here, now a year after to scatter forth these ambiguous voices and these reproaches. It is not necessary for me to defend the President of the United States. I scorn to defend him against any reproach of bribery or corruption made here. If there is in this House one who will make these charges against the President of the United States, he will make a mark for himself which after time will declare to be more disgraceful than the imputation involved. He is a man above any eulogium. I challenge, in his behalf, investigation from beginning to end. I challenge any member standing at the head of any committee, to make any charge. I will vote for any committee of investigation whatsoever. As for the Secretary of State, I do not know with what propriety charges are made against him here; this, more than they were last year. It was in the power of this House to have taken the responsibility of making that contract as I proposed—to give it to the lowest bidder. I do not believe—nay I feel assured of it as any man can be, that there was no dishonesty, no corruption, no reproach to be attached to the Secretary of State. I investigated and explained all of those facts, and the connection he had with that transaction, in my speech published at length in the *Congressional Globe*, now before me. I said then what I say now, that it ought to have been put up as a loan to the highest bidder. That was my impression at that time, and is my impression now. But no contract was made, and no contract could be made which would bind this House in any manner whatsoever. It was not in the power of any department of this Government to make a contract for the negotiation of its payment before an appropriation upon the part of Congress had been made. The Government could make an arrangement only after the appropriation had been made.

Mr. MARSHALL, of Kentucky. Does the gentleman from New York [Mr. Brooks] say that the Secretary of State had entered into no contract as to the manner of paying this debt and the person by whom it was to be paid?

Mr. BROOKS. I say now as I did then, that it was not in the power of the Secretary of State to enter into any contract, and that whatsoever arrangement, or contract if you choose to call it so, he made, was known to the contracting parties to depend upon the appropriation by this House of the three millions—that it was subject to the action of the House. The action of this House was the approval of the arrangement, and the appropriation was carried by an immense majority, so large that it was not in my power to obtain the yeas and nays upon the record. I trust I am understood by the gentleman from Kentucky, [Mr. MARSHALL,] for this is an important point. I do not know that I have anything more necessary to be said for the vindication of my course upon this subject. I only wish to be understood further, if I have not been sufficiently understood, that now there is entirely a different state of things from what there was last year. The treaty of Guadalupe Hidalgo must be immediately fulfilled, and the quicker this law passes the two Houses of Congress, upon the better terms can arrangements be made; and the longer it is put off the more it will cost the country. Therefore it is the interest of this House to let the Departments make the arrangement or contract in whatsoever manner is most beneficial to this Government.

Mr. BAYLY, of Virginia, obtained the floor, but gave way to—

Mr. GIDDINGS. I desire to make but a few remarks upon this subject.

Mr. JOHNSON, of Tennessee. I rise to a question of order. Do I understand the gentleman to yield the floor unconditionally?

Mr. BAYLY. I cannot yield the floor for ex-

planation; but I have no objection to yielding it unconditionally. I presume, considering the official connection I stand in relation to this matter, that it will be the pleasure of the House to allow me to be heard. I do not want to speak until have heard all that is to be said.

Cries of "Certainly!"

Mr. GIDDINGS. This being the first opportunity I have had, I will throw myself upon the indulgence of the House for a few minutes, in reply to my colleague, [Mr. TAYLOR,] which will be about as much in order as anything that has been said upon this question. [Laughter.]

Cries of "Certainly!" "Go ahead!"

The subject-matter of the resolution, it will be remembered, was an expression of our sympathy for Governor Kossuth, and inviting him to this body for the part which he took in the struggle for freedom by the people of Hungary. Several gentlemen upon this floor most strenuously opposed the adoption of the resolution, and among others my colleague, [Mr. TAYLOR.] In the remarks which he made, and which I did not notice, and which it was not my intention to notice, he made a very direct allusion to me as one holding extreme opinions, and that sort of thing, so common are the allusions to my opinions by other gentlemen, as well as my colleague, when they have nothing to say, that I never think of replying to them. However, upon that occasion, finding my colleague, a few years since, together with several other gentlemen, opposing that resolution; had taken a course which appeared to me to be directly opposed to the one they were pursuing on the occasion just referred to, I, with the utmost good feeling, and with not a single thought of ill will to any human being upon the earth, I took the privilege of referring to their former action upon a resolution of sympathy with the people of France. Now, I call the committee to bear testimony, that there was nothing unkind in my remarks—that I showed no malignity or ill will to my colleague. God forbid that I should. I intended simply to exhibit what appeared to me to be his inconsistency upon the one subject only, of having voted for the resolutions of sympathy with France, and now opposing the resolutions of sympathy with Hungary, as he did. I sent, therefore, to the Clerk's desk the resolutions as they were introduced, and two of them were read. They were not all read, as my colleague has asserted, though I have no idea he intended any misrepresentation. I did not at that time recollect or bear in mind that those resolutions were amended subsequently. But when afterwards reminded of it by the gentleman over the way, [Mr. VENABLE,] in the report of my remarks I directed the reporter to insert the resolution as amended instead of the resolution as read, and it went out to the world with the literal truth in all its parts. I did it with the utmost pleasure, and I so informed my colleague at the time; and at that time he expressed no dissatisfaction. Had he done so, I should have endeavored to satisfy him. I then understood him to be perfectly satisfied, and other gentlemen alluded to in my remarks declared themselves perfectly satisfied.

But to the point: The resolution of sympathy with France was the subject of every word that I spoke in relation to my colleague. I made no reference to mere words; and my remarks applied to the resolution as passed, with all the force that they referred to the resolution as introduced. There was, then, in point of fact, no injustice to my colleague—none intended, none perpetrated upon him. Yet there was a technical difference in the resolutions as introduced and as passed; and as I have before stated, he seized upon that variance of words, not of substance, for the purpose of attributing to me a wanton attack upon him, and, in the exuberance of his good humor; to say that "I must, therefore, believe it was the design of the gentleman to misrepresent me knowingly, willfully, and maliciously, by a false allegation." Well, it gives me great pleasure to believe that my colleague is the only human being upon the surface of the earth who entertains such an opinion. As I have already stated, the resolution as adopted, for which he voted, was in substance the same as the resolution offered. My colleague, in making his statement, was guilty of perpetrating two or three mistakes, to which I will call his attention. The resolutions, as they were introduced, my colleague says, were not received. The gentleman

is mistaken. He appears to have been not only in favor of the resolution as introduced by our colleague at that time, [Mr. CUMMINGS,] but he voted to suspend the rules of this House in order to have them introduced, and the rules were suspended and the resolutions received. They were discussed through the day. Now, far be it from me to say that my colleague intended any misrepresentation. It must have escaped his examination. Yet I have as much reason to charge him with willful and malicious intention as he had to charge me. Again: On the 10th of April, a week subsequently, my colleague expressed his approbation for the resolutions as originally introduced by again voting to suspend the rules in order to take them up for discussion. The rules were again suspended—the resolutions were again taken up and discussed, and in the course of that day they were amended, and as amended my colleague voted for them. Here is the whole length and breadth of his case. As I said before, I had no idea of censuring my colleague any further than to show his sympathy with France by voting for those resolutions, and his opposition to one expressing sympathy with Hungary. My colleague has mistaken me, when he says I have made any misrepresentation in regard to him knowingly. I thought the gentleman had been guilty of impropriety, and I felt it deeply. When I saw him here during that day in his military manner—for my colleague is a general, [laughter,]—march out of the Hall, and when the tellers were counting he counter-marching instead of marching—

Mr. TAYLOR. Will the gentleman repeat his remark? I did not understand him.

Mr. GIDDINGS. I will state it again. You, sir, and every member upon this floor recollects upon that day, when we attempted to take a vote upon this resolution, my colleague came up missing in this Hall.

Mr. TAYLOR. What resolution?

Mr. GIDDINGS. I mean the resolution welcoming Governor Kossuth to a seat upon this floor.

Mr. TAYLOR. I voted against it. If the gentleman says I did not, he misrepresents me most grossly.

Mr. GIDDINGS. Let me tell my colleague, that my eyes and those of others were upon him while we were in committee, where no vote was recorded, and engaged in an endeavor to break up the committee by faction, by disorganizing, by revolutionary measures; and refused to show himself upon the vote, when the roll of members was called. This is what I mean to say. I did not intend to say, that in the House, where a record was kept, my colleague failed to vote. No, sir; it was to delay, to break up the committee, and prevent by factious measures the passage of that resolution, that my colleague failed to march forward, but counter-marched out of the Hall, instead of marching between the tellers. It gives me pain to allude to this matter. But he is a representative of the State of Ohio, and I felt that the dignity of my State was compromised by her representative upon this floor becoming factious and disorderly, to prevent the passage of that resolution. I felt it deeply, and it was no part of my intention ever to have named it, had not my colleague charged me with maliciously misrepresenting him on a subject of comparatively no importance. I should have never named it, but for the reason that it would do neither him, nor myself, nor any other person any good.

Mr. CAMPBELL. I do not know that I distinctly understood the remarks of my colleague, [Mr. GIDDINGS.] Do I understand him to say, or to insinuate, that those of his colleagues who voted in the minority upon the Kossuth resolution, engaged in a factious movement to defeat in this House the passage of the resolution?

Mr. GIDDINGS. My colleague could not have listened. When he calls upon me and attacks me, I will reply.

Mr. CAMPBELL. I do not attack my colleague.

Mr. GIDDINGS. If he never attacks me, I shall never assail him.

Mr. CAMPBELL. When it is necessary for my own defence I will unquestionably do it. I do not propose to do it at this time. All I wish to do is this, to prevent my colleague or any other member of this House from placing that minority in a false position. I voted, then, against the raising of a committee to send for Kossuth throughout, as will

be seen by reference to the Journals. I do not regret having done so; and I desire to say now, with a view of correcting the misrepresentation which has gone abroad in reference to my own course, that I invariably voted to keep up a quorum, and refused to join in what has been termed the "factious opposition;" and I call upon gentlemen who voted with me to attest the fact, that throughout all the controversy I endeavored to bring this House to a direct vote. I was ready to "face the music" upon that question, as I hope I ever shall be, on all questions.

Mr. GIDDINGS. I am very glad to give my colleague an opportunity to set himself right, but really I cannot see the pertinency of the gentleman's throwing his head in between me and my colleague, [Mr. TAYLOR.] [Laughter.]

Mr. CAMPBELL. I just entered the Hall and understood my colleague to say that his State had been degraded by the votes of his colleagues who acted with the minority on the Kossuth resolution. I wished to understand him on this point only, and intend to take no part in the "private fight" between my two colleagues, [Messrs. GIDDINGS and TAYLOR.]

Mr. GIDDINGS. It is very important for a gentleman to keep himself right in this Hall and in these days.

Mr. CAMPBELL. It is very important, too, to keep others from putting him wrong.

Mr. GIDDINGS. I said that I never should have referred to the dodgings of my colleague [Mr. TAYLOR] in this matter if he had not assailed me as he did. I know, as I was remarking, that one of the first lessons in the military school was—if I recollect aright, but it is a good many years since I served as an officer or a soldier—facing to the right, to the left, and to the right-about, and I thought that my colleague was a little too rapid in that kind of facing about, [laughter,] yet I had no intention to speak of it, and now ask pardon of the committee for having detained them thus long on this point. But there was another remark of my colleague's that looks a little frightfully. [Laughter.] He says:

"Sir, I would say to him, that it is equally necessary for politicians to have honesty, and to speak the truth. And now, Mr. Chairman, let me ask you, and honorable gentlemen on this floor, with what grace or propriety he dares—"

Coffee and pistols, sir, for two if you please. [Laughter.] "He dares!"—Mr. Chairman, I hardly like to repeat the words that follow. Why, does my colleague really suppose that I have sat here for so many years in this Hall and do not dare to speak the truth, no matter when it comes or who it affects? The gentleman from North Carolina, [Mr. STANLY,] had a shot at me the other day. Well, I love to contend with slaveholders; there is something generous, and noble, and frank about them; but a *dough-face*—hands off. [Great laughter.] I repeat again that when my colleague uses this sort of language, that I have willfully and knowingly and maliciously misrepresented him, he is taking a liberty that he is not authorized to take. I had never, myself, entertained the idea that it was an *object* with me to assail him. [Laughter.] Let me say to the House and to the world, that this killing flies with a bodkin is no very big business. [Renewed laughter.] It is an amusement that may do well for children, but it belongs not to statesmen, and now I have said all I wish to say upon that point.

I desire to say a word, and only a word, upon the subject immediately before us—in regard to the payment of this Mexican indemnity. I had prepared an amendment, which has been taken from my desk since I rose to speak, providing that it shall be the duty of the Secretary of the Treasury or of the Secretary of State—just as gentlemen choose, for I wish not to enter into the controversy upon that point—to pay over to the authorized agent of Mexico the amount of money due to her, if such authorized agent shall request it, in this city or in New York, without further hesitation or delay. That is the substance of my amendment, if I recollect it aright, and the gentleman from Tennessee [Mr. JOHNSON] has, I believe, presented one nearly like it. It seems to me that it is due to our Government that this money shall be forthcoming in such manner as to Mexico shall be most acceptable. It is a treaty stipulation, and if—as has been stated in this Hall and in the newspapers of the country—she wishes the payment of this money in the city of Wash-

ington or New York, let her have it. I am not disposed to put it in the hands of any bankers, or speculators, or stock-jobbers, to enable them to speculate on the Government of Mexico, by purchasing up her bonds, as has been alluded to here to-day.

One word, before I go further, in reply to the gentleman from Kentucky, [Mr. MARSHALL,] who spoke of a contract, and also in reply to the communication which was read this morning. Who has entered into a contract? Have we authorized any officer of this Government to do it? Not at all. And not only so, but the parties who, it is said, have contracted for the payment of this money, tell us, in the communication which we received to-day, that they no longer regard themselves in the light of contractors. If, therefore, the Secretary of State has entered into a contract—which he was never authorized to do—his negotiations are already rendered obsolete by the failure of the Government to act at the last session; he is released from the contract by this communication, and we are at liberty to take up the subject as an original proposition, without embarrassing the Secretary of State, or counter-acting any of his negotiations whatever. In this state of facts, it is urged that the Mexican Government will allow us one per cent. more than these bankers propose, to have the money paid over here rather than in Mexico; yet I would not take that amount from the Mexican Government under the present existing circumstances. I would not take one dollar; but I would meet the obligation of this nation as it stands, promptly, and let Mexico, if she chooses, have the money here in this city or in New York, or, if she chooses, I would allow the Government to make arrangements to pay it over in the city of Mexico. That I understand to be the proposition of the gentleman from Tennessee, [Mr. JOHNSON,] and for that I am prepared to vote. These speculators say that they can make nothing out of this payment, and we do not want to put anything into their pockets. We wish to have no advantage taken of the Government of Mexico, and therefore let her have the money here.

Let me say to those gentlemen who were not here during the discussion on this subject at the last session of Congress, that it was then stated that these bankers go to Mexico and sell their bills for specie, and then purchase up Mexican bonds at a discount of twenty to twenty-five per cent. I do not know that it is so, but it was so stated. Now, I would avoid all that. Let Mexico have her money, and have it without discount and without subtracting from the original sum.

Mr. TAYLOR. It is with some little regret that I find myself called upon by the unexpected attack of my colleague [Mr. GIDDINGS] who has just sat down, to address the committee at this time. There is a bill of very great importance before us which I am anxious to see passed, and I will not delay its passage by any unnecessary discussion. With reference to this bill, I concur in the main in the views which have been presented by the gentleman from Kentucky, [Mr. MARSHALL,] and the gentleman from New York, [Mr. BROOKS,] and other gentlemen who have addressed the committee in favor of its passage.

I regret that my colleague should have thought proper to make this unprovoked attack upon me. He has waited until the 20th of the month to respond to what I said upon the 2d. I had reason at that time—as I will show the committee—to believe that what I then said was true, and that my colleague intended to misrepresent me, by making a false allegation. I have listened to him this morning, with some attention, to see if he would put himself right before the country, for there is no man in this House, or out of it, who, when he finds himself in error, will more readily admit it than myself, and I am ever ready to do all that is proper towards those whom I may have improperly accused. But I wish to state to this committee, and to the country, what I said upon the 2d of January, that my colleague from the Ash-tabula district, [Mr. GIDDINGS,] who has always been opposed to me since we have been together in this House, during the last four years, did have read at the Clerk's desk a series of resolutions which were offered by Mr. Cummings, of Ohio, who was then my colleague, and he charged me in the debate with voting for that series of resolutions, when no direct vote was ever taken upon

them, but simply a vote to suspend the rules for their introduction. I went to my colleague and asked him to correct the mistake, stating to him that he had done me very great injustice. I supposed that he would correct it in his published speech, but he published next morning the resolutions sent in to us from the Senate congratulating the people of France on their change of government, which I did vote for, but which he did not cause to be read. My colleague, in causing that series of resolutions offered by Mr. Cummings to be read, and charging me with having voted directly for them, did accuse me of that which he knew to be untrue.

Now, I should feel myself degraded if I were willfully to misrepresent a man, however high and honorable, or low his position might be, or if I should willfully misrepresent a member upon this floor. As to my colleague's remarks in regard to myself,

"They pass by me as the idle wind."

I should degrade myself by accusing that gentleman, or any other, with voting directly for a proposition on this floor when I knew that he did not do it. My colleague had the *Congressional Globe* before him, and knew that I had not voted directly for these resolutions; and yet he accused me of having done it, and sent the resolution to the Clerk's desk to be read; and when I asked him to allow me to explain what I had voted for, he declined to do it.

Now, as to my action in regard to the proceedings had in this House, in relation to Louis Kossuth. I voted to welcome Louis Kossuth to this country. I voted for the resolutions of Congress which authorized his being taken on board of one of our national ships, and brought to this country as a man seeking an asylum in our glorious and free land. I rejoiced to know that the people of the United States sympathized with the Hungarian exiles then in Turkey, and from the best information I could derive at the time, I united in the resolutions empowering our Government to give Kossuth and his companions in captivity a free passage to this country as emigrants, who desired to live under the glorious stars and stripes of our nation. But when Kossuth came here, and was evidently misled and deceived by men high in the estimation of the country, into the belief that we had intended by our action to signify our readiness to intervene in European affairs, I deemed it my duty, as a representative of the people, to say to him that all we intended was, "You may come on to this great, beautiful platform of ours, become a naturalized citizen if you choose, enjoy our hospitality, live with us under our laws and be protected against all the powers of the earth, in the possession of those liberties which I trust we shall ever enjoy." I therefore voted against the resolution of my colleague [Mr. CARTER] for the appointment of a committee to introduce him into this Hall, to teach us republicanism and our duty to our constituents. It was with me a matter of deliberate judgment, seeing that out of my twenty-one colleagues, only three concurred with me, and vote against the proposition.

Sir, I sympathize with Louis Kossuth, as a man who had struggled for the liberties of his country; I admired his talents and his genius; I read his orations, beautiful as they were, with as much admiration and delight as anybody; but I studied his character and found that it was not free from many blemishes. In his own country his courage has been questioned, and it has been said that through his indecision, the liberties of Hungary were sacrificed. Pulszky, edited Max Scheflinger's "War in Hungary"—1848 and 1849—in which it is stated, that, "His [Kossuth's] indecision was the ruin of himself and Hungary." He was never in a battle. He resigned his governorship, placed all the power in the hands of Görgey, when he knew, or ought to have known, that he was a traitor, and fled to Turkey. Thence he was brought to this country as an exile seeking an asylum, and I could not see the necessity of introducing him into the Hall of the representatives of the people, to lecture us upon our duty, and teach us whether we ought to interfere in quarrels between European nations or not.

I voted against it, and I rejoice in it. And the good sense of the people of the whole country sustain me in the opinion, that we ought not to have brought him into this House, or given any countenance to his doctrines. But I will say, further,

that it is my firm belief, that if it had not been for the opposition made in the Senate of the United States, and the opposition made in this Hall—an opposition highly respectable, composed of nearly one third of the members of the Senate and about one third of this House,—I say if it had not been for that opposition, I firmly believe that we should have witnessed a scene in this Hall—here in the Capitol of the United States, similar to that on his introduction to the Legislature in Harrisburg. But such was the opposition manifested in this Hall, as well as in the Senate, that I understood the committee appointed to wait upon him advised him not to make such a speech as he had expected to deliver to this House. The opposition which I gave was this: I sat here and gave my vote whenever I considered it necessary to carry out what I conceived to be right, for the good of the country, and when gentlemen saw fit to call questions upon little motions of no importance, I did not choose to pass between the tellers every fifteen minutes. I want to know if it is the duty of my colleague from the Ashtabula district [Mr. GIDDINGS] to call me to an account upon this floor? I ask him if he can stand up here and say that he never missed a vote upon any question? If he does not say that, and he cannot, why does he come here and censure other gentlemen?

It is well known to this committee that I very rarely trouble them with remarks upon any question, but I desire to say something upon this, because I have been censured by a portion of the newspapers of the country for my course in relation to this question. It has been intimated that the gentleman who proposed the resolution inviting Louis Kossuth to this Hall and welcoming him to the House of Representatives, instigated the editor of the abolition paper of this city—the editor of the *National Era*—to censure the three gentlemen, my colleagues, who had the firmness to vote with me against this resolution, as well as myself. If I am wrong, I hope the gentleman will correct me.

Mr. CARTER. I will correct my colleague.

Mr. TAYLOR. I understood that he instigated that editor to notice those gentlemen as misrepresenting their constituents. I will give way for the gentleman, but I hope he will answer the question whether it is true or not, by "yes" or "no."

Mr. CARTER. I will answer the gentleman. There is not a word of truth in it. Now I demand from the gentleman where he got his information?

Mr. TAYLOR. My colleague [Mr. BARRERE] gave me the information.

Mr. CARTER. I want the gentleman to answer the question. I never made any such intimation to any one.

Mr. BARRERE. I understood my colleague [Mr. HUNTER] to say that that gentleman [Mr. CARTER] had told the editor of the *National Era* that I had misrepresented my district in my course on the Kossuth resolution.

Mr. HUNTER. I am much surprised that my name should be drawn into any discussion whatever in relation to this question. If my colleague from the Highland district [Mr. BARRERE] thinks that I told him that my colleague from the Wooster district [Mr. CARTER] told the editor of the *National Era* that any of my colleagues upon my right or left misrepresent their constituents, I desire to state that I said no such thing. I do not suppose any of my colleagues misrepresent the wishes of their constituents. I will tell the committee what I did say. I do not blame my colleague for misrepresenting me, but he is certainly mistaken. A copy of the *National Era* was lying before me, when I remarked, not that any of my colleagues misrepresented their constituents, but that I had heard my colleague [Mr. CARTER] say in the presence of the editor of the *National Era* that my colleague [Mr. BARRERE] represented but about one third of the people of his district.

Mr. CARTER. I said he was elected by about one third of the voters in his district.

Mr. HUNTER. Well, I remarked that I had heard my colleague [Mr. CARTER] say that the gentleman from the Highland district [Mr. BARRERE] was elected by about one third of his district. I made this remark, but it applied to nothing further—I said nothing further. I never heard my colleague say that he misrepresented his constituents. But I did go on to say that for this

remark the editor of the *Era* might have inferred that he misrepresented his constituents.

Mr. BARRERE. I will state, that having heard that I had been attacked in the *National Era*, I called upon my colleague [Mr. HUNTER] and asked him if he had a copy of the paper. I do not recollect that there was a word said about my election; and really I thought it was doing a pretty good business that I was elected at all. [Laughter.] I understood him to say, that in conversation with Mr. CARTER, Mr. C. had told him that I was misrepresenting the sentiment of my district upon that subject. I then understood it, and I have referred to it many times since, that there was such an understanding as has been alluded to by my colleague [Mr. TAYLOR] between my colleague who introduced that resolution [Mr. CARTER] and the editor of the *Era*. I may have been mistaken, but I certainly gathered this impression from his remarks.

If my colleague says that I was elected by one third of my district, he is mistaken. It is true that the vote by which I was elected was a small one, but it was larger than one third or one half of the voters of the district.

While I am up—if my colleague will allow me—I desire to say one word in reference to another matter. I understand my colleague from the northern district [Mr. GIDDINGS] to charge that all those who voted with us in the negative upon that resolution were factious.

Mr. CARTER. Will the gentleman allow me to make a single remark? I simply desire to disclaim any knowledge of any attacks upon any member of the Ohio delegation by the editor of the *National Era*. I do not take the paper, and I have read no article upon the subject.

Mr. GIDDINGS. Will my colleague allow me?

Mr. TAYLOR. I do not wish to lose the floor. I give way only to my colleague on my left, [Mr. BARRERE.]

Mr. GIDDINGS. I will not occupy the floor for a minute. The gentleman says he understood me as making the charge of faction upon all who voted in the negative upon the resolution. I desire to say that I included in that charge none except my colleague from the Scioto district, [Mr. TAYLOR.]

Mr. TAYLOR. I understand that I yield no longer, except to the gentleman upon my left, [Mr. BARRERE.]

Mr. BARRERE. I was going on to say that I heard my colleague from the Ashtabula district [Mr. GIDDINGS] make the charge against all in this House who opposed this resolution as factious.

Mr. GIDDINGS. The gentleman misunderstood me.

Mr. BARRERE. I understood him to say that my colleague [Mr. TAYLOR] was a general, and had marched and countermarched; and as I was one who took that course, which brought such shame and mortification to that gentleman—disgrace upon Ohio, in his opinion—I supposed I was, of course, included in the charge. I was in my seat when most of the votes were taken upon that resolution, but upon several occasions I did not vote. For although I was not much of a parliamentarian, and although I had not had much experience in this House, nor in any other legislative body, yet I was constrained to believe that that resolution was brought before this House by a breach of our own rules and by a breach of the parliamentary law by which we are governed. And I felt that it was due to vindicate our rules by the defeat of that resolution, if we could defeat it, aside from all considerations of the merits of the resolution itself. I was opposed to the resolution upon principle, and voted against it. I was willing to bring it to a direct vote in the House, and vote against it; but inasmuch as, in my opinion, the rules of the House had been broken down, I thought I was justified in acting with the minority in every legitimate mode allowed by the rules in order to prevent the resolution from passing, if I could.

I had hoped that this Kossuth business was done with. But it seems it has been brought up again to-day, and I am glad to avail myself of my colleague's courtesy to place myself right. From the information I have received from my district, so far from misrepresenting the sentiment of my district upon this question, I have acted in strict accordance with the sentiment of all parties in that

district; for I do not represent any particular party in that district. I was elected by all three parties. [Laughter.]

Mr. TAYLOR. When I referred to the four members from Ohio who took an independent position upon this question, it was not with the desire of bringing about this colloquy. But I am glad it has been brought about. I now only wish to refer to the fact that my colleague, [Mr. GUDWINS,] who was so sensitive upon my vote upon questions of adjournment, and little questions of no importance, has chosen to centre all his opposition and censure upon me. Why, I do not know. I have always treated him respectfully and kindly, and never desired to treat him in any other way. But there is something deeper about this matter yet to come.

But I wish to say here, that from the first of this proceeding in regard to the great Hungarian, I saw that many gentlemen in this country were greatly deceived. Those who styled themselves Abolitionists, Liberty men, Free-Soilers, and Barn-burners—or as they now wish to show themselves, Free Democrats—were eager to take him in hand, and make the most capital out of him they could. And if they could blind and hoodwink Hunker Democrats, and through this Kossuth fever and excitement to strike a blow at the negro slavery of the South, do that covertly and effectually. That is the question, and why did not gentlemen see it? Sir, I saw it and know it. You find men belonging to that nefarious faction which the great Kentucky statesman—no, the great American statesman—Henry Clay, whose voice we probably shall never hear in either of these Halls again, has pronounced—if not in words, substantially—a curse upon the country, shuffling about, tariff men and free-trade men alternatively, as you have seen upon this floor when important questions have been brought up, in order to conciliate Southern Democrats, and to hoodwink and blind them against the nefarious crusade against their domestic institutions. And conservative Northern men, who stood up to the compromise measures, warned you against it. Sir, I should not be surprised at this coming presidential election, to find distinguished gentlemen calling themselves Democrats in the South, shaking hands and burying the past in oblivion, and clasping to their arms these Liberty men and Abolitionists, for the sake of what, sir? To elect some one to the Presidency of the United States—an office which should never be sought for, but always filled by the free and independent choice of the whole people, without reference to slavery or abolition. I take no pleasure in saying here, that since the passage of the compromise measures of the last Congress, as they were called, especially the fugitive slave law, and for all of which I voted—that I have been the object of attack from every quarter by this chameleon-like party, calling themselves Free Democrats. Look at it, gentlemen; see a member comes here and makes a false allegation about a colleague, and as he said he did not consider me of any moment, he struck first at me, and then at my friend from Virginia, [Mr. BAYLY,] and my friend from North Carolina, [Mr. VENABLE,] in declaring in this House that we voted for a series of resolutions in relation to the French and Italian revolutions, which were submitted to the House for a direct vote on their merits. Sir, it is a small way to get out of such a difficulty, for a gentleman to rise and say he intended nothing, when he sent to the Clerk's desk a series of resolutions which never came up for a final vote on their merits, in this House, and that I never voted for—causing them to be read by the Clerk, and alleging that I had voted directly for them; and now he says he was mistaken, after nearly three weeks have elapsed, when he knew at the time that he was wrong.

Mr. Chairman, it behooves the people of this country to keep an eye upon the present excitement. Every day is evolving some new facts. The establishment of an Abolition paper in New York under the auspices of the Hungarian coöperators of Kossuth, should open your eyes to the fact that the Abolitionists have been endeavoring to make political capital out of that great man's fame. I yield to no man in this House or country in sympathy with the great struggle for liberty in Hungary. My heart was with them, and my hand shall be with them so far as I am able; but I will never yield the sacredness of republican principles

in my own country at the dictation of any foreigner, no matter how high I esteem him, and I will never give my vote in this House, to show to a foreign missionary, of liberty if you please, a higher honor than you or any man in this House would show to any living American citizen. If General Jackson should rise to-morrow—if Mr. Madison were to come among us—if any of the departed sages of the Revolution were to rise up from the dead, you would not bring them here with a committee of five and hear their response as you did Kossuth's, the eminent Hungarian, who is now visiting our land; and hence my opposition. I could not place him upon an equality with Lafayette. Lafayette came to us and offered us his life, his fortune, and his sacred honor; and during the seven years' war of our Revolution, helped to work out our glorious independence. I did not wish to do anything that looked like elevating Kossuth in the same estimation in which we held Lafayette, and I shall never cease to rejoice that I had the independence to resist the tumultuous ocean-current of popular feeling, and to stand by what I believed to be right.

Sir, I hope that the gentleman's explanation this morning, if he thinks himself aggrieved, will not be slumbering for three weeks. If I did him any injustice, I did not intend it; and if he says now he did not mean to do me any injustice I forgive him, but his course led to my impression. He had read resolutions for which I never voted, alleging that I did vote for them, and caused to be published those for which I voted without explanation. In that, I think he did me a great injustice. I hope it will cease to be a subject of future attack.

I will now follow the example of my colleague, and say something about the bill—I suppose it is in order. It is in order to travel all over creation in Committee of the Whole on the state of the Union. I say, sir, in relation to the bill before the committee, that I think this House ought to pass it. That if there is any information wanted from the Secretary of State, ample time will be afforded to investigate it; but my colleague [Mr. DISNEY] I think has failed to inform the House, when he speaks of charges made in the newspapers in this city and elsewhere, with regard to the wishes of Mexico upon the subject. We have no official information, as I understand it, that Mexico desires any other mode of payment than that which we have adopted, and for that reason, sir, and that the Committee of Ways and Means say this appropriation is absolutely necessary now, I think we ought to rise, report this bill to the House, and have it put upon its passage.

Mr. CAMPBELL, of Ohio. The House is doubtless weary of this matter of personal explanation. I now rise merely for the purpose of saying that I did not design to interfere in any way whatever with—

Mr. HARRIS, of Tennessee, (interrupting.) Will the gentleman yield for a motion that the committee rise?

[Cries of "Oh, No!" "No!" "No!"]

Mr. CAMPBELL. I do not want the committee to rise now, and promise to be brief. I desire to fix up this personal matter now, in order not to interrupt the public business to-morrow. I regret, as one of the representatives from the State of Ohio, that there should have been any occasion for the scene which has been presented to the committee this morning, and I do not exactly see the necessity of making these personal explanations here. I have no personal explanation to make to any colleague of mine for any vote I give upon this floor.

[A message from the President of the United States was here received at the hands of MILLARD P. FILLMORE, Esq., his Private Secretary.]

Mr. C., (continuing.) I owe no explanation to my colleagues for my vote; I do not acknowledge their right to ask any account of me for what I do here, and I will give them none if demanded. I hold myself amenable to my constituents, and to them alone, for my action. A great deal has been said, Mr. Chairman, in relation to what has appeared in certain political newspapers in regard to our votes upon the Kossuth resolutions. I have great regard for the political press of the country. And I give them full and entire privilege to comment upon my votes just as they please. I shall be answerable for my stewardship to those who have sent me here. I shall go home with the rec-

ord I have presented upon the proposition to send out a committee for Louis Kossuth, and if I cannot defend myself before the voters of my district, I am willing to fall.

It seems to me there has been an effort to connect improperly this matter of the reception of Kossuth with what are called the free-soil issues, which have been presented. Now, sir, it is very far from my purpose to drag in now, or at any improper time, this vexed question of slavery. I shall not do so, but it becomes necessary that I should make a remark or two in this connection in relation to my course upon that Kossuth resolution. Something has been said during the discussion upon this bill, now before the committee, in regard to outside whispering, lobby movements, and newspaper articles. Now, sir, I was appealed to during the progress of the discussion of the Kossuth resolution by members, as well as "outsiders," to evince my devotion to free-soil by supporting the resolution. When we had that question before us during the Thirty-first Congress—when these slavery issues were really tried—it will be found that I made no crooked marks; and I had supposed myself to be regarded as among the sound ones by my colleague from the northern district. I have been appealed to to know why it was, in that vote upon the Kossuth resolution, I was found with Southern members. I will tell you, Mr. Chairman. It is because when a great principle is involved, I vote upon principle, and know no North, no South, no East, and no West. Sir, I would scorn myself were I compelled to return to my constituents with no other reason to give them for my vote on the Kossuth resolution, or any other proposition, than that a particular man or set of men voted for or against it. Do gentlemen suppose—does any newspaper editor suppose—does any lobby member, who may prowl around us, taking members by the button when a question is about to be voted upon, suppose that when I come to record my vote, representing as I do one hundred thousand freemen, that I am to be controlled by the fact that a Southern member may vote this way, or a Northern member that way? If there are any members in the Hall who follow their "file leaders," and give their votes because they find Northern men voting one way and Southern men another, let it be known now, if it has not yet been discovered, that I am not among that number, and whilst I preserve my self-respect and a regard for my constituents, never will be.

In relation to the Kossuth question, I have no concealments to make; and upon a proper occasion, when the great question of intervention, which has been proposed by him comes up for discussion, I will lay before the House, if I have an opportunity, my opinions upon it. The question which was presented to the House upon the occasion which has been referred to by the gentleman, was as to the manner, as to the form, in which he should be received into this Hall. I looked upon the record to see what were the precedents, and found there was no instance in the history of the country, except that of Lafayette, who had periled everything for this nation's liberties, in which a committee had been appointed. No such action as the resolution proposed had ever been taken to compliment any distinguished foreigner, or to confer honor even upon those heroes of our own country who had fought and bled for our people's rights. The highest honor that had ever been conferred upon any statesman or patriot of this or any other land was simply to vote him the privileges of this Hall. When the resolution of my colleague [Mr. CARTER] was introduced, it will be remembered (and the record shows the fact) that I proposed such a modification as would give the distinguished Hungarian, for whom no person's admiration exceeds my own, the privilege of a seat here. I had seen nothing in the history of this Louis Kossuth, able a man as I deemed him to be, powerful in intellect as he has proved himself, great in genius, great in patriotism, great in the love of liberty, as the whole world acknowledges he is, which I thought required us to go further than we had gone for the purpose of complimenting the distinguished men of our own land, who had struggled in council, fought for and bled upon the battle-field for the very liberties we now enjoy. The gentlemen upon the other side refused to accept this modification, which would have enabled us to have brought Kossuth into a privileged seat in this Hall by

unanimous consent. When he refused that, and insisted upon giving compliments that had never before been given to any man of this or any other country—when it was thus determined that this Hall should be converted into a sort of parade ground, to show off a foreigner who came to us announcing that he wants none of our compliments, but wished to turn our Government from that policy recommended by our patriot fathers, and the pursuit of which had led us to our present national glory,—I determined, in the representation which I should give for my constituents, to vote against it, and I did so. So far as relates to what are termed the “factious movement” to which my colleague [Mr. GIDDINGS] alluded, I understood him to charge that his State had been degraded by the vote which had been given by his colleagues with the minority upon this question. That is the reason I sought to make an explanation. I did not design to interfere in the private and personal affairs between him and my other colleague, [Mr. TAYLOR,] which I regret very much has taken place. I did not design to assail my colleague from the northern district, [Mr. GIDDINGS,] and shall never do so, unless it becomes necessary in my own defence; and he knows full well, that whenever he is disposed to present such an occasion, I am not the man to shrink from the responsibility or the consequences.

During the progress of the proceedings upon this Kossuth resolution, I voted always, when we were in committee, for the purpose of making a quorum, because I wished to bring the House to a direct vote, in order that I might vote with that minority, whether Northern or Southern, Eastern or Western, and thereby give to letter-writers, newspaper editors, and perhaps politicians at home, who may desire political promotion, an opportunity of assailing me for it, should they think proper to do it. I voted with them upon a principle, and wherever a principle is involved, I shall not inquire who votes with, or who votes against me. In relation to the other questions incidentally connected with this Kossuth reception, I do not propose now to say anything. It has been charged that certain of my colleagues have, by their votes, misrepresented their constituents. I will leave each one to take care of himself, knowing that all are competent to that task. They are all capable of doing that upon the other side of the House as well as upon this. I will endeavor to take care of myself without their aid, or the aid of any one else here. So far as the views of my constituents are concerned, this is a matter of neither interest to my colleagues, nor to those who voted with or against me upon the proposition. I have only to say, if there is any person in this House who cares to know it; that my constituents, let the fate of Kossuth and Hungary be what it may, intend to stand firmly and resolutely by the policy of Washington and Jefferson, and the wise men who have gone before us. That is the sentiment of my constituents as far as I have been enabled to learn it; and if there was anything covered up by that resolution giving extraordinary compliments to Louis Kossuth, by which it was intended that the impression should be made upon this country, or any other, that we are prepared to involve this country in almost endless European wars, I feel now more authorized than I did when I gave the vote to say, that my constituents are against it. Deeply as they sympathize with the man, ardently as they advocate the great principles of “equal rights,” for which he is said to contend, and anxious as they may be to have republican institutions extended all over the world, yet they are not prepared to involve this country in those struggles which must bring darkness and despair upon our own happy land. They are not prepared to authorize a vote in this House or elsewhere, that will bring that dark and gloomy hour upon us, when, through entanglements with foreign nations and fierce and bloody wars with European powers, our own proud and glorious Republic shall be numbered with the nations of the earth that have been, but are not. I have now, Mr. Chairman, said all I designed to say, until a proper occasion arises for a discussion of the policy to be pursued by us in our future intercourse with other nations.

Mr. GIDDINGS. I wish to reply a word to that portion of my colleague's remarks, in which he charges me with delaying to answer his charge.

Mr. Chairman, you will bear witness to the

solicitude with which I appealed to you on the day of my colleague's attack, to give me the floor. In consequence of this personal assault which he had made upon me, so far from a desire to refrain answering my colleague, I strove for the floor the very instant he closed his remarks. I tried nearly the whole day to obtain the floor, and I went to the Chairman and told him that I was personally assailed by my colleague, and solicited him to give me an opportunity to reply. He, however, felt it his duty—and for it I certainly cast no censure upon him—to give the floor to others upon that day and the day following. I made the effort when we went again into committee—and we have been in committee but once since—but was unsuccessful. I have been successful to-day, and I want my colleague to understand, that his assaults are not *outlawed*, and that when a man assails me personally in this Hall, charging me with malicious misrepresentation, I will meet him on the first occasion.

My colleague, at the close of his remarks, said, if I should say that I did not intentionally and willfully misrepresent him, he would withdraw what he had said. The very first remark I made after I stated the facts was, that I was not conscious those resolutions had been amended. I told him so in the presence of the House, of the committee, and the country; and now, sir, I shall not repeat it. I have generally been accustomed, amongst gentlemen, to have my word taken when I speak it once. So much for that.

Again: my colleague said, if I had set this matter right he should have found no fault, and that he now rises as much to defend the gentleman from Virginia, [Mr. BAYLY,] the honorable chairman of the Committee on Foreign Relations, as himself, and I want the ear of the gentleman from Virginia.

Mr. BAYLY. What did the gentleman say?

Mr. GIDDINGS. I say that my colleague said, he now rises more to protect the gentleman from Virginia, than to vindicate himself, or to that effect, as I understood him. Now the gentleman from Virginia and myself had a conversation in regard to this matter, and he appeared perfectly satisfied. At no time has he intimated any dissatisfaction. He does not hesitate to speak his views, and I in return tell him mine. I do not think he will feel under particular obligations to my colleague for defending him. He generally speaks for himself, and is able to inform the House if he felt aggrieved under the remarks I made. I know he does not feel aggrieved in the least.

The gentleman from North Carolina, [Mr. VENABLE,] at whom my remarks were aimed more than at my colleague, after searching and searching, and finding that the resolutions were amended, came and told me they were amended. I then said to the gentleman that I would, in my published remarks, see that the resolution was inserted as amended, and as it was adopted. He declared himself perfectly satisfied. Soon after my colleague came around to my desk, and told me that Mr. VENABLE had told him the resolutions were amended.

Mr. TAYLOR. I did not so state. I went to the gentleman, when I found these resolutions had been sent to the Clerk's desk. He had before him the *Congressional Globe*, which I could not then get; and he then said “that Mr. VENABLE told him there was a mistake about the matter—that neither of us had voted for the resolutions which were read.” When I complained to him of his misrepresenting me, by alleging that I voted for a series of resolutions when I had not done so, he said “he would correct it in the report;” but how did he correct it? He published the resolutions in regard to France—entirely different ones—and not Cummings's resolutions as amended, but those sent to us from the Senate. I did not vote upon Cummings's resolutions. The vote was never taken upon them nor were they amended. Now, the gentleman thinks they were amended. I do not believe they ever were amended. The Senate resolutions superseded them.

Mr. GIDDINGS. I have no doubt my colleague represents this matter as he understands it. For myself, I do not undertake to say how he understood it, but I say that the gentleman came to me, and as I understood him, stated what I have said, and I then told him, that I had corrected it by requesting the Reporters to report the resolutions as adopted, and for which he voted, and I then understood him to be entirely satisfied.

Mr. TAYLOR. I did not express any satisfaction about it.

Mr. GIDDINGS. My colleague then did not cast any imputation upon me, of having misrepresented him, or of having intended to misrepresent him; but, upon the contrary, gave me to understand that he was perfectly satisfied. One word more in regard to others of my colleagues, [Mr. BARRERE and Mr. CAMPBELL.] I had no intention of alluding to them in any manner whatever. And I will say here, that not a man of the entire generation of members with whom I served in this Hall, and who have now passed away, nor one of those men holding a seat here, was ever personally assailed by me, except in self-defence; nor while I hold a seat here shall any member upon this floor wantonly charge me with malicious falsehood and escape unscathed.

One word as to the speech of my colleague about Kossuth and slavery. Is this the place and this the occasion for my colleague to rise and make a speech in regard to slavery—to be eternally agitating that agitating subject? [Laughter.] Why, here I call upon him to correct a misrepresentation, and he commences his speech with slavery. [Laughter.] Let me tell him and this committee, this question of slavery is one which, from the time I first took my seat in this Hall, I have not hesitated to discuss upon all proper occasions. When I do hesitate to meet it, upon all such occasions, let my right arm drop from its socket, but let me protest against these agitators. [Laughter.] Why, you cannot say anything in regard to Kossuth and about Hungary, or about any other subject, but there are men upon this floor who will see the ghost of slavery, abolition, free-soil, or something, else rising up before them; and at it they will go wind-mill fashion, waging war against it. What provocation has my colleague to come out and assail the Free-Soil party, the Abolitionists, or the public press? Why, does not the public sentiment of our State stare him in the face and point him to a speedy political grave to which it will consign the man who tramples upon the popular sentiment of the day? I very much apprehend, when the proper occasion arrives, these agitators will force me into a speech upon this question of slavery, [laughter,] and then let me tell you, that the gentleman will be as silent and dumb as an adder. You will not coax him into a reply or a speech when I shall come forward and in a legitimate course of argument assail the positions he has so long occupied; but here, out of time, out of place, and out of order, he pitches into it, as the saying is out West, with a perfect looseness. [Laughter.]

Mr. CAMPBELL. Does the gentleman from Ashtabula [Mr. GIDDINGS] yield the floor to his first colleague? [Mr. TAYLOR.]

Mr. OLDS. I rise to a question of order.

Mr. TAYLOR. I do not mean to follow the example of the gentleman—

The CHAIRMAN. The gentleman from Ohio [Mr. OLDS] rises to a point of order.

Mr. OLDS. My question of order is this—that no gentleman has a right to occupy the floor more than once. My other colleague [Mr. TAYLOR] rises to a personal explanation and occupies the floor for half an hour, and if this thing is to go on there will be no end to it. I want the floor for five minutes for personal explanation.

Mr. CAMPBELL. In order to relieve my colleague, however, I will simply say, as this is a controversy between my two colleagues upon the right, [Messrs. GIDDINGS and TAYLOR,] I have myself nothing more to say. Having made a few remarks in respect to my personal connection in the matter, I yielded the floor to my furthest colleague, [Mr. GIDDINGS,] because he was connected with the controversy; and I had just now yielded the floor to my colleague from the Ross district, [Mr. TAYLOR.] I rise again to say that I yield the floor unconditionally.

The CHAIRMAN. The gentleman from Ohio [Mr. CAMPBELL] had yielded the floor to the gentleman from Ohio [Mr. GIDDINGS] to make a personal explanation. Then he yielded it to another gentleman from Ohio [Mr. TAYLOR] for personal explanation. It is legitimate, in the opinion of the Chair, for one gentleman to yield the floor for a personal explanation; but it is not legitimate for him to yield it for the purpose of making a speech.

Mr. OLDS. I know I can hardly claim the attention of the committee at this late hour of the day. I do not propose to detain them five minutes.

I do not rise for the purpose of entering into this fight between my colleagues upon the other side of the House. I trust that when this committee shall again have under consideration the bounty land bill they will provide that these gentlemen shall have bounty land for services rendered the country, fighting in this buck-shot war. [Laughter.] My friend from the Scioto district, [Mr. TAYLOR,] being a wily politician, has made some insinuations at this time which I am called upon to notice, being from the same State. I propose to notice his great devotion to the names of General Jackson and James Madison. He made the remark, that if these illustrious dead should rise and appear before the American people, there would not be the same exertion to tender honors to them as in the case of Kossuth. Why has my friend from the Scioto district become so devotedly attached to the names of Madison and Jackson as this, that he places them among the great men of the country? The gentleman has been a party man—he has always given his allegiance as a party man; and when the illustrious Jackson was alive, and a candidate for the highest honors before the American people, he belonged to the party that carried the coffin hand-bills to blacken the name of that great man. Why does he rise now and place him before the American people as one of those to whom they will not pay honor before they would to the name of Kossuth? It is not to that remark particularly to which I wish to call the attention of the committee. I have observed that he is a party man. He knows the condition of his party now. He sees the handwriting upon the wall, and he knows full well what the interpretation of that handwriting is. Does he stand here for the purpose of giving information—

Mr. TAYLOR, (interposing.) Will the gentleman allow me to ask him a question? I will ask him if he was not opposed to Jackson, and if he did not at one time belong to the Whig party in Ohio?

Mr. OLDS, (resuming.) I will reply to the gentleman. I once belonged to the Whig party; but I have done works meet for repentance. Has my colleague changed his views relative to General Jackson and James Madison, as I have mine.

Sir, what I wish to call the attention of the committee at this time is this: the gentleman being a party man, and seeing the handwriting upon the wall, and knowing well the interpretation, wishes to speak upon this floor, not for the ears of members, but so that it will reach the ears of Southerners—men who will be called before a year shall have elapsed to vote for another presidential candidate. What is the insinuation of my colleague? It is, that these Northern fanatics—Free-Soilers and Abolitionists—are uniting with the Democracy for the purpose of getting the ascendancy in this country. How long is it since my friend from the Scioto district [Mr. TAYLOR] has eschewed all connection with abolitionism and free-soilism in Ohio? How long is it since his party has eschewed all connection of that kind? Has not his party, in Ohio, been united with every *ism* in the country? Did not his party unite with Anti-Masonry for the purpose of political ascendancy? Has not his party in Ohio for years perambulated that State, cajoled, coaxed, and courted Abolitionism and Free-Soilism, for the purpose of gaining the power of the State? Did they in their convention of the 3d July dare to come out and express any opinion upon the compromise measures, on one side or the other? No, sir. They did not dare do it: an important election was soon to come off. Free-Soil votes were necessary to their success. They evaded the question by merely saying the “compromise was not a Whig measure.” But in order to conciliate the Free-Soil vote of Ohio, what did they do? They nominated as one of their candidates for the supreme bench of the State, a man who declared in the convention that amended the constitution of our State, that office should not be bestowed upon or withheld from any man on account of the color of his skin, and that if there was a black man in his county qualified to discharge the duties of magistrate, and the people approved of him for that office, he had no objection to his filling it. They took this man as one of their candidates for the bench of the supreme court of Ohio, in order to conciliate the Free-Soil party. But the bait did not take. The Free-Soilers held their separate convention, and nominated a full ticket. What then, sir, did the gentleman’s party do?

Why it was said—though I do not make the charge upon this floor—that their candidates for State auditor and State treasurer bargained with the Free-Soil candidate to withdraw from the contest, so that they might get the Free-Soil vote. This I do know and here assert: just upon the eve of the election, and when it was too late for the Free-Soilers to call a new convention, the Whig candidate for treasurer of the State visited the neighborhood of the residence of the Free-Soil candidate, who shortly afterwards declined the nomination of the Free-Soil party. Upon this, the Central Committee of the Free-Soil party came out in a circular, in which they said that they would not direct the name of the Whig candidate to be printed upon their ticket; yet they should feel constrained to vote for him; and recommended the Free-Soilers to do likewise, because the nominating committee of the Free-Soil convention had, in their first report, named the Whig candidate as the Free-Soil candidate also. But now, when the election is over, and when the Democrats of Ohio have triumphed by ten thousand majority over the Whigs and Free-Soilers combined, and elected a clean Democratic ticket from end to end, now my friend from the Ross district [Mr. TAYLOR] rises on this floor and denounces the Free-Soil party, who are no longer of any use, and declares to the Democrats of the South that the Free-Soilers are in league with the Democrats of the North. The gentleman is a wily politician.

Mr. CAMPBELL, of Ohio. Will my colleague give way for a single question?

Mr. OLDS. Certainly.

Mr. CAMPBELL: I do not undertake to say that some of the remarks of my colleague in relation to the Whig party of Ohio are not true. It is very true that the Whig party of that State have uniformly declared themselves opposed to the extension of slavery, &c.; but if I understand the current of the gentleman’s remarks, he desires to cast some sort of odium upon the Whig party for having taken that position. Now, I rise merely for the purpose of making an inquiry of the gentleman, as he is going over in detail the political proceedings of our State, and that is, whether it was not the Democratic party of Ohio who elected to the Senate of the United States the present senior Senator, Mr. CHASE? I put that question to my colleague for the purpose of showing that the Democratic party, as well as the Whig party, has been indulging in that way somewhat. [Laughter.]

Mr. OLDS. I am glad to have an opportunity to reply to that point, for it appears to me that there is a point there, and if the House will indulge me a moment, I will tell an anecdote in relation to it. The anecdote was told me by Colonel Powell, of Kentucky, now the Democratic Governor of that State. There was an old man away down in his neighborhood who was always a candidate for office, and when a candidate published long political essays to the country. His name was Jones, and he had been so long a candidate for office that they called him “Live-forever Jones.” One fine day he came to Colonel Powell and said: “Colonel, I have got a political essay that I wish to have your opinion upon.” The Colonel took it and read it through, and then remarked that it was very well written, but that he could see no point in it. “You cannot see any point in it,” said Jones; and then he took the essay and read it over paragraph by paragraph. Still the Colonel said that although it was very well written, excellent grammar, good rounded periods, still he could see no point in it. “Well,” said the old man, “that’s just what I want; now I’ve got my essay without any point; for when I make a point, they always get me on a point.” [A laugh.] It strikes me that my friend over the way has made a point, and I should not be surprised if I got him on that point. Now, who was the alternative offered to the Democrats when they elected Mr. CHASE to the United States Senate? Who was the candidate of the Whig party? Why, Tom Ewing—“Butcher Tom,” as he is called—was a candidate, and Tom Corwin was a candidate.

Mr. CAMPBELL. Oh no; he did not need to be a candidate, for he was then in the Senate of the United States, and his term had not expired.

Mr. OLDS. My friend is right: Mr. Corwin had already been rewarded, by an election by the Whigs and Free-Soilers of Ohio, in part payment of important services rendered his party in perambulating the Western Reserve, pretending to

have a letter in his pocket from General Taylor to the Free-Soilers of Ohio; pledging the General to the maintenance of the Wilmot proviso, though he was never willing to show the letter. Such was the man who had been elected Senator by the Whigs, and Tom Ewing was no better; and the Democrats of Ohio, by a combination with the Free-Soilers, elected a man who, although a Free-Soiler, was a thorough, radical Democrat—right upon the tariff—right upon the currency—right upon all the great radical questions of the Democracy of Ohio, with the exception, perhaps, of this slavery question. There was, perhaps, one point on which he may have differed from the Democrats of Ohio, but being right on all others, what were the Democrats to do? Were they to sit still and see “Butcher Tom” sent to the Senate rather than vote for Mr. CHASE, who is a thorough, radical Democrat upon all questions but upon the question of slavery? But pray, who is the junior Senator from the State of Ohio [Mr. WADE] who was elected last winter by a combination of the Whigs and Free-Soilers? Does he not go the same length as Mr. CHASE upon the slavery question? But such has been the state of things in Ohio, that the Free-Soil party have held the balance of power, and both parties have been obliged to coalesce with them.

Mr. GIDDINGS. I want to know of my colleague, whether he intends publicly before the nation to declare, that both parties are under the control of, and obligations to, the Free-Soilers? [Laughter.]

Mr. OLDS. That is the very point at which I was about to arrive, and the very point that my friend from the Ross district [Mr. TAYLOR] is trying to avoid now, by severing the connection between the Whigs and Free-Soilers. Yes, the Free-Soilers have held the control of the State elections. The Legislature was so organized that neither the Democratic party nor the Whig party had a majority of all the votes upon joint ballot, and therefore, in the election of a United States Senator or a State officer, the Free-Soilers held the balance of power, and the Democrats could not elect a United States Senator, unless they selected a man who was a Democrat, it is true, but holding free-soil doctrines. Sir, the Whigs had taught us the potency of such means; they had often practised them. They have always been more adroit in their use than the Democracy. They out-generated us last winter; as manifested in the election of the junior Senator from Ohio, [Mr. WADE.] They tried by skillful manoeuvres to use the Free-Soilers in our last fall’s election; but they failed. The day, as my friend from the Ross district [Mr. TAYLOR] well knows, has gone by when the Free-Soilers can be of any use to the Whigs of Ohio. The people of the State have spoken through the ballot-boxes, and given ten thousand majority for the Democrats, over both Whigs and Free-Soilers, and now my colleague [Mr. TAYLOR] is willing to coalesce with Southern gentlemen, and would have Southern Democrats believe that the Northern Whigs are with them. Let me raise my warning voice, and say to my Southern friends, Beware of these Birney Roorbacks! Beware of the Whigs of Ohio, who have been wedded to the Free-Soilers and Abolitionists, from the first dawn of political Free-Soilism in Ohio! But now, when they can no longer be of any use in obtaining State power, the gentleman wishes to sever the connection, and he calls upon this House to divorce the Whig party from that marriage contract made with the Free-Soil party of Ohio. He wishes now to take to his bosom the Southern people, and to make them believe that the Whigs of Ohio have been standing up for the peculiar institutions of the South. The gentleman would give the impression, by his argument on this floor, that the Northern Democrats are against the people of the South, and that the Northern Whigs are on their side, and yet when you look at the record of the vote on the passage of the fugitive slave bill, you will find twenty-seven Northern Democrats to three Northern Whigs, voting for that measure—although I admit that my colleague was one of those three.

I care nothing about this Kossuth vote; it is a mere matter of moonshine with me. I care nothing about the quarrel between my two colleagues; but let me give the cheering intelligence to the House, that my colleague from the Ashtabula district [Mr. GIDDINGS] holds a decided advantage

over my other colleague from the Ross district, [Mr. TAYLOR.] Our State will be redistricted for Congressional purposes this session of our Legislature. The Democracy will do this work; and I doubt not that it will be well done. The gentleman from the Abolition district [Mr. GIDDINGS] will come back to this House again. His district is so situated that we cannot attach enough democracy to it, to oust him from his seat. He holds a life tenure upon this floor; but my colleague from the Ross district has no such tenure.

Mr. BAYLY, of Virginia, next obtained the floor.

Mr. MARSHALL, of California. Will the gentleman from Virginia yield me the floor for a moment? I desire, before the committee rises, to offer an amendment to the bill.

Mr. BAYLY. I have no objection to yield it for that purpose.

Mr. MARSHALL. I wish to offer an amendment to the bill which has been under discussion, or ought to have been under discussion, all morning. My amendment is in these words:

Provided, That the President may cause the payment to be made at such time and in such manner as will be most acceptable to the Government of Mexico.

I do not, of course, wish to discuss this amendment now, but I have some few observations upon it, which I shall wish to submit at a more suitable time than the present. I now move that the committee rise.

The question was put and agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. JONES] reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 46, providing for carrying into execution in further part the twelfth article of the treaty concluded with Mexico at Guadalupe Hidalgo, but had come to no conclusion thereon.

Mr. BARRERE, from the Committee on Enrolled Bills, reported back as correctly enrolled—

An act authorizing the Secretary of the Treasury to issue a register to the brig Ada; and

An act to provide a room for the Congressional library.

On motion by Mr. FOWLER, the House then adjourned.

NOTICE OF BILL.

Mr. MACE gave notice that he would on to-morrow, or some subsequent day, introduce a "Bill to provide for the settlement of claims against the United States."

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FLORENCE: The memorial of Samuel W. Jones, William R. White, Charles Macalester, and others, interested in the claims upon the United States for spoliation on the property of American citizens prior to the year 1801, petitioning Congress to pass a law for their speedy liquidation.

Also, the memorial of Edward A. Lowder & Co., Michael Erickson, John S. Newlin, and others, citizens of the States of Pennsylvania, Delaware, and New Jersey, petitioning Congress to make appropriations, at the present session, for the erection of a suitable pier and harbor in the Delaware river and bay as will afford shelter to vessels navigating them.

Also, the memorial of John H. Parker, Henry M. Zollickoffer, Nicola Manacessi, and others, citizens of the State of Pennsylvania, petitioning Congress to pass a law to prohibit the banishment, deportation, or immigration, from foreign countries to the United States, of all convicts, felons, and paupers, publicly recognized as such in their own country.

By Mr. HENN: A petition of Orson Hyde and 45 others, asking for the creation of a new land district in the portion of the State of Iowa, and for the location of the land office therefor at Kanesville.

Also, the petition of George W. Armstrong and 60 others upon the same subject.

Also, the petition of S. T. Cary and 28 others, of a like nature.

By Mr. PORTER: The petition of Lloyd Dorsey, of Missouri, asking permission to enter, at the minimum price, certain pieces of land in St. Charles county, Missouri, within the unconfirmed claim of Francis Smith, deceased.

By Mr. ROBBINS: The petition of John H. Scott and 84 others, citizens of Pennsylvania, praying Congress to pass a law to prohibit the deportation of all convicts, felons, and paupers, publicly recognized as such at home in their own countries.

By Mr. AVERETT: The petition of 303 citizens of the third Congressional district in Virginia, praying that the office of Chaplain be abolished.

By Mr. THOMAS M. HOWE: The memorial of Charles Avery and others, citizens of Pittsburg, Pennsylvania, praying for the construction of a ship canal around the falls of the river St. Marie, Michigan.

By Mr. KURTZ: The petition and papers of Henry

Young, of York county, Pennsylvania, praying compensation for disability incurred in the service of the United States during the war with Mexico.

By Mr. KUHN: The petition of Frederick Willyard, of Westmoreland county, in Pennsylvania, praying for a pension.

By Mr. LANE: The petition of citizens of Oregon relative to the custom-house at Pugi's Sound.

By Mr. THOMAS M. HOWE: The memorial of Lewis Peterson and others, citizens of Alleghany county, Pennsylvania, praying for such a modification of the present rates of duty as will afford adequate protection to the manufacturers of salt.

Also, the petition of R. Moyle and others, praying for a national canal at the Falls of St. Marie, Michigan.

By Mr. ROBBINS: A memorial of the citizens of Pennsylvania, signed by Robert M. Lee and 34 others, praying Congress to modify the bounty land act of September 28th, 1850, so as to give to each of the persons intended to be benefited by the said act, and to seamen and marines who served in naval war, not less than 160 acres of land.

By Mr. CHANDLER: The memorial of the Presidents of the Marine Insurance Companies of Philadelphia, asking that a "light ship," with a "fog bill," be placed in the Slur near Cape Roman, South Carolina.

Also, the memorial of the Presidents of the Marine Insurance Companies of Philadelphia, asking Congress to increase the salary of the judge of the United States court at Key West.

By Mr. SCUDDER: The petition of Charles West and others, of Massachusetts, asking that the appropriation made by the Thirty-first Congress for a light-house at Holmes's Hole, may be applied, by the Secretary of the Treasury, to the erection of three beacon or bug lights, according to the recommendation in the report of the Superintendent of the Coast Survey.

By Mr. ROBBINS: The memorial of John S. Mayne, of Philadelphia, one of the heirs of Dr. Samuel McKenzie, Surgeon of the Pennsylvania Continental Line in the revolutionary war, claiming commutation or five years' full pay.

By Mr. WELCH: The petition of A. S. Tidd, asking to have his road from Long Bottom to Tupper's Plains, in Meigs county, Ohio, declared a post route.

By Mr. CABELL: The memorial of Joseph R. Croskey, Consul at Cowes, England, for reimbursement for extraordinary expenses incurred in the public service.

IN SENATE.

WEDNESDAY, January 21, 1852.

Prayer by the Rev. L. F. MORGAN.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the President of the United States, transmitting a report of the Department of State, containing copies of the correspondence which has taken place between that Department and the Minister of the United States in Paris, respecting the political occurrences which have recently taken place in France; which was read.

On motion by Mr. MANGUM, it was

Ordered, That it be referred to the Committee on Foreign Relations, and printed.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 11th December, 1851, a copy of the proceedings of the general court-martial convened in this city the 23d of June, 1851, for the trial of Brevet Brigadier General George Talcott, Colonel of Ordnance; which was read.

On motion by Mr. CLARKE, it was

Ordered, That it be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 9th December, 1851, a report of the Chief Topographical Engineer, in relation to inundations of the Mississippi river, with estimates of the appropriation required to complete the surveys and investigations heretofore directed; which was read.

Mr. DOWNS moved that it be printed, and that two thousand additional copies be printed, three hundred of which for the use of the Topographical Bureau.

That motion goes to the Committee on Printing.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate of March 12, 1851, a report on the statistics and history of the steam marine of the United States; which was read.

Ordered, That it be referred to the Committee on Commerce.

PETITIONS.

Mr. CLARKE presented the petition of Julia M. Lawrence, widow of James Lawrence, a naval officer, and one of the captors of the frigate Philadelphia, praying to be allowed prize money;

which was referred to the Committee on Naval Affairs.

Mr. BELL presented the memorial of the legal representatives of Isaac McCoy, deceased, praying the allowance of certain items rejected by the accounting officers in the settlement of his accounts as Indian Commissioner in 1840 and 1841; which was referred to the Committee on Indian Affairs.

Mr. SEWARD submitted a document in relation to the claim of the widow of Brigadier General Belknap to a pension; which was referred to the Committee on Pensions.

Mr. PEARCE presented the memorial of Sarah A. Watson, widow of Lieutenant Colonel William H. Watson, praying a continuance of her pension; which was referred to the Committee on Pensions.

Also, a memorial of merchants, underwriters, and others, of Baltimore, Maryland, praying Congress to authorize a survey of certain shoals in the China Seas, the Straits of Gaspar, and Java Sea, which lie in the tracks of vessels proceeding to and from China; which was referred to the Committee on Commerce.

Mr. UNDERWOOD submitted an additional document in relation to the claim of William S. Waller; which was referred to the Committee of Claims.

Mr. MALLORY presented the petition of H. S. Kenny, praying compensation for subsistence, forage, and other supplies, furnished to a company of Texas volunteers in 1849; which was referred to the Committee on Military Affairs.

Mr. DODGE, of Iowa, presented a petition of citizens of Jasper county, Iowa, praying the correction of an error in the entry of certain lands by Meshech Dearing and William Dearing; which was referred to the Committee on Public Lands.

Also, a memorial of citizens of Iowa, praying a grant of land to that State for the construction of a railroad from Burlington to the Missouri river; which was referred to the Committee on Public Lands.

Mr. WADE presented the proceedings of the City Council of the city of Cincinnati, in favor of an appropriation for the purchase of the private stock of the Louisville and Portland Canal, a reduction of the tolls, and an enlargement of the Canal; which was referred to the Committee on Roads and Canals.

CLAIMS AGAINST MEXICO.

Mr. DOWNS. I have in my possession a petition of Daniel N. Pope, one of the claimants for indemnity against Mexico, who prays that some provision may be made for the reinvestigation of his claim. I have also a similar petition from Andrew J. Brame. There are now several petitions before the Senate on this subject, which have been presented by myself and other Senators, of which the Senate has made no disposition. I see that the honorable Senator from New Jersey, [Mr. STOCKTON,] who made the motion the other day to refer these memorials to a select committee, is now in his seat. I now make the same motion which he then made, and I will state that I was mistaken the other day in relation to that matter. I understood the Chair to say that the motion at that time pending was to refer the memorial which he presented to the Committee on Foreign Relations. I have since understood that the Senator from New Jersey moved to refer it to a select committee.

Mr. BRODHEAD. I understood the Senator from New Jersey to move to refer to a select committee.

The PRESIDENT. No, sir; he suggested that he would make that motion at the proper time.

Mr. DOWNS. Then I make the motion now. I will state that I have looked into these memorials with some care, and I think that the subject to which they relate is important, and that it requires serious and laborious examination. The memorialists make complaints of so serious a nature, that I think it is indispensably necessary, in justice to them, that a full investigation should take place. The only objection I have to these memorials going to the Committee on Foreign Relations is, that their other avocations are so important that the committee will not be able to devote the necessary time to the consideration of this subject. As I said the other day, these memorials

are very similar in their nature to those in relation to the claims for French spoliation, and are not properly referable to any of the standing committees of the Senate. Hence I think that, like the memorials in reference to French spoliation claims, they should go to a select committee. Besides, the petitioners request that a select committee be appointed with power to send for persons and papers.

I would state that there are some things in the proceedings of this board which seem to me astonishing. I find that several memorialists represent that their claims on being presented were stated to be admitted, subject to the future order of the board, and afterwards some of them had been reduced to one half of the sum which they had claimed, and that some were rejected altogether. The first idea was, that they had perhaps reserved them in order to make a *pro rata* distribution, but on examination I find that that discretion was not left to the board, but to the Secretary of the Treasury after the returns were made.

There is another very serious matter set forth by the memorialists, and that is, that when the decisions were made they were never informed of their nature. They say that in some particular cases this information was given, but that although application was repeatedly made to know the grounds on which their claims were rejected, in order that if there were any errors a reconsideration might be obtained, and although they were promised from time to time that such opportunities would be afforded, yet that until the commission was closed they were not allowed to examine and see the grounds on which their claims were rejected. Not only was that the case, but it was attended with this very singular circumstance—these papers were all returned to the office of the Secretary of State and there sealed up. There is no reason that I know of, why they should be kept secret; certainly after the Board examined the claims, the claimants ought to have an opportunity of looking into the grounds of the decision, and see what was done in relation to their claims. Yet I am informed, on good authority, though not officially, that these papers, since they have been returned, have been put under seal; so that the parties cannot get any information which may be necessary for the further investigation of their claims.

These things may all be very right, but they seem to me very strange; and I think that when so many persons are calling for relief, an investigation ought to take place. I therefore move that these memorials which I have presented be referred to a select committee of five, with power to send for persons and papers. I wish also to include those memorials which have heretofore been presented in relation to this subject, but which have been laid upon the table.

The PRESIDENT. That cannot be done without moving to take them from the table.

Mr. DOWNS. Then I confine my motion to the memorials which I have now presented.

Mr. MANGUM. Mr. President, I hope that the motion of the honorable Senator from Louisiana will not be acceded to by the Senate. I suppose that the standing committees of this body are capable of passing upon all questions which may arise. This is a question which is appropriate to the Committee on Foreign Relations. I would not say anything upon this subject, but for the fact that the chairman of the Committee on Foreign Relations [Mr. Mason] is absent.

In all the numerous commissions which have originated in this country during the time I have served in the Congress of the United States, I have never known a case where persons disappointed in their expectations with regard to claims, have not complained of the injustice and unfairness with which they were treated. But when we have deputed and delegated to these commissioners the adjustment of claims, nothing but a most flagrant case should tempt or induce Congress to interpose. I move that the memorial be referred to the Committee on Foreign Relations.

The PRESIDENT. As the Committee on Foreign Relations is a standing committee, the first question will be on the reference to that committee.

Mr. DOWNS. I should perhaps have no very serious objection to the reference of the memorials to that committee, but for the fact that a prominent member of that committee has expressed a very decided opinion in reference to this matter, and

seemed to have very much the same idea about the claims that the Commissioners had, that is, that all the injustice was done to Mexico, and none to the claimants, and that it was a duty to oppose them, and cut their claims down as much as possible. I think, if gentlemen will look into these claims, they will find them to be of a very different character. Many of these claims, and one which I presented some time ago, were admitted by a former Board of Commissioners of at least as high authority and dignity as the last Board, but were referred on some points to the umpire, and were not decided by him.

These claims, I take it, are clearly recognized as being entitled to be liquidated by a subsequent treaty. In the case to which I have alluded as having been presented by me some time since, an order was made by the Board that the claim should be allowed, subject to the future order of the Board, yet when the future order of the Board came, they rejected the claim altogether.

I think that a matter of this importance requires some investigation. It may be all right; and if it is, it will not suffer by investigation. The gentleman seems to think that these complaints should not be listened to, and that there will always be complaints of this character. Perhaps the Senator is not aware that it was never expected by our negotiator in Mexico, or by the Government here, or by the people generally, that the amount of three millions and a quarter of dollars stipulated in the treaty of Guadalupe Hidalgo should be the only compensation which the United States would make. That was urged as an objection by the Mexican negotiators when the treaty was made; but Mr. Trist replied to them, that although that amount was fixed, still that was not necessarily to be the limit to which the United States would go—that there was no reason why they should not pay a greater amount if claims to a greater amount were justly due. And when we take into consideration the fact that these claims were presented against Mexico, and that when we were enforcing them against that Government we did not fix them at three millions and a quarter, but at some eight millions of dollars, it is very strange indeed that we should now confine the claims to that limit of three millions and a quarter. But I understand, further, that the Board, so far from going beyond the three millions and a quarter, which was evidently contemplated by the treaty, have fallen short of it, and that forty thousand dollars of that amount has not been absorbed, and that Mexico has perhaps already laid claim to that surplus as belonging to her, because this Government stipulated to pay that amount, and she claims that she is entitled to any surplus which may remain if the amount is not paid. She is certainly entitled to it, if the Board have acted fairly and justly, but she is not entitled to it if these claimants have not been fairly treated.

All I ask and all I wish is, that a thorough investigation of this matter shall take place; and I am more anxious that these memorials should now be referred to a select committee, because the gentleman from North Carolina seems to intimate very clearly that they will receive very little quarter from the Committee on Foreign Relations, because he thinks that all such claims are apt to be wrong.

Mr. MANGUM. I was not present when this motion was made on a former day; but I understand that the chairman of the committee on Foreign Relations then gave some indications of an opinion upon this subject. I know not what his opinions were; but there is not a Senator in this body who is acquainted with the ability and remarkable liberality of the chairman of the Committee on Foreign Relations who would not be willing to trust anything to his judgment, no matter what might have been his first impression.

The honorable Senator from Louisiana says that this subject requires some investigation. I need not say anything as to the capability of the Committee on Foreign Relations to investigate the subject. At its head stands one of the most eminent and able lawyers of this body, [Mr. Mason.] The second member on that committee [Mr. Douglas] is a prominent candidate for President of the United States. There are others of us on that committee, very humble, to be sure; but yet I think that that committee may be trusted as capable of investigating almost any question relating to their appropriate sphere of duty.

Sir, this practice of raising select committees in

this body is of very recent origin. It is only on rare occasions, when the Union is shaking to its foundation, that the Senate have decided to depart from its usual and settled practice, and appoint select committees. The Union will suffer no detriment if these claims should never be allowed. I hope the country will do justice to all claimants. But the Senator entirely misconceives what I said, if he understood me as having expressed an opinion that these claims which have been rejected ought not to have a fair hearing. So far from it, when the interposition of this body shall become necessary for the purpose of setting the matter right, I trust I shall be found ready to go as far as anybody.

The aggregate amount of ability of the Committee on Foreign Relations is well understood by this body. The two first members of it ought at least to give it currency in this body, and place it on an equal footing with any select committee which can be raised. I trust that on a mere question of private claim we shall not depart from the usual and dignified course of the Senate by appointing a select committee to pay money to persons who it has been decided are not entitled to it.

Mr. DOWNS. I hope that the Senator from North Carolina will not understand me as objecting to the reference of these memorials to the Committee on Foreign Relations. I have no objection to that committee. I disclaim any such idea. I have as much respect and as much confidence in the members of that committee as any Senator. But I stated before that I wished this subject to be referred to a select committee, because I thought the labors of the Committee on Foreign Relations in reference to other questions were so great that they could not devote the time and attention to the consideration of this subject which it seems to me to require.

I think the honorable Senator is entirely mistaken in one point. He says that it has not been the custom of the Senate to refer questions to select committees, except in the case of great questions, where the Union has been in danger. I need only remind the Senate of a case which happened at the last session of Congress, and at this session in reference to a question which did not affect the Union at all. I refer to the claims for French spoliations. These are exactly such claims as those. They are claims against a foreign Government, which have been relinquished against that Government and preferred against our own; and, therefore, they cease to be connected with our foreign relations, because we have taken their payment upon ourselves.

Mr. MANGUM. The French spoliation claims involve the payment of from \$5,000,000 to \$10,000,000.

Mr. DOWNS. How does the Senator know that this may not involve the payment of \$5,000,000?

Mr. MANGUM. If it should involve that amount it would be very astonishing.

Mr. DOWNS. It might not be so astonishing as the Senator seems to suppose, because the treaty of Guadalupe Hidalgo has made provision for \$3,250,000, whereas our Government asserted, when prosecuting these claims against Mexico, that there should be paid \$8,000,000. It may turn out that this difference of \$5,000,000 is due to these claimants. I do not know how the fact may be. Hence, it cannot be so astonishing as the Senator seems to suppose. However, that is not material. This is a case very analogous to that of the claims for French spoliations; and, therefore, I would have moved to refer these memorials to a select committee.

The Senator from North Carolina is mistaken in saying that the chairman of the Committee on Foreign Relations said anything on this subject when it was before us a few days ago. I recollect that he was not here at that time, and that his colleague [Mr. Hunter] suggested that the memorials upon this subject ought to go to the Committee on Foreign Relations. I suppose it was that to which the Senator had reference.

Again it would be no want of confidence in the Committee on Foreign Relations to refer those memorials to a select committee. I made the motion because I thought that a more thorough and sifting investigation could be had by a committee specially charged with this business. I cannot see with what propriety the Senate should send those old claims for French spoliations committed

prior to 1801 to select committees, session after session, and now refuse a select committee to another set of claimants standing very much in an analogous position. I do not see why we should make this distinction. I hope, therefore, that these memorials will be referred to a select committee.

Mr. HALE. I have not heard any of these petitions read. In order that I may vote understandingly on the subject, I would like to hear one of them read.

The PRESIDENT. There are a number of petitions on this subject.

Mr. HALE. Let one of them be read.

Mr. BRADBURY. It would occupy an hour.

Mr. HALE. Well, can any one give me an abstract of one of the petitions? Do they allege corruption? because if they do, I believe it. If there were three millions of money to be disbursed by the Government without there being corruption in the transaction, it would form an exception to the general rule. And if there was not corruption, if these claims were honestly investigated, whoever heard of parties litigant going before a tribunal, and both plaintiff and defendant being satisfied with the result? You have instituted this Commission, and the money has been, or is about to be paid out. Some of the parties are dissatisfied and complain of gross injustice. I have no doubt of it in the least. And if you were to institute another commission, and disburse three millions more, there would be twice as many dissatisfied then as there are now, and the number of claims would be increased. Instead of lessening the amount of the claims, you would increase them; and you would increase the dissatisfaction. If it is supposed that by multiplying commissions and increasing the amount of payments, you would decrease the amount of dissatisfaction, it will be found to be a great mistake.

If there be a charge of corruption, I hope it will be made definite; and I hope the Senate will take some course to vindicate the Government against abuses of that sort. But I can tell these claimants, that if they are suffering under corruption, they are not alone. Why, it is said that when the late President of the United States, General Taylor, came to take his seat at the head of the administration of the Government, the poor old gentleman came with the idea that he was going to drag this Government back to its original purity. The task proved too strong for his Herculean powers, and he fainted and died under it; and so would any man. It cannot be done. Corruption is the history of the day, and it will be found not only in this commission, but in a great many other places. If there is a charge I hope it will be made definite. If there is not general dissatisfaction; but if there is a definite charge made of corruption, perjury, forgery, or anything of that sort, then I would be willing to investigate it, and go as far as anybody. But if this is merely a case where there is dissatisfaction on the part of claimants on account of their claims not being paid, it is an idle task, it is perfectly useless, to undertake to satisfy them. It is for this reason that I asked for the reading of some one of the petitions, that I might see whether a specific charge of corruption was preferred against anybody.

The PRESIDENT. One of the memorials will be read if the Senator desires it.

Mr. DOWNS. I can state briefly the nature of the memorials.

Mr. HALE. I am willing to take the statement of the honorable Senator from Louisiana.

Mr. DOWNS. The honorable Senator from New Hampshire is mistaken in supposing that the memorialists charge corruption. I understand them to charge no such thing. But they do charge that injustice has been done them; that there is a mystery about the matter; that the investigation has not been as public as such things ought to be; that they were never informed until the Board had closed its sessions of the nature of the objections to their claims, although they were promised an opportunity; and that, finally, the grounds of the decisions and all the papers were sent to the office of the Secretary of State, and there sealed up.

These memorialists do not ask that their claims should be paid as they represent them; but they state the circumstances under which the awards of the Board were made; and that previously some of those claims which have now been rejected, were allowed by Boards of Commissioners of as high

respectability as any board that ever sat on similar claims. They complain that claims have been rejected by the late Board of Commissioners, and that no reasons for their rejection had been made public, or placed in a form to be accessible to the claimants. They ask that this veil of secrecy, which is so inconsistent with our course of proceedings generally, in courts of justice and everywhere else, should be removed, and that the matter should be looked into. It may turn out that these claims were properly rejected. If so, the first duty of a select committee, if one should be appointed, would be to report that fact. In my opinion these memorialists are justly dissatisfied with this state of things, and they merely ask that a committee should look into the matter, and see if their complaints of injustice are not well founded. If they are well founded, certainly it is the duty of the Government to interpose and render them justice.

The Senator from New Hampshire says that when parties go before a tribunal, the disappointed party will be dissatisfied. But I would ask, have these parties not a right to be dissatisfied, since these investigations have not taken the usual course? Where was the necessity for the proceedings of the Board to be kept secret? Why were not the decisions made as in all other courts? Why were not the records open to those persons, that they might see upon what grounds their claims were rejected? In all our courts, even in the highest courts, there is always an opportunity for a reconsideration and revision of opinions. What would we think of one of our courts of justice, whether a subordinate or a supreme court, if, when they rendered a decision, they should keep it secret, and keep the records and documents in the case a sealed book, not allowing the parties interested to look into them until the proceedings of the court were closed, and then to say that their decision was final and irrevocable, and could never be looked into? What sort of justice would that be?

I know nothing of this transaction except what I learn from the representations of the memorialists, who are most of them respectable persons; and I say that they do make out a very strong case for the investigation of a select committee. That is all I ask. If the committee, after investigation, shall report that these claims were rightly disallowed, I shall not have a word to say. But I think that the memorialists make out a case which entitles them to have the subject considered by a select committee.

The PRESIDENT. The Chair must interpose. This discussion is not in order. It is not in order to go into the discussion of the merits of a case upon the simple question whether the memorials shall be referred to a select committee or to a standing committee.

Mr. MANGUM. I rose for the purpose of making, in substance, that very remark. No one present, that I have yet heard, has hinted the slightest degree of opposition to the reinvestigation of this matter. The only question before the Senate is, whether these memorials shall go to a regular committee or to a special committee.

The PRESIDENT. The question is on the motion to refer these memorials, which have been presented by the Senator from Louisiana, to the Committee on Foreign Relations.

Mr. DOWNS. My motion was to refer them to a select committee of five.

The PRESIDENT. The Chair is aware of that, but a motion having been made to refer them to the Committee on Foreign Relations, that motion has precedence, and is first to be put.

The motion to refer the memorials to the Committee on Foreign Relations was agreed to—ayes 25, noes 12.

On motion by Mr. DOWNS, it was

Ordered, That all similar memorials on the files, presented during the present session, be referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. WADE, it was

Ordered, That the petition and papers of Bryan Callaghan be withdrawn from the files of the Senate.

On motion by Mr. BELL, it was

Ordered, That the petition of Arabella J. Strong, widow and executrix of Lorenzo N. Clarke, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the papers in the case of the Iowa militia claim, on the files of the Senate, be referred to the Commit-

tee on Military Affairs; and that the letters of the Secretary of War and the Adjutant General, accompanying the same, be printed.

On motion by Mr. GWIN, it was

Ordered, That the petition and papers of McKean Buchanan, a purser in the Navy, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. WHITCOMB, it was

Ordered, That the papers relating to the claim of the administrator of Major Wade, a quartermaster of marines, be referred to the Committee of Claims.

On motion by Mr. DOWNS, it was

Ordered, That the heirs of Andrew D. Crosby have leave to withdraw their petition and papers.

On motion by Mr. FELCH, it was

Ordered, That the petition of George Barrell and S. V. S. Wilder, on the files of the Senate, in behalf of themselves and the other heirs of the owners of the ship "Columbia" and sloop "Washington," be referred to the Committee on Public Lands.

On motion by Mr. FELCH, it was

Ordered, That the petition and papers of John Watson, on the files of the Senate, be referred to the Committee on Indian Affairs.

Mr. UNDERWOOD. I have been requested to ask leave to withdraw the papers of William Zollikoffer, who petitioned Congress at the last session for a pension. I am informed that there was an unfavorable report in that case, but that it was not acted upon. These are the facts under which the petitioner desires to withdraw his papers.

The PRESIDENT. Simply to withdraw them?

Mr. UNDERWOOD. Yes, sir.

Mr. PEARCE. Am I to understand that the report made in this case was unfavorable?

Mr. UNDERWOOD. It was unfavorable, but it was never acted on, according to the information which I have on the subject.

Mr. MANGUM. It will be a very bad precedent to allow papers to be withdrawn in such cases. If there be additional testimony, and there is any purpose on the part of the petitioner to apply to the Senate for that relief, let the question be decided when it comes, for on its coming, if I understand the rule, the case may again be referred to a committee.

Mr. UNDERWOOD. I withdraw the motion. I think myself that in general it is a bad thing, and I would like to ascertain more as to the motives which induced the petitioner to make the request.

The motion was accordingly withdrawn.

REPORTS FROM STANDING COMMITTEES.

Mr. DODGE, of Wisconsin, from the Committee on Commerce, to whom was referred the memorial of Charles S. Jackson, submitted a report; which was considered by unanimous consent, and, in concurrence therewith,

Ordered, That the Committee be discharged from the further consideration thereof.

On motion by Mr. DODGE, of Wisconsin, it was

Ordered, That the report be printed.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred the petition of the citizens of Martinicus, reported a bill to annex the Island of Martinicus, in the county of Lincoln, State of Maine, to the collection district of Waldoboro', in said county; which was read and passed to the second reading.

Mr. SOULE, from the Committee on Commerce, to whom was referred the petition of John S. Maunsell, reported a bill to admit the Hermaprodite brig Sylphide to registry; which was read and passed to the second reading.

The said bill was read the second time by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

Mr. SEWARD, from the Committee on Commerce, reported a bill to authorize an exploration and reconnaissance of the courses of navigation used by whaling vessels in the regions of Behring's Straits; and also, of such parts of the China seas, Straits of Gaspar, and Java sea, as lie directly in the route of vessels proceeding to and from China; which was read and passed to the second reading.

The report accompanying the bill was ordered to be printed.

Mr. FOOT, from the Committee on Pensions,

to whom was referred the petition of William Miller, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. BAYARD, from the Committee of Claims, to whom was referred the memorial of Ezra Williams, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. BRADBURY, from the Committee on the Judiciary, to whom was referred the bill authorizing the payment of interest to the State of New Hampshire for advances made for the use and benefit of the United States in repelling invasion and suppressing insurrection at Indian Stream, in that State, reported it without amendment.

On the motion of Mr. HALE, the Senate proceeded to consider the bill as in Committee of the Whole; and no amendment being made, it was reported to the Senate, ordered to be read a third time; and it was read a third time and passed.

NOTICE OF A BILL.

Mr. SEBASTIAN gave notice of his intention to introduce a bill to be entitled "An act to revive for a limited time 'An act in relation to donations of lands to certain persons in the State of Arkansas.'"

BOOKS FOR NEW SENATORS.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That each of the new members of the Senate be supplied with the same number and description of books as were furnished to each of the members of the Senate of the last Congress.

CENSUS RETURNS

The Senate proceeded to consider the resolution submitted by Mr. HAMLIN on the 20th instant, in relation to the Census returns; and, having been amended, was agreed to, as follows:

Resolved, That the Secretary of the Interior be requested to furnish the Senate with an estimate of the number of pages which the Census Returns will contain, if the same shall be completed on the plan now pursued by the Census Bureau. Also, what part of the same will be composed of statistical tables, and what part of other matter; and whether there are any tables accompanying the same not designated by law.

WILLIAM K. LATIMER.

On the motion of Mr. HALE, the following resolution was considered and agreed to:

Resolved, That the charges and specifications, and also the report and opinion of a court of inquiry in the case of William K. Latimer, and the letter of the Secretary of the Navy transmitting the same, and the general order in said case, dated July 1, 1851, be printed for the use of the Senate.

ASSIGNABILITY OF LAND WARRANTS.

The bill to make land warrants assignable, and for other purposes, which was ordered to a third reading yesterday, was read a third time and passed.

GENERAL ORDERS.

Mr. GWIN. As I understand that the Senator from Massachusetts [Mr. DAVIS] is not particularly anxious to address the Senate to-day on the special order, I move that the Calendar be taken up, and that we commence our work to-day and clear it if possible. I believe that some of the questions which were made special orders cannot be conveniently proceeded with to-day, and I trust that there will be no objection to the course I have proposed, and that we may go on and clear the Calendar of its business.

The PRESIDENT. The Chair must call for the special order unless some motion is made to postpone it and take up the Calendar.

Mr. GWIN. I make that motion, especially as I learn that the Senator from Massachusetts [Mr. DAVIS] will not object to it.

Mr. DAVIS. I shall not object if the special order will still occupy its place and come up to-morrow.

The PRESIDENT. It will come up as a matter or course.

The question was taken, and the special orders were all postponed, with the view of proceeding with the Calendar.

LANDS IN WISCONSIN.

The bill to extend the time for selecting lands

granted to the State of Wisconsin for saline purposes, was taken up for consideration as in Committee of the Whole.

The bill was reported with an amendment to extend the time to the year 1854.

The amendment was agreed to, and the bill was reported to the Senate.

Mr. DAWSON. I wish the Senator from Wisconsin would explain the character of this bill.

Mr. WALKER. I will endeavor to do so as well as I am able. By the act of admission of Wisconsin into the Union there were certain lands granted to the State in connection with salt springs in the same way as lands had been granted to other States. The Governor of the State, whose duty it was to select these lands, neglected to do so in the proper time. The time for their selection expired, and since its expiration we have been endeavoring to get it extended, so that these lands may be selected. The bill does not propose to give to the State anything which has not already been given and to which it is not in equity entitled.

Mr. BADGER. The bill is merely to give further time for the selection of these lands.

Mr. WALKER. That is all.

The bill was ordered to be engrossed for a second reading.

LANDS IN MICHIGAN.

The PRESIDENT. The next general order is a bill to extend the time for selecting lands granted to the State of Michigan for saline purposes.

Mr. FELCH. I move that that bill be passed over informally. There is another proposition of a similar nature before the Committee on Public Lands, and I wish that the two propositions may be considered together.

The motion was agreed to.

SAFETY OF PASSENGERS ON STEAMBOATS.

The Senate then proceeded, as in Committee of the Whole, to the consideration of "A bill supplementary to the several acts of Congress providing for the better security of the lives of passengers on board of vessels propelled, in whole or in part, by steam, and for other purposes."

Mr. DAVIS. I think that bill contains some provisions which are rather novel. I do not object to the principle of the bill, if the honorable Senator from Arkansas [Mr. BORLAND] deems it necessary for the accommodation of boats upon the rivers in his State; but it takes away what has hitherto passed through the collector's office. I do not precisely see what disposition is to be made of the certificate, unless it is to be used as a license. If it is to be used as a license for the vessel, it is entirely novel, and a departure from the old system. I should be glad if the Senator would consent to let it lie over long enough to afford an opportunity to examine it. I do not think I shall throw any obstacle in the way of the wishes of the Senator from Arkansas finally.

Mr. BORLAND. I would yield to the suggestion of the honorable Senator from Massachusetts, but that this bill has been long delayed. It passed the Senate at the last session, but did not pass the House for want of time, and as I deem it very important that it should be passed, I hope it may be considered and passed now. I think the Senator is mistaken with regard to the introduction of any new principle. It does not interfere with the existing licenses; they remain under the existing laws. It simply provides that the vessels may be required to receive their inspection in other places than those now specified. If the honorable Senator will read the last section of the bill, he will see that it refers to inspection instead of licenses. I will further state, that when I originally introduced this bill, it was to make Arkansas a collection district, and Little Rock a port of entry; but before it was acted upon by the Committee on Commerce, it was sent to the Secretary of the Treasury. I addressed to him a letter, and informed him precisely what was the object I had in view, which was to put Arkansas on the same footing as the other States with regard to the inspection of steamboats. Under the general law, the judges of the district court, within the collection district, have the power to appoint steamboat inspectors. But Arkansas is not a collection district, and the judge of the district court for

Arkansas, therefore, has no such power. The Secretary of the Treasury, in response to my application, had this bill drawn up, saying: that there was no necessity for the establishment of a new collection district and a new port of entry there; and that the whole object could be accomplished by giving the district judge the same power to appoint inspectors, that the judges have in collection districts. The general law, then, is not altered at all by this bill, with regard to the regulation of steamboats; it simply gives power to the district judge to appoint inspectors, so that boats may be repaired there, and thus save the time and expense of going to a distant part of the country for inspection.

Mr. UNDERWOOD. I would prefer to let this bill lie over a little while. There is a very extensive yard for building boats at Paducah, in Kentucky. That is not a port of entry nor of delivery, and the judge of our district court resides some two hundred and fifty or three hundred miles from that place, where a great many steamboats are built. There is an absolute necessity to have inspectors of the boilers and hulls of steamboats at the shipyard at the mouth of the Ohio river, at Paducah. It is a very important point; and under the law as it is now construed by our district judge, the inspectors can only be appointed at ports of entry or delivery, according to the idea of my friend from Massachusetts. Now, this grievance has been complained of by the people of Paducah, and with a view to obviate this grievance under which they suffer, they have petitioned—and I hope that petition will be duly considered by the Committee on Commerce—to have a port of delivery at that point. I feel the same kind of interest in the navigation of the waters of the western rivers which the Senator from Arkansas expresses, and for the purpose of seeing how far this bill will apply to and embrace the waters of Kentucky, as well as those of Arkansas, I would prefer greatly that it might lie over for the present, that I may see if it will not obviate the grievances of the people of Kentucky as well as those of Arkansas.

Mr. BORLAND. I am really very sorry that I cannot consent to the proposition of the Senator to allow this bill to be laid over. If he has any change to propose to this bill, so as to accomplish the object he desires, I will not object; but it seems to me this bill contains within itself all that is required. It does not interfere at all with any proposition with regard to other States. I dislike to resist the wish of my friend from Kentucky—

Mr. UNDERWOOD. I would like to embrace my own State.

Mr. BORLAND. I would be glad to embrace Kentucky; but this bill was before Congress at the first session of the last Congress, and at the last session again, and was passed here. Now, this session has advanced somewhat, nearly two months of the session have passed, and the bill has now come up in its regular order; and if we pass it over it will be difficult to get it up again. I repeat, that the bill was prepared at the office of the Secretary of the Treasury, and that it cannot interfere in any way with the existing general laws on the same subject.

Mr. UNDERWOOD. My friend will perceive that if there is any difficulty in the way of getting his bill through, in consequence of laying it over for the present, the difficulty will be far greater with regard to any one that I might bring forward for the benefit of Kentucky, for I should have to commence *de novo*. My object is to avail myself of his bill to benefit the people of Kentucky, for I wish to embrace his popularity to carry the bill. If I am compelled to introduce a bill, it will be thrown off to the end of the session, and perhaps I shall not get anything at all. It will save everything for Kentucky, if he will allow his bill to be passed over.

Mr. BORLAND. I shall be very glad to oblige the Senator, and I will yield to the suggestion and agree to pass over the bill informally, for I wish to avail myself of his popularity also.

Mr. DAVIS. The Committee on Commerce, at the last session, reported a bill embracing this subject very fully, with provisions somewhat new in regard to the mode of making these inspections, changing the system and adopting a new plan, embracing all the waters of the country. That bill has been committed to the Committee on Commerce at this session; we have had it under consideration, and we anticipate an early report on that subject. It has only been delayed for the

want of papers, which have now been laid upon the table from the Treasury Department. At the close of the last session, a resolution was passed through the Senate, upon my motion, asking for a large body of information on this subject, through the Treasury Department. That has come in this morning, and a bill will, therefore, be reported at an early day. But, still, I do not propose to throw any obstacle in the way of the object and the wishes of my friend from Arkansas. I am willing his bill should take its course; but if that bill which the committee will report passes, this bill will be superseded.

Mr. BORLAND. I ask that the bill may be passed over informally.

The bill was accordingly passed over informally.

THE UNITED STATES BRIG WASHINGTON.

The bill for the relief of the widows and relatives of certain officers and seamen of the United States brig Washington, who were lost overboard in a hurricane, was considered as in Committee of the Whole, and having been amended verbally, it was reported to the Senate, and ordered to be engrossed for a third reading.

BINDING CONGRESSIONAL DOCUMENTS.

The joint resolution providing for the binding of certain documents, was next considered as in Committee of the Whole.

It provides that all the executive documents of which additional copies have been ordered to be printed, which shall not contain less than two hundred and fifty pages, shall be bound, under the direction of the Joint Committee on Printing, provided that the cost thereof shall not exceed twelve and a half cents per volume.

Mr. BORLAND. As chairman of the Committee on Printing, I will state that this is a joint resolution which came from the House of Representatives, and was referred to the Committee on Printing of the Senate, and was favorably reported upon. When this resolution was before the Senate on a former occasion, I made some remarks in opposition to its adoption, and I shall not, therefore, now go at length into the reasons why I am opposed to it. I will simply state, that as I opposed the measure then, so I shall vote against it now, because I think it is adding to the list of opportunities occasioning invitations to commit impositions on the Government. The binding of our documents for the last session has satisfied me with the system; and although in some respects there may be an advantage in it, I think it is, upon the whole, a great evil. I think that, instead of the documents being benefited by the binding, they have in a large number of instances been materially injured. So far at least as some of them which went to my State would go to prove this position, I am satisfied. I examined some of those which went there, and found that when they had reached their destination the binding was not worth anything. Nay, that it was worse than useless, for it had put these documents in a condition which prevented them from being bound again. I am opposed to this plan of binding, as I am opposed to everything in the way of either printing or binding being done on contract. My opinion is, that everything which we undertake to do under that system will be badly done—that it will result in much more expense and much less advantage to the country than by almost any other system. I have expressed these sentiments on a former occasion, and I have now no more to say.

Mr. BRADBURY. I did not hear the resolution read, but I think that whatever is deserving of being placed in the library is deserving of being bound. I think the great fault is, that we print too large numbers of documents which are not of sufficient general interest to compensate for the outlay. It certainly is convenient when we have documents to use, to have them in a position in which we can use them. As the expense of binding is not great, I am under the impression that what we print in considerable numbers should be bound.

Mr. BORLAND. We now print fourteen hundred copies of all documents that are ordered to be printed, for the Library and for the use of the Senate. But the proposition in this joint resolution is to bind the extra copies which go out into the country. Now, if the Senator from Maine will look into this question of binding public documents, and will view it with regard to the economical course which he usually pursues, I think

he will be inclined to favor my side of the question. Does any Senator know what was the cost of binding documents last session?

Mr. HALE. No.

Mr. BORLAND. Why, sir, it cannot have fallen short of a hundred thousand dollars. The binding of the Patent Office reports alone cost fifty thousand dollars; and for the binding of the documents of this Congress, if we adopt this resolution, my opinion is we will have to pay a hundred and fifty thousand dollars.

A SENATOR. No, no; not so much as that.

Mr. HALE. My observation leads me to differ with the Senator from Arkansas in regard to this resolution. I think that if there be any value in these documents at all, at least to the people to whom they are sent in the country, it is in the binding. Now, if it is worth while to print these documents to send to our friends, it is certainly worth while to put upon them this ninepenny binding; for instead of tearing them up, as they would inevitably do if they were not bound, they allow them a place on the shelves of their libraries, there to remain, sir, like many of our documents here, never to be opened and read again. I am quite of opinion, therefore, Mr. President, that if these public documents have any value at all—at least many of them—it is in the binding; and if we are to dispense with anything here, I would rather that we dispensed with the printing and kept the binding. [A laugh.]

Mr. BRADBURY. I would like to inquire of the chairman of the Committee on Printing whether the order for printing the documents of the present session has already been so far executed as to render it impossible to reduce the number? The abuse seems to be in the manufacturing of so large a number of books. Formerly the Patent Office report was but a small volume; but recently, by the incorporation of much useless matter, it has swelled to two volumes; and I think that, in the first place, the abuse is in incorporating what is not of value; and in the second place, in printing so large a number of copies. I quite agree with the Senator from New Hampshire, [Mr. HALE,] that one thing, at least, which gives value to these documents is their being bound, and thus be put in a position in which they can be used and referred to. And the same reasons which would induce me to bind them for ourselves, would induce me to bind those which are intended for distribution elsewhere. Otherwise, they become as mere waste paper, and might as well not be circulated at all.

Mr. HAMLIN. I was one of the Committee on Printing who agreed to this report, and therefore it becomes me, perhaps, to say a word. I have very little, indeed I have no feeling on this subject whatever. I am perfectly indifferent. Still, upon the investigation of the subject, I came to the conclusion that if our documents were worth preserving and sending abroad, they were worth a cheap binding. I will add, also, that I am satisfied that for twelve and a half cents per copy, the price we paid last year, binding may be had in muslin, which is a very respectable binding indeed, and makes a very respectable volume. If Senators will turn their attention or their recollection to the Debates on the California Convention, the Statistics of Commerce and Navigation, or still later works, the Surveys of New Mexico and Texas, all bound in muslin, they will have a fair sample of what can be done in the way of binding in muslin for twelve and a half cents per copy; and for that sum these documents can be placed in a situation in which they can be preserved. I must say that I think some of these documents are of a little more value than the Senator from New Hampshire seems to suppose. I think the agricultural report of the Patent Office is worth preserving, and in this cheap binding it will be preserved. The binding of these documents at twelve and a half cents per copy will not amount to half the sum named by the Senator from Arkansas, and it will fully accomplish the object which is desired. Besides, I am told that if we do not pass the resolution, the House of Representatives will recommend the passage of a resolution of a similar character, and have the expense defrayed out of their own contingent fund. I think, therefore, it will be a matter of economy to have these documents containing three hundred pages bound in muslin; which can be done so cheaply and so neatly.

Mr. BRADBURY. I observe there is a limitation of the size of the volume. Last year it was ordered to bind such volumes as contained not less than three hundred pages. The bill before us limits the number of pages to two hundred and fifty. I move to strike out the words "two hundred and fifty," and insert the words "three hundred."

Mr. HALE. I object.

Mr. CLARKE. I hope not.

Mr. BADGER. I hope that amendment will not prevail. I would much rather see the fifty struck out and leave the words "two hundred." I cannot understand why a document of two hundred pages should not be bound. I think anything beyond the size of a pamphlet should be bound. I hope the amendment will not prevail.

The amendment was not adopted.

The joint resolution was then reported to the Senate, and read a third time, and passed.

SELECTION OF LANDS BY ILLINOIS.

The Senate then proceeded, as in Committee of the Whole, to the consideration of a "Bill to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of 2d March, 1827, granting land to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan."

Mr. HUNTER. I would like to have that bill passed over.

Mr. DOUGLAS. Would the Senator from Virginia like an explanation of the bill?

Mr. HUNTER. I should be glad to have it explained.

Mr. DOUGLAS. In 1827, the Congress of the United States passed an act granting to the State of Illinois a certain amount of alternate sections of land, for the purpose of constructing a canal to connect the waters of the Illinois river and those of Lake Michigan. The grant was made, under supposition that the land would be sufficient to construct the canal. A corps of engineers, walking over it, decided that it would require the sum of six hundred thousand dollars to make the canal. We accepted the grant with the idea of making the canal out of these lands. We commenced the work on that supposition, and went on and expended a large sum of money. The next estimate was, that a million and a half dollars would be required; but before we got through there was another estimate of three millions, and at last we made out the whole expenditure to be nine millions, and the canal is now finished. On selecting the lands there was an omission to select a small quantity, which was therefore left, and has been sold by the Government. The Department acknowledges that we are entitled to some twenty thousand acres more. It is a small amount, and this is simply to authorize the State to select what we were entitled to under the original grant. The State does not ask any more on account of the greater expense than the original amount estimated.

Mr. HUNTER. I would inquire if the bill allows the selection to be made in any part of the State, or whether it is to be confined to the vicinity of the canal?

Mr. DOUGLAS. The lands were originally upon the borders of the canal, but the Government of the United States has sold a portion of the land to which we were entitled along the line of the canal. It must now be selected elsewhere, so much as is necessary to make up the small deficiency that I have stated.

Mr. DAWSON. I would ask if the lands were not sold prior to the grant made to the State?

Mr. DOUGLAS. Not at all. Every acre has been sold since, and we now do not wish to disturb the title which has been made erroneously out of the grant made to us. It is on this account that we ask the privilege of selecting elsewhere.

The bill was then reported to the Senate without amendment, and ordered to be engrossed for a third reading.

RAILROADS IN IOWA.

The Senate next proceeded, as in Committee of the Whole, to consider the bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State.

The bill was reported with an amendment.

The amendment proposed to strike out all after the enacting clause, and insert a number of pro-

visions which have been prepared as a model bill in relation to all grants of land for the construction of railways.

Mr. HUNTER. I would like to know from the Senator who introduced this bill, how much land it proposes to appropriate for the construction of these roads.

Mr. DODGE, of Iowa. I will state, for the satisfaction of the Senator from Virginia, that, according to the estimate last year, the principal road and the branch which it is proposed to make will require fifteen hundred thousand acres as a minimum, and eighteen hundred thousand as a maximum. This amount is some three or four or five hundred thousand acres less than were granted to the State of Illinois by a like bill.

The Committee on Public Lands have sought to make this bill a model bill, and have shaped all the others which are to follow it for grants of land for like purposes in other States after this model, which I trust the Senate will pass. It was carefully examined and revised by the Senator from Kentucky, [Mr. UNDERWOOD.] Several amendments were introduced into it by him, and it comes now to the Senate under the unanimous sanction of the Committee on Public Lands. I will state to my friend from Virginia, as I know that he sits heavily upon the public chest and dislikes to part with its dollars, that there is a provision in this bill enacting that the alternate sections of land which are not used for the construction of the railroad shall not be sold at a less price than two dollars and fifty cents per acre; so that when you take out this fifteen or eighteen hundred thousand acres, you will impose a tax upon our people who may purchase and settle on the land of double its present value. The bill therefore, in reality, grants very little to the State; and I hope it may be passed without opposition from my friend from Virginia.

Mr. HUNTER. I do not think that we ought to tax the constituents of the Senator from Iowa, so as to make them pay \$2 50 per acre for lands for which they ought not to pay more than \$1 25; and if the bill is to operate in that way, I think it would be much better to lay it over for the present. It seems that there are to be many other applications of a like nature; and, before we know it, we shall probably grant away all that portion of the public lands in detail from which we are likely to derive any revenue. I believe that if this thing is to come up, it should come up as a system, so that we may see what we are doing. I hope that the bill may be postponed till another day.

Mr. JONES, of Iowa. I hope the Senate will not determine to postpone this bill. It is exactly the same which passed last session, and one precisely similar has been passed this session, making a grant of land to the State of Mississippi. The title of the bill is wrong. The bill, in reality, makes no grant to the State as a gratuity. It authorizes the State to select alternate sections of six miles on each side of the road, but as the price of the remaining land is double, it is, in point of fact, no donation to the State, because the road will by that much enhance the value of the land. The only grant given to the State, is the right of way through the public land. If this bill, and others of the same kind, are put off, the lands through which these roads are to be located will be taken up by those who hold bounty land warrants. Most of the lands in the range of these railroads are already taken up, and it is therefore necessary, if any real benefit is to be derived from the passage of these bills, that they should be passed as speedily as possible. If these lands should be taken up by land warrants, the Government of the United States will not realize for them more than seventy-five cents per acre. On the other hand, if they are granted for the construction of railroads, the Government will receive the full price for all the lands. But, sir, in addition to all this, the lands adjacent to these roads, not only for fifteen miles, but even for thirty or forty miles, will thus be brought into market, and will be sold many years sooner than they would otherwise be were it not for the building of these roads. I again say, that I trust the gentleman from Virginia will not insist upon this postponement, inasmuch as this identical bill has been before the Senate for the last eighteen months. The session before last it was introduced by myself, and it has now been upon our table for one or two

years. The amendments which are proposed are merely verbal, and do not materially affect the provisions of the bill. The bill is exactly the same as those granting lands to the States of Illinois and Mississippi.

Mr. ATCHISON. There is another odious condition attached to this bill. The General Government, as the Senator from Iowa [Mr. JONES] shows, grants nothing—it gives nothing. But, sir, this bill provides—and I suppose it is to be a model bill, whose provisions are to be extended to several other cases—that upon these railroads the Government stores and the Government troops shall be transported free of charge.

Mr. BRODHEAD. Will that be onerous?

Mr. ATCHISON. Yes, it will be peculiarly onerous to the State of Missouri and the State of Iowa. From the Mississippi to the Missouri river across the State of Iowa, perhaps one third of all the Government stores en route to California and New Mexico will be transported upon this road and upon the Missouri road exclusively. Now, sir, I intend to test the Senate upon this question. I shall move to strike out that section. I do not consider it any great favor. It is nothing more, so far as pecuniary considerations are involved, than a grant of the right of way to construct these railroads through the public lands. This is about all that there is of it. The alternate sections we get thus: No. 1 is free; and for No. 2 is charged \$2 50 per acre, instead of \$1 25 as now.

But there is another consideration. We have passed a bill making land warrants assignable. I do not recollect now the amount of public lands that will necessarily be taken up by these land warrants. Will the chairman of the Committee on Public Lands tell me the quantity of the public lands that will satisfy these land warrants? I think they cannot fall much short of thirty-five or fifty millions of acres.

And who obtains these public lands? Why, sir, almost exclusively, or in ninety-nine cases out of a hundred, they will go to the citizens of the old States of this Union, under that law. Now, when we ask in reality nothing but the right of way through the public lands, the Senator from Virginia, the chairman of the Committee on Finance, whose duty it is to take charge of the public treasure—and I admit that I suppose it is in the discharge of that duty—opposes this bill. But I hope he will not be able to obstruct the passage of this first bill. It is but slightly altered from the bills which have passed time after time through this body. If I am not mistaken, this bill passed here, at the last session. Then why deliberate? Why move to postpone it? It has been discussed for the last ten years. I understand that the Senator from Virginia made the motion to postpone the further consideration of this bill, with a view to have an opportunity to look into it, and examine the principles involved in it. There is nothing new in it. This very bill, or a bill involving most of its principles, if not all of them, has been discussed time and again. I trust the Senate will act upon this bill, and promptly too. It is a matter of importance, if you make this grant of land, or this donation, as some gentlemen call it, that you should make it speedily; because, as the Senator from Iowa [Mr. JONES] suggested, these land warrants will fall into the hands of speculators, and they will, as a matter of course, search out the public lands which will be most valuable, upon which the greatest profits can be made, and there they will go and locate their warrants upon all the proposed railroad routes in the State of Missouri. Such has been the fact. We have two routes, one from St. Louis to the western boundary of the State, on the south side of the Missouri river; and another from the town of Hannibal to the town of St. Joseph, on the north side of the Missouri river. During the last year, \$100,000 was received in the different land offices on the north side of the Missouri river, mainly upon the line of this northern railroad. Now, sir, these land warrants being made assignable, hundreds of thousands of them, or thousands at least, will fall into the hands of speculators, and the first lands that will be selected under these land warrants, will be the lands upon the borders of the railroads in the State.

Then it is important that these bills should be promptly passed, that these alternate sections should be granted to the railroads, and thus taken out of the clutches of the speculators. I have ex-

amined, and I learn from the Commissioner of the General Land Office, that a hundred thousand dollars more money was received from the offices on the north side of the Missouri river last year, than for any one year during the last ten years. I trust, if the Senate intend to pass these bills at all, they will do it promptly.

Mr. DAVIS. I understand the Senator from Iowa [Mr. Dodge] to say that this was a model bill, and the Senator from Missouri [Mr. Atchison] to repeat it.

Mr. ATCHISON. I so understood it.

Mr. DAVIS. It is a bill, then, which is to be our guide in all these matters. That is one good reason why it should be made right. I rise for the purpose of putting the inquiry to some gentleman who is able to inform me, whether I am right in understanding, that in laying out the road the State is authorized to lay one hundred feet on each side of the track—making the road two hundred feet wide.

Mr. JONES, of Iowa. That is so.

Mr. DAVIS. The Senator from Iowa answers that it is so. Then let us look a little at the effect of it, and see what may come out of it. Two hundred feet, all experience shows, is quite unnecessary for a track. I believe that a width of eighty feet is all that is esteemed necessary for a railroad, unless where there is some cut, or embankment, or something of that sort, in which case more land is required. For all the purposes of a track—even for a double one—as far as our experience goes, eighty feet is deemed ample. Then, according to the bill, in front of the lands granted to the State, and in front of the lands owned by the United States, there will be a tract of land in the private ownership of this road. If the State makes the road, it will own it, and will have a strip of land included within the track in front of the land of the United States, disposable for other purposes. If the State disposes of the right to make the road, as I believe Illinois has done, to certain companies, the companies will own the land. If they have a right to locate two hundred feet, they will own land in front of the lands of the State and in front of the lands of the United States. Will not that be the result of the bill? It seems to me that the grant should be limited to at least so much land as is necessary for the road. It should not go beyond that, unless you mean to lead yourselves into the difficulty I have pointed out. A tract of two hundred feet is not necessary. There may be places where it will be necessary, but they will only occur occasionally. I think the passage of the bill will lead to some embarrassment. I throw out these remarks for the consideration of gentlemen, if we are to pass a bill which is to be our guide hereafter.

Mr. SMITH. The Senator from Massachusetts mistakes the provision of the bill. It does not grant the land, two hundred feet wide, to the State of Iowa, throughout the entire length of the road, but merely grants the right of way. The title to the land is not vested in the State, it is the mere right of way—the incorporeal right of way. It does not grant the right to the land itself; but it gives the State the privilege of making the road over this breadth of land—two hundred feet—for the whole length of the road, so that the road might be shifted, as might be necessary, within this range of two hundred feet. The right of way enjoyed will be the mere breadth of the track and so much of the adjoining land as may be necessary to occupy for an embankment, or excavation, or anything of that sort. In this particular, I believe the bill conforms to the bill passed in favor of the State of Illinois, and to other bills which we have passed. We passed several, I do not know how many, at the last session of Congress. I was then a member of the Committee on Public Lands, and concurred with the majority of the committee—which I think was unanimous on this subject—in reporting all these bills to the Senate. I apprehend, therefore, that there is no difficulty in regard to this matter. It is a mere grant of the right of way—an incorporeal right invested in the State.

After what has been the decision of the Senate on this subject for several years past, certainly at both sessions of the last Congress, and I believe at preceding sessions—after there had been a most emphatic and distinct expression of opinion by a very large majority of this body in favor of this policy, I did not suppose that I would have occasion to address the Senate on the subject. But I

say now, as I have said before, that both as a member of the House of Representatives and as a member of this body, I have never given any votes with more satisfaction than those which I have given to accord to the new States of this Union that sort of coöperation and assistance which is comprised in bills of this character, by which we do not surrender one dollar from the public Treasury, for we obtain an equivalent by these concessions in the enhanced price of the reserved lands. When I give such votes, I believe that I am not only advancing the prosperity of the new States of the Union, but that I am contributing to the prosperity of the whole country. Every appropriation of this character which is made, conduces not only to build up the West and the East, the Atlantic States and the middle States, but moreover to enhance the resources of the Government itself; for my honorable friend from Virginia [Mr. HUNTER] knows very well that the resources of the Government do not depend upon the amount we actually collect into the Treasury, upon the dollars and cents we bring to the public coffers, but upon the ability of the people of the country to submit to taxation. Now we have the hour of prosperity. Now the taxes laid on the people are light. But the hour may come when we shall be involved in war, when the condition of the country will be such that we shall have to call upon the people to go to the full extent of their ability in supporting taxation to meet the exigencies of the country and of the Government. Sir, in opening these railroads, we not only provide for facilitating the transportation of the mail, and of troops and munitions of war, but we enhance the wealth of the country, and we increase its population and its tax paying capacity, and therefore place ourselves in a condition to meet any exigencies in which the country and the Government may be involved, particularly on the occasion of war, which I trust is very remote.

I will not dwell on this subject. I shall vote with cheerfulness for this bill. The only doubt I have in regard to this entire matter is, as to whether the country is not running too fast in constructing railroads, whether there is not some danger of our embarking more capital in this sort of enterprise than the country can afford, and whether there is not some danger of involving ourselves in a railroad convulsion similar to that which occurred in England a few years since. If I have any hesitation whatever in regard to these appropriations, it is based on this consideration. I should much have preferred that my friends from Iowa should have consented to take the appropriation for one of these railroads at the present session and postpone that for the other railroad until a future day. But there is a great deal of propriety in the remark of my friend, that so far as one of the railroads is concerned, that from Keokuck to Dubuque, there is danger that the lands will be exhausted and taken up by the bill which we have passed making warrants assignable, to which, by the way, I was utterly opposed. With regard to the other railroad, extending entirely across the State to Council Bluffs, it is very well known that it passes over a very large portion of the State not now in course of settlement. I should have preferred it, then, if my honorable friends had consented to take an appropriation for one railroad, as I apprehend that the finances and business of the country may be exposed to some danger of a revulsion by reason of over-action and over-expenditure in this business of building railroads. But I am for the general policy, and shall vote cheerfully for this bill, and for all other bills of this character, unless I am restrained by the single consideration to which I have referred. I am opposed to the miserable practice of giving away the public lands. I am for holding them in our hands, and dispensing them for great and beneficent objects of national importance. With them I am for building railroads and canals, and for endowing seminaries; but I am not for dissipating them in the deplorable manner we did when we passed the bill giving bounty lands to I know not how many, perhaps to one half of the country. By that act there were a great many millions of dollars in a very great degree thrown away, and yet after you have given them the recipients come here and tell you that the gift is not worth accepting unless they can have the privilege of taking the warrants into the market and selling them for a mere song. If that immense amount in the aggregate could have been reserved

and appropriated to objects of this character, it would have been a source of much benefit to the country.

I did not intend to address the Senate on this subject. I did believe that, after the expression of opinion and sentiment which we have had, discussion was unnecessary. If, however, any Senator desires to have this bill postponed for the purpose of giving it further consideration, I shall vote to postpone it, although I shall unhesitatingly vote for the bill itself.

Mr. DAVIS. I do not rise for the purpose of entering into any discussion of the merits of this bill. I understood this to be a bill intended to serve as a guide hereafter, and to be followed in other cases; it therefore seemed to me that it should be properly considered, and that its provisions should be such as should be satisfactory. In answer to my objection that two hundred feet is an unnecessary quantity, and may prove an embarrassment, the Senator from Connecticut says, it is an incorporeal right—that the grant is really nothing but a grant of the right of way—of the right of having a track. Now, let me ask the gentleman, whether the easement granted does not extend to one portion of the two hundred feet as much as to another? and if the coterminous proprietors of lands are not precluded from the enjoyment of any part of these two hundred feet? If, for example, the land of a gentleman is one hundred feet from this road, is he not required to erect all his buildings and improvements at that distance, although his lands come within one hundred feet of the track? Let me say, to the Senator, that this will be found to be very inconvenient, both to the proprietors of the lands and to the proprietors of the road. My own impression is, that it embarrasses all parties; and that is the precise thing which I wish gentlemen most interested in the bill to consider. I wish them to look at it and see whether, instead of this being a useful provision, it does not embarrass everybody. So far as my observations have extended, people who have lands coterminous with a railroad, are desirous of bringing their places of business as near to the track as they can. They desire to enjoy the road with as little expense and inconvenience as possible. If a man was about to build a place of business, the last idea that would enter his head would be to place it one hundred feet from the track of the road, if he wished to avail himself of its advantages. I think the provision is attended with inconvenience everywhere; but it is manifest that the easement goes to the whole two hundred feet. As it extends to the whole two hundred feet, it precludes persons having lands adjoining the road from enjoying the benefit of the road without great inconvenience.

I hope gentlemen do not suppose that I have risen for the purpose of interposing any captious objection to this measure, or for the purpose of embarrassing it in any way. I think that that portion of the bill to which I have drawn attention should be examined, in order that it may be ascertained whether it will or will not be attended with inconvenience. Besides, I do not understand that there is any provision in the bill, limiting the time within which this road is to be commenced.

Mr. JONES, of Iowa. Yes, sir; it is limited to ten years.

Mr. DAVIS. In order that we may have an opportunity of looking into the details of this bill, as it is to be made a model bill, I move that the Senate adjourn.

The motion was agreed to, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 21, 1852.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

ASSIGNABILITY OF LAND WARRANTS.

The SPEAKER. The first business in order is the consideration of the joint resolution No. 1, heretofore reported from the select committee, to which the same was referred, with an amendment explanatory of the act of 1850 granting to certain officers and soldiers bounty land, &c.; the pending question being on the motion submitted by the gentleman from Indiana, [Mr. DUNHAM], to commit the said joint resolution and pending amendments

to the Committee of the Whole House on the state of the Union, and on which question the gentleman from Indiana [Mr. FITCH] is entitled to the floor.

Mr. FITCH. I have been requested to yield the floor for the purpose of going into Committee of the Whole on the state of the Union, to take up the Mexican indemnity bill. But after the character of the debate of yesterday, no benefit would result from my doing so; though, if I supposed debate would be closed upon that bill, and it could be disposed of to-day, I should yield willingly.

Mr. Speaker, upon the bill now under consideration, which was reported by my colleague, [Mr. DUNHAM], I desire to say but a few words. Indeed, the objections which I entertain to that bill have been so ably urged by others as to preclude the necessity of saying much more. The bill purports to be an act amendatory of an act granting bounty lands to certain officers and soldiers engaged in the military service of the United States, and for other purposes.

I confess, sir, that I am astonished upon reading this bill that it should have emanated from the source from whence it came, for I believe that of all the members upon this floor the chairman of the committee [Mr. DUNHAM] who reported it is usually the last gentleman who could be charged with inaccuracies in the business which falls under his charge. He is, perhaps, ordinarily, as correct in legislative matters as any other gentleman here. This bill, however, notwithstanding his general accuracy, is a very crude and imperfect one,—a fact of which my colleague [Mr. DUNHAM] is doubtless as well satisfied now as any one else. The proof of this crudeness and imperfection may be found in the bill itself, and in the remarks of the chairman when he introduced it. After hearing the debate of Thursday, and in view of the diversity of opinion developed by that debate in the committee from which the bill came, it is a matter of surprise that any bill could be reported from it: and if any, certainly we could expect none other than one of the mongrel character of this.

The first section of the bill, as it stands, is highly objectionable. These objections may be obviated in part by the amendment which the chairman himself proposes—an amendment which he so singularly explained on Thursday, by assailing other members of the committee. But whether that section be so modified as to obviate its objectionable features or not, I consider its passage totally unnecessary. We have already passed, in this House, a bill making these warrants assignable. That bill is probably before this time engrossed, with amendments, in the other end of the Capitol, and will soon become a law.

The chairman of the committee, [Mr. DUNHAM], when he introduced the bill, advocated this first section as it is. But when he introduced the amendment, he, by implication, opposed it in its present shape, by advocating that amendment.

Mr. DUNHAM. The gentleman is mistaken. I did not advocate that section when I introduced it. I only explained it.

Mr. FITCH. Does the gentleman desire that I should read his remarks upon this section?

Mr. DUNHAM. I have no objection. I opposed that section when I introduced the bill.

Mr. FITCH. Perhaps my colleague's advocacy of that section was that of a lawyer in court, who feels it his duty to make the best of the case for his client; entertaining certain mental reservations, however—private opinions as to the moral character and guilt of that client, which he does not see proper to express to the jury.

The gentleman says he opposed that section when he introduced the bill. In this he is mistaken. He did oppose it when he introduced the amendment, and thus eat his own words—his own previous argument. I shall therefore pay no further attention to his argument in favor of this section. I will leave that Janus-faced argument to neutralize itself.

The second section of the bill provides for compensating registers and receivers of land offices for the location of bounty land warrants. This is, in my opinion, the most important section in the bill, considering the fact that we have already passed a bill making land warrants assignable. It recognizes the justice and necessity of paying those officers, in some manner, for the labor and trouble

of locating these warrants. So far it is right and proper, but is a mere mockery, in the manner and extent to which it proposes to compensate them.

I must here briefly call the attention of my colleague [Mr. DUNHAM] to a portion of his own remarks in relation to this section of the bill, and upon which I shall take the liberty to comment as I proceed.

"It may be possible," he says, "that in some of the offices, labor has been done for which their fees and salaries have not been an adequate compensation." Not only is that possible, Mr. Speaker, but, as my colleague well knows, it is an absolute certainty, because the records of the returns of those officers, found in the office of the Commissioner of the General Land Office, prove to a demonstration that the money which many of these officers have received is not sufficient to afford any compensation whatsoever for the trouble necessarily attendant upon these locations. It amounts to very little above their salary; and that salary, as we all know, will not feed and maintain themselves, independent of the support of their families.

He says, "If their case is meritorious, undoubtedly the Congress of the United States will be disposed to grant relief. And further, that 'they are left in the same situation as private claims.'"

He thus would leave these officers, in each individual case, to present an application to this House for relief in the premises; an application which, of course, like all other applications for similar purposes, must be referred to the Committee of Claims; and it is well known what is generally the fate of these applications. It is such, that no gentleman can desire to multiply them. They remain here generation after generation; in some instances without any report being made upon them, and in others with favorable reports, which are not acted upon.

He proceeds, at the same time, to state that "they have, in many instances, received almost the maximum which the law allows them to receive, without any payment whatever for the location of land warrants." But, in truth, they have not received near that amount. I do not know from what source the chairman derived the information with which he thus edified the House; but certain it is, that during the five years from 1847 to 1851, both inclusive, if the percentage of all the different offices had been equally divided, it would not have given these officers, including their salary, over \$1,000 per annum. But bear in mind, this percentage was very unequally divided. Perhaps two or three offices in the State of Indiana approached nearer the maximum than any others. In fact, it is altogether probable, one (Fort Wayne) attained that maximum. But it was owing to peculiar local and temporary causes. Much of the land within these office districts was not subject to entry until about the commencement of the period I have mentioned. These lands previously belonged to the Miami Indians, and were purchased by the United States at so high a price, that in selling them the minimum price was fixed at \$2 per acre. They were, moreover, not subject to entry with land warrants, unless the warrants were in the hands of the original holders; and then only on payment of the difference between the special minimum price and the general minimum of other lands. These lands were very soon nearly all disposed of; and the cash sales of these offices, and of course the percentage from such sales, have very much diminished; so that they have not since equaled, by a very considerable amount, the average of the cash sales of the offices in other States. The highest yearly amount of sales, within the five years mentioned, was in 1850; and the offices in Illinois sold more than those of any other State; yet the highest percentage there, even in that year, was but about \$600.

I make these brief remarks in relation to the pay of these officers more for the purpose of eliciting full information, for that information is in the House, in the possession of one of my colleagues, than with the hope or expectation of myself imparting anything not already known to the House in relation to the matter.

Mr. DUNHAM. I will furnish the House that information, if the gentleman desires.

Mr. FITCH. The gentleman tells me that he will furnish this information to the House. I fear if he makes the attempt that anything he may im-

part will receive a coloring from his own peculiar views and opinions upon the subject, so that the House will not have impartial testimony, as it should have to legislate with impartiality. With all due respect to the gentleman, I should much prefer that the information should emanate from another source, and I know that it is in the possession of another gentleman upon this floor.

My friend [Mr. DUNHAM] proceeds to remark, in justification of the proposition to limit the pay hereafter, for the location of these warrants, to fifty cents, that there is just as much trouble, and no more, in locating a forty acre warrant as there is in locating a one hundred and sixty acre one. This may be true; yet fifty cents is no compensation for locating in either case, when the average amount of trouble and extra duty at many of the offices in making the locations is taken into consideration. The labor in fact is quadruple that of the ordinary cash sales of land; and the per cent. which such sales would give is certainly small enough compensation for that trouble—small enough to suit even the professed rigid economy of the gentleman himself. I may as well anticipate an argument which the gentleman will doubtless use. He will allege that all the labor and trouble in these cases are confined to the register, and that the receiver is not legitimately entitled to any compensation.

But this is very far from being the case. The receiver's signature will be found attached three times to the papers in each case. This, of course, presupposes an examination of the papers to which his signature is affixed. He is compelled, moreover, to sign the monthly abstract and certify to its correctness, and how can he do this without a laborious examination of the papers in each case?

The application of these officers for that compensation which all willing to be governed by justice must acknowledge due them, has been already made, as is well known, to those who were members of the last Congress. Our action for their relief need not, therefore, await that prospective application which the chairman of the committee appears to contemplate in his opening remarks.

The application being for that justly due them, pay should not be withheld, for we have no right to impose labor upon our officers, duties as onerous as these, or any other duties, without a just compensation. Look, if you please, Mr. Speaker, for a moment at the operation upon these officers of the law providing for the distribution of bounty land warrants, and their location. It imposes duties upon the officers which necessarily compel them to clerk hire—a clerk hire sufficient to absorb their pitiful salary of five hundred dollars per annum; leaving them entirely without any perquisites from their office, and depriving them, in fact, of that very pay to which they would be entitled had there been no sales whatever; swallowing up the pittance which it is supposed each obtains, whether there be or be not entries in his particular office. The chairman of this committee very pertinently, as he fancies, asks this House if they know what amount will be required to compensate these officers, and give them the per cent. which they ask. After having admitted in this section that they were entitled to compensation, it should never be asked what amount is to be paid, if that question is designed to operate against the payment. The only question which should be asked, he has himself answered, which question is this, Is the demand just? He has answered that in the affirmative—he has acknowledged the debt—and the amount, whatever it may be, should not deter him or this House from its payment. He charges that one member of the committee, the gentleman from Illinois, [Mr. BISSELL], was governed in his opposition to the bill by motives independent of any opinion entertained by him relative to the assignability of warrants. He charged that the opposition of that gentleman grew out of the fact that this second section was not sufficiently comprehensive and liberal in its provisions. Well, I grant you, perhaps the charge is correct; and if so, if that was the sole reason actuating the gentleman from Illinois in his opposition to the bill, that reason was good and sufficient. For this section, as I have already remarked, is the most important one in the bill, and if not properly framed to accomplish the object it professes to have in view, his

opposition to the entire bill for that sole reason is justifiable.

Section four contains another and one of the worst defects in the bill, and one to which I desire to call the attention of the chairman; for if I convince no other member of this House, I shall have proved to him that his own hand-work is imperfect, scarce decently rough-hewed. Let me call his attention for a moment to this section, and to a certain feature in the bill, of which this professes to be amendatory. I have here the bill providing for the donation of bounty land warrants, approved September 30, 1850, and the bill amendatory thereto, introduced by my colleague, [Mr. DUNHAM.] In the bill of September 30, 1850, is found the following proviso:

"Provided, That whenever any officer or soldier was honorably discharged, in consequence of disability in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he was engaged to serve."

The object of this proviso is manifest. It is, that the wounded, who have enlisted or volunteered for a given period, but have been discharged before the termination thereof, in consequence of wounds, shall be entitled to receive the same bounty lands to which they would have been entitled under the bill if they had served out their entire period. Compare that provision, for a moment, with the fourth section of the bill reported by my colleague, which I will read. Section four of this bill provides:

"That in computing the term of service of the officers and soldiers of militia, volunteers and rangers, for the purposes of this act, or of the act of which this act is explanatory, such term shall be computed from the time they were mustered into the service of, and paid by the United States, to the time they were discharged therefrom."

Thus cutting off many of the most meritorious class of those for whose benefit the law of 1850 was designed from any bounty whatever; because there are many instances where citizens volunteered or enlisted for a specified time, and were wounded within the first thirty days of the term of their enlistment, and discharged in consequence of those wounds. But this amendatory act would deprive all of this class of the bounty to which, of all men, they are most entitled. This feature of the bill I look upon as the most crude and imperfect—but the result rather of carelessness than design; for I cannot believe that my colleague, or any other member of the committee, would be willing to do injustice to that class embraced in the proviso, of those for whose benefit the original act was intended.

The sixth section also contains a defective feature, and one to which, if I am not mistaken, the attention of my colleague was early called. It is found in the latter part of the section, and provides that the warrants "may be located upon any lands of the United States subject to private entry at the time of such location." I am not sure but there is a pending amendment to this section.

Mr. DUNHAM. There is an amendment, by adding thereto the words, "at \$1 25 per acre," or to that effect.

Mr. FITCH. Then this section, if the amendment is adopted, is free from any objection of the character which I was about to urge. My objection to the section as first reported, had no reference to the permission given to locate warrants on any Government land, wherever situated, if the same permission had been extended to all warrants; but to the fact, that it would create a distinction in favor of these warrants, and against those issued for the benefit of those who served in the Mexican war; whereas they should be placed upon the same footing.

There are other objections, which I designed to urge when the bill first came up, but which, as I have already remarked, have been ably stated by other members, and I certainly shall not go over the same ground. There are still others, by no one yet mentioned, part of which may be misprints; for we cannot presume that this committee would report a bill, professing to be amendatory of another act, and insert references to provisions in that act, and clauses of the act, which have no existence. The last section contains a reference to a proviso in the second section of the original act, which section has no proviso whatever. This I say may be a misprint, and I submit to my colleague that he had better declare the whole bill a misprint, in view of the defects with which it

abounds, and procure its reference to the Committee of the Whole, where alone it can be corrected. Or, better still, as we shall soon have a bill from the Senate meeting the purpose for which this bill was designed, that he lay this upon the table. I shall not, of course, make this motion, as there may be other gentleman entertaining opinions, and desiring to express them in reference to it, different from those which I have urged. But my declining to make the motion is not from entertaining any doubt that such would be the most appropriate disposition of the bill, for it is certainly one which in its present shape, is not fit to become a law.

Mr. CLARK. The grounds of my desire to present a few reflections upon the bill which is now before the House, will be found in the fact that the provisions of this bill intimately interest my constituents. Perhaps the people of no State will be more seriously affected by the provisions of this bill than those of the State which I have the honor to represent here; and this remark, Mr. Speaker, applies generally, not only to those who are now citizens of that State, but to all who expect to become citizens hereafter. And not only so, but there are those there who are personally interested in this bill; and it is upon this account that I propose briefly to consider some of the provisions both of the original bill and of the substitute. It will not be my object to travel over the whole ground, and consider all the sections and all the provisions which arise upon these two bills.

I was glad, Mr. Speaker, to learn that the chairman of the special committee which reported the substitute, sent up an amendment the other day to the first section of the bill, in reference to the mode by which the warrants shall be assigned. I think that it would unquestionably create great confusion if there should be thirty-one different modes of assigning land warrants, in accordance with the laws of each of the thirty-one States of the Union. Now, the very fact that you propose to make warrants assignable, presupposes another fact, that you mean to give them a marketable value; that you mean an advantage shall accrue to the warrantee as well as to those who shall purchase them. Now, sir, if they shall be attended with such clogs as will prejudice their value in the market, why then your original purpose is to that extent contravened and defeated. How would these warrants pass from hand to hand, except at a diminished price, unless they shall pass freely without any restriction, and under such circumstances that those who propose to purchase them shall know that their assignments are according to law? Where do these warrants go for a market, and where do they find purchasers? In the first place they find them in the cities of the East, and in the next place in the neighborhoods of the land offices in the various districts of the West. And there it is, as well as here, that they are purchased by those who expect to use and locate them upon the public domain. Will these purchasers, sir, give as much for these land warrants when it cannot be known, or if known, yet with great difficulty and uncertainty, whether they have been assigned according to law? And how shall they know unless they have the means of referring to the statutes of the different States, whether they have been assigned in the manner in which deeds are required to be signed and authenticated in the several States in which such assignment shall be made? It is impossible that the purchaser can know with that certainty, upon which reliance may be placed; and whenever a warrant is offered to him, his natural answer would be, "that inasmuch as I have something to risk in reference to this matter, I cannot, and will not, give as much for it as though there was that certainty upon which I can rely." This will be his natural reply. But, if the mode prescribing the transfer of these warrants is made by the Secretary of the Interior, it will be uniform; and within, perhaps, less than twenty days after the mode is prescribed, it will be known in all the distant parts of the United States. There will be none ignorant of it. I think, then, decidedly, that the amendment offered by the chairman of the select committee, [Mr. DUNHAM,] in regard to the mode of assignment, is one in itself wise and expedient, and that it ought to be adopted. The next provision in the substitute which has been offered, to which I shall call the attention of the House for a few moments, is that in reference to the compensation of those who have heretofore performed service in the location of land

warrants without pay. The gentleman from Indiana, [Mr. FITCH,] who last spoke, has so fully investigated the facts of this case, that I shall not stop to consider them, but merely the principle involved. I believe it is an admitted fact, that those who have rendered services in your land offices, in the location of land warrants, have not received that compensation to which their services are entitled; and now I ask, upon what principle it is that those who have heretofore performed services for this Government, shall be left without compensation? I ask the chairman who reported this substitute, why it is that those who have already performed services are left to leanness and injustice, when those who are hereafter to perform like services are to be paid for their labor? Can the gentleman tell us what is the distinguishing principle between those who have rendered services, and those who are to render service, in reference to compensation? Is there any? I wish to call the gentleman's attention to that point—I wish to fasten his mind upon it; and I wish him to satisfy the House what distinguishing principle there is between those officers who have performed a service, and those who are hereafter to render the same service. If there is any, it is in favor of those who have already performed the service. Why, have they not performed them in view of the honor, the justice, and the good faith of this Government? Whenever you have invited individuals to labor for you, and have provided no specific compensation, is it to be tolerated as a precedent, or as a matter of principle, that they shall go unrewarded? I hear gentlemen say that they were under no obligation to have retained their office, and have performed the service which was required of them. Are they to be disposed of in this summary way—I might say in this inequitable way? Whenever you absolve yourself from your good faith—whenever you tread your good faith under foot, and do not perform that which you are reasonably expected to perform towards your citizens, that moment you do an injury to the citizens, which will recoil upon you, and which you will be made to feel. You hold out no inducement to faithfulness and devotion on the part of those upon whom you call for labor. Why, it seems to me, if there is anything in a declaration of this kind, that it applies only to those who are to hold office hereafter. When you have refused to grant them compensation, they will then know what course to pursue; they will know that you do not mean to reward them, and they will protect themselves. But, such is not the fact with reference to those who have already performed the services. I will read a brief extract from a letter to me by one of the officers of the land office in my district. He says, in addition to the above, referring to his memorial—"We beg leave to add, that of the new warrants for which there is no compensation allowed, there have been located at this office, during the last two weeks, nearly one thousand; the labor attending which would employ three competent clerks." I can vouch for the truthfulness of this man.

Mr. DUNHAM. I should like to know from the gentleman at what place that officer resides.

Mr. CLARK. Dubuque, Iowa. Now, let gentlemen bear in mind, there is a limit fixed by law beyond which the compensation of your officers cannot go. I have no objection to a modification—to a scaling of their compensation, if the House think proper to do so; but I contend for the principle, the main principle, that they shall be paid as much as they reasonably deserve. Another fact, that may not be known to gentlemen here who are not intimately conversant with affairs of this kind, is, that the land officers are allowed nothing for rent and nothing for clerk hire, nothing for fuel or stationery. They have to provide themselves with all of these things, and their salary is but \$500, and the other remnant of their compensation is made up of percentage upon moneys received. Now, you have set afloat a large amount of land scrip, with which your public domain is to be entered upon, and, as a natural consequence, you have curtailed, in a great measure, the purchase of lands with cash. Therefore there is no percentage, and the compensation of your land officers is reduced to a mere pittance. As it is now, it is hardly equal to the crumbs that fall from their master's table. These land officers have performed service in the

location of land warrants from the time of the passage of the original act granting bounty lands to those who served in the Mexican war, which was in February, 1847, up to June of that year. For all that was done between these periods no compensation has been received. I believe there was an act passed in June of that year by which they were allowed a certain compensation upon warrants thereafter to be located. Again, the act of 1850, which has thrown wide-cast the greatest amount of warrants, provides for no compensation to them for their location. At any rate it provides for no compensation, and this is the kind of warrants to which the author of the communication from which I have read alludes. Now, I ask whether it is not hard enough that a man should earn his bread under the curse, to wit, by the sweat of his brow, and get his bread when he has earned it? I ask if gentlemen sitting here as a grand inquest in a matter of this kind, to do justice to our fellow-citizens, are to turn them away with such great injustice as cannot fail to awaken jealousy and rankling of heart? I am sure that it would be a violation of the plainest principles of justice—it would not be Jew—it would not be Christian. I do not believe it would be Mohammedan. I am sure it is not law. Why, sir, the Jewish law would not suffer the mouth of the ox to be muzzled that treadeth out the corn, and the Christian precept is, that the laborer is worthy of his hire. I do not know exactly what the Koran says upon the subject, but the law says that a man who has served his fellow-man shall receive as much as he reasonably deserves to have. The principle is not altered when the case is between an individual and the Government. Because you are sovereign or law-makers, do you lift yourselves above law and the principles of law? Because you cannot be reached in the execution of the law, therefore do you tread the principles of law under foot? I will believe it when I see it, and never before. I believe this Government has heretofore observed good faith in reference to those who have performed services for it, and I do not believe that it is yet ready to cut loose from that principle, and to say that they will have no more of it. I shall not dwell upon that section of the substitute, which provides for the issuing of a new batch of bounty land warrants. I will content myself simply with saying, that as at present advised, I am against that provision. I am glad that there is one section of this bill which I can approve, and that is the 6th: "That the warrants which have been or may hereafter be issued in pursuance of said act may be located upon any lands of the United States subject to private entry at the time of such location."

This is as it should be, and this is the most important part of this bill. There is no portion of it which is so material to the new States, and I may say to all the States—at any rate, to all those in the old States who expect to emigrate and become settlers in the new. Here I shall feel it my duty, in a cursory manner, to recur to the argument made by the gentleman from New Hampshire, [Mr. TUCK,] and also to the argument made the other day by the gentleman from Illinois, [Mr. BISSELL.]

The gentleman from New Hampshire [Mr. TUCK] seems to plant himself upon what he perhaps would denominate a principle in antagonism to speculators. It seems that speculators are a prominent class of men in the mind of the gentleman from New Hampshire. He would pursue a policy which would cut short the speculators from obtaining the public lands. He says, that if you suffer land warrants to be located upon the public domain to an extent as wide as they are surveyed and offered in market, the lands will fall into the hands of speculators. I can assure the gentleman from New Hampshire, that all his reasoning upon this point is based upon false facts, and therefore the force of his reasoning is neutralized and destroyed. The gentleman resides in the midst of the granite hills of New Hampshire. I reside in the midst of the great prairies of the West, where there are large tracts of public lands. I think I know the operations of this thing. I think I can with safety say, that speculations in lands have ceased long ago, except as here and there an individual may have entered a small amount upon speculation. Why, they have found it a losing business years ago. It has been perhaps ten to

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fifteen years since capitalists embarked money in this way. They found there was no profit in it. They found that the payment of taxes—the payment of agents, and the slow and gradual rise in value of the public lands, would not warrant the operation. Suppose, for the sake of argument and by way of illustration, that individuals go to the West, where there are large tracts of public lands, and make large entries, and hold these lands with a view to derive profit from them when they shall rise in value. Why, does not the gentleman see at a glance, that as long as there are such vast tracts of land in market which can be had at the minimum price of one dollar and a quarter per acre, nobody is going to give ten, five, or two and a half dollars an acre for the land which is held by speculators? This is the course which the thing takes. An individual who wishes to purchase land for his own benefit, will go upon the public domain, and he will get the land which is to be had at the cheapest price. I assure the gentleman from New Hampshire [Mr. Tuck] that the practical operation of the thing is not as he has stated. There is here and there an individual who wishes to speculate in public lands, and attempts to do it, but they are like angels' visits, in one respect at least, few and far between.

Mr. TUCK. Although the statement by the gentleman from Iowa of his opinion, that the extension of the right of location of land warrants upon the newly-surveyed lands of the West, is entitled to much weight with me, yet it is not sufficient to control my vote. I am aware that representatives from the West may be presumed to be better acquainted with their local interests than we of the old States are. I will state, for the benefit of the gentleman from Iowa and others, that the opinion I expressed the other day, against the policy of opening the infant settlements of the far West to be overrun by the holders of these warrants, was founded, in part, upon information and opinions derived from gentlemen who understand the interests of the West as well, and are as anxious to promote it, as the gentleman from Iowa can be. I stated the other day, and now say again, that I believe that the new settlements of the West, in their early infancy, are hemmed in by speculative holders of land, and are retarded in their prosperity thereby, being unable to defend themselves against the ill effects of land being held in large amounts by non-resident speculators; and I believe that opening the newly-surveyed lands to these land warrants will increase the evil. The older portions of the West, where there are lands enough for the use of the warrants, have the ability to defend themselves. I have given the reasons of my opinion, and I have the satisfaction of knowing, that men who live in the West, and occupy eminent positions, agree with me in what I have said. I would refer the gentleman from Iowa particularly to the opinions of the gentleman from Illinois, [Mr. Bissell] who spoke the other day upon this bill, and did me the honor to indorse the opinion I had expressed, of the bad policy of opening the new lands to invasion by speculating holders of land warrants.

Mr. CLARK. I do not know what the knowledge of facts is on the part of the gentleman from Illinois [Mr. Bissell] to whom the gentleman from New Hampshire refers. I do not know precisely the reasons of the policy which the gentleman from Illinois urges upon the House. I only speak of the facts, either positive or negative, which have transpired within the sphere of my own knowledge. Now, there would be no prejudice to Illinois, that this limitation should be observed, this restriction had in the location of warrants, because the lands in Illinois have been surveyed and were in market long ago. Such is not the fact in Wisconsin and Iowa, and other new States and Territories. The gentleman from New Hampshire [Mr. Tuck] undertook to illustrate his case the other day by the fact, that in his travels in Minnesota, he fell in with two men, who had removed, if I mistake not, from the State of Illinois, and that their motive for doing so was, because they were surrounded with lands which were held by

speculators. Now, I will venture the opinion, if these men should be put upon the stand and cross-examined, it would be found that they never owned an acre of land in the western country in their lives. I know not where they went from, but there is a class of men in the western country—I neither question their doings nor their motives—who are never satisfied except they are upon the extreme frontier. They do not want to be surrounded either by speculators or anybody else. They want an open sea—they want the whole region for their own use. They do not wish for society or institutions. There are a few such—very few, and they are in the exercise of a right, which is their own, when they seek the most distant locations.

Mr. COBB, (interrupting.) I will call the attention of the chairman of the select committee [Mr. DUNHAM] to an inquiry, which I wish to make: I desire to know what he means by the proviso to the seventh section of this bill, "Provided that the benefits of this act shall not accrue to any person who is a member of the present Congress?"

Mr. DUNHAM. I will state, in explanation, that there is an error in the printing, and the proper correction will be made.

Mr. COBB. As the chairman of the committee has determined to amend it in its present form, it supersedes the necessity of my commenting upon it.

As to the remarks of the gentleman from New Hampshire, [Mr. Tuck,] a few days ago, in relation to the third section of this bill, I am satisfied that if the gentleman had had the question of granting bounty lands to meritorious citizens of the United States in his possession as long as I had it during the last Congress, he would see at once the necessity of the passage of a bill to construe the third section of the original law. I am satisfied that the Secretary of the Interior has put a wrong construction on that portion of the bill, from the fact that I had the bounty land bill in my charge, as a member of the Committee on Public Lands, for seven months during the last Congress, and feeling deeply interested in it, I sounded the opinion of almost every member of this House upon the subject. The third section of this bill will remove the difficulties which the Secretary of the Interior has thrown in the way of meritorious individuals whom it was designed to include in that bill. He ought to be satisfied by this time that he has also placed a false construction on the law, by prohibiting the transfer of the bounty land warrants; for both branches of the Congress of the United States have said that that was not their intention when they passed the measure. So satisfied am I that the construction of the Secretary of the Interior upon that point was wrong, that if I had been disposed to purchase a land warrant from an individual I should have done it, and relied upon the courts of the country to sustain me in the position that these land warrants were truly and properly assignable under the original law. Both branches of Congress have now decided that question.

I feel satisfied that the Secretary of the Interior will see the error into which he has fallen, and will hereafter be cautious not to throw obstacles in the way of meritorious individuals so as to prevent them from receiving their warrants, or to prevent the transfer that was contemplated by the law.

Mr. CLARK, (resuming.) I believe that I should be safe in saying that it is my opinion that ninety-nine out of a hundred of all of the land warrants which have been located in northern Iowa, have been located by settlers. They come and search out their lands, and they either have land warrants in their pockets, or, after they have ascertained the tract upon which they desire to settle, they go and purchase warrants and settle on that land as farmers, to develop the resources of the soil and add to the strength of society there. That is the course that warrants have taken. I do not believe that the statement which I have made is extravagant; if it is, I am willing to stand corrected by other gentlemen from my neighborhood who have as much knowledge on this subject as I have myself.

Sir, you have set afloat a large amount of land scrip, as it may be called—warrants, the design of which is to absorb, as far as they will go, the public lands. You design by this system and by the transfer of these warrants to enable your citizens to purchase and so to make themselves homes. Now, I ask, for what reason or sound policy you should restrict the location of them? You say upon the face of a given warrant, "This document is good for one hundred and sixty acres of land;" but yet gentlemen seek to say that it shall be of land of a certain value. You say upon the face of your scrip that the land is worth one dollar and a quarter per acre, and by a note at the bottom you say, in substance, that it shall only be worth seventy-five cents. Is not this a contradiction in terms? Besides that, it would be a partial system. Those who obtain their warrants first from the Department go and make a choice of their lands, while those who come afterwards are compelled to take up with inferior lands, and finally with those that are merely refuse. Is there any justice in making this distinction? Why should you deal less bountifully with those who are a little after in point of time, than you do with those who happen to be a little ahead in point of time? Is there any justice—is there anything which commands the approbation of gentlemen upon this floor in a system of that kind? Why will you not secure to all the same chances and benefits? Your original design in the creation of bounty land warrants was to benefit a certain class of men who had performed meritorious services for the country. It was supposed that they had claims upon the gratitude of their country, and you issued warrants in order to compensate them for those claims. But when you make the warrants assignable, it is not only for the benefit of the original warrantee, but also for the benefit of the assignee, and it is unquestionably so intended. Well, if you restrict them to certain limits, it prejudices not only all the settlers in the new States, but all who intend to emigrate from the old States.

Mr. BAYLY, of Virginia, (interposing.) The morning hour has now expired, and I therefore move to proceed to the business upon the Speaker's table. I shall follow up that motion by a motion to go into Committee of the Whole on the state of the Union.

Mr. ANDREWS. Is that motion in order?

The SPEAKER. It is competent to arrest the business of the morning hour when the morning hour shall have passed.

Mr. JONES, of Tennessee. I would suggest to the gentleman from Virginia and to the House, that if they wish to expedite the perfecting and passage of this bill and to economize time, it would be better for us, by unanimous consent, to refer the bill now to the Committee of the Whole on the state of the Union, and make it the special order of the day for Monday next. That is the only way in which we can fix the bill so as to be satisfactory to all parties.

Mr. BISSELL. I beg to make another suggestion, in addition to the one which the gentleman from Tennessee has just made. I would suggest that this bill had better be laid upon the table at once; and if I can obtain the floor for the purpose, I will make that motion. It can never pass this House, I am sure. I believe the gentleman from Iowa [Mr. CLARK] has the floor, and I ask him if he will yield me the floor to make that motion.

Mr. CLARK. I cannot do it.

Mr. BISSELL. I would remark that a bill upon this subject passed the Senate yesterday, which appears to be precisely in that form which will meet the views of a majority of the members of this body, and it is useless to spend any more time on this bill.

[Cries of "Order!" "Order!"]

The question was then taken upon the motion to proceed to the business on the Speaker's table, and it was agreed to.

Mr. BAYLY then moved that the rules be suspended and that the House resolve itself into Committee of the Whole on the state of the Union; which motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

MEXICAN INDEMNITY BILL.

The CHAIRMAN stated that the first business in order was the consideration of the President's annual message.

Mr. BAYLY. The Mexican indemnity bill being an appropriation bill, I believe has precedence, and I move to take it up.

The motion was agreed to, and the committee accordingly proceeded to the consideration of the bill to provide for the carrying into execution, in further part, the twelfth article of the treaty with Mexico, concluded in Guadalupe Hidalgo.

The CHAIRMAN stated that the pending question was on the amendment of the gentleman from California [Mr. MARSHALL] to the amendment of the gentleman from Tennessee, [Mr. JOHNSON,] and that the gentleman from Virginia [Mr. BAYLY] was entitled to the floor.

Mr. BAYLY. Mr. Chairman, I had expected that I should never be called upon again to address the House of Representatives upon the subject of this bill. At the first session of the last Congress, a bill, precisely similar to this, except as to the amount appropriated, was reported from the Committee of Ways and Means unanimously. It underwent a thorough discussion in this House, when everything was brought to its attention which has since been advanced, and it passed by a vote of 123 to 36—there being fewer votes against the bill, than are usually given against all the appropriation bills, no matter how unexceptionable in themselves. The bill then went to the Senate, and was again discussed there, and it passed that body almost without opposition—I mean so far as the vote was concerned. At the last session of Congress, the matter was again brought before this House by the unanimous report of the Committee of Ways and Means. It was again thoroughly discussed, and so meagre was the opposition to the bill, that its opponents could not even get the yeas and nays upon its passage.

Again, at the present session of Congress, the Committee of Ways and Means, composed almost entirely of new members, after having examined the subject thoroughly, have, as I am told, by the unanimous vote of that committee, again reported this bill. Now, it would seem that further discussion in reference to this subject was superfluous; but it seems a certain gentleman has taken upon himself, under date of the 22d of November last, to address a long memorial to the President of the United States, calumniating the Secretary of State—the financial organs at the last Congress of the two Houses of Congress—and as an necessary consequence, the two Houses of Congress themselves which sustained them. And that gentleman, with an assurance peculiarly his own, has asked the President to file that memorial among the archives of the Government. Now, I take it for granted that the President of the United States will not give it any such destination. The keeper of those archives is paid by the Government for a different purpose than to preserve calumnies upon the Secretary of the Department to which he is attached, and upon the financial organs of the two Houses of Congress, and by consequence, as I have said, upon the two Houses themselves. But, this memorial has also been laid upon the table of every member of the two Houses, and I have found by the debate here, that it has created some impression upon the minds of a small portion of the members upon this floor. Such being the case, I feel it to be my duty to notice his pretended statement of facts.

In relation to his calumnies upon myself, I shall say nothing. I have lived for forty years without a reproach upon my private character in vain; it is in vain that the people of my State, and the Legislature of that State, have expressed their confidence in me in almost every form in which it could be done; it is in vain that the House of Representatives have expressed a similar confidence, and that to such an extent as few of my predecessors have enjoyed, if the calumnies of Duff Green, and his associates will affect my character in the estimation of anybody whose good opinion is desirable.

Before I proceed to the consideration of this memorial, for the information of this House, com-

posed as it is to a large extent of new members, and who may not be as well informed in relation to the subject, from its inception, as I am, I feel it my duty to refer to the history of the mode of payment of these Mexican indemnities.

By the treaty of Guadalupe Hidalgo, we came under an obligation to pay to the Mexican Government fifteen millions of dollars, in five payments—the first in hand, and the other four in annual installments, with interest. The first payment was made down. So much of it as was paid in money, was paid by an arrangement with the Rothschilds. By that arrangement Rothschilds were to receive from us an amount in Treasury notes, at par, equal to the sum paid by them. At that time Treasury notes, as I believe, were at a premium; so in the first payment, made by Mr. Polk's administration, the Government received no premium, but rather paid one.

The first installment was paid by Mr. Walker, by an arrangement with the Barings. By this arrangement the Barings were to pay the money and allow us four and one half per cent. for conducting the transaction. These two payments were made under Mr. Polk's administration. The next was negotiated under General Taylor's administration. He intrusted the negotiation to Mr. Letcher, our Minister at Mexico. The great difficulty which he encountered in making that payment, as disclosed by his dispatches to the Government, I fully showed in a speech upon a former occasion. At one time he despaired of making any arrangement; but at last he contracted with Howland & Aspinwall to pay a portion of the installment at three per cent., and the remainder with the Rothschilds at three and a half per cent. The management of this matter was taken, as I have before explained, by General Taylor's administration, from the Secretary of the Treasury and transferred to the Secretary of State. So it stood when Mr. Fillmore came in. Mr. Webster contracted with the Barings, Howland & Aspinwall, and Corcoran & Riggs, to make the payment at three and a half per cent. At the time of making the contract, that was the only offer before the Secretary of State. The Rothschilds had previously submitted a proposition to give a premium of four per cent., but according to the terms of the proposition if not accepted before the 20th of May, it was to be considered as withdrawn. Subsequently they extended the time till the 1st of July; but the 1st of July passed without making the contract; and by the terms of the proposition itself, it was withdrawn. The only proposition, therefore, which was before the Secretary of State when this contract was made, was that of Corcoran & Riggs, Howland & Aspinwall, and the Barings.

Mr. ALLEN. Will the gentleman allow me to make an inquiry?

Mr. BAYLY. I beg to say to the gentleman from Massachusetts, [Mr. ALLEN,] and all others, that I hope they will not interrupt me. I fear I shall not be able to conclude what I have to say in my hour, and I cannot be interrupted.

Mr. ALLEN. I only desire the gentleman to allow me for but a moment.

Mr. BAYLY. I cannot. I was proceeding to say that the arrangement made by Mr. Webster was less advantageous to the contractors than the best one of Mr. Walker. Mr. Walker got four and a half per cent. for the first installment, but at that time the export duty in Mexico upon specie was ten per cent., while at the time of Mr. Webster's arrangement it was but four and a half per cent., as Duff Green states it, but five and a half per cent. as I believe the fact to be. Mr. Webster's arrangement was better than that made by Mr. Letcher at three per cent. for a part, and three and a half per cent. for the remainder; and yet Mr. Letcher maintained that his was better than Mr. Walker's.

I come now to the proposition of Duff Green, which Mr. Webster would not entertain at all. That proposition was to authorize the Mexican Government to draw drafts upon our Government for the amount of the installments, and for them to allow us four and a half per cent., which was stated to be the Mexican export duty upon specie. Green and his associates, as they state, were to receive three and a half per cent., which makes eight per cent. Now, I undertake to say, and to prove here, that that proposition was the worst for the Mexican Government, which was made. I shall come to its effect upon our Government after

a while. Eight per cent. was to be paid before Mexico got a dollar.

But Green says in his memorial that Mexico would have made money by this arrangement, because exchange between the city of Mexico and New York was from ten to fifteen per cent. If it was ten per cent. they would gain two per cent., and if it was fifteen per cent. they would gain seven per cent. Now I have upon that point to say, that the man who says that the real exchange—I do not mean the nominal but the real exchange between the city of Mexico and New York—is either ten or fifteen per cent., propounds an absurdity, and nothing else. Everybody who knows anything upon the subject of finance, knows that, in the absence of legal obstacles, the real exchange between two places is no more than the cost of transporting the specie, including insurance, commission, and freight.

Now, sir, what is the cost of transferring specie from Mexico to New York? There is the export duty of four and one half per cent., as Green states it. An eminent banker, formerly a member of this House from New Jersey, [Mr. KING,] informed me that the cost of the transportation of specie from Mexico to New York is about one and a half per cent. Including the export duty of four and a half per cent., if such it be, the net exchange between New York and Mexico is six per cent.; and for the reasons I have stated, the man who says that a silver dollar is worth fifteen per cent. more in New York than it is in Mexico, propounds a simple absurdity. Now, sir, I know that in Mexico exchange on New York is quoted, when at par, at about fifteen per cent. And why? Because London is the centre of the moneyed operations of the world, and all exchange is quoted with reference to the London standard. In New York the nominal exchange on London, when it is in fact at par, is quoted at nine and one quarter per cent. Why is this? It arises from the different standards in the two countries. A pound is \$4 44 in London. It is \$4 84 in the city of New York, making a difference of forty cents in the pound, which is nine and a quarter per cent. within a fraction. When, therefore, you say that exchange between New York and Mexico is fifteen per cent., it is composed of the per cent. I have referred to of the export duty and the cost of exporting specie, viz: the six per cent. added to the nine and a quarter, making about fifteen per cent.; but the idea that the same dollar is worth fifteen per cent. more in New York than in Mexico, is, I say again, a simple absurdity.

Then, sir, Mexico would have got but the six per cent. in reality. By Green's arrangement she was to pay eight, and of course it was less advantageous to her than the proposition the Government adopted, which pays dollar for dollar in the city of Mexico. But, as I have heretofore shown, Mr. Green's proposition was not only worse in a pecuniary point of view for Mexico, whose guardian he would set himself up to be, but our Government could not have agreed to it without the negotiation of a new treaty. His proposition proposed to change the place, the time, and mode of payment, and to take a less amount than the treaty stipulated for. Now, it has been asked over and over again—it was asked by my colleague yesterday—cannot the two Governments vary this? Certainly the two nations can; but they can only do it in the mode established by their Constitutions; and as my time will not permit me to elaborate this point, as I could desire, let me put a single illustration: Suppose by a treaty negotiated between the United States and Mexico in the regular form by the two Governments, (I change the position of the two parties to make it more clear to the minds of members,) Mexico was bound to pay us, in the city of Washington, a given amount of money upon a given day: could the President of the United States—could the Secretary of State—could any other power than that which made this contract, vary it as to the time and mode of payment, and the amount to be received? Could the President receive a less sum at a different place and time? Why, the very statement of the proposition contains its refutation. Besides, sir, the mode of payment which Green proposed was the alternative mode contained in the treaty as negotiated, and by a solemn vote of the Senate was stricken out. The treaty, as sent to the Senate to be ratified, contained this provision:

"Certificates in proper form for the said installments, respectively, in such sums as shall be desired by the Mexican Government, and transferable by it, shall be delivered to said Government."

The Senate struck the article out.

Mr. Buchanan, in his dispatch of 18th March, 1848, to Messrs. Sevier and Clifford, says:

"It cannot be denied, that the twelfth article, as amended by the Senate, contains a positive and unconditional obligation on the part of the United States, to pay the Mexican Republic the sum of \$12,000,000, in four annual installments of \$3,000,000 each, commencing one year after the ratification of the treaty by the Mexican Government; negotiable or transferable certificates cannot, however, be issued for that amount."

Now, sir, will anybody say that the Executive alone can authorize a mode of paying these installments, which the Senate refused to consent to, and struck out of the treaty?

Why, sir, the Mexican Government preferred to have the whole indemnity of \$15,000,000 paid down; but our Government, speaking through its constituted authority, would not agree to pay down, but agreed to pay it in installments, at stated periods. And the treaty-making power having decided that we would not pay faster than in annual installments, and upon the day named in the treaty, has the Executive alone power to say that we will anticipate this payment—that we will make them faster than the treaty provides for?

But, sir, to prejudice this case, these Greens have gone on to show that the Barings have made enormous profits. Their first error is in their statement of the amount of the third and fourth installments. They state that the third was \$3,540,000, and the fourth \$3,720,000, making the two together, \$7,260,000. Now it so happens that the third installment was \$3,360,000, and the fourth \$3,180,000, making \$6,540,000—a difference of \$720,000. Here is a man who has been negotiating and writing about the payment for two years of a sum, the amount of which even he does not seem to know. But \$720,000 is less than a million, and Duff Green only deals in millions. I have already explained that the real exchange is about six per cent. The contractors pay us three and a half, and it leaves to them two and a half per cent., which in Mexico is the usual percentage in similar transactions. It is precisely the percentage which Mexico, in the treaty of February, 1843, agreed to pay our claimants under that treaty, and Mexico and our Government had fixed upon two and a half per cent. as the usual allowance in such cases. My own opinion was, at the last Congress, and so I expressed myself, that, in consequence of the rise in the value of silver, compared with gold, they would not make two and a half per cent.; and the result shows that they have not realized that much by exchange. But it is said that we have enabled the Barings, by this arrangement, to shave the Mexican Government. How have we done it? It is said they are borrowing money of the Barings and pledging this indemnity. Suppose they are, it is their own act, for which we are not responsible. When the Barings go on the day of payment to demand of them a receipt, (our treaty requires it shall be paid in gold and silver, and the contract our Government has made in pursuance of this treaty requires that it shall be made in gold and silver,) and they go to the Mexican Treasury with anything else—with their notes or bonds—the Mexican Government have the power to refuse it, and the Barings will have forfeited the contract unless they pay in the funds stipulated in the treaty, or in something else equally acceptable to the Mexican Government. It is not in their power to force anything else upon them. As to the shaving, although the Barings are the agents to pay, the Government of the United States is the party to pay, and Mexico can hypothecate or mortgage this obligation of ours to pay to any other bankers. All this is an attempt to impose upon a House, a majority of whose members may be supposed not to have turned their attention to the subject.

Besides that, this proposition of the Greens was less advantageous to the Mexican Government than any other. I say it came before the Executive with a dark suspicion upon it—a darkness which has increased from the hour it was made down to this very day; and this is a part of the argument to which I wish to ask the especial attention of the American Congress. Why did the Mexican Government agree to give Duff Green and his associates three and a half per cent. to get our

Executive to accept their terms? They had their Minister here. Does any one believe that if this was a *bona fide* transaction, that the Mexican Government supposed that they could approach the American Administration under more favorable circumstances through Green and his associates, as their agents, than by their own accredited Minister? Why give them \$210,000 to prevail upon the American Administration to accept their offer, when they had nothing to do but to request their own Minister to make the application to the American Government?

Again, sir, Mr. Clayton had told the Greens, as his own letter published by themselves shows, that he could not negotiate with anybody in reference to this matter, but the Mexican Minister. How does it occur, then, that this man is engaged, with the bonus of two hundred and ten thousand dollars, to get the American Government to accept an offer from the Mexican Government? But that is not all. Mr. Clayton had made—and to this I ask the especial attention of the House—to the Mexican Government a more advantageous proposition of the same kind, through their Minister, which that Government rejected. Mr. Clayton, in his letter, says:

"Sir: I have this moment received your letter of the 14th instant, and, in reply to it, I have the honor to inform you that, some time in the latter part of last winter, or early in the spring, General Duff Green informed me that Mr. Marks could effect an arrangement with the Mexican Government for the payment of the two last installments of the Mexican indemnity, under the treaty of Guadalupe Hidalgo, reserving to the United States a premium of four and a half per cent., the money to be paid on drafts by the Mexican Government upon our Treasury. I had, previously, endeavored to negotiate with the Mexican Minister at Washington for the payment of the second installment (for which an appropriation had been made by Congress) upon this basis, my object being to take the matter out of the hands of speculators, by paying the money directly to the Government of Mexico. An offer through Mr. Rosa to the Mexican Government to pay it that installment, deducting the export duty (five and a half per cent.) on specie in Mexico, was declined by that Government."

The Mexican Government declined it. They had but a short time before declined to deduct the export duty on specie. What was our Government to think, when they came forward shortly afterwards through agents and agreed not only to deduct the export duty, but to pay three and a half per cent. additional to these contractors? Mexico declined a more favorable proposition when officially and authoritatively made, and yet these people come here and pretend to say that they had the authority of Mexico to propose a far less favorable arrangement. They are not only to receive three and a half per cent. more than the export duty, but a discount of the interest upon their drafts. Here is Marks's letter:

MEXICO, July 13th, 1850.

MY DEAR GREEN, (Washington city:) I have at last succeeded with the Mexican Government, and secured the two installments due by the United States, amounting to, with interest, \$7,260,000. I inclose you copy of my proposal, which has been accepted, and the liquidation of the debt. The drafts of the Mexican Government against the Treasury of the United States are forwarded this day to Don Luis de la Rosa, the Mexican Minister at Washington. You will call on him on receipt of this; obtain and have them accepted by our Government. On their being accepted, you will pay into the Treasury of the United States of the said drafts, \$312,631 57-100, being at the rate of four and a half per cent. for difference of exchange, as agreed upon between your father and Mr. Clayton. You will see by this arrangement I have saved the United States over \$70,000, as Mr. Letcher has invariably drawn for the installments already paid, at the rate of three and a half per cent.

It is very probable that the Mexican Government may not require any large sum of money for some time to come. We can always obtain cash for the drafts accepted by the United States, less the interest—six per cent. per annum—which the Mexican Government allow us to. Thus you see we make by the contract three and a half per cent.—say about \$210,000; but out of this amount I will have to pay \$70,000 here, which will leave \$70,000 for each of us.

It is of the highest importance, that the drafts should be accepted forthwith by our Government. Should there be any great delay, the arrangement will fall through.

I hope your father may be in Washington to assist you, as he had made all the necessary arrangements with Mr. Clayton and other members of the Cabinet for this business, and I have staked my reputation with this Government on the result, and the drafts must be accepted. We ask nothing of our Government, not even to advance a cent; on the contrary, we give them a positive profit of \$70,000. After the drafts are accepted, you will return them to M. Luis de la Rosa, less the amount to be paid to the United States, (say \$312,631 57-100), and wait further instructions from me.

You will please answer this immediately on its receipt, directing care of Clason & Vies, New Orleans, to be forwarded to me; and if possible send a telegraphic dispatch to them before the 25th instant, to be transmitted to me, if merely to say "all is right."

I shall remain here, unless something of moment takes place, until I hear from you.

I am, your sincere friend,

J. D. MARKS.

P. S. As we will not require any banker to advance, nor no one to assist us, we cannot, of course, give any portion of this contract, nor money to carry it through.

Why did Mexico refuse, through their own Minister, a more favorable proposition, and then offer to Green and his associates three and half per cent. to effect what they declined? I now call attention to the letters he says he sent to the Secretaries of State and Treasury—imperial letters, such as no man but an Emperor would write, and none would expect to carry out who had not an imperial treasury. He proposes to negotiate for the whole valley of the Gila, and speaks of making a railroad from there to the Pacific; of filling that valley up with American settlers; and, to facilitate him in this magnificent scheme of his in negotiating with the Mexican Government, he asks, modestly, that our Government shall intervene in Mexican party politics. He asks our Executive to conciliate the powers that be in Mexico to aid his negotiation! Now, sir, I have heard a great deal about intervention of late—a great deal as to the intervening of our Government in the domestic policy of another nation; but I had never expected they would be called upon to intervene to advance a negotiation of Duff Green.

Here is the letter:

No. 1.—Mr. Green to Mr. Clayton.

WASHINGTON, March 12, 1850.

Hon. JOHN M. CLAYTON, Secretary of State:

DEAR SIR: Believing that the Gila route is better than any other line for a railroad connecting the Mississippi with the Pacific, I have engaged the services of a gentleman who has resided many years in Mexico, who has rendered important services to the Mexican Government, and has the confidence and good will of the Mexican authorities. He has been to Mexico, and met me in New Orleans, where he awaits further instructions.

He tells me that the Mexican Government is in great want of money; that the agents of Santa Anna and other disaffected persons are plotting a revolution; and that it is important that the present Government should be enabled to realize in anticipation the remaining installments yet to be paid under the treaty with Mexico.

Herrera and his administration are our friends. Santa Anna is, and ever will be, our enemy. If Herrera's government can be enabled to negotiate the installments yet to full due, it would give them the command of money, and thus strengthen our friends in power, as well by giving them money as by depriving Santa Anna and his partisans of the fund which they would otherwise receive if they can subvert and seize the Government before those installments are paid.

Under these circumstances, the Mexican Government desire to hypothecate the remaining installments, and will be compelled to submit to great loss, unless they can obtain from this Government acceptance on their bills, payable when an appropriation for the payment of these installments shall be made by our Congress.

The gentleman who is charged with my negotiation is an American citizen, well known in Mexico. He is a merchant in good credit, and can raise the money to purchase the installments yet to be paid, if you will accept the bills of the Mexican Government, payable as stated; and believes that such arrangement will greatly promote his negotiations for a large grant of lands, including the valley of the Gila, and extending the whole length of the northern boundary of Mexico, with the right of occupation and of making a railroad.

If he can obtain such a grant, the road will soon be made, and the grant densely inhabited; in which case the American population on that line will give to the Mexican ample protection from the American Indians, and thus relieve the United States from a large expenditure now required by the Mexican treaty. By accepting the bills as proposed, you serve our friends, do much to prevent a revolution in Mexico, which will bring our enemies into power, and secure to American citizens the profits of the negotiation, which must otherwise go to the agents of foreign bankers, who use their wealth to the prejudice of our people.

I hope, my dear sir, that these considerations will induce you to authorize me to say to the person who is charged with the negotiation, that you will accept the bills of the Mexican Government, as we desire, deducting from the payment the amount of the export duty on bullion.

Yours truly,

DUFF GREEN.

Well, sir, as this doctrine of intervention is one that is occupying the attention of the American public very much, I wanted to see what answer our Secretary of State gave to that letter. When I inquired at the State Department, they told me that not only had no such letter been received, but that it was impossible it could have been; for there was no trace of it upon the files of the Department. I have the letter here from the Department showing that it was not received, and that it is not possible that it could have been received. It is in these words:

DEPARTMENT OF STATE,

WASHINGTON, 17th January, 1852.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, inquiring if there is a letter on file in this Department under date the 12th of March, 1850, purporting to have been addressed by Duff Green, Esq., to John

M. Clayton, Secretary of State. In reply, I have the honor to inform you, that I have directed a careful search to be made, the result of which, as reported to me, is, that no such letter is now or ever has been on file in the Department. The system in use here for the transaction of business, seems so well adapted for the security of the public and that of individuals, and imposes such checks and responsibilities upon persons employed in the Department, that it may be said to be impossible for any letter to have been received at the Department without being found either on the file to which it belongs, without being mentioned in the register which is kept of all letters received, or in the register of the Keeper of the Archives, with whom all letters are lodged when answered. The fact, too, that there is no draft or record in the Department of any reply to the letter to which you refer, renders it still more certain that it could not have been received.

I have the honor to be, sir, very respectfully, your obedient servant,
DANIEL WEBSTER.

To the Hon. THOMAS H. BAYLY,
House of Representatives.

That is not all. In one of his memorials, he tells you that Reverdy Johnson had agreed to carry out his arrangement. Here is Johnson's reply to his statement:

WASHINGTON, 30th January, 1851.

MY DEAR SIR: Your letter of the 28th, inclosing me a copy of a memorial of I. D. Marks to the present Congress, and calling my attention to a paragraph in it, in which my name is used, I have just received.

After stating what is said to have occurred between the late Secretary of State and the memorialist, in relation to the Mexican indemnity installments yet due, it then states that "subsequently, your memorialist was also assured by Mr. Johnson, then Attorney General, who had been charged by the late President with the payment of part of the previous installment, that if your memorialist could make such an arrangement with the Mexican Government (the arrangement referred to in a preceding part of the paper) it should be concurred in, and carried out by the Government of the United States."

This passage greatly surprises me. I have no recollection of ever having seen the parties at the time alluded to, or at any other time; and certainly, if mistaken as to this, never gave him, or to any person in his behalf, any such assurance; nor could I, with the least propriety, have given any. The subject was one with which I had no official concern. It is true that I did negotiate for a portion of one of the installments, but it was by the especial request of President Taylor, and with the assent of the Secretaries of State and Treasury. With that negotiation my connection with the subject terminated, and I, of course, had not, nor could I suppose any one here thought that I had, the slightest authority to give any such assurance.

With regard, your obedient servant,

REVDY JOHNSON.

W. W. CORCORAN, Esq., Washington.

This memorial of Marks was Green's production.

This is still not all. Here is a memorial the Greens sent to the Committee of Ways and Means at the last session, and I will read one paragraph of it. It is written by them, in the handwriting of one of them, and placed in my hands by them:

"Sir: As it has been falsely rumored that the Mexican Government has abrogated the contract made with Mr. Marks, I beg leave to submit to your committee that the most recent advices from Mexico are contained in the instructions from Don Manuel Payno, Minister of Finance, to Don José Antonio Luaces, the confidential agent of the Mexican Government, now here waiting to reconvey the drafts, when accepted, to Mexico. These instructions clearly show that the Mexican Government, so far from abrogating Mr. Marks's contract, is very anxious that it should be carried into effect, and hopes that the drafts for the fourth installment, at least, will be accepted. In his last letter of instructions to Mr. Luaces, the Mexican Minister of Finance, says: 'The affair is very delicate, and I therefore recommend to you the greatest prudence and discretion, since I do not wish that it should be interpreted (that our purpose was) to oppose the operations of Mr. Webster, and much less that there should be manifested directly or in any way a mistrust, which does not exist. I also wish that it should not be said, as it is said, that individuals of the Government are to receive for themselves a part (of the profits) of the indemnity; for besides that this is not certain, it is an offence to the Government and the individuals who compose it. I charge you, therefore, that giving to the affair the aspect of good faith and frankness, which it has and ought to have, you proceed in everything with the greatest tact and discretion.' * * * I recommend that you use all necessary circumspection not to wound Mr. Webster, using for your guidance the fact that I have seen myself forced to negotiate with the agent of the Barings for some advances on account of the indemnity."

What these asterisks cover I do not know. From the character of what is disclosed we may conjecture the character of that which it was thought necessary to conceal. Why all this mystery in so plain a transaction?

Before leaving the memorial of the Greens to the President, I desire to call attention to the question of veracity which they say exists between Mr. Webster and myself. On the 10th of February, 1851, the Senate passed a resolution calling upon the President "to communicate to the Senate, if compatible with the public interest, all the information communicated to him by the Mexican Minister, M. De la Rosa, relative to the drafts

'drawn by the Mexican Government on the Treasury of the United States, under the contract made by that Government with I. D. Marks, and the wishes of the Mexican Government in relation thereto.'

To this Mr. Webster replied, "that there is no information of the character referred to in this Department, nor is the Secretary of State aware that Mr. De la Rosa has at any time communicated to the President or to this Department any such information." And to this letter of Mr. Webster he annexes a letter of the Mexican Minister to him, covering four letters from the Mexican Government to their Minister. Well, what did I say? Subsequently, on the 26th of February, in reply to Mr. Burt, I am reported to have said "there has been a good deal of correspondence between the Mexican Minister, the Mexican Government, and Mr. Webster." Did Mr. Webster say that there had been no correspondence? In his message to the Senate, he transmitted correspondence attached to it. It is thus evident there is no issue between Mr. Webster and myself.

For the reasons I have given, the Government ought never for a moment to have lent its ear to the Greens.

Sir, our Government has had some dear-bought experience in conducting money transactions with Mexico through irresponsible persons. It will be recollected, that in 1844 our Minister in Mexico informed us that the April and July installments of the indemnity due our citizens from Mexico, under the treaty of 1843, had been paid to our agent, and paid in money, which the Mexican Government had great difficulty in raising. After this dispatch came in, these claimants went to the Treasury to get their funds, but they were informed that nothing had been received. The Mexican Government had our receipt for the money. Our Minister said that it had been paid, and had been paid in money.

The following is the part of Mr. Shannon's dispatch:

"The installments which fell due on the 30th of April and the 30th of July last, under the convention of the 30th of January, 1843, were paid to the agent of the Government appointed to receive and transmit the same, on the 27th ultimo. I am inclined to believe this Government will hereafter be more prompt in meeting its engagements under the above-named treaty than it has heretofore been; and if it should turn out otherwise, it will be owing to a real inability to raise the means. I am advised that it was with the utmost difficulty that this Government was able to raise the money to pay the two last installments."

That is what Mr. Shannon says.

I have here also the official dispatch of the Secretary of State of Mexico to Mr. Shannon:

[TRANSLATION.]

To his Excellency Wilson Shannon, Envoy Extraordinary, &c., of the United States of America.

NATIONAL PALACE, MEXICO, September 2, 1844.

The undersigned, Minister of Foreign Relations, has the honor of informing his Excellency the Envoy Extraordinary and Minister Plenipotentiary of the United States of America, that on the 27th of last August he was apprised by his Excellency the Minister of Finance, that the quarterly installment due on the 30th of April of this year, and that which fell due on the 30th of July last, had been paid to the agent appointed by the Government of said States, according to the terms of the Convention of January 30, 1843, and that this notice had been delayed in consequence of the vast amount of business which engrossed the attention of that Department.

The undersigned avails himself of this occasion, &c., &c. MANUEL CRESIENCIO REJON.

In November, 1844, Mr. Shannon again addressed his Government upon the subject of the payment of the Mexican installments. It is full of complaints of Mexico. In it he informs our Government that the October installment had not been paid, and he complains bitterly of it. Yet he says not a word about the July and April installments, which he before had informed his Government had been paid.

In consequence of the assurance that it had been paid, and paid in money, the American Congress passed the following provision:

"For paying the April and July installments of the Mexican indemnities, due in 1844, the sum of \$275,000: Provided, It shall be ascertained to the satisfaction of the American Government that said installments have been paid by the Mexican Government to the agent appointed by the United States to receive the same, in such manner as to discharge all claims on the Mexican Government, and said agent to be a delinquent in remitting the money to the United States."

After the passage of the law to which I have referred, Mr. Polk, through Mr. Slidell and our Consul in Mexico, Mr. Black, instituted an inquiry in Mexico to ascertain, if possible, whether the contingency provided for it had happened.

He became satisfied it had, and the money was paid.

The appropriation was on the condition that the money had been received—that the Mexican Government had been fully discharged; and that our agent was delinquent in sending the money to the Treasury. Now, sir, who was that agent? It was Benj. E. Green, one of these memorialists. Here is the authority: On the 26th of April he was appointed by Mr. Tyler the agent to receive the April installment, and he importuned the Mexican Government almost daily for the payment of it, from the time it became due to the 24th of July. In his letter of the 24th of July he protests in the strongest manner against the failure of the Government of Mexico to pay the April installment. From the 24th of July nothing is heard from him. Why did his importunities cease from that day if the money had not been paid, as he says it was not?

It is true Green, by his power of attorney, was authorized to appoint a sub-agent. But he was on the spot, and ought to have been advised what his sub-agent was doing. Besides, he had positive instructions from the Treasury Department. Here they are:

TREASURY DEPARTMENT, April 26, 1844.

SIR: It is the wish and direction of this Department that any payment made you, under the convention with Mexico, may be transmitted hither under the arrangement made by General Thompson with the house of Hargous, Brothers & Co. Very respectfully, your obedient servant,

JNO. C. SPENCER, Secretary Treasury.

B. E. GREEN, Chargé d'Affaires of the U. S. A.

From this instruction, it will be seen that it was contemplated by this Government that Green was to receive the money, and the agency of Hargous & Co. was to transmit it. But instead of that, he employed E. Voss to receive the money; and as it has turned out, I am told, greatly to our loss, that he employed him in his individual character, and the house of Hargous & Co. have refused to be bound for his acts.

I know that Judge Bibb, in January, 1845, stated that in the appointment of Green it was not designed to revoke the power before given to General Thompson. But we can judge of the intentions of the Government in 1844, as well as Judge Bibb, for we have their written instructions, which speak for themselves. Besides, this is a question of law, and not of intention; and surely no one will maintain that the power of attorney to Green was not a revocation of the prior one to Thompson, who had left the country. Green so understood it, for in his letter to the Minister of Foreign Affairs of the 18th of May, 1844, he regards it as necessary to inform him that Voss was empowered to receive the money.

Green, in his letter to Mr. Calhoun of the 25th of January, 1845, says that the money never was paid except by orders upon an empty treasury. In other words, it was not paid at all. But, Mr. Slidell shows that by the arrangement which was made with Tayleur, Jamison & Co., the Mexican drafts were to be drawn in their favor, and they were to provide for the installments in "effective money." That is the terms of the arrangement which was acceded to by the Mexican Government on the 27th of August, the day they say the money was paid. The arrangement, apparently, was a very advantageous one to the house of Tayleur, Jamison & Co., and was a hard one on Mexico. It gave them in drafts upwards of \$100,000 more than they have to pay in "effective money." And it was with reference to it, I suppose, that Mr. Shannon spoke when he referred to the difficulty Mexico had had in raising the money.

If, as Green says, his sub-attorney took drafts upon an empty Treasury, and gave a receipt in full without waiting to see whether they would be paid or not, he violated the treaty.

The treaty provided that the money should be paid in gold and silver; and was made so to avoid the danger of paper orders. The convention was first agreed upon for a payment in notes upon the American Treasury, and to pay down the whole indemnities at once. This article was changed by a subsequent convention from a paper payment to a hard-money payment, by a prompt payment of the whole extended into five years' quarterly installments in gold and silver. This was the convention; and after that, to take orders on the Treasury was illegal, and doing what the second convention was made to prevent. Green and his substitute had no more right to vary this treaty,

than Mr. Webster has to depart from the letter and spirit of the present treaty, in the mode they ask.

I do not know whether the money was ever paid or not. Mr. Polk's administration decided that it had been paid, and that our agent was delinquent. Suppose it was not, still Benjamin E. Green is not relieved.

Why did he not inform Mr. Shannon of this? Why did he permit him to send the information that it was paid, when he says that it was not paid? Mark you, that Green was the principal agent and had preceded Shannon at that Court, as chargé d'affaires. Shannon had just arrived, and had been accredited but twenty days before. Green was his Secretary of Legation; and I have seen at the Department the original of Shannon's dispatch, saying that the installments had been paid in money, and that there had been great difficulty in the raising of it; and that dispatch was in the handwriting of Benj. E. Green. If, as he says, the money had not been paid, why did he not set our Minister right, whose dispatch he copied, the contents of which he therefore must have known?

Now, sir, I say, if the money had not been paid it was Green's duty so to have informed Mr. Shannon, and thus have prevented his being imposed upon by the Mexican Government. Will Green say he did inform him of the character of the payment? This will not relieve him. For if he found that Mr. Shannon was about to communicate false information to our Government, in respect to a matter in which he was the attorney, he ought to have remonstrated; and if that would have done no good, he ought to have apprised his Government of the true state of the case, even if it were necessary for him to resign for that purpose.

It may be asked, what motive had Mexico in wishing to deceive our Minister, and through him our Government? Mr. Green's own letters explain it.

Mr. Calhoun had instructed Mr. Shannon, in the event that the April and July installments were still unpaid, to "address a note immediately to the proper officer of the Government, calling his prompt attention to the subject, and urging, in the most decided language, the necessity of a strict compliance with the stipulations of the treaty." In other words, to make a peremptory demand. It seems from Green's letters that the Mexican Government were apprised of this. In his letter to Mr. Bibb of the 18th of December, 1844, he says:

"I have reason to believe that the note of the Mexican Minister of Foreign Relations of the 2d of September, was written in consequence of an impression that the Mexican Government, by failing to pay the installment which fell due on the 30th of April, had forfeited its right to pay by installments under the Convention of 1843, and that Mr. Shannon was going out with instructions to demand the whole amount of the indemnity under the Convention of 1843."

In his letter to Mr. Calhoun of 16th May, 1844, he says:

"Sir: I have the honor to inform you that no money has yet been paid on account of the installments due on the 30th ultimo. I send you (Nos. 1 and 2) a note which I addressed to the Minister of Foreign Relations upon the subject, and his reply, in which he promises it shall be paid on the 7th instant. Notwithstanding this, they still hold back, with their usual excuse, 'to-morrow,' expecting to hear from day to day of the annexation of Texas, which will offer an excuse for not paying at all."

The circumstances sustain these statements. Shannon arrived there, and on the 27th of August notified the Secretary of Foreign Relations that he was there, and asked when he should present his credentials. On that very day the Minister of Finance sent a dispatch to the Secretary of Foreign Relations saying that these installments had been paid. Mr. Shannon was received by the President on the 1st of September. On the 2d of September the Secretary of Foreign Relations informed him, in an official note, that they had been paid. Mr. Shannon is lulled, and he does not make the demand he was instructed to make. Green says they wanted to stave off the payment as long as they could, in the momentary expectation that Texas would be annexed, and when she was, that they could get clear of paying altogether. They wanted to dally and dally and to take the chapter of accidents. The circumstances show that they did not wish to get into a rupture with the United States. There was an impression upon their part, as Green himself states, that he came there to make a peremptory demand. He allows the Minister to be deluded, and, in consequence, fails to obey his instructions, by a compliance with which we would probably have obtained the money. The agent of

the Government is his Secretary of Legation, and copies the dispatch in which he says it was paid. The American Government, under the supposition it had been paid, appropriated the money. Why all this? When he was cognizant of all the facts, why did he allow the Mexican Government to impose upon our Minister? Why, by imposing upon him, lull him into contentment, and prevent his making the demand which our Secretary of State had instructed him to make? Why play into their hands, and give them the coveted delay? Do men betray such trusts—do men connive at such deception upon the Minister, whose Secretary he was, and upon the Government whose agent he was—do they practice this sort of wrong upon their own Government, and play into the hands of a foreign Government, merely from a love of infidelity, without any other consideration than a love of infidelity? And these are the men who came before the American Government to attack the financial organs of the two Houses at the last Congress—the chairman of the Committee of Ways and Means of this. I am a lawyer of some experience. At a very early period of life, my State placed me upon the bench; and I have seen many a man consigned to the penitentiary upon slighter proof than establishes gross impropriety on Benjamin E. Green's part. These are the men who, when their schemes are defeated by an American Congress, come here to malign and traduce men, against whose fair names calumny itself had never before whispered aught of suspicion. Why should I care about what they say? No one escapes them who is in the way of their nefarious schemes. What man who has ever enjoyed the confidence of the people, to any extent, has not by turns been blackened by the praises of Duff Green, and complimented by his abuse? He was by turns the eulogist and traducer of General Jackson—the eulogist and traducer of Henry Clay—I will not say the eulogist and traducer of the humble individual who is now addressing you, because I shall not associate my name in company with those distinguished men. The abuse of Duff Green resembles the dews of heaven in this, and in this alone, that it falls alike upon the just and unjust, and nourishes all upon whom it falls. His praises, like the shirt of Nessus, consume whom they cover. Finding him the traducer of the best men of the country, I should feel flattered by being found in the same category, if it were not that I know, at the same time, there are none so high that he does not attempt to reach them with his malignant shafts, yet that there are none so low that he has to stoop to heap his calumnies upon them.

Mr. JOHNSON, of Tennessee, obtained the floor—

Mr. GREY. Will the gentleman from Tennessee yield me the floor for the purpose of making a personal explanation?

Mr. JOHNSON. I will yield the floor for a personal explanation, but for no other purpose.

Mr. GREY. I desire to read to the House a letter from Duff Green, in explanation of the connection of his son with the payment of the installment due by Mexico to our citizens as indemnity under the treaty of 1844. It is as follows:

WASHINGTON, 20th January, 1852.
DEAR SIR: The correspondent of the Baltimore Sun insinuates that my son, Benjamin E. Green, was interested in, or profited by, the default made by the agents of the United States to pay one of the installments due under the former treaty with Mexico; and for which they gave a receipt in 1844. And I am told by several persons, that it is the purpose of Mr. Bayly to make that charge, by way of impeaching the integrity of my son.

The facts of that case, I believe, are as follows: Mexico, being indebted to certain citizens of the United States, agreed to pay them in annual installments. General Thompson, who was then the Minister of the United States in Mexico, appointed Messrs. Hargous & Co. the agents for the United States, to receive the money and transmit it to the United States. When General Thompson left Mexico, my son was left in charge of the Legation, and, under instructions from Mr. Calhoun, then Secretary of State, continued Hargous & Co. as the agents for the United States. When the installment in question became due, the Government of Mexico was in a state of revolution, and not able to make payment. Shortly after Governor Shannon reached Mexico, as Minister, the Mexican Government tendered Messrs. Hargous & Co. a draft for the amount, which, after consultation with Mr. Shannon, they accepted and receipted for. It is alleged that the draft was not paid, and that, as Hargous & Co. did not in fact receive the money, they were not bound to pay it over to the United States. Whether they ever received the money or not, I do not know; but you will see that my son was in no way interested in the payment, and that he had no control over it; because before the receipt was given, he had been superseded by Governor Shannon.

It is proper to state, that diplomatic intercourse was soon thereafter suspended between Mexico and the United States, and that the war followed soon thereafter; and it may be that the money was not paid to Hargous & Co.; but they ought to have the protested draft, if they did not get the money.

Should Mr. Bayly make the charge, as I am told he intends to do, I ask, as an act of justice to my son, who is absent, that you will have this letter read to the House, as a true exposition of the facts.

Very respectfully,
HON. BENJ. EDWARDS GREY,
House of Representatives.

Mr. BAYLY. If the gentleman from Tennessee will allow me, I will show him—for I am prepared to do it—that there is not a word of truth in that letter. I have got the official documents to do it.

Mr. JOHNSON. I wish to inquire whether these interruptions will come out of my time?

[Cries of "Oh no!" "Certainly not!" and "Let him go on!"]

The CHAIRMAN said that the interruptions would come out of the gentleman's time.

Mr. GREY. I wish not to interfere in the controversy between the gentleman from Virginia and Duff Green. With any personal controversy between them I have nothing to do. I desire merely to say a few words in relation to the agency of Benjamin E. Green in Mexico. It seems that he was sent there as Secretary of Legation to General Thompson, who was then Minister of the United States in Mexico. The Mexican Government owed to the citizens of this country a large amount of money. The Government of the United States, by a treaty made during the Jackson administration, assumed the payment of that debt to the individual citizens to whom the Mexican Government was indebted, and the Mexican Government agreed to pay the money to the Government of the United States in annual installments. General Thompson, our Minister in Mexico, appointed Messrs. Hargous & Co. the agents of this Government to receive that money and receipt for it. Well, General Thompson left Mexico, and Benjamin E. Green, as his Secretary of Legation, was left in charge of the legation; and he, as this letter states, at the request of Mr. Calhoun, then Secretary of State, continued Hargous & Co. as the agents of this Government, to receive and receipt for the money due to it. When the last installment became due, the Government of Mexico was in the midst of revolution and unable to make the payment; but shortly after the arrival of Governor Shannon, as Minister from this country, they tendered to Hargous & Co. a draft for the amount, which, after consultation with Governor Shannon, was accepted and receipted for. This was done on consultation with Governor Shannon, who succeeded General Thompson as Minister, and who on his arrival in Mexico superseded Benjamin E. Green in the charge of the legation. It is alleged that this draft was never paid, and that Hargous & Co., never having received the money, were not bound to pay it over to the Government of the United States. Now, if the records of the State Department show the fact that Benjamin E. Green had nothing to do with the taking of that draft, but that its acceptance was the result of a consultation between Messrs. Hargous & Co. and Governor Shannon, how can the fault be charged to him that that draft has never been paid? If it can be shown that Hargous & Co. receipted to the Mexican Government on taking this draft, after the arrival of Governor Shannon in Mexico, I know that the gentleman from Virginia will release Benjamin E. Green from any blame as to his course in relation to the matter. I know he will admit that the authority of Benjamin E. Green, who was left in charge of the legation when General Thompson left, terminated with the arrival of Governor Shannon.

Mr. BAYLY, (interrupting.) I know the gentleman from Kentucky by character; I know that he is utterly incapable of doing injustice to anybody, and he does me but justice when he supposes that I am incapable of doing injustice to Benjamin E. Green, and that, if it can be shown that I have done so, I will make the *amende*. I will do so. I will say to the gentleman, however, that I am familiar with this subject, and I assure him that he has been imposed upon by that letter as to the facts in this case, and that the receipt was given before Governor Shannon arrived as Minister in Mexico. Shannon on the 27th of August made known his arrival to the Govern-

ment. The Minister of Finance informed the Secretary of Foreign Affairs on the 27th of August, prior to Shannon's presentation, that the money had been paid some time before, and that it was the pressure of business alone that had delayed the announcement.

Mr. GREY. Does the Mexican Government now contend that that draft was paid?

Mr. BAYLY. That is a very long matter. It has been investigated, however; and if I get time I will go into the whole matter.

Benjamin E. Green's power of attorney in this matter was not revoked by the arrival of Shannon; and Shannon, in a letter to the commission, expressly states that he had nothing to do with it. I have got all the facts here, and if I have an opportunity I am prepared to bring the whole of them before the country. I had not time to do it in my hour.

Mr. GREY. Do I understand the gentleman to say that Hargous & Co. said they had never received for this money?

Mr. BAYLY. They not only denied that they had received it, but they satisfied the Government that they had not done it; and four hundred thousand and odd dollars were allowed to them by the Mexican Commission here, without any reduction of the \$270,000, because the Government was satisfied that they had not received that money.

Mr. GREY. If I am not greatly mistaken, the Mexican Government showed that they had a receipt from Hargous & Co. for the money. My understanding of the matter is, that Hargous & Co., as the agents of this Government, gave a receipt to the Mexican Government for the money due, but that they had not received the money because they gave the receipt for a draft which has never been paid.

Mr. BAYLY. The gentleman is mistaken. One ground upon which they claimed exemption was, that Mr. Voss, formerly a member of the house of Hargous & Co., was made the agent by Green, and that he gave the receipt in his individual capacity.

Mr. GREY. Then the fact is, that Hargous & Co. were the agents of this Government, but that their clerk, Mr. Voss, received this draft from the Mexican Government and receipted for it.

Mr. BAYLY. Green employed Voss; Hargous & Co. did not.

Mr. GREY. Then, if that be the case, the Mexican Government have no right to say that they have paid the money, because they have no receipt for it from the agents of this Government, Hargous & Co. No one in Mexico had a right to give a receipt for that money, except Hargous & Co.

Mr. JOHNSON, of Tennessee. Mr. Chairman, it is my purpose to consume but a very small portion of the time of this committee in the investigation of the subject now under consideration. Although I presume it is not strictly in order to discuss this subject legitimately before the committee, yet I suppose it may be considered so. Nevertheless, I shall, to some extent, confine my remarks to the bill under consideration. I confess that the scene we have just witnessed, and the one which was witnessed in this House on yesterday, are rather extraordinary ones. Now, I have said that I would have nothing to do with the controversy between the gentleman from Virginia [Mr. BAYLY] and the Greens, or General Green and his son, and I intend to have nothing to do with it; but when we reflect for a moment, it will be apparent to some gentlemen upon this floor, and to others, when I refer to the discussion which took place during the last session, in relation to this matter, who it was that made the first assault, and who it was that dragged General Green and his son into this discussion. It will be seen whether they thrust themselves before the House, or came voluntarily here as parties in this matter. When we go back to the discussion which took place during the last session of Congress upon the question of appropriating three millions of dollars, how does the matter stand? We find that because these gentlemen tried to effect a negotiation for the payment of that installment of the Mexican indemnity, they were denounced in this House. Now, does it come with a good grace—is it very becoming for a statesman, occupying the high position which the gentleman from Virginia [Mr. BAYLY] occupies, to travel beyond the limits of this Hall, to take up an individual and drag

him before this House for the purpose of denouncing him in terms the strongest which the English language is capable of furnishing? But, as I have said, it is not my purpose to meddle with this controversy between General Green and General Bayly. They may fight it out. On this occasion General Green, and his son especially, has been brought before this House, and charges have been preferred against him by the gentleman from Virginia. Then, at the conclusion of his speech, he informs the House and the country that he is a lawyer of some experience, that he has served as a judge, and that upon testimony weaker than that which he has adduced upon this occasion against Benjamin E. Green he would have sentenced a man to the penitentiary. Why, this would be a violation of one of the fundamental laws of this Government. An individual has a right to be heard by himself or by means of his counsel. He is entitled to have an impartial jury, and an impartial judge, to decide in his case. But upon this occasion the prosecutor, jury, judge, and all are embodied in one person, and General Green and his son have been tried, convicted, and sentenced to the penitentiary by that person. Now, this is anti-American; it is directly at war with republican institutions, and in conflict with the fundamental law of the land. But for the purpose of making himself more clear, he holds up Green as a traducer and calumniator. That in times gone by he had even slandered and traduced General Jackson. Sir, I am well aware that I can say nothing to add to the fame of that illustrious man—a renown that will stand so long as an American heart beats with one pulsation of patriotism. It is not for me to pronounce a eulogy upon his name; but if we were to go back and hunt up all the individuals who had denounced the course of General Jackson and his principles during the last war, he would find a pretty large company to go with General Green in this respect. But why hold up General Jackson, who lives upon the pages of history with a fame above all other men—a fame that will outlive the assaults and shafts of calumny, from whatever quarter they may be sped—why then thrust forward Duff Green in this matter, because he did not happen to agree with General Jackson upon some questions? Has not the gentleman from Virginia [Mr. BAYLY] said about as hard things of General Jackson on former occasions as Duff Green ever did? It seems to me that he has. And I think the gentleman from Virginia is not the man to pronounce eulogies and hold up General Jackson's great character for the purpose of aiding him in his denunciations of others as the calumniators of General Jackson. Now, I repeat again, that, so far as this controversy is concerned, I intended to have little to do with it. But, as insignificant a man as Duff Green is, it seems that the gentleman from Virginia has been a good deal roused by him. There is a good deal of the gentleman from Virginia, physically, and I will add mentally, too. His mental powers are enclosed in a good deal of flesh and blood, it is true; but we have upon this occasion seen him physically and mentally roused to his utmost capacity. We have seen his wrath, physically and mentally, poured out upon even so insignificant a character as Duff Green or Benjamin E. Green, as the case may be. But I think he has been roused upon this occasion to make a display, rather than to produce facts which can make up any tangible argument against the Greens. However, this is a matter which he and General Green may settle between themselves. One thing is certain, there is considerable discrepancy between the facts he presents to the committee, in the bitter assault he has made upon this individual, which he has not been able to reconcile. There seems to be a tender point which the gentleman from Virginia evidently dislikes to touch upon, and he therefore assaults General Green upon another point, thereby diverting the public attention from the point which is so tender to him.

Mr. BAYLY, (interrupting.) The gentleman speaks of a point which is tender to me. Will the gentleman from Tennessee be good enough to tell me what that point is?

Mr. JOHNSON. I inferred it from the gentleman's argument.

Mr. BAYLY. But what is that point?

Mr. JOHNSON, (resuming.) If the gentleman will hear me till I have concluded my remarks, I shall come to it after a while.

Mr. Chairman, when we come to examine this matter closely, what connection had General Green or Benjamin E. Green with this transaction? Did they propose to make a contract with the Government? Not at all. Has the gentleman from Virginia produced any proof that they did propose to contract with this Government? Not a word. But he has assumed that they proposed to be contractors, when they did not. What, then, becomes of his whole tirade? What becomes of this long catalogue of epithets, which he has poured forth against these men, because they dare hold a correspondence with the Mexican minister, in relation to the best arrangement possible for the payment of this money? Why, is he for this to be held up before the American people, and denounced by every opprobrious epithet which the English language can supply? Is General Green a contractor, or has he proposed to become a contractor? Not at all. Why, then, abuse him? Why lug him into this discussion? Why hold him up before the country? Is it because the gentleman from Virginia wants to have the existing arrangement carried into effect, no matter what the consequences may be? It seems to me that this last is clearly the reason. And the gentleman from Virginia assumes to himself the prerogative of instructing—not only of instructing, but absolutely of dictating what shall be done in relation to these installments, who shall pay them, and how they shall be paid. That gentleman made an argument a few days since in relation to this matter; and what was it? He urged that this bill should be passed immediately, and passed in the shape in which it is; and why? He says that the time is drawing nigh when this money must be paid over to the Mexican Government. And the inference at least is, that unless the appropriation be made immediately for paying that installment, the result will be a great loss to the Government. Why, sir, some twelve months ago the same argument was made in this Hall. But the gentleman attempts to prove that this is wholly an Executive transaction, and he makes an issue upon that point. Now, let us examine this for a moment, and see how the matter stands. I offered an amendment, to convey my ideas of this thing, authorizing the Secretary of the Treasury to pay the money to the Mexican authorities; and did I thereby propose to take it away from the Executive power? If it belongs to the Executive to conduct this transaction, does not the Secretary of the Treasury belong to the Executive Department as much as does the Secretary of State? And if the money be paid by the Secretary of the Treasury, would it not be as much an Executive transaction as if paid by the Secretary of State? I think so. What is the argument of the gentleman from Virginia upon this subject? He says that during General Taylor's administration, a controversy arose between Secretary Clayton and Secretary Meredith, not as to who should handle the money, not as to who should pocket the profits to be made by the operation, but as to who should escape the responsibility of directing the payment. Mr. Meredith did not want to be troubled with it—Secretary Clayton wanted to escape the responsibility—both wanted to get clear of it. But after the reorganization of the Cabinet, how did the matter stand then? We find after Mr. Webster had come in as Secretary of State, and Corwin as Secretary of the Treasury, the scramble in relation to this Mexican indemnity assumed a very different character. It was not as to who should get clear of the responsibility, but who should make the payment, who should handle the cash, and who should pocket the proceeds. I have been informed that a Cabinet meeting was held, and it was at length agreed that the Secretary of State was the most competent and suitable person, and because his position connected him more directly with the foreign relations of the country. What does this argument prove? It proves that with one Cabinet there was a dispute as to who should get clear of responsibility, and with another Cabinet as to who should take the responsibility and pocket the profits. What is the conclusion to be drawn from this? Is not the conclusion clear and irresistible to every sound, thinking man, that this House should hold the purse-strings of this nation, as well as originate all bills creating revenue? We are responsible directly to the people, and should not shrink from that responsibility. We should come up and say, in the law, who shall transact the business connected

with the payment of this money. Are we afraid to do it? Are we afraid to take the responsibility, we, the sworn Representatives of the people—the guardians of the public Treasury? Are we so fearful of responsibility that we cannot merely indicate, in the act under consideration, the individual who shall pay the money over?

Mr. DUNCAN, (interrupting.) I rise to make an inquiry of the gentleman, if he will allow me.

Mr. JOHNSON. Certainly.

Mr. DUNCAN. I wish to have his authority for stating that the Secretary of State, under Mr. Fillmore's administration, contended for the privilege of paying the money.

Mr. JOHNSON. I did not say so. I stated that there was a contest as to who should escape the responsibility under the new Administration, and that there had been a Cabinet council, which determined who should have the privilege.

Mr. DUNCAN. I understood the gentleman to say that a Cabinet council settled this matter, after General Taylor's death.

Mr. JOHNSON. Under Mr. Fillmore's administration.

Mr. DUNCAN. Well, I believe it was established, in a former discussion upon this floor, that it was settled by the Cabinet of General Taylor, before his decease.

Mr. JOHNSON. Precisely. I thank you for the correction. It was, then, settled by Cabinet council, and the succeeding Administration determined to carry out the decision of the previous Administration. Well, then, my argument is this: Here was a conflict of opinion, and this House ought to indicate in this act who shall pay over this money to the Mexican authorities. But I propose to take another view of this subject.

[Here a communication from the Senate was received by the hands of ASBURY DICKINS, Esq., their Secretary, announcing the passage of the House bills authorizing the payment of interest to the State of New Hampshire, and providing for the printing of additional copies of the Journal and Documents; also, returning a joint resolution of the House in regard to the assignment of land warrants, with amendments thereto.]

Mr. JOHNSON, (resuming.) Mr. Chairman, I had just concluded in stating views conclusive why we should fix, in this act, the person who shall pay this money over; but there is another reason why we should do so. There is a power authorized, under the Constitution, of the United States, to make treaties, and in conformity with this power, in 1848, there was a treaty made with the Mexican Government, and the twelfth article of that treaty provides that we shall pay to the Mexican authorities, at specified times, certain amounts of money. Fifteen millions was the whole amount stipulated. A certain portion thereof was to be paid at the conclusion of the treaty, and the balance in annual installments at times fixed by the treaty. Now, this is the treaty, and we have agreed, so far as the treaty-making power is concerned, to pay money at certain times. What has the treaty-making power to do with it here? Is the treaty-making power conclusive and binding? I put this question to the House, and, humble as I am, to the country. Suppose, in the exercise of this treaty-making power, great abuses were to grow out of it, that treaties were made, and money stipulated to be paid over, which was wrong, and which would result in oppression and heavy taxation upon the people, so far as the payment of the money was concerned, I ask this House and the country, is there no conservative power; is there no point at which the abuses of the treaty-making power may be resisted? I know that the Constitution says that a treaty made in pursuance of the Constitution shall be the supreme law of the land; and it is conclusive, so far as the Judiciary is concerned. But how are the abuses of this power to be resisted? When a treaty provides that money shall be paid, I say that money cannot be paid until an appropriation is made by Congress. For the Constitution says expressly, that no money shall be drawn from the Treasury, except in pursuance of an appropriation made by law; and hence all treaties providing for the payment of money, is subjected to the appropriating power. Has not this House—the Representatives of the people—the authority and power—and moreover, would it not be their sworn duty, if they believed that a treaty was wrong, that it was oppressive—to withhold the appropriation, and thereby defeat the

compliance with, and the consummation of the abuses of the treaty? Where is the check—where the power to arrest the abuses of the treaty-making power? It must exist somewhere; if not, everything, so far as this Government is concerned, can be absorbed and swallowed up by the improper and dangerous exercise of this treaty-making power. We find in 1820, that the great statesman from Kentucky, in the discussion of the Florida treaty, introduced a resolution, in which this doctrine was boldly proclaimed; and he went so far as to say, that the treaty made at that period of time should be set aside, if Spain faltered in her course and refused to do us justice, and adopt the means necessary to maintain it. Well, some gentlemen may think this is a little foreign, and has no direct bearing upon this subject; but I wish to show the application I intend to make of it. Here is a treaty made, and money promised to be paid under it, at certain times, but subject to the other provisions of the Constitution, and subject to this conservative power. Then comes up another question. Here in the absence of law, in the absence of an appropriation of Congress, the Secretary of State—(I mean before the appropriation is made)—before the treaty is consummated, takes it upon himself to make a contract with British and American bankers, to pay over money which has not been appropriated by the laws of the country, and then after the contract is made, after the agreement has been entered into that they are to give a certain per cent., before the money is appropriated, then what is the result presented to the House? It is this: The contract is made, and the gentlemen are ready to consummate it—ready to pay over the money—and hence you are bound to appropriate it; and the Secretary of State comes here with all the influence he can bring to bear upon this Hall, and says, Pass the bill; let us make the contract fourteen months before the installment is due. Such was the case during the last Congress, to enable a set of bankers—of British bankers—to speculate upon this and the Mexican Government. But pass the law, appropriate the money to enable a set of bankers to have three millions of dollars out of the Treasury to operate upon, fourteen months in advance. When we see how this thing is, Mr. Chairman—when we see the appliances that are brought to bear—when we see this speculation in every phase of the act—when we see some or all parties have to be operated upon, it calls upon us to assert our prerogative, and say to you, Mr. Secretary of State, You shall not act in advance of appropriations by Congress, or assume to exercise such a power. You shall not dictate to the Representatives of the people, as to who shall pay the money; but we will specify in our act who shall pay it.

The argument is made by some that it is an Executive duty; and that the Executive should take the responsibility. Why, by saying in the law that this money shall be paid by the Secretary of the Treasury, does it change the responsibility? Does it exclude them from responsibility? Not at all. The responsibility is precisely the same, for it is still with the Executive branch of the Government. Should not we, in vindication of our position here as representatives, in view of all these facts—in view of the bargains and contracts made with British and American bankers—and certain letters on top of that, sent in here, stating that time should not be consumed in "needless discussion,"—I say, ought not we to give this money a proper direction? It is true there is a great deal said here that does not amount to much. But here is a communication sent in by the President, and by his Secretary of State to him, and which receives their sanction and authority, in regard to the duties and delays of Congress. And who was it sent by? We find it is signed by Barings, Brothers & Co., by T. W. Ward, their attorney; Howland & Aspinwall, and Corcoran & Riggs, an association of banking companies, and banking offices. Now, what a position are we placed in before the country? Here is a set of British bankers who have made a contract with the Secretary of State in advance of an appropriation by law; and because Congress is a little tardy in providing the appropriation, they send you in a lecture, to the effect that the passage of this bill should not be impeded by useless and idle discussion. We want this three millions—we want the per cent.—we want the credit and character it will give us. And hence we are asked to pass this bill

under the operation of the previous question. Let us say they may have the money, and do not talk about it, and give utterance to so much twaddle.

Now, let us take another view of this bill. They say that the payment of this money is an Executive duty. How? Here is a treaty stipulating upon the part of this Government to pay so much, and at such a time; and here is a law appropriating the amount of money stipulated to be paid. Now, it leaves it just there. Now, I suppose that the President, or some one of his Cabinet, must run about, and look through all the acts that this House has passed, when money has been appropriated, without saying who shall make the payment. Why, do we not see it is vague and indefinite? There is a provision in the Constitution, that the President shall see that the laws be faithfully executed. How vague is that? Here is the law appropriating the money, and the general provision in the Constitution, which states it to be the Executive duty to perambulate about, and to take up the loose acts of Congress that have passed, and see that they be faithfully executed. Why not say in your law who shall make the payment, under the supervision of the President? Would you thereby change the responsibility? By this means, do you not make it direct; and is it not intelligent and proper so to do? Suppose, for illustration, that Congress were to pass an act to-morrow, appropriating \$20,000,000 for the purpose of erecting a new Capitol. That is a law, and under the Constitution the Executive is bound to see it faithfully executed. In the one case it is precisely as in the other. Would not the country say—would not intelligent, practical business men of the country say—define in your act who shall apply that money to the object indicated? Does this change its character, admitting that it is the Executive duty? Does it not keep it still Executive, and retain his responsibility to the Congress and the country? To me it seems so most clearly.

The gentleman from Virginia [Mr. BAYLY] informed us in his speech that Mr. Walker received four per cent. Now, so far as money transactions are concerned, I mean to speak irrespective of party: In the first instance, the gentleman from Virginia—and I do not mean anything personal in what I am about to say, but only wish to show the strange position that he assumes—strives to show that it would have been impolitic for the Government to have anything to do with General Green; and from his argument it would be inferred that he was a faithless, wild, and visionary man, and that Benjamin E. Green has been found defaulting in transactions with the Mexican Government, depriving him and his father of all credit whatever. This is what he attempts to do. How do the facts stand when the question is put direct to him? Does Mexico assume that the money has been paid over? What is the response? There is no such assumption.

Mr. BAYLY. The gentleman from Tennessee is entirely mistaken. Mr. Rejon, in his letter of the 2d of September, 1844, states that he was informed by the Minister of Finance, upon the 27th of August, that the money had been paid a long time prior to that, and excuses himself for not informing our Envoy sooner by stating that the notice had been delayed in consequence of the vast amount of business which had engrossed the attention of his Department. I will give you the letter.

Mr. JOHNSON. Let me see whether I understand the gentleman. Does not that grow out of this transaction, going upon the idea that drafts had been given with the view of payment?

Mr. BAYLY. I do not know anything about that.

Mr. JOHNSON. Has the money ever been paid by the Mexican Government?

Mr. BAYLY. An agent had no right to receive anything but gold and silver, for that was the stipulation in the treaty. Mr. Shannon had gone out there to enforce that treaty; and on the day after his arrival—the day that he was recognized—he was informed that the payment had been made, and made in money, to raise which the Government had experienced great difficulty. Mr. Shannon sent that information to our Government, and, assuming it to be true, we made the appropriation to pay the individual claimants.

Mr. JOHNSON. Well, Mr. Chairman, then it all resolves itself into this: that it was paid by a draft, when the law required that it should be paid

in silver. This was a departure common in matters of that character. He—the agent—agreed to receive in payment this draft. When the draft fell due, the Mexican Government failed to meet it; and all that we can make out of the Green transaction is, that he has transcended his authority to some extent in receiving a draft instead of money. But does that prove that he has one dollar of the money in his pocket?

Mr. BAYLY. It was said that the money had been paid.

Mr. JOHNSON. Is that upon the record—that money had been paid to and received by the proper authority of the United States? If the facts are that way, I should like to know it.

Mr. BAYLY. I will show them to the gentleman, if he desires it. I have the official report of the Mexican Secretary of Foreign Affairs, and also the message of Mr. Shannon to this Government, based upon it.

Mr. JOHNSON. Was the money paid before or after Mr. Shannon's arrival there?

Mr. BAYLY. Before; and if the gentleman will allow me, I will read the following paragraph from Mr. Shannon's official dispatch of the 21st of September, to show that the installments referred to had been paid to the United States agent in Mexico on the 27th day of August:

"The installments which fell due on the 30th of April and the 30th of July last, under the convention of the 30th of January, 1843, were paid to the agent of the Government appointed to receive and transmit the same, on the 27th ultimo. I am inclined to believe this Government will hereafter be more prompt in meeting its engagements under the above-named treaty than it has heretofore been; and if it should turn out otherwise, it will be owing to a real inability to raise the means. I am advised that it was with the utmost difficulty that this Government was able to raise the money to pay the two last installments."

That is what Mr. Shannon says.

I have here also the official dispatch of the Secretary of State of Mexico to Mr. Shannon. It is very short, and if the gentleman will indulge me, I will read it:

[TRANSLATION.]

To his Excellency Wilson Shannon, Envoy Extraordinary, &c., of the United States of America.

NATIONAL PALACE, MEXICO, September 2, 1844.

The undersigned, Minister of Foreign Relations, has the honor of informing his Excellency the Envoy Extraordinary and Minister Plenipotentiary of the United States of America, that on the 27th of last August he was apprised by his Excellency the Minister of Finance, that the quarterly installment due on the 30th of April of this year, and that which fell due on the 30th of July last, had been paid to the agent appointed by the Government of said States, according to the terms of the Convention of January 30, 1843, and that this notice had been delayed in consequence of the vast amount of business which engrossed the attention of that Department.

The undersigned avails himself of this occasion, &c., &c. MANUEL CRESIENCIO REJON.

Mr. JOHNSON. He says, according to the terms of the convention. I understand the gentleman to say that he was bound to receive the money in gold and silver, and to state that in its stead he had received a draft which was in violation of his duty.

Mr. BAYLY. I said no such thing. Mr. Shannon states in his dispatch that it was paid in money, to raise which there was great difficulty. It was paid before Mr. Shannon arrived there. Mr. Green copied that dispatch, for it is in his own handwriting. Mr. Green was the agent, and Mr. Shannon never was.

Mr. JOHNSON. Do I understand the gentleman to say Mr. Green, instead of receiving the money, received a draft? for that is the point.

Mr. BAYLY. These documents do not show it. In the investigation which was instituted to see whether reclamation could not be made, the Mexican Government said they had given him drafts, but then Shannon says that it was paid in money.

Mr. JOHNSON. Mr. Shannon speaks according to the terms of the convention.

Mr. BAYLY. You are mistaken; that is what the Mexican Minister says.

Mr. JOHNSON. It is not material. There is a general jumble, great intricacy in this matter, that I will let the gentlemen straighten out to their own fancy. I think that when the whole subject is boiled down; that when we get to what it really is, we will find that Mr. Green received a draft from the Mexican Government; and so the gentleman charges him with traveling outside of his duty in receiving it; and that the Mexican Gov-

ernment failed to raise one dollar to pay the draft. That is about the whole transaction.

Mr. BAYLY. Some of these drafts—

Mr. JOHNSON. If the gentleman will wait a moment—

Mr. BAYLY. I suppose the gentleman desires to be corrected.

Mr. JOHNSON. There is one thing I do not understand with all this explanation, which may be, perhaps, in consequence of the dullness of my intellect, and the great glare of the gentleman's, which benights mine. Do I understand that the Mexican Government as assuming that the money was paid to Mr. Green, and received by him as the American agent?

Mr. BAYLY. If the gentleman will allow me—

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. JOHNSON] has expired.

Mr. ORR. I noticed the watch when the gentleman from Tennessee commenced his remarks. It lacked twenty-five minutes of one o'clock.

The CHAIRMAN. The gentleman from South Carolina is mistaken. It was about two minutes after two when he commenced. The gentleman from Tennessee yielded the floor to the gentleman from Kentucky, [Mr. GRAY,] and also to the gentleman from Virginia, [Mr. BAYLY.] The gentleman inquired whether it would be taken out of his time. The Chair assured him that it would.

Mr. ORR. It was the time at which the gentleman from Tennessee commenced speaking to which I alluded.

Mr. JOHNSON. I will state to the Chair, that when I asked the question, I understood the response to be, that it would not come out of my time.

The CHAIRMAN. When the gentleman from Tennessee [Mr. JOHNSON] made the inquiry, Whether it would come out of his time? a good many members in the Hall said "No! no!" After the gentleman from Kentucky [Mr. GRAY] and the gentleman from Virginia [Mr. BAYLY] had finished, he proceeded with his remarks, and his time would have expired at about two minutes after three o'clock; but there was an interruption of some three minutes in the reception of a message from the Senate, for which credit was given. The Chair has no discretion in giving credit, and a gentleman, when his hour has commenced, cannot yield the floor for personal explanation or otherwise, in committee, in the opinion of the Chair, except by unanimous consent, as the rules in committee cannot be suspended. If there be no objection, the gentleman can proceed.

Mr. BAYLY. I hope there will be no objection to my replying.

[Cries of "No!" "No!"]

Mr. JOHNSON, by unanimous response, was permitted to proceed.

Mr. Chairman, I was about to conclude, and try to make my escape from this general entanglement in which this transaction seems to be involved. As far as that is concerned, it is wholly immaterial—if the facts are as stated by the gentleman from Virginia, [Mr. BAYLY]—whether this money has been paid and received by the agent of the United States, and he is proved to be a defaulter, or whether he has embezzled it. If either, I want to know why the proper steps have not been taken to bring him to justice. I say the action of the Government, and the history of this whole transaction, prove that it is just as I have stated.

There was a draft received, and the draft has never been paid. That is about the whole of it, when it is reduced to what it really is. I care nothing about that. The gentleman from Virginia [Mr. BAYLY] says that Mr. Walker obtained four per cent. in the transaction, in paying over this Mexican indemnity. He informs us in the speech he made the other day, that this arrangement made with Corcoran & Riggs, Baring & Brothers, to pay three-and-a-half per cent. for the use of the money fourteen months, was as good an arrangement as the one made by Mr. Walker. This is what he asserted the other day, and here it is in his printed speech. I assume that such is the fact. When we were called upon to pass the law fourteen months in advance, was it not understood that the money was to be taken out of the Treasury?

Mr. BAYLY. No—far from it. The very

reverse was understood, and not a dollar was to be taken from the Treasury.

Mr. JOHNSON. If the law had passed last Congress, would not the money have been thereby appropriated, and was it not in the discretion of the Secretary of the Treasury to give his draft covering the amount of the appropriation when he saw proper? Why, what is the reason and inducement for engaging in the transaction? Is it not because they can get the use of the capital—is it not because they can get the use of the credit which this large amount of money would give them? What did they agree to pay three-and-a-half per cent. for? Was it not for the use of the capital—for the benefit of the credit and the per cent. to be realized by the use of it? If the money was not to be taken out of the Treasury—if the money was not to be paid over until it fell due, why pass the law fourteen months in advance? It seems to me to be the height of folly to place at the discretion of the Secretary of State three or four millions of dollars. Was there no danger to be apprehended from this? What did we see the other day? We saw a liberal distribution of money among the soldiery of France, and we saw the highest officer of government dissolving the House of Representatives publicly. The maxim is true, "Give me the money and I can get the men—give the men and I can get the money." We are told that if you pass a law fourteen months in advance, placing some three or four millions of money in the hands of individuals, the money would be secure—and that good security could be given. If the money was not to be taken out of the Treasury—if it could not be paid over—what security had they? The money was the best security they could have, locked up in the Treasury—the best place in which it could be kept. No, it was all speculation. I infer it from the transaction; I infer it from the business habits of the men—from the money transactions of the world. It was to make money—to pocket the per cent.; and who was to get it I do not pretend to say. I have heard one thing; I know that rumor says that a former Secretary of the Treasury made money. I do not pretend to say how much, or how little. And while they talk about Duff Green's insolvency, who never had or proposed to make a bargain with the Government, they never talk about his being a visionary. I expect that perhaps General Green has been unfortunate in money matters, and has not been successful since he expended a large estate. But if I am credibly informed, others have been unfortunate in times gone by, and some of these bankers came well nigh it, if they had not taken the benefit of the insolvent law; but they have been since successful and prosperous in business. They had the funds of the Government to pay out in Mr. Walker's administration, and the opportunity of purchasing a large amount of stock. Somehow or other, they got very rich, as events prove—Walker in the bargain, as I am credibly informed. Rumor now says that he has amassed a very large fortune. This is all predicated upon rumor; but I think it is reasonable to infer that Mr. Webster would like to realize a little percentage in this way. If rumor be true—as we go into things of this sort—I never understood that Mr. Webster had acquired a character for much more prudence and economy in the management of financial affairs than a great many other men. I do not think he has an extensive reputation for matters of this kind. I think, if rumor is to be taken as true evidence, that Mr. Webster has been about as loose, prodigal and extravagant, in the management of his own financial affairs, as much so as men generally are.

I am for the insertion of the amendment to this bill. I say, we are not called upon to violate a great principle, to appropriate money for a contract made in advance, which is not fully complied with. A treaty cannot be complied with, and money cannot be paid until the House of Representatives shall make appropriation by law; and we ought to teach Mr. Webster, and all those confederated with him, that they cannot go in advance of your authority. We ought to teach him, that he shall not tamper with the Treasury of the nation. Are we to sit here as puppets, who are to speak and vote just as somebody puts the speech in our mouths, or asks us to vote? While this bill is under consideration, you find this and the other individual dropping soft words in our ears,

as to the precise point to bear—the exact argument to make. All that kind of thing is in the ears of members, and is all innocent and harmless, provided they get what they want. All this has an influence. Then say these insolent bankers, who are keeping their circulars before you, You shall not impede the passage of this bill by endless discussion; you who are talking about the people's money, away with your idle gabble—your tittle-tattle—your fiddle-faddle—here stop and shut your mouths.

Humble as I am, I will resist all this influence; so far as I am concerned, and in behalf of my constituents, I say it is an encroachment upon the dignity and prerogative of the representatives of a free people. Whigs and Democrats should, in this transaction, prescribe by law—not shrink from responsibility—and say who shall pay this money over; and then hold them responsible for the faithful discharge of their duty. From the frequent interruptions since this discussion took place, so far as I am concerned, I have been diverted in fact from the regular points I intended to make. If I had been permitted to go on without interruption, I should not have consumed more than thirty minutes. But I must allude to one more matter before I sit down. When we come to look at this transaction—when we come to look at the proceedings of the Secretary of State heretofore—when we connect it with the reasonable inference of speculation—I say it behooves us, as the representatives and faithful guardians of the public interests, to define clearly in our laws the individuals who shall pay this money over to the Mexican Government. To insert this amendment, and place this matter in the hands of large speculators, looks to me like being dragooned and whipped into measures. I say, fix it upon the Treasury of the United States. But the gentleman tells us, that this officer has nothing to do with foreign affairs. Is he not, in fact, an officer more intimately and directly connected with the money transactions relating to foreign governments, than any Secretary of State?

Is there any man here who doubts the capability of the Secretary of the Treasury to negotiate and have this money paid over upon as good terms as the Secretary of State could do it? Mr. Walker made arrangements for the payment of two installments of this indemnity, and will anybody say that it was not as well done as if it had been done by the Secretary of State? or that the present Secretary of the Treasury cannot do it as well? I say that out of respect to ourselves, to our position, and to our constituents, we ought to take this matter out of the hands of an individual who has assumed the high prerogative of making a contract for the payment of this money before the bill is passed appropriating it.

There are many other things which I desired to say, but as my time has nearly expired, I will give way to some other gentleman.

Mr. EDGERTON next obtained the floor, but yielded it to

Mr. SWEETSER, who moved that the committee rise.

The question was put and agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. Jones] reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 46, providing for carrying into execution in further part the twelfth article of the treaty concluded with Mexico at Guadalupe Hidalgo, but had come to no conclusion thereon.

On motion by Mr. GROW,

Ordered, That the petition and papers of James F. Green be withdrawn from the files of the House, and referred to the Committee on Invalid Pensions.

CLOSE OF DEBATE ON THE INDEMNITY BILL.

Mr. HOUSTON. I desire that the House shall fix some time for closing the debate in Committee of the Whole on the state of the Union on the Mexican indemnity bill, and with that view I offer the following resolution, which I send to the Clerk's desk:

The resolution was read as follows:

Resolved, That all debate in the Committee of the Whole House on the state of the Union on bill No. 46, providing for carrying into execution, in further part, the twelfth article of the treaty concluded with Mexico at Guadalupe Hidalgo, shall cease at — o'clock, on —, if the committee

shall not sooner come to a conclusion on the same, and the committee shall then proceed to vote on such amendments as may be pending or offered to the same, and shall then report it to the House with such amendments as may be agreed to by the committee.

Mr. HOUSTON. I will move to fill the blanks in that resolution by inserting three o'clock to-morrow afternoon.

Mr. DUNHAM. And I move to insert one o'clock to-morrow.

Many MEMBERS. "Oh no, that's too soon."

Mr. HOUSTON. I believe I am entitled to the floor. I will move the previous question on that resolution; but at the same time, I do not mean to press it to a vote this evening. I merely desire that members shall come here to-morrow morning prepared to fix a time at which the debate shall close. I wish it to close as early as convenient; but it is not my purpose to shut out any reasonable amount of debate. I now move that the House adjourn.

The motion was agreed to, and the House adjourned until to-morrow, at twelve o'clock.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. SMART: The petition of William Brewster and others, for a light house on Jameson's Point, in the State of Maine.

Also, the petition of John A. Brewster and others, for a light-house on Jameson's Point, in the State of Maine.

By Mr. BISSELL: The memorial of James L. Collins, praying relief for losses sustained while in the service of the United States in the war with Mexico, &c.

Also, the memorial of John Reynolds and others, citizens of Illinois, praying for the right of way and a grant of land, in aid of the construction of a railroad from Shawneetown, via Belleville, to a point on the Mississippi river opposite St. Louis.

By Mr. MCNAIR: The proceedings of a meeting held at Norristown, Montgomery county, Pennsylvania, in favor of an increased duty on iron.

By Mr. SCHOONMAKER: The petition of the assistant marshals of Ulster county, New York, for an increase of compensation for taking the late Census.

Also, the petition of William Sterry, for an invalid pension.

Also, the application of Joseph Martin, for a pension. Also, the petition of Frederick Steele, first lieutenant, captain by brevet, second infantry, United States Army, for relief.

By Mr. BRECKENRIDGE: The petition of Benjamin J. Brumham, praying for a pension.

By Mr. MILLSON: The petition of Commander John L. Saunders, United States Navy, asking to be reimbursed for certain expenses incurred while in command of the United States ship St. Mary's.

IN SENATE.

THURSDAY, January 22, 1852.

Prayer by the Rev. L. F. MORGAN.

PETITIONS.

Mr. SEBASTIAN presented a report and resolutions, adopted by the New Orleans Chamber of Commerce, relative to the causes of the explosion of steam boilers, and the means of their prevention; which were referred to the Committee on Commerce.

Mr. DAVIS presented the memorial of William H. Bartoll, and citizens of Marblehead, Massachusetts, representing that the sea-wall at the southwest part of Marblehead Harbor, which prevents the waters of Boston Bay from encroaching on said harbor, is in a very dilapidated condition, and praying an appropriation for repairs of said wall; which was referred to the Committee on Commerce.

Mr. MORTON presented the petition of George Jennings, William T. Jennings, and George S. Jennings, praying that Thomas D. Jennings may be allowed to enter a certain tract of land settled by his father; which was referred to the Committee on Private Land Claims.

Also, the petition of William B. Davis, praying for remuneration for losses at Indian river, Florida, during the Indian disturbances in 1849; which was referred to the Committee of Claims.

Mr. MORTON. I also beg leave to present the petition of John F. Myrick and the assistant marshals of the northern district of Florida, asking additional compensation for their services in taking the Seventh Census in Jackson and Calhoun counties. It appears, from the number of memorials which have been presented to the Senate from marshals and assistant marshals, from all portions of the country, that the square-root system of estimating the mileage of the marshals, introduced into the census act on the motion of

the Senator from Kentucky, [Mr. UNDERWOOD], operates badly; or, at least, that these officers have forgotten their mathematics and do not understand how to work it out properly. I move that the memorial be referred to the Committee of Claims.

Mr. UNDERWOOD. I rise to state that that mathematical rule, which was incorporated into the census act at the last Congress, has worked more admirably than any rule which has ever applied by Congress. It has prevented everything like fraud and cheating. You have prescribed a rule by which, when these officers have reported the number of families which they have enumerated, you can prevent everything like an exorbitant demand for mileage with mathematical certainty. The act of 1850, providing for the taking of the census, actually allows more for the enumeration than any prior act of Congress. This dissatisfaction has resulted from the application of the mathematical principle to which the honorable Senator has referred, to prevent the extraordinary charges for mileage, which have been heretofore made by the census marshals. The rule works admirably.

Mr. MORTON. I would say, in reply to the remarks of the Senator from Kentucky, that the rule may work admirably for the Government, but very badly for the marshals. One of the marshals for Florida, as he represents in his memorial, traveled upwards of one thousand four hundred miles, was laboriously and assiduously engaged for three months, and that the amount of compensation which he received was a hundred and odd dollars. This rule may work admirably for the Government and for the benefit of the Treasury, but certainly it does not afford the marshals a proper compensation. It reminds me of one of Aesop's fables in relation to the boys who were throwing stones at the frogs: it was enjoyment to the boys, but death to the frogs. So this rule, in its operation, may work advantageously to the Government, but it has certainly operated disadvantageously to the marshals. The laborer is worthy of his reward; but these officers have not received proper compensation for their laborious services.

The petition was referred to the Committee of Claims.

Mr. SMITH presented the petition of the children and heirs of John Fanning, a surgeon's mate in the revolutionary war, praying compensation for his services; which was referred to the Committee on Revolutionary Claims.

Mr. FOOT presented resolutions passed by the Legislature of Florida, in favor of a distribution of the decisions of the Supreme Court of the United States among the States; which was referred to the Committee on the Judiciary.

Also, a resolution passed by the Legislature of Vermont, in favor of a grant of public land for the endowment of hospitals for the indigent insane; which was referred to the Committee on Public Lands.

Mr. UNDERWOOD. Mr. President, I have a memorial of sixteen printed pages—it is from H. C. Ailensworth, of Kentucky. The object of the memorial will be fully explained by the reading of a single paragraph:

"Your memorialist further represents, that the award in his favor by the American Commissioners, under the convention of 1839, computed up to the close of the last board, amounted to \$2,446 38. For that amount he claimed an award from the last board, which, however, arbitrarily reduced his claim to \$650, making a difference of \$1,796 37."

He asks Congress to pay him this amount, because the last board on Mexican claims he alleges did not do him justice. I believe these memorials have been referred to the Committee on Foreign Relations. I ask that this may take the same direction.

The memorial was referred to the Committee on Foreign Relations.

Mr. UNDERWOOD. Mr. President, I have also the memorial of John B. Amos. The petitioner represents that he contracted to carry the mail from Bowling Green to Glasgow, in the State of Kentucky; that this line was to connect together the alternate lines from Louisville to Nashville, one passing through Bowling Green and the other through Glasgow, by means of which connection the people in the western part of Kentucky had a daily communication with Louisville. After he made this contract, he complains that the Government contracted for a direct daily line from

Bowling Green to Louisville, which deprived him of passengers on his cross-connecting line. He has taken testimony and got certificates to show that he has lost a large quantity of money by this arrangement made by the Government. When this arrangement was first made he says that he applied to the Postmaster General for additional compensation, but the Postmaster General refused to give it to him. He then applied to be released from the contract. That also was refused. He therefore claims that the Government violated its contract, and he asks Congress to grant him relief. I move to refer the memorial to the Committee on the Post Office and Post Roads.

The motion was agreed to.

FLOGGING IN THE NAVY.

Mr. HALE. Mr. President, there lies upon your table a petition relating to corporal punishment in the Navy, which was presented some time ago, and was, on my motion, postponed until to-day. I was desirous of saying something in relation to it, and I am as ready to say it now as at any future time. But it has been suggested to me by several Senators that they desire to speak upon it, and that it would therefore be better to have it taken up now and assigned a special day for its consideration. I move that the memorial be taken up for the purpose of having a day fixed for its consideration.

The motion to take up the memorial was agreed to.

Mr. HALE. I now move that the further consideration of the memorial be postponed to this day week, and that it be made the special order for that day, when I hope we shall finish it.

Mr. GWIN. The Committee on Naval Affairs are suspended in their action on this very question, because it is under discussion in the Senate. If the Senator from New Hampshire who has the floor, and the Senator from New Jersey, [Mr. STOCKTON,] who wishes to obtain the floor, will permit the memorial to be referred to the Committee on Naval Affairs, we will very soon bring the subject before the Senate. The committee is now waiting for the discussion in the Senate to be stopped. I hope the Senator from New Hampshire will postpone his remarks until the committee shall have reported upon the subject. I do not wish to interrupt the debate. I have merely made this suggestion.

Mr. HALE. This matter has been before the Senate for the last six or eight years. A provision in relation to this subject has generally been put in some of the general appropriation bills, and was not reached until the final hours of a session. The subject therefore has not received the deliberate attention which it deserves. I am glad that the Senator from New Jersey moved in this matter at so early a period. I am prepared to say what little I have to say upon the subject, just as well as I shall be hereafter. It was not on my own account that I asked for a postponement, but at the request of other Senators. Having made these remarks, I am perfectly willing to leave the question to the Senate.

Mr. GWIN. I do not wish to interrupt the debate at all, but, as I stated to the Senator, the Committee on Naval Affairs are delayed in their action by the discussion in the Senate on the subject. The Naval Committee intend to bring the subject before the Senate in a very short time, either by a bill to restore flogging, or to provide a substitute for it. The committee will act promptly. We are now delayed in our action by the discussion in the Senate, and if it is agreeable to the Senator from New Hampshire, I move to refer the memorial to the Committee on Naval Affairs.

The motion to refer was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SMITH, it was

Ordered, That the petition of Samuel W. Chilson, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. BELL, it was

Ordered, That the memorials of members of the Bar of East Tennessee, on the files of the Senate, relating to the appointment of a separate judge for that district, be referred to the Committee on the Judiciary.

On motion by Mr. MILLER, it was

Ordered, That the petition of Samuel S. Marcy and others, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That Elisha Hampton and others, have leave to withdraw the documents on the files of the Senate, relating to their claims.

On motion by Mr. BRODHEAD, it was

Ordered, That the petition of Mary E. D. Blaney, widow of George Blaney, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. GWIN, it was

Ordered, That leave be granted to withdraw from the files of the Senate the petitions of citizens of San Francisco, California, presented January 2, 1852, in relation to the establishment of a branch Mint at that place.

On motion by Mr. UNDERWOOD, it was

Ordered, That William Tell Zollickoffer have leave to withdraw his petition and papers.

Mr. UNDERWOOD. I can now state more at length than I could yesterday the facts under which this application is made. I stated to the Senate yesterday that an unfavorable report had been made upon this individual's memorial, but that it had never been acted upon by the Senate. I can now state in addition, that an application was made to the Pension Office, and that a pension was actually granted to Mr. Zollickoffer. Hence he does not want any further action in the Senate. He, however, wishes his papers to be returned to him, that he may be enabled to show that a pension ought to have been granted to him at the Pension Office something like a twelvemonth earlier than the Commissioner of Pensions allowed. It is under these circumstances that he asks a withdrawal of the papers.

REPORTS FROM STANDING COMMITTEES.

Mr. BORLAND, from the Committee on Pensions, to whom was referred the bill for the relief of Mrs. E. A. McNeil, widow of the late General John McNeil, reported back the same without amendment.

Mr. UPHAM, from the Committee on the Post Office and Post Roads, to whom was referred the memorial of Ira Day, of Vermont, submitted a bill for his relief, accompanied by a report.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. WALKER, from the Committee on Revolutionary Claims, submitted the following resolution; which was read:

Resolved, That the Committee on Revolutionary Claims be authorized to employ a clerk to said committee during the present session, at the usual compensation.

Mr. BORLAND, from the Committee on Printing, to whom was referred the motion to print two thousand additional copies of the report of the Secretary of War in relation to the inundations of the Mississippi river, reported thereon; and in concurrence therewith,

Ordered, That three thousand additional copies be printed of the said report—three hundred of which for the use of the Topographical Bureau.

BILLS INTRODUCED.

Mr. SEBASTIAN, agreeably to previous notice, asked and obtained leave to introduce a bill, to be entitled "An act to revive for a limited time 'An act in relation to donations of lands to certain persons in the State of Arkansas;'" which was read a first and second time by its title and referred to the Committee on Public Lands.

He also, agreeably to previous notice, asked and obtained leave to introduce a bill to release from reservation and restore to the mass of the public lands certain lands in the State of Arkansas; which was read a first and second time by its title and referred to the Committee on Public Lands.

ICE BOATS ON THE POTOMAC.

Mr. HUNTER, in the absence of the Senator from Texas, [Mr. Rusk,] and agreeably to previous notice, asked and obtained leave to introduce a joint resolution to provide for the employment of ice boats on the Potomac; which is as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the Postmaster General be and he is hereby authorized, in addition to ordinary steamboat service on the Potomac, to contract with the Washington and Fredericksburg Steamboat Company for an efficient ice boat, or ice boats, being kept up for the conveyance of the mail during the winter months, provided the additional expense to be incurred by the Department for keeping up such ice boat or ice boats shall not exceed \$20,000 per annum.

The resolution was read a first and second time and referred to the Committee on the Post Office and Post Roads.

REVENUE FRAUDS.

Mr. HUNTER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be requested to furnish for the information of the Senate a detailed statement of all cases where seizure and confiscation in pursuance of law may have taken place on the ground of under valuation, or fraud, either in the invoice or entry made or attempted to be made at the custom-house of any collection district in the United States, since the tariff act of the 30th of July, 1846, went into operation, describing any such goods, and stating the place or country from whence imported; together with a like statement of all seizures and confiscations and prosecutions, if any, that may have taken place in pursuance of the directions to collectors and other officers of the customs contained in the circular instructions issued by the Secretary of the Treasury under date of the 12th of October, 1849, in the following terms to wit: "Where the value declared in the entry shall, on due appraisement of the goods, be found to be so far below the foreign cost or market value as to raise a presumption of being fraudulently invoiced, seizure and confiscation of the goods should take place under the provisions of the act of 2d March, 1799, and prosecution of the offending party under the nineteenth section of the tariff act of 30th August, 1842, instituted."

GENERAL GEORGE TALCOTT.

Mr. HUNTER, in the absence of the Senator from South Carolina, [Mr. BUTLER,] submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to furnish, for the use of the Senate of the United States, a copy of an original letter, on the files of his Department, from Colonel Benjamin Huger to General George Talcott, bearing date at Fort Monroe Arsenal, November 5, 1850.

CREDITORS OF THE WESTERN CHEROKEES.

Mr. SEBASTIAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be and he is hereby directed to communicate to the Senate copies of all correspondence between his Department, including the Commissioner of Indian Affairs, and persons claiming to be creditors of the Western Cherokees, since the last session of Congress.

CAPTAIN WILLIAM K. LATIMER.

On motion by Mr. HALE, that two thousand additional copies of the charges and specifications before a Court of Inquiry against William K. Latimer, a captain in the Navy of the United States, and the accompanying papers, which were ordered to be printed, be printed for the use of the Senate—

Ordered, That the motion be referred to the Committee on Printing.

BOOKS FOR NEW SENATORS.

The Senate proceeded to consider the resolution submitted yesterday by Mr. BADGER, to supply each of the new members of the Senate with the same number and description of books as were furnished to each of the members of the Senate of the last Congress: and the resolution was agreed to.

SPIRIT RATION IN THE NAVY.

The Senate proceeded to consider the resolution submitted by Mr. SUMNER, on the 19th instant, directing the Committee on Naval Affairs to inquire into the expediency of abolishing the spirit ration in the Navy of the United States, and at the same time of increasing the monthly pay of all the enlisted men in the service; and the resolution was agreed to.

BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

A bill to extend the time for selecting lands granted to the State of Wisconsin for saline purposes;

A bill for the relief of the widows and relatives of certain officers and seamen of the United States brig Washington, who were lost overboard in a hurricane;

A bill to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of 2d March, 1827, granting land to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan; and

A bill to admit the Hermaphrodite brig Sylphide to registry.

REPORTS OF SENATE PROCEEDINGS.

The Senate proceeded to the consideration of the following resolution, submitted by Mr. NORRIS on the 20th instant:

Resolved, That the Secretary of the Senate be and he is hereby authorized and instructed to audit, and from time to time to settle, the account of John C. Rives for the reports

of the Senate proceedings and debates published in the *Daily Globe*, at \$7 50 per column.

Mr. NORRIS. I suppose that the Senate understands fully this whole subject; but still I will make a very brief explanation. As long ago as 1846, a proposition was made in the Senate that the then editors of the *Globe*, Messrs. Blair and Rives, and the editors of the *National Intelligencer*, should publish reports of the debates in the Senate. By that resolution twelve copies were authorized to be taken by each Senator, of both publications. The editors of the *National Intelligencer* refused to publish so small a number at the price proposed. The price was six dollars per copy for the long session, and three dollars per copy for the short session. Messrs. Blair and Rives accepted the proposition, and the work was published by Blair and Rives, and subsequently by Mr. Rives, up to this time. Those publications at that time, as I understand, contained merely synopses of the debates, except the Appendix to the *Congressional Globe*, in which were published speeches at length, revised by those who made them. In 1847, the Senate employed Dr. Houston to make full reports. He went on throughout the long session of 1847-'48, and then his contract was given up. In 1848, the Senate made a proposition to the editors of the *National Intelligencer* and the editors of the *Union*, to publish the debates in full at \$7 50 per column. Those papers continued to publish the debates in full up to the close of the last session of Congress. At that time the editors of the *Intelligencer* gave notice that they would no longer, on their part, continue the contract; and they have abandoned it altogether. It was then understood that the editors of the *Union* would likewise abandon the contract on account of the price which the Senate paid not being sufficient, as was alleged.

Mr. Rives, at the commencement of this session of Congress, employed a corps of reporters to make up these reports, and they are now published daily in the *Daily Globe*, and laid upon our tables. Of the manner in which these reports have been made, the Senate is able to judge. I presume that no more efficient corps of reporters can be found anywhere. So far as I have examined them, they have been made with great accuracy and promptness. It is necessary that these reports should come from some source, in order to enable Mr. Rives to fulfill his contract for the supply of the *Congressional Globe*. Mr. Rives commenced the undertaking at this session, without any authority on the part of the Senate, and I have introduced this resolution to test the sense of the Senate, whether they will continue the reports which he has been making. I hope they will; for I believe it important that the reports of the debates in the Senate should be faithfully made, and put in a form to be preserved. I hope the resolution will be adopted.

Mr. WALKER. If I understand the proposition, it is to do nothing more in regard to the *Daily Globe* than we have heretofore been doing with regard to the *National Intelligencer*.

Mr. NORRIS. Nothing more.

Mr. WALKER. I am in favor of it; and I think that if we have ever had good and prompt reports of debates since I have been here, they have been in the *Globe* during this session. The leading Reporter for that paper for this session can perform almost a miracle in the way of reporting, for he can report me literally when I speak in my most rapid manner. I have been astonished at the correctness of the reports for the *Globe*, and I should regret exceedingly to see them discontinued.

Mr. HALE. I concur in everything which has been said in favor of these reports; but there is one thing which I wish to see corrected. We hire reporters to report what is done and said in the Senate; but we shall never have precisely that so long as the practice is tolerated of allowing members to revise their speeches. In these revised speeches I frequently find omitted things that were said, and I find put in things that were not said. This offer has been very kindly made to me by the reporters; but I told them to take what I say just as I say it. I do not want to make a speech afterward. If it is nonsense, let it be nonsense.

I decidedly object to this revising of speeches to go out as speeches that are made; and I hope some mode will be adopted by which the very faithful and accurate reports we do have when they are not revised or corrected, will be allowed to go as

they are reported; and that Senators will not be permitted to send out as said what is not said. I hope the resolution will pass.

Mr. GWIN. I wish to say a single word upon the point raised by the Senator from New Hampshire. It is highly probable that that Senator may be so distinctly heard as to be reported accurately on all occasions, but I say very candidly that I cannot be; and I have found it necessary to add to the reports of my speeches that which I intended to say, whether I said it or not. I do not speak for display; but if I did not sometimes revise, as I have intimated, I should be put in a wrong position before my constituents. The *Congressional Globe* is an official work. It is to be put into the archives of the country, and I have found it absolutely necessary, when speaking on questions of importance to my own constituents, to see that I am put right.

The PRESIDENT. The Chair thinks that according to the rules, the resolution must have three readings. The rule of the Senate is, that all resolutions proposing amendments to the Constitution, or to which the approbation and signature of the President of the United States may be requisite, or which may grant money out of the contingent or any other fund, shall be treated in all respects in the introduction and form of proceedings on them in the Senate in a similar manner with bills. This is a resolution to provide for auditing and settling accounts, and therefore appropriates money, and must have three readings.

Mr. BADGER. I wish merely to say that I hope this resolution will pass, and expressly for the benefit of the honorable Senator from New Hampshire, [Mr. HALE.] I know of no gentleman who, it seems to me, is pursuing a course more adverse to his own interests and public reputation, as deservedly high as his is, in opposing this resolution.

Mr. HALE. I do not oppose the resolution. I am in favor of it.

Mr. BADGER. I understood the Senator to oppose so much of the proposition as authorized the revision of speeches.

Mr. HALE. There is no such proposition in the resolution.

Mr. BADGER. The Senator from New Hampshire so commonly speaks to the subject before the Senate, and so seldom wanders from it, that I really supposed that something of the kind was up for the consideration of the body. I think it is very much to be regretted that the Senator has not taken the pains to revise some of his speeches. I will not say that they need any addition; but some of them very much stood in need of the inverted stylus; and I know no gentleman in this country, considering the large fame which he enjoys, who has suffered more from want of the expunging process, in some of the speeches which he has made in this Chamber. My regret for him on this account is so great, that, if he is not willing to take the labor of striking out unnecessary passages for himself, I would be almost willing to take that labor on myself, though I very rarely do it in my own speeches.

Mr. HALE. In answer to that I would say, that I do not, like some other young gentlemen, come here to make a display of myself by talking. When I talk it is for the country. Let those gentlemen who are anxious for a rhetorical reputation, pore over the midnight lamp, and put prepositions into their speeches, and add other ornaments of rhetoric; but do not let them find fault with the practical business-men of the Senate who come here to do the business of the country, because they have not been able to run a race with them in rhetorical declamations. I am perfectly willing that the Senate should set apart a day when these gentlemen shall come in and display themselves. Saturday afternoon might be a very convenient time. [Laughter.] I am perfectly willing that a corps of reporters should be here and understand that they are only to make the skeletons; and that the ornaments are to be put in afterwards by the gentlemen themselves. Though I have no objection to that, what I want is, that when we have a corps of reporters to keep a record of what is said, we should have what is said. I do not want to trust to the fertile imagination that may be licked into shape over the midnight lamp afterwards, and put in as being said on the spur of the moment. I am but a plain blunt man. I speak what occurs to me at the time I speak. If it is not in the

ornate form in which the elaborate productions of the eloquent Senator from North Carolina appear, perhaps it is my misfortune. I do not make speeches for schoolboys to declaim at academical exhibitions, and to have a star affixed, and "J. P. Hale" put against the piece. I have no desire for anything of that sort. I merely speak for my constituents and for the country. I speak the suggestions of my own heart in the plainest way in which they occur to me. I am not desirous of any reputation, which the honorable Senator thinks I have jeopardized by not looking over my speeches after they have been delivered. That is all I have to say.

Mr. BADGER. Why, here is a most eminent example of the propriety of the honorable Senator's revising his speeches. What would the honorable Senator himself, what would any other man of taste think of what he has just said about "licking a fertile imagination into shape?" I hope he will correct that anyhow. [Laughter.] But the honorable Senator compels me, which I did not desire to do before, to assign an additional and much stronger reason than I did assign, why I wished he would look over and expurgate his speeches. I mentioned a reason which affected him personally, and it was a very grave and serious one. But there is another and higher reason. I wished it for the sake of the country, for a great many inflections have been imposed upon it by the honorable Senator, which, I have no doubt, in his calmer and more judicious moments, if he ever has any such, he would have stricken out.

Mr. HALE. One single word more. The reason the honorable Senator assigns, shows that he supposes that the country reads my speeches, and, therefore, he thinks that they ought to be expurgated. He would, therefore, seem to imply, that some speeches are made here, which the country does not trouble itself about, even so much as to read. That I regard as a compliment. [Laughter.]

Mr. BADGER. I would say that I do not wish to continue this contest with the honorable gentleman for the last word. His wit is getting low, and there is nothing left of the wine but the lees. That is all I have to say.

Mr. HALE. You had better not have said that.

Mr. CASS. I desire to say but one word. It will be recollected, that at the last session this subject was before the Senate, and a proposition was distinctly made that no Senator should revise his speeches. Well, if by not revising is meant, that a Senator is not to look over the notes of the reporters, and correct them where errors can be found, it is a species of tyranny to which no Legislature in the world would submit. I am precisely in the same condition as the honorable Senator from California. It is difficult for the reporters to report me. It is not their fault; it is mine. From some defect, or owing to my hasty enunciation, I cannot be heard as distinctly as many Senators. I know from experience, that I cannot be exactly reported on this account. If a Senator was not to be allowed to look over his remarks and correct an egregious mistake when he found one, no one would submit to it. If mistakes can be found, are these reports to be like the laws of the Medes and Persians, unalterable? Cannot I put myself right, if I find an error in regard to my position? How far a Senator should go in the operation of revising his remarks, must depend upon himself. He ought to put in nothing concerning anybody else, or anything which would convey a false idea of what he said. But to say that a Senator shall not revise or correct to any extent the notes of the reporters, is to put him in a position that no one would submit to.

The PRESIDENT. The resolution has been read a first time. Shall it have a second reading?

Mr. HALE. I do not want to put myself in a false position. I have no sort of objection to a Senator's looking over his speech and making right that which he said. What I object to is erasing what he did say, and putting in what he did not say.

Mr. BADGER. Does any one do that?

Mr. GWIN. Name the Senator who does it.

Mr. HALE. I do not suppose that it is a criminal matter; I suppose it is a matter which every Senator thinks he has a right to do. I may be mistaken in fact, but I have looked over the last long speech made in the Senate, the speech of the honorable Senator from Florida, [Mr. MAL-

LORY,] with some care, to find a remark in it to which I had replied; but I could not find a word of it in the speech of the honorable Senator. The poor remarks which I made were published as a reply to something which, by the reports of the Senate, did not appear ever to have been said. That is one instance, but it is not a solitary instance. I do not mention this as a matter of reproach to the Senator from Florida, because it is a thing which is frequently and commonly done. What I complain of, and what I think ought not to be done, is, that Senators are allowed to erase what they said, and substitute what they did not say. I do not complain of anything to which the honorable Senators from California and Michigan allude, to make correct what they did say; but what I complain of is, that our reports show things to be said which are not said.

The resolution was then ordered to a second reading; read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

No amendment being proposed, it was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

RAILROADS IN IOWA.

The Senate, as in Committee of the Whole, resumed the consideration of the special order, which was a bill granting the right of way and making a grant of land to the State of Iowa in aid of the construction of certain railroads in said State.

To this bill there was an amendment reported by the Committee on Public Lands, and the question at the adjournment yesterday was on the adoption of the amendment.

Mr. FELCH. There are one or two verbal amendments which I wish to make. In the ninth line of the first section, speaking of the right to take "timber, stones, &c.," I wish to strike out "&c.," and insert "and" between the words "timber, stones," so as to make it read "timber and stones."

The amendment was agreed to.

Mr. FELCH. I wish further to amend the amendment by inserting in the nineteenth line of the second section the word "right" after the word "preemption." The word "right" is an omission of the printer.

The amendment was agreed to, and the bill was then reported to the Senate.

Mr. ATCHISON. If the Senator from Iowa [Mr. Dodge] will not object, I will move to strike out all after the word "States" in the sixth line of the fourth section—that is "free from toll or other charge," &c. I make this motion because I believe that this imposition on the line would be wrong in itself—that it would be an imposition of a burden upon this road that should not be required. There is no equivalent in this bill for any such reservation—at least none that I am aware of. If there is any such, I would be glad if the chairman of the Committee on Public Lands, or some other gentleman, would point it out. Now, sir, it is well known that a large quantity of Government stores in the Quartermaster's Department and the Department of the Commissary is now transported by the Missouri river to the western frontiers of the States of Missouri and Iowa, for the supply of the army, not only on the frontiers of Missouri and Iowa, but upon the upper flat on the whole route to California and New Mexico. These supplies are transported by the Missouri river, and thence across the plains of New Mexico; and at various points military posts are to be established on the route to California and Oregon. They can receive supplies from no other source; and I cannot therefore but think that this immense amount of stores to be transported free of all cost and charge is an imposition on this railroad for which no equivalent whatever is provided in the bill. For these reasons I move to amend by striking out the words which I have designated.

Mr. DODGE, of Iowa. I appreciate the motives of my friend from Missouri in offering the amendment to which he has alluded. I concur with him in every word that he has said in reference to that provision, but I am so anxious for the passage of the bill that I would rather take it with some defects than risk it by pressing such an amendment. We have been working to get this bill for two or three years past. Our State has held convention after convention on the subject,

and our Legislatures have again and again instructed us to press it, and to give it all our attention, and for that reason I shall have to oppose any amendment which may retard its passage.

Mr. ATCHISON. Well, I am not particular about the amendment. I will withdraw it.

Mr. DAWSON. I regret that the Senator from Missouri has withdrawn his proposed amendment, as this is a question which is to go before the country, and I wish that the principle upon which we act may be fully understood. The principle first laid down by the Senator from Missouri is, that the grant of land which is made really confers no favor on the State of Iowa, and but for the moral influence which might result from giving this land to that State, he would not accept it.

Mr. ATCHISON. I said no such thing as the Senator states.

Mr. DAWSON. The proposition is, that it will be of no advantage. I want to place this subject properly before the country. The principle is this: that giving alternate sections of land for the purpose of aiding in the construction of these railroads, increases the value of the other sections one hundred per cent., and that the land will be sold for \$2 50 per acre. If the Government lands appreciate to that extent, the lands belonging to the State of Iowa will increase in value also to the same extent. The price of the public lands to be given by this bill will amount, at \$2 50 per acre, to four and a half millions of dollars; and of course the railroad company will be reimbursed to that extent; they will get four and a half millions of dollars by this bill.

The question I propose is this: is not such a grant a decided benefit to the State of Iowa? Will not her citizens receive an appropriation equivalent to \$4,500,000, and have a railroad built extending from Keokuck to Dubuque? This result, then, will arise, that the State of Iowa will receive, out of the public lands, a revenue annually for all the transportation over that road, equivalent to the necessary expenses of supporting her government, and the people of Iowa, by a proper administration of the proceeds from this road, will be exempt from State taxation. And how? By appropriating the proceeds of the gift of the public lands. And while she is thus relieved from taxation, the other States will be left without any aid whatever. But, Mr. President, gentlemen say we are merely throwing ourselves upon a principle without being controlled by it. From Keokuck to Dubuque, in Iowa, is the finest section of the State, and all the public lands are nearly taken up upon the route directly between these two points. As the Senator from Missouri [Mr. Atchison] said, the citizens have already gone on in anticipation of these railroads being constructed according to the routes surveyed, and taken up the public lands. This bill is discussed upon the principle, that the whole of the lands between the two extremes of the road belong to the public lands, and that when you give away one section to aid in constructing the road, you increase the value of the rest, while the fact is, all the land is taken. What will be the next proposition? Why, at the next Congress, perhaps, there will be an application similar to the one made by Illinois, and one made by another Senator. They say you intended to give alternate sections on the line of the proposed road or canal; but the public lands are all taken up; we have got about one third or one fourth of the one million eight hundred thousand acres of land granted, and now we call upon Congress—to do what? To decide, as we did yesterday, to authorize them to select their lands anywhere in the State. Now, that is the principle on which you stand, that you increase the price of the public lands; and what is the consequence? You get two thirds, if not three fourths of the lands distant from the railroads. Is it not abandoning the principle on which we first started, when we give away the public lands to make roads from them. I do not suppose that my opposition will avail anything. I have been here long enough to apprehend that the bill will pass. I know there is a most extraordinary complication of interests in favor of the principle of giving away these lands. While some wish the lands to be given to the States in which they lie, there are those who wish to see the revenue of the country derived from taxation; and because they desire to justify the increase of a tariff for that purpose, these two interests com-

bine, and will always control this question. And what becomes of the public lands? They go to the new States, and are used up by the States where they lie, and their prosperity is greatly increased. Now, there are railroads through all that country, and the whole country is going on to prosper more than ever before. I do not regret that; but what I say is, amidst their prosperity, whilst they go on so finely, let them remember this, that the proceeds of the public lands, and the public lands themselves, belong equally to all the States of this Union; let them, while we act liberally towards them, act liberally towards us who belong to the old States. If you are determined to take the course you are pursuing with respect to the public lands, do it in a spirit of magnanimity and kindness and liberality. Say to the old State of North Carolina, Every one of your railroads has been built with your own money; say to her, that although she has thousands of acres of barren land, and her people are sparsely settled over the State, yet the people of North Carolina have carried a railroad through a pine country immediately in the neighborhood of the sea-shore for hundreds of miles, and this by the labor of their own hands. And when you go to the fine rich lands on the waters of the Missouri, what do you find? You find railroads everywhere all taken from the public lands, and not a dollar from the pockets of the citizens, for which land, taken for the purpose of building the roads, North Carolina contributed as much as other States. I say to my younger sisters, Take this property, but at the same time do it with magnanimity; feel some regard for, some attachment to, the old States which gained your independence and gave you birth, and gave you the liberty to control and manage these lands today. Say to them, with magnanimity, We will divide honestly and fairly with you, and we will not combine with the Representatives of the new States, or others who favor that particular interest which desires that the avails of the public lands, up shall never go into the treasury of the country. If you will come to that, you will have no opposition from me. I appeal to the Senate if I have uttered an illiberal expression with regard to the public lands; and I believe that my friend from Iowa, [Mr. Dodge,] if he were in my position, would occupy the same ground that I do on this question. Why? Because I stand upon the principles of truth and equity. I stand upon the ground that these lands belong to the people, and that the people, either in their individual character, or their representative character, as the people of the different States, are entitled equally to the lands and the proceeds of the lands. Is there a Senator here who can lay his hand on his heart and say it is not true? Is there one? Not one.

I wish to be understood. I have been opposed to the distribution of the public lands. I was opposed to it when I was in the House of Representatives; but my opinions have changed, and I am willing to divide these lands among the States for purposes of internal improvement and the education of the people; and I maintain that when we go upon that principle, every part of this country is entitled to the same share. Let this bill pass, and let the impression of justice be made upon the Senate, and say that we are all entitled, that we will adopt a plan by which old Virginia and Massachusetts, and every State in the Union, shall come in for her proper share.

Mr. HALE, (in his seat.) And New Hampshire.

Mr. DAWSON. Yes, and even New Hampshire. These are my views about this matter, although I make these remarks with no hope that this bill can be defeated. If the number of acres were five millions instead of eighteen hundred thousand, I suppose it would be given. And some of the States have got seven millions of acres, and they say the property is increased in value, so as to be worth double the Government price, which makes the whole value given to one State, about \$18,000,000. And yet my friend from Missouri, when he was making that liberal speech yesterday, and saying in his fine, manly voice, that he considered this as conferring no very great favor, and talked about the public property being transported free of charge, and seemed perfectly indignant that Congress should ask any compensation for the public lands, knew the very great advantage that Missouri would derive from it. He is laughing

in his sleeve at the habits of the people of the old States, and at their sleepy condition. We are divided in the old States; and why? There are two interests—the tariff and anti-tariff—and the question is, whether we will hold on to the public lands to derive a revenue from them or not. Some say, let the lands go, and then we will have a tariff; and our Democratic friends in the Western States, who are so anti-tariff, are favoring the tariff party. Why? Because they get the benefit of the public lands, and consider them of more benefit than the injury they will receive from a tariff. Interest is at the bottom, and controls every one of them—

A SENATOR. More or less.

Mr. DAWSON. Yes, more or less. Why do I oppose this bill? Not that I expect the bill will be defeated. All I ask is this: I want Congress to be brought up to the point; because I intend to move, at a particular day, for a division of the public lands among the States—that the lands themselves may be divided, and not the proceeds of the lands. And why will I do this? That the public lands may be fairly settled, and the proceeds be divided among whom? Among those who are entitled to them, the people of these States, and not the people of any particular portion of them, and under a general division. And in making that division, I will be liberal to the younger members of this Confederacy, as we have always been, by giving them all reasonable advantages; and at the same time say to them, we do not desire them, because we are thus liberal, to strip us of every right, and then remind us, when the Indian treaties come up, and we are paying annuities year after year to the Indians, that we pay them to get more land to make railroads, while the lands are paid for out of the taxes imposed upon the whole people. Sir, if the people understood this subject, they would not submit to it, because you tax them annually, and throw the money into the Treasury to buy lands from the Indians, to give to particular States to make railroads, thereby making the people of the whole country pay for these railroads, and not the people who own them. I regret that I have detained the Senate so long. I have made these remarks, not with the expectation of defeating the passage of this bill, but that the object of it might be made known to the country, and that the people may understand what we are doing.

Mr. ATCHISON. I will say but one word on this subject. The Senator from Georgia admits that this grant is right and should be made, but that Georgia must have her share of the public lands. That is the sum and substance of his argument. Let him bring forward his bill for that purpose, and then we will discuss it.

Mr. DAWSON. That is not the question. We are for the promotion of the interests of the whole country. I see that by the arrangements you have made, you have determined on this course; but it is in violation of the rights of the old States of this Union. You have the power to pass this bill, but if it is done I consider it as done by force; and I say if you do this in the use of the power you have, exercise that power with becoming justice and propriety towards the other States.

Mr. HUNTER. I have very little to say on this subject, for I feel assured, as the Senator from Georgia has expressed himself, that this bill is destined to pass. And yet, sir, I am so strongly impressed with the necessity of adopting some system in relation to the disposition of these public lands, that I feel bound to say a word or two in relation to the bill before it passes.

I have listened to the arguments of gentlemen who have spoken in favor of this bill, not only yesterday, but on prior occasions, and they have failed to convince me that we are doing equal justice to all the States of the Confederacy when we make such a disposition of the public lands as is here proposed.

My friend from Missouri endeavored yesterday to prove that we were giving nothing away when we were disposing of from fifteen to eighteen hundred thousand acres of land to the State of Iowa; and I was really afraid that before he was done he would endeavor to prove that we had brought ourselves into debt, and would ask that we should relinquish the remaining alternate sections for the purpose of paying for the transportation of those troops and stores for the provision of which in this

bill he complains so much. And yet, if he will look to what has been given, and to what is asked to be given, of the public lands for internal improvements in the shape of railroads and canals, he will find that we have given and are continuing to give a very great deal. I will not refer to what has been given heretofore for the construction of canals, because I do not propose to enter into the matter in detail; but I will just look to see what it is that the gentleman calls nothing, by referring to what has been done in relation to railroads, and what is proposed now to be done. Last session of Congress we passed an act similar to this for the construction of a railroad in Illinois, and we were told that we had granted more land for the building of that road than is now asked for by this bill. We have this act which will require from fifteen to eighteen hundred thousand acres to satisfy its provisions, and we have another granting the right of way to the State of Missouri and a portion of the public lands in aid of the construction of a railway from Hannibal to St. Joseph, in said State. These are all bills which are destined to pass if this bill should pass in the Senate. We have, also, a bill granting the right of way to the Florida, Atlantic, and Gulf Central Railroad Company through the public lands of the United States, and appropriating lands to the State of Florida in aid of the construction of the said railroad and branches.

Then, again, we have a bill to grant to the State of Missouri a right of way and a portion of the public land for the purpose of aiding in making a railroad from St. Louis to the western limits of the said State.

And a bill granting the right of way and making a grant of land to the States of Florida and Alabama, to aid in the construction of a railroad from the waters of Pensacola Bay, in Florida, to Montgomery, in the State of Alabama.

Also, a bill granting to the State of Wisconsin the right of way and a donation of the public land for the purpose of locating and constructing a railroad from Milwaukee to Prairie la Crosse, in Wisconsin.

And another bill granting to the State of Wisconsin the right of way and a donation of public land for the purpose of locating and constructing a railroad from Fond du Lac to Janesville.

Then we have another bill granting to the State of Alabama the right of way and a donation of public land for making a railroad from Selma to Tennessee river.

Also, a bill granting to the State of Mississippi the right of way and a donation of public land, for the purpose of locating a railroad from Brandon to the eastern border of said State, in the direction of Montgomery, Alabama.

Then we have a bill granting to the State of Michigan the right of way and a donation of public land, for the purpose of constructing a canal or railroad across the peninsula of Michigan.

Then we have another bill granting the right of way and making a grant of land to the State of Arkansas, in aid of the construction of certain railroads in said State.

And yet another bill, sir, granting to the State of Arkansas the right of way and making a donation of land, to aid in the construction of a railroad from Helena to Fort Smith; and there is still a third bill granting to the State of Arkansas the right of way and a portion of the public land to aid in the construction of the Arkansas Central Railroad, from a point on the western bank of the Mississippi river opposite the town of Memphis, by way of Little Rock, to a point on Red river, on the border of Texas.

Mr. BORLAND. The Senator is surely mistaken. There is only one bill reported.

Mr. HUNTER. There is only one bill reported, but there are others under consideration.

Mr. BORLAND. No, they are not under consideration, for I believe that they have been reported upon adversely.

Mr. HUNTER. And besides all these bills which I have named, there is still another, proposing to grant lands and the right of way to the States of Indiana and Illinois, in aid of the construction of a railroad from a point on the Ohio river opposite to Louisville, in Kentucky, to a point on the Mississippi river opposite to St. Louis, in Missouri. These are all bills which have been introduced during the present session; and yet, sir, when we shall have passed all these

bills, we shall still hear it said that we have granted nothing. And what is to come into the public Treasury from the public lands when all these bills shall have passed? Sir, every dollar which would be available from these lands will in this way be granted on a partial system in the distribution of the public lands. I say "partial," because very large amounts of land are distributed to those States in which they lie, while nothing is given to the old States.

But, sir, the Senator from Connecticut [Mr. Smith] used another argument in favor of the bill. He said that everybody was aware that the construction of such improvements added to the wealth and developed the resources of a community and increased their capacity to pay taxes. Certainly that is the case. But what is the result of the argument? The same argument would apply to the construction of railroads in Virginia, and in Massachusetts, and in Connecticut. Sir, if we are to use this argument we might as well go broadcast into the general system of internal improvements. I will admit, however, that there is to a certain extent a principle on which a discrimination may be made between railroads passing through the public lands in relation to which the United States is interested as a land-owner and railroads of another description; but these projects have long since departed from that principle, for they are not confined to the location of lands upon the lines of these railroads, but are allowed to go into the State and select them elsewhere to the distance of fifteen miles. No longer ago than yesterday we passed a bill in relation to the grant formerly made to the State of Illinois, and allowing that State to locate a certain portion of such grant anywhere within the State. And, sir, this will be the end of it. We shall have applications for permission to locate lands in any portion of the States where these lands lie, for the purpose of making railroads. Some gentlemen, too, have complained that we are allowed to charge double price for the alternate sections which remain to the Government. But, sir, how long is that to last? Suppose that these lands should prove unsaleable at that price, how soon will we have applications here to reduce the price? And it will be done, sir; and, if necessary, other sections will be granted in order to continue these improvements.

But, sir, I have admitted that there is a principle upon which some discrimination may be made. How are we to test that principle, and how are we to apply it properly? Why, we are to suppose the United States Government to be as in the situation of any other land owner. What would any other land owner do when such a proposition as this was made to him? Would he give away the alternate sections and have no stock in return for it? If he acted on the principle of ownership, would he not be entitled to as much stock in the company as this land is worth? Is it not, to the extent to which this subscription goes into the value of the railroad, a pure donation to the new States? Is the stock which represents the value there any principle by which they are entitled to it, any more than the old States? All that the owner would be called to do, would be to subscribe his share, and when you depart from that principle you make an absolute donation to the new States, and you cannot deny that the same principle would require you to make a similar donation to the old States. If gentlemen mean to confine themselves to that principle they should confine the grants to lands lying along the line of the railroad, and give Government whatever stock they are entitled to on account of the donation. Then it would come within that principle. But at present these bills do not come within that principle. Now, Mr. President, our Democratic friends in the new States are pressing us rather hardly in the old States. We have resisted the system of the distribution of the public lands; we desire to do so still; we wish to stand upon the old Democratic Republican ground in relation to this matter. And yet how long can it be done if our opponents are enabled to point to such appropriations and say here they are distributed partially, that some States get what they want and others get none. How long can we in the old States resist such appeals as these unless something like justice and equity is resorted to? I am willing to consider the public lands as a public trust, a public fund to be administered for the

benefit of all, not merely with reference to revenue, but also with reference to the settlement and improvement of the country. I am willing to try a fair system of preemption and gradation, and that, perhaps, after they have been exposed for sale for some time, it may be best to cede them to the States in which they lie to promote the settlement of the country. I am willing to distribute them with reference to both objects, a revenue and the settlement of the country. But when we consider it with reference to revenue, I want it administered equally and fairly. But the best way, in my opinion, is not to give it up to the States, but to hold it in a condition that it may be applied to the fund for defraying the public expenditures. Then it will be administered fairly to all; then we shall have discharged our obligations to the new States as well as the old. I acknowledge that the United States should not keep the lands locked up forever, looking entirely to the policy of deriving a revenue from them. I acknowledge we are bound to look to the settlement and improvement of the country. I am willing to deal liberally, but I am not willing to have a system of partial distribution. If anybody is to get the benefit of these lands, I would be rejoiced to see my friend from Iowa carry his bill. It is from no opposition to him or to his State, but from a desire to see some fair, equal, and just system adopted in relation to this matter, that I oppose the bill.

And there is another thing to be looked to. While we are squandering away the public lands, we are adopting almost every project, no matter how wild and visionary, in order that the public lands may be dispensed with as a source of revenue. Sir, the time has been, when, so far as our financial system was concerned, our public lands were the basis on which reposed our public credit. That time may come again at some future day; and the time will come, if we embark in a general system of internal improvements, when we shall have to look to this source to maintain our system of public credit. I believe, therefore, that it behooves us at some early day to look seriously into this question, and to adopt some uniform system, which will take these public lands without the range of those loose systems of experiments, which every one seems to think we may indulge in in relation to them. It has been said that we had better do this than some other things which have been done with the public lands. Far better I admit; but yet when we have the power to choose what is right, let us not stand here choosing between evils, but rather let us come together and mature a system. If we do not, it will work to the other result, and we shall soon see the majority of this country clamoring for the distribution of the proceeds of the public lands among the States, and it will be a clamor that cannot be resisted. Now you have heard the Senator from Georgia [Mr. Dawson] saying that, though he opposes any such system, that will be the only way which will enable his State to obtain her just share. I hope that some of our Western friends who are familiar with the subject will consider the matter, and mature some system in which we may all unite.

Mr. DOUGLAS. The State of Illinois has been referred to in the course of this debate, and therefore I feel bound to say a word or two in explanation. The allusion to the bill passed yesterday for the State of Illinois, authorizing a selection of lands away from the line of the canal to which it applied, is not at all applicable to the bill under consideration. The reason why these lands were to be selected elsewhere than on the line of the canal, was that Congress had granted them nearly twenty years ago to the State of Illinois for making a canal, and the United States afterwards sold a part of the lands thus granted, received the money, and put it in the Treasury. And now you only give us refuse lands elsewhere, less valuable than those originally granted, and that, after we had made the work in compliance with your own act of Congress.

With regard to the bill granting lands to the State of Illinois at the last session, I have also a word to say. That bill involved the same principle as the one now under consideration. Hence it was perfectly fair to refer to that bill in illustration of this. But I deny that what has been said in regard to donations, special favors, and partial distribution of the lands to the new States, has the slightest foundation in the bill before us, or the

act of the last session, granting lands to Illinois. Sir, it is not a question of the distribution of the public lands among the States; it is not a question of donation. If it were either, I should be opposed to it. I am opposed to the distribution of the public lands, either by a partial system or a general system. I am opposed to aiding a State by giving lands as a donation. The friends of this bill do not rest it upon any such grounds. We ask the opponents of the bill to meet us in argument upon the grounds which we assume, to answer our arguments in favor of it, and not to answer imaginary objections of their own. The ground upon which we place it is this: The Government of the United States is a great land owner; she has vast bodies of land which she has had in market for thirty or forty years; and experience proves that she cannot sell them. Shall she keep them thirty or forty years longer, and then not be able to sell them? What advantage will they be to the Government while they are thus held? The difficulty in the way of the sale does not arise from the fact that the lands are not fertile and susceptible of cultivation, but that they are distant from market, and in many cases destitute of timber. No matter how fertile and productive they may be, still they are valueless, unless the produce will bear the expense of the transportation to market. It is on account of the distance from market and absence of timber you cannot sell the lands, and cannot have them brought under cultivation.

The question, then, is, "What are you to do to remedy the evil and enable you to sell your lands and get the money for them into the Treasury, and also to bring the country into a state of cultivation?" Let me ask each Senator what he would do if the case were his own? What would you do if you were the land-owners yourselves? Suppose you owned three hundred miles square of land which you could not sell, and that you found, as is often the case, that the more land you owned, the poorer you were in consequence of the payment of taxes on these lands; and suppose that I would say to you, "Give me alternate sections of six miles through those lands, on condition that I will make a railroad through them, and enable you to sell the remaining lands for double the price which experience had proven you could not get for the whole;" would you not gladly adopt the proposition, as being a good arrangement for your personal interest? Would not the half of the lands thus remaining to you be worth more after the road was made than the whole would be before it was constructed? That is the simple question; and viewing it as such, I am satisfied that there is not a single Senator on this floor who would not gladly make the arrangement if he were the individual land-owner. And if this would be a good arrangement for any Senator here, why would it not be a good policy for the country, and for the Government of the United States, to adopt as land-owners? Mr. President, we insist that these grants in aid of the construction of railroads, enhance the value of the land fund. Instead of diminishing the revenue that will be derivable from public lands, we contend that it will increase it; instead of diminishing your fund by this course, we increase its value; instead of depriving you of anything which is really valuable to you, we show you a way whereby you can make that valuable, which under your present policy is entirely valueless. This is the ground on which we defend this policy; and if it is not defensible on this ground, there can be no justification of the grant.

Now take this particular case. Here is a proposition to make a railroad through the centre of the State of Iowa. If you make this grant you will double the value and double the price of the alternate sections; and you will thus obtain for one half all that you pretend to ask for the whole. Now, I submit to the Senator from Virginia [Mr. HUNTER] whether, with a road running through them, the lands are not better worth two dollars and a half per acre than they are now worth a dollar and a quarter without such road? But he will, perhaps, reply, that experience will show in the course of time that they will not be worth two dollars and a half, and that then applications will be made to reduce the price. But if they are not likely to be worth two dollars and a half per acre with the road, will they ever be likely to yield the Government a dollar and a quarter per acre without it? If, then, the road doubles the price of your adjacent lands you lose nothing; and I doubt

whether there is a man within the sound of my voice who does not believe that the construction of this road through these lands would more than double their value, and enable you to sell them quicker at that price than the price you now ask for them without the road.

But, sir, with regard to this bill, and others of a like nature, the argument is stronger than in the case of the Illinois bill. It is this: The road will not only run through your public lands and increase their value along the line, but in this case it will run from the Mississippi river to the Indian territory, and thereby open a market for all the lands which you have west of the Missouri river to the Rocky Mountains. And I insist that the construction of a railroad through the State of Iowa to the Missouri, would enhance the value of your lands west of that river more than ten times the value of the lands granted in aid of the road. The same would be the result in regard to the east and west lines through the State of Missouri, and also in regard to the Arkansas road, and I presume generally in regard to the other bills which have been referred to by the Senator from Virginia. These bills, however, are not now under consideration. It will be time enough to judge of them when they come up for action. Besides, sir, more than one half of your transportations on account of your army and the Indians, is aiming to go to that Indian territory west of Iowa, Missouri, and Arkansas. These roads run through the very section of country over which your supplies and munitions must be transported. The Government, therefore, has a peculiar interest in the construction of these roads.

But the Senator from Virginia has told us that the question would stand in a different position in his view, if we were to be confined to the lands which lie on the line of the road. Why, sir, this is the very proposition of the bill. The grant is confined to the line of the road. It asks for alternate sections of the width of six miles on either side, with a stipulation that you shall not go beyond fifteen miles, in the event that any of the land has been sold in the sections to which you would be entitled by the bill. I ask, then, if the construction of a railroad in a country distant from market does not enhance the value of all land within fifteen, or even thirty miles? Are not the beneficial influences felt to the extent of even fifty miles? If, then, we select the land no further than the benefits extend on each side of the road, the principle applies with its full force. We might extend this limit from fifteen to fifty miles, and then find ourselves clearly within the circle of the beneficial influences resulting from the road, in enhancing the value of the remaining lands. But we wished not to go into extreme cases; we wished to confine ourselves to the principle, that the United States is in fact receiving more benefit from the granting of the lands than they are likely to lose by the grant, and that the public domain, as a common fund, will thus be enhanced rather than diminished in value by reason of the grant.

In reference to the remark of my friend from Virginia in regard to the great number of bills proposing similar grants, I have only to make the same answer which Mr. Calhoun once made on this floor to the same objection. He then said, that the principle being right, and it being the true policy of the Government to make grants in aid of the construction of railroads through the public lands, the longer the road the greater the benefit to the Government; and hence, the objection was an argument in favor of the grant.

Now, sir, if the principle is right, if the line of the road conforms to the wants and interests of the Government and the country—if the Government is to derive more advantage than injury by aiding in its construction—the fact that the State is also to be greatly benefited, is no argument against the passage of the bill. But, as I have already remarked, we will judge of the bills for other States when those bills come up for consideration. So far as I have examined them, I think the Committee on Public Lands have exercised a wise discretion in preparing and reporting them. I have not examined them all, but so far as I have been able to investigate the subject, they have exercised a sound discretion, both with regard to the lines themselves, and the benefit to be derived by the Government of the United States.

But the whole difficulty in the way of these bills is this: While we have not the slightest

trouble in demonstrating that the Government of the United States is to be the gainer by these grants, still it is said that the States also are to be gainers. Gentlemen do not seem to be able to comprehend how it is that two parties can make a contract by which both parties will be benefited. Why, sir, it is only upon that principle that the world is benefited by the exchange of different productions. The whole system of exchange and of commerce is predicated upon the principle that the exchange is beneficial to both parties. If one party must necessarily be cheated while the other is benefited, it would do away with all trade and commerce at once. It is true, that while these grants are beneficial to the United States by enhancing the public domain and bringing a larger amount of money into the Treasury, they do at the same time immensely benefit the States to which they are made. Is it any objection, that while the General Government promotes its interest, it thereby confers peculiar benefits upon the new States? We do receive advantages—peculiar advantages—which the balance of the Union do not participate in to the same extent. But is that a valid ground of objection? The same objection would apply to the millions expended at Norfolk and Old Point Comfort—to all large public works—to the navy-yards and fortifications throughout the country—wherever the public money is expended for public uses. These fortifications and navy-yards are constructed for the public benefit. Yet the immediate localities of these vast works and expenditures derive a peculiar benefit which is not common to the other portions of the country. Is it any argument against the establishment of a navy-yard, that it confers a local benefit in addition to the public interests which were the objects of its establishment? The same argument may be urged against all custom-houses and public buildings which have been erected for national purposes in different parts of the country, and even against the location of the capital of the Union here. Would it be a sound argument for the remote and border States to say that, because the national capital is located upon the banks of the Potomac, where millions of money are annually spent and squandered, and because the people all around are receiving peculiar advantages which do not extend to the Pacific, or even to the valley of the Mississippi, nor to the great lakes or the St. Lawrence, the capital must be removed for no other reason than that its location necessarily confers local and peculiar advantages upon a few in its immediate vicinity which cannot be participated in by all portions of the Union? Or will you pull down your public buildings and destroy all the public works which have been erected for great national uses, upon the same leveling principle? It is impossible to construct public works for purely national objects without producing local benefits.

So it is with these grants of land in behalf of railroads. The national pecuniary benefit results from the speedy sale of these lands at a price which could not otherwise be obtained. The States receiving the grants, not only participate equally in this national advantage with their sister States, but in addition derive a peculiar and special benefit, as a consideration for making the roads which produce all the advantages, both national and local. It is on this principle that the friends of this policy justify and defend it. We are firmly convinced, that if there were no local benefits resulting from the passage of these bills—if their merits depended solely upon the fact, that they enhanced the value of the public domain and increased the revenue, we would have no difficulty in defending them.

I feel at liberty to speak more freely on this subject now, for the reason that my State has no longer any peculiar or special interest in this system. Illinois has been well served; she asks no more. If you make any more grants to Illinois for railroads, you will do it on the application of delegations from other States, for the purpose of connecting the great line of roads to the east and the west of us, and not as a special favor to Illinois. I claim, therefore, to be entirely disinterested in my advocacy of this bill. No delegation can be more unbiased by local and selfish interests. We have seen the practical workings of the system, and desire to see it extended to other States, because we approve of its application to our own. We wish to repay the Federal Government the

service she has rendered us, as well as herself, by extending the system to Iowa, Missouri, and Arkansas, and every other State, where the same principles and reasons will apply.

Mr. DAWSON. I would ask the Senator a question. How much has Illinois been provided for? How many acres of the public lands has she received?

Mr. DOUGLAS. The grant last year, according to my recollection, although the precise amount has not been ascertained, because the lands are not definitely located, amount to about two and a half millions of acres in round numbers. That is the whole grant. I will remark, therefore, that Illinois has been benefited to that extent. The Senator from Georgia wishes it to be understood, that because we have got two and a half millions of acres of the public lands, and thus have been benefited; therefore, the Government has been cheated to that extent. I have shown the argument to be unsound. We admit that we have been benefited; but that does not prove that the Government has been cheated. We prove that the Government has been benefited by the same operation. I would like to see him answer that position, instead of repeating the objection that one party must have been the loser, merely because the other was the gainer.

In regard to this policy, I would say that I do not wish to carry it to any extravagant extent. I only wish to apply it where we can show that it comes fairly within the principle which I have so often stated. But gentlemen say we must have a general system; and the Senator from Georgia [Mr. Dawson] wants a system to reach his State. If he complains of this being partial, and wants one that will apply to Georgia, I will make him a proposition. We will extend the same principle precisely, *in huc verba*, of this bill to Georgia, and enact that all the lands belonging to the Government of the United States within fifteen miles of all the lines of the Georgia railroad are hereby granted to the State of Georgia.

Mr. DAWSON. If the Senator will then allow me to introduce a bill like the one he did yesterday, that where there are no lands belonging to the United States on our railroads, we may go into all the public lands and locate, I will accept the proposition.

Mr. DOUGLAS. I will adhere to my proposition, and give him the benefit of the bill to which he refers. The bill which we passed yesterday granted lands to the State of Illinois in lieu of those which you had taken from the State after having previously granted them in aid of the construction of a canal which we have completed at a cost of nine millions of dollars. Whenever you will show that the United States owned lands in Georgia, which they granted to the State, and afterwards took possession of and sold a part of them for the benefit of the United States, we will pass an act of Congress to make up the deficiency from lands elsewhere, according to the bill of yesterday.

Mr. DAWSON. Very well.

Mr. DOUGLAS. Therefore I think the Senator from Georgia and myself will come to an amicable adjustment of the question. The fact is, the Senator from Georgia, and gentlemen from other States where there are no public lands, forget that they once had a proprietary to the use of every acre of the lands within the limits of their respective States. We do not complain of that. It was their legal right, and we were willing that they should appropriate all the lands within their limits. But after having thus appropriated to their own use all the lands within their own States, we do not deem it generous in them to deprive us of this pittance to the new States, when we can show that they are not injured by the act which benefits us. When we bring forward a bill which benefits us at the same time that it promotes the public interests, the Senator desires a fair division by extending it to Georgia. How can the principle be applied to Georgia, or any other State where there are no public lands? How will the Senator contrive to double the value of and the price of the alternate sections so as to make value of the remaining half equal to the whole, if you donate lands in the distant Territories to make railroads in the State of Georgia? Will the Senator explain how he will bring his case within the principle of this bill? The moment you apply the provisions of the bill to a State where there are

no public lands, you abandon the principle which sustains and justifies this bill.

When the Senator from Georgia desires to secure lands to his own State to make railroads where the United States have no public lands to be benefited or enhanced in value by the roads, he thereby admits that his objections to the system would be very soon removed if his State could participate in what he denounces as a system of plunder. The argument which he has submitted would be conclusive if directed against a bill to make grants to States where there are no public lands; but the argument entirely fails when applied to a bill for Alabama or Arkansas or Mississippi or Louisiana or any other State where there are public lands to be doubled in price and value by the construction of the roads.

The system proposed by the Senator from Georgia would apply all public lands and their proceeds to railroads in other States, and thus cut off entirely from the National Treasury that source of revenue. Such a system would produce the necessity for increased burdens and taxation upon the people to supply the deficiency in the revenue. That is the precise result which the advocates of this bill wish to avoid. We in the western country are opposed to any increased taxation, and to any system of measures which would produce such a necessity. We wish to husband and enhance the value of this land fund, and derive all the revenue from it which a wise and just policy would bring into the Treasury. We wish to see the public lands sold, peopled, and cultivated. Where a trial of twenty, thirty, or forty years has shown that the lands will not sell, in consequence of the distance from markets and from timber, we wish to make railroads through them, and bring markets and timber into the center of those vast prairies, and thus render them valuable, and cause them to be sold and cultivated. We believe this to be a wise and just policy, and wish to see it prevail, until Congress shall consent to donate the lands to the actual settlers.

I am sorry that I have been compelled to detain the Senate so long; but I have thought it due to the occasion, and to the part I have heretofore acted in promoting these grants of public lands in aid of railroads, to make this explanation of the views and principles upon which the policy rests, although my own State no longer has any special interest in the system. We only wish to do to our neighbors what has been generously done to us, in sustaining a policy by which everybody will be benefited and nobody injured.

Mr. UNDERWOOD. I am a member of the Committee on Public Lands, and have had these railroads under consideration in connection with the subject generally. I have been thinking a great deal as to what was the proper mode of administering this great fund, and I have come to the conclusion that I would, as speedily as I could, prepare and present, by way of amendment to some of the railroad bills which we have under consideration, a proposition to grant to the old States of the Union so much land for the purpose of internal improvement within their respective States as may be necessary. If I submit a proposition of that sort, as I expect to do, I intend to make something like a distribution among the old States, in proportion to their federal population, of an amount of these lands that will bear some proportion to those which are granted to the new States for railroad purposes and purposes of internal improvement.

I think that this is a suitable occasion, after the remarks which have been made by other gentlemen, to bring to the attention of the Senate some considerations in respect to the proper mode of administering the public lands. And first, I wish to notice the proprietary idea which is advanced here as being the legitimate foundation upon which we can appropriate the public lands for works of internal improvement. If you will recollect the past history of appropriations of this sort for purposes of internal improvement connected with the idea of ownership on the part of the United States as the proprietary of these lands, you will discover one remarkable peculiarity, and that is this: That this proprietary idea limits the appropriations for the purposes of internal improvement to the States within which the lands lie, and does not allow you to appropriate lands for internal improvements when those improvements are situated out of the State in which the lands lie. Now, sir, I never

could see the reason for that difference. If the United States are to be regarded as the proprietor of all the public lands in those States where there are public lands, and as proprietor it be legitimate to make a canal or railroad for the purpose of enhancing the value of the lands situated in the States, why may they do that and be precluded from the right of making a road leading to those States by which the emigrants are to reach the lands to make purchases? The original appropriations made for the Cumberland road were justified upon the ground that, as a proprietor of the land in the States of Ohio, Indiana, and Illinois, through which it was proposed to make the Cumberland road for the benefit of those States, it was just as legitimate to appropriate land or money to make the road leading to those public lands as to make the road within the States where the lands themselves were situated. And you will remark, that in the progress of events—in this age of progress of ours—we have repudiated the old notion that it would be proper and legitimate to appropriate money or land to make a road leading to where the public lands are situated, and now the doctrine seems to be that it is only legal, under the proprietary notion, to make an appropriation within the limits of the States where the lands themselves are situated. As a proprietor, I never could see any reason for such a difference. But under this idea that you can only legitimately make appropriations in the States or Territories where the lands are situated, you are entirely cut off from making an appropriation to connect the railroads which run through Alabama, Mississippi, and Louisiana, to connect us with New Orleans and Chicago, running down to Cairo from the lakes to the mouth of the Ohio. You cannot unite these great public works under the proprietary idea. Why? Because there happen to be a little point of Kentucky and a narrow strip of Tennessee projecting down to the Mississippi river, between the road in Illinois and the road in Alabama and Mississippi. The mind that can come to such a conclusion, and reason upon the proprietary idea so as to determine that you cannot even connect works, that under the proprietary idea you built, by running across the little strip of land in Tennessee and Kentucky to have them united, seems to me to be strangely constituted. Yet this has become the fashionable doctrine of the day.

Mr. President, the Senate knows that gentlemen who entertain the political principles that I do, believe that we can legitimately appropriate either lands or money to the construction of any work which we think of national importance. That was once the doctrine of this country. I hope it is not altogether exploded yet. In times past we did appropriate money out of the public Treasury for works of internal improvement. In times past we have appropriated lands to purposes of that sort. As a member of the Committee on Public Lands, I have acted upon these principles, and I intend to continue to act upon them, as I hold them to be correct. And, sir, wherever I perceive an object which I believe to be of national importance, I shall vote for an appropriation of either money or lands for its construction. I shall do this upon no narrow policy. I shall do it upon no sectional consideration. But while I intend thus to act liberally in promoting objects for the improvement of the country, whether with lands or with money taken directly from the Treasury, I still feel that something like justice ought to be done to all the States of the Union in the administration of this great fund. If you will not return to the system of distributing the money arising from the sales of the public lands among the States, I do not perceive that there is any other way by which we can obtain that justice than by uniting upon a proposition such as I propose to submit in the course of the discussion on some of these bills, to make a distribution of the lands themselves. I know full well that my friends from the new States will rise like one man and say that the proposition to allow Kentucky, or North Carolina, or any other of the old States, to become a proprietor of a part of the soil within their States, is most horrible. I foresee that just as soon as the proposition is submitted, there will not be a man upon this floor who represents one of the States in which any portion of the public lands is situated, but will rise up and protest against the very idea of allowing any other State to become an owner of any portion of the

lands in his State. When that shall be done, I shall wish those gentlemen to point out, if they can, the difference between allowing a State to hold land within your territory; and allowing an individual to hold it, when that individual does not choose to settle upon and improve it. An individual may purchase as much land as he pleases in any of the States where the public lands are situated. He may never move upon it or improve it. I know that the policy of my friend from Wisconsin [Mr. WALKER] would be to lighten the reins in such a manner, that this thing should not be done in reference to individuals. But, sir, you may, when this proposition which I contemplate shall be submitted, require the States, if you please, to sell within a limited time. You have never thought proper to put individuals of the country under any restrictions yet. But it will be premature now to go into a lengthy argument upon propositions which are merely existing in the imagination. My main reason in rising was to notice some of the arguments which fell from the Senator from Illinois, [Mr. DOUGLAS.] It is suggested to me that I should give way to a motion to adjourn. I shall leave that to the Senate, as I am prepared either to go on now, or wait until tomorrow.

Mr. DAWSON. I move that the Senate adjourn.

Mr. HALE. Before that motion is put, I wish to make another motion.

Mr. DAWSON. I withdraw the motion, if the Senator will renew it.

Mr. HALE. I move that when the Senate adjourns to-day, it adjourn to meet on Monday next.

Mr. DOWNS. I hope the motion will not be agreed to. Friday is private bill day. We adjourned over last week, because we were almost through the private bills which had been reported, but since that time there have been several reports made. I hope we shall sit to-morrow.

The motion was not agreed to.

Mr. HALE. I now move that the Senate adjourn.

Mr. DOUGLAS. I hope the motion will be withdrawn for the purpose of allowing us to go into Executive session.

The motion was withdrawn.

The PRESIDENT. The motion to go into Executive session cannot be received until the bill before the Senate is disposed of.

Mr. DOUGLAS. I move that the further consideration of it be postponed until to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. DOUGLAS, the Senate proceeded to the consideration of Executive business, and after a short time spent therein, the doors were reopened.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 22, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

FOUNDATIONS OF THE CAPITOL.

Mr. McNAIR. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the committee appointed to examine into the stability, firmness, &c., of the foundation of the extension of the Capitol, be authorized to send for persons and papers.

Mr. McN. said, it is really necessary that this resolution should be adopted; we cannot get along without it. I hope the House will indulge me in its introduction and adoption.

Mr. STEPHENS, of Georgia, objected.

Mr. McNAIR. I wish the gentleman from Georgia would withdraw his objection. It is really impossible for the committee to proceed without the power asked in the resolution.

Mr. STEPHENS. I cannot withdraw.

ASSIGNABILITY OF LAND WARRANTS.

The SPEAKER. The first business in order is the consideration of the joint resolution No. 1, heretofore reported from the select committee, to which the same was referred, with an amendment explanatory of the act of 1850 granting to certain officers and soldiers bounty land, &c.; the pending

question being on the motion submitted by the gentleman from Indiana, [Mr. DUNHAM,] to commit the said joint resolution and pending amendments to the Committee of the Whole House on the state of the Union, and on which question the gentleman from Iowa [Mr. CLARK] is entitled to the floor.

Mr. BRIGGS. I rise to a privileged question.

CLOSE OF DEBATE ON INDEMNITY BILL.

Mr. JONES, of Tennessee. I desire to inquire if the resolution offered by the gentleman from Alabama [Mr. HOUSTON] yesterday, to close debate upon the Mexican indemnity bill, does not come up first, as the unfinished business?

The SPEAKER. The Chair was not present when that resolution was offered.

Mr. HOUSTON. It was a resolution closing debate upon the Mexican indemnity bill.

The SPEAKER. The Chair thinks it is not the first business in order; but that that resolution will come up as unfinished business after the morning hour.

Mr. JONES. The resolution for closing debate on the Mexican indemnity bill was the pending question when the House adjourned. I ask for my own information. Suppose the morning hour should be spent in that business, and when it was concluded, some gentleman should move to go into consideration of the business upon the Speaker's table, would this resolution come up as unfinished business? I think not.

The SPEAKER. The Chair did not know of the existence of the motion to which the gentleman refers, for he was not in the House at the time of its adjournment. The Chair understands, however, that that resolution is to close the debate upon the Mexican indemnity bill. He desires to inquire whether it was pending when the House adjourned?

Mr. JONES. It was. The gentleman from Alabama [Mr. HOUSTON] introduced the resolution and moved the previous question, and pending which the House adjourned.

The SPEAKER. Then the resolution is in order, and comes up as unfinished business.

Mr. BRIGGS. I rise to a question of privilege. I desire now to call up the resolution which I offered a few days since, in reference to the legality of the seat which the Delegate from Utah [Mr. BERNHISEL] occupies upon this floor.

PROPOSITION TO CLOSE DEBATE.

The SPEAKER. The Chair would suggest to the gentleman, that he first permit the resolution of the gentleman from Alabama [Mr. HOUSTON] to be disposed of. The previous question has been demanded upon it.

Mr. BRIGGS. I have no objection.

Mr. SWEETSER. Is it in order to move to lay the resolution, for closing debate, upon the table?

The SPEAKER. It is in order.

Mr. SWEETSER. Then I make that motion.

Mr. HOUSTON. I hope I shall be indulged in a single remark. I desire that the House shall understand the precise point I had in view in making that motion. I presented the resolution yesterday, with a view of bringing the matter before the House. I moved the previous question, but at the same time I intimated to the House that I did not desire to press a vote upon it. I said then that I would withdraw the call for the previous question, and leave the House to determine its own time for closing the debate.

Mr. SWEETSER. I will withdraw the motion to lay upon the table, with the understanding that the debate shall go on.

Mr. HOUSTON. I withdraw the call for the previous question. As I stated on yesterday, I do not wish to entrap any portion of the House by that motion. I only desire that the House shall fix upon some time.

The SPEAKER. Does the gentleman from Ohio [Mr. SWEETSER] withdraw his motion to lay upon the table?

Mr. SWEETSER. No, sir; I must adhere to it.

The question was then taken, and decided in the negative.

So the House refused to lay the resolution upon the table.

Mr. MEADE. I move to amend the resolution, so as to provide that debate shall close at three o'clock to-morrow.

THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32D CONGRESS, 1ST SESSION.

SATURDAY, JANUARY 24, 1852.

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The question was taken, and the amendment was agreed to.

The question then recurred upon the adoption of the resolution as amended; and being put, it was adopted.

ELECTION OF THE DELEGATE FROM UTAH.

Mr. BRIGGS. I now desire to call up the resolution touching the legality of the seat which the Delegate from Utah holds. I ask that the resolution may be read.

The resolution was then read by the CLERK, as follows:

Resolved, That the Committee of Elections be instructed to inquire into the election of John M. Bernhisel, the present Delegate from the Territory of Utah—whether said election was held according to law, and whether any bribery, corruption, or other illegal means was made use of by said Bernhisel, with Brigham Young, or any other persons, to secure the said election and return; with power to send for persons and papers.

Mr. B. I said the other day all that I think necessary to say for the present upon this subject. I only desire to explain the object I have in view in presenting this resolution to the House.

Mr. HOUSTON. With the consent of the gentleman from New York, [Mr. Briggs,] I desire to make a suggestion. If that resolution is called up this morning, the presumption is that it will give rise to debate. If it proves true that a debate will grow out of it, I presume the whole morning hour will be consumed with it. Certain it is, that the gentleman from that Territory will desire to be heard upon it. I would suggest, therefore, that inasmuch as debate has been closed upon the Mexican indemnity bill, whether it is not best not to consume time in the discussion of this resolution, but proceed at once to that bill.

Mr. BRIGGS. In answer to the gentleman from Alabama, [Mr. Houston,] I will say, that if I was satisfied that much of the time of this House would be consumed in debate upon this resolution, I would not object to its lying over until another day.

Mr. DEAN. I merely wish to say that this resolution will be debated whenever it comes up. Myself and others desire to be heard upon it. I would suggest, therefore, to my colleague [Mr. Briggs] that he allow it to lie over.

Mr. BRIGGS. Considering that there has been a postponement of one day for the discussion of this Mexican indemnity bill, I hardly think that it would be intrenching upon the time which would be consumed by any member upon that subject. I think the time fixed upon for closing debate upon that question will allow gentlemen to discuss it to their entire satisfaction. I shall therefore feel bound to press the consideration of this resolution.

Mr. STANTON, of Tennessee. I think, in this matter, we should consult the wishes of the Delegate from the Territory of Utah. I have no doubt that whatever may be his wishes in relation to the time for considering this resolution, they will be at once acquiesced in by this House.

Mr. RICHARDSON. I desire to call the attention of the gentleman from New York [Mr. Briggs] to this fact: The resolution which he has introduced here, at least by implication, reflects upon the mode by which the Delegate from Utah Territory has obtained his seat upon this floor. Now, it strikes me that it is due to that Delegate that he should be heard in explanation of the charge, or implication, thus brought against him. I desire to say further, that it is important that this matter should be discussed, and well understood, before we proceed to act upon it. I am for giving the gentleman from Utah a chance for a fair fight.

Mr. BERNHISEL. For the information of the House, I beg leave merely to state, that I received the news of my nomination on my way home last year; that I had no competitor at the election, and received every vote cast for a Delegate to Congress; and that the election did not cost me one dollar in money, as has been erroneously reported and circulated here. The certificate of my election, giving the number of votes, and signed by the Governor and countersigned

by the Secretary of the Territory, and having affixed to it the broad seal of the Territory of Utah, I ask leave to send to the Clerk's table, to be read for the information of the House. I feel no inclination to oppose a resolution of inquiry offered without any evidence to sustain it, but I cheerfully leave it to the disposition of the House. I ask for the reading of the communication.

The SPEAKER. If there is no objection, the communication can be read.

No objection being made, the communication was then read, as follows:

Territory of Utah, Executive Department:

I, Brigham Young, Governor of said Territory, do certify, that at an election held in and for said Territory on the first Monday of August, A. D. one thousand eight hundred and fifty-one, being the fourth day thereof, in pursuance of a proclamation issued by me for that purpose, for a Delegate to represent the said Territory of Utah in the Congress of the United States, one thousand two hundred and fifty-nine votes were polled, and that John M. Bernhisel received the unanimous one thousand two hundred and fifty-nine votes, as appears by the returns of said election filed in the Executive Department.

Therefore, I do hereby declare the said John M. Bernhisel duly elected Delegate of the said Territory of Utah to the thirty-second Congress of the United States.

Given under my hand and the seal of said Territory, at Great Salt Lake City, this thirtieth day of [L. S.] August, in the year of our Lord one thousand eight hundred and fifty-one, and of the Independence of the United States the seventy-sixth.

BRIGHAM YOUNG.

By the Governor:

B. D. HARRIS, Secretary.

Mr. JOHN W. HOWE. I move to lay the resolution upon the table.

Mr. STEPHENS, of Georgia. If the gentleman will withdraw that motion for one moment I will renew it.

Mr. HOWE. Certainly.

Mr. STEPHENS. I shall vote to lay the resolution upon the table, and I wish to give my reasons for such a vote, and why I consider this resolution improper. I did not understand the gentleman from New York, [Mr. Briggs,] who offered this resolution, to say in his place that he indorsed it; and he does not come before the House now and say that he believes there has been any fraud or corruption upon the part of the Delegate from Utah. On the contrary, he says he knows nothing about it. I am utterly opposed to this House entertaining for one moment loose accusations, with no other foundation than rumor, against any person occupying a seat on this floor, even as a question of privilege. If these things be true, let some member who knows the facts come forward and make distinct allegations, or let some individual present a memorial touching the matter. That would be the proper course.

Mr. BRIGGS. Will the gentleman allow me to explain?

Mr. STEPHENS. Certainly, sir.

Mr. BRIGGS. The gentleman from Georgia does not understand me, if he says I do not believe there was corruption in the return of the present Delegate from Utah. I do believe that there was corruption. That certificate of election which has been read was of an election held in direct violation of the law organizing that Territory. It was an election in pursuance of an old custom, or law, which existed in that Territory before the organization thereof. Although the signature of the Secretary of the Territory is attached to that certificate, it has been stated to me by gentlemen returned from there, and conversant with this matter, that that signature was obtained from Mr. Harris by the direct order of the Governor of that Territory, and against the direct protest of Mr. Harris against giving his official signature to that document; and also, that his name was attached to that paper, which purports to be a certificate of election, when the returns of election had not come in; that he was directed to attach his name and the official seal of Secretary thereto before the result of the election was ascertained. I said the other day, I believe, that I was averse to the discussion of the merits of the question before the House, and that facts had been stated to me convincing me that there was gross corruption there; and that I wished the matter to

go to the Committee of Elections, who could summon witnesses before them, in order to ascertain the facts in the case. I do not know the facts personally, though they were stated to me by gentlemen of veracity.

Mr. STEPHENS. The charges, the gentleman makes barely amount to this—that he believes that the Delegate from Utah has been elected in violation of the organic law of the Territory, or not in conformity thereto. That resolution makes an inquiry whether the Delegate himself did not use bribery.

Mr. BRIGGS. Not at all.

Mr. STEPHENS. I ask for the reading of the resolution again. I think there is something about bribery in the resolution.

The SPEAKER. If there is no objection it will be read.

There being no objection, the resolution was read as above reported.

Mr. STEPHENS. That is enough. There is a direct imputation against the gentleman occupying a seat upon this floor from that Territory, and calling upon a committee to investigate whether bribery and corruption had not been used by him, or some one else, to procure his seat upon this floor, and yet the gentleman from New York will not state that he believes such to be the fact. He might just as well offer such a resolution touching myself or any other gentleman upon this floor. I am opposed to any such proceedings without distinct charges, sustained by some known party who, by making them, becomes responsible for them.

Mr. BRIGGS. In respect to corruption, then, I am unwilling, at all times, to indorse rumors with regard to the misconduct of any gentleman, especially when occupying a seat here. Although he may not hold his seat legally, yet while he is here I recognize him as a member until it is proved to the contrary. It has been said that there was money corruption there, and that money was paid to Brigham Young as a condition upon which he should obtain a seat here. I do not know it; I cannot prove it, but it has been so stated.

Mr. STEPHENS. The gentleman does not make that charge himself; he does not indorse the rumor; nor has anybody, by memorial, called the attention of the House to the subject. If any person will take it upon himself to do so, it will be time enough for us to act. I am utterly opposed to this House taking up out-door rumors. If any gentleman feels authorized to make distinct charges of this character against that Delegate, let him come forward, and I will be willing to give him a full hearing and aid in having an investigation; but not without. So far as the other point is concerned—that is, that the present Delegate may have been elected contrary to the organic law of the Territory—I believe the rules of this House furnish ample provision for all necessary and appropriate inquiry—it is the duty of the Committee of Elections to inquire into such matters. The standing rule of the House (No. 77) provides, that

“It shall be the duty of the Committee of Elections to examine and report upon the certificates of elections or other credentials of the members returned to serve in this House; and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented, or come into question, and be referred to them by the House.”

Now, if any outside persons wish to make such a complaint, let them petition this House, and let such petitions be referred to the Committee of Elections, whose duty it is to inquire into every case and see whether there is bribery or not.

I move now to lay the resolution upon the table.

Mr. CARTTER. I ask the gentleman from Georgia to withdraw the motion.

Mr. STEPHENS. I will a moment, for explanation only, or for the presentation of any fact which he may have to state in regard to the subject.

Mr. CARTTER. I wish to state merely that this case is like all other cases.

Mr. MEADE. I rise to a question of order.

It is, that members be made to take their seats. I cannot hear the gentleman from Georgia, nor can I see his lips move. I might, perhaps, guess at his words if I could see his lips moving, but there are so many men standing and obstructing my view, that I cannot see.

The SPEAKER. The Chair has made vigorous efforts to preserve order, but it is impossible for him to succeed, unless it is the pleasure of the House to aid him in the preservation of order.

Order being restored,

Mr. CARTER (resuming) said: All I wish to say is simply this: that the case presented to us here is the form in which such cases are always presented to this body for an investigation. It seems to be treated by gentlemen as a prejudgment, when it is merely the initiative to the inquiry. The proposition made by the honorable member from New York [Mr. Briggs] is to refer to a standing committee, constituted for the purpose of investigating and determining these questions, the subject of the right of the member from Utah to a seat on this floor. There is nothing in the resolution of the member from New York except matter necessary to direct the attention of the committee to the investigation. Now, I am as much in favor as the honorable member from Georgia of a deliberate and impartial investigation of the subject, though I do not concur with him in this, that we ought to close our eyes to the question of investigation. He says the subject comes here without any authority even to open an investigation. Why, sir, we have now lying upon the table of this House a report from the returning officers, save one, implicating the conduct of that community; and if I recollect right, implicating the conduct, or alluding to the mode of the election of the Delegate from Utah. Are we to disregard these intimations that there is something wrong in Utah? If we are, sir, it occurs to me that the country is involved in the result of letting that people run wild in their relations to this Government, and at the same time claiming a control over them. I would not prejudice this case, though before that resolution is finally submitted to the House, I shall be under the necessity of adding another inquiry to it, and that is, whether polygamy is tolerated in the Territory of Utah, justified by them, and whether the honorable Delegate upon this floor is liable to the suspicion that he is a polygamist. I do not presume he is.

[A Voice. What if he is?]

Mr. CARTER. I am inquired of, upon my right, what if he is? If he is, there is one vote upon this floor that will vote him out of this Hall. [Laughter.] That is the answer to that question. I will not consent silently to sit upon this floor with any man who openly defies the laws of his country as a polygamist.

Mr. FITCH. I must call the gentleman from Ohio to order. He is speaking of matters not now before the House, and is indulging in a strain of personal remarks which the rules of this House will not warrant.

The SPEAKER. The Chair does not understand the gentleman as charging the gentleman from Utah with polygamy.

Mr. CARTER. Not at all. I was merely supposing it might be so. If it is so, I have but one vote to give upon this floor. We cannot close our eyes to the fact, that these things are whispered, and more than whispered; that they come to us under the authority of the report of the disfranchised officers whose duties there have been foreclosed by violence, as they say. I do not propose to prejudice this question, but I do propose to lend what little energy I have in an investigation of them, without fear, favor, or affection.

Mr. HOUSTON. I move to lay that resolution upon the table, with the hope that it may succeed.

Several MEMBERS. Withdraw the motion.

Mr. HOUSTON. Appeals are made to me by members to withdraw my motion, but I cannot yield to them.

Mr. SEYMOUR, of New York. I wished to call the gentleman's attention to one fact, before the motion to lay upon the table is made. My colleague—the mover of this resolution, [Mr. Briggs]—had expressed a desire, if debate arose, that the matter might lie over until another day. And I think it is due to him, as well as the Delegate from the Territory of Utah, that it should, after what has occurred. I ask that it may, by universal consent, be passed by at present.

Mr. HOUSTON. I cannot withdraw my motion to lay upon the table. I will ask of the Chair whether it is in order for me now to move to suspend the rules, and that the House go into Committee of the Whole on the state of the Union?

The SPEAKER. It is not.

Mr. PHELPS. I desire to make a suggestion to the gentleman from New York. I learn that this is a question of privilege, and that it has been so decided by the Chair. The gentleman from New York can then, by leave of the House, withdraw his resolution, and introduce it hereafter at any time he thinks proper.

Mr. HOUSTON. I hope that course may be taken.

Mr. BRIGGS. If I have that power, I will be happy, with the consent of the House, to avail myself of it.

The SPEAKER. In the opinion of the Chair, the gentleman possesses that power over the resolution.

Mr. BRIGGS. I then withdraw it.

ENROLLED BILLS.

Mr. BARRERE, from the Committee on Enrolled Bills, reported as correctly enrolled, "A joint resolution providing for the binding of certain documents," and also "An act authorizing the payment of interest to the State of New Hampshire, for the advancement of money for the use and benefit of the United States in repelling invasion and suppressing insurrection at Indian Stream," in said State; which received the signature of the Speaker.

On motion by Mr. MOLONY, it was

Ordered, That leave be granted to withdraw from the files of the House, for the purpose of presentation in the Senate, the petition and papers of Orris Crosby.

GRANT OF LAND TO INDIANA AND ILLINOIS.

Mr. MOLONY gave notice of his intention to introduce, on to-morrow, or at an early convenient day, a bill granting the right of way and making a grant of land to the States of Indiana and Illinois, in aid of the construction of a railroad from Lafayette, Indiana, across the Grand Prairie, via Middleport, to La Salle, in Illinois.

CALL FOR INFORMATION IN REGARD TO THE

MEXICAN INDEMNITY.

Mr. DISNEY. I ask the unanimous consent of the House to introduce a resolution, which I send to the Clerk's table to be read, in order that the information asked for may be placed before us before the expiration of the time to which debate upon the Mexican indemnity bill has been limited. If gentlemen want the information let them obtain it in time.

The CLERK read the resolution, as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to transmit to this House copies of the notes addressed to the Department of State by the Mexican Minister, Mr. De la Rosa, (on the subject of the payment of the Mexican indemnity,) in the months of February and March last, together with statements of any information which may have been verbally communicated to his Department by the Mexican Minister, in regard to the wish of the Mexican Government as to the payment of the money here, and a settlement of the terms upon which it was willing to receive it.

The question being put, the resolution was adopted.

Mr. JOHNSON, of Georgia. I rise to a privileged question. I move to reconsider the vote just now taken upon the adoption of the resolution submitted by the gentleman from Ohio, [Mr. Disney.] I do it because it proposes to call for the verbal conversation which took place between the Mexican Minister and our Secretary of State. I think that it is improper to call upon the Department for verbal communications made in casual conversations.

Mr. SWEETSER. I move to lay that motion upon the table.

Mr. BROOKS called for the reading of the resolution; which request was complied with.

Mr. TAYLOR. I would inquire of my colleague over the way, if it would not be more in conformity with the usage of the House to address the resolution to the President of the United States—that he be requested to communicate the information, if not incompatible with the public interests?

Mr. DISNEY. I have no objection to comply with the suggestion.

The SPEAKER. Does the gentleman from Ohio withdraw his motion.

Mr. SWEETSER. I do not.

The question being taken upon the motion to reconsider, upon a division there were—ayes 80, noes 64.

Mr. EVANS called for the yeas and nays; which were ordered.

The question was then taken on laying the motion to reconsider upon the table, and it was decided in the affirmative—yeas 103, nays 73; as follows:

YEAS—Messrs. Charles Allen, John Appleton, Ashe, Averett, Thomas H. Bayly, Bartlett, Bissell, Bocock, Buell, Busby, Thompson Campbell, Carter, Caskey, Churchill, Clark, Colcock, Daniel, Dawson, Dean, Dimmick, Disney, Dow, Durkee, Eastman, Edgerton, Edmundson, Faulkner, Fitch, Fitch, Florence, Thomas J. D. Fuller, Gaylord, Giddings, Green, Grey, Grow, Hall, Hamilton, Isham G. Harris, Hart, Hendricks, Henn, Hibbard, Holladay, Thomas Y. How, Ingersoll, Ives, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, Preston King, Kurtz, Letcher, Lockhart, Mace, Manly, Humphrey Marshall, McCorkle, McDonald, McMullin, McNair, Meade, Milson, Molony, Morrison, Murray, Nabers, Newton, Olds, Orr, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Phelps, Polk, Price, Richardson, Robbins, Robinson, Russell, Scurry, Origen S. Seymour, Skelton, Smart, Smith, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, St. Martin, Stratton, Sweetser, Thurston, Townsend, Tuck, Venable, Watkins, Addison White, and Wilcox—103.

NAYS—Messrs. Abercrombie, Aiken, Allison, William Appleton, Barrere, Bell, Bibbhaus, Bowie, Bowne, Brenton, Briggs, Brooks, Burrows, Caldwell, Lewis D. Campbell, Chandler, Clingman, Cobb, Conger, Cullom, George T. Davis, Dockery, Duncan, Dupham, Evans, Ewing, Fowler, Henry M. Fuller, Gentry, Gilmore, Goodenow, Goodrich, Harper, Haws, Hascall, Haven, Hillyer, Horsford, Houston, John W. Howe, Thomas M. Howe, Hunter, Jackson, James Johnson, George W. Jones, Kuhns, Martin, Miller, Miner, Henry D. Moore, John Moore, Morehead, Outlaw, Pennington, Porter, Rantoul, Schermerhorn, Schoolcraft, Schoonmaker, David L. Seymour, Alexander H. Stephens, Strother, Stuart, Taylor, Benjamin Thompson, Walbridge, Ward, Washburn, Welsh, Wells, Alexander White, Williams, and Yates—73.

So the motion to reconsider was laid upon the table.

Mr. DISNEY. I now ask the unanimous consent of the House to make an alteration in the phraseology of the resolution. I owe it in justice to myself to say that I wrote it hastily at my desk, and that it is not in the form I should have wished if I had had more time to draw it up. I ask leave so to alter the phraseology as to make the call directly on the President. It would be more respectful and proper to do so, but I can only do it by the unanimous consent of the House.

Mr. STUART objected.

Mr. HOUSTON. I would suggest to the gentleman from Ohio to make another modification, and that is, to submit it to the discretion of the President whether the communication of this information is compatible with the public interests.

Mr. DISNEY. But I cannot make any modification, for there is objection.

Mr. STUART. I will withdraw my objection if the gentleman will strike out that part of the resolution which requires the Secretary of State to communicate the verbal intercourse between him and the Mexican Minister.

Mr. DISNEY. I intended my alteration to embrace the modification suggested by the gentleman from Alabama, [Mr. Houston,] and to insert the words: "if compatible with the public interests," but I cannot alter the resolution if there is objection.

Mr. CARTER. I have no objection to that, provided there is no other modification.

Mr. DISNEY. I do not ask to make any other.

Mr. STUART. I will withdraw my objection.

Mr. DISNEY. Then I will so modify my resolution as to make the call directly upon the President, and to insert the words "if compatible with the public interests."

Mr. JOHNSON, of Georgia, objected to the modification.

ASSIGNABILITY OF LAND WARRANTS.

The SPEAKER stated that the first business in order was the report of the select committee on the bounty land bill, and that the gentleman from Iowa [Mr. Clark] was entitled to the floor.

Mr. CLARK. Perhaps it would have been but justice, had I stated yesterday that the gentleman from Indiana, [Mr. Dunham,] who offered the substitute to this bill, declared that it was not his design to cut short the compensation to which these land officers are supposed to be entitled. He contended that if they were entitled to compensation, they should present their claims to this House. I have but very little to say upon that

branch of the subject in addition to what I have already said. I commend the motives of the gentleman in admitting the claims which I have urged. But I believe that unless compensation shall be provided by this bill, it will never be made at all—that will be the result. Whence the necessity of converting the two Houses of Congress into two great auditors' offices, to settle and adjust claims which can be better settled and adjusted at the proper auditor's office?

When I concluded my remarks on yesterday, I was considering the argument of the gentleman from New Hampshire, [Mr. Tuck,] in which he was deprecating speculations in the public lands, and urging Congress to such a course as should cut them short. I can assure that gentleman I am as much opposed to speculations of that kind as he possibly can be; but we differ in the mode by which the object is to be accomplished. I have said that there was but little speculation in public lands in that part of the country from which I come. But let us take the gentleman's hypothesis, and grant, for the sake of the argument, that there will be speculation in these lands, and that, too, by means of land warrants. Now, the fact must not be lost sight of, that the location of warrants, as the law now stands, is confined to lands which were in market at the time the law restricting their location was passed. Another fact, also, must be borne in mind, that settlers must have lands, and they will secure them by means of warrants also; because they can be had materially cheaper in that way. Now, is not the conclusion a necessary one, that the speculator and the settler will be thrown together in their appropriations? In other words, speculators will hold large bodies of land in the midst of the cultivators of the soil, keeping it from the hand of improvement, and thus preventing progress in the advantages of society, schools, and those various and cherished institutions which can be had only by those who live in the association of neighborhood. This condition of things brings the cultivators of the soil and speculators together with adverse and prejudicial interests: it is the interest of the settler that the lands around him should be settled and cultivated; it is the interest of the speculator to retain his lands until time and the improvements around him—improvements which he did not make—shall give them an enhanced value. If, therefore, as is insisted, there must be speculators in the public lands, it is clear to my mind, that it would be best to open to them the whole domain, which would prevent them from crowding in upon settlements already made, to the injury of the growth of those settlements. Liberty to the speculators to go far distant for their locations would work as a kind of safety-valve to sections and neighborhoods already considerably advanced in improvement.

Again: if it be true that the public domain must be cursed with the blight of speculation, how would it be removed by confining the location of warrants to restricted limits? Let it be remembered that the thousands of immigrants who seek homes in the far distant States and Territories of the West must not only have lands, but they must have them as cheap as they can be bought; they will, therefore, provide themselves with warrants, and take their lands within the limits prescribed, even though they should be compelled to take land of secondary value, because they have not the ability to purchase with cash. To this course they are driven by the law of necessity. Now, what is the consequence? Precisely this: the cultivators of the soil are withdrawn from the most eligible portions of the Government lands, and they are left entirely open to speculators, to absorb them with their cash capital, without restraint or competition; and as they could select the best lands, their inducements to appropriate them with cash, would be even greater than to embark into speculations with warrants, when they would be compelled to encounter an active and progressive competition; so that, view the subject in either light, it will be impossible to cut short speculation by the restriction of warrants to limits less than the whole area of public lands in market. These remarks are not designed to remove any intrinsic difficulty, as I understand the subject. I do not believe there is speculation enough in the public lands to cause alarm, or to call for any remedial measures of legislation. The gentleman from New Hampshire contends that the true policy is to confine the location of warrants to certain narrow

bounds, in order to prevent speculation. I have merely endeavored to show that the direct tendency of such a course would be in aid of speculation. Sir, the way to prevent speculation, in case there was danger on that subject, is to throw the doors wide open, and let the immigrant and the settler go with the speculator, without hindrance or clogs, and the one will see that the other shall do little or no harm.

Another objection which the gentleman from New Hampshire raised to the adoption of that section in the substitute which provides for the creation of a new class of warrants, was found in the act of 1847, pledging the proceeds of the sales of the public lands to the payment of the loan of \$23,000,000, created by that act; and this objection was made to apply as well against that section which permits the location of warrants on all lands in market, as to that which provides for the issuance of new warrants. Is the gentleman aware of the length to which that argument would carry him? It would repeal, by implication, all the existing acts for educational purposes, and purposes of internal improvement, so far as they are to work prospectively. If it be true that that act is a mortgage of all the public lands, what becomes of your sixteen sections—your grants of seventy-two sections to endow a university in each State, which, if not given by a standing law, is almost equally as effectually done by precedent of long standing? What becomes of that provision of law by which five hundred thousand acres are to be given to each State upon its admission into the family of States, for purposes of internal improvement? According to the argument, the mortgage would cover and destroy all these munificent donations for the most praiseworthy purposes. And, moreover, would the gentleman contend that the act of pledge covered all the Mexican territory which has been acquired since its passage? And yet this is the legitimate result to which his argument leads. I do not by any means suppose it would be a violation of the spirit of that act to appropriate a limited portion of the public lands to advantageous and worthy purposes, if by such a course you do not materially affect the security intended by the act itself. Now, the income of cash sales for the year 1850 was more than \$1,800,000, and in 1851 it was more than \$2,000,000, independent of lands taken up with warrants—a sum sufficient to discharge the whole debt in eleven or twelve years, independent of interest; and yet the funded portion of that loan has twenty years from the date of the act to run. It is admitted that the argument would be good against a system which should propose a sweeping disposition of the public domain, or the greater part of it.

These views constitute about all I have to say upon the subject. I cannot see why the Government should have two standards of value of the public lands—one cash value, and one scrip value. I was not a little surprised at the views of the gentleman from Illinois [Mr. Bissell] upon this part of the subject. He contended for the restriction clause, and yet he was pleased to inform the House, that he was in favor of a pending bill which proposes to give lands gratuitously to actual settlers. Now, it seems to me, that this was a manifest contradiction and injury. It proposes to give those who had performed no service for their country, as the soldier had; who had given no consideration, as the assignee of the soldier had done, when he purchased his warrant,—a far more advantageous position, when it suffered them to take the fattest of the land, while it confined the soldier and those who purchased of him to lands of secondary character, and finally to the leanest picking. It seems to me that this is sheer injustice.

Besides, it is a system of restriction, without merit, and odious. It confines a large class of the most meritorious men, by reason of uncontrollable necessity, to narrow limits and compulsory choice. It seems to me that this is not only failing to make progress, according to the prevailing spirit of improvement and liberality—that it is not even holding to the advantages of a stationary position—that, in the language of a great man, it is "treading some steps backward"—that it is in principle an attempt to galvanize the old policy which was attempted to be fastened upon the country forty years ago—and I believe it is the federal policy, too—of requiring a given township to be sold clean out, before another should be accessible. I believe the sun went back upon the dial Ahaz ten

years, but the gentleman had made his go back nearly half a century.

Perhaps it will be said that those who have necessity for land have the same means for acquiring it aside from warrants that they had before. And so they have. It may be said that settlers in new countries have flourished under the system which has heretofore prevailed, and what is to prevent their prosperity now? Sir, it is in American character to flourish, no matter what may be the superincumbent load of difficulties upon it. The virtues inherent in that character, the indomitable energy and will, and the far-reaching enterprise of our people, warrant it. But does that constitute a reason why you should surround them with difficulties; or, in other words, fail to remove them when it can be so cheaply and so justly done? I know that thousands go to the new lands of the West, who, when they have reached their destination, have not a dollar with which to purchase a plank to cover their heads from the storm, or purchase a bushel of meal for the subsistence of their families. They are compelled to go upon credit, if they have any, and if not, they are forced to labor one day for their neighbors to procure these things, and the next for themselves. To this class fifty or a hundred dollars was no insignificant sum. This class you can materially benefit by giving them the largest liberty in the location of warrants; and I maintain they ought to have it. I do not see for what reason you should have a double system—a cash value and a warrant value for lands. Is it worthy the liberality and the high character of the Government? Is it dealing equitably by all? It is not, in my opinion. Throw the doors, then, wide open, and let all who go upon the public lands select such as they please, with whatever will purchase those lands. Then will you confer a boon which will be effectual—which shall be blessed and blessing.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, their Secretary, announcing that they had passed the following bills, viz:

An act to extend the time for selecting lands granted to the State of Wisconsin for saline purposes;

An act for the relief of the widows and relations of certain officers and seamen of the brig Washington, who were lost on board in the hurricane;

An act to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of the 2d of March, 1827, granting lands to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan; and

An act to admit the hermaphrodite brig Sylphide to registry.]

Mr. HARRIS, of Tennessee. Believing, as I do, that the passage of this bill will be rendered more certain, and be facilitated by its reference to the Committee of the Whole on the state of the Union, I have arisen, not for the purpose of participating in the debate which has sprung up upon the various features in this bill, but with the view of moving the previous question on the motion pending to refer. Before I make that motion, however, I will ask the unanimous consent of the House—for I believe it cannot be done but by such consent—that this bill be made the special order of the day in the Committee of the Whole House for Monday next.

A VOICE. Monday week.

Mr. HARRIS. It is suggested that Monday next is not a proper day. I will say on Tuesday next, and from day to day until it is disposed of.

Mr. TUCK. I object.

Mr. MEADE. If the gentleman from Tennessee will allow me.

Mr. HARRIS. Certainly, if the gentleman wishes to explain.

Mr. MEADE. I desire to inform the gentleman from Tennessee, that there is a bill from the Senate containing provisions similar to those in this, and which, from a slight glance, appears to me to be preferable to this. I think, therefore, it would be wise in us to bring on the consideration of the two bills together, and that when the business on the Speaker's table is taken up that we refer that bill to the Committee of the Whole, together with the one now pending, so as to consider them both together, and then choose the one that seems to be best.

The SPEAKER. It can be done only by unanimous consent.

Mr. MEADE. I ask the unanimous consent of the House; and if it be granted the House can refer both bills together.

Mr. HARRIS. I have no objection, but I would prefer, if the unanimous consent of the House is granted, to refer the bill of the Senate upon the same subject to the Committee of the Whole, and make the two a special order.

Mr. BISSELL. I feel constrained to object to that.

The SPEAKER. It cannot be done, as it is objected to.

Mr. HARRIS. I will—

Mr. ORR. I believe I have the floor. The gentleman has moved the previous question, and I do not see how he can occupy the floor under such circumstances.

Mr. HARRIS. I have stated that to be my intention, and I will do it before I take my seat. I move the previous question.

Mr. ORR. I move the rules be suspended, and that the House resolve itself into Committee of Whole on the state of the Union.

Mr. HARRIS. Has the morning hour expired?

The SPEAKER. It has not.

Mr. HARRIS. Is it in order, then, to go into Committee of the Whole?

The SPEAKER. When a gentleman can obtain the floor for the purpose of making the motion, it is. The decision of the Chair, the other day, was, that a gentleman could not deprive another of the floor for that purpose.

The question was then taken, and on a division there were—ayes 87, noes 32.

So the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. Jones, of Tennessee, in the chair.)

The CHAIRMAN. The first bill before the committee is the annual message of the President of the United States and the resolution introduced by the gentleman from Alabama, [Mr. Houston.]

Mr. HOUSTON. I move to take up the bill No. 46, making an appropriation to pay the indemnity to Mexico; which motion was agreed to.

MEXICAN INDEMNITY.

Mr. EDGERTON. I do not intend to take up much of the time of the House in the discussion of this question. I shall not probably avail myself of my privilege, and consume the hour to which I am entitled. I will not say, as did the honorable gentleman from Virginia, that I am a lawyer, for I am not; that I am a judge or have been a judge, for I have not; but I have been a juror, sir, and I never yet pronounced my fellow man guilty of a misapplication or embezzlement of money, when I knew he never had received it. Perhaps if I had had more experience in matters of this kind, I would not speak thus. But, sir, I care nothing for experience. I have no respect for experience, or regard for expediency. Experience never taught a man a better road, but only enabled him to avoid the dangers of the old one.

By the treaty of Guadalupe Hidalgo, the United States became bound to pay the Government of Mexico fifteen millions of dollars—three millions down and the balance in annual payments. The history of the payment of the first installments has been detailed by the honorable gentleman from Virginia, [Mr. Barry.] The last is yet to be paid. As no money can be drawn from the Treasury except by appropriation of law, this bill, now under discussion, was introduced by the Committee of Ways and Means, and its immediate passage urged by the necessity of the case. Yes, it is urged by the Committee of Ways and Means, when it is reasonable to believe that there is something connected with it that requires disclosure; and it is urged by other parties; and because other parties have urged the passage of that bill upon this floor, my voice is heard here to-day. Had it not been for this paper which I hold in my hand, emanating from men—I will not dignify them by calling them financial operators—but men who are the fund-mongers of this country, I should not have spoken upon the question. How is it? The moneyed power of Europe, the moneyed power of this country, speak to-day in dictatorial terms to the House of Representatives of the United States. They urge upon us—not because they have an interest in the matter, for they disclaim any interest—the immediate passage of this bill, and say there should be no more “useless discussion upon the bill.” Has it come to this;

that this moneyed power stands up and dictates to the representatives of twenty-four millions of people, that they shall pass or not pass a law? And do they dare, in their unparalleled impudence, to come here and say that the discussion of this question is needless? Yet that is the language of their paper.

They say the passage of this bill should not be impeded by needless discussion. For one, I am determined, as a representative of a portion of the American people, to proclaim here upon this floor, that I am ready to impede the progress of this bill with all kind of needless discussion. I hope there are other members upon this floor, who will give these fund-mongers specimens of such needless legislation, as will satisfy them that they have no connection with the American people—that this is a Government of the people, and not of any moneyed power. Who are these men? Baring, Brothers & Co., and Corcoran & Riggs—whose banking-house stands opposite to your Treasury, a fungus upon it, growing rich and enlarging itself by what it robs from that which it destroys—and Howland & Aspinwall, and others, plunderers of the Treasury. They are the men who dictate to the American Congress, that the passage of the bill shall not be impeded by needless discussion. Had it not been for this paper, and some rumors which have been circulated in the public prints, as I have said before, I should not have spoken upon this question. But it has been charged, that there may possibly be some fraud, or impropriety, connected with the passage of this bill; and I hold it to be my duty—to be the duty of every representative upon this floor—when imputations are thrown out, as to the character of any financial transaction, that they should be examined and probed, and that everything connected with the finances of the Government should be closely inquired into. It has been charged, that a contract has been made between the Secretary of the Treasury and these bankers, in relation to the disposition of the money—that they have been appointed the agents of this Government for paying this money to Mexico. Ours is a Government of laws. We have laws creating and prescribing the duties of our officers. We have financial officers connected with the administration of this Government, and I take this position, that without the special authority of law, it is not in the power of the Executive department to substitute any officer to discharge the duties that devolve upon it. Is there any authority of law for making this contract? Is their contract, in reference to which information has been asked this morning of the Department, binding upon the Government of the United States—is it binding even upon the other parties to it? Certainly not; for the parties themselves—Corcoran & Riggs, Howland & Aspinwall, and Baring, Brothers & Co.—expressly say that they do not conceive themselves now bound as contractors—that they are released from all obligations under the contract; and so they are. He cannot, and never could, nor could any other Secretary of the Treasury, or Secretary of State, make a contract which would be binding upon the Government, or even upon the other contracting parties. In the debate upon this question the other day, the gentleman from New York [Mr. Brooks] made the following remarks:

“But no contract was made, and no contract could be made which would bind this House in any manner whatsoever. It was not in the power of any department of this Government to make a contract for the negotiation of its payment before an appropriation upon the part of Congress had been made. The Government could make an arrangement only after the appropriation had been made.”

How, then, would this Government have been placed in regard to the contract, had there been a failure on the part of the alleged contractors to have performed their part of it, by not paying the money? If the United States had placed in the hands of these contractors a portion of this money in advance of its payment to Mexico, and that without receipts or discharges on the part of Mexico, and these contractors refused or neglected to pay to that Government, would it be justified in demanding that additional payment should be made in consequence of their failure? Beyond a question. There is no doubt of it; because the contracting party, in case they had misapplied the money, might have stood up and said to you and the Secretary of State: “You have made a contract with us that you had no right to make. It was not binding upon the Government, and

consequently not binding upon us, the other contracting party.” There is another view of this question to which I will allude. I will admit for argument the right existed on the part of the Secretary of State, to make the contract, but I will say, although the right did exist, it was an improper act on the part of the Secretary, and I say so for this reason: This being a Government of the people alone, it should not be the Government of any moneyed power; that should have no influence in the Government, and particularly not if that moneyed power be a foreign one. How is it with these moneyed powers? They now control the entire destinies of all the nations of Europe. They are seeking to control the destinies of this nation. They are attempting to undermine the liberties of the people; and the whole history of the moneyed power, since the beginning of the world, will show that it was never the advocate of human rights and human liberties. The moneyed power throughout the world was always the agent of the oppressors of human liberty and human rights. Who are these contractors? They are the very same men controlling the Governments of Europe, upholding, by their money, the corruptions of the old monarchies. The very same men, governed by these same feelings, now say to the representatives of the American people, You must not discuss this question, because it is needless—improper. Why, who does not know, in the history of this moneyed power, that it invariably corrupts the Government—that it corrupts the masses; that it lays its mighty hands upon even talent and intellect, and sacrifices them with its power of corruption. The brightest genius this Government ever beheld in his palmy day, when the fire of talent beautified and illumined him, the victim of this moneyed power—sacrificed upon its altar. It is because of this moneyed power, so insidious in its character, supporting and encouraging, as it does, sappers and miners upon your Treasury, that I take this position. I stand upon this floor to-day and say, to this House of Representatives—say to the American people—that I am bound to impede this legislation of Congress. I stand here, not the advocate of legislation by Congress, but as the sworn opponent to the action of Congress, saving for one thing, and that is, to pay the debts of the Government. I will legislate for no other purpose but to pay our debts, and “to provide for the general welfare.” But I will provide for the general welfare solely by paying the debts of the Government; and, if it be necessary, I will levy taxes for that purpose, and for that purpose only. To that end only can Congress levy taxes for the general welfare. This Congress legislates too much. We have too much legislation before us, and by whom is it brought here? By whom are the various projects coming up here for the purpose of robbing the Treasury advocated and sustained? Why, by men under the influence, under the control of, and whose destinies hang upon, this moneyed power. We legislate, as I have said before, too much. The moneyed power seeks, not only here, but everywhere, to centralize power in Governments. It is the great advocate of the centralization of power. Every act of this Government which tends, in the least, to the centralization of power, or that takes anything from the States, which they can do, I will oppose. I stand here the advocate of the right of the States to protect its citizens in everything they require. The people have no claim upon Congress. This Congress has no right to pass any law which the people of one section of the country can say benefits them, and which another section can say does not benefit them. The Legislatures of the several States can do all the acts necessary for the prosperity, the glory, and dignity of the country.

What has the action of Congress added to the glory of this country? Have the tariff acts passed, which have been so much talked about, added one particle to the wealth and power of the country? Has any other action of Congress added wealth and power to the country? The wealth and power of the country are produced in another quarter. It is in the States themselves—in the people—that they are produced, and it is the legislation of the several States, developing the resources of these States, that has made this country what it is. I stand here to-day, not the advocate of the glory, power, and wealth of the States consolidated, but the advocate of the glory, wealth,

and power of the States independent. We are independent of every power upon the face of the earth except one. It is this moneyed power, which has come up here and stands now in your House of Representatives, and says you shall not impede, by needless discussion, the passage of a bill by which they can plunder your Treasury. We should be independent of that moneyed power. How can we be independent of it? Why, sir, it is very simple. We can do our own business. The financial operations of this country can be conducted without the aid of foreign capitalists. We have the wealth ourselves; we have the talent ourselves; we have the financial knowledge ourselves. Let us connect that talent—that financial knowledge with the government of the country, and not rely upon foreign aid—upon foreign moneyed powers for any operation. Now, in relation to this simple transaction. It is alleged that it is necessary to pay this money to Mexico; that there should be an agent appointed, and that agent should be the moneyed power of Great Britain—that which is connected with the perpetuity of the monarchies of Europe. It is alleged that this power should be our agent to transact the simplest business transaction in the world. This moneyed power invariably attempts to throw a cloud of mystery around its operations. In connection with this payment there should be no mystery. It is the simplest business transaction under heaven, and there is no need of employing an agent, and that agent a moneyed power, not responsible to the Government. We can do the business ourselves. We want no agent, other than him who is appointed by this Congress.

But, sir, there is another view of this question. It is said, and I believe said truly, that the Mexican Government does not require this money to be paid in the city of Mexico. By the treaty, we are bound to pay the money in the city of Mexico, and in the gold and silver coin of Mexico, and nothing else. Under the strict letter of the treaty, we have no right to pay it in anything except in the gold and silver coin of Mexico, and in the city of Mexico. But it is said that Mexico does not want it there. As a simple financial transaction, profitable to themselves, and without any loss to us, of course they did not want it there. Now, the question is, can it be paid elsewhere? I hold it is perfectly immaterial, as far as this Government is concerned, where the money is paid—in what it is paid—provided we obtain an acquittance in full from the Government of Mexico. How did the agents of this Government, appointed by the Secretary of State, pay the money in Mexico? Why, they sent an agent to Mexico for the purpose of raising the required funds, in the language of their letter. That gentleman proceeded to Mexico, remained there nine months, drew his bills of exchange upon England, France, and the United States, and upon those bills of exchange paid the entire \$3,500,000, with the exception of \$300,000, which he borrowed upon bills to be negotiated afterwards. Now, is it not plain that this payment was not made in the city of Mexico, and that it was not made according to the terms of the contract, in gold and silver coin, but was made in bills of exchange drawn against the fund, which they did not take, and which they were enabled to meet by advances made to them contrary to the law by the officers of this Government. They did advance over one million of money, and that, too, when the Mexican Government had not presented one single acquittance. Now, I charge here, there having been a change already made in the terms of this treaty, it is not necessary, as alleged by the gentleman from Virginia, [Mr. BAYLY], that the strict letter of the treaty should be kept, and the agent required to pay the money in the city of Mexico, and in the gold and silver coin of Mexico. It can be paid here. The treaty has already been violated in its strict letter—the money has not been paid as required by the strict letter of the treaty, but it has been paid in bills of exchange; which these agents, in violation of good faith, took advantage of the necessities of the Government, and made usurious rates of interest upon. What do the agents of this Government say? They say the result of these exchange operations, with all the attendant risks, was a profit of about one per cent. upon the amount, and that the contractors made no other profit except the loaning to the Government of Mexico money of their own. That money of

their own, was money advanced by the Government of the United States, and loaned out to the merchants and Government of Mexico, at exorbitant rates of interest. Well, they intimate that the money was loaned out at the legal rate of interest. But mind the phraseology—it accords with the fact that money was loaned out at the then current rates of interest in Mexico, and the current rates were fixed by the wants and necessities of the Mexican Government, and such rates were known to be from fifteen to twenty-four per cent. They made no loans at the legal rate of interest, but they made them at the current rates of interest, and they were fixed and established by themselves.

Now, I come more immediately to the discussion of the bill itself, and as to what shall be the action of Congress in relation to it. It is known that we have money to pay to Mexico. Shall we appoint as agent for us in this matter, a foreign moneyed power, which is every day seeking to corrupt, undermine, and control our legislation; or shall we appoint our own agents under the authority of law, responsible to ourselves, to transact and carry out this simple business transaction. That is one view of the case. For my part, I would attach to this bill an amendment, that the money should be paid by agents responsible to the Government. We have those agents already appointed—the financial agents of the Government. If we have no one appointed, we can appoint one. Another proposition is, that we should permit the Mexican Government to do the simplest business act in the world, that is, draw upon us themselves, accompanying their drafts with acquittances and full discharges of the United States from their liability under the treaty; and we could then pay these drafts out of the Treasury or accept them hereafter for payment. Is there any objection to this course? The honorable gentleman from Virginia [Mr. BAYLY] intimates there is, because we cannot change the treaty. The treaty requires that the money should be paid in the city of Mexico, in the gold and silver coin of Mexico. How have the previous payments been made? Has not the treaty already been violated? Has not the Mexican Government itself violated the treaty, and our own Government violated the letter of the treaty? If it be necessary to carry out this three million transaction through the medium of an agency; if it be deemed inexpedient to appoint a Government agent, or allow one of the officers of the Government under our own control—responsible to us—to make the payment; if it be deemed inexpedient or improper, or not in conformity with the strict letter of the treaty, that the drafts shall be drawn by the Government of Mexico upon our Treasury accompanied by the acquittances—I say, if these things be deemed impolitic or unnecessary, let us do another act of justice to ourselves, that is, if agents be absolutely necessary, employ our own people, our own money, and our own financial men. Do not let us connect ourselves with the Government of Great Britain, or those who are its agents. Do not let us connect ourselves with those who are every day seeking to break down our national enterprises. Why, how is it? We have claims before us here of those connected with most important national enterprises, in which they charge that the moneyed power of Great Britain, the Government of Great Britain, into which the Barings & Brothers are so closely interested, are seeking to break down our lines of steamers, simply because they are the best on the face of the earth. And here we are sustaining by our legislation an attempt to make money out of our own people, by which they can break down our national enterprises.

Now, sir, if we have to encourage anybody—if we are bound to add to the wealth of any man, let him be one of our own men. Let those men connected with these lines of steamers transport the money to Mexico. If there be any money to be made, let them make it, and let us not have to make an extra allowance to them for the losses which they sustain by the corrupting power of this money of Great Britain, which is breaking down, as I said before, our national enterprise.

I must confess, viewing this question in all the lights in which it can be viewed, that I was much surprised at the action of the Committee of Ways and Means upon this matter. Why should that committee, in view of all these facts, and in view of the rumors which are afloat in connection with

Corcoran & Riggs, Baring & Brothers, and these other fund-mongers, hurry the action of this Congress? And I regret exceedingly that the proposition has been sustained to cut off the debate upon this question. We need light upon every moneyed transaction. There is nothing connected with the finances of our country that does not require investigation; and, before we act upon this bill, let us investigate and ascertain who it is that makes contracts and transacts the financial business of the country with these banking-houses, by which they are making immense sums of money out of us. Let us see if these contracts be made according to law, or in violation of law. If they are dishonorable to us, and dishonorable to those by whom they are made, let us know it, and let the American people know it. They have a right to know it; and it is our duty, as their representatives, to call for, and persist in calling for, every species of information which can give any light as regards these moneyed transactions. I, for one, am from this day forth for a war to the knife upon any act by which these banking-houses of Baring, Brothers & Co., Corcoran & Riggs, Howland & Aspinwall, or any other banking-house shall have any connection, in any shape, with the action of this Government. It is not necessary. It is in violation of law—it is in violation of the principles of our Government that we should have moneyed institutions connected with us, attempting to control us, dictating to us, and yet not responsible to us.

Mr. GREY, (interrupting.) With the permission of the gentleman from Ohio, I desire to make a brief personal explanation in relation to a matter which was brought up when this bill was under discussion yesterday. The charge was then made against a gentleman of my acquaintance, for whom I have the highest respect, that he had, in his official capacity as *chargé d'affaires* of this Government in Mexico, been guilty of embezzlement. I do not quote the precise words which were used, because I do not remember them, but it was said that many men had been sent to the penitentiary for offences less in violation of the laws of the country and the laws of morality. When that charge was made, I read a letter in explanation of the conduct of that gentleman. The honorable member from Virginia [Mr. BAYLY] who made the charge, made it with the highest authority that he could possibly give to it. He made it from his place upon this floor, and at the outset of his remarks he stated to the House the positions that he had occupied in his own State, and the manner in which he had been indorsed by the Legislature and people of that State, in order, I presume, to give force and weight to the charges which he was about to make. This House and the nation understood, and will understand from that speech, that Mr. Benj. E. Green, when he was *chargé* to the Mexican Government, was guilty of collecting the sum of \$275,000 as agent of the Government of the United States, for which he has never accounted to that Government.

Now, sir, the executive documents of the Twenty-eighth Congress prove this fact, that Mr. Green was not the agent to receive that money, but that he was authorized to continue the agents who had been appointed by General Thompson, who was his predecessor. Green was Secretary of Legation to Waddy Thompson, the Minister to Mexico, and after Thompson left, he was continued there as *chargé d'affaires*. He was instructed to make Hargous & Co. the agents of this Government to collect this money, and transmit it to the United States. He did so, and Hargous & Co. gave receipts for drafts, which drafts have not been paid. I will show, by letters of Waddy Thompson himself to this Government, that he appointed Hargous & Co., and this man Voss, who was a member—and a prominent and influential member too—of the firm. General Thompson, in his dispatches to this Government, says that he is greatly indebted to Mr. Voss, the member of the firm who resided in the city of Mexico, for his power and influence, not only in inducing the Mexican Government to pay the money, but also in enabling them to pay it.

I shall read from some of these documents, and I have no doubt that the gentleman from Virginia will, when he hears them read, withdraw his charges, because I think his recollection is greatly in fault. The gentleman seemed to be under the

impression yesterday, that Governor Shannon had not arrived in Mexico at the time the drafts were received. I will show, by a letter from Shannon himself to the Department of State, that he was in the city of Mexico at the time the money was paid. The gentleman was equally in fault about other things. He said that Mr. Calhoun was not at that time Secretary of State.

Mr. BAYLY, (interrupting.) The gentleman has misunderstood me. I said that the instructions of Mr. Green were from Mr. Spencer, and not from Mr. Calhoun. Green was appointed by Mr. Tyler, and he went out under instructions from the Secretary of the Treasury, Mr. Spencer.

Mr. GREY. I will show that Mr. Green's appointment as agent to receive the money was from President Tyler, and Mr. Calhoun the Secretary of State. I think that the gentleman is also in error in his remembrance of these documents, and I will read them to correct him. I will read first from the report of Judge Bibb, the Secretary of the Treasury at that time. Here is Judge Bibb's response, as Secretary of the Treasury, to a resolution of Congress:

TREASURY DEPARTMENT, January 25, 1845.

SIR: I have the honor to submit to you the following report on the inquiries contained in the resolution of the House of Representatives of the 31st ultimo, requesting you to furnish certain information in relation to the installments of indemnity payable by Mexico, under the convention with that Republic in April and July last:

"This Department can only furnish the information called for, as to who is the agent of the United States to receive said payments; under what authority he exercises the power of agent; and whether any, and what, information he has received from said agent on the subject."

On the 6th of August, 1843, the Hon. Waddy Thompson was apprised that he had been appointed by you the agent of the United States to receive the whole of the indemnity. The power conferred on him, and then transmitted, authorized him to appoint a substitute; and, by virtue of that authority, he substituted the house of L. S. Hargous & Co., by whom all the installments heretofore paid were received and transmitted to the United States.

In April last, B. E. Green, Esq., then chargé d'affaires of the United States, was specially empowered to receive the installment falling due on the 30th of that month; and he was instructed by this Department to make a similar arrangement with Messrs. Hargous & Co. as had been done by the Hon. Waddy Thompson. This power was not intended as a revocation of that to the latter gentleman, but merely to prevent and meet any objection that might be urged to the substitution of Messrs. Hargous & Co. being considered by the Mexican Government as at an end after Mr. Thompson had returned to the United States. The power to that gentleman was considered by the Department as permanent until revoked, as will appear by the documents annexed to this report. The letter of Mr. Green, herewith submitted, states all the information on the subject of those installments which have been received from him since his appointment.

I have the honor to remain, very respectfully, your obedient servant,

GEORGE M. RIBB,

Secretary of the Treasury.

To the PRESIDENT OF THE UNITED STATES.

Mr. EDGERTON. How long is the gentleman going to take to make this personal explanation?

Mr. GREY. A very short time longer. I shall have done as soon as I have read these documents.

Mr. EDGERTON. I cannot allow you more than five minutes more.

Mr. GREY. I appeal to the courtesy of the gentleman from Ohio, and of the House, to allow me to make this explanation.

Mr. BAYLY. I would suggest to the gentleman from Kentucky, that it would be inconvenient for him to go into this matter as a personal explanation; but when the gentleman from Ohio gets through he can obtain the floor; and I hope he will, and he will then have a whole hour to go into it fully.

Mr. GREY. I think it is due to me that I should have an opportunity of making an explanation in relation to the letter which I read yesterday, and I appeal to the House to allow me to do it.

Mr. EDGERTON. I think this personal explanation has occupied enough of my time, and I must claim the right to proceed with my remarks.

The CHAIRMAN. The gentleman from Ohio claims his right to the floor, and will therefore proceed.

Mr. EDGERTON continued. There is one other matter to which I wish briefly to allude, and that is, the allegation that these parties did not make any money by this transaction—that there was no money advanced to them by the Government of the United States, but that they themselves made the advances to Mexico. Now, it must be borne in mind that they sent an agent to

Mexico to draw these bills of exchange, and that he did draw them. But they say that the United States made no payment to the contractors except to reimburse them for the money paid by them in Mexico from their own funds, upon the presentation of their bill with authenticated receipts from the Mexican Government. Now, if I understand this transaction—though in this I may possibly be in error—the Government of the United States did make advances to these gentlemen—these contractors. They did make advances to them without being accompanied with authenticated receipts from the Mexican Government. Why, then, did Mexico, and the United States Government, advance to these contractors, by their own words and admissions, one million of money by the first of March, when the payment was not to be made until the first of June. The money was advanced, though it was not accompanied by a duly-authenticated receipt from the Mexican Government. Now, had there been a change in the Mexican Government, and had they refused to return the money advanced by Mr. Forestall for Mr. Forestall advanced \$650,000 to the Government which they gave no receipt and no obligation, except the promise to reimburse it when the payments were made—after the Government of the United States had advanced the \$1,000,000 to these contractors to enable them to make the payment, what would have become of the \$1,000,000 if the Mexican Government had refused to pay, or the contractors were unable to pay? Would there have been any power in this Government to compel the contractors to make the payment? They could have said that the contract was made in violation of the law, or, at least, that it was not sustained by the law, and consequently there was no obligation upon the part of the contractors to make the payment.

There is another view in which this subject may be considered. The Government of Mexico want this three millions of money, and it is known to every gentleman in any way familiar with the subject that they want it here, and do not want it anywhere else. Now, the simple question arises, shall we pay this money here, or shall we again permit the Secretary of the Treasury, or the Secretary of State, to make another contract with foreign capitalists by which they will make millions out of us, when we are in no way under obligations to them, for they are attempting to crush us in every possible way? But we are under obligations to our sister Republic of Mexico; and if we are to appropriate it to the interest of any one, we ought to consult the interests of the Mexican Government. So let us make this payment in such a manner as to consult the interests of that Government, and not those of foreign capitalists. I believe the amendment submitted by the honorable gentleman from California [Mr. MARSHALL] comprehends this part of my argument. I believe its effect will be to enable the President, or the proper Department, to make such an arrangement with Mexico for the payment of the money as shall be satisfactory to them, and that the money may be paid here. If such be the fact, then it accords with my view of the case; and whenever this bill comes up with such an amendment attached to it, I will support it. But when it comes up in any other form, or one in which the Secretary of State or the Secretary of the Treasury shall have the power to make any arrangement with any foreign banking house for the payment of this installment to the injury of Mexico, I will not vote for it. I will not vote for any act by which this Government is to be in any way connected with a foreign banking house. I will now yield the remainder of my time to the honorable gentleman from Kentucky, [Mr. GREY.]

Mr. GREY. I will now proceed to read the letter of Mr. Thompson, in which he says to the Mexican Government that he has appointed Hargous & Co. as the agents to receive, receipt for, and transmit this money to the United States:

Mr. Thompson to Mr. Bocanegra.

LEGATION OF THE UNITED STATES OF AMERICA, }
Mexico, July 29, 1843.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the note of his Excellency José Maria de Bocanegra, Minister of Foreign Relations and Government, of this date, informing the undersigned that the Mexican Government is prepared to pay to-day the second installment under the Convention of the 31st of January last.

The undersigned begs leave to inform your Excellency

that he has given full powers to Don Emilio Voss, of the house of L. S. Hargous & Co., to receive and receipt for the same; and begs to renew to your Excellency the assurance of his most distinguished consideration.

WADDY THOMPSON.

His Excellency JOSÉ MARIA DE BOCANEGRA,
Minister of Foreign Relations and Government
of the Mexican Republic.

The gentleman from Virginia [Mr. BAYLY] yesterday was under the impression that Mr. Voss was not of the house of Hargous & Co. Now I will read further, for the benefit of the gentleman from Virginia, to see what he says about Mr. Voss:

"There was some doubt as to this last payment being made; and although, as I wrote you, I had intended to have left here in January, I felt it to be my duty to wait until the installment became due. I think, with prudence and a little forbearance on the part of the head of this legation, the other payments will be made. I am much indebted for the punctuality in the two last payments to the untiring efforts of Mr. Voss, the partner of Mr. Hargous, resident in Mexico, and to the great influence which he has with the Mexican Government, and the aid which he is able to give the Government in negotiating loans for the balance of the installment, which they may need."

Mr. Green's appointment to receive the money was dated April 26, 1844, when Mr. Calhoun was Secretary of State. It is as follows:

To all who shall see these presents, greeting:

Know ye, that, reposing full confidence in the integrity and prudence of Benjamin E. Green, Secretary of the Legation of the United States at Mexico, I do hereby empower him to demand and receive from the proper authorities of the Mexican Republic the money due to the United States by that Republic on the 30th of this month, pursuant to the second article of the Convention between the two Governments of the 30th of January, 1843; and I do hereby further empower the said Benjamin E. Green, on the payment of the money aforesaid, to give full acquittances for the same; and he is further authorized to appoint a substitute or substitutes, to act for him in the premises, in as full and ample a manner as he is by these presents authorized to do; and I do hereby ratify all his acts, and the acts of his substitute or substitutes, in the premises.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the twenty-sixth day of April, in the year of our Lord [L. S.] one thousand eight hundred and forty-four, and of the independence of the United States the sixty-eighth.

JOHN TYLER.

By the President:

J. C. CALHOUN, Secretary of State.

The gentleman from Virginia is mistaken in that also. Now, here is a letter from Mr. Green:

Mr. Green to Mr. Bocanegra.

LEGATION OF THE UNITED STATES OF AMERICA, }
Mexico, May 18, 1844. }

Several days have elapsed since the undersigned, chargé d'affaires of the United States of America *ad interim*, had the honor to receive the note of his Excellency J. M. de Bocanegra of the 6th instant, in which note his Excellency promised that the installment due on the 30th ultimo should be paid on the following day, (the 7th instant.)

The agent authorized to receive the indemnity has daily applied for payment at the Ministry of Hacienda; but, up to this moment, not a dollar has been paid. The undersigned cannot refrain from expressing his great surprise at this failure on the part of the Mexican Government to meet its solemn engagements—a surprise which has been much increased by the communication of the 6th instant, above referred to.

But, forbearing further comment for the present, the undersigned respectfully requests that his Excellency the Minister of Foreign Relations will, without further loss of time, cause the said installment to be paid to Don Emilio Voss, who has full powers to receive the same.

The undersigned avails himself of this occasion to renew to his Excellency M. Bocanegra the assurances of his high consideration.

BENJAMIN E. GREEN.

His Excellency J. M. DE BOCANEGRA, Minister, &c.

Thus Mr. Green, as the Secretary of State reports, by order of this Government, continued this same man in office, of the same firm, to receive and receipt for and to transmit money to this Government. And this same member of that firm, Mr. Thompson compliments, and says this Government is indebted to his influence for the prompt payment of the money. This is in 1844. Here is the note to Mr. Shannon, stating that the money had been paid:

Mr. Rejon to Mr. Shannon.

[TRANSLATION.]

NATIONAL PALACE, MEXICO, September 2, 1844.

The undersigned, Minister of Foreign Relations, has the honor to acquaint his excellency the Envoy Extraordinary and Minister Plenipotentiary of the United States of America, that his excellency the Minister of Finance has informed him, under date of the 27th of August last, that the installment due on the 30th April in this year, and that due on the 30th of July last, pursuant to the convention of the 30th January, 1843, have been paid to the agent appointed by the Government of those States, and that this notification had been delayed in consequence of the vast business of that Department.

The undersigned avails himself of this occasion, &c.,
MANUEL CRENCENCIO REJON.

To his Excellency WILSON SHANNON,
Envoy Extraordinary, &c.

Mr. Green to Mr. Calhoun.

WASHINGTON, December 17, 1844.

SIR: In reply to your inquiry, I am sorry to inform you that none of the three last installments had been paid at the time I left the city of Mexico. It is true that the Mexican Minister of Foreign Relations, by a note of the 24 September, informed Mr. Shannon that the two which had fallen due on the 30th April and 30th July had been satisfied. This note, a copy of which was at the time forwarded to the Department, was sent to Mr. Shannon early on the morning after he presented his credentials, and was written, as I have reason to believe, in consequence of an impression that the Mexican Government, by having failed to pay the installment of the 30th April, had forfeited its right under the convention of 1843 to pay by installments, and that Mr. Shannon was going out with instructions to demand payment of the whole indemnity under the convention of 1839.

The fact is, that various orders on the treasury were given to the agent appointed to receive the installments; but he could obtain no payment on these orders up to the day when Mr. Trigueros left the Treasury Department, and the first act of his successor was to suspend the payment of all orders.

While upon this subject, I beg leave to state that our claims were used by the Mexican Government as a pretext for levying a forced loan. More than sufficient to pay all our claims was raised in this way; but a very small part of it has been paid to our citizens, and the rest has been applied to other purposes. At the same time, it was declared in the official newspaper that our claims were unjust, and that the Mexican Government owed our citizens nothing; but the forced loan was justified before the Mexican people on the ground that the previous administration of Bustamante had pledged the national faith to pay those claims, and that, although they were an unjust robbery on our part, it was necessary that the national faith, pledged by Bustamante, should be maintained.

I am, sir, very respectfully, your obedient servant,
BEN. E. GREEN.

Hon. JOHN C. CALHOUN, Secretary of State.

I have good authority for stating that one of the members of the firm of Hargous & Co. was a brother to the Minister of Finance in Mexico.

I will show the gentleman from Virginia [Mr. BAYLY] that his memory did not serve him correctly in another instance. He reports that Mr. Shannon, the Minister who succeeded Mr. Thompson, was not in Mexico the 27th of August when this money was paid.

Mr. BAYLY. The gentleman is mistaken; so far from saying that Mr. Shannon was not in Mexico at the time to which the gentleman alludes, I said he was there at that time. His credentials were presented on the first of September.

Mr. GREY. I, and I have no doubt this House, misunderstood the gentleman on yesterday. He was understood as charging that Green had received this money and had embezzled it; for Mr. Green was at that time the agent of this Government, remaining there as chargé d'affaires after Mr. Thompson had left, and that the money was paid before the arrival of Governor Shannon. If this gentleman admits that Governor Shannon was there when Mr. Rejon says the money was paid, why, the House, the country, and the whole nation will know that the Secretary of Legation could not control the payment, but that it must be made after consultation with the Minister. The Minister would control the Secretary, and the Secretary was only the medium by which the Minister could communicate with the Government. I will read from the first letter of Mr. Shannon:

SIR: I had the honor to inform you, by my note of the 28th ult., of my arrival in this city, and the disagreeable occurrence that I encountered on the road.

A short time before my arrival, Mr. Bocanegra had retired from the State Department, and Don Manuel C. Rejon had been appointed in his place. The retirement of Mr. Bocanegra is said to have been voluntary.

On the 27th ultimo I addressed a note to the Secretary of Foreign Relations, informing him of my arrival in this city, and desiring to be informed of the time and place at which I could be permitted to present my letters of credence to the President of the Republic. I was advised in due time that I would be received by the President, at his palace at Tacubaya, on the 1st instant. I accordingly attended, in company with Mr. Green, at the time and place designated, and was received by the President with all the courtesy and respect that I could have desired. (See Nos. 1, 2, and 3, accompanying this dispatch.)

Thus it appears that Mr. Shannon was in Mexico at the time the Minister of Finance stated that the arrangement had been made. Now, the gentleman from Virginia was in error in saying that this letter stated that the money had been paid at the time and in accordance with the terms of the treaty. On the contrary the letter stated that on the 27th of August, the installment due on the 30th of April, and that due the 30th of July, had been paid to the agent appointed by these States, but that this notification had been delayed in consequence of the vast business of that department.

I will refer also to a letter from Mr. Green to Mr. Calhoun, in which it appears that a call had

been made by Mr. Calhoun for additional information in relation to the payment of that money, in which letter Mr. Green states, that before he left the city of Mexico, the Mexican Minister of Foreign Relations, by a note of the 2d of September, stated to Mr. Shannon that the payments for April and July had been satisfied, which note was written, as I believe, from an impression that the Mexican Government had forfeited their right under the convention to pay by installments, and that Mr. Shannon had instructions to demand payment of the whole indemnity at one time. The fact is, authorized orders were given to the agent of this Government to receive these installments. But he never obtained payment upon them, up to the day when Mr. Trigueros left the Treasury Department, and the first act of his successor was to suspend the payment of all orders or drafts upon the Treasury.

I will state that just about the time Mr. Shannon arrived in Mexico, the Government was on the point of a revolution. On the 21st of September Mr. Shannon forwarded a letter to the State Department, stating that President Santa Anna had a large military force under his command, and that he was endeavoring to induce the Mexican Government to believe that with that army he was going to reconquer Texas. Mr. Shannon, in his letter of the 12th of November, states that the letter from the Mexican Minister of Foreign Affairs to him was of such an insulting character as to compel him to suspend all diplomatic intercourse.

That was the situation of the Mexican Government at that time. They were unable to pay. They had not the money, and had failed to make the payment; but Mr. Green urged them from time to time, and finally they agreed to give to the agent appointed by Mr. Green, with the authority of this Government, drafts, which the agent accepted upon conference and consultation with Mr. Shannon, who was in the city of Mexico at that time, in performance of the duties of his mission. I will read a line or two from Mr. Shannon's letter:

"The note of the Mexican Minister of the 31st ultimo is so insulting, both in its language and charges, to the Government and people of the United States, and is such a flagrant breach of those rules of courtesy that should characterize international diplomatic intercourse, that I felt myself called upon to demand that it should be withdrawn."

And he says, in relation to the claims of American citizens, in the same letter:

"Until Congress takes hold of this subject, and gives this Government distinctly to understand that the claims of our citizens must be adjusted in a fair and just manner, I do not believe anything can or will be done. The whole tendency of things in this country is downward; and there is great danger, if those claims are postponed a few years longer, that they will be entirely lost to our citizens."

Thus it is seen, that under the apprehension that they would be entirely lost, the agent of the Government received these drafts. He feared, as the tendency of things there was downward, that unless this Government collected these claims immediately, they would lose them altogether. I have not the correspondence before me, but I am told that when Mr. Slidell was there, and refused to be received by the Mexican Government, he states that the drafts were then there and unpaid.

Now, Mr. Chairman, if the House will indulge me, I will recapitulate a little, because here is a charge made upon the floor of Congress by a man of as high character as any in this Hall—the chairman of the Committee on Foreign Relations—against a man who has always sustained a fair, a high, and an honorable character; and who, when a very young man, was intrusted by the Government in the important capacity of chargé d'affaires to Mexico, and, in relation to whom, Mr. Calhoun himself stated, and also other eminent men, that, although a young man, his correspondence was conducted with as much ability as that of any of our foreign legation. I have shown that the gentleman is in error in supposing that Mr. Green received this money, or that a merchant other than a member of the firm of Hargous & Co., was authorized by him to receive it. I have shown, by the report of the Secretary of State, that Mr. Thompson was authorized to appoint agents to receive, receipt for, and transmit this money to the United States. Mr. Green was instructed by the Treasury Department to continue the same agent to receive the money, and Mr. Green appointed the same house, and the same member of that firm, who had been appointed by Mr. Thompson to receive it in the city of Mexico. The money was not paid, but

that agent received drafts, and the gentleman from Virginia [Mr. BAYLY] admits that the drafts were received, but have never been paid, and gave receipts for them, which receipts stand as payment by Mexico against the United States. The drafts were never paid. I know that when this transaction occurred, and when it was stated by Mr. Rejon that this money was paid, that the Minister who succeeded Mr. Thompson was in Mexico.

Now I appeal to the House, I appeal to the magnanimity and liberality of the gentleman from Virginia [Mr. BAYLY] to withdraw the charge that Mr. Green was guilty of a transaction in reference to that money which should have sent him to the penitentiary. This charge he makes, at the same time stating that he is a lawyer, a judge, and had been highly honored by his State, and I deem highly honored of this House, as the chairman of the Committee of Ways and Means of the last, and now as chairman of the Committee on Foreign Relations of this Congress. Now with all of these facts before him, positively disproving any impropriety upon the part of Mr. Green, will not he withdraw the imputation of error cast upon him? Mr. Shannon was there on the 27th of August, when the money was paid, as is shown by his own letter—how long previous to that time the documents do not show. The letter of the Minister of Finance of Mexico shows the arrangement for the payment of the money was entered into on the 27th of August.

Mr. BAYLY, (interrupting.) The gentleman from Kentucky assumes what all those who attended to my speech yesterday must know I did not say, that I distinctly charge that Mr. Green had received this money. I did not so charge, as the report of my speech will show, for this whole matter was involved in doubt.

I put the alternative in my speech as distinctly as I could in my hour, and I think the House will bear me testimony, that I put the alternative that the money had been either received, or it had not. If received, it had not been accounted for, and if it had not been received, that Mr. Green was instrumental in deceiving our Government, so as to cause that Government to make good the default. He had been instrumental in deceiving the Minister, and, in consequence, the Minister had not pressed the demands that he was instructed to make, and that in the mean time the Mexican war broke out, and the whole thing went by the board.

Mr. GREY. The Minister was in the city of Mexico, with plenary powers from this Government, at the date of this arrangement with Hargous & Co., and upon consultation, advised the agent to accede to the arrangement, and, consequently, Mr. Green could not deceive him. Our Minister gave to Mr. Green, his Secretary of Legation, the note of the Minister of Finance, Mr. Rejon, of the 2d of September, and requested him to transmit the information there communicated to our Government. In doing that he was only performing his duty, as the medium of correspondence between him and this Government. This is all explained by Mr. Shannon and by Mr. Slidell. It is explained in the Executive documents I have here upon my desk. Mr. Green was authorized to receive this money, and to appoint a substitute for that purpose, and was instructed to continue Hargous & Co. as agents to receipt for and transmit it to the United States. As I have shown by the report of the Secretary of the Treasury, he was authorized to substitute that firm, and, therefore, Mr. Green is not responsible, for he complied strictly with the letter of his instruction. I am glad that I misunderstood the gentleman from Virginia, and that he did not make the charge. My impression at the time was, that he had stated that Mr. Green had received and embezzled this money. But I inferred that he had made such a charge from his statement, that many a man who had not been guilty of a greater violation of law had been sent to the penitentiary.

Mr. BAYLY. If it is disagreeable to the gentleman, I will not interrupt him. The remark I made, that I had seen men on not as strong testimony sent to the penitentiary, was in reference to Green's concealment of the truth, as I regard it, from the Minister, and through the Minister from his own Government. I never said that Mr. Green had been guilty of a penitentiary offence, but I said that I had seen men sent to the penitentiary upon less conclusive testimony than that which could show that he had concealed from the

Minister, and through the Minister from his own Government. This is the true state of the case.

Mr. GREY. There certainly is no evidence before this House, no evidence before the nation, or in the executive documents of the Twenty-eighth Congress, or in the State Department, that I can find, that shows that Mr. Green deceived our Minister. A few days after the arrival of our Minister in the city of Mexico, he received a letter from Mr. Calhoun, urging him in the strongest and most emphatic manner to press for the immediate payment of that money. Our indulgence to Mexico, he stated, only seemed to induce her to a greater unwillingness to pay the money, and he requests him to be as urgent as possible. Mr. Green, who was the agent appointed to receive this money, in May wrote a dispatch to the Government that he could not get it, and forwarded the copy of his letter demanding payment from the Mexican Government. Then, when Mr. Shannon arrived there, would not he bring up this matter as one of the first objects of his mission? The money was paid after he got there, and the arrangement for its payment was also entered into. On Mr. Shannon's arrival, the whole matter was turned over, by the Secretary of Legation, into his hands.

Mr. HUNTER. The gentleman from Kentucky seems still to impress the idea that Governor Shannon had the control of the receipt of this money. Now Governor Shannon is a constituent and personal friend of mine, and I wish to ask the gentleman from Kentucky, if he is not aware that Governor Shannon could not have had any direct control of the payment of this money whatever? He knew nothing, and could know nothing, about it, only as he received instructions from Mr. Green, as to whether it was or was not paid. I am not willing that the impression shall go out from this House, that Mr. Shannon, in any manner, had anything to do with the payment of that money.

Mr. GREY. The gentleman misunderstands me, if he supposes that I stated Governor Shannon was in default, or that he received any of this money, or was guilty of any impropriety. I say that Mr. Shannon, our Minister, was in the city of Mexico at the time the arrangement was made. It was on account of her insolvency that the money was not paid, as a revolution broke out there soon afterwards. Mr. Green, when charged, pressed, month after month, the Mexican Government to pay this money, but still it was delayed. The Secretary of State, in his letters, urged our Minister, Mr. Shannon, and agent, to insist upon its immediate payment. Can any man here show—does the chairman of the Committee on Foreign Relations [Mr. BAYLY] attempt to show, that Mr. Green instructed the agents to receive these drafts? Is it not more probable that Mr. Shannon and Mr. Green, and Hargous & Co., consulted together in relation to the matter? Mr. Green appointed, by the authority of the Secretary of the Treasury, Hargous & Co. as agents to receive and transmit this money to the Government. Mr. Shannon says, in his dispatch before me, that the tendency of things there was downwards, and that unless the money was collected immediately, our citizens who were the claimants, would lose their claims.

Mr. PHELPS. In relation to this draft it was stated by the Minister of Finance of the Mexican Government, that it had been given to Tayleur, Jamison & Co., for the purpose of paying the installments of the 30th of April, 1844, and July of the same year. Mr. Slidell was instructed by Mr. Polk's administration to inquire into the alleged payment of the April and July installments. You will find that Mr. Voss states, in the correspondence, that the arrangement which was made with the house of Tayleur, Jamison & Co. by himself, as the agent of our Government, received the approbation and sanction of Governor Shannon, and he advised them in relation to it. The manner in which the transaction occurred was this: The firm of Tayleur, Jamison & Co. were in Mexico prosecuting claims in their own right against the Government of that country. General Thompson, our Minister at that place, had received a warrant of attorney—as I may term it—from our Government, instructing him to receive the amount of money due under the convention of 1843, with the power of substitution. He appointed Mr. Voss, as he states in his correspondence to this Govern-

ment, as an agent, declining to have anything to do with this matter, and also inferring, from the instructions which were sent to him, that it was the wish of the Government that he should appoint a banker to manage the transaction and to transmit the money to the United States. Mr. Thompson returned to the United States. The Administration was informed that Mr. Voss still had authority to receive the money. Mr. Green was never authorized to receive any other installment than that of April, 1844, amounting to something upwards of one hundred thousand dollars. He had also the power of substitution; and, with the authority communicated to him, there was a letter from the Secretary of the Treasury instructing him to retain the agent appointed by Mr. Thompson; informing him, at the same time, that it was for the purpose of avoiding any cavil on the part of the Mexican Government in consequence of the departure of Mr. Thompson from the city of Mexico. Now, I come down to the transaction of August. On the 25th of August—

Mr. BAYLY. Let the letter of Mr. Spencer be read.

Mr. PHELPS. The gentleman from Virginia asks that the letter of Mr. Spencer be read. With the permission of the gentleman from Kentucky [Mr. GREY] I will read it:

TREASURY DEPARTMENT, April 25, 1844.

SIR: It is the wish and direction of this Department that any payment made you under the convention with Mexico may be transmitted hither under the arrangement made by General Thompson with the house of Hargous, Brothers & Co.

Very respectfully, your obedient servant,

J. C. SPENCER,
Secretary of the Treasury.

BENJAMIN E. GREEN,
Chargé d'Affaires of the United States of America.

I will now read an extract from the letter of Mr. Bibb, Secretary of the Treasury:

"In April last, B. E. Green, Esq., then Chargé d'Affaires of the United States, was specially empowered to receive the installment falling due on the 30th of that month; and he was instructed by this Department to make a similar arrangement with Messrs. Hargous & Co. as had been done by the Hon. Waddy Thompson. This power was not intended as a revocation of that to the latter gentleman, but merely to prevent and meet any objection that might be urged to the substitution of Messrs. Hargous & Co. being considered by the Mexican Government as at an end after Mr. Thompson had returned to the United States. The power to that gentleman was considered by the Department as permanent until revoked, as will appear by the documents annexed to this report. The letter of Mr. Green, herewith submitted, states all the information on the subject of these installments which has been received from him since his appointment."

The Secretary of the Treasury states expressly that the only reason why Mr. Green was instructed to continue the agency of the firm of Hargous & Co., was to prevent any cavil on the part of the Mexican Government. They had collected the first and second installment under the convention of 1843. But I was remarking now in relation to the manner in which this payment was made on the part of Mexico. I have remarked that the house of Tayleur, Jamison & Co. were engaged in the prosecution, in their own right, of claims, against the Mexican Government. They made a proposition to the Mexican Government that they would pay \$274,000, the installments due April and July, 1844, upon certain conditions. They were to pay to the Government of the United States these two installments in money, and were to receive orders upon certain branches of the revenue, which were to be anticipated. They had not been collected. One of these drafts was upon the custom-house at Mazatlan for the sum of \$160,000; another draft was to be paid out of the revenue on tobacco; and there was another upon the general Treasury to the amount of \$60,000; and other drafts as mentioned in their proposition. This proposition was made to the Mexican Government on the 25th of August, 1844, but the Mexican Government did not accede to it until the 27th of August, 1844. On that very day Governor Shannon was in the city of Mexico. There is no statement as to the time of his arrival. He on that day addressed the Minister of Foreign Affairs, notifying the Government of his arrival there. Mr. Voss, in his letter to Mr. Slidell, when that gentleman was inquiring into this matter, stated that this whole transaction was under the advice and supervision of Governor Shannon.

The arrangement made by Voss with Tayleur, Jamison & Co., was immediately to pay over this money to Mr. Voss, the agent of our Government. It was afterwards contended that there was a full

acceptance on the part of this house, by which they became obligated to pay to this Government that amount, notwithstanding they had never received the money which had been stipulated in their proposition and accepted by the Mexican Government. The inquiry then is, what has become of these drafts? They were not paid in December, 1845; so Mr. Slidell reports, who was charged expressly to inquire into this matter. There was a correspondence between Tayleur, Jamison & Co., and Voss, and Mr. Black, our consul at the city of Mexico, in relation to the matter. It was not until Mr. Slidell reached the city of Mexico that the authority given to Mr. Voss was revoked, and the fact was communicated to the Mexican Government, not by Mr. Slidell, because he was not accredited, but communicated by our consul at the city of Mexico, Mr. Black. The authority previously given to Mr. Voss to receive this money under the convention of 1843, was revoked by the Government—revoked by Mr. Slidell. Now in relation to the receipt given to the Mexican Government. No receipt was given to the Mexican Government until the 20th day of September. That was the time the receipt bears date, although it indicates that the money had been previously to that time received. I can say the public documents show this fact—that in December, 1845, no portion of this money (\$274,000) had ever been received by the agent of the Government from Voss, by Mr. Green or any of our diplomatic agents in Mexico; but, on the contrary, they show that they are the drafts still outstanding and unpaid, and that the arrangement made by Tayleur, Jamison & Co. had never been complied with on the part of the Mexican Government. No one doubts that. Neither Shannon, Green, or any other person got the money. The inquiry is, what has been done in this case? Under the 13th article of the treaty of Guadalupe Hidalgo, we have remitted this amount to Mexico, and we have no right to claim it. I say that the 13th article of that treaty bears me out in the position I take, that everything which was due the citizens of Mexico under and by virtue of the convention of 1843, should be remitted to Mexico, and that we should become the paymasters for those of our own citizens who claimed indemnity from Mexico.

Let me tell you further in relation to this matter. The Mexican Government, on the 11th day of November, 1845, acknowledged the fact, that these drafts had not been paid.

Here is the original translation:

Don Emilio Voss, in this petition, prays that the receipt be returned to him which he gave to this General Treasury for the amount of the two drafts which fell due on the 30th of April and the 30th of July of the last year, on the forced loan destined to the payments [of the debt] to the United States.

It is true, that the amount to which Voss refers was not delivered to him in effective funds by this Treasury, but orders were issued for the payment; for which reason, this department considers that this business should be held as finished; and it cannot comply with his petition to have the receipt returned to him, since, besides the confusion [trastorno] which it would naturally occasion in the account and statement, the credit of the nation would suffer, in a certain degree, as the Government of the United States being already informed that the said amount has been paid, if the receipt be simply returned to Voss it will seem that the Government of Mexico, even without the knowledge of the person empowered, gave the assurance that the payment had been made; which has not happened, inasmuch as, on the issue of those orders, by agreement with the said person empowered, the Government fulfilled its part. If the repeated orders have not been complied with, in consequence of circumstances which it has not been possible to avoid, Don Emilio Voss may pray that they be given on some other fund than that which was designated. This is the opinion of us all; but your Excellency will determine what you may consider just.

Mexico, November 11, 1845.

We, the ministers of the General Treasury of the nation, do certify that the preceding copy is literally conformable with the report made by this General Treasury to his Excellency the Minister of Finance, on the subject to which it refers, and copy of which is delivered to the person interested, in virtue of a supreme order dated the 3d of the present month.

A. MATRES.

A. M. DE ESNAURRIZAR.

Mexico, December 5, 1845.

I say here is an acknowledgment in this report, prepared and signed by the Mexican Minister of the Treasury, that the money which was expected to have been paid upon these drafts had never been paid at the time Mr. Voss petitioned that his receipts should be returned.

Mr. BAYLY. Here is what Mr. Slidell says after all that thing occurred. I mean the letter of January 9th, 1846, addressed to Mr. Voss:

MEXICO, January 9, 1846.

SIR: I have to acknowledge the receipt of your letter of the 6th instant. I consider my agency in relation to the installments of April and July, 1844, as limited to the ascertaining the facts connected with the alleged payment, and the revocation of your powers to receive moneys on account of those or any future installments; I therefore do not feel myself called upon to respond to your suggestion, that you are entitled to receive an expression of the approbation of the Government of the United States for your past services, or to express any opinion as to the propriety of the course pursued by you.

I have, through the Consul of the United States, Mr. Black, given notice to the Government of Mexico of the revocation of your powers to receive any moneys on account of the United States. In the absence of a statement from the officers of the Mexican Treasury of all the facts of the case, I am not prepared to take the steps suggested by you and Messrs. Tayleur, Jamison, & Co. I am not willing, until further advised, to do anything which may impair the unqualified obligation which I think those gentlemen contracted to advance, on the 27th of August, 1844, in cash, the sum of \$274,664 67; and I cannot but express my surprise that you should not have insisted, at the time, upon its immediate performance.

I am, very respectfully, your most obedient servant,
JOHN SLIDELL.

To EMILIO VOSS, Esq., Mexico.

He calls upon the Mexican Government for a copy of this receipt, which they refuse. The receipt which the gentleman reads is a copy which Mr. Voss furnishes:

[TRANSLATION OF THE RECEIPT.]

\$274,664 67.—I received from the General Treasury the sum of two hundred and seventy-four thousand six hundred and sixty-four dollars and sixty-seven cents, the amount of the two quarterly installments due on the claims of the United States.

EMILIO VOSS.

MEXICO, September 20, 1844.

MR. GREY. Mr. Slidell admits that none of that money had been paid.

MR. BAYLY. On the contrary, he calls upon him to account for it.

MR. PHELPS. I stated, that it was contended by our Minister, that the house of Tayleur, Jamison & Co. had absolutely obligated themselves to advance the amount of money due in April and July, 1844. Let us see what Tayleur, Jamison & Co. say in reference to this advance. They speak of the order for \$160,000, and the other orders in their letter to Mr. Voss, as being unpaid.

No. 2.

[ENCLOSURE IN NO. 1.]

Messrs. Tayleur, Jamison & Co., to Mr. Voss.

MEXICO, December 17, 1845.

DEAR SIR: In conformity with your desire to be informed of the actual position of the orders received by us against various departments of the public treasury for the two installments due by this Government, in July, 1844, to the American claimants, the collection of which has been assumed by us, we have to inform you, with regret, that up to the present date not a dollar has been paid on account of those documents. The Government having failed to comply with its engagements to us, we of course can make no anticipation to you on account of those orders, but we continue our efforts to effect the collection; and, persuaded, as we are, that temporary financial difficulties only have produced this want of punctuality on the part of the Government, we are far from despairing of success.

Should you, however, prefer receiving back the documents, which are—

Order on the Treasury for bills arising from maritime duties at Mazatlan, payable here.....	\$160,000 00
Order on Manning & Mackintosh for funds proceeding from forced loan.....	60,000 00
Order against circulation and export duties of specie at this custom-house.....	50,000 00
Part of an order on the tobacco revenue.....	4,664 67
	\$274,664 67

we hold them at your disposal, or that of any party whom you may name to receive them.

We are, dear sir, yours, respectfully,

TAYLEUR, JAMISON & CO.

EMILIO VOSS, Esq.

There is also the correspondence between Mr. Slidell and Messrs. Tayleur, Jamison & Co., and it shows that not a cent had been paid by the Mexican Government:

"The order for \$160,000, standing first in our letter to Mr. Voss, is lodged in the Treasury here, in conformity with the usual practice to authorize the receipt by us of the bills for that amount, which should have been remitted from Mazatlan according to agreement, but which have not been received.

"The order for \$60,000 on Manning & Mackintosh was returned by them unpaid, and has since unfortunately been mislaid; but, as you will perceive from the enclosed copy of a letter from them, dated 23d ultimo, the proof of non-payment is easily established.

"The supreme order for \$50,000, arising from specie duties, exists in the Treasury; but, as before mentioned, without effect, in consequence of later counter-orders from the Government; and the order against the tobacco revenue for \$4,664 67 is in the same situation. None of these facts will be denied by the Government; and we propose, should you decide on having the deposit made with Mr. Black, to address a communication to the Minister, requesting him to consider the Consul of the United States as the party to whom the several sums are to be paid—an arrangement

which you will find to be quite consistent with the contents of our letter of 17th ultimo to Mr. Voss."

The executive documents show that Mr. Green never received this money—that it was not paid in December '45, and January '46, by the Mexican Government, and that in November '45, the Ministers of the Treasury of the Mexican Government acknowledged the money had not been paid to our agent. B. E. Green is therefore not responsible for any loss which has happened to the Government; nor is he in any manner chargeable or responsible for the loss which has occurred. General Thompson appointed the agent to receive this money—the administration of Mr. Tyler instructed Mr. Green to retain that agent—the alleged payment was not made until Governor Shannon reached the city of Mexico, and then upon his advice and consultation with our agent. Occupying the floor by the permission of the gentleman from Kentucky, [MR. GREY,] I do not propose to fix the responsibility, but declare to the committee that Mr. B. E. Green is fully exonerated, in my opinion, from any culpability in consequence of the loss of the installments due in April and July, 1844, of \$274,000 by the Mexican Government to our Government.

MR. GREY. Mr. Chairman, I have but a few more words to say. In relation to the payment of this money, from the time Thompson left to the time Shannon arrived, it was evident that Mr. Green was daily pressing for the payment of the installments due by Mexico; and it is also evident from the correspondence of Mr. Slidell, that Governor Shannon was in consultation with Tayleur, Jamison & Co., and with Hargous & Co. It is a fact, that he was there at the time in consultation with them; and how can it be charged that Mr. Green was in fault, because, as Secretary of Legation, he sent to this Government, by the instructions of Mr. Shannon, a communication from the Mexican Minister of Finance, addressed to Mr. Shannon? It will be remembered, also, that the receipt for this draft was not given by Hargous & Co. to the Mexican Government, until the 21st of September, nearly a month after Mr. Shannon had been in the city of Mexico. It is clearly evident that Mr. Green, Secretary of Legation, was superseded by the arrival of the Minister.

And now, Mr. Chairman, having repelled the charge which I understood the gentleman from Virginia [MR. BAYLY] to have made; having by the record proved that Mr. Shannon, as Minister Plenipotentiary, was in the city of Mexico when the arrangement was made by Mr. Voss, and approved of it,—I appeal to the gentleman from Virginia to retract the charge which he yesterday made against Mr. Green, because he must now be satisfied there is not the slightest foundation for it.

In conclusion, Mr. Chairman, I feel bound to say, that I know Benjamin E. Green; that I have known him from a child; that our relations have been the most intimate; that my knowledge of his conduct and character, of what he is, and of what he has done, enables me to say, that in intelligence and acquirements he has few equals of his age; that for honor and integrity he has no superior, and that he is incapable of an unworthy or dishonorable act. In his letter to ———, dated Mexico, — day of —, Mr. Shannon remarks, "I find Mr. Green a young man of fine talents and acquirements, and his services invaluable." I repeat, sir, that I have known Mr. Green from a child; that when his father's pecuniary embarrassments made it necessary, he denied himself, when yet under age, even the comforts of life, that he might appropriate a large part of his earnings to the support of his mother, and the education of his brother and sisters; that when in Mexico he applied a large part of his salary to the same praiseworthy object, and that believing he could better aid his father in the development of his property and the support of his family, he left Mexico. Gratifying to him as his position there was, by his talents, industry, intelligence, and economy, he has won the respect and confidence of all who know him; and I am gratified to be able to reply to the sneering insinuations of the gentleman from Virginia, that such has been the reward of his self-denial, perseverance and industry, that his pecuniary condition will now compare favorably with that of the gentleman from Virginia, boastful as he is of the high position he occupies, and of the many places of trust and honor which he has held by the favor of the people and Legislature of his State; and in

making this declaration on my part, I might, if I were so disposed, follow the example of the gentleman, and refer to the distinguished marks of confidence which I, too, have received from the Legislature of my native State and from the people, among whom I have lived from infancy.

SIR, I am done. I repel the charges which the gentleman from Virginia has made; and I think I have proved to this House and to the gentleman himself, that they are incorrect and not authorized by the facts as set forth in the diplomatic correspondence relative to those arrangements and negotiations with the Government of Mexico.

MR. FOWLER moved that the committee rise; which was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [MR. JONES] reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 46, providing for carrying into execution in further part the 12th article of the treaty concluded with Mexico at Guadalupe Hidalgo, but had come to no conclusion thereon.

MR. HOUSTON. A good many gentlemen have suggested to me the propriety of asking the House to agree to meet again after a recess this evening and discuss this question.

[Cries of "No!" "No!"]

MR. STEPHENS, of Georgia. I move that the House take a recess until seven o'clock. There are several gentlemen here who desire to speak. Let those who do not wish to speak stay at home.

MR. JONES, of Tennessee. I will say, with the permission of the gentleman from Georgia, that the hour of twelve has been fixed for the meeting of the House until it shall be otherwise ordered. That is now one of the rules of the House, and you cannot change it without one day's notice.

THE SPEAKER. The Chair is of the opinion that the hour of meeting cannot be changed without one day's notice.

MR. STEPHENS. I think that the gentleman from Tennessee misunderstands the rule. If I was to move to adjourn till to-morrow, it must be till the hour fixed by the standing rule, but not if we wish to adjourn from one hour to another on the same day. The gentleman from Massachusetts, [MR. ALLEN,] however, who is entitled to the floor in the committee, asks me to withdraw my motion, as he will not be able to speak to-night, and for that reason I withdraw it.

On motion by Mr. FOWLER, the House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. SIBLEY: The petition of sundry citizens of Maine and Massachusetts, praying that newspaper postage be equalized for any distance less than three thousand miles.

By Mr. SWEETSER: The petition of J. W. Smith, and 33 other citizens of Hebron, Ohio, asking Congress not to employ a Chaplain for either branch of the National Legislature.

By Mr. WELLS: The petition of Thomas C. Green, for a law authorizing a patent to be given to him of certain lands, and for such other relief as is equitable and just.

By Mr. PRICE: The memorial of Henry Bohlen, J. F. Ferris, and others, citizens of Pennsylvania, and surviving officers, soldiers, seamen and marines, and widows and children of those deceased, who served in the war of 1812, asking the modification of the bounty land act of September, 1850.

On motion by Mr. WASHBURN, the petition of John Campbell was taken from the files, and referred to the Committee on Invalid Pensions.

By Mr. CHANDLER: The memorial of sundry merchants of Philadelphia, asking for the repairs of piers and construction of harbors in the river Delaware.

Also, the memorial of sundry citizens of Philadelphia, asking for legislation by Congress to place marines and sailors on the same advantage with soldiers in the distribution of bounty lands.

By Mr. FOWLER: The petition of John Savery and 68 others, legal voters of Carver and Plymouth, in the State of Massachusetts, praying for an appropriation for the purpose of paying the expenses of the transportation of the mail between Carver and Plymouth.

On motion by Mr. DURKEE, leave was obtained to take from the files of the House the petition and accompanying papers of Sylvester Pettibone, and to refer them to the Committee on the Judiciary.

By Mr. FITCH: The application of Abraham Ausmun, of Indiana, for additional pension.

By Mr. BIBBIGHAUS: The petition of William Ayres and others, of Dauphin county, Pennsylvania, praying for a change in the tariff laws, and for a capitation tax.

Also, the petition of George C. Strein and others, for a mail route beginning at Lancaster, Lancaster county, and ending at Millerstown, Lebanon county, in the State of Pennsylvania.

By Mr. DAVIS, of Massachusetts: The petition of George Gemander and others, of Springfield, Massachusetts, for an appropriation to defray expenses incurred and advances made by American exhibitors at the World's Fair.

By Mr. WELLS: The petition of John O'Neil, D. McIntyre Stewart, George Henry, and many others, citizens of New York, praying Congress to take such action in favor of the relief of Smith O'Brien and his associates, by interceding with the British Government in their behalf, or otherwise, as shall be deemed consistent and proper.

By Mr. THOMAS M. HOWE: The memorial of E. D. Gazzam, H. D. King, and others, citizens of Alleghany county, Pennsylvania, praying for a ship canal around the falls of the river St. Marie, Michigan.

IN SENATE.

FRIDAY, January 23, 1852.

Prayer by the Rev. L. F. MORGAN.

The PRESIDENT. The first private bill on the Calendar is a bill for the relief of Charles A. Kellet.

Mr. BELL. I would suggest that the motion to reconsider the vote on the passage of the bill for the relief of Sally T. Floyd has priority.

The PRESIDENT. No, sir. This is private bill day; and nothing is in order but private bills in their order on the Calendar.

Mr. BELL. The motion to reconsider was laid on the table, and I thought it would come up first.

The PRESIDENT. That motion having been laid on the table, the bill cannot be taken up without a motion.

Mr. UNDERWOOD. Then I move to take it up, as it is a private bill.

The PRESIDENT. It is not on the Calendar as a private bill; it is a motion to reconsider, which motion was laid on the table.

PERSONAL EXPLANATION.

Mr. MALLORY. I rise for the purpose of making a brief personal explanation. In the reports of yesterday I find this passage, reported as having been said by the honorable Senator from New Hampshire, [Mr. HALE:]

"I have looked over the last long speech made in the Senate, the speech of the honorable Senator from Florida, [Mr. MALLORY.] with some care, to find a remark in it to which I had replied; but I could not find a word of it in the speech of the honorable Senator. The poor remarks which I made were published as a reply to something which, by the reports of the Senate, did not appear ever to have been said."

These remarks were made yesterday during my temporary absence, for a few moments, from the Chamber, and while I was in one of the committee rooms. I am perfectly satisfied that the honorable Senator from New Hampshire attaches no particular importance to the matter, and that his remark was made in no offensive spirit; but he alluded to an old established usage, as I understand, for Senators to correct their speeches; and, in so doing, to withdraw matter which has been said, and insert matter which has not been said. All I object to is, that I should be held up here as an illustration of the bad practice of Senators. I think a new Senator ought not to be held up as an illustration in a case where the practice has been one of long standing. If I had adopted this course it probably would have been sustained by usage. I did desire to alter some part of the phraseology of the speech, to which the Senator referred; but I did not feel at liberty to do so, for the Reporter's notes were exceedingly accurate, and I was surprised at their correctness. In order that I might not depend on my own recollection, I have called on the foreman of the printing office, who assured me that he had never seen a speech returned with so few verbal alterations. Nothing was erased except, perhaps, some words of a tautological character. I can now only say that the passage which the honorable Senator believed to have been erased, he has since discovered in the reported speech.

Mr. HALE. May I be allowed a single moment? The Senate will bear me witness that I did not allude to the honorable Senator from Florida, until several Senators had called for an instance of the practice to which I alluded. It occurred to me that I had looked over the speech of the honorable Senator from Florida without being able to find the passage to which I referred; hence, on the spur of the moment, as an illustration of my remark, I alluded to the circumstance. But the honorable Senator has since called on me and asked me to examine the speech, and pointed out the passage. I examined it accordingly, and found there the passage to which I had replied. While I make this

explanation, I do not admit that the statement which I made yesterday was not entirely correct as to the practice which obtains. I was only unfortunate in selecting an instance to prove it; and I must content myself with a reference to an illustrious example which happened in Spain. Don Quixote maintained that Dulcinea was the most beautiful princess in the whole world; and he challenged every one in the world who dared deny it. He fought one man, in which battle he was worsted; and when he was called upon to yield, he said, "No; Dulcinea is the most beautiful princess, but Don Quixote is very unfortunate."

ORDER OF BUSINESS.

Mr. WHITCOMB. I desire the unanimous consent of the Senate, if that be necessary, to make a report on a private bill.

The PRESIDENT. The Senate will have to suspend their order before they can take up any business but private bills on the Calendar.

Mr. WHITCOMB. I move that the order be suspended until one o'clock.

Mr. MANGUM. That can be done by unanimous consent.

The PRESIDENT. The order can be suspended by a majority, as it is not a rule of the Senate. It will require, therefore, a motion, to be adopted by the Senate, to suspend the execution of the order until any particular hour the Senate may think proper. Unless it be suspended, the Chair is bound, according to the order, to take up private bills to the exclusion of other business.

The motion was not agreed to.

Mr. JONES, of Iowa. I was under the impression yesterday, that on the motion of the honorable Senator from Illinois, [Mr. DOUGLAS,] the further consideration of the bill granting land to the State of Iowa for the construction of certain railroads, was postponed until to-day. If that was not the understanding of the Senate, I was mistaken. I believe that I have never, since I have been in this body, asked the indulgence of the Senate, on any occasion, to take up any bill; but I must now ask the Senate to do me the favor to take up that bill. I therefore move to suspend the execution of the order.

The PRESIDENT. The Chair cannot receive that motion, inasmuch as the Senate has just refused, on another motion, to suspend the execution of the order until one o'clock. The first private bill on the Calendar is for the relief of Charles A. Kellet.

Mr. UNDERWOOD. I certainly feel it incumbent upon me to ask for the consideration of the question on the reconsideration of the bill granting a pension to Mrs. Sally T. Floyd. I doubt whether it is not entitled to priority under the principles of parliamentary law, it being a question of reconsideration. But if we cannot reach it in any other way, as it is a private bill, I must ask a suspension of the execution of the order till that question is disposed of. I am willing to let the bill be considered, in order that it may go upon the general orders; and then we shall presently come to it, and act upon it.

Mr. BADGER. We shall get at it after we shall have got through other bills.

Mr. UNDERWOOD. If that can be done, I waive my request.

CHARLES A. KELLET.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Charles A. Kellet. It enacts that the Secretary of the Treasury be authorized to refund to Charles A. Kellet, or his legal representatives, the sum paid to the collector of the port of New York as tonnage duties on the Chinese junk Keying, imported there for exhibition, provided the same shall not exceed \$500.

Mr. DAVIS. If any gentleman wishes an explanation of this bill, I will give it to him; but I do not wish to detain the Senate unless some Senator desires an explanation.

Several SENATORS. It is not necessary.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

THEODORE OFFUT.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Theodore Offut. It is in these words:

"Be it enacted, &c., That the Secretary of the Treasury be and he is hereby directed to pay to Theodore Offut, out of any money in the Treasury not otherwise appropriated, the sum of ninety dollars, the value of a grey mare, the property of said Offut, which was turned over to the use of the Government by his commanding officer, Captain W. C. Pollard."

The bill was reported from the Committee of Claims, with an amendment to add the words "without authority," to the end of the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, the amendment was agreed to, and the bill was ordered to be engrossed for a third reading.

A. H. COLE.

The Senate next proceeded to consider, as in Committee of the Whole, the bill for the relief of A. H. Cole, reported from the Committee of Claims. It enacts that the proper accounting officers of the Treasury be authorized and required to settle the claim of A. H. Cole, late a sutler in the Army of the United States, in Florida, on the same principles of equity and justice as are extended to other sutlers under the existing Army regulations: provided satisfactory evidence shall be submitted as to the amount of the claim, and that no money shall be paid for goods furnished to deserters or discharged soldiers, unless to the amount of money which was due to them by the Government. The second section enacts that the sum found to be due in said settlement aforesaid shall be paid out of any moneys in the Treasury not otherwise appropriated.

Mr. BADGER. I beg to suggest a small amendment. In the second section I see the words "in said settlement aforesaid." I move to strike out the word "aforesaid," as it is wholly unnecessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, the amendment was concurred in, and the bill ordered to be engrossed for a third reading.

JAMES DUNNING.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of James Dunning, reported from the Committee of Claims. It enacts that the proper accounting officer of the Treasury be authorized and directed to pay to James Dunning, \$255 98, out of any money in the Treasury not otherwise appropriated, as interest on a liquidated amount of \$4,000 due to him, in payment, by contract, on the 18th of June, 1850, but withheld until the 12th of October following for want of an appropriation therefor.

No amendment being proposed to the bill, it was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

ENOCH BALDWIN AND OTHERS.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Enoch Baldwin and others, reported from the Committee on Commerce. It enacts that the Secretary of the Treasury be directed to ascertain the amount of excess of duties paid by Enoch Baldwin, or by Baldwin & Co., upon two hundred and forty-eight puncheons of rum, imported into the port of Eastport, in the State of Maine, from the Island of Tobago, on the 1st of October, 1822, in the British brig Despatch, over and above what would have been paid if said rum had been imported in an American vessel; and that said excess, so ascertained, shall be paid over to the said Enoch Baldwin, and such others, if any, as are lawfully interested therein.

Mr. HUNTER. This is a bill for refunding duties. It is strange that it should come from the Committee on Commerce. I would like to hear the report in that case read.

The report was accordingly read. It appears from it, that in 1822 the British brig Despatch, being at the Island of Tobago, in the West Indies, took on board a quantity of rum, the produce of that Island. American vessels were allowed to enter and clear on that Island upon the same footing as English vessels. The cargo was taken on board, under the full belief that no discriminating tonnage duties would be exacted, if she entered any port of the United States. The vessel accordingly cleared for Boston, and after landing there one hundred puncheons, consigned to one Aaron Baldwin, cleared for Campo Bello, New Brunswick, but afterwards returned to what was then Lubec, in the State of Maine, and there landed the residue of her cargo. The then col-

lector of that port states, under oath, that at that time it was not only the belief, but it was the general impression, in all quarters, that discriminating tonnage duties were not to be exacted. In consequence of the prevalence of this opinion, the Secretary of the Treasury issued a circular, directing the officers of the customs to exact such duties. The news of the issue of this circular had not reached Boston nor Lubeck at the time of the discharge of this cargo. Under the circumstances, Congress formerly passed a bill for the relief of Aaron Baldwin, the owner of the one hundred puncheons landed at Boston. The committee, therefore, think that Enoch Baldwin and others should be relieved from these duties on the two hundred and forty-eight puncheons landed at Lubeck.

Mr. HUNTER. I never heard of the case before. I only have such knowledge of it as I can gather from the reading of the report. As I understand the report, this bill proposes to relieve an individual on account of his ignorance of the law.

Mr. DAVIS. Mr. President, the Senator from Virginia perhaps does not quite understand the nature of this case. The trade between the United States and the West Indies, before the arrangement of 1832 was entered into, was made dependent upon proclamation. Whenever the British Government were disposed to let the vessels of the United States into any of the ports of their West India colonies, they issued a proclamation to that effect, and vessels went there, and when the proclamation was withdrawn the trade stopped. This trade was thrown open by the proclamation of 1832, the time referred to in this report. This vessel, the *Despatch*, was a provincial vessel, belonging to owners in New Brunswick, and was at Tobago, in the West Indies, and it was understood there that no discriminating duties on tonnage, which existed under the system of reciprocal duties, would be exacted. No discriminating duties were then supposed to exist by reason of the terms of the proclamation referred to—a proclamation of the President of the United States. They thought it safe, therefore, to take a cargo on board which should be landed in the United States, either in part or in whole. The vessel came to Boston, and delivered part of her cargo by landing one hundred puncheons of rum. It was then understood at Boston, just as it was at Tobago, that no discriminating duties existed. It was so understood from the British proclamations—it was so understood from the proclamations of our own Government, and therefore they landed one hundred puncheons. The vessel then cleared for the port of Campo Bello, in New Brunswick; but afterwards her owner concluded to land the rest of the cargo at a place then called Lubeck—now Eastport, in Maine. She entered there on the 1st of October in that year, there landed her cargo, and paid the duties required. Subsequently, however, to the landing of the cargo in Boston, and the landing of the remainder of it in Lubeck, a Treasury circular was issued here, requiring collectors in all cases to exact discriminating duties on tonnage. The very fact of the issue of the Treasury circular shows that the common interpretation was that those duties were not to be exacted. But the owners of the vessel had to pay discriminating duties on the tonnage; and this bill relates to nothing but duties on tonnage. They entered evidently under a misapprehension, supposing that they would not be subject to discriminating duties on tonnage. They were so informed by the custom-house officers, and such was the general impression everywhere.

In this state of the facts, some years ago Congress remitted the duties on that part of the cargo which was entered at Boston. I believe I reported that bill myself, and therefore I am able to speak to the fact that these parties were simply left out by mistake. It was supposed that that bill covered this case; but it was afterwards found that the parties to whom was consigned that portion of the cargo which was landed at Lubeck were not included. A question, however, was raised afterwards, whether, when they came to Boston, they actually had not notice of the existence of the Treasury circular; and that hence they must have been aware of it before they made an entry at Lubeck. Now, it is satisfactorily proved that they did not know of the existence of the circular, and that the collector at Boston did not know if it, nor did the collector at Eastport when they arrived there.

They had no knowledge of it whatsoever. It is very clear, therefore, that they entered through mistake and misapprehension. They probably would not have entered in the United States if they had known that those discriminating tonnage duties would have been exacted. This bill now proposes, in reference to the parties to whom the puncheons were consigned, and that were landed at Lubeck, to restore to them the amount of the discriminating duty on the tonnage which they paid into the Treasury some thirty years ago, under these circumstances.

Mr. HUNTER. Mr. President, it seems, then, that I was right in supposing that this is a claim for relief on the ground that these parties did mistake the law. As proof of their misapprehension, the fact is adverted to that the Treasury circular was issued in order to expound the law, which showed that they were acting under a mistake. Now the Treasury circular either expounded the law as it was or it did not. If it was a mistake, they had recourse to the courts, where they could be relieved. If the Treasury circular was in pursuance of law, and construed the law properly, the only established fact in reference to the case is, that those parties misapprehended the law. It seems to me that this principle would extend much further than is supposed. It would extend not only to cases in which mistakes are made in relation to tonnage duties, but in cases of mistakes in relation to duties laid on imports; and it might have a most important and serious bearing on the revenue of the country, if we extend this principle further.

It does appear to me that this bill rests on the same ground with that of every other case of violation of the law, occasioned by misapprehension and mistake in relation to the laws of the land. I can see no reason for relieving the parties in this case which would not exist in relation to duties paid on goods imported under a misapprehension of the laws imposing duties upon imports. Many of such cases have arisen where it was necessary to expound the law by Treasury Circular. If we go back to relieve such cases, certainly we shall expose the Treasury to great loss. I do not see where we are to draw the line of distinction. Not only that, but it seems to me that this is a very old case, and there must be some difficulty in ascertaining the facts. If I caught the dates correctly, the Senator from Massachusetts represents this vessel as having entered Eastport in 1822, about thirty years ago. It must be a very dangerous subject, then, to agree upon now. I am unwilling to pass this bill.

Mr. DAVIS. Mr. President, I think the Senator from Virginia fails to take into view one important fact in this matter. This was a trade entirely dependent on proclamation. It existed by proclamation. It was closed by proclamation. It was irregular and anomalous in its character. Such was the position of our intercourse with the West Indies at that time. Now, who is to put a construction on the effect of this proclamation? Why, the owners of property put a construction upon it. There was a construction put upon it in the Island of Tobago; and the construction of both was, that these discriminating duties on tonnage were not to be exacted. Such was the construction of the custom-house officers here. It was so construed by the officers of the Government. If I recollect right, this construction was put upon it by Secretary Forsyth, by the collector at Eastport, and by every other collector in the country.

This seems to me to be a very equitable and just claim. The party was authorized to bring in his cargo. Under these circumstances, when he saw the action of the Government interpreted by its own officers in a certain way, he had a right to act in pursuance of the interpretation of it given by the officers of the Government. In opposition to that interpretation, he has been subjected to these discriminating duties on tonnage. They ought to be restored.

The gentleman says that this is an old claim. I believe it is some eight or ten years since the duties were refunded on that part of the cargo of this vessel which was entered at Boston. This bill has been under the consideration of the Senate repeatedly. It has received the favorable consideration of the House of Representatives, but has been lost between the two Houses for want of time.

Mr. BROADHEAD. I would like to ask the honorable Senator from Massachusetts, before he

takes his seat, how much this bill is likely to take from the Treasury?

Mr. DAVIS. I believe about \$1,000—nothing but discriminating duties on tonnage.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

EDWARD EVERETT.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of Edward Everett, late a sergeant in the United States Army, which was reported from the Committee on Military Affairs. It enacts that the sum of \$607 50 be allowed and paid to Edward Everett, late a sergeant in company A, first regiment of Illinois volunteers, in full compensation for services rendered by him as clerk in the Quartermaster's Department, from October 15, 1846, to June 17, 1847.

It was reported to the Senate without amendment.

Mr. FELCH called for the reading of the report.

The report was read. It states that Edward Everett was a sergeant in company A, of the first regiment of Illinois volunteers, commanded by Colonel John J. Hardin, deceased; that on the 11th of September, 1846, while in discharge of his duty, Everett received a wound in the knee, which so far disabled him from service that he had to be left at the hospital in San Antonio. A surgeon's certificate was received, and an application forwarded for his discharge, but under a misapprehension of his case by some of the officers of his company, instead of a discharge being forwarded to him as he requested, a furlough was granted to him for the remainder of his time of service. Thus disabled and on furlough, he had a right of course to go whithersoever he pleased, and employ himself in such a way as his crippled condition would permit, without forfeiting any portion of his pay as sergeant. The Assistant Quartermaster, then at San Antonio, having need of clerical aid, employed Everett under an agreement that he should receive the same rate of compensation as other clerks—that is, \$90 per month, deducting therefrom the amount of his regular pay as sergeant. He served as a clerk from 15th October, 1846, to the 17th June, 1847. Though his wounded knee joint was a great affliction to him, yet his services as a clerk were much more valuable and vigilant than the services of any other clerk in the department. Assistant Quartermaster Ralston, at the expiration of the time for which he served, paid him \$607 50 for his services; but in the settlement of the Quartermaster's account at the Treasury, this item of \$607 50 was disallowed. Everett, impelled by a sense of honor, refunded the entire amount, and appealed to Congress for relief. The committee therefore recommend that the bill for his relief be passed.

The bill was ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

HEIRS OF A. G. MORGAN.

The Senate proceeded, as in Committee of the Whole, to consider the bill for the relief of the heirs and representatives of Colonel Alexander G. Morgan. It enacts that the accounting officers of the Treasury be authorized and required to settle the accounts of Alexander G. Morgan, for services in raising troops for the Florida war, in 1837, and also for his military services in Florida; provided the pay and allowance to him shall not exceed the compensation of a captain of cavalry, and that so much as shall be found due to him shall be paid to his heirs and representatives out of any money in the Treasury not otherwise appropriated.

Mr. BRADBURY. Is there any report in that case?

Mr. ATCHISON. I think I can explain the matter. At the time these services were rendered, Colonel Morgan was a citizen of the State of Missouri. Under the direction of the Secretary of War he raised a battalion for the Florida war, in 1837. Colonel Morgan commanded that battalion during the whole war, and fought bravely at the battle of Okeechobee. To my certain knowledge, five times the amount of a captain's pay would not indemnify him for raising that battalion. Though his services were received and he acted as the commanding officer of that battalion, yet, as he was not regularly commissioned in the service, either by the State of Missouri or by the

United States, he did not receive any pay at all. It is now proposed to pay his heirs what he would have been entitled to receive at the rate of the compensation of a captain of cavalry.

Mr. BRADBURY. My reason for making the objection was, that I think we have passed upon some claims making compensation for military services in the Indian wars in Florida hastily. At any rate, if any reliance can be placed on the statements of citizens of Florida, great caution ought to be exercised in regard to any of these claims. I have been informed by citizens of Florida that we passed a bill a few years ago granting compensation to a regiment of soldiers amounting to some fifteen or sixteen hundred men, for fifteen months, when there was nothing but a mere skeleton of a regiment, a number of individuals collected but for a few days. Not one quarter of the number paid in that case were ever mustered into service; and the number that was mustered were discharged in a very few days, or, if not then, in a very few weeks. I understand that the muster rolls in that case were made up very much as Falstaff's regiment was made up. I did not know but that something of that sort might be the case here. I am glad to hear the explanation of the Senator from Missouri; but in cases of this kind, it seems to me that we ought to have a report setting forth the facts, that they may go on record, and that we may fully understand the character of the claims, that they may be matters for reference hereafter. I hope the honorable Senator will allow the bill to lie over until he can put the facts he has stated in the form of a report.

Mr. ATCHISON. The facts are in the form of a report, and the Senator can ascertain them by looking over his file of reports.

Mr. DODGE, of Iowa. I know well the gentleman who rendered these services. I know when he volunteered in the State of Missouri, and how long he remained, and I can say, no more gallant man ever lived. He was one of that gallant Missouri regiment which lost one sixth of its number at the battle of Okeechobee, where Colonel Gentry fell at the head of his regiment. He served his country gallantly, and I trust that this bill will be passed unanimously.

Mr. BORLAND. I desire to say, as a member of the Military Committee, the chairman not being now in his seat, that that committee deemed this a meritorious claim, and unanimously reported it to the Senate.

Mr. BRADBURY. The Senator from Missouri has stated the fact that the history of this claim has been imbedded in a report. That was the subject to which I addressed myself. Therefore, on that statement, I withdraw my objection.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

VIRGINIA WOOLEN COMPANY.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of the Virginia Woollen Company.

It enacts that the Secretary of the Treasury cause to be paid to the Virginia Woollen Company, or to its duly authorized agent, the sum of \$6,085 04, out of any money in the Treasury not otherwise appropriated, that sum being the amount retained by the United States from the said Company for an alleged non-compliance with the contract entered into between the United States and the said Company, on or about the 10th of January, 1848, for the delivery of one hundred thousand yards of cloth.

Mr. DAWSON. This bill needs no speech in its favor. I will only state that the Committee on Military Affairs examined the subject very thoroughly, and thought it nothing but just that this money, which was retained, should be paid over by the Government.

Mr. WALKER. Is there a report in that case?

The PRESIDENT. The Chair understands that there is no report.

Mr. HALE. There is a report of the committee of the House of Representatives among the papers.

Mr. BORLAND. I think I can obviate the necessity of having the report read, by making a simple statement. A contract was entered into to furnish the Quartermaster's Department with a certain quantity of cloth for the Army.

The PRESIDENT. The Chair would state that there is a report of the Committee on Military Affairs of the House of Representatives.

Mr. BORLAND. Let the report be read. It will obviate the necessity of my explanation.

The report was read accordingly.

It appears that the Virginia Woollen Company contracted to deliver to the United States one hundred thousand yards of cloth for the Army, at \$1.24 per yard. The Company delivered over twenty-five thousand yards, but failed to deliver the rest of the cloth within the time required. Hence the Government retained the sum of \$6,085 04. It seems that the Government, in making the contract, agreed to furnish the Company with the wool from which the cloth was to be made. A quantity of wool was placed on board a vessel to be sent to Richmond, Virginia, where the Company carry on their business, and the vessel was lost with its cargo before it reached its destination. On this account it was impossible for the Company to fulfill their contract. Besides that, the small-pox broke out among the operatives, and reduced the number of hands, and thus rendered the Company less able to execute the work. Therefore, and inasmuch as the Government sustain no loss, the committee recommend the passage of the bill.

Mr. HUNTER. I would state that this bill passed the House of Representatives at the last session, and came here. It was then reported upon favorably by the Committee on Military Affairs but it was not acted upon for want of time. It has again passed the House of Representatives at this session, and it has again been reported upon favorably by the Committee on Military Affairs of this body.

Mr. BADGER. I looked into this claim at the last session of Congress, and I can state that it would have passed the Senate then but for an objection made by the honorable Senator from Alabama, [Mr. CLEMENS.] He was afterwards satisfied as to the bill, and withdrew his objection. It would again have been taken up and passed, but that there was no opportunity of doing so at such a late period of the session.

QUESTION OF PRIORITY.

Mr. UNDERWOOD. I rise for the purpose of calling the attention of the President to the fact, that there is a bill on the Calendar to provide for the unpaid claims of the officers and soldiers of the Virginia State and Continental lines of the Revolutionary Army, which is a private bill. It is on the Calendar in regular order before many of the bills which we have been considering to-day. It is a bill in relation to a number of persons, but still it is a private claim.

Mr. BADGER. I think it is a public bill.

Mr. UNDERWOOD. A bill has just been passed providing for paying an association, a corporation, a company. The claim which I wish to be considered is for the benefit of a great many persons, it is true; but still it is a private claim.

I rise to ask whether, in the opinion of the Chair, it is not a private bill, and ought not to have been taken up long ago.

The PRESIDENT. The Chair had his attention called to that bill, but he considered it a public bill, and therefore did not put it among the private bills. It is, however, in the power of the Senate to regulate that matter.

Mr. UNDERWOOD. I will make no question in relation to it.

THOMAS H. LEGGETT.

The Senate next proceeded to consider, as in Committee of the Whole, the bill for the relief of Thomas H. Leggett, reported from the Committee on Commerce.

It enacts that the Secretary of the Treasury be authorized to refund to Thomas H. Leggett, a sum equal to the increased duty paid by him under the tariff act of May 19th, 1828, on two invoices of woollen goods imported from Liverpool, invoiced at £1,526 17s. 9d. sterling, or \$6,786 15, and entered at the custom-house, in the city of New York, on the 8th of July, 1828; provided that this payment shall not be made until the Secretary of the Treasury shall have satisfactory proof that the duties were actually paid, and that the contract for the delivery of those goods was entered into in the winter of 1827-'28, and that Thomas H. Leggett had it not in his power, after the passage of the act of May 19th, 1828, to demand such order; and provided, further, that satisfactory evidence be

furnished to the Secretary of the Treasury that the firm of Thomas H. Leggett & Co. did not realize the ordinary profit on such importations.

Mr. HUNTER. Is there any report in that case? If there is, I should like to hear it read.

The report was read accordingly.

It refers for a statement of the merits of the case to report No. 500, made by the Committee on Commerce of the House of Representatives, of the 26th of May, 1848. That report states that the house of Thomas H. Leggett & Co., were regular importers of dry goods in New York; that on the 8th of July, 1828, they imported from Liverpool, and entered at the New York custom-house, two invoices of woollen dry goods, as costing £1,526 17s. 9d. sterling, or \$6,786 15, on which duties amounting to \$5,467 were imposed by the tariff act passed on the 19th May, 1828, and which took effect on the 30th of June succeeding in relation to dry goods, but which did not take effect in relation to iron and hardware until the 1st of September following. Under the tariff act of 1824, which was in operation when these goods were ordered, the duties would have amounted to \$2,250. The increase of duties, the memorialist represented, did not enhance the value of the goods, but actually created a great loss on this description of goods. Those goods were contracted for in the winter of 1827-'28, to be delivered in the spring of 1828, and were shipped in two vessels from Liverpool, one of which sailed seven days before the passage of the law of 19th May, 1828, and the other in a few days afterwards. It was impossible then to annul the contract, or countermand the order for the shipping of the goods. The house of Leggett & Co. united with other importers in a petition to Congress to refund the additional duties imposed under the tariff of 1828 under such circumstances. That petition was before the 22d and 23d Congresses. At each of those Congresses, bills were passed by both Houses for the relief of the importers, but none of them became a law. A case similar in all its features to this, was redressed under an act approved June 28th, 1836. On that ground, and sensible of the justice of the claim, the memorialist in this case asked for a return of the duties on those importations. The committee state, that having examined the facts and evidence submitted to them, they were of opinion that the prayer of the petitioners ought to be granted. For a more full statement of the facts of the case, they annexed to the report four letters of the petitioner, and the invoice and entry of the custom-house, and also House Document No. 123 of the first session of the twenty-third Congress.

Mr. HUNTER. It is proposed in this case, if I understand the bill, to remit duties because a change was made in the tariff after an order was given to import certain goods. Why, a great many such cases have been presented to us for our consideration, and we know that they have generally been rejected, as they ought to have been. All merchants must prepare for these contingencies. If we undertake to remedy the mistakes which may be occasioned by changes in the rates of duties on foreign imports, there is no telling where we shall be led. Indeed I do not know how it is that this bill comes from the Committee on Commerce. This is a subject which has generally been referred to the Committee on Finance, and which appropriately belongs to the functions of that committee. Certainly the rule in that committee has been not to grant relief in cases of this sort. Why, we should be opening the door of the Treasury if we pass this bill, on the same principle, to thousands of cases. How many cases may arise under the tariff act of 1842? How far back are we to go? Are we to look up the whole history of our legislation in order to see, perchance, if the various tariff acts which have been passed have operated harshly and onerously on this or that individual? How are we to be sure of the facts? How are we to ascertain the testimony at such a distance of time as this? Even if we admit the principle to be a sound one that we should refund duties under such circumstances, which we certainly have not admitted heretofore in the general course of this body, how could we ascertain with certainty the facts in such complicated transactions at such a distance of time?

It is said that the order for the goods in this case was given in 1828. How do we know that? It is said, too, that the order was given in ignorance of the proposed change. How do we know

that? How do we know the amount of duties paid? How can we ascertain with certainty the facts on which the merits of a case would depend if we were to admit the principle? But it is unnecessary to go into that inquiry. The principle is utterly inadmissible; and if we once act on it, we may make up our minds to see a great many such cases brought before us for relief. I hope the Senate will reject this bill. It is a matter of some importance, and if we wish to guard the public Treasury against demands of this character, we will reject the bill.

Mr. HAMLIN. It is hardly possible to discriminate sometimes which is the proper committee to which a subject ought to be referred. I have always endeavored to refer all matters relating to the revenue system of the country to the Committee on Finance. I suppose this matter went to the Committee on Commerce because it originated in that committee in the other branch of Congress. The report which has been read on this subject, was made from that committee. I have not had my attention called directly to the subject involved in this bill. It was committed to the Senator from New York, [Mr. SEWARD,] who is now necessarily absent. Inasmuch as he is the member of the committee who has made a personal examination into all the papers, and as he is now necessarily detained from the Senate, I move that the bill be laid upon the table. I think it is due to him that he should have some opportunity of defending the bill.

The motion was agreed to, and the bill was laid upon the table.

ALEXANDER P. FIELD.

The Senate then proceeded, as in Committee of the Whole, to the consideration of a "joint resolution for the relief of Alexander P. Field, late Secretary of Wisconsin Territory, and sureties."

Mr. HUNTER. The honorable Senator from Indiana, who reported that bill from the Committee on Finance, is not now in his seat, neither is the honorable Senator from Wisconsin, [Mr. DODGE,] who feels an interest in the passage of the bill; but I will state that I believe it is a proper bill, which proposes to allow the proper officers of the Treasury Department to settle the accounts of the principal, with his sureties. It appears that the principal proved to be insolvent, and the securities ask to come in and produce such vouchers and make such settlement as the principal himself would have made.

The resolution was then reported to the Senate, and ordered to be engrossed for a third reading.

JULIA AIKEN.

The Senate next proceeded, as in Committee of the Whole, to consider a bill for the relief of Julia Aiken.

This was a bill reported from the Committee on Naval Affairs, providing a pension to be paid to Julia Aiken, the only child of William Yool, who died in the naval service of the United States in the year 1801.

A long report was read in this case, from which it appeared that William Yool was in the naval service from 1797 to 1801, when he died in the service. That he left a wife and an only child. That by the first section of an act passed on the 3d of March, 1837, the said Julia Aiken, daughter of said William Yool, would have been entitled to a pension but for the fact that the death of her father had not been reported by an officer in the Navy—a regulation required by the Navy Department. That there was sufficient evidence of the death of said William Yool while in the service, but that as it had not been reported by an officer as required, the defect could not now be remedied, the officers who could have given such evidence being all dead.

No amendment being offered, the bill was reported to the Senate.

Mr. FELCH. I do not fully understand that case from the report. It seems to me it deserves some further consideration before we pass upon it. It is manifest that it does not come under the operation of any law now in force. As the Senator who reported the bill is not now in his seat, I wish the matter may lie over for the present.

Mr. BADGER. I hope not. I think the case is very clear. Every fact in the case seems to entitle the petitioner to a pension under the act of 1837. But under one of the regulations of the Navy Department, in carrying out the law of

1837, it is required that when the fact of the death of the person in whose behalf the pension is asked, does not appear from the roll, it must be established by the evidence of a commissioned officer. Now, the law of 1837 was retroactive; it declared that the widows and children of all officers and seamen who should die or had died in the naval service, should be entitled to these pensions. Between the death of this seaman, and the act of 1837, every commissioned officer on board that ship, the *Enterprise*, was dead. Under such circumstances, the pension could not be obtained. But the case comes clearly under the provisions of the act of 1837, and the evidence presented in the very able report of the committee, shows, in a manner entirely satisfactory, that if the fact of the death had been certified to by the commissioned officers of the ship, there would be no objection on the part of the Department to allow the pension. Now the question is, whether, because this poor seaman was not of sufficient consequence to have had his death noticed at the time, and because of the want of evidence of the death by a commissioned officer, the pension shall not be allowed?

Mr. FELCH. I should like to inquire whether the person applying here would have been entitled to this pension but for the single fact that the proof of death in the service was not strictly formal?

Mr. BADGER. That is the only difficulty.

Mr. BAYARD. By the law of 1837 it appears that the widow of a deceased seaman would have been entitled to receive one half of the pay which such seamen received while living, and in service, so long as she did not intermarry. There is evidence of the intermarriage of this widow, but the time of that intermarriage is not stated. Now, the effect of this bill will be to give to this daughter of the deceased one half of the pay to which her father would have been entitled from the time of his death until the year 1811, when she became of age. The widow subsequently married; but whether that marriage occurred before or after the daughter became of age does not appear.

Mr. BADGER. I suppose it does not appear, as it would in a legal pleading, that this widow had intermarried, or that she had intermarried when this pension would have been allowed, and had therefore forfeited it.

Mr. BAYARD. Under the law of 1837, unless the object is to extend relief beyond what that law would have done, the matter stands in a different position. But if it is not intended to extend the relief beyond what that law would allow, then it ought to be ascertained when the widow married. She was entitled, under the pension laws, to receive one half of the pay which her husband would have received, from the time of his death to the time of her intermarriage. If the object in this case is to extend to it the provisions of a special act beyond the provisions of the law of 1837, that is another question. The report, however, which has been read, seems to look to the law of 1837 as a governing principle, and the facts are not stated with sufficient clearness to let us know whether the party is entitled to relief under that law or not.

Mr. HALE. I am not opposed to the passage of this bill; but I wish to know whether the Senate will sanction the principle involved in this case. For my own part, I am very willing, but I have given advice to many persons in my own State, who wished to obtain pensions under the act of 1837, against making any application on the ground that the act of 1837 had been repealed. They are cases that would come under that act, and such as would entitle them to receive pensions if that act were in force, and would be favorably considered by the Senate. If it be the sense of the Senate that cases arising under that act, and which would have been entitled to relief if the act were now in force, can still be favorably received, then this case will be applicable. I am willing to go upon that principle, because there are persons in my own State, whom I have advised session after session that there was no possibility of getting a pension, because the bill was repealed, and it having been repealed, Congress would not take up cases which would not have been precluded when the bill was in force. If, however, it be the case that Congress will grant relief in such cases, I shall not object, because it will relieve some very meritorious cases which I was heretofore of opinion could not be relieved.

I think, however, that the pension should apply only from the time of the marriage of the widow; otherwise the child will get the pension for the whole period as well as the widow.

Mr. BADGER. The question suggested by the Senator from New Hampshire is one that will admit of very grave consideration, if the bill that is now before the Senate really raises it. But the bill before us is this: It is not to provide for a claim undertaken to be brought forward under the act of 1837, after the repeal of that act. It is a very different case. It is a case which was brought forward while the act of 1837 was in full force, and the party whose business it was to see it carried into execution was then prepared to show under the law, the existence of the service and the death, but was precluded from being allowed to manifest these facts by a rule adopted in the Department, which excluded the evidence of all persons except commissioned officers as to the fact of the death in the service. That is the case before us; and I have no hesitation in saying, that in every instance of that kind, in which the party applying for a pension did what was in his power, under the law while it was in force, obtained the benefit of the law as much as though it were in force now. But it would be a very different case, if people come forward now who had brought forward no claim, asserted no right, asked no relief while the law was in force.

In the first place, it seems to me it is a plain matter, a clear case of a claim coming within the statute, and preferred while it was in force, and one which would have been allowed then but for what—I may be permitted to say—was rather an absurd regulation of the Department, because that regulation should have made an exception in regard to cases where the commissioned officers were dead. I believe all that the law requires is, that the highest kind of evidence which the nature of the case admits of shall be given. It was so in this case. There would have been some ground of suspicion, if one or more of the commissioned officers had been living when the representatives of the deceased had come forward and offered the testimony of those who were of a lower grade in the service. But when all the commissioned officers are dead, they cannot be produced; and it seems there is a necessity of having the evidence of other persons in order to arrive at the truth. It seems to me that to avoid all suspicion of any attempt to impose on the Department, by bringing forward other persons, all the commissioned officers being dead, it was sufficient for the Department to have made an order to admit just and reasonable evidence, in conformity with the principle established in other cases.

Mr. BAYARD. If this bill only proposed to give relief in conformity with the provisions of the law of 1837, supposing the proof to be good, then I should make no objection to it; and if the Senator from North Carolina [Mr. BADGER] will move to restrict it to that, then I will go for the bill. But it goes further than that; it provides that the daughter—supposing that the proof of the death was plenary—who would not, during the life of the widow be entitled to the half-pay, should have that half pay from the year 1801; and the bill does not show, nor does the report, when the widow married. The effect of the bill, therefore, will be to carry out the compensation beyond the principle of the law of 1837. Unless the Senator will go that far—and I see no reason for making this an exception—I cannot vote for this bill as it stands.

Mr. BADGER. I will suggest an amendment, which may perhaps meet the views of the Senator. I will move to amend by striking out the words "from and after the year 1801," and say, "from and after the second marriage." That is the idea I wish to convey. The Senator has the bill before him, and he will perhaps make the alteration.

Mr. GEYER, (in his seat.) The bill is right as it stands. There is no necessity for such an amendment.

The PRESIDENT. The amendment of the Senator from North Carolina will not apply to the bill. There are no such words as he proposes to strike out.

Mr. BADGER. I understand from my friend near me that the bill is all perfectly right, and that it simply provides that this applicant should receive the pension to which, under the law of 1837, she would be entitled. It does not say that she shall

receive a pension from the day of the death of her father. Let the bill be read.

The bill was accordingly read.

Mr. BADGER. The bill is all right as it stands.

Mr. BAYARD. I think not.

Mr. BADGER. It does not provide that she shall have a pension from the day of the death, as the Senator supposes. It is, "that the Commissioner of Pensions be directed to allow to Julia Aiken the pension she would have been entitled to receive, under the provisions of the first section of the act of 3d March, 1837, providing for the more equitable administration of the Navy pension fund, if her claim had been allowed by the Secretary of the Navy while that act was in force." It does not say that she shall receive a pension from the year 1801—

Mr. BAYARD. The report evidently goes beyond that.

Mr. BADGER. But the report is not the question under discussion. The bill is all we have to do with.

Mr. HALE. I shall not interpose any objection to the bill, but I want the Senate to understand the principle which we are about to establish. I understand it to be this: Here is a claim existing under the law of 1837; application is made to the proper Department for the settlement of that claim under the law; the claimant fails in his claim, owing to some peculiar rules established by that Department, and the law authorizing the claim is subsequently repealed. The Senate, in that case, is determined to give equitable relief—

Mr. BADGER. We have done it in many other cases.

Mr. HALE. I know we have done it in many other cases, but not under a law that has been repealed. That is all. I have no objection to the bill.

The bill was then reported to the Senate, and the question was on its engrossment for a third reading.

Mr. NORRIS. I ask for the yeas and nays on its engrossment.

The yeas and nays were ordered, and on being taken resulted—yeas 26, nays 9; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Borland, Cass, Clarke, Dodge of Wisconsin, Downs, Fish, Geyer, Hale, James, Jones of Iowa, Jones of Tennessee, King, Mallory, McKee, Mangum, Miller, Sebastian, Shields, Smith, Spruance, Upham, and Wade—26.

NAYS—Messrs. Bell, Bradbury, Dawson, Dodge of Iowa, Felch, Hamlin, Norris, Underwood, and Whitcomb—9.

JONATHAN KEARSLEY AND JOHN BIDDLE.

The Senate then proceeded, as in Committee of the Whole, to consider the bill to provide for the final settlement of the accounts of Jonathan Kearsley, late receiver of public moneys at Detroit, and of John Biddle, late register of the land office at that place.

The bill was read. It provides that the proper accounting officers of the Treasury be, and they are thereby required to audit and settle the accounts of Jonathan Kearsley and of John Biddle, upon principles of equity and justice, and that whatever sum or sums of money, if any, which may be found due to them, or to either of them, shall be paid out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment.

Mr. BRADBURY called for the reading of the report of the Committee on Public Lands.

Mr. FELCH. I will make a single statement, which will perhaps be sufficient. The object of the bill is to enable the Department to settle some suspended items in the accounts of these individuals. The items are for money paid by them under certain exigencies which rendered it necessary. The rule of the Department was to allow such accounts, and they have been allowed in numerous instances which are alluded to in the report. But some technical objection was started to some item in the accounts, and the Department refused to pass upon it. Since that time Congress have passed several bills founded upon the same principle as that involved in this case. This bill is to carry out the same principle in regard to the accounts of the individuals named in it, as was recognized in the settlement of the accounts of others.

The bill was ordered to be engrossed for a third reading.

MAISON ROUGE GRANT.

Mr. DOWNS. I would call the attention of the Chair to a private bill on the Calendar, which has been passed over. It is a bill to grant the right of preemption to settlers on the public land known as the Maison Rouge Grant.

The PRESIDENT. The Chair did not view it as a private bill, and therefore passed it over. It is a bill to grant the right of preemption.

Mr. DOWNS. But it applies only to a few individuals. I consider that it is a private claim. It applies only to one particular claim, and embraces but a few persons.

The PRESIDENT. The Chair does not consider that it is a private bill; but he will bring it to the notice of the Senate that they may decide upon it. The Senator from Louisiana has called the attention of the Chair to a bill which he insists is a private bill. The Chair entertains a different opinion, but submits the subject to the consideration of the Senate. It is a bill to grant the right of preemption to settlers on the public land known as the Maison Rouge Grant. The Chair leaves it to the Senate to decide whether it is a private bill or not.

Mr. DOWNS. It applies altogether to a few settlers on one particular grant of land. I suppose there can be no doubt that a bill giving the right of preemption to one individual would be a private bill. If it is not I do not know what it is, then. If the grant to one individual be a private bill, how the extending of it to two or three makes it a public bill I am at a loss to know. I think we frequently pass bills as private which apply to a number of individuals. It strikes me that there is no difficulty in this matter. I do not understand that private bills apply altogether to money. There may be private claims to lands as well as to money. This is a private claim for the right of preemption. It applies to only this one grant. Of course the number of individuals is limited. There was an act passed at the last session extending the right of preemption, as was thought, to all the settlers on the land mentioned in the bill, but it was found that a few were excluded, and this bill is intended to give them the right. I hope the Senate will consider it as a private bill.

The PRESIDENT. The Chair does not consider it a private bill, because it is not a claim. The individuals for whose benefit it is intended, simply ask of Congress to extend to them a privilege. Almost every bill on the Calendar would be considered a private bill, if the rule were adopted, that because some individual had an interest in it, it was a private bill.

Mr. DOWNS. I do not understand the distinction.

The PRESIDENT. The order which was made by the Senate is, that Fridays shall be set apart for the consideration of private claims.

Mr. DOWNS. I thought it was private bills. I should like to hear the order read.

It was read as follows:

Resolved, That after the first day of January next, Friday of each week shall be set aside for the consideration of private claims, and that on that day private bills shall have priority over all other business.

Mr. DOWNS. I cannot understand the distinction which is made by the Chair. It must consist in the setting up of a claim for money. The individuals for whose benefit the bill is intended, claim a right which they ask to be granted to them. It is a bill altogether of a private nature. If the Chair decides that it is not a private bill, as I wish the question settled, I shall take an appeal from the decision.

The PRESIDENT. If the Senator had listened to the Chair, he would have understood that the Chair, so far from deciding that it was not a private bill, merely said that he individually believed that it was not, but that it was for the Senate to decide whether they would consider it as such or not; and in order that the Senate may determine that, the bill will be read.

The bill was read. It enacts that every person being the head of a family, or widow, or single man over the age of twenty-one years, who, prior to January 27, 1851, was an actual settler on the public lands known as the Maison Rouge Grant, in the State of Louisiana, or his heirs and legal representatives, shall be entitled to enter land, not exceeding one hundred and sixty acres, or one quarter section, the said land to include the residence and improvement of such settler, at the

minimum price of said land, on such terms and under such limitations as are contained in the act entitled "An act to grant the right of preemption to certain settlers on the Maison Rouge Grant, in the event of the final adjudication in favor of the title of the United States," approved January 22, 1851.

The question being put, the Senate decided that it was not a private bill.

RECESS.

Mr. BADGER. I move that when the Senate adjourns to-day, it adjourn to meet on Monday next.

Mr. HALE called for the yeas and nays on the motion; and they were ordered; and being taken, resulted—yeas 31, nays 10; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Berrien, Borland, Bradbury, Clarke, Davis, Dawson, Felch, Fish, Geyer, Hamlin, Hunter, James, Jones of Tennessee, King, McKee, Mangum, Miller, Norris, Sebastian, Shields, Smith, Spruance, Underwood, Upham, Wade, and Whitcomb—31.

NAYS—Messrs. Cass, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Hale, Houston, Jones of Iowa, Mallory, and Walker—10.

So the motion was agreed to.

ISAAC GARRETSON.

The Senate then proceeded, as in Committee of the Whole, to consider the bill for the relief of John R. Bryan, administrator of Isaac Garretson, deceased, late a Purser in the United States Navy, upon which the Committee on Naval Affairs had made an adverse report.

The report was read, from which it appears that Mr. Garretson was a Purser from 1822 to 1829, at the Baltimore station, under a salary of forty dollars a month and two rations; that on the settlement of his accounts he was found to be in arrears to the amount of \$1,293 64, for which a suit was instituted against his administrator. This balance is proposed to be overcome by a charge of \$200 per annum for house rent during his period of service at Baltimore, which would result in a balance against the United States. The credit claimed for house rent was properly disallowed by the Auditor, upon the ground that there was no authority for the allowance; that, on the contrary, the allowance of house rent was discontinued in 1821. Mr. Garretson accepted the appointment after the order discontinuing the allowance was made, and the Department refused to allow the rent at that station until 1831, when it was thought proper to allow \$200 per annum. The effect of this allowance being granted to the estate of Garretson would be to overrule the discretion exercised by the Department in refusing the allowance for house rent, and therefore the committee could not recommend it. It is to be presumed that the Secretary of the Navy was better able to understand what was for the public interest on this point than the Senate. Upon these considerations the committee recommended that the bill should not pass.

Mr. MANGUM. I move that the bill lie on the table. I introduced the bill at the request of the gentleman, without having an opportunity of looking into it. According to that report, the claim does not seem to be well founded.

The motion was agreed to.

CAPTAIN ERASTUS A. CAPRON.

The Senate next proceeded, as in Committee of the Whole, to consider the bill for the relief of the children of Captain Erastus A. Capron.

The bill enacts that the Secretary of the Interior be directed to pay to the children of the late Captain Capron, of the first regiment of artillery of the Army of the United States, the same amount of pension that was allowed to Harriet R. F. Capron—said pension to commence from and after the first day of January, 1852, and to continue for five years.

Mr. JONES, of Iowa. I move to amend the bill, by inserting "twentieth day of August, 1852," in place of "first day of January, 1852;" which will make the pension to commence at the expiration of the first five years of the pension which was granted to the widow of Captain Capron.

The amendment was agreed to.

Mr. FELCH called for the reading of the report of the Committee on Pensions.

Mr. JONES, of Iowa. There was a report made at the last session in favor of a pension for the widow of Captain Capron, which may be read.

It was read; from which it appears that Captain Capron fell in the battle of Cherubusco, near the city of Mexico, on the twentieth day of August, 1847, leaving a widow wholly destitute of support, and children, six in number, the oldest of whom was only eight years old. In view of their destitution, and in consideration of the gallantry and many services of their deceased husband and father, the committee reported a bill for the continuance of her present pension to his widow.

Mr. JONES, of Iowa. I would only remark, that the bill granting the pension to the widow of this gallant officer was reported unanimously from the Committee on Pensions at the last session, and at this session a similar report has been made to give a pension to his children for five years. The petitioner prayed that the pension might be given to her for the residue of her life. The committee, however, did not conceive it proper to give it for a longer period than five years. There are precedents for the passing of this bill. Bills have been passed in three other similar cases. As this lady is in very indigent circumstances, and has six children, the oldest of whom is but eight years old, I hope the Senate will pass the bill.

Mr. DAWSON. I would ask the chairman of the committee who reported this bill, if it is not in violation of the existing law, to grant this pension?

Mr. JONES, of Iowa. Certainly not.

Mr. DAWSON. Do you not propose to make it an exception to the law as it now stands? Why, then, will not the pension be paid without the passing of this bill?

Mr. JONES, of Iowa. It is proposed by this bill to grant a pension to the children, not to the widow. The report which was read was that which was made at the last session, proposing to give a pension to the widow during her widowhood.

Mr. DAWSON. That brings up the question which I want to get at. Will we now adopt the principle that we will pension all the children of all the soldiers who were killed in our various wars—that we will make an annual appropriation to them? Will this Government do that? That is the question. If you do it in this case what is there to distinguish it from any other case in which the husband or father was killed in battle? If you put it on the ground of poverty, soldiers are usually poor, and leave families in the same way. If the principle is to be established, do it at once by a general bill, and not by an individual case in this way. If we do this for one, let us do it for all.

Mr. SHIELDS. The very reason that the petitioners apply for this pension is, that the general law does not cover such a case. But I must confess that I cannot see the force of the objection of the Senator from Georgia, because this is a pension to the children, and not to the widow, and these children are now fatherless, penniless, and in poverty. I knew this officer well. I knew him long before he fell in battle. I saw him after he fell, and I must say that I know of no officer of his rank in the Army of the United States who possessed more gallantry and worth than he did. I should regret exceedingly to see any opposition to the granting of the pension, because I think it is due to the children of this gallant officer, who have no means to support them, and no protector but a poor mother, who has been left a widow by the fall of her husband. It is only for five years. We have gone much further in other cases, for officers of a higher grade, I admit, such as General Worth and others, but this officer, in his grade, was as meritorious as any officer in the Army of the United States. I would feel that I was unjust to my own feelings if I did not state my recollection of his worth, as a man and as an officer. I saw him when he fell in battle. I saw his body there, and I should regret to see his children thrown penniless upon the world.

Mr. DAWSON. I have understood that during that campaign in Mexico there was not an officer or soldier who ever turned his back upon the enemy. Every man who died upon the battlefield died nobly, and discharged his duty well. If they have died in this way, and many of them have left children, why will you select one and provide for his children, and leave thousands of others unprovided for? My sympathies were ex-

cited when I heard my friend from Illinois [Mr. SHIELDS] speak of what he had seen. But we cannot legislate upon sympathy. Any course of this kind would beggar this Government. All the money which we could collect would not be sufficient to maintain and educate the children of deceased officers and soldiers. I thought we had been as liberal as any nation upon earth in pensioning those who fight the battles of the country; and I shall not object to this now, if you say that you will establish a general principle, and let the country understand that they are to be taxed to support the children of every poor officer and soldier who died in the service of the country. I cannot see why poverty should give to the children of A any advantage over the children of B, who may have been killed in a battle, but who had some property. It is not for the purpose of raising or educating children that we legislate. We have no such power. It is for the purpose of compensating services rendered to the country that we give these pensions. The services of the man who has been fortunate enough by his industry to accumulate wealth, and still has courage sufficient to carry him to the field, and not send a substitute, and dies there, are as valuable as those of the poor man. There is no power of discrimination in this Government between wealth and poverty upon a principle of this kind. We should stand upon a principle which recognizes the equality of all men who serve the country. I am unwilling to adopt this partial position, and lay down a dot here and there according to the desire of the various representatives of different States as to some very worthy and proper case to their own knowledge. I know of fifty cases in my own State where husbands and fathers died in Mexico, and left their widows and children probably as poor as these are; and can I consent to a bill of this kind for an individual case, and not make the same grant to all? Upon principle I am opposed to it. But if we have power to pass a bill, let us have it so that all shall be entitled to the same aid.

Mr. SHIELDS. I would be very willing to see a general bill and a general law, and I think it would be due from the country to cover all such cases as this, where the father has been killed in battle, and where his children have been left minors and orphans, and poor. I hold that the nation is bound to step in and become a father of that family. I put it upon the highest principles of moral equity, that in such a case, the nation is bound to step in and take the place of a parent. That there is no general law is no reason why this bill should not be adopted. On the contrary, it is a reason why it should be passed. But the honorable Senator from Georgia, who I know is as generous in these matters as I am—and the view he takes is not opposed to the principle of this bill as far as I can see—says this nation has been more liberal towards its military men than any other nation in the world. I tell that Senator that no nation on God's earth has obtained such military service as this nation has with so little cost. Why, your armies have brought you through three wars; and what have those armies cost you? An army of a nation of half the size, on a peace establishment, in Europe, costs more than all your armies, including pensions and all; for your soldiers fly to your standard in the hour of danger, and when the danger is over they retire to private life and shift for themselves. And now, when you have a case of this kind where a man has been killed in battle, and his children are poor and destitute, can you turn round and say that because there is no general law to cover the case, these children shall be turned out on the charities of the world? Surely not. I do not want to discuss this question further.

Mr. BORLAND. The objection raised to this bill by the Senator from Georgia is one that we have heard time and again from him on every proposition of this kind. I believe that no bill granting a pension has ever come before the Senate which he has not opposed, and generally, if not exclusively, upon the ground he now urges. I think, however, that the very reason upon which he rests his objection is a reason why we should pass the bill. He objects to it because it is not a general bill including all cases. That can be no objection to this bill, unless the passing this precludes us from passing a general bill. But the passage of this bill, giving pensions to these children, does not preclude us from passing a general

bill, or bill for every individual case equally meritorious which may come before us. On the contrary, it makes a precedent for them. But I am in favor of special bills of this sort, because I wish to put each case on its own individual merit. We have general laws on the subject of pensions, and for general purposes they are very liberal, and give as much discretion to the Executive officers of this Government as I think it is safe and proper to give them. You cannot by general laws provide for every case of merit. It is because cases like this are not and cannot be embraced in those general laws that the petitioners have now come here. They show their claim to be one strong in equity and in every consideration that should entitle them to the bounty of the Government. I hold that Congress is the proper and only safe and proper tribunal for the adjudication of such claims, and determine whether they are individually meritorious or not. For myself, I am willing and resolved to vote for every case that can be shown to be as meritorious as this. I have voted for a number of such cases, and I shall continue to vote for them, whenever they may come up, as long as there is a dollar in the Treasury to pay them with.

The Senator from Georgia says he opposes this because it is not a general bill, and yet we find him opposing all bills of the kind. Because it is not now proposed to provide for every case that may hereafter come before us, he is determined to provide for none, however meritorious, and however needy! An extraordinary reason it seems to me.

Now, I agree freely, and will go cordially with the Senator from Illinois, [Mr. SHIELDS,] as far as he has indicated his willingness to go; and if there be any one willing to go further, I will go as far as the furthest, in providing for the widows and orphans who have been made such, and left destitute of the means of subsistence, by the patriotic devotion of their husbands and fathers to the cause of their country upon the field of battle. I do not think we can expend the public money in a holier cause, or in a better way.

Senators talk about bankrupting the Government, by taking care of the widows and orphans of those who have taken care of the country in the hour of its peril and its need! Bankrupt the Government indeed! Where, sir, I would ask, would the Government have been, but for the warm hearts and strong hearts of those men who flew to its standard in the hour of danger, and not only illustrated its honor, but actually preserved its existence? Such men, sir, have a claim, which I cannot resist, not only upon the justice and equity of this Government, but upon its gratitude; and that claim descends to their widows and orphans with an augmented force, which I, for one, will never question, and never seek to resist or evade.

Such men (and the father of these children was such a man) enter our military service, not because the provisions of any general law, as part of the conditions of their service, promise the care and protection of those most dear to them in the event of their death, which we now propose to give—there is no such general law—but they were actuated by higher and less selfish motives. And now we are called upon to respond to those high and unselfish motives, by exercising the highest and holiest sentiments of our nature—not only justice and equity, but generous sympathy and gratitude. Shall we fail in those high duties to ourselves and our country, which considerations like these impose upon us?

If the Senator from Georgia will bring forward a general bill, such as he has alluded to, to include all cases as meritorious as this, and will give it such form as to make it practicable in its operation, I will cheerfully vote for it. But I do not think this can be done. I think the only proper and safe foundation for legislation for such cases, is the particular merit of each case. I am willing and desirous to sit as a court of equity upon each case as it arises, with the authority and purpose to include national gratitude among the considerations which shall control my judgment.

Mr. HAMLIN. I have no hope of arresting the progress of this bill; but as I propose to vote with the honorable Senator from Georgia, [Mr. Dawson,] I desire to state a few of the reasons which control my vote. If I were to listen to the counsels of the Senator from Illinois, [Mr.

SMIELDS,] and consult my own feelings, I should vote with that Senator. If, in our deliberations here, we were to consult our passions and not our judgments, I should most assuredly vote for the passage of the bill. That this officer was a most gallant and meritorious one, we have no doubt; and if we were to grant pensions upon the simple principle of meritorious actions, we might well go for this bill. Or if we were to grant pensions from considerations of sympathy for the orphan children who were in poverty, we might well vote for this bill. But it seems to me that there are other and higher and vastly more equitable considerations that should control our action. There are various pension laws which rest on certain principles including certain cases. We have a variety of applications here to include certain persons who are excluded from the benefit of these general laws for the want of mere technicalities, or of some evidence which is merely technical. In cases of that kind, I have uniformly voted in favor of such bills, because it goes to put those cases within the general principle—it tends to bring them within the general law. The principle which is proposed to be adopted here in this bill is to give a pension to individuals against the general law, and against the general principle.

I submit to the Senator from Iowa, [Mr. JONES,] that if, in granting a gratuity—for this is nothing more nor less—to the applicants in this case, and doing what he calls "justice" in this case, are we not doing gross injustice to every other one situated in like circumstances? I ask that if, in dealing out what the Senator calls "mercy" in this case, we are not unmerciful to a great number—to the hundreds of cases that are excluded?

I do not believe that it is our duty, by being generous in this case, to be ungenerous in all other cases; and certainly we shall be so if we pass this bill. It differs entirely from those excepted cases for which we pass laws to bring them within the provisions of the general rule. It is directly the opposite. In granting a gratuity in this case, we do injustice to every other case of the kind. Assume as a ground for granting pensions, meritorious services, or extreme poverty of orphan children, and let that principle be made to apply on a sliding scale, and then every other case of every other soldier who perishes in our wars, whether private or officer, will come here and demand of you a similar bill in his case, differing only in degree, but not in principle.

I have no hope of arresting the progress of this bill; none in the world. It is a foregone conclusion, that all bills of this character are to pass this body. Our sympathies are appealed to, and under that state of sympathy we pass these bills. I commend that state of feeling very highly, and were I to consult it I should assuredly vote with the Senators who vote for this bill; but, believing that we do more injustice in passing a bill of this description, to a greater number of cases than we do mercy to those for whom a benefit is designed, I hold it to be my duty to vote against this and all other bills of a similar character.

Mr. CASS. Existing laws give pensions to the widow and minor children of officers and soldiers who fell in the battles of their country. And why? Because he that God and Nature provided to take care of them, has fallen in the service of his country. We have assumed to give these pensions for five years. There is no virtue in five, or four, or three, or two years, or one year. There is no peculiar reason, except a reason of expediency, why you should stop at five years. I think, however, that it is a fair rule. We give these pensions for five years. I am unwilling to go further by a general law; but I am perfectly willing, when a case like this comes before us, where orphan children are minors, and will be minors for years to come, to grant a pension. I am willing not to extend the law, but to make the case come under the general principle and reason of the law; and for this reason, that these children are incapable of taking care of themselves. They have lost the man whom God provided to take care of them; and therefore it seems to me the obligation which the country assumes for five years should be continued until they are able to provide for themselves. Therefore I am willing, when it is shown, in any individual case, that children are helpless, and minors, and unable to take care of themselves, to carry the principle to such a case and to say that the country shall take

care of them until their state of minority is ended. Then our duty is at an end; because then the duty of the parent would be at an end; and we have placed ourselves in the position of the parent. While I should vote against a general law, I should be perfectly willing to vote for every case as meritorious as this.

Mr. JONES, of Iowa. It happens that this widow and her children are personally known to me; and I believe are personally known to four members of the Committee on Pensions. The committee were unanimous in reporting this bill. It is known that these children are entirely destitute of all means of support. They are entirely without every means ordinarily given to the children of our country to obtain an education. If any petition should be presented in as meritorious a case, I feel confident that the committee would report favorably on such a case, even if it would require a hundred bills, or a thousand bills. I should take pleasure, as one of the members of the committee, in voting for every case as meritorious as this is. But, if we were to report a general bill, the Senator from Georgia has given us warning that he will oppose it.

I hope that if there is any further information desired in the case, the report, which has just been received from the Secretary's office, will be read, if any gentleman desires it. I believe, however, that there is no necessity for it. The gallant services of Captain Capron have been certified to the committee by officers who served with him. It was shown to the satisfaction of the committee, and it is evident, from the report of the Secretary of War, that he died at the head of his company while charging on the enemy.

Mr. DAWSON. I want to be understood in relation to this matter. I do not believe that Congress has the power to do the act now proposed. I recollect that it was but a short time ago since a distinguished head of this Government laid it down as a position, that Congress had no right to appropriate money to buy wood to warm the poor of this city.

Mr. WALKER. They did it though.

Mr. DAWSON. And now we are about to appropriate money for the purpose of sustaining the poor. That is a duty, a power, and a right belonging to the States. This Government has no concern with it. It has no right to raise a fund to maintain the poor of the different States. In one sense of the term, we have no citizens of the United States. All our people live within the limits of the States. There poor laws are to be passed, and the poor to be provided for. There laws are to be passed to provide for education. Have they not such laws in the State of my friend from Iowa? This Government has never attempted to exercise those powers; and until within a few years, no one ever thought of this Government taking it upon itself to make provision for the children of deceased officers and soldiers. It was formerly contended that the right of pensions was a personal right, arising out of personal services, and that we were compensating for these services by granting pensions. This is the ground which I occupy.

Can we make allowances to support and educate orphan children? Those children reside in the State of my friend from Iowa. Are there not laws there to provide for educating and maintaining the poor? Does such a power as this belong to the General Government? If it has such a power, would it not be a doubtful policy to exercise it? For who is to understand so well the necessity and importance of providing for the poor of their own localities, as the Legislatures of the several States? This is one of the greatest stretches of the Constitution. This power to educate and maintain the poor, is not to be found in the Constitution. It is not granted. Nor can it be drawn from any of the grants of power by any reasonable inference. I agree with a late lamented head of the Government of the United States, when he said he did not see where the authority resided, or the power was granted, for him to take the public money even to buy wood for the poor of the District of Columbia. He went upon principle; but now principle is to be abandoned, and our sympathies are to be appealed to. If I were to trust myself to my sympathies, this Government would soon be bankrupt; for I maintain that I have as much indulgence and kindness in my nature as any man living, in favor of the widow and

the orphan. But when I stand upon a principle, it is a different thing.

Mr. CASS. The objection the Senator from Georgia has raised, is new to me. He says that the Constitution makes no grant of the right to give pensions.

Mr. DAWSON. I did not say that there was no right to grant pensions; but that the Constitution gave no right to the General Government to appropriate the public money to maintain the poor, and educate the orphan.

Mr. CASS. I understood the Senator to maintain that we had no right to grant pensions to widows and children of deceased officers and soldiers. Now, there are two kinds of pensions. One kind consists in those granted to the persons themselves who have performed military services, and the other kind is where pensions are granted to those who stand in the nearest position to them. This has been done from the foundation of the Government to the present day. Without going any further, allow me to tell the honorable gentleman that the moment you give to the General Government the power to raise an army, you give them all the powers necessary and incident to sustain it. There is not a word in the Constitution which allows you to pay the soldier, or to give him clothing or provisions. Where, then, do you get that power? From the power granted to raise and maintain an army. Then, as a fair incident to that power, is the right to do whatever may reasonably be done in relation to it. From the revolutionary contest down to our own days, an incident to a man's going into the service is the hope and the prospect held out to him that we will support the widow and orphans that he may leave after him. We hold this out as an encouragement to induce men to enter the Army. This is one of the inducements to men to come and offer their services when the Government is in danger. The power of granting pensions is a necessary and fair incident of the right to maintain an army. If, in the exercise of that power, we are satisfied that it is necessary to hold out this inducement, why it is fairly and properly incident to the power granted.

I have lived a good while. The country has been ruined about one hundred and fifty times in my day; but I do not believe that we are going to ruin the country now by granting pensions to the orphans of deceased soldiers so long as those orphans remain in a state of minority.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

JAMES W. LOW AND OTHERS.

The Senate next proceeded to consider, as in Committee of the Whole, the bill for the compensation of James W. Low and others, for the capture of the British armed schooner Ann, during the late war with Great Britain.

It enacts that the Secretary of the Treasury be authorized and directed to pay to James W. Low, William Driscoll, and to such other persons as may be legally authorized to receive the same, the sum of \$2,570 30, being the amount paid into the Treasury of the United States, and placed to the account of "fines, penalties, and forfeitures," in consequence of the sale, under a decree of the United States district court for the district of Maine, of the British private armed schooner Ann, in the year 1814, captured by the aforesaid named persons; the same to be paid to James W. Low and his associates, their heirs and assigns, in equal proportions.

Mr. HALE. If there is any report in that case I should like to hear it read.

The report of the Committee on Naval Affairs of the House of Representatives was read. It appears that James W. Low and his associates, in October, 1814, captured the British private armed schooner Ann, and brought her in as a prize to the State of Maine. The vessel and cargo were libeled and sold under an order of the United States district court for that district; and the sum of \$5,518 45 was received under that sale. After deducting, for sundry expenses, the amount of \$377 85, there remained a net balance of \$5,140 60. Of this sum, \$1,727 73 was paid to the collector, and \$642 57 to the surveyor of the port of Thomaston—being one half of the net balance. The other half—\$2,570 30—was paid into the Treasury of the United States, on account of Mr. Low and his associates not being able to attend to the vindi-

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cation of their rights—being absent in the service of their country. Thus it happened that those persons never received any part of the proceeds of the sale of the vessel and cargo thus captured and brought into port, under circumstances of the most daring bravery.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

ELIZABETH MONROE.

The Senate next proceeded to consider, as in Committee of the Whole, the bill granting a pension to Elizabeth Monroe, reported from the Committee on Pensions. It enacts that there be granted to Elizabeth Monroe, widow of James J. C. Monroe, late of the Army of the United States, for the space of five years, from and after the 1st of January, 1852, a pension, payable semi-annually, equal to one half of the pay to which said James J. C. Monroe was entitled at the time of his decease.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

MARY W. THOMPSON.

The Senate next proceeded, as in Committee of the Whole, to consider the bill for the relief of Mary W. Thompson, reported from the Committee on Pensions. It enacts that the Secretary of the Interior be directed to place the name of Mary W. Thompson, widow of Lieutenant Colonel Alexander Thompson, upon the pension roll, and to pay to her during her widowhood the pension heretofore allowed her, to commence on the 1st day of January, 1852.

Without disposing of this bill, on motion, the Senate adjourned to Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 23, 1852.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

Mr. SMART. There are one or two communications of importance from the Executive upon the Speaker's table, and I ask now the unanimous consent of the House that they may be referred to the appropriate committees.

No objection being made,

The SPEAKER laid before the House the following communications:

To the Senate and

House of Representatives of the United States:

I communicate to both Houses of Congress a report from the Department of State, containing copies of the correspondence which has taken place between that Department and the Minister of the United States in Paris, respecting the political occurrences which have recently taken place in France.

MILLARD FILLMORE.

WASHINGTON, January 20, 1852.

Referred to the Committee on Foreign Affairs, and ordered to be printed.

I. A letter from the Secretary of the Treasury, giving information of the loss of the revenue cutter Lawrence, and recommending that the appropriation of six additional revenue cutters, asked for in his annual report, be increased to \$90,000; and urging upon Congress the importance of early action in said matter; which was referred to the Committee of Ways and Means, and ordered to be printed.

II. A letter from the Acting Secretary of the Treasury, transmitting estimates of the Secretary of Minnesota Territory, for the expenses of that Territory for the fiscal year ending June 30, 1852; and a letter from the same officer, suggesting further appropriations to meet the expenses of that Territory for the year ending June 30, 1852; which said letter and accompanying papers were referred to the Committee of Ways and Means, and ordered to be printed.

III. A letter from the Secretary of War, transmitting his annual report of the clerks and other persons employed in his Department during the

past year; which said letter and accompanying papers were ordered to lie on the table and be printed.

IV. A letter from the Secretary of War, transmitting a statement of the expenses of the national armories, and of the number of arms and appendages made and repaired thereat, during the fiscal year ending the 30th June, 1851; which said letter and accompanying papers were ordered to lie on the table and be printed.

V. A letter from the Secretary of the Navy, transmitting a detailed statement of the expenditure of the contingent fund of his Department for the fiscal year ending June 30, 1851; which, with the accompanying papers, was ordered to lie on the table and be printed.

VI. A letter from the Postmaster General, transmitting his annual report of the clerks and other persons employed in his Department during the past year; which said letter and accompanying papers were ordered to lie on the table and be printed.

VII. A letter from the Postmaster General, submitting an estimate of the sums of money expected to be required for the service of the year commencing 1st July, 1852; which was referred to the Committee of Ways and Means, and ordered to be printed.

Mr. HOUSTON. If these communications are all through with, I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

CLOSE OF DEBATE.

Mr. DANIEL. I rise to a privileged question. I wish to inquire whether a motion was made on yesterday to reconsider the vote of the House closing debate on the Mexican indemnity bill?

The SPEAKER. There was no such motion made.

Mr. DANIEL. I make that motion now; and my reason for making it is this: A call has been made upon the State Department for information in regard to certain matters, and upon which information there may be some who are desirous to say something before this debate is closed. In order to accomplish that object, therefore, and believing that the delay of a day or two will make no difference in this matter, I move to reconsider the vote on the adoption of that resolution, for the purpose of going into Committee of the Whole on the Private Calendar.

Mr. MEADE. That resolution was adopted at my instance on yesterday. I had been under the impression that that resolution terminated debate at three o'clock on Saturday. It seems to me that those were the terms of the resolution which I proposed.

The SPEAKER. The terms of the resolution were, to close debate upon to-morrow at three o'clock, which places it upon the present day.

Mr. MEADE. Then I shall vote for the motion of the gentleman from North Carolina.

Mr. BROOKS. I shall oppose that resolution.

The SPEAKER. The Chair would suggest that this is not a debatable question.

Mr. BROOKS. I do not intend to debate it. I simply rise to say that every day's delay in passing this bill will be at a very great cost to the Government. If the House choose to delay the matter, however, I am perfectly willing they should do it. I do not wish, however, to pass any resolution without a perfect knowledge of its consequences; but I will state that a year ago the Government could have obtained three and a half per cent. for the privilege of paying this installment. I do not believe any premium could be obtained to-day; and if the resolution were delayed twenty days longer, the Government will have to pay a premium.

Mr. DANIEL. If I supposed that two or three days' delay would make any material difference to the Government, I would not make the motion, but I do not see how it can make any difference.

Mr. HOUSTON. There is another suggestion which I will make in connection with this one

made by the gentleman from New York, [Mr. Brooks.] I will suggest that the call upon the Secretary of State refers entirely to matters that have passed. I do not consider that the information which we may get in response to that call will in any respect direct us to a proper determination in respect to the resolution now before the House.

The SPEAKER. The Chair must interrupt this debate. It is all out of order.

Mr. DANIEL. The gentleman from Alabama [Mr. Houston] may be correct in relation to the character of the information to be received from the Secretary of State; but I do not conceive that a delay of two or three days can make any essential difference. I hope the House will at least appropriate to-day and to-morrow to the consideration of private bills.

Mr. HOUSTON. Well, I desired to present this view to the House, for I want to excuse myself from any responsibility in the matter, if the House choose to delay the passage of this bill.

The question being upon the motion to reconsider,

Mr. MEADE demanded tellers; which were ordered; and Messrs. MEADE and FOWLER were appointed.

The question was then taken, and the tellers reported—ayes 69, noes 67.

So the House agreed to reconsider.

The question now recurred upon the adoption of the resolution to close debate to-day at three o'clock.

Mr. DANIEL moved to lay the resolution on the table.

Mr. SWEETSER demanded the yeas and nays.

Mr. HOUSTON. If the House will allow me, I will suggest whether it will not be better to set some time for closing this debate?

Mr. MEADE. We cannot set the time. We have called for information which I think it is necessary that we should have. I hope debate will not be closed till we get that information.

Mr. DANIEL. I think the only way we can get rid of the resolution is, to lay it upon the table. I hope the House will lay it upon the table, and take up something else.

Mr. SWEETSER. I withdraw the call for the yeas and nays.

Mr. DUNHAM. I renew it.

The yeas and nays were then ordered.

Mr. DANIEL. At the suggestion of gentlemen around me, I will withdraw the motion to lay on the table, and move to amend the resolution, so as to close debate on Monday next at three o'clock.

Mr. OLDS. That is resolution day.

Mr. DANIEL. Then I move to insert three o'clock on Tuesday next.

Mr. DUNHAM demanded tellers on the motion; which were ordered, and Messrs. RICHARDSON, and SPANON of Tennessee, appointed.

The question was then taken, and the tellers reported—ayes 30, noes not counted.

So the yeas and nays were ordered.

The question was then taken upon the motion of Mr. DANIEL, and there were—yeas 81, nays 96; as follows:

YEAS—Messrs. Charles Allen, Allison, Bartlett, Bibb, Bowie, Albert G. Brown, Buell, Busby, Thompson Campbell, Carter, Clark, Cobb, Culom, Daniel, Dean, Dimmick, Disney, Durkee, Eastman, Edmundson, Faulkner, Fitch, Florence, Fowler, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Gilmore, Green, Grey, Hall, Isham G. Harris, Sampson W. Harris, Hart, Howard, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Daniel T. Jones, Preston King, Kurtz, Letcher, Lockhart, McCorkle, McDonald, McMullin, McNair, Meade, Molony, Morehead, Morrison, Murray, Olds, Orr, Andrew Parker, Phelps, Richardson, Riddle, Robinson, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Richard H. Stanton, Stone, Stratton, Strother, Stewart, Townshend, Tuck, Venable, Wallace, Addison White, Wilcox, and Woodward—81.

NAYS—Messrs. Abernethy, Aiken, Willis Allen, John Appleton, William Appleton, Ashe, Averett, Barrere, Beale, Bockock, Bowne, Bragg, Brenton, Briggs, Brooks, Burrows, Edw. Carrington Cabell, Caldwell, Lewis D. Campbell, Caskie, Chandler, Chastain, Chinguan, Conger, George T. Davis, John G. Davis, Dawson, Dockery, Doty, Duncan,

Dunham, Evans, Ficklin, Freeman, Henry M. Fuller, Giddings, Goodenow, Grow, Hamilton, Harper, Haws, Hebard, Hendricks, Hibbard, Hillyer, Holladay, Horsford, Houston, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Robert W. Johnson, George W. Jones, Kuhns, Mace, Mann, Humphrey Marshall, Martin, Mason, McLanahan, Meacham, Millson, Miner, Nabers, Newton, Outlaw, Samuel W. Parker, Peaslee, Penningman, Powell, Price, Robbins, Savage, Schoolcraft, Schoonmaker, Stanly, Benjamin Stanton, Frederick P. Stanton, Abraham P. Stevens, Alexander H. Stephens, St. Martin, Sweetser, Taylor, Benj. Thompson, Thurston, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, Alexander White, Williams, and Yates.—96.

Mr. THOMPSON, of Virginia, asked leave to vote, although he was without the bar when his name was called. Objection being made his vote was not recorded.

The SPEAKER. The question recurs upon the adoption of the resolution now before the House.

Mr. MEADE. I understand the resolution is the same as adopted yesterday. I move to lay it upon the table.

Mr. HOUSTON demanded the yeas and nays; which were ordered.

Mr. STEPHENS, of Georgia. I wish to inquire if the motion to lay upon the table do not prevail, it will not be in order to amend the resolution, by inserting three o'clock on any other day?

Mr. JONES, of Tennessee. I think not.

The SPEAKER. It is in order. It is a resolution in the usual form to close debate at three o'clock upon the Mexican indemnity bill.

The question was then taken on the motion of Mr. MEADE, and there were—yeas 73, nays 104; as follows:

YEAS—Messrs. Aiken, Bartlett, Bocoock, Bragg, A. G. Brown, Buell, Busby, T. Campbell, Carter, Caskie, Churchwell, Clark, Colecock, Daniel, Dean, Durkee, Edgerton, Evans, Faulkner, Fitch, Florence, Freeman, Gamble, Gaylord, Gentry, Gilmore, Green, Grey, Grow, Hart, Holladay, Howard, Ingersoll, John Johnson, R. W. Johnson, D. T. Jones, Kurtz, Letcher, Lockhart, Mason, McDonald, McMullin, McNair, Meade, Molony, Morrison, Nabers, Orr, Andrew Parker, Polk, Richardson, Riddle, Russell, Savage, Scurry, David L. Seymour, Origen S. Seymour, Smart, Smith, Snow, Stone, St. Martin, Stratton, Strother, Stuart, Sweetser, Townsend, Venable, Wallace, Addison White, Wilcox, and Woodward.—73.

NAYS—Messrs. Abernethy, Willis Allen, John Appleton, W. Appleton, Averett, Babcock, Barriere, Beale, Bibbighaus, Bowin, Bowne, Brenton, Briggs, Brooks, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Chandler, Chastain, Clingan, Cobb, Conger, Cottman, Cullom, George T. Davis, John G. Davis, Dawson, Disney, Dockery, Doty, Duncan, Dunham, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Giddings, Goodenow, Hamilton, Harper, Haws, Hascall, Hebard, Hendricks, Hibbard, Hillyer, Horsford, Houston, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ives, Jackson, Jenkins, George W. Jones, Kuhns, Mace, Mann, Edward C. Marshall, Humphrey Marshall, Martin, McLanahan, Meacham, Miller, Millson, Miner, Murphy, Olds, Outlaw, Samuel W. Parker, Peaslee, Penningman, Phelps, Porter, Price, Robbins, Robinson, Sackett, Schoolcraft, Schoonmaker, Seuder, Skelton, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Alexander H. Stephens, Taylor, Benjamin Thompson, George W. Thompson, Thurston, Tuck, Walbridge, Walsh, Ward, Watkins, Welch, Wells, Alexander White, Williams, and Yates.—104.

So the resolution was not laid upon the table.

Mr. ROBBINS. I think the question has been sufficiently debated, and I therefore ask the previous question.

Mr. HOUSTON. What will be the effect of it?

The SPEAKER. To bring the House to a vote upon the adoption of the resolution.

Mr. HOUSTON. Yes, I know that; but the terms of the resolution is to close debate to-morrow, and that resolution, thus worded, was made yesterday. If the resolution is adopted, will the effect be to close debate this evening or to-morrow?

The SPEAKER. It will be for the House to put its own construction upon its own actions.

Mr. DANIEL. I suggest to the gentleman from Pennsylvania [Mr. ROBBINS] to withdraw his motion, and allow the resolution to be amended.

Mr. ROBBINS. I will, and I propose to offer an amendment, that the debate be closed to-day at three o'clock.

Mr. STEPHENS, of Georgia. Will the gentleman allow me to suggest another day as an amendment, and the question will then be first taken upon the longer time. I move that the debate be closed to-morrow at two o'clock.

Mr. ROBBINS. I except the amendment, and I move the previous question.

Mr. MEADE. I suggest to the gentleman from Pennsylvania three o'clock.

The previous question then received a second, and the main question was ordered to be put.

The question was first taken upon the amendment of Mr. ROBBINS, it was agreed to.

The question then recurring upon the adoption of the resolution, it was put and agreed to.

So the House decided to close debate upon the Mexican indemnity bill at two o'clock to-morrow.

Mr. DUNHAM. I move to reconsider the vote by which the resolution was adopted, and to lay that motion upon the table.

Mr. STEPHENS. It is not in order. It has been reconsidered once.

The SPEAKER. The Chair is of opinion that it is not the same resolution in all its parts, and therefore the vote may be reconsidered. Such is the opinion of the Chair.

Mr. MEADE called the yeas and nays upon the motion of Mr. DUNHAM; but they were not ordered.

The question was then taken, and the motion to reconsider was laid upon the table.

PRIVATE CALENDAR.

Mr. DANIEL. I move that the rules be suspended, and the House resolve itself into a Committee of the Whole House upon the Private Calendar.

Mr. HOUSTON. I rise to a question of order. I was upon the floor, was so recognized by the Speaker, and had submitted—

The SPEAKER, (interrupting.) The gentleman from Alabama is correct.

THE PUBLIC PRINTING.

Mr. STANTON, of Kentucky. I appeal to the gentleman from Alabama to withdraw his motion for a moment, to permit me to make a personal explanation in regard to a publication which has been made by the public printer, and laid upon our tables, affecting to some extent my veracity.

A Voice. How long will it take?

Mr. STANTON. But a few minutes.

[Cries "Let him make the explanation!"]

Mr. STANTON said: On the 19th inst., during the debate which occurred upon the resolution ordering a number of copies of the Abstract of the Census to be obtained by the Printing Committee, I took occasion to make a few remarks in regard to the manner in which the public printer was complying with his contract. I stated that the Printing Committee had obtained an interview with Mr. Hamilton, and were given "distinctly to understand that he could not comply with his contract, and did not expect to do so, in this respect, that he was not prepared to furnish such a description of paper as his contract required."

In no other respect did I intimate that he had failed to meet the requirements of his official undertaking, unless the delay which has occurred in the delivery of the President's message and accompanying documents, to which I alluded, may be so considered. I intended to be understood as indicating distinctly the specific particular in which this contractor had failed to meet the requirements of his contract, and confined it to the inferior quality of the paper he had furnished and expected to furnish. I regarded it as a failure in the most material part—a failure which could not be excused by the committee or the House, and one which I, as a member of that committee, would not tolerate. Our public documents are intended to be bound and preserved, and if not printed upon strong and durable paper will be useless. Delay in the execution of the work might be tolerated to some extent, if the material and execution are such as we are authorized to expect; but my sense of public duty compels me, while I might excuse some delay, to require of the public printer the kind and quality of materials for which we have agreed to pay him.

The public printer has addressed me a letter, which has been printed and laid upon the desks of members, in which, while he seems to exculpate from intentional misrepresentation, ingeniously contrives to convey the idea that I have, with a view to injure him, departed from the truth. I have nothing to say in vindication of my own veracity more than the chairman of the House committee, the honorable Mr. GORMAN, has said in the letter which he has been kind enough to furnish me, and which I send to the Clerk to be read:

WASHINGTON CITY, D. C., January 22, 1852.

Hon. R. H. STANTON:

SIR: In reply to your note of this date, requesting my recollection of the statements made by Mr. Hamilton in the

committee-room, in regard to the public printing, I have to say, that the remarks made by you in the House, and reported in the *Globe*, substantially give the effect and substance of what Mr. Hamilton said. As nearly as I can recollect, I will give the particulars of this interview as they occurred. After some conversation between the chairman of the Joint Committee and Mr. Hamilton, I turned to the latter and told him that "it was said by experienced practical printers, that he could not possibly execute his contract without serious loss, and that it had been seemingly demonstrated by figures; that the price he received under the contract would not buy the paper he had engaged to use—paper weighing fifty pounds to the ream—and if not so, he could disprove it, and if he intended to rely upon Congress for relief, we desired now to know it."

To this Mr. Hamilton replied: "He could not get paper weighing fifty pounds to the ream without the cash." I said, "I understood differently, if he could give good indorsers." He replied: "He could not run about and ask his friends to do that for him; that he expected to furnish paper weighing from forty-four to forty-eight pounds to the ream." "But, sir," said I, "this paper has been weighed by the chairman of the Senate committee, and it does not weigh quite forty pounds to the ream." Another sample was then weighed, and it held up to forty-two pounds only to the ream. None that we had before us came up to the requirement of the contract.

I then told Mr. Hamilton of a conversation I had with one of the paper makers, who did business on an extensive scale, from whom I had learned, that when Mr. Hamilton went to him to purchase paper for the public printing, he had selected an article far inferior in weight and other qualities to the contract stipulations, probably not weighing more than thirty-eight pounds to the ream; and when the gentleman informed Mr. Hamilton that it would not fill the contract, he, Mr. H., replied that "it was none of his business;" and Mr. Hamilton, failing to give the price for the paper of proper quality, did not get any. To this Mr. Hamilton replied: "That if he did not give the paper-maker such an answer, he ought to have done it, for he deserved it, and it certainly was not his business."

I told Mr. Hamilton, that I wanted him distinctly to understand, that under no circumstances could he expect relief from Congress, either if he performed his contract and lost money by it, or failed to perform it; and asked him to say distinctly whether he could furnish paper according to the quality prescribed in the contract, and do the work? He said in reply, that "the committee were very tight on him, in requiring him to come fully up to the contract in regard to the weight of the paper; that he had not been able to get paper heavy enough to meet the contract, but expected to do so as near as he could."

In the interview with Mr. Hamilton, he firmly impressed me, and I apprehend every one else of the committee, with the conviction, that he could not comply strictly with his contract, and did not expect to do so, but relied upon the indulgence of the committee in allowing him to furnish an inferior description of paper. I therefore sum up the result of this conference as follows:

First. Mr. Hamilton confessed tacitly that he had not complied with his contract in regard to the weight of the paper, and acknowledged his inability to do so.

Second. That he did not expect to furnish better paper than that exhibited before the committee, samples of which were weighed before him by Colonel Borland, on scales prepared for such purposes, and none of which came up to the requirements of the contract.

Very respectfully,

W. A. GORMAN.

It may be proper to add, that from the interview had with Mr. Hamilton, in the committee room, I was firmly impressed with the conviction, that he designed to impose upon Congress an inferior quality of paper, and relied upon the liberality of the Printing Committee to overlook the matter. His excuses for not furnishing better paper for the documents already furnished, were inconsistent, sometimes frivolous, and never reasonable. At no time, even in answer to direct questions submitted with a view to elicit frank answers, did he promise to procure paper such as was imperatively required by his contract. He either evaded a direct answer, or excused himself by referring to the difficulties of procuring the proper quality of paper.

It is not my nature to be ungenerous, and I am not disposed to deal more harshly with the public printer, as he supposes, than my obligations to the country require. He has sought his own position—he has placed himself in an attitude before Congress which he might have avoided. If he took the contract relying upon its violation to enable him to make money, he has attempted an imposition upon Congress, for which he deserves rebuke and punishment. If he expected to execute his contract in good faith and rely upon the liberality of Congress to indemnify him for losses he would inevitably sustain, he was guilty of stupidity quite as unpardonable. The experience of other contractors, who have been denied indemnity, was enough to enlighten him upon this point. In either event he has entitled himself to no undue favor on the part of Government, and ought not to expect it. The only safety to the Government is in holding contractors to a rigid compliance with their responsibilities; and when we learn to do this, the innumerable frauds and impositions to which Government has been subjected, will cease, and not until then.

The public printer intimates that the effect of my statement was to injure him pecuniarily and personally. I disclaim all such intentions, and have said what I have in discharge of a high public duty.

FEEES OF CLERKS.

Mr. McLANAHAN. I have been instructed by the Committee on the Judiciary to submit a resolution. As it relates to a matter of importance, I ask the unanimous consent of the House that it may be now considered. It asks for information, without which it will be impossible for the committee to come to any definite conclusion upon the fee bill for the district and circuit courts of the United States.

Resolved, That the Secretary of the Interior be requested to furnish to this House the information required, by answers to the following interrogatories in relation to the fees and expenses of the courts of the United States, at an early day, so far as the information can now be furnished from his department, and take measures to procure such information as is not now in his department, to be furnished to this House as soon as obtained.

AS TO THE SUPREME COURT.

1. The name, age, and residence of the clerk of said court; when and by whom he was appointed, and how many years consecutively he has been in office?
2. What sums have been annually paid or allowed to him from the Treasury of the United States, from the 1st of January, 1840, to the 1st of January, 1851, stating specifically the items of payment or allowance?
3. What amount of fees or costs have been received by him between the 1st of January, 1840, and the 1st of January, 1851, from parties or suitors in said court; stating the amounts received each year?
4. Whether any fee bill has been established in said court, when established, and what it is?
5. What number of deputies, assistants, &c., are employed in the clerk's office, stating their duties and compensation?
6. What have been the annual expenditures of the office, within the period aforesaid, for clerk hire and stationery, and giving the specific items?
7. That he state in tabular form the following information:

First. The number of original suits brought in said court each year since its organization, specifying suits in law, chancery, and admiralty.

Second. The number of suits entered in said court by appeal, specifying law, chancery, and admiralty, each in a separate class.

Third. The number of final judgments and decrees entered each year, specifying in a separate class judgments and decrees of affirmance and reversal, and from what district they were appealed.

8. What number of records are printed under the rules of said courts in each case, at what rates or price, under what contract, and what fees or compensation is received by the clerk in respect to said printing.

AS TO MARSHALS.

1. What fees are taxable, charged, or allowed in the Supreme Court, and in the several circuit and district courts of the United States to the marshal for service of mesne, and penal process, mileage, poundage, or other service, when and by whom they have been established?

2. What sums have been annually received by the marshal of each district, from 1st of January, 1840, to 1st January, 1851, for fees or costs from suitors and parties in said courts, classifying cases in law, chancery, and admiralty?

3. What sums have been annually paid or allowed to the marshal of each district by the Treasury Department, within that period, (excluding payments on account of the census,) specifying for what such payment or allowance was made, and its date?

4. What number of deputies or assistants are usually employed by the marshal of each district, (excluding such as are engaged in taking the census,) and what is their compensation?

In what districts have the marshals claimed, or been allowed compensation for supervision, or care of prisoners or witnesses of the United States, while such prisoners or witnesses were confined in jail?

In what manner are places for holding the courts of the United States provided, and what is charged or paid therefor?—state for each place of holding the court.

DISTRICT ATTORNEYS.

1. What compensation or salary is allowed to the attorneys of the United States, in the several circuits and districts, and whether any, and what extra compensation is allowed or paid in any case by the United States?

2. What fees are allowed to be taxed or paid to the attorneys of the United States in the several circuits and districts in criminal cases?

3. What amount of attorneys' fees have been taxed annually in favor of the United States attorneys in each circuit and district court, between the 1st of January, 1840, and the 1st of January, 1851, classifying civil and criminal suits and suits in admiralty?

4. What fees are taxed in civil suits to the attorney of the prevailing party?

5. What amount of fees have been annually taxed in favor of attorneys of record, between the 1st of January, 1840, and 1st of January, 1851, in each circuit and district court, classifying cases at law, in chancery and admiralty?

AS TO CIRCUIT AND DISTRICT COURTS.

1. The name, age, and residence of the clerks of the several circuit and district courts of the United States, when, and by whom appointed, and how many years, consecutively, they have been in office?

2. What relationship or affinity, by blood or marriage, there is between said clerks respectively, and the judges of their respective courts?

3. What sums have been paid or allowed annually, to each clerk, from the Treasury of the United States, between the 1st of January, 1840, and the 1st of January, 1851, stating specifically the items of such payment or allowance, and the date?

4. What amount of fees or costs have been received by each clerk between the 1st of January, 1840, and the 1st of January, 1851, from parties and suitors in said court, stating the amounts received each year, classifying suits at law, in chancery, and admiralty?

5. Whether any fee bill has been established in said courts, when established, and what it is?

6. What number of deputies, assistants, &c., are employed in each clerk's office, stating their duties and compensation?

7. What have been the annual expenditures within the period aforesaid in the clerk's office of each circuit and district, for clerk hire and stationery, &c., giving the specific items of such expenditure?

The question being taken, the resolution was adopted.

The SPEAKER. The gentleman from Alabama [Mr. HOUSTON] moves that the rules be suspended, and that the House resolve itself into Committee of the Whole upon the state of the Union. The gentleman from North Carolina [Mr. DANIEL] moves that the House go into Committee of the Whole upon the Private Calendar; which motion takes precedence, this being private bill day.

The question was then taken on the motion of Mr. DANIEL, and it was disagreed to—ayes 65, noes 67.

The question recurring upon the motion of Mr. HOUSTON, it was put.

Mr. CABELL called for the yeas and nays on the motion of Mr. DANIEL to go into Committee on the Private Calendar.

The SPEAKER. The gentleman has made his call too late.

Mr. CABELL. I do not think I am too late.

The SPEAKER. That is the opinion of the Chair. Does the gentleman take an appeal from the decision of the Chair?

Mr. CABELL. I do. I claim it as a constitutional right to record my vote.

Mr. JONES, of Tennessee. Do I understand the Chair to decide that the gentleman cannot call for the yeas and nays after the result of a vote has been announced?

Mr. HOUSTON, (in his seat.) And after the Chair had really stated another proposition?

The SPEAKER. That is the Chair's decision.

Mr. JONES. The Constitution says, "And the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the Journal."

The SPEAKER. Would it be in order, I inquire of the gentleman from Tennessee, to call the yeas and nays upon a question passed on yesterday? If not, they could not be called upon a question that had passed from before the House to-day.

The question was then taken upon the appeal, and the decision of the Chair was sustained.

ADJOURNMENT TILL MONDAY.

Mr. STANTON, of Tennessee. I proposed a privileged motion, and move that when the House adjourns to-day it adjourn to meet on Monday next.

The question being taken, the motion was disagreed to, there being upon a division—ayes 62, noes 86.

THE MEXICAN INDEMNITY BILL.

The question was then taken on the motion to go into Committee of the Whole on the state of the Union, and agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

Mr. HOUSTON moved that the committee take up House bill No. 46; which motion was agreed to.

The committee accordingly proceeded to the consideration of the bill to provide for the carrying into execution, in further part, the twelfth article of the treaty with Mexico, concluded in Guadalupe Hidalgo.

The CHAIRMAN stated that the pending question was on the amendment of the gentleman from California [Mr. MARSHALL] to the amendment of the gentleman from Tennessee, [Mr. JOHNSON], and that the gentleman from Massachusetts [Mr. ALLEN] was entitled to the floor.

Mr. ALLEN said: Mr. Chairman, I should have had no disposition to mingle in the renewed debate upon the Mexican indemnity bill had not

misrepresentations gone forth from a portion of the public press respecting certain matters discussed by me when the same subject was before the House near the close of the last Congress. I should have been content with the discharge of my duty to my country on that occasion; and with the record of the past before them, have left to the present House the disposition of the whole subject, contenting myself with a silent vote.

But, sir, the necessity of correcting misapprehension brings me before the committee to ask its indulgence while I review some part of the proceedings of last year, during the pendency of a similar bill, and restate the position which I took in regard to its merits.

In February, 1851, a bill to appropriate \$3,180,000 for the payment of the last installment of the money due by the treaty of Guadalupe Hidalgo to the Republic of Mexico was under discussion in Committee of the Whole House on the state of the Union. By the terms of that treaty, the money was to be paid to Mexico on the 31st of May, 1852. Fifteen months, therefore, remained before the payment would become due; and in the course of the debate the inquiry arose, in what manner and by what instrumentality the transfer of necessary funds was to be made. The fact was then disclosed, that the Secretary of State had, in the summer of 1850, negotiated a bargain with T. W. Ward, of Boston, as the agent of the Barings, Howland & Aspinwall, of the city of New York, and Corean & Riggs, of the city of Washington, in pursuance of which contract funds of the United States to the amount due to Mexico were to be placed at the disposal of those gentlemen, and they were to make payment to Mexico according to the terms of said treaty. For the benefits to be derived by those bankers from the agency they had assumed, they were to allow this Government a discount of three and a half per cent. upon the funds delivered to them. In the course of debate it appeared that dissatisfaction was felt by other parties than the successful applicants for this agency, in the transfer of funds, and that at least one house of undoubted credit (the Rothschilds) had stood ready to offer to this Government a larger sum, by many thousand dollars, than was stipulated to be paid by the brokers with whom the contract was in fact made. It also appeared that the Secretary of State, almost immediately upon his assumption of office, had made the contract definitively with the Barings and their associates without affording any opportunity for other houses to present their proposals. That the agency was a source of emolument, directly or indirectly, commensurate with the magnitude of the funds, \$3,180,000, to be transferred to the parties contracting with the Government, no one will deny; and it is equally indisputable that if, instead of hastily closing a bargain upon the first offer of negotiation, an opportunity had been given, for which there was more than ample time, for competition among responsible brokers and bankers for the prize which many would eagerly have sought, much better terms might have been obtained by the Government with equal security upon their fulfillment. And, in addition to the direct pecuniary advantage to have been derived by the United States by a fair competition for the avails of the agency in question, there would have been a satisfactory assurance in the minds of the public, and of all concerned, that the interests of the nation had been protected, and no suspicion of favoritism would have rested upon the transaction.

Another mode of meeting the demands of Mexico remained, more honorable still to this country, as it would have dispensed with all negotiation with brokers, foreign or native, and been kind, conciliatory, and beneficial to a feeble Republic, to whom the fortunes of war had awarded a few millions of dollars in exchange for the sources of inexhaustible wealth, and the dominion of an empire. No member of this committee can have adverted to portions of the correspondence of the Mexican Minister, which have been laid upon our desks, without being impressed with the belief that the Mexican Government would gladly have received this installment of the indemnity in acceptances by our Government at Washington, and that fear of giving offence to the Secretary of State, by interfering with his chosen mode of payment, alone prevented an early proposition to that effect. It was so obviously for the interest of Mexico to allow to this Government for difference in exchange, a larger

sum than three and a half per cent., to be paid by the Barings and their associates, and receive her indemnity at Washington, that resort is had to the terms of the treaty for an objection against this mode of procedure. And it is further alleged that the Senate refused to allow a provision to be inserted in the treaty, by which drafts on this Government for the several installments were to be delivered to Mexico on the ratification of the treaty. This objection is well answered by reference to the condition of things at the time of the ratification of the treaty, before our army had been withdrawn from the invaded country, and to the policy which dictated the withholding at that time of a large amount of the negotiable obligations of the Government. It is an objection which never suggested itself to the minds of General Taylor's Cabinet. It was the desire of that Administration, in consideration of the necessities of Mexico, to adopt this mode of payment; and nothing but the failure of the Mexican Minister seasonably to receive instructions to that effect, prevented such an arrangement from taking effect prior to the payment of the second installment.

But, sir, I waive the further consideration of the expediency of paying the indemnity directly, and without the intervention of brokers, to the agents of Mexico at Washington. Let gentlemen dismiss that argument if they please from their minds. And I have still very grave objections against the course pursued in this business by the Secretary of State.

In the first place, I assert that no officer of the Government had any right to negotiate definitively for the payment of the money two years, or one year, in advance of an appropriation of Congress therefor.

In the second place, if the right of any executive officer to make such a negotiation, at such time, were admitted, it would be the duty of that officer, for the protection of the rights of the country, as well as to avoid favoritism in the disposition of an immensely profitable contract, to throw it open to fair competition among those who are equally competent to the business, and responsible for any failure in its performance.

And, in the third place, I deny entirely the right of the Secretary of State to negotiate with the brokers at all for the payment of the Mexican indemnity. It was an assumption of duties which belong to another officer of the Government.

Now, sir, in briefly presenting my views, as I shall do, I ask this committee to look at the facts which are before them, and which will be before them, to separate this matter from considerations which do not belong to it, and to dispose of it, as I doubt not they will desire to do, in the exercise of judgments unbiased by prejudice. It is not an unusual thing here for skillful and dexterous men, by influences in the House, and more especially out of the House, to connect the subject-matter under consideration here with topics entirely foreign to that which properly invites the attention of this body, and thereby diverting its regard from the true issues which are submitted to it.

The question simply is, Has a proper and suitable arrangement been made with the Republic of Mexico and in reference to the payment of this indemnity? I cast from my mind all other considerations whatever. I recur not to other subjects. But I wish to look to the facts which lie before me, and which belong to the case, and all I ask of the committee is, that they will do the same, and come to such conclusions as those facts shall justify. Let me say, also, that during the debate which has already taken place upon this question, I think we have been led away from the true issue which is before us. There has been a representation or memorial presented for the consideration of the House by the Messrs. Green, in which they make complaint that they had no opportunity of competing for this contract, and the benefits resulting from it. Well, if such is the fact—if these gentlemen were desirous of negotiating with the Government, and could furnish to the Government ample security for its indemnity against loss, but had no opportunity of offering their proposals, then I do not see but that their complaint is a just one. Yet I do ask that the issue may not be tried upon this question, whether the Messrs. Green have been treated fairly or improperly in this matter. The issue that has been raised between the chairman of the Committee on Foreign Relations, on the one hand, and the

Messrs. Green on the other, and the subjects which have been introduced by the chairman of that committee in connection with the memorial of those gentlemen, have engrossed, as the committee are aware, almost the whole time during which this discussion has been in progress.

I urge, therefore, upon the consideration of this committee, that they do not permit the various questions which have arisen between the Messrs. Green and the chairman of the Foreign Relations to divert their attention from the true question before them. This matter, which relates to the grievances of the Messrs. Green, may be a proper one for the consideration of the House, but beyond that and above it, and the subject which should engross the attention of the House almost to its exclusion, is the great question whether the course of any department of the Government has been correct and proper in the whole disposition of the business which related to the Mexican treaty. Set aside, therefore, all consideration of the question as it respects fairness or unfairness towards the Messrs. Green. With that certainly I have nothing to do. They have no concern with my purposes or my motives. They prompted not the course which I have pursued; neither could they have prevented or interfered with that which I saw fit to pursue. Let me, therefore, not prejudice their merits before this House; and on the other hand, let not the case which they present be so exclusively regarded by this House, or receive such prominence in the consideration of this question, that other matters, which are far more important, shall be in danger of being lost sight of and forgotten.

In respect to the first position which I have taken, that no officer of this Government had a right to make a definitive negotiation in advance of the appropriation of Congress, I should like to see the first member of this committee who disputes the correctness of that proposition. I have heard no one in his place in this House deny, for a moment, its correctness. There seems to be an implied assent to the proposition on all sides of this question. If any member undertakes to say that it was proper to make a definitive negotiation for the payment of money, with bankers and brokers, nearly two years in advance of the appropriation of Congress, I should be very glad that he should rise in his place and say so at this time. If we are all agreed on that matter, if no one undertakes to dispute the proposition, then I will not undertake to enforce it by any argument before this intelligent committee. I will not undertake to prove to the committee that this House holds the purse-strings of the nation, and that no matter what treaty may have been negotiated several years since, no matter what sum of money it may have been agreed by that treaty should be paid to a foreign government, yet, until there shall be an appropriation by this House, no negotiation can be concluded with any party, for any consideration, by which that party shall obtain the guarantee of the Government that the funds of the United States shall be placed in the hands of such party for any purpose connected with their disbursement. Many causes might have arisen after the negotiation of that treaty to supersede the payment altogether. War might have been renewed with Mexico, or in the lapse of two years new arrangements might have been made with that power. But it is not necessary to point out contingencies that might have arisen. It is enough to say that this House has control of the purse of the nation, and, until it loosen the strings, no man has a right, in advance of its action, to put his hands upon the public funds, or to transfer that right to another.

Then, sir, if I am correct in the general proposition, what follows? It follows that the Secretary of State has violated this wise and salutary principle. He has made a contract with the Barings and their associates for the disbursement of the public money, in flagrant disregard of it. And now, sir, who will dispute the correctness of the second proposition, viz: that if an officer of the Government had been authorized, in the discharge of his general duties, to negotiate with bankers and brokers, by the result of which, between three and four millions of the property of the United States should be placed in the hands of those bankers and brokers, in consideration of certain services to be performed by them, the negotiation should be so conducted as to throw open to competi-

tion by responsible houses, the lucrative business of disbursing the public funds? Of the immense value of the contract with the Government for the payment of the Mexican indemnity, the facts presented afford us some knowledge. Its full benefits the brokers understand better than we do. And hence the eager struggle to obtain possession of the prize. I think no man who takes these matters into consideration will say that there ought not to have been fair competition. The contract ought not to have been made—in the entire ignorance by the public of the whole transaction—with the person who should be fortunate enough to obtain by some means knowledge of the opportunity of gain, and to come forward with the first proposition. Why, I believe, in purchasing the stores for your Army and Navy for the various stations and depôts throughout the country, you do not buy a few barrels of beef or provisions of any kind, to be forwarded for your Army and Navy, without opening a fair competition to the whole country. You send your proposals through the public newspapers. Now, I do not say that the Secretary of State, or the Secretary of the Treasury, was bound to pursue that identical course rather than any other, and advertise this contract in the newspapers of the country; but I do aver, that having two years before him for the payment of the installment then under consideration, it was his bounden duty to wait until the public in the principal cities, in the country, and abroad, should have been informed that the Government were disposed to negotiate in this matter; and to go further, if necessary, and correspond with those whose business it is to furnish the facilities which the Government requires, and to reap the benefits which the Government bestows, that they be informed, and the interests of the Government protected by competition, rather than that the contract should be given, as a matter of favoritism, to the earliest applicant.

I believe the friends of the Secretary of State, and his supporters in this House, have, in debate here, admitted that the course which was pursued by the Secretary in this particular, in making his contract with the Barings and their associates, without affording an opportunity of competition to any other persons, was wrong in principle; and the only answer which has been given to objections which have been made to this proceeding is, that however much the Government may have lost thereby, it is too late to correct the error. Such was the argument of the gentleman from New York, [Mr. Brooks.] While on one hand it has been said that it was too late to correct the error, on the other, I think there was some very faint denial that the arrangement with the Barings and their associates was definitive in its character. Upon this point it is necessary only to refer to the letter of Mr. Webster to Mr. Green, dated the 2d of September, 1850, in which he states that "he had made a definitive arrangement with Messrs. Baring, Brothers & Co.," &c., and cannot, therefore, listen to any terms from any other quarter.

I now come, in passing hastily along, to my third proposition, which is, that the Secretary of State had no right whatever to interfere in this matter, under any circumstances. I have asserted that it was without precedent, and contrary to precedent. I do not know whether I correctly understood the chairman of the Committee on Foreign Affairs, [Mr. Bayly,] but I understood him to state that one installment of the Mexican indemnity was negotiated with the brokers and bankers by the late Secretary of State, (Mr. Clayton.) I see that gentleman now in this Hall, and I desire to ask him whether I correctly understood him?

Mr. BAYLY. The gentleman is mistaken. On the contrary, I stated that that installment was negotiated by Mr. Letcher, our Minister in Mexico.

Mr. ALLEN. Mr. Letcher, who was in Mexico, had nothing to do with the contract with the bankers, and I now understand the gentleman to say that the Secretary of State had nothing to do with it. I am aware that he had not; but I will tell this committee what he did. He negotiated with the Mexican Minister in relation to the terms of payment, and the time and place of payment; but when that negotiation came to an end, and arrangements were to be made with the brokers, Mr. Clayton at once gave up all connection with the business. He would have nothing to do

with it. He had too much regard for his own reputation. He had too much regard to a sense of propriety to interfere in a matter so delicate, and one in reference to which there was so much room for misapprehension, to say the least. He would not interfere with the duties which properly belonged to another officer. Now, sir, whoever will inquire into the course of proceeding in this behalf adopted by the present Secretary of State—whoever will examine that course thoroughly and critically, and sift it to the bottom, will find that when he came into office, he did instantly and eagerly what the former Secretary of State (Mr. Clayton) had refused to do. He assumed upon himself the negotiation for the payment of the installments of the Mexican indemnity at once—almost immediately. It was but a few days from the time he commenced his official course, that he instituted a negotiation with the bankers and brokers for the payment of a large sum of money, for which, perhaps, at some future day, Congress might make an appropriation. Now, I ask, what authority the Secretary of State had for this? I ask why he disregarded the precedents in the case?—why he assumed the duty of another officer? To learn what that duty is, we have but to look at the bill before us. What are its provisions? It simply makes an appropriation of so much money to be paid out of the Treasury in liquidating the debt due to Mexico. Now, sir, there is no legislator in the country; there is no man who has had anything to do with the affairs of his own commonwealth, or even with the affairs of his own county or township, who is not competent to decide this question—who does not know that when there is nothing to be done but to pay a certain sum of money out of the Treasury, it becomes the duty of the Treasurer to make that payment, and not the duty of any other officer.

It is doubtless the duty of the Secretary of State to negotiate treaties with foreign ministers. But when the negotiation is concluded, and nothing remains but to appropriate a sum of money out of the Treasury, I hold, and I believe it has always been held in the history of this Government, that the duties of the Secretary of State have been discharged, and that the payment of the money is a duty which belongs to another officer.

But I must hasten onward. I took occasion last year, in the course of the discussion upon this bill—though it came suddenly upon me—in the discharge of what I believed to be my duty, to charge upon the present Secretary of State unnecessary and improper interference in a transaction which did not devolve upon his office, and for which there is no evidence that he is peculiarly qualified to undertake. The Secretary of the Treasury, but not the Secretary of State, is selected for his skill in financial affairs. I further urged upon this House, that the relations which the present Secretary of State sustains to the capitalists and bankers, are such as render it highly improper and unfit that he should take it upon himself, unnecessarily, to discharge the duties he assumed. Now, what were those relations? It had come to my knowledge—and it seemed to me a proper matter for the knowledge of the House—that when the Secretary of State took upon himself the office which he now holds, he entered into a negotiation quite as remarkable, to say the least, as the negotiation which it appears he made with the Barings and their associates. It was a negotiation with men of a character, class, and description similar to that of Mr. Ward, of Boston, and Howland & Aspinwall, of New York; a negotiation, by which, as an inducement for Mr. Webster to take the office which he now holds, a sum of money was to be furnished—\$50,000—to support him in that office. Now, I do not say that Mr. Ward was a party in this negotiation, either directly or indirectly, nor do I say that he was in any way a contributor to that fund. Neither do I say that he was not directly or indirectly a contributor. I know the names of some of them. When the collector passed through certain streets in the city of Boston, calling upon the neighbors of that gentleman and his associates in like condition with himself, for their respective contributions, I do not know what mark he may have found upon the door-posts of that gentleman, which induced him to pass his house, without calling upon him also for his contribution. Nor do I know that when the collection was taken up in the city of

New York, among those who are familiarly called the upper-tendons there, that Messrs. Howland & Aspinwall were contributors also; but I am satisfied of this fact, and I offered at the time to prove to this House, by evidence then within the reach of my voice, that the associates of these men, if not themselves also, were among the persons who were contributors to this fund.

[Here a message was received from the President of the United States, by the hands of MILARD P. FILLMORE, his Private Secretary.]

Mr. ALLEN, (resuming.) Now, it is for this House to say, and for the country to say, whether these facts should be made known, or should not. *Mark the time when the contract was entered into with the Barings and their associates.* Mark the time, also, when the contract was entered into for the raising of the sum of \$50,000 to support Mr. Webster in the office of Secretary of State, by the same description of men to whom they belong, if not by themselves also. When was this contract made with the Barings? On the 31st day of August, 1850, Mr. Green writes to Mr. Webster informing him that such an arrangement had been made by him with the Government of Mexico, that he was authorized to negotiate for the payment of this money. Two days after, the Secretary of State replies that he had already made "a definite arrangement a few weeks ago with Barings, Brothers & Co., Howland & Aspinwall, and Corcoran & Riggs," for payment of this money. You will bear in mind that this letter from Green to Webster was written upon the 31st day of August, and the reply upon the 2d of September. If you will turn to that reply, found in the *Telegraph*, which has been laid upon our tables, you will find the Secretary says a "definite arrangement" was completed some weeks before that period. Well, the Secretary had not then been in office six weeks. He took the office on the 22d of July, and the proposition of Mr. Green was made on the 31st of August; and he replies that "a few weeks ago" a definite arrangement had been made. When was the other definite arrangement made? At the time the Secretary took his office. Just before he accepted the office the agreement was made as to the sum to be raised, and capitalists went on and consequently raised the money. Now, if the contract was made with Barings and their associates some weeks before this proposition of Mr. Green to Mr. Webster, does it not follow irresistibly that the contract was going on with Mr. Ward and Howland & Aspinwall at the very time when the negotiation was going on for raising this sum of \$50,000? Now, sir, these things are joined together by facts which belong to the immutable history of the past, and no man's ingenuity can put them asunder. And it is for gentlemen to say—and not you only whom I address, but it is for the country to say, whether a free representative of a portion of the free people of this country ought, upon an occasion like this, to make a disclosure of these facts, or to withhold them? There was a denial in this House of the truth of the facts, but that denial was followed by an offer to prove them upon the spot. The friends of the Secretary came forward and resisted to the utmost any investigation, upon the proffer of an investigation made in my behalf, and urged by me, and upon a proffer to prove the facts as I had advanced them. And through that influence, and through the force of artful appeals to prejudices which, I trust, have been weakened since the last Congress, the friends of the Secretary were able to prevent that disclosure, and to preclude an examination into the facts of the case at that period, when certainly there was ample time for full examination.

Sir, I hasten on. Although there was the denial I have spoken of, yet it was found to be unsafe, and the friends of the Secretary afterwards, at Boston and elsewhere, admitted the material facts in this case. It was admitted that the money was raised, and at the time it was alleged to have been raised. But false issues were presented through the papers. I have not seen fit to meet those issues or correct those misrepresentations. This is the fit time, and this House the proper place, to reinstate the true issue.

One newspaper, friendly to the Secretary, asserted that one Mr. Haven, of Boston, received the proposition from Mr. Webster to have this sum of money procured, and then Mr. Haven comes before the public in a letter, and says he did not receive such a proposition; and to assure

the public of the fact, he publishes a letter which he says he did in fact receive from Mr. Webster. It is the very remarkable epistle written just after the death of General Taylor, in which Mr. Webster says that no man who is not "rich or a batchelor" can afford to take the office of Secretary of State. He also informs Mr. Haven that the present is the time to be taken by the forelock, and concludes with recommending to that office a distinguished gentleman of Massachusetts, whom nobody else had thought of, and whose lamented physical infirmities had compelled him to resign the comparatively light labors of presiding officer over a literary institution. The letter thus made public, furnished to discerning men satisfactory proof of that which it was supposed by Mr. Haven to conceal or refute. I did not introduce the name of that gentleman into the debate of last year. His controversy, if he has any, is with other persons.

I will, in closing, advert to one other misrepresentation, by which the friends of the Secretary sought to palliate the transaction they could no longer deny. It is the assertion that the contributors to the Secretary's subsidy were men who had retired from public life, and the concerns of business, and who were induced, by most disinterested considerations of regard, to tender a gratuitous acknowledgment of services rendered to the country. If such had been the nature of the transaction, a publication of the names of the generous donors would have furnished the readiest and most satisfactory evidence of the fact. But, sir, whenever the friends of the Secretary shall consent to an investigation of the subject before a committee of this House, it will be made to appear that this statement of the transaction is as unfounded as it is improbable. Having sought heretofore for a full development of the circumstances under which the Secretary entered upon his office, nothing remains for me to do, but to evince my readiness to enter upon an investigation of the facts, whenever the objections to the appointment of a committee for that purpose shall be withdrawn; and I pledge myself to this House to prove, whenever an opportunity shall be presented, all and more than all I have asserted.

Mr. ALLEN expressed a wish to continue

[Cries "Let him go on!" "Let him go on!"]

Mr. ALLEN. Will the gentleman allow me a few moments?

Mr. DAVIS, of Massachusetts. Are these few moments to come out of my time?

The CHAIRMAN. They will.

Mr. DAVIS. Then I will not allow him the tenth part of a second.

Mr. BAYLY, of Virginia. If the gentleman from Massachusetts will allow me, I will say that there is a response to the resolution which we passed yesterday. I suggest that it be read now.

Mr. DAVIS. I would rather go on now. Mr. Chairman, as it regards the general points which have been raised here in reference to the payment of this indemnity, I have not the advantage of the experience which many gentlemen about me possess. But for some peculiar circumstances, I should have been content, and, indeed, I should have preferred to have heard this debate through, and argued upon its general questions, by gentlemen much more competent than myself to argue them, and to have given my vote as I might have finally made up my mind upon the argument. But before proceeding to dwell upon some particular considerations, I will merely say that the impression left upon my mind is, that there can be but two questions here. The resolve before the House is for the appropriation of three millions of money in payment of the last installment due from us to Mexico by the treaty of Guadalupe Hidalgo, and falling due May 31st, 1852. It is well understood that this appropriation, when made, unless Congress shall otherwise direct, will pass through the State Department. On the question whether such vehicle of payment is in conformity with usage, or whether there is any objection to it in principle, I have made no personal examination of authorities. And while it appears to me that two minds of equal fairness and acuteness might, perhaps will, come to opposite conclusions upon this question of form, treating it as an original question, I still see no reason for disturbing the conclusion to which General Taylor's Cabinet, two successive Democratic Committees of Ways and Means, and the last House of Representatives, have successively arrived on that point. I find

that General Taylor's Cabinet, against which no suggestion of favoritism or undue influence is, at this time, made, acted upon the ground that this was proper matter for negotiation by the Secretary of State. I find under these circumstances that Mr. Webster, in taking charge of this matter, did no more than follow the course indicated by his predecessors. Such was the opinion of General Taylor's Cabinet. What, then, are the next facts in the case? Here are two Committees, in succession, of Ways and Means of this House that have been organized by Democratic Houses. They have been committees containing men of experience and judgment—men with no particular partialities or predilections for the Administration or for Mr. Webster. I do not know the names of all the members of the Committee of Ways and Means in the former House, though I have reason to respect it, from what I have known of its constituent members. With regard to the present existing committee, every gentleman must understand that it is not organized in such a manner that it can be supposed to have any personal bias or predilection for the Administration. And it may also be stated, as regards that committee, that it is composed of a body of men of as good judgment, of as large experience, and of as reliable honesty as can be found in this House. These two successive committees, upon this abstract question, free from personal bias, have unanimously reported and taken a course sustaining the view of the Secretary of State upon this point; or rather, to state the thing more accurately, they have unanimously reported the appropriation, without seeing fit to recommend any interference with the mode in which it was well understood that the funds would be remitted. This consideration goes a great way to satisfy my own mind, with the limited opportunity I have had of making myself personally acquainted with the subject. Presuming, then, that it is regular enough that this installment, falling due under a treaty with a foreign Power, should pass through the department through which the Government habitually communicates with foreign Powers, what is the next consideration? Is there anything going to show the probability of favoritism or irregularity on the part of the Department which is likely to be intrusted with the payment? I see that my colleague, in his speech just made, has introduced no new personal matter of any importance, for I have examined the *Congressional Globe* which contained the former debate in reference to this matter. Every fact which could be brought against the Secretary of State was urged fully and thoroughly in the last House; but there are a number of facts, most conclusive in their character, in favor of Mr. Webster's course, which it seems to me did not then appear. With the full benefit of the examination which my colleague and others then gave the subject, what was the result? All these questions came up, and in an anti-Administration House, there was a vote of something like one hundred and twenty-eight to thirty-six sustaining Mr. Webster. The letting out to open bidders, the propriety of which my colleague now deems so clear that he thinks Mr. Webster could only have omitted it from fraudulent design, was then urged upon the House, and rejected by a vast majority. How idle is it now to say that there are certain things in the action of the Secretary of State that no man can justify, when, in point of fact, a Democratic House after full debate, justified and sustained him at every point. Take it, as the gentleman claims, that it was a contract which might or might not be made void at the pleasure of the House. The House went on with a full knowledge of the facts, and confirmed and sanctioned it. Under these circumstances, and after such sanction and authority given by this House, it looks like trifling to recede; and certainly not one word can be said against the Secretary as to the improvidence of the contract which does not apply with a fuller force to the House, which on full debate and knowledge ratified every step he had taken. Thoroughly fortified, then, as the Secretary is, no less by the facts of the case than by the opinions of the numerous weighty tribunals which have examined the case and sustained him, I must say that I should hardly have felt inclined to trouble the House at this time, had not other suggestions been made. From whom do they proceed? What party is before us from the outside making any lament or outcry? There is much said about the sufferings of the Mexican Republic,

and there is a strong sympathy for it. Who by? Where is the Republic? I see no Republic, nor any one claiming to represent it. The party that is alleged to have suffered does not say a word—is not here, and makes no complaints. The Messrs. Green are here, and it is their outcry only that stuns the ear. Now, as to the complaint of the Messrs. Green, I have only to say, that it would be the most singular thing if they were not indignant at Mr. Webster, who rejected their proposition. It would, indeed, be singular if they did not hate him with a bitter, irreconcilable, Indian hatred. Why not? But for him they think they would have received a princely fortune, wrung from the necessities of Mexico. They have one hundred and seventy-five thousand good reasons for hating him. These men expected, without capital, by the use of their wits in going backwards and forwards between these Governments, to put into their pockets what they call, in one of their papers, "the paltry commission" of \$175,000. There is, sir, a touching generosity of soul exhibited in the first ground which these gentlemen allege as their reason for interposing between ours and the Mexican Government. I read from their memorial addressed to the President:

"Mr. Marks was also a warm personal friend and admirer of the present distinguished head of the Mexican Government, and of the members of the then existing Cabinet, and his and our attention was drawn to this subject of the indemnity less by any desire to make a profit out of it for ourselves than by sympathy for the Mexican Government, and indignation at the combinations formed by foreign bankers to plunder the Treasury of our own Government, as well as Mexico."

But this disinterested sympathy yields presently to the austere suggestions of prudence, enforced by Scripture. They go on to say—

"But, sir, we have it from high authority that the laborer is deserving of his reward; and the Mexican Government, in availing itself of our labors and suggestions, could not, in honesty and good faith, do less than admit that we were entitled, as compensation, to some small part of the large sums thus to be saved to both Governments."

This "small part" they afterwards describe as follows:

"Our compensation was thus to be only on the \$5,000,000, and was the difference between the premium to be paid to the United States, (say four and a half per cent.,) and the eight per cent. to be allowed by the Mexican Government. viz: \$175,000."

Now, sir, when you find that the three great houses, with solid capital, to whom Mr. Webster intrusted this business, actually made on the three millions paid over by them less than thirty thousand dollars profit, you will be prepared to estimate at its true value the "sympathy for the Mexican Government," which would have extorted \$175,000 for the mere service of getting our Government's name to some bills of exchange. Now, we have the fact that Mexico makes no complaint, and that every dollar due to her has been paid with austere and rigid punctuality.

I will suppose another state of things which, if it had existed, might possibly have given ground for just suspicion. I will suppose that Mr. Webster had withdrawn the transaction of this great affair from the ancient and solid banking house which had for nearly three quarters of a century faithfully and accurately transacted similar business for this Government, and had put it in the hands of two gentlemen, not capitalists or bankers, and who received \$175,000 for causing him to give the business that direction. I can imagine that in such a case not even the high character of Mr. Webster would have protected so singular a transaction from something of suspicion. His employing the houses which he did employ, at the very moderate rates of profit which they did actually realize, is in fact the most simple, natural, and probable transaction in the world. No one can read the memorial of the Messrs. Green without being struck with the skill with which their griefs for the alleged sufferings of Mexico, and for their own failure to shave \$175,000 out of Mexico, are blended and harmonized. A popular poet recites the not dissimilar incident of a shipwrecked crew suffering the additional loss of the ship's cutter, containing a number of their comrades, as well as a quantity of necessary provisions. The grief of the survivors is thus described, in language which the complaints of the Messrs. Green do not fail to call to mind—

"They grieved for those who perished in the cutter,
And also for the biscuit, casks, and butter!"

But I concur with the Messrs. Green in one point. I think Mexico is entitled to careful and

generous treatment at our hands. She has suffered enough from our armies, without being further depleted by our money leeches. Never was an act wiser or more righteous than that which gave Mexico her installment dollar for dollar, at a profit to the contractors of less than one per cent., and saved her from paying to intermediate brokers alone a shave of four.

My colleague, upon the one hand, is resolute in his condemnation of Mr. Webster for making any contract; and, upon the other, argues that the Government ought to have gone on and accepted these bills. It is a remarkably constituted mind which sees no legal difficulties in the way of the Government's accepting bills, or making the payments in Washington in contravention of the treaty, but sees mountains in the way of the Secretary's making a legal contract to provide for the payment of the installments in Mexico according to the treaty. General Green I do not know personally, and certainly in relation either to him or to Benjamin E. Green, I have no disposition to say anything harsh. It is obvious that they have succeeded, to some slight extent, in impressing with their views some gentlemen in this Hall who, perhaps, have not had full opportunity to examine the subject. I have, however, been struck throughout this debate at the caution which gentlemen, who have taken the other side of the question, have used in speaking of the Secretary of State. They have only alluded to him so far as is necessary to aid in the making out of their case. They have not traveled out of the record for the purpose of investigating his private affairs. That has not been resorted to out of a House of two hundred and forty-two members, composed of gentlemen of various feelings and politics, except by one gentleman who has gone without the record to investigate the private relations of Mr. Webster. Now, is not it possible that he may be mistaken in his own motives and feelings? Did not it occur to him that this debate was not sufficiently spicily, and that the stimulus of a little hatred ought to be thrown in "to make the mixture slab and good?"

Did not he, as the debate proceeded, and gentleman after gentleman arose opposed to the Administration, treating the question upon general grounds, and particularly when that letter came in from these bankers which shows they only made three and a half per cent. upon the transaction, including two and a half per cent. received for the loan of their own funds where the Greens had intended to have made \$175,000, have something of the feeling of a lawyer whose client unexpectedly settles a promising case before trial, or a physician whose patient gets well without giving a chance for any expenditure of medicine? It did appear to me, that after the statement of those agents was received and read, there was nothing left for the rancor of the most rancorous to feed upon. I remember that an English historian remarks (very unjustly, I think) of the Puritans, that they were opposed to the practice of bear-bating, not because it was cruel to the bears, but because it was pleasing to the spectators; and there are some, possibly, to whom a great principle does not seem acceptable or lovely, unless it can be contorted into the means of giving pain or torture—unless there can be a wound inflicted, and the poisoned knife twisted in the wound. And we find a most singular combination here. We find General Green, whose controlling reason for hating the Secretary of State was the loss of these profits, linked in the bands of common hatred with gentlemen in this House to whom, in every other particular, he is most diametrically opposed. Gentlemen who, in their political associations, hate each other most cordially, are here brought together in the same truckle-bed. Although my colleague took great pains to separate Mr. Green's claim from the general merits of the case, still this case is brought into the House by Green's memorial, and it is Green's memorial and Green's views which constitute the basis upon which this controversy has been carried on. Up to 1848, the time when my colleague left the Philadelphia Convention because Mr. Webster was not nominated as a candidate for the Presidency, and because General Taylor was—I couple the two things—so far was he from thinking ill of Mr. Webster, that relations of strong friendship subsisted between them, and he considered him a proper person to fill the highest office within the gift of the people. What has he told us to-day?

Is it anything more than a renewal of what was said at the last session? What is there in it new to the American people? Nothing. It is an inevitable incident to greatness, that its pangs and struggles are as bare to the public eye as its energies and achievements. There is not a man who does not know that the great statesman of the country is as indifferent to money as he is devoted to the higher cares of the public weal. There is not a man, perhaps, (except my colleague and some of those who think with him,) who does not wish that the order which reigns in that vast understanding, and reduces to their elements the most complicated national questions, were equally exemplified in every detail of his personal expenditure. But it is not so. His devotion to the public has left him neither time nor disposition to take care of himself; and this well-known fact leaves the question simply whether the public, in exigent crises, shall be deprived of his services, or whether friends shall aid him. Nor is this case, however sad, a rare one. If the views of my colleague could prevail, neither Burke, nor Pitt, nor Canning, in the Old World, nor I think Jefferson, or Madison, or Monroe in the New, but would have been disqualified by their poverty, and that very unthrif which devotion to great thought produces, from lending their great powers to their country's service.

But as regards the facts: My colleague has said that he has been induced to speak to-day by the fact that his remarks on a former occasion have been misrepresented. Two years ago, in this House, he claimed that not merely had certain donations been made to Mr. Webster, but that their being made was the consideration and inducement in consequence of which Mr. Webster accepted the Secretaryship. If my colleague will look at the *Congressional Globe* he will find that was his statement.

Mr. ALLEN, (in his seat.) I say so now.

Mr. DAVIS. He says so now, that that was the object for which these subscriptions were made, and that Mr. Webster was thus induced to accept the Secretaryship.

My colleague's memory failed him this morning. He said he had not thought it wise or prudent to set himself right before the country, through the medium of the press, or to correct misrepresentation in any other place than here. Here was the proper place. That sounded manly, but still it is not correct in point of fact, as I understand. Before one of the trials in my colleague's Congressional district—and the facts I am about to relate led to the writing of the letter I now hold in my hand—there was a political meeting held in the city of Worcester, in reference to his election. My colleague was sick, and a gentleman from Boston, Mr. Dana, a man of high character and standing, belonging to my colleague's party, came up and addressed that meeting. As I understand—and my colleague can correct me if I am wrong—this gentleman, before he went to that meeting, had a personal interview with my colleague, at which it was arranged and understood what were the views to be presented as regards this matter.

Mr. ALLEN. No.

Mr. DAVIS. Does my colleague deny that he saw Mr. Dana just before that meeting?

Mr. ALLEN. I do not deny that I had an interview with Mr. Dana.

Mr. DAVIS. I ask my colleague, whether he denies that at this interview with Mr. Dana, he talked about that subject?

Mr. ALLEN responded, but his response was not heard by the reporter.

Mr. DAVIS. No, of course not. I knew the fact, upon the authority of a gentleman to whom Mr. Dana himself told it. He told that gentleman that he had such interview with my colleague before coming to that meeting. At that interview you stated those things with regard to this transaction, which he on the same evening embodied in a speech. And yet my colleague has said this morning, that he thought this House was the true place, and did not think it proper until now to correct the alleged misrepresentations, as to the former debate on this subject. Well, Mr. Dana made certain statements about this matter, and under my colleague's suggestions, which were published in my colleague's district, and which must have met his eye, although he says he has not thought proper to make use of the press in regard to this

matter, in answer to those statements. Franklin Haven, of Boston, a most respectable and honorable gentleman, whose word would be implicitly taken wherever he is known, published a letter, from which I will read the following extract:

Boston, May 17, 1851.

To the Editor of the Transcript:

Sir: I saw last evening, for the first time, in your paper of yesterday, a speech delivered April 5th, at Worcester, by Richard H. Dana, Jr., Esq., containing, among other things, some statements concerning myself and my relations with Mr. Webster, Secretary of State, to which I desire to reply.

I am aware that, in a cautiously-written note, dated the 12th instant, and addressed to the editor of the *Daily Advertiser*, Mr. Dana says, on the subject of this speech, that "the expressions therein attributed to Mr. Quincy are not correctly reported," adding, that "the report was made without his knowledge, and published without having been submitted to him, and without his authority." He does not, however, in any way imply that he did not say in substance what he is reported to have said at Worcester; and as the speech in question has, I am told, often been printed without remonstrance from him, as a true report, since it first appeared six weeks ago, and as Mr. Dana has not seen fit to qualify, or correct any part of it in which I am concerned, I shall, until otherwise advised, believe that no injustice has been done to him in these particulars.

Mr. Dana more than indorses all the base calumnies uttered in the House of Representatives against Mr. Webster, by Mr. Charles Allen, on the 25th and 26th of February, for which I was subsequently vouched as the principal authority. He says: "I consider Judge Allen would have required justification had he failed to take the ground that he did on this subject; and I ask if it is not the duty of every man who sees corruption in high places to expose it?"

This calumny was, (as your readers all know,) that Mr. Webster had been induced to accept the place of Secretary of State in consequence of money paid, or promised to be paid, to him from Boston and New York, and that this bargain was proposed by Mr. Webster through me, and, in the result, was consummated by the required payment. Such a bargain Mr. Dana calls "corruption in high places;" and it would be so if it had been made. He says, too, repeating after Mr. Allen, and speaking of the contract for the payment of the Mexican indemnity, that Mr. Webster was dependent on the bankers (Messrs. Corcoran & Riggs) "to whom the contract was given;" and he adds, afterwards, that Mr. Webster "has received a gift from the very class of men concerned in this contract as the condition of taking the office of Secretary of State; \$25,000 from New York and \$19,000 from Boston."

I think all persons who know me—as Mr. Dana says he does—"very well," know that I would not be connected with a transaction so creditable to all who might be concerned in it. I feel equally sure that Mr. Webster would not, nor would the honorable men who subsequently came forward in Boston, and did what they thought their duty required them to do to a great statesman, who had made a great sacrifice of his pecuniary interests and those of his family to the service of his country. I was not one of these gentlemen; but I know that they were high-minded men—most of them retired from affairs, and little concerned in politics, except just so far as they are concerned in the welfare of the Union.

Mr. Dana, in his speech, refers to the letter which Mr. Webster addressed to me on the state of things immediately after General Taylor's death. He had therefore read that letter, dated July 12, 1850; and I suppose he must have read my letter, published with it, and dated March 11, 1851. The letter of Mr. Webster, written before the funeral of President Taylor, and before Mr. Webster or any one else knew who would be nominated by Mr. Fillmore as Secretary of State, contained no intimation whatever that the Department of State would be offered to him, but rather the reverse; and yet, except the subsequent notice by telegraph of the mere facts of his nomination as Secretary and acceptance of the office, this letter was, prior to the time of his entering upon the duties of the Department, the only communication I received either directly or indirectly from Mr. Webster, on the whole subject of the Secretaryship. I said so in my letter, and I now add that I have not at any time had any communication with him or from him upon the subject of the spontaneous gift made to him by the gentlemen of Boston, the character of which has been so perverted by Mr. Dana and Mr. Allen.

It is to be presumed that Mr. Dana saw the letter, and therefore knew perfectly well that there had not been any such discreditable bargain as he described, and that the statements he made about it were not true.

The part which relates to the contract with Messrs. Corcoran & Riggs, the Washington bankers, and to Mr. Webster, as having "received a gift from the very class of men concerned in this contract as the condition of his taking the office of Secretary of State," is also untrue. The gift so honorably offered by men of high sense of honor in Boston to Mr. Webster was not offered to him until many weeks after he had become Secretary of State. Not more than two of the persons who offered it to him could in any way be regarded as of the class of bankers, or concerned in banking; and so far from his "position of independence" being affected by it, as Mr. Dana declares it was and is, I have good reason to believe that Mr. Webster does not to this day know the name or position of one of the individuals who have thus nobly and unostentatiously expressed to him their gratitude for his patriotic services.

FRANKLIN HAVEN.

I was struck with the singular vagueness of the gentleman's expressions. He charged the Secretary of State with undue bias, because he had received favors from men of the class, by the same people, in the same street, who might possibly have the same occupation and profession as the bankers who had received this contract. I do not know that people living in the same street, or

using the same profession or occupation, are necessarily such sworn friends, that an obligation conferred by the one, implies a necessity of return to the other. It requires a vivid imagination to presume, that because you have received pecuniary obligation from a gentleman living in number one, in any street, you will therefore feel bound to swerve from your official duties, to oblige some of the gentlemen living in number two. There is nothing in the accusation which demands a reply. If there is anything in my colleague's position, it is this: that the fact that Mr. Webster has been embarrassed in his pecuniary affairs, and has received pecuniary favors, would disqualify him from serving his country as a statesman. Has my colleague been so much more fortunate than most other men as to have utterly escaped such embarrassments? Has the black ox never trode on his foot? If so, I congratulate him that that bitterest drop has never been added to his cup of misery. But if it should be true, of which I know nothing, that he, too, like perhaps the majority of mankind, has known the agonies of the proud man subjected to the calls of the imperious creditor—if he too has "served for a term in that leprous armada" of debt, entanglement, and evasion—and if in happier and more prosperous hours, he forgets the sufferings of earlier years, and is prompt to urge against others a state of embarrassment as a reason of disqualification—why, what then? It is but a modern illustration of the savage line of the Roman annalist, *eo imitior quia toleraverat*, "all the more pitiless because he, too, had suffered and all that need be said is, that the people among whom he lives have dealt and will deal with him more sparingly and kindly than he is inclined to deal with others.

Mr. Chairman, I now come to another point for the consideration of the committee. It appears by the report of the debate on this subject in the last Congress, that my colleague [Mr. ALLEN] then remarked that no other gentleman except himself had thought fit to bring Mr. Webster's private affairs before the notice of the House. The inquiry naturally occurs, Why was it that nobody else thought fit to bring these facts to the notice of the House? Was it fear, or was it good taste and decency that prevented others from touching that subject? Was there no other man in this House of equal courage and force as my colleague?—and in saying this I would not say a depreciating word of my colleague's courage or force. What was the reason that he was the only person who could be found to bring these charges—a citizen of Massachusetts—a former neighbor, fellow-citizen, and friend of the Secretary of State? Are we not thus led to the consideration, whether there is not some "levelled malice," some hatred here? When my colleague warns the House not to attach any importance to the suggestions of political bias, and advises them to consider facts alone, without reference to any unpleasant or unfriendly associations, has he not been conscious in his own mind that his own course was governed by the very causes against the influence of which he warned the House?

My colleague is particularly earnest upon the subject of corruption. He professes extreme fear of corruption. Now, there is a particular piece of corruption, as I consider it, occurring in our own State, before his own eyes—I might say occurring at his own instigation—that I think his talents and force might be more profitably directed against, than in hunting up these trumpery charges against the Secretary of State. Now, what are the facts? There are three parties in Massachusetts, and I mean to bring this matter close home, so far as Mr. Webster is concerned. There is the Democratic party, which in terms, in its resolves, indorses those measures known as the compromise measures. There is the Free-Soil party, which is sustained and kept up by hatred to the compromise measures, including the fugitive slave law. There is the Whig party, which I take it, by their State resolves, without taking perfectly distinct ground upon the compromise measures, still take perfectly distinct ground in sustaining Mr. Webster. What are the numbers of these parties? The number of Whig votes is 64,000, the number of the Democratic votes is 43,000; the number of the Free-Soil 23,000, leaving the Whigs a plurality, which any where else would be a majority of 21,000 votes. Of that vast majority of Whigs and Democrats, you have 100,000 voters

against 28,000; one part of whom sustain the compromise measures which Mr. Webster advocated, and the other part of whom, judging by their vote in their State Convention, sustain Mr. Webster, making, as I said before, 100,000 against 28,000. That was the case last year. Something like that was the case the year before. Well, what was the result, and what has happened in that State? Here were two parties, the Democratic and Free-Soil party, directly opposed to each other upon a ground which was vital to the existence of the Free-Soil party, and which was a most cardinal point in the creed of the Democratic party. Those parties met together and made a bargain. The Free-Soil party united with the Democratic party, and sent to the Senate of the United States the most talented and eloquent man who could be presented from the Free-Soil ranks; my colleague [MR. ALLEN] always excepted. [Laughter.] For whom were the Democrats in Massachusetts who were in favor of the war with Mexico called upon to vote? For a gentleman who said, when Mr. Winthrop voted for the preamble and bill giving supplies to our troops in Mexico, "that Mr. Winthrop ought rather to allow our army to pass between the Caudine forks." Now I am not much of a Latin scholar, but I understand that the Caudine forks do not differ materially from the Alamo butchery; and that the Caudine forks in that connection, meant that Mr. Winthrop should have left the American throat to the tender mercies of the Mexican knife.

The Democratic party are in favor of non-intervention as regards slavery in the States or Territories. They were called upon to send to the United States Senate for six years a gentleman who was in favor of intervention at least up to the verge of the Constitution, as he understood it. They sent to the Senate of the United States a gentleman who declared, in a speech to be found in one of his printed volumes, that there were depths of infamy as well as heights of fame; that President Fillmore has sounded the former, and that he had better never have been born, than to have signed the fugitive slave bill. What induced the Democratic party to do this? What, I say, induced the Democrats to do this? What was it? Why, and how were the officers of the State put up like mutton and beef in the shambles? I will tell you how. The leaders of the two parties met in repeated caucuses: as an ultimate result, six Counsellors, the Governor, Lieutenant Governor, and an United States Senator for nine days, were given to the Democrats, while three Counsellors, the United States Senator, and Sergeant-at-Arms, and some other make-weight officer went to the Free-Soil party. The two parties higgled and chaffered day by day, and night by night, in long and heated meetings, as to the distribution of these offices—each begging the other to come up to the price of its puffed and advertised conscience and patriotism! Puffed, I say—advertised, I say, as thoroughly as ever were Phillips's fire annihilator, or Emerson's razor straps. I will do them the justice, however, and I feel bound to say that there was no trickery in one respect—there was as perfect an impartiality of treachery to principle on either side as can be expected from the weaknesses and imperfections of mortality. [Laughter.] Such a scene was never before exhibited or dreamed of in this country as was exhibited in old Massachusetts; the leaders of two whole parties brought up by one wide, wild, wasting sweep of the offices of the Commonwealth.

I want to hear what the gentleman will say about this great crime against our institutions, this wholesale corruption, this monstrous—I had almost said, this inexplicable falsehood to conscience and to God, to the heart of man, and to the nature of things. Where was the gentleman then? Where was he? Was he attempting to prevent corruption then? Quite the reverse. I understand that he instigated it; that he favors it; that he thinks it was right. Better that he should go home and endeavor to undo the mischief that he helped to do there than come here and assail Mr. Webster. There is one point in this connection, to which I must refer, and to which I hope the gentleman will give an explicit reply. I would recall to the gentleman's memory the year 1843, when he and myself were members of the same party, and when we got whipped, although having, as we supposed, a majority in the Legislature. It was a case of this sort: the opposite

party got hold of a gentleman named Mr. Bell, of Montgomery, and induced him to vote with them by the promise of a commission as justice of the peace, a suit of clothes, and a promise of a loan of \$400 in money. [Laughter.] At that time there was a great cry of indignation. The only question was whether it was true, and no living man undertook to claim that such things were right. The gentleman himself would have considered at that time that it was an outrageous proceeding. Where does the gentleman find the distinction between that case and the Massachusetts coalition of 1850 and 1851? Does the suit of clothes constitute the difference? Is it the commission as a justice of the peace, which he actually got, which makes the distinction? Here, in the corruption which the gentleman aided, and by virtue of which he holds his seat, it was not one justice of the peace, but five hundred justices, who were bought in open market. It was a clean sweep of governorship, attorneys, sheriffs, justices—in short, of everything that flatters the pride and ambition of man; and it was all to be given, provided the leaders of the two parties would fall down and worship the golden calf of coalition. I wait anxiously for my colleague to point out to me the distinction between the ethics of the Bell purchase and the ethics of the coalition purchase.

I think it is Milton who says of the wars of the Heptarchy that at this distance of time it is as difficult to understand their objects and motives as it would be to understand the objects and motives of the fights between crows and kites. And it would be equally difficult for anybody at a distance from Massachusetts to explain—by the aid of the reason which God has given him—precisely how it was that two parties that occupied such exactly opposite ground upon the compromise question, could be brought up to the mark—the one to help to send to the Senate of the United States, for six years, a man who would during that long period profess and enforce with his whole power, doctrines which they regarded as denationalizing and disorganizing; and the other to lend its influence to put into power in the State offices of the Commonwealth of Massachusetts, a set of men utterly and entirely opposed to them in all those points which they professed to think most essential. Well, I will tell you how it was. It was party hatred, and that party hatred leveled against the man whom we have heard vilified to-day. Nothing else but that could, I am sure, have induced the Free-Soil party of Massachusetts to take the course they did. From the Boston Commonwealth, which is the organ of the Free-Soil party—and it is my practice to read the papers of the other side more than my own, for I take it for granted that my own are always right—from the Boston Commonwealth, the organ of the Free-Soil party, I clip the following, which was the rallying cry for the last campaign, in the year of our Lord 1851:

"In the next place there must be UNION and EFFORT, CONFIDENCE and CONSCIENCE. No concession of principle, for none is required. To our Free-Soil friends we say—now that we wish to rebuke Daniel Webster, to sustain Charles Sumner, and to stamp upon the fugitive slave law, its framers and apologists, the seal of popular reprobation, the Democrat who is furthest from us is nearer than any Whig can be. To our Democratic friends we say—now that you wish to sustain Governor Boutwell, to retain the State Administration, to preserve and to perfect the reforms so auspiciously commenced last winter, the Free-Soiler that is furthest from you is nearer than any Whig can be. Let the spirit animate the allied forces, and victory is sure."

And this, Mr. Chairman, was the way they whipped us. Oh, glorious defeat! Oh, destructive and abortive triumph! Need I say, that I would rather be defeated fifty times in that way, than have one such success.

MR. VENABLE. So had I.

MR. DAVIS. But we are up within seven thousand of them. We stand shoulder to shoulder, and though outnumbered, I can tell my colleague we are not by any means subdued. I will state another striking fact in connection with this matter. It is well known that two years ago, before the election of the present Free-Soil United States Senator, and after the election of Mr. Boutwell, the Democratic Governor, there were some twenty or thirty Democratic members of the House who would have nothing to do with Mr. Sumner. What did the Free-Soil paper do then? It came out the very next morning after the first failure to elect, and said that Governor Boutwell must not make any changes or appointments to office until

the United States Senatorship was disposed of. That paper well understood its men. There was the greatest state of excitement and the most anxious expectation until that matter was arranged, and the doors of the treasury were thrown open to the hungry. I remember an engraving after Landseer, in which a number of very hungry-looking dogs are squatting or standing on their hind legs, with watering mouths and terrible anxiety in their eyes, watching a meat-tray over which a very portly-looking dog is keeping guard. [Laughter.] There is a frightful similarity between the physiological effects of the animal ravenousness and greed represented in the picture, and the effects of the same passions upon a human subject. An English poet has well said:

"So, when 'dog's meat' reëchoes through the streets,
Rush sympathetic dogs from their retreats,
Beam with bright blaze their supplicating eyes,
Sink their hind legs, ascend their joyful cries;
Each, wild with hope, and maddening to prevail,
Points the pleased ear and wags the expectant tail."

Well, there was something of that sort seen in Massachusetts. The pottage was savory, Esau was hungry, and the birthright and all went. [Laughter.] What, then, is the state of the case? Why, that these twenty-six thousand voters, concentrating their resentment, and levelling their imitation thunderbolts at one grey, historic head, making that their chief and leading object, and sacrificing every principle for the purpose of venting their rage on that great man, have succeeded, by moves on the political chess-board, in causing a surface expression of a state of sentiment vastly different from the state of sentiment which actually exists in Massachusetts. Why this rage against the Secretary of State? Because they choose to say that he has been false to the North. Upon that subject, on some proper occasion, and on some early occasion, I shall have something to say. It is not now the time to speak of his course of policy. My object is accomplished at this time in pointing out why it was that my colleague supposed that his course in relation to this matter would be regarded with suspicion by the House. For what Mr. Webster has suffered—if he has suffered anything—I do not suggest that he has any specific claim on any section of country, for I do not think myself, that he was influenced in his course by regard to one section more than another.

What he did, whether right or not in all its details, was, in my judgment, the fruit and result of the intense, glowing, passionate nationality which is engrained in the man, and which would lead him, I think, to endeavor, at whatever personal cost, to do equal and exact justice, under the Constitution, to every section; and perhaps it may be truly said, that his career, from the abundance of his vital force, and the pronounced individual qualities of his character, more forcibly than that of any other statesman of the time, illustrates the saying, that in applying principles to the changing affairs of life, the man who is true to his idea must often submit to the risk of being deemed inconsistent in his measures.

I cannot tell, Mr. Chairman, how much this sort of assault which we have heard to-day, is calculated to injure Mr. Webster. If I can judge from the experience of the past, from the feeling which I see expressed in the faces about me, or from the emotions of my own heart, I should say not much. However this may be, I comfort myself with the thought, that the man dies, but the cause lives; whatever he has done, suffered, and achieved, will live long after him in the annals and glories of his country; as the spreading tree bears testimony through its thousand burly arms, clothed with the fruits and leaves of a thousand years, to the care which nourished its early growth.

I believe that, on the whole, though there are some matters into which I would have liked to have gone more fully, I have touched upon those topics which I intended to have touched when I began to address this committee. I have this comfort, at least—and it is a comfort not to be forgotten—the pleasure of feeling, that, however ineptly, however bunglingly or clumsily I have expressed the sentiments which I have uttered, yet the pulses of one hundred thousand men of Massachusetts will keep even beat with mine in this matter, and that the hearts of the people will more than supply any inadequacy of expression on my part.

MR. MEADE obtained the floor, but gave way to

Mr. CLINGMAN, who moved that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. JONES] reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 46, providing for carrying into execution in further part the twelfth article of the treaty concluded with Mexico at Guadalupe Hidalgo, but had come to no conclusion thereon.

Mr. EVANS moved that the House do now adjourn.

Mr. HOUSTON. I appeal to the gentleman to withdraw that motion, in order to allow the Speaker to present to the House a communication from the President.

Mr. EVANS. I will withdraw the motion.

THE MEXICAN INDEMNITY.

Mr. HOUSTON. I ask the consent of the House to permit the communication from the President now lying upon the Speaker's table to be read.

[Cries of "Read it!" "Read it!"]

There being no objection, the following communication was then read by the Clerk, viz:

To the House of Representatives:

I transmit a report from the Secretary of State, and the documents which accompanied it, upon the subject of a resolution of the House of Representatives of yesterday, relative to the Mexican indemnity. MILLARD FILLMORE.

WASHINGTON, January 23, 1852.

Several MEMBERS. Read the documents from the Secretary of State.

Mr. ORR. I beg leave to suggest that these communications will all be published in the *Globe* to-morrow morning, so there will be no necessity for their being read now. I move that they be referred to the Committee of the Whole on the state of the Union, and be printed.

The question was put, and it was so ordered.

[The following are the documents enclosed in the message of the President:

To the President of the United States:

I communicate to you, a resolution which passed the House of Representatives yesterday, requesting me to transmit to that House "copies of the notes addressed to the Department of State by the Mexican Minister, M. De la Rosa, (on the subject of the payment of the Mexican indemnity,) in the months of February and March last; together with a statement of any information in relation to the same matter which may have been verbally communicated to his Department by the Mexican Minister, in regard to the wishes of the Mexican Government as to the payment of the money here; and a statement of the terms upon which it was willing to receive it." It is customary for such requests to be addressed to the President, and for the answer to be left subject to his discretion. The departure from usage in this case was probably the result of accident or haste. I know no objection to transmitting to the House a copy of Mr. De la Rosa's notes, but I think it proper that it should be done by your authority. All the notes called for by the resolution are herewith laid before you; and, also, in order that the subject may be properly understood, the note of this Department to Mr. De la Rosa, of the 21st of February last.

It is impossible for me to state, even if it were proper, what conversation took place between Mr. De la Rosa and myself on the subject.

Respectfully submitted,

DAN'L WEBSTER.

DEPARTMENT OF STATE,
WASHINGTON, January 23, 1852.

Mr. De la Rosa to Mr. Webster.

[TRANSLATION.]

MEXICAN LEGATION, WASHINGTON, }
February 3d, 1851. }

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico, has the honor of addressing himself to the Secretary of State, for the purpose of making known to him that he has been instructed by his Government to inform that of the United States of the fact that Mr. Edmund J. Forstall has advanced a sum of \$400,000 to Mexico, which,

according to agreement, must be returned in full to him when the next installment of the indemnity which the United States are paying to Mexico in pursuance of the treaty of Guadalupe shall become due. The undersigned incloses herewith to the Secretary of State a copy of the note he has received from his Government in relation to this matter, marked No. 1. The undersigned begs also to inform the Secretary of State, that the aforesaid Mr. Forstall has further advanced, on the same terms, another sum of \$150,000 to the Mexican Government, as it is shown by copy No. 2, and another sum of \$100,000, as it appears from the note marked No. 3, a literal copy of which he incloses to the Secretary of State. And although it is stated in the memorandum of this last note, that the sum advanced is \$200,000, the undersigned believes that this amount was inserted through a mistake, and that the sum advanced is only \$100,000, as will be shown by the respective certificates, which the General Treasury of Mexico has no doubt given to the party interested.

The undersigned avails himself of this opportunity to renew to the Secretary of State the assurances of his most distinguished consideration.

LUIS DE LA ROSA.

The Hon. DANIEL WEBSTER, &c., &c., &c.

[TRANSLATION.]

No. 1.

Department of Interior and Foreign Relations—No. 132—Four hundred thousand dollars of the indemnity—Duplicate.

NATIONAL PALACE, MEXICO, }
December 14, 1850. }

MOST EXCELLENT SIR: In a note dated yesterday, the Minister of Finances has communicated to me the following:

"MOST EXCELLENT SIR: His Excellency the President has requested that I would write to your Excellency, which I have the honor of doing, in order that, conformably to the agreement contained in the certificate of four hundred thousand dollars, which has been forwarded to Edmund J. Forstall, in virtue of the contract entered into by him with the Government on the 11th instant, in advancing the aforesaid sum, that the same would be refunded in full to him, on the payment of the next installment of the indemnity due from the United States. Your Excellency will be pleased to apprise that Government of the fact accordingly, per original, duplicate, triplicate, and quadruplicate. And I hereby send a copy of these instructions to your Excellency, in order that the orders contained therein may be carried out.

"God and Liberty. LACUNRA.

"To His Excellency the Minister Plenipotentiary of the United States of Mexico in Washington."

[TRANSLATION.]

No. 2.

Department of Interior and Foreign Relations—Duplicate—No. 133, one hundred and fifty thousand dollars of the indemnity.

NATIONAL PALACE, MEXICO, }
December 20, 1850. }

MOST EXCELLENT SIR: In a note dated the 17th instant, the Minister of Finances writes to me as follows:

"MOST EXCELLENT SIR: His Excellency the President has requested that I would write to your Excellency, which I have the honor of doing, in order that, conformably to the stipulations contained in the certificate of one hundred and fifty thousand dollars, which has been forwarded to Edmund J. Forstall, in virtue of the contract entered into by him with the Government on the 14th instant, in advancing the aforesaid sum, that the same would be refunded in full to him on the payment of the next installment of the indemnity due from the United States. Your Excellency will be pleased to apprise that Government of the fact accordingly, per original, duplicate, triplicate, and quadruplicate; and I have the honor of enclosing a copy of said orders accordingly, in order that your Excellency may be pleased to give that Government notice of the fact.

"God and Liberty. LACUNRA.

"To His Excellency the Minister Plenipotentiary of the Mexican Republic in Washington."

[TRANSLATION.]

No. 3.

Department of Interior and Foreign Relations—No. 134.—Duplicate advance of two hundred thousand dollars of the indemnity

NATIONAL PALACE, MEXICO, }
December 28, 1850. }

MOST EXCELLENT SIR: In a note, dated the 27th of December, his Excellency the Minister of Finances writes to me as follows:

"MOST EXCELLENT SIR: His Excellency the President has requested that I would make the present communication to your Excellency, in order that, conformably to the agreement contained in the certificate of one hundred thousand dollars, which has been forwarded to Edward J. Forstall, in virtue of the contract entered into by him with the Government on the 23d instant, in advancing the aforesaid sum, that the same would be refunded in full to him on the payment of the next installment of the indemnity due from the United States. Your Excellency will be pleased to give that Government proper notice of the fact per original, duplicate, triplicate, and quadruplicate. And in order that your Excellency may give said Government the required notice, I have the honor of transcribing them to you, with the renewed expression of my consideration.

"God and liberty. LACUNRA.
"To His Excellency the Minister Plenipotentiary of the Mexican Republic in Washington."

Mr. de la Rosa to Mr. Webster.

[TRANSLATION.]

MEXICAN LEGATION, }

WASHINGTON, February 17, 1851. }

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico, has the honor of addressing himself to the honorable Secretary of State of the United States, for the purpose of informing him that it is with regret he finds himself compelled to occupy once more the attention of the said Secretary on the subject of certain drafts which have been remitted by the Mexican Government upon that of the United States. This subject is connected with the contract of Mr. Marks with the Government of the undersigned, for raising funds upon the mortgage of the indemnity which the United States are paying to Mexico.

The official communication which the undersigned has just received from the aforesaid Mr. Marks, in which he speaks of a claim for indemnification, which he believes himself entitled to present against Mexico, and the duty which devolves on the undersigned, to avoid the prevention of such claim, have reduced him to the necessity of treating once more with the Secretary of State on this disagreeable subject.

With this object in view, the undersigned thinks it proper to embody certain facts in this official note:

Before being made acquainted with the fact that the Secretary of State had made a contract for the payment of the funds of the indemnity, the Mexican Government had, on its part, entered into another contract with D. Isaac D. Marks, relative to the same payment, and had directed the undersigned to endeavor to procure from the Government of the United States the acceptance of the drafts which had been remitted, for the payment of said indemnity, which payments were to take place at the various times stipulated to that effect in the treaty of peace.

The undersigned had begun to negotiate verbally with the Secretary of State for the acceptance of said drafts when he received a note from his Government, in which he was told that in case the Secretary of State should already have been compromised in favor of any contract, not to offer any opposition on the part of this legation to any arrangement which the Secretary of State might have made—not at least in such a manner as to give any ground of offence by such opposition—but to persist in the mode which he thought most prudent in asking for the acceptance of the drafts, as this would be very agreeable to the interests of Mexico. The undersigned then spoke again to the Secretary of State about the importance which his Government placed upon the acceptance of the drafts, and endeavored to convince him of the fact that the interests of the United States would not suffer on account of this acceptance.

The undersigned remembers that in these interviews something was said—the connection of things rendering such allusions indispensable—about the contract with Mr. Marks; but the undersigned did not persist in going very deeply into this matter, for he did not deem it necessary, at any time, to make known the object of the Mexican Government for desiring the acceptance of the drafts.

While this was passing, the Secretary of State said to the undersigned, that he had reason to believe that this legation must have received certain communications from the Mexican Government, of which the Department of State ought to have been informed. The undersigned merely remarked, that he had not received the communications alluded to, but that as soon as they reached him the Secretary of State should be made acquainted with their contents. On the following day he received from Messrs. Corcoran & Riggs a duplicate of the communications referred to. The undersigned gave to the Secretary of State a literal copy of the same. As these communications do not inform the undersigned that the Government of Mexico had annulled the contract which it had made with Mr. Marks, nor direct him positively to desist from negotiating the acceptance of the drafts, he was compelled to believe, and he still believes, that although the Government of Mexico thinks it a difficult matter for Marks to carry his contract into operation, it does not consider it as annulled, and is always disposed to fulfill the same, as far as practicable, in the same good faith with which it stipulated it from the beginning.

The undersigned may have forgotten some of the circumstances which may have transpired during his interviews with the Secretary of State; he believes, however, that he has herein laid down all the most important facts that have occurred up to the day when the Senate of the United States received the information communicated through the Secretary of State.

The undersigned begs to inclose a copy of Mr. Marks's official communication. From it the Secretary of State will perceive that a very heavy claim may probably be brought against Mexico; and although, up to the present moment, said claim would be unfounded, yet it might assume the appearance of a just claim, if, by his silence on this occasion, the Mexican Minister were to induce the belief that he had in any way opposed the successful issue of Mr. Marks's proceedings, before the Senate of the United States, with a view of carrying his contract into effect. It is not the province of the undersigned to pass any opinion upon Mr. Marks's pretensions; it behooves not him either to support or to oppose them before the Senate.

As it was Mr. Marks, and not the Government of Mexico, who assumed the responsibility of procuring the acceptance of the drafts on the part of the Government of the United States, and as the undersigned has moreover received, on this day, fresh instructions from his Government, dated December 30th, in which he is directed not to press the acceptance of the drafts if, in his opinion, the abandonment of that object should be necessary in order to preserve the relations of friendship and good understanding which happily exist between Mexico and the United States, the undersigned desists entirely from pursuing said negotiations any further.

The undersigned avails himself of this opportunity to renew to the Secretary of State the assurances of his most distinguished consideration.

LUIS DE LA ROSA.

The Hon. DANIEL WEBSTER, &c., &c.

To H. E. Don Luis De La Rosa,

E. E. and M. P. of the Mexican Republic:

MOST EXCELLENT SIR: I have had the honor to transmit to your Excellency a copy of the reply of Mr. Webster to the resolution of inquiry of the Senate, calling upon the President for all the information communicated by your Excellency in relation to the drafts drawn by the Mexican Government on the Treasury of the United States, under the contract made with me by that Government, and the wishes of the Mexican Government in relation thereto. Your Excellency informed me by your note of the 30th ultimo, that you had had several conferences with Mr. Webster in relation to my contract, and referred the Senate of the

United States to Mr. Webster for the information, which you had communicated to him in relation to this subject.

Your Excellency will see that Mr. Webster, in his reply to the resolution of inquiry, based on your said note to me of the 30th ultimo, has said that your Excellency has made no communication to the Department of State on the subject of the said drafts or contract. I have, therefore, to request that your Excellency will at once present the drafts for acceptance, and communicate to this Government the wishes of your Government in this matter, or that you will inform me of the substance of the conference which you have had with Mr. Webster in relation thereto.

I have again to inform your Excellency that all that is necessary to obtain the acceptance of the drafts, is that your Excellency will communicate the wishes of your Government, and that if such notice is not given and the drafts not presented by you officially, I will sustain great loss and injury, for which the Mexican Government will be bound in good faith to indemnify me.

I have the honor to be, very respectfully, your obedient servant,

I. D. MARKS.

WASHINGTON, February 17, 1851.

Mr. Webster to Mr. de la Rosa.

DEPARTMENT OF STATE, }
WASHINGTON, February 21, 1851. }

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of the 17th instant, addressed to him by Mr. De la Rosa, Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic. That communication appears to have been suggested by what Mr. De la Rosa calls information communicated to the Senate of the United States by the undersigned. This Department has communicated no such information. The Senate, by a resolution of the 10th instant, requested from the President all the information communicated to him by Mr. De la Rosa relative to certain drafts drawn by the Mexican Government on the Treasury of the United States. It is presumed that in adopting this resolution, the Senate was led to suppose that the President might have such information, and had that been the case, the request would probably have been complied with. But as the President had received no such information from Mr. De la Rosa, hereafter the resolution to this Department, with directions to the undersigned to report thereon. The undersigned reported accordingly, that no information, such as the resolution called for, was in this Department. The President transmitted this report to the Senate, with a message to that body.

The undersigned flattered himself, that after the expression of the sentiments of this Government, contained in the note of Mr. Buchanan to Mr. De la Rosa, of the 15th February, 1849, Mr. De la Rosa would have abstained from making a message of the President to either House of Congress, a subject of diplomatic representation. He has, however, thought proper to adopt a different course, and although the undersigned, for the reasons mentioned by Mr. Buchanan, might, without disrespect of the Mexican Government, decline to enter into a discussion of such a topic, he is willing, upon the present occasion, to waive any appeal to forms, lest his silence might lead to the inference that there is something substantial in Mr. De la Rosa's note, which requires an explanation or reply, such as cannot be satisfactorily given. That note is principally occupied with a statement of oral communications made to the undersigned by Mr. De la Rosa, relative to drafts of the Mexican Government upon the Treasury of the United States. The undersigned will not deny that that statement may be substantially correct. As he has preserved no memorandum of the conferences, he is willing to impute any inaccuracies to the fact, that Mr. De la Rosa spoke to him through an interpreter. The undersigned, however, is confident that Mr. De la Rosa said nothing respecting a contract between the Mexican Government and any individual, and he is pleased to see that Mr. De la Rosa himself is doubtful upon this point. Mr. De la Rosa's purpose seemed to be to bring about an acceptance by this Government of the drafts referred to. The transaction thus sought to be effected, seemed to the undersigned so irregular, that he promptly

declined to have any agency in gratifying Mr. De la Rosa's wish. In adopting this course, the undersigned was actuated by the considerations, that he could find no stipulation in the treaty of Guadalupe Hidalgo authorizing the Mexican Government to draw bills on the Treasury of the United States, or authorizing that Department to accept or to pay them. It seemed to him that the relative rights and duties of the two Governments in regard to the indemnity due under that treaty, and the mode of paying it, were well defined in the treaty itself; that if Mexico desired a change in that respect, she was bound to ask for it in a proper manner through her accredited officers; that such a proceeding as that proposed, would imply either, that an alteration in the treaty had already been made, by competent authority, or that it was in the power of the Executive branch of this Government to make such alteration should that be the wish of Mexico. All this appeared to the undersigned to be objectionable and inadmissible; and Mr. De la Rosa will also hardly fail to recollect, that the undersigned, soon after he became charged with the duties of this Department, informed him that he could not entertain any proposition from Mexico, to change the mode of payment of the indemnities, as it stood in the treaty.

Mr. De la Rosa may be assured that, so far as any citizen of the United States may be concerned, the anxiety which he expresses lest the omission to accept the drafts adverted to may give rise to a claim against the Mexican Government which this Government will urge, is quite unfounded. The Government of the United States is not in the habit of prosecuting claims against foreign Governments founded on contracts. It has hitherto experienced, and continues to experience, sufficient difficulties in obtaining reparation from some of those Governments for claims of another description. If it should ever deviate from this policy, it will carefully scrutinize any contract for which its protection may be invoked. If it shall then find that the parties to such a contract had no authority to enter into it, or that its subject or the circumstances connected with it were such as it could not approve, any foreign Government which might be charged with delinquency, need not apprehend any advocacy of such a claim on the part of this Government.

The undersigned is gratified to notice that Mr. De la Rosa concludes his note with an expression of an intention not to pursue the subject further. The undersigned has no doubt of the wisdom and propriety of this determination.

DANIEL WEBSTER.

To Señor DON LUIS DE LA ROSA, &c., &c.

[TRANSLATION.]

MEXICAN LEGATION, }
WASHINGTON, February 24, 1851. }

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico, has the honor of addressing himself to the Secretary of State, for the purpose of apprising him that he has received his note of the 21st instant, relative to some information which has been communicated to the Congress of the United States, concerning the drafts on the Treasury of the United States, which the Government of Mexico had purposed to remit for the payment of the indemnity.

The undersigned was extremely solicitous that the aforesaid note of the Secretary of State had been of a character to put an end to all the disagreeable misunderstandings which the information alluded to, had occasioned. But, such not being the case, the undersigned finds himself under the necessity of addressing some remarks on the subject, to the Secretary of State.

The Secretary of State lays it down as a principle, that a message addressed to one of the Houses by his Excellency the President of the United States, cannot be made the subject of diplomatic communications. The undersigned regrets that he cannot agree with the Secretary of State in this mode of thinking.

The Secretary of State says, that he is certain that the undersigned made no mention, at the conferences held between them, of a contract made by the Mexican Government with a private individual, for the advancement of funds, by mortgaging the indemnity. The undersigned is sure of having spoken on that subject, and, being unwilling to trust to his own memory alone, he has

questioned two persons connected with this legation, on the subject, who were present at those interviews in the capacity of interpreters. It is not strange that the Secretary of State should have forgotten what was said incidentally in regard to this matter: first, because it was not the principal object of the interview; secondly, because his attention was very little drawn to this point; thirdly, owing to the grave and multitudinous matters which occupy his mind; and, finally, because no memorandum was made of what took place at the interviews.

The undersigned might, perhaps, feel it to be his duty to say something in regard to other points, touched upon in the aforesaid note of the Secretary of State. He abstains doing so, because in obedience to the promptings of his own feelings and the instructions he has received from his Government on this subject, he desires to make this note as concise as possible, lest any phrase or expression might be misunderstood, and, therefore, seem offensive to the Secretary of State.

The undersigned renews to the Secretary of State the assurances of his most distinguished consideration.

LUIS DE LA ROSA.

Hon. DANIEL WEBSTER, &c., &c., &c.

[TRANSLATION.]

Mr. De la Rosa to Mr. Webster.

MEXICAN LEGATION IN THE UNITED STATES, }
WASHINGTON, March 8th, 1851. }

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico, has the honor of addressing himself to the Secretary of State of the United States, informing him that he has been requested by his Government to apprise the Government of this Republic, that Mr. Edmund J. Forstall has advanced the sum of two hundred and twenty thousand dollars to Mexico, which must be reimbursed to him out of the next installment due by the United States to Mexico, agreeably to the treaty of Guadalupe.

The undersigned begs to inclose to the Secretary of State the accompanying copy of the note of his Government in relation to this matter; and he avails himself of this opportunity to renew to him the assurances of his most distinguished consideration.

LUIS DE LA ROSA.

To the Hon. DANIEL WEBSTER, &c., &c., &c.

[TRANSLATION.]

Department of Interior and Foreign Relations of the Republic of Mexico.—No. 12.—Two hundred and twenty thousand dollars of the indemnity.

NATIONAL PALACE, }
MEXICO, February 8th, 1851. }

MOST EXCELLENT SIR: In a note, dated the 4th instant, his Excellency the Minister of Finances communicates to me what follows:

“MOST EXCELLENT SIR: His Excellency the President has directed me to address this communication to your Excellency, in order that, conformably to the certificate for two hundred and twenty thousand dollars, (\$220,000,) which has been forwarded to D. Edmund J. Forstall, which sum he has paid into the General Treasury, agreeably to a contract made by him on this day, and which is to be reimbursed to him out of the next installment of the indemnity due from the United States. You will please to apprise that Government of the fact accordingly, per principal, duplicate, triplicate, and quadruplicate. And I inclose a copy of the same to your Excellency, in order that you may do as requested.”

“God and liberty.”

“To His Excellency the Minister Plenipotentiary of the Republic of Mexico, in Washington.”

On motion, the House then adjourned till twelve o'clock to-morrow.

NOTICE OF A BILL.

Mr. LANE gave notice of his intention to introduce a bill for the relief of George Abernethy, of Oregon Territory.

PETITIONS, &c.

The following memorials, petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. McDONALD: The petition of Peter Grover of Maine, praying for compensation for injuries received, by him while in the employment of the United States.

Also, the petition of — Stillman and others, citizens of Maine, asking an appropriation for the erection of a buoy and the completion of a beacon at the entrance of Portsmouth harbor.

By Mr. CHANDLER: The memorial of Messrs. Hayes

& Smith, of Philadelphia, asking to have refunded to them a sum of money paid to the Government.

Also, the memorial of John West and other citizens of Pennsylvania, asking for the passage of a law granting aid to those who suffered in the war of 1812.

By Mr. EASTMAN: The petition of John Cummings, for compensation for extra services at Fort Crawford.

By Mr. BOWNE: The memorial of C. Callaghan and others, praying Congress to purchase the Spanish received by the United States from Spain under the Convention of 1834.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 24, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. L. F. MORGAN.

The Journal was read and approved.

BOUNTY LAND BILL.

Mr. HARRIS, of Tennessee. Mr. Speaker, what is the first business in order?

The SPEAKER. The call of committees for reports.

ASSIGNABILITY OF LAND WARRANTS.

Mr. HARRIS. Does not the report of the select committee on the bill relative to the assignability of bounty land warrants come up in order this morning?

The SPEAKER. That is the unfinished business for the morning hour.

Mr. HARRIS. I will withdraw the demand for the previous question, which is the pending motion on that question, for a moment. It is very clear to my mind, from the discussion which this bill has elicited, and I suppose it must be clear to the mind of every gentleman upon this floor, that some legislation upon this subject is absolutely necessary. But gentlemen differ very widely as to what that legislation shall be. There is a bill upon your table upon the same subject from the Senate. I have withdrawn the demand for the previous question, in order that I may ask the unanimous consent of the House to take up the Senate bill and refer it, in connection with this, to the Committee of the Whole on the state of the Union, and to make them the special order for some day. Gentlemen admit the necessity of the passage of some bill of this description, but differ as to what shall be adopted. I therefore desire that both these bills shall be referred to the Committee of the Whole on the state of the Union to be perfected, in order that some bill may be passed as soon as possible.

Mr. TUCK. Some days ago I gave notice that I would make a motion to lay that bill upon the table. But I do not propose to make that motion now; I am willing to facilitate this business as much as any one. I have no objections to this bill being taken up in connection with the Senate bill, and referred to the Committee of the Whole on the state of the Union; but I shall object to the two bills being made the special order for any day, for the reason that there is no more urgent necessity for action in this House upon this bill, than upon any one of the fifty others which will have to come up in their regular order.

Mr. HARRIS. Then I move to take up the Senate bill for the transfer of bounty land warrants, and that it be referred, in connection with the bill now under consideration, to the Committee of the Whole on the state of the Union; and upon which motion I demand the previous question.

Mr. HOUSTON. I move that the rules be suspended, and that the House do now resolve itself into Committee of the Whole on the state of the Union.

A VOICE. Let us first dispose of these bills.

Mr. HOUSTON. I will not press my motion if the gentleman from Tennessee [Mr. HARRIS] wishes to first dispose of these bills.

Mr. HARRIS. I do not object. I only wish to make the motion that these bills be referred to the Committee of the Whole on the state of the Union, and then let it lie over.

Mr. HOUSTON. Then I insist upon my motion.

Mr. TUCK. If the gentleman will not insist upon the bills being made a special order, I will not object to its being taken up.

Mr. HARRIS. Well, I will not insist on it.

MEXICAN INDEMNITY.

The question was then taken on the motion to go into Committee of the Whole on the state of the Union, and agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

Mr. HOUSTON moved that the committee take up House bill No. 46; which motion was agreed to.

The committee accordingly proceeded to the consideration of the bill to provide for the carrying into execution, in further part, the twelfth article of the treaty with Mexico, concluded in Guadalupe Hidalgo.

The CHAIRMAN stated that the pending question was on the amendment of the gentleman from California [Mr. MARSHALL] to the amendment of the gentleman from Tennessee, [Mr. JOHNSON,] and that the gentleman from Virginia [Mr. MEADE] was entitled to the floor.

Mr. MEADE. I desire that the Clerk shall read the amendments.

The amendment of Mr. JOHNSON, of Tennessee, was read as follows:

“And that said sum be paid over to the proper authorities of Mexico by the Secretary of the Treasury of the United States under the supervision of the President.”

The amendment of Mr. MARSHALL, of California, to the amendment was read as follows:

“Provided, That the President may cause the payment to be made at such time and in such manner as will be most acceptable to the Government of Mexico.”

Mr. MEADE. Mr. Chairman, the discussion has been diverted very widely from the subject legitimately before the committee. My object in rising is to say a few words upon the amendment now pending. That amendment does not suit me exactly. I should like to have it remodeled; but the question now before the committee is the propriety of adopting that amendment.

Heretofore the practice of the House has been simply to make an appropriation, leaving it to the discretion of the Executive to discharge its duties in making the payments and in disbursing the money. That course is one which comes recommended to us, not only by the universal practice of the House, but also by that courtesy which should always exist between this body and the Executive of the United States, whether the majority of this body and the Executive belong to the same political party or not. And some reason should be given for departing from that practice in this instance. In doing this, we must necessarily advert to previous action of the Executive, in connection with this matter, for upon that depends the propriety of our departing from the general rule in this instance. But I must take occasion to say, that no censure whatsoever can be attached to the manner in which the Committee of Ways and Means discharged its duty in the last Congress in reference to this Mexican indemnity. I think it would be highly improper for the Committee of Ways and Means to report any appropriation bill like this, containing any restrictions upon the Executive, or any directions by which it is to be governed; because it implies that the Executive will not discharge its proper functions. For that reason, the Committee of Ways and Means did right heretofore in simply appropriating the necessary amount of money. The Executive, however, is responsible to this House and to the nation for the manner in which its duties are performed. If we disapprove the course of the Executive, we may then very properly direct it in reference to matters of a kindred nature.

This bill makes an appropriation of \$3,180,000 for the payment of the last installment of the Mexican indemnity; and the question is, “How has the Executive discharged its duty in relation to the payment of previous installments?” I hold that nations, like individuals, are bound by the same principles of philanthropy and of morality, and when they can confer a benefit upon another without injuring themselves, they should do so. And as the man who should act upon any other principle, deserves to be expelled from the society of men and sent out with the brand of Cain upon his forehead, so should a nation be treated sinning in the same way. Whenever a nation can confer a benefit upon its neighbor without injury to itself, it is bound to do it. And that nation must be held responsible to God and man for the omission of that duty.

At the time when the payment of the last installment became due to Mexico, there were at least two bidders before our Government for the privilege of making that payment. The Barings & Brothers, and their associates, were one; and the

Mexican Government, by its agent here, was another. If we gave the contract to the Barings and their associates, security was necessary. If we gave it to the Mexican Government, no security was necessary, because Mexico then became her own paymaster. There were two bids before the Executive. Though we are not officially informed, that fact is sufficiently authenticated for us to assume it to be true. At the time when the last appropriation was made, there was an offer pending upon the part of Mexico, to pay our Government four and a half per cent. for the privilege of paying herself. At the same time the Barings and their associates offered to pay three and a half per cent. for the same privilege. If we consulted our own interest, of course we should select the one by which we made the additional one per cent. If we were to regard the feelings and wishes of Mexico, we would, for that reason, have acceded to her proposition. Mexico was then prostrated, as it were, by a blow given by ourselves. She was bleeding from wounds we had inflicted. These considerations were powerful appeals to our generosity and feelings of good neighborhood, to confer upon her the benefits she desired.

Of course profits were to be made from these contracts, else there would have been no bidders, and the question was, whether we should secure these profits to Mexico, or give them to foreign bankers and capitalists? Now, I cannot concur with the gentleman from Ohio, [Mr. Edgerton,] who spoke yesterday, upon the subject of these bankers. They are, like politicians, necessary evils. The commerce of nations cannot be carried on without them. They must, however, be watched like politicians, and the only thing necessary for us to do, is to see that they do not abuse their power and influence. I do not complain of the Executive for employing them as agents. I have nothing to object to on that score. But I assume, Mr. Chairman, that it was the duty of the President of the United States, upon the mere application of Mexico, to have acceded to their wishes, especially when she comes with a bonus of one per cent. over every other bidder. If that had been the only consideration, the wishes of Mexico should have been regarded. But, independent of that, we are informed, upon authority sufficiently strong, that there had been a previous informal arrangement made by the administration of General Taylor to comply with the wishes of Mexico by accepting her drafts. Now, it is not my purpose, by any means, to charge Mr. Webster, or any other functionary of this Government, with corruption, in consequence of his failure to carry out the understanding which existed between the Minister of Mexico and the previous Administration. It is not my purpose to search into the hearts of men, or arraign motives, unless I can clearly establish them as bad. I take the transaction as I find it. The complaint I make of the Administration and of the Secretary, regards political errors alone. I do not pretend to examine into its moral delinquencies. Taking it for granted, that the hands of the Administration are washed of all corruption, still I must condemn its conduct towards Mexico. It should call down the censure of the House, and that censure must be expressed by restricting it, (contrary to the custom,) as to the mode of paying this last installment. The administration of General Taylor was fully aware of the distressed condition of Mexico; that she was desirous of anticipating the funds to be paid, in a short time, by this Government. We had failed, to a certain extent, to discharge our obligations towards that country, and the difficulties she then labored under were increased by such failure upon our part. We had undertaken to defend her from the Indians upon her frontiers. We had failed to do so. Hence greater obligations rested upon us to make the payment as soon as possible, and according to her desires. In consequence of the informal understanding of the Administration with the Government of Mexico, in relation to the anticipation of these funds, Mexico called her Congress together, for the express purpose of giving that authority to the transaction which she supposed the Government of this country would require. I understand it is a matter of history. I hope to be corrected if I am wrong. Congress did assemble, and give the necessary authority; and in pursuance of it, the Government of Mexico had made a very important and beneficial arrangement with her creditors, by which five millions of the

sum we owed her was to be paid over to a class of creditors who agreed to take it, not only in satisfaction of that much of their debt, but of many millions more, and to reduce upon that account the rate of interest upon their debt. Here was another reason why the Administration succeeding that of General Taylor, ought to have regarded the wishes of Mexico as a solemn duty upon their part. Regardless, however, of the great injury which would result to Mexico from a failure to comply with this understanding with General Taylor's Cabinet; regardless of the fact that all the arrangements that had been entered into by Mexico with her creditors, (by which she removed from her shoulders an immense amount of debt,) would be defeated; regardless of the fact that she had offered a higher bid for this contract to pay this indemnity to herself, than any other person,—our Secretary of State undertook to change the arrangement, and put Mexico to the inconvenience and loss of negotiating drafts, it may be, at heavy discount, instead of at once assuring that Government, at the death of General Taylor, that the understanding which had taken place between it and the previous Administration would be carried out. Now, Mr. Chairman, what apology is given for this act? I understand from the chairman of the Committee of Ways and Means of the last Congress, that this thing could not have been done but by an alteration in the treaty.

Mr. BAYLY, of Virginia. I was not listening, at the moment, to the remarks, of my colleague, but a friend has told me that my colleague has stated that the Mexican Congress had been convened, and had agreed to this arrangement. Now, the statement of Mr. Green is, as I understand it, that they were convened to agree upon an arrangement with their creditors. And I desired, at the last Congress, that if there was any official information, that the Mexican Congress had sanctioned such a course, to have it printed. I have never been furnished with it, and I therefore take it for granted that it is not so. If the fact is so, we have no official information of it; and if it be so, it would have been easy to have furnished the information.

Mr. MEADE. Mr. Chairman, I took it for granted that the Mexican Congress had taken some action upon this subject, because it had not been denied, though it had been stated, and it was an important fact. But, however, suppose it had not—for I do not choose to contest a matter of fact in relation to this matter—suppose it had not, the excuse rendered by the Administration for not complying with the wishes of Mexico is, that it would be a departure from the treaty. When these propositions were made to the Secretary of State by the Mexican Minister, there was time then for the Mexican Government to have acceded to any condition that may have been prescribed by our Government. And the question at last is the same, why did our Government refuse to accede to the wishes of Mexico? If an alteration of the treaty in this respect was necessary to be obtained from the Government of Mexico, that fact could have been intimated by the Secretary of State, and the condition forthwith obtained from her. Mexico was too deeply interested in the present receipt of that money to have failed to do anything and everything which was required by our Government preparatory to the receipt of these funds. She would have called her Congress together, and obtained their express consent to a change of the terms of this treaty, so as to enable her to receive this money in the city of Washington or New York. It was well known that this change of place of payment would have been beneficial to Mexico, otherwise she would not have asked the favor.

We well know the difference of exchange between the city of Mexico and the city of London, between that place and this, and between New York and London, and that a bill negotiated from Mexico to New York, and then from New York to London, would bring a lower price than one negotiated from Mexico direct to London. Hence the object of Mexico was to obtain its funds in the city of New York. My colleague says the funds in the city of New York were worth about six per cent. more than they were worth in the city of Mexico. Then, why not have given that advantage of exchange to the Government of Mexico instead of securing them to the Barings? Certainly some profits were to be made. We had to

choose between conferring that favor upon bankers in London and the Government of Mexico—why should we hesitate to give it to the latter? Feelings of amity and courtesy, which should always exist between nations—the directness, security and safety of the transaction, the freedom from all risk of bankruptcy of contractors, every consideration, conspired to favor the wishes of Mexico. Besides, the moral obligation under which General Taylor's administration had placed us, in regard to this payment to Mexico, required us to do it in the way she desired. Now, I do not choose to discuss the relative advantages to Mexico of this or that mode of payment, for such a question is entirely foreign to the subject. The question I choose to discuss is the failure, upon the part of our Government, to comply with the reasonable requests of a neighboring and friendly power, though, in the first instance, informally made. We not only refused to comply with that reasonable request, but we absolutely sacrificed thousands of dollars by preferring the bankers.

It was intimated, the other day, in debate, by the honorable gentleman from New York, [Mr. Brooks,] that we also had failed to do our duty, in not putting up this contract to the highest bidder. I admit, Mr. Chairman, that this House has failed to discharge its duties, not only in that particular, but in others, which I shall name. I should be opposed to the proposition suggested by the gentleman from New York, because I should be unwilling to put up at public auction the necessities of Mexico. I should be unwilling to have paraded before the world her difficulties and distresses, with a view of striking them off at auction to the highest bidder. It had, however, this merit, she would have been probably the best bidder. Mr. Chairman, something more was due from us to Mexico, than simple justice. You will remember the war with Mexico was branded by the party now in power, as one of plunder and robbery. Now, sir, if that were sincerely their opinion, then every consideration of justice, of morality, and of magnanimity, required them to seize every opportunity to repair the injury they believed their country had inflicted. Mr. Chairman, this House has not discharged its duties in respect to Mexico. Informed, as we were, of her necessities, we ought to have offered, two years ago, to pay the whole indemnity. We had at that time millions of our treasury lying idle and unprofitable, and we had already authorized the Executive to go into the market with our surplus funds, for the purpose of buying up certificates of the United States debt, redeemable fifteen or twenty years hence. While we were purchasing those stocks at a premium of fourteen or fifteen per cent., there was here a creditor, with millions due him in a year or so, carrying interest at six per cent., willing and anxious to anticipate his debt, and would have given a discount of four and a half, and probably more, for the prepayment. Thus, by selecting the debt of Mexico, amounting to six millions, as the one to be first paid, we would have saved the intermediate interest which we have lost, but also the fourteen or fifteen per cent. paid to the holders of stock having fifteen or twenty years to run. While I say that this House is certainly to blame for not discharging its duty in that particular, it is, however, not without the excuse that they are a large and unwieldy body. Members come here with their minds directed to some particular act of legislation. Each devotes himself to his favorite measure. It was necessary that their minds should be called to the subject, and let me ask, whose duty was it to direct them to the point?

[A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that they had passed bills of the House of the following titles, viz:

H. R. 30. An act for the relief of the Virginia Woolen Company.

H. R. 50. An act for the relief of Edward Everett, late a sergeant in the United States Army.

And also, that the President had notified the Senate that he did, on the 23d instant, approve and sign the following bills of the Senate:

S. 71. An act authorizing the Secretary of the Treasury to issue a register to the barque Ada.

S. 91. An act to provide a room for the Congressional Library.]

Mr. MEADE, (resuming.) It was the duty of the President of the United States; he is required to give information to Congress of the state of the

country generally, and also to recommend the passage of such laws as may appear to him to be necessary. Now you will perceive at once, if the Executive had called the attention of Congress to the investment of our surplus funds in this way, we might have saved some eighteen or twenty per cent., which is now lost. We should not only have done that, but we would have conferred a great benefit upon a neighboring Republic, which would have tightened the friendly ties that subsisted between us, and prepared the way for acts of kindness which we may yet stand in need of. There were considerations which ought to have influenced the Executive, particularly now. We have to approach the Pacific coast by some route through the southern portion of this continent, and we were told that there were various eligible routes through the territory of Mexico. One lies through the Isthmus of Tehuantepec, and another down the Gila, where it is probable we may hereafter construct the railroad which is to connect the extreme shores of our country. In doing that, we may desire at places to cross that river, and we may hereafter have to call upon that nation to grant us some favor in this respect. Had we appreciated her exigencies and proffered to advance to her the deferred payments of her indemnity, we would have had some claim to demand of Mexico favorable terms in reference to this matter. This opportunity of enlisting her gratitude we have suffered to escape. We can now only redeem our error in part by passing the bill with the proposed amendment. We may thus be enabled to show to Mexico that Congress, representing the people of the United States, had their attention been properly called to the subject, would have been at all times ready to pay her debt at the times and in the manner she desired. There is no doubt that Mexico would prefer this money to be paid in New York. It would be worth more to her there than in her own treasury. Let us pay her there if she wishes it. We should violate no contract. If we had entered into a contract, legal or moral, with the firm of Baring & Brothers, I should be the last man to follow the example of this Administration in abrogating it. But here we have their letter, which disclaims upon their part any obligation to comply with it. In fact, they say they will make nothing by it, and that it will be difficult to comply with its terms in time for the 30th of May, when the indemnity becomes due.

Mr. Chairman, a great deal of concern is manifested by some that the bill should be passed as soon as possible, for the purpose of securing the prompt payment of the money. I have no sort of fear upon my part that this money will not be paid in time. It must be remembered that Mexico is now drawing from her mines from twenty to thirty millions of dollars annually—there can be no difficulty in obtaining there the specie necessary to make this payment. If we were to go there with three millions of Mexican dollars and tender them to her, and at the same time gave her the option to draw upon the city of New York, she would take the drafts; and that is what I propose to allow her to do. In consideration that we have acted, heretofore, a very niggardly part towards that Republic, I am very indifferent in relation to the premium. I care not whether the three and a half per cent. be realized or not. Indeed, the bankers in their letters say it is now too late to make a profit. I am anxious by our legislation now, to retrieve the errors we have committed in relation to previous payments; and I should be anxious to show to Mexico by our action now, that the people of this country are disposed to treat her in the most friendly manner. The objection is made that we should be violating the treaty with Mexico, in making this payment in New York instead of there. I will draw the attention of the House to the fact that the payments heretofore made, were not made in accordance with the treaty.

Mr. MILLSON. I wish to make an inquiry. The supreme authorities of Mexico having stipulated that this indemnity should be paid in the city of Mexico, I wish to ask my colleague if he supposes that the Executive Government can relax the treaty, so as to require or allow the payment to be made at any other place? And I further inquire of my colleague, whether in the event of any such modification of the treaty stipulation by the mere authority of the Executive Government, this money should be paid to the Minister of Mexico, or any agent appointed by that Government, and

should never come into the Treasury of Mexico, if he thinks the Government of the United States would be absolved from all obligation to pay the indemnity a second time according to the treaty?

Mr. MEADE. I will answer the question of my colleague, by telling him, in the first place, that the difficulty in the first question he propounds could be easily removed by the authority of the Mexican Congress, and therefore does not interfere with the policy which I advocate. In relation to the other question, it is a mere matter of speculation or opinion. I think that the treaty with Mexico prescribes certain duties to be performed on the part of our country and certain duties to be performed on the part of Mexico, and that the Executive of each nation is to perform those duties. In this particular instance our Executive must pay the money, and their Executive must receive the money. The Executive of each nation may appeal to the terms of the contract and require a literal performance, but they may, if they choose, require only a substantial performance. These treaty stipulations are in the place of an umpire, to be appealed to only when a mutual accommodation cannot be effected. But you can comply with an obligation without pursuing the exact terms of that obligation. For instance, I owe the gentleman one hundred dollars. It is to be paid in the city of Richmond upon the first day of February next: could not my colleague give me an acquaintance there?

Mr. MILLSON. I do not deny the right of the contracting party to relax.

Mr. MEADE. I understand the gentleman's question. I say, then, that I presume the Executive of Mexico is commissioned with the power of seeing that treaties are executed, and acknowledge satisfaction for those treaties. Suppose, before this indemnity becomes due, Mexico should pass a law remitting this debt, provided the United States should, before a certain day, pass a law admitting certain products of hers duty free: the law is passed: would the gentleman say that would not be an extinguishment of the debt, simply because we did not go through the forms of the treaty? Surely not. True, there are certain powers authorized to make treaties. There are certain other powers of Government authorized to acknowledge satisfaction of those treaties, and see that those treaties are carried out. Because we have agreed to pay Mexico three millions of dollars in the city of Mexico, surely it does not preclude a payment wherever Mexico is willing to receive it. Suppose the money should be paid on the 30th of May next in the city of Vera Cruz, at the request of the authorities of Mexico, would not that be a discharge of the debt? Suppose the Government should acknowledge satisfaction of the debt in something else than gold and silver—something else that is equivalent—would it not be a discharge of the obligation? Is it necessary that we should go there with a bag of Mexican gold or silver dollars, and absolutely pay them into the Treasury of the Mexican Republic? The last installment was not paid in that manner. Much of it was paid before the day, and the Barings have the receipt of the Government of Mexico. If Mexico required funds in London, was she not at liberty to take a draft in place of the money? and if the bearer of the draft were to convert the proceeds, could she demand a repayment because the money was not paid according to the letter of the treaty? A large portion of the last installment was paid before it became due. I call the attention of the House to this passage of the letter of the bankers, which was laid upon our tables yesterday:

"It will be perceived from the foregoing, that the contractors made all their payments to Mexico out of their own funds, and were afterwards reimbursed in the United States, at a date averaging the 15th of May, and the last and largest payment by the United States to the contractors of two millions of dollars was not made until the 27th of June, nearly one month after they had paid the full installment to Mexico."

It appears, then, that much of this money was paid out of the Treasury here before the 30th of May. The drafts for \$650,000 in favor of Forstall were paid before the indemnity was due, and the Executive did for Forstall before the 30th of May exactly what Mexico wished it to do for Marks after that date. You see from the correspondence submitted to the House on yesterday, that \$650,000 of that money was paid over to Forstall, the agent of the contractors, upon drafts drawn in favor of

Forstall, payable here. The drafts reached here in the month of February. Of course those drafts were drawn in anticipation of the indemnity, and the Government of Mexico received the proceeds long before the money became due. The money was paid in the manner proposed by Mexico, the name of Forstall being substituted for Marks—the United States paying to the bankers one per cent. on three millions, or \$30,000, for the substitution, exchanging at the same time the friendship of Mexico for that of the bankers.

The Executive of every nation is its paying and receiving agent, with general powers, and may be compared to any other agent with like powers. If the latter were to meet the debtor of his principal a week before the day of payment, and at a place different from that named in the bond, they might agree to settle; and though the agent should never account to his principal, the payment would be good; collusion or fraud only would avoid it.

The question is, shall we adopt the amendment, and thus signify to the President that we desire him to notify Mexico that her drafts will be paid here if she desires it?

We passed a resolution calling upon the Secretary of State to give us certain information. In voting for that resolution, I gave the Secretary an opportunity of clearing up the cloud which has been hanging around him. I gave him an opportunity of telling the country precisely how this matter stood—what had taken place between him and the Mexican Minister. If the charges and insinuations against him were untrue, he had an opportunity of explaining and setting himself right before the country. He has failed to embrace that opportunity. He has preferred that suspicion should continue to rest upon him. That is not my business. It is the Secretary's affair. It is true, he may refuse, if he thinks proper, to communicate the private conversations he had with the Mexican Minister, but the Secretary knew full well that we interrogated him only as to one point, whether he had been informed by the Mexican Minister that there was an understanding with General Taylor and his Cabinet that these drafts were to be accepted. That was a material fact. That is the fact which, notwithstanding the refusal of the Secretary to communicate to this House, does sufficiently disclose itself through the correspondence which he has given. And I presume there is not a gentleman in this House who would get up and say that he believes the Secretary of State had not been informed by the Mexican Minister of this understanding. It is not my purpose to charge the Secretary with diverting this money from improper motives. The charge is made, however, by others. Suspicion rests upon him in relation to this transaction; and if he chooses that it shall remain there, it is his business, and not mine. My accusation is, that he has not discharged the duties of his office in a way that the interests and honor of this country requires. He has wantonly lost money to his Government. He has preferred the interest of bankers to that of a friendly nation. He has, to a certain extent, been careless of the faith of the Government, and has failed in discharging towards Mexico those obligations of good will and courtesy which rest upon all nations. These are the charges which I make against the Secretary of State. The motives which prompted his acts, I leave to God and himself.

Mr. BROOKS. I wish to say to the gentleman from Virginia, [Mr. MEADE,] that General Taylor's Cabinet made no such arrangement as that claimed here.

Mr. MEADE. I know very well that no arrangement was definitively made. It was altogether a verbal understanding. This, I think, may be gathered from the correspondence published this morning.

Mr. STEPHENS, of Georgia. I ask the gentleman from Virginia, [Mr. MEADE,] if he thinks that the Secretary of State ought to enter into a verbal understanding with the representative of any other country?

Mr. MEADE. I can answer that question. I say that no such understanding ought to be entered into as a final one.

Mr. STEPHENS. I wish to ask the gentleman another question. I wish to put it distinctly to the gentleman, if he does not believe it to be the duty of the Secretary of State, if a verbal proposition is made by a foreign Government, to reject it, and require the representative of that Government

to make his proposition to this Government in writing?

Mr. MEADE. Certainly. If the Secretary intended to accept of a proposition commenced in a verbal way, he should require it to be reduced to writing; but if he does not intend to do it, no correspondence is necessary. Hence we find so little on this subject. But these verbal communications and propositions were made, as I stated before, to General Taylor's Cabinet, and they were accepted verbally, because no contract could be entered into before Congress acted.

Mr. DUNHAM. I think the gentleman will find himself mistaken in that. It has been distinctly denied that a verbal contract was ever made.

Mr. MEADE. I think it scarcely probable that the Mexican Minister should have been so importunate in his letter to Mr. Webster, if such an understanding had never existed. Now, all these things commence verbally; and though one would not be so bound as to be liable to a demand for failing to comply, yet a moral obligation may arise. And I say, and believe, that General Taylor and his Secretary gave Mexico to understand, that when Congress appropriated this money, they would pay it in the way she desired, and that they did not enter into a written understanding on the subject, because at that time it would have been improper. I say, then, that there rested on General Taylor, had he lived, an obligation to carry out that understanding, and that he would have been guilty of a breach of faith, if he had refused to do it. That obligation descended on his successor, and you cannot separate the two. I should like for some friend of Mr. Webster to get up and state why a different version of this matter has been given by him. The gentleman from Massachusetts [Mr. DAVIS] yesterday, when he got up in defence of his friend, [Mr. WEBSTER,] went off into collateral matters, with which this transaction has no connection. I ask again, why has the Secretary of State preferred the bid of three and a half per cent. from the bankers, to one of four and a half per cent. from Mexico?

Mr. STEPHENS, (interrupting.) I do not rise exactly in the character comprehended in the gentleman's term, as a friend of Mr. Webster in this matter; but I rise—not as his representative—to reply to the question which has just been propounded. The gentleman from Virginia asks, Who will rise here and assign reasons for Mr. Webster's giving a new version of this contract? Now, I do not understand that there is any evidence of any verbal understanding even with General Taylor's Cabinet, except what the Mexican Minister says.

Mr. BAYLY. The Mexican Minister does not even say so.

Mr. STEPHENS. The gentleman from Virginia [Mr. MEADE] has just asserted a proposition which, I must say, very respectfully, seems to me a most monstrous one. He says that the verbal understanding with General Taylor's Cabinet devolved upon their successors. Now, that amounts to just this: that when one Administration goes out and another comes in, if any foreign Minister comes forward and says that he had a verbal understanding with the preceding Administration, that that alleged verbal understanding is binding on their successors.

Mr. MEADE. The gentleman does not understand me at all. I am speaking of the moral obligation on this Administration to carry out faithfully the promises of a previous Administration. Of course it should be satisfied they were made. I know that, technically speaking, they are not binding, but I say that there rests a moral obligation on this Administration—unless there is sufficient cause for refusing—to carry out the understanding had with their predecessors. Even if there were no promises, why, I again ask—

[Here the Chairman's hammer fell—the gentleman's hour having expired.]

Mr. RANTOUL obtained the floor. He said: I do not propose to enter at all into the general merits of the question before the committee; indeed, I would not have troubled the committee—as I am always very unwilling to do it—with any remarks of mine, if there had not been cast upon my native State an imputation so serious as to demand immediate notice from me. A majority of the people of Massachusetts are involved together in an imputation which, it seems to me, the

honor of the people of that great State, without distinction of party, requires should not, when it is thus cast upon her by a representative of one of her Congressional districts, on this floor, himself a native son of hers, be suffered to pass unrepelled. The imputation is one of corruption—not, as I understand it, upon a few leaders of a single political party, but upon a vast majority of the voters of the Commonwealth of Massachusetts—of a State which has stood so high in the history of this country from the time when this country began to have a history, and which I am proud to believe has never forfeited her pristine rank in the glorious sisterhood of confederated States. That such an imputation upon the people of such a State should be noticed upon this floor as soon as it is made, seems to me so plain that I should think myself without excuse if I kept my seat under such a call to speak here. Sir, Massachusetts bears a name too resplendent with the glories of her colonial and revolutionary history to be questioned by her children. She has maintained her high standard of patriotism, and virtue, and honor, too long, too uniformly, too brilliantly, to have it supposed for a moment that a true son of hers would endure to see her fair fame sullied without rushing to her defence.

Sir, the imputation of corruption is made here upon two political parties, which the gentleman estimates to contain forty-three thousand in the one party and twenty-eight thousand in the other—a majority, according to his own calculation, of the voters who take sufficient interest in political matters to present themselves at the polls. That is the charge, and it is to that that I address myself. And first, let me answer as to that portion of those voters with whom I am directly and politically identified, and have been for more than a score of years, through a series, scarcely paralleled, of hard-fought battles—I mean the Democratic party of Massachusetts. But before going into the details of this matter, let me make one general observation, and I shall appeal to the knowledge and consciousness of every man that hears me, whether I am justified in what I am about to say, and that is, that if there be any political party in any State in this Union whose history places it above the suspicion of corruption, from its peculiar position, it is the indefatigable and indomitable Democracy of the State of Massachusetts; because there is no party in any State in the Union that has stood up against such odds, against such disadvantages, against such actual losses and sacrifices, as the Democratic party of Massachusetts, and every man in that party, has confronted and sustained for very many years past. Why, who are the Democrats of that State? The laboring men of the State, and some men of talent who are not laboring men, but who are not men of capital or property. And against whom are they contending? Against the whole aggregate mass of the capital of New England, concentrated in the eastern portion of the State of Massachusetts. That is the position of the two parties. Now, I ask, if there be corruption in the State of Massachusetts—and I do not deny that there is corruption, more or less, everywhere, in every State and nation under heaven—but if there be corruption in the State of Massachusetts, where is it? *Prima facie* the answer is a pretty plain one. The corruption is where the means of corruption exist. There are several hundreds of millions of capital piled up in and about the city of Boston. There is no other such aggregate of wealth in so few hands on the American continent; and if there be corruption there, it is that vast, unequalled mass of capital that purchases whatever is venal. This capital, like all other capital, is, by the instincts of its holders, adverse to Democratic principles. Conceive the effect of this on the position of political parties. The Democrats are mostly of the laboring classes. I do not say that there is bribery there; but I say that if there be, it is the rich that bribe the poor, and not the poor that bribe the rich. Upon that position, then, I start in this examination. The Democratic party of Massachusetts consists of men who stand up against their own individual interests; and this every man may know that will pass through that State, and not shut his eyes to facts around him. Is there an operative in a factory there who does not know that this place is less secure to him if he votes the Democratic ticket than if he votes the Whig ticket? Is there an agent in a factory who does not

know the same thing? Is there a porter or stevedore on a wharf who does not feel his certainty of future employment sensibly diminished if he is known, nay, if he is even suspected, to be a Democrat? Is there a storekeeper there, not a Whig, who does not know that those who would be his best customers pass by his door because he does not happen to be of the same politics, and that the customers whom he gets in their place do not expend with him such large sums of money? Is there a physician or a professional man of any kind who does not know that he makes heavy sacrifices if he adopts and professes the so-called heresies that have been so unpopular formerly with the powerful in Massachusetts? Is there a lawyer of any talent, who is a Democrat, who does not know that he could quadruple his practice by simply professing to be a Whig? Clergymen, physicians, laborers, tradesmen—all classes of men make sacrifices by belonging to the Democratic party. No mortal man in Massachusetts ever made sacrifices by joining the Whig party, but tens of thousands of Democrats have sacrificed a large proportion of their means of support by standing up to what they believed to be sound, and true, and right. That is the position of the Democratic party of Massachusetts, and that has been its history from its commencement down to the present time. Against this party particularly is the charge of corruption aimed, and what is the ground of that charge? It is brought down to the alleged fact of a coalition.

Before going into the character of the alleged coalition, let me ask, are coalitions in themselves wrong? Is it wrong that those who seek a common object, should cooperate to effect that object? Am I to stop to inquire whether my neighbor thinks as I do upon all questions—all important questions, if you please—before I act with him upon any one important question? If the Capitol is on fire, and the engines in the Rotundo, and not men enough to man the brakes, must I refuse to fall in and help to work for the salvation of the common interest, and to extinguish the conflagration, because there happens to be a man at work there for the same object, who entertains different sentiments from me, on religion, for instance, the most important concern of man—he being a Catholic, and I a Protestant? Every man will say at once, that the man would be an idiot who would suffer his energies to be paralyzed by scruples against the coalition in such a case, though it might be a coalition with atheists and drunkards, polygamists and monarchists. I hold that, as a general thing, for those to act together who desire a great public object, impossible to be accomplished without their union, shows that they are men of sense and understand how to effect their object. What do all these men who cry out against the alleged coalition in Massachusetts do in respect of coalition among themselves? Do they isolate themselves? Does each man stand apart from his neighbors with whom he differs on any important question? If they did, there would be no parties in this country, from one end of it to the other, and no Government, for without combinations of men differing widely from each other, constitutions could never be adopted, nor governments carried on, nor even established, and freedom would expire in universal anarchy.

But to come now to the precise question raised by the charge of my colleague against Massachusetts: is a coalition between men who do not oppose the compromise measures, and the fugitive slave law particularly, with men who do oppose them, an unholy coalition? If it be, where and since when was that discovery made? Was it by the Whig party in the State of Missouri? Has Missouri been denounced again and again upon this floor, by Whig gentlemen, because the gentleman [Mr. GEYER] who holds his seat in the other branch of this Congress, was elected by a coalition, as I understand it, of those who favored and those who were opposed to the fugitive slave law, and the compromise measures, in the State of Missouri? Is it in the State of Wisconsin, where the gentleman nominated by a Free-Soil convention, and known to concur in their views, was elected, and the Whig papers, from one end of the country to the other, set up a shout of triumph at the Whig victory in the State of Wisconsin? The Free-Soil candidate of the Free-Soil party was elected, and hence it was, as one would suppose, a Free-Soil victory. But is a Whig victory a Free-Soil victory? Are they one and the same thing? The

gentleman says they are not the same, but very different things; but yet there is no outcry of indignation against Missouri, or against Wisconsin for these enormities, but much applause, because a coalition has given to Whigs a share in the distribution of office and power. There is little to be urged against Ohio, or New York, or Georgia, but a great deal against Massachusetts. And why? I do not know, unless it is because her own sons contribute to heap imputations of dishonor on Massachusetts, on this floor, because the stab from the parical hand rankles most sorely, and stimulates the malignancy of strangers to follow up the blow and add fresh venom to the wound. I do not know why else she is made to bear the sins of all the other States—why else she is to be the “scape-goat” for all the other coalitions in the United States. Are not we in Massachusetts at liberty to judge of our own political position, and political course, as well as gentlemen in Missouri, or Wisconsin, or Ohio, or in New York, or anywhere else in the United States—in Mississippi, or Georgia, or any other State? Is it so clear that in any section of the country—East, West, North, South, or central—is it, I say, so clear that gentlemen, who call themselves by the same party name, agree upon these very questions? Is it so clear that, in South Carolina, or Alabama, or Mississippi, the Democrats all agree about this fugitive slave bill? Do not some of them say that it is constitutional, and others that it is unconstitutional? Do not some propose one course of action, and others precisely the opposite course of action with regard to it? Yet, day after day, with an insolence countenanced by her own sons, Massachusetts is denounced upon this floor, and no other State but Massachusetts—a State having a right equal to that of any other sovereign State in this Confederacy, to determine what she considers right and proper, and what course she deems best to pursue in her own domestic affairs, and for her own good government. Why, the gentleman from North Carolina [Mr. STANLY] thinks he would not go to heaven with Democrats like those of Massachusetts—he could not bear to tread the same path. Sir, he has not trod our path heretofore, and we therefore had no reason to expect his company in the straight and thorny way at this time; but because he refuses to join us, we shall not the less firmly press on, and not the less safely arrive at our journey's end.

Massachusetts, I say, has the same right to manage her own political affairs, in her own way, with that of any other State in this Union. And she has not only the same right, but she has the same ability, energy, and determination, to maintain that right with any other State, and she will maintain it, at home and abroad.

But I am not going to take my stand behind the dignity of the State of Massachusetts, and say that she does what she pleases, and she will not give an account of what she does. I stand ready here to-day—what I have never done before in public, and what I would not do now, if I did not feel particularly clear and particularly free from doubt that I am doing right in what I am doing—to indorse the coalition in Massachusetts. I believe I understand what it was, and what it did, though I was not present at the time it was entered into. I was in the State of Illinois. But after my return I heard what had been done, and I am now in the condition of an impartial looker-on; and being thus free to take my own course, I can say, and do say, that I think it was eminently wise and patriotic in the majority of the people of that State to take the government of the State out of the hands of the minority, however unpleasant to the minority that proceeding might be.

Before proceeding to discuss the propriety of that movement, and of the masterly combination by which it was made, let me, however, inquire, for a moment, who it is that makes the charge of corruption against the coalition in Massachusetts? My colleague from the sixth district [Mr. DAVIS] undertakes to read lectures to the Democracy and Free-Soil party because they act together in Massachusetts. That is all. He has not impeached them for their acts, but only for their concurrence in those acts. He has not singled out any one act of those parties, except that of acting together. That he considers a violation of political principles. I have a right to presume that all our great measures were right, only that it was wrong for us first to agree to do right, and then to do it. He has not accused

us of voting for any law or any resolution, but he has accused us of appointing men to office. He has not accused us of appointing bad men. He has not said that the offices are not better filled now than they were when the Whigs were in power. If he had, I should take issue with him upon that proposition. He has not designated one single act of these parties, but he has designated this coalition itself and *per se* as offensive to his political sensibilities.

And now, what does my friend from the sixth district mean by charging upon the Democrats a breach of political honesty in acting with those who agree with them upon certain particular points of action—in electing the Governor, Lieutenant Governor, and other officers of State administration, and in passing certain measures of reform, in which the Democratic party has been engaged for fifteen or twenty years past in Massachusetts, but which they had not accomplished, and could not have accomplished without the aid which he thinks they ought not to have received, when it was tendered? Does the gentleman from the sixth district believe that it is wrong for a Free-Soiler to act with a Whig, or a Whig with a Free-Soiler? To make my question more definite and more pertinent to his own position, does he believe it wrong for an Abolitionist and a Whig to act together? He must have undergone a transformation of heart and character as sudden, as entire, and as far beyond the reach of natural causes as that of Saul of Tarsus, and that, too, quite recently, if he does not believe such common action to be honorable and justifiable. Then why does he attack this coalition so furiously? This is a new thing compared with the old, standing coalition of the State of Massachusetts, in virtue of which the Whig party has retained its power for the last twenty or thirty years, by carrying with it the votes of those whose feelings towards the institution of slavery were not of a very favorable kind. They are the gentlemen, those influenced by their dislike of slavery were the gentlemen who kept the Whig party in power in Massachusetts, from the time when it came in by the amalgamation or coalition of 1825, till the time when it went out by the coalition of November, 1850, continued in January, 1851. If, then, it be wrong for a party opposed to the compromise to coalesce with a party in favor of the compromise, I tell this committee that such a coalition—such in principle, for this coalition in Massachusetts does not date only from the passage of that law—I say such a coalition has kept the Whig party in the State of Massachusetts in power down to the time when they went out of power. And a pretty prominent actor in that coalition was the gentleman from Massachusetts, [Mr. DAVIS] who charges the damning sin of coalition upon the Democrats of Massachusetts. Now, I am not in the habit of speaking in relation to matters of this kind without the evidence before me. Therefore, in order to substantiate my charge of this coalition between the Whigs and Abolitionists of Massachusetts, I shall single out the history of the gentleman from the sixth district in connection with this matter.

In 1835, my colleague [Mr. DAVIS] was a member of an anti-slavery convention of the county of Franklin, [laughter.] Massachusetts. Gentlemen will see that I have begun far enough back, so that my colleague cannot complain that I have not treated him fairly by not exhibiting his whole course on this subject in its just connection. I will remark that this was not a Free-Soil convention, but an Abolition convention. Some gentlemen may think the distinction rather a nice one; to those concerned it seems vastly important. This was a meeting of Abolitionists, for the purpose of organizing one of those anti-slavery societies, commonly called Abolition societies. The published account states that Mr. George T. Davis read the call for the convention, and was elected one of its secretaries. The organization of the society was proceeded with. A constitution was adopted, the second article of which defined the objects of the society, which was declared to be “THE ENTIRE REMOVAL OF SLAVERY FROM THE UNITED STATES.” [Great laughter.]

[Cries of “Read it!” “Read it!”] Mr. R. I cannot undertake to read all to which I refer, but the committee will be satisfied with extracts, for there will be a large number which I shall read.

It was a pretty large undertaking for a young

man, but young men are always ambitious and sanguine. But it seems in 1835, my colleague undertook the entire abolition of slavery in the United States of America. [Renewed laughter.] I confess that it is somewhat more than I should have felt myself called upon to perform in the county of Franklin, in the year 1835. If I had felt a tendency that way, an inward call to that mission, I should have placed the bounds of my ambition within decidedly narrower limits.

The third article of that constitution pledges the members to “labor for the abolition of slavery in the District of Columbia, and in the Territories of the Union by all constitutional means.” A resolution adopted at that meeting declares that “slaveholding, as it exists in the United States, is SIN, and ought at all times to be regarded and treated as such.” And another resolution declares what my Southern friends will be glad to know upon this high authority, that “immediate emancipation would be without danger to the white population.” [Great laughter.] Of the society thus formed, George T. Davis was elected treasurer.

These were the sentiments of my colleague in 1835. In 1838, on Tuesday, October 2d, “a convention of the young men of Massachusetts, who are the friends of immediate and universal emancipation,” met at Brinley Hall, Worcester. Perhaps my friend from that district [Mr. ALLEN] imbibed his principles there, and on that occasion.

Mr. ALLEN. I beg to say, that that meeting goes much further than I ever went or am prepared to go. [Laughter.]

Mr. RANTOUL. Then the gentleman from Worcester, it seems, did not learn his whole lesson, as the teacher [Mr. DAVIS] was then and there prepared to impart it. The proceedings of that meeting, published officially in the *Boston Liberator*, edited by Mr. Garrison, state that Mr. George T. Davis, of Greenfield, was elected President, *pro tempore*.

Then the committee to nominate officers reported—

[Cries of “Read!” “Read!”]

Mr. R., (continuing.) “The committee to nominate officers reported, and the following gentlemen were elected: President, George T. Davis, of Greenfield;” and then follow the names of ten Vice Presidents, and three Secretaries. Among the resolutions adopted at the meeting which elected Mr. George T. Davis President of this Abolition Convention, were the following:

“Resolved, That the man who sits still in Congress and permits our rights to be trampled upon and our lives to be threatened by Southern slave drivers, in silence, does not faithfully represent the freemen of free Massachusetts.”

[Laughter.]

I rejoice to know this from authority which cannot mislead me, because I am in daily expectation of that burst of eloquence which is to carry out this principle, from the gentleman from the sixth district. The freemen of free Massachusetts have at last a representative now who will not represent them in silence. [Laughter.] The next resolution is in these words:

“Resolved, That the Senators of this Commonwealth, Daniel Webster and John Davis, did so conduct, when that infamous threat of death to any Abolitionist who should set foot in South Carolina, was uttered on the floor of the United States Senate; that we regard their silence, on that occasion, with the deepest indignation; and that we wish we could say of both, as we can of one, ‘distinguished, but not born in Massachusetts.’”

[Laughter.]

My colleague from the sixth district, in the overflowing of his heart, thanked God that he was not obliged to confess that Daniel Webster was a native of his State. That is the meaning of this resolution. He wished he could say of John Davis, as he had of Webster, “distinguished, but NOT BORN in Massachusetts.” Here is one count in the bill of indictment against a learned gentleman who occupies a seat in the other Hall of this Capitol—that he stated that Millard Fillmore “had better never have been born than to have signed the fugitive slave bill.” Why should the member from the sixth district complain of that expression on the part of the gentleman alluded to, when he thinks it a matter of rejoicing that Daniel Webster was not born in Massachusetts? Why, if I wished a man had never been born in Massachusetts, or if I exulted that a man had not been born in Massachusetts, I would go a little further, I think, and wish that he had never been born at all. [Laughter.]

The next resolution is in these words:

"Resolved, That the people of the United States, and their representatives in Congress, are morally bound to abolish slavery in the District of Columbia and national Territories, and to prohibit the inter-State slave trade."

And another:

"Resolved, That all legislative enactments arraying the civil and military power of the nation against the slave, are an outrage on humanity, a violation of morality and religion, and therefore null and void; and that we will never return a fugitive slave into bondage, nor bear arms to keep him from his inalienable rights."

I do not know precisely what that means, but I should suppose it to include the idea that, in case of domestic insurrection in any part of this Union, these gentlemen resolve they will not take up arms to aid in the suppression of that insurrection. It asserts, also, that laws like the fugitive slave law are null and void by the higher law.

What comes next?

"Resolved, That it be recommended to the people of this State to petition the United States Senate, praying them not to advise and consent to the appointment of any person as a minister from this country to any foreign Court who is a slaveholder, because such representatives degrade the American name and character abroad, and make republicanism a hissing and a by-word before the civilized world."

[Laughter.]

This is almost a fair offset for the solemn league and covenant of similar proscription against non-sustainers of the compromises. [Laughter.] Well, sir, the other proceedings of that meeting are somewhat interesting, especially the resolution which speaks of "the visit of our dear friend, George Thompson, to this country." [Great and continued laughter.] And the resolution which assures him he shall "receive the support and countenance of the whole body of the young men of this Commonwealth"—I trust my friend has not escaped from that category, and is still one of the young men of the Commonwealth, young enough to countenance our dear friend George Thompson—"shall receive the support and countenance of the whole body of the young men of this Commonwealth, now represented in this convention." The Secretary was instructed to forward a copy of these resolutions to Mr. Thompson. William Lloyd Garrison seems to have taken a part with Mr. George T. Davis, in this convention. In the next year of this strange, eventful history—for I must follow it step by step—in 1839, October 23d, a meeting was held of the Franklin county Anti-Slavery Society; Elijah Alvord was chosen President, and George T. Davis one of the Vice Presidents; and in the afternoon, the President being absent, this George T. Davis presided. He was also a member of the business committee, and one of the resolutions adopted and reported by that committee was as follows. It goes rather strong, as gentlemen will observe:

"Resolved, That Abolitionists ought to withdraw all christian fellowship with slaveholders."

[Laughter.]

That is a denunciation of coalitions. Still it is a denunciation confined to matters ecclesiastical. The gentleman's practice shows that he had not then arrived at that sublime height of wisdom whence one may look down with contempt on political coalitions, for down to yesterday he was, though a zealous, thorough-going, consistent Abolitionist, engaged in a very close and confidential coalition with politicians who hold in common with him no one of the sentiments quoted from his various resolutions, as I will by and by show, if indeed it is worth the while to follow the matter so far.

It was also, on motion of Mr. Boies,

"Resolved, That we will vote for no man for Congress, who is not in favor of the immediate abolition of slavery in the District of Columbia, of the internal slave trade, and opposed to the admission of any new slave State."

In the year 1840, my colleague from the sixth district was a member of the Senate of Massachusetts, and he was chairman of the special committee of the Senate of Massachusetts which reported those famous resolves, circulated over all the country, and so often quoted as showing the opinions of the Whigs of Massachusetts, upon the subject of slavery. My colleague, as chairman of that committee, made an able report, introducing the resolutions which were then adopted.

The resolutions were as follows:

"Whereas domestic slavery exists in the District of Columbia, under the express authority of Congress, &c.

"Resolved, That Congress ought to exercise its acknowledged power, in the immediate suppression of slavery and the slave trade in the District of Columbia.

"And whereas, by the Constitution of the United States, Congress has power to regulate commerce with foreign nations and between the several States of the Union, in the exercise of which power Congress in the year 1808 abolished the foreign slave trade; and whereas, a domestic slave trade, as unjustifiable in principle as the African slave trade, and scarcely less cruel and inhuman in practice, is now carried on between the several States: Therefore,

"Resolved, That the domestic slave trade ought to be abolished by Congress, without delay.

"Resolved, That no new State ought to be admitted into the Union, whose Constitution shall tolerate domestic slavery.

"Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost efforts to give effect to the foregoing resolves."

And the Governor was directed to send the resolutions to Senators, &c.

The report with which the resolutions were introduced, was signed by Mr. Davis, and I therefore conclude, was written by him, for I take it he is not in the habit of signing reports which he does not write.

In that same year, 1840, a bill was introduced into the Senate of Massachusetts, making a change in what is sometimes called the black code, the legislation regulating the rights of negroes. That change was a repeal of the preëxisting law, which forbade the intermarriage of whites with mulattoes and negroes. And that reform was brought about by the instrumentality of my colleague, from the sixth district, [laughter], as he was the chairman of the committee that reported the bill providing for the change. That bill became a law; and I think I do no more than justice to the eloquence and talents of my learned and able colleague, when I say, that in all human probability, the young white men of Massachusetts would have been denied the privileges of connecting themselves with mulattoes and blacks, (in that interesting relation which the gentleman from the sixth district has opened to them,) down to this day, if it had not been for the disinterested exertions of my colleague from the sixth district. [Great laughter.]

On the 9th day of October, 1838, a meeting of the Anti-Slavery Society of Franklin county was held, and George T. Davis was reëlected treasurer of that Society. If there was corruption at that time the fund was in his keeping, and he may therefore have had better opportunities of understanding this question of corruption than most of his colleagues who have not had the fortune to be treasurers of abolition societies. Mr. George T. Davis was reëlected treasurer of the Anti-Slavery Society of Franklin county; and among the resolutions passed are some, which contain some rather severe remarks upon the honorable Daniel Webster, whose position then was not so far from that of this treasurer of the Abolitionists as it has been since; as it is now, when the treasurer thinks proper to form a coalition with him.

Now, down to 1840, I have traced this history. Down to 1850, has no change come over the spirit of the dream of my colleague from the sixth district? No, sir. No, sir! Judging from all public manifestations, I was led to suppose that the sentiments of my colleague from the sixth district remained down to yesterday, just the same as represented in the series of resolutions I have just read. If there be any public address, in any public meeting in Massachusetts, avowing a change of sentiment, I have not seen it, or read it, or heard of it. If there is any communication in any newspaper, magazine, or elsewhere; if there be any communication to the people of Massachusetts, who elected the honorable member, informing them that he did not entertain, when he was last elected, the same sentiments entertained previously by him—from 1835 down—I have never heard a rumor of them. There may be such; this part of the State is somewhat distant from my home, and I do not pretend to read all that comes out in the newspapers. I say I never heard a rumor, or saw an indication of any change of sentiment on this class of subjects, upon the part of my colleague.

But the convention that nominated my colleague for election to this place, ought certainly to know the truth in reference to the opinions of their candidate. They voted for him upon the supposition that his opinions coincided with their own, and they especially knew that they were voting for a gentleman so high-minded and chivalrous that he abhors all coalitions. Of course he would not receive the votes of those who differed from him. He would spurn them with a pure indignation. It must, then, be taken for granted that his party coincides with him in his sentiments. The infer-

ence is stronger in his case than in that of any other man; and if I find out what were the sentiments of the party who sent him to Congress at the time when they sent him, I shall find what his views were presumed to be at the time he was sent here, and that, too, by a presumption which he at least is estopped from denying.

[Here the hammer fell.]

The CHAIRMAN. The hour which the House had resolved to close debate in the Committee of the Whole on the state of the Union on the bill had arrived.

Cries, addressed to Mr. RANTOUL, of "Go on!" "Go on!"

The CHAIRMAN. The committee even by unanimous consent cannot, in the opinion of the Chair, disregard the order of the House.

Mr. RANTOUL. Cannot I proceed if there is no objection?

The CHAIRMAN. In the opinion of the Chair you cannot even by unanimous consent proceed.

Mr. ORR. Unanimous consent is given, and do I understand the Chair to decide that the gentleman cannot proceed?

Mr. JOHNSON, of Arkansas. This matter may be quickly settled—I appeal from the decision of the Chair.

Mr. RICHARDSON. No! no! I should very much like to hear the gentleman through, but we must stand up to our rules.

Mr. JOHNSON. I will ask the Chair if, by unanimous consent, Governor McDowell was not on a former session allowed to proceed after the time had expired for closing debate? and if it was not done in several other cases?

The CHAIRMAN. Never when I was present. My recollection is, in the case of Governor McDowell, that upon two occasions the House refused to do it.

Mr. ORR. Let me inquire of the Chair, whether a proposition to reconsider the vote on the adoption of the resolution terminating the debate upon this bill was made and laid upon the table?

The CHAIRMAN. It is the recollection of the Chair that the gentleman from Indiana [Mr. DUNHAM] moved that the vote by which the resolution was adopted be reconsidered, and that that motion be laid upon the table. It was remarked at the time that the motion was unnecessary, as it had been reconsidered once, but the gentleman insisted upon it.

Mr. ORR. If the committee go back into the House, can the resolution be rescinded?

The CHAIRMAN. That is for the House to determine, and not the chairman of the committee.

Mr. JOHNSON. Have I a right to debate my appeal?

The CHAIRMAN. No, sir; because the hour has arrived at which debate must terminate. The chairman of the Committee of Ways and Means, [Mr. HOUTON] who reported this bill, is now, under the rules, entitled to address the committee for one hour. After the expiration of the hour debate it will then be in order for five minutes' speeches, in explanation of such amendments as may be offered.

Mr. JOHNSON. I have this right certainly, and that is, to ask you whether an appeal cannot be taken from whatever decision you make sitting in that chair, and whether, if an appeal be taken, you are not bound to put the question?

The CHAIRMAN. Gentlemen were making inquiries, and it was not the intention of the chair to disregard the gentleman's appeal.

The Chair decides that the resolution of the House terminating debate upon this bill in the Committee of the Whole on the state of the Union, being imperative and unconditional in its terms, cannot, even by unanimous consent, be disregarded. From this decision the gentleman from Arkansas takes an appeal.

Mr. STANLY. I submit that is not the question, unless unanimous consent is obtained. There were fifty objections in this part of the House. The gentleman from Massachusetts has not discussed what he promised to do—the coalition. He dodges the question.

Mr. RANTOUL. I desire to go on, and I will not dodge the question. The gentleman shall be gratified to the fullest extent.

The CHAIRMAN. There being objections, the gentleman's appeal falls.

Mr. BISSELL. I move the committee rise.

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The CHAIRMAN. The gentleman from Alabama [Mr. Houston] is entitled to the floor.

Mr. HOUSTON. I am in a very peculiarly embarrassing position, either in speaking upon the matters before the committee, or upon the main question that will occupy the time allotted to me; but I do not feel myself at liberty to resist the application that seems to come from all parts of the House to allow the gentleman to make the motion that the committee rise. It appears to me, however, that when we do get into the House, we will be in the precise condition that we are now. We cannot reconsider the vote.

Mr. BISSELL. I move that the committee rise.

Mr. ORR. There is no necessity for going into the House, for the resolution cannot be reached there.

Tellers were demanded and ordered.

Mr. BISSELL then withdrew his motion that the committee rise.

The CHAIRMAN. The gentleman from Alabama will proceed.

Mr. HOUSTON. Mr. Chairman, I intend to occupy the portion of time to which I am entitled in endeavoring to call the attention of the committee to the issues that legitimately and properly grow out of the bill upon which we shall shortly be called to vote, and, if possible, present the subject free from all extraneous matters and influences. The circumstances which have just transpired have placed me in a position peculiarly embarrassing—the debate having wandered entirely from the question before the committee, and assumed a personal character. Such discussions being always exciting, command attention, while a debate which is pertinent to the question does not. Another cause of embarrassment proceeds from the fact that there was such an evident disposition for the speaker [Mr. RANTOUL] to proceed, when it was not in my power, nor was it in the power of the committee or of the House, if we had gone there, to have authorized him to do so. The committee itself must see that there was no other course left for me to pursue than the one I adopted. I was appealed to for a portion of my time—time granted to me under the rules of the House for the purpose of closing this debate, and which I feel bound to devote, or such portion of it as I may occupy, to a discussion of the bill and amendments before us. The usage of this body gives me—because of the position I occupy on one of the committees of the House—to some extent beyond what I might otherwise have, a general direction or charge of some of the most important bills that will come before the House for action; and I feel, therefore, a responsibility that forbids my yielding unnecessarily to a debate not upon the bill or proposition before us. The debate to which I was called to yield was not germane to the question before the committee, and if I had yielded to it, I would not only have abused the trust committed to my hands under a rule of the House, by making important legislation secondary to mere personal and party strife, but I would also have set a precedent which would necessarily have embarrassed me hereafter. Had I granted that request, I would soon have been called to grant a like one to the other side, or to a like contest between other members. And how could I justify myself in a refusal? Where could I have stopped?

Mr. Chairman, it is my purpose, if I can do so, to separate, as briefly as may be, the true from the false issues—the relevant from the irrelevant matter that has been brought before this committee; and in doing that, allow me, in the outset, to disentangle this bill from all extraneous matters of whatever kind or character. With the contest between the honorable member from Virginia [Mr. BAYLY] and the Messrs. Green, of this city—with the contest that grew up a few days since between the members from Ohio—or with the contest that has been witnessed yesterday and to-day between the members from Massachusetts—the question involved in this bill has nothing to do. Those things do not in any way pertain to the question under consideration. We are called upon to decide

whether this bill shall pass with its present provisions, or whether it shall undergo amendment; and if so, in what way? In enabling the House to determine that question, it is not at all necessary or proper that we should settle any of the controversies to which I have alluded; they are not matters for our inquiry or action—they are in no legitimate connection with the bill now undergoing examination.

Mr. Chairman, a position was assumed a few days ago by the gentleman from Ohio, [Mr. DISNEY,] that to some extent implicated the present Committee of Ways and Means, and to a larger extent implicated me as one of the members of that committee. I intend to direct my first moments to a reply to that position or suggestion, with the view of presenting the action of the committee of Ways and Means, as well as my own action, in its true light. I can satisfy the gentleman himself that we have done our duty fully. I feel satisfied that the honorable gentleman did not intend, by what he said, to cast censure upon any portion of that committee; but the course of remark indulged in by him has given a false coloring to the whole question, and has presented to the country an irrelevant, and, as I think, an unfair issue. He argued to show, that the Committee of Ways and Means had not discharged its duty, in connection with this bill, and that I, as chairman of that committee, should feel bound, in the proper discharge of my duty, to call in person upon, and obtain from the Secretary of State, information which would clear up the mist and fog, and obviate all the difficulties and troubles that seem to surround this subject. If I could have done that, Mr. Chairman—if I could have been successful in an enterprise so desirable, it would have been a pleasure to me to have done so. If I could, by any proper act of mine, have relieved the minds of the members of this committee from doubt, let the scale turn as it might, I would have encountered extraordinary difficulties to have accomplished so desirable a result. I am not here to make charges against the President of the United States, or any executive officer of the Government, nor am I here to defend them. It is my purpose on this occasion (from a conviction of its correctness) to advocate the adoption of a measure, which I have presented to the House as the chairman of the Committee of Ways and Means, and I shall endeavor to show that this bill should become a law in its present form and with its present provisions. In order to do that, I propose to state the facts of the case, derived from authentic sources—from the Executive Departments of the Government, and not from sources which might seem to be interested or in any way biased on the one side or the other of the issues. The gentleman from Ohio, [Mr. DISNEY,] however, substantially charges that the Secretary of State evaded the call which was made upon him by the resolution of the Senate at the last Congress. Then, if it be true that the Secretary of State evaded that call—a call which the Senate of the United States had an unquestioned and unquestionable right to make, and which it was the duty of the Department, in the proper form, through the President of the United States, to answer—if it be true, I say, that with all the authority of the Senate, the Secretary of State did refuse to give the facts—if he suppressed the facts, and thereby gave utterance to falsehoods—then, I ask, how could it be expected that I, or any other member of this House, could, upon his mere personal solicitation, obtain from the Secretary the facts he had thus wrongfully withheld from the Senate? If Mr. Webster evaded a proper, full, and truthful reply—if he did not state the facts existing in his Department, which were called for by the resolution of the Senate—he is guilty of a high offence, and one which Congress should punish, and the country should condemn. And under these circumstances, would it be reasonable in me to expect he would say more to me than he said to the Senate—in other words, that he would confess to me that he had withheld facts which he should have given to the Senate? How

could I approach him? What should I say to him? Should I tell him that members of the House of Representatives believed he had not told the whole truth to the Senate, and that I had called to get it out of him? That would hardly do; for if he evaded answering what the Senate propounded, would my authority be so much greater than that of the Senate that he would disclose everything to me, regardless of the consequences to himself? He, of course, would know what use was to be made of his statements to me; and inasmuch as his statements given to the Senate are in writing, he would hardly contradict himself and thereby enable the House to convict him of a suppression of facts. He would know that any statement he might make to a member of this body in conflict with what he had said would be used against him, to show his duplicity. I am not charging these things upon Mr. Webster, but am arguing to show the singularity and untenableness of the suggestion of the gentleman from Ohio, [Mr. DISNEY,] I have always understood, and have not the least doubt of the correctness of that understanding, that the mode which either House of Congress should pursue to get information from the President of the United States or any of the Departments, is by a call of the House, by a formal resolution of the House desiring the information—

Mr. STEPHENS, of Georgia. I suggest to the gentleman that he extend the argument further, and say that the Secretary of State had no right to give copies of any papers in his office without the permission of the President. They are in his control, and he is responsible.

Mr. HOUSTON. Although that was not in the line of argument I had marked out for myself, yet I am perfectly willing to give it as my own opinion, that such is the rule which should govern such applications—the head of that Department, the Secretary of State, has no authority unless by sanction of the President. Calls upon that Department for information must be through the President of the United States, and not directly upon the Secretary; he has no authority to communicate to the public, or to either House of Congress, the secrets of State, if I may be allowed to use that expression, without the sanction of the President. What are the Executive departments of this Government? They are mere organizations for the purpose of enabling the Executive of the United States the more efficiently to execute the laws—of aiding him in the discharge of his important and responsible duties. In point of law, the President of the United States, then, is the responsible head of the Department of State, and whatever you may do in this case goes further than the Secretary. It reaches the head of the Government—the Executive of the United States.

Mr. Chairman, what are the duties of the Committee of Ways and Means in relation to appropriation bills? They are, as I understand them, that we shall examine and learn by what authority the appropriation is sought to be made, whether by law or treaty; that we shall obtain, if accessible, the information necessary to enable the House to determine whether the appropriation should be made. In the discharge of that duty, we have presented the treaty made between the Government of the United States and Mexico in February, 1848, in which, and from which, it appears that the installment of three millions, and one hundred and eighty thousand dollars interest upon such installment, becomes due upon the 30th of May next. Have we anything further to do? What further can we do? No one contends that that installment has been paid? Is there any other information which the House desires to enable it to pass upon this bill? If so, I would like some gentleman to make it known.

Here, then, we have satisfactory evidence that this money is due, and must be paid on the 30th of May, 1852, only four months from now, and that it cannot be paid until we make an appropriation for it. The treaty with Mexico cannot be complied with without the money; and to obtain the money it is necessary to make an appropriation, so that the

Executive of the United States may be prepared to execute the treaty according to its requirements. Let me say a word further on this subject. Suppose I had gone to the Secretary of State and obtained information from him personally—and I will here say that I have obtained none of my information from that officer, or from any other person who is supposed to be implicated by the remarks of any member upon this floor, or suspected of wrong in this transaction: I have altogether avoided them, not because I supposed they would not tell me the truth, but because I preferred to speak from the record—I wished to leave no chance for doubt in the mind of any one as to the correctness of my statement: I have, therefore, resorted to the archives in your Departments; and I am sure that I am not mistaken as to the information I present—suppose I had gone and conversed with the Secretary of State, and had reported the result of such interview and what had passed, would it be at all likely that such course on my part would have given satisfaction to those members who think I should have pursued that course? The honorable member from Virginia, [Mr. BAYLY,] who preceded me, as chairman of the Committee of Ways and Means, in his speeches states distinctly that he did converse with the Secretary of State, and that he communicated the result of those conversations to the House. Yet it seems that gentlemen are not satisfied; and would it be likely that what the Secretary might tell me would have a better effect upon their minds? Such a supposition is hardly a reasonable one. With the evidence, then, of that fact before me, I do not feel willing to become the medium of any unofficial communications from the Secretary of State to the House. We have a right to call by resolution, and that is the only mode we can adopt. In no other way can we hold official communication with the President of the United States, and we should never hesitate to adopt that mode when we think the public interests require it.

But further: the gentleman from Ohio [Mr. DISNEY] was unfortunate, in my view, in another thing. The gentleman seemed to press upon the Committee of the Whole on the state of the Union the adoption of the call for information, but withheld it from the House. He was a member of the Thirty-first Congress, and at the first session of that Congress made a speech, of which his speech the other day was almost the counterpart, at which time he charged that these rumors existed, and, indeed, the whole tenor of his speech would indicate that his mind was not satisfied with the fairness of the transaction between the Executive of the United States and Mexico. He did not then, as I have been able to find, seek the information which he seems so much to desire. It is true, he said he tried to get it and failed. I do not understand that he called either in person or by resolution upon the President of the United States or the Secretary of State for it. Then who is most in fault, if fault exists at all? This bill was reported to the House and referred to this Committee on the 6th day of this month, and I have been pressing constantly to have action upon it; yet no effort was made in the House to obtain the information until some two days since, notwithstanding the gentleman knew that the House of Representatives (and not the Committee of the Whole on the state of the Union) could legitimately make such call. The honorable member is a parliamentarian, and knows very well that the Committee of the Whole on the state of the Union cannot originate a resolution of that character; that the House must originate it; and yet he continued to urge it upon the committee, and seemed to desire, in his speeches, to put some of us in the position of endeavoring to suppress information—to smother inquiry and investigation; but, strange to say, he had not then made an effort to get the call in the House.

I think the gentleman was unfortunate in another view which he presented in connection with this bill. He asks why the Committee of Ways and Means have made this bill an exception to the general rule governing appropriation bills?—thereby charging that they have done so. I must say to the gentleman, in all kindness, that he is mistaken—we have not made it an exception. This bill merely proposes to appropriate the money; and that is the case with every appropriation bill, unless some special cause exists and is presented demanding something else to be done. You appropriate several hundred thousand dollars for the judiciary,

and give no directions as to its payment—who pays that money? We appropriate millions of dollars to carry out our treaty stipulations with the Indian tribes, for the military, naval, and civil service of the country; but in none of the bills making those appropriations do we do more than we propose to do here—appropriate the money and place it at the disposal of the Executive, who is bound to execute the law. There we leave it, unless some reason is presented why Congress should do more. It seems, then, if I am right in this—and I am satisfied I am correct—that we have not made this bill an exception to the general rule; that we have done or propose to do everything that is usual to be done with appropriation bills, and no more. We have the power to do more, to go further, if a case is presented to require it; but unless such case be presented it would be both improper and unfortunate for us to intervene between the Executive and his duties, and thereby release him from responsibility or afford him a pretext for throwing an improper responsibility on Congress. The gentleman from Virginia, [Mr. MEADE,] who addressed the committee this morning, sustains me in this view. He says the Committee of Ways and Means could have done nothing but what it did do. Why? Because, he says, if the committee had reported a provision such as he and other gentlemen advocate, it would have been a reflection on the Secretary of State—an act which should be done by the House, if done at all, and not by one of its committees. If the House desire to reflect upon the President or Mr. Webster, surely it can do so; and the committee cannot be blamed for not having reported a provision that would have had that effect. I am not the advocate or defender of either of those public functionaries. No persons could be more antagonistic politically than I am to each of them. I do not propose, however, to occupy the time of this committee in either defending or charging them further than a frank and fair statement of the facts may go. I leave this committee to decide as it may see fit. We pass an appropriation for paying our foreign ministers, without directing in the bill who shall pay out the money. Who makes that payment? What department of the Government does it? It is left with the President of the United States. He, as the Executive of the United States, is bound by his oath faithfully, honestly, and fairly to execute the laws, whether making appropriations or otherwise. I am aware that he does not do it personally, but he does it through his executive departments, which are under his control and direction whenever he sees fit to exercise it.

Mr. JOHNSON, of Tennessee, (interrupting.) I desire to ask the gentleman if the payment of ministers, consuls, chargés, and officers of that description, is not done by the Secretary of the Treasury, and not by the Secretary of State?

Mr. HOUSTON. The gentleman is very shrewd. I put a question to him, and instead of answering it, he rises and puts the same question to me. However, I will answer him. Those payments are made through the Department of the Treasury, upon a requisition from the Secretary of State, but also through the instrumentality of the Barings, as I am informed—those same bankers through whom the President proposes to pay the installment about which we are now debating. But I brought that matter up only for the purpose of showing that in our appropriation bills, after appropriating the money, we leave it, as a general rule, with the Executive Department, to be applied honestly and faithfully to the objects of appropriation, and not for the purpose of showing which Secretary did it. I presume no one doubts the fact, that the President has a right to employ either of his Secretaries, as his judgment may dictate. To make an appropriation is a legislative act. The Executive cannot touch the public money unless we authorize him to do it by the enactment of a law. He cannot draw a dollar from the Treasury any more than you or I, or any other citizen of the community, until a law is passed giving him authority to do it; and when such a law is enacted, it is his duty to see that the money is applied to the objects specified in the law. The application of an appropriation is, therefore, an Executive duty, and not a legislative duty; and to justify the legislature in making an encroachment upon the duty of the Executive in the application of an appropriation like this, there must be some evidence before Congress of fraud, corruption, or

improper conduct upon the part of the Executive.

For these reasons it seems to me that the amendment of my friend from Tennessee [Mr. JOHNSON] should not be adopted, and if adopted, it will be of no avail. I understand his amendment to be, that the Secretary of the Treasury shall make this payment under the direction of the President of the United States. That is no more than the law as it now stands, only the President of the United States, as he had a right to do, has required the head of another Department, instead of the head of the Treasury Department. It would only substitute the Secretary of the Treasury for the Secretary of State.

Mr. BAYLY, (interrupting.) And Mr. Corwin told me, at the last session of Congress, that if the change was made, he should carry out the arrangement with the Barings, which had been made by the Secretary of State.

Mr. HOUSTON, (resuming.) If we were to adopt the amendment, what would be the result? The President has a right to employ whichever Department he chooses, to pay the installments running to maturity, unless we tell him that he shall employ one and not the other. He could make the payment himself, if he had desired it. Indeed, it is his duty to do it, if he had the physical ability, and at the same time attend to his various other duties. The wisdom of the country, knowing that he could not discharge all those duties, has given him executive departments to aid him. And it matters not which department makes this payment, the President is bound to supervise it, because the act is done upon his responsibility and under his direction, through the aid of the Secretary.

So then, if we should adopt the amendment of the gentleman from Tennessee, [Mr. JOHNSON,] we would accomplish no good for the country—at least, I am unable to see in what way the country would gain by it; and while we accomplish no beneficial result, we by that act interfere with the duties of the President of the United States, by directing him to do differently from what he has heretofore done and what it seems he proposes to do now. My friend from Virginia [Mr. MEADE] gave but one reason which can influence the minds of any one in favoring that particular amendment. I understood that gentleman to say that he wanted to adopt that amendment for the purpose of rebuking the present Secretary of State, because that Secretary had not consulted the wishes of Mexico in the payment of the third credit installment of the Mexican indemnity. Let us for a moment look at this matter. I am quite sure the honorable gentleman does not desire to do anything which would unfavorably affect the interest of the country. Then the question very forcibly presents itself, whether the amendment will result in any good? It is true, it may accomplish a personal object—to rebuke the Secretary of State. But if you want to rebuke him, do it directly, and not in this indirect manner. He is no favorite of mine, and has never been. I must say, however, that our action should be just and fair; let us not condemn him—let us not rebuke in advance of an investigation. Would my friend from Virginia be willing that we should take up a rumor of this sort, and without stopping to inquire into its truth, rebuke him without giving him an opportunity to be heard—to defend himself? I presume not. Such course would be repugnant to our nature. If gentlemen will prepare the issue—make up a case—I will go as far as any one to condemn guilt. When a resolution was offered in the House a few days ago by the gentleman from New York, [Mr. BRIGGS,] proposing to institute an inquiry into the legality and fairness of the election of the Delegate from the Territory of Utah—whether he had not obtained his seat here by bribery and corruption, what was the argument used? and what were the indications of the sense of the House on that occasion? It was that the resolution implied a censure upon the Delegate, and that it should not be adopted without giving him an opportunity of being heard in explanation of the circumstances connected with his election.

Mr. MEADE. I distinctly stated in my remarks, that the amendment was intended not only to indicate displeasure at the manner in which the last payment had been made, but inasmuch as it had been made in a manner incompatible with the views of this House, if adopted, as indicative

several months. We could not tell when it would be ratified. The bills were purchased in that way. These bills were purchased in March, but the proceeds were realized in June. Upon the return of the bills in July, the Treasury notes were issued, but to bear interest from June, the time the money was realized, so that the Government lost no premium, or if it did, it was made up in interest.

Then, again, the sum of \$1,151,874 16 of that cash payment was made through bills drawn by Major General Butler upon the Treasury here in favor of Nathan Clifford, then the Commissioner of the United States in Mexico. Those drafts were negotiated by Mr. Clifford, with Hargous & Co., who paid a premium upon them of \$41,107 66. The balance of that cash payment was made by the use of money in the military chest—military contributions—and by turning over property of the army to the Government of Mexico.

[Here the Chairman's hammer fell.]

Mr. HOUSTON. I think my time has not expired. I believe I have some six minutes yet.

The CHAIRMAN. The gentleman's time has fully expired, and the question is upon the amendment of the gentleman from Tennessee, [Mr. JOHNSON.]

Mr. DUNCAN. I have an amendment I wish to offer.

The CHAIRMAN. It is not in order now, there being an amendment to an amendment pending.

Mr. DUNCAN. Can I offer an amendment to the original bill?

The CHAIRMAN. The two amendments pending are to the original bill.

Mr. HARRIS, of Tennessee. I move that the committee do now rise.

The question was then taken, and on a division there were—ayes 91, noes not counted.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee [Mr. JONES] reported that the Committee of the Whole upon the state of the Union had had the state of the Union generally under consideration, and especially House bill No. 46, providing for the payment of the Mexican indemnity, and had come to no conclusion thereon.

On motion of Mr. RICHARDSON, the House then adjourned to meet on Monday next.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. KUHN: The petition of citizens of Westmoreland county, Pennsylvania, praying for the establishment of a direct mail route from Greensburg to West Newton, in said county.

By Mr. McNAIR: Two petitions of citizens of Marcus Hook, Delaware county, Pennsylvania, asking for an appropriation of \$20,000 for the improvement of the piers at that place.

By Mr. BART: A petition from W. H. Seabring and others, residing in the city of New York, asking an appropriation of a sum of money to assist in defraying expenses incurred by exhibitors at the World's Fair.

By Mr. ROBBINS: The petition (with map or chart attached) of Captain Jonas P. Levy, a resident of New York city, asking Congress to grant to him the right of carrying the mail, on conditions therein set forth, from New York and New Orleans, by way of Vera Cruz, the head waters of the Alvarado and Tonto, thence to the port of Huatulco, and thence to San Francisco. The whole time from New York to San Francisco will take but twenty days.

By THOMAS M. HOWE: The petition of William Bagley & Co., Lyon Shorb & Co., and others, praying Congress to authorize the purchase of the remaining interest of private stockholders in the Louisville and Portland Canal, and for the construction of such additional work as shall be capable of passing boats of the largest class around the Falls of the Ohio river.

IN SENATE.

Monday, January 26, 1852.

Prayer by the Chaplain, Rev. C. M. Butler.

EXECUTIVE COMMUNICATIONS.

A message was received from the President of the United States, made in compliance with a resolution of the Senate of the 13th of March, 1851, transmitting a report of the Secretary of War, containing information in regard to the claims of the citizens of California for services rendered and for money and property furnished in the years 1846 and 1847, in the conquest of that country; which was read and ordered to lie on the table.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Treasury Department, transmitting a list of the contracts made

for light-house purposes in the year 1851, including those previously made but not received in time to be included in the last report of the Fifth Auditor; which was read and referred to the Committee on Commerce.

PETITIONS.

Mr. SHIELDS presented three petitions of residents of Illinois, praying the right of way and a donation of land for the construction of a railroad from Shawneetown to the Mississippi river, opposite to Saint Louis; which was referred to the Committee on Public Lands.

Also, the petition of residents of Hancock county, Illinois, praying a grant of land to the State to aid in the construction of the Warsaw and Peoria and Warsaw and Rockford railroads; which was referred to the Committee on Public Lands.

Also, the memorial of the Rector and Vestry of St. John's Church, Washington city, praying that a sum of money paid by that Church to the Commissioner of Public Buildings for a square of ground, which President Monroe authorized the Church to use as a burial ground, may be refunded, and that the said Commissioner may be authorized to give the Church a deed for the land; which was referred to the Committee for the District of Columbia.

Also, the memorial of Daniel Bread and other Oneida Chiefs, praying compensation for the capture of three British gun-boats during the war of 1812; which was referred to the Committee on Military Affairs.

Also, the petition of F. E. Hunt and other officers of the Army, stationed at Fort Leavenworth, Missouri, praying that certain recommendations of the Secretary of War in relation to rank and command in the Army, submitted to Congress, may not receive the sanction of that body; which was referred to the Committee on Military Affairs.

Mr. WADE presented a petition of citizens of Ashtabula, Ohio, praying the establishment of a telegraphic communication between Fort Independence and the Pacific ocean; which was referred to the Committee on the Post Office and Post Roads.

Also, the proceedings of a meeting of citizens of Canton, Ohio, recommending the interposition of the Government of the United States in behalf of the people of Hungary; which was referred to the Committee on Foreign Relations.

Mr. HALE presented the petition of Samuel Knox, praying bounty land for services during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Also, a petition of citizens of Millsborough, Pennsylvania, praying the repeal of the late law for the delivery of fugitives from service or labor; and a petition of citizens of Millsborough, Pennsylvania, praying the abolition of slavery in the District of Columbia.

Ordered, That they lie on the table.

Mr. DAVIS presented the petition of the administrator of William Johannot, deceased, praying to be allowed interest on commutation pay; which was referred to the Committee on Revolutionary Claims.

Mr. DAVIS. I present, also, the petition of Albert Tyler and others, who represent themselves to be citizens of the county of St. Lawrence, in the State of New York. They represent, that in their opinion the construction of some artificial mode of navigation around the Sault Ste. Marie and the Falls of Niagara would be national works and of great public utility; that the country has reached in its progress a march of improvement which justifies the taking up that subject now. They believe it to be necessary, and pray that it may come under the consideration of Congress. I do not know that it is pertinent, but I will venture to suggest that inasmuch as this is a very grave work it would be worth while to appropriate some of the public lands to accomplish the great public object of getting round the Falls of Niagara. I move that the petition be referred to the Committee on Commerce.

The petition was so referred.

Mr. GWIN presented a petition of the working men employed at the Washington navy-yard, praying that pensions may be allowed for long and faithful services, and for disability incurred in the discharge of their duty; which was referred to the Committee on Naval Affairs.

Also, a joint resolution of the Legislature of

California, instructing the Senators and requesting the representatives to use their influence and efforts to obtain an appropriation from Congress for the relief of J. J. Petrie, Captain William Waldo, and Charles W. Hall, for money expended in affording relief to the destitute overland immigrants, acting under the direction of the Sacramento Relief Company; which was referred to the Committee on Finance, and ordered to be printed.

Also, the petition of Jonas P. Levy, proposing to open a communication from Vera Cruz and Alvarado, on the Gulf of Mexico, to Huatulco, on the Pacific, and to convey the mail between New York and New Orleans, and San Francisco, in twenty days; which was referred to the Committee on Naval Affairs.

Mr. MASON presented the memorial of a committee of the Corporation of Georgetown, praying an appropriation to remove obstructions in the navigation of the Potomac river below said town, caused by the construction of the bridge connecting the city of Washington with the shores of Virginia; which was referred to the Committee for the District of Columbia.

Mr. ATCHISON presented the petition of Nathaniel Mothershead, praying a pension for services rendered during the last war with Great Britain; which was referred to the Committee on Pensions.

Mr. BORLAND presented the memorial of James D. Johnson, asking to be allowed the difference of pay between that of a master and a lieutenant in the Navy during the time he performed the duty of a lieutenant while a master on board the United States storeship "Relief;" which was referred to the Committee on Naval Affairs.

Mr. DOWNS presented the petition of the heirs of Thomas C. Lewis, praying the relinquishment in their favor of the title of the United States to certain lands claimed by them in the Bastrop Grant; which was referred to the Committee on Private Land Claims.

Mr. CASS presented the petition of Johnson Lykins, stating that he is the discoverer of certain tin mines, and praying the passage of an act giving him the privilege of working them for a limited time; which was referred to the Committee on Public Lands.

Also, the memorial of the widow of John Scollay, praying a pension for the services of her husband during the revolutionary war; which was referred to the Committee on Pensions.

Also, the petition of the widow of Ebenezer Brown, praying a pension for the services of her husband during the revolutionary war; which was referred to the Committee on Pensions.

Mr. UNDERWOOD. I have the petition of Joel Hickman and some forty or fifty others. They are Kentuckians, and they pray for an object which meets my cordial approbation. It is that the Congress and Government of the United States may take such steps in their relations and intercourse with foreign nations as will tend to establish a tribunal by which questions which have heretofore involved nations in war may be peacefully settled by arbitration, so as to prevent the evils resulting from war. I hope that it may be received and referred, without reading, to the Committee on Foreign Relations.

The motion was agreed to.

Mr. DAWSON presented the memorial of William C. Daniell, against the projected improvements of the General Government in relation to certain obstructions in the Savannah river, and recommending the construction of a ship channel across Hutchison's Island, as the most effective method of overcoming the obstructions known as "The Wrecks" in the Savannah river; which was referred to the Committee on Commerce.

Also, the petition of John J. Sykes, praying compensation for services rendered under an appointment from the special agent of the Post Office Department for California; which was referred to the Committee on the Post Office and Post Roads.

Mr. WADE presented the petition of Ira Reynolds, complaining of the rejection by the officers of the Patent Office, of his application for letters patent for certain improvements in the plough and seed drills, and praying Congress to investigate the matter, and direct the issue of patents for so much of his improvements as may be found to be new and useful inventions; which was referred to the Committee on Patents and the Patent Office.

Mr. UPHAM presented a resolution of the Legislature of Vermont, requesting the Senators and Representatives of that State in Congress to use all proper exertions to procure the effectual suppression of the slave trade.

Ordered, That it lie on the table and be printed.

Mr. PEARCE presented a memorial of underwriters and merchants of Baltimore, Maryland, praying that the salary of the district judge of the United States at Key West may be increased; which was referred to the Committee on the Judiciary.

He also presented a memorial of John F. Gilpin and other creditors of the late Republic of Texas, praying the enactment of such a law as will enable them to obtain payment of their claims against that Republic at the Treasury of the United States; which was referred to the Committee on Finance.

Mr. GWIN presented a resolution of the Legislature of California, in favor of an appropriation for compensating Nathaniel McMenafee for the relief extended by him to the destitute overland emigrants to that State; which was referred to the Committee on Finance and ordered to be printed.

Mr. MASON presented the petition of Bancroft Woodcock, praying an extension of his patent for an improvement in the construction of the plough; which was referred to the Committee on Patents and the Patent Office.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. McRAE, it was

Ordered, That the memorial of the West Feliciana Railroad Company, on the files of the Senate, be referred to the Committee on Finance.

On motion by Mr. NORRIS, it was

Ordered, That the documents on the files of the Senate relating to the claims of the legatees of Thomas D. Anderson, be referred to the Committee on Foreign Relations.

On motion by Mr. PEARCE, it was

Ordered, That John McColgan have leave to withdraw his petition and papers.

On motion by Mr. SOULE, it was

Ordered, That the petition of N. Paillet, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. SHIELDS, it was

Ordered, That the memorial of George Talcott, presented the 11th December last, be referred to the Committee on Military Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. FOOT, from the Committee on Pensions, to which was referred the petition of Hugh W. Dobbin, submitted an adverse report; which was read.

He also, from the same committee, to which was referred the petition of Brinton Paine, submitted an adverse report; which was read.

He also, from the same committee, to which were referred the documents in support of the claim of Samuel Crapin, submitted an adverse report; which was read.

Mr. WADE, from the Committee of Claims, to which was referred the memorial of the heirs and executors of Samuel Prioleau, submitted an adverse report; which was read.

On motion by Mr. WALKER, it was

Ordered, That the Committee on Revolutionary Claims be discharged from the further consideration of the petition of Martha Gray, and that it be referred to the Committee on Public Lands.

Mr. BORLAND, from the Committee on Printing, to which was referred, the 29th December, a resolution in relation to printing a geological report of Dr. D. D. Owen, reported the same with an amendment.

The Senate proceeded to consider the amendment; and in concurrence therewith,

Resolved, That five thousand five hundred copies of the report of Dr. D. D. Owen on the Geology of Iowa, Wisconsin and Minnesota, be printed, in accordance with the resolution of the Senate at its last session, requiring the same to be printed under the direction of the Commissioner of the General Land Office; and that five hundred copies of the same be for the use of the General Land Office; two hundred copies to be given to Dr. Owen, and three hundred copies to the Smithsonian Institution for distribution.

Mr. BADGER, from the Committee on Naval Affairs, to which was referred a bill for the relief of M. K. Warrington and C. W. J. Chubb, executors of Captain Lewis Warrington, reported the same without amendment, and submitted a report on the subject, which was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on

Pensions, to which was referred the petition of Francis P. Gardiner, submitted a report, accompanied by a bill for her relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. BORLAND, from the Committee on Printing, to which was referred, on the 22d instant, a motion by Mr. HALE, "that two thousand additional copies of the charges and specifications before a court of inquiry against William K. Latimer, a Captain in the Navy of the United States, and the accompanying papers," which were ordered to be printed for the use of the Senate, reported thereon.

The Senate proceeded to consider the motion; and,

On motion by Mr. ATCHISON, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred the bill for the relief of William A. Richmond, reported it with an amendment.

Mr. BRADBURY, from the Committee on the Judiciary, to which was referred the bill concerning the sessions of the courts of the United States in the district of Delaware, reported it without amendment.

Mr. JAMES, from the Committee on Patents and the Patent Office, to which was referred the petition of Zebulon Parker, reported a bill for his relief; which was read and passed to the second reading.

Mr. WHITCOMB, from the Committee of Claims, to which was referred the petition of Mary B. Renner, submitted a report, accompanied by a bill for the relief of John F. Callan, administrator of Daniel Renner, deceased.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

Mr. DOWNS, from the Committee on Private Land Claims, to which was referred the petition of T. H. McManus, reported a bill to authorize T. H. McManus to enter by preëmption certain lands on the Greensbury land district, Louisiana; which was read and passed to the second reading.

Mr. BADGER, from the Committee on Naval Affairs, reported a bill to enforce discipline and promote good conduct in the naval service of the United States; which was read and passed to the second reading.

ADDITIONAL COMMITTEE CLERK.

The Senate proceeded to consider the resolution reported by Mr. WALKER the 22d instant, to authorize the Committee on Revolutionary Claims to employ a clerk.

Mr. WALKER. I will simply state that I reported that resolution in accordance with the unanimous instruction of the Committee on Revolutionary Claims. To that committee a clerk is absolutely necessary, in consequence of the increase of the matter that comes before them. They have much correspondence to attend to, and there is necessarily some traveling, in which they require the assistance asked for, if it is contemplated that they shall get through their business.

Mr. HALE. I want to suggest whether it would not be advisable, as a matter of economy, for the Senate to adopt the suggestion of Dr. Franklin as to the barrel of pork, and say the blessing over the whole barrel at once. Would it not be better to introduce a general resolution?

Mr. WALKER. I may make a statement by the authority of the committee. There are matters now before the Committee on Revolutionary Claims, involving about four millions and a quarter of dollars. Every case before that committee would, perhaps, if submitted to a court of justice, be an intricate and litigated lawsuit. We have to examine these matters; they involve in many instances an examination into the most minute portions of the history of the Revolution. To get papers from the departments, and have them properly certified, involves an amount of labor which I am inclined to think few committees in this body are called upon to perform. If these claims are to be reported upon in proper time, and in a proper manner, it is necessary that the committee should have a clerk. These are the considerations which have influenced the committee.

The resolution was adopted.

NOTICE OF A BILL.

Mr. CLEMENS gave notice that he should ask leave to introduce a bill to extend the benefit of the act to regulate intercourse with the Indian tribes, and to preserve peace on the frontiers, approved the 3d of June, 1834, to the people of the State of Texas, and others.

BILL INTRODUCED.

Mr. WHITCOMB, agreeably to previous notice, asked and obtained leave to introduce a bill granting the right of way and making a grant of land to the States of Indiana, Illinois, and Iowa, in aid of the construction of a railroad from the Wabash to the Missouri river; which was read and passed to a second reading.

BRIGADIER GENERAL TALCOTT.

Mr. SHIELDS submitted the following resolution for consideration; which was agreed to:

Resolved, That the Secretary of War be requested to transmit to the Senate a copy of a letter from Brigadier General Talcott to Colonel B. Huger, dated November 1, 1850, the purport of which was stated in the proceedings, but the original letter was not found until afterwards, and forwarded to the War Department by Colonel Huger.

MISSION TO EASTERN ASIA.

Mr. CLARKE submitted the following resolution for consideration; which was agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interest, the report of Mr. Ballastier, late Consul at Singapore, upon his mission to Eastern Asia, together with such of his correspondence and reports, including his negotiations with the Sultan of Borneo, as may be deemed of public interest.

LAND CLAIMS IN CALIFORNIA.

Mr. GWIN submitted the following resolution for consideration; which was agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate a copy of such instructions as may have been given by the Department to the commissioners appointed pursuant to the act of Congress approved 3d March, 1851, entitled "An act to ascertain and settle the private land claims in the State of California," with a copy of such instructions as may have been transmitted to the Surveyor General of California in connection with the subject.

MARY W. THOMPSON.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Mary W. Thompson; and,

On motion by Mr. JONES, of Iowa, it was

Ordered, That the further consideration thereof be postponed to Friday next.

NON-INTERVENTION.

The Senate proceeded to consider, as in Committee of the Whole, the resolution some time since offered by Mr. CLARKE, reaffirming the doctrine of non-intervention; and,

On motion by Mr. CLARK, it was

Ordered, That the further consideration thereof be postponed to Wednesday, the 4th of February next, and that it be made the special order for that day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. FORNEY, its Clerk, was read:

Mr. PRESIDENT: The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of its President.

The PRESIDENT *pro tem.* signed the two enrolled bills this day reported to have been examined, and they were delivered to the committee to be presented to the President of the United States.

They are as follows:

An act for the relief of Edward Everett, late a sergeant in the United States Army; and

An act for the relief of the Virginia Woolen Company.

ENGROSSED BILLS PASSED.

The following engrossed bills and joint resolutions were severally read a third time and passed:

A bill for the compensation of James W. Low and others for the capture of the British private armed schooner "Ann," during the late war with Great Britain;

A bill for the relief of the children of Captain Erastus A. Capron;

A bill granting a pension to Elizabeth Monroe;

A bill to provide for the final settlement of the accounts of Jonathan Kearsley, late receiver of public moneys at Detroit, and of John Biddle, late register of the land office at that place;

A bill for the relief of James Dunning;

A bill for the relief of Julia Aiken;

A bill for the relief of the heirs and legal representatives of Colonel Alexander G. Morgan;
 A bill for the relief of A. H. Cole;
 A bill for the relief of Charles A. Kellett;
 A bill for the relief of Enoch Baldwin and others;
 A bill for the relief of Theodore Offutt; and a Joint resolution for the relief of Alexander P. Field, late secretary of Wisconsin Territory, and sureties.

DEBATES OF THE SENATE.

The resolution to authorize the Secretary of the Senate to audit and settle the accounts of J. C. Rives, for reporting the debates and proceedings of the Senate, came up on its third reading.

Mr. GWIN. I hope that resolution will lie over until to-morrow.

Mr. BADGER. Why not pass it now?

Mr. GWIN. I wish to move an amendment. There will be no opposition to the resolution.

The motion to postpone was agreed to.

RAILROADS IN IOWA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State.

The pending question is on the substitute reported from the Committee on Public Lands.

Mr. UNDERWOOD addressed the Senate on this bill through the remainder of the day's session. His speech will be found in the Appendix. Before resuming his seat, he submitted the following amendment as an addition to the substitute:

Be it further enacted, &c., That there shall be granted to the States named in this section, for purposes of education and of internal improvement, so much of the public domain as is specified for each, that is to say: To the State of Maine, 583,040 acres; to the State of New Hampshire, 317,760 acres; to the State of Vermont, 313,920 acres; to the State of Massachusetts, 994,240 acres; to the State of Rhode Island, 147,520 acres; to the State of Connecticut, 370,560 acres; to the State of New York, 3,097,280 acres; to the State of New Jersey, 489,280 acres; to the State of Pennsylvania, 2,311,680 acres; to the State of Delaware, 90,560 acres; to the State of Maryland, 546,880 acres; to the State of Virginia, 1,231,680 acres; to the State of North Carolina, 753,280 acres; to the State of South Carolina, 514,240 acres; to the State of Georgia, 753,280 acres; to the State of Tennessee, 906,560 acres, and to the State of Kentucky, 897,920 acres; which land, so granted, shall be located in parcels conformably to sectional divisions and subdivisions, of not less than 320 acres in any one location, if so much can be had, on any public land except such to which a right of preemption may have attached, or such as is or may be reserved from sale by any law of Congress, or proclamation of the President of the United States; which said locations may be made at any time after the lands shall have been surveyed according to existing laws. And it shall be lawful for the Governors of said States, respectively, to appoint one or more agents to locate the lands granted as aforesaid for the State of which he is the Governor. Such agents, in making their locations, shall be governed by such rules and regulations as the Secretary of the Interior may from time to time prescribe, and when the lands for each State have been located and selected, patents therefor shall be issued to the State entitled to the same.

And be it further enacted, That the lands granted to the States according to the preceding section, shall be disposed of by said States, respectively, in such manner as their respective Legislatures may direct: Provided, however, That no portion of said lands shall be sold at less than \$1 25 per acre, until otherwise authorized by a law of the United States; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement, or to purposes of education, or to both, as the Legislatures of the States, respectively, owning the lands granted may direct: Provided, further, That all roads, railways, bridges, canals, and water courses, which shall be exclusively built, constructed, or improved, by the funds arising from the disposition of said lands, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

And be it further enacted, That it shall be lawful for the agents aforesaid, or any one of them, in selecting lands and making locations for his State, to select and locate any of the alternate sections, or any part thereof, which may have been or may hereafter be reserved from sale by any act of Congress granting lands in aid of the construction of any railroad or canal whatever: Provided, however, That in locating any such section, or part of section, the State for whose benefit it may be selected or located shall be charged with, and the quantity of land granted to such State shall be diminished by double the quantity of acres contained in the reserved section, or part of section, thus selected and located. Nothing in the three last sections contained shall authorize the location of any lands granted by them, or either of them, within the limits of the State of California, or the Territories of New Mexico, Utah, and Oregon.

Mr. BADGER. I hope that by the unanimous consent of the Senate, an order will be made for printing the amendment of my friend from Kentucky, and that then the Senate will adjourn.

The amendment was ordered to be printed; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, January 26, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. Mr. BUTLER.

The Journal of Saturday was read and approved.

CLAIMS PAID BY THE EXECUTIVE DEPARTMENTS.

The SPEAKER stated that the first business in order was the unfinished business of Monday last, being a motion made by the gentleman from Maine [Mr. FULLER] to suspend the rules of the House to enable him to introduce the following resolution:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of the Navy, the Secretary of War, and the Postmaster General, be, and hereby are, instructed to cause to be reported to this House, as soon as may be practicable, full and complete lists of all claims, if any, (including principal and interest, and designating each separately,) allowed and paid, by the respective Departments, or any bureau thereof, since the 4th day of March, A. D. 1849, which had been previously presented, suspended, or disallowed, in whole or in part; and specifying the character of such claims; and also, that they cause to be reported the names of all persons who at any time acted as the agents or solicitors for said claims, and the persons who received any portion thereof, or were interested therein.

Mr. CAMPBELL, of Ohio. I desire to inquire of the gentleman from Maine, whether he will not so modify his resolution as to make it go back to the 4th of March, 1845? I hope he will do so, as I would be glad to have the information.

Mr. FULLER. If the gentleman desires, he can introduce another resolution to that effect.

The yeas and nays were demanded and ordered.

The question was then taken, and decided in the affirmative—yeas 134, nays 36; as follows:

YEAS—Messrs. Charles Allen, Ashe, Averett, Thos. H. Bayly, Bartlett, Beale, Bissell, Bragg, Breckenridge, Brenton, Brooks, A. G. Brown, Geo. H. Brown, Buell, Busby, Lewis D. Campbell, Thompson Campbell, Carter, Clark, Clingman, Cobb, Colcock, Daniel, John G. Davis, Dawson, Dean, Dimmick, Disney, Dockery, Doty, Dunham, Eastman, Edgerton, Faulkner, Ficklin, Fitch, Florence, Fowler, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Giddings, Gilmore, Goodrich, Gorman, Green, Grow, Hall, Hamilton, Isham G. Harris, Hart, Haven, Hebard, Hendricks, Henn, Hibbard, Hillyer, Holladay, Houston, Howard, Thos. Y. How, Ives, Jackson, Jenkins, John Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kurtz, Letcher, Lockhart, Mace, Mann, Mason, McCormick, McDonald, McMullin, McNair, Meade, Miller, Millson, Molony, Morrison, Murphy, Murray, Nabers, Newton, Olds, Orr, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Phelps, Polk, Porter, Price, Richardson, Riddle, Robbins, Russell, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Snow, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, Stratton, Stuart, Sweetser, Benjamin Thompson, George W. Thompson, Thurston, Venable, Wallace, Walsh, Washburn, Watkins, Addison White, Alexander White, Wilcox, Woodward, and Yates—134.

NAYS—Messrs. Abercrombie, Allison, Barrere, Bibb, Briggs, Burrows, Caldwell, Chandler, Cullom, Evans, Grey, Harper, Haws, Hascall, Horsford, John W. Howe, Thomas M. Howe, James Johnson, George G. King, Kuhns, Humphrey Marshall, Martin, Morehead, Outlaw, Penniman, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Alexander H. Stephens, Taylor, Tuck, Walbridge, Ward, Welch, and Williams—36.

Mr. HAMILTON, pending the announcement of the vote, stated that his colleague, Mr. HAMMOND, was detained from the House by the severe indisposition of his family.

So the rules were suspended.

Mr. FULLER, of Maine, demanded the previous question upon the adoption of the resolution.

Mr. CAMPBELL, of Ohio. I appeal to the gentleman from Maine to withdraw the call for the previous question, that I may move to amend the resolution so as to embrace the time since the 4th of March, 1835. I desire that this investigation shall be thorough. I promise to renew the call for the previous question, if the gentleman will withdraw it.

Mr. FULLER. I suggest to the gentleman from Ohio that he will fully accomplish his object by a separate resolution.

Mr. CAMPBELL. The mode I desire will save a good deal of time, and I wish to avoid the necessity of consuming so much time as a separate resolution will require. If the gentleman is afraid of the investigation, he can persist in his refusal.

The SPEAKER. Discussion is out of order.

Mr. BAYLY, of Virginia. I rise to request my friend from Maine to withdraw the call for the previous question. I wish to suggest a modi-

fication of the resolution, and not to debate. After I make the suggestion, if the gentleman does not acquiesce in it, I will renew the call for the previous question.

Mr. FULLER. I will hear the suggestion.

Mr. BAYLY. The suggestion is, that the practice we are getting into of calling upon the heads of Departments for reports to this House, and thus treating, to a large extent, as independent branches of the Executive, is a very bad practice. The Executive is an unit; the President is the responsible man, and when we undertake to make these independent calls upon the heads of the Departments, we are giving them a consequence which the Constitution does not contemplate. In the early days of this Republic, they were treated as nothing but head clerks. They are now growing into a consequence, which I think is inconsistent with the spirit of the Constitution. That consequence arises, to a great extent, out of the manner in which Congress treats them.

Mr. FULLER. I concur in the main with the remarks made by the gentleman from Virginia, [Mr. BAYLY;] but I do not wish, for reasons best known to myself, to concur in the proposed amendment in this case.

The question being upon seconding the demand for the previous question,

Mr. HARRIS, of Tennessee, called for tellers; which were ordered; and Messrs. HARRIS, of Tennessee, and CHANDLER were appointed.

The question was taken, and there were—yeas 83, noes 69.

So, the previous question was seconded.

The question now being, Shall the main question be now put?

Mr. MILLER demanded the yeas and nays.

Mr. MILLSON. I wish merely to inquire if the House should determine that the main question shall not be now put, whether the question must not go over to some other day?

The SPEAKER. It will go over until Monday next.

The question was then taken, and there were—yeas 125, nays 63; as follows:

YEAS—Messrs. Abercrombie, Aiken, Charles Allen, Willis Allen, Andrews, John Appleton, Ashe, Averett, Babcock, Thomas H. Bayly, Bartlett, Beale, Bissell, Boeck, Bragg, Brenton, Albert G. Brown, Buell, Busby, Thompson Campbell, Carter, Churchill, Clark, Cobb, Colcock, Curtis, Daniel, John G. Davis, Dawson, Dean, Dimmick, Disney, Doty, Dunham, Durkee, Eastman, Edgerton, Edmundson, Faulkner, Ficklin, Fitch, Florence, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Giddings, Gilmore, Gorman, Green, Grow, Hall, Hamilton, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Henn, Hibbard, Hillyer, Holladay, Houston, Howard, Thos. Y. How, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kurtz, Letcher, Lockhart, Mace, Mann, Edward C. Marshall, Mason, McCormick, McDonald, McLanahan, McMullin, McNair, Meade, Millson, Morrison, Murphy, Murray, Nabers, Olds, Orr, Andrew Parker, Peaslee, Penn, Phelps, Polk, Price, Richardson, Riddle, Robbins, Robinson, Russell, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Snow, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, St. Martin, Stratton, Stuart, Sweetser, George W. Thompson, Thurston, Wallace, Wilcox, and Woodward—125.

NAYS—Messrs. Allison, Barrere, Bell, Bibb, Briggs, Bowne, Brooks, George H. Brown, Burrows, Caldwell, Lewis D. Campbell, Chandler, Clingman, Cullom, Dockery, Duncan, Evans, Fowler, Goodrich, Grey, Harper, Haws, Hascall, Haven, Hebard, Horsford, John W. Howe, Thomas M. Howe, James Johnson, Geo. G. King, Kuhns, Martin, Miller, Miner, Morehead, Newton, Outlaw, Samuel W. Parker, Penniman, Perkins, Porter, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Stanley, Benjamin Stanton, Alexander H. Stephens, Strother, Taylor, Benjamin Thompson, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, Addison White, Alexander White, Williams, and Yates—63.

So it was ordered that the main question be now put.

Mr. MEADE. I understand that the mover of the resolution is willing to accept the modification suggested by my colleague, [Mr. BAYLY,] and give the resolution a different direction, that is, instead of having it directed to the heads of the Departments respectively, to direct it to the President of the United States. I ask the unanimous consent of the House to allow of the modification.

Mr. STANTON, of Ohio, objected.

The question was then taken, and the resolution was adopted.

Mr. FULLER, of Maine, moved to reconsider the vote by which the resolution was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

ASSIGNABILITY OF LAND WARRANTS.

Mr. HARRIS, of Tennessee. I ask the unanimous consent of the House to consider now the motion pending, to refer the report of the select committee, and also the bill from the Senate making bounty land warrants assignable, to the Committee of the Whole on the state of the Union, and that they be made the special order for Wednesday next, and from day to day until disposed of.

Mr. CARTTER objected.

Mr. HARRIS. I move that the rules be suspended for the purpose.

Mr. JONES, of Tennessee. I request my colleague [Mr. HARRIS] to make it Thursday. The Mexican indemnity bill, and the bill to pay the expenses of bringing back the American citizens who have been liberated in Spain are yet undisposed of. It is important that these bills should be acted upon without delay.

Mr. HARRIS. I will adopt the suggestion of my colleague to make it the special order for Thursday next.

The question was then taken, and the rules were suspended.

The question then recurred on the proposition to refer, and make the bills the special order for Thursday next.

Mr. JENKINS. Will a division of the question be in order?

The SPEAKER. It will, in the opinion of the Chair.

Mr. JENKINS. I then ask for such division.

Mr. HARRIS, of Tennessee, demanded the previous question; which received a second, and the main question was ordered to be put.

The SPEAKER. The question will be first upon referring the two bills specified to the Committee of the Whole on the state of the Union.

Mr. CLINGMAN. I understood the motion of the gentleman from Tennessee [Mr. HARRIS] was to take up and make them the special order for next Thursday.

The SPEAKER. That question will recur after the motion to refer is disposed of.

The titles of the bills were then read as follows: Senate bill entitled "An act to make land warrants assignable and for other purposes," and the resolution of the House explanatory of an act approved September 28th, 1850, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States."

Mr. ORR. I desire to inquire of the Chair if the Senate bill has received two readings in this House?

Mr. HARRIS, of Tennessee. On Saturday, the Journal will show, it was read twice, and a motion was made to refer.

The SPEAKER. By the unanimous consent of the House, it was taken up and read twice on Saturday. It was constructively so.

Mr. ORR. I only wanted to have it read twice.

The question was then taken on the motion to refer, and it was agreed to.

So the bills were referred to the Committee of the Whole on the state of the Union.

Mr. HARRIS. Is the previous question exhausted?

The SPEAKER. It is not.

Mr. HARRIS. Was there a motion to print included in this motion?

The SPEAKER. There was not.

Mr. HARRIS. I ask the unanimous consent of the House to have them printed.

The SPEAKER. The Chair hears no objection, and it will be so ordered.

The question was then taken on the second branch of the proposition, to make these bills the special order for Thursday next, and it was agreed to.

So the bills were referred and made the special order for Thursday next.

Mr. HARRIS, of Tennessee, moved to reconsider the vote by which these bills were made the special order for Thursday next, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

CORRESPONDENCE BETWEEN MR. KOSSUTH AND CAPTAIN LONG.

Mr. SMITH asked the unanimous consent of the House to offer the following resolution:

Resolved, That the President of the United States be re-

quested to furnish this House, if not incompatible with the public interest, all the correspondence between Captain Long, of the United States frigate Mississippi, and Mr. Kossuth, growing out of an alleged difficulty or misunderstanding between the said Captain Long and the said Kossuth; and also, the collateral correspondence, including the letters of and to Commodore Morgan and Consul Hodge, arising upon the said misunderstanding and connected therewith.

Mr. BELL inquired if this was not resolution day.

The SPEAKER replied that it was, but that it was also competent to suspend the rules of the House.

Mr. GIDDINGS objected to the resolution, and called for the regular order of business.

Mr. SMITH moved to suspend the rules, to enable him to introduce the resolution.

The motion was agreed to, and the rules were suspended.

The question now being upon the adoption of the resolution,

Mr. SMITH demanded the previous question.

Mr. CARTER. I wish the gentleman would alter his resolution so as to embrace the correspondence of the other officers of the Mississippi. I do not think it now embraces that correspondence.

Mr. SMITH. Yes; it embraces the whole.

The previous question was then seconded, and the main question ordered on the adoption of the resolution.

And, the question being taken, the resolution was agreed to.

Mr. SMITH moved to reconsider the vote on the adoption of the resolution, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. BARRERE, from the Committee on Enrolled Bills, reported back, as correctly enrolled, an act for the relief of Edward Everett; and an act for the relief of the Virginia Woolen Company.

BUSINESS OF THE HOUSE.

Mr. HOUSTON. My purpose is to move to suspend the rules, and that the House resolve itself into the Committee of the Whole on the state of the Union.

[Cries of "Oh, no!" and "Let us have the call for resolutions!"]

Mr. HOUSTON. I wish to make a suggestion in connection with the business of the House for to-day. It must be very evident to every gentleman here, that if we are to proceed as we are now doing we shall accomplish very little. Now, if by general consent, and each member will stand to it, we can receive resolutions and bills and petitions, and let them be referred; and all that give rise to debate be rejected, I would be willing to go on with that sort of business, and let every member clear out his drawer. If the States can be called, I am willing to have it done; but directly I yield the floor for that purpose, some gentleman will rise and move to suspend the rules, and thus the whole day will be lost. I am perfectly willing, however, if the House will agree to it, that the States shall be called for resolutions.

PRINTING OF THE CENSUS.

Mr. GORMAN, from the Committee on Public Printing, reported the following joint resolution:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint committee on printing be directed to contract with Messrs. Donelson & Armstrong for printing and binding the Census on such terms as they may think reasonable and proper, the work to be executed under the direction of the Secretary of the Interior, and to be paid for as it progresses by the head of the Census Bureau, with power to abate from the amount stipulated if the work when executed shall prove deficient or below the standard which may be agreed upon.

The joint resolution was read a first and second time by its title.

Mr. GORMAN said: Some considerable anxiety has been manifested by the Census Board, by the Superintendent of the Census, and by the House, upon the subject of this census report. I will say to the House, that the Joint Committee on Printing this morning unanimously passed a resolution that the public printer had not complied with his contract in regard to the materials. This printing is required by almost every member, and I am from day to day—I will not say annoyed, for that would be incorrect, improper, and perhaps indelicate—but it is insisted upon me that I shall do something to expedite this printing. In addition to the anxiety manifested by the members of the House, the Secretary of the Interior has been a good deal annoyed by the manner in which he

has been unable to get this printing forward. The Superintendent is also exceedingly solicitous for action upon this subject. I apprehend that at first blush, gentlemen would be under the impression that this printing belonged to the public contractor; but by a reference to the acts of Congress of 1851, it will be seen that it was therein prescribed that the preparatory and preliminary printing, such as the forms and so forth, should be prepared and printed under the direction of the Census Board, and all the other printing connected with the census, as Congress may direct. So that question is not even debatable. There was not one single member of the committee, of either party, who was not clearly of the opinion that this printing does not come within the contract with the public printer.

This joint resolution is offered for the consideration of the House, for the purpose of expediting the printing of the census. It has been before the Senate, but has been postponed by that body for a week or ten days, for the reason that certain statistical and historical accounts of the several States were being given which some of the Senators conceived to be in violation of the original census law. Now, after a full investigation of the subject, I am thoroughly satisfied that the express language and letter of the law authorizes the Secretary of the Interior to do precisely what he has done. It may seem strange that they should adopt something like an historical account of each county in the respective States; yet it is, in my opinion, highly proper; and I apprehend that the law clearly gives the Secretary of the Interior authority to adopt such a form as he may prescribe. It gives him a kind of blank authority, and in his annual report he has alluded to this.

It is unnecessary for me at present to add a single remark, except that gentlemen need be under no apprehension that, under the law passed by the last Congress, this order of the House, if it passes, will conflict in the slightest degree with the contract of the public printer.

Mr. ALLISON. I wish to inquire of the chairman of the Committee on Printing [Mr. GORMAN]—and I have no doubt he will take pleasure in answering the inquiry—what has been done in relation to the printing of the abstract of the Census, which were ordered last week? Gentlemen will recollect that a resolution was adopted last Monday, authorizing the Committee on Printing to contract for the printing of one hundred thousand copies of the report of the Superintendent of the Census; a report which was published the 1st of January in the *Globe*. I desire to know what has been done in regard to that matter?

Mr. GORMAN. I will answer the gentleman. That subject was before the Committee on Printing. I addressed a note to the public printer. I called upon Mr. Rives, and I also addressed a note to Donelson & Armstrong. Mr. Rives did not desire to have anything to do with the matter if it came in the least in conflict with the contract of the public printer. Although he had it in type, he did not wish to print it, until it was directly ascertained by the Committee on Printing that it did not interfere with the contract of the public printer. The reason assigned by him was, that he did not wish to be considered as throwing any obstacle in the way of the public printer's carrying out his contract. He therefore declined for the present, until further action by the committee. Messrs. Donelson & Armstrong also declined to do the job. I shall this evening, I presume, if the other members of the committee concur with me, order the printing to be done; and the document will be furnished to the House in a few days.

Mr. EVANS. It is pretty well known in this House of Representatives that there has been no single thing in its history for many years past which has been a more fruitful source of corruption, and a more fruitful source of dissension—nothing has been so entirely covered up from the notice of members—nothing has been so wholly excluded, and yet so badly executed, as this very public printing. It has, I believe, generally been taken by both political parties as a prolific job, for the sake of supporting partisan purposes and partisan editors in the District of Columbia who had no circulation and subscription sufficient to maintain their papers. Why, I ask, are Donelson & Armstrong named in this resolution? Who are Donelson & Armstrong? Why, sir, they are two individuals, neither of whom I have ever seen or

ever known. There are hundreds of practical printers in the United States, and why are Donelson & Armstrong inserted expressly in this resolution? What are their capabilities for performing this work? What are their prices likely to be? How many copies of this census report are we to have published? Before we rush blindfold into this matter, and authorize the Committee on Printing to negotiate this contract, let us at least know something of the expense to which we are to be put. The Superintendent of the Census has prepared, or is engaged in preparing, a volume with regard to the census of the State of Maryland. I understand that volume is to be about the ordinary size of a volume of the *Congressional Globe*—not, perhaps, as large as that of the first session of the last Congress, but about the size of that of the second session. It will be a considerable sized folio volume. That is what I understand. I may be mistaken, but that is my belief. I understand that it contains a historical account of every county in the State of Maryland, besides a complete account of the census of that State, involving all of the one hundred questions which, by a law of the last Congress, the deputy marshals were required to ask every individual, or at least every head of a family. Now, if a similar account is to be furnished of every State in the Union—and if this is done for one State it should certainly be done for all the States—then we shall have thirty-one folio volumes, each of which will comprise the census of one State alone; and if one hundred thousand copies, or perhaps more likely five hundred thousand copies, we shall involve the country in an expense for printing, amounting to millions of dollars. We are going, blindfold, to make this enormous appropriation, and I do not know for what purpose. How many copies, I will ask the chairman of the Committee on Printing, [Mr. GORMAN,] is it proposed to publish? How many volumes is it expected it will make? And how much money is it proposed to appropriate for that purpose? Unless this information can be given, I will never consent to give the power which is asked for in this resolution to any committee however respectable, or however honest—and none can be more so than the present Committee on Printing—never, sir! What does this resolution propose? It proposes to give the Committee on Printing power to enter into an arrangement with Messrs. Donelson & Armstrong—two gentlemen whom I do not know—they may be very worthy men and excellent printers. I believe they are the editors of the *Union*. The committee have no discretionary powers. They cannot call in anybody else. If other printers offer lower or better terms, they cannot accept them. But they are required to make a contract with Donelson & Armstrong. They do not tell us beforehand, nor do we limit them in the extent of the contract. Why, we ought at least to insert, "Provided, that the expense shall not exceed so much," or, "Provided, the number of copies shall not exceed so many." I do not believe we ought to give an unlimited power to contract in this matter, and thus to vote away the public money to any man, or set of men, however honorable, or however honest, their character may be. That is a power which belongs exclusively to this House, and we have not the right to delegate it to others. I do not believe any gentleman will be able to answer these questions, and unless we receive this information, I will never consent that we should rush on, blindfold, to incur this enormous expense now. Suppose this turns out to be a profitable job. This Committee on Printing have the power to go on, and employ Donelson & Armstrong to print as many copies of these thirty-one volumes as they please—for all the States ought to stand upon the same footing. If this history of each county is given to Maryland, it should also be given to Virginia, and New York, and Pennsylvania, and Ohio, and every State in the Union. Every State has as much right to have the details of its resources and statistics spread out at length and printed, as the State of Maryland has.

Mr. JONES, of Tennessee. I will ask the gentleman from Maryland if it is his understanding that there is to be a volume made out for every State, as large as the *Congressional Globe*?

Mr. EVANS. I do not know. The resolution does not state. But I can tell the gentleman that they are preparing a volume for the State of Ma-

ryland about that size; and if a like volume is prepared for every State it will make thirty-one volumes.

Mr. JONES. If that is so, I will vote against having them printed at all.

A Voice. That for Maryland is prepared as a model volume.

Mr. EVANS. I understand that volume is to be a model volume. So we are perhaps to have thirty-one volumes. I suppose we shall have at least one hundred thousand copies published.

Mr. STANTON, of Kentucky. Will the gentleman allow me to ask him whether the volume which is being prepared is for the census printing or for the State of Maryland?

Mr. EVANS. As a part of the census returns.

Mr. STANTON. I understand that the whole returns will not make a volume larger than the *Congressional Globe* for the last long session of Congress.

Mr. EVANS. I do not understand so. But I do not want any gentleman to understand me as denying the gentleman's assertion. It may be so. But I do say this: we have no positive information upon that subject, and until we have, we ought not, blindfold, to adopt this resolution. I do assert that this model volume which is being prepared, is not by the order of, or for the State of Maryland, but for the use of the House and Senate. And if such a volume is to be prepared for Maryland, why should Ohio be neglected any more than the State of Maryland? And if we adopt this resolution without any knowledge of its extent, I know no reason why we should not expect to see the whole thirty-one volumes. Let gentlemen offer an amendment that the whole shall be included in one volume, and that the whole number of copies shall not exceed fifty thousand and the expenses not more than \$100,000. You will have, then, something reasonable, and the House will not be under the necessity of adopting the resolution without knowing what it is about.

I now pass to another branch of this subject. We should not pass this matter by lightly. This public printing has been the cause of much dissension here. I now mean to refer to the course pursued in the last Congress upon the same subject. It was asserted in the last Congress, that Messrs. Trenholm and Belt—the public printers to Congress—had violated their contract.

[A message was here received from the Senate, announcing that several bills had passed that body.]

Mr. E. continued. Now, Mr. Speaker, the honorable chairman of the Committee on Printing [Mr. GORMAN] has told us that the committee had unanimously concluded that the present contractors for the public printing had violated their contract in the quality of paper upon which the printing was done. I want to ask that gentleman if the same thing was not done by the contractors for the printing in the last Congress? I want to know if it was not proved by testimony introduced before a committee of this House, organized for that especial purpose, that Trenholm & Belt had used paper many pounds less in weight than that specified by the contract, viz., that of say fifty pounds to the ream? I want to know if, upon any occasion, Trenholm & Belt ever used the quality of paper which they contracted to use? I ask if Mr. Ritchie did not prove, or if Trenholm & Belt did not—for I do not desire to mention the name of Mr. Ritchie but with respect—I ask if Trenholm & Belt did not attempt to prove, by Mr. Farnham, a bookseller and stationer of this city, that the lighter paper which they used was not the better paper? I want to know if he was not allowed to go on printing upon that kind of paper, not only without complaint, but with the express approval and sanction of gentlemen in this House, many of whom are now here? Yet now, when Mr. Boyd Hamilton, of the city of Philadelphia, has done precisely the same thing, what do the Committee on Printing propose to do? I think no one will deny what I say in relation to the contractors for the printing of the last Congress. The gentleman from South Carolina [Mr. ORR] was a member of that committee, and I call upon him to deny it if I am wrong.

Mr. ORR. I will state to the gentleman that the paper upon which Messrs. Trenholm & Belt contracted to use was to weigh thirty-eight pounds to the ream. They used that weighing thirty-two pounds. I think the gentleman from Maryland

stated that fifty pounds per ream was the weight contracted for.

Mr. EVANS. I was wrong in the weight. But it was proved before the committee of the House that these contractors used paper weighing six pounds per ream less than that contracted for. I made it at the time the cause of a grave and serious charge in this House, for which I subjected myself to great censure. However, let those controversies now sleep with the dead. I do not think that any gentleman should allow any such thing to become indelible; let him rather strike it from his memory. The fact which I desire to bring to the notice of this House is, that the same thing which was approved in Trenholm & Belt is now regarded by the Committee on Printing as a great crime in Mr. Boyd Hamilton. Now, what are we to do with the public printing? Up to the Twentieth Congress it was given to the fortunate newspaper editors of both political parties by the way of jobs, and it had been a source of great corruption.

That Congress determined to put a stop to all the iniquity which had or might spring out of the public printing. It was therefore determined by that Congress that the public printing should be thereafter let out to the lowest bidder. It determined that the old system of corruption and patronage should be done away with, and that the printing should be let out to the lowest bidder who would give good security. Well, what was the consequence of that change? Messrs. Wendell & Van Benthuyzen, residents of Albany, in the State of New York, came on here to Washington, and entered into a contract with the Secretary of the Senate and Clerk of the House of Representatives, as directed by law, and they performed the public printing at certain specified prices, and as soon as they had finished the printing they informed the House that they had lost fifteen or twenty thousand dollars by the contract. I must say they printed the documents required to be printed by them upon inferior paper and with inferior ink; they did not more than ordinarily delay the public printing, but did it in good time—certainly did not delay it as much as it latterly has been—and they manifested in every way a spirit of determination to comply as nearly as possible with the terms of the contract. Now let us see the effect. Wendell & Van Benthuyzen, having lost money by that contract, did not become bidders for the printing of the Thirty-first Congress, if I recollect aright—for I have not the documents by me, but trust to memory, and if I am not accurate gentlemen will correct me. The bidding was to be relet for the Thirty-first Congress. The prices of Wendell & Van Benthuyzen were well known, and they had a memorial before Congress by which it was shown how much they had lost by their contract—some fifteen or twenty thousand dollars.

Now bidders had everything before them to enable them to make their bids fairly, honestly, justly, and uprightly—and what was the result? Mr. John C. Rives was one of the bidders, and Mr. Towers, a practical printer in the city of Washington, was another. Wendell & Van Benthuyzen were not bidders, but Messrs. Trenholm & Belt, two persons entirely unknown to anybody, except to some printers in the city of Washington personally acquainted with them, and totally unknown to every member of this House, were found to be the lowest bidders, and very low bidders, considerably lower than the prices of Wendell & Van Benthuyzen, upon which prices those parties had lost fifteen or twenty thousand dollars. Well, sir, Messrs. Trenholm & Belt went on with the printing, and partially executed it, and in so doing—without meaning any unjust reflections upon them—if I recollect aright, and if I do not I will take occasion to correct it hereafter, the great mass of the documents was long delayed in the delivery, and, if I am not mistaken, the President's message was not delivered to us until about the month of July or August of the long session. It was a subject of great complaint upon the part of members.

Another fact was developed, and it is contained in the sworn testimony taken before a select committee. There were certain documents laid upon the tables of members, as specimen numbers, for them to look at, as is usual here when public documents come out—for instance, the Patent Office report. But documents of the same kind, intended for distribution, are always left in the folding-room. Upon an examination by this select

committee it was discovered that those documents, which were laid upon our tables, were printed upon good paper, and with good ink; but those in the document-room, folded up and requiring to be broken open in order to examine them at all, were printed upon paper six or eight pounds less in weight, and with ink which cost several cents less per pound, and were every way different from the contract. Here was a fraud attempted to be played upon members and upon this House.

Now, what was the upshot of this whole matter of public printing? I must return one moment. It was proved in the testimony—and I go upon the testimony and nothing else—that when Messrs. Trenholm & Belt took this contract, and entered into it, they declared they did not take it for the purpose of fulfilling it, but that they expected to make Congress sick of this whole system of contract printing, and make them return to the whole job system of giving out the public printing to editors in this city. It is proved that they declared, before they took the contract, they took it at low prices for the very purpose of breaking up the contract system. They came forward, notwithstanding this proof of iniquity, and made a claim upon the House of Representatives, which would have amounted, I am told by practical printers, and those who understand their business, to the sum of two hundred thousand dollars, because they had a hard bargain, notwithstanding they took the bargain for the purpose of breaking up the contract system. Now, how did it eventuate? It turned out that Trenholm & Belt were men of straw. The real contractor was Mr. Ritchie, then the editor of the *Union*. Mr. Ritchie was the actual contractor, and went security for Trenholm & Belt, and thereby became his own security, they being merely nominal parties, and he came forward and asked of this House indemnity, which, it was stated, amounted to two hundred thousand dollars. It was not declared that this was the amount in money, but was covered up in indefiniteness, as it is in this resolution. What did he state? He acknowledged his paper did not weigh enough. He did not pretend to deny it, but justified himself by saying the lighter paper was the better paper. The matter was discussed, at the last Congress, elaborately and at length, by members upon both sides of the House, and very ably discussed too, and Mr. Ritchie was, by certain members, justified in using lighter paper.

I wish to call the attention of Congress to this one fact, that Congress adopted the contract system, and that contract system was faithfully observed during the Twenty-ninth Congress, and during the Thirtieth Congress Messrs. Trenholm & Belt took the contract with the express declaration that they intended to break up the system, and force Congress to come back to the old and corrupt system, and they nearly succeeded in it. They got their bill through the House, and would have got it through the Senate, but for want of time. But it not having been done then, it becomes necessary for this Congress to step forward and do it—to abandon the contract system, and go back again to the corrupting old method of giving it out to selected favorites and partisan editors.

I do not care what amount may be honorably and reasonably realized under a fair contract by the gentlemen named in this resolution; if they succeed in obtaining the work, I trust they may meet with just and proper success; neither do I oppose the resolution because Donelson & Armstrong are Democrats. If I know myself, I would say the same thing against Gideon, of the *Republic*, and Gales & Seaton, of the *Intelligencer*.

But I feel assured that this is a part of the old exploded and heretofore-defeated scheme, to force Congress to go back to the old corrupt system, and abandon the contract system. For that reason they have brought in the resolution to-day, which says we shall print the Census, without telling us how many volumes it will make, how much it will cost, and how many copies, but goes on to designate the names of the very men who are to have it, and nobody else.

Every gentleman in this House knows that this ought not to be. Every one is aware that a fair field of competition should be opened to all, and that we should give that fair arena without fear, favor, or affection.

The honorable gentleman says the Committee unanimously agreed that Boyd Hamilton is not

entitled to this printing. I call the attention of the House and of the honorable gentleman from South Carolina, [Mr. Orr,] to the fact, that the great effort made in the last Congress, and the strong ground upon which Mr. Ritchie fastened himself, and the heft of his argument was this, that Congress had taken the Census printing away from Mr. Ritchie when he was entitled to it as public printer; at least, so it was argued upon the other side of the House. Now, they have come to the conclusion that the public printer is not entitled to this same printing. Is not that so? Mr. Ritchie argued so, and contended ably for it. I examined this question with great care, and I think it was the great ground he had, if he had any. And before this Congress is over Mr. Ritchie will come forward in this House, and claim indemnity upon this very ground. He will be here, my word for it, asking that real or imaginary losses incurred during the last Congress shall be made good to him. He may perhaps obtain it, for he is powerful; he holds in his control the destinies of members of Congress. And Mr. Hamilton has this disadvantage, that he is no partisan editor, while Mr. Ritchie was. Hence there is sympathy, and there are votes, for the one; and no sympathy and no votes for the other.

Mr. FULLER, of Maine. Was is not upon the ground that Mr. Ritchie was deprived of the printing of the proceedings in relation to the death of General Taylor, and of some Supreme Court cases, that he claimed indemnity?

Mr. EVANS. The gentleman is mistaken. Mr. Ritchie sent in a letter, assenting to the printing, in a northern city, of the proceedings in reference to General Taylor.

Mr. FULLER. Was not that after he offered to give up the contract? And was not that one of the jobs Mr. Ritchie claimed as falling within his contract, and upon that ground that he claimed before Congress that he was relieved from the contract?

Mr. EVANS. If the gentleman will allow me, I will state this—and I wish to state nothing unfair—Mr. Ritchie did certainly claim he had a right to print the obituary notices of General Taylor, but he came forward voluntarily, and by a letter addressed to the Speaker of the House, expressly waived all right to perform such printing, stating that it would be much better, and much more speedily executed elsewhere. Thus, I say, he delivered a message to this House, expressly waiving his right.

So with regard to the opinions of the Supreme Court, in the celebrated passenger cases—*Norris vs. the city of Boston*—those cases which, at the time, excited so much interest. Mr. Ritchie claimed about \$36,000 for that printing, which was very small in amount, and was executed at a special session of the Senate. The committee determined that he was entitled to—say \$500, and he was actually paid \$12,000, as I shall always believe wrongfully and improperly. Mr. Ritchie contended that he was entitled to a dollar for every page, or every line—I forget which—of these documents, and he sent in a bill of \$36,500 for printing these opinions of the Supreme Court of the United States. The committee examined it, and said it came to \$500, and that was the whole amount he was entitled to; but they pushed it so strong, that the Secretary of the Senate allowed Mr. Ritchie \$12,500, more than twenty times what this contract made it. But all this is collateral to the matter in question.

Mr. Ritchie did say that the census printing belonged to the public printer, and made an able argument to prove it, and members of this House, a great body of them, assented to it, and the committee to which it was referred, I think, reported in favor of it. Now, the Committee on Printing comes in and says it does not belong to the public printer. It did belong to the public printer when Mr. Ritchie was such, but it does not when Mr. Hamilton is public printer. I do not say whether it does or does not, and this House has not inquired whether it does or not. It has not made a proper investigation. But it becomes this House, and is consistent with decency, with honor, and with propriety, before it passes this resolution, to inquire whether it does belong to the public printer, and if it does not fall to Mr. Boyd Hamilton, to inquire where does it fall, and to whom it does belong.

I should like to have some gentleman to tell me

why it was that the contract was not proposed to be given to John Doe or Richard Roe, or somebody else? That Donelson & Armstrong is put in here is the most mysterious part of this matter. It seems to me to be a sacrifice upon the part of Donelson & Armstrong of a considerable portion of that fortune they have been all their lives in acquiring for the benefit of the Government. I am aware of the patriotism of our citizens, that they will yield up their lives upon the battle-field, that they will give away their estates for taxes, that they will give up their all in order to support the Government, but this seems to be a sublime sacrifice. I never yet knew a public printer that has not professed to have lost money by his contract, and why Messrs. Donelson & Armstrong should be picked out and pressed into this resolution to be sacrificed, to sustain the loss which they must inevitably as public printers, and I never knew it otherwise, I cannot tell. I do not know why their destruction is resolved upon. I protest, as the friend of Donelson & Armstrong, with whom I am not acquainted, against their being thrust into this losing business. Now why does not the House pass a resolution saying that the contract shall be let out to the lowest bidder for cash, who comes with good security, the Government furnishing the paper? Look to the State of Massachusetts, which prints highly creditable documents. If gentlemen will see the books published by order of that State, in our Library, they will acknowledge that they are creditable. So it is with the State of New York, all the New England States, and, I might add, of almost all of the States. The only printing in the whole country that is wretchedly and miserably executed, at the highest price, is that of the Government of the United States. It is a disgrace to them. The English, French, and Russian Governments furnish us with their public documents, which are magnificently printed and elegantly bound. We send ours in return, which an American would be ashamed to know in a foreign country. If this House resolves that the census printing shall be let out to the lowest bidder, the Government furnishing the paper, and the contractor to be paid for composition and press-work, and nothing else, we will have it well printed, and will ourselves get rid of the suspicion, that I am sure every member will be unwilling to be attached to himself, that Donelson & Armstrong are receiving an extraordinary pecuniary compensation. Your contract will be well executed, and millions of dollars, perhaps, will be saved to your Treasury. You will receive documents in good time, and, I will repeat, you will divest yourselves of all suspicion. Your consciences, in future time, will not be weighed down, as I know they will if you allow Messrs. Donelson & Armstrong to be put in here. Members are too virtuous, too intelligent to here subject themselves to the suspicion of making a job. I should like while I am upon the floor, that somebody would tell me why Messrs. Donelson & Armstrong are selected and put into this resolution? I do not want Gideon, of the *Republic*, I do not want any Whig to be placed there. If you make a job of the matter, say so, and let the Democrats have it, for they have a majority here. If you go upon principle I demand, if Boyd Hamilton is not entitled to it, that it shall be let out by contract. Is it proposed to build up, on the eve of a presidential campaign, a formidable press to be sustained out of the Treasury? I cannot believe it. I would disdain to see either Whigs or Democrats in this House, building up political power in this manner, and I know there are as high and honorable men in the other party as are to be found anywhere. Do you seek to build up, on the eve of a presidential campaign, in the city of Washington, a formidable press, the expenses of which are to be defrayed out of the Treasury? Is that your design?

Mr. GORMAN. I apprehend that the gentleman, if he will look at the proceedings of a former extra session of Congress, he will find that the contract was taken from the Democratic public printers, Messrs. Blair & Rives, when the Whig party were in power, and \$100,000 voted into the pockets of Gales & Seaton. That is an answer to the gentleman's inquiry.

Mr. EVANS. I do not know whether that is a fact; but the gentleman asserts and I believe it.

Mr. GORMAN. I have the vote here.

Mr. EVANS. If it be, as the gentleman states,

it was a miserable piece of swindling, and unworthy of an American Congress; I do not stand by it. I wash my hands clean of it, for it was a disgrace to the country. I hope the gentleman will not urge that example by a former Congress, for the action of the present one. Donelson is a man of talents, and has distinguished himself in the councils of the country, or at least in its service abroad. I seek to take nothing from him. I am willing to see him prosper fairly and honorably, but not by this job.

Mr. GORMAN. I would inquire of the gentleman, which is the most euphonious to his ear—Gales & Seaton, or Donelson & Armstrong?

Mr. EVANS. Gales & Seaton are not more euphonious than Donelson & Armstrong. I never voted a job to Gales & Seaton, nor to any body else, and never will. This whole matter is all so vague, so misty, so floating, that I cannot make out from it any certain statistics; but were I to venture a guess, I would say that \$500,000 profit might be made out of this job. Here is an amendment that a partisan press shall be set up, encouraged, and paid out of the public Treasury to endure forever. Gentlemen will find, if that is the design, that it will bring down this evil upon their own heads. These men, inflated by prosperity, having filled themselves to repletion with the public patronage, will wreak vengeance upon some of you. They will turn upon you if you step over the line they have marked out, and woe unto him who censures any doctrine they advocate, for his political grave will be dug! That will be the pay you will receive for your services you now do them. Partisan editors of both parties forget when prosperous, their friends, and wreak their vengeance upon those who dissent from their dogmas and their dicta. When I have another opportunity upon a similar question to this, I promise the House to bring out all the facts with regard to the public printing, in a speech of less than an hour in length, and will show them such a system of fraud and corruption as would be disgraceful to an American Congress longer to sanction. I hope we will do nothing of the kind proposed in the resolution. I do not object to Donelson & Armstrong, if they can get it on a fair competition. As fair competitors let them have it, and I will say amen to it. I wish them success in their paper. When under the editorship of Mr. Ritchie, and when it was edited by Donelson & Armstrong, it advocated principles which I professed, and sustained measures which I sustained, and I honor them for it. I believe it also maintains the great compromise principles which have been passed here. Those measures I defend, and those measures they have defended. The present editor, I believe, has never forsaken the great broad Union ground which embraces the whole government, and for that I honor him, and wish the paper success and prosperity; but not for that or anything else they can do will I mix in the dirty mire of miserable politics to give them public plunder, or to enable any partisan press to control offices, and finally to control the very members of this House. Mr. Speaker, I hope the House will pardon me for detaining them so long upon this question. I hope it will consider the intrinsic importance of this proposition. I assure every gentleman, no matter what his politics are, that if he will examine into the subject—and it will not take much time as the documents can be all found in the proceedings of last Congress—he will find that it is worthy of his most serious examination, and he will discover that this one single job will come to one twenty-fifth part of the whole expenses of the Government. I repeat, that it is worthy of our consideration, and I trust every one will see the necessity of letting out this contract to the lowest bidder, the Government furnishing the paper upon which the matter is to be printed. We will then get it done honorably and honestly. I move the following amendment:

To amend by striking out "Donelson & Armstrong," and to insert "the lowest bidder for cash, the Government furnishing the paper."

Mr. VENABLE. Mr. Speaker, I am very much gratified—being called out of the House by business—that I returned during the discussion of this question. I should have been exceedingly unwilling to have had it passed without expressing my opinion and giving my vote upon it. When I say this, I do not suppose that any expression of opinion I can present will control that of indi-

viduals of this House. But, sir, I have been at all times unwilling that this subject of public printing should pass from before this House until the country should understand, and fully understand, all that was meant by this corruption fund. We have heard gentlemen make great objections to letting the printing out to the lowest bidder, which has been denounced all around this House as a miserable failure; and, by way of amending it, it is proposed to let it out to the highest bidder—by way of relieving the House from difficulty they let it out to the highest bidder; that is, they limit the committee; they designate the individual with whom that committee is to make the contract, and they cannot make a contract with anybody else. Now, I should suppose—

Mr. GORMAN. The contract is to be made upon such terms as the committee shall deem reasonable. I ask my honorable friend from North Carolina if he supposes the gentlemen composing the Committee on Printing will make the contract upon terms unreasonable and unjust to the country and the Government?

Mr. VENABLE. My gallant friend is a fair-minded man. I know he has no purpose, but a fair purpose. Why not say, the committee shall contract with some person to do the public printing? Why give it to Donelson & Armstrong? What claims have they upon us, or upon the country? Mr. Donelson has been called the administrator of General Jackson's opinions. I say, he is administrator not only in his wrong, but in General Jackson's wrong. Aye, sir, he has no claims upon me, or upon those whom I represent. I felt the influence of his power during the last summer. I will never pay a man to whip me. I can get it done cheaper. [Laughter.] The Union paper contains the highest Federal doctrines—doctrines with which I never had any sympathy, and never can have, and therefore it has no claims upon me. If it held the best of principles, I would oppose it, whether it had claims upon me or upon those whom I represent. I oppose the principle, by which the offer for this printing is to be narrowed down, and the contract given to a single individual. If there were one hundred men in the country who sell bread, can you say that the hungry shall trade only with one man? There can be no question upon that subject. Why are Donelson & Armstrong suggested? Do we mean to give away the public printing as a pension?—propose to make the public printing a tax upon the Treasury—and say that the present system of giving it to the lowest bidder is a bad one? I can differ with gentlemen upon a principle, and respect them because they have a right to their opinions. They assert them independently and act upon them; but I can feel no such sympathy or respect when the question becomes one of plunder. I know where it begins, but not where it ends. Then I ask, is the committee restricted to a contract with Donelson & Armstrong, and Donelson & Armstrong alone? If that is so, they have some claims upon us. Let those claims be pointed out. Let them tell the country, and let us all know how great pension they are entitled to. Let us fix the amount, so if we make the settlement, we will know when we are done paying. If a pension is to be given, let us know how much we are giving. If the contract for printing is to open it to the world, open it to all competition, and give the committee the discretion to make the contract with individuals who shall execute it in the best manner and for the least sum. I will go with my friend from Maryland [Mr. EVANS] in the proposition that the Government should furnish paper, and we should leave nothing but the mechanical work to the printer—pay the printer what his work is worth, and give him fair rates. I shall never consent to make a sort of contract where no man in this House but a practical printer ever knows how much is to be drawn from the Treasury for the purpose of filling the pockets of one who has, for the time, the favor of a majority here. The remarks made by my friend from Maryland [Mr. EVANS] deserve thorough consideration. I have seen men made public printers, the organs of parties, and thus fixed upon them, of whom the fabled story of Sinbad the Sailor's "Old Man of the Sea" is a very striking illustration: He first rode by charity, and ended in demanding to ride by right. They are right gentlemen at first, but there is no getting rid of them at last. You will find them very accommodating in

their first essays in playing a tune, but soon give you those in which you can perceive no harmony, and which it is a great inconvenience to be compelled to dance to after them. I can never consent that the funds of this Government, which have been collected by taxing the people, shall be taken for the purpose of giving pensions to any individual. While I am willing to pension the soldier, and take care of his widow and orphans—the reward of actual services—while I am willing to allow all claims of that kind, I am not willing to select any individual and give him the means of becoming wealthy out of the public purse, and to place him in a position in which he has an opportunity to form public opinion, simply because he is an editor of a leading journal disseminated extensively throughout the country. I want no man to make public opinion for me, nor do my constituents desire it. I hope I shall never see the time when party ties and party allegiance shall be so strongly fixed upon me that I shall be willing to sacrifice principle for the purpose of advancing the position or standing of any one. I do not mean, under any circumstances, to give a vote in which I shall have to part with the principle for the purpose of promoting the aspirations of any man to the Presidency. Thank God, I am foot-loose. I represent a constituency that require me to be foot-loose, who have returned me by a large majority. I am foot-loose, and bound by no party ties or obligations which require me to abandon any principle which I have asserted. I will take occasion to say, while I abhor the consolidation doctrines which have spread over every sheet of the Union newspaper, while I naturally abhor and eschew them, if the editors will do the printing any cheaper than anybody else, they are welcome to do it. If a Mahometan or Mormon will do the printing better and cheaper than anybody else, I am willing to pay for it. I trust there will be a decided effort in this House, to keep this printing out of the hands of any men who will be likely to make use of so great a power in the presidential campaign. I prefer a practical printer who is not an editor; and I hope we will not be called upon to give fuel to kindle a fire that will give power to any machinery which will generate a miasma over the whole length and breadth of the country. I take this occasion, and am glad of the opportunity, to say, that in regard to the vote which I shall give upon this question I consider myself as detached from any sort of obligations to sustain any man's pretensions for the printing; neither will I vote for any man for the Presidency who does not in his avowed opinions come up to my views of what a patriotic, constitutional American statesman ought to hold and adhere to.

I have been much entertained as well as amused, within the last few days, by the revelations made in the discussion between several representatives from Massachusetts. There was disclosed by the recrimination between those accomplices in abolition what I always believed—that both the Whigs and Democrats, as a party, in that State were deeply hostile to the peculiar institutions of the South. I had no interest in such a contest, except for the information of the people whom I represent. I shall take occasion to circulate those speeches freely amongst them, that they may have the highest evidence of the correctness of those conclusions with which I had made them familiar in my intercourse with them. It was a battle in which I desired the full exhibition of prowess on both sides, and that at the close of the combat, bystanders would have to do the kind office of burning the slain. Governor Boutwell carried the State because he and his friends bid higher than their competitors at the auction. A bid of one quarter of a dollar more by the other side would have carried the day against them. The price was the consideration; the offices and emoluments were irresistible. Did the Democracy coalesce with the Abolitionists? Let those representatives of that State who here denounce them, say why they voted for Mr. Winthrop? They profess to be satisfied with the compromise, and yet support Mr. Winthrop, who within a few days after the passage of those measures, voted in the Senate for a bill abolishing slavery in the District of Columbia. He bid for the Abolitionists of Massachusetts; endeavored to revive agitation on the slavery question, and upon that achievement was nominated as a candidate for Governor. He did not bid enough, but showed a willing mind. Those

who supported him have but little cause to complain of any tampering with Abolitionists or combinations with them for power. He spread the banner of agitation to the breeze, and was sustained by the Whigs of his State. I have no interest in the matter further than the truth of history is concerned, and as a recorded evidence of what sort of materials we are called on to rely upon in the hour of trial. It will teach my constituents that I am no alarmist, and that I have told them the truth. It is evident, from all the circumstances, that both parties had a common purpose, but neither party had any feeling for us. I am neither malignant nor resentful. If my temper is excitable, it is easily appeased; but there is one thing which I never mean to do, and that is, to fawn upon the hand that strikes me. No, sir, I will never do it. I will never be brought to sustain the pretensions of any man for the Presidency who is not a republican; who does not distinctly acknowledge State sovereignty and State rights upon the principles of their great apostle, Mr. Jefferson; who does not pledge himself to arrest agitation of the slavery question, and carry out the fugitive slave law by all the power with which he is clothed. I will make no compromise here. I opposed every measure of the compromise except the fugitive slave law; and I regretted that I was not able to defeat all of them against which I voted. The State to which I owe my allegiance, and the people whom I represent, were willing to try the experiment of these measures, as they had become a part of the laws of the land. They are a law-abiding people, and I acknowledge the authority of the will of my people. I voted for the fugitive slave law; and it is the only one of the compromise measures for which I voted. But though I acquiesce in them, no man has a right to inquire as to whether I do so cordially or not. I will say, that I have changed no opinion as to the character of these measures, and I feel now as I felt then. My constituents feel now in regard to this subject, as every good citizen ought to feel, a strong desire for the repose of the public mind by a general acquiescence in and faithful execution of these laws. I am for preserving the Government upon the principles of the Constitution, and for obedience to the law in every part of the United States. So far as I am concerned, the recipient of my vote for President must be willing to carry out the law of the land. I have no sympathy with those who are disunionists *per se*, and have never been willing to resort to the highest remedy without the most serious cause and the general approbation of a majority of those who felt the grievance of unconstitutional oppression. When I differ with gentlemen upon principle I can understand them. It may be that I shall be compelled to act with gentlemen with whom I differ as to some minor questions not involving great principles. But when it is a perfectly clear and conclusive indication that the difference between us will be about plunder, and not about principle—about the disposition of the offices and emoluments of Government, there can be neither cooperation nor confidence. I represent a plain, unsophisticated, agricultural people, who do not look to this Government for anything by way of support. They acquire an independence by cultivating the earth. They do not look here for laws to put money in their pockets, nor to the Federal Treasury to supply their wants. They labor not only to supply themselves, but to aid in maintaining here an efficient and economical Government; to manage affairs in which all the States are concerned; and I can vote for no measure which is to take the public treasure to sustain a paper which sets itself up here as the organ of any particular party. I will vote for no measure which will place an immense money power in the hands of metropolitan editors, and thus add to their peculiar advantages for forming public opinion in the next presidential canvass.

But, sir, I do not wish to be misunderstood. I must ask the indulgence of the House for a short time longer. Having been exceedingly unwell all the morning, I had not anticipated this debate. Nothing would have induced me to make a single remark now, but that I had determined since the commencement of the session that upon the very earliest opportunity I would be distinctly understood upon those great questions which now so much agitate the public mind. In order that I may not be misunderstood, I ask gentlemen to attend to the remark that I am about to make. When I say

I want a fair, free fight in the next presidential canvass, I mean that I desire that the people may have some hand in arranging the preliminaries and making the selection between the individuals presented as candidates for office. I am very far from objecting to a candidate because he is the nominee of the Baltimore Convention. Indeed such a nomination would highly recommend him to my choice. Such an expression of preference by that body would demand and receive my respect. If he should be sound, true, and capable, frank and honest in the declaration of his republican doctrines, desirous for the repose of the country, and the faithful execution of the laws, the fact of his nomination would recommend him to my confidence and secure my zealous support.

But, sir, the Baltimore Convention might make a nomination of those who do not answer this description—who do not possess these qualifications; and I will not support any such nominees. No party ties shall induce me to perform an act by which I lose my self-respect. I am not ignorant that all liberty—all that is valuable in free governments—have been often lost agreeably to the usages of parties, and in due form of party discipline. An empty shadow takes the place of substance—the power transferred to the few from the many, and the screws of party discipline may be applied to crush all who have independence to speak the honest convictions of their own hearts. Should they nominate a man who dodges votes, and who is not to be found in his place when vital questions are to be decided—whose letters and communications require a second Daniel to interpret them—or, like the riddles of antiquity, give employment and reputation to a second *Œdipus* for his skill in unravelling the mysteries which they contain; or, like the Delphic oracle, which made response to a certain king, who inquired whether he should go to war with the Romans, in the following oracular words: "*Ibis, redibis, nunquamque petibis*"—words admitting the double translation: "You shall go, you shall return, you shall not perish"—or "You shall go, you shall not return, you shall perish." The inquiring king took the first interpretation—he went, he did not return, he perished. Other followers of the propounders of oracles have in recent times renewed the experience of this ancient king—they interpreted for themselves—they went, and did return, but sadly beaten in the struggle.

The handwriting on the wall and the dream of Nebuchadnezzar were explained by the prophet; but in these days we are without prophets or priests. Experience must be our instructor, and history our guide. I desire a matter-of-fact man, whose heart delights in an honest declaration of his opinions; who will leave plain men, like myself, in no doubt as to his meaning. No convention can have authority to discharge a candidate for the highest office in the gift of the people for such a frank and open avowal of his views. Timidity and reserve presuppose a state of things which must create distrust. No honest politician dreads the disclosure of the fixed convictions of his mind. There is a captivating beauty about the boldness of integrity. You see it in the fearlessness, in the demeanor even of a child who has never been depraved by deception. Conscious purity of purpose desires no concealment. A triumph of principle binds honest men together; but woe to that party who are united only by the system which derives its strength from the desire of plunder. Should that Convention give us the man who does not require and would scorn to have a new version put on his declarations—one who will not hesitate to declare that he holds the republican doctrines of Mr. Jefferson, our acknowledged leader,—I say Mr. Jefferson, because I think it unwise to refresh ourselves at the branch when we can come at the spring. Besides, sir, we have had many mutations and interpolations in the creed since his day. Although having the highest confidence in the purity as well as the great ability of General Jackson, I never adopted or approved of many of the doctrines of the proclamation. I adhered to him, however, and none feel a more profound reverence for his services and his memory than myself. I would not abandon him, as some did with whom I agreed about everything but some doctrines of the proclamation, and go over to a party with whom I disagreed about everything, and the proclamation too. Those who did so, were placed in a false position.

The explanations of the *Globe* of that day and the conversations with Mr. Ritchie in some measure softened the sternness of the text, but it left a hazy fog in the atmosphere which caused small objects to loom in the distance. You have experienced this, sir, doubtless, when in a morning mist a cow would seem to be as large as an elephant. I prefer a return to the clear bright republican days of Mr. Jefferson, for whom General Jackson cherished the most profound regard. We must return to that simple unsophisticated republicanism of the pure and palmy days of our country, before the distribution of fifty millions of money, and whole empires of land gave the means of temptation and corruption, and placed in the hands of Congress the control of jobs by which opulence may be attained in a few months or a year. To such a candidate who believes in the sovereignty of the States, I care not whether he approved or disapproved of the series of measures called the compromise, but who is determined to execute the laws and preserve the repose of the country, there will be such a gathering as we have not seen for many years.

To endeavor now to agitate the public mind on the measures of the last session would be the extreme of folly. The most of them are *res perfecta*. California is a State. Texas has accepted the ten millions. Utah and New Mexico are complete in their organization as Territories, and the other laws stand on the statute-book. Who would engage in the perille, as well as wicked purpose of again agitating the public mind, without any prospect of a good result? And whilst I do not approve of a policy which would assume the necessity of sustaining those laws of last session by a buttress of resolutions this session, and whilst I do not perceive the wisdom of making the move, and amend the Constitution which recognizes its imperfections and provides the mode of amendment, I am utterly averse to any course which would revive agitation or revive discontent.

Mr. POLK, (interrupting.) I call the gentleman to order.

Mr. VENABLE. Will the gentleman state his point of order?

Mr. POLK. My point of order is this: That I cannot see what connection the coalition in Massachusetts, and the State-rights doctrines have to do with passing a resolution about public printing, and as a general charge that he is laying about so loose that I cannot see what he is at myself. [Laughter.]

The SPEAKER. The Chair, in obedience to what seemed to be the desire of the House, did not feel at liberty to arrest the course of remark made by the gentleman from North Carolina. The Chair, however, the point being raised, feels called upon to say, that, in his opinion, the gentleman is wandering from the question before the House.

Mr. VENABLE. I think I can satisfy the Speaker that I am not wandering from the question.

The SPEAKER. The Chair is very well satisfied that the remarks of the gentleman have been irrelevant.

Mr. JOHN W. HOWE. Will the gentleman from North Carolina allow me to ask him a question?

Mr. VENABLE. I want first to put myself right with the Speaker.

Mr. HOWE. I merely want to ask whether we are to understand that you will not vote for Cass or Douglas? [Laughter.]

The SPEAKER. The Chair decides that the remarks of the gentleman from North Carolina are not in order.

Mr. VENABLE. And I propose to show that the course of remark which I was pursuing—

Mr. SWEETSER, (interrupting.) I ask for the enforcement of the rule. The gentleman from North Carolina being called to order, and the Chair having decided that he is out of order, he must take his seat, under the rule.

The SPEAKER. The Chair decides that the gentleman from North Carolina is not at liberty, under the rules, to discuss the presidential question upon the proposition now before the House, and that his remarks were consequently irrelevant.

Mr. VENABLE. I hope I may be allowed to proceed in order.

Mr. WILCOX. I hope the gentleman will be permitted to proceed with his remarks, and that

the same latitude of debate will be extended to others.

Mr. CLINGMAN. I move that my colleague have leave to proceed in order.

The SPEAKER. Is there objection to the proposition?

Mr. SWEETSER objected.

The question was then taken on Mr. CLINGMAN's motion; and it was agreed to.

Mr. VENABLE, (resuming.) I profoundly regret that I should have been so unfortunate in presenting my views, as that any gentleman, or the Chair, should have supposed that I was out of order. I was arguing to show, that my objection to the proposition to give this printing to the particular individuals named in the resolution, might give color to the charge that this House were sustaining a press with the view of giving it weight in the coming presidential election; that this Congress was making themselves a party to such an arrangement, and identifying themselves with a party struggle by pensioning a press, which would be active in the formation of public opinion. It seems to me that this was relevant, as an argument why the printing should not be given to Donelson & Armstrong. I assure the House, however, that I had no purpose to say anything that was not directly relevant to the subject before us. But suppose that this proposition—as is not the case—limited the committee to bargain with a notoriously corrupt man—and I am only putting an extreme case—it would then be certainly in order to say that the resolution was wrong, because it limited the committee to bargain with a very unsuitable person. And that was the whole drift of my remarks. Such a press, fed by the Government out of the public Treasury, might succeed in forcing upon the country one who was not suitable for the object in view. The committee, in no event, should be limited by a vote of this House to any particular individual, inasmuch as it narrowed down the field of selection, and must result, in the progress of events, in a system of favoritism, which neither the principles of justice nor the good sense of the people would tolerate.

When called to order by the gentleman from Tennessee, [Mr. POLK.] I had yielded the floor to the gentleman from Pennsylvania, [Mr. HOWE,] who asked me whether I would vote for General Cass or Mr. Douglas? I hope it is not out of order to be respectful to the gentleman, and I reply—that I drew a character for whom I would not vote; if it fits no person, it damages no one; if it does, it is his fault, not mine; but I decline to make a personal application of my remarks upon the call he has made. I have now said what I intended to say relative to the Presidency, and what I have said was legitimately connected with the subject-matter before the House. I have said it because I think it due to the country, that its representatives should not adopt an indirect system of pensioning the press. No editors of the journals of the country should be enabled by jobs thrown in their way to make a fortune out of the Treasury for mere party purposes. I appeal to this House to say whether it is proper that this job should be appropriated in the manner which this resolution proposes, merely because a majority of this House have the power to do it. If the House desires to elect a public printer, let it be done, and the rates and compensation fixed. But it is certainly wrong to do so by indirection. Every man should have his just dues. But if it is a bad plan to let out the public printing to the lowest bidder, do not adopt the other extreme of letting it out to the highest bidder! If we pass this resolution, and give the contract to Donelson & Armstrong, we exclude competition; and if they will not do it at what the committee consider a reasonable price, you will have no printing done, or you will have this subject back again in this House for discussion. The whole matter will have another hearing and another decision. I trust the time is near for us to have a printing bureau, as a part of our organization, and the printing executed by our own employees—when the whole work shall be done by us, and the entire matter be under our own control—that the time is near when we shall get rid of this job-work—this bleeding the Treasury in order to obtain the means of propagating particular political doctrines, and for the purpose of controlling public sentiment. We have already had a good deal of experience in this matter. I have lately seen at least one article pub-

lished in an organ, and editorially introduced, as possessing the entire proportions of the original publication, when, in fact, one half of the original article which it professed to quote, was excluded, and the portion republished was turned to an entirely different purpose from that designed by its author. The first part published apparently as a whole was quite unexceptionable, and this latter portion which did not appear giving an offensive character to it all. It reminded me of Milton's archangel, ruined, still beautiful and imposing in the upper portion of his person, but very much deformed about the lower extremities, [laughter.] For myself I decline to give such papers the public patronage. While I am for paying to the last cent every man in our employ, and while I am for making a liberal allowance for that time—while I am unwilling that any man should work for me, or the people I represent, or the government to which I belong, without a full, fair, liberal, and generous compensation, yet I demand that our accounts shall be settled in a business-like manner. I wish to know for what we are contracting. When the bargain is to be made, all the printers in the country, all the press of the country, should be invited to come into fair and honorable competition. Let the committee receive propositions from any who may propose to do the work, and then let them decide as they may think proper, according to the merits of the several competitors. I am in favor of the amendment of my friend from Maryland, [Mr. EVANS,] that the paper shall be furnished by the Government, and the names of the individuals in the resolution be stricken out.

Mr. GORMAN. Will the gentleman from North Carolina allow me for a moment? That gentleman is aware that Blair & Rives did the printing for the last census. Now, the price paid in that case may be a guide for the price in this. Now, I ask the gentleman from North Carolina, if he supposes any committee composed of honorable men, and honest men, who have the letting of that contract, will, for the purpose of allowing any party to make money for any political purpose or any other purpose, make an arrangement for this census printing at rates above those generally paid for the same kind of work?

Mr. VENABLE. The gentleman knows that I do not doubt the honesty and integrity of any member of that committee.

Mr. GORMAN. Then I hope the gentleman will not continue to insist that the course of proceeding proposed in this resolution will result in corruption. If I supposed myself capable of an action of this kind, I should consider myself unworthy of a seat in this body.

Mr. VENABLE. It was no part of my purpose in making these remarks, to implicate my honorable, gallant friend, the chairman of the Committee on Printing. I know that he would recoil from contamination or the suspicion of corruption with the sensibility of a wound—his nature is too elevated, and his heart too pure. This is also true of honorable gentlemen connected with him upon that committee. I have the highest confidence in them. But they are not practical printers. They do not understand the art and mystery of printing, and therefore I say that the contract should not be given unconditionally to Donelson & Armstrong, and leave them to set their own prices. Besides, I will show that the census printing under Blair & Rives was very different from the census printing now, and that the prices of printing and paper are now greatly below the rates at the date of their contract.

Mr. GORMAN. If the gentleman will allow me I will tell him that one member of the Committee on Printing, upon the part of the Senate, [Mr. HAMLIN,] is a practical printer.

Mr. VENABLE. That makes the chance a great deal better. But, as I was proceeding to say, I will show that the census printing under Blair & Rives was a very different matter from what the census printing is now. We have been shown that it will take volumes upon volumes to complete it. The office of Superintendent promises to fill the coming decade. I have not stated, nor do I intend to state, what Blair & Rives made by that contract. They confess to a large amount made by contract, and it is theirs. But if I have made an improvident bargain once, and did not avoid the mistake the next time, then experience would be worthless. We learn nothing if not made

more cautious, and we repeat the same blunder. It is best that you should strike out the names of the individuals designated from the resolution. They may obtain the contract if they will perform it cheaper and better than anybody else. But prudence demands that whenever this bargain is made, that propositions should be received from any and all practical printers to do the mechanical work, and the Government furnish the paper. I ask, and I hope some gentleman will tell me, why Donelson & Armstrong are to have this printing? I ask again, and I receive no answer, why are they selected from all others to do this work? What peculiar claim have they?

A VOICE. Why should they not have it?

Mr. VENABLE. Why should they have it? They have no claims upon me that I know of. They have held me up in common with those with whom I have acted as Southern fanatics co-operating with Northern Abolitionists! They have denounced us in the strongest terms which they were capable of using. They have no claims upon me, and I wish to let them know it. A course such as this journal has pursued can never create a claim upon the confidence of those who received their denunciations. What claims have they upon the Government? What claims have they more than any other printers? What more than Blair & Rives—more than Boyd Hamilton, already executing a ruinous contract, struggling with the embarrassments arising out of that contract, and claiming this printing at our hands? It is a job of practical printing, and practical printing alone; but Boyd Hamilton is no editor, merely an humble laborer at the press. Then I should like to know—and the question has not been answered—from whence and how did this claim of Donelson & Armstrong originate?

Mr. Speaker, I have spoken plainly, because I think plainness and candor becoming and proper. I have, without resentment, given expression to the convictions of my understanding, and the feelings of my heart. I mean to act independently and without any concealment of my views. The time when I had feelings of resentment has passed away. The assault upon the old line Republican State-Rights Democracy was, so far as I was concerned, fierce, but impotent. But the memory of events is not so easily obliterated. I believe that we are deeply responsible for the dissemination of unsound opinions—more so, indeed, than for criminal acts. The one is a general and extensive evil; the other limited it its effect, and disarmed by the deformity of the vice. I confess that my spirit chafed when I saw in a paper purporting to be the organ of the party to which, from my youth up, I had belonged, denunciations on those, the *gravamen* of whose offense was, that they concurred with Jefferson and the Republican fathers—that they adhered to the ancient Republican landmarks, and venerated almost to idolatry the Constitution. The selection of the editors of that organ as the peculiar favorites of this body is the exclusion of all others—the extinction of any chance of competition; a selection which, to be just, must be founded upon acknowledged public service and extraordinary individual capabilities. No evidence of either has been furnished, and I insist that so extensive and costly an operation be submitted to the ordinary competition which the custom of the country has made law; that the law requiring the printing to be let by contract to bidders be complied with, for it is unrepealed, and that our present printer at least have a chance to recuperate from the effects of a bad contract, by a chance for a better one.

Mr. NABERS. I shall take particular pleasure in paying a little attention to a few of the observations which have fallen from the lips of the distinguished gentleman from North Carolina, [Mr. VENABLE.] I am prepared, to some extent, to appreciate his allusion to the *Washington Union*. And I am prepared, to a limited extent, to appreciate the feelings of the gentleman, for he has, no doubt, felt the weight of that paper during the last summer and the last fall.

Mr. VENABLE. If the gentleman will allow me, I will merely say, that I was elected by one thousand four hundred and forty majority of the voters in my district.

Mr. NABERS. I will say to the gentleman, if that will give currency to a speech, I was elected by three thousand majority of the voters in my district. But I am going to speak of the doctrines

promulgated in the *Washington Union*, and before the people too. And by the by, without meaning the slightest disparagement to the gentleman from North Carolina, or his constituents, I will say, that I was elected by a constituency equal in intelligence with those of the gentleman to whom I propose, briefly, to reply. Now, I ask, what terrible thing has Donelson & Armstrong done? What breach of the law have they been guilty of, that they are to be condemned here, in connection with the resolution now under consideration? Why, they have been teaching consolidation! They have been teaching Federalism! Now, I put it to gentleman upon this floor, Have the editors of that paper been engaged in teaching federalism, or consolidation? or have they only departed from the gentleman's particular views of these things? To be more explicit, have they departed from the text, or from the gentleman's commentary upon the text? I wish to know that. While the gentleman charges upon that paper the inculcation of such sentiments as have fallen from his lips to-day, I desire to know if it may not be possible that he, too, might possibly be mistaken with regard to the true and orthodox doctrines of the Democratic party? Who are Donelson & Armstrong? I never heard them charged as Consolidationists and Federalists until 1851. Never!

Mr. ORR. I call the gentleman to order.

[Cries of "Go on!" "Go on!"]

Mr. ORR continued. I hope the gentleman will be allowed to proceed in discussing the resolution before the House; but it seems to me this debate would be much more appropriate in Committee of the Whole on the state of the Union.

A MEMBER. Then let us go into Committee of the Whole on the state of the Union.

The SPEAKER. The Chair was not disposed to arrest the gentleman from Mississippi [Mr. NABERS] in the course of his remarks; but it certainly is not in order to discuss the subject proposed to be discussed by that gentleman. His remarks, in the opinion of the Chair, are irrelevant to the subject.

Mr. FREEMAN. I move that the gentleman have liberty proceed.

Mr. McMULLIN. I ask the gentleman from Mississippi to give way in order for me to move an adjournment.

[Cries of "Oh no!" "Oh no!"]

Mr. McMULLIN. I desire to inquire of the Chair if this matter will not come up to-morrow again?

The SPEAKER. It will come up as unfinished business.

Mr. McMULLIN. Then I move that the House do now adjourn.

The motion was agreed to; and

The House adjourned till twelve o'clock to-morrow.

NOTICE OF A BILL.

Mr. WASHBURN gave notice of his intention to introduce a bill entitled "An act for shortening the transit of the mails between New York and London."

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. JOHN W. HOWE: The petition of E. F. Curtis, of Pennsylvania, praying Congress to pass a law making land warrants under the act of 1850 assignable.

Also, two petitions from sundry citizens of Butler and Beaver counties, Pennsylvania, praying Congress to establish a post route from Butler county to New Brighton, in Beaver county, via Petersville, Evansburg, Zelienople, and William Butt's Store.

By Mr. PORTER: Five petitions, signed by over three hundred citizens of Marion, Shelby, and Macon counties, Missouri, asking the establishment of a post road from Hannibal to Bloomington, via Warren, Oak-Dale, Shelbyville, &c.

By Mr. GOODRICH: The petition of E. P. Day and others, for an appropriation to defray the expenses incurred by contributors of articles from the United States to the Industrial Exhibition in London.

By Mr. ROBINSON: The proceedings of a public meeting of citizens of Lawrenceburg, Indiana, praying a division of Indian Territory southwest of Missouri river, and for defining the limits of Nebraska, and for other purposes.

Also, the petition of Thomas Hamilton, John C. King, and others, of Decatur county, Indiana, praying for the establishment of international arbitration, &c.

By Mr. JOHNSON, of Tennessee: A preamble and resolutions bearing the following title, viz: "Land Reform."

Resolutions adopted at a public meeting of the inhabitants of the county of Dearborn, State of Indiana, convened in the town of Aurora, in the said county, on the 16th day of January, 1852, recommending a reform in the land laws of the United States, and that the public lands be granted in small parcels to actual settlers for cultivation, free of exaction by the Government.

By Mr. HORSFORD: The petition of sundry citizens of Ontario county, New York, praying for an appropriation to reimburse to individual contributors to the Industrial Exhibition at London, the expenses which they have been obliged to pay.

By Mr. BRIGGS: The memorial of Walter R. Jones and others, asking Congress for the immediate establishment of a Mint of the United States in the city of New York; together with a statement of the amount of gold bullion received at the port of New York from California during the year 1851.

By Mr. EDGERTON: The petition of Nathan Averill for a grant of land.

Also, the petition of citizens of Henry county, Ohio, for a mail route from Kalida, Ohio, to Adrian, Michigan.

Also, the petition of citizens of Williams county, Ohio, for a mail route from Bryan, via Nimrod, West Buffalo, and Lakes Corners, to Nettle Lake.

Also, the petition of Amiable Brileau for remuneration for losses in the Revolution, as a refugee from Canada, and for a grant of land.

By Mr. GAYLORD: The petition of E. G. Coulson, and 240 citizens of Morgan county, Ohio, asking for the unconditional repeal of the fugitive law.

By Mr. McLANAHAN: A petition from citizens of Union and Perry counties, Pennsylvania, desiring the establishment of a post route from Milledown, Perry county, to Mifflinsburg, Union county.

By Mr. FOWLER: The petition of C. P. Stickney and 616 others, legal voters of Fall River and Taunton, in Bristol county, Massachusetts, praying for the passage of tariff laws for the benefit of American citizens.

By Mr. APPLETON, of Maine: The petition of Ebenezer Evans, for increase of pension; and

Also, the petition of the children of Joseph Dale, for a pension.

By Mr. ASHE: The petition of Thomas F. Ganse, praying for additional compensation, as deputy marshal, to take the Census.

IN SENATE.

TUESDAY, January 27, 1852.

Prayer by the Rev. L. F. MORGAN.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the War Department, transmitting, in compliance with the resolution of the Senate of the 22d instant, a copy of a letter "from Colonel Benjamin Huger to General George Talcott, bearing date at Fort Monroe Arsenal, November 5, 1850," which was read and referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Treasury Department, containing a statement of the Marine Hospital fund for the fiscal year ending June 30, 1851; which was read.

Ordered, That it lie on the table and be printed.

PETITIONS.

Mr. BADGER presented the memorial of Robert Burns, assistant marshal of the county of Davidson, North Carolina; the memorial of R. B. Morisey, assistant marshal of the county of —, North Carolina; the memorial of Thomas F. Gause, assistant marshal of the county of New Hanover, North Carolina; the memorial of Richard Fauntle, assistant marshal of the county of Chatham, North Carolina; the memorial of R. Barnes, assistant marshal of the county of Jones, North Carolina; the memorial of H. Currie, assistant marshal of the county of Robeson, North Carolina; the memorial of Edward Vail, assistant marshal of the county of Sampson, North Carolina; the memorial of Charles W. Lee, assistant marshal of the county of Johnston, North Carolina; the memorial of John D. Hawkins, jun., assistant marshal of the county of Franklin, North Carolina; the memorial of John P. Pitt, assistant marshal of the county of Edgecomb, North Carolina; and the memorial of P. A. Jones, assistant marshal of the county of Granville, North Carolina; praying additional compensation for taking the Seventh Census; which were referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore* laid before the Senate the memorial of Charles Bingham, United States marshal for the southern district of Alabama, and his assistants for taking the Seventh Census, praying additional compensation; which was referred to the Committee on the Judiciary.

Mr. BERRIEN presented a petition of the Bar of Georgia, praying that the salary of the district judge of the United States for that State may be increased; which was referred to the Committee on the Judiciary.

Mr. FISH presented the memorial of George Griswold and others, citizens of New York, praying the establishment of a United States Mint in that city; which was referred to the Committee on Finance.

Mr. BRADBURY presented the memorial of Cornelius Vanderbilt, proposing to contract for carrying the mail between New York and San Francisco twice a month by the Nicaragua route; which was referred to the Committee on Naval Affairs.

Mr. MALLORY submitted documents in support of the claim of W. F. Russell to indemnity for property destroyed by the United States troops in Florida; which was referred to the Committee of Claims.

Mr. SHIELDS presented the petition of the heirs of Elisha Merriman, a revolutionary soldier, praying a pension; which was referred to the Committee on Pensions.

Also, the petition of Joseph Smith, sen., praying compensation for services rendered and supplies furnished the United States in the Black Hawk war; which was referred to the Committee of Claims.

Also, the petition of Orris Crosby, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. SOULE presented the petition of the German Society of New Orleans, praying that the transportation of passengers on steamboats on the western waters may be regulated by law; which was referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. DAVIS, it was

Ordered, That the petition of Caroline L. Eustis, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. DAVIS, it was

Ordered, That the petition of Silas L. Loomis, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Hans Nelson, on the files of the Senate, be referred to the Committee on Naval Affairs.

REPORTS FROM STANDING COMMITTEES.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the memorial of the Oneida Indians, and that it be referred to the Committee on Public Lands.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the memorial of John M. McIntosh, and that it be referred to the Committee on Public Lands.

Mr. WADE, from the Committee of Claims, to whom was referred the petition of Lieutenant John H. Patterson, reported "That the prayer of the petition ought not to be granted."

He also, from the same committee, to whom was referred the petition of José Baya, reported, "That the prayer of the petition ought not to be granted."

Mr. FOOT, from the Committee of Claims, to whom was referred the petition of Phoebe Glover, submitted an adverse report; which was read.

Mr. BAYARD, from the Committee of Claims, to whom was referred the petition of Joseph Hill, submitted an adverse report; which was ordered to be printed.

Mr. MALLORY, from the Committee on Naval Affairs, to whom was referred the petition of John M. Simonton, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Mr. FISH, from the Committee on Naval Affairs, to whom was referred the petition of John S. Devlin, administrator of Elijah J. Weed, submitted a report, accompanied by a bill for the relief of the securities of Elijah J. Weed, late Quartermaster of Marines, deceased.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. FOOT, from the Committee on Pensions, to whom was referred the petition of Nancy Wright, submitted a report, accompanied by a bill for her relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Robert Jamieson and Benjamin Williamson, submitted a report, accompanied by a bill for their relief.

The bill was read and passed to the second reading.

He also, from the same committee, to whom was referred the petition of N. Kuykendall, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. DAWSON, from the Committee on Military Affairs, to whom was referred the memorial D. D. Mitchell, submitted a report, accompanied by a bill for the relief of Lieutenant Colonel Mitchell, of the State of Missouri.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. STOCKTON, from the Committee on Naval Affairs, to whom was referred the memorial of Wm. A. Christian, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. NORRIS, from the Committee on Foreign Relations, to whom was referred the petition of G. Thomas Howard, reported a bill for his relief. The bill was read and passed to the second reading.

NOTICE OF A BILL.

Mr. FISH gave notice of his intention to ask leave to introduce a bill for the relief of William Bedient, late a sergeant in the 4th regiment of artillery.

BILL INTRODUCED.

Mr. CLEMENS, agreeably to previous notice, asked and obtained leave to introduce a bill to extend the benefit of the act to regulate intercourse with the Indian tribes, and to preserve peace on the frontiers, approved the 30th of June, 1834, to the people of the State of Texas, and others; which was read a first and second time by its title, and referred to the Committee on Indian Affairs.

On the motion of Mr. WHITCOMB, the bill introduced by him yesterday, entitled "A bill granting the right of way and making a grant land to the States of Indiana, Illinois, and Iowa, in aid of the construction of a railroad from Wabash to the Missouri river," was read a second time and referred to the Committee on Public Lands.

GOVERNMENT WAREHOUSES.

Mr. HUNTER submitted the following resolution for consideration; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the number of public warehouses now leased by the Government, the places where leased, the periods for which they are leased, the terms upon which they are leased, and the amount expended upon them for labor and other purposes.

LIBRARY OF CONGRESS.

Mr. PEARCE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings be instructed to inquire into the expediency of enlarging, repairing, and refitting the principal apartment heretofore occupied by the Library of Congress, so that it may be entirely fire-proof and capable of further extension in harmony with the general plan of the Capitol, upon the removal of the Senate and House of Representatives and their offices to the wings of the Capitol.

NAVAL APPOINTMENTS.

Mr. HALE submitted the following resolution for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law that appointments in the naval service of the United States shall hereafter be for a limited time, which shall be expressed in the commissions.

CAPTAIN WILLIAM K. LATIMER.

The Senate, on the motion of Mr. HALE, proceeded to consider the following resolution, reported from the Committee on Printing:

"Resolved, That two thousand additional copies of the charges and specifications, before the court of inquiry against William K. Latimer, a captain in the Navy of the United States, and the accompanying papers, which were ordered to be printed, be printed for the use of the Senate."

Mr. BORLAND. I simply wish to call the attention of the Senate to the character of that resolution. The proceedings of the court of inquiry, in the case of Captain Latimer, were called for by a resolution of the Senate, and when they were received they were referred to the Commit-

tee on Naval Affairs. The usual number of copies of those papers was ordered to be printed for the use of the Senate, on the recommendation of the Committee on Naval Affairs. This is a proposition to print two thousand additional copies. The Committee on Printing directed me to report in favor of the resolution, and I have done so. My opinion, however, as an individual Senator is, that the resolution ought not to be adopted. I say this without reference to the merits of the question involved in the papers, but simply because I think it is contrary to the rule usually acted on, that is, to refuse to print additional numbers of copies of papers of this sort. They relate, as I understand it, simply to a personal quarrel between individuals, and the printing of the papers will be, to that extent, taking a part by the Senate in the quarrel. No public interest, that I can see, is to be advanced by the publication. If the parties desire that the public should be more generally informed on the subject, let them print these copies at their own expense, and send them out to the country.

Mr. HALE. I ask the attention of the Senate, and I will not occupy its time for five minutes. I have read these papers. They relate to two of the most important questions that can come before the Senate. They relate to the government of the Navy. They relate to the rights of junior officers, under alleged oppression by their superiors. It must be manifest to everybody that they are questions of high interest. I do not pretend to pass an opinion upon the merits involved in the case; but I tell the Senate, that these papers relate vitally, to the rights of every junior officer under a superior. And what strikes my mind with more force is, they relate to the rights of every private seaman in the Navy of the United States. They have been submitted to the Naval Committee, and ordered to be printed. The usual number has been ordered to be printed; and it seems to me, on questions of this magnitude, if we have a report of the Committee on Printing, it is but a small matter to print two thousand copies of an official document, relating to the most vital questions that affect the American Navy, and not, as I understand, to a mere private and personal quarrel.

Mr. ATCHISON. I have but one word to say in relation to this matter. I suppose this document was communicated, in the first place, for the action of the Senate, and ordered to be printed for the use of the Senate. In addition to that, it is now proposed to print two thousand extra copies for distribution. For whose information are these two thousand copies to be printed? Is it for the information of the American people at large? Or is it for the information of a few select individuals, outside of the Senate Chamber, outside of the walls of Congress? I would like these questions to be answered.

If this is a question for the action of the Senate, it is proper and right that the document should be printed, in order that each Senator may examine it for himself. But I can see no earthly good to be effected by printing these additional numbers. I do not know what portion of the community is to be enlightened by the printing of two thousand additional copies of this document. If it is a document of high importance; if it is one in which the American people feel a deep interest, ten thousand or twenty thousand copies should be printed. It seems to me that the motion does not go far enough, on this account. The fact that the resolution only proposes to print two thousand copies satisfies my mind that it is for the purpose of distributing this document among a very few. I have not read the document, and from what has been said of it, I cannot conceive that it would be of the least interest to any portion of the people of the State of Missouri. It may be of interest to the officers of the Navy, for aught I know. It may be of interest to persons connected with the Navy. If so, ascertain the number actually necessary, and place them at the disposal of the Secretary of the Navy, for distribution. For my own part, I do not desire to be troubled with documents of this character. If this resolution should be adopted, I suppose my distributive share would be one sixtieth part of two thousand. What disposition to make of such a number I do not know.

Mr. HALE. I am exceedingly sorry to meet this opposition. I believe that yesterday we ordered five thousand extra copies to be printed of the geological survey of the State of Iowa. That

is a matter certainly more local than this. We have printed extra copies of documents about everything under heaven; and, not satisfied with printing documents about everything under heaven, we have gone into the clouds, and printed extra numbers of documents containing speculations upon storms, for whose information I know not; for the action of what body I know not.

If the Senate will look into this document, they will find it as I stated; it relates to vital and important questions pending before the country: the rights of junior officers under superiors, and the rights of sailors. I carefully avoided, when I was up before, expressing any opinion on the merits of the controversy involved in this case, because it seems to me, that if there ever was a single document that ought to command the respectful consideration of the Senate, and ought to induce them to print such a number of copies as would enable this question to be understood, it is this one, which relates to the rights, the interests, the protection, and guardianship of a class of American citizens, who are without protection, and without guardianship, if they do not find it in the legislation of Congress. I refer to the sailors. The question of their rights is before the Senate. Here is a document containing the proceedings of a court of inquiry, touching that very matter. Here is a report showing what the action of the Government has been on that very question. Here is a report which shows the construction which the head of the Department puts upon the administration of the law in that particular. Upon a question of this sort, when we ask to have such a document printed, it is objected to. The honorable Senator from Missouri finds fault that we have not asked for a larger number. Perhaps if I had been brought up in a larger part of the country, where the boundaries of States are larger, and the rivers are larger, and everything is larger, I might possibly have inculcated larger ideas, and asked for the printing of ten thousand copies; but I come from a modest part of the country; and, therefore, when I ask for the printing of a small number of copies, I hope that this fact may not be made to prejudice the claim which I make, if it is small.

Mr. BERRIEN. Mr. President, assuming that this document contains those important questions, which it is said by the Senator from New Hampshire are embraced in it, his argument is perfectly conclusive to prove that the Senate ought to inform themselves of the contents of these papers. If they really do involve questions which are important to the rights and interests of officers of the Navy, and of the sailors belonging to that arm of the country's service, it behooves the Senate to inform themselves of these questions; and if it be necessary to regulate their legislating according to the information which is communicated, it is the duty of the Senate to require that they should be printed. But the argument of the Senator from New Hampshire does not proceed a single step, unless we mean, according to what seems to be the propensity of the day, to look beyond this Senate Chamber for legislation, and invoke instruction from without. I do not perceive that there is any, the slightest ground, for the expenditure which is proposed to be incurred on this occasion. Relying upon the statement of the Senator from New Hampshire, I should think it my duty to adhere to the original recommendation of the Committee on Naval Affairs. Upon their recommendation this document was printed for the use of the Senate; and I intend to inform myself of its contents for the guidance of my judgment; but I do not feel that I am under any obligation to distribute two thousand copies of this document among the people of the United States to invoke their aid in the formation of my opinion. I am opposed to the resolution.

Mr. PEARCE. I should like to know whether it is proposed to publish not only the charges and the finding of the court, and the opinion of the Secretary of the Navy, but also the evidence in the case?

Mr. BORLAND. No, sir.

Mr. PEARCE. I should still like to know precisely what it is that is to be published. I cannot understand what we are to publish from the reading of the resolution.

Mr. BORLAND. It is not proposed to publish the testimony at all. That is all to be left out.

Mr. PEARCE. It may possibly be necessary for the vindication of the officer charged, that his defence should be printed with this document. I cannot tell what ought to be printed until I see the papers. Unless we can know exactly the state of the case, I am opposed to this printing.

Mr. BORLAND. I will state to the Senator that the resolution does not propose to publish the testimony at all. It leaves out a large portion of the report, and it seems to me that if the purpose is to enlighten the public in regard to the matter, the whole of the proceedings and testimony should be published. We should thus involve the publication of a very large book, for this is one of the largest documents that has ever come before us.

Mr. HALE. How large a pamphlet will this make?

Mr. BORLAND. About one hundred pages.

Mr. STOCKTON. I desire to say that I cannot see the propriety of publishing a document now before the Senate for its action. I may be wrong, but it does appear to me that as we are going to act upon the subject, all that is necessary for us is to have the papers printed for our own use.

The PRESIDENT. That has already been ordered.

Mr. RUSK. I should have voted against this proposition at any rate, believing it entirely useless to add to our expenditure and delay other necessary printing. But when I learn that the testimony upon which the papers were founded is to be left out, I certainly cannot be guilty of such gross injustice towards this officer, who seems to be assailed by the Senator from New Hampshire, of putting part of the proceedings before the community and leaving out the testimony. I cannot consent to publishing only that objectionable matter which I understand the Senator from New Hampshire to desire to spread out before the country, certainly not for the information of the country. The ordinary number—some three hundred copies—have already been printed for the use of the Senate. I do not wish the inflammable matter to which the Senator alludes sent out as part and parcel of the proceedings, for I consider that this document will be inflammable matter without the testimony upon which the findings of the court were made.

Mr. HALE. The Senator from Texas misunderstands me entirely if he understood me as assailing any officer. I stated expressly that I would not state my opinion on the merits of the case one way or the other.

Mr. RUSK. Did not the Senator say that he desired to place before the country the construction placed upon the law by the Secretary of the Navy?

Mr. HALE. Yes, sir.

Mr. RUSK. If that is not conveying an insinuation against an officer, I misunderstand language.

Mr. HALE. I think the Senator will be at a loss to find for whom censure is intended or implied. I said that here was the construction which I understood the Secretary of the Navy to put on the administration of that part of the law. I carefully avoided expressing any opinion, and, indeed, I cannot say that I have any opinion on the merits of the particular controversy involved in this case. I only say that the Senate should act informedly on the matter. I have no interest in this matter. I have no friend involved in it at all.

Mr. MANGUM. This is a very small matter. I am opposed to the publication of this additional number of copies of this document, and I wish to call the attention of the Senate to the history of the Committee on Printing. Sir, that committee was raised for the purpose of diminishing unnecessary and extravagant expenditure in regard to the public printing; and the first year it was in operation, of an equal session with the session preceding of the same length, the expenditure for the public printing was reduced from \$39,000 to \$14,000. I regret to see that we are running into ancient extravagance. I think we ought to adhere to the recommendation of the committee in most cases, especially when they refuse to publish additional numbers of these documents. We print a vast deal of matter here that is of no interest to anybody. As far as is necessary for our legislation here, we have already printed the usual number of these documents. On

questions of this sort, involving flogging in the Navy and discipline generally, it may be a desire to scatter such a document in some portions of the country to produce agitation and to annoy Senators with petitions on the subject of which the petitioners know very little practically. I hope the Senate will refuse the printing of these additional copies.

The resolution was rejected.

NAVY-YARD AT SAN FRANCISCO.

On the motion of Mr. BADGER, the Senate proceeded, as in Committee of the Whole, to consider the bill to establish a navy-yard and dépôt on the Bay of San Francisco, in California, and for other purposes.

Mr. BADGER stated that his object in calling for the consideration of this bill was, that he might have the opportunity to submit several amendments for the purpose of having them printed.

The amendments having been submitted,

On motion by Mr. GWIN, the further consideration of the bill was postponed till to-morrow.

FRENCH SPOILIATIONS.

Mr. BRADBURY. I desire to call up the bill to provide for the ascertainment and satisfaction of claims of American citizens for spoiliations committed by the French prior to the 31st day of July, 1801, for the purpose of making it a special order for some future day. I gave notice, at the time I reported the bill, that I should propose to have some day assigned for its special consideration. It is a matter of so great importance that I think it should be taken up now for the purpose I have indicated.

Mr. RUSK. I think our experience with regard to the assignment of a particular day for the consideration of matters which Senators desire to be made special orders, shows that the effect is to delay them and our other business also. It promotes debate much more when bills come up out of their regular order. I think every one will agree with me, that the result has been as I have stated; and I hope, therefore, the motion may not prevail. I shall vote against it.

Mr. WALKER. I entertain the same opinion with regard to the assignment of particular days for the consideration of particular bills, which the honorable Senator from Texas has expressed. I do not intend to ask for the assignment of any particular day for the consideration of any measure in which I am particularly interested. I am willing that any bill, in which my State is specially interested, shall take its regular turn on the Calendar; and if it gets no action, I am willing to let it take its chance in its order. There are individual States which are as much interested in the passage of other bills as the claimants for indemnity for French spoiliations are for the passage of this bill, and the representatives of these States may, with as much propriety, ask that their favorite measures shall be set down as special orders as these claimants. I hope we have got through with special orders. I agree with the Senator from Texas, that special orders provoke debate. Members come here prepared to make speeches, and their speeches touch somebody who feels bound to reply, and that reply begets another, and so the debate is continued for a long time. I hope this bill will not be made a special order, and that no other special order will be made.

Mr. BRADBURY. This bill is certainly one of very great importance. It is one upon which I suppose every Senator will desire to be called to vote, and my purpose in making it a special order was, that we might know beforehand when the subject was to come before us for consideration. It is usual to give some consideration of this kind to bills of so much importance, involving so much general interest. I believe it will not lead to any increase of debate; but, on the contrary, that debate will thereby be lessened. I hope, therefore, that the Senate will agree to the motion.

Mr. GWIN. It is because this is a bill of great importance that I am opposed to making it a special order. I am anxious to take up the Calendar, and to clear it of all bills as they stand there in regular succession. I wish to proceed with the business of the Senate, and I feel assured that by refusing to make this a special order, and proceeding with the Calendar, we shall accelerate business; because gentlemen, understanding that to be the rule will push the business, in order that the particular bills in which they have an interest may

be reached at an earlier day. I have no desire to delay action upon this bill. On the contrary, I agree with the Senator from Maine that this bill is one of great importance, and I wish to have it acted upon as early as possible. But this I think will be best attained by permitting the bill to retain its present place on the Calendar, while at the same time great advantage will result to the business of the Senate generally by adopting that course.

Mr. BADGER. Every day furnishes additional evidence of the propriety of an amendment to the rules of the Senate, which I submitted last session of Congress, and that is, that all questions in relation to the taking up of bills should be decided without debate. Now, all that I ask of gentlemen is, do not let us consume the whole day in debating whether we will take up this bill.

Mr. BORLAND. I think if nothing else had ever been said against this practice of making special assignments, there is one argument which ought to be conclusive against it. That argument has been repeated so often, that it has now become perfectly familiar to every member of the Senate, and it is, that in very many instances, more time has been consumed on the question of taking up bills than has been consumed on the merits of the bills themselves, and the question of their passage. For that reason, I think that the impolicy of continuing such a course must be demonstrated to the Senate. And, sir, there is another matter which I would mention as a reason why this practice of making special orders has been resorted to, and thus far sustained. I know of no other reason that is usually assigned for making such disposition of a bill, than that it has some special merit over other bills, and on that ground precedence is claimed for it. I suppose, however, that there is no Senator who brings forward a bill here who does not consider it as of sufficient importance to claim the speedy attention of the Senate. Now, sir, there are between fifty and one hundred important bills before the Senate at this time, and yet matters which I certainly do not consider of much importance, have been made special orders, and a day has been assigned to each of them. And what advantage do we gain by this? We certainly gain nothing in favor of the particular bill, if we are to take equally and fairly the measures which are brought forward by Senators on this floor. So far as my short experience has taught me, I am satisfied that this course of making special orders has delayed the business of the Senate, while it has done nothing to advance the progress of the particular bill, the furtherance of which it was intended to promote. Here is an illustration: How much time have we lost here this morning, in the mere discussion of whether we will take up a bill? The amendment, to which the Senator from North Carolina alluded, was not adopted—

Mr. BADGER. I know it was not.

Mr. BORLAND. And I have made these remarks to strengthen the remark made by that Senator, and with the view of putting a stop, if possible, to the practice of making special orders.

Mr. BELL. I have one word that I wish to say, not upon this question, because by parliamentary law it is not a debatable question, and I deny that any gentleman is able to show any parliamentary law, or anything more than a loose practice which has grown up in this body, to warrant any debate upon this question. I never knew in my experience in the other House, that debate could be extended further, except by general consent, than when a member desired to give priority to any bill, to give him the opportunity of stating his reasons why it should be taken up out of its regular order. If another member rose to speak upon the question, it was out of order for him to proceed, except by general consent. This discussion is clearly out of order, and it is clearly out of the indulgence of the body that such a practice has grown up. I know it is very difficult for you, Mr. President, to restrain members when so many desire to express their sentiments and opinions for or against a proposition of this kind; but I must maintain that it is now out of order. I have not said anything except in vindication of what I consider to be the parliamentary order of the body. If Senators choose to indulge in a licentious debate of this description, it is their own fault, but it is out of order.

Mr. BADGER. Following the example of my friend who has just taken his seat, and endeavoring

to add some reasons to those offered by the honorable Senator from Arkansas why the amendment of the rules which I proposed should have been adopted, I will not say a word about this proposition. My friend thinks he has escaped all the difficulty of an irregular debate, because he has made a speech, and did not say one word upon the question before the Senate. [Laughter.] Now, I will follow his example, because I know I shall then be in order; for he says it is out of order to speak upon the question before the Senate, and you avoid all difficulty by speaking upon questions not under consideration by this body. I will follow that example, and in the first place, I beg to suggest to the Senate that our rules specify the questions which shall be decided without debate, and that I do not know any other parliamentary body whose rules can add to the number of undebateable questions in this body; and every question, which is not by a rule of the Senate, or by the long and well-established usage of the Senate—which supplies the place of an express rule—declared to be not debatable, is of course debatable. The right of debate exists in every case, except when it is excluded by an express rule.

Now, when my friend speaks of "licentious debate" here, I take occasion to say, that though such debate may exist in other bodies, it is totally unknown here.

I wish to say, that from the little experience we have had to-day, added to the days upon days and weeks upon weeks that have been consumed, during the five years that I have had the honor of serving in this body, in determining whether we should take up one question or another in order to give it precedence over some other, I am induced to hope that some gentleman of greater powers of persuasion than I possess may yet introduce a rule which will declare that the question of priority shall be decided without debate. This question ought to have been decided long since, one way or the other. If I may be pardoned for the suggestion, I will say that I see no impropriety in giving precedence to claims of this sort to which this bill refers. They are of half a century's standing, and have been discussed and rediscussed in both branches of Congress for twenty-five years, and the most able reports have been repeatedly made upon them in both Houses of Congress, uniformly favorable. The bill has once passed both Houses of Congress, authorizing their payment, and it was rejected by the Executive for three reasons, one of which was, that we were at war, and not in a situation to pay our debts. That reason has passed away. We have, according to a report made at the beginning of the session, a surplus of twenty millions of dollars, and I think this is a very good time to bring forward these claims and pass them, and show that the reason given before was true, that we needed the money for fighting and could not pay our debts; but that we now have it, and will apply it to satisfy just demands.

The PRESIDENT. The question is on postponing the special order.

Mr. BORLAND. On that question I ask the yeas and nays.

The yeas and nays were ordered.

Mr. HAMLIN. By your kindness, Mr. President, I have been allowed to take from your table the list of the present special orders, and by that list I find, first of all, the bill offered by the Senator from Iowa, [Mr. JONES,] in relation to a grant of lands for the making of a railroad in that State.

The PRESIDENT. That is the unfinished business.

Mr. HAMLIN. Yes, sir, it was a special order, and became the unfinished business. Next we have a resolution, offered by a gentleman who is no longer a member of this body—a very practical resolution, sir, [a laugh]—the resolution offered by the Senator from Mississippi, [Mr. FORT,] on the subject of the compromise. The next is a bill to improve the navigation of the Upper Mississippi; and then another, in the shape of a joint resolution in regard to the printing of Seventh Census. Now these subjects have all been wrested from their order on the Calendar, and made special orders. I think that my friend from Arkansas, [Mr. BORLAND,] as well as my friend who sits before me, [Mr. WALKER,] both favored the propositions making them special orders.

Mr. WALKER. You are wrong in that supposition.

Mr. HAMLIN. The Senator from Wisconsin says I am wrong. It may be so, but such was my impression. At all events, I think that those who are so devoted to the measure for giving away two millions of acres of the public land, will not deny to this class of claims which, as the Senator from North Carolina has truly said, have been of more than half a century standing, the right of being placed in an equally favorable position. I think, too, that those who have aided in this bill—and the thing is not alone, nor are those special orders without their particular friends, and I think that the early improvement of the navigation of the Upper Mississippi, and the question of the printing of the Seventh Census, are subjects of importance—may be expected to join in giving to this measure a place on the Calendar, which shall only ask the action of the Senate affirmatively or negatively, so that if adopted it may go to the House of Representatives, and be there adopted or rejected, as that body may decide. I have been one of a small minority of the whole Senate who have from time to time urged an adherence to the Calendar, so that business may come up in its order, and on this question I have been voted down on every occasion; and I now ask, and I trust that I may ask with some confidence, those Senators who have obtained their special orders to allow this question to have a position equally favorable with their own.

Mr. BRADBURY. I desire to add to the remarks of my colleague, the statement that this bill stands next—or nearly next—on the Calendar to the bill granting lands to the State of Iowa, so that, had that bill not been made a special order, this one would have followed almost immediately afterwards, and it would be doing no more than the same measure of justice that has been done to that bill, to make it a special order. It would come up at an early day, without any assignment; but we wish to see this bill taken up and acted upon, if possible, on the first day that it may be brought before the Senate for consideration. It is not my purpose to consume a long time in the consideration of this bill, and for that reason I thought it might be deemed proper to have a day designated for it, so that we might have a full Senate, and have it disposed of without unnecessary consumption of time.

Mr. BORLAND. In response to the Senator from Maine, with regard to the order of business on the Calendar, I desire to call attention to the Calendar, by which it will be perceived that the bill granting land to the State of Iowa, to aid in the construction of a railroad, is number one, and in the order of business is number twenty-two; that to provide for the ascertainment and satisfaction of claims for spoliations by the French, is number fifty-nine in the order of business, and number sixty-four in the order of bills presented to the Senate. The bill granting land to Iowa stands at the head of the list, where it stood at the beginning of the session.

Mr. HALE. It is with great reluctance that I separate myself from the friends of this measure on the question now before the Senate. I have uniformly voted for the bill, and shall continue to do so; for I believe it is one of the few cases in which I can honestly vote money out of the Treasury, because I think it is to pay honest debts. But I shall vote against the motion to take up the bill out of its order, for the reason given by the honorable Senator from Maine; for I do not want to put it in the same company with the resolution offered by the Senator from Mississippi, [Mr. FORT,] nor the one relating to the printing of the Census, and other measures, which have been made special orders. I have very rarely voted to make special orders; I have contended with the Senator from Maine, in a small minority to enforce the rules, and adhere to the Calendar. I shall vote against all special orders, and if the Senate will vote with me, I will vote to lay all bills on the table till they are reached in their regular order. When this bill comes up, I will give it all the support I can, but I cannot vote to take it up out of its order.

Mr. DODGE, of Iowa. I suppose, Mr. President, that there is no more decided enemy to these French spoliation claims than I am; but the courtesy which is asked by the advocates of this bill is one which I feel bound to concede to them. I wish them to have an opportunity, at an early day, of trying the strength of this measure; and

in view of its magnitude, and the length of time that it has been pending, I shall vote for taking it up now, in order that that disposition may be made of it which is asked for.

The question was taken upon the motion to take up the bill, and resulted—yeas 26, nays 17; as follows:

YEAS—Messrs. Badger, Bayard, Berrien, Bradbury, Clarke, Cooper, Davis, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Fish, Foot, Hamlin, James, Jones of Iowa, Jones of Tennessee, Mallory, Miller, Pearce, Smith, Soule, Spruance, Sumner, Upham, and Wade—26.

NAYS—Messrs. Atchison, Borland, Clemens, Dawson, Douglas, Gwin, Hale, Houston, Hunter, King, McKee, Mangum, Norris, Rusk, Sebastian, Walker, and Whitcomb—17.

So the motion to take up the bill was agreed to.

Mr. BRADBURY. I now move to postpone the further consideration of the bill till the first Monday of February next, at one o'clock, and that it be made the special order for that day.

Mr. FELCH. I would suggest to the Senator from Maine to postpone it for a longer period.

Mr. BORLAND. There is another special order appointed for that day.

Mr. FELCH. One of the members of the committee, I believe, wishes to make a minority report. I refer to the Senator from Indiana, who is now sick. I would, therefore, suggest the third Monday in February.

The PRESIDENT. Does the Senator from Michigan make a motion to that effect?

Mr. FELCH. I will make that motion.

The PRESIDENT. The question will first be taken on the longest day.

The question was then taken on the motion to postpone the further consideration of the bill till the third Monday in February; and it was decided in the affirmative.

RAILROADS IN IOWA.

The Senate then proceeded to the consideration of the special order, being the unfinished business of the preceding day, the pending question being on the amendment offered by Mr. UNDERWOOD to the amendment reported by the Committee on Public Lands to the "bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State."

Mr. UNDERWOOD. I ask the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. HUNTER. I was not present yesterday when this amendment was offered, nor had I the good fortune to hear the speech of the honorable Senator from Kentucky, [Mr. UNDERWOOD.] If I understand the amendment it is to propose an equal distribution of the public lands among all the States of the Union.

Mr. UNDERWOOD. It proposes a *pro rata* distribution among States which have not received public lands, according to the population, to a certain extent. All the States omitted in that amendment which I offered have received a larger portion than the States provided for in the amendment. They are a great deal in advance of the other States already in the amount they have received, and in order to make the amount given to the States named in the amendment equal to that received by the new States, not mentioned in the amendment, I propose to give about 14,500,000 acres to the States which I have named in my amendment; the other States having received much more.

Mr. HUNTER. I merely rise to state that I shall vote for the amendment of the Senator from Kentucky, although I shall vote against the bill, whether that amendment is adopted or not.

Mr. ATCHISON. I wish to make an inquiry of the Senator from Kentucky, and that is, why he has left out of his amendment the State of Texas? She has never received any of the public lands.

Mr. UNDERWOOD. I will state the reason, for the satisfaction of the Senator from Missouri, which operated upon me in doing so. I thought that the grant of \$10,000,000 to the State of Texas, and the further grant of thirty thousand square miles of land, which she did not own, was a great deal more to Texas in land, and money too, than we ever could expect to get for the old States, from any portion of the public lands. That is the reason why I left it out. [Laughter.]

Mr. SUMNER addressed the Senate, in favor of the bill. A report of his speech will be found in the Appendix.

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32D CONGRESS, 1ST SESSION.

THURSDAY, JANUARY 29, 1852.

NEW SERIES....No. 26.

Mr. FELCH. Mr. President, I desire to say something on this bill, having reported it from the Committee on Public Lands. As the Senator from Kentucky [Mr. UNDERWOOD] has proposed an amendment, which in point of fact changes the whole policy of the system proposed by the original bill, it becomes a matter of a great deal of importance. Before saying anything on the subject, I should like to refer to some statistics, given us yesterday in the speech of the honorable Senator from Kentucky.

If it be agreeable to the Senator from Iowa, who has charge of the bill, I would move to postpone its further consideration until the day after to-morrow, that I may have an opportunity of referring to the remarks of the Senator from Kentucky, which have not yet been published. The amendment has just been laid on our tables, and I would like to examine it. I would, therefore, suggest to the Senator from Iowa, the propriety of allowing the matter to lie over until the day after to-morrow, or some subsequent day. I move to postpone the further consideration of this subject until the day after to-morrow, (Thursday.)

The motion was agreed to, and then, on motion, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 27, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. Mr. BUTLER.

The Journal of yesterday was read and approved.

Mr. HOUSTON. I desire to know if there is any question before the House?

PUBLIC PRINTING.

The SPEAKER. The unfinished business of yesterday is the business in order, being the report of the Committee on Printing, and upon which the gentleman from Mississippi [Mr. NABERS] is entitled to the floor.

Mr. HOUSTON. Is it not in order for me to make a motion to go into Committee of the Whole upon the state of the Union?

The SPEAKER. It will be in order, if the gentleman from Mississippi will yield the floor for that purpose; but not in order otherwise.

Mr. HOUSTON. I appeal to the House, I appeal to the gentleman from Mississippi, to permit this question to pass over until to-morrow, or some subsequent morning, and allow me to make a motion that the House go into Committee of the Whole on the state of the Union, with the view to dispose of the bill upon which debate was closed last Saturday, providing for the payment of the last installment of the indemnity to Mexico. The debate has been closed upon that bill, and all that is necessary is to go into committee, and finish it. I think it ought to be done; and therefore I feel bound, in the discharge of my duty, to make that appeal to the House and to the gentleman.

Mr. McMULLIN. I suggest to the gentleman from Alabama, [Mr. HOUSTON], and also to the gentleman from Mississippi, [Mr. NABERS], if it is practicable at this stage of our proceedings to do so, to refer the subject, which comes up as a matter of course, to the Committee of the Whole on the state of the Union. Then the object of the gentleman from Alabama can be effected; and the gentleman from Mississippi will have much more latitude in committee than he can have in the House. I desire to know of the Speaker, if it is now competent to submit the motion by the consent of the gentleman from Mississippi?

The SPEAKER. The motion to refer is in order. The gentleman from Mississippi, however, is entitled to the floor.

Mr. McMULLIN. Then I ask my friend from Mississippi to yield me the floor for the purpose of submitting that motion.

Mr. NABERS. Very well.

Mr. McMULLIN. I have obtained the consent of the gentleman from Mississippi to move that the subject be referred to the Committee of the

Whole on the state of the Union; and upon that question I demand the previous question.

Mr. BROWN, of Mississippi. I desire to suggest, for the benefit of my colleague—for he may not be aware of it—that, if he yield the floor in this way, he would not be entitled to it in the committee, and therefore could not go on then without general consent.

Mr. VENABLE. He will get it, of course.

Voices. He will have it by general consent.

Mr. GORMAN. I rise to inquire what the question is?

The SPEAKER. The Chair was about to propound the question. It is: That the joint resolution reported by the gentleman from Indiana, from the Committee on Printing, be referred to the Committee of the Whole on the state of the Union; and upon that question the previous question has been demanded.

Mr. ORR. I desire to inquire, what would be the effect of sustaining the previous question? Suppose the House, after the previous question has been sustained, refuses to refer this resolution to the Committee of the Whole on the state of the Union, I ask if it would not bring the House to a vote immediately upon the passage of the resolution, as it is, without further discussion upon it?

The SPEAKER. That would be the effect.

Mr. McMULLIN. Mr. Speaker, I—

The SPEAKER. The Chair must interpose, and say to gentlemen that this conversation is entirely out of order.

Mr. McMULLIN. I desire to know what will be the practical effect of the motion which I have submitted?

The SPEAKER. It will be to bring the House to a vote—first, upon referring, and if that be negatived, then upon the adoption of the resolution.

Mr. McMULLIN. Without further discussion?

The SPEAKER. Yes.

Mr. McMULLIN. Then I must beg leave to withdraw the call for the previous question; and I appeal to the House, upon all sides, to allow this motion to prevail; and when the subject shall have been referred to the Committee of the Whole on the state of the Union, I hope that, by general consent, the gentleman from Mississippi [Mr. NABERS] will be allowed to proceed, and occupy the floor with a view to reply to the extraordinary speech of the gentleman from North Carolina, [Mr. VENABLE.]

Mr. VENABLE. I hope he will reply.

Mr. McMULLIN. I wish, before I take my seat, to withdraw the call for the previous question, and then make an appeal to the House to let the subject be referred as proposed.

Mr. GORMAN. I ask the gentleman if he desires to strangle the proposition, and kill it?

Mr. McMULLIN. So far from it, I desire to have the resolution discussed, and finally passed.

Mr. GORMAN. I beg of him, then, not to persist in his motion to refer to the Committee of the Whole on the state of the Union. That would be its grave, out of which it could never be resurrected.

Mr. STANLY. Will the gentleman allow me a word?

Mr. McMULLIN. For explanation.

Mr. STANLY. The chairman of the Committee of Ways and Means [Mr. HOUSTON] is desirous that the House shall proceed with the important business of the country, and I suggest that we postpone the consideration of this printing resolution to some day next week. It will then come up again. What difficulty is there in the way to this mode of proceeding?

Mr. McMULLIN made a response not heard by the reporter.

Mr. FOWLER. I rise to a question of order. I wish to know what is the question before this House. It appears to me that all of this talk is out of order; but perhaps I do not understand the question.

The SPEAKER. The question is upon the adoption of the resolution reported by the Committee on Printing. The gentleman from Virginia

called for the previous question; and having withdrawn it, he is now discussing the general proposition.

Mr. FOWLER. If I understood right, he only obtained the floor by the permission of the gentleman from Mississippi, [Mr. NABERS,] to make the motion to commit the resolution. If that is so, is it in order for him to hold the floor for discussion?

The SPEAKER. It is not in order for the gentleman from Virginia to deprive the gentleman from Mississippi of the floor, who is entitled to address the committee upon the merits of the resolution.

Mr. FOWLER. I then make this question of order, that it is not in order for the gentleman from Virginia [Mr. McMULLIN] to discuss any point, and that he can only submit the motion for which the gentleman from Mississippi yielded the floor.

The SPEAKER. The Chair decides that the gentleman from Virginia obtained the floor for the purpose of submitting the motion to commit; and that if he withdraw it, he loses his right to the floor.

Mr. McMULLIN. As the result of this matter, if my motion prevails, is involved in doubt, I will, with the approbation of the gentleman from Mississippi, withdraw my motion of reference, which will entitle him to the floor.

Mr. NABERS. Mr. Speaker, allow me to say that I have no unusual anxiety to address the House. I did not desire to urge myself forward before this House, but it struck me with a great deal of force that the various attempts made to obtain the floor would indicate that gentlemen have something peculiar—some extraordinary views—to present. There is another consideration. I desire to reply to the remarks which fell yesterday from the gentleman from North Carolina, [Mr. VENABLE.] It was with the view of enabling me to reply to him properly that I desired that the House would go into Committee of the Whole; for I am fully aware of the fact, that if I am expected to reply to that speech in order, it is totally impossible. The impression was universal yesterday that the observations of the gentleman from North Carolina were out of order, and hence it is out of the question, as I apprehend, for me to follow him in the course he saw proper to take without being guilty, to a greater or less extent, of violating the rules of the House. I do not desire to do that. I do not desire to do it now, because I am aware of the fact, that if one gentleman claims the right of proceeding out of order—if one gentleman claims the right upon a given proposition to tell you about things in general—that any other member may claim the like privilege, and hence it would be totally impossible for us to have the least order or the least propriety in our discussions. Then while I know that some remarks which I may offer may not be in strict accordance with the rules of the House, I trust that the same kind indulgence will be extended towards me that was given to the distinguished gentleman from North Carolina, [Mr. VENABLE.] I shall briefly advert to the considerations growing out of the resolution and amendments now under discussion; and if gentlemen expect to call me to order, if I should take occasion to talk about myself, I hope he will tell me so now before I begin.

Mr. MEADE. If the gentleman will permit me, I will suggest, that if he is permitted to go on out of order, it must be expected that every gentleman in the House will do the same thing, and we shall then be virtually in Committee of the Whole. We had better preserve the rules of the House by going into Committee of the Whole. If that be the understanding of the House, I have no disposition that anybody who chooses may not discuss the question; but I know very well that when the House gets tired of the debate—members pursuing the same line of argument—it will be cut off; and I therefore give notice to the House that I will call to order, when necessary, and that I would have done so yesterday, when the gentleman from North Carolina was speaking, had I been in the Hall.

Mr. McMULLIN. I am very sorry that my colleague was not in the Hall.

Mr. NABERS. I had better, then, proceed. I do not intend to get a great way out of order.

Mr. STEPHENS, of Georgia. I barely rise to say, by way of suggestion to the gentleman and to the Chair, that I doubt if there was anything said yesterday in the debate strictly out of order. Gentlemen seem to suppose that when in Committee of the Whole they are allowed a greater latitude of debate than when in the House. In that they are mistaken. The same rules govern the debate. When in the Committee of the Whole upon appropriation and other bills, custom has allowed a large latitude to gentlemen, but the parliamentary law is the same—the rules of the House govern us. Now, I submit to the Chair and the House whether everything in connection with this proposition pertaining to the ability and suitability of the selection of these gentlemen to execute this part of the printing, is not legitimate in discussion. I am not expressing any opinion as to the merits of these gentlemen, but I submit that it is a fair subject-matter of debate.

The SPEAKER. The Chair on yesterday did not feel disposed to call the gentleman from North Carolina [Mr. VENABLE] to order, when it was the evident desire of the House that he should proceed. The Chair would have pursued the same course to-day with reference to the gentleman from Mississippi, [Mr. NABERS:] but when a gentleman rising in his place, calls to order, it is the duty of the Chair to confine gentlemen to the subject-matter under debate.

Mr. NABERS. I am fully aware of that, and shall not complain if called to order for not strictly conforming to the rules of the House. If called to order, I will feel inclined to take my seat until the question is decided. Now, I was about to proceed, on yesterday evening, to state what I deemed to be the reason of the peculiar hostility manifested by the gentleman from North Carolina [Mr. VENABLE] against the editors of the Washington Union newspaper, I propose to give these reasons briefly now, and trust they will be satisfactory to a large proportion of gentlemen occupying seats upon this floor.

Mr. ORR. I call the gentleman to order.

Mr. NABERS. I was about to talk about Messrs. Donelson & Armstrong. I believe they are named in the resolution.

Mr. ORR. I call the gentleman to order for irrelevancy. The gentleman stated that he proposed to discuss the reasons of the hostility of the member from North Carolina [Mr. VENABLE] to the editors of the Union. I submit that it is not germane to the question now before the House for consideration.

The SPEAKER. The Chair thinks the gentleman is in order.

Mr. MEADE. Allow me to make a suggestion. The gentleman from Mississippi [Mr. NABERS] is desirous of discussing a question which must open a wide field of debate. I would suggest to him, if he is desirous of giving himself a full latitude, and allow the powers of his mind to operate without being cramped by apprehensions of the rules of the House, and of being called to order, to let the discussion take place upon some other question in Committee of the Whole. Then he will have ample time to reply to the gentleman from North Carolina, [Mr. VENABLE.] I will suggest another thing. If it is his purpose, or that of any other man, to break up the present harmony that exists in the Democratic party, it is very well to let this discussion go on, and I will tell you why. It is well known that the Democratic party are—

Mr. STANTON, of Tennessee. I call the gentleman from Virginia [Mr. MEADE] to order. He is not stating his point of order. [Laughter.]

Mr. MEADE. It was a suggestion I was about to make, that he was not going on with the discussion upon this bill.

Mr. STANTON. I thought you had called him to order.

Mr. STEPHENS. I wish to ask the gentleman from Virginia [Mr. MEADE] a question.

Mr. MEADE. I would rather reply to the gentleman from Mississippi, [Mr. NABERS.] I cannot answer a question until I have made my own suggestions.

Mr. STEPHENS. I would ask the gentleman whether he believes that the harmony of the Dem-

ocratic party depends upon giving this job to Donelson & Armstrong? [Laughter.]

Mr. MEADE. I thought the gentleman was about—

Mr. SWEETSER. I call the gentleman from Virginia [Mr. MEADE] to order. My point of order is, that the gentleman from Mississippi [Mr. NABERS] cannot yield the floor to the gentleman from Virginia [Mr. MEADE] for a general discussion of this question.

Mr. MEADE. I am not going into a discussion, but only to make a suggestion.

The SPEAKER. The Chair understands that the gentleman from Virginia [Mr. MEADE] sought the floor for the purpose of making a suggestion to the member from Mississippi, [Mr. NABERS,] that gentleman having yielded the floor for that purpose. The Chair does not think that the gentleman from Virginia [Mr. MEADE] is out of order.

Mr. MEADE. The suggestion I make is simply this: that the Democratic party are agreed in relation to the powers of the Government and the rights of the States. They differ about the remedy in case those rights are invaded. Now, I suggest to him whether there is any good to grow out of the discussion of a question which ought to be postponed, at least until that question arises, by some event that is yet to take place? If we choose to make two parties out of the Democratic party in regard to a remedy for the preservation of the rights of the States, while we are all agreed about those rights and the powers of the General Government, this discussion may go on. If it is politic for us to reserve that question till the time arrives, then I would suggest that it is best for us to act in harmony until it does arrive.

Mr. NABERS. I think that the very point to which the gentleman from Virginia has called my attention, would have been answered in my speech before this time. In connection with the suggestion made by the gentleman from Virginia [Mr. MEADE] I will say, that there is no member of the Democratic party, entertaining views similar to those which I hold, who has manifested the least disposition to throw a fire-brand into this Congress. It is my purpose studiously to avoid anything of the sort. But at the same time, whilst I do not propose to divide, distract, or cut into fragments, if I could, that or any other party, I cannot suffer myself or my friends to be assailed by others, who entertain particular views, without vindicating not only the sentiments which I entertain, but those of the newspapers, which entertain a similarity of sentiment. It was clearly indicated in the speech delivered by the honorable member from North Carolina, [Mr. VENABLE,] yesterday, that he expected to say just precisely what he pleased, and that he would denounce any man, or set of men, who might chance to differ with him. And yet if the party assailed see proper to vindicate themselves, they are to be charged with introducing fire brands into the party—they are to be charged with introducing disturbances into the harmonious action of the Democratic party. So far as I can see, without the speech of the gentleman from North Carolina, [Mr. VENABLE,] it is not so harmonious at the North as it might be. That is my deliberate opinion. I am aware of the fact, that there are questions of peculiar delicacy growing out of this resolution incidentally, and it is with pain that I allude to the strife and bitterness that characterizes or did characterize the late contests in various parts of the United States. Allow me to say, that the contest alluded to by the gentleman on yesterday—the contest which prevailed in my own gallant State—was not as to the particular course pursued by any gentleman with regard to these exciting questions, or as to the manner in which those measures were to be received, after they became the law of the land. I never made war upon any living human being, in regard to his particular views, during the pendency of these measures before Congress—

Mr. ORR. I again call the gentleman to order.

Mr. VENABLE. I hope my friend will withdraw it, and let the gentleman proceed.

Mr. ORR. I should have no objection to hear the gentleman from Mississippi [Mr. NABERS] in Committee of the Whole, if he desires to reply to the gentleman from North Carolina, [Mr. VENABLE.] I should be gratified to hear him; but upon this resolution I do not think that his re-

marks are in order. The gentleman from North Carolina was ruled out of order yesterday. I call for the enforcement of the rules. I call the attention of the Chair to the 31st rule.

Mr. STUART. Is this question of order a debatable one?

The SPEAKER. It is not. The Chair is of the opinion that the gentleman from Mississippi cannot under the rules discuss political contests which the people in Mississippi have had, nor the merits of the late compromise measures, with regard to the Territories, and slavery as connected with them. The Chair is bound to say that the gentleman is out of order.

Mr. CARTTER. I move that the gentleman be permitted to proceed in order.

The question was then taken and it was agreed to. Mr. FICKLIN. With the permission of my friend from Mississippi, I will suggest to him, as he has the floor, to make a motion to refer this subject to the Committee of the Whole on the state of the Union. It is evident that he cannot debate it here.

Mr. STANTON, of Tennessee. He cannot debate it in Committee of the Whole, any more than he can here. The same rules govern the committee.

[Cries of "Go on!" "Go on!"]

Mr. NABERS resumed. I dislike very much to occupy the time of the House, and really I have no very great anxiety to address it. I discover that gentlemen thoroughly misconceive the object I have in view. My object is to put an extinguisher upon all these fires of contention before I am through. My object is not to assail any one. I believe I will heed the suggestions of my friends around me. I have no feeling about it for myself. Representing, as I do, a most glorious constituency, I should love to make a speech, under the circumstances, if I were at liberty to do so. But being a new member, unacquainted with the rules of the House, and subject to constant interruption, it is impossible for me to proceed, and I therefore yield to the suggestions of my friends.

Mr. HOUSTON moved that the joint resolution be referred to the Committee of the Whole on the state of the Union; and on that motion he demanded the previous question.

The previous question was seconded, on a division—ayes 95, noes 45—and the main question was then ordered to be put.

Mr. GORMAN. I would inquire of the Chair whether this motion precludes me from making an argument?

The SPEAKER. At this time.

Mr. GORMAN. I mean now.

The SPEAKER. The motion would preclude the gentleman from making a speech at this time.

Mr. JONES, of Tennessee. I would suggest to the Chair that, by the rules and practice of the House, the gentleman from Indiana, as chairman of the committee that reported this proposition, is entitled to an hour speech at this time.

The SPEAKER. The Chair doubts whether that rule applies to a motion of reference. There can be no doubt that the gentleman from Indiana would be entitled to be heard in case the motion to commit did not prevail; but the Chair is of opinion that he cannot be heard upon the motion to commit, all debate having been cut off by the previous question.

Mr. JONES. I suppose, then, that if the motion to commit is negatived, he will be entitled to be heard before the question is taken on the resolution.

The SPEAKER. Certainly.

Mr. GORMAN demanded the yeas and nays; and they were ordered.

And the question being taken, it was decided in the affirmative—yeas 148, nays 45; as follows:

YEAS—Messrs. Abercrombie, Aiken, Willis Allen, Allison, John Appleton, William Appleton, Ashe, Babcock, Barrere, Bartlett, Bell, Bibbiana, Boeock, Bowie, Bragg, Briggs, Brooks, Albert G. Brown, George H. Brown, Buell, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Cabell, Thompson Campbell, Carter, Caskey, Chandler, Chastain, Churchwell, Clark, Clingman, Colcock, Conger, Cottman, Cullom, Curtis, Daniel, George T. Davis, Dimmick, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Evans, Ficklin, Fitch, Florence, Fowler, Henry M. Fuller, Gamble, Gentry, Giddings, Gilmore, Goodnow, Goodrich, Grey, Grow, Isham G. Harris, Sampson W. Harris, Hart, Haws, Hascall, Haven, Hebard, Hibbard, Hillyer, Holladay, Horsford, Houston, John W. Howe, Thomas Y. How, Hunter, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, John Johnson, Robert W. John-

son, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kuhns, Kurtz, Mann, Humphrey Marshall, Martin, McDonald, McLanahan, McNair, Miller, Millson, Miner, Molony, John Moore, Morehead, Morrison, Murphy, Murray, Newton, Orr, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Penniman, Phelps, Rantoul, Riddle, Russell, Sackett, Schoolcraft, Schoonmaker, Scudder, Origen S. Seymour, Skelton, Smart, Smith, Stanly, Benjamin Stanton, Abraham P. Stevens, Alexander H. Stephens, Stone, Strother, Taylor, Benjamin Thompson, Townshend, Tuck, Venable, Walbridge, Wallace, Walsh, Ward, Watkins, Welch, Wells, Addison White, Alexander White, Wildrick, Williams, and Woodward—148.

YAYS—Messrs. Charles Allen, Thomas H. Bayly, Beale, Breckenridge, Brenton, Bushy, Cobb, Dawson, Dean, Dunham, Freeman, Thomas J. D. Fuller, Gaylord, Gorman, Green, Hall, Hamilton, Hendricks, Henn, Howard, Ingersoll, Letcher, Lockhart, Mace, Mason, McCorkle, McMullin, Meade, Nabers, Olds, Polk, Price, Robbins, Robinson, Savage, Scurry, David L. Seymour, Frederick P. Stanton, Richard H. Stanton, St. Martin, Stratton, Stuart, Sweetser, George W. Thompson, and Wilcox—45.

So the joint resolution was referred to the Committee of the Whole on the state of the Union.

CLOSE OF DEBATE ON CENSUS PRINTING.

Mr. POLK offered the following resolution:

Resolved, That all debate in Committee of the Whole on the state of the Union on joint resolution No. 12, shall cease on Thursday next at two o'clock, and they shall then proceed to vote on such amendments as may be pending or offered to the same, and shall then report it to the House with such amendments as may have been agreed to by the committee.

Mr. CLINGMAN. I submit that that resolution is not in order at this time. It is not proper to offer such a resolution until the matter has been up in the Committee of the Whole on the state of the Union, and has been debated there. It has been so decided by the last Speaker. I know that fact. I remember it distinctly.

Mr. POLK. I have not surrendered the floor yet.

The SPEAKER. The Chair thinks that the resolution is in order.

Mr. STANLY. Then I move to lay it upon the table.

Mr. POLK. The gentleman from North Carolina cannot submit that motion until I yield the floor.

The SPEAKER. The question not being debatable, the gentleman from Tennessee had no right to retain the floor.

Mr. CLINGMAN. I intended to appeal from the decision of the Chair—that this resolution is now in order.

Mr. POLK. It is very strange that gentlemen upon the other side should be so anxious that the debate should progress upon this question. There must be some object—some purpose in it.

Mr. STANLY. There is. We desire to save the public money.

The SPEAKER. The Chair decides that the resolution offered by the gentleman from Tennessee, [Mr. POLK.] closing debate upon the joint resolution just referred to the Committee of the Whole on the state of the Union, is in order, and from that decision the gentleman from North Carolina [Mr. CLINGMAN] appeals.

Mr. CLINGMAN. I ask for the reading of the rule making a resolution of that kind in order.

Mr. POLK. Will the gentleman from North Carolina state when such a resolution would be in order?

Mr. CLINGMAN. After the joint resolution had been debated in Committee of the Whole on the state of the Union.

Mr. POLK. For how long?

A MEMBER. For one minute even.

The SPEAKER. The rule is as follows:

"The House may, at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into Committee of the Whole House on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union, from the further consideration of any bill referred to it, after acting without debate on all amendments pending, and that may be offered."

The Chair is still of the opinion that the resolution is in order.

Mr. CLINGMAN. Will the Chair allow me to state that the ground upon which his predecessor based his decision was with reference to the words "further consideration?"

The SPEAKER. So the Chair understands.

Mr. CLINGMAN. I know that Mr. Cobb decided again and again—and so did Mr. Winthrop—that it was not in order to offer a resolution of this kind until the matter had been consid-

ered in the Committee of the Whole on the state of the Union. I see no reason for changing that practice.

The SPEAKER. The Chair thinks that the general power given to the House extends to the fixing of a time for closing the debate on a proposition in advance of its actual consideration in the committee.

Mr. STEPHENS, of Georgia. I would inquire of the Chair, by way of suggestion to the gentleman from Tennessee, whether there is not a special order for Thursday next, and from day to day thereafter? A majority of the House cannot supersede a special order already made.

Mr. POLK. Can the gentleman from Georgia inform me what was the hour fixed for that special order?

The SPEAKER. For the entire day and from day to day thereafter until disposed of.

Mr. STEPHENS. I would suggest to the gentleman from Tennessee, that he can attain his object by modifying his resolution so as to read, that the debate shall cease in fifteen minutes, or one hour, after the committee shall take the subject up.

Mr. POLK. I will accept of that modification.

Mr. ORR. Was not an appeal taken from the decision of the Chair?

The SPEAKER. There was; but the gentleman from Tennessee has a right to modify his resolution.

Mr. HIBBARD. Is not the question now pending upon the appeal?

The SPEAKER. It is.

Mr. HIBBARD. Then I move to lay the appeal upon the table.

Mr. POLK then modified his resolution so as to read that the debate should cease in one hour after the committee should take up the subject.

Mr. CLINGMAN. My objection still lies. The usual resolution has been, that the debate shall cease within one hour after the committee shall resume the consideration of the subject.

The SPEAKER. The Chair thinks it competent for the House to order the committee even to be discharged from any consideration of the subject.

Mr. STEPHENS. There is no doubt about that, but that is under a different rule.

Mr. POLK. Will it be in order, to avoid the objection of the gentleman from North Carolina, to amend the resolution so as to make it read, "on Wednesday next at three o'clock?"

The SPEAKER. That would not obviate the objection raised by the gentleman from North Carolina.

The question was then taken on the motion to lay the appeal upon the table, and, on a count, there were—ayes 71.

Mr. CLINGMAN demanded tellers; which were ordered.

Mr. POLK demanded the yeas and nays; which were ordered.

Mr. MEADE. I desire to inquire of the Speaker what is the state of the question?

The SPEAKER. The Chair will state, for the information of the gentleman and the House, that the gentleman from Tennessee [Mr. POLK] desired to offer a resolution closing debate in Committee of the Whole upon the joint resolution in relation to the Census printing. The gentleman from North Carolina [Mr. CLINGMAN] made the point of order that the House could not close debate in the Committee of the Whole upon a subject until the committee had had the subject first under consideration. The Chair decided that the resolution was in order. From that decision the gentleman from North Carolina [Mr. CLINGMAN] appeals. The gentleman from New Hampshire [Mr. HIBBARD] moves to lay that appeal upon the table. The question now is, therefore, "Shall the appeal from the decision of the Chair lie upon the table?" Upon that question the yeas and nays have been ordered.

The question was then taken, and there were—yeas 76, nays 107; as follows:

YEAS—Messrs. W. Allen, Thomas H. Bayly, Bartlett, Beale, Breckenridge, Briggs, Buell, Bushy, Caldwell, T. Campbell, Chastain, Clark, Cottman, Curtis, Dawson, Dean, Dimmick, Dunham, Edmundson, Freeman, Gaylord, Gentry, Gilmore, Gorman, Green, Hamilton, Isham, G. Harris, Sampson W. Harris, Hart, Hascall, Hendricks, H. Harris, Hibbard, Hillyer, Howard, Ingersoll, Robert W. Johnson, J. Glancy Jones, Preston King, Kurtz, Letcher,

Lockhart, Mace, Mason, McCorkle, McLanahan, McMullin, McNair, Morrison, Murray, Nabers, Olds, Andrew Parker, Samuel W. Parker, Penn, Polk, Price, Rantoul, Riddle, Robbins, Robinson, Russell, Savage, David L. Seymour, Skelton, Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, St. Martin, Stratton, Stuart, George W. Thompson, Thurston, Wilcox, and Wildrick—76.

NAYS—Messrs. Abernethy, Aiken, Charles Allen, Allison, W. Appleton, Ashe, Ayerett, Barrere, Bell, Bibbiana, Bocock, Bragg, Brenton, Brooks, Albert G. Brown, George H. Brown, Burrows, E. Carrington Cabell, Lewis D. Campbell, Carter, Caskie, Clingman, Cobb, Colcock, Conger, Cullom, Daniel, George T. Davis, Disney, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Evans, Ficklin, Fitch, Florence, Fowler, Thomas J. D. Fuller, Giddings, Goodenow, Goodrich, Grey, Grow, Hall, Harper, Haws, Haven, Hebard, Holladay, Horsford, John W. Howe, Thomas Y. How, Hunter, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, John Johnson, Daniel T. Jones, George W. Jones, George G. King, Mann, Humphrey Marshall, Martin, McDonald, Miller, Millson, Miner, Molony, Morehead, Murphy, Newton, Orr, Outlaw, Peaslee, Penniman, Phelps, Porter, Schoolcraft, Schoonmaker, Scudder, Scurry, Smart, Stanly, Benjamin Stanton, Strother, Sweetser, Taylor, Benjamin Thompson, Townshend, Tuck, Walbridge, Wallace, Walsh, Ward, Washburn, Watkins, Welch, Wells, Addison White, Alexander White, Williams, and Yates—107.

So the House refused to lay the appeal upon the table.

The question now being, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. CLINGMAN called for tellers; which were ordered, and Messrs. CLINGMAN, and STANTON of Tennessee, were appointed.

Mr. SKELTON. I desire to move to reconsider the vote by which the House referred this resolution to the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman's motion will be entertained, but the Chair thinks that the question of order must first be disposed of.

The resolution was then again read as modified.

Mr. POLK. If the resolution is still under my control, I desire again to modify it, so as to close debate in five hours, instead of one hour after the Committee of the Whole on the state of the Union shall again have entered upon its consideration.

The SPEAKER. The gentleman can so modify the resolution, if the decision of the Chair is sustained; but the question of order must first be determined.

The question was then taken, and the tellers reported—ayes 59, nays 96.

So the decision of the Chair was overruled, and the resolution of the gentleman from Tennessee [Mr. POLK] was ruled out of order.

Mr. HOUSTON. Mr. Speaker, I now propose—

The SPEAKER. The gentleman from New Jersey [Mr. SKELTON] has the floor—if he desires to claim it—upon his motion to reconsider the vote by which the joint resolution was referred to the Committee of the Whole on the state of the Union.

Mr. SKELTON. I now desire to make that motion; and upon that motion I wish to make one or two remarks.

In voting for the reference of this resolution, I did so for the purpose of obtaining additional information upon the subject before it was finally disposed of. Since that reference has been made, however, my views upon that subject have undergone a change. I am satisfied that we are as well prepared to vote upon this resolution now, as we shall be ten days or ten weeks hence, or at least any future time. I am in favor of the most rigid economy in the administration of the affairs of this Government. And it is for these reasons I desire that this subject shall not be referred to the Committee of the Whole on the state of the Union. I believe this House is now prepared knowingly and understandingly to vote upon this subject, and that if it is referred, the consequence will be unnecessary delay. The interests of this House and the country demand that this subject of public printing shall be acted upon, and acted upon speedily. It is, in my opinion, a bad economy for this House to prolong the consideration of this question from day to day, when its own business is suffering for want of the necessary printing, to give the information required in the transaction of its own business. I say that is a bad economy. Upon the other hand, it has been admitted, I believe, by all the committees which have reported to this House upon the subject, that the printer who contracted to do the public printing for this Congress, has utterly failed to comply with that

contract. With this state of things before us, it becomes our duty to adopt some other system, by which the business of this House and of the country may be promoted. It becomes us to order, in some manner, the public printing necessary to accomplish our purposes, to be done as speedily as possible. The question, then, arises, Shall we delay this matter from day to day, as we have done since the commencement of this session? Shall we allow the interests of the country to suffer for the want of expeditious printing? I think not. I think it is our duty, and the public interests demand it, that we should act upon the present occasion upon this subject, in a manner that shall expedite the business before the House. It is not only necessary that we should have the printing done in time, but it is necessary that we should have it done in a proper manner. Heretofore the printing for this body has been performed in a manner that is not creditable to us. It has been printed upon bad paper, and badly printed upon the paper used.

Mr. FLORENCE. I desire that the gentleman from New Jersey [Mr. SKELTON] will specify what printer it is who has performed his work thus badly. I desire to know whether he refers to the present contractor or the contractors for a former Congress?

Mr. SKELTON. I will state to the gentleman that, so far as my observation has extended, the public printing not only for previous Congresses, but for this House since the commencement of the present session, has been done very badly, and upon very bad paper. Will that satisfy the gentleman from Pennsylvania? I do not know who has done this printing, but, by whomsoever it has been done, I do know that it has not been done according to the contract.

Mr. FLORENCE. It satisfies me so far as the gentleman's declaration is concerned, but no further. I have my own opinion as to the conclusion which he arrives at, as to whether the public printing for the present Congress has been well executed or not. I have some of it before me, and as far as my experience goes, and according to my own judgment, I have no hesitation in saying, that it is the best public printing I ever saw, and quite as good as any I ever saw either by contract or by the publisher of any newspaper in the country.

Mr. SKELTON. I will say, for the information of this House and the country, that the gentleman who has the contract for the public printing is a stranger to me, and I have, therefore, no personal feelings in the matter whatever. I do not even know the policies of the gentleman, and therefore I have no political feelings to gratify in this matter. My only object is to have the printing of this House and of Congress done in time, and properly done. That is my only motive. I leave the quality of the paper heretofore used, and the printing heretofore done, for the consideration of the members of this House. I have given my opinion, and the gentleman from Pennsylvania has given his, and it is for the House to decide between us. I presume a majority of the gentlemen in this House will admit that the printing has not been done according to the contract entered into by the public printer. I believe that this contract system has failed; and that having failed, it becomes indispensably necessary that we should adopt some other method by which we can have this work done expeditiously. We have now a resolution before the House which looks to the accomplishment of this object. I do not believe it is necessary to refer this resolution to the Committee of the Whole on the state of the Union.

I shall insist, when the work of this House is to be done, that it shall be done in a proper manner; and while I insist upon the most rigid economy in giving out the public printing, I will say—and I believe the members of this House are willing to take the same ground—that I am in favor of giving a fair compensation for such labor, so that men shall not, after the work has been done, come before us and say they have not been paid for their work, and have lost by their jobs. I say this is all wrong. We should give them a fair compensation, and insist upon the work being done in a proper manner and at a proper time. If the printing of this House costs us a little more in money, under the arrangement proposed to be entered into by the committee who have the special charge of this matter, we shall gain in other

respects more than we lose in dollars and cents in this. For while I am an advocate of economy in the matter of dollars and cents, I am an equal advocate of economy in other matters, and I call the attention of the House to the subject. I would not save money in the action of this House at the expense of intelligence. Every farthing we spend for the promotion of intelligence through our widespread and prosperous country, will return to us a hundred-fold, though it may appear to cost us a large sum in dollars and cents. The census returns should be printed as speedily as possible, and given forth to the country, to stimulate the intelligence, the industry, and enterprise of our citizens, and it will return to the coffers of the nation a hundred-fold. I will not occupy the time of this House in a lengthy and elaborate discussion of this subject, for I am aware that these topics were discussed when this subject was before under consideration. I wish merely to give my views, and my reasons for changing my vote upon this question. I desire the question shall be speedily settled, and so settled that the printing of the House may be done in the most expeditious and correct manner, and at the same time we shall be able to give to the people of this country that information which the circumstances of the present time seem to demand. I hope, sir, that this resolution will be reconsidered, and that this question will be retained in this House and speedily acted upon; and for the purpose of bringing this question to an issue, I move the previous question.

Mr. GORMAN. I hope the gentleman will withdraw his call for the previous question for a short time.

Mr. SKELTON. As the chairman of the Committee on Printing desires it, I will withdraw the call, upon condition that he renews it.

Mr. ORR. I desire to know whether the previous question can be demanded upon a motion to reconsider?

The SPEAKER. There is no question of that. The gentleman from Indiana [Mr. GORMAN] is entitled to the floor.

Mr. GORMAN. The confusion upon this subject has created some little excitement, and if I could be heard I am well satisfied that I can satisfy this House—I care not to what party gentlemen belong—that this question need not, and ought not, for the public good, to be referred to the Committee of the Whole on the state of the Union. Gentlemen upon both sides of the House are calling upon the Committee on Printing—I am besieged upon the right hand and left—to have the public printing done, and have it laid before the country. You ask me, my friends ask me, what are you doing upon this subject? The point first before the House—and I stated it briefly when I got up—is, Does this printing come within the contract of the public printer? By reference to the law, it will be seen that this species of printing was expressly reserved from the contract. Every gentleman upon that committee—the distinguished Senator from Connecticut, [Mr. SMITH], and the gentleman from New York, [Mr. HAVENS], being members of that committee upon that side of the House—every gentleman was clearly of the opinion that there was no legal doubt upon the question at all. Then that being settled, what next? Here is a job—if you may so call it—of census printing. It has to be done, and by somebody. In the first place, the gentleman from Ohio (Mr. Vinton) introduced this census law in the last Congress, and he put into that census law, at the request of the authorities of Government—I am authorized to say so—and at the request of some of the members of the Administration, that this preparatory part of the census printing should be left under the control of the Superintendent of the Census Board and the Secretary of the Interior. That law so stipulated that it should be so left there. They have had all the preparatory printing done as fast as they could. Then there was another part of the printing which Congress said should be reserved, to be done according as you might direct hereafter. What printing is that? It is the compendium, making—if you publish this historical account—about two volumes of the size of the *Congressional Globe*. And it was shown to my friend from Maryland, [Mr. EVANS], who made a speech yesterday, not an hour ago, by the Superintendent of the Census, that the size of this historical part, if published, would only make a volume of the size of the *Congressional*

Globe; and if you leave off this historical part, it will make about thirty per cent. less. Am I right?

Mr. EVANS. If the honorable gentleman will allow me, the Superintendent of the Census has shown me the book. The gentleman is perfectly correct. He says it will make two volumes about the size of the American Archives. If the Compendium of Maryland will make one hundred pages, I argue from it that the whole will make about four volumes, and not thirty volumes, as stated yesterday.

Mr. STANTON, of Kentucky. If the gentleman will allow me, I have a letter from Mr. Kennedy, the Superintendent of the Census, and will send it to the Speaker's table to be read.

Mr. GORMAN. Certainly.

Mr. EVANS. I will further state, that the Superintendent of the Census told me that the specimen-work for Maryland will be laid on every member's table on Saturday next; and from that every one can judge for himself, if Maryland makes one hundred pages how much the whole Union will make.

The communication from Mr. Kennedy was then read, as follows:

CENSUS BUREAU, January 27, 1852.

SIR: The census returns, as I propose to arrange them, will make two volumes (not quite so much) of the size of the American Archives. The second volume of the fourth series is a fair sample of the size. If my comments are omitted, it will reduce the size thirty per cent.

Respectfully, your obedient servant,

J. C. G. KENNEDY,

Superintendent Census Bureau.

HON. R. H. STANTON.

Mr. GORMAN, (resuming.) That letter from Mr. Kennedy says, that if the printing proceeds as suggested by the Secretary of the Interior, and by the Superintendent of the Census, it will make two volumes something less than the size of the American Archives—that is about the size of the *Congressional Globe* substantially.

Now, the next thing is, will this House order the printing of the historical part? I will consent—and my colleagues upon the committee will consent, I understand—that you strike off this historical part. Then it will make two volumes—thirty per cent. less than the two volumes I have described. It is in such a state of forwardness at this time, that it can be left off without interrupting the printing at all. Do you desire to leave off the historical part?

A VOICE. No! no!

Mr. G. If you do, I will propose an amendment, or will accept one, that it shall be left off, and let the printing proceed, as is the earnest desire of the Secretary of the Interior, the Superintendent of the Census, and of you all. Strike it out, then.

A VOICE. Oh no! let us have it all.

Mr. G. Now, whether it is struck out or not, why delay? The next thing, Mr. Speaker, is, why is this resolution introduced with the name of Donelson & Armstrong? Will my friends hear me? and I will tell you the reason. Here is a job, reserved from the public printer's contract by the letter of the law, to be done by your order. Who will you give it to? You have organized a committee in this House, and the coordinate branch of the legislative department of the Government has organized another committee. The Democratic party of the country are in the ascendancy here. You have organized those committees with Democratic majorities. You direct them, by a resolution, that they shall have this census printing done. You direct it. And I am inquired of, occasionally, by a timid friend, Why do you introduce this resolution here? Because you told me to. You demanded action. I have given you action. I submitted it to a committee composed of a majority of Democrats. Gales & Seaton, Gideon & Co., Rives, Hamilton, and Donelson & Armstrong, are printers in this city. When we come forward to act, the resolution says we shall have this printing done. I make a contract with Donelson & Armstrong upon such terms as may be considered proper and reasonable. I then put the question, Are you willing to trust the joint committee of the Senate and House to make a contract that will be fair and honorable? We are told that there will be fraud. Why, gentlemen must remember, that when they say that, they impugn the character and integrity of that committee. Sir, I should feel

myself unworthy of a seat here if I could pander to my party predilections—as strong as they are—if I could so forget myself as to make a contract that would be unreasonable, or give a compensation to enrich my political friends at the sacrifice of justice or of the rights of my country. What would that committee do? That committee would call upon Blair & Rives, as one of the members of that committee has already done upon Mr. Rives, and inquire, What did you get for the printing of the census in 1842 and 1843? Answer, \$137,000. We have had that to start upon. We would then call upon Gales & Seaton, Gideon & Co., and Mr. Rives and others, to learn what diminution of prices had occurred since that time.

Mr. STEPHENS, of Georgia. Will the gentleman allow me to ask him a question?

Mr. GORMAN. With great pleasure.

Mr. STEPHENS. I understand the gentleman to state that he had called upon Mr. Rives to learn what he would do this job for, and to be governed by his price.

Mr. GORMAN. By all means. We would not certainly give the contract to Donelson & Armstrong without an understanding of the former prices.

Mr. STEPHENS. Then another question: Why does the gentleman come in here and ask the House in advance to say that we shall give it to Messrs. Donelson & Armstrong?

Mr. GORMAN. I was just coming to that point, which I hope to eliminate to the gentleman's entire satisfaction. I stated that we had consulted with printers in reference to the price of printing. This has been all talked over in the committee, and I am now but recapitulating. Why did we put Donelson & Armstrong's names in here? I will tell my friend: For the very same reason that if his party were in power, they would put the names of Gales & Seaton, or Gideon & Co., there.

Mr. STEPHENS. I have no party.

Mr. GORMAN. The gentleman says he has no party.

Mr. STANTON, of Kentucky. I desire simply to ask the gentleman from Indiana if it is not his recollection, and whether it is not the recollection of the House, that the preparatory printing of the forms necessary for the taking of the census was done at the "Republic office," and if, when we had that subject under consideration, it did not appear to this House that we could not alter the schedules in a single particular, because the Secretary of the Interior had caused this preliminary printing to be done before we had passed the bill? While we were engaged in passing that bill, I made repeated efforts, and other gentlemen made repeated efforts, to change those schedules; but we could not do it. We could not get a particular description of hemp growing in my State included in the schedule. We had been frustrated by the action of the Secretary of the Interior, who had given the job to the partisan editors of the "Republic."

Mr. GORMAN. The gentleman has fully explained that matter, and I need not repeat it. I will tell my honorable friend from Georgia that party has something to do with this matter. It would be dishonorable in me to disguise it. Were I in power I would give what patronage was to be given fairly and properly to my political friends instead of to my political enemies.

Mr. HEBARD. I want to make a simple inquiry. I understand the gentleman from Indiana to state that the resolution only authorizes the committee to make a contract with Donelson & Armstrong. In case they make no reasonable contract I would ask him what they then intend doing?

Mr. GORMAN. I will answer. The contract with Donelson & Armstrong for the printing of this matter is to be made upon such terms as the committee shall deem reasonable and proper, and not what Donelson & Armstrong shall deem reasonable. That is my answer.

Mr. HEBARD. That does not answer my question. After the committee shall have come to their conclusion of what price will be reasonable, and Messrs. Donelson & Armstrong will not accept the terms proposed, what do they then propose to do?

Mr. GORMAN. There is no other remedy than but to report the fact to the House.

Mr. HEBARD. I want to ask another ques-

tion. Why not have this resolution in such shape that when the committee come to the conclusion that they cannot make a reasonable contract with Donelson & Armstrong, that they shall make it with some other printer without coming back to the House?

Mr. GORMAN. I apprehend that the gentleman's interrogation does not amount to anything. It results only in this, that if we cannot make a contract what are we then to do? The gentleman goes into a supposition that is not at all within the range of probability.

Mr. HEBARD. It is within the range of a business transaction.

Mr. GORMAN. I will not retort upon the gentleman, and say as to what he would do, because I will not enter into that sort of discussion. I shall confine myself to the facts; and, as gentlemen have been kind enough to listen to what I have said, I beg them to hear me further upon the facts of the matter. It has been said here that Donelson & Armstrong are partisan editors. True; they are. Here is a job that is to be given to some one, and I ask any gentleman upon that side of the House, if he had the power, would he not give it to his political friends who would do it for an equally reasonable price?

Mr. FLORENCE. May I ask a single question? Do I understand the chairman of the Committee on Printing to say the public printer, so called, is unable to perform this printing?

Mr. GORMAN. I have made no such declaration.

Mr. FLORENCE. That he is not entitled to it under his contract?

Mr. GORMAN. Under the law.

Mr. FLORENCE. I want to understand the difference between awarding patronage to a Democrat with a newspaper and a Democrat without a newspaper. I cannot understand why a constituent of mine—and I make that declaration here—who is a Democrat, and by whose vote, in part, I hold a seat in this House, should not be as well considered as a Democrat with a newspaper?

Several MEMBERS. That is the point.

Mr. GORMAN. He should, by all manner of means.

Mr. FLORENCE. I will beg the gentleman's permission to say another word.

Mr. GORMAN. I cannot yield further.

Mr. FLORENCE. I will go behind no man—

The SPEAKER. The gentleman from Pennsylvania is not in order, as the gentleman from Indiana refuses to yield the floor.

Mr. GORMAN. My friend must excuse me, but I cannot yield.

Mr. FLORENCE. Only one word. [Laughter.]

Mr. GORMAN. The gentleman appeals so strongly that I cannot resist. I yield.

Mr. FLORENCE. I do not trouble the House much. I am a listener, a learner, a pupil here; but, sir, my whole political life will bear me out in the declaration that I go behind no man in awarding what patronage I can by my personal influence and vote to Democrats.

Mr. GORMAN. That is exactly right. [Laughter.] I am willing that that sentiment shall be embodied in my speech. I ask my friends upon the opposite side of the House to remember that at the extra session of Congress in 1842-'43 a resolution was introduced into one of the branches of the Government in these words:

Resolved, That Blair & Rives be dismissed as the public printer or printers of the Senate.

It was passed by a Whig party vote, and stands upon your records as a living witness coming up in judgment against you. That is admitted. This is not a parallel case to that at all. This I say to my Democratic friends is a simple question whether we shall give it to our friends or not. That is all there is in it. What more do we propose?

"The work to be executed under the direction of the Secretary of the Interior, and to be paid for as it progresses by the head of the Census Bureau, with power to abate from the amount stipulated if the work, when executed, shall prove deficient or below the standard which may be agreed upon."

I ask my friends what more is there in this transaction? Donelson & Armstrong are to do it, and it is complained because their names are inserted here. I tell you, if that contract can be given them, so far as my influence and vote go, they shall have it. Why will I select them in

preference to other Democrats? I will do so, I tell my friends, because they are the organs of the Democratic party. Is that plain enough? Is it understood? I beg my friend from North Carolina to let by-gones be by-gones. I will not raise Banquo's ghost here. I will not put the cup to his lips. I am willing to stand side by side with my honorable friend from North Carolina to do battle with him for the great Democratic principles of my country. I do not care whether he voted for the compromise or not. I am not going to put the test to his lips, if he sees proper now to march under the banner of the Democratic party as it shall be laid down by the Baltimore Convention. I ask him, a veteran in the cause of Democracy, when he comes before the country, not to tell the people that he is going to prescribe rules for the party, which, if not adopted, he will separate himself from them. I ask him to leave a little to the generous confidence of friends with whom he has been associated all his life—a little to the confidence of those friends who hold the country dear—who hold the perpetuation of our institutions above all price. He should act with them, and because of the declarations of an individual who has thought proper to be his antagonist upon a political principle, he certainly is not going to stifle his voice in the cause of his country.

Mr. VENABLE. I trust that no man here will suppose that I am deserting principles, which I have professed for more than thirty years, because of my dissatisfaction with any individual. My principles are independent of individuals. They are founded upon the convictions of my understanding, the approbation of my conscience, and the cordial acceptance of my heart. From my intercourse with my gallant friend, I shall be proud to act with him at all times; but I shall never act either with or without my friends, under circumstances by which I shall forfeit my self-respect.

Mr. GORMAN. I have no fears that my honorable friend will ever be called upon to act with any other organization than that great and glorious Democratic party, that has borne the banner of their country always. They are always for their country. I am proud to say to-day, before God and my country, that I am for that country right, but in the last resort, right or wrong. I hope that I may not find my honorable friend, who has disferred with us upon certain questions, which have agitated the country from centre to circumference during the last Congress, going up to the Washington Union and saying, "I hold you responsible for your opinions—you shall not share in the patronage which I can bestow, because you differ with me upon these subjects." My friend, when he says that he will proscribe such opinions, could only expect to be proscribed in turn. I hope that no such necessity may occur.

Mr. VENABLE. Will the gentleman allow me to say, that I proposed to open this subject to free bidding everywhere. I said that they had no claims upon me individually. I do not proscribe them, but I open the bidding to the printers of the United States, so that we may have a fair and free competition.

Mr. GORMAN. This resolution proposes to leave this matter to the committee. It is not a question to be left to Donelson & Armstrong. It is a question which our friends are called upon to leave to the committee which you have constituted in this House. We call upon you to leave the reasonableness and propriety of that contract to the committee. Are you willing to do it? Have you confidence in their integrity and purpose of character to discharge that duty?

Mr. EVANS. I will ask the gentleman before he is done to tell this House why it is improper to let this printing by contract, and why it is the contract system is now to be abandoned? The instance the gentleman gave was in 1841, before the contract system was entered into. Now, I want the gentleman to state how much this printing will cost. I am informed that it will cost about million of dollars.

Mr. GORMAN. I am authorized to say, upon the authority of the very best printers, that it will not cost half of \$500,000. These diversions upon this occasion have led me off from some of the facts in this case.

Mr. EVANS. Speak to the contract.

Mr. GORMAN. I was about to speak upon the question of the contract system. It is known

to that gentleman, as he remarked yesterday upon the floor, that the contract system had led to difficulty, and frauds upon the country enormous in their character. The contract system lets in every individual to come in and bid as low as possible, and their ruling motive seems to have been, that after a while they were to go before Congress and ask that they might be released from an onerous bargain. Such is the experience—such is the language of my friend from Maryland, [Mr. EVANS.] He used that language then, and I presume he will use it again. I apprehend that this system of letting this work out by contract to the lowest bidder, is the ground-work of the most stupendous system of fraud ever perpetrated upon the people of this country.

Mr. EVANS. Not if you furnish them with paper.

Mr. GORMAN. If you furnish them with paper, type, and presses, it will not do. Every Committee on Printing have found at the bottom of this contract system all sorts of private understandings and bargains for the purpose of fleecing the Government. The Committee on Printing have found this in their experience now. Shall this matter be reconsidered? Why refer it to the Committee of the Whole on the state of the Union? What do you want to discuss? Do my friends who differ with me upon the subject of this contract want to get up a war between us upon the compromise measures, whether they are proper and right? I do pray you, avert such an evil. I am frank to say, that such a calamity to the Democratic party should be avoided; and the man who undertakes to arraign any one here for the purpose of making an additional sore, which is now in a fair way of being healed, is stabbing the party that gives him power. I can say to my friends who voted against these measures, that I feel proud of their association. I feel that I went further upon these great Southern questions than any man north of Mason and Dixon's line. I feel I can say to gentlemen who are not with us upon the compromise measures, "Peace, be still!" Does that voice—does that warning come from a Democrat who has wavered? Does that voice come from a Democrat who has ever yet thrown a fire-brand into the midst of his Southern friends? Does that warning come from one who has ever turned to the right or left upon the great eternal principles of non-intervention? Then I say to them that the prolongation of this discussion will run my friend from North Carolina, [Mr. VENABLE,] my friend from Virginia, [Mr. BOCOCK,] and my friend from Mississippi, [Mr. NABERS,] into a dilemma. I hope if they love the union, harmony, and organization of that great party that brought them into power, that they will heed the voice of warning.

Mr. BOCOCK. I ask, what I do not often ask upon this floor, that the gentleman will yield me the floor for one moment. I ask this because of my very sincere respect and regard for the gentleman from Indiana, [Mr. GORMAN.] I do not often ask any gentleman who is speaking to allow me the privilege of introducing one word while he is speaking. While the gentleman from Indiana is proclaiming peace to the Democratic party upon one subject, I ask him if he does not know that there are other subjects upon which the Democratic party are divided? I ask if he does not feel in that loyal and honest heart of his, that there is as much need of harmony upon those other questions as in relation to the compromise? And I ask him, if he expects us here to say Peace, when his friends—I do not say him—proclaim peace only upon one subject, and give us war to the knife upon other vital subjects? I ask him if it will do to tell me that the friends of the Washington Union will give us peace upon the compromise, when they are giving us war, and war to the knife, upon the subject of State-rights?

Mr. GORMAN. I apprehend that more evidence has been given by the honorable gentleman from Virginia, [Mr. BOCOCK,] and that it is the very thing to be avoided. Where is the Democrat here who does not see a monster exhibiting itself here, a hydra-headed monster, which is stinging the very heart of the Democratic party? Where is there an individual who has witnessed the assault of my gallant friend from Virginia, [Mr. BOCOCK,] who will not agree with me in saying, "Peace, be still." Supposing that one of our friends, who conducts a newspaper, does not

agree with the honorable gentleman from Virginia, [Mr. BOCOCK]—supposing that upon the subject of State-rights he does not concur fully in some of the details, I say to the gentlemen that we intend to put no poison in their cups.

Mr. NABERS. The remark I intend to submit is not at all intended to interfere with the progress of this discussion, nor is it intended to indicate that I feel injured by not being permitted to address the House this morning. I wish simply to know if there is any new question before the House differing from the one upon which I had the floor this morning? [Laughter.]

The SPEAKER. Does the gentleman from Mississippi call the gentleman from Indiana [Mr. GORMAN] to order?

Mr. NABERS. No—I only asked for information. [Laughter.]

Mr. GORMAN, (resuming.) I was simply saying that objections had been urged to Donelson & Armstrong. That subject was my text. Why? The honorable gentleman from North Carolina [Mr. VENABLE] had asked, why? With regard to certain questions—certain political principles, I was giving as a reason why they ought not to have weight. I am in order, I believe; why? because I am directing my remarks to the point whether the names of Donelson & Armstrong should be put at the head of the resolution. But I am done upon the subject upon which I was speaking. I leave that to the magnanimity of men who have never failed to show it when they have been put to the test; I leave that to the magnanimity of men who are called upon on this occasion to regard the admonition which I have in an humble way suggested to them, "Peace, be still." Do I propose to Northern men to put any cup to their lips? Do I require them to say that every line, sentence, syllable, comma and semi-colon of the fugitive slave law is right? Do I require my honorable friend from North Carolina [Mr. VENABLE] to say that every line and syllable of the Texas boundary bill is right. I do not require any such thing. I do require acquiescence in these measures; I desire peaceable acquiescence in them.

I come back now to the question of this printing; and I appeal to the gentlemen upon the other side of the House to know whether, if they held the power and had this contract to give, and the choice was left to them, at the same fair and reasonable rates, they would not give it to their political friends?

Mr. BELL. No, not without competition. Mr. GORMAN. Ah! then there is a gentleman *sui generis*. He belongs to a different race of men from any that I have ever yet seen. He must belong to some party that I have never yet heard of. [Laughter.] He would not prefer a political friend—one possessing all the elements of qualification—to a political opponent! God save me from such a political partisan as that! He is an Ishmaelite. [Laughter.] He must have his hand against everybody and everybody's hand, I apprehend, must be turned against him.

In conclusion, allow me to say to this House that I ask my friends to reconsider this question.

Mr. BELL. Will the gentleman allow me to make an explanation?

Mr. GORMAN. Why, yes, with pleasure, if it is not too long.

Mr. BELL. I will not make it long.

Mr. GORMAN. I want to know, first, if the gentleman is the one who answered me just now?

Mr. BELL. I am the man. [Laughter.]

Mr. GORMAN. I am glad to see you, sir. [Renewed laughter.]

Mr. BELL. I understood the gentleman to make an appeal to the members on this side of the House, knowing, at the same time, that if he kept the floor under the permission of the other gentleman [Mr. SKELTON] who lets it out, they would have no opportunity to reply. I may have been out of order in saying "No, not without competition," but I wish it to be understood, that in saying that, I meant that I would not place in jeopardy the interests of my country to favor an individual of my own party, by giving an exorbitant price for the work. I would do as any prudent individual would.

Mr. GORMAN. I presume the gentleman would.

Mr. BELL. Now, I understand that by this resolution you tie your own hands.

Mr. GORMAN. Not at all. The gentleman wants to persuade us, that we tie our own hands by putting in those potent words, "Donelson & Armstrong;" that is the bugbear.

Mr. BELL. You ask the House to tie your hands for you.

Mr. GORMAN. I turned to the gentlemen on the other side of the House, and asked them if, in giving this job, they had to choose between a political friend and a political foe—occupying equal positions in society, of equal ability and integrity, and willing to take it at the same reasonable prices, they would not prefer to give it to their political friend? The gentleman answered no.

Mr. BELL. That was not the question.

Mr. GORMAN. I answered that the gentleman must certainly be *sui generis*. I did not mean anything personal.

Mr. BELL. Oh, I did not understand you so.

Mr. GORMAN. Well, then, allow me to proceed. This resolution—to come back to it again—has been ordered to be referred to the Committee of the Whole on the state of the Union. When it gets there all these matters about the question of State rights and Free-Soil, and the Massachusetts coalition, will be brought up; the House will be kept in a furor for ten or fifteen days, and when this resolution gets out, I expect the millennium will come.

Mr. HALL, (interrupting.) I do not know that I perfectly understand the resolution which is under discussion. I do understand it to propose to make the action of the committee definite with regard to this printing. Now, I ask the gentleman from Indiana if he will accept the amendment which I hold in my hand, and which is in these words:

Provided, That no contract made by said committee shall be of any binding force or effect until the same is reported to and approved of by both Houses of Congress.

Mr. GORMAN. The Committee on Printing are to make a contract under the law of 1846. That law provides that it shall be a part of their duty to attend to this portion of the public business. When the committee have made a contract with Donelson & Armstrong, they will do just as they have done in the case of Mr. Hamilton, and in other cases. I have before me the contract with Trenholm & Belt; the committee reported it to this House, and it is marked "House of Representatives—Miscellaneous Documents, No. 10." The contract is laid before the House; everybody reads it; everybody knows what it is; and if that contract has upon its face an unreasonable rate of compensation, it is within the province of this House at any moment to arraign that contract and to know the causes—the why and the wherefore.

Mr. HALL. The gentleman does not understand me. I do not want to get into any difficulty with any contractors to do the printing of this House. I want the contract, when it is entered into, to bind both us and them. I do not want any afterclaps, any quarrels, any difficulties or misunderstandings; and I prefer, therefore, that the action of this committee shall come to us for approval. Let us have no more of these discussions, whether we shall set aside a contract after we have entered into it.

Mr. GORMAN. I do understand the gentleman's amendment, and I now say that if the Speaker decides that I have a right to accept that amendment, I will most cheerfully do it. I have not the slightest objection that our contract shall be reported to this House, and that the House shall confirm or reject it. My friend from Missouri must see, however, that the House will have to repeal the law of 1846, before we can do that. That law left it to the Committee on Printing. Still I have no kind of objection to the amendment. I will accept it—if it is in my power to do so—if it will reconcile the feelings of any individual. But, why ask me to accept it unless it will do that?

Mr. HALL. I will say to the gentleman, that it will reconcile me to the resolution.

Mr. HAVEN, (Mr. GORMAN yielding the floor.) I desire to make a suggestion or two, lest there should be a misapprehension as to the views that some portion, at least, of the Committee on Printing entertain upon the subject of the extent of the authority conferred upon that committee by the joint resolution of 1846.

I understand that it is the opinion of the Joint Committee on Printing, that the printing of these

census returns does not come within the contract with the public printer. That being so, then, I submit to the House that that committee have no more power over this subject than they have over any other subject that may interest the members of the House. They are a committee to take care of that portion of the printing which is provided for under the joint resolution of 1846—of that printing, and that only. Now the gentleman from Indiana says—and I concur with him in that respect—that by the law under which this census was taken, provision was made—after providing for the printing of the preliminary blanks—that all the other printing was thereafter to be executed as *Congress should direct*. Now that Printing Committee, as I understand it, was raised for the purpose of seeing that such printing as came within the joint resolution of 1846, was executed according to the terms of that joint resolution, and when, therefore, it is decided that the printing of this census does not come within the terms of the resolution, I say it withdraws from the operation of the power of the committee the entire control of this business. These are the views which I entertain upon the subject; and while I have the floor I will say further, with the permission of the gentleman from Indiana, that it is a little difficult for me to understand precisely, by what right this resolution is here. It has never been referred to the Joint Committee on Printing by this House. It is true that the other branch of Congress did refer a similar resolution to the joint committee for consideration; and it is also true that the joint committee did act upon that resolution, and report it back to the other branch of Congress. But no such resolution, emanating from this House, has been referred to the committee. The resolution has originated there, without its having been committed to them by this House.

I make these remarks, not because I desire to discuss this question in its political bearings, in any way or shape, but because I desire the House to understand that when I have come to the conclusion, in my own mind, that this census printing does not come within the contract of the public printer, and is not, therefore, within the joint resolution of 1846, I hold that it is not, consequently, within the control of the Committee on Printing.

Mr. GORMAN. I spoke upon that subject before. I stated that a resolution precisely similar to this, to give the census printing to Donelson & Armstrong, provided they will contract for it on reasonable and proper terms, was submitted to the Joint Committee on Printing by one of the coordinate branches of the Government—the Senate. The members of that committee, on the part of the House, cooperated in recommending that that resolution should be reported back to the Senate, with a recommendation that it do pass. What next? The Senate postponed action on the subject for two weeks. I then proposed to the joint committee that we should take up the resolution and report it to the House, and if the House should pass it, it would expedite this printing.

Now, what shall we do in order to act in good faith with both parties? We have reported to this House the same resolution, which, with a slight variation, was reported to the Senate, and we ask you to pass it. Why? It is to stop the clamor—it is to stop the cry that the public printing is not going on. All we ask is, that you shall give into the hands of the committee the power to make a contract with Donelson & Armstrong, if it can be done. If it cannot be done, there is an end of it. We ask that, and that is all we ask. Will you give it? If you will, I see no necessity for speaking upon the subject of States-rights, secession, Free-Soilism, or anything else here upon this question. Gentlemen want to know why we propose to give the job to Donelson & Armstrong. It is because we believe they will be able to do it as well as any one else, and as low as anybody else, and we prefer to give it to them, because they are political friends. I presume I shall not be misunderstood in this. Now, I ask that you will sustain this committee, constituted by your order, in this resolution which they have reported to the House according to your order. It is before you, and I ask you to reconsider the vote by which it has been referred to the Committee of the Whole on the state of the Union, where every gentleman who has had experience in this House knows that if it goes, you might as well consign it to the

tomb of the Capulets at once. In obedience to what I consider to be a pledge to the gentleman from New Jersey, [Mr. SKELTON,] I now move the previous question, though I will withdraw it if any gentleman desires to ask a question for information upon the subject.

Mr. STANTON, of Tennessee. I desire to ask the gentleman a question.

Mr. GORMAN. Is it for information upon this subject? If it is, I will withdraw the call for the previous question for the gentleman.

Mr. STANTON. It is. I desire to ask the gentleman this question: If the House refuse to pass this resolution, I want to know when and where we may expect to have this printing done?

Mr. GORMAN. I will answer the gentleman. If the House refuse to pass this resolution, the committee will then be at sea without chart or compass.

Mr. CARTTER. I desire to inquire whether the gentleman from Indiana [Mr. GORMAN] has not yielded the floor?

The SPEAKER. The gentleman from Indiana is entitled to the floor, and is on the floor.

Mr. GORMAN. If any gentleman desires to ask any question for information upon the subject of the public printing, I will yield the floor for that purpose.

Mr. CARTTER. I desire to ask the gentleman if he will be kind enough to withdraw the previous question. The gentleman made a long speech, and closes up by moving the previous question.

The SPEAKER. The gentleman from Indiana has withdrawn his call for the previous question, but he is still entitled to the floor.

Mr. ORR. I desire to inquire of the gentleman from Indiana whether, if the previous question be seconded, and the motion of the gentleman from New Jersey [Mr. SKELTON] to reconsider the vote by which this resolution has been referred to the Committee of the Whole on the state of the Union prevails, if we do not go back then under the operation of the previous question? And I desire to inquire further, whether if, when we go back under the operation of the previous question, any amendment can be offered to the resolution?

Mr. GORMAN. I will say this, I call the previous question.

Mr. CARTTER. I move to lay the motion to reconsider upon the table.

Mr. STEPHENS, of Georgia. Upon that motion I ask the yeas and nays.

The yeas and nays were ordered, and the question being taken, there were—yeas 134, nays, 51; as follows:

YEAS—Messrs. Abercrombie, Aiken, Allison, John Appleton, William Appleton, Ashe, Averett, Babcock, Barre, Bell, Bibbiana, Bocoek, Bowie, Bowne, Bragg, Brenton, Briggs, Brooks, Geo. H. Brown, Burrows, E. C. Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chastain, Clark, Clingman, Colcock, Conger, Cottman, Cullum, Curtis, Dinwiddie, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Evans, Faulkner, Ficklin, Fitch, Florence, Fowler, H. M. Fuller, Gamble, Gentry, Giddings, Gilmore, Goodnow, Goodrich, Grey, Grow, Harper, Isham G. Harris, Sampson W. Harris, Haws, Haven, Hebard, Holladay, Horsford, Houston, John W. Howe, Thomas Y. How, Jenkins, Andrew Johnson, James Johnson, John Johnson, Daniel T. Jones, G. W. Jones, J. Glancy Jones, George G. King, Preston King, Kuhns, Kurtz, Mann, Humphrey Marshall, Martin, McDonald, McNair, Meacham, Meade, Miller, Millson, Miner, Molony, John Moore, Morehead, Morrison, Murphy, Newton, Orr, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penniman, Phelps, Porter, Rantoul, Russell, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Smart, Stanly, Benjamin Stanton, Alexander H. Stephens, Stone, Strother, Sweetser, Taylor, Benjamin Thompson, Townshend, Tuck, Venable, Wallbridge, Wallace, Walsh, Ward, Watkins, Welch, Wells, Addison White, Alexander White, Williams, Woodward, and Yates—134.

NAYS—Messrs. Charles Allen, Thomas H. Bayly, Breckenridge, Busby, Churchwell, Cobb, Dawson, Dean, Disney, Dunham, Freeman, Thomas J. D. Fuller, Gaylord, Gorman, Green, Hall, Hamilton, Hart, Hendricks, Henn, Hibbard, Hillyer, Howard, Ingersoll, Leitcher, Lockhart, Mason, McLanahan, McMullin, Murray, Nabers, Olds, Penn, Polk, Price, Robbins, Robinson, Savage, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, St. Martin, Stratton, Stuart, George W. Thompson, Wilcox, and Wildrick—51.

So the motion to reconsider was laid upon the table.

Mr. POLK. It is now the usual hour. I move that the House adjourn.

The motion prevailed, and the House adjourned till to-morrow at twelve o'clock.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. STUART: Several petitions of citizens of LaPorte, Indiana, and Berrien county, Michigan, for the improvement of the harbor at New Buffalo, in said State of Michigan.

By Mr. GROW: The petition of citizens of Susquehanna county, Pennsylvania, for a mail route from Susquehanna depot, on the New York and Erie railroad, to Lenox, in said county.

By Mr. BABCOCK: The petition of merchants, ship-owners, millers, and others, of the city of Oswego, New York, praying Congress to make an appropriation to rebuild the foundation of the light-house at Oswego.

Also, the petition of citizens of Oswego county, New York, praying that the military bounty land law of 1850 may be extended to the widows of officers and soldiers entitled to the benefits of said law, whether married or unmarried at the time of application.

By Mr. CHANDLER: The memorial of merchants, ship-owners, underwriters, and other citizens of Philadelphia, interested in the commerce of that port, remonstrating against the repeal or impairing the efficiency of the existing law relative to expenses of proceedings in admiralty against ships and vessels, and asking for additional and definite legislation upon the subject.

By Mr. BOWNE: The petition of citizens of New York and New Jersey, for a light-house on Mill Reef.

By Mr. ALLEN, of Illinois: The petition of J. Parkinson and 80 other citizens of Marion county, State of Illinois, praying that the mails may not be carried upon the Sabbath day.

By Mr. JONES, of Pennsylvania: The memorial of Hutchison & Co. and 41 others, citizens of the United States, creditors of Texas, praying for the enactment of a law to secure the payment of their claims on Texas at the Treasury of the United States.

On motion by Mr. SCUDDER, it was Ordered, That the petition of Elijah Swift and others, of Massachusetts, asking an appropriation for the preservation of the harbor of Great Hoods Hole, and the accompanying papers, be taken from the files and referred to the Committee on Commerce.

Also, that the petitions of William C. Starbuck and others, Josiah Bradlee and others, Charles Holden and others, Enos Kent and others, Thomas Nickerson and others, Ezra Plimney and others, William V. Kent and others, and Robert B. Williams and others, citizens of Massachusetts, asking for an appropriation for a breakwater at Great Point, Nantucket, be taken from the files and referred to the Committee on Commerce.

IN SENATE.

WEDNESDAY, January 28, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting, in compliance with the resolution of the Senate of the 26th instant, a copy of a letter from Brigadier General Talcott to Colonel B. Huger, dated November 1, 1850; which was read, and referred to the Committee on Military Affairs.

PETITIONS.

Mr. MANGUM presented the memorial of William Newbold, assistant marshal for taking the Seventh Census in Pasquotank County, North Carolina, praying additional compensation; which was referred to the Committee on the Judiciary.

Mr. HUNTER presented the petitions of Ann Robinson, William K. Jennings, and Aphia W. Jennings, the legal representatives of William Bean, praying compensation out of the fund provided by the treaty of Ghent for negroes carried off by the British troops in the war of 1812; which were referred to the Committee on Foreign Relations.

Mr. HAMLIN presented the memorial of assistant marshals for taking the Seventh Census in Piscataquis county, Maine, praying additional compensation.

Ordered, That it lie on the table.

Mr. SHIELDS presented the petition of the Mayor and members of the Board of Aldermen and the Board of Common Council, of the city of Washington, praying that that city may be made a port of entry; which was referred to the Committee on Commerce.

Mr. DODGE, of Iowa, presented the petition of Charles Mason, county judge of Des Moines county, Iowa, praying the aid of the United States in the construction of a court-house and jail for that county; which was referred to the Committee on the Judiciary.

IRISH EXILED PATRIOTS.

Mr. CASS. Mr. President, I hold in my hand a copy of the resolutions adopted at one of the most respectable meetings ever assembled at Detroit, and at which the Governor of the State presided, on the subject of the resolution pending

before us, for the intercession of this Government with that of England, to obtain the release of Smith O'Brien and the other exiled Irish patriots, now suffering for political offences in a British penal colony, in the Southern ocean. I fully concur with the sentiments expressed in these resolutions, which I think have been prepared with good feeling and good judgment, and in the measure it is desired the Government should adopt. For my own part, I see no political objections, no indelicacy even in such a course, not of interference, in my view, but of merciful suggestion; a just tribute to the advancing opinions of the age.

How much nobler is the friendly expression of interest and hope like this, conceived and communicated in a proper spirit of deference and respect for another power, than the angry remonstrances which crowd the pages of diplomatic history in every age of this world! Such a proceeding is an intercourse of good offices honorable to the motives of the country adopting it, and to the country receiving it, if received, as I trust this would be, with the feelings of confidence and regard which dictate our conduct. Of course it imposes no obligations upon either of the parties, though certainly its favorable issue could not fail to strengthen the ties of amity between England and us. The Government of that country well knows that this is not a case where our application is uncalculated, or which originates in unworthy motives. It knows well, that a very considerable portion of our population is connected with Ireland, either by birth or descent, and that many of them are connected also by the ties of blood with these unfortunate exiles. They sympathize deeply, as do indeed the whole American people, with the hard fate of these banished patriots—a feeling, I have no doubt, which prevails to a considerable extent in England, and one which animates the English people, and which they never fail to display when such occurrences take place in other countries.

It is said, sir, that this proceeding will open the way for similar applications, and that it is an improper interference with another Government, and it has also been feared that we might be embarrassed hereafter by the very precedent, applied to ourselves, which it is now sought to establish.

Mr. President, a great change has taken place in the opinions of the world, on the subject of political offences. They nowhere carry with them reproach or shame. They violate indeed existing laws, but they generally originate in the most praiseworthy motives, and are pursued at the hazard of every earthly good, as Washington and a host of other illustrious men in ancient and in modern days pursued their patriotic enterprises.

Nothing more distinctly marks the improved condition of public feeling than the abolition in all constitutional governments of those atrocious and revolting punishments, once inexorably inflicted by power upon patriotism. To feel and express commiseration for such victims is now acknowledged to be consistent with every principle of the most rigid morality. They are recognized as being unfortunate, but not vicious. Indeed, they are often noble men, as are those whose case engages our attention, and who deserve the kind interest of the world, both from their motives and their character, and also from the position, once high, but now low, to which they have fallen, and in consequence of an effort made not for themselves, but for their country. It cannot be—there is not the slightest danger of it—that such a national application will ever be made in any case but in one like this, which is as far from moral guilt as innocence is from crime. Let no one fear that this example will ever be used or abused for the purpose of intermeddling with the ordinary criminal proceedings of other powers. The vicious will find no commiseration for their punishment, nor will any friendly hand be stretched forth to aid them. And even in this case, however much our interest might have been excited, it would have probably led to no action, had we not found a justification in the circumstances I have stated. There is, therefore, no ground to apprehend that nations might become embarrassed by such applications, or that they would lead to ill will or misunderstanding. As to improper interference, it appears to me an entire misconstruction of the term to apply it to a case like this. It is not interference at all; it is intercession. It is a simple request, made from the best motives in the best

spirit, and presented in the most unexceptionable language, and it leaves the British Government free to act its own pleasure, without giving us the slightest offence, should the result be unsuccessful. How such a course can be construed into improper interference, it passes my powers of comprehension to perceive, as it did two years ago, to understand how the refusal to make an appropriation to maintain a Minister at the Court of Vienna could be an unjustifiable interference with the Austrian Government. And after puzzling myself upon the subject, time and again, I am just as much in the dark as ever. It is best to let a little common sense into our diplomatic questions, and not be too sensitive as to the expression of our sentiments under proper circumstances. Depend upon it, sir, we shall best preserve our own self-respect by such a course, and secure the respect of the world.

If this request is granted, it would be an act that would produce a most favorable effect upon the people of this country; and if refused, as I have said, there the matter would end, unless, indeed, the British Government should so far forget what is due to itself and to us, as to give a rude answer, not justified by the circumstances, nor the manner of the application. I have no belief, sir, that such a gratuitous folly would be committed; and even if it were, we should find some means of not being left in debt upon the occasion. National dignity is a good thing, but let us not be everlastingly afraid that ours is in danger.

As to the encouragement that this step would give to similar applications by other powers to us, it does not occasion me the slightest concern. When such a case occurs here, and a like interest is felt elsewhere, and from like circumstances, and an intercession is made for a similar object, and in unexceptionable language, I trust it will be received in the best feeling; aye, and granted, too, unless there are far stronger objections to the measure than there appears to me to be in the present instance. If there could be any fear, which I am satisfied there would not be, of the release of these banished sufferers, lest they might again become dangerous, let them be sent to this great asylum of the oppressed of all nations, where we shall be ready to receive them, and admit them to all the privileges of our political system as soon as the provisions of our Constitution will permit. If England hails their departure, we should welcome their arrival.

One word, sir, on the subject of precedents, whose appearance I anticipate on this occasion, as an old enemy, always upon the alert to enforce the *stand-still* policy. For once let us put a foot down without first peering carefully about to ascertain if a foot was ever placed in that precise spot before. Let us yield to the generous sympathy of our nature. Let us obey the inspirations of the age, and try, where the trial is proper, "to set the prisoner free." If the world must have precedents, let us make one; they have been made before us; and this will be a precedent for peace, and not for war; for mercy, and not for vengeance nor oppression; a precedent for intercession between Governments, in favor of suffering humanity. Let us set an example, if there never was one before.

There have been examples enough of folly and cruelty in national inter-communications. We shall lose, neither in position nor character, by endeavoring to furnish some of wisdom and mercy. If success follows the effort it would be a brighter page in our history, than is supplied by the bloodiest and most renowned of our battlefields. I shall vote for the original resolution, even if it is not modified, because, though the President has declined to enter into a diplomatic correspondence with the British Government upon this subject, on an application recently made to him, I do not understand that he would have any objections to such a measure, if Congress should take upon itself the responsibility of inviting his action; and I feel assured that the President would be gratified to see the accomplishment of the object, by means, that might appear to him proper, as he expressed upon that occasion, the sympathies, that an American citizen and an American Chief Magistrate ought to feel, under such circumstances. But, sir, there is a mode, in which this expression of national feeling may be obtained, and this difficulty and others too, that have been urged, avoided, and that is, by so modifying

the resolution, that it shall not require a formal communication to the British Government, but shall be merely the expression of the deep interest the American people feel in the fate of these exiles, and our hope, that they will be speedily restored to the condition of freemen.

This course would require no formal diplomatic correspondence, though it would make part of our legislative history, testifying the feelings of the people, and would become known to the British Government, through their Minister or through our own, in an informal way, as is often the case, and also by the public journals of the day, and the moral effect would be as great as a more direct application. I cannot believe that the British Cabinet would hesitate to yield to a wish of this country so unexceptionably expressed.

Mr. President, is it surprising that the sympathy of the whole American people is so generally awakened by misfortunes, as deplorable as these cases present, and which appeal so powerfully to the best feelings of our nature, and in an especial manner to that large class of our fellow-citizens, who trace their origin to Ireland? Wherever there is political oppression in the world, the heart of an Irishman is with the oppressed, and his head and hands too, when the suffering is within his reach.

Ireland has furnished, and yet furnishes, a great portion of our emigrant population, whose worth and talent and industry have added largely to the power and resources of the country. The victim of harsh and hard laws at home, the emigrant from that unfortunate land, knows how to value liberty here; and I believe it would be a phenomenon to find an Irishman who was not ardently attached to the Constitution and union of these States.

And this attachment they have sealed with their blood, upon every battle-field from Quebec to Mexico; defending with unsurpassed valor the standard of our country, from Montgomery, who fell almost under the Arctic Circle, to my friend from Illinois, [Mr. SHIELDS,] who poured out his blood like water beneath the northern tropic, and gave me a proof of regard, rarely offered or received by man, by sending me the expression of his kind recollection, when he and the friends around him thought the hand of death was upon him, and from which condition his recovery was little less than miraculous. He who has no sympathy with such citizens, nor part in their sympathies, has few feelings in common with me.

As the resolution is already before us, I move that these proceedings lie upon the table and be printed.

Mr. BERRIEN. Let the resolutions be read.

The Secretary read them as follows:

Whereas, in the year 1848, when the people of Ireland felt deeply aggrieved for their political and social condition, and alleged that that condition was in a great measure owing to the administrative policy of the Government of England towards that country:

And whereas Messrs. O'Brien, Mitchell, Meagher, O'Donoghue, Martin, O'Dougherty, and others, deemed that a resort to revolutionary measures was the only remedy presented by which to redress the grievances complained of:

And whereas their error, if they did err, was one of opinion as to the best mode to be adopted to remedy the existing evils and relieve the sufferings of the people of Ireland— which sufferings and the necessity for relief were admitted by the Government of England:

And whereas the means adopted by these political offenders against the existing authorities of the British Empire resulted in their condemnation and banishment to a penal colony:

And whereas we deeply deplore their present sufferings, and anxiously desire their release and restoration to their families and to society:

And whereas a resolution is now pending before the Congress of the United States in the following words, to wit:

"Be it resolved, &c., That in consideration of the general sympathy felt by the people of the United States for Smith O'Brien, Thomas F. Meagher, and their immediate associates, (exiled Irish patriots,) and the warm sympathies felt by the countrymen of these distinguished sufferers, who have become citizens of the United States, the President of the United States be requested to authorize a correspondence to be opened with the Government of her Majesty, the Queen of Great Britain and Ireland, appealing to the magnanimity of the British Government and people in their behalf, and respectfully requesting the liberation of these personages from their present confinement, with an offer to receive them upon the hospitable shores of the United States."

Resolved, That we deeply sympathize with Messrs. O'Brien, Mitchell, Meagher, and their associates in exile, and heartily respond to the sentiments contained in, and the objects contemplated by, the foregoing resolution, and respectfully recommend to our Senators and Representatives in the Congress of the United States, that they each give to the same an earnest, cordial, and efficient support.

Resolved, That we do not assume for our Government the right to dictate to, or in any wise interfere with, the ac-

tion of any foreign power, in relation to its domestic policy, but as a member of the great family of nations, desirous of cultivating in the hearts of governments a care for the happiness of individuals, a solicitude for their improvement, and a sympathy for their sufferings, we wish to express in this form our painful sense of the condition of the individuals in question, and ask such respect for our application as may comport with the dignity and policy of Great Britain, and the humane and liberal sentiment of the age, believing that the advancement of civilization and christian morality has induced an international sympathy which we feel fully justifies such a procedure on our part.

Resolved, That the strength of the British Empire and the present tranquillity of Ireland, forbid the idea that these political offenders cannot be set at liberty with safety to the Government, and that when the public security or the reformation of the sufferer is not the purpose or the apparent tendency of punishment, but the reflection of terror and the gratification of resentment, it only tends to exasperate its victims, corrupt its authors, and deaden the moral sense of the community which it affects.

Resolved, That the exercise of this act of clemency and mercy on the part of the British Government, in obedience to the request of America, would tend to efface the asperity which became interwoven with the early history of the Republic, and establish more plainly the relations of amity and peace, which now so happily exist between the two Governments.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded by the president of this meeting to the President of the United States, the President of the United States Senate, and each of our Senators in that body, and the Speaker of the House of Representatives, and each of our Representatives in that body.

Mr. HALE. I do not propose to detain the Senate but a moment; but I rise to express my cordial approbation and assent to every word which has so eloquently fallen from the lips of the honorable Senator from Michigan. It is rarely that I allow myself to throw a consideration personal to myself upon this body, or upon any body which I have the honor to address; but upon this occasion I hope the Senate will indulge me for a moment, if I suggest a single fact that may excuse somewhat the warmth which I feel on this subject.

Sir, my mother, many years dead, was the only child of an Irish exile. His name was O'Brien. And I should feel, if in this place, or in any place, whenever and wherever a word of sympathy is to be expressed for an Irish exile and an O'Brien, that I should be false to every pulsation of my heart, to every drop of blood that flows in these veins, and to that which no man can be false to, the memory of a deceased mother, if I did not express it. No, sir; let whatever consequences, personal or political, stand in the way, so long as the blood of my mother flows in my veins, and so long as I remember who I am, and what I am, whatever words of sympathy, of counsel, or of encouragement, an Irish exile can have, that he shall have from me.

These are the reasons and the motives which impel me, and they are powerful beyond and over everything else. I confess that if I have an impulse and a passion, which is reckless and uncalculating as to consequences, it is when an appeal is made to my heart for an Irish exile, more particularly and emphatically when that exile is an O'Brien. Sir, I go with the honorable Senator from Michigan—I go for this movement with all my heart; and I yield to the truth of another declaration of the honorable Senator and that is, that the heart of the Irishman is with the oppressed. I do not want to give that a technical, local, or fanatical meaning. It is true there is an old maxim of the common law, that "corporations have no souls;" and hence it is inferred, that having no souls they have no sympathies, no affections, and no hearts. It may have been true; but I trust that this great corporation of States and communities may come forward and demonstrate to-day that that exploded idea of the common law is not true as relates to this great corporation of municipalities and States; and that we shall demonstrate that we have souls and hearts that can feel.

If, from motives of State policy, the President of the United States shall decline to interfere, it will be none the less true that the resolution of the American Senate has been spoken, and that it has spoken and echoed and reechoed the sentiments of the great American people, and that will carry with it all the moral force that it is entitled to. So far as that is concerned—the moral force that is to be attached to the declaration of the sentiments of the American Senate—with all respect to the President of the United States, I tell him it is of very little consequence whether his name is affixed to it or not. The resolution will have been entertained, the Senate will have spoken, and whether the British Government shall lend a re-

sponsive ear to the interposition which we propose to make or not, it will have its moral effect, and it will reach and cheer the hearts of these victims of oppression in their lonely and desolate place of exile. Sir, it will do that if it does nothing else; and it will teach another lesson—it will teach the oppressed the world over that the nations of the earth have exploded and are exploding the notions that corporations, great and small, have no souls, and that they have learned that the men of which they are composed have souls, and have hearts, and that they do not forget the promptings which spring from those hearts; that they assume the responsibilities which belong to them as Senators. Having said thus much I leave the subject, with the earnest hope that the Senate will consent to act favorably in relation to it.

Mr. BUTLER. I would like to say a single word in connection with this subject.

The PRESIDENT. There is no question before the Senate, but by unanimous consent the Senator can proceed.

Mr. BUTLER. There are many reasons which would induce me to take an active part for the release and pardon of these patriots who have been made so much the subject of eloquent eulogy. Permit me to say, however, that if the object of gentlemen be to procure the release and pardon of John Mitchell and Wm. Smith O'Brien, I believe they are taking the very worst course that could be suggested to accomplish the object. If a proper application were to be made to the British Queen, by an appeal to the British Minister, or in some other mode that would be likely to be acceptable, as an appeal to her clemency, perhaps the object might be attained. But if in applying for the pardon of these patriots, you use the language of reproach to the British Government, you might as well expect to release a victim with his hand in the wolf's mouth, by irritating the wolf. If you expect to attain the object contemplated—and I am sincerely disposed to take every reasonable measure to effect it—it is not to be done by reproaching the British Government.

There are many considerations which would induce me to take a special interest in the fate of these gentlemen, particularly in the fate of one of them. I allude to Mr. Mitchell. I have thought that something might be done, but not in this way—not by making it a subject of political discussion—(by that course we might cheer the Irish and rouse them, and obtain their applause and support, for ought I know, but we shall not subserve the end contemplated of procuring the pardon and release of these prisoners)—for, by that course, we shall defeat the very object in view. Why, do you suppose that you can approach the British Government and tell them that this is our opinion, and that it must yield to the demonstrations of public feeling in America, upon the subject of their government? I will answer for it, that John Bull has resentment enough to hurl back upon you any such attempt to influence his policy by a legislative demonstration of this kind. No, sir; it is a false step—permit me so to say. I am willing to vote for any resolution in favor of these patriots, who have been banished from their country because they loved it; and who were willing to run the hazard of measures of redress for wrongs, which they supposed, at least, they were suffering under. Surely something must be pardoned to the spirit of liberty, under which they acted. My sympathies are with them. But to make my views effective, I am not going to take a step of this kind, which I know must result in failure. If we are to do things of this kind, whenever we may think it convenient, in relation to foreign Governments, we may involve ourselves in the predicament of making a demonstration when we cannot back it by any legislative act whatever. I am not willing to see the American Senate or the American Government place itself in the situation which it cannot maintain. If you intend to take this position for the purpose of procuring the pardon of these exiles, you are not to do it by menaces and reproaches; you are not to do it by mere vain declarations, that the institutions of Great Britain are rotten, and that we intend to correct them by our interference, and rescue Ireland. The object will not be attained by declarations of this kind.

I would to God I could take some step for the release of John Mitchell and Smith O'Brien. I will not state all that I have done in relation to this

matter; but I have been perfectly willing to join with others to approach the British Government in such a way as to procure their pardon. I believe it might have been done, or that something might have been done towards it; but I cannot countenance a proceeding of this kind, which I think must result in utter failure.

Mr. SHIELDS. I do not mean to speak on this subject at present; but I do wish to say to my friend from South Carolina that I feel there is great force in the remarks he has made this morning. I feel that the object cannot be accomplished by an attack upon the British Government. My object in rising at this time was to ask the Senate to take up the resolution which is now on the table, in regard to this subject, in order that some future day may be assigned for its consideration. I leave that day at the discretion of the Senate; but I wish the resolution to be taken up at as early a day as possible. When it shall be taken up I wish to say a few words on this subject. I would state that I wish the resolution to be taken up for the purpose of offering an amendment so as to avoid making it a diplomatic measure. My object is so to modify the resolution as to avoid the possibility of a repulse on the part of the English Government. I should be very sorry to see this Government make an application, officially, to the British Government, which that Government would be authorized to treat with contempt. As a citizen of this country, I should be one of the last to seek to place this Government in that condition. My object, therefore, is to put the resolution into such a form as that, while, indirectly, it will accomplish the object, as I trust it will, we shall at the same time preserve the dignity of this Government under all circumstances, and give no earthly or reasonable cause of offence whatever to the British Government. When the resolution shall be called up at some future day, I hope to be able to put it into that shape; or if I should not be able to accomplish it, I hope the honorable Senator from Michigan, who has already made the suggestion, and other Senators more experienced than I am, will aid me in the accomplishment of that end.

Mr. CASS. I would suggest to the Senator that he had better lay his amendment on the table, and let it be printed.

Mr. SHIELDS. I would like to have as early a day as possible fixed for the consideration of the resolution.

Mr. BADGER. Why not to-morrow? Mr. SHIELDS, (after consultation with several Senators.) I will say Monday, as I believe there is no special business before the Senate for that day. In accordance with a suggestion of the Senator from Michigan, I will not call up the resolution until to-morrow; and I will prepare my amendment in the mean time.

The PRESIDENT. The Chair will state that, inasmuch as there is no question before the Senate, and as the resolution to which the Senator from Illinois refers is on the table, this discussion is altogether out of order. It has only been tolerated by unanimous consent.

Mr. BADGER. I merely wish to remind the Chair that there is as much a subject of discussion now before the Senate as there was when the Senator from Michigan made his speech.

The PRESIDENT. The Chair is aware of that; but he did not know, until the resolutions were handed up by the Senator from Michigan, what that Senator was about to bring before the Senate.

Mr. CASS. I held the resolutions in my hand while I was speaking.

Mr. BADGER. I believe that, under the rules, no Senator can make a speech unless there is some subject before the Senate. There must either be a motion pending, or he must make a motion before he can make a speech.

The PRESIDENT. The Chair did not know, until he saw the resolutions presented by the Senator from Michigan, whether there was any subject properly before the Senate.

The resolutions were laid upon the table.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SOULE, it was *Ordered*, That the memorial of the corporate authorities of Shreveport, Louisiana, on the files of the Senate, relating to a Marine Hospital at that place, be referred to the Committee on Commerce.

On motion by Mr. DOWNS, it was

Ordered, That the petition of Joseph H. D. Bowmar, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. MALLORY, it was

Ordered, That the documents on the files of the Senate, relating to the claim of John P. Duval, be referred to the Committee on Military Affairs.

On motion by Mr. BERRIEN, it was

Ordered, That the memorial of William Y. Hansell, William H. Underwood, and the legal representatives of Samuel Rockwell, deceased, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. SEBASTIAN, it was

Ordered, That the petition of the heirs-at-law of Joseph Valliere D'Hauterive, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. GWIN, it was

Ordered, That the message of the President of the United States in relation to California claims, communicated the 28th instant, be referred to the Committee on the Judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to which was referred the joint resolution to provide ice-boats for the Potomac river, reported it back without amendment.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred a bill "to amend an act entitled 'An act for the punishment of crimes in the District of Columbia,'" reported it back without amendment.

Mr. BRADBURY, from the Committee on the Judiciary, reported a joint resolution authorizing the purchase of the ninth volume of the laws of the United States; which was read and passed to the second reading.

Mr. HAMLIN, from the Committee on Commerce, to which was referred a memorial of F. McManus, reported a bill for extending like principles to those conferred by the act entitled "An act allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, Mexico, and to the British North American Provinces adjoining the United States," approved March 3, 1845, to foreign merchandise exported to Mexico by certain indicated routes; which was read and passed to the second reading.

On motion by Mr. HAMLIN, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the memorial of merchants, underwriters, and others, interested in commerce, presented the 21st instant.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill to remit or refund duties on goods, wares, and merchandise destroyed by fire, reported it with amendments.

He also, from the same committee, to which was referred the bill for the relief of Williams, Staples & Williams, reported it without amendment.

He also, from the same committee, to which was referred the bill for the relief of James Ferguson, surviving partner of the firm of Ferguson & Milledge, reported it without amendment.

Mr. BERRIEN, from the Committee on the Judiciary, to which was referred the memorial of William Woodbridge and Henry Chipman, praying compensation for services in adjusting titles to land in Michigan, reported a bill for their relief; which was read and passed to the second reading.

On motion by Mr. JONES, of Tennessee, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the memorial of J. Smith, and that it be referred to the Committee of Claims.

On motion by Mr. DOWNS, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the memorial of George Hervey.

On motion by Mr. DOWNS, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the memorials of marshals and assistant marshals, praying additional compensation for their services in taking the Seventh Census, which have been referred to that committee, and that the same be referred to the Committee of Claims.

On motion by Mr. MORTON, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the memorial of Gad Humphries, and that the same be referred to the Committee on Military Affairs.

NOTICES OF BILLS.

Mr. McRAE gave notice of his intention to ask leave to introduce a bill entitled "An act to repeal the proviso in the act of Congress entitled 'An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1852, and for other purposes,' approved March 3, 1851, relating to the payment

of the salaries of the officers of the Territories of the United States."

Mr. SOULE gave notice of his intention to ask leave to introduce a bill to establish a naval depot in or near New Orleans.

BILL INTRODUCED.

Mr. DOWNS obtained leave to bring in a bill for the relief of L. E. L. A. Lawson, sole surviving heir of General Eleazer W. Ripley, deceased; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

SAN DIEGO RIVER.

Mr. GWIN submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of appropriating such sum of money as may be necessary to divert the river of San Diego into False Bay; which river now empties into the bay of San Diego, and by its deposit is gradually filling up said bay, thereby creating a formidable obstruction to its navigation.

DEBATES OF THE SENATE.

On motion by Mr. NORRIS, and by unanimous consent, the vote ordering the resolution for settling the accounts for reporting the debates and proceedings of the Senate to be engrossed and read a third time, was reconsidered.

The Senate resumed the consideration of the said resolution; and having been amended on the motion of Mr. NORRIS, reads as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and instructed to audit, and from time to time to settle the account of John C. Rives, for the reports of the Senate proceedings and debates published in the "Daily Globe," at \$7 50 per column: *Provided, however,* That in auditing and settling such accounts nothing shall be allowed for the publication of revised speeches, a report of which has once been published, nor for messages and reports from the executive officers of the Government, nor for reports from committees of the Senate.

Ordered, That the resolution be engrossed and read a third time.

THE COMPROMISE MEASURES.

The Senate resumed the consideration of the resolution submitted by Mr. FOOTE, of Mississippi, and amended on the motion of Mr. BADGER as follows:

A Resolution declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it resolved, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her Northern and Western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

Mr. DAVIS addressed the Senate at some length, in opposition to the resolution. His speech will be found in the Appendix.

Mr. MANGUM. The Senator from Mississippi has intimated a desire to address the Senate on this subject.

Mr. McRAE. That was my intention.

Mr. MANGUM. I will very cheerfully give way to the gentleman for that purpose. If I can get the floor when he shall have concluded his remarks, I will endeavor to get rid, if such be the sense of the Senate, of the further consideration of this resolution. I think the debate on it has been wholly unprofitable; and if it produces the slightest effect on the public mind, it will be that which is pernicious and deeply injurious. However, out of courtesy to the Senator from Mississippi, who is here for the first session, I feel it to be my duty to give way to him; but I hope I shall be able to obtain the floor after him.

Mr. McRAE. Mr. President, I thank the honorable Senator from North Carolina for the courtesy which he has extended to me; but there will not be time enough to-day for me to make the remarks which I desired to make on this resolution, and the questions embraced in it. I therefore ask the Senate to adjourn now, so as to enable me to speak to-morrow.

Mr. MANGUM. I hope the honorable Senator will withdraw that motion, as it is important that we should go into executive session.

Mr. McRAE. I withdraw the motion to adjourn, and move to postpone the further consideration of the resolution until to-morrow, at one o'clock.

The motion was agreed to.

EXECUTIVE SESSION.

On the motion of Mr. MANGUM, the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and, on motion, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 28, 1852.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

Mr. HOUSTON moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. HARRIS, of Tennessee. If the motion to go into Committee of the Whole do not prevail, I ask what will be the first business then before the House?

The SPEAKER. It will be the call of committees for reports.

Mr. HARRIS. I hope it will be the pleasure of the House to allow the morning hour to be appropriated to the regular order.

Mr. HOUSTON. I hope the House will go into Committee of the Whole, and finish the Mexican indemnity bill. It is very necessary that the House should come to some final action upon that subject as soon as possible. There is a special order for to-morrow, and gentlemen must see the importance of disposing of the indemnity bill to-day.

Mr. McLANAHAN. I ask the chairman of the Committee of Ways and Means to withdraw the motion to go into Committee of the Whole, in order to allow me to make a report from the Committee on the Judiciary. It is a report which I am confident the House is anxious to receive; and I submit to the gentleman from Alabama [Mr. Houston] whether it will not better facilitate the business of the House by allowing this report now to be made?

Mr. HOUSTON. If the House have no objection to receive the report of which the gentleman from Pennsylvania [Mr. McLANAHAN] desires to present—as it is a report which will have an important bearing on one of the appropriation bills—I shall not object; but I must decline to withdraw my motion to go into committee.

The SPEAKER. The gentleman from Pennsylvania can present his report only by unanimous consent.

Mr. SMART. I object, unless the other committees be allowed to present reports.

Mr. HOUSTON. I now beg to press my motion to go into Committee of the Whole on the state of the Union; and upon that motion I ask the yeas and nays; which were ordered.

Mr. JONES, of Tennessee. I desire to ask if the bounty land bill, which is made the special order for to-morrow, will not then take precedence of the Mexican indemnity bill?

The SPEAKER. It will take precedence.

Mr. HOUSTON. At the request of gentlemen around me, I ask the consent of the House to withdraw the call for the yeas and nays. I do not wish unnecessarily to take up the time of the House.

There was no objection, and the call for the yeas and nays was withdrawn.

Mr. HOUSTON asked for tellers; which were ordered, and Messrs. Houston and Fowler were appointed.

The question was then taken, and the tellers reported—ayes 101, noes 29.

So the motion prevailed.

MEXICAN INDEMNITY BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. JONES, of Tennessee, in the chair.

The CHAIRMAN stated the first business in order to be the annual message of the President of the United States, and the resolution of the gentleman from Alabama [Mr. Houston] to refer it to the several standing committees.

Mr. HOUSTON. I move to take up House bill No. 46, to provide for carrying into effect, in further part, the twelfth article of the treaty with Mexico, concluded at Guadalupe Hidalgo.

The motion was agreed to, and the bill was read as follows:

Be it enacted, &c. That the sum of \$3,180,000 be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the payment of the installment and interest, which will fall due on the 30th of May, 1852, under the twelfth article of the treaty between the United States and Mexico, made and concluded at Guadalupe Hidalgo, on the 2d of February, 1848.

The CHAIRMAN stated the question pending to be upon the amendment of the gentleman from California [Mr. MARSHALL] to the amendment of the gentleman from Tennessee, [Mr. JOHNSON.]

The amendment of Mr. JOHNSON, of Tennessee, was read as follows:

"And that said sum be paid over to the proper authorities of Mexico by the Secretary of the Treasury of the United States under the supervision of the President."

The amendment of Mr. MARSHALL, of California, to the amendment was read as follows:

"Provided, That the President may cause the payment to be made at such time and in such manner as will be most acceptable to the Government of Mexico."

Mr. MEADE demanded tellers upon the question, but they were not ordered.

The question was then taken on the amendment to the amendment, and it was rejected.

The question then recurred upon the adoption of the amendment of the gentleman from Tennessee, [Mr. JOHNSON,] and being taken, it was decided in the negative.

So the amendment was rejected.

Mr. CLINGMAN. If there is no amendment pending, I move that the committee do now rise and report the bill to the House.

Mr. DISNEY. I desire to offer the following amendment:

"To be paid in a manner conformably to the request of the Mexican Government."

Mr. Chairman, I am by no means prepared to say what I should like to say, but I feel I could not permit the opportunity to pass without stating distinctly to the House and to the country my views with regard to this matter; and my present purpose is, upon some future occasion, when I shall have time and opportunity, to elaborate the matter. I desire now simply to state, in the time allotted to me, that the correspondence submitted to the House, under the resolution of the House, has substantiated the charges before this committee. And I now, standing in my place as one of the representatives of the American people, distinctly and specifically arraign the present Administration, at the bar of the public opinion of this interests intrusted to their care. I arraign it for wronging the Treasury of the Republic out of a large sum of money which might have been saved to it by agreeing to the proposition of the Mexican Government for the payment at some place in the United States of the money due to her. I arraign them for disregarding that comity, which should exist among all the nations of the earth, but particularly between our Government and the Government of the Republic of Mexico at this peculiar time, and by the disregard of which this Administration has not only injured the monetary interests of this country, but they have given a blow to its political interests in the future. The correspondence submitted to this House shows that with Mexico this has been a most important matter. The Mexican Minister was instructed to press it to the very verge, but to abstain from actually giving offence. To Mexico it was indeed important. Mr. Webster admits that the request was made, and he admits, too, that he promptly refused to listen to it,—a refusal which, in view of the anxiety of the Mexican Government, must hereafter be deleterious to the political interests of this country, not only in relation to the general interests which may arise between the two Republics, but particularly in reference to a right of way, and the establishment of convenient communications between our fellow-citizens upon this shore and those upon the Pacific shore. For already we see the fact announced in the public prints that a proposition is pending upon the part of the Mexican Government to grant a right of way to the direction, care, and management of England. I therefore say that I arraign this Administration for willfully and without justification, permitting the best interests of the country to be

sacrificed by subjecting the Government of Mexico to the cupidity of British bankers, and to the political influence of our rival, England. And what is the justification? Why, the wretched, miserable plea, that the terms of the treaty having fixed the time, mode, and place of payment, it was not competent for the Executive to alter it,—a plea utterly untenable. And here permit me to say, that no man on earth would saucily flout the receipt of acquittance in the face of a foreign Minister who should come forward with a reclamation for money paid under such circumstances.

But, independent of the argument which I think will be found to be perfectly irresistible, a single fact shows the insufficiency of the plea put forward by the Secretary of State. We had it authoritatively announced a few days since, by the chairman of the Committee of Ways and Means, that a part of the very first payment was made by the Government, not in gold and silver, as the terms of the treaty required, but in ordnance. Again, in the case of the man Forstall, who, upon one occasion, advanced some hundred thousand dollars—

[Here the Speaker's hammer fell.]

Mr. HOUSTON. I would say a word to correct an erroneous impression in the mind of the gentleman from Ohio. I intended to say on a former occasion—but I do not remember the precise language I used—but the idea I intended to convey was, that the arms were disposed of and the proceeds were applied to the payment, in part, of the installment; and the records will so appear. I say the amendment of the gentleman ought not to be adopted.

Mr. DISNEY. I care nothing about the amendment.

Mr. HOUSTON. The gentleman says he cares nothing about the amendment, and therefore I do not wish to consume any time in discussing it.

Mr. JOHNSON, of Tennessee. I propose to amend the amendment as follows:

Provided it impose no additional expense upon the United States.

Mr. J. said: It seems the conclusion is foregone, and that this House, with the chairman of the Committee of Ways and Means at its head, is determined to indorse the course pursued by the Secretary of State.

Mr. HOUSTON. Not at all.

Mr. JOHNSON. One thing that we have been complaining of, and considered to be wrong, is, that the Secretary of State should go on, in advance of an appropriation being made by Congress, and make a contract with a set of bankers for the payment of money, that he did not know whether the Congress of the United States would appropriate a dollar to meet or not. This we assume to be wrong, and as going beyond the legitimate duties of the Secretary. But it seems to be the intention of this House, with the chairman of the Ways and Means at its head, that Mr. Webster's course is to be indorsed. We are told, furthermore, in this discussion, and that, too, by the chairman of the former Committee of Ways and Means, that the Secretary of State authorized him to say, that this proposition would not have been accepted, in connection with Mr. Green, had the Mexican Government agreed to pay twenty per cent. Such a remark is contained in his printed speech; and he was authorized to state it to this House and this country, that if this Government could have realized twenty per cent. by this operation, that this Secretary would not have accepted it. What is the conclusion to be drawn from this declaration, which the chairman of the committee was authorized to announce to this country? Is not the conclusion clear and irresistible in regard to the Secretary of State, that "I have made an arrangement with my friends, by which I can be benefited, or by which my friends can be benefited, and which cannot be departed from, notwithstanding some persons may come forward and offer twenty per cent. for the privilege of transacting this business?" I say these facts ought to be known to the country. With all these facts before us—the making of this contract in advance of any law making an appropriation, and without even kowing whether this House would take upon itself the high responsibility of refusing to make the appropriation—we are called upon to indorse these high-handed measures. I say for one—and I speak irrespective of party—I intend to give my

vote against such proceeding, emanating from what quarter it may.

Mr. BAYLY, of Virginia. I had not designed to say anything more about this matter, and am very reluctant to do it now. The gentleman from Tennessee [Mr. JOHNSON] says that I had been authorized to inform this House that if this offer of Duff Green had proposed to have given us twenty per cent., it would not have been accepted. So I was. But the gentleman undertakes to infer from that, that it establishes that Mr. Webster, having made a contract with his friends, would not have varied that contract even though the Government would be greatly benefited thereby. Did not I inform this House, at the same time, that it was Mr. Webster's opinion that he had no legal authority to accept these terms? That was Mr. Webster's opinion. It is my opinion, and I venture to say would be the opinion of nineteen twentieths of the Congress of the United States, who would look at the subject. Is the Secretary of State, the President, or the Secretary of the Treasury authorized to accept these drafts? Have they any other authority than the authority conferred upon them by the Constitution and the law? I ask, where is the law upon the statute-book authorizing the Secretary of State, or the Secretary of the Treasury, or anybody else, to accept these drafts from the Mexican Government? Why, sir, a transaction more void of authority it is impossible to conceive of than the idea that the Secretary of State is to accept drafts upon our Treasury, in absence of law specifically to authorize it. There is no authority authorizing him to do it. Is he an independent power? Has he any right without authority of law to bind our Treasury or commit our Government in a moneyed transaction? Why, sir, it is nothing but the respect I feel for some gentlemen who have entertained such an idea, that prevents me from speaking of it as one of the most monstrous propositions I ever heard propounded in the American Congress.

The question was then taken on the amendment, and it was rejected.

Mr. JOHNSON, of Tennessee, proposed the following amendment:

Provided, That it shall not be inconsistent with the terms of the treaty made between the two existing Governments.

Mr. JOHNSON. The gentleman from Virginia, in the conclusion of his remarks, informed the House that it was merely out of respect to some members that he did not speak of this proposition in stronger terms. I do not know what those terms would have been, other than what he has generally given. In other words, he treats the idea as being supremely ridiculous. Well, sir, at this stage of the proceedings, I consider it ridiculous and in violation of the law, of the spirit and genius of the Constitution and the treaty itself, for Mr. Webster to have made the arrangement, and for him to come forward and indorse it in advance of the appropriation by law of the money. I assert that it is in violation of law, and that Mr. Webster, nor anybody else had the right to accept drafts upon the Treasury when the money had not been appropriated. But is not it as just, as legal, and would it not be as much in conformity with the treaty, to make the arrangement through General Green, or the Mexican Minister, with the Mexican Government, as through the Barings & Brothers, in advance of the appropriation of the money? Most unquestionably it would. And how do the facts stand? There was an attempt to make an arrangement with Mr. Clayton, when he was the Secretary of State, for the payment of this money; and what did he say upon the subject? He said that in advance of an appropriation by Congress, he did not feel authorized to make any arrangement. Thus far the position is true. But if we could make an arrangement with one class of individuals in anticipation of the appropriation, could we not make an arrangement with another class? It is a mere matter of discretion—of the exercise of the judgment of the parties authorized to make the payment. How does this matter stand? Here is a negotiation going on, and suppose the money was appropriated, as it was proposed to be, some twelve months ago, could not the Treasurer of the United States accept a draft drawn by the proper authorities of Mexico, and pay money upon that draft as well as upon a draft drawn by anybody else? Oh! but the gentleman seems to think otherwise.

There are some gentlemen who may attempt to make themselves masters of the law, and assume to know everything. A proposition upon the part of one Government to another, is a mere question of agreement not to infringe the spirit of the treaty. The question will come up afterwards, whether the treaty had been complied with or not in the payment of the money. If the Mexican Government drew a draft upon this Government after the money was appropriated by law, let me ask, however ridiculous it may be conceived by some, if it would be in violation of the treaty for this Government to accept that draft—merely to accede to the proposition in the payment of the money? Does it smack in the slightest degree of violation of law, of infringement of the treaty? Not at all. But this arrangement would have saved, I am authorized to believe, an immense sum to the Government, had the money been appropriated. How does the present proposition stand? They come forward and say that they will give us security and vouchers to the Government at the proper time. What are they? They will put in pledge Government stocks bearing an interest of six per cent., and propose to pay the Government of the United States three and a half per cent. for the money that is to be appropriated fourteen months in advance. Do not these stocks bear as much interest by being pledged to the Government as they did before? And what then is the operation? We, in effect, pay them two and a half per cent. for this operation. This is the whole of the matter. It is for the percentage, the shaving that is to fall into the pockets of those concerned, that they have consented to the whole thing.

Mr. MEADE. My colleague [Mr. BAYLY] has in a measure expressed an opinion adverse to the one I expressed on a former occasion, and in doing so he took occasion to say that nineteen twentieths of the lawyers of the country would be also of an opinion different to it; and I think it somewhat incumbent upon me to make a short reply.

The CHAIRMAN. The Chair must here state, without calling the gentleman to order, that under the rule five minutes is allowed for the explanation of, and five minutes for opposition to, the amendment, and not for a general discussion upon the merits of the original proposition.

Mr. MEADE. I am opposing the amendment, and I suppose I will be allowed the same latitude as has been extended to other gentlemen who have spoken upon this subject. Now, this was paid by drafts substantially, although not in a commercial point of view, not technically, to the Barings & Brothers, through their agent Forstall. Drafts were sent here by Forstall to be paid; and why could not drafts in the same shape be sent by the Mexican Government, by her agent, to be paid? They were, instead of being commercial drafts in the usual form, certificates sent to the Secretary of State, to the effect that Forstall had advanced so much money to the Mexican Government, and that that advancement was to be taken out of the indemnity due her. When we speak of drafts, we mean drafts in that form and substantially to that effect. It was a certificate upon the part of the Mexican Government, that Forstall should receive \$650,000 of the indemnity which was due to Mexico upon the 30th day of May, and that is the form in which the drafts could have been presented in favor of Mexico or the agent of Mexico. We are speaking about the substance, not the shadow, of things. It is true, as my colleague says, that a commercial draft, drawn in the way he supposes, could not be accepted by the Secretary of State; but any notification, like that in favor of Forstall, could have been given in favor of Marks, or any other agent of the Mexican Government, and the amount thus certified to, as having been advanced to the Mexican Government, could be deducted out of the indemnity which was due on the 30th of May. If you go into the details of the whole of that payment, you will find that not one cent of the money was paid in any other way. In point of fact, the whole three millions of dollars thus paid by the Barings & Brothers to that Government, was drawn for by them here. I will venture that without knowing the fact, because it was the easiest way by which it could be done. The draft in favor of Forstall proves not only that the draft was paid here, but that it was paid months before the indemnity was due; and so the arrange-

ment could have been made in favor of Mexico. Why could it not have been made as much in favor of Mexico as the Barings?

Mr. FREEMAN. Mr. Chairman, I wish—
The CHAIRMAN. The gentleman cannot submit any remarks upon this amendment, nor can he offer any amendment, as there is now an amendment pending to the amendment.

The question was then taken, and the amendment of Mr. JOHNSON was rejected.

Mr. BAYLY moved, *pro forma*, to strike out the words "Mexican Government."

The CHAIRMAN. The pending question is upon the amendment of the gentleman from Ohio, "to be paid in conformity to the request of the Mexican Government." The gentleman from Virginia proposes to strike out the words "Mexican Government." It will then read "to be paid in conformity to the request?"

Mr. BAYLY. If the amendment prevails I shall then move to fill the blank. Mr. Chairman, my colleague has certainly not examined this matter with his usual care. If he had he certainly would not have misconceived the subject as much as he does. He asks the question, why we could not accept drafts of the Mexican Government as well as those of the Barings? The Barings never drew any drafts in form or substance upon our Government. By their contract, on the day of payment, they were to make the payment in gold and silver to the Mexican Government, and to take their receipts for it. I presume they provided themselves with the money to make the payment by drafts drawn in Mexico upon London and New York. But they drew no drafts upon our Government; and I undertake to say, if my colleague will think of it for a moment, that he will say that drafts drawn by Mexico upon this Government and accepted by our Secretary of State, without express authority of law for him to do so, would not be worth the paper they were written upon. To assume that they would be, is to assume powers in the officers of this Government independent of law. It is to assume that they have independent and distinct powers inherent in them, and not conferred by law. Now, I say that Forstall's certificate, to which the gentleman refers, was nothing but a ratification by the Mexican Government to our Government that they had hypothesized to the extent of his advances, or in other words, that they had given him a lien to the extent of his advances upon this indemnity, to be satisfied when it should be paid. They could have given that lien to any other bankers; and the fact that the Barings were our agents did not give them any advantage over other bankers, as I have before explained. But I am done with this subject. Everybody understands it whoever will understand it. I shall not say one word more in reference to it, no matter what turn the debate may take.

Mr. MEADE. My colleague says he is done with this subject. I am not quite done with it yet. I will just read to my colleague a few lines of a letter which was addressed to the Secretary by the Barings:

"It will be perceived from the foregoing, that the contractors made all their payments to Mexico out of their own funds, and were afterwards reimbursed in the United States, at a date averaging the 15th of May, and the last and largest payment by the United States to the contractors of two millions of dollars was not made until the 27th of June, nearly one month after they had paid the full installment to Mexico."

Now here is an admission on the part of the bankers themselves that we had paid them previous to the 30th day of May, when this money became due under the treaty. How? Everybody familiar with such transactions knows how. Those drafts were drawn by the Barings—this certificate was sent by the Mexican Government to our Secretary here, notifying him that Forstall, for instance, had advanced so much money, and was entitled to that amount of money out of the indemnity which was due. Will my colleague tell me how did these bankers draw out of the Treasury previous to the 15th day of May any portion of this indemnity, if it was not for the purpose of paying the Mexican indemnity, either by transferring it there or by drawing drafts upon it here? This letter is an admission of the fact, and my colleague cannot get over that admission.

Mr. BOCOCK. I move to amend the amendment—

The CHAIRMAN. It is not now in order.

There is an amendment to the amendment pending. The question is upon the amendment to the amendment offered by the gentleman from Virginia, [Mr. BAYLY.]

The question was then taken and it was not agreed to.

Mr. CARTTER. I move to reinsert the words, if in order, "the Government of Mexico."

The CHAIRMAN. The amendment would not be in order.

Mr. CARTTER. I move to strike out the word "request," and insert the words "pursuant to."

Mr. Chairman, I am in favor of that amendment, because I think it raises substantially the issue that has been made in the discussion upon this subject, and brings up the conflict that has been waged between the Secretary of State and the authorities of Mexico. I am in favor of it as a substantial amendment—an amendment promoting the right and rebuking the wrong. The question raised in that amendment is, whether this Government, in its treatment of a kindred Republic upon our own continent, shall consult the desires of that Government, or shall sacrifice its interests to its creditor, and pass that Government through the hands of successive monetary speculators, before the fund, which we honestly owe her, is honestly paid to her? A technical exception has been taken by the honorable member from Virginia, [Mr. BAYLY,] who presided over the Committee of Ways and Means during the last Congress. It was a technical exception only. He has been compelled, in the specious defence he has made—

Mr. BROOKS. I rise to a question of order.

Mr. CARTTER. I hope it will not be taken out of my time.

Mr. BROOKS. The amendment of the gentleman from Ohio [Mr. CARTTER] is to strike out. My point of order is this: that his argument should be confined to the reasons why the words "pursuant to the" should be inserted, and confined strictly to that. If the gentleman will permit me to say, I have no objection to this debate going on to any extent, if it will be permitted on both sides of the House. If we are going to pass the bill, let us stop the debate.

Mr. CARTTER. My argument was addressed to the amendment.

The CHAIRMAN. The point of order is not debatable. The question of order, in the opinion of the Chair, is well taken. Under the rules, after debate has been terminated, five minutes are allowed for explanations of amendments, and five minutes to oppose such amendments as may be offered. The good sense of the House, or the members, must, to a very great extent, control them in that matter; because it will be impossible for the Chair to say how gentlemen intend to apply their arguments; and if they violate the rules of order, it will, perhaps, be impossible for the Chair to enforce them. It is very clear, that under the rules of the House, the original proposition, or the merits of the bill, are not now under consideration.

Mr. CARTTER. Does the Chair apprehend the force of that amendment, permit me to inquire? My amendment is in form "pursuant to the request of the Mexican Government."

The CHAIRMAN. The amendment of the gentleman, I believe, is to insert the words "pursuant to the" before the word "request." It will then read "to be paid in conformity and pursuant to the request."

Mr. CARTTER. I move to strike out the word "conformity."

The CHAIRMAN. That will be a double amendment. Both cannot be entertained.

Mr. CARTTER. I wish to ascertain, if a verbal amendment is introduced by a member, and it enters into and forms a part of the sense of the amendment, whether he is confined to a definition of the word thus introduced?

The CHAIRMAN. The Chair stated the amendment as the gentleman proposed it, and decided that he could not make another motion to amend when one was pending. His motion was, to insert a word in one part of the amendment, and he cannot move to strike out a word in another part.

Mr. CARTTER. That is a part of the motion.

The CHAIRMAN. The Chair did not hear the gentleman move to strike out anything.

Mr. CARTTER. If my amendment was mis-

understood, I will accommodate the gentleman from New York in a few minutes. I will withdraw it, as in that connection it makes no sense at all, and as it was misunderstood by the Chair.

The question was then taken, and the amendment to the amendment was rejected.

Mr. CARTTER. I now propose to amend the amendment, if it is in order, so that it will read, "in pursuance of the request of the Mexican Government."

Mr. BROOKS. I do not want to interrupt the gentleman—

Mr. CARTTER. If this does not allow discussion, I do not want to discuss it. I wish to ascertain the fact, whether it brings up my right to discuss the merits of the amendment itself.

The CHAIRMAN. The Chair thinks that, under the rules, the gentleman from Ohio will be confined to the explanation of his amendment—the words "in pursuance of the request of the Mexican Government"—that is, as to the propriety of inserting his amendment into that of his colleague; but, in the opinion of the Chair, it does not open the merits of the whole question on the original bill, because the resolution terminating debate says, the debate upon the bill shall terminate.

Mr. DISNEY. I would inquire respectfully of the Chair, what are the merits of the main question pending?—if there is anything else involved, but simply to make this appropriation of three millions of dollars?

The CHAIRMAN. The Chair would answer the gentleman, that the question of propriety of paying this money is, perhaps, not now before the committee for discussion; upon that the House have ordered the termination of debate. Now, it is to the amendment pending, offered by the gentleman himself, and to the amendment of his colleague, that the rule requires he should confine himself to an explanation of.

Mr. CARTTER. In explanation of the sense of the expression, "in pursuance of the request of the Mexican Government," I was proceeding to remark—and I shall confine myself to that point, for I do not wish to discuss anything else—that it raised before this House the simple issue, whether we would consult the will of Mexico in this payment, or whether we would consult the directions given by the Secretary of State. Now, unless there was some sinister reason—unless there was some selfish consideration entering into and forming the *quo animo*, with which the Secretary of State seeks to defeat the will of the Mexican Government in the receipt of this money, I hold that he would consult that will. The very fact that he turns his back upon it—the very fact that he disregards the expressed will of that Government, brings to light the inevitable suspicion—

Mr. BROOKS, (interrupting.) I rise to a point of order. I have no objection to this discussion going on—

Mr. CARTTER. Go ahead and state your point of order.

Mr. BROOKS. My point of order is this. There is an amendment submitted by the gentleman from Ohio, [Mr. DISNEY,] that the money shall be paid "conformably with the wishes of the Mexican Government." The amendment submitted by the other gentleman from Ohio [Mr. CARTTER] is, to strike out "conformably with," and insert "pursuant to." My point of order is, that the gentleman from Ohio [Mr. CARTTER] should show the reason for striking out "conformably with," and inserting "pursuant to," and that his whole argument should be directed to that object, and to that only.

Mr. CARTTER. That means that my argument must be strictly technical.

The CHAIRMAN. The 34th rule provides:

"No member shall occupy more than one hour in debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment."

The Chair thinks, as he before stated, that under the rule the gentleman must confine himself to an explanation of his amendment.

Mr. CARTTER. Will the Chair be good enough to give me the limitation within which I must confine my remarks? I do not exactly comprehend it. The question raised in my own mind is, whether I am confined to a *literal* explanation of the words, or whether I may discuss the sense of my amendment?

The CHAIRMAN. The Chair thinks that the gentleman's explanation, to be within the rule, must be to show to the committee the difference between the words "in pursuance of," and "conformably with," and to give reasons why the words he moves to insert should be adopted in place of those used in the amendment of his colleague.

Mr. CARTTER. I appeal from that decision.

Mr. DISNEY. I desire to say one word.

The CHAIRMAN. The appeal is not debatable.

Mr. DISNEY. I am not going to debate it at all. But as there seems to be a question about words, I desire that my amendment shall be read in my own English. I never used such English as has been read from the desk.

The CHAIRMAN. The Chair has certainly not altered a word of the gentleman's amendment.

Mr. DISNEY. I wrote it "in a manner conforming to."

The CHAIRMAN. The question is on the appeal from the decision of the Chair.

Mr. STANTON, of Ohio. I would inquire of the Chair, whether the construction which he puts on the 34th rule has ever been practically put upon it?

Mr. CARTTER. Never in the world.

The CHAIRMAN. It has been the uniform practice since the adoption of the rule; but, as the Chair before said, it must depend to a very great extent upon the regard paid to that rule by the members themselves.

Mr. CARTTER demanded tellers on the appeal; but they were not ordered.

And the question being taken, the decision of the Chair was sustained.

The question was then taken on the amendment to the amendment, and it was not agreed to.

The question recurring on Mr. DISNEY's amendment, it was put, and the amendment was rejected.

Mr. CARTTER. I now move the amendment just offered by my colleague, [Mr. DISNEY,] with this change, that I have inserted the words "in pursuance of" in lieu of "in conformity with."

Mr. HIBBARD. That amendment is substantially the same as the one just voted down, and I submit that it is therefore out of order.

The CHAIRMAN ruled the amendment out of order, on the ground that the committee had substantially rejected the amendment, having first voted down the amendment to the amendment and then the amendment.

Mr. ROBBINS. Is there any amendment now pending?

The CHAIRMAN. There is no amendment pending.

Mr. ROBBINS. Then I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly House bill No. 46, to provide for carrying into execution, in further part, the twelfth article of the treaty with Mexico concluded at Guadalupe Hidalgo, and had instructed him to report the same to the House without amendment.

Mr. JONES, of Tennessee. The position which I have occupied during the discussion upon this bill has precluded me from taking any part in it, or from making any explanation in justification of the course which I have heretofore, and which I shall upon this occasion feel it my duty to pursue. At the same time, my relation to this question at the last Congress and at the present Congress requires of me, I think, a few words in justification, or, at least, in explanation of my course; particularly when I reflect that there are those upon this floor who take a different view of this question to what I do, to differ from some of whom always creates in my mind a distrust of the correctness of my own opinions. But, sir, being thoroughly convinced, and as thoroughly satisfied of the correctness of the course which I have usually pur-

sued in regard to this measure, I desire to state, in a very brief manner, why it is that I now take that course.

It will be recollected that at the last session of Congress I was a member of the Committee of Ways and Means, from which a bill was reported to and passed by this House, to pay the third installment of the Mexican indemnity. I was also upon that committee when it reported to this House a bill to provide for the payment of this last installment. Both of these bills met my approbation, and they were reported here with my assent and approval. And this bill has been again reported at the present session with my consent and approbation. During this discussion, however, the course which the Committee of Ways and Means felt itself called upon to pursue has been called in question. Now, I want to know when the message of the President of the United States was referred to our committee, asking this House to appropriate the money necessary to pay this last installment, what was the duty of that committee? Why, it was our duty to inquire, in the first place, whether the money asked for by the President was required in order to carry into effect the stipulations of the treaty with the Government of Mexico. In the performance of that duty, therefore, we looked to the twelfth article of that treaty, and we found that this Government had bound itself by that treaty to pay the Government of Mexico \$15,000,000—\$3,000,000 to be paid down at the time of the ratification of the treaty, and \$3,000,000 at the end of each twelve months thereafter, with interest on the whole amount then due until the whole \$15,000,000 should have been paid.

[A message was here received from the President of the United States, by the hands of M. P. Fillmore, his Private Secretary, announcing that he had signed sundry bills.]

Mr. J. continued. In February, 1849, a bill was passed by the Congress of the United States, appropriating \$3,720,000, being the first installment, with the interest due up to the 30th of May, 1849. The same bill also appropriated the amount necessary for the payment of the second installment, which would be due on the 30th of May, 1850, and which, with the interest, amounted to \$3,540,000. That bill, which appropriated \$7,260,000 for the payment of the two first installments of this indemnity, was in precisely the same terms as the one now under consideration, except so far as regards the amount and date. It simply made an appropriation of the money, without giving any direction to the Executive in relation to the mode of payment. And it passed this House by a vote of 187 to 8. In 1850—at the first session of the last Congress—a bill, in precisely the same terms, making an appropriation of \$3,360,000, passed this House with only thirty-five or thirty-six votes against it. Now, when the President's message, asking for this appropriation this session, was referred to the Committee of Ways and Means, we looked into the treaty, and found that all the money which this Government had stipulated to pay, with the exception of the last installment, amounting, with the interest, to \$3,180,000, had been paid; which installment will be due on the 30th of May next. The committee report the bill making appropriation for the payment of this money exactly as all the other bills have been reported; but when it is brought in here, the question is raised, that we must direct the manner and mode in which the payment is to be made. That is a question with which I shall have no concern whatever. I come not here to defend the Secretary of State. I come not here to defend the Secretary of the Treasury. If the payment had heretofore been made by the Secretary of the Treasury, I would not interfere to direct it to be paid by any other officer. If the President of the United States should even direct the assistant Treasurer at the city of New York, or the assistant Treasurer at the city of New Orleans, or any other individual who might be selected as the medium through which this payment was to be made, I should not be willing to interfere by giving a different direction, and by that interference to release the Executive from all responsibility in the matter, and to take that responsibility upon ourselves, when this is clearly and exclusively a duty which belongs to the Executive of the country.

I can very well imagine why the Mexican Government should come here and ask that the Sec-

retary of the Treasury should pay this money. The Secretary of the Treasury, it will be recollected, during the late war with Mexico, evinced, in the opinion of the Democratic party, a much stronger partiality for the cause of Mexico than he entertained for the cause of the United States. But suppose we should direct the Secretary of the Treasury to make this payment, what do we do? What does it amount to? Why, it is saying that we have more confidence in Thomas Corwin, than we have in Daniel Webster. Now, I ask my friends upon this floor, if there is one here who is willing to say, by his vote, that he has greater confidence in Thomas Corwin, the Secretary of the Treasury, than he has in Daniel Webster, the Secretary of State?

Mr. DISNEY. I have greater confidence in him.

Mr. JONES. My friend from Ohio says he has greater confidence in him. I beg to say—

Mr. CARTER. I take pleasure in saying that, as far as I am concerned, I have no confidence in either of them.

Mr. JONES. Well, I do not intend by my vote to say that I have greater confidence in the present Secretary of the Treasury than I have in the Secretary of State. The Constitution of the United States provides that the Constitution and all the laws made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land. It says that the President shall be the Executive officer of the Government, and that it shall be his duty to execute the laws. Now, I hold that the treaty made with Mexico, and ratified by both Governments, is declared by the Constitution of the United States to be the supreme law of the Government, and the President is required to execute it. But the President cannot execute this provision of that treaty until Congress has placed at his disposal the amount of money necessary to enable him to make the payment, and to fulfill the obligations of the treaty which we have contracted and bound ourselves to comply with. Then I hold that it is the duty of Congress to appropriate the money necessary, and leave it to the President of the United States to direct the mode and manner in which it shall be paid.

But suppose we should adopt the amendment and provide that it shall be paid in the manner which the Mexican Government desires. Does any man suppose that the Mexican Government would take less than the amount which would be required to pay the installment in Mexico? Does any man suppose she would accept of less than one hundred cents upon the dollar if paid in the city of New York? The gentleman from Virginia [Mr. MEADE] says she would take four and a half per cent. less. Mr. Speaker, if there is any such evidence before this Congress or before the country, I confess that I have not seen it. I have not, perhaps, read this correspondence of the Mexican Minister, Mr. De la Rosa, with as much care as some other gentlemen. But in that correspondence, if I have read it aright, Mr. De la Rosa informs this Government, that the Mexican Government had received advances in money from Mr. Forstall. I do not see that he has any authority to ask this Government to pay Mr. Forstall in America, the money. It appears from this correspondence that the Mexican Government had received at one time \$400,000, and at another, \$250,000; but that Government is not bound to reimburse that money. Again, it is said that it could be paid on better terms through drafts on Mr. Marks. Now, I want to know, if it appears anywhere in this correspondence that the Mexican Minister was ever authorized to receive the money at all, or any part of it? I ask if there is a lawyer upon this floor—for I do not make any pretensions to one—who will say that a Minister Plenipotentiary and Envoy Extraordinary of Mexico can receive the money due from this Government to Mexico? According to my information, he cannot. I have seen no authority from that Government to Mr. De la Rosa to receive any part of this installment. But suppose our Government had accepted and paid the draft of Mr. Marks: had the Mexican Government ever engaged to accept those drafts? Not so far as we are informed. Mr. De la Rosa asks that this Government should accept them, but he did it without any authority from his Government, so far as I have seen, to make that request.

Now, sir, it seems to me that in this whole question it has not been a fight in regard to the manner in which this installment shall be paid, because the Government of the United States has lost anything which rightfully belonged to it, but because the Government has not had enough of the Shylock infused into it in this transaction—because we have not saved as much or made as much by the payment of this installment as we might have done. Now, let us see how these installments have been paid. The first installment of three millions, paid in cash, was, I understand, paid through General Butler, then commanding our forces, or a portion of them, in Mexico, at the time of the ratification of this treaty. He paid those three millions of dollars, and saved upon it, in the way of exchange, \$41,000. The second installment was paid in 1849, under an appropriation made in February of that year, and approved by Mr. Polk, when he was President. As I understand that question, Mr. Walker, the then Secretary of the Treasury, made a contract for the payment of the second installment before the law appropriating the money was passed. It was paid in Mexico, being the installment of \$3,000,000, and \$720,000 the interest upon the twelve millions unpaid from the ratification of the treaty to the time of the first payment, one year. That amount was paid, saving a premium of four and a half per cent. The \$3,720,000 paid in 1849, under the direction of Mr. Polk's administration, was paid with \$3,552,600, being a saving to the Government of \$167,400.

The second payment made under the appropriation act of 1849, and approved by Mr. Polk, but paid under General Taylor's administration, being \$3,540,000, was paid, less a premium of about four and one third per cent., being \$3,386,616 26, making a saving to the Government, upon that installment, of \$153,383 74.

The third installment of \$3,360,000 was paid with \$3,242,400, a saving of about three and a half per cent. premium, being a saving, in the aggregate, upon the third installment of \$117,600.

The present installment of \$3,180,000, if it shall be paid at a premium of three and a half per cent., will be paid with \$3,068,700—being a saving of \$111,300.

Then we find that the saving is as follows:

Upon the cash payment at the ratification of the treaty	\$41,000 00
Upon the first installment.....	167,400 00
“ “ second installment.....	153,383 74
“ “ third installment.....	117,600 00
“ “ fourth installment.....	111,300 00
	\$590,683 74

Making an aggregate of not quite \$600,000 saved, in the way of premium, upon the whole transaction with Mexico; and so much less than by the face of the treaty we were required to pay her. Now how is this done? If you directed the Secretary of the Treasury to pay this money, he certainly would not send to Mexico an agent, and there draw drafts upon this country, in order to raise the amount of money there to pay it, because he would have no authority to do such a thing. Then you use these agents—as this and all other governments have done, and, I presume, will do—in the performance of this sort of duties. These men go to Mexico and draw bills upon this country, upon England, upon France, perhaps upon Amsterdam, and other places, where the commerce of the country may require. They sell those drafts there, and when they have accumulated the money, they pay it to that Government and take a receipt therefor, and bring them here and receive the money from this Government.

Now I think the Committee of Ways and Means, at each time when it reported a bill in connection with that treaty, has discharged strictly and faithfully its duty to the country. I think that this bill should be passed as it comes from that committee, making the appropriation and giving no direction about it. If any gentleman here will come and ask for an investigation of this matter, to know when, where, how and in what manner there has been corruption or favoritism, by which high officers of the Government have improperly received money, or have improperly put money into the pockets of their friends, I will go with them, and give them every facility in my power, for a strict and scrutinizing investigation into the whole question, that it may be developed to Congress, and be exposed to the country.

Mr. HOUSTON. I ask the previous question.

Mr. JOHNSON, of Tennessee. I ask the gentleman from Alabama to withdraw his motion for a single moment. I wish to offer a single amendment; I intended to have offered in the committee; and I will move the previous question myself, if the gentleman desires it. It is as follows.

Provided, The President of the United States shall feel bound to accept of any propositions for the payment of said installment, that may be offered by the proper Mexican authorities, if not deemed inconsistent with the interests of the United States.

Mr. HOUSTON. If I withdraw for one, there is no telling where we shall stop. I feel it my duty to move it.

Mr. JOHNSON. Then I hope the House will vote down the previous question.

Mr. J. demanded tellers on the previous question; which were ordered, and Messrs. HOUSTON and CHANDLER were appointed.

The question was then taken, and the tellers reported—ayes 111; noes not counted.

So the previous question received a second, and the main question was ordered to be put. The main question being: Shall the bill be engrossed and read a third time? it was put and carried in the affirmative.

Mr. DUNHAM moved a reconsideration of the vote by which the bill was ordered to be engrossed and read a third time, and that the motion to reconsider be laid upon the table; which latter motion was agreed to.

The bill was then read the third time, and the question now being, Shall the bill pass?—

Mr. HOUSTON called for the previous question.

The previous question received a second, and the main question was ordered to be put, which main question was, Shall the bill pass?

The question was then taken, and under the operation of the previous question, it was finally passed.

Mr. DUNHAM moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table, which latter motion was agreed to.

THE CUBAN PRISONERS.

Mr. BAYLY. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. My object is to take up the bill for the relief of the Cuban prisoners.

Mr. STANTON, of Ohio. I hope the House will go to the regular order of the day.

The SPEAKER. The motion is a privileged one.

The question was then taken on the motion of Mr. BAYLY, and it was agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. STEPHENS, of Georgia, in the chair.)

The CHAIRMAN stated that the first business in order was the annual message of the President of the United States.

Mr. BAYLY. I move to lay that aside in order to take up the bill I referred to just now.

Mr. CLINGMAN. I have no objection to the motion of the gentleman, but I want to know what is the decision of the Chair upon this question. I understand it is regarded as in order for the chairman, or any other member of the Committee on Printing, to call up the question relating to the printing contract with Donelson & Armstrong at any time. I have no disposition to call it up. I want to know if the Chair holds that to be a privileged question which can be gotten rid of only by unanimous consent, or that any member may call it up?

The CHAIRMAN. The opinion of the Chair is, the business before the committee should be taken up regularly in its order, and that a motion must be made to dispense with each case as it is called.

Mr. CLINGMAN. I am satisfied with that decision, if it is acquiesced in by the committee.

The CHAIRMAN. If it is the unanimous consent of the committee, the regular order of business will be dispensed with, and bill 63, "For the relief of American citizens lately imprisoned and pardoned by the Queen of Spain," will be taken up.

There was no objection.

The CLERK read the bill as follows:

An act for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated the sum of — dollars, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain, and who are out of the limits of the United States, the same to be expended under the direction of the President of the United States.

Mr. BAYLY. I made a call upon the Administration for an estimate of the sum which will be necessary for the relief of these prisoners. The estimate sent in is in these words:

DEPARTMENT OF STATE, }
WASHINGTON, January 8, 1852. }
To the Hon. THOMAS H. BAYLY,
Chairman of the Committee on Foreign Affairs:

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, requesting, on behalf of the Committee on Foreign Affairs, an estimate of the sum which may be necessary to carry into effect the President's recommendation in respect to the members of the Lopez expedition recently set free in Spain. In reply, I have the honor to acquaint you that, according to the best information in possession of this Department, the number of those persons is from one hundred and sixty to one hundred and seventy. Some expenses will probably have been incurred on their account prior to their release, and many of them will have required necessary clothing. This, including the cost of their passage home, may fairly be estimated at thirty-five dollars each. An appropriation of six thousand dollars would, therefore, probably be sufficient for all these purposes.

I have the honor to be, sir, very respectfully, your obedient servant,
DANIEL WEBSTER.

I move, therefore, that the blank in the bill be filled with "six thousand." If members will look at the bill they will see that it is carefully drawn. It provides for the appropriation of — dollars, or so much thereof as may be necessary, out of the money in the public Treasury not otherwise appropriated, for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain, and who are out of the limits of the United States, the same to be expended under the direction of the President of the United States. I shall not detain the committee with any remarks in advocacy of the bill. I think it vindicates itself.

The question was taken upon the amendment, and it was agreed to.

Mr. BAYLY. I move that the committee rise and report the bill to the House.

Mr. GIDDINGS then obtained the floor, and said he would avail himself of the opportunity to speak upon the subject of the foreign relations of the country, although not perhaps directly affecting the bill before the committee. He delivered a general speech on the doctrine of national intervention, which will be found in the Appendix.

Mr. BAYLY, of Virginia. I do not propose at this time to debate the subject of intervention. A proper opportunity will occur for that when we go into Committee of the Whole on the state of the Union on the President's message; after that another opportunity will occur upon a report which will come from the Committee on Foreign Affairs; but what I propose now to do is, to ask the committee to rise and stop this debate, that we may pass this bill appropriating six thousand dollars for the relief of some poor and deluded citizens of our own country, who have practically tested the expediency of intervention in the affairs of a foreign country. [Laughter.] I move that the committee do now rise.

Mr. SEYMOUR, of New York. I wish to say to the gentleman from Virginia that I desire this bill be laid aside to be reported to the House, to enable me to take up a bill to which I wish to propose an amendment. It is a bill which will not provoke any discussion, and is very much needed to be passed now.

Mr. BAYLY. The gentleman from New York will perceive my object is to stop debate upon this bill, and to bring the House to action upon it at once. I cannot consent to have this bill laid aside. If it is to pass at all it should be passed at once. I move that the committee rise.

Mr. CARTTER. I have an amendment I wish to offer. It is this:

Provided, That nothing in this act shall be construed into an approbation of any interference in the domestic affairs of Cuba by any of the citizens of the United States.

Mr. BAYLY. I rise to a question of order. It is this: Pending a motion to rise an amendment is not in order.

Mr. CARTTER. I have the floor, I believe.

The CHAIRMAN. The Chair will state that he understood the gentleman from Virginia [Mr.

BAYLY] to make the motion that the committee rise and report the bill to the House. Upon which understanding the Chair had assigned the floor to the gentleman from Ohio [Mr. CARTTER] to make a motion.

Mr. BAYLY. On the contrary, as soon as he stated that he desired to make an amendment I modified my resolution so as to make it a simple motion to rise.

The CHAIRMAN. The Chair understood the gentleman from Virginia to move that the committee rise and report the bill.

Mr. BAYLY. But when the gentleman from Ohio gave notice that he had an amendment, I saw at once I could not do that, and I modified my motion so as to make it simply that the committee rise.

The CHAIRMAN. I understand it, and will put that question first.

The question was then taken on the motion of Mr. BAYLY, and it was agreed to.

So the committee rose, and the Speaker having resumed the chair, the chairman of the committee (Mr. STEPHENS, of Georgia) reported that the Committee of the Whole upon the state of the Union had had the state of the Union generally under consideration, and particularly House bill No. 63, being a bill for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain, and had directed him to report that they had come to no conclusion thereon, and asked to be allowed to sit again.

Mr. BAYLY. I move the usual resolution to stop debate upon this bill in five minutes after the committee shall have resumed its consideration.

The question was then put and the resolution was agreed to.

Mr. BAYLY. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole on the state of the Union.

Mr. CARTTER. Is it in order to move an adjournment? Three o'clock has arrived.

The SPEAKER. It is.

Mr. CARTTER. Then I move that this House do now adjourn.

[Cries of "No!" "No!"]

Mr. SKELTON called the yeas and nays upon adjournment; which were not ordered.

The question was then taken on the motion to adjourn, and it was not agreed to.

Mr. JOHNSON, of Tennessee. I suggest to the gentleman from Virginia, [Mr. BAYLY,] that we can in this House discharge the committee from the further consideration of this bill, and there is no necessity for the proceeding the gentleman asks for.

Mr. STEPHENS, of Georgia. Only by unanimous consent.

The SPEAKER. It requires unanimous consent.

The question was then taken on the motion of Mr. BAYLY, and it was agreed to on a division of the House—ayes 99, noes not counted. So the House again resolved itself in Committee of the Whole on the state of the Union, (Mr. STEPHENS, of Georgia, in the chair,) and resumed the consideration of the bill No. 63.

Mr. CARTTER. I offer the following amendment:

Provided, That nothing in this act shall be construed into an approbation of any interference in the domestic affairs of Cuba by any of the citizens of the United States.

Mr. CARTTER. I submit that amendment in good faith.

Mr. BAYLY. I rise to a question of order. My question is, that the amendment is not germane to the bill.

The CHAIRMAN. The Chair thinks, under the circumstances, that it is germane. Where individuals convicted, according to the bill, of a violation of the laws of Cuba, it is certainly germane to declare that, in the passage of this bill, we express no approbation of their conduct. The amendment is in order.

Mr. CARTTER. The appropriation of six thousand dollars contemplated by this bill, is designed for the purpose of bringing home certain men who have violated the neutrality laws of this country and the national sovereignty of a foreign Power. Our own laws are either at fault, or this appropriation ought to be made, under the circumstances, to promote the efficiency of those laws. If the proposition were to expend money to deliver your penitentiaries, all would vote

against it. The reason why we vote this amount is because it is regarded as a sort of political offence, and those who have violated the neutrality laws are entitled to considerations that relate to political offences alone. I consider it important to the integrity of your own laws, important to the national integrity of this Government, that while we extend this relief from the dictates of humanity, we should throw around these laws a significance which will preserve their force. But a few years since and we had this filibustering expedition upon our northern frontier, and citizens of the United States were led to the scaffold and into the prisons of the provinces of Canada, or were transported to Van Diemen's Land, to drag out their imprisonment there. When they were released by the clemency of the British Government, you heard nothing about expending money from the public Treasury to bring them back to the United States. They were compelled to drag themselves back here with the assistance of benevolent foreigners.

[Here the hammer fell.]

The CHAIRMAN stated the hour fixed by the House for the termination of debate had arrived.

Mr. EVANS. Mr. Chairman, I desire—

Mr. BAYLY. I have the right, after the debate has closed—having reported the bill—to be heard one hour under the rules.

The CHAIRMAN. The Chairman recognized the gentleman from Maryland, [Mr. EVANS]—not knowing what motion he had to submit.

Mr. EVANS. I rise for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Virginia is in order under the rules.

Mr. SWEETSER. I had supposed that the gentleman was entitled to his hour after all amendments had been considered in the Committee of the Whole.

The CHAIRMAN. He is entitled to his hour after the time fixed for the termination of the debate.

Mr. BAYLY, of Virginia. Gentlemen need not suppose I am going to occupy an hour. I shall not occupy more than five minutes. I hope the bill may pass. The gentleman from Ohio [Mr. CARTTER] seems to think that our making provision to bring these prisoners home, is an approbation of their conduct. Now, let me give the gentleman a simple illustration, which will, I am sure, refute his argument at once. It is the law of Virginia, and I presume the law of Ohio, that when the courts send a man to the penitentiary, and incarcerate him there until the expiration of his term of punishment, or until he is pardoned, there shall be paid to him money sufficient to get him other clothes than those worn in the penitentiary, and to carry him home. This is the law, I presume, in all of the States. It is a matter of sheer humanity, and I take it for granted that it is the same in all of the States. After we have punished a man—after he has expiated his offence—is it a crime to afford him money to get back home? The simple statement is a refutation of the proposition. But the gentleman from Ohio says further, that if we have power to appropriate these \$6,000 to bring home these Cuban prisoners from Spain, we have authority to appropriate money to carry home the convicts from State penitentiaries that may be turned out. Now, we would have no authority under the Constitution to appropriate this money were these men in our own territory. It is because they are in foreign countries, because it is a matter pertaining to our foreign relations that we have the power to appropriate this money. It is the distinction that Mr. Madison took. It is the distinction that Mr. Calhoun took in voting for the bill for the relief of the sufferers at Caracas.

As to that Caracas affair, I always doubted the constitutionality of it, because it was for the relief of foreigners and not American citizens. When our citizens are within the limits of any of the States, the General Government has nothing to do with them. They are under the jurisdiction of the separate States, and it is for the States to take care of them; but when they are beyond the limits of the United States, they are under the protection of our Government, and it is our duty to take care of them. It is for that reason we have appropriated annually from the foundation of the Government to this time a sum of money to relieve disabled and sick seamen in foreign

countries; but no one will maintain we have a right to make an appropriation to relieve—

Mr. CARTTER. I wish to inquire, in all seriousness, if the gentleman puts disabled seamen as a tender against the neutrality laws of the United States and against—

Mr. BAYLY. I am now speaking of our power. The gentleman denied our authority to make the appropriation.

Mr. CARTTER. No; I did not. I am willing to vote for your bill, if you will save your laws.

Mr. BAYLY. If I had understood the gentleman was not denying our authority, I should not have spoken upon that point. I say that it is precisely because these people are beyond the limits of the United States; that they are not under the protection of any State government—they are by our Constitution emphatically under the protection of the National Government. We have the authority to grant them that relief which, were they in the States, the State governments would have to extend. That is the distinction.

Mr. MEADE. I ask my colleague to give me information upon this point: Are these prisoners still in Spain, or on their way to the United States, and at whose expense?

Mr. BAYLY. We have no information upon that point. They probably are still in Spain. They are certainly there unless some charitable ship-master is bringing them here, or unless the Queen of Spain is sending them home. If the Queen of Spain was sending them home, it would be truly decent and proper in us, before we have that information, to make an appropriation for their relief. We only appropriate so much as may be necessary for their relief, and we hold the President accountable for the manner in which he expends the money. I shall not detain the House further. I hope the bill may pass.

Mr. POLK submitted the following amendment to the amendment:

Nor in any way imply a disposition on the part of this House, to violate the principle embodied in the Farewell Address of President Washington, by encouraging the opinion that our Government will interfere in the affairs of European powers.

The question was then taken, and the amendment rejected.

Mr. CARTTER demanded tellers upon his amendment; which were ordered, and Messrs. MEACHAM and CARTER were appointed.

The question was then taken upon the amendment to the bill, and the tellers reported that there were—ayes 79, noes 58.

So the amendment was agreed to.

Mr. CAMPBELL, of Ohio. I propose to amend; and have only a word to say, and for the purpose of getting an opportunity to say it, I move to add to the bill an appropriation of \$500 to the widow and children of Lieutenant Crittenden, who was shot down at Havana.

Mr. ORR. I rise to a question of order. The proposition of the gentleman from Ohio is not germane to the bill under consideration.

The CHAIRMAN. The Chair so decides.

Mr. CAMPBELL, of Ohio. I then move to strike out "\$6,000" and insert "\$100."

The CHAIRMAN. The Chair is of the opinion that the amendment is not in order, inasmuch as "\$6,000" was put in by the committee.

Mr. CAMPBELL. I will add "\$500," making it "\$6,500."

The CHAIRMAN. The Chair is of the opinion that the amount cannot be changed. The committee have filled the blank.

Mr. CAMPBELL. I will make this motion: "that the Secretary of State be authorized to make the disbursement of the fund."

The CHAIRMAN. The Chair suggests that the gentleman had better strike out "under the direction of the President of the United States," and insert "under an agent to be appointed by the President of the United States."

Mr. CAMPBELL. I have no copy of the bill before me, but will make a motion then to amend it. I desire simply to say that I am opposed to this bill, and shall so vote when the question is taken on its passage. I was in favor of the amendment of my colleague excluding the inference that we indorsed the Cuban enterprise.

The CHAIRMAN. The Chair calls the gentleman to order. He must confine his remarks to the amendment he offered.

Mr. CAMPBELL. If the rules are to be enforced more strictly than they ever have been before, why, of course, I will submit. I am a law-abiding man, and desire to conform to the rules. I may be permitted to say, that such an application of the rule has never been made.

[Cries of "Go on!" "Go on!"]

I should have been done before this if I had been allowed to go on.

Mr. ORR. The rule has been enforced with equal strictness upon other gentlemen.

The CHAIRMAN. The gentleman in his remarks must confine himself to the amendment he offered. Such was the decision of the committee to-day.

Mr. CAMPBELL. After having this decision of the Chair, I will prove my disposition to obey the law and shall not insist upon debating the amendment. Besides, I confess that for the faithful disbursement of the fund if appropriated, I have as much confidence in the officer (the President) selected already by the bill, as in the Secretary of State. I will withdraw the amendment.

Mr. CAMPBELL, of Ohio. I would inquire whether it would be in order to move to strike out all after the enacting clause?

The CHAIRMAN. It will be, if the gentleman offers to insert something.

Mr. CAMPBELL. I make the motion, then, to strike out all after the enacting clause, and insert an appropriation of \$500 to the widow and children of Lieutenant Crittenden.

Mr. POLK. I would ask the gentleman from Ohio if Lieutenant Crittenden was married?

Mr. CAMPBELL. I don't know whether he was or not, and I don't care much, as my chief purpose is to raise my voice against this bill in a five minutes' speech—this being the last chance. If he was never married there will be no money to be paid under my amendment, if it prevails. I will add on that point, that I regard it as a great loss if a man of such indomitable bravery and courage as Lieutenant Crittenden, in his dying hour, showed he possessed, whatever might have been his follies, was not married. He ought to have left some children. I am opposed to this bill, because it provides an appropriation of a large amount of money out of the public Treasury, to bring back to the United States those who are admitted by the chairman who reports the bill, to have been criminals—to bring back those who are acknowledged to have violated our laws, and to have put in jeopardy the peace of friendly nations. I am not in favor of making an application of the funds of the public Treasury to any such purpose. There are very many excellent citizens of the West who, in pursuing an honest business—in carrying on lawful trade—in going to New Orleans with produce, for instance, have met with misfortunes upon our western waters, resulting from the snags in the Mississippi and other rivers, which the strict constructionists of this House could not consent to have taken out. They were left there far away from their homes and friends, without the means of returning to them.

Mr. BAYLY, of Virginia. I would ask the gentleman why Ohio did not provide for them?

Mr. CAMPBELL. Because our people never ask or expect to be relieved from such inconveniences by their Government. They rely upon the labor of their hard hands and the impulses of their bold hearts for relief. These very men who through misfortune were deprived of the means of returning to their families, never dreamed of calling on the national Government for help. They "worked their passages" homeward, as deck hands and firemen on steamboats; and if we compel honest people, who are loyal citizens, to do this, I ask, what power have we—what right have we—what reason have we, to take the very money which they have earned in part, and placed in your Treasury, and over which we are their chosen guardians, and appropriate it to the benefit of those who are acknowledged to be criminals before the whole world? It seems to me that is carrying the matter a little too far; and for one, though I may stand solitary and alone, I go against this whole system, which glorifies and pays for violations of law, at the expense of industrious, innocent poverty. These men are there—let them get back upon their own resources. It was a voluntary act of their own when they went to Cuba. They went there with a full knowledge of the dangers to which they subjected themselves

and their country, and in direct violation of the laws of the land—in the face, too, of the solemn and friendly warning which the President of the United States had given them by his proclamation. And yet, forsooth, we propose, after they have had a ride over the salt water, to heroize and lionize them, to pay their wine bill, &c., and that they should travel back at the public expense.

Mr. PENN. How does the gentleman propose to get them back?

Mr. CAMPBELL. I have no particular desire about their coming back until they earn enough to pay their expenses, and are thoroughly reformed. Let them work their passage, as honest people do, who are away from home without money. Let them act as firemen upon your steamers—let them black the boots of the passengers, if they please, as better men have often done before.

Mr. PENN. How will you clothe them?

Mr. CAMPBELL. I understand the Queen of Spain has already clothed them; if not, let them do it in the same honest way, by the labor of their hands and sweat of their brows.

Mr. PENN. They have no clothes.

Mr. CAMPBELL. They will have to come naked, then, because we have no power to clothe the poor and distressed out of the national Treasury—

[Here the hammer fell.]

Mr. STUART. I am greatly surprised at the position of the gentleman from Ohio, [Mr. CAMPBELL.] I am not less surprised at the course of his remarks than to learn the source from which he ever drew his doctrine. Is any such doctrine taught upon the face of the earth? I ask the gentleman, beginning with the time when the Saviour came to this world, and coming down to the present time, to tell me, whether he has ever read of doctrines such as he has uttered here to-day? I am aware that the Government of the United States, through its Executive branch, went too far—greatly too far—when it proclaimed in advance that these men were outlaws and pirates, and thus furnished the Cuban and Spanish powers with grounds for treating them as pirates—to be considered as beyond and outside of our treaty obligations, and hence not entitled to the privileges of American citizens.

But, sir, has it come to this, that we rise here in our places and say, that fellow-citizens who have been thus unfortunate are to be brought back to their homes, to their firesides, to their friends, to their parents, hungry, naked, outside of humanity, outside of the protection even of God himself! If that doctrine is to be carried out—

Mr. CAMPBELL, of Ohio. Will the gentleman allow me a word of explanation?

Mr. STUART. Certainly.

Mr. CAMPBELL. The gentleman must not understand me as having, as an individual, no feeling of sympathy with these unfortunate men, who, having been misguided, may have been placed in a situation of this character. So far as I might aid a fellow man in that situation—in misery and want—I would doubtless, as an individual, be willing to go just as far as the gentleman from Michigan to relieve him by my individual means; but when the proposition is, to vote out of the national Treasury a fund for such a purpose, I say that we have no power to appropriate the money of the people to alleviate even the distresses of those who, in honest and lawful pursuits, are reduced to nakedness and want, much less to pay such a reward for a violation of the established law of the land.

Mr. STUART. The gentleman did not come to this question of power before. He did not argue his amendment before the committee upon the question of power. He never alluded to it, and I only rose—as I am averse at all times to detain the House—to repel such positions as he assumed in his remarks.

Mr. CAMPBELL then withdrew his amendment.

Mr. EVANS moved to amend the bill by adding thereto the following:

Provided, That the President of the United States shall send no ship of war for the purpose of bringing back these prisoners.

Mr. E. said: I take it that if a ship of war was sent to Spain to bring back these prisoners, it would be deemed an act of intervention on the part of this Government. Gentlemen see that I

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know how to get up an anti-intervention amendment. [Laughter.] It would be a decided act of intervention, and I am opposed to intervention by the Government of the United States with foreign powers. I voted against the amendment of the gentleman from Ohio, [Mr. CARTER,] because I thought it improper and out of place, but not because I am in favor of intervention. Sir, this is not a case of intervention at all. If these persons did intervene in the affairs of Spain by going to Cuba, the crime is at an end in consequence of the pardon of the Queen of Spain, and we do not intervene in the affairs of foreign nations by voting money to bring them home again. But the gentleman from Ohio [Mr. CARTER] argued that these men were punishable under our own laws. Take it for granted that they were—

The CHAIRMAN. The Chair would suggest to the gentleman, that he must confine his remarks to his own amendment.

Mr. EVANS. Take it for granted, that these persons are punishable by our own laws, so you cannot get at them to punish them, until they are brought back to this country. That is the only way in which you can enforce the laws. The voting of this money is not an act of intervention in the affairs of Spain at all, and for that reason I was opposed to the amendment of the gentleman from Ohio [Mr. CARTER] which has been adopted.

But, sir, these are miserable misguided men; they are generally young men; they are inexperienced.

The CHAIRMAN. The Chair calls the gentleman to order. The general merits of the bill are not now before the committee.

Mr. EVANS. I am showing why the President should not send a ship-of-war after these persons. I say that these are very young and misguided men; many of them—most of them have not arrived at years of discretion, and they are not, therefore, to be judged by too rigid rules, and certainly, every dictate of humanity, and every impulse that can properly prompt the human heart, would lead us to vote this appropriation to bring them back to their families and friends.

Mr. SAVAGE. I wish to speak in opposition to the amendment. I think that a ship-of-war ought to be sent after these unfortunate men. I think so, not only from my understanding of the principles of humanity, which should control all Governments, but I think it ought to be done in accordance with a precedent which has been established by this Government, and which I had the honor of opposing—if it be an honor. We sent a ship-of-war to a foreign country to bring over a man and his associates, who were engaged in a cause which I cannot distinguish from the one in which these persons were engaged. I allude to the ship-of-war which was sent for the Hungarian exiles, who have had the honor of being transported to this country from an imprisonment not so degrading, or so confining, or so necessary as the one which has overwhelmed these unfortunate citizens of ours.

I think, too, that this Government is to a great extent responsible for the unfortunate predicament in which these men are now placed. This Government chose to interfere originally in this scheme, and I believe that if it had remained quiet and had not given its countenance against these men who were endeavoring to uproot the tyranny which was oppressing Cuba, they would to-day, instead of being condemned as pirates and imprisoned by a foreign power, have been the liberators of a State and the founders of a Republic.

[Here the hammer fell.]

Mr. ORR. I desire to inquire of the gentleman from Ohio, [Mr. CAMPBELL,] how he voted upon the resolution to bring Kossuth to this country?

Mr. CAMPBELL. I will answer the question with great pleasure.

The CHAIRMAN. The Chair holds the inquiry to be out of order.

Mr. ORR. I have the record here, and the gentleman voted in the affirmative.

Mr. CAMPBELL, (in his seat.) That vote required no appropriation of money.

Mr. EVANS asked leave to withdraw his amendment.

Mr. JOHN W. HOWE objected.

And the question being taken, the amendment was rejected.

Mr. BAYLY moved that the committee rise, and report the bill to the House as amended.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly House bill No. 63, "for the relief of certain American citizens lately imprisoned and pardoned by the Queen of Spain," and had directed him to report the same to the House with two amendments, in which he asked the concurrence of the House.

Mr. BAYLY, I desire to say something against one of the amendments, but I will not do it now, as I am anxious for the bill to pass in any form. The second amendment, reported by the Committee of the Whole on the state of the Union, is, however, entirely unnecessary, and I hope the House will not agree to it. I now call for the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER stated the first question to be on concurring in the amendment of the Committee of the Whole on the state of the Union, to fill the blank with the words "six thousand."

The question was then put, and it was agreed to. So the House concurred in the amendment.

The SPEAKER stated the next question to be on concurring in the amendment of the Committee of the Whole on the state of the Union, to add to the bill the following:

Provided, That nothing in this act shall be construed into an approbation of any interference in the domestic affairs of Cuba, by any of the citizens of the United States.

Mr. STANLY called for the yeas and nays; and they were ordered.

Mr. STANLY. There are some sick members—sick upon the subject of intervention, whom I want to hear, and I therefore move that the House do now adjourn.

The motion was agreed to, and the House accordingly adjourned until twelve o'clock to-morrow.

NOTICES OF BILLS.

By Mr. HENN: A bill for the laying off of the town of Kanawha, Iowa, and for other purposes.

Mr. CHANDLER gave notice that he should at the earliest day possible ask leave to introduce a bill authorizing the repairs of piers at Port Penn, and the construction of a shelter for vessels at Reedy Island, in the Delaware river.

Mr. WEIGHTMAN gave notice, under the rule, of his intention to introduce a bill to authorize the issue of arms, ammunition, and equipments, at the discretion of the Secretary of War, upon the requisition of the Governor of the Territory of New Mexico, for the purpose of arming the militia, volunteers, rangers, and Pueblo Indians of said Territory.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. DAVIS, of Massachusetts: The petition of James Reed and others, citizens of Boston, that the expenses and charges attendant upon the exhibition of American goods at the World's Fair may be reimbursed.

By Mr. KURTZ: The petition of George P. Welsh and Clark H. Wells, passed midshipmen in the United States Navy, asking for masters' pay during the time they performed the duties of lieutenants, under the circumstances set forth in their petition.

By Mr. PRICE: The petition of Henry A. H. Martin, E. B. Titsworth, Isaac Webster, and other citizens of New Jersey, representing that they consider the importation of intoxicating liquors into this country a source of great evil, and pray the enactment of a law prohibiting entirely the importation of such liquors.

By Mr. WALLACE: The petition of Jane Gaston, of South Carolina, widow of Joseph Gaston, praying that the invalid pension granted to her husband in his lifetime, may be also granted to her.

By Mr. ASHE: The petition of R. Morisy, H. Currie,

and H. Vail, deputy marshals, praying for increased compensation for the taking of the census.

By Mr. BROWN, of Mississippi: The petition of J. B. Christman, for himself and others, praying the establishment of a mail-route from Westville, Simpson county, Mississippi, to Monticello, Lawrence county, in the same State.

By Mr. MOORE, of Pennsylvania: The memorial of John F. Dumas, of Philadelphia, in relation to balance of claim against the French Government.

By Mr. FLORENCE: The memorial of Captain Jonas P. Levy, in relation to his claims on Mexico assumed by the United States under the 8th, 9th, 13th, and 14th articles of the treaty dated Guadalupe Hidalgo, February 2, 1848, complaining of injustice done him by the commissioners for the settlement of said claims, charging them with negligence by the loss of important papers, and petitioning Congress to order an investigation whereby his claims may be fairly considered and he thereby obtain compensation for his losses as has been provided for by law.

By Mr. HUNTER: The petition of Amos Armstrong, of Mr. WHITE, of Kentucky: The petition of sundry citizens of Owsley county, Kentucky, praying the establishment of a mail route from Booneville, Owsley county, Kentucky, passing Pond Creek, to London, Laurel county, Kentucky.

By Mr. PORTER: The petition of Jennie D. Haskins, widow of Lieutenant Charles Haskins, who fell at Monterey, Mexico, September 21, 1846, asking for a continuance of her pension.

By Mr. WEIGHTMAN: A memorial (signed by a citizen of New Mexico,) praying that — thousand copies of the annual message of the President of the United States to both Houses of Congress, and annual reports of heads of Departments, transmitted at the present session of the present Congress, be printed in the Spanish language.

By Mr. PICKLIN: The petition of Lewis Carberry, William M. K. Osborn, John H. King, and Richard Sheekell, and seven or eight hundred other citizens of Georgetown, District of Columbia, praying that Congress would extend Pennsylvania Avenue to Rock Creek, and over a bridge into Georgetown; and that the said bridge be constructed by order of Congress, and to connect Georgetown with such measures as may be adopted for bringing a supply of water into Washington from the Potomac river, and extending gaslights on Bridge and High streets in said town. And also, that a code of laws suitable to the interests of the people of the District may be prepared and passed by Congress.

By Mr. HENN: The memorial of a convention of delegates assembled at Oskaloosa, Iowa, on the 25th day of November, 1851, asking a grant of land to aid in the construction of a railroad from Davenport, via Muscatine and Oskaloosa, to Traders' Point, on the Missouri river.

Also, the petitions of Orson Hyde, Daniel McIntosh, G. W. Armstrong, and Joseph A. Kelting, a committee on the part of the citizens of Kanawha, Iowa, asking that the owners and occupants of lots in said town may be permitted to enter a tract of land one mile square, to include the site of said town, by paying therefor at the rate of \$1 25 per acre.

Also, the memorial of Professor D. L. McGuay, President of the "Iowa Medical College," asking a change in the law governing postage on reports and pamphlets issued by scientific institutions and societies.

IN SENATE.

THURSDAY, January 29, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tem.* laid before the Senate a report from the Secretary of the Interior, communicating, in compliance with a resolution of the Senate of the 21st instant, information in relation to the plan adopted in preparing the census returns, and their estimated bulk, when printed; which was read.

On motion by Mr. HAMLIN, it was Ordered, That it lie on the table and be printed.

PETITIONS.

Mr. COOPER presented the petition of Margaret Barnitz, only surviving child and heir of David Grier, an officer in the Army of the Revolution, praying commutation pay; which was referred to the Committee on Revolutionary Claims.

Also, three memorials of the citizens of Pittsburgh, praying Congress for an appropriation for the construction of a ship canal around the rapids of the Ste. Marie; which were referred to the Committee on Commerce.

Also, the memorial of citizens of Washington county, Pennsylvania, praying that the transportation of the mails on the Sabbath may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Also, the memorial of citizens of Alleghany county, Pennsylvania, praying for an increase of duty on salt; which was referred to the Committee on Finance.

Also, the memorial of citizens of Philadelphia, praying an appropriation for the erection of harbors and breakwaters in the Delaware; which was referred to the Committee on Commerce.

Mr. CLARKE presented a resolution of the Legislature of Rhode Island, against restoring corporal punishment in the Navy, and in favor of abolishing the spirit ration in that service.

Ordered, That it be referred to the Committee on Naval Affairs and printed.

Mr. FISH presented a petition of journeymen cigar makers of Ogdensburg, New York, praying an increase of the duty on imported cigars; which was referred to the Committee on Finance.

Mr. BORLAND presented a petition of citizens of Arkansas, praying the establishment of a mail rout from Boonsville to Fort Smith; which was referred to the Committee on the Post Office and Post Roads.

Mr. GWIN presented a resolution of the Legislature of California, recommending the payment of a debt incurred by the City of Sacramento in providing for the sick, and the burial of deceased emigrants, who arrived in that city.

Ordered, That it lie on the table and be printed.

Mr. DOUGLAS presented a memorial of the Mayor and Common Council of the city of Chicago, Illinois, asking permission to make an alteration in the Chicago river, for the improvement of the harbor at that place; which was referred to the Committee on Military Affairs.

Mr. FISH submitted an extract of a letter from an officer of the Army, stationed in New Mexico, showing the inadequacy of his pay to defray the expenses of his board; which was referred to the Committee on Military Affairs.

Mr. STOCKTON presented the memorial of J. M. Browne, praying that bounty land may be allowed to the volunteer companies called out for the protection of the maritime frontier of New Jersey in the last war with Great Britain; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. MILLER, it was

Ordered, That the memorial of inhabitants of Little Egg Harbor, on the files of the Senate, relating to the improvement of that harbor; and the memorial of the townships of Ocean and Shrewsbury, New Jersey, on the files of the Senate, relating to the improvement of the Shrewsbury river, be referred to the Committee on Commerce.

On motion by Mr. DOWNS, it was

Ordered, That the memorial of the first regiment of Louisiana volunteers, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the petition of Sally Bass, heir of Charles Pasture, deceased, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. WADE, from the Committee of Claims, to which was referred the petition of Sarah Flinn, submitted a report, accompanied by a bill for her relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

He also, from the same committee, to whom was referred the petition of David Osburn, reported a bill for his relief; which was read and passed to the second reading.

He also, from the same committee, to which was referred the petition of C. H. Blood, reported "that the prayer of the petition ought not to be granted."

Mr. HAMLIN, from the Committee on Commerce, reported a bill making an appropriation, in part, for the erection of the light-house on Sand Key, Florida; which was read and ordered to a second reading.

Mr. H. I ask the attention of the Senate for one moment in relation to this bill. It will be noticed that it makes an appropriation of \$5,000 for the completion of the light-house on Sand Key, in Florida. It is not a sum sufficient to complete that light-house; but there is now a cargo of iron lying in a vessel at that place, and there is no money under the control of the Department to pay for freight and charges upon it. The Government is consequently liable to a certain daily sum as demurrage; and I hope, therefore, that this bill may be passed at this time.

By unanimous consent the bill was read a second time, considered as in Committee of the

Whole, reported to the Senate, and ordered to be engrossed for a third reading.

Mr. JAMES, from the Committee on Revolutionary Claims, to which was referred the memorial of Jane Irwin, submitted a report, accompanied by a bill for her relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. DOWNS, from the Committee on Private Land Claims, to which was referred the petition of George Jennings and others, submitted a report, accompanied by a bill for the relief of Thomas D. Jennings.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. DODGE, of Wisconsin, from the Committee on Commerce, to which was referred the petition of John McReynolds, of Detroit, reported a bill for his relief; which was read and passed to the second reading.

BILLS INTRODUCED.

Mr. McRAE, agreeably to previous notice, asked and obtained leave to introduce a bill entitled "An act to repeal the proviso in the act of Congress entitled 'An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1852, and for other purposes,' approved March 3, 1851, relating to the salaries of the officers of the Territories of the United States;" which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. BRADBURY, agreeably to previous notice, asked and obtained leave to introduce a bill to alter and amend the judicial system of the United States; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. BRADBURY said: As the subject is one of great interest, I will state some of the most important provisions of the bill at this time.

It proposes to confer on the several district courts of the United States the powers and jurisdiction now exercised by the circuit courts in their respective circuits.

It proposes to create a court of appeals, consisting of the justice of the Supreme Court of the United States assigned to the circuit where the court is held, and the judges of the several district courts in such circuit.

It proposes to give to these courts of appeal the jurisdiction of cases brought from the district courts, in the same manner they are now brought therefrom to the Supreme Court.

It proposes to authorize appeals and writs of error from the decisions of the courts of appeal, to the Supreme Court, in cases where the matter in controversy exceeds \$5,000, and when is drawn in question the constitutionality of a law of Congress or of any State. It also makes provision for California and Oregon.

Mr. FISH, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of William Bedient, late a sergeant in the fourth regiment of artillery; which was read a first and second time by its title, and referred to the Committee on Pensions.

CUBAN PRISONERS IN SPAIN.

A message was received from the House of Representatives by Mr. FORNEY, its Clerk:

Mr. PRESIDENT: The House of Representatives have passed a bill entitled "An act for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain; in which it requests the concurrence of the Senate."

MEXICAN INDEMNITY.

A message was received from the House of Representatives by Mr. FORNEY, its Clerk:

Mr. PRESIDENT: The House of Representatives have passed a bill providing for carrying into execution in further part the twelfth article of the treaty with Mexico, concluded at Guadalupe Hidalgo; in which it requests the concurrence of the Senate.

The bill was read a first and second time by its title, and was referred to the Committee on Finance.

PAY OF OFFICERS IN NEW MEXICO.

Mr. FISH submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of granting increased compensation to the officers of the army stationed in New Mexico.

THE EXILED IRISH PATRIOTS.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution expressive of the sympathy of Congress for the exiled Irish patriots, Smith O'Brien, Thomas F. Meagher, and their associates.

An amendment was offered by Mr. SHIELDS, which was read, as follows:

Strike out all after the enacting clause, and insert:

"That while we disclaim all intention of interfering in any way in the internal affairs of the Kingdom of Great Britain and Ireland, we deem it our duty to express, in a respectful manner, our firm conviction that it would be highly gratifying to the people of the United States, many of whom are natives of Ireland, and connected by blood with the inhabitants of that country, to see Smith O'Brien and his associates restored to liberty, and permitted, if so disposed, to emigrate to this country. We would regard this act of clemency as a new proof of the friendly disposition of the British Government towards our Republic, and as calculated to strengthen the bonds of affection now happily existing between the people of the United States and of the United Kingdom of Great Britain and Ireland."

On motion by Mr. SHIELDS, it was

Ordered, That the further consideration of the resolution be postponed to, and be the special order of the day for Thursday, the 5th of February next.

REPORTS OF SENATE DEBATES.

The engrossed resolution for settling the accounts for reporting the debates and proceedings of Congress was read a third time and passed.

SALLY T. FLOYD.

Mr. UNDERWOOD. I now move that the Senate proceed to the consideration of the question upon the reconsideration of the bill for the relief of Mrs. Sally T. Floyd. I would remark to the Senate, that if the reconsideration takes place now, the bill can go among the orders of the day, and come up for consideration to-morrow. My object is to restore the bill to its place on the Calendar, so that it can be taken up to-morrow, which is private bill day.

The PRESIDENT. The motion, which lies on the table, is to reconsider the vote on the final passage of the bill. The Senator from Kentucky moves to take up that motion for consideration.

The motion was agreed to.

The question then recurred on reconsidering the vote on the passage of the bill.

Mr. UNDERWOOD. I think that perhaps the best plan to adopt would be to let the bill be reconsidered and go upon the Calendar. In this way we shall defer whatever remarks any Senator may think proper to make until to-morrow. I hope that course will be adopted.

The PRESIDENT. That cannot be. If the motion to reconsider be agreed to, the bill will come up upon its third reading.

Mr. BADGER. Let the vote on the passage of the bill be reconsidered, and then the bill can be postponed until to-morrow.

Mr. UNDERWOOD. I adopt the suggestion of the Senator from North Carolina, and hope that the bill will be reconsidered and then postponed until to-morrow.

Mr. BORLAND. I do not see any good reason why we should reconsider this bill. It was introduced by the Senator from Kentucky, [Mr. UNDERWOOD], and reported by myself from the Committee on Pensions. I thought then, and the Committee on Pensions thought, and the Senate seemed to think, that it was a meritorious bill. We carried it through all its stages. It was passed. But it was arrested by a motion to reconsider. I suppose that on a motion to reconsider, it is in order for me to say a few words as to the merits of the bill.

The husband of Mrs. Floyd was a gallant and distinguished officer in the Army; he served his country long and faithfully. Owing to extraordinary hardships and exposures, during a long and gallant service, he became diseased. His services were highly valued by the Army and by the War Department. In order to enable him to recover his health, if possible, and yet remain in the service, he was sent from post to post, as his medical advisers thought proper, in order to afford him an opportunity to recover, so that the Army might not lose the advantage of his services. This course was tried for a considerable time, until he found that his health could not be restored so that he could render efficient service; and although he could have remained in the Army and continued to receive his pay, he preferred, on account of his ill-health, to leave the Army and retire to private life. He did so: and, shortly afterwards, he

died—leaving a poor and helpless family. The proposition involved in this bill is to treat his widow as if he had died in the service, and in consequence of diseases acquired while in the performance of his duties. That is its foundation, and the committee have considered it a meritorious claim. We have passed bills on this ground several times; and I see no reason why, if the Senate has already passed bills upon that principle, we should reconsider this vote and arrest the progress of the bill, which, if passed now, might go to the House of Representatives in time to be passed there at an early day.

Mr. UNDERWOOD. The gentleman from Indiana, [Mr. BRIGHT,] who made the motion to reconsider, is not now in his seat, and that was the reason which induced me to suggest the postponement of this motion, and suffer it to lie over till to-morrow. If the Senate think proper to pursue that course, I have no objection. But I wish to make a remark upon this bill, which I will take occasion to make now, and then I shall have washed my hands of it. I believe that the gentleman who made the motion to reconsider, although I was not in the Chamber at the time, seemed to intimate that this was a strange bill to come from me; for I asked leave originally at this session to introduce the bill. The history of the matter is simply this: My friend from Arkansas [Mr. BORLAND] told me that a constituent of mine, (Mrs. Floyd,) had a bill, granting her a pension, passed at the last session of Congress, but which failed in the House of Representatives. He said that, as a member of the Committee on Pensions, he would introduce the bill, but as I was the representative of Kentucky, it might be better for me to introduce it. Believing that everything was right, and wishing to serve a constituent, I asked leave to introduce this bill, which had passed this body at the last session of Congress. It was introduced, referred to the Committee on Pensions, reported back, and passed.

My position in regard to all these pension claims is well known. I endeavored, during the last Congress, to bring back the action of this and the other House, as far as I could, to the revolutionary rule. In a speech which I made then—to empty benches for aught I know, though I believe some eight or ten listened to me—I took up the pension laws, from the foundation of the Government, and gave a history of them, statute by statute, and showed the changes which had taken place; and I endeavored to get the Senate back to the original rule established by our revolutionary fathers, and to get clear of the latitudinous legislation, by which almost everybody who appeals to our sympathy is put upon the Treasury for a support. I found it to be a useless task. I have labored for that object until I am tired. But I can say, without reference to this principle, that the case of Mrs. Floyd is more meritorious, in my estimation, than the cases of soldiers who die of cholera—a disease which carries off everybody—when their widows are put upon the pension rolls.

It may be a technical objection to this bill that Colonel Floyd did not die in the service. But it was honorable to him that he resigned when he was unable to render service; whereas he might have remained in the service, and secured his pay till the day of his death, and a pension to his family, if he had not resigned. I look upon this claim as a much more meritorious one than many which we have established by precedent; and, therefore, while Congress is disposed to act and legislate upon the latitudinous positions which they have assumed in reference to pensions, I am for treating all alike. While you have set such an example as you did in the case of the children of a soldier the other day, to whom you granted a pension; while you had repealed the very law by which their ancestor would have been entitled to receive a pension, and when you grant pensions to widows whose husbands die of cholera, surely you ought to grant this pension.

Mr. CLARKE. I have no objection to the passage of this bill. I have never, since I have had the honor of a seat on this floor, voted against an act of clemency or charity or mercy. But the Senate will recollect that some week or ten days since, there was a case before them which, in my humble opinion, appealed as strongly as any case, and as strongly as the case recommended by my honorable friend from Kentucky. I recollect very well that he then objected to it, because it involved

a principle which did not come within the provision of the general law. I wish to say now, that I have no disposition to return discourtesy. I hope that this bill will pass. I voted the other day for the bill, to which the Senator has alluded, granting a pension to the children of Captain Capron, and I shall be very glad to give this bill my support. But I hope that, if the bill to which I have alluded, and in which I feel an interest, should come before us again on a motion to reconsider, the Senator from Kentucky will reciprocate my courtesy, and vote with me in favor of the bill, as an act of mercy and of justice to those who are deprived of the means of subsistence and support in consequence of the death of those on whom they depended, in the service of their country.

Mr. BORLAND. I do hope that this bill will not be reconsidered; and I wish to say to the Senator from Kentucky, that I am glad to hear him say he is opposed to latitudinous legislation. I will go with him most heartily to arrest the principle of latitudinous legislation; but I hope he will not begin his system upon the widow and orphans of a gallant soldier who lost his life by reason of his devotion to his country's service.

Mr. UNDERWOOD. I have already said that I consider this case as more meritorious than many others.

Mr. WHITCOMB. My colleague, [Mr. BRIGHT,] I believe, made this motion to reconsider.

The PRESIDENT. He did.

Mr. WHITCOMB. He is now absent on account of indisposition, and I hope the Senate will suffer this motion to lie over until he appears. I know not what his views are in relation to the bill, but I ask this as a matter of courtesy and justice to him. I move to lay the motion to reconsider on the table.

Mr. BELL. Will the Senator from Indiana allow me to make a remark?

Mr. WHITCOMB. I withdraw my motion. Mr. BELL. I believe that I introduced originally the memorial upon which this bill is founded. I have not thought proper to interpose any remarks of my own in relation to this subject; but I wish to say a word, as I think the Senate is disposed to lay this motion on the table, to await the attendance of the honorable Senator who moved the reconsideration on Friday last. I moved to take this motion from the table. I suggested that, in my opinion, it came up in proper order among the private bills. I considered that it was the very first question on the docket of private bills. The President decided otherwise. I think, with great respect, that he was in error. It was a bill which had passed its third reading, and was finally passed, and a motion was then made to reconsider. I therefore think it was properly on the Private Calendar.

The PRESIDENT. It was laid on the table.

Mr. BELL. Now that this bill is up for consideration, I would suggest that it be placed on the Calendar for to-morrow, so that it may then come up in proper order. I propose that it be laid over until to-morrow, and then I shall have no objection to the motion to reconsider being adopted, and the bill being considered over again; and then, if there is further debate, I shall beg leave to offer a few remarks.

I think that there is a principle involved in this bill—a principle on which we have acted in many ways heretofore. I am prepared to go with the Senate, however, if they shall see fit to curtail the latitude with which many of these claims have been allowed. But if the Senate should not so decide, I shall as strenuously contend that this is as meritorious a case as many others they have passed on full consideration. I trust that the course which I have suggested will be taken. I hope the bill will lie over until to-morrow. As I understand, it was not strictly in order to move to take up this motion this morning.

The PRESIDENT. Certainly it was.

Mr. BELL. I beg pardon of the Chair. If it was in order this morning, then it will be in order any other morning; and I will move, with the consent of the Senator from Indiana, that the bill be postponed until to-morrow morning.

The PRESIDENT. That motion cannot be received. The Senator from Tennessee does not seem to understand the position of the bill. It was ordered to be engrossed for a third reading, was read the third time, and actually passed; then

a motion was made to reconsider the vote on the final passage of the bill; and that motion was laid on the table. It was not on the Calendar, but it lies on the table; and the motion to take up the motion to reconsider was made this morning. That motion must first be made before anything else will be in order.

Mr. BELL. With great deference to the Chair, I think that if it is laid on the table, it requires a motion to take it up.

The PRESIDENT. Certainly it does.

Mr. BELL. I now understand that it has been taken up, and I therefore move to postpone it till to-morrow.

The PRESIDENT. The proper motion would be to postpone the further consideration of the motion to reconsider till to-morrow.

Mr. BELL. That is my motion, sir.

Mr. MANGUM. I hope the motion will not prevail; and I hope the question will be taken at once. I trust that the Senate will refuse to reconsider the vote on the passage of this bill. From the statements that have been made in relation to it, I am satisfied that it is altogether proper.

The motion to postpone was not agreed to.

So the bill is passed.

THE COMPROMISE MEASURES.

The Senate then resumed the consideration of the resolution, submitted by Mr. FOOTE, of Mississippi, declaring the compromise measures to be a definitive settlement of the questions growing out of the system of American slavery.

Mr. McRAE addressed the Senate at some length upon this question, and in opposition to the resolution. Without concluding, he gave way to a motion that the Senate adjourn,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 29, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER, Chaplain to the Senate.

The Journal of yesterday was read and approved.

Mr. McLANAHAN. I have a very important bill which I am instructed by the Committee on the Judiciary to report to the House. I ask the unanimous consent of the House to present that report now, in order that it may be printed. I will state that it is a bill to regulate fees in the circuit and district courts of the United States.

The SPEAKER. The first business in order is the unfinished business of yesterday, being the bill for the relief of the Cuban prisoners.

Mr. OLDS. I call for the regular order.

Mr. SEYMOUR, of New York. I ask that committees may be called for reports.

The SPEAKER. That will be the first business in order after the unfinished business of yesterday is disposed of.

Mr. SEYMOUR. I desire to inquire of the Chair if there is not a special order for to-day, which will preclude the call for reports of committees?

The SPEAKER. There is a special order, but that is for the Committee of the Whole on the state of the Union. The gentleman from Pennsylvania [Mr. McLANAHAN] will present his report if there is no objection.

Mr. SEYMOUR. I object.

Mr. JONES, of Tennessee. I ask that the House do now proceed to the consideration of the unfinished business of yesterday.

Mr. SEYMOUR. I move that the committees be called for reports. The call will occupy but a short time, and it will much advance the business of the House.

CUBAN PRISONERS.

The SPEAKER. That motion is not in order until the unfinished business is disposed of. The unfinished business is the following bill, viz:

For the relief of American citizens lately imprisoned and pardoned by the Queen of Spain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated the sum of — dollars, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain, and who are out of the limits of the United States, the same to be expended under the direction of the President of the United States.

The question immediately pending is upon concurring with the Committee of the Whole on the

state of the Union in the following amendment, upon which question the yeas and nays have been ordered, viz:

Provided, That nothing in this act shall be construed into an approbation of any interference in the domestic affairs of Cuba by any of the citizens of the United States.

The question was taken, and there were—yeas 91, nays 71; as follows:

YEAS—Messrs. Abercrombie, Charles Allen, Allison, William Appleton, Bell, Bibbhaus, Bowie, Bowne, Briggs, Brooks, Albert G. Brown, George H. Brown, Buell, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chastain, Churchwell, Cottman, Daniel, Dimmick, Dockery, Duncan, Durkee, Edgerton, Evans, Ewing, Fowler, Gentry, Giddings, Goodrich, Grow, Hall, Harper, Hascall, Haven, Hillyer, Horsford, John W. Howe, Thomas Y. How, Hunter, Jenkins, Andrew Johnson, James Johnson, John Johnson, Daniel T. Jones, George W. Jones, George G. King, Kihns, Lockhart, Martin, Mason, McLanahan, Meacham, Miner, Molony, Henry D. Moore, Newton, Olds, Outlaw, Andrew Parker, Porter, Sackett, Schoolcraft, Schoonmaker, Scudder, David L. Seymour, Smart, Smith, Stanly, Benjamin Stanton, Abraham P. Stevens, Alexander H. Stephens, Taylor, Benjamin Thompson, Thurston, Townsend, Tuck, Venable, Walbridge, Wallace, Watkins, Welch, Alexander White, Williams, Woodward, and Yates—91.

NAYS—Messrs. Willis Allen, John Appleton, Thomas H. Bayly, Bartlett, Beale, Bragg, Breckenridge, Brenton, Caskey, Clark, Cobb, Colecock, Curtis, Dawson, Dean, Doty, Dunham, Eastman, Edmundson, Faulkner, Picklin, Fitch, Florence, Freeman, Thomas J. D. Fuller, Gaylord, Grey, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Henn, Hibbard, Holladay, Houston, Howard, Ingersoll, Ives, Jackson, J. Glaney Jones, Letcher, Mace, Humphrey Marshall, McDonald, McMullin, McNair, Millson, Murray, Nabers, Orr, Peaslee, Phelps, Price, Robbins, Robinson, Savage, Scurry, Origen S. Seymour, Skelton, Frederick P. Stanton, Richard H. Stanton, Stone, St. Martin, Stratton, Stuart, Sweetser, George W. Thompson, Walsh, Ward, Wilcox, and Wildrick—71.

So the House concurred in the amendment.

The bill as amended was then ordered to be engrossed and read a third time, and having been engrossed it was read a third time; and the question now being "Shall the bill pass?"

Mr. BAYLY called for the previous question; which was seconded, and the main question ordered to be put.

Mr. HALL demanded the yeas and nays, which were ordered.

The question was then taken and there were—yeas 147, nays 22; as follows:

YEAS—Messrs. Aiken, Willis Allen, John Appleton, William Appleton, Babcock, Thomas H. Bayly, Barrere, Bartlett, Beale, Bell, Bibbhaus, Bocoek, Bowie, Bowne, Bragg, Breckenridge, Brenton, Briggs, Brooks, Albert G. Brown, G. H. Brown, Buell, Burrows, Busby, E. C. Cabell, Caldwell, Thompson Campbell, Carter, Caskey, Chandler, Chastain, Churchwell, Clark, Clingman, Cobb, Colecock, Curtis, Daniel, Dean, Dimmick, Dockery, Dunham, Durkee, Eastman, Edmundson, Evans, Faulkner, Fitch, Florence, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gentry, Goodrich, Gorman, Grey, Harper, Isham G. Harris, Sampson W. Harris, Hart, Haws, Hascall, Haven, Hendricks, Henn, Hibbard, Horsford, Houston, Howard, Thomas Y. How, Hunter, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, John Johnson, Daniel T. Jones, George W. Jones, J. Glaney Jones, George G. King, Kihns, Letcher, Lockhart, Edward C. Marshall, Humphrey Marshall, Martin, Mason, McDonald, McLanahan, McMullin, McNair, Meade, Miller, Millson, Molony, Henry D. Moore, John Moore, Morrison, Murphy, Murray, Nabers, Olds, Outlaw, Andrew Parker, Peaslee, Polk, Porter, Price, Riddle, Robbins, Robinson, Sackett, Savage, Schoolcraft, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smart, Stanly, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Stone, St. Martin, Stratton, Strother, Stuart, Sweetser, Taylor, Benjamin Thompson, George W. Thompson, Thurston, Venable, Walbridge, Wallace, Walsh, Ward, Watkins, Welch, Wells, Alexander White, Wilcox, Wildrick, Williams, and Yates—147.

NAYS—Messrs. Charles Allen, Allison, Averett, Lewis D. Campbell, Conger, Edgerton, Fowler, Gaylord, Giddings, Hall, John W. Howe, Meacham, Newton, Orr, Phelps, Powell, Schoonmaker, Scudder, Smith, Benjamin Stanton, Abraham P. Stevens, and Woodward—22.

So the bill was passed.

Pending the announcement of the vote, Mr. HOLLADAY, who was without the bar when his name was called, asked permission to record his vote in the negative.

Objection was made, and consent was not granted.

Mr. BAYLY, of Virginia, moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The SPEAKER. Reports are in order from the Committee of Elections.

INTERVENTION.

Mr. BRAGG. I ask the unanimous consent of the House to present certain resolutions of the Legislature of Alabama upon the subject of intervention upon the part of this Government in the affairs of foreign nations.

[Cries of "I object!" "I object!"]

Mr. BRAGG. I move, then, to suspend the rules.

The SPEAKER. It is not in order to move a suspension of the rules for such purpose except on Mondays.

REPORTS FROM COMMITTEES.

Mr. DANIEL, from the Committee of Claims, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered, together with the reports thereon, to be printed, viz:

A bill for the relief of Charles S. Matthews, Charles Wood, and James Hall; and

A bill for the relief of the legal representatives of General James C. Watson, late of the State of Georgia.

Mr. SACKETT. I rise for the purpose of giving notice that the report made by the gentleman from North Carolina, [Mr. DANIEL,] in the case of the late General Watson, was not an unanimous one, and that I intend to present a minority report.

On motion by Mr. DANIEL, it was

Ordered, That the Committee of Claims, to which was referred Senate bill No. 43, for the relief of Charles McElrose, and Senate bill No. 50, for the relief of Sidney S. Alcott, be discharged from the further consideration of the same, and that they be referred to the Committee on Public Lands.

Mr. PORTER, from the Committee of Claims, reported a bill for the relief of Osborn Cross, of the United States Army; which was read a first and second time by its title, and referred to the Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. SEYMOUR, of New York, from the Committee on Commerce, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the reports accompanying, ordered to be printed:

A bill to remit the duties upon certain goods destroyed by fire in the city of New York, in 1845; and

A bill to authorize the issuing of a register to the brig America.

Mr. SEYMOUR, from the same committee, reported back without amendment, and with a recommendation that it do pass, Senate bill No. 67, entitled "An act for the relief of John A. McGraw, of New York;" which was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

On motion by Mr. SEYMOUR, of New York, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the memorial of sundry citizens of North Carolina, praying Congress to pass an act to appropriate the dividends upon the stock of the United States in the Dismal Swamp Canal to the extension of said canal, and that it be referred to the Committee on Roads and Canals.

On motion by Mr. SEYMOUR, of New York, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the memorial of John H. Parker, and other citizens of Pennsylvania, praying Congress to pass a law to prohibit the banishment and deportation of emigrants from foreign countries to the United States, and of all convicts, felons, and paupers, recognized as such in their own country, and that it be referred to the Committee on the Judiciary.

Mr. SEYMOUR, from the Committee on Commerce, asked that the said committee be discharged from the further consideration of the petition of sundry citizens of Ontario county, New York, praying for the passage of a law to reimburse them for the expenses incurred for individual contributions to the industrial exhibition in London, and that the same be referred to the Committee on Manufactures.

Mr. SWEETSER. I move to lay the memorial upon the table.

Mr. SEYMOUR. I wish to say but a single word in reference to that motion. Very many petitions of this character are being presented, and I think they should go to the Committee on Manufactures.

Mr. SWEETSER called for tellers; which were ordered.

Mr. JONES of Tennessee. I do not think this question is at all understood, and I ask that this memorial may be read, that we may vote understandingly.

The SPEAKER. If gentlemen will come to order the memorial will be read.

The memorial was then read by its title, and the Clerk was proceeding to read the body thereof, when

Mr. STEPHENS, of Georgia, said: I doubt if the reading of this memorial can be called for; for this memorial, under the rules, was referred to the Committee on Commerce; and that committee has not acted upon it at all. It is now virtually presented to us anew, the same as if it had been presented to the House by an individual. The committee to which it was originally referred, think it proper that it should be referred to the Committee on Manufactures. I suggest to the gentleman from Ohio, [Mr. SWEETSER,] that, as the memorial has not been acted upon by any committee, to lay it upon the table would be virtually rejecting it by us, without giving it any consideration. I hope he will withdraw his motion, and let the memorial be referred to the Committee on Manufactures.

Mr. SEYMOUR. I wish further to suggest to the gentleman from Ohio, that a very large number of these memorials have been presented from all quarters of the country, and they deserve a respectful consideration from some committee of the House.

Mr. SWEETSER. I made the motion on the supposition that the subject had received consideration by the committee. In view of the suggestions made, I withdraw my motion to lay upon the table.

The question was then taken upon referring the memorial to the Committee on Manufactures, and it was so referred.

Mr. ROBBINS, from the Committee on Commerce, reported a bill for the relief of Wm. S. Payne; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed.

On motion by Mr. St. MARTIN, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the memorial of J. Chickering, and others, of Massachusetts, and the petition of M. A. Boiquis, praying for the passage of a law to reimburse them for the expenses incurred in making contributions on individual account to the industrial exhibition at London, and that the same be referred to the Committee on Manufactures.

Mr. WALSH, from the Committee on Commerce, reported "A bill for the benefit of the Carmelite Nunnery of Baltimore;" which was read a first and second time by its title.

Mr. WALSH. I hope this bill may be now put upon its passage. It is for the remission of duties upon goods imported for Church purposes. There is a number of precedents in the action of Congress for this proceeding.

Mr. ORR. I move that it be referred to a Committee of the Whole House.

Mr. WALSH. Well, if that is the desire of the House I acquiesce.

Mr. STEPHENS, of Georgia. Oh no, let us pass it now.

Mr. WALSH. Very well. Let the bill be read. There has been a dozen acts of Congress within the last five or six years for remitting duties upon such goods.

The bill having been read through,

Mr. ORR. I withdraw my motion to commit. The bill was then ordered to be engrossed and read a third time.

The SPEAKER. When shall it have its third reading?

Several VOICES. Now.

The bill having been engrossed, was read the third time and passed.

Mr. WALSH moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. WALSH, from the same committee, reported "A bill to authorize the issuing of a register to the ship Kossuth;" which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. STEPHENS, of Georgia, from the Committee on Commerce, reported "A bill to regulate and fix the annual salary of the American Consul at the city of Amsterdam;" which was read a first and second time by its title.

Mr. S. I move that the bill be referred to a Committee of the Whole House, made the order of the day for to-morrow, and that the bill and report be printed.

Mr. BAYLY, of Virginia. That subject is now before the Committee on Foreign Relations, and I move its reference to that committee.

Mr. STEPHENS. I will change my motion, and move that the bill be referred to the Committee of the Whole upon the state of the Union, and be printed.

The question was then put upon the latter motion, and it was agreed to.

Mr. HALL, from the Committee on Public Lands, to which was referred the following joint resolution of the House, viz:

Joint Resolution authorizing the location of military bounty land warrants on the public lands now subject and hereafter to be subject to entry at private sale under existing laws.

Resolved, &c., That any land bounty for military services granted by the act of the twenty-eighth day of September, A. D. 1850, entitled "An act granting bounty land to certain officers and soldiers who have engaged in the military service of the United States," (or by virtue of any other act of Congress heretofore passed granting land bounty for military services,) may be satisfied out of any public land now subject and hereafter to become subject to entry at private sale, at the minimum price, under existing laws—

Reported the same back with an amendment in the form of a substitute, which was read as follows, viz:

*A Bill in relation to Military Bounty Land Warrants. Be it enacted, &c., That land warrants issued under the act entitled "An act granting bounty land to certain officers and soldiers who have engaged in the military service of the United States," approved September 28, 1850, may be located on any public land subject to private entry at the date of the proposed location: *Provided*, That when any such warrants shall be located on public lands subject to private entry at a greater minimum than one dollar and twenty-five cents per acre, the locator of said warrant or warrants shall pay to the United States, in cash, the difference between the value of said warrant or warrants, estimated at one dollar and twenty-five cents per acre, and the minimum price of the tract located on.*

Mr. HALL. I move that the bill and substitute therefore be referred to the Committee of the Whole on the state of the Union.

Mr. CAMPBELL, of Illinois. I hope that the bill may be put upon its passage. I would inquire of the Chair if it be in order at this time to offer an amendment to the substitute?

The SPEAKER. If the motion to refer be voted down it will be in order.

Mr. CAMPBELL. I hope the gentleman will withdraw his motion to commit, to enable me to offer an amendment.

Mr. HALL. I withdraw it for that purpose.

Mr. CAMPBELL. I ask for the reading of the resolution and substitute reported by the Committee.

The Clerk having read the resolution and substitute,

Mr. CAMPBELL moved to amend the substitute by inserting after the word "cash," the following words, viz: "Or warrants at \$1 25 per acre, at the option of the locator."

Mr. C. I will simply state my object in offering that amendment. I offered the joint resolution for which the committee have reported this bill as a substitute. The object of the joint resolution was, in the first place, to take off the restriction which the act of the last Congress imposed upon the location of warrants. I am not, however, satisfied with the other provisions of the bill. And as the bill reported by the committee fully embraces the object intended to be effected by my joint resolution, so far as releasing the warrants from the restriction which was imposed upon them by that law is concerned, I feel satisfied that the bill should take the place of the resolution, of which it is the substitute.

The committee, in reporting the substitute, provided in those cases where the minimum price of lands was \$2 50 per acre that the locator in locating the warrant should pay the balance after the \$1 25 in cash. My object in offering this amendment is to permit the locator to enter all that description of lands, the minimum price of which is \$2 50 per acre, with warrants, if he desires to do so; or if he desires to enter \$1 25 with

warrants, he can enter the balance in cash, if it is convenient for him, or if he desires to make an entry in that way. I desire now that this bill should be put upon its passage. I do not see the necessity of any delay with regard to this question. I do not see that it is in any way connected with the matter which is contained in another bill already before the House, which is, I believe, made the order for to-day in Committee of the Whole. I am opposed to tacking so many measures together; but as this stands upon its own merits, and is not connected with any other question, and as it is necessary that this restriction should be taken off the location of warrants, I hope that the amendment I have offered will meet with the approbation of the House, and that it will be adopted. If there are no objections to the law upon its merits, I trust that it will not meet with opposition from any quarter.

Mr. MARSHALL, of Kentucky. Suppose, for instance, that the amount of land he proposes to enter would not consume the warrant, for instance sixty acres—

Mr. CAMPBELL. My proposition does not intend that the rule which governs the location of warrants shall be changed or altered in any way; it only permits land, the minimum price of which is \$2 50 per acre, to be entered with warrants. For instance, an eighty acre lot can be entered with a one hundred and sixty acre warrant. As the bill now stands, only one half of the tract of land can be entered with a warrant, the other half must be paid in cash. The object of my amendment is to permit the entire tract to be entered with warrants or cash, as the locator may prefer. The number of acres entered must, of course, correspond with the number of acres contained in the warrants proposed to be located. In grants which have been made to States—the minimum price of public lands, or of alternate sections, retained by the Government out of these grants, has been raised to \$2 50 per acre—those lands, for instance, which have been reserved from public sale, and which are not susceptible of being entered. When that limitation or that reservation is taken from those lands, I desire that they may be entered with warrants, for the purpose of enabling the purchaser of those lands, or the locator of lands, to enter them with warrants, if they desire to do so. I have offered this amendment that they may be enabled to enter an eighty acre lot of land with a one hundred and sixty acre warrant. That will make the eighty acre lot worth \$2 50 per acre; and if they desire to enter them with warrants merely covering the amount of land which they are enabled to enter under the warrant, they can then pay the balance in cash, if they wish. I think this amendment perfectly secures this object. And unless there are some serious objections to the merits of the bill—unless there are some serious objections to relieving the location of land warrants from the limitations and restrictions which the law of the last Congress imposed upon them, I do trust that it will meet with the approbation of this House to allow the amendment I have offered, and then to permit the bill at the present time to pass to its third reading.

Mr. HARRIS, of Tennessee. I move to refer the bill and amendments to the Committee of the Whole on the state of the Union. There are two propositions before that committee already, upon the same subject, made the special order for to-day; and I trust the House will refer this proposition to the same committee, so that they can have before them all the different propositions that have been made upon this subject. I trust the House will act upon it without further debate, in order that we may proceed with the call upon the committees for reports. I will not move the previous question.

Mr. FOWLER. I supposed it was understood, that we were to offer reports which should not give rise to debate. Perhaps debate is in order, though I doubt it.

The SPEAKER. The call for reports was the business in order during the morning hour.

Mr. FOWLER. Is it in order to debate a proposition?

The SPEAKER. Upon a proposition to refer, it is.

Mr. FOWLER. Then I demand the previous question.

The previous question was seconded, and the main question ordered, which was upon referring

the propositions to the Committee of the Whole on the state of the Union.

The question was then taken, and the propositions were so referred.

On motion by Mr. HALL, the propositions were ordered to be printed.

Mr. HENN, from the Committee on Public Lands, reported back, with sundry amendments, House bill No. 14, for the correction of errors in the location of military bounty land warrants, and the entry of lands; which was referred to the Committee of the Whole on the state of the Union, and with the amendments ordered to be printed.

Mr. HENN also, from the same committee, reported back House bill No. 124, "to revive and continue in force for a limited time the provisions of an act relating to suspended entries of public lands," with sundry amendments thereto; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. OLDS, from the Committee on the Post Office and Post Roads, reported a bill to amend an act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851.

Also, a bill from the same committee, to provide for the security of mail locks, mail keys, and other property of the Post Office Department.

Which bills were severally read a first and second time by their titles, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. OLDS, from the same committee, reported a joint resolution for the relief of Elizabeth Pruett, the widow and executrix of Robert Pruett, deceased.

The joint resolution was read a first and second time by its title, and then, after a brief explanation by Mr. OLDS, was, by unanimous consent, ordered to be engrossed and read a third time, and subsequently being engrossed, was read the third time and passed.

Mr. OLDS moved to reconsider the vote on the passage of the resolution, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. OLDS, from the same committee, reported back Senate bill No. 88, for the relief of Rufus Dwinel, without amendment, and with a recommendation that it do pass; which bill was referred to a Committee of the Whole House, and made the order of the day for to-morrow.

On motion by Mr. OLDS, it was

Ordered, That the Committee on the Post Office and Post Roads be discharged from the further consideration of the memorial of John Lowry and sixty-eight other legal voters of Carver and Plymouth, in the State of Massachusetts, praying for an appropriation for the expenses of transportation of the mails, and that the memorialists be allowed to withdraw the papers from the files of the House.

Mr. OLDS, from the same committee, reported the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be authorized to employ a clerk, at the usual rate of compensation.

Mr. O. said: I will say to gentlemen that if they wish their business with regard to post offices attended to, they must allow us this clerk, for that business is accumulating so rapidly that it is absolutely necessary we should have this assistance. I believe that it would expedite the business of the House and be a saving of money to the country if these important committees were allowed to employ clerks. I move the previous question on the passage of the resolution.

Mr. DUNHAM moved to lay the resolution on the table.

Mr. STANTON, of Tennessee. I appeal to both the gentlemen to allow me to offer an amendment to that resolution, which I believe would be in order. The Committee on Naval Affairs have instructed me to report a similar resolution, and I should like it to share the same fate as this.

[Cries of "No, no!"]

Mr. SEYMOUR, of New York. I wish to say, in behalf of the Committee on Commerce, that they very much need a clerk to expedite their business, and that some time since they instructed me to report a resolution similar to this.

Mr. FICKLIN called for the yeas and nays on the motion to lay the resolution on the table; and they were ordered.

Mr. HARRIS, of Tennessee, inquired of the Chair whether the morning hour had expired?

The SPEAKER replied that the morning hour had not yet expired.

Mr. HARRIS moved that the rules be suspended and that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. McNAIR. I have been waiting very patiently for this matter to get through, to report a resolution from the Committee on Agriculture.

The SPEAKER. The gentleman must be aware that discussion is not in order during the pendency of a motion to go into Committee of the Whole on the state of the Union.

Mr. McNAIR. I expected that the call of the committees would have been gone through with.

Mr. McLANAHAN. I ask the gentleman to withdraw his motion for one moment, so as to allow me to present a report.

Mr. HARRIS. If the gentleman could effect his object, I would certainly do it.

Mr. CARTTER. He cannot do it until after the other committees have been called.

Mr. HARRIS withdrew his motion.

Mr. McLANAHAN asked the unanimous consent of the House to make a report.

Mr. OLDS objected.

The question was then taken on the motion to lay the resolution on the table, and the result was—yeas 77, nays 73; as follows:

YEAS—Messrs. Abercrombie, Charles Allen, John Appleton, Barre, Baceock, Breckinridge, Carter, Chastain, Churchwell, Conger, Dawson, Dockery, Dunham, Eastman, Faulkner, Ficklin, Goodnow, Gorman, Hall, Harper, Isham G. Harris, Sampson W. Harris, Hascall, Haven, Hebard, Hendricks, Hibbard, Hillyer, Holladay, Houston, John W. Howe, Thomas Y. How, Hunter, Jenkins, Andrew Johnson, James Johnson, John Johnson, Daniel T. Jones, George W. Jones, George G. King, Preston King, Knuss, Lotcher, Lockhart, Mann, Humphrey Marshall, Mason, McLanahan, Meade, Miller, Millson, Miner, Molony, Henry D. Moore, Murphy, Nabers, Orr, Outlaw, Samuel W. Parker, Phelps, Smith, Benjamin Stanton, Richard H. Stanton, Abraham P. Stevens, Alexander H. Stephens, Stuart, Sweetser, Benjamin Thompson, George W. Thompson, Venable, Walbridge, Wallace, Watkins, Addison White, Wilcox, Wildrick, and Woodward—77.

NAYS—Messrs. Aiken, William Appleton, Babcock, Thomas B. Bayly, Beale, Bell, Bibbhausa, Bowie, Brenton, Briggs, Busby, E. Carrington Cabell, Caldwell, Thompson Campbell, Caskie, Chandler, Clark, Cobb, Curtis, George T. Davis, Dean, Doty, Edgerton, Edmundson, Fitch, Florence, Fowler, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Gilmore, Green, Grey, Grow, Hart, Hearn, Robert W. Johnson, Martin, McDonald, McNair, Morrison, Murray, Newton, Olds, Peaslee, Polk, Powell, Price, Riddle, Robbins, Robinson, Savage, Schoolcraft, Schoonmaker, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Frederick P. Stanton, St. Martin, Stratton, Strout, Taylor, Thurston, Townsend, Tuck, Walsh, Ward, Welch, Alexander White, and Yates—73.

So the resolution was laid upon the table.

Mr. STANLEY moved to reconsider the vote just taken, and to lay that motion on the table; which latter motion was agreed to.

Mr. DUNHAM. I desire to inquire of the Chair if the morning hour has not expired?

The SPEAKER. It has expired.

Mr. DUNHAM. Then I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union; and upon that motion I ask for tellers.

Tellers were ordered, and Messrs. WATKINS and MASON were appointed.

The question was then taken, and the tellers reported—yeas 50, noes not counted.

So the House refused to go into committee.

Mr. FICKLIN, from the Committee for the District of Columbia, reported the following resolution, viz:

Resolved, That the Committee for the District of Columbia, while prosecuting their inquiry, under the order of the House, into the practice of issuing small notes as a currency, and not redeemable in cash, by irresponsible persons or corporations, within the District of Columbia, be and they are hereby authorized to send for persons and papers, and to examine witnesses under oath.

The question was taken, and the resolution adopted.

Mr. THOMPSON, of Virginia, asked the unanimous consent of the House to introduce a bill, of which previous notice had been given, upon the same subject as the resolution just adopted.

Objection was made.

Mr. McLANAHAN, from the Committee on the Judiciary, reported a bill to regulate the fees and costs to be allowed clerks, marshals, and attorneys, in the circuit and district courts of the United States, and for other purposes; which was read a first and second time by its title.

Mr. McL. said: I am unanimously instructed

by the Judiciary Committee to move that the bill and report be referred to the Committee of the Whole on the state of the Union, and that 2,000 copies of the same be printed for the use of the House.

The SPEAKER. If the gentleman moves to print extra copies of his bill and report, according to the rule it must go to the Committee on Printing.

Mr. McLANAHAN. I move, then, that the usual number of copies of the bill and report be printed.

The bill and report were then referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. McLANAHAN. I now move that the bill just referred to the Committee of the Whole on the state of the Union be made the special order of the day for the 25th of February next, and from day to day thereafter until disposed of.

Mr. CARTTER objected.

Mr. MEADE. I desire to inquire if the gentleman from Pennsylvania, [Mr. McLANAHAN,] did not make a motion to print an extra number of copies of this report?

The SPEAKER. He did, but the motion was not at the time entertained. The Chair, however, upon reflection, is of the opinion that if the motion is made as a report from the Committee on the Judiciary, that it is competent for him to do so without having it referred to the Committee on Printing.

Mr. McLANAHAN. I am instructed by the Committee on the Judiciary to move that 5,000 copies of the report be printed.

The SPEAKER. That motion is in order.

Mr. JONES, of Tennessee. Does the gentleman from Pennsylvania say that he is instructed to move to print 5,000 copies?

Mr. McLANAHAN. Yes, sir.

Mr. JONES. I understood the gentleman a moment ago to ask for 2,000.

Mr. McLANAHAN. Mr. Speaker, it is proper, and perhaps necessary, that I should briefly state to the House some of the reasons that induced the Committee on the Judiciary, through me, to present the resolution which I have just made.

The extraordinary increase in the expenses of the judiciary, since the organization of that department of the Government, led the committee into an investigation of the causes that operated to produce this result. This investigation was necessarily one of details, and all of the causes may not have been satisfactorily ascertained; yet it is believed that sufficient will be made known by the report just submitted to show the necessity of prompt legislative action on the subject.

In the year 1800, the expenses of the judiciary establishment of the United States, inclusive of the salaries of the judges, appear to have been \$42,214; in 1820, \$117,187; in 1830, \$204,432; in 1840, \$373,695; in 1849, \$469,223; in 1850, \$564,845. During this period of fifty years the population of the United States increased at a ratio of about three hundred and thirty-three per cent., whilst the expenses of maintaining the judiciary increased at the rate of about twelve hundred and thirty-seven per cent. Now, sir, it is not pretended that increase of population is an exact rule by which to estimate the increase in the expenses of our courts of justice; but it is a mode generally adopted for forming an estimate of the wealth, the business, and prosperity of our country at large. And it is therefore, on the whole, perhaps as good a method as can be selected for forming correct conclusions as to what would be a fair and proper increase in the expenses of the judiciary. The facts before stated cannot fail to show the undue and improper augmentation of expense, incident at this time to the administration of justice in the circuit and district courts of the United States.

In the northern district of the State of New York the expenses of the General Government in sustaining the United States courts, exclusive of the salaries of the judge, marshal, and district attorney, in the year 1830 amounted to \$3,500, in the year 1850 to \$43,975; more than twelve times as large as in the year 1830. In the State of Massachusetts, in the year 1830, the amount paid by the General Government, exclusive of the salaries of the judge, marshal, and district attorney, was \$9,586 13; and in the year 1850 \$92,728; about ten times as large as it was in 1830. The causes which have led to this extraordinary increase in judicial

expenses are numerous and various. Many of them are set forth in the report which I have just presented; and many more will probably be made manifest by the answers—which will soon be furnished by the Department of the Interior—to a series of interrogatories which were addressed to the Secretary of that Department, under a resolution of inquiry from this House. But, sir, sufficient, as I before stated, will be made manifest by the report, which is now submitted, to show the necessity of immediate legislative action on the subject.

The regulation of the fees to be received by the ministerial officers of the courts is a task of more than ordinary difficulty and complexity. The printing of the bill and report for the use of the House is absolutely necessary. And the subject is one of such grave and serious import that extra numbers of the report should be printed, so that the whole country may understand both the known abuses and the proposed reform. The report and the bill should find a wide circulation over the land. We ask, therefore, that a number of copies, corresponding to the exigencies of the case, may be printed, in order that all who desire to investigate the matter may have every facility which it is in the power of the committee to furnish. Sir, there is no subject in which the people are more interested than the one which is now brought to the consideration of the House; and while it demands the prompt and energetic action of Congress, it is one which cannot be properly disposed of without close investigation and calm reflection.

The motion to print 5,000 copies extra of the report was referred to the Committee on Printing.

Mr. MEADE. I am requested by the Committee on Commerce to make a favorable report in the case of a railroad company in Georgia, and ask that the bill reported by the committee on this subject be put upon its passage. There are particular reasons why this should be done. I will state simply to the House the merits of the case. The Monroe Railroad Company, under acts of 1832 and 1840, imported railroad iron, and gave their bonds for it in 1841, with security. Those bonds were to be canceled if the iron was laid by the 3d day of March, 1843. The iron was not laid by the specified time, but it was laid during the year 1843. After this iron was laid upon the road, the Monroe Railroad Company was dissolved, and became insolvent, and the road passed into other hands. The securities were sued upon those bonds, and such suit is either now in progress, or judgment has been recovered against the securities. They ask to be relieved from that bond, upon the ground that the equitable construction of the act of 1842 entitles them as much to relief as if their iron had been laid upon the track previous to the first of March, 1843. This subject was before the last Congress, and referred to the Committee on Commerce, which made a favorable report thereon, with a bill for relief; but for some cause or other the bill was not acted upon during the last session of Congress.

The Solicitor of the Treasury has given his consent, in an informal way, that execution shall not be sued out against these parties, and that the case shall not be prosecuted to final termination, until they shall have had an opportunity to apply to Congress for relief. I will state further to the House, that a similar application has been made by one or two other railroad companies, upon the same grounds, and relief has been afforded to them. I consider that this company is entitled to relief upon an equitable construction of the three statutes which relate to the subject, one of which was passed in 1832, one in 1840, and the third in 1842. If the House wish to be more minutely informed in the case, they can have the report read. It is a short one. I ask the House to permit this bill to be put upon its passage, that relief may be immediately afforded to the securities. It is a very meritorious case, and was so considered by all of the members of the committee.

The bill, being a bill for the relief of the Monroe Railroad Company and their securities, was then read a first and second time by its title.

Mr. HEBARD moved that the bill be referred to the Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying report, be printed; which motion was agreed to.

Mr. VENABLE, from the Committee on the

Judiciary, made an adverse report upon the memorial of Jehiel Brooks, praying authority to sue the United States for damages, in consequence of a suit instituted against him by the United States; which was ordered to lie upon the table and be printed.

Mr. HARRIS, of Tennessee, from the Committee on the Judiciary, reported a bill for the relief of Andrew Smith; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed.

On motion by Mr. KING, of New York, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the memorials of citizens of Dayton, Ohio, and of citizens of Newark, New Jersey, praying for the passage of an act for the protection of American inventors; and that the same be referred to the Committee on Patents.

On motion by Mr. PARKER, of Indiana, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the petition of Hyacinth Riopelle, of Wayne county, Michigan, for the passage of an act granting him a patent for a certain tract of land, and that it be referred to the Committee on Private Land Claims.

On motion by Mr. PARKER, of Indiana, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the petition of N. Clicks and other citizens of the United States, praying for the payment of moneys withheld and which were due them by the provisions of certain treaties and generally for the redress of grievances; and that it be referred to the Committee on Indian Affairs.

Mr. PARKER also, from the Committee on the Judiciary, made an adverse report on the petition of Samuel Drew, asking for the interest on the arrears of pay due him as a soldier in the war of 1812; which was ordered to lie on the table and be printed.

On motion by Mr. DEAN, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of Lucy Ann Roberts, the widow of Major John Roberts, and that it be referred to the Committee on Revolutionary Pensions.

Mr. FULLER, of Pennsylvania, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Lieutenant Bartlett Hinds; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed.

On motion by Mr. FULLER, of Pennsylvania, it was

Ordered, That the petition and papers of Thomas Morris, of Georgia, be withdrawn from the files of the House, with the view of reference.

Mr. JENKINS, from the Committee on Private Land Claims, reported a bill for the relief of Robert Nelson; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed.

He also, from the same committee, made adverse reports in the following cases; which were ordered to lie upon the table and be printed, viz:

The petition of Joseph Newell, asking relief in regard to a section of land located in the Indian country;

The petition of Joseph Roberts, of Breckenridge county, Kentucky, asking for scrip of one thousand acres of land in lieu of one thousand acres granted to William Armstead by the State of Kentucky; and

The petition of William B. Ross and others, of Florida, praying that the warrants of certain grants confirmed to Arredondo may be located upon other public lands.

Mr. THOMPSON, of Virginia, from the Committee on Private Land Claims, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying reports, ordered to be printed, viz:

A bill for the relief of William McFarland; and

A bill for the relief of Patrick Gass.

Mr. MILLER, from the Committee on Private Land Claims, reported the following bills; which

were severally read a first and second time by their titles, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying reports, ordered to be printed, viz:

A bill for the relief of Semoice, a friendly Creek Indian;

A bill for the relief of Ira Baldwin; and

A bill for the relief of William H. Wells and others.

Mr. MILLER, by unanimous consent of the House, introduced a bill, of which previous notice had been given, for an appropriation of money for the improvement of the Missouri river, from its mouth to Council Bluffs; which was read a first and second time by its title, and referred to the Committee on Roads and Canals.

Mr. SMART, from the Committee on Military Affairs, to whom was referred the petition of William Mann, praying for compensation for services during the war of 1812, made an adverse report; which report was ordered to lie upon the table.

Mr. JOHNSON, of Arkansas. We have accomplished a good deal of business to-day, more than the clerks can bring up, and I therefore move the House adjourn.

The question was taken, and the House refused to adjourn.

Mr. GORMAN, from the Committee on Military Affairs, reported "A bill for the relief of Josiah P. Pilcher, late a private in company F, second Kentucky regiment of volunteers in the war with Mexico;" which was referred to the Committee of the Whole, made the order of the day for to-morrow, and the bill and report ordered to be printed.

Mr. WILCOX, from the Committee on Military Affairs, reported a bill to be entitled "An act for the relief of Sergeant Leonard Skinner;" which was referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed.

Also, from the same committee, reported a bill to be entitled "An act for the relief of the heirs-at-law of Anthony G. Willis, deceased, which was read a first and second time by its title, referred to a Committee of the Whole, made the order of the day for to-morrow, and, with report accompanying, ordered to be printed.

Also, from the same committee, to whom was referred the memorial of John Davis, praying for a pension and an allowance of bounty land, on account of disability incurred while in the service of the United States during the war with Mexico, made an adverse report; which was ordered to lie upon the table and be printed.

Mr. NABERS, from the Committee on Private Land Claims, to whom was referred the memorial of Elliott McCulloch, praying relief in relation to a section of land, made an adverse report; which was laid upon the table.

Mr. NABERS also, from the same committee, reported "A bill for the relief of Jeremiah Wingate;" which was read a first and second time by its title, referred to a Committee of the Whole, made the order of the day for to-morrow, and with the report, ordered to be printed.

Mr. EDGERTON, from the Committee of Claims, to whom was referred the memorial of the heirs of Daniel Landon, asking remuneration for losses sustained in the last war, made an adverse report, and moved that the report be laid upon the table.

Mr. STANTON, of Ohio. I ask the gentleman to withdraw the motion.

Mr. EDGERTON. I will withdraw the motion.

Mr. STANTON, of Ohio. I rise to ask of the House to refer that memorial to the Committee on Military Affairs. I will make a statement that cannot fail, I think, to induce the House to make that reference.

Mr. STANTON, of Tennessee. I rise to a question of order. The gentleman is making a report from a committee, and of course cannot withdraw the motion that is made by order of the committee.

Mr. EDGERTON. I was making a report from the committee.

The SPEAKER. The gentleman has made an adverse report. It is moved by the gentleman from Ohio, [Mr. STANTON,] to refer the memo-

rial and report to the Committee on Military Affairs.

Mr. STANTON. This is a claim presented by the heirs of Daniel Landon for property destroyed at Fort Wayne, in 1812. He went out there at the special instance of the commander of the Fort, in 1802, cultivated land, raised crops, and built a mill. It is claimed that he had a special promise of protection from the commandant of that Fort. He took his means there to the extent of \$4,000, and in 1812 his entire property was destroyed by the Indians. I thought, in the first instance, that the proper reference of the claim was to the Committee on Military Affairs. I move that it be referred to the Military Committee, and the argument of the Committee of Claims may go along with it, so that there need not be any fear of injustice being done.

Mr. EDGERTON. Claims under the law of 1816 have been allowed for the destruction of property occupied for military purposes, but the law never has permitted payment for personal property, or for the destruction of buildings not occupied as a military post, or of such a description that the action of the Government had not imparted to them a military character. In this case the loss was sustained by the Indians driving off personal property, and the destruction of buildings not claimed to be occupied by the United States troops.

Mr. SWEETSER. I desire to call the attention of my colleague to the fact, set forth in these papers, that Fort Mayre was a frontier post, and that the property taken here by the claimants was absolutely necessary at that time, in order to furnish the means of subsistence to the men at that station. He went there under the protection of the commanding officer, and carried along with him his property. In the then condition of the country, the troops of the United States were unable to protect the property. I understand the interpretation given to the law of 1816 has been, that wherever the United States, or the officers of the Army, have held out inducements to individuals to make investments, and they made those investments for the purpose of affording the men at a station subsistence, they are regarded as under the protection of the United States, and if sufficient protection has not been afforded to them, the Government is to make good the losses they sustained. That is my understanding.

Mr. DUNHAM. These claims have invariably gone to the Committee of Claims.

Mr. EDGERTON. I make this statement as regards this case: This man Landon, in 1802, went to Fort Wayne and purchased a home there on the lands of the United States. He was an army contractor, or the agent of army contractors. The produce raised upon his land was sold by him to those stationed at Fort Wayne. In 1812, the Indians made a descent upon the place, drove off his stock, and burned his building. He was then acting as agent for an army contractor, or issuing commissary; and for this property there destroyed, he claims that the Government shall pay him. The committee came to the conclusion that there was no law authorizing its payment, and that the action of the Government had been in opposition to the payment of claims of this character.

Mr. SMART. I am in favor of the report of the gentleman from Ohio, and will call the attention of the House to the 91st rule; which reads as follows:

"It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in said establishment."

I shall now make but one remark in relation to this subject. From the little experience I have had upon the Military Committee, I am satisfied that it is becoming a mere claims committee and that there is a wrong use made of it. I, for one, am opposed to the reference of these claims to that committee. I do not think the rule so intended. I think, as we have a Committee of Claims, (and a very efficient one it is,) that such claims should be referred there. This reference has been properly made to that committee, and I really hope this report will be adopted. I move to lay the report upon the table. Pending which,

On motion by Mr. FULLER, of Maine, The House adjourned.

NOTICES OF BILLS.

Mr. CABELL, of Florida, gave notice of bills to survey the military reserves at Tampa Bay and Pilatka, in the State of Florida, and for the erection of a marine hospital at Apalachicola, in said State.

Mr. THOMPSON, of Virginia, asked, and obtained leave to withdraw the papers in the case of William Sparks, now on file in the office of the Clerk of this House, and that the same be referred to the committee on Invalid Persons.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. THOMPSON, of Virginia: The petition of Lewis Turner, of the county of Preston, Virginia, praying for a pension on account of permanent injury to his health in the war of 1812.

Also, the petition and papers of Margaret Garwood, widow of Samuel Garwood, praying for a pension on account of a permanent injury received by her said husband in the battle of Lake Erie, in the flag-ship of Perry, which permanently injured him for life, so as to prevent him from providing for his family.

By Mr. DEAN: The petition of citizens of the District of Columbia for a new and enlarged building for a post office, in the City of Washington.

By Mr. STRATTON: The petition of Robert B. Sutcliffe and 58 others, citizens of New Jersey, praying the enactment of a law prohibiting entirely the importation of intoxicating liquors.

By Mr. MOORE, of Pennsylvania: The petition of the Society of Friends, of Philadelphia, for the repeal of the fugitive-slave law.

By Mr. CHURCHWELL: The memorial of Robert James, of Tennessee, praying for the remission of duties on machinery imported by him as an emigrant, for his own use and benefit.

By Mr. SEYMOUR, of New York: The petition of Jole, Coit & Co., to be refunded duties on merchandise damaged while in transitu from one warehouse to another for exportation.

By Mr. CABELL, of Florida: The memorials of William H. Andrews, George S. Jennings, Joseph D. Morris, Edward R. Ives, George J. Leubman, Hiram T. Mann, and Joel B. Smith, assistant marshals of the State of Florida, for additional compensation for taking the last census.

By Mr. WALBRIDGE: The petition of William T. Lawrence, and 137 other citizens of Tompkins and Chemung counties, New York, praying for the establishment of a tri-weekly mail route from Havana, in the county of Chemung, to Illica, in the county of Tompkins, via Odessa, Cayutaville, Enfield, Centre, &c.

By Mr. HAVEN: The remonstrance of Mugridge and Clark, and other citizens of Buffalo, being bread and cracker bakers of that place, against extending or renewing the patent to William R. Nevins, of New York, for a machine for rolling dough and cutting crackers and biscuit, giving the reasons of the remonstrance at length.

By Mr. St. MARTIN: The memorial of Nathan C. Folger in relation to Mexican indemnities.

Also, the petition of Nanette Dijean, widow Padron, praying for relief.

By Mr. McLANAHAN: The petition of citizens of Perry county and Union county, in the State of Pennsylvania, for the establishment of a mail route from Miller's Town, in Perry county, to Mifflinburg, in Union county.

By Mr. HENN: The petition of T. H. P. Duncan and 98 others, asking for mail routes from Corydon, Wayne county, Iowa, via Grand River, to Princeton, Missouri, and from Corydon to Chariton Point, and for weekly service thereon.

IN SENATE.

Friday, January 30, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

PRIVATE BILL DAY.

On the motion of Mr. NORRIS, the execution of the order by which Friday of each week is devoted to private claims, was suspended until one o'clock.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tem.* laid before the Senate a letter from the Treasurer of the United States, communicating copies of his accounts of receipts and disbursements for the service of the Post Office Department for the year ending 30th June, 1851; which was read.

On motion by Mr. HUNTER, it was

Ordered, That it lie on the table.

PETITIONS.

Mr. PEARCE presented the memorial of Augusta Ogden Boyd, praying the continuance of her pension; which was referred to the Committee on Pensions.

Mr. DODGE, of Iowa, submitted a document in support of the petition of citizens of Kanesville, Iowa, for a grant of land for the benefit of that town; which was referred to the Committee on Public Lands.

Mr. FELCH presented the petition of John Gray, praying remuneration for a pair of horses taken by the United States troops during the last war with Great Britain; which was referred to the Committee of Claims.

Mr. PRATT presented the memorial of Henry Mankin, praying that the Postmaster General may be authorized to contract with him and his asso-

ciates, merchants residing in Baltimore and Rio de Janeiro, for the transportation of the mail in steamers from Baltimore and Norfolk to St. Thomas and Barbadoes, in the West Indies, Para, Pernambuco, and Rio de Janeiro, in Brazil, and Montevideo in Buenos Ayres; which was referred to the Committee on the Post Office and Post Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. HALE, it was

Ordered, That the petition of Thomas Butler, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. HAMLIN, it was

Ordered, That Anna McLean have leave to withdraw her memorial and papers.

On motion by Mr. SHIELDS, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Lewis A. Thomas and Thomas Rogers, be referred to the Committee on Indian Affairs.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the petition of John Le Roy, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. CLEMENS, it was

Ordered, That the petition of Charles G. Gunter, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. UNDERWOOD, it was

Ordered, That the petition of citizens of Paducah, Kentucky, on the files of the Senate, relating to the establishment of a port of delivery, and improving the harbor at that place, be referred to the Committee on Commerce.

On motion by Mr. SHIELDS, it was

Ordered, That the documents on the files of the Senate relating to the incorporation of a Mutual Insurance Company in the city of Washington, be referred to the Committee for the District of Columbia.

REPORTS OF STANDING COMMITTEES.

Mr. SOULE, from the Committee on Commerce, to which was referred the memorial of the citizens of Appalachicola, praying that Samuel Bray, keeper of the Dog-Island light-house, on the coast of Florida, may receive some remuneration for the losses sustained by himself and family during the gale of the 23d and 24th of August, 1851, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. S., also, from the Committee on the Post Office and Post Roads, to which was referred the memorial of Thomas Rhodes, submitted a report, accompanied by a bill for his relief; which was read and passed to a second reading.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill providing for carrying into execution, in further part, the 12th article of the treaty with Mexico, concluded at Guadalupe Hidalgo, reported the same without amendment.

He said that he should have now asked for its consideration, but that he understood the Senator from Louisiana, [Mr. SOULE,] who was not now ready to proceed, desired to be heard upon the subject. He should, however, ask for its consideration at an early day.

Mr. SOULE intimated that he desired to examine some documents relating to the subject-matter of this bill, before he proceeded to its discussion.

Mr. BRODHEAD, from the Committee of Claims, to which was referred the petition of the Orange and Alexandria Railroad Company, submitted an adverse report; which was ordered to be printed.

PASSENGERS BY STEAMBOATS TO CALIFORNIA.

Mr. BRADBURY. I have been requested in behalf of a number of highly-respectable constituents to call the attention of the Senate to abuses alleged to exist in the conveyance of passengers by steamboats from the Atlantic ports to California.

The abuses complained of are:

1. That these boats, in violation of their public engagements, take ordinarily a much larger number of passengers than they can properly accommodate, or is consistent with health and safety.

2. That the supply of food is often deficient in quantity, and of the poorest and most unwholesome quality.

3. That the treatment of passengers, the sick even, by officers and crews of the boats, is sometimes cruel in the extreme.

It is represented that from these abuses large numbers of our fellow-citizens emigrating to California lose their lives or their health by disease engendered on board these boats.

The petitioners say they believe that a thorough investigation by a committee of Congress, with power to send for persons and papers, would disclose scenes occurring on board some of these boats that could find a parallel only in the horrors of the middle passage in the African slave trade.

Not professing to have a personal knowledge how far these representations are well founded, I believe the subject is worthy of the most thorough investigation, and trust it will receive the attention of the Committee on Commerce. With that view I offer the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire whether any legislation is necessary to prevent abuses in the conveyance of passengers by steamboats from the Atlantic ports to those of California.

Mr. GWIN. I have only to say that I thank the Senator from Maine for bringing this subject to the attention of the Senate. I have heard great complaints of these abuses, and I hope the committee will give to the subject its early attention; and if there are such abuses that they will recommend to the Senate the passage of a bill imposing the severest penalties on the owners of the steamships. I have no doubt that many lives have been lost in consequence of the abuses which exist on board those steamers.

The resolution was adopted.

DISCIPLINE IN THE NAVY.

Mr. BADGER. I have been directed by the Committee on Naval Affairs to offer some amendments to the bill heretofore reported from that committee to enforce discipline and promote good conduct in the naval service of the United States. As I desire to have that bill taken up and considered at some early day, I hope that by the unanimous consent of the Senate these amendments may be laid on the table and printed.

The amendments were received informally, and ordered to be printed.

CUBAN PRISONERS IN SPAIN.

The bill for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain, was read a first and second time by its title, and referred to the Committee on Foreign Relations.

BILLS FROM THE HOUSE.

A message was received from the House of Representatives by Mr. FORNEY, its Clerk:

Mr. PRESIDENT: The House of Representatives have passed a joint resolution for the relief of Elizabeth Previtt, widow and executrix of Robert C. Previtt, deceased; also, a bill entitled "An act for the benefit of the Carmelite Nunnery in Baltimore; in which resolution and bill they request the concurrence of the Senate.

They were read a first and second time by their titles, and referred, the first to the Committee on the Post Office and Post Roads, and the latter to the Committee on Finance.

UNITED STATES COURTS IN DELAWARE.

Mr. BRADBURY. I desire to call up the bill concerning sessions of the courts of the United States in the district of Delaware. I do this at the instance of the Senator from Delaware, [Mr. BAYARD.] The bill provides for a change of the sessions of the United States courts in that district, which are to be held very soon. I hope the Senate will allow the bill to be taken up, so that it may be passed at this time. I move to postpone the prior orders, with a view to taking up that bill.

The motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole.

It provides that the Courts of the United States in and for the district of Delaware, shall hereafter be held at New Castle, in the said district; that there shall be two regular terms of the circuit court of the United States in said district, which shall commence on the third Tuesday of June, and third Tuesday of October, in each and every year hereafter; and that there shall be four regular terms of the district court of the United States for the said district, which shall commence on the second Tuesday of April, June, September, and January. The bill also provides, that the office of the clerk of the circuit court for said district, and the records of the said court, shall be kept, either at Wilmington or New Castle, as may be directed by an order of the judges of said court, made

either in term or during vacation, and entered on the records thereof; and that the office of the clerk of the said district court, and the records thereof, shall be kept at either of the said places, as may be directed by the judge of the said district court, by an order made in term or during vacation, and entered on the records thereof.

It further provides that no process issued or proceedings begun in either of the said courts shall be voided by this change of the place and time of holding the said courts, and that all process, bail bonds, or recognizances, returnable at the next term of said courts, shall be returnable and returned at the terms of said courts, respectively, next occurring after the passage of this act, in the same manner as if they had been made so returnable on the face thereof, and shall have full effect and force, and that all continuances shall be made to conform to the provisions of this act.

The bill was reported to the Senate without amendment, and was ordered to be engrossed and read a third time.

NAVAL APPOINTMENTS.

The Senate proceeded to consider the resolution, submitted on the 27th instant by Mr. HALE, in relation to the tenure of appointments in the naval service; and the resolution was agreed to, as follows:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law that appointments in the naval service of the United States shall hereafter be for a limited time, which shall be expressed in the commissions.

ADVERSE REPORTS.

The Senate proceeded to consider the adverse reports on the President's desk, which had been made from committees on memorials referred to them. The question in each case was on concurring in the report of the committee, and the Senate decided affirmatively on the following:

The petition of Leonard J. Thomas;
The petition of Charles H. Blood;
The petition of Joseph Hill and Sons;
The petition of José Baya;
The petition of Phœbe Glover;
The petition of John H. Patterson;
The petition of Samuel M. Bootes;
The memorial of Robert Piatt;
The petition of George E. Paine and Polly Teal, the children of Brinton Paine, deceased;
The petition of Samuel Crapin;
The petition of Hugh W. Dobbin;
The petition of Samuel Prisleau;
The petition of Thomas Flanagan;
The petition of Sarah Bennett; and
The petition of A. J. Williamson.

The Senate proceeded to consider the adverse report of the Committee of Claims on the petition of William A. Duer, administrator of William Duer, deceased; and,

On motion by Mr. BADGER, it was ordered to lie on the table.

MARY W. THOMPSON.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Mary W. Thompson; and no amendment being made, it was reported to the Senate, and ordered to be engrossed and read a third time.

DAVID C. CASH AND GILES U. ELLIS.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of David C. Cash and Giles U. Ellis.

The bill provides that the Secretary of the Treasury be authorized and directed to pay to David C. Cash, late lieutenant, and Giles U. Ellis, late a private in the Seminole war in Florida, whatever may be due to them on the monthly rolls for military service in said war. On this bill the Committee on Military Affairs of the Senate reported adversely.

Mr. HUNTER called for the reading of the report.

The Secretary read the report of the Committee on Military Affairs of the House of Representatives, from which it appears that David C. Cash and Giles U. Ellis served in the war with the Seminole Indians, Cash as a lieutenant, and Ellis as a private. They were engaged by Richard R. Crum of the Commissary Department, to disburse supplies to the troops, and they well and truly discharged that duty. At the expiration of

their term of service, they accounted, as in duty bound, to R. R. Crum, quartermaster, delivering to him all invoices and goods in their possession. Although they were employed by Crum as his assistants, the Government has endeavored to hold them responsible as its agents, because they signed the vouchers as Assistant Quartermasters; but there was no contract between them and the Government. They were not commissioned by the Government in that character, but they acted under Crum, a regularly-qualified commissioned officer of the Government. They received a great deal of property as Crum's agents, and they accounted for it all; but Crum being in default to the Government, they were held accountable. The affidavit of Cash and Ellis is sustained by the affidavit of Crum, who says that they acted as his agents, and as such were authorized to receive large supplies. He says he held them responsible to him, and that he demanded and received of them all their papers, vouchers, invoices, and receipts. They fully accounted for and properly applied all the stores received by them. The Government did not give them their regular pay, but withheld it from them, and the committee thought that Crum, the quartermaster, and not Giles and Ellis, should be held liable to the Government for any deficiencies or arrearages in his department as quartermaster or commissary.

Mr. HUNTER. That seems to be a bill which requires the Government to pay agents who were employed by this Mr. Crum. I think this ought not to be done. I hope the bill will be passed by informally.

Mr. BADGER. As the chairman of the Committee on Military Affairs, who reported this bill, is not in his place, I move to postpone its further consideration until to-morrow.

The motion was agreed to.

JOHN T. SULLIVAN.

The bill for the relief of John T. Sullivan was read a second time, and considered as in Committee of the Whole. It provides that the Postmaster General be authorized and required to pay to John T. Sullivan \$1,670, out of the funds of the Post Office Department, for folding, cutting, and quarto binding 17,500 copies of laws and instructions to postmasters, under a contract made with him by the Postmaster General on the 27th of April, 1839; and also for folding, stitching, and binding other laws and regulations subsequent to said contract, and for the storage of said laws.

The bill was reported to the Senate and ordered to be engrossed for a third reading.

JOSEPH GIDEON.

The bill for the relief of Joseph Gideon was read a second time, and considered as in Committee of the Whole. It provides that the proper accounting officer of the Treasury be authorized and directed to settle and adjust the accounts of Joseph Gideon, as acting purser of the United States store-ship *Fredonia*, from December 18, 1847, to May 16, 1848, and from June 8, 1848, to January 18, 1851, and to pay him the difference between the compensation of a captain's clerk and an active purser for that time.

Mr. FELCH called for the reading of the report of the Committee on Naval Affairs.

The Secretary read it accordingly. It sets forth that Joseph Gideon was duly appointed by the commander of the store-ship *Fredonia* an acting purser on board, and that he faithfully executed the duties of purser in the Gulf of Mexico and on the Pacific coast, for the period mentioned in the bill. He also, at the same time, discharged the duties of captain's clerk, for which he received compensation; but the committee deem him entitled to the additional amount now proposed to be given to him.

The bill was reported to the Senate and ordered to be engrossed and read a third time.

JOHN O. MEANS.

The bill for the relief of John O. Means was read a second time, and considered as in Committee of the Whole. It provides that the proper accounting officer of the Treasury Department be authorized to settle and adjust the account of John O. Means, an acting purser on board the United States brig *Dolphin*, under the appointment of the commander of the squadron on the coast of Africa, and to allow him the pay of a purser while in the discharge of the duties of that appointment.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

PRIVATE LAND CLAIM.

The bill to confirm the claim of John Ervin to a certain tract of land in the Bastrop Claim, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

It provides that John Ervin shall be confirmed in his title to the land on which he resides, in the State of Louisiana, to the extent of six hundred and forty acres, to be taken by legal subdivisions so as to include his improvements; and that a patent be issued to him for a legal survey of the same, under the direction of the Surveyor General for said State; provided that this act shall amount only to a relinquishment of title on the part of the United States.

Mr. FELCH asked for the reading of the report.

It was read accordingly. It appears from it that twenty-three years since Mr. Ervin settled on and improved a tract of land in the Bastrop Claim, in the State of Louisiana, on which he has ever since resided. Previous to his settlement the land had been sold by the grantee to a Mr. Ballanger, who, after having made some improvements, abandoned it and left the country, and has not been heard of since, nor has any agent or heir appeared for him. In consequence of this, the claimant has not been enabled, as he intended to do, to purchase the title of Ballanger to the tract. But he has held peaceable and uninterrupted possession long enough to give him, under the laws of Louisiana, a title by prescription against all claimants except the United States. An act of Congress was passed on the 3d of March, 1851, which intended to give a donation to settlers of twenty years standing and upwards. It provided that the title of the United States should be relinquished against such persons. This claimant would have been entitled to the benefit of this act but for the fact that he did not hold his lands of the original grantee. This being a mere technical point, the claimant, of course, is within the spirit and intention of the act of 3d March, 1851. The committee state, also, that the claimant is a very old man, and that it would be a very important thing for him, in his old age, to have his title settled.

Mr. FELCH. The chairman of the committee, [Mr. Downs,] who reported this bill, is not in his seat. I would like to know what has been our legislation on this subject heretofore.

Mr. HALE. This was a subject of consideration in the Committee on Private Land Claims, and the committee unanimously agreed that this case required the attention of Congress. It is a case in which an individual has occupied his land for more than twenty years; but the land was so situated that, for some reason or other, it was not open to entry. This individual has occupied the land for more than twenty years. Nobody has disturbed him; nobody but the United States can disturb him. The committee deemed it proper that the claim of the United States to the land which he has occupied for more than twenty years should be relinquished. I hope the bill will pass. This claimant is a very old man, and this is but a trifling matter.

The bill was reported to the Senate without amendment.

Mr. HUNTER. I prefer that the bill should lie over until the Senator who reported it shall be in his seat, and we can hear some further explanation of it. I move to lay the bill on the table.

The motion was not agreed to.

Mr. SOULE. I hope this bill will pass. I am sorry there should be any opposition to it. If there is any opposition, I hope it will lie on the table until my colleague, who reported it, shall be in his place.

Mr. HALE. I think the Senate did not listen to the reading of the report. If the Senate will give their attention to its reading, I think there will be no necessity for a speech; for the report states the case very plainly. I ask that the report be again read.

The report was again read.

Mr. UNDERWOOD. I would like to hear the act of the 3d of March, 1851, referred to in the report, read.

Mr. GWIN. I have no doubt as to the justice of this claim. I hope the Senate will pass it. The Senator from Louisiana, [Mr. Downs,] who

reported this bill, is not in his seat; and if there is any objection to the bill, I hope it will be passed over until he shall be here. For myself, I know of no objection to the bill.

Mr. UNDERWOOD. There is this objection to it, in my mind: I believe that this Bastrop Claim has recently been determined by the Supreme Court of the United States to be an invalid claim, and good for nothing. It seems that a recent act has been passed extending preemption rights to the settlers on that claim. Hence, I suppose, this gentleman is entitled to a preemption right in common with other settlers. But he sets up a claim from a man by the name of Ballanger, who, he says, purchased from Bastrop, the original grantee. The fact is evident, and he alleges it himself in his petition, that he intended to purchase from Ballanger; but he never did acquire any right or title whatever. It is, therefore, a case of a donation of land, as much so as any donation that has ever been presented to the consideration of Congress. I therefore called for the reading of the act of the 3d of March, 1851, referred to in the report, for the purpose of seeing whether Congress had established the principle of making donations to settlers on this claim for twenty years' settlement. If that be the case, I see no objection to placing this individual on the same footing with others; although I might have objected to such legislation originally. In regard to all these matters, which I have condemned for so many years here, I have gone upon the principle, that when you establish a certain rule, all persons should fare alike under it. Let all enjoy the same benefits whose claims are alike. I called for the reading of the act with that view. Until we can look into the matter, I think no injury can be sustained by letting this bill lie over.

Mr. HALE. If there be any objection to this bill after I shall state a single fact, I will not interpose any objection to its being laid over. It will be seen that the last clause of the bill is in these words:

"Provided, That this act shall amount only to a relinquishment of title on the part of the United States."

That is all it will do. I understand the Bastrop Claim as matter of a disputed title, and that the Supreme Court of the United States has decided that the grant was void. Congress, in 1851, at the last session, passed an act for the relief of the settlers on the claim, by which it was provided, that the title of the United States should be relinquished against all settlers who had been there over twenty years. This gentleman has been there for twenty-three years, not on land of the United States, but on land granted by Bastrop to a Mr. Ballanger, who has never appeared to claim it. Hence he has a good title by prescription, as against Ballanger, or anybody else but the United States. It has been decided that his case does not come within the purview of the act; but the United States does not own the claim. All he asks is, that the United States shall relinquish what claim it has, if any, and leave him to contend with Ballanger and his heirs, if they ever should come. You may postpone the bill for twenty years, but you can never get the facts any plainer than they are. These are the facts of the case. Now, if the Senate wish it to lie over after this statement, I shall interpose no objection.

Mr. DAWSON. Let it lie over.

The Secretary, in pursuance of the request of Mr. UNDERWOOD, then read the following act:

An Act for the settlement of certain classes of private land claims within the limits of the Baron de Bastrop Grant, and for allowing preemption to certain actual settlers, in the event of the final adjudication of the title of the said De Bastrop, in favor of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the event of a final adjudication by the court in favor of the United States, on the "Baron de Bastrop" claim in Louisiana, under the act of Congress approved on the 17th June, 1844, entitled "An act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama, south of the thirty-first degree of north latitude, and between the Mississippi and Perdido rivers," the register and receiver for the Ouachita land district, Louisiana, shall give public notice of the fact, in some newspaper circulating in the vicinity of the land, and within twelve months from and after the date of the first publication of such notice, it shall and may be lawful for any original claimants of the classes hereinafter mentioned in this section of the present act, their heirs or legal representatives, to file with the aforesaid register and receiver notices descriptive of their claims, and specifying their precise localities and area, with the testimony in support of the same:

First: All bona fide claimants by purchase from De-

Bastrop, or those holding under him, where the land has been occupied and cultivated for twenty years.

Second: All bona fide claimants of "head rights," for not exceeding six hundred and forty acres, their heirs or legal representatives, where the original claimant came over and settled the land under the contract between the Spanish Government and De Bastrop, even though the land was not actually sold or conveyed to such original claimants by the said De Bastrop.

Third: All bona fide claimants for not exceeding six hundred and forty acres, as actual settlers prior to the twentieth December, eighteen hundred and three, where they have held such continued possession as to show that they identified themselves with the ownership of the land.

Sec. 2. And be it further enacted, That after the expiration of the twelve months aforesaid, it shall be the duty of the register and receiver, pursuant to such instructions as may be given by the Commissioner of the General Land Office, to make a report with the notices, and all the testimony, to the General Land Office, specifying all such cases as in their opinion come within the principles recognized under the several heads mentioned in the foregoing section, and which according to those principles ought to be confirmed, and such as in their opinion ought to be rejected.

Sec. 3. And be it further enacted, That it shall be the duty of the Commissioner of the General Land Office to lay the report aforesaid before Congress for final action thereon; and all claims recommended for confirmation shall be reserved from sale until the final action of Congress on the report aforesaid, and all claims reported as rejected shall be treated as other public lands.

Sec. 4. And be it further enacted, That the claims numbered forty, forty-four, forty-five, forty-six, forty-seven, forty-eight, and fifty-one, favorably reported on by Daniel J. Sutton, as register for the district north of Red river, Louisiana, and entered in the first class of his report, dated first of January, eighteen hundred and twenty-one, but on account of being within the limits of the Bastrop Grant, have been excluded from the confirmatory provisions of the second section of the act of Congress approved February twenty-eight, eighteen hundred and twenty-three, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," be and the same shall be held confirmed, in the event of the final adjudication of the Bastrop claim in favor of the United States as aforesaid: Provided, That this confirmation shall only operate as a relinquishment of title on the part of the United States, and shall in no way prejudice or affect any sale, or other right existing at the time when the survey shall be executed, of the claims hereby conditionally confirmed; and in the event of the final adjudication of the Bastrop Grants aforesaid, and upon the return of approved plats of survey for the claims specified in this section, relinquishment patents shall be issued as in other cases.

Sec. 5. And be it further enacted, That in the event of a final adjudication, in favor of the United States, of the Bastrop Claim, as contemplated by the first section of this act, every bona fide settler, on any part of said land, at the time of the extension of the public surveys over the same, who is a man of family, widow, or single man over twenty-one years of age, and an actual housekeeper thereon, and who, but for the reservation heretofore made of said land for the claim of the said Bastrop, would have been entitled to a right of preemption under some one of the preemption laws, be, and he is hereby authorized to enter the quarter section so resided on, or by adjoining legal subdivisions, so as to include his residence and land cultivated or improved, any number of acres not to exceed one hundred and sixty acres, upon making proof of such settlement, housekeeping, &c., to the satisfaction of the register and receiver, as in ordinary cases, at any time within a year after the public surveys are so extended over said land.

Approved March 3d, 1851.

Mr. SOULE. The Senate will perceive, from the act which has just been read, that very few cases are plainer than the one now presented to our consideration. I myself am not willing, nor, indeed, am I ready now, to express any opinion as to the rights the claimant may hold under the laws of Louisiana, considering him as holding adversely to those who may claim under Ballanger. I do not wish, therefore, to intimate what my opinion may be on that question. But certainly the Senate will not insist upon acting on this case in the absence of the Senator who has presented it, and who is familiar with its merits, and who could explain any difficulty which any Senator might perceive in the way. I will, therefore, make a call upon the generosity and good feeling of the Senate to let the matter lie over, until my colleague shall be able to attend.

Several Senators. Certainly.

Mr. BADGER. The honorable Senator from Louisiana misunderstands entirely the purpose of those of us who desire that this matter shall not be laid over. We consider this a plain case. We want to pass the bill. The reading of the report of the committee, and the reading of the act of Congress, passed March 3, 1851, shows conclusively that Congress intended to provide for a class of cases precisely like the one now presented to our consideration. It is only by a technical difficulty that this person is precluded from the benefits of the act. And why should we not at once pass the bill, and release to him the title of the United States, if it has any?

Mr. SOULE. If that be the intention of the Senate I shall interpose no objection. On the contrary, I shall be quite willing to pass the bill now.

Mr. UNDERWOOD. If it be the will of the Senate to act on the bill now, I wish to state a few objections to it.

Mr. BADGER. Let it lie over, then.

Mr. SOULE. Then I will move to postpone the further consideration of the bill until to-morrow.

The motion was agreed to.

GEORGE POINDEXTER.

A bill for the relief of George Poindexter, reported by the Committee on Military Affairs, was then taken up and read a second time, and considered by the Senate as in Committee of the Whole.

Mr. BRODHEAD. Is there a report accompanying that bill? If there is, I would like to hear it read.

The PRESIDENT. There is a report which was made some years past, but no report has been made this session. Does the Senator from Pennsylvania wish that report to be read?

Mr. DAWSON. If the Senator from Pennsylvania will allow me, I will state, that this bill has been reported upon year after year, and the Department has recommended the payment of the claim. The only difference that arose between the claimant and the Department is, that he wanted certain words employed to which the Department would not consent.

Mr. BRODHEAD. I am satisfied, and withdraw the objection.

The bill was then reported to the Senate without amendment, and was ordered to be engrossed for a third reading.

WILLIAM MILLER.

The Senate next proceeded to consider a bill for the relief of William Miller.

This was a bill reported from the Committee on Pensions, and provided that the Secretary of the Interior be directed to place the name of William Miller, of the State of Maine, on the roll of invalid pensioners for life at \$8 per month, commencing on the 1st of January, 1852.

The bill having been read a second time, was considered by the Senate as in Committee of the Whole. There being no amendment, it was reported back to the Senate, and ordered to be engrossed for a third reading.

EZRA WILLIAMS.

A bill for the relief of Ezra Williams was read a second time, and considered by the Senate as in Committee of the Whole. The bill provided that the Secretary of the Treasury be directed to pay to said Ezra Williams the sum of \$500, in full for his services in preparing an alphabetical index, under the direction of Richard M. Young, Commissioner of the Land Office.

The bill was reported to the Senate without amendment, and was ordered to be engrossed for a third reading.

IRA DAY—INTEREST ON CLAIMS.

The bill for the relief of Ira Day, of Vermont, was read a second time, and considered as in Committee of the Whole. It provides that the Postmaster General be authorized and required to pay to Ira Day, of Vermont, \$1,008 90, together with the interest thereon from the 1st of July, 1837, out of the funds of the Post Office Department, in full for the balance due to him for transporting the mail from Royalton to Burlington, in the aforesaid State, from January, 1833, to July, 1837.

Mr. HUNTER. I perceive, Mr. President, that there is an allowance for interest provided for in that bill. This is altogether unusual, and I move to amend the bill by striking out the words "together with the interest thereon from the 1st day of July, 1837."

Mr. UPHAM. I hope the Senator from Virginia will hear the report read before he makes that motion. If he will attend to the report, he will see the ground on which this interest is recommended to be paid.

Mr. HUNTER. I am quite willing to hear the report read.

The Secretary read the report, from which it appeared that two bills had heretofore been reported for the relief of the petitioner—one in 1839 and the other in 1840—and that the facts of the case were set forth in a report to the Senate during the third session of the twenty-fifth Congress. From that report it appeared that James Barker and others were contractors for transporting a

daily mail for four years, from Boston (Mass.) to Royalton, Montpelier, and Burlington, for the sum of \$12,250 per annum, commencing on the 1st of January, 1833, and ending in January, 1837. In the month of October, 1834, the Postmaster General ordered the mail to be discontinued one day in a week on that part of the route between Royalton and Burlington, which part of the route was assigned by the contractors to the petitioner. Under this order of the Postmaster General, the mail from Boston arrived at Royalton on Saturday evening, and remained over until the Monday morning following. That the inconvenience to the public in consequence of this order was such that the postmasters on the route, and other citizens, solicited and urged the petitioner to continue the transportation of the mail daily, notwithstanding the said order of the Postmaster General. The petitioner did so, and thus the line was unbroken, and the mail was transported regularly from Boston to the capital of Vermont, and thence to Burlington, and *vice versa*, every day in the week. The petitioner, therefore, claimed this sum of \$1,008 90, being the sum withheld from him by the Postmaster General on account of the order already mentioned.

The committee further reported, that if this order had been carried out, it would have occasioned great inconvenience to the public; that it would have delayed the mail thirty-six hours in one of the most important and productive routes in that section of the country; that the order, though temporary on its face, was doubtless signed as a means of affording temporary relief to the Department, which was then in an embarrassed condition; and that the service having been thus rendered at the request of the postmasters and other citizens upon the route, and having contributed greatly to the convenience of the public, the petitioner should in justice and equity be paid for it.

It further appeared that the mail was carried by the petitioner at the request of the Postmaster General, after the contract had expired, namely: from the 1st of January, 1837, to the 1st of July, in the same year; and that the same rate of deduction (one seventh) was retained by the Postmaster General, and was included in the amount claimed.

The committee further reported, that they had not been able to find any power vested in the Postmaster General, authorizing him to make such an order, and that the only clause in the contract authorizing the Postmaster General in any way to interfere with it was one which provided, that if the route, or any part of the route, therein mentioned, should be discontinued by act of Congress, or should, in the opinion of the Postmaster General, become useless, or if a line of stages or steamboats should be established on the whole or any part of it, where the mail was not so carried under the contract, then the contract itself, or such part of it, should cease to be binding on the Postmaster General, by giving notice of such event to the party contracting, and making allowance of one month's extra pay. Under this clause the committee were of opinion that the Postmaster General had no power to discontinue the mail one day in the week.

Mr. HUNTER. The Senator from Vermont [Mr. UPHAM] desired that I would wait for the reading of the report before I pressed my amendment. Well, sir, I have heard it read, and upon hearing it I am not convinced that the principal is due, much less the interest. It seems that this contractor insisted on discharging this service, although the Postmaster General had expressly desired that it should be discontinued. Now, sir, by the report read, in which there is furnished a clause of the contract, it appears that the Postmaster General had a right to discontinue the contract for the whole route, and for the whole time, if he thought proper; and certainly if he had a right to discontinue it for the whole, he had a right to discontinue it for a part; and if this did not meet the views of the contractor he might have thrown his contract up. He only continued, in despite of the order of the Postmaster General, to discharge such services as he thought would be advantageous to those on the route. Now, if this is to be allowed and sustained by Congress in this case, others will do the same. Instead, therefore, of paying the principal and interest, I think that this claimant is not entitled to either. Besides, sir, I do not see why we should pay interest in this case, when we uniformly refuse to

pay it in all others. We had a case here a very short time ago of a similar kind, it seems to me, in which the Senate refused to pay interest, although they did pay the principal. I see, therefore, no reason why the interest should be paid here.

Mr. UPHAM. I understand the Senator from Virginia to say that he doubts the equity of this claim on its merits, or in other words, that he would not pay either principal or interest, because the claimant continued the service, notwithstanding the order of the Postmaster General discontinuing it. This claim came before us at the last session of Congress, as we have seen by the report referred to. At that time I had not looked into the contract to see what powers were vested in the Postmaster General, or in other words, I had not looked into the terms or the form of the contract. Since that time, however, I have examined this matter, and I find that the Postmaster General expressly reserves to himself the right to alter the contract and reduce the pay for services to be performed on a route under certain circumstances. I then went back to the year 1833, when this particular contract was made, and I find no such clause in regard to it, nor any such power reserved as is now reserved. The only clause in the contract under which the Postmaster General claims to exercise this power, is in the following words:

"It is mutually understood by the contracting parties, that if the route, or any part of the route herein mentioned shall be discontinued by act of Congress, or, in the opinion of the Postmaster General, becomes useless; or if a line of stages or steamboats shall be established on the whole or any part of it, where the mail is not so carried under this contract, then this contract, or such part of it, shall cease to be binding on the Postmaster General, he giving notice of such event, and making allowance of one month's extra pay."

Now, under this clause it appears that the power of the Postmaster General is derived altogether from the contract itself. What, then, had the Postmaster General a right to do under this contract? In the first place, let me remark that the mail route is one thing, and that the contract is another. This contract provides that if any portion of the mail route shall be discontinued by Congress, or if, in the opinion of the Postmaster General, such route, or any part of it, may become useless, he may discontinue the whole or a part, as the case may be, by giving notice thereof, and by making an allowance of one month's extra pay. But, sir, there is no clause in this contract authorizing the Postmaster General to reduce the service to be performed on a route. If he has contracted for too much service, that is his misfortune; but he certainly has no right to curtail, or reduce it, so long as the route over which he contracted to transport the mail continues to be a mail route. If it should cease to be a mail route in consequence of the provisions of any act of Congress, or if he himself should discontinue it as a mail route, on the ground that it has become useless, then the contract, so far as it relates to that portion of the mail route which has been discontinued, shall not be binding on the Postmaster General. All that he could do under this contract is to put an end to it, if Congress should repeal the law making it a mail route, or if, by reason of other circumstances, it should become useless as a mail route. What, then, is a mail route? I understand it to be a road or way. Congress makes a road a mail route by special act. The Postmaster General contracts for the services to be performed on that route, and under the old form of contract, he could not reduce the service from a daily mail to a semi-weekly, or tri-weekly, or weekly mail; but under the new form of contracts entered into, there is a clause authorizing him to alter the schedule; and if, in his opinion, the service contracted to be performed is not required, he may curtail, or reduce, or terminate that service. Now, if under the old form of contract the Postmaster General had such authority, why afterwards strike out that old clause, and substitute a new one? It is clear to my mind, and the committee were unanimous in their opinion, that under this form of contract entered into in the year 1833, the Postmaster General could not reduce a daily mail to a tri-weekly, or semi-weekly mail; or, in other words, he could not strike out one trip, or two trips, or three trips. This was illustrated here the other day in the case of Dwinell, of Maine. The Senate passed an act to give him \$13,000. He contracted to run a daily mail on a certain route in Maine. Now, although this was

a profitable route in the summer, it was found to be unprofitable in winter, in consequence of obstructions on the route. What did the Postmaster General do in this case? Did he reduce the service? No; he applied to the contractor and induced him to consent to diminish his number of trips to three in the week, with a promise to pay him a sufficient compensation. In this case we passed a bill the other day giving \$13,000, without interest, for the damage he sustained. That bill was passed by striking out the interest. But if the committee are correct in the legal view they have taken of this question, there is no doubt about the interest. If, at the end of the contract, the Postmaster General retained one seventh of the money then due, and refused to pay it over, that party is as much entitled to interest as the State of New Hampshire was on money advanced to carry on the Indian Stream war. We have passed a bill this session to pay interest in this New Hampshire case, and we have also passed a similar bill in the case of Georgia. Now, here is a bill to pay money belonging to the petitioner, which is retained in the hands of the Postmaster General; and I call on Senators to show me the authority of the Postmaster General to reduce the amount of the service contracted to be performed on this mail route. It has never been discontinued as a mail route. It is still a great thoroughfare from Boston, by way of Royalton, Montpelier, and Burlington, to Montreal, and therefore it never can be discontinued. The report shows that it is still a mail route; and the principle contended for is, that while it was a mail route, and was not discontinued by the Postmaster General, he could not interfere with the amount of service which he contracted to have performed on that route. That is the legal view of the case. But at the last session of Congress, upon the equitable view of the case, that he had expended this money and had furnished carriages, horses and harness, and drivers, to run this great mail every day in the week, it was thought right that this money should be paid. This order was regarded as a temporary measure only during the embarrassed condition of the Post Office Department. And the Department being relieved, and being now able to pay, the Senate, at the last Congress, passed a bill on principles of equity and justice. But taking the other view of the subject, about which there is no doubt, I do not believe that there is a legal man in the Senate who will say that the Postmaster General had any right to reduce the service.

Mr. MALLORY. From the report made by the committee, it can hardly be doubted by the Senate that the principal is justly due, and has been unjustly denied, and the objection is to the interest only. And now, when an opportunity is thus offered, I would like to hear Senators set forth some good and sufficient reason why, if Government pays its just debts, it should not also pay damages, and be just and equal with all individuals. This refusal to pay interest upon the just debts of the Government, after having been refused to claimants for twenty or thirty years, has grown up by what? Not by any act of Congress, but simply by the construction of the clerks in the Departments. It is a simple rule of the Department, originating in the fear that if interest were allowed the Treasury would be exhausted. Now, whether it would or would not, has nothing to do with this question. The only question is, What does justice require of us? That is the only question which would be demanded by a court and jury. But Government has frequently gone behind this precedent of refusing interest, and has paid interest. I could refer to some fifty cases in which it has been done, thus setting aside the decisions of the Departments. I feel an interest in this question of interest on claims, and should like to hear those who say that this Government is not bound to pay interest show some good reason why. The philosophy of the objection is this: that the Government is always presumed to be ready to pay its debts. But this is a fiction of the imagination. You go to a Department, and you ask for payment of a claim, and you do not get it. Your acts of Congress prove the time when the debt was due, and that is the time from which interest should commence and from which it should be paid. Now, the theory failing, the practice should be set aside, and the Government should act with the same justice and equity which would be expected from individuals.

Mr. RUSK. The Senator from Virginia scarcely could have attended to the reading of the report, or he cannot be in earnest when he expresses any doubt as to the duty of the Government to pay the principal. This contract was made for the transportation of a daily mail. The Postmaster General, arbitrarily, without any authority in the law, and without any authority in the contract, reduced the service one seventh. Now he had no right whatever to violate this contract. He made the contract for carrying the mail daily over the route, and then reduced it one seventh. And for what? For the purpose of relieving himself and the Department from embarrassment. He had no right to make this reduction, either from the law, or the terms of the contract.

Mr. HUNTER. I know nothing about the terms of the contract; but I wish to ask whether there was any provision in the contract that the Postmaster General might discontinue the whole service whenever he should choose to do it?

Mr. RUSK. The route and the whole service might be discontinued, if Congress chose to discontinue the route. Or if, in the opinion of the Postmaster General, the entire route was useless, he might discontinue the entire service, but with a compensation to the contractors which he understood at the time he entered into the contract, and that was one month's extra pay. The Postmaster General could discontinue the whole service by giving one month's extra pay; and if he chose to send the mail on another route, then Congress discontinued the route. But in this instance, the Postmaster General violates the terms of the contract for the benefit of the Department. It is not pretended nor stated anywhere that such is not the fact. It is not stated that there was any less necessity for carrying a daily mail after the contract was made than at the time it was made. And it is shown that there was constantly a necessity for a daily mail, by the fact that afterwards a new contract was made for carrying the mail daily. Testimony was produced before the committee, showing that there was great inconvenience, not only with regard to the mail, but with regard to the business and the travel on that route, in consequence of the neglect to run the stages on one day in the week. Not only individuals engaged in business, but everybody in that vicinity demanded that this man should go on and comply with his contract. He did so, and Government has pocketed the benefit of the services which he rendered in strict compliance with his contract. The simple question is, has the Postmaster General, when he is authorized by no law, simply on account of the embarrassment of the Department, a right to violate a contract between him and another party? Even if it were put upon the ground that the service was not necessary, the contractor would be entitled to compensation according to the law.

Now with regard to the interest. In the case of Mr. Dwinell, which was discussed the other day, I believe the Senator from Delaware put the refusal to pay interest on the ground that he had stepped over his rights, and did not demand them; and because I could not answer a question put by the Senator from Georgia, and show that Mr. Dwinell had commenced a prosecution immediately, and had made his demand upon the Government, his interest was struck out. But the case is very different with regard to this claim. This party has made his demand for interest all the time; he came here as early as 1839 and made his claim. I do not think, under the circumstances, it can be pretended that the Postmaster General had the slightest right to violate—as he did violate—this contract. It therefore becomes a legal, just, and equitable debt against the United States, beginning in 1837, and here it has been every session of Congress. Because we have delayed the payment of the claim, is it his fault? Here is a man who performed his contract, the Government taking the benefit of his services, and yet he has been constantly asking you to pay, and has failed to obtain it on account of our delay. The interest has accrued because you have neglected to do him justice before.

Mr. BADGER. According to the terms of the contract entered into with the Postmaster General, it was agreed between the two parties that the contractor should transport a daily mail upon this route. There was a power reserved to the Postmaster General, and but one power; and that was,

to make the contract cease. And in order to put an end to the contract, either for the whole distance, or for any portion of the distance, one of two things must happen: either that Congress should discontinue the post route, or that the Postmaster General should himself discontinue it, upon the ground that it had ceased to be necessary; that it had become useless. That is the state of the case. The Postmaster General had a right to make an end to the contract, but he had no right to alter the terms of the contract, to continue to enforce it as to a part, and put it out of force as to the rest. The honorable Senator from Virginia says, that if he had a right to put an end to the contract altogether, he had a right to put an end to a part. Surely that is very inconclusive reasoning. Two men may enter into a contract, and there may be terms used to give liberty to the parties to take such a position as if the contract had never been made in a certain event; but surely it would be very strange to say, that the contract shall be in force for so much, and not in force for the residue. I undertake to say there is no foundation for such a position. The Postmaster General had a right to put an end to the contract; but if it was in force at all, it was in force altogether. When he said, You shall not carry the mail seven days in a week, and shall carry it but six days in a week, his declaration was absolutely illegal; it was in violation of law, and of the contract. The Postmaster General has no more control over such a contract than one individual has over his own contract with another, except so far as some law gives him control, or some reservation in the contract has put it in his power to control it. He says to this man, I do not put an end to the contract. Not at all. But I say, you shall carry the mail six days in the week, and not seven. Now, the Senator from Virginia says, if the contractor did not like that, all he had to do was to put an end to the contract, by refusing to carry the mail at all. I deny that conclusion. If the order of the Postmaster General was illegal, then the contract stood as if he had not made the order. The contractor stood ready to perform the whole service, and he had a right to do it; and if he had a right to perform the service, he had a right to the compensation. The whole question, then, is, whether officers of the United States have a right to make contracts and violate them.

With regard to the payment of interest, I agree, to a considerable extent, with the honorable Senator from Florida, that Government should set an example of doing perfect justice, and should apply the same rules with respect to claims upon the Government that it is in the habit of enforcing in order to secure justice to itself. There is no other rule. Now if this were the case of an individual, I would be extremely glad to know upon what principle the interest should be denied on this claim for a single hour. A certain sum of money became due to this person for the discharge of his contract, and the Postmaster General refused to pay him a portion of it; he withheld and kept it. It was a sum certain then due. The party to pay knew what he had to pay, and the party to receive knew what he had to receive. I undertake to say, that under such circumstances, there is no court in the world—or, at least, no court where the common law prevails, that would fail to award to the claimant the interest on the debt. It is due on the principal, which was agreed to be paid at a certain time. If the amount is absolutely certain, and if payment is refused, it is clear that in every such case interest is due. Therefore, in such a case as this, as it is a plain rule of justice between individuals, as it is a rule which Government inflexibly enforces upon all its debtors, Government cannot maintain its integrity in its dealings without doing to others what it requires others to do to it.

I admit that if a person has a claim against the Government of the United States—a claim, as we lawyers call it, sounding in damages—if demands are made and investigation is had to ascertain what is due, Government stands with regard to that just as individuals do. If one individual has a demand against another for damages, uncertain in amount, the law itself does not give interest upon these damages. There are cases in which interest may be given as a matter of discretion, but cannot be taken as a matter of right. The same rule applies here. If a man has preferred his claim against the Government and manifested his right, and

there is proof that Government has not made provision to pay, either for want of time to pass upon it in Congress or for any other reason, I say that in such a case there is a right to the interest from the time he has verified his claim. With regard to the right of this particular claimant there is no manner of doubt. If the Postmaster General had said, I will reduce the service to carrying the mail twice or three times in a week, the man might have disposed of his horses, his stages, and his drivers; but here he was required to discontinue for one day only, and of course all the expense for horses, coaches, and drivers, had to be kept up. He did not save one dollar of expense in consequence of the diminution of the service, but he was deprived of his compensation. It was unjust in the extreme, and plainly illegal, and therefore, as the Senator from Vermont has said, this man has a clear claim for principal and interest upon legal grounds, as well as upon principles of equity and justice, which I hope we shall never forget in this Hall.

Mr. HUNTER. I confess that in relation to the principal, I find I was mistaken. When I expressed an opinion a short time ago, I had had no other opportunity to examine the case, except as I got it from the hasty reading of the bill and report from the desk of the Secretary. I am now inclined to think, upon further examining it, that the Postmaster General had not authority to curtail the service as he did. But, sir, in relation to the interest, it is quite a different matter; and it seems to me that if we are going to make this a test question in relation to the subject of interest, it had better be laid over until we have a fuller Senate. It is a very important question. I am far from agreeing that the same rule should govern us in the payment of interest, which would govern a private individual. Why, a private individual may at any time make a tender and pay his debt; and a private individual in general has the protection of the statute of limitations. Here every claim is presented, no matter how old; and what an inducement, what a temptation, do we not hold out to persons to keep back their claims, and not to urge a speedy settlement, if we allow interest? Even adopting the rule laid down by the Senator from North Carolina, that interest must be paid from the time when the demand is made, how easy would it be for any man to file his petition and then to say to his friend: You need not push it at this session, nor the next session, for I am not ready, for this reason or that. And after a long lapse of time, when it would be difficult to sift and examine testimony, then he may come in and get his claim passed, and get a large sum for arrearages of interest.

If you allow interest in such a case as this, I cannot see why it should not be allowed in any case in which you admit that an individual is entitled to money and to relief from this Government. And if you do allow interest on such claims as this, there is no telling where these demands will end. I believe it is the principle of all Governments to deny interest in cases of this sort. I believe it is a principle, that the Government is presumed to be always ready to pay. Such certainly is the case with our Government, as soon as a claim is ascertained to be due. But how is that to be ascertained? Why, first, if the individual has a legal claim, he goes to the proper accounting officer and it is passed there—at least, such is the presumption. We have proper accounting officers, and we make laws for their guidance in the settlement of legal claims. If an individual has no legal claim, but chooses to appeal to the equity of the case, he comes here, and it is to be presumed that finally it will be passed, if it is just and equitable. We know, however, that this is a cumbrous and inefficient body for the examination of claims; and are we to make the United States liable for interest in every case in which this body may fail to act speedily upon claims after a demand is made, no matter how old the claim may be? If we establish such a principle as this, we shall find that the public Treasury will soon be involved in embarrassments which we little anticipate.

Besides that, if we adopt this principle we shall be holding out temptations to persons to keep back their claims until it would be difficult to controvert them, in order that they may obtain interest. I believe that when a man has a claim which is not founded on law, and which he can-

not get passed at the proper Department by the accounting officers, when he comes here merely to appeal to our equity, oftener than otherwise such claims are passed from a sentiment of benevolence rather than from a sense of justice. I believe it would be exceedingly dangerous to allow interest in such a case. It would be carrying this principle of equity, this idea of generosity on which claims are based, quite too far if we were to do this.

The Senator from Florida says that this question is to be tested on this bill. If it is to be tested, it ought to be tested in a full Senate. I hope, therefore, that this bill will be laid over until we shall have more Senators present, in order that we may settle the principle on the yeas and nays.

Mr. RUSK. I hope this bill will not be laid over. The question on the amendment will not decide the principle as to whether the Government will pay interest or not in all cases. The honorable Senator from Virginia concedes that this is a just debt, and that it ought to be paid. The facts of the case establish such a conclusion beyond a doubt. I hope, then, that no apprehension, founded on the negligence of Congress in investigating this claim heretofore, will induce the Senate to postpone until to-morrow that which appeals to our sense of justice to-day. If we pass this bill to-day as it is, it does not follow that to-morrow we shall be compelled to pay interest on every other claim. Your statute-books are full of such allowances. It is a question of justice toward a creditor of the Government, and I apprehend that fifty cases like this might be found where interest has been allowed. Yet, no principle binding on Congress, no precedent is set by them. This is a solitary case. It stands on its own merits. Here we have a debt which, it is admitted on all hands, is due. Why, then, should we oppose the payment of interest on a debt admitted to be due? All admit that this debt was due to the individual in 1836. The facts of the case will not warrant any other conclusion. There has been no *laches* on the part of this individual. There has been no delay on his part. If the honorable Senator would examine the papers in the case, he would see that the individual was anxious to get his money as early as he could. As soon as it was due, he asked it from the Department. He then called on Congress the very year following. The simple question now is—it being admitted on all hands that this money is due—whether we will pay interest on it, or whether we will turn him off without interest? Apprehensions may be entertained in regard to the managers of claims, and whether they push them forward or not; but this man is not responsible for the fault of others. He is not responsible for those who may trump up claims against the Government, and seek to get interest. He is not, and ought not to be, by any logical deduction, made to suffer for the carelessness and delay of Congress in adjusting his claim. He performed services for the Government in 1837, for which all admit he should be paid. The Government have enjoyed for fifteen years together the profits of his services. They have all that length of time kept this money which is justly due to him. Now, the simple question is, not an establishment of a principle which is to bankrupt the Treasury, but an appeal to the discretion of Senators, whether or not interest ought not to be allowed in addition to the principal.

Mr. BAYARD. It is not my intention to contest the principal which is claimed in this case, though I by no means can admit even that that might not be contested successfully. I agree that on the terms of the contract, as stated by the honorable Senators from North Carolina and Vermont, there was no power given to the Postmaster General to curtail the contract. Be it so. But we must know the exact terms of the order he gave. He had power, under the contract, to discontinue the service altogether. It is perfectly proved that he could not, under it, give an order to the party to perform service only six or five days out of the service, or on alternate days; but suppose the order is, "I consider that the interests of the Government require that the mail should be transported only on six days in the week; if you are willing to modify your contract I will continue it; if you will not, I will discontinue it altogether." Had not the Postmaster General power to impose those terms upon the party? If the party assents to that—and that I believe was the provision which

existed before new provisions were inserted in more modern contracts—of course he becomes bound by it. In this particular case, it seems that the individual chose to transport the mail on the additional day on the request of citizens in the neighborhood. Although the Postmaster General had no power which he could exercise directly in ordering the curtailing of the contract, yet it might be exercised under the general power of discontinuance by an order for its discontinuance, if the party did not assent to the curtailment. That that power has been exercised in cases of a similar character, I am well satisfied. Whether those were the terms of the order in this particular case, I have no knowledge.

I am not disposed, however, to deny the relief to the petitioner to the extent of the principal sum claimed.

On the question of interest it is more important, and I hope the Senate will postpone the further consideration of the subject, because, to my mind, it has been placed by the Senator from North Carolina, [Mr. BADGER,] and the Senator from Florida, [Mr. MALLORY,] upon grounds differing from those upon which I supposed it ought to stand. I do not feel prepared, at present, to go into the subject as extensively as I might do in case it was postponed. I will state generally, however, that the view I take in relation to this matter of interest is this: except where there is an agreement to pay interest, there is no moral obligation to pay it. All the rest is conventional. It is not a question of justice. It is purely a question of conventional law; and you may authorize that interest shall be recovered as between individuals in different States, according to the statutes or enactments. There is no question of justice about it. It is merely a conventional question and a question of expediency. Accordingly you will find in some countries, that interest is allowed at one rate, and in others at a higher rate, according to the exigencies of the country in which the law exists. And you will find that in certain classes of claims, interest is allowed in some States of the Union, and in Great Britain, but in other countries it is not allowed, because it is considered contrary to the policy or to the arbitrary laws of the country. There is no principle of morals which requires the payment of interest upon a claim, unless it is founded upon an express agreement to pay it, or unless the laws of a particular country demand that it should be so paid.

Then it is a mere question of statutory enactment. If that be so, it is not a question of justice as to whether this Government shall allow interest to an individual on a claim after it has acknowledged the claim. It is simply a question of policy and expediency as regards the action of the Government. The Senator from Florida may produce fifty cases in which interest has been allowed; but I apprehend that more than five hundred cases may be found in which, although the claims were just as meritorious as that before you, it has been denied. In other words, the principle of this Government, as I understand it—no matter how it arose—and also, I would say to the Senator from Florida, the settled principle of the British Government, as I have understood, is not to allow interest on claims against the Government. There is no injustice in that, if the law determines that the Government is not to be responsible for interest. The reason that is given is, that the Government is always supposed to be ready to pay. And so it is. It is ready to pay when it acknowledges the claim; but its policy is that it shall not be responsible for interest. I consider that this is a necessary policy for all Governments, especially for one like our own, when they allow no suit against themselves. We require a party to come before us when he has a claim which is not recoverable under our ordinary laws; if it is so recoverable, he can get it at once. We allow him no means of suing the Government, but tell him he must come before the Congress of the United States; and we decide in the particular case whether the claim is sustainable against the Government; and I am sorry to say that, so far as my observation extends, it seems to me that, instead of deciding judicially on general principles which ought to govern all classes of cases, the rule appears to be the particular partiality or particular opinions that may be entertained of the individual merits of the case, without reference to any general principle. For my own part, under these circumstances, I should say that

the Government could never be safe, unless it adopted the principle of the non-payment of interest on claims where there was no express agreement to pay it. In the case of loans, there is an agreement to pay. If in the contract you agree to pay interest, and do not do it, you commit a breach of morals, but in other cases you do not. Hence it is purely a conventional question. The reason which is given is, perhaps, though technical in its character, sound in itself. It is founded upon this: the distinction between individuals and Governments. As regards individuals, the debtor is always bound to seek his creditor, and pay him wherever he may be whenever the debt is due. In the case of the Government, the creditor is bound to come and demand from the Government, and that places them in an entirely different position. There is no analogy between the cases. Besides, even as between individuals, it is not a rule of morality and justice that requires the payment of interest. It is a mere positive law of the land in which interest is claimed. Go to England, and on a judgment you cannot recover interest. I believe in most of the States of the Union, interest is not recoverable on a judgment. The rule has been more extended in this country than in England; but—

Mr. BADGER. Do I understand the Senator to say that interest cannot be recovered on a judgment?

Mr. BAYARD. In England it cannot.

Mr. BADGER. Not in an action for debt?

Mr. BAYARD. It cannot in an action of debt or on a judgment, and I presume the reason of that is, that the party having the judgment is bound to execute it at once, and it is his duty to do it, and if he does not, the law does not allow him to recover interest upon it. I do not doubt that I am right in this; but whether I am or not matters little in this case. My object is to show that this matter of interest is conventional. In one State, you find interest allowed at the rate of ten per cent., in another at seven, in another at six, and in other countries at four or five, as what is called the legal rate of interest. If an obligation of justice, independent of a positive law, would require the payment of interest, it should be the same in all cases; and here, if this principle of justice is applicable to the doctrine of interest, and if it is not a matter of policy or expediency, the result would be, that when a claim arises against the United States in a State in which the usual rate of interest was ten per cent., the Government ought to pay ten per cent., if in a State where the rate was seven per cent., it ought to pay seven per cent.; if in a State where it was six per cent., it ought to pay six per cent. But the truth is, it is purely conventional. It is the policy of the Government not to admit interest upon claims, when it has not agreed to do it, with one exception case, and that is this: When a claim under the ordinary laws of the Government would be payable out of your Treasury, and from a failure to appropriate and to acknowledge the claim, which, at the moment the appropriation is made, will be payable, then the principle on which the policy stands, that the Government is always ready to pay an acknowledged claim, is there violated. That is one case where interest should be allowed. I know of no other exception in which I would be willing to pay interest. The great objection to this rule is this: A vast number of claims may be presented here where there may be a difficulty in passing bills, sometimes from the want of a proper presentation of the claim, sometimes from the want of proper evidence to support it, and at other times possibly, though we cannot presume that, on account of the negligence or non-performance of duty by the committee to which it was referred, or there may be higher public business in the body preceding it. But there are always, independent of proper claims, a vast number of claims presented to the Government, many of which are positively bad, many of which are doubtful in their character. If, then, you adopt the principle that you will pay interest upon claims, you must do it in all cases, if you do it in any. There is nothing which distinguishes this case, that I can see, from any other case in which we admit the justice of the claim. If you admit the justice of the claim you must admit that it was just at the time the transaction took place. But under the rule we contend, that if it is right it only exists, as against the Government, from the time the Gov-

ernment acknowledges it; and that of course would make the party entitled to relief from the passage of the act. In cases of claims of a doubtful character, by adopting the rule to pay interest on all, you will necessarily encourage parties to hold them back until the memory of the individuals connected with the transactions has either become weakened, or the individuals themselves have passed away, and you have no means of such investigation as you would have had at the time of the transaction. The rule would therefore tend to encourage the holding back of all classes of claims, which are either of a bad or doubtful character, because if the party knows that by a general principle of the Government, he is entitled to the interest on his claim if the claim is not perfectly right, if it is one in which there may be abundant evidence to countervail that which went to sustain it, it will be held back. We know that almost all of the claims which come before us are sustained entirely by *ex parte* evidence, got up by the party himself, through affidavits, upon which the Government have no power of examination or investigation in any way. Under these circumstances, is it not evident that parties would always hold back claims, in doubtful cases, until the knowledge of the transaction was passed from the minds of men; until those who could perhaps best explain it have passed out of the world; and that then they would bring forward their claims to Congress, supported perhaps by affidavits taken at the time? or it may be that the claim was made but not prosecuted at the time, and suffered to lie over ten, fifteen, or twenty years, and of course be allowed as having been claimed at the time when the transaction took place. If your general law is to be that you will pay interest on claims, is it not a necessary result that it will conduce to the holding back and delaying the prosecution of claims which are of a class that would not be well sustainable? Would it not keep back doubtful claims until the memory of the transaction had passed away, or until the means of investigation had become so limited that there would be an uncertainty as to its justness, and yet the party might have his *ex parte* affidavits, a sufficient semblance of a claim, as strong as many which I have known passed, to justify the report of a committee and the passage of a bill by the Senate?

On the whole, though I should have wished to make some additional remarks on this subject, and should have wished to look into some questions connected with this doctrine of interest, I cannot vary from the impression which I had when I became a member of this body, which has grown up with me, as it has with many other men, in the course of my profession, that it was the settled principle, as well as the policy of Governments, that they would not pay interest unless in cases where there was an agreement to do so. I believe this rule applies to the Government of Great Britain, and also here, with exceptions though, it is true—I admit it to be so—as regards the action of Congress, the exceptionable cases are so frequent it is very often exceedingly difficult to know what the general rule is.

Mr. MALLORY. I hope, if any Senator upon this floor entertains any doubt about the propriety of paying interest upon liquidated demands due by the Government, that a little time will be devoted to inquiry in regard to the subject. I feel particularly interested in the question, standing here for the State of Florida, because at this time there is something like a million of dollars due to that State upon a claim of interest upon liquidated demands due over twenty years ago, whose payment has been stipulated for by treaty, and for the payment of which the faith of this Government is pledged to a foreign nation in the acquirement of a large territory. That claim rests on a more solid basis than any other that I know of. I, for one, am not disposed to see this question glossed over with partial arguments, leaving out of view the highest authority which can be referred to. And here I will say that I am prepared at any time to produce authorities on this subject. I am prepared at any time to combat the idea thrown out, that good faith between the Government and individuals does not require the payment of interest, and that it depends on statutory provisions. I am prepared to show that the statutory provisions merely go to show the extent of interest—the per cent. at which interest shall be paid, the value of money, and that is a

matter about which nations differ. And I am prepared to show that, ever since Christianity has ruled the counsels of nations, interest has been allowed in payment of damages, if not interest *eo nomine*, that is, with the consent of the lender, certainly for damages against his consent.

The Senator from Delaware [Mr. BAYARD] appealed to law writers upon this subject. I appeal to the highest law writers on record. I appeal to every law writer whose name stands in connection with the subject—to Grotius, to Puffendorf, to Vattel, to all the historians of England, to our own Justices Marshall and Story, to Chancellor Kent, and to every other man eminent as a law writer, to prove the very fact that interest should never be refused on a claim. I call to the minds of Senators the treaty of 1794, and the treaty of Ghent. When our Commissioners were negotiating the first article of the treaty of Ghent, a dispute arose, which was referred to the Emperor of Russia, who decided in this way: That the United States of America were entitled to indemnification for all the property carried off by the British forces; and upon the joint Commission which was arranged to liquidate this amount, a question was made and presented about the interest; and one of the American Commissioners has written an argument on that subject that is perfectly unanswerable. The authorities which he quotes are unanswerable. And here I will say, that in the Admiralty courts of England, from time immemorial to the present hour, in prize cases the decisions have been, that the prize should include the value of the property and interest from the time of capture. That law has been acted upon in our own courts. It has been adjudicated by Justice Story, and if authorities are needed, I can find hundreds of them. I stand here prepared to show that no Christian Government, our own among the number, has ever denied the liability of a Government to pay interest. The policy of not paying interest originated, if my memory serves me right, with Alexander Hamilton, who, in a desperate financial condition of the country, deemed it prudent to refuse to pay interest, and the owners of claims were very glad to get the principal. Since that time it has been merely a rule of the Departments. Sir, justice and not expediency should be the pillar on which we should stand. The idea that if we adopt this principle, claimants will not come forward immediately, but will withhold their claims, only goes to the expediency of the matter; it does not apply to the legality of the claim. Let the Government throw safeguards around the ascertainment of claims. There ought to be a Board of Claims. Do not keep the claimants out of their money for twenty, thirty, or fifty years, and then refuse them interest. I hope, if any doubt remains in the minds of Senators about the liability of the Government to pay interest, they will take time to consider it. I shall take great pleasure at any future day in discussing the question on its merits.

Mr. UPHAM. I wish to make a few remarks for the information of Senators. The petitioner presented his petition here at the very next session of Congress after the one seventh of his claim had been disallowed. I think that every case in regard to interest must stand on its own merits. It seems to me that if this money is due for services rendered to the Government, and it was unlawfully withheld, the petitioner should be entitled to interest from the time he presented his memorial.

Mr. HUNTER called for the yeas and nays on the amendment.

The yeas and nays were ordered and taken.

The PRESIDENT announced—yeas 12, nays 19—no quorum voting.

Mr. HALE. That is a quorum of the members elected to the Senate.

The PRESIDENT. I cannot determine that.

Mr. HALE. There is but one Senator holding a seat from Connecticut; one Senator holding a seat from California; and but one Senator from Mississippi. These are facts known to every Senator, and it seems to me that the Presiding Officer must take knowledge of them.

The PRESIDENT. The Chair is very desirous that the point raised by the Senator from New Hampshire should be settled, so that he can understand if a less number than thirty-two is to constitute a quorum.

Mr. BADGER. I suppose that if we adjourn

now, that question will come up to-morrow morning. I think it would be better to settle it when there is a full Senate, and not when there is a doubt as to the presence of a quorum. I therefore move that the Senate adjourn.

Mr. DAWSON. I hope my friend from North Carolina will withdraw that motion.

Mr. BADGER. Certainly.

Mr. DAWSON. I move that when the Senate adjourn, it be to meet on Monday next.

Mr. BADGER. Less than a quorum can only adjourn from day to day.

The PRESIDENT. That motion cannot be received.

Mr. DAWSON. There is a quorum present. Some gentlemen did not vote.

The PRESIDENT. If any Senators present have not voted, it is very desirable that they should vote. The rule is imperative, that Senators present shall vote unless they are excused.

Mr. BUTLER. What is the difficulty?

The PRESIDENT. The question arises with regard to what constitutes a quorum of the Senate. The vote is twelve to nineteen, which makes thirty-one. If the whole number of Senators (sixty-two) were elected, it would require thirty-two to make a quorum. Senators have not been elected by some of the States, and the question is, whether they are to be considered as constituting a portion of the body? That question is for the Senate to decide.

Mr. BADGER. Certainly not. They are not members.

Mr. BUTLER. I differ from my friend from North Carolina. I think the Chair has no right to look as to whether a State is represented or not.

The PRESIDENT. That is my opinion.

Mr. BUTLER. You must take the Constitution as it is, and the rules of the Senate as they are. I know that a quorum is now procurable—that is, we are now in a condition to have a quorum if we choose to summon all the Senators in Washington. As to those who are absent from the city, I respectfully suggest that the Chair cannot take cognizance of their absence. Whether they are elected or not, depends upon the States and not upon the Chair.

Mr. BADGER. It is very true that whether they are elected or not, depends on the States and not on the Chair; but if they are not elected, they are not certainly members of this body.

Mr. BUTLER. How are you to know that they are not elected?

Mr. BADGER. I do not want to go into that question. I renew the motion to adjourn.

Mr. DAWSON. I made a motion that when the Senate adjourn, it be to Monday next.

The PRESIDENT. The Chair cannot receive that motion, while another subject is under consideration.

Mr. DAWSON. I move, then, to postpone the further consideration of this subject until to-morrow.

Mr. BADGER. That is to postpone the announcement of the result.

Mr. DAWSON. It has been announced that no quorum voted.

The PRESIDENT. The Chair is entirely under the control of the Senate in this matter. His own impression is, that it requires thirty-two Senators to constitute a quorum.

Mr. BUTLER. Under the present rules of the Senate.

Mr. DAWSON. No doubt of that.

The PRESIDENT. The Chair is satisfied as to that point. If called upon to announce the result, he would say that no quorum voted.

Mr. HALE. I remember an instance, one or two sessions ago, when, after the result was announced, the Senate compelled members present, who had not voted, to vote in order to make a quorum.

The PRESIDENT. Certainly; and if there are any members present who have not voted, the Chair will enforce the rule.

Mr. HALE. I think my colleague [Mr. Norris] has not voted. His vote would make a quorum.

Mr. BRADBURY. I suppose if we adjourn until to-morrow, we need not then transact much business, and we can decide this point on Monday morning. I therefore renew the motion to adjourn.

Mr. BADGER. I hope the Senator from New Hampshire [Mr. Norris] will be called.

Mr. BRADBURY. I want this question to be decided by a full Senate. It can be decided on Monday morning.

Mr. BADGER. I hope the Senate will not now adjourn, for there is, as I understand, a Senator present who has not voted.

The motion to adjourn was not agreed to—ayes 11, noes not counted.

Mr. BADGER. I hope that the Senator from New Hampshire [Mr. NORRIS] will now be called. He has not voted, and is now in his seat.

The PRESIDENT, (to the Secretary.) Call the Senator from New Hampshire.

Mr. NORRIS. I rise to a question of order. I understand that the vote has once been declared.

The PRESIDENT. The Chair did not announce it as final, but said that there was no quorum voting. The Chair thought that thirty-one members did not constitute a quorum, and therefore said that there was no quorum voting; but if there are any Senators here who have not voted, they are bound to vote when called on to do so.

Mr. NORRIS. I should have voted if I had been in my seat when called. I do not know what the question is.

Mr. MORTON. Will it be in order to move a recalling of the roll?

Several SENATORS. Oh, no.

Mr. BADGER. I should suppose that any gentleman would be willing to relieve the Senate from its present difficulty by voting.

Mr. RUSK. I move to postpone the further consideration of the subject until to-morrow.

Mr. HALE. Can we do that?

The PRESIDENT. Certainly.

Mr. HALE. We have ascertained that there was no quorum present. Can less than a quorum postpone a subject.

The PRESIDENT. There is a quorum now present.

Mr. BADGER. In strictness I wish to ask whether any motion is in order after the commencement of the calling of the roll, except to complete the taking of the vote? whether we can go one step until we have ascertained whether we have or have not a quorum by the polling of Senators again if necessary? and whether a motion can be made to adjourn now, pending the taking of a vote upon this question? I believe a motion to adjourn is never in order when—

The PRESIDENT. It is always in order.

Mr. BADGER. It is always in order except when a vote is being taken.

Mr. HALE. I want to state, for the information of the Senate, what occurred formerly in a case somewhat similar to this. I was on a former occasion leaving the Senate when the Sergeant-at-Arms called me back to vote. I stated that I did not know what the question was, and the late Vice President (Mr. Dallas) explained what it was, and I was compelled to vote.

The PRESIDENT. Certainly; and that explanation will now be given if the Senator from New Hampshire [Mr. NORRIS] desires it. It is certainly in strict conformity with the rule, that when a Senator who is present is called on to vote he must record his vote.

Mr. BADGER. I hope we shall not undertake any process of compulsion upon any member who declines voting.

The PRESIDENT. With regard to the suggestion of the honorable Senator, the Chair would remark, that when the Senator from New Hampshire [Mr. NORRIS] came in he constituted a quorum, and therefore the Chair recognized a quorum as being present, subject to any other motion; and the proposition is to postpone the further consideration of the bill until to-morrow.

Mr. BADGER. The Senator from Michigan [Mr. CASS] has just come in. I hope his name will be called and that he will vote.

Mr. MORTON. I ask that the name of the honorable Senator from Louisiana [Mr. SOULE] may be called. He did not respond when the roll was called.

The PRESIDENT. The vote of the Senator is recorded.

Mr. BADGER. I hope the name of the honorable Senator from Michigan will be called.

Mr. CASS. I have just come in and do not know what the question is precisely.

The PRESIDENT. The question is upon an amendment to strike out that portion of the bill in relation to the payment of interest.

Mr. CASS. I will vote if it is necessary to make a quorum. I will vote to strike out, in accordance with my uniform principle, that portion providing for the payment of interest.

The name of Mr. CASS was then called by the Secretary, and he voted "Aye."

Mr. SOULE. I wish my name called again.

The PRESIDENT, (to the Secretary.) Call the Senator from Louisiana.

Mr. SOULE was then called by the Secretary, and voted "Aye."

The PRESIDENT. Will the Senator from New Hampshire vote?

Mr. NORRIS. I am willing to do so.

The name of Mr. NORRIS was then called, and he voted "Aye."

The vote on the amendment then stood as follows.

YEAS—Messrs. Bayard, Borland, Bradbury, Brodhead, Cass, Dawson, Dodge of Wisconsin, Dodge of Iowa, Felch, Hunter, King, Mason, Norris, Soule, Stockton, Wade, and Whitcomb—17.

NAYS—Messrs. Badger, Bell, Butler, Fish, Hale, Houston, James, McRae, Mallory, Morton, Rusk, Smith, Spruance, Underwood, and Upham—15.

So the amendment was agreed to.

Mr. RUSK. I move to postpone the further consideration of the bill until to-morrow.

The motion was agreed to.

RECESS.

Mr. NORRIS. I move that when the Senate adjourn to day it be to meet on Monday next.

The motion was agreed to.

And then, on motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 30, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The first business in order is the unfinished business of yesterday—

Mr. STEPHENS, of Georgia. I rise to a privileged question. I merely make the motion that it may be entered upon the Journal. It is a motion to reconsider the vote by which bill No. 143, to regulate and fix the salary of the American Consul at Amsterdam, was referred to the Committee of the Whole on the state of the Union.

The SPEAKER. The motion will be entered.

The SPEAKER. The unfinished business of yesterday, which is the consideration of the motion made by the gentleman from Maine, [Mr. SMART,] to lay on the table the adverse report of the Committee of Claims, on the memorial of the heirs of Daniel Landon, asking remuneration for losses sustained by Indian depredations in the late war with Great Britain.

Mr. STANTON, of Ohio. I ask the gentleman from Maine [Mr. SMART] to withdraw the motion to lay the report on the table.

Mr. SMART. I will withdraw it.

Mr. DUNHAM. I renew the motion.

Mr. STANTON. The report of the committee recommends that the petitioners have leave to withdraw the papers.

Mr. EDGERTON. I can explain this case so that the committee will understand it.

The SPEAKER. Debate is not in order during the pendency of a motion to lie on the table.

The question was taken, and the report was laid on the table.

Mr. DANIEL. I move that the House resolve itself into Committee of the Whole House upon the Private Calendar.

Mr. STANTON, of Tennessee. I would suggest to the gentleman from North Carolina, to let us have reports called for during the usual hour for reports.

Mr. DANIEL. We can proceed to that business to-morrow.

Mr. HARRIS, of Tennessee. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union, and take up the special order—the bills providing for the assignability of bounty land warrants.

Mr. DANIEL. I thought the special order was for yesterday.

The SPEAKER. It is from day to day until disposed of.

Mr. DANIEL. I hope it will be voted down.

Mr. HEBARD. What is the special order?

The SPEAKER. A bill from the Senate and a joint resolution of the House in relation to the transfer of bounty land warrants.

Mr. HARRIS, of Tennessee. If the gentleman from North Carolina will withdraw his motion, I have no objection to withdraw mine, until the reports of committees are called for during the morning hour.

Mr. DANIEL. As that seems to be the wish of gentlemen around me, I will accordingly withdraw my motion.

REPORTS OF COMMITTEES.

Mr. WILCOX, from the Committee on Military Affairs, reported a bill to provide for the payment of the companies of Captains Bush, Price, and Suarez, for military services in Florida; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. STANTON, of Tennessee, from the Committee on Naval Affairs, reported a bill for the relief of Dr. S. R. Addison, passed assistant surgeon in the United States Navy; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. STANTON, of Tennessee. I am instructed by the Committee on Naval Affairs, to offer the resolution which I send to the desk; and upon it I wish to make a single remark.

The resolution was then read, as follows:

Resolved, That the Committee on Naval Affairs be authorized to employ a clerk at the usual compensation.

Mr. S. resumed. I wish to say a single word. I know that these resolutions have not been received with much favor by the House. I will assure the House that this resolution would not have been offered, under the circumstances, by the Naval Committee, if they did not feel it to be absolutely necessary that this favor should be granted by the House. We have about one hundred cases of private memorials before the committee, besides all those important questions which associate themselves with the public interests, as connected with the naval service; and I say it is almost impossible for the committee to perform their duties properly without the assistance of a clerk. Some gentlemen suppose—and I have heard the remark made in private conversation about the House—that these resolutions were offered for the purpose of giving favor to individuals, or giving the pay to some favorite. I assure gentlemen that such is not the object of this resolution; but it is simply for the purpose which it purports to carry out—to enable—

Mr. SWEETSER. I desire to suggest to the gentleman from Tennessee, [Mr. STANTON,] that he append an amendment to his resolution, and include a clerk for the Post Office Committee. I opposed the resolution of my colleague, [Mr. OLDS,] yesterday, under a misapprehension of the necessity for that clerk. Since voting upon yesterday, I have learned that there is an absolute necessity for a clerk for that committee, and I intend to change my vote in reference to both of these committees. If the gentleman will accept my amendment, I will vote for it.

Mr. STANTON, of Tennessee. I presume the gentleman knows that I cannot accept an amendment, as this is a resolution offered under instruction, by the Committee on Naval Affairs.

Mr. SWEETSER. I will move, therefore, that a clerk for the Post Office Committee be included in that resolution.

Mr. STANTON. If the Speaker considers that germane, I have not the slightest objection.

The SPEAKER. It is a kindred subject.

Mr. STANTON. There is only one further remark I have to make in regard to this matter, and that is this: If any gentleman in this House has any doubt about the necessity of this clerk, to assist the Naval Committee in performing its public duties. I have only to say, that I have to employ other persons to do my own private writing for me, that I may give my attention to public business; and I should think, in performing my duties for the public, it will be hardly unreasonable for me to ask for a clerk for the Naval Committee, when one is indispensable to the public service. I will not ask the previous question, after having made these remarks.

Mr. MASON. I have no disposition to thwart the views of gentlemen upon these committees to obtain aid in performing their appropriate duties. I have no doubt, from what I understand from the chairman of the Committee on the Post Office and Post Roads, that he has need sometimes of a clerk. I have no doubt, from the representations of the chairman of the Military Committee, the Naval Committee, and other committees, that they have at times use for a clerk. I have but little doubt that there are a number of clerks in the employment of the House now, paid out of the contingent fund, who have plenty of time, to give the assistance required by all these committees. If you will look at the law allowing clerks, and other officers of the House, as I understand it, you will find that there are eight clerks and three messengers allowed by that law. If you look over the list of those who come to our committee—the Committee on Accounts—for pay every month, you will find that there are forty clerks who come for pay; and the balance, except these eight, are paid out of the contingent fund of the House, as they are clerks whose offices are not created by law. I would suggest that the whole subject be referred to some standing committee of the House, or a select committee, for the purpose of ascertaining what is necessary—legalizing the whole by an act of Congress, and thus to prevent the numerous applications, and the making of clerkships, which are daily made to give places to individuals. I take it for granted they are all useful: but the contingent fund of this House is increasing enormously, not only in the addition of officers of the House, but in other respects. The country will look to those who are in power here to regulate this matter, and to introduce more economy. I do not make any charges against any particular individual, or against officers of this House, in respect to the increase of these clerks. There are a number of clerks here for making land maps. I understand that there are some thirteen or fourteen employed upon that work, by order of the House. There are about as many more upon the index for private claims, making thus some thirty-seven or thirty-eight. All these, by resolution of the House, are paid out of the contingent fund. In addition to these, there are clerks employed by several of the committees, and here are applications for several more. I understand from the clerk, who has had charge of this land map business, now in the Pension Office, (Mr. Wilson,) that these maps are of some utility; but the Commissioner of the General Land Office himself thinks they are of no earthly use. There is a difference of opinion about them. The Commissioner told me this morning that, after the maps were made, it was only necessary to keep one clerk there, for the purpose of marking out the land as it was sold, which shows the whole land belonging to the Government unsold. The clerk blots over that which has been sold with a red pen. I asked Mr. Butterfield when these maps would be finished; and he said when the last quarter section was sold.

Mr. STANTON, of Tennessee. Will my friend allow me to suggest, that the Committee on Naval Affairs would be willing to take one of these clerks?

Mr. MASON. Some think they are useful, and some not. I have not examined the subject to know whether they are useless. I suggest that it would be better to refer the matter to a standing or select committee, to examine into the whole subject, and inquire into the duties and business of these different clerks and apportion their labors justly. There is great complaint that their labors are apportioned unjustly. Some men get \$900 a year and work pretty hard, while other men who work only an hour or two in the day, get the same identical pay. Whether those who work hard get too little, or those who do not work at all get too much, is a matter for the committee to inquire into. I move that the whole subject be referred to a select committee, with the express wish that I shall not be put upon it.

Mr. ORR. I hope the motion of the gentleman from Kentucky will be modified, so as to refer this matter to the Committee on Accounts, of which he is chairman. He knows more about it than any other member of this House, and will, I doubt not, be able to give the House more satisfaction than any select committee which can be raised, would do.

Mr. MASON. I hope that modification will not be made.

Mr. ORR. I move to refer the matter to the Committee on Accounts.

Mr. TUCK. I hope this resolution will not be referred at all. There are certain things which, in the progress of legislation, it is necessary to submit to the regulation of the committees of this House; and if there is one question which, beyond all others, every committee should be competent to decide for themselves, it is whether they require a clerk.

Now, shall we, when the chairman of such an important committee as that upon Naval Affairs, comes here at the unanimous request of his committee and asks for a clerk, hesitate to give one to them—especially when that request is backed by the statement which has been made that the chairman is compelled to employ a clerk, at his own expense, to attend to his own business, in order to give him the time which it is absolutely necessary for him to bestow upon the duties of his position? This is being “penny wise and pound foolish.” It is wasting the valuable time of this House to discuss such trifling matters.

I am surprised, when a request is made for the employment of a clerk, and it is shown that a clerk is needed, that the gentleman from Kentucky should rise and say that there are several clerks in the offices who have nothing to do. What has that to do with this subject? Introduce a resolution to dispense with those supernumerary clerks, and I will vote for it; but that has nothing to do with the question now before us. It is necessary that this committee should have a clerk, and I hope that the House will not refuse to allow them one.

And now, having made these few remarks, I dislike to call for the previous question; but at the request of many gentlemen around me, I demand it.

Mr. HARRIS, of Tennessee, moved to lay the resolution upon the table.

Mr. STEPHENS, of Georgia, called for the yeas and nays; and they were ordered.

The question was then put, and it was decided in the negative—yeas 72, nays 84; as follows:

YEAS.—Messrs. Charles Allen, Willis Allen, John Appleton, Averett, Babcock, Beale, Bragg, Albert G. Brown, George H. Brown, Buell, Chastain, Curtis, Daniel, Dawson, Dockery, Duncan, Dunham, Eastman, Evans, Faulkner, Ficklin, Gorman, Hall, Harper, Isham G. Harris, Haws, Hascall, Haven, Hebard, Hendricks, Holladay, Houston, Thomas Y. How, Hunter, Jackson, Andrew Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kuhns, Lecher, Mace, Humphrey Marshall, Martin, McDonald, McMullin, Miller, Millson, Miner, Molony, Nabers, Outlaw, Samuel W. Parker, Peaslee, John Phelps, Russell, Sackett, Schermerhorn, Smith, Stanley, Benjamin Stanton, Alexander H. Stephens, Strother, Sutherland, George W. Thompson, Venable, Wallace, Watkins, Addison White, Wilcox, and Yates—72.

NAYS.—Messrs. Aiken, Andrews, William Appleton, Thos. H. Bayly, Bartlett, Bell, Bibbiana, Bowie, Bowne, Brenton, Briggs, Busby, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Caskie, Chandler, Churchill, Clark, Clingman, Cobb, Conger, Cottman, Disney, Doty, Durkee, Edgerton, Fitch, Florence, Fowler, Freeman, Henry M. Fuller, Gamble, Gaylord, Giddings, Goodenow, Green, Grey, Grow, Sampson W. Harris, Howard, John W. Hove, John Johnson, Robert W. Johnson, George G. King, Lockhart, Mann, Mason, McNair, Meade, Henry D. Moore, Morrison, Newton, Olds, Orr, Andrew Parker, Pennington, Powell, Price, Riddle, Robbins, Robinson, Schoolcraft, Schoonmaker, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stratton, Stuart, Sweetser, Thurston, Townshend, Tuck, Walbridge, Walsh, Welch, and Williams—84.

So the House refused to lay the resolution upon the table.

The question recurred on seconding the demand for the previous question.

Mr. SEYMOUR, of New York. I wish to offer another amendment, if it be in order.

The SPEAKER. It is not in order to offer an amendment pending the call for the previous question.

Mr. STANLY. I ask the gentleman from New Hampshire to withdraw the call for the previous question.

Mr. TUCK. Will you renew it?

Mr. STANLY. I will.

Mr. TUCK. Then I withdraw the demand for the previous question.

Mr. COBB, (Mr. Stanley yielding the floor.) The resolution contemplates that two committees shall be allowed one clerk each. Now, I have consulted with the honorable gentlemen who preside over those committees, and I am satisfied

that they ask for nothing that they do not really need, and that their object is to economize. They are willing that the resolution shall be so altered as to authorize the employment of one clerk for both committees, and I hope that amendment will be proposed by the gentleman from North Carolina.

Mr. STANLY. I approve of the amendment suggested by the gentleman from Alabama, and I also wish to add a proviso respecting the time for which this clerk shall be employed.

The SPEAKER stated the question to be on the amendment of the gentleman from Ohio [Mr. SWEETSER] to the resolution reported from the Committee on Naval Affairs.

Mr. ORR. I desire to inquire of the Chair if the gentleman from Kentucky did not submit a motion to refer the resolution, which will be first in order?

The SPEAKER. That is true. The gentleman from Kentucky submitted a motion to refer the resolution to a select committee, with instructions, and the gentleman from South Carolina moved that it be referred to the Committee on Accounts with the same instructions.

Mr. ORR. The gentleman from Kentucky accepted my amendment.

The CLERK then read the motion as modified; it is as follows:

That the resolution from the Committee on Naval Affairs be referred to the Committee on Accounts, with instructions to inquire into the number of clerks already employed in the service of this House, and whether the number may not be reduced without detriment to the public service; and that they have leave to report by bill or otherwise.

Mr. STANLY. I have no objection to that motion, and hope the House will agree to it, and then adopt an amendment which I want to offer, and which I suppose would not now be in order. The amendment I wish to see adopted is this: that the Committee on Naval Affairs be authorized to employ a clerk for three or four months, as they may deem expedient and proper.

Mr. STANTON, of Tennessee. I will say to the gentleman before he goes further, that I would be perfectly satisfied with that amendment, and I have no doubt that the other members of the committee would be satisfied with it. All we desire is to be able to get our work done.

Mr. STANLY. I have no objection to allowing any committee of this House a clerk to assist them in preparing their bills; but if we were to allow them one without limiting the time, I know that he would be retained during the whole session, even if we were to sit nine or ten months, as we did at the last long session. There is not a committee of this House that does not stand in need of a clerk, if gentlemen consult their own comfort and ease. The Committees of Claims, on Private Land Claims, on the Judiciary, all need clerks, and the Committee on Commerce are now wanting one and importuning the House to allow them one. We shall have to authorize every committee to employ a clerk if they think it necessary, and then what shall we see? Gentlemen want clerks who have a large mass of private business to attend to, like the chairman of the Committee on Naval Affairs, who says he has been obliged to pay out of his own pocket for a clerk to attend to his private business. There are fifty or sixty gentlemen in the House who are in the same situation. There is not a man in the House who does not have occasionally to employ an assistant. Now, I am against this whole business. If this thing goes on, eight or ten committees will have clerks fastened upon them, and we shall have established the precedent that the committees of this House are hereafter to employ clerks. It is not the Democratic party alone; we are all men of like passions and feelings, and when we get into power we shall want to have clerks also. When a place cannot be found for a favorite elsewhere, it will be easy to make one for him here. These places are expected even now by gentlemen outside of this House. I think it necessary to put a stop to this thing at once. If the committee say that it is necessary for them to have a clerk to enable them to get on with their business, allow them to employ one, but limit the time during which he shall be employed. Do not allow them to employ a clerk in directing documents for them.

Mr. STEPHENS, of Georgia, (Mr. STANLY

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yielding the floor.) As I suppose the gentleman intends to move the previous question, according to his promise, I wish to say a word or two upon this subject now. The resolution declares that these clerks shall be appointed with the usual pay or salary. Now, I do not know what is usual. I want the gentleman who introduced the resolution, to tell the House what he means by it.

Mr. STANTON, of Tennessee. I do not know what is usual.

Mr. BAYLY, of Virginia. Four dollars a day.

Mr. MASON. The usual compensation for all these clerks is fifteen hundred dollars; and at the end of every session, we give them two hundred and fifty dollars extra.

Mr. STEPHENS. Then, that is what we are to understand to be the usual compensation. Now, notwithstanding the remarks of the gentleman from Tennessee, I do not see what these clerks can have to do; and I want the gentleman to tell me again, distinctly, what he wants with a clerk. Does he want to draw up the reports of the committee?

Mr. STANTON. What do the Ways and Means want with a clerk?

Mr. STEPHENS. I put the question distinctly, what functions are these clerks to perform? The gentleman from Tennessee answers my question, by asking what do the Ways and Means want with a clerk? The Ways and Means need a clerk, because of the immense amount of writing in drawing up the usual bills. All our appropriation bills, which make up nearly half our statutes every year, are bills drawn up strictly in pursuance of law, and a clerk can do that business just as well as any member of the committee. There is an immense deal of manual labor to be performed, and the House therefore, very properly, allows that committee to employ a clerk. Now, I ask the gentleman from Tennessee, if he wants a clerk to draw up his bills?

Mr. STANTON, of Tennessee. I think the gentleman from Georgia is entirely mistaken in his description of the work performed by the clerk of the Ways and Means. He is not employed for the purpose of drawing up their bills, but for the purpose of carrying on correspondence with the Departments. Now, there is scarcely a case among one hundred cases before the Committee on Naval Affairs, that does not require some correspondence with the Department.

Mr. STEPHENS. Will the gentleman tell me a single case?

Mr. STANTON. I mention the case that was sent by this House back to the Committee on Naval Affairs, for the purpose of ascertaining the amount of the physician's bill, in the case of Commander Pendergrast. The House seems to have adopted the principle that committees shall not refer matters to the Departments to determine the amount that may be due on the testimony presented to them, but that the committee shall receive the testimony and determine upon it. I have given the gentleman a case.

Mr. STEPHENS. The gentleman refers to a case in which the committee had to correspond with the Department to ascertain the amount of a certain bill said to be due. Well, I say that if the party claiming an amount of money cannot tell the committee, and prove to it, what is due to him, the committee ought to reject the claim. Are we to employ clerks to hunt up proof in order to perfect the evidence of claims against this Government?

Mr. CABELL, (interposing.) Being a member of the Naval Committee, I desire to answer the question of the gentleman, what necessity we have for this clerk. For four years I have been a member of the Committee on Naval Affairs, with every desire to inform myself with regard to the interests of the Navy, and we all know the reforms necessary, and the legislation necessary, in order to restore that branch of the public service. But I have found that, notwithstanding this desire, it has been utterly out of my power to give any attention to those public matters connected with the Navy, from the fact that every claim against the Government arising out of any service connected with the

Navy, is referred to the committee. These claimants have their agents here, or are here themselves, and are constantly urging upon the members of the committee to examine their particular cases, and it is almost impossible to avoid yielding to these solicitations. For myself, as a member of that committee, I do not act upon these cases until I have the full information from the Department necessary to predicate my report upon. This involves upon me the necessity either of going to the Departments, and from one clerk to another, spending whole days there in getting this information, or else of a very extensive correspondence, and my whole time is thus occupied. We ask to be allowed to employ a clerk, not for the purpose of making out our reports, but for the purpose of obtaining the necessary information.

Mr. STEPHENS. Then, that comes right down to the point which I pressed upon the gentleman from Tennessee. If any persons have claims against this Government, connected with the Navy or Army Departments, let them present their own papers.

Mr. CABELL. They do it.

Mr. STEPHENS. Then is this House to constitute a court of one of its committees to decide upon claims against the Government, and then send a clerk to hunt up additional evidence against the Government? Is that the object of the clerk? If a memorial or claim is referred to the committee, the allegations in which are not sustained by evidence, let the committee report it to this House.

I am altogether opposed to the practice of committees of this House doing their business by proxy. If we grant those clerks, the operation of the system will be this: Large and voluminous papers, submitted to the committees, will not be examined by the members themselves, but the clerks will be directed to sift out the important facts, and the report of the committee will be based upon those facts. You see that by this course of proceeding much mischief will arise when the clerk comes to report the facts. He may not report them truly. He may give them a false coloring. So far as I am concerned, therefore, I am in favor of requiring every committee of this House, when it takes a subject into its hands, to give it a rigid personal examination, so that facts may not be reported to the House which have only been compiled by a clerk.

One other remark. The gentleman from Pennsylvania, [Mr. McLANAHAN] chairman of the Committee on the Judiciary, on yesterday made a report from that committee, of which we ordered the Committee on Printing to take into consideration the proposition to print five thousand extra copies. The object of that report is to call the attention of the country to the enormous increase in the expenses of your courts of justice. He stated that those expenses had now run up to the enormous sum of nearly \$900,000. That gentleman moved the printing of those extra copies because the country ought to know what the expenses of your judiciary are. I admit that they are enormous, and I am for cutting them down. But what a view does this House present in this respect! Our contingent expenses, exclusive of the pay of members, alone will be \$250,000 this year. The gentleman from Pennsylvania [Mr. McLANAHAN] says that the expenses of the judiciary have increased more than twelve hundred per cent. within the last few years; and I think he is correct. But I believe the contingent expenses of this House has been increased in a much larger ratio; and I think if we desire to give the country information in relation to the extravagant waste of the public money, that we had better begin at home. And when the proposition comes up to print extra copies of the report of the Committee on the Judiciary, I shall move that we also give to the country information of the enormous increase of the expenses of the contingent fund of this House. I thank the gentleman from North Carolina for yielding me the floor.

Mr. HEBARD, (the gentleman from North Carolina [Mr. STANLY] yielding the floor for the

purpose, said, I desire, in the first place, to inquire whether the resolution as it now stands, provides for giving a clerk to each of the two committees named in it, or only one for both?

The SPEAKER. The original resolution provides for giving a clerk to the Committee on Naval Affairs. An amendment has been offered to give a clerk also to the Committee on the Post Office and Post Roads.

Mr. HEBARD. I do not pretend to know very much about the interests or the wants of the Committee on Naval Affairs. But during the last Congress I was appointed a member of the Committee on the Post Office and Post Roads, and those who were members of that committee will probably recollect, that during that Congress there was considerable business for that committee to do. The whole subject of postage, and everything connected with the post offices of the country, were overhauled, and we were borne down with the number of petitions and memorials from every portion of the country upon that subject. The chairman of that committee did ask for a clerk. I did not see that there was much use for a clerk for that committee, and was glad when the House refused to give one. Now, if I can make any calculation upon the subject, the amount of business before the Committee of the Post Office and Post Roads for the present session cannot be half what it was for the last session. But whether it is half as much, or twice as much, if it is of the same character as then, there is very little of it which can be properly performed by a clerk. There was very little during the last Congress which I should have been willing to have reported to the House, if it had been prepared by a clerk, without being examined by the members of the committee themselves. There was one single item of labor upon which a clerk could have been profitably employed. It is usual in every session to have one general bill creating new post routes. They are generally made up from petitions and memorials, and are then embodied in one general bill. A clerk can as well do that as the members of the committee themselves. But this will not require more than two or three days, or, at most, a week, near the close of the session. For that time, it would be convenient enough for that committee to have a clerk.

A Voice. One day will do it all.

Mr. HEBARD. The gentleman says one day will do it all. I have no doubt it will; but for the sake of being liberal, I allowed a week; and I am willing that committee shall have a clerk for that time; but I am satisfied, from the experience I had then, that there is a class of men about this city, and hanging about Congress, who are anxious to get provided for. Some of them do get provided for; and I will remark, that sometimes they are provided for meritoriously, and a great many times they are not. I know that it is not very popular to talk about economy, but it does seem to me that we must begin somewhere.

I recollect during the last Congress there was an attempt made to get a clerk for the Supreme Court; not for the purpose of helping to do their general business, but a private clerk to the Judges. But there was at that time a disposition to exercise the principles of economy enough to resist it, and it was not granted.

Mr. JOHN W. HOWE. I should like to know—

Mr. STANLY. I am very much gratified at these explanations; but I ask the Chair how much of my hour I have yet left?

The SPEAKER. About fifteen minutes.

Mr. SEYMOUR, of New York. I desire that the gentleman from North Carolina will allow me to make one suggestion in regard to this resolution. The question now is, I believe, to instruct the Committee on Accounts to inquire into the necessity of employing a clerk for the Committee on Naval Affairs and the Committee on the Post Office and Post Roads. I would suggest that that committee be authorized to make a general inquiry as to whether any of the standing committees require the services of a clerk. I am very

anxious that the Committee on Commerce shall have one given it.

The SPEAKER. The Chair is of the opinion that all the standing committees are embraced in the resolution as it now stands.

Mr. SEYMOUR. I understand it as embracing only the Committee on the Post Office and Post Roads and the Committee on Naval Affairs. I ask that the resolution may be read.

The resolution was read as follows:

Resolved, That the resolution from the Committee on Naval Affairs, with the amendment, be referred to the Committee on Accounts, with instructions to inquire into the number of clerks already employed in the service of the House, and whether the number cannot be reduced without detriment to the public service, and that they have leave to report by bill or otherwise.

Mr. SEYMOUR. I do not see that the resolution covers any except two committees. I move that the amendment which I have indicated be inserted.

The SPEAKER. Does the gentleman from North Carolina yield the floor for that purpose?

Mr. STANLY. I do not care what amendment is offered.

Mr. HARRIS, of Tennessee. I desire to inquire if the morning hour has not expired?

The SPEAKER. It has expired.

Mr. HARRIS. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

Several MEMBERS. You cannot do that.

The SPEAKER. According to the rules of the House, the Chair is under the impression that the gentleman from Tennessee [Mr. HARRIS] cannot arrest the business of the House to make that motion. He may move to proceed to the consideration of the business on the Speaker's table, however, if he desires.

Mr. HARRIS. Then I will change my motion. I move that the House do now proceed to the consideration of the business on the Speaker's table.

Mr. HUNTER. I rise to a question of order. The gentleman cannot take the floor from the gentleman from New York [Mr. SEYMOUR] for the purpose of submitting that motion.

The SPEAKER. By an express rule of the House the gentleman has the right to make the motion.

Mr. HUNTER. But has he the right to take the floor from another member for that purpose?

The SPEAKER. He has the right to arrest the business of the House, and can take the floor from another member.

Mr. MASON. I desire to know if this is not private bill day?

The SPEAKER. It is.

The question was then taken upon the motion to proceed to the business on the Speaker's table, and it was decided in the negative.

The question recurred on the motion to refer, with instructions to the Committee on Accounts the resolution for the appointment of a clerk to the Committee on Naval Affairs.

Mr. SEYMOUR, of New York, moved to add to the instructions the following, viz:

And whether any of the standing committees of the House require the services of a clerk.

Mr. JONES, of Tennessee. I ask the gentleman from North Carolina [Mr. STANLY] to yield me the floor for a moment. It is not so much for the purpose of opposing the appointment of clerks—for upon that point I believe my opinions are well known. I will say, however, that I have served upon this Committee on the Post Office and Post Roads, and I never saw the necessity of a clerk while I was a member of that committee. But many of the gentlemen who support this application—

Mr. MARSHALL, of Kentucky. I rise to a question of order. I do not understand that under the rules of the House the gentleman from North Carolina [Mr. STANLY] can keep the floor and yield it to whom he pleases in this manner. I make the point that he has no right to retain the floor and parcel it out as he pleases.

The SPEAKER. According to universal custom he may yield it for the purpose of explanation to whatever gentleman may desire it.

Mr. JONES, (resuming.) It is known that I am opposed to the appointment of clerks to these committees, because I believe they are unnecessary, and not required. I voted for the appoint-

ment of a clerk to the Committee of Ways and Means, and being a member of that committee I am frequently met with the inquiry, Is not there a clerk in your committee? There is. And as there is also something said about the duties of that clerk, I will say here, that there is one bill from that committee—the civil and diplomatic appropriation bill—which requires the services of a clerk. When the estimates are first sent to the Committee of Ways and Means, that clerk takes them up and prepares a paper, ruled in parallel columns, and headed with the years 1840, 1841, 1842—and so on with each year to the last appropriation bill—and at the left hand thereof he enters the name of each separate item of expenditure, and opposite each item and under each of the different headings, enters the amount of expenditure for the various years embraced in his list; and also under another heading, enters the amount estimated for the year for which the appropriation is asked, in order that the committee may be able to compare the items of estimates submitted, with the corresponding appropriations in previous years.

The committee take up this bill, go through it and determine upon each item, whether they will allow it, or what corrections they will make in it, and then the clerk takes it and draws up in form the result to which the committee has arrived, and the committee report it to the House. And that is the case with every general appropriation bill that comes before that committee. The civil and diplomatic appropriation, the Army appropriation, the Navy appropriation, the pension appropriation, all these various bills, go through this process by the clerk of that committee. Then, sir, here are hundreds of items in this one solitary bill, the civil and diplomatic bill, and the committee frequently want information upon this item and upon that—they want information as to the amount, or as to the necessity of the appropriation asked for. And this information can only be obtained from the different Departments, and the clerk is charged with the duty, as the organ of the committee, of going to the different Departments and offices, to get the necessary information for the committee to base their action upon. And here I would remark, that there is more labor for a clerk, upon this one, the civil and diplomatic appropriation bill, than there was for a clerk to the Post Office Committee during the whole session of the Congress, while I was a member of that committee.

Now the great labor upon the Post Office Committee when I was a member of it, was to prepare the general post route bill. But the chairman of the committee divided out the applications for post routes to the different members of the committee, dividing the whole Union into districts, and assigning to each member certain States, to examine the applications from those States for post routes; and the members severally made out reports for their districts, and the chairman put them all together and made one bill of the whole, and so reported it to the House.

Mr. STANLY. I perceive my time, which has mostly been occupied by others, has nearly expired.

Mr. JONES. The gentleman has informed me that his time is out, and I will not extend my remarks.

Mr. STANLY. I have hardly time to move the previous question. I move the previous question.

Mr. STANTON, of Tennessee. I presume that, having reported this resolution, I have the right to make a reply to what has been said.

The SPEAKER. After the previous question is seconded.

The previous question then received a second, and the main question was ordered to be put.

Mr. STANTON. I do not intend to occupy the floor for any length of time.

Mr. JONES, of Tennessee. I rise to a question of order. Did not the Chair decide, the other day, upon my suggestion, that the chairman who reported a resolution was not entitled to an hour to speak until a motion to refer had been voted down?

The SPEAKER. That was the decision. The gentleman is entitled to an hour when the House comes to a direct vote upon the proposition submitted, but he thinks that he has no such right upon the question of reference.

Mr. STANTON. I do not intend to detain

the House long, if I have an opportunity to speak.

The question was then taken upon the amendment of the gentleman from New York, [Mr. SEYMOUR;] which amendment was, "and also whether any of the standing committees of this House require the services of a clerk?" and it was agreed to.

Mr. STEPHENS, of Georgia. Is it now in order to move to lay the whole subject upon the table?

The SPEAKER. It is.

Mr. STEPHENS. Then I make that motion.

Mr. STANTON. I insist that upon that motion I have a right to be heard.

The SPEAKER. The Chair thinks the gentleman has no such right.

Mr. STEPHENS. I withdraw my motion to lay upon the table. I have no objection to let this subject go to the Committee on Accounts for investigation.

The question was then taken upon the motion to refer the resolution, with the instructions, to the Committee on Accounts; and it was agreed to.

Mr. JOHNSON, of Tennessee, moved to reconsider the vote by which the resolution was referred to the Committee on Accounts, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. DANIEL. I move that the House resolve itself into a Committee of the Whole House upon the Private Calendar.

Mr. HARRIS, of Tennessee. I renew my motion, that the rules be suspended, and that the House resolve itself into a Committee of the Whole upon the state of the Union upon the special orders.

Mr. CAMPBELL, of Illinois. I rise to a privileged motion. I move that when this House adjourns to-day, it adjourn to meet on Monday next at twelve o'clock.

[Cries of "That's right!" "That's right!"]

Mr. GOODENOW demanded the yeas and nays upon the motion; which were not ordered.

The question was then taken; and it was agreed to.

Mr. FLORENCE. I suppose reports from the Committee on Naval Affairs are still in order?

The SPEAKER. The gentleman from North Carolina [Mr. DANIEL] moves, that the House resolve itself into a Committee of the Whole upon the Private Calendar—

Mr. SEYMOUR, of New York. I wish to suggest to the gentleman from North Carolina, the chairman of the Committee of Claims, in reference to his motion, that the members of the House have not been provided this morning with the usual calendar of business.

VOICES. "Yes they have." "Here they are."

Mr. SEYMOUR. They have been laid upon the tables of some of the members, but not of a great majority; and I have been informed that the supply furnished by the printer has been distributed, but there is not enough for more than one third of the members. I hope the gentleman will, under the circumstances, withdraw his motion, and let us go into Committee of the Whole on the state of the Union.

The SPEAKER. Gentlemen will recollect that the proposition is not debatable.

Mr. STEPHENS, of Georgia. I only want to say to the gentleman from New York, that here is the Calendar, and I was wonderfully struck with the superior paper upon which it has been printed.

The SPEAKER. The Chair must arrest this conversation. It is out of order.

Mr. STANTON, of Tennessee. What is the order of business if the rules are not suspended?

The SPEAKER. The call for reports from committees will be continued until finished.

Mr. CABELL. If it is in order, I wish to call the attention of the chairman of the Committee of Claims [Mr. DANIEL] to the—

The SPEAKER. The Chair will be compelled to arrest this conversation.

The question was then taken upon the motion of Mr. HARRIS, of Tennessee, that the rules be suspended, and that the House resolve itself into Committee of the Whole upon the special orders; and it was disagreed to.

The question recurring upon the motion of Mr. DANIEL, that the House resolve itself into a Com-

mittee of the Whole upon the Private Calendar, it was put and disagreed to.

The SPEAKER. Reports are still in order from the Committee on Naval Affairs.

On motion by Mr. FLORENCE, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the memorial of A. Saunders, and that it be referred to the Committee on Military Affairs.

Mr. GOODENOW, from the Committee on Naval Affairs, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, and made the order of the day for to-morrow, and, with the reports accompanying, ordered to be printed, viz:

A bill for the relief of Jacob J. Storer; and

A bill for the relief of James A. Fawns.

Mr. G. also from the same committee, reported a bill to modify the pay of certain warrant officers of the Navy; which was read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union, and, with the report accompanying, ordered to be printed.

Mr. CABELL, of Florida, from the Committee on Naval Affairs, reported a bill for the relief of Monmouth B. Hart, Joel Kelly, and William Close, securities of the late Benjamin F. Hart, a purser in the United States Navy; which was read a first and second time by its title, referred to a Committee of the Whole, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed.

On motion by Mr. BAYLY, of Virginia, it was

Ordered, That the Committee on Foreign Affairs be discharged from the further consideration of the memorial of John H. Wesche, of the firm of Wesche & Co., of Puebla, Mexico, praying indemnity for losses sustained by said firm in consequence of the annulling of a contract made with the agent of the United States, for supplying the army with certain articles; and it was referred to the Committee on Military Affairs.

On motion by Mr. BAYLY, of Virginia, it was

Ordered, That the Committee on Foreign Affairs be discharged from the further consideration of the memorial of Samuel Adams, and others, citizens of Castine, in Maine, praying Congress to take measures to have international disputes settled by umpirage rather than by any appeal to the sword, and that nations will war no more; and that the memorial do lie on the table.

On motion by Mr. BAYLY, of Virginia, it was

Ordered, That the Committee on Foreign Affairs be discharged from the further consideration of the memorial of C. W. Jay, and others, asking Congress to pass a law fixing the residences of foreign ministers of the Despotical Governments at least one hundred miles from the seat of Government; and that the memorial do lie on the table.

On motion by Mr. BAYLY, of Virginia, it was

Ordered, That the Committee on Foreign Affairs be discharged from the further consideration of the petition of citizens of Pennsylvania, praying that a law may be passed to prevent the immigration of foreign convicts, felons, and paupers, into the United States; and that said petition be referred to the Committee on the Judiciary.

On motion by Mr. SCUDDER, it was

Ordered, That the Committee on Territories be discharged from the further consideration of the memorial of the Legislative Assembly of New Mexico, praying for appropriations for the completing of a road from Santa Fe to Taos, and that it be referred to the Committee on Roads and Canals.

Mr. STUART, from the same committee, reported the following resolution:

Resolved, That the third week in April next be set apart for the consideration of territorial business, and that during that week such business shall take precedence over other business, and be regarded as the special order.

Mr. STUART. I was told by the chairman of the committee, who was expected to make this report, that such was the arrangement at the last Congress, that certain days were set apart for that purpose.

Mr. STEPHENS, of Georgia. I rise to a question of order. The House never instructed this committee to take into consideration the time at which territorial business should be taken up, and hence they can submit no report upon the subject. They can report only upon matters committed to them. It is not competent for a committee to ask the suspension of the rules for the purpose of introducing a resolution, except on Monday of each week.

The SPEAKER. The Chair cannot entertain a motion to suspend the rules of the House, at any time, except on Monday of every week. The Chair overrules the point of order of the gentleman from Georgia in this, that he thinks it competent for the committee to consider and report upon the time proper to take up territorial business; but the

committee has no more right than an individual member of the House to submit a resolution to make a special order, which would, if objected to, require a suspension of the rules—motions for which purpose being in order only on Mondays.

Mr. GIDDINGS. Has not this been the uniform practice of the House?

The SPEAKER. It has been customary to set apart days for the consideration of territorial business, but not in the manner proposed.

Mr. HALL. It can be done only by the suspension of the rules, which motion is not in order to-day.

Mr. STUART. I will withdraw the motion, intending to submit it on Monday, as I do not wish to consume the time of the House upon points of order.

Mr. GIDDINGS, from the Committee on Territories, reported "A bill authorizing the Governor of the Territory of New Mexico to call an extra session of the Legislative Assembly of the said Territory, if the same be deemed necessary and expedient;" which was read a first and second time by its title, referred to the Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

On motion by Mr. MILLSON, it was

Ordered, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of the heirs of Daniel Starr, asking seven years half pay for his services as a lieutenant in the Navy; and it was referred to the Committee on Revolutionary Claims.

On motion by Mr. MILLSON, it was

Ordered, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of Rachel Moorey, of Clinton county, New York, praying for a pension on account of the services of her late husband, and that it do lie on the table.

Mr. MILLSON, from the Committee on Revolutionary Pensions, made adverse reports in the following cases; which were severally ordered to lie on the table and be printed, viz:

The petition of James S. Mitchell, praying for an allowance under the bounty land law of 1850; and

The petition of the heirs of certain revolutionary soldiers residing in Chenango county, New York, asking for grants of bounty land.

Mr. TUCK, from the Committee on Revolutionary Pensions, made an adverse report on the petition of John King, of New York, praying arrears of pensions from 1818 to 1824, at the rate of \$8 per month; which was ordered to lie on the table and be printed.

Mr. TOWNSHEND, from the Committee on Revolutionary Pensions, reported a bill for the relief of Isaac Cobb; which was read a first and second time by its title, referred to a Committee of the Whole, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed.

On motion by Mr. TOWNSHEND, it was

Ordered, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of William K. Blair for additional compensation for services rendered in the State of Tennessee, from 1836 to 1847; which was ordered to lie on the table.

Mr. BOCK, from the Committee on Naval Affairs, reported a bill for the relief of David Myerly; which was read a first and second time by its title, referred to a Committee of the Whole, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. EDGERTON. With the consent of the House I will make a report from the Committee of Claims, being absent from the Hall when that committee was called.

Mr. MARTIN. I object.

Mr. ALBEN, of Illinois, from the Committee on Revolutionary Pensions, made an adverse report on the petition of David Berry and others, and the resolution of the State of Ohio in favor of a pension for Henry Johnson; which was ordered to lie on the table and be printed.

Mr. HARRIS, of Tennessee, from the Committee on Invalid Pensions, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed, together with the accompanying reports, viz:

A bill for the relief of Catharine Clark;

A bill for the relief of Jacob Shade; and

A bill for the relief of Thomas P. Dudley.

Mr. HARRIS, of Tennessee, said he had been

instructed by the Committee on Invalid Pensions to ask that said committee be discharged from the further consideration of the following petitions, and that they be referred to the Committee on Naval Affairs, viz:

The petition of John Duncan for an invalid pension in consequence of a disability received in the naval service of the United States;

The petition of Mary Woodward, of Connecticut, the widow of Lieutenant Woodward, who lost his life in the service of the United States, asking for a pension; and

The petition of Lot Davis for a pension in consideration of a disability incurred in the United States service in the war with Great Britain.

Mr. CABELL, of Florida. I ask respectfully what is the purport of all these applications from which the Naval Committee asked to be discharged? They all ask, I believe, pensions for naval service.

Mr. HARRIS, of Tennessee. They are memorials for the allowance of pensions for injuries sustained in the naval service of the country. The examination I have given the subject has convinced me, that heretofore that class of cases has been considered and reported upon by the Committee on Naval Affairs. The committee of which I am a member, instructed me to ask that these cases be referred to that committee.

Mr. CABELL. The Committee on Naval Affairs have unanimously passed a resolution, that they will report back cases of this kind to the House, with a recommendation that they be referred to the Committee on Invalid Pensions. It is no argument, as a reason for the reference to the Committee on Naval Affairs, that the pension arose from services connected with the Navy—no more than that pensions growing out of military operations should be referred to the Committee on Military Affairs. As a member of the Naval Committee, I shall object to the reference.

Mr. HARRIS. I will state, as a member of the Committee on Invalid Pensions, that these cases belong to the Naval Committee. The committee are willing to discharge the duty, but after an examination of that class of cases, and from the precedents heretofore established, the committee think that they appropriately belong to the other committee. I desire to get the sense of the House as to which is the appropriate committee for the consideration of that class of cases.

Mr. CABELL. I will merely state, that the chief ground upon which the Committee on Naval Affairs applied for a clerk was, that their time was very much engaged with private claims. Here is a committee appointed specially for the consideration of these particular cases, and I beg the House will refer these memorials to the appropriate committee, and not refer them to the Committee on Naval Affairs.

Mr. STANTON, of Tennessee. I concur with the gentleman from Florida [Mr. CABELL] in regard to the disposition which ought to be made of these memorials. If I understand them correctly, they concern pensions, and, therefore, ought to go to the Committee on Invalid Pensions. I stated this morning, and it is very proper to say it here, that the Committee on Naval Affairs have more of these cases than it is possible for them to attend to. So far as I am individually concerned, I do not care a farthing whether the House give a clerk to that committee or not. I do not ask a clerk for them, upon my own account. I believe no one will charge me with neglect of duty, as head of that committee, so far as I have capacity to do it. No one will charge me with want of industry, at least as much industry as ought to be applied to public business under these circumstances. I say to the House, that it is impossible for us to do the business of that committee, as things now are. I shall, however, do as much as I can, and the balance I shall leave undone. I think it is wholly unnecessary to send this memorial to the Committee on Naval Affairs, when another committee can more appropriately dispose of it. I say further, that, if it goes there, it cannot probably receive the attention of the committee.

Mr. HALL. I move that these memorials be recommended to the Committee on Invalid Pensions.

Mr. BOCK. The question raised by the chairman of the Committee on Invalid Pensions is, whether these subjects come legitimately before the Committee on Invalid Pensions, or the Committee on Naval Affairs. I believe the practice of

this House has been both ways. Very many of these petitions have been referred to the Committee on Naval Affairs; and many of them, also, have been referred to the Committee on Invalid Pensions. The appropriate duties of these committees, it seems to me, can be ascertained by referring to the rules establishing the committees, and defining their duties. Now, upon reference to the rules in relation to the Committee on Invalid Pensions, I find "that it shall be the duty of the Committee on Invalid Pensions to take into consideration, all such matters respecting invalid pensions as shall be referred to them by the House."

The rule does not say, invalid pensions arising from service in the military establishments of the country, but it says, "all such matters respecting invalid pensions as shall be referred to them by the House."

When I refer to the other rule defining the duties of the Committee on Naval Affairs, I find it provides that "it shall be the duty of the Committee on Naval Affairs to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment."

It seems to me perfectly clear, under this definition of the duties of the Committee on Naval Affairs, that those petitions relating to invalid pensions do not go before the committee on Naval Affairs, but to the committee on Invalid Pensions, according to the express terms of the rule defining the duties of that committee.

Mr. KUHNS demanded the previous question.

The previous question was seconded, and the main question ordered, which was upon recommending the memorials to the Committee on Invalid Pensions.

The question was then taken, and it was agreed to.

Mr. HARRIS, of Tennessee, from the Committee on Invalid Pensions, made an adverse report on the petition of Mary Perrigo, of New York, for arrears of pensions due to her late husband; which was ordered to lie on the table.

Mr. HAVEN. I desire to inquire if there is a report accompanying the paper? If so, I ask that it be printed. I think the rule should be adopted in all cases to print adverse reports.

Mr. HARRIS moved that the report lie upon the table and be printed.

There being no objection, it was so ordered.

Mr. HARRIS, of Tennessee, from the Committee on Invalid Pensions, made an adverse report on the memorial of Nathaniel A. Willis, praying for arrearages of pensions from 1839 to 1850; which was ordered to lie on the table and be printed.

Mr. EASTMAN, from the Committee on Invalid Pensions, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the reports accompanying, ordered to be printed, viz:

A bill for the relief of the late George Cassady;
A bill for the relief of John Haven; and
A bill for the relief of William Dwellys.

Mr. EASTMAN, from the same committee, made adverse reports in the following cases, which were ordered to lie on the table and be printed, viz:

The petition of Fielding G. Brown, asking for an invalid pension for injuries in the service of the United States; and

The petition of John O. Hodge, of Cleveland, Ohio, now receiving a pension for disability, asking for an increase of pension.

Mr. CLINGMAN entered a motion for the reconsideration of the case of Fielding G. Brown.

On motion by Mr. EASTMAN, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition of Robert Gibson for a pension, as an invalid in the war of 1812; and it was ordered to lie on the table.

Mr. MARTIN, from the Committee on Invalid Pensions, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole, and made the order of the day for to-morrow, and

with the reports accompanying, ordered to be printed, viz:

A bill for the relief of Anthony Walter Bayard; and

A bill for the relief of David Murphy, of Ohio.

Mr. MARTIN, from the same committee, made adverse reports in the following cases; which were ordered to lie on the table, and be printed, viz:

The petition of Clemens Eaton, for arrears of pension;

The petition of Henry and Robert Blow, of Tennessee, for arrears of pension for services in the war with Great Britain in 1812;

The petition of Daniel Hager, jr., of Schoharie county, New York, for arrears of pension;

The petition of John Davenport, of Missouri, for arrearages of pension from 1824 to 1844;

The petition of the heirs of Robert H. Dysen, of Tennessee, on account of services during the war with Great Britain, and the more recent wars with the Indians;

The petition of Hall Hutson, for a pension on account of disability in the war of 1812; and

The petition of Brooksey Bell, of Washington county, Tennessee, asking for an increase of pension to \$8 per month.

The petition of Lucy Morrison, of Kentucky, the widow of Archibald Morrison, for a pension on account of the death of her husband from disease contracted in the service of the United States;

The petition of David Troxell, of Tennessee, asking for an invalid pension; and

The petition of Thomas Russell, a disabled mechanic, of the National Armory at Harper's Ferry, asking to be placed on the pension roll.

Mr. MARTIN said the latter was a case of great hardship, but could not be admitted without forming a new class of cases.

Mr. KUHNS, from the Committee on Invalid Pensions, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, and made the order of the day for to-morrow, and, with the reports accompanying, ordered to be printed, viz:

A bill for the relief of Elizabeth E. V. Fields, the widow of Captain G. P. Fields, of the United States Army;

A bill for the relief of Henry Miller, a soldier in the war of 1812; and

A bill for the relief William Lynch, a soldier in the late war with Great Britain.

Mr. KUHNS, from the same committee, made an adverse report in the case of Moses Olmstead, of New York, for a pension; which was ordered to lie on the table, and be printed.

Mr. JOHNSON, of Ohio, from the Committee on Invalid Pensions, made an adverse report on the petition of David Montgomery, for arrears of his invalid pension for disability incurred in the war of 1812; which was ordered to lie on the table, and be printed.

On motion by Mr. JOHNSON, of Ohio,

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition of Sam Slick, of Berford, Pennsylvania, asking for a pension for services rendered by his father in the revolutionary war, and that the same be referred to the Committee on Revolutionary Pensions.

Mr. PRICE, from the Committee on Invalid Pensions, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed, together with the accompanying reports, viz:

A bill for the relief of Jonas D. Platt, of New York; and

A bill for an increase of pension to Henry Click, of Cocke county, Tennessee.

Mr. JONES, of New York, from the Committee on Invalid Pensions, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, and made the order of the day for to-morrow, and, with the reports accompanying, ordered to be printed, viz:

A bill for the relief of Charles Staple; and

A bill for the relief of Aaron Stafford, a soldier of the late war with Great Britain.

Mr. JONES, of New York, from the Committee on Invalid Pensions, reported back Senate bill for the relief of Margaret L. Worth, widow of the late General Worth, of the United States Army,

without amendment, and moved its reference to a Committee of the Whole House, that it be made the order of the day for to-morrow, and be printed.

Mr. HARRIS, of Tennessee. I ask the gentleman from New York to withdraw his motion for a moment, to enable me to offer an amendment to that bill to go with it to the Committee of the Whole House.

Mr. JONES, withdrew his motion.

Mr. HARRIS then moved to amend the bill by striking out all after the enacting clause, and inserting in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby directed to place the name of Mrs. Margaret L. Worth, widow of the late General Worth, upon the pension roll at the rate of thirty dollars per month, to commence on the — day of —, and to continue for five years: *Provided*, That in case of the death or marriage of the said Mrs. Margaret L. Worth before the expiration of the said five years, the pension for the remainder of the time, shall be paid to the children of the said General Worth, if there be any under the age of sixteen years, and if there be no children under the age of sixteen years, said pension shall cease.

On motion by Mr. JONES, of New York, the bill, with the amendment thereto, was then referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. JONES, of New York, from the Committee on Invalid Pensions, made adverse reports on the following cases; which were ordered to lie on the table, and be printed, viz:

The petition of Moses Cremer, for arrearages of invalid pension, on account of disability incurred in the military service of the United States;

The petition of Samuel Smith, of Maine, for arrearages of pension;

The petition of John Pearl, of Maine, for arrearages of pension;

The petition of Peter Frost, for arrearages of pension;

The petition of Abraham Pettingill, for an invalid pension;

The petition of Joshua Lewis, a disabled mechanic in the armory at Harper's Ferry;

The petition of John Harrington, for a back pension;

The petition of Shebal Adams, for a pension on account of disability from exposure in the service of the United States;

The petition of Cornelius Zielie, for a back pension;

The petition of Lewis Robert, for a pension on account of disability incurred in the war of 1812; and

The petition of John English, for a pension for a disability incurred in the service of the United States in the late war with Great Britain.

Mr. MOLONY, from the Committee on Invalid Pensions, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed, together with the accompanying reports, viz:

A bill for the relief of B. B. Bennett; and

A bill for the relief of Maurice Simons.

Mr. MOLONY asked the unanimous consent of the House to introduce a bill, of which previous notice had been given.

Mr. SACKETT objected.

Mr. MOLONY, from the Committee on Invalid Pensions, made adverse reports in the following cases; which were ordered to lie on the table and be printed, viz:

The petition of Catharine Clark, the administratrix of Joseph Clark, for a pension;

The petition of Robert Trevitt, for arrearages of pension; and

The petition of Aaron Adams, of Grant county, Kentucky, asking for the increase of his invalid pension.

Mr. MOLONY moved that the Committee on Invalid Pensions be discharged from the further consideration of the petition of Asa Leach, for a pension on account of wounds received in the naval service, and that it be referred to the Committee on Naval Affairs.

Mr. CABELL moved that the petition be re-committed to the Committee on Invalid Pensions; which motion was agreed to.

On motion by Mr. MOLONY, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition of Phoebe Thompson, the widow of John Thompson, for a pension, and that it do lie on the table.

Mr. ROBINSON, from the Committee on Roads and Canals, reported a bill to set apart and sell to Asa Whitney, of New York, a portion of the public lands to enable him to construct a railroad from Lake Michigan or the Mississippi river to the Pacific ocean; which was read a first and second time by its title.

Mr. R. moved to refer it to the Committee of the Whole on the state of the Union, and that it be printed.

Mr. DUNHAM moved to refer it to the Committee on Public Lands.

Mr. HALL. I hope that this bill will not be referred to the Committee on Public Lands. It has been considered thoroughly by one of the committees of this House, which is certainly as competent to consider it as is the Committee on Public Lands, and the result of their labors is before the House. I can see no reason why it should be referred to the Committee on Public Lands. That committee has already as much business as it can attend to.

Mr. STEPHENS, of Georgia. Did not the bill come from the Committee on Roads and Canals?

Mr. ROBINSON. It did; and that committee have had it before them ever since it has been in Congress.

The question was first taken upon Mr. ROBINSON's motion, and the bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. ROBINSON, from the same committee, reported back a bill for the improvement of Rock Island and De Moines Rapids in the Mississippi river, with an amendment; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. R. also, from the same committee, reported the following bills; which were read severally a first and second time by their titles, referred to the Committee of the Whole on the state of the Union, and ordered to be printed, viz:

A bill for the construction of military roads in the Territory of Oregon;

A bill for the improvement of the navigation of the Arkansas river;

A bill for the improvement of the navigation of the Ohio river, between Pittsburg and the falls at Louisville;

A bill for the improvement of the navigation of the Ohio river below the falls at Louisville, and of the Mississippi river; and

A bill for the improvement of the navigation of the Missouri river.

Mr. JOHN W. HOWE, from the Committee on Roads and Canals, reported back, without amendment, House bill No. 68, being a bill to provide for the survey of sites for certain artificial reservoirs to be constructed at the main affluence of the Ohio river, in accordance with the plans heretofore submitted by Charles Ellet, jr., and for other purposes; which was referred to the Committee of the Whole on the state of the Union.

Mr. STANTON, of Ohio, from the Committee on Roads and Canals, reported back, with an amendment, House bill to provide for the construction of a ship canal around the falls of the Ste. Marie river, at the mouth of Lake Superior; which was referred to the Committee of the Whole on the state of the Union.

Mr. STANTON, of Kentucky, from the Committee on Public Buildings, made an adverse report on the memorial of certain laborers on the public buildings, asking for an increase of wages; which was ordered to lie on the table and be printed.

Mr. S., from the same committee, reported a bill to authorize the Secretary of War to purchase of Mr. William H. Winder, the building now in the occupancy of the Government, situated on the corner of Seventeenth and F streets, in the city of Washington; which was read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. THURSTON, from the Committee on Patents, reported a bill for the relief of Hiram Moore and John Hascal, for the renewal of a patent on a reaping and thrashing machine; which was read a first and second time by its title.

Mr. T. moved to put the bill on its passage.

[Cries of "Read the bill!"]

The bill was then read through by the Clerk.

Mr. THURSTON. That is an important invention. The patent expired in 1850, and is of no benefit to the inventor at all. He can only use it himself. He has expended about \$30,000 in perfecting the machine. I hope it will be the pleasure of the House to pass the bill.

Mr. SACKETT. I move to refer the bill to the Committee of the Whole on the state of the Union, and that it be printed.

Mr. CARTER. Do I understand the gentleman from Rhode Island, [Mr. THURSTON], to move to put that bill on its passage?

Mr. THURSTON. Yes, sir.

Mr. CARTER. I desire to make a few remarks with reference to the propriety of passing this bill now, if the committee will listen to me. I wish to say to the House, in the first place, that this bill—

Mr. DUNHAM. I rise to a question of order. I ask whether the vote has not been taken on referring this bill to the Committee of the Whole on the state of the Union?

The SPEAKER. It has not been taken.

Mr. CARTER. I do not wish to detain the House five minutes. The bill proposes to renew the patent rights of Hascal & Moore, in their harvesting machine—not a common thrasher, or separator, or a reaper, but a combination of the whole, and in conflict with none of them—a machine that has just been perfected under fourteen years of labor, and from which the inventors have never drawn a farthing. It is a machine that cannot come in conflict with any existing machine. It is one that augments the agricultural facilities, for reaping, cleaning, and gathering grain. The inventors have been made poor in the process of perfecting their invention, which process has covered the entire period for which the patent was granted; and if it is to be of any service to them, the patent ought to be granted to them now, for they have not the ability to wait upon the legislation of this House, and resort to the ordinary appliances made use of for that purpose. This is a brief history of that matter. It is a machine that can only be perfected upon the prairies of the United States. It is not adapted to the smaller farming operations of the East, or to the woody portions of the United States. I regard it as an act of naked justice to the genius, labor, and perseverance of those gentlemen, that the grant should be made, for they have never yet derived a dollar from it. There are but two perfect machines that have ever been built, and those machines have cost them fourteen years of trial and labor, and all the money they and their friends could procure, to the amount of \$20,000 or \$30,000. I hope the House will pass it as an act of justice.

Mr. SACKETT. I am entirely unacquainted with the character of this case. I only know it is an application for a renewal of a patent. But I suppose there has been no renewal under the general law, authorizing renewals by the Commissioner of Patents; but I know such a case is one, in my judgment, which should not be passed without the deliberation of this House. It is asking quite too much, for the Committee on Patents to come into this House and say that it is a case which comes in conflict with no other patent that is now in existence. Sir, that is covering quite too much ground. That is a question which may belong to a court, which may belong to the consideration of many other patentees, interested in this question.

Whether the case is one that ought to pass at all or not, is not now a proper subject of consideration. It is, to say the least, one of a class of cases which demand the attention of this House, and should not be acted upon precipitately. I therefore renew the motion to refer it to the Committee of the Whole House.

Mr. STUART. I feel confident, sir, that if the gentleman from New York [Mr. SACKETT] was aware of all the facts in regard to this bill, he would not press his motion to refer it to the Committee of the Whole House.

In addition to what has been said by the honorable chairman of the Committee on Patents, [Mr. CARTER,] I will state, that a similar bill for the relief of these inventors passed this House at the last Congress, was referred to the Committee on Patents of the Senate, and by it reported back favorably, but was lost in the Senate for want of

time to reach it. This bill has now been unanimously reported to this House by the present committee, and they unanimously ask that it shall be put upon its passage, that it may not be again lost for want of time. As the honorable member who reported this bill [Mr. THURSTON] has said, this machine can be used only during the harvesting season, about one month in each year. So that the whole use of it under the original patent has been only fourteen months.

Most inventions can be used every day and can be tried and tested in secret, while every experiment with this one must be made openly and before the whole community.

I reside, Mr. Speaker, in the same county with these inventors, and their invention has been perfected under my own eye. They have expended the whole lifetime of the former patent and more than thirty thousand dollars in perfecting their machine, and have not derived one dollar of profit from their invention.

Mr. JOHN W. HOWE. I desire to ask if the patent has ever been renewed under the existing patent laws?

Mr. STUART. No, sir.

Mr. SACKETT. The gentleman does not understand the question. They have had a renewal by the Commissioner for seven years.

Mr. STUART. No, sir. The gentleman from New York is entirely mistaken. It has not been renewed at all.

Mr. DUNHAM. Then I have only to say, they have no business here. They must go to the Patent Office.

Mr. STUART. The gentleman from Indiana is equally mistaken. Their former patent has expired, and Congress alone possesses the power to extend it. They applied here in time, but their bill of the last session was lost, as I have stated.

Mr. Speaker, I know all about this question; and I do not hesitate to say, unqualifiedly, that a more meritorious application cannot be presented to the consideration of Congress, nor one, the granting of which, would be more beneficial to the agricultural community. The passage of this bill cannot interfere with the rights of any other persons. The bill simply proposes to give to these inventors what they have invented, and they are required by it to establish their inventions by proof before the Commissioner of Patents, who will embrace in their specifications such inventions only as they can so establish. And certainly all that they have invented, they are entitled to, upon every principle of justice. All that this bill proposes, is to do them justice; and I am not willing further to detain the House, or hazard the success of the bill by talking about it.

Mr. STEPHENS, of Georgia. As I am not opposed to the renewal of the patent, if it is proper to do so, and wishing some time to look into and consider it, I would move that the House do now adjourn, and then this question will come up when we next call for reports of committees. I only suggest such a motion.

Mr. STUART. I am so satisfied that this thing is right, and it having received the indorsement of the Committees of both Houses, I move the previous question.

Mr. DUNHAM. I ask for the reading of the bill. It gives fourteen years' extension—

Mr. ORR. I rise to a privileged motion. I move the House adjourn.

Mr. ROBBINS. I hope not; there is so much business upon the Speaker's table.

Mr. ORR. I demand tellers.

Mr. POLK demanded the yeas and nays; but they were not ordered.

Tellers were then ordered, and Messrs. ORR and MEACHAM appointed.

The question was then taken, and the tellers reported—ayes 54, nays 73.

So the House refused to adjourn.

Mr. HAVEN. Before the vote is taken, I desire to learn from the chairman of the Committee on Patents, [Mr. CARTER,] whether there was any evidence before that committee in reference to the assignment by these patentees of their right?

Mr. CARTER. I recollect of none. I will state to the gentleman from New York—

The SPEAKER. This conversation is not in order, and can only be allowed by unanimous consent.

There was no objection.

Mr. CARTER. The machine has never been

perfected so as to make it the subject of merchandise during the whole life of the patent.

Mr. HAVEN. If there be such assignments, cautious legislation is demanded at our hands.

Mr. JONES, of Tennessee, demanded the yeas and nays; which were ordered.

Mr. STEPHENS, of Georgia. I move that the House adjourn.

Mr. HOUSTON. I would suggest the propriety of clearing the Speaker's table.

A VOICE. It will take a whole day.

Mr. STEPHENS, of Georgia. If the Speaker asks for the unanimous consent for that purpose before my motion is put, I will readily agree to it.

Mr. JONES, of Tennessee. I object.

The question was then taken upon the adjournment, and it was decided in the affirmative—ayes 72, noes 58.

So the House adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BUELL: The petition of John Mann, for a pension.

Mr. SWEETSER gave notice of his desire to withdraw from the files of the House, in order to refer to the Committee of Claims, the papers of C. Nisewarger and William S. Sullivan.

By Mr. EDGERTON: Petitions of citizens of Defiance county, Ohio, for a mail route from Toledo, via Bryan and Hicksville, Ohio, to Fort Wayne, Indiana.

By Mr. HENN: The petition of citizens of Kanessville, Iowa, asking that they be allowed to purchase the land on which said town is situated, and for the appointment of a Board of Commissioners to superintend the survey of said town, and to adjust the titles to lots therein.

By Mr. SCUDDER: The petition of Ezra Taylor, and 130 others, citizens of Dennis and Harwich, Massachusetts, asking an appropriation for a light-vessel on Succonecet shoals, in the Vineyard sound.

By Mr. JONES, of Pennsylvania: The proceedings of the Berks county tariff meeting.

By Mr. ALLEN, of Illinois: The petition of citizens of Hamilton, Saline, and Gallatin counties, in the State of Illinois, praying that a mail route may be established from the town of McLauesboro', in Hamilton county, to the town of Equality, in Gallatin county, in the State of Illinois.

By Mr. JOHN W. HOWE: The petition of Joseph S. White and 384 other citizens of Lawrence county, Pennsylvania, praying Congress to adopt some mode for the amicable adjustment of national difficulties without resort to war.

By Mr. FULLER, of Maine: The petition of Charles T. Emerson and 85 others, citizens of Washington county, Maine, being ship-owners, ship-masters, pilots, and others interested in navigation, praying Congress to make an appropriation for building a light-house on Round Island, in the entrance of Machias river, in said State.

By Mr. BRAGG: The petition of Charles Bingham, marshal of the southern district of Alabama, praying for additional compensation for taking the census.

By Mr. AIKEN: The resolutions of the General Assembly of South Carolina relative to the establishment of a branch Mint at Charleston, South Carolina.

Also, the memorial of the Chamber of Commerce of Charleston, South Carolina, praying the establishment of a branch Mint in that city.

Also, the memorial of Hugh Craig and other citizens of the Chesterfield district, South Carolina, praying for the establishment of a branch Mint at Charleston, South Carolina.

By Mr. PARKER, of Pennsylvania: The petition of the heirs of Robt. Laughlin, late of Westmoreland county, Pennsylvania, deceased, praying compensation for property destroyed during the revolutionary war, and accompanying papers withdrawn from the files of the House.

Also, the petition of John De Armut, praying for the passage of a law authorizing the Postmaster General to pay him for the loss sustained in carrying the mail, with the accompanying papers withdrawn from the files of the House.

Also, the petition of Joseph Law, late postmaster at Water Street, in Pennsylvania, praying Congress to pass a law refunding to him \$68 32, amount of Government funds in his hands as postmaster, and lost by reason of the freshet of July, 1851, on the Juniata river.

By Mr. CHASTAIN: The petition of Hugh W. Proudfoot, one of the heirs and administrators of Captain John Morrison, who served in the Georgia Continental Line during the war of the Revolution, praying commutation pay.

IN SENATE.

MONDAY, February 2, 1852.

Prayer by the Rev. L. F. MORGAN.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tem.* laid before the Senate a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of the General Land Office, accompanied by the annual reports of the Surveyors General of Illinois, Missouri, and Oregon Territory, which were not received in time to accompany the last annual report; which was read and referred to the Committee on Public Lands.

PETITIONS.

Mr. BERRIEN presented the memorial of

Catharine Proctor Hayden, daughter and heir to Colonel John White, deceased, praying the reimbursement of advances made by her late father, and payment of the seven years half pay due for his military services in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. MILLER. I desire, Mr. President, to present the memorial of silk manufacturers, dyers, and other persons interested in the silk trade of the United States, praying that Congress may repeal that part of the tariff law of 1846 which imposes fifteen per cent. duty upon raw silk. As the facts and considerations stated in the petition are important with regard to the interests of the parties represented, and as it expresses so clearly the distinctions and unjust operation of the tariff of 1846 in reference to its not making a proper discrimination between the raw material and the manufactured article, I hope the memorial will be read.

The memorial was accordingly read, and referred to the Committee on Manufactures.

Mr. SUMNER presented the petition of Martha L. Downs, widow of Lieutenant Downs, commander of the United States schooner Grampus at the time she was lost, praying that the same allowance of pay may be made to the widows and orphans of persons belonging to that vessel, as has been made in similar cases; which was referred to the Committee on Naval Affairs.

Mr. BADGER presented the memorial of J. H. Williams, the memorials of E. D. Austin, D. Hurdle, William H. Hood, Carlton Hall, James M. Waddill, N. McCrummer, W. H. Marshall, T. H. Tomlinson, John B. Golet, Brian Hellen, M. D. King, and John A. Selby, assistant marshals for taking the Seventh Census in North Carolina, praying additional compensation; which were referred to the Committee of Claims.

Mr. JONES, of Iowa, presented the proceedings of a meeting of stockholders of the Dubuque and Keokuck Railroad Company, held at Anamosa, Iowa, in relation to the donation of land for that railroad; which was ordered to lie on the table.

Mr. HAMLIN presented a memorial of assistant marshals for taking the Seventh Census in Oxford county, Maine, praying additional compensation; which was referred to the Committee of Claims.

Also, resolutions passed by the Legislature of Maine, in relation to Louis Kossuth and the doctrine of non-intervention; which were ordered to lie on the table and be printed.

Mr. DOWNS presented the memorial of the heirs of James Perrie and Lucy Perrie, praying the confirmation of their title to certain lands held under a Spanish grant; which was referred to the Committee on Private Land Claims.

Mr. FELCH presented the petition of Christopher Knowlton, praying a pension for services in the revolutionary war; which was referred to the Committee on Pensions.

Also, two petitions of citizens of Michigan, praying a donation of land to that State for the construction of the Oakland and Ottawa railroad; which were referred to the Committee on Public Lands.

Mr. DODGE, of Wisconsin, presented a petition of citizens of Green Bay, Wisconsin, praying the sale of so much of the military reservation at Fort Howard as is not needed for that post; which was referred to the Committee on Public Lands.

Mr. PEARCE presented a memorial of merchants, ship-owners, underwriters, and others interested in the commerce of Baltimore, praying that the act of March 3, 1847, for the reduction of the expenses of proceedings in admiralty against ships and vessels, may not be repealed or altered; which was referred to the Committee on the Judiciary.

Mr. SOULE presented a memorial of officers, clerks, and others employed in the civil and military departments of the United States Government in Mexico, during the late war with that Republic, praying to be allowed three months' extra pay; which was referred to the Committee on Commerce.

Mr. FISH presented the memorial of Edward P. Torrey, legal representative of Joseph Torrey, an officer in the revolutionary war, praying to be allowed interest on commutation pay; which was

referred to the Committee on Revolutionary Claims.

NEW JERSEY ON NON-INTERVENTION.

Mr. STOCKTON. Mr. President, I hold in my hands a series of resolutions passed by the Legislature of the State of New Jersey, and by their authority transmitted to me. I ask that they may be read and printed.

The CLERK read the resolutions, as follows:

Joint Resolutions in relation to Governor Kossuth and the doctrine of national non-intervention.

Whereas Louis Kossuth, Governor of Hungary, exiled from his country because he made a gallant but unsuccessful struggle for his country's rights, has come to the United States, an invited guest of the nation—

1. *Be it resolved by the Senate and General Assembly of the State of New Jersey,* That Louis Kossuth be invited to visit this Legislature at its present session, that we may extend to him the hospitality of the State and assure him of our sympathy.

2. *Be it resolved,* That in Louis Kossuth we recognize a true patriot, and the able and eloquent expounder of constitutional rights and liberties; that we sympathize with him and his countrymen in the calamities which have befallen their fatherland; that we deeply deplore that the recent glorious struggle for the freedom of Hungary was rendered unsuccessful by the treason of their general, and the armed intervention of Russia, contrary to the principles of justice and international law; and that we trust, by the blessing of Divine Providence, that all his future efforts in the cause of his country may be crowned with success, and that the people of Hungary, now dispersed or down-trodden, may be restored to freedom and happiness, under the protecting care of a constitutional government erected by themselves.

3. *And be it resolved,* That every nation has a right to alter, modify, abolish, or adopt its own form of government, and regulate its own internal affairs, and that an armed intervention of any other nation to control or destroy this right is an infraction of international law.

4. *And be it resolved,* That the supremacy of the non-intervention law, acknowledged by all nations, would tend to maintain national rights, prevent national wars, and give a lasting peace to the world.

5. *And be it resolved,* That our Senators and Representatives in Congress be requested to obtain the passage of a resolution by Congress, instructing the representatives of the United States to the Governments of Europe to urge upon those Governments a declaration that the forcible intervention of one nation to regulate the internal affairs, or to alter, modify, abolish, or prescribe the form of government of another nation, is an infraction of the law of nations.

6. *And be it resolved,* That the Governor be requested to transmit a copy of these resolutions to the President of the United States, to Louis Kossuth, and to each of our Senators and Representatives in Congress.

Mr. STOCKTON. Mr. President, no one need doubt my regard for the old Democratic principle, that the representative is bound by the will of his constituents. No one need doubt the profound respect which any expression of opinion by the Legislature of New Jersey will command from me. I know no higher honor than faithfully to represent my native State. I can enjoy no higher satisfaction than to feel that I merit her approval. My ambition in the discharge of my duties here, is to promote her interests. In doing that, I know that I shall promote the welfare of our whole country.

Sir, I execrate the oppressors of poor Hungary, and cordially sympathize with the Legislature and people of New Jersey in her sufferings. I am as desirous for her independence and the extension of human liberty as any of my fellow-citizens. Nevertheless, I am constrained to say, that while I agree to every sentiment of freedom and love of liberty contained in the resolutions which you have just heard read, I do not entirely concur in the principles of public law by which the object they have in view is sought to be obtained. I will, therefore, with the Senate's leave, proceed to state, in a few brief remarks, the grounds of my opinion—what, in my judgment, are the responsibilities of this Government, and the course we ought to take in regard to our foreign relations. The course suggested by the resolutions is not precisely the one preferred by me. They do not avow the principles which this Government ought to assert and maintain—which the United States always has asserted, and which I hope she will continue to assert as long as there is a single despotic Government existing whose people rise to demand the blessings of liberty.

Sir, when we cast our eyes over the world—everywhere—with the exception of America—we see the surface of the whole earth appropriated by absolute monarchs. The only country which enjoys republican Government, and whose people adequately appreciate free institutions, is the United States. Those free institutions comprehend all that survives of free principles and political liberty. In them is concentrated all that is

valuable of what man has ever achieved in qualifying himself for self-government.

The Mosaic Republic—Rome and her Empire—the transitory Commonwealths of Italy and Germany, which heralded the revival of learning—all stand as beacon-lights to warn and instruct us. All that is of value in the institutions of the Great Alfred, or modern Britain is ours—improved, perfected, and divested of every element which can interfere with, or enfeeble the sovereignty of the people. We are, in truth, the residuary legatees of all that the blood and treasure of mankind expended for four thousand years have accomplished in the cause of human freedom. In our hands alone is the precious deposit. Before God and the world, we are responsible for this legacy. Not for our own benefit only, but for the benefit and happiness of the whole family of man. What course, then, shall this Government take to perpetuate our liberties and to diffuse our free institutions over the world?

1st. We must guard our constitutional grant of delegated power from infraction. We must abide within the limits prescribed by the States to the General Government. We must discreetly exercise the powers actually granted, and abstain from the exercise of all powers not granted.

2d. We must so direct the foreign affairs of this Government, that the progress of liberty shall be promoted and not retarded. This progress may not be promoted by war except under peculiar circumstances. Peace, as I said upon a former occasion, is the true policy of this Republic. "Peace is the animating genius of our institutions;" and, indeed, ought to be of those of all nations.

But the whole world, wherever you look, with the exception of a portion of this continent, being under monarchical governments, I desire to know how the oppressed and fettered nations of the earth are to break their chains, and maintain themselves against the armies of despotism, if the law of nations reads that there shall be no intervention in their behalf?

I cannot give my consent to any proclamation of principles, which may be construed to abridge the right and sacred duty which belongs to this Government, to do whatever it may choose to do in aid of any people who are striving to throw off the yoke of despotism.

But, Mr. President, there are, in my judgment, two extremes, which should be avoided in the conduct of our foreign relations. 1st. We should not recklessly interfere with the affairs of foreign nations. We should count the cost, weigh well the duty and necessity, and be sure that our objects are practicable and attainable, consistent with the principles of our Government and promotive of human liberty and happiness. Washington, and the master spirits of that age of great men, knew well, that in the infancy of this Government, we were not able to cope with the European belligerents who had given us such just cause of offence. But he foresaw the period when this Republic would be able, not only to protect itself, but to stand forth as one of the greatest Powers of the earth. He foresaw, likewise, that our mission was not compatible with any entangling alliances with other nations. He therefore admonished us to avoid all such connection. Notwithstanding, sir, the able and ingenious manner in which the invitation has been given, that we should entangle ourselves in a coalition with Great Britain to dictate this new law of non-intervention to all nations, I am, so far as it respects this overture, for abiding by the advice of Washington—I want no entangling alliances.

2d. The other extreme which we should avoid, and into which so many are desirous that we should rush headlong, without a glance to the future, is, that forgetting all our obligations and duties to the cause of humanity, and to the principles of universal freedom, we should, from unworthy fears or false conservatism, hastily decide that we have no concern in the condition of the world beyond our own boundaries; and precipitately resolve, that in no event and under no circumstances shall we interfere in behalf of oppressed nations.

I cannot consent to yield and abandon this natural right, which all nations from time immemorial have exercised. Sir, I say that intervention, not for the purpose of helping an odious tyrant to put down liberty—because that is against the laws of God and man—but in behalf of "an oppressed

people who implore assistance," is not only in conformity with the universal practice of nations, but it is sustained and inculcated by the best authorities on public law.

Vattel says:

"But if the prince attacking the fundamental laws, gives his subjects a legal right to resist him—if tyranny becoming insupportable, obliges the nation to rise in their defence, every foreign power has a right to succor an oppressed people who implore their assistance."

Again, the same author says:

"For when a people from good reasons take up arms against an oppressor, justice and generosity require that brave men should be assisted in defence of their liberties. Whenever, therefore, a civil war is kindled in a State, foreign powers may assist that party which appears to them to have justice on its side. He who assists an odious tyrant—he who declares for an unjust and rebellious people, offends against his duty."

So much for the law; now as to the practice.

Mr. Wheaton says, in his history of the "Modern Law of Nations":

"The first war of the French Revolution originated in the application, by the allied Powers, of the principle of armed intervention to the internal affairs of France, for the purpose of checking the progress of her revolutionary principles and the extension of her military power. That this was the avowed motive of the Powers allied in the Continental war of 1792 will be apparent from the examination of historical documents."

He says again:

"That the measures adopted by Austria, Russia, and Prussia, at the Congress of Troppau and of Laybach, in respect to the Neapolitan revolution of 1820, were founded on principles adapted to give the great Powers of the European continent a perpetual pretext for interfering in the internal concerns of its different States."

Mr. Wheaton, speaking of that period of time between the peace of Westphalia (1648) and that of Utrecht, of 1713, says:

"Whatever disputes might arise as to its [intervention] application, the principle itself was acknowledged on all hands."

Sir, I well know that the opponents of intervention are in the habit of relying on isolated passages from writers on the law of nations in support of this doctrine. But it will be found, on a thorough examination of those writers, that all they mean to say is, that no nation has a right to interfere with the domestic concerns or the municipal institutions of foreign countries, or to stir up to rebellion their citizens or subjects. But they all agree to the right to intervene when a people have actually risen and are striving to throw off intolerable oppression.

It is my deliberate opinion, sir, that we not only have the right, but that it would be our duty, under some circumstances, in our own good time, when the occasion is proper, and it may be practicable, to assist any people who rise to achieve their liberties and to establish a republican government. Sir, it has been practiced by all nations from time immemorial; and all the paper promulgations which will ever be made will never stop this practice among nations. The only way in which it can be arrested, is by appealing to their interest and safety—by boldly declaring that we will interfere whenever it suits us. Sir, what law will they or do they consult except the law of their own will? You cannot chain up the great Powers of the earth by paper declarations of the law of nations. The law of nations in modern times, as well as of old, is the law of the strongest. This we experienced to our loss and sorrow for many years, during which our commerce was plundered by Great Britain and France, and for which redress has been vainly sought up to this time by our suffering fellow-citizens.

It is true, indeed, that nations have generally exercised this right for the purposes of oppression and injustice, and in hostility to the rights of mankind. But a better time is coming, the time when the United States may interpose against the oppressor and in favor of the oppressed.

Therefore, I am unwilling, after tyranny has so long had sway, and lorded it over the destinies of mankind, now to avow a principle which leaves to its tender mercies the happiness of the whole human race.

Sir, an avowal by us of the principle of non-intervention would raise a wall up, around this Republic, as high as heaven, and would shut in the light of liberty from surrounding nations. The avowal of such a principle at this time would be received with one universal shout of joy by all the potentates of Europe, and with one universal wail of lamentation and woe by all true lovers of freedom on earth. I am unwilling to gratify the

despots of the world by any such proclamation. What hope would remain to the oppressed after such a declaration? The radiant light which, emanating from this Republic, has so long cheered and animated their hearts would shine no longer—all would look black and cheerless, and despair would settle darkly on their prospects.

Besides, would not the establishment of the principle of non-intervention as the law of nations, be in direct opposition to the principles declared by Mr. Monroe in relation to this continent? Does any one doubt, that if this country felt itself bound, under no circumstances and at no time, to interfere with the affairs of Europe, that before many years monarchical governments would be established in the whole Southern portion of this continent? Does any one doubt that, before many years, the Island of Cuba would be a dependency of Great Britain? It does, then, seem to me palpable that while peace is the policy of this country, and while we should always bear in mind the admonition of Washington against entangling alliances, that it would be suicidal to the honor, to the interests and prospective power of this Government, if the United States should incur any obligation by which they would forever be forbidden from interfering in the affairs of other nations whenever circumstances in any case might render it necessary, just, and expedient. Therefore it seems to me that this principle of non-intervention would be in direct violation of all the rights and duties of a free and independent republic.

Now, sir, in the practical application of these principles to the important topic of the day, I will take hold of that idea which others seem to have handled with such significant delicacy. I am not afraid to express my opinions on this subject, or, indeed, on any other, although the press (which, God knows, is brave enough) seems to shrink from touching it; and I say, for one, that I am not prepared to go to war with Russia on account of Hungary, partly because Russia is our old, and true, and faithful friend, and partly because Hungarian liberty, through the instrumentality of the United States, is at present an idea Utopian and impracticable. This proposition is self-evident, and requires no demonstration; it is an impossible thing, and what is impossible can't happen, never come to pass. But, Mr. President, though I am not prepared, nor willing to go to war with Russia, or to disturb the present state of things in Hungary, about which we have so little satisfactory information, I will once more repeat, and declare it in the face of the world, as my opinion, that this Government has an indisputable and perfect right to interfere whenever, by such interference, she can promote her own interests and advance the cause of liberty—whenever, by such interference, she may successfully rescue from the grasp of tyranny an oppressed nation, whom she may see fit to assist and to place among the independent nations of the world. This is a principle which we cannot, we dare not, we never will relinquish. It is an inherent principle of nationality, under no pretence whatever to be surrendered.

Sir, if tyrants have used it heretofore to enthrall mankind, this growing Republic will some of these days use it for their freedom. In peace let it be maintained with unflinching tenacity; in war let it be asserted by all the power of arms; and when the great contest begins, as before 1900 it must, between free principles and the right of self government and despotic power, then let it be inscribed upon all our banners—everywhere—wherever they float, on every sea, and land, and ocean and continent, where the warfare rages, let it herald the advent of freedom and national independence, and the discomfiture of tyranny and oppression.

I move that the resolution be laid upon the table and printed for the use of the Senate.

Mr. MILLER. I have also received a copy of the resolutions just presented by my colleague; but as the subject-matter to which they relate is now before the Senate, in the resolutions presented by the Senator from Rhode Island, [Mr. CLARKE,] I will not, at this time, during the morning hour trespass upon the Senate with any remarks of mine, but will at an early day take occasion to respond to these resolutions, and express my views fully upon the important matter there embraced.

And although I do not acknowledge the doctrine of instruction in any of its forms, yet the expressed opinion of the Legislature of New Jersey

will always receive from me the most profound consideration and the highest respect.

The motion was then agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. HAMLIN, it was

Ordered, That the memorial of the assistant marshals for taking the census in Piscataquis county, Maine, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. CLEMENS, it was

Ordered, That the documents on the files of the Senate relating to the claim of the State of Alabama for interest on deferred payments on the five per cent. fund, under the compact for her admission into the Union, be referred to the Committee on Public Lands.

On motion by Mr. ATCHISON, it was

Ordered, That the memorial of the heirs of Hascal Detchemdy, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. ATCHISON, it was

Ordered, That the petition of J. Epes Cowan, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the petition of Charles H. Buxonstein, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. FISH, it was

Ordered, That the heirs of David Noble have leave to withdraw their petition and papers.

REPORTS FROM STANDING COMMITTEES.

Mr. JONES, of Iowa, from the Committee on Pensions, to which was referred the petition of Adam Hays, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to which was referred the bill for the relief of Philip Miller, reported it without amendment.

Mr. SHIELDS, from the Committee for the District of Columbia, to which was referred the bill to amend an act entitled "An act to incorporate the Washington Gas Light Company," approved July 8, 1848, reported it without amendment.

He also, from the same committee, to which was referred the memorial of the Rector of St. John's Church, Washington, reported a bill for the relief of St. John's Church, in the city of Washington; which was read and passed to the second reading.

Mr. DAVIS, from the Committee on Commerce, to which was referred the bill to provide for the removal of obstructions in the river Savannah, in the State of Georgia, and for the improvement of the same, reported it without amendment.

Mr. DOWNS, from the Committee on Private Land Claims, to which was referred the petition of Joseph H. D. Bowmar, reported a bill for his relief; which was read and passed to the second reading.

CUBAN PRISONERS IN SPAIN.

Mr. DOUGLAS, from the Committee on Foreign Relations, to which was referred the bill for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain, reported it without amendment. He also asked the unanimous consent of the Senate to have the bill taken up and disposed of, as it was of urgent necessity.

The Senate accordingly proceeded to consider the bill as in Committee of the Whole; and no amendment being made, it was reported to the Senate, was ordered to a third reading, and was read a third time and passed.

NOTICES OF BILLS.

Mr. MALLORY gave notice of his intention to ask leave to introduce a bill to be entitled "A bill relating to the sale of public lands in certain cases."

Mr. WALKER gave notice of his intention to ask leave to introduce a bill for the relief of the heirs and representatives of Captain —.

MEXICAN INDEMNITY.

On the motion of Mr. HUNTER, the Senate proceeded to consider, as in Committee of the Whole, the bill to provide for carrying into execution, in further part, the twelfth article of the treaty with Mexico, concluded at Guadalupe Hidalgo; and no amendment being made, it was reported to the Senate, was ordered to a third reading, and was read a third time and passed.

FLORIDA SENATORIAL ELECTION.

Mr. BERRIEN. Being compelled to leave the city to-morrow, and being uncertain as to the

time when I may be enabled to return, I feel it to be my duty to ask to be relieved from serving on the select committee raised on the memorial of honorable D. L. Yulee, and that some other Senator may be appointed in my place.

The honorable Senator was excused from further service on the committee.

The PRESIDENT. It will be necessary for the Senate to select a member of the select committee, in the place of the honorable Senator from Georgia, who has been excused.

Mr. PEARCE. I hope that by unanimous consent the Chair will be allowed to appoint.

The PRESIDENT. The committee was selected in the first place by the Senate. The Chair, therefore, prefers that the Senate itself shall fill the vacancy. It is an important committee, raised to determine the rights of persons claiming seats in the Senate. The Chair does not, therefore, wish to take the responsibility of filling the vacancy. He trusts, then, if such is the pleasure of the Senate, that Senators will now prepare their ballots for another member of the committee. Or the balloting can be postponed until to-morrow.

Mr. WALKER. I move to postpone it until to-morrow.

The PRESIDENT. It will lie over until to-morrow, and the Chair will then request Senators to prepare their ballots for a member of the select committee.

DISCIPLINE IN THE NAVY.

Mr. BADGER. The Senate will recollect that I reported some time ago, from the Naval Committee, a bill to enforce discipline and promote good conduct in the naval service, by which it was intended to provide a substitute for corporal punishment. That bill was reported by the committee, in the same form in which it passed the Senate, with great unanimity, at the last session of Congress. It is very desirable that that bill should be acted on speedily. We have squadrons now about going to sea, in distant ports of the United States, and it is important that the officers of the Navy should have some system to enforce discipline. I should ask the Senate to take up the bill to which I have referred this morning, but for the fear that it might interfere with the honorable Senator from Mississippi, [Mr. McRAE,] who is entitled to the floor on another subject. I wish merely to say at this time, that I believe the bill will not occupy much time. It is a case of emergency that it should be passed at once, and I give notice that I will ask the Senate to-morrow morning to take up the bill and dispose of it.

THE COMPROMISE MEASURES.

The Senate resumed the consideration of the resolution declaring the compromise measures a definite settlement of all questions growing out of the institution of slavery.

Mr. McRAE resumed and finished the speech which he commenced on Thursday last against the resolution. At his request its publication is deferred. It will be published in the Appendix.

Mr. BADGER. Mr. President, I think the honorable Senator from Mississippi, [Mr. McRAE,] who has delivered a speech, which will certainly not soon be forgotten in this body, as well for its substance as for his admirable manner, has, nevertheless, fallen into an error as to the character and purpose of the resolution now under the consideration of the Senate, submitted by his late colleague in this body; and I wish, for a few moments, to call the attention of the Senate to what is the true character of that resolution.

The honorable Senator set out with the declaration, that it involved the merits of the several acts of Congress referred to in it, and which form the adjustment or compromise which was adopted at the first session of the last Congress; that this resolution requires in every one who votes in its favor, an approval of each and every one of those measures; and, therefore, cannot properly receive the support of any member of this body who denies or doubts the propriety of any one of those measures.

Now this to me is totally and absolutely a misapprehension of what the resolution contains. The resolution, if I am able to understand the meaning of the plain English words in which it is drawn up, says nothing about the merits of any one of the particular acts referred to. It affirms nothing as to the excellence or propriety of the particular provisions contained in any one of those

acts. It proposes no approval, on the part of this body, of the provisions contained in any one of those acts. It declares nothing respecting them, except as a whole. It declares nothing respecting them, except that those acts do, as a whole, in their mutual connection and dependence upon each other, constitute an adjustment—constitute a settlement—and constituting a settlement, that they ought not to be touched by the legislation of Congress until experience shall demonstrate that further legislation is necessary. That is what the resolution declares, and that is all that the resolution declares. As it is very brief, allow me to read it to the Senate:

Be it resolved, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

Now, I appeal to every gentleman who is a member of this body, if anything can be clearer than that the resolution affirms nothing but this: that these measures constitute a settlement of the questions to which they referred and which they embraced. Why, it is there in plain and unmistakable language. There is not one word, letter, or syllable in the resolution that says any one of those measures was in itself the wisest or the best; or that it was even wise or good, considered by itself. The affirmation is, that these measures constitute a settlement; and from that is deduced a further assertion, that, constituting a settlement, they ought to be tried, they ought to be allowed to rest, they should not be interfered with until by time and experience the necessity of change shall be demonstrated. Is not that clear? Why, in the very ordinary transactions of life, if half a dozen individuals who had been engaged in a partnership transaction, or any other mutual business, come to a settlement of pending difficulties between them, and that settlement should be made by mutual grants and releases among them, might it not be—would it not be affirmed, that those mutual acts of grant and release constituted a settlement, and ought to be adhered to? But surely it never would be, it never could be understood, that each and every one of the parties entering into this mutual arrangement with regard to their difficulties, approved of each and everything that was done in the whole series of measures that constituted the adjustment. Certainly not. Therefore, as far as I am able to understand the meaning of the language in which this resolution is couched, there is not in it a single word, letter, or syllable which affirms anything about any one of these measures, or does anything but declare that, together, they constitute a settlement. A settlement how? In principle and substance. It does not declare that the principles of each and every separate measure were right principles; but that the whole together constituted, in principle and substance, a settlement. Why in principle and substance? Because these measures were separate and distinct acts of legislation, and do not, in form, appear to be a settlement. Each one, on its face, stands as an independent exercise of the legislative power. Therefore, they do not constitute, in form, a settlement. But the language of the resolution is, that they constitute a settlement in principle and substance. This means, that although they were all separately passed, they were all designed—they were all understood—they were all voted upon by those who passed them, with the understanding that there was a mutual connection and dependence between them; and that after they were all passed, they were, and were entitled to be, considered a settlement of the questions embraced in them. I shall vote very cheerfully for this resolution; but I shall not consider myself, in so voting, as expressing, in the remotest degree, the opinion that I approve of all, or any one of these separate

measures by itself considered. It is true I do approve of most of these measures. I approved of them at the time. But in voting for this resolution I shall express no such sentiment; I shall merely express this: that these measures constituted a settlement; and that, irrespective of my opinion with regard to the merits of the particular measure which entered into and formed that settlement, the settlement ought to be adhered to; it ought to be tried until it shall be ascertained by experience, that it is necessary that Congress should enter into further acts of legislation upon the subject. That is what I understand by it.

A word now in regard to the form which the resolution has assumed in consequence of the amendment which I had the honor to submit to the Senate. If I understood the honorable Senator from Mississippi, he said he considered the resolution better in its original shape—liable to less objection—one for which he could vote—while he would not feel himself at liberty to vote for the resolution in its present form. Let us see what the original resolution in this respect declares; and how it stands in its amended form; and let us see if there is anything in it, in its present form, that can be considered objectionable, which did not exist in a higher degree in the form in which it was originally proposed. The original resolution says that these measures "are, in the judgment of this body, entitled to be recognized as a definitive adjustment 'and settlement of the distracting questions growing out of the system of domestic slavery—and as such said measures should be acquiesced in 'and faithfully observed by all good citizens.'"

In what sense is an approval of the particular measures referred to—of the merits of the several acts of Congress composing that series of measures—how is an opinion expressed upon the merits of these particular measures, more in the amended form than in the original form of the resolution? The original form declares that they are entitled to be recognized as a definitive adjustment and settlement of the distracting questions growing out of the system of domestic slavery; while the amended resolution declares that they are a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace. If approval is implied in the one case, I pray you to tell me if the ingenuity of man can show that the same approval is not implied in the other? It cannot be shown. Gentlemen may assume that it is so: gentlemen, if they take that view of it, will, of course, act upon the supposition that it is so. But I maintain, that upon a just exposition of this language, the idea of approval of the particular measures constituting the adjustment, is no more expressed in the one case than in the other. It was not, therefore, on that ground, that I submitted the amendment which the honorable Senator from Mississippi, [Mr. Foote,] who offered the resolution, felt willing to accept, and which he, not having control of the resolution, in the judgment of the Chair, was, on a division, adopted by the Senate: but it was for another purpose. The resolution as originally framed, declared these measures were to be acquiesced in indefinitely, under all circumstances, without any limitation. I suggested then, in substance—I do not remember the particular phraseology which I used—that there was at least a plausible objection to the resolution in undertaking to give an unalterable character to these measures. I did not esteem that objection as just; still it was entertained; and I wished to remove from the resolution every objection, not only real but plausible; and therefore suggested the amendment by which it is declared with regard to these measures that they ought to be maintained untouched, until we see what will be the result upon them of time and experience.

Then, in the second place, I thought that the original form of the resolution was subject to a real objection, which was, that the Senate, instead of declaring what ought to be the action of this body, would declare by it what should be the duty of the citizens of the country. It seems to me unnecessary to declare that the citizens of the country ought to obey the laws of the country; and at the same time I thought the resolution insufficient, because it ought to declare our own views and our own purpose with regard to the maintenance of those laws—the legislative power over that subject being in this body and in the other House. It was upon that ground that this

amendment was offered by me, and it was adopted by the Senate. And I must say, that if there is anything in the original resolution which has merits which commend it to the favor of the Senate, no part of those merits have been removed by the amendment which I had the honor to submit.

Mr. UNDERWOOD. As the usual hour for adjournment has arrived, if the honorable Senator will give way I will move that the Senate adjourn.

Mr. BADGER assented.

And then, on motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 2, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. Mr. Morgan.

The Journal of Friday last was read.

Mr. GIDDINGS said that he discovered that the Journal of Friday last states that he had reported, without amendment, from the Committee on Territories the bill authorizing the Governor of the Territory of New Mexico to call an extra session of the Legislative Assembly of said Territory. He reported the bill with an amendment, and desired the Journal to be so corrected.

It was ordered, and the Journal was then approved.

Mr. SIBLEY asked the unanimous consent of the House to allow him to introduce a resolution.

MOORE AND HASCALL.

The SPEAKER. The first business in order is the unfinished business of Friday last, which is the consideration of bill No. 193, for the relief of Hiram Moore and John Hascall, upon which the previous question was ordered to be put; which main question is upon the motion to refer the bill to the Committee of the Whole, and the yeas and nays were ordered.

Mr. CARTTER called for the order of business.

Mr. SIBLEY again asked the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of devoting the proceeds of the Fort Snelling military reserve, when sold, to the benefit of the University of Minnesota, in lieu of a like number of acres of land already granted by Congress for that purpose, and that the said committee report by bill or otherwise.

There being no objection, the resolution was introduced.

The question was then taken, and the resolution was agreed to.

Mr. MOLONY. I have a favor to ask of the House—one which I rarely ask, but always vote to grant. It is simply the introduction of a bill, of which previous notice has been given, which I desire may be referred to a committee.

It was then read for information, as follows:

A bill granting to the State of Illinois and Indiana the right of way for, and a portion of the public lands to aid in, the construction of a railroad from Lafayette, Indiana, across the Grand Prairie, via Middleport, to La Salle county, Illinois.

Mr. SKELTON objected.

Mr. FOWLER asked the unanimous consent of the House to introduce a resolution.

Mr. SKELTON called for the orders of the day.

The SPEAKER. The Chair has already stated that the unfinished business of the House is the consideration of bill No. 193, being a bill for the relief of Hiram Moore and John Hascall. A motion was made to commit the said bill to a Committee of the Whole House, made the order of the day, and printed, upon which the previous question was moved and seconded, and the main question ordered to be put; and upon this question the yeas and nays were ordered.

Mr. CARTTER. I submit whether the previous question was not called upon the motion to pass it?

The SPEAKER. That will be the effect if the House vote down the proposition to refer. If the House refuse to refer the bill, it will, under the operation of the previous question, be brought to a vote upon the engrossment of the bill.

Mr. SACKETT. I ask, if the House refuse to refer the bill, whether it will be then open to amendment?

The SPEAKER. It will not—the previous question having been ordered.

Mr. SACKETT. I only wish to say to the

House, that the bill grants a patent for fourteen years—

Mr. CARTTER. I object to any remarks.

The SPEAKER. All discussion is out of order.

Mr. TAYLOR. I wish to make an inquiry of the Chair. If the House refuse to refer this bill, will not the question then come up upon its engrossment?

The SPEAKER. It will, under the operation of the previous question.

Mr. SACKETT. I ask that the bill be read.

Mr. CARTTER. I object.

Mr. SACKETT. Do we understand the gentleman from Ohio, [Mr. CARTTER,] the chairman of the committee, as objecting to the bill being read?

Mr. CARTTER. The gentleman understands that the bill has been already read by sections.

Mr. SACKETT. Last week; and I ask that it be read again.

The question was then taken on the motion to refer the bill; and there were—yeas 39, nays 137, as follows:

YEAS—Messrs. Abercrombie, Averett, Bragg, Caskie, Churchwell, Clingman, Curtis, Daniel, Dawson, Dunham, Evans, Faulkner, Ficklin, Floyd, Gamble, Isham G. Harris, Haven, Holladay, Ingersoll, Ives, Jackson, Andrew Johnson, George W. Jones, J. Glancy Jones, W. K. Letcher, Mason, Millsom, Olds, Outlaw, Samuel W. Parker, Phelps, Powell, Sackett, Smith, Alexander H. Stephens, Toombs, Wallace, and Wilcox—39.

NAYS—Messrs. Aiken, Charles Allen, Willis Allen, Allison, Andrews, William Appleton, Ashe, Babcock, Barrere, Bell, Blighaus, Bissell, Brocock, Brenton, Briggs, Albert G. Brown, George H. Brown, Buell, Burrows, Bush, E. Carrington, Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chaustin, Clark, Cobb, Colcock, Conger, John G. Davis, Dinwiddie, Disney, Dockery, Doty, Duncan, Eastman, Edgerton, Edmundson, Ewing, Fitch, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gaylord, Giddings, Goodenow, Goodrich, Gorman, Green, Grey, Grow, Hall, Hammond, Harper, Hart, Hascall, Hubbard, Hendricks, Henn, Hibbard, Horsford, Houston, Howard, John W. Howe, Thomas M. Howe, Thomas Y. How, Jenkins, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George G. King, Kuhns, Lockhart, Mace, Mann, Edward C. Marshall, Martin, McCorkle, McLanahan, McMullin, McNair, Meacham, Meade, Miner, Molony, Henry D. Moore, John Moore, Morehead, Murphy, Murray, Nabers, Newton, Orr, Andrew Parker, Peaslee, Penniman, Perkins, Porter, Price, Riddle, Robbins, Robinson, Russell, Schoolcraft, Seurry, David L. Seymour, Origen S. Seymour, Skelton, Smart, Stanly, Benjamin Stanton, Abram P. Stevens, Stone, St. Martin, Stratton, Strother, Stuart, Sweetser, Taylor, George W. Thompson, Thurston, Townsend, Tuck, Venable, Walbridge, Walsh, Ward, Watkins, Welch, Wells, Addison White, Wildrick, Williams, and Woodward—137.

So the bill was not committed.

Mr. SACKETT. Mr. Speaker, is the previous question exhausted?

The SPEAKER. It is not exhausted.

Mr. CARTTER. Is it in order to move a reconsideration of the last vote, and to lay that motion upon the table?

The SPEAKER. It is.

Mr. CARTTER. I make that motion to reconsider.

Mr. SACKETT. I believe I have the floor.

The SPEAKER. The gentleman made no proposition.

Mr. SACKETT. I inquired if the previous question was exhausted, with the intention of moving a reconsideration.

The SPEAKER. It is not a debatable proposition at all events.

Mr. SACKETT. I wished to make a statement in regard to this bill. I desire to move a reconsideration.

The SPEAKER. For what purpose does the gentleman from New York [Mr. SACKETT] claim the floor?

Mr. SACKETT. For the purpose of moving a reconsideration.

Mr. CARTTER. I had anticipated that motion already, for the benefit of the gentleman, under the recognition of the Chair.

The SPEAKER. The gentleman from New York [Mr. SACKETT] claimed, and was upon the floor, and the Chair thinks he was entitled to it.

Mr. SACKETT. Is it in order to make an explanation to the House, of the object of my motion?

Mr. CARTTER. I will inquire, if the gentleman having voted against the proposition, can now make a motion to reconsider?

The SPEAKER. The gentleman cannot make such a motion.

Mr. ROBBINS moved to lay the motion to reconsider upon the table; which motion was agreed to.

The question then being, Shall the bill be en-

grossed and read a third time? it was taken and agreed to.

The SPEAKER. If there be no objection, the bill will receive its third reading now.

Mr. EVANS. I ask if the bill is actually engrossed?

The SPEAKER. The Chair understands that the bill has not been engrossed.

Mr. EVANS. I then object to its third reading now.

The SPEAKER. The bill takes its place on the Calendar.

Mr. THURSTON moved to reconsider the vote by which the bill was ordered to be engrossed and read a third time, and to lay that motion upon the table; which latter motion was agreed to.

On motion by Mr. DISNEY, it was ordered that the papers of Boyce Purcell be withdrawn from the files of the House and referred to the Committee of Claims.

ALLOWANCE OF CLAIMS.

Mr. FOWLER asked the unanimous consent of the House to offer the following resolution:

Resolved, That the President of the United States be requested to transmit to this House a statement exhibiting the amount of claims, if any, including principal and interest, and designating each separately, which have been allowed and paid by the several Departments, or any of the Bureaus thereof, from the 4th day of March, 1845, until the 4th day of March, 1849, which had been previously presented and suspended, or disallowed in whole or in part, and specifying the character of such claims, and also the name of each person who at any time acted as agent or solicitor for such claims; together with the names of the persons to whom the same or any part thereof was paid, specifying, if practicable, the several amounts paid to such agents or solicitors as fees for their services in prosecuting said claims.

Mr. GAYLORD objected.

Mr. FOWLER moved to suspend the rules, and on that motion asked for the yeas and nays; which were ordered.

Mr. ASHE. I call for the reading of the resolution. We have not been able to hear a word of it in this part of the Hall.

The SPEAKER. The resolution has been read once, but it will be read again unless objected to.

Mr. ANDREWS objected.

Mr. ASHE. Then I must ask to be excused from voting, for I do not know what the resolution is.

The question was put, and it was decided in the negative.

So the House refused to excuse Mr. ASHE from voting.

Mr. FITCH. I appeal to the gentleman from Maine to withdraw his objection. We have none of us heard the resolution in this part of the Hall, and cannot vote in the dark.

Mr. ANDREWS withdrew his objection.

Mr. STEPHENS, of Georgia. I object to that resolution. I voted against a similar one last Monday and shall vote against all of them.

The SPEAKER. The proposition is to read the resolution.

Mr. STEPHENS. Oh, I have no objection to its being read.

The SPEAKER. That is the proposition.

The Clerk then read the resolution.

Mr. FICKLIN. Is the resolution amendable at this time?

The SPEAKER. It is not. The resolution is not now before the House. The question is on suspending the rules to enable the gentleman from Massachusetts to offer the resolution.

The question was then put, and there were yeas 164, nays 9; as follows:

YEAS—Messrs. Abercrombie, Chas. Allen, Willis Allen, Allison, Andrews, John Appleton, Ashe, Averett, Babcock, Barrere, Bell, Bibbhausa, Bocock, Bowne, Bragg, Breckenridge, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, Buell, Burrows, E. Carrington Cabell, Lewis D. Campbell, Thompson Campbell, Carter, Caskie, Chandler, Chastain, Churchwell, Clark, Clingman, Cobb, Conger, Curtis, Daniel, George T. Davis, John G. Davis, Dawson, Dimmick, Disney, Dockery, Doty, Duncan, Eastman, Edgerton, Edmundson, Evans, Ewing, Faulkner, Ficklin, Fitch, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gentry, Giddings, Goodenow, Goodrich, Gorman, Green, Grey, Grow, Hall, Harper, Hart, Hascall, Haven, Hebard, Hendricks, Hibbard, Holladay, Horsford, Houston, Howard, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kurtz, Letcher, Lockhart, Main, Martin, Mason, McCorkle, McDonald, McAnahan, McNair, Meacham, Meade, Millson, Miner, Henry D. Moore, John Moore, Morehead, Murphy, Murray, Nabers, Newton, Olds, Orr, Andrew Parker, Samuel W. Parker, Peaslee, Penni-

man, Perkins, Phelps, Porter, Price, Riddle, Robinson, Russell, Sackett, Schenck, Schoolcraft, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Stanly, Benjamin Stanton, Frederick P. Stanton, Abraham P. Stovess, St. Martin, Stratton, Strother, Stuart, Sweetser, Taylor, Benjamin Thompson, Geo. W. Thompson, Thurston, Toombs, Townsend, Tuck, Venable, Walbridge, Wallace, Walsh, Ward, Watkins, Welch, Wells, Addison White, Wilcox, Wildrick, and Yates—164.

NAYS—Messrs. Busby, Caldwell, Floyd, Gaylord, Henn, Outlaw, Robbins, Alexander H. Stephens, and Williams—9.

So (two thirds voting in the affirmative) the rules were suspended.

The question recurring on the adoption of the resolution,

Mr. FOWLER demanded the previous question.

Mr. HOUSTON. I hope the previous question will not be sustained. There is a very essential amendment that ought to be made to that resolution.

Mr. FOWLER. I think not. The resolution is precisely the same as that passed last week, except that it is addressed to the President instead of the Secretaries.

The SPEAKER. Debate is not in order.

Mr. HOUSTON. The resolution ought to be amended so as to show the additional proof presented before the Departments to justify the allowance of the claims.

The House then divided on seconding the demand for the previous question, and

The SPEAKER announced that there were yeas 84, noes 80.

Mr. CARTTER demanded tellers.

Mr. CABELL. I object to tellers. The call was made too late. The Chair had announced the result of the division.

The SPEAKER. The Chair overrules the objection. Tellers were demanded whilst the Chair was in the act of announcing the result.

Mr. CABELL. I raised the objection, in order that we may have some principle decided. I called for tellers the other day and the Chair decided that I was too late, although I addressed the Chair before the result of the division was announced.

The SPEAKER. Does the gentleman appeal from the decision of the Chair?

Mr. CABELL. No. I am indifferent about the matter. I merely want to have the question settled.

Tellers were ordered, and Messrs. FULLER of Maine and CHANDLER appointed.

The question was then put, and it was decided in the negative—yeas 84, noes 85.

So the previous question was not seconded.

Mr. LOCKHART. I desire to offer an amendment to the resolution.

Mr. FOWLER. Do I not still retain the floor? I have not yielded it yet.

The SPEAKER. The gentleman effected his object by calling the previous question.

Mr. FOWLER. The question is whether I do not still hold the floor for further remarks?

The SPEAKER. The gentleman was not understood as claiming the floor until another gentleman had been recognized by the Chair.

Mr. FOWLER. I claimed the floor as soon as the result was announced.

The SPEAKER. The Chair thinks that the gentleman did not claim the floor in time.

Mr. LOCKHART moved to amend the resolution by adding thereto the following:

And the additional evidence, if any, upon which such claims were allowed.

Mr. LOCKHART then demanded the previous question.

Mr. CAMPBELL, of Ohio. I wish to ask the gentleman from Indiana to modify his amendment so as to call for information in relation to the additional testimony that was furnished upon claims since 1849. My purpose is, that all the facts in relation to the allowances of claims may be brought out, and that the country may understand whether this or that party is to blame.

The SPEAKER. Does the gentleman from Indiana agree to the suggestion made by the gentleman from Ohio?

Mr. LOCKHART. I do not.

Mr. CAMPBELL. Ah! Then only one side is wanted.

The SPEAKER. The Chair must enforce the rule. Discussion is not in order.

Mr. CARTTER. I appeal to the gentleman to

withdraw the demand for the previous question, to allow me to offer this additional amendment, that any of the officers incumbent during the period embraced in the resolution shall have the privilege of going into the offices and vindicating their action during the investigation.

Mr. LOCKHART. I cannot withdraw the call for the previous question.

Mr. FOWLER. I desire to make a suggestion to the gentleman from Indiana, [Mr. LOCKHART.] If the gentleman will so alter his amendment as to extend it down to the present time, I will accept it.

Mr. JONES, of Tennessee. As the resolution which was adopted on Monday last now stands, the Department can report the new proof upon which the claims were allowed. There is nothing in the resolution which precludes it; and they will, no doubt, take this resolution as a precedent to govern their action under the former resolution.

Mr. FOWLER. I desire to say—

The SPEAKER. This discussion is entirely out of order.

Mr. FOWLER. I do not propose to discuss the matter; but I desire to say again to the gentleman from Indiana, [Mr. LOCKHART,] that I will accept his amendment if he will extend it down to the present time.

Mr. LOCKHART. I am satisfied with it as it now stands.

The question now being upon seconding the demand for the previous question, upon a division there were—yeas 99.

Mr. WILLIAMS demanded tellers, which were ordered; and Messrs. FULLER of Maine and CHANDLER were appointed.

The question was then taken, and the tellers reported—yeas 79, noes 50.

So the previous question received a second.

The main question was then ordered to be put, which was first on agreeing to Mr. LOCKHART's amendment.

The question was taken, and the amendment was agreed to.

The question then recurred upon the adoption of the resolution as amended, and being taken, it was carried in the affirmative.

So the resolution was adopted.

Mr. STANLY moved that the vote just taken, by which the resolution was adopted, be reconsidered, and to lay that motion on the table; which latter motion was agreed to.

INSTRUCTIONS IN RELATION TO CUBA.

Mr. FAULKNER, by unanimous consent of the House, introduced the following resolution:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, all instructions from the Department of State to the diplomatic agents of the United States abroad, and all dispatches from them not heretofore communicated to Congress, declaratory of, or relating to the policy of the Government of the United States in relation to the island of Cuba.

The question was taken, and the resolution was adopted.

RENTS PAID FOR PUBLIC BUILDINGS.

Mr. DANIEL, by unanimous consent, introduced the following resolution:

Resolved, That the Committee on Public Buildings be instructed to ascertain and report to this House what buildings, or parts of buildings, in the District of Columbia, other than those belonging to the United States, have been used by the Government between the first day of January, 1840, and the first day of February, 1832, and the amount paid for rent, or contracted to be paid, in every instance, and their security and fitness as depositories of the public records. And that said committee inquire into the expediency of purchasing or erecting such additional buildings as may be deemed necessary. And that they have leave to report by bill or otherwise.

The question was taken, and the resolution was adopted.

OCEAN STEAMERS—MAIL CARRIERS.

Mr. MEADE asked the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on Naval Affairs inquire into the expediency of providing by law that every steamer suitable to war purposes regularly running from any port in the United States to any foreign port shall be a mail carrier, under proper conditions, and entitled to receive, as compensation for such services, the postage arising from letters or other matter transported by such steamer.

Mr. JONES, of Tennessee, objected.

Mr. MEADE. I move to suspend the rules, to enable me to introduce the resolution.

Mr. JONES demanded the yeas and nays; but they were not ordered.

The question was then taken, and the House refused to suspend the rules—ayes 54, noes not counted.

THE PERCENTAGE ACCOUNTS.

Mr. DISNEY asked the unanimous consent of the House to offer the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing by law, so that the accounting officers, in computing the amount due to the respective States on account of the percentage to which they are entitled upon the proceeds of the sales of the public lands within their limits, shall embrace, as sales, all public lands granted on account of military services.

Mr. TOOMBS objected.

Mr. DISNEY moved that the rules be suspended.

The question was taken, and, upon a division, 44 rose in the affirmative.

Mr. DISNEY demanded tellers; but they were not ordered.

So the rules were not suspended.

MAIL SERVICE ON THE OHIO AND MISSISSIPPI.

Mr. STANTON, of Tennessee, asked the unanimous consent of the House to introduce the following resolution; which was read for the information of the House, viz:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the means of organizing an efficient system of mail service on the Ohio and Mississippi rivers, and that they report by bill or otherwise.

Mr. STEPHENS, of Georgia. I object.

Mr. STANTON. I move that the rules be suspended, to enable me to introduce the resolution.

The question was put, and upon a division there were—ayes 53, noes not counted.

So the House refused to suspend the rules.

SPIRIT RATION IN THE NAVY.

Mr. GOODENOW asked the unanimous consent of the House to offer the following resolution; which was read for information, viz:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of abolishing the spirit ration in the Navy, and of increasing the pay of all classes of enlisted men in that service.

Mr. STEPHENS, of Georgia. I object.

Mr. GOODENOW. I move to suspend the rules, to enable me to introduce the resolution; and upon that question I demand the yeas and nays.

Mr. FOWLER. I call for tellers upon the yeas and nays. Tellers were not ordered.

The question was then taken on the motion to suspend the rules; and there were upon a division—ayes 54, noes not counted.

So the House refused to suspend the rules, and the resolution was not introduced.

NON-INTERVENTION.

Mr. BRAGG. I ask the unanimous consent of the House to present certain resolutions, adopted by the Legislature of Alabama, upon the subject of intervention. I do not desire to have them read even. I move they be printed and referred to the Committee on Foreign Affairs.

Mr. CARTTER. I object.

Mr. BRAGG. Then I move a suspension of the rules.

Mr. STEPHENS, of Georgia. I call for the reading of the resolutions.

The CHAIRMAN. If gentlemen will come to order, the resolutions will be read for information.

The resolutions were then read as follows:

Joint Resolutions expressive of the sense of the General Assembly of Alabama in relation to the policy to be pursued by our Government in its intercourse with foreign nations.

Whereas, from many indications of popular feeling in some of the States of this Government, and from the speeches and acts of many public men high in the confidence of their own constituents, and in that of the people of the United States, we are led to the belief that a spirit of interference in the political affairs of the European continent prevails to so great an extent as to induce the fear that for the want of calm reflection, we may be involved in all the troubles and difficulties of the political affairs of nations and people far removed from us:

Be it therefore resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That we hold it to be the duty of the Government and the people of the United States to cultivate relations of amity and good will with all the nations of the earth; in peace to treat all as friends, in war enemies; and to have entangling alliances with none; and to practice literally the doctrine of non-intervention.

Resolved, That the Governor be requested to forward these resolutions to our Senators and Representatives in Congress, with a request to lay the same before their respective bodies.

JOHN D. RATHER,
Speaker of the House of Representatives.

CHARLES McLEMORE,
Speaker of the Senate.

Approved, January 9th, 1852. H. W. COLLIER.

The question was then taken, and the rules were suspended.

Mr. BRAGG. I move that the resolution be referred to the Committee on Foreign Affairs, and be printed; which motion was agreed to.

INTERVENTION.

Mr. SKELTON. I move that the rules of the House be suspended, for the purpose of introducing a series of resolutions passed by the Legislature of the State of New Jersey upon the subject of intervention.

Mr. STEPHENS, of Georgia. I object.

[Cries of "Read!" "Read!"]

The resolutions were then read for information. [They will be found in the proceedings of the Senate of to-day.]

The question was then taken, and the rules were suspended.

Mr. SKELTON. I move that the resolutions be referred to the Committee on Foreign Affairs, and be printed; which motion was agreed to.

SUSPENDED AND DISALLOWED CLAIMS.

Mr. CAMPBELL, of Ohio, by unanimous consent, introduced the following resolution; which was adopted, viz:

Resolved, That the President of the United States be requested to transmit to this House, in addition to the information called for by the resolution which passed this House on the 26th of January, 1852, relative to suspended and disallowed claims, a statement, specifying the claims which have been allowed upon additional testimony furnished to the Departments since the 4th of March, 1849.

AMENDMENTS TO THE CONSTITUTION.

Mr. JOHNSON, of Tennessee. I ask the unanimous consent of the House for the introduction of the following joint resolution, proposing amendments to the Constitution of the United States, viz:

Resolved, &c., That the following amendments to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three fourths of the States, shall be valid to all intents and purposes as part of the Constitution:

That hereafter, the President and Vice President of the United States shall be chosen by the people of the respective States, in the manner following: Each State shall be divided, by the Legislature thereof, into districts, equal in number to the whole number of Senators and Representatives to which such State may be entitled in the Congress of the United States; the said districts to be composed of contiguous territory, and to contain, as nearly as may be, an equal number of persons entitled to be represented under the Constitution, and to be laid off, for the first time, immediately after the ratification of this amendment, and afterwards, at the session of the Legislature next ensuing the apportionment of representatives by the Congress of the United States; that, on the first Thursday in August, in the year eighteen hundred and fifty-six, and on the same day every fourth year thereafter, the citizens of each State who possess the qualifications requisite for electors of the most numerous branch of the State Legislatures, shall meet within their respective districts, and vote for a President and Vice President of the United States, one of whom at least shall not be an inhabitant of the same State with themselves; and the person receiving the greatest number of votes for President, and the one receiving the greatest number of votes for Vice President in each district, shall be held to have received one vote; which fact shall be immediately certified by the Governor of the State, to each of the Senators in Congress from such State, and to the President of the Senate and the Speaker of the House of Representatives. The Congress of the United States shall be in session on the second Monday in October, in the year eighteen hundred and fifty-six, and on the same day on every fourth year thereafter; and the President of the Senate, in the presence of the Senate and House of Representatives, shall open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President, shall be President, if such number be equal to a majority of the whole number of votes given; but if no person have such majority, then a second election shall be held on the first Thursday in the month of December then next ensuing, between the persons having the two highest numbers for the office of President; which second election shall be conducted, the result certified, and the votes counted, in the same manner as in the first; and the person having the greatest number of votes for President, shall be President. But if two or more persons shall have received the greatest, and an equal number of votes, at the second election, then the person who shall have received the greatest number of votes in the greatest number of States, shall be President. The person having the greatest number of votes for Vice President, at the first election, shall be Vice President, if such number be equal to a majority of the whole number of votes given; and if no person have such majority, then a second election shall take place between the persons having the two highest numbers, on the same day that the second election is held for President; and the person having the

highest number of the votes for Vice President, shall be Vice President. But if there should happen to be an equality of votes between the persons so voted for at the second election, then the person having the greatest number of votes in the greatest number of States, shall be Vice President. But when a second election shall be necessary in the case of Vice President, and not necessary in the case of President, then the Senate shall choose a Vice President from the persons having the two highest numbers in the first election, as is now prescribed in the Constitution.

Sec. 2. And be it further resolved, That article one, section three, be amended by striking out the word "Legislature," and inserting in lieu thereof, the following words, viz: "persons qualified to vote for members of the most numerous branch of the Legislature," so as to make the third section of said article when ratified by three fourths of the States, read as follows, to wit:

The Senate of the United States shall be composed of two Senators from each State, chosen by the persons qualified to vote for the members of the most numerous branch of the Legislature thereof, for six years, and each Senator shall have one vote.

Sec. 4. And be it further resolved, That article three, section one, be amended by striking out the words "good behavior," and inserting the following words, viz: "the term of twelve years." And further, that said article and section be amended by adding the following thereto, viz: "and it shall be the duty of the President of the United States, within twelve months after the ratification of this amendment by three fourths of all the States as provided by the Constitution of the United States, to divide the whole number of judges as near as may be practicable, into three classes. The seats of the judges of the first class shall be vacated at the expiration of the fourth year from such classification; of the second class, at the expiration of the eighth year; and of the third class, at the expiration of the twelfth year, so that one third may be chosen every fourth year thereafter."

The article as amended, will read as follows:

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress from time to time may ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during the term of twelve years, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. And it shall be the duty of the President of the United States, within twelve months after the ratification of this amendment by three fourths of all the States as provided by the Constitution of the United States, to divide the whole number of judges, as near as may be practicable, into three classes. The seats of the judges of the first class, shall be vacated at the expiration of the fourth year from such classification; of the second class, at the expiration of the eighth year; and of the third class, at the expiration of the twelfth year, so that one third may be chosen every fourth year thereafter.

Objection was made to its introduction.

Mr. JOHNSON moved a suspension of the rules for the purpose indicated by him; which motion, upon a division, was agreed to—ayes 69, noes 33.

The joint resolution was read a first and second time by its title, referred to the Committee on the Judiciary, and ordered to be printed.

COAST SURVEY MAPS.

Mr. RIDDLE, from the Committee on Engraving, reported the following resolution, viz:

Resolved, That the Committee on Engraving be and they are hereby authorized to contract for engraving or lithographing seven thousand-five hundred and twenty sets of maps accompanying the report of the Superintendent of the Coast Survey, provided that the cost shall not exceed \$6,000.

Mr. GOODENOW. I rise to a privileged question. I move the House adjourn.

Mr. JOHN W. HOWE called for the yeas and nays; which were not ordered.

The question was then put, upon a division, and, there were 52 yeas and 84 noes.

So the House refused to adjourn.

Mr. STEPHENS, of Georgia. What necessity is there for the printing of this number of maps?

Mr. RIDDLE. I will state, for the information of the House, that we have already ordered the printing of six thousand extra copies of the report of the Superintendent of the Coast Survey in addition to the usual number authorized by law—fifteen hundred and twenty. The committee thought they had no right to contract for the engraving of extra sets of maps without an order from the House, and they have directed me, therefore, to offer the resolution just read. The Senate have ordered the printing of ten thousand extra copies, and the extra numbers ordered by the House can be had much cheaper by being lithographed at the same time.

Mr. STEPHENS, of Georgia. The remarks of the gentleman, so far as they have proceeded, give me the information I wanted. I will ask another question, whether this resolution will interfere at all with the electrotyping now adopted by the Coast Survey?

Mr. RIDDLE. I will answer the gentleman's inquiry as far as I am able. In contracting for lithographing, we are compelled to give the contractor the copper plates made at great expense by the Coast Survey office. The lithographer transfers to stone the impressions from the copper plates in the cheapest possible manner. It is not for us to say how he shall do it, but only to contract for its being done well and cheaply. A mistake was made by the gentleman from Kentucky—

Mr. STANTON, of Ohio. Does not this resolution, giving rise to debate, lie over?

Mr. RIDDLE. The Chair has already decided that question. This is a privileged committee, and can make its report at any time.

The SPEAKER. The gentleman is correct.

Mr. RIDDLE. A contract has been entered into by the Senate with a gentleman in New York, the lithographing to be executed by him under the supervision of the Superintendent of the Coast Survey. The Committee on Engraving thought it proper that a like agreement should be made for the lithographing of the maps for the House.

Mr. STEPHENS, of Georgia. What disposition is to be made of these lithographs?

Mr. RIDDLE. They are to accompany the report, and the report would be useless without them.

Mr. STEPHENS. What has become of the engravings which accompany the survey—done by the electrotyping process?

Mr. RIDDLE. They have merely struck off a few copies.

Mr. HAMMOND. I will say to the gentleman from Georgia, that these maps are engraved upon copper at the office of the Coast Survey. Now, it is proposed that there shall be a number of copies of these maps printed, but it is not proposed that they shall be printed from copper-plates, because it is impossible that within a reasonable time, and at a reasonable expense, the work can be done in this manner. The copper-plates are sent off to New York, or some other city, where there is a lithographing establishment, and impressions from the copper are to be transferred upon stone.

Mr. STEPHENS, of Georgia. Is that by order of the Coast Survey?

Mr. HAMMOND. It is by their order, and they are executing the work in that way. The Senate copy is now executed in that way. The copper plates are in New York, and impressions from them are transferred to stone, because it is done a great deal cheaper and more rapidly. As to the electrotyping to which the gentleman refers, if he knows anything about its operations, he knows that it is a very expensive operation, and requires much time.

Mr. STEPHENS. The other day, when a proposition was made by the Committee on Printing to print this extra number of the report of the Coast Survey, the chairman of the committee stated to the House, that the Coast Survey office could print these maps at one dollar a set, by the electrotyping process, and I believe at ninety-two cents. The gentleman now says that the electrotyping is very expensive. I believe the Superintendent of the Coast Survey represents it as very cheap. I have seen them electrotype, and I think it is about one fifth cheaper than engraving. Why, then, should we get these coast-survey maps engraved? I am not certain that it is not cheaper than the price I mentioned, but the House has ordered this large number of extra copies, upon the ground that we could get them at ninety-three cents a set.

Mr. RIDDLE. You may get them much less by lithographing, as low as seventy-five cents.

Mr. STEPHENS. Then I wish to inquire of the chairman of the committee, whether it is their intention to take this map-making out of the Coast Survey?

Mr. RIDDLE. It has always been taken from their hands; but they have superintended the execution of the work.

Mr. EVANS. I merely wish to say that electrotyping is not engraving or printing. It is a process of making a copy of the copper-plate. It is not the process for printing at all. It is the preparation of an engraved plate from another engraved plate by the galvanic process.

Mr. STEPHENS. The electrotyping is simply a reproduction of an engraved plate so as to prevent the retouch of the plate by the artist. This has been done by a discovery made in the

Coast Survey office. The original copper-plate first made by the artist is reproduced by a chemical process. That is electrotyping. Now what I mean by electrotyping is making prints from the electrotype of the plate thus produced. What I wish to know of the Committee on Engraving is, whether it is the object to have these impressions made upon a principle different from that the Coast Survey has now established?

Mr. HAMMOND. The officers of the Coast Survey desire this course should be taken. They desire that these plates shall be lithographed, and that they shall not be printed from the original copper-plates, or copper-plates produced by the process to which the gentleman from Georgia [Mr. STEPHENS] has alluded. They desire this, because it is a cheaper mode of publishing than from the copper-plates, or by the process to which the gentleman has referred. It is a cheaper process, because the impression is transferred upon stone rapidly, whereas it requires a number of days under the other mode, and a new copper-plate. I do not know that I understand exactly the point to which the gentleman from Georgia refers, but if he supposes that it is the object of the committee to interfere with the duties of the officers of the Coast Survey, he is mistaken. Under the rules of the House, the Committee on Engraving are bound to report to the House, whenever maps of any kind are to be published, whether they be engraved or not. Now I do not propose to take any course which will not be advisable, and which the officers of the Coast Survey have not pointed out themselves. Their plates have actually gone on to New York for the use of the Senate, and they are now transferring from copper-plates to stone the impressions from which the maps are to be printed.

Mr. STEPHENS. I wish to make another inquiry of the gentleman. Can he inform the House what will be the cost of one of these impressions?

Mr. HAMMOND. A friend near me says it will not cost exceeding seventy-five cents. I knew nothing of this resolution until my friend [Mr. RIDDLE] showed it to me. The cost is less than was expected in the debate the other day.

Mr. STEPHENS. Then there is another question I wish to ask the gentleman. Is it the object of the Committee on Engraving that some of these copies of the Coast Survey shall be engraved upon steel and others lithographed?

Mr. HAMMOND. It is intended that all shall be lithographed.

Mr. STEPHENS. Will the committee inform me what the Coast Survey are making so many of these electrotypes now for?

Mr. HAMMOND. I do not know that they are.

Mr. STEPHENS. I have seen them making a number of them.

Mr. EVANS. I will answer the gentleman. The engraved plates of the Coast Survey office are for the large charts—some of them as large as a blanket. You do not propose to put these into a small document. The copper-plate printing requires to be done under a roller, and the most rapid copper-plate printer can produce only a very few impressions in a day. The lithographs, however, can be produced in great numbers in a day, like the ordinary mode of printing, and at a much cheaper rate than by the use of copper-plates. The large electrotypes prepared in the Coast Survey office are for the great charts. They take these charts and reduce the size, so you can get them into a small document.

Mr. STEPHENS. I understand from the gentleman from Maryland, [Mr. EVANS,] then, that these lithographs are for one class?

Mr. EVANS. What I meant was this: The plates prepared for the use of navigators are large plates printed from copper, and those which are to be prepared for the document we print for distribution are outline sketches showing the general progress of the Coast Survey. They do not show the minutiae, and are not intended as a guide to navigators, but show the great progress of the survey for the consideration of the House. The large plates, as the gentleman from Georgia has seen, enter into the most minute particulars, and are intended for the practical use of navigators.

Mr. RIDDLE. I will state, for the information of the gentleman, it is the desire of the Coast Survey, and the interest of the Government, to

retain or preserve the copper-plates prepared at the Coast Survey office. If all the impressions are made from copper-plates, they will be worthless at the last, whereas in future they may be required.

Mr. STEPHENS. I have but a word to say further, and then I will take my seat. It was my understanding the other day, when the Committee on Public Printing made their report, that the Coast Survey intended to make all these maps and charts by this new process of electrotyping. I barely wish to know, whether it is their intention to keep up that process still at an expense to the Government of 93 cents per copy, and also a contract for lithographing the same? I ask the gentleman from Maryland, [Mr. EVANS,] who seems to be acquainted with this subject, whether that is the object?

Mr. SACKETT. I understand that the large charts or maps are made for the practical benefit of navigators. Now, what is the object and purpose of these outline maps? If they do not answer that purpose, why do we make them?

Mr. EVANS. I shall take about ten minutes, perhaps not more than five, in answering the inquiries of gentlemen, and in making the proper explanation. The maps printed by the Coast Survey are prepared by what is called the electrotype process. And if there is any gentleman here who does not understand it, I would advise him to go over to the office and look at it, for it is one of the most beautiful chemical operations, worthy the attention of any intelligent gentleman. These maps are sold in bookstores from ten cents to forty cents each. The English Government in the same way print the Nautical Almanac, which costs there say two dollars a copy, but which you can purchase in this country for one dollar. The English print, moreover, large numbers of charts which are sold I believe much beneath cost. These charts, as I observed before, are minute to the utmost degree. They contain every important position, the location of shoals, and directions for entering harbors, and all the leading lines, and bearings from point to point, so that when any navigator arrives upon the coast, he can make out his position without difficulty.

These charts never have been printed for the use of Congress, and never ought to be. It would be an enormous job. They are printed and sold to navigators by the Government of the United States. But the report of the Coast Survey contains what we cannot get out of the charts. It contains a large number of astronomical and geographical positions; it gives the latitude and longitude of important points; it describes the progress of the Coast Survey; it tells how the parties have been engaged; how the work has advanced since last year; how they have expended the money voted to them; and everything which is usually contained in a report, so as to enable the members of the House of Representatives to vote intelligently on the propositions submitted to them. However, in order to illustrate any report which concerns mathematical and geographical positions it is of course necessary to accompany the report with maps. Everybody knows that. It is necessary that the child at school should be taught geography by maps. These coast survey reports are a sort of treatises on geography, and they therefore require slight sketch maps, which are admirable, as far as they extend, but which do not extend to the minutiae required in the large charts.

Mr. SACKETT. I desire to know if the gentleman is advocating the doctrine, that under the power which we have to furnish such conveniences as the commerce of the country may require, we can furnish charts and maps to schools and colleges?

Mr. EVANS. I am doing no such thing; and if I had been doing it, I might be doing worse than desiring to bring information home to every child in the land. I venture to say, that the gentleman's own constituents might profit by it, if we only sent them the New Testament. [A laugh.] But I was not talking about any such thing. I was answering the inquiry of the gentleman, who desired to know why these small charts were furnished. Now, if we were to use the electrotype plates of the Coast Survey office, and if the maps were to be prepared from those plates, and bound up with the report, the expense would be incalculable.

Mr. STANTON, of Tennessee. With the permission of the gentleman, I will remind him, and particularly the gentleman from Georgia, [Mr. STEPHENS,] of a fact. It was stated in the debate on a former day that the maps for each one of these copies would cost ninety-two cents, and it now appears that they will cost only seventy-five cents. The House, in adopting the former resolution, virtually adopted this one, although they believed the work would cost more.

Mr. FULLER, of Maine. Did not similar maps accompany the report of the last year?

Mr. EVANS. Certainly; and for every former year. It is not a new proposition. Ever since Mr. Hassler took charge of the Coast Survey, and during the whole time it has been under the charge of Mr. Bache, maps have always accompanied the report, and they are indispensably necessary to elucidate it. We have been in the habit for many years past of printing the journals of officers who have traversed the western country—California and New Mexico, and of accompanying them not only with maps and charts, but with views and likenesses of Indians, got up at an enormous expense, and not at all necessary to the elucidation of the works. I am confident that if gentlemen will look into the matter, they will find that these maps are indispensably necessary. They are not put in for show, for they are not showy maps at all. Nor are they put in to show how deeply scientific they are; that is done in the large maps; they are merely for the elucidation of the report.

Now, I wish to say a word to the House in regard to the way in which these surveys are made. I see a gentleman before me who knows perfectly well how things are done, and who will correct me if I am in error. I mean the gentleman from Delaware, [Mr. RIDDLE,] whom I have known for a long time, and who is well acquainted with the process. In making marine surveys, the earth is regarded as a flat surface—a plane, but everybody knows that it is not so; and therefore, in making geodetical surveys it is necessary to take the rotundity of the earth into account. In carrying on the coast survey of the United States, in the first place, the whole country is divided into certain triangles. A great deal of care is required to present those triangles properly. No single angle of a triangle must be too obtuse, none too acute. They should be as nearly as possible equilateral. These triangles are then plotted down on one of these charts, and as every angular point of every triangle is an absolute, correctly ascertained position in the country, if any gentleman has one in his district, he has an absolute position ascertained there with reference to every other part of the earth's surface. These charts will be highly useful to persons preparing maps of counties, as they show what their geographical position is with regard to other places. These small maps, which can be lithographed at very slight expense, contain a great deal of very valuable geographical information necessary to the elucidation of the report and to enable Congress to understand it.

There is this difficulty about electrotyping, that the printing from copper plates requires to be done by a peculiar press with rollers. Each plate requires to be carefully arranged. It requires skill in the operator, and only a few copies can be struck off in the course of a day. But where you use lithographic plates, you can use an ordinary press. It is the same difference as that between copper-plates and wood-cuts. The wood-cuts are easily done, because they are inserted amongst the types; but if you have copper-plates, it must all be done by rollers, and therefore, if the Coast Survey office undertake to use copper-plates instead of lithography, it will subject the House to very great expense.

These plates are necessary for the elucidation of the report. They ought not to be copper plates on the large scale, because they would be too minute for that purpose, and would cost too much; they ought not to be copper-plates on the small scale, because of the difficulty of printing; but they ought to be lithographed, because that can be done with the usual press-work, and is, at any rate, much cheaper.

In conclusion, let me say that, as was suggested by the gentleman from Maine, [Mr. FULLER,] this is no new thing introduced to inveigle Congress, but an old-established thing; and further, as was stated by the gentleman from Tennessee,

[Mr. STANTON,] the maps in each copy of the report will cost only seventy-five cents, instead of ninety-two cents, as was supposed when the subject was last before the House.

Mr. FICKLIN. I desire to ask my friend from Maryland [Mr. EVANS] one question in relation to this engraving. I find, on examination, that there is a large number of maps in the document room connected with the Coast Survey. I wish to know whether they are the same with those which it is proposed to engrave? I will send some specimens to the gentleman from Maryland, so that he may be able to answer my interrogatory.

Mr. EVANS. They are not. The maps to which the gentleman has called my attention were not prepared by the Coast Survey office at all.

Mr. FICKLIN. Who were they prepared by, then?

Mr. EVANS. I think they were prepared under the direction of the Navy Department. When these come to be compared with those which we now propose to publish, I think there will be found some difference. I am a judge of maps.

Mr. FICKLIN. In looking over the document room I found some two-horse wagon loads of maps there of this species.

Mr. EVANS. I hope the gentleman will let me keep the maps he has sent to me. I hope he intended to send them to me as a present.

Mr. VENABLE. The charts which the gentleman from Illinois [Mr. FICKLIN] has presented here, are nautical charts, and are very unsatisfactory. Those which we propose to publish are geodetic charts, which, as the gentleman from Maryland [Mr. EVANS] has informed us, make allowance for the shape of the earth, which is spheroidal. Nautical charts were prepared by order of the Government as far back as 1805, but they are delusive. They are not accurate, because, not being constructed upon the actual spheroidal shape of the earth, each detached map may be accurate, but when placed by others do not fit—one overlaps the other, and the channels are not therefore correctly marked with reference to one another. These maps are made with reference to the triangulation of which my friend from Maryland speaks. The larger and smaller triangulation present to you the precise shape of our coast over the whole extent where the surveys have been completed. Now, it does seem extraordinary that any difficulty should be raised upon this subject. Look at the whole of our Pacific, as well as our Atlantic coast! These charts are prepared by a corps of the most accomplished scholars, comprising practical engineers—gentlemen educated in the Navy—gentlemen skilled in the science of hydrography—gentlemen educated at West Point—gentlemen skilled in the science of topography—all of them men of the highest attainments, who have been employed for a long time on our coast, and are in every respect qualified for the execution of a work demanding the highest scientific attainments. And the charts which they have constructed from their own observations are complete and accurate. The nautical charts which have been heretofore constructed are taken upon the principle that the earth is a plane, flat surface. They will, therefore, be incomplete and inaccurate. Now, every gentleman here knows that the effect of mistaking a few feet one side or the other of a channel may be the loss of the vessel and all it contains. But these charts give every point with such accuracy that there can be no mistake, and in the absence even of a pilot may give the means of a safe approach to a harbor.

Mr. FULLER, of Maine. Since Congress have ordered six thousand copies of those charts to be printed I have received two letters from gentlemen of great experience, saying that the use of those charts would enable them to enter any port covered by them, without the aid of a pilot, they were so accurate.

Mr. VENABLE. There is no question about it, as I have before remarked; it is reduced to a demonstrative certainty. It is a mathematical ascertainment of the locality of a channel, and the charts being constructed with reference to the shape of the earth, there can be no mistake as to their accuracy. If you will consult a mariner—any man skillful in the business of sea-faring life, he will tell you that mere nautical charts are often

very inaccurate upon the most important points, while in a geodetic chart showing the triangulation, the hydrography, and the topography of the coast gives it absolute certainty, as to the locality of the channel in every point, and every circumstance connected with it; and as the gentleman from Maryland has remarked, with the aid of those charts any navigator can enter any one of our ports with safety, without any other aid.

Mr. FICKLIN. In reply to the request of my friend from Maryland, [Mr. EVANS,] that I would present to him the maps which I sent him a moment ago, I beg leave to say, that I will give them to him with all my heart; and if he wants more, he can have two horse wagon loads by going up to the document room.

Mr. EVANS. I should like to inquire of the gentleman what right he has to give them away?

Mr. FICKLIN. Why, by going up there, and selecting them, and having them brought down here.

Mr. EVANS. That is no right at all.

Mr. FICKLIN. I hold them by possession; and, as a gentleman near me suggests, by the right of discovery too. [A laugh.]

While up, I wish to say to my friend from North Carolina, [Mr. VENABLE,] who, I am glad to see, is engaged in this subject, that a few days ago, when this subject was under discussion, he was eloquent and ardent in showing the necessity of these maps and charts. I did not then have the opportunity of showing him that in the document room a great number of these maps may be found in relation to his own State; that there is a sufficient number in regard to Cape Fear to have supplied his constituents with all the information they require, if they are correct, so that no navigator need have any fear in entering Cape Fear. [A laugh.]

Mr. VENABLE. Will the gentleman allow me to say, that if he will look at these charts—for I have looked at them not casually, but I have examined them closely—he will find that the present observations were made by the Coast Survey, and the present charts supply all that is wanting; while he will find that the mere nautical ones, being based upon the supposition that the earth is flat, are of very little use, because inaccurate in this: suppose a nautical chart of Norfolk harbor be made, and the one of some harbor on the coast of North Carolina at eighty or a hundred miles distant, he must perceive that no reference being had to the spheroidal shape of the earth, they must be inaccurate in relation to each other. They were nautical surveys and entirely distinct from the system of observations taken by the Coast Survey. And that survey which he has given me, as far as the coast of North Carolina was concerned, was far from being a complete one. They surveyed Cape Fear, but they did not survey the whole coast. It is the misfortune of North Carolina that her coast is one of the most dangerous in the United States, and much more so formerly than now, because of the want of such observations as are now in progress. But little has been expended on that coast, whilst the bounties of the Treasury have been poured out with a liberal hand on the Northern Atlantic and Lake coasts of the United States, with channels ascertained and shoals marked by lights which shine like stars on the dark waters, yes, sir, in constellations, our coast has been neglected, and the perils of navigation greatly increased. The progress of the coast survey off North Carolina, conducted by the distinguished Superintendent and his accomplished assistants, have in a great measure removed the difficulty, and pointed out the channels which render navigation practicable and safe.

The engineers employed in the Coast Survey at present have not completed the whole coast from Cape Fear to Charleston, and the work is in progress, and along the coast of Georgia. They have published a portion of these charts. But I will say to my friend, in order that he may have some idea of the value of this work, that the knowledge heretofore possessed of this coast was so imperfect and so unsatisfactory, that it was impossible to get a vessel insured at any reasonable rate which was bound for this coast; but since the work has been completed under the Superintendent of the Coast Survey, these difficulties have been removed in a great measure, and insurance can easily be effected. The difficulties upon the shore of North Carolina have been so far removed, that

although it has been heretofore regarded as a most dangerous coast, yet vessels are now enabled to enter our ports often without the aid of a pilot. This has been the result so far as that coast is concerned. Now, I am sure that my friend will not hesitate for the expense of a small appropriation, when millions of money and the lives of thousands of men are at risk. I should be as unwilling as any one to vote unnecessary appropriations for this or for any other purpose; but wise economy is always liberal. Who has a more perfect right to protection than the hardy mariner, whose enterprise binds the four quarters of the world together in commercial intercourse? Whose life should be more dear to the country than his who brings comfort, luxury and wealth to our shores? Whose life of daring and of danger is of such inestimable value to every branch of industry in our land? Commerce is the right arm of the country; all that can be done to invigorate and strengthen it should be the statesman's care. Knowledge, scientific, accurate knowledge, builds the most enduring monuments which perpetuate the memory of the statesman's skill. The lives and the property of our sailors and merchants all demand that we should be liberal in furnishing the information which will protect them, and I am willing at any reasonable cost to furnish it. The fearful loss of lives and property produced by defective charts and unlighted shoals and rocks, and the perils of navigation incalculably increased, are demands to which we cannot be insensible or unmindful. All commercial nations are engaged in a like enterprise with ourselves, and liberally furnish all the information which they obtain. Our own Colonel Fremont, when he first visited the Pacific coast, detected by observation an error in Mercator's chart, by which San Francisco was placed several miles further on the coast than it really was, and which had caused the wreck of many vessels that ran upon the shore before they were aware of its proximity. He made the communication, and I am informed that the English Board of Admiralty had just before sent a corps of engineers to ascertain the cause of the frequent losses in that particular part of the Pacific coast. Our corps is now prosecuting the work off Oregon and California, and I trust we shall sustain the enterprise, and publish the results, until there shall not be a shoal, channel, or inlet, cape, promontory, or bay, which may not be made perfectly familiar to all whose business and occupation lead them to the dangers of the seas, that our statesmen and scholars may also learn those things so necessary to be known before they undertake to legislate or to teach.

Mr. STANTON, of Tennessee. Will the gentleman from Illinois [Mr. FICKLIN] allow me to say a word? About two weeks ago we ordered this printing to be done. It was then stated that the cost of the whole would be about ninety-two cents. We have already ordered the printing to be done, and, as I understand it, this is a mere question of form. The Committee on Engraving thought it would be necessary for them to report, and for that reason the subject has again been brought before the House. Now, what can be the difficulty in the matter? The printing has been ordered, and the engravers must go on with the work.

Mr. GORMAN. I also desire a word of explanation. The Committee on Engraving reported upon precisely the same thing which was reported upon by the Committee on Printing. The other day I reported the cost as ninety-two cents, but it has since been ascertained that it could be done for considerably less than that amount. But the engraving of the work belongs to the Committee on Engraving, and the printing belongs to the Committee on Printing. The question remains exactly the same, so far as the House is concerned, as it did when it was up before. I hope the gentleman will call the previous question, and let us dispose of it at once.

Mr. FICKLIN. That is just what I wanted to find out, whether it is a question of form or of substance.

Mr. VENABLE. It is simply a question of form.

Mr. FICKLIN. These charts which I presented here, I think were published in 1839. Now, my friend from North Carolina rather intimates that the spheroidal shape of the earth was not then understood.

Mr. VENABLE. I merely stated the difference between nautical and geodetical charts.

Mr. FICKLIN. I understood my friend from North Carolina to intimate that it had not been ascertained by the Coast Survey and Department that the form of the earth was not a plane flat surface. He says that the information which we received in 1832 was incorrect. But if he will look into the matter he will find that a great deal of this incorrect matter was published by order of the House. A great many more numbers were printed than was necessary for distribution by the members of the House.

If the number to be printed is decided upon, and the question is one of mere form between these two committees, I have nothing more to say in regard to it; but if it involve, in any way, the publishing of a larger number than has been heretofore ordered, I am, for one, against it.

Mr. GORMAN. It does not involve a single cent more expense. It is a question relating to the duties, falling, in part, legitimately, to the Committee on Engraving, and another part to the Committee on Printing. It is the same thing heretofore decided upon, and does not involve any additional expense.

Mr. FICKLIN. I will remark, in regard to this coast survey, that it has been well said by my friend from North Carolina, [Mr. VENABLE,] that dollars are not to be regarded in reference to it; and, indeed, they need not be counted, because it will continue from year to year and, as I apprehend, from century to century at a cost of hundreds of thousands of dollars, and there will be no end to it while this Government has a sea-coast. That being the case, and such the probability, I think it very important we should watch over this expenditure, which already is becoming very large, not to say enormous. It was suggested that the previous question should be moved; but as I do not desire to do so, I will yield the floor.

Mr. ORR moved the previous question; which received a second, and the main question was ordered to be put.

The resolution was again read for information, and the question was then taken upon the adoption of the resolution, and it was agreed to.

WABASH RIVER.

Mr. DAVIS, of Indiana, by unanimous consent, introduced a bill, of which previous notice had been given, entitled "A bill to grant to the States of Indiana and Illinois a portion of the public lands therein, for the improvement of the River Wabash;" which was read a first and second time by its title, and referred to the Committee on Public Lands.

PUBLIC PRINTING OFFICE.

Mr. DOTY, by unanimous consent, introduced a bill, of which previous notice had been given, entitled "A bill to establish a public printing office, and to provide for the appointment of a Superintendent of Public Printing;" which was read a first and second time by its title, and referred to the Committee of the Whole House, and ordered to be printed.

POWERS AND DUTIES OF AMERICAN CONSULS.

Mr. SACKETT, by unanimous consent, introduced a resolution; which was read for information, as follows, viz:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the powers and duties of American Consuls and Commercial Agents in relation to American seamen, mariners, officers, and commanders of merchant vessels of the citizens of the United States, in foreign ports and places; and to bring in a bill to more completely define and establish such powers and duties.

Mr. SACKETT. If the House will allow me one word upon that resolution, I presume there will be no objection to it.

VOICES. "Hear!" "Hear!"

Mr. S., (continuing.) There is a claim now before Congress, of a considerable amount, arising out of the exercise of very doubtful powers of one of our consuls, and it is for the purpose of having and obtaining a competent committee to examine into their power and duties, that I ask the adoption of this resolution.

*The question was then taken on the adoption of the resolution, and it was agreed to.

Mr. ORR moved that the House do now adjourn; which motion was agreed to; and the House adjourned till to-morrow at twelve o'clock, m.

NOTICES OF BILLS.

Mr. WEIGHTMAN gave notice, under the rule, of his intention to introduce a bill amendatory of the act approved September 9th, 1850, entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico."

Mr. ALLISON gave notice that he would, on to-morrow, or on some subsequent day, introduce a bill granting one million of acres of land to the State of Pennsylvania, for the purpose of aiding the Pittsburg and Erie Railroad Company in constructing their road.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. MEADE: The petition of the heirs of Captain Joshua Frepton, praying for commutation pay.

Also, the petition of David Toole, praying for a pension in consideration of injuries received while in the service of the United States during the late war.

By Mr. ALLISON: The petition of sundry citizens of Washington county, Pennsylvania, praying that the carrying and delivery of the mail on the Christian Sabbath, or Lord's day, be prohibited.

Also, two petitions from citizens of Western Pennsylvania, for a ship canal around the falls of Sainte Marie's river.

By Mr. ASHE: The memorials of Dickson Mallard and Carlton Hall, deputy marshals, praying additional compensation for taking the census.

By Mr. THOMAS M. HOWE: The memorial of Thomas R. Holmes and others, citizens of Pittsburg, Pennsylvania, praying for the construction of a ship canal around the falls of the river Ste. Marie, Michigan.

Also, the memorial of N. P. Sawyer and others, of Pittsburg, of the same tenor.

Also, the memorial of William M. Semple and others, of Pittsburg, for the same.

Also, the memorial of W. W. Wallace, J. D. Williams, and others, of Pittsburg, for the same.

Also, the memorial of Charles Naylor and others, of Pittsburg, for the same.

By Mr. SCHOONMAKER: The petition of 287 masters of vessels hailing from various ports in the United States, who have freighted from Rondout during the season of 1851, for an appropriation to remove obstructions from the channel of the Rondout river, at or near its junction with the Hudson river, in the State of New York.

Also, a petition of citizens of the State and city of New York, for the same purpose.

Also, a petition of Hester Serine, formerly Hester Paulding, of Yorktown, New York, and widow of John Paulding, deceased, one of the captors of Major Andre, for a pension.

By Mr. DAVIS, of Indiana: The memorial of J. Parsons Owen, of Ohio, P. E. Boyce, of Indiana, and 52 others, inventors, praying Congress for the completion of the Patent Office building according to the original design prepared by William P. Elliott, an architect of the city of Washington, and approved by the President of the United States in the year 1836.

By Mr. GREEN: The memorial of Colonel George W. Morgan, and others, asking an increase of the pension of George Momony, a soldier in the Mexican war.

By Mr. AIKEN: The memorial of the Chamber of Commerce of Charleston, South Carolina, praying that an appropriation be made for deepening the bar, and otherwise improving the entrance to the harbor of Charleston, South Carolina.

By Mr. PORTER: A memorial signed by J. K. Sheeley, and four others, commissioners of the Asylum for the Deaf and Dumb, recently established by the State of Missouri, at Fulton, in said State, asking a donation of public land for the use and benefit of said asylum.

By Mr. ANDREWS: The memorial of James T. Clark and others, deputy marshals of Oxford county, Maine, for increase of compensation for taking the census of 1850.

By Mr. DISNEY: The memorial of William Wilson Chancellor, asking Congress to endow the "National University" in Ohio.

Also, the memorial of merchants, shippers, ship-owners, underwriters, and others, of Cincinnati, remonstrating against the repeal of the act for the reduction of costs, &c., in admiralty.

By Mr. KUHN: The petition of John C. Plumer, and 70 other citizens of Westmoreland county, Pennsylvania, praying for the establishment of a direct mail route from West Newton to Greensburg, in said county.

On motion by Mr. HOLLADAY, it was

Ordered, That the petition and papers of Messrs. Finnall & Graham be withdrawn from the files of the House, and be referred again to the Committee on the Post Office and Post Roads.

By Mr. BOYD: The petition of James Sweet, praying compensation for a horse lost in the military service of the United States.

By Mr. CHURCHWELL: The memorial of E. Wilson, of Tennessee, praying for the passage of a law authorizing the election or appointment of two public printers to Congress, one a Democrat and one a Whig.

Also, a memorial, praying for the passage of the home-steal bill.

Also, a memorial, praying to have the act of 3d March, 1851, so amended as to have one uniform rate of postage throughout the United States and Territories.

By Mr. MOORE, of Pennsylvania: The memorial of John S. Littell, asking for per diem, mileage, &c., for contesting the seat of J. Robbins, jr., in the 31st Congress.

By Mr. BELL: The petition of citizens of Patterson township, Dark county, Ohio, praying for the establishment of a mail route from Jacksonville, in said county, to Loramie, in Shelby county, Ohio.

By Mr. CHANDLER: The memorial of sundry citizens of Illinois, asking for a grant of public land to aid in the

construction of a railroad from Burlington, on the Mississippi, to the Missouri.

By Mr. DAVIS, of Massachusetts: The petitions of G. S. Mangum and others, of Springfield, Massachusetts; Peter Lochy and others, of Westfield, Massachusetts; William Cheeny and others, of Salem, Massachusetts; Moses E. Green and others, of Burlington, Vermont; Benjamin Van Horn and others, of West Springfield, Massachusetts; John H. McComb and others, of Watertown, New York; John R. Whipple and others, of New Ipswich, New Hampshire; James V. Stetson and others, of Worcester, Massachusetts; severally praying for a modification in the duties on cigars.

Also, the petition of J. C. Clark & Co. and others, of Boston, Massachusetts, for an appropriation for the construction of a ship canal around the falls of the Ste. Marie river.

IN SENATE.

TUESDAY, February 3, 1852.

Prayer by the Rev. L. F. MORGAN.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Secretary of War, in compliance with an act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States, accompanied by a report of the Adjutant General with an "Abstract of the Returns of the Militia of all the States and Territories, with their arms, accoutrements and ammunition," taken from the latest returns received by that Department; which was read and referred to the Committee on the Militia, and ordered to be printed.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Secretary of the Interior, in compliance with the resolution of the Senate of the 26th January, transmitting a copy of the instructions given by that Department to the Commissioners appointed, pursuant to the act of Congress approved March 3, 1851, entitled "An act to ascertain and settle the private land claims in the State of California," and also a copy of the instructions which have been transmitted to the Surveyor General of California in connection with the subject; which was read, and referred to the Committee on Public Lands, and ordered to be printed.

The PRESIDENT *pro tem.* laid before the Senate a letter from the Secretary of the Territory of Oregon, transmitting a copy of the Journals of the proceedings of the Council and House of Representatives of the Legislative Assembly of that Territory; which was referred to the Committee on Territories, and ordered to be printed.

PETITIONS.

Mr. MORTON presented a memorial of the assistant marshals of Hamilton, Jefferson, and Columbia counties, Florida, for taking the Seventh Census, praying additional compensation; which was referred to the Committee of Claims.

Mr. BADGER presented a memorial of William D. Graves, assistant marshal for taking the Seventh Census in Caswell county, North Carolina, praying additional compensation; which was referred to the Committee of Claims.

Mr. MANGUM presented the memorials of Dickson Mallard, of Duplin county; A. Carmichael, of Wilkes county; Thomas F. Baxter, of Currituck county; Shepherd K. Nash, of Orange county; Robert Abernathy, of Gaston county; and J. H. Mitchell, of Camden county, assistant marshals for taking the Seventh Census in North Carolina, praying additional compensation; which were referred to the Committee of Claims.

Mr. MANGUM presented the petition of Patrick Donohue and others, of the city of New York, praying the interference of the United States in favor of the oppressed of other nations; which was referred to the Committee on Foreign Relations.

Mr. JONES, of Iowa, submitted the proceedings of a meeting of citizens of West Point, Iowa, in relation to the donation of land asked for the benefit of the Dubuque and Keokuck railroad; which were laid upon the table.

Mr. BRODHEAD presented the petition of certain citizens, merchants and others, of the city of Philadelphia, praying the construction of an additional canal around the Falls of the Ohio; which was referred to the Committee on Commerce.

Mr. SMITH presented the memorial of the administrator of Oran Sherwood, praying the appointment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mex-

ico; which was referred to the Committee on Foreign Relations.

Also, a petition of E. C. Roberts, and 205 other citizens of Ontonagon county, Michigan, praying the construction of piers and harbors at the mouth of the Ontonagon river, Lake Superior; which was referred to the Committee on Commerce.

Also, two petitions of the citizens of Houghton county and Ontonagon county, Michigan, praying the construction of a ship canal around the Falls of the St. Mary's river; which were laid upon the table.

Mr. HUNTER presented the petition of J. A. Seawell, a passed midshipman in the Navy, praying the allowance of additional pay under a clause in the Naval appropriation bill of 1848; which was referred to the Committee on Naval Affairs.

Also, the petition of William Speiden, a purser in the Navy, praying to be allowed a commission on the military contributions received by him while acting purser to the United States frigate Congress, on the Pacific coast, during the late war with Mexico; which was referred to the Committee on Naval Affairs.

Mr. FISH presented a memorial of insurers, ship-owners, merchants, and others, of New York, praying that the salary of the United States district judge at Key West, Florida, may be increased; which was referred to the Committee on the Judiciary.

Also, a memorial of merchants and others, of New York, praying that the act of March 3, 1847, for reducing the costs and expenses of proceedings in admiralty against ships and vessels may not be repealed; which was referred to the Committee on the Judiciary.

Also, the petition of Robert T. Norris, a pilot, praying to be allowed a pension in consideration of injuries received while mooring the light-ship off Sandy Hook, in 1839; which was referred to the Committee on Commerce.

Mr. COOPER presented a memorial of the Board of Trade of Philadelphia, praying that the bill to provide for the establishment of a branch Mint at New York may not become a law; which was referred to the Committee on Finance.

Also, three petitions of merchants and others, citizens of Philadelphia, praying the enlargement of the Louisville and Portland Canal; which were referred to the Committee on Roads and Canals.

Also, a petition of inhabitants of Mercer county, Pennsylvania, praying that the transportation of the mails on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Also, a memorial of citizens of Pittsburg, Pennsylvania, praying the construction of a ship canal around the Falls of the St. Mary's river; which was laid upon the table.

Also, a petition of manufacturers of cigars at Pittsburg, Pennsylvania, praying an increase of the duty on imported cigars; which was referred to the Committee on Finance.

Mr. FELCH presented the proceedings of citizens of Detroit, Michigan, in favor of the construction of a ship canal around the Falls of the St. Mary's river; which was laid upon the table.

Mr. CHASE presented two memorials of citizens of Ohio, praying that the transportation of the mails on Sunday may be prohibited by law; which were referred to the Committee on the Post Office and Post Roads.

Also, three petitions of citizens of Alleghany county, Pennsylvania, praying the construction of a ship canal around the Falls of the St. Mary's river; which were laid upon the table.

Mr. CASS presented three petitions of citizens of Pennsylvania, praying the construction of a ship canal around the Falls of the St. Mary's river; which were laid upon the table.

Also, the petition of Frances Elliot, praying remuneration for expenses incurred by her late husband, Commodore Elliot, for entertaining high official personages while commanding the United States squadron in the Mediterranean; which was referred to the Committee on Naval Affairs.

Mr. SUMNER presented the petition of seventeen insurance companies in Boston, praying that a light-ship, with a fog-bell on board, may be moored in the slue between the shoals off Cape Roman, on the coast of South Carolina; which was referred to the Committee on Commerce.

Also, the memorial of seventeen insurance companies in Boston, praying that the salary of the

United States district judge at Key West, Florida, may be increased; which was referred to the Committee on the Judiciary.

Mr. MALLORY presented the memorial of Kennedy & Darling, praying for payment of their Indian store and goods destroyed by the Seminole Indians, in Florida; which was referred to the Committee of Claims.

Mr. SPRUANCE presented the memorial of John D. Bird and others, holders of claims upon the late Republic of Texas, provided for by the act of September 9, 1850, praying that they may be paid upon their compliance with the requirements prescribed by the Secretary of the Treasury; which was referred to the Committee on Finance.

Mr. BUTLER presented the memorial of the Chamber of Commerce of Charleston, South Carolina, praying an appropriation for the improvement of the entrance of the harbor of that city; which was referred to the Committee on Commerce.

Mr. JONES, of Iowa, presented the memorial of Harriet De la Palm Baker, only daughter of Frederick H. Weissenfels, an officer in the Army of the Revolution, praying a pension; which was referred to the Committee on Pensions.

Mr. SEBASTIAN presented the memorial of C. Alexander, praying to be allowed to execute the printing and binding of the returns of the Seventh Census; which was referred to the Committee on Printing.

Mr. DODGE, of Iowa, presented a document in favor of the construction of a line of railroads from Lafayette, through Peoria and Burlington, to the Missouri river; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. DOWNS, it was
Ordered, That the petition of C. E. Greneaux, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. HALE, it was
Ordered, That the petition of Oliver Folsom, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. HUNTER, it was
Ordered, That the memorial of the executor of Carter Page, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. COOPER, it was
Ordered, That the petition of H. N. Dennison, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. COOPER, it was
Ordered, That the petition of Eliza Evans, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. BORLAND, from the Committee on Military Affairs, to which was referred the memorial of Lewis Morris, submitted an adverse report; which was read.

He also, from the same committee, to which was referred the petition of William C. Easton, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on Pensions, to which was referred the bill to authorize the payment of invalid pensions in certain cases, reported the same with an amendment.

He also submitted a report on the subject, which was ordered to be printed.

INDIAN SUPERINTENDENCY IN CALIFORNIA.

Mr. ATCHISON. I am instructed by the Committee on Indian Affairs, to which was referred the bill to provide for the appointment of a Superintendent of Indian affairs in California, to report a substitute, by way of amendment, for the whole bill, and to request the Senate to act upon it immediately. I therefore ask the unanimous consent of the Senate to consider the bill at this time.

Mr. GWIN. I hope that no Senator will object to the consideration of the bill at this time. California is the only portion of the territory of the United States without a Superintendent of Indian affairs. This bill is to provide for the appointment of such an officer.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole. The substitute of the Committee on Indian Af-

fairs provides that the 6th section of the act of May 6th, 1822, entitled "An act to amend an act entitled 'An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the Indian frontier,' approved 30th March, 1802;" also, the 5th section of an act approved April 25th, 1824, entitled "An act to enable the President to hold treaties with certain Indian tribes," be revived and extended to the State of California, for the purpose of establishing a Superintendency of Indian affairs for that State; and that the President, by and with the advice and consent of the Senate, be authorized to appoint a Superintendent of Indian affairs to reside in said State, who shall possess the same powers and be subject to the same duties as the Superintendent of Indian affairs at St. Louis, Missouri.

It further provides that the said Superintendent of Indian affairs shall have an annual salary not exceeding _____. That he shall be allowed a clerk, whose compensation shall not exceed _____ per annum.

Mr. ATCHISON. The Senate will perceive that the bill proposes to create the office of Superintendent of Indian affairs for the State of California. I presume there will be no objection to that. The only question is as to the amount of compensation. I move to fill the first blank with "\$5,000," and the second blank with "\$2,500;" so that the salary of the Superintendent shall not exceed \$5,000, nor that of the clerk \$2,500.

The amendments to the amendment were agreed to, and the amendment as amended was adopted. The bill was then reported to the Senate, the amendment was concurred in, and the bill was ordered to be engrossed and read a third time.

TENURE OF ARMY APPOINTMENTS.

Mr. HALE submitted the following resolution for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law that all commissions in the Army of the United States hereafter shall be for a limited time, which shall be expressed in the commissions.

CHARGE D'AFFAIRES TO SWITZERLAND.

Mr. BRODHEAD submitted the following resolution for consideration:

Resolved, That the Committee on Foreign Affairs be requested to inquire into the expediency of making provision by law, for the usual outfit and salary of a Charge d'Affaires to Switzerland.

FLORIDA SENATORIAL ELECTION.

The Senate proceeded to ballot for a member of the Committee on the Florida Senatorial Election Case, to fill the vacancy occasioned by the withdrawal of Mr. BERRIEN. Thirty-nine votes were given, of which

Mr. Badger received.....	16
Mr. Soule.....	9
Mr. Dawson.....	5
Mr. Underwood.....	4
Mr. Butler.....	2
Mr. Sumner.....	2
Mr. Davis, (already on the committee)....	1

39

Mr. BADGER having received the largest number of votes was declared duly elected, and the committee now consists of Messrs. BADGER, BRIGHT, DAVIS, MASON, and PEARCE.

DISCIPLINE IN THE NAVY.

Mr. BADGER. I gave notice yesterday that I should ask the Senate to take up the bill, reported by me from the Committee on Naval Affairs, to enforce discipline and promote good conduct in the naval service of the United States, and dispose of it this morning. I rise for the purpose of submitting that motion now. I would say to the Senate, that the bill as reported is precisely the same as the one which passed the Senate with great unanimity at the last session. It is highly important that it should be acted on immediately, as squadrons are now preparing to go to sea; and it is highly important that the officers should carry with them some lawful authority to enforce discipline. I hope, then, that there will be no objection to taking up and disposing of the bill this morning. I move to postpone the prior orders, and take up that bill.

The motion was agreed to.

The bill was read the second time; and the Senate proceeded to consider it as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments.

The first amendment proposed to strike out the following, which immediately succeeds the enacting clause:

"That summary courts-martial may be ordered upon petty officers, and persons of inferior ratings, by the commander of any vessel in the Navy, for the trial of offences which he may deem deserving of greater punishment than the commander of a vessel is, by the act approved twenty-third April, eighteen hundred, now authorized to inflict of his own authority, but not sufficient to require trial by general court-martial."

"Sec. 2. *And be it further enacted*, That summary courts-martial shall consist of three commissioned officers and of some person competent to act as recorder: *Provided*, That in cases where commissioned officers cannot be detailed for such service, said court may be composed of any officers of or above the rank of passed midshipman. Before proceeding to trial, the members shall take the following oath or affirmation, which the recorder is hereby authorized to administer:

"I, A. B., do solemnly swear (or affirm) that I will well and truly try, without prejudice or partiality, the case now pending, according to the evidence which shall be adduced, the laws for the government of the Navy, and my own conscience."

"After which the recorder of the court shall take the following oath or affirmation, which the senior member of the court shall administer: 'I, A. B., do solemnly swear (or affirm) that I will keep a true record of the evidence which may be given before this court, and of the proceedings thereof.'"

"Sec. 3. *And be it further enacted*, That the commander of a ship shall have authority to order any officer under his command to act as the recorder of a summary court-martial."

"Sec. 4. *And be it further enacted*, That all testimony given before such court shall be given orally, on oath or affirmation, which the senior member of the court shall administer."

"Sec. 5. *And be it further enacted*, That summary courts-martial may sentence petty officers, and persons of inferior ratings, to the following punishments:

And insert the following:

"That the commander of any vessel in the Navy, or of any shore station, shall have authority to punish offences committed by petty officers and persons of inferior ratings, by any one or more of the following punishments, to wit:

"1. By diminishing their rations; by restricting their diet to bread and water; by imposing extra police and other duties; and in cases of theft, in addition to any of the foregoing punishments, by making good from the wages of the offender to the owner the value of the article or articles stolen, and obliging the offender to wear, for any time not exceeding ten days, a badge with the word 'thief' thereon."

The residue of the fifth section remained unaltered, as follows:

"1st. Discharge from the service, with bad conduct discharge."

"2d. Solitary confinement in irons, single or double, on bread and water: *Provided*, No such confinement shall exceed thirty days."

"3d. Solitary confinement in irons, single or double, not exceeding thirty days."

"4th. Solitary confinement not exceeding thirty days."

"5th. Confinement not exceeding two months."

"6th. Reduction to next inferior rating."

"7th. Ball and chain, but not to be worn at sea."

"8th. Deprivation of liberty on shore."

"And loss of pay, not to exceed three months, may be added to any of the above-mentioned punishments."

The next amendment proposed to strike out from the sixth section these words:

"That no such sentence shall be carried into execution without the approval of the officer ordering the court, who shall have power to remit in part or altogether, but not to commute any such sentences."

It also proposed to amend the residue of the section, which is in these words, by striking out the words "by a summary court-martial:"

"*And provided*, That no sentence to solitary confinement shall be directed to be carried into execution until the surgeon or senior medical officer on board, at the time, has examined the prisoner and certified that it can be done without serious injury to his health; and it shall be the duty of the commander to remit the whole or any part of any sentence (by a summary court-martial,) the execution of which would, in the opinion of said surgeon or senior medical officer, produce such injury."

Sections seven, eight, and nine, remain unaltered, thus:

"Sec. 7. *And be it further enacted*, That the commander of every ship or vessel in the Navy shall cause a conduct book to be kept, embracing every petty officer and person of inferior rating under his command, in which shall be noted every instance of meritorious or bad conduct of each man; and whenever a man is discharged, either at or before the expiration of his term of service, he shall take care that his general character be noted on his discharge, giving to those who merit them, Good Conduct Discharges; and to those who deserve them, Bad Conduct Discharges; and to those whose conduct shall merit no particular note, discharges in the usual form: *Provided*, That the character to be given on a discharge shall be ascertained and established under such rules as shall be prescribed by the Navy Department."

"Sec. 8. *And be it further enacted*, That any petty officer, or person of inferior rating, who shall be discharged with a good conduct discharge, after a service of not less than two years, shall have a preference on reëntering the service,

and in advance to higher ratings over persons of similar qualifications, but who have not so served; and whenever a petty officer, or person of inferior rating, shall be transferred from one ship or station to another, his character shall be noted on the transfer roll."

"Sec. 9. *And be it further enacted*, That every petty officer, or person of inferior rating, who shall receive a good conduct discharge, after a continuous service of not less than two years, shall, if he reënters within three months after his discharge, be entitled to a credit on the books of the ship to which he may be first ordered, of three months' wages, at his former rating; and after twenty years' service in the Navy, with good conduct discharges at the termination of each enlistment, every such petty officer or person of inferior rating shall be entitled to admission to and provision in the naval asylum for life, with half the monthly wages of his last enlistment."

The amendments proposed to strike out the tenth and eleventh sections, which are in these words:

"Sec. 10. *And be it further enacted*, That commanding officers may, of their own authority, punish offences committed by petty officers, and others of inferior ratings, under their command, by solitary or other confinement; by diminishing their rations; by restricting their diet to bread and water; by imposing extra police and other duties; by withholding permission to leave the ship on liberty, when such indulgence is granted to others of the ship's company; and in case of theft not exceeding the value of five dollars, by making good from the wages of the offender to the owner, the value of the article or articles proved to have been stolen, and obliging the offender to wear, for any time not exceeding ten days, a badge with the word 'Thief;' and such commanding officer may combine any two of these punishments at his discretion. But solitary confinement thus directed shall not exceed fifteen days, nor other close confinement twenty days; nor shall any of the other punishments hereby authorized be continued for a longer time than thirty days, nor so long, as in the opinion of the surgeon, or senior medical officer present, its continuance would seriously affect the health of the offender. If the offences shall be deemed to require severer punishment, the offender may be confined, until he can be brought to trial before a court, either general or summary, or his release is ordered by proper authority."

"Sec. 11. *And be it further enacted*, That the proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President of the United States; and all such proceedings shall be transmitted, in the usual mode, to the Navy Department."

The next amendment proposed to strike out from the twelfth section the words, "to be inflicted by a summary court-martial." The section is as follows:

"Sec. 12. *And be it further enacted*, That any punishments authorized by this act [to be inflicted by a summary court-martial,] may likewise be inflicted by any general court-martial."

Mr. BADGER. I will explain to the Senate the purpose of the amendments which have been reported. The bill, as reported from the committee, and as it passed the Senate at the last session, contemplates the establishment of summary courts-martial for the purpose of trying petty officers and persons of inferior ratings on board ships, and giving to those courts the power to inflict the punishments which are mentioned in the bill. The committee directed me—without a dissenting voice, all the members of the committee being present—to report the amendments which have just been read. The effect of them is simply to strike out from the bill the provision for summary courts-martial and to leave to the commanding officer to inflict the punishments which, in the bill, are prescribed as a substitute for the corporal punishment which was abolished by a proviso to the naval appropriation bill at the session before last. The committee were clearly of opinion, that whatever punishments the bill proposes as a substitute for corporal punishment, should be placed in the hands of the commanding officer of a vessel as indispensable to his authority and influence and control over the crew; that whatever means of discipline Congress thought proper to provide, should be put into his hands without the intermediate machinery of summary courts-martial. That is the effect of the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HALE. I offer the following as an additional section:

And be it further enacted, That all commissions in the Navy of the United States hereafter shall be for the term of ten years, which shall be expressed in said commission.

I do not want to discuss it. I simply ask to have the yeas and nays upon it.

The yeas and nays were ordered, and being taken, resulted—yeas 7, nays 30; as follows:

YEAS—Messrs. Chase, Dodge of Wisconsin, Dodge of Iowa, Hale, Jones of Iowa, Sumner, and Walker—7.
NAYS—Messrs. Atchison, Badger, Borland, Brodhead,

THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32D CONGRESS, 1ST SESSION.

THURSDAY, FEBRUARY 5, 1852.

NEW SERIES...No. 29.

Butler, Cooper, Davis, Dawson, Douglas, Downs, Fitch, Fish, Foot, Geyer, Gwin, Houston, Hunter, King, Mallory, Mangum, Miller, Morton, Norris, Pearce, Pratt, Smith, Soule, Spruance, Stockton, and Wade—30.

So the amendment was not agreed to.

Mr. ATCHISON. I move to strike out the words "bread and water."

The PRESIDENT. That will not be in order, as that amendment has been adopted by the Senate.

Mr. ATCHISON. I move, then, to reconsider the vote on concurring with the amendment made in Committee of the Whole. You protect the sailor's back, and now I am disposed to protect the stomach. I consider the one about as respectable as the other; and I think the punishment of putting a sailor upon bread and water, although it may not be infamous, is far more severe than flogging. If I had to select a choice, I would take the flogging. [Laughter.]

The motion to reconsider was not agreed to.

Mr. CHASE. There are many provisions of the bill, as I heard it read, of which I approve. There are other provisions to which I cannot give my assent. I cannot agree by my vote to sanction a punishment which places on the breast, or anywhere else upon the person of the American sailor, a badge of dishonor—the epithet "thief." Nor can I consent to sanction any such punishment as the "ball and chain." But satisfied as I am that all hope of amendment to this bill is vain, I simply ask for the yeas and nays on the engrossment, that I may record my vote against it. The yeas and nays were not ordered.

Mr. HALE. I wish to make a single inquiry of the chairman of the Committee on Naval Affairs before the bill is passed. I see by reference to the title of the bill, that it is entitled "An act to enforce discipline and promote good conduct in the naval service of the United States." With all respect to the committee, I wish to inquire whether this is all they propose to give us at this session, in order to promote good conduct in the naval service of the United States?

Mr. BADGER. As I reported this bill, I will answer the Senator from New Hampshire, with the consent of the chairman of the Committee on Naval Affairs. This is not all that we propose to offer to the Senate during the present session. This is a measure indispensably required to be at once adopted as a necessary means of preserving order and discipline on board the ships of the country, while we are deliberating upon a permanent and more enlarged system. We hope to report another measure during the session.

Mr. HALE. Then I have not a word to say in opposition to this bill. I shall not oppose it. I wish simply to say, very briefly, that while I have no objection to this bill, as a temporary measure, I do hope that at some early day the Committee on Naval Affairs will furnish us with a bill which shall be permanent, and embrace everything that ought to be embraced in a bill to promote discipline and good conduct in the naval service of the United States. In my judgment, such a measure should go a great deal further than this bill goes. And one of the first and most indispensable prerequisites to promote discipline and good conduct in the naval service of the United States, is to put the naval service upon an equal footing with the merchant service. If I am not mistaken, at this time the average wages of good sailors in the merchant service of the United States are at least twenty-five per cent. in advance of those paid to the highest class of seamen in the naval service of the United States. While this is so—while the merchant service pays twenty-five per cent. more than the Government, the merchant service will always have the best sailors, and the naval service will have the dregs and refuse. That is an indispensable prerequisite, if you mean to raise the naval service.

Another thing. You should hold out, by raising the pay of seamen, inducements to young men of the first character in the country to enter the naval service. And to do that, you must offer them a higher prospect of promotion than a mere

change of rating. Good conduct must have some higher reward than that holden out in this bill. There is another thing to be done, and that is, you must abolish the spirit ration. I have the experience of some officers in the naval service of the United States, who tell me that the spirit ration given to the sailors, is just exactly enough to keep alive in them an unhealthy appetite during the cruise; so that when they come into port, they have been disciplined and schooled by the Government in intemperance, just exactly enough to enable them to go on shore, and commit that which subjects them to the cruel punishments which they have to endure. In other words, you make them drunkards by law—you educate them to intemperance—you encourage them to debase and degrade themselves by the system to which you submit them, and then they are punished for it. I trust, with all deference to the Naval Committee, that they will take this view of the subject.

There are some other matters which I would like to see attended to. I do not know but that my suggestions may be considered absurd, but I wish that every ship which goes to sea under the flag of the United States should carry a well-selected and well-arranged library, by means of which every sailor disposed to inform himself, in the hours in which he may not be employed at work, should have the means at hand, by the aid of the Government, thus to improve his time. He should not be shut up by law, and the only possible excitement, physical or moral, the Government affords him is that which arises from taking the grog which you serve out to him. I think this is a suggestion which ought favorably to commend itself to the humanity of the Naval Committee.

There are many other things that I think ought to be done; and I hope that at an early day an earnest and serious effort may be made to put the Navy where it ought to be. I think this is due to the officers themselves. There are a great many naval officers throughout the country now living in the hope and expectation that the cat-and-nine-tails is to be restored. I think we owe it to them that we should record, by yeas and nays, on the journals of the Senate, what I have no doubt is the deliberate judgment of three fifths, if not of a larger majority, of this body, that it never can and never will be done. It ought to be settled by legislation that that is a fixed fact *per se*, that that thing never will be restored. When that is done, men and officers will conform themselves to the new state of things which they see about them. When such a bill as that shall be offered, I shall have something to say on the subject. I will not trouble the Senate now on that matter.

I wish to say, however, that I have some facts which I have gathered in detail from the reports of the Government upon this subject, by which I can show my honorable friend from Florida, [Mr. MALLORY,] that he is exceedingly mistaken, not only in the conclusions to which he comes, but in the premises from which he argues. One of them I will state at this moment for his especial edification. In the report which was read, I think from Mr. Engle, and one of those which the Senator from Florida gave in his speech, he mentioned that flogging on board vessels was confined to comparatively a very small number of the crew. I think he said, about twelve on board sloops, and about twenty on frigates partook of the flogging. I believe I am correct in that statement. I have looked over the returns of several of these vessels, and made somewhat of an analysis of them. I shall give to the Senate the result of one. The ship Columbus sailed out of the port of New York on the 23d of February, 1846, and returned on the 22d of February, 1849. That is a cruise of about three years; and we have only the returns of about eighteen months, or one half of the voyage. Four hundred and twenty-four floggings were administered during these eighteen months. If that number be divided between twelve or twenty men, it will give a pretty considerable portion for each. But I find that this administration of justice, though severe, was a little more equal. I find, by these

returns, that one man was flogged seven times; that four men were flogged five times; that eleven men were flogged four times; that twenty men were flogged three times; that fifty-seven men were flogged twice; and that two hundred and seventy-two took it once. Two hundred and seventy-two different men were flogged once during eighteen months, or half the voyage. If there was the same proportion throughout the whole voyage, there would have been five hundred and twenty-four different men who received that punishment during one voyage. There are details of other vessels which I have in my memorandum book, which go to establish the same fact—that there is a very great mistake as to the extent to which this thing has been carried on board of vessels. I will not trouble the Senate further at this time; but I hope at some early day to have an opportunity of addressing the Senate on the subject.

Mr. DAVIS. I wish to say a word. I am one among the number who voted to discontinue the practice of flogging sailors. I did not doubt then, and I do not doubt now, that some regulations are necessary in order to keep up proper and suitable discipline. I have been encouraged by the hope that something might grow out of some considerations like those which have been thrown out by the Senator from New Hampshire; that moral considerations to some extent, and that suitable rewards and suitable encouragements might be held out to men to maintain good character and good discipline on board ships. I am by no means certain that they would not be very greatly encouraged—and that it might not be done with great advantage—by rewarding men, in money if you please, for a course of good conduct long continued—by rewarding them in one of those various ways which are consistent with the discipline and best interests of the service. I rise at the present time mainly to express the hope that when this subject shall be under the consideration of gentlemen composing the Naval Committee, to whom it is referred, they will embrace in their examinations these considerations; that they will bring their minds to bear upon them, and that they will investigate the subject sufficiently to ascertain whether some such course of discipline as that may not be effectual in the Navy.

There are in this bill some pretty hard provisions, which are degrading in their character; but still; as there must be discipline in the Navy, and as men of large experience say that something of this sort is necessary, I shall reluctantly vote for this bill, but with the hope that a milder and more humane system may be introduced.

I think there is a great deal of misapprehension on this subject. It is nearly two years since we passed the act abolishing flogging in the Navy, and also in the civil marine. I live in a commercial community—in a State perhaps as largely engaged in navigation, in proportion to its population and various interests, as any State in the Union; and, as far as regards the mercantile marine, I have never heard a voice raised against it. I never have heard a word of complaint in the mercantile service in regard to it. I have yet to meet the individual who seeks for the restoration of flogging in that service. Now it seems to me that this is a fact that every gentleman can appreciate—that every gentleman can understand. It seems to me that the plain and obvious inference from it is, that the evil of a want of discipline for the want of power to control men by forcible means, is not so great as many gentlemen apprehend. But if gentlemen of experience in the public service still say that some power of this sort is indispensable to preserve good order and good discipline, I shall yield my views to them. I shall vote for this bill, and vote for it with the hope and expectation that the time is not remote when we shall come to a milder system.

Mr. CHASE. I regret the necessity I have felt myself under of saying a word in reference to this bill. I desired, indeed, nothing more than simply to place my name on record against a measure for which I cannot, in conscience, vote. The bill, as

originally reported from the Committee on Naval Affairs, seems to me liable to comparatively little objection. It institutes, however, a code for the government of the Navy which, in my judgment—inadequate, of course, for it is only that of a landsman—is sufficiently severe.

But I would consent, in deference to the judgment of the committee, and in deference to the judgment of others fully acquainted with the subject, to vote for the bill, with the single amendment of striking out the degrading punishment of "the ball and chain." It will be observed that this punishment is not to be inflicted at sea, but in port, where it is most conspicuous and most degrading.

The amendments which have been offered to this bill, and adopted by the Senate, are, in my judgment, anything but amendments. They are the reverse of amendments. They make that which was harsh and severe enough much more harsh and much more severe. One of these amendments authorizes the commander of any vessel in the Navy, or of any shore station, to punish offences without a court-martial, without investigation, but summarily, and upon his own motion; by diminishing the rations; by restricting the diet to bread and water; by imposing extra police, and other duties; and in case of theft, in addition to any one of these punishments, by making good from the wages of the offender to the owner the value of the article or articles stolen, and obliging the offender to wear for any time not exceeding ten days, a badge with the word "thief" thereon.

Passing over other punishments, I desire to direct the attention of the Senate especially to two. The first of these is the imposition of "extra police and other duties." How large a variety of punishments may be inflicted under this single provision, and how enlarged is the range of discretion which it confers upon the officer in command! It seems to me that it must strike any man who will reflect for a single moment, that it is a power too extensive, too arbitrary, and too dangerous to be granted. The other of these punishments to which I desire to call attention, is that of obliging the offender to wear a badge with the word "thief" thereon. The object of all punishment is reformation; at least the object of all punishment should be reformation; and it seems to me that to the other various punishments authorized by this act and this amendment, it is worse than superfluous to add a punishment which, in its nature, is so degrading and so dishonorable. Sir, a man may be attacked and degraded not by punishment inflicted on the body only, but on the spirit also; and in my judgment, the former is less humiliating than the latter. I cannot, therefore, concur by my vote in the adoption of a law which authorizes a punishment of this character.

And I would say to gentlemen who have professed themselves to be anxious for reformation in the Navy, that it is now, when a bill of this sort, containing provisions which many Senators deem essential to the discipline of the Navy, is under consideration, that they ought to propose the reforms they desire. They should not strengthen the hands of those who are in haste to inflict punishment, but slow to bring relief; who are ready to sanction all that is harsh, invidious, and dishonorable to the sailor, consoling him with the empty promise that at some future time, at some more convenient season, when the isommittee on Naval Affairs shall be quite at leisure to attend to it, some salutary provision will be introduced which may possibly benefit him. I should not have troubled the Senate with the remarks but for the necessity imposed on me by the refusal of the yeas and nays.

Mr. BADGER. I do not wish to go into any discussion upon this bill, for I am anxious that it should be passed as early as possible. I merely wish to make this remark—that as a man consists but of body and of spirit, if we are not at liberty to punish him through his body, it seems to me to be highly wrong to say that we should not punish him by assailing him in his spirit. I think, therefore, that there is nothing in the objection made by the honorable Senator from Ohio.

The question was then taken, and the bill was ordered to be engrossed for a third reading.

KENTUCKY DEAF AND DUMB ASYLUM.

Mr. UNDERWOOD. Before the special order is called, I ask the unanimous indulgence of the

Senate to introduce a little bill which is a matter of great consequence to the trustees of the Deaf and Dumb Asylum in Kentucky. I wish to have this bill before the committee as soon as possible. It is a bill to extend the time for selling the lands granted to the Kentucky Asylum for teaching the deaf and dumb.

Leave being granted, the bill was read a first and second time, and referred to the Committee on Public Lands.

COURTS OF THE UNITED STATES.

Mr. FISH. There is a small bill on the Calendar which I ask the indulgence of the Senate to have passed at this time.

The PRESIDENT. The hour for the consideration of the special order has arrived, and the Chair really cannot allow gentlemen to interpose other business—at least, not without the consent of the Senate.

Mr. FISH. This bill will not occupy more than five minutes, and it is a matter of importance in relation to the courts about to be held this month in the State of New York. It is Senate bill No. 78; a bill amendatory of an act entitled "An act to provide for holding the courts of the United States, in case of the sickness or other disability of the judges of the district courts," approved July 29, 1850.

Mr. BUTLER. If that bill is to pass at all, it is very important that it should pass now. I am sure there will be no objection to it. In order to bring the subject to which it relates to the understanding of the Senate, I will say that it is to amend a bill which is now in operation, and which thus far has worked well. From what I have learned of this matter, it appears that Judge Betts, of New York, had more business than he could attend to; and by an application of the bar, and with a view of facilitating the business, an act was passed providing that in case of the sickness or other disability of the judge, other judges should be allowed to take his place. This bill is only to extend the provisions of that act, and to allow the judges of the district courts of the State of New York to call in the aid of other judges. There are the judges of the district courts of the States of Vermont and New Hampshire, and some others, who have but very little to do, and might, when requisite, go to New York and do this business very well.

The question was then taken to postpone the prior order, and it was decided in the affirmative.

The bill was then considered by the Senate as in Committee of the Whole. It provides that the authority conferred by the former act (July 29, 1850) may be exercised by a circuit judge, or by the Chief Justice of the United States, as, in the said act directed, whenever, on the certificate of the clerk of the circuit or district court, under the seal of the court, it shall be made to appear to the satisfaction of such judge or chief justice, that the public interest, from the accumulation or urgency of judicial business in any district, shall require it to be done; and that the district judge so designated shall have and exercise the same powers within such district as if the district judge resident therein, were prevented, by sickness or other disability from performing his judicial duties; and that it shall be lawful in case of such appointment, for each of the said district judges separately to hold a district or circuit court at the same time in such district, and discharge all the judicial duties of a district judge therein.

No amendment being offered to the bill, it was reported to the Senate, and was ordered to be engrossed for a third reading.

THE COMPROMISE RESOLUTION.

The special order having been called, namely, the resolution offered by Mr. FOOTE, of Mississippi, in relation to the compromise measures,

Mr. GWIN. I believe, Mr. President, that the Senator from North Carolina [Mr. BADGER] is willing that the special order should be postponed to some future day, as there is a number of important bills which it is desirable should be proceeded with, in order that they may go to the House of Representatives if they are passed here.

Mr. BADGER. Immediately after I had moved an adjournment yesterday, several Senators intimated to me that they had bills here which they were anxious should be proceeded with and sent to the other House; and they desired that I would postpone my remarks on this special order to

some future day. I replied that it was of no consequence whether I spoke to-day or at some future time; and I will therefore move the postponement of this subject until this day week.

The motion to postpone was agreed to.

UNITED STATES COURTS IN VIRGINIA.

Mr. BUTLER. I hope that by the unanimous consent of the Senate, the bill to change the times for holding the district courts of the United States in the western district of Virginia will be taken up. It is like the other bill which we have just passed. It is simply to change the times of holding the courts, and it is important that it should be acted upon now.

The Senate proceeded to the consideration of the bill as in Committee of the Whole.

The bill embraces four sections, the first of which provides that instead of the terms now prescribed by law for holding the district courts of the United States in the western district of Virginia, they shall hereafter commence and be held as follows: At Wytheville on the 28th days of March and August; at Charlestown on the 8th days of April and September; at Wheeling on the 19th days of April and September; at Clarksburg on the 1st days of May and October, and at Stanton on the 20th days of June and November, in every year. Should any of these days fall on Sunday, the court is to be held on the next succeeding Monday.

The second section provides that all proceedings whatever pending, or which may be pending in said courts, shall have a day thereon, and be proceeded with and decided as if the terms of holding said sessions had not been altered.

The third section fixes the salary of the judges at \$2,500 per annum, payable as the salaries of other judges of the United States are now paid; and

The fourth section provides that the act shall commence and be in force from and after the first of June next.

The bill was reported to the Senate without amendment, and was ordered to be engrossed for a third reading.

NAVIGATION OF THE UPPER MISSISSIPPI.

The PRESIDENT. The next special order is a bill for improving the navigation of the Upper Mississippi.

Mr. JONES, of Iowa. I hope the Senate will pass that over, and take up the bill which was under discussion the other day making a grant of land to the State of Iowa for the construction of certain railroads.

Mr. GWIN. Move to postpone all the special orders and take up the Calendar.

Mr. JONES. Very well. I will move to postpone all the special orders and proceed with the Calendar.

The question was then taken on the motion to postpone all the special orders, and it was agreed to.

RAILROADS IN IOWA.

The Senate then proceeded to the consideration of "A bill granting the right of way and making a grant of land to the State of Iowa in aid of the construction of certain railroads in said State."

The pending question is on the amendment submitted some days since by Mr. UNDERWOOD, which was offered after the bill had been considered as in Committee of the Whole and reported to the Senate.

Mr. FELCH proceeded to address the Senate; and having spoken until the usual hour of adjournment without finishing, he yielded the floor at the request of several Senators. The report of his remarks will be found in the Appendix.

NON-INTERVENTION.

Mr. CASS. To-morrow was fixed for the consideration of the resolutions of the Senator from Rhode Island, [Mr. CLARKE.] I had an interview with him last evening, and I do not know whether he will be able to come to the Senate to-morrow. If he is not able to go on, with his concurrence, which I have already obtained, I shall ask the Senate to take up the subject, as soon as my colleague shall have concluded.

CENSUS PRINTING.

On motion by Mr. SMITH, by unanimous consent, it was

Ordered, That the amendment submitted by him to the

joint resolution to provide for the printing of the Returns of the Seventh Census, be printed for the use of the Senate.

BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

A bill for the relief of Mary W. Thompson;
A bill for the relief of John T. Sullivan;
A bill for the relief of Joseph Gideon;
A bill for the relief of John O. Means;
A bill concerning the sessions of the courts of the United States in the district of Delaware;
A bill for the relief of George Poindexter;
A bill for the relief of William Miller;
A bill for the relief of Ezra Williams; and
A bill making an appropriation in part for the erection of a light-house on Sand Key, Florida.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 3, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. L. F. MORGAN.

The Journal of Monday was read and approved.

INTERVENTION.

Mr. ANDREWS. I ask the unanimous consent of the House to introduce the resolutions of the Legislature of the State of Maine, in relation to Hungary and intervention.

No objection was made, and they were introduced, as follows:

Resolved extending an invitation to Louis Kossuth.

Resolved, That in Louis Kossuth we recognize a distinguished representative of freedom and constitutional liberty; and that His Excellency the Governor be requested to extend to him a cordial invitation to visit the capital of this State.

Resolved, That we tender to Louis Kossuth the assurance that we entertain a sincere sympathy for the wrongs of Hungary, and a deep detestation of the despotic tyranny of Austria, and the unwarrantable intervention of Russia.

Resolved, That we earnestly desire that the General Government of the United States may exert an influence, in some wise and proper manner, against all such intervention in future.

Resolved, That the Secretary of State be requested to communicate a copy of these resolutions to each of our Senators and Representatives in Congress.

Mr. ANDREWS. I desire their reference to the same committee to which the resolutions of the State of Alabama upon the same subject were referred.

The SPEAKER. That was the Committee on Foreign Affairs.

Mr. ANDREWS. I then move that the resolutions be referred to the Committee on Foreign Affairs, and that they be printed; which motion was agreed to.

On motion by Mr. PEASLEE, leave was granted to withdraw from the files of the House, for the purpose of reference in the Senate, the petition and papers of Jacob Gideon.

Mr. LANE, by unanimous consent, presented a certain memorial of the Legislative Assembly of Oregon; which was referred to the Committee on Territories and ordered to be printed.

Mr. CLARK. I ask the unanimous consent of the House to introduce a resolution which I deem of considerable importance.

The resolution was read for information, as follows:

Resolved, that the Committee on Military Affairs be instructed to inquire into the expediency of establishing an additional number of military posts on the overland route from the Missouri river to California, for the protection of emigrants and travelers, and that they report by bill or otherwise.

Mr. JONES, of Tennessee, objected to its introduction.

ASSIGNABILITY OF BOUNTY LAND WARRANTS.

Mr. JONES, of Tennessee, moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the special order; which motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORDS in the chair.)

Mr. HARRIS, of Tennessee, moved to take up the bills made the special order.

The CHAIRMAN. A motion for that purpose is unnecessary. They come up as the first business in order before the committee.

The CHAIRMAN. The special order is the

consideration of the joint resolution of the House, No. 1, and the Senate bill No. 146, explanatory of the act of September 28, 1850, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States." The Senate bill having been made a part of the special order, will, in the opinion of the Chair, take precedence.

Mr. FULLER. I ask that the bill be read.

The Clerk then read the Senate bill through.

Mr. CABELL, of Florida. Mr. Chairman, I desire to claim the attention of the House a short time.

Mr. JONES, of Tennessee. I ask the gentleman to allow me to inquire of the Chair, which bill is before the committee?

The CHAIRMAN. The Senate bill. They are both named in the same order.

Mr. JONES. I believe the rule is to read the first section now, and then it will be open for amendment, and the gentleman from Florida [Mr. CABELL] will be in order to address the committee.

The CHAIRMAN. The first section of the bill will be again read.

The first section was then read, as follows:

Be it enacted, &c., That all warrants for military bounty land, which have been or may hereafter be issued under any law of the United States, and all valid locations of the same, which have been, or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing, made and executed after the taking effect of this act, according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the warrant or location: *Provided*, That any person entitled to preemption right to any land, shall be entitled to use any such land warrant in payment of the same, at the rate of \$1 25 per acre, for the quantity of land therein specified.

Mr. HARRIS, of Tennessee. If the gentleman from Florida will allow me, I desire to inquire whether it would be in order to move an amendment to the Senate bill, to strike out all after the enacting clause and to insert the bill reported by the select committee of the House. My object is to get both propositions before the committee at the same time.

The CHAIRMAN. I suppose it will not be in order under the rules.

Mr. HARRIS. Does the Chair decide that such an amendment is not in order?

The CHAIRMAN. The Chair decides that it is not in order to substitute one bill for another when both bills are pending before the committee. It is not in order to move to strike out all after the enacting clause, and insert the House bill. Does the gentleman from Tennessee appeal?

Mr. HARRIS. I desire to get both propositions before the House at the same time. And as the Chair has ruled my motion out of order, I think I will take an appeal.

The CHAIRMAN. The question is this: The gentleman from Tennessee [Mr. HARRIS] moves to strike out all after the enacting clause of the Senate bill, and to insert the bill reported to the House from the select committee. The Chair decides, that as both bills are pending before the committee it is not in order to strike out one and insert the other. From that decision the gentleman from Tennessee takes an appeal. The question is, then, Shall the decision of the Chair stand as the judgment of the committee?

Mr. JENKINS. Is it not better to proceed and perfect the bill before the committee? and then, if it be desired, the gentleman can offer a substitute for it. Will not the gentleman derive all the benefit which he desires by offering his substitute after the bill before the House has been discussed and perfected?

The CHAIRMAN. The Clerk will read the 55th rule.

The 55th rule was then read, as follows:

"No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House."

Mr. STEPHENS, of Georgia. I suppose the ground upon which the gentleman from Tennessee rests his motion, is that the House bill and the Senate bill, as now before this committee, are the same in subject matter. They were both taken up by joint motion in the House to refer to this committee. Hence it does not come under the operation of the rule which has been read.

The CHAIRMAN. The Chair supposes, however, that two distinct bills cannot be under con-

sideration at the same time, although referred in the same order.

Mr. STEPHENS. The point of order will be, whether this committee can take charge of both of these propositions? It was only by the unanimous consent of the House the other day, that an order of the House was made by which both of these bills were entertained under one motion, and referred to the committee.

The CHAIRMAN. It is usual in such reference to say, that they shall be jointly considered. This order does not so specify.

Mr. FICKLIN. It seems to me, that there is another reason why the decision of the Chair is right, and it is this—

The CHAIRMAN. The question is not debatable.

Mr. FOWLER moved to lay the appeal upon the table.

The CHAIRMAN. It cannot be done in Committee of the Whole.

The question was then taken upon the appeal, and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. CABELL, of Florida. When the House was last in Committee of the Whole, we were entertained by a discussion between gentlemen from the Northern or Eastern sections of the Union, with some account of the action of parties in their region of the country. I ask the attention of the House now for a very few moments, while I speak of what has been done in another section of the country, which I deem to be of as much public interest as anything, perhaps, to which I can address myself.

Mr. JENKINS. Is it in order to discuss this bill without any amendment pending?

The CHAIRMAN. The Chair thinks it is.

Mr. CABELL. It will be recollected by the House, that during the progress of our organization, I amongst others expressed my surprise in regard to the action of the two parties, in preparing themselves for that organization, in their respective caucuses. I stated then, and I state now, that when I came to Washington, this winter, it was my expectation, from the opinions which had been so frequently expressed, the declarations so frequently made, and the pledges so frequently given, that the Democratic party of the North and the Union, when brought together here would adopt and recommend to the country an acquiescence in the compromise measures; and that the Whig party could not do so. I have always believed, that upon all general questions, dividing the two parties of the country, the Whig party has been the true conservative party, saving and excepting upon this question of slavery; and upon that they have run as wild as wild can be. I had observed, as I stated upon that occasion, that the Democratic party had been represented by more men upon the floor of the House of Representatives entertaining what I conceive to be sound and proper views of slavery and Southern rights than the Whig party. The mass of these two parties at the North I had never believed to be materially different. I believe the truth is, that they are about the same. But from some cause or other, the Democratic party has heretofore returned more men to the Congress of the United States who entertain views coincident with my own, upon this Southern question, than the Whig party. With these opinions, facts, and expectations, I avowed my purpose in the organization of the House, to act with that party which would stand by the Constitution of the United States and the rights of my section of country, and indorse the compromise resolutions. I thought the Democratic party would do this, but they did not.

My friend from Virginia, [Mr. MEADE,] during that discussion, suggested to me that I should avail myself of that occasion, or of some early occasion, to separate myself from the Whig party, and come over to the ranks of the Democratic party. Sir, the only alternative upon which I would ever be willing to pursue such a course—the only thing that would ever induce me to think of acting with the Democratic party—the only consideration for it, failed. I had been deceived by the representations of that party. I believed they had put themselves upon constitutional grounds, and I said that I would act with them, as I would act with any party that would pursue that course. But the very first action of that party in the opening of this Congress, was such as to violate that very principle upon

which alone I was prepared to act with them. Finding myself then in the unfortunate position of not being able to act with anything like cordiality with the great mass of the Whig party of the North, and not at all with a large portion of them, and failing, as the House will perceive, to find in the Democratic party the adoption of measures that would enable me to act with them, I thought there was yet one party in the country which we might trust. There has of late been established in the southern country what is called the Constitutional Union party—a party formed upon the very principles which I stated would have induced me to act with the Democratic party in the organization of the House, if the Whigs had refused to put themselves on the same platform.

I desire now to call the attention of the House to an article which appeared some time since in one of the leading Union newspapers in Georgia, the *Macon Journal and Messenger*, and also, to the succeeding action of the Union party in the Legislature of Georgia. Here is a long article which sets out with the proposition, that the time has arrived when the Union party of the South is to determine upon its action in reference to the presidential election. It goes on, then, to state that, in the estimation of the editor of that paper, the Union party cannot act with the Whig party, because they are swallowed up by the Abolitionists, but that they may act with the Democratic party. After taking this position, the article goes on to say:

"We say, then, that the Union men of the South ought to send delegates to the Baltimore Convention. It is the most effectual way to accomplish their design of saving and perpetuating the Union. Unless they do so, that Convention may lose its conservative character, and may bring forward a candidate who will be obnoxious to the South."

"There is at this moment a most singular coalition formed between the Abolitionists and Disunionists to control that Convention. No sensible man can close his eyes to that fact. Van Buren, Blair, Benton, and their Free-Soil coadjutors, are marshalling their forces at the North. Rhet, Commander, McDonald, and Quitman, are gathering together the scattered members of the coffin regiments at the South. These men, defeated in their late treasonable schemes, are now about to combine for the purpose of subsidizing and controlling the national Democracy. They will accomplish their purpose, too—unless defeated by a prompt movement on the part of the Union men of the South. Here, in our very midst, they are changing their names, repudiating their principles, and preparing to associate with what, a few months since, they termed 'the radical, rotten Democracy of the North.' Open Disunionists, who denounced Yankees, who refused to trade with them, or to admit them into their family circles, are now ready to embrace the 'sweet little fellow' of Kinderhook and the whole horde of his Abolition followers. Even the honorable Representative from the first district is found closeted with such men as Disney, of Ohio! Verily, coming events cast their shadows before."

"Now, we hope that the Union men of the South will send delegates to Baltimore for the purpose of breaking up this infamous coalition between the Abolitionists and fire-eaters—we hope they will send delegates there who will coöperate with the true Jackson Democracy—reaffirm the doctrines of the Georgia Convention—ingratiate the principles of the compromise upon the Baltimore platform, and bring out some such man as Mr. Buchanan for the Presidency."

"For ourselves, we honestly believe that this is the only way in which the country can be saved. If the Southern Union men remain out of that Convention, the compromise wings of the Democratic party—the true Jackson Democracy—will be overwhelmed by the combined power of the Van Burenites and Rhetites—a Free-Soil Anti-compromise ticket will be nominated—the slavery agitation will be reopened, and the Union will be lost."

"We throw out these hints for the reflection of our Union friends in the Legislature, and hope they will take some action in the premises before they disperse."

"Our Union friends in the Legislature" took the "hint," and passed resolutions recommending the Union party to send delegates to the "Baltimore Convention."

I will not detain the committee by reading the article any further.

Now, sir, if this paper speaks the sentiments of the Constitutional Union party of Georgia, I am to understand that that organization was perfected, not, as has been alleged, for the sake of the Union and the Constitution, but for the sake of the Democratic party. I was elected to this House as a Whig, not as a Constitutional Union man; but I was one of those who were disposed to favor that "organization." But in doing so, let me tell my honorable friends, the members of the Union party, that it was no purpose of mine that they should thereby convert me into a Democrat—and that seems to be their purpose, if this paper speaks the sentiments of the party, and the action of the Union men of the Legislature seems to justify the opinion that it does. Sir, I feel proud of the position that the party with which I have acted here-

fore has occupied before the country. I am a member of the Southern Whig party. I believe it to be the constitutional party—the true conservative party of the country, opposed to all mere abstractions of the South, and to Sewardism, Greeleyism, Van Burenism, and all the other isms of the North. I feel proud of belonging to that party, because, with few exceptions, the members of it are Union men, and as Union men we might, without surrendering any of our principles, act in harmony with the Union Constitutional party. It would be in accordance with the conservative principles of our party to abandon party names and party organizations to act with any man or set of men who, under a new organization, would contribute to the preservation of the Constitution and the Union. I was willing to go into such an organization, or to act with any party that would faithfully carry out its principles.

But I ask the attention of the House to the reasons which induced this editor to recommend that the Union party should send delegates to the Baltimore Convention. He says:

"The Union men of the South, in our opinion, can accomplish their purposes and establish their principles as effectually without a national Union organization as with it. They now control the States of Georgia, Alabama, Florida, Mississippi, Louisiana, Kentucky, Tennessee, Virginia, North Carolina, and Maryland. It is possible they might rally a majority even in South Carolina. The votes of those States are not sufficient to elect a President; but if thrown in one body into a national convention, they might secure the selection of a proper candidate whose election they would place beyond a doubt."

Now, I ask my Union friends why, with that declaration, they should determine to send delegates to the Democratic Convention, rather than to the Whig Convention? I believe they could control either, but I do not think they should be represented in either. I think I may pledge myself for the Whig party, that if the Union party should act cordially with them and go into the Whig Convention, the Whig representatives would do precisely the same as this editor says the Democratic party would do, and which they will not do, unless you go there to help to prevent them from disregarding the Constitution. I believe, from the indications which have lately been made, that the Whig party of the country may—and I hope it will be so, even without the aid of the Union party—put itself upon this constitutional ground and adopt the recommendation of the President of the United States, that the slavery agitation shall cease, and that the compromise of the last Congress shall be considered as final. I hope I may not be mistaken.

Until recently, as I have said, we had more sound men in the councils of our country from among the Democrats than from among the Whigs; and it may be true, as has been alleged, that there was more soundness upon this question in the Democratic party of the North than in the Whig party. But I believe that that state of things does not now exist. The gentleman from Massachusetts [Mr. RANTOUL] gave the House the reason the other day. They found it was a losing game. The Democratic party of Massachusetts, the gentleman told the House, has been laboring against heavy odds; all the wealth and the power and patronage of the State was against them; the Free-Soil influence was against them; and they were kept down. Well, they had no idea of submitting to that state of things any longer, so they turned round and bargained for, and bought up the Free-Soilers.

Mr. RANTOUL, (interrupting.) With the permission of the gentleman, I desire to say a word or two. Of course, if the gentleman quotes me at all, he intends to quote me correctly. I have not said that the Democratic party had turned round, or had bargained with anybody, or had done anything new to get themselves out of the position which they had been in for the last twenty years. I have described their position, and the Democratic party has still struggled under the same disadvantages. The course it has taken upon the point which the gentleman has been touching on, I intend to explain to the House at a convenient opportunity.

Mr. CABELL. I ask the gentleman whether he considers himself a Democrat?

Mr. RANTOUL. I am very happy the gentleman has put that question. I will answer it if he will allow me to do so. I answer it in this way—and perhaps there is no member upon this floor who can give the answer in a more decided man-

ner than I can: I have been nominated by the Democratic party over and over again for some years past, unanimously; the last nomination I received from that party was a unanimous nomination; it was given to me by the Democratic party, knowing my views upon the question to which the gentleman alludes, and after I had explained those views fully, in a speech since published, at the largest Democratic convention—called without reference to this question—ever held in the district. After that nomination, the trial came on; there was no choice at the first trial. At the second trial after that convention, I received the largest Democratic vote ever thrown in the district; after rejecting the votes of all those Free-Soilers who did me the honor to vote for me, it was still the largest ever thrown at that season of the year. That, I suppose, entitles me to consider myself in full communion with the Democratic party of the State of Massachusetts. If I am not a Democrat, there are no Democrats in New England. That is the necessary and the only inference.

Mr. CABELL. I do not desire a better illustration of the truth of what I have just said, that there is now going on a change in the public mind, as was once said by a distinguished gentleman in the Senate in regard to this question of slavery. We all know what are the opinions of the gentleman who has just spoken, and he tells the House that he received the largest Democratic vote ever given in his district. That is evidence of what is well known to be the fact, that in the State of Massachusetts the Democratic party, tired of being without office, as the gentleman told us the other day, were determined to hold out inducements to these Abolitionists to sustain them. They met in joint convention, nominated some Democrats and some Free-Soilers, elected their men, and ousted the Whigs; and the gentleman, entertaining the opinions which we all know he does, has been sent here by the largest Democratic majority ever given in his district.

Mr. DISNEY, (interrupting.) I was busily engaged in writing, and did not hear the gentleman, but I have been informed that near the commencement of his remarks, he took occasion to introduce my name as having been published in conjunction with the names of certain Abolitionists.

Mr. CABELL. I read it from a newspaper. I will send the paper to the gentleman, and he can read it for himself.

Mr. DISNEY. I have since, with the permission of the gentleman, had an opportunity to look at the paper, and the remark there made legitimately carries with it the inference that I am part and parcel of the Abolition party, or in some degree affiliated with them. Now I avail myself of this occasion to say that I never did in my life, either at home or elsewhere, sympathize in the slightest degree with the Abolition party. I never uttered a sentiment in relation to that party, either on the stump or in the Legislature of my State, but to denounce them. If the statement in that paper is a fair specimen of the intelligence of the people of that country, I do not wonder at any doctrine which the Whig party may adopt there.

Mr. CABELL. I presume the reason why the inference was drawn of which the gentleman from Ohio complains, is, that he expressed or intimated a willingness to vote for the Wilmot proviso for reasons stated at a former Congress, and that he voted against the fugitive slave bill in the last Congress.

Mr. DISNEY. And why did I vote against it?

Mr. CABELL. I do not know why.

Mr. DISNEY. If the gentleman will allow me, I will tell him why.

Mr. CABELL. I cannot be interrupted in this manner. I was proceeding to say—

Mr. DISNEY. I beg just to say that I voted against the fugitive slave law because it was not stringent enough, and because I believed, if passed, it would become a weapon in the hands of the Free-Soilers [laughter] for agitation.

Mr. CABELL. Then it seems the gentleman is more Southern than the South itself; and it seems very singular to me, that if he really entertains these sentiments he should have voted for the Wilmot proviso, and against a bill with which the Southern representatives were satisfied.

Mr. Chairman, there are a good many references which I desire to make to the action of parties in other States, but I cannot for want of

time. I will proceed. The coalition in Massachusetts is too palpable, and the position of the Democratic party too well established, to say more in reference to them. We all know what is the position of the Democratic party in the State of Ohio now, and what it has been for some time past. We know the principle upon which the present Governor was recently elected, although he has, in his last message, proclaimed sentiments which meet my approbation, so far as they go. But the Governor of Ohio was elected upon his declaration that "the fugitive slave law can never receive the voluntary cooperation of the people of the State of Ohio." That was the principle upon which he effected his election—opposition to the fugitive slave law. Now, I allude to this fact because a gentleman now occupying the chair, [Mr. OLDS,] in a recent speech, spoke of the peculiar Southernism of the Democracy of Ohio, as shown in this election and in other instances. Again, sir, the late Democratic Convention of Ohio passed a resolution declaring "that slavery is an evil which ought to be eradicated, and its extension prevented by all lawful means." We know that in that convention, held in the State of Ohio, this sentiment was avowed; and such has been the inroad of Free-Soilism upon the Democracy of that State that in a district lately represented by a distinguished member from Ohio, [Mr. Root,] a free soil Whig, whose anti-slavery opinions are well known, is now represented by a free soil Democrat, though, as I am informed, there was a decided Whig majority in the district. The coalition by which Mr. Chase was elected to the Senate is a matter of history. The fact is, Mr. Chairman, the Democrats have fairly outbid the Whigs in this State, as in Massachusetts; and as I heard an Ohio Whig complaining, "the Democrats have bought up or stolen most of our Whig free soilers." Well, sir, I am glad of it. I rejoice that the Whigs are getting rid of them, and I hope the Democracy will make better use of them than the Whigs did.

Mr. GIDDINGS. I hope the gentleman will allow me to correct him. I know he intends to state his positions correctly. But I will state to him, that in some portions of the State to which he has made allusion, the Democrats have bought up the Whigs. If he will examine the recent political history of that State, he will see that in one portion of the State the whole Whig party were found voting for a Democrat and the Democratic ticket, and that ticket was elected. And that district, which was formerly a strong Whig district, is now one of the strongest Democratic districts in the State. So it seems that the Democrats have bought both the Whigs and Democrats, [renewed laughter.]

Mr. CABELL. This only confirms what I have said. I have not time to allude to coalitions in other States, with which we are all familiar. Now to return to this Constitutional Union party, or rather, I should say, the Constitutional Union Democratic party. I ask the gentlemen of that party why it is they come forward now and seek to force a union with the old Democratic party? What is the position of the great mass of the Democratic party at the South upon the questions upon which the Union party was formed? Their position is directly at war with the principles of the Constitutional Union party. The position of the Whig party of the South cannot be mistaken. It has been clearly defined by their declaration of sentiments, given here and elsewhere, by the votes which have been given by those gentlemen on all occasions upon this floor. They have almost uniformly declared for the Union and the compromise. In this connection I beg to call the attention of the committee to a certain paper which was signed by a good many members of the House of Representatives and a few of the Senate, during the last Congress of the United States. That paper shows the opinion of the two parties in relation to those questions upon which the Union party was formed:

The undersigned, members of the Thirty-first Congress of the United States, believing that a renewal of sectional controversy upon the subject of slavery would be both dangerous to the Union, and destructive of its object, and seeing no mode by which such controversy can be avoided, except by a strict adherence to the settlement thereof effected by the compromise acts passed last session of Congress, do hereby declare their intention to maintain the same settlement inviolate, and to resist all attempts to repeal or alter the acts aforesaid, unless by the general consent of the

friends of the measures, and to remedy such evils, if any, as time and experience may develop; and for the purpose of making this resolution effective, they further declare that they will not support for the office of President, or of Vice President, or of Senator, or of Representatives in Congress, or as member of a State Legislature, any man, of whatever party, who is not known to be opposed to the disturbance of the settlement aforesaid, and to the renewal in any form of agitation upon the subject of slavery.

Henry Clay,	Howell Cobb,
C. S. Morehead,	H. S. Foote,
Robert L. Rose,	William Duer,
William C. Dawson,	James Brooks,
Thomas J. Rusk,	Alex'r H. Stephens,
Jeremiah Clemens,	R. Toombs,
James Cooper,	M. P. Gentry,
Thomas G. Pratt,	Henry W. Hildard,
William M. Gwin,	F. E. McLean,
Samuel A. Eliot,	A. G. Watkins,
David Outlaw,	H. A. Bullard,
C. H. Williams,	T. S. Raymond,
J. Phillips Phenix,	A. H. Sheppard,
A. M. Schermerhorn,	Daniel Breck,
John R. Thurman,	James L. Johnson,
D. A. Boker,	J. B. Thompson,
George R. Andrews,	J. M. Anderson,
W. P. Mangum,	John B. Kerr,
Jeremiah Morton,	J. P. Caldwell,
R. I. Bowie,	Edmund Deberry,
E. C. Cabell,	Humphrey Marshall,
Alexander Evans,	Allen F. Owen.

This paper is, in substance, a pledge to stand by the principles laid down by the Constitutional Union party, and by the measures known as the Compromise measures. The pledge was circulated in the last session, and has appended to it, I believe, the name of every Southern Whig in this House except the gentleman from North Carolina, [Mr. CLINGMAN,] and his colleague, [Mr. STANLEY.] But there was not a single Democratic member who was willing to put his name upon that paper, except the distinguished gentleman now Governor of Georgia, and late Speaker of this House; and in the Senate, but four gentlemen signed it.

In this connection, let me say to my Union friends, how different has been the course of the Southern Whigs upon the subject heretofore, and how different is the course which they have laid out for themselves for the future. The Whigs of Georgia gave their cordial support to Hon. Howell Cobb, and I rejoice that they did so. We—and I say we, because I am a member of the Southern Whig party, and as such interested in this matter—have pledged ourselves to carry out the resolutions of your Union Convention. Yet you will not act with us—you will not vote for a Whig though he should put himself upon the records as a Union man; but you wish to carry us along, Whig and Democrat, into a Democratic convention—composed in part of those who have expressed their opinions upon this subject adverse to your own, and who are closely allied to those who have been making war upon our institutions at the South.

Another reason why, it seemed to me, the Union party, if they expressed any preference, should not have expressed it so decidedly in favor of the Democratic party, is, that in the organization of this House at the commencement of the present session, the Whig party met in caucus and passed a resolution by which they pledged themselves to sustain the compromise measures of the last Congress, and by which they declared that those measures were the best which could have been adopted under the circumstances. That resolution is in these words:

"Resolved, That we regard the series of acts known as the Adjustment measures as forming in their mutual dependence and connection a system of compromise the most conciliatory, and the best for the entire country that could be obtained from conflicting sectional interests and opinions; and that, therefore, they ought to be adhered to and carried into faithful execution, as a final settlement in principle and substance of the dangerous and exciting subjects which they embrace."—*Resolution of Whig Congressional Caucus, December 1, 1851.*

This, sir, is the very principle on which the Union party was formed. The Democratic caucus refused to adopt any such resolution. Now, gentlemen of the Union party, in the name of common sense, and in the name of fairness and justice, why is it that you should attempt to connect yourselves with the Democratic party, which has refused to adopt your resolutions and sustain your principles, and refuse to unite with those who have adopted those resolutions, and who have pledged themselves to act with you?

The present Whig President, (Mr. FILLMORE,) in his message, has said:

"The series of measures to which I have alluded are re-

garded by me as a settlement, in principle and substance—a final settlement—of the dangerous and exciting subjects which they embrace."

And the Secretary of State, Mr. Webster, has also said, in his letter to the Union meeting in Westchester:

"The President's message, at the opening of the present session of Congress, expresses fully and plainly his own and the unanimous opinion of all those associated with him in the Executive administration of the Government, in regard to what are called the adjustment or compromise measures of last session."

Now, sir, why, under these circumstances, was it that the Union party determined to select the Democratic party with which to act, and to ask us Whigs to go along with them?

Sir, my opinion is, that a "change is now going on in the public mind" at the North, among the Whig party, favorable to the South, and I have deeply regretted, as a Southern man, to see the disposition manifested by Southern Democrats to sneer at every indication of returning sound sentiment among the Whig men of the North. For my part, sir, I rejoice, and I have ever rejoiced to see any man, Whig or Democrat, at the North, coming back to a sound, constitutional view of the rights of the South. I have expressed by approbation at the views set forth in the last message of the present Democratic Governor of the State of Ohio, although they are entirely at variance with those he expressed before his election. I expressed my gratification at the election of the Democratic Governor of Pennsylvania, though it is known that, as a member of the State Legislature of that State, he voted for the anti-jail law of Pennsylvania. He voted for that law depriving the people of the South of the use of their jails for the purpose of confining their fugitive slaves. But he has changed his opinion, and I give him credit for it. I rejoice at his election, though David Wilmot was run on the ticket with him and elected a Judge by the Democratic party. And why is it that we hear gentlemen sneering and attributing it to the most selfish and unkind motives, when a gentleman of the Whig party of the North shows a disposition to depart from that former unsound position?

How often have we heard the most unkind and disparaging allusions made to the present position of the Secretary of State and the Governor of New York, and of other Northern men who now act so much in opposition to opinions heretofore entertained and expressed.

After the gentleman from Ohio, [Mr. TAYLOR,] who I do not now see in his seat, had made the patriotic speech which he did a few days ago, upon this floor, I could not but be surprised at the feeling of gratification which seemed to exhibit itself in the faces of many Southern gentlemen, when his colleague [Mr. OLDS] replied in a tone of invective and sneering, because he had had the manliness to vote for the fugitive slave bill.

Mr. MEADE. I openly expressed my gratification at the stand taken by the gentleman from Ohio [Mr. TAYLOR] at the time; and it is obvious that every Southern man must have felt gratified by it. I should like the gentleman to point out a Southern man who was not gratified with that position.

Mr. CABELL. The gentleman misunderstands me. I said I was surprised at the gratification with which the remarks made by the gentleman from Ohio, [Mr. OLDS,] in reply to the manly and patriotic speech of his colleague, [Mr. TAYLOR,] was received. But, inasmuch as that gentleman is not now in his seat, I shall forbear to make any further allusion to the subject.

Mr. MEADE. That gentleman voted for the fugitive slave law.

Mr. CABELL. That is quite a mistake. The gentleman did not vote for the fugitive slave law. I have shown a sufficient reason why the Union party of the South should not go into convention with the Democratic party.

The paper from which I have read, and which recommends the sending of delegates to Baltimore, gives the most conclusive reason why this should not be done. I refer to that part in which the coalition between the Southern Democrats and the Abolitionists is alluded to. Now, my opinion is that the Union party has nothing to do with either of these conventions. I think they have no right to send delegates to one or the other. But I have shown a reason why, if they send delegates to either of them, there is certainly as much reason

for sending them to the Whig as to the Democratic Convention. I have already expressed my surprise at the action of the Union party in the State of Georgia; and I am still more surprised at the action of certain gentlemen who were elected to this House upon the principle of an entire separation from both the great parties of the country. When they arrive at the Congress of the United States we find some of these gentlemen going into the Democratic caucus; affiliating with Disunionists of the South and Abolitionists of the North; and when that caucus rejected their compromise resolution, voting for its nominees.

I am told by some of the gentlemen who occupy this position, that the Whig party, after passing these resolutions, nominated no candidates for the various offices of the House. But, sir, I would be glad to know how it is that gentlemen thus standing and representing the Union party, could bring themselves to act with or on the Democratic Committee of the great National Democratic party in the late meeting held by them in the city of Washington, in connection with the gentlemen who composed that committee? Will it not sound strange to the Union party South to find the names of Mr. Thomas Bartlett, of Vermont, (Free-Soiler,) associated with that of Jos. W. Jackson, (Southern Rights), John G. Freeman, (Union,) and Robert W. Johnson, of Arkansas, (Southern Rights)?

Mr. JACKSON (interrupting) was understood by the Reporter to say that he had been nominated by the regular State-Right Democratic party of his State, and not by the Union party.

Mr. CABELL. As to the gentleman from Georgia, his position is not even doubtful. He is not one of those obscure individuals, whose position is not known to this House as well as to the country. My remarks were addressed to the Union men. I find members elected by the Union organization—

Mr. FREEMAN, (interrupting.) As the gentleman has directed his remarks to the Union Democrats, I have to say to him, I was always a Union Democrat; was nominated by my district because I was a Union Democrat; and I came here to represent that principle and no other, so far as that is concerned.

Mr. CABELL. I understand the position of the gentleman. He was elected as a Union Democrat. He was elected in direct opposition to the position occupied by my friend from Arkansas, his associate on this committee.

Mr. JOHNSON, of Arkansas, (interrupting,) made a remark inaudible to the Reporter.

Mr. CABELL. Mr. Chairman, I will make no allusions to any individual again. [Laughter.] The position of the gentleman from Arkansas is that which is the position of the whole Democratic party.

Mr. JOHNSON. I would not say a word here, were it not a fact, that I was nominated by a Democratic Convention, and as a Democratic candidate, with a full knowledge of all the positions I have taken here.

Mr. CABELL. We all know the position of the gentleman from Arkansas, and he will excuse me—

Mr. JOHNSON, (interrupting.) The gentleman from Florida—

Mr. CABELL. My remarks were not addressed to your section of the Democratic party.

Mr. JOHNSON. You spoke my name.

Mr. CABELL. I retract the name. [Laughter.] I have only to say, that if this is to be the end of this Union organization, then I, as one who, though elected as a Whig, have given all the aid I could to strengthen the organization and to induce the Whigs of my State to abandon their old party organization and unite themselves with this, which purported to be the party of the Constitution. But if a Democratic gentleman, elected by this Union organization, were to come to the Congress of the United States and act with the Democratic party in their primary meeting for calling their convention, and to go into that convention, we in Florida would be very apt to hand him over to the tender mercies of the "fire-eaters." I shall not pretend to say what their Whig associates in Georgia and Mississippi should do. I do not know what others may do, but I say, as a member of that party, I would do more to defeat the election of men who occupy that position than I would of the gentleman from Arkansas, [Mr. JOHNSON,] or my friend from Virginia,

[Mr. MEADE,] or North Carolina, [Mr. VENABLE,] or any of those gentlemen who have been *ultra* in what they deem a defence of Southern rights. They have deceived no one.

I have thus hastily stated my views in regard to what I believe to be an abandonment of the principle on which the Union party was formed. I trust that the course recommended by the Union men of the Legislature of Georgia will not be adopted by the Union party of that State.

Mr. Chairman, I venture to predict, that when these Union men go to that Baltimore Convention, they will find themselves in the position they were in the organization of this House. Those resolutions will be offered, and they will be voted down, and some man whose opinions are not clearly defined before the country will be nominated, and they will acquiesce. This is my opinion as to what will be the result of this whole thing.

By going into this convention they violate the principles upon which they originally based their organization. They will go further, and do what I have just now stated. They will nominate some such man as William O. Butler, of Kentucky, a man whose opinions are not known, except that he has happened to own some slaves, and who will be sustained by Van Buren & Co., as a Southern man with Northern sentiments, and by the Southern Rights men as one of themselves. I will never give my support to a man whose position is not definitely and clearly known.

A Voice. You supported such a man in 1848.

Mr. CABELL. Yes. But if I can be forgiven for that, I will never do the like again. I beg my Union friends, and all Southern men, not to commit the same error the Whigs committed during the last presidential election.

I repeat, sir, and I think this should be the position of all men who love this Union, that before any man should be nominated for the Presidency, or sustained by the South, his opinions should be clearly spread upon record. Nothing, I think, could be so unfortunate for the country as a recurrence of the incidents of the last presidential election.

On this point I believe the Southern Whig party is nearly undivided, and the whole country should understand their position. The South should not, and will not, countenance any efforts of this sort to attempt to conciliate the Abolitionists of the North, by concealing the opinions of the candidate they are called upon to support. I wish that position clearly laid down by the members of both parties. But I believe that a scheme is now on foot by the members of the different divisions of the Democratic party, to nominate a man whose position is undefined, and who will enable the party to keep up the slavery agitation. I wish to call the attention of the country to it, in order that the people themselves may speak upon this point. I find the gentleman from Massachusetts, [Mr. RANTOUL,] who has recently addressed the House, and other gentlemen from the North, and gentlemen from the extreme South, expressing their determination to stand by the platform of 1844 and 1848. That, they say, will satisfy them. All these—Abolitionists, Disunionists, and Free-Soilers—are willing to stand upon that old rotten platform of 1848, by which they will be enabled to nominate a man whose opinions have not been expressed, and are not known. They will, at the North, represent him as an Abolitionist and a Free-Soiler, and coming down to the South, represent him as a true *bona fide* Southern man. We find these gentlemen now acting in concert with the Van Buren and the Benton class. Mr. Benton has recently published a letter in which he expressed the opinion that the Democratic party should go into convention upon the resolutions of 1848, and nothing more, as has been recommended by Southern as well as other Northern gentlemen.

Mr. Benton says, in defining "the Democratic ground in relation to slavery:"

"Adhesion to the Baltimore platform of 1848 is another point on which I hold you to be right, and the Nullifiers wrong. That platform contains the Democratic ground in relation to slavery. The Nullifiers wish to ingratiate upon it a new dogma, which was expressly, and almost unanimously, rejected by the convention which framed it, namely, that Congress has no right to legislate upon slavery in the Territories. This dogma, like all the doctrines of the school to which it belongs, is of modern invention, and only invented for the purpose of multiplying chances to find pretexts to resist the laws of Congress, and for flying off into that new confederacy which is to consist wholly of slave

States, and to be christened "*The United States South*." The Democracy take the Baltimore platform as it was agreed to—not as it was not agreed to—still less as rejected—and above all as attempted to be interpolated by the dregs of the party which made the effort, and so miserably failed in it at Baltimore."

Mr. Benton objects to any addition to that platform of '48, which my Union friends are willing and anxious to adopt, for the reason, he says, that such additions tend to express the opinion "that Congress has no right to legislate upon the subject of slavery in the Territories." He is for the resolutions as they are, though they justify the doctrine of the Wilmot proviso. Here I find men, extreme in their Southern opinions, willing to go into that convention and adopt the resolutions of '48, and willing to stand by them. I ask how can Southern Rights Union men act with such an association as this? And how can constitutional Union men join such an association?

But we are told that we must nominate somebody and vote for somebody. Well, sir, my choice, as an individual member of this House, and as a citizen of the United States, is for the present President of the United States. I have never hesitated to express my opinion, that I am in favor of the election of Millard Fillmore for the President of the United States. I think the country is more indebted to him than to any other man living, for the peace and quiet we enjoy. And I believe there is a moral obligation resting upon the South, especially Southern Whigs, and indeed on all compromise men, to stand by Mr. Fillmore for a reelection to the presidency. We all know the agency he had in quieting the slavery agitation, and we know, too, that without his aid, those measures would not have been passed. I can understand how Southern-Rights men and Disunionists can vote against him. But it seems to me that men who desire the peace and quiet of the country, and are in favor of the compromise measures, as a final settlement of the exciting topics embraced in them, are bound to rally around and support Mr. Fillmore, for no man has done so much to preserve the peace and harmony of the country, and to preserve the union of these States. In sustaining him they sustain a great principle.

Now, I understand that Mr. Fillmore is not to be a candidate for the Presidency. I do not know how that is. I need not say that I shall deeply regret his withdrawal, and I am sure I speak the sentiments of nineteen twentieths of the Whigs of the Southern States when I say he, of all men, is the man they desire to see elected to the next Presidency. If Mr. Fillmore is compelled to withdraw because he cannot receive the votes of Northern Whigs, I cannot but regard it as an evidence that that portion of my party has resolved not to respect the constitutional rights of my section of the Union. In such a case I shall feel myself all at sea; a regular outsider.

I have shown that, in the present position of affairs, cooperation with the Democratic party is out of the question. The Union party has abandoned the principles on which it was formed, and unless the Northern Whigs change the position they have hitherto occupied, I, as a Southern Whig, never can and never will act with them. It would be with great difficulty that I could ever bring myself to support a candidate for the Presidency who is cordially supported by the distinguished Senator from New York, [Mr. SEWARD.]

I hear gentlemen say that the Whig party will probably do what I have said I would condemn in the Democratic party, and that their convention will nominate a man occupying the position of General Butler, and I have been asked what would be my course in such a case? General Scott occupies just the relation to the Whig party that General Butler does to the Democratic party. Would I support him? I answer unhesitatingly, No. I will not support him, but will do all in my power to defeat the election of any man who, in such times as these, withholds his opinions from the public.

Of this distinguished man I will say, that I regard him as the greatest captain of the age, and that I believe no man has ever lived who has achieved so much and been so little rewarded or appreciated. My personal relations with him are such that, individually, his election would be more acceptable to me than that of any other man in this country; but, sir, in his present position, I cannot and will not give him my vote for the Presidency; and in speaking thus, I think I express

the sentiment of the Southern Whig party. Unless he will do what the country have a right to demand of him—spread his opinions upon the record, in characters so plain that he who runs may read—he cannot be supported by them. General Scott, individually, is entitled to the support of all compromise men. I happen to know during the last Congress, the opinions he entertained on these questions. Whilst acting Secretary of War subsequent to the death of General Taylor, and previous to the formation of Mr. Fillmore's Cabinet, he exerted his personal influence to the utmost to effect the passage of the compromise measures.

But I, and Northern gentlemen who know his opinions upon that subject, should know that the whole Whig party of the South will demand something more clear, determinate. We insist that our candidate shall express his opinions to the country, or that the nominating convention shall take the responsibility of doing so. We do not want a man to stand in the position that in the North the Abolitionists can say he occupies their ground, and in the South that he advocates the Southern principles.

Mr. HIBBARD, (interrupting.) One question as to a matter of fact. I understand the gentleman to say that he is in favor of the reelection of Mr. Fillmore for the Presidency.

Mr. CABELL. I cannot yield to the gentleman.

Mr. HIBBARD. Only a word.

Mr. CABELL. I cannot. My time is very short. As to General Scott, notwithstanding my high admiration of the man, notwithstanding the friendly relations existing between us, I will not do what I believe the Democratic party will do—take a man without any exposition of his principles. Here let me say, that it is almost, if not entirely, too late for this gallant soldier to do himself justice, to extricate himself from the false position into which the acts of designing men have inveigled him. The American people may say, as did the French to Louis Philippe, it is "too late." He has put it off too long. He has allowed himself to remain too long in a false position, and it may be now too late for him to remedy the error, and consequently the injury he has done himself. I think I can say with confidence, that he, as he now stands, cannot receive the support of a respectable portion of the Southern Whig party. In his present position, if nominated by the Whig party for the Presidency, I do not believe that in my State he would receive fifty votes; and I am quite sure that he would not get the electoral vote of one Southern State. I have been told by some gentleman, that, even in his present position, he would receive the vote of Kentucky if nominated, but I do not believe it. I appeal to the gentlemen from that State to bear me out in the declaration I now make, that no man will receive the Whig vote of that State who does not come out clearly, manfully, and decidedly, and put himself upon the record—who does not define his position in such a manner that there can be no mistaking it. What the Democrats will do I know not. They may go for Butler or some other *man candidate*. I may make the same declaration of Tennessee.

Mr. POLK. The gentleman need not be uneasy. General Scott never will receive the vote of that State.

Mr. CABELL. I have no uneasiness. I ask gentlemen from Kentucky and Tennessee to correct the statement I have made here, if I am wrong.

I repeat, sir, the Southern Whigs are determined, so far as they are concerned, that no man shall be elected President of the United States whose opinion is capable of misrepresentation. If a man is in favor of the settlement of these questions, in the name of common sense, why does he not come forward before the world, and put himself upon the record and say so? In that way all doubt would be removed. We will hold him liable to the imputation of double-dealing, and of desiring to pander to the fanatical abolition sentiment of the North. Let Northern Whigs clearly understand this fact. I assure them there is no mistake about it.

I regret that the time allotted to me will not permit me to say more on this point. But it is, perhaps, enough to have stated the proposition. I have deemed it due to the people of this country, that the opinions of aspirants for the Presidency should be clearly understood. I have introduced

this discussion now, that gentlemen representing the various parties of the country, and the friends of the numerous aspirants to the Presidency here, may enlighten the people on questions of such general and vital interest. Let the people have light, and they will see to it that none but a good man of some party shall be elected President. Should the politicians of neither party have the moral courage, and sense of justice, and propriety to spurn from its bosom the Free-Soil faction, the people will take the matter into their own hands, and a third party, planting and maintaining itself on the Constitution, will be called to preside over the destinies of the Republic. My purpose is to elicit debate; and seeing other gentlemen anxious to address the committee, I yield the floor.

Mr. MURPHY. Mr. Chairman, I did not expect to enter into any political discussion at this time, nor shall I do so to any considerable extent; but I feel it to be due to myself and to the party to which I belong to make a few remarks in reply to the gentleman from Florida. I differ, I apprehend, in one respect from the gentleman from Florida, [Mr. CABELL,] and that difference is this: He has heretofore, as I understand, been a member of the Whig party, and I have heretofore been a member of the Democratic party. I come here now a member of what is called the "Union Party," and from the gentleman I understand he comes here in the same character. He says that he, however, has never understood until now that that party was formed with the purpose of carrying out the principles of the Democratic party. I, just like the gentleman, have never understood that the party was formed for the particular purpose of carrying out Whig principles. That party is composed of Whigs and Democrats.

The gentleman asked why they are going to the Baltimore Convention? They are going there to see whether the Baltimore Convention will adopt the principles for which they contend, and for which I have always contended; and I have contended that the principles upon which the Union party of Georgia is formed are not repugnant to the principles of the Democratic party. Their determination to sustain and prevent interference with that institution so intimately connected with the South is nothing more nor less than the Democratic party has always determined when they made it a part of their platform. Non-intervention upon the subject of slavery was the doctrine of the American people. When they say now that Congress has no power to legislate upon the subject of slavery, to inhibit it from the Territories belonging to the United States, that they have no power to abolish it where it is, nor carry it where it is not, they sustain the principles upon which the Union party of Georgia is formed, and upon which they now stand. I say, if the Baltimore Convention will do this, they will sustain the position of the Union party of Georgia; and we are willing, so far as the indications go, to unite with that convention for the purpose of trying the experiment. Will the gentleman fall out with us for endeavoring to do that which he wants to do himself? What is the objection to going to Baltimore? If the principle can be carried out there, although not in the words of the Georgia platform—if they recognize the principle, will we not have accomplished the object for which we united, and will we not be consistent with the position we have heretofore occupied? But the gentleman says, why select that convention? Because the action in Georgia tells him. They tell him there that they believe the Democratic party North will be more likely to recognize the principles for which we contend than the Whig. If the gentleman is anxious these principles shall be sustained, why object to their going there to try the experiment? Why not as well go there as to the convention of the other party? I say I am willing to see the principles of the Georgia platform sustained, and have promised to stand by them no matter who may adopt and carry them out.

The gentleman and myself are at issue upon another point. He prefers the man for the Presidency above all others that I do not. That is another difference between the gentleman and myself; and I tell him, if the Union party should think the Whig party would be more likely to sustain and carry out the principles we consider of importance and vital to our very existence, I should not be the first man to rise and say, that I object to going there, when I had not time to see

the worst—to know that was not the proper place for carrying out our principles. I say it is right. If we, by going there, can do so, I for one shall be proud that the party did go there, provided they determine to do so.

Mr. CABELL, (interposing.) Will the gentleman from Georgia allow me to ask him a question? The gentleman from Georgia and myself agree as to the object we have in view. I have expressed the opinion, that if the Democratic party nominate a man who will stand in the position I have occupied for the last twelve months, and the Whig party refuse to nominate such a man, I will give my support to the Democratic candidate. Now, I ask the gentleman from Georgia, will he put himself upon that ground? Will he say, if the Democratic party meet in convention, and adopt those unmeaning resolutions—the double-faced resolutions of 1848, nothing more, and the resolutions of 1798, perhaps a little more definite, and refuse to take the position which the Union party of Georgia occupies, while the Whig party should adopt the Georgia platform, in substance, will he vote for the Whig candidate, and against the Democratic candidate?

Mr. POLK. They have other sins to answer for.

Mr. MURPHY. I have just stated, and I repeat it, that we organized upon the principle of the Union party of Georgia, and that that principle is proclaimed to the world. I say now, that I will vote for no man who is opposed to it against a man who is in favor of it.

Mr. CABELL. The gentleman does not answer my question. Will he vote for a man if he is a Whig, who is with him, against a Democrat who is not with him? Will he vote for the Democrat or the Whig? Suppose the Whig Convention should put itself upon the Georgia platform, as I suppose it will, and the Democratic Convention should not, will you, as a Union man, vote for the Whig candidate and against the Democratic candidate?

Mr. MURPHY. I thought I had answered that question distinctly. He asks me now, if I understand him, if the Whig candidate of the convention puts himself in substance upon the Georgia platform, and the Democratic candidate does not, whether I will vote for the Whig candidate or not. I am willing to be catechised upon all political subjects. When I was put in nomination for the seat which I have now the honor to hold, I proclaimed everywhere in the canvass that I was a Democrat; but it was unnecessary to tell them that; everybody knew it. I said then that I acted with the Whigs because I agreed with them upon the issue which was then before the country; and I looked upon it as paramount to all others which had divided us before. I took particular care to say upon all occasions that those who had charged me with turning Whig had misunderstood me; that my political opinions upon all former issues had undergone no change.

Now, I say to the gentleman, if the old Whig doctrines were up, and the Democracy in opposition to them, his candidate was a Whig, and in favor of a United States Bank, of a protective tariff, of a distribution of the proceeds of the public lands, and against the Sub-Treasury; in short, if he was in favor of all the doctrines I had opposed and believed to be wrong, he would have to be more than in substance on the platform before I could vote for him.

Mr. GORMAN. That will answer very well.

Mr. MURPHY. While this question is up, I desire to ask the gentleman a question; and I want an answer. Why does he object to make the experiment at the Baltimore Convention, before he knows whether they will succeed there or not? What is his objection? I ask.

Mr. CABELL. I thought I had answered that question. I understood that the Union party of Georgia was separating itself from all parties; and it was assumed there, that neither of the old parties occupied a position with which the Union party could agree, otherwise there was no necessity for forming this Union party. That was the reason which induced Whigs to go into this new organization, and similar reasons influenced the Democrats who joined it.

There are Whigs in Georgia who occupied the same position that the gentleman does to his party. It would be just as reasonable for these Whigs to ask their Democratic associates to go with them

into a Whig Convention and vote for their candidate because of their party affiliations, as for Union Democrats to ask the Whigs to go into the Baltimore Convention. Therefore I say, that you should send delegates to neither convention. I assume it to be the duty of the Union party to have no connection with either of these parties, until they have acted. When they have acted, then you can take a position. Your party was formed upon the principle that you were to separate from both of these parties. The gentleman will bear me out in this: that the object of the Union party was to separate from both of the old parties—form a party upon the principle of this great Union question—the compromise question; and therefore there was an impropriety in asking Whigs who had shown a willingness to separate themselves from their party, to go into a Democratic Convention, because they had concluded both parties were wrong. That is the reason you should not ask Whig men who are as good Union men as Democrats, and Democrats as good Union men, as Whigs to go into convention at Baltimore or Philadelphia.

Mr. MURPHY. I will not detain the House long, but I desire in a few words to give the gentleman the reasons why I am willing to go to the Baltimore Convention, for I confess I am willing to go there, and I am only willing to go there with the party with whom I now act. I believe it is their duty to go there, and I am glad to see they think so, from present indications. I propose now to give the gentleman the reasons why I make this declaration. I am not going into a discussion upon this subject with the Abolitionists at this time. We know there are a great many Abolitionists in both parties, and we know that they contend against the principles upon which we have organized. We know there are others opposed to debating the principles elsewhere. Here I would remark, for fear I may forget it, that I have never said I would not go with either of the old parties. My position during the canvass was, that I would go with the party that would carry out the principles upon which we were organized, and for which I was then contending. Now the reason I am willing to go to Baltimore is this: We know there is an opposition to us there, and we know, too, that we have friends there. We know there are men there who will be with us; and I say if by going there and acting with them, we can counteract the influence of those who are opposed to us, and put the party upon principles that are right and correct, we shall have achieved that which determined the principles of the Union party in Georgia. Is there any objection to taking that course and making that experiment? I hear gentlemen say here, almost all of them, that the compromise is looked upon as a final settlement. They are willing to say it everywhere, except in convention, and I cannot for my life see why any man, who is willing to say it here, should not be willing to say it there. If it is a settlement, why not say so, and act upon it as a settlement, and not keep up the agitation amongst the people upon the subject? I am not saying that I am wedded to the Democratic party. I say this: I say I am wedded to all the principles heretofore contended for by that party. I have acted upon them, and I have said I believed they were right. I did not say it because I was a partisan. I said it because I believed it, and I never expect to place myself in a position where I shall be compelled to condemn that position. I suppose my friend is in the same condition. If I can remain in the Democratic party without a sacrifice of the principles of the Union party, I am willing and anxious to do it without any concealment. I am not willing to go with that party, or any other party, as the gentleman seems to intimate, at the sacrifice of any feelings and principles of the Whig members of the Union party who are now connected with me. But in the Georgia movement, of which the gentleman complains, there were Whigs and Democrats—men upon whose opinions I could rely, and their opinion was, as expressed in the resolution, that our principles will be more likely to be carried out there than they would be with the Whig party. Hence it is that they have determined to make the experiment. If the party take any other course—if I can agree with it when it lays down its position, and I presume I shall, I shall be found sustaining the principles of the party with which I now act. I would not be willing to vote for the great Cap-

tain. I differ with the gentleman in that respect. It may be that he has entertained principles different from what I understand he now does upon the subject of slavery, and I therefore make no declaration as to what I may hereafter do. I only intend to say, his great captain would not be my particular choice. I intend to lay down a preference for no particular man. I am willing to vote for the man who places himself upon correct principles, and pledges himself to carry them out. Let that man be whom he may, to that I hold. I could not say that I would vote for this man, because he was called a Democrat, or that man, because he was called a Whig; and my opinion is, that the time for forming a National Union party is past. The indications are now all against it, and I ask, if it be so, whether the Union party of Georgia are to stand still in a position where they can do nothing, rather than act with those with whom they can agree, and where they can do much? I have made these remarks hastily, not intending to say anything upon the subject; but feeling myself called upon, by the remarks made against the action of the State which I have the honor in part to represent, and by way of explaining the action of the party who have sent me here, I have submitted these remarks, and will now conclude, thanking the committee for their indulgence.

Mr. McMULLIN. I do not rise for the purpose of making a political speech, as has been done by the gentleman from Florida, [Mr. CABELL,] upon a bill which has for its object the granting of mere authority to the soldier to transfer his land warrant. I think, with due deference to the gentleman from Florida, [Mr. CABELL,] after all the long speeches I have heard delivered in the House of Representatives, and elsewhere, that this is the most unpropitious bill upon which to make a political speech.

I have not risen for the purpose of replying to the gentleman from Florida, or of making a political speech; but I desire to call the attention of the committee to the subject-matter now under consideration. What is it? Why, it is a bill which has for its object to permit the soldiers who received bounty land warrants, under the act of the last Congress, to transfer those warrants. I take occasion to say, that there is no subject which has been before this Congress, or which will come before it, in which the poor soldier feels more interest than he does in this little bill. And yet the gentleman from Florida gravely gets up here, and upon this bill, of all others, predicates a political speech, and attempts to read political lectures to the two great political parties of the country, and also, at the same time, alludes to this lately-formed, new-fangled, piebald, third party, composed of factions of all parties, and misnamed "the Union Party."

Mr. DISNEY. With the permission of the gentleman from Virginia, I desire to say a word or two of explanation purely of a personal character, which I should have said when the gentleman from Florida [Mr. CABELL] was up had it not been for his obvious impatience to proceed with his remarks. That gentleman took occasion to allude to the fact that I did not vote for the fugitive slave law of the last Congress. I told the gentleman at the time, and I repeat it now, that the reason why I did not vote for that law, was because it was, in my judgment, defective, and would not accomplish the objects for which it was designed, but would be a weapon in the hands of the Free-Soilers. The chairman of the committee who had that bill in charge, called for the previous question upon it. I urged him to withdraw the call, to enable me to offer amendments that would put the bill in a shape that would accomplish, as I thought, the desired object. He refused to do it, and as I did not choose to have the bill crammed down my throat in that defective form, I determined to vote against it, for I apprehended then, what has since proved to be true, that the bill, in its present shape, would be an instrument of agitation in the hands of the Free-Soilers of the North. I make these remarks to set myself right before the country, and right before the members of this House, and the record will bear me out in what I have said.

Mr. CAMPBELL, of Ohio. I desire to ask my colleague a question.

Mr. McMULLIN. Really, I am so good-natured that all my time will be consumed. [Laughter.]

Mr. CAMPBELL. I do not wish to make a

speech. I merely wish to inquire of my colleague, whether he is opposed to any modification of the fugitive slave law?

Mr. DISNEY. I will answer that question categorically. I am. And why? Because the people of the country generally having agreed to the settlement of this matter, though I believed it to be defective, I am willing to submit to it. Is my colleague answered?

Mr. POLK. How are you now, Mr. CAMPBELL? [Laughter.]

Mr. CAMPBELL. I will vote to modify, or repeal the law. Are you answered?

Mr. POLK. Will the gentleman from Ohio [Mr. CAMPBELL] allow me to put an interrogatory to him?

Mr. CABELL. The gentleman from Ohio [Mr. DISNEY] addressed himself to me, and therefore I ask permission to say a word or two.

Mr. POLK. Will the gentleman from Virginia [Mr. McMULLIN] allow me to propound an inquiry to the gentleman from Ohio? [Mr. CAMPBELL.]

[Loud cries of "Order!" and great confusion in the Hall.]

Mr. McMULLIN. I cannot yield the floor to so many gentlemen, but I give way to the gentleman from Tennessee to ask his question.

Mr. POLK. The gentleman from Ohio [Mr. CAMPBELL] has asked his colleague, the Representative of the Cincinnati district, [Mr. DISNEY,] if he is opposed to any alteration or modification of the compromise acts of 1850; and that gentleman replies that he will oppose any such modification. I now propound to the gentleman furthest from me [Mr. CAMPBELL] this question: Will you, sir, vote to open up the discussion of the agitating question of slavery? Will you vote to amend, modify, or change any part of the compromise measures?

Mr. CAMPBELL. I take great pleasure in answering the question which has been propounded to me. I think I can say with safety that I have taken no steps since the organization of this Congress to agitate again the question of slavery, but—

Mr. POLK. I demand a categorical answer to my question. [Laughter.]

Mr. CAMPBELL. I shall not yield anything to a demand of that sort. I have not said that I am in favor of an agitation of that question here at this particular time. I have not said that I am in favor of agitating it here, because I know enough of this House, from the experience of the last Congress, to be aware of the fact that agitation upon that subject in this House, in these days, is attended with no practical good. Now, as to the other question, the gentleman desires to know whether, if a vote of this House should be taken upon a proposition to modify the fugitive slave law, I would vote to modify it? I answer him, without any equivocation or circumlocution, that I would so vote, because, whilst I admit the full force of the constitutional obligation in relation to fugitives from labor, I believe that the details of the law are unjust and oppressive. I believe that the day will come, and that, too, before long, when the public mind will require a change—when Southern statesmen, whose minds are not so blinded by prejudice as to prevent their distinguishing right from wrong, will themselves rise up here and propose a modification of that law.

Mr. POLK. Now, will the gentleman from Ohio permit me to ask him another question?

Mr. CAMPBELL. As many as you please, sir, if it takes up the whole day, provided the gentleman from Virginia will allow me time enough to answer them.

Mr. POLK. I have not the pleasure of sufficient acquaintance with the gentleman to know, and therefore I desire to ask him whether he is a Whig or a Democrat?

Mr. CAMPBELL. I believe there is a difference between Southern Whigs and Northern Whigs, as there certainly is between Southern Democrats and Northern Democrats upon the question of slavery. So far as I am concerned, I think my political opinions have always been perfectly understood in my own State; and I should be better understood were I to inform the gentleman what principles and measures I advocate, but this is no time for that. I have always been regarded there as a Whig. I have always been nominated when a candidate as a Whig. I have always advocated

the measures which are called Whig measures in Ohio. I have always voted the Whig ticket throughout my whole life, without a scratch, except in the presidential election of 1848, when, for the first and, as I trust, the last time, I "dodged," and did not vote at all. But, Mr. Chairman, I rose a while ago to propound an interrogatory to the gentleman from Florida.

Mr. POLK. Stop, I have not done with you yet.

Mr. CAMPBELL. Nor have I done with you, sir. I desired, as the gentleman from Florida [Mr. CABELL] (who is now so strenuously in favor of committals and platforms) will well remember, in the National Convention at Philadelphia, to have the opinions of the candidates spread upon the record. That gentleman will also remember that, notwithstanding almost the entire portion of that Convention from the North desired it, he was one of the chief actors in yelling down those who advocated an unequivocal expression, and, I may say, to some extent in stifling an expression of the true sentiments of that body. I think, therefore, that it comes with a very bad grace from him now to say that he requires the platform to be distinctly laid down.

Mr. CABELL. I have but a single word to say, and that is, that I was not a member of the Philadelphia Convention.

Mr. CAMPBELL. If you were not a regular delegate there you were brought in as an outsider, and I know used all your influence to prevent the passage of any resolutions.

Mr. POLK. The gentleman from Ohio has answered my questions, if I understand him correctly, first, that he would vote to repeal or modify the fugitive slave law.

Mr. CAMPBELL. Understand me, that I admit the full force of the constitutional provision, and would vote for a law on the subject of fugitives from labor; but I am against the unjust details of the present law, and when the time comes for voting I will so record my name.

Mr. POLK. I wish you to be distinct, if you please. I do not wish to misapprehend you, and therefore I ask the question again, provided you will not make a long speech in reply.

Mr. CAMPBELL. If the gentleman intends to dictate to me the terms or the manner in which I shall answer his question, I will not answer it at all. I understand as well as he does what is due in courtesy from one member to another, and I shall endeavor to maintain my dignity as well as my rights.

Mr. POLK. Unless I have misapprehended the gentleman, he says that he belongs to the Whig party; that he has always been nominated by and voted with the Whig party, and that he stands in his own district in high estimation as a Whig. I now ask him, is it an element in the creed of Whiggery that that fugitive slave law shall be repealed, modified, or amended?

Mr. CAMPBELL. I have not said whether I stood high or not in my own district. That is for others to speak of, not for me. I do not come here for the purpose of answering for all the Whigs in my State, nor will I answer for all the Whigs in my district, nor for all the Democrats of my district, for I will freely admit there is a diversity of opinion among them. A very few are for the law as it is; but most of them, of both parties, are for a modification or a repeal. I answer now for myself, and myself alone. My opinions, however, are well known and understood in my district and State. The gentleman from Tennessee, [Mr. POLK,] if I understood him, desired that I should not make a long speech. I do not intend to make one; but I wish it to be distinctly understood, that in no instance, since the opening of this Congress, have I proposed to renew the slavery agitation here, or to reopen the "bleeding wounds." And let it be remembered, that no Northern man has yet introduced the vexed question into our debates. All this agitation comes from the South.

I have only risen for the purpose of answering, as I think I have answered, very directly, the questions propounded by the gentleman from Tennessee, [Mr. POLK.] Whilst I acknowledge the full force of our constitutional duty in regard to fugitives from labor, still I believe the details of that law are iniquitous, oppressive, and unjust. That is my opinion; and whenever I am called on to give my vote, I shall vote in accordance with

that opinion: for I know of no principle of moral philosophy by which I could justify myself in voting against a law which is *right*, or for a law which is *wrong*. And I believe that a majority of the people of Ohio, of all parties, take a similar position.

Mr. McMULLIN. I have no doubt, that if I have done nothing else, I am entitled to the grateful acknowledgments of the gentlemen who have availed themselves of my courtesy to make general speeches out of my time.

Now, I must be permitted to express my surprise, as I also do my regret at the course of remarks submitted by the gentleman from Florida, [Mr. CABELL.] That gentleman informed this House, that he had taken an oath of allegiance by subscribing his name to that memorable pledge gotten up by the members of the Thirty-first Congress. My friend on my right says a second declaration of independence. The gentleman from Florida seems to pride himself upon the fact, that he was one of the signers of the second declaration of independence. But that gentleman went further. He said that there was not a single Southern Democratic member of the House, who signed that paper, except the gentleman from Georgia, Mr. Cobb, now the Chief Executive of that State. And why? I ask the gentleman from Florida, emphatically, why the Southern Democrats did thus refuse to take the pledge? I will answer for these Southern Democrats. I will answer for myself, as a humble member of the Democratic party. I desired no additional testimony to go to the people whom I had the honor to represent, either of my attachment to the Union or the Democratic party. The gentleman from Florida, though a son of Virginia, yet I fear, like some other sons of Virginia who have emigrated from her shores, has degenerated from the spirit of a true Virginian. I tell you, gentlemen, those associated with me upon this floor as Virginia Democrats, do not need the testimony of such pledges to our constituents, in order to assure them of our fidelity to the Union and the Constitution.

Mr. CABELL. The gentleman from Virginia says that he and his associates from Virginia are too well known to need any pledge or any declaration of sentiment upon this subject. Now, it happens that in the last Congress the delegation from Virginia was nearly equally divided upon all these questions upon which this pledge was made. I most respectfully ask that gentleman what is the true Virginia doctrine? for I find one portion of that delegation advocating one side of these questions and the other portion advocating another. I ask that gentleman, what is the true Virginia doctrine?

Mr. McMULLIN. I will answer with a great deal of pleasure, and I thank the gentleman for the interrogatory. The true Virginia doctrine is a strict construction of the Constitution of the country. [Laughter and applause.] I hope my friend from Florida will make such a declaration and stick to it. If he will, I will be with him. He says that upon the subject of the compromise the Virginia delegation were divided; and so they were; but they were not divided upon the great cardinal doctrines. If they were divided, how did that delegation act? They acted like statesmen and like men. They acted like friends of their country. And how was that? Why, we did not choose to make war on each other. But we acted upon the principle which I would recommend to the favorable notice of the party to which the gentleman from Florida belongs, as well as to some gentlemen who bear the cognomen of Democrats. It is a principle embodied in the poetical adage of Dr. Franklin:

"If we to the follies of our friends are blind,
Our friends will ever treat us kind;
But if we their follies expose,
Our friends will then become our foes."

I tell the gentleman from Florida that Virginia politicians have as their polar star a strict adherence to the Constitution of our country; and I tell that gentleman further, that the old Democratic party proper—the real Jeffersonian, Jacksonian, Hunker Democratic party—have been, as they now are, the real Union party of the country—the real friends of the Union. And because we have differences among ourselves; because some of my honorable colleagues and myself differ in reference to these compromise measures, is that any good substantial reason why we should come over and vote with the party to which the

gentleman from Florida belongs? Mr. Chairman, I address myself to a body composed of men—men of sense—men of discriminating minds; and I beg to call their attention for a moment to this inquiry: Of whom is the Whig party composed? Who are its members? Go back to 1840, and what were its principles then? I ask the gentleman from Florida to tell us what were the principles of the Whig party then? Why, they were "Tip and Ty, log cabins, coon skins, cider barrels," and all that sort of flummery. [Laughter.] Sir, it was a disgrace. Aye, sir, it was a reflection upon the character of the American people! Where was the gentleman from Florida in the campaign of 1844?

Mr. CABELL. I was too young then to take part in it.

Mr. McMULLIN. My friend was a young man, but I suspect he knew how to sing some of those songs. I knew him well when a boy, and he was from one of the first families of Virginia. [Great laughter.] He left his native State, a very promising young gentleman, but I dare say when he arrived in Florida he felt too young to enter actively into that campaign. But I dare say he learned some of those songs out of that memorable "yaller kiver" book. [Laughter.] I desire that the gentleman from Florida shall inform his constituents—for if I understood him his speech was not made for the purpose of enlightening the House of Representatives upon the bill now under consideration, but for Buncombe—for his especial constituents—what were the principles of the Whig party in 1844? If I had the time and disposition to call the attention of the House and the country to the principles of that party, I think I could show that their principles had become obsolete. But I come back to the question to which I desire to call the attention of the House and the country, viz: the division in the Virginia delegation. How, I ask, would my friend from the Norfolk district, [Mr. MILLSON,] or my friend from the Lynchburg district, [Mr. BOGGER,] or any of my colleagues who differed with me upon these compromise measures, look, if they were to take counsel from the sage statesman from Florida, and vote with the Whig party for President—for the kind of play now seems to be that of making Presidents instead of attending to the ordinary legislation of the country. I ask the gentleman from Florida, how he could expect either of my colleagues to vote with him and the Whig party—a party with which they have no sort of identity, or union of feeling, or interest whatever? They do not agree upon any one political question. But if my colleagues differ with the Whig party upon every one of the items composing their political creed, can they be expected to abandon the Democratic party, or to abandon the nominee of the Democratic party, because, forsooth they happened to differ from their Democratic brethren upon a party question? Now, I ask gentlemen of this House, as intelligent and discriminating men, whether the gentleman from Florida or the Whig party have the right to expect that the Democratic party, whether Union Democrats, or, as gentlemen sometimes call them, the fire-eating Democrats, can coöperate with the Whig party, with whom they differ from A to Z? No, sir.

But the gentleman from Florida was pleased to say some other singular things. He charged, or rather attempted to make the impression upon the country, that the Democratic party, in the organization of the present Congress, had admitted into their legislative caucus the Free-Soil Democrats. Ah! I wonder if there were no Free-Soil Abolition Whigs in the Whig caucus? Why does not the gentleman tell his dearly-beloved constituents how many there were in his caucus? It will not do to tell tales out of school, and the gentleman is too well taught in his political school to tell tales.

Mr. CABELL. I thought this matter was gone over fully the first day of the session. The proceedings of that caucus were published, and are well known to the Whigs of the country. I say now to the gentleman from Virginia, as I said then, and as was said by others, that there are Free-Soilers who have acted with the Whig party, and there are Free-Soilers who have acted with the Democratic party. It was announced to the House then, and I say now, that Free-Soilers were in our caucus; but when they found that the Whig caucus were about to do what the Democratic caucus had failed to do, they left us, and

refused to have any further affiliation with the Whig party. They retired from the caucus, and the resolutions were passed. These resolutions were introduced by the gentleman from New York, [Mr. HAVEN,] and were adopted by a large majority of the Whigs—the Northern Whigs elected to this House, and all the Southern Whigs which were there, voted for them as a matter of course.

Mr. McMULLIN. The gentleman from Florida [Mr. CABELL] tells the House that the Abolitionists withdrew from the caucus. If they withdrew, how many were left in the caucus? There was not a baker's dozen. But the gentleman from Florida has very adroitly, but, I think, not liberally, attempted to make the impression upon his constituents—for which purpose his speech was made—that the Whig party is not identified with the Abolition party. I ask the gentleman if he has forgotten the various votes and declarations and answers made by Mr. Fillmore, the now President of the United States, upon this slavery question? Has he forgotten the votes of Mr. Fillmore by which he recognizes the Abolition doctrines to the fullest extent? And has he forgotten that the great Daniel Webster—I suppose he is a Whig—said upon the Wilmot proviso, that it was his original thunder? Has not Mr. Webster so declared? And yet, in the face of this declaration, the gentleman from Florida [Mr. CABELL] gets up and attempts to make this House and the country believe that the Democratic party are all real Abolitionists. I have so much respect for the gentleman from Florida, and for his integrity and high talents, that I regret that he has come down and acted the part of a common court-yard politician. [Laughter.] I regret, Mr. Chairman, that it has been the policy of the Whig party to attempt to gull and bamboozle and mislead the people in reference to this cry of "Union!" "Union!" and to make them believe they are the only Union party. It is a slander upon the dead and the living. The Democratic party have ever been regarded, since the foundation of the Government, as the true Union party. I could go back and call your attention, if I had time, to facts which would bear me out in the declaration. But it is unfortunate that, instead of the ordinary legislation of the country—and many of the citizens of our country are suffering, greatly suffering, for the want of legislation—that everything is made to bend to President making. The gentleman from Florida—whether the leader of his party or not—has led off to-day, and I could have advised him to have saved his thunder for a more proper occasion, and to have waited until the resumption of the consideration of the President's message, when it would be a fit occasion for all gentlemen who have been nursing their wrath to pour it out upon the heads of their political adversaries. That would be a more suitable occasion for such a purpose than this, when the poor soldiers, many of whom are suffering for the want of the passage of this bill, and to which I beg leave to call the attention of the committee for a few moments.

I have received letter upon letter from my constituents appealing to me to get the House of Representatives and the Senate to pass this bill, if it is possible. Sir, that meritorious class of your citizens consider that they have been greatly aggrieved and injured by the invidious distinction drawn between the soldiers of the Mexican war and the soldiers of the preceding wars. It was an invidious distinction; and at this period of the session we ought to have taken up this bill and passed it; and if explanations were to enable us to pass it, those gentlemen who have made themselves familiar with the subject would have explained it—instead of taking the extraordinary course which has been pursued. Let me ask the gentleman from Florida a question. Suppose—and I presume there are members upon this floor as anxious to please their constituents as the gentleman from Florida—suppose the two hundred and thirty-three members of this House should imagine they must get up and make a political speech upon this little bill for the benefit of the poor soldier, what would become of it? You would not have time to pass the appropriation bill or the civil and diplomatic bill. And I hope—while I do not mean to set myself up as a sort of general lecturer, but the gentleman from Florida being somewhat peculiar, having hailed originally from Virginia, I thought I could take some liberties in dealing rather gently

with him—that this very modest lecture which I have taken the liberty of reading to the gentleman from Florida may be regarded by others.

Mr. CABELL. I have merely to say I feel very much indebted to the gentleman for the lecture, coming from so reverend a source; and I am one of those who have been so long acquainted with the gentleman from Virginia, who has reminded the House that he was an acquaintance of mine when he was a member of the Virginia Legislature, and when I was quite a small boy, in the city of Richmond. I am an admirer of his, and have observed his course, and I have observed that scarcely a day passes that he does not undertake to enlighten this House upon some subject; and the members of the House will bear me out in saying there is hardly a day passes in which the honorable gentleman does not speak either for Buncombe, or Little Tennessee, or for the House and the country. But I think it is but once before, since the House met, that I have occupied two minutes of their time. I have now availed myself of this occasion, because I thought it was necessary that I should place myself right before my constituents in regard to important political movements—I say, I have just now availed myself of this occasion for that purpose, and for the first time followed the example of the very venerable Representative from the State of Virginia; and I ask the gentleman to do me the justice to say that I have not departed from his advice except upon this one occasion.

And I will further state, that I am as anxious as he or any man can be, for the passage of this bill; and I have heretofore refrained from addressing the House, with a view of enabling them to expedite action upon it; but being aware that there were several gentlemen around me who were desirous of making political speeches, in no manner relating to the question before the House, I availed myself of the privilege usually allowed.

Mr. COBB. Will the gentleman from Virginia [Mr. McMULLIN] allow me to make a motion?

Mr. McMULLIN. I cannot yield for such a purpose.

Mr. COBB. I want to profit by your admonition. I suggest that a motion be made that the committee rise, with a view to adopt a resolution to close debate, at some time, say to-morrow at two o'clock.

[Cries of "No!" "No!" "No!"]

Mr. COBB. And then you will get the floor and finish your speech. If we do not do so, we shall never get through with the discussion.

Mr. McMULLIN. I assure the gentleman from Alabama, that it is my desire to have the vote taken upon the bill as soon as possible. I hope the gentleman from Florida [Mr. CABELL] will pardon me for saying that I have no doubt of the sincerity of all he has said, and I thank him for having told the House and the country, that I have attempted, almost every day, to enlighten the House and the country. But that question I will not debate, but refer to the records of the House. If the gentleman from Florida will give some little evidence of repentance for his political sins, and also by coming over upon the Democratic side of the House, I would say, Go forward, brother; give in your adhesion to the Democratic faith; sin no more, and we will take you under our charge.

Mr. BISSELL. Mr. Speaker—

Mr. McMULLIN. I have not yet yielded the floor.

Mr. BISSELL. The gentleman has so many endings, that I hope he will excuse me for not knowing when he has ended. [Laughter.]

Mr. McMULLIN. Certainly, certainly.

I desire that this bill shall pass, and that speedily. The interest of a large proportion of my constituents is suffering for the want of its passage. I know the fact that there have been great sacrifices made for the want of the passage of a law like this. Persons have attempted to violate the late law, or disregard it, by making sale of land warrants and depending upon the veracity of those who sold them not to interfere with the contract. Pass this bill speedily, and you will confer a great favor upon the soldier, who is entitled to the sympathies of the House and of this country. I hope when the President's message shall be again up for consideration, that both the gentleman from Florida [Mr. CABELL] and myself will have the privilege of defining our positions generally, and that of the respective parties to which we belong.

I tell the gentleman from Florida, much as he supposes that I have attempted to enlighten this House and this country, that when that subject comes before this House, I will claim my privilege to be heard. Whether or not I have trespassed upon the time or patience of the House, is a question to be settled between my constituents and myself. I have an overfondness for talking, and when it becomes necessary for me to talk or say something, in my humble way, in reply to attacks, such as have been made by the gentleman from Florida [Mr. CABELL] to-day, I shall do so regardless of consequences.

Mr. HARRIS, of Tennessee. I move that the committee rise, with a view to offer a resolution closing debate upon the question under consideration.

The question was then taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order of the House, being Senate bill 146, entitled "An act to make land warrants assignable, and for other purposes," and that it had come to no conclusion thereon.

Mr. HARRIS, of Tennessee. I offer the following resolution:

Resolved, That all debate in the Committee of the Whole House upon the state of the Union, on the bill of the Senate, (No. 146,) entitled "An act making land warrants assignable, and for other purposes," shall cease at one o'clock on to-morrow, (if the committee shall not sooner come to a conclusion upon the same;) and the committee shall then proceed to vote on such amendments as may be pending, or offered to the same, and shall then report it to the House, with such amendments as may have been agreed to by the committee.

Mr. CAMPBELL, of Illinois. I move to strike out "to-morrow at one o'clock," and to insert "to-morrow week at one o'clock." I would inquire of the Chair whether that amendment is debatable?

The SPEAKER. It is not.

Mr. POLK. Is the resolution now susceptible of amendment?

The SPEAKER. A proposition of amendment by the gentleman from Illinois is now pending.

Mr. POLK. I hope the gentleman from Illinois [Mr. CAMPBELL] will withdraw his amendment and substitute to-morrow at three o'clock. I am opposed to the resolution as originally introduced. If the time is fixed for to-morrow at one o'clock, the morning hour will be consumed. I desire to explain the action of the Democratic caucus.

The SPEAKER. The Chair must remind gentlemen that debate is not in order.

Mr. POLK. I then call for the previous question.

Mr. HOUSTON. I wish to have the order of the House by which this was made the special order, read, for the purpose of ascertaining whether the resolution in its present form is really in order. I understand the special order to have been to include not only the Senate bill, but also the House bill upon that subject. If the House has so ordered, is it competent for the House to divide that special order and make two of it? I inquire whether the resolution should not include the bill of the House as well as that of the Senate? I make this suggestion with a view of preventing any difficulty that may grow out of it. I hope the mover of the resolution will so modify it as to include both bills.

Mr. HARRIS. If it is in my power I will do so. I desire to have the debate closed upon the whole subject.

The SPEAKER. The gentleman has the right to modify his resolution.

Mr. HARRIS. I will so modify it that debate shall cease upon both propositions—the bill of the Senate as well as that of the House.

The SPEAKER. The modification will be made.

Mr. JONES, of Tennessee. I will suggest to my colleague another modification, which will be, that debate shall close upon both of these bills two hours after their consideration shall again be resumed in the Committee of the Whole on the state of the Union.

Mr. POLK. I rise to a point of order. I moved the previous question, and would like to know whether any motion is in order in the face of that call?

The SPEAKER. The gentleman has a right to modify his resolution before action is had.

Mr. POLK. If the demand for the previous question is made?

The SPEAKER. Yes, sir.

Mr. BISSELL. I wish merely to suggest that this is a Senate bill, which has not been considered in a committee, nor discussed in the House. I say we are closing debate upon it too soon. The bill requires a little explanation, and unless the mover of the resolution adopts the suggestion of the gentleman from Tennessee, to close the debate two hours after we go into committee, I shall feel constrained to move to lay the resolution upon the table. This bill requires explanation. I hope the gentleman will accept that modification.

Mr. HARRIS. I wish only to consult the sense of the House, as to the time when this debate shall cease in the Committee of the Whole. I have no choice as to the particular hour; and as several gentlemen around me suggest the propriety of modifying the resolution so as to close debate two hours after the committee shall have resumed the consideration of the subject, I will so modify it.

Mr. CAMPBELL, of Illinois. There was a resolution offered here to which I offered an amendment, and to my amendment, I believe, there was another amendment made. There the matter, I think, should stop. I was told I had no right to discuss this subject, notwithstanding which, motions have been entertained, and subjects discussed, ever since I offered my amendment.

The SPEAKER. The Chair had no design of doing the gentleman injustice.

Mr. CAMPBELL. I am well aware of that. I am only speaking with regard to the action of gentlemen, and desire to suggest to the Chair the position which this resolution now occupies. I might be permitted to say that I am not tenacious about prolonging the debate for a whole week. I would be willing to fix any reasonable time for the consideration of this subject, and particularly for the consideration of the Senate bill, which has never been before the House nor any committee. It is an important subject, and I do think the opponents of the bill should not check this matter at once. I will fix any reasonable time gentlemen are willing to agree upon, that we may have some opportunity of discussing the merits of the bill as it is now before us. I move to strike out "in two hours after the committee shall resume their consideration," and to insert in lieu thereof "on Thursday next, at two o'clock."

Mr. POLK. I insist upon my call for the previous question.

Mr. JONES, of Tennessee, demanded tellers, upon the second; which were ordered; and Messrs. JONES, of Tennessee, and CHANDLER were appointed.

The House was then divided, and the tellers reported—ayes 78, noes 45. So there was a second, and the main question was then ordered to be put.

A VOICE. Read the resolution as modified.

The Clerk read the resolution, as follows:

Resolved, That all debate in the Committee of the Whole House on the state of the Union on the bill of the Senate (No. 146), as also joint resolution No. 1, entitled "An act making land warrants assignable, and for other purposes;" and also joint resolution (No. 1) explanatory of the act approved September 28, 1850, granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States, shall cease in two hours after the committee shall resume their consideration, (if the committee shall not sooner come to a conclusion upon the same); and the committee shall then proceed to vote on such amendments as may be pending, or offered to the same, and shall then report it to the House, with such amendments as may have been agreed to by the committee.

The SPEAKER. The main question is first upon the amendment offered by the gentleman from Illinois, [Mr. CAMPBELL.]

Mr. CAMPBELL. I will withdraw my amendment.

Mr. POLK. I move that the debate be closed on Thursday at three o'clock. I do it at the suggestion of the gentleman from Illinois, [Mr. BISSELL,] who reported the bill.

The SPEAKER. That can be done only by the universal consent of the House, the previous question having been sustained.

Mr. CLINGMAN objected.

The question was then taken upon the adoption of the resolution; and it was agreed to—ayes 71, noes 59.

Mr. JONES, of Tennessee, moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider on the table; which latter motion was agreed to.

Mr. CARTTER moved that the House adjourn.

Mr. STANTON, of Tennessee. I would suggest to the gentleman, whether it would not be better to clear the Speaker's table.

Mr. CARTTER. It cannot be done—it is too late in the day.

The question was then taken and agreed to, and

The House adjourned till to-morrow at twelve o'clock.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. JONES, of Pennsylvania: The memorial of A. G. Nicolls and 400 others, for repair of piers and improvement of harbors on the river Delaware.

By Mr. ROBBINS: A petition signed by Harris and Leech and 24 other persons, merchants and citizens of Philadelphia, asking Congress to make an appropriation for the construction of an additional canal around the Falls of the Ohio, or Rapids at Louisville, Kentucky.

By Mr. WELLS: The memorial of the Michigan Southern Railroad Company, for compensation for transporting the great western mail.

By Mr. HARPER: The petition of George W. Jackson, of Virginia, one of the heirs of George Jackson, of Ohio, deceased, praying remuneration for the services of said George Jackson, for one year as Captain in the expedition of General George Rogers Clark to the Falls of the Ohio in 1781.

By Mr. McMULLIN: The petition of John S. King and others, praying a pension for said King.

By Mr. RIDDLE: A memorial of the Commissioners of the town of Newcastle, State of Delaware, praying for an appropriation to complete the United States harbor at said town, on the Delaware river.

Also, a memorial of sundry citizens of the United States, holders of claims upon the late Republic of Texas, praying Congress to pass a law to authorize the Secretary of the Treasury to pay their claims, upon compliance by them with all the requirements prescribed by that officer, in conformity with the act of the 9th of September, 1850.

By Mr. MOORE, of Pennsylvania: The memorial of merchants and citizens of Philadelphia, asking an improvement in navigation around the Falls of the Ohio river.

By Mr. LETCHER: The petition of J. B. Moomaw, A. D. Amis, T. B. McRoberts, and Felix Hull, assistant marshals in the State of Virginia, asking additional compensation for taking the late census.

By Mr. HIBBARD: The petition of Daniel Breed and others, praying for the establishment of a new post route, from the post office in North Charlestown, New Hampshire, to the post office in Unity, in said State.

By Mr. EDGERTON: The petition of citizens of Putnam county, Ohio, for a mail route from Kalida, Ohio, to Adrian, Michigan.

By Mr. J. W. HOWE: The petition of William S. Rankin, and 57 others, citizens of Mercer county, Pennsylvania, praying Congress to prohibit the transportation of the United States mail on the Sabbath.

By Mr. CHANDLER: Three memorials, numerously signed by merchants of Philadelphia, asking Congress to adopt means for improving the navigation at the Falls of the river Ohio, at Louisville.

By Mr. SCUDDER: The petition of Zenas D. Bassett and others, of Massachusetts, asking an appropriation for the preservation of the breakwater in Hyannis harbor.

Also, the petition of Thomas Bradley and others, of Massachusetts, asking an appropriation, &c., for the location of buoys on the shoals in Holmes' Hole harbor.

By Mr. GAYLORD: The petition of sundry citizens of New Lexington, Perry county, Ohio, asking the establishment of a mail route from Newark, Licking county, Ohio, through Jackson, Thornville, and Somerset, to New Lexington, Perry county, Ohio.

IN SENATE.

WEDNESDAY, February 4, 1852.

Prayer by the Rev. L. F. MORGAN.

NON-INTERVENTION.

Mr. CLARKE. Mr. President, yesterday and the day before I was detained from the Senate by severe indisposition, from which I have not yet recovered. During my absence yesterday, I perceive from the papers, the Senator from Michigan [Mr. CASS] called the attention of the Senate to the resolutions which I some time since offered in relation to the doctrine of intervention, and gave an intimation that he wished to address the Senate upon it to-day. I desire now to say to the Senate, that the Senator from Michigan and myself, as he stated, had had a conversation on the subject, and fearing that I might not be able to enter upon the discussion of those resolutions—for I was discouraged by my indisposition—it was agreed between us that he might proceed with the discussion of his substitute, if I should not be able to proceed with the explanation of the original resolution, which I was entitled to do by the usual courtesy of the Senate. But this morning we have had another conversation, and the Sen-

ator from Michigan, with his proverbial kindness, has agreed that the consideration of the resolutions may be further postponed to Monday next, when I hope to be able to proceed with the discussion—I trust my health will permit me to do so—but if I should be so unfortunate as not then to be able to proceed myself, that the Senator from Michigan shall have the floor for that day. If, however, I shall be able to speak on Monday next, and that day should be occupied by me, it is understood that the Senator from Michigan will be ready to proceed on Tuesday. Of course we cannot control this matter, but we desire that such an arrangement may agree with the convenience of the Senate. With that view, I move that the resolutions may now be taken up, that their consideration may be postponed to Monday next. I make this request thus early, because I shall be obliged very soon to leave the Senate Chamber, not being able to remain throughout the day.

The motion was agreed to.

PETITIONS.

Mr. JONES, of Iowa, presented the petition of Candace Porter, widow of a soldier in the war of the Revolution, praying a pension; which was referred to the Committee on Pensions.

Also, the proceedings of a meeting of the citizens of Dubuque, Iowa, who pray for a grant of land for the construction of a railroad from Dubuque to Minnesota Territory; which were referred to the Committee on Territories.

Mr. MORTON presented the memorial of assistant marshals for taking the Seventh Census in Florida, praying additional compensation; which was referred to the Committee of Claims.

Mr. STOCKTON presented two petitions of citizens of New Jersey, praying that the law abolishing flogging in the Navy may not be repealed; which were referred to the Committee on Naval Affairs.

Also, the petition of P. Dickerson and others, recommending the proposition submitted by Ambrose W. Thompson for the transportation of the mails between New York and some port on the western coast of Ireland; which was referred to the Committee on Naval Affairs.

Also, the memorial of Charles Wilkes, a commander in the Navy, praying that an appropriation of five hundred thousand dollars be placed at the disposition of the President of the United States, to institute an effective search within the Arctic regions for Sir John Franklin, and to redeem the pledge made by the late President of the United States, through the Secretary of State, to Lady Franklin; which was referred to the Committee on Naval Affairs.

Mr. HALE. Mr. President, is it in order to move to instruct the Naval Committee in relation to that memorial? If it is in order, I move that the committee be instructed to inform the Senate how much the expeditions got up under this same Mr. Charles Wilkes, some years ago, have cost already. I think the Senate ought to have that information before the committee act upon this petition.

The PRESIDENT. The Senator cannot make the motion in that way.

Mr. PEARCE. That information has been given to the Senate long ago.

Mr. HALE. Well, I will endeavor to get at it in some other way.

The PRESIDENT. The Chair would inform the Senator that he must introduce a resolution in the usual form, in order to instruct a committee.

Mr. HALE. I will obtain the information in some way.

Mr. SHIELDS presented a memorial of certain non-commissioned officers of the regiment of mounted riflemen in the United States Army, praying to be discharged; which was referred to the Committee on Military Affairs.

Also, a petition of the members of the company of sappers and miners and pontoniers, enlisted in the Army of the United States, praying to be discharged; which was referred to the Committee on Military Affairs.

Mr. MANGUM presented the memorial of W. P. J. Sanger, praying compensation for performing the duties of engineer at the Gosport Navy-Yard; which was referred to the Committee on Naval Affairs.

Mr. COOPER presented the petition of Cornelius McCaullay, praying compensation for certain

variegated embossed morocco leather, furnished for covering the chairs in the Senate Chamber; which was referred to the Committee of Claims.

Also, the memorial of Frederick Vincent, administrator of James Lecaze, deceased, late partner in the firm of Lecaze & Mallet, praying the payment of a balance due for advances made by that firm during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Also, the petition of David A. Melhorn, praying to be indemnified for loss on contract entered into by him for building a culvert in the city of Washington; which was referred to the Committee of Claims.

Also, the memorial of inhabitants of Pittsburg, Pennsylvania, praying that the transportation of the mails on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Mr. UNDERWOOD presented three petitions of merchants and others of Philadelphia, praying an enlargement of the Louisville and Portland Canal; which was referred to the Committee on Roads and Canals.

Mr. PRATT presented the petition of William G. Ridgely, praying indemnity for tobacco destroyed by the British in the war of 1812; which was referred to the Committee of Claims.

Mr. HAMLIN presented a memorial of citizens of Portland, Maine, praying that the spirit ration in the Navy may be abolished; which was referred to the Committee on Naval Affairs.

Mr. SUMNER presented a petition of citizens of Massachusetts in favor of an appropriation for a ship canal around the Falls of St. Mary's river; which was laid on the table.

Also, the petition of fifteen heads of insurance offices in Boston, praying that the act of March 3, 1847, for the reduction of the costs and expenses of proceedings in admiralty against ships and vessels may not be repealed; which was referred to the Committee on the Judiciary.

Mr. DOWNS presented the petition of George W. Hathaway, praying the appointment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which was referred to the Committee on Foreign Relations.

Mr. CHASE. I hold in my hand two memorials of citizens of Cincinnati, praying for the division of the district of Ohio into two judicial districts. These memorials are signed by nearly every member of the bar and almost every leading man of business in the city of Cincinnati; and I ask leave to commend them to the respectful attention of the Committee on the Judiciary, to which committee I move that they be referred.

The motion was agreed to.

Mr. CLEMENS presented resolutions of the Legislature of Alabama in favor of the establishment of a Bureau of Agriculture; which were read and ordered to be printed.

Mr. DODGE, of Wisconsin, presented the petition of William Jacon, in behalf of himself and his late partner, Lewis H. Bates, praying to be indemnified for losses sustained in consequence of the illegal seizure of a quantity of iron imported by them; which was referred to the Committee on Commerce.

Mr. BADGER presented six memorials of assistant marshals for taking the Seventh Census in North Carolina, praying additional compensation; which were referred to the Committee of Claims.

Mr. NORRIS presented the petition of Jacob Gideon, praying indemnification for damages sustained in consequence of a violation of his contract with the Navy Department for binding; which was referred to the Committee of Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SHIELDS, it was

Ordered, That the papers in the case of Phineas M. Nightingale, legal representative of General Nathaniel Greene, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. SHIELDS, it was

Ordered, That the petition and papers of James Chapman, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. SHIELDS, it was

Ordered, That the memorial of John A. Rogers, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. RUSK, it was

Ordered, That the petition of Wade Allen, on the files of

the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Martin Penwick, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. ATCHISON, it was

Ordered, That the petition of Madison Allen, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. CASS, it was

Ordered, That the petition of John Bronson, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. NORRIS, it was

Ordered, That Maria Ostrander and Sarah Overbagh, severally, have leave to withdraw their petitions and papers.

On motion by Mr. SHIELDS, it was

Ordered, That the memorial of A. R. Woolley, on the files of the Senate, be referred to the Committee on Military Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. WADE, from the Committee of Claims, to which was referred the documents in relation to the claim of William S. Waller, praying compensation for disposing and selling of certain Treasury notes, submitted an adverse report; which was ordered to be printed.

Mr. HUNTER, from the Committee on Public Buildings, to which was referred the subject, reported a bill to provide for the fitting up of a temporary room for the Congressional Library; which was read, and passed to the second reading.

He also submitted a report on the subject; which was ordered to be printed.

Mr. PRATT. I am instructed by the Committee of Claims to ask to be discharged from the further consideration of the claim of E. Pavenstadt and F. A. Schumacher, of the city of New York, and that the memorial be referred to the Committee on Commerce. I also make a report upon the subject, which I ask may be printed. The object of the committee is this: It seemed to the Committee of Claims, that this matter should have been referred, in the first place, to the Committee on Commerce. The claim is of this character: These persons, merchants of the city of New York, imported a number of packages of goods. They afterwards sold those packages, and placed them on board a French ship, to be conveyed to New Orleans. These parties executed a bond to the Government, the condition of which was, that in four months they would supply the custom-house officers of New York with evidence of the deposit of the goods at the New Orleans custom-house. It appears that the goods were lost at sea, and the claimants ask that there shall be refunded to them the money which they were obliged to pay upon this bond. I apprehend that it is a matter of a great deal of consequence to the Government, for if this application of these parties is sustained, it will involve a large expenditure by requiring the refunding of duties in similar cases.

The PRESIDENT. The motion of the Senator is a very unusual one. The Chair understands the Senator to ask to be discharged from the further consideration of a subject upon which he makes a report.

Mr. PRATT. I have stated the reason for this unusual procedure. The report states the views of the Committee of Claims in regard to the matter.

The motion was agreed to.

Mr. HAMLIN, chairman of the Committee on Commerce, rose subsequently and said: There is some difference in the manner of proceeding in the House and in the Senate on such memorials. At the time the Senator from Maryland made his report I was under the impression that these matters were considered by the Committee on Commerce in the Senate; they are referred to that committee in the House of Representatives. I learn, however, on conferring with the chairman of the Committee on Finance, that they have uniformly gone to the Committee on Finance in the Senate. I therefore move that the Committee on Commerce be discharged from the consideration of that memorial, and that it be referred to the Committee on Finance.

The motion was agreed to.

On motion by Mr. HAMLIN, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of three memorials of the citizens of Pittsburg, on the subject of a ship canal around the Falls of the St. Mary's river.

On motion by Mr. DOWNS, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the memorial of William Newbold, and that it be referred to the Committee of Claims.

Mr. HUNTER, from the Committee on Finance, to which was referred the petition of the Italian Mutual Benevolent Society, reported adversely thereon, and the committee was discharged from the further consideration of the petition.

Mr. DOWNS subsequently moved a reconsideration of the vote discharging the committee; which was agreed to, and the motion to discharge the committee was laid upon the table.

Mr. HUNTER, from the Committee on Finance, moved that that committee be discharged from the further consideration of the bill for the payment of outstanding loan-office and final-settlement certificates issued for money loaned for services or for supplies during the revolutionary war, and that it be referred to the Committee on Revolutionary Claims.

Mr. WALKER. This subject was before the Committee on Revolutionary Claims at the last session of Congress. I was spoken to with regard to the reference at this session, and I mentioned to the Senator who proposed to refer it to that committee, that it had been reported upon. It is no longer a subject of investigation. It has once passed the ordeal of examination. These demands have been already adjudicated, and the only question now is, whether we shall pay these final-settlement certificates which have been issued under this adjudication. There is, therefore, nothing for the Committee on Revolutionary Claims to do in the matter. It is for the Committee on Finance to see whether they shall be paid, and not for the Committee on Revolutionary Claims to reexamine and redetermine on the justice of the claims.

Mr. HUNTER. This is a claim arising out of matters connected with the revolutionary war, and things of this sort have always been referred to the Committee on Revolutionary Claims. If the Senator thinks this a plain case, he may readily report a bill.

The motion was agreed to.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill for the benefit of the Carmelite Nunnery, of Baltimore, reported it without amendment, with a recommendation that it do not pass.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred the bill to increase the salary of the district judge of the United States for the southern district of Florida, reported it without amendment.

He also, from the same committee, to which was referred the bill increasing the salary of the district judge of the United States for the district of New Hampshire, reported it with an amendment.

Mr. CLEMENS, from the Committee on Private Land Claims, reported a bill to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and to confirm the title of Charles G. Gunter thereto; which was read a first and second time by its title, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate and ordered to be engrossed and read a third time.

Mr. GWIN, from the Committee on Finance, to which was referred the memorial of the President and Directors of the Raleigh and Gaston Railroad Company, reported a bill for the relief of said company; which was read and passed to the second reading.

Mr. PRATT, from the Committee of Claims, to which was referred the petition of Bryan Callaghan, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to which was referred the petition of Alexander Y. P. Garnett, submitted a report, accompanied by a joint resolution for his relief.

The resolution was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of S. H. Duff, submitted an adverse report, which was ordered to be printed.

Mr. NORRIS, from the Committee on Patents

and the Patent Office, to which was referred the petition of Peter U. Morgan, administrator of John Arnold, deceased, and George G. Bishop, submitted a report, accompanied by a bill for the relief of George G. Bishop and the legal representatives of John Arnold, deceased.

The bill was read and passed to a second reading, and the report was ordered to be printed.

INDIGENT INSANE PERSONS.

Mr. SHIELDS asked and obtained leave to bring in a bill making a grant of lands to the several States of the Union for the relief and support of indigent insane persons; which was read a first and second time by its title, and referred to a select committee, consisting of five members, to be appointed by the President *pro tem*.

The following Senators were subsequently appointed: Mr. SHIELDS, Mr. PEARCE, Mr. HAMLIN, Mr. DAVIS, and Mr. BELL.

BILL INTRODUCED.

Mr. SOULE, agreeably to previous notice, asked and obtained leave to introduce a bill to establish a navy-yard and depot near the city of New Orleans; which was read a first and second time by its title, and referred to the Committee on Naval Affairs.

FORTIFICATIONS OF SAN FRANCISCO BAY.

Mr. GWIN. I have a resolution which I wish to offer. I see by the report of the Board of Engineers for the Pacific coast, that there is a statement to this effect:

"This Board, constituted under orders of 17th June, 1851, for the purpose of studying the system of defence for the Pacific coast, is sedulously engaged on projects for the entrance to San Francisco bay; and I hope soon to present plans in support of an appropriation for the commencement of a work there early next year."—*Report of 14th November, 1851, to the Secretary of War.*

I want to obtain information in regard to that appropriation; I therefore offer the following resolution of inquiry:

Resolved, That the Secretary of War be requested, if not incompatible with the public interest, to communicate to the Senate what amount of money, if any, has been recommended by the Board of Engineer officers charged with planning the fortifications of San Francisco Bay, to be appropriated at the present session of Congress, for the immediate commencement of those fortifications.

The resolution was agreed to.

CENSUS RETURNS.

Mr. BADGER. I ask the permission of the Senate to take up for a moment the joint resolution to provide for the printing of the returns of the Seventh Census, simply for the purpose of laying upon the table an amendment which I propose to offer to the amendment offered by the Senator from Connecticut, [Mr. SMITH.] I am in favor of compromises and adjustments, and I think the amendment which I propose to offer will be a reasonable medium between the proposition offered by my friend from Connecticut and the joint resolution on the table, and such a one as I think there can be no reasonable objection to. It will remove all difficulty as to the work not being faithfully executed, and will, at the same time, relieve us from such a business as putting out such a work to the lowest bidder. By the unanimous consent of the Senate, I hope the amendment to the amendment will be printed.

The motion to take up the joint resolution was agreed to.

Mr. BADGER then offered the following amendment:

Strike out from the amendment to the amendment all after the words "it shall be the duty of," and insert the following:

"the Joint Committee on Printing to contract with Messrs. Donelson & Armstrong for printing and binding the Census, on such terms as the committee may think reasonable and proper; the work to be executed under the direction of the Secretary of the Interior, and to be paid for from time to time during the progress of the work by the head of the Census Bureau, under the direction of the Secretary, with power in the Secretary to abate from the amount stipulated, if the work when executed shall prove deficient or below the standard which may be agreed upon."

Mr. GWIN. I do not wish to interrupt the Senator from Michigan in his speech, but I give notice that I shall call up the joint resolution in the morning; and I hope the Senate will then be prepared to act upon it.

On motion by Mr. BADGER, it was

Ordered, That the further consideration of the resolution be postponed until to-morrow, and that the proposed amendment be printed.

ENGROSSED BILLS PASSED.

The following engrossed bills were severally read the third time and passed:

An act to change the times for holding the district courts of the United States for the western district of Virginia, and for other purposes;

An act to provide for the appointment of a Superintendent of Indian affairs in California;

An act to enforce discipline and promote good conduct in the naval service of the United States; and

An act amendatory of the act entitled "An act to provide for holding the courts of the United States in case of the sickness or other disability of the judges of the district courts," approved July 29, 1850.

LIEUTENANT GENERAL BY BREVET.

Mr. GWIN submitted informally several amendments, which he will hereafter offer, to the joint resolution authorizing the President of the United States to confer the title of Lieutenant General by brevet for eminent services; and they were ordered to be printed.

Mr. CASS, for the same purpose, submitted the following; which was ordered to be printed:

Provided, however, That when the said grade of Lieutenant General by brevet shall have once been filled and have become vacant, this act shall thereafter expire and be of no effect.

RAILROADS IN IOWA.

The Senate resumed the consideration of the bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State.

Mr. FELCH resumed and finished the speech which he commenced yesterday in favor of the bill, and against the amendment of Mr. UNDERWOOD, the report of which will be found in the Appendix.

Mr. BELL. I agree with the honorable Senator from Michigan, particularly since I have heard his concluding remarks, as well as some remarks in the preceding stage of his argument, that this is becoming a serious and important question, and deserves not only a grave consideration, but perhaps a fuller discussion than we have yet had upon it. If I understand the honorable Senator, he is strongly impressed with the belief that the fate of our land system generally—of our mode of appropriating the public lands—may be broken down or destroyed, if there is any interference with the practice of making these appropriations for internal improvements in the new States. If that be so, the question is highly deserving of further consideration; and I should like to hear a fuller development of the views of the honorable Senator upon that point. There was conveyed, in the manner and gravity with which he announced this sentiment, not only a warning, but something of a threat also. I am not insensible that it may be wise in the Senator to give his timely warning, and to give it in whatever shape he may think proper; for I have had my ears open, and I have seen, too, the progress of sentiments which may lead to that result; and it will be the part of wisdom of the Congress of the United States, if they think the policy to which he alludes is not wise and proper, to pursue a conciliatory, liberal, and just policy. But nevertheless, I think that some considerations of justice, of equality, and of right, in regard to all other sections of the Union, may be well coupled with it.

There were some other remarks made by the honorable Senator, which I ought not to say astonished me; they struck me with surprise, but perhaps it was owing to my own inadvertence, want of attention to, and ignorance of, facts which I ought to have known. In some of the new States if I understand the honorable Senator, some four fifths, and in some nine-tenths, of the public domain yet remain unsold. And yet I have seen from session to session, and from Congress to Congress, for the last fifteen years, an extraordinary desire to extend, and yet to extend still further, to open the claims of the United States free from the possession and right of occupancy by the Indian tribes, of territory still further and further into the wilderness. My attention has not been drawn in detail to this subject, although you may remember that the discussion which we have had this session may be said to be an annual discussion in its general features and aspects, and is assuming a still greater and greater importance at

every Congress. You may remember that the type of this discussion may be traced back in Congressional history for the last twenty years. It has only received some additional and further developments, as the public domain has increased, as new States have been admitted, as the western borders have extended, and as new questions have arisen regarding the rights of the new States. As these have become larger, new ideas have been presented. On that account there is some novelty in this discussion.

I do not mean to enter into this argument in detail, but there are some views upon the subject which I wish to submit briefly to the Senate. I have not studied the question, but I have listened with great attention to the remarks of the honorable Senator from Michigan, [Mr. FELCH,] who has treated the subject fully, ably, and, in many respects, very fairly and candidly. There are some other points of policy with regard to the mode in which opposition to this course of the appropriation of the public lands has been kept up and maintained by our State-rights friends. I hope they will not consider me as speaking in any disparagement, if I allude to a course of policy which has tended as much as any other to defeat a just, equitable, and liberal policy in regard to the appropriation of the public lands heretofore.

It is suggested to me that I had better give way to a motion to postpone the further consideration of this subject until to-morrow, so that we may proceed to the consideration of Executive business. I am willing to do so. But I give notice that I do not wish to make a set speech, for I have taken no notes; though there are some points which I think of great importance which I wish to bring before the Senate.

Mr. BADGER. I move, then, to postpone the further consideration of the bill until to-morrow, for the purpose of going into Executive session.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business, and after a short time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 4, 1852.

The House met pursuant to adjournment. Prayer by the Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. There are a large number of communications from the Departments upon the Speaker's table, which will be presented to the House this morning, if there is no objection.

On motion by Mr. KURTZ, by unanimous consent, it was

Ordered, That leave be granted to withdraw from the files of the House all the papers in the case of Peter Straber, for the purpose of reference in the Senate.

EXECUTIVE COMMUNICATIONS.

The SPEAKER, by unanimous consent, laid before the House the following message, heretofore received from the President of the United States, viz:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 7th of August, 1850, and the 17th of December, 1851, requesting information touching the claims of citizens of the United States on the Government of Portugal, I transmit a report from the Secretary of State, and the documents which accompany the same.

MILLARD FILLMORE.

WASHINGTON, 28th January, 1852.

On motion by Mr. BOCK, it was

Ordered, That the said message and accompanying documents be referred to the Committee on Foreign Affairs and printed.

The SPEAKER also, by unanimous consent, laid before the House sundry Executive communications, viz:

I. A letter from the Treasurer of the United States, transmitting copies of his accounts, receipts, and disbursements for the service of the Post Office Department for the year ending 30th June, 1851; which, on motion by Mr. SEYMOUR, of New York, was, with the accompanying documents, referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

II. A letter from the Secretary of the Treasury, transmitting the annual statement of the clerks and other persons employed in his Department during the year 1851; which, on motion by Mr.

ROBBINS, was, with the accompanying documents, ordered to be referred to the Committee of Ways and Means, and printed.

III. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State, with copies of estimates required to complete the service of that Department for the current fiscal year; which, on motion by Mr. SEYMOUR, of New York, was referred, with the accompanying documents, to the Committee of Ways and Means, and ordered to be printed.

IV. A letter from the Secretary of the Treasury, transmitting a list of contracts made for light-house purposes, &c., for 1851; also, copies of reports from Professor Bache, under instructions from the Treasury Department, and in pursuance of the act of March 3, 1851, entitled "An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes;" which, with the accompanying documents, was, on the motion of Mr. SEYMOUR, of New York, ordered to be referred to the Committee on Commerce, and be printed.

V. A letter from the Secretary of the Treasury, transmitting a statement of the Marine Hospital fund for the fiscal year ending June 30, 1851; which, with the accompanying documents, was, on the motion of Mr. ROBBINS, ordered to be referred to the Committee on Commerce, and be printed.

VI. A letter from the Comptroller of the Treasury, transmitting, in conformity with law, statements of the accounts which remained due more than three years prior to the 1st day of July, 1851, on the books of the Register of the Treasury, and on the books of the Second, Third, and Fourth Auditors, respectively; which, with the accompanying documents, was, on the motion of Mr. ROBBINS, ordered to be referred to the Committee of Ways and Means, and be printed.

VII. A letter from the Secretary of the Interior, transmitting detailed statements of the manner in which the contingent fund of that Department and its several bureaus, has been expended during the last year; which letter and accompanying documents were ordered to lie on the table, and be printed.

VIII. A letter from the Secretary of the Interior, transmitting a communication from the Commissioner of the General Land Office of the present date, accompanied by the annual reports of the Surveyors General of Illinois and Missouri and of Oregon, which were not received in time to accompany his last annual report; which said letter and accompanying documents were referred to the Committee on Public Lands, and ordered to be printed.

IX. A letter from the Secretary of War, transmitting a report of the Adjutant General, with an abstract of the returns of the militia of all the States and Territories, with their arms, accoutrements, and ammunition; which letter and accompanying documents were, on motion by Mr. BISSELL, ordered to be referred to the Committee on Military Affairs, and be printed.

X. A letter from the Secretary of the Navy, transmitting a copy of a report made by the Fourth Auditor of the Treasury Department in answer to a resolution of the House of Representatives of the 26th ultimo, relative to the allowance of claims previously suspended or disallowed; which said letter and accompanying documents were, on motion by Mr. FULLER, of Maine, ordered to lie on the table and be printed.

XI. A letter from the Secretary of the Navy, transmitting a report in relation to the merits of the various condensers for supplying boilers of marine engines with fresh water, in compliance with a provision of the act of September 28, 1850, making appropriations for the naval service for the year ending the 30th of June, 1851; which communication and accompanying documents were, on the motion of Mr. STANTON, of Tennessee, referred to the Committee on Naval Affairs.

XII. A letter from the Postmaster General, transmitting, in compliance with the act of the 26th of August, 1842, a report and statement from the Third Assistant Postmaster General, as disbursing agent of that Department, showing in detail his receipts and payments during the year 1851; which letter and accompanying documents were, on the motion of Mr. OLDS, ordered to lie on the table and be printed.

The SPEAKER also laid before the House a communication from the Secretary of Oregon Territory, transmitting a copy of the journals of the Council and House of Representatives of the Territory of Oregon; which was, on the motion of Mr. ROBBINS, ordered to lie on the table and be printed.

SENATE BILLS REFERRED.

The SPEAKER, by unanimous consent, laid before the House the following bills from the Senate; which were severally read a first and second time by their titles, and referred as indicated below:

No. 19. An act to extend the time for selecting lands granted to the State of Wisconsin for saline purposes. Referred to the Committee on Public Lands.

No. 70. An act for the relief of the widows and relatives of certain officers and seamen of the United States brig Washington, who were lost overboard in a hurricane. Referred to the Committee on Naval Affairs.

No. 74. A bill to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of the 2d of March, 1827, granting land to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan. Referred to the Committee on Public Lands.

No. 142. An act to admit the hermaphrodite brig Sylphide to registry. Referred to the Committee on Commerce.

No. 54. An act for the relief of Theodore Offut. Referred to the Committee of Claims.

No. 68. An act for the relief of Charles A. Kellett. Referred to the Committee on Commerce.

No. 69. An act for the relief of Enoch Baldwin. Referred to the Committee on Commerce.

No. 77. An act for the relief of the heirs and representatives of Colonel Alexander G. Morgan. Referred to the Committee on Military Affairs.

No. 103. An act for the relief of A. H. Cole. Referred to the Committee of Claims.

No. 104. An act for the relief of James Dunning. Referred to the Committee of Claims.

No. 112. An act for the relief of Julia Acken. Referred to the Committee on Invalid Pensions.

No. 116. An act to provide for the final settlement of the accounts of Jonathan Kearsley, late receiver of the public moneys at Detroit, and of John Biddle, late register of the land office at that place. Referred to the Committee on Public Lands.

No. 118. An act for the relief of the children of Erastus A. Capron. Referred to the Committee on Invalid Pensions.

No. 119. An act for compensation to James W. Low and others, for the capture of the British private armed schooner Ann, during the late war with Great Britain. Referred to the Committee on Commerce.

No. 124. An act granting a pension to Elizabeth Munroe. Referred to the Committee on Revolutionary Pensions.

Also, joint resolution No. 10, for the relief of Alexander P. Field, late Secretary of Wisconsin Territory, and sureties. Referred to the Committee on the Judiciary.

No. 46. An act granting a pension to Sally T. Floyd, widow of George R. C. Floyd, late a Lieutenant Colonel in the Army of the United States. Referred to the Committee on Invalid Pensions.

HARVESTING MACHINE.

The SPEAKER stated that the next business in order was the third reading of an engrossed bill entitled "An act for the relief of Hiram Moore and John Hascall."

The bill was then read the third time.

Mr. CARTTER demanded the previous question; which was seconded, and the main question ordered to be put.

Mr. JONES, of Tennessee, moved to lay the bill upon the table.

The question was then taken, and it was not agreed to.

The question now being, Shall the bill pass?—Mr. JONES demanded the yeas and nays; which were not ordered.

Mr. JONES. I ask for the reading of the bill. I wish to see whether—

Mr. CARTTER. I call the gentleman to order. Mr. JONES. It is too late. I wish to know

whether this bill does not grant a patent for fourteen years?

Mr. CARTTER. It does for fourteen years.

The bill was then read by the Clerk.

The question was then taken, and the bill was passed.

Mr. CARTTER moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

HOMESTEAD BILL.

The SPEAKER stated, as the next business in order, the question on ordering the bill "to encourage agriculture, and for other purposes," to be engrossed for a third reading.

Mr. JONES, of Tennessee, called for the reading of the bill.

The Clerk read the bill.

Mr. HALL. I do not know what disposition the House may intend to make of this bill; but I move now to amend it by inserting after the word "widow" in the first line, the words "being a white person." The amendment will make that portion of the bill conform to the preemption law. We have never given preemptions to any other than white persons, and I think there ought to be the same restriction in this bill.

Mr. JOHNSON, of Tennessee. I will just say to the House, that a bill containing provisions similar to those contained in this bill, was introduced, referred to the Committee on Agriculture, and reported favorably on to the House. That bill is now in the Committee of the Whole on the state of the Union, and among the first upon the Calendar. This bill has been read twice, and is now, I understand, upon its engrossment. Now, this is a measure of very great importance, and one in which much interest is felt throughout the whole country—the public mind being directed to making essential changes in the present land system. I will, therefore, if there is no objection, move to refer this bill to the Committee of the Whole on the state of the Union, and that it be made the special order of the day for the first Tuesday of March next, and from day to day thereafter until disposed of; and also, that the bill No. 7, upon the same subject, now in the Committee of the Whole on the state of the Union, be made the special order for the same day.

There being no objection, the motion was considered and agreed to.

Mr. JONES, of Tennessee, moved to reconsider the vote by which the motion was adopted, and to lay the motion to reconsider on the table; which latter motion was agreed to.

LAWS OF THE UNITED STATES.

The SPEAKER stated, as the next business in order, the question on the engrossment for a third reading of the bill to regulate the publication of the laws of the United States and of the public advertisements, which had been reported back from the Judiciary Committee, with a recommendation that it do not pass.

Mr. SMART. I wish to say that this bill was introduced by me at an early period of the session, and referred to the Committee on the Judiciary, and that during my late illness it was reported back to the House with a recommendation that it do not pass. I regret that it should come before the House under such auspices, for having been placed in the position in which it is, it may be that it will not receive much favor at the present time. But I hope that the principles of this bill may be understood by the country, and I think that, if they are understood, the time is not far distant when something of the kind will be adopted by Congress.

I will now explain the character of this bill in a very few words, and, for the purpose of doing so, I ask for the reading of the bill, that I may make it a part of my remarks.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the selection of newspapers for the publication of the laws of the United States shall, after the passage of this act, be made by the Secretary of State, as follows: The number selected shall be, in each Congressional district, two; in each Territory, two; in the District of Columbia, four; and a preference shall be given, in all cases, to the papers which may have the largest weekly subscription, to be ascertained by the affidavit of the editors, respectively, and by such additional evidence as may be requisite to establish the facts in each case.

Sec. 2. And be it further enacted, That the public advertisements of the United States shall be published in one or more Congressional districts, according to the nature of

the advertisement and the propriety of giving it a general, a partial, or a local circulation; said advertisements to be published in such papers, and such only, as may have been selected in said district or districts according to the terms of this act for the publication of the laws.

Sec. 3. *And be it further enacted*, That said public advertisements shall be published in the newspapers having the publication of the laws as aforesaid in the District of Columbia, and in the papers having the publication of said laws in the Territories, when and as often as may be deemed necessary.

Sec. 4. *And be it further enacted*, That as soon as may be after the passage of this act, and at the commencement of the first session of every succeeding Congress, a copy of the list of newspapers selected according to the terms of said act, for the publication of the laws of the United States, shall be communicated by the Secretary of State to the heads of the Departments, and to the Senate and the House of Representatives, respectively.

Sec. 5. *And be it further enacted*, That the President shall cause to be communicated to the Senate and House of Representatives, annually, a list of all newspapers that shall have published, during the preceding year, any advertisements as aforesaid, with the names of the publishers, the place of publication, the nature of the work performed, and the amount paid to each publisher.

Sec. 6. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. SMART. This bill proposes, in the first place, to authorize the publication of the laws of the United States in the two papers having the largest weekly circulation in each Congressional district. In addition to that, it proposes to give the publication of the public advertisements, whenever it may be necessary for a local, partial, or general circulation, in the papers thus selected in one or more Congressional districts. I have given, it will be seen, the preference to papers having the largest weekly circulation, because this circulation reaches the great masses of the people in the rural districts. It goes to the intelligent population of the country, and is not confined, like the daily circulation, to the city. I claim for this bill the merit that it divorces the press from the Government; that it entirely disconnects the press from governmental control. I claim this as one of the merits of the bill.

I desire now to call the attention of the House to a very few remarks upon this subject. I will promise not to detain gentlemen long. I desire especially to call their attention to the fact that this Government, like all other Governments, is tending rapidly towards centralization. And for one I wish to do all I can—if I may be permitted to use the expression—to decentralize the central power. This Government has an enormous patronage under its control. Under the Whig administration of John Quincy Adams, the whole expenditure of the Government did not exceed \$13,000,000. But how is it now? Why, under the present Whig administration, the expenditure of the Government is nearly \$50,000,000. I say, sir, you have an enormous patronage, all tending to increase the central power of the Government. In addition to this you have, under the existing laws, control over the public press to a very large extent. I ask gentlemen to look to the city of New York. There are, in that city alone, a thousand employees in and about the custom-house, with a salary of more than a thousand dollars each on an average, all under the control of this Whig administration, and identified with the Whig party. There are a regiment of men there, with leisure to do what they please in political matters.

Every gentleman upon this floor knows the true secret of getting up political influence in the large cities and large towns. It is done through these men of leisure. They are the persons who control public sentiment in their localities. But I say the patronage of the Government is large enough, it is abundantly sufficient to concentrate the power of the Government without the aid of the press. And I claim for the proposition which I have introduced into this House, the merit that it will have a tendency to decentralize that power by divorcing the press from the control of the Government. How are the papers now selected by the Government for the publication of the laws? The Administration selects two papers in each State to publish the laws of the United States. Nor is this all. The influence of the publishers of the public advertisements is tremendous. The list of names of printers and publishers in the Blue Book covers twenty-five pages. There are about forty names on a page, making, in all, nearly one thousand who are thus pensioned by the Government, to say nothing of the publishers of the laws. Now, this proposition is calculated to take this entire patronage from the power of the Government—to divorce the press and State. I

am a "Union man." But I am not for a union of Church and State, or of Bank and State, or of the Press and State. I am, in those respects, a "Disunionist." I want to dissolve the union of the press and the Government. Sir, I have looked into this subject—I have looked into a proposition, introduced many years ago by Col. Benton, which was to take this patronage of the press away from the General Government, and to give it to the Congressional delegations of the several States. But I saw that that proposition was liable to the same objection which exists under the present arrangement—that of placing the press under party control. I came to the conclusion, therefore, that the idea of the distinguished gentlemen to whom I have referred, would not accomplish the purpose which I desired to effect. I then concluded to adopt the proposition which I have introduced here, to select those presses which have the largest circulation in the several Congressional districts. But, as I remarked in the outset, I do not intend to detain the House long, and perhaps I have said enough upon this point.

Another merit which I claim for this proposition is, that it will give an equal, just, and fair circulation to the laws of the United States, precisely in proportion to the peculiar character of the people whom you command to obey those laws. And the present system does not do this. What is the character of the present system of publishing the laws of the country? Why, the Administration now in power have, with the exception of two or three "religious papers," in every instance selected a party paper, and the consequence is, that the whole Democratic press of the country are excluded. This has been done, with the exceptions I have named, in every instance. I desire to call your attention for a moment to my own State. In the State of Maine, there is a newspaper circulation of about sixty-one thousand of papers published in the State, and of course papers published out of the State circulate largely within its limits. Mr. Webster has selected the *Christian Mirror*, in the city of Portland, as one of the two papers in the State to publish the laws. It is a very respectable Christian organ, of the orthodox Congregational Society, with about three thousand subscribers. I have nothing to say against the paper. It is a very respectable one, but it affords a circulation of the laws of the United States only to the society of which it is the organ in my State. But what other paper did he select? The *Bangor Whig*, with a merely local circulation in a single county. And that is the circulation which you give to the laws of the United States in the State of Maine, when you tell all the people in that State they must obey those laws. What said that premeditated statesman, Silas Wright, upon the subject of the circulation of the laws of his own State? I ask the attention of the House while I read from his letter to Mr. Hickey, who compiled this copy of the Constitution of the United States. He says:

"It has long been a favorite wish of mine, as to this State, that our public laws of universal interest may be by our Legislature distributed to our common schools, in a form to be made a class-book for the more advanced scholars, that the current legislation of the State may be easily and thoroughly understood by those who are to be the voters of the State."

By those who are to be the voters of the State. That was the opinion of Silas Wright in relation to the laws of the State of New York. Now I ask, if the laws passed by the most important deliberative body in the country are of any importance, should they not be circulated, and generally circulated, at least to the extent which you circulate your State laws? I might say something of the circulation of the laws of the State of Maine. We have, as I before remarked, a newspaper circulation of papers published in the State amounting to sixty-one thousand. Well, sir, we circulate a copy of the laws of that State annually to every subscriber of a paper within the limits of the State. But you circulate the laws of the United States to how many? Why, to about five thousand persons. To about four thousand or five thousand in the whole State of Maine—a State containing six hundred thousand inhabitants! Now, I find by the census returns, that the circulation of newspapers in the United States is about three millions, and you give a circulation to the laws of the United States of about one hundred and twenty thousand. I have made this estimate hastily, but I think it cannot be far out of the way. That is the circulation which you give to your laws. You com-

mand all the Democrats and all the Whigs and all the Abolitionists in the country to obey those laws, but you will not permit them to see them—you will not send the laws to them. I maintain, that if you expect the people of the country to obey your laws, you ought to afford the requisite facilities to the people for becoming acquainted with them.

I now come to the great objection to this proposition, viz: that it will cost something. And upon that objection I beg to make a single remark. I always find gentlemen in every deliberative assembly who are very stringent upon expenses in some matters, and yet who are very loose and liberal in others. Now, I make this distinction: I say where the thing is really necessary for the good of the country, where it is essential to the welfare of the public, that the expense is a secondary consideration. And, according to that rule, I say that in this case it is a secondary consideration. But where there is an extravagant expenditure of the public money, I will go as far as any other man to curtail. But I repeat, in this case the expenditure which is incurred in disseminating this important information to the people, should not be regarded. It goes all over the country, and is expended for a laudable purpose—for a purpose which justifies the expense. The expenditure for this publication, I will state, according to my estimate, would be about \$75,000. Even this amount may be much reduced by reducing the compensation to publishers. The expenditure is not a legitimate or fair objection to the proposition.

I did not intend, when I arose, to do anything more than merely to explain this proposition, and place it before the House and the country in its proper light. I hope the House and the country will take it up and carry it out. I desire, however, to say one word more in relation to an idea which I have already suggested. I allude to the influence which politicians, and the Government, exercise over the press of the country. It is well known that when a usurper, no matter whether he be great or small—no matter whether he be a Napoleon, or any man in any Congressional district in the country—when he wishes to take possession of the liberties of the people—when he wishes to carry out his plans in opposition to the interests of the people—he seizes first upon the press. He monopolizes the whole of the public press. That is the first thing he does. That was the first thing done by Louis Napoleon, when he usurped the control of the liberties of the people of France. We ought to be jealous of a union of the press and the Government. This system is now growing up. The printers who are pensioned upon the Government now number more than one thousand. It is growing to be a dangerous power; and the time will come when, if it be not arrested, it will be a fearful power to be wielded by any Administration. I do not intend that these remarks shall have a party application. They are as applicable to one party as the other. They are as applicable to the Whig party as the Democratic party; and they are as applicable to the Democratic party as the Whig party. All parties are liable to abuse power—all Governments are liable to abuse such a power. It is for the people to watch their Government. It is for the people to watch those who attempt to control the press and to promote centralism, and to check them in time against the exercise of any undue power in the premises.

Mr. HARRIS, of Tennessee. As a member of the Judiciary Committee, I had the honor to report the bill now under consideration, back to the House, with a recommendation that it do not pass. I should, at that time, have moved that the bill lay upon the table, but for the fact that the gentleman from Maine [Mr. SMART] was not then in his seat. I knew he desired to be heard upon the subject, and I desired to extend to him the opportunity of doing so. I shall, however, before I take my seat, make that motion.

I wish briefly to submit to the House a few facts in relation to this proposition. The first one that addressed itself to my mind, was the great difference in the cost of publishing the laws of the United States. Under the present system, the Secretary of State selects two newspapers in each State in the Union for the publication of such laws. Under this bill, he would be required to select two newspapers in each Congressional district in the Union. I find the expense, at present, to be about \$12,200 per annum for publishing the laws of the

United States, in the two newspapers now selected in each State for that purpose. But under this bill—by a calculation that I have made, and which I believe to be correct—I find the expense would be about \$92,200 per annum; making a difference of \$80,000 a year. I cannot find any corresponding benefit accruing to any one—no benefit that can correspond with this immense increase of expenditure.

Mr. CARTTER. Mr. Speaker, I wish to inquire of the gentleman whether he sees any benefit in expending the \$12,000?

Mr. HARRIS. I was just going to remark, that from the investigation I have given this subject, I entertain the opinion that there is no benefit to any one arising from the publication of the laws of the United States in newspapers, except to the man who prints them, and gets his proportion of the \$12,000. For when a gentleman desires to know what the laws of the United States are, he goes to the statutes of the United States, or he consults his lawyer to obtain that information. Is there a gentleman upon this floor, who knows of a solitary case where a man has gone to the newspapers of the county for the purpose of learning what are the laws of the United States.

Mr. SMART. I believe my friend is a professional man, and I will ask him if he has not had men come into his office and often inquire of him about the bounty land law, and whether it is not in such a paper, and whether he has not seen it? I have met with many such cases.

Mr. HARRIS. I answer it with pleasure. I have been asked often, and inquired of as to the different provisions of the bounty land law, and—

Mr. FULLER, of Maine, (interrupting.) I desire to inquire if the laws published in the newspapers would be received as authority by courts of law without being certified to?

Mr. HARRIS. I suppose not.

Mr. FULLER. That is my impression.

Mr. SMART. The argument of my friend proves too much. It goes against the publication of the laws at all.

Mr. HARRIS. I am against the change proposed by the gentleman from Maine, [Mr. SMART,] and I see no material benefit to any one from the publication of the laws at all in the newspapers. This is the position I have taken, and I think it can be maintained; but that is not the question before the House.

But what is the argument of the gentleman from Maine [Mr. SMART] against the present system of publishing the laws, and in favor of the one he proposes? His objection to the present system is, that under it there is an excessive amount of Executive patronage growing out of the publication of these laws, and he is afraid of, and opposed to, this system, because of its tendencies to consolidation. Under the present system, the Secretary of State is to select two newspapers in each State of the Union in which the laws of the United States are to be printed. Now, if you refer to the bill upon your table, you will see that under it the Secretary of State shall select two newspapers in each Congressional district in the Union. The gentleman's facts destroy his argument.

Mr. SMART. I regret to interrupt the gentleman, but I think he misapprehends the bill.

The Secretary of State is not authorized to do anything about the selection further than to receive testimony as to which of the papers have the largest circulation, and decide upon the testimony according to the evidence. He has no discretion in the premises.

Mr. HARRIS. Then under the bill, as I stated before, the Secretary of State will have the selecting of the papers to publish the laws, and the disbursing, or rather of selection of the recipients of \$92,200 a year, for the publication of the laws of the United States, instead of, under the existing laws, \$12,200. You put into his hands, to be paid by this Government to the different presses of the country, the sum of \$92,200 in the place of \$12,200. You give him the power to select—under the rules the bill prescribes—two papers from each Congressional district to receive this patronage, instead of two papers in each State. Does not the bill give him more patronage, than under the law as it now exists? It gives him ninety-odd thousand dollars, instead of twelve thousand, and it gives him the selection of four hundred and seventy-eight papers instead of sixty.

But, Mr. Speaker, I do not apprehend that we are in any great danger of consolidation, growing out of this question of publishing the laws of the United States in newspapers. Now, I am as much against a consolidated government as my friend from Maine, [Mr. SMART,] but I cannot see in this question of printing the laws in newspapers any very great danger that we are incurring of consolidating our Government. I think my friend from Maine is giving an undue importance to the distribution of this \$12,000 of patronage. I do not think any serious injury can result from it, except the small injury that results to the Treasury—and under his bill a much greater injury would result to it, than now does—for the reason that the expenditure of \$80,000 more a year, without benefiting the public or any individual, except the gentlemen who happen to get the printing. I move to lay the bill upon the table.

The question was then taken upon the motion of Mr. HARRIS, when—

Mr. SMART called for the yeas and nays; which were ordered.

ASSIGNABILITY OF LAND WARRANTS.

Mr. DUNHAM. I move that the House resolve itself into a Committee of the Whole upon the special orders.

The question was then taken, and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, upon the special orders, (Mr. OLDS in the chair.)

The CHAIRMAN. The business before the committee is the special order, being Senate bill No. 146, making land warrants assignable and for other purposes.

Mr. CAMPBELL, of Illinois. I propose to submit, for the consideration of the committee, a few remarks in support of the propositions, on the subject of military bounty land warrants, as contained in the Senate bill. And it may not be inappropriate for me, at the present time, to refer briefly to the history of the proposition which is now before the committee for its consideration. At an early period of this session, the honorable gentleman from Alabama, [Mr. COBB,] I believe, introduced a bill for the purpose of making land warrants assignable, which are not so under existing laws.

The provisions of that proposition met with the approbation of this House. It was enacted into a law, so far as the action of the House could accomplish that end, and sent to the Senate for its concurrence. After the passage of that bill, the honorable gentleman from Tennessee [Mr. HARRIS] submitted his joint resolution proposing to accomplish the same thing with the first section of that law; but in addition to that, it contains other sections providing that the receivers and registers of the different land offices in the State where the public land is situated, should receive pay equal to the sum which they received under the cash entries for locating these warrants. And further, that those registers and receivers who have heretofore located these warrants, should also be paid for their services out of the Treasury of the United States. The resolution contains other propositions, to which it is not necessary for my purpose at this time to refer. Those resolutions were considered, and finally they were referred to a select committee, which committee, after grave consideration and solemn consultation, reported a bill back to this House, upon which it seemed, after the report had been made, there was not two of that committee who were able to agree. The builders of Babel were not more incomprehensible to each other than were the members of that committee after they returned from their committee-room into this House. The chairman of the committee, [Mr. DUNHAM,] immediately after he reported this bill, proposed an amendment to the first section himself, and thereupon a very interesting discussion grew up, confined principally to the members of that committee. Notwithstanding that, sir, a portion of that committee, with its chairman at its head, insist most pertinaciously their bill shall become the settled law. I am opposed to that bill. I am opposed to it in substance and in form.

But to proceed with the further history of the proposition contained in the bill now before the committee for consideration. While these mat-

ters were going on in the House, the first bill providing for the assignability of warrants had been sent to the Senate. The Senate then took up the whole subject—the joint resolution and all the proceedings which had taken place in this House, and, after mature deliberation, a bill passed that body, which was sent to this House for its concurrence, and referred to this committee, and is one of the propositions to be discussed at the present time. The gentleman from Tennessee, [Mr. HARRIS,] who reported the first resolution, seems to me to have changed the ground he first occupied on these resolutions. A very serious and marked change has come over the spirit of his dream. Notwithstanding the Senate bill combines, almost word for word and letter for letter, the proposition as contained in his bill, he seems to have abandoned his own bantling, and to have fixed himself upon this nondescript reported by this very select committee. Why this is marvelous and strange. The Senate could not have paid a higher compliment to the gentleman from Tennessee than it has done. It has embodied, as I said before, almost word for word the same sentiment and provisions which were contained in his original joint resolution. I apprehend that no member of this House could have submitted a proposition which would have received a higher compliment from the Senate of the United States, than the proposition has received from that body which the honorable gentleman from Tennessee submitted.

Mr. HARRIS, of Tennessee. If it is any gratification to the gentleman from Illinois to know that I am opposed to the adoption of the resolution which proposes to pay registers and receivers for services heretofore performed, the gentleman may have that information. I introduced the joint resolution to which the gentleman referred, upon the first or second day after the organization of the House, stating at the time I did so, that they were the joint resolutions of the previous session, with the Senate amendments thereto, copied by one of the clerks. I had not, before offering it, scrutinized every feature it contained, my object being to get the proposition to make the warrants assignable before the House, knowing the House could correct any defect that might exist. They contained a feature which, upon investigation, I condemn, and to which I am opposed, and which opposition I expressed as soon as I investigated the subject. I oppose it for the reason that the existing laws provided for the compensation of these officers; and if that compensation was insufficient, they were not compelled to continue to hold the office. That feature is to pay to registers and receivers, for services heretofore performed under the then existing laws, an amount indefinite as to quantity and indefinite as to what number are to receive this pay. I am against the adoption of that principle, whether it appears in the original resolution introduced by myself, or in resolutions introduced by any other gentleman upon this floor, and shall vote to strike it from my own, and every proposition in which it is contained, feeling it to be my duty when, upon investigation, satisfied that a proposition is wrong, to correct the error, whether the proposition be reported by myself or another.

Mr. CAMPBELL, (resuming.) The gentleman is correct in the order of time in which his resolutions were offered; they preceded the bill of the gentleman from Alabama. I understand when a gentleman introduces a resolution, whether he has made an exact copy of any other resolution or not—whether he has introduced a resolution which was reported at the last session of Congress or not, that he indorses to the fullest extent every sentiment and principle it contains; that he adopts the proposition as his own, and submits it to the House for a candid and impartial consideration. If the gentleman has had reason since the time he introduced this resolution to change his opinions, that is a matter with himself; yet it may very well be considered as a matter of astonishment to those who do not understand the causes which produced this great change in the mind of the gentleman upon this particular subject, and I propose to show in the investigation of the subject, that the reason which the gentleman has just urged why he changed his opinions, is no reason at all. The amount which is to be paid is not indefinite. It is capable of being ascertained with mathematical certainty, and I propose, before taking my seat, to inform the gentleman of almost the precise amount which you

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will be called upon to legislate out of the Treasury, if the third section of this bill should be adopted. But to return. After the Senate had doubtless considered all of these propositions, they embodied a portion of the provisions of each into a bill which passed that body, was sent to this House for its concurrence, and which, with all the other propositions submitted, are now before this committee.

My object is to clear away from this Senate bill all the rubbish with which it is surrounded, and endeavor, so far as I am capable, to show that it should be enacted into a law with some slight modifications. A modification I propose to this, I apprehend, will remove all the objections which the gentleman has to that particular section of the law to which he has alluded. I hold, now, in the first place, that it is the policy of this Government to reward every public officer—all its public functionaries, all its agents, in proportion to the responsibility of the service which they are called upon to discharge. That is the policy of the Government, for the purpose of securing integrity, competency, and the faithful discharge of all the duties pertaining to the public offices, to allow such compensation as will place the officers beyond the reach of temptation. I would ask the Clerk to read the first section of the Senate bill.

The first section was then read, as follows:

"*Be it enacted, &c.*, That all warrants for military bounty land, which have been or may hereafter be issued under any law of the United States, and all valid locations of the same, which have been, or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing, made and executed after the taking effect of this act, according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the warrant or location: *Provided*, That any person entitled to preemption right to any land shall be entitled to use any such land warrant in payment of the same, at the rate of \$125 per acre, for the quantity of land therein specified."

I do not propose to occupy any time upon this first section of the Senate bill. That section has already met with the approbation of this House by an almost unanimous vote. There might have been an amendment made to this bill, but I do not propose to make it, because I desire that it shall meet with the hearty approbation of this House. The law of the 3d of March, 1851, restricted the location of warrants to lands subject to entry at the passage of that law; but as there is another proposition before this House, which I have had the honor of submitting, that relieves these warrants of the restrictions and limitations imposed upon them by the act of the 3d of March, 1851, I do not see fit, and it is not necessary, to disturb any of the provisions of this section at present.

I would say, that the amendment which was offered by the chairman of the select committee is embodied in this section, which relates more particularly to the form of making the transfer. I will now ask the Clerk to read the second section:

"*Sec. 2. And be it further enacted*, That from and after the passage of this act, the registers and receivers of the United States land offices shall each be entitled to receive fifty cents for his services in locating each bounty land warrant by him located, to be paid by the person or persons locating the same; but this act shall not be so construed as to allow any register or receiver to receive any greater maximum of salary and fees than by law he is now entitled."

I will submit whether an amendment to this section is now in order?

Mr. WILLIAMS. I desire to make an inquiry of the gentleman, as I wish to vote correctly. Do you propose to go back and pay registers and receivers for services heretofore performed? Is there an express or implied obligation on the part of the Government to pay them for that duty? On the contrary, under the law authorizing warrants to be issued was it not distinctly indicated that the registers and receivers were to perform this duty voluntarily? If I am correct in this, why should we remunerate public officers for performing a duty which they have voluntarily agreed to perform?

Mr. CAMPBELL. When I come to this section of the law I will reply to the gentleman. I

submit to the Chair whether it is now in order to propose an amendment to the second section?

The CHAIRMAN. Not until the first section is passed upon. That section is still under consideration.

Mr. CAMPBELL. I shall move at the proper time, if no other member do so, to amend the second section of the bill, by striking out the following:

"Where they have been transferred under the provisions of any act of Congress, and the regulations of the General Land Office; and to be paid out of the Treasury of the United States upon the adjustment of the accounts of such officers, where it shall be shown to the satisfaction of the Commissioner of the General Land Office that the warrant was located by the soldier or warrantee, or his next of kin, as provided for by law."

My object in proposing this amendment, is to relieve gentlemen who are opposed to this section of the law, because it takes money out of the Treasury for the location of these warrants. The section, as it will then read if this amendment should be permitted to prevail, will require the holder of the warrant, whether he be an assignee of the original warrantee, or the original warrantee himself, to locate these warrants at his own expense. The objection which has been urged to this section of the bill, then will be wholly and entirely obviated. The question then recurs as to the justice and to the propriety of adopting the section as it stands amended. It is well known, that under the cash system, which has always been in operation, public officers, for their remuneration, receive a certain percentage for the entry of every tract of land. That constitutes the compensation for the labor which they are required to perform. Now, for the purpose of showing to the committee the nature of the service which the land officers are required to perform in entering a tract of land, I will send to the Speaker's table a reply to interrogatories which I addressed to the Commissioner of the General Land Office.

GENERAL LAND OFFICE, January 22, 1852.

SIR: In reply to your letter of the 21st instant, in relation to the fees of registers and receivers, I have the honor to inform you, that—

For cash entries each register and receiver is entitled to one per cent. on the money paid, which for 100 acres is \$2. This percentage is paid by the Government, and is all that is allowed to these officers for cash entries.

For locations by warrant, each register and receiver is entitled, under the act of May 17, 1848, for one hundred and sixty acres, fifty cents; for forty acres, twenty-five cents. This is paid by the locator, and applies to warrants issued under the law of February 11, 1847, only. For the location of warrants under the act of September 28, 1850, no fee is allowed by law.

In cash entries, the register notes the sale on his plats and tract book, files one certificate, and enters the sale in his monthly returns. In cash sales, the receiver issues one receipt for the money, enters the name of the purchaser in his monthly returns, and accounts for the money.

In the location of a land warrant, the register notes the location on his plat and tract book, fills one certificate, fills one application, and attests the signature of the locator, certifies that the location is correct, fills up the affidavit that the land is uncultivated, &c., enters the location in his monthly return, and when errors are discerned in the location or description of the tract, or the assignment is erroneous, the papers are returned to him for correction, and he is required to notify the parties, and the correspondence is often voluminous and long continued.

In the location of a land warrant, the receiver joins the register in certifying the location.

In cash entries, where errors occur, or confusions arise, the registers and receivers frequently are required to make examinations and conduct correspondence, but, generally, the necessary labor attending the location of a warrant is far greater than the duties required in cash sales.

I inclose copy of the law of 17 May, 1848, from which you will perceive, that when a warrant is located by or for the soldier, no fee is allowed the land officer.

Very respectfully, your obedient servant,

J. BUTTERFIELD, Commissioner.

HON. THOMPSON CAMPBELL,

House of Representatives.

[A message was here received from the Senate, by the hand of their Secretary, ASBURY DICKINS, Esq., transmitting sundry bills, and asking the concurrence of the House therein.]

Mr. CAMPBELL resumed. The operation of this section of the law is prospective, and proposes to pay to registers and receivers the same compensation for the location of warrants hereafter, which they have been in the habit of receiving where land was entered under the cash system.

Mr. MASON. With the permission of the

gentleman, I wish to ask him a question, for I desire to have some information upon this subject. If this proposed compensation to registers and receivers is not granted, will the public service suffer at all by these men resigning, and the inability of the Government to get others at the same salary, without additional compensation? I should like to hear the gentleman's views upon that subject, as he lives in a section of country where these receivers and registers live.

Mr. CAMPBELL. Well, sir, with us, responsible men—men capable of discharging the duties of a responsible office, require for their services a sufficient salary, and if they did resign for want of it, we should be under the necessity of sending to the gentleman's State to get men who would be willing to attend to the duties of this office for the Government of the United States, without receiving a competent remuneration therefor. We have no men of that description in the State of Illinois, where I reside. I now propose to proceed with the discussion of this subject. My time is rapidly passing away, and the gentleman will have full opportunity of replying to me. Questions of the kind which have been propounded to me, are not calculated to shed much light on the subject now under consideration.

As I stated before, the operation of this section of the bill is prospective, and proposes to pay to registers and receivers the same compensation which they have been in the habit of receiving from the first organization of the land system, I believe, up to the present time, for their services. Now, the only question is, is it right—is it just? The Government selects its agents, and it pays them a percentage for performing a certain duty. The Government sees fit to change its policy: instead of disposing of its lands for cash, it adopts a new policy, and parts with all its interest in those lands by a different process. What is the nature of that process? Why we see, from the answers of the Commissioner of the Land Office to the interrogatories which I submitted to him, that, instead of the labors of these officers being in any way decreased, they are greatly increased by this new policy, and by the forms which the Land Department has adopted for the location of these warrants. I am unable, at this time, to make any distinction between a register and a receiver. They are both important and responsible officers. Why, sir, a receiver in the district in which I reside, is under the necessity of entering into bond in the sum of \$100,000. Is any man for the paltry salary that is not sufficient to support him, willing to execute a bond to the amount of a hundred thousand dollars, when he is to receive no remuneration for the risk which he incurs? I apprehend not. These land officers are highly responsible. There are judicial attributes which attach to them. There are frequently vexed questions presented to them, which they are called upon to decide with regard to the preemption laws. They are required to take testimony, and decide upon that testimony, and the rights of the settler are deeply involved in their decisions. For these reasons it is necessary that we should have the most responsible men to discharge these duties.

Now the proposition which I make is for the warrantees or holders, whoever they may be, to pay the fee which is required to be paid for the location of these warrants. That is, for one hundred and sixty acres only two dollars—not quite two acres out of the one hundred and sixty acres of land which they receive by the location. I submit to gentlemen if that is unreasonable, or in any way unjust? While you are just and generous to the soldier who has fought your battles, do not tarnish the splendor of your bounty by any act of injustice to another class, who have been called from the walks of private life to the discharge of an indispensable public trust. If the system which has been practiced on for years is just and reasonable, then there can be no objection to the provisions which are contained in the second section of the bill.

I now ask the clerk to read the third section of the bill.

The CLERK read the section, as follows:

"SEC. 3. And be it further enacted, That registers and receivers, whether in or out of office at the passage of this act, or their legal representatives in case of death, shall be entitled to receive from the Treasury of the United States, for services heretofore performed in locating military bounty land warrants, the same rate of compensation provided in the preceding section for services hereafter to be performed, after deducting the amount already received by such officers under the act entitled 'An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants,' approved May seventeenth, eighteen hundred and forty-eight: *Provided*, That no register or receiver shall receive any compensation out of the Treasury for past services who has charged and received illegal fees for the location of such warrants: *And provided further*, That no register or receiver shall receive for his services during any year a greater compensation than the maximum now allowed by law."

Mr. CAMPBELL. That is the section of the bill, I apprehend, to which the greatest objection will be urged. The gentleman from Tennessee, [Mr. WILLIAMS,] whose question I promised to answer when I took up this section for discussion, asked me whether there was any contract, either express or implied, on the part of the Government to pay these registers and receivers for this service. Sir, there is that implied contract which is good in law, between man and man, that where services are rendered at the request of another, he is bound in law to pay a reasonable compensation for those services. That is the ground upon which we ask that these officers shall be compensated for services which they have heretofore rendered.

Mr. CLARK. The gentleman from Tennessee also asked whether the law of 1850 did not actually prohibit registers and receivers from receiving compensation? I answer that the law makes no such prohibition; it is merely silent on the subject, and that was unquestionably an oversight.

Mr. CAMPBELL. What was the intention of the framers of that law is a matter of no importance to me in the discussion of the right now under consideration. The question which I present is, is it right that they should receive this compensation? Sir, I do not belong to that class of men who, in investigating a question of right, stop to count the dollars and cents which will come out of the Treasury. I desire first to ascertain whether it is just, and then the other must follow as a natural and inevitable consequence.

Mr. FULLER. Did not the laborer who came in at the eleventh hour receive as much pay as the one who had labored the whole day?

Mr. CAMPBELL. We are also told that the just and faithful servant, who knew his master's will, and did it, received his just reward.

I desire now to relieve the gentleman from Tennessee [Mr. HARRIS] of the objection which he urged to this section of the bill, that the sum to be paid out of the Treasury of the United States is so indefinite that it is impossible to calculate the extent of it. There has been much said upon this question. Some have rated the amount at \$500,000, and others at a still more exorbitant rate, without, I think, making any calculations from the correct data which they had in their possession. I have made an estimate, based upon the report of the Commissioner of the General Land Office; it may not be precisely the sum, but it will vary very little from it, and I will read it for the information of the committee, and particularly of those gentlemen who urge this most special objection to this section of the bill:

Up to November 1, 1851, there was located of Mexican warrants..... 66,618

It is estimated that out of this number there was located before May 17, 1848, and for which no compensation was allowed, say..... 10,000

That is a very reasonable calculation for the amount of warrants that were located during the first year; they were slowly issued and were slowly entered.

Out of the whole number located..... 66,618
The number of 40 acre warrants are, say 5,018

Under the act of May 17, 1848, land officers have received half pay (twenty-five cents each) for locating 40 acre warrants: there would be due for them, therefore, for 40 acre warrants located..... \$2,509

There would be due, under the Senate bill for locating ten thousand 160 acre warrants up to

May 17, 1848, for which land officers have received no compensation..... \$40,000
There have been located since the passage of the law of May 17, 1848, for which each land officer has received fifty cents each, the following number of warrants, say..... 51,618
There would be due to the officers for locating that number of warrants under Senate bill, say..... \$153,854
Add to that sum the balance due for locating 40 acre warrants and 160 acres, for which no compensation has been paid..... 42,509
Of the new issue of warrants under the act of September 28, 1850, there have been located (say) 3,708 warrants. Upon these there has been nothing paid. About one half of this number are 40 acres; one third, 80 acres; one sixth, 160 acres. For locating these warrants of the last issue at the rate of compensation allowed by Senate bill there would be due..... 6,798

Estimated amount to be deducted for those officers where there have been a great many warrants located and large cash entries made, and where the officers have received already the maximum allowed by law, say..... 20,000

Leaving to be paid from the Treasury .. \$183,161

These are calculations which I have made, and which any one who will take the trouble to examine the report of the Commissioner of the General Land Office will find to be correct, within a very small amount at least, if it varies at all.

Now, this section of the bill proposes to appropriate \$183,161 for compensating the public officers who have discharged faithfully their duties to the Government. Is that right, or is it wrong? Is it right when land is entered for money that the Government should pay a percentage on that land? Is it right, for the purpose of securing integrity and competency in those public officers, that they should receive a just compensation—an equal reward for the labor they are called upon to discharge? There seems to be some little doubt as to the reasons which impelled the enactment of this law, or rather which prevented the insertion of a provision in that law that these officers should receive an adequate compensation for their services. Now, I understand the state of the case to be this: The Government of the United States in bestowing the bounty contained in the bill upon those who had served their country as soldiers, in all the wars since the Revolution, viewed it in the light of a gratuity, which was to cost the recipient nothing, and therefore required the land officers to perform the labor of locating free of charge, thereby transferring a duty which belonged to the Government, to the single shoulders of the poor officer, and that, too, without fee or compensation of any kind.

This, in some cases, might be considered a correct principle; but I think in the present case it is a misapplication of the principle, if it be a correct one. It will be observed here, that these public officers receive their compensation from fees alone. Now, in making this assertion it may be answered, that they receive a salary. What is the salary of one of these officers? Why, it is \$500 per annum. And is the extent of this salary merely, sufficient to pay their office rent, and their other incidental expenses connected with their office duties? When this system of locating lands by warrants was adopted by the Government, locations were greatly increased, and the labor of the officers, as a matter of course, was greatly increased; at the same time, many of the officers who I know in the State of Illinois, as well as in the States of Iowa and Wisconsin, were compelled to hire additional clerks for the purpose of keeping up the business of their offices. Yet, all they had to pay this clerk hire with was the \$500 which they received as salary. And out of that their rent for offices, and all their incidental expenses connected with the business of their offices, was to be paid. Now, is there any principle in political economy, is there any principle in morals, that would sustain a Government like this, in requiring these officers or agents to discharge their laborious duties

without giving them a reasonable compensation for their services? Is it right, when land is entered with cash, that these officers shall be paid \$2 for each entry out of the Treasury of the United States, but when the Government requires them to perform a greater amount of labor, that it should say to them, "We will not pay you anything; and if you do not like it you may resign?" Magnanimous sentiment! *Unanswerable argument!* *Profound statesmanship!* that the Government will not pay these officers for their services, and then say if they are not sufficiently worthy or philanthropic or patriotic to perform the labor without pay, that they can resign. Why, I tell the gentleman from Kentucky, [Mr. MASON,] that I apprehend he can find a plenty of men in his own State—nay, in his own district, who would willingly underbid him for the very situation he now occupies. That policy which looks to the lowest price, for which high responsible offices in the country can be filled, is grovelling in its aim, unstatesman-like in its economy, and in the end disastrous to the public interest. If you desire to hold your public officers to a strict accountability; if you desire to hold them to a high responsibility, let the Government never adopt the policy of creating necessity, and then hold up before him the most alluring temptations. Why, it is said that many of these officers avail themselves of their situation and of their position, to speculate in these warrants. All that may be true. I do not pretend to deny that there are men who have disregarded their instructions, who have violated the law, and who have made fortunes out of these offices. But is that any reason why a just man, who has discharged faithfully and honestly the duties which the law has imposed upon him, should be made to suffer with the guilty, or that he should receive nothing for the labor which he has performed for his Government?

[Here the hammer fell, the hour having expired.]
Mr. BRENTON. I regretted that the time was limited for this discussion to so short a period, not that it was my desire to occupy much of the time of the committee with any remarks I might have to make. Far from it. Nor do I desire to consume a single moment of the present time of the committee on any subject, other than that now under consideration. The proposition in this bill has been correctly stated by the gentleman from Illinois, [Mr. CAMPBELL,] But there are some important facts connected with this measure, which it is important that every member of this committee should be acquainted with, in order to vote understandingly upon its provisions.

I desire to say, as regards the first provision of the Senate bill, I believe there is no division of sentiment here. The House has, by a previous vote, passed almost unanimously upon that proposition, and it is, therefore, unnecessary to discuss it. But it is mainly with reference to the second and third sections that objections have been raised. The ground of that objection will be removed, so far as the second section is concerned, by the adoption of the amendment proposed by the gentleman from Illinois, [Mr. CAMPBELL,] providing for the location of these land warrants, the person locating them, whether the original warrantee or the assignee of the warrant, shall pay to these officers, for the trouble of locating them, thereby relieving, in all time to come, the Treasury of the nation from any expense whatever upon the subject. But I am aware that it has been contended, and may still be contended by some, that these officers are not entitled to compensation for the location of warrants, notwithstanding that compensation may be paid by the holders themselves. Now, any gentleman, having any practical experience in connection with the operation of our land offices, or who has for a moment informed himself in reference to the amount of labor necessary to be performed in the location of warrants, cannot assume grounds of this character. I speak upon this question from my own knowledge, that the amount of labor necessarily performed by the officers of Government in the location of these warrants, when compared with the labor necessary to dispose of the public domain for cash, is, at least three times as much. And this labor, which the officers are called upon to perform, requires some compensation at your hands, and the question addresses itself to every member of this House; and every member, who will carefully examine the ground of their application, and the nature of their claims,

must, upon the principles of strictest equity, grant their request. I need not dwell upon this point, in consequence of the proposed amendment of the gentleman from Illinois [Mr. CAMPBELL] obviating the difficulties which have, heretofore, been urged. I know this is a very delicate question, and proposes to withdraw money from the public Treasury, and on which gentlemen, who pause, reflect, and look about them, and like all bills connected with the expenditure of public moneys, require mature consideration. No appropriation should be made, no authority should be given to draw money from the public Treasury, unless there is good ground for so doing, and unless the interest of the country demand that such appropriation should be made. The difficulty, then, being obviated by the amendment proposed by the gentleman from Illinois, [Mr. CAMPBELL,] as regards this second section, it is not necessary for me to consume time in directing the attention of the committee to it.

I wish to state that there is certainly a mistake, under which members of the committee are laboring, as regards the true nature of the labor performed, and the true nature of the claim here urged, upon the part of the officers of the Government. And I wish to show the progress made in locating these warrants during the years of 1847, '48, '49, '50, and three quarters of 1851, inclusive; and, at the same time, to exhibit the amount of cash sales during the same period. The Commissioner of the General Land Office shows, as follows:

In 1847 the cash value of warrants located was	\$289,850
While the cash sales amounted to	3,296,404
In 1848 the value of warrants located was	2,861,200
While the cash sales amounted to	2,621,615
In 1849 the value of the warrants located was	4,256,900
While the cash sales amounted to	1,756,890
In 1850 the value of warrants located was	3,709,600
While the cash sales amounted to	1,818,829
In three quarters of 1851 the value of warrants located was	1,722,000
The cash sales for the same period was	1,933,119

Total.....\$24,256,407

Of this amount \$12,839,550 are for the cash value of Mexican warrants located up to the close of the third quarter of 1851.

Having, myself, been connected with the Land Office for a number of years, when I speak upon the subject, in regard to facts connected with it, I speak from my own personal knowledge.

There have been issued under the act of 1847—up to the 1st of November, 1851—80,781 Mexican warrants of this number 66,618 up to that date.

I wish to call the attention of the committee to two or three additional facts: 1st, Of the whole number located, 33,502, or more than one half of the whole number, were located prior to the close of the third quarter of 1849, and consequently by the former officers; while less than one half, or 33,116, were located by the present officers. 2d, About one fourth of the whole were located prior to the passage of the act of May, 1848, authorizing a charge of twenty-five cents on forty acre warrants, and fifty cents on one hundred and sixty acre warrants, where they were located by assignees.

I might appeal to my Democratic friends, as did the gentleman from Illinois, [Mr. BISSELL,] and ask them to give their support to this bill, in favor of their Democratic brethren who are now out of office.

Again: there have been already issued up to the 1st of November, 1851, 54,201 warrants under the act of 1850; and this number will be increased during the next year to near 150,000. For the compensation of officers, who are required to locate these, no provision is made.

But, Mr. Chairman, in reference to the question of compensation, I hope I shall be excused if I detain the committee a little longer, in order to notice some of the objections against it. My colleague, who reported the amendment from the select committee, says:

"We provide for the future claims of officers for locating these warrants, that the register and receiver is to receive each fifty cents."

That is the fee which they are now entitled to for locating forty acres of land, at one per cent. upon the money received by each officer. He then says:

"I submit to the House, that there is no more trouble in the location of one hundred and sixty acres, than there is in locating forty acres of land. We, therefore, ought not to pay any more in the one case than the other."

If this is a correct conclusion, then the policy of the Government, in reference to cash sales, is all wrong, and has been. And I submit to the House that there is no more trouble in selling one hundred and sixty acres of land for cash, than there is in selling forty acres. Therefore, according to his argument, you should pay no more in the one case than the other. But has the principle been heretofore recognized by the Government? By no means. Since 1818, the Government has paid for selling forty acres of land, at \$1 25 per acre, fifty cents; and for selling one hundred and sixty acres, at the same price, \$2. Is not this equitable?

I must now briefly notice some objections urged against paying land officers for services already rendered; but this question has been so fully, forcibly, and ably discussed by other gentlemen, that I do not feel authorized to say much in reference to it.

The justness of this claim has been, to some extent, admitted by my colleague in reference to most of these claimants. He says: "It may be possible that in some of the offices labor has been done for which their fees and salary have not been an adequate compensation." He says further: "If their cases are meritorious, undoubtedly the Congress of the United States will be disposed to grant relief." Now, if it can be shown that all these cases are meritorious, I am confident that my colleague, as a part of the Congress of the United States, will be ready and willing to vote now for this relief and in the form proposed. And in order to secure his vote, I shall undertake to show that they are all meritorious.

Let me, however, notice, before going further, the exception of the gentleman to a few of these claims. He says: "In many of these offices they are not entitled to" this relief. Why? Because "they have in many instances received almost the maximum the law allow them to receive." To this it is sufficient answer to say, that in all such cases the amount to be paid out of the Treasury will of course be trifling.

But now for the meritorious character of these claims: It will be remembered that in the commencement of these remarks I gave an exhibit of the cash sales and the cash value of the warrants which had been located during the past five years, amounting to \$24,256,407. Now, sir, if the per cent. on the whole amount had been equally divided among all the officers in the United States, it would have given to each officer only the sum of \$713; this, added to their salaries, would have made \$1,213 each. But when we deduct the value of the warrants from the actual cash receipts, how does the matter then stand? The value of the warrants was \$12,839,550, leaving the cash receipts \$11,416,857. The per cent. on this amount, equally divided, would be \$335; add to this, their salary, and it gives to each \$835. But when we come to look at the actual receipts at the different offices the true state of the case presents itself without disguise.

I shall not trouble the committee with an exhibit of the actual receipts at the different offices for the past five years, but will select 1850 as an average year, the cash receipts being \$1,818,829. There are sixty-eight offices in the United States, and the highest commission received at any office was \$1,235; the next was \$561; while at eight offices they received less than \$500; at twelve, \$400; at thirteen, \$300; at six, \$200; and at eighteen, \$100—so that the receipts for that year range from \$561 down to \$20, exclusive of their salary. With this sum they must support themselves, pay their office-rent, and clerk-hire. Will we compel them to do it, and require them at the same time to locate these warrants for nothing?

I did not know that it had entered into the policy of this Government, in fixing the compensation of its officers, to enter into an examination for the purpose of ascertaining what it would cost a man to live. The question is, Shall the services rendered receive a proper equivalent? But I know in the portion of the country where I reside, and where it is probable living can be had as cheap as anywhere else, that no man can get exceedingly rich upon \$500 per annum—that no man can get very rich upon \$800—that no man can get extremely wealthy who receives annually \$1,000, out of which he is compelled to support himself and family. The registers and receivers are compelled to furnish their own clerk-hire, to supply their fuel, and to pay for their office-rent out of

the salary they receive. If the Government would meet these contingent expenses, the nature of the case would be changed. It is a matter of impossibility, supposing all their office expenses were defrayed, and their family supplied with bread and meat gratuitously, for them to become rich receiving \$500 a year. It is perfectly idle to talk about the vast amount of money these men receive for the services rendered by them from the Government. The day has passed by at most of the places where these offices are located when more than a liberal compensation can be obtained. The lands are being rapidly exhausted in many of the States, and soon these offices will be abolished.

I differ with the gentleman from Illinois, [Mr. CAMPBELL,] however, in regard to the amount it will take to liquidate these claims out of the Treasury of the United States. I cannot, by any examination I have made, and I have made the most critical examination of the reports from 1847 to the third quarter of 1851—supposing all these warrants were located without receiving anything—make the amount as large as that stated by my friend.

Mr. CAMPBELL. If the gentleman will permit me just one word. I made this calculation, intending it should cover all the expenses, all the compensation, and put it at the very highest figure. I stated that it might not be positively correct; but I knew it was large enough to cover the entire sum that would be required to be paid out of the Treasury as compensation for these services.

Mr. BRENTON. I am aware the gentleman has placed it at the highest possible amount; but I did not allude to his statement for the purpose of having a controversy upon that question with him or any other gentleman. If he will take the amount of public lands disposed of from the time these warrants were issued up to the present time, fixing their cash value at the minimum price, he can ascertain, to the fraction of a cent, the precise value of all these lands; and then it can be ascertained precisely what amount should be paid to these land officers for the labor they have performed. There is no question more susceptible of demonstration. It is as plain as figures can make it, and each individual, by examining, can be satisfied as to this point.

Mr. DUNHAM. I ask the gentleman whether he is not aware that for the last year the cash sales at these land offices have increased in a greater ratio than the entry of lands by land warrants?

Mr. BRENTON. I believe I stated in my remarks before that which would answer the gentleman's inquiry. I will say here, that just in proportion as the Mexican warrants have been consumed, the cash sales have increased, and, during the past year, there being but few warrants to be located, and very few issued under the act of 1851, the cash sales naturally would increase. Just as these warrants are diminishing, the cash sales will increase. I am fully aware of this fact, and have stated it before. These officers are necessary to the execution of the law of the United States for the disposition of the public domain; and I ask, upon what principle of justice can any man, or this Government, say to them that these laws shall be faithfully executed, but you shall not receive anything for your labor and trouble, and the necessary expense attending the disposition of the public land? If the gentlemen who represent the Southwestern States will take the pains to examine the receipts of their various offices for the past five years, they will find that many of their officers—their own constituents, have received less than \$600 for their services. It has been equally the case in the West. In my own State, during the past year, the compensation at no office reached \$1,000. There is, in my mind, an objection to the form of the third section of the Senate bill, which objection was suggested by the remarks of my colleague, the chairman of the select committee. It may be, I suppose, so amended as to meet his views upon the question. I have, therefore, an amendment which I intend proposing to the third section of this bill, in reference to the compensation for the past officers. I intend moving to strike out all previous to the first proviso, and to insert the following provision:

And be it further enacted, That the Commissioner of the General Land Office is hereby authorized and directed to investigate and allow the claims of the former and present registers and receivers of the several land offices in the United States, for their services rendered prior to the passage of this act, in locating military bounty land warrants,

issued under the acts of Congress approved February 11, 1847, and September 28, 1850; the rates of compensation to be the same as now allowed by law on the sales of public lands for cash, at the minimum price, after deducting the amount they may have received from persons who have located assigned warrants. And the Secretary of the Treasury is hereby authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the claimants or their legal representatives, the amounts so allowed by the Commissioner of the General Land Office.

Mr. BRENTON yielded the floor to

Mr. CARTER, who moved the committee rise; which motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order of the House, being Senate bill 146, entitled "An act to make land warrants assignable, and for other purposes," and that it had come to no conclusion thereon.

On motion by Mr. CARTER,

The House then adjourned.

NOTICES OF BILLS.

By Mr. St. MARTIN: A bill entitled "An act to establish a navy-yard and depot at New Orleans, in the State of Louisiana."

Also, a bill entitled "An act making an appropriation for the removal of the bar at the mouth of the Mississippi river, by means of dredge-boats, so as to allow the passage of the largest ships."

By Mr. ALLEN, of Illinois: A bill for the establishment of a national foundry and armory on the site of old Fort Messac, in Illinois.

Also, a bill to grant the right of way and a donation of public lands to aid in the construction of a railroad from Shawneetown, Illinois, to a point on the Mississippi river, opposite the city of St. Louis.

Also, the proceedings of a mass meeting of the citizens of Marion county, in the State of Illinois, asking Congress to grant to the actual settlers upon the public lands on the line of the Central Railroad in said State the right of preemption.

By Mr. CHANDLER: A bill granting public lands to the Sunbury and Erie Railroad Company of Pennsylvania, to aid in the construction of their works, and connect the lake trade more directly with the Atlantic.

PETITIONS, &c.

The following memorials, petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FAULKNER: The petition of Henry Bedinger, of Virginia, and other heirs of Daniel Bedinger, deceased, praying for the half pay and land due to them for the services of the said Daniel Bedinger, in the war of the Revolution.

Also, the petition of John Littlejohn, praying to have allowed him certain items of his account rejected by the accounting officers of the Government, for work done at Harper's Ferry.

By Mr. CHASTAIN: The petition of sundry citizens of Cass county, Georgia, and the accompanying testimony, praying remuneration for property destroyed by the troops of the United States while stationed at New Echota, in said county.

By THOMAS M. HOWE: The memorial of B. Crawford, A. Watson, and 51 other practical engineers, engaged chiefly in running steamboats on the Ohio and Mississippi rivers, on the subject of steam-boiler explosions.

Also, the petition of George Weyman, Jacob McCollister, and others, manufacturers and journeymen cigar makers of the city of Pittsburg, Pennsylvania, praying for a modification of the tariff so as to afford a fair remuneration for their labor.

Also, the memorial of the Rev. John Douglass and others, of the city of Pittsburg, praying that postmasters, and all others in the employment of the Government, may be relieved from duty on the Christian Sabbath.

Also, sundry memorials from citizens of Alleghany county, Pennsylvania, representing the advantages of a speedy construction of a canal at the Falls of the river Ste. Marie, Michigan.

By Mr. McLANAHAN: The petition of citizens of Perry county, praying for a mail route from Millerstown to Ickesburg, in Perry county, aforesaid, by the way of Donnelly's Mill.

Also, the memorial of the Hon. Frederick Watts, President, and Robert C. Walker, Secretary, of the Pennsylvania State Agricultural Society, praying for the establishment of an Agricultural Bureau by the General Government.

Also, the petition of R. Porter, John Herron, Thomas Rowley, and William Quail, of Pittsburg, Pennsylvania, praying for additional compensation for their attendance as witnesses in the United States court at Washington.

By Mr. SCUDDER: The petition of John Jenkins and others, citizens of Massachusetts, asking an appropriation for the preservation of Wood's Hole harbor.

By Mr. HENN: The petition of Orson Hyde, asking compensation for certain horses and mules stolen from him by the Cheyenne Indians, and for other property stolen by the Pawnee Indians in the fall of the year 1851.

Also, the proceedings of a meeting of the stockholders of the Keokuck and Dubuque Railroad North, held at Anamosa, on the 19th day of January, 1852.

Also, the proceedings of a meeting of the stockholders of the Keokuck and Dubuque Railroad North, held at Marion, on the 17th day of January, 1852.

By Mr. BROWN, of Mississippi: The petition of Samuel Davis, for himself and others, for the establishment of a mail route from Jackson court-house to Pascagoula, in the State of Mississippi.

By Mr. MILLER: The memorial of sundry citizens of Adair, Shelby, and Knox counties, Missouri, praying the establishment of a mail route from Shelbyville to Kirksville, Missouri.

By Mr. McDONALD: The petition of the heirs of Captain Joshua Frost, for commutation pay.

Also, the petition of David Fowler, for pay for injuries received while in the employment of the United States.

By Mr. ASHE: The memorial of R. B. Smith and D. N. Brice, deputy marshals, praying additional compensation for taking the census.

By Mr. BURROWS: The memorial of H. P. Norton and 290 others, citizens of Monpe county, New York, praying Congress not to renew C. H. McCormick's patent for a reaping machine.

By Mr. KURTZ: The memorial of a large number of citizens of York, Pennsylvania, praying Congress to fit out an expedition of recovery for the supposed lost crews of the ships Erebus and Terror and for the discovery of Sir John Franklin, if he be yet in existence, under such auspices and organization as shall be deemed advisable.

By Mr. PHELPS: The petition of Francis Wohlschlager, Joseph Schmidt, Carl Miller, and others, citizens of St. Louis county, Missouri, praying that a portion of the public domain lying south of the river Des Peres, and adjacent to Jefferson Barracks, Missouri, be surveyed and sold as public land.

Also, the petition of Wm. H. Russell, surviving partner of late firm of Brown, Russell & Co., for indemnity for losses sustained, and pay for services performed, in executing a contract for the transportation of military supplies to New Mexico.

Also, the petition of J. M. Williams, for correction of location of land warrant and entry of land.

Also, the petition of Jesse R. Falkner, for a pension.

By Mr. MOORE, of Louisiana: The memorial of the people of North Louisiana and Northeastern Texas, asking Congress to order a survey of and make a grant of land, to aid in the construction of a railroad from the Mississippi river, at a point near Vicksburg, to the Texas line.

IN SENATE.

THURSDAY, February 5, 1852.

Prayer by the Rev. L. F. MORGAN.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of War, in compliance with a resolution of the Senate of March 10, 1851, together with a report of the Third Auditor of the Treasury, "showing, as far as practicable, the amount of rations issued under each contract, respectively, made by Robert B. Carter and 'James Rodday, for the supply of rations to the troops, from the 1st of June, 1812, to the 1st of June, 1815,' which were read and referred to the Committee on Military Affairs.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of the Treasury, communicating the report of the Light-House Board, appointed under the eighth section of the act of March 3, 1851; which was read, and ordered to be referred to the Committee on Commerce and printed.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of War, communicating the proceedings of the Board of Commissioners of the Military Asylum, under the act of March 3, 1851, to found a Military Asylum for the relief and support of invalid and disabled soldiers of the Army of the United States; which was read and ordered to be referred to the Committee on Military Affairs and printed.

Mr. HAMLIN, in connection with the above report, submitted the following resolution for consideration; which was referred to the Committee on Printing:

Resolved, That three thousand copies of the report submitted by the Light-House Board, and communicated to the Senate by the Secretary of the Treasury, be printed, and that one thousand of the same be for the use of the said Light-House Board.

PETITIONS.

Mr. HUNTER presented the petition of Smith Minor, administrator of one of the heirs-at-law of Lieutenant Simon Summers, an officer of the Virginia line in the Continental Army of the Revolution, praying commutation pay; which was referred to the Committee on Revolutionary Claims.

Mr. GWIN presented four petitions of citizens of California, praying the establishment of a Branch Mint at San Francisco, in that State; which was ordered to lie on the table.

Also, the memorial of Benjamin Chapman, praying the reimbursement of moneys expended by him for subsistence and transportation to citizens of the United States, emigrants to California; which was referred to the Committee on Finance.

Mr. FISH presented the petition of Thomas A. Napier, praying that a new register may be issued for the American-built ship Obed Mitchell, under the name of Kate Napier; which was referred to the Committee on Commerce.

Also, the memorial of Theodore S. Fay, Secretary of the United States Legation at Berlin, praying compensation for services as Chargé d'Affaires; which was referred to the Committee on Foreign Relations.

Mr. SEWARD. I am requested to submit the petition of Daniel B. Ellis and others, heirs of Benjamin Ellis, residing in the State of Connecticut, stating that in the year 1778 the said Benjamin Ellis loaned to the Government of the United States, for the purpose of prosecuting the revolutionary war, \$1,000 in specie; that they were afterwards paid the sum of \$1,000 in Continental money, which was so depreciated that they never received for it but \$168. They pray Congress to pass an act authorizing the Treasury Department to pay them the balance. I move that it be referred to the Committee of Claims.

The motion was agreed to.

Mr. SEWARD also presented a petition of inhabitants of Buffalo, New York, praying that the bill giving further remedies to patentees may become a law; which was referred to the Committee on Patents and the Patent Office.

Also, three petitions of inhabitants of New York, New Jersey, and Pennsylvania, praying the adoption of measures for the amicable adjustment of international controversies; which were referred to the Committee on Foreign Relations.

Mr. STOCKTON presented the memorial of the widow of Henry Sevely, Captain of the privateer "Nonsuch" during the last war with Great Britain, praying the payment of certain arrearages of pension; which was referred to the Committee on Naval Affairs.

Also, a petition of the inhabitants of Borden-town, New Jersey, praying that the law abolishing flogging in the Navy may not be repealed; which was referred to the Committee on Naval Affairs.

Mr. SHIELDS presented the proceedings of a meeting of citizens of Marion county, Illinois, in favor of the enactment of a law granting a reasonable preemption to actual settlers along the line of the Illinois Central Railroad; which was referred to the Committee on Public Lands.

Mr. ATCHISON presented the memorial of the Commissioners of the Asylum for the Deaf and Dumb at Fulton, Missouri, praying a donation of land; which was referred to the Committee on Public Lands.

Mr. UNDERWOOD presented the memorial of John C. Jones, praying to be allowed the full amount of his claims against Mexico, and not a *pro rata* allowance of the amount appropriated to satisfy the claims of citizens of the United States against Mexico; which was referred to the Committee on Foreign Relations.

Mr. DOWNS presented the memorial of a committee, appointed at a meeting of the people of North Louisiana and of Northeastern Texas, praying the right of way and a grant of land to the State of Louisiana, to aid in the construction of a railroad from the Mississippi river, in that State, to the Texas line; which was referred to the Committee on Public Lands.

Mr. PEARCE presented the memorial of Robert M. Hamilton, United States Consul at Montevideo, praying compensation for diplomatic services; which was referred to the Committee on Foreign Relations.

Mr. DAVIS presented the petition of citizens of the United States, praying for such alteration of the present tariff as will promote the honest and practical efforts of the importing merchants, the best interests of the farmers, of the manufacturing establishments, and fisheries, and the welfare of the laboring people of all classes of the United States; which was referred to the Committee on Manufactures.

The PRESIDENT *pro tem.* laid before the Senate a memorial of the Legislature of Alabama, praying a grant of public land to enable that State to make a geological survey of that State; which was referred to the Committee on Public Lands and ordered to be printed.

WORKMEN ON THE CAPITOL.

Mr. CASS. I hold in my hand a petition of mechanics and laborers lately employed on the extension of the wings of the Capitol, praying that they may be allowed to proceed with the work. They desire to be employed on the work during the winter, but to wait for their remuneration until

an appropriation shall be made for that purpose. I have also a letter from the Secretary of the Interior, and a letter from the principal architect, recommending this course. Very strong reasons are given why this course should be pursued, as well on account of the public interest as from a regard to the condition of these people. I desire that the petition may be read.

The Secretary read it accordingly. The memorialists represent that they came to Washington for the purpose of being employed on the extension of the wings of the United States Capitol, and many of them, relying with confidence on the Government, brought with them their families. They are mechanics and laboring men, upon whom the responsibility of a family depends. They look to Congress alone for relief, by allowing them on their own responsibility to continue at work during the winter, with a view to the future action of Congress.

The letter from the Secretary of the Interior, the Hon. A. H. H. Stuart, and the letter of the Architect, Mr. T. U. Walter, were also read.

Mr. CASS. I hold in my hand a joint resolution in relation to this subject, which I hope the Senate will consider at this time.

Mr. HUNTER. Let it be read.

The Secretary read it, as follows:

Resolved by the Senate and House of Representatives, &c., That the Architect of the Capitol, under the direction of the Secretary of the Interior, be and he hereby is authorized to continue in employment so many of the mechanics, laborers, and others employed in the construction of the wings of the Capitol, as may be necessary, provided such persons as may be employed under the authority of this resolution consent to wait for their pay any appropriation which may be hereafter made by Congress for that purpose.

Mr. CASS. I will merely remark, that that resolution was prepared by the Committee on Public Buildings of the other House. A similar one is pending in Committee of the Whole in that House; but it is doubtful when it will come up. They therefore wished me to introduce it in the Senate. I hope there will be no objection to it.

The PRESIDENT. It requires the unanimous consent of the Senate to introduce the resolution at this time, notice not having been given.

Mr. HUNTER. I do not object to the object of the resolution, because I concur with the Senator from Michigan in regard to it; but I would suggest to him whether it would not be better to refer it to the Committee on Public Buildings.

Mr. CASS. I suggested that course, but the chairman of the committee of the other House thought it unnecessary.

Mr. HUNTER. If that is the opinion of the chairman I will not press it.

Mr. CASS. I so understood him. The Senator from Illinois was present, and can bear witness to it.

Mr. SHIELDS. I was spoken to this morning by the Architect, and also by the chairman of the Committee on Public Buildings of the other House in regard to the subject. They were extremely anxious that this resolution should be passed this morning; and I hope that, under the peculiar circumstances of the case, there will be no objection to it.

Mr. BORLAND. I wish to say a word why I shall object at this time. If I understand this matter, a committee has been appointed by the other House to investigate the subject, and see whether it is proper that the work should go on at all. Therefore, I think it is improper at this time to pass a resolution requiring the work to be continued.

Mr. CASS. The honorable Senator from Arkansas is under a misapprehension. There has been no committee appointed by the other House to investigate the subject. It is under the charge of the Committee on Public Buildings, and the chairman of that committee was here this morning and expressed a hope that this resolution would be passed.

The PRESIDENT. It cannot be received as objection has been made. Is any motion made with regard to the memorial?

Mr. SHIELDS. I move that the memorial and papers be referred to the Committee on Public Buildings.

The motion was agreed to.

EXPLOSION OF STEAM-BOILERS.

Mr. SHIELDS. I am requested to present the memorial of Alfred Guthrie. The memorial is one which treats of the explosion of steam boilers.

I will state its object briefly. This man has devoted about twenty years of his life to this subject. He is a man of a strong, practical, and scientific mind; and he presents a treatise and a scheme by which he hopes to relieve, in some measure, the public from those disasters which are so common. I have examined his scheme, and I confess I have been struck with astonishment at it. It has been submitted also to the honorable Senator from Massachusetts, [Mr. Davis,] and some of the most scientific men in this city. This man does not come forward to ask for any appropriation; but his object is to lay the result of a life of labor, upon this all-important subject, before the public. He has begged me to present this memorial, and also his treatise, which embodies the result of the experiments of a life of one of the most remarkable men perhaps now in our country, so far as this subject is concerned. He has been employed in my own State, and the honorable Senator from Massachusetts can bear me witness, that at a time when we hardly knew what to do in relation to our canals, when we depended upon the rivers for a sufficient supply of water, this man, then comparatively unknown, stepped in and proposed that water should be supplied from the lake. At first he was laughed at, but the proposition has been carried out, and has been eminently successful. I hold in my hand his treatise. It has been submitted to the most scientific gentlemen in Washington—Colonel Abert and others—and, as far as I can learn, they pronounce it to be a most remarkable result of a life of labor and experiment in this matter, and as calculated to relieve us, in a great measure, from those disasters which have been of such frequent occurrence in the country. All that I ask, and I hope and trust that it will be granted, is, that the Committee on Printing will direct that this will be printed, and laid on the tables of the Senate, that each Senator may examine it, and afterwards such action may be taken on the subject as may be deemed necessary.

I would remark, though it is not perhaps immediately connected with this subject, what struck me when I heard of its being examined by scientific officers in this city. A remarkable thing, which is related in history, occurred to my mind. When Napoleon was preparing his great expedition at Bologne—when he was preparing his flotilla for the invasion of England, an American, unknown at the time, called upon him and presented a project by which he could invade England in spite of her fleet. Napoleon himself said that he examined it, and was struck with the project, but he had not time to give it a thorough investigation, and he referred it to the scientific men of France. They pronounced the man crazy, and said he ought to be sent to a mad-house. Yet that man was Fulton, and Napoleon lost the world by neglecting that opportunity. Here is the case of a man who has given a whole life to a subject quite as important as the invasion of England was at that time. I trust that the memorial and treatise will receive consideration and respect. I move that they be referred to the Committee on Printing.

They were so referred.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BUTLER, it was

Ordered, That the petition of Guier and McLaughlin, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. PEARCE, it was

Ordered, That the memorial of the Regents of the Smithsonian Institution, on the files of the Senate, be referred to the Committee on Finance.

On motion by Mr. BELL, it was

Ordered, That the documents on the files of the Senate, relating to the claim of R. S. Blair, be referred to the Committee on Military Affairs.

On motion by Mr. BELL, it was

Ordered, That the petition of William B. Hart, on the files of the Senate, be referred to the Committee on Indian Affairs.

Additional documents were also presented by Mr. BELL, and referred to the same committee.

REPORTS FROM COMMITTEES.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the memorial of the widow of Marvin W. Fisher, reported a bill for her relief; which was read and passed to the second reading.

Mr. SHIELDS, from the select committee to which was referred the bill making a grant of land

to the several States of the Union for the relief and support of indigent insane persons; reported it without amendment.

Mr. SOULE, from the Committee on the Post Office and Post Roads, to which was referred the memorial of William C. Templeton, submitted a report, accompanied by a bill to provide for a tri-monthly mail from New Orleans to Vera Cruz, via Tampico, and back, in steam vessels.

The bill was read and passed to the second reading. The report was ordered to be printed.

PLANK ROADS—MAIL ROUTES.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to which was referred the joint resolution to establish certain mail routes, reported it with an amendment, and asked for its immediate consideration.

The motion was agreed to, and the Senate proceeded to its consideration as in Committee of the Whole.

Mr. RUSK. The original resolution referred to the committee was to constitute a plank road in the State of New York a post road; and to enable the Postmaster General to have the mail carried thereon. As the general law now stands, all canals and railroads are post roads, and the Postmaster General has a right to contract for the transportation of the mail thereon. I suppose plank roads would then have been made post roads if any had existed. There is no reason why plank roads should not be post roads. The amendments which the committee propose to the resolution is, to invest the Postmaster General with power to contract, whenever it shall be deemed proper, for the carrying of the mails on plank roads, and to constitute them by law post roads of the United States.

The amendment was agreed to, the resolution was reported to the Senate, the amendment was concurred in, and the resolution was ordered to be engrossed and read a third time.

REPORTS OF SURVEYORS GENERAL.

On motion by Mr. FELCH, it was

Ordered, That the report of the Secretary of the Interior, with the reports of the Surveyors General of Illinois, and Missouri, and Oregon, communicated to the Senate the 2d instant, be printed, in connection with the annual report of the Commissioner of the General Land Office, which accompanied the President's message at the commencement of the session.

Mr. FELCH also submitted the following resolution; which was read and referred to the Committee on Printing:

Resolved, That one thousand extra copies of the report of the Commissioner of the General Land Office, transmitted to the Senate with the annual message of the President, together with the reports of the Surveyors General of Illinois, and Missouri, and Oregon, transmitted to the Senate by the Secretary of the Interior, on the 2d instant, be printed for the use of the General Land Office.

BILL REFERRED.

The bill from the House of Representatives for the relief of Hiram Moore and John Hascall, was read a first and second time by its title, and referred to the Committee on Patents and the Patent Office.

BILL PASSED.

The engrossed bill to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and to confirm the title of Charles G. Gunter thereto, was read a third time and passed.

REPORT OF CAPTAIN H. STANSBURY.

Mr. DOUGLAS submitted the following resolution for consideration; which was read, and referred to the Committee on Printing:

Resolved, That five thousand five hundred additional copies of the report of Captain H. Stansbury, of his exploration of the Valley of the Great Salt Lake, which was ordered to be printed by a resolution of the Senate of the 12th March last, be printed for the use of the Senate, and that five hundred copies thereof be furnished to the Topographical Bureau, three hundred to the Smithsonian Institution, and two hundred copies to Captain Stansbury.

DIPLOMATIC INTERCOURSE WITH SWITZERLAND.

Mr. BRODHEAD. Mr. President, a few days since I laid before the Senate a resolution upon the subject of our diplomatic relations with Switzerland, which I desire now to have considered and disposed of.

The resolution was read as follows:

Resolved, That the Committee on Foreign Relations be requested to inquire into the expediency of making provision

by law for the usual outfit and salary of a chargé d'affaires to Switzerland.

Mr. BRODHEAD. There are many considerations of a political as well as commercial character, which should induce this Government no longer to be neglectful of diplomatic intercourse with the Swiss Republic, or rather with the Government of the Swiss Confederation. It is now the only republic in Europe; and notwithstanding it is surrounded with despotisms, and has often been threatened with an extinguishment of its nationality, it has always resolutely maintained an altar to freedom. It has been a kind of nursery of free principles, and a place where political refugees have always found an asylum. It now has a population of over two millions and a half, with a large and increasing commerce. In 1848 and 1849 they reorganized the Government and adopted a constitution similar in many of its provisions to our own. They adopted a system more national in its character, and now have the same powers to negotiate treaties of amity and commerce that we have,—a power which could not be exercised before without the consent of all the Cantons. All other Governments of any importance have diplomatic representatives in Switzerland—France, England, Austria, Prussia, Russia, Spain, &c., and we, a sister Republic, have none. In diplomatic circles we have no person to represent this Government or defend our institutions or protect our citizens. In the event of a war in Europe it would be peculiarly necessary for us to have a representative in Switzerland, with whom the friends of liberal and republican principles could have communion without fear. A representative from this country would aid in maintaining constitutional government, and be more likely to enjoy confidence in Switzerland than the representative of any other nation, and hence would be enabled to obtain information which would be valuable.

Independent of political inducements, our commercial interests and industrial pursuits, I think, demand the establishment of a permanent mission in Switzerland. The annual amount of international exchange may safely be estimated at ten millions of dollars, and is larger than our commerce with Naples, Sardinia, Denmark, Holland, or Belgium, at all of which places we have diplomatic representatives. Our commercial intercourse with Switzerland is important. She consumes annually from 100,000 to 150,000 bales of our cotton, about 500 hogsheds of our tobacco, and a considerable quantity of rice and other products. We receive in return her silks, laces, finer cotton goods, jewelry and watches. By a provision in the present Swiss constitution, raw materials required by manufacturers, as well as the necessities of life, are admitted at the lowest possible rate of duty. This liberal commercial policy requires some notice and encouragement at our hands. It is well known that efforts have been made to draw her into a commercial league with the Zoll Verein and other powers, on terms injurious to our interests. For these, and other reasons which I might urge, I hope the resolution will be adopted, and that the Committee on Foreign Affairs will give the subject that consideration which I think its importance demands.

The resolution was agreed to.

PROTECTION TO CITIZENS OF CALIFORNIA.

Mr. GWIN. Mr. President, in accordance with previous notice, I now ask leave to introduce a bill providing additional protection to the citizens of California and Oregon, from aggressions by the Indian tribes and from foreign invasion. Recent intelligence from California informs us that there was imminent danger of a general rising of the Indian tribes in the southern section of the State, for the avowed object of plundering and massacring the whites. This portion of the State is sparsely populated; so much so, that it is impossible to collect such bodies of men, at short notice, as are required to keep the Indians in check. Many of the inhabitants of that State at points remote from the coast are at the mercy of the Indians, and have already been attacked, plundered, and forced to fly for their lives. I will only introduce the case of the Hon. Mr. Warner, Senator from the district of San Diego, who, in defending his property from an attack of the Indians, lost one of his men, all of his stock, and was compelled to fly to the town of San Diego for pro-

tection; and so imminent was the danger of an attack upon that place, that martial law was proclaimed, and every citizen capable of bearing them was under arms. If there should be a general rising of the Indian tribes in south California, as is still apprehended, (although the intelligence by the last steamer is more favorable for the preservation of peace,) Los Angeles and Santa Barbara will be as much exposed to depredations as San Diego, and the loss of life and the sacrifice of property will be immense. Within this great extent of country, comprising several hundred miles of sea-coast, with an equal extent of back country, we have no governmental protection against these Indian hostilities. There are some troops at San Diego, and a post at the mouth of the Gila, but it is a mockery to say they are any protection to the country. In fact, they can scarcely protect their own scalps from the tomahawk of the Indians; and if we give credit to the intelligence that has reached us, the post at the mouth of the Gila was surrounded for days by hostile Indians, and only saved from massacre by a piece of artillery, that dealt terror, as well as death, among the savages. It is by no means certain that the inadequate force of that station can continue successfully to resist the hostile attacks of the Indian tribes that surround it. Nor can the Government extend adequate protection to the Pacific coast under the existing organization of the army. We must have an entirely new system, adapted to the peculiar situation of the country; and it is to accomplish this purpose that I have prepared the bill that I propose before I take my seat to bring before the Senate. Sir, the citizens of California and Oregon have appealed to their Government for protection, as will appear from the resolutions of the Legislature of California, and the letter of the distinguished Delegate from Oregon, [Mr. LANE,] both of which I will read:

Joint Resolutions in relation to establishing forts on our borders.

Whereas a large portion of our State is unprotected from the different tribes of Indians that live upon our borders, and that these tribes are frequently engaged, and are now at war with the citizens of this State; and in consequence of our present unprotected condition there is no security for either life or property, and this State not having the means of extending that protection to its citizens which their present necessities require: and whereas it is the duty of the Federal Government to protect its citizens from the incursions of either internal or external enemies; therefore,

Resolved, (the Senate concurring,) That our Senators be instructed and our Representatives be requested to use their best efforts to have a portion of the United States troops established on our borders, and also to have a line of forts erected along the same for the purpose of protecting our citizens.

Resolved, That the Governor be requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

WASHINGTON CITY, December 12, 1851.

To his Excellency the President of the United States:

SIR: A sense of duty prompts me to call your early attention to the peculiar condition of things in Oregon. I have been a citizen of that Territory for near three years, have traveled the settled portion of it all over; had much to do with the Indians, and know them, perhaps, as well as any other man, and understand the wants of the American citizens there, and can say to you, that for their protection and for the protection of others emigrating there, that troops to be garrisoned on the great road from St. Joseph via Fort Hall to the Dalls of the Columbia, and also on the road from Oregon to California, are absolutely indispensable for the protection of life and property. I know that I need but call your attention to the condition of things there, and present the facts within my knowledge, to secure your aid and prompt action in the premises. The suffering this season for the want of troops to protect emigrants and others en route to Oregon, and from Oregon to California, has been terrible, and certainly this Government ought, and will, I have no doubt, afford protection to her citizens in a country so remote and exposed as are all persons traveling either on the emigrant road to Oregon or on the road from Oregon to California. There are but these two roads south of the Columbia on which troubles are to be apprehended. The shape of the country, with its stupendous mountains, are insurmountable barriers to the location of roads of importance. A garrison of two or three companies of horse—one of infantry, if a mounted force cannot be had—on each of these roads, at the grand round for instance, on the emigrant or northern road, and in the Rogue River Valley, on the California or southern road. The moral influence that the establishment of the posts would produce upon the minds of the Indians would do much towards keeping peace with them, and afford the protection to American citizens that they are so justly entitled to.

It may be well here to mention, that the road from Oregon to California forks in the Rogue River Valley; the main road passes south of the great Shasti Mountain to the source of the Sacramento, thence down that river to its great valley, and to Sacramento City; the north branch passes by Clamath Lake to Fort Hall. A small party of emigrants have gone that route this season and got in safely. This route was opened by Jesse Applegate Scott and others, in the year 1846, for the purpose of affording to emigrants a

pass into the southern portion of Oregon; but such was the suffering of the first emigrants on this route that it has been but little traveled since, but will, I have no doubt, be much traveled if a garrison should be established in Rogue River Valley, as above suggested.

I have been thus explicit in order that you may understand the condition and wants of the country which I have the honor to represent, with the full belief that you will take such steps as may be necessary to give protection to the citizens there, and emigrants and others traveling to and from Oregon.

Herewith I inclose two communications from Oregon for your perusal, which you will please return to me. One of the writers I am well acquainted with, (Mr. Applegate, one of the early settlers of Oregon.) He has done much to bring the country into requisition, by exploring, opening roads, &c., &c.; a sensible, reliable man. With Mr. Simons I have no acquaintance, but have no doubt of the truth of his narrative.

With great respect I am, sir, your obedient servant,
JOSEPH LANE.

What is the response? It will be found in the letter addressed to me by the Secretary of War, which these documents called forth:

WAR DEPARTMENT, WASHINGTON, }
December 27, 1851. }

SIR: I have received a copy of the joint resolutions of the Legislature of California, instructing her Senators and requesting her Representatives to use their best efforts to have a portion of the United States troops established on her borders, and also to have a line of forts erected along the same for the purpose of protecting her citizens.

By referring to my annual report (a copy of which is herewith inclosed) you will perceive that I therein allude to the defenceless state of California and Oregon, and the President in his annual message also invites the attention of Congress to the same subject. The military force now at the disposal of the Department will not permit it to increase the number of troops on the Pacific except by filling up the companies already stationed there to their complement, which will shortly be done.

I herewith inclose the copy of a letter recently addressed to the President, by the late Governor of Oregon, on the same subject.

As regards the establishment of forts,—wherever troops are stationed, such works as may be required for their protection and accommodation will, of course, be constructed, but it would be worse than useless to construct them until they can be garrisoned.

I will add that General Hitchcock (who now commands the Pacific division) has been directed to take early and prompt measures, as far as the means at his disposal will enable him to do so, to establish forts at such points on the borders of California and Oregon where they are most needed for the protection of the inhabitants and of emigrant parties.

I have the honor to be, very respectfully, your obedient servant,
C. M. CONRAD, Secretary of War.
Hon. Wm. M. GWIN, United States Senate.

Sir, here is an honest confession of the inability of the Department to afford us adequate protection under existing laws, and the Secretary deserves credit for it, and equal credit is due to him for the suggestions made in his annual report, from which I will also read extracts:

"In the first place, I would suggest that every facility and encouragement should be afforded to the formation of a local militia, in which our new possessions, like all the Mexican States, are very deficient. As the first step towards the accomplishment of this object, I would recommend that the Executive be authorized to distribute arms among the inhabitants. I am fully persuaded that the advantages that would result from the adoption of this measure, in familiarizing the people with the use of arms, in inspiring them with confidence, and in encouraging the formation of militia companies, would more than compensate for the trifling expense that would attend it. The very fact that the inhabitants were known to be armed, would tend to intimidate the Indians. The distribution should, of course, be made with such precautions as would prevent their being sold or converted to an improper use.

"The quantity of arms to which the new States and Territories are respectively entitled under the act of 1803 is so small as to be of no practical advantage, and, as they have not participated in the issues heretofore made, it would seem to be but just that they should now receive more than their distributive share. At all events they might be permitted to receive their quota for several years in advance. As the arms are lying idle in the depôts, no loss to the Government would result from this course, and they will probably be never more needed than they are at present.

"In the next place, policy and humanity both require that we should employ some other means of putting a stop to these depredations than the terror of our arms. We should try the effect of conciliatory measures. There is no doubt that the Indians are frequently impelled to commit depredations by despair and hunger. As the white population has advanced upon them, they have been compelled to recede before it. The lands that afford nourishment to cattle and game are also the best adapted to cultivation, and consequently the first to tempt the settler; so that the Indians are compelled to take refuge in arid plains and mountains that afford little sustenance to animal life; and even there the circle of white population seems rapidly closing around them."

"I would also recommend that measures be taken to furnish, for a series of years, food and other necessities to such Indians as will abandon their predatory habits and cultivate the soil. Authentic information, recently received at this Department, leads to the belief that these tribes are far less numerous than they are generally supposed to be, and I have no doubt (laying aside considerations of humanity) that it would be far less expensive to feed than to fight them."

I will not detain the Senate longer in giving the reasons that have induced me to bring forward this bill. It is in part based upon the report of the Secretary of War, and from my own personal observations of the wants of the people of my State. We must be protected by this Government from the enormous expenses of Indian wars within our limits. Already we have an Indian war debt of nearly a million dollars, for which our people will be taxed, unless Congress make provision for its payment, and if we are to judge from the past, we cannot anticipate immediate relief. We have in our State the picked men of the nation, and they only wish the Government to call for their services, and pay for them, to be ready at a moment's warning to march to the utmost extent of our limits to protect its citizens from Indian depredations. Give us arms, and pay us for our services when you need them, and we will protect ourselves from a foreign or domestic foe.

I do not wish to be understood as proposing to dispense with the services of the army on our coast, nor to advance the opinion that we do not ask for the most ample preparations against the approach of a foreign enemy, for which we should have an extensive system of fortifications and naval defence. We need the army to man our forts and to form the nucleus around which the force this bill proposes to call into the field could rally when an emergency required their services. Without going into the subject further at present, I propose that the bill be printed, and read a first and second time, and referred to the Committee on Military Affairs.

The provisions of the bill are as follows:

A Bill to provide for the better protection of the people of California and Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the State of California or the Territory of Oregon shall be invaded, or be in imminent danger of invasion, by any foreign nation, or when hostilities shall be threatened or commenced by any Indian tribe, in or adjacent to said State or Territory, it shall be lawful for the commanding general or officer in command of the United States military forces on the Pacific coast, to make a requisition upon the Governors of said State and Territory, or either of them, for volunteers, or to call forth such number of the militia of the State and Territory aforesaid as he may judge necessary, to repel such invasion or to suppress such hostilities, who shall serve for a time specified by the commanding general, or officer in command, provided such term of service does not exceed — months.

Sec. 2. *Be it further enacted,* That said volunteers or militia shall be commanded by officers elected or appointed, or to be elected or appointed, in the manner prescribed by the law of the State or Territory in which they reside, and shall be received in companies, battalions, squadrons or regiments, and when so received and mustered into the service of the United States, shall be armed at the expense of the United States, and shall be subject to the rules and articles of war.

Sec. 3. *And be it further enacted,* That said volunteers or militia, during the time they may be in service, shall receive the usual rations of the Army of the United States, and pay equal to three times the amount now provided by law for the pay of the officers and soldiers, respectively, of the United States army on the Pacific coast.

Sec. 4. *And be it further enacted,* That the volunteers or militia who may be received into the service of the United States by virtue of the provisions of this act, and who shall be wounded, or otherwise disabled in the service, shall be entitled to all the benefits which may be conferred on wounded persons belonging to the Army of the United States.

Sec. 5. *And be it further enacted,* That the Secretary of War be required to place at the disposal of the Governors of California and Oregon, fifty thousand stand of arms, to be distributed ratably to the citizens of said State and Territory, under such restrictions as to insure their safe keeping and return when required.

Sec. 6. *And be it further enacted,* That the Secretary of War shall place at the disposal of the Governors of said State and Territory such number of mountain howitzers as may be deemed sufficient to meet the exigencies of the public service, in the event of an Indian war; also, a field battery or "field batteries" of light artillery, of the usual composition; also, a park of flying artillery in the event of a foreign war.

Sec. 7. *And be it further enacted,* That the Secretary of War forthwith cause to be established on the Pacific coast, at such point or points as may be deemed most advisable, an arsenal and magazine, well supplied with powder, shot and shells, for the use of this military in the event of a foreign or Indian war; also, to place in depot, in the neighborhood of San Diego and San Francisco, one hundred sea-coast guns of suitable calibres, to defend the entrance to those harbors: those guns to be mounted in open batteries, should the emergency of a foreign war arise before permanent fortifications shall be constructed to receive them.

Sec. 8. *And be it further enacted,* That any person who shall be convicted of disposing of any of the public arms or munition herein provided for the public service of the aforesaid State and Territory, to any Indian or Indian tribe, shall be subject to a penalty of — dollars, and imprisonment for a period of not less than six, nor more than — months.

The bill was read twice, and referred to the Committee on Military Affairs.

TENURE OF ARMY APPOINTMENTS.

The Senate proceeded to consider the resolution submitted by Mr. HALE the 3d instant, in relation to the tenure of appointments in the Army, and the resolution was agreed to, as follows:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing that all commissions in the Army of the United States shall be for a limited time, which shall be expressed in the commission.

IRISH EXILED PATRIOTS.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution expressive of the sympathy of Congress for the exiled Irish patriots, Smith O'Brien, Thomas F. Meagher, and their associates; and,

On motion by Mr. SHIELDS, it was

Ordered, That the further consideration thereof be postponed to, and be the order of the day for Saturday, the 7th instant.

PRINTING THE SEVENTH CENSUS.

On the motion of Mr. GWIN, the Senate resumed the consideration of the following joint resolution:

Be it resolved, &c., That the Joint Committee on Printing be directed to contract with Donelson & Armstrong for printing the census returns, upon such terms as the committee may deem reasonable.

Which Mr. SMITH had moved to amend by substituting the following:

"It shall be the duty of the Secretary of the Interior, in conformity with the provision of the act entitled 'An act making appropriations for the civil and diplomatic expenses of the Government for the year 1842,' approved on the 18th May of said year, to contract for the composition and press-work of — copies of the returns of the Seventh Census, as the same are classified and arranged by said Secretary, and in like manner to contract for so much paper and of such quality as he shall deem proper for said work; and in like manner to contract for binding said returns as printed in such style as he may judge expedient; provided the party to each of said contracts shall give such surety, and said paper and work shall be subject to such inspection, as said Secretary shall require to insure a faithful performance of the same."

The PRESIDENT. Since the resolution was under consideration, the Senator from North Carolina [Mr. BADGER] has moved an amendment to the amendment. It is to strike out all after the words "it shall be the duty of," and insert the following:

"The Joint Committee on Printing to contract with Messrs. Donelson & Armstrong for printing and binding the Census, on such terms as the committee may think reasonable and proper: the work to be executed under the direction of the Secretary of the Interior, and to be paid for from time to time, during the progress of the work, by the head of the Census Bureau, under the direction of the Secretary, with power in the Secretary to abate from the amount stipulated if the work, when executed, shall prove deficient or below the standard which may be agreed upon."

Mr. PEARCE. Before the question is taken on that amendment, I desire to submit an amendment. If the Senate is disposed to depart from the former practice of letting out the printing on contract, and to leave the matter to the discretion of a committee, it seems to me that it would be proper to have some limitation to which the committee should go. I think that their discretion ought to be guided by some rule, to be prescribed by the Senate; and I know of nothing which requires limitation so much as this matter of public printing. I propose, therefore, to limit the power of the committee by an amendment which I offer to the amendment.

The PRESIDENT. The amendment of the Senator from Maryland is not in order. The question is on an amendment offered by the Senator from North Carolina [Mr. BADGER] to an amendment offered by the Senator from Connecticut, [Mr. SMITH.]

Mr. PEARCE. I was not aware of that. I will ask, then, that my amendment may be read for the information of the Senate, and, if occasion should require it, I will offer it at the proper time.

The amendment was read, as follows:

"Provided, That the prices to be allowed for the execution of the work shall in no case exceed the average rate of the proposals of the several bidders for the printing of the Thirty-second Congress for the respective classes, or for any class of printing to be executed under this resolution."

The PRESIDENT. The question is on the amendment offered by the Senator from North Carolina to the amendment of the Senator from Connecticut.

Mr. SMITH. I very much regret that I cannot accede to the proposition which is submitted by the honorable Senator from North Carolina, [Mr. BADGER,] upon the idea of a compromise.

So far from being any compromise of the differences that have been expressed here between different members of the Senate, I regard it as a great deal worse than the original resolution; and I prefer voting, most decidedly, for the original resolution to giving my assent to the amendment which has been proposed by my honorable friend from North Carolina. In the first place, Mr. President, I have to say, that if the resolution shall be amended as is proposed by my honorable friend, it will be open to every one of the objections which I urged against the original resolution, and it is open to some other objections which cannot be urged against the original resolution.

I am not about to consume the time of the Senate by reiterating the objections which I made at some length, and which have been put into print, and, I dare say, have attracted the notice of the honorable members of this body, so far as they might be deemed worthy of notice. But one of the principal objections I recur to here, is, that as the resolution originally stood, and as the matter is to be presented by the amendment of the honorable Senator from North Carolina, it is totally impossible for the Committee on Printing to make any safe, judicious, and proper contract on the subject, for the reason that the Senator does not propose in his amendment to determine what number of copies of this work is to be printed. But I think it is a little remarkable that the Senator, in drawing up this amendment, should not have turned his attention to the difficulties and embarrassments in which the committee will be involved in being required to make a contract with Donelson & Armstrong for printing the census returns, while the committee are not to know how many copies of the work are to be ordered by the two Houses of Congress.

I shall content myself, sir, with stating this objection in these very brief terms. I shall not now repeat what I said in opposition to the original resolution, and which is equally applicable to this amendment, to wit, that this not being Congressional printing, it is, in my judgment, a usurpation of power on the part of Congress. This is one branch of the alternative which I present to the Senate; and the other is, that if it is Congressional printing, it comes within the contract of A. Boyd Hamilton, and will be an infraction of that contract. But, as I have already remarked, I am not about to indulge myself in a reiteration of the considerations which I have heretofore presented, and which seem to have produced very little effect on the mind of the Senator from North Carolina, and which, perhaps, are not worthy of much consideration. But I have to say that this amendment is obnoxious to objections which did not obtain, so far as the original resolution is concerned. The honorable Senator from Indiana, [Mr. BRIGHT,] whose absence from his seat by reason of indisposition I certainly very much regret, was content with handing over to Donelson & Armstrong the printing of the census returns. He was content with giving them whatever profits they might make by supplying the paper and by executing the composition and press-work, the effect of which, as I remarked the other day, unless the Committee on Printing are remarkably astute in making the contract, will be to hand over to the proprietors of this press, as I verily believe, a very large amount of the public money. The honorable Senator from Indiana was content to deliver over into the hands of these gentlemen whatever profits they might make out of the composition and press-work, but the honorable Senator from North Carolina is not content with that margin of profits. He seems to have the same anxiety about the prosperity of this "Union" office that my honorable friend from Indiana had, as I humbly conceive, when he offered this proposition to the consideration of the Senate. He is not content that these gentlemen shall make all they possibly can out of the composition and press-work, but he proposes to hand over to them also the binding of this work. They are not practical printers; they are the proprietors of a political press in this city. They have no bindery. But the Senator from North Carolina says by his amendment, "I want to have them receive a larger margin of profits, and therefore I want to hand over the binding to them, and they may job it out to the proprietors of the different bindery establishments in this city, and thus make a larger profit." That we know will be the effect of the operation.

Now, why should the binding of these documents be given to Donelson & Armstrong? Why should it not be handed over to the Secretary of the Interior, to be contracted for in conformity with the provisions of the law of 1842? Or, if it is not let out to the lowest bidder, why not hand over the returns to the Committee on Printing, and let them make a contract for the binding with the different proprietors of binding establishments, of which there is a considerable number in this city? We of the Committee on Printing have had a little experience in making contracts with binding establishments in the city of Washington. We made a contract but a short time since, and, I believe, a very prudent and judicious contract too. It has been my good fortune to concur most fully, and on all occasions, with the views and opinions of my honorable friends constituting a majority of that committee.

But the honorable Senator from North Carolina says: I want to hand over to the "Union" office the binding of these documents, and place them in a condition that they can job it out and extort from the hard-working mechanics and artisans of this city, who are engaged in this branch of industry; to give them an opportunity to extort a percentage from them. And we know they will do it. Sir, I will never consent to any such scheme as this. As I have already remarked, the two Houses of Congress have had some experience upon this subject. At the last Congress we made a contract for the execution of the public printing, mainly with Messrs. Belt & Trenholm, and with these same gentlemen we made a contract for the execution of the binding of the two Houses of Congress, although they were not practical bookbinders, and although they had no bindery. And what did they do? They underlet the binding to be done by others, and as I have been credibly informed, they extorted a profit from the workmen engaged in that business of some seven or eight thousand dollars. That is what will be done again, if this scheme of the honorable Senator from North Carolina is adopted.

Sir, I will not dwell upon this subject further. Whatever the majority of this honorable body may do with regard to the printing of this work, I have not the slightest apprehension they are about to yield their assent to the proposition to hand over to the proprietors of the "Union" the binding of this work, which will certainly amount to a very large sum of money.

But there is another objection, Mr. President, to this amendment. It provides that the Joint Committee on Printing be directed to contract with Donelson & Armstrong for the printing and binding of the returns of the census, on such terms as the committee may think reasonable and proper. Then come some other provisions—namely, that the work shall be executed under the direction of the Secretary of the Interior, and be paid for from time to time, during its progress, by the head of the Census Bureau, under the direction of the Secretary, with power in the Secretary to abate from the amount stipulated, if the work, when executed, shall prove deficient, or below the standard which may be agreed upon.

In the first place, then, with regard to these clauses or provisions of the amendment of the honorable Senator from North Carolina, I have to say that they are totally unnecessary. Does the honorable Senator suppose, that if the Committee on Printing be directed to make this contract, the members of that committee will not insert in the contract proper stipulations and guarantees for the due performance of the work? The amendment really recurs to a matter which appertains exclusively to the duties of the committee. You know well enough, sir, that in making the contract in regard to the binding, we inserted in it—as we should insert in every other contract which the Senate may direct us to make—stipulations and guarantees, in order to insure a due compliance with the terms of the contract. Now I am not prepared to say, that these are the proper stipulations, or the proper guarantees. I am not prepared to say, that they are by any means the best stipulations and guarantees that can be made. What stipulations we should insert, what guarantees we should require, is, in my humble judgment, a matter which should come before the committee, and be inserted in the contract itself, and not in any resolution which this honorable body may pass.

But, Mr. President, in addition to other objections, I regard this part of the amendment as an indignity to the honorable Secretary of the Interior. I do not suppose for a moment, nor would I wish to be understood as intimating the idea that it was at all intended by the mover; but suppose that this amendment should be adopted and that the resolution should pass the two Houses of Congress, in conformity with the provisions of this amendment: I desire to inquire of the Senate what sort of exhibition do we make of this subject upon the records of the Government? Do we not commence by saying that we have no confidence in the Secretary of the Interior? Do we not say that we cannot confide to him the power of making this contract? And, having said that, having said that we cannot trust the Secretary of the Interior with the power of making this contract, the honorable Senator proposes that we should take it into our own hands, and that, when we come to the performance of it, we should further say, "we will let you see if there is any failure in the execution of the contract in conformity with the stipulations." Sir, I think this is a poor compliment to the Secretary of the Interior, to come from any side of this Chamber. But I desire to propound for the consideration of my friend, the old inquiry: I wish to know what sort of printing this is? Is it Congressional printing, or is it departmental printing? I insisted the other day that it was departmental printing; and if so, why is Congress making any contract about it? If, on the other hand, it is Congressional printing, why do we call on the Secretary of the Interior to interfere in the matter? At one moment the honorable Senator from North Carolina assumes that it is Congressional printing, and therefore he proposes that the contract shall be negotiated, drawn up, and entered into by the standing Committees on Printing of both Houses of Congress. But, after we have drawn the contract, if it is Congressional printing, why not call upon A. B. Hamilton to execute the contract? But the honorable Senator being perfectly aware that this could hardly be regarded as Congressional printing, and after having said, as he proposes that we should say here, that the Secretary of the Interior should not be intrusted with the negotiation of the contract, he then proposes to put its execution into his hands with large powers—the power of abating from the price if there is not an exact conformity with the stipulations of the contract. Now I object to this *in toto*. I object to it not only as an indignity to the Secretary of the Interior, but also on the ground that, if we take this business into our hands at all; we should go through with the work; and I am for seeing to the execution of the work; I am for attending to the performance of our own contract; I am for investing the Committee on Printing with the power of deciding whether or not there is a conformity to the terms of the contract. I object, however, *in toto* to having this thing partly in the hands of the committee of the two Houses of Congress, and partly in the hands of the Secretary of the Interior. I cannot, therefore, agree to any such proposition as this, nor shall I agree to it, because the honorable mover has seen fit to baptize it with the name of "compromise." It is no compromise at all. It is rather an exaggeration of the original proposition. I have to say to the Senate, however, that I am a compromise man on all subjects; and I do no mean to exhibit myself here as an extremist. Should my amendment be rejected by a majority of this body, I am prepared to submit a real compromise, which shall be something better, and which shall be truly an intermediate proposition. I have drawn up an amendment, which I hope will meet with the approbation of honorable Senators, constituting the majority of this body, to put this business on a fair and liberal footing—to give, in fact, to Donelson & Armstrong the privilege of executing this work, but, at the same time, providing adequate securities for the public interest; to prevent, in other words, a most enormous expenditure of the public money, and the acquisition of enormous profits by the gentlemen whose names are introduced in this resolution; and I ask the attention of the Senate to it, so that Senators may have an opportunity of comparing the views which I express here, in regard to an intermediate proposition, with the amendment proposed by the honorable Senator from North Carolina. This is the amendment I propose:

That the Committee on Printing be directed to contract with Donelson & Armstrong for the composition and press-work of—number of copies of the returns of the Seventh Census, as the same are classified and arranged by the Secretary of the Interior, on such terms as they may judge to be reasonable; and that said Secretary be directed to contract with the lowest bidder, in conformity with the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year 1842," approved on the 18th day of May, in the said year, for so much paper of such quality as he shall judge proper for the said work; and, in like manner, to contract for the binding of the said returns as printed in such style as he may deem expedient; provided that the parties to each of the said contracts shall give sufficient security for the due performance of the same; and such paper as delivered, and such work as executed shall be subject to the superintendence and inspection of the said Secretary, or such person as he may appoint.

Now here I propose that the Committee on Printing—though I do not admit that this is proper to be done by any means, for I do not admit that this is a branch of printing that is in any sense within the jurisdiction of the two Houses of Congress—but if the Senate, by a majority, shall reject my proposition, I shall assume that it is the sense of the Senate, as they have the power, and that it is proper for them, to direct the Committee on Printing to enter into this contract; and, yielding as I do with great cheerfulness to the opinion of the majority in this body, I then shall propose that the two Houses of Congress give to Donelson & Armstrong the composition and press-work. That is a branch which pertains to their business. They are engaged in printing. Let them have the composition and press-work, and I propose then that we shall furnish our own paper and do our own binding. And how shall we furnish our own paper and do our own binding? Not by authorizing the Secretary of the Interior to let it out to some favorite, or to purchase the paper of some favorite at an extravagant price; but procure it, as all other paper is procured, from the lowest bidder, and let out the binding to the lowest bidder. Well, then, I desire to inquire of the Senate whether this is not all that Donelson & Armstrong, and all their friends, ought to ask? I propose that we shall give them a large job, to wit, the execution of the composition and press-work; and I propose that we shall furnish our own paper; or, in other words, I am unwilling that Donelson & Armstrong shall make a large profit on the paper. Why should we squander the public money by paying them a large profit on the paper? But if we separate the composition and press-work from the supply of the paper, as I propose in this amendment to do, then the Government will obtain the paper at wholesale prices, and there will be no loss to the Government under the head of paper.

But if we make a contract in the manner proposed in the original resolution, and in the manner proposed by the honorable Senator from North Carolina in his amendment, that Donelson & Armstrong shall do the press-work and furnish the paper, I say they will make enormous, or at least very large profits. I do not say they will cheat the Government, but they will do as other men do who mean to be upright and honest. They will purchase the paper at a lower rate than is contemplated, undoubtedly, by the committee, and will make a considerable percentage on the mere paper. But have we any assurance that the paper will not be inferior to the standard? That has been our experience on that subject; and have we not reason to suppose that a profit will be made by the inferiority of the paper? Sir, it is inevitable; it ever has been, and it ever will be so.

I propose, then, that Government shall furnish the paper, and that it shall execute the binding of this work, by letting it out to the lowest bidder; and to let out by contract the mere composition and press-work to Donelson & Armstrong. Now, I have to say that this is a real compromise, not like the handle of a jug, all on one side; it is an intermediate proposition, not a more extravagant proposition, as I insist that the amendment of the honorable Senator from North Carolina is, than the original resolution. It is an intermediate proposition; and I must acknowledge, Mr. President, that I am anxious to introduce into the public service this rule of furnishing our own paper. I would furnish it for the Departments and for Congress, and this would relieve us, in a great degree, from the difficulties and embarrassments in which we have been involved.

Now, I have no feelings on this subject whatever. I shall content myself with doing what I

conceive to be my duty. The Senate having been pleased to assign me a situation on the Committee on Printing, I have been constrained to come before the Senate in relation to this subject. I regret to differ from other honorable members of this body, but I have expressed my honest convictions in this regard. I believe my original amendment is right, and I humbly conceive it ought to be adopted by a majority of this honorable body. However, if the judgment of the majority be otherwise, and if that amendment be rejected, then I will come before the Senate with this compromise proposition; and I believe there are moderate members enough in this honorable body who do not desire any arrangement to be made with Donelson & Armstrong except what is a reasonable arrangement; who do not desire to hand over to them an enormous amount of profits in this manner. I trust and believe there are honorable members enough to be found in this body who will yield their assent to the intermediate measure which I now propose. And I have to say further, that if it should assume the form which I have indicated, although I believe it is wrong in principle and bad in practice, yet I believe the result of it will be such that the people of the country will have no occasion of complaint. I believe there will be no very great amount of the public treasure squandered upon these gentlemen, who, I doubt not, are very deservedly and very properly the favorites of a majority of this honorable body.

With these remarks, I yield the subject to the hands of the Senate, prepared to acquiesce in any result to which the Senate may come.

Mr. BADGER. I had not the slightest expectation that the amendment which I offered would, for a moment, command the assent and meet the approbation of the Senator from Connecticut. I had no wild and visionary ideas that that Senator would be satisfied with anything which he did not himself propose. I confess I did have some faint hope that he would have departed from his usual practice of lashing himself into a rage upon any exhibition in this body of an opinion different from that entertained by himself. The hope was faint; still it existed. But, in that I have been unhappily disappointed.

The Senator concluded by a declaration that he has no feeling on this subject. How are we to judge whether he has or not? Are all the external exhibitions of heat, and animation, and force, and insinuation, put on? Would the Senator have us understand that it was all acting, and that, while he seems to be in a towering passion at the expectation of some ruthless violence, some atrocious fraud, some deep and large plundering of the public Treasury, which are likely to be perpetrated on the country, he is all the time perfectly cool, and feels nothing of what he exhibits in manner and expresses in language?

The honorable Senator speaks of oppression and extortion, and yet he is perfectly cool. What is there in the character of Messrs. Donelson & Armstrong that entitles him to talk about "oppression and extortion?" If the Senator means what he said, how is that consistent with his subsequent declaration that he meant no impeachment upon their character, and that he supposed them to be worthy and good men? If the latter declaration be sincere, how can he justify himself in accusing men, whom he admits to be upright, of intended oppression and extortion?

But further: the honorable Senator seems to be stimulated to almost a fury against myself; and having, the other day, very strongly intimated that the Senator from Indiana, [Mr. BRIGHT,] who introduced the original resolution, had some secret purpose to be engaged in plundering the Treasury, he now intimates that I am disposed to go even further than that honorable and absent Senator. Mr. President, I am, myself, generally in the habit of supposing that I am operated upon by honest motives in what I do. What I propose, I avow. And feeling conscious of such a principle and motive of action in myself, I am not ordinarily in the habit of supposing that those who differ from me must therefore necessarily be influenced by bad motives, or must act through dishonest and insidious purposes and ends. After having made these remarks, let me ask the attention of the Senate for a moment to see what it is that has stirred up this "tempest in a tea-pot," on this occasion.

The honorable Senator says that he objects to

my proposed amendment to his, in the first place, because it will place the committee under great embarrassments in making the contract. Why? Because it does not specify the number of copies to be printed, I have been a shorter period of time in public life than the honorable Senator, although I trust I have rather cooled down and restrained the passions of my nature, and used my brief experience to a more profitable extent than the Senator from Connecticut; but I supposed that he would understand that I meant to do one thing at a time. The first object with me, is to ascertain whether the plan which my amendment proposes, for the execution of this public printing, meets the approbation of the Senate. If it does not, why cumber it with a clause about the number of copies to be printed? If the Senate are not disposed to print on that plan at all, it is idle to talk about the number of copies. When we shall have ascertained that the Senate will adopt my proposed plan of printing, I shall be prepared to relieve my honorable friend of the Committee on Printing from the dreadful embarrassments to which he supposes the committee will be subjected.

In the next place, the honorable Senator says he objects to my amendment, because it offers an indignity to the Secretary of the Interior. He very charitably supposes that perhaps I did not mean any indignity; that my heart was right, but that I had not understanding to perceive that I was offering an insult to that gentleman. I beg to assure the Senator, that I not only consider myself incapable of offering an insult to anybody who comes before this Senate—not only to the Secretary of the Interior, but to the carriers on of a public printing establishment, or bindery, or anything else—for I hope the principle by which I am regulated is to treat men, in all classes of society, with proper respect and decorum. I am not only as incapable as the Senator of offering an insult and an affront to a gentleman whom I esteem, but I think myself as capable to distinguish when language does import an affront. What is the affront which the honorable Senator says I have ventured, because I do not know the effect and purport of the language I have used in this amendment, to offer to the Secretary of the Interior? It is, that I propose to give to him an absolute control, without appeal, upon the fidelity with which this work is to be executed; that I have such an entire confidence in him, such a reliance upon his fairness, intelligence, and honor, that I am willing to submit to him to say, without constituting any tribunal of appeal from him, whether these contractors shall have executed the work according to the agreement, and by his mere word to strike down the compensation agreed to be allowed them, to any extent he pleases. Is that an indignity? Does it imply any disrespect to the honorable Secretary? I imagine the honorable Senator is the only man in this Chamber, or in the world, who could suppose so.

Let us trace this matter upon the point of indignity a little. What does the honorable Senator himself propose? What is the existing law with regard to the departmental printing? Does it give any discretion to the head of a Department? Is he not required to advertise for whatever printing and supplies he needs in his office? Is he not absolutely compelled to give it to the lowest bidder? The only trust reposed in him is, that he will be able to tell that \$650 is less than \$675. My amendment proposes not to put him in that degrading position. I say that it is a degrading position, and I would willingly, if I could, abolish the whole system. But the amendment proposes that the committee of Congress shall make this contract; and when the contract is made, we trust to the intelligence, fairness, and fidelity of the Secretary of the Interior to see that it is faithfully executed. Where is the inconsistency of this? The honorable Senator says, that if this be Congressional printing, we are violating our contract with the persons who have stipulated to do the work for the two Houses of Congress. I admit it is not Congressional printing. It does not come within the terms of the contract for doing the Congressional printing. No man supposes it does.

Then, in the next place, the honorable Senator says it is departmental printing, and therefore it is usurpation for the legislative body of this country to undertake to direct the manner in which the contract should be made and executed. Can he inform me by what part of the Constitution it is,

that the heads of the Departments acquire jurisdiction and control over the putting out of contracts for printing? Is that one of the Executive powers of the Government? Is it the notion of the honorable Senator, that it is vested in the head of the Department, and if we undertake to pass a law by which its destination is changed, we are violating the constitutional rights of the Executive? Surely, no man can suppose this. All the authority that the heads of the Departments have over this subject, is derived from acts of Congress. We conferred the power, such as it is, and we have a right to take it back in whole or in part. We have a right to provide, that all the printing for the Departments shall be done under the direction of committees of our own body. The whole subject is one absolutely under the jurisdiction of Congress. I do not mean that it would be decent or becoming for Congress to do so. I do not mean that I would agree to do it. But permit me to say, that when the Senator uses the word "usurpation," he uses language, in relation to this subject, that has no meaning.

The honorable Senator says that his amendment is the best that can be proposed. No doubt he thinks so. I am not quite prepared to say that of my amendment. But I think it is a pretty good one. I think it is a respectable amendment. I think it might have been discussed in this Chamber without any exhibition of warmth and excitement. It relates to a business transaction. I suppose we all have a right to use our judgment about the best manner of doing the business. What is the Senator's proposition? He says he has another amendment. Aye, sir, reject his present amendment, and he has one that he says will be the very thing, upon the principle of compromise; and he says the people of the United States will not have any reason to complain of it, although he admits it is wrong in principle and bad in practice. That is a curious way of commending a matter of compromise to the consideration of the Senate. The people of the United States will have no right to complain of an amendment, which he himself admits to be wrong in principle and bad in practice! If they cannot complain of that, I pray you, sir, of what can they complain? Permit me to say further, that when the Senator commends an amendment to the consideration of this body, admitting that it is wrong in principle and bad in practice, and yet says the people of the United States, whose money is to be used in carrying out and executing its purpose, have no right to complain, he estops himself from offering any complaint against amendments offered by any other Senator. If I thought the amendment which I have had the honor to propose was wrong in principle, or would prove bad in practice, I would certainly instantly withdraw it. But I believe neither.

What does the Senator propose? Why, says he, we will give Donelson & Armstrong the printing and press-work; we will make a bargain, and trust them to do that; but upon what pretense do you give them the binding? He says they are not binders. He says, also, they are not practical printers; so that if the fact that they are not binders furnishes a sufficient reason why they should not have the binding, the fact that they are not practical printers ought to prevent them having the printing. But my friend does not aver that. He says that if they get the binding, they will give it out and exercise oppression and extortion upon mechanics—practical binders. I have already remarked, as far as I thought necessary, upon the use of language of that kind in this Chamber when applied to persons convicted of no infamous crime, and who are, therefore, entitled to be considered as decently honest, "indifferently honest," as old Jack Falstaff used to say. But the honorable Senator ought to have furnished himself with the facts in the case, before he passed such a decided and dogmatic judgment. I suppose he is not aware that Donelson & Armstrong have one of the most extensive binderies in the United States, and one of the most accomplished practical binders in the United States. They are, therefore, as much prepared to do the binding as the printing. They do not mean to do either with their own hands; but they have employees under their control competent to do both.

Then there is a difficulty with regard to the paper. The Senator says, upon this plan, it is certain, it is inevitable that the Government will

be cheated in the quality of the paper; but upon his plan the Government will be sure not to be cheated. Let us see. Suppose these men have made a contract; they have furnished a sample of the paper. I should be glad to be informed how it necessarily follows that they must cheat the Secretary of the Interior, and that he cannot determine whether the paper corresponds with the sample. He is to decide if the paper corresponds with the sample. He has entire jurisdiction over the subject. We must order paper to be obtained somewhere. Somebody or other, some human being—we cannot invoke superhuman assistance on this subject—must be called upon to determine whether the paper furnished corresponds with the sample. Who is to do it? Shall it be done by the Committee on Printing? I have the highest respect for every member of that committee; but I cannot attribute infallibility to them. If it is possible, if it is probable, or if it is certain, that the Secretary of the Interior will be imposed upon, I think it is not unreasonable or extravagant to suppose that even that committee might be made the subject of imposition.

Mr. President, I have no feeling about this matter. I felt nothing about it until I found myself arraigned here by the Senator from Connecticut, merely because I thought proper to differ from him as to the mode in which this contract ought to be made. I have said before to the Senate that I was influenced by two considerations on this subject. One was a desire that this work should not be put out to the lowest bidder. Why? Because we have had ample experience in this Chamber that nothing that is put out to the lowest bidder is well executed. However unimportant—if gentlemen think it unimportant—it may be, that the ordinary documents here should be printed on bad paper, with bad type, and when printed on this paper and type, villainously bound, I do think if Congress is going to make a large outlay necessary to publish the results of the late census, it concerns the honor of the nation that such a document should be printed on the best material, in the best manner, and bound most effectually for preservation. This will not be like our ordinary documents, which are kept at home and seen only by our own people, most of them exciting but temporary interest, and soon passing into oblivion. But these census returns, when printed, are destined to go over the whole earth. I, for one, as an American citizen and an American Senator, am not willing, occupying the position we do in the world, that we should stand degraded by a miserable presentation of a low, poor, ineffectual, and creditable execution of this work.

One word as to what my amendment proposes. The Committee on Printing are to contract with Messrs. Donelson & Armstrong for printing and binding the census returns on such terms as the committee may think reasonable and proper. I suppose my friend from Connecticut cannot object to that. He would not have the contract made on terms unreasonable and improper. We have confidence in the intelligence and integrity of the members of the committee. We feel sure that they will be able and willing to make a contract upon reasonable and proper terms. We are—at least I am—willing to confide that jurisdiction to them. I formerly said to the Senate, that I should have felt myself bound to vote for relieving the committee from this duty, if the honorable chairman had persisted in his objection. That was on a ground personal to the Senator. But when the committee are willing to undertake it, I am willing to trust them. What is the difficulty about their making a fair and reasonable contract in relation to one part of this work as well as another? If they can make a fair and reasonable contract for the printing and press-work, why can they not for the paper? I do not understand that there is any particular mystery about making a contract for paper. If the size and quality of the paper is stipulated for, and a sample is furnished, why cannot the committee make a reasonable and proper contract for it as well as for press-work? I do not know any reason why they cannot. They can ascertain what are the wholesale prices for paper as well as the price for press-work. So with regard to the binding. There is, therefore, no more necessary reason why the Government should suffer injustice in a contract to be made by this committee, than there is in any other contract to be made by any other committee, or by any offi-

cer of the Government. True, sir, every one may make a bad bargain. True, sir, all of us united together, wise, as we all know we are, collectively and individually, may make a bad bargain. The Committee on Printing may be overreached. The Secretary of the Interior may be overreached. So may every human being. But I feel a very strong confidence that while my friend from Connecticut is on that committee, there will be no great amount of overreaching practiced on the Government; and if I wanted any reason to make me additionally confident in the trust reposed in the committee, the very fact that he has been designated a member of it, would furnish it.

Sir, exercising what I consider an unquestionable jurisdiction of legislative power over this subject; invading no Executive right; offering affronts and insults to no one; I propose to amend this resolution so as to leave the Committee on Printing to enter into this contract. For the reasons which I have stated, I think they can and will make a fair, just, and reasonable bargain. The honorable Senator from Connecticut seems to think that large profits will be made out of the Government. He said he would not say exorbitant profits. Well, this is a large work; and, for my own part, I am willing to pay a large and liberal compensation to any body of contractors, or any individual contractor, who will give it to us so executed as to be a credit to the country and worthy of preservation. I have no desire whatever that persons who do work of this kind for the Government should be otherwise than well paid. I believe there is no more striking exhibition of "penny wise, pound folly," than in the attempt to obtain from others work, or property, or service, for less than a fair and full remuneration. I should be extremely sorry if my friend from the Committee on Printing would be disposed—I do not believe he would—to make a hard and exacting bargain. On the contrary, I do him the full credit to believe, that while he wants to do the Government all justice, he would be the last man on the committee who would be willing to do injustice to individuals.

Now, supposing the contract well made, my friend from Connecticut is exceedingly disturbed because my amendment proposes to supersede the necessity of those precise, accurate, and cautious provisions which the committee might think proper to put in the contract for its effectual execution. I have no doubt in the world that the committee will do their best; I have no doubt that their best will be good. But inasmuch as I think the committee could devise no better plan than the one proposed in the amendment which I have submitted, I see no reason why we should leave to the committee that which we can better do ourselves. And I am very certain of one thing—that my honorable friend, the chairman of the committee, will be extremely glad to be relieved from that responsibility, as he would from any other responsibility not fairly and necessarily imposed upon him in connection with this business. What is the proposal? To leave to the Secretary of the Interior the supervision of the execution of the work. There is, surely, no impropriety in that. This is a document compiled under his superintendence. It came from his Department, and its supervision naturally falls to his Department. In that he will be aided by the head of the Census Bureau, who is familiar with the whole work, and who has the strongest possible interest in its faithful, correct, and perfectly accurate execution.

Now, what is proposed better than this? The honorable Senator says that I propose first to let the committee make the contract, and then not to allow them to complete the business. The reason for that is very obvious. The Committee on Printing can easily make a contract, and when the contract is settled there is no necessity for their further interposition. If this work is to be executed it will be going on for months. It will be in process of execution during the recess of Congress. The supervision must be vigilant and incessant. You must, therefore, have somebody to execute it who is required to be here, who is always ready to apply himself to the exercise of such functions. This the committee cannot do. If the printing is to go on during the session, would the honorable Senator propose that the members of the Joint Committee on Printing should give up their time to the daily supervision of the mode of the execution of the contract. If the printing is to go on

during the recess of Congress, would the Senator propose that the members of the Joint Committee should sit here, each drawing his per diem, for the purpose of supervising the execution of this printing?

I think that if this matter is properly considered, Senators will come to the conclusion, that if my amendment is not the best in the world, it is a fair and reasonable one. If there were any errors and mistakes in it, I think my friend from Connecticut might have pointed them out in good temper, and not have treated me as if I was coming forward to aid and abet the honorable Senator from Indiana in making a foray into the Treasury of the United States. I can assure my friend that I have no such purpose in view. I want this work to be executed. I want it taken out of the lowest-bidder system. I wish it to be well done, and done in a way in which it shall be honorable to the Government. I want the man who executes it to be well paid for it; acting upon the same rule here in regard to the public business that I trust I do in regard to my private transactions. To insure the faithful execution of the work, I am willing to trust to the extremely honorable gentleman who is at the head of the Department of the Interior.

Mr. CASS. I desire to say a few words on this subject, and they shall be but a very few. The necessity of public printing is felt by all. The question before the Senate is, as to the mode. Shall we effect it by a contract previously entered into, and wait its execution, or shall we take the means of effecting it ourselves, under the supervision of the proper committee? Now, why not give an open contract, as it is called? For very sufficient reasons, founded on experience. In the first place, you have no security in such a case as to the time, as I observed on another occasion, and the decennial period may again come round before you get your census printed. You will not get the President's message, probably, until the end of the session. We expend thousands and thousands of dollars for printing the documents, whose interest depends on their immediate use for the American people, and the subject of them sometimes passes into oblivion before the documents appear. Now will we pursue such a system in regard to such an important work as this?

Again: all experience shows that you cannot depend upon the execution of the contracts made with the lowest bidders. Propositions are made exceedingly low—lower than parties can afford to do them; and then they must do one of two things—abandon the contract, or do the work in an improper manner, and with improper materials. If the contracts are abandoned, and Congress is not in session, the work goes over to another session. So it may be through the whole period. On the other hand, and as the Senator from North Carolina correctly observed, this is one of that class of documents which requires to be well done. If a contractor enters into an improvident contract, his only other resource besides that which I have mentioned, is to do the work badly, as a great deal of our printing is done. I am sure every Senator must be ashamed of the mode in which a great deal of our printing is executed. I presume there is no gentleman here who would have work for his own private use done in the manner in which much of our work is done here.

Then for these three very sufficient reasons, that we may not have the work done at all—that we may have it delayed, or badly done, it is proposed that the committee should enter into a contract with some person or other, on reasonable and proper terms, to execute this work within a proper time. Is this anything very extraordinary under this Government? Is it one of those extraordinary propositions that occasioned a revolution in the mind of every honest man, such as it appears to have occasioned in the mind of the honorable Senator from Connecticut, and on which he has spent so much virtuous indignation? Certainly not. You do the same thing every day. If you pass an appropriation of one hundred thousand dollars for a particular building, you leave it to the executive officer to expend it as he pleases, to make a contract for the materials, and then have it put up by day's labor, or contract for both materials and labor. He may expend it just in that way which he thinks the interests of the country require. This is done very frequently. Our statute-books are filled with just such cases. The same principle is adopted in the Army—in the Navy—in

every department of Government. It is a discretion you necessarily intrust sometimes to one officer and sometimes to another.

May we ask, why do we not leave this to the discretion of the executive officers? For the very best of all reasons, because there is danger of the work being not done at all, or badly done; and it is a question whether three members of the Senate and three members of the House of Representatives, constituting the Joint Committee on Printing, are not as competent to execute this duty as any executive officer of the Government, be he high or low. Will any man say they have not integrity enough to execute it faithfully and justly, as much as any officer of the Government out of the walls of this Chamber? No one would advance such a preposterous idea. No man, with any respect for his own feelings or the feelings of his colleagues, would say that such is the case. I take it that in the formation of this contract the duty is safely lodged in these three members of the Senate and three members of the House of Representatives, particularly when they have so able and so willing a man as the Senator from Connecticut to watch their proceedings; and I am confident that no officer of the Government, from the President down to the lowest officer, (if you can apply the term "low" to any officer of the Government,) is more able to do this work.

Messrs. Donelson & Armstrong are designated in the resolution. Why? Every one knows that they are ready to go on with the work. They have got the materials—they have got the presses. Therefore they are designated. What is required? Simply, that a proper and just contract should be made with them by six members of Congress responsible to their respective Houses, and responsible to the country for their action. All I have to say is, that if any member of this Senate will rise up and say that this power is not safely lodged in the hands of six such men, he has a much lower opinion of a member of Congress and of his integrity than I have.

A word now with respect to another point which was very well met by the honorable Senator from North Carolina. It is that this power of supervision given to the Secretary of the Interior is all right—is just precisely as it should be. I understand that the gentlemen who are named in the resolution as contractors are perfectly willing that there should be this supervision. They are perfectly willing that they should be checked by a high officer of the Government. It is preposterous to talk about insulting an officer of the Government by requiring him to do this duty. If he should feel insulted by having such a duty imposed on him by Congress, he has one clear remedy, that is, to quit his office. But I know very well the Secretary of the Interior is a man of high character and a faithful officer, and he would be guilty of no such folly. He would execute our law requiring him to superintend the expenditure of one or two hundred thousand dollars, and he would not consider it an insult to see that the work was properly done. Now how could the Committee of Congress execute this duty of supervision? How would they have the time to devote to it? It was very well said by the Senator from North Carolina, they cannot go every day and see how the contractor is getting along. I take it that any contractor for such a work as this, intending to execute the contract, would, from day to day, and as the work went on, submit it to the supervisory power. He would not wait until one half or three quarters of the work was done, for fear it might be rejected; but he would from day to day, and from time to time, as should be necessary, exhibit his work and ascertain the opinion of the supervisory officer upon it, and act accordingly. The committee cannot do that, especially as the work will not be finished, I presume, until after the close of the session of Congress. Are the committee to be kept here during the recess to attend to it, or will you commit it to a proper and responsible officer of the Government in whose department this work originates? I intended to say something more on the subject; but I have already consumed time enough. I will say that in reviewing the whole matter, I can see no reasonable objection—no sacrifice of public interests—no risk of duty that will be committed, by allowing a committee of this body to make this contract, for I suppose the committee will make a just and proper one on their own responsibility. It

will be as safe in their hands as in the hands of any officer of the Government.

Mr. BORLAND. I am sorry to be compelled to trouble the Senate with any remarks on this subject, as I consumed a great deal of time when it was under consideration before. It is in every way distasteful to me, and I approach it with great reluctance, on many accounts. I think the views which I suggested at the close of the debate on this resolution when last discussed, some three weeks ago, apply to the subject as it is again presented to us. The proposition is, to do what we are still unprepared to do. It is a proposition to print a work which is not before us, and the character and extent of which we neither know nor understand. Now, can any Senator upon this floor tell me what it is proposed to print? What is the extent or character of the work? What number of pages, or what number of volumes will it make? Does any Senator know anything about it? If so, I should be glad to hear. For the last three weeks, since the question was postponed, I have examined it as closely and as thoroughly as I was able to do. I have investigated it in a spirit of candor, and with a sincere desire to learn enough of it to guide my judgment for this occasion; but I have been utterly unable to ascertain what, or how much, is proposed by the resolution to be printed. And I venture now to say, that if any Senator will rise and state his opinions as to the extent of the work, or what part of it shall be printed, there will be no two Senators here to agree with him.

If, in its present form, and with the obstacles I have stated in the way of its practical execution, this resolution be adopted, we shall place ourselves in a position which I cannot better express my opinion of, than by an anecdote, which, if the Senate will pardon me, I will relate: In past times, it is told, there existed, somewhere in my good old native State, Virginia, a convivial club, composed of some dozen or more of gentlemen, who were fond of wine and good living, and once a week, or oftener, met each other around the social board, the wine, perhaps, predominating at the entertainment. During the time of this association, the country was afflicted by a severe and protracted drought. No rain had fallen for many weeks. Great apprehension begun to be felt for the fate of the growing crops, and the general welfare of the community. At this time, a meeting of the club was held, and one of the members proposed, as a means of propitiating the overruling providence, that the club should so far moderate their indulgences as to abstain from drinking until it should rain; and a formal resolution to that effect was adopted. But the drought continued. Several weeks rolled by, and several meetings of the club were held. The thirst of the earth was great, but not greater than that of the club. A fourth or a fifth meeting was held, and yet the skies gave no signs of relenting. At last, an old and influential member rose and gravely declared that his drought had become intolerable; and that as relief was indispensable to him, as he supposed it was to his associates, he would propose an expedient, by which it might be afforded to all; and he put it in this form: "Resolved, That it rains." This was adopted by acclamation, and the club returned joyously to their potations.

The adoption of this resolution will, I think, place the Senate somewhat in the position of this convivial club. It will be resolving, or at least assuming, that a state of things exists which, in fact, does not exist. It will be assuming that a certain amount and kind of information is before us which, in fact, is not here. It will be assuming, and legislating upon the assumption, that a provision of the census law has been complied with by an Executive Department of the Government, and certain matters therein required to be laid before us as the indispensable basis of our action are actually before us, when no one will or can say that such is the fact—when, indeed, it is not the fact. For one, I am unwilling to place myself in that position. It is true, we have had brought before us a plan and arrangement of the census returns for the State of Maryland, as a specimen of the whole work. Here is the book. Have Senators examined it? Is this a specimen of the work which the Senate is willing shall be printed for each State? Will any Senator open this book, look at it, and say he is willing to print a similar work for each of the States? If he is, he

differs very widely from me. I find in it matter which is altogether unfit for publication. There is much matter here which was not contemplated, intended, nor provided for by the law; such as the Superintendent of the Census had no authority to incorporate in the census returns, or present here in a plan of publication. He has exceeded his authority, and put in a large amount of matter which the law did not authorize nor provide for. Here we have a history of Maryland. Did the law provide for that? In the provision it made for employing a clerk to superintend the taking of the census, did it contemplate the establishment of an historical bureau and the appointment of a *historiographer* of the United States? And even supposing such had been the contemplation or provision of the law, has there been sufficient time to compile such a history as we would be justified in publishing? or, I would ask, and that, too, without disrespect or disparagement to the particular individual, has he the requisite qualifications to write a history of all, or of any, of the States of this Union? Here we have a general historical account of Maryland, occupying ten pages—and then a particular history of each county, making eight pages more—eighteen pages together, out of ninety-six, or nearly one fifth of the whole book! Now, where is the basis of such a history? Whence were the materials drawn, and by whom collected? Who will vouch for their accuracy? And yet, if we publish them, as proposed, in an official form, and send them out under our sanction and authority, we make ourselves responsible before the world for everything this young gentleman, who is called the Superintendent of Census, may have thought proper to write or compile without authority of law. I, for one, am unwilling to indorse such a history as this, which, in my opinion, without disparaging the intelligence or impugning the motives of its author, I cannot believe he was qualified to write or compile.

I wish now to call the attention of Senators to another portion of this book; and it is one upon which I claim to speak with some freedom. I refer to what is headed "*Medical Statistics*." Of this, there are some twenty-five pages in this book of ninety-six pages. True, in the census bill direction was given to ascertain the deaths, and the causes of the deaths of individuals throughout the United States, for the year preceding the 1st of June, 1850. But did any one suppose at that time—did any one understand, that it was to embrace a compilation of medical statistics by the deputy marshals, and a treatise on the subject preceding the statistics by a young gentleman who is not known as a medical man, and who, so far as I know, makes no pretension to be one? Did any one suspect that such a production as this was to be brought here? Here we have a treatise on the nicest questions in medical science, which have been mooted for ages by the profession; here, also, tabular statements of disease, and dogmatical discriminations between fevers, laid off in rule and figure work, with the precision of a demonstration in mathematics! Here, sir, we find catarrhal, inflammatory, bilious, and congestive fevers, regularly separated and arranged; and even that nicest, and often most difficult, of all distinctions, (I mean the distinction between *typhus* and *typhoid* fever,) drawn with a boldness and a dogmatism from which the ablest and most experienced of our medical men would shrink. And all this by a young gentleman who, it is to be presumed, cannot have the peculiar qualifications indispensable to the performance of such a work, but selected altogether, it is understood, for his present position in view of his general intelligence, and some aptitude in statistical studies.

But suppose, for the argument, that the law did require him to collect all this mass of medical statistics, and even to write the preliminary treatise with which he has favored us, is there any obligation upon us to print and publish it? I apprehend not. It is wholly within our discretion to exclude from the publication, or to retain, any portion of the matter presented to us. If, in our opinion, any portion be valueless, (as I suppose every one will admit this to be,) it is not only our right, but our duty to exclude and reject it. Pending the census bill, and while the schedules were under discussion here, I moved to strike out this one about diseases, and gave as a reason, that the persons who would take the census, were incompetent to obtain or give reliable information on

the subject. That column was retained, however, and here we have the result—more than one fourth of the whole book—twenty-five out of ninety-six pages—made up of “medical statistics,” and a preliminary discourse upon them, which, I venture to say that no intelligent man in or out of the Senate, and no one deserving the name of physician anywhere, would rely upon as authority for any purpose whatever. Surely, sir, no obligation rests upon us to print and publish anything like that. Every consideration of propriety, it seems to me, forbids it.

Here, sir, we have eighteen pages of history and geology, and twenty-five pages of medicine, in a book of ninety-six pages—nearly one half! I will not dwell longer upon this as indicating the character of the work. Nor do I undertake to assert positively, that it is inaccurate in either history or its medicine. But I do say, that we have no such evidence of its accuracy, or its value, as to justify us in printing it at great expense, and sending it out to the world as an authoritative basis of important calculations vitally affecting the interest of our constituents.

Here, then, comes up the question, what portion of this work shall be printed? Is the Senate prepared to answer this question now? Or is it intended that the Printing Committee shall answer it, by deciding what shall or what shall not be printed? As I said, when this resolution was under consideration before, I do not think the committee qualified to make the contract as at first proposed. Then far less qualified are they for this additional and complicated duty of deciding upon the character of every part of the work.

I have submitted these remarks, in support of the position with which I set out, that we have not before us facts enough to judge of the character of the whole work it is proposed to print, or to determine how much of it ought to be printed. With my present impressions, if called upon to say what part of this book should be printed, I would at once throw away nearly one half of it, and then consider how much of the remainder was worth preserving. Would the Senate agree with me in that? Some Senators would, I am very sure; but there are others, a majority, probably, who would not. How, then, is it to be settled? If not settled by the Senate in advance, and the resolution should go to the committee, would we be authorized to make the selection of the parts for publication, and exclude the rest? Or would we be expected to print the whole—history, geology, medicine, and all, in a lump, as it comes from the Census Office?

I will here remind the Senate of the circumstances attending the preparation and passage of the census bill. Those circumstances show that Congress intended and determined that taking the Seventh Census should be no hasty or unconsidered work; but that every step in its progress, from beginning to end, should be so carefully taken as to secure accuracy, and give value to the work. Accordingly, the first step taken was the appointment of a Census Board, composed of the high Executive officers of the Government, to prepare and submit a plan. Next, the Senate appointed a select committee of the most experienced members of this body, to consider and report. Then the joint labors of this Board and this committee, were submitted to the Senate, and here, as you well know, underwent a protracted, careful, and thorough discussion and revision. Having, after material modifications passed, here, it went through the ordeal of the other House. The law, as it stands upon the statute-book, is the result of all that labor. That law directs when and how the census shall be taken, and the subjects to be embraced in it, leaving nothing in that respect to the discretion of secretaries, clerks, or superintendents. And it directs, also, that, when the work of collecting the prescribed information should have been completed, then the officer in charge should arrange and submit it, with a plan for publication, to this session of Congress. And for what purpose was this provision for its presentation to us here, made in the law? Coupled with the other provision, that its printing should be left to our direction, shows clearly enough that it was thus reserved for our revision, for the purpose of insuring its accuracy, as far as such a work would be made accurate, by repeated and careful examination, not only by Executive officers, but by Congress itself. Now, sir, all this precaution, deemed wise at the time,

was a very unnecessary and senseless procedure, or it is now proposed, by hurrying the adoption of this resolution, is an exceedingly imprudent and improvident thing.

The honorable Senator from Connecticut [Mr. SMITH] raised a question, and was responded to by the honorable Senator from North Carolina, [Mr. BADGER,] upon which I must say a word, as it involves the action of the Printing Committee. It is, whether this is Congressional or departmental printing. The Senator from Connecticut says it is departmental printing, while the Senator from North Carolina says it is Congressional printing.

Mr. BADGER. I say that it is Congressional printing, for Congress to do what it pleases with it; but that it does not come under the contract for Congressional printing.

Mr. BORLAND. I will state the opinion and action of the Printing Committee on that point. When this resolution was originally introduced and sent to the committee, the contractor for the printing for this Congress sent in a communication claiming the census printing under his contract. Upon the question thus presented, the committee decided, if not unanimously, very nearly so, that it was not such printing as the public printer could claim under his contract, for the single but sufficient reason that it was expressly reserved by the census bill for the future direction of Congress, and the contract had been subsequently made under the general law, in view of the existence of that express reservation in a special law. It was not, therefore, such printing, though certainly Congressional printing, as the contractor could claim; and for a similar reason, it certainly is not departmental printing. To dispose of it now, therefore, as Congress may determine, is but carrying out the law of 1850, and is neither trenching upon the rights of the public printer, nor usurping power which belongs to any one of the Departments.

I will, in conclusion, briefly allude to the objections I urged against this resolution, when it was first before the Senate. I thought then, and still think, that it imposes duties upon the Committee on Printing which were not contemplated by the Senate when the committee was originally organized—duties for which they are not qualified, and which they cannot fairly or properly be called upon to perform. These objections, it seems to me, are valid ones, and ought to be conclusive against the adoption of the resolution. But, sir, as it seems to be the determination of this body to adopt the substance of the resolution in some form, and to impose those duties upon the committee, however repugnant to us they may be, I suppose submission to the Senate's decree will become our duty—to be performed as best we may. And as this must be so, I submit still further to the Senate if, when we are required to begin the work, we ought not, in common fairness, to be allowed to finish it? I am opposed to having any portion of this work imposed upon me; but if I am to be compelled to do it in part, I insist upon doing the whole of it. If I have to make the contract, I claim the privilege of seeing it properly executed. If I am to be held responsible, as surely I will, and ought to be, for the character of the contract, I ask nothing but what is fair when I insist that I shall be allowed to protect myself in that responsibility, throughout the work, by seeing that it is properly done, as I contracted for it to be done, and am best qualified to judge when it is done. I say none of this in disrespect to the Secretary of the Interior; for I have no doubt he would have any work intrusted to him, well and faithfully done; but I say it in simple justice to myself and the committee.

The proposed amendment of the Senator from Connecticut [Mr. SMITH] is to separate the contract for the printing from the purchase of the paper. I do not object to the object thus sought to be accomplished; but I think it unnecessary as part of the resolution. If the committee be given authority to contract for the work of having the census printed, it will be entirely competent for them under that authority to make a separate contract for the paper. I am opposed to hampering the committee with partial instructions. If they are to be instructed, in part, as to how the contract shall be made, I ask that they shall be instructed in every particular. If you require this work of them at all, let their discretion be commensurate with their responsibility.

There is but one more suggestion I have to make, and I am done. And, in making it, I reiterate my opposition to the whole proceeding, but proceed upon the supposition, now become certainty, that this resolution will be adopted in some form. It is the only proposition I expect to offer in the way of amendment. I will read it now for the information of the Senate, and will offer it at a proper time as an amendment to the resolution. It is this:

Provided, That the contract herein required to be made shall be submitted to, and shall receive the ratification of Congress, before it shall be binding upon the parties.

The reason for this, I think, will be obvious, as I feel sure it is a sound one. It is, that those members of the Senate who seem so much disposed to impose this duty upon a committee may, when the duty shall have been performed, have the privilege of sharing its responsibility with those who will have done the labor.

Mr. HAMLIN. Before this part of the census which has now been laid upon our tables was submitted to us for our inspection, I deemed it premature for the Senate to take any definite action on the resolution now before us. We have had laid on our desks that portion of the census which comprises the State of Maryland; and with that before us, I think we are as well prepared to act, and to act definitely in relation to the whole matter, as we can be at any subsequent time.

I think there has been another question mingled with this resolution which does not properly belong to it. When it shall come properly before the Senate, I shall concur, as I do most cheerfully in nearly every word which has fallen from the lips of the chairman of the Committee on Printing. What shall be printed is not now the question. The simple question for us now to determine is: Who shall do it? When that question shall have been settled, I shall concur in nearly all the suggestions that have been made by the chairman of the Committee on Printing. When the measures shall have been matured—when the Senate shall have determined in what manner the work shall be done, I shall offer certain instructions directory to the Committee on Printing, in relation to their duties, their powers, and in relation to what shall or shall not be printed.

In my judgment there is a great portion of this work, relating to medical statistics, that if contained in it at all, may be compressed into a very few pages. I learn that from the Superintendent of the Census Bureau. There are other portions which I think are inappropriately there, as I have stated to the Senate upon another occasion.

There are also, in my judgment, deficiencies which should be supplied. Certainly there are deficiencies which will apply to the section of the Union from which I come. I think I may say to all the New England Senators, and to some of the Senators from other States, where the States are divided into towns, that the whole census returns will be regarded as very nearly useless, unless we can have the census of our States presented by towns. This portion of the census before us, comprising the State of Maryland, is to be the sample, and it contains only counties. Senators will recollect that in some portions of the Union nearly all the power of the State is vested in the municipal authorities of the towns, and, without a tabular statement of the census of the towns, the returns for those States would be useless. But, as I have said, these are questions not now before us, and I do not now propose to discuss them. After the resolution shall have passed, or after some other method shall have been indicated by the Senate, then I think it will be proper for the Senate to determine what shall and what shall not be printed. When that period shall arrive, if no one else will assume the duty, I shall have certain practical points to submit to the consideration of the Senate, and take its opinion upon them.

Several Senators desired that the Senate should now adjourn.

Mr. GWIN. I know that there is an impatience to adjourn all round the Senate; but I wish to call the attention of the Senate to this fact: On next Monday we shall have up the resolution of the Senator from Rhode Island, [Mr. CLARKE,] on which he is going to address the Senate; to be followed by the Senator from Michigan, [Mr. CASS,] on Tuesday; and to-morrow is private bill day. The Senator from Illinois [Mr. SHIELDS] has the floor on another question of importance on Satur-

day. If we do not come to a vote on this resolution to-day, we shall postpone action upon it to an almost indefinite time. I hope that we shall have something approaching a test vote before we adjourn. We can have something like a test vote to see whether it is the sense of the Senate that this work shall be given to the particular individuals named in the resolution. If that is settled we can go into the details hereafter. I hope, therefore, before the Senate adjourns we shall have a test vote.

Mr. PEARCE next obtained the floor, but yielded it, at the solicitation of Senators, and, On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 5, 1852.

The House met pursuant to adjournment. Prayer by the Rev. Mr. MORGAN.

The Journal of yesterday was read and approved. Mr. PARKER, of Pennsylvania, asked the unanimous consent of the House to introduce the memorial of John W. Horton, and forty other citizens of Pennsylvania, praying the abolition by Congress of the national chaplaincy system.

Mr. STEPHENS, of Georgia, objected. Mr. PARKER moved a suspension of the rules for that purpose.

The SPEAKER. Such a motion is not in order to-day.

CIVIL AND DIPLOMATIC BILL.

Mr. HOUSTON, from the Committee of Ways and Means, reported a bill making appropriations for the civil and diplomatic expenses of the Government for the year ending 30th of June, 1853, and for other purposes; which was read a first and second time by its title, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

RESOLUTIONS OF THE STATE OF INDIANA.

Mr. LOCKHART, by unanimous consent, introduced the following joint resolutions of the Legislature of the State of Indiana, which were referred to the appropriate committees, as indicated below:

A joint resolution instructing the Senators and requesting the Representatives in Congress from that State to procure a site for a national armory on the waters of the Ohio river at Evansville, within the State of Indiana; referred to the Committee on Military Affairs.

A joint resolution in relation to constructing a canal around the Falls of the Ohio river; referred to the Committee on Roads and Canals.

A joint resolution relative to granting public lands to settlers; referred to the Committee on Public Lands.

A joint resolution for the purpose of obtaining from the General Government a grant of unsold lands in the Vincennes district, Indiana, for the benefit of common schools; referred to the Committee on Public Lands.

Mr. SWEETSER moved that the rules be suspended, and that the House resolve itself into a Committee of the Whole upon the special orders.

The question was then taken, and the motion agreed to.

ASSIGNABILITY OF LAND WARRANTS.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, upon the special orders, (Mr. OLDS in the chair.)

The CHAIRMAN. The business before the committee is the special order, being Senate bill No. 146, making land warrants assignable, and for other purposes. The gentleman from Indiana [Mr. BRENTON] is entitled to the floor from yesterday.

Mr. BRENTON. I do not wish to consume the full time allotted to me under the rule in the further discussion of this question. At the close of my remarks yesterday, I was about to state that in addition to the peculiar facts connected with the question under discussion, and apart from those facts, I placed myself in regard to the third section of this bill upon the higher ground—directed to the importance and propriety of the passage of the bill as it is—that the law by which our land officers are organized, and which fixes the compensation of these officers, is sufficient, to my mind, to justify them in receiving now that for which they have heretofore labored. I believe that

it is a well-settled principle of the law regulating contracts between individuals, that where one man renders service for another, and at his request, that the person rendering the service shall be compensated for his labor, according to the terms of the contract made between them; and that if no specific contract is made, then the compensation shall be according to the nature and value of the service rendered, which is generally determined by the custom of the country.

Now, if we are disposed to apply this rule to the case before us, how will the matter stand?

Here are one hundred and thirty-six men, who have been employed by the Government, to perform certain and specific duties, duties which are essential to the execution and administration of your laws, in reference to the disposition of the public domain. These duties have been faithfully performed; and being satisfactory, they are accepted by the Government. This no one will deny. This much being admitted, what is our next duty? Why simply to ascertain the amount of compensation these employees of the Government are entitled to receive.

Then the question arises, how shall this be ascertained? My answer is, according to the law authorizing their employment, and fixing the compensation for their services. What is that law? It is provided that each register and receiver shall receive an annual salary of \$500, and a commission of one per cent. on their receipts. Nothing can be plainer than this. Would not a jury of the country decide without hesitation, that they were entitled to their commission on all the lands disposed of by them, by virtue of their authority from the Government? And yet there are gentlemen here who think and say—no doubt honestly—that for more than half of the labor they have performed they shall receive nothing at all. Why is this? Is it because there is any law prohibiting it? I understand that some gentlemen are under the impression, that the acts of Congress authorizing the issue and location of land warrants prohibit this compensation. This is a mistake; there is no such prohibition. Why, then, has the compensation been withheld? Simply because the Department, in their cautious and vigilant guardianship over the public Treasury, have decided against it. And these claims come here in the nature of an appeal from that decision; and all that is required of you is to give the express authority to the proper officers to investigate and allow the claims according to the facts of each case.

But it is contended, that there is not sufficient data from which the Commissioner can determine the amount of these claims. Certainly those who urge this objection have not made themselves familiar with the operations of our land system and land offices. Every register is required to report to the General Land Office monthly, and to furnish an abstract of locations made, with the names of the persons locating, distinguishing between the warrantee and assignee. By taking these abstracts, and deducting from the assigned warrants the amount received under the authority of the act of 1848, the residue is the amount to which these officers are entitled.

But it is said that these officers have profited by receiving illegal fees. Well, this bill is sufficiently guarded on that point, for it provides that no officer who shall be proved to have received any fees not allowed by law, shall be entitled to any compensation by virtue of the provisions of this act.

I shall close with these additional remarks, that if the General Government authorizes its officers to dispose of the public domain for a valuable consideration, whether that consideration be cash or its equivalent, it cannot consistently withhold proper remuneration from its officers.

Suppose that the acts of 1847 and 1850, instead of authorizing the issue of land warrants, had given to the soldiers military scrip, to be received in payment for public lands, would the officers have been compensated for exchanging the public lands for this kind of paper? Certainly; and such has been the practice of the Government; and yet this scrip is not cash. Such scrip is now issued and received in payment for public lands. My argument, in short, is this: that where the Government officers are required to dispose of the public lands for cash or its equivalent, they are entitled to full compensation for their services.

A land warrant is a demand against the Govern-

ment, and in one sense—and that an important one—equivalent to cash; therefore the officers are entitled to compensation for locating a land warrant. I present my amendment to the third section, and hope that the committee will adopt it, and with it recommend the passage of the Senate bill.

Mr. YATES said: I wish to speak upon two sections of the Senate bill. It seems to me that a simple statement of the facts, is all that is necessary to determine the action of this House in allowing to the registers and receivers the compensation they ask. This House, I am sure, would not willingly do an act of deliberate injustice, nor would it omit to do an act of positive justice. If the members of this House are satisfied that the compensation of registers and receivers has been, and is now, and in the future is likely to be, inadequate, then, sir, it would be an imputation upon the sense of justice of this House to intimate that it would withhold fair and honest compensation.

What are the facts? We have the petitions of registers and receivers before us, stating that their compensation is entirely inadequate. They show to us that their stated compensation is a salary of \$500, and a commission of one per cent. on cash sales, and that from this sum is to be deducted clerk-hire, office-rent, fuel, and incidental expenses. They tell us that the compensation of locating warrants does not amount to a sufficient sum to pay clerks, which they are compelled to keep for that service, and the duties of which cannot be performed without clerks. They also inform us that the service of locating warrants is four or five times as great as when the lands are entered with cash; that in the location of each warrant, the registers and receivers have to examine every warrant, and the assignments on the same—to examine the petition, affidavits, certificates, and powers of attorney where they are located by an agent of the grantee, to make the entries upon the several books of his office, to forward his abstracts to Washington, &c. And we are truly told, that in many districts since the passage of the bounty land laws of 1847, the entries with cash are comparatively few. These entries are made with land warrants, so that the land officers are deprived almost entirely of the one per cent. commission to which they are entitled on actual cash sales. And we are now about to enact that these land warrants shall be made assignable. This will bring them into the market in large quantities; they will find their way to the different land offices, and almost every entry will be made with warrants. There are very few men who will plunk down the gold and silver at the rate of \$200 for a hundred and sixty acres of land when they can buy a warrant for \$80 or \$100, and with that buy the same quantity of land. Thus, sir, we see that the inevitable effect of making these warrants assignable will be to render that part of the law which gives one per cent. commission on actual cash entries almost a nullity, leaving the land officer with the salary of \$500, and a trifling compensation out of the commission, from which are to be deducted clerk-hire, office-rent, fuel, and incidental expenses.

I will refer the House to facts and figures, which I have obtained in answer to a letter addressed to the Commissioner of the General Land Office, and which will show to this House that the past and present registers and receivers in the land office at Springfield, Illinois, have not received an adequate compensation for their services.

Between the passage of the act of February 11th, 1847, and the 31st of October, 1851, a period of four years and eight months, the number of military bounty land warrants located in the district of lands subject to sale at Springfield, Illinois, was 1983; of this number 1800 were assigned warrants, upon which the register and receiver received fifty cents on each warrant. Thus in a period of four years and eight months, the register and receiver each received for the locating of assigned land warrants, the sum of \$900, or at the rate of \$225 per annum. In the same period of four years and eight months, the amount of cash received from the sales of the public lands at the same office, was \$102,594, upon which the commission of one per cent. would be \$1,025; or at the rate of \$256 per year. Now add the \$225 received upon assigned land warrants, and the \$256, the commission received on cash sales, to the stated compensation of \$500, and we find that the whole sum received by the register and receiver for each year since the passage of the act

of February 11th, 1847, has been \$981. Now, sir, deduct from this sum a reasonable allowance to be paid by them for a competent clerk, say \$400, for office-rent \$150, and \$150 for fuel, stationery, incidental expenses, and for receiving, safe-keeping and transmitting the public moneys, and there is left to the register and receiver each the small pittance of \$281, as a compensation for their services, and the discharge of duties of a high and responsible character. Now, sir, these are the facts; and I appeal to this House, by a solemn sense of justice, not to withhold a fair compensation to these officers for the services they have rendered.

This House cannot hesitate between the propriety of passing a bill now allowing to registers and receivers for their services heretofore in locating these warrants, and the plan recommended by the honorable chairman of the committee—namely, that each register and receiver who shall deem himself aggrieved shall present his separate claim to Congress. Shall we impose upon every land officer the arduous duty of becoming a suitor to Congress, of employing an agent or coming in person at great expense to Congress for relief? Such a course, in most instances, would be tantamount to a denial of justice, for I am sure very few of them would undertake so hazardous an enterprise as to obtain from Congress this compensation.

But, sir, upon the score of public economy, which gentlemen seem to regard so much, had we not better make a fair allowance now than adopt the course of the chairman of the committee? We shall find it but a poor sort of economy to invite these numerous claimants to present their individual claims to Congress. One important object of making the compensation now, is to prevent the presentation of these separate claims. If each individual register and receiver should present his claim here and occupy the time and attention of our committees, and they should undergo discussion in both legislative branches, it would cost the Government more than to allow at once by this bill a fair and honest compensation. Every one acquainted with the history of legislation, its debates and delays, will not hesitate to admit the force of this view of the case.

It is contended that plenty of good men can be got to do the service for the present compensation. And so, sir, plenty of good men, as was properly remarked by my colleague, [Mr. CAMPBELL,] could be got to discharge the duties of Representative on this floor for one half the compensation which we receive. Sir, I hope the day will never arrive when the offices of this country and of this character are to be dispensed to the lowest bidder. High character and superior qualifications should be the recommendations to office, and the compensation should always be such as to secure the most meritorious men in office.

The duties of the land office are not merely ministerial. It is a high post of honor and responsibility. It has become an intimate and important part of the administration of the Government. It is a part of a difficult and complicated branch of one of the departments of the Government, the proper management of which requires a great deal of method, accuracy, and the exercise of good judgment, and involving the greatest responsibility. The register and receiver have to enter into heavy bonds. The receiver has the custody of the public moneys, and his conduct is all the time subject to the severest public scrutiny. The very kind of men whom the Government wants in such a capacity are the men who, in their private business, could accumulate as much as the Government would be justifiable in allowing. And, sir, we cannot expect them to abandon a lucrative and profitable business to take an office involving the highest responsibilities and the discharge of most arduous duties for a pitiful compensation. And I have been told by these officers, that they would be forced to resign unless their compensation was increased; and many of them would have resigned long ago but for their confident reliance upon the justice of Congress to render them a fair return—an honest equivalent for the services they have been performing.

Mr. Chairman, I will for a moment address my remarks to another feature in the bill—to the section which extends the provisions of the former act so as to allow the soldier a day for each twenty miles of travel from the place of organization of his company to the place of his enlistment. I

cordially concur in this feature of the bill. I believe, sir, that there are as meritorious claimants among those who have been engaged in the suppression of Indian hostilities as among those who have engaged in the Mexican and other wars. Among them, sir, are the pioneers of our western country, that hardy and adventurous race, who have marched in the van of civilization, and encountered with heroic fortitude all the vicissitudes of the forest, and all the perils of Indian warfare, and yet, sir, have not been recognized as the soldiers of the Government. They, sir, are the representatives of that glorious epoch in the march of empire westward, "when every cabin was a fortress, and every man, yea, every woman, was a soldier."

Sir, I suppose I did not understand the remarks of my friend from Ohio in his reflections, as I supposed, upon a most meritorious class of our citizens. I do not know, sir, whom he meant, some weeks ago, by the term "corn-stalk army." Does he mean the militia? Whether he means them or not, it has been the custom of certain politicians to heap reproaches upon this, which I esteem the main arm, the strong bulwark, the impregnable fortress of our country's defence. After all, sir, it is to this class, as well as to the soldiers of the regular Army, to whom our country is indebted for some of the most brilliant military achievements which adorn our past history. They, sir, have been the men of strong arms and bold hearts, who have borne aloft our flag in triumph on every field of battle, and who, alike at Lexington, at the Thames, at New Orleans, at Buena Vista, at Cerro Gordo, won for American arms laurels as green and imperishable as ever decked the brow of the victorious warrior.

Mr. Speaker, now is not the best time to examine the policy of this Government as to the right mode of disposing of the public lands. At some future period I hope to have the attention of this House while I give my views at length upon this subject. There is one thing which I will say now, and that is, that the United States ought not, in its system of financial policy, to look to the public lands as a source of revenue—first, because, in fact, in deducting disbursements made in their purchases from the Indians, in surveying them, keeping up land offices, the bureau of the public lands at Washington, and the expenses of legislation about them, they do not realize to the Government five cents to the acre. We want a stable, firm system of revenue, such as we have from customs, which, while it affords sufficient revenue to the Government, affords protection to American labor and a home market to the American farmer.

Our sure policy with regard to the public lands is to bestow them with liberal hands, first to those who have evinced their devotion to their country in its defence; second, by munificent appropriations for the promotion of popular education, and especially to the education of the blind, the insane, and deaf and dumb; third, to grant portions of these lands to the States for making railroads, to be free to the United States for the transportation of mails, and troops, and munitions of war; and lastly, to grant them in limited quantities to the actual settler for himself and his posterity forever.

If the public lands are appropriated for these purposes, they will be fountains of blessedness, political, social, commercial to our country; these thousands of millions of acres—this mighty and beautiful and boundless domain of rich and fertile lands will be exhaustless mines of wealth, from which we may draw from year to year, for even centuries to come, for the great purposes of internal improvement, popular education, beneficence to the soldier, and the freehold homes of our citizens.

[Here the Chairman's hammer fell, the time fixed by the House for closing debate upon the bill under consideration having expired.]

Mr. MASON. Me. Chairman, I desire to offer an amendment.

Mr. DUNHAM. I believe I am entitled to the floor for one hour, under the rule of the House, the debate having been closed.

The CHAIRMAN. The Chair supposes the gentleman from Indiana, [Mr. DUNHAM,] who reported from the select committee the House bill, is not entitled to the floor, that bill not now being under consideration. The gentleman will recollect that the Chair yesterday decided that the Senate bill must take precedence, and the House bill, therefore, is not now under consideration. He

will not be entitled to the floor, to close debate, until the House bill shall have been under consideration.

Mr. DUNHAM. This whole matter was referred to the Committee of the Whole on the state of the Union at the same time, and the debate was closed on both bills by the same resolution. I shall therefore feel myself bound to take an appeal from the decision of the Chair, and claim my right to occupy the floor for an hour—having reported the House bill, and debate having been closed upon both bills at the same time.

Mr. MASON. I have no objection to the gentleman's making an hour's speech. My objection claiming the floor was merely to offer an amendment.

The CHAIRMAN. The resolution adopted by the House provides that debate shall terminate in two hours after the Committee of the Whole on the state of the Union shall have resumed the consideration of the Senate bill and joint resolution of the House. The bill and resolutions were referred jointly; but when the House resolved itself into the committee on the special order, the Chair decided, that although both propositions had been referred in the same special order, yet only one bill could be under consideration in committee at the same time, and that the Senate bill must have precedence. The Senate bill has, therefore, been under discussion. The gentleman from Indiana [Mr. DUNHAM] claims the right now to speak one hour, the debate upon the two bills having been closed. The Chair decides, that inasmuch as the Senate bill is under consideration, amendments, if there be any, must be offered and the bill disposed of, before the House bill will come up. When that bill shall be up, the gentleman can claim his hour, but not till then. From that decision the gentleman appeals.

Mr. DUNHAM. I think the Chairman has put the case rather stronger than it really is. I think he has only stated one side of it.

The CHAIRMAN. The question is not debatable.

Mr. DUNHAM. I know it is not, but I presume the Chair will permit me to state my point of order.

The CHAIRMAN. The Chair will permit the gentleman to state his point of order.

Mr. DUNHAM. The resolution adopted by the House closes debate upon both resolutions at the same time.

Mr. BISSELL. The gentleman has no right to debate the question. I call the gentleman to order.

The CHAIRMAN. The gentleman can state his point of order.

Mr. DUNHAM. The gentleman from Illinois is getting a little ahead of his time. I have the right to state the facts of the case. I say I think that the resolution of the House outweighed the decision of the Chairman of the committee that only one resolution was under consideration. I think that decision was overruled by the House when they adopted the resolution closing debate upon both bills at the same time.

Mr. BISSELL. I rise to a question of order. The gentleman is not stating his proposition, but is making an argument. I object to it. It is not in order.

Mr. DUNHAM. If the gentleman will listen to me, I apprehend he will find whether I am stating my proposition or making an argument.

The CHAIRMAN. The gentleman must confine himself to stating his proposition.

Mr. DUNHAM. I have only to say that the resolution closing debate upon both propositions at the same time, as a matter of course blends them together, and they are, therefore, both legitimately before the committee. Upon that ground I claim the right to address the committee under the rules of the House.

The CHAIRMAN. The Chair still thinks he stated the question fairly. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. BISSELL. I wish to make a single inquiry. As I understand it, this Senate bill has not been before the select committee, of which the gentleman from Indiana was chairman, at all, and therefore has not been reported by that committee?

Mr. DUNHAM. Everybody knows that.

Mr. BISSELL. Well, that is all I desired to ask.

The question now being "Shall the decision of

the Chair stand as the judgment of the committee?" upon a division, there were—ayes 73, noes 14; no quorum voting.

Mr. DUNHAM demanded tellers; but only 16 rising, they were not ordered.

Mr. COBB. Then we shall be obliged to have a call of the House. I ask for a recount.

The CHAIRMAN. It can only be done by unanimous consent.

There was no objection, and upon a second division there were—ayes 76, noes 18; no quorum voting.

Mr. FOWLER demanded tellers; which were ordered, and Messrs. FOWLER and BRECKENRIDGE were appointed.

The question was then taken, and the tellers reported—ayes 99, noes not counted.

So the decision of the Chair was sustained by the committee.

Mr. BELL. I rise simply to make an inquiry. Will the committee proceed with the consideration of the Senate bill, or is the House bill now under consideration?

The CHAIRMAN. The Chair supposes that the House bill has not been before the committee.

Mr. BELL. I desire to say something upon this subject, but it is upon the House bill that I wish to speak.

Mr. DUNHAM. I desire to ask if an amendment has been made to this bill?

The CHAIRMAN. There is no amendment pending.

Mr. DUNHAM. I move that the bill be laid aside to be reported to the House, with the recommendation that it do not pass; and that the committee do then proceed to the consideration of the House bill.

Mr. JONES, of Tennessee. If the gentleman from Indiana will move that the Senate bill be laid aside for the present in order to give him an opportunity to make his speech, I will vote for his motion; but if he moves to lay it aside to be reported to the House with the recommendation that it do not pass, I cannot go with him. I am for striking out all of the bill except the first section, and of passing it in that form.

Mr. DUNHAM. I will vary my motion to suit the gentleman. I move that the bill be laid aside for the present.

The motion was not agreed to.

Mr. MASON. I propose to amend the first section by adding, as a proviso, the sixth section of the bill reported by the select committee, which will allow these bounty land warrants to be located upon any land subject to private entry.

The first section of the Senate bill is as follows, viz:

"Be it enacted, &c., That all warrants for military bounty land, which have been or may hereafter be issued under any law of the United States, and all valid locations of the same, which have been, or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing, made and executed after the taking effect of this act, according to such form, and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the warrant or location: Provided, That any person entitled to preemption right to any land, shall be entitled to use any such land warrant in payment of the same, at the rate of \$1 25 per acre, for the quantity of land therein specified."

Mr. MASON. My amendment is to add at the end of this section the following:

Provided, That the warrants which have been, or may hereafter be issued, in pursuance of said act or of this act, may be located upon any lands of the United States subject to private entry at the time of such location, at the minimum price.

Mr. CLARK. Is the House bill now under consideration?

The CHAIRMAN. No, it is not. But the gentleman from Kentucky [Mr. MASON] proposes to amend the first section of the Senate bill, by annexing thereto, by way of proviso, the sixth section of the bill reported by the select committee as a substitute for the House bill.

Mr. MASON. The object of it is simply to allow these bounty land warrants to be located upon any of the lands of the United States instead of being confined to the refuse lands which have been picked over for years past. That is the object of the amendment. Now, I would state that the first section of this bill, with the amendment I propose, is all that is necessary for the House, at this time, to pass. And I would briefly give a few reasons for it. The first section of this bill proposes to do that which every member here is

instructed by his constituents to do—merely to make these bounty land warrants assignable. The law, as originally passed, as we understood, and as those who passed it understood it, left these bounty land warrants assignable. The Secretary of the Interior gave the law a different construction. At the first of the last session of Congress my colleague [Mr. CALDWELL] introduced the resolution to make land warrants assignable; it passed this House by an overwhelming majority; and it went to the Senate, which body let it sleep to the end of the session, and it was finally lost for want of time. We passed another resolution at this session of Congress making these warrants assignable; it was sent to the Senate, and came back here, loaded down with a whole mass of amendments. Now, I have heard it said that there were those who, had they been present when the Lord's Prayer and Decalogue were made, would have moved amendments thereto.

This is a simple, plain bill, merely to make these warrants assignable; and that other provision which I offer here now is to make them subject to location upon all the lands of the United States. This is what the country look to us to do, and this is what they desire us to do.

Now, with regard to the payment of registers and receivers, I have no time to say anything, except briefly this: that I have been informed that they would not suffer, their families would not suffer, and that they are not in such a state of suffering as requires that this bill should not be delayed. If their claims are just, let them be taken up separately and referred to an appropriate committee for investigation, and if they are entitled to compensation, pay them; but do not hang a provision to pay them on to a meritorious bill, which everybody is in favor of, and which the whole country demands that we shall pass. The gentleman from Illinois [Mr. BISSELL] wants to appropriate some \$200,000 to these land offices. I have not examined the question, but have no doubt if they are entitled to a greater amount of compensation than they have received that the House will pass a bill for their relief. If, indeed, these registers and receivers, who are receiving at least \$500 a year from the Government, are suffering, surely these old soldiers, who have received the mere pittance of a bounty land warrant, and who are generally in a poor condition—much poorer than the registers and receivers—demand at our hands immediate action on this subject.

Mr. BISSELL. I hope the amendment will not be made; though if that provision were in this section, I should have no particular objection to it. I do not think it important one way or the other; but I shall vote against it, because I desire to see the Senate bill, which has been well, carefully, and considerably prepared and adjusted, go through the House with the least possible amendment; for if amended in any material respect—as for instance as indicated by the gentleman from Tennessee, [Mr. JONES] who proposes to strike out all but the first section—it stands no chance of going through the Senate again. And if we pass this bill through the House in any shape—which I trust we shall not—which denies to registers and receivers any future or any past reasonable compensation for the services which they perform in locating these warrants, I have no hope at all that it can pass the Senate. I have taken especial pains to understand how these things are in the Senate. Therefore I am opposed to this amendment, and I shall be opposed to all other amendments of a material character which may be offered to the bill. I shall be opposed to the bill itself, unless it provides not only for the payment of the land officers in future, but a fair compensation, to be determined at the head of Departments in Washington, for those who have already performed these services without pay—services which they never would have consented to perform had they not had reasonable expectation that Congress would do justice by them. These registers and receivers were entitled to one per cent. upon the moneys received in payment for public lands. At that a large portion of these receivers and registers, and especially in the older settled parts of the new States, barely made a living. When you passed this law, scattering like leaves in autumn land warrants all over the country, they took the place of cash, and speculators went and entered lands with these warrants, thus depriving the registers and receivers of the per cent. which they were authorized

to receive before, and which hardly compensated them at the time. They held on, year after year, in the expectation, from the frequent movements which were made here upon this subject, that Congress would provide a compensation to them for those services. Some of them have not received as much as \$200 a year over and above the expense of clerk hire. Now here comes in a bill—a sensible bill—passed through the Senate with great care and deliberation, providing in future that these officers shall be compensated for the services which they may render, and it is proposed, at once, to strike from the bill those essential features—which are really everything in it—and which ought to entitle the bill to the especial regard of the House;—to strike from it that provision which makes compensation to receivers and registers, and leave those officers to resign their places—as many of them, I am well assured, will—unprovided for; and thus to let those offices become vacant. Let no man pretend to say there is no such probability. I tell you, sir, that if Congress signifies its determination not to compensate these officers for the services they render in locating these warrants, there are officers in the West who will be compelled to resign, and there are no competent men who will be found to take their places.

Mr. DUNHAM. I move to strike out the second section of the bill.

The CHAIRMAN. The second section is not under discussion; the motion is, therefore, not now in order.

Mr. HALL. I wish to offer an amendment to the amendment of the gentleman from Kentucky [Mr. MASON] as follows:

"Provided further, That when said warrants shall be located upon lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the locators of said warrants shall pay to the United States, in cash, the difference between the value of such warrants at one dollar and twenty-five cents per acre, and the tract of land located on."

I suppose it is only necessary to explain the object of this amendment very briefly, in order to gain for it the favorable consideration of this committee. We have heretofore—and I hope we shall hereafter—made grants of land for the purpose of internal improvement, in all of which grants we have stipulated that each alternate section shall be raised to double the minimum price, viz: two dollars and fifty cents per acre. Now, the amendment proposed by the gentleman from Kentucky, [Mr. MASON] authorizes warrants to be located upon all lands subject to private entry. Hence, if my amendment is not adopted, the holders of land warrants can locate them upon reserved sections as well as upon other public lands. I am willing that holders of land warrants shall locate upon these reserved sections; but I think that when they do so their warrants should pass at only one dollar and twenty-five cents per acre; so that if the holder of a warrant of one hundred and sixty acres wishes to enter an eighty acre reserved tract—the minimum price of which is two dollars and fifty cents per acre—he may do so with his hundred and sixty acre warrant. But if he wishes to enter one hundred and sixty acres of reserved land, then I think it is proper that he should pay to the United States the difference between the value of his warrant at one dollar and twenty-five cents per acre and the value of this tract located upon at two dollars and fifty cents per acre. That is the whole object I have in view in offering my amendment to the amendment of the gentleman from Kentucky. I think it is unnecessary to explain it any further.

Mr. MASON. The amendment reported by the select committee, I conceive, embraces the same thing that the gentleman from Missouri [Mr. HALL] desires to accomplish by his amendment. But if it does not make it plain I have no objection to his amendment, and it is a proper one. Those who locate the reserved lands, the minimum price of which is two dollars and fifty cents per acre, should pay the difference to the Government.

I will make a remark in relation to this subject, to show the gentleman from Illinois, [Mr. BISSELL], and those gentlemen who are interesting themselves in the payment of these registers and receivers, and which I hope will satisfy them of the fact, that this bill has not been well digested in the Senate. I have not been upon any land committee, or upon anything connected with public

land, but I learn from a source entitled to as high consideration as any of these committees, that there are a number of these land offices that are not useful. The subject of inquiry, then, is, how many shall be abolished? It is said that at those land offices on the Cherokee and Choctaw lands, where the land is worth but a shilling an acre, and the sales would not pay the officers, the compensation is paid out of the public Treasury; but it is believed by those well acquainted with the business—

Mr. BISSELL, (interrupting.) Will the gentleman allow me a remark?

Mr. MASON. Certainly.

Mr. BISSELL. If the sales by cash and by warrants are not sufficient to pay the register and receiver, then they get nothing. They get nothing out of the Treasury.

Mr. MASON. I think the gentleman will find himself mistaken; and that these registers and receivers actually get their pay. They are paid out of the Indian annuity. While that poor starving race are not able to obtain a subsistence, you are paying these land registers and receivers, who are selling land of little or no account, and that at a shilling an acre. It is a subject—

Mr. BISSELL. Will the gentleman allow me—

Mr. MASON. The gentleman will excuse me if I do not. There has been eight or ten hours occupied in the advocacy of these claims for payment, and yesterday, when there was only two hours allowed here to debate the subject, gentlemen upon that side of the question were allowed the whole of it. If I had one half hour I could show the House, that this subject requires a complete reorganization, and requires, upon the part of the House and the committee, a rigid reform.

Well, sir, let this subject be referred to a committee of that character composed for that purpose. Let those land offices where there is no business—those offices are sinecures—be discontinued; and let those doing a large amount of business have sufficient pay to employ clerks, and for themselves a fair compensation. Let their labor be proportionate to their salary. Do not, however, defeat this soldiers' bill by loading it with other matters. You talk of the suffering of the land officer. I have from one of my constituents a letter in which he wishes to sell his land warrant of one hundred and sixty acres. He states that he served in the siege of Tripoli; that he was in the battle of Brownstown, and was there wounded; and that he was taken prisoner during this last war, and was imprisoned six months. Afterwards he was wounded at Fort Meigs. Now he is with his wife, old and blind, himself crippled, making a bare subsistence mending shoes. This matter to him is of great importance. The land registers and receivers, receiving \$500 a year, can live in abundance and affluence, while these poor soldiers are in beggary for the want of the passage of this bill. You have talked upon this bill year after year; it was discussed at length at the last session, and it has been discussed also at this. These men who claim extra compensation can wait until the poor soldier has been satisfied.

The CHAIRMAN. Does the gentleman accept the amendment?

Mr. MASON. I have no objection. I will accept it.

Mr. TAYLOR. I inquire if it is in order to strike out that which has been accepted by the gentleman from Kentucky, [Mr. MASON,] and to insert what I send to the Chair?

The CHAIRMAN. It is.

Mr. TAYLOR. I then move to strike out the amendment of the gentleman from Kentucky, and in lieu of it to insert the following:

And provided further, That any person owning such land warrant, or warrants, shall be entitled to use them in payment for any of the public lands now subject to private entry, or which may hereafter be publicly offered for sale, whether held at the rate of \$1 25 or \$2 50 per acre, paying two acres of land warrant for one acre of land where the same is held for sale at \$2 50 per acre.

Mr. TAYLOR. I will not detain the committee by any extended remarks. I am very anxious to vote for the bill as it has come to us from the Senate; and with all respect for the committee, I will suggest to gentlemen, that it seems that we will make slight progress in the public business, unless we come to a vote promptly upon this question, as this bill has been, in fact pending before the House two months, having been introduced upon

the 3d day of December. I offer this amendment in conformity to the wishes of some of those whom I have the honor to represent; and I take this occasion to say that I am not in favor of the 3d sections of this bill. That I am in favor of assigning land warrants upon such terms as the Commissioner of the General Land Office may prescribe. I am in favor of paying the registers and receivers, as proposed by the Senate, and I think there is very little difference among the majority of members of the committee upon that subject. It is a just and right bill. I presented a petition at the present session, from four gentlemen who hold the offices of registers and receivers in the town in which I live; and I will say to the honorable gentleman from Illinois, [Mr. BISSELL] who discussed this question with ability some weeks ago, urging his party to do justice to the Whigs, and as the Democrats would shortly be in power, that justice might be done to the officers coming in—that it is my desire to do equal justice to Democrats and Whigs. I have presented petitions from Democrats, who have held these offices, as well as Whigs, and wish they should be all paid, without reference as to who shall succeed in the coming presidential election. In my opinion, that is a question of great doubt, and not of so much certainty as gentlemen would seem to indicate. The section making land warrants assignable, as sent to us by the Senate, I think is infinitely preferable to anything reported by any committee of this House; and with the proviso, which I have offered, it appears to me will meet the views of gentlemen upon every side. My object is not to exclude those who go to the West from entering lands at \$2 50 per acre, so far as their land warrants go. If a man goes to the new States with a one hundred and sixty acre land warrant, let him, if he choose, enter it upon eighty acres of that description of land, and I will not confine him to land subject to private entry. Why not let him enter the land wherever it may be surveyed and offered for sale at specified prices with his land warrant? I would open the whole field for the soldiers of the late war with Great Britain, and others entitled to bounty land, under the acts of Congress, so that the man with his warrant in his hand should stand upon an exact equality with the man who had an equal amount of gold and silver in his possession. No man has advanced to the committee any argument against it. I cannot say, Mr. Chairman, how far I shall be willing to go as regards the 4th and 5th sections of the bill. My impression is, that the Senate bill ought to be speedily passed. It is infinitely better than any other that has been presented to us; and so far as I may, I will promote the passage of that bill speedily, because I think we ought to press the public business.

Mr. HALL. I have only a word or two to say in reference to the amendment of the gentleman from Ohio. I think, if the gentleman will consider his amendment attentively, he will find that under it an individual would not be permitted to pay the difference between his land warrant and the value of the land upon which he enters, with cash. He would only be permitted to pay the difference between the warrant and the land upon which it is located with other warrants. Whereas, under the amendment I submitted, which was accepted by my friend from Kentucky, [Mr. MASON,] an individual who locates a warrant upon these reserved sections of land can pay the difference between the price of the land and his warrant with cash. The objection I have, therefore, to the amendment of the gentleman from Ohio [Mr. TAYLOR] is, that it will not allow individuals locating upon reserved lands with land warrants to pay the difference with cash, rather than other land warrants.

Mr. TAYLOR. I do not think it has that tendency. I will ask the Clerk to read the amendment.

The Clerk read the amendment.

The question was taken upon the amendment of Mr. TAYLOR, and it was rejected.

The question was then put upon the amendment of Mr. MASON, and it was adopted.

Mr. MASON. I move that the committee rise and report the bill.

The CHAIRMAN. The motion to rise and report the bill cannot be received while members have amendments to offer.

Mr. SCHOONMAKER moved to amend the first section by adding thereto the following, viz:

And that all warrants for military bounty lands which have been or may hereafter be issued under any law of the United States, and which shall not have been assigned, pledged, mortgaged, or located, may be surrendered to the United States by the original owner, or in case of his death, by his widow, or next of kin, who may be legally entitled to the same by delivering such warrant to the Commissioner of Pensions of the United States, accompanied with proof by affidavit, or otherwise, to the satisfaction of such Commissioner, of the identity and title to the warrant of the person claiming to make such surrender; and that such warrant, or the lands or moneys to be realized therefrom, have not been and are not assigned, transferred, pledged, or mortgaged to any person or corporation, for any purpose whatever, and hath not been located. And upon the surrender being thus made, the person so surrendering such warrant shall be paid out of the Treasury of the United States, from the proceeds of the sales of the public lands, the sum of one dollar and twenty-five cents per acre for the number of acres specified in the warrant so surrendered.

Mr. S. said: This bill proposes to make land warrants assignable, and to annul the provisions contained in the original bill prohibiting their transfer. That provision was originally inserted to protect the soldiers from land speculators and brokers, and to prevent the Government bounty from inuring more to the benefit of that class of operators than to the soldiers themselves. The object and intent was good, but, unfortunately, the bounty to be received lies upon our western borders, so far distant from the soldiers of the Eastern, Middle, and some of the Northern and Southern States, that the expenses of a journey to locate or visit the land, are nearly, if not quite equal to its cash value. The warrant, therefore, to them is worth but little, while to the citizen of the West living in the vicinity of the land upon which he can locate, its value is fully equal to that of the land. This, consequently, produces a great disparity in the operation of the bill upon the objects of its bounty, which is in no respect ameliorated by making the warrants assignable. For the practical effect of that is to enable land brokers and speculators to procure valid transfers, and legal titles to the warrants, at their own prices and for a mere trifle. Thereby, in truth and effect, the land broker and speculator becomes the recipient of the Government bounty, and not the soldier, and thousands upon thousands of acres of the public lands are thus, under pretence of rewarding the defenders of the country's rights and honor, squandered upon brokers and speculators, whose patriotism consists alone in amassing wealth for themselves. This cannot be the intent of the framers of the act, and it is our duty, if possible, to obviate the difficulty.

Another difficulty incident to the bill in its present shape, is connected with its ultimate injurious influence upon the Western States and Territories. Most of the warrants issued to the inhabitants of the Eastern, Middle, and Southern States being thrown into market, as a necessary consequence will fall into the possession of land brokers and speculators, and thus centralize in few hands. Large tracts of land will then be entered and located by such holders; the soil of almost entire States and Territories will thereby fall into the hands of a few, and such section of the country will have entailed upon it the curse of a large landed monopoly. We of the North have witnessed the evils resulting from such a state of things, and I for one cannot conscientiously vote to entail the same difficulties upon that or any other section of the Union.

Are you, gentlemen of the West, sincerely desirous of reducing the price of the western unoccupied lands to actual settlers? If you are, then do not throw, as you will by passing the bill in its present shape, the mass of the warrants into speculators hands, and give them the control of nearly all the present available lands, because you must thereby inevitably increase the price to meet the fancy and cupidity of the holder, and no lands will be in market at Government prices except those beyond the large locations made under such warrants. No law should be permitted to operate thus unequally upon citizens it is designed to benefit, nor so injuriously upon any section of the country.

The amendment proposed by me will, I think, in a great measure obviate the difficulty. It provides a fair equivalent from the Government, which the soldier has the option to take, and thus places a valuation upon the warrant, and prevents the land speculator and broker from regulating its value and monopolizing the market. It enables the soldier of every section of the Union to receive,

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if he desires not the land, a fair equivalent for his warrant, and places them all on an equal footing. Are not the soldiers whose homes are at the East, entitled to the same emoluments as those at the West? Do they not equally deserve the Government favor and bounty? Have they not also periled their lives in battle, and endured the hardships of war and the camp? Why, then, draw and maintain such an inequality in compensation as the original bill and the one now under consideration will effectually produce? Sir, it will not do. Justice to the deserving recipient of the Government bounty from the Eastern, Southern, and Middle States, and duty to the West, require the adoption of some such amendment as I have proposed.

Mr. SWEETSER. I rise to oppose this amendment, for the reason that I am satisfied with the first section of this bill as amended by the gentleman from Kentucky, [Mr. Mason.] It is well known by all those who advocated this bill in the last Congress, that this question in relation to the assignment of these warrants was duly considered, and rejected in consequence of the numerous frauds practiced under the Mexican bill. It is well known, that a vast number of the Mexican warrants have been suspended, and the difficulties growing out of the sale and transfer by the said warrants, induced the original friends of the law of September, 1850, giving bounty lands to the soldiers of the war of 1812, and the Indian wars from 1790 down, to so frame that law as to secure to the soldier the full benefit of the law. Such is my judgment now, while I yield, reluctantly, to the petitions of the people only so far as to make the warrants assignable, and beyond that I will not with my vote go. I am fearful that this measure has been superinduced by the speculators, and is not the spontaneous movement of the holders of the warrants.

I am now, and always have been, opposed to throwing these warrants into the market as a medium of speculation. I desire the old soldier, his widow, and minor children to enjoy this bounty of the Government.

I call upon the members who were responsible for this measure in its origin, to stand by to-day, and assist in striking down every attempt to fasten upon the proposition to make these warrants assignable, other provisions, which are entirely unworthy of the occasion. This mode of tacking on to a popular proposition other measures, which are of questionable merit, and making the simple proposition of making warrants assignable a *pack-horse*, to carry a load, which must ultimately defeat the wishes of our constituents, is so objectionable, that I must be permitted to declare, that if the attempt succeeds, I shall feel constrained to vote against the whole bill.

If the registers and receivers have performed services for which they get no compensation under the law as it stands, let their friends bring forward a bill for their relief, and trust to the justice and generosity of Congress to pass it, and not attempt to load this bill. The suggestion that these officers will resign, and the public service thereby suffer, has no terrors for me. I can inform the western gentlemen who seem willing to hazard this bill unless they can ingraft upon it a section for the relief of said officers, that they receive five hundred dollars salary from the Government, which is more than an average of what is paid in the West to their recorders and auditors of counties, which offices command the most respectable talent in the country.

It is suggested that these registers and receivers have been speculating in these land warrants. Their knowledge of the lands in their districts has afforded them ample opportunities to have done so. I do not know how it is.

I ask my honorable friend from Illinois, [Mr. Bissell,] and other gentlemen who acted with me originally upon this question, to aid in striking down all amendments and additions to the first section as amended, and let that section pass through the committee and the House, and become the law of the land. If this bill is to be

made the *scape-goat* to carry through objectionable measures, the responsibility of its defeat will rest upon those gentlemen that have urged with so much pertinacity the other and objectionable propositions which have no legitimate connection with the measure which this House is called upon to pass, and that without delay.

The people have asked us to make these land warrants assignable. The officers ask us to give them compensation for what they have done, and what they may be called upon to do in future. It may be that they are entitled to it. Of that we will judge at the proper time.

The question was then taken upon Mr. Schoonmaker's amendment, and it was not agreed to.

Mr. JONES, of Tennessee. I move to strike out all after the first section, leaving the first section, with the amendment adopted by this committee. I hope the committee will vote upon that proposition as a test question. If it be voted down, then they can go on and perfect the balance of the bill, as the majority may think it should be. I trust the committee will take the vote upon that motion, and let us test the question whether this committee is willing merely to pass so much of that bill as provides for the assignability of these warrants—for that is what is required and demanded of Congress by the holders and beneficiaries of these warrants. The Senate, when we passed the bill of September 28th, 1850, made an amendment preventing their assignability; but it was passed through this House at the last hour of the session, in the midst of noise and confusion, when it was not known by the House that such an amendment was in the bill. We passed at the last session of Congress an act to make these warrants assignable. The Senate loaded it down with amendments, and returned it here; but it was lost again for want of time. At this session we have sent them another bill to make these warrants assignable, and they referred it to a committee; which committee has retained it; and they send another bill of their own originating, and attempt to force it through with all the extraneous matters and provisions appended to it.

[A message was here received from the Senate, by the hand of their Secretary, ASBURY DICKINS, Esq.]

Mr. JONES resumed. I have but very little more to say about this matter. I understand, though, that the Senate are ready, if we will not pass this bill with all these provisions, to pass the one we have heretofore sent them, merely making land warrants assignable. I hope that the committee will now take the question upon this motion, and test the question, whether we will pass all these measures or not.

Mr. STEPHENS, of Georgia. The motion made by the gentleman from Tennessee [Mr. Jones] is not in order, as I shall attempt to show to the Chair; for if it were, it would then be in order for any gentleman to call for a division of the question, and have a vote taken upon each one of these sections. That would virtually preclude motions to amend, and prevent each individual from advocating the amendment he offers in a five minutes speech.

The CHAIRMAN. The Chair supposes the motion to strike out brings under consideration the remaining sections, and it would be in order to amend any one of them before the vote is taken upon the proposition to strike out.

Mr. STEPHENS. The usual rule, when a bill is under consideration, is to act upon each section separately. I will address whatever I have to say in opposition to the motion of the gentleman from Tennessee, [Mr. Jones.] I prefer that we should go through this bill by sections separately; and while I concur in the remarks made by the gentleman for the most part, yet there are sections of the bill I should like to see retained. I prefer that we should take the vote directly upon striking out this second section, and then go on and finish the others. I think the gentleman is perfectly correct in his remarks as to what has been obstructing the passage of this bill for two years, or nearly eighteen months. The whole of

it grows out of such opposition as is made by the gentleman from Illinois, [Mr. Bissell]—that is, if we do not permit this bill, making warrants assignable, to be ridden down by this provision, allowing registers and receivers an extra compensation for work, the bill shall never pass.

Now, if the gentleman from Illinois [Mr. Bissell] announces that as the intention on the part of the friends of these registers and receivers in this House, I, for one, bid them defiance; and I wish this House to know, and the majority to show to the country, that we are not to be bullied by any such threats. If the gentleman comes and says that the Senate will never pass it without such a provision, I shall, for one, join issue upon that.

Mr. BISSELL. I have made no threats. I have said, as any gentleman has a right to do, that if the pay to the registers and receivers were stricken out, I should vote against the bill. Call you this threatening?

Mr. STEPHENS. The gentleman said, and notified the House, and gives us warning, that the Senate would not pass the bill unless these registers and receivers were paid. I do call that a threat to the House of Representatives; and I call upon the majority of this House, the representatives of the people, to vindicate their own dignity and vote according to their judgments. My opinion is, that the pay of these registers and receivers ought not to be increased. They accepted these offices at a stipulated salary. They come here and ask for these situations, and then they come and demand extra pay for doing that which is a part of the duties of the offices.

[Here the hammer fell.]

The CHAIRMAN. Is an appeal taken from the decision of the Chair, that a motion to strike out all but the first section of the bill is in order? If not, amendments are now in order to the sections proposed to be stricken out.

Mr. DUNHAM. Does the gentleman from Georgia insist on his point of order?

Mr. STEPHENS. I do not. I am willing that the amendment shall be received.

Mr. DUNHAM then moved to strike out the second section of the Senate bill, as follows, viz:

Sec. 2. *And be it further enacted*, That the registers and receivers of the land offices shall hereafter be severally authorized to charge and receive for their services in locating all military bounty land warrants, issued since the eleventh day of February, eighteen hundred and forty-seven, the same compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre, the said compensation to be hereafter paid by the assignees or holders of such warrants where they have been transferred under the provisions of any act of Congress, and the regulations of the General Land Office; and to be paid out of the Treasury of the United States upon the adjustment of the accounts of such officers, where it shall be shown to the satisfaction of the Commissioner of the General Land Office, that the warrant was located by the soldier or warrantee, or his next of kin, as provided for by law—

And insert in lieu thereof the second section of the bill reported by the select committee of the House, as follows:

Sec. 2. *And be it further enacted*, That from and after the passage of this act, the registers and receivers of the United States land offices shall each be entitled to receive fifty cents for his services in locating each bounty land warrant, to be paid by the person or persons locating the same; but this act shall not be so construed as to allow any register or receiver to receive any greater maximum of salary and fees than by law he is now entitled.

Mr. D. said: It does strike me that the course pursued by the friends of that section of the Senate bill, is a very singular one. After a discussion of two whole days in favor of the Senate bill, without a single speech in opposition to it, and when they knew that the facts were here prepared to be laid before the House, they voted *en masse* to prevent a single word being said in opposition to their bill and in favor of the other proposition. They ask the committee now to vote on an important bill which, I could satisfy the committee in five words, will involve an expenditure of \$2,000,000, without hearing the matters which could be urged in opposition to it.

Now, in regard to the amount of money that will be already due to these officers if this Senate

bill passes, I have the figures here, and they show that it will amount to about \$200,000. As was shown by the gentleman from Indiana [Mr. BRENTON] yesterday, the cash value of the warrants already located, is about \$12,000,000, and it is proposed to pay one per cent. upon that sum to the registers and one per cent. to the receivers. Calculate for yourselves, and you will find that that makes something like \$250,000. Take off the fifty cents already received as fees, and it leaves something more than \$200,000 to be paid for warrants already located. It is then proposed to go on and pay in the same ratio for the location of warrants in future, and the warrants issued under the act of 1850 will be much more numerous than the warrants issued under the Mexican bounty land law. And yet you are called upon to vote upon that proposition without hearing the facts that might be urged in opposition to it!

It is said that these registers and receivers are not properly paid. Now I ask gentlemen to tell the committee what the receivers have to do in the location of bounty land warrants, that you should pay them \$2 for the location of each warrant for one hundred and sixty acres.

I hold in my hand a letter from the Commissioner of the Land Office, in which he states that they have to perform almost nothing in locating these warrants, for doing which it is proposed to pay them \$2 each. I have not time to read the letter now, but I intend that it shall be published, at some proper time. I ask, if the fifty cents proposed to be paid by the bill of the select committee is not amply sufficient? The gentleman from Iowa, [Mr. CLARK], who made a speech the other day, said that it was not sufficient, and he read an extract from a letter from one of his constituents, the register or receiver in the land office at Dubuque. That letter states, that in two weeks there were something like one thousand warrants located, and that it required three competent clerks to perform the labor. Well, that would make twenty-seven warrants a day located by each clerk, for which they would each receive \$13 50 a day, and yet they say they are not paid ample compensation for the labor they perform! These facts the gentleman from Iowa stated to the House from the letter of his constituent. I ask, are you prepared to vote this bill through in such a state of facts?

Mr. CLARK. They did not get the compensation.

Mr. DUNHAM. It may be possible that they have not received pay for the location of all those warrants; but if the substitute proposed by the select committee passes, they will receive it in such cases as that, and it is ample compensation for the labor they perform—especially when you take into consideration the statement of the Commissioner of the Land Office in this letter, that those receivers do comparatively no labor at all.

Mr. BISSELL. I am opposed to this amendment; and there is one fact to which I wish to direct the attention of the committee. These land officers are not equally paid. If the honorable chairman of the select committee proposes to reduce the salaries of the land officers, let him introduce a bill which shall effect that object, doing equal justice to all, and I will probably go with him, for I am as much in favor of low salaries as he is. But when you ask me to pass a law which will have the effect of giving to one man four dollars for services which another man has to perform for one dollar, you must excuse me if I say I cannot do it, and you may call it a threat if you please.

Under the operation of the law as it now stands, some of the land officers do four times as much labor as others, and do not get more than one fourth as much pay; because, in certain land offices, nearly all the entries are made with warrants, while in others most of the entries are made with cash, upon which the officers get their percentage. If the gentleman proposes to reduce their salaries, let him do it systematically, regularly, and legitimately—equalize them all, and then see if we do not all go with him. But when you propose to compensate certain officers for certain labor, why will you cut off other officers who have to perform the same labor, from receiving the same compensation?

I wish to call the attention of the committee to another fact, and that is, that in no case under this law, could any officer receive any more than he was authorized to receive before these bounty

land bills passed. Under these laws, the land officers have had a great deal more labor to perform, and, in no event, under the law which we now propose to pass, can any of them receive a greater amount of pay than the law authorized him to receive before the bounty land laws were passed.

I believe that if you strike out these most important and essential provisions of this bill, it is lost—not only lost in this House, but I am still more convinced that it is lost in the Senate.

Mr. DUNHAM. Let it go, then.

Mr. BISSELL. Ay! "let it go, then," says the gentleman. Yes, if this darling scheme of his—this bill introduced by him from the select committee—a bill incongruous, unintelligible, and unexplainable—cannot pass, it must all go. I will not call it a nonsensical bill, as a member near me says—

Mr. DUNHAM. Will the gentleman allow me to make a single remark?

Mr. BISSELL. I cannot; I have not time.

Mr. DUNHAM. I want to ask the gentleman—[Loud cries of "Order!"]

Mr. BISSELL. The gentleman introduced the bill, and forthwith moved an amendment to it himself. He introduced a bill which proposed to repeal a proviso in a former law, when there was no such proviso in that law to be repealed. He made several mistakes of equal importance, and now because that heterogeneous bill cannot pass, the whole scheme must be defeated!

I repeat, that I believe this bill, if amended as the gentleman from Indiana proposes to amend it, cannot pass the Senate. I do not believe that it can pass this House. I know that if thus amended, I should be constrained to vote against it. The gentleman from Georgia [Mr. STEPHENS] wrought himself up to the pitch of calling that "a threat." If other members regard it so, I shall be surprised indeed to learn it. I expressed the opinion that it could not pass the Senate; the gentleman from Tennessee, [Mr. JONES], on the other hand, says he has good reason to know that it can pass that body. I stated that if the bill was so amended, I should vote against it; the gentleman from Georgia, [Mr. STEPHENS], and the gentleman from Indiana, [Mr. DUNHAM], say they shall vote against it unless it is so amended. So the "threat" and "bullying" seem to be pretty much on one side as well as on the other. Besides that, I suppose the House has heard too often from the gentleman from Georgia and from myself to be very much alarmed at anything we might say.

[Here the hammer fell.]

Mr. FITCH moved to strike out of the second section of Senate bill all after the word "warrants" in the tenth line, as follows, viz:

—"where they have been transferred under the provision of any act of Congress, and the regulations of the General Land Office; and to be paid out of the Treasury of the United States, upon the adjustment of the accounts of such officers, where it shall be shown to the satisfaction of the Commissioner of the General Land Office that the warrant was located by the soldier or warrantee, or his next of kin, as provided for by law."

He said the amendment was made, not because he esteemed its adoption very essential, though proper, but to enable him to call the attention of the committee to the ridiculous blunder perpetrated by his colleague, [Mr. DUNHAM] in moving to strike out the entire second section and insert other matter identical in principle with that proposed to be stricken out. His [Mr. DUNHAM's] argument was directed not against the section he proposes to strike out, but against the third section which his motion does not propose to disturb! This blunder is only another of the series committed by the gentleman as chairman of the select committee to which the House bill on this subject was referred, and which reported back the deformity, a portion of which it is now proposed to adopt in lieu of the Senate bill.

There were often (Mr. F. said) more false facts than false theories adduced here in support of a measure. His colleague [Mr. DUNHAM] was dealing largely in the former. The very letter to which he referred but a few minutes since, to sustain his declaration that receivers had nothing to do in locating warrants, states the very reverse; and in his (Mr. F.'s) hand was now a letter from the same source (Commissioner of the General Land Office) stating in detail the duties of receivers in such locations. To his colleague [Mr. DUNHAM] must be yielded the palm so far for blundering legisla-

tion—a character of legislation to which the past may justify us in expecting a climax by the introduction as a substitute for the bill before us, of some matter upon another and wholly irrelevant subject.

He (Mr. F.) had before said his proposed amendment was not, in his estimation, highly important, and made by him for a purpose now fulfilled; but the amendment was proper, as it will leave the fees in every case to be paid by the holder of the warrant, and in no case out of the Treasury.

Mr. DUNHAM. I am opposed to the amendment. I am very much obliged to my colleague [Mr. FITCH] for the very courteous manner with which he has been pleased to speak of me upon this occasion, as well as the other day. I think, however, that if he will examine he will find that he has committed just as egregious blunders in this matter as I have. The section which I propose to strike out is as different from the one which I propose to insert, as it can be. So much for the courtesy of my colleague.

I have one word in relation to the courtesy of the gentleman from Illinois, [Mr. BISSELL.] That gentleman has seen fit to charge me, as chairman of the select committee, with altering the bill reported from that committee. I deny it. There has not been a single proposition in any section of that bill which has been altered, even in phraseology, in the least; and I appeal to every member of that committee to sustain me in the assertion.

Mr. BISSELL. Will the gentleman from Indiana allow me one word?

Mr. DUNHAM. You will have time to reply afterwards.

Mr. BISSELL. I must be allowed to say that the gentleman is wholly mistaken in what he says.

Mr. DUNHAM. Then I simply say this: The members of that committee are present, and can bear witness whether what I say is correct or not. I undertake to say that there was scarcely a controversy upon any section of the bill, except in reference to the first and second sections. The gentleman from Illinois [Mr. BISSELL] voted against me upon the second section, and, as a matter of course, he did in reference to the first.

Mr. BISSELL. I ask the gentleman to say if I ever consented that land warrants should be located without regard to the price?

Mr. DUNHAM. I ask the gentleman from Illinois if he ever, in committee, proposed an amendment to obviate that difficulty? He did not; and I apprehend he did not discover the blunder any more than I did. It does not become him, as a member of that committee, to charge me with blunders which escaped his notice as well as mine.

The CHAIRMAN. The Chair cannot permit this kind of discussion to go on. It is all out of order.

Mr. DUNHAM. Does the gentleman from Illinois pretend to say here that I altered that bill after it was reported by the committee?

Mr. BISSELL. Not knowingly. Certainly not.

The CHAIRMAN. The Chair cannot permit this discussion to go on. The Chair calls the gentlemen to order.

Mr. BISSELL. I must be permitted to answer the gentleman's question.

Mr. DUNHAM. Certainly, I will permit the gentleman; and desire that he should answer my question.

Mr. BISSELL. I refer particularly to that portion of the bill which authorizes that land warrants shall be received in payment for the public lands, without regard to the price of those lands. My understanding of it was, that warrants should be received in payment for the public lands, but that the lands should be held at their nominal value—say \$2 50 per acre. The bill, as introduced, authorizes the holder of the warrant—for instance, the holder of a one hundred and sixty acre warrant—to locate it on lands held at \$2 50 per acre.

Mr. DUNHAM. Oh, I understand that. But I do not remember that the matter was mooted in the committee. And if it was, I stand here to say that the original bill, as it was submitted to the committee at its last sitting, is the same which was introduced here. The bill was laid before the committee and examined critically—examined by us all. It was sent from the committee room directly to the printing office, and the manuscript

can be examined there. It was printed and sent here; yet now, forsooth, the gentleman from Illinois comes here and charges the blunders in the bill upon the unfortunate chairman of the committee, who, as the committee know, did his utmost to perfect it.

[Here the hammer fell.]

Mr. HEBARD. I desire to ask if it is in order to ask for a division of the question on the amendment proposed by the gentleman from Indiana, [Mr. DUNHAM,] so that it shall first be taken upon striking out?

The CHAIRMAN. It is not.

Mr. CAMPBELL, of Illinois. I will ask to have the amendment to the amendment read.

The CHAIRMAN. As the amendment to the amendment is an unimportant one, the Chair will suggest that the gentleman from Indiana [Mr. Fitch] withdraw it.

Mr. CAMPBELL. I regard the amendment as one of some importance.

Mr. KING, of New York. By a rule of the House, the amendment cannot be withdrawn.

The CHAIRMAN. The Chair is aware that it cannot be withdrawn except by unanimous consent.

Mr. CAMPBELL. I object. I would inquire if the question is not on the proposition to strike out the whole of the second section?

The CHAIRMAN. The gentleman from Indiana [Mr. DUNHAM] moves to strike out the whole of the second section of the Senate bill, [as reported above,] and to insert the second section of the bill reported from the select committee in lieu thereof; and his colleague [Mr. Fitch] moves to strike out that portion of the second section of the Senate bill, as follows, viz:

—“where they have been transferred under the provisions of any act of Congress, and the regulations of the General Land Office; and to be paid out of the Treasury of the United States upon the adjustment of the accounts of such officers, where it shall be shown to the satisfaction of the Commissioner of the General Land Office that the warrant was located by the soldier or warrantee, or his next of kin, as provided for by law.”

The question is now on striking out the portion of the section which has just been read.

The question was taken, and the amendment to the amendment was agreed to.

The question then recurred upon striking out the entire section of the Senate bill and inserting the second section of the bill proposed by the select committee, as reported above.

Mr. BRENTON. I offer the following amendment to the amendment. I move to strike out from the section proposed to be inserted, the words “by him located,” and to insert in lieu thereof the words “of forty acres, and \$2 for each warrant of one hundred and sixty acres.” So that it will provide that the registers and receivers shall be entitled to receive fifty cents for each land warrant of forty acres, and \$2 for each warrant of one hundred and sixty acres which they may locate.

Mr. B. said: If the amendment of my colleague [Mr. DUNHAM] should prevail, the amendment which I have proposed to it must address itself at once to the intelligence of every man in this committee. I hold that our laws should be equal, and that we should not be called upon to pass laws which do not place the poor man upon the same equality with the rich man. What is the effect of the section as it now stands? It is that the man who has been enabled to raise \$50 and purchased a land warrant shall be compelled to pay for the location of his warrant as much as the man who has a \$200 warrant shall pay for locating his. I am not prepared to sanction any such doctrine; and I am satisfied that my colleague, when he looks at the question, will not advocate his own amendment without the insertion of such a provision as I have indicated. Gentlemen will see at once that it requires a man who has his warrant for forty acres to pay four times as much in proportion to its value, as the man who has his one hundred and sixty acre warrant. It says that the man with the one hundred and sixty acre warrant shall pay fifty cents, but I am opposed to compelling the poor man, who, by his hard earnings, has been enabled to purchase a warrant for forty acres, to pay a similar sum. Now, I am for compelling the rich man to pay the same for the privilege he enjoys, as the poor man, and the amendment which I have proposed will effect that purpose. It places them upon precisely the same footing. One per cent. upon the cash sale of forty acres will amount to

about fifty cents, and one per cent. for the cash sale of one hundred and sixty acres will be about \$2. This amendment, therefore, places the purchasers of the one hundred and sixty acre warrants, and the purchasers of forty acre warrants upon the same footing.

I now desire to answer some of the objections urged by my colleague, [Mr. DUNHAM,] in reference to the expense which will be incurred in carrying out the provisions of this bill. I think I shall be able to show that they will not amount to anything like the extravagant sum which he indicates. I am of the opinion that any calculations which bring the expense above \$100,000 are not in accordance with the facts of the case. I stated in my remarks on yesterday, that the price of all these warrants was about \$12,000,000. Now, divide one per cent. of that amount between one hundred and thirty-six men, and you will be enabled to ascertain what amount it would give to each individual for the five years past. Then from that amount is to be deducted what the officers have received after the law of 1848. I am not prepared to say what is the precise amount, and I have made calculations on the subject, but they are not before me. I think, however, that the whole percentage on the sum will amount to a little over \$100,000. From this is to be deducted the receipts of these officers under the law of 1848, so that it reduces, according to my calculation, to less than \$100,000.

Mr. DUNHAM. I think I understood my colleague to say that the whole price of these warrants was \$12,000,000.

Mr. BRENTON. Certainly.

Mr. DUNHAM. And that two per cent. is payable to the receivers and registers?

Mr. BRENTON. Certainly—one per cent. to each of these officers.

Mr. DUNHAM. Then I would like to know how the gentleman can make the amount of percentage \$100,000? It is \$240,000.

Mr. BRENTON. Well, I give the gentleman the figures as they appear upon the report, and every gentleman can make his calculations to suit himself.

Mr. J. W. HOWE. My constituents are interested in the passage of the first section; and I merely wish to say that I am in favor of passing it. It provides that land warrants shall be assignable. As to all the remainder of the bill I am opposed to it. I wish to make this remark, that I may appear fairly upon the record. I believe it is expedient to pass a law that shall make land warrants assignable, and my constituents require that I shall so vote; but to all the rest of the bill I am entirely opposed.

As respects land officers not being compensated, I will merely say to them, as I would to members of Congress, if your compensation is not sufficient you may resign. Whenever a Congressman finds that his wages are not ample and sufficient he resigns his seat; and I suppose that a receiver or land officer might do the same thing.

In regard to western lands, I would remark that I consider the northern, or the old original thirteen States, as having no interest, or lot, or part, in them. It is a western and local question altogether. I am satisfied, from what I have seen in this House, and from all past experience of legislation upon public lands, that the old thirteen States can never get enough of them to make a Pottersfield of—never enough to bury their dead upon. The public lands are gone, irrevocably gone, from the old States. I am for making the best disposition of them under the circumstances. I am not in favor of giving bounty lands. I am for giving to every actual settler, who will go and remain upon the land, one hundred and sixty acres. I would this day vote for giving every acre away in that manner. I am entirely opposed to giving them to soulless corporations, upon a promise that they will make railroads or anything of that kind. They must go to the States to which they belong. I know that Pennsylvania can get none of them. I know the old States can get none of them. I am in favor of giving them out in parcels to individuals who will go and occupy and husband the lands, and make them valuable, and enhance the value of the property of the States to which they belong.

Mr. ALLISON. I ask my colleague to correct a word. He said he was willing to give the lands to the States to which they belong. I know my colleague did not mean to express himself in that way.

Mr. HOWE. I mean to give them to actual settlers who will occupy them, in the States where the lands are situated, and not to soulless corporations.

Mr. ALLISON. So I supposed.

The question was then taken on the amendment of Mr. BRENTON to the amendment of Mr. DUNHAM, and it was lost.

The question then recurring upon the amendment of Mr. DUNHAM.—

Mr. BISSELL said: I desire to have the second section of the Senate bill read as now amended.

The second section as amended was read.

Mr. SACKETT. I propose to amend the second section of the Senate bill by striking out the words “the same compensation or percentage to ‘which they are entitled by law for sales of the ‘public lands for cash, at the rate of \$1 25 per ‘acre, the said compensation to be hereafter paid ‘by the assignees or holders of such warrants ‘where they have been transferred under the provisions of an act of Congress, and the regulations ‘of the General Land Office,’ and insert ‘eighty cents,’ and after the word ‘paid’ in the thirteenth line, insert ‘in all cases where a warrant has been assigned, and in all other cases to be paid.’”

The CHAIRMAN. A portion of the section to which the amendment refers, has already been stricken out.

Mr. SACKETT. I will then modify the amendment, so that the effect of it will be to strike out all that part of the section which is based upon the idea of giving compensation to registers and receivers, and insert instead thereof the words *eighty cents*. I am in favor of giving a specific compensation for the location of land warrants, and the sum I propose is eighty cents. There seems to be an opinion on the part of a large portion of the House that this compensation, by way of percentage, is too high, and that it amounts in the case of a one hundred and sixty acre warrant, to \$2, and in the case of eighty acres, to \$1, paid to the registers and receivers, which, in my judgment, is too high a compensation. It is for the simple reason that I do not suppose that the general law specifies a higher compensation than is proper, but yet that, in case of these land warrants which are generally located in parcels, and large numbers by individuals, speculators, and agents, the compensation should not be as much as for locating an individual purchase made for cash, that I have offered this compromise price of eighty cents for locating these warrants.

My other proposition, if I may be permitted to allude to it, was made in order that the soldiers themselves might have their warrants located, and the compensation therefor be paid out of the Treasury, but that in case the warrants reached the hands of an assignee, the compensation should be paid by the holder. That was the intention. I have no idea that these receivers should do the business for nothing; and certainly a few of the receivers should not be required to do all the business of our public lands during the time these warrants are locating; for substantially these warrants increase the business of the public land offices, and therefore I think a proper compensation should be awarded to the receivers under such circumstances. I think eighty cents is not far out of the way.

Mr. BISSELL. The second section of the Senate bill, as now amended, provides that in all cases where locations are hereafter made, two per cent. shall be paid by the person holding the warrant, whether he be the assignee or the original holder. I think that is right. I think that the holder of the warrant, whoever he may be, whether he is the old soldier or the old soldier's assignee, should be willing, and I know they are willing in every instance, to pay whatever is fair and reasonable for locating their warrants. It is not too much to ask of any man, if you give him one hundred and sixty or forty acres of land, that in the one case he shall pay \$2, and in the other fifty cents for making out his papers. It is not unreasonable, and no one will complain of it.

Mr. AVERETT, (interrupting.) I understand that in order for any one to get the floor he must have an amendment to offer or he must speak in opposition.

The CHAIRMAN. The gentleman from Illinois is speaking to an amendment.

Mr. BISSELL. I am speaking to an amendment, and I am in favor of this second section of the Senate bill as it now stands. It requires, in

all cases, that the holder of a warrant, whether he be the assignee or the soldier himself, shall pay for locating the land; and shall pay precisely as much, and no more, than is paid when the location is made with cash. If I take two hundred dollars in gold to the land office and propose to enter one hundred and sixty acres of land, two dollars of that two hundred goes to compensate the register and receiver.

Mr. SACKETT, (interrupting.) Will the gentleman answer me a question. The phraseology of the bill is, "the same compensation or percentage;" I wish to know if there is any other compensation besides percentage?

Mr. BISSELL. None whatever; that is mere verbiage. If I take two hundred dollars in gold to a land office to enter one hundred and sixty acres, two dollars of that gold, as I before said, go to pay the register and receiver. Under this section as now amended, if I take a one hundred and sixty acre warrant I pay the same, whereas in fact the labor of the register and receiver is, in this latter case, more than four times as great as when an entry is made with cash.

Mr. DUNHAM. I should like to ask the gentleman a question for information. Where the entry is made in cash does the man who makes the entry have to pay it?

Mr. BISSELL. I did not say so at all. I said that of the two hundred dollars two dollars go to the register and receiver—of course out of the Treasury of the United States. But under this section, when the holder of a warrant enters his land, he must, as he ought to do—the land being given to him—pay that little pittance. Who can object to that Senate bill now? It takes no money out of the Treasury, and only requires a man to whom you have given one hundred and sixty acres of land to pay two dollars for its location. Who can object to it? Who will have it struck out for this much less intelligible amendment proposed by the gentleman from Indiana? [Mr. DUNHAM.] This is a simple, plain, straightforward matter. I hope the second section, as now amended, and that does not take a dollar from the Treasury, but only requires the holder of a warrant to pay as much as would be paid to the register and receiver if the entry was made in cash, will remain as it is, and that it will become a part of the law.

The question was then taken upon the amendment offered by Mr. SACKETT, and it was disagreed to.

Mr. AVERETT. Is it in order to strike out all of the second section?

The CHAIRMAN. A motion is pending to strike out all after the first section, and also to strike out the second section.

Mr. MARSHALL, of Kentucky. I offer the follow proviso to the second section, as it now stands:

Provided, That no fees shall be charged where the warrant was located by the original warrantee.

Mr. M. I conceive the second section to be as the gentleman from Illinois [Mr. BISSELL] understands it, that it will require the soldier to pay to the registers and receivers two per cent. on the amount of his warrant, and to that I am opposed, because the bounty land law was based upon the idea that it was a gratuity upon the part of the Government to the men who had rendered military service; and I am unwilling to change the principle of the law, so as to charge the soldier where he make the entry, with any fee at all. I would require of the registers and receivers gratuitous services, at all events, where this class of persons locate warrants. I am fully aware that it may be replied to this, that the speculator will charge upon the market value of the warrant whatever he may be required to pay in the Land Office, that that is an evil which unavoidably accompanies the subject, which may depress the value of the warrant, and which will, at all events, operate as a sort of tax upon the assignability of land warrants. I am opposed to the principle of the amendment which is attempted to be inserted here by our own committee, and prefer the basis of percentage as a compensation, rather than a fixed amount, for the location of land warrants, for the simple reason, that as you fix the basis of compensation according to the warrant, it operates to the depreciation in market of the forty acre warrant most, the eighty acre warrant next, and the one hundred and sixty acre warrant last, and therefore operates the largest tax upon the smallest warrant. The man

having a warrant for the least number of acres will be taxed the most. If I go into market to buy land warrants, I will prefer one of one hundred and sixty acres to forty acre warrants; and why? Because I would have to pay only one fourth the tax in locating a one hundred and sixty acre warrant, that I would have to pay for the forty acre warrants.

Mr. BISSELL. Not at all. Under this section, to locate a forty acre warrant you pay fifty cents, to locate an eighty acre warrant you pay \$1, and to locate a one hundred and sixty acre warrant you pay \$2.

Mr. MARSHALL. That is the percentage. I am expressing my opposition to the provision of the House bill, which proposes to fix the compensation for locating warrants at a specific sum. I have not much to say, and I will not trouble the House by entering into the discussion. This matter has got now to about the point where I expected it would get when we referred it to a select committee. I think we were then a little further advanced than now. I am now expressing my opposition to the matter which it is intended hereafter to be inserted. It is as follows:

SEC. 2. *And be it further enacted, That from and after the passage of this act, the registers and receivers of the United States land offices shall each be entitled to receive fifty cents for his services, in locating each bounty land warrant by him located, to be paid by the person or persons locating the same.*

That is, no matter whether it is a forty, eighty, or one hundred and sixty acre warrant, they will charge fifty cents upon each. This will depreciate the small warrants and appreciate the large ones.

Mr. EVANS. I intend to oppose the proposition, and in doing so, to make some remarks in reference to the extent of land warrants, to which I beg leave to call the attention of the gentleman from Indiana, [Mr. BRENTON.] It was stated by the gentleman, and assented to by his colleague, that \$12,000,000 would cover the entire issue of land warrants. Well, that may be so. But a certain official report makes a different statement; I do not propose to decide where doctors disagree, nor to determine between gentlemen equally well informed, but I will ask the committee to undertake that task after hearing what I am about to read. I hold in my hand an official document of this Government—Executive document, No. 11, the report of the Secretary of the Treasury, at the second session of the 31st Congress. There is a statement appended to this report—statement K—to which I would ask the attention of the gentleman from Indiana, whose account I do not gainsay. The Secretary says, "Statement K, appended to this report, shows the number of warrants located 'by the acts to which reference has been made, and the number yet to be located, as estimated from 'the pay rolls and other evidences on file, with the 'quantity of lands in acres required to satisfy them. 'The quantity of lands sold and taken from market by virtue of these warrants, for the years '1847, 1848, 1849, is 14,727,742.40 acres (averaging 4,909,247.46 acres per annum), valued at '\$18,911,134.76; (averaging \$6,303,711.58 per annum.)"

"The warrants yet to be presented under these 'acts will require 78,922,513 acres, valued at \$98,653,140. At the above average of 4,909,247.46 acres per annum over sixteen years will be required to absorb and satisfy the warrants yet to be issued, as estimated under the several bounty land acts now in force.

"There will then be diverted from the Treasury, from the sale of lands, the sum of \$113,245,896."

Now from this \$113,245,896 is to be deducted \$25,981,671, the value of the swamp lands granted to the State of Louisiana; \$133,600, the value of lands granted to colleges, salines, &c.; and \$2,450,314, granted for internal improvements and Choc-taw certificates; which would leave \$80,888,021, the value of lands granted under the several bounty land acts. The Secretary says expressly that he has based his computation upon the pay-rolls and upon the number of warrants likely to be brought in—not upon the whole number of soldiers that ever served, but upon those granted to soldiers still living, and the widows and minor children of soldiers who are dead, and those that it is probable will come in. It is not a vague and wild estimate. I would like to know—but not in the limit of my speech, as gentlemen will afterwards have an opportunity of replying—where the twelve

millions of dollars came from as the amount upon which the percentage was asked; and I would like to know how the Secretary of the Treasury made a mistake of \$80,888,021. I want to know whether \$12,000,000 or \$80,000,000 is the correct estimate, and I want to know what it will take, at two per cent., if it is \$68,000,000, to pay the registers and receivers.

[Here the hammer fell.]

Mr. BRENTON. I move to strike from the amendment the words "original warrantee." I make this motion for the purpose of setting myself right. In the first place, I would inquire of the gentleman from Maryland where he obtained the estimate he has given the committee?

Mr. EVANS. From the report of the Secretary of the Treasury at the second session of the Thirty-first Congress, Executive document No. 11. I will send it to the gentleman.

Mr. BRENTON. I was fully aware of the statement read from that document, but he has misconceived the point which I made. The question is, what amount will be necessary to pay the claims of registers and receivers at the land offices prior to the 3d March, 1849, and for warrants located up to the close of the third quarter of 1851. My estimate is upon sales previous to that time, leaving out of consideration the warrants located subsequently, and yet to be located.

Mr. EVANS. Mine embraced all.

Mr. BRENTON. No gentleman can successfully controvert my position who will look at the facts as I presented them. The question is, what will it take to pay for services heretofore rendered by those turned out of office by the present Administration, and for warrants located up to the time I specified? The report is just as I stated it in my remarks on yesterday—the annual cash value of lands located by warrants up to the third quarter of 1851. That was the amount of lands actually disposed of. To take the warrants which have been issued, and all that are to be issued, has not entered into my calculation at all. I took simply the estimate in the Commissioner's report of actual locations up to a given time, and not of those in circulation.

Mr. EVANS. I understand the gentleman. I took the whole number, the gentleman only takes a part.

Mr. BRENTON. I fixed a certain time, and confined my estimate of the lands actually located within that time, and not of those which have and may be issued under the provisions of law. I am aware the vast amount of warrants authorized to be issued will exhaust millions and millions of acres of public domain. I am satisfied of that. My argument was to show the amount of money that would be drawn from the Treasury as compensation for the services already rendered by the registers and receivers. I still stand by all the facts I have stated.

[Here the hammer fell.]

Mr. STEPHENS, of Georgia. I only wish to say a word in reply to the gentleman from Kentucky, [Mr. MARSHALL.] As this second section of the Senate bill now stands, the price to be paid to the registers and receivers is one and a quarter per cent. per acre. The gentleman from Indiana moves to insert fifty cents for each warrant. One per cent. upon the value of forty acres is fifty cents. So there is little difference between the section, as it now stands amended, and the amendment of the gentleman from Indiana.

Mr. JONES, of Tennessee. One per cent. upon the whole amount.

Mr. STEPHENS. There is very little difference between them; and so far as I am concerned it is wholly immaterial whether the motion fails or is agreed to. I think the gentleman from Kentucky was mistaken in supposing that it would depreciate the forty acre warrants. I am opposed to paying them anything, and shall vote with the gentleman from Tennessee [Mr. JONES] to strike out the whole section.

The question was then taken on the amendment to the amendment, and it was disagreed to.

The question was then taken upon Mr. MARSHALL's amendment, and it was rejected.

Mr. DUNHAM. I move, *pro forma*, to amend the second section of the bill, by reducing the proposed pay one half.

I wish particularly to state a few facts to this committee, and then I have done with this part of the subject. It strikes me that these men are gen-

erally well paid for their services. It is well known to every member of this committee that both registers and receivers are each paid an annual salary of \$500. Besides this, they receive a percentage upon the moneys received upon all cash entries. I will call the attention of the committee to the case of a single land office, as an illustration of the duties performed and the compensation therefor. I will take the land office where the office of register was filled by my honorable colleague, [Mr. BRENTON.] And, by the way, it really seems to me that my colleague shows his great modesty by his exceedingly warm support of this bill, having himself just left a land office which is to be affected by it, and therefore being directly interested. And I know that my colleague is a very candid man, and would do nothing but what he thought strictly right, even in a matter wherein he was himself directly interested; but, sir, it is so very natural for one to work himself into the belief that a thing is right which is for his interest, that I think it would be well for the committee to at least scrutinize the arguments of my colleague closely, for fear that, notwithstanding all his candor, his judgment may be a little warped. Now, sir, our rules prohibit a member from voting upon a measure under such circumstances; and it seems to me that modesty should forbid him from so earnestly advocating it. But that is merely a matter of taste, about which I do not feel particularly interested. The amount of money received at the land office of Fort Wayne, in Indiana, the first quarter of 1850, was \$893; the second quarter, \$8,528; the third quarter, \$7,285; fourth quarter, \$6,050; first quarter of 1851, \$4,988; second quarter, \$529, and the third quarter \$559; and so it goes on pretty much in that way. That is the amount of money received into the public Treasury; and for receiving this the officers are entitled to a salary of \$500 a year, besides one per cent. upon the amount of money actually received. But he shows you that he has not been well paid in locating these land warrants. Let us see. The whole number of Mexican land warrants located at the Fort Wayne office, from the first issue of those warrants to the present time, is two hundred and forty three. For this extra service, the Government have paid each year \$500 to the officer, and besides this, he was entitled to receive, and undoubtedly has received, half a dollar for locating each warrant not located by the original warrantee, and very few, as I have before shown, have been. Yet the gentleman seems to think they have not been well paid. What is true in reference to Fort Wayne, is true in reference to one half of the offices, though at some of the offices much less has been received than at Fort Wayne; at some, in fact, for whole quarters nothing at all has been received. I undertake to say, that a majority of them are paid as much as they ought to be, for the number of land warrants located. I do not believe it is a very great hardship upon them.

Mr. BISSELL. If two hundred land warrants were located there, then the receiver cannot receive as much as \$200 under this law, unless they were one hundred and sixty acre warrants. The receiver or register under the law we propose, would not receive from it so much, at any rate no more, than \$200. Is not that a great sum? Now, there is the amount the receiver at Fort Wayne is to receive under this law.

Mr. DUNHAM. That is not a very great sum, it is true; but when you put together what we are asked to pay to all these officers for past and present services, it does make, as I have heretofore shown, a very large sum indeed; and if the officer is not deserving of the pay, why should we pay him at all? It is a simple question, whether these services have been properly compensated? Every western man knows, who has any experience in these public offices, that these officers are engaged in other business, and are discharging other duties by no means interfering with the business of these offices.

I know it is said that this \$500 salary is for office-rent, fuel, &c., the books, blanks and stationery being furnished by the Government; but, sir, I will appeal to my colleague himself, that it is far more than sufficient for that purpose. I presume very few if any of the offices occupied cost a rent of \$100 per annum. I apprehend, then, sir, that the excess of this \$500 salary, after paying rent and contingencies, increased by the fee of fifty cents per warrant, proposed by my amendment,

will be ample compensation for the labors performed by these officers in locating these warrants.

At the time my colleague was appointed register of the land office at Fort Wayne, a Democrat was turned out to make a place for him. I do not think that Democrat was anxious to be removed because the compensation was inadequate, or for any other reason, and I do think my colleague, as well as several other hungry Whig office seekers, were anxious to be appointed in his place. I never heard that my colleague was disposed to give up the office until he thought there was a chance for him to be elected to a seat on this floor, although he had before that held it ample time to have enabled him to ascertain whether he was sufficiently paid for his labor.

Mr. Chairman, it is seldom you find a man out of office, who desires to hold office at all, who does not believe that the emoluments are ample and desirable; and you as seldom find one in office who believes that he is sufficiently compensated for the great sacrifices which he makes to give to the country the benefit of his services and great talents.

Mr. SWEETSER. I regret exceedingly to interfere with this pleasant episode on the part of the gentleman from Indiana. I rise for the purpose of opposing the amendment which has been offered by my honorable friend upon my right, and for the purpose of opposing all amendments to this section. It is not my desire that this section should be made palatable, after the demonstration which has been made here in relation to the details of this bill. It seems to me that the friends of the original proposition—the first section—which makes these land warrants assignable, should cease further debate, and make it a test question, in relation to striking out the second section, which will be fatal to the balance of the bill. I know there was a very decided expression of opinion upon the motion made by the honorable member from Tennessee, [Mr. JONES,] to strike out the second section. That motion seemed to cover the balance of the bill. There was a demonstration here, that this House was convinced that the original proposition to make these land warrants assignable, should be passed. But in relation to the details of the bill, other propositions were brought in and tacked upon the back of this proposition, which may receive the sanction of the House at a proper time; but the friends of the measure were unwilling to agree to the separate provisions offered, because they were out of place. Now, I say to these gentlemen, however much we may differ in relation to these provisions, let us pass the original proposition. I ask gentlemen desirous of retaining the original proposition, why shall we procrastinate this matter further? Let us come to a test vote upon striking out the second section. That is what we desire. After we come to that vote, then, if there is a majority of the House who decide in favor of striking out, gentlemen who have their different propositions, can bring them forward and submit them to the favorable consideration of Congress. I will vote to give them a special committee, and let the friends of the various propositions have an opportunity of making a favorable showing for their friends.

It is obvious to all that these gentlemen cannot and do not agree among themselves in relation to the details of their favorite propositions. That disagreement of itself furnishes sufficient reason for the House to reject now all the extraneous measures.

It would be unsafe and unwise in the committee to attempt to dispose of these various propositions in the absence of all agreement upon the details, and in the haste which seems to be demanded by the pressing wishes of our constituents. Let us cease offering amendments, bring the committee to a test vote, and yield fairly to the will of the majority of the committee. I do not doubt, neither can gentlemen who differ with me doubt, but it is the wish and intention of this committee to strip this bill of all crude and irrelevant propositions.

I indulge the hope that we may speedily and without further delay, pass the law which is demanded, and in due time give our attention to the various propositions now before the committee, and dispose of each, all, in accordance with justice.

Mr. HENN moved that the committee rise.

The question was then taken, and it was not agreed to.

So the committee refused to rise.

The question was then taken upon Mr. DUNHAM's amendment, and it was rejected.

Mr. SACKETT. I move to strike out all after the word "seven," in the sixth line, and insert, "on each land warrant of forty acres, fifty cents; for each land warrant of eighty acres, \$1; and for each land warrant of one hundred and sixty acres, \$2."

In presenting this amendment, I wish to call the attention of the especial friends of this provision of the bill, to its consideration. I have become satisfied myself that there is a strong disposition in the House against giving to these registers, who have really performed these duties, any compensation whatever. I think that is unjust. I think it would require five or six registers or receivers, and for them to do all this business without any additional compensation whatever, would be unequal and unjust. This proposition is a graduated proposition, based upon the same principle precisely as the percentage principle, only it is half the amount proposed by the original bill itself. That is one per cent. to each of the officers. The effect of this is to give half per cent. to each of them, and it is based upon the proposition of making every grade of warrant equal—a warrant for forty acres paying the same per cent. as a warrant for one hundred and sixty acres, thus steering clear of all the difficulties that have been suggested in regard to that point in the case. If there is anything to be preserved to these men, who really performed these duties, I would suggest to the friends of this provision of the bill, whether it would not be wise to adopt this proposition of half per cent., or a proposition that is equivalent to half per cent., and preserve an equality between all warrants, giving to each register and receiver fifty cents for every forty acre warrant; \$1 for every eighty acre warrant, and \$2 for every one hundred and sixty acre warrant.

Mr. VENABLE. Mr. Chairman, I am opposed to this and all other amendments to the bill. The proposition of my friend from Tennessee [Mr. JONES] meets with my hearty concurrence. I trust that we shall speedily come to a vote upon striking out all of this bill but the first section, which makes land warrants assignable, and, of course, available to those who have received them from the Government in acknowledgment of services rendered. I have listened with some attention to this debate, and with a sincere desire to be informed about the details of the bill, but confess that the only part which I fully comprehend is that which provides for the compensation of land officers, as well the incumbents as their predecessors. We hear that the emoluments and salaries are poor and insufficient—that the compensation is utterly inadequate for the services rendered. Sir, I am a plain man and come from a plain people, amongst whom common sense is a marked characteristic. When by the turns of the wheel of fortune an office gets fixed upon a man, and the income is not sufficient for his support, the old people advise him to resign. We are apprised that there is no part of the country where it is lawful to hold a man violently in office. I also remark, that when, in the mutations by which power is transferred from the hands of one party to another, and the incumbents of office are removed, we hear great murmuring amongst those who have been turned out from those unprofitable stations. I now understand the problem. These gentlemen have determined to serve the country from patriotic motives; and when a Democratic President obstructs their high purpose, by removal of Whigs, they have a right to complain. And so when a Whig Executive ejects Democrats from stations, in which they were determined to demonstrate their devotedness to the country, and the country alone, I am not surprised that they give utterance to feelings of dissatisfaction. Above all, sir, I would not go back and vote compensation to those who have been kept from pecuniary sacrifice by a removal from office. No, sir, those who, having determined to throw themselves upon the wave of patriotism and be wafted to honor and immortal fame, should be permitted to win the prize. I would not stain the lustre of their renown by mingling the sordid consideration of filthy lucre, in the shape of back rations, with their claims to our gratitude. It is the warm current of patriotic feeling which determines them to give up all in the self-denying duty of holding office, for, strange to tell, all the offices are filled. There is no lack of

patriotic men to meet the necessities of the country. But, sir, let us come up to the duty of making land warrants issued, and in progress of being issued, under an existing law, assignable. Let us not keep the promise to the ear and break it to the hope of the soldier, or his widow, whose long-deferred claims are now acknowledged. Let us remove the artificial difficulties placed in the way of a transfer by our own legislation, and which have made many a prey to sharks and speculators. He totters on the verge of the grave; life's sand is nearly run out; let us throw a beam of light upon his dark path; let us cheer him with an assurance of the regard, and the receipt of the bounty of a grateful country, as free from conditions as his services were generous and valuable.

Mr. ALLISON moved to amend Mr. SACKETT's amendment so as to reduce the compensation proposed to be allowed to the registers and receivers to one half.

Mr. A. then said: For one, I would be very willing that the committee should come to a vote at once upon the proposition to make land warrants assignable. That I conceive to be the object of these bills, and that is what those who are interested in these warrants require. I suppose that every gentleman upon this floor represents some who are directly interested in these warrants and are anxious to have them made assignable. We learn this from the fact that among the very first propositions submitted to this House at the commencement of the session, was a proposition to make land warrants assignable. But there are other questions which have been introduced and connected with this subject. I have not time to discuss them now, but my worthy colleague, [Mr. J. W. Howe,] who addressed the House a short time ago, made use of words which suggested an idea to my mind. He said that the old States had no longer any interest in the lands in the new States and Territories in the western part of the country. Why, sir, it amazed me to hear that the experience of that gentleman, who has held a seat upon this floor for some years, had taught him that the old States had no interest in the public lands, and that those lands ought to be given to those to whom they belonged—to the new States. As a Pennsylvanian, I could not agree to that, nor did I believe that my colleague intended it. I know that the legislation of the last few years would teach us that the old States have no interest in the public lands, but I hope that time is passed away; I hope we shall hear new doctrines and learn that the old States have a common interest in these lands, and that they are a common fund for the benefit of all the States.

Mr. J. W. HOWE. I did not mean to say that the old States had no interest in the lands. I meant to say that they had an interest in them, but could not put their hands upon it.

Mr. ALLISON. Ah! That may be. But I hope the day has come when a new doctrine is to be taught. I hope that the old States will stand up for their interest in these lands. Whilst we take a pride in the progress of improvement in that glorious part of our country—the Great West, we must not forget that the old States are borne down to the earth with taxes for improvements that were made to fill up that great West. I hope we will show that we are not derelict to our duty, but that while we are anxious to do everything calculated to benefit the West, we are also willing to protect the interests of the old States, whose sons have peopled the Western States. I hope the day has arrived when we, as members representing the people of this country, will legislate for the whole country. My colleague, I am sure, made the remark more in playfulness than in earnest, that we had no interest in the public lands, and that we were to give them away to those to whom they belonged. Why, if that was true—if my colleague was right, I would say, as he has said, that I would vote to give away the public lands to every man who has not a farm, and who does not enjoy a homestead, rather than that they should be given away to make improvements in those States that have already so largely benefited by improvements.

[Here the hammer fell.]

Mr. MOORE, of Pennsylvania. I have no desire to prolong this debate. I am opposed to this amendment, and ask for a vote upon it.

Mr. HENN moved that the committee rise.

Mr. STUART demanded tellers; which were

ordered; and Messrs. CLARK and HUNTER appointed.

And the question being put, it was decided in the affirmative—ayes 86, noes 28.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order of the House, being Senate bill 146, entitled "An act to make land warrants assignable, and for other purposes," and that it had come to no conclusion thereon.

On motion by Mr. AVERETT, the House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. KUHN: The petition of Hon. James Bell and 72 other citizens of Westmoreland county, Pennsylvania, praying for the establishment of a direct mail route from Greensburg to West Newton, in said county.

By Mr. BURROWS: The memorial of D. S. Morgan and others, citizens of the State of Illinois, praying Congress not to renew C. H. McCormick's patent for a reaping machine.

Also, the petition of L. S. Kellogg and others, citizens of Wisconsin, praying Congress not to renew C. H. McCormick's patent for a reaping machine.

By Mr. PARKER, of Pennsylvania: The petition of David Watts and 53 others, citizens of Perry and Union counties, in Pennsylvania, praying Congress to establish a mail route from Millerstown, in Perry county, via Mount Pleasant Mills, Middleburg, Centerville, and New Berlin, to Millburg, in Union county.

By Mr. BAILEY, of Georgia: The memorial of citizens of Wilkinson county, Georgia, relative to the appointment of Chaplains for both Houses of Congress.

By Mr. PEASLEE: The petition of Thomas Chadbourne and others, that an appropriation be made to the executive committee of the London Industrial Exhibition, to relieve them from expenses incurred in the transportation and display of articles from the United States.

By Mr. SCUDDER: The petitions of Alexander Baxter and others and Ira Baxter and others, citizens of Massachusetts, asking an appropriation for the preservation of the breakwater in Hyannis harbor, Massachusetts.

By Mr. THURSTON: The memorial of John Lawrie and Donald Stuart, for relief in building a bridge across Tiber creek, in the city of Washington.

By Mr. WRIGHTMAN: The memorial of sundry citizens of Arkansas, Texas, and New Mexico, praying for a mail route from Red river to the Rio Grande.

By Mr. ASHE: The memorial of R. F. Williams, deputy marshal, praying additional compensation for taking the census.

By Mr. PORTER: The petition of sundry citizens of Montgomery county, Missouri, asking the passage of a law to modify and reduce the rates of postage on newspapers, periodicals, and other printed matter.

By Mr. HENN: The petition of James Shepherd and 115 others, praying an appropriation of land for a railroad from Lafayette, Indiana, via Peoria, Burlington, Secoanqua, and Bloomfield, to the Missouri river.

IN SENATE.

FRIDAY, February 6, 1852.

Prayer by the Rev. L. F. MORGAN.

On motion by Mr. HUNTER, it was

Ordered, That the execution of the order of the Senate of the 22d December last, assigning Friday of each week to the consideration of private bills, be postponed until one o'clock this day.

Mr. PRATT presented the petition of the Board of Trade and Insurance Offices of the city of Baltimore, for the erection of fog bells upon Chingoteague Island, Smith's Island, Cape Henry, Currituck or False Cape, Cape Hatteras, Cape Fear, and also on board the light-boats in the Chesapeake Bay; which was referred to the Committee on Commerce.

Mr. WADE presented the memorial of L. H. Shepard, assistant marshal for taking the Seventh Census in Erie county, Ohio, praying additional compensation; which was referred to the Committee of Claims.

Mr. BRODHEAD presented the memorial of citizens of Pennsylvania, New Jersey, and Delaware, praying an appropriation for the erection of piers and harbors in the Delaware river and bay; which was referred to the Committee on Commerce.

Mr. HAMLIN presented the memorial of assistant marshals for taking the Seventh Census in York county, Maine, praying additional compensation; which was referred to the Committee of Claims.

Mr. BRADBURY presented the memorial of Benjamin Sampson and others, assistant marshals for taking the Seventh Census in Franklin county, Maine, praying additional compensation; which was referred to the Committee of Claims.

Mr. FISH presented the memorial of the assistant marshals for taking the Seventh Census in New York county, New York, praying additional compensation; which was referred to the Committee of Claims.

Mr. DODGE, of Iowa, presented the petition of Robert A. DeFrance, praying a title to a lot upon which he resides in the city of Burlington, Iowa; which was referred to the Committee on Public Lands.

Also, the memorial of the Legislature of Iowa, praying a donation of land to aid in the construction of the Burlington and Fort Des Moines Railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. FELCH presented the petition of William A. Burt, praying a just allowance in consideration of the benefit the Government has derived from the use of a compass invented by him; which was referred to the Committee on Public Lands.

Mr. CLEMENS presented a memorial of the Legislature of Alabama, praying a donation of land in aid of the school fund of such townships as have valueless sixteenth sections; which was referred to the Committee on Public Lands and ordered to be printed.

The PRESIDENT *pro tem.* laid before the Senate a memorial of inhabitants of Jefferson county, Indiana, praying that the transportation of the mails on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Mr. MALLORY presented a memorial of assistant marshals for taking the Seventh Census in Florida, praying additional compensation; which was referred to the Committee of Claims.

Also, a petition of citizens of Duval county, Florida, praying an alteration of the rates of postage on newspapers, pamphlets, books, and other printed matter; which was referred to the Committee on the Post Office and Post Roads.

Mr. COOPER presented the petition of Thomas C. Hawkins, deputy marshal for taking the Seventh Census in the county of Green, Pennsylvania, praying to be allowed additional compensation; which was referred to the Committee of Claims.

Also, the memorial of citizens of Philadelphia, praying for the construction of piers and harbors in the Delaware river and bay; which was referred to the Committee on Commerce.

Also, a memorial of citizens of Pittsburg, Pennsylvania, praying further legislation for the protection of lives and property on board of vessels propelled in whole or in part by steam; which was referred to the Committee on Commerce.

Mr. COOPER. I present the memorial of the officers of the Pennsylvania State Agricultural Society, praying for the establishment of an Agricultural Bureau. I have received, along with the memorial, a letter from the President of the Society, the Hon. Frederick Watts, in which he requests me to state to the Senate the great desire that is everywhere manifested throughout the State of Pennsylvania, that a bureau of the kind prayed for should be established.

I move its reference to the Committee on Agriculture.

The memorial was so referred.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. FISH, it was

Ordered, That the documents on the files of the Senate, relating to the claim of John Hogan, be referred to the Committee on Foreign Relations.

On motion by Mr. BUTLER, it was

Ordered, That the proceedings of the Chamber of Commerce of Charleston, South Carolina, on the files of the Senate, in relation to the establishment of a Branch Mint in that city, be referred to the Committee on Finance.

REPORTS FROM STANDING COMMITTEES.

Mr. BORLAND, from the Committee on Printing, to which was referred a motion made by Mr. FELCH, on the 5th instant, to print an additional number of the report of the Commissioner of the General Land Office accompanying the annual message of the President of the United States, reported thereon; and, in concurrence therewith, it was

Ordered, That one thousand copies of the said report be printed, in addition to the usual number, for the use of the General Land Office.

Mr. HAMLIN, from the Committee on Printing, to which was referred the resolution, submitted the 5th instant, for the printing of an additional number of the report of the Light-House Board,

appointed in pursuance of the eighth section of the act of March 3, 1851, reported thereon; and, in concurrence therewith, it was

Ordered, That three thousand copies of the said report be printed, one thousand copies of which to be for the use of the Light-House Board.

On motion by Mr. FELCH, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of documents in support of the claim of the State of Alabama, for the payment of interest due on account of the five per cent. fund, and that it be referred to the Committee on the Judiciary.

On motion by Mr. ATCHISON, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of resolutions passed by the Legislature of Michigan, presented the 15th January; and from the further consideration of a resolution of the Senate of the 15th January, instructing the Committee on Indian Affairs to inquire into the expediency of providing by law for the payment to the Ottawa and Chippewa nations of Indians of the overplus money which shall be found due, in pursuance of a treaty concluded at Washington the 26th of March, 1836.

EXPLOSION OF STEAM BOILERS.

Mr. BORLAND. I am authorized by the Committee on Printing, to which was referred the memorial of Alfred Guthrie, a practical engineer, submitting the results of his experiments in relation to the cause of the explosion of steam boilers, to report in favor of printing the document; and five thousand five hundred additional copies—five hundred of which shall be for the use of Mr. Guthrie. I will remind the Senate of the remarks made yesterday by the Senator from Illinois, [Mr. SHIELDS,] upon introducing these papers and documents. I suppose it will not be necessary to add anything to what he said.

Mr. HALE. I wish to say a word, and I wish to call to the mind of the Senate, if they can remember it, the speeches made by the Senator from Missouri, [Mr. ATCHISON,] and the Senator from North Carolina, [Mr. MANGUM,] and another Senator, upon printing extra copies of such documents. I listened to those suggestions of economy and prudence, at the time; and I submitted, as I had to do, with a good grace. But it seems that those admonitions have all been forgotten, and here we are to print five thousand extra copies, and five hundred more for the author of some essay, not by an officer of the Government—not of anything connected with our legislation, but an essay upon explosions. That is what I understand it to be.

Mr. BADGER. That will be very useful to the Senate; for explosions happen here very often.

Mr. HALE. I object to this; and call upon Senators who so prudently and wisely interfered and refused to print a public document of immense interest, and of great consequence, relating to a practical matter before the Senate, to apply the same rule to this enormous proposition to print five thousand five hundred extra copies of the essay of this gentleman upon explosions. Sir, we have explosions enough, without disseminating essays upon them; and I do hope the Senate will interpose and not sanction this expenditure. But I suppose it is too late. The fashion is set. We printed, I do not know how many numbers of Professor Espy's speculations on storms; and this, I suppose, is something similar to it in regard to thunder. As it appears to be the fashion of the Senate to print extra copies of these documents, I have no hope of arresting this proposition. I shall simply record my vote against it.

Mr. BORLAND. The Senator from New Hampshire is, I think, altogether mistaken about the character of this work. He speaks of our printing documents about storms and thunder. This is nothing of the sort. It is, essentially and eminently, a practical work, by a practical man—a man of whom it is said expressly, that he has devoted a lifetime of intelligent and well-directed labor to one of the most important subjects that can be brought before the people of this country—especially important to all those connected with, or in any way dependent for safety or for convenience upon, the navigation of our rivers and lakes by steam. It embodies the most valuable information on this subject—information which has been submitted to the most experienced and scientific men of the country, and who have pronounced it extremely valuable. I am confident of this. I have examined these papers, and the documents that have been presented, and I am of opinion that it is a very valuable treatise upon a very important subject, and that no opposition ought to be made to the printing of it.

The report of the committee was agreed to.

WORKMEN ON THE CAPITOL.

Mr. HUNTER, from the Committee on Public Buildings, to which was referred the memorial of the workmen employed on the extension of the Capitol, reported a joint resolution to authorize the continuance of the work on the two wings of the Capitol; which was read a first time, and ordered to a second reading.

Mr. HUNTER. I ask the unanimous consent of the Senate to have it read a second time now, and considered by the Senate.

The PRESIDENT. It requires unanimous consent. Is there any objection?

Mr. BORLAND. I regret to make any opposition to this—

The PRESIDENT. Does the Senator object.

Mr. BORLAND. I wish to state the reason why I object. I stated yesterday, when this matter was brought before the Senate, that the subject involved was undergoing an investigation by a committee of the House of Representatives. I was under the impression that a special committee had been appointed for the purpose of inquiring into the correctness of the report, that the foundations laid were not secure. It was supposed by some that these investigations had been abandoned, and that the gentleman moving for the committee had become satisfied, and had withdrawn his proposition. I learn, however, that such is not the fact, and that he is still of opinion that the foundations of the wings are insecure and unsafe; and he is now pressing the other House for permission to send for persons and papers in order to inquire into the matter. For that reason I would be unwilling to see any measure adopted to provide for the continuance of the work, until that investigation should be made.

Mr. HUNTER. I would state to my friend from Arkansas that I have examined into this matter, as I am a member of the Joint Committee on Public Buildings; and even if the suspicion which his friend entertains in relation to the foundations of the wings were true, the passage of this resolution would not affect it much. I have seen the Architect this morning, and he does not expect to carry up the walls until after the first of March, and then only in fine weather. I apprehend, however, that there cannot be much doubt as to the security of the foundations. This resolution, however, limits the work to be done by the appropriation which it makes. The resolution of the Senator from Michigan [Mr. CASS] left it indefinite. I think that the object of the Senator will not be delayed by the passage of this resolution.

Mr. BORLAND. Under the circumstances stated by the Senator from Virginia, I withdraw my objection.

The resolution was read a second time, and the Senate proceeded to consider it as in Committee of the Whole. It is as follows:

Resolved, &c., That the Secretary of the Interior may continue in employment, for the construction of the wings of the Capitol, as many of the mechanics and laborers as can be properly engaged on the work; and that the sum of \$10,000, be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for that purpose: *Provided, however*, That the walls of the building shall not be carried up in weather which is unsuitable for the work.

The resolution was reported to the Senate without amendment, and ordered to be engrossed and read a third time.

COMPENSATION OF CENSUS MARSHALS.

Mr. BADGER. I am rather late, but I beg the indulgence of the Senate to allow me the opportunity now to present some applications from a few more victims of the "square root" of my friend from Kentucky, [Mr. UNDERWOOD.] I have certain petitions, which I wish to present, of assistant marshals of North Carolina, praying for assistance and relief from the injurious consequences of the "square root."

Mr. UNDERWOOD. I have heard of census-takers being victims of this system until I am tired of it; and I wish to make a very brief statement to the Senate in regard to the matter. Of the various memorials which have been presented here from these marshals and assistant marshals, none of them pretend to state the size of their own counties; the number of miles they were required to travel; nor the number of families they had to visit; but, in general terms, without specifying particulars, they ask for more pay. All I have to say on the subject is, that the compensation allowed by

the last Congress was three dollars for every thirty miles they traveled. If three dollars is not enough for thirty miles traveling, the compensation ought to be increased; but if it is enough, they have no right to grumble. Besides, they were allowed more per head for counting the population than was ever allowed under any previous census bill. The only difficulty growing out of the subject is in relation to the mileage which they claim; and it can be demonstrated by this "square root," that, when they give the number of families in their territories, their mileage cannot exceed a certain amount. These gentlemen, in their petitions, withhold the statement of the amount of travel they have had to perform, and merely claim, in general terms, more compensation. This is the truth of the case.

Mr. BADGER. I beg to say that I did not intend any real reflection upon the "square root" of the Senator from Kentucky. It is a very good root. I have not the least objection to it in the world. All the objection the marshals in my State have to it is, that it does not give them a reasonable and decent compensation for their services. Some like squares, and some like cubes. It is a matter of taste altogether. I move to refer the memorials to the Committee of Claims.

Mr. HALE. I would suggest that the Senate have not got to the real difficulty. I apprehend that the truth is, that the marshals have not been to school long enough to know how to extract the square root; and hence they do not know exactly what their compensation is. But, if you put it down in figures, they will be satisfied. The explanation of the Senator from Kentucky convinces me of that.

The memorials were referred to the Committee of Claims.

ORDER OF BUSINESS.

The PRESIDENT. The hour of one o'clock having arrived, private bills come up in their order.

Mr. GWIN. I move to dispense with the order requiring private business to be taken up to-day, that we may take up the resolution providing for the printing of the returns of the Seventh Census. We have made great progress in the private business before the Senate. I suppose we have passed fifty private bills, and have scarcely touched the general Calendar. This resolution, to which I have referred, ought to be acted upon. We have to provide for the printing of the census; and I hope we will take up the resolution this morning and dispose of it.

Mr. BADGER. I hope the motion of the Senator from California will not be agreed to. This day has been set apart by the order of the Senate for the consideration of private bills, and I hope the order will be adhered to. The Senator from California will recollect that we are certain to pass public bills. There is no doubt about them. But if we allow private bills to be thrown aside, week after week, Congress will adjourn without disposing of the applications of private citizens for justice from the Government. I hope we will adhere to the Private Calendar.

Mr. GWIN. I have but a single remark to make in reply to the Senator from North Carolina. Never, in the history of the Government, have so many private bills been passed at such an early period of the session. We have not passed half a dozen public bills, while we have passed at least fifty private bills. Our Calendar of private bills is nearly clear, and we have passed more private bills this year than ever before have got back from the House of Representatives. I am as much in favor of acting on all these private bills as the Senator from North Carolina, but I wish also to attend to the public business. I would call the attention of the Senate to one fact: Three or four Senators have the floor with unfinished speeches on various questions, which will occupy the whole of next week.

Mr. BADGER. I am one of those who have unfinished speeches, but I am willing to give up my time to private business.

Mr. GWIN. The Senator from Tennessee [Mr. BELL] has the floor upon an important question. The Senator from Rhode Island [Mr. CLARKE] has the floor on his resolutions in regard to the foreign policy of the Government. The Senator from Michigan [Mr. CASS] has the floor on the same subject. The Senator from Illinois [Mr. SHIELDS] has the floor on the resolution in

regard to the Irish exiles. All of these are important questions, and will occupy the whole of next week. And, as we are far in advance of the House in the Private Calendar, I appeal to the honorable Senator from North Carolina, and to other members, to take up this resolution and dispose of it to-day, for we shall not be able to do so next week.

Mr. HALE. I would make a suggestion which, I think, (if the Senator from California will give me his attention,) will obviate all difficulties. It strikes me that this resolution, although it purports to be a public matter, is nothing more than a private bill for the relief of Donelson & Armstrong, and should be put upon the Private Calendar as such.

Mr. GWIN. I do not care how the object is accomplished.

The PRESIDENT. The suggestion cannot be carried out.

Mr. PEARCE. There is evidently no necessity for pressing the consideration of this resolution to-day. If it could be passed through both Houses to-day, there might be some reason in this. But we all know that these returns will not be ready for the printers for a long time to come.

Mr. DOWNS. The Senate well know that I am very apt to urge the taking up of these private bills; but I do not like to kill a good thing by having too much of it. We have certainly passed a great many private bills this session; and now, since we have so many special orders on hand; since we have so many debates to come up, one after another, I think we can, without doing injustice to private claimants, devote this day to the consideration of the subject mentioned by the Senator from California, and get clear of it. We have some half dozen subjects coming up, one after another. One is debated, and then it goes over, till we forget all that has been said on it; and when it is called up again, all that has been said must be gone over again. We have gone pretty deep into this printing matter. We went into the merits of the subject yesterday. But if it is postponed, and not acted on to-day, everything that was said yesterday must be gone over again. I therefore hope that the motion of the Senator from California will be agreed to.

Mr. BUTLER. If we have rules, I hope we will observe them. I came here to-day for the purpose of attending to some private claims. I have none for my own State, but there are private claims, which appeal to the justice and liberality of the Senate, and which ought to be attended to—claims that are founded far more in justice, than the one now urged upon the pretext of being a public measure, when in fact it is a private bill. I do not intend, by my vote, to give a preference to this resolution to appropriate money to these gentlemen, before applicants, who are standing at the door there, and whom I have just left, appealing to the justice of the Senate. I hope, if we have rules, that we will observe them.

The PRESIDENT. It is not a rule, but merely an order, which requires Friday to be set apart for the consideration of private bills.

Mr. BORLAND. I desire to call the attention of the Senate to the fact that I urged upon them some time ago, when a similar proposition was under consideration, that these discussions are the strongest argument we can have for observing the order of business upon the Calendar. I believe it was the general understanding that we should pursue the order of business upon the Calendar, and take up subjects as they are in their order. I would remind Senators now, as I did on a former occasion, that it has almost uniformly been the case, when propositions of this sort are moved, that more time is consumed in discussing the question, whether we will disregard the rules, and take up business out of order, or follow the Calendar, than would be consumed in passing the measures themselves. I do hope that we will follow the rule that has been adopted, and take up business upon the Calendar in regular order. We shall then do justice to all parties, and advance more rapidly the public business, than by this irregular mode of proceeding.

Mr. ATCHISON. I trust the order of the Senate will be adhered to. The Senator from Louisiana is not so unsophisticated in this business as he has been charged to be. I think that that Senator was not present on the last private bill day; and we had previously, I believe, disposed of most

of the private bills in which he was interested. I believe we had disposed of all the private bills in which he felt an interest, except one, and I am told that that looks very squally, and that it is doubtful whether or not it will pass. I do not make any charge against the Senator from Louisiana. I know that he is generous. I know that he, of all men, is least implored by supplicants; but still, without knowing it, these things do operate, even upon the oldest, the most grave and the most honest Senators. I have felt these little anxieties myself, about having private or public bills, in which I have felt an interest, taken up and disposed of, without paying regard to the convenience or the wishes of my fellow members of the Senate. I am willing to make all my own business special orders, and give them precedence over all other bills; and when the business which I have specially under my care is disposed of, I feel the utmost indifference as to what shall be done in regard to other bills.

Now, we made an order at the commencement of this session, at the instance of my friend from Maryland, [Mr. PRATT,] and my friend from Louisiana, setting apart this day for the consideration of private claims. They were the principal advocates of that order. And now, the Senator from Louisiana is the first man who is willing to dispense with it, for the purpose, as was well remarked by the Senator from South Carolina, of taking up a mixed matter, that is partly private and partly public. The printing of the census returns is a public consideration; but who shall do it—the gentlemen named in the resolution, or others—is certainly a private matter to them. I think it has been demonstrated that there is no necessity of hurry in regard to that resolution. The printing of the census returns may as well be ordered next week, or six weeks from this time, as now.

Mr. DOWNS. The Senate may rest assured that I could not have been actuated by the motives which the Senator seems to suppose; because it happens that on last Friday I was absent, when I ought to have been here; and on that day the only bill in which I felt any particular interest was postponed on account of my absence. So that if I had any interested feeling about this matter, it would lead me to favor the taking up of private bills to-day, in order to remedy my negligence on last Friday. I think the inducement which I stated at first was sufficient. I think we ought to take up this measure and dispose of it. There is no urgency in regard to these private bills. No gentleman has named any particular bill which requires action at this moment. We have already passed as many private bills as will occupy the House of Representatives for some months to come. I want this resolution to be disposed of. Let us vote on it at once. Let us not be fighting it off in this way. We have had talking enough about it; and I want gentlemen to come up to the mark and vote on it, and tell us what they are going to do in relation to it. If they intend to vote against it, let them do so. They have a perfect right to do so. But let the resolution be disposed of at once; and then let us go on with other business. Every one understands the resolution. Every one knows what it is. It has been discussed sufficiently. Let us dispose of it at once and go on with other business. I hope that it will be taken up and acted upon to-day.

Mr. SOULE called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 16, nays 28; as follows:

YEAS—Messrs. Bradbury, Brodhead, Clemens, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Houston, Jones of Iowa, King, Mallory, Rusk, Sebastian, and Shields—16.

NAYS—Messrs. Atchison, Badger, Borland, Butler, Clarke, Davis, Dawson, Fish, Foot, Geyer, Hale, Hamlin, Hunter, James, Jones of Tennessee, Mason, Miller, Morton, Pearce, Pratt, Seward, Smith, Soule, Spruance, Sumner, Underwood, Upham, and Wade—28.

IRA DAY.

The Senate proceeded to the consideration of the bill for the relief of Ira Day, of Vermont. This bill was under consideration by the Senate as in Committee of the Whole on Friday last when the Senate adjourned, after agreeing to a motion to strike out the words "together with the interest thereon."

Mr. HUNTER. The Senator from Delaware takes considerable interest in this bill, and I should like to observe that he is obtaining some inform-

ation in relation to it. I therefore desire, as that Senator is not in his seat, that the bill may be passed over for the present. I have been told that he had ascertained that there was an adverse opinion of the Attorney General in a case precisely similar, and that there have been two adverse reports in this very case. I do not know that this is so. I have been told so; and if that is so, I think we ought to pass the bill over until the Senator from Delaware may be in his place.

The PRESIDENT. The Chair will state that when a motion is made to take from the files of the Senate any memorials or papers, an adverse report having been made, the Chair puts the question; and according to a rule of proceeding here, these papers cannot be again presented unless they are accompanied by new matter, and some cause be shown by the party presenting them why they should not have been so reported upon.

A SENATOR. There has been no adverse report in this case.

Mr. HUNTER. I know nothing about the matter personally. All I know is what I have learned from the Senator from Delaware.

Mr. UPHAM. There has never been any adverse report in this case.

Mr. RUSK. I do not know of any adverse report. There have been, if I recollect aright, two or three favorable reports in this case.

Mr. UPHAM. There was one occasion on which the committee were discharged from the further consideration of this matter; but there never was an adverse report.

The consideration of the bill was passed over informally.

DAVID C. CASH AND GILES U. ELLIS.

The Senate then proceeded, as in Committee of the Whole, to the consideration of a bill for the relief of David C. Cash and Giles U. Ellis. This was a bill from the House of Representatives, with an accompanying report, synopsis of which have already appeared in the Globe. It was adversely reported upon by the Senate Committee on Military Affairs.

The PRESIDENT. Will the Senate agree to the report?

Mr. BADGER. The question, I suppose, does not come up upon the report, because the bill is before us.

The PRESIDENT. The bill is before the Senate.

Mr. BADGER. I suppose the Senate will signify their concurrence in the report by rejecting the bill.

The PRESIDENT. That is precisely the question. If they reject the bill they will concur in the report.

Mr. BADGER. I would like to hear the report read.

The PRESIDENT. There is no written report from the Senate committee. There is a report from the House committee. The Senate committee have merely reported by an indorsement upon the bill. Let the bill be read.

The bill was accordingly read.

The PRESIDENT. The Chair has already stated that there is a report made by the House Committee on Military Affairs, and it will be read if any Senator desires it.

Mr. RUSK. Let the report be read.

The report was read accordingly.

Mr. SHIELDS. The Committee on Military Affairs reported adversely on this case, but have made no written report. One reason for not presenting a written report was, that in a case of this kind, it is almost impossible to do so; and another reason was, that the report of the committee of the House of Representatives, which has just been read, is of such a character, that had we made a written report, we must have contradicted that report.

This is an old case, which has been before the Senate often. Cash acted as a deputy quartermaster, and Ellis as a deputy commissary. They obtained supplies and material from the Government to a very large amount, and they signed themselves in this capacity, one as deputy quartermaster, and the other as deputy commissary, and they distributed, God knows how much, for they do not pretend to tell. When they came to settle their accounts with the Department, the Department asked them for some vouchers for the application of the supplies they had received; but it

seems they were unable to furnish any such vouchers. The Department, therefore, instituted a suit against them, and then they come and make affidavit that they were not acting really in that capacity, officially, but were acting in their individual capacity, and were not, therefore, responsible as officers of the Government, but only to the officer whose agents they were, and whose name is mentioned in the report of the House of Representatives. They claim that they accounted with him, and left him to account with the Department.

Now, the papers on file show that their receipts were given to the Department, as quartermaster and commissary. They received the property of the Government in that capacity, and could not have received it in any other. They took that property, and distributed it in that capacity; and they turn round afterwards, when called upon to account to the Government, and deny the official character which they had assumed to obtain the property, and make affidavit, that while they stated that to the Government, they were merely acting as agents of some other man. How this bill passed the other House, I cannot tell. Now, there are two views which present themselves. In the first place, there is a suit in course of prosecution against them. Let them show, when they defend that suit, that they were really acting in the capacity in which they pretend they were acting here. I have consulted the Department, and I am informed that the Department will go on to prosecute the suit. If the statements they make are true, they can exonerate themselves; and if the statements are false, of course they will be held responsible to the Government for the amount of money out of which they actually cheated it. I move that the bill be postponed indefinitely.

Mr. UNDERWOOD. I move to reject the bill.

Mr. PRESIDENT. The question must be on concurring in the report.

Mr. SHIELDS. A motion to postpone indefinitely will answer the same purpose.

The PRESIDENT. Certainly.

Mr. RUSK. I think the Senator is laboring under a mistake, as I understood the subject from hearing the report read. Judging from the report, this seems a very clear case of merit. As I understand, this man Crum was acting as quartermaster and commissary. The applicants here were, the one as lieutenant, and the other a private soldier, and both employed to act as the deputies of Crum, the one as quartermaster and the other as commissary. This frequently occurs, and it seems the House of Representatives are sustained in this matter by the affidavit of Crum himself, that he employed these men to act as deputies, and required them to report all their proceedings to him, as the responsible officer of the Government. That is what I understand from the report; and it seems that when these individuals applied to be paid for their services, not as quartermasters or deputies, but as soldiers, the Government refused to pay, because this was an unsettled account. The Committee on Military Affairs seems to think that, because they signed themselves deputy quartermasters, it is conclusive evidence against them.

Mr. SHIELDS. These two men were at different posts, acting in the capacity which I have stated. They drew from Colonel Hunt all these supplies. The man whom they now pretend they acted for, whose name is Crum, became a defaulter, has never accounted to the Government, and never can. After he became a defaulter, and they were called upon to account to the Government, they turn round and insist that they acted as the agents of Crum; and he himself admits it, because he is a defaulter and owes so much that he can never pay the Government. I will ask honorable Senators to look at the papers and at their own receipts as reported from the Department. If the statements they make be true, they have a good legal defence. I will ask any of my honorable legal friends here if the facts reported are not a good legal defence in any court in the United States?

Mr. BADGER. Certainly they are.

Mr. SHIELDS. Then if they can maintain that defence, why should they come here, in anticipation of the decision, for relief? I look upon that single point alone as being enough to condemn their claim.

Mr. BADGER. That is the point in the case,

Mr. RUSK. I was engaged a moment ago when the Senator from Illinois [Mr. SHIELDS] was making his statement, and did not hear what the point was.

Mr. BADGER. With the consent of the Senator from Illinois, and if the Senator from Texas will allow me, I will explain that point to him. There is an action at law, brought by the Government of the United States, now pending against these men. The matters which they set up in their petition, as reported by the House committee, furnish, if true, a complete legal defence—not merely an equitable defence, but a complete legal defence to the action. Then, the inquiry is, why should we relieve them upon an *ex parte* examination, when the question is now pending between them and the Government before a legal forum, where these questions can be better heard and more fully and satisfactorily decided than they can be here? If the facts, as they represent them, are true, they will obtain a verdict; and if they are not true, or not established, of course the verdict will be against them.

Mr. RUSK. The honorable Senator from North Carolina appears entirely to misunderstand the bill.

Mr. SHIELDS. Let the question be tried upon the pending action; and it will then be quite time to give them relief when a verdict has been rendered against them.

Mr. RUSK. I must repeat, that Senators appear entirely to misunderstand the object of this bill. The bill is not designed to relieve these men from any responsibility which they may have incurred to the Government of the United States by a misappropriation of this property—not by any means. It is only to pay them what appears to be due to them, as shown by the books of the Department, for their services, the one as a lieutenant and the other as a private soldier.

Mr. BADGER. But if these men already owe the Government anything, they ought not to be paid the money which this bill proposes to pay them. That question is now pending, and it would only be proper to let this bill lie over until that question is decided.

Mr. RUSK. And if the Government should not obtain a verdict against them, how are they to succeed in obtaining their pay?

Mr. BADGER. By bringing in their claim.

Mr. RUSK. How can that be done after the Senate have rejected the bill? I have not seen this report, but, from the reading of it, it strikes me as being a clear case of merit, in which these men simply ask payment for services rendered. If you reject the bill, you must disbelieve the affidavits of these three men—Crum, Cash, and Ellis. I therefore move to postpone the further consideration of this bill until to-morrow, in order that we may have an opportunity of giving it a fuller examination. It is but a small matter. The amount involved is not considerable, and is hardly worth the trouble which must be undertaken by these men to obtain it; but I would not like to do what appears to be injustice even in a small matter.

Mr. BADGER. If the Senator from Texas will allow me, I will add one word in further explanation. The officers of the Government have very properly refused to pay the amount of money which might otherwise be due to these persons, on the ground that they are debtors to the Government to a large amount. They say that they are not debtors; and if their statement is true, they can defend themselves in an action at law against the Government. If their statement is false, they are not entitled to any relief; and if it be true, they will undoubtedly obtain it. If it is found by the decision in the action, to which reference has been made, that they do not owe the Government, then their pay will be given to them at once, and we will have no difficulty in passing a bill for their relief.

Mr. RUSK. Well, I move to postpone the further consideration of the bill till to-morrow. The amount is so small that it is scarcely worth the trouble of these men to come here to get it.

Mr. SHIELDS. I wish to say a single word to my friend from Texas. I would be as unwilling to be unjust to any poor soldier as the honorable Senator himself. But we examined this matter very candidly in the committee, and it was unanimously agreed to report as we did. I regret that we felt compelled to do it. We did it from a

sense of justice to these men, in view of the facts presented to us.

The PRESIDENT. The Senator from Texas moves to postpone the further consideration of the question till to-morrow.

Mr. BADGER. Which question has priority?

The PRESIDENT. The question on the motion to postpone till to-morrow.

The question was then taken, and it was not agreed to.

The PRESIDENT. The proposition now is to postpone the consideration of the bill indefinitely.

The motion was agreed to.

THOMAS H. LEGGETT.

Mr. SEWARD. During my absence a bill for the relief of Thomas H. Leggett, as I am informed, was arrived at on the Private Calendar, and was laid on the table. I now call it up in order that it may take its place.

Mr. HAMLIN. I think, in justice to the Senator from New York, this bill should be considered now. It was arrived at in its order, and in consequence of the absence of the Senator it was laid upon the table.

The question was taken on the motion to take up the bill, and it was agreed to.

Mr. HUNTER. This is a bill for refunding duties, as I understand it, and I should like it to lie over for the present.

Mr. SEWARD. It is not taken up with a view to action, but simply that it may take its place on the Calendar.

MRS. E. A. McNEIL.

The Senate next proceeded to the consideration of the bill for the relief of Mrs. E. A. McNeil, widow of the late General John McNeil, as in Committee of the Whole.

Mr. FELCH. The Senator from New Hampshire, who takes an interest in that bill, is sick and not able to be present. I therefore move that the bill be passed over informally.

The motion was agreed to.

JOHN ERVIN.

The Senate then resumed, as in Committee of the Whole, the consideration of a bill to confirm the claim of John Ervin to a certain tract of land in the Bastrop Claim.

Mr. DOWNS. I will state, Mr. President, that the Senator from Kentucky [Mr. UNDERWOOD] desires to go into an investigation of this question. He is not now in his seat. On his proposition the bill was laid over last Friday; and, as he is not here now, perhaps it would be as well to pass the bill over.

Mr. BADGER. I hope we shall not lay this bill over any more.

Mr. DOWNS. I dislike to take up the bill in the absence of the Senator from Kentucky.

Mr. DAVIS. I have the impression that many bills of this description have been passed. Is not that so, sir?

Mr. DOWNS. Many bills very much like it have been passed.

Mr. DAVIS. I am not aware that this is different from other cases. If so, I wish the Senator from Louisiana would state the fact.

Mr. DOWNS. It is analogous to many bills which passed at the last session. Some few were excluded by the rules which were adopted at the last session. It is in the same spirit as those that have been passed, though not strictly and technically within the rule. The reading of the report, which is very brief, will show what it is.

Mr. DAWSON. Read the report.

Mr. FELCH. I think it will be better to let the bill lie over for the present, till the Senator from Kentucky [Mr. UNDERWOOD] is in his seat, as he has intimated that he wishes to express his views upon it. My impression is, that the bill gives a preëmption right to a small portion of land. But I have not examined the question, on account of the fact that the honorable Senator from Kentucky had taken it in charge; and I think it will be better to let it lie over till he is present to attend to it. I make that motion that it be passed over informally.

Mr. BADGER. I hope not. I wish to say to the honorable Senator from Louisiana, [Mr. Downs,] that if he chooses to have it lie over, I

have nothing to say. But if it does not pass in consequence of lying over, he will know at whose door the blame will rest.

Mr. DOWNS. Then I will not consent to let it lie over.

Mr. FELCH. The law which is referred to in that bill specifies two classes of cases to which relief may be granted. The one, those who claim under Bastrop, holding under a Spanish grant, and his assignees; and to that class of persons there is given six hundred and forty acres of land without any compensation to the United States for it. It was intended to relieve a class of persons who purchased under an old Spanish grant, declared to be now invalid.

The second class of cases embraces those persons who, without having any claim by way of a title from Bastrop, are entitled by virtue of possession to a preemption right to one hundred and sixty acres, including their improvements. If I understand this matter correctly from hearing the report read, this Ervin does not trace back his title from Bastrop; he has merely occupancy as the foundation of his claim, and his case, therefore, comes within the category mentioned in one of the last sections of the act, giving relief to those who have occupied lands for a certain number of years. If no legislation is had, he will be entitled to a preemption right to one hundred and sixty acres including his improvements. If this bill passes, it will put him on the same footing exactly as those who received a title from Bastrop. As I stated before, my impression is, that it is a case in which the preemption right ought to be granted. He will then receive one hundred and sixty acres of land under the preemption, and no more. This bill proposes to give him six hundred and forty acres, and also to relieve him from paying any compensation to the Government for it. It seems to me he should be allowed to remain under the rights which he now has; or, if it be desirable, let him have a preemption right. But I see the Senator from Kentucky is now in his place, and I yield the floor to him.

Mr. UNDERWOOD. I believe the honorable Senator from Michigan has stated everything that I have to state upon the subject. From the examination which I have made, this gentleman, if this bill passes, will get lands for nothing to the amount of six hundred and forty acres, when, according to legislation, he would be entitled to a preemptive right of one hundred and sixty acres. I see no reason why we should enlarge the amount and give him that difference. The grounds on which this claim was placed, the other day, was this: A man by the name of Ballinger lived upon the land that this memorialist has occupied. Ballinger, according to the statement of the memorialist, purchased the land of Bastrop, and paid him for it. The memorialist says he intended to purchase it from Ballinger, but he has never paid him a cent. He says Ballinger abandoned the land, and has absented himself for a long time, and has never received anything. Now, what condition shall we be placed in if Ballinger should hereafter come forward and say, "I want Congress to compensate me for this land, which I purchased of Bastrop;" and suppose he says, "You have compensated everybody else, and allowed them a tract of land, why not pay me? Will you take advantage of my absence after I paid Bastrop, and plead the statute of limitations upon me?" Government has never done that. Now, if Ballinger comes forward and says, "You agreed by your legislation that all those who purchased from Bastrop and paid him for that land should hold it"—what answer will you give him? You must say to him, "You are to be put upon the same footing as other individuals." Now, this individual simply asks Government to do for him what Government would do for Ballinger, if he were here. I do not see any obligation for such a course except upon the ground which is contended for, that he has occupied the land till, by the laws of Louisiana, he could set up a title by prescription against Ballinger. And as he can prescribe against Ballinger, he wants you to cut off Ballinger, and let him be placed with reference to Bastrop as Ballinger and yourselves would be placed. It seems to me not just to let a man come in and make out a title, when he says he has not paid a cent, but merely intended to do it, and then set up a title by prescription against a man from whom he intended to buy the land. In this view of the case I am

willing to say to this gentleman, "Take your head right, as we call it in Kentucky, or, as it is called here, your preemption—take your one hundred and sixty acres of land by preemption, pay for it as your neighbors have done, and with regard to the excess, you have no right to it at all." I think we should reject this bill, and let the law take its course.

Mr. HALE. As I was one of the committee who reported this bill, I think I can answer the objection of the Senator from Kentucky. The case is an exceedingly simple one. Settlers located themselves upon this land, and among the rest was this man Ballinger; and subsequently this petitioner, who went under Ballinger, intending to purchase his title. He has been there for more than twenty-three years, and Ballinger went off and never made his appearance again. By the bill which you passed last session, if Ballinger were here, he would be entitled to this land; but he is not here. Now, the difficulty suggested by the Senator from Kentucky, does not arise here at all. We do not in any way interfere with Ballinger's title. That title will stand just as good when this bill is passed as it does now. All that we do, is to say that the United States shall not come in as a third party between Ballinger and this man Ervin. Ballinger has a good title, if we do not disturb him; and all that we do in this bill, is to say to this poor old man, that we will keep "hands off," as between him and Ballinger. We say to him, "If you have a good title, keep it, and we will give you ours; or, rather, we will not interfere." It seems to me in that view of the case this bill ought to pass.

Mr. DAWSON. I will merely ask the Senator from Louisiana one question. Did Ballinger ever purchase six hundred and forty acres from Bastrop?

Mr. DOWNS. It is so stated in the papers.

Mr. HALE. I believe he purchased a larger quantity than that.

The bill was then reported without amendment, and, on a division, it was ordered to be engrossed for a third reading.

JANE IRWIN.

Mr. JAMES. I throw myself on the indulgence of the Senate, and ask its unanimous consent to take up a bill for the relief of Jane Irwin.

The question was taken on the motion to postpone the prior orders and take up this bill, and it was decided in the affirmative.

The bill was read a second time. It proposes to pay Jane Irwin, the only child of Colonel Jared Irwin, who served in the Georgia State troops from the beginning to the close of the revolutionary war, as an equivalent for services rendered and losses sustained by him, the half-pay of a captain for the period of thirty-five years.

There being no proposition to amend, the bill was reported to the Senate.

Mr. PEARCE. I should like to have some explanation of that bill.

Mr. HALE. Let the report be read: It will explain everything.

Mr. COOPER. I will state what the substance of the report is.

Mr. BUTLER. I wish to ask if the committee were unanimous in their report?

Mr. COOPER. They were last year. The father of Jane Irwin was an officer in the Georgia line of the Army, and performed most meritorious service during the whole of the revolutionary war. He was in many engagements both in Georgia and the Carolinas. After the close of the war, he removed to the frontiers and was often engaged there in the Indian wars, and performed service not only as a soldier, but was eminently useful in subsisting troops in that out-of-the-way country. He lost a very large amount of property, and never received from the United States a cent by way of compensation for his services or the losses he sustained.

The present applicant is the only surviving child of General Irwin; who was afterwards, for several successive terms, Governor of the State of Georgia. If ever a meritorious claim came before the Senate, that does not fall within the ordinary rule, this is one.

The report was then read.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

COMMODORE WARRINGTON.

The Senate next proceeded, as in Committee of the Whole, to the consideration of the bill for the relief of M. K. Warrington and C. St. J. Chubb, executors of Captain Lewis Warrington; which was read.

It proposes to authorize the Secretary of the Navy to open an account with M. K. Warrington and C. St. J. Chubb, executors of the late Captain Lewis Warrington, and the officers and crew of the sloop-of-war *Peacock*, their legal representatives and assigns, on account of one moiety of the sloop *Epervier*, her tackle, implements of war, and specie on board at the time of her capture in 1814, which moiety was, by mistake, paid into the Treasury of the United States; and to settle their respective rights therein, according to the act of April 23, 1800, for the better government of the Navy of the United States; and that the sum, when so settled, shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. BRADBURY called for the reading of the report of the Committee on Naval Affairs; from which it appears, that the same subject was referred to the Committee on Naval Affairs at the first session of the last Congress, when a report was made, briefly setting forth the facts out of which the claim originated, which the committee adopt as a part of their present report, and recommend the passage of the bill without amendment. The committee reported—on the memorial of Lewis Warrington, for himself, officers, and crew of the sloop-of-war *Peacock*, and praying the balance of prize money due them for the capture of the British ship *Epervier*—that in the month of April, 1814, the British ship *Epervier* was captured by the *Peacock*, under the command of the memorialist, and was afterwards, in the district court of Georgia, condemned, with its tackle, ammunition, &c., as a prize of war to the captors, and a sale by the marshal was ordered to be made; that there was on board the *Epervier* a large amount of specie, which was condemned as prize money. The *Epervier* was a vessel of equal force with the *Peacock*, as appears by the report of Captain Warrington, by the report of the arrival of the prize at Savannah, by the report of the officer in charge of it, by negotiations between the Department and Captain Warrington for the purchase of the prize, and finally by the decree of condemnation to the captors only.

By the fifth section of the act of Congress of April, 1800, for the better government of the Navy of the United States, it was enacted that all the proceeds of captured vessels which shall be adjudged good prizes, when of equal or superior force to the vessel or vessels capturing them, shall be the sole property of the captors; but when of inferior force, they shall be divided equally between the Government and the captors. It is, therefore, certain, in the opinion of the committee, as well from the true facts of the case as from the decree of condemnation, that the officers and men of the *Peacock* were entitled to the whole of the proceeds, and the same should have been paid over to them by the marshal. But this was not done. On the contrary, the marshal, from some mistake or misapprehension, treated it as a case for a division between the United States and the captors, and therefore paid one moiety to each. The committee were therefore of the opinion that the moiety received by the United States, being undoubtedly the property of the captors, ought in justice to be accounted for to the true owners. The lapse of time since the erroneous payment was made might afford some objection to the relief if the ground of the claim was uncertain or not proved; but all the facts and the ground of the claim stand proved by official papers which cannot be mistaken. They can be ascertained now with the same unerring certainty as at the time of the transaction. These proofs accompany the memorial submitted with the report. The memorialist asked only the principal of the sum; and the right being clear, the justice of the demand, instead of being weakened, is strengthened by the great length of time the United States have had what originally belonged to the captors. The claim grew out of one of a series of victories upon the ocean and lakes, which shed such glory upon our country, and must ever be remembered with patriotic pride by every one bearing the name of an American. The committee, in view of the considerations named in the report, accompanied it by a bill.

Mr. BRADBURY. I believe a very considerable amount is involved in this bill. I recollect having examined the question when it was before the Senate some three years ago. The facts are not very fresh in my recollection at this time; but I think that the application for relief on the part of Commodore Warrington and his associates is of a somewhat recent date.

Mr. BADGER. It is.

Mr. BRADBURY. I think it is a little remarkable that the captors of a vessel, which had on board a valuable cargo of specie, should have so long delayed their application.

Mr. BADGER. If the Senator will allow me, I will make a statement, which will cause the remarkableness to disappear. The case is simply this: In April, 1814, Commodore Warrington, then in command of the American ship *Peacock*, a sloop-of-war of eighteen guns, attacked and captured the sloop of war *Epervier*, also of eighteen guns. The *Epervier* was sent into the port of Savannah, in charge of a prize-master, for condemnation. She was condemned in that port, and a decree of the court directed the whole amount of the capture to be paid to the captors. The honorable Senator [Mr. BRADBURY] shakes his head. It is very easy to do that; but if he will read the papers he will find that it is so. The decree of the court directed the whole of the money to be paid to the captors, and not one cent to the United States. Commodore Warrington did not quit his cruise, and come home to attend to his pecuniary interest, but continued to prosecute his cruise against the enemies of his country. Consequently he was not here at the time the decree was made and the payment made under the decree. The marshal of the district of Georgia, whose duty it was to pay the money to those to whom it was awarded by the court, to wit: the captors, instead of doing that, paid one half the money to the prize agent, and the other half into the Treasury of the United States. The ships were of equal force. That is proved, in the first place, by the decree directing the money to be paid to the captors; because if the captured vessel had been of inferior force, it was the duty of the court to have decreed one moiety to the United States. It is proved, next, by the fact that the vessels were reported by the captors to be of equal force; by the fact that the Secretary of the Navy at the time negotiated with Commodore Warrington for the purchase of the captured sloop, for the Navy of the United States, as being the property of the captors; and by the fact that in the Navy Register, after that ship became ours by capture, she is rated as a sloop of war of eighteen guns, as was the *Peacock*. These are the facts. Under the law, it is perfectly clear, that that being the state of the case, the captors were entitled to all the money.

But I said that I would give the Senator from Maine an explanation of how it happened that this claim was not preferred for many years. I take pleasure in doing so; because the gallant officer and most excellent gentleman in whose name this application was made at the last Congress, and who is now no more, exhibited in relation to the whole transaction an honorable delicacy and propriety of deportment that add additional value to the character he earned by his integrity and gallant service in the cause of his country. The same question was asked when this bill was before the Senate at the first session of the last Congress, and I was unable to answer why the application had been deferred. I was unable to answer, because that gentleman, during the whole time this bill was in progress in the Senate, though he knew I had taken charge of it, and reported it from the committee, and that upon some objections taken to it on its first coming up, it had been postponed, and that I had waited three months before I called it up for action, never came near me, never opened his mouth to me upon the subject; and he was willing, I believe, to have lost every penny, rather than place himself in the attitude of a man who would descend, by application to a member of a committee, to obtain the successful prosecution of a claim however honorable and just. But after the bill had passed the Senate, and when it was in the House of Representatives, I saw Commodore Warrington here one day, and took occasion to ask him how it happened that the claim had not been presented sooner. He gave me the following statement: "I went in prosecution of the cruise in which I was engaged when

"I captured the *Epervier*, and sent it into port for 'condemnation. When I returned, I found that 'but one half the prize money had been paid into 'the hands of the agent. I knew it was wrong. 'I applied to a distinguished and honorable gentleman, then a member of Congress from Virginia, 'and asked him to institute some proceedings for 'my relief. He said to me, 'it is impossible, 'Commodore, to go behind the decree.'" He took it for granted, and so did Commodore Warrington, that the marshal had paid the money according to the decree. He had no idea that the marshal, upon a decree in favor of the captors alone, had paid one half the money to the United States, but supposed that it was a mistake of the judge who pronounced condemnation. There the matter rested; and years and years elapsed before it was discovered that the decree was right and the payment wrong.

That, sir, is the explanation which I have to give; and I wish to say, that though the amount is large, there has not been a claim, in my opinion, from the foundation of the Government, whether for a million dollars or for a penny, more justly due to more honorable men who have rendered important service to the country. It has been too long delayed. The Government has had possession and use of the money for forty years. All that is asked is the simple return of the money without interest.

Mr. BRADBURY. I have heard the explanation of the honorable Senator from North Carolina with pleasure. He speaks so well that I always listen to him with a great deal of pleasure. I think, however, that we should examine this subject carefully, and see why it is that the claim was suspended so long without an application for relief. It looks a little singular to me that for some forty years an individual, residing at the capital for a very considerable portion of the time, should not be aware of the fact that the Government was indebted to him and others with whom he was associated, in a large sum of money.

Mr. BADGER. I tried to explain it. I imagine the Senator did not listen to me.

Mr. BRADBURY. If the Senator wishes the floor, I will yield it.

Mr. BADGER. Not at all.

Mr. BRADBURY. I suppose the act which grants to the captors, in cases of the capture of vessels of an equal or superior force, the whole property captured, was intended as an incentive, and to reward those in the Navy for extraordinary exertions. Technically, the contest from which this claim arises, was between vessels of equal size; but by an examination of the facts it will be found that the capture was made without much exercise on the part of our ship, and the captured vessel was, in fact, inferior in size, inferior in men, and inferior in its armament; so that the amount which was received by the captors was the amount to which they were fairly entitled, and was all to which they were entitled. If we, disregarding the technical rules, look to whether the vessels were of equal size, we shall find that the British ship was inferior in metal, throwing, I think, something more than a hundred pounds less on a broadside. It was inferior in men; the American ship containing nearly double the amount of efficient men. The prize was taken so easily that there was hardly a contest. Not an individual was lost in the fight; I believe there were one or two wounded. I apprehend that, at the time, the captors were perfectly satisfied with the decree. I think that, after so long a time, during which this claim has been permitted to slumber, it is at least expedient that the Senate should pause before they pass the bill. If I supposed that the claim had substantial merit, I should certainly concur with the Senator from North Carolina, that lapse of time is not a sufficient bar to it. I submit these remarks, not from a desire of doing injustice to the service of the gallant officer who commanded the American ship at that time, but from a sense of duty.

Mr. BADGER. The honorable Senator from Maine occupies, upon this subject, precisely the position usually taken by British writers, in depreciating the value of the victories gained by our naval force over the British during the war of 1812. How does the Senator undertake to know whether these vessels were of equal force or not? The Secretary of the Navy at that time thought they were of equal force. They were reported to the

Department as of equal force. The judge who ordered the condemnation thought they were of equal force. And now, we are told that this victory, which we had heretofore thought reflected some glory upon our arms, was nothing; that there was not a contest; that there was twice the number of men in the American ship that there was in the British; and that the ships were of a different weight of metal. I hope the Senate will not add to the injustice of declining to pay this money, the indignity of such a reproach upon the gallant men concerned in the accomplishment of that deed.

The decree of the court was, that the money should be paid to the captors. Not one word was said about the United States. The marshal, by a mistake, I suppose, instead of paying the whole of the money to the captors, paid half of it to the United States. That is the case. The United States got so much money, by a mistake of the marshal, which belonged, under the decree, to the captors. If it had been the case of an individual, an action could have been brought by the captors, and the money recovered. But the United States cannot be sued. I have stated the reason why the claim has been delayed. Commodore Warrington, knowing the money had been paid in a wrong manner, applied to a gentleman from Virginia, who, presuming the marshal had followed the decree, stated that they could not go behind that decree. But it turns out that the decree was right, and the payment by the marshal wrong.

Mr. BRADBURY. It is a long time since I looked into the papers of the case. I had a different impression in regard to the decree. Probably the Senator is right in his statement. I should like to have it read.

The decree was read, as follows:

The United States vessel of war *Peacock* vs. \$117,903, captured in the *Epervier*, libeled prize.

The United States vessel of war *Peacock*, commanded by Lewis Warrington, Esq., in the late capture of his British Majesty's sloop of war *Epervier*, brought into this port, captured also the sum of \$117,903, which has been libeled by the district attorney. The usual motion has been published, and proclamation made; and no claim appearing, it is ordered, adjudged, and decreed that the sum of \$117,903 be condemned as a prize of war, to the captors, to be distributed as the law directs, after costs and charges.

W. STEVENS,
District Judge of Georgia.

The bill was then reported to the Senate without amendment, and ordered to be engrossed for a third reading.

FRANCES P. GARDNER.

The bill for the relief of Frances P. Gardner, reported from the Committee on Pensions, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

It enacts that the Secretary of the Interior be required to renew the pension heretofore allowed and paid to Frances P. Gardner, the same to continue for five years, commencing January 1, 1850.

The report of the committee was read, from which it appears that the petitioner is the widow of the late Captain George W. Gardner, of the United States Army, who was killed in the massacre of Major Dade's command in Florida. She was left a widow in destitute circumstances, with two young children to support. Her father, Lieutenant Abraham Fowler, and her brother-in-law, both died in their country's service, and her only near relative—a brother—was at the date of the petition on duty in Mexico. Thus situated, she asked for a continuance of a pension which was allowed her under the act of July 4, 1836. On May 20, 1850, a bill for her relief was reported to the Senate; and the committee have thought proper to report a similar bill, and recommend its passage.

Mr. SMITH. A bill exactly corresponding with the one now before us passed the Senate at the last Congress. It was sent to the House of Representatives, and was not acted upon, I suppose, for want of time. It is exactly analogous to the case of Mrs. Dade, a bill for whose relief has already passed the Senate at the present session. Captain Gardner, who was a native of this city, fell in what is called "Dade's massacre," in Florida; Major Dade being the commander of the detachment, and Captain Gardner the second in command. The circumstances of that massacre are too well known to the Senate to make it necessary for me to advert to the particulars. Mrs. Gardner is a native of my State. She transmitted her application to me, and I laid it before the

Senate. I wish, if necessary, to call the attention of my honorable friend from Florida, who is acquainted with the case of Mrs. Dade, to this.

Mr. BADGER. There is no objection to the bill.

Mr. SMITH. I do not know that there is any objection to it. But my friend from Florida is acquainted with the case, if it is necessary to say anything about it.

Mr. MALLORY. I presume there can be no objection to the bill. It is very similar to the bill passed for the relief of Mrs. Dade. Major Dade fell in the massacre at the beginning of the Florida war. So did Captain Gardner. The case of Mrs. Gardner is eminently entitled to the consideration of the Senate. I can see no reason why a distinction should be raised between the two cases.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

WILLIAM A. RICHMOND.

The Senate then proceeded, as in Committee of the Whole, to consider the bill for the relief of William A. Richmond, which was reported from the Committee on Indian Affairs with an amendment.

The bill proposes to authorize the proper accounting officers of the Treasury to audit and settle the accounts of William A. Richmond, late superintendent of Indian affairs at Detroit, Michigan, upon principles of equity and justice, and that whatever sum or sums of money, if any, be found due to him shall be paid out of any money in the Treasury not otherwise appropriated.

The amendment of the committee is to insert at the end of the bill the words:

"Provided, That such sum of money shall not exceed \$240."

The amendment was agreed to.

The bill was then reported to the Senate as amended, and the amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

EXTENSION OF PATENTS.

The PRESIDENT. The next bill on the Calendar is a bill to extend two patents of Zebulon Parker.

On motion of Mr. JAMES, the consideration of the bill was postponed until Friday next.

JOHN F. CALLAN.

The bill for the relief of John F. Callan, administrator of Daniel Renner, deceased, was read a second time and considered as in Committee of the Whole. It requires the Secretary of the Treasury to cause the claim of John F. Callan, administrator of Daniel Renner, deceased, of the firm of Renner & Heath—which claim arises from the alleged burning of a rope-walk and of seine twine therein, in the District of Columbia, by the public enemy, in the month of August, 1814, belonging to said firm—to be audited and settled on principles of equity and justice, looking to the evidence heretofore produced before Congress or the Treasury Department, or hereafter to be taken; provided that the allowance so made shall in no case exceed the sum of \$6,744.

Mr. HUNTER. Is there a report in that case?

The PRESIDENT. There is.

Mr. HUNTER. I would like to hear it read.

Mr. WADE. As I perceive that the Senator who takes charge of the bill is not in his seat, I move to postpone the further consideration of the bill until Friday next.

Mr. PRATT. The Senator who reported the bill is absent, but he wished me to ask the Senate to consider it to-day.

Mr. WADE. Then I withdraw my motion.

Mr. BRODHEAD. I beg leave to make a single suggestion in connection with what was said by the honorable Senator from Maryland. The honorable Senator from Indiana, [Mr. WHITCOMB,] who is absent on account of illness, requested that this case should go over in the event of there being a serious opposition to it. If the honorable Senator from Virginia is decidedly of opinion that the bill ought not to be passed, I think it would be better to lay it over. Perhaps he will withdraw his opposition after hearing the report read, which was made by the gentleman from Indiana.

The PRESIDENT. The reading of the report has been called for.

Mr. BRODHEAD. I hope the reading will be proceeded with.

Mr. UNDERWOOD. I move that the bill be laid over until Friday next. That case was before the Committee of Claims some time ago, when I was a member of the committee, and I believe an unfavorable report was made. I am not certain about the matter, and I wish the bill laid over, so that I may look into the facts.

Mr. BRODHEAD. I am informed that there is a decided opposition to the bill; it would, therefore, be better to let it go over until the honorable Senator from Indiana, who reported it, is in his place.

Mr. UNDERWOOD. My motion is to postpone the further consideration of the bill until Friday next. I want to say now that this claim relates to a matter which has once been paid for. I understand that an allowance has been made, and the claim now is for an additional allowance. I think the claim was reported against some two or three years ago.

Mr. BRODHEAD. That is true.

Mr. BAYARD. That is the fact.

Mr. UNDERWOOD. Then I think the bill ought to be laid over.

Mr. PRATT. The Senator from Kentucky made one observation, which I think demands a reply. He says this claim has been paid. Now, I can inform the honorable Senator that it has not been paid. One of the individual claimants has, I believe, been paid a sum of money, but not for what this bill provides.

Mr. UNDERWOOD. I understand that this bill provides for a resettlement of the accounts upon the testimony already filed, and such additional testimony as may be hereafter presented. That opens the whole matter, and embraces a repayment of that which has already been paid for, either in whole or in part.

Mr. BAYARD. The former payment was for personal property which was destroyed in 1814. The bill now reported provides relief for the destruction of the rope-walk and twine of these parties. My own opinions are adverse to this claim; and I shall state my reasons for those opinions whenever the bill comes up. I do not think we ought to pass the bill.

Mr. PRATT. I think we had better decide this bill to-day. The honorable Senator who reported this bill, requested me to take his position in respect to it, and to explain it. I think I understand it sufficiently, and I hope it will be acted upon to-day. If it is right, I hope it will be passed to-day. If it is wrong, I hope the Senate will reject it to-day. We can just as well understand and decide it to-day as we can at any future day. I hope, therefore, that we will act on it to-day, and settle it in some way. If the motion to postpone be rejected, the report can be read, and I can explain the facts of the case, I think, so as to enable the Senate to act understandingly.

The motion to postpone was agreed to, there being, on a division, 19 ayes and 16 noes.

T. H. McMANUS.

The bill to authorize T. H. McManus to enter by preemption certain lands in the Greensburg district, Louisiana, was read a second time and considered as in Committee of the Whole. It provides that T. H. McManus be authorized, under such instructions as may be given by the Commissioner of the General Land Office, to enter by preemption, at the rate of \$1 25 per acre, at the land office at Greensburg, Louisiana, such quantity of public lands, not to exceed eight hundred acres, according to legal subdivisions, as may embrace his actual improvements in the parish of East Feliciana, on the waters of the Black Creek, township No. 1, and range No. 3, provided that such entry shall not interfere with the valid rights of others, and shall be made after the return to the aforesaid land office of an approved plat of said township.

Mr. DOWNS. I will state the facts of the case very briefly. Mr. McManus purchased at probate sale, after the death of the parties who had settled on this land, their right of preemption. He bought the rights to two tracts. In addition to that there is a small quantity of vacant land near him which he wishes to enter. Now, on these two purchases, which, perhaps, under the restrictions of the preemption laws, he cannot properly enter as a preemption right, but of which he was a bona fide purchaser at a probate sale, and also a quantity of

vacant land adjoining, to which nobody else sets up a claim, he asks, in order to complete his title, that he may be permitted to enter the whole, not exceeding eight hundred acres, by preemption right. There is a statement accompanying the report and petition, made by a number of his neighbors living around him, confirming the facts as he states them in his petition. All he asks is the mere right of preemption.

He purchased these improvements for a valuable consideration, when they were sold at probate sale; and I presume there can be no doubt of his right to enter that much. Whether he shall be allowed to enter, in addition, the small quantity of vacant land adjoining, which nobody claims, is a matter for the Senate to decide. If I recollect rightly, this bill passed the Senate at the last session. At any rate it was favorably reported upon. The only difficulty in the way that I know of, is the objection which many entertain to an ordinary transfer of preemption rights before they are secured. But this is not a case of that kind. This is a case of the death of the parties who had the preemption rights, and, according to the law of my State and the decisions of the supreme court of Louisiana, these rights, though not perfect, are considered a species of property. It is true, the officer of the United States may object to carrying them out in full on technical grounds, but they are very frequently sold at probate sales in the ordinary course of business in Louisiana. They certainly, according to our law, vest a right in the party. The only opposition to allowing transfers was for the purpose of preventing speculations. This is not a case of that kind. This is a case where a man has lived on and cultivated the land. He bought these rights in good faith, at probate sale, and the only objection to his not entering them by preemption right, is a technical one. All he asks is preemption rights to these tracts. I can conceive of no serious objection to the passage of this bill.

Mr. ATCHISON. I have no objection to the bill, provided it is properly guarded. I have my doubts as to whether a sale, under an order of the probate court, of a preemption right, would be at all valid—whether it would transfer anything at all. Under the preemption laws, I believe, the representatives of the deceased may or may not enter. The preemption right accrues to his representatives, to his administrators, or to his widow. Now, if their rights should be protected in this bill by an amendment, I should have no objection to it. As to the small fraction of land adjoining these purchases, which the Senator mentions, I see no difficulty in the way of this man's entering it, whether he has or has not a preemption right, unless somebody else has a preemption right to it. If there is no preemption right to it, then he can enter, or any other citizen of the United States can enter, that land by paying the money for it at the land office.

Suppose this bill shall pass, authorizing Mr. McManus to enter this quantity of land, not to exceed eight hundred acres; and suppose the representatives, or the widow, or whosoever under the preemption law is entitled to enter the land, should go to the land office, make the necessary proofs, and present the money: there would be a difficulty. I see this difficulty in the way; but if the rights of these parties are guarded by an amendment, I shall have no objection to it.

Mr. DOWNS. There is a provision in the bill in regard to the rights of other parties. If the Senator will allow the bill to be read again, he will see that the rights of all the other parties are sufficiently secured.

The bill was read.

Mr. ATCHISON. I have no objection to it.

Mr. FELCH. I would like to inquire what the difficulty is in the way of this person enjoying the right now to buy the land at Government price? Can he not purchase it now at \$1 25 per acre?

Mr. DOWNS. I do not know what the difficulty is, but I can state several that may exist. There are many restrictions and limitations in the preemption laws. One is, that if a man owns a certain quantity of land besides that for which he claims a preemption right, he cannot enjoy the benefit of a preemption right. That may be the case with this man, for he may own more than three hundred and twenty acres besides. That would be one objection. There may be others.

He may come within some of the other exceptions made in the preemption laws; and he asks that any exceptions of that kind may be dispensed with, and that he may be permitted to make his entry. He has what is unusual—a statement of a large number of his neighbors, some of the most respectable persons, Judge Scott among the number, in the neighborhood, confirming his statements, that nobody has any conflicting claim—that he has purchased two rights and a small fraction of vacant land adjoining, to all of which he wishes his title confirmed. He cannot enter the eight hundred acres under the preemption laws, because they do not extend to more than one hundred and sixty acres, and there may be some difficulty arising from the transfer, although it is an everyday occurrence in our State. In Louisiana they are recognized as property, and sold at private sale for what they are worth; and it may very well happen that though the original parties holding the right of preemption were not disqualified to make the entry, yet the person who bought in good faith, because he had more land, was prevented from making the entry.

Mr. FELCH. I observe by the reading of the bill a second time, that this land is situated within the Greensburg district of Louisiana. That is one of the districts in which there has been heretofore very great difficulty in regard to the survey of lands; and if I am not mistaken in my recollection of the matter, there was an investigation made some two or three sessions ago, and the whole region of land in that district was withdrawn from sale; so that no person can enter land within that district under any circumstances, with or without preemption rights. I may not be entirely accurate in this respect, but I think I am. If that is so, the provisions of this bill would seem to be designed to enable the entry to be made in a region where entries cannot be made, with or without a preemption right; but if the land is open for sale in that district, then I do not see, from anything which has been presented here, the difficulty of this McManus now going without any preemption, and making a purchase of the land. He can purchase it if it is open to purchase. If it is not open to purchase, we ought to understand a little better the circumstances connected with the case than we do now before we pass this bill. I move that the further consideration of the bill be postponed until Friday next.

Mr. DOWNS. It is unnecessary to postpone the bill, because the matter can be just as well understood now as at any other time. There can certainly be no such difficulty as is suggested by the chairman of the Committee on Public Lands, in regard to defective surveys. It is true that there have been many defective surveys of the lands in that district, and there has been great trouble arising out of that. Perhaps that is the reason that this person has not been able to enter these lands before. It may be that the survey of that neighborhood has not been completed, and he has not been able to enter his lands; but the bill itself prevents all difficulties of that kind, because it provides that he shall have a right to make this entry only after a duly-authenticated survey shall have been made of this township and returned. Therefore he cannot enter the lands until the surveys are made. I would mention here that I understand most of the errors in these surveys have been corrected, so that the surveys are now pretty correct. I believe it is true that at one time sales were stopped, and a great deal of money refunded; but even if the lands are open to purchase, the party is not entitled to the benefit of preemption right for more than one hundred and sixty acres, and this land is more than that.

He would not ask for a preemption, if he could enter the lands. If he could do that he would not ask—he would not need the interposition of Congress. The object is to enter the land before it is offered at public sale. This man has bought at probate sale, in the ordinary course of business, two purchases; he has gone on them, and cultivated them, and if we decide now, that he cannot have a preemption under such circumstances, we decide contrary to the spirit of the laws of the State in which he resides. By some of the decisions of the supreme court of Louisiana these inchoate rights have been recognized. It is a very frequent thing there for these rights to be sold at probate sale. If you refuse to pass this bill now, his house, his land which he has cultivated,

may be taken from him, and occupied by somebody else.

It seems to me he presents a fair and reasonable case. Our policy has been, that persons who go on the public lands, in good faith, for the purpose of cultivating them, should have preemption rights. I do not think I have seen a stronger case than this. There can be no doubt as to the facts, that there is no conflicting claim. Accompanying Mr. McManus's memorial, is a certificate from his neighbors, signed by Judge Scott among others, sustaining what he asserts in his memorial, and they state that they know no reason why he should not acquire a title by being allowed to enter his tracts by way of preemption. These are the facts of the case, and I do not think there is any necessity for postponing it.

Mr. SHIELDS. I wish to ask the honorable Senator from Louisiana a single question? Is there any plat or survey of the land where this claim is situated? Is it ascertained at the Department, whether there is any other claim that can come in conflict with this? I do not understand that there is any plat of this land deposited in the General Land Office.

Mr. DOWNS. I do not know of any conflict; I do not know of any information before the committee on that subject. But I think there is no conflict, because if there was a conflict, it would be likely to be known to his neighbors, and there was a statement accompanying the petition from a number of his neighbors, stating that they knew of no conflict and of no objection to his request.

Mr. WALKER. For one, my opinion is that this bill ought to be further considered. If I understand it, it is nothing more nor less than this: The land can now be entered at private entry, and this is a proposition to extend the right of preemption to one individual beyond one hundred and sixty acres, up to the amount of eight hundred acres. If the land cannot be entered at private entry, then this is a proposition to take this individual case out of the operation of the law as it now exists, and to give him the right of entering his land when no other person in the neighborhood has the same right.

Mr. DOWNS. If any other person in the neighborhood purchased from the original settler having a legal title, he would have the same right. It is because no other person is in the same situation, that he asks this privilege.

Mr. SHIELDS. I would make a suggestion to the Senator from Louisiana. After reading the report I am perfectly satisfied of the justness of the claim; but I am also exceedingly anxious to ascertain precisely what the claim is. There is nothing in the papers in the case to show whether or not eight hundred acres is the claim. Hence, if we give him a right to enter eight hundred acres it may interfere with the rights of others.

Mr. DOWNS. There is a provision in the bill, that this shall not interfere with the rights of others.

Mr. SHIELDS. I hope the motion to postpone until next Friday will be agreed to, in order that we may inquire at the General Land Office, and ascertain precisely what the claim is, what are its limits, what are its bounds, and whether any other claim can interfere with it. When that shall have been satisfactorily ascertained, I suppose there will be no objection to the bill. Certainly I shall have none.

The motion to postpone was agreed to.

COL. D. D. MITCHELL.

The bill for the relief of Lieut. Col. Mitchell, of the State of Missouri, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole. It provides that the Secretary of the Treasury be authorized to pay off and satisfy the judgment obtained in the name of Manuel X. Harmony, against Lieut. Col. David D. Mitchell, in the circuit court for St. Louis county, in the State of Missouri, in the year 1851.

The report of the Committee on Military Affairs was read. The facts of the case appear to be these: David D. Mitchell was Lieutenant Colonel of the regiment of Missouri volunteers commanded by Col. A. M. Doniphan, which regiment was ordered to march on New Mexico. On the march to Chihuahua, Lieut. Col. Mitchell received from his superior officer, Col. Doniphan, an order which he executed by issuing an order from the camp below El Paso, on the 10th of February, 1847,

directing Harmony & Co., with their teams and men, to fall in the rear, and all persons in their employ to be enrolled in the army. This order was observed until the army arrived at Chihuahua. For thus executing the orders of the commanding officer, Lieut. Col. D. D. Mitchell, after the termination of the war, being in the city of New York in the year 1849, an action of law was commenced against him in the district court of the United States for the southern district of New York, for said seizure. He employed counsel to defend the suit. They were aided by the district attorney of the United States for that district, under the instructions of the Government. A judgment was rendered against Mr. Mitchell for about \$95,000. The Attorney General of the United States investigated the case, with the intention of taking it up to the Supreme Court, but finding no ground to justify the proceeding, it was abandoned. Col. Mitchell being a citizen of the State of Missouri, and having no property in the State of New York, a copy of the record was sent to Missouri, and a suit was instituted on the judgment obtained in New York. This suit was defended by the district attorney of the United States, under the instructions of the Attorney General, and also by able counsel employed by Col. Mitchell. The result was a judgment against him for upwards of \$102,000, under which his property is liable to sale and he to pecuniary ruin, for having honestly and faithfully obeyed his superior officer, in time of war, in the country of a hostile nation. Under these circumstances, the committee were unanimously of opinion that the Government of the United States was bound to relieve Lieut. Col. Mitchell from said judgment.

The bill was reported to the Senate, and was ordered to be engrossed for a third reading.

BILLS PASSED.

The following bills were read a third time and passed:

- A bill for the relief of Jane Irwin;
 - A joint resolution to authorize the continuance of the work upon the two wings of the Capitol;
 - A bill to confirm the claim of John Irvin to a certain tract of land on the Bastrop Claim;
 - A bill for the relief of M. K. Warrington, and C. St. John Chubb, executors of Captain Lewis Warrington;
 - A bill for the relief of Frances P. Gardner; and
 - A bill for the relief William A. Richmond.
- The resolution to establish certain mail-routes was read a third time and passed.

CLAIM FOR THE OCCUPATION OF KEY WEST.

The bill for the relief of John W. Simonton was read a second time and considered as in Committee of the Whole. It provides that the proper accounting officers of the Treasury, under the direction of the Secretary of the Navy, audit and settle the claims of John W. Simonton and others, owners of the Island of Key West, in the State of Florida, on principles of justice and equity, on account of its occupancy by the Government of the United States as a naval and military post during the years 1823, '24, '25, and '26; that in settling it upon these principles they shall ascertain, as nearly as practicable, the benefits and advantages which accrued to the United States from the occupancy of the Island, and also the injuries which resulted to the owners, and to pay the same out of any money not otherwise appropriated.

Mr. HALE. I am not going to say a word against the bill, but I want to inquire whether, under that phraseology of paying money "on principles of justice and equity," the Department will or will not pay interest? I understand that, under the same phraseology in other bills, a very large sum of money for interest has been paid; and as the Senate, by a vote the other day, indicated that they would not pay interest on a claim clearly due, I want to know whether they will pay interest in this case?

Mr. MALLORY. All of the facts involved in the bill are set forth in the report. I ask that the report may be read, as Senators may not be familiar with the facts; and then I shall answer the Senator's question.

The report was accordingly read.

Mr. HALE. I hope the Senator from Florida will consent to the postponement of this bill. As it stands now, in its present shape, I feel bound to vote against it. I would like to have an oppor-

tunity of looking into the case. I hope it will be postponed.

Mr. MALLORY. I certainly did not expect to hear the slightest word of opposition to this bill. If there ever was a case presented to Congress deserving attention, it is this. This is a clear case of the taking of private property for public use, without making any compensation therefor, but, on the contrary, compensation has been withheld for over twenty years. The case has been twice before Congress, and favorable reports, almost identically the same in words, were made on both occasions. The occupation of the Island of Key West, the declaration of martial law, the using of private property for public purposes, was the means of accomplishing important ends which the Government had in view at that time, viz: the suppression of piracy in the Gulf of Mexico. The Government fully accomplished its ends, while, at the same time, the objects of the owners of the property were entirely destroyed, and all the benefits resulting from the purchase were delayed for years and years; and now they come and ask that they may be remunerated for their property thus taken. They demand no interest. I answer that question directly. They probably will receive none. They never expected any. And this bill will fail to give them what they were actually out of pocket twenty years ago. The bill does not contemplate interest. It simply contemplates that the Department shall give them dollar for dollar what they were out of pocket at that time, and no more. The owners of the property who were delayed for years and years in its enjoyment, have accumulated testimony. They have had great trouble in getting the testimony of officers of the Navy on foreign stations, and in finding the persons who were on the Island at the time. They have now, after the lapse of years, been able to complete the testimony. It is very clear there can be no doubt about the case. The facts are set forth in detail in the report which has been read. I trust there will be no opposition to it.

The bill does not, as I understand, justify the Department in paying interest. It certainly calls for none. On principles of justice and equity the loss of the property of these parties by the occupation of the Island, the stock that was killed, the interference with the sale of the property at the time, ought to be taken into consideration; but I do not think that interest will be allowed.

Mr. HALE. I am sorry to have to oppose this bill now, and perhaps I should not oppose it if it were laid over for a week. But after the history of the legislation of this Congress for the last few years, I never will go for sending a claim for consequential damages which is so great that the committee refrain from expressing an opinion, to one of the Executive officers with directions to settle it on principles of justice and equity.

That is my objection to this bill. If I am not mistaken, these very instructions to settle upon principles of justice and equity were given in the bill for the settlement of the famous Galphin claim, on which \$80,000 or \$90,000 interest was allowed. There is a precedent. If I am not mistaken, the phraseology of the two bills is exactly the same.

Now, if these gentlemen owning this real estate have been injured, no matter how great may be the amount, I am for paying what they have suffered, if it is a million of dollars. But I am unwilling to turn away from Congress claimants who come here with claims for consequential, remote, unliquidated damages, and turning the matter over to the Department to settle their claims "upon principles of justice and equity," without giving the accounting officers some directions, some qualifications, some limitations upon which they are to settle them. It is this loose way of doing business to which I object. I hope the Senator will consent to let this bill lie over for a week. Then we may possibly be able to understand it better.

After a few words of conversation on this suggestion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 6, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. L. F. MORGAN.

The Journal of yesterday was read and approved.

Mr. THURSTON, by unanimous consent, presented joint resolutions from the Legislature of Rhode Island in favor of the retention of the act

abolishing flogging in the Navy; and also for abolishing the spirit ration in all naval ships and navy-yards; which were referred to the Committee on Naval Affairs, and ordered to be printed.

On motion by Mr. JOHNSON, of Georgia, leave was granted to withdraw from the files of the House the memorial of James Pitman, for the purpose of having the claim prosecuted before the proper Department.

EXTENSION OF THE CAPITOL.

Mr. McNAIR, from the committee on the extension of the Capitol, asked leave to report a resolution.

Mr. JONES, of Tennessee. If that is a report from a committee, I may take up the entire day with its discussion. I object to it, and move that the House resolve itself into Committee of the Whole on the state of the Union, with a view of taking up the bill for the assignability of land warrants.

Mr. McNAIR. It will not take up five minutes. I ask that it may be read for information.

It was read by the Clerk as follows:

Resolved, That the committee appointed to examine into the firmness and stability, &c., of the foundations for the extension of the Capitol, be authorized to send for persons and papers, and to examine witnesses under oath.

Mr. McNAIR. I ask that the resolution may be put on its passage; and upon that question I ask the previous question.

Mr. JONES. I have not withdrawn my objection to the introduction of the resolution. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. HENN. I hope the House will resolve itself into Committee of the Whole on the Private Calendar. That Calendar is now getting full, and it is very necessary that some of the bills should be disposed of.

The SPEAKER. There being a special order before the Committee of the Whole on the state of the Union, a motion that the House resolve itself into that committee will take precedence of a motion to go into Committee of the Whole on the Private Calendar.

Mr. JONES. At the suggestion of several gentlemen around me, I will withdraw my objection to the resolution introduced by the gentleman from Pennsylvania.

Mr. McNAIR. I now move to put the resolution upon its passage; and upon that motion I call the previous question.

The previous question was seconded, and the main question ordered to be put upon the passage of the resolution.

Mr. PENNIMAN demanded the yeas and nays; but they were not ordered.

The question was then taken, and the resolution was adopted.

ASSIGNABILITY OF LAND WARRANTS.

Mr. HALL moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. STANTON, of Ohio. If that motion prevail, what will be the order of business?

The SPEAKER. The bill for the assignability of land warrants will first come before the committee, that being the special order.

Mr. STANTON. Can we not go into Committee of the Whole on the Private Calendar? I thought this was private bill day.

The SPEAKER. It will be in order for the gentleman to make that motion; but the motion to go into Committee of the Whole on the state of the Union on the special order, will take precedence.

The question was then taken on the motion to go into committee; and on a division there were—ayes 82, noes 18—no quorum voting.

Mr. CLINGMAN called for tellers; which were ordered; and Messrs. STANTON, of Tennessee, and FOWLER were appointed.

The question was then taken, and the tellers reported—ayes 98, noes not counted.

So the motion prevailed.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, upon the special orders, (Mr. OLDS in the chair.)

The CHAIRMAN. The business before the committee is the special order, being Senate bill No. 146, making land warrants assignable, and for other purposes. When the committee rose on

yesterday, there were pending, first, the motion of the gentleman from Tennessee [Mr. JONES] to strike out all of the bill after the first section; second, the amendment of the gentleman from Indiana [Mr. DUNHAM] to strike out the second section, and insert as a substitute the second section of the bill reported by the select committee; third, the amendment of the gentleman from New York [Mr. SACKETT] to strike out all after the word "seven," in the sixth line of the second section, and insert "on each land warrant of forty acres, fifty cents; for each land warrant of eighty acres, \$1; and for each land warrant of one hundred and sixty acres, \$2;" and fourth, the amendment of the gentleman from Pennsylvania [Mr. ALLISON] to reduce one half the compensation proposed by the gentleman from New York, [Mr. SACKETT.] The first amendment pending is that of the gentleman from Pennsylvania, [Mr. ALLISON.]

Mr. SACKETT. I merely wish to say that the amendment proposed by me reduces already the compensation one half, and is so guarded as to make the percentage equal on all classes of warrants.

The CHAIRMAN. No further discussion is in order. The question is on the amendment of the gentleman from Pennsylvania [Mr. ALLISON] to the amendment.

Several MEMBERS. Read the amendment.

The CHAIRMAN. The amendment provides for reducing the compensation of registers and receivers one half.

The question was then taken, and the amendment to the amendment was not agreed to.

The question then recurred upon the amendment of the gentleman from New York, [Mr. SACKETT,] to strike out all after the word "seven" in the sixth line, and to insert "on each land warrant of forty acres, fifty cents; for each land warrant of eighty acres, \$1; and for each land warrant of one hundred and sixty acres, \$2."

The question was then taken, and the amendment was not agreed to.

The question then recurred upon the amendment of the gentleman from Indiana, [Mr. DUNHAM,] to strike out and insert, (as reported yesterday,) and being put, the amendment was not agreed to.

The question then recurred upon the amendment of the gentleman from Tennessee, [Mr. JONES,] to strike out all of the bill after the first section as amended.

Mr. JONES, of Tennessee, demanded tellers.

Mr. CARTTER. Before that question is taken I wish to offer an amendment. The fourth section of the bill was read as follows:

Sec. 4. *And be it further enacted*, That in all cases where the militia or volunteers, or State troops of any State or Territory, were called into military service, and whose services have been paid by the United States, subsequent to the 18th June, 1812, the officers and soldiers of such militia, volunteers or troops, shall be entitled to all the benefits of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required; and that the last proviso of the ninth section of the act of the 11th of February, 1847, be, and the same is hereby repealed: *Provided*, That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.

I propose to insert after the word "fifty," in the eleventh line of the fourth section, as follows:

And such other persons as may have performed voluntary military service in defending their homes on the frontier of the Republic against Indian invasion.

Mr. STEPHENS, of Georgia. Do I understand the gentleman to offer an amendment to the fourth section?

Mr. CARTTER. Yes, sir, I do.

Mr. STEPHENS. Is the fourth section now under consideration?

The CHAIRMAN. The Chair supposes that all the remaining sections are under consideration in consequence of the motion made to strike out all those sections.

Mr. STEPHENS. How, then, will it be if a motion is hereafter made to amend the third section? Can we go back to it?

The CHAIRMAN. The Chair supposes that the motion to strike out all after the first section brings up the consideration of all the remaining sections, and—

Mr. CARTTER. With the permission of the Chair, I will suggest to the gentleman from Georgia [Mr. STEPHENS] that the motion to strike out

all after the first section brings up all the other sections for amendment. Gentlemen have indicated no purpose to make any further amendment to the third section, and therefore amendments are in order to all the subsequent sections.

The CHAIRMAN. The Chair is of opinion that if an amendment is offered to the third section, it takes preference over an amendment to the fourth section.

Mr. CARTTER. It will be perceived, by an examination of the fourth section of the bill, that it contemplates the bestowal of lands upon persons who have been temporarily called into service, and were paid by the United States. Now, the class of persons denominated in the amendment which I have just submitted to the committee, are a class who have rendered a similar, if not a superior kind of military service, but who have not been paid by the United States. The object of this fourth section, as I understand it, is especially to make a provision for the benefit of persons who have been involved in the Cherokee war. It comprehends, practically, the history of that war.

Most of the members of this House are aware how much that war has already cost us; and they are also aware how abundantly the contributions of Florida to that war have been paid out of the national Treasury; and all that I claim is, that while you are continuing to feed this demand upon the public Treasury by continually extending grants out of that Treasury in that quarter, you will just remember a hardy set of men who have retired upon the advancement of population from the shores of the Atlantic west; and holding their gun in one hand and their axe in the other, have defended their households from the presence of a destructive and merciless enemy—a class of men as much superior in all the elements of practical service to this country, to the class of men sought to be remunerated in this bill, as is imaginable; a class of men who have constituted your frontier fortifications with their naked breasts, and upon their personal prowess and personal responsibility, as civilization has advanced from the East to the West, and from the North to the South. It is the hunting-shirts that the amendment proposes to reward—men who never have carried a military cockade in their caps perchance, but who have carried their rifles in their hands, loaded ready for service—the minute men of the West—men who have not only defended it from the invasion of the enemy, but have prepared it for the occupation of civilization. That is the class of men I contemplate in the amendment I have offered; and I hope that the military chivalry which is at the bottom of this affair, will enlarge the compass of their benevolence a little, and for one period relax their military drill and comprehend this irregular force—this volunteer force—this force that marched under the command of the impulses of their hearts, and who fired without the order to fire. [Laughter.]

[The Speaker's hammer here fell.]
Mr. JONES, of Tennessee. I am opposed to that amendment.

Mr. HALL. I hope the gentleman from Ohio [Mr. CARTTER] will adopt an amendment to his amendment.

Mr. CARTTER. Yes, any reasonable one.

Mr. HALL. It is to include those who were called out to defend the frontiers of Missouri from the savages of Iowa a few years ago.

Mr. CARTTER. Certainly, if they belong to my platoon. Are they of my kind?

Mr. HALL. The only difference is, that his are red savages and mine are white. [Laughter.]

The question was then taken upon the amendment to the amendment, and it was lost.

Mr. COBB. I will inform the gentleman who has just taken his seat, the honorable gentleman from Ohio, [Mr. CARTTER,] who talks about the Cherokee war, that—

The CHAIRMAN. There is no amendment pending.

Mr. COBB. I move to strike out, in the sixth line, the word "and," and insert, after the word soldiers, the words "and teamsters." I think gentlemen have spoken of the number of individuals whom this section was intended to provide for, as being individuals who were sent against the Cherokee Indians. If I have read the history of that war correctly, those Cherokee Indians were our allies. It is not, of course, designed to provide for men engaged in such a war. It is proper I should state that the fourth section of

this bill proposes to provide for a portion of the army that the bill of 1850 contemplated to provide for. When that bounty land bill was under consideration, every inch of this ground was fought over. Classes of persons proposed to be provided for by the amendment to the fourth section of the bill, were endeavored to be provided for in the bill of 1850, but from the construction of the Secretary of the Interior, they have, many of them, been excluded. I am satisfied that the construction was an improper one; but notwithstanding it is so, they can now be provided for by a law, such a one as is now proposed to be inserted in the fourth section of this bill. It is true that while it is proposed to amend this law—this explanatory law—so as to embrace that portion of the military soldiers whom we intended to have provided for in the law of 1850, it is proposed by this bill to add a few more. For my own part I have no objection. I shall vote for the fourth section as it stands, and I will say to the honorable gentleman from Ohio, [Mr. CARTTER,] who proposes to provide for the frontier soldier who took his axe in the one hand and his gun in the other, that I am to willing to vote for a provision in the bill to give each of those individuals a quarter section of land.

Voices. "Good!" "Good!" "Good!"
Mr. C., (continuing.) I shall vote for that measure when it comes up; and then we shall be able to provide to the entire satisfaction of the gentleman from Ohio, [Mr. CARTTER,] according to the proposition he has made; but inasmuch as it has passed away, it is not within my province to speak of it at this time. But as to my amendment: I do not see any good reasons why teamsters should not be provided for in this bill. I have been appealed to, to make provision for this class of individuals, for the reason that they are supposed to have rendered efficient service to the country in the way of their employment, in driving through the enemy's country; and to have encountered great dangers in traveling through such country, as much so as the soldier who had his musket upon his shoulder. I think they should be provided for, therefore I propose the amendment, which I hope will be adopted.

Mr. WILLIAMS. I rise not for the purpose of arguing this question. It is manifest to the House, and to every gentleman of the House friendly to the registers and receivers of the land offices, that they cannot, in connection with this bill, effect their object. It is a notorious fact, that the recipients of the bounty land act of 1850, in consequence of the land warrants not being assignable, have sold them for one hundred per cent. less than they otherwise would have done. And I rise for the purpose of suggesting to gentlemen in favor of paying the registers and receivers, this view of the case. They differ among themselves. Gentlemen, representing in part registers and receivers, are debating this question upon the floor of this House day after day. I would suggest the propriety of ceasing their efforts, as they conflict with each other, and let us pass this bill, which is important. And I would suggest to them the further propriety of having a select committee upon the subject of paying land registers and receivers, to be constituted of members from the sections of the country interested in it; and if upon a report by them to the House they can show that the Government is either directly or indirectly bound to pay them, I have no doubt it will be done. I feel willing to vote pay to them, and if I commit an error in voting upon the claims of private individuals, I always prefer to commit that error in favor of the individual in preference to the Government. But it is impossible to pass that provision in connection with this bill; and the simple object I had in rising, was to appeal to the House to let us take the vote upon making land warrants assignable, and upon repealing that provision of the act of 1850 which confines their location to lands actually surveyed. The first section of the bill contains all the provisions that I desire, and I hope that the committee will take the question at once.

The question was then taken upon the amendment of Mr. COBB, and it was disagreed to.

Mr. MARSHALL, of Kentucky. I move to strike out in the fourth section, from the third line to the sixth, these words:

"And whose services have been paid by the United States subsequent to the 18th of June, 1812."

I do so, sir, because I perceive no propriety, if

we are going to extend the provisions of the bounty land act of 1850, in limiting it to those whose services have been paid since 1812. I apprehend this was put into this bill for the purpose of eating out from the operation of the bounty land system those old veterans who served in the Indian campaign under General Wayne. I congratulate myself that I have the opportunity, by detecting this thing, to bring the Congress of the United States to a direct vote—when we are extending bounty to soldiers who have served in the wars of the country—on the proposition to extend that bounty to men who, although unfortunate in the battle of Saint Clair, yet fully redeemed the western credit and did incalculable service to the West in subsequent campaigns, under General Wayne; and I hope there will be no opposition in the committee to the extending the act or system so as to embrace them.

Mr. AVERETT. I rise, Mr. Chairman, in opposition to this amendment; and mean to oppose every amendment except the one striking out the whole of the bill after the first section as amended. We are tantalizing those who were intended to be the beneficiaries of the famous "old soldiers' bill." I find that some members feel more regard for the interests of receivers and registers of land offices, and other Government functionaries, than they do in the old soldiers, their widows and orphans. I do not, by the course I take here, mean to be understood as opposed to all of the propositions offered as amendments to this bill. There are some of them I feel inclined to vote for. But they ought to come here upon their own wheels, instead of making an omnibus of our bill, providing for the transfer of the land warrants to which no one objects. I appeal to the House to allow the seventy or eighty thousand persons who have received land warrants under the act of 1850, to make use of them in buying what they want. If the bill which went through this House at the last session had been passed, there are those now in my district who would have laid out the value of the warrants in buying the meat that is to sustain them for the present year. There are numbers who would have made use of them in the purchase of their sugar, coffee, iron, salt, and other necessities of life. Allow them that, and then you can proceed to act upon other bills. Let each proposition stand upon its own merits. If gentlemen are afraid to test them upon their own merits; and if they are determined to burden this bill down with them, it is evident they possess no merits. I hope the committee will vote down every one of them, and let us pass this bill. We will not necessarily cut off these registers and receivers by this course of proceeding, from whatever they are justly entitled to. I believe the Senate will pass our bill, simply making the warrants assignable, as provided in this first section as amended. I do not believe the Senate will again, and for the third time, defeat this popular measure, by riding it to death with extraneous matters.

Mr. HALL. Is an amendment to the amendment in order?

The CHAIRMAN. It is.

Mr. HALL. I then move to amend the words proposed to be stricken out by the gentleman from Kentucky by striking out "1812," and inserting instead the words "subsequent to 1800."

Mr. H. If the gentleman from Kentucky be right in supposing the clause in the bill would exclude those men who served under General Wayne, I am perfectly willing there shall be a provision inserted to cover them. I am, however, of the opinion that the gentleman is wrong in the supposition that this class would be excluded under that clause, and if the gentleman will reflect—

Mr. STEPHENS, of Georgia. The clause excludes all anterior to the war of 1812.

Mr. HALL. I only want to say this, that I think the gentleman from Kentucky cannot have considered the effect of this provision, for if I understand the matter right he otherwise would not have proposed it.

Mr. STEPHENS. It is not in the House bill, but the Senate bill.

Mr. HALL. I understand that he proposes to give bounty lands to all those whose services were not paid for by the United States. Now, who will this clause embrace? I have not read the amendment distinctly, but I think it will embrace all those called out in the Mormon war, and all those called out in the Iowa war.

Mr. STEPHENS. Were those soldiers the gentleman speaks of mustered into the service of the United States, and actually paid?

Mr. HALL. No. The gentleman from Kentucky proposes that that clause which requires they shall have been mustered into the United States service and paid, be stricken out.

Mr. STEPHENS. He barely moves to strike out that which restricts it to the war of 1812. That is all.

Mr. HALL. It may be that I misunderstand it. Let the amendment be read.

The Clerk read the amendment, as reported above.

Mr. MARSHALL. I will modify my amendment, to strike out the words "and whose services have been paid by the United States subsequent to the 18th of June, 1812," so as to make it read:

And be it further enacted, &c., That in all cases where the militia or volunteers or State troops of any State or Territory were called into military service, &c.

Mr. EVANS. Mr. Chairman, I propose—

The CHAIRMAN. Discussion upon the amendment is not in order, as the amendment of the gentleman from Missouri, being accepted by the gentleman from Kentucky, becomes part of his amendment, and upon that amendment the discussion is ended.

Mr. EVANS. I propose an amendment to the amendment, by striking out the words "and whose services have been paid by the United States."

I only want to say, sir, that it strikes me as a very funny affair to require that a man shall not have bounty land unless he has charged the Government heretofore—unless he has received pay as a soldier. We have a large number of people in my State who never asked the Government for a dollar of pay. A large number of the people, at a time of danger, turned out willingly. A new rule is laid down now, that a man is not to get anything unless he has heretofore got all he can get from the Government for his services. That is the doctrine, and there is no sense or justice in it. A man who served his country without compensation, is more entitled to bounty land than those who came forward for pay. The proposition of the gentleman from Kentucky [Mr. MARSHALL] to strike out the words, "and whose services have been paid by the United States subsequent to the 18th of June, 1812," ought certainly to be passed. Perhaps it would be as well to insert before that "military service of the United States," so as not to include the soldiers of Missouri, who were engaged in the Iowa war. I do not see why evidence should be required of a soldier, in order to justify the granting of bounty land, that he has served the United States and has been actually paid. He must have received pay, according to this, before he can get any bounty land. He must already have had his hand in the Treasury before he can get a tract of land in the western country upon which to locate himself in his old age. That is the doctrine of this bill. If he has given gratuitous services to his country, if he has turned out in the hour of need and danger, when he was prosperous and affluent, and chose to demand no compensation now, that should not preclude him when he may be in want from receiving under this bill. I see no sort of reason for the words remaining in the section, and move that they be stricken out; and I hope the committee will put in the third line the words "military service of the United States," so as to exclude the gallant Mormon soldiers of Missouri.

Mr. JONES, of Tennessee. I am opposed to the amendment.

The question was taken upon the amendment to the amendment, and it was disagreed to.

The question recurring on the amendment of Mr. MARSHALL,

Mr. GOODENOW demanded tellers; which were ordered, and Messrs. CHANDLER and HARRIS of Tennessee, were appointed.

The question was then taken, and there were—ayes 64, noes 69.

So the amendment was rejected.

Mr. CLINGMAN. I move to insert in the thirteenth line of the fourth section, after the word "require," the following:

And that the provisions of the fifth section of the act of July 9th, 1848, granting three months extra pay to the soldiers and officers of the Mexican war, be extended so as

to include the North Carolina recruits taken into service by Lieutenant James W. Tatham, and discharged at Fort Moultrie after nearly twelve months service.

Mr. JONES, of Tennessee. I rise to a point of order. That amendment, as I understand it, is upon the subject of three months' extra pay, upon a different subject, and cannot be incorporated in this bill, I believe.

Mr. CLINGMAN. This I understand to be a bill giving bounty lands to soldiers, and no one will doubt but what we might substitute scrip or money, as was formerly done. The object is to give bounty to the soldier, whether it be three months' extra pay, or in the shape of lands. I take it the amendment is perfectly germane to the bill.

Mr. JONES, of Tennessee. The point of order is not debatable.

The CHAIRMAN. The Chair supposes that the amendment is in order.

Mr. JONES. From that decision, I take an appeal.

The CHAIRMAN. The Chair overrules the question of order made by the gentleman from Tennessee. The Chair supposes that, as regards the subject of bounty, it will be in order to make it either in money or land. From that decision the gentleman from Tennessee [Mr. JONES] takes an appeal. The question, then is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. CLINGMAN demanded tellers; which were ordered, and Messrs. LOCKHART and WILLIAMS were appointed.

The question was then taken, and the tellers reported—ayes 45, noes 66.

So the decision of the Chair was overruled.

Mr. EVANS. I propose to offer the following amendment to the 4th section:

And be it further enacted, That the provisions of the act of September 28th, 1850, are hereby extended to all mariners, marines, flotilla men and seamen, who have heretofore served with the land forces, in cases where the said persons were not entitled to prize money.

And be it further enacted, That a bounty of one hundred and sixty acres of land is hereby granted to all persons who were in any actual engagement or conflict with the enemy, whether the said persons served less or more than one month, provided that said persons shall not receive more than one bounty land warrant for his services in any one war.

Mr. E. I do not propose to occupy much of the time of the committee. The Department recommends both of these provisions. The first embraces those men who belonged to the marine service, and acted with the land forces on shore, and who are not entitled to any prize money. We have a precedent for this: sailors in the Mexican war, whether they served upon land or not, received bounty land. I do not now ask the same thing should be extended to those who served in the war of 1812; but I ask that those who go on shore, enlist and serve with the land troops, as our sailors did in 1812, and in the Florida war, and where, by no possibility, could they gain any prize money, should receive their bounty land. This would benefit General Barney's men, who were among a few who fought at Bladensburg, and yet who are the only persons in that battle excluded from bounty. I think this would be just; and the number of persons to be benefited is not large. The next class for whom I ask bounty land is composed of those persons who have been in actual battles with the enemy, whether they served a month or not. Now, it must strike every man's sense of justice and notions of propriety, that a man who has been in battle is as well entitled to his bounty land as if he had served five years in the army of the United States, and had never been engaged in battle. By the law as it now stands, those who have been in battle, and have served less than one month, are excluded from the bounty.

There is a large class of such persons in my own State, and in many of the Eastern States. Admiral Cockburn lay with several thousand men in Chesapeake bay for a long time, and you could never tell where he would attempt to land. He made predatory incursions, burnt towns, and committed many acts of violence. Our people had to turn out as minute men. Thousands of them never received a dollar from the United States for their services. And yet they were engaged in several warm engagements. Both of these provisions come recommended by the Department of the Interior—both are palpably just in themselves,

including, as they do, a meritorious class of persons.

Mr. STEPHENS, of Georgia. I think the committee had better vote down all amendments, having for their object the extension of the bounty land law, as it now exists, and take a direct vote upon the proposition made by the gentleman from Tennessee, [Mr. JONES], to strike out all after the first section. If a majority of the committee are in favor of that motion, then we will get a vote upon the main question in this bill, that is, to make bounty lands assignable. We can send that bill to the Senate, and the next bill in order, which is the special order of the House, will then come up. If there is a majority of the House in favor of extending the bounty land act, as I am myself, then we can do it in that bill. Let me appeal to gentlemen to disencumber the provision making land warrants assignable, of all these amendments; come to a direct vote upon the bill, send it back to the Senate, and then we can take up the bill, which extends the bounty land act.

Mr. CHASTAIN. The Senate have rejected it. Mr. STEPHENS. The Senate have not rejected it. My colleague is mistaken.

Mr. CHASTAIN. Will they hold on to it?

Mr. STEPHENS. They keep that bill in *terrorem* over us, and it is announced by the gentleman from Illinois, [Mr. BISSELL], that in no event would they pass it, unless we pay those registers and receivers. As to this question, I am willing to take issue with the gentleman. So far as I am concerned, I am determined that I will never give these receivers the compensation they claim in order to pass our bill making land warrants assignable.

Mr. STUART. I should like to learn from the message, which was sent here from the Senate, whether it is the fact that this is a new bill. I believe that it is the same bill which passed this House with amendments.

[Cries of "No!" "No!"]

The CHAIRMAN. Does the gentleman propose an amendment to the amendment?

Mr. STUART. Oh, no. I merely want to learn that fact.

The question was then taken on Mr. EVANS's amendment, and it was not agreed to.

Mr. WILCOX. I move to amend the second section of the bill by striking therefrom the words "next of kin."

The CHAIRMAN. The Chair thinks that it is not now in order to amend the second section of the bill, as the committee has passed to the consideration of the fourth section.

Mr. WILCOX then submitted a *pro forma* amendment to the fourth section, and said: I wish merely to submit one reflection for the consideration of the House. It seems to me, from the very great conflict of opinion entertained here by gentlemen who desire to advance the interests and claims of the registers and receivers, that this bill will fail to pass. Now, I am one of those who are in favor of doing the greatest good to the greatest number, and at the same I desire to do injustice to no man. The reflection which I wish to submit to the House is this: upon the one hand there are some one hundred receivers to be benefited by this bill; and upon the other hand there are some one hundred and fifty thousand soldiers, or persons who are the heirs of soldiers, interested in the passage of this bill. Now, I want to know if those one hundred and fifty thousand individuals who have performed services for their country, are to suffer, in order that the interests of one hundred receivers may be advanced?

Permit me to say that I have not received a mail from my State since my arrival in this city, that has not contained letters calling upon me to use every effort in my power to procure the passage of a bill making these land warrants assignable, and by virtue of my position on the Committee on Military Affairs, I have received letters of the same purport from various parts of the United States.

I concur most fully in the sensible position taken by the gentleman from Tennessee [Mr. JONES] in regard to this bill. I do hope that the House will agree to strike out all save the first section of the bill, as it must be evident to every one that it is impossible to pass the bill in its present shape.

I am in favor of compensating these receivers. "The laborer is worthy of his hire," is a trite old maxim; but at the same time I would leave that subject for special legislation, and now pass the first section of this bill.

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Mr. MASON. I am opposed to the amendment of the gentleman from Mississippi, because I am opposed to all amendments in favor of passing nothing except the first section of the bill. I am disposed to act in such a way as will secure the speedy passage of the bill. If the gentleman from Illinois [Mr. BISSELL] is thoroughly advised and authorized by the Senate, or any members of the Senate who have sufficient influence to defeat the passage of this bill, to say that it will be defeated if the amendment of the gentleman from Tennessee [Mr. JONES] prevails, I should like to know who those members are. It is charged that there has been a combination in the Senate that has for the last two years defeated this measure, and prevented the warrants from being made assignable.

Mr. JONES, of Tennessee. I rise to a question of order. In the first place, the action of the Senate is not a legitimate subject for this House to inquire into.

The CHAIRMAN. The Chair thinks the point of order a good one. The gentleman has no right to impugn the motives of the Senate.

Mr. MASON. I have no disposition to violate the rules of the House.

Mr. BISSELL. Will the gentleman from Kentucky allow me to answer his interrogatory?

Mr. MASON. I shall be glad to hear it answered.

Mr. BISSELL. The gentleman asks me whether I am authorized by the Senate to say that this bill cannot pass that House without the provision for the compensation of registers and receivers.

Mr. HOUSTON, (interrupting.) I rise to a point of order, although I am sorry to interrupt the gentleman.

Mr. BISSELL. I am surprised that the gentleman from Kentucky should ask me that question—

Mr. HOUSTON. I dislike very much to interrupt the gentleman, but this mode of debate has gone so far that it seems to me it ought to be stopped. It is a reference to the Senate with a view to affect the legislation of the House, and that I understand to be against the rules of the House, as it certainly is against the universal practice. I did not say anything when this kind of debate was indulged in yesterday, but I think it has gone too far.

The CHAIRMAN. The Chair supposes that a gentleman offering an amendment must speak to that amendment, and then one gentleman may speak in opposition to it, but the rule confines them strictly to the merits or demerits of the particular amendment. The Chair has been waiting for some time for some gentleman to raise that point.

Mr. HOUSTON. I do not raise that point. My point of order is, that it is out of order to refer to what the Senate may do upon the matter on which we are acting.

The CHAIRMAN. The Chair has so ruled. Mr. BISSELL. I should like to be permitted to answer the gentleman's question.

Mr. MASON. I should like the gentleman to answer it. I should like to know who it is in the Senate that have made a combination to defeat this bill unless the receivers come in for their share. It may be that some of these land receivers may have a very potent influence in the Baltimore or Philadelphia conventions, but then the soldiers and their friends are just as potent in confirming the nominations of those conventions. There has been long enough delay already in the passage of this bill. I approve of the provisions offered by my colleague, [Mr. MARSHALL,] and by various other gentlemen, to extend the bounty land law. I shall be willing, at the proper time and in the proper bill, to vote to extend that law to the adult heirs of all deceased soldiers, because I believe that the heirs of those who have fallen in battle are just as much entitled to bounty lands as those soldiers who were so fortunate as to escape unhurt. But I agree with the gentleman from Mississippi, that we ought now to pass the first section of this bill, to make these warrants assignable. If it is defeated in the Senate, let the

responsibility rest upon those Senators who have made a combination to defeat it. I want to smoke out the combination to defeat this bill.

[Here the hammer fell.]

The question was then taken on Mr. WILCOX's amendment, and it was not agreed to.

Mr. WEIGHTMAN moved to insert after the word "troops," in line seven of section four, the words:

And the commissioned officers, non-commissioned officers, and privates of the company commanded by Captain St. Vrain, which served in New Mexico in the year 1847, against the enemies of the United States, and whose services have not been paid for by the Government of the United States.

Mr. W. said: The object of that amendment is to include the officers, non-commissioned officers, and privates of the company commanded by Captain St. Vrain, which has never been paid by the Government of the United States. That whole company, with perhaps a few exceptions, served under the command of Colonel Sterling Price, for a period of one month; they subjected themselves to discipline in every way, as if they had been regularly mustered into service—indeed I am not prepared to say that they were not mustered into service. During the month for which they served they were engaged in three battles—the battles of La Cañada, La Embuda, and Pueblo de Taos—the latter particularly a very hard-fought battle. They never received any compensation whatever from the Government of the United States, and I hope they will be included in this bill.

Mr. SKELTON. I rise for the purpose of appealing to the House to expedite the passage of this bill, for the parties who are to be benefited by it are, many of them, really suffering for the want of some such provision as it contains. I think it is the duty of the House to pass the bill as speedily as possible, and I am opposed to all amendments that delay our action upon it. I should like to see the bill amended by striking out all but the first two sections. Those two sections are all that the soldiers ask for. One of those sections proposes to make the land warrants transferable, and the other to give compensation in future to the receivers and registers for locating those warrants. Those two sections belong legitimately together, but the other sections are separate and distinct propositions, and should be stricken out of this bill: I believe that by striking out all but those first two sections, we shall facilitate the action of the House and give the bill such a shape as will meet the views of a majority of the members on this floor.

Gentlemen from all parts of the country agree that the soldiers for whose benefit these land warrants were issued, are extremely anxious that the warrants should be made transferable. There is no question about the propriety of making them so, and hence I think that it is clearly our duty so to act as to secure the speedy passage of a bill to effect that object.

The time consumed in talking on this subject and offering amendments to the bill may not be of much consequence to us, but it is of consequence to the men for whose benefit this action of the House is demanded. Whilst we are talking they are starving. Many of them are in destitute circumstances, and some of them are almost in a state of starvation; and I therefore ask the House to pass the first two sections without further delay, and leave the other features of the bill for future action.

Mr. WEIGHTMAN. I wish to say a single word upon this amendment before the question is taken.

[Cries of "Order!" "Order!"]

The CHAIRMAN. No further discussion is in order.

The question was then taken upon the amendment to the amendment, and it was not agreed to.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, their Secretary, announcing that they had passed a bill for the establishment of certain post routes.]

Mr. BISSELL. I propose an amendment to the fourth section. I propose to insert in the fourth

line, after the word "paid," the words, "or which shall hereafter be paid;" so as to provide that the troops, militia, or volunteers, or State troops of any State or Territory, whose services have been paid, or which shall be hereafter paid by the United States, shall be entitled to all the benefits of the act of 1850.

Mr. Chairman, it has been stated here that there are about one hundred registers and receivers who will be recipients under this bill, if passed in its present shape. That is an exaggerated statement of the number by about one third, or more. But suppose it to be one hundred, I call the attention of the members of this committee to the consequence of passing this bill in its present shape. If we pass it without providing for their compensation, we shall have, at different times, at least one hundred applications to Congress from these registers and receivers for extra compensation, and we shall spend more money and more time in legislating upon these different bills during the next five years—for the applications will certainly be presented here—than four times the amount which is required to be appropriated for their payment. It cannot be otherwise. These men cannot fail to know that they have an honest claim upon the Government. Some of them have spent three years of their lives in the employment of the Government in locating these lands; for which they have not received, I repeat again and again, \$200 a year above the necessary clerk-hire. Now, will it not be as I have stated? Will not these men, their widows, their representatives, or their orphan children, come up here to Congress year after year, session after session, and clamor for their compensation, unless we make provision in this bill for that compensation?

Mr. JONES, of Tennessee. I call the gentleman to order. We have already passed that section of the bill relating to the compensation of registers and receivers, and it is not in order for the gentleman from Illinois to discuss it now.

Mr. BISSELL. I was giving a reason why the amendment which I proposed should be adopted.

Mr. JONES. I insist on my point of order.

Mr. BISSELL. My remarks are perfectly in order. If the amendment which I have proposed be adopted, it will make the bill acceptable, and it will then, I believe, pass the House.

Mr. JONES. Mr. Chairman, I rise to a question of order. I insist that my point of order shall be decided.

The CHAIRMAN. The gentleman from Illinois, [Mr. BISSELL,] proposed an amendment with regard to the payment of troops, and he is making a speech with regard to the payment of receivers. The Chair thinks that the gentleman's remarks are not relevant to his amendment.

Mr. BISSELL. I offer these remarks as a reason why my amendment should be adopted.

The CHAIRMAN. The gentleman must confine himself to his amendment. The Chair will remark again, that he shall feel it his duty to confine the remarks of gentlemen speaking in favor of an amendment to a mere statement of their reasons why it should be adopted; and those opposed to it, to a statement of the reasons why it should not be adopted.

Mr. BISSELL. Well, if the amendment which I have proposed be adopted, I think the bill can obtain a majority of the votes of the House. I think it ought to obtain a majority of our votes; I think it ought to pass for the reasons which I have given. If it do not pass, we shall hereafter necessarily expend more money and more time in legislating upon this subject, which we are now discussing, than four times the \$100,000 which it is proposed to be appropriated for the compensation of these officers.

[Here the hammer fell.]

Mr. SWEETSER. I do not know that it would become me to express the surprise I feel at the train of argument which has been indulged in by the honorable gentleman from Illinois, [Mr. BISSELL.] But I rise for the purpose of appealing to this committee, to every intelligent and patriotic

gentleman here, to know if they are prepared to listen with any favor to such a strain of remark as has been indulged in by the gentleman from Illinois? As was remarked on yesterday, the gentlemen who have advocated the various propositions in relation to the payment of registers and receivers of the different land offices, have presented nothing but discord from the beginning of the session down to the present moment. There has been no concert of action or sentiment among them. But, on yesterday, when the gentleman from Illinois [Mr. BISSELL] was understood to offer a threat, that unless these measures were ingrafted upon the bill making land warrants assignable, that it would fail to pass the House, and when that point was made by the gentleman from Georgia, [Mr. STEPHENS], I thought that would be the end of such a course of argument. But now the gentleman from Illinois offers another amendment, and on it repeats his demonstrations of yesterday. After all the propositions for the payment of these registers and receivers have met with no favor here, for the purpose of still further enforcing the argument, he tells this House and the country that, after this demonstration, unless we ingraft this proposition upon the bill, the bill will not only be defeated, but that Congress will be burdened, now and for all time to come, with these various applications of registers and receivers for compensation. Now I beg gentlemen to reflect on this course of argument. Are the American Congress to be told here, that if they will not tack upon a bill all sorts of irrelevant propositions and those which have not sufficient merit in them to meet the approbation of a majority of this body—that unless we do that, the men who have these propositions will urge them to such an extent that they will become incumbrances to the legislation of the country—to such an extent they will break down all opposition? Sir, such appeals as these, in my judgment, ought not to be made to this House. It seems to me that this question has been carried to a point of desperation upon the part of these gentlemen. Now I call upon gentlemen who desire to see this bill pass, to fall back upon the provision which seemed to meet the wishes of a majority of the committee on yesterday—simply to make land warrants assignable. Beyond that point gentlemen cannot agree upon the various propositions presented, and beyond that point I believe the majority of the committee are determined not to go. There is a disposition in Congress—both in this and in the other end of the Capitol—to pass a measure so meritorious as this. But I believe any proposition, beyond that of merely making the warrants assignable, will not meet a general concurrence. Upon that point I take my position, and turn my back upon all propositions to go further. I assert my right, and I mean to maintain it. I will not be driven from my position, and I hope the committee will not be driven from its position. If gentlemen intend still to come forward with these various propositions, I tell them to beware how they attempt to force their conclusions upon this committee or upon the country. [Here the hammer fell.]

The question was then taken upon Mr. BISSELL's amendment to the amendment, and it was not agreed to.

Mr. SAVAGE. I have an amendment to offer. I move the following, to come in at the end of the fourth section:

That the officers, non commissioned officers, and privates of the Marine Corps, engaged in the service of the United States in the late war with Mexico, on the line of operations between the city of Vera Cruz and the city of Mexico, and in case of death, then the widow and heirs at law be allowed the benefits of an act, approved the 28th of September, 1850, entitled "An act granting bounty land to certain officers and soldiers, who have been engaged in the military service of the United States."

Mr. S. said: I offer the amendment for the purpose of saying, that the bill now before us would not effect all the good that might be accomplished, yet it demanded our action, and would secure much that the constituents of many gentlemen were pressing upon them.

Its friends propose to make the warrants assignable, and provide for their location, and this puts the matter in the same condition as when it passed this House at the first session of the last Congress. I will vote for the bill in this shape, because it meets the necessity of the present moment, and does not prevent a more extended legislation here-

after. I should be glad to accomplish more, but think it best to secure what we can.

I am for the most liberal legislation in favor of those who have done service for the country, not only from inclination, but as a matter of policy. The public lands are to be disposed of, and I have my choice among donees. I prefer the claims of the man who has periled himself in our service, I care not who he is. I am for the marine, as well as the soldier; for well I remember when your Capitol was to be defended, the only spot upon the battle-field where the eye of an American could rest without shame, was defended by seamen. But while we struggle for things now unattainable, we may lose that which is within our reach.

The question was then taken upon Mr. SAVAGE's amendment to the amendment, and it was not agreed to.

Mr. DUNHAM. I feel it my duty to offer for the consideration of the committee, one amendment more, which, I think, is very meritorious. It is to strike out the third section, and insert the amendment which I send to the Speaker's table.

Mr. JONES, of Tennessee. I rise to a question of order. We have passed the third section, and—

The CHAIRMAN. That amendment is not in order at this time.

Mr. DUNHAM. Then I propose to add to the fourth section of the bill, the following amendment:

And be it further enacted, That in computing the term of service the officers and soldiers of militia, volunteers, and rangers, for the purposes of this act, or of the act of which this act is explanatory, such term shall be computed from the time they were mustered into the service of and paid by the United States at the time they were discharged therefrom: *Provided*, That this section shall not extend to the cases provided for by the provisos to the first section, and by the second section of the act approved the 28th of September, 1850, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States."

Mr. D. said: I presume, from the indications this morning, that the motion of the gentleman from Tennessee [Mr. JONES] to strike out all except the first section is to prevail. But I desire to offer this amendment, for I have no doubt that if it is properly understood by the committee, and if the bill is to pass at all, they will be perfectly willing that this amendment shall go with it. It is to provide for those troops which were engaged in the Black Hawk war. There were many companies of rangers called out for that service. They served in the war until peace was concluded some two or three months. They had enlisted, however, as rangers for twelve months. After peace was concluded, they were occupied in active service upon the frontier, for the whole twelve months for which they enlisted. The construction of the Department, as put upon the act of 1850, which is, that soldiers are only entitled to receive bounty land for the time the war actually existed, cuts them off with forty acres of land, whereas a proper interpretation of the act would give them one hundred and sixty. The intention of the amendment I have offered is, to enable these men to receive one hundred and sixty acres of land for their whole twelve months' service which they rendered, and which was of the most arduous and laborious character. It was not only laborious, but it was a service for which they were inadequately compensated. They received certain monthly wages, but out of that they had to provide provender for their own horses, for it must be remembered that they were all mounted troops. It took nearly the whole of those wages to pay the expenses they were obliged to pay in order to support themselves and their horses. They received, then, comparatively nothing for their services, and they are turned off, under the construction of the law by the Department, with only forty acres of land, notwithstanding they performed twelve months arduous services.

While I am up, I wish to call the attention of the committee to a matter which passed between my colleague and myself on yesterday. It is the letter I referred to as having been received from the Commissioner of the Land Office. I stated that the letter showed that the receivers of the land offices performed comparatively no labor in the location of these warrants. That letter does show that fact. It shows that they receive any money that is paid into the land offices, and it is their obvious duty to receive and take charge of all the moneys which may be made as overplus between the amount of land warrants and the amount

of land entered at the offices. As a matter of course, they get their percentage. One duty for them is to examine the quarterly returns once in three months, and put their signatures upon them. Another duty is to sit upon the Board where there is a conflict as to preemption right. For instance, here is a person who claims a preemption right, and another individual desires to locate it with a land warrant. A board is organized to decide whether the claimant is entitled to a preemption right or not. The receiver constitutes one of that Board, and such a case does not probably occur in one out of six thousand locations. A man does not want to enter a section of land with a warrant when he sees that in doing so there will be a controversy between him and a preemption claimant as to the title. The letter which I received from the Commissioner of the General Land Office, I will send to the table, that every member may see that I was warranted in the statement I made yesterday.

The letter is as follows:

GENERAL LAND OFFICE, January 15, 1852.

SIR: In reply to your inquiry as to the duties performed by receivers in locating military bounty land warrants, I have the honor to state, that the only labor required of these officers is the following: To receive the money and issue a receipt for the excess of land located beyond that called for by the warrant: To examine the warrant located, with the register's return thereof at the close of each month, so as to be enabled to join the register in the certificate as to the correctness of the return; and to set with him as a portion of the Board to examine and adjudicate upon testimony submitted when the location made by the holder of a warrant is contested by another upon the ground of its embracing his actual settlement and cultivation without his consent.

With great respect, your obedient servant,
J. BUTTERFIELD, Commissioner.
Hon. C. L. DUNHAM, House of Representatives.

Mr. BRENTON. I suppose my colleague [Mr. DUNHAM] did not allude to me in his remarks, but to my friend over the way, [Mr. FIRCH], as I have not called the attention of the committee to the duties of the receivers of land offices. I wish simply to state, in a very few words, that a part of the statement professing to have come from the Commissioner of the General Land Office, in reference to the duties of the receiver in locating bounty land warrants, is correct. But it does not cover the whole case, and I presume that had the proper question been propounded by the gentleman, in his search after knowledge to the Commissioner of the General Land Office, that he would have obtained all the facts in the case. I understand the gentleman to state, that the letter shows that the duty of the receiver, so far as he is connected with the location of land warrants is concerned, is simply to sign his name to the monthly abstract, nothing more. Now, I undertake to say, and the Commissioner of the General Land Office will not dare to contradict me in reference to it, that in the case of every land warrant located, the receiver has to inspect it, and sign his name upon the face of it three distinct and different times, and if such a warrant is not returned here to the Commissioner, with the three distinct signatures upon it by the receiver, it will be returned to be amended. He has to sign it at the time of the application; he has to sign it when it is received to certify that this location is correct, and lastly, he has to sign it by certifying at the bottom thereof that the location is according to law. In addition to this, at the end of every month the receiver visits the register's office, and the warrants are taken up one at a time, and compared with the monthly abstract, the Tract Book and with the plats, in order to ascertain that the location does not interfere with any location before made. These are the duties of the receiver. It is also made a part of his duty to join with the register in certifying that the examination has been made, and that the locations are made in accordance with the provisions of the law. I make these statements in regard to the duties of receivers of land offices, knowing that the Commissioner of the General Land Office will not controvert them.

Mr. DUNHAM. The gentleman makes the remark, that if I had made the proper inquiry of the Commissioner, he would have given me a different answer. I have only to say that my inquiry was made in person of the Commissioner as to what were the duties performed by the receivers in the land offices. That letter which I have sent to the table is the answer I received.

Mr. BRENTON. If the gentleman had called upon him to furnish a located land warrant he would have seen upon the paper itself the very

facts which I have stated, and the Commissioner will not controvert them.

The question was then taken on the amendment of Mr. DUNHAM; and it was not agreed to.

Mr. CLARK. I presume it will be in order to move to strike out all after the third section of the bill?

The CHAIRMAN. It will be in order.

Mr. CLARK. I propose, then, as an amendment, to strike out all after the third section. I wish to utter but a word or two upon this subject; but I will state that I make this proposition in good faith. I think it is worthy the serious and favorable consideration of the House. It is manifest that there is a great variety of views arising upon the different provisions of the bill. It is manifest that there is a majority in favor of the first section of the bill, which provides for making land warrants assignable. It is doubtful whether there is a majority in favor of paying registers and receivers, and still more doubtful whether there is a majority in favor of issuing a new class of land warrants. Now, I ask gentlemen of the committee if we cannot compromise upon the three first sections of this bill—that is, upon the sections providing for making land warrants assignable, for paying registers and receivers for past services and for future services?

I have no thought myself of being generous before I am just. As between man and man, let us dispense justice, and let grace come afterwards. What is the original granting of bounty land warrants but a mere gratuity? It is that, and nothing else. But to that I do not object. It is another gratuity to make them assignable, because you add facilities thereby to enable those to whom you have extended the favor of the Government to obtain still greater favors. To this, by itself, I have no objection. But I do object, and I think justly, to a course of legislation which, with one hand, grants gratuities to one class of citizens, and at the same time imposes corresponding burdens upon others. Have you a right to dispense bounty land warrants, as you have done, and in the very act compel your employees to perform a larger amount of services, without any reasonable compensation whatever? Is that just and right? Does it commend itself to the good consciences of gentlemen here? I cannot see upon what principle it does, nor upon what principle it appeals either to the good judgment or the good feelings of gentlemen. Now, if you have required a certain class of your employees to perform a large amount of labor, why not pay them? It was said by the gentleman over the way, [Mr. JOHN W. HOWE,] yesterday, that if registers and receivers are not satisfied with the compensation which they are receiving, let them resign. I ask, were they under any obligation to suppose that such an argument would be urged against them, or to conclude that the Government would not do them justice? Why, let me say that the various committees of this House are employed every day in canvassing the claims of those who suppose that they have claims upon the Government, and deciding as to whether they shall not make such claimants whole, and grant them compensation for services rendered. Now, if gentlemen can tell me that these men were under obligations to have believed that this Government would refuse to make them compensation, then there would have been force in the remark which has been made by the gentleman from Pennsylvania, [Mr. JOHN W. HOWE,] and by other gentlemen.

[Here the Chairman's hammer fell.]

Mr. GOODENOW. If I rightly understand the proposition of the honorable member from Iowa, it is to strike out the last two sections, the fourth and fifth, leaving only the first three sections. To this proposition I am opposed, as it is the only part of the bill which will enable any portion of the citizens of my State to receive any benefit from it. I am persuaded there exists a very general desire throughout the country that land warrants may be made assignable. I was inclined to the opinion that the bill from the Senate ought to receive the concurrence of the House, and I was disposed to vote in favor of it, but when I observe gentlemen from various portions of the country proposing so many amendments, and differing so widely as to their justice and propriety, I have come to the conclusion that the best way is to pass the Senate bill without amendment; if that cannot be done, then to strike out all but this first section,

which alone seems to meet with general acceptance.

If this general scramble to obtain the lands of the United States is to continue, and be successful, it is no more than fair and right that the Northern and Eastern States shall come in for a share; and if there is any portion of this bill which will extend a benefit to any portion of the citizens of my State, I am most assuredly opposed to striking that part out. It is my desire that we may come speedily to a vote upon the proposition of the gentleman from Tennessee, [Mr. JONES,] to strike out all but the first section of the Senate bill.

The question was then taken upon the amendment of the gentleman from Iowa, [Mr. CLARK,] and it was disagreed to.

Mr. FITCH. I offer the following amendment, to come in at the end of the fourth section of the bill:

Except so far as to give them any additional amount of land, to which the services provided for in this section may entitle them; the aggregate of land in no one case to exceed one hundred and eighty acres.

You will perceive the proviso to this section provides "that nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same." Under a construction of the previous law, I believe by the Commissioner of Pensions, or perhaps the Secretary of the Interior, a person having served at two or more different times is permitted to select the longer period of service upon which to receive his warrant, or the Commissioner puts two or more of these terms together and issues to him a warrant to which the aggregate time would entitle him. Those provided for by the section could not be recipients in the manner indicated under this construction, for if they served previously and received forty acres, and were entitled under this section to forty additional acres, they could not obtain it, and the object of my amendment is simply to permit them to obtain that number of acres which the aggregate time of their services would allow them.

I am sorry to be compelled again to allude to my colleague, [Mr. DUNHAM,] because he thinks I did not do it yesterday in that spirit of courtesy which should be extended from one to the other of the members of the House. But I presume the exceptions taken by him to-day, to the statement in relation to the letter of the Commissioner of the General Land Office by myself, were intended to apply to me. I did state, on yesterday, and I should not hesitate much to repeat it now, that the letter which he produced here in support of his statement that receivers did nothing, or little short of nothing in the location of bounty land warrants, was not sustained by the letter itself. That letter did not go into details of the service rendered by the receiver. I then had a letter, which is now in the possession of the gentleman from Illinois, [Mr. CAMPBELL,] from the Commissioner of the General Land Office, which states that the duties of the register and receiver are almost identical, and that they are nearly or quite quadruple the duties of the same officers when the sales of land are for cash. I profess to be willing to compensate registers and receivers for past and prospective service in locating these bounty land warrants, but the provision for their compensation in this bill is objected to. This objection, I apprehend, is a mere subterfuge, and come up in what shape it would, the proposition for compensating these men would be met with objections on the part of certain gentlemen. If they are willing to compensate them, why not do it now, in connection with a matter pertaining to bounty land warrants?

A word, sir, as to the combination here, and in the other end of the Capitol, to connect the provision for the compensation of registers and receivers with this bill, which prevails so largely in the imagination of some gentlemen upon the floor, and I expect it exists nowhere else than in their imagination. No such combinations exist to my knowledge, and I believe it has no existence outside their prolific brains. But if it does exist, it is a combination of the friends of a class of United States officers who have been legally robbed, they having accepted office under a law which has been since changed, having accepted office from the Government with the expectation of receiving the fees to which they were entitled by law, and of which they were subsequently deprived by the action of that very Government, in changing the

manner of selling lands, thus depriving them of that compensation which they had every right to expect. It was asked by the gentleman from Kentucky, [Mr. MASON,] why, when they became aware that they were not receiving compensation enough, they did not resign? Before they were aware of the effect of these bounty land bills upon their compensation, they had rendered service to a large amount; and they held on to the office in the expectation, which I fear is likely to be a vain one, that the Government would do them justice—would compensate them for the services they have honestly rendered.

Mr. JOHNSON, of Arkansas. I have not engaged heretofore in the discussion of this bill, and I only wish now to call the attention of the committee to a single matter of fact, which is in opposition to the amendment only in this respect: that it is no use for us to support any other amendment which may be offered here. We may as well take this bill as it is. A motion is either pending, or very shortly to be made, upon the decision of which, the bill goes one way or the other. Those who are opposed to the bill have ceased, since we passed the first section, to offer amendments, and I would suggest to the friends of the measure to let the vote be had now upon the motion. It is hardly worth while for them to delay it. The crisis of the bill must come upon one motion, and that is the motion to strike out all of the bill after the first section. For my own part, I am extremely anxious that the Senate bill shall pass as it has come to us. There is no use in the friends of the measure consuming further time in delaying the vote upon the motion to strike out. There is no use of offering amendments when we know they cannot be carried, whether reasonable or unreasonable. I hope we may have a vote on the bill, and that it may be disposed of.

The question was taken upon the amendment of Mr. FITCH, and it was rejected.

The question recurred upon the amendment of Mr. JONES, of Tennessee, to strike out all of the bill after the first section.

Mr. FOWLER demanded teller; which were ordered, and Messrs. FOWLER and CARTER were appointed.

The question was then taken, and decided in the affirmative, the tellers having reported—ayes 106, noes 38.

Mr. JONES, of Tennessee, moved that the committee rise, and report the bill and amendments to the House.

Mr. BARRERE. I wish to offer an amendment to the bill.

The CHAIRMAN. The Chair supposes it is not in order, the committee having stricken out all after the first section.

Mr. BARRERE. I wish to add a new section to the bill.

The CHAIRMAN. That will be in order. Mr. SWEETSER. I rise to a point of order. We have amended the first section, and passed upon it.

The CHAIRMAN. This is proposed as an additional section.

Mr. BARRERE. I offer the following as an additional section:

Sec. — And be it further enacted, That if any officer or soldier, who would, if living, be entitled to bounty land under the several acts to which this act is an amendment, has died since the rendition of the services by which he would be so entitled, and who has left no widow now living, that the warrant to which he would if living be so entitled, shall issue first to his heirs-at-law in a descending line, if he shall have left any such heirs; and if he shall have left no such heirs who still survive, that such warrant shall issue to the father of such officer or soldier, or if the father be dead, then that the same shall issue to the mother of such officer or soldier. And if the mother be dead, in the last place, that such warrant shall issue to the brothers and sisters of such officer or soldier, if any still survive.

Mr. JONES, of Tennessee. I make a point of order upon that amendment. The bill as now amended authorizes the sale and transfer by assignment of land warrants. The effect of the gentleman's motion is to bring new matter into the bill. All that part relating to the amendment now proposed, having been stricken out, I think it is not in order.

The CHAIRMAN. The Chair holds the amendment to be in order.

Mr. JONES, of Tennessee. My point of order is, that it is not germane.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BARRERE. I think it is perfectly germane.

Mr. MASON. I take an appeal from the decision of the Chair.

The CHAIRMAN. The Chair decides, that the amendment of the gentleman from Ohio [Mr. BARRERE] is in order. From that decision the gentleman from Kentucky [Mr. MASON] takes an appeal. The question is, Shall the opinion of the Chair stand as the judgment of the committee?

The question was then taken upon the appeal, and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. BARRERE. I think the motion I made is perfectly germane. As this bill authorizes land warrants to be issued and made assignable, it is proper, I think, that we should extend this privilege as far as the principles of this are required to be extended. I am not favorable to a system of bounty lands, but inasmuch as we have such a system we should have it predicated upon such principles as will operate fairly upon all classes alike. Now, I cannot see any reason why the officers or soldiers who served in the late war, and who have died and left minor children, should receive any advantage from this bounty land act, while the heirs of the officers and soldiers who have served in St. Clair's campaign, in Hemar's campaign, in 1811, when there was an Indian war in the State of Indiana, and those too who served in the war of 1812, who have died and have not happened to leave minor children and widows, do not get any of the benefits of the act. The heirs of none of these persons get any land warrants. I have received more letters upon this subject than upon the subject of making warrants assignable. There are cases in the section of country which I represent, where soldiers who served in the campaigns of Hamar, St. Clair, and Wayne, and in 1812, 1813, and 1814, to which I have alluded, have died, leaving widows, who are now deceased also, and where the heirs-at-law do not derive any benefit from this bounty land law. Now, if these lands are given by the United States to pay for services which these men have rendered, and if they deserve such bounty for their services, I think that justice requires that the heirs of these persons should be entitled to the benefits of such bounty. I think the heirs-at-law of those men, who settled in the western country and turned out in its defence in the various wars that have taken place, are as much entitled to their complement of land, as are the widows of the soldiers themselves. I think if we will look upon it in that light, that we will make the bill in form as it ought to be. I should have been far from offering this proposition at this time, had I not been induced to do so by the numerous letters I have received from my district, and from the belief that the wishes of my district expressed in those letters is in accordance with the true principles that ought to be ingrafted into this bill.

Mr. FULLER, of Maine. I offer the following amendment to the amendment of the gentleman from Ohio, [Mr. BARRERE:]

And that if any person who may be entitled to bounty land under the act of September 28, 1850, shall die after his application and completion of proof, the land certificate so granted shall descend to, and may be located by his heirs or legal representatives.

I desire to state to the House this fact, and I state it because the cases arose under my own observation. There have passed through my hands to the Commissioner of Pensions, quite a number of applications for bounty lands. I have had some half dozen cases, where the applicants have died since filing their declarations, which have laid in the office for some years. Now, I find the land warrants issuing for these persons, who have left no legal representatives, widows, or such heirs as are provided for by the law. I desire, and I think it is but right, if it is the sense of the House, that the heirs and legal representatives of that class of persons—many of whom were young—should be entitled to these certificates, after the original applicants have been to the trouble of making their declarations and filing their proof.

Here is a young man who has died, leaving neither a wife nor children; but the certificate has issued. Now, in such a case as that I wish provision to be made, that the certificate shall go to the collateral heirs or legal representatives, and the claim be allowed, without requiring a new application and new proof.

Mr. FOWLER. I am opposed to this and to all amendments, and I am entirely sick of this talk. Let us have the question.

The question was then taken on Mr. FULLER's amendment to the amendment, and it was not agreed to.

Mr. COBB. I have been here too long not to know that a speech at this time would not be acceptable from anybody. I offer the amendment which I send to the Chair, and ask that a vote may be taken upon it. We have now got clear of the registers and receivers, and this amendment is intended for the benefit of a very meritorious class of our citizens.

The CHAIRMAN. Does the gentleman offer it as an amendment to the amendment?

Mr. COBB. We have voted down the amendment, have we not?

The CHAIRMAN. No vote has yet been taken on the amendment.

Mr. COBB. Then I offer it as an amendment to the amendment.

The Clerk read the amendment, as follows:

Sec. 4. *And be it further enacted*, That in all cases where the militia or volunteers or State troops of any State or Territory were called into military service, and whose services have been paid by the United States subsequent to the eighteenth of June, eighteen hundred and twelve, the officers, soldiers, and teamsters of such militia, volunteers, or troops, shall be entitled to all the benefits of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September twenty-eighth, eighteen hundred and fifty: *Provided*, That the first proviso of the fourth section of the act of twenty-eighth of September, eighteen hundred and fifty, granting bounty land, &c., (which excluded members of Congress from the benefits thereof), be, and the same is hereby repealed.

Mr. COBB. I want merely to remark, that, my amendment also proposes to repeal the proviso of the act of September 28th, 1850, which excluded members of Congress from the benefit of the act. Fortunately, I am not a soldier, so that this provision will not apply to me.

Mr. CARTER. Unfortunately, you mean.

Mr. COBB. No, sir; fortunately now, as I have offered the amendment. The bill of 1850 excluded members of Congress from the benefits of that act, and the proviso to this amendment places them upon the same footing as other soldiers who did not happen to be members of Congress.

The first part of the amendment provides for a class of men whom it was intended to provide for by the act of September 28th, 1850, but by a forced construction of the Secretary of the Interior, they have been excluded from the benefits of that act. I have deemed it my duty towards these individuals to endeavor to get this amendment passed; but if the House thinks it ought not to pass, why let it go.

Mr. FOWLER. I object to this amendment, and call for the question.

Mr. COBB. One word more.

[Cries of "Order!"]

Mr. COBB. I have not exhausted my five minutes.

Mr. FOWLER. I call the gentleman to order.

Mr. COBB. I care nothing about it—

[Loud cries of "Order!"]

The question was then taken on Mr. COBB's amendment to the amendment, and it was not agreed to.

The question recurring on Mr. BARRERE's amendment, it was put and the amendment was rejected.

Mr. THOMPSON, of Virginia. I offer the following as an additional section to the bill:

And be it further enacted, That any sale or assignment of such warrant heretofore made for a valuable consideration, shall be deemed valid as though such warrant had been assignable at the time of sale or assignment.

I shall make no speech, being satisfied that if the amendment does not recommend itself to the House, nothing I can say will secure its passage.

The question was then taken on the amendment, and it was not agreed to.

Mr. VENABLE moved that the committee rise, and report the bill as amended to the House; which motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order of the House, being Senate bill 146, entitled "An act to make land warrants

assignable, and for other purposes," and had directed him to report the same back to the House with amendments, and with a recommendation that the amendments be agreed to and that the bill do pass.

Mr. HARRIS, of Tennessee, moved the previous question.

Mr. JONES, of Tennessee. I understand that my colleague moves the previous question on the bill and on the amendments.

The SPEAKER. It covers both.

The previous question was then seconded and the main question ordered.

The SPEAKER stated the first question to be on concurring in the amendment of the Committee of the Whole on the state of the Union, to add at the end of the first section of the bill the following:

Provided, That the warrants which have been, or may hereafter be issued, in pursuance of said act or of this act, may be located upon any lands of the United States subject to private entry at the time of such location, at the minimum price. *Provided further*, That when said warrants shall be located upon lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the locators of said warrants shall pay to the United States, in cash, the difference between the value of such warrants at one dollar and twenty-five cents per acre, and the tract of land located on.

The question was then put, and it was decided in the affirmative.

So the amendment was concurred in.

Mr. HALL. When that amendment was adopted in committee, there were sections to the bill authorizing the issue of warrants, but those sections were subsequently stricken out, and therefore I would suggest that the words "or of this act" be stricken out; they mean nothing.

The SPEAKER. It can only be done by unanimous consent.

Mr. FITCH objected.

Mr. STEPHENS, of Georgia, moved to reconsider the vote by which the amendment was concurred in, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The SPEAKER stated the next question to be on concurring in the amendment of the committee to strike out all after the first section of the bill, comprising the following sections, viz:

Sec. 2. *And be it further enacted*, That the registers and receivers of the land offices, shall hereafter be severally authorized to charge and receive for their services in locating all military bounty land warrants, issued since the eleventh day of February, eighteen hundred and forty-seven, the same compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre, the said compensation to be hereafter paid by the assignees or holders of such warrants where they have been transferred under the provisions of any act of Congress, and the regulations of the General Land Office; and to be paid out of the Treasury of the United States upon the adjustment of the accounts of such officers, where it shall be shown to the satisfaction of the Commissioner of the General Land Office that the warrant was located by the soldier or warantee, or his next of kin, as provided for by law.

Sec. 3. *And be it further enacted*, That registers and receivers, whether in or out of office, at the passage of this act, or their legal representatives in case of death, shall be entitled to receive from the Treasury of the United States, for services heretofore performed in locating military bounty land warrants, the same rate of compensation provided in the preceding section for services hereafter to be performed, after deducting the amount already received by such officers under the act entitled "An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants," approved May seventeenth, eighteen hundred and forty-eight: *Provided*, That no register or receiver shall receive any compensation out of the Treasury for past services, who has charged and received illegal fees for the location of such warrants: *And provided further*, That no register or receiver shall receive for his services during any year, a greater compensation than the maximum now allowed by law.

Sec. 4. *And be it further enacted*, That in all cases where the militia or volunteers or State troops of any State or Territory were called into military service, and whose services have been paid by the United States subsequent to the eighteenth of June, eighteen hundred and twelve, the officers and soldiers of such militia, volunteers or troops, shall be entitled to all the benefits of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September twenty-eighth, eighteen hundred and fifty, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required; and that the last proviso of the ninth section of the act of the eleventh of February, eighteen hundred and forty-seven, be, and the same is hereby repealed: *Provided*, That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.

Sec. 5. *And be it further enacted*, That where any company, battalion or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized:

in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, with a view to determine the quantity of land any officer or soldier is entitled to under said act, approved twenty-eighth September, eighteen hundred and fifty, there shall be allowed one day for every twenty miles from the place where the company, battalion or regiment was organized, to the place where the same was mustered into the service of the United States; and also one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service.

Passed the Senate, January 21, 1852.

Attest: ASBURY DICKINS, Secretary.

Mr. BISSELL demanded the yeas and nays; and they were ordered.

Mr. HOUSTON. That amendment proposes to strike out several sections, and I desire to inquire of the Chair whether it is not competent for a separate vote to be taken upon striking out each section, if it shall be called for?

The SPEAKER. The Chair thinks that it is not.

Mr. HOUSTON. There are some of the sections which I would vote with the Committee of the Whole on the state of the Union to strike out, but there are other sections which I desire to retain.

The SPEAKER. The recollection of the Chair is, that the uniform practice of the House has been against dividing a proposition of this kind. The whole having been reported as one amendment, the Chair thinks it is not competent to divide as the gentlemen proposes.

The question was then taken on concurring with the committee on striking out, and resulted—yeas 113, nays 66; as follows:

YEAS—Messrs. Abercrombie, Aiken, Allison, William Appleton, Averett, Babcock, Bartlett, Bennett, Bowie, Bowne, Bragg, Breckenridge, Briggs, George H. Brown, Buell, Burrows, Lewis D. Campbell, Carter, Chapman, Chastain, Colcock, Cottman, Curtis, Daniel, Dawson, Dimmick, Disney, Dunham, Ewing, Faulkner, Floyd, Fowler, H. M. Fuller, T. J. D. Fuller, Gamble, Giddings, Goodrich, Grow, Harper, I. G. Harris, Hart, Hascall, Hebard, Hibbard, Holladay, J. W. Howe, T. Y. How, Hunter, Ingersoll, Ives, Jackson, Jenkins, G. W. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Letcher, Mann, Humphrey Marshall, Martin, Mason, McDonald, McLaughan, McMullin, McQueen, Meacham, Miller, Miner, Henry D. Moore, Morehead, Morrison, Murray, Nabers, Newton, Olds, Outlaw, Peaslee, Perkins, Polk, Powell, Rantoul, Riddle, Robbins, Robie, Savage, Schermerhorn, Schoolcraft, Schoonmaker, Scoury, Origen S. Seymour, Skelton, Stanley, Benjamin Stanton, Frederick P. Stanton, Alexander H. Stephens, Stone, Stratton, Strother, Sutherland, Sweetser, Benjamin Thompson, George W. Thompson, Thurston, Toombs, Venable, Walbridge, Wallace, Wells, Addison White, Wilcox, Williams, and Woodward—113.

NAYS—Messrs. Willis Allen, David J. Bailey, Barrere, Bell, Bibbighaus, Bissell, Brooks, Busby, E. Carrington Cabell, Caldwell, Thompson Campbell, Churchwell, Clark, Clingman, Cobb, John G. Davis, Dockery, Doty, Duncan, Eastman, Evans, Ficklin, Fitch, Freeman, Gaylord, Goode-now, Gorman, Green, Grey, Hall, Hendricks, Houston, A. Johnson, J. Johnson, R. W. Johnson, D. T. Jones, G. G. King, Lockhart, Mace, McCorkle, McNair, Miller, Molony, John Moore, Murphy, Samuel W. Parker, Penn, Penniman, Porter, Price, Robinson, Sackett, David L. Seymour, Smart, Smith, Richard H. Stanton, Abraham P. Stevens, Stuart, Taylor, Townshend, Ward, Washburn, Watkins, Welch, Alexander White, and Yates—66.

So the House agreed to concur with the Committee of the Whole in the amendment.

Mr. STEPHENS, of Georgia, moved to reconsider the vote just taken, and to lay that motion on the table; which latter motion was agreed to.

Mr. STEPHENS asked for the previous question upon the passage of the bill.

The SPEAKER. The bill has not yet been engrossed and ordered to a third reading.

Mr. JONES, of Tennessee. I would suggest to the Speaker that this is a Senate bill, and the question is, therefore, upon ordering the amendments to be engrossed, and the bill to be read a third time.

The SPEAKER. The gentleman is correct.

The amendments were then ordered to be engrossed and the bill to be read a third time; and having been engrossed, the bill received its third reading.

The question now being, "Shall the bill pass?"

Mr. JONES, of Tennessee, demanded the previous question; which was seconded, and the main question ordered to be put.

Mr. SWEETSER demanded the yeas and nays; but they were not ordered.

Mr. STANTON, of Tennessee. Before the bill passes, I rise to a privileged question. I move that when this House adjourns, it adjourn to meet on Monday next.

Mr. MASON. I desire to ask the Chair, if tomorrow is not private bill day?

The SPEAKER. It is.

Mr. MASON. I hope we shall at least have to-morrow for the consideration of private bills.

The question now being upon the adoption of the resolution,

Mr. DANIEL demanded the yeas and nays; but they were not ordered.

The question was then taken, and the resolution was adopted.

The question then recurred upon the passage of the bill as amended, and, being taken, it was carried in the affirmative.

So the bill passed in the following form, viz:

Be it enacted, &c., That all warrants for military bounty land, which have been or may hereafter be issued under any law of the United States, and all valid locations of the same, which have been, or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing, made and executed after the taking effect of this act, according to such form, and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the warrant or location: *Provided*, That any person entitled to preemption right to any land, shall be entitled to use any such land warrant in payment of the same, at the rate of \$1.25 per acre, for the quantity of land therein specified: *Provided*, That the warrants which have been, or may hereafter be issued, in pursuance of said act or of this act, may be located upon any lands of the United States subject to private entry at the time of such location, at the minimum price: *Provided further*, That when said warrants shall be located upon lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the locators of said warrants shall pay to the United States, in cash, the difference between the value of such warrants at one dollar and twenty-five cents per acre, and the tract of land located on.

Mr. JONES, of Tennessee, moved to reconsider the vote just taken, by which the bill passed, and to lay the motion to reconsider on the table; which latter motion was agreed to.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. JOHNSON, of Arkansas. I desire to call the attention of the House to the fact that the Speaker's table is now loaded down with bills and other documents; and as the House has determined to adjourn over until Monday, it is very necessary that they should be taken up and disposed of. I know especially with regard to one Senate bill now upon that table in relation to which it is very important that it should be referred to the appropriate committee.

REPORT OF SECRETARY OF THE TREASURY.

Mr. STANLY. I have no objection to that. I desire, however, to make a motion for the printing of extra numbers of the report of the Secretary of the Treasury. It has always been done heretofore. The Committee of Ways and Means have hitherto had no opportunity to report a resolution for that purpose. I do not know what number has been usually printed. I move that the usual extra number of that document be printed.

Mr. HOUSTON. Under the rules of the House the motion to print extra copies of any document must be referred to the Committee on Printing.

Mr. STANLY. I am aware of that. I know that the motion must go to the Committee on Printing. I hope there will be no objection to its introduction.

There was no objection, and the motion was accordingly submitted, and referred to the Committee on Printing.

Mr. JOHNSON. I now renew my motion to take up the documents on the Speaker's table, and dispose of them.

There was no objection.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following Executive communications:

I. A communication from the Treasury Department, accompanied by a report of the Superintendent of Marine Hospitals, of additional appropriations necessary to complete and sustain said hospitals; which, on motion of Mr. HOUSTON, was referred to the Committee of Ways and Means, and ordered to be printed.

II. A communication from the Treasury Department, covering a report upon the subject of light-houses, made by the board appointed in pursuance of the act of 8th March, 1851; which was, on the motion of Mr. CHANDLER, referred to the Committee on Commerce, and ordered to be printed.

III. A communication from the War Department, transmitting, in pursuance of the act instituting a Military Asylum for the relief and support of sick and disabled soldiers, the report, by the President and Treasurers of the Board of Officers appointed in pursuance of said act, of the rules

and regulations to govern said asylum. The report states that the board had selected, for the asylum at Washington, a tract of land owned by Mr. Riggs, distant two miles from Washington, for which they agreed to pay \$57,000; and that the purchase had been approved by the President. On the motion of Mr. GORMAN, it was referred to the Committee on Military Affairs, and ordered to be printed.

IV. A communication from the Post Office Department, pursuant to the provisions of the act of Congress, approved July 3, 1836, entitled "An act to change the organization of the Post Office Department, and more effectually to provide for the settlement of the accounts therein," containing an abstract of the offers for carrying the mail during the year ending June 30, 1851; a report of the contracts for the transportation of the mails for the same year; and a report of the number and amount of fines imposed upon mail contractors during the same year, &c.; which, on motion by Mr. OLDS, was ordered to lie upon the table, and to be printed.

SENATE BILLS REFERRED.

The SPEAKER, by unanimous consent, laid before the House the following bills from the Senate; which were severally read a first and second time by their titles, and referred as indicated below:

No. 78. An act amendatory of an act entitled "An act to provide for holding the courts of the United States in case of the sickness or other disability of the judges of the district courts," approved July 29, 1850. Referred to the Committee on the Judiciary.

No. — An act to change the time for holding the district courts of the United States for the western district of Virginia, and for other purposes. Referred to the Committee on the Judiciary.

No. 125. An act for the relief of Mary W. Thompson. Referred to the Committee on Pensions.

No. 130. An act for the relief of John T. Sullivan. Referred to the Committee on the Post Office and Post Roads.

No. 131. An act for the relief of Joseph Gideon. Referred to the Committee on Naval Affairs.

No. 132. An act for the relief of John O. Means. Referred to the Committee on Naval Affairs.

No. 136. An act concerning the sessions of the courts of the United States in the district of Delaware. Referred to the Committee on the Judiciary.

No. 138. An act for the relief of George Pindexter. Referred to the Committee of Claims.

No. 139. An act to provide for the appointment of a Superintendent of Indian affairs in California. Referred to the Committee on Indian Affairs.

No. 144. An act for the relief of William Miller. Referred to the Committee on Revolutionary Pensions.

No. 145. An act for the relief of Ezra Williams. Referred to the Committee of Claims.

No. 154. An act to enforce discipline and promote good conduct in the naval service of the United States. Referred to the Committee on Naval Affairs.

No. 170. An act making an appropriation in part for the erection of the light-house on Sand Key, Florida. Referred to the Committee on Commerce.

No. 183. An act to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and to confirm the title of Charles G. Gunter thereto. Referred to the Committee on Private Land Claims.

No. 9. Joint resolution to establish certain post routes. Referred to the Committee on the Post Offices and Post Roads.

On motion by Mr. STEPHENS, the House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FICKLIN: The petition of John Wickline, praying Congress to pass a law granting him prize money.

By Mr. MACE: The petition of Thomas H. Major and 50 others, citizens of Clinton county, Indiana, praying for the establishment of a post route from the town of Jefferson, in Clinton county, to the town of Dayton, in Tippecanoe county, Indiana.

By Mr. KUHN: The petition of James Moorhead, of

Westmoreland county, Pennsylvania, praying compensation for damages and losses sustained by reason of the suspension by the Government of a contract therein set forth.

By Mr. McDONALD: The petition of William Frost and others, assistant marshals, praying for increased compensation.

By Mr. MOORE, of Louisiana: The project of a law, drawn up under the instructions of the Chamber of Commerce of New Orleans, relative to steam boilers and inspectors of steam boilers.

By Mr. DURKEE: The petition of A. F. Stockwell and others, praying Congress to grant a portion of the public lands for the extension of the Mobile and Chicago railroad.

By Mr. FAULKNER: The petition of John H. King, praying compensation for his inventions and improvements used by the Government of the United States at Harper's Ferry.

By Mr. DUNCAN: The petition of Homer Bartlett and others, for an appropriation of money to the executive committee for the Industrial Exhibition at London, to relieve them from the expenses incurred in the display of articles from the United States.

By Mr. APPLETON, of Massachusetts: The memorial of the city of Boston, in the State of Massachusetts, calling the attention of Congress to the situation of the harbor in that place.

By Mr. FICKLIN: The petition of certain persons, praying for the passage of an act to incorporate the Washington City Water Company.

By the SPEAKER: A statement relative to the manner of paying the compensation of the members and officers of the two Houses of Congress.

Also, the petition of merchants and others, of the city of Philadelphia, asking for an improvement of the navigation around the Falls of the Ohio, by the construction of an additional canal.

IN SENATE.

SATURDAY, February 7, 1852.

Prayer by the Rev. L. F. MORGAN.

PETITIONS.

Mr. SEWARD presented the petition of citizens of Mount Morris, New York, remonstrating against an extension of C. H. McCormick's patent for a reaping machine; which was referred to the Committee on Patents and the Patent Office.

Mr. SHIELDS presented documents in support of the claim of the widow of Brevet Major J. P. O'Brien, late of the United States Army, for a pension; which was referred to the Committee on Military Affairs.

Also, the petition of Rufus L. Baker, of the Ordnance Corps, praying to be allowed the difference of pay between the grades of captain and major, during the time he performed the duties of the latter grade; which was referred to the Committee on Military Affairs.

Mr. WALKER presented the petition of the Board of Supervisors of Columbia county, Wisconsin, praying that the military reserve at Fort Winnebago may be granted to the State for the improvement of the Fox and Wisconsin rivers; which was referred to the Committee on Public Lands.

CONGRESSIONAL LIBRARY.

Mr. HUNTER. I would ask the general consent of the Senate to take up the bill providing for the repair of the old Congressional Library.

The motion was agreed to.

The bill was read a second time, and the Senate proceeded, as in Committee of the Whole, to its consideration.

It provides that the sum of \$72,500 be appropriated to repair the Congressional Library room, which was lately destroyed by fire, according to the plan described in the report and drawings which were submitted by the Architect to the Secretary of the Interior, and approved by the Committee on Public Buildings of the Senate; provided, however, that the work shall be executed under the direction of the Secretary of the Interior, and be subject to such a modification of the details as may be consistent with the general arrangement of the plan, and necessary and proper in the opinion of the President of the United States.

Mr. HUNTER. I will say a very few words in regard to the bill. It provides only for the repair of the old Library room, which we hope to have fitted up and ready for use by the middle of May. It is an object which is very anxiously desired by members of both Houses of Congress, that we should have it fitted up as soon as possible. The room will be according to its old dimensions. I hold in my hand a drawing of a vertical section of it. As it is proposed, it is to consist of three stories and an alcove, surmounted above by light iron galleries, the whole to be crowned by a skylight the entire length of it. It is proposed to make it fire-proof, and that the only material used shall be iron. I believe that is a general description of the room. If Senators are anxious to

look further into it, they will find a complete description in the report of the Architect, which was submitted to the Committee on Public Buildings.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

BILL PASSED.

The bill for the relief of Lieutenant Colonel Mitchell, of Missouri, was read a third time and passed.

MEXICAN CLAIMS.

Mr. BROADHEAD. I desire to submit the following resolution, and if there is no objection ask for its consideration at this time:

Resolved, That the Secretary of State be directed to inform the Senate whether all the claims, which were exhibited to the late "Board of Commissioners on claims against Mexico," were finally adjudicated; and also whether the sum designated in the treaty was adequate to the full payment of the sums found due.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROADHEAD. I will, in a very few words, state the reasons why I have submitted the resolution, and why, in my judgment, it should be adopted. It is stated that there is a balance of forty-odd thousand dollars remaining in the Treasury, after paying all the claims which have been found to be due by this Board. This balance, alleged to be now in the Treasury, is claimed by the Mexican Government, or rather has been assigned to a Mexican citizen, who has presented to the Senate a claim for it. The whole amount appropriated to meet the claims was three millions and a quarter. The Board of Commissioners adjudged all the claims, as is alleged, and now it is stated that there is a balance of forty-odd thousand dollars remaining in the Treasury.

The Committee of Claims desire to know—and it is also important for the Senate to know—whether all the claims presented against Mexico, on the part of this Government or of its citizens, have been finally adjudicated and passed upon by the Board; and we can only obtain that information from the Secretary of State. I hope, therefore, the resolution will be adopted.

The resolution was adopted.

SALT SPRINGS IN IOWA.

On the motion of Mr. DODGE, of Iowa, the Senate proceeded to consider, as in Committee of the Whole, the bill to relinquish to the State of Iowa the lands reserved for salt springs therein; and no amendment being made it was reported to the Senate and ordered to be engrossed and read a third time.

RELIEF OF SOLDIERS' WIDOWS.

On the motion of Mr. BORLAND, the Senate proceeded to consider, as in Committee of the Whole, the bill to revive a portion of an act for the relief of the widows of deceased soldiers; and on his motion it was further postponed until Monday next.

CONTRACTS FOR MAILS.

Mr. CLEMENS submitted the following resolution for consideration:

Resolved, That the Secretary of the Navy and Postmaster General be requested to furnish Congress with copies of all contracts originally made and at present existing for the transportation of the mails between New York and California by steamships on the Atlantic and Pacific oceans, and all information they possess in regard thereto; what amount has been paid, and to whom; what amount is now paid, and to whom; for the transit of the mails across the Isthmus of Panama, in connection with said steamship service; the gross amount of money that has been paid under each service; when such contracts commenced; in what sums and at what periods of time paid, and to whom each payment has been made; whether at such periods as expressed under the terms of said contracts or otherwise; the amount of service rendered, and by what vessels; how often they arrive and depart; what time has been and is now occupied in the carriage of the mails between said ports; whether all the vessels stipulated under said contracts to be built have been so built, or what portion of them; whether, if two or three of the five ships contracted to be built under said contracts were not so built, but other vessels engaged in independent lines united with the vessels of the Government contractors, thus forming one line; each of the parties, however, owning their own vessels, and in that manner answering the terms of the contracts to build said five ships? Whether other facilities exist for performing the same or a similar service, and if other propositions have been made, and upon what terms, to perform said service, and within what periods of time?

THE EXILED IRISH PATRIOTS.

At one o'clock the Senate proceeded to the consideration of the special order, viz: the resolution submitted by Mr. Foote, of Mississippi, on the 2d of December last, in these words:

Joint Resolution expressive of the sympathy of Congress for the exiled Irish patriots, Smith O'Brien and Thomas F. Meagher, and their associates.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in consideration of the general sympathy felt by the people of the United States for Smith O'Brien, Thomas F. Meagher, and their immediate associates, exiled Irish patriots, and the warm sympathies felt by the countrymen of these distinguished sufferers, who have become adopted citizens of the United States, the President of the United States be requested to authorize a correspondence to be opened with the Government of her Majesty the Queen of Great Britain, appealing to the magnanimity of the British Government and people in their behalf, and respectfully requesting the liberation of these personages from their present confinement, with an offer to receive them upon the hospitable shores of the United States.

On Thursday, the 29th of January, Mr. SHIELDS submitted the following amendment; which is the pending question:

Strike out all after the enacting clause, and insert:

"That while we disclaim all intention of interfering in any way in the internal affairs of the Kingdom of Great Britain and Ireland, we deem it our duty to express, in a respectful manner, our firm conviction that it would be highly gratifying to the people of the United States, many of whom are natives of Ireland, and connected by blood with the inhabitants of that country, to see Smith O'Brien and his associates restored to liberty, and permitted, if so disposed, to emigrate to this country. We would regard this act of clemency as a new proof of the friendly disposition of the British Government towards our Republic, and as calculated to strengthen the bonds of affection now happily existing between the people of the United States and of the United Kingdom of Great Britain and Ireland."

Mr. SHIELDS addressed the Senate at some length in support of his proposition. A report of his speech will be found in the Appendix.

Mr. SEWARD. I desire to suggest to the consideration of the honorable Senator from Illinois, who has favored us with a very eloquent, and I hope very influential argument, in favor of the passage of this resolution, some amendments to his amendment, which, if he will give me his attention, I will read. They are to strike out, in the fourth line of the printed amendment the word "respectful," and insert the word "courteous;" in the same line, strike out the word "conviction," and insert the word "opinion;" in the ninth and tenth lines, strike out the words "we would regard this act of clemency," and insert "this act of clemency would be regarded;" so as to make the amendment read:

"That while we disclaim all intention of interfering in any way in the internal affairs of the Kingdom of Great Britain and Ireland, we deem it our duty to express, in a courteous manner, our firm opinion that it would be highly gratifying to the people of the United States, many of whom are natives of Ireland, and connected by blood with the inhabitants of that country, to see Smith O'Brien and his associates restored to liberty, and permitted, if so disposed, to emigrate to this country. And that this act of clemency would be regarded as a new proof of the friendly disposition of the British Government towards our Republic, and as calculated to strengthen the bonds of affection now happily existing between the people of the United States and of the United Kingdom of Great Britain and Ireland."

I have a few words to say upon these amendments, and also upon the resolution itself. I will be governed by the preference of the Senate, as to whether I shall proceed now or at a future time.

Several Senators expressed a desire to adjourn.

Mr. SEWARD. I move, therefore, that the Senate do now adjourn.

The motion was agreed to and the Senate adjourned.

IN SENATE.

MONDAY, February 9, 1852.

Prayer by the Rev. L. F. MORGAN.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the War Department, transmitting, in compliance with a resolution of the Senate of the 4th instant, a report from the Chief Engineer, that a communication from the Board of Engineer officers for the Pacific coast, addressed to the Engineer Department on the 28th of October last, recommended that Congress be asked to appropriate not less than \$500,000 for the commencement of fortifications at San Francisco; which was read, and ordered to be laid on the table and printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the War Department, transmitting, in compliance with the resolution of December 13, 1815, sixty-two copies of the official Army Register for the year 1852, for the use of the Senate; which was read, and ordered to be laid on the table.

PETITIONS.

The PRESIDENT *pro tempore* laid before the Senate a memorial of the Legislature of Alabama, praying that the citizens of that State may be indemnified for losses sustained during the Indian hostilities in 1836 and 1837; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WADE presented a memorial of assistant marshals, in Licking county; a memorial of assistant marshals in Perry county; and a memorial of assistant marshals in Wade county, in the State of Ohio, for taking the Seventh Census, praying additional compensation; which were referred to the Committee of Claims.

Mr. BRIGHT presented resolutions adopted at a meeting of the inhabitants of the town of Napoleon, Ripley county, Indiana, recommending the passage of a law providing for a division of the Indian territory lying southwestwardly of the Missouri river, and for defining the boundaries of the Territory of Nebraska; also, making provisions for the removal of certain tribes of Indians from that Territory, and for the settlement of the public lands lying therein, to which the Indian title has been extinguished; which were referred to the Committee on Territories.

Also, a resolution of the Legislature of Indiana, in favor of an appropriation of the vacant public lands within the Vincennes land district for the benefit of common schools; which was ordered to be printed.

Also, a resolution of the Legislature of Indiana, in favor of the location of a national armory at Evansville, in that State; which was ordered to be printed.

Also, a resolution of the Legislature of Indiana, in favor of the construction of a canal around the Falls of the Ohio river; which was ordered to be printed.

Also, a resolution of the Legislature of Indiana, in favor of restricting the entry of the public lands to settlers, and to them only, in limited quantities, and at the cost merely of the survey and patent; which was ordered to be printed.

Mr. SEWARD presented a petition of journey-men cigar makers at Detroit, Michigan, praying an increase of the duties on cigars; which was referred to the Committee on Finance.

Also, a petition of citizens of Guilford, Illinois, praying the adoption of measures for the amicable adjustment of international controversies; which was referred to the Committee on Foreign Relations.

Mr. BADGER presented the petition of J. H. Carter, a passed midshipman in the Navy, praying arrears of pay and the reimbursement of expenses incurred at Rio de Janeiro, while detained there by sickness; which was referred to the Committee on Naval Affairs.

Mr. SEWARD. I am requested to present the petition of Richard M. Bouton, of the State of New York. He says that in the year 1842, he was employed by the Commissary of Ordnance to manufacture percussion caps for the use of the Army; that from that time until the present he has diligently devoted himself to that task; that he found there was not either in this country or in Europe any efficient machine, which was self-operating, for that purpose; that he has invented and perfected such a machine; that the articles which are the production of it are now in use in the Army and Navy of the United States; that they are made with greater economy than, and are of vastly superior quality to, any other; and that it is the interest of the Government of the United States to secure to itself a property in the invention. He presents an application to the Senate to take the subject into their consideration. It is supported by letters from Colonel Baker, a late Secretary of War, Mr. Marcy, the Chief Engineer of the Navy Yard; and others. In compliance with his request, I move that the memorial and accompanying papers be referred to the Committee on Naval Affairs. They were so referred.

Mr. JONES, of Iowa, presented the petition of a body of Hungarian refugees, settled in Scott county, Iowa, praying that they may be included in any measure of relief which Congress may pass for the benefit of their brethren at New Buda, in that State; which was referred to the Committee on Public Lands.

Mr. DAVIS presented the memorial of C. G. Baylor, United States Consul at Amsterdam, Hol-

land, representing that the fees accruing from the office of Consul at that place, are wholly insufficient, and praying to be allowed a salary; which was referred to the Committee on Commerce.

Also, a memorial of manufacturers of lasts, at Boston, praying that the bill giving further remedies to patentees may become a law; which was ordered to lie on the table.

Mr. HAMLIN presented the petition of Elliot F. Penney, a soldier in the last war with Great Britain, praying a pension; which was referred to the Committee on Pensions.

Mr. CASS presented a petition of citizens of Sharon, Mercer county, Pennsylvania, praying an avowal by Congress of the principle of "intervention for non-intervention," as a portion of the public law of nations. Ordered to lie on the table.

Mr. FELCH presented four petitions of citizens of Michigan, praying a donation of land to that State, for the construction of the Oakland and Ottawa Railroad; which were referred to the Committee on Public Lands.

Mr. GWIN. I present the memorial of James M. Crane, praying additional compensation for publishing the acts of Congress for 1849-'50, in the California Courier, a newspaper published by him in California, and that some general provision may be made for giving adequate compensation to the newspaper press in that State for publishing the laws of the United States. I will state, in presenting this petition, that the present compensation for publishing the laws there is entirely inadequate. During the last summer, I was applied to on numerous occasions for copies of the laws. They never can be published there unless there is an additional compensation. As the question is important, in connection with the Judiciary system, I move that the memorial be referred to the Committee on the Judiciary.

It was so referred.

Mr. GWIN also presented the petition of Samuel Stone and Isaac H. Marks, praying compensation for property of which they were dispossessed under an Indian treaty; which was referred to the Committee on Indian Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SEWARD, it was Ordered, That the documents on the files of the Senate, relating to the claims of Charles Keeder, Walter R. Johnson, and the legal representatives of Thomas P. Jones, be referred to the Committee of Claims.

On motion by Mr. SEWARD, it was Ordered, That the documents on the files of the Senate, relating to the claim of Phæbe Morris, widow of Robert H. Morris, to a pension, be referred to the Committee on Pensions.

On motion by Mr. MORTON, it was Ordered, That the petition of Joseph M. Hernandez, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. UNDERWOOD, it was Ordered, That the memorial of the representatives of Jean Baptiste de Lomagne, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. SEBASTIAN, it was Ordered, That the petition of Jonathan Lewis, and the documents relating to the claim of Theodore E. Elliott, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. MASON, it was Ordered, That William W. Chew have leave to withdraw his memorial and papers.

REPORTS FROM STANDING COMMITTEES.

Mr. FOOT, from the Committee on Pensions, to which was referred the petition of David L. Davis, submitted an adverse report; which was read.

He also, from the same committee, to which were referred the following bills from the House of Representatives, reported them back without amendment:

An act for the relief of Albra Tripp;
An act for the relief of Joseph Johnson;
An act for the relief of Sylvanus Blodgett; and
An act for the payment of arrears of pension to the guardian of Artemas Conant.

Mr. JONES, of Iowa, from the Committee on Pensions, to which was referred the petition of Jacob Young, submitted a report, accompanied by a bill for his relief.

Mr. GEYER, from the Committee on Pensions, to which was referred the memorial of Robert Armstrong, submitted a report, accompanied by a bill for his relief.

The bill was read, and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to which was referred the petition of Samuel Spalding, submitted an adverse report; which was read.

He also, from the same committee, to which was referred the petition of James Carrigan, submitted a report; and, in concurrence therewith, the committee were discharged from the further consideration of the petition.

Mr. JONES, of Iowa, from the Committee on Pensions, to which was referred the petition of Jacob Young, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading, and the report was ordered to be printed.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred the memorial of Margaret Farrar, reported a bill for her relief; which was read and passed to the second reading.

He also, from the same committee, to which was referred the documents relating to the claim of Lewis A. Thomas and Thomas Rogers, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading, and the report was ordered to be printed.

Subsequently, on the motion of Mr. ATCHISON, the bill was considered as in Committee of the Whole, and its further consideration was postponed indefinitely, the bill having been passed at the last session.

Mr. DOWNS, from the Committee on Private Land Claims, to which was referred the memorial of J. Epes Cowan, reported a bill authorizing the legal representatives of Antoine Vasquez, Hypolite Vasquez, Joseph Vasquez, and John Colligan, to enter certain lands in Missouri; which was read and passed to the second reading.

He also, from the same committee, to which was referred the petition of Martin Fenwick, reported a bill for the relief of Martin Fenwick or his legal representatives; which was read and passed to the second reading.

Mr. BORLAND, from the Committee on Printing, to which was referred the resolution submitted by Mr. DOUGLAS, the 5th instant, to print five thousand five hundred additional copies of the report of Captain H. Stansbury, of his exploration of the valley of the Great Salt Lake, for the use of the Senate, five hundred copies thereof to be furnished to the Topographical Bureau, three hundred to the Smithsonian Institution, and two hundred copies to Captain Stansbury, recommended the adoption of the resolution, and it was agreed to.

NOTICE OF A BILL.

Mr. FELCH gave notice of his intention to ask leave to introduce a bill to authorize the sale of certain reserved lands.

ENGROSSED BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

A bill to relinquish to the State of Iowa the lands reserved for salt springs therein; and

A bill to provide for the repair of the Congressional Library room, lately destroyed by fire.

ASSIGNABILITY OF LAND WARRANTS.

A message from the House of Representatives, by Mr. FORNEY, their Clerk, was received:

Mr. PRESIDENT: The House of Representatives have passed the bill to make land warrants assignable, with amendments; in which they request the concurrence of the Senate.

CASH & ELLIS.

Mr. DAWSON. A bill for the relief of David C. Cash and Giles U. Ellis, was rejected by the Senate on Friday last. At the request of some of the friends of that bill, I move to reconsider the vote by which it was rejected.

The motion to reconsider was laid upon the table.

RAILROADS IN IOWA.

The PRESIDENT. The first general order is a bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in that State. This bill is before the Senate as in Committee of the Whole, and the question pending is on an amendment offered by the Senator from Kentucky, [Mr. UNDERWOOD.]

Mr. UNDERWOOD. The Senator from Tennessee [Mr. BELT] had the floor when that bill was last under discussion. He is not now in his

seat, and I would like to make some arrangement, if possible, that it might come up in its order when that Senator may be present. I hope, therefore, that at this time it will be passed over informally.

The PRESIDENT. It will be one o'clock very shortly, when the special order will be called for, and some disposition must be made of this bill.

Mr. UNDERWOOD. I will ask the consent of the Senate to pass that bill over, as the Senator from Tennessee is not in his place.

Mr. DODGE, of Iowa. I make no objection to the motion of the Senator from Kentucky, because the Senator from Tennessee is entitled to the floor, and is understood to be desirous of addressing the Senate.

The bill was then passed over informally.

NAVY-YARD IN SAN FRANCISCO.

The PRESIDENT. The next general order is a bill to establish a navy-yard and depot on the Bay of San Francisco, in California.

Mr. GWIN. I should like to make a statement with regard to that bill. The Senator from Pennsylvania [Mr. BRODHEAD] wishes to be present when that bill is called up. Pressing business in the State of Pennsylvania has called him away for a short time, and before his departure I agreed not to call up this bill until Thursday next. I am willing that it should be passed over until that day, but I now give notice that I will then call it up.

The bill was accordingly passed over.

LIFE-SECURITY ON STEAMBOATS.

The bill supplementary to the several acts of Congress, providing for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes, next came up in its order, as in Committee of the Whole.

The bill consists of two sections, the first of which provides that the authority vested in the judges of the district courts of the United States, within whose judicial districts ports of entry or delivery may be established on the navigable waters, lakes, bays, and rivers of the United States, by the act of July 7th, 1838, entitled "An act to provide for the better security of the lives of passengers," &c., be vested in the judge of any other district court of the United States, within whose judicial district no ports of entry or delivery may have been established by law, and that he be authorized to appoint one or more persons competent to make inspections of such boats, and of their boilers and machinery; that such persons so appointed shall not be interested in the manufacture of steam-engines, boilers, or other machinery belonging to steam vessels, who shall perform the duties contemplated by said law, and receive such compensation as said law prescribes. The second section provides that all certificates of inspection, required by said act, shall be delivered to the clerk of the district court of the United States for the judicial district in which said certificate shall have been issued; and that any master or owner of any steamboat who shall refuse to deliver such certificate within thirty days after such vessel shall have become employed in any judicial district as aforesaid, shall incur a penalty of one hundred dollars, to be recovered and distributed like other penalties incurred under existing laws.

Mr. BORLAND. If there is nothing at present before the Senate, I should be glad to have that bill disposed of now. The Senator from Kentucky [Mr. UNDERWOOD] has an amendment to offer to the bill, to which I presume there will be no objection; and I hope the bill will then be allowed to pass.

Mr. UNDERWOOD. I have prepared an amendment, which I will read to the Senate. I propose that it shall come in at the end of the bill by way of an additional section. The amendment is as follows:

Sec. 3. *And be it further enacted,* That the judges of the district courts of the United States within whose judicial districts there may be ports of entry or delivery, shall have power and authority to appoint inspectors of steamboats, and of their boilers and machinery, at such places within the judicial district not less than fifty miles distant from a port of entry or delivery, as the judge of the district may deem proper; and the inspectors so appointed shall have all the powers and rights, and shall perform all the duties and be subject to all the liabilities imposed upon inspectors appointed under and in virtue of the act of 7th July, 1838, entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in

whole or in part by steam," and the act to modify said act, approved March 3, 1843, and any other act of Congress: *Provided,* That no person shall be appointed an inspector as aforesaid who is interested in the manufacture of steam-engines, steam-boilers, or other machinery belonging to steam vessels.

I approve entirely of the object of the bill of my friend from Arkansas, [Mr. BORLAND:] and from what I know of the rivers in his State, not having ports of entry, there is great injury sustained for want of inspectors. I know also that the people in the western end of my State, who are removed some two or three hundred miles from Louisville, (the nearest port of entry for them,) labor under the same difficulties, there being no inspectors of steamboats at Paducah and other places. My amendment, therefore, provides that judges of the district courts, where there are such ports of entry or delivery, may appoint inspectors—men who, in the language of the bill, "shall not be interested in the manufacture of steam-engines, steam-boilers, or other machinery belonging to steam vessels," who shall make the inspection and perform the duties contemplated by the said law, "and who shall be subject to all the responsibilities imposed by any act of Congress." I have conferred with my friend from Arkansas, and I believe that he is willing that the benefits proposed by his bill to be conferred on the State of Arkansas should be extended to the State of Kentucky by the amendment which I have offered. I see no objection that can be offered to the passage of the bill. I hope that the amendment will be adopted, and that the bill will be passed.

The question was then taken on the amendment, and it was adopted.

No other amendment being offered, the bill was reported to the Senate, and the amendment was concurred in.

Mr. DOWNS. When that bill was before the Senate at a former session, I stated some reasons why I thought it ought not to be passed; and I must confess that the same reasons still operate upon my mind. I know it is very desirable to have a proper inspection of steamboat boilers, and Congress has designated by law the places where certificates of inspection may be given and by whom. But the law, as it is, has operated badly, and there has been a great deal of complaint that the certificates of inspection have been given in many instances without sufficient examination. It seems to me that it will be a better security that the certificates of inspection are properly given, to require that the boats shall be inspected at the great points where inspections are now made—at the ports of entry, like Louisville or New Orleans. But if you extend the facilities for procuring certificates of inspection, so that they may be procured on all the small rivers in every State, it may happen that when a certificate is refused at one point, the boat may be taken to another of the small places, and the consequence will be that the inspection will be less rigid, and that certificates will be granted with less examination than at present. Besides, I see no necessity for this bill as a matter of convenience, because though the boats may run on the small rivers, they are generally built or repaired at other ports—at Louisville or New Orleans—and they can obtain their certificates there. I think, therefore, as there seems to be no necessity for the passage of this bill, and especially as I think the very small security we now have will be weakened by it, that it should not be passed.

Mr. BORLAND. I did not anticipate there would be any opposition whatever to the passage of this bill. I think the Senator from Louisiana is entirely mistaken in the purpose of the bill. It is not to weaken or to lessen the security we now have; it is not to change the law at all on the subject of inspection; it requires the same qualifications on the part of inspectors which are now required. It refers to the general law, and simply extends the benefits of that general law over a region of the country that does not now enjoy those benefits. The general law, as the Senator very well knows, gives power to district judges of the United States to appoint inspectors within collection districts. Where the district of the judge is a collection district of the United States, there he has the power to appoint inspectors, but judges whose districts do not embrace a collection district have no power to make these appointments. This bill simply proposes to confer on the judge of the district of Arkansas the same power which judges

have where there are collection districts. That is the chief provision of the bill, as it was reported by the Committee on Commerce, and the amendment of the honorable Senator from Kentucky only extends the power of the district judge of Kentucky a little further than it now exists, and enables him to appoint inspectors at other ports which are not ports of entry, provided these places are not within a certain distance of some port of entry.

The honorable Senator from Louisiana says that he sees no necessity for the passage of this bill, because these inspections may be made at other important points. But they are distant points, and therein is the difficulty. They are points so distant as to subject those interested in the boats which navigate the rivers of Arkansas to very great inconvenience and very great expense. A boat which has been injured on the White river, or the Arkansas, or any other river in that State, must be taken to a distant port to be repaired, for the reason that her inspection must be made and certificate given at that port. But if you give us the advantage of having our boats inspected at home, where the accident has occurred, we shall then have the facilities for repairing our boats at home also. Even our steam ferry-boats are under the necessity of being taken fifteen hundred or two thousand miles to get their inspection certificates. That is a very serious objection to the present law, as it affects States situated as mine is. The Senator says he is not aware that very serious inconvenience or suffering exists. I can say to him, that if he had lived in my State, he would know that serious injury has resulted from the present regulations. The consequence of the inconvenience of getting certificates is, that our rivers are filled with boats which could not get a certificate anywhere. They have come from other rivers, and slip into ours where there is no place of inspection, and thus they evade the general law. We wish to compel them to be inspected where their trade is, so that thus they cannot impose upon our people, and expose the lives of passengers. That is the object of this bill. It does not propose to change the present law at all, but only to give us the same benefits that the people of the rest of the United States enjoy.

Mr. UNDERWOOD. I wish to address a single remark to the Senator from Louisiana, to show that there are actually existing difficulties which should be remedied. There is a very large steamboat manufactory carried on at Paducah. There are also preparations made for repairing boats to a very great extent. Now, suppose a new boat is built at Paducah; that boat must be taken to Louisville, some three hundred miles from Paducah, up the river, to be inspected; and that boat may be designed to trade upon the Tennessee river, and for no other trade. You will then compel the boat to travel three hundred miles up and down the river, putting the owners to the expense of these two trips, for no other purpose than to procure a certificate of inspection.

Take another case: Suppose the Arkansas river becomes low, as it does occasionally, and see how these small boats are affected that run upon it, trading from Little Rock to the Mississippi river, and not passing below the junction with the Mississippi, but from point to point along the Arkansas. The law, as it now exists, requires boats to be inspected every six months. When the six months expire after the boat has been once inspected, that Arkansas boat has to travel to New Orleans, or to St. Louis, to procure another certificate of inspection. You see at once what a cost and delay is put upon the owner of the boat, and to a certain extent, upon all that are concerned in the management of it, for the purpose of inspection.

Now my friend's bill, with my amendment, is designed to provide for having inspectors at the places where the boats are repaired, and near the places where they trade, so that after the time expires within which they are required to be inspected, they need not travel out of their way for that purpose, but may have an inspector near at hand. It seems to me that inspectors in Arkansas, having the duty of inspecting the boats in which the property and lives of the citizens of that State are intrusted, will perhaps be a little more diligent and faithful in their attention to the boats engaged exclusively in the Arkansas trade, than those would who have the duty of inspecting boats which are

to be engaged in trade four or five hundred miles distant. They would then have an additional incentive, perhaps, to a diligent and faithful execution of the trust, when the lives and property of the people of their own State were concerned, and I should, therefore, expect them to perform the duty faithfully. These are the evils which exist, and which the bill proposes to remedy, and I hope that it may be permitted to pass.

My friend from Massachusetts, on my left, [Mr. DAVIS,] has a bill, which he promises to bring forward soon, overhauling the whole subject, endeavoring to make provisions which will regulate the whole matter, from beginning to end. If I am correctly informed, it proposes something like a revision of the present law. We in the West all have a common interest, not only on the Mississippi, but on all its tributaries; and I have no doubt we are all sincerely anxious to see that system adopted which will secure the lives and property of our people. It seems to me that this bill will not interfere with the one which the honorable Senator from Massachusetts proposes to present; and when that bill comes up, if it will secure the object we aim at, I shall be ready to sustain it, and to unite with my friends from the West to accomplish so desirable an object.

Mr. DOWNS. I am willing to go as far as any one to facilitate the interest of the West, and especially that of the States of Arkansas and Kentucky, and it is with very great regret that I offer any opposition to this bill, and I do it only from a sense of duty. I admit, that there are some inconveniences resulting from the law as it now exists, though they do not seem to me to be quite so great as have been pointed out. There is no necessity that a boat shall be inspected wherever she goes. She gets her inspection at some place where there is an inspector. Is there any boat now running in the district in which either of the members is particularly interested, which does not in her usual voyages go to Memphis or Nashville, or St. Louis, or some port which is a port of entry?

Mr. BORLAND. There are half a dozen, at least, in my State.

Mr. DOWNS. I think they must be very rare cases, in which a boat does not run to some port of entry.

Mr. BORLAND. There are many on the White and Arkansas rivers. They run in the interior of the State.

Mr. DOWNS. I do not think the evil is so very great as has been stated. I opposed this bill heretofore, and I oppose it still, because it must be recollected that if there is some inconvenience, and some evil at present, there are, in my opinion, evils on the other hand transcendently greater. The loss of life is an immense evil, and it has been so great on the rivers at the West, that many persons so distrust the boats that they actually avoid them, after all that has been done to prevent explosions, or to guard against them. I happen to have stronger convictions on this subject, from the fact, that at one time of my life it was my duty, as a district attorney, to investigate several cases of calamitous explosions, and to go into the details of an examination as to the manner in which these certificates were granted; and from the several investigations I was engaged in there, I came to the conclusion that the system was exceedingly defective; that these certificates of inspection were scarcely anything but a mere matter of form, and that little dependence could be placed upon them. I oppose this bill, because I think that if you increase the number of inspectors, and appoint them in small places away from these important points where the public attention would be called to them, and where the public can know something of the qualifications of the inspectors, and extend the power of appointment to so many other places, so that it becomes almost a general thing, you will weaken the security which we now have. We may have confidence in a certificate given at Louisville or New Orleans, where there are experienced and able engineers; for in such places they generally appoint men whose names are known, and whose certificates will give confidence. Although they may have as competent persons in Arkansas, or at other places than Louisville, Kentucky, yet their names are not so well known to the public. So far from extending this power of appointing inspectors, I think it should be restricted. I believe that whenever any remedy is devised for applica-

tion upon our western waters, it will be that of a restriction, rather than an enlargement of this system, and to provide some other mode of examining these boats, and the quality of their engines, so that it may be ascertained with some degree of certainty whether it is safe for people to travel upon them or not.

I know that there are suggestions of that kind. I know that the Senator from Massachusetts [Mr. DAVIS] proposes something of that kind. But now, imperfect as this system is—and I must say that I have no particular interest in this matter more than other Senators, no interests beyond those feelings of humanity which prompt us all—I should see with reluctance a system which I think will operate injuriously, so greatly extended as is proposed by this bill, and especially as the Senator from Kentucky informs us that a new system is very shortly to be reported. Why, then, take up this subject in which all are so deeply interested, when a bill matured under all the light which science can shed upon it is so soon to be brought forward? I hope that gentlemen will consent to let the matter stand as it is until the bill is brought before us which has been promised by the Senator from Massachusetts. I will go as far as any man on this floor in doing everything that I believe likely to promote the interests of every section of the country, and to afford all facilities necessary for the easy transaction of their business; but at the same time I desire to take every requisite precaution in guarding the lives of the community who are obliged to travel upon these boats. I am as much interested in this matter as any other gentleman. I live in the interior of the State of Louisiana, and boats in the interior of that State have the same interest in regard to this question as those in the States of Kentucky and Arkansas. I shall, therefore, do everything to facilitate their trade; but I must oppose this bill because the impression is strong upon my mind that it would increase the danger of those explosions which have already been so tremendous and appalling.

Mr. DAVIS. Mr. President—

Mr. CASS. I was about to suggest that a vote should be taken on this question immediately, in order that the honorable Senator from Rhode Island, [Mr. CLARKE,] who has the floor on another subject which was made the special order for this day, should be allowed to proceed.

Mr. DAVIS. I wish only one moment. I have been asked to state to the Senate what is the condition of this bill which has been referred to by the honorable Senator from Louisiana. It has been delayed much beyond what I could wish; but every Senator will perceive that it is a subject which is so complicated that a great deal of information is necessary in order to frame a bill. That information has come in, some of it more slowly than I could wish; but I will say to the honorable Senator that I expect in the course of this week to present the bill to the Senate, and in that bill there will be a provision for the consideration of the Senate—in the first place for inspecting the iron of which boilers are made; and in the next place for a rigid inspection of boilers, with the application of a test to show their strength. The whole subject, in a word, will be brought under the consideration of the Senate, with the design of giving the most ample protection to life and property which it is in the power of Congress to afford.

There being no further proposition to amend, the question was taken on ordering the bill to be engrossed for a third reading, and it was decided in the affirmative.

NON-INTERVENTION.

The Senate proceeded to consider the resolutions submitted by Mr. CLARKE, on the 19th ultimo, on the subject of non-intervention, [see page 298,] and the pending amendments proposed by Mr. SEWARD and Mr. CASS, [see page 310.]

The resolutions and the amendments having been read, Mr. CLARKE addressed the Senate at length in favor of the views embodied in the resolutions.

Mr. CASS was next recognized by the Chair; but, on the motion of Mr. HAMLIN, the further consideration of the subject was postponed until to-morrow.

On motion, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 9, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. L. F. MORGAN.

The Journal of Friday was read and approved.

Mr. MILLSON. I move a reconsideration of the vote by which the House on Friday last referred to the Committee on Revolutionary Pensions the bill for the relief of William Miller, intending afterwards to move its reference to the Committee on Invalid Pensions. I have examined the bill and report, and find that its legitimate reference is to the Committee on Invalid Pensions.

Mr. JOHNSON, of Arkansas. I made the motion on last Friday. I did not then understand the case; nor was there found any one upon the floor who did. It was necessary that it should be disposed of, that the House might reach other matters. Hence I made the motion. I believe the gentleman is right; and hope that his motion may prevail.

The question was taken, and the vote was reconsidered; and then, on further motion, the bill was referred to the Committee on Invalid Pensions.

MEXICAN INDEMNITY AND BENJ. E. GREEN.

Mr. GREY occupied the floor for an hour, under a suspension of the rules, in reply to the remarks of Mr. BAYLY, of Virginia, a few days since, on the Mexican indemnity bill, which injuriously connected the name of Mr. B. E. Green with the non-payment by Mexico of the indemnity due by her in 1844. His remarks, vindicating the conduct of Mr. Green against the alleged charges of Mr. BAYLY, have been withheld for revision. They will be published in the Appendix.

Mr. MURPHY. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the Committee on Revolutionary Claims have leave to report back to the House the petition and papers of Doctor Avery Downer, praying for a pension; and that the petitioner have leave to withdraw his papers from the files of the House.

I will only remark as to this petition praying for a pension, that the Committee on Revolutionary Claims consider it was improperly referred to that committee, and therefore ask leave to report it back. There has been once a favorable report by the House upon this petition, and the petitioner desires to withdraw his petition that he may present it to the Senate.

The SPEAKER. There being no objection, it will be so ordered.

CHAIRMAN OF MILITARY AFFAIRS.

Mr. ORR. I rise for the purpose of asking the House to excuse my colleague [Mr. BURT] from further service upon the Committee on Military Affairs. Mr. Burt left this city about the middle of December. Upon his return home, he was seized with indisposition, which has continued up to the present time; and the probability is that the time of his return may be delayed much longer. It may perhaps relieve the Committee on Military Affairs from much embarrassment by excusing him from further service, so that another gentleman may occupy that post, and thus enable the committee to proceed in the discharge of the duties devolving upon it.

Mr. HOUSTON. I would like to know whether such is the wish of the gentleman's colleague?

Mr. ORR. Of course. I should not have made the application, had it not been the desire of my colleague.

No objection being made, Mr. BURT was excused from service; and Mr. FAULKNER, of Virginia, was appointed to fill the vacancy.

MAIL STEAMSHIPS AND MAIL CONTRACTS.

Mr. PEASLEE. I ask the unanimous consent of the House to introduce the resolution which I send to the Speaker's table.

The resolution was then read for information, as follows:

Resolved, That the Secretary of the Navy be requested to communicate to this House the facts in relation to the respective contracts with the Navy Department for building mail steamships for the transportation of the United States mail between New York and Liverpool, between New York and New Orleans, Havana and Chagres, and between Panama and San Francisco, and some point in Oregon: the amount of money which has been advanced and paid each of said lines of steamships by the Government; also, whether all the vessels stipulated under said contracts to be built, have been so built, or what portion of them; also, the amount of net receipts of postage collected on either of said lines of steamers, deposited in the Treasury to the credit of the appro-

priations for the annual compensation for the service rendered under their contracts, or which has been applied in payment of said annual compensation, pursuant to section 10, of the acts of Congress of August 3, 1848. And whether said steamships or any other steamships employed in the transportation of our foreign mails are in all respects suitable for immediate conversion into steamers for war purposes, capable of carrying the ammunition or battery appropriate to the class specified in the contracts; and if not suitable for such immediate conversion, whether they could be altered so as to make them efficient war steamers; and if so, what alterations would be necessary to be made, and at what expense to make them war steamers of the first class.

Mr. GORMAN. I object to the introduction of the resolution.

Mr. PEASLEE. I move that the rules of the House be suspended to enable me to introduce it.

Mr. SMART demanded the yeas and nays; which were not ordered.

Mr. PEASLEE demanded tellers; which were ordered, and Messrs. SMART and WILLIAMS were appointed.

The question was then taken, and the tellers reported—ayes 75, noes 33; no quorum.

Mr. CLINGMAN. I will ask a recount—there is a quorum in the House.

There being no objection, the question was again taken, and decided in the affirmative, the tellers having reported—ayes 95, noes 27; and the rules were accordingly suspended.

Mr. PEASLEE. I move that the rules be suspended that the resolution may be considered to-day, that motion being necessary, as this is a call for information, which the rule requires shall lie over one day.

The SPEAKER. The practice adopted by the Chair has been, in such cases, to take the vote after the rules were suspended, upon the adoption of any resolution calling for information; and for its adoption the Chair has required a two-thirds vote; otherwise he would feel it his duty to declare the resolution disagreed to under the rule requiring the resolution to lay over one day.

Mr. JONES, of Tennessee. I move to suspend the rule which requires the resolution to lie over one day, as the House having suspended the rules for its introduction, I apprehend there will be no objection to its being now considered.

The question was then taken, and the rules were suspended.

Mr. JONES. I move to strike out the word "requested," and in its stead to insert the word "directed." That is the language of the rule.

Mr. STEPHENS, of Georgia. I wish the gentleman from New Hampshire [Mr. PEASLEE] would inform the House as to his object in making this call. When these calls are made upon the Department it requires a great deal of time, labor, and extra clerk hire, and I want to know, before we make this call imposing additional duty, its object.

Mr. PEASLEE. It seemed to me, from the large amount of money we have already expended in connection with these steamers, the applications we had at the last Congress, which we have already had at this, and which we may have hereafter, that the subject was of consequence enough for the House to obtain all the light and information possible, from the most responsible and reliable sources, to enable them to act understandingly. If I understand right, we are annually appropriating \$1,300,000 for the support of our ocean mail steamer service. Applications have already been made from these lines for additional compensation. The amount of money which we shall be compelled to pay under the present contract, if the contractors perform their service according to their requirements without giving additional compensation, or the establishment of any new lines, will be about ten millions of dollars—before their expiration—during the seven or eight years which they have to run. There were applications at the last session of Congress, and I doubt not that there have been already, and will be for a much larger number this, for the establishment of thirteen additional mail steamers for our foreign mail service, involving an outlay, in the first instance, to assist in building the ships, of six and a half millions of dollars, and an expenditure of two millions of dollars annually afterwards. This is in addition to those already established, and without any additional compensation. If the contracts had been entered into according to the propositions made at the last session of Congress, strenuously urged and enforced upon the House, and which, I have no doubt, will be at this, for the

time and price specified, it would have involved an expenditure by this Government to the amount of about forty millions of dollars, as I understand it. Well, sir, one of the principal arguments I have understood in favor of these steam lines—both those for whom we have already appropriated money and for which we will be asked hereafter—was, that they were to be built after the most substantial approved model of war-steamers; that they are capable of immediate conversion into war-steamers of the first class; that they are always ready, with but little expense of time and money, for cases of emergency, and that it would be the most economical means the Government could resort to for the purpose of keeping up our Navy. It is said, upon the other hand, by some gentlemen, that these steamers, or a larger portion of them, are not capable of being converted into war-steamers of the first class—that they cannot be converted even into inefficient steamers for our purposes without great expense of time and money, and that they are incapable of carrying, or of being made capable of carrying, the armament and batteries, and that, being constructed principally with a view to speed and the carriage of passengers, they cannot, at any rate, be made war-steamers of the first class, and would, in fact, be of little or no use to the Government. How these facts may be, I do not undertake to say; but I wish to have the information from a responsible and reliable source, that I, and the rest of the House, may be able to act more understandingly upon this subject. I am unwilling, with all the information I have been enabled to obtain, to vote to bind this Government in contracts with individuals which may involve the expenditure of millions and millions of dollars to extend a system, to say the least of it, of doubtful expediency, when our commerce has grown up to be second to no nation in the world, without any such aid. It has a monopolizing and partial tendency, and I am unwilling to vote millions and millions of dollars for such a system, unless I am confident that it is one which will inure to the benefit of the Government; that these steamers are in fact what they are represented to be—of being capable of conversion immediately into war-steamers of the first class.

Mr. OLDS. I should like to inquire of the gentleman, if his resolution calls for copies of the contracts?

Mr. PEASLEE. It calls for the facts in relation to the contracts, but not copies of the contracts.

Mr. OLDS. It is important that we should have them; and I hope the gentleman will embrace them in his call.

Mr. PEASLEE. I have no objection to an amendment of that kind. I will not detain the House longer. My only object is to obtain light and information upon the subject, which it seems to me to be of the deepest importance to the Treasury and country, and which can do no harm, and which may enable us to act more understandingly upon this subject, and be of much benefit.

Mr. STEPHENS, of Georgia. I am in favor of the resolution, for the reasons assigned by the gentleman, and concur most heartily with his views, if I heard him correctly, in regard to these steamships.

The SPEAKER. The question is on the amendment proposed by the gentleman from Tennessee, [Mr. JONES.]

Mr. PEASLEE. I have no objection to the modification, if it is in order to accept it. I also accept the modification of the gentleman from Ohio, [Mr. OLDS.]

The question was then taken on the adoption of the resolution; and it was agreed to.

THE TARIFF OF 1846.

Mr. WELCH asked the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee of Ways and Means are instructed to report a bill modifying and altering the tariff of 1846, by substituting, wherever practicable, specific for ad valorem duties, with such rates of duty as will yield sufficient revenue; and with such discriminations in favor of iron and other articles of domestic manufacture and productions, as will afford adequate protection to the labor of our own citizens against foreign competition.

Mr. THOMPSON, of Virginia, objected.

Mr. WELCH moved a suspension of the rules to enable him to introduce the resolution.

Mr. BOCKOCK demanded the yeas and nays; which were ordered.

The question was then taken, and there were—yeas 60, nays 108, as follows, viz:

YEAS—Messrs. Charles Allen, Allison, William Appleton, Barrere, Bell, Bennett, Bibbhaus, Bowie, John H. Boyd, Brenton, Briggs, George H. Brown, E. C. Cabell, Lewis D. Campbell, Chandler, Chapman, Conger, Curtis, Doty, Duncan, Evans, Fowler, Henry M. Fuller, Gentry, Giddings, Goodenow, Goodrich, Harper, Hascall, Haven, Hettig, Horsford, John W. Howe, Thomas Y. How, Geo. G. King, Mann, Martin, Menchen, Miller, Miner, Newton, Samuel W. Parker, Pennington, Perkins, Porter, Price, Schoolcraft, David L. Seymour, Origen S. Seymour, Stanley, Benjamin Stanton, Stratton, Strother, Taylor, Thurston, Washburn, Watkins, Welsh, Wells, and Addison White—60.

NAYS—Messrs. Abercrombie, Willis Allen, Andrews, Averett, Babcock, David J. Bailey, Thomas H. Bayly, Beale, Bocoek, Albert G. Brown, Buell, Busby, Jos. Cable, Caldwell, Thompson Campbell, Carter, Caskey, Chastain, Clark, Clingman, Cobb, Daniel, John G. Davis, Dawson, Dean, Dimmick, Disney, Dockery, Eastman, Edmundson, Ewing, Faulkner, Ficklin, Fitch, Floyd, Freeman, Gamble, Gaylord, Goeman, Green, Grey, Grow, Hall, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Henn, Hibbard, Holladay, Houston, Howard, Ives, Andrew Johnson, Jam. Johnson, John Johnson, Robert W. Johnson, Geo. W. Jones, J. Giancy Jones, Kurtz, Letcher, Lockhart, Mace, McCorkle, McLanahan, McMullin, McNair, McQueen, Millson, Molony, Morehead, Murphy, Murray, Nabers, Olds, Orr, Outlaw, Peaslee, Penn, Polk, Powell, Rantoul, Riddle, Robie, Robinson, Savage, Scurry, Smart, Smith, Frederick P. Stanton, Richard H. Stanton, Abram P. Stevens, Alexander H. Stephens, Stone, St. Martin, Stuart, Sutherland, Sweetser, George W. Thompson, Townshend, Venable, Wallace, Ward, Alexander White, Wilcox, Wildrick, Williams, and Woodward—108.

Mr. INGERSOLL, who was without the bar when his name was called, asked the unanimous consent to record his vote in the negative. Objection was made, and the permission not granted.

So the rules were not suspended.

Mr. CLARK. I rise to what I understand to be a point of order. I ask if this is not resolution day?

The SPEAKER. It is.

Mr. CLARK. I hope the day will be employed in that way.

The SPEAKER. It is also in order, the Chair will inform the gentleman, to move to suspend the rules, and to ask the unanimous consent of the House to introduce resolutions.

DISTRIBUTION OF ARMS.

Mr. HOWARD asked the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of distributing arms to the new States and Territories, as recommended in the annual report of the Secretary of War.

There being no objection, the question was taken, and the resolution was adopted.

WIDOW OF GENERAL BELKNAP.

Mr. HARPER asked the unanimous consent of the House to offer the following resolution:

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of providing by law for the support of the widow of the late Brigadier General Belknap.

There being no objection, the question was then taken, and the resolution adopted.

Mr. WASHBURN asked the unanimous consent of the House to present the petition of John A. Poor and others, of the Executive Committee of the State of Maine, and members of the corporation of the European and North American Railroad, for aid to said work.

Mr. STANLY objected.

Mr. WASHBURN. I move a suspension of the rules for the purpose.

Mr. STANLY. Can it not be introduced under the rules?

Mr. WASHBURN. I can present it under the rules, but I choose to present it in this way; and inasmuch as it comes from the Executive of Maine, I desire to have it printed.

Mr. FICKLIN. Is it an act of the Legislature? Mr. WASHBURN. It is a petition in behalf of the State of Maine.

Mr. FICKLIN. It is not customary to publish these petitions?

The question was then taken; and a count being had, there were—ayes 76, noes 46.

Mr. WASHBURN demanded tellers; which were ordered.

Mr. CABELL, of Florida. I ask if this is not a memorial which may be presented under the rules? Some gentlemen say it is, and others it is not.

Mr. SMART. It may be presented, but cannot be printed under the rules.

Mr. CABELL. If it can be presented under the rules, I am opposed to it.

Mr. WASHBURN. It may be presented under the rules; but inasmuch as it is an elaborate petition, drawn up by the Executive Committee of the State of Maine with great care, I desire to have it printed.

The question was then taken, (Messrs. BROWN, of Mississippi, and FULLER, of Maine, acting as tellers,) and there were—ayes 73, noes 53.

GRANT'S CHANNEL THROUGH SHELL REEF.

Mr. BROWN, of Mississippi, asked the unanimous consent of the House to offer the following resolution:

Resolved, That the Secretary of the Treasury be instructed to inquire into and report to this House the advantages resulting to the commerce of the United States, and to the mail service of the United States, from the opening of a channel, by John Grant, Esq., through the Shell Reef, lying between Dauphin Island and Cedar Point, in Mobile county, Alabama; and further, what tonnage said Grant is now allowed by law to charge vessels navigating said channel, how long his right to charge said tonnage will continue, and whether it would be advantageous to the United States to purchase the right of said Grant; and, if so, at what cost the purchase may be effected.

Mr. CARTTER objected.

Mr. BROWN. I move a suspension of the rules, to enable me to introduce the resolution. It is but a resolution of inquiry into a matter of great importance to the commerce of the country, and I therefore hope the House will indulge me.

The question was then put, and the motion was agreed to.

So the rules were suspended, and the resolution was introduced.

Mr. BROWN moved to suspend the rule requiring a resolution of inquiry to lay over one day; which motion was agreed to.

The question recurring on the adoption of the resolution, it was put, and the resolution was agreed to.

ARMY ON THE ROUTE TO OREGON.

Mr. LANE, by unanimous consent, offered the following resolution; which was considered, and agreed to:

Resolved, That the President of the United States be requested to communicate to the House what steps, if any, have been taken to insure the protection of emigrants en route to Oregon, against the depredations of the Indians of that Territory; and in case no such steps have been taken for that purpose, that he be requested to cause the regiment of Mounted Rifles to be placed upon duty within the Territory of Oregon—the service for which said troops were created—and that he cause a portion of said regiment to be posted upon the main emigrant road from St. Joseph, on the Missouri, between Fort Hall and the Dalles of the Columbia river, and the remainder thereof to be posted in the Rogue river Valley, on the road from Oregon to California, said troops being necessary for the protection of emigrants and others traveling said road.

Mr. HAVEN. I rise to move a reconsideration of the vote by which that resolution was just now adopted. I do it for the purpose of calling the attention of the House to the fact, that the resolution seems to give directions to the President of the United States with reference to the mode of employing the military forces of the United States. If this be so—and I am not sure that it is, for I did not hear the resolution distinctly—it seems to me that the resolution ought not to be passed.

Mr. WILLIAMS. Let the resolution be read. The Clerk read the resolution.

Mr. HAVEN. I have nothing to add to what I said before the resolution was read. Unless there is some explanation other than what appears on the face of the resolution, it does seem to me that it would be indiscreet on the part of the House to allow the vote to stand. I move to reconsider the vote by which the resolution was agreed to.

Mr. JONES, of Tennessee. I would suggest to the gentleman from Oregon to allow the vote to be reconsidered, and instead of calling upon the President and giving him the directions therein specified, refer the subject to the Committee on Military Affairs, and let them inquire into what has been done and what it may be necessary to do, in order to protect the emigrants on that route. It would be a very strange mode of proceeding, it seems to me, for this House to direct the President how he shall dispose of the army, or any portion of it. And certainly, if what is there embodied is to be done at all, it should be done by joint resolution of Congress, and not by one House. I think it would be better to reconsider the vote and let the resolution go to the Committee on Military Affairs.

Mr. LANE. I hold in my hand a number of petitions and memorials from the Legislative Assembly of Oregon, upon this subject, which I would ask to have read, but that it would consume too much of the time of the House. I will, however, give some reasons why the resolution ought to pass to-day. We have to furnish troops for the protection of this route within less than two months from to-day, or it cannot be done in time to protect the emigrants who will go out the ensuing season. By that time the people bound for Oregon will be on the road. Can we get the matter before the Committee on Military Affairs and have a bill passed through both Houses of Congress for raising and organizing a force, and get that force on the road in time for the protection to which these American citizens are entitled? It is only very recently—within the last few years—that the Indians have become very troublesome on these routes.

But that time has passed away. Lately the Indians have committed greater depredations than ever. Even within the last twelve months they have been successful in killing a great many women and children. The last Congress passed a law making donations and grants of lands to the settlers and emigrants to that country, and thereby inducing them to emigrate thither. And now I ask, is it not right and proper that they should afford them protection? The gentleman from Tennessee [Mr. JONES] says this resolution ought to go to the Committee on Military Affairs. He says, let them consider the matter and report a bill. Let me tell that gentleman that this regiment of troops was raised by order of Congress for that especial purpose. The rifle regiment was, if I mistake not, raised especially for the Oregon service. But it was raised in the time of the Mexican war; and, instead of sending them to Oregon, as was contemplated, they were sent to Mexico, where they did good service. When they returned from Mexico the President, in consideration of the fact that they had been diverted from the purpose for which they were raised, thought it right to extend to them the privilege of a discharge. They were discharged, but it was recruited again, and in recruiting it was held out as a special inducement, that they should be employed in the Oregon service. I think that was the understanding between the Government and those who were recruited. They were sent to Oregon, but before they had had time to render any service there they were ordered away. Now the service of that regiment belonged to Oregon, and to no other portion of the United States. I am aware that the President of the United States is Commander-in-Chief of the Army; and I do not desire to infringe upon his privileges or his authority. I do not ask the House to do that. All I ask is, for the House to request him respectfully to grant to the people of Oregon just what is their due; and to the people who are traveling to Oregon, what they are entitled to, protection. Is it right, I ask, to have an extent of country two thousand miles in length, running through the Indian country, running through the lands of some of the most fierce and barbarous tribes of Indians upon the face of the earth, who will attack and cripple the cattle and teams, and then capture or kill the travelers themselves—I say, is it right to have this whole extent of country entirely without protection? The reasons are plain to my mind. No time should be lost. This matter ought at once to be settled—this resolution ought to be passed immediately, and let the President direct the rifle regiment which was raised especially for that service to march at once for Oregon.

Mr. CABELL, of Florida. Will the gentleman allow me to ask him one question? Do I understand that this resolution requests or directs the President to make this disposition of that regiment?

Mr. LANE. It requests him.

Mr. CABELL. The resolution goes on to direct that a portion of the troops shall be placed upon the line, if I understand it correctly. What I want to know is, whether it is the intention of the resolution to direct the President, in his disposition of the United States troops, or whether it is merely a request? If it is the latter, I have no objection to it, but if it is an order, I shall protest against it. I protest against directing, or ordering, the President in this manner, by any single branch of Congress.

Mr. LANE. It is simply a request. But I desire to explain why I want the troops disposed

of in the manner provided for in the resolution.

Mr. DISNEY. With the permission of the gentleman from Oregon, I desire to explain what is the precise effect of the resolution. I have just read it, and it is merely an inquiry of the President, as to what steps have been taken for the protection of the emigrant; and if no steps have been taken, it requests him to make that disposition of the rifle regiment.

Mr. STEPHENS, of Georgia. But there is a second clause in the resolution, which directs the President to cause a portion of this regiment to be placed along the line.

Several MEMBERS. "Read the resolution."

The resolution was again read.

Mr. CABELL. The gentleman from Oregon now will see that I was correct in saying that the latter clause of the resolution directs the President in this matter.

Mr. LANE. That clause is predicated upon the supposition, that the troops will be ordered to Oregon. In that case, it requests the President to place a portion, as will be found necessary, upon the emigrant road, and a portion upon the great road leading from Oregon to California. I desire to say to the House, that there can be but two great roads leading to Oregon on which any danger is to be apprehended—such is the shape of the country; one road leads directly from St. Joseph, via Fort Hall, to the Dalles on the Columbia, and upon that road the Indians are the most warlike and ferocious in their habits. They are well armed and fierce.

Mr. HEBARD. I desire to ask the gentleman a question?

Mr. LANE. I beg the gentleman's pardon, but I have about so much to say, and I don't like to be interrupted.

Mr. HEBARD. I have but a word to say. The gentleman is aware, that by the Constitution, the President is made the commander-in-chief of the Army and disposer of our military forces. Now, I desire to ask the gentleman, whether he ever called upon the President and requested him to make this disposition of the troops?

Mr. LANE. It gives me great pleasure to answer the gentleman. I did call upon the President in person, and then I addressed him a letter; and if the House will allow me, I will read that letter. A copy of it was furnished to Senator Gwin, who read it in a speech upon the defenses of California and Oregon the other day. It was published in the debates of the Senate, and I now have a copy of the Union in my draw containing it.

[Mr. BARRERE, from the Committee on Enrolled Bills, here interposed, and presented as correctly enrolled,

A bill to carry into execution, in further part, the twelfth article of the treaty with Mexico, concluded at Guadalupe Hidalgo; and

An act for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain.]

Mr. HOWARD. I wish to ask the gentleman one question. I wish to ask whether this regiment has not been ordered to the frontiers of New Mexico and Texas, as a mounted regiment, by the Secretary of War, upon the ground that it was not adapted to service in Oregon—that in that country mounted troops were not as efficient as infantry? I desire also to know if the gentleman now wishes to change the plan of operations in the military department of the Government, and order, at great expense, a regiment to return to Oregon?

Mr. HEBARD. I desire to know what answer the President returned to the application of the gentleman from Oregon. I do not care about having the letter read.

Mr. LANE. If gentlemen will permit me to have the letter read, I then will answer both the inquiries of the gentleman from Texas, [Mr. HOWARD,] and the gentleman from Vermont, [Mr. HEBARD.]

The letter was then read by the Clerk, as follows:

WASHINGTON CITY, December 12, 1851.

To his Excellency the President of the United States:

SIR: A sense of duty prompts me to call your early attention to the peculiar condition of things in Oregon. I have been a citizen of that Territory for nearly three years; have traveled the settled portion of it all over; had much to do with the Indians, and know them, perhaps, as well as any other man, and understand the wants of the American citizens there; and can say to you, that for their protection and for the protection of others emigrating there, that troops be garrisoned on the great road from St. Joseph

via Fort Hall to the Dalles of the Columbia, and also on the road from Oregon to California, are absolutely indispensable for the protection of life and property. I know that I need but call your attention to the condition of things there, and present the facts within my knowledge, to secure your aid and prompt action in the premises. The suffering this season for the want of troops to protect emigrants and others en route to Oregon, and from Oregon to California, has been terrible; and certainly this Government ought and will, I have no doubt, afford protection to her citizens in a country so remote and exposed as are all persons traveling either on the emigrant road to Oregon or on the road from Oregon to California. There are but these two roads south of the Columbia on which troubles are to be apprehended. The shape of the country, and its stupendous mountains, are insurmountable barriers to the location of roads of importance. A garrison of two or three companies of horse—or infantry, if a mounted force cannot be had—on each of these roads—at the Grand Round, for instance, on the emigrant or northern road, and in the Rogue River Valley, on the California, or southern road, should be established. The moral influence that the establishment of these posts would produce upon the minds of the Indians would do much towards keeping peace with them, and afford the protection to American citizens that they are so justly entitled to.

It may be well here to mention, that the road from Oregon to California forks in the Rogue River Valley; the main road passes south of the great Clatsop Mountain to the source of the Sacramento, thence down that river to its great valley, and to Sacramento City; the north branch passes by Klamath Lake to Fort Hall. A small party of emigrants have gone that route this season and got in safely. This route was opened by Jesse Applegate, Scott and others, in the year 1846, for the purpose of affording to emigrants a pass into the southern portion of Oregon; but such was the suffering of the first emigrants on this route that it has been but little traveled since, but will, I have no doubt, be much traveled if a garrison should be established in Rogue River Valley, as above suggested.

I have been thus explicit, in order that you may understand the condition and wants of the country which I have the honor to represent, with the full belief that you will take such steps as may be necessary to give protection to the citizens there, and emigrants and others, traveling to and from Oregon.

Herewith I enclose two communications from Oregon for your perusal, which you will please return to me. One of the writers I am well acquainted with, (Mr. Applegate, one of the early settlers of Oregon.) He has done much to bring the country into requisition, by exploring, opening roads, &c., &c.; a sensible, reliable man. With Mr. Simons I have no acquaintance, but have no doubt of the truth of his narrative.

With great respect, I am, sir, your obedient servant,
JOSEPH LANE.

Mr. LANE resumed. I called upon the President in person, and the House is aware that he is of the opinion that the army is too small to afford all the protection that is necessary for that country, and that he has recommended an increase of the army. I called upon the Secretary of War recently relative to this matter, and asked him if any troops could be sent to that country to afford protection to the emigrants bound to Oregon this season? I have received no definite answer from either of them. The President feels friendly disposed towards that country; and I have no doubt he is anxious to do his duty. I make no charges at all. But I charge that the rifle regiment has been diverted from the purpose for which it was raised and organized. It ought not to have been ordered to Texas, if it has been done.

I say to the gentleman from Texas, [Mr. HOWARD,] that if an order has been issued from the Department here, ordering that regiment to Texas, it ought not to have been done. It was not raised for Texan service, or for the protection of the boundary between Mexico and the United States; and I can say another thing to the gentleman from Texas, that they there are not in the exposed condition as are the people of Oregon, and as are the people of the States on their way there; and I know that it is an easy matter in Texas to raise a force in sufficient numbers to whip all the Indians who may make any attempt upon their settlements. I know there is no State more gallant, or a people more ready to turn out on duty at a moment's warning, than the people of Texas. I know their ability to defend themselves, and that all they want is to know that their services are needed, and they are ready to go out and destroy the Indians. But how is it with Oregon? In that portion of Oregon, for which I ask protection, there is not any settlements within seven hundred miles. The population even in the settled portion of Oregon is small; and can this House for a moment expect them to raise a force of five hundred or even three hundred men, and send them out with subsistence seven hundred miles from a settlement? Emigrants bound to Oregon, when once within the settlements, are as safe as they would be in Washington city. But look at the district of country they are to pass over to get there; and who is to give them protection? Can the people of Oregon turn out and

do it? They could do it; but recollect that every man's time there is worth five dollars a day to him. Now, if you want to raise a force you must first say to the volunteer that you will give him five dollars a day, and find him horse, arms, and equipment. And is that Territory, with only three thousand voters, able to do that, and can they extend to the country the protection which it ought to have? Why induce people to go there? Since I have been here I have received thousands of letters making inquiries about Oregon, and making known to me that certain persons in the neighborhood of the writers were making preparations to start for Oregon. And every man who has made up his mind to go there this year must leave the settlements soon, and be at St. Joseph, with everything necessary for outfit on the way, by the first of May next. Can we begin, at this late moment, to authorize the raising of the force required, arm it, and get it ready in time to render them the necessary assistance? No, sir, we cannot; and if we fail to do it, what will be the result? Let me tell you, it will be the tomahawking, in the most cruel and barbarous manner, of the men, women, and children, and helpless families, who have been induced to go to Oregon, and that, too, after a regiment has been raised for the specific purpose of protecting them. Why should it be ordered to Texas? I am not sure that such an order has been made. If it has been, I ask, in the name of the people who will be exposed to Indian depredations, that it be countermanded, and let the regiment go to Oregon, where it should go, and where it is the duty of the President to send it. If he fails to do it, I shall never cease to say that, in my judgment, he has failed to do his duty. I am sure it will be wrong to divert that regiment from that country. The regiment arrived in Oregon at a time and under circumstances the most unfavorable. It was just at the time of the breaking out of the great gold excitement, and in the midst of that excitement many of the privates abandoned the service, disgraced themselves by forsaking their flag and going off in search of gold. But a portion of them did not desert, and a sufficient number were left to afford all the protection necessary for that country. They said, We have enlisted for this service, and will remain and serve out our time, get our discharge, and then become citizens of this country. While the regiment was in that condition, and able to render service to the country, and afford the protection we needed, they were ordered from that country to this; and from what the gentleman from Texas [Mr. HOWARD] now says, I suppose it is now ordered to Texas, and is upon the way thither. If so, it is all wrong. A portion of that regiment, contrary to justice, contrary to law, in my judgment—I am no lawyer, but if I make a declaration which is not warranted, I wish some good lawyer to correct me—I say a portion of that regiment, raised for service in the Oregon Territory, before they were ordered out of it, were transferred from that regiment into the dragoon service, and ordered into California. That was, in my judgment, a violation of the contract between the Government and the soldier, and would, I have no doubt, have entitled him to his discharge, if he had taken the proper steps for that purpose in due time. Nevertheless, the transfer for the time being was fortunate for us, because it gave us their invaluable services a few weeks longer than we would have had them if they had gone off with the rifles. It happened to be just at the time the troubles broke out among the Rogue river Indians, when our people were being murdered by them, when they were thus transferred from the rifles to the dragoon service. The troops thus transferred consisted of two companies, one commanded by Captain Walker, the other by the gallant and lamented Stewart, who, after covering himself with unfading laurels in Mexico, unfortunately fell in that distant land, in defence of his exposed countrymen. The people of Oregon will ever cherish his memory, and I hope and believe they will, as they ought, erect a monument to perpetuate it.

Those troops, the whole being under the command of Major Kearny, moved in the direction of the Indian troubles; and it was my fortune, with a few gallant Oregonians, to fall in with them then, also including some brave volunteer Californians, and witness and participate in the service which followed. But for those troops, who remained only two weeks in the country, and at the

seat of Indian troubles, the whole outside settlements would have been crushed. But they gave the Indians a severe flogging and a severe chastisement, such a one as has kept them, up to the present time, in that quarter, apparently friendly, though they have killed a few whites since; but that is so frequent an occurrence that we hardly think of asking this Government to avenge it. The killing of one or two men is no unusual thing there; but we take care of these comparatively small disturbances ourselves. But when it is evident that there is a general hostility, as there is now, it is the imperative duty of the Government to interpose and give us aid.

Now, while I am speaking of that Indian war in which Captain Stewart fell, I would like to say to South Carolinians, of which State he was a native, that he was an ornament to that gallant State; that he was the best officer of his age in the American Army, and more familiar with the duties of an officer than any young man in the Army. He had distinguished himself in every battle he was in in Mexico—and he was in nearly all of them—and fell fighting for the people of Oregon. I learned, about the time of his death, that a portion of his salary was annually or quarterly devoted to the benefit of his mother, now, I learn, living in this District. I hope that some friend of that man will take care to propose that a pension be granted to that mother; a mother who bore such a noble son is entitled, in my opinion, to the benefit of a pension.

But I am wandering from the subject. Now, as to the resolution, if there is anything in it, any wording of it that is not just right, I am willing to change it. I do not ask to direct the President of the United States. He is the Commander-in-Chief of the Army of the United States, and I do not want to abridge his authority. I want to request him simply. If the word request is not in the resolution, I want it inserted. I want to draw the attention of the President to it, and request him, in the most respectful manner, to extend to the people of Oregon Territory that protection which they are entitled to, and that he will send out that regiment to Oregon, which was raised by a law of Congress for that service. Now, to undertake to raise a regiment, and get them on the ground in time to protect emigrants this year, is out of the question. No such thing can be done. If members of this House are willing to afford this protection, they must request the President, or the President must do it without request, to send out some troops now in the field, and who are regularly in the service.

If you let it go this year, there is no certainty of getting them the next; and when will we get that protection our citizens need and demand? I am satisfied myself, that the Army is sufficiently large for all purposes. Is there not more troops stationed along the Southern States than are needed there? Why are troops needed in the old States of the Union? Why not send them where they will be on duty, affording protection to the unsettled portions of our country? Or is it that Oregon is too far off, and nothing is cared for the people out there? I am satisfied that there are enough in the regular Army, properly distributed, to afford all the protection that Texas may need, without calling upon her gallant sons to turn out, and to defend themselves. That, however, they have been in the habit of doing ever since an American lived there. They are enough to afford protection to Texas, and also to emigrants en route for Oregon. Why not let the rifles come to Oregon—let the troops who have enlisted for that service serve out their time there? Now, let me again ask that the resolution be amended so as to make the resolution read "request" instead of "direct," wherever it may occur. I trust the vote to reconsider will not prevail.

Mr. BAYLY, of Virginia, obtained the floor, but gave way to

Mr. HEBARD. I wish to say that the inquiry I made of the gentleman from Oregon, was not dictated by any unfriendly feelings towards the purposes of his resolution, but it was to see what position we were placing ourselves in with reference to the subject before us, and in relation to the President. The objection with me is not what the gentleman himself supposes it to be. It is not because it is not sufficiently indicative of a request, but because I regard a request here even as improper as a direction. I did not pay much attention

to the resolution when it was introduced and adopted in the first instance, from the confusion in the Hall. When my attention was again called to it by the motion to reconsider the vote, it occurred to me that we were acting entirely in the dark. It is utterly improper, and I regard the making of a request of the President upon an important matter like this as equivalent to a direction. I ask gentlemen here how we stand with reference to the President of the United States in making a request of him to do an important act when we ourselves know nothing about his ability to do that act or its propriety? There is the difficulty in the resolution. It is not that it is couched in disrespectful terms; it is not that it is a direction, but the objection with me is, that we are requesting the President to do that of which we ourselves have no information, of which we know nothing of the facts either as regards his ability or the propriety of doing the action. It is with that view I hope the vote upon the adoption of the resolution will be reconsidered. If the gentleman has applied to the President to do this very thing, and he neglected to do it, the gentleman, without any information upon which to base our action, comes forward and requests him to do it. I want to know if it is not implying indirectly a censure upon the President? It is presumed that if he knows his duty he will discharge it. If we know it better than he does, we must have facts upon which to base our action. I think we are acting improperly in requesting—in directing action upon the part of the President which he has declined to take himself—all the responsibility resting with him, unless some better reason is furnished than has been suggested.

Mr. BAYLY, of Virginia. My objection to the resolution does not grow out of the object at which the gentleman from Oregon seems to aim. I have no doubt that it is entirely proper that Oregon, and that the emigrants upon their way to Oregon, should be protected. It is not from any doubt of the correctness of the gentleman upon that point I oppose this resolution, but my opposition grows out of a matter of principle. This House alone has nothing to do with posting the army. The two Houses of Congress have nothing to do with it. The Congress of the United States can raise and support an army, but the President of the United States is the Commander-in-Chief of the Army; and we have no authority upon the face of the earth—the two Houses of Congress have no authority—to give any direction in respect to the posting of the army. That is a matter which belongs exclusively to the Commander-in-Chief of the Army. Why, sir, even in time of war the Congress of the United States have no jurisdiction in respect to the Army except to raise and support it.

Mr. LANE. I will state to my friend that the resolution does not direct the President, it only requests him.

Mr. BAYLY. I do not think, so far as the question of principle is concerned, that that alters the case. We make a request where we have no authority to act, and that request is addressed to one who has the authority, and who is responsible. I shall not comment upon the views which have been already presented, that we have not information upon the subject, because my opposition does not grow out of the matter of expediency nor propriety, but out of the question of power. I was about to say when I yielded to the gentleman from Oregon, that even in time of war the authority of Congress over the Army is confined to the raising and subsisting of it. This was a matter carefully considered in the Convention which adopted our Constitution. The power was given to Congress to declare war, to raise and support an army, but the power to wage war is given to the President of the United States as the Commander-in-Chief of the Army and Navy. Congress may, if it believes after a war has been declared, that it is unnecessary and improperly prosecuted, withhold supplies, but it cannot take the command of the Army. The only way by which the Congress can control the President of the United States in his command over the Army is by withholding supplies. I agree entirely with the gentleman from Vermont, [Mr. HEARD,] that in a case of this sort a request is equivalent to a direction. It is a matter in reference to which we have no right to make a request, as a question of power, and besides of expediency, where we

have no information. It is the duty of the President to protect the frontier, to protect our emigrants, to protect our distant settlers; and I have no idea of this House interposing to relieve him from any of his responsibility, by directing him in this matter. Well, sir, what will be the result? Just as certain as the sun will rise to-morrow, if you pass this resolution directing the rifle regiment to be posted as the gentleman from Oregon suggests, it will be made the excuse for asking the addition of one or two regiments to our forces. This matter was gone over at the last session of Congress, and I agree with the gentleman from Oregon, whose ability and experience has confirmed me in the truth of the opinion I expressed at the last Congress, that we have army enough if properly posted; but it is not for this House to say where they shall be posted. Congress have not the information, nor the power.

Mr. HOWARD. After the statement of the honorable Delegate from Oregon, [Mr. LANE,] it must be apparent to the House what the object of this resolution is. It is to overrule, if not by the direction of the House, at least by its opinion, the action of the President, as Commander-in-Chief of the Army, or the Secretary of War, in relation to the posting of the Army. To say nothing of the power to which the honorable gentleman from Virginia [Mr. BAYLY] has adverted to do this, in the absence of all inquiry and information, it is at least a most extraordinary proceeding. Why have these troops been ordered, not from Oregon, but California? The Secretary of War has told you that mounted troops are unnecessary in Oregon; that mounted troops cannot operate in Oregon and California with as much facility as elsewhere; that they are not adapted to that service.

Mr. LANE. If the gentleman from Texas will allow me, I will put him right in relation to that matter. No troops are fit for Indian service but mounted ones. What was the description of force with which Major Kearny operated? What was the kind of force commanded by Capt. Stuart when he was killed? I was with them a short time after the captain fell, and recollect of making a march of fifty miles in a day, and having in that several skirmishes. Could men on foot have done that? We galloped into an Indian town and knocked down every Indian that could be seen, and then went in a gallop to the next town, and after over-running that, we went to the next, and in that manner they conquered in two weeks the most ferocious and warlike Indians in Oregon Territory. This was done by troops raised for the Oregon service, and who had been transferred to the dragoon service. I will say to the gentleman from Texas, that none but mounted troops can operate there. Infantry will not do there except to garrison a post. These troops did good service in Mexico. Mounted, as they were, they could gallop a whole day, as did the Texas troops, and on the next fight three or four Indian battles.

Mr. HOWARD. I do not pretend to set up my knowledge of the character of the country in Oregon to that of the Delegate of that Territory; but what I said was this, that the Commander-in-Chief of the Army, and the Secretary of War had decided that that country was not adapted to mounted troops, but that infantry was a better species of force. Now, by a resolution of this House we undertake to overrule that opinion and to order back to Oregon a regiment which has been ordered from California to the frontier of Texas and New Mexico. It strikes me that this ought not to be done, and that it would be presumption in this House, without investigation, to overrule both the President and the Secretary of War in relation to the disposition of the Army, or any portion of it. Let an inquiry be instituted by the Committee on Military Affairs, and let a proper investigation take place, before the Administration is set right upon this point if it is in an error; but do not let a resolution introduced in this manner, attempting to make a disposition of the Army, be forced through the House without investigation. The idea of the Administration is to give so much infantry as is necessary to Oregon and California, and to place upon the great prairies, the great open plains, the mounted troops, because they can operate in no other place to advantage against the Indians. There is another consideration in connection with this matter. By this time the regiment has arrived in Texas, which is under the command of General Smith, who is in command of

the eighth military division, and great expense has been incurred in their removal. You propose, upon a simple resolution, to order their second removal, thus incurring a double expense. If you undertake that, you ought at least to do what you failed to do at the last session of Congress, give the Quartermaster's Department sufficient money wherewith to operate upon the frontier in defence of the country.

It appears now, from the report of the Secretary of War, that the Quartermaster's Department is destitute of funds and is in debt, and it also appears that he cannot protect the frontier, for the very reason that he has no money in the Quartermaster's Department with which he can mount and move troops, and with which he can make a disposition of any portion of the Army. It strikes me, it would be a far more useful inquiry to ask of the Committee of Ways and Means, why they have not, before this late day, reported the deficiency bill required by the estimates of the Secretary of War, thus providing for the necessary wants of the Army.

Mr. DUNHAM. I do not wish to interrupt the gentleman, but these estimates were referred on the 13th of last month.

Mr. HOWARD. If these estimates were referred in this House on the 13th of last month, it seems to me that between the Committee of Ways and Means and the printing of the House, there has been a perfect stop-law to all the business.

Mr. DUNHAM. That may be all true; but it cannot be expected for the Committee of Ways and Means to act upon the estimates sent to the Speaker's table, before they are printed and sent to the committee. They will act upon them when in their hands; and if the gentleman wants a remedy, he must find it there, and not in the Committee of Ways and Means.

Mr. HOWARD. When the public interest demands immediate action and immediate appropriation; when the whole frontier is in a state of warfare and bloodshed, it strikes me, the Committee of Ways and Means could act upon a matter which embraces no more than six pages of printed matter. They could act upon these estimates without their being printed at all.

Mr. DUNHAM. I would like to ask the gentleman if they have authority to do that, when the House have ordered these estimates to be printed?

Mr. HOWARD. At whose instance were they ordered to be printed? Was it at the instance of the Committee of Ways and Means? The motion proceeds from the Committee of Ways and Means, or one of its members, and neither is it strictly true, because they are ordered to be printed that they must remain forever in the hands of the printer, unless he chooses to execute the printing.

Mr. HOUSTON. The gentleman from Texas [Mr. HOWARD] is laboring under an error, when he says that the deficiency estimates were referred early in the last month. The deficiency estimates, as far as his appropriation is concerned, were presented to this House some time in January, but they have not reached the Committee of Ways and Means in full yet. I have the estimates that have been printed and furnished to the Committee of Ways and Means, but the majority of the members of that committee have not received them yet. The gentleman says we can act upon the manuscript communication that has been made to this House. We do not get possession of the manuscript copy, and we have not the right to it. It is ordered by the House to be taken to the printers—it is taken there, and there it lies.

Mr. CABELL, of Florida. I call the gentleman from Alabama [Mr. HOUSTON] to order. The question of printing has nothing to do with the resolution before us.

Mr. HOUSTON. I think my friend from Florida is getting a little excited.

Mr. CABELL. I insist upon my point of order.

The SPEAKER. The Chair must decide that it is not in order to discuss the question of printing.

Mr. HOUSTON. The gentleman from Texas [Mr. HOWARD] was allowed to discuss this very subject.

The SPEAKER. The Chair is not inclined to call either the gentleman from Texas [Mr. HOWARD] or the gentleman from Alabama [Mr. HOUSTON] to order.

ron] to order, but the gentleman from Florida [Mr. CABELL] rises to a question of order—

Mr. HOUSTON. With the permission of the gentleman from Texas, I will make a statement of facts. The estimates which concern him directly, are not the only estimates upon which the committee have to form a bill. Now, if it were true that half a dozen pages of printed matter were all, the committee might take them up, if they had possession of the printed communication, so as to act upon the subject; but the gentleman forgets that there is a large deficiency in the Quartermaster's Department—a large deficiency in the Navy—a large deficiency in the Department of the Interior. All these things have to constitute one bill, and we cannot venture to take up every item—

The SPEAKER. The Chair is compelled to call the gentleman to order.

Mr. HOWARD. I was stating, when I was interrupted, why this regiment could not be removed back again to Oregon, for the simple reason that there is no money in the Quartermaster's Department to defray the expenses. That, I insist, is pertinent to the resolution. Now the gentleman says that the Committee of Ways and Means have not had the estimates before the committee. They have had the estimates of the deficiency bill for the Army, which were referred on the 13th of the last month.

Mr. CABELL, of Florida. I rise to the same point of order. The remarks of the gentleman from Texas have nothing to do with the question.

Mr. HOWARD. That is a matter for the Speaker to decide.

The SPEAKER. The Chair is not inclined to regard the gentleman from Texas as wandering entirely beyond the boundaries of this debate, in referring to the means of the Government for transferring these troops. The gentleman from Texas is in order.

Mr. HOWARD. On the 13th of January, this matter was referred and ordered to be printed, and for about two weeks the printed estimate has been in my desk—how much longer in my box, I do not know. It seems to me, in a matter of so much importance—involving the security of the whole frontier—the efficiency of the whole Army itself—that this is a late day for the deficiency bill, and not yet brought in, and which ought to have been passed long ere this. The necessary money to make the Army efficient should have been appropriated, as almost the first business of the House, because, whatever may be the fault in relation to the defenses of the country, I undertake to say that it rests here. It does not rest with the Administration. I feel bound in justice to the Administration to say, that at the last session of Congress they called repeatedly both for men and means to enable them to make the frontier defenses efficient. By the course pursued at the last session of Congress in cutting down the estimates one half in the Quartermaster's Department, and that, too, without any reason, and by the refusal or neglect of the House this session to this late day to supply that deficiency in any degree, the fault rests here; and the frontiers of the country are not protected in the manner in which they ought to be. I wish at the proper time to move to strike out all the resolution from the word "resolved," and to substitute in its place "that the Committee on Military Affairs be instructed to inquire into it," &c.

Mr. GORMAN. I understand the motion is to reconsider the vote by which the resolution was adopted.

The SPEAKER. There is a motion now for reconsideration.

Mr. ORR. Will that motion come up to-morrow, if not disposed of?

The SPEAKER. It is a privileged question—the motion to reconsider—which may be called up to-morrow.

Mr. ORR. I hope my friend from Indiana [Mr. GORMAN] will give way to a motion to adjourn. I make the motion that the House do now adjourn.

Mr. JONES, of Tennessee. I wish to understand the condition of the question, should the House now adjourn. If the motion should come up to-morrow to reconsider, and it be carried, then I should think the resolution, having come in under a suspension of the rules, will go over until next Monday.

The SPEAKER. The Chair is inclined to the opinion; that if the vote is reconsidered, the resolution will be before the House in order for consideration.

Mr. CLINGMAN. It is only when a motion is made, and not acted upon, that it goes over to the next suspension day. This has been acted upon.

On motion, it was

Ordered, That leave be granted to withdraw from the files of the House, the papers of John Gordon for purposes of reference.

Mr. GORMAN, I yielded to my friend to make the motion, upon the supposition that this matter would come up to-morrow morning.

The SPEAKER. The Chair decides that, as a privileged question, it may be called up.

Mr. JONES, of Tennessee. I will call the attention of the Chair to the fact, that after the House has disposed of the privileged question, then the resolution, coming in under the suspension of the rules, must, I think, according to the practice of the House, go over to the next Monday—the suspension day.

The SPEAKER. The Chair thinks, in examining the practice of the House, that the subject has come fairly before the House, and after being reconsidered by the House, it will be in order to vote upon the resolution. But the Chair states distinctly, that it reserves to itself the right of determining that matter when it comes up.

Mr. JONES. The Chair will find upon examination, that the practice of the House, at the last session of Congress, when a similar question arose, was as I have already stated.

On motion, it was

Ordered, That leave be granted to withdraw from the files of the House, the papers of John Sloane, for the purpose of reference to one of the Executive Departments.

The question was then taken upon the motion for adjournment, and it was agreed to.

The House adjourned till to-morrow at twelve o'clock.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BOWNE: The petition of James Cleveland, Jr., and others, a committee of the rope-makers of Kings county, in the State of New York, praying for an alteration of the tariff.

By Mr. HORSFORD: The petition of sundry citizens of Geneva, New York, praying for additional protection to the business of manufacturing segars.

By Mr. BURROWS: The memorial of A. A. Hibbard and others, citizens of the State of New York, remonstrating against an extension of C. H. McCormick's patent for a reaping machine.

By Mr. GOODRICH: The petition of Bancroft Fowler and others, of Stockbridge, Massachusetts, praying Congress to take such action as it may deem best in favor of stipulated arbitration as a substitute for war, as an arbiter of justice among nations.

Also, the petition of Ezra Heath, in behalf of the heirs of Gilbert Dench, for the payment of the balance equitably due under a contract with the Government.

By Mr. HENN: The petition of Isaac G. Willson and 35 others, citizens of Poweshiek county, Iowa, asking for a mail route from Fairfield, via Lancaster, Sigourney, and Indianapolis, to Montezuma.

By Mr. GROW: The petition of citizens of Susquehanna county, Pennsylvania, for a mail route from Friendsville, in said county, to South Warren, in Bradford county.

By Mr. CLINGMAN: The memorial of Captain Charles Wilkes, relative to the search for Sir John Franklin.

By Mr. BRIGGS: The memorial of the presidents and cashiers of the banks in Albany, New York, and 25 members of the Senate of the State of New York, asking Congress to establish a Mint in the city of New York.

By Mr. MILLSON: The petition of William T. Hendren, clerk of the district court of the United States for the eastern district of Virginia, praying a reasonable annual salary.

By Mr. McDONALD: The petition of Christopher B. Sawyer and 17 others, citizens of Maine, for a light-house on the Nubble, at Cape Neddick.

Also, the petition of G. N. Freeman and others, on same subject.

Also, the petition of Captain E. Perkins and others, on same subject.

By Mr. SWEETSER: The petition of Enoch Winan and others, citizens of Licking county, Ohio, for additional compensation for taking the census, under the act of May 23d, 1850.

By Mr. GIDDINGS: The petition of William Chandler and 43 other citizens of Clinton, Ohio; H. Van Houton and 125 others, of Morris county, New Jersey; Minn G. Moslin and 67 other citizens of Ohio, Kenneth Monthly Meeting of the religious Society of Friends, for the repeal of the fugitive slave law.

Also, the petition of William Miley and 80 other citizens of Illinois, for observance of the Sabbath.

By Mr. RIDDLE: The memorial of 1,300 citizens of the State of Delaware, praying for an appropriation to build a custom-house in the city of Wilmington.

By Mr. BUELL: The petition of Sergeant William Pratt, for a pension.

By Mr. BARRERE: Three several petitions, numerously

signed, by citizens of Clermont county, Ohio, praying for the establishment of an Agricultural Bureau.

By Mr. CHANDLER: The memorial of the Board of Trade, of Philadelphia, relative to a branch Mint in New York.

Also, of Mary F. B. Lively, of Philadelphia, asking for a pension on account of services and sufferings of her husband in the service of the United States.

Also, proceedings of the Agricultural Society, of Pennsylvania, recommending the establishment of an Agricultural Bureau by the United States.

IN SENATE.

TUESDAY, February 10, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

PETITIONS.

Mr. WADE presented a memorial of the assistant marshals for taking the Seventh Census in Clinton county, Ohio, praying additional compensation; which was referred to the Committee of Claims.

Mr. DOWNS presented the memorial of William R. Glover and James J. Wright, praying that the Postmaster General may be authorized to contract with them for the transportation of the mails between New Orleans and Vera Cruz, touching at Tampico; which was referred to the Committee on the Post Office and Post Roads.

Mr. BADGER presented seven memorials of assistant marshals for taking the Seventh Census in North Carolina, praying additional compensation; which were referred to the Committee of Claims.

Mr. SHIELDS presented the memorial of John A. Dix and John A. Bolles, sureties of the late R. S. Dix, praying certain credits in the settlement of his accounts as a paymaster in the Army; which was referred to the Committee on Military Affairs.

Also, a petition of the President and Directors of the Mississippi and Atlantic Railroad Company, praying the right of way and a donation of land; which was referred to the Committee on Public Lands.

Also, the petition of John Mitchell, praying to be allowed back pension; which was referred to the Committee on Pensions.

Also, two petitions of citizens of Illinois, praying the right of way and a donation of land for the construction of a railroad from Shawneetown to the Mississippi river, opposite to Saint Louis; which were referred to the Committee on Public Lands.

Also, the petition of Jeremiah Twarny, praying compensation for a coat lost while he was aiding in extinguishing the fire in the Capitol on the 24th December last; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLEMENS presented the petition of William O'Brien, a lieutenant in the late war with Mexico, praying three months' extra pay and his traveling expenses home; which was referred to the Committee on Military Affairs.

Mr. FISH presented a petition of bank officers and others, of Albany, New York, praying the establishment of a Mint in the city of New York; which was referred to the Committee on Finance.

Mr. BRADBURY presented a memorial of merchants, shippers, ship-owners, underwriters, and others, of Bath, Maine, praying that the act of March 3, 1847, for the reduction of the costs and expenses of proceedings in admiralty against ships and vessels may not be repealed; which was referred to the Committee on the Judiciary.

Mr. SHIELDS. I have been requested to present the memorial of Mrs. Mary Ann W. Van Ness, praying an extension of the jurisdiction of the Supreme Court, so as to allow her an appeal from a decision of the circuit court for the District of Columbia, which I move to refer to the Committee on the Judiciary.

Mr. BUTLER. I do not like to interpose any objection to sending anything to the Committee on the Judiciary that properly belongs to it. I do not say that this matter would not have originally belonged to that committee, but it has been before that committee, and I have once brought in a bill in connection with it. As well as I can recollect, her former memorial—and I have no doubt this is the same—was, that we should review a certain law, and make a retrospective law so as to allow her to go to the Supreme Court of the United States for a revision of her rights. That bill, which was presented, was considered and disposed

of by a large majority of this body, and I should therefore be reluctant to allow such a matter to go back to a committee which has already decided upon it; and I would inform my friend from Illinois, that if it goes back again to that committee, it will share its former fate. He had better, therefore, propose some other reference.

Mr. SHIELDS. I have merely presented the memorial at the request of this respectable lady, and if the chairman of the Committee on the Judiciary objects to its being sent to that committee, I presume the better way will be to let it lie on the table.

The PRESIDENT. Does the Senator persist in his motion?

Mr. SHIELDS. I would ask if there has been an adverse report upon this subject? If there has, I will change my course.

Mr. BUTLER. Perhaps not directly an adverse report, because her application was reported upon by a bill. That bill proposed to give her the right of appealing to the Supreme Court by a law which reached back to cases that had arisen within a period of five years, cases which had been decided under the laws then existing; in other words, to give her the benefit of a law operating retrospectively, when, in fact, no such law existed. We decided against that, and introduced a bill which should operate prospectively, giving to all persons a right to appeal to the Supreme Court from the decisions of the Circuit Court.

The memorial was then laid on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Chester Griswold, on the files of the Senate, be referred to the Committee on Pensions.

REPORTS FROM STANDING COMMITTEES.

Mr. CLEMENS, from the Committee on Military Affairs, to which was referred the memorial of the officers of the first regiment of Louisiana volunteers, submitted an adverse report; which was read.

Mr. SHIELDS, from the Committee on Military Affairs, to which was referred the petition of a company of sappers and miners, submitted a report, accompanied by a bill to repeal the act entitled "An act for the organization of a company of sappers, miners, and pontoniers," approved May 15, 1846; which was read and passed to the second reading.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of documents relating to the claim of John P. Duval, and that they be referred to the Committee on Indian Affairs.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of documents in relation to the claim of the widow of Brevet Major J. P. J. O'Brien, and that they be referred to the Committee on Pensions.

Mr. MALLORY, from the Committee on Naval Affairs, to which was referred the memorial of Thomas Pember, submitted a report, accompanied by a bill for his relief, which was read, and passed to the second reading. The report was ordered to be printed.

REFUNDING REVENUE TO CALIFORNIA.

Mr. PEARCE. I am instructed by the Committee on Finance, to which was referred Senate bill No. 44, entitled "A bill in addition to and amendatory of an act entitled 'An act to provide for the settlement of the accounts of the public officers, and others, who may have received moneys arising from military contributions, or otherwise, in Mexico,'" approved March 3d, 1849, to report the same back to the Senate, with an amendment, and ask that the bill and amendment be printed.

The PRESIDENT. The bill will be printed, as a matter of course, and it is usual also to print the amendments.

Mr. GWIN. In connection with this subject, I wish to give notice to the Senate, that when this bill comes up for consideration, in accordance with a resolution of the Legislature of California, I will move to make some important amendments to it. During the last Congress I brought this subject to the notice of the Senate, prepared a bill, and had it referred to the Committee on Finance, authorizing the payment of the moneys collected from the people of California, in violation of law and the principles upon which this Government is

based, of no taxation without representation, to the government of that State. At that time the Committee on Finance reported upon the bill, striking out the whole of it, and authorizing the payment to us of \$300,000 instead of the millions of dollars which had been paid by us in violation of our rights as citizens of the United States. Since the adjournment of the last Congress, the Legislature of California has acted upon this subject, and passed resolutions in regard to it by a unanimous vote, which I presented to the Senate some time ago, and will now read.

As this is a question of great importance to the people of that State, I will beg the indulgence of the Senate while I read the resolutions, which truly represent the unanimous voice of the people of the State:

Joint Resolutions relative to the Civil Fund of California.

Resolved, by the Senate and Assembly, That we view with feelings of surprise and regret, the action of Congress in refusing to refund to the State of California, moneys collected in her ports and from the honest industry of her citizens previous to her admission into the Federal Union.

Resolved, That we consider the fund heretofore known as the Civil Fund of California, to be the property of this State, and that any other appropriation of it by the General Government we hold to be unjust and ungenerous. Taxation without representation, is a principle always repudiated by the American people.

Resolved, That our Senators and Representatives be requested to continue all honorable exertions to procure from Congress the recognition of our right to the moneys taken from us by the General Government, and an appropriation to that effect, and that we call upon our sister States to see that this act of justice is performed towards the youngest of the Republic.

Resolved, That the Governor be requested to present to our Senators and Representatives, each, a copy of the foregoing resolutions.

JOHN BIGLER,
Speaker of the Assembly.
DAVID C. BRODERICK,
President of the Senate.

APPROVED, May 1, 1851.

JOHN McDOUGAL.

It is known to the Senate that I had these resolutions referred to the Committee on Finance, of which I am a member; and I moved, in committee, that a bill be reported accordingly. I am sorry to say that I stood solitary and alone in favor of the introduction of such a bill; and I now give notice, that when the bill reported comes before the Senate, I will make an appeal to the representatives of the several States of the Union to interfere and render effective this act of justice to California.

In addition to this, there was another class of meritorious claims which were referred to the same committee, designed to make some compensation to those patriotic citizens who prevented a number of American citizens from starving by furnishing them with support *en route*, and on their arrival in that country. This proposition was made by me, not alone in consequence of the suggestions of my own mind, although it met my cordial approbation, but in accordance with instructions from the Legislature of California. The resolution is this:

Joint Resolution for the relief of Captain William Waldo, Charles N. Hall, and J. J. Petrie.

Resolved, (the Assembly concurring,) That our Senators in Congress be instructed, and our Representatives requested, to use their influence and efforts to obtain an appropriation from Congress for the relief of J. J. Petrie; also, for the relief of Captain William Waldo and Charles N. Hall, for money expended by them in affording relief to the destitute and suffering overland immigration, while acting under the direction of the Sacramento Relief Company; and that the Governor of this State be requested to forward this resolution to our Senators and Representatives in Congress.

JOHN BIGLER,
Speaker of the Assembly.
DAVID C. BRODERICK,
President of the Senate.

APPROVED, April 5, 1851.

JOHN McDOUGAL.

I also made an unsuccessful effort to have some appropriation made to pay these just and meritorious claims, but I was equally unsuccessful in that effort. And I give notice, that when this bill comes up, I shall introduce an amendment to carry into effect the object of that resolution of my State.

That the Senate may be apprised of the principle I am contending for, I will have printed with these remarks the bill relating to this subject as originally introduced by me:

A Bill to authorize and direct the payment of certain moneys into the treasury of the State of California, which were collected in the ports of said State as a revenue upon imports, since the ratification of the treaty of peace between the United States and the Republic of Mexico, and prior to the admission of said State into the Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

*That it is hereby made the duty of the President of the United States, to cause to be paid into the treasury of the State of California, all the moneys collected in the ports now embraced within the limits of said State, from the thirtieth day of May, one thousand eight hundred and forty-eight, to the day on which the collector appointed under the act entitled "An act to extend the revenue laws of the United States over the territory and waters of Upper California, and to create a collection district therein," approved March three, eighteen hundred and forty-nine, entered upon the duties of his office: Provided, That such moneys so to be paid to the State of California, shall be exclusive of all sums properly expended under the directions of the military *de facto* governors, for the necessary expenses of collecting the same; and also all sums properly and justly expended under the directions of said officers for the purpose of carrying on and sustaining the *de facto* government, which existed from the conclusion of peace between the United States and Mexico, until the present State government of California went into operation.*

Sec. 2. And be it further enacted, That it is hereby made the duty of the President of the United States to cause to be paid into the treasury of the State of California, all moneys collected as a revenue upon imports in the ports now embraced within the limits of said State, from the day on which the collector appointed under the act aforesaid, approved third March, eighteen hundred and forty-nine, entered upon the duties of his office, to the day on which the State of California was admitted into the Union: *Provided*, That all such moneys so directed to be paid over shall be exclusive of all amounts properly disbursed in collecting the same.

Sec. 3. And be it further enacted, That it is hereby made the duty of the President of the United States to cause to be paid into the treasury of the State of California, all moneys collected in the ports now embraced within the limits of said State, as hospital and light dues, and which moneys were so collected prior to the day on which said State was admitted into the Union.

Sec. 4. And be it further enacted, That the President of the United States is hereby authorized to provide and prescribe such regulations, vouchers, and other forms, as in his judgment will be best calculated to carry out the foregoing provisions of this law.

Mr. PEARCE. Mr. President—

The PRESIDENT. It is not in order to discuss this subject at the present time.

Mr. PEARCE. I was about to say, that as the bill is not now under consideration, I did not consider it proper to reply to the remarks of the Senator from California; but when it is before us for consideration I hope I shall be able to vindicate the course of the committee.

Mr. GWIN. I will meet the Senator there.

ENGROSSED BILL PASSED.

The following engrossed bill was read a third time and passed:

An act supplementary to several acts of Congress, providing for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes.

ASSIGNABILITY OF LAND WARRANTS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill to make land warrants assignable, and for other purposes; and,

On motion by Mr. FELCH, it was

Ordered, That they be referred to the Committee on Public Lands.

EXILED IRISH PATRIOTS.

The Senate resumed the consideration of the resolution expressive of the sympathy of Congress for the exiled Irish patriots, Smith O'Brien and Thomas F. Mergher and their associates.

Mr. SEWARD, (who has the floor on this subject.) Mr. President, I move the postponement of that resolution until to-morrow, and that it be the special order for that day, at one o'clock.

The PRESIDENT. It is now a special order, and if postponed it will come up to-morrow at one o'clock.

Mr. SEWARD. Then I make the motion to postpone until to-morrow.

The motion was agreed to.

NON-INTERVENTION.

The Senate proceeded to the consideration of Mr. CLARKE's resolutions on the subject of non-intervention. The pending question is the amendment offered by Mr. CASS to the amendment of Mr. SEWARD.

Mr. CASS addressed the Senate at length on the subject. He considered the subject in all its bearings; he deprecated any demonstration of violence, and maintained the right, justice, and propriety of an open declaration of our opinion upon the subject of violations of the law of nations. His speech will be found in the Appendix.

Mr. CLEMENS. For the purpose of enabling the Senator from North Carolina [Mr. BADGER] to conclude an unfinished speech, I move that the further consideration of this subject be postponed.

until the day after to-morrow, and made the special order for that day.

Mr. BADGER. I have no objection to the motion of my friend from Alabama to postpone this subject till the day after to-morrow, but I object most decidedly to commencing my speech to-day when it is almost three o'clock.

Mr. CLEMENS. The Senator need not proceed until to-morrow.

Mr. GWIN. I hope the motion will be agreed to, as I want to ask the Senate to go into Executive session on a matter of some importance.

The motion was agreed to.

EXECUTIVE SESSION.

On the motion of Mr. GWIN, the Senate proceeded to the consideration of Executive business, and, after some time spent therein, the doors were reopened and the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 10, 1852.

The House met at twelve o'clock, m.

Prayer by the Rev. C. M. BUTLER, Chaplain of the Senate.

The Journal of yesterday was read and approved.

TROOPS ON THE OREGON ROUTES.

The SPEAKER stated as the first business in order, the motion of the gentleman from New York, [Mr. HAVEN,] to reconsider the vote by which the House adopted, yesterday, a resolution offered by the gentleman from Oregon, [Mr. LANE,] in reference to routes to Oregon; and that upon that motion the gentleman from Indiana [Mr. GORMAN] was entitled to the floor.

On motion by Mr. HAVEN, leave was granted to withdraw from the files of the House the papers in the case of Peter Covil, for the purpose of reference to the Pension Department.

Mr. KING, of New York. I desire, with the permission of the gentleman from Indiana, to ask leave to report back from the Judiciary Committee, Senate bill amendatory of the act entitled 'An act to provide for holding the courts of the United States in case of the sickness or other disability of the judges of the district courts, approved July 29th, 1850.

The bill is a very short one, and may be disposed of in a few moments. There is a very urgent necessity for its passage.

Mr. GORMAN. What disposition does the gentleman propose to make of the bill?

Mr. KING. I desire to put it upon its passage. It will not take two minutes.

Mr. JONES, of Tennessee. I object to it.

The resolution, the vote on the adoption of which, it is proposed to reconsider, is as follows:

Resolved, That the President of the United States be requested to communicate to the House what steps, if any, have been taken to insure the protection of emigrants en route to Oregon, against the depredations of the Indians of that Territory; and in case no such steps have been taken for that purpose, that he be requested to cause the regiment of Mounted Rifles to be placed upon duty within the Territory of Oregon—the service for which said troops were created—and that he cause a portion of said regiment to be posted upon the main emigrant road from St. Joseph, on the Missouri, between Fort Hall and the Dalles of the Columbia river, and the remainder thereof to be posted in the Rogue River Valley, on the road from Oregon to California, said troops being necessary for the protection of emigrants and others traveling said road.

Mr. GORMAN. The subject now under the consideration of the House is the resolution offered by the gentleman from Oregon, [Mr. LANE,] in regard to the disposition of certain troops, for the protection of emigrants en route for that Territory. I have but a few observations which I desire to submit to the House, and I shall not occupy the time allowed under the rule. Those remarks I intend to address, as nearly as I can, to the subject-matter under consideration, without any further digression than may seem indispensable to my purpose.

This resolution is introduced for the purpose of obtaining certain information from the President. It also suggests to the President, as I understand it, the propriety of placing upon the Oregon route the mounted rifles. The point to which I wish to direct the attention of the House is this: that under the law creating that regiment, the mounted rifles were raised for the Oregon service; they were to be put upon that service, and for the identical purpose proposed to be accomplished by the gentleman from Oregon, in his resolution. The

Secretary of War, in his last annual report, makes the following allusion to the subject; he says, speaking of the force already sent out to Oregon:

"This force is deemed entirely inadequate for the protection of the inhabitants, particularly of Oregon. The Governor of that Territory has represented this fact, and has urged an increase of the force stationed within it. The means now at the disposal of the Department do not enable it to comply with this demand."

The Governor here alluded to, is the honorable gentleman now representing that Territory. The Secretary of War proceeds:

"In my last annual report I recommended the creation of a new regiment of mounted men. The withdrawal of the regiment of mounted riflemen from the Pacific has, to some extent, diminished the necessity of creating an additional regiment of that description of force, as that country is not peculiarly adapted to cavalry, and its place may well be supplied by infantry."

Now, it is in reference to that recommendation, and to the subject-matter of the resolution, to which I would ask the attention of the House. The Secretary of War will excuse me if I differ from him in relation to that recommendation, for no gentleman upon this floor has a higher regard for him, as a gentleman and a man, than I have. But the idea of a recommendation to this Congress to substitute infantry for mounted troops upon the frontier service, is so anomalous in its character, and so much in conflict with all military experience, that it struck me at first blush as the most remarkable recommendation I ever heard. The idea of using infantry in preference to mounted troops on the exposed frontier, against Indians marauding to and fro, committing depredations at one point to-day, and at another point forty miles distant to-morrow, does seem to me to be a most remarkable recommendation.

But, sir, what was the object of raising this rifle regiment? I say to the House, that the gentleman from Oregon [Mr. LANE] has stated it correctly. This rifle regiment had its origin in the recommendation of the President of the United States to the Twenty-ninth Congress. That recommendation will be found in the Congressional Globe for the first Session of the Twenty-ninth Congress. The President said:

"For the protection of emigrants, while on their way to Oregon, against the attacks of the Indian tribes occupying the country through which they pass, I recommend that a suitable number of stockades and block-house forts be erected along the usual route between our frontier settlements on the Missouri and the Rocky Mountains; and that an adequate force of mounted riflemen be raised to guard and protect them on their journey."

That recommendation of the President of the United States, made at the commencement of the Twenty-ninth Congress, brought the subject up for consideration before the Committee on Military Affairs. It will be found, by reference to page 726 of the same Congressional Globe, that the subject was debated, and that the very point made by every individual who participated in that debate was, that these troops were to be a guard for emigrants going to Oregon. No member upon this floor, who looks into the history of the law by which this mounted regiment was created, can come to any other conclusion—first, from the recommendation of the President; and secondly, from the debate upon the subject—than that the regiment was raised for that service, and for that alone.

Mr. Benton, in the Senate, made a speech on the subject—which will be found in the Congressional Globe—in which he took this same view; and Mr. Gordon made a speech in this House, in which he also took the same view.

Mr. Gordon, in his speech, said:

"Now, in the opinion of the President, it is necessary that, in this particular service, there should be a particular force—a force of mounted riflemen; and that the ordinary infantry force of the country would not answer the purpose. What is the object of establishing these block-house forts, and stockades, and organizing this force of mounted riflemen? It is not only to protect emigrants on their way to Oregon, but to encourage their emigration thither. And unless we are prepared to abandon, not only the assertion of our claims, but our claims themselves, to Oregon, and to present ourselves in opposition to the President, we are bound to carry out his recommendation, and, as I think, to establish this force in that region of the country."

And again:

"Now, for the purpose of protecting emigrants on their way to Oregon, and of encouraging their going there, I am in favor of having one regiment of riflemen mounted, in whole or in part, at the discretion of the President, for this peculiar service, between the Missouri and the Rocky Mountains, as well as for the purpose of keeping the Indians in check, and preventing hostilities on their part against our frontier settlers."

There was not an individual who spoke upon

the subject, in either end of the Capitol, who took any other view than that this mounted regiment was designed for the protection of emigrants to Oregon. The President, or the Secretary of War under his advice and counsel, has ordered the mounted riflemen from the Pacific border, and left but few, if any, troops on that long and exposed Indian frontier, and these troops are not mounted. This force are troops that are stationed at certain points along other routes, and this route proposed to be protected by this mounted rifle regiment is now defenceless.

Mr. EVANS, (interrupting.) I wish to ask the gentleman if I am to understand him to say that President Taylor, or President Fillmore, withdrew that mounted regiment?

Mr. GORMAN. Yes, sir, I do say so.

Mr. EVANS. My impression is—and I was here at the time—that they were withdrawn by President Polk.

Mr. GORMAN. Well, the mounted regiment was withdrawn—

Mr. LANE, (interrupting.) If the gentleman will allow me I will put this matter straight. I pledge my word, that the gentleman from Maryland has got this thing wrong in his head. The regiment was ordered to Oregon in 1849, and arrived there in the fall of that year; they remained there until the spring of 1851, when they were ordered out of Oregon by the then Administration. That is the true history of this regiment. The gentlemen from Texas [Mr. HOWARD] fell into a great mistake yesterday, when he said that the regiment had been ordered from California and not Oregon. That regiment never was in California.

Mr. EVANS. I did not say that it was.

Mr. LANE. No; but the gentleman from Texas did.

Mr. GORMAN. I had supposed that it was done under the administration of President Taylor, but I care not under whose administration it was done—whether under that of President Polk, Taylor, or of Mr. Fillmore. I do not, upon this occasion, intend, by any means, to attack the administration either of President Taylor or of Mr. Fillmore. My object is to get at the point, whether the law originally passed did not intend the service of the mounted riflemen, for this Oregon route. If so, I ask, has not the Government, in ordering that force from the Territory, gone in direct opposition to the intention of the law? That is the point. It is the privilege, under the law, of the President of the United States to order troops to whatever positions he pleases; but the idea of taking mounted men from the frontier of Oregon—a mountainous country, and that portion which is not mountainous being a large part of it prairie—the idea of following Indians who almost invariably travel on horseback, with infantry, carrying their muskets, rifles, cartridge-boxes, and provisions, is certainly the most novel recommendation I ever heard in my life. I know of no man in this country—there is none in this broad land, save, perhaps, one man, and that is the gallant Commander-in-Chief of the Army—to whose opinion in relation to the protection of the country and its frontier, I would pay more deference than to that of the gallant Representative of Oregon. He has given you a history of that country, and many details of the Indian depredations.

Sir, a few commanders such as he is, would soon rid this country from Indian depredations upon that frontier. And when his opinions and recommendations come in conflict with those of the Secretary of War—I care not how well the Secretary may be posted up in the military affairs of the United States—his recommendation would not weigh much with me in comparison with that of the man whom I know marks out his designs with judgment and skill, and executes them with a dexterity and promptness not surpassed, if equaled, by any other man who ever drew a sword or stood before an enemy. I say, when I come to see the recommendation of that man, I feel that I am safe to follow it—a man, of whom, I can say to the country and the world, that in the hour of peril and danger, he sees at a glance the weak points of the enemy and his own force—and avails himself of the advantage instantly. He then goes into the contest with an eye that never blinks and a heart that never falters, combined with a love of country and a patriotism that has no superior in this broad land; when I come to hear him recommend that a regiment of mounted

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rifleman shall be stationed upon that frontier, because they are needed there; when I hear him in behalf of the woman and children upon that frontier; when I hear him recount the dangers to the emigrant and the difficulties in getting to that country;—all these, in connection with his character, not only as a military man and as a prompt executioner of his designs, but as a man who speaks with judgment and reason upon this question, I am well satisfied that the opinions and judgment of such a man ought to be deferred to, especially after he has traveled over that country, and therefore can speak from personal observation.

The question is, whether the vote on the adoption of this resolution shall be reconsidered. This resolution, as I understand it, is to request the President to order a portion of the rifle regiment to be posted upon the emigrant route, from St. Joseph, Missouri, between Fort Hall and the Dalles of the Columbia river; and the remaining portion to be posted in the Rouge River Valley.

Now, I am not going to question the right of this House to direct the President in this matter. I am not going to contend that the President has not the disposition of the troops. I take it that this resolution will not interfere with the powers or the rights of the President, whatever they may be. I think it very clear, that if the resolution is adopted, the President will not consider it in the light of an instruction or as an order. At least, he ought not so to regard it; and if he does, it will not be in accordance with the understanding of this House; not in accordance with the intentions of the mover of the resolution.

While I am upon the floor, I will say that I believe we ought to raise another regiment. In the last Congress I voted against raising that regiment, but I have since seen the necessity of it. The present regiment was ordered to the frontier of Texas, and we must have a force in Texas. We must have a force in California and New Mexico, and that force must be a mounted one. I must, however, be allowed to differ, perhaps, with the gentleman from Oregon [Mr. LANE] in one thing. That force, in my opinion, should be a regular one. Volunteer forces invariably cost double the amount, and are not any more efficient than regular troops. They may do very well in a charge, or in an attack, but I believe that economy will dictate that we should have regular troops, and mounted too, upon the frontiers of California and Oregon. They have been ordered, as it is said, and as I know, to Texas; and there is no doubt that the frontier of Texas needs their protection. There is no doubt that their protection is needed at Eagle Pass, and in the vicinity of Santa Fe. Correspondence, which I have lately received from one of the judges of that Territory, states that murders are daily; that the Indians are committing frequent depredations upon the property and persons of the emigrants and travelers, and upon passengers from village to village. Various communications, which I have received from the vicinity of Eagle Pass, state that there have been frequent and violent depredations committed in the district represented by my honorable friend from Texas, [Mr. HOWARD.] They need protection. The Government, however, have seen fit to withhold from the Oregon route the troops which were raised for the Oregon service. That this regiment was raised for that purpose, and for that alone, the petitions presented previous to the passage of the law raising the regiment, show. The title of the bill shows the fact, that it was raised for that purpose; and whether this order for their removal comes from the Commander-in-Chief of the Army, from the Secretary of War, or from whatever source it comes, I say that it was in opposition to the spirit of the law which created this regiment.

But the objection urged by gentlemen to this resolution is, that it is directory to the President. Now, if it is read as I think it ought to be read, it is not directory in its character. As I understand it, it simply requests the President to cause this thing to be done. And if I am right in this position, the resolution ought to pass. If I am

right in my assertion that this regiment was raised for the purpose of serving in Oregon, and it has been ordered to be removed to another part of the country, I say that the resolution ought to pass. If we had assurance, however, which could be relied on, that another regiment could be raised, I perhaps should not insist on that regiment being directed to take its position upon the routes to Oregon. Another regiment, in my opinion, ought to be raised. This bugbear which has been perpetually crying out against an increase of the Army, has hitherto prevented our raising another regiment. But we know that the frontier of California has been exposed to frequent attacks and depredations by the Indians. Our frontiers have, during the last year, been left so much exposed, that I may say hundreds of men women and children—emigrants not only to Oregon, but to New Mexico and California—mail carriers and officers of your Government, have been robbed and murdered; and yet, in the face of all these facts, there is a disposition here to withdraw all the troops from the whole Pacific frontier. How is this whole frontier to be protected against the depredations of the Indians since the withdrawal of all the troops from that frontier, exposed as it is for three thousand miles? Why, the idea that, in a Government like ours, the Secretary of War should recommend to Congress to disperse with the cavalry of the country and to substitute infantry, with a large and almost boundless extent of frontier such as we have, is so anomalous in its character, that it needs only to be stated to be seen.

Mr. HAVEN. I desire to make but a suggestion, and it is for the purpose of calling the attention of the gentleman from Indiana [Mr. GORMAN] to the fact, that he seems to be doing some injustice to the recommendation of the Secretary of War. Now, as I read the report of the Secretary of War, and as I understand his views expressed in his report made to the President at the commencement of the present session, he entertains the same views precisely as have been expressed by the honorable gentleman [Mr. LANE] who introduced the resolution, in reference to the service of this mounted regiment, and also the same views which the honorable gentleman from Indiana [Mr. GORMAN] entertains. In fact, he says the regiment of mounted rifles is necessary for the purpose of protecting our frontier, and keeping our treaty stipulations with Mexico. He insists that this kind of troops are the only efficient force for preventing these Indian incursions. But in looking over the whole field, he seems to regard the frontier of Texas as in more immediate danger than either Oregon or California. If my friend from Indiana will allow me, I will read a brief extract from the commencement of that report.

Mr. GORMAN. If the gentleman will allow me to read first, he may then read as much as he pleases.

Mr. HAVEN. I only desire to read in regard to this single point.

Mr. GORMAN. The gentleman will find that the Commander-in-Chief, General Scott, and the Secretary of War, differ upon this subject.

Mr. HAVEN. I am speaking now with reference to the harmony of views entertained by the Secretary of War, by the gallant and honorable gentleman from Oregon, and by the gentleman who now occupies the floor from Indiana, [Mr. GORMAN.]

The Secretary says:

"As infantry is of but little use in a service which consists principally in pursuing small parties, who are always mounted, I recommended in my last report the raising of an additional mounted regiment, equipped with special reference to this service. Congress not having adopted this recommendation, all that remained for the Department to do was to make such a disposition of the force at his disposal as would most effectually protect our own territory, and fulfill our treaty obligations with Mexico. Accordingly, prompt measures were taken to concentrate on the confines of Texas and New Mexico as many of the troops adapted to this service as could be spared from other quarters."

Then, again, he says:

"The Indians in California and Oregon having always been of an unwelcome character, and disposed to cultivate

the good will of the whites, it was thought that the services of the regiment of mounted riflemen might be dispensed with on the Pacific. It was therefore ordered to Texas. Brevet Major General Smith, its commander, was put in command of the eighth military department, and Brevet Major General Hitchcock was ordered to succeed him in the command of the Pacific division."

Again, he says:

"It would not be safe, however, to rely on any pacific policy, however wise and just, for the protection of our fellow-citizens in that remote region. Since the withdrawal of the regiment of mounted riflemen, the military force on the Pacific is extremely small. By the returns of the Adjutant General, appended to the report of the General in Chief, it appears that the entire force stationed on the Pacific amounted, at the last return, to only seven hundred and thirty-six men. This force is deemed entirely inadequate for the protection of the inhabitants, particularly of Oregon. The Governor of that Territory has represented this fact, and has urged an increase of the force stationed within it. The means now at the disposal of the Department do not enable it to comply with this demand."

Now, whatever may have been his reasons for sending this regiment from Oregon, he takes precisely the same views of the matter as the gentleman from Indiana and the gentleman from Oregon. But he says that there is no very eminent dangers to be apprehended from the Indians in Oregon. From the habits and condition of those Indians, they are not warlike in their character, and it is not necessary to have these mounted riflemen to pursue these small parties, to ride them down, as the gentleman says. Or it is not as necessary to have them there as it is upon the frontier of Texas. I do not desire to detain the House, I only make this suggestion, that there is a harmony of views in reference to this subject, between the gentleman from Indiana and the gentleman from Oregon and the Secretary of War.

Mr. GORMAN. The clause to which the gentleman has referred, is to be found in the report of the Secretary of War. After repeating what he had said to the last Congress, he goes on to say:

"In my last annual report I recommended the creation of a new regiment of mounted men. The withdrawal of the regiment of mounted riflemen from the Pacific has, to some extent, diminished the necessity of creating an additional regiment of that description of force, as that country is not peculiarly adapted to cavalry, and its place may well be supplied by infantry. Nevertheless, by the report of the General-in-Chief, it will be seen that he considers not only this additional regiment of cavalry, but also an increase in the rank and file of the infantry and artillery as indispensably necessary. While I feel some hesitation in urging upon Congress any addition to the force on the frontier, where the support of troops is attended with such enormous expense, I cannot but acknowledge the force of his remarks and the weight that is due to his recommendation. I hope, therefore, that the matter will be submitted to Congress."

Does he understand the Secretary of War to come to the conclusion to which he alludes? If so, he is mistaken. The Secretary of War is recapitulating what he has said before.

Follow the Secretary of War. He says:

"In my last annual report I recommended the creation of a new regiment of mounted men. The withdrawal of the regiment of mounted riflemen from the Pacific has, to some extent, diminished the necessity of creating an additional regiment of that description of force, as that country is not peculiarly adapted to cavalry, and its place may well be supplied by infantry."

And he goes on to say, and you will see that he differs from the Commander-in-Chief:

"Nevertheless, by the report of the General-in-Chief, [Gen. Scott,] it will be seen that he considers not only this additional regiment of cavalry, but also an increase in the rank and file of the infantry and artillery, as indispensably necessary."

The Secretary of War further says:

"While I feel some hesitation in urging upon Congress any addition to the force on the frontier, where the support of the troops is attended with such enormous expense, I cannot but acknowledge the force of his remarks and the weight that is due to his recommendation. I hope, therefore, that the matter will be submitted to Congress."

Thus it will be seen that General Scott wishes another cavalry regiment, and the Secretary of War hopes the matter will be submitted to Congress. He differs from General Scott, and says that infantry can be used there, and that cavalry is not fitted for that service. And why? He has shown that such are his opinions by withdrawing the mounted rifles; and in doing so, he has perpetrated an act which I regard to be in violation of the spirit of the law, as clearly indicated in the title of the law. It is the point to which I am

directing the attention of the House, that the withdrawal of those troops from Oregon is wrong. The remark has force as made by the gentleman from Oregon, in reference to the settlements in Texas, that Texas is better capable of taking care of themselves than those upon the frontiers of Oregon and California. The frontiers of Texas have never been incapable of defending themselves. They need this force, however, to avoid the necessity of defending themselves. It is the duty of the Government to defend them. The people of Texas are quite as warlike—if I may be allowed the expression—as the Indians themselves; and they make better Indian fighters than are the Indians themselves. One Texan regiment can whip two or three Indian regiments. I heard a distinguished gentleman from Texas, a few days since, say they could outrun them, whip them, and fight them two to one at any time and under any circumstances. If the President of the United States had taken into consideration the population of Texas, their character, their ability, and willing disposition to defend themselves, he would have found an additional reason for keeping that regiment where the Congress of the United States intended it to be kept. I insist that the act of the Secretary of War in withdrawing those troops is in violation of the spirit of the law, and in derogation of the intention of Congress; and it is a violation, too, of the principles of humanity. The cause of humanity demands that these troops should be kept upon the route of the emigrants to Oregon. You have thousands and thousands of people going over the plains this year. Thousands passed over them last year; and the papers of the whole country are full of accounts of Indian depredations, murders, and robberies of every character and kind. But, sir, in the face of all that, in the face of the preamble of the law, and in the face of the intention of this House, the Secretary of War has seen proper to withdraw those troops from the point where it was intended that they should be stationed.

Mr. HAVEN. There is no preamble to the law.

Mr. GORMAN. When I used the word preamble, I intended the word title. I did not intend to elaborate this matter by any means. I wished only to speak upon a point which struck me as being important, and having investigated that, I only intended to say to the House, that the proposition of the Secretary of War in recommending infantry upon the frontier instead of cavalry, is so anomalous—with all due respect to that highly honorable gentleman, for whom I have great regard—that I could not refrain from making the remarks which I have made.

Mr. BROOKS. I did not intend to make any remarks upon this resolution, because I did not suppose, that after the discussion on yesterday, that it would be pressed to a vote, but would be materially modified or utterly withdrawn by its mover. I see, however, by the argument of the honorable gentleman from Indiana, [Mr. GORMAN,] who has just taken his seat, that it is probably his intention, and as I apprehend, the intention of others also, to force us to a vote upon this resolution just as it is; and therefore it becomes necessary to reply to his remarks, and to urge the reasons why such a resolution should not pass at all, but be reconsidered at once, and then voted down.

In the first place, this resolution contemplates taking from the Executive power of the country the control of the Army of the United States.

Mr. GORMAN. If the gentleman will allow me, I will say I have no such intention. I have no objection to vote to so amend the resolution as to preclude the idea the gentleman seems disposed to defend.

Mr. BROOKS. I am happy to hear it, but I must take the resolution as it stands until it is modified by the mover. It does not propose to take it in legitimate form, but—

Mr. LANE, (interposing.) I should like to have the unanimous consent of the House, to amend the resolution at this stage—though I do not know as it is competent to do so, upon the motion to reconsider the vote by which it was passed—by inserting the term *request* in its proper place, in connection with the other terms in the resolution, so that the whole resolution shall be merely a request, and not a command. If that could be done, certainly there could be no objec-

tion to the resolution. I stated on yesterday that I was anxious to have it so modified.

Mr. BROOKS. I hope that at the proper time the gentleman will have an opportunity to amend the resolution. Lest it may not be modified, however, to satisfy me hereafter, I must take the resolution as it stands now, comment upon it as I find it once passed by the House, express my objections to it, and, after that, I intend to animadvert upon some of the observations and principles laid down by the honorable gentleman from Indiana, [Mr. GORMAN.]

The resolution, as it stands, Mr. Chairman, would take from the President of the United States, who is, by the Constitution, the Commander-in-Chief of the Army and Navy, and invest the House of Representatives alone with that high authority. We should have, not one constitutional Commander-in-Chief, but two hundred and thirty-odd Commanders-in-Chief, all honorable members of the House, by no action of Congress, be it remembered, but by the sole action of this House, assuming powers against the Constitution, and without even the coöperation of the Senate. The singular spectacle would be presented of the House alone undertaking the direction of the Army, in defiance of two of the coördinate branches of the Government, whose legislative authority, separately and distinctly, is quite equal to any which the House has or can exercise under the Constitution of the United States. Nay, the resolution of the honorable gentleman from Oregon is not only thus utterly objectionable in principle, but, if possible, yet more objectionable in its details,—for he asks the House not only to take from the President the general direction of the army, but to go into details, and to station a portion of that army at three several and distinct points, between the old western frontier and the frontier of Oregon, all of which he specifically names in his resolution. I am quite convinced, then, that when the honorable gentleman from Oregon further reflects upon the tendencies of his resolution, upon its high assumption of authority, upon its utter impropriety, upon its subversion of the great principle which guided our constitutional fathers in their careful division of powers among the three branches of the Government, and upon its utter powerlessness, too, if he should persist in calling upon the House to pass it, and could obtain sufficient votes, he will not press the resolution to a vote, but will withdraw it, or suffer it to be laid upon the table. True, it may be in the power of this House to resolve, that it will have the sole control of the sword of the country, but it is a resolve against and in despite of, the Constitution, altogether beyond its legitimate authority, and a resolve which it can never maintain, and which, therefore, no member should ever try to pass. The House of Representatives has no sole authority whatsoever over the Army. Congress may, in concert with the Executive branch of the Government, create an army, and the hold the House has over it, is over the supplies, over the public purse. The disposition of the Army, when legislation has done with it, is altogether in the Executive, under the limitation of the Constitution. Congress holds the purse, the Executive has the sword. The powers of the two are complete and distinct in their respective constitutional spheres, and this is the only case, I will venture to say, in which the House has ever before attempted, by a resolution confined to its own body, not only to dispose of the Army, but to fix its stations or encampments in particular spots. I will not, however, press that point further, because the gentleman from Oregon [Mr. LANE] has manifested a proper disposition at least to modify the resolution, in which the gentleman from Indiana [Mr. GORMAN] concurs.

The point I now propose to discuss briefly, is the necessity of the changes which have taken place in the Army of the United States, by the authority of the Executive of the United States. The great and original difficulty lies in the Army being too small for the protection of this now vastly extended country, with, if I may be allowed so to speak, its inner and its outer frontiers—its frontier on the Atlantic and Pacific, on Canada, the Provinces, in Mexico; and its inner frontier, embracing numerous and powerful tribes of savages. An Army which was once, perhaps, sufficiently large for guarding the coasts of the United States and Canada, is now utterly inadequate for the protec-

tion of the extended frontiers of the United States, when they have gone beyond the Rocky Mountains, embraced tribes of savages, whose names even are yet scarcely known to us, and occupied the extensive coasts of Oregon and California. We have doubled our country, quadrupled the difficult and dangerous duties of the Army, but yet the Army remains as it was, and by some it is expected to be omnipresent, because hitherto it has been omnipotent almost everywhere.

A still greater difficulty, however, arises from the action of the House of Representatives of the United States during the last session of Congress. The Executive, through the Secretary of War, submitted his estimates to the House of Representatives, and the action of the House was such as to curtail those estimates one half. Those estimates were cut down over \$2,000,000 by the House, and whatever disorder and trouble there has been in California, in Oregon, or in Texas, or elsewhere, the Executive is not responsible for it, for it is the Congress of the United States that has deprived the President of the power to properly garrison the different sections of this vast and widely-extended frontier. It was impossible for the Executive of the United States to do the justice to Oregon or to California that the gentleman from Oregon now demands, because the House of Representatives deprived him of the means, and even intimated to him, that it was unnecessary to garrison Oregon and California at all. If the honorable gentleman will refer to the discussion upon the Army estimates, in the House of Representatives last year, it will be found that the great argument for the curtailment of the estimates from \$4,000,000 to \$2,000,000, was, that Oregon and California needed no soldiers; that the people there were fully capable of protecting themselves, and that the Indians of Oregon and California were not of a warlike character. The further argument was, that the expense of maintaining troops there was so enormous, and so much beyond that of supporting them upon the Atlantic States, and on the old western frontier, that it was the duty of the Executive to withdraw the troops which had been stationed in Oregon and California, and restore them to the frontier of Texas, or transport them to the Atlantic borders. Upon these arguments the House of Representatives justified itself in curtailing the estimates of the Executive from \$4,000,000 to \$2,000,000; and this was the only good reason gentlemen had for doing what they did altogether in the dark. This was the argument made upon different sides of the House. In one quarter it was made by gentlemen opposed to all armies whatever—by peace men. In other quarters, without reference to parties, it was justified upon the ground that it cost so much for the Quartermaster's department in Oregon and California, that the Army should not, and must not be kept there. The expenses of provision, and of supporting and maintaining troops there was so great, we were told, that they considered it the duty of the Executive to remove the great body of the military from that distant and expensive frontier to the old frontier of the country, or, at least, to take them to the Atlantic coast. The House acted upon these plausible arguments, and the Congressional Globe will show that the spirit of that argument prevailed through all the discussion. The House having done all this, and taken the responsibility, now let not honorable members shirk off that responsibility upon the Executive, but share it; for he not only followed their advice, but they compelled him to follow it by crippling him of all power or means to disobey it.

The gentleman from Indiana in the course of his remarks, bestowed a brilliant eulogium upon the military services of the honorable Delegate from Oregon, [Mr. LANE,] leaving an inference, as it seemed to me, that when he spoke on military matters, all others should obey. I would not, if I could, rob him of one of his well-deserved military laurels. Indeed I heartily concur in most of the remarks of the honorable gentleman. But the gentleman from Oregon, I apprehend, gallant as he is, would find himself entirely unable to do more than the Executive or the Secretary of War has done, if Congress did not vest him with the necessary means to provide for garrisoning his own Territory and the State of California. Sure I am, if the honorable Delegate from Oregon, instead of being only a Delegate, had been actual Commander-in-Chief, he could do nothing more

than has been done, if Congress had blindly cut down his quartermaster's estimates \$2,000,000 at a swoop. If there be any doubt of this, let the honorable gentleman from Indiana give vitality to his eulogies, and bring to bear the power of his party to place the Delegate from Oregon in the position of the Executive of the United States; and if he is placed in that condition, I venture to say, without the power of the purse, without supplies on the part of this House, he could do no more than the present Executive has done for the protection of Oregon and California.

There is another argument of the gentleman from Indiana on which I wish to have a word or two, and that is, this rifle regiment was created for the especial benefit of Oregon. I have no doubt in the early intention of the creation of that regiment it was designed for Oregon, or the frontier of Oregon, but I have yet to learn that any regiment of this country, any portion of the Army of the United States, however it may have been dedicated in its original creation, belongs to Oregon, or California, or Texas, or to Maine, Louisiana, or Pennsylvania, or to any people but the people of the United States. It is a new doctrine, now for the first time introduced here, that a regiment created at the start for a particular purpose, especially when, as in this case, the House deprived the Executive of the power to carry out the original purpose, that such regiment is dedicated forever to a particular Territory or State, and cannot be taken wheresoever and whithersoever it may be the duty of the Executive to take it. The Army belongs to the whole United States, and wherever its services are most wanted, it must be stationed, and of all that the Executive power is the proper judge.

Now, in the great body of the remarks of the gentleman from Oregon, which go to show the necessity of protecting Oregon and California, and the emigrants on their way there, I heartily concur. I have a great respect for his military experience, and am willing to be guided by it, whenever he will provide the men, money, and means. Oregon must be defended. The route from Missouri or Iowa must be made free, easy, and safe. Nobody will go further with him than I will on all these points. But he has not taken the wise and proper steps to carry out the purpose of his remarks. He should go before the Military Committee of this House; he should lay his complaints before the Committee of Ways and Means; he should then address the House, and enforce upon them the necessity of increasing the Army and increasing its expenditures, to maintain the Army at the costly points where he desires to station it. He should enforce upon Congress the necessity of providing better for the transportation of the subsistence for the troops. After he has convinced the committees of the House, he should then come before the House with his arguments that he submitted yesterday upon the passage of this resolution, and if the House respected them as I do, he could then at that more appropriate time carry all before him. Hercules in the White House cannot help him. The only useful Hercules is in these members here.

I forbear, Mr. Speaker, now from any further remarks upon the original resolution—not because I do not object to it in any and every form, except as it is to go to a committee, or is limited to an inquiry. I object to it for the reasons I have stated, but whenever the gentleman will give it the proper form and proper direction—the legitimate and usual direction—he shall have my hearty concurrence in bringing about all he desires.

Mr. CARTTER. I do not propose to trouble the House for the few minutes I shall occupy their time, with a discussion of the propriety of transferring a regiment of mounted riflemen from one frontier of the Republic to another. I take it for granted, that so far as that branch of the service is concerned, no gentleman upon this floor can be better enlightened upon the subject than the honorable mover of this resolution. His position to the western territories, his military experience in connection with the service, constitute, for all purposes, in my judgment, the law of my conclusion upon that subject. I propose to trouble the House with a protest simply against the extraordinary doctrine promulgated by the honorable gentleman from Virginia, [Mr. BAYLY] on yesterday, and echoed by the honorable member

from New York [Mr. Brooks] to-day. It was but a few days since that this House had under consideration the Mexican indemnity bill. If I recollect right, the honorable gentleman from Virginia then rose in his place and solemnly protested against the interference of this body in the disposition of the money that it should appropriate for the liquidation of the debt under that treaty, and assumed then, that the expenditure was the subject solely of Executive discretion. The same gentleman, upon this bill, pursuing the same line of argument, assumes, and gravely urges, that the disposition of the Army is the subject solely of Executive direction and discretion. Now, I conceive, if this Executive tendency of thought, Executive tendency of action, in this body, shall be continued to be pursued until we are subsidized to the thought and action, there will be nothing left but an Executive. The proposition, in connection with the money, puts the purse into his hands. The proposition in connection with the sword here, puts the sword into his hands: and with the Treasury and the Sword united in the Executive, you have an end of the independence of this body. This is what I understood to be a chapter in Federalism when I was learning the A B C of politics, without claiming to have got out of them yet. These are two of the chief attributes of monarchy. And you carry out the doctrine that the President has the sole power of disposing of the defensive force of this Union, and that he has the power of appropriating, under his discretion, the money as accorded by this body, and there is an end of your legislative power. I deny that the Executive has any right to transfer a regiment created for the defence of any given frontier of this Republic to another frontier. I deny that he has any right under the Constitution to withdraw it from the service indicated in its creation. It is true, he is Commander-in-Chief of the Army. The Constitution says so. What does it mean? It means that he is the drill officer of your forces. It means upon the field of battle as the war-making power—as the defensive power of the Union. It means that when you have created a military force, it is at his disposition; that he has the right to mount the cockade and command it; and that is all it means. But the moment you give to him the power of stripping one frontier of its defensive force and transferring it to another, you assign to the Executive the legislative protecting power of this body. You effectually subject the legislative sovereignty of the country to the Executive sovereignty. Why, if he may, under his sole discretion, withdraw forces specifically directed by law to be employed upon an unguarded frontier of the Republic, you throw the whole safety of the empire into a single man's hands; you repose the entire safety of the Republic in a single man's judgment; and when you superadd the other doctrine, that he has a right to manage the funds of the country as he sees fit, independent of the action of this body, you put into his hands the means of executing that purpose. Now, sir, I deny both propositions. I deny that we have not the power to determine that we will make a defence subject to law. When we make that defence, when we raise the force for it, I deny any higher or further power to the Executive than the power of commanding the force at the place where, and the time when, you order him in the law. With the detailed disposition of the Army he does hold the sovereign command, but that disposition must be subordinate to and revolved within the legislative purpose declared in creating the force, and disposing the point of defence. I have never before heard such an alarming doctrine proclaimed here as the doctrine that has just been promulgated. The gentleman from New York [Mr. Brooks] says in his argument that Congress is to blame for transferring the regiment from Oregon to Texas. Did Congress do it? No! It appears the Executive has done it. They did not give the order to march. They did not divert this portion of the Army from that point. But the President rests the necessity for doing it in the defenceless condition of Texas. Now, the honorable Delegate from Oregon, [Mr. LANE], to whose opinion I yield my own judgment in reference to that matter, with whatever rights I have upon the subject, assumes that your standing Army is large enough. It is large enough for action under the explanation of the Delegate from Oregon. It is large enough, God

knows, in the item of expenditure. But again: he says it is the fault of Congress in attempting to retrench it. We did not attempt to retrench it; but one sentiment entered into the reduction of the Quartermaster's department, to which the gentleman alludes, in the last Congress. The reason why \$2,000,000 was taken out of the Quartermaster's appropriation for the Army, as the gentleman from New York will well recollect, was, that for some mysterious, unprecedented reason, it was ascertained that that Department had swelled up its appropriation from \$1,500,000 to \$5,000,000. That was the reason. It was ascertained furthermore, in following the detail of that Department, that the moneys appropriated by the Federal Government were passed through one contractor to another, to another and another and another, and each one levying upon this appropriation the impost of a highwayman.

[Here a message was received from the Senate by the hands of ASBURY DICKINS, Esq., their Secretary.]

Mr. BROOKS. Will the gentleman from Ohio [Mr. CARTTER] permit me to interrupt him? I am quite sure whenever he makes a change, he will bring it to a point and make it specific. He has made an allegation against the Quartermaster's department which involves a high officer of the Government of his own party. I am very desirous he should make his charge specific, so that we may know who are these contractors and what are their names.

Mr. CARTTER. I will make it specific; I do not care who it involves, whether my own party or the gentleman's party. God knows the gentleman's party has sins enough in this line to answer for, when they had to bring forward their leader here, with \$50,000,000 of appropriations, to accuse Congress of having crippled the service by not giving more; when it is necessary, after an appropriation of \$50,000,000 in the last Congress, that you should load down the commencement of this Congress with deficiency bills amounting to \$5,000,000 or \$6,000,000, and then get up in the sixth and seventh week of the session and complain that this modest Administration—this economic Administration—this honest Administration—this sound Administration—this cheap government Administration—this retrenchment Administration—this reform Administration, [laughter,] cannot go on successfully with the operations of this Government without you stop the ordinary business of legislation for the purpose of shoveling into their insatiable maw millions more. [Laughter.] I say I care not who it strikes; I care not whether it strikes political friend or foe. It is recorded upon the pages of that Department, that it has become the mere tool in the hands of speculators, for the purpose of wasting the public revenues. The enormity of the appropriation was so great, made apparently so great at the last Congress, that in a time of profound peace, with no armies for aggressive war, and no necessity for armies for an aggressive war—when the whole world were extending their hands to shake the hand of peace with us, and when our neighbors upon this continent were holding their hands to God to protect themselves against us;—at this time of profound security and unbroken peace, the resources of the Quartermaster's department should run up to \$5,000,000, is a thing unheard-of in the history of expenditure. Now, if there is a Democrat in that crowd, I am not a cousin of his. I want that distinctly understood; and the gentleman may take him into a party that will sympathize with him just as quick as he pleases.

I rose simply to protest against the repudiated doctrine, that the Executive Department has a control of your money, and that he is entitled to a discretionary control of the sword. I have answered that purpose briefly, and have nothing more to say.

Mr. MARSHALL, of Kentucky. It was not my intention to mingle in the debate upon this resolution. I had no desire to say a word in the discussion; but such frequent allusion has been made to the vote of the last Congress, which cut down the appropriations for the Quartermaster's department of the Army below the estimates submitted by that bureau, and such direct reference to those who voted that reduction, as the persons on whose heads should rest all the responsibility for whatever difficulties have occurred upon the frontiers, that I cannot refrain from the declara-

tion that I am one who so voted—who struck from those estimates, at a single sweep of the pen, two millions of dollars—and I stand here now ready to vindicate the propriety of my course on that occasion.

Sir, I can readily understand how the difficulties and expenses of army transportation increased with the extension of the frontiers of the Republic; but I cannot understand, I never have understood why the estimates of the Quartermaster General should go on increasing from year to year in an arithmetical progression, since the frontiers have been so extended. Our number of troops remain the same from year to year; the Commissary General has the same rations to furnish; the Adjutant General the same personnel to wield; the geographical area over which the Army operates is the same. Yet, year by year, the estimates for transportation swell, until this item alone has risen to between \$5,000,000 and \$6,000,000. Sir, this item of "transportation" in the Quartermaster General's estimates, attracted, very naturally, the attention of such members of this House as desired to keep the Army expenditures within due bounds. I know that, though we struck down those estimates last session \$2,000,000, we are yet to have a contest over the items. They are to be brought forward again in a "deficiency bill," and the estimates of the Executive bureaus are to be enforced through that instrumentality, if Congress will submit to it. Sir, the Executive department—the Estimating department of this Government—is not an unresisting subject under the knife of the economist. It will require all the nerve of the boldest legislator to teach gentlemen at the other end of the avenue, that when Congress reduces the estimates they are to learn to keep the expenditures within the sum allowed to them. It has so frequently been the case that the Executive bureaus have successfully disregarded the expressed will of Congress, that I am prepared to see a deficiency bill enter this Hall, restoring the estimates refused last March by Congress, and accompanied by the declaration that the appropriation allowed for the whole year has been expended in the first six months. If I remember aright, such a result was predicted when Congress refused the estimates to the Quartermaster General. It was replied to that prediction, that the representatives of the people would teach the lesson of obedience to their will by making an example of the officer who should dare to disobey the will of Congress, when clearly and unequivocally expressed. The report of the "deficiency bill," covering the same estimates so refused, will bring Congress to the test proposed. We shall see in a few days whether this body has sunk to the level of a mere office in which to register Executive edicts—whether the subalterns of the Army in possession of bureaus are superior to the Congress. If I can obtain the floor on the hearing of this "deficiency bill," by which this deficit of two millions is proposed to be restored to the Quartermaster General's bureau of the War Department, I shall avail myself of that occasion to review the vote to which reference has been made, as well to vindicate its correctness, when cast, as to show conclusively the high obligation which rests upon Congress to adhere to it, "at every hazard and to the last extremity."

I have not looked at the history of that debate as it is reported, but I remember that the estimates furnishing rations to the troops were made upon the basis, that the transportation of a barrel of pork to some of our posts in New Mexico was to cost some \$50! We saw in those estimates, that the article of wood, for fuel, in New Mexico was to cost some \$12 or \$14 per cord. To justify this, it was said the wood had to be packed some thirty or thirty-five miles. Why was this? Because the troops were stationed in the towns and not in the Indian country. We thought it would be better to move the soldiers to the wood, than to bring the wood to the soldiers, at the price estimated for. Think of it, sir: a barrel of pickled pork sent from the city of New York to Santa Fé, at a cost of \$50 for the mere transportation! We know enough of the character of New Mexico and California to be apprised of the fact, that in those countries, beef cattle and sheep were pastured, and that the inhabitants subsisted upon this kind of meat. We know that, by existing law, the President of the United States could substitute one ingredient for another in the ration of the soldier, in order, by such change, to adapt the ration to the capacities

of whatever country the soldier might be called to serve in. We thought that our soldiers in New Mexico and California might subsist on beef or mutton, smoked, dried, salted, or fresh, as well as upon pork, and that it was not indispensable to the maintenance of our military establishment, that the contracts for army supplies should be made in the cities of the Atlantic. Sir, we are in the habit of making contracts in New York and Boston, which should be made in the West. Some of us thought that, instead of sanctioning the transportation of pork at \$50 per barrel from New York or Boston, through the west, and thence over the plains to New Mexico, we would leave the President to the judicious exercise of that power, with which he was already invested, and whereby, by a mere change of the soldiers' meat ration, he could subsidize the force upon the productions of the country in which the army should be stationed, and so dispense with such extravagant transportation.

Mr. Speaker, I do not make an assault upon the administration of the War Department, but when my votes are made the subject of comment here, or elsewhere, I shall and will vindicate their propriety. They are cast always according to my judgment of the interests of the people, and without reference to the demands of party. They may be wrong, but I can always communicate the reasons which operated upon me to give them. It was unnecessary to cast any reflection upon those who voted with me upon the occasion referred to, and for one, I do not mean to permit any text to be taken in this way, without accompanying it with a proper commentary. Let me say, that the idea is preposterous, that the difficulties upon the frontiers, or in the administration of the War Department, have arisen from the vote referred to. The estimates upon which that vote was given were made for the year ending 30th June, 1852. Six months of that fiscal year have not yet expired. The allowance for the whole year has surely been sufficient for the first six months. It cannot be, then, that frontier difficulties which transpired six months ago, were caused by a supposed deficit which will appear six months hence! Look to the Quartermaster's estimates for the present year, and to his expenditures for the first six months. Let us see the details, and place your finger upon the retrenchment that has occurred, out of which the difficulties on the frontier have originated, or to which, in any degree, they can be traced. I dare to say, no man here can specify such item. I dare to say, that the examination will prove that the expenditures have been made according to the estimates, and that the calculation has been indulged to cover the deficit of the next six months by a new appropriation. If this shall appear, with what propriety can the fault or the responsibility be attributed to Congress? No, sir; we have enough sins to answer for, without charging those upon us of which we are innocent. I do not enter upon the avowment that any fault has been committed—that the difficulties upon the frontiers could have been avoided; but if there is any fault it originates from the manner in which the troops have been posted, not from the manner in which they have been supplied, when posted.

The troops of the Army are posted by the Commanding General of the Army. The duties of the Quartermaster General, Adjutant General, Commissary General, are merely ministerial, and are all under the supervision of the Commanding General. The Republic is divided into so many military departments, and these are subdivided into so many military divisions, which are made up of brigades, regiments, and companies. Each has its peculiar chief, but the arrangement and order of the whole belong to the Commanding General. At the end of the quarter the Adjutant General exhibits to his Chief the returns of the Army. He shows, in a consolidated return, the whole personnel of the Army, the strength of each department, and you may run back in these returns and find the strength of each division, brigade, regiment or company, and finally, the exact whereabouts of each man. You can see whether an individual has been absent or present, sick or well, on duty or off duty—in fine, how he has been, where he has been, and what he has been doing. The system descends to the utmost minutiae, and yet exhibits the condition of the Army in the most comprehensive form. With his maps of the country before him, the Commanding general arranges the manner in which the lines are to be occupied, determines what posts are to be

defended, how they are to be situated, and with what force they are to be garrisoned, where the infantry is to be used, and where the dragoons and rifles are to be sent. These great points being determined by him, the orders pass to the military departments, and from these to the divisions, thence to brigades, thence to the regiments, and so down to the companies. Every man hears the command from Washington. Here is the responsibility for the plan, that for the execution may rest elsewhere. The distribution of the troops being fixed, the Commissary General has the simple duty of procuring the rations—certain supplies fixed by law as to quantity and kind, and only liable to be changed by an order of the President. These are to be transported by the order and under the supervision of the Quartermaster General, who, besides, has the furnishing and transportation of other things required by service, as arms, horses, &c., &c. These details prove that the Quartermaster General is not censurable if the supplies are costly in any particular locality, and I should not think less of the Quartermaster General if it cost \$100 per barrel to carry the pork ration to a military post. I know he has nothing to do with the matter further than to make an honest contract to have the article transported. The responsibility is all upon the officer who determines the locality of the post—the line to be occupied and to be supplied, and the character of the force to be employed.

When Congress refused the transportation account of the Quartermaster General, at the last session, and reduced the estimates \$2,000,000, the essence of that vote was to disapprove of the lines occupied and to suggest, in a legitimate manner, a new disposition and arrangement of the military establishment on the frontiers. It suggested to the President of the United States the propriety of exercising his power to change the rations of the soldier, so as to subsidize him from the productions of the country occupied, as far as possible. It suggested to the commander to take his force into the country instead of keeping them in the settlements—to take them to the wood, and not to bring the wood to them. I have cause to believe that a change, and a beneficial change, has occurred in the disposition of the troops, whether in consequence of that vote or not, I shall not pretend to say. The idea of occupying the line of the Rio Grande under the pretence of enforcing the treaty of Hidalgo, is a farce. I once before remarked, that you had not enough men on it to post a relief of sentinels of one to every three miles. But more of this hereafter. I arose for the sole purpose of avowing my readiness to vindicate the correctness of my vote at the last session, and to defend myself against implied censure. I desire gentlemen to understand that I, as one of the majority who reduced the estimates of General Jesup, acted from a sense of my duty to the country—that I shall always be ready to vindicate the correctness of the position then assumed, and that if the remarks made here are *avant couriers of a deficiency bill designed to bring Congress back to the path of bureau dictation*, I shall be quite ready, as a member, to express my views of the new duties we shall owe to ourselves, our dignity, and our country, upon the happening of that event.

With regard to the particular resolution under consideration, I will make a few remarks before I resume my seat. I cannot support the resolution—not that I deny the power of Congress to indicate by legislation where military posts shall be established, and, if the Congress chooses, how the military operations shall be conducted. I distinctly concede, as I maintain, the existence of this power. The Executive is the Commander-in-Chief, and so long as the Army is maintained he has the right to command it; but the Congress has the right to say where it shall be employed when Congress thinks proper to exert such power. But, the question here is not one of power: it is one of expediency. The honorable Delegate from Oregon [Mr. LANE] will find by reference to the debates of the Thirty-first Congress, that his predecessor indicated upon this floor, that the mounted rifle corps was not wanted in Oregon, and that the people of that country were entirely competent to their own defence. I think he made the same assertions to many in our private conversations with him. Now, conceding the claim of the honorable Delegate to the service of the mounted rifles in Oregon, surely the same practice which the Polk administration

pursued, to wit: that of sending that regiment where the emergencies of the service required it, would be equally proper under this Administration. That regiment was sent first to Mexico. When that war concluded, a portion of it was sent to Oregon. The former Delegate from Oregon said those troops were not needed in Oregon. Texas required troops to guard her frontier against Indian marauding parties and hostile bands. I suppose it was to meet this emergency, and because of Mr. Thurston's representations, that the rifle regiment was withdrawn from Oregon and sent to the Texas frontier.

Mr. DUNHAM. If the gentleman from Kentucky will permit, I will say that, according to my recollection, the Delegate from Oregon to the last Congress said, in substance, that they did not want troops in the *actual settlements*, but they *did* desire them on the routes from the States to Oregon. I think there is a distinction. I do not understand the present Delegate from Oregon as requiring troops in the settlements of that Territory.

Mr. MARSHALL. I have not referred to the debates of that session, and shall not be particular as to the *exact* statement of the former Delegate from Oregon; but, I have conversed with members of the last Congress as to the statement then made, and their recollection as to its purport and substance, concurs with mine. The impression produced upon our minds was, that, from some cause, the troops then in Oregon were not required there. And I suggest that, in the action of the former Delegate will be found the reason of their withdrawal by the Commanding General. Be that as it may, are we prepared, with the limited information we now possess—without any communication with the War Department—without knowledge of the present employment of the rifle regiment or of the necessities of the frontier to which that corps has been ordered—under *all* the circumstances, are we prepared, absolutely to order the Secretary of War to recall these troops from their present position, and to post them as indicated by this resolution? I take it, that it is very *unusual* for the House of Representatives to say that particular corps of the Army shall be posted in *this* position or in *that* position. But, even admitting that we might so direct, I am not ready to vote that resolution. It not only proposes to order the regiment to Oregon, but to post it in various detachments, in particular sections of that country, after it shall have arrived there. We are asked, not only to direct the Commanding General, but to order the General of Division and the head of the regiment. I am not sufficiently informed as to the urgent necessity for this procedure to vote for it.

I do not know the exact condition of the localities and of the settlements in Oregon sufficiently well to undertake this absolute and peremptory order. While I may have confidence in the military sagacity of the Delegate from Oregon, I yet feel that something of etiquette is due to the person who conducts the military affairs of the country, and that we ought not, upon the sole representations of the honorable Delegate as to his views of the necessities of Oregon, to instruct the Secretary to dispatch the rifle corps thither, regardless of the Secretary's views of the necessities of other sections of the country. Much less, then, can I consent, after the troops shall arrive in Oregon, to direct that detachments shall be posted at this point or at that point. That would be a direct reflection upon the capacity of the Commanding Officer to dispose the troops properly for the defence of the Territory.

We might indicate by bill that military posts shall be established at the points indicated, or to cover certain roads, or to protect certain valleys; but we should leave the kind of force, and the amount of force which will occupy these posts, to the direction of the officer who has the management of that frontier, under his responsibility to the Commanding General. I am disposed—indeed, I am anxious—as far as lies in my power, to extend all necessary protection to our infant settlements on the Pacific, both north and south. I am anxious to render the path of the emigrant secure, and to make him feel that the solicitude of this Government for his welfare follows him by night and by day, through all his arduous journey to his distant home. I am unwilling, however, in the gratification of this proper desire, to assume the responsibility of so controlling the War De-

partment and the Commanding General of the Army as to interfere with existing arrangements for the defence of other parts of the Republic; for in relieving the supposed necessities of Oregon, or in supplying the security which the Oregon emigrant requires, I may justly incur the responsibility of leaving *another* frontier exposed to the tomahawk of the savage, and call down upon my own head the obligation to answer for the unnumbered misfortunes that shall overtake other unprotected and defenceless settlements.

Mr. DUNHAM. I do not propose to detain the House many moments, but really the doctrine advanced by the gentleman from Virginia [Mr. BAYLY] yesterday, was so strange, so novel, and so important, that I do feel it ought not to pass unnoticed. It was no more nor less than this: that the President of the United States has the right, under all circumstances, to control and dispose of the military and naval forces of the country, uncontrolled by the legislative power. If that doctrine was to be carried out, it would result in precisely this: Congress has the right to declare war; it may raise troops for the purpose of carrying on that war; and yet the Executive would have a right to withhold those troops from the destination and purpose for which Congress intended them, and thus neutralise the power which Congress has to declare war, expressly given to it by the Constitution. If this rifle regiment was raised expressly for the Oregon service, and if the Congress of the United States cannot control it so far as to compel those troops to be applied to that service, why the same power which would authorize the Executive to control that one regiment, would enable him to control the Army and Navy in a case where actual war existed by the action of Congress. The clause of the Constitution to which the gentleman from Virginia refers, simply authorizes the President of the United States to take command of the Army and Navy. What does that mean? It does precisely what is done when you give him executive power in civil matters; it makes him the executive officer to carry out and do the will of Congress—the legislative power of the country. You pass a civil law and it is the duty of the President to carry out and execute that law. You declare war against another nation and raise troops expressly for that war. What has the Executive to do then? Can he withhold these troops from that service? Can he say that instead of sending them against that nation, they shall be sent elsewhere? No, sir. All he has to do is to take charge of the Army and Navy designed for that service, and exercise his executive functions to carry out the will of the Legislature.

Mr. MEACHAM. I would ask the gentleman if President Polk did not frequently remove portions of the Army without the authority of Congress?

Mr. DUNHAM. Why, that question is certainly as novel as the doctrine asserted by the gentleman from Virginia. If President Polk ever ordered the Army in a particular direction, without the authority of Congress, does that militate against the doctrine which I lay down? We declared war against Mexico, and raised troops for that express purpose, and by the Constitution, under the doctrine I am laying down, the President took charge of the Army, in order to carry out the will of the Legislature.

Mr. MEACHAM. The gentleman's answer does not cover my question. I ask him, if President Polk did not frequently remove portions of the Army, without the authority of Congress, before war was declared against Mexico?

Mr. DUNHAM. Even suppose I admit that, did he do it in cases where it was expressly provided by law that the troops should be otherwise situated? He frequently, no doubt, changed the position of our troops, but they were not troops raised and destined by the Legislature for a particular service. This question has never been raised, and I assure this House that it is, in my opinion, one of the most important questions that has been raised here for many a day, and I think it ought to be correctly settled.

I do not understand that the law makes it positively obligatory on the President to place this regiment in the Oregon service; but that it was the intention of Congress that it should be so employed is clearly inferable from the act itself, and from the circumstances under which that act was

passed, under which the regiment was organized under it, and so everybody has understood it. Something has been said by the gentleman from Kentucky [Mr. MARSHALL] about "indelicacy." Now, if there is indelicacy anywhere, it seems to me that it is on the part of the Executive, in taking this regiment from the Oregon service, for which it was clearly the intention of Congress that it should be applied. Although the law may not positively direct that it shall be so employed, it was raised for that service, and the Executive has diverted it from the position for which Congress intended it. The gentleman asks if such a thing has not been done before? Yes; but that was in a time of emergency, when we were engaged in war, which changed the state of things.

Mr. MARSHALL, of Kentucky. But suppose another emergency should arise which should again require the troops to be withdrawn?

Mr. DUNHAM. I do not consider that a case in point. There can no emergency arise which would justify the withdrawal of the troops from any portion of the country, so as to leave it entirely unprotected and exposed as would be the frontier of Oregon. Now, can the gentleman tell me what propriety there was in taking that force from the point for which it was raised, and to transfer it to another for which it was not raised, and thus leave the country for whose protection it was created, entirely unprotected?

Mr. MARSHALL (interrupting) made a remark which was totally inaudible to the Reporter.

Mr. DUNHAM, (resuming.) I did not intend to discuss the propriety of taking the troops there. My object was simply to enter my protest against the doctrine that the Congress of the United States has not the right to direct how the troops of the United States shall be employed. The suggestion has been made to me, and I think with a good deal of force, in relation to the other side of the House. I allude to the gentleman from New York, [Mr. Brooks]; and I beg to ask that gentleman whether, in the time of the Mexican war, his side of the House, or at least some members on that side, did not undertake the control of the Army in Mexico, and direct the withdrawal of it?

Mr. BROOKS. If the gentleman from Indiana will allow me, I did not hear him when he first alluded to me, or I should have answered immediately. I did not lay down the doctrine that the legislative power of the country could not control the direction of the Army. The position which is assumed in the resolution, and to which I said I was opposed, was, that the House of Representatives, in itself, had the right to control the direction of the Army. Now I say that this position is not correct. The two Houses of Congress cannot control it, but the legislative power of the country may. It not only requires the assent of both Houses, but it must have the approval of the Executive before that control can be had.

Mr. DUNHAM. Well, sir; that is about as singular as the position taken by the gentleman from Virginia, [Mr. BAYLY.] Nobody pretends that the House of Representatives, of itself, can control the disposition of the troops of the United States. We do not ask any such thing.

Mr. BROOKS. Why, that is the very object and effect of the resolution.

Mr. DUNHAM. Not as I understand it.

Mr. BAYLY. The gentleman from Indiana entirely misconceives the scope of my remarks. In a speech of a few minutes in length, I certainly did not intend to define all the limitations and the precise extent of the respective authorities of Congress and of the Executive over our military forces. All that I said yesterday was precisely what the gentleman admits to-day. I did not only take the ground which the gentleman from New York [Mr. Brooks] takes, that one branch of Congress cannot take the command of the Army, but I said that both branches could not do it. I denied that Congress had any such power, and that is all that I deny. I never mentioned that Congress could not establish military posts. I never maintained that Congress could not prescribe the character of those forces—whether they should be cavalry, riflemen, infantry, or anything else. I meant to say that when we had raised an army, and provided for the support of that army, it then belongs to the Commander-in-Chief to say whether it shall be posted here or there. It cannot belong to Congress, unless Congress is Commander-in-Chief of the Army.

Mr. DUNHAM. That is the very position which I occupy, as I understand the gentleman's explanation. I undertake to say, that Congress have the right to raise troops for a particular purpose, and to give them that particular direction, and then nothing remains for the Commander-in-Chief but to take charge of those troops in that direction and to apply them to that purpose. He may give direction to the troops in detail—if I may use the expression—in carrying out the law of Congress. Let us look at this matter. In the time of the Seminole war, for instance, does any gentleman undertake to say that Congress had not the right to raise a corps for that service, or that the Executive had the right to dispose of that corps in any way other than for the prosecution of that war? All that the Executive had to do was to take charge of those troops and control them for that purpose. I apprehend that no one will contend that the Executive had the right to give those troops any other direction. That is my doctrine. If I am correct in that case, then I ask, if the Executive has any more right, when Congress has raised a regiment of mounted riflemen for the purpose of stationing them on the routes to Oregon, to divert them from that particular service? I think not. The law which created this regiment, created it for a particular purpose, and the President had nothing to do but to dispose of the troops according to that law.

But I was going on to reply to the gentleman from New York. I do not understand this resolution to be a resolution directing the President how to dispose of these troops in any particular way. I do not apprehend that the House have that power. But as the Representatives of the people, they have the right to request him to make this or that disposition of the power intrusted in his hands. I think that can be done, either by the people or the people's Representatives, and I trust the time will not pass away when we shall not have that right.

Mr. JONES, of Tennessee. I think this discussion has gone far enough.

Mr. EVANS. It has been all on one side though.

Mr. JONES. Whatever may be the power of Congress in relation to this matter, I agree with the gentleman from Indiana, [Mr. DUNHAM,] that this House has no right to give this direction. I move the previous question.

Mr. EVANS. I ask the gentleman to allow me to say something in relation to this matter. The question has yet been discussed only on one side.

Mr. LANE. As the mover of this resolution, I ask whether I have not the right to reply if the previous question is seconded?

The SPEAKER. That can only be done when the resolution is introduced from a committee.

Mr. JONES. I decline to withdraw the call for the previous question.

The question then being upon seconding the call for the previous question,

Mr. JONES demanded tellers; which were ordered; and Messrs. KING, of New York, and WILLIAMS were appointed.

The question was then taken, and the tellers reported—ayes 43, noes 79.

So the House refused to second the call for the previous question.

Mr. EVANS. I thank the House for its courtesy in having voted down the motion for the previous question—a motion brought forward and urged here, after a long debate, which was carried on almost altogether on one side of the question—only one single gentleman having spoken in defence of the administration of the War Department of the Government. The Democrats of the House have in this instance shown an impartiality for which I thank them, for without their assistance the call for the previous question could not have been voted down.

I cannot but feel my deficiency in ability to discuss this question as it ought to be discussed. I know very well that I cannot compensate the House for the kindness and indulgence which they have shown me, but I do intend to give them some little information in regard to this question. I promise to open, at least, one or two sources of information which have not been touched upon by other gentlemen at all. I do not hesitate to say that there has been no assumption of power, in ordering the withdrawal of those troops from Oregon. Such assumption has been taken for granted by

every gentleman who has hitherto addressed the House upon this question. It has been taken for granted that this regiment was ordered by law to be stationed in Oregon, and not to be withdrawn. But though it has been taken for granted that they were ordered by the law which created that regiment, to be stationed in Oregon, or on the route to Oregon, I say that there is no such thing in the law or the title at all.

Mr. DUNHAM. The gentleman is mistaken if he supposes that I said expressly that that law ordered the regiment to be stationed on the route to Oregon. I did not say that; I said that from the title of the law it was evident that such was its intention, although the law itself does not expressly say so.

Mr. EVANS. Well, I deny that.

Mr. GORMAN. That is precisely the position, that from the title of the bill it was evident that it was the intention, in making the law, that the troops should be stationed in Oregon.

Mr. EVANS. I deny that. I say that there is no such thing in the bill, or the title, or the preamble, or anywhere else. But I also deny another proposition, which has been presented here with great vehemence and urged with great force—if vehemence is force—that the Secretary of War is bound to come here and look into the character of our debates in this House, in order to ascertain what the acts mean. I dare say that some of the acts would require such a research, in order to make them intelligible, but it is a singular state of affairs if the debates of a legislative body are to be investigated in order to ascertain what the legislative act is. Now let us recur to the facts of the case, and see whether the construction which the gentleman puts upon the law is the correct one. I will commence with the title, but before I am through I shall have the whole act read. It is entitled "An act to provide for raising a regiment of mounted riflemen." That is the first part of it.

Mr. DUNHAM. Well, read the last part of it.

Mr. EVANS. I will read the last part, and the whole act too, after a while.

Mr. DUNHAM. I only want the title. Let us have the last of it.

Mr. EVANS. The last part of it is: "and for establishing military stations on the route to Oregon." And does that bind the Secretary of War to station those mounted riflemen in Oregon, or on the route to Oregon? How could mounted troops alone garrison a fort? I will explain the true cause for raising this regiment. It was gotten up at the time or shortly after our difficulties with Great Britain, and the excitement which was caused in consequence of those difficulties was the cause of its passing through the House. But there is nothing in the law which instructs the Secretary of War to station that regiment on the route to Oregon, or in Oregon. There is not a particle of evidence that such was its intention.

I say there is nothing in the law compelling him to station and maintain that regiment in Oregon. But suppose there was: I assert in my place, that they were withdrawn from the Territory of Oregon by the request of the then Delegate from Oregon, [Mr. Thurston,] and that they were withdrawn from the Territory of California by the advice of distinguished gentlemen then, and some of them now, in power, residing in that State. I was on the Committee on Military Affairs during the last Congress, and the representative from Oregon [Mr. Thurston] frequently appeared before it, and he has told me repeatedly, and again and again—and there are gentlemen sitting about me whom I might call upon to corroborate my statement if it were necessary—that the people of Oregon did not want one of them in Oregon, and that they could defend themselves, if we would furnish the money. It is in the recollection of gentlemen upon this floor, that at the last session of Congress we gave to Oregon \$100,000 in cash for the purpose of paying their expenses in this Cayuse war. That is the state of facts. What is it now? The Delegate from Oregon, [Mr. LANE]—a highly-respected gentleman, and with whom this country is very well acquainted, a man, no doubt, well versed in military affairs, and from whose brow, were it in my power, I would not pluck one laurel—that gentleman comes forward and states, that in order to protect the people on the route to Oregon, a certain course on the part of the Administration is necessary, and

that the War Department must act in a certain way, and start troops upon certain routes.

Now, his predecessor, who was listened to, and whose voice was heard, advised directly to the contrary. Such was his advice; and so he stated directly, and I am prepared to prove it—I know, unfortunately, that he is dead, and I have therefore a reluctance in bringing in his name; I had the happiness during his life of an opportunity of showing him some acts of kindness, and I feel disinclined to drag his name into debate—he stated expressly to the War Department, that mounted rifles were not suited to the Oregon Territory; that it was an irregular and mountainous country; that it was impossible to pursue the Indians on horseback; and that infantry ought to be substituted. Such were his declarations; and in accordance with the advice of a distinguished member of the Democratic party, and of the advice of the then Delegate, who was intimately acquainted with the character of the population, and had traveled extensively over the country, infantry was proposed to be substituted for mounted troops.

Mr. LANE. If the gentleman will allow me, for I hate to see the gentleman go too far wrong, I wish to say the gentleman has come to wrong conclusions upon two or three points. It may be true, and I do not doubt it, that the first Delegate from Oregon advised the removal of the mounted regiment from that country; but it is not true that he resided a long time in that Territory. He arrived there late in the fall of 1847, and was elected in the spring of 1849 to the Congress of the United States, and immediately left for this city. He had never traveled outside of the settlements, nor had he seen but a very small portion of that Territory. Another thing has been stated, that \$100,000 has been given to Oregon in consideration of the removal of the troops from Oregon, to enable them to defend themselves.

Mr. EVANS. No, sir. I did not state that. I stated that \$100,000 was voted by Congress to the Territory of Oregon to pay the expenses of the war against the Cayuse Indians. That is what I stated. If the gentleman denies it, I will produce the records.

Mr. LANE. That is true.

Mr. EVANS. Now I want the Delegate from Oregon to tell me how long he has been in Oregon. I recollect, since I came to Congress, that he was a distinguished officer in the Mexican war.

Mr. LANE. Mr. Thurston arrived in Oregon in September or October, 1847, and left for Washington city in 1849. I arrived there in 1848, and remained until 1851.

Mr. EVANS. I do not think it a matter at all material. I took it for granted that the gentleman was acquainted with the state of this Territory. At any rate, he knew it better than any one else. He was then a representative upon this floor. I am sure he pretended to an acquaintance with it; he showed a great deal of information about it; and as I was a little curious about the country, I asked a great many questions, which he answered intelligently. He issued a circular to the whole country, informing the people about the geography and topography of Oregon, as inducements to emigrate there.

Well, sir, upon the representations of that gentleman, that mounted troops were unfit for that Territory, infantry were proposed to be substituted in their place, and the Secretary of War is now assailed for doing it. The gentleman from Indiana [Mr. GORMAN] says it was a most unheard-of proposition. The Secretary of War followed the best lights he had, and he cannot be blamed for it.

Now I will state another matter, in reference to this Oregon regiment. Gentlemen take it for granted that in the bill for raising that regiment, it provided that the regiment should be posted in Oregon. I say there is no such provision. But granting that it is there, this regiment was raised in 1846. Now I assert that this regiment, as a regiment, had never been in Oregon. A portion of it had been there. It had been sent there by no previous Administration, either Mr. Polk's, General Taylor's, or Mr. Fillmore's, down to this time. And if it was a crime to take them away, it was equally as great a fault not to have sent them all there. I do not think the gentleman from Oregon will state that the regiment has been there at any period whatever. Now, by the resolution does the gentleman want these troops sent to Oregon? Oh, no. Not at all; but on the road to

Oregon. He does not want to carry out the original obligations of the law, and preserve that high faith which we are bound to observe, in carrying out the laws of the United States. He does not pretend to observe it himself; he wants merely that the troops shall be stationed upon the route. Now what is the state of facts in regard to that route? The War Department has troops already upon a portion of it, for the protection of emigrants going there. And it is the intention to station dragoons along that route, in the summer time, who shall pass up and down along it, to give assistance and protection to emigrants upon it.

But the main reason why the troops could not be continued in Oregon is, that you refused the necessary appropriations to the Quartermaster's department—the gentleman from Kentucky [Mr. MARSHALL] to the contrary notwithstanding. Last year we had a debate upon the Quartermaster's department. I do not propose to vindicate that department now. That will be more appropriate hereafter. I do not propose to vindicate its expenses, or say whether they are too little or too great. But I do say that the increased expenses of that department entirely arise out of the possessions we have obtained upon the Pacific coast; out of the treaty of Guadalupe Hidalgo, which you are under a solemn pledge to observe. That treaty was made under a Democratic Administration—by Mr. Polk. By that treaty we bound ourselves to protect the frontiers of Mexico from the incursions of the Indians, who shall come there for the purpose of attacks upon its inhabitants. Have we observed its stipulations in good faith? Does not every gentleman know that Mexico has claims against us for millions of dollars on account of our neglect of its provisions? Does not every gentleman know, as well as the gentleman from Texas [Mr. HOWARD] himself, that the most warlike Indians to be found anywhere in the territory of the United States are in Texas?

Mr. GORMAN, (interrupting.) I would like to have the gentleman answer this question: What has the Secretary of War done with the first, second, and third dragoons?

Mr. EVANS. I will answer, that I do not know what he has done with them; but as soon as the question arises, I will find out. I am going to stick to the question now up—the resolution of the gentleman from Oregon—and we will attend to the dragoons afterwards. I was speaking of our obligations under the treaty of Guadalupe Hidalgo. I have always found this House of Representatives particularly skillful in stationing troops, and afterwards particularly skillful in shirking the bills. Now, sir, more warlike and merciless Indians are not to be found in the territory of the United States, than those upon the borders of Texas and New Mexico—Indians who do not shrink from an encounter with the Anglo-Saxon race. We are bound by a solemn treaty stipulation to keep them from aggressions upon Mexico; and it was stated in this House, upon the debate relative to the Quartermaster's department during the last Congress, that these mounted rifles were withdrawn for the purpose of sending them to Texas, in order, as numerous gentlemen said, and myself among the number, to lessen the expenses of the Quartermaster's department. It was necessary that they should be there; and we were told that they were of no use in Oregon and California, and that infantry could serve a much better purpose there. They were, therefore, withdrawn and brought into the territory of Texas, for the purpose of carrying out our obligations under the treaty with Mexico, as well as for the purpose of protecting the people of Texas from Indian devastation.

I was under the impression that Mr. Polk had withdrawn these troops, but I was mistaken as to the mounted riflemen. I will undertake to show, however, that Mr. Polk did withdraw troops from the line between the western frontiers and Oregon.

I want gentlemen to tell me how the Secretary of War is to carry troops into Oregon, California, and along the immense line of the Gila to the Pacific ocean, and between the Missouri and the Rocky Mountains, with the number of men now in the Army, and with the small means of transportation and subsistence at his disposal? It is impossible. It is in vain that you endeavor to shirk the responsibility upon us. It is the duty of every upright and candid legislator, at once to assume the responsibility that belongs to

his position. If the acquirement of new territory brings upon us expenses which we have not before had, the legislator knows it is his duty to acknowledge the source from which they arise, and to pay them. The gentleman from Ohio, over the way, [Mr. CARTER,] made a sweeping statement of the extravagant desire of the Quartermaster, to swallow down the public money in his insatiable maw. But he did not descend to items; and I always observe that when gentleman cannot descend to the items, they are apt to know very little about the subject. If this gentleman is anxious to know where this expenditure of \$50,000,000 goes to, I will read him a few items for his satisfaction, and point out to him the place from which he can derive new light and information.

The gentleman left the House to the belief that this fifty millions was alone applicable to the Army; and what are the facts? Well, I will give some of the extras in the Army that have sprung out of the acquisition of the new territories. Every candid man is aware that they have grown out of our territorial acquisitions. They will be found in the report of the Secretary of the Treasury of the Second session of the Thirty-first Congress, viz:

The actual and estimated expenditures for the seven years ending 30th June, 1852, amount to (statement I).....\$294,807,407 95

The expenditures for the year ending 30th June, 1845, the year immediately preceding the war with Mexico, having been \$21,380,049 36, the aggregate expenditures for the seven succeeding years, upon that basis, would have amounted to..... 149,660,345 52

Showing an excess over the peace establishment of 1845 of.....\$145,147,062 43

And which excess of expenditures is to be accounted for as follows:

The actual and estimated expenditures of the War Department for seven years subsequent to the declaration of war with Mexico, are.....\$117,876,495 31

Under peace establishment of 1845, as before stated, they would have been..... 35,643,749 54

Excess occasioned by said war..... 82,232,745 77

(See statement L, and accompanying papers from the bureau of the War Department, numbered 1 to 7.)

The actual and estimated expenditures of the Navy Department amount to.....\$62,659,331 74

Would have been (as per statement I)..... 43,609,473, 63

Excess..... 19,058,858 11

[This excess, from the organization of the Navy Department, and the indefinite manner of making appropriations, cannot be more specifically stated.]

Pensions, under acts of 1848, paid to 30th June, 1850, (statement M 1)..... 1,198,141 18

Pensions, under acts of 1848, estimated for 1851 and 1852, (statement M 2)..... 1,525,000 00

Indians in new territory, to 30th June, 1852, (statement N)..... 204,830 40

Installments and interest under 12th article, treaty with Mexico..... 16,388,396 37

Payment of liquidated claims against Mexico, per act 29th July, 1848..... 2,089,578 84

Renewal of diplomatic intercourse with Mexico..... 37,560 61

Expenses of Board of Commissioners on Mexican claims..... 44,428 39

Survey of boundary line between the United States and Mexico..... 335,000 00

Survey of the coast of California..... 200,000 00

Light-houses, dry-dock, custom-house, and marine-hospital in California..... 640,000 00

Territorial governments in Utah and New Mexico..... 147,300 00

Expenses of war loans and treasury notes..... 150,879 41

Amount to 1852, occasioned by the war..... 124,253,719 08

And for objects not included in the sum as the expenditures for 1845, made, in pursuance of acts of Government, during a period subsequent to the 3d of March, 1845, and prior to the 4th of March, 1849, including Post Office deficiencies and Census, as follows, (see statement O):

Seventh Census..... 1,276,000 00

Erection of Patent Office..... 600,000 00

Supplying deficiencies in Post Office Department, and for Department mail matter..... 1,768,752 57

Expenses of collecting the revenue from customs, lands, &c., never exhibited in the expenditures, prior to the 30th of June, 1849..... 6,813,557 95

Expenditures on account of Smithsonian Institution..... 412,134 70

Refunding duties, debentures, drawbacks, &c..... 2,923,166 36

Building revenue cutters, before paid out of the accruing revenue..... 101,999 50

To which sum of..... 138,148,330 16

may be added, for—

Building light-houses, beacons, buoys, &c. 974,795 96

Building marine hospitals, custom-houses, and support thereof..... 1,988,741 87

Increase of the expenditures in the legislative, executive, and judiciary departments, the sum of..... 4,205,751 50

And for miscellaneous items not enumerated..... 529,443 64

\$145,147,062 43

Sum, as above, to 30th June, 1852, chargeable to the war.....\$124,253,719 08

To which may be added—

Interest on war debt to 30th June 1852, (statement P 1)..... 13,387,544 06

Interest on war debt from 30th June, 1852, to maturity, (statement P 2)..... 41,173,493 38

Public lands granted and to be granted, (per table K,) as estimated..... 17,346,750 00

Claims pending and estimated by the Third Auditor, (statement Q)..... 765,069 37

Texas boundary Stock to be issued..... 10,000,000 00

Interest on Texas boundary Stock for fourteen years, at 5 per cent..... 7,000,000 00

Mexican claims, per treaty, stock to be issued..... 3,250,000 00

Thus we have, of expenditures and liabilities chargeable directly to said war and the acquisitions of territory consequent upon the treaty of peace, the sum of.....\$217,175,577 28

And which does not include many claims presented and to be presented, arising indirectly from the war, this great variety forbidding even an approximation, either as to number or amount.

Statement R gives the annual expenditures from 1828 to 1841, ranging from \$12,530,846 43 in 1828 to \$25,745,776 28 in 1841, the average annual increase being \$943,923 56, exclusive of all expenses of collecting the revenue, &c.

The expenditures for the four succeeding years, from 1841 to 1845, are averaged in consequence of the change in the fiscal year, the average being.....\$23,987,411 78

A diminution in the average, as compared with the four preceding years, of..... 3,481,158 95

Amounting in the aggregate, to..... 13,924,635 80

The estimated expenditures for the year ending 30th June, 1852, are.....\$48,124,993 18

The expenditures under the peace establishment of 1845, exclusive of the public debt, were..... 21,380,049 36

Excess for the year ending 30th June, 1852, \$26,744,943 82

By reference to statements S, I, M 2, and O, it will be seen that of these estimated expenditures for the year ending 30th of June, 1852, the excess over the expenditures of 1845, required by the War Department in consequence of the war and our new territories, is.....\$6,002,658 43

Navy Department..... 3,330,736 00

Pensions, acts of 1848..... 840,000 00

Mexican installment and interest..... 3,180,000 00

Survey of boundary line..... 100,000 00

Light houses, dry-dock, &c., California..... 300,000 00

Territorial governments, Utah, New Mexico..... 70,200 00

Interest on public debt..... 3,663,321 03

Indians in new Territories..... 130,800 00

Collection of the revenue from customs, bounties, &c., not included in 1845..... 3,484,775 04

Expenses of land sales not included in 1845, Patent Office..... 170,200 00

Payment on account of principal of public debt..... 350,000 00

Survey of coast of California..... 643,548 00

Smithsonian Institution..... 100,000 00

Deficiencies Post Office Department..... 30,910 14

By deducting this aggregate of excess of... \$23,199,148 64

from the aggregate estimated expenditures for the year ending 30th June, 1852, of \$48,124,993 18, there will remain as the estimated ordinary expenditures, the sum of \$24,925,844 54.

Thus it will be seen that of the aggregate expenditures, actual and estimated, for the seven years ending on the 30th June, 1852, amounting to \$294,807,407 95, the sum of \$138,148,330 16, exclusive of \$13,387,544 06, interest on the war debt, is required to sustain the faith of the Government, pledged or implied, or arising in consequence of its acts during a period subsequent to 30th June, 1845, and prior to 1st July, 1849. Some of the objects of these estimated expenditures, by reason of the extended area of territory, have been made either permanent charges upon the Treasury or will continue for a long series of years, and may be stated as follows:

Excess of expenditures of War Department, excess of expenditures of Navy Department, pensions, interest on war debt, territorial governments, survey of boundary line, survey of coast of California, Indians, judiciary, &c.

Further experience will undoubtedly result in compelling still greater expenditures in the fulfillment of treaty stipulations, and in controlling and subduing the Indians and other lawless bands with which our newly acquired territories are infested, and before there will be that permanent emigration to and settlement therein of that class of our citizens so necessary to a full development of the resources and defence of that country.

Mr. DISNEY. I am very sorry to interrupt the gentleman from Maryland, but I rise simply to say to the House that I apprehend this debate will amount practically to nothing. I had a personal interview with the Secretary of War a few moments since, and he stated to me that it was his intention to station mounted men upon the

roads to Oregon. At my suggestion the Delegate from Oregon had also an interview with the Secretary, and he is entirely satisfied, and this whole matter can be accomplished without the intervention of the House.

Mr. EVANS. I am sure when I give the gentleman the courtesy of the floor, that he ought not to ask me to stop speaking. [Laughter.] That is not quite fair.

Mr. DISNEY. I was going to add, that in a very short time we will have up the deficiency bills, and then my friend from Maryland will have ample opportunity to debate this subject.

Mr. EVANS. I feel indeed confident that I have not succeeded in making this subject very agreeable to the House. But I have almost got through what I have to say. And since members have listened to me with so much kind indulgence and so much patient attention, I scarcely feel myself justified in speaking again on it as the gentleman suggests, for I should, I can assure the House, then begin all over again; besides, I think it necessary to vindicate the Secretary of War, who has here been assailed upon this very occasion. I think, then, that as the House has borne that part of the infliction which I have already given it, members had better take the balance now, and not have it in divided portions.

Several MEMBERS. "Go on!" "Go on!"

Mr. EVANS. Now, Mr. Speaker, I do not quote these figures at this time for the purpose of casting censure upon any political party; but in order to vindicate the truth of history, to show out of what large expenditures have arisen, to give the true authors of them, and to let praise and blame light where they severally belong.

If I have succeeded in showing, as I believe every reasonable, candid gentleman will admit I have shown, that your largely-increased governmental expenses have sprung out of the Mexican war, and out of our foreign acquisitions, I shall permit other gentlemen to quote the vast mineral resources of California, her importance in connection with the trade of the East, which is about to pour its golden rewards into her lap; and farther, to dwell upon the military and civil, the agricultural and commercial importance of that Territory, if it please members to take up such a line of argument. I am not arraigning them for any unfair or partisan purpose, but the reason is, that I wish to show gentlemen who talk about millions, and charge by implication the whole of it to the Army, that there is a way for persons sufficiently industrious to discover where it comes from. It is all here in this report. I will merely now refer members to this little book, and when they get home they can send for it to the document room. It is very amusing, particularly the figure part. Members can reflect upon the matter in their hours of private meditation; and we all know that members take a particular pleasure in studying political arithmetic.

A MEMBER. What is the title of the document?

Mr. EVANS. It is Executive document No. 11, Second Session Thirty-first Congress.

Mr. FULLER. What is the page?

Mr. EVANS. Pages seven and eight. It contains a most formidable array of figures. Now, sir, the expenses of the Quartermaster's department of the Army has necessarily increased from one single fact. I do not propose to enter upon the question as to whether they have increased too much; nor can I see how it can be well done without striking a blow at the public reputation and private credit at the able head of that department. It may be done by admitting his inefficiency, or his dishonesty. One of these causes must be taken, and I do not therefore propose entering into the items of it. Gentlemen will bear in mind that previous to the acquisition of our new territory—and there are gentlemen in this House of sufficient ability to correct me if I am wrong—we had not a post that could not be reached by steamboat navigation. The troops of the United States are now withdrawn from these posts of easy access in the north and east, the northwest and southwest and have been removed to the far frontiers of the country—stationed in Texas, in New Mexico, in California, and in Oregon, where provisions can be obtained only with difficulty. I remember having seen, at the last session of Congress, a document sent to us from the Territory of Oregon. I do not know whether it came from the honorable Dele-

gate from that Territory or not. At any rate it came from a reliable source there, giving the price of articles of food for man and beast, and they were the most extravagant I ever heard of. These were part of the expenses to be borne by the Quartermaster. Before we go into an entire denunciation of this gentleman at the other end of the avenue connected with that Department, and who has no good reason for plundering the Government, let us have the candor to look into the details of their expenses. Let us investigate them. Let us see how much more is required of the Quartermaster for the transportation to particular posts than was required before the existence of this war, and the acquisition of our new territories. Whenever that is found out, my word for it that Department will be fully vindicated and justified. Look at the course of the last Congress. I will here refer to the Congressional Globe, for a single moment. I am sorry the able and eloquent gentleman, [Mr. TOOMBS,] whose remarks I am about to quote, is not here.

I read from the Congressional Globe, second session Thirty-first Congress, pages 731, 732.

"The gentleman from South Carolina [Mr. BERRY] had said he [Mr. TOOMBS] struck in the dark. He desired to know upon what authority he had made that assertion.

"Mr. BERRY said he had quoted the gentleman's own language."

"Mr. TOOMBS said, if he had struck in the dark it was the fault of those who possessed the necessary information for making a proper discrimination in the items to be cut down and would not furnish them."

That is Mr. TOOMBS's vindication for striking in the dark; and the fact that the Committee of Ways and Means of this House having struck in the dark is not, I believe, denied. They did not act upon any ascertained facts in cutting down the expenses of the Quartermaster's department, but from a general disposition to do it. It was done without one single gentleman in this House having sufficient information, by their own acknowledgment to tell to what extent it should be done. My honorable friend from Kentucky, [Mr. MARSHALL,] who knows as much about military matters as any other gentleman upon this floor, (and I wish I knew as much,) voted against the appropriation to the Quartermaster's department. So far as I can discover in this Congressional Globe, he never explained to this House why they ought to be cut down, where they ought to be cut down, or upon what account, but he struck in the dark.

Mr. MARSHALL, of Kentucky. The gentleman has not displayed his usual industry in ransacking the Congressional Globe, or he would have found that I gave my reasons for my vote at the time it was given, and I did not go through the items which made up the \$5,000,000, of the Quartermaster's accounts. My not attempting to investigate the items was very reasonable, when gentlemen of the Military Committee announced to the House that they had tried to obtain them, but had failed.

Mr. EVANS. I will now quote some remarks of the honorable gentleman from Virginia, [Mr. BAYLY,] chairman of the Committee of Ways and Means of the last Congress. And I read from the Congressional Globe, second session Thirty-first Congress, page 734. Mr. BAYLY states:

"In relation to the remarks of the gentleman from Maryland [Mr. McLEANS] I may say, sir, that this matter of mounted infantry has proved a dead failure. The sending of these mounted rifles, and other mounted infantry forces, to Oregon and California, has been in the main the cause of this great expenditure, and of which there has justly been so much complaint made in this House. It is these things which the present head of the War Department is trying (as I showed this morning) to correct."

Thus it appears from the remarks of the gentleman from Virginia, [Mr. BAYLY,] that one of the main causes of the increased expenditure in the Quartermaster's department has been the sending of these very riflemen to Oregon and California. The gentlemen that denounce the expenditure insist upon a repetition of the cause of the expense. They want that restored which led to the expenditure, but they denounce the extravagance and shirk the payment of the money. Such a course may strike some gentlemen as a fair one, but it does not present itself in that attitude to my mind. I will return. I do not intend to occupy the time of the House much longer.

Mr. GORMAN. The Secretary of War states in his report, as one of the causes for the extraordinary expenditure in the Quartermaster's department, that there have been great frauds committed, that there has been great extravagance, reckless-

ness, and want of economy in that department. He says:

"It is probable, however, that, in some instances, the expenditures, both of the Quartermaster and Commissary departments, may have been increased by maladministration. The transactions of both these departments involve such a variety of details, and their agents are so far removed from the supervision of their chiefs, that abuses may exist a long time before they are discovered. Every effort, however, has been used to detect these abuses and to prevent their recurrence. Inspectors have been sent to the frontiers to inquire into the manner in which the affairs of these departments are administered, and a rigid scrutiny into accounts has been ordered. I regret to say that the Department has some reason to fear that its apprehensions on this subject were not altogether without foundation."

Mr. EVANS. I am perfectly willing that what the gentleman has quoted shall be inserted in my speech. It is impossible for us to evade the responsibility of our position. We have to defend these people. The people of Oregon, New Mexico, and California must be defended, and we must observe the treaty of Guadalupe Hidalgo, and prevent these predatory Indians from making incursions into the Republic of Mexico. It is our bounden duty, and it should be our pride, to maintain good faith with all nations. But we must not seek to make the defence, and at the same time to get rid of the expenditure. I will return a single moment to the subject of the raising of these mounted riflemen. I want thoroughly to vindicate the Secretary of War in this matter. And I now assert, that this regiment never was in Oregon as a regiment; portions of it were in California from the beginning. If, then, the Secretary violated his duty and disobeyed the dictates of the law in withdrawing the portion stationed in Oregon, what is to be thought of the conduct of those who were in power when the act passed, knew the intentions of Congress upon the subject, and yet failed to send the regiment to its intended destination? But I shall show that the Secretary is not to be blamed for the withdrawal of the troops, for he was induced to withdraw them on the representations of the Delegate from Oregon himself. In the debates upon this floor, in the last Congress, it was stated that these troops were unnecessary in Oregon and California. I wish to vindicate the Secretary of War. I will go further, and promise to vindicate him to the full satisfaction of the House. I do not want to do it by way of sophistical argument. I might thus, perhaps, impose upon those who did not pay strict attention to the fallacious reasoning, but I will vindicate him by letting every gentleman see the facts. I will make the act itself for the raising the regiment of mounted riflemen, vindicate the Secretary of War. The Secretary of War, I venture to assert, cannot find out from the act that a mounted regiment is to be raised and stationed in Oregon. I venture to say that the act has been altogether misconceived. But some gentlemen thought the Secretary should have consulted the Congressional Globe. I will ask if any gentleman is bound to ransack the Congressional debates to ascertain what is meant by any act of Congress? The act should interpret itself. Do the courts of justice make examinations of the Congressional Globe in order to find out the meaning of ambiguous statutes? Does any gentleman quote the debates in the Supreme Court of the United States—or in the circuit or district courts of the United States? No, sir. The debates have been quoted only on the stump, before the people. That is the place for them—before those who make the makers of the laws, and not before those who administer the laws.

Having stated thus much by preface, I come to the act. The title of the act is,

"An Act to provide for raising a regiment of mounted riflemen, and for establishing military stations on the route to Oregon."

Now, here are two distinct parts to this title, as there are two distinct parts to the body of the act itself, as I shall show presently. It was necessary that there should be two such parts, in order properly to characterize the contents of the bill; but there is no necessary connection between them: the same bill might have contained provisions for riflemen for Maine, or Texas, or anywhere, and the other for "Military stations on the route to Oregon." Such might have been the intention of Congress; and if our bills are to be interpreted upon such a principle as this, we shall have some strange adjudications with regard to many of them; for the most incongruous, or only seemingly con-

gruous provisions, upon quite independent subjects, exist in the most of them. A bill passed the Legislature of Pennsylvania providing for the appointment of a justice of the peace, and there was also put into it, without the knowledge of the Legislature, a bill for a railroad, but I never heard it contended that the justice of the peace was to build it.

Now, this act does not provide that these troops must be sent to Oregon. If so, how long are they to remain there? I ask gentlemen, when are they to be withdrawn—within a century? Or is it to be when the act is repealed? If the act states simply that they shall go there, it must be left to the sound discretion of the President of the United States to say when they shall be withdrawn. Congress could not have the information to declare when the longer retention of troops at a post was unnecessary, and they might do fatal injury to a frontier people, by withdrawing them at an improper time, thus exposing them to the cruelties and barbarities of the Indians.

I will now proceed to fulfill my promise, given in the beginning of this debate, to quote the whole act, and to show that there is nowhere in it any command to the Secretary to station these mounted rifles in Oregon, or to continue them there. The act is as follows:

AN ACT to provide for raising a regiment of mounted riflemen, and for establishing military stations on the route to Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be raised one regiment of mounted riflemen, to be composed and organized as follows, to wit: One colonel, one lieutenant colonel, one major, one quartermaster sergeant, and two chief buglers, one adjutant, who shall be a lieutenant, one sergeant major, one chief musician, and ten companies: each company shall consist of one captain, one first lieutenant, one second lieutenant, (exclusive of the adjutant lieutenant,) four sergeants, four corporals, two buglers, one farrier, one blacksmith, and sixty-four privates.

Sec. 2. *And be it further enacted,* That the officers, non-commissioned officers, musicians, and privates shall be entitled to the same pay and emoluments as are allowed to dragoons, and that the farrier and blacksmith shall receive the same pay and allowances as are allowed to an artificer of artillery.

Sec. 3. *And be it further enacted,* That the said regiment of riflemen shall be subject to the rules and articles of war, and shall be recruited in the same manner as other troops in the service of the United States, and with the same conditions and limitations; and the officers, non-commissioned officers, musicians, privates, blacksmiths, and farriers shall be entitled to the same provisions for wounds and disabilities, and the same provisions for widows and children, and the same allowances and benefits, in every respect, as are allowed to other troops composing the Army of the United States.

Sec. 4. *And be it further enacted,* That the non-commissioned officers, musicians, and privates of said regiment, when employed in constructing fortifications, making surveys, cutting roads, or performing other labor, shall be allowed fifteen cents per day each, with a commutation in money for the extra spirit ration, as provided by the act of the second of March, one thousand eight hundred and nineteen, entitled "An act to regulate the pay of the army when on fatigue duty."

Sec. 5. *And be it further enacted,* That the sum of seventy-six thousand five hundred dollars, for mounting and equipping said regiment, be, and the same hereby is appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

Sec. 6. *And be it further enacted,* That a sum not exceeding three thousand dollars, out of any moneys in the Treasury not otherwise appropriated, be, and the same hereby is appropriated, to defray the expenses of each military station or defence which the President may deem necessary on the line of communication with Oregon, and a sum not exceeding two thousand dollars for making compensation to the Indian tribes which may own or possess the ground on which the said station may be erected, and for each station.

APPROVED, May 13, 1846.

It thus appears that in the whole act, the word "Oregon" appears only in the sixth section, and in the preamble, which is a reference to that section. And what does the sixth section provide? Why, that \$3,000 be appropriated to defray the expenses of each military station on the line of communication with Oregon.

Well, such stations have been provided, and I now desire anybody to tell me whereabouts in this section it appears that the mounted rifles are to be sent to Oregon, and not to be withdrawn from that Territory. There is no syllable of such an expression; there is nothing, absolutely nothing in the whole act, preamble and all, to point out to the present Secretary of War that he must not withdraw the mounted troops from Oregon without the consent and direction of Congress. And now I should like any gentleman to show me any part of this act which requires the troops to go to Oregon and not be withdrawn, or which points

out definitely or indefinitely any intention of Congress upon the subject. There is not a word from beginning to end, notwithstanding the assault which has been made upon the Secretary of War, that he was derelict in his duty.

I trust that I have justified his course. But we have heard here to-day some very high pretensions and elevated notions with regard to the power of the Executive. Why, when I first came to Congress, it was contended by the party now having a majority in this House, that the President of the United States, as conqueror of a foreign nation, had a right to give laws to the conquered. That was the doctrine when I came here. I am glad that better opinions and principles at least begin to prevail. And now I repeat, that with all the vague declamation which has been poured out upon the Secretary of War, and the President of the United States, for not observing the direction of the Congress upon this subject, an entire misconception has sprung up in regard to it. The act has been misconceived. It does not direct at all what it has been supposed to direct, as any one will find out if he will examine it. If the act did direct troops to be sent to a certain post, there is no question that the President of the United States, in the exercise of a sound discretion, or the Secretary of War had the right to withdraw the troops, if it became necessary so to do. They could not be there forever. And if no such power existed, then an enemy might cut off, or destroy forces so unhappily situated.

Well, the Secretary did withdraw the troops, not being compelled by the act to retain them at that post; and he did it upon the representation of those who were well informed, or who professed to be well informed. Now a word as to the military capacity of the Secretary of War. I believe, since he has been in the administration of that Department, that he has given to it his careful study, and has devoted his time to it; so that he has become exceedingly well acquainted upon all the points connected with military affairs. I believe he has performed his full duty to the Department in this respect; and though I know he is not a military man by profession, that he was an eminent civilian and lawyer, before he came to Washington, having an extensive practice in the State of Louisiana, yet I know he has capacity, as far as the elements of the military art are concerned, and, I believe, he has by industry, by study, and by reflection, fully qualified himself for the post he occupies. What is the assault made upon him? It is, that he had substituted infantry for mounted riflemen; and when you get to the facts, it was by the express request of the former Delegate from Oregon, that the substitution was made. That Delegate came forward and stated, that mounted riflemen were unsuited to the Oregon country, which was an abrupt, broken, and mountainous region—that the Indians could escape with the greatest ease and facility from such a character of force. He stated, that while mounted rifles might be very proper upon the plains of Texas and the great prairies of the West, yet in a country totally different in all its physical configurations, it would be improper to employ that kind of troops; and the Secretary is now assailed for listening to the advice of the Delegate. Suppose the Secretary had said, I know more about Oregon than you do; I shall continue the mounted troops. And suppose he had continued them, and that on account of that, continuance massacres had taken place, and innocent people had been driven from their homes for the want of foot soldiers or infantry, who were necessary to their protection. Why what reproaches would have been poured upon his head, and how justly he would have been subjected to the indignation of the whole country!

Mr. LANE. Did the Secretary of War send the infantry there?

Mr. EVANS. I think he did, but I am not now prepared to answer the question.

Mr. LANE. No such thing has been done.

Mr. EVANS. If the gentleman is certain about it, I will give it up at once. It is of no importance to the question under discussion. The Delegate from Oregon [Mr. Thurston] stated, and the gentleman from New York, by my side, heard him, that the people of Oregon did not want any troops there, if the Government would pay them for defending themselves—that they could take care of themselves, if furnished with a title of the money troops would cost. Now, that is a good

reason for not sending the infantry, if one is wanted. The Delegate from Oregon, representing that Territory, must be presumed to know what the interests and wishes of the people of that Territory are; and if the Government here, in pursuance of those interests and wishes, followed them out, ought it now to be denounced by the succeeding Delegate from the Territory of Oregon, for having done just what it was requested to do? I think the Administration showed a great willingness to do everything for Oregon. I know the Committee on Military Affairs consulted with the War Department. I also felt myself a profound interest in that country. I consider that the people went there when there was but little to attract them. I felt that they had gone to a Territory, where they could have but a doubtful title to their lands, and where they must live in constant danger of attack from hostile bands of Indians, who were upon their paths everywhere. They had to scale the lofty summits of the Rocky Mountains, covered with eternal snow, and then descend into the valley of the Columbia, and enter a Territory little known, and unfriendly to their occupation. I believe that we have but a feeble conception of the sufferings of many of them. When I was on the Committee of Public Lands in the first session of the Thirtieth Congress, I advocated in committee a bill, by which was given to every settler in Oregon double the amount of land they now receive as a gratuity, and extending the benefits to settlers who should settle in that Territory by the year 1852. The committee reduced the proposition one half, and the bill passed at the last session of Congress in the form in which it had been presented previously. I only mention this to show that I have uniformly felt a kindness towards the people of that Territory. That kindness was not discontinued when I was a member of the Committee on Military Affairs. The last session we brought before the House a bill to pay \$100,000 to the people of Oregon for the war with the Cayuse Indians. The Territory was at a remote distance, and we had neither accounts or vouchers before us. But we were still willing to be animated by the same spirit, and I must say that the War Department showed kindness and liberality towards the people of that Territory, and never refused to give them protection. That Department followed the advice of the Delegate from Oregon upon all proper occasions, and listened to him with consideration. Is the Secretary of War to be denounced for such conduct now? Does not the generous heart of every man revolt from the injustice of such a proceeding as that? I trust that I have vindicated sufficiently the course of the Secretary in this matter. There are many other facts to which I might refer. I desire gentlemen, who do not think the Secretary has done exactly right, and who may think I have made mistakes in these remarks, to have an opportunity of replying to what I have here stated. I shall move no previous question. There are characters to defend—there are reputations at stake, and they must be vindicated. If it is necessary to have mounted riflemen in Oregon, my word for it, as an honest man, you must raise them. If you raise them, you must make an appropriation for them. Do you propose to observe the treaty with Mexico? If so, troops may be required, and if troops, then money. But there is one branch of the subject to which I wish to advert for a moment. I have been two or three years upon the Committee on Military Affairs, so that I think I shall not be guilty of great presumption, if I should attempt to say a few words about the posting of these troops in Oregon. It would not be safe, nay it would be presumptuous for the House to undertake to specify the stations and positions of troops. I am speaking of the presumption of the House as a body, and not of any single individual. Why, you might place them in the most unfortunate positions, in which they would meet with certain disaster and overwhelming defeat, or in which they might be unable to get supplies, and therefore the House never has attempted to do anything of the kind.

I have no objection to a resolution calling upon the President for any information, with regard to these mounted rifles. That regiment has now been called home, its horses have been sold in Oregon, and a great many of the soldiers have deserted, and gone to the gold mines of California. The regiment had become a skeleton regiment, and

it was found necessary to add new men to it. Those men are now being enlisted, and when enlisted, it is proposed to send that regiment of mounted rifles to Texas. And if you send them to Oregon, you will have to raise another troop for Texas.

In conclusion, I beg leave to return my thanks to the House for the kindness with which they have heard me, and to apologize for having trespassed so long upon their time. My sole object has been to vindicate the Secretary of War, who has acted, I believe, in this whole matter, honestly and fairly, without transcending his duty, and, moreover, with ability and singleness of purpose.

Mr. STUART. I would like to inquire of the Delegate from Oregon, whether he intends to press this vote? Because if he does, I desire to say a few words as to the motives which will govern my action; otherwise I do not intend to say anything.

Mr. LANE. I have just had an interview with the Secretary of War relative to this matter. I should like to have the attention of the House, while I give my views with reference to this rifle regiment and the movement of it, and then I am willing that the vote shall be reconsidered and the resolution laid on the table or withdrawn, for I have the assurance of the Secretary of War, that troops shall be posted upon the route this season in sufficient time to afford protection to the people bound to Oregon.

Mr. STUART. I merely wish to say that my object in rising was to state my views very briefly in regard to the power of this House over this matter, and the power of the Executive of the United States. But learning from the Delegate from Oregon that he has received assurances from the Secretary of War which induce him not to press the question, and being at all times unwilling unnecessarily to consume the time of the House, I will yield the floor to him for the purpose of explanation, and refrain from making any remarks myself.

Mr. LANE. I have not intended at any time to thrust my opinion on military matters upon the House, or to claim anything for the little military service I have seen, and the little experience I have had in the service of my country. I never have said upon any occasion, nor do I mean to say in this House, that my opinions are entitled to respect because I have seen a little service in a war which I did regard, and do yet regard, as a just war and one which every American citizen should have supported with heart and hand. There should have been but one feeling in this country when we were engaged in that war. Unfortunately, however, there were two; but I do hope that if this country shall ever again be involved in war, there will be but one opinion, and that, that it is the duty of every American citizen to take the part of his country, and never to sympathize with her enemies. It would have been well for the opponents of the Mexican war if they had uttered fewer words in opposition to it than some of them did.

Now, sir, out of that war has grown an extension of this country; it has given us an extended frontier which is entitled to protection. Oregon is a large piece of territory aside from the additional extension of our country. It embraces from the summit of the Rocky mountains to the Pacific ocean—a thousand miles in extent in one direction, and from the forty-second to the forty-ninth parallel in the other. In that Territory there are no troops. There are the remnants of two companies of artillery, but an infantry soldier has never been ordered to that Territory.

The rifle regiment was clearly and distinctly raised for that service. President Polk recommended the raising of the regiment to be stationed on the route to Oregon for the protection of emigrants bound for that Territory, and in pursuance of that recommendation, Congress authorized the raising of the regiment. It was raised, but this was unfortunately during the Mexican war, and under the emergency of the occasion had to be sent to Mexico, and there served till the conclusion of that war. When it returned, Mr. Polk very justly thought they were, in common with other new regiments, entitled to a discharge, and so many of them as desired it were discharged. The skeleton remaining was filled up by recruits, as I stated yesterday, on the express condition that they were to be employed in this Oregon service. It was sent to Oregon after being thus filled up, but only suffered to remain there some eighteen

months, till about April of last year. It is of this withdrawal that I complain, and I think justly; for while they were there we had peace, uninterrupted peace, and as soon as they left us, the cruel butchery of our people commenced.

Now, I take it for granted, that the promise made by the Secretary of War to-day will be carried out in good faith, and that troops will be placed upon the route in time for the emigration to Oregon this season. But look at the economy; look at the principle; look at the system of political economy of the Administration so lauded by the gentleman from Maryland. I am a thousand times obliged to the gentleman for his kindness towards Oregon in the last Congress, and I have no doubt that I shall often have occasion to thank him for his kindness towards Oregon in this Congress. Oregon needs much. She has no vote here. She can only ask others to give her what she wants, and I pledge my word that I will ask for nothing in her behalf that is not absolutely essential to her welfare, and to which she is not justly entitled.

Now, this regiment of mounted rifles was ordered to Oregon; it was then ordered back again; and now it is necessary to send out another force there. That is a beautiful system of economy! The gentleman from Maryland seems to think that the Administration are entitled to great credit for this system of moving and counter-moving, and marching and counter-marching troops. But is it good economy or good policy to march troops to Oregon and march them back again, while they were subserving the very purpose intended by Congress in authorizing the raising of the regiment, and then march out more troops? Yet that seems to be the policy of the Administration.

The former Delegate from Oregon [Mr. Thurston] may have said that this rifle regiment was not needed there. I have great respect for that gentleman's memory, and for his intelligence. He has now passed away; but if he made such a statement as that, he certainly was not consulting the interests of that Territory, and how he could have said such a thing, I cannot conceive. While it may be true that the troops were not needed in the settlements, they were certainly needed on the emigrant route, from Independence to the waters of the Columbia, and on the route from Oregon to California.

The gentleman from Kentucky [Mr. MARSHALL] said to-day, in the course of his remarks, that he did not know why the troops should be posted at the points indicated in this resolution. I will now explain to the gentleman, why it is necessary that they should be so arranged. The gentleman will recollect that there are two great roads, one leading from St. Joseph, in Missouri, via Fort Hall, to the Dalles of the Columbia river; the other from Oregon City to California.

This latter road passes through the Rogue River Valley, which is near the dividing line between Oregon and California, and runs through a country where there are no white settlements at all, but which is inhabited by as warlike and ferocious Indians, as any of our North American tribes, and they have succeeded in ambushing the road and cutting off numerous parties of our citizens passing to and from Oregon and California.

The interests of California and Oregon are identical; they never can be separated; lying upon the western slope of the Rocky Mountains, they form an important portion of this country, and everything should be done, that can be consistently done by Congress and the Administration, to afford to them everything that they need, or at least to protect those who are moving there. This rifle regiment, I repeat, ought never to have been ordered to Texas, for their service belongs to Oregon. We ought to have troops sufficient for the protection of the people who go to Oregon, and I have no doubt that it will be so, as I rely upon the assurances of the Secretary.

[Here a message was received from the President of the United States.]

Mr. EVANS. I want to ask the gentleman a question as to the character of the Indians in Oregon, as to whether they are warlike or not, and whether they have lately been making war upon the citizens of that Territory? I want to know how many troops will be necessary for the protection of that Territory, and whether the inhabitants are not able to take care of themselves, and what the probable cost of those troops would be? If the gentleman desires to pursue another train of

argument, however, I will not insist on his answering them now. But I desire to have them answered.

Mr. LANE. I prefer to go on with the branch of the subject I was elucidating a little further, and then I will answer the gentleman's questions. I remarked that the interests of Oregon and California were identical. Oregon, to some extent, is a gold-producing country, but it is not so uniformly diffused over it as in California. But she has within her borders what is more valuable, a soil of inexhaustible fertility, finely adapted to the growth of everything that is needed for the subsistence of man; and is now in part supplying, and must eventually furnish, California with all agricultural productions needed. Hence the great road leading from one country to the other demands imperiously your protection. Now, we desire that there shall be a garrison stationed somewhere in the Rogue River Valley, through which this road passes; for we must pass through that valley on the route from Oregon to California. We also ask that a garrison shall be placed upon the other road, in the Snake river country, somewhere between Fort Hall and the Grand Ronde.

I will now answer the interrogatories of the gentleman from Maryland, [Mr. EVANS.] There are about sixty tribes of Indians in Oregon. There are about five times as many Indians as whites in the Territory. The tribes near the settlements are in general friendly disposed, and an easy people to govern. We have no reason to fear any difficulty from them. But the Indians on the road from Oregon to California are, as I said before, as fierce and warlike as any on the face of the globe, and they are as capable of conducting war. Major Kearney—and every gentleman here knows that we have no officer in the Army who stands higher for courage; he is the officer who gallantly carried the gates of the city of Mexico, with a shattered and disabled arm dangling at his side—yet this officer, with the intrepid Walker, and a small force of as good troops as ever drew sabre, declined on one occasion to give them battle till he was reinforced. The Indians were well mounted, and well armed, and five hundred or six hundred strong.

Now when such Indians as those infest the great highway from Oregon to California, can it be expected that without a garrison and without troops our people are safe in passing from one country to another? Sir, within the last few years many parties passing this road have been attacked, and many of them murdered and their property destroyed.

They have thus been elated by success and have grown bold, and are growing bolder still, and nothing will keep them in subjection but troops garrisoned there. Now the same may be said as to the other, the emigrant road between Fort Hall and the Dalles of the Columbia river. Depredations have been committed on that road of such a savage and cruel and barbarous nature, that I will not ask this House to listen to their recital; they are too revolting to the feelings of our nature. Suffice it to say, young ladies have fallen into their hands, and whole families have been destroyed. Under the inducements which have been held out by Congress, many of our people have attempted to emigrate, and fallen upon the way. That frontier cannot be protected unless the Government takes the matter into its own hands. It is not in the power of the few thousands of people in that Territory to protect a frontier of some seven hundred miles. It is impossible for them to furnish sufficient force to subdue those Indians. I do not exaggerate when I say, that many thousands of dollars worth of property have there fallen into the hands of the Shoshone or Snake Indians. I do not exaggerate when I say, that many lives have been taken, that many men, women, and children have been murdered in the most shocking and horrible manner. Now, was it just to the emigrants to that country—was it right, under these circumstances, to have ordered that regiment from that country, and thus leave it open to these savage depredators? I must confess that I did not expect to see my friend from Texas [Mr. HOWARD] take the position which he assumed yesterday. I did not expect that a gentleman representing any portion of a State so chivalrous as Texas—a State so prompt in doing her duty in defending herself and the country—should ask the services of this regiment, and that Oregon should be deprived of all protection.

Mr. HOWARD. If the gentleman will allow me, I have made no such request. I am perfectly willing that Oregon shall be defended, and that the Government shall send troops there for her defence. What I said was, that the Secretary of War had stated that these troops were not the best for Oregon. He says now that the reports will show that the mounted men in Oregon have not rendered service at all commensurate with the expense which the country has been put to in relation to this character of troops, and that foot forces are still the best for that Territory. But this regiment, as the gentleman from Maryland states, after being in a great degree disbanded in Oregon, the troops having deserted so that there was but a mere skeleton left, who, with the officers, brought home the horses that were not sold, at a large expense, and were posted in Texas. Now, I want to know where is the reason for sending them back? If mounted forces are necessary there, then give them an independent mounted force—give them another regiment. But, sir, I will come to a compromise with the honorable gentleman from Oregon. If he will give us in Texas, for three years, those mounted rangers, he may then take back the troops; he may have them re-transported to Oregon.

But I think the Department have taken the ground which they have taken in relation to this matter wisely, and for this reason: The population of Oregon and of California is composed principally of young men without families, and, of course, a population of this description is much more competent to defend itself, than one composed of persons who have settled with their families—with women and children, as is the case in Texas. If the present army cannot defend the frontier of that country, by calling for volunteers, a population composed chiefly of young men is certainly much better adapted to defend themselves, than such a population as exists in Texas. We all know that the frontiers of Texas have ever since annexation, been depredated upon, more or less, by hostile Indians. We know that for the last three years the frontiers of Mexico have been depredated upon by the Indians, now resident in the United States; and that no efficient or fair means have been taken to carry out that treaty; and that this regiment has been brought there, not only to protect the people of Texas and New Mexico, but to protect and carry out the treaty stipulations which you have obligated yourselves to carry out with the Republic of Mexico. And more than that; it seems to me to be a most extraordinary position, that men going to a country must be protected, but that men who are settled in a country with their families, and liable to like depredations, shall not be protected.

Mr. LANE. The gentleman from Texas is as much at fault in his assertions, as was the gentleman from New York, [Mr. Brooks.] This regiment was not ordered from California, but from Oregon.

Mr. HOWARD. I had my authority from the Secretary of War. They are part in Oregon, and part in California; indeed, the headquarters of General Smith was at San Francisco.

Mr. LANE. But none of the rifles were there.

Mr. HOWARD. That is not the statement of the Secretary of War.

Mr. LANE. Now in reply to the gentleman's argument as to their being relatively more young and unmarried men in Oregon than in Texas, let me assure him that he is egregiously at fault. Congress, you know, sir, has enacted a law donating to all emigrants who would take a claim in that country, and cultivate it for four years, as follows: to a married man 320 acres, one-half in his own right, and one half in her own right; to an unmarried man 160 acres, and to his wife 160 more in her own name, if he marries in twelve months after locating his claim; the consequence is, sir, we have few unmarried men or women in our country; the ladies, always quick to discover their interests, and prompt to avail themselves of any opportunity to promote it, have not only all wedded who were there, but many more have gone there and married, and have husbands and lands both, so that the gentleman must discover that if fighting men cannot be obtained except they are unmarried, no country is more destitute of them than Oregon.

There are some troops in California, but not more than are needed there, and indeed not as

many. California is as much exposed as any country possibly can be, from the locality of the country, from its formation, and from its many scattered valleys. Its immense amount of gold induces the people to wander all over the country, and for that reason they are exposed more than they otherwise would be.

Now, I am going to state simply, that the troops in Oregon consist of not more than forty to ninety men. They are artillery troops occupying garrisons, or something like garrisons, upon the seacoast. A few of them are at Fort Stilacon, on Puget Sound, and a few of them at Columbia barracks. None of them can be used in the defence of the frontiers of that country. Now, I repeat, the Secretary of War has told me to-day, that for the protection of the emigrants bound to Oregon, he will cause troops to march out, to be there in time for this year's emigration. That will satisfy me so far as that is concerned, and it will satisfy the emigrants, and insure their protection, if the troops are kept upon the road. There is one other route which the Secretary should place troops upon, and that is the great road leading from Oregon to California, and then we should have the protection which the people absolutely require.

I have said nothing about the right of this House to request the President, for this resolution was nothing more than a request, or if you please, a petition. Whenever the day arrives when this House cannot, or dare not, or will not, for some imaginary reason, say that they have no right to respectfully ask and request the President of the United States to afford protection to our frontiers, then I will be prepared to say we do not enjoy the liberties which I heretofore have supposed, and still believe we enjoy. When has the time arrived in which it is improper to do so?

I hope I need not add, that I am as fully aware as any gentleman on this floor, that this House has no power to *command* the President to do anything in the premises; my object was not to command him; and it is passing strange to me that gentlemen will insist that it is designed to be so. My object was to obtain an expression of the sense of this body upon the propriety of extending the protection to the people I represent, which I think is their due, not doubting that the President would give such respectful consideration to such expression as is due to such a high source. I also desired to bring this subject to the attention of the country at large, and my constituents in particular. Why, sir, this is certainly a novel idea, that this House has no right, by abstract resolution, if you please, to indicate its sense of any Executive proceeding, or what ought to be Executive action. Sir, your Journals, through the whole history of the Government, are full of such precedents, and especially has this been the habit of the party now in power. While upon this subject, permit me to remark, that, although no lawyer, yet I think I rightly understand the constitutional obligations resting upon the President and upon the Congress. It is for Congress to make the laws, and for the President to *execute* them. While it is true that he is the Commander-in-Chief of the Army, it is also true that it is his duty to see that the laws are faithfully executed; hence I infer that if Congress, in raising troops for a particular service, should direct their field of operations, it would be the duty of the Chief Magistrate to execute the will and directions of the law-making power.

It is now about time to withdraw this resolution, or rather to let it take its regular course.

Mr. EVANS. I would ask the gentleman, what would be the probable cost of supporting the troops he proposes to have sent to Oregon?

Mr. LANE. I am by nature and practice, and in every other way, an economist, and in asking protection for Oregon, I studied economy. I was unwilling to ask for what she really needs, because it will cost much, and more than Congress might think proper. For that reason I put it low. I stated, in a letter to the President, that two or three companies of cavalry would be sufficient to afford the needed protection on the emigrant road between Fort Hall and the Dalles, and two or three companies of the same description of troops in the Rogue River Valley between Oregon and California.

I also stated, that if mounted troops could not be had, that infantry forces ought to be sent out; not that I believed for a moment that we could wage war successfully with infantry, but that a

garrison in the country would have a moral influence upon the Indians, that would do much towards keeping peace with them.

I have many apologies to make to this House for trespassing so long upon their time. It is the first occasion that I have found it necessary to say a word or occupy the time of this House, but it was an occasion upon which I thought I ought to avail myself of the privilege which you have extended to me. I must look to this House for the adoption of such measures as are necessary for the protection of Oregon.

I should like to have the vote upon the passage of the resolution reconsidered, and that the resolution lie upon the table.

Mr. SEYMOUR, of New York. I demand the previous question.

The previous question received a second; and the main question was ordered to be put.

The main question, which was upon reconsidering the vote by which the resolution was adopted, was then put, and it was agreed to.

Mr. LANE. I now move that the resolution lie upon the table.

The question was taken, and the motion was agreed to.

So the resolution was laid upon the table.

On motion by Mr. CABELL, of Florida, it was

Ordered, That leave be granted to withdraw the petition and papers of Richard Fitz Patrick, for the purpose of reference in the Senate.

On motion by Mr. ABERCROMBIE, it was

Ordered, That the papers and petition of Wade Allen be withdrawn from the files of the House, and referred to the Committee on the Post Office and Post Roads.

On motion by Mr. HENN, it was

Ordered, That the papers and petition of Solomon Rush-ton be withdrawn from the files of the House, and referred to the Committee of Claims.

On motion by Mr. HASCALL, the House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. WRIGHTMAN: The memorial of a citizen of New Mexico, praying the enactment of a bill, therewith transmitted, having for its object the arming of the militia and volunteers, &c., of the Territory of New Mexico.

Also, a memorial of a citizen of New Mexico, praying the enactment of a bill, therewith transmitted, having for its object to place officers and enlisted men serving in New Mexico, on the same footing as regards pay, with officers and enlisted men serving in Oregon, California, and for other purposes.

By Mr. —: Memorials of certain merchants engaged in commerce, and ship masters, and of certain captains of steam and sailing vessels, navigating Long Island Sound, asking for a suitable light-house on the end of Long Wharf, in New Haven harbor.

By Mr. DUNCAN: The petition of Mary Pearson, for a pension on account of the revolutionary services of Silas Pearson, her late husband.

By Mr. HAVEN: The petition of S. Vandenberg and 31 others, praying an inquiry into the subject of the tariff upon cigars costing less than ten dollars per thousand, and such a modification in reference thereto as will afford protection to the makers thereof in this country.

By Mr. McLANAHAN: The remonstrance of citizens of Franklin county, Pennsylvania, against the renewal of the patent right of Zebulon Parker, for his reaction water wheel.

Also, a petition of citizens of Perry county, Pennsylvania, praying for the establishment of a mail route from Newport to Elliottsburg, in said county, by way of Millford, Bosserman's mill, and Roseburg.

By Mr. FLORENCE: The petition of John S. Moore, John N. Henderson, Lacey & Phillips, and other citizens of Philadelphia, praying for an appropriation to the Executive Committee of the London Industrial Exhibition, to relieve those who have borne the expenses of the transportation and display of goods at the "World's Fair."

By Mr. AIKEN: The memorial of the New York Chamber of Commerce, praying for a light-boat, with a fog-bell, on Cape Roman Shoals, coast of South Carolina.

By Mr. ASHE: The memorials of Neil Kelly and J. C. Blocker, deputy marshals, praying additional compensation for taking the census.

By Mr. BISSELL: The memorial of the President and Directors of the Mississippi and Atlantic Railroad Company, praying for the right of way and a grant of land, to aid in the construction of a railroad from the State line of Illinois, at a point opposite Terra Haute, to Illinois town, opposite St. Louis.

By Mr. BARRERE: The petition of William Perry and 15 others, surviving soldiers of the war of 1812, and citizens of Brown county, Ohio, praying for the passage of a law granting pensions for life to the surviving officers and soldiers of the war of 1812.

By Mr. ALLEN, of Illinois: The petition of citizens of Hamilton, Franklin, and Saline counties, Illinois, praying Congress to establish a mail route from the town of McLansboro', in the county of Hamilton, to the town of Marion, in the county of Williamson, and State of Illinois.

By Mr. GOODENOW: The memorial of Benjamin Sampson and 7 others, assistant marshals of the county of

Franklin, in Maine, for additional compensation for taking the Seventh Census.
By Mr. JOHN W. HOWE: The petition of William Gallaher and 180 others, citizens of Mercer county, Pennsylvania, praying Congress to prohibit the transportation of the United States mails upon the Sabbath.

IN SENATE.

WEDNESDAY, February 11, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

MEXICAN CLAIMS.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Secretary of State, transmitting, in compliance with a resolution of the Senate of the 7th instant, a report of the Board of Commissioners on Claims against Mexico; which states, that the whole amount awarded on all the claims allowed by the Board was \$3,208,314 96, and that the sum stipulated by the United States by the 15th article of the treaty of Guadalupe Hidalgo, to make satisfaction for the claims of their citizens against the Mexican Republic was three millions and a quarter, which exceeds, by \$41,635 04, the total amount of the awards of the Board of Commissioners.

Mr. MASON. That information was called for by the Senator from Pennsylvania, [Mr. BROTHHEAD.] He is not in his seat.

Mr. WADE. If the gentleman from Virginia will allow me, I will state, that the resolution was introduced at the instance of the Committee of Claims, for information which they wanted in regard to a certain claim. If, therefore, the Senator from Virginia will permit me, I will move that the communication be referred to the Committee of Claims.

Mr. MASON. I should be quite willing that this communication should be referred to the Committee of Claims, so that we might have the action of that committee on the subject, but there is a large number of these claimants whose memorials have been referred by the Senate to the Committee on Foreign Relations, and we have had them under consideration. I will not interfere with the motion of the Senator from Ohio, but merely state the fact I have already mentioned.

Mr. WADE. I will not persist in the motion. I supposed that the resolution emanated from that committee, and for the purpose which I have mentioned.

Mr. MASON. Then I will move that this communication be referred to the Committee on Foreign Relations, and that it be printed.

Mr. WADE. I am quite agreeable to that reference.

The communication was so referred.

CREDITORS OF CHEROKEES.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate, copies of all correspondence between that Department, including the office of Indian Affairs, and persons claiming to be creditors of the Western Cherokees since the last session of Congress.

Mr. SEBASTIAN. That information was called for at the instance of the Committee on Indian Affairs, and was intended to assist that committee in the investigation of claims now under their consideration. I move that the communication be referred to the Committee on Indian Affairs, and that it be printed.

The motion was agreed to.

PETITIONS.

Mr. ATCHISON presented the petition of the guardian of the heirs of the late Major Thomas Noel, of the United States Army, praying the settlement of his accounts; which was referred to the Committee on Military Affairs.

Mr. BUTLER presented the memorial of the Chamber of Commerce of New York, praying that a light-ship, with a fog-bell on board, may be moored in the shoal between the shoals off Cape Roman, on the coast of South Carolina; which was referred to the Committee on Commerce.

Mr. WADE presented three petitions of the assistant marshals of Ashtabula county, Miami county, and Logan county, in the State of Ohio, praying additional compensation for taking the Seventh Census; which were referred to the Committee of Claims.

Mr. COOPER presented the petition of Simon P. Kase, praying the Government to purchase the

right to use his patent force-pump and fire-engine; which was referred to the Committee on Naval Affairs.

Mr. MILLER presented the memorial of Sarepta Cleveland, praying remuneration for a house belonging to her father, Jonathan Skinner, destroyed by the enemy during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. CHASE presented two petitions of merchants and others of Philadelphia, praying the construction of an additional canal around the Falls of the Ohio river; which were referred to the Committee on Roads and Canals.

Also, the memorial of inhabitants of Warren, Illinois, praying that the transportation of the mail on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Also, two petitions from the assistant marshals for taking the Seventh Census in Clark county and Hancock county, in the State of Ohio, praying additional compensation; which were referred to the Committee of Claims.

Mr. DAWSON presented the petition of Avery Downer, praying a pension for services during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. SEWARD presented the petition of William Woodbridge, praying a section of land in consideration of the services of his father, a soldier in the revolutionary war; which was referred to the Committee on Public Lands.

Mr. FELCH presented the petition of William H. Platt, President of the Alton and Sangamon Railroad Company, in the State of Illinois, praying a grant of land to aid in the construction of that railroad; which was referred to the Committee on Public Lands.

Mr. DODGE, of Iowa, presented the memorial of Benjamin S. Roberts, of the Army, praying to be allowed the pay and emoluments of a lieutenant of dragoons from the time he was discharged from the Army to the time of his appointment as a lieutenant of mounted riflemen; which was referred to the Committee on the Judiciary.

Also, the petition of Benjamin Arnold, praying indemnity for property destroyed by the enemy during the last war with Great Britain; which was referred to the Committee of Claims.

Also, the petition of citizens of Guthrie county, Iowa, praying a donation of land for the use of the county seat of that county; which was referred to the Committee on Public Lands.

Also, the petition of James C. Mitchell, and the petition of William Simpson, praying a donation of land for the benefit of the town of Kaneshville, Iowa; which were referred to the Committee on Public Lands.

VICTIMS AND EXILES.

Mr. BADGER. I have a petition from one more of the victims of the square root. It is from S. N. Smithurst, one of the assistant marshals in North Carolina, employed in taking the Seventh Census in Martin county, praying for additional compensation. While I offer this petition, I beg leave also to present a paper containing a statement with respect to the petition of H. B. Lewis, a deputy marshal in Tyrrel county, explaining the great difficulties he labored under in taking the census. I move to refer both of these papers to the Committee of Claims.

They were so referred.

Mr. UNDERWOOD. I have a memorial to present, sir, in behalf of four hundred victims. It is only signed by two, sir, and they do not represent themselves as victims, but they petition for others. It comes to me under the post office mark of New York, and it purports to be sent by Carl Prochaski and Christian Dembinski, adopted citizens, they say, of the United States. They represent that the brother of this Charles, as I suppose this name Carl means, has been banished to Siberia, under the pretence of having committed some crime against the Russian Government. They represent that the conviction was obtained upon testimony which was false *in toto*. They also represent that there are four hundred others confined in Siberia under like erroneous proceedings against them in the courts of Russia; and having, as they say, understood that the Congress of these glorious United States intend to manifest generous, active, and operative sympathy in be-

half of suffering convicts banished by other countries, they pray that the same sort of sympathy may be extended to the brother of one of these petitioners and the other four hundred in Siberia. They say further, that they believe the Russian Government will lend a very favorable consideration to any application from this Government, upon the assurance being given that they will all be brought to the United States.

I had some difficulty in my mind, Mr. President, with regard to presenting this memorial, not knowing but it might be intended to humbug me or Congress, from the fact which must be known to the Senate, that in the early movements upon this subject of intervention, I was among the first to denounce the whole proceeding. I did not, therefore, know but the petition might have been sent to me for such a purpose as I have suggested; but recollecting that an illustrious associate in the other branch of Congress was very eloquent on the subject of the right of petition and upon intervention, I concluded to present the petition to the Senate, and to make the declaration, that I have determined, if any more petitions of a like character come to my hands, I will hand them over to some more active sympathizer in the objects prayed for, and especially those who act for "victims," as they are called.

Mr. BADGER. I rise for the purpose of making a motion as to the disposition of this memorial, and I would suggest—

Mr. UNDERWOOD. I beg pardon; I would suggest that it go to the Committee on Foreign Relations.

Mr. BADGER. The petition states that the judgments under which these exiles are suffering a hard captivity in that frozen and inhospitable region were erroneous. I would therefore move a reference of this petition to the Committee on the Judiciary, with instructions to report a bill so to amend our laws as to provide that a writ of error may be taken to our Supreme Court from the Supreme Court of the Russian Empire. [Laughter.]

Mr. UNDERWOOD. Perhaps that is rather premature. According to the suggestion of the memorialists, they recommend the sending out of a commissioner to ascertain the facts before a writ of error is provided for.

Mr. BADGER. But the difficulty is, that before that can be done the five years' limitation of these writs of error may expire. I think this thing ought to be done immediately, if it is done at all. [Laughter.]

The PRESIDENT. Does the Senator from Kentucky withdraw the motion to refer the memorial to the Committee on Foreign Relations?

Mr. UNDERWOOD. I will withdraw that motion; and, if the reference will better suit the views of my friend from North Carolina, I will move that it be referred to the Committee on the Judiciary.

Mr. BUTLER. No! no! [Laughter.] You are not in earnest, are you?

Mr. UNDERWOOD. Certainly I am. [Laughter.]

Mr. MASON. I did not hear distinctly what the Senator from Kentucky proposed, nor indeed what he said in regard to this memorial; and I would like to know whether he is acquainted with these memorialists, and if he knows who they are, so that, if possible, the Senate may judge whether or not this petition is or is not what the Senator from Kentucky expresses his doubts that it may be, namely, a humbug?

Mr. UNDERWOOD. I have stated all that I know upon the subject. There is the New York post-mark upon it; and that is all that I know.

Mr. MASON. Then I think the best disposition that can be made of it is, to lay it upon the table. I make that motion.

The memorial was accordingly laid upon the table.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. NORRIS, it was Ordered, That the petition of John McAvoy, on the files of the Senate, be referred to the Committee of Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. NORRIS, from the Committee for the District of Columbia, to which was referred the memorial of the citizens of Washington, praying for the incorporation of the Eagle Steamboat Company at Washington, District of Columbia, reported a

bill for that purpose; which was read, and passed to the second reading.

Mr. SEWARD, from the Committee on Commerce, to which was referred the petition of Thomas A. Napier, reported a bill to authorize a new register for the American built ship Obed Mitchell; which was read a first and second time by unanimous consent, and, no amendment being made, it was ordered to be engrossed and read a third time.

Mr. JONES, of Iowa, from the Committee on Pensions, to which was referred the petition of David P. Weekes, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to which was referred the memorial of Guion and McLaughlin, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. DOUGLAS, from the Committee on Territories, to which the subject was referred, reported a bill to reduce and define the boundaries of the military reserve at the St. Peter's river, in the Territory of Minnesota, and to secure the rights of the actual settlers thereon; which was read and passed to the second reading.

Mr. BORLAND, from the Committee on Pensions, to which the petition of Elizabeth V. Lomax was referred, submitted a report, accompanied by a bill for her relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to which was referred the documents relating to the claim of Theodore E. Elliott, reported a bill for his relief; which was read and passed to the second reading.

Mr. GEYER, from the Committee on Pensions, to which was referred the petition of Barbara Riley, submitted a report, accompanied by a bill for her relief; which was read and passed to the second reading. The report was ordered to be printed.

On motion by Mr. GEYER, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the message of the President of the United States, of the 25th January, respecting claims of citizens of California; and that it be laid upon the table.

DISTRICT COURTS IN ALABAMA.

Mr. CLEMENS asked and obtained leave to introduce a bill to be entitled "An act to change the times of holding the United States district courts in Alabama, and for other purposes;" which was read and ordered to a second reading.

Mr. CLEMENS. I hope it may be read a second time now.

The motion was agreed to.

The bill provides that the district courts of the United States for the State of Alabama shall be held at Mobile, on the fourth Monday in April, and on the second Monday after the fourth Monday in November; at Huntsville, on the second Monday in May, and the second Monday in November; at Montgomery on the fourth Monday in May, and the fourth Monday in November; and also, that the county of Butler shall be a part of, and embraced in the middle district of said State.

The bill was then considered as in Committee of the Whole; and no amendment being offered, it was reported to the Senate, and ordered to be engrossed for a third reading.

ADDITIONAL POST ROUTE.

Mr. HAMLIN submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post route from Rockland, in the county of Sinclair, to the Isle au Haut, in the county of Lincoln, in the State of Maine.

UNITED STATES JUDGE FOR THE DISTRICT OF MICHIGAN.

Mr. CASS submitted the following resolution for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge of the United States for the district of Michigan.

Mr. SEWARD. I hope that resolution will lie over until to-morrow, as I desire to submit an amendment to it in relation to another case of a like character.

The resolution was accordingly passed over.

EXECUTIVE COMMUNICATIONS.

A message was received from the President of the United States by Mr. M. P. FILLMORE, his Private Secretary, transmitting the annual report of the Director of the Mint at Philadelphia, showing the operations of the Mint and its branches for the year 1851;

Also, a report from the Secretary of the Interior, containing a report from Thomas U. Walter, Architect for the extension of the Capitol; and

A copy of the instructions dispatched from the Department of State to the Minister of the United States at London, respecting the attack on the United States steamer "Prometheus," in the harbor of San Juan de Nicaragua, by the British brig of war "Express;" and also, a copy of the dispatches of Mr. Lawrence to that Department and of his correspondence with Her Britannic Majesty's Principal Secretary of State for Foreign Affairs on the same subject.

These several messages were referred,

The first to the Committee on Finance; the second to the Committee on Public Buildings; and the third to the Committee on Foreign Relations; and they were ordered to be printed.

NOTARIES PUBLIC.

Mr. BUTLER. At the last session of Congress there was a bill passed authorizing notaries public of different States and Territories to take and certify oaths, affirmations, and acknowledgments in certain cases; but under some misapprehension, it did not include the District of Columbia. I move to take up that bill now, for the purpose of amending it in that particular.

Mr. SEWARD. I desire to ask the Senator from South Carolina, whether it will involve debate?

Mr. BUTLER. Not at all; it is only to supply a single word.

The motion to take up the bill was agreed to.

The amendment which extended to notaries public in the District of Columbia the same power to take and certify to oaths, affirmations, &c., which is conferred on the same class of officers, in the States and Territories, was adopted; and the bill as amended was then ordered to be engrossed for a third reading.

CENSUS COMPENDIUM.

Mr. SEWARD gave notice of his intention to ask leave to introduce a joint resolution concerning the publication of a compendium of the several censuses of the United States. It proposes that a joint committee of the two Houses be appointed, whose duty it shall be to prepare, or cause to be prepared, and report for immediate use, a compendium of such prominent statistics of the late and prior censuses, as to them may seem important, for the present information of the people and Congress, accompanied by a report containing such other information relative to the progress of agriculture, arts, manufacture, commerce, and the general wealth of the United States, as they may deem useful.

RAILROADS IN IOWA.

Mr. JONES, of Iowa. I move to dispense with the special order to-day, for the purpose of taking up Senate bill No. 1, which is a bill making a grant of land to the State of Iowa, in aid of the construction of a railroad in that State. My friend from Tennessee [Mr. BELL] has had the floor on this subject, at least four or five days, and has been unable to proceed with his speech. He commenced his remarks on the day when the bill was last under consideration and spoke some five minutes, when the Senate adjourned. He is now prepared to go on with his remarks, and I hope that the bill will be taken up, so that he may proceed with them.

Mr. BADGER. I would suggest to my friend from Iowa the propriety of withdrawing that motion for the present. The Senator from New York [Mr. SEWARD] had the resolution in relation to the Irish exiles postponed until one o'clock to-day; and as that subject is the special order, and as the time is now past, I think he ought to be heard. I can readily realize the hardship imposed upon my friend from Tennessee, as it has been suggested by my friend from Iowa; but as both he and myself intend to speak to the Senate, and as we have something to say, which I trust will be

worth hearing, our speeches will keep. There is no danger whatever of their spoiling.

Mr. DODGE, of Iowa. I trust that my colleague will withdraw his motion, and allow the special order to be proceeded with.

Mr. JONES. I will withdraw the motion with a great deal of pleasure, if my friend from Tennessee desires it to be withdrawn.

Mr. BELL. I will assent with great pleasure to any arrangement which may be agreed upon by gentlemen.

Mr. JONES. I would withdraw the motion immediately, but I do not wish to be discourteous to the Senator from Tennessee.

Mr. BELL. I shall not regard it as any discourtesy at all.

The motion was then withdrawn.

EXILED IRISH PATRIOTS.

The Senate resumed the consideration of the resolution submitted by Mr. FOOTE, of Mississippi, on the 2d of December, expressive of the sympathy of Congress for the exiled Irish patriots, Smith O'Brien and Thomas F. Meagher, and their associates.

The pending question was Mr. SEWARD's amendment to the amendment of Mr. SHIELDS.

Mr. SEWARD. Mr. President, this resolution seems to me neither inconsiderate nor unimportant. It is a resolution which must have the assent of both Houses of Congress, and the approbation of the President of the United States, and so will become a national act. It recommends, I might perhaps say solicits, clemency towards the patriots of Ireland who are suffering imprisonment in a penal colony; and it is designed for the information of the British Government, and therefore may and ought to be regarded as an appeal by the United States to Great Britain.

Sir, I think the proceeding is defensible upon the grounds of abstract justice and propriety, as well as upon a due consideration of the relations of all the parties concerned.

I beg leave to say, in the first place, that it is not altogether novel in character and principle. The patriots of Ireland, who are the subjects of this debate, are suffering imprisonment in consequence of an effort, honestly made, to restore their native land to liberty and independence. The sympathy expressed by this resolution for them, springs from the same source from which the sympathy of the people of the United States has sprung, which has been habitually exhibited towards nations striving to assert the same rights—the sympathy which was expressed by the people of the United States towards France in 1793, in 1836, and in 1848; towards Greece, towards the rising South American republics, towards Poland, towards Germany, and towards Hungary. Even in form, sir, the measure assimilates to the action of Congress in regard to Louis Kossuth, who has been, through our interposition, released from imprisonment in Asia Minor, and brought to our shores, received and welcomed as a guest of the United States.

The interest which is expressed in this resolution for William Smith O'Brien, like that which is expressed toward Louis Kossuth, is not merely personal, but it is the reverential compassion indulged by the people of the United States for a fallen nation "in a man comprised." It is not, then, the cause of William Smith O'Brien alone—it is the cause of Ireland.

The merits of a nation's cause, and of its defenders, require a review, not merely of the particular accidents or incidents which bring it before us, but of the whole life of the nation. So it was, that our forefathers, in adopting the declaration of American independence, reviewed the entire colonial experience in vindication of the act of abjuration of their allegiance to the British Throne.

Ten centuries ago, sir, Ireland was an independent nation, possessing the elements and the forces of national stability. Ireland was guilty of one enduring crime—it was the crime of proximity to England. Ireland labored under one enduring misfortune—it was the misfortune that, for many centuries, she had remained unconquered and unconquerable. The crime provoked the cupidity of England, the misfortune begat divisions into sects and clans, and these civil distractions favored an invader. At the very moment, sir, when Henry, a Norman King of England—the second

of that name, I think—was, as the chronicle relates, "casting in his mind to conquer the adjacent island, because it seemed to him to be commodious, and because its inhabitants were savage and rude," he was applied to by a deposed Irish prince to reinstate him on the throne. The invader enjoyed one vast advantage: England had been successively subjugated by the Romans, the Danes, the Saxons, and the Normans, and in that rough experience she had acquired the consolidation and discipline which, combined with the energy arising from a mingling of races, and an ambition springing from an insular position, have enabled her almost "to have the world in empire."

The invasion, of course, did not result in restoring the Irish King, nor did it result in the conquest of Ireland. It ended in only the establishment of a small colony upon the coast, enclosed with palisades, and therefore called "The Pale." Within the "Pale" were Englishmen, English Lords, English manners, English customs, and English rule; and without the "Pale" were the entire nation of Irishmen, with their hereditary princes, their native language, and customs, and manners.

Acting upon the law of nations, as it was then understood, these races regarded each other as natural enemies, and hence ensued wars unsparing and unrelenting. The Reformation hurled a new element into this internecine strife. The Catholic Church in England had given place to one which suited its Kings and people better. Considerations of prudence cooperating with a spirit of proselytism, determined the Government of England to subvert the Catholic Church in Ireland. The sword was the missal sent, and a ferocious soldiery were the apostles of the new faith. The Irish preferred their paternal religion to that which was so rudely recommended to them by their enemies. The "Pale," although backed by England, was too feeble to subjugate Ireland, and Ireland, distracted by the jealousies of her clans, was too weak to crush the "Pale;" and so for four hundred years continued wars, at the end of which both parties retained their relative positions and power. And thus all that important portion of the nation's life was worse than lost, in consequence of an imperfect conquest. At last five hundred and twenty years after the first invasion by Henry, and at the close of the great battle fought on the banks of the Boyne, Ireland capitulated, and at that time the entire twelve millions of acres of tillable land were divided and parceled out among the invaders and the few apostatizing natives. Ireland capitulated, and by the treaty of Limerick, subjected herself to the government of the "Pale." But she reserved, in the most solemn manner, the liberty of conscience. This right—the liberty of conscience—was not only stipulated by the treaty of Limerick, but was solemnly guaranteed by William and Mary, the common sovereigns of the two countries.

England, nevertheless, persevered in her policy of subverting the Catholic Church, changing only the means employed for that purpose. She perfidiously broke the covenants of peace, though they had been written in blood, and established a Penal Code, disfranchising the Catholic Irish people of all civil and political, social and domestic liberty, as well as of their ecclesiastical rights, and thus substituted for invading armies the sterner despotism of the law, and withdrew the sword to replace it with the scaffold.

Sir, I shall not detail that atrocious code, but will content myself by giving a description of it, drawn by Edmund Burke, seventy years ago—a description which time has now proved prophetic:

"It is," says he, "a system full of coherence and consistency, well digested and well disposed in all its parts fitted for the impoverishment,"—(yes, sir, these are the words,)—"fitted for the impoverishment and the degradation of a people, and for debasing in them of human nature itself."

The after history of Ireland, Mr. President, is a record of frequent and generous, but unavailing struggles, by or in behalf of the People, to cast off that code, and, more recently, to redeem the country from its desolating effects. In the year 1778, Grattan, Burke, and Flood, profiting by the enthusiasm awakened throughout the world by the American Revolution, and by the embarrassment of the British Government in consequence of it, succeeded in obtaining from the British Parliament a relaxation of the rigors of this code in regard to education and the rights of property; and, in the

year 1782, when the exigencies of the British Government had become more alarming, they succeeded in wresting from the British King and Parliament a renunciation of legislative and sovereign power over the Kingdom of Ireland; and it was expressed in these solemn and memorable words:

"The rights claimed by the people of Ireland, to be bound only by laws enacted by His Majesty and the Parliament of that Kingdom, shall be and are established, and, at no time hereafter, shall be questioned or questionable."

Sir, Ireland exulted for a delirious moment in national independence regained; but it was only for a moment, and that moment was delirious. Ireland required the repeal of the penal code, and demanded a constitution. The Parliament and the "Pale," constituted of a Protestant representation alone, and being in the interest of England, refused both. Discontent, wide and deep, pervaded the Irish people. Emmett, Fitzgerald, and their associates, in 1798, conspired to raise the standard of insurrection; but they were betrayed, and the rebellion was crushed in the germ.

The Government of Great Britain now assumed that the people of Ireland had tried, fully and fairly tried, the experiment, and had proved themselves incapable of exercising the franchise of self-government. The British Parliament therefore sent down to the Parliament of the Pale what was called an act of Union, and in the year 1800 that mockery of a legislature adopted it, and surrendered its own perfidious and pernicious existence. By that act of Union, Ireland, in May, 1800, was in name united, but was in fact absorbed, and became virtually a province of the British Empire, with only the shadow of a representation of the Protestant minority of the Kingdom in the British Parliament. Daniel O'Connell, a jurist and advocate of surpassing genius, eloquence, and learning, inferring, from the failure of the men of 1798, that the time for a martial revolution had passed away, at least for the present, conceived the bold purpose of obtaining a repeal of the penal code and the restoration of his country to a place among the nations, by a process of civil agitation, always within the restraints of the law, and looking for the effect through the action of the King and Parliament of England. In the year 1829 he obtained a signal triumph in the passage of the act of Catholic emancipation. There remained but one step between this memorable act and the freedom and independence of Ireland. That step was the repeal of the Act of Union. But the ruin and desolation resulting from the penal code, which Burke had predicted, pressed too hard upon the march of the Reformer. Ireland could not wait the slow progress and doubtful success of civic agitation. The nation divided between the parties of "Old Ireland," following the lead of Daniel O'Connell and his peaceful standard, and of "Young Ireland," under the revolutionary banner set up by William Smith O'Brien. Now, in point of fact, it is possible that even if the Irish people had remained united, neither of those policies would have been successful; but it is also certain, that when the nation divided and broke, both efforts signally failed. Daniel O'Connell died of a broken heart at Genoa, on a pilgrimage to Rome, and William Smith O'Brien, the leader of the Irish rebellion, being found without attendants, arms, or troops, was arrested, convicted of high treason, and sentenced to an ignominious death. His sentence being commuted by the Crown, he is now an exile in Van Dieman's Land.

Simultaneously with the failure of these, the last efforts hitherto made for the redemption of Ireland, poverty and pestilence stalked abroad through that ill-fated country, exciting the sympathy of nations, and moving even the distant people and Congress of the United States to send relief. Depopulation of the Island assumed a frightful momentum, and, from that time to this, has continued to give the last confirmation, which the most sceptical could have required, of the conclusion, that never on earth was a revolution more just or more necessary, than that attempted by William Smith O'Brien and his companions in exile.

Sir, it is not my object in this review, to excite prejudices, here or elsewhere, against England, or against the Protestant Church within that Kingdom. I have no such prejudices myself. I disclaim and disdain partisanship in regard to historic events. O'Connell was a Catholic; Smith O'Brien is a Protestant. The rage of the sects

has died away in the agony of the catastrophe which has involved the people of both in a common desolation; and wise and sagacious men in England look on the decay of Ireland as an alarming presage of the decline of the empire. But, sir, on an occasion like this, Ireland is entitled to, and from me she has received, her vindication. The policy of England was the policy of the age, and of the times, and of systems; and this is her sufficient apology.

The sympathy of the American people, then, in behalf of Ireland, is just.

I proceed to remark, that this sympathy derives intenseness from the conceded genius and proverbial virtues of the Irish people. The plains of Waterloo, and the heights of Abraham, attest that they are brave as well as sagacious in war. Like the Greeks, in their decline, they have enchanted the world with their wit and song and eloquence. They are confessedly confiding and generous to a fault, while their whole history, and tradition reaching now a period of a thousand years, exhibit not one instance of unlawful aggression. Is not, then, the tribute proposed by this resolution, due to such a people? And if so, why shall it not be offered?

I am answered, that this is a question for the British Government, and that it is they, and not we, who are to extend clemency or pardon to the Irish exiles. I grant it, fully grant it. But men and nations are moved by persuasion. What is asked here, is not an exercise of clemency, but only a word of persuasion whispered to the Power that can grant it.

I am told that we may lawfully sympathize, as individuals, in the misfortunes of these unhappy men, and of their more unhappy country; but that to us as a political body—a State or nation—or as the representatives—the Government of a nation—such sympathy is forbidden. This seems to me equivalent to saying that we may indulge sentiments of generous compassion, but we shall never carry them into beneficent action. The sympathy of the several members of this Senate, or of this Congress, or of the individual citizens of the United States, will be unavailing. If that sympathy is truly felt by the nation, it can only be effectually expressed in the manner in which national sympathies, and determinations of the national will, are always made effective—by the action of the Government. And, sir, let me say, that there is only one code of morals for mankind, and its obligations bind them equally, whether they be individuals, subjects, citizens, states, or nations.

I shall be told, that we may not intervene in this, which is a domestic affair of a foreign Government. It is true that we may not intervene in the affairs of any Government for unjust purposes, nor can we intervene by force for even just or benevolent purposes. But this is the only restraint imposed on us by the law of nations. That law, while it declares that every Government has the absolute right to deal with its own citizens, according to its own laws, independently of any other, affords a large verge and scope for the exercise of offices of courtesy, kindness, benevolence, and charity. It is Montesquieu who says that "the law of nations is founded upon the principle, that every nation is bound in time of peace to do to every other nation all the good it possibly can, and in time of war, the least evil it possibly can consistently with its own real interests." It is upon this humane principle that diplomatic intercourse is maintained among the civilized nations of the earth, all of whom are by the law of nations regarded as constituting one great commonwealth.

But, Mr. President, it will be said, that if we adopt this resolution, it will, however harmless it be in itself, furnish a precedent for mischievous intervention, either by ourselves in the affairs of other States, or by other States in our affairs hereafter. To admit this argument is to admit distrust of ourselves. We certainly do not distrust our own sense of justice. We do not distrust our own wisdom. So long as we remain here, then, we shall be able to guard against any such abuse of this precedent. Let us also be generous instead of egotistical, and let us believe that neither wisdom nor justice will die with those who occupy these places now, but that our successors will be as just and as wise as we are. So far as the objection anticipates an abuse of this precedent by foreign States, I have only to say, that if a foreign State shall ask of us just what we

now propose, and no more, we shall have no difficulty and no ground of complaint. If it shall ask more, we shall be free to reject what is asked, as the British Government is free to reject our application.

Sir, this proposition involves a view of the relations of the parties concerned. The people of Ireland are affiliated to us, as we are to the people of Great Britain. Surely there can be no offence given by a younger member in offering mediation between the elder brethren of the same family upon a point of difference between them.

But what if Great Britain should take offence at this suggestion? What then? Why then England would be in the wrong, and we in the right. The time has passed when this country can be alarmed, by fear of war in such a case. No one will confess that he indulges any such apprehension. Sir, Great Britain will not take offence. She knows that her greatness and her fame are well assured. She has no motive whatever to affect wounded sensibility. She will receive this suggestion in the same fraternal spirit in which it is made. Nor will she refuse the boon. She knows as well as we do, that rigor protected beyond the necessity of security to the State, reacts. She knows full well, that for the present, at least, sedition sleeps profoundly in Ireland, and that the granting of this appeal will protract its slumbers. Great Britain will be thankful to us for our confidence in her generosity, for her motto is "*Parcere subjectis et debellare superbis*."

While it seems to me that it is certain that we may, with propriety and success, make this appeal to Great Britain, the circumstances in which we stand, in regard to Ireland, render the duty of making it imperative. But for the instructions and example of the United States, Ireland would never have attempted revolution in 1798, nor would William Smith O'Brien now have been an exile; for if it had not been for those instructions and that example, Ireland would long ago have sunk into the slumber of bondage that knows no waking. Again, sir: the failure of Smith O'Brien and his associates resulted from the exhaustion of Ireland. That exhaustion has contributed largely to the elements of our wealth, strength, and power. If we had not withdrawn the political and physical means of self-defence and of resistance from Ireland during the last sixty years, she would now have been able to have maintained a successful rebellion. When O'Connell gathered the populace upon the hill of Clare, he found that Ireland was deserted by the vigorous, the young, the strong, and that he was surrounded by the aged, the poor, and the spiritless. It is these reflections upon the propriety of the act itself, and upon the relations in which we stand towards the parties to it, that persuade my vote in favor of this resolution.

I have suggested to the consideration of the honorable Senator from Illinois, [Mr. SHIELDS,] some verbal amendments, which seem to me calculated to improve and perfect the resolution, in accordance with the wish he himself expressed. Their design is to guard more safely the dignity of Congress and of the United States. If rightly conceived, they will have that effect. But I am not tenacious of them. I shall not press them against the wishes of the Senator from Illinois. If they shall be adopted, the resolution will have my vote. If they shall not be adopted, it will have my vote. The resolution as originally introduced would have received my support. Equally shall it have my support in the modified form it has assumed, through deference to the wishes of other Senators.

And now, sir, when this resolution in any shape shall have been passed, there can be but one wish of mine in regard to the subject, that Congress would have power to gratify: That wish would be, that he who is now entitled to be regarded as the mover of the resolution, the honorable Senator from Illinois, [Mr. SHIELDS,] should be made the bearer of this appeal to the "Sovereign Queen," in whose will and pleasure the granting of it will rest. It is the remembrance of a scene in one of the oldest and best of English poems which suggests this wish. It would be a godly and a gracious sight to see that honorable Senator returning to his native land after his chivalrous and yet modest sojourn here, the bearer of a proclamation of amnesty from the sovereign of his native country

thus obtained. "And I should rejoice to see the greeting of him by his countrymen,

"Shouting and clapping all their hands on high,
That all the ayre it fills and flies to Heavens bright."

Mr. BADGER. I had desired to say a few words on the subject of this resolution, and as the honorable Senator from New York has concluded his remarks in briefer space than was expected, I do not know of a more suitable occasion. After every examination which I have been able to give to this subject, I cannot persuade myself that it is proper that the Congress of the United States should pass the resolution in any of the forms in which it has been proposed to our consideration, or in which it has been suggested that it can be hereafter made worthier of our approbation. If I could vote for the resolution in any form, I would undoubtedly vote for it in that which it has assumed upon the suggestion of the honorable Senator from Illinois, [Mr. SHIELDS,] and if anything could persuade me to forego the exercise of my own deliberate judgment, and put myself under the mastery of those feelings which are apt to be excited by discussions of this kind, to favor the adoption of the resolution, it would be the speech delivered on last Saturday by the honorable Senator from Illinois, full, as it was, of everything that can do honor to a man's head and heart.

But whatever my feelings of attachment, consideration, or sympathy for the other nations and races of the world—and I trust I am not deficient in those feelings of consideration and sympathy—I must prefer my own country, my own race, the people and institutions among which I was born, and in which I have been reared, to all other nations and all other races in the world. I cannot, therefore, consent to give my support to any measure, however commended to us by high considerations of sympathy, which, in my judgment, is capable of having an unjust and injurious operation upon the country to which I belong. I will not undertake to say what nation of the earth, if any, is next in my regard to my own; but any—all of them—if next, must be after a vast interval of distance.

This resolution proposes that the Congress of the United States shall express, and that the Congress of the United States shall declare, and that we feel it our duty to express an earnest desire that the Queen of Great Britain will extend her royal clemency to certain Irish prisoners now confined, under a sentence, to Van Diemen's Land. Now, in the first place, I do not feel myself called upon by my duty as an American Senator, to express any sentiment upon that subject. But that would be—that is—the smallest of the difficulties that press upon my mind. Though I cannot recognize the duty, yet if no evil consequences could be readily imagined to result from it, I might, nevertheless, be willing to give expression to the wish. But, sir, I ask you, who have had no little experience in the state and condition of our foreign affairs, and the management of our diplomatic relations with other countries, and the reciprocal operations of proceedings of this kind, whether we can affirm that there is no danger from the precedent which we are now setting?

My honorable friend from Michigan, [Mr. CASS,] in the remarks which he addressed to the Senate—remarks conceived and expressed, I will not say with a force and clearness that was not usual with him, but certainly with great force and clearness—when this subject was under consideration some fortnight ago, laid down some propositions to which I wish to invite the attention of the Senate, and to show, if I can, that the mode by which he undertakes to defend the proceedings now recommended to us, is one that must, or, at all events, one that may lead to mischievous counter interference with our concerns; and that the suggestions which he has thrown out for the purpose of dissipating the fear of such a result, when properly considered, are entitled to no weight.

First, the Senator laid down a proposition in these words:

"Mr. President, a great change has taken place in the opinions of the world on the subject of political offences. They nowhere carry with them reproach or shame. They violate, indeed, existing laws; but they generally originate in the most praiseworthy motives, and are pursued at the hazard of every earthly good, as Washington and a host of other illustrious men in ancient and modern days, pursued their patriotic enterprises."

Again, he says:

"They" (alluding to political offenders) "are recog-

nized as being unfortunate, but not vicious. Indeed, they are often noble men, as are those whose case engages our attention, and who deserve the kind interest of the world, both from their motives and their character, and also from the position, once high, but now low, to which they have fallen, and in consequence of an effort, made, not for themselves, but for their country. It cannot be—there is not the slightest danger of it—that such a national application will ever be made, in any case but in one like this, which is as far from moral guilt as innocence is from crime. Let no one fear that this example will ever be used, or abused, for the purpose of intermeddling in the ordinary criminal proceedings of other powers."

Again, the honorable Senator says:

"As to improper interference, it seems to me an entire misconstruction of the term to apply it to a case like this. It is not interference at all; it is intercession. It is a simple request, made from the best motives, in the best spirit, and presented in the most unexceptionable language; and it leaves the British Government free to act its own pleasure, without giving us the slightest offence should the result be unsuccessful."

Now, I wish to say, in the first place, that this is interference. Intercession is one mode of interference. It is not an offensive mode of interference; but it is a mode of interference. He who undertakes to intercede between the judge and the offender—between the sovereign and his convicted subject, undoubtedly interferes. It seems to me that the honorable Senator is entirely mistaken in supposing that intercession is not interference. It is true that all interference is not intercession, because we may interfere by threats, by violence, by blows; but it is no less true, that every intercession is an interference. Then I am not exactly prepared to admit the fundamental, the original proposition, from which the argument of the honorable Senator from Michigan starts, which is, that political offences, though they violate existing laws, are yet offences accompanied with no moral guilt. I can conceive of such a thing as a political offence, which, though violating municipal laws, is not accompanied with moral guilt; but I do not think it is regularly, or generally the case, or can be affirmed as a proposition either universal, or with but few exceptions. But, assuming it to be so: then the honorable Senator says, we come forward and do not interfere, but intercede for these political offenders, upon the ground that they are persons free from moral guilt; that they are noble patriots, who have been condemned to a grievous imprisonment—originally condemned to the forfeiture of life, for the discharge of high acts of patriotic duty to their country; and that the noblest motives influenced them in what they had done; and that they are not to be considered as affected with any species of moral guilt.

Now, be it so. Assume that it is so, and that we wish it to be so. How was the transaction viewed by the British Government? That Government prosecuted these men as traitors—for an attempt to overturn the existing Government of the United Kingdom of Great Britain and Ireland. For this offence they were convicted. For this offence they received the sentence of death; but the sentence was afterwards commuted to an expatriation or exile in Van Diemen's Land. It seems to me that the English Government will scarcely think, that when they have prosecuted these men for an offence of this kind, pronounced by their laws to be capital, when after conviction and judgment they have not thought proper to pardon the convicts, but have exchanged the sentence of death to that of banishment from the realm, that they are honorable and noble men, who have been influenced by high and patriotic motives in what they have done. The British Government look upon them in a far different light and description. Well, that being the case, how does it follow that we have no reason to fear, that if we set this example, we shall not have it followed with a very unpleasant and disagreeable interference in the administration of our own laws?

I come from a part of the country which is looked upon as especially conservative. When the breezes of public sentiment are blown until they have agitated the community into a state of almost incapacity to judge of what is right and prudent, in consequence of the proximity to certain portions of the United States, of motives, and considerations, and influences, that are apt to stir them into a great degree of excitement; we are in the habit of considering a little, (being ourselves somewhat removed from those immediate causes that operate to mislead the judgment,) to look a

little ahead, and to inquire now what we do to-day, may be done in a very unpleasant manner in respect to ourselves to-morrow.

Now, let us suppose for one moment that some of the actors in the Christiana riot had been found guilty of high treason. They were indicted for that crime. High treason is a political offence. We know, in this country, of no treason like that which from time to time has been established by particular statutes in England. We know of no treason except levying war against the United States, or giving aid and comfort to their enemies. Suppose that the transaction in which any of these parties were engaged, had been declared to be an act of levying war against the United States—and that being an act, adopted in consequence of a concert to prevent entirely and in all cases the execution of a law of the United States, it was in no judicial sense to be discriminated from any other attempt to destroy the authority of the Government, and put an end to the supremacy of the laws: I pray you, sir, if that case would not in a few sympathizing minds, on the other side of the water, have presented a case with all the claims which the honorable Senator from Michigan brings forward in behalf of these Irish exiles, for the interference of the masses, or the Governments, or the Parliaments, or the other legislative assemblies on the other side of the water, under the strong feelings of modern humanity and general sympathy for the oppressed everywhere? Why, to those people these Christiana rioters would have appeared no less men—guilty, it is true, of committing the little technical offence of violating the municipal laws of the country, convicted, to be sure, of what was called treason against the United States, but influenced by high and noble motives, under the full inspiration of the “higher law” enthusiasm, which prompted them to come forward and at every earthly hazard, not for the benefit of themselves, but, as my friend from Michigan said with regard to these gentlemen, for the benefit of their country, to relieve the oppressed, and to prevent the wronged and hunted wayfarer from being dragged back into the captivity from which he had luckily escaped. They would be looked upon as men influenced by a high and lofty spirit of hospitality, who, with outstretched arms, were willing, even at the hazard of destroying the Constitution of their country, to carry into effect the high, noble, and generous purposes and impulses of their nature.

Mr. President, I confess the idea which has occurred to me, that the proceeding instituted by us might be extremely unpleasant and disagreeable when resorted to in future contingencies of the country by persons abroad, who would assume precisely the same position that the honorable Senator has assumed, that they were not interfering in our concerns, but only interceding—I say that my fear has not been removed by the assurances which he has given. I can well conceive that no application of this kind will be ever made by a foreign Government, that no resolutions will ever be adopted by the English Government, except in favor of those whom they think to be meritorious objects for their interposition; nor shall we ever adopt any proceeding, except in behalf of those whom we regard in that light. But that is not the question. If we are to interpose, and think we can interpose without offence, and that we can properly interpose, and that it is our duty to interpose, because we look upon these persons who have been sentenced to this punishment by a foreign nation as meritorious and noble men, entitled to our sympathies and accompanied with no moral blame—how can we resist the right of a foreign State, of a foreign Parliament or legislative body, to interfere in precisely the same mode with regard to citizens of ours whom we may think worthy of the extreme punishment, but which they regard as occupying the same relation to moral guilt which we attribute to the persons in whose behalf this resolution is now proposed? We should cut ourselves off, by adopting this proceeding, from any right to object. I see not where the thing would end. Resolutions of the British Parliament may be passed and sent to us, or communicated to us, in a kind of indirect, secret, and unostentatious mode, to which the Senator has referred, through their Minister in this country.

Upon this subject I wish to practice upon the old-fashioned morality of doing as I would be

done by. I want no interference of foreign States or Governments in our internal affairs anywhere, and therefore I am not willing to set a practical example of such an interference on our behalf with their internal concerns. I know that this resolution springs from the highest and best motives. I know that my honorable friend from Illinois, [Mr. SHIELDS,] who has moved it, has, at least in my judgment, no superior in the honorable, the fine, and elevated sentiments that belong to the human heart. But it was well remarked, as I think Sallust, or some of those old Roman writers told us, that Cæsar once said in the Roman Senate, that there was never any course of measures which had brought ruin upon a country which, at the first outset, did not spring from some good motive, and in the initiative were intended to accomplish some good end.

Seeing, then, as I think I do, that the step which it is asked of us to take, may lead to the unpleasant and disagreeable consequences I have mentioned, I cannot myself vote for this resolution. But I beg to say, before going further, that in the illustration which I have selected for the purpose of conveying to the Senate the notion which I have of the evils to which we may be subjected, I do not mean at all to intimate that the gentlemen, to whom this resolution refers, are to be for one single instant confounded with the Christiana rioters whom I mentioned. Far otherwise. I intend no such odious or unpleasant comparison. I merely selected the case as an illustration of the principle upon which we may be hereafter assailed through a proceeding thus insulted by ourselves.

The honorable Senator from New York, [Mr. SEWARD,] in the remarks which he submitted to the Senate this morning, after assuring us that there was no danger that Great Britain would take any offence at this proceeding, became exceedingly bold, and held in very slight regard and estimation, any, even the most serious, displeasure of that Power. I am not a very valiant man, and I confess myself to have a pretty large share of that extreme reluctance as well to cutting the throats of other people as to having my own cut, which is denominated by the word fear. And I go one step further. In my representative capacity I have a great deal of fear of involving this country in collisions with the great Powers of the earth. Who should not fear it? Is not war a dreadful evil? Is not a war with the greatest naval and commercial power of the earth, if in the latter respect our own country be excepted, a fearful evil? Who does not fear such evils? I fear them for my country. I fear them for those who may be called upon on such an occasion to wage the battles of the country. It is very easy for us, particularly for those of us who are past that age when we are liable to be called into the service of the country in the prosecution of any of the wars in which we may be involved, to talk lightly about force, and wounds, and battle, and death. If we know that the conflict is to be waged by others, and not by ourselves, we can be very brave with a very small amount of personal exposure. But I should fear such a result far more on another ground, and that is, I should fear my country producing upon itself the displeasure of other States by going out of its way to do what as a nation it had no right to do. I should fear putting ourselves wrong in the outset of such a proceeding. If we must have a conflict with Great Britain, or any other nation, let us be right in the commencement, in the prosecution, and throughout the whole conflict. And rely upon it, sir, that when such a conflict comes, if come it must, which God forbid, those who have some little salutary fear beforehand of the coming emergency, will not be found the least resolute to do what that emergency may require.

I have, however, an objection to this resolution of another and different kind from that suggested by the Senator from New York. It has been said by the Senator from Michigan, that Great Britain will not regard this in the light of an officious intermeddling with her concerns. We hear from various quarters that the probability is, that the British Government, acting upon this intimation of the wishes of the American people, will gladly interpose and discharge these gentlemen from their hard captivity. For one, I should be sorry that the British Government should, at our interposition, and as a favor to us, set these gentlemen at

liberty. And why? Because it is very obvious that that places us under an obligation to the British Government. It not only entitles them to interfere, by way of interceding in behalf of our people, if any of them should be convicted of offences similar to that to which I have referred, but it also entitles them to come with a claim upon us that they should be heard. I, for one, am not willing that this country should lay itself under any such obligation to the clemency, or courteousness, or kindness of the British Queen.

I do not join in the denunciation which the honorable Senator from New York has this morning poured forth upon the conduct and character of the British Government, and the conduct and character of the British Church. But while I do not choose to enter into such tirades of denunciation upon any foreign nation or establishment, I nevertheless say this, that I wish to be indebted to them for no such favors as will entitle them to interfere in our domestic concerns in the first place, without any right of complaint on our part; and, in the second place, with the right of complaint on their part, if we do not treat their interposition as favorably as they have treated ours. And if I did pronounce the denunciation which the honorable Senator has this morning pronounced on the English Government and people, I could not make the disclaimer which he has made. He speaks of Ireland and the Irish as being the victims of the most detestable, barbarous, and unprincipled oppression. I do not mean to quote his words. That is the substance of what he said. At the same time he says, he has no prejudice against these oppressors. I do not understand how a man can extend his equal sympathy and regard to the oppressor and the oppressed, to the wrong-doer and the wronged. If the first part of the gentleman's argument be correct, it appears to me he cannot, without inconsistency, do otherwise than not merely denounce that Government, but have that is a proper word, prejudices against the Government and people, a just animosity founded upon the fact that, upon his own showing, they are totally unworthy of consideration and regard. I enter into none of these matters. I am not called upon here to pronounce as to the conduct and character of the British Government. I am not called upon here to pronounce as to the character and conduct of Messrs. O'Brien, Mitchell, and the other gentlemen who are in the calamitous condition of exiles from their country, under a sentence of banishment.

It is sufficient for me here, whatever opinions, as an individual, I may entertain upon the subject, to say that, as a Senator of the United States, I cannot consent to give my support to a measure which, whether it give offence or is met by approbation and accordance on the part of the British Government, seems to me will be followed in either case, and in the latter case personally and chiefly, with consequences which we may see occasion to deplore.

There is one sentiment which was expressed by my honorable friend from Michigan, which commands my most cordial approbation. I was struck with it. I felt its force, and the propriety of its application, to the question now under consideration, and some kindred subjects which, though not now before the Senate, lie upon the table. It is in these words:

“It is best to let a little common sense into our diplomatic questions.”

I know of no case which, according to my judgment, more requires that we should let that wholesome, sound proposition have due weight and influence upon us. Yes, sir, let us have a little common sense in the regulation of our concerns. Do not let us be carried away captive with emotions which, however generous and noble in themselves, do not furnish the proper guides for representative conduct. A man, in the private transactions of life, may allow a profuse generosity and inability to refuse any applicants for help, to exhaust his purse, and beggar himself for life; and when this is done, however severely we may disapprove of it, we are obliged to have a sympathy for him who, under such generous impulses, has sacrificed himself; but representatives and nations are bound, in my judgment, to have all their sympathies and feelings under thorough and complete control—to regulate themselves by understanding—to let common sense weigh, in all their deliberations, because they are not like a generous man who squan-

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ders his own, for if they yield themselves up to these unguided impulses, they squander what is not their own—the wealth, the power, the resources of the State of which they are only the representatives. They sacrifice not themselves, but their country.

With the kindest feelings and the highest respect for my honorable friend who takes an interest in the passage of this resolution, I must say, that for these reasons I cannot give it my vote in any form or shape.

Mr. CASS. Mr. President, I am much obliged to the honorable Senator from North Carolina, for introducing one or two topics on this occasion, more particularly since I saw them adverted to the other day, in the principal Administration paper.

Mr. BADGER. What paper is that?

Mr. CASS. It is called the "Republic."

Mr. BADGER. I never saw the article.

Mr. CASS. I would not have introduced the matter myself, but the remarks of the honorable Senator give me occasion to advert to it. That paper compared the speech which I made some time ago on this subject to that made by my honorable friend from Illinois; and said that mine was a very violent assault on the Government of England. Nothing could be further from my intention than to make any such assault. Whatever my opinion may be as to the English Government and people, (and there is much to commend in both,) it would have been a very improper occasion in me to have indulged here a hostile feeling towards England; and from one end of my speech to the other, there is not one word to which the most sensitive person on this subject can object. From my indistinct recollection of the subject, I remember that the only thing which I said which could possibly be construed into disapprobation of the English Government, was the remark, that an Irishman was the victim of harsh and hard laws at home. Well, there is not one Englishman from Land's End to John o' Groate's house, that would not say the same thing. I am therefore glad that my honorable friend from North Carolina has done me that justice, that a man with my speech before him in that very paper, would not do when he charged me with using violent and hostile language against England.

Mr. BADGER. I hope the honorable Senator does not mean to intimate that I have used any such language.

Mr. CASS. The very reverse. I am much obliged for the expression of his opinion on the subject; and I am contrasting that with the expression of opinion in the "Republic." It did not give me any trouble, but still I thought it better to advert to it.

The honorable Senator has alluded to another topic which I find in the same place; and although he does not go so far as the paper goes in his views on that subject, he differs from me. I refer to the subject of the moral turpitude now annexed to strictly political offences throughout the world. Why, he who has not marked the signs of the times on that subject, is entirely behind the age. He who does not know, that for the last fifty years there has been a wonderful progress and change in public opinion in respect to the moral turpitude of the men who are guilty of political offences, does not know the progress of opinion throughout the world upon this subject. In England I do not now remember how many species of punishment there were formerly, but I know there was quartering, and taking off their heads, and cutting out the bowels, and burning them, and other equally horrid punishments. But we hear of no such punishments at this day. Who would now stand up and advocate such punishments? The sentiments of the world have totally changed. The object three hundred years ago was to protect the person of the sovereign; that was the whole object in view; and laws were passed for that purpose. They made it the most infamous crime, which commanded the greatest moral turpitude of any to be found in the long catalogue of human offences, to attempt the subversion of the Government.

According to the English law, if our Revolution

had not succeeded, it would have been called rebellion; and Washington, in those days, would have undergone that punishment; and English political writers would have considered him guilty of the greatest moral turpitude. So with respect to every effort to change the Government—if it does not succeed, it is rebellion; if it succeeds, it is a revolution; but its condition, in the eyes of God and man, is the same, whether it succeeds or not; for it depends on the degree of oppression and on the real object of the persons attempting the revolution. That is what constitutes the offence, not these punishments nor this attempt to make it moral turpitude. I contended in my remarks the other day, that political offenders—persons offending against the laws of the country by attempting to make a revolution when they are oppressed, were not now in the class of those who are guilty of moral turpitude; that no nation under heaven now classes them with thieves, robbers, and murderers; and that because we should interfere for the pardon of such men, it did not therefore follow, that we should enter into the long catalogue of human offences, and ask for the pardon of every one guilty of them. Why, I think the English Government has not shed a drop of blood for a treasonable political offence for a quarter of a century—perhaps for a third of a century. Look at the progress of events in France. For many a long year not a single drop of blood was shed there for political offences. Political offences there are recognized as not calling for the effusion of human blood, and as not being attended with moral turpitude. Therefore I said the other day, that they were indeed offences against existing laws, but yet were not viewed in the same light with other crimes; and in saying that I said just what is the opinion of the age; and I now repeat, that the turpitude—that the condition of the offenders against the laws depends entirely on the state of the country, and on his object in endeavoring to make a change in the Government.

My honorable friend from North Carolina has supposed two or three cases. I shall not go into them in detail, for I remarked the other day, that when just such a case as this happens, and the British Government has the same natural interest in interceding as we have in this case, I, for one, shall be very happy to hear and listen to them. But what similarity is there between the case supposed by the honorable Senator and this case? Suppose the Christiana rioters had been found guilty of treason: what kind of treason would it have been? Not the treason of which Washington was guilty; not the treason of which Kossuth was guilty; not the treason of which O'Brien was guilty; not that treason which shakes governments and establishes republics; but constructive treason, by which the effort to put down a particular law, not aimed at the government at all, is construed to be treason. I go for no such purpose as that. I would say to England, that that is not the class of offences in which the offenders are relieved from moral turpitude in the eyes of the world.

Again: the honorable Senator seems to presuppose, that because we apply to England to procure a pardon for these gentlemen, therefore, if she applies to us in any extreme case, we must do the same thing. Why, we are just as free to act before as after; she is just as free to act before as after, and after as before. We say, that under the circumstances in which these Irishmen were convicted, and a large portion of our people being their countrymen, taking a deep interest in their fate, we ask the British Government to extend its clemency to them. They refuse it or they grant it. If they make us a request, not based on the same circumstances at all, are we bound to grant it? No, sir. It imposes no kind of obligation on us to grant it; and yet, from the tenor of the remarks of my honorable friend, it would seem as though he bases his argument on the fact, that if we apply to England and she grants our request under these circumstances, we must grant any request she may make under any circumstances. I totally disclaim any such idea, and I did it in my

speech the other day, and I repeat it now. If we make this application in this manner to England, she is just as free to act against the application as for it; and we are just as free to act in any case for or against an application as though this case had never occurred. That is my view of it.

Mr. BADGER. Mr. President, I am extremely obliged to my friend from Michigan for alluding to an article which has been published, because it gives me an opportunity of saying, that as I am not a subscriber to that paper, and do not take it, I have never seen the article. I have only one or two remarks to make further.

The honorable Senator seems to suppose that it is a very grievous crime for men to assemble and to associate themselves together for the purpose of preventing the execution of one of the laws of a Government, but that the parties concerned would at once lose the character of men influenced by immoral motives if their object was to put an end to all the laws, and destroy the whole authority of the Government.

The argument of the honorable gentleman is this: that assembling together and concerting by force to prevent the execution of one law is not a political offence to which the public opinion of mankind does not annex criminality and moral turpitude; but if the object be to put down all the laws of the Government, and to destroy its authority, then the parties concerned in it lose the character of moral offenders, and are only offenders against the municipal law, untainted with moral turpitude. There cannot be any such distinction as that.

The honorable Senator referred to the case of Washington and his associates. Surely the vindication of Washington from moral turpitude does not arise from the fact that he was engaged in an enterprise to put down the authority of the British Government here. It arose from the fact that he was engaged in it, with his fellow-countrymen, from justifiable reasons and for ends that in themselves made a resort to force for that purpose allowable and justifiable. Therefore the honorable Senator's argument has nothing to do in refuting the reasons which I submitted to the Senate. My reasons were not founded at all upon any determination of the question whether or not Mr. O'Brien, Mr. Mitchell, and their associates, had or had not justifiable grounds for the proceeding which they adopted to separate Ireland from her present connection with Great Britain. Not at all. My argument is this: Great Britain did not think so; the English Government did not think so; that Government considered them as not only engaged in an unlawful enterprise, but an enterprise of wickedness; because in their view it was an enterprise by which the United Kingdom, and Ireland itself, would have been, if not destroyed, greatly injured; and that inasmuch as the sovereign of Great Britain having caused these gentlemen to be prosecuted for an offence which she deemed to be a grave one, and they having been convicted of that offence, were sentenced to the punishment of death, and that punishment commuted to banishment from their country, the British Government would regard us as interposing in behalf of men who do not merit such interposition. That Government cannot recognize these gentlemen as being noble patriots, engaged in doing what was for the good of their country, and what it was an act of glorious self-sacrifice in them to endeavor to achieve. If it recognizes that character, why have they been sent to Van Dieman's Land? If the Queen of England looked upon them as possessing the character which the honorable Senator attributes to them—and very justly, for aught I know, I have no jurisdiction over that question and shall express no opinion upon it—she had as full power to pardon as she had to transmute the punishment; and therefore the consequence is as I have shown, and which nothing has been said to weaken the force of, that our interference here would justify the interposition of Great Britain in behalf of just such offenders as the Christiana rioters, if they had been convicted of high treason against this country. I think that if such an application had been made,

that Government would scarcely have recognized the force and validity of the distinction which is assigned by the honorable Senator from Michigan. What would that reason be? "We asked you to interfere in behalf of Smith O'Brien and his associates because they were high and meritorious men, and only sought to destroy the Constitution of the United Empire, to throw off the connection and destroy the dependence now existing between the parts of that mighty Empire. That was all they attempted, therefore it was a proper case for our interposition; but in this case, these men did not seek to destroy the Government and Constitution of the country; they only sought to prevent the execution of one of its laws; and therefore they are such great offenders that it is utterly intolerable that you should be allowed to interpose your good offices in their behalf, or, at all events, that these good offices can receive the favorable consideration of this Government."

There is nothing in the distinction which the Senator urges, which can have any application to the objections which I have raised. I do not undertake to decide the question whether Smith O'Brien and his associates were right or wrong. I will assume, for the purpose of this discussion, that they were right; that their country was laboring under intolerable oppression; and that it was at once their right and their duty to employ force, in order to deliver her from the tyrannical conduct of her oppressors across the Channel. Assuming that, how completely will it be retorted upon us in the supposed events to which I have referred, and which were once supposed likely to have happened? And how easily may Great Britain return upon us, and say, that these were noble and generous spirits; vindicators of oppressed humanity, rushing forward at their personal hazard, without any individual interest in the question, and sacrificing their all to prevent those who had escaped from an unjust and barbarous servitude from being restored to the dominion of their masters. If we set this example, we shall have no right, as I conceive, to consider it an improper interference on the part of the Government of Great Britain, if, under the circumstances I have mentioned, she should interpose her good offices.

The honorable Senator says that he knows nothing about the spirit of the age for the last fifty years, who does not understand that political offences are no longer regarded as accompanied by moral turpitude. I do not understand that any such proposition has gone forth to the world. We all know this: that political offences are looked upon as very venial by all nations in the world, except those against which they are committed. But does the Czar of Russia look upon a political offence against his crown and government as accompanied with no moral criminality? Does England, as in this very case of the exiles in Van Dieman's Land? Does France, under the model Republic, in which has terminated the glorious consolidation of liberty with the name of democracy, over which we sung our jubiliates a few years ago? Does her Government look upon those offences in that light? Does her government look upon political offences as matters of trivial concern, not accompanied with moral culpability? Why are the vessels of the French marine now put into requisition for the purpose of carrying away hundreds and thousands of the citizens of the French nation—I had almost said Republic? We know that some of the best and most excellent people of that country have been deported to penal colonies—banished from their country. The States against which political offences are committed, never regard them in the light which the Senator supposes. There may occur cases in the history of such Governments in which the formal guilt of the political offence is complete, while what is supposed to be the essence of the crime is wanting; and when these cases occur the Government shows it by extending a pardon, or discontinuing the prosecution, or passing it over.

I wish it to be understood, in conclusion, that my objection to this measure is not founded on the determined, or asserted, or intimated ground, that these unfortunate gentlemen were morally criminal; that they were not politically justifiable; that the condition of things did not warrant, and even require, them to resort to force to accomplish the object which they had in view. Not at all. On that I give no opinion. But my objection is this: we think many of them worthy subjects

of sympathy—noble patriots entitled to liberty. England does not think so, or she would liberate them. Then we interpose, because we have a view, with regard to their case, different from that taken by the English Government. Then it is reasonable that, when political offences may be committed here, the English Government has precisely the same right to interpose, by their good offices, in behalf of those whom that Government may recognize as champions of humanity—as noble and choice spirits of the earth—but whom our laws condemn to severe and condign punishment. That is my objection.

Mr. CASS. The Senate will pardon me while I say a word more. I wish to go back to my original proposition, which is precisely this: That any oppressed people, when they strive to change their government—whether the result of their effort be revolution or rebellion—are not guilty of moral turpitude in the eyes of God and man. That is my proposition; and that is the prevalent opinion at the present day. Otherwise you make the criminality dependent entirely upon the event. And you can make no catalogue which will not include Washington and his countrymen, and all that host of patriots who devoted their lives and fortunes to the service of their country. That is my proposition.

My honorable friend asks: For what were these men sent to Van Dieman's Land, if they were not guilty of moral turpitude?

Mr. BADGER. I did not ask any such question.

Mr. CASS. I understood my honorable friend also to allude to the case of France, in support of his proposition. I can tell him why men have been sent from France. It is because Louis Napoleon has got the power; and no man will say that such men as young Lafayette and L'Estare were guilty of moral turpitude.

Mr. BADGER. I never said so.

Mr. CASS. I am happy that I was mistaken. I supposed that my friend went upon the ground, that there was moral turpitude because these men were sent away. It was simply an act of power; nothing less, nothing more.

Mr. BADGER. The honorable Senator persists very strangely in misstating what I say. I know he does not design it.

Mr. CASS. Certainly not.

Mr. BADGER. I have given no expression of my opinion on the question of moral turpitude. I have said over and over again, that I gave no opinion on any such matter. I say that the Governments against which political offences are committed do not regard political offenders as being patriots influenced by high and lofty motives, and worthy of consideration and regard. They look upon them as criminals, and therefore punish them. That is what I have said, and all that I have said on that point. My argument is entirely dependent on that, as I have endeavored to explain more than once. It depends on the proposition which I have stated, and now restate, that if we interfere in behalf of those whom another Government deems worthy of punishment, because we think them excellent persons, deserving no punishment, they may interfere in regard to persons they may deem engaged in laudable efforts to set aside our laws for the purpose of setting up a higher system in obedience to the higher law, though we deem them criminals, and wish to subject them to the severest punishment.

Mr. SHIELDS. I do not mean to enter into this debate on the present occasion, and I shall not make any remarks of my own. Since I made a few remarks on Saturday last, I have received a letter from a gentleman whose opinions I think this Senate will respect. He is a Southern gentleman, and perhaps as sensitive in relation to Southern rights as my honorable friend from North Carolina. I at one time felt disposed to touch upon this very point. Were I a Southern man, I should be proud of it; but certainly, with all respect for the South, I should hesitate as to the propriety of bringing in that very sensitive question upon all occasions. I should not feel that I was estopped from expressing my sympathy with the unfortunate, because I happened to be a Southern man. But I do not mean to touch on that point.

Here is a letter which I have received from a highly cultivated Southern gentleman—a Virginian, who represented this country at the Court of

St. James. Permit me to say, that while there, no man ever represented this country at that Court, or at any other Court, who was more sensitive as to this very question. I very well recollect, that at one time a difficulty arose between him and a very powerful man of the times and of the occasion—Mr. O'Connell—on some question of this kind. I ask that the letter may be read, because I think that he presents the matter about as forcibly as it could be presented in a speech.

The Secretary read the letter, as follows:

GEORGETOWN, February 7th, 1852.

MY DEAR SIR: I regret that I was unable to get to the Senate Chamber this morning to hear the whole of your admirable speech upon the resolution in behalf of O'Brien and his associates. What I did hear, gave me great pleasure, and did you high honor, not only as a man and Irishman, but as an American Senator. I hope to see your speech fully reported, and might ask the favor of you to send me a copy to Manchester, South Carolina, where I am going for a few weeks, on a visit. I was forcibly struck with the picture you drew of Ireland and her present situation, in connection with Great Britain. It was eloquently, ably, and faithfully done, and nothing can be more true, than the opinion you expressed, as to the effect of your resolution, and the course and policy of the British Government on the subject of it. If it passes Congress, it will lead to the immediate relief of those unfortunate men, I venture to say. The Ministry will seize upon it as the means of extending clemency and mercy, which, without it, they might feel some difficulty in doing. The true policy now, of England, is to conciliate Ireland; to compose the dissensions of the Irish people, not to fan the embers of *subdued rebellion and agitation*; not to array Protestant against Catholic, and Catholic against Protestant; but by uniting all classes of the population of this ill-fated country around the Constitution, and extending mercy to her deluded and misguided people. Justice is satisfied, and the laws vindicated. The great Repealer and Agitator is in his grave. He and his memory are buried, and his despotic power and boundless popularity have vanished with him. The great masses now, on both sides the Channel, believe that union with Great Britain is essential to the freedom and resurrection of Ireland; certainly to its future greatness. Instead, then, of prosecutions and chains and gibbets, England knows and feels that it is by kindness and justice and clemency, that the Irish nation are to be governed and deemed worthy of being the ally of a mighty Empire. God and nature have made the two countries essential to each other, and a final separation would be fatal to each. This is my opinion, and I have some right to form it, from a knowledge of both. I know, too, that many of the wisest and best men in England and Ireland concur in this opinion. I hope that the resolution will pass, and that all the benefits you anticipate may result from it.

Very truly and respectfully, your friend and obedient servant,
General J. SHIELDS.
A. STEVENSON.

Mr. SHIELDS. I have taken the liberty of having that letter read, because this gentleman, who is well acquainted with diplomatic propriety, seems to regard this as wholly harmless in this respect. He is well acquainted, too, with the disposition of the English Government, and with the condition of the English and Irish people.

With respect to the amendments to my amendment which have been submitted by the Senator from New York, I am quite willing to accept them, if it can be done consistently with the rules of the Senate.

The PRESIDENT. The Senator cannot accept them. The question is on amending the amendment as proposed.

Mr. MASON. Mr. President, I listened with very great pleasure, on a former day, to the remarks which fell from the Senator from Illinois, who stands here now, I believe, the immediate patron of this resolution. None can doubt that the interest which he takes in this subject, besides the general interest actuating an American statesman, is of a character peculiar and appropriate to himself; and he has presented this resolution, and has sustained it in a manner which, while it reflects credit on him as a statesman, does even greater credit to his heart than his head. It is not my design at all to enter into the merits of these propositions, further than to express my opinion of its policy. It is a measure of kindred character with the one that was discussed yesterday by the honorable Senator from Michigan, [Mr. Cass.] It is a measure which commits this Government to a step never heretofore taken; to an interference—a direct interference—with the policy of foreign Governments. It is in that light alone that I am permitted, as a Senator from one of these States, to look at it, and to consider it. However freely I acknowledge that the most deep and earnest sympathies of the American people are with these men, whom we justly call patriots, now in exile from their fatherland, I feel bound to declare that this Government is forbidden from interference.

Sir, we have seen lately a gentleman from abroad here, on a self-accredited mission to this country,

for the purpose of unsettling its policy in relation to foreign Governments. We have seen the countenance he has met with from men of every degree and every station. We have seen, I fear, that he has made a deep impression upon the feelings of a portion of the American people as to that foreign policy; and we have witnessed the fact, that thousands have hung listeners to him when he has attempted to show them that Washington, who laid the foundations of this policy deep and broad, was mistaken; and who listened to him when he told them, that although he was aware the Government was against a change in that policy, he was equally aware that the people could control the Government; and he declared and avowed that he was here to induce the American people to overrule the Government—in what? In a matter of policy in relation to foreign nations, which has never been departed from since Washington promulgated it.

I have heard with great and deep regret, that the justly-distinguished Senator from Michigan, whose words almost carry the weight of authority before the American people, has told us, as late as yesterday, that we had need of no fear in taking the step which he recommended; that it would not lead to war; but that it would exercise a moral and suasive influence on things abroad; and he cited numerous instances where foreign Governments had expressed their opinions of the intended actions of others, and we had seen them carried into execution, and yet they stood silent and inactive. What were these foreign Governments? They were the Governments of kings and potentates; of princes, who were actuated by selfish considerations alone in whatever they suggested or recommended to those around them. What is our Government? A Government of the people. And is it to be believed, will it be credited, that it should be recommended to the American people, in wielding this Government, to declare a purpose which they do not mean to execute? Sir, the very man to whom I have alluded—the Hungarian—avowed in one of his public addresses, that although it was not intended that the policy which he recommended should lead to war, yet it was true that it became a nation, as he expressed it, to back its diplomacy with the power of the country.

I did not intend when I rose to discuss these questions. They are kindred. However little allied in fact or in purpose, they are of kindred origin, and will lead to kindred results. I may feel it to be a duty devolved upon me, before the measure discussed yesterday shall be brought to a final vote, to express my opinions at length upon this subject. I meant only now to express more particularly to the Senator from Illinois, the feeling of regret with which I am constrained to vote against the proposition which he has so ably sustained. I shall feel it to be my duty, with whatever reluctance, at once to vote in the negative, if it shall come to a vote. But I should be better satisfied, entertaining the feeling I do entertain towards the gentlemen in whose behalf it has originated, that it should be laid on the table. If not unacceptable to him, I make that motion.

Mr. SHIELDS. Unless some one is disposed to speak on the subject, I would like to have the resolution disposed of at once. I think that, generally speaking, the longer these questions are kept in suspense, the worse feeling arises out of them. Hence I would like to see the resolution disposed of now. But I must state, that I cannot, in justice to myself, accede to the suggestion of the honorable Senator from Virginia, and allow the resolution to be laid on the table.

Mr. MASON. I will not insist on the motion, if it is unacceptable to the Senator from Illinois.

Mr. UNDERWOOD. I am highly gratified with the suggestion made by the Senator from Virginia. The resolutions offered by the Senator from Rhode Island, [Mr. CLARKE,] in reference to the question of intervention, and this resolution of the Senator from Illinois, are certainly kindred subjects. They have their origin in the same feelings growing out of recent events. I think it will become the Senate, as the discussion is to go on upon the resolutions offered by the gentleman from Rhode Island, to postpone action upon this resolution, until we have heard the discussion upon the whole subject. I do not wish to interfere with my friend from Illinois in his movement at all, but I wanted to throw myself upon his courtesy, to know whether it would not meet

his approbation that the resolution might lie over until we get through the discussion of the subject which was under consideration yesterday. It seems to me that it would be better to get through the whole discussion before we vote. I feel disposed to make some remarks upon these subjects before we finally dispose of them; but I am not prepared to make those remarks now, and I do not wish the question to be taken at this time.

Several Senators expressed a desire to adjourn.

Mr. UNDERWOOD. Well, then, without wishing to take the floor on the resolution, I move that the Senate do now adjourn, as it is past three o'clock. Perhaps when the subject comes up again, we shall be able to make some disposition of the resolution.

The motion was agreed to, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 11, 1852.

The House met pursuant to adjournment. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

THE COMPROMISE MEASURES.

Mr. STRATTON. I ask the unanimous consent of the House to present certain joint resolutions of the Legislature of the State of New Jersey, and that they be read, laid on the table, and printed.

There being no objection, the preamble and resolutions were read, as follows:

Whereas the Constitution of the United States is a compact between the several States, and forms the basis of our Federal Union:

And whereas the said States, through their Representatives, in sovereign capacities as States, by adopting said Constitution, conceded only such powers to the General Government as were necessary "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and posterity;"

And whereas the questions which agitated the country, and absorbed so large a portion of the time of the last session of the Congress of the United States; questions in their nature directly opposed to the spirit and compromises of the Constitution, calculated to destroy our domestic tranquillity, and dismember our glorious Union, were happily terminated by the Compromise Measures, it is deemed the imperative duty of this Legislature to express their sentiments in relation thereto: Therefore,

1. *Resolved*, (Senate concurring,) That the Constitution of the United States was framed in the spirit of wisdom and compromise, is the bond of our Federal Union, and can only be preserved by a strict adherence to its express and implied powers; that New Jersey, one of the original thirteen States, has always adhered to the Constitution, and is unalienably attached to the Union, and that she will resist, to the extent of her ability, any infraction of that sacred instrument.

2. *Resolved*, (Senate concurring,) That this Legislature cordially approves the measures adopted by the last session of Congress, known as the "Compromise Measures," and that every patriot, in every part of our widely extended country, has cause to rejoice in the adoption of said measures, as a triumph of constitutional rights over a spirit of wild and disorganizing fanaticism.

3. *Resolved*, (Senate concurring,) That New Jersey will abide by and sustain the compromise measures, and that her Senators in the Senate of the United States be instructed, and our Representatives in Congress be requested, to resist any change, alteration, or repeal thereof.

4. *Resolved*, (Senate concurring,) That the fugitive slave law is in accordance with the stipulations of the Constitution of the United States, and, in its provisions, carries out the spirit and letter of the Constitution in its compromises, upon which our Union is founded.

5. *Resolved*, (Senate concurring,) That we approve of the patriotic stand taken by the Executive of the United States, in declaring his determination to execute and enforce all laws constitutionally enacted, and that the people of New Jersey will sustain him in so doing.

6. *Resolved*, (Senate concurring,) That the Governor of the State be requested to transmit a copy of these resolutions to the Governor of each State in the Union, and to each of our Senators and Representatives in Congress.

Mr. GIDDINGS. Is not the question of printing debatable?

Mr. BAYLY, of Virginia. But the question to lie upon the table is not.

The SPEAKER. The question of printing, in the opinion of the Chair, is debatable.

Mr. GIDDINGS. Upon that question, then, I have the floor.

Mr. JONES, of Tennessee. I think the question, in its present condition, is not debatable. The motion to print, when connected with the motion to lie upon the table, is not debatable.

The SPEAKER. The motion to print is debatable.

Mr. JONES, of Tennessee. The questions can only be separated by the House. The gentleman

cannot debate the question of printing unless separated from the motion to lie upon the table.

Mr. GIDDINGS. If the gentleman from Tennessee rises to a point of order, I wish he would state it.

The SPEAKER. The question is upon the motion to lay the resolutions upon the table, and ordering them to be printed.

Mr. GIDDINGS. Upon the latter motion I have a word to say.

Mr. JONES. It is a joint motion, sir.

The SPEAKER. The gentleman cannot debate the motion to lie upon the table.

Mr. GIDDINGS. I do not ask that, but to make a few remarks upon the question of printing.

The SPEAKER. So long as the questions are connected they are not debatable.

Mr. GIDDINGS. I then ask for a division of them.

Mr. JONES. I hope that will be voted down.

Mr. WILLIAMS demanded the yeas and nays.

The SPEAKER. The Chair thinks it is competent for the gentleman to call for a separate vote, first upon the motion to lie upon the table, and next upon the motion to print.

Mr. HOUSTON. I will make a suggestion to the gentleman from Ohio. I intended to endeavor to get the floor as soon as these resolutions should be disposed of, for the purpose of moving that the House resolve itself into the Committee of the Whole upon the state of the Union, to take up for consideration the President's message. Then he can make whatever remarks he desires.

Mr. GIDDINGS. I am very much pleased to hear that. I have waited almost three months for that motion. I shall not surrender the floor which I legitimately possess upon the question of printing.

Mr. JONES. I understand the motion originally to have been a joint one—to lay upon the table and print. I say this motion cannot be divided at the instance of one member.

The SPEAKER. The Chair thinks it competent for the gentleman to call for a division—to have a separate vote upon each proposition.

Mr. JONES. The question of division should be put to the House.

The SPEAKER. The Chair is of the opinion that the propositions are divisible; that a member has a right to call for the separation, and that it is not necessary a vote shall be taken upon the division.

Mr. STEPHENS, of Georgia. There can be no doubt about it.

The question was taken upon the motion to lay the resolutions upon the table, and it was agreed to.

The question recurred on the motion to print.

Mr. ORR. I rise to a question of order. Inasmuch as the House have laid the resolution upon the table, no motion to print, or any other motion in connection with the subject, can be entertained until the resolutions are taken from the table.

The SPEAKER. The Chair overrules the point of order raised by the gentleman, upon the ground that it has been the practice of the House to order a paper which may have been laid upon the table to be printed.

Mr. ORR. I understand the Chair to decide, then, that it is competent for the House to consider a motion to print a proposition which has been laid upon the table.

The SPEAKER. The Chair decides the question now before the House is upon the motion to print.

Mr. ORR. To print resolutions that have been laid upon the table?

The SPEAKER. Yes, sir.

Mr. ORR. I then take an appeal from the decision of the Chair.

Mr. HALL moved to lay the appeal upon the table.

The question was then taken, and it was agreed to.

Mr. BRIGGS asked the unanimous consent of the House to withdraw certain papers from the files of the House.

Mr. STEPHENS, of Georgia, objected.

Mr. HEBARD asked the unanimous consent of the House to withdraw the papers of Stephen Hoyt from the files of the House.

Mr. STEPHENS, of Georgia, objected.

Mr. GIDDINGS. Nothing is further from my intention than to occupy the time of the House

upon the question to which I call their attention. I wish to say to the House and the country, that I, for one, am one of those now present who profess to be Free-Soilers. We are ready now, and at all times, to discuss the questions of the compromise, as they shall come legitimately before us. This determination upon my part was avowed upon the first day of the session. I had hoped that we should have had the privilege of going into a discussion of the President's message, and there laying our views before the country, to whom we are bound to address ourselves upon this and every other important question. Let me say to the House, without intending any disrespect to members here, that, instead of adjourning and spending something like five weeks of our session, had we come here and laid our views, in a statesman-like manner, before the country and before this body, we should have improved ourselves in statesmanship, and we should now have the respect of the people. We should have respected ourselves better than we now do, having spent so much of our time in idleness. That time has gone by, and we cannot now recall it. And now, when business presses, we shall see gentlemen rising upon this floor and avowing their sentiments upon important questions, which should have long since been discussed upon the President's message. The resolutions from the respected State of New Jersey are before us, and what is the position in which they place us all? Already the people of New Jersey, through their Legislature, are avowing their sentiments in favor of these compromise measures, while we, the representatives of the people of this nation in Congress assembled, are not permitted to speak on the subject, or to manifest our views, or our intentions, in regard to these measures. These are called compromise measures, by which the great question of slavery is to be silenced forever. I would say to the Legislature of New Jersey, Send your resolutions to the other branch of Congress. Send them, where almost from the first day of our present session down to the present, the agitation has been going on upon this very question of suppressing agitation—of silencing discussion upon slavery. That State is sending to us their determination of maintaining silence upon this question, while they proclaim to the world their intention to uphold the fugitive law, and the slave trade in this District, and on our southern coast. Far be it from me to object to the printing of these resolutions. The Legislature of New Jersey is certainly entitled to our respect, and so are all other Legislatures. What I protest against, is this side-bar manner, this insidious mode of arguing questions from Legislatures, and from people of different States, while we ourselves hermetically close our own lips upon the question. I will not do it for one. They speak in favor of the fugitive slave law; and let me say here, that with these resolutions I agree most heartily, so far as they go for maintaining the Constitution of the United States. I stand with them in that respect. And I am the last man to flinch from this position. Would to God that that State, by her representatives upon this floor, would sustain the Constitution. When I say that, I say what you know well to be my sentiments; and they are, that this body has nothing to do with this question of slavery in the States—that every attempt upon the part of this Government to involve us in a discussion of this question is now, ever has been, and ever will be, a violation of our constitutional rights. Hands off! Non-intervention! Keep your slavery to yourselves! is the motto of the advocates of freedom from the North. It is your business—it is your institution, with all its curse, shame, and iniquity, or its glory, whatever you call it. It is your business and not ours. Involve us not in it—keep it to yourselves—maintain it; but do not involve the freemen of my State, or of the free States, in it. I will take this occasion to repeat what I have often said upon this floor, that in one instance, and but one, under the Constitution of the United States, are we authorized to legislate upon the question of slavery, and that is the question for the recapture of fugitive slaves; and upon that question I am willing to give to the South everything that the framers of the Constitution gave them at the time of its formation, or rather, I shall urge no constitutional objection to such legislation. But when I have done that, I then take my stand; I move no further. Thus far slavery, with its proud waves, may come; but when

gentlemen go beyond that, I meet them. I know how gentlemen came here with prejudice on their minds—I know the misrepresentations that have gone through this nation in regard to my sentiments, and the sentiments of those who advocate Northern rights. Slaveholders, Southern men, Northern men, men of all parties have read our sentiments, distorted, misrepresented, and falsified, and it becomes necessary at every new session of Congress, that we should avow our doctrines. I do so now to Southern men; and I assure gentlemen from the South, that if they come up to the work and stand by the Constitution, we will meet them upon its very line, and will stand with them shoulder to shoulder, and we will act as friends on that point. Let us repeal your laws involving us in the support of slavery.

The Congress of the United States never had the privilege or constitutional authority to involve the people of the North in the maintenance of slavery, or of your slave trade. I say to you, one and all, members of this body, that where you attempt to involve us in the crimes and iniquities of that institution, or of the slave trade, you can never settle this question—you might as easily unsettle the eternal, enduring principles of justice, or tear Deity from his throne, as to settle this question while the freemen of the North are involved in the crimes of this slave trade.

But here we stand, and why? Look at the slave trade in this District—at your slave prisons in this District, sustained by laws of Congress, by which fathers, mothers, brothers and sisters, are now sighing, weeping in chains, and the Legislature of New Jersey sends up resolutions that we shall remain involved in this transcendent iniquity, and sustain this market in human flesh, and authorize the sale of fathers and mothers in this city by act of Congress; that your Southern coastwise slave trade shall continue, and the flag of the United States shall be prostituted to maintain and protect a commerce in the bodies of men and of women; that the American stars and stripes shall float over cargoes of mothers, fathers, and children, by virtue of an act of Congress, and yet say we shall remain silent upon the subject. I will take this occasion to say, that I have prepared a bill, of which I gave notice early in the session, to repeal the 9th and 10th sections of the law of 1891, which constituted and established this coastwise slave trade. We do not ask to interfere with it. We ask to wipe it from the statute-book, and leave your slave trade where we found it, with the people of the slave States themselves. Why, sir, the Legislature of New Jersey asks us to be quiet—to regard their compromise measures as a final settlement of the slave question. Do they wish their constituents and themselves to continue involved in the enormities of that traffic in mankind? I would like to hear gentlemen meet these points, not to evade, dodge, or cover them up, but to meet these questions in a frank, open manner, like men—like statesmen. Here are the statutes.

Now, when I come to offer my bill, which I intend doing, I want to know how many of these men, from the North and from the South, will vote to separate the North from the support of that coastwise slave trade? Let the representatives of New Jersey say, as stated in the resolutions before us, that we have no power over it; that we never had power over it—and I shall agree with them. I desire now to address one word to the slaveholding portion of this House. When I shall present this bill, it will give a fair opportunity for gentlemen to meet with us here and test this question, and settle it forever by washing our hands of it. I expect there will be a mighty "coming down stairs" about that time. But I desire to unite with the slaveholding portion of this body—for there is some generosity with them, at least they have boldness—and we will smoke out these dough-faces, and drive them from under the bush! [Laughter.] Now, I repeat to Southern men, that I look to them with confidence, that they will meet us upon the question fairly, and come up to the work, and permit me to introduce my bill to repeal that law. Let it be understood, I repeat, that there is nothing in that bill which seeks to interfere. It is to cease all interference and repeal the law; not to pass a new law, but to prevent future agitation, to leave all interference with the slave trade, and leave it with the South, where it belongs. This, I believe, is what New Jersey wants. I go with the people of that

State to effect this object. I go with every man in this Hall who has spoken upon this subject to effect this repeal, and thereby prevent agitation. I go with the gentleman from Georgia, [Mr. MURKIN.] when he said we had no authority to carry slavery where it is not. He then, sir, spoke truth. I agree with him, although he is a Democrat and a slaveholder—no, I believe he is a Democratic Union man. But the truth is this: When we come to this work gentlemen retreat from their positions. It is the only subject on which we are authorized, under the Constitution, to legislate concerning slavery. On that subject we possess powers to legislate to a certain extent.

We can prohibit Northern men from preventing you from the capture of your slaves, and that far I am willing to go with you; rather, I would say, there is no constitutional objection to that. That is my doctrine. We have no constitutional objection to fixing a penalty upon any man who shall interfere to prevent the slaveholder from arresting and returning his fugitive slaves. But there I stop. The State of New Jersey, by her Legislature, may proclaim that it is our duty to take upon ourselves the appointment of officers of commissioners to run after and seize your slaves for you, but I deny that position altogether. We have no constitutional authority thus to degrade Northern men. Let me say to Southern men, It is your privilege to catch your own slaves, if any one catches them. It is not our duty to play the blood-hound for you. It is your duty to meet the expense of it, and not ours. We will not tax our constituents, our laboring men, to defray the expense of chasing down and securing your fugitives. Catch them yourselves. You have a constitutional right to do it; but we will not turn out and play the blood-hound for you. When you ask us to pay the expense of arresting your slaves, or to give the President authority to appoint officers to do that dirty work, give them power to compel our people to give chase to the panting bondman, you overstep the bounds of the Constitution; and there we meet you, and there we stand. And there we shall remain. We shall protest against such indignity; we shall proclaim our abhorrence of such a law. Nor can you seal our lips, or silence our voices. Do you believe that Northern men are ready and willing to surrender their self-respect, their dignity, and pay the expenses of giving chase to your fugitive slaves? If so, let me tell you that there is a sentiment now passing through the whole North, and through the whole Union, that will set your calculations at defiance. You cannot quiet it. Like Banquo's ghost, it will not down at your bidding. Sir, the popular sentiment of this nation hurls defiance at this weak and effeminate body, when it undertakes to tell the people that they shall surrender their consciences at your bidding, and engage in the vile work of seizing their fellow-man, and dragging him to bondage and oppression.

I had no intention, when I rose, of saying more than to enter my protest against the manner of interfering here on all sides of this question except upon that of freedom, and that while we, the representatives of the North, remain silent, the States, through their Legislatures, should be permitted to argue this question, and send their arguments to the people. Having uttered my protest on that point, I will resume my seat.

Mr. STANLY. The gentleman from Ohio has given the House some advice as to how we are to improve our statesmanship. If I understand him correctly, he lectures us for adjourning over from Fridays till Mondays instead of staying here to listen to the disquisitions which he is in the habit of pouring out, whenever he gets the floor, upon one subject, with a view to improve our statesmanship. Now, how long is it since the gentleman became so industrious that he undertakes to lecture this House about improving our statesmanship? Let the dinner-bell ring, and the first gentleman that leaves this Hall to go home and appease his appetite, to the neglect of the business of the country, is the gentleman from Ohio. He is as punctual in that respect as any steam-whistle in a factory in the city, or as any bell in town. Who left Congress at the last long session before he had performed his public duties here, and went off home after he had poured out all he had to say upon the subject of slavery, leaving everything in disorder, so far as the nation was concerned, and

regardless of what befell the country, but the gentleman from Ohio? And now those of us who have business of our constituents to attend to on Saturday—the holiday, as it is called, but the most laborious day of the session to those members who do their business properly—are to be lectured by the gentleman from Ohio, who leaves punctually at dinner-time, and goes home for three weeks at a time, leaving the public business to attend to itself. "Take the beam out of thine own eye, and then shalt thou see clearly to take the mote out of thy brother's eye."

Mr. GIDDINGS, (interrupting.) So far as regards my dinner hour—whether I go to my dinner at one, two, or three o'clock—the gentleman regards it as important to the country. He, sir, may regard it as the most tremendous subject on which he has been called to comment in the course of his statesmanship. I shall only reply by saying, that I dine at such hours as suits my mind. I had not consulted the gentleman. I am in the habit of dining regularly and laboring regularly, unless business prohibits. I had not regarded it as my duty to consult any one as to my hours of eating.

As far as regards my absence at the close of the last long session, I will say to the gentleman, that no vote was taken then, or ever during my absence, on which my voice or vote could have had the least possible effect, or could have been of any avail. I did leave Washington a few days before the close of the long session of the last Congress; but I did not leave until every subject of legislation was as substantially determined as they now are. This House had spent seven long months in the discussion of one question, and it was impossible to bring the dough-faces to a vote upon it. I refer to the California bill. When that bill had been under discussion three weeks, I called upon gentlemen from the North and from the South to meet in this Hall and devise means by which we could drive the dough-faces to a vote. And, sir, we had some forty or fifty members here, but we found it impossible to move them up to the work. The discussion was prolonged and prolonged, and for more than half a year we were detained here by the timidity of members—kept from our business at home, from our families, and the treasure of the nation squandered, for no other reason than that members dared not vote on that question.

Mr. STANLEY. Has the gentleman finished yet?

Mr. GIDDINGS. I have not quite got through. I am sorry to see a Southern slaveholder doing the dirty work of the dough-faces of the North. It is not becoming the dignity of a slaveholder to draw such argument from the servile press of Northern dough-faces. I have seen this whole attack of his, in certain scurrilous papers of the North. Sir, let the dough-faces copy after Southern gentlemen. It is their business. I wish now to meet another important question. I have been censured by the servile press of my own district, because I did not, by my own influence, carry through at an earlier period of last Congress the bill for the improvement of our lakes, harbors, and river navigation. The loss of that bill has been imputed to my neglect. Now, before this House and the country, I ask the gentleman, and every other member of the last Congress, to bear testimony, that I used every possible exertion to hasten the business of that session. From the commencement of the session to its close, I never voted for an adjournment over for more than one day. From the commencement of this session, I have not objected to adjourning over on Saturdays, but I have objected to spending half our time here for the first eight weeks of the session in idleness. That is what I have objected to; and if the gentleman means to censure me for that, let him come out and say so like a man. I spoke respectfully. I stated expressly that I did not intend to censure any one. That, sir, was the first time that I ever found the gentleman from North Carolina dodging behind the bush. When he was a good Whig in former times, and acted with me, he used to come out like a man on every and all occasions, and speak, and act, and vote without delay. I repeated at the long session of last Congress, that instead of speaking here for seven months upon the one question of admitting California, we should have disposed of it in three weeks at furthest, and then have passed our harbor bill, and that instead of remaining here, that gentleman, and all of us,

should have gone home at least two or three months earlier than we did. In that way we would have had our harbor and river improvements, saved the nation a great expense, and ourselves the disgrace of such puerile and unnecessary waste of time and money.

Is there a Whig, or a Democrat, or a dough-face, who was in the last Congress, who can tell for what—"cui bono"—we remained here for those seven months? As I said before, my voice was to labor, to act, to legislate, to do our business, and go home. And now I come right home to the point—will the gentleman meet it? Ought we not to have done as I state? Ought we not to have given the people a harbor bill, instead of wasting our time? Ought we not to have disposed of the California question in at most three weeks, instead of being seven months about it? and then passed the harbor bill in another week? Ought not the gentleman himself to have aided in doing this, and then gone home at least two or three months before he did, instead of attacking me for going so early? Let the people answer this question. Why, I believe opinions are given very freely here. At home I have to pay for them; but here I give them for nothing. I believe the country would have been under deep obligations to the gentleman, and to the rest of the House, if they had left when I did. I believe it would have been better for the country if we had transacted our business and returned home to our constituents at least two months earlier than we did. Let me say, here, that I see gentlemen in this Hall who are looking forward to the nomination of a President; and let me warn the country that until those nominations have been made, and until the Buncombe speeches shall have been uttered, little business will be done, and no adjournment had.

Mr. STANLEY. This lecture is getting too long.

Mr. GIDDINGS. Well, I see the gentleman is impatient under it, so I will give way.

Mr. STANLEY. I yielded the floor to the gentleman for explanation, but he branched off into a long lecture to the House upon its general deportment. If I yield any longer, it may go on for a week, for the gentleman seems to think he has some special gift from Providence, or from someone much lower than I choose to refer to here, to lecture all mankind—slaveholders, dough-faces, Whigs and Democrats.

The gentleman from Ohio admits, that he went home during the last Congress, and neglected the public business. We heard none of his lectures then. Who aided so much to delay the public business in this House as the gentleman from Ohio? What ten men aided so much to do it as he? Were there any ten men in that Congress who caused so much delay, and did so much to obstruct the public business, as the honorable member?

Mr. GIDDINGS. I call on the gentleman from North Carolina to make his assertion good in the face of this House. I pronounce it false.

Mr. STANLEY. It is mighty easy for one who has no regard for the decencies or dignity of life, and who screens himself from responsibility for directing false charges like this, to leave his public business here, and sneak away from this House, as the gentleman did at the end of the last long session, taking his pay for work he did not do. Is he not a pretty gentleman to come here and lecture any man in this House—any negro outside of the House—or any free negro—upon propriety and integrity of character? Does it come with a good grace for that gentleman to embark in lectures of that character?

Now, sir, we have had enough of this. Why, when the honorable gentleman some time ago made a speech in this Hall, I called upon him to explain a certain matter, and he refused, because, as he then said, it was not a proper time. Yet, how does that gentleman now regard the rules of this House? Why, here, upon a motion to print the resolutions of the Legislature of the State of New Jersey he gives a half hour's discussion, not upon printing those resolutions, but upon slavery and the slave trade. What has that to do with the subject of printing the resolutions? Why, these resolutions are always printed as a matter of courtesy. But, in this case, upon a simple motion to print, we must be treated this morning to a speech upon the slavery question by this mileage member—this running-away member—this member who goes home to secure his own election,

and leaves the public business to take care of itself.

The gentleman calls himself a Democrat. If he had called himself a free negro Democrat, he would have come nearer the truth than he does by calling himself a Democrat—for the Democrats will not acknowledge him as one of them. I do not know a Democrat upon this floor who would do it.

But the honorable gentleman says that his dinner hour is about as great a question of statesmanship as I ever attempted to discuss. I beg to say that I have attempted to discuss one subject of smaller significance than even his dinner, and that is the honorable gentleman from Ohio himself; and I have discussed that subject, because it was forced upon me by his own conduct in this House. He is a subject of the least importance of any that I ever attempted to discuss. Why, during the last Congress, when he ought to have been here attending to his public business, where was the gentleman? But he has seen proper to refer to this internal improvement bill. Now I say—the House will bear me out in what I say, that every member of the last Congress will bear me out in saying—that he did more to injure that bill than any fifty strict constructionists in the House. His support of anything he touches in this House is death to it. He is making slavery a popular institution, if it ever was unpopular. He is making the people of his district, by his rant upon this question of slavery, not only odious to the Southern people, but to a large portion of the North. Yes, the North are beginning to regard them, on his account, with feelings of detestation. That honorable member, by his advocacy of these internal improvement bills, as far as his influence can go, or has gone, is rendering them odious to a large portion of the people all over the country, and gives members upon this floor a pretext for voting against them, which otherwise they would not have. How can your constituents expect to have river and harbor improvements when a representative, who comes here to send forth constantly his infernal nonsense, villainess, and abuse upon the whole Southern country, undertakes to advocate such measures? Yet that has been the whole course of the honorable member.

Mr. GIDDINGS. Will the member allow me to say a word upon that point? I want to call the attention of the House to the vote upon the internal improvement bill. I rejoice that the honorable gentleman from North Carolina has paid me the compliment to say that I have done more than any other fifty men in this House to defeat this bill. It is saying that I possess an influence, of which I was not aware. I think—though I am not certain—that there were not fifty who voted against it in this House.

A VOICE. The bill only passed by some sixteen or seventeen majority.

Mr. GIDDINGS. Well, be that as it may, I am rejoiced that the gentleman has seen fit to call up this point. When I took my seat in this House, this whole system of internal improvements was abandoned. At that time the western portion of the district which I now represent, was represented by another gentleman. Gentlemen will recollect that the system, so far as our action was concerned, was revived during the administration of Mr. Polk. We then passed a bill which was vetoed. Now, it is for the sins of Mr. Polk for which the gentleman from North Carolina and certain Whig newspapers arraign me. At the last session of Congress, a bill was passed again, triumphantly in this House—at least it was passed by a large majority—I am sure the majority was near thirty; yet I am held responsible for the loss of the bill in the Senate. I desired to reply thus far to the charges of the gentleman. And I will add, that by the bill my district received more than double the amount of appropriation it ever received under my predecessor in any one year.

But as to other matters, I will say that when the member descends to the vulgarities of bar-room blackguards, to which he has on this occasion descended, I cannot follow him. He gets lower down than a man of honor can go. He descends so low that I cannot follow him so far as to throw the mantle of charity over him. [Laughter.] I say, I cannot, and I hope the country, as I know my constituents will not, expect

me to follow him down to the point of ribaldry to which he has descended upon this occasion.

Mr. G., (turning to several gentlemen standing near Mr. STANLY.) I protest against the dough-faces crowding around the gentleman from North Carolina, to supply him with matter with which to assail me. I tell them it is too small business for men.

Mr. STANLY. That's true. It is a mighty small business. [Laughter.]

Mr. GIDDINGS. This is not a free fight at all. It is between him and myself. I want them to give us a free fight—fair play upon both sides.

A Voice. You shall have that.

Mr. GIDDINGS. I say that the press—the servile press of the North—has chosen to arraign me, and charge upon me the responsibility of defeating that bill, not in this House, for I repeat that it passed this body, but because my influence was not sufficient to pass it through the Senate on the last days of the session. The gentleman from North Carolina consents to be their mouth-piece, to play the bully for them. He arraigns me for that, and tells the country that I did more than any other fifty men in the House to defeat the bill. I am glad that he has given me the opportunity for laying the truth in relation to this matter before the House and the country. Now, sir, how stands the fact? I make the assertion, that it was that gentleman and the Northern serviles in the House who would not permit us to come to a vote upon the California bill, who prevented us from getting through the bill for the improvement of rivers and harbors—who would not allow it to pass this House during the long session to which he refers, nor, indeed, in the last session, in time for it to pass the Senate during that Congress. There is the whole of it. And I say, the gentleman from North Carolina, and those with him who procured that seven months' delay of all business, are the men who are responsible for the loss of that bill, and of other measures which ought to have passed that Congress.

Mr. STANLY. The gentleman from Ohio says it is a small business for anybody to come here and give hints to me in relation to himself. So it is. I plead guilty to the accusation. It is not only a very small business, but rather worse than that. It is the business of a scavenger to have anything to do with the honorable gentleman from Ohio; and I feel as if I wanted to wash my hands after I have got through with him. But I cannot help it. He is here, upon this floor, and thrusts himself upon us. He holds himself up to us as a light—as a sort of censor morum of this House. Now, in all courtesy and in all decency I say that it is a small business for me. I do not know how I can descend any lower when I descend to attack the honorable member from Ohio.

A MEMBER. "Good!" "Good!"

Mr. STANLY. It is not good; it is very bad, and I wish somebody else would do it. But when he thrusts himself before the House in this manner, I have felt called upon to do it.

A few words in regard to the charge which I made, that the gentleman from Ohio had done more toward defeating the river and harbor bill than any other fifty members in this House. I believe that bill was defeated by the influence of that member, by his violent and insupportable attacks upon Southern members and Southern institutions, while he has set himself up as the "Simon Pure" of this House. That gentleman has spoken of the large amount which that bill appropriated in his own district. Now, it is my belief that the very fact that so large an amount was appropriated for a certain portion of the country, is the very reason why the bill did not pass the Senate of the United States. "Let the galled jade wince." The facts are here, and the country ought to know them. The people of his own district ought to know the fact, that whatever measure that gentleman advocates here he renders odious.

The gentleman refers to my course upon the California bill, by way of a retort, in the spirit of mere spleen and spite, in a most contemptible spirit of "tit for tat," and regardless of truth. He says that I was responsible as much as any others, I believe, for the delay in the passage of that bill.

Mr. GIDDINGS. Oh no; I did not say that.

Mr. STANLY. Well, he says that I am responsible. Now, if there has anything come before this House in relation to which, above all others, I am impregnable, it is this charge. Every

member of the last Congress will bear me witness that I was ready to come to a vote upon that California bill at all times, and that my course in this respect made me an object of assault by certain gentlemen from the Southern country. I introduced a resolution to close debate upon that bill, and tried to get it through at a much earlier period than the honorable member from Ohio himself did. I say, then, that if there is a single member upon this floor who is exempt from this charge, I am the man; for I tried my best to stop debate and get this bill reported to the House. So I am safe upon that subject.

But the honorable gentleman talks about our adjourning over from Friday to Monday. Now, I want to know where the gentleman from Ohio was during nearly a whole week of the present session, when he was absent from the House? I know where he was. He was in a Philadelphia convention. He was embarking in the Kossuth humbug. He was passing resolutions about Kossuth's influence upon the slavery questions in the United States. But he was not assisting in the discharge of the duties of this House.

Mr. GIDDINGS. Will the gentleman allow me a moment?

Mr. STANLY. It is evident that no member of this House wants to hear him; but I will allow him to speak. [Laughter.]

Mr. GIDDINGS. The gentleman has, upon a former occasion, imputed to me a presence at a meeting of Abolitionists in Philadelphia, when certain resolutions were passed there. The gentleman is entirely mistaken. Those resolutions were not passed at the meeting at which I spoke; nor were any resolutions passed, save, perhaps, a formal vote of thanks to myself and others. The meeting to which the gentleman alludes was at another time and at another place.

Mr. STANLY. (interrupting.) The member was not only in the Philadelphia Convention that passed those resolutions, but he was there and made a speech. That he does not deny, although he will deny anything when the proof is not at hand. He cannot deny that; and, by the way, there has been no man who has had a controversy upon this floor with that honorable member who has not raised the issue of veracity with him—no man, whether from the North or South. Not one, that I remember. But, not only was he present, but he made a speech. "The galled jade wince again," (pointing at Mr. GIDDINGS.)

Mr. GIDDINGS. Does the gentleman intend to say that I was present at a meeting in Philadelphia when certain resolutions were agitated, or that I knew they were agitated, or that I spoke in reference to them?

Mr. STANLY. I say he was at a Philadelphia convention, and made a speech at that convention. Did he not?

Mr. GIDDINGS. If the gentleman intends to say—

Mr. STANLY. I say nothing about his intent. But I say what I have said.

Mr. GIDDINGS. That gentleman shall not crack the overseer's lash in that way, to put me down. I say, and I say unhesitatingly, that if he intends to say that I was present, and knew of such resolutions, or heard of them, or heard of any agitation of them, at any meeting, he is mistaken. If he intends, however, to be understood as saying, that late in the day when I was in Philadelphia, I walked into a convention there, and when called upon responded in a few words, he is right. Now, the gentleman may talk about his question of veracity; but when he attempts, in that offensive manner, to misrepresent, he need not undertake to intimidate gentlemen from speaking the truth, and doing so boldly.

Mr. STANLY. I hope the gentleman will not gnash his teeth so hard. He hardly frightens me by this extraordinary exuberance of passion. The honorable gentleman says I shall not crack the overseer's whip over him. That is a favorite figure with the honorable gentleman. The only overseer's lash in my part of the country, that I know of being cracked at all, is not with slaveholders, who manage their negroes without it. We have no crack of the lash with us over our slaves. That is a fancy. The lash is only known to felons and bad negroes. There are bad negroes—and there ought to be bad negroes when we see how meanly white men can act, (laughter)—who should be punished with it. Who is playing

overseer over white men? Who but he who makes himself an overseer, cracking the whip, and throwing out his filth and slime over everybody. With him every Northern Whig is a dough-face, and every Democrat is a vile wretch and slaveholder, who performs his duty under the Constitution towards his brethren in the South.

Sir, we do not raise the overseer's lash over our slaves in North Carolina. If that man [pointing to Mr. GIDDINGS] were in the Southern country, Mr. Chairman, there is not a decent man amongst my constituents who would own such a fellow for a slave. He would be a "free nigger," and in less than three weeks would be tied to the whipping-post for stealing or slandering his neighbor. Now the honorable member says, if I say that he was at that convention, when certain resolutions were passed, then I misrepresent him—then I tell a falsehood. Yes, sir, and if I say he is a gentleman, I tell a falsehood; and if I say that these pillars are all made of chalk, I tell a falsehood; and if I say this white piece of paper is as black as the heart of the gentleman from Ohio, I tell a falsehood; but I have said no such thing. But, upon the point of being absent from public business, I charge him with being at Philadelphia in a convention where certain resolutions were passed; and that he made a speech at that convention. That I charged, and that only, and that he does not deny. But he gets over that by saying, that if I say what I did not say, then I misrepresent. Now I not only charge that, for the gentleman was not only at that convention, but he was at some public meeting in Montgomery county, in Pennsylvania, making speeches—at Norristown. He can go away and attend two sessions, and—

The SPEAKER. Will the gentleman suspend his remarks a moment?

Mr. STANLY. Certainly. I ought to suspend that fellow by the neck, [pointing to Mr. GIDDINGS.]

[A message was here received from the President of the United States, by the hands of MILARD P. FILLMORE, his Private Secretary.]

Mr. STANLY, (resuming.) The honorable gentleman from Ohio [Mr. GIDDINGS] not only indorsed, but threw the overseer's lash over the whole South. But let any gentleman from the North, no matter how high his character, deviate at all in voting from what the gentleman thinks is right, and that moment he is assailed as a dough-face. Let any Southern Democrat vote for any one of these compromise acts, he is a dough-face. Let any Northern patriot vote for any one of them, and at once he becomes a dough-face, and is assailed by the member from Ohio. Sir, he is in the habit of lecturing this House, and he has done so two or three times this session, while I charge him with neglecting his business and running away; and when he is here, with throwing constant impediments in the way of the transaction of the public business.

I regret that I have been led to say a word about this matter. I did not intend to do so. I have departed from the course of conduct I had prescribed to myself towards that member. But his own insolence has caused me this morning to forget it. When there was no matter of that sort before the House, he has got up and poured out his abuse upon the whole House and upon the whole Southern country. In a moment of excitement, I was induced to get up and remind him of his misdeeds, when he arose and insolently stated that what I said was false. He has thrown the first stone; he has begun this business; and, disregarding all propriety, has provoked what he has got, and let him take the consequences and bear the blame—though he is to blame enough to sink a navy, and odium enough to disgrace a regiment of free negroes afflicted with the small-pox, if he had the whole poured upon him.

I beg pardon of this House for having descended—as the gentleman said I did—for having stooped to a controversy with him. I plead guilty to it.

Mr. GIDDINGS. I wish to say one word.

Mr. STANLY. Does he want to make an explanation?

Mr. GIDDINGS. When I spoke of the gentleman, saying that what he stated was false, the House will bear testimony that I did not transgress the parliamentary rules. I know my parliamentary rights. I stepped to the verge of parliamentary rules, but there I stopped. Every member understands

them. Neither is it insulting or ungentlemanly to correct a man if he is wrong. I did not say that the gentleman *intentionally* spoke falsehood or misrepresented the facts. No, sir; I knew too well what belongs to gentlemen; what belongs to myself, and to the dignity of this body, to say that. I therefore kept myself within parliamentary rules. When that gentleman is put forward by a certain servile class of the North, as their instrument to assail me; when he undertakes to play the braggart for dough-faces, and serviles for the Swiss guard of slavery; when he undertakes to *draw* me into a controversy with him, I will say to the gentleman, that when you go so low, as you have to-day, I cannot follow you. It may, sir, be suitable for the grog-shop or the bar-room, but it is not fit for the people whom I represent. Such language would not be permitted among common bar-room loafers of my district. Now when any man expects me to interchange such language with the gentleman, I can only say, he is mistaken. I know whom I represent, and I know that my constituents would never justify me in following any man, or member, to the lowest depths of—

Mr. STANLY, (in his seat.) Mr. Giddings's district.

Mr. GIDDINGS. To the lowest depths of *ribaldry*. Sir, it is unbecoming any member of this House, and I appeal to the members of this body if they ever knew me to assail a man at any time, or in any place, until I myself was first assailed. And let me say, looking that gentleman and every member of this House in the face, that I have never been guilty of such an outrage upon the dignity of this body, as he has perpetrated on the present occasion. The gentleman had better use such language only to those who crouch and shrink and tremble at his frown. It may do well on the plantation, but it is unbecoming towards freemen. It is unsuited to this Hall. Degradation itself would blush, and the man who would do it must have sunk so low, that he would become giddy were he elevated to the level of total depravity.

There are slaveholders in this House—and I take pleasure in saying it—with whom my relations now are, and ever have been, those of gentlemanly deportment and mutual interchange of respect, and nothing else; and while slaveholders shall demean themselves as gentlemen, no one of them will ever be assailed by me.

But the gentleman says I charge *Northern men* with being dough-faces. Well, sir, he takes it upon himself to be the representative of all the dough-faces of the North to-day. He speaks for them—he comes here as their agent and attorney, and assails me. And how does he do it? Why he says I am out of order. Mr. Speaker, (the presiding officer of this House [Mr. Boyd] being in the chair,) you yourself made the question as to the order of debate upon this resolution. I believe (alluding to Mr. JONES, of Tennessee, who was then in the chair,) you called me to order, and that gentleman, [Mr. BOYD,] a slaveholder, a man whom I respect and honor, declared that I was in order; and an appeal taken from that decision was laid upon this table; and now this gentleman from North Carolina [Mr. STANLY] insists that it shall go out to the country that I was out of order, when the Speaker of the House expressly decided that I was in order. Now, I heard that gentleman [Mr. STANLY] once tell an anecdote upon this floor, about a boy, who whirled himself about so rapidly that the hind part of his breeches got on the fore side, (laughter;) but the gentleman changes his position much more rapidly, for the purpose of assailing me, and making a personal altercation between him and myself; pronouncing the Speaker out of order, pronouncing the House out of order, and the rules themselves out of order; and that in discussing these resolutions I was out of order.

The gentleman says I speak of Northern men as dough-faces. Why, the term *dough-faces* has become honorable among some of those associated with him. He calls me an Abolitionist; I call him a slaveholder.

At the North we have two classes—dough-faces and free-soilers. I acknowledge the name they give me—there is not much in a name—and I permit them to use it; and I give to them the only cognomen, known in the English language, that befits their position.

Mr. STANLY. How many minutes have I left of my time?

The SPEAKER. Seventeen minutes.

Mr. GIDDINGS. The gentleman says that I was at Norristown. Where was he when I was at Norristown? Where was the House when I was at Norristown? Why, drinking their grog. [Laughter.] I was among the people of the Union, endeavoring to impress upon them great and important principles—which, at least, I believed to be so. And where was that gentleman? Look at your Journals and you will find the gentleman was at home, or somewhere else, or anywhere else but in this Hall. He was not here. There was no business transacted in this House during the holidays for two weeks. I took occasion then to visit friends, for four days, in other portions of the country, and the gentleman stands up here and reads me lectures about it.

Mr. STANLY. I think the gentleman has had more of my time than I have had myself, to reply to him. I cannot yield further.

Mr. GIDDINGS. One word more.

Mr. STANLY. I will wait a little longer.

Mr. GIDDINGS. Never mind.

Mr. STANLY. The honorable member from Ohio stated in the beginning of his last speech, that there was nothing wrong at all in telling a man that what he said was false. Now that is his idea of decency and propriety. He thinks it is not wrong. He is called a liar so often at home, where he is well known, that he thinks it is right, as a matter of course. Here is his idea of decency. He says that I was put forward to make this attack upon him. If I thought I was so considered by anybody in the House, I would resign my seat and go home, because I believe that if the whole Whig party came forward to attack him, they would have picked the meekest man in the House to do it. [Laughter.] He has made such a show of himself this morning that he has not only disgraced free-soilism, but human nature.

I hope the reporters will take notes of what he has said, and what I have said, and that they will allow neither of us to see them. If he gets them into his hands—have mercy upon me! if he serves this debate as he has everybody. My colleague from the Orange district [Mr. VENABLE] and the member from Ohio [Mr. TAYLOR] got into a controversy with him the other day, and how were they represented? His speeches were entirely different as spoken and as published. He gets up one day and reads a resolution out of the Congressional Globe, and says these gentlemen voted so and so a year ago, and the next day he has a different set of resolutions reported. I charge the reporters to see that his felonious hand touch not one word of what I have said. Let what has been said appear precisely as delivered. Let his remarks appear as spoken and not as made out after he gets home in his room with some of his colored friends. [Laughter.] The honorable member talks of associations here. Who ever saw him, except upon this floor, with a decent man in Washington city? He receives visits from free negroes sometimes. The charity he dispenses no man knows. He never lets his right hand know what his left hand does, nor his head what is done by either. But he will write a nice letter, full of sympathy about chains, and oppression, and overseers. He remains with his free negro friends when they call to see him; and that is the way he spends his extra hours, and the reason that he goes home about dinner time. The honorable gentleman talked the other day, in my absence, that he would like to have a bout with me, but this morning he asserts that I have been set upon him—that I am urged to attack him, and in his crazy fancy, every one who says a word to me, is giving me some hint about his course. No such thing. A gentleman mentioned to me that he was taking up the whole of my time, and that I had better continue. That was all the information given to me. I want no information in relation to the course of the honorable member from Ohio.

Where was I at the time of the sitting of the Philadelphia Convention? I have not set myself up as the standard of general attention here. He is the man who arraigns everybody, and therefore I come upon him. I do not say, that during the sessions I have always been in the House. We were drinking our grog Christmas week! Where was he? In Philadelphia, drinking beer in oyster-cellars with free negroes. [Laughter.] Who was best employed—those who drank good liquor in the city of Washington, or the honorable member in his employment in Philadelphia? I am rather

a temperance man myself, and do not often drink. Judge, ye! He was much better employed than we were, no doubt, in the company of those where to tell a man he is a liar, is an everyday courtesy—that it is to be expected. (Help him—do!) He stands in need of it. Whisper into his ear some little more poison, good Free-Soiler from New York, (Mr. KING.) He says that I stated this morning that the Speaker was out of order. Have I said any such thing? The honorable member gets the floor, makes a speech, and no one notices him—no one raises a point of order upon him, and the Speaker does not interfere. He says that I charged the Speaker with being out of order. What relevancy had his speech about slave trade in the Southern States with the printing of joint resolutions from New Jersey? I raised no such point—not at all. I quit this subject in disgust. I feel as if I had been in a dissecting-room cutting up a dead dog. [Laughter.] The House will excuse me. I will treat the honorable member from Ohio hereafter as he ought to be treated by the members of this House—as an insane man, who never was taught decency or propriety of conduct. His associations show him never to have mingled among gentlemen. I hope I shall not be again provoked from what is due to myself to descend so low as to notice him.

Mr. HOUSTON. I move the previous question upon the motion to print.

Mr. GIDDINGS. Will the gentleman permit me one word of explanation?

[Cries of "No! no! We have had enough."]

The call for the previous question was seconded, and the main question ordered to be put.

The question was then taken, and the motion to print was agreed to.

DEBATE ON THE ANNUAL MESSAGE.

Mr. HOUSTON offered the usual resolution in blank for closing debate upon the President's message in the Committee of the Whole upon the state of the Union.

Mr. H. I have left the time blank, that an hour may be fixed by the House at which it may be their pleasure to close the debate in committee. I will propose Thursday (to-morrow) at two o'clock.

Mr. STEPHENS, of Georgia. We have not been in Committee of the Whole upon the President's message more than three hours this session.

Mr. HOUSTON. I think we have been in committee two or three days.

Mr. STEPHENS. I think not exceeding three hours.

Mr. HOUSTON. I understand that the resolution is not debatable.

The SPEAKER. That has been the custom of the House.

Mr. HOUSTON. I will not, then, move the previous question, but will leave the House to fix the time at which debate shall be closed in the committee.

Mr. SEYMOUR, of New York. I move this day week.

Mr. STEPHENS moved to lay the resolution upon the table; which motion was agreed to.

Mr. HOUSTON moved that the rules of the House be suspended, and that the House resolve itself into Committee of the Whole upon the state of the Union, for the purpose of taking up those resolutions on the President's message.

Mr. GORMAN. I wish, before that is done, to make a report from the Committee on Printing.

The SPEAKER. The gentleman from Alabama has made a privileged motion, which cannot be superseded while pending by another privileged motion.

Mr. GORMAN. I understand the motion of the gentleman has precedence to certain other motions; but if the Chair will permit me, a rule of the House says that the Committee on Printing can report at any time. A privileged question certainly takes precedence.

The SPEAKER. The rules say, also, that a majority may at any time suspend the rules and resolve itself into the Committee of the Whole House upon the state of the Union; and each being, in the opinion of the present incumbent of the chair, [Mr. JONES,] of the same character, the first made must be the first put. If the chairman of the Committee on Printing had first made his motion, of course he would have had the precedence.

of the motion to go into committee. The motion to resolve the House into the Committee of the Whole upon the state of the Union being always a special one, provided for by the rules, in the opinion of the Chair takes precedence of any other privileged motion.

Mr. GORMAN. I will then ask the gentleman from Alabama to withdraw his motion. The report will not take more than three minutes to be considered.

Mr. HOUSTON. I am perfectly willing that my motion shall remain in abeyance until his is acted upon, if it will not occupy much time.

There was no objection.

FEES OF CLERKS, MARSHALS, AND ATTORNEYS.

Mr. GORMAN. The Committee on Printing report the following resolution relative to printing the report of the Committee on the Judiciary:

Resolved, That five thousand extra copies of the report of the Judiciary Committee in regard to the fees of clerks, marshals, and attorneys in the district courts of the United States, be printed for the use of the House of Representatives.

Mr. G. said: After examining the matter, I will state to the House, that this report speaks of the difficulties and complexities of this subject under our existing law. It traces the history of legislation in regard to this subject, since the organization of the Government. It points out the abuses which have grown up under the present system in the way of taxes and costs, and shows the enormous and unprecedented increase of the expenditures. There is accompanying it a tabular statement, and the letter of the First Comptroller, giving some specific charges and abuses in the courts of the United States in regard to this question, of rather extraordinary importance to the country.

Mr. STEPHENS, of Georgia. I move to amend, by adding five thousand copies of the report of the Clerk to this House, upon the contingent expenses of the House.

The SPEAKER. The Chair is of the opinion that the motion of the gentleman from Georgia is not in order, being upon a different subject; and the motion for the printing of an extra number of copies would have to go to the Committee on Printing.

The question was then taken, and the resolution was agreed to.

Mr. GORMAN moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

DR. OWEN'S GEOLOGICAL REPORT.

Mr. GORMAN. I have another report, which will not keep the attention of the House long, and which it is indispensably necessary should be passed immediately. It is a resolution upon the subject of printing the report of the United States Geologist, which has been passed upon a long time in the Senate. We have not acted upon it, and they cannot print it until we do not upon it.

The resolution was then read, as follows:

Resolved, That there be printed for the use of this House three thousand five hundred copies of the final report of Dr. D. D. Owen on the geology of Wisconsin, Iowa, and Minnesota; and that such be executed in the same form and style and under the same special contract which has been authorized by the Senate to be entered into by the Commissioner of the General Land Office, and that five hundred copies be set apart for the disposal of said office.

The whole of this matter is under the control of the Commissioner of the General Land Office of the United States, and it requires a resolution to provide for the amount to be printed.

The question was then taken, and the resolution was agreed to.

On motion by Mr. HIBBARD, it was

Ordered, That the petition and papers of Stephen Hoyt be withdrawn from the files of the House, and referred to the Committee on Revolutionary Claims.

Mr. OLDS. I wish to make an inquiry of the Chair. The gentleman from Alabama [Mr. Houston] moves to suspend the rules, for the purpose of going into Committee of the Whole on the state of the Union. I wish to inquire of the Chair, when we get into Committee of the Whole whether we will not be compelled to take up the special order?

Mr. HOUSTON. That portion of my motion was merely an indication to the House—

Mr. OLDS. I ask the Chair, if we will not be compelled to take up the special order?

The SPEAKER. That will be a question for the committee to decide.

Mr. ABERCROMBIE, by unanimous consent of the House, presented a joint memorial from the Legislature of Alabama to Congress, asking an appropriation of lands to complete the geological survey of the State; which was referred to the Committee on Public Lands, and ordered to be printed.

The question was then taken upon Mr. Houston's motion, and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

BOUNTY LAND WARRANTS—FEES OF LAND OFFICERS.

The CHAIRMAN. The first business before the committee, in the opinion of the Chair, is the special order of the House, being the joint resolution No. 1 of the House, making land warrants assignable. The gentleman from Indiana [Mr. DUNHAM] would have been entitled to his hour, when this resolution came up the other day, and he has that privilege now, in the opinion of the Chair.

Mr. GORMAN. I have a motion to suggest. I understand that there has been referred to the Committee of the Whole on the state of the Union, a joint resolution with regard to the public printing. That resolution being reported to the House, under a rule of privilege, or what may be termed a privileged question, I suppose it cannot be divested of that privilege by being referred to the Committee of the Whole on the state of the Union. I apprehend that notwithstanding there may be a special order for the day, that question comes up in despite of the special order.

The CHAIRMAN. The Chair supposes the committee having been in session upon the special order of the House, being not only the Senate bill, but the joint resolution of the House, that that special order is not yet completed, and this question of printing cannot supersede the special order.

Mr. GORMAN. I will suggest to the Chair the reason that this question of land warrants was taken up was, because I never made a question. I have been informed that the decisions of the Chair had been uniform, where these questions had been put, and it had been decided that the question of privilege was not divested of its right by being referred to the committee. I have not made the question before, and consequently it was not necessary to decide it, and as a matter of course the bounty land question came up.

The CHAIRMAN. The Chair must remind the gentleman from Indiana, [Mr. GORMAN,] that the question is not debatable. Does the gentleman desire to take an appeal from the decision of the Chair?

Mr. GORMAN. Does the Chair decide that—

The CHAIRMAN. The Chair decides that the special order of the House, not being finished yet, and upon which the committee were still engaged at its last sitting, has a preference over any other business of the committee.

Mr. GORMAN. I understood that we had disposed of it.

The CHAIRMAN. There were two matters referred jointly.

Mr. GORMAN. I appeal from the decision of the Chair.

Mr. JONES, of Tennessee. If I understand the point of order made by the gentleman from Indiana, it is this: that because the Committee on Printing have a right to report at any time—

Mr. HOUSTON. Is the appeal debatable?

Mr. JONES. I am not debating it. I merely wish to know, if I understand the question. The point the gentleman from Indiana makes is, if I understand him rightly, that because the Committee on Printing have the right, under the rules, to report at any time, their report should take precedence of all other business, even of special orders in Committee of the Whole. It loses all its privilege when it gets into the House.

The question was then taken upon the appeal, and the decision of the Chair was sustained.

Mr. GORMAN. I move to lay the bounty land bill aside.

The CHAIRMAN. The Chair supposes the committee have no power to lay aside the special

orders of the House. The committee is tied down by the order of the House.

Mr. FITCH. This bill may be laid aside, to be reported to the House with a recommendation that it be laid upon the table.

The CHAIRMAN. That motion would be in order, if the gentleman from Indiana, [Mr. DUNHAM,] who is entitled to the floor, waives his right to his hour.

Mr. DUNHAM. I do not wish to take up the time of the House, and I will waive my right.

Mr. FITCH. I move, then, that the resolution be laid aside, to be reported to the House with a recommendation that it be laid upon the table.

Mr. MARSHALL, of Kentucky. Is not the resolution, however, open for amendment?

The CHAIRMAN. Certainly it is.

Mr. MARSHALL. The committee will recollect that many of us were—

The CHAIRMAN. Debate is closed, but amendments will be in order under the five minutes rule.

Mr. MARSHALL. What is the motion now before the committee?

The CHAIRMAN. It is that the resolution be laid aside and reported to the House with a recommendation that it be laid upon the table.

Mr. MARSHALL. I have an amendment to offer before that motion is taken, and I design offering it now.

Mr. STEPHENS, of Georgia. I barely wish to state, that there are a number of gentlemen upon this floor who wish to extend the provisions of the existing bounty act to individuals not embraced in the present bill. As I urged upon the committee the other day, that we should pass the bill we had then before the House and take up this bill, I now wish to notify the House, that all of us who are in favor of extending the bounty land act, should not agree to the motion made by the gentleman upon my left [Mr. FITCH,] but we should take up this bill and go through with it.

The CHAIRMAN. The resolution will be read through by sections. The first section of the joint resolution of the House will be now read, and the gentleman from Kentucky [Mr. MARSHALL] can make his amendment.

Section 1st was then read, as follows:

Be it enacted, &c., That nothing in the act approved September twenty-eighth, eighteen hundred and fifty, "granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," shall be so construed as to prevent the sale and transfer of any certificate or warrant issued by virtue of said act, prior to the location of the same, or the issue of the patent thereon.

Mr. STEPHENS, of Georgia. We have already acted upon that subject, and I therefore move to strike out the first section.

The motion was agreed to. So the first section was stricken out.

The Clerk then read the 2d section, as follows:

SEC. 2. And be it further resolved, That the registers and receivers of the United States land offices shall hereafter be severally authorized to charge and receive for their services, in locating bounty land warrants, the same rate of compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre, the said compensation to be hereafter paid by the assignees or holders of such warrants, in all cases where the same have been transferred by the soldier or his legal or personal representative, under the provisions of the act of Congress, and the regulations of the General Land Office on that subject, and to be paid out of the Treasury of the United States, upon the adjustment of the accounts of such officers, where it shall be shown, to the satisfaction of the General Land Office, that the same was located by the soldier or warrantee, or in case of his death by his next of kin, as provided by the acts of Congress aforesaid.

Mr. GAYLORD moved to strike out the 2d section.

Mr. CABELL. I desire to amend that section before the question is taken on striking out. I move to strike out all after the word "warrants" in the 9th line, as follows:

"In all cases where the same have been transferred by the soldier or his legal or personal representative, under the provisions of the acts of Congress, and the regulations of the General Land Office on that subject, and to be paid out of the Treasury of the United States, upon the adjustment of the accounts of such officers, where it shall be shown to the satisfaction of the General Land Office that the same was located by the soldier or warrantee, or in case of his death by his next of kin, as provided by the acts of Congress aforesaid."

Mr. C. continued. When this question was last before the House, this whole subject of the payment of registers and receivers was very fully

discussed. The conclusion at which I then arrived as to the temper and feeling of the House, was, that there was no possibility of inducing the members of this House to pay anything out of the Treasury of the United States to these registers and receivers. But it seems to me, that the sense of justice of every member on this floor must bring him to the conclusion, that the men who render this service for the holders of these warrants, should be remunerated in some way. I propose, therefore, to strike out all that part of the section which relates to the past, and requires payment by the Government for the future, so as to leave the payment to be made by the holders of the warrants to the registers and receivers. This I would suggest as a compromise between the two parties in this House—those who are opposed to any compensation, and those who are only opposed to compensation for past services.

I am satisfied that much injustice may be done to the registers and receivers in past time, but I am in favor of doing justice as far as I can. I have come to the conclusion, that it is utterly impossible to induce the House to pay out of the Treasury of the United States for these past services; and therefore I am for making provision for payment in future.

I think that the holders of these warrants, as well as the assignees, ought to be made to pay this, and will be willing to do it.

I represent a large number of holders of bounty land warrants, and the argument that it is wrong that the soldier should be called on to pay one dollar for one hundred and sixty acres of land, does not carry with it any force with me. I am satisfied that my constituents—the present holders of these warrants as well as the assignees—are perfectly willing to pay the men who do this service.

Now, I appeal to gentlemen who think something ought to be done for the registers and receivers, that they will meet on this common ground, and say, that in future the holders of the warrants shall pay the amount here specified to the registers and receivers. A very large portion of these warrants have yet to be issued, and so far as any mere party question is concerned, I will say to the Democratic gentlemen who are so confident that at the next election they will succeed in removing the Whig incumbents from office, that they will get the benefit of this provision, because we know, from the number of warrants to be issued, it will be utterly impossible that half of them can be located within the next twelve months. There will be equal and just compensation to all the parties concerned, and I trust the House will adopt the amendment.

The question was then taken on the amendment, and it was agreed to.

The question recurring upon the motion to strike out the second section,

Mr. SACKETT moved further to amend the section proposed to be stricken out, by striking out all after the word "warrants," in the fourth line, and to including the word "acre," in the seventh line, as follows:

"The same rate of compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of \$1 25 per acre."

And insert in lieu thereof the following:

"As follows: for warrants of forty acres, fifty cents; for warrants of eighty acres, one dollar; and for warrants of one hundred and sixty acres, two dollars."

Mr. S. said: The effect of that amendment will be to fix a specific compensation for these registers and receivers, and to make it just half the present rate, or half per cent. each.

This subject was pretty fully discussed when the bill from the Senate, of a similar character to this, was before the House the other day. I am satisfied the House does not intend to pass a provision giving to the registers and receivers the same compensation for locating these warrants that is allowed them for the location of purchased lands, for the reason that these warrants are generally brought to the offices in parcels, and the labor of locating them is therefore not so great as is the labor of locating purchased lands. If I understand the general law—and I believe I do—the compensation proposed by this amendment will be one half the present compensation.

Mr. DUNHAM here interposed a remark, but in such a low voice as to be entirely inaudible to the reporter.

Mr. SACKETT. It will be just half the compensation.

I have no disposition to discuss this question further. It was amply debated when the bill from the Senate was before the House. If it is the desire of the House to reduce the compensation of these officers one half, this amendment will accomplish that object, and preserve a uniform rate of compensation.

Mr. STEPHENS, of Georgia. I am opposed to this amendment, and to every amendment having for its object the allowance of compensation to these receivers and registers for duties connected with these bounty land warrants. But I would ask the gentleman from New York, [Mr. SACKETT,] upon what principle he would make this compensation a percentage? It requires the same labor to register a forty acre warrant as it does to register an eighty or one hundred and sixty acre warrant. If any compensation at all should be given them for these services, it seems to me that it ought to be upon the principle reported by the select committee, and that is to allow them a fixed compensation for locating a bounty land warrant, whether for forty or one hundred and sixty acres. If, therefore, gentlemen intend to pay them anything at all, the proper way would be to allow them fifty cents for each warrant. There is just as much trouble in locating a small warrant as a large one, and there is no reason for a percentage in this case. Where the lands are purchased, the percentage is allowed for the trouble and expense of receiving the money and taking care of it, and transmitting it to the Government. But I am opposed to giving them anything. These officers now have a salary of \$500. What other duties have they to perform but to be there from day to day, and from morning till night, if you please, in the discharge of the duties incumbent on them as registers and receivers? It is for that they receive their salaries of \$500? Why give them additional compensation? The original percentage was allowed, because they had to take care of the public money, and not for the performance of these duties. I am, therefore, in favor of striking out the whole section.

Mr. GAYLORD. I wish to modify my amendment so as to strike out the 2d section and insert the 2d section of the bill reorted by the select committee.

The CHAIRMAN. It is not in order at this time, as there is an amendment pending.

Mr. DUNHAM. What is the precise position of the amendments?

The CHAIRMAN. The gentleman from Ohio [Mr. GAYLORD] moves to strike out the 2d section. The gentleman from New York moves to amend that section by striking out what was read, and inserting a provision to reduce the compensation one half.

Mr. DUNHAM. Is it in order now to move to amend the motion of the gentleman from Ohio, by adding "and insert the 2d section of the bill reported by the select committee?"

The CHAIRMAN. That motion will be in order. It is, however, in order, in the first place, to move to amend the section proposed to be stricken out. Such a motion is pending, and it is now in order to move to amend that portion proposed to be stricken out by the gentleman from New York.

Mr. HARRIS, of Tennessee. Is it not in order for the gentleman from Ohio to modify his own motion? The gentleman from Ohio, if I understand it rightly, moved to strike out the 2d section; he now proposes to modify his motion so as to strike out and insert.

The CHAIRMAN. That would be in order. Mr. HARRIS. Well, that is precisely what I understand the gentleman from Ohio proposes to do.

Mr. GAYLORD then modified his motion to strike out the 2d section of the joint resolution of the House, and to insert the 2d section of the bill reported by the select committee, as follows:

"Sec. 2. And be it further enacted, That from and after the passage of this act, the registers and receivers of the United States land offices shall each be entitled to receive fifty cents for his services in locating each bounty land warrant by him located, to be paid by the person or persons locating the same; but this act shall not be so construed as to allow any register or receiver to receive any greater maximum of salary and fees than by law he is now entitled."

The CHAIRMAN. That question will not be

taken, however, until the amendment of the gentleman from New York is disposed of.

Mr. HARRIS. To be sure not, but when that amendment is disposed of, the pending question will be on the motion to strike out and insert, if the gentleman is allowed to make the modification.

Mr. STUART. I propose to amend the amendment of the gentleman from New York, so as to give these officers two per cent. each, instead of one per cent. for both.

Mr. DUNHAM. I desire, if it is in order, to move to amend the amendment of the gentleman from Ohio, which is to strike out the 2d section, by inserting the 2d section of the bill reported by the select committee.

The CHAIRMAN. That is the motion of the gentleman from Ohio; he has modified his amendment.

Mr. STUART. I have some solicitude upon this subject, but I confess I have also my misgivings as to my own ability, or as to the ability of anybody, to arrest the attention of this committee so as to induce them to act deliberately upon this question. But still I ask the indulgence of the committee, while I submit a few remarks.

I wish to call attention to the fact, that on the last day when this question was discussed here, every single member that rose and opposed amendments to the former bill, declared his willingness to pay these registers and receivers.

[Cries of "Oh! no!"]

Mr. STUART. Yes. I have the record, and I say that on that day every man who opposed amendments to the bill then pending, indicated a willingness to pay these officers, but insisted that it was out of place; that we should first pass the first section of the bill making the land warrants assignable, and then make provision for the compensation of registers and receivers afterwards.

Mr. STEPHENS, of Georgia. I was one of those who opposed that bill, and yet I certainly did not express myself as in favor of this compensation to registers and receivers.

Mr. STUART. The gentleman did not understand me. I did not say that every gentleman who had spoken in opposition to the bill had expressed himself in favor of paying these registers and receivers, but every gentleman who expressed any opinion upon the subject; and, so far as my recollection goes, such was the fact. There were several gentlemen who spoke on the bill who did not express any opinion, one way or the other, in relation to the matter.

I now wish to direct the attention of the House to the propriety of paying these men. I desire to say, in answer to the argument of the gentleman from Georgia, [Mr. STEPHENS,] that argument would be just as good against paying a receiver or register for any other business. They had \$500 salary for entering these lands, payable in money, and they have it now. But Congress has interposed and made land warrants receivable, thereby taking away a great deal of their pay, and reducing it to a mere pittance in most instances, because, in a large majority of cases, the receipts of the land office would not amount to \$500, exclusive of clerk hire. Now, is it fair for Congress to interpose and make an article receivable out of which they received their pay, and then refuse to compensate them for their loss? Is there any principle in it? Is there any reason in it? I think not. If this principle be a true one, you may go further, and make nothing but land warrants receivable, thereby reducing their compensation, in all cases, to the \$500 a salary merely, which would leave them bankrupt.

It was said here, the other day, that a man might hold a land office and attend to it at his convenience, or that in addition to it he might be a merchant, or practice law, or attend to his farm, or anything else. But who can tell when a man will come to enter land? I say the land officer must be at his office all the time; and if you desire to have responsible and competent officers, you must pay them. The essence of the matter is this: you have interposed by law to make an article receivable for land which was not receivable before, thereby taking from your land officers their just compensation by altering the basis of their percentages, and you now refuse to pay them.

Now, it is said, let the holders of the warrants pay for them. That is all right when the warrant has been assigned; but while it is still in the hands of the soldier, he should not be compelled to pay

for it, because, if you insist upon that, his bounty is a mere pittance, not worth receiving. Now, in my humble opinion—and I speak it with deference—we ought to step in and do what is but a mere act of justice to these officers.

Mr. DUNHAM. I stated, the other day, that I should not say another word in reference to this subject, but I wish the House to have correct information as to the amount of clerk hire required in these offices. I hold in my hand a list of all the land offices in the country. Now, in order that the committee may have a correct idea of the amount of the clerk hire required, it is necessary to show an account of the warrants which are entered. I will call their attention to this fact. I have but cast my eye over the list, but I will venture to say that not one third—and not one quarter of the land offices in the United States have, for the whole time since Mexican warrants were first issued, located five hundred warrants a year. Now, if this is true, where is the necessity of this extra compensation for clerk hire? Now, as was stated the other day, by a letter received from a gentleman in Iowa, it was shown that three clerks could enter one thousand warrants in two weeks, and they could enter five hundred warrants in one week. Yet, with these facts staring them in the face, gentlemen get up and tell this committee that this compensation is absolutely necessary in order to pay for clerk hire.

I desire to make one further remark, and it is this: In two thirds of the land offices in the United States they do not begin to enter land enough, if we adopt the present rate of percentage, to pay the \$500 salary which is paid to the officers. And I again say, what I said the other day, I believe, and if I did not, I will say it now, that in several of these offices, for a whole quarter, not a single warrant has been located.

I have one other remark. I say to those gentlemen who have control of these public lands, that I think they are neglecting their duty, if they do not, during this Congress, bring forward a bill to consolidate and abolish many of the land offices now existing, where we are not receiving money enough to pay the actual salary which we are compelled to pay the registers and receivers.

Mr. ORR. I desire to ask the gentleman if he has received information from any source, that a single officer has resigned his office in consequence of the increase of labor from land warrants being made receivable? And if he has ever heard of any difficulty in finding other officers as competent if such resignations have taken place?

Mr. DUNHAM. I answered the gentleman's interrogatory the other day, in reply, I believe, to a question asked by my colleague, [Mr. FITCH.] I said that, when the Administration changed, I do not know of a single man who was willing to go out of office. And when removals were made, I do not know of a single office in my county where there was not at least a "corporal's guard" of applicants for the place; and that, too, at a time when the bounty land law was in full operation. I know of many cases where the officers could not make \$500 a year out of the office.

Mr. CLARK. I wish further to answer the question propounded by the gentleman from South Carolina, [Mr. ORR.] I wish to say that they did not resign because they expected pay.

The CHAIRMAN. No further discussion is in order.

The question was then taken upon Mr. STEWART's amendment to the amendment; and it was not agreed to.

The question then recurred upon Mr. SACKETT's amendment.

Mr. FITCH. I think the amendment of the gentleman from New York is to reduce the compensation one half. Am I right?

Mr. SACKETT. That is my amendment.

Mr. FITCH. I am willing to make a compromise in this matter. Not that I believe that will be doing justice to these officers, but for the sake of making a compromise, I move to amend the amendment by providing for the payment of one dollar for each and every warrant located.

As I remarked, this is not doing justice to these officers, for Congress by making these warrants receivable, have nearly quadrupled the labor of these officers over that of entering these lands for cash. I desire to call the attention of gentlemen around me to some of their own remarks, and particularly that of the gentleman from Georgia,

[Mr. STEPHENS.] As I understood that gentleman, he speaks of the \$500 being given these officers as salary, and of the percentage, as being only designed to pay for traveling expenses, and for a guardianship over the money.

Mr. STEPHENS. I did not say that was the only reason for the percentage, but as one reason.

Mr. FITCH. Very well; as one of the reasons. But the register has no control or guardianship over the money after it is primarily paid. And it will be found that that officer receives no other compensation in the shape of insurance upon this money for transporting it to the Land Office, or to the place where he is directed by law to deposit it. The gentleman from Michigan, [Mr. STUART,] who preceded me, very properly called the attention of the committee to the profession, which was so liberally made a few days since, of willingness to pay these officers a just compensation. I spoke then of these professions as mere subterfuges; and the debate which has occurred to-day, together with the voting upon the various propositions which have been before the committee, will show that I was correct in my statement. If there was a disposition manifested upon that occasion to compensate these officers justly and properly for their labor, that disposition will be manifested now by a refusal to do so.

I have heard this service compared to that of a laborer. I did not hear this in debate, but I have heard it in conversation; and if I mistake not, my colleague, [Mr. DUNHAM,] the chairman of the select committee who reported this bill, has made use of that comparison. Now, for the sake of the thing, let us take it upon this ground. Let us suppose that a laborer under certain considerations is to receive a certain salary or percentage for a service to be performed, and let us suppose that afterwards the character of that service should be changed so as to not only increase the labor, but to diminish the compensation which he had a right to expect. Is it not fair to compensate that man for his services? Is it not unfair to refuse to make that payment for his services? It has been asked, and the question has been repeated here as if it were pertinent to the subject—"Have any of these officers resigned?" The gentleman from South Carolina [Mr. ORR] asked if any of these officers have resigned for want of sufficient compensation? I will remark, that if these resignations have not taken place, it has been because the original bounty land law made provision for something in the shape of compensation for locating these lands—fifty cents each, if I mistake not. After this law was changed, these officers would hold on month after month with the hope that the location of warrants at these particular offices would not increase, and that the cash sales would not materially lessen, until at last they find themselves creditors to the Government to large amounts in their estimation, and they determine to hold on to their offices until the Government had discharged the debt.

My colleague [Mr. DUNHAM] said that in some offices there are no lands entered by these warrants. This, surely, is no reason for not compensating officers where lands have been entered, because this bill does not operate upon such offices. The Government will pay those officers nothing, whether the cash sales have been more or less; whether the percentage amounts to \$500, or less than sufficient to pay their annual salary, it matters not.

Mr. DUNHAM. My colleague did not understand me, or I did not make myself clear in my remark. The force I gave to the remark was, that but few warrants were located at those offices, and consequently small cash sales, and that \$500 salary would pay for the extra labor of locating these warrants.

[Here the hammer fell.]

Mr. BISSELL. Is it in order to move an amendment at this time?

The CHAIRMAN. Any gentleman has the right to oppose the amendment.

Mr. FULLER, of Maine. I wish to oppose the amendment of the gentleman from Indiana, and simply upon this ground: If I understand correctly his mode of reasoning, it is, that because the Government has imposed additional services upon these receivers, it is bound to make them additional compensation. Now, if he is correct, why would not the rule apply with equal force to collectors of our revenue—say, for instance, at

the port of New-York, where there has been an additional amount of revenue collected? Why would it not apply to the officers of the Army and Navy, if by any unforeseen contingency additional services should be imposed upon them?

Mr. FITCH. I would ask if the officers of the Army and Navy receive a percentage as a part of their salary? Their compensation is fixed, and no percentage is allowed them.

Mr. FULLER. So I understand; and so I understand the salary of the receivers is a fixed one; and upon the most ordinary principles of justice between man and man, where a man employs a laborer for a specified price, and imposes additional services upon him, beyond those stipulated in the contract to be performed, he is at liberty to say it is a departure from the contract, and I will no longer labor for this compensation.

The question was then taken on the amendment offered by Mr. FITCH; and it was not agreed to.

Mr. BISSELL. I send up an amendment.

The CHAIRMAN. Is it an amendment to the part proposed to be stricken out?

Mr. BISSELL. I am not quite certain that I understand the condition of the matter as it now stands. I offer it as an addition to the section.

The CHAIRMAN. The Chair supposes it is not in order, as the amendment now under consideration is to strike out a portion of the section and to insert. It will be in order after the question is taken on the pending amendment.

The question was then taken on the amendment offered by Mr. SACKETT; and it was disagreed to.

Mr. BISSELL. I now propose the amendment which I send to the table, as an addition to the 2d section.

The amendment was read, as follows:

And be it enacted, That registers and receivers, whether in or out of office at the passage of this act, or their legal representatives in case of death, shall be entitled to receive from the Treasury of the United States, for services heretofore performed in locating military bounty land warrants, the same rate of compensation provided in the preceding section for services hereafter to be performed, after deducting the amount already received by such officers under the act entitled "An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants," approved May seventeenth, eighteen hundred and forty-eight: *Provided,* That no register or receiver shall receive any compensation out of the Treasury for past services, who has charged and received illegal fees for the location of such warrants: *And provided further,* That no register or receiver shall receive for his services during any year a greater compensation than the maximum now allowed by law.

The CHAIRMAN. Does the gentleman propose it as an additional section to the bill?

Mr. BISSELL. I propose it as an addition to the 2d section.

The CHAIRMAN. The Chair then suggests that the phraseology be altered, as it refers to a preceding section, and there is no preceding section, the first section having been struck out.

Mr. BISSELL. The amendment can be so altered. I understand, by a vote of this committee this morning, upon an amendment proposed by the gentleman from Florida, [Mr. CABELL,] that it is the deliberate sense of this House, that registers and receivers ought to be paid for their services in locating military bounty land warrants, and I concur in that sentiment most fully. The committee has decided now, as I understand, that hereafter registers and receivers shall be paid for such services. Am I right? I did not pay particular attention to the early proceedings in this committee, but I suppose such was the result of the vote taken upon the amendment of the gentleman from Florida, [Mr. CABELL,] However that may be, I trust that the committee will so decide, and that it will also decide that it is equally just that they should be compensated for the services which they have already performed. I have listened to all that has been urged in this committee to-day, and heretofore, in opposition to the proposition to allow registers and receivers compensation for locating these warrants, and I have listened in vain for anything that answers for an argument. It has been said that five hundred dollars is a sufficient compensation to these men for all their services. If that be so—and I understand that to be the argument of the gentleman from Georgia, [Mr. STEPHENS]—I should like to know why that gentleman, before this time, has not introduced a bill into this House to reduce the salaries of registers and receivers; for does he

not know that by the law, as the law now stands, registers and receivers may, and some of them do, receive as high as three thousand dollars? That being the fact, and the opinion of the gentleman being that five hundred dollars is ample compensation, why has he never moved to reduce and equalize these salaries?

Again: it has been said that land officers speculate in land warrants, and by that means make money outside of the fees they receive as officers. That is a charge easily made, but against how many of the officers is it true? Gentlemen get up, and proclaim to this House that these land officers speculate in land warrants illegally, and make fortunes thereby. I cannot answer such an argument. I know land officers who have done no such thing, and I do not know of one who has. I do not pretend to deny that land officers have done such things.

Again, it is said that all the warrants located at any particular office in one year, might be located in three weeks by the aid of three clerks, and it is inferred from that, by the gentlemen pressing this argument, that the registers and receivers ought to be paid for only three weeks' services. Why, sir, that may be true—though they would have to be extraordinary clerks to perform that amount of labor in so short a time—yet it is not known that these land warrants come to the land offices, day by day, scattered along, upon one day one, upon another two, and upon another five, and that registers and receivers know not when they are coming? They have to be at their offices all the time, lest when a man comes twenty, thirty, or fifty miles with his land warrant, he cannot get into the office. The offices have to be kept open, and the officers or their clerks must be there at all times, and should be paid for their services accordingly.

Mr. MARSHALL, of Kentucky. I ask that the vote may be taken upon this subject, for it is useless to discuss all these amendments.

The question was then taken upon the amendment offered by Mr. BISSELL, and it was disagreed to.

Mr. BELL. Is it in order to move to insert an additional section to this section?

The CHAIRMAN. The Chair supposes that it will not be in order at this time, the 2d section being under consideration. The gentleman will have an opportunity to offer his amendment, however, before the bill is disposed of.

Mr. FICKLIN. I propose to amend the 2d section. What was the amendment last voted upon?

The CHAIRMAN. The amendment of the gentleman from New York, [Mr. SACKETT.]

Mr. FICKLIN. Was that voted down?

The CHAIRMAN. It was.

Mr. FICKLIN. Then I propose to amend by allowing three quarters of one per cent. wherever land is sold for cash. I can see no sound reason why speculators and individuals purchasing land warrants of soldiers, should be permitted to locate them free of charge, when a person who pays the money at \$1 25 per acre is compelled to pay one per cent.

Mr. CAMPBELL, of Illinois. The individual does not pay it, but the Government.

Mr. FICKLIN. I can see no difference. Now, what is the state of the case, and what is likely to be the state of the case under the operation of the bill which has passed this House, and which, from present indications, will certainly pass the Senate in some form or other, making land warrants assignable? Is it not apparent that almost the entire business of the land offices in the land States, will be confined to the location of land warrants? Is it not certain, as absolutely certain as mathematical calculation can make it, that where individuals can purchase land warrants covering one hundred and sixty acres of land for \$100, that all the business of these offices will be confined to the location of land warrants, not in the hands of the original soldiers who rendered the services for which they were received, but in the hands of speculators who have purchased these warrants?

Now, it has been said by my friend from Georgia, [Mr. SPRAGUE,] who, not living in any of the new States where this work has to be performed, cannot be so familiarly acquainted with it as the gentleman from Indiana, [Mr. DUNHAM,] who occupies the same position—that \$500 is a compen-

sation to these land officers. I say that \$500 is not a compensation to any land officer competent to the discharge of the duties of one of these offices. It requires something more than a day laborer. It requires a man of education, a man of skill, a man of judgment, to discharge creditably to himself and usefully to the Government and the people the duties of one of these offices. And I think no gentleman upon this floor, in view of the salaries which are paid to the various and almost innumerable officers of the Government, will say that even a clerk, competent to discharge the duties imposed upon land officers, would be compensated by the salary which is given—the sum of \$500. It has been well said, and I believe the remark cannot be successfully contradicted, that in most of the offices the percentage and salary added together will not amount to the sum of \$700. I ask if that sum will support a family of a man competent to discharge the duties of these offices?

Mr. CARTER. If the gentleman will permit me, I wish to direct his attention to this point: What would be the advantage of the position in point of capital for land speculation in these offices? Would it fall below a capital of \$50,000?

Mr. FICKLIN. I will reply to the gentleman's interrogatory—that it is not worth, to the faithful and honest land officer, one cent.

[Here the hammer fell.]

Mr. YATES. I dislike to trouble the House, but I will make one more appeal to the members of the House upon the subject of giving to these land officers fair compensation for past and future services. If the gentlemen upon this side of the House will not listen to the just appeals of their fellow-Whigs, who have been in office, I will address the appeal to the gentlemen upon the other side, and I will say to those gentlemen, that while their Democratic registers and receivers were in office they received this commission of one per cent. upon the actual cash sales. They received it all the time they were in office. This law giving a salary of five hundred dollars, and a commission of one per cent. on the moneys received, as a compensation for clerk hire, receiving, safe-keeping, and transmitting the public moneys, was originally passed in the year 1818. The Democratic registers and receivers have received this compensation for a period of thirty years past. I then ask the Democratic members of this House, if they will not do equal justice to the Whig office holders—the registers and receivers who held office under the last and present Administrations? I ask them to do the same justice to the Whig office holders that this Government has done in all time past to Democratic office-holders.

It is not true, as is contended, that these registers and receivers invariably receive this compensation of \$500, although that is the stated salary. I have shown that in the district of land subject to sale at Springfield, Illinois, the percentage land officers are allowed, and the amount they receive for the location of land warrants, both, do not amount to the sum of \$500. Well, then, add \$500, their fixed salary, and deduct for clerk-hire, (and you cannot get a good clerk for less than \$400.)—

Mr. DUNHAM. If the gentleman will allow me to ask him a question—

Mr. YATES. I would ask the gentleman to excuse me, as I have but a few minutes more. You cannot get a good merchant's clerk in the West for less than \$400. Out of that \$1,000 is to be deducted clerk-hire, office-rent, fuel, stationery, the expense of receiving, safe-keeping, and transmitting the public money. And in numerous land districts in the West, the percentage on cash sales, and the amount received for locating assigned warrants, are not as much as that received in the Springfield district. Do gentlemen say that this is adequate compensation?

I repeat again, sir, that if our Whig friends will not do justice to Whig receivers and registers, I appeal to the sense of justice of the members upon the other side. I ask them to mete out the same measure of justice to Whig office-holders that they have to the Democratic, and especially when they assert with so much confidence that we are to have these offices for so very short a period longer. I submit it to the sense of justice of this House. What more can we do or say? Will gentlemen close their ears against a true statement of the facts? The appeal of these registers and receivers is a just one; their compensation has been and is

entirely inadequate. And, sir, I cannot conceive how gentlemen can refuse to allow them that to which they are so manifestly entitled by every consideration of fairness and propriety. And the more especially, should this be the case, when we do not propose to increase their compensation, but to give them only the same pay which registers and receivers have always had from the Government.

Mr. DUNHAM. I move to insert "one quarter." My object is to give my young friend from Illinois some information that I think he does not possess in reference to this matter, although he resides in the Springfield district. The amount of salary and perquisites of the register at the Springfield land office—who, I believe, was a Whig incumbent—was \$1,411 94, including the deductions of which the gentleman has spoken. For the three quarters of last year the whole amount of compensation of the receiver was \$1,295 and some cents. The whole number of Mexican land warrants located at the Springfield land office, from the beginning to the present time, was 1,463. They have been about four years being located, which will make something less than four hundred a year; and they received half a dollar each for nearly all of them—making \$200 more to be added to the annual compensation I have already stated. I do not know how many additional clerks that register or receiver needed to have employed to locate these warrants. I should think this additional \$200 ought to have paid all the additional clerk-hire.

Mr. YATES. What was the amount of cash sales during the same period? How much did they receive upon cash sales?

Mr. DUNHAM. I will give the gentleman the percentage received, and then he can figure it himself. He has more time than I have, as I am speaking and he is not.

Mr. YATES. For the period of four years and eight months, the cash sales were \$102,000. Well, by making a calculation the percentage will be over \$250.

Mr. DUNHAM. The gentleman is mistaken. I have the record from the land office.

Mr. YATES. I have the same.

Mr. DUNHAM. I have the record lying before me, that contains the income of every land office in the United States; as also the number of warrants which have been located at every office. The gentleman is in very great error.

Mr. YATES. I have the statement of the Commissioner of the Land Office and cannot be mistaken.

Mr. DUNHAM. I want to say a word in reference to the gentleman's allusion to the Democratic party. I believe the first bounty land law was enacted under a Democratic Administration, and at the time one branch of Congress was Democratic; the officers in the land offices were Democrats. I apprehend, then, that the Democratic party have had something to do in fixing the compensation which was to be paid for the location of these land warrants, and consequently I think the Democratic party did mete out to those then in offices, precisely what we are willing to extend to those now holding these offices.

Mr. PARKER. I was not disposed to trespass upon the time of the House, but it struck me there was an idea or two connected with this matter that has not yet been properly considered. I will observe, however, in the first place, that it appears to me this discussion has degenerated, and that it does not become the character of this House, particularly at this juncture, to inquire whether Whigs or Democrats are to be profited by this bill. Our land laws are not of recent origin. They date back some thirty, perhaps forty years, or more. They have worked remarkably well during all that time. If there is any one system of laws connected with this whole country that has been popular with the mass of the people, it is our land laws. What has made them so? Because they were nearly as perfect as any of our laws could be. Now, how stands it, so far as this matter of compensation to registers and receivers is concerned? For perhaps thirty years they have been acting under the system of compensation we ask now that they shall be allowed to act under in reference to bounty land warrants. What new principle has intervened to change the system in this regard? I would like gentlemen to answer me this question. Has the time come to diminish the rate of their compensa-

tion, especially when there is nothing left but the remnant of large districts of fine land. Take my own State, if you please. There is no public lands in my own district. There is not an acre left there. We have no land officer. I have no interest in this question, directly or indirectly, but I am interested in the institutions of this country. This system has worked well. Nearly all the lands have been taken up in my State. The districts are comparatively impoverished.

These land officers now occupying these offices are parsimoniously paid under the new system you impose upon them. Is it right? Does it become the American people at this juncture, and for what? Why is the compensation of these land officers thus cut down? Why, it is to make a bounty for these men who have periled their lives in the bloody wars for the defence of the country—it is for this that these civilians—these land officers are thus bled—it is to pay the soldier out of the money that is extracted from these land officers. Does that become the chivalry of the American people? Are we thus straightened to raise the bounty our gratitude would pay? I think not. Return to the system we have long acted upon, and a blush of shame will not then mantle your cheek, especially in a case of this kind. If we have been paying these officers too much in times gone by, when the West was full of fat lands, and everybody was seeking them from the ends of the earth—let us declare in the abstract that we have been doing so, and that we have been deceived all the while, rather than go to work now upon these land officers who are holding, upon stinted allowances, the same positions their predecessors have for many long years, upon liberal pay, and that too for the purpose of raising a bounty for the soldiers who have reflected credit and glory upon the character of your country. Now is that right? Is it proper? Is this House, are the American people prepared for such a step?

Connected with this matter, there is another thing, I confess, does not very well accord with my sentiments of right and of justice. It is the attack upon the office-holders. Sir, the time will not come soon when we can do without office-holders, and when we are not bound to them. It is best to be upon good terms with them. If we could place ourselves at defiance with these office-holders, and all others in Government positions, there might be some propriety in it; but so long as we have a Government we must have officers; and they should not be assailed as our enemies. We have had some experience, as I said before, in times gone by; and who has complained that these officers were too well paid, when their income was much more than now? In the most rampant time of Jacksonism, or the Whiggery of other days, did you hear a word of complaint that those officers were getting too much? Why is it the cry is raised now against their compensation? Let them answer who can. And let them say if the country has become so poor that this tax must be levied upon land officers to raise proper bounty for the soldier.

The question was then taken upon Mr. DENHAM's amendment, and it was rejected.

The question then recurring upon Mr. YATES's amendment, it was taken, and the amendment was rejected.

The question then recurring upon Mr. GAYLORD's amendment to strike out the 2d section of the resolution and to insert the 2d section of the bill of the select committee.

Mr. STUART demanded tellers; which were not ordered.

The question was then taken, and it was agreed to.

Mr. BELL offered the following as an additional section, to come in it at the end of the 2d section:

1. That the provisions of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," passed September 28, 1850, be and are hereby intended to and for the service of any commissioned officer, musician, or private, who engaged to serve for a definite or indefinite period of time, and actually did serve some time, though less than thirty days in any of said wars enumerated in the first section of said act, so as to allow to such person or persons entitled thereto forty acres.

2. That in cases where there is no widow or minor child or children, entitled under the provisions of said act, then the heirs at law and next of kin shall be entitled to receive the same quantity of land that such deceased commissioned officer, musician, or private, would have received had he been living at the passage of said act.

3. That in the event of the death of a commissioned officer, musician, or private, who shall have made application for bounty land under the provisions of said act, during the pendency of such application, any warrant issued in the name of any such deceased applicant, such warrant so issued shall not become void, but shall inure to and for the benefit of those entitled thereto, the same as if such officer or soldier had been deceased at the passage of said act.

Mr. BELL. I wish, in a very few words, to direct the attention of the committee to the provisions of the amendment I propose, for I am satisfied that if they understand it, they will give it their support. The first amendment I propose is, that where applications are made under the law of 1850, for those who were in the war of 1812, and the Indian war, and who served less than thirty days, or actually engaged to serve and were honorably discharged according to the provisions of that act, they should be entitled to forty acres of bounty land. Now, such is the provision granting bounty land to Mexican soldiers; and I know this committee, when they correctly understand this matter, will draw no distinction.

The second amendment I propose is this: that when under the provisions of this act of 1850, there shall be no minor heir or widow surviving to draw the share the deceased soldier was entitled to, then his other heirs shall draw such share. The provision that was made in the law granting bounty lands to Mexican soldiers, was right and applicable at that time, confining the bounty to the minor heirs and widow, for these soldiers were then fresh, as it were, from the battle-field. There were fathers, mothers, widows, or minor heirs in the greater part of these cases; but who would claim that this should have any application to those who served in the wars of Wayne, St. Clair, Harmer, or the last war with Great Britain? The policy of granting bounty lands has been already adopted and sanctioned by this Government. Why shall we not, then, equalize the benefits of these acts, and extend the same provision to the soldiers of 1791, under St. Clair; of 1793 and 1794, under Wayne, to the soldiers under Harmer, and those in the war of 1812?

Let me tell you a single fact. At a meeting last fall, when the citizens of western Ohio and eastern Indiana gathered up and reentered the bones of the five hundred who had fallen in St. Clair's defeat, those who had been engaged in that battle were invited to join in the procession, but there was not one there ready to respond to the call. When the children of those hardy veterans were called upon to fall into the procession, you see but the number of forty or more. Now, I ask you if these men are not equally entitled to the benefits which you give to those who served in your subsequent wars? I claim that they are.

Who will pretend to deny that those who marched from North Carolina; that the regiment of bold Kentuckians who crossed the Ohio, and marched out through the wilderness one hundred miles to that fatal battle-field—are not equally entitled, I will not say to the benefit of this Government, but honest payment for their services? If they do not live to enjoy the benefit of the bounty, give it to the nearest of kin—to the persons upon whom the soldier would confer it, if he were living, and which the law would give them in relation to any other estate. I hold that it is a payment of service for which this Government professes, and intends by its laws to provide for. The third section provides for the cases, in relation to which I have obtained information from the Secretary of the Interior. It is a provision for those cases where the applicant dies during the pendency of his application.

The amendment I propose provides that the benefits of the bounty land act shall inure to the widow or children of the officer or soldier, the same as if he had been deceased at the passage of the act. It does not require a new application. The rules of the Department now require that a new petition should be filed. This third section simply reinstates the provision which was adopted by the Department under the law, giving bounty land to the Mexican soldiers. I would ask for a division, so that we may vote upon this matter understandingly. I believe it is understood that the committee will adopt these amendments.

The question was then taken, and a count being had, there were—ayes 49, noes 35—no quorum voting.

Mr. ORR demanded tellers; which were or-

dered; and Messrs. MASON, of Kentucky, and FULLER, of Maine, were appointed.

Mr. HARRIS, of Tennessee. It is obvious that there is not a quorum present, and I therefore move that the committee rise. The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order of the House, being joint resolution No. 1 of the House, explanatory of the act approved September 28th, 1850, entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," and had come to no conclusion thereon.

On motion by Mr. FOWLER,

The House then adjourned.

NOTICE OF A BILL.

By Mr. CLARK: A bill to regulate the terms of the district court for the district of Iowa.

PETITIONS, &c.

The following memorials, petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. DURKEE: The petition of James McFee and 27 others, of Guilford, in the State of Illinois, praying that our Government may use its best endeavors to secure by treaties with other nations, a code of international laws for the peaceful adjudication of national disputes.

Mr. CONGER (December 17, 1851) presented the petition of the present and late land officers at Genesee, Michigan, praying compensation for locating military bounty land warrants.

Mr. CONGER (January 16, 1852) presented the petition of citizens of the State of Michigan, praying for the construction of a ship canal at Sault Ste. Marie, in said State.

Also, the petition of citizens of Saginaw county, in the State of Michigan, praying for the improvement of Saginaw harbor.

Also, a map of that portion of the State of Michigan, called New Holland, heretofore presented. February 7th, 1850.

Also, the petition of citizens of Detroit, in the State of Michigan, in relation to the improvement of the southern shore of Lake Superior, heretofore presented. February 25th, 1850.

Also, the petition of citizens of the State of Michigan, in relation to Sand Beach, on the coast of Lake Huron, heretofore presented. February 8th, 1851.

Also, the petition of citizens of the State of Michigan, in relation to the extension of the Mobile and Chicago railroad to Lake Superior.

Also, two petitions of citizens of the State of Michigan, praying for an appropriation for the improvement of the harbor at the mouth of Clinton river, in said State.

Also, the proceedings of a meeting of citizens of Macon county, in the State of Michigan, of like import with the foregoing.

Also, the report of Colonel Abert, in relation to the improvement of the harbors on the east coast of Lake Michigan.

Also, the petition of citizens and all the officers of St. Clair county, in the State of Michigan, praying for the establishment of a mail route from Columbia, in St. Clair county, via Memphis, East Berlin, West Berlin, to Almont, in Lapeer county, in said State.

Mr. CONGER (February 9, 1852) presented the petition of Jacob Shook and others, citizens of Harrison, in Macon county, Michigan, for improvements at the mouth of Clinton river.

Also, the petition of William M. Fenton and others, citizens of Genesee county, Michigan, praying a grant of land to said State for the use of the railroad company, to aid in constructing a railroad from Pontiac to Ottawa county, or Grand Haven, on Lake Michigan.

By Mr. TAYLOR: The petition of Culbertson, Means & Co., and 17 other firms, including the names of the practical iron manufacturers of the counties of Lawrence, Scioto, Jackson, and Galia, Ohio, and Greenup county, in Kentucky, setting forth, that the manufacture of iron is depressed to a degree that must soon result in a total suspension of the business; and praying Congress to grant such protection to the iron manufacturers as was contemplated by the tariff act of 1846, at the time of its passage, and that the duty on iron may be made specific; as under the ad valorem system, the duty is merely nominal when most needed, and highest when probably not needed at all.

Also, the memorial of James W. Davis and 154 others, citizens of Portsmouth, Ohio, praying Congress to appropriate a sufficient sum of money to construct another canal, on either side of the Ohio river, at the Falls, at Louisville.

By Mr. SMART: The petition of Stephen Thurston and others, of Seaside, Maine, praying that the law regulating the spirit ration in the Navy may be repealed.

By Mr. RIDDLE: The memorial of the City Council of Wilmington, Delaware, praying for an appropriation to build a custom-house in the Delaware district.

By Mr. OLDS: The petition of the messengers in the Post Office Department, asking an increase of compensation.

By Mr. CHANDLER: The memorial of the city of Philadelphia, asking Congress to repair and construct harbors in the river Delaware for the protection of vessels in the winter.

Also, two memorials, numerous signed by citizens of Pennsylvania, asking a modification of the tariff of 1846.

Also, the memorial of Catherine Struberg, of Philadelphia, asking for the restoration of lands that, in equity, belong to her under circumstances stated in the petition.

IN SENATE.

THURSDAY, February 12, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

PETITIONS.

Mr. BORLAND presented the memorial of George W. Clarke and others, stockholders in the Arkansas and Central Railroad Company, praying a donation of land to aid in the construction of that road; which was ordered to be laid on the table.

Mr. WADE presented the memorial of Stephen Potts and C. L. Madison, assistant marshals for taking the Seventh Census in Guernsey county, Ohio, praying additional compensation; which was referred to the Committee of Claims.

Also, the memorial of the heirs of Daniel Landow, praying indemnity for property destroyed by the enemy during the last war with Great Britain; which was referred to the Committee of Claims.

Mr. ATCHISON presented the petition of George W. Dent, in behalf of occupants of land in townships 43 and 44, in the State of Missouri, praying the disposition of said lands in conformity to the views of the Solicitor of the Treasury and the Commissioner of the General Land Office; which was referred to the Committee on Public Lands.

Mr. FISH presented the memorial of William Trean, praying the establishment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which was referred to the Committee on Foreign Relations.

Also, the memorial of the New York Institution for the Instruction of the Deaf and Dumb, praying the publication of certain statistics relative to the deaf and dumb, abstracted from the schedules of the Seventh Census; which was ordered to lie on the table.

Mr. BRADBURY presented the petition of William H. Ellis and others, assistant marshals in the State of Maine, for taking the Seventh Census, praying additional compensation; which was referred to the Committee of Claims.

Also, the memorial of ship-owners, merchants, and others, of Bowdoinham, Maine, remonstrating against the repeal of the act for the reduction of expenses of proceedings in admiralty against ships and vessels; which was referred to the Committee on the Judiciary.

Also, the petition of George B. Clarke, praying that Congress will redeem the continental money held by him, received for revolutionary services; which was referred to the Committee of Claims.

Mr. SEBASTIAN presented the memorial of the widow of William Reiley, an officer of the revolutionary war, praying to be allowed the loss sustained by the depreciation of the commutation certificates substituted for half pay for life; which was referred to the Committee of Claims.

Mr. HAMLIN presented the petition of ship-owners and ship-masters of St. George, Maine, praying that a light may be placed at the entrance of Tenant's Harbor; which was referred to the Committee on Commerce.

Also, the memorial of Asa Whitney, proposing to construct a railroad from Lake Michigan to the Pacific ocean, and to transmit the mails thereon, upon certain conditions; which was referred to the Committee on the Post Office and Post Roads.

Mr. MALLORY submitted documents in support of the claim of Richard Fitzpatrick to indemnity for losses sustained in consequence of the occupation of his land by the United States troops as a military post; which were referred to the Committee of Claims.

Mr. DODGE, of Iowa, presented a petition of inhabitants of Davis county, Iowa, praying a donation of land for the construction of a railroad from Lafayette, Indiana, to the Missouri river; which was referred to the Committee on Public Lands.

Mr. SEWARD presented the petition of William Dusenbury, praying an increase of pension; which was referred to the Committee on Pensions.

Also, the petition of William Dusenbury, praying bounty land; which was referred to the Committee on Pensions.

Mr. FISH presented the petition of W. W. Woodworth, administrator of William Woodworth, deceased, praying for an extension of patent

for a planing machine; which was referred to the Committee on Patents and the Patent Office.

NEW JERSEY ON THE COMPROMISE.

Mr. MILLER. Mr. President, I present to the Senate certain resolutions passed by the Legislature of New Jersey relative to what are generally called the compromise measures.

One of these resolutions instructs the Senators from that State "to resist any change, alteration, or repeal" of those measures.

It was said by one of my predecessors—the lamented Southard—on presenting to this body instructions with which he had been honored, that, if the New Jersey Senators were not the most learned members of the Senate, they certainly were the best instructed Senators north of Mason and Dixon's line. But, sir, I do not intend, on this occasion, to repeat my dissent to the doctrine of legislative instruction, or to argue that point with the Legislature of New Jersey. I am satisfied that the members of that honorable body, while claiming the right, as the representatives of a free people, to express their conscientious opinion upon national affairs, will also grant to me the same privilege, in the discharge of my high duties as a member of the Senate of the United States; and if I should on this or any other occasion disobey their instructions, it will not be on account of any disrespect for their opinion, but because I cannot permit the opinions of others, however high may be the source from whence they come, to take the place of my own sense of duty and of my solemn convictions of right.

In presenting these resolutions, I will do what I am not in the habit of doing—never before I believe—throw myself upon the indulgence of the Senate while I state my own position upon the measures referred to.

It is known to the Senate and to the country that I did not approve of the bill reported by the Committee of Thirteen—called the omnibus bill. I opposed that bill not because I objected to a fair and honorable settlement of the agitating questions embraced within it—for I yield to no man in an earnest desire to relieve Congress and the country from all agitation growing out of the question of slavery in all its forms. I have never willingly engaged in any agitating debate upon that subject; and, when called upon to express my opinions, I have endeavored to treat the subject as a national, and not as a local question.

My objection to that bill was principally confined to the mode and kind of settlement it proposed. I preferred another plan of adjustment. I refer to that proposed by the late President, General Taylor, in his message to Congress upon that subject. I then thought, and subsequent events have strengthened my opinion, that if Congress had received General Taylor's plan of adjustment of these questions, and carried it out in the same liberal and national spirit with which it was proposed, that plan would have been more satisfactory to the whole country than the one which was finally adopted. But let that pass. I do not desire now to indulge in offensive comparisons.

The grand mistake of the omnibus bill, and that which finally defeated it, consisted in the combination of all the measures in one bill. It was this obnoxious feature that drove from its support many of the best friends of adjustment and compromise. It was evident, from the day that bill was reported until its final rejection by the Senate, that the measures combined could not pass; but it was at the same time equally obvious, that there was no day, during all that time, when either of these measures, presented separately, would not have received a majority of the votes of this body.

We all know the history of the omnibus. After six months of labor and toil, it finally fell, crushed beneath its own weight. Then it was that the real work of compromise commenced. I admit that the materials were gathered from the ruins of the omnibus, but their availability consisted in being used upon a new plan of construction. Each measure was taken up separately, according to the plan of settlement proposed in the original resolutions submitted by the distinguished Senator from Kentucky. Although this plan also proposed a general system of measures, yet each measure was permitted to stand upon its own merits—thereby leaving every member free to vote upon each, according to the dictates of his own judgment.

The propriety of this course was clearly shown

upon the final passage of the separate measures; for it will appear by the Journals that several of the most ardent friends of the omnibus bill voted against, or neglected to vote for, several of the measures which they had supported when combined in that bill, while many of its most violent opponents voted for them in their separate form.

It was this independent course of action—a course which I was in favor of from the beginning—which finally passed these several measures, and secured to the country whatever there is of good or of evil in the compromise.

More than this: it was this separate consideration of each measure that has secured to these laws a moral and a political force and influence which they would have been deprived of if they had been passed in combination. It is this feature, more than any other, which has lulled excitement and caused these laws to be respected and acquiesced in by all parties. No man can now say, with any show of truth, that these laws were the result of combination. Neither can any man, or set of men, assume to themselves the peculiar honor and glory of saving the Union by the passage of these laws; for they were respectively passed by the votes of men of all parties, and in opposition to votes from all classes of politicians. This constitutes the true strength of the compromise, and secures it from repeal. All these laws but two have been executed, and are now beyond the power of repeal. The law abolishing the slave trade in the District and the fugitive slave law are all that can possibly be made the subject of further agitation. The former no one thinks of disturbing. The latter, although threatened with opposition in a few localities, has the acquiescence, if not the approbation, of the country. Nowhere is the question agitated with any seriousness except in legislative halls—exhibiting the strange anomaly of a people upon whom the law operates acquiescing in and sustaining its enactments, while the law-makers are, by these *ex post facto* agitations, disturbing the sanctities of a law which they themselves created.

I here desire to state my own course with regard to the fugitive slave law.

Before the Committee of Thirteen was raised, and while the resolutions of the Senator from Kentucky were under discussion, I expressed, in a speech made here, my opinions and views upon that measure. I then, in substance, said that, owing to a construction which the Supreme Court of the United States had, in a late decision, put upon the law of Congress relative to the surrender of fugitive slaves, and also upon the State laws upon the same subject, it became the duty of Congress to pass some new law, in order to carry out more effectually the requirements of the Constitution; and I then declared my purpose to vote for any proper law that would effect that object. I also on that occasion attempted, in my feeble way, to defend New Jersey against what I considered an imputation upon her honor, that she would not faithfully carry out the requirements of the Constitution. No one, therefore, has the right to charge me with any factious opposition to the fugitive slave law, or to suspect me of a disposition to agitate that subject.

When the Senate finally acted upon that measure, I was confined at my house in New Jersey by sickness. Had I been present on that occasion, I should have preferred the bill presented by the late Senator from Massachusetts [Mr. Webster] to the one which passed the Senate. I think that bill would have been more acceptable to the North, and would have secured the rights of the South as effectually as the present law.

But, whatever opposition I may have felt it my duty to make to any or either of the measures embraced in the compromise while under discussion, yet, as soon as they were enacted into laws, it became my duty, as it is the duty of every good citizen, to sustain them with as much fidelity as if I had voted for each and all of them. In saying this, I but express the common sentiment of the people of New Jersey, who have always shown their devotion to our republican institutions by a cheerful submission to the voice of the majority, when that voice is expressed in constitutional law.

I am now opposed to all further agitation upon this subject. The quiet of the country, and even the sanctity of Congress, demand that we should cease our disputations. Sir, my abhorrence to agitation upon this subject is such that it may even

carry me beyond my instructions; for I go against agitation on either side of this question—agitation as well by those who were in favor of the compromise as by those who were against it—agitation from the North as well as from the South—agitation in State Legislatures and in the halls of Congress. Of all miserable agitation is agitation after the fact. It is the cry of alarm, after the danger is passed, for the mere love of the excitement. To revive a spent whirlwind that it may blow down a few more trees—to rouse the sleeping lion merely to hear him roar again—may suit the taste of some, but they who indulge in this kind of excitement may find that there is more danger than amusement in the play.

My desire to secure repose and quiet to the country upon this subject will also compel me to vote to lay on the table the resolution offered by the late Senator from Mississippi reaffirming the compromise. I consider that resolution, although not so intended by the mover, an indirect impeachment of the law, throwing doubt upon its supremacy, and opening the door for renewed agitation upon a subject which the country desires should remain at rest.

One of these resolutions declares—

"That New Jersey, one of the original thirteen States, has always adhered to the Constitution, and is inalienably attached to the Union, and that she will resist, to the extent of her ability, any infraction of that sacred instrument."

Mr. President, it was scarcely necessary for the Legislature to declare at Trenton, or for me to repeat the declaration in the Senate of the United States, that the people of New Jersey had always "adhered to the Constitution, and were inalienably attached to the Union." I did suppose that that was a fixed fact, and need not to be re-resolved upon.

Devotion to the Constitution and the Union—one and the same—is a universal feeling in New Jersey—a domestic passion—as pure as the genial air of her green hills, and as notorious as her revolutionary battle-fields. It is written in her history from the earliest annals to the present hour, and it is recorded in the proceedings of the convention which formed the Constitution, where it appears that New Jersey had the honor to make the first suggestion to her sister States which led to the formation of our glorious Union.

Our devotion to the Union will acquire no additional ardor or strength by being embodied in the cold forms of legislative resolutions, for it has an abiding home in the warm heart of every true Jerseyman.

But, sir, our loyalty to the Constitution is not derived from, nor sustained by, the principle stated in the preamble to these resolutions. It is there asserted that the Constitution is a compact between the several States, and that it was established by the States in their sovereign capacities. I will read that part of the preamble:

"Whereas the Constitution of the United States is a compact between the several States, and forms the basis of our Federal Union:

"And whereas the said States, through their representatives in sovereign capacities as States, by adopting said Constitution, conceded only such powers to the General Government as were necessary to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and posterity."

These are not Jersey words nor Jersey sentiments. They are taken from the vocabulary of another State, and are the teachings of a political school in which the people of New Jersey (if their Senators are) have never been instructed. Our devotion to the Constitution rests upon a foundation deeper and broader than that formed by a mere compact between the States. Our allegiance is to a national Union ordained and established by the people of the United States. This is the Union which the people of New Jersey helped to form. This is the Government which they are ever ready to sustain with free and loyal hearts.

The Legislature of New Jersey will therefore pardon me if, on this occasion, I shall take for my rule of conduct the preamble to the Constitution of the United States in preference to that prefixed to these resolutions.

The resolutions were read.

Mr. STOCKTON. I have also had the honor to receive the resolutions passed by the Senate and General Assembly of the State of New Jersey, which have just been presented by my honorable friend and colleague. Those resolutions, sir,

are patriotic and explicit, and need no commendation or explanation or defence from me. Nor is it necessary that I should follow the example of my colleague, and restate my opinions in regard to the important matters of which they treat, further than to say, that I entirely concur in the sentiments which they express. I have heretofore written and spoken as much on this subject as I ought, perhaps, to write or speak on any subject; and if Senators and the country are not sufficiently well informed in regard to my opinions, it certainly is no fault of mine. It would, likewise, be quite superfluous for me to enter upon any vindication of the course which New Jersey has taken in relation to the subject-matter of these resolutions. If, unfortunately, she may, by that course, have alienated from her the affectionate regard of any of her sister States of the North, I can only for her, regret such a result, and say, that what she has done was intended for the welfare of the Union—the whole Union, and nothing but the Union. It was not that "she loved Caesar less, but that she loved Rome more." If the men of the South are not satisfied with her course, all that I will say to them is, that they are hard to please.

Mr. President, it is a subject of regret as well as surprise to me, that the differences of opinion in regard to the construction of the Constitution should continue to excite in the minds of a portion of our fellow-citizens, such strong feelings of bitterness and resentment. Differences of opinion acrimonious and exciting, in relation to the interpretation of the Constitution, are no novelties. Bitter controversies growing out of such diversities of opinion, disturbed the country long since quite as generally as that which is referred to by these resolutions. Happily they were not of long duration. They subsided when the will of a majority of the States became known. Why, sir, at the time of the adoption of the Constitution, great diversities of opinion existed among the founders of the Republic. Formidable parties in Massachusetts, in New York, in Pennsylvania, and in Virginia, vehemently opposed its adoption, and in many of the smaller States there were great objections to some of its provisions. It is known that it was not the plan preferred by New Jersey, and differed in many respects from the one presented by that pure patriot and eminent statesman and jurist, Judge Patterson, from New Jersey. But that was the age of self-sacrificing virtue. Our fathers sacrificed their feelings, their personal interests and ambition, to the public safety. They magnanimously acquiesced in the will of the majority of the States, and exerted their best faculties to perfect the Constitution, and to hand it down to posterity as a bond of Union. Following the example of the wise and patriotic founders of the Constitution and their cotemporaries, I can perceive no reason why we should refrain from uniting as they united, in a spirit of generous conciliation, to preserve the Constitution hereafter from infraction, and to restore that harmony and those fraternal feelings which should exist between the different parties to this compact, and which are so essential to its beneficial existence, as well as to the happiness of mankind.

Mr. President, the passage of these resolutions has given me no ordinary satisfaction. They were unanimously adopted in each House of the New Jersey Legislature. They embody the undivided sentiment of that State. There, at least, no dissenting voice is now audible in opposition to the compromise measures. This unanimous declaration of the opinions of New Jersey, is entitled to great respect from the States of this Confederacy. It is a voice from the Flanders of revolutionary America. New Jersey is that State which, more than any other, was the battle-field of the Revolution. And is it too much to expect, that her example should exercise a salutary influence upon Congress, and the whole country for all time? Certainly not, if unsparing sacrifices for the achievement of freedom, and unfaltering fidelity in maintaining it, deserve commendation and respect.

Sir, New Jersey has produced her heroes and her statesmen, but not her historian. When her history is written, that will be her eulogy. There is no stain on her escutcheon. Her sons can trace back their ancestry through many generations without finding their blood curdling in the veins of a slave. Her territory was settled by freemen, by men whose pride it was, not only to be free,

but just. True to themselves, and true to virtue and patriotism, no foot of her soil was wrenched by fraud or force from the original savage proprietors. The last shadow of an Indian claim, a claim to some reserved hunting and fishing grounds, was voluntarily extinguished by purchase many years ago. She has as much pride in looking back to her colonial as to her national history. In the long struggle with insolent governors and royal prerogative, her people were never driven back one hair line from the assertion and maintenance of all the rights conferred upon them by their original grant; and when the final struggle for independence came, she was then among the first to enter the bloody arena. She threw overboard the Royal Government, and established a free constitution before the Declaration of Independence, and in advance of her sister States, with the exception, I believe, of New Hampshire and South Carolina. Of the part which she took in that memorable struggle, she has memorials which will never perish. Bunker Hill and Lexington and Brandywine and Charleston were glorious, but not altogether successful fields. They wear the laurels of Thermopylae. But the Marathons of the Revolution are in New Jersey. Trenton, Princeton, and Monmouth—commemorate victories. From their bloody fields freedom sprung disenthralled and invigorated. None of the "Old Thirteen" made more costly pledges to the cause of Liberty and the Union. On her territory everywhere may be seen the marks of hostile armies. None of her old household homesteads, but are rich with the legendary tales of plunder and cruelty suffered at the hands of the enemy. Few of her old families, but gave of their best blood to the cause; and when the struggle was ended, she reposed on the sacrifices she had made, and left to others the task of boasting of their achievements. She had performed her duty and was satisfied.

Nor has New Jersey been less true to the Union in peace than in war. Among the first in her exertions to achieve our liberties, she yields to none the palm of superior exertions in maintaining them. When the imperfections of the Articles of the old Confederation became manifest, she was the first to clothe her Commissioners to the Convention at Annapolis, in 1786, with full powers to remodel the whole form of Government. She united with New York, Pennsylvania, Delaware, and Virginia, in giving the first impulse to the movement which produced the Constitution. She was only second to Virginia in sending delegates to the Constitutional Convention; and when the Constitution was formed, she took the lead, with Pennsylvania and Delaware, in its ratification. She was the first, as I stated the other day, to approve the important amendments to the Constitution which secured freedom of religion and of speech, and the right of petition, which have been the safeguards of the States against the encroachments of the General Government. She furnished her full proportion of those great men whose eloquence and wisdom have guided your public councils, and whose heroism has adorned your military annals. The first bright names given to glory in the war of 1812, were those of Pike and Lawrence, true representatives of the Jersey Blues. The first died in the arms of victory at Little York—the other with the memorable words "Don't give up the ship," on his lips. There she is. Though small, comparatively, in territory, she yields to none in honor, virtue, and patriotism. She has never been at your doors begging importunately for her share of the "loaves and fishes." If in the lifetime of this Government, now embracing a period of three generations of men, she has ever had more than two Secretaries of a Department, and one Judge of the Supreme Court, I have forgotten it. She has never had even one foreign Minister. With a long extent of sea-coast, and with an imperfect tide-water navigation running into the heart of the State, she has never received any assistance from the General Government worthy a name, in aid of her harbors and rivers. With her mountains full of iron, zinc, and other minerals—with her territory dotted all over with manufacturing establishments, she has borne without a murmur her share of the injuries sustained from an ever-changing revenue system. It may be truly said of her, that whilst she has borne her full proportion of the burdens of the Government, of its direct benefits she has asked little and received less. Still, there she stands, this day as of old,

heart and hand, with her treasure and her resources, and her blood, pledged to a strict construction of the Constitution and to the Union of the States.

In the name of a patriotic, generous, and heroic constituency—aye, sir, if my colleague will permit me to say so—in the name of every man, woman, and thinking child in the State of New Jersey, I place my hand on that sacred instrument, and declare for me and mine, that no letter of it shall be infringed if we can help it—neither by Northern or Southern unwise counsels. If wrongs exist, they must be redressed by law, and according to the Constitution. But this Union of the States—the world's wonder—is the common heritage, as it is the common glory, of all the people of all the States. We must not permit one link of that golden chain to be broken, and the hopes and happiness of mankind, for all coming time, to be blighted in the bud, by wild fanaticism or hasty passion.

The motion to print was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BADGER, it was

Ordered, That the petition of the heirs and legal representatives of the late Joseph Pearson, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. ATCHISON, it was

Ordered, That the petition of Charles A. Grignon, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Emilie Hooe to a pension, be referred to the Committee on Pensions.

REPORT FROM A STANDING COMMITTEE.

Mr. FOOT, from the Committee on Revolutionary Claims, to which was referred the bill for the payment of outstanding loan office and final settlement certificates issued for money loaned, or for services or for supplies, during the revolutionary war, reported it back without amendment.

BILLS INTRODUCED.

Mr. WALKER, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of the heirs and legal representatives of Captain Presley Thornton, deceased; which was read a first and second time by its title, and referred to the Committee on Revolutionary Claims.

Mr. FELCH, agreeably to previous notice, asked and obtained leave to introduce a bill to authorize the sale of reserved lands and for other purposes; which was read a first and second time by its title and referred to the Committee on Public Lands.

Mr. SEWARD, agreeably to previous notice, asked and obtained leave to introduce a joint resolution concerning the publication of a compendium of the several censuses of the United States; which was read and passed to the second reading.

COMPENSATION OF DISTRICT JUDGES.

The Senate proceeded to consider the resolution submitted yesterday by Mr. CASS, to instruct the Committee on the Judiciary to inquire into the expediency of increasing the salary of the district judge of the United States for the district of Michigan; which having been amended on the motion of Mr. SEWARD, and on the motion of Mr. DAWSON, was agreed to, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge of the United States for the district of Michigan; and the salary of the judge of the northern district of New York; and of the district judge of the State of Georgia.

ENGROSSED BILLS PASSED.

The following bills were severally read a third time and passed:

An act to change the times for holding the United States district courts in Alabama, and for other purposes; and

An act authorizing a new register to the American-built ship Obed Mitchell.

NOTARIES PUBLIC.

The engrossed bill to amend an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments, in certain cases," was read a third time.

On motion by Mr. CHASE, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

ENTERTAINMENT OF LOUIS KOSSUTH.

Mr. SEWARD, in behalf of Mr. SHIELDS, during his absence, submitted the following resolution for consideration:

Resolved, That the expenses incurred in the reception and entertainment of Louis Kossuth and suite, during their late visit to the capital, by invitation of Congress, be paid out of the contingent fund of the Senate, when approved by the committee of reception, to an amount not exceeding \$5,000.

EXILED IRISH PATRIOTS.

The Senate resumed the consideration of the resolution expressive of the sympathy of Congress for the exiled Irish patriots, Smith O'Brien, Thos. F. Meagher, and their associates.

On motion by Mr. ATCHISON, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

NON-INTERVENTION.

The Senate resumed the consideration of Mr. CLARKE's resolutions on the subject of non-intervention.

Mr. CLEMENS spoke at length on the subjects embraced in the resolutions. His speech will be found in the Appendix.

Mr. MILLER. As I have something to say in regard to these resolutions, and as the subject of them is "intervention or non-intervention," and as I do not wish to intervene between this and other important business under consideration by the Senate, unless some other Senator is ready to speak on this subject, I will move that the further consideration of them be postponed until some day next week—say Tuesday next.

Mr. ATCHISON. If it is in order to amend the motion of the Senator from New Jersey, I will move to postpone the further consideration of these resolutions until the first Monday in April. I do this that the Senate may act upon measures which are now before it, of great importance to the people—practical measures, in some of which the Southwestern and Western people feel a deeper interest than in any other question; especially questions of the kind that are now being discussed. I refer to our land bills.

Mr. MILLER. I think the period proposed by the Senator from Missouri is too long. I should prefer to have the subject postponed for a fortnight.

Mr. SEWARD. The motion to postpone till the first Monday in April, I should regard as equivalent to an indefinite postponement. And regarding the matter in that light, I ask for the yeas and nays.

The yeas and nays were ordered, and taken, and resulted—yeas 15, nays 24; as follows:

YEAS—Messrs. Atchison, Butler, Downs, Fish, Foot, Hamilton, Hunter, Jones of Iowa, King, Morton, Norris, Rusk, Sebastian, Spruance, and Underwood—15.

NAYS—Messrs. Badger, Bell, Borland, Cass, Chase, Clarke, Clemens, Davis, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Geyer, Houston, Jones of Tennessee, Miller, Seward, Shields, Smith, Soule, Sumner, Upham, and Wade—24.

So the motion to postpone till the first Monday in April was not agreed to.

Mr. HUNTER. It seems to me that we ought not to postpone the further consideration of these resolutions to a very distant day; and I would suggest to the Senator from New Jersey, whether it would not be better to fix an earlier day than the one he has named, and dispose of them entirely. I think this practice of taking up a subject and debating it for a while and then postponing it, leads to great delay, and I hope it will suit his convenience to take up this matter on an earlier day than that he has named, and continue it till it is disposed of.

Mr. MILLER. If I consulted my own wishes I would prefer to say Tuesday next. On the suggestion of the Senator from Virginia, I will say Tuesday next, if that be agreeable to him.

Mr. BADGER. I hope my friend from New Jersey will vary that motion, though I entirely agree with what has been said by the honorable Senator from Virginia. But here is my friend from Iowa [Mr. Jones] with his bill, to which an unexpected and, to him, distasteful amendment has been proposed, a practical measure in which the State of Iowa is deeply interested, and I really think we owe it to him to dispose of that measure within some reasonable time. I move to postpone the further consideration of these resolutions till this day fortnight.

Mr. HUNTER. I hope we shall be able to dispose of the bill in which the Senator from

Iowa is interested long before this day fortnight. It is not necessary to postpone it for that length of time.

Mr. JONES, of Iowa. There are three other special orders, which are pressing, practical matters.

Mr. HUNTER. When we take up a measure of this sort, it is better that we should continue to act upon it until it is disposed of. I am willing to postpone this subject long enough to enable the Senate to act finally upon the bill in which my friend from Iowa is so much interested. When it is again taken up, I hope it may be finally disposed of.

Mr. BADGER. In a spirit of compromise, to which my friend from Virginia knows I am inclined, I will vary my motion, so as to postpone the subject till Monday week.

Mr. SMITH. I desire to state, that what is usually denominated the French spoliation bill, was made the special order for Monday next, and I am very anxious that it shall be disposed of next week.

Mr. HUNTER. It is proposed to postpone this question till Monday week.

The motion to postpone the further consideration of the subject till Monday week, was agreed to.

RAILROADS IN IOWA.

On the motion of Mr. JONES, of Iowa, the Senate resumed the consideration of the bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State, the pending question being on the amendment offered by Mr. UNDERWOOD to the substitute reported by the Committee on Public Lands.

Mr. BELL. I did not design to occupy the attention of the Senate for a great while. In the few remarks which I intended to submit, I proposed to make this as serious and impressive a subject as I thought it deserved to be. I am taken somewhat by surprise at the motion of my honorable friend from Iowa, but I will attempt to go on, collecting my thoughts as best I may, upon the occasion.

I mentioned the other day that this was a subject of annual discussion. I suppose that it has not been omitted at any session during the last twenty years. It is, therefore, very difficult to throw out any new arguments of much weight or importance on the subject.

Mr. BADGER. I think it is extremely unjust to my friend from Tennessee, to require him to go on now. I therefore move to postpone the further consideration of this subject until to-morrow.

The motion was agreed to.

Mr. JONES, of Iowa. I wish to give notice that I shall, to-morrow morning, move to dispense with the consideration of private bills, in order that the Senator from Tennessee may proceed with his speech.

EXECUTIVE SESSION.

On the motion of Mr. BADGER, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 12, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER, Chaplain to the Senate. The Journal of yesterday was read and approved.

COLONEL MITCHELL.

Mr. EVANS. There is upon the Speaker's table a bill which has passed the Senate, for the relief of Colonel Mitchell. I want the House to allow it to be taken up, and, when I have said a few words about it, refer it to the Committee on Military Affairs.

Mr. JONES, of Tennessee. I object to it, and call for the regular order of business. Nearly the whole day was lost yesterday by taking up matters by general consent.

Mr. EVANS. I was in hopes there would be no objection.

Mr. JONES. If the House is disposed to take up the business on the Speaker's table regularly, I have no objection to it; but I do object to this taking up of bills out of their proper order.

REPORTS FROM COMMITTEES.

The House then proceeded with the regular

order of business, being the call of committees for reports, commencing with the Committee on Public Buildings and Grounds.

Mr. STANTON, of Kentucky, from the Committee of Public Buildings and Grounds, moved that said committee be discharged from the further consideration of the memorial of the President and Directors of the Navy Yard Bridge Company; and that the same be referred to the Committee on the Judiciary.

Mr. VENABLE. I should like to know why that memorial should be referred to the Judiciary Committee. That committee is quite willing to do anything that properly belongs to it, but I do not know that there is any legal question involved in this memorial, or any reason why it should be referred to the Judiciary Committee, rather than to the Committee of Claims.

The SPEAKER. Does the gentleman from North Carolina submit any motion?

Mr. VENABLE. No, I will let it pass.

The question was then taken on Mr. STANTON's motion, and it was agreed to.

Mr. DANIEL, from the Committee of Claims, reported back the bill from the Senate for the relief of William P. Greene, without amendment, and with a recommendation that it do pass.

The SPEAKER stated the question to be upon ordering the bill to a third reading.

Mr. FLORENCE called for the reading of the bill; and it was read by the Clerk.

Mr. MILLSON. I move to refer that bill to the Committee of the Whole House.

I make that motion, because I think it right and proper that all bills of this description should be referred to the committee. It may be that this is a very meritorious claim, but how do we know it? To be sure, we have the assurance of the Committee of Claims; but if the bill is regularly referred, and the report printed, that report will be put in our boxes, and members will come to the House prepared, not only to receive information from the committee which reported the bill, but perhaps to give information, and those who take an interest in the subject will have an opportunity of examining it.

I think the proper and regular course is, that all bills should be referred either to the Committee of the Whole on the state of the Union or to the Committee of the Whole House. This custom of passing bills as soon as they are reported from the committee, gives an unjust precedence to claims which may have been presented at a much later period of the session than some others which were presented at a very early period of the session, and referred to the Committee of the Whole House, and which lose their opportunity of consideration because a case subsequently matured is asked to be put upon its passage. I think the proper rule—a rule from which the House should never depart, except for some strong reasons—a rule from which, I think, I myself have never departed—is to refer every bill either to the Committee of the Whole on the state of the Union, or, if it is a private bill, to the Committee of the Whole House.

Mr. KING, of Rhode Island. This bill comes, as I understand it, from the Committee of Claims, with a recommendation that it be put upon its passage.

Mr. DANIEL. No; that is not the recommendation of the committee.

Mr. KING. I thought that was the substance of the gentleman's report.

Mr. DANIEL. The recommendation of the committee is, that the bill do pass, but not that it be put upon its passage now.

I will state to the House, that the facts of the case are very simple, and that the amount is small. But I have not asked that the bill be put upon its passage now, nor have the committee instructed me to ask that any other course shall be pursued in regard to it than that adopted in regard to all claims. My motion should have been to refer the bill to the Committee of the Whole House. If, however, anybody is disposed to put it upon its passage, I have no objection to it. The amount is only \$350; there is no doubt about the facts, and they say at the Treasury Department that it ought to be paid to this individual as the measurer of salt.

Mr. KING, of Rhode Island. This bill passed the Senate at the last session, but failed to be acted on in this House for want of time. It has passed

the Senate again at this session, I believe, by a unanimous vote; and the simple question is, whether we will pay this officer for the services which he performed.

Mr. DANIEL. Upon reflection, I find that the bill must go to the Committee of the Whole House. It makes an appropriation.

Mr. KING. Well, I have no objection.

The bill was then referred to the Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. DANIEL, from the Committee of Claims, made an adverse report on the petition of Henry McLaughlin, of Vermont; which was ordered to lie on the table and be printed.

Mr. D. also, from the Committee of Claims, reported the following bills, which were severally read a first and second time by their titles, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed, together with the accompanying reports, viz:

A bill for the relief of John B. Rogers, of South Carolina; and

A bill for the relief of Joseph Arnow and Peter Arnow.

Mr. BOWIE, from the Committee of Claims, reported a bill for the relief of the legal representatives of Bernard Todd; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. EDGERTON, from the Committee of Claims, reported a bill for the relief of the legal representatives of John H. Pratt, deceased; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. SEYMOUR, of Connecticut, from the Committee of Claims, reported a bill for the relief of Captain George Simpton, of Galveston, Texas; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. CHANDLER. I ask the unanimous consent of the House to take up the bill from the Senate, now upon your table, relative to making an appropriation for finishing the repairs of the Library. Time is fast passing away, and proposals must be issued for the work.

Mr. KING, of New York. I desire that we shall go through with the call of committees.

Mr. ORR. I object to the taking up of that bill. Let us go through with the regular order of business.

Mr. SACKETT, from the Committee of Claims, reported back Senate bill for the relief of Theodore Oflutt, without amendment, and with a recommendation that it do pass; which was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. S., also from the same committee, made an adverse report on the memorial of William S. Foote and Charles Willington, owners of the ship Hylon, asking compensation for losses and damages sustained in consequence of the action of certain United States officers; which was ordered to lie on the table, and be printed.

Mr. PORTER, from the Committee of Claims, reported a bill for the relief of the widow and orphan children of Colonel William R. McKee, late of Lexington, Kentucky; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. SEYMOUR, of New York, from the Committee on Commerce, reported back without amendment, and with a recommendation that it do pass, Senate bill No. 142, being an act for admitting the hermaphrodite brig Sylphide to registry.

Mr. S. moved to refer it to a Committee of the Whole House.

Mr. KING, of New York. That bill is very simple in its provisions, and I hope it may be put on its passage. It merely asks the privilege of a registry for a vessel.

Mr. SEYMOUR. I certainly prefer that it

should be put upon its passage. I will state, that it merely recognizes the privilege of registry for that vessel under the direction of the Secretary of the Treasury. I withdraw the motion to refer, and move that the bill be now put on its passage.

Mr. KING. I ask that the bill may be read.

The bill was read through by the Clerk.

The bill was then ordered to a third reading, and, having been read the third time, it was passed.

Mr. SEYMOUR, from the Committee on Commerce, reported back without amendment, and with a recommendation that it do pass, Senate bill 170, being an act making an appropriation in part for the erection of the light-house at Sand Key, Florida.

Mr. S. said: By our rules, that bill should go to the Committee of the Whole on the state of the Union; but there are special reasons why the bill should be put upon its passage now, and I ask the unanimous consent of the House for that purpose. It makes an appropriation of only \$5,000 for the purpose of defraying, in part, the expense of unloading a vessel laden with iron, and lying at the place where this light-house is being built, and for which the Government has no funds. It does not go beyond that. The Government will be obliged to pay demurrage upon the vessel unless this money is supplied. As I remarked, the bill makes an appropriation of \$5,000 for the purpose indicated. I ask that the bill may be put upon its passage.

The bill was read through.

Mr. HUNTER. I move to refer the bill to the Committee of the Whole on the state of the Union.

Mr. SEYMOUR. As objection is made I will withdraw my motion to put the bill upon its passage.

The bill was then referred to the Committee of the Whole on the state of the Union.

Mr. ROBBINS, from the Committee on Commerce, reported a bill for the relief of the trustees of the Philadelphia Gas Works; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed.

Mr. R. also, from the same committee, made an adverse report on the memorial of Charles Massey, jr., the representative of Messrs. Eyre & Massey, asking for the refunding of an excess of duty erroneously exacted upon certain brown sugar; which report was ordered to lie on the table, and to be printed.

GRANT OF LAND TO MISSOURI.

Mr. HALL, from the Committee on Public Lands, reported a bill granting to the State of Missouri the right of way and a portion of the public domain, to aid in the construction of certain railroads therein.

Mr. H. said: I hope that this bill will not go to the Committee of the Whole on the state of the Union. I ask that the bill be read.

It was read through by the Clerk, as follows:

A Bill granting to the State of Missouri the right of way and a portion of the public domain to aid in the construction of certain railroads therein.

Be it enacted, &c., That the right of way through the public lands be, and the same is hereby granted to the State of Missouri, for the construction of railroads from the city of St. Joseph to Hannibal, and from St. Louis to some point on the western line of said State; and said State shall have the right, also, to take necessary materials of earth, stone, timber, etc., for the construction thereof, from the public lands of the United States adjacent to said railroads: *Provided*, That the right of way shall not exceed one hundred feet on each side of the line of said roads, and a copy of the survey of said roads, made under the direction of the Legislature, shall be forwarded to the proper local offices respectively, and to the General Land Office at Washington city, within ninety days after the completion of the same.

Sec. 2. And be it further enacted, That there be, and is hereby granted to the State of Missouri, for the purpose of aiding in making the railroads aforesaid, every alternate section of land designated by even numbers, for six sections in width on each side of said roads; but in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed by the authority aforesaid, sold any section or any part thereof granted as aforesaid, or that the right of preemption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governor of said State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States most contiguous to the tier of sections above specified, so much land in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold, or to which the right of preemption has attached as aforesaid; which lands (thus selected in lieu of those sold, and to which preemptions have attached as aforesaid, together with the sections and parts of sections designated

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by even numbers as aforesaid, and appropriated as aforesaid) shall be held by the State of Missouri for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than fifteen miles from the line of the road in each case, and selected for and on account of each of said roads: *Provided further*, That the lands hereby granted shall be exclusively applied in the construction of that road for which it was granted and selected, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the routes of the said railroad through such reserved lands, in which case the right of way only shall be granted.

Sec. 3. *And be it further enacted*, That the sections and parts of sections of land which, by such grant, shall remain to the United States, within six miles on each side of each of said roads, shall not be sold for less than double the minimum price of the public lands when sold.

Sec. 4. *And be it further enacted*, That the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid, and no other; and the said railroads shall be and remain a public highway, for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

Sec. 5. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say: that a quantity of land not exceeding one hundred and twenty sections on each road, and included within a continuous length of twenty miles of said road, may be sold; and when the Governor of said State shall certify to the Secretary of the Interior that said twenty miles of said road is completed, then another like quantity of land hereby granted may be sold, and so from time to time until said road is completed; and if said road be not completed within ten years, no further sales shall be made, and the land unsold shall revert to the United States.

Sec. 6. *And be it further enacted*, That the United States mail shall, at all times, be transported on said railroads, under the direction of the Post Office Department, at such price as Congress may by law direct.

Mr. HALL continued. It is not my intention, at this time, to trouble the House with a speech. I took occasion, in the early part of the session, to express my views upon the subject embodied in the bill; and I now merely wish to call the attention of the House to the condition of the two roads embraced in it.

Both these roads, or rather, both the companies for constructing these roads, have been chartered by the State of Missouri, and for which she has loaned the credit of the State to the amount of three and a half millions dollars—a million and a half to the Hannibal and St. Joseph railroad and two millions to the St. Louis railroad. The St. Louis road is three hundred and fifty miles long, and the Hannibal and St. Joseph road about two hundred miles long. As I said, the State of Missouri has loaned its credit to the amount of \$3,500,000, in order to secure the construction of these roads; so that they are not mere visionary affairs, gotten up for the purpose of making capital out of, but they are roads in relation to which the State of Missouri has heretofore manifested a great interest, not only by granting charters and memorializing Congress upon the subject, but by becoming responsible for a large amount of money invested in these works.

But I wish to call the attention of the House to another fact. These roads will not only increase the value of the public domain through which they pass, but, running as they do through the whole State, they furnish an outlet to the great public domain of the West to the Eastern and Southern markets. In this respect, therefore, this bill stands upon more favorable ground than the bill that passed the House in the first session of the last Congress in favor of the Illinois railroad.

But some apprehension has been expressed that while these grants are being made nominally for the State of Missouri, that they are really for the benefit of private individuals. This objection was made a few weeks ago by the gentleman from Ohio, [Mr. SWETSER], and by others. I am fully aware of the mischief of permitting large tracts of land to pass into the hands of a few individuals, to be held up fifteen, twenty, or even more years, at exorbitant prices, and thus kept unsettled. I do not believe that the State of Missouri would ever fasten on herself so ruinous a policy.

With the view, however, of removing the objection entertained—that this grant might result in the exclusive benefit of a few individuals—I have endeavored to prepare an amendment, which, in its operation, shall confine this grant exclusively to the State of Missouri, for the benefit of the people of that State, and I therefore ask leave to offer the amendment, which I desire now to be read, and then I will say a few words further.

The amendment was then read, as follows:

"And be it further enacted, That the lands hereby granted shall not be transferred to any corporation or company, but shall be sold to actual settlers only, in quantities not exceeding three hundred and twenty acres, or one half section, to each actual settler; and the proceeds of such lands shall be faithfully applied by said State to the objects and in the manner hereinafter specified, in such way as to secure the benefits hereinafter made to the people of said State of Missouri."

The purpose of that amendment is to prevent the State of Missouri from transferring the lands proposed to be granted to any company or corporation, and to require them to be sold in small parcels to actual settlers, and then to secure the proceeds in such a manner as to inure directly to the benefit of the people of the State of Missouri. I have endeavored to make it as stringent as I possibly could, and I have now to say to gentlemen of this House, that if the amendment I have offered be not sufficiently stringent for the purpose of securing the object I have in view, and have expressed, then prepare another more stringent, and I will adopt it; for I tell gentlemen I do not want this land to go to corporations or companies, but to the people of the State of Missouri. I want it so disposed of and settled as to result to the benefit of the people at large. I am well aware that the proposition will be made to commit this bill to the Committee of the Whole upon the state of the Union. I wish to say a word or two in regard to that subject, and then I shall have done. Gentlemen who have any experience in this House know full well, that if this bill is so referred, that will be the last of it, and you will never hear of it again. Therefore I ask it as a favor of this House, if they are not prepared to pass this bill, that they will vote it down and reject it, in preference to committing it to the Committee of the Whole upon the state of the Union. I would infinitely prefer that the bill should be laid upon the table this morning, than to have it committed to that committee. I do not ask the previous question. I do not desire to stifle debate. I am willing that the matter should be debated as long as gentlemen desire. I do not fear investigation. On the contrary, I court it. But if gentlemen are not inclined to debate it, and if they are not prepared to vote for it, I ask it, as a special favor, that they vote down the bill, lay it upon the table, reject it, kill it; but do not refer it to that committee, where we, who know the operation of that committee, know it will be killed effectually.

Mr. JONES, of Tennessee. Mr. Speaker, I desire to say a few words on—

Mr. PHELPS. I desire to obtain the floor for the purpose of submitting an amendment, which I send to the table.

The SPEAKER. Does the gentleman from Missouri [Mr. HALL] yield the floor?

Mr. HALL. I do.

Mr. JONES. Then I claim it.

A Voice. Let the amendment of Mr. PHELPS be read.

The amendment, to come in at the end of the amendment, was read as follows:

"For the support of common schools."

The SPEAKER. The gentleman from Tennessee [Mr. JONES] has the floor.

Mr. JONES. I am prepared to say very little upon the subject of this bill at the present time; and I do not think that the House is now prepared to examine or to enter upon its consideration. It is certainly, I think, a very extraordinary request—perhaps a very modest one of my friend from Missouri [Mr. HALL]—to ask that this important bill shall be passed now, without being referred to the Committee of the Whole on the state of the Union, as is usual. And here, for fear I

may forget it, before I proceed any further, I move that this bill be so referred, and that it be printed. I want the bill, together with the amendment offered by the gentleman from Missouri, printed, in order that we may all have an opportunity of examining the bill, and of satisfying ourselves of the principle which is embraced in it, and by which the larger portion of the public lands of the country are to be appropriated for internal improvements by the Federal Government, in violation of the doctrine which I have always understood the Democratic party of this country to be the advocates. I wish to know, I desire that the House may know, the principles which are embraced in this bill. And I should like to hear the advocates of it declare in this House the principles upon which they support it—how it is that they oppose the improvement of the country by means of roads and canals by the Federal Government, and yet will divert the entire public domain from its heretofore legitimate object, and vest it in the States, to be held—whatever may be the phraseology of the law—for the benefit of chartered companies, by companies incorporated by the different State Legislatures.

I would like particularly for the chairman of the Committee on Public Lands to inform the House how many acres of land he proposes to dispose of by the provisions of this bill.

Mr. HALL. I will answer the gentleman, that this law embraces two roads. One of the roads will receive less than five hundred thousand, and the other will receive about a million of acres, being together about one half the quantity granted to the State of Illinois the last Congress.

Mr. JONES. A grant of one and a half millions of acres in this bill! Now, I would ask the gentleman from Missouri [Mr. HALL] how many bills of this character he has now before his committee, and ready to be reported, whenever this one shall have been favorably disposed of by the House?

Mr. HALL. I will answer that question. I believe the committee have agreed to report some ten or twelve bills, which will comprise, according to the nearest estimate we can make, between five and six millions of acres.

Mr. JONES. Then, sir, here is this bill, which is to dispose of one million and a half of acres of land, as we are told by the chairman of the committee who reported it, put forward—and perhaps it embraces a larger amount of land than any other of these bills referred to—as the one upon which a trial is to be made; and if this one can be passed, other bills are now ready, as agreed upon by the Committee on Public Lands, to be reported, disposing of some six millions of acres of public lands for similar purposes. Now I ask you, if, in your long experience upon this floor, you have ever known a bill of equal importance as this—disposing of as much of the public property as this proposes to do—brought in here and put upon its passage without even being printed, or even being referred to the Committee of the Whole on the state of the Union?

Mr. HALL. I only wish to call the attention of the gentleman from Tennessee to the fact, that the Illinois bill, which granted to that State double as much land as is proposed to be granted by this bill, never was referred to the Committee of the Whole on the state of the Union, but was passed in the House.

Mr. JONES. Well, Mr. Speaker, I do not know how the gentleman from Missouri voted upon that Illinois bill, but he did not at the time very well approve of the manner in which it was passed here. He thought it should have taken the regular course. If his bill is right, I suppose that, in this House of honest men and faithful representatives, he can secure a majority for it; but if it will not stand the test of investigation, it should not pass. If it is right in itself, he should have no fears of its success, let it take what course it may, upon the motion which I have made.

Mr. HALL. I ask the gentleman from Tennessee if he does not believe that if this bill is committed to the Committee of the Whole House upon

the state of the Union, it will be the last of it—that it will never be reached again this session?

Mr. JONES. No, sir. I say, for the information of the gentleman—though that is unnecessary, because he is apprised of the fact—that the rules of this House require the Committee of the Whole upon the state of the Union to take up the Calendar in its order, with the exception, perhaps, of appropriation bills; and you must call the first bill upon it, and to lay it aside a motion must be made, and sustained by a vote of a majority of the committee. But there will be important bills—not appropriation bills—reported to this House before the termination of this session, which will go to the Committee of the Whole upon the state of the Union; and, in order to get at them, this House, or the Committee of the Whole, will be compelled to pass to the consideration of this bill in order to reach them.

Mr. HALL. Do not the special orders take precedence of these bills?

Mr. JONES. The special order overrides all other business, because it is a suspension of all your rules which prescribe the order of business. But let the gentleman and the House oppose the making of special orders; and, in my opinion, unless there be some good, sufficient, and urgent reason why special orders should be made, we should not make them, but rather let the ordinary business of the House take its course according to the rules prescribed for the government of this House.

That bill, I believe, has been printed; but I suppose there are but few members of the House, except those upon the Committee on Public Lands, and those particularly interested in getting these lands appropriated for their roads, who have examined it or know its provisions.

It is impossible that members, sitting in their places in this House, can understand, by the mere reading of a bill by the Clerk at your desk, the provisions contained in it, especially such important ones as are found in this. I think the gentleman himself, upon reflection, will withdraw his request to pass the bill, and ask the House to refer it to the Committee of the Whole on the state of the Union, and that it be printed. In that case we shall all have an opportunity to examine it, and determine for or against it, upon its merits.

Mr. PHELPS. It was my intention to have proposed an amendment to the amendment submitted by my colleague, but I suppose, in the present stage of the question, I am precluded from doing so. I will inquire of the Chair if an amendment can now be offered?

The SPEAKER. An amendment is in order, if pertinent.

Mr. JONES, of Tennessee. I will withdraw the motion for reference until the gentleman can submit his amendments, and then will renew my motion.

Mr. PHELPS. I then submit the following amendment, to come in at the end of that proposed by my colleague:

"For the support of common schools in said State."

Mr. JONES. I renew my motion to commit the bill and amendment, and that they be printed.

Mr. PHELPS. I hope the bill which is now before the House may not be committed. I am convinced in my own mind that if it is referred to the Committee of the Whole upon the state of the Union, owing to the press of business and the urgent necessity for the consideration of important appropriation bills that will hereafter come up, it will never be reached. It may become necessary at some time then to discharge the committee from its consideration, and it will then be brought before the House for action. There is no disposition on the part of those who advocate the passage of this measure, or others of a similar description, to stifle inquiry, or discussion. At the commencement of this session, when a discussion took place upon the reference of the President's message, my colleague took occasion to develop his views in relation to bills of this character, and the reasons why they should be adopted. I was in the hopes then that those who opposed these measures would have debated the public land system generally, and that we should then have had presented to us the various propositions which were intended to be submitted, in relation to the disposal of the public domain and the peculiar views of gentlemen. In this I was disappointed.

I say that a reference of this measure to the Committee of the Whole on the state of the Union, I consider equivalent to its defeat. Cannot we discuss this bill as well in the House as in the Committee of the Whole? In the committee members are not confined to the discussion of the question pending, and I think, therefore, in point of economy, so far as time is concerned, that it is best the measure should be discussed in the House.

But the gentleman from Tennessee assails the proposition, and wishes to know how we can advocate the disposal of the public land in the way proposed in this bill, when opposed to the appropriation of money for the construction of works of internal improvement by the Federal Government. By the granting of lands to the character of works indicated in this bill, the value of the Government land contiguous is enhanced and its sale rapidly accelerated. Not only are individuals benefited by such grants, but the States also. The State in this case aids in the construction of works which improve the value of the land belonging to the United States. The Government of the United States is the proprietor of a large portion of public land through which this road passes.

Mr. FULLER. If that is the ground upon which the gentleman bases this claim, why is it this bill provides that in case there is no public land of the Government within the range of six miles on each side of the road, other distant lands may be selected?

Mr. PHELPS. I will answer the inquiry of the gentleman. It provides that if the sections donated to the State have been sold, that the agents of the State shall have the right to select other lands in lieu of them within fifteen miles on each side of the road. What are the other provisions in that bill? They are, that upon these railroads shall be transported the mails at prices to be determined upon by Congress. The whole question of compensation is left to the discretion of Congress. It also provides that the munitions of war shall be transported upon these roads free of cost. The amount that the Government would be compelled to pay for the transportation of munitions of war and of troops over these roads, otherwise, annually would greatly exceed the interest upon the proceeds of the lands which it is proposed to grant to the State of Missouri, were they sold. How is it that supplies to New Mexico and Utah are forwarded? They are now carried entirely through Missouri. The expense for the transportation of property of the United States upon that river during the Mexican war were enormous. I think there were some steamboats laden with munitions of war belonging to the Government of the United States which became a total loss. The amount of Government property lost was estimated at something like \$200,000.

I again say, that there is ample remuneration to the Government of the United States, for the privilege given to the State of Missouri for the selection of other lands within fifteen miles of the road, should those along the line of the road have been disposed of.

I trust that the inquiries of my friend from Maine are now answered. It is upon these principles that we justify it. I will proceed now to remark, that as the Government of the United States is the proprietor of the greater part of the public land through which these roads will pass, and that as the construction of these roads will enhance the value of those lands, and accelerate their sale, that it is the duty of the General Government to make the donation of lands proposed. I recollect well the time when it was proposed in this House, to graduate and to reduce the price of the public lands. Instead of diminishing the revenue, which would be derived by the Government from the sale of these lands, it was on the contrary increased. We had a remarkable example of that in the case of the Indian reservation within the limits of the State of Mississippi. Certain lands were reserved there for the Indians, no better than the other lands belonging to the Government of the United States, the price of which was graduated and reduced after being offered for a certain length of time in the market. They were in the course of some five or six years all sold, realizing to the Government an average amount of \$1.25 per acre. I then say, that the construction of these roads will accelerate the sale of lands upon the line of that road.

A recognizance was made of the road leading from St. Louis to the western line of the State. Some two or three different roads were surveyed. After having gone westward some hundred miles or upwards through a section of country where the land was some ten miles from timber, the Government lands on each side were all taken up in consequence of that survey. The expectations of those purchasing the lands was, that the road would be constructed upon the line of that survey. I hold in my hand a statement of the receiver of public moneys of the Clayton land district, in my Congressional district. It is the district through which this survey was made. The total receipts of that land office for the year 1849, for cash sales, were \$36,270. In 1850 the sales amounted to \$59,425; and for three quarters of the year 1851, the sales amounted to \$101,000. These increased sales are to be entirely attributed to the fact, that it was expected the road would pass through that district. It is true that there was a great sale of public lands to emigrants who came to that State to settle there. The number of emigrants to that State is about the same each year, and hence you cannot account for the accelerated sale of these lands except by the fact that the persons purchasing these lands believed that they would be greatly enhanced in value by the construction of that road, and that the road was to be constructed upon the survey thus made. I say, then, if gentlemen will take upon themselves the trouble to make a calculation of the present value of lands, considering that we have public lands which have been in market for twenty-five or thirty years unsold in a certain district of country, they will find that the Government will be the gainer by giving away one half for the purpose of selling the other half in one, or two, or three years. It is a question which every man may calculate for himself, and—

Mr. STANTON, of Kentucky, (interposing.) I ask the Chair if the morning hour has not expired.

The SPEAKER. It has.

Mr. STANTON moved to proceed to the business upon the Speaker's table; which motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The Speaker laid before the House the following messages heretofore received from the President of the United States, viz:

To the House of Representatives of the United States:

I transmit herewith a copy of the annual report of the Director of the Mint at Philadelphia, showing the operation of the Mint and its branches for the year 1851.

MILLARD FILLMORE.

WASHINGTON, February 10, 1852.

On motion, the said message and accompanying documents were ordered to lie on the table, and be printed.

To the Senate and House of

Representatives of the United States:

I transmit herewith a report from the Secretary of the Interior, containing a report from Thomas U. Walter, Architect for the erection of the Capitol.

MILLARD FILLMORE.

WASHINGTON, February 10, 1852.

Mr. STANTON, of Kentucky, moved that the message be referred to the Committee on the Public Buildings and Grounds.

Mr. HOUSTON. This communication is upon the subject of expenditures upon the Capitol. It should therefore properly go to the Committee of Ways and Means, who have charge of the subject already. I make that motion.

Mr. STANTON. The gentleman from Alabama is mistaken. The communication belongs properly to the Committee on the Public Buildings and Grounds.

The question was taken first on the motion to refer to the Committee on the Public Buildings and Grounds, and agreed to.

THE STEAMER PROMETHEUS.

To the Senate and House of

Representatives of the United States:

I transmit to Congress a copy of the instructions dispatched from the Department of State to the Minister of the United States at London respecting the attack on the United States steamer "Prometheus," in the harbor of San Juan de Nicaragua, by the British brig of war "Express," and also a copy of the dispatches of Mr. Lawrence to that Department, and of his correspondence with Her Britannic Majesty's Principal Secretary of State for Foreign Affairs on the same subject.

MILLARD FILLMORE.

WASHINGTON, February 10, 1852.

On motion of Mr. HOUSTON, it was ordered, that the message and accompanying documents be referred to the Committee on Foreign Affairs, and be printed.

The Speaker also laid before the House the following Executive communications, viz:

I. A letter from the Secretary of the Treasury, transmitting a copy of a communication from that Department to the Committee of Ways and Means, on the subject of custom-houses in the course of erection, or authorized to be constructed; which, on motion by Mr. Houston, was, with the accompanying documents, ordered to lie on the table, and be printed.

II. A letter from the Secretary of the Treasury in relation to certain bonds of the State of Arkansas, held in trust for the Chickasaw Indians, and submitting an estimate for one year's interest thereon; which was referred to the Committee of Ways and Means, and ordered to be printed.

III. A letter from the Secretary of the Treasury, transmitting two communications from the Secretary of the Interior, covering estimates for running and marking the northern boundary of Iowa; and also for expenses in connection with the geological surveys and reports made by Messrs. Foster and Whitney; which, on motion, was, with the accompanying documents, referred to the Committee of Ways and Means, and ordered to be printed.

IV. A letter from the Secretary of War, transmitting copies of the official Army Register, for the year 1852; which was ordered to lie on the table, and be printed.

V. A letter from the Postmaster General, transmitting, in compliance with law, a copy of a contract for mail transportation between Charleston, South Carolina, and Havana; also, a statement of the amount of postages derived therefrom; also, a copy of the contracts entered into with the Pacific Mail Steamship Company for an increase of service; which said letter and accompanying documents were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

VI. Also, a letter from the Postmaster General, transmitting information in answer to the resolution of the House of Representatives of the 26th ult., relative to the allowance since 1849 of claims heretofore disallowed or suspended; which, on motion by Mr. Fuller, of Maine, was, with the accompanying documents, ordered to lie on the table, and be printed.

KOSSUTH AND EUROPEAN LIBERTY.

The SPEAKER. I am charged with the presentation to the House of the proceedings of a meeting held in the Capitol at Albany, New York, in relation to Kossuth and European liberty.

Mr. BAYLY, of Virginia. I move that the communication be referred to the Committee on Foreign Relations.

Mr. JOHNSON, of Tennessee. Let us hear what it is.

Mr. JONES, of Tennessee. I move that it be laid upon the table.

Mr. STEPHENS, of Georgia. I ask that it be read.

Mr. HOUSTON. It is very long.

Mr. BAYLY. I will suggest to the gentleman from Georgia that there is a very long string of resolutions, which will take the Clerk an hour to read.

Mr. SWEETSER. I call for a division on the proposition to lay upon the table.

Mr. STEPHENS. Is it a memorial or resolution? What is its nature?

The SPEAKER. There are several resolutions and one or two speeches in the paper.

Mr. STEPHENS. Where does it emanate from?

The SPEAKER. Albany, New York.

Mr. STEPHENS. I ask for the reading of it.

Mr. JONES, of Tennessee, withdrew his motion to lay upon the table.

Mr. STEPHENS. Then I withdraw the call for the reading of the paper.

The question was then taken, and the paper was referred to the Committee on Foreign Affairs.

SENATE BILLS REFERRED.

The SPEAKER laid before the House the following bills from the Senate; which were severally read a first and second time by their titles, and referred as indicated below:

No. 38. An act for the relief of M. K. Warrington and C. St. J. Chubbs, executors of Captain Lewis Warrington and others; referred to the Committee on Naval Affairs.

No. 55. An act to relinquish to the State of Iowa the lands reserved for salt springs therein; referred to the Committee on Public Lands.

No. 111. An act for the relief of William A. Richmond; referred to the Committee on Indian Affairs.

No. 137. An act to confirm the claim of John Ervin to a certain tract of land in the Bastrop Claim; referred to the Committee on Private Land Claims.

No. 150. An act for the relief of Francis P. Gardner; referred to the Committee on Military Affairs.

No. 171. An act for the relief of Jane Irvin; referred to the Committee on Revolutionary Claims.

LIEUTENANT COLONEL MITCHELL.

Senate bill No. 161, for the relief of Lieutenant Colonel Mitchell, of the State of Missouri, was then taken up in its order, and read a first and second time by its title.

Mr. STEPHENS, of Georgia. Why not pass that bill?

[A message was here received from the Senate, by the hands of their Secretary, ASBURY DICKINS, Esq.]

Mr. EVANS. I have no objection to the reference of the bill to the Committee on Military Affairs; but in two or three minutes I can explain its nature to the House.

The SPEAKER. No motion was made to refer.

Mr. EVANS. I make a motion to put the bill upon its passage.

Mr. DANIEL. I object.

The bill was then read by the Clerk.

Mr. JONES, of Tennessee. It contains an appropriation.

The SPEAKER. The Chair thinks the bill must be referred.

Mr. EVANS. If the bill must go to the Committee of the Whole, I do not propose to discuss it.

Mr. DANIEL. Does the Speaker decide that the bill must go to the Committee of the Whole?

The SPEAKER. The Chair so decides.

Mr. EVANS. I ask the unanimous consent of the House to put it upon its passage.

Mr. DANIEL. I object, and move to refer the bill to a Committee of the Whole House.

Mr. EVANS. I have the floor upon it at any rate. Harmony was a Santa Fe trader—

The SPEAKER. Does the gentleman make a motion to refer?

Mr. EVANS. I am speaking to the motion made by the gentleman from North Carolina, [Mr. DANIEL,] to refer the bill to the Committee on Military Affairs.

Mr. DANIEL. I submitted the motion that it be referred to a Committee of the Whole House, and not the Committee on Military Affairs.

Mr. EVANS. Harmony was a Santa Fe trader. He had a large number of wagons, containing valuable merchandise, which he was conveying on the route between Santa Fe and Chihuahua. Colonel Doniphan's force took possession of these wagons, partly, I believe, for the use of the army of the United States, and partly to prevent Harmony's further advance. Colonel Mitchell was the officer who executed the command of Colonel Doniphan. Harmony came before the last Congress and asked for relief, and it has uniformly reported in his favor. I think a bill for his relief passed through this House, and once through the Senate, but it never passed both Houses at the same session; of this, however, I am not certain, and it is of no consequence. Harmony told me himself, that he was tired of this sort of business, and could not afford to come to Washington and run after the Houses of Congress, but intended to go West and sue Colonel Mitchell. He did bring a suit against him, recovered the sum of \$97,000, and I am informed that he is about to levy an execution on the property of Colonel Mitchell. This property will be sacrificed, unless we move in this matter rapidly. If that execution be levied, the whole amount of the bill will not by any means compensate Colonel Mitchell for the damage which he will have suffered. Every one knows that a sheriff's sale must be for cash. You do not sell there upon credit; at least it is not so in my State, nor by the common law. Colonel Mitchell's property must be sacrificed if a cash sale take place, and unless we pass the bill now, we cannot indemnify him

with \$97,000. If we do not pass it, there will be another claim by Colonel Mitchell for the sacrifice upon his property, perhaps to the amount of \$97,000 more. Colonel Mitchell was only obeying the command of his superior officer, and ought clearly not to suffer.

Mr. FULLER, of Maine. What court rendered judgment against him?

Mr. EVANS. The United States court in Missouri.

Mr. HALL. Mr. Harmony is a resident of New York. Colonel Mitchell, while traveling in the State of New York, was served with a process from the district court of the United States, and judgment was rendered against him by the United States court over which Judge Nelson presides.

Mr. MARSHALL, of Kentucky. I will state, that all chance of appeal has been cut off, from the fact that Harmony sent the record of the judgment he obtained in New York, to Missouri, and there obtained a judgment upon the record against Mitchell, at St. Louis, where his property lies.

Mr. EVANS. I do not propose to occupy the time of the House any longer. I merely wanted to make an explanation. If the House chooses to refer the bill to the Committee of the Whole on the state of the Union, let it go; but I am afraid we shall have more to pay hereafter than we should have now.

Mr. VENABLE next obtained the floor, but yielded to

Mr. DANIEL. A remark made by the gentleman from Maryland, was calculated to produce some mistake as to the action of the different branches of Congress in regard to this matter. I understood him to say that the whole amount of this judgment had been heretofore reported on in one or the other branch of Congress. Now the amount which the Military Committee of the last Congress thought ought to be awarded was only some \$30,000; and if by any failure to make a proper defence, the claimant has suffered a larger sum to be recovered, I see no moral obligation resting on the Government to pay it.

Mr. VENABLE. I desire to make but a single remark. I have examined this case.

Mr. RICHARDSON. Will the gentleman permit me to make a single remark?

Mr. VENABLE. I will yield the floor in a moment.

Mr. RICHARDSON. I merely desire to make one statement in reference to what the gentleman from North Carolina [Mr. DANIEL] has just said.

Mr. VENABLE. Very well, I yield the floor for that purpose.

Mr. RICHARDSON. During the last Congress, when the claim of Harmony was presented, it went to the Committee on Military Affairs, and was referred to me by that committee. I reported a bill, which will be found among the papers of the last Congress, allowing the Secretary of the Treasury to settle with him for the goods he had lost, as he alleged, by the orders of the Government, through its officer in New Mexico or Chihuahua, limiting the amount, however, to \$30,000. Mr. Harmony claimed at one time \$60,000, but he was content to receive \$30,000, and said that amount would cover his entire loss. These facts were known, I think, to all the members of the Military Committee of the last Congress. The bill for the relief of Harmony failed, and a suit was then instituted against Colonel Mitchell. Now, the fact at which I wish to arrive is this: whether he made a proper defence when he was sued.

Mr. VENABLE. If I am correctly informed, these are the facts: That upon the suit being brought against Colonel Mitchell, he informed the Department here of it; that the suit was tried in New York, and that the United States District Attorney defended the suit; that the Department here provided means for the defence of the suit; that it was contested inch by inch; and that damages were recovered by Harmony against Colonel Mitchell.

Mr. BISSELL. Those are the facts. I was in New York at the time.

Mr. VENABLE. The former Secretary of War, Governor Marcy, was the counsel of Mitchell. The case was thoroughly investigated, and upon being investigated Mitchell was held liable for having obeyed the orders of Colonel Doniphan, in seizing the property of Harmony. The

Government defended the case by the ablest counsel that could be obtained—Governor Marcy, and a verdict was obtained against Mitchell. A copy of the record was then carried to St. Louis, and there again the United States District Attorney defended the case, but judgment was recovered against Mitchell a second time, and the whole of his property is under execution. So that it will amount to the entire confiscation of the property of a deserving man for simply obeying his superior officer. If any gentleman will take the trouble to examine the report of the Senate, or the papers in the case, they will find that this meritorious gentleman, Colonel Mitchell, was, by the command of Colonel Doniphan, placed in a position in which he must either be broken for disobeying his superior officer, or crushed and sacrificed for obeying his orders.

Mr. BISSELL. What the gentleman from North Carolina has stated in regard to the facts of this case is strictly true. I chanced to be in New York myself during the progress of the trial, and I know that the suit was contested inch by inch, and that judgment was obtained against Mitchell in spite of the most able and energetic defence.

Mr. PHELPS. In addition to the statement made by the gentleman from North Carolina, I will say, that whilst the suit brought by Harmony against Mitchell was pending in the city of New York, under the direction of the District Attorney of the United States, who was engaged in the defence of Mitchell, commissioners were sent to Missouri for the purpose of obtaining the depositions of witnesses who were in Doniphan's regiment at the time of the alleged impressment of the property. Every opportunity was afforded to enable a proper defence of the suit to be made, and after judgment was rendered in the United States court in the city of New York against Mitchell, the advice of the present Attorney General of the United States (Mr. Crittenden) was taken upon the question, whether it was advisable to take the case to the Supreme Court of the United States or not? and I am informed, that on an examination of the matter, the Attorney General gave it as his opinion that it was useless to prosecute the case further.

Mr. BISSELL. I have very little to add to what has already been stated, and I shall be very brief.

Mr. JOHNSON, of Georgia, (interrupting.) I desire to know whether any bill of exceptions was taken during the progress of the trial, either to the admission or rejection of testimony or to the ruling of the court below?

Mr. BISSELL. I cannot inform the gentleman whether any bill of exceptions was taken or not.

Mr. PHELPS. If not, it was the fault of the District Attorney.

Mr. BISSELL. If not, it was the fault of the very ablest of counsel. I presume that if there was any propriety in taking such a bill of exceptions, it was done.

But, sir, I was going on to say, that if there has been any bill before us on which we ought to take prompt action, it seems to me this is one. There never was a more honest man, a more deserving officer than Colonel Mitchell, and his fidelity to his country alone has placed him in a position where he is in imminent hazard of being utterly ruined pecuniarily. The passage of this bill can alone save him. That is all I have to say.

Mr. SWEETSER next obtained the floor, but yielded to

Mr. RICHARDSON, who said: I desire to say, that in the remarks which I made a few moments ago, I intended to express no hostility to this bill. The claim of Harmony was not a good one against this Government. That is perfectly clear. The claim, except for some \$1,900, the value of mules taken by the Government and put in the wagon trains, is not a good claim, for this reason—the goods that he alleges were taken out of his possession by Colonel Mitchell, were restored to him when the army reached Chihuahua, and he assumed the ownership of them for some ten days, and sold some of them. When it was determined that the army should leave there, he abandoned the goods. After the trespass had been committed, therefore, as he alleged, he waived the trespass by assuming the ownership of the goods and disposing of a portion of them.

Mr. BISSELL. Ask my colleague, if it was not proved that the goods were so damaged as to be nearly or quite worthless?

Mr. RICHARDSON. I think not. He received them from Mitchell under protest, not because they were damaged, but because he was not permitted to take them where he desired to go.

I wish to add, in connection with this matter, that under all the circumstances, I think Mitchell ought to be indemnified. Judgment has been obtained against him for the discharge of his duty as an officer of the United States, and the Government cannot do otherwise than indemnify him.

Mr. COBB. Will the gentleman from Ohio allow me to propound a question to him? I am desirous to vote for this bill, if I can get a little difficulty removed out of my way.

Mr. SWEETSER. Mr. Speaker, I do not rise for the purpose of opposing this bill, so far as the gallant Colonel Mitchell is concerned; on the contrary, I am in favor of affording him the most prompt and ample relief.

[Here a number of gentlemen rising for the purpose of making remarks, and asking questions, Mr. SWEETSER said that he would yield to his friends in due time; but they must permit him first to call the attention of the House and the country to the alarming principles involved in the assumption of facts upon which this bill is predicated.]

It is assumed that Colonel Mitchell, a lieutenant-colonel in the army of the United States in the war with Mexico, was ordered by Col. Doniphan, his superior officer, to take possession of certain merchandise, the property of a trader, in order to prevent the same from falling into the hands of the Mexicans; that he obeyed the order of said Doniphan, and took the possession of the property, amounting to about *seventeen thousand dollars*, which property was abandoned by the owner, and destroyed, or lost, by the army, and that the owner has prosecuted Colonel Mitchell, in the circuit court of the United States for the district of New York; that said Mitchell gave the Government at Washington notice of the prosecution, and that Governor Marcy, late Secretary of War, was employed, and conducted the defence on the part of Colonel Mitchell, and that the case was pertinaciously litigated, under the direction of the Secretary of the Treasury; that a judgment has been recovered against Colonel Mitchell for the enormous sum of *ninety-seven thousand dollars*, or thereabouts, a transcript of which judgment has been taken to Missouri, and a judgment there rendered upon the record; that execution has been issued and levied upon Colonel Mitchell's property, which is about to be sacrificed, in discharge of said judgment, &c., as aforesaid rendered; that the relief sought by this bill is absolutely necessary in order to save Colonel Mitchell's property from sale and sacrifice; that the necessity for the passage of this bill is so urgent that all the usual forms of legislation should be dispensed with; and that the House, by unanimous consent, should now put this bill upon its passage; and that all remedy by appeal or writ of error is lost to Colonel Mitchell. That he must be sacrificed for an act which was done in the line of his duty, in strict conformity with the order given by his superior officer, in a time of war, in an enemy's country.

This bill involves a grave and important question—a question that has aroused all my sensibilities; and whilst I am willing to make the most ample relief to Colonel Mitchell, I must be permitted to express my surprise and alarm at the principles it involves. Sir, I call upon the legal talent of this House to scrutinize this matter, and speak out upon the principles involved.

Has this Administration been guilty of such neglect, a want of proper care and attention to the interests of its officers in a time of war as to permit a subordinate officer to be sacrificed in the manner indicated? If it has, I charge the Administration with a neglect of its duty to the Government, to the injured citizen, and as unfit to manage the affairs of the country in accordance with known and well-settled legal principles, which are essential to the very preservation of the Government itself.

I call upon the legal gentlemen upon this floor to sustain me in demanding for an officer in the army, in a time of war, who executes and obeys the orders of a superior, the same immunity which attaches to a judicial officer in the honest discharge of duty, within the scope of his jurisdiction. I

assert and maintain, that in the case admitted before the House, no judicial tribunal on the face of the earth, of any character, could have mistaken the well-settled law on the subject of military and judicial immunity. There is no principle so important and vital to the well-being of a country as the sustaining of all officers, either military or judicial, in the discharge of high and important military and judicial duty.

Mr. Speaker, I confess I feel alarmed when I reflect, that at this time, we have presented to our American Congress a case like the one now before us. It strikes at the very foundation of all government, and, if permitted, will subject men in the honest discharge of public duty, to pains and penalties which, in their consequences, will render all such functions hazardous in the extreme. It cannot be that this case has ever been fairly presented and litigated as it should have been, considering such important considerations.

Sir, I cannot believe that the highly-respectable tribunal referred to, have adjudicated such grave questions, and determined the law as seems to be admitted on this floor. This Administration being charged with the defence of this case, are responsible to the country for any and all violations of duty or principle in relation thereto. I call upon them to vindicate themselves to the country, and to vindicate the principle of military and judicial immunity. I call upon them to answer to the country, for permitting Colonel Mitchell to be harassed by a lawsuit, for an act which was done in the discharge of duty, and in obedience to the command of a superior officer.

Why has this matter rested for so long a time, until a bill is predicated upon a recovery of a judgment for \$97,000, in a case where but about \$17,000 of property was lost? Why has this Administration suffered the dignity of the Government, the majesty of the law, to be thus prostrated and outraged in the person of a gallant officer, who sustained the flag of his country in time of war? I demand, why all this, with some of the first legal men of the country at the head of that Administration?

Sir, the blunders of the Administration were sufficiently apparent in the unfortunate *Cuban proclamation*; in the prosecution of the *Christiana murderers* for *high treason*. I will not suffer this opportunity to pass without calling the attention of the House and the country to these matters.

I again invoke the attention and aid of the legal gentlemen of this House to the consideration of these momentous questions, and must be permitted to say, that since I have been honored with a seat on this floor, I have not witnessed with so much surprise and alarm any question that has come before the House for its action.

Sir, let us pause and consider well what we are doing, before we sanction the doctrines embodied in this bill; at least, let us raise our voices and call the attention of the country to the facts and principles involved, before we sanction even a bill for the relief of Colonel Mitchell, to be regarded as an acquiescence in the action of the Government.

It has been said by the honorable gentleman from Kentucky, [Mr. MARSHALL], that Colonel Mitchell has no remedy other than the passage of this bill.

The gentleman is mistaken; there is not a respectable judge in Christendom who would not order a stay of execution in the case admitted, if an appeal had been perfected or a writ of error allowed. I do not know how this matter has been litigated if the facts are as stated. A plea in bar would have raised the legal defence, or if the judge ruled erroneously on the trial, a bill of exceptions would have laid the foundation for adequate relief. And, sir, I repeat, there is not a respectable judge in Christendom that would not have ordered a stay of execution upon the judgment in Missouri, until the appeal or writ of error had been disposed of.

The gentleman is mistaken. I cannot believe that this case is one that should be summarily disposed of. Let us have a full hearing, and place responsibility where it properly belongs.

Above all, let us vindicate the principles of law, which are essential to the maintenance of Government, and place just responsibility where it justly belongs.

Sir, I shall shrink from no responsibility, in placing upon the heads of delinquents proper cen-

sure, nor shall I fail to call the attention of this House and the country, now, and at all times, to the alarming disclosures which seem to be admitted in this case.

I desire to be distinctly understood, that I shall give my vote with great pleasure for a bill that will fully indemnify Colonel Mitchell; and it is not my wish to procrastinate the passage of this or any suitable bill for that object.

I will now yield the floor to my honorable friend from Missouri, [Mr. HALL,] for explanation.

Mr. STEPHENS, of Georgia. I want to make a simple reply to the gentleman from Ohio.

Mr. SWEETSER. I promised to yield the floor to the gentleman from Missouri, [Mr. HALL,] and I will now yield it.

Mr. HALL. No one was more strongly opposed to the passage of the bill for the relief of Emanuel Harmony, when it was before the House, than myself. I believed it was a claim which was entirely unjust and should not have been allowed. But a district court of the United States have made a investigation into this case, and have made a decision differently from what I had supposed to be the law, and there has been a judgment rendered against a citizen of my own State. If gentlemen will take the pains to examine into the evidence before the House, they will find that all Colonel Mitchell had to do in the case was this: Harmony had a wagon-train of goods proceeding to Chihuahua. The officer in command, however, thought fit to detain him—as the gentleman from New Mexico [Mr. WRIGHTMAN] can testify—and Colonel Mitchell, in obedience to that command, did detain him. That is all Colonel Mitchell had to do in the matter—that is the extent of his instrumentality in the case.

Now, as to the question put by the gentleman from Georgia, as to the propriety of the conclusions arrived at by the court in New York: I was not at the trial, and do not know what was the evidence produced in the case. But I can testify, from a long acquaintance with Colonel Mitchell, that there is not a more honest or a more gallant man in this whole land, than he. He is as gallant a man as there is in the country, and he is as honest as he is gallant. I have not the slightest doubt in my own mind that he did just what it was his duty to do in relation to this case, and there is no sort of proof to the contrary. When he was about to be sued by Harmony, he informed the Government that he was upon the point of being arraigned for the discharge of his duty as an officer of the Army of the United States. The Government appointed an agent to defend him, and he gave himself no uneasiness about it, because he supposed the Government was able to defend his case. But a judgment was rendered against him in New York. Upon that judgment he was sued in St. Louis, and a judgment was recorded against him in the State of Missouri, and he is now in danger of being ruined for no cause but for doing his duty as an officer in the United States Army—for doing his whole duty in the defence of his country.

Mr. SWEETSER. There is no man upon the floor who will bear testimony to the high character of Colonel Mitchell more willingly than myself. I repeat, that I do not rise for the purpose of opposing the action of the House in relieving that gentleman from the unjust and oppressive judgment which has been rendered against him. But I rise for the purpose of calling the attention of the House and the country to the fact, that this Administration has permitted a gallant officer of the Army in the war with Mexico to be stricken down by a judgment against him, in one of the courts of the United States. I ask if there is a man in this House who will get up and sanction the Administration in its conduct in this matter? As I remarked, I do not rise for the purpose of opposing this bill, but I rise for the purpose of telling this Administration, and all who are interested in this matter, that if the time has come when an officer, by obeying his superior in a time of war, and preventing property from falling into the hands of the enemy, is, by a form of judicial proceeding instituted, about to be sacrificed and ruined—in a case, too, where he has done nothing but his duty in obeying a command, the disobedience of which would have subjected him to infamy and disgrace—I cannot refrain from expressing my surprise. It becomes this House, it becomes all the legal men of this House, to declare to the country what

the course of this Administration has been upon this subject. This Administration, with all its blunders in relation to the Cuban proclamation, and in the prosecution of the Christiana murderers for treason, has enough to answer for. If, with the distinguished man at its head, this Administration permits the rights of an officer to be trampled on in this manner, I say that it becomes this House to protest against it in the most solemn manner, and to take such action, as will place the facts before the country, and let the responsibility fall where it properly belongs. The act of Colonel Mitchell was the act of the Government.

I have no wish to protract the debate at this time. My desire has been to vindicate right and principle fearlessly. I will yield the floor.

Mr. STEPHENS, of Georgia. I have but a few words to say. The question for us to determine is not whether the President has done wrong, or whether the Administration is to be censured or not; but it is, whether Colonel Mitchell, who is about to suffer great pecuniary loss in this matter, shall be relieved or not. That is the question, and I do not intend to travel from it in reply to the gentleman from Ohio. But I would ask that gentleman, in all candor, wherein or how is the President to blame?

Mr. SWEETSER. Not at all.

Mr. STEPHENS. Is the Administration to blame, then?

Mr. SWEETSER. I think so.

Mr. STEPHENS. How? I ask the gentleman, how? Is the Administration to blame for what your courts do? Is the Administration to be held responsible for your district attorneys, even if they have not done right? I ask, has not the Administration done all which is in its power to do when it has furnished the judges, the jurors, and the lawyers, for trying the case?

Mr. SWEETSER. I will answer the gentleman with great pleasure. It may be, as he claims, that the Administration may be excused upon the ground that by furnishing the means of defence it has done all it ought to do; but there is a want of attention, a negligence somewhere, or the rights of this officer would not have been permitted thus to be violated.

Mr. STEPHENS. The gentleman is only repeating what he said before.

Mr. SWEETSER. Well, I will come directly to the point. The fact is, that the district attorney or the Solicitor of the Treasury had control of the appointment of counsel to defend Colonel Mitchell in this case, and I will not yield to any man that he could not have employed such counsel as would have prevented such a judgment as was rendered in this case, and therefore I say the Administration is responsible in the matter, for there are merits in the case which no lawyer will question.

Mr. STEPHENS. Very well; the gentleman rises and says there were merits in the case which no lawyer in this House will question, and if the case had been properly presented, that judgment would never have been rendered. Now I am not prepared thus to appear before this House. I am not prepared voluntarily to rise up and say, that there are principles and merits in this case, or any other case, which has been decided by any court of the United States, which shows that it was decided wrong; and that no lawyer will question the error of the decision. In this case I am far from affirming, that no lawyer will call in question the impropriety and error of the court. If I am correctly informed, this case was decided by an able judge, after mature argument by able counsel. Governor Marcy was the counsel for Colonel Mitchell. He is a man of unquestionable ability. He was Secretary of War at the very time when the trespass was committed. He must have known whether Colonel Mitchell was acting under authority or not. Does it become me, or any member on this floor, to stand here and say, that Governor Marcy would stand by and assent to, or yield to, by not excepting to any judgment founded upon principles which any lawyer in this House would say was an outrage? I am not prepared to say that. If the gentleman from Ohio is, he can do so—I am not. But the Administration were certainly not remiss where the interests of the public were in Governor Marcy's hands. I am not prepared to say, that that distinguished lawyer and statesman did not conduct this case with his known ability and fidelity. I am not prepared to say, that he failed to do his duty, or

that the judges were corrupt, or that the district attorney was corrupt, or that the jury was corrupt. I am not here to make such charges; nor do I arise now to the correctness of the judgment rendered. That question is not before the House. All that is properly submitted to us is, whether Colonel Mitchell is entitled to the relief asked? The judgment, whether properly or improperly rendered, is about to be enforced. A gallant and faithful officer is about to be ruined, for an act done in the public service, and for what was thought to be the public good; and the only question now before us is, whether we will see him ruined by this loss, or let it be borne by the public? It is of great importance that the bill pass speedily; and the only point now before us is, Shall the bill be put upon its passage? I hope gentlemen will not object to letting us have a vote upon it. This requires unanimous consent. If a vote is now allowed to be taken, gentlemen can vote as they please upon its merits. If any gentleman is opposed to it, let him vote against it. What I want is, that the House, by unanimous consent, may be allowed to pass at this time upon its merits. I see no reason for delay. I think we ought to vote, and vote now. And for myself, I am prepared to vote for the bill.

Mr. MEADE. I rise for the purpose of making a suggestion, more to get the views of the gentleman from Georgia [Mr. STEPHENS] in relation to it than anything else, and to satisfy myself with regard to it. It seems to me, if the district court of New York was right in the judgment it pronounced that Mitchell acted not by authority of the Government, and that he was a wrong-doer individually. But if that decision was an erroneous one upon principles of law, then I will vote for his relief; but if he was forced to act in obedience to lawful authority, then it was an act which would bar recovery against him. But it seems the court thought he did act without authority. If he acted from authority, the United States is the wrong-doer, and not Colonel Mitchell; and the only remedy for the party aggrieved is by application to this Government. But Mr. Harmony prefers to bring his action against Colonel Mitchell as an individual trespasser; and the court by its judgment—taking things *prima facie*, for I do not say the judgment was correct—has decided that Colonel Mitchell acted not as the agent of the Government in this matter.

Mr. TOOMBS. The gentleman has mistaken the principle. A person injured has always a right to look to the individual trespasser for compensation, although he may have committed the trespass by the authority of his principal. An act of trespass is always illegal, and—

Mr. MEADE. The gentleman will allow me to proceed. I speak more for information than anything else. I am not inclined to concede the position taken by the gentleman from Georgia, [Mr. TOOMBS.] I cannot give the authorities, but our books are full of cases of this sort. I will refer to a case against Commodore Stockton, where the owner of a vessel, a few years ago, sued him for seizing his vessel as a slave, somewhere upon the African coast. In addition to his case, there is one now pending before this Congress, where Lieutenant Bismombe was sued for seizing a slave, or one suspected of being a slave, and bringing her to the United States. A libel was filed against the vessel, and the case was dismissed by the district attorney of Massachusetts, as was also the case in the action against Commodore Stockton. Upon the dismissal of the libel, a suit was instituted against Lieutenant Bismombe, in the one case, and against Commodore Stockton, in the other, and the parties failed to recover damages, because the officers were considered by the court, as having probable cause of suspicion, and having acted in obedience to orders from the Government. The cases failed upon the ground that the Lieutenant, in the one case, and the Commodore in the other, were acting by authority, and the individuals aggrieved had no redress.

The court decided in those cases that the plaintiff could not recover against the officers of Government, acting by its authority. And those officers having expended their individual means in the defence of the actions brought against them, applied here to obtain redress. Commodore Stockton was paid the costs of his suit by the Government, and we are prepared to report a bill to reimburse to Lieutenant Bismombe the like expenses.

Now, is the position true or not, that if an officer acts in obedience to the lawful instructions of his Government, he is liable to a suit, as an individual, for acts committed under these instructions? The inferior officer is bound to obey the commands of his superior. The superior officer is presumed to act with authority; and if he acts by authority, I undertake to lay down the position that he is indemnified against the consequences arising out of his obedience to his orders.

A VOICE. Suppose a superior exceeds his authority?

Mr. MEADE. If a superior exceeds his authority, then the case is a different one. Do I understand this is the case at bar? If Colonel Doniphan exceeded his authority, and thereby get Colonel Mitchell into a scrape, I should vote to relieve Colonel Mitchell.

Mr. PHELPS. That was the case.

Mr. MEADE. The question arises, was Colonel Doniphan authorized to issue the order to Colonel Mitchell? If he was, then I say the United States is responsible for the trespass, and not the officer.

A VOICE. That is the case.

Mr. MEADE. If he did not, and if the judgment of the court is an erroneous one; if they ought to have found in favor of Mitchell, upon the ground that he was acting in obedience to authority, I should be in favor of relieving Colonel Mitchell, and in favor of this bill, unless it be made perfectly manifest that he acted wrongfully, without authority, and under circumstances which did not justify him.

I believe I shall vote for the bill after investigating the facts and merits of the case. But there seems to be a difference of opinion in regard to the facts and merits, and I am in favor of inquiring into them, as they have been imperfectly related by the different speakers, and not with that detail which is necessary to enable us to come to a correct decision. I would rather look into the circumstances of this case before I vote, because I do not wish, by hastily passing a bill of this sort, set the example, and say that an officer, who, in obedience to his instructions, commits a trespass, and is afterwards sued for it, and make some loose defence of his case, or neglects it, is justified in coming before the Congress of the United States for indemnity. I wish by a scrutiny of this case to put those officers upon their guard, and require them to make every defence that is necessary, and that they can possibly make. If Colonel Mitchell has done this duty which he owed to himself and to the Government, I will vote for this bill.

Mr. COBB. I am inclined to vote for the bill, if I can, by one or two appropriate answers, get a little difficulty out of the way. I want to vote knowingly. I think that by asking one or two questions I can get the information I desire. Did I understand—I regret that the honorable gentleman from Illinois [Mr. RICHARDSON] is not in his seat—did I understand him to say that this man was before the last Congress for relief?

Mr. PHELPS. No.

Mr. COBB. I hope I misunderstood him. My understanding was, that Colonel Mitchell asked relief at the last Congress.

Mr. VENABLE. No. Mr. Harmony applied for relief at the last Congress, not Colonel Mitchell.

Mr. COBB. That is the man. That is one of the branches I would like to have explained.

Mr. STEPHENS, of Georgia. I will answer as I understand it. He applied to Congress for relief. He thought he had been outraged?

Mr. COBB. Not Colonel Mitchell?

Mr. STEPHENS. No; Mr. Harmony.

Mr. COBB. I am glad to hear it.

Mr. STEPHENS. Harmony would not await the action of Congress but sued Colonel Mitchell, and recovered against him.

Mr. COBB. Another question. I am led to believe that Colonel Mitchell obtained possession of a portion of these goods and made use of them. Is that so?

Mr. PHELPS. No, no—that is not so.

Mr. COBB. I am glad of that. [Laughter.] I have always been disposed to tread lightly when I could not see the ground upon which I was going to tread. When this question was first presented my impulse was—as my impulses always are to do justice to every individual coming here and asking for relief—to vote for the bill instantaneously. My mind was misdirected, and I am glad

now to know that it was, for without the information I have obtained from the inquiries I have propounded, I should have been obliged to vote to refer the bill for the purpose of getting further information. Gentlemen will allow me to say it is my policy, whenever a case is presented here—one which I believe to be meritorious—to give it speedy consideration, rather than to throw it into that vortex whence nothing comes out. I want direct action upon the bill and I will vote for it.

Mr. WALSH. Allow me to say that a point of law was raised in the case of *Harmony vs. Mitchell*, which was fully discussed, and I do not understand the court as sanctioning the law as laid down by the learned gentleman from Georgia, [Mr. TOOMBS.] The case was this: It was not one of immediate pressing necessity. This man Harmony was on his way to Mexico with goods, contained in wagons, and Colonel Doniphan, in the exercise of his military discretion, decided that, if those goods should come into the possession of the Mexicans, as they would be likely to do, they would aid them essentially in their defence, and he ordered Colonel Mitchell, with his command, whatever it was, to take possession of the goods in order to prevent that catastrophe. The justification was a military one. Every military man considered it a justification. He was doing his duty as a soldier, and he would have been liable to punishment and rebuke if he faltered. But the court says this is not—looking at it in a technical point of view—a case of immediate necessity, and that that is the test of the responsibility of the party. The question of law is raised before the court, argued before them, and decided upon that ground. I suppose it is technical law, and it is a hard law, against the effects of which this gentleman ought to be saved, and saved at once. It is perfectly manifest, let me say in addition, that the Government took the responsibility of this proceeding, and if the gentleman from Ohio [Mr. SWEETSER] is right in saying that the Administration is in fault, the sins of the Administration ought not to be visited upon this military officer.

The Government recognized the right of this man; recognized the propriety of his petition, and authorized the legal officer to appear before the New York tribunal, and make a defence. If there is any fault in not taking a bill of exceptions, it is not that of this soldier, who should not be visited with the faults of the lawyers or of the Administration.

If we do not defend this man, it will be very much like a case in the English books, where a very grave matter was debated, before the courts in regard to a capital offence, and the authorities say the judges never publicly proclaimed their opinion, but the prisoner was hung.

Mr. STEPHENS, of Georgia. The decision of this case by the court, I understand to be upon the ground stated by my colleague, [Mr. TOOMBS,] and which the gentleman from Maryland [Mr. WALSH] seems to think was an error, as also the gentleman from Virginia, [Mr. MEADE.] Mr. Mitchell was there and pleaded the instructions under which he acted, and the court in New York held that such a plea was no justification, and overruled it; and in doing so sustained the principle that my colleague [Mr. TOOMBS] states—that is, that it is no plea, and no justification, and that he is liable alone as an individual.

I did not intend, in the remarks I made, to be diverted into an argument upon the merits of this case. Hence I arose barely to present to this House a naked case to let them look at. Here is a man injured, whether rightfully or wrongfully; and he comes here with clean hands himself, and the question is, Shall this House grant relief? I hope this bill may be put upon its passage, and then we can vote as we please.

Mr. HOUSTON. I call for the previous question upon the motion to refer.

Mr. STEPHENS. Let the Chair first ask the unanimous consent of the House to put the bill upon its passage.

Mr. HOUSTON. My object is to prevent further debate.

Mr. DANIEL. As I made the motion to refer, I hope I may be allowed a word.

Mr. HOUSTON. I will withdraw my call for the previous question if the gentleman will renew it.

Mr. DANIEL. I will, sir. I did not intend to commit myself against the bill by the motion

I made to refer, but I did think that in a case involving so large an amount of money the House should have the responsibility of a committee as to the facts. Gentlemen think they know something about the facts, but they may be mistaken. One of my objects was to have all the facts relative to the bill placed before the House. If those stated here should be ascertained to be true by a committee, I would not oppose the bill; on the contrary, I would willingly vote for it. Therefore it is that I cannot withdraw my motion. In accordance with the promise I made the gentleman from Alabama, I will call for the previous question.

The call for the previous question was seconded, and the main question was ordered to be put. The question was taken upon the motion to refer, and it was disagreed to.

The SPEAKER. Is there objection to ordering the bill to be engrossed, and read a third time?

Mr. MEADE. Is it in order to move to refer the bill to the Committee of the Whole upon the state of the Union?

Several MEMBERS. Let us vote! Let the bill be put upon its passage!

The SPEAKER. In the opinion of the Chair, objection having been made to the engrossment of the bill, under the rules, it must go to the Committee of the Whole on the state of the Union.

Mr. MEADE. My object in rising just now, was to enter a protest against hasty legislation in matters of this sort.

The SPEAKER. The Chair thinks debate is out of order.

Mr. MEADE. The testimony around me is so great in favor of the equity of this claim, that I will not make the motion I had intended. I am willing that the bill shall be passed.

Mr. STANTON, of Ohio. Knowing as little as we do about that bill, I am not willing that it shall be passed, and object to its being engrossed.

Mr. MEADE. I ask the gentleman who has made the objection, to move it be the special order for some day.

Mr. STEPHENS. It cannot be done except by unanimous consent.

The SPEAKER. The Chair is of the opinion, that the bill must go to the Committee of the Whole on the state of the Union.

Mr. STANTON. I withdraw my objection.

The SPEAKER. It is objected to by several members. The bill will be referred to the Committee of the Whole on the state of the Union.

CONGRESSIONAL LIBRARY ROOM.

The SPEAKER laid before the House, Senate bill No. 184, entitled "An act to provide for the repairing of the Congressional Library room lately destroyed by fire."

Mr. CHANDLER. I ask the general consent of the House that that bill be put upon its passage. It is absolutely necessary that the committee should be authorized in some form or the other, at the present time, to issue their proposals.

Mr. ORR asked for the reading of the bill, and it was read.

Mr. ORR. I have heard enough of it to insist that it be referred to the Committee of the Whole on the state of the Union.

Mr. STANTON, of Kentucky. I hope this bill will not be committed.

Mr. ORR. It must go there when objection is made.

Mr. STANTON. I hope you will withdraw your objection.

Mr. ORR. I cannot.

Mr. STANTON. I will then state a few reasons why it ought not to go there, in the hope that it will induce members of the House to consent to take it up at an early day.

Mr. ORR. I rise to a question of order. I have objected to the consideration of the bill.

The SPEAKER. The Chair is of the opinion, that the bill must go to the Committee of the Whole on the state of the Union.

Mr. CHANDLER. I move that it be made the special order for Monday next.

Mr. STEPHENS, of Georgia. I object. I am opposed to all special orders. A majority of the committee can take it up whenever they wish without its being made a special order.

THE ADDITIONS TO THE CAPITOL.

The SPEAKER also laid before the House the following joint resolution from the Senate, No. 17,

"A resolution to authorize the continuance of the work upon the two wings of the Capitol;" which was read a first and second time by its title.

Mr. STANTON, of Kentucky. I make the same request of the House with reference to this resolution. I ask the unanimous consent that it be put upon its passage. It is exceedingly important that it should be done; because if this small appropriation is not speedily made, the work on the extension of the Capitol must, necessarily, remain in its present condition nearly the whole of the winter. The bill only proposes to appropriate \$10,000 for the purpose of employing workmen to do that description of work which can be done during the winter, and to keep them employed until the regular appropriations shall be made. If the House will permit me, I will send to the Chair to be read a letter from the Secretary of the Interior, which shows the necessity of the appropriation.

Mr. ORR. My recollection is, that a committee of investigation was appointed a few days since, to inquire into the manner in which the work had been done upon these wings to the Capitol. There have been allegations made that the work is of such an insufficient and unsubstantial character, and composed of such material, that it may be necessary to take the whole of it down. I inquire of the chairman of that committee if he has made any progress in the investigation?

Mr. STANTON. The chairman [Mr. McNair] is not present, but I will take occasion to answer for him. That committee is now proceeding with the investigation. It will terminate, I have no doubt, in about two weeks. I will state, that no matter what may be the result of that investigation—whether they determine the foundations are strong enough or not—this appropriation will be expended in a way as not at all to be affected by it.

Mr. ORR. Not if the whole foundation is to be taken up?

Mr. STANTON. Not if the whole foundation has to be taken up.

Mr. ORR. How is it to be expended?

Mr. STANTON. In dressing stone which can be used in any other foundation, if it shall be decided to take down the present one. I have no idea, I do not believe any practical man in the city of Washington has any idea other than that the investigation will result in the declaration by the committee that the foundations are equal, if not superior, to any in the city of Washington.

Mr. ORR. The objection urged by the gentleman from Pennsylvania, who moved the appointment of this committee, was that the stone was of an unsubstantial character. I therefore think it proper that the consideration of this resolution should be postponed until we have the report of that committee.

Mr. McNAIR. The committee have appointed Professor Johnson to examine the stone, and have directed him to report to them its strength, its capability of sustaining the superstructure, and its power to resist the influence of the atmosphere. He says that he will report in about two or three weeks. The committee are still progressing with the testimony, which will in a short time be completed.

Mr. HOUSTON. I wish to arrest this discussion if I can do so.

The SPEAKER. Debate is not in order at this stage of the proceedings.

Mr. HOUSTON. We can discuss all of these subjects legitimately upon the report of the committee.

Mr. FLORENCE. Will the gentleman withdraw his objection for a moment, that the chairman of the committee may proceed to inform the House how far the investigation has progressed?

Mr. HOUSTON. I will for a moment.

Mr. McNAIR. We have proceeded in the investigation by examining some five or six witnesses. The testimony is various. We will meet again on this day week, to examine the subject still further. We are still in doubt about the matter.

Mr. ORR. How long before the committee will be likely to submit a report?

Mr. McNAIR. It will be, I suppose, about four weeks, if Mr. Johnson reports previous to that time, which I suppose he will do.

The SPEAKER. The Chair must remind the gentleman that this bill containing an appropriation,

must be referred to the Committee of the Whole on the state of the Union, if objection be made, which the Chair understands has been already done in this case.

The question was then taken, and the bill was referred to the Committee of the Whole on the state of the Union.

COLONEL MITCHELL.

Mr. PHELPS. I rise to a privileged question. I move to reconsider the vote by which the bill for the relief of Lieutenant Colonel Mitchell was referred to the Committee of the Whole on the state of the Union. I do not propose to discuss or consider it, but let it remain, that the committee may take it up at some other time.

SENATE BILLS REFERRED.

The SPEAKER laid before the House the following bills from the Senate, which were severally read the first and second time by their titles, and referred as indicated below:

No. 25. An act supplementary to the several acts of Congress providing for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes. Referred to the Committee on Commerce.

No. 202. An act authorizing new registers to the American-built ship Obed Mitchell. Referred to the Committee on Naval Affairs.

No. 209. An act to change the time of holding the United States district courts in Alabama, and for other purposes. Referred to the Committee on the Judiciary.

PUBLICATION OF THE LAWS, ETC.

The SPEAKER. The next bill in order is a bill of the House to regulate the publication of the laws of the United States and public advertisements, which was reported from the Judiciary Committee, with a recommendation that it do not pass; and the question pending is the motion of the gentleman from Tennessee [Mr. HARRIS] to lay the bill upon the table, and upon which motion the yeas and nays have been ordered.

Mr. SMART. I wish to ask my friend from Tennessee [Mr. HARRIS] if he will not have the goodness to withdraw his motion? I have some facts in relation to the cost of publication of the laws, which I desire to present.

Mr. HOUSTON. Let us go into Committee of the Whole, by unanimous consent, and finish up the bounty land bill, or the bill referred a few minutes since in regard to Colonel Mitchell. I move that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. SMART. I hope the House will not do that.

Mr. HARRIS, of Tennessee. If the gentleman from Maine [Mr. SMART] will renew the motion to lay upon the table, I will withdraw it.

Mr. SMART. It will be recollected by the House that I presented some views in relation to this subject a few days ago. The subject came up unexpectedly, and I had not prepared myself with such facts as I deemed necessary for the information of the House, and which I wish to present now briefly, for the benefit of those who may not have understood the character of this bill. I desire, in the first place, to state what the character of the bill is: It provides for the publication of the laws of the United States in two papers having the largest circulation in each Congressional district; and also provides that the public advertisements, whenever it may be necessary to publish them in any Congressional district, shall be published in the same papers. That is the proposition, and the objection to it seemed to be the expense. That was the great objection urged upon the House, and in relation to that I have something to say. I desire the attention of the House to the facts which I shall present. I do not now address myself to the country, but to the House. I will show what will be the expense under this plan of publication. Counted together, the Congressional districts and Territories amount to two hundred and thirty-eight. Two newspapers in each district and Territory will amount to four hundred and seventy-six. Add four papers in this District, and you make the total amount four hundred and eighty. I have a letter from the Department of State, showing the expense of publishing the Laws for the Thirty-first Congress, which I will read:

DEPARTMENT OF STATE,
WASHINGTON, 9th July, 1851.

Sir: I am directed to acknowledge the receipt of your letter of the 27th ultimo, addressed to the Secretary of State; and in reply to the inquiries therein contained, to inform you that \$224 was allowed to the publishers of each newspaper for publishing the laws, &c., of the first session, and \$93 the second session of the Thirty-first Congress. No compensation is allowed to the publishers.

I am, sir, respectfully, your obedient servant,

WM. C. ZANTZINGER, Agent.

The average annual amount of cost, therefore, would be \$158 50 to each paper.

Mr. HOUSTON. I will ask the gentleman from Maine, is that a letter from the State Department?

Mr. SMART. It is a letter from the State Department.

Mr. HOUSTON. There is evidently an error in the statement. I do not say the gentleman has committed it, but there is error somewhere, for I know the expense is greater than that.

Mr. SMART. I will say that the gentleman is wholly mistaken. The statement of the Secretary of State is correct, for I found the expense in the Blue Book.

Mr. HOUSTON. I do not deny that the extract is a correct one.

Mr. SMART. I will state that I looked into the Blue Book, and I found the expense put down the same there as I have stated. Then I say that the whole expense of publication upon this basis, under this bill, would be \$76,080, and no more. This would be the whole expense of the publication of the laws in the newspapers under this plan. And now when we are called upon to enact this bill, gentlemen rise up here and complain of the expense. They talk of the great expenditures of Government which will be involved in the publication of these Laws! But, sir, Congress expends a vast deal more money in many other respects. What is the expenditure for the benefit of individuals? This House appropriates annually, for books which go to its members—to the use of the legal profession and officers in this country, a sum exceeding \$100,000. So much for expenditures for the benefit of individuals. Now, when you come to the expenditure of merely \$76,000 for disseminating information of the most important character among all classes of the people, it is thought to be a very extraordinary proceeding. I have some facts showing the kind of distribution which is made of the laws of the United States.

Mr. CARTTER. What is the aggregate amount of the expenses of publication, as made by your investigation?

Mr. SMART. Seventy-six thousand dollars. I wish to call the attention of the House to the distribution of the Laws of the United States, handsomely bound, under the law of 1846. I mean Little and Brown's edition. They were distributed as follows: First, to the President and Vice-President; second, to the Judges of the Supreme Court of the United States; third, to the Heads of Departments; fourth, to the Attorney General of the United States; fifth, to Foreign Governments; sixth, to the library of Congress; seventh, to the Law Library; eighth, to Committees of Congress; ninth, to District Judges and Clerks; tenth, to Judges and Clerks of Territories; eleventh, to Collectors of Customs; twelfth, to Surveyors of Customs; thirteenth, to Land Officers; fourteenth, to Foreign Ministers; fifteenth, to Navy-Yards, Naval Schools, and West Point Academy.

Mr. FULLER, of Maine. Do these books become the property of the individuals?

Mr. SMART. I was about to say, if the gentleman had not interrupted me, that these Laws handsomely bound, are distributed to these individuals for their use, while in office, under a law of the United States. And I will add, that they are better able to purchase them than thousands of the people of this country, who hold no office. While you have made this distribution of the Laws in handsome volumes to these officials, will you refuse to send the Laws of the United States, in some proper form, to the people? That is the question I put to the House. Gentlemen seem to think that no publication of the Laws in the public press is necessary. Do they go for placing the Laws only upon the shelves of the profession and the desks of politicians and office holders?

But there is another fact to which I wish to call the attention of the House. How much money, do gentlemen suppose, is expended here upon the

printers of this city? Why you expend, on an average, \$200,000 annually upon the printers and publishers of this city, exclusive of the amount paid to them for the publication of the laws and public advertisements. And yet, when I propose to expend \$76,000 among the printers of the whole country—to the most healthy portion of the American press, and for the benefit of the whole people, gentlemen seem to think that it is an exorbitant expenditure. I hold that an expenditure which is for the benefit of the people, is a wise and good expenditure. I hold that the intelligence of the people is the solid basis of the republican institutions of this country, and that any expenditure which is made to disseminate information and light among the people, is a wholesome and proper expenditure. Show the people your laws and they will see where to apply the knife of retrenchment—they will make good use of the information you give them. The bill before us, I admit, adds a little to the expense of Government, but it will, in the end, lead to retrenchment.

But further: the present publication of the Laws of the United States is absurd—totally absurd. What is it? You provide for the publication of the Laws of the United States in two newspapers in each State—in two papers in the great State of Ohio, for instance, and in two papers in the State of Delaware. You not only make an arbitrary provision for the equal circulation of the Laws in States with populations greatly varying in amount, but you do more—you confine it to a party. When the Whigs are in power you give the circulation entirely to the Whigs, and when any other party is in power, you give it entirely to that party. I say, then, that the circulation of the Laws of the United States, as at present provided, is totally absurd. Why, what is the circulation of the laws of the State of Ohio, in that State? I have some information on that subject, which I suppose is nearly correct, for I obtained it from a gentleman belonging to Ohio. I understand that Ohio publishes her own Laws in two papers in each county. I understand further, that there are some eighty counties in the State, and that the Laws are published in something like one hundred and fifty papers in the State of Ohio alone, at an expense of about \$12,000. That is what Ohio does; and if you take her circulation of the Laws as an average, it would cost \$125,000 to publish the Laws of the several States of the Union. The States feel it important that their laws should be published; and if Ohio and other States can afford as much as I have stated to publish their Laws, I think the Government of the United States might afford to pay \$76,000 for the publication of the Laws of Congress for the benefit of the people.

Sir, is it a fact that the laws we make here are of no importance? We come here and sit in grave council; gentlemen come together from all parts of the country to legislate for the good of the country, and then publish the laws they enact in so few papers in the Union as to be almost inaccessible to the people. In my remarks upon this bill some days ago, I spoke of the patronage of Government dispensed to the press and to individuals, and I intend to say something more upon that subject now. I wish gentlemen to understand that there is a wide difference between the patronage of the Government and the expenditures of the Government. The Government may make expenditures and still give no patronage. This bill, it is true, slightly increases the expenses of the Government, but it diminishes its patronage. What I wish to speak of now, is the patronage of the Government—that is, the expenditures upon individuals over whose tenure of office the Administration have control. The patronage of this Government, it is well known, has become enormous, and I have some facts in relation to that subject to which I wish to call the attention of the House.

The expenditures of the Government, nearly all of which are under the control of the Administration, have been for certain periods as follows: In 1830, \$13,229,533; 1840, \$22,389,356; 1852, \$43,816,124; exclusive of payment of the public debt; showing that the expenditures of the Government have nearly doubled in every ten years since 1830. I ask if this is not an enormous expenditure, and if we have not reason to be alarmed at the increasing patronage of the Government? In addition to this, you have under the control of the Administration a large portion of the press of the country, by means of the publication of the

laws, and more particularly of the public advertisements.

Let us for a moment look at a few items of expenditure over which the President has a direct or indirect control, I read from Mr. Corwin's report:

Executive Department	\$1,120,663 02
Governments of Territories	51,408 10
Surveyors and other clerks	60,680 57
Officers of Mint and branches	43,300 00

It is proper to state, that part of the amount allowed for governments of Territories goes to members of the Legislature of Territories, over whose tenure of office the President has no control.

FOREIGN INTERCOURSE.

Salaries of Ministers	\$81,934 73
Salary of Minister Resident to Turkey	7,500 00
Salaries of Chargés d'Affaires	70,146 02
Salaries of Secretaries of Legation	18,481 09
Salary of Dragoman to Turkey	2,750 00
Commissioner to reside in China	7,500 00
Secretary and Chinese Interpreter	3,000 00
Commissioner to the Sandwich Islands	2,016 67
Outfits of Ministers and Chargés d'Affaires	128,500 00
Compensation for certain diplomatic services	2,295 92
Contingent expenses of all the missions abroad	31,852 28
Contingent expenses of foreign intercourse	40,441 03
Salary of the Consul at London	2,000 00
Clerk-hire and office rent to Consul at London	2,800 00
Salary of Consul at Alexandria	3,000 00
Salary of Consul at Beyrout	500 00
Salaries of Consuls at Kwang, &c., China	1,500 00
Office-rent of Consul at Basle, Switzerland	382 33
Intercourse with Barbary Powers	8,000 00
Interpreters, guards, and other expenses of Consulates in Turkish dominions	1,475 22
Renewal of diplomatic intercourse with Mexico	3,432 48
Compensation and contingent expenses of Commissioners under treaty with Mexico	20,428 39

I find that there are upwards of one hundred collection districts in the United States; and the Secretary of the Treasury tells us in his annual report that he will need \$2,450,000 to pay the salaries and other expenses incident to these collection districts. Take this branch of the service alone, and I ask this House if it does not present a case of enormous patronage of the Government? In the cities and towns where this immense sum is expended by the appointees of the President, the publishers of leading newspapers are the recipients of favor from the President, and willingly do his bidding.

By such instruments, influence is made in the great cities of the Union to control the Union. This influence exhibits itself in the shape of meetings, resolves, speeches, &c., and is often called public sentiment, when in truth it proceeds from the dictation of the Executive, and is merely the emanation of his will. It is true that when the people are in a state of healthy excitement they do their own work, and salaried men are compelled to stand out of their way. But in times of apathy there is always danger from the machinations of the hundred thousand men who are fed from the Treasury of the nation. There are, it is true, many honorable exceptions among the men holding office; but the great majority of those who receive office from the hands of the Executive respond with alacrity to his commands. These references to the patronage of the Executive are sufficient, I trust, to satisfy all of its magnitude—to satisfy all that it has increased beyond the increase of population—to satisfy all that it is liable to become a dangerous power unless its control is to some extent modified. Shall we, then, allow the Executive any longer the power to withhold or bestow patronage, so far as the press is concerned, or shall we pass this bill, which employs printers to do the work of the Government without the intervention of the Executive?

Why, sir, when I reflect upon this subject of Executive patronage, I am reminded of what was said in the time of the Revolution, by our fathers, against the mother country, and I have here one or two extracts, which, with the indulgence of the House, I will read.

Our revolutionary fathers fought for the correction of more abuses than it will be necessary for me to mention upon the present occasion. They fought to deliver themselves from unjust taxation, to preserve the principles of *habeas corpus*, and jury trials from outrageous violation by the British authorities, and to reform abuses in the distribution of offices and emoluments.

These abuses were made the subject of frequent complaint to the British Parliament, and to the people of England, and the American colonies. In an address (October 21, 1774) to the people of Great Britain, from the delegates in General Con-

gress, at Philadelphia, the following language was used:

"We might tell of dissolute, weak, and wicked governors having been set over us, * * * of needy and ignorant dependents on great men advanced to the seats of justice, and to other places of trust and importance."

"Expensive and oppressive offices have been multiplied."—*Memorial of Continental Congress, 1774.*

"Judges of courts of common law have been made dependent on the Crown for their commissions and salaries."

Id. "The charges of usual offices have been greatly increased, and new, expensive, and oppressive offices have been multiplied."—*Address to the King by Continental Congress, 1774.*

"Officers employed in the administration of justice, have been rendered independent of the people with respect both to their salaries and the tenure of their commissions."—*Address to the Lords, Spiritual and Temporal, of Great Britain, by the New York Assembly, 1775.*

"He [the British King] has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance."—*Declaration of Independence.*

I repeat, sir, when I reflect upon the enormous increase of the patronage of this Government, the multiplication of officers, and the control of the Government over those officers, I am forcibly reminded of the complaints of our fathers in the Revolution. I appeal to gentlemen to say if the patronage of the Government is not sufficiently large without giving to the Administration, to a great extent, the control of a thousand publishers and printers? And while I am upon this subject, I cannot perhaps do better than to call the attention of the House to a report made in 1826 by Mr. Benton, as chairman of a select committee of the Senate, recommending a reduction of the patronage of the Executive Government, and presenting among other bills to promote that object, one taking the control of the press away from the Executive. ask attention to one or two extracts from that report.

Speaking of the power and workings of the Federal patronage, he says:

"The whole of this great power will center in the President. The King of England is the 'fountain of honor,' the President of the United States is the source of patronage. He presides over the entire system of Federal appointments, jobs, and contracts. He has 'power' over the 'support' of the individuals who administer his system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and may dismiss them, and upon all the principles of human action, will dismiss them as often as they disappoint his expectations. His spirit will animate their actions in all the elections to *Stator Federal* offices. There may be exceptions, but the truth of a general rule is proved by an exception.

"The intended check and control of the Senate, without new constitutional or statutory provisions, will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the car of power, and enable the President to rule as easily, and much more securely, with than without the nominal check of the Senate. * * * We must look forward to the time when the public revenue will be doubled, when the civil and military officers of the Federal Government will be quadrupled; when its influence over individuals will be multiplied to an indefinite extent; when the nomination by the President can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress; when the principle of public men will be open and avowed: The President wants my vote, and I want his patronage. I will vote as he wishes, and he will give me the office I wish for. What will this be but the government of one man? And what is the government of one man but a monarchy? Names are nothing. The nature of a thing is in its substance, and the name soon accommodates itself to the substance. The first Roman Emperor was styled Emperor of the Republic, and the last French Emperor took the same title, and their respective countries were just as essentially *monarchical* before as after the assumption of these titles. It cannot be denied or dissembled but that this Federal Government gravitates to the same point. * * *

"In the country for which the committee act, the Press with some exceptions, the Post Office, the Armed Force, and the Appointing Power are in the hands of the President, and the President himself is not in the hands of the people. The President may, and in the current of human affairs, will be against the people; and in his hands the arbiters of human fate must be against them also.

"This will not do. The possibility of it must be avoided. The safety of the people is the 'supreme law,' and to insure that safety these arbiters of human fate, must change position, and take part on the side of the people."

"The committee must take things as they are. Not being able to lay the axe at the root of the tree, they must go to pruning among the limbs and branches. Not being able to reform the Constitution, in the election of President, they must go to work upon his powers, and trim down these by statutory enactments, wherever it can be done by law, and with a just regard to the proper efficiency of the Government. For this purpose, they have reported the six bills enumerated. They do not pretend to have exhausted the subject; but only to have seized a few of its prominent points. They have only touched in four places the vast and pervading system of federal Executive patronage—the Press, the Post Office, the Armed Force, and the Appointing Power. They are few compared to the whole number of points which the system presents; but they are points vital to the liberties of the country. THE PRESS IS PUT FOREMOST, BECAUSE IT IS THE MOVING POWER OF HUMAN AC-

tions; the Post Office is the handmaid of the Press; the Armed Force its Executor; and the Appointing Power the directress of the whole.

Let me say with regard to this bill that I have no pride of opinion about it, but I believe that it has merit, and I ask this House to consider it for its intrinsic merit. I want no triumph for the proposition because I have introduced it, but I ask gentlemen to look at the proposition; examine it carefully, and before they dispose of it by laying it on the table, to see if it is not worthy of consideration.

It has been proposed, as a means of reducing Executive power, to elect officers of the Federal Government by the people—to prohibit the appointment of members of Congress to office during their term of office; but these things can only be accomplished by an alteration of the Constitution, but a divorce of the press from the Government can be brought about at the present time by law. This bill will effect the object, and I hope it will pass.

Mr. CARTTER, (Mr. SMART yielding the floor.) With the permission of the gentleman from Maine, I will say that I am in favor of this bill, from a consideration that he has not alluded to, but I do not wish to detain the House with an argument upon the subject at this late hour of their session. The project contained in this proposition, is the first practical project for giving the freemen of the Republic a practical knowledge of what transpires here, in the way of law-making. The previous action of the Government upon this subject has acknowledged the duty, by some ways and means, of bringing the law-making power home to the knowledge of the makers of law-makers, and of giving evidence to the people of what transpires here, in the form of authoritative laws. Now, as has been justly remarked by the gentleman from Maine, it is a mockery of that design to commit the publication of our laws to two partisan presses in a State. It is a mere acknowledgment of the duty on the part of the Government towards citizens, to bring home to the citizens a knowledge of the laws that are enacted, without doing it. The proposition of the gentleman from Maine, is a practical proposition to make the people of the United States acquainted with the transactions of this body, when those transactions have assumed the solemn form of laws. I am in favor of it, for the reason that the history of this Republic and the history of the States within the Republic in their own municipal legislation, is this, that in proportion as you have brought the law-making agents into intelligible connection with the constituents of those agents, you have elevated the tone of legislation, and increased the responsibility of the Representatives. I am in favor of it, because it affords a record—an intelligible record that is read by every constituent who is worthy of wielding a vote, by which he can judge and bring to accountability the man who represents him.

Now, if you will confer upon your constituents a knowledge of your transactions, let them have it practically, instead of concealing them in the columns of a partisan press. There was an old law in Rome which compelled the authorities to publish upon the posts in the city of Rome what they had enacted into law. But it is said that in order to get rid of the effect of that law, the authorities caused their laws to be posted so high that the people could not read what they had enacted. So in regard to the laws which you enact here, you post them so high that the people cannot read them. You have been careful to transfer them to the columns of two partisan presses in each State, and you might as well have buried them below the soil of that State as to have done it. I hope this proposition will prevail. But the question of expense is mooted in it, and the subject of expenditure takes hold of the intelligence of the people. Now, when the question of expenditure is mooted in the publication of these laws, as a representative of the people, I have no fear of it. If this argument was urged in reference to the idle drafts upon the Treasury, proceeding from men who have no other interest than the consumption of money, I would go with the closest economist in relation to it. But here, it seems, the expenditure of \$75,000 is grudging. Those who acknowledge the necessity for the publication of the laws grudge it. But when that \$75,000 is sent on the mission of informing every reading citizen

of the Republic of what you do, when what you do is resolved into the solemn form of law, the expenditure has no terrors for me.

I would advise your Committee of Ways and Means, when they come to consider the subject of retrenchment, to turn their attention to the idle Navy, rotting at your yards, and absorbing annually millions of the people's substance. Then give your attention to your corrupt contract system, which is eating out your Treasury by millions, instead of quibbling about this \$75,000, by which it is proposed to acquaint the people with what we do. I hope the motion to lay this bill upon the table will not prevail, and that this House will do itself the justice to send home, if nothing else, a faithful daguerreotype of its proceedings.

Mr. SEYMOUR, of New York. Will the gentleman yield me the floor for a moment?

Mr. SMART. I wish to conclude what I have to say.

Mr. SEYMOUR. I only want to make a suggestion. I hope the bill will be referred to the Committee of the Whole on the state of the Union, where it can be discussed. It comes before this House with a report of one of the standing committees against it, and it can hardly be expected that this House will at once pass the bill, when after being investigated by one of its intelligent committees it has been reported back with an adverse report. For myself, I am not prepared to say what are the merits of the bill. I desire to see it discussed and explained further before I am prepared to vote in its favor. But I hope it will go into the Committee of the Whole on the state of the Union, and I shall vote to give it that direction or I shall vote to lay it on the table. I would suggest to the gentleman from Maine, (Mr. SMART,) that if he wishes to modify the existing law in this respect, that he allow it to go to the Committee of the Whole on the state of the Union, where there is already a bill pending in relation to the public printing. I have not the floor for the purpose of making that motion, and therefore can only suggest it. I should be glad to see these two bills considered together.

Mr. STEPHENS, of Georgia. Will the gentleman from Maine yield in order to allow me to move an adjournment?

Mr. SMART. I will yield for that purpose.

Mr. STEPHENS. Then I move that the House do now adjourn.

Mr. HOUSTON. I appeal to the gentleman to withdraw that motion. I desire to say a few words upon the bill, and it is not likely that it will come up again soon.

Mr. STEPHENS refused to withdraw the motion, and

The House adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees: By Mr. MASON: The petition of E. R. Hollingsworth, and 51 others, citizens of Lawrence and other counties in the State of Kentucky, praying for an increased duty on iron.

By Mr. CONGER: The memorial of Beverly Johnson and 113 others, asking for a mail route from Laper county site to Pine Run, in Genesee county, Michigan, via Lathrop's Mills, Oregon, Niver's Mills, Marathon, Hay's Mill, and Forest.

By Mr. FULLER, of Maine: The memorial of Gilman D. King, and sundry others, ship-masters and ship-owners, of Calais and vicinity, Maine, asking Congress to build a light house on Southern Island, at the entrance of Tenant's Harbor, in the town of St. George, coast of Maine.

By Mr. HENN: The petition of Henry P. Schotte and 223 others, citizens of Marion county, Iowa, asking for a mail route from Newton, via Pella, Amsterdam, Knoxville, and Chariton, to Nine Eagles or New Buda.

By Mr. DURKEE: The petition of the Board of the Lawrence University, in the State of Wisconsin, asking Congress to appropriate a portion of the public lands for the benefit of said institution, upon certain conditions therein expressed.

By Mr. McCORKLE: The memorial of R. Glover and J. J. Wright, praying Congress to pass a law authorizing the Postmaster General to contract with them for the transportation of the United States mail from New Orleans to Vera Cruz.

By Mr. ———: The memorial of William C. Daniel, of Georgia.

By Mr. BRENTON: The petition of citizens of New Corydon, Jay county, Indiana, asking for a new mail route from Muncietown, in Delaware county, Indiana, to Wiltshire, Van Wert county, Ohio.

By Mr. HENDRICKS: The petitions of C. J. Hand, of Marion county, and Lot Edwards and James Rutherford, of Hancock county, Indiana, praying that compensation be made to the assistant marshals for services in taking the Seventh Census.

By Mr. FLORENCE: The memorial of Lewis, James

& Co., Bacon & Oppenheimer, James S. Smith, H. Jones Brooke, and others, citizens of Pennsylvania, Delaware, and New Jersey, praying for an appropriation at the present session of Congress for the erection of suitable piers and harbors in the Delaware river and bay, to afford shelter for vessels navigating them.

Also, the memorial of Charles Conner, late a seaman, who lost his sight in the service of the United States, praying for a pension.

Also, the memorial of Henry Hochstrasser, of Philadelphia, praying for compensation to defray actual expenses incurred, and for indemnity for the loss of a contract to furnish locks and keys for the use of the mail service of the United States.

By Mr. McLANAHAN: Two memorials from citizens of Pennsylvania, remonstrating against the renewal of the patent granted to Austin and Zebulon Parker, for alleged improvements upon reaction water wheels.

By Mr. WALSH: The memorial of Henry Mankin, of Baltimore, praying the Postmaster General may be authorized to contract for the transportation of the mail between the city of Baltimore and certain ports in South America.

By Mr. WHITE, of Alabama: The petition for removal of land office at Lebanon, Alabama, to Centre, Cherokee county, Alabama.

By Mr. GREEN: The memorial of William P. Reznor, John J. Strother, and Isaac J. Strother, of Ohio, deputy marshals, asking increased compensation for taking the census.

By Mr. EDGERTON: The memorial of E. M. Dennison and Thomas E. Nichols, assistant marshals of Auglaize county, Ohio, asking additional compensation for taking the census.

By Mr. CHANDLER: The remonstrance of Samuel Morgarger and many other lumber dealers in Philadelphia, against the renewal of Woodworth's patent for a planing machine.

By Mr. McDONALD: The petition of John Weeks for arrears of pay for service as first mate in the late war with Great Britain.

IN SENATE.

FRIDAY, February 13, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

POSTPONEMENT OF PRIVATE BILLS.

Mr. GWIN. I move that the consideration of private bills be postponed for one hour, in order that memorials may be presented, and the usual business of the morning hour transacted.

Mr. CASS. Say till one o'clock.

Mr. CLARKE. What reason does the Senator from California assign for making this motion? We have since the adoption of the resolution setting Fridays apart for the consideration of bills on the Private Calendar, adhered to it thus far; and I would like to have a good reason why we should depart from it.

Mr. GWIN. I have already stated the reason, namely, that we might attend to our usual morning business. I only move to postpone the consideration of private bills for an hour.

Mr. CLARKE. Then I will move to amend the proposition of the Senator from California, by saying "till one o'clock." It is now half past twelve, and I think half an hour will be sufficient for all the morning business likely to come up today.

The PRESIDENT. The question will be first on the longest time.

The question was taken on the motion to postpone for an hour, and it was not agreed to.

The question then recurred on the motion to postpone until one o'clock, and it was adopted.

PETITIONS.

Mr. RUSK presented the petition of George W. Sevier, praying payment for hogs taken and used by the United States troops during the war with Mexico; which was referred to the Committee on Military Affairs.

Mr. CASS presented the memorial of Theophilus Hardenbrook, representing that he was taken prisoner during the last war with Great Britain, and confined more than two years in Dartmoor Prison, and praying a pension or some other remuneration for his sufferings and privations during that time; which was referred to the Committee of Claims.

Mr. CHASE presented two memorials of assistant marshals for taking the Seventh Census in Brown and Sandusky counties, Ohio, praying additional compensation; which were referred to the Committee of Claims.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the Committee on Pensions, to which was referred the petition of William Dusenbury, praying bounty land, be discharged from the consideration of the same, and that it be referred to the Committee on Revolutionary Claims.

CHARLES A. GRIGNON.

Mr. ATCHISON. I am instructed by the

Committee on Indian Affairs to report a bill for the relief of Charles A. Grignon, and I ask the unanimous consent of the Senate to proceed to the consideration of it now. It proposes to make an appropriation of only three hundred dollars for services rendered many years ago.

There being no objection, the bill was read a first and second time, and considered by the Senate as in Committee of the Whole.

The bill provides that the Secretary of the Interior be authorized and directed to pay to said Grignon such sum of money, not exceeding three hundred dollars, as he may be entitled to for extra services rendered as interpreter in the year 1848, in the negotiation of a treaty between the United States and the Menomonee tribe of Indians.

The bill was reported to the Senate without amendment, and was ordered to be engrossed for a third reading.

NAVY-YARD AT SAN FRANCISCO.

Mr. GWIN. I wish to appeal to the Senate to take up the bill to establish a navy-yard and depot on the bay of San Francisco, in California. That bill was up some time ago, and postponed at the request of the Senator from Pennsylvania [Mr. BROADHEAD] and the Senator from Virginia, [Mr. HUNTER], both of whom are present. The passage of this bill is a matter of considerable importance to that section of the Union, and I hope it will be taken up and acted upon to-day. I am sure it will not occupy more than twenty minutes.

The question was taken, and the motion to take up the bill was agreed to.

The PRESIDENT. This bill was reported from the Committee on Naval Affairs with two additional sections as an amendment. To this amendment an amendment was offered by the Senator from North Carolina, [Mr. BADGER.] The amendments will be read.

The amendment submitted by Mr. BADGER was read as follows:

Strike out all after the word "operate," in the eleventh line of the third section, and insert the following words:

"The Secretary of the Navy be and he is hereby authorized and directed to enter into a contract with the patentees for the construction of a basin and railway, in the most approved form, connected with the said navy-yard and depot, substantially upon the agreement made with them under the act of September 20th, 1850, as stated in his report to the House of Representatives, dated January 20th, 1851: *Provided*, That the said contractor shall procure in California all the materials for said work that can be obtained and prepared there at an expense not exceeding the cost of procuring, preparing, and transporting them from the Atlantic seaboard to California."

Also, by striking out in the eighth and ninth lines in the amendment the words "President of the United States," and inserting "Secretary of the Navy."

[The object of this amendment is merely to transfer to the Secretary of the Navy the performance of duties proposed to be imposed by the reported amendment upon the President of the United States.]

Also, by inserting in section fourth of the amendment, at the fourth line, between the words "present" and "pay" the words "sea service."

[The object of this amendment is to designate the amount of pay to be given to the officers whom the Secretary of the Navy may appoint to select the site and perform the other duties mentioned in the first section of the bill, and to limit it in such manner that it shall not exceed double the amount of their present sea service pay.]

Also, to amend by adding the following section:

SEC. 5. *And be it further enacted*, That for the purpose of enabling the President of the United States to carry into effect the provisions of this act, the sum of five hundred thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. BROADHEAD. This, Mr. President, is a very important bill. It provides for the establishment of a navy-yard, depot, marine barracks, naval hospital, and basin, and railway in connection with a dry-dock, which was ordered at the last session of Congress for California. I suppose, if this bill be passed, it will involve the necessity of an expenditure of from three to seven millions of dollars; I think, therefore, that it ought to be carefully examined. There are many provisions in this bill, which do not commend themselves to my favorable consideration, and I would like to have some little explanation from the honorable Senator from California with regard to them. I would like to know what necessity there is for marine barracks in California, or why we should order, by an act of Congress, a board of officers. Has not the Secretary of the Navy the power now to

appoint such a board? I would like to know furthermore—and that is the important point of inquiry—what necessity there is for a railway and basin connected with the dry-dock in California. A railway and basin will cost a million and a half, and perhaps two millions of dollars, and require from five to ten years for its construction. I repeat, sir, that I would like to hear from the Senator from California what reason can he give for the marine barracks, and basin and railway, which he proposes, by this amendment, to have constructed in California in connection with a dry-dock. This matter was disposed of, I think, at the last session.

Mr. GWIN. It is not my purpose to make a speech on this question at all. This bill was unanimously ordered to be reported by the Committee on Naval Affairs, and accompanying the bill is a report, the reading of which will answer all the inquiries of the Senator from Pennsylvania. I ask that the report may be read.

The PRESIDENT. The report will be read.

The committee review the policy of the Government in establishing permanent navy-yards for the construction and repair of vessels of war. It appears that the first attempt under our present form of Government to commence a naval establishment, was demanded by the necessity of defending our commerce and citizens from the piratical depredations of the Algerine corsairs. That, consequently, in 1794 an act was passed authorizing the building and equipment of six frigates, and that the building of the ships was directed in several ports of the Union, in order as well to distribute the advantages arising from the operation, as to ascertain at what places they could be built to the greatest advantage. That, in the commencement of our naval establishment, the public vessels of the Government were built in private dock-yards; but this experiment proving ineffectual—none of the vessels having been completed—a committee of the House of Representatives, in the year 1797, recommended the appropriation of a sum of money for the purpose of purchasing and fitting up a naval yard. That another committee of the same House, in the following year, had taken the same view of the matter, and that James McHenry, then Secretary of War, in a letter to the House, remarked, that the great delay that had occurred in the above-mentioned undertaking, must always be more or less experienced when heavy ships of war are required to be suddenly built, and the Government is not previously possessed of the necessary timber and materials. That it was certainly an unfit time to look for these and prepare a navy-yard, when the ships were required for actual service. It was not to be expected, that the large pieces of heavy timber suitable for ships of war would be found in market, or accumulated in private magazines for sale when wanted on pressing occasions. That, in a State paper from Benjamin Stoddard, the first Secretary of the Navy, dated April 25, 1800, he had stated his opinion, that the proper course to be pursued was to make the building-yards public property, and to commence them on a scale as if they were meant to be permanent.

The report proceeds to give the opinions of other gentlemen connected with the Government, declaring that docks for the repairing of ships ought to be convenient to the sea, and yet not easily accessible to an enemy. That yards for the building of ships, where large quantities of materials would be deposited, (the destruction of which would always be an object with an enemy,) should be in the vicinity of a commercial city for the convenience of procuring able workmen. It then states, that the opinions of public officers of high reputation, in the infancy of our naval establishment, have been verified by the experience of the last fifty years, and that they had been referred to because of their coincidence of the Senate committee as to the advantage of establishing at once a permanent navy-yard and depot on the bay of San Francisco, rather than to depend upon private establishments for the repairs or building of public vessels in that bay. That, being well satisfied of the necessity of having a naval establishment in that distant harbor, the only question was, whether such an establishment should be of a permanent or temporary character; and that the authority referred to, together with the settled policy of the Government, were considered conclusive upon that point.

In regard to the vessels of the Navy cruising upon that distant coast, none so well remembered, or felt more sensibly, the want of a port of safety in that region, than our naval officers who had served for many years past upon the voyages and cruises in the Pacific, both as to the repairing of their vessels and the recruiting of the health of their crews; and that, with a navy-yard as proposed, these great inconveniences to vessels making the voyage round Cape Horn and along the western coast of this continent would be in a great measure obviated. But that more especially was such an establishment needed on the western coast in case of war with a maritime nation.

The report then states the advantages to be derived, in a commercial and fiscal point of view, from a navy-yard and depot at San Francisco, adding security to our commercial marine, and the numerous vessels engaged in the whale fisheries in the Pacific, and that the greatly increased revenues in these western ports would more than counterbalance, in a very short time, any expenditure which might be made by the Government for this purpose. That, in an extended maritime and national aspect, the creation of a strong naval establishment in the bay of San Francisco, is of great importance to this country. That, when the immense value of the whale fisheries and trade to the western coast of the two Americas, to China and other countries of Asia, and the islands of the Pacific and Indian oceans, and the daily increasing trade and commerce of California and Oregon, are all considered, it must be confessed that this Government is under the strongest obligations to lose no time in providing the most ample means for the future security of all these interests, which belong almost entirely to the Atlantic coast and the enterprising mariners from New England engaged in the whale fisheries.

The report then details a variety of statistics, showing the extent of commerce and navigation in past years from the Atlantic ports to California, and concludes by urging the necessity of the appointment of a board of officers to superintend the construction of the dock and basin and railway.

Mr. BROADHEAD. Mr. President, the reading of this report does not satisfy my mind that we should authorize the construction of a basin and railway, which will involve an expense of from a million to a million and a half of dollars. This basin and railway is proposed to be built, not only without, but in opposition to, the recommendation of the department. It is also in opposition to the decision of the last Congress. This is my first objection. My second objection is, that it is entirely unnecessary and useless. I shall occupy the time of the Senate but a little while, for I only have a few practical suggestions and remarks of a business character to make.

Mr. President, no Secretary of the Navy has ever recommended this basin and railway in connection with the dry-dock. I find that this subject was before the Senate at the last session, and an inquiry was addressed to the Secretary of the Navy upon the subject, as to whether it was necessary; and he gave an answer which I will read to the Senate:

"In reply to so much of the resolution as inquires whether, in the judgment of the head of this Department, a dock could not be constructed sufficient for all the purposes of the Navy at much less expense to the Government than the one contemplated by the act aforesaid, I have to state that, in my opinion, a sectional dock alone, without the addition of a basin and railway, but with a pier to secure it, would answer every demand of the Navy on the coast of California, for many years to come. Such a dock has recently raised the steam-ship 'Ohio,' belonging to Messrs. Law & Co., in the harbor of New York, which ship is over three hundred feet in length."

"The cost of the dock alone would certainly be much less than one half, and possibly not more than one third, of the amount proposed to be paid for the whole work as herein stated. The addition of the pier to secure it, and render it capable of use, would probably not exceed \$50,000. These can be completed and ready for use in two years, at most, and may be in fifteen or twenty months; while the addition of the basin and railway will require from four to five years to complete them."

That is the opinion of the Secretary of the Navy, given at the last session, when this subject was brought to the attention of the Senate. I find, also, in the naval appropriation bill, a decision on this point:

"For the floating dry dock in California, \$150,000; and the Secretary of the Navy is hereby required so to modify the contract, alleged to have been made on the 17th of January last, as to confine the sum to the construction of the floating dock alone, without a basin or railway; *Provided*, The contractors will agree to do the work at the

estimates made by the Department in November and December last: *And provided*, The Secretary considers the estimates fair and reasonable; and so much of said law as authorizes the construction of a basin and railway is hereby repealed: *Provided*, That, before making any contract, the Secretary of the Navy shall give at least sixty days' notice by advertisement in the usual way."

So, sir, this question with regard to a basin and railway was decided at the last session. Sir, what does the Secretary of the Navy say in his report to the present Congress upon this matter?

"Agreeably to the act of the last session of Congress, a modified contract was entered into with Messrs. Dankin & Moody, and Gilbert & Secor, for the construction of a floating sectional dock on the Bay of San Francisco, to be completed and delivered for the sum of \$510,000. This work is understood to be in a course of speedy execution, the contract requiring its completion in two years from the month of May last. Its precise location cannot be determined until the selection of a site for a navy-yard on the waters of that bay, for which purpose a commission will be sent out early in the ensuing spring. It will be necessary to provide a pier or basin to render this dock capable of use. The location of the dock not yet being determined, the DEPARTMENT POSTPONES THE QUESTION OF PREFERENCE BETWEEN THESE TWO STRUCTURES UNTIL THE REPORT OF THE PROPOSED BOARD SHALL BE RECEIVED AND FULL LOCAL INFORMATION OBTAINED."

Yet this bill, without this proposed local information, authorizes the construction of this basin and railway, and the location of this navy-yard and dépôt, with reference to its construction.

Mr. CLARKE. If the honorable Senator from Pennsylvania will give way, as the time for the consideration of private bills has arrived, I will move to postpone the further consideration of this subject.

The PRESIDENT. Does the Senator from Pennsylvania give way?

Mr. BRODHEAD. I would rather finish my remarks now, if such is the pleasure of the Senate. It is, however, immaterial to me.

Mr. DAVIS, (in his seat.) Let him go on.

The PRESIDENT. The Senator from Pennsylvania will proceed.

Mr. BRODHEAD. Why, therefore, enter into these contracts—

Mr. SHIELDS. If the honorable Senator will permit me, I will suggest that I fear this will occupy the whole day.

The PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. BRODHEAD. There seems to be a desire to proceed to other business, and I—

Mr. SHIELDS. I am very anxious to hear the honorable Senator from Pennsylvania give this subject a full investigation at an early day, and if he will permit me, I will move its postponement for that purpose.

The PRESIDENT. The Senator from Pennsylvania is entitled to the floor, and must not be interrupted.

Mr. COOPER. I hope my colleague will give way.

Mr. BRODHEAD. It is a matter of very great indifference to me, but perhaps what few remarks I have to make may as well be made now.

Why should Congress undertake to order this dry dock to be constructed, and by certain gentlemen who have a patent-right for it? We have a Secretary of the Navy; we have a Bureau of Docks and Yards; we have a Bureau of Construction and Repairs; we have all the *matériel* and *personnel* necessary; and yet, whenever a dry dock is required we must have a contractor to do it, while the pay of our own officers goes on. We have engineers, artisans, constructors, everything of this kind, and yet, sir, contractors must be employed. Why, one half of the time we do not find out what is necessary for the naval service, unless we are informed by gentlemen who desire contracts. I am opposed to all acts of Congress providing for making contracts. Why, sir, this contract system and these contractors have become a kind of fourth estate. We have now the three departments—the legislative, executive, and judicial; and I think we ought to have a fourth, and that is, the contract department.

Mr. President, I have stated that this basin and railway is wholly unnecessary and useless. We have now more docks than there is any necessity for. How many ships have we to be repaired at these docks—because it is well known that they are not constructed for building vessels, but only for their repair—they were originally authorized, in 1848, for the purpose of repairing ships of the line? We have eleven ships of the line, and during the last three years we have expended three

millions of dollars for building these docks. Eleven ships of the line to be repaired, once in three years, and we have spent nearly a million of dollars at Kittery, in Maine, nearly a million at Philadelphia, and nearly a million more at Pensacola, for these dry docks, and now a million and a half more is asked for a basin and railway connected with a dry dock in California. It is unnecessary in California, because our vessels will be repaired upon the Atlantic coast. There are no materials, sir, for constructing dry docks or repairing vessels in California. They will all have to be taken from the Atlantic border. Besides, provisions and labor are three or four times as dear in California, and our vessels should therefore be repaired upon the Atlantic coast, and not upon the Pacific side.

Mr. President, I have some statistics upon the subject of these dry docks, by which I wish to show to the Senate how much we have paid for dry docks during the last three years, in fact since the organization of the Government. Up to about ten years ago, we had expended \$1,652,446 47 for docks. We spent prior to the commencement of the stone dock at New York that amount. We then paid \$2,146,255 36 for the stone dock at New York, making, together with what had been previously expended, \$3,798,701 83. Thus it appears that previous to 1848 we had spent upwards of three millions of dollars, nearly four millions, for docks. Well, sir, in 1848 this new system commenced. Certain gentlemen had obtained a patent for the kind of dock mentioned in this bill, and we have paid them since that time, \$3,078,594. So, sir, we have spent, and given to this particular set of contractors, for this particular kind of dock, in opposition to the decisions of the Navy Department, nearly as much money as has been spent from the time of the organization of the Government up to 1848. We have expended six millions since the commencement of the Government for docks, and of that sum over three millions have been given to these contractors, and that since 1848. These are statistics which are taken from the Navy Department, and I believe them to be correct, and they are unanswerable.

Mr. President, it is said that it is necessary to have this work for our protection in time of war. In time of war! What nation wants to go to war with us? We fought the battles of the Revolution with three millions of people; and we did very well during the war of 1812 with about ten millions, and without these dry docks, basins and railways. We are not about to become armed propagandists, saying to other people, "Come, and adopt our principles and institutions—come, be brethren of ours, or we will cut your throats!" I do not think that is any part of the policy of this Government. Our danger is not from without, but from within.

Mr. President, I have stated that these docks are not only unnecessary, but useless. We have a dry dock at Philadelphia. It was to be completed and tested with a ship of the line last June; and what does the Secretary of the Navy inform us? Why, in December he said they had a dredging machine for the purpose of preparing the dock to receive a ship of the line, in order to have it tested. And when it was taken off the hands of the contractors, notwithstanding the work was so obstructed by want of water, they said, "Give us the money, it is not for us to find water." They were right in what they said, and were not to blame. Now, what I want to know is, whether a dredging machine will not be constantly necessary there to make the dry dock of any use, and whether it will not be constantly filling up after it is dredged out.

I have stated, Mr. President, that more than three millions of dollars have been paid to these contractors for this particular kind of dock, and that, too, within the last three years—since 1848; and I will now give the items in detail. They received for building a dry dock, basin and railway at Kittery, in Maine, \$732,915; for building a similar one at Philadelphia, \$813,742; for building one at Pensacola, \$921,937; and for a floating dry dock alone at San Francisco they are to receive \$610,000, according to the report of the Secretary of the Navy at the present session.

Now, sir, it is said that this floating dry dock is useless without a connection with a basin and railway. I deny that statement. I say that basins and railways are entirely unnecessary in connection with a dry dock; and I am sustained in this

position by the Secretary of the Navy. He says that a pier is all that is necessary; and that alone will cost only \$50,000. A basin and railway will cost from a million to a million and a half.

But there is another fact which I wish to bring to the notice of the Senate, to sustain the position which I have assumed. This kind of dry dock has been in use and patented for ten years, and a basin and railway has never been connected with one for the merchant service. This is an unanswerable fact. Merchants never think of making use of the basin and railway. They use a pier, which costs \$50,000, instead of a million or a million and a half. These, Mr. President, are the large objections which I have to connecting basins and railways with this dry dock authorized at the last session of Congress.

Another thing, Mr. President. This bill not only proposes that these officers should receive their regular pay, but that that pay shall be doubled, and their expenses paid also. Sir, if that is the way you are to pay the officers of the Navy, who receive their pay whether they are on duty or not, I shall be much mistaken. This bill also provides that we are to pay for the land and for the location the amount which may be awarded by a jury in California. A jury in California is to say not how much the State of California is to pay for the location, but how much the United States is to pay for it. I rather think, sir, that it will be a pretty large sum. It is true that the bill provides that the district attorney shall approve the award, and also that it shall be approved by the Attorney General of the United States. Sir, the district attorney lives in California, and the Attorney General of the United States lives here.

The bill also provides for a marine barracks. What necessity is there for a marine barracks in California? How many marines will you have to send there? Sir, we have only about nine or ten hundred marines—perhaps eleven hundred with the officers of a brigade—and we have already a marine barracks at Portsmouth, another at Boston, another at New York, another at Philadelphia, another at Washington, another at Norfolk, and another at Pensacola; and we are to have one more at San Francisco, although we have but eleven hundred marines, and more than three fourths of them are on board our national vessels. Sir, if this barracks is established at San Francisco, we will not have ten men to put into it. These, however, are objections of minor importance. My main objection is to the amendments proposed to this bill. I object especially to the provisions of the amendment authorizing the construction of a basin and railway in connection with a dry dock. We have expended money enough in constructing docks recently. I have some objection to the details of this bill. They are of minor consideration, it is true; but I will state them. I have already shown that the Secretary of the Navy has informed us that he has already the power to appoint this board of officers to make this location. A navy-yard may be necessary in California. I believe that it is; but we need not provide for the appointment of a board of officers. The Secretary of the Navy now has power to appoint them.

Mr. GWIN. I will not continue this debate now. I do not intend to intrude on the private business set apart for this day; but I give notice to the Senate, that if this bill goes over until Monday, I will then call it up, in order that I may have an opportunity of replying to the speech of the Senator from Pennsylvania. If it is the wish of the Senate, I will proceed now; but I do not wish to intrude on this day, which has been set apart for private business. When I do speak, I pledge myself not to leave the Senator from Pennsylvania, [Mr. BRODHEAD,] for the argument brought forward this morning, and which has been so laboriously prepared, an inch of ground to stand on; or, if I do not do this, some other member of the Committee on Naval Affairs, much more able than myself to discharge the duty, will. The Senator's speech is a mere rehash of arguments which have been brought up time and again in opposition to this system, and discredited by both Houses of Congress. Why is it that the Secretary of the Navy should know more in regard to this question than the Congress of the United States, which has laboriously and thoroughly examined this question, and always overruled their views, which, in my opinion, are nar-

row and contracted in this respect, in regard to our progress in naval affairs? I am prepared to meet and overcome every argument which has been brought forward by the Senator from Pennsylvania; and if this pledge is not redeemed by myself or some other member of the committee, then I expect the bill to be defeated. I will not go into the argument to-day, but it is due to myself to say, that I am not in the habit, either as a member of this body or as the organ of one of its committees, of connecting my name with any measure which can be so easily overthrown. This bill has been reported from the Committee on Naval Affairs unanimously; and I do not think that a single argument brought forward by the Senator from Pennsylvania is so unanswerable as he seems to think, and as he will find out before the bill is disposed of. Without giving up my right to the floor, I move that the further consideration of this subject be postponed until Monday.

The motion was agreed to.

RAILROADS IN IOWA.

Mr. JONES, of Iowa. I gave notice yesterday that I should to-day ask the Senate to take up the bill making a grant of land to the State of Iowa, in aid of the construction of certain railroads. At the suggestion of the chairman of the Committee on Public Lands, who is a friend of my bill, and at the suggestion of other friends, as well as in consequence of the general disposition of the Senate to proceed to the consideration of private bills, I will not make that motion; but I desire to give notice that I shall on Monday ask the Senate to take up that bill. I have been assured by gentlemen, friends and opponents of the measure, that when the Senate next takes up the bill, they will dispose of it.

NOTARIES PUBLIC.

Mr. CHASE. A bill, at its third reading, in relation to notaries public, was yesterday, on my motion, postponed until to-day. I was then acting under the supposition that the bill required an amendment, for I thought it was the same bill which had been passed by the Senate two years ago; but I find, upon inquiry, that the amendment which was proposed last year by the Senator from Georgia, [Mr. BERRIEN,] and then modified on my motion, has been substituted for the bill upon the motion of the chairman of the Judiciary Committee. I therefore ask that the bill may now be taken up and passed.

The bill was accordingly taken up and passed, and its title was amended so as to read:

"An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments, in certain cases."

ENUMERATION OF FIRE-ARMS.

On motion by Mr. CASS, it was

Ordered, That the report of the Secretary of War, made the 25th of February, 1851, exhibiting the number of fire-arms belonging to the United States, be printed.

CLAIM FOR THE OCCUPATION OF KEY WEST.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John W. Simonton. It provides that the proper accounting officer of the Treasury, under the direction of the Secretary of the Navy, audit and settle the claim of John W. Simonton and others, owners of the island of Key West, Florida, upon principles of justice and equity, on account of its occupancy by the Government of the United States as a naval and military post during the years 1823, 1824, 1825, and 1826; and that in settling it upon these principles they shall ascertain, as nearly as practicable, the benefits and advantages which accrued to the United States from the occupancy of it; and also the injuries which resulted to the owners of it; and to pay the same out of any money not otherwise appropriated.

Mr. BAYARD. Mr. President, I feel myself compelled to oppose this bill. I object to it on account of its form, and also on the ground that the claim itself is utterly worthless, and forms no just demand against the United States. I shall endeavor to show satisfactory reasons for my opposition to this bill. I object to the form of this bill on this ground: Congress has uniformly adhered to the determination not to establish a board, or court of claims, or any tribunal for the purpose of deciding upon claims made against the United States. Yet this bill is intended to effect, in a particular case, what you have refused to pass as a

general law. I can see no reason which shows this course to be necessary in this case. It is a case of contingent damages—damages exceedingly indefinite in the grounds on which they are claimed. And if it be true that you are unwilling to intrust a tribunal established for the purpose, where the power of the examination of witnesses, both on the part of the United States and on the part of the claimant, would exist, and where the power of cross-examination would exist—if you are unwilling to constitute such a tribunal, and such has been hitherto the determination of Congress—on what principle is it that you can sanction a bill which refers to the accounting officers of the Treasury Department the settlement of a claim for contingent damages, founded upon a very indistinct statement of the grounds upon which these damages are claimed? It seems to me that this is entirely inconsistent with the legislation of Congress on the general subject.

The bill proposes to refer to the accounting officers, under the opinion of the Attorney General, the settlement of the claim of Simonton and others, on principles of justice and equity. If there is no rule prescribed in the bill by which the judgment of these officers is to be governed, it becomes a question of arbitrary discretion on their part as to what amount of damages they will allow. This is an objection, and I think a sufficient objection, to the bill as it now stands. There are no adjudicated principles that I know of which can be applied to govern or control the accounting officers in the amount of the allowance they shall make under this bill.

But the bill goes further. It does profess to point out a rule for the ascertainment of damages, which is, in one branch of it, correct. The bill says that, in the settlement of this claim upon the principles of justice and equity, "they shall ascertain, as nearly as practicable, the benefits and advantages which accrued to the United States from the occupancy of it; and also the injury which resulted to the owners of it; and to pay the same out of any money in the Treasury not otherwise appropriated." Is that a sound principle for the assessment of damages, taken altogether? I would ask the Senate, Was such a mode of the assessment of damages ever before heard of, as this first part of direction, that the accounting officers are to ascertain the amount of damages to these parties upon the principle of the advantage to the United States from the occupation of the island?

No such principle has ever obtained in reference to the United States, nor could it in justice obtain. The benefit of the United States is not a source of injury to the claimants. If the United States take the property of a citizen for any purpose whatever, though that purpose may prove fruitless, and though it may be a wasteful and extravagant expenditure on their part, they are bound to compensate him to the extent of his loss. But on what principle is it that, because it may become important to the United States to take possession of private property, the United States are to make compensation according to the benefit which they received, as well as according to the injury of the party? The value of the property, the real damage to the party, should be the sole measure of the injury in every case. Take a common illustration of this: In almost all the States there are internal improvements, railroads, which are made by railroad laws, for the incorporating of individuals in order to enable them to make railroads, and giving generally a power, where the parties are incompetent, from minority or any other cause, or are unwilling to agree as to the sale of their land, that the damages may be assessed by a jury. But do those laws contain a clause which authorizes a jury to ascertain the advantage which will flow to the company from the occupation of the land, as well as the damages which the party will sustain? Did any man ever hear of such a proposition as this, that the importance of land to the company which is to make the road was to be taken into the account in ascertaining the damages? Yet this is the principle upon which this bill goes. If it is recognized as a correct principle, wherever there is, on the line of a railroad, some portion of land absolutely necessary in order to lay out the road, the individual holding it will only have to say that it is absolutely essential to the company, they cannot get along without it, and therefore the measure of my damages must be the benefit to the company.

I submit that it is no true measure of damages recognizable on any principle either in the case of an individual or in the case of the Government. The bill, therefore, in point of form, in my judgment, enacts an unsound rule for ascertaining the damage sustained by the party, and that, being unsound in principle, it ought not to be retained in the bill. Secondly, I am opposed to the bill on the ground that it gives a discretionary power to ascertain damages under, as I have said, a false rule; but whether with or without the rule, that discretionary power ought not to be given. If we are to compensate these parties for the injuries they have sustained, let Congress do it; but as long as Congress refuse to establish a tribunal by which claims against the United States can be properly adjudicated, and settled upon some recognized and known principles, there can be no reason for making these the exceptional ones to the action of Congress in reference to a general principle. On either ground I am opposed to this bill in its present form; and unless it is put into a different shape, I shall oppose it on these grounds; but waiving these objections, I will now proceed to state my objections to the claim for relief on which the bill is founded.

I have had my attention called to the bill in consequence of the mode in which the damages were directed by it to be estimated, and I have taken the trouble to read over all the papers which are printed, with the report of the committee in the previous report of the committee of the House of Representatives. The conclusion that my judgment has come to from this examination is, that this is a speculative claim from the beginning to the end; that the parties who have prepared it (and they have prepared it well) have done it on a speculation upon the Government, and that there is no just claim against the United States for a single dollar. It appears that in 1821, Simonton, who resided in Havana, knowing (and I presume that he knew it, for the papers are very indefinite in their information on many points) that he could probably obtain an old Spanish grant in the hands of a man by the name of Salas, on the 7th of December, of that year, addressed a communication to the Government, (whether or not to the Naval Department does not appear,) calling their attention to the importance of Key West, then a desolate and uninhabited island, as a naval station. He did not do this as the owner—not as a claimant—not as a person having any individual interest, but with a view to the benefit of the country; and within thirty days after he had sent this notice to the Government, which they immediately acted upon by surveying it, he purchased it. This was at the time when there were a great many pirates in the neighborhood of the West Indies who preyed upon our commerce. Within thirty days after he had done this, he purchased from Salas, for two thousand dollars, his Spanish grant. The papers in the case show that there was a contest in reference to titles between the Governor, Gidney, of South Carolina, and Mr. Simonton. None of these titles had been acknowledged under the treaty of Florida—none of them had been produced. There was no law till 1832 to authorize any adjudication upon them. As to possession, the evidence is exceedingly imperfect. The United States in 1822 had a survey made of the island under Commodore Perry, and left there a guard with a view to the protection of the island, which was then, and had been hitherto, according to that officer, a resort for smugglers and pirates, and utterly unsafe as a residence. Being found to be admirable for the purposes indicated in this communication, the Government subsequently, in 1823, directed Commodore Porter to establish a naval depot and barracks there, when he was put in command of the squadron for the purpose of suppressing piracy in these seas. Under these orders he made the establishment, and he reported that he had so made it in April, 1823. Immediately there commenced a scene of constant disputes between the commanding officer and the alleged owners of the land, whose title had not yet been established, and was not established until 1825. These disputes were in reference to their rights in relation to a plan of the town, and in reference to the preparations alleged to have been made by them for the purpose of carrying on the manufacture of salt. There were various other difficulties existing between them. They alleged that Commodore Porter exercised arbitrary power as to the

disposition of their property; and on these grounds, which are very imperfectly proved, and by entirely *ex parte* testimony, they now come forward to claim, at the hands of the Government, contingent damages arising out of the acts of Commodore Porter. They say that he destroyed their wood, and they had to abandon certain hogs on the island; that he interfered, by his despotic orders, with their commercial enterprises; that he prevented settlers from coming on the island; that the establishment of martial law by him on the island was an interference with their rights of property, as he refused that any person should build without his authority or permission; that it not only broke up their commercial arrangements, but that it tended to prevent the settlement of the island, retarded its commercial interests, and deteriorated its value. This is the general ground of complaint which is made.

Now, in point of fact, it appears that for this island they gave \$2,000; and they received from the Government \$4,000 for the site of a custom-house, \$3,200 for ground for the barracks, and \$6,800 for other land purchased from them by the Government, making \$14,000 paid for property on the island for the use of the Government. They were also paid in 1847 by the Navy Department, for the wood which they alleged was used by the Navy, \$3,695. Thus they received altogether from the Government \$17,695 and some cents, for an island which cost them but \$2,000. The real damage, in my judgment, was fully paid for when the wood was paid for. That is the inference which I derive from the proof in the case.

The learned Senator from Florida, [Mr. MALLOY,] who is a member of the Committee on Naval Affairs, and by whom this bill was reported, well understands that damages at law, even between individuals, may be too remote to be recovered. A great portion of the damages claimed in this case are objectionable on that ground. The allegation that these parties intended and had made preparation to establish salt-works there, which were interfered with by the officers of the Government, is not proved in itself; and if it were proved it comes under that class of damages too remote, even in the case of individuals arising out of the trespass, to justify the recovery of damages. But there is another ground which, in my judgment, cuts off this claim altogether. The Secretary of the Navy, in February, 1823, instructed Commodore Porter to take possession of the island. An extract from the instructions of the Secretary of the Navy is to be found at page 20 of the report made to the House of Representatives in 1848, and it is attached to the report of the Senate committee. This extract contains all of Commodore Porter's instructions in relation to his duty in regard to this island:

"You will establish at Thompson's Island, usually called Key West, a depot, and land the ordnance and marines to protect the stores and provisions. If, however, you shall find any important objection to this place, and a more suitable and convenient one can be found, you are at liberty to select it as a depot."

These were the orders of the Government to the officer. If under these orders for establishing a depot, the officer, without warrant of law, chose to declare martial law—if he infringed on the rights of the citizens by any arbitrary conduct, the courts were open for relief, and the Government can incur no responsibility for the malversation of its officer or for his acts, beyond his orders and authority. I do not state this merely from my own opinion, but on the authority of a very able and distinguished man, formerly Attorney General of the United States, Mr. Legaré, in an opinion given by him on the case of Sibbald, somewhat similar to this, and which was referred to in the petition of the memorialists. A bill was passed referring, without any rule being laid down, to the accounting officers to settle the accounts of Sibbald for damages, which was a case not dissimilar, but in the particular facts of course not the same as this. Fortunately for the country, Mr. Legaré was Attorney General. He gave his opinion on the case, which will be found in the "Opinions of the Attorneys General of the United States," page 1543. He there lays down the rules which should guide the accounting officers in that case in ascertaining the damages. Among them he lays down this proposition, which I take to be unquestioned in law, and which cannot be contradicted here or elsewhere:

"The damages must not only have been directly caused,

not merely occasioned, by the interference of any agent of the United States, but he must have acted under their authority. Whatever the agents did beyond their instructions, clearly they did in their own wrong, and the Government is not responsible."

I say, then, that, on the proofs in this case, there is not a single fact shown of any act done to the individual who makes the claim here, by Commodore Porter, which is within his instructions, for which the parties have not been paid. The depot has been paid for: the site for the barracks and the custom-house has been paid for. The wood alleged to have been taken has been paid for. And there is no other act within his instructions complained of, which is, as far as I have read these papers, attempted to be proved. It is alleged, that by his arbitrary conduct on the island—containing altogether about seven hundred acres—its value was greatly diminished. It is said that he ordered the proprietors to pen up their hogs; and that in consequence of their inability to do so they were obliged to abandon them. If he gave that order he did it without right. The right could not be derived from the instructions of the Secretary of the Navy. If it was done, it was a violation of the rights of property; and they were not bound by it. If the hogs had not been penned up and they were used by the Government, the Government would then be responsible. But there is no proof of that. There is no proof as to by whom the hogs were taken. They simply declare that they were abandoned in consequence of an order of Commodore Porter. If he made such an order, it was clearly illegal, and could not have been derived from his power to establish a depot. That power of his did not give him jurisdiction over the whole island.

Another ground of complaint is, that by the occupation of the island its settlement was retarded. Now, in my opinion, great advantages accrue to these parties from the occupation of the island by the Government. But those advantages seem to be altogether lost sight of. At the time the island was taken possession of by the Government, the report of Commodore Perry shows that it was a desolate island, the resort of smugglers and pirates, and unsafe as a residence. It will be found on page 16 of the report of 1848 of the committee of the House of Representatives, that Commander Perry, in a communication dated March 28, 1822, uses this language:

"Heretofore the Florida Keys have been the resort of smugglers, New Providence wreckers, and in fact of a set of desperadoes who have paid but little regard either to law or honesty. The present establishment, though on a small scale, will, I conjecture, (with the assistance of the settlers,) be enabled to keep these lawless people from this island. But I would suggest the necessity of an early augmentation of force, if it be only for the purpose of enforcing the revenue laws. A gun-boat would be a force sufficient to answer all the purposes required."

There are many other matters contained in the facts stated in this case which are open to comment; but it is not worth my while to detain the Senate by commenting upon them. The fact is certainly not proved in the cases that some of the parties who claimed damages had an interest in the property at the time. They claim that they had an interest; but their interest is not shown. There is also a disconnection in the proof as to many of the facts, which, if it were worth while, I would now comment upon. But I shall not trouble myself with those matters now.

I wish, however, to refer to a fact which appears to have escaped the notice of the Committee on Naval Affairs of this body, at this session. This claim was originally presented in the name of John Whitehead, who is now one of the claimants. But this is now here as the claim of John W. Simonton. It was before Congress as early as the first session of the Twenty-third Congress. The committee were then discharged from the consideration of the claim; and it was referred to the Secretary of the Navy. At the second session of the Twenty-third Congress, the Secretary of the Navy made a report upon it; and that report I ask to have read. It shows that this matter has been fully investigated, and that, too, at a time when there were better means of investigation—while Commodore Porter was living.

The Secretary read the report, as follows:

NAVY DEPARTMENT, December 15, 1834.

The Secretary of the Navy, in compliance with the directions contained in the resolution of the Senate of the United States, of the 16th June last, referring the memorial and documents of John Whitehead and others, owners of Key West, for examination into the facts therein stated, to col-

lect the necessary evidence, and report the same, together with copies of such letters and papers in this Department as relate thereto, to the Senate at its next session, has the honor to make the following report:

The parties interested in this case state, that, in consequence of a communication made by them on the 17th December, 1821, representing the peculiar importance of Key West, as a naval station to protect our commerce from pirates, and suppress the slave trade, Lieutenant Perry was ordered, on the 7th February, 1822, to examine said island and its harbors, &c., and, if deemed necessary by him, to take possession in the name of the United States; and that on the 28th March following, he made a report of his proceedings.

That instructions were subsequently issued to Captain Patterson, on the 15th November, 1822, who reported the result of his examinations on the 11th March and 10th July, 1823.

That Commodore Porter, on the 1st of February, 1823, received his general instructions, as commandant of the West India station, and was directed to establish a depot at Thompson's Island, usually called Key West, and land ordnance and marines to protect the stores and provisions.

That the said commander assumed entire control and jurisdiction of said island; forcibly appropriating wood already cut, and causing more to be cut down and used, seizing and using for his officers and men, hogs and sheep running at large, the property of the memorialists; prohibiting the owners and their agents from building or improving without his permission; and enforced military law upon the said island; of which grievances, they state, that they informed the Navy Department by a communication dated the 1st of February, 1825.

In support of these allegations, the memorialists offer the deposition of Griffith W. Roberts; the copy of a letter from Commodore Porter to Lieutenant James M. McIntosh, sworn to by John Whitehead; a letter of Master Commandant M. P. Mix to said Whitehead; certified copies of two letters from P. C. Greene & Co. to Commodore Porter, and the original of Commodore Porter's reply; a certificate of Lieutenant James M. McIntosh, with copy of Commodore Porter's letter to him above referred to, and an imperfect copy of the communication of 1st February, 1825, which are all hereto annexed, lettered from A to G inclusive.

The records and files of the Navy Department have been carefully examined, but afford no information nor evidence of the seizures and damages which the memorialists complain that they sustained, nor can any communication be found to have been received from them on the subject, dated the 1st of February, 1825.

The communication of the 7th of December, 1821; the report of the Secretary of the Navy, of the 29th of December, 1822, to the President; and the instructions to Lieutenant Perry, Commodore Patterson, and Commodore Porter, and the reports by these officers, to which the memorialists allude, are appended hereto, and numbered from 1 to 8, inclusive. All which is respectfully submitted,

MAHLON DICKERSON.

Mr. BAYARD. The Senate will observe that the case was fully examined by the Secretary of the Navy at that time, and that the communication containing complaints against Commodore Porter's conduct, which it is alleged that these parties made in February, 1825, was never made. The Secretary states, that after an examination of the records, he could find no evidence of the seizures and damages of which the memorialists complain. He could not find the communication containing complaints against Commodore Porter, said to have been made in 1825; but a mutilated copy of the alleged communication was offered as evidence. This report was made to Congress after a full examination of all the facts and circumstances connected with the claim.

At the first session of the Twenty-fourth Congress nothing was done in regard to this claim. Nothing was done at the second session of that Congress. At the second session of the Twenty-fifth Congress the committee were discharged from the consideration of the subject. At the first session of the Twenty-sixth Congress the committee made an adverse report upon the claim of the petitioner, after investigating all the facts. After the report was made, leave was granted to withdraw the papers of the party; and they now bring forward the same claim, and, as far as I can judge, precisely on the same papers, without any additional testimony whatever: at any rate, no additional testimony seems to have been taken since that time. That report was made to the Senate on the 23d of January, 1840. It is report No 109 of the first session of the 26th Congress.

"Mr. TAPPAN submitted the following report:

"The Committee on Naval Affairs, to which was referred the memorial of John Whitehead, for himself and others, with the accompanying documents, report:

"1st. That the memorialist avers that in December, 1821, he and his associates became the proprietors of the island of Key West, by purchase of a Spanish grant of the 6th of August, 1815; that in December, 1821, they took possession of the island, and held it to the time of filing the memorial.

"2d. That the memorialist represented to the Government of the United States the advantages of Key West as a naval station, and invited its use for that purpose; that in consequence of such invitation, the island was in March or July, 1823, taken possession of by Lieutenant Perry, acting under orders from the Secretary of the Navy; that

such occupation of the whole of the island was continued until some time in 1827, and of part of it until the year 1831.

"3d. The memorialists complain that the naval officers interfered with their plans of building and arranging their town lots, and built their store-houses without any regard to such lots; that they exercised exclusive authority over the island, in the name of the United States, and did not permit the memorialists to do in all things as they pleased.

"4th. That three hundred cords of cut and piled wood were taken and used by the officers of the Navy, and an unknown quantity of wood was cut and used by them.

"5th. That the memorialists owned a large stock of hogs and sheep, which ran at large on the island, which they were compelled wholly to abandon.

"6th. That the very large profits which might have accrued to them from the commerce of the place, were lost by the transformation of the port of entry into a military tribunal.

"The items of claim set up by the memorialists, are as follows, viz:

"1st. For the forcible occupation and use of Key West for a period of three and one half years.

"2d. For damages in consequence of their inability to induce the employment of capital there in salt-making.

"3d. For depreciation of the value of Key West to its proprietor, growing out of its use, by the United States.

"4th. For three hundred cords of wood forcibly taken.

"5th. For five hundred cords of wood forcibly cut and used.

"6th. For three hundred sheep.

"7th. For two hundred hogs.

"Florida was ceded to the United States in 1819, and possession was taken of the territory on the 10th of July, 1821; the memorialist says that he took possession of the island of Key West, in December, 1823. The principal part of the claim of the memorialist is bottomed upon the hypothesis that in December, 1823, he had a lawful right to take possession of the island without waiting to have his claim admitted and recognized by the Government of the United States, and that, of course, the interference by the officers of the Government with his possession was illegal. In both these positions the committee are of opinion that the memorialist is mistaken. The grants made by the Spanish Government of lands in Florida before the treaty of cession, unless the grantees were in actual possession at the time the territory was delivered to the United States, were not acknowledged as valid until they had been so recognized by the appropriate tribunal, and did not give any legal right to such grantee to place himself in possession.

"The memorialist produces no evidence of title to the island in question, but the committee have taken it for granted that his claim is as he states it, one not yet patented, and therefore not definitively acknowledged by the United States; and with this view of it, they are of opinion that the first three items in the specification of his claim cannot be allowed.

If the law did allow claimants under Spanish grants, standing in the situation of the memorialist, to take possession and survey out for themselves the territory granted, and so the memorialist had a right to take and hold exclusive possession of the island in 1823, it is admitted by the memorialist that it was made a naval station, and used by the naval department as such, at the pressing instance and request of the memorialist, and that the memorialist has been paid his own price for such grounds as were occupied for the public service; nor does it appear that the officers in command on that station interfered in any way with the occupancy and use of the residue of the island by the memorialist and his associates, or prevented them from using the natural advantages of the island in the manufacture of salt. There is, therefore, no equitable claim against the Government for those specifications.

As to the claim for the use of the memorialist's sheep, hogs, and firewood, the evidence adduced is extremely loose, indefinite, and contradictory; but it is unnecessary for Congress to legislate upon this part of the claim, for if the memorialist has furnished these supplies for the Navy, upon application and due proof of the facts to the proper department, the existing laws authorize payment to be made for them.

Your committee, therefore, report the following resolution:

Resolved, That the prayer of the memorialist is unreasonable, and cannot be granted."

Unreasonable, indeed, the claim was then, and it is not less unreasonable now.

Mr. FISH. When was that report made?

Mr. BAYARD. In 1840, when all the facts which now appear in the papers were brought before the Senate, and were in existence and in the knowledge of the parties. I presume, therefore, that they were brought before the committee; but if they were withheld it was the fault of the claimants.

As I said before, there is no ground of claim for any damages arising out of any legal order. The wood which was taken has been paid for. The land which was occupied has been paid for. As to the occupation of the island under martial law, or as the place for the sitting of a military tribunal, if Commodore Porter did that, he went beyond the warrant which his orders allowed him to go; and if an officer transgresses the orders which are given him by the Department, and inflicts injury upon a citizen as regards his rights of property, he puts the Government under no responsibility, but is himself responsible. No order was given to him to establish there a military tribunal; no order was given to him to put the island under martial law; but simply to establish a depot and

naval station there. That was all. And for the land which was taken to fulfill that order the claimant has been paid. If the opinion of Mr. Legare be correct—and I hold it clear that it is so—there can be no responsibility on the part of the Government to pay these individuals for any alleged acts of injury inflicted by the arbitrary orders of Commodore Porter.

For my own part, I give but little credence to the *ex parte* testimony now brought forward and promulgated, when Commodore Porter is not here to answer it, and when it is not corroborated by the reports he made to the Government in the course of his official duties as commander of the post. Therefore I cannot sanction such a claim by my judgment and my vote. For these reasons I am opposed to the claim altogether. I think it appears, on examination of the papers, that this is a speculative claim. The parties, having no interest in the island at all, invited the attention of the Government to it at a time when they were probably negotiating for its purchase. They asked the Government to establish a naval station there, so that the island might grow into importance. They then purchased an old Spanish claim for \$2,000. The Government, after the recommendation was made by them, sent an officer there and established a depot. Thus these parties derived advantages from that. They were enabled to settle the island, which had before been a resort for smugglers and pirates. This they could not have done without the establishment of the depot by the Government. Having received all these advantages from the Government, they immediately began to quarrel with the officers as to all their acts. But now, conceding that some of these acts were arbitrary, we do not know the exigencies of the case. We cannot judge of the necessity of the case, because the officers are not here to explain, and he who had the chief command has passed away from earth.

I submit, then, that under these circumstances, there is no ground of claim at all upon the Government; and that the parties have really received from the Government \$17,000 for what cost them but \$2,000. This is a claim for contingent damages; not legal damages—not damages growing out of any recognized principle of liability. If the facts which they allege be true—and they are sustained only by some *ex parte* testimony—the parties would unquestionably have brought a civil suit against Commodore Porter, in his lifetime, in order to determine to what extent his authority went. Then there would have been a decision as to how far the powers of a military or naval officer of the United States under such circumstances extended.

Mr. MALLORY. I have always been accustomed to hear that any private claim upon the Government, however justly founded, might very well be handed over to one's heirs, executors, and administrators, and that an appeal to Congress for indemnity for the acts of the officers of the Government was about the last resort which a wise man would ever attempt. I am somewhat confirmed in this idea by the opposition to this bill. I am very happy to have an opportunity to record my vote in its favor, and to answer presumptions of fact and law which have been here made against it. And first, I know that the honorable Senator who opposes this bill, when he finds he has totally misapprehended and totally misstated the facts, will be the first to say so. I will commence where the honorable Senator left off—that this is a speculative claim. This idea, I suppose, is based upon the presumption, that an individual has no right to compete with the Government, has no right to make a purchase with the view of selling to the Government. I will not discuss that proposition for a moment. I do not suppose that any sensible man denies the right of a private individual to make a purchase in view of the value of his property being enhanced by the wants of the Government; but the fact is, that years before the proposition was held out to the Government by our merchants and citizens to suppress piracy in the Gulf of Mexico, the purchase was negotiated. This purchase was undertaken upon private account for one gentleman, who sold out to three others, making four proprietors long before any suggestions of its occupancy by the Government of the United States was indulged in. Instead of these parties giving \$2,000 for this property, it has cost them at least \$50,000. Instead of the island being over

seven hundred acres, it is four and a half miles long by a little over a mile wide.

It appears that in 1821 and 1822 the Government became impressed, through the memorials of merchants, ship-masters, and others, with the necessity of suppressing piracy in the Gulf of Mexico, and on the shores of Cuba. A depot and rendezvous for this purpose were absolutely essential, and no other point in that vicinity could by any possibility be selected as a rendezvous. The wants of the Government therefore compelled them to take Key West. It was at that time private property. It was a valuable Spanish grant, which was confirmed under the treaty with Spain, and subsequently recognized as legal by the proper tribunal. The purchase of this grant, and the necessary steps in order to have their title confirmed, cost these proprietors over \$50,000. What orders did the Government give to Commodore Porter? A great deal has been said about the injury to private property, and suits to be brought against the officer. The orders of Commodore Porter were, to proceed to the island of Key West and occupy it. How could he occupy it without excluding those already in occupation? So far from that island being then a resort for smugglers and pirates, it was inhabited by respectable citizens of the United States, men of wealth and property, who had moved there knowing that it was one of the most salient points in that part of the country, knowing that it must become the great depot for the southwestern trade, and for the manufacture of salt, then paying a duty of ten cents per bushel; who had established commission houses, large warehouses, and made great preparations for carrying on trade with Cuba, Porto Rico, and the West Indies generally. Commodore Porter went there, and found the island populated; he found municipal authorities there, and he took possession of the island. We are now told that if he exercised his possession to the injury of private property, the parties must look to him for indemnification. From whom did his orders proceed? From the United States—from the sovereign power—he had orders to occupy the island.

Mr. BAYARD. Will the Senator be kind enough to refer me to those orders? I got them from the report of the committee of the House of Representatives in 1848, and I am at variance with him as to the question of fact. There is no order to occupy the island as I understand it.

Mr. MALLORY. The order was to establish a depot and rendezvous, and who ever heard of a depot and a rendezvous without the occupation of land? Can there be such a thing? Not at all. It is absolutely necessary to occupy the land. The officer did occupy the land. He erected his hospital—he erected his barracks—he erected his prisons—he erected his repairing and refitting yards there—he had his galleys there. The inhabitants were excluded from the occupation of their own soil—they were precluded from selling their own property. The Commodore only confirmed such grants as he chose, and he exercised all the rights of eminent domain. All this was done under the authority of the Government. It was continued for a period of three years. Now, does such occupation, independent and apart from all advantages derived by the Government from it, in defiance of private rights, give any right to indemnification? I presume there can be no doubt upon that subject; but the idea is sought to be set up, that because, perhaps, the island itself derived a benefit from such occupation, that might be put as an offset against the use of private property in opposition to the wishes of the owners. The report of the Committee on Naval Affairs, which has been unanimous, expressly sets forth all this evidence of occupancy, and all the injuries, or most of the injuries done to private property. And there is no idea set up there, that the island was enhanced in the slightest degree by the occupation. On the contrary, being somewhat familiar with that part of the country, I am free to confess, that absolutely more injury than the United States can ever pay for by their occupancy, occurred in consequence of that occupancy. I know the fact, that many had to leave the island in consequence of its occupancy by the Government. I know the fact, that citizens were tied up and punished under martial law. The law of Commodore Porter was military law—he occupied the island from the necessity of his order to establish a naval depot

and rendezvous. Such a one could not have been established but by the occupation of the island. This occupation brought the yellow fever among the inhabitants. It prevailed among the sailors, and was introduced among the citizens, and gave to Key West the character and reputation of being a sickly place.

There is no doubt that this occupation of land against the wishes of *bona fide* owners does create a valid claim against the Government for indemnification. But we are told that the claim has been paid in part or in whole. I undertake to say here in my place, that not the first dollar—not the first cent has ever been paid. It is true that the United States did, years and years subsequent to the occupation of the island, purchase a site for a custom-house. In consideration of the fact that the Government did want the site for a custom-house, the proprietors sold it to them for half the price which it would have commanded from private citizens. Lots adjoining that have since been sold within a very recent period, for a much larger price than that for which the Government obtained the site for a custom-house. The giving, therefore, by the proprietors to the Government of the site for a custom-house at a price less than they would have obtained from individuals, was a favor to the United States, and not to the parties. The United States subsequently purchased a site for a barracks, but that was a few years ago, comparatively speaking—a long time after these events occurred. They paid, too, for this, a very moderate price—much less than an individual would have had to pay in open market. They purchased other sites and occupied other land, and paid for it at very moderate prices; but by doing that they have not refunded any damages which the parties sustained years ago in consequence of the military occupation of the island by Commodore Porter for the Government.

There have been two favorable reports in the House of Representatives on this identical claim. I am not certain as to whether additional testimony has or has not been taken since 1840. I looked over all the testimony in the case, and I there found some testimony taken by myself. When I occupied a judicial station in the State of Florida, citizens came before me voluntarily—merchants and others who resided on the island at the time Commodore Porter occupied it, and as much entitled to credit as any citizens of the United States—and gave testimony, though they themselves were against any large claim on the United States for the occupation of the island, that something ought to be paid. Their testimony is upon record.

So far from the island being in want of protection before the United States occupied it, it was inhabited, and no pirate has ever put his foot on its soil since it was transferred to the United States by Spain, long before its occupation by the United States as a naval depot and rendezvous. The idea, therefore, that the United States have paid \$17,000 for what cost the proprietors but \$2,000, is perfectly untenable. Two thousand dollars may have been the original price negotiated with Salas; but as I understand this purchase, the whole cost to the proprietor, from beginning to end, could not have been less than \$50,000. But if it cost only \$500—if it were a gift to them, how can that disturb the claim? What has that to do with the claim? Is the measure of damages for the unjust occupation of the island to be judged of or to be ascertained by the price which the proprietors pay for it? Why the island to-day, or when the United States purchased land to the amount of \$17,000, it was worth perhaps a hundred thousand times as much as the parties originally gave for it. It probably could not be purchased for that now. With reference to the southwestern trade, the whole trade of the Gulf and of the Spanish Main, it is one of the most salient and important positions in the United States. I will here say, that in 1852, judging from the past, judging from the statistics already before us, \$200,000,000 worth of property of the Eastern, Middle, and Western States, will pass in sight, and almost within hailing distance of this very island—the Eastern States in shipping, the Middle States in manufactures, the Western States in agricultural products. It was in view of its salient position that the owners and occupiers of the land purchased it from the original proprietors. Now, because they were ahead of their time, and obtained this important position for a moderate sum,

no matter what that sum may have been, are we to be told that the United States will not pay damages for the unjust occupation of the island?

Mr. SEWARD. I wish to inform myself upon this bill, and therefore I wish to direct the attention of the Senator from Florida to a point about which I require some information. I see that the bill provides that the accounting officers, in calculating these damages, are to take into consideration the benefits and advantages which accrued to the United States from the occupation of the island of Key West, as well as the injury suffered by its owners. I am not clear that the benefits and advantages resulting to the United States are, under the Constitution of the United States, a legitimate inquiry in ascertaining the value to be paid for private property taken for public uses. I would like to hear the Senator on that point.

Mr. MALLORY. The bill introduced by the Naval Committee is precisely in so many words the bill reported to the House of Representatives by the Naval Committee, at a former session. In reporting that bill, the Naval Committee did not feel disposed to make any alteration in it; but I am perfectly willing that the clause objected to by the Senator from New York shall be stricken out. All I aim at is, that the Government should display some disposition to pay these parties, who have been kept out of payment for the use of their property for twenty years. In drawing up this bill, and in leaving the amount to be decided by the accounting officers, under the direction of the Secretary of the Navy, under the rules laid down by the Attorney General, that those officers, with the law before them, and the principles of equity and justice to guide them, would sufficiently guard the interests of the Government, and that no great harm would result from the latitude allowed them. But, if the Senate thinks proper, I will at once agree to strike out this clause of the bill, if it is untenable, and let the bill stand on its other merits. All that I desire is, that these parties shall not be turned away after their claim has been so long delayed. They have never yet been repaid a single dollar. The United States have purchased land from them for a custom-house and barracks, and other purposes; but I am certain that if those lands were sold to individuals, they would bring double the price which the Government has paid for them.

Mr. BAYARD. It is perfectly certain, that, if we are to decide this case upon the private knowledge of the Senator from Florida, apart from the documents presented, I am entirely mistaken in the conclusions which I have drawn from the facts. But it would be a new theory of Government, if the individual knowledge of a Senator, apart from the proof submitted, lame and loose, and *ex parte* as that proof is, was to form the ground of the decision of the Senate in reference to the propriety of allowing a claim. I stated the size of Key West from the documents in the case, as being an island of seven hundred acres. The Senator says it is larger. That is immaterial. If it is larger, the argument is stronger. I am perfectly willing, as regards the damages which are claimed, to place myself upon the legal position, which has not been and cannot be, answered by the Senator, that the Government is not responsible for the acts of Commodore Porter which were done outside of his orders, and which violated the individual rights of the parties. If he did commit such acts, their redress was against him. A resort to a court of justice was the proper mode to have obtained redress, if they believed they could have sustained themselves in a court; and if they would have sustained the encounter there, they would have brought the matter before the courts; and I say the fact that they did not so seek it, forms a strong presumption, in my mind, that they were not prepared to make such an issue. I always distrust *ex parte* evidence, and I think there is no safety unless you do. It is to be scrutinized with much greater strictness than you establish in other cases.

The Senator tells us that the claimants have received nothing for damages. The petition admits that they received three thousand six hundred and odd dollars for wood. Is that nothing? It admits the fact that \$4,000 were paid for the ground occupied by the custom-house; that \$3,200 were paid for the ground occupied by the barracks; and that \$6,800 have been paid since for other property. That makes the amount I stated. I stated these facts to show that the property which had been

occupied, under the orders of the Government, by Commodore Porter, had been paid for. I say so still. The order of the Government to Commodore Porter was to establish a depot on the island. There can be no mistake about the extent of the order. There is nothing more in the papers—nothing more in the order of the Secretary to him—than, "You will establish at Thompson's Island, usually called 'Key West, a depot, and land the ordnance and 'marines to protect the stores and provisions; if, however, you shall find any important objection to the place, and a more suitable and convenient 'one can be found, you are at liberty to select it 'as a depot.'" The honorable Senator asks, How could they occupy this without taking the land? I said that they took a portion of the land, but not more than is occupied now; and that, beyond that, if Commodore Porter assumed jurisdiction over the whole island and established martial law to prevent persons building and to paralyze commerce by arbitrary orders, he went beyond the authority conferred upon him; and if he did that, then, there the opinion, as a matter of law, announced by Mr. Legaré, strictly applies, and there is no responsibility on the part of the Government.

But I am free to say, that from the reading of this testimony—it is not necessary for me to go through it before the Senate now—the impression on my mind is, that this is a matter of dispute in which there was fault on both sides, and this claim is a prepared claim; and that the parties at the time carried on a series of petty disputes with Commodore Porter and his officers, with a view to make a subsequent claim against the Government of the United States; in order to get speculative damages. That is what I meant by the allegation of speculative damages. As I know none of these parties, it is indifferent to me; but I cannot resist the conclusion to which I have come; and if I were to use strong language, I should say that the claim is a fraud upon the Government from its beginning to its end. That is the impression which these papers make on my mind; because on the 7th of January, 1821, these parties made a communication calculated to draw the attention of the Government to this island, which was then as the reporting officer says, desolate, and that is the time to which I referred. Whether that was the condition of the island is immaterial. The honorable Senator says it was settled. That was when Commodore Porter went there, a year after security was given by the establishment of a guard by the United States. It was after the United States had assumed jurisdiction over it for the first time. But before that—on March 28, 1822—Commodore Perry in his report, said expressly that—

"Heretofore the Florida keys have been the resort of smugglers, New Providence wreckers, and, in fact, of a set of desperadoes, who have paid but little regard either to law or honesty. The present establishment, though on a small scale, will, I conjecture, (with the assistance of the settlers,) be enabled to keep these lawless people from this island. But I would suggest the necessity of an early augmentation of force, if it be only for the purpose of enforcing the revenue laws."

It was not until April, 1823, that Commodore Porter was ordered there. When he went, a settlement may have arisen, because the Government had determined to have an establishment there, and had placed a guard to protect the island from smugglers and pirates. A settlement may have grown up in the interim. When Commodore Porter went there, the island was settled in part; but he was authorized to establish a depot and barracks. The alleged aggression consists in the taking of what was not paid for, by arbitrary power on the part of Commodore Porter. Conceding those acts to have taken place, they did not come within the terms of the order, and he was responsible for them. The fact that the parties did not choose to sue him in 1825 for acts alleged, by *ex parte* proof in part established here, to have been committed, and did not hold him responsible, affords to me a presumption that those facts could have been met by counter proof to sustain the course which he was obliged to take.

Mr. DAWSON. What were the acts complained of?

Mr. BAYARD. The acts charged are, that Commodore Porter prohibited them from building on their property according to the plan of a town they had laid out; that he arrested a workman of one of the owners when he attempted to build on the property of that owner, and decided that it

was property occupied by the United States; that he gave them orders to pen up their hogs, and that in consequence they were obliged to abandon them; that he prohibited settlers going there and locating without his authority; that he established martial law; that he punished individuals; that he interfered, as to vessels that were stranded there, in the jurisdiction of one of these parties—John Whitehead—who was a notary public, and who, being a notary public under the laws of Florida, pronounced judgment for salvors, and made salvage to be allowed; and, in order to carry out his own decree, he being entitled to one per cent. commission—this is one ground of the claim—made an order for the condemnation of a vessel on the plea of salvage. There was no other jurisdiction to do it. He was allowed, under the laws, one per cent. commission. To carry his order into effect, he put it into the hands of P. Green & Co., a firm of which he was a member, and directed that they should receive the commission of five per cent. To this Commodore Porter objected, and said that, as regarded the share to which the officers were entitled, he would not permit it to be sold by that auctioneer, at five per cent. commission, because one per cent. was the compensation. Whether this was right or wrong, I cannot determine, nor need I. I mention it as one of the series of acts complained of. But all the acts complained of, if they took place, arose from the unauthorized conduct of Commodore Porter. According to the orders received from the Navy Department, he was to establish a barracks and depot there. They did not require the whole island to be taken possession of. No orders were given to him to take possession of the whole. His orders did not require martial law to be established. If he established it, he did it at his own peril. They did not require that an individual should not be permitted to build a house on his own property without the permission of Commodore Porter. If he required that, he did it at his own peril. These are the claims for damages. The property occupied by the barracks and custom-house has been paid for. The wood was paid for in 1846. The Navy Department having examined officers, and the proof being indefinite, averaged the quantity of wood for the number of vessels there, and the probable consumption, and allowed \$3,600 for the wood consumed. In the case of the hogs, it is very clear that Commodore Porter had no right to give the order to pen them up, and the Government are not responsible for it. It was illegal. If the hogs were destroyed, unless they were taken for the use of the Government, certainly there is no ground against the Government for compensation. If Senators feel any doubt on the principle involved here, let them read the opinion of Mr. Legare in the Sibbald case. They will see that the ground for damages in that case was the same as here. Mr. Legare clearly lays down the rule for damages. It is found in the second volume of the Opinions of Attorneys General. It discriminates the extent to which the Government is responsible. Within the principles of that opinion, there is not one item in the claim here that has not been paid for.

Whether the price of \$4,000 for the land on which the custom-house stands at Key West, which had been barren land before, was extravagant, does not appear in the papers. It does appear that the parties were willing to take it. I see nothing of liberality on their part towards the Government. I do not see that they charged less than the value of the land, unless they supposed that additional advantages would be gained to them, arising from the erection of the custom-house near their property, and that they would receive benefits in that way. At all events, it was a matter of agreement, and they were paid for the ground. So, too, as to the barracks. I can see no good claim for damages upon the Government on the part of the claimants here.

There is one other fact which I will mention. There is a vast deal of indefinite proof in this case. The papers show that Salas was the Spanish grantee in 1815. The communication which was made by Simonton to the Department, inviting attention to this island, is dated December 7, 1821.

Mr. DAWSON. Will the Senator from Delaware read that?

Mr. BAYARD. I will. The Senate will understand that at the time this communication was

written, Simonton was not the owner of the island, but whether he was then in a negotiation for its purchase, we cannot tell. I think that probably he was; and that was one of the reasons why I gave it the name of a speculative claim:

"Key West" is a small island, immediately on the edge of the Florida stream, situated in latitude—seventy-five miles north by west from Havana, and eighty-five miles from Matanzas, and quite contiguous to most of the outposts on the north side of Cuba—say, Bay of Honda, Cabannas, Mariel, St. John's de los Remedios, Arraco, &c., &c., which are all places of considerable trade, and depend almost entirely upon Havana for their supplies; it has an uncommon large and safe harbor, where men-of-war, with any draught of water, may enter and lie with safety; it has two never-failing springs of water, one of which is quite convenient to the harbor, and wood in great abundance. An establishment at this island would be of great importance to the Government, as well as to the merchants of the United States, as a harbor and rendezvous for our vessels of war, it being one of the most commanding places on the whole coast of Florida.

"The revenue that would arise from the importation of sugar, coffee, &c., productions of the Island of Cuba, as well as from other places in the Bay of Mexico, the distance being so short that an immense deal of property would be sent there, as well as specie, in vessels which seldom go now from the coast of Cuba, and receive in payment there the productions of the United States, which trade would be of great advantage to the American commerce. It would be an excellent harbor for our merchant vessels to touch at bound to and from the Bay of Mexico to the United States, in cases of distress, which too frequently happen when they have no other place to touch at except a port in the Island of Cuba, where they are subject to heavy expenses.

"It is the only eligible situation for a depot of wrecked property on the whole coast of Florida. We are at this time wholly dependent on the wreckers of New Providence for the protection of our property in the case of shipwreck; and when that occurs, it is carried to New Providence, which affords a living for more than five hundred persons, and employs fifty or sixty vessels, and produces a large revenue to the Government, and a great pecuniary benefit to the merchants of that place, because a salvage is generally allowed of from fifty to seventy-five per cent.

"If this place was made a port of entry, it would in all probability become a place of depot for the productions of other countries, particularly those of Great Britain and France, as it may be termed a key for the whole of the Bay of Mexico and the north side of the Island of Cuba. Arrangements are now making, and in the event of this place being made a port of entry, warehouses will immediately be erected, under the direction of merchants regularly established there. J. W. SIMONTON.

"HAVANA, December 7, 1821."

It appears by the papers that Simonton did not purchase from Salas, in Havana, until December 26, 1821, within thirty days after the date of this letter, as I have said. He was not the owner at the date of the letter, but judging from its character and from the subsequent purchase, he was negotiating for it, and endeavored to obtain the location of the naval depot there for the improvement of the property, and in that way he expected to make a valuable purchase. He paid \$2,000 to Salas; what his other expenses have been since, we have no evidence here. The Senator from Florida may be right in his estimate of what it has cost him. But we have nothing to do with that. I spoke of what the property cost at the time of the purchase. It cost \$2,000, as the value of the property antecedent to the time when the United States established the depot there. Simonton, when he was not the owner of the island, called the attention of the Government to the establishment of that depot, probably with a view to that purchase. I do not say that he is not entitled to receive full compensation for all the property which the Government took from him. But the Government has paid for all it took; and he comes here and asks Congress to pass a bill to pay him for damages grounded upon acts of officers, which, if true in point of fact, transcended the orders under which they were directed to establish a naval depot there, and for which they were responsible, and for which they would have been made individually responsible, if the claimants had appeared in a court of justice and established their liability, with the evidence on both sides.

This island had not exactly the extraordinary character which Simonton attributed to it in his letter. The Government first sent Captain Perry there, and he made a report. Then there was a subsequent survey made by Commodore Patterson. That report is rather adverse to a permanent location there, and gives strong and good reasons why it would not do. It contains the statement of one fact about water, which is different from Simonton's statement, that there was not a sufficient supply of water and wood to depend on. So it appears in the statement of Commodore Porter, when he went there in 1823. His first report is dated April 16, 1823, and in it he says:

"For the last two weeks our movements and occupations have been so varied, that, to enter into a full detail would swell too much this communication. To be brief, therefore, I shall merely state, that within that time we have built our storehouses on Thompson's Island, landed all our stores, collected together all the schooners of the squadron, and stationed them at different points on the coast of Cuba."

I presume there can be no doubt that a rendezvous, for a period of three years, of a fleet of eleven vessels, if these owners had their own establishments, must have been a source of great emolument to them. But that is thrown out of view, and they complain of damages caused by the conduct of the commanding officer, which was illegal, if it took place. Again Commodore Porter says:

"Thrown, as we are, on a barren and desolate island, that does not supply even water, I hope our situation may be made as free from sufferings as the Department can, without inconvenience to the public interest, make it."

Again, November 19, 1823, he says:

"The fixing an establishment at Thompson's Island, for rendezvous and supplies, as my instructions required, has had the most happy effect in attaining the object in view."

Did that authorize him to take the whole island into his possession? The island I stated to contain seven hundred acres. The Senator from Florida says it is larger. Be it so. The instructions, or the report upon them, do not look as if he was to take possession of more than was necessary for the purposes of the Government, for the barracks and storehouses. But he continues:

"Its vicinity to Havana, placed, as it were, in the thoroughfare of vessels sailing through the Gulf, makes it, in many points of view, an object of great importance to the United States; and although for three months in the year it must ever remain sickly, while existing causes continue, it is, from its extraordinary salubrity for the remainder of the year, worthy a closer examination, to ascertain whether they may not be eradicated. It is my opinion that, by thinning the woods and draining off the heavy rains of the month of June, thereby promoting a free circulation of air, evaporation, and dispersion of the water rendered stagnant by the excessive heat of June, and which causes the rapid decomposition of the vegetable matter with which the island abounds, the months of August, September, and October, might be made sufficiently healthy for the residence of man; but at present, the poisonous effluvia arising from these causes is almost certain destruction to whoever breathes it.

"Had I been aware of its pernicious effects, I could, without any inconvenience, have guarded against them by an earlier removal of the ships; but it took us by surprise, and the malignity of the disease was unparalleled. It is certain that it originated on the island; for our ships, with the exception of those sent to work on shore, have in their crews enjoyed uncommon health."

In another letter of October, he speaks of it in the same way. The proprietors themselves, in a memorial—when or where presented does not appear, it was not to the committee—make a statement to which I will refer. It is alleged that it was presented to the Navy Department. The answer of the Secretary of the Navy is, that there is not a copy of any such paper in the Department. It seems improbable that it ever could have been presented, or if presented and not acted upon, that some further action had not been taken by the memorialists, if the grounds of their complaint were correct. They say:

"The proprietors of the island were highly gratified in this early success in gaining that protection to commerce which the previous exposed situation of the island required, and their persons and property thereon, which were likewise very unsafe at that time."

On the whole, looking at this case with the best examination which I have been able to give it, I can see no damages claimed which are not embraced in the report of the committee of the Senate made in 1840. There is not a paper attached to the petition which is subsequent in point of date to the report of that committee. There are no new facts, unless in the following papers, of which the Senate will judge the value: there are three individuals who swear that, in their opinion, a proper and reasonable compensation, by way of rent for this island, ought to be paid by the United States to Simonton and others. Two of them swear to twenty thousand dollars a year, and the other to fifteen thousand a year. What force, as evidence, that has, and what weight it should have, the Senate can judge. But, apart from that, there is no evidence of the existence of any cause for relief which was not before the committee in 1840, or which might have been before them, because it was all in existence, according to the dates of the papers which are before us. After deliberation, after the Secretary of the Navy reported against the claim, the committee unanimously reported against it as "an unreasonable claim." That is the language of the report.

Mr. SEWARD. How is the committee now?

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Mr. BAYARD. The committee, at this session, have reported in favor of the claim. I do not know whether the Senator from New York was here when I made my objection to the form of this bill. I objected to it on the ground that the general rule established here ought to be sufficient to defeat the bill as it stands; but I went afterwards into matters that showed the claim was not justifiable, and, therefore, not worthy of reference. In conclusion, the motion which I make—if it will not cut off debate—is, that this bill be indefinitely postponed. If it will cut off debate, I will withdraw it.

Mr. SEWARD. I will submit to the honorable Senator from Florida, [Mr. MALLORY,] in a very few words, what I have to say about this bill. I shall not detain the Senate any length of time. I think the bill is in very great danger, if pressed to a vote, of being lost. Still, for one, I am of opinion that there is a claim to some extent, and I think the bill may be modified in such a way as to provide for a fair and just settlement of that claim.

Mr. BUTLER. If the Senator from New York will give way, I will move to postpone the further consideration of this subject, as it seems to involve some questions of interest, that we may go into Executive session.

Mr. SEWARD. If the Senator will allow me, I will state some amendments which I propose to submit for consideration, and then the subject may be postponed. I think it would remove much difficulty by inserting the word "examine" before "audit" in the following phrase: "Give to the Secretary of the Treasury power to audit and settle;" and that a further difficulty would be removed by striking out the words "upon principles of equity and justice," as I suppose the bill will mean the same whether they are in or out; and then to strike out the words "and in settling" upon these principles, they shall ascertain as nearly as practicable, the benefits and advantages which accrued to the United States from the occupancy of it, and also the injuries which resulted to the owners of it," and to insert after the words "to pay" the words "the amount, if any, which shall be so found to be due," so as to make the bill read—

"Be it enacted, &c., That the proper accounting officers of the Treasury Department, under the direction of the Secretary of the Navy, examine, audit, and settle the claim of John W. Simonton and others, owners of the island of Key West, in the State of Florida, on account of its occupancy by the Government of the United States as a naval and military post during the years 1823, 1824, 1825, and 1826, and to pay the amount, if any, which shall be found to be due, out of any money in the Treasury not otherwise appropriated."

Mr. MALLORY. I concur in the amendments of the Senator from New York. I will accept any amendments which go to pay these parties anything for the occupation of the island. And here I beg leave to make one remark in reply to the Senator from Delaware in relation to this claim having been paid. He insisted, that with the exception of the wood, they had no claim, and that the wood was paid for. If that were so, of course they would not be paid for again under this bill; but with that exception, not one item has been paid for. The sum of \$17,000 is the result of purchases made by the Government long subsequent to the events set up, when the Government came in as a purchaser, at the same time as private individuals, and purchased lands from the proprietors on which to erect the custom-house, barracks, &c. It is not embraced in the original claim at all.

Mr. SEWARD. If the Senator from Delaware will withdraw his motion to postpone indefinitely, I will offer my amendments, and move to postpone the further consideration of the subject until Monday next.

Mr. BAYARD. I will withdraw my motion in order to enable the Senator to offer his amendments, and then I shall move to postpone it indefinitely.

Mr. SEWARD. Then I offer the amendments which I have read, and ask for the question upon them.

The PRESIDENT. The question is on the amendments offered by the Senator from New York.

Mr. BUTLER. I understand that the amendments of the Senator from New York will materially affect the bill. In order to afford an opportunity for the examination of the subject, I move that the Senate do now adjourn.

The motion was agreed to, and the Senate adjourned until Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 13, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

Mr. DANIEL moved that the House resolve itself into Committee of the Whole House upon the Private Calendar.

Mr. D. said: I beg leave to state that, in consequence of the little attention which was paid to private business during the last Congress, the Private Calendar has become greatly enlarged. I trust that this Congress will not regard this private business with the same censurable indifference.

Mr. OLDS. I ask the gentleman from North Carolina to withdraw his motion for a moment, in order to give me the opportunity of making a personal explanation. I will renew the motion after I have made it.

Mr. DANIEL. I will withdraw for the gentleman.

Mr. OLDS. Perhaps the motion which I propose to make is a privileged motion; at least I trust the House will permit me to offer it.

On day before yesterday, I had lying upon my desk a Senate bill, in connection with several others, which I had been directed by the Committee on the Post Office and Post Roads to report to the House, and which I expected to report as soon as committees were called for reports. In this condition the House went into Committee of the Whole on the state of the Union. I was called to the chair, and left the bills lying upon my desk. After the committee rose, I put the bills, as I supposed, into my drawer; but, on examination, I find that the Senate bill is missing.

The SPEAKER. What was the number of the bill?

Mr. OLDS. I do not recollect the number; but it was a bill declaring a plank road a post road. I ask that a message be sent to the Senate requesting a copy of the bill.

The motion was agreed to.

Mr. DANIEL. I now press my motion to go into Committee of the Whole on the Private Calendar.

CHARGES AGAINST JUDGE WATROUS.

Mr. VENABLE. I ask my colleague to withdraw his motion for one moment, in order for me to present a report from the Committee on the Judiciary, which is very urgent. I will renew it as soon as it is made.

Mr. DANIEL. I will withdraw for my colleague.

Mr. VENABLE. I am instructed by the Committee on the Judiciary to inform the House that there has been a memorial by Mr. William Alexander and others, making charges against the Hon. John C. Watrous, judge of the United States court for the district of Texas referred to the committee. Upon examination into this matter, the committee have found it necessary to ask the House for authority to send for persons and papers, and to take testimony on the subject of those charges. I beg leave to offer the following resolution:

Resolved, That the Committee on the Judiciary be authorized to send for persons and papers, with authority to examine witnesses, under oath, in relation to the charges made against John C. Watrous, judge of the United States court for the district of Texas.

Mr. STEPHENS, of Georgia. What is the nature of those charges?

Mr. VENABLE. I will, with the indulgence of the House, state the nature of the charges for the satisfaction of the gentleman. A memorial has been presented to this House, charging Judge

Watrous, of Texas, with sundry misdemeanors and offences. Among other things, he is charged with practicing law and receiving fees in the State of Texas touching matters which had come before and been decided upon by himself—or touching those of a similar character. He is charged with adjudicating cases in which he was personally interested, and with certain violations of the laws of Texas, which, the memorialists declare, militate against the purity of his character as a judge. All of which the committee think should be examined into.

Mr. HOUSTON. Do I understand the gentleman from North Carolina to say that this is an examination preliminary to an impeachment?

Mr. VENABLE. It is. At least the committee think the matter should be looked into, and the nature of the facts, which that examination will develop, will determine whether the committee will recommend a further prosecution of the case. I ask that the resolution may be adopted.

Mr. SEYMOUR, of New York. I wish to ask the gentleman from North Carolina one question: Does the Committee on the Judiciary propose to bring witnesses from Texas, or to examine them there?

Mr. VENABLE. I will say to the gentleman from New York, that must be for the committee to determine. The committee would, with great reluctance, go to the expense of sending to Texas for witnesses. But so important is the purity of the ermine of our judges, that the question of inconvenience and expense is one which ought not to be taken into consideration, if the country is satisfied, or the committee are satisfied that the charges are well founded.

Several MEMBERS. That's right.

Mr. FOWLER. I desire to propound another question to the gentleman. By whom were these charges preferred?

Mr. VENABLE. By a certain William Alexander, a lawyer, practicing in Texas. The committee, however, have had other evidence—*ex parte* to be sure—sufficient to satisfy their minds that the matter ought to be examined into.

The question was then taken, and the resolution was adopted.

Mr. VENABLE. My colleague [Mr. DANIEL] yielded me the floor upon my promise to renew his motion. In accordance with that promise, I now move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

Mr. WEIGHTMAN. I appeal to the gentleman from North Carolina to withdraw that motion, to allow me to introduce, by general consent, a resolution of inquiry.

Mr. DANIEL. I will hear the gentleman's resolution.

The resolution was then read for information, by the Clerk, as follows:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of placing the military storekeeper, on duty in New Mexico, upon the same footing, as regards compensation, with the military storekeeper at arsenals of construction, during the time he may be on duty in that Territory.

There being no objection, the resolution was introduced and adopted.

Mr. STEPHENS, of Georgia. I inquire of the Chair, if there is not a special order pending?

The SPEAKER. There is a special order, but it cannot be reached until the House go into Committee of the Whole on the state of the Union, and no motion has been submitted for that purpose.

Mr. ABERCROMBIE. I ask the unanimous consent of the House to enable me to make a report from the Committee on Private Land Claims. I will state that I was away when the committees were called for reports the other day.

Mr. DANIEL objected.

Mr. D. I now press my motion to go into Committee of the Whole House on the Private Calendar.

The motion prevailed.

The House accordingly resolved itself into a Committee of the Whole House on the Private Calendar, (Mr. DISNEY in the chair.)

RELIEF OF HEIRS OF JOHN JACKSON.

The first bill that came up in order for the consideration of the committee, was House bill No. 95, being a bill for the relief of the heirs of John Jackson, deceased, for the loss of an arm on board of the ship Bon Homme Richard, under John Paul Jones.

The bill authorizes the Secretary of the Treasury to pay to the legal heirs and representatives of John Jackson, deceased, who lost an arm on board the Bon Homme Richard, in the action with the British frigate Serapis, such sum as will equal a pension at the rate of \$6 per month, from the 15th November, 1779, to the day of his death.

The CHAIRMAN. I am advised that a motion is pending to report the bill to the House, with a recommendation that it do not pass.

Mr. GOODENOW. I would ask for the reading of the report of the committee, and after that, I have some other evidence, which I wish to present to the consideration of the House before that recommendation is acted upon.

Mr. MILLSON. I rise for the purpose of suggesting, that inasmuch as this bill was reported from the Committee on Military Pensions, by the honorable member from New Hampshire, [Mr. Tuck,] who is not now in his seat, and as that gentleman was entitled to the floor upon this bill, I believe, and takes some interest in the question—

Mr. GOODENOW. I will state, that when the gentleman from New Hampshire, who reported this bill, left this city, he put into my hands the papers relating to it, and desired me to present some considerations to the House in reference to the passage of the bill. I ask, therefore, the reading of the report in the first instance, and then respectfully to submit some considerations to the House why the bill ought to pass.

Mr. MILLSON. I supposed that the friends of this bill desired its postponement. My object was to have the bill passed over, without losing its place upon the Calendar. But if the friends of the bill desire it to be acted upon to-day, I have no objection.

The CHAIRMAN. The Chair is advised that a motion is now pending that the bill be laid aside to be reported to the House, with a recommendation that it do not pass.

Mr. GOODENOW. I do not desire to take up the time of this House, if it is the desire of the friends of the bill that it should be laid aside until the gentleman from New Hampshire [Mr. Tuck] returns. I desire to present some considerations why the motion to lay it aside, with the recommendation that it do not pass, should not prevail. I ask for the reading of the report.

The report of the committee was then read by the Clerk. It represents:

"That, from the documents submitted to the committee in this case, it appears that while Captain John Paul Jones was cruising off the Spurn, on the coast of England, in the American ship-of-war Bon Homme Richard, on the 22d day of September, 1779, John Jackson, a British pilot, came on board his ship, mistaking it for a British ship-of-war; that Captain Jones, requiring the assistance of a pilot while near the banks on that coast, detained him on board his ship, and he was there employed as the pilot of said ship in the action which took place between the same and the Serapis, in which action the said John Jackson lost an arm. In consideration of the services of said Jackson, and his severe misfortune, Captain Jones paid him one hundred ducats, and gave him a written promise in behalf of the United States, that he should receive half-pay as a pilot the remainder of his life, to commence from the date of said writing, and payable every six months by the American ambassador at the court of France, upon proper proof of identity. It does not appear that this engagement of Captain Jones, in behalf of the United States, has ever been performed. The attention of the old Congress was called to this subject by a letter from the Secretary for Foreign Affairs, dated September 20, 1785, and it underwent the examination of a committee, who subsequently made the following report:

"The committee to whom was referred a letter from the Secretary for Foreign Affairs of the 20th September, 1785, with its enclosures, beg leave to report:

"That it appears to your committee that while Captain J. P. Jones was hovering on the coast of England, in the year 1779, John Jackson, a British pilot, came on board him, supposing him to be British; that Captain Jones found it convenient to detain him as a pilot, and in the action with the Serapis which ensued, this man lost an arm. It further appears to your committee, from a letter of Captain Jones, that the second lieutenant of the Bon Homme Richard was, with twenty others, at the time of the battle with the Serapis, on board Jackson's pilot boat, and that when Captain Jones found it impossible to prevent the Bon Homme Richard from sinking, Jackson's pilot boat was of singular service in saving the men, particularly the wounded, some of whom, Captain Jones is persuaded, would have been drowned had not been furnished with the means of saving them.

"It also appears to your committee, that Captain Jones gave this unfortunate man one hundred ducats in hand, and promised him the half-pay of a pilot for the remainder of his life. Whereupon your committee submit to Congress the following resolution:

"Resolved, That \$6 per month, a pilot's half-pay, be allowed and paid out of the Treasury of the United States, in half-yearly payments, to John Jackson, of the town of Kingston-upon-Hull, in England, who lost an arm on board the Bon Homme Richard, commanded by Captain J. P. Jones, in the action with the Serapis on the 22d day of September, 1779; that said half-pay commence from the 15th day of November, 1779, and continue during the tenure of the natural life of said Jackson; and that the Board of Treasury take order for making the aforesaid half-yearly payment on a certificate from two or more magistrates, expressing the place where the said John Jackson may be then living, and that he is really the same person in whose favor this grant is made."

"Which said report is indorsed as follows:

"Report on the case of John Jackson, a British pilot, taken by J. P. Jones. Entered. Read the 25th day of September, 1785."

"No. 9. Messrs. Howell, Long, Kean."

"It does not appear that any further action was ever had upon this report."

"It further appears to the committee that the said John Jackson died in the year 1815; that he had three children—one son and two daughters; that his son, James Jackson, came to this country after the decease of his father to prosecute this claim, and deceased before he had found the evidence before mentioned; that he left one son and only heir, who is now a resident at the Navy-Yard in the city of Washington; that the said James, in his lifetime, claimed to have purchased the right of his two sisters in this demand, and was the sole owner thereof."

"This petition was presented to the last Congress and referred to the Committee on Revolutionary Claims, which committee made a favorable report on the 8th day of August, 1848, accompanied by a bill for the relief of the heirs of said John Jackson, but which was not reached in the order of business, and was not acted on by the House. As this claim has heretofore received the favorable consideration of the committees who have had the same in charge, and commands itself to the judgment of this committee, they herewith present a bill for the relief of the petitioners, and recommend its passage."

Mr. GOODENOW. The report of the committee of Congress, bearing date the 20th of September, 1785, which is incorporated into the report accompanying the bill now under consideration, is certified to be correct, by the Secretary of State, Mr. Buchanan. It further appears from the report made in 1848, that there are certain papers connected with this claim, which I ask the indulgence of the House to read for their consideration. The first paper I propose to read, is a copy of a letter, dated Philadelphia, June 27, 1788, from Doctor Franklin to the honorable John Jay. It is as follows:

PHILADELPHIA, June 27, 1788.

DEAR SIR: In arranging some old papers, I lately found the enclosed letter from Mr. Blunt, enclosing copy of a certificate of Commodore Jones, in favor of John Jackson. I ought, though so long delayed, to send some answer. Can you inform me whether anything has been done for Jackson, in consequence of the commodore's promise?

I send you, also, two other papers, respecting services formerly done the United States by Mr. Limosin, of Havre, and Mr. Millie, of Lisbon, for your consideration, and to be disposed of as you shall think proper. Please to inform me whether Dohrnau is still in America.

With great and sincere esteem, I am ever, my dear friend, yours, most affectionately, B. FRANKLIN.

Hon. J. JAY, Esq.

The next is a letter from Mr. James Blunt, referred to in the report, and is dated London, August 2d, 1785. It is as follows:

LONDON, August 2, 1785.

SIR: Well acquainted, as I am, with your sentiments of philanthropy and benevolence, from the testimony of those friends of yours whom I have the pleasure of being acquainted with, I deem an apology unnecessary for the liberty I take of intruding on your time, as it is to lay before you a case of real distress. A friend of mine has shown me the original of the enclosed papers, and tells me the poor man has placed his whole dependence on the allowance mentioned in them. He has waited for some time the arrival of the American ambassador at this court, to whom he has shown his claim, but been referred by him to Mr. Jefferson, at Paris. If you would be so kind as to inform me what are the proper measures to be taken for assisting this poor man, and your opinion on his case, you will exceedingly oblige me, and increase the veneration and respect which your illustrious character has excited in me.

I beg leave to congratulate you, as well in my own name as in that of my father, Mr. William Blunt, and all his family, on your safe return to this country; and, with the sincerest wishes for your health and enjoyment,

I remain, with great regard, sir, your faithful, humble servant, JAMES BLUNT.

Connected with this is a copy of the original certificate given by Commodore Jones to this John Jackson, and certified to be correct by the Secretary of State.

Mr. POLK. I rise to a question of order. I cannot hear what the gentleman is reading.

Mr. GOODENOW. That certificate is as follows:

I do hereby certify that the bearer, John Jackson, of Hull, came on board the American ship-of-war Bon Homme Richard, under my command, off the Spurn, on the coast of England, on the morning of the 22d September last, he having mistaken the Bon Homme Richard for a British ship-of-war; that I found it necessary to detain him on board, while near the banks on that coast, and afterwards purposed to set himself, with his companion and their boat, at liberty, and reward them for the service that I had obliged them to perform; but, on the day following, when I met with the Baltic fleet, as the pilot boat was some encumbrance, the partner of the bearer was put on board to keep the boat out of harm's way during the action between the Bon Homme Richard and Serapis; after which he was to return and take in the bearer, that they might return home together. The boat, however, did not return, and the poor man had, in the action, the irreparable misfortune to lose an arm. Deeply impressed with a sense of his misfortune, and earnestly desiring to make this poor man and his family what recompense lies in my power, I have given him, this day, one hundred ducats; and I do also promise, in behalf of the United States, that he shall receive half-pay, as a pilot, the remainder of his life, to commence from the date hereof, payable every six months, by the American Ambassador at the court of France, upon certificate at each payment, from two or more magistrates, expressing the place where the bearer, John Jackson, is then living, and that he is really and truly the person in whose favor this obligation is granted.

Given, on board the Serapis, at the Texel, November 15, 1779. JOHN PAUL JONES.

Then follows a certificate of two persons, being justices of the peace of His Majesty the King of England, as follows:

Town and County of Kingston-upon-Hull:

We, two of his Majesty's justices of the peace for the town of Kingston-upon-Hull, aforesaid, and county of the same town, do hereby certify, that John Jackson, of the same town, mariner, (to whom a certificate was given, dated November 15, 1779, under the hands of John P. Jones, thereby promising, on behalf of the United States of America, that the said John Jackson should receive half-pay, as a pilot, the remainder of his life, to commence from the date thereof, payable every six months by the American Ambassador at the court of France,) is now living in the parish of the Holy Trinity, in the town of Kingston-upon-Hull, aforesaid, that he is really and truly the person in whose favor the said certificate was granted.

Given under our hands, this 10th day of June, 1785. HENRY BROODLEY, Mayor. H. ETHERINGTON.

Then comes a letter from Thomas Jefferson, dated Paris, February 6, 1788, which was transmitted to the President of Congress, from the War Office, by H. Knox:

PARIS, February 6, 1788.

SIR: The enclosed papers, stating the claims of John Jackson, an English pilot, on the justice and liberality of the United States, have been addressed to me, and I can do nothing better than to forward them to you; as I suppose the claim to belong, properly, to your department. I formerly forwarded to the President of Congress an application from the same person, but never learned whether anything was done in it.

I have the honor to be, with sentiments of the most perfect esteem and respect, sir, your most obedient, and most humble servant, TH. JEFFERSON.

General Knox.

Enclosed in the above was the following certificate:

Town and County of Kingston-upon-Hull:

We, two of his Majesty's justices of the peace for the town and county aforesaid, do hereby certify, that John Jackson, of the same town, mariner, (to whom a certificate was given, dated November 15, 1776, under the hand of John P. Jones, thereby promising, on behalf of the United States of America, that the said John Jackson should receive half pay as a pilot, the remainder of his life, to commence from the date thereof, payable every six months, by the American ambassador at the court of France,) is now living in the parish of the Holy Trinity, in the town and county of Kingston-upon-Hull, aforesaid, and that he is really and truly the person in whose favor the said certificate was granted.

Given under our hands, the 14th day of January, 1788.

J. PORTER, Mayor.

HEN. BROODLEY.

D. ETHERINGTON.

Now, it seems to me that this evidence which has been read and exhibited here is sufficient to justify this House in coming to the conclusion that this is a just claim upon the Government, and ought to be paid; and that the bill reported by the committee ought to receive the sanction of the House. I submit that the certificate given by John Paul Jones to this unfortunate man, ought to be regarded as pledging the faith of this Government to pay him the sum therein promised to be paid to him; and that the Government, having failed in his lifetime to perform an obligation resting upon it, by virtue of that certificate, given by that distinguished man, we ought now to pass this bill, which will afford relief to the only surviving member of his family, who resides in this city.

I hope the committee will favorably consider this case, and instead of adopting the motion now pending, will direct the bill to be reported to the House, with the recommendation that it do pass.

Mr. CLEVELAND. I should be happy to hear from the chairman of the committee in regard to this matter. It seems the gentleman upon that committee, to whom this matter was referred, [Mr. TUCKER] made a favorable report. It is not to be expected that every member of this House can inform himself with regard to all questions, as they come up; hence we have to be governed by the reports of the committees. I think the chairman of each committee, whether he is for or against the report made, ought to give the House the information that may be within his possession, and the benefit of his opinion upon it. For you all know very well, that applications to Congress are referred to the committees, and that the committees divide up the labor, so that a single individual takes a case, and then, when he reports to the committee his conclusions, with his reasons therefor, a bare majority of this committee may be present, and they may agree to the report; but when the report comes to the House, we are to be controlled by the opinion of a single man, or at the most, the opinions of three men.

I am desirous of voting for that bill, and against the motion pending, provided the person who appears here as applicant, is the identical heir of this man, and thus has a right to come here. Yet, I want to know from the chairman of the Committee on Revolutionary Pensions, whether there is satisfactory evidence that this man is the heir of John Jackson, who performed the services for which John Paul Jones promised him pay. For, permit me to say, that if this Englishman, who, through mistake, came on board of one of our vessels, and was there, by the commander, compelled to perform services which were essentially beneficial to the Government and the country, at that time, and in such services, extorted from him—being the subject of another Government, and subject to its laws—lost his arm, he certainly, above all other men, should be rewarded. He was not working for his country for the benefit of it, but was compelled to work against it for the benefit of us; and, if in that condition he suffered, should we turn round and say that, because he was not one of us, therefore he should not receive the compensation which our own citizens would receive for services similarly performed? Now, I want to know from the chairman of the Committee on Pensions, whether this individual, who makes this application, is the heir of the person entitled to the pension, provided it be granted. Will he give that information to the House?

Mr. MILLSON. I did not desire to have anything to say upon this bill, and I should have preferred that the committee by unanimous consent had passed it over, until the return of the gentleman from New Hampshire, [Mr. TUCKER] who had considered it, and reported upon it, both to the committee and to this House. But the gentleman from Connecticut [Mr. CLEVELAND] calls upon me for information upon the subject; and I will say that when this claim was reported to the committee, it was made a subject of conversation. I did not then give any examination into this case, but from the statement made by the gentleman from New Hampshire [Mr. TUCKER] to the committee, I remarked that there was, perhaps, a *prima facie* case in favor of the petitioner, and without meaning to commit myself as to the course I might afterwards, upon examination, find it my duty to take. Yet I thought it due to the claimant, that the petition should not be stifled in the committee, but that it should come before the House, where it might be fully examined. I afterwards made some examination of the case, and I came to the conclusion that the claim was not one which should receive the favorable consideration of Congress.

After the gentleman from Connecticut [Mr. CLEVELAND] has concluded, I may say a word in reference to the subject, but I will now content myself with responding to his specific inquiry—that is, whether the person now appearing as claimant, is the heir at law of the original petitioner? Upon that subject I may say that I did not think the evidence at all satisfactory. I considered it as exceedingly loose. He may be the descendant of John Jackson, or he may not be.

Mr. CLEVELAND. I think that the House, in acting on a report, have the right to presume that the important fact of the right of the petitioner to ask relief of us is established before they consent to a favorable report. I think that ought to be

settled in the committee, and that we ought not to have reports made in favor of appropriations of money out of the Treasury without committees being satisfied in regard to all of the facts. I do not understand how the individual member of the committee who reported this bill could have obtained the consent of that committee—of my friend who is at the head of that committee—while there was this doubt existing in relation to the right of this claimant to petition as the heir of Mr. Jackson. I confess, from the answer I have obtained from the chairman of that committee, [Mr. MILLSON] that I am unable to understand why this report has been submitted. As he intimates that he will enlighten the House hereafter upon the subject, and I have no doubt he will, I therefore leave it. I go upon the supposition that the committee found the facts they have reported to exist; and if they did, sir, I ask upon what principle this committee is prepared to deny action in reference to this subject? Will it be said that it shall be passed over because it is a stale claim? Will it be said, if we can successfully resist a just claim for fifty or seventy years, that that is adequate compensation to the claimant? Are we going to establish this nice notion of morality, in this way, by the doubts and suspicions which are thrown out year after year, Congress after Congress, and defeat the honest and just claims of individuals upon us? Will we in-trench ourselves behind the statute of limitations, and say that we will not pay it, thus taking advantage of our own wrong? Here is the letter of John Paul Jones. I do not know whether it was heard by the whole House when read by the gentleman from Maine, [Mr. GOODENOW] but I think not. I will, therefore, with the leave of the House, read it.

[Mr. C. here read the certificate of John Paul Jones, (which is published in a preceding column,) given on board the Serapis, at the Texel, and dated November 15, 1779.]

I confess to you, sir, that I knew nothing of this claim until it was presented at the bar of the House this morning. It is difficult for me to conceive of a claim made by the heirs of any man who performed important services to this country that appears more meritorious from the testimony offered here in its support. This man, it is abundantly proved by the document read here, which was authenticated by Benjamin Franklin and the others concerned, rendered important service. His services were thought necessary for the protection of our liberties and property, and for the prosperity of our cause. He was compelled to perform these services against his own country and against his wishes; and for what? Because simply he made a mistake. He having suffered as he did, contrary to his will, in our service, and for our benefit, is it for us to turn around and say that we will not pay him therefor? or rather that we will not treat his heirs as we would treat the heirs of an American citizen? Why, sir, far be it from me to say that I would not honor the draft of John Paul Jones. He tells this Congress that they were services for which he himself put his hands into his pocket and paid; and he also guaranteed that our Government would be just and liberal towards him. If we have not recognized the claim for the services of this man yet, I ask upon what principle we shall now say that it should be resisted? If we do it at all, it must be on account of the long period of time which has elapsed since the important services were rendered. I do not think that is a sufficient reason; and for one I regret most sincerely that the gentleman who reported this bill is not present. I desire some member, more conversant with the business of the House than myself, to devise some way by which the matter can be postponed until the member to whom I referred returns. As is suggested, I will move that the case be postponed till this day two weeks.

The CHAIRMAN. A motion is already pending.

Mr. CLEVELAND. I will ask the gentleman who made the motion now pending, to alter it so as to have this matter postponed for two weeks.

The CHAIRMAN. It is in order.

Mr. CLEVELAND. I hope this bill may be laid aside and left in the hands of its friends.

Mr. CARTER. The bill might as well be disposed of now, as there is a good deal of work upon the Private Calendar. I confess that the obligation does not strike me as it does the honorable member from Connecticut. The obligation is one

of the third generation removed from the man who suffered. Now, I believe that it did not enter into the economy of the pension laws of this Government when paying its own citizens for suffering endured and for services performed for the Government, to grant a pension after their decease, and upon the other hand no such pensions were granted. This man died as long ago as 1815. He lived and died a British subject—the subject of an empire which, during the whole period of this man's life, was impressing our own seamen. And who ever heard of the British Government rewarding one of our citizens who had been impressed into their service? But he did not live to appeal to this Government for it. The highest pretension of this case is, as I read it from the report, that his only son came to this country a British subject to appeal to this Government to grant relief—and he died too. With what title? Why the conclusive language of the report is—with the title, as it is said, of his sisters. That is a beautiful kind of title in which to grant a pension—that a British subject came here some thirty-six years ago with the pretense that he had the assignment of his sisters, and that he was the heir of the deceased ancestor. But he is dead too, and the gentleman who makes his appeals here now is said to be his son. In the first place, the ancestor of the present applicant, a British subject—the son of a British subject—the subject of an empire who never rendered corresponding immunity to the impressed citizens of the Republic—has some kind of claim; that is, his father was said to have received the title of his aunts to the claim upon this Government for a pension created after the death of the ancestor.

Now my doctrine is, that this idea of granting pensions to the posterity of a gallant man is all wrong any way. The pension is a personal acknowledgment of the Government to the personal chivalry and services of the citizen. And when a child comes forward, and asks that this Government shall pension services that he never performed, but upon the strength of the chivalry of his ancestor, my reply to him is, that he had better be doing something else more worthy of himself. That I believe should be the economy of the subject. Here you have three generations of British subjects, the earliest ancestor of whom accidentally stumbled into an American privateer, and while there he could not get out of the way of the enemy's shot. I understand, from statements of gentlemen upon the floor, that if he could have got out of the way, he would have been glad to have done so. It appears, at any rate, that he did not love the stars and stripes well enough to remain any longer than he could prevent, for he went on to the soil of Great Britain, died there, and now his descendant comes an applicant here.

Mr. GOODENOW. The report states that he went on board the American vessel by mistake. Being on board, he was compelled by the commander to do service in piloting the ship, and while there he received a wound by which he lost an arm. I wish to say further, that the father of the person who now claims, died in consequence of a wound he received in the service at the navy-yard of this city. I would respectfully inquire of the gentleman from Ohio, [Mr. CARTER], if it is not a fact that, upon the pension rolls of this Government, there are a number of persons who have never renounced their allegiance to Great Britain, and who have done good service in the cause of our country?

Mr. CARTER. I have not examined the records; but if they have not done it, it is time they were about it. That is all I have to say about that. It is time that all such men were renouncing their allegiance to Great Britain or to their pension, one or the other. The gentleman, in his last suggestion, raised, as an additional argument in support of the bill, in the fact that the father of the present applicant received in the navy-yard a wound of which he died. Fetch him forward; let us pension him. That begins to look somewhat plausible. He was in the American navy-yard, and if he received the wound spoken of, in the service of his country, there may be some propriety in it. But there is this ridiculous feature in the whole bill, and that is, the applicant is here through two generations, and comes forward in virtue of assignments of rights of chivalry. That is the ridiculous feature of it—a right that did not exist, never was granted—a right by assignment of the benevolence of this Government—

Mr. GOODENOW. Will the gentleman allow me to interrupt him?

Mr. CARTER. No, sir; not now. Even that assignment does not appear authenticated, but appears in the doubtful character, that it was said that he had received an assignment from his spinster sisters in Great Britain of their claims to the chivalry of their ancestor. Now this claim, it appears, passed through old Ben. Franklin's hands, and Thomas Jefferson's too. How did it pass through their patriotic hands? It was a good long time ago. We know the character of old Ben. Franklin, and we know his character was brilliant with justice and purity. How does it happen that this man went unrewarded under the hands of old Ben. Franklin? I am told, too, that it passed through the patriotic supervision of Thomas Jefferson. How does this happen, that this committee, seventy-five years afterwards, is wiser than these patriotic men, under whose eye these things transpired? This is a mystery to me. This claim, instead of growing strong and increasing in excellence by age, appears to be weakened by the fact, that the actors in the drama of which this was a part, suffered these men to go unrewarded, and left this Congress here in 1852 to reward a man who is said to be a grandson, for the prowess of his ancestor—a British subject. My opinion is, that it is all wrong.

Mr. CHANDLER. I did not intend to offer a word upon this subject; but as I do not often trouble the House with my feeble voice, I ask permission to make a few remarks in reply to the gentleman from Ohio, [Mr. CARTER,] who has just taken his seat. He speaks of the chivalry which we are asked to reward. No attempt is made to establish a claim upon the charity, the bounty, the justice of this House upon anything of that kind. It is the case of a man who was pressed into the service of our country by another, who had the moral right to pledge the honor of our country wherever he bore the flag of that country; and while this man was performing the duties incident to his profession, he suffered the loss of an arm, and when paid for his professional services, he was promised a pension to which an American pilot would have been entitled for such a loss. The honorable gentleman from Ohio [Mr. CARTER] strengthens his argument by referring to the time to which this case has been postponed, and asks why it is that the case has never before been brought forward. If there is strength in that question, the answer to it gives more strength. If the report which lies upon your desk—

Mr. CARTER, (interposing.) The gentleman misunderstood me. I asked why it was not granted?

Mr. CHANDLER, (resuming.) Because he was hardly prepared to be represented here, and there was a *Thersites*, then as now, to raise his voice against it, or there were some from another State to postpone that act of justice which from time to time has been solicited from us. The gentleman talks, too, of postponing this species of pension, and putting it off to the third generation. No pension is asked for the grandson of this sufferer. No money is asked to be given to him upon that ground, but he comes here and appeals to our justice for the pension that was promised under the faith of our nation—promised under the stars and stripes—under the flag of our country, borne by John Paul Jones. If we fail to make that out—if we fail to fulfill the promise of that great representative of our country, I am afraid that some of the people will think that the name of that ship was the representative of the only "good man" there was about it. Is it becoming the representatives of twenty-three millions of people to stand caviling upon a few dollars, because something is pleaded here of time past. They say he was not an American citizen. Why, sir, if he had been an American citizen, he would have been fully rewarded perhaps by the result of that battle in which he suffered and which assisted in securing the independence of our country. But he was not an American, and was forced into the position against the feelings of a Briton. Because he was forced—because he was compelled to serve in our cause, are we not doubly bound to sustain the promise made to him in the name of the country? Has this Congress—have the people of this country, or their representatives, ever doubted the obligations imposed upon them by Captain Paul Jones? Certainly not. It has been delayed, as

everything else has been delayed here, from time to time.

The man who becomes a petitioner to this House, however just may be his claim, unless he has security in some other position than this, to force it through, he becomes in danger of losing not only his claim, but his time and the money which he may bring to enforce his claim here, or to sustain him while he is enforcing it. Our delay is proverbial. Shakspeare complains of the "law's delay and the insolence of office." And men have a right to complain here of the law-makers' delay and the tardiness of office. For my own part, if I had met a descendant of that pilot on any shore in the world, I should have felt myself bound to satisfy his necessities and to have contributed not only my portion of what was due to him upon that promise of John Paul Jones, but if I had the power, I should have paid to his latest generation every cent I had. The Congress of the United States protesting a claim of Paul Jones because it is outlawed by time! But we are told that the British never pay. It has been the glory of that wrong-doing country that it always pays. It paid the contemptible traitor who would have betrayed to them our fortress in New York. It paid him well in money, in position, and contempt, as every traitor deserves to be at the hands of an honest people, who may in the time of war have employed him. Having impressed that man into the service of our country, and exposed him to the loss of a limb, do we now say that the time has passed?—do we talk of the chivalry? Why, is that the chivalry in this Congress, that will suffer the promise of Paul Jones, made in the name of his country, to be nullified, non-fulfilled by that country?

I do not wish to occupy the attention of this House further; but it appears to me to be one of those claims which, if it were not so well founded as it is, it would become us Americans to pass at once, and wash our hands of such a charge as we may be liable to, by our neglect. Let us not protest a draft upon our honor, and that of our ancestors. I trust that not a word more will be thought necessary upon the question, and that we shall pass the bill as it is, and as it ought to be.

Mr. MILLSON. During the somewhat lengthy remarks of the gentleman from Connecticut [Mr. CLEVELAND] he addressed to me a series of inquiries, which I could not answer at once. I determined to await the conclusion of his address in order that I might give a suitable time to a reply.

The gentleman, however, after making an inquiry—one of a series—paused and requested an immediate answer. In compliance with the gentleman's request, I gave him as much information as I could furnish, and stated, in accordance with his own urgent entreaty, that I would, after he had finished his remarks, make the further response which he seemed to invite. And for this the gentleman has remarked that I have declared that I mean to enlighten the House upon this question!

Sir, the gentleman must have strong confidence in his own power to enlighten the House, for he gets up and declares that he knows nothing about the case; professes to be seeking information; complains that the chairman of the committee who reported the bill did not volunteer to give information to the House, obtains but one reply—but one item of information from the source to which he addressed himself, and that not at all favoring the views of the petitioners; and then starts away and goes on to deliver an elaborate argument in favor of the claim, the merits of which he seems to know perfectly; and not only does he urge original arguments in favor of the claim, but he undertakes in advance to anticipate the arguments which might be urged, and which he supposed would be urged against him.

Now, I am not here a volunteer in this discussion. The House will do me the justice to recollect that I exhibited no disposition to take part in this controversy. The gentleman from Connecticut comes forward as a volunteer, and so exceedingly belligerent and martial is his disposition, that he constrains me to offer such information to the House as I might possess, and then complains that I have come here to make opposition to this claim. Sir, I have made no opposition to the claim. I have exhibited no purpose to oppose it. I have said not a word in opposition to the views of the petitioners. So far from it, the very first

thing I did—although myself opposed to the bill—was to suggest that it should be passed by, by general consent, in order that the gentleman from New Hampshire, [Mr. TUCKER,] who reported it, might have an opportunity of vindicating it.

But since the gentleman from Connecticut seems to suppose that it is the duty of the chairman of the committee to give such information to the House as may be in his possession, and as perhaps it is a reasonable expectation that he should do so, I will say that the claim is one which, after examination, I cannot give my support to.

The committee are already aware that this claim originated very early in the revolutionary war. This man, James Jackson, having boarded the vessel commanded by Paul Jones, became, of course, a prisoner of war. He was detained as a prisoner of war, and his services as a pilot were demanded by Paul Jones. During an engagement that soon afterwards ensued, he had the misfortune to lose an arm, and Paul Jones then, sympathizing with his position, made him a gratuity of one hundred ducats, and gave him a paper by which he promised that Jackson should receive during his lifetime a pension from the United States.

Well, Jackson lost no time in preferring his claim against the United States. The demand was made against the Continental Congress, before the adoption of the present Constitution. There was, it is said, a favorable report made by the committee to whom that claim was referred; but certain it is, that Congress did not grant the claim. They had then as ample materials for investigating its merits as we can possibly have at this time; but the claim was not allowed.

It was subsequently renewed. In the year 1836, an application was made to the Congress of the United States to redeem the promise made by Paul Jones, and an adverse report was made from the Committee on Revolutionary Claims, to which the petition had been referred. I have that report here, but I do not deem it necessary to have it read. In the year 1842, the petition was again preferred, and a report was made from the Committee on Naval Affairs, rejecting the claim. I will send that report to the Clerk to be read.

The CLERK read the report, as follows:

That this case has been reported on by various committees unfavorably. In 1841, it was referred to the Committee on Naval Affairs, who made the following report:

"Mr. DICKERSON, from the Committee on Naval Affairs, to whom was referred the petition of James Jackson, reported:

"That they find, among the papers submitted to them, a petition purporting to be the petition of James Jackson, of England, setting forth that his father, John Jackson, while a resident in England, was decoyed on board the American ship *Bon Homme Richard*, by Commodore John Paul Jones, in 1779, and compelled to serve as a pilot on board that ship; that he was in the action with the *Serapis* and *Countess of Scarborough*, and in that action had his arm shot off, and was otherwise wounded; and that Commodore Jones then promised him that Congress would pay him \$300, and give him a suitable pension for life, and gave him a certificate to that effect. That, for certain causes, his father never applied to Congress for the fulfillment of the promise contained in this certificate; but after his father's death, he, the petitioner, with his brother and sister, delivered this original certificate to Richard Toltie, Esq., Vice Consul of the United States at Kingston-upon-Hull, in Great Britain, who placed the papers in the hands of William Davy, Esq., then Consul of the United States for Kingston-upon-Hull, for the purpose of forwarding them to the President of the United States, with such request as might be proper in the case. The petitioner claims the \$300 and the amount of pension to which his father would have been entitled for his life. This petition is not even signed by the petitioner, and is no otherwise verified but by a certificate of Richard Toltie, the Vice Consul referred to in the petition, who confirms, generally, the facts stated in the petition; but the certificate of Commodore Jones, referred to in the petition, is not produced, nor is there any reason assigned why it is not produced.

"It does not appear when John Jackson died, but it must have been a short time previous to the 17th April, 1834, when the papers were delivered to the Vice Consul.

"No reason is assigned why John Jackson did not make the application in his lifetime. He must have been an old man, and the petitioner, James Jackson, was between forty and fifty years of age before his father's death.

"The committee are of opinion that the testimony in the case is entirely too loose and unsatisfactory to make it their duty even to inquire whether the petitioner would be entitled to relief if his case was made out in point of fact."

Since this report was made, the certificate of Commodore Jones has been found, by which it appears that there was no promise to pay John Jackson \$300, as alleged by the memorialist, nor is the fact stated by him that the said John Jackson was paid 100 ducats by Commodore Jones. Neither is it a fact that John Jackson was decoyed on board the *Bon Homme Richard*, but he boarded her in consequence of his own mistake, supposing her to be a British ship. There was, however, a promise by Commodore Jones to pay him a pension; and, in 1785, the subject was brought before Congress, but there has been no action upon it. The claim of debt for the \$300 not existing, and the pension not having

been allowed by the United States, the committee, without going into the question how far a right would have accrued to the memorialist had the promise of Commodore Jones been recognized by Congress, do not discover any ground upon which a claim can be made by the petitioner.

Mr. MILLSON, (resuming.) I have now, in compliance with the request of the gentleman from Connecticut, given to the House all the information which I possess in reference to this case. I have not attempted to argue it. I have simply laid before the House such facts as I was informed of.

Now, I do not know why this claim was not allowed by the Continental Congress. There is, however, very strong reasons for the conclusion that they had some information at that day which we do not possess now.

[Here a message was received from the President of the United States, by M. P. FILLMORE, Esq., his Private Secretary.]

Mr. M. continued: Whilst I was ready at all times to answer any questions that might be put to me, I had no disposition to take part in this debate. I did not intend to do so until I was absolutely compelled to say what I have said, by the request of the gentleman from Connecticut.

This much, however, I will say, in conclusion, in reference, not only to this case, but to all the cases which come before this House. I have long thought that no claim should be allowed by the Congress of the United States, unless it was so well established as to preclude every reasonable doubt. Remember that these petitioners who come, seeking the aid of Congressional legislation, select their own evidence; they take the affidavits of such witnesses only as will forward their demands; and they take very good care not to seek evidence in those quarters where its effect would be disadvantageous, and the United States have no privilege of cross-examination. The case is wholly and strictly *ex parte*. The very shaping of the affidavits themselves is left to the petitioner or his counsel, and it may very well happen that a witness is made to say what he never intended to say, by the adoption of a particular phraseology in rehearsing his testimony. The applicant is not barred by any rejection of his claim. He has the privilege of coming again and again and asking that relief which may have been twenty times denied. If with all these advantages—the advantage of selecting his own opportunity of presenting the claim, the right to select his own witnesses, exemption from the embarrassment of a cross-examination, the privilege of giving body and form to his own testimony, and the right to repeat his demand after twenty rejections of his claim—if, I say, with all these advantages, he is not enabled to establish his claim to the satisfaction of the House, and without a reasonable doubt, then it does seem to me that the House should refuse the relief which is sought.

My opinion has been asked about this claim, and therefore I will say, without giving any of the reasons suggested by that opinion, that I am not satisfied of the justice of the claim, and that it was my intention to have given a silent vote against the bill.

Mr. HUNTER. I am not going to enter into a discussion as to the merits of this claim at all. But the gentleman from Connecticut [Mr. CLEVELAND] requested, that whoever made the motion to lay this bill aside with a recommendation that it do not pass, would withdraw that motion. I made that motion, and I wish to say to the gentleman from Connecticut, that I cannot withdraw it, and I will give him the reasons very briefly.

I listened with a great deal of attention to the argument of the gentleman from New Hampshire, [Mr. TUCKER] who made the report in this case, and who seemed deeply interested in getting the committee to pass the bill, but there was nothing in that argument, or in the evidence adduced, which went to convince me that this man is the heir of John Jackson at all. After having investigated the case as far as I was able, I have come to the conclusion, that this claimant has never established the slightest right to receive one dollar at our hands.

That is the reason why I made the motion, that this bill be laid aside to be reported to the House, with a recommendation that it do not pass. I hope that motion will prevail. At all events, I shall not withdraw it.

Mr. BOWIE. I ask that the bill may again be read.

The Clerk read the bill.

Mr. BOWIE. If I correctly understood the honorable gentleman from Virginia, [Mr. MILLSON], and the honorable gentleman from Ohio who has just taken his seat, the most serious objection urged by them to this bill, is a doubt as to the true character of the parties now petitioning for relief.

Mr. HUNTER. I will say to the gentleman from Maryland, that although that is one objection with me—and an insurmountable one—to the allowance of this claim, I have other very great objections to it.

Mr. BOWIE. I address myself now to the objections which have been urged upon this floor, as to the reality of the heirs petitioning for relief.

If gentlemen have attended to the reading of the bill, they will observe that it directs the Secretary of the Treasury to pay this money to the legal heirs of John Jackson. Now, I apprehend it will be incumbent upon the Secretary of the Treasury, if this bill passes—

Mr. MILLSON. Will the gentleman allow me a word of explanation?

Mr. BOWIE. Certainly.

Mr. MILLSON. I did not mean to be understood as saying that the principal objection I have to the bill is, that there is not sufficient proof that the present claimant is the heir of John Jackson. In response to an inquiry of the gentleman from Connecticut, I said that I did not feel satisfied of that proof; but I never said that was the only objection I had to the bill. I recollect that in committee, with a view to obviate that possible objection, it was agreed that the money should be payable—if paid at all—to the legal representatives of this man.

Mr. BOWIE. Supposing that objection to have weighed with other members of the House, as it certainly did with me, I will ask the indulgence of the committee for a few moments while I advert to it.

It is certainly clear, from the language of the bill, that it will become incumbent upon the Secretary of the Treasury, if this bill passes, to take every legal precaution to ascertain who are the heirs of John Jackson. If such proof as the common law requires to establish the existence of that heirship is not submitted to him, the Treasury will never have to pay this claim.

Putting out of view, then, this objection, which I think is sufficiently answered by the brief remarks I have made, it seems to me that there never was a stronger appeal to the sense of justice of this House than is now made to it. Here is a person who was one of the first victims of the Revolution on the sea—a man exhibiting to this House the bond of the nation written in the blood of its first victories, and asking that the faith of the nation, pledged under those solemn circumstances, shall be redeemed.

What answer can you give? Gentleman say there is not sufficient evidence—they say the claim is a stale one. Those gentlemen have forgotten that it comes here indorsed by the Congress of 1785. They have forgotten that the claim presents on its face the certificates of members of Congress in the year 1785. It is a claim, not only for the loss of an arm—for premature mutilation—but it is a claim for saving the lives of twenty sailors of the ship of war Bon Homme Richard. If gentlemen will turn to the report, they will find it stated that—

"It further appears to your committee, from a letter of Captain Jones, that the second lieutenant of the Bon Homme Richard was, with twenty others, at the time of the battle with the Serapis, on board Jackson's pilot boat, and that when Captain Jones found it impossible to prevent the Bon Homme Richard from sinking, Jackson's pilot boat was of singular service in saving the men, particularly the wounded, some of whom, Captain Jones is persuaded, would have been drowned had not he been furnished with the means of saving them."

Here is the most conclusive proof that the lives of twenty seamen who first embarked in the war of the Revolution, and who were subjected to all the hazards of that war—that twenty men were saved through the agency of this man, and that he not only saved them, but reduced himself to want by the hazards which he involuntarily incurred.

Gentlemen tell us that he is entitled to no merit because he was an Englishman—because he was a subject of the British Government. Mr. Chairman, has the British Government acted upon that principle towards us? Have they refused to pay the claims of an American citizen because he was

a descendant of one who rebelled against them? Nay, are we not witnessing day after day the most honorable exhibition upon the part of that Government—of the payment of claims to the heirs of those who emigrated to this country half a century ago? I think we may well be instructed by our enemies, if we are to regard the British nation as our enemy. Let us at least follow their example in meting out justice in regard to this claim. It is not a stale claim, and it is not, in my judgment, a doubtful one. It has received the sanction of the men of the Revolution—men who were acquainted with all the circumstances of the case. It is not, as has been said, involved in the suspicion that it has never been asserted in the lifetime of the claimant. Gentlemen are mistaken when they suppose so. It is true that there is no evidence that the claimant, in his lifetime, came to the doors of our predecessors—came to the doors of Congress and invoked relief. No, the Government of that day did not require that a petition should be presented. The Minister of Foreign Affairs then called the attention of Congress to the payment of this debt. Our records establish this fact beyond all doubt. Then it was considered of sufficient dignity and importance to require the first officer of the Government to call the attention of Congress to this claim. But now no claim can be established in Congress without not only being indorsed by the Government, but it must also be sustained by political influence. Now I hope gentlemen will take some interest in this claim. I hope they will set an example of their determination to examine private claims and to sustain them whenever they are found to be well founded.

I beg leave to advert for a moment to an important idea thrown out by the honorable gentlemen from Virginia, [Mr. MILLSON] that we should not grant any claim presented here, unless it is established beyond all doubt, because the testimony is *ex parte*. Whose fault, I ask, is that? Has this Government established any tribunal in which examination on both sides can be had? Have not the people of the United States, time after time, invoked this House to establish a commission of claims by which the rights of the Government would be protected? How can the evidence be otherwise than *ex parte*, under the present circumstances, in the establishment of a claim? Surely, then, that which is a political necessity, should not be raised as an objection against this claim. Let the Government establish a tribunal, and let it throw open the doors of justice. Let it establish the ordinary means of proof, or not exclude petitioners who have not established their claims by unquestionable evidence. Do not let us, who are the representatives of the people, throw that blame upon our constituents who are asking justice at the hands of the powers that be.

Mr. CHANDLER. Will the gentleman allow me to state one fact before the question is taken? I desire to ask if this claim has not been examined thoroughly both in this Hall and at the other end of the Capitol? I learn that a bill relating to this case was passed by both Houses, and that it was lost on its way from this House to the President's House.

[Cries of "Question!" "Question!"]

Mr. CLEVELAND. When gentlemen reproach others with not becoming acquainted with reports until the cases to which they refer come up here for action, I must beg to refer them to the fact, that this House was organized in the appointment of its committees with reference to the opinions of members, and not their merits; hence gentlemen should not come here and reproach those who were not quite as fortunate as themselves, if it be fortunate, in being selected as one of the favored few. It is certainly, in my judgment, not becoming gentlemen occupying those posts, under such circumstances, to reproach others because they take part in the business of the House for which they are in part responsible.

Mr. DANIEL. I rise to a question of order. I think the gentleman from Connecticut [Mr. CLEVELAND] has already spoken two or three times upon this bill.

The CHAIRMAN. No other gentleman claimed the floor, and therefore it was in order for the gentleman from Connecticut to speak. If any other gentleman had claimed the floor, the Chair would not have awarded it to that gentleman.

Mr. CLEVELAND, (continuing.) My only wish was to elicit from the gentleman from Vir-

ginia [Mr. MILLSON] an opinion; and I certainly meant to do it in the kindest manner, having no feelings towards that gentleman but those of the utmost kindness. But I say, in regard to this matter, that when the report was read, and the letters were read by the gentleman from Maine, [Mr. GOODENOW,] it appeared to me that it was one of those cases which deserved the favorable consideration of the House, but which, against all equity, against all justice, was in danger of being defeated; and that was the reason why I interposed to say anything upon the subject.

Now, I ask, and I hope gentlemen will answer me candidly, whether they would hesitate one moment to vote a man a pension who had suffered in the late war with Mexico precisely in the manner this man did, in the war of the Revolution? Sir, that man does not have the honor of holding a seat upon this floor, who would have voted against it. I do not hesitate to say, that if a man had suffered in one of our ships during the Mexican war, as this claimant suffered, there is not a man upon this floor who would have resisted a claim for his relief. Is it not proper for us, in this case to inquire whether anything has been done in regard to this matter; or whether there is anything concerning it which should place this applicant in a worse condition than if the events to which the claim relates had occurred more recently? Let us look at the matter for a moment. Has there been any consideration paid to this man for being compelled to serve against his country, and to suffer as he did in the service of our country? Has this country ever rewarded this important service, thus forced from a man who was under no obligation to serve us? I answer, No, never! Is it a stale claim, which has never been presented here? So far from this, the gentleman who is at the head of the Committee on Revolutionary Pensions—the gentleman from Virginia [Mr. MILLSON]—admits that it was presented early, and that it has been pursued down to the present time. When the gentleman from Virginia presented that information I could not help thinking that by the time the State of Virginia gets her \$120,000, which she is now petitioning Congress for, that she would meet with about as many difficulties as we have met with in endeavoring to do justice to this unfortunate man—I mean the claim which the State of Virginia has before this House, of about the same age, of \$120,000, to be paid out of the public Treasury, for money which she advanced towards the completion of this Capitol. A report has been made against it in the Senate. I am inclined to believe that report is wrong. I only mention it for the purpose of illustration.

Mr. MILLSON, (interrupting.) Does the gentleman know that I am in favor of that claim?

Mr. CLEVELAND. Certainly not. I am only showing that this is not the only stale claim before the Congress of the United States. That is all. I do not know whether the gentleman from Virginia is in favor of it or against it; I only know that such a claim is here. I ask if, from the time this man first presented his claim down to the present day, there has been any abandonment of it by himself or his heirs? I answer no. Have we ever paid one cent towards that claim? I answer no. I then put this question to the House: Are we under obligations—honorable obligations—to pay him for his sufferings or to pay it to his children? Is it a good answer to say that because he is dead, his heirs shall not have what was due to him, in his lifetime? That would be a strange doctrine. If we have failed to pay to a man in his lifetime what was rightfully due him, justice requires that we should pay it to his legal heirs after his death. If gentlemen will examine into this matter, they will find that this man performed important service for us, and in so doing suffered the loss of an arm; now he comes forward by his heirs and claims his just reward which has never been paid him; and the question arises, whether we will take advantage of the length of time which has elapsed since his service was rendered and say we will not pay it? I am told that a favorable report was made in this case some fifteen or twenty years ago. I have sent for that report.

Mr. CHANDLER. I will state to the gentleman that I was mistaken when I stated that fact. I find upon examination that it was a bill for the relief of the heirs of John Paul Jones to which I referred.

Mr. CLEVELAND. I had some doubts about the matter. But whether a favorable report has been made on it or not, makes no difference—whether a former Congress has rejected the claim or allowed it makes no difference with me.

There is a disposition to disregard the just claims of individuals presented here; there is an indisposition to give them that careful attention which they should receive at the hands of a tribunal, the only one upon earth before which they can prefer claims of this character against the Government. But when this argument is used, it seems to me it is adding insult to former injustice. How many are there who take the trouble to inform themselves in regard to these claims? Very few. What is the general feeling? It is this: Away with the claim; some speculator has got hold of it, and we will vote against it. This bugbear—I use the word intentionally—this bugbear, that agents and speculators are going to reap the benefits, has prevented a large number of honest claims from receiving that consideration which they are entitled to. As to this bill, I never heard of it until this morning, but it is not for me to stop my ears and shut my eyes, and refuse to do my duty in regard to a petitioner, merely because some one whispers in my ear, or whispers about the House, that an agent is doing something wrong about it. In that way an honest man has no better chance than a knave. It is our duty, permit me to say—and I say it very respectfully to the House—to give these private claimants a fair and impartial hearing; and if we find that they have merits in their claims, let us never offer as an apology for the tardy justice we are called upon now to render, that they have been rejected and rejected, until they have wasted more, in coming here to ask justice at our hands, than the original claim was worth. I know of many such instances, where men, with as legal, just, and righteous claims against the Government as ever man had against his fellow-man, were delayed, and delayed, until they had expended more money in asking justice of Congress, who ought, willingly and promptly to have done justice to them, than the original claim amounted to. I have no fear of the cry that I am disposed to be extravagant. I am disposed to be just, and make this Government pay its honest debts. I am the last man living who will consent, as one of the two hundred and thirty-three triers here, to crush a private individual and his claim, because Government can do it with impunity. It is a system of dishonesty to which I never intend to become a party. But when I make that remark, I do not intend to reflect upon any member of this House. I mean to say that I fear we are too inconsiderate and regardless of the rights of individuals, merely because they are individuals. But, sir, let any question arise touching the claim or prospects of any presidential aspirant who could, if elected, return favors for favors granted, how ready we should be, how eager every member would be to inform and commit himself in favor of the individual, because there might then be a return. Sir, the selfishness which induces members to sacrifice the rights of honest claimants for the purpose of gaining popularity as economists, or from carelessness and inattention, deserves to be rebuked, and so far as my voice and vote will accomplish that object, it shall be done.

Mr. AVERETT. Mr. Chairman, I do not rise for the purpose of prolonging this debate, but to protest against its protraction. I have no doubt that the committee have been ready to vote upon this case for the last hour. I desire prompt and faithful attention to the bills on the Calendar. But, if the time allotted to their consideration is to be consumed by such lectures as we have just heard, just claims will be defeated, and new arguments furnished to those who desire the establishment of a new department of Government, to facilitate the getting of money from the Treasury. We need no such new wheel to be added to the already too complicated machinery of Government. If we fail to do justice to claimants, it is not because we cannot, but because we will not.

Mr. HOWARD. It appears to me that this claim had its origin in clear legal liabilities. What were they? A British subject was taken a prisoner upon an American man-of-war, and is compelled to serve in an action against his own Government. Now this is contrary to the law of nations, and the law of war. John Paul Jones understood that law when he gave that certificate. He knew what he was about when he promised

to pay that man half pay for life as pilot. He knew that in compelling that man to serve against his own country, he had violated the laws of nations, and the laws of war, and he endeavored to make him the only compensation in his power, which was a pecuniary one. Now, there is no objection in this world against this claim, except its age, and this Government is clearly bound to make him an equitable compensation for the injury which was done to him, in violation of the laws of war and of nations. That is the origin and foundation of this claim; and when this certificate was given to him by John Paul Jones, at the time, it was clearly felt to be a legal obligation, and one which an individual has a right to claim of a nation, at whose hands he suffers wrong by a violation of public law. This seems to me too clear for argument. This claim has never been paid. It ought to be paid to some one, and it is one which goes to the heirs of Mr. Jackson, whoever they may be.

[Cries of "Question!" "Question!"]

Mr. WALBRIDGE. I do not intend to inflict a speech upon the committee at this time. I wish to call its attention to a few facts; and if they are satisfactorily established, this claim ought to be allowed.

The first fact is this: Are the committee satisfied that John Paul Jones gave the certificate set out in the report in this case? I understand that it is proved. If that fact is established, and satisfactorily to this House, it seems to me it establishes the claim, and that we ought to make remuneration to the heirs of this man. The second fact is, whether the heirs of this man are to be benefited by this claim. Now, upon that point, the gentleman from Pennsylvania [Mr. CHANDLER] has fully answered the objection which has been made. It will be the duty of the Secretary, by the provisions of this act, as it is here presented, to allow this claim only when the proof of that fact shall be adduced before him. Now, as regards this claim, if the members of the committee are satisfied that John Paul Jones gave the certificate, it seems to me that it is a just and righteous one, and one to which this Congress ought to respond. But, in relation to the other fact, certainly there can no question be raised here in reference to it.

Mr. WALSH. I wish to consider the view of the question as taken by the gentleman from Texas, [Mr. HOWARD,] that it was a violation of the rules of war and of the laws of nations. A singular contrast to the conduct in that action—though it resulted in the necessity of the case—is presented in the battle between the Constitution and Guerrier, an account of which we have lately heard from a prisoner of war on board the Guerrier. As the Constitution approached, and its American character was ascertained, this prisoner made an appeal to the commander, Dacres, whether he should remain upon deck. The commander replied, "No, sir; I have no right to keep you in such a position. Go below." I trust we shall have something like a disposition to imitate the English in that particular. Now, there can be no doubt but that this man was entitled to indemnity. Suppose that under this pressure of war we had seized his goods and chattels, and taken away those important means of his livelihood, would he not be entitled to compensation? I do not rise, however, to present even this view, and I do not mean to detain the committee long, but I rise to object to this plea of the statute of limitation. I object to it in principle. I object to it because there are too many men in this nation who will follow the example of the Government; and I hope this House will look not only to its own dignity, not only to what is right, but to the rights of parties who come before them as claimants; and that it will, in relation to a great public example, set their face against the plea. And I will say in addition, that where the Government has thought proper to rely upon the lapse of time as a means of defence against claims, they have provided for it in their statutes.

Now let me further say, that of all the things in the world the plea of the statute of limitations against revolutionary claims is the most deficient of merit. Something has been said of the Continental Congress. Why, did they pay all their responsibilities? Are we to be told at this time that the Government has faithfully discharged all its duties, and paid all the claims against it? If we introduce the plea of limitation upon a case where the

first of the actors in the scene was most competent to decide upon it, I ask you what is to become of the claim of the representative of Baron De Kalb, and of those of a host behind who are to come in and claim this amount out of the public Treasury, not as a pension, but as a debt which they are entitled to just as much as if their ancestors had earned so much by the sweat of their brow, and it had been wrongfully taken from their hands by the action of the Government? And what is to become of that class of claims, founded upon the promise of Washington? There is a remarkable entry in that valuable publication—the accounts of that illustrious man kept during the revolutionary war—and he leaves this legacy, and puts it in a note, upon one of its pages, that he has received assistances from the members of parties on both sides of the line, in regard to his revolutionary efforts. That they have assisted him in the various stages of his struggles, and commends them to the benevolence and justice of the Government. He uses this remarkable language: "Whenever they are presented I trust to my country, or to the councils of my country, to pay them." I give the substance of his language, not his phraseology. Will we repudiate the faith of Washington? If this claim had come backed by Washington's promise—a promise of the description referred to—would we have had the spirit to set up repudiation, or the statute of limitation? I imagine not. And shall we not say—though not so holy as the word of Washington—that there is something in the faith of John Paul Jones, pledged as it was under the solemnities of that action, that entitles his word to be considered, regarded, and enforced at the hands of the American Congress?

The question then recurring upon the motion to lay the bill aside, with a recommendation that it do not pass—

Mr. CHANDLER demanded tellers; which were ordered; and Messrs. CHANDLER and POLK were appointed.

The question was then taken, and the tellers reported—ayes 53, noes 77.

So the motion was not agreed to.

The bill was then laid aside, to be reported to the House with the recommendation that it do pass.

GUSTAVUS A. DE RUSSY.

The committee next proceeded to the consideration of bill No. 96—a bill for the relief of Gustavus A. De Russey, late an acting purser in the Navy.

The reading of the report being called for, it was read by the Clerk.

Mr. DANIEL. It will be seen that this bill proposes not only to allow the difference between what pursers were receiving when this clerk was first appointed and the compensation of a purser under the act of 1842, but the interest upon that money. I can see no reason why the interest should be allowed in this case. I do not know when this case was first presented for adjustment; I move, therefore, to strike out "\$514 14," and in its stead to insert "\$362." That is the principal exclusive of the interest.

Mr. BOCKOCK. The report which has just been read at the Clerk's desk was drawn by myself as a member of the Committee on Naval Affairs, and I thought it was proper and just to allow this man interest upon the money claimed. I do not see what ground the gentleman from North Carolina assumes when he contends that interest ought not to be allowed. Does the gentleman mean to say to this House that interest ought never to be paid by this Government upon a debt that it owes to an individual? Does the gentleman mean to take any such ground as that? Where there is a clear, ascertained, balance due a man for services rendered, does he rise upon this floor, and say, if the Government does not choose to pay that debt, but holds the man out of it year after year, that when at length it does make payment, it ought not to pay the interest? If the gentleman means to take any such ground as that, I say for one, that I dissent from it, and appeal to the House to say whether it is not an improper ground. I put the claim of this man, in the report which has just been read, upon legal grounds. I say that he had a right to demand this money. I say, furthermore, that the highest officers of the Department decide that he had a right to demand it, but the accounting office refuses to

give it. The legal ground was this: A law was passed here some time, I think, in the course of the summer of 1842, changing the pay of pursers.

It may be proper to state here, that the gentleman from North Carolina himself concedes that this man was entitled to the pay of a purser, just as if he was legally appointed purser for the time he was performing these services. Then, that being conceded, come to the other point. A law was passed during the summer of 1842 changing and increasing the pay of pursers. There was a provision in that law that it should go into operation as to the persons in the home squadron from the time of its passage, and to all persons abroad from the commencement of the first quarter after proclamation thereof shall be made. Now, some time in the month of December of the year 1842, the commander of the squadron received intelligence of the passage of the law, and he made proclamation from the Commodore's flag-ship. That proclamation the officers say applies to the whole squadron under his command. Informal notice was carried to this ship, which had been detailed to cruise on the African coast. The man himself did not receive formal notice of it, but the Commodore had received notice, and had made proclamation from the flag-ship, which was a notice to the whole squadron. Well, if this is so, it entitled him to his pay under the new law. The new law had been passed months before. He came here and he claimed pay under the new law. The Second Auditor, the accounting officer, refused to allow it. He then appealed to Commodore Warrington, who said that he was entitled to it; but the Second Auditor still refused to allow it. He then appealed to Judge Mason, Secretary of the Navy, and he said that he was legally entitled to it, but the Second Auditor still refused, and he now comes before the House. Now, the position I take is, that it ought to have been paid him at the time; that he had a right to it, and that it was a just and legal demand; and that it being a sum for which he had had a legal right to make demand, that interest ought to be paid upon it from the day on which it ought to have been paid to him. The difficult and responsible services this man had to perform upon the barren and desolate coast of Africa, the responsibility upon his hands, are all set forth in the report, and I shall not detain the House with the details again. In my judgment the interest ought to be paid.

Mr. DANIEL. I did not intend to place myself, by the motion I have made, upon new ground in reference to this matter. It is a well-established principle, that the Government, as a general rule, does not pay interest. I think it is generally a correct one; for if it was the universal rule that interest shall be paid to the time when Congress shall, after a lapse of years, ascertain a demand to have been a good one, it would become a most convenient mode of funding all demands against the Government, and individuals, instead of presenting their claims promptly at the proper departments for adjudication, would have all the motives of capitalists to withhold them. Claims are sometimes kept back in consequence of the imperfect manner in which proof is presented, and sometimes in consequence of delays arising on the part of the applicants themselves.

Mr. BOCKOCK. If my friend from North Carolina will permit me. Not a single one of the reasons assigned applies to this case.

Mr. DANIEL. Wait until I have got to the others. I have not got through yet. There is nothing stated in the report which takes it out of the application of that rule upon which the Government has acted in the non-payment of interest. If there is any special reason, the gentleman has neglected to give it in his report. I do not gather from any statement the gentleman has made, or anything in the case that ought, to take it out of the operation of that general rule; on the contrary, I can see reasons in addition to that glanced at by my motion for its application. The gentleman predicates this legal liability upon the ground that unequivocal notice was given in conformity with the laws of 1842 to this officer. There is just ground for exception to that position. I will not say that the gentleman is not correct, but there is certainly some reason to doubt it. The words of the law have been quoted in the report, as I suppose, correctly, by the gentleman. The act was to go into effect in the United States from the date of its passage, and in vessels abroad at the

beginning of the quarter after its official notification.

The commander of the squadron in this case received notice of the passage of the act of the first of January, 1843. He then made his proclamation. His vessel was not present, as she was cruising elsewhere—cruising upon the coast of Africa—and the question is, whether, according to the provisions of this act, he received that notice which the act intended to make necessary to give operation to the law, until it was actually notified on board of the vessel.

[Here a message was received from the Senate, by the hands of their Secretary, ASBURY DICKINS, Esq.]

Mr. DANIEL resumed. It is certainly true, that the act was not literally complied with until the notice was actually received on board of the vessel in which this purser, formerly a clerk, belonged. It may well be contended, therefore, that his pay could not arise until after he received notice. There being some doubt about the construction which the gentleman claims as the construction of the act, and seeing no sufficient reason why the general rule should be departed from, I have made the motion I submit, and think it ought to prevail. Unless we are disposed to pay interest in every case—unless we are disposed to adopt that rule and change the general rule, why we should do it.

Mr. BOCKOCK. I had wished to say nothing more. I am opposed as much as any member upon this floor, to speaking upon these matters at all. I have given practical evidence of that fact in my course here, but I will say one or two words in reply to the position just taken by the gentleman from North Carolina, [Mr. DANIEL.] The gentleman says, the general principle upon which this Government acts, is, that it will not pay interest. I understand it to be based upon the reason, that the Government of the United States holds itself at all times ready to pay its debts, when presented, that the debt has never been presented in a legal form—in a form in which the proof had been conclusive, until the time when the amount is to be voted. Now, I agree with the gentleman from North Carolina, if a claim comes up for unliquidated damages—if a claim comes up for a pension—if a claim comes up resting upon anything of that sort, it ought not to carry interest until the proof is completed. This is the ground which the gentleman from North Carolina assumes—this is the reason upon which his principles rest, as applied in this case. De Russey actually made a demand upon the Government for this sum. He actually claimed it from the Department. His proof was as full and as conclusive then as it is at this instant of time. If we owe it now, we owed it then. If we ought to pay it now, we ought to have paid it then. Shall we profit by our own failure to do our duty to ourselves?

Mr. DANIEL. Why was it not paid?

Mr. BOCKOCK. I have already stated that the accounting officer, the Second Auditor, took the view which the gentleman from North Carolina [Mr. DANIEL] has suggested, as to the construction of this law—and held that the law should not go into operation as to vessels abroad, until actual notification should be made.

Mr. DANIEL. Will the gentleman allow me to ask him one more question? If we pay interest upon these cases, why not pay interest upon every deferred salary?

Mr. BOCKOCK. If we hold back from a man the salary to which he is entitled by the law, I say we ought to pay interest. We ought to be just, and we ought to pay the just demands upon us. When we refuse to pay where a demand is clearly made out, then we ought not to profit by our own refusal to do our duty. The gentleman from North Carolina argues in relation to this matter, as if the language of the law was an actual notification. That is not the language. It says official notification; and the laws of this country, and those highest in authority, have decided that to make notification of the law of this sort for a squadron, it has only to be proclaimed by the commanders of the squadrons. If it is true that a proclamation by the commodore of a ship is an official notification for the squadron, this man was entitled to his demand, and he ought to have it. If it was a debt we owed—if it was a debt the amount of which, and the proof of which was

before the Department at the time the Department improperly refused to pay it, I say that now, in my opinion, we ought to pay interest upon it.

The question was then taken upon Mr. DANIEL's amendment; and there were—ayes 63—nays 52.

Mr. ORR demanded tellers; which were ordered.

The question was then taken, (Messrs. FOWLER, of Massachusetts, and HENDRICKS, acting as tellers,) and resulted—ayes 65—nays 51.

So the amendment was agreed to.

Mr. ORR moved that the bill be laid aside, and reported to the House with a recommendation that it do pass.

The question was then taken, and it was agreed to.

On motion by Mr. ORR, the committee rose, and the Speaker having resumed the chair, the chairman of the committee [Mr. DISNEY] reported that the Committee of the Whole House had had under consideration two bills, which they had directed him to report back, one with an amendment and one without amendment, with a recommendation that they do pass.

The SPEAKER. The Clerk will report the first bill to the House.

Mr. ORR moved, that when this House adjourns it adjourn to meet on Monday next.

Mr. DUNCAN called for the yeas and nays.

[Cries of "Oh no; withdraw the call!"]

The SPEAKER announced that there were only seventeen rising—believed not to be a sufficient number.

Mr. GIDDINGS insisted on a count; and the negative side being counted, there were 116.

Mr. GIDDINGS demanded tellers on ordering the yeas and nays; but they were not ordered.

And the yeas and nays were not ordered.

The question was then taken on Mr. ORR's motion, and it was agreed to.

Mr. STEPHENS, of Georgia, moved that the House do now adjourn.

Mr. DANIEL. I hope the House will not adjourn until the bills reported from the Committee of the Whole House have been disposed of.

[Cries of "Order!" "Order!"]

The question was then taken on Mr. STEPHENS's motion, and it was agreed to.

So the House adjourned till Monday.

NOTICES OF BILLS.

Mr. SIBLEY gave notice of his intention to introduce a bill, so to amend the acts for the establishment of the territorial governments of the United States, as to make the judges of the supreme court in said Territories elective by the people thereof.

Mr. DAVIS, of Indiana, gave notice of his intention to introduce a bill granting the right of way and a portion of the public lands, for the construction of a railroad from Terre Haute, or some other point on the Indianapolis and Terre Haute railroad, in the State of Indiana, to Springfield, in the State of Illinois.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FLOYD: The resolutions of the Westfield Agricultural, Literary, and Scientific Society, for the recognition of the independence of Hungary.

By Mr. SMART: The petition of John M. Hood and others, assistant marshals in Somerset county, Maine, asking for increase of compensation.

By Mr. BOYD, of Kentucky: The proceedings of a meeting of soldiers of the war of 1812, held in Philadelphia, on the subject of proposed modifications of the bounty land act of September 28, 1850.

By Mr. ALLISON: The memorial of the heirs and representatives of A. Cray, late of Newport, Rhode Island, deceased, praying for indemnification for losses sustained by depredations committed by the vessels of France, prior to the year 1800.

By Mr. SIBLEY: The memorial of E. Backus, major of 3d Infantry, and other officers of the United States Army in New Mexico, praying that the officers and enlisted men stationed in that Territory may be placed on the same footing, with regard to pay, with those stationed in California and Oregon.

By Mr. HARPER: The petition of Stephen Potts and C. S. Madison, praying for additional compensation for their services as deputy marshals in taking the census of Guernsey county, Ohio.

By Mr. COBB: The petition for the establishing a post road from Fort Gibson, Jackson county, Alabama, to Chattanooga, Tennessee, to run on the south side of the Tennessee river, in said States.

By Mr. PORTER: The petition of citizens of Franklin county, Missouri, asking the establishment of a post route from Union, in Franklin county, by way of Lebanon, in La Cede county, to Springfield, in Green county, in said State.

By Mr. HAMILTON: The petition of Lewis Tritte and Isaac Gehr, and other citizens of Washington county,

Maryland, remonstrating against the renewal of the patent granted to Austin & Zebulon Parker for alleged improvements upon reaction water-wheels.

By Mr. STEVENS, of Pennsylvania: The petition, numerously signed by citizens of Lancaster county, stating that the fugitive slave law was unjust, inhuman, and oppressive, and praying for its repeal.

Also, the petition of citizens of Lancaster and Lebanon counties, praying for the establishment of a post route from Lancaster, by the way of Sporting Hill, &c. &c., to Annville, in Lebanon county.

Also, six petitions, very numerously signed, praying for an additional duty on foreign iron.

IN SENATE.

MONDAY, February 16, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

MISSION TO EASTERN ASIA.

A message from the President of the United States was received by Mr. M. P. FILLMORE, his Secretary, transmitting, in compliance with a resolution of the Senate of the 26th ultimo, a report from the Secretary of State, containing the correspondence relating to the mission of Mr. Balesier, late Consul at Singapore, to Eastern Asia; which was ordered to be laid on the table and printed.

APPLICANTS FOR PENSIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate, a list of suspended or rejected applications for pensions, under the several acts of Congress, with the grounds of such suspension or rejection, and the place of residence, as far as the same can be given, of each applicant; which was ordered to be referred to the Committee on Pensions and printed.

NAVY REGISTER.

The PRESIDENT *pro tem.* laid before the Senate a letter of the Secretary of the Navy, accompanied by eighty copies of the Navy Register for 1852; which was ordered to be laid on the table.

PETITIONS.

Mr. WADE presented three petitions of citizens of Ohio, and a petition of masters of steamboats and vessels upon Lake Erie, praying that the State of Ohio may be divided into two judicial districts; which were referred to the Committee on the Judiciary.

Also, seven memorials of assistant marshals for taking the Seventh Census in Ohio, praying additional compensation; which were referred to the Committee of Claims.

Also, a petition of merchants and others of Philadelphia, praying the construction of an additional canal around the Falls of the Ohio river; which was referred to the Committee on Roads and Canals.

Mr. WALKER presented a resolution of the Legislature of Wisconsin, in favor of a donation of the military reserve at Fort Winnebago to the State for the improvement of the Fox and Wisconsin rivers; which was referred to the Committee on Public Lands.

Mr. CLARKE. I am requested to present a communication from Rhode Island, signed by upwards of one hundred and fifty persons, inhabitants of Providence and citizens of the United States, in which they say, that as it appears that the Senate of the United States is turning its attention towards the victims of despotic governments and inhuman laws, they respectfully ask that it would consider the unhappy lot of Drayton and Sayres, inmates of the prison of the District of Columbia, convicted of acts which all humanity the wide world over, applauds, and which nothing but barbarous laws condemn; and they pray that it would take immediate steps for their relief.

The memorial was referred to the Committee on the Judiciary.

Mr. MORTON presented a petition of the register and receiver of the land office at St. Augustine, Florida, praying compensation for making locations under the Arredondo grant; which was referred to the Committee on Public Lands.

Also, the memorial of George H. Smith, assistant marshal for taking the Seventh Census in Duval county, Florida, praying additional compensation; which was referred to the Committee of Claims.

Mr. SPRUANCE presented a petition of residents of Delaware, praying that the bill giving further remedies to patentees may become a law;

which was referred to the Committee on Patents and the Patent Office.

Mr. PRATT presented a resolution of the Legislature of Maryland, in favor of the enactment of a law making free so much of the Baltimore and Washington turnpike as lies within the District of Columbia; which was referred to the Committee for the District of Columbia.

Mr. BRIGHT presented four memorials of assistant marshals for taking the Seventh Census in Indiana, praying additional compensation; which were referred to the Committee of Claims.

Mr. CHASE presented four memorials of assistant marshals for taking the Seventh Census in Ohio, praying additional compensation; which were referred to the Committee of Claims.

Mr. BRODHEAD presented the petition of Joseph Nock, praying remuneration for losses sustained in consequence of the violation of a contract for supplying the Post Office Department with locks; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLEMENS presented a memorial of the Legislature of Alabama, praying a repeal or modification of the act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits; which was referred to the Committee on Public Lands.

Mr. FISH presented the memorial of John J. Palmer, receiver and legal representative of the American Insurance Company of New York, praying the establishment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which was referred to the Committee on Foreign Relations.

Also, two petitions of citizens of Albany, New York, praying the establishment of a Mint in the city of New York; which was referred to the Committee on Finance.

Also, a memorial of Johnson Livingston, and his associates, praying the aid of the Government in establishing a monthly line of steamers between New York and Genoa; which was referred to the Committee on Naval Affairs.

Also, a memorial of merchants, ship-owners, and others, of New York, against the establishment of any more lines of mail steamers, under the patronage of the Government; which was referred to the Committee on Naval Affairs.

Mr. CASS presented a memorial of the trustees of the St. Vincent Orphan Asylum, in the District of Columbia, praying a donation of land to aid in the education of orphan boys; which was referred to the Committee on Public Lands.

Mr. SMITH presented the petition of J. Glynn, of the Navy, praying that he may be credited in his settlement with the Department with the amount of money which was stolen while in his charge on the coast of California; which was referred to the Committee on Naval Affairs.

Mr. STOCKTON presented three petitions of citizens of New Jersey, praying an appropriation for the improvement of Barnegat Inlet; which were referred to the Committee on Commerce.

Mr. FISH presented the memorial of the proprietors of the New York and Havre mail steamers, praying further aid from the Government; which was referred to the Committee on Naval Affairs.

Mr. ATCHISON presented the memorial of John Owen, praying remuneration for damages sustained and money expended while in charge of the Government property at Cantonment Loring, in the Territory of Oregon; which was referred to the Committee on Military Affairs.

Also, the petition of the heirs of Ware S. May, deceased, a surgeon in the late war with Mexico, praying three months' extra pay; which was referred to the Committee on Military Affairs.

Mr. GWIN presented the memorial of a convention of citizens of the State of California, now on a visit to the Atlantic States, held at Brown's Hotel, Washington city, District of Columbia, setting forth the unsurpassed agricultural advantages of the State of California, its vast mineral resources, and that, from her geographical and peculiar position, she must rely, more than any other State, upon her own soil and internal resources for the support of the millions that will, in a short space of time, people the shores of the Pacific within the United States—thus demanding from Congress an enlarged and liberal policy. They pray for grants of land for various literary

and benevolent institutions—for a university and primary schools—for the insane, deaf and dumb, and blind; that the mineral lands should be left as the common property of the American people; that aid be given to the most practicable scheme of steam communication between the ports of the west coast of the United States and those of China; that fog-bells and light-houses be established; the construction of the Great Pacific and Atlantic Railroad; telegraphic communication; the establishment of a weekly mail between the chief cities of the Atlantic and the Pacific; a modification of the postage on letters and papers; the establishment of a branch Mint at San Francisco; the repayment of the duties on foreign imports collected in California, from the treaty with Mexico of May 30, 1848, to the extension of the revenue laws over California, October 18, 1849; the settlement of the military claims in California; the colonization of the Indians, &c., &c.; which was referred to the Committee on Printing.

REPORTS FROM STANDING COMMITTEES.

Mr. GEYER, from the Committee on Pensions, to which was referred the bill for the relief of Robert Milligan, reported it without amendment.

Mr. FELCH, from the Committee on Public Lands, to which was referred the bill to authorize the sale of reserved lands and for other purposes, reported it without amendment.

Mr. DOWNS, from the Committee on Private Land Claims, to which was referred the memorial of Edward Hott, submitted a report, accompanied by a bill to release from reservation and to return to the mass of public lands certain lands in the State of Alabama; which was read and passed to the second reading. The report was ordered to be printed.

Mr. BORLAND, from the Committee on Public Lands, to which was referred the petition of Mark Bean and Richard H. Bean, of Arkansas, submitted a report, accompanied by a bill for their relief, which was read and passed to the second reading. The report was ordered to be printed.

ASSIGNABILITY OF LAND WARRANTS.

Mr. UNDERWOOD, from the Committee on Public Lands, to which was referred the bill entitled "An act to make land warrants assignable, and for other purposes," as amended by the House of Representatives, reported it back, with a recommendation that the Senate do not agree to the said amendment.

Mr. UNDERWOOD subsequently rose and said: I ask the Senate to take up the bill in regard to the assignability of land warrants, and dispose of the amendments with which it has come from the House of Representatives. If the Senate shall insist on the amendments which were made before the bill was returned to the House, it may possibly lead to a committee of conference, and the sooner that takes place the better. I therefore hope the bill may be taken up and disposed of.

Mr. PRATT. I would prefer that that bill should lie over until to-morrow. I have received a petition upon the subject, and I wish to examine the amendments and see whether the prayer of the petitioners can be granted.

Mr. BADGER. I would like to understand from some gentleman familiar with the subject, whether or not the effect of the amendment proposed by the House of Representatives is or is not to strike out from the bill everything except the provision which makes land warrants assignable?

The PRESIDENT. It is.

Mr. BADGER. Then I hope my friend from Maryland will not object to the consideration of the bill at this time. I can see no necessity for delay.

Mr. PRATT. If the Senate dissent from the amendments of the House, the effect of it would be to place the bill in such a position that it could not be amended here. My object is, if it be in order, to introduce such an amendment as would meet the prayer of the petitioners to whom I have referred.

Mr. BADGER. That cannot be done.

Mr. PRATT. If it cannot be done, I shall have no objection.

The PRESIDENT. If there is any objection, the bill cannot be taken up.

Mr. UNDERWOOD. I hope the gentleman will allow the bill to be taken up.

Mr. PRATT. Let it lie over.

The bill was accordingly passed over.

KENTUCKY DEAF AND DUMB ASYLUM.

Mr. UNDERWOOD, from the Committee on Public Lands, to which was referred the bill to extend the time for selling the lands granted to the Kentucky Asylum for teaching the deaf and dumb, reported it back without amendment.

As the time specified in the bill making the grant will soon expire, he requested the Senate to act upon it at this time.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to allow five years in addition to the five years heretofore allowed, for the sale of the lands which have been granted.

Mr. UNDERWOOD. I would state, that a letter which I have received from the President of the institution, informs me that the time granted for the sale of these lands will expire in May next; and a further extension of time is asked. Most of the lands have been sold, and there are only a few tracts remaining.

The bill was reported to the Senate, and was ordered to be engrossed and read a third time.

NOTICE OF A BILL.

Mr. GEYER gave notice that he should ask leave to introduce a bill to provide for holding an additional term of the circuit court of the United States for the district of Missouri.

BILLS INTRODUCED.

Mr. WADE, by unanimous consent, asked and obtained leave to introduce a bill to authorize the Secretary of the Treasury to convey the right of way to the Cleveland and Pittsburg, and Cleveland, Painesville, and Ashtabula Railroad Companies, through certain lands therein mentioned; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. FISH, by unanimous consent, asked and obtained leave to introduce a bill amending an act approved the 22d of February, 1847, entitled "An act to regulate the carriage of passengers in merchant vessels, and for other purposes;" which was read a first and second time by its title, and referred to the Committee on Commerce.

APPORTIONMENT OF REPRESENTATIVES.

A message was received from the President of the United States by Mr. M. P. Fillmore, his Secretary, transmitting a report from the Secretary of the Interior respecting the delay and difficulty in making the apportionment among the several States of the representatives in the 33d Congress, as required by the act of 23d May, 1850, in consequence of the want of full returns of the population of the State of California; and suggesting the necessity for remedial legislation.

Mr. SEWARD. I move that the communication be referred to the Committee on the Judiciary, and be printed for the use of the Senate.

The motion was agreed to.

Mr. BUTLER rose subsequently and inquired to what committee was that referred?

The PRESIDENT. To the Committee on the Judiciary.

Mr. BUTLER. I do not know whether that communication should properly be referred to that committee. As it relates to the apportionment, perhaps it should go to a special committee. There was a special committee on the census at the last Congress, but I suppose that committee was dissolved when it exhausted its functions.

Mr. GWIN. I think the Senator from South Carolina is right in desiring this communication to be referred to a select committee. If I understand this report, it will show an extraordinary state of affairs; that the census of one of the States of this Confederacy has not been taken at all, and that she is likely to be deprived of a member of Congress in consequence of that neglect. I think a select committee ought to be appointed to inquire why the census of the State of California has not been taken. I am opposed to this communication going to the Judiciary Committee, because I do not think it is a judicial question. I move to reconsider the vote referring it to that committee, and to refer it to a select committee.

Mr. SEWARD. I am not tenacious about it at all; but as the communication contemplates an amendment to the general law upon a very important subject, I think it ought to receive the attention of the Judiciary Committee. But if the Senator from California feels, on behalf of his State, a special interest in the matter, I have no objection

to concur with his motion. It strikes me, after all, however, that a question of such magnitude is properly referable to the Judiciary Committee.

The motion to reconsider was not agreed to.

RESERVED LAND IN IOWA.

On the motion of Mr. DODGE, of Iowa, the Senate proceeded to consider, as in Committee of the Whole, the bill to grant to the city of Burlington, in Iowa, the land heretofore reserved between that city and the Mississippi river.

It proposes to grant to the city of Burlington, in Iowa, the land bordering on the Mississippi in front of that city, reserved under the act of July 2, 1836, for a public highway, and other public uses, together with the accretions which may have been formed in the front thereof, to be disposed of in such manner as the corporate authorities of that city may direct. The second section provides that on a duly authorized application a patent shall be issued for the land. The Committee on Public Lands propose to amend the bill by striking out the second section, and inserting in lieu thereof the following:

That the grant made by this act shall operate as a relinquishment only of the right of the United States in and to said premises, and shall in no manner affect the rights of third persons therein, or to the use thereof, but shall be subject to the same; and on application by a duly authorized agent of the corporate authorities of said city to the Commissioner of the General Land Office, a patent of relinquishment, according to the provisions of this act, shall be issued therefor, as in other cases.

The amendment was agreed to.

Mr. DAWSON. I would request the Senator from Iowa to explain the object of that bill and the quantity of land it proposes on our part to relinquish.

Mr. DODGE, of Iowa. I will state that there is not a single alternate section, or two dollars and a half clause connected with this bill. It simply provides that the accretions which have formed in front of the city of Burlington, because of a very large bend in the river at that place, shall be granted to the city. The lands reserved in front of the city, which are spoken of in the bill, were those laid off and reserved for public uses when the town was laid out in 1836. There is a very large bend in the Mississippi river opposite the city. There is a public improvement going on there, and the city, by certain works which it will prosecute, will run the landing very much beyond where it now is, by grading and leveling the hill's back and throwing the dirt in front. The city is to take care of the land, and the bill simply grants the lands which it may thus reclaim on the bend of the river.

The bill was reported to the Senate without amendment.

Mr. DAWSON. The Senator failed to answer one question which I propounded—the quantity of land which will be granted under this bill?

Mr. DODGE. I am unable to answer the question. I would state that the bend is perhaps half a mile long. It is, however, immaterial to this Government, for the Government laid off six hundred and forty acres, and gave the whole of it for public uses, such as making wharves, &c. The objects of the Government are in no way concerned by the bill. I do not know how far the landing may be extended out by the improvement, nor how much land will be granted by this bill. I understand, from a constituent and friend, who lives there and knows all about it, that it is to be extended eighty feet.

The bill was ordered to be engrossed for a third reading.

CHARLES A. GRIGNON.

The engrossed bill for the relief of Charles A. Grignon, was read a third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNER, its Clerk, announcing that it had directed a message to be sent to the Senate, requesting that a copy be furnished it of the resolution of the Senate to establish certain post routes, the said resolution having been lost or mislaid since its reference to the Committee on the Post Office and Post Roads of the House.

RAILROADS IN IOWA.

Mr. JONES, of Iowa, moved that the Senate proceed to the consideration of the bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State.

Mr. GWIN. I hope the Senator from Iowa will allow the bill to establish a navy-yard in San Francisco to be taken up. I wish to make some remarks in reply to what the Senator from Pennsylvania said on Friday. I was then entitled to the floor on the bill, and it was, on my motion, postponed to this day.

Mr. JONES, of Iowa. My honorable friend will recollect that he himself agreed, on Friday, when that bill was taken up, that it should not consume more than an hour or two.

Mr. GWIN. On that day.

Mr. JONES. He said he had no disposition to debate it himself, and that there would not be much debate upon it; but it is evident that it is to lead to very considerable debate. It was then agreed that this day should be set apart for the consideration of the bill which I have mentioned. The Senator from Tennessee [Mr. BELL] has had the floor upon it for some time. He commenced his speech, spoke for a few moments, and was compelled to postpone his remarks for other matters of minor importance. I hope the Senate will now take up that bill, that the Senator from Tennessee may proceed with his speech. I think the bill can be disposed of to-day, or at all events to-morrow or next day; and then I shall be very willing to assist the Senator from California in having his bill taken up and acted upon.

Mr. BADGER. I would suggest to the honorable Senator from California, that in my judgment, it would be better to let our friend from Iowa have his bill considered this morning. He has had exceedingly bad luck with it heretofore. The bill to which the Senator from California refers, will undoubtedly produce some discussion. I think it would be better to take up this bill and get through with it, and then we can take up the bill of the Senator from California.

Mr. GWIN. If I thought there was the slightest prospect of settling the question involved in the bill of the Senator from Iowa within a month, I would not oppose his motion; but I am perfectly confident that that bill will not be passed by this body within a month. The question involved in the bill which I propose to bring up, is a local one, and can soon be decided; but a dozen States are interested in the bill of the Senator from Iowa, and the whole policy of granting donations for the purposes of internal improvements is debated upon this bill. If I thought it would be passed within a month, I should not interpose any objection. As the bill of the Senator from Iowa is the first on the Calendar, I do not wish to put it out of its order, but I would like to have an opportunity for the consideration of my bill.

The motion of Mr. JONES was agreed to.

Mr. BELL resumed and concluded the speech which he commenced some days ago. His speech will be found in the Appendix.

Mr. HUNTER was next recognized by the Chair; but the usual hour of adjournment had arrived, and on his motion

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, February 16, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

TERRITORIAL BUSINESS.

Mr. STUART. With the permission of the gentleman from Mississippi, [Mr. NABERS,] who is entitled to the floor, I would ask the unanimous consent of the House to make a report from the Committee on Territories.

The SPEAKER. Last Monday, the gentleman from Mississippi [Mr. NABERS] was upon the floor, in the act of asking the unanimous consent of the House to introduce certain resolutions, but was deprived of it by a question of privilege made by the gentleman from Kentucky, and acquiesced in by the House; but the gentleman from Mississippi not rising to-day, the gentleman from Michigan is entitled to the floor.

Mr. STUART. I ask the unanimous consent of the House to offer the following resolution as a report from the Committee on Territories:

"Resolved, That the third week in April next, or as much thereof as may be necessary for that purpose, be set apart for the consideration of territorial business, and that during that time such business shall take precedence and be regarded as the special order."

Mr. STEPHENS, of Georgia. I move to strike out the third week in April, and insert the first week.

The SPEAKER. The Chair thinks that the rules of the House would have to be suspended before a special order could be made. Leave has been granted for the introduction of the resolution.

Mr. STEPHENS. I suppose that it is understood that all the rules are suspended.

The SPEAKER. Not if there is objection, in the opinion of the Chair. What motion did the gentleman from Georgia submit?

Mr. STEPHENS. My motion was to strike out "the third week," and insert "the first week;" but the gentleman from Minnesota [Mr. SIBLEY] urges me not to make the motion, and therefore I shall not do it. I was afraid that if postponed to the third week in April, the territorial business would be entirely neglected.

Mr. RICHARDSON. It will be impossible for the Committee on Territories to submit all the propositions in relation to the Territories before the time designated in the resolution. The resolution was offered by the instructions of the committee.

The question was then taken on the resolution, and it was agreed to.

CASE OF PROSPER M. WETMORE.

Mr. ORR, by unanimous consent, introduced the following resolution; which was considered and agreed to:

Resolved, That the President be requested to inform this House whether the accounts of Prosper M. Wetmore, late Navy agent in the city of New York, as adjusted, show any defalcation on his part, and if so, when such defalcation was discovered, and the amount thereof; whether any, and if so what, steps have been taken to collect the amount which said Wetmore failed to pay over, and when proceedings were commenced, if at all, to collect said amount. Also, whether any compromise was at any time made between the Secretary of the Treasury or the Solicitor thereof and said Wetmore, or any arrangement entered into respecting such alleged defalcation, and if so, what was such compromise or arrangement, and whether the same has been complied with.

MILEAGE OF DELEGATE FROM OREGON.

Mr. HENDRICKS. I ask the unanimous consent of the House to report a bill from the Committee on Mileage. I will state to the House, that it has been understood that the mileage compensation of the Delegate from Oregon has been regulated by the law of 1818, but the committee discover that the law organizing a territorial government for that Territory limits the compensation of the delegate to \$2,500. The object of this bill is to repeal the clause containing that limitation. It is the only limitation upon the mileage of any delegate or member, and I hope there will be no objection to the introduction of the bill.

There being no objection,

Mr. HENDRICKS, from the Committee on Mileage, then reported a bill to regulate the mileage of the Delegate from the Territory of Oregon; which was read a first and second time by its title.

Mr. KING, of New York, called for the reading of the bill.

The Clerk read the bill.

The SPEAKER stated the question to be upon ordering the bill to be engrossed for a third reading.

Mr. STEPHENS, of Georgia. I should like to hear read that provision of the law which it is proposed to repeal. Has the gentleman from Indiana got it here?

Mr. HENDRICKS. No, I have not got the provision here, but it is exceedingly brief. It reads, I think, "Provided, the mileage of said Delegate shall not exceed two thousand five hundred dollars."

Mr. STEPHENS. I think that a good limitation, and I am against its repeal.

Mr. HENDRICKS. I ask that the report of the Committee may be read. It will perhaps remove any objection there may be to the passage of the bill.

The Clerk read the report, as follows:

The Committee on Mileage have had under consideration the mileage compensation of the Delegate from Oregon, and find:

That by the law establishing the territorial government of Oregon, the mileage compensation of said Delegate is limited to \$2,500. The committee believe, that, at the last session of Congress, it was understood that said limitation was not then in force, as the Delegate from said Territory was allowed, and did receive, mileage above that amount,

but by what authority the committee are not able to learn. Similar provisions are found in the laws establishing the territorial governments of Utah and New Mexico, but they are inoperative, as the mileage of the Delegates from said Territories does not amount to that sum under the law of 1818, which regulates the pay and mileage of members of Congress and Delegates from Territories. At the second session of the Thirtieth Congress, the mileage of the Delegate from Oregon was regulated by the provision of the law above quoted. But at the first session of the Thirty-first Congress, the mileage of the Delegate from Oregon, and of the Senators and Representatives from California, was regulated by an act passed at that session, entitled "An act to supply the deficiency in the appropriation for pay and mileage of members of Congress for the present session," approved September 20th, 1850. But that statute only operated during the session of Congress at which it was passed, and after that left the compensation of the Senators and Representatives from California to be regulated by the law of 1818, and that of the Delegate from Oregon to be regulated by the law organizing the territorial government above-mentioned.

"Since the enactment of the law regulating the compensation of members of Congress and Delegates from Territories, in 1818, exceptions to the rule of compensation, prescribed in said statute, have been made only in two instances. One was the law above-mentioned, which limited the mileage of the Senators and Representatives from California, and the Delegate from Oregon, for one session; and the other is the law above-mentioned, which limits the mileage compensation of the Delegate from Oregon to \$2,500.

"The honorable Delegate from Oregon is the only gentleman, representing a State or Territory in either branch of Congress, whose compensation is thus limited. And the committee, though of the opinion that the law of 1818 ought to be amended, and perhaps a fixed limit established to the mileage compensation, think that while that law remains, no discrimination, to the prejudice of the Delegate from Oregon, ought to be made; but that his compensation should be regulated by the same law that regulates the compensation of other Representatives of States and Territories in Congress. The committee therefore report a bill, repealing that part of the law establishing the territorial government of Oregon which limits the compensation of said Delegate, as aforesaid."

Mr. WOODWARD. I would ask the chairman of the Committee on Mileage whether the general law—I think the law of 1818—does not provide that in no instance shall the mileage exceed the per diem?

Mr. HENDRICKS. No; I think it makes no such limitation.

Mr. WOODWARD. My impression is that it does.

Mr. HENDRICKS. I am very positive that it does not.

Mr. FITCH. There is a provision of that kind in the law; but that provision has been evaded by Congress ever since its adoption. We ought not, in justice, to adopt any limitation that will operate upon one delegate or member on this floor and not upon others. There is a provision in the law organizing the Territory of Oregon, that the Delegate from that Territory shall not receive mileage exceeding \$2,500. After the admission of California, there being no law applicable to the Representatives of that State, they of course drew their mileage under the general law of 1818, and they consequently draw much more mileage than the Delegate from Oregon can do, in consequence of the special law applicable to him. The object of the committee, I suppose, is to put them all on the same footing, by repealing the special law in relation to the Delegate from Oregon, and permitting him to draw what he would draw under the general law.

The general law is defective, but we ought not to remedy the defects of that law at the expense of one delegate or representative only. We should make it operative alike upon all.

Mr. WOODWARD. I am in favor of this bill for the very reason stated by the gentleman from Indiana. I am for limiting all mileage by the same law, and if there exists a provision in the general law applicable to all members, the special law for the Delegate from Oregon ought to be repealed.

Mr. FOWLER. I wish to ask a question of the chairman of the Committee on Mileage. A bill has been introduced and referred to that committee which proposes to reform and regulate the mileage of all the members; I wish to inquire whether the committee have taken up that bill?

Mr. HENDRICKS. Yes. It has been under consideration before the committee.

Mr. FOWLER. I wish, then, to inquire whether the committee propose action upon that bill, or whether they propose that this shall supersede action on that bill?

Mr. HENDRICKS. Of course the committee will report back the bill referred to them. What report they will make, I am not prepared to say, as the committee have not yet decided.

Mr. FOWLER. I do not desire to know how

they will report; I merely desired to know whether they intend to take action on the bill.

Mr. HENDRICKS. I will state further to the gentleman from Massachusetts, that this bill has nothing whatever to do with that one.

Mr. FOWLER. I have no objection to the bill now before the House; but it occurred to me that if the whole subject of mileage was to come before us on the bill which has been referred to the committee, it would be more appropriate to defer action on this bill until we take up the whole subject. I have, however, no objection to the passage of this bill. I think, with the gentleman from Indiana, that there should be no discrimination made between members on this floor, but that the whole subject should be examined. I am fully persuaded that there should be a thorough system of reform.

Mr. JOHNSON, of Arkansas. I find that there has been no difference of opinion expressed in this House as to the merits of the proposition now before us. Every gentleman who has spoken on the subject seems to consider that the provision which this bill is intended to repeal makes an invidious and unjust distinction, operating against only one member of this House; and there is a disposition—judging from the remarks which have been made—to place that member upon a footing with the residue of the members, and to give him the same rights under the same law which governs the rights of all of us. I cannot see any necessity for going on with debate upon a proposition that seems to be so unanimously agreed upon, and I therefore ask for the previous question.

Mr. TOOMBS. We have had no opportunity to express our opposition yet.

Mr. CARTER. I ask the gentleman from Arkansas to withdraw the demand for the previous question, to enable me to give an illustration of the want of unanimity in this body upon this subject.

Mr. JOHNSON withdrew his motion.

Mr. CARTER. I feel, in common with the other gentlemen who have addressed the House, and in common with the sentiments of the report which has been read, the injustice of making a distinction between the Delegate from Oregon and the other gentlemen upon this floor who are in possession of the long miles. It is a matter of great injustice that the Delegate from the remotest Territory should be held down to a restriction which is overrun by those who live between him and the Capitol. But is this the remedy? I do not learn from the report, or from the argument of those who would sustain it, that \$2,500 is not an adequate mileage from here to Oregon. It is not a question of justice between the Delegate from Oregon and the Government, but a question of comparative merit between him and other gentlemen who receive more mileage and are located nearer to the Capitol. I am in favor of reducing it to equality, but not in this way. The proposition coming from the Committee on Mileage proposes, instead of doing what the public have long called for, and what the sense of this House has often expressed a wish to see done—instead of bringing down this question of mileage to a question of merit, and reducing the members upon this floor to an equality of compensation, it proposes to take the very extreme of injustice, and advance the salary paid to that Delegate.

Now, I object to that. It is a poor nostrum, it appears to me, to remove the evident inequality in the pay of members here. The man who comes here from California is paid \$2,500, or \$4,000. His passage costs him \$300. He consumes upon the way three weeks of time, if you please, more or less. Perhaps he does not return at all. He may, or may not, at his pleasure, but it is to be presumed he will, when he can.

But I would like to know where is the justice of paying one Representative from a distant portion of the Republic \$6,000 for performing this three weeks' trip—a large portion of which might be a pleasure trip to most of us—while the man residing within three hundred miles of the Capitol is receiving nothing? No, sir; I hope that the bill reported from the Committee on Mileage will be referred to the Committee of the Whole on the state of the Union, and that when it comes out of that committee it will provide for the equalization of the remuneration of members upon this floor. It is time that the distinction—which has been obliterated by steam and railroad conveyances—

this distinction between the pay of one member upon this floor and another, should be ended; and instead of running into this extremity of enlarging the pay of the Delegate from Oregon, we had better begin at the other end, and go to shortening it. I will remark that this view of the subject acknowledges the grossest injustice. It says to the Delegate from Oregon, You shall receive but \$2,500, although many of the members of Congress who come from a much shorter distance receive twice that amount. I go for an equality to all. But if you want to extend the mileage of members, you must bring the short-enders up, and not reduce the long-enders down. Let us have an equality in the matter. That is all I want.

Mr. TOOMBS. It is not with reference to this special case that I rise to make a suggestion at this time. The gentleman from Arkansas speaks of the unanimity which exists in relation to this matter among the members upon this floor. Now, I apprehend that unanimity will be found to be not in accordance with the position of that gentleman upon this question of mileage. At every session, for the last three or four years, the House have attempted to reduce and equalize the mileage of members. We have adopted propositions to that effect with great unanimity—the opposition scarcely exceeding fifty votes—but they have been defeated by the Senate. When the territorial bill for Oregon was under consideration before the House, \$2,500 was considered a just maximum. It was so considered for the reason that all above the amount necessary to pay expenses becomes salary. Twenty-five hundred dollars is sufficient to pay all expenses of traveling, and then leave a salary above the average of the House. If you want to pay a salary in this manner, why pay it to everybody; it is very easy to get at it. There is no difficulty in it at all. One of the reasons urged for this discrimination is, that members from beyond the Rocky Mountains cannot go home during the session, or even in the recess, and thereby lose their business. This is true to some extent as to every part of the country; at least results in loss of business at home. And the inconvenience of not being able to go home in recess is equally true in reference to some other portions of the country. I think the member from Texas [Mr. HOWARD] found it extremely inconvenient to return—especially to attend to any matters of business—during the last short recess of sixty days; and I presume other gentlemen from the remote portions of the country found it equally inconvenient. Therefore I say that we ought not to establish this principle in the manner which this bill proposes. If we are to establish it at all, the Committee on Mileage ought to introduce a bill putting all the members upon the same footing with the gentleman from Oregon, and not to put the gentleman from Oregon upon a footing with the most favored members of this House. Gentlemen say that inasmuch as some persons are entitled to a very large amount as mileage, and this case is an exception, that we will take off the exception and pay him a larger compensation than is paid to any one here. Why, that is but increasing the difficulty. It is increasing this inequality. Gentlemen ought to address themselves rather to removing this injustice by equalizing the compensation of the members of this House. The House has shown a disposition very fully and frankly, and with singular unanimity, for the last four years, to bring about this equality, and the reason why they have not accomplished the object has been on account of difficulties in the other branch of the Capitol. I think every gentleman will concur with me in saying that it is not just for a portion of the members of this House to draw \$5,000 per year, independent of their per diem, and others but \$50. It is unjust, and ought to be remedied. I trust, therefore, that this bill will not pass; but that if the Committee on Mileage intend to act, they will act in such a manner as will put the whole question of mileage upon some equitable principle; then I will cooperate with them.

Mr. EVANS. Is an amendment in order?

The SPEAKER. It is in order.

Mr. EVANS. I then desire to offer the following amendment:

And that the Committee on Mileage be directed to add together the mileage of all the members of this House, and to divide the same by the number of members; and that the Sergeant-at-Arms be directed to pay to each member his share thereof, as so ascertained.

[Laughter.]

Mr. EVANS. It is very well for gentlemen to laugh; but I tell them that the members of this House will live to see the day when this proposition will be adopted.

Mr. CAMPBELL, of Ohio. Will the gentleman allow me to interrupt him for one moment?

Mr. EVANS. I have not yet commenced to speak.

Mr. CAMPBELL. I merely want to ask the gentleman what is the distance which he travels in coming here?

Mr. EVANS. I will tell the gentleman before I sit down.

Mr. Speaker, in offering this amendment, I had no reference to the Delegate from Oregon. I had as lief that worthy and respected gentleman should receive the largest amount of mileage as any member of this House; but there has been existing in this House for years, the grossest injustice and inequality in reference to this matter, which ought to be removed. Now, for example, take my colleague, [Mr. BOWIE,] from the district immediately adjoining this city. He receives no mileage at all; yet I do not hesitate to say, that as far as his talents and a good attendance upon the duties of this House is concerned, he is not excelled by any member in this House. Yet there are gentlemen upon this floor who receive \$2,500 mileage for coming here the first day of December, 1851, and \$2,500 mileage for going back; making \$5,000 more than is received by my colleague for his services. Then they receive \$5,000 more for the next session, which makes \$10,000 in the year that is received by certain gentlemen upon this floor, more than is received by my colleague from the district adjoining this city.

A MEMBER. You mean \$10,000 for a Congress.

Mr. EVANS. No; it is all paid in the space of one revolution of this globe around the sun.

A MEMBER. But it is only \$5,000 a session.

Mr. EVANS. Very well; it is \$5,000 per session, and it makes no difference whether it is \$5,000 a year or \$10,000. There is that inequality existing. At the short session there is the same \$5,000 additional pay for three months' service. Now, there is nothing in the distances from the seat of Government to justify that inequality.

The gentleman from Ohio [Mr. CAMPBELL] asks me how far I am from the seat of Government? I will tell him: I live about six hours distant from here; but I have to neglect my business quite as much as those who live at the remote parts of the Union. I am, by profession, a lawyer, and I lose my practice, as any gentleman upon this floor must. To be sure, I can go home and try a case, but I lose the opportunity of getting new cases as much as gentlemen who come from a thousand miles distant. Then, I ask, what good reason is there for one gentleman receiving \$5,000 compensation more than another? It is a gross inequality, which ought to be put to an end.

The gentleman from Georgia, sitting before me, [Mr. TOOMBS,] is right in saying that this subject has before been investigated by the House of Representatives, and that this House has taken a firm stand in relation to it; and but for its defeat in the Senate, we would, long ago, have had the inequality corrected. The Committee on Mileage comes in here and seeks to perpetuate the evil—to extend the wrong. I protest against it. I hope the amendment which I have offered will be adopted, with a quit claim, upon my part, for my share of the money.

Mr. RICHARDSON obtained the floor.

Mr. WIGHTMAN. I rise to a point of order. I wish to inquire whether it will be in order for any one interested in the proposition of the gentleman from Maryland [Mr. EVANS] to vote upon its adoption?

The SPEAKER. That will be a question for gentlemen and the House to decide.

Mr. SCURRY. I rise to a point of order. I desire to inquire whether the proposition of the gentleman from Maryland [Mr. EVANS] was to refer the bill, with instructions?

The SPEAKER. The Chair understands the gentleman from Maryland to move to recommit the bill with instructions.

Mr. SCURRY. According to my understanding, the gentleman had moved to refer the bill, but not to recommit it with instructions.

The SPEAKER. The Chair thinks it is in order to move to recommit with instructions.

Mr. RICHARDSON. I desire to amend the

instructions proposed by the gentleman from Maryland. I propose the following amendment:

And that the Capitol be removed to within fifty miles of the residence of each and every member of this House, as soon as convenient.

Mr. HALL. Is that amendment in order?

The SPEAKER. The Chair thinks it is not in order.

Mr. HALL. Then I will propose an amendment to the instructions offered by the gentleman from Maryland.

Mr. ROBINSON. I desire to know if I was not recognized by the Chair?

The SPEAKER. The gentleman from Indiana was recognized by the Chair, and is entitled to the floor.

Mr. HALL. I only desire to offer my amendment. I do not propose to offer any remarks.

Mr. ROBINSON. I will allow the gentleman to offer his amendment.

Mr. HALL. I propose the following amendment to the instructions:

That the members of Congress shall hereafter receive, as their compensation, the sum of \$2,500 each, and their actual necessary traveling expenses, from their place of residence to the seat of Government of the United States for each session of Congress, in lieu of the pay and mileage allowed under existing laws.

The SPEAKER. The Chair thinks the amendment is not in order until the proposition to recommit is disposed of.

Mr. ROBINSON. I propose to say a few words in reference to the proposition before the House. I believe I am correct in saying, that whenever a proposition has come up before us for what is called the reform of this mileage business, I have voted in favor of it. But I think I shall be able to show that gentlemen ought not to commence this reform with the bill now under consideration. I am in favor of equalizing this mileage, but I desire to show that the only way you can possibly make it equal, so far as the members of the present House are concerned, is to pass the bill now before the House. Some time ago we were all catechized by the chairman of the Committee on Mileage, as to what was the usually traveled route from our residences to the seat of Government, and as to what were the distances. We have, I suppose, severally made answer, and they have allowed us mileage according to the law of 1818, and we have drawn our mileage. Now, I ask the gentleman from Georgia, [Mr. Toombs,] how he will go to work to make the equalization of which he speaks? Will he compel the members to pay it back again?

Mr. TOOMBS. I do not think the proposition will apply to any gentleman for the present session. The appropriation has been made, and the proposition will not affect the present members of the House in any way.

Mr. ROBINSON. Does not the gentleman from Georgia see that it is doing the gentleman from Oregon the grossest injustice, by making this odious distinction against him?

Mr. TOOMBS. It is the law of the land.

Mr. ROBINSON. Well, I know it is the law, but I ask him if it is magnanimous; if it is generous, on his part to ask to discriminate against one of his fellow members in that way? I know that the organic law of Oregon fixed the mileage of the Delegate from that Territory at \$2,500; but I know also, that the Delegate from Oregon has never heretofore been paid that sum, he has always been paid more; by special provision in the appropriation bill he was placed upon an equality with the balance of us. Now, such existing law is upon the statute-book, because it was but a temporary provision, and expired with the appropriation bill of the year. It now falls back upon the organic law. Mr. Thurston was always paid more than \$2,500. Here are the Representatives from California, who, under the law of 1818, get their long mileage. Here is the Delegate from Oregon, who comes several hundred miles further, that gets less than half the amount they receive. I want to put this question naked to this House, Will members who have drawn their long mileage and pocketed it, now vote that their brother member shall not be treated as liberally, be discriminated against, who receives less than one half the sum others have received, and at the same session? I am for reform, but let the general bill come up providing for putting us all upon an equality, and then I will go with the gentleman from Georgia, [Mr. Toombs,] but I will not vote to discriminate against any gentleman upon this floor, as will be the case if I

vote against this bill as reported from the committee. It is a very good way for Buncombe to throw these amendments in this way, for the purpose of embarrassing the bill and defeating it. Let us have a naked vote upon the naked bill as reported from the committee, and see what the sense of the House is upon that subject.

It will be time enough hereafter to adjust this matter as to the manner it shall operate upon the House in future. The gentleman from Georgia [Mr. Toombs] admits that we cannot go back, we cannot make a retroactive law; and unless this bill passes, therefore the Delegate from Oregon must suffer under an odious and ungenerous discrimination.

Now I do not deem it necessary to argue the question as to whether \$2,500 is compensation enough for a man who comes from Oregon. But I will simply state, that I do not think it is enough. I believe that those who come from the Pacific here, have to spend more money, in proportion, in coming to Washington, than any other members of this House, come whence they may.

It is an expensive, and a long and a dangerous trip, and moreover it cannot be performed between the long and the short sessions, and members from that section are obliged to come here at the commencement of a Congress and remain here until the end of it. An overland journey takes from four to six months.

Mr. STUART. I wish to submit a few remarks upon this question. I wish to say that I will join, at any time, the members of this or any other Congress, for the purpose of enacting a law on this subject, which shall operate equally upon all the members of this House. But, sir, I should do something besides making an equality of pay. Those of us who have had a little experience here, know full well that there are some members of this House who make more than one thousand dollars, upon certain occasions, in their business at home, and draw their per diem all the time they are making it.

Mr. CARTER, (interrupting.) To what portion of the House will those remarks apply?

Mr. STUART. In regard to that inquiry, I would say to the gentleman from Ohio, that it is of no importance to what portion of the members they apply. If we are going to act upon the principle of equality, let us do it in a proper manner.

[Here a message was received from the President of the United States by the hands of MILLARD P. FILLMORE, his Private Secretary.]

Mr. STUART, (resuming.) There have been many cases where a man has not spent one month here, during an entire long session of Congress, and yet has drawn his per diem for the whole session. Now, is this equality? Do gentlemen suppose that this question of equality can be reached in a minute? When you have reduced the mileage of each member to an equality, have we settled all? No such thing. It is necessary to call the roll here, and also to deduct the per diem for absence, before you will come near to an equality. Now, it is known to everybody, that gentlemen who reside in the States near this Capitol, go home, visit there, and return at their pleasure. But does their pay stop during the time? If a man is unwell, and goes home, and remains there until his convenience makes it proper for him to return, is his pay suspended? But suppose a man has the privilege, merely, of going home: then I would like to ask any gentleman who has a family, and children, how much he would give, as a matter of bargain, for the privilege of going home to visit them once a month, or once a week, or once in three months?

Mr. AVERETT, (interrupting.) In order to show the inequality of this mileage system, I would say that there are members upon this floor receiving \$200, or even as low as \$150 mileage, who find more difficulty in visiting their wives and children, and who do it less frequently, than others who are receiving from \$800 to \$1000 mileage.

Mr. STUART, (resuming.) All that goes to show the difficulty that exists in reducing this matter of mileage to an equality; and the only object I had in view, in offering my remarks, was to show to the House, in a few words, if I could, the impossibility of reaching that system of equality which all talk so much about, and which all desire so much.

But, sir, what is the proposition here? It is

simply to place the Delegate from Oregon upon the same basis which every other gentleman in the House stands upon, until this day of millennium is arrived at. When we commence the general system of reform in regard to the mileage, this particular case will be comprehended in whatever system may be adopted. All that the committee now ask is, to place the Delegate from Oregon upon precisely the same basis occupied by every other gentleman here, until that object—which seems so easily to be accomplished by gentlemen, but which I think will be found a most difficult one, when they get at it—shall be finally accomplished.

Mr. SWEETSER. Mr. Speaker, I intend to move, before I sit down, to refer this bill to the Committee of the Whole upon the state of the Union. The remarks I wish to make reflect not in the least degree upon the honorable member from California, or upon the committee that reported this bill. I desire to say to this House, that I have long since despaired of ever remedying this evil here; but I shall not be deterred from expressing my opinion and sentiments frankly upon the subject, although gentlemen may talk about Buncombe. Now, sir, at the time this territorial government was organized over Oregon, this House solemnly legislated in relation to this matter of mileage, and it was placed at the sum of \$2,500 for the Delegate from that Territory. I have seen no reason for changing my opinion in relation to that matter, and I do not intend to change it in the vote I may give upon this bill. I intend, when this subject comes up in the Committee of the Whole House, to move to fix the mileage of the members of the House at a specific sum. I am not in favor of going beyond one thousand dollars, as mileage, to any member of this House, and fixing that as the maximum, and \$500 as the minimum—making it uniform. That sum is sufficient. I move to refer this bill, with its amendments, to the Committee of the Whole on the state of the Union, and upon that I call the previous question.

Mr. ALLISON. I would ask the gentleman from Ohio, [Mr. SWEETSER,] to withdraw his motion until I can offer an amendment, which I think will meet with his approbation.

Mr. SWEETSER. Will you renew it?

Mr. ALLISON. I will.

Mr. SWEETSER. Then I withdraw my motion.

The amendment of Mr. ALLISON was then read by the Clerk, as follows:

That in computing the mileage of members of the Senate and members of the House of Representatives, the same shall be computed by the most direct and shortest mail route, or by the shortest practicable traveled road, from the residence of each Senator and member of the House of Representatives to the seat of Government.

Mr. ALLISON. I offer this amendment, Mr. Speaker, because if such a resolution were adopted, it would relieve members of this House very much, when they are called upon to furnish the Committee on Mileage with the distances of their residences from the seat of Government. Now, sir, you are aware, and if you are not you have but to consult the Committee on Mileage to know it, that there are several routes from the residences of each of the members of this House to the seat of Government, and it sometimes embarrasses the members of that committee in computing the mileage of members; and it embarrasses not only the committee but members of the House. By that amendment I propose that the mileage shall be computed by the shortest mail route, or by the shortest traveled route. Now, I do not believe the spirit of the law will, although the language of it may, justify members in calculating their mileage by a circuitous route. I do not believe the spirit of the law recognizes or countenances such a calculation, although its letter does. I believe that when that law was passed, members of Congress had to reach this place by modes of travel altogether more difficult than those which they are now able to avail themselves of. Then, many of them had to come here on horseback, and I do not know but some of them had to come on foot. I believe it was intended that members should be paid a per diem in traveling. Many of them could not travel more than twenty miles a day, and it was intended that they should receive eight dollars for traveling that distance. Now, some of us can travel two or three hundred miles a day, by railroad, and in doing that, we travel, probably, a greater distance in one day than mem-

bers formerly could in ten or fifteen days. I do not believe that the law contemplated such a state of things at all, and it is my conviction, that the law should be altered so that members be paid by the shortest practicable route. The law allows us now by the most usually traveled route. That in some cases is not the shortest by any means. I would not impugn the motives of any member of the House; but the law does give to members mileage by roads that are indeed almost twice as far as the direct road to and from their places of residence. The spirit of the law never intended this; and we should, if the letter of the law gives it, so modify it that it cannot be evaded. Let gentlemen travel as they may, by the direct, or that the most convenient and comfortable to themselves, but let them not charge the Government by the longest and most comfortable route. If they are disposed to travel a circuitous road of seven or eight hundred miles when they can reach the seat of Government by a road of four hundred miles, let them not charge by the eight hundred mile route. I think that there is great propriety in the adoption of the amendment, so as to restrict to the shortest practicable mail or traveled route. It will relieve the committee. You did me the honor, Mr. Speaker, of placing me upon that committee, and should I ever be permitted to meet in this Hall, when you are again constituting the committees, I would here merely give you a kind hint not to place me upon that committee. It is a very honorable and pleasant place to serve, but I do not desire to serve more than one session upon it. I trust we may now have in this House an indication of their disposition upon this subject. The committee wish to treat all the members here alike, to place them upon an equality, and to give all that the law allows; and yet we find, by conversing with friends, that there exists a desire to have the law altered. They say that its language, as it now stands, is wrong; therefore let us now have a test. I have no doubt but that every member here will vote for such an alteration. I have not found in my intercourse with the members, any who are opposed to it. I have offered this amendment to ascertain whether the committee shall hereafter be permitted to compute mileage by the shortest practicable route from the residence of members to the seat of Government. I wish the matter tested. I move that the bill be referred to the Committee of the Whole.

Mr. SWEETSER called for the previous question.

Mr. MARSHALL, of California. I hope the gentleman will withdraw his call for the previous question for a moment.

Mr. SWEETSER. I withdraw it unconditionally.

Mr. MARSHALL. I shall detain the House but a very few minutes. I am decidedly in favor of the original bill as reported by the committee; and it seems to me that in all this loose and irregular expression of the opinion of the House that that bill is the only single thing which points at all towards that equality and justice for which gentlemen pretend to contend. It is a singular sort of equality which would pay a gentleman who travels from here to Baltimore forty cents a mile as his traveling expenses, and which would pay a man who travels from Oregon or California here the sum of some two cents and a half per mile. Everybody who knows anything of the road, (and few gentlemen here do know anything about the greater portion of it,) knows that the ratio of danger and difficulty and expense increases infinitely with each mile as we go more remote from the Capitol. Let any gentleman attempt to effect a policy of insurance upon his life when he is going from Washington city to California, and mark the difference in the premium. And is not that a matter as fairly to be taken into consideration as the suggestion of the gentleman from Maryland, [Mr. EVANS?] If a man exposes his life, as each man who makes this trip does imminently, is not that fairly to be taken into consideration? Is there any equality whatever in the naked principle logically and simply stated? Is there any principle upon which this depends? that a member who travels one hundred miles is to get forty cents a mile, and a member who travels three or four thousand miles is to get two and a half cents per mile, when the member who travels the longest distance has to pay in proportion greater for expenses than the member who travels the shortest

distance? Is it possible for any question to be clearer? It is obvious gentlemen cannot in this effort be actuated simply by a desire for equality. Gentlemen talk of the sacrifice which all other members make here—of neglect and the loss of business. The gentleman from Maryland [Mr. EVANS] says that he is a lawyer. I am a lawyer also, and I dare say have received more in a single fee—more for a single two hours' discussion, than that gentlemen ever did in any one year—even the most lucrative year of his practice. My seat upon this floor costs me more. I make each and every day a greater sacrifice in the advancement of my private and personal fortune than any man in this House; infinitely more. Members ought to bear in mind these collateral facts. A member that comes back from California is entitled, in the minds of the House, to the consideration of another fact, that he not only has to come back from California, but that he had to go there. I know that I myself was nine months in making that trip—nine months of peril and of danger. I felt when I started that I had a high mission to accomplish; one in which I have persisted regularly, constantly, and perseveringly ever since. Other men did not choose to undertake it. Other gentlemen having comfortable, convenient, easy, lucrative situations at home preferred remaining there. It costs some gentlemen nothing to come to Congress. It costs them nothing to run for Congress. It cost me a year of my life, with many, many chances of losing it altogether. I beg leave to assure the House, that my mileage, great as it looks to a man in the States, did not bring me even with my actual expenditures in the canvass by which I now hold this seat here. I was out of pocket after I got from the Sergeant-at-Arms all even of this seemingly extravagant mileage. Gentlemen seem, however, to forget all the facts in reference to California—even that her members are very inadequately compensated for their trouble and expense in getting here. I paid in gold dust more money than I have received from the Sergeant-at-Arms of this House. Now, where would be the equality in cutting down this rate? Why, the barley feed for my mule—and we travel there where none could go but a mule—is fifty cents per pound, and you have to feed a great many pounds in scrambling over such rocks as we have to scramble over; fifty cents a pound, or five dollars a day, for the mere feeding of your animal: twenty-five cents a drink, [laughter,] and the people of California will once in a while take a drink in election times, when the great Democratic party is making a powerful, and as it turned out, a successful effort, to organize itself. In great and exciting times like that, the people of California will sometimes take a drink; and you have to pay a quarter for it every time. [Laughter.] You have to pay in the mountains even more. The circumstances of any gentleman of any relation there are widely different from what they are here; and these differences ought fairly to be taken into consideration. They talk about equality: I say this mileage does not make me on an equality with any of those gentlemen, especially the gentleman from Ohio, [Mr. CARTER]; and I will venture that, at the end of any Congressional term, the gentleman from Ohio, who was so violent in his denunciations of the inequalities of mileage paid to us, is very much more the gainer than any Delegate from any remote Territory whatever, upon the mere pay and mileage; and he has got twice as much now clear profit—twice as much as I have, or could by possibility have.

I was in the hope that it was not necessary for me to say anything at all upon the subject to-day. I mean at a proper period to discuss it more seriously and more at length. I have contented myself, at present, with merely showing that there was at least one man in the House who does not hold to the opinions which have been expressed so readily all around.

But here is an opinion which I have to express. If gentlemen think this matter of mileage is a humbug—that it is a living injustice; that it is a reproach to Congress—if gentlemen want to talk to Buncombe about these questions, I have a proposition to make, which I do now make expressly to Buncombe, and I want the Reporters to write it down—I will sacrifice all my mileage readily. I am able to do it, thank Providence and the gold mines. I will give up all my mileage. I say, just acknowledge the whole system a humbug; dis-

pense with it entirely, and there is not a man in this House who will accord his consent to it so cheerfully and so readily as I will. There is not a man who cares so little about money as I do, as I have always cared, and as I hope to care while I live. I say, give up the mileage entirely, and restrict ourselves to the per diem. Let a bill of that kind be reported, and it will receive my cheerful and ready consent. But there has been in the whole legislation of the country, ever since California attempted to be admitted into the Union up to this moment, a system of distinctions and discriminations against that State, which is enough to drive any generous and independent people into resentment, and into a very serious expression of their resentment. Illustrations of this occur to me constantly. There is found three ounces of gold dust in Georgia and North Carolina, and all at once a Mint springs over the spot to coin it. We have a hundred millions a year, and we cannot get a blacksmith shop, and we do not want anything better—any sort of a log hut—so the Government will send its sovereign power there to stamp our gold with the mark of its true value, and to give it its market value as it comes from the mines and the hands of the laborer. That is all we ask, and we cannot get it done. In New Orleans \$3,000,000 have been appropriated for a custom-house, and in San Francisco \$300,000—San Francisco being infinitely ahead at the same time in the revenue she yields to the Government. These are two of the hundreds of odious and unreasonable discriminations which are made by this Government against the State I represent here.

I have forbore to speak of these things—have never sought to speak of them; but the neglect of this House upon the one hand, and its spasmodic activity upon the other—the utter neglect, on the one hand, to make appropriations absolutely necessary for California, and the promptitude and readiness exhibited upon the other hand to cut down the compensation of the Representative from that State, would make it meanness in me to forbear longer from showing, at least, that California has got some sort of Representative upon this floor, who means to have her voice distinctly heard.

Mr. WOODWARD. I merely wished to suggest my reasons for approving the report of the committee, when I inquired whether there was not a general law and restriction applicable to all members. It is stated, however, that that restriction has been overlooked heretofore. I cannot help it. I do not think it a very material matter that it has been, setting apart the consideration of morality. I rise now to make an observation in reference to the proposition of the gentleman over the way, who has submitted an amendment. The object of that amendment is to determine by what indications the route proper to be traveled by the member, shall be selected. The aim is to reduce the compensation of the members of the legislative branch of the Government—at least I so understand it. And here I have a pertinent inquiry to put: Why is it that the members of the legislative branch of the Government are perpetually assailing their own compensation, without our ever hearing any complaint of the compensations given to any other branch? Why has your President never besought you to reduce his compensation? Have your heads of Departments ever clamored here to have their compensations reduced? Has your Army ever done it? Has your Navy ever asked this? Have your Diplomatic Corps ever complained that they received too much? Such a proposition from either of these services would fill this House and the country with amazement. And yet these officers receive compensations, in some cases, two hundred per cent. higher than the compensation given to members of this House. Your President receives \$25,000 a year. Your Heads of Departments receive, I think, each about \$6,000 a year. Your Judiciary receive \$5,000 a year. Your Diplomatic Corps receive from \$6,000 to \$18,000 a year, and that year made as short as the President may choose to make it. Your first-rate subordinates under the President receive \$6,000 a year; your second-rate subordinates receive from \$3,000 to \$4,000 a year. Your third-rate subordinates receive from \$1,600 to \$2,500 a year. And yet, never, from the foundation of this Government, has one solitary Executive subordinate besought you to reduce his compensation. But is this all? No, sir. They have, on the contrary, a large pro-

portion of them, besought you continually to increase that compensation. The clamor here in this body, for raising the comparatively exaggerated compensations, in the other Departments, is only equalled by the clamor to reduce our own. Now, I put it to gentlemen upon this floor, who stand up here as patriots, as they say, and do doubtless imagine that they are prompted by love for the people and the country, why is this? Why is it, tell me, that the same member to-day claims to have reduced his own compensation, and to-morrow rises here and advocates an increase of compensation to subordinates in the executive branch? I leave gentlemen to answer the question, laying their hands upon their bosoms, what is the reason of this?

The Government of the United States is called a Democracy, and Democracy is a government in which the people elect those to make the laws who hold the offices. But here, within this Hall, are all the officers elected by the people under our system? Your President appoints the whole Executive branch; he appoints the whole judicial branch; he appoints the whole diplomatic corps. He makes your Army and Navy. And yet what a spectacle do we present? Placed here by the Constitution to sustain this branch of the Government, we are but instruments to prostrate it. Why, even those so-called Federalists, such as Hamilton and Morris, were all agreed, that this was the supreme branch of the Government, and that the other branches were merely subordinate. But what do we see in practice? Why, you find this body enlisted continually in its own degradation, and everything is done that can be done by it to destroy its own dignity and independence. The salaries paid to an Auditor, not to go up to the first-rate subordinates of the President, are such as to seduce men from this body—even from the Senate—from the Chief Magistracy of a State. Men will abandon the office of Chief Magistrate of a State to become commercial agents in some foreign port. Now, can this body possibly maintain its own dignity and independence under such a state of things?

I do not wish to go further into this subject at this time, as I do not conceive it to be fully and regularly before the body. I hope the bill will be re-committed to the committee, with the amendment of the gentleman over the way, [Mr. ALLISON.] But what I have to say finally is this, and what I shall embrace some more appropriate occasion to enlarge upon, that except you give to the members of the legislative branch of the people—the elected branch of the Government—compensation that will put officers beyond all temptation which your President can offer them in any office, this branch of the Government will fall into contempt and disgrace.

Mr. STEPHENS, of Georgia. I have not heard any gentleman upon this floor advocating the doctrine which the gentleman from South Carolina, [Mr. WOODWARD,] who has just taken his seat, seems to impute to them. I do not consider that those who are for equalizing mileage and compensation are for degrading the Legislative Department of the Government.

Mr. WOODWARD. I took occasion to make remarks with reference to the general habit and spirit of this House as manifested since I have been a member, stating at the time, that I conceived the present proposition, as according with those objects. I contended that the compensation of members ought to be made just between one and the other, and my reason for recommitting the bill is with that view, to make the compensation equal as far as possible.

Mr. STEPHENS. I understand the principle of the bill now before us to be the removal of the limitation now existing upon the present very unequal system. If the bill pass, the system will be more unequal than it now is. The gentleman certainly advocated the passage of the bill as reported by the gentleman upon my left, [Mr. HENDRICKS.] Now, I put it to this House, and the country, if it is just that the present unequal system should be rendered more so? Is it right that one member should receive \$40 mileage and others shall receive \$5,000? Does it add to our dignity as members of a legislative branch of the Government, that this inequality should exist, much less that it should be increased?

Mr. WOODWARD. I stated that the general law limited it—

Mr. STEPHENS. We have been told that the general law was imperative. I am not informed upon that subject. It is for me, however, to give my opinion and vote upon the bill before this House. Now this bill proposes to repeal that provision of the existing law by which the mileage of the Delegate from Oregon is limited to \$2,500; and I think that \$2,500 is a sufficient maximum limitation upon the mileage of all members of Congress. The gentleman wishes to put the members of this House upon an equal footing with your Judiciary. Well, sir, I shall not oppose that; but I am opposed to putting some above others. All, in my opinion, should be put upon the same footing. Do not put the Delegate from Oregon, or the Representatives from California, or the Representatives from Utah, when that shall become a State, upon a position higher and more elevated than members from Georgia or South Carolina, Maryland or Virginia: let us have equality. Whatever may be necessary to elevate your legislative department—whatever may be essential to carry out this object, do it, and I will be with the gentleman. It is because I am for justice and equality, that I am opposed to this bill. I see no reason for giving the Delegate from Oregon a salary of \$5,000 as mileage, when a member from Maryland gets but \$40. The gentleman from California [Mr. MARSHALL] says that upon a settlement with the Sergeant-at-Arms, after taking his expenses into consideration, he was minus. But what expenses does he bring into the account? His legitimate traveling expenses to and from California only? By no means. But his expenses in traveling in that rugged country in his canvass, and all the expenses incident to an electioneering of campaign, including mule feed and even his own grog-bill at twenty-five cents a drink. Now, I ask this House if it is our duty, and if we should recognize this principle, that the expenses of electioneering campaigns incurred by the members of the House are to be paid out of the public Treasury as mileage to members? Is it by sanctioning any such principle that we are to elevate the dignity of this House? My opinion is, that these considerations should not enter into our views at all, and should not control our action here. And while we should see that the pay or compensation of all is enough to sustain the Legislature as an independent co-ordinate branch of the Government, we should not for any consideration allow an unequal and exorbitant amount to be paid to any particular member or class of members. The effect of this bill is to give an exorbitant amount, compared with the compensation of other members, to the Delegate from Oregon. We should have some general and just system. If \$5,000 besides per diem is just for the Delegate from Oregon, it is equally just for all the rest. I am for an equal and just system of compensation. This bill has no such object. So far from it, its object is to increase the present inequality, by removing the restrictions put upon the amount to be paid to the Delegate from Oregon. If this be done, it will be opening the doors for greater inequalities than those now existing and on account of which there has been so much and just complaint for years, in the mileage, both of members and Senators. I move to lay the bill upon the table, and upon that question I ask the yeas and nays.

Mr. MARSHALL, of California. I wish to say a word only in—

The SPEAKER. Debate is not in order.

Mr. STEPHENS, of Georgia. I will withdraw my motion for the gentleman from California to make a personal explanation.

Mr. MARSHALL. I did not suppose that my remarks, playfully made, would bear the construction that my traveling expenses, and grog bills included, should be paid by the Government. That portion of my remarks was addressed as a reply to remarks of the gentleman from Maryland, [Mr. EVANS,] who had gone into a statement of the loss which had accrued to him, and which did accrue to other members, by running for Congress and taking seats here. Among other things, he mentioned the loss of his professional practice. I say that my bill of items is as legitimate matter for consideration as the others which had been urged; and that the peculiar condition and expenses connected with the country which I represent, are fairly to be considered, and ought to go to make up that equality for which I contend. That is what I said, and what I meant to say.

Mr. STEPHENS. In reply to the gentleman from California, I will simply say, that I am utterly opposed to permitting any of these incidental expenses of the campaign to enter into the compensation of members. How expensive it must be to carry an election, either in the city of Baltimore or New York! for although there are no mules to be employed there, I expect there is a great deal of grog to be drunk. I now renew the motion to lay the bill upon the table, and ask for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 80, nays 101; as follows:

YEAS—Messrs. Abercrombie, Charles Allen, Willis Allen, William Appleton, Averett, Thomas H. Bayly, Barrere, Bartlett, Bennett, Bibb, Bingham, Bock, John H. Boyd, Briggs, Brooks, George H. Brown, Burrows, Caldwell, Lewis D. Campbell, Carter, Chapman, Chastain, Churchwell, Cleveland, Clingan, Curtis, George T. Davis, Dockery, Edmundson, Evans, Ewing, Floyd, Fowler, Henry M. Fuller, Goodnow, Hammond, Harper, Hascall, Haven, Hebard, Hibbard, Houston, John W. Howe, Jenkins, Andrew Johnson, James Johnson, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kurtz, McLanahan, McMullin, McEacham, Miller, Miner, Henry D. Moore, Morehead, Murphy, Murray, Newton, Outlaw, Perkins, Savage, Schoolcraft, Schoonmaker, Skelton, Stanly, Benjamin Stanton, Alexander H. Stephens, Thaddeus Stevens, Sutherland, Sweetser, Taylor, Benj. Thompson, Toombs, Walbridge, Washburn, Watkins, Alexander White, and Wildrick—80.

NAYS—Messrs. Aiken, Allison, David J. Bailey, Beale, Bissell, Bragg, Breckenridge, Brenton, Buell, Busby, G. C. Chandler, Clark, Cobb, Colcock, Conger, Daniel, J. C. Davis, Dawson, Disney, Doty, Duncan, Dunham, Eastman, Edgerton, Ficklin, Fitch, Florence, Freeman, Thos. J. D. Fuller, Gamble, Gaylord, Gentry, Giddings, Gilmore, Grey, Hall, Hamilton, Isham G. Harris, Sampson W. Harris, Hendricks, Henn, Holladay, Howard, Thomas Y. How, Ingersoll, Ives, Jackson, John Johnson, Robert W. Johnson, Letcher, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, McCorkle, McDonald, McQueen, Molony, John Moore, Morrison, Nabers, Olds, Samuel W. Parker, Peaslee, Penn, Pemmin, Phelps, Powell, Price, Rantoul, Riddle, Robbins, Robie, Robinson, Russell, Sackett, Scurry, David L. Seymour, Origen S. Seymour, Smart, Frederick P. Stanton, Richard H. Stanton, Abrahm P. Stevens, Stone, St. Martin, Strother, Stuart, George W. Thompson, Thurston, Townshend, Venable, Wallace, Walsh, Ward, Welch, Addison White, Wilcox, Williams, Woodward, and Yates—101.

So the House refused to lay the bill upon the table.

Mr. SWEETSER renewed the motion to refer the bill to the Committee of the Whole on the state of the Union; and on that motion he demanded the previous question.

The question was taken on seconding the demand for the previous question; and there were—ayes 70, noes 44—no quorum voting.

Mr. STUART called for tellers; which were ordered, and Messrs. BRECKENRIDGE and CHANDLER were appointed.

The question was again taken, and the tellers reported—ayes 85, noes not counted.

So the previous question received a second.

The main question was then ordered to be put.

Mr. ROBINSON inquired what was the question pending?

The SPEAKER stated that a motion had been made to recommit the bill to the committee that reported it, with certain instructions, to which instructions an amendment was pending; another motion had been made to refer the bill to the Committee of the Whole on the state of the Union, without instructions; and upon that motion the vote would first be taken.

Mr. EVANS. I ask the unanimous consent of the House to modify my instructions so as in the first place to pay all the expenses of actual travel of every member.

Mr. KING, of New York, and several other members, objected.

Mr. HENDRICKS. I desire to say to the friends of this bill—

[Loud cries of "Order!"]

The SPEAKER. The gentleman can address the House only by unanimous consent, the previous question having been ordered.

Mr. HARRIS, of Tennessee. He reported the bill.

Mr. HENDRICKS. The chairman of the committee who reported the bill, has a right to speak for one hour.

Mr. CLINGMAN. I beg leave to remind the Chair, that it has been again and again decided, that on a motion to refer to a committee, the chairman is not entitled under the rules to speak.

The SPEAKER. The Chair so decides. The

question is on referring the bill to the Committee of the Whole on the state of the Union.

Mr. CARTTER demanded the yeas and nays. Mr. STEPHENS, of Georgia. Is it in order now, again to move to lay the bill upon the table? The SPEAKER. It is. Mr. STEPHENS. Then I make that motion.

The yeas and nays were then ordered on Mr. SWEETSEER's motion.

Mr. STEPHENS. I withdraw the motion to lay the bill upon the table, until the vote shall have been taken on the motion to refer the bill.

The question was then taken on Mr. SWEETSEER's motion; and it was decided in the negative—yeas 77, nays 96, as follows:

YEAS—Messrs. Abercrombie, Charles Allen, Allison, William Appleton, Barrere, Bartlett, Bibbians, Bocoek, Brooks, George H. Brown, Burrows, Caldwell, Lewis D. Campbell, Carter, Chapman, Chastain, Cleveland, Clingman, Curtis, Daniel, George T. Davis, Dockery, Duncan, Evans, Floyd, Fowler, Henry M. Fuller, Gentry, Giddings, Goodenow, Hammond, Harper, Isham G. Harris, Hascall, Hebard, Houston, John W. Howe, Hunter, James Johnson, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kurtz, McMullin, Meacham, Miller, Millson, Henry D. Moore, John Moore, Murray, Newton, Outlaw, Perkins, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, Skelton, Stanly, Benjamin Stanton, Thaddeus Stevens, Strother, Sutherland, Sweetser, Taylor, Benjamin Thompson, Toombs, Walbridge, Wallace, Walsh, Washburn, Watkins, Addison White, Wildrick, Woodward, and Yates—77.

NAYS—Messrs. Aiken, Willis Allen, Ashe, Babcock, David J. Bailey, Thomas H. Bayly, Beale, Bell, Bissell, Bragg, Breckenridge, Brenton, Buell, Busby, Caskie, Chandler, Churchwell, Clark, Cobb, Colcock, Conger, John G. Davis, Dawson, Disney, Doty, Dunham, Eastman, Edgerton, Ewing, Ficklin, Fitch, Florence, Freeman, Thomas A. D. Fuller, Gamble, Gaylord, Grey, Hall, Hamilton, Sampson W. Harris, Haven, Hendricks, Henn, Howard, Thomas Y. How, Ingersoll, Ives, Jackson, Andrew Johnson, Jno. Johnson, Robert W. Johnson, Letcher, Lockhart, Mace, Edward C. Marshall, McCorkie, McDonald, McLanahan, McQueen, Miner, Molony, Morehead, Morrison, Murphy, Nabers, Olds, Orr, Samuel W. Parker, Penniman, Phelps, Porter, Powell, Price, Rantoul, Richardson, Robbins, Robie, Robinson, Russell, Scurry, Origen S. Seymour, David L. Seymour, Smart, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Alexander H. Stephens, Stone, St. Martin, Stuart, Geo. W. Thompson, Thurston, Townshend, Ward, Welch, Wilcox, and Williams—96.

So the House refused to refer the bill to the Committee of the Whole on the state of the Union.

Mr. HENDRICKS. What is the next question?

The SPEAKER. The question recurs upon the amendment to the instructions proposed by the gentleman from Maryland.

Mr. HENDRICKS. I move the previous question.

The SPEAKER. The previous question has already been ordered.

Mr. STEPHENS, of Georgia, moved to lay the bill and all the amendments pending upon the table; and upon that motion demanded the yeas and nays.

The yeas and nays were ordered; and the question being taken, it was decided in the negative—yeas 79, nays 94, as follows:

YEAS—Messrs. Abercrombie, Chas. Allen, William Appleton, Averett, Babcock, Thos. H. Bayly, Barrere, Bartlett, Bennett, Bibbians, Bocoek, John H. Boyd, Brooks, Geo. H. Brown, Burrows, Caldwell, Lewis D. Campbell, Carter, Chandler, Chapman, Chastain, Cleveland, Clingman, Curtis, George T. Davis, Dockery, Edmundson, Evans, Floyd, Fowler, Goodenow, Hammond, Harper, Sampson W. Harris, Hascall, Haven, Hebard, Hibbard, Houston, John W. Howe, Hunter, Jenkins, Andrew Johnson, James Johnson, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kurtz, Meacham, Miller, Millson, Henry D. Moore, Morehead, Murray, Newton, Outlaw, Perkins, Price, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, Skelton, Stanly, Benjamin Stanton, Alexander H. Stephens, Thaddeus Stevens, Sutherland, Sweetser, Taylor, Benjamin Thompson, Toombs, Walbridge, Washburn, Watkins, Alexander White, and Wildrick—79.

NAYS—Messrs. Aiken, Willis Allen, Allison, Ashe, David J. Bailey, Beale, Bell, Bissell, Bragg, Breckenridge, Brenton, Albert G. Brown, Busby, Caskie, Churchwell, Clark, Cobb, Colcock, Conger, John G. Davis, Dawson, Disney, Doty, Duncan, Durkee, Eastman, Edgerton, Ficklin, Fitch, Florence, Freeman, Gamble, Gentry, Gilmore, Grey, Hall, Hamilton, Isham G. Harris, Hendricks, Henn, Thomas Y. How, Ingersoll, Ives, Jackson, John Johnson, Robert W. Johnson, Letcher, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, McCorkie, McDonald, McLanahan, McQueen, Miner, Molony, John Moore, Morrison, Nabers, Olds, Orr, Samuel W. Parker, Peaselee, Penn, Penniman, Phelps, Porter, Powell, Rantoul, Robbins, Robie, Robinson, Russell, Scurry, David L. Seymour, Origen S. Seymour, Smart, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, St. Martin, Stuart, George W. Thompson, Thurston, Townshend, Wallace, Walsh, Ward, Welch, Wilcox, Williams, and Woodward—94.

So the House refused to lay the bill upon the table.

The question recurred upon Mr. ALLISON's amendment to the instructions to the Committee on Mileage, proposed by Mr. EVANS.

Mr. HENDRICKS. Is the previous question exhausted?

The SPEAKER. It is not. The previous question will apply first to the amendment proposed to the instructions; second, to the recommitment of the bill to the Committee on Mileage, with instructions, and if not committed, the bill will then be put upon its engrossment.

The question was then taken on Mr. ALLISON's amendment, and it was not agreed to.

The question recurred on Mr. EVANS's motion to recommit the bill with instructions.

Mr. EVANS. I now ask the unanimous consent of the House so to modify the instructions as to provide for the traveling expenses of every member of the House before equalizing the mileage.

[Loud cries of "Object!"]

Mr. HARRIS, of Tennessee, moved that the House do now adjourn; but withdrew it at the request of

Mr. WILDRICK, who, from the Committee on Enrolled Bills, reported back as correctly enrolled "An act to admit the hermaphrodite brig Sylphide to register;" which thereupon received the signature of the Speaker.

Mr. HARRIS then renewed the motion to adjourn.

And the question being put, it was decided in the affirmative—yeas 86, nays 73.

So the House adjourned until to-morrow.

NOTICES OF BILLS.

By Mr. CLARK: A bill entitled "An act to amend an act entitled 'An act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Bellevue, Dubuque, and Peru, in the county of Dubuque, Territory of Wisconsin.'"

By Mr. BROWN, of Mississippi: A bill to authorize the Legislature of the State of Mississippi to sell the lands heretofore appropriated for the use of schools in that State, and to ratify and approve the sales already made.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. PHELPS: The petition of J. M. Cruse and 24 other citizens of Hickory county, Missouri, for a post road from Hermitage, Hickory county, via Buffalo, to Hartville, Wright county, in the State of Missouri.

Also, the petition of Jesse L. Paine and 94 other citizens of Dallas county, Missouri, for a post road from Hermitage, Hickory county, via Buffalo, to Hartville, Wright county.

Also, the petition of Cyrus W. McCulloch and other citizens of Dade county, Missouri, praying that relief may be extended to said McCulloch by refunding to him the purchase money paid to the United States for a certain tract of land.

Also, the petition of citizens of Pettis county, Missouri, for a post road from Fairview, Pettis county, to High Point, Johnson county.

By Mr. HAVEN: Various papers and four petitions by masters, mariners, and persons interested in the commerce of Lake Erie and the northwestern lakes, and of physicians and surgeons, for a marine hospital at Buffalo, New York.

By Mr. ALLISON: The memorial of sundry citizens of Washington county, Pennsylvania, for an act to prohibit the transportation or delivery of the mails on the Christian Sabbath or Lord's day.

Also, the petition of certain citizens of Beaver county, Pennsylvania, praying that a post road be established between Economy and Hookstown, in said county.

By Mr. TAYLOR: The petitions of C. P. Chandler, James Sparks, J. O. Sparks, William Odell, and J. G. Reed, assistant marshals, in the counties of Scioto, Adams, and Pike, Ohio, praying Congress to allow them additional compensation to that allowed by the act of May 23, 1850, for taking the Seventh Census.

By Mr. FOWLER: The petition of Ezekiel Jones and 287 citizens of Scituate, Massachusetts; also, of Samuel C. Martin and 25 other branch pilots, of Boston; also, of Henry Paine and 158 others, ship-masters, and others, of Provincetown; also, of George Marston and 42 others, merchants, ship-masters, and others, of Barnstable, Massachusetts, praying for an appropriation from the Treasury of the United States for the improvement of the harbor of Scituate, in the State of Massachusetts.

By Mr. BROWN, of Mississippi: The petition of William Vanerson, for himself and others, praying for a mail route from Monticello, Mississippi, via Benjamin Bresten's, to Smithdale, in the same State.

By Mr. FITCH: Three petitions from citizens of Jasper county, Indiana, asking the establishment of a mail route from Lafayette, Indiana, through Rensselaer and Morocco, to Monreue, Illinois.

By Mr. FULLER, of Maine: The memorial of S. R. Devereaux and 8 others, assistant marshals for the county of Hancock, Maine, praying an increase of compensation for taking the Seventh Census.

Also, the remonstrance of Thomas Robinson and sundry others, ship-masters and ship-owners, of Ellsworth, of Maine, against repealing any of the provisions of the act of March 3, 1847, reducing costs in admiralty proceedings.

By Mr. STANTON, of Tennessee: The memorial of William Stidham and 81 other citizens of Fayette county, Tennessee, praying Congress to abolish the office of chaplain in the various branches of the public service.

By Mr. CHANDLER: Two memorials, numerous signed by citizens of Philadelphia, protesting against a renewal of Woodworth's patent for a planing machine.

By Mr. FLORENCE: The memorial of Samuel Morton, Ward B. Hasetline, and John B. Austin, and others, of the city of Philadelphia, calling the attention of Congress to the obstruction which exists at the Falls or Rapids at Louisville, Kentucky, and asking from the General Government an improved navigation around the Falls of Ohio to meet the requirement of the growing increase of western commerce upon the most important national highway of the Union.

By Mr. GREEN: The memorial of J. S. Fouke and Charles E. Mugg, deputy marshals of Sandusky county, Ohio, asking an increased compensation for taking the census.

Also, the petition of citizens of Wood county, Ohio, praying for the establishment of a mail route from Stoner post office, Seneca county, to Woodbury, in Wood county.

Also, the petition of citizens of Wyandot county, Ohio, praying for the establishment of a mail route from Bucyrus, through Upper Sandusky, &c., to Williamstown.

Also, the memorial of John McCracken and George Heiby, deputy marshals of Crawford county, Ohio, asking further compensation for taking the census.

By Mr. MORRISON: The petition of sundry citizens of Chester county, Pennsylvania, asking the establishment of a mail route from Coatesville, in said county, to Westchester, Pennsylvania.

Also, the petition and papers of Elizabeth Pennington, asking remuneration for property lost by her husband in the late war with Great Britain.

By Mr. BUSBY: The memorial of Joseph Muenscher and 25 others, citizens of the county of Knox, Ohio, asking the suspension of Sunday mails.

Also, the memorial of J. H. Peacock and 30 others, upon the same subject.

By Mr. SWEETSEER: The petition of Miles Penney and N. B. Butler, asking additional compensation for services performed as assistant marshals in taking census under the act of May 22, 1850.

By Mr. DISNEY: The memorial of certain citizens of Cincinnati, remonstrating against the extension of the patent for McCormick's reaper.

Also, the memorial of certain citizens of Hamilton county, Ohio, asking additional remuneration for the discharge of their duty as deputy marshals in taking the recent census.

By Mr. BRIGGS: The memorial by the Speaker and 54 members of the Assembly of the State of New York; also, by Erastus Corning, of Albany, and 37 members of the Assembly of the State of New York, asking Congress for the immediate establishment of a Mint in the city of New York.

By Mr. HARPER: The memorial of Jonathan Pierce, of Muskingum county, Ohio, praying for a pension in consequence of injury received in the war of 1812.

IN SENATE.

TUESDAY, February 17, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

LOUISVILLE AND PORTLAND CANAL.

The President *pro tem.* laid before the Senate a report of the Secretary of the Treasury, in compliance with a resolution of the Senate of the 24th February, 1851, transmitting copies of proxies given to represent the stock of the United States in the Louisville and Portland canal, with the instructions which accompanied said proxies, and a list of the stockholders in said canal, with the amount of stock owned by each; which was read.

Mr. UNDERWOOD. I have already introduced a bill, which is upon the files of the Senate, proposing to purchase the remaining stock in that canal possessed by individuals, to make it a free canal, and to enlarge it. I believe the Committee on Roads and Canals also have the subject under consideration. I think a proper disposition of the communication would be, to let it lie on the table, and have it printed for the use of the Senate, unless the Senator from Indiana [Mr. BRIGHT] wishes to make some other disposition of it.

Mr. BRIGHT. I suppose the communication is connected with a bill which I have had the honor to introduce to the Senate. I therefore move its reference to the Committee on Roads and Canals, and that it be printed.

The motion was agreed to.

COMMUNICATION FROM KOSSUTH.

The PRESIDENT. The Chair has received a letter from Louis Kossuth, inclosing a communication which was made, as he says, to the President of the United States, expressing his gratitude and thanks to the two Houses of Congress, and to the various Heads of Departments for the manner in which he was received in Washington. The letter which he has addressed to me will be read.

The Secretary read the letter, as follows:

CINCINNATI, OHIO, February 14, 1852.

To the Hon. W. R. KING,

President of the Senate:

SIR: Before I left Washington city I felt myself bound by gratitude to return my warmest thanks to the Govern-

ment and the Congress of the United States, for their generous patronage they had so kindly granted to me as the humble representative of my country, from the time when they had sent a steam frigate to Asia, in order to restore me to liberty and activity, to the moment when the august Senate and House and the President bade me welcome in the Capitol and in the White House.

Not initiated into the diplomatic forms of the United States, I respectfully directed my farewell to his Excellency the President, and requested him to communicate my assurance of everlasting gratitude to the Senate and the House of Representatives.

The Secretary of State had since the great kindness to inform me, though his letter has reached me but recently, that my request in respect to the communication would have been gladly complied with, if it were consistent with the accepted forms; and he suggested it to me, as a more appropriate way, to send copies of my address to the Presidents of the Senate and of the House.

It is upon this suggestion of the Secretary of State that I have now the great honor to inclose the feeble expression of my everlasting gratitude and hope, with the request to have it communicated to the august body of which you are the President.

Mr. President of the Senate, your most humble and devout servant,
L. KOSSUTH.

The PRESIDENT. The communication addressed to the President of the United States was inclosed in that address to me. Does the Senate desire that communication to be read?

Mr. DOWNS. Yes; I wish to hear it read.

Several SENATORS. Oh, no!

The PRESIDENT. Not being addressed to the Senate, it is for the Senate to determine. It cannot be read unless such is the pleasure of the Senate.

There being no objection, it was read, as follows:

WASHINGTON CITY, January 12, 1852.

PRESIDENT: The most generous invitation contained in an act of the Congress of the United States, approved and officially transmitted to me by your Excellency, having afforded me the distinguished honor of being acceptably presented, by the illustrious Secretary of State, to the Chief Magistrate of the Republic:

Having been, upon subsequent resolutions of Congress, received with almost unprecedented honors, by the Senate and by the House of Representatives:

Having been entertained with unsurpassed kindness by the Senators and Representatives of the United States, obliged with courtesies far exceeding my aspirations by the heads of the various departments of the Executive Government, and favored by marks of kind attention and sympathy by the honorable members of Congress, in numbers which almost equaled the aggregate of the two illustrious bodies of this great Republic: The time has come when the exigencies of my country's affairs require me to depart from the city of Washington, and fulfill the agreeable duty of acknowledging personally that protective sympathy which many towns, cities, and States, of this glorious Confederation, continue to manifest in favor of the just cause of my country's down-trodden independence and the freedom of the European continent, so intimately connected with it.

This my departure becoming more urgent, as according to the present condition of Europe every moment's accident may call on me to answer those duties, which, in obedient compliance with my nation's sovereign will I assumed, when as unanimously elected Governor of the State of Hungary, I took oath to God and the people to maintain that national independence which my nation had asserted so heroically, and had declared so legitimately; it is a matter of deep regret to me not to be able individually to express my everlasting warm gratitude.

But though my mind be mournfully impressed with inconsolable grief at the melancholy intelligence connected with the last moments of my staying here, that the heart of my beloved and venerable mother has broken under the renewed cruel persecution inflicted upon my family by the House of Austria, still, I cannot take my departure from the capital without leaving a formal, but sincere, acknowledgment of all those memorable favors so generously bestowed upon me.

Conscious as I am that these honors were neither deserved by, nor intended to me personally, who, an humble exile, never could consent to see myself aggrandized while my country lies in ruin and in chains, I have then all the more thankfully received as manifestations of the respect for the everlasting principles of national law, and of the lively sympathy which this great and generous country entertains for my beloved and never for a moment to be forgotten fatherland, now a temporary victim of the violation of those principles.

The oppressed nations of the European Continent, so highly interested in those principles, will look with consolation at these memorable favors I was honored with, as to a practical proof that the Chief Magistrate of this great Republic was indeed a true interpreter of its people's sentiments, and met with the cordial concurrence of the enlightened legislature of his glorious country, when he officially declared that "the United States cannot remain indifferent in a case in which the strong arm of a foreign power is invoked to stifle public sentiment and to oppress the spirit of freedom in any country."

This magnanimous declaration, followed by such generous manifestations, will be recorded in history as a protestation in behalf of the everlasting principles of the law of nations against their infraction by violence. And the millions of my people will revive with hope and confidence when they shall come to know what favors were bestowed upon their exiled chief by the great Republic of the West, in acknowledgment of the justice of Hungary's cause.

In her name, and as her representative, I have received them, and they have sunk into the very heart of my heart—in her name, and as her representative, I feel the duty of

expressing my thanks for them, and desire your Excellency, as well as the Executive officers, the Senate, and the House of Representatives, collectively and individually, to receive the assurances of my and my country's eternal gratitude.

Sad and solemn is the hour of parting from a presence so consoling and so august; but I carry with me, in my further wandering, the hope that the United States will continue kindly to remember always my unhappy but most well-deserving fatherland.

Neither the pangs of exile, nor the egotism of my patriotic feelings, or the interests of all those nations whose common rights and wrongs I plead before the mighty tribunal of publicity, will ever induce me to desire that the United States should for our sake put in jeopardy the own welfare and prosperity of this glorious home of liberty; but as the present condition of Europe, and the coming events in that Continent, which cast already their shadows before them, cannot fail to attract the attention and invite the consideration of such a Power on earth as the United States are, I cannot forbear to hope that the very consciousness of that security which the United States enjoy, while the greatest part of Europe quakes, will but more impress upon their true republican generosity the sentiments of supreme urgency, to pronounce in respect to the law of nations and international duties and rights, as also in respect to the undisturbed safety of commercial intercourse in favor of such principles which, founded upon the law of nature and of nature's God, are equally consistent with the fundamental principles of this great Republic, and indispensable to peace and contentment on earth.

Humanity would hail such a pronouncement from such a place with inexpressible joy; and as it was the violation of these principles by armed foreign interference in Hungary which opened the door to a system of overwhelming despotism on the European continent, the very fact that Hungary, forced by the most treacherous oppression ever seen in the history of mankind, has, in declaring its independence, but exercised that right and followed that principle upon which stand so gloriously the very political existence of the United States, and the fact that this legitimate independence was overthrown by the most cruel violation of international laws, makes me confidently hope that "the deep interest which the people of the United States feel in the spread of liberal principles, and the establishment of free Governments—the warm sympathy with which it witnesses every struggle against oppression," as well as its profound sentiment of justice, and its congenial generosity, will become a source of such consolation to my native land as the supreme constitutional authorities of this glorious Republic will, in their wisdom, deem consistent with the paramount duties towards their own country's welfare and prosperity.

It is with these sentiments of hope and thanks that I beg leave to reiterate the assurance of my everlasting respect and gratitude, and humbly entreat your Excellency to be pleased to communicate this my respectful farewell to the Senate and House of Representatives.

Mr. President, your Excellency's most humble and obedient servant,
L. KOSSUTH.

Mr. BADGER. As these communications have been read, and as we have all listened to them with extreme attention, and are possessed of their interesting and valuable contents, unless my friends from Michigan, [Mr. CASS,] Illinois, [Mr. SHIELDS,] and New York, [Mr. SEWARD,] one or all of them, desire some reference of them, I will submit the motion that they lie on the table.

The motion was agreed to.

Mr. CHASE. I move that they be printed.

Mr. BADGER. I suppose that goes to the Committee on Printing.

The PRESIDENT. It goes to the Committee on Printing.

Mr. BORLAND. I hope the Senator then will withdraw his motion, for I have no wish to report upon the question.

The motion was not withdrawn.

PETITIONS.

Mr. BADGER presented a memorial of R. Rogers, a memorial of Thomas R. Glenn, a memorial of Corday Y. Savage, and a memorial of W. R. Saville, assistant marshals for taking the Seventh Census, in North Carolina, praying additional compensation, which were referred to the Committee of Claims.

Mr. HAMLIN presented a memorial of assistant marshals for taking the Seventh Census in Hancock county, Maine, praying additional compensation; which was referred to the Committee of Claims.

Mr. WADE presented six memorials of assistant marshals for taking the Seventh Census in Ohio, praying additional compensation; which were referred to the Committee of Claims.

Mr. SUMNER presented the petition of Seth Sprague and others, members of a company of "Sea Fencibles," during the last war with Great Britain, praying remuneration for money expended and services rendered in the defence of their country; which was referred to the Committee of Claims.

Mr. RUSK presented the memorial of William W. Cox, praying compensation for services as messenger in the office of the Sixth Auditor;

which was referred to the Committee on the Post Office and Post Roads.

Mr. DAVIS presented a petition of inhabitants of Stockbridge, Massachusetts, praying the adoption of measures for the amicable adjustment of international controversies; which was referred to the Committee on Foreign Relations.

Mr. UNDERWOOD, for his colleague, [Mr. CLAY,] to whom it had been transmitted, presented a petition of citizens of Cedarville, Ohio, praying the recognition of the independence of Liberia, and the establishment of a line of mail steamers between the United States and that Republic; which was referred to the Committee on Foreign Relations.

Mr. CASS presented a petition of citizens of Iowa, praying the adoption of measures to prevent any further interference by Russia in the struggle of the people of Hungary for liberty; which was ordered to lie on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. GWIN, it was

Ordered, That the petition of petty officers and seamen on board the United States steamer Missouri, at the time of her destruction at Gibraltar, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. McRAE, it was

Ordered, That the petition of Richard Elevard, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

Mr. GEYER moved that the petition and papers of John Chalmers be withdrawn from the files of the Senate, for the purpose of presenting them to the House of Representatives.

The PRESIDENT. Has there been a report in that case?

Mr. GEYER. An adverse report was made in 1841, in which I learn that the Senate concurred. The object in withdrawing these papers, is to present them to the House of Representatives.

The PRESIDENT. The Senate having concurred in the adverse report, these papers, under the rule, cannot be withdrawn.

Mr. GEYER. Such was my impression, but I learn from the Secretary that as they are not to be withdrawn for use in the Senate, but in the House of Representatives, they may be withdrawn for presentation to that body.

The PRESIDENT. The Chair will read the rule, and leave it to the Senate to say whether it embraces the object of the Senator from Missouri. His proposition is to withdraw those papers, upon which an adverse report was made and concurred in by the Senate, with the view to have them presented to the House of Representatives. The rule is in these words:

"Whenever a claim is presented to the Senate and referred to a committee, and the committee report that the claim ought not to be allowed, and the report be adopted by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimants shall present a memorial for that purpose, stating in what manner the committee have erred in their report, or that new evidence has been discovered since the report, and setting forth the new evidence in the memorial: *Provided*, That this rule shall not extend to any case where an adverse report, not in writing, shall have been made prior to the 25th January, 1842."

The object of the rule, as established, was, in the opinion of the Chair, to prevent papers from being withdrawn when an adverse report was made and concurred in, unless additional testimony was presented, or satisfactory evidence given to show that the committee had erred in the report. The Senator is under the impression that it refers only to cases which it is proposed to present to the Senate again. The Chair will leave it to the Senate to say whether that was the object or not.

The Senate decided that the rule precluded the withdrawal asked for by the Senator from Missouri.

REPORTS FROM STANDING COMMITTEES.

On motion by Mr. SHIELDS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the following subjects:

Report of the Secretary of War in relation to the execution of the act to found a military asylum for the relief and support of invalid and disabled soldiers of the United States Army.

Memorial of John Owen, presented the 16th February, 1852.

Memorial of the heirs of Ware S. May, presented the 16th February, 1852.

On motion by Mr. JONES, of Tennessee, it was

THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32d CONGRESS, 1st Session.

THURSDAY, FEBRUARY 19, 1852.

NEW SERIES.....No. 37.

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of William O'Brien.

Mr. DAWSON, from the Committee on Military Affairs, to which was referred the petition of George W. Sevier, submitted a report, accompanied by a resolution, "That the prayer of the petitioner is unreasonable, and ought not to be granted."

Mr. BORLAND, from the Committee on Public Lands, to which was referred the bill granting the right of way to the Florida, Atlantic, and Gulf Central Railroad Company through the public lands of the United States, and appropriating lands to the State of Florida in aid of the construction of said railroad and branches, reported it with an amendment.

He also, from the Committee on Printing, to which was referred the motion to print the memorial of a convention of the citizens of California, held in the city of Washington, reported against the printing of the same; and the report was concurred in.

Mr. BADGER, from the Committee on Naval Affairs, to which was referred the petition of William Speiden, reported a bill for his relief; which was read and passed to the second reading.

Mr. SOULE, from the Committee on Commerce, to which was referred the petition of G. C. Baylor, praying for a salary as United States consul at Amsterdam, reported a bill for his relief; which was read and passed to the second reading.

BILL INTRODUCED.

Mr. GEYER, agreeably to previous notice, asked and obtained leave to introduce a bill to provide for holding an additional term of the circuit court of the United States for the district of Missouri; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

DISCHARGE OF STEAMERS' CARGOES.

Mr. HAMLIN submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on Commerce be directed to inquire what, if any, alteration by law is necessary to prevent delay in the discharge of the cargoes of steamers from foreign ports.

ADDITIONAL COMMITTEE CLERK.

Mr. DAWSON submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on Patents and the Patent Office be authorized to employ a clerk for ninety days; to attend said committee, unless the committee shall find it of public advantage to continue him longer.

SENATE RESOLUTION MISLAID.

The Senate proceeded to consider the message yesterday received from the House of Representatives in relation to a resolution passed by the Senate and lost or mislaid, and it was

Ordered, That a copy of the resolution "to establish certain post routes," be sent to the House of Representatives, agreeably to their request.

ENGROSSED BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

A bill to grant to the city of Burlington, in Iowa, the land heretofore reserved between that city and the Mississippi river.

A bill to extend the time for selling the lands granted to the Kentucky Asylum, for teaching the deaf and dumb.

RAILROADS IN IOWA.

On the motion of Mr. JONES, of Iowa, the Senate proceeded to the consideration of the bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State.

Mr. HUNTER addressed the Senate at some length against the bill, and also against the amendment offered by the Senator from Kentucky, [Mr. UNDERWOOD,] and replied to the speech of Mr. SUMNER, made on the 27th of January last, in favor of the bill. Mr. H. was followed by Mr. BELT, in reply. These speeches will be found in the Appendix.

Mr. SUMNER. One word, if you please, Mr.

President. The Senator from Virginia [Mr. HUNTER] has very kindly given me notice that I am to expect a broadside from the Senator from Kentucky, [Mr. UNDERWOOD.] For this I am properly grateful to him. When, a few days ago, I undertook to discuss an important question in this body, I expressed certain views, deemed by me of weight. Those views I submitted to the candor and to the judgment of the Senate. I felt confidence in their essential justice, and nothing which I have heard since has impaired that confidence. I have listened with respect and attention to the address to-day from the Senator from Virginia, as it becomes me to listen with respect and attention to everything any Senator in this body undertakes to put forth here. But I hope to be excused if I say, that in all that he has so eloquently uttered with reference to me, he has not touched by a hair-breadth my argument. He has criticised—I am unwilling to say that he has caviled at—my calculations; but he has not by the ninth part of a hair touched the conclusion which I drew. That still stands. And let me say that it cannot be successfully assailed in the way which has been attempted to-day.

I said that injustice had been done to the land States, out of this body and in this body—out of this body, because I often heard them called "land stealers" and "land pirates;" in this body by the Senator from Virginia, when he complained of the partial distribution of the public lands, and particularly pointed out the bill now before the Senate as an instance of this partiality. I said that this charge was without foundation. And why did I say so? and on what ground? Because there was an existing equity (I so called it—nothing more) on the part of the land States as against the General Government. And on what was this founded? On a fact of record in the public acts of this country. That is, the exemption of the public domain situated in particular States from taxation. The Senator from Virginia has not questioned this fact; of course he could not question it, for it is embodied in the acts of Congress.

The next inquiry then was, What is the value of this immunity from taxation, which I called an equity on the part of the land States? In order to illustrate this value, I went into calculations and estimates, which I presented, after some study of the subject—not, perhaps, such study as the Senator from Virginia has found time to give to it, or such as the Senator from Kentucky, in the plenitude of his researches, doubtless has given to it. On those calculations and estimates I attributed a certain value to the equity in question. My calculations and estimates may be overstated; they may be exaggerated. The Senator from Virginia thinks them so. Other gentlemen with whom I have had the privilege of conversing, think them understated. But however this may be, it does not touch the argument. I may have done injustice to my argument by overstating them. I intended to understate them. I still think, from all that I hear, that I have understated them. The argument, however, still stands, that these States have conceded to the General Government an immunity from taxation; that this immunity has a certain value—I think a very large value—and that this value constitutes an equity to which the land States have a right to appeal for bountiful, aye, for munificent treatment from the General Government. Has the Senator from Virginia answered this? Can he answer it?

But I forbear to go into the subject at this time. I arose simply to state, that as the Senator from Virginia has kindly given me notice that I am to expect a broadside from the Senator from Kentucky, I am to regard what he said to-day, so far as I am concerned, simply as a signal gun. The Senator will pardon me if I say it is nothing more, for it has not reached me, or anything that I said. Meanwhile I await, with resignation and without anxiety, the broadside from Kentucky.

Mr. UNDERWOOD. After having heard my proposition discussed for some days, I desire to make some general reply to the arguments against it. I believe it has been usual to allow that priv-

ilege to the mover of a proposition of such magnitude as that which I have offered. If, therefore, the Senate will be kind enough to adjourn now, I shall endeavor to present my defence to-morrow.

Mr. BUTLER. I hope the Senator from Kentucky will allow me to ask for an Executive session.

Mr. UNDERWOOD. To accommodate the Senator from South Carolina, I move that the further consideration of the subject be postponed until to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

On the motion of Mr. BUTLER, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and then, on motion, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 17, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. L. F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER stated that the first business in order was the unfinished business of yesterday.

Mr. OLDS. I ask the unanimous consent of the House to introduce a resolution calling upon one of the Departments for information. I will state that it is information which is very much needed by the Committee on the Post Office and Post Roads. I hope there will be no objection.

Mr. JONES, of Tennessee. I object, and call for the regular order of business. We shall never get to the regular order of business if we give way for these resolutions to be introduced.

Mr. OLDS. You will delay the action of the House a great deal more by keeping back the action of committees.

Mr. JONES. I call for the regular order.

Mr. HOUSTON. What is the regular order?

The SPEAKER. It is the unfinished business of yesterday, to recommit the bill regulating the mileage of the Delegate from Oregon, with instructions.

Mr. HOUSTON. I have a bill from the Committee of Ways and Means, which it is very necessary should be introduced as soon as possible, in order that it may be printed. It will call for the early action of the House, either in favor of or against it. I hope I shall have the unanimous consent of the House to report it.

Mr. OLDS. Does the gentleman from Tennessee object to that?

Mr. JONES. Yes, sir; I do object. [Laughter.]

MILEAGE OF THE DELEGATE FROM OREGON.

The SPEAKER. The question will now be put upon the motion to recommit the bill to the Committee on Mileage, with instructions.

Mr. CARTER demanded the yeas and nays. Several Voices. Read the instructions.

They were then read by the Clerk, as follows:

That the bill be recommitted to the Committee on Mileage, with instructions to add together the mileage of all the members of this House, and to divide the same by the number of members; and that the Sergeant-at-Arms be directed to pay to each member his share thereof, as so ascertained.

Mr. HEBARD. I wish to inquire of the Chair whether there is not pending a substitute, offered by the gentleman from Pennsylvania, [Mr. ALLISON,] for the instructions providing that the mileage shall be computed by the shortest and most direct routes to the residence of each Senator and Representative?

The SPEAKER. That was rejected by a vote of the House yesterday.

Mr. BRENTON. I desire to inquire if the question is not susceptible of division, so that the vote shall first be taken on the instructions?

The SPEAKER. According to the practice of the House—in the recollection of the Chair—the two propositions cannot be divided. The Chair, however, is of a different opinion, so far as the rules are concerned. He thinks that under the rules the proposition is divisible.

Mr. BRENTON. My opinion is, that the proposition is susceptible of division, so that it shall be taken first upon the instructions.

The SPEAKER. That is the opinion of the Chair.

The House was divided on the call for the yeas and nays, and only 20 gentlemen rose.

Mr. CARTTER called for tellers upon the yeas and nays; which were ordered, and Messrs. WILLIAMS and CHANDLER were appointed.

The House was divided, and the tellers reported—yeas 46, noes not counted.

So the yeas and nays were ordered.

Mr. COBB. Is it competent to ask the gentleman from Maryland to modify his instructions?

The SPEAKER. It is not in his power to modify.

Mr. COBB. I desire that the instructions shall be so modified that all the money made by gentlemen when they are absent from the service of the House, shall be put into the common stock, and divided, with the mileage, equally among the members of the House. [Laughter.] If they were so modified, I should be disposed to vote for them.

Mr. EVANS. I ask the unanimous consent of the House to enable me to so modify the instructions as to provide for first allowing to each member his traveling expenses in reaching the seat of Government, out of the whole amount of mileage, before equalizing the compensation of members, as proposed.

Mr. ROBINSON and others objected.

Mr. CARTTER. Is it competent to move to suspend the rules to allow the gentleman from Maryland to modify his instructions?

The SPEAKER. It is not competent to move to suspend the rules, except on Monday.

A Voice. Withdraw your instructions.

Mr. EVANS. I will, then, withdraw the instructions.

Mr. STUART. I object.

Mr. EVANS. I understand that I have the right to withdraw.

The SPEAKER. The Chair is in doubt whether, after the previous question has been sustained, the gentleman can withdraw his proposition.

Mr. STEPHENS, of Georgia. Certainly, he has clearly the right to withdraw. I will call the attention of the Chair to the 45th rule.

The SPEAKER. The Chair has read the rule, and has no doubt that the gentleman has the right to withdraw.

Mr. EVANS. Do I understand the Chair to decide that I have the right either to withdraw or amend?

The SPEAKER. The gentleman certainly has the right to withdraw upon the rule.

Mr. EVANS. I will withdraw my instructions. Mr. ROBINSON. Has the previous question been exhausted?

The SPEAKER. It has not been exhausted, and discussion is not in order.

Mr. STUART. The gentleman from Maryland has moved to recommit the bill with instructions. Now, if he withdraws the instructions, does not the other part of the motion fail?

The SPEAKER. In the opinion of the Chair, the motion to recommit was not affected by the withdrawal of the second branch of the proposition, and it is still pending.

Mr. ROBINSON. I rise to a question of order. I wish to know whether, after the gentleman has withdrawn his instructions, it is competent to recommit the bill without instructions?

The SPEAKER. It is competent, in the opinion of the Chair.

The question was then taken on the motion to recommit, and the result was—yeas 84, nays 86, as follows:

YEAS—Messrs. Abercrombie, Charles Allen, William Appleton, Averett, Thomas H. Bayly, Barrere, Bennett, Bibbigaus, John H. Boyd, Bragg, Brooks, G. H. Brown, Burrows, Joseph Cable, Caldwell, Lewis D. Campbell, Carter, Chandler, Chapman, Chastain, Churchill, Cleveland, Clingman, Colcock, Curtis, Daniel, Dockery, Duncan, Edmundson, Evans, Floyd, Fowler, Giddings, Goodenow, Grow, Hammond, Harper, Sampson W. Harris, Haws, Haven, Hebard, Hibbard, Houston, John W. Howe, Hunter, Andrew Johnson, James Johnson, George W. Jones, J. Glancy Jones, G. G. King, Preston King, Kurtz, Meacham, Miller, Millson, Miner, Henry D. Moore, Morehead, Murray, Outlaw, Peaslee, Perkins, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Skelton, Smart, Stanly, Benjamin Stanton, Thaddeus Stevens, Sutherland, Taylor, Benjamin Thompson, Thurston, Toombs, Walbridge, Wallace, Wallace, Walsh, Washington, Watkins, Welch, Wildrick, Woodward, and Yates—84.

NAYS—Messrs. Willis Allen, John Appleton, Ashe, David J. Bailey, Beale, Bissell, Bowie, Breckenridge, Brenton, Briggs, Albert G. Brown, Buell, Busby, Caskie, Clark, Cobb, John G. Davis, Dawson, Dean, Disney, Doty, Dunham, Durkee, Eastman, Edgerton, Ewing, Ficklin, Fitch, Florence, Freeman, Thomas J. D. Fuller, Gamble, Gaylord, Gilmore, Grey, Hall, Isham G. Harris, Hascall, Hendricks, Henn, Holladay, Howard, Thomas Y. How, Ingersoll, Ives, Jackson, Jenkins, John Johnson, Robert W. Johnson, Lecher, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, Mason, McDonald, McLanahan, Molony, Nabers, Newton, Olds, Orr, Samuel W. Parker, Penniman, Phelps, Polk, Price, Rantoul, Richardson, Riddle, Robbins, Robinson, Savage, David L. Seymour, Origen S. Seymour, F. P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, St. Martin, Strother, Stuart, Walsh, Ward, Wilcox, and Williams—86.

So the House refused to recommit the bill to the Committee on Mileage.

Mr. STUART. I move to reconsider the vote by which the House refused to recommit the bill, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The SPEAKER. The question recurs upon ordering the bill to be engrossed and read a third time.

Mr. CARTTER. Upon that motion I ask the yeas and nays.

The yeas and nays were ordered; and the question being put, it was decided in the negative—yeas 85, nays 90; as follows:

YEAS—Messrs. Willis Allen, John Appleton, Ashe, David J. Bailey, Beale, Bell, Bissell, Bragg, Breckenridge, Brenton, Albert G. Brown, Busby, Caskie, Chandler, Clark, Cobb, Colcock, Daniel, John G. Davis, Dawson, Disney, Doty, Duncan, Dunham, Eastman, Edgerton, Edmundson, Ficklin, Florence, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Gilmore, Gray, Hall, Hamilton, Isham G. Harris, Hendricks, Henn, Holladay, Howard, Thomas Y. How, Ingersoll, Jackson, John Johnson, Robert W. Johnson, Lecher, Lockhart, Mace, Edward C. Marshall, Mason, Olds, Orr, Samuel W. Parker, Penn, Phelps, Polk, Price, Rantoul, Richardson, Riddle, Robinson, David L. Seymour, Origen S. Seymour, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, St. Martin, Strother, Stuart, Venable, Ward, Williams, Woodward, and Yates—85.

NAYS—Messrs. Abercrombie, Charles Allen, William Appleton, Averett, Babcock, Barrett, Bennett, Bibbigaus, Bowie, John H. Boyd, Brooks, Burrows, Joseph Cable, Caldwell, Lewis D. Campbell, Carter, Chapman, Chastain, Churchill, Cleveland, Clingman, Curtis, Dean, Dockery, Evans, Ewing, Fitch, Floyd, Fowler, Giddings, Goodenow, Grow, Hammond, Harper, Sampson W. Harris, Haws, Hascall, Haven, Hebard, Hibbard, Houston, John W. Howe, Hunter, Jenkins, Andrew Johnson, James Johnson, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kurtz, Meacham, Miller, Millson, Miner, Henry D. Moore, Morehead, Morrison, Murray, Newton, Outlaw, Peaslee, Penniman, Perkins, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Skelton, Smart, Stanly, Benjamin Stanton, Alexander H. Stephens, Thaddeus Stevens, Sweetser, Taylor, Benjamin Thompson, Thurston, Toombs, Walbridge, Wallace, Walsh, Washington, Watkins, Welch, Alexander White, and Wildrick—90.

So the House refused to order the bill to be engrossed and read a third time.

Mr. FITCH. I move to reconsider the vote just taken. I believe the previous question is exhausted.

The SPEAKER. It is.

Mr. FITCH. If so, then the bill and report are up again for discussion. I shall not make many remarks upon them, and regret that in remarks which I shall make I may be compelled to make allusions to the former opinions and course of certain members upon this floor, in order to throw some light upon the probable motive of their opposition to the bill. I look upon the bill as one calculated merely to render an act of strict justice to a Delegate occupying a seat here. I do not defend the law of 1818, as is well known by the older members of this House, because, as chairman of the Committee on Mileage during the last Congress, I asked repeatedly a modification of that law. I moved amendments to different appropriation bills, asking a construction of that mileage law different from the one now placed upon it, or at least asking that the mileage might be computed in altogether a different manner from what it now is. It will be recollected by the older members of the House, that I asked that the mileage might be computed by the nearest mail route, as reported by the Post Office Department. The whole matter, in fact, was before the committee of the last Congress, and was brought, by that committee, before this House. Amendments, in one or two cases—two cases, if I mistake not—were adopted by this House, but a concurrence in them was refused upon the part of the other and coordinate branch of the legislative department occupying the other wing of this Capitol. It was manifest, long before the expiration of that Con-

gress, that no material modification could be obtained, and I fear even now—though I understand it is the intention of the Committee on Mileage to report a bill making a modification of that law—I say, I fear now it will meet with the same opposition from the same quarter. I was struck somewhat with the remarks of the gentleman from Georgia, [Mr. Toombs], whose argument seems to be based upon the supposition that this bill, which we are informed is to be introduced by the Committee on Mileage, changing the mileage law, will operate upon the present Congress. If so, I grant there would be an impropriety in the passage of this bill, because another bill from the same committee, proposing a law to operate upon all alike, would operate, of course, upon the Delegate from Oregon. But the gentleman destroyed the effect of his own argument by admitting to my colleague [Mr. Robinson] that a bill of that kind would not operate upon this Congress. Therefore the question before the House is simply this—as no bill which we can pass will operate upon the present Congress—Shall we, during this Congress, put the Delegate from Oregon upon an equal footing with us, or shall we permit this exception to stand against him? Because, of course, when that bill comes from the Committee on Mileage, it will operate upon all prospectively alike—upon him as well as the rest of us—and we only ask that he may, until such a bill can be operative, be placed upon an equality with the rest of the House, those included who come from the same coast with himself—from the Pacific. The Delegate from Oregon comes from a country where—if I may be permitted by the gentleman from California [Mr. Marshall] to refer to his argument—electioneering may cost quite as much as in that State, and be attended with personal risk and exposure equally as great, while the distance from thence to this city and the expense of the journey, are still greater.

Mr. Speaker, I regretted exceedingly to see the activity exhibited on the part of some members, in opposition to this bill. It calls up reminiscences which are by no means pleasant. I recognize amongst one or two of the most active—not to say noisy—opponents of the bill, gentlemen who have been extremely active heretofore in debate—in another Congress—in procuring or attempting to procure a change in the mileage law; gentlemen who were candidates during the first session of that Congress for reelection, and were reelected during the recess, and who during the second session of that Congress waited upon members of the Committee on Mileage, and insisted—after they had previously demanded that a report should be made in their favor for a limited number of miles—upon being placed upon an equality with other members. I will name no gentleman, because the reports of that committee, which are in the hands of the Sergeant-at-Arms of this House, will show who they are. By comparing these reports, a wide distinction will be found to exist between the amount of mileage received at the first and the second session of the last Congress, by certain members who were reelected during the recess between those two sessions. I say that these members, after asking as a favor that the Committee on Mileage should report them entitled only to mileage for a limited number of miles, and after this committee had consented to make an exception to the general rule in their behalf, because they asked not for an increase, but diminution of the mileage to which, by law, they would be entitled, came subsequently to that same committee and demanded to be put upon an equality with other members, and that their mileage should be computed, in the language of the law, “by the most usual road,” although in one or two instances this computation would make it double the mileage of the previous session. That course shows the sincerity of their present professions in favor of the reduction of mileage, when that deduction shall operate to the prejudice of one man, and one man only. I should not have made this allusion—and I regret that it became my duty to do it—had it not been for the fate of this bill—a fate produced in a great degree by their active exertions in opposition to it. Now, sir, if the reason which they urged, and urged properly before the Committee on Mileage, was correct in their case, why is it not correct in the case of the Delegate from Oregon? They asked no more than was right under the law. They asked that their mileage

should be computed by the "most usual road," although it was double the amount they received at the first session of that Congress, which amount had been fixed at their own request. The short mileage, for which they were so solicitous during the first session, had probably been made to answer its purpose—they could see no personal reason for its continuance. They urged the increase because the law allowed it them; and the law does allow it. Their then reason in their own case, is a strong one in favor of this bill, and refutes their opposition to it. In this case I grant that a special law applies to the Delegate from Oregon. The gentleman from Georgia [Mr. TOOMBS] urged that the Delegate was elected under that law, and therefore that he ought to be allowed only the mileage specified in it. But the Delegate knew not that the law was in force. He knew only that his predecessor had drawn mileage under another law, and that he received a much greater amount than that which the special law, which we are now endeavoring to repeal, would have given him. He knew that, and expected the same in his case. But this special law meets the committee in the face, and they cannot give him the mileage to which the law entitles the Representatives from California, and every other member upon this floor. I have said, and permit me to repeat it again, that I am not the advocate of the law of 1818, and I trust that gentlemen will see that the proposition which has just been lost has nothing whatever to do with the desired modification of that law. It is simply a question of justice between us and one of our associates upon this floor. Will you continue the law thus discriminating against him? Although that law was in force when he was elected, I am convinced the Delegate from Oregon did not know or believe that it was. Will you continue it in force against him to his prejudice? I will say, in justice to him, that he cares little for the amount involved in dollars and cents, but much for the principle of discrimination against himself. Will you continue it, and thereby declare to the world your intention to reform at the expense of a single member? Or will you, by its repeal, put him upon an equal footing with the rest of us, and then walk up to the support of a bill which will be reported from the Committee on Mileage, equalizing the mileage of all?

[Here a message was received from the Senate, at the hands of ASBURY DICKINS, their Secretary.]

Mr. SWEETSER, (interrupting.) I am induced to ask my friend from Indiana [Mr. FITCH] to yield the floor a moment, in order that there may be no misunderstanding in relation to the allusions made by him. It will be recollected that I served with my friend from Indiana [Mr. FITCH] during the first session of the last Congress, upon the Committee on Mileage. I had the honor to submit to this House and advocate a resolution for the purpose of instructing that committee to compute the mileage upon the nearest mail route, where there were public conveyances. That resolution met with the fate of all the other propositions I had the honor to introduce and advocate upon this floor, to reduce mileage, and it was laid upon the table. And at the last session of the last Congress, I was inquired of by a gentleman, whether it would be agreeable to me if I were left off from that Committee on Mileage, knowing it came from the Speaker? Feeling that I had done my duty faithfully upon that question, I answered no, it would not. I then made up my mind that all efforts in the House of Representatives to reform this—as I consider it—evil, in my judgment would be utterly useless, and I made up my mind never to raise my voice again, while I should have the honor of a seat upon this floor, in favor of fixing this question upon some equitable basis. I think the only remedy to be hoped for is with the people. I did not act upon that committee during the last session of the last Congress, and I now desire to say to the gentleman from Indiana, [Mr. FITCH], and to the country, that my mileage was computed precisely the same as I had the honor to compute it at the previous session; and I submit to the gentleman whether he will not exonerate me from the suggestion which he has made?

Mr. FITCH. Certainly I do. I made no allusion to my friend, [Mr. SWEETSER]. As to the difference which may or may not exist between his mileage at the second session, I do not allude to it, because I do not know. I refer to the matter in general terms.

Mr. SWEETSER. At this session the chairman of the Committee on Mileage addressed a circular to me, following the precedent set by that committee during the last Congress. I answered him by referring to the statement I had made at the first session of the last Congress, in order that I might be perfectly right upon the question. I know perfectly well, that the point the gentleman makes here will tell upon some gentlemen in this House, and I have no objection that it should. I do not know who they are. I desire to be understood at this and at all times in relation to this question, so far as I am concerned, that I have no change to make, in this or in any other Congress. I believe there should be some equitable arrangement made in relation to the question of mileage. I regret that I have taken any part in opposing the measure for the relief of the honorable gentleman from Oregon. I entertain for that gentleman the most kind feelings, and would be glad to do him any act of kindness in my power, but I cannot vote to increase his mileage. I return my thanks to my friend [Mr. FITCH] for permitting me to make this explanation.

Mr. FITCH. A difference in several cases will be found between the reports of the Committee on Mileage for the first and second sessions of the last Congress. A part of these changes were of a limited character, and appeared to be rendered necessary because of information which was obtained by the committee, either with or without inquiry, of errors in previous reports. The statements of the gentleman from Ohio [Mr. SWEETSER] may be correct for aught I know to the contrary. In his case I do not know what action was had. I have already remarked that I will not designate the individuals, if any now have the honor of holding a seat upon this floor, who chose to pursue the course I have alluded to in asking changes of their mileage, because the reports themselves will show who they were.

The gentleman from Ohio last up said that if he could reconcile it to his sense of duty to vote for the bill to extend the same rights of mileage to the Delegate from Oregon accruing to others under the law of 1818, he would cheerfully do so. If it is wrong to extend it to this Delegate, it was wrong to extend it to his predecessor. There were no objections made then. There was not a voice raised in opposition when it was proposed to give him the mileage he drew, and which was much greater than the amount which, under the existing law, the present Delegate will obtain. The economy advocated by the opponents of the bill under discussion manifests itself at the expense of only one of the two hundred and thirty occupying a seat upon this floor. We propose to take from him a small sum to which, under the law governing the mileage of the rest of us, he would be entitled. Cannot the economical hawks of the House strike at better game than that? at sums of greater magnitude? They should not stoop to an amount like this, and especially when it is to be obtained from one man only, and at the expense of the violation of a principle which is left operative in the case of every other member. The proposition is merely to give to him the benefit of the provisions of the same law which extends to the rest of us. I should be pleased, sir, if these or any remarks I could submit would have any effect whatever in persuading members to do justice in the case.

Mr. STANTON, of Ohio. I would inquire of the gentleman, what was the action of the House with relation to the mileage of the Delegate from Oregon at the last session? I have never seen it.

Mr. FITCH. The provision in reference to the Delegate from Oregon and Representatives from California, was put into a certain appropriation bill, extending, of course, by the construction usually given to such bills, to that year only. By and under such provision, he drew mileage by the overland route. Any amendment to the annual appropriation bill is construed to expire with the expiration of the year for which the appropriation was provided. Of course, then, the amendment to which I have referred in relation to the Delegate from Oregon expired with the termination of that fiscal year, and of its benefit his successor cannot avail himself. We propose now merely to make that provision continuous, which in the case of the previous Delegate was limited to one year, or at least to make it continue until the law of 1818 shall be remodeled.

Mr. McMULLIN. I happened not to be pres-

ent when the vote was taken upon the bill now under consideration, in reference to which there is now pending a motion to reconsider. It is a matter of great regret that Congress should be annoyed session after session upon this question. There has not, I believe, been a session for the last ten years but what members have been annoyed by the subject of mileage. What do gentlemen expect to effect by it? Do certain gentlemen mean to make capital for Buncombe, or do they desire in good faith to equalize the pay of the members of Congress. The time of that committee could not be better occupied than by taking under consideration this subject of mileage, and bringing in a bill to equalize the pay of members of Congress. But in reference to the question now before the House, I must be permitted to say that the distinguished Delegate for whose especial benefit it is intended to provide, must have known full well the action of Congress when he became a candidate for a seat upon this floor. It is my misfortune, in common with others, not to be versed in constitutional law, or upon legal questions generally. I confess I thought that the act of the last Congress was to be general. I had supposed that the action of the last Congress was to be final and that that would be an end of this question. In that opinion it appears, however, that I was mistaken. The time of this House has been occupied some two or three days upon the matter of mileage. It is utterly impossible for the existing law regulating the mileage to operate justly and equitably. I could single out individuals here and show the inequality of this law. I could take the honorable gentleman from Tennessee and two of his colleagues, [Mr. JOHNSON and Mr. WATKINS,] who, with myself, come here, traveling a distance of some four hundred or five hundred miles, which requires four or five days to make the trip; while there are other members who come more than double the distance in less time and receive double the mileage that either of us receive; yet we are not disposed to complain. I am not complaining; but it is those who have chosen to leave the States and to emigrate to Oregon and California and elsewhere. It is the good fortune of those gentlemen to be so remotely situated from the seat of Government. The amount that can be saved from the mileage will settle them advantageously upon the lands of the Government. They can make valuable settlements there. I ask you, Mr. Speaker, if it is proper, right, or just—if gentlemen desire to deal out even-handed justice to each man of the House—that one member shall receive a small fortune by way of mileage and per diem, and another get an inconsiderable sum? Can you do justice under the existing law regulating mileage? I say you cannot. What was the state of the country at the passage of the mileage law compared to what it is at the present day? Why, then members of Congress traveled here upon horseback; and now we have the advantages of the railroad, steamboat, and other conveniences; and hence at that time the law operated more equitably than it does at present. I concur fully with the views of the gentleman from Maryland, [Mr. EVANS.] If I understand that gentleman correctly, he proposed an amendment to this bill to give to members of Congress a fixed compensation. I would not stand up here and tell my constituents that I would refuse to pay a member of Congress just and ample compensation. No, sir, I would not act the demagogue in any such way. The pay of members of Congress is little enough; and I say now, if the Committee on Mileage will take this matter into consideration, and introduce a bill to give a fixed compensation to members—say a salary of \$2,000—I will go for it, although I have been informed that members who voted for such a law some years ago were not returned again. If such a vote as that will gain the displeasure of my constituents, the sooner my political race is run the better. I represent no such people. I say that it is not only important to members of Congress, but it is important to the public business of the country, that you should make the pay of members of Congress equal, as far as it is practicable to do so. I shall vote against the reconsideration of the bill. If the bill is reconsidered, I shall vote against it; because, sir, I hold that the distinguished gentleman from Oregon, for whose especial benefit this bill is passed, has no right to complain of my vote; for when he was elected to a seat upon this floor, he should have inferred

that his mileage was not to exceed \$2,500, as provided in the organization of the Territory of Oregon. It was not my purpose to have discussed the vote I intend to give. My design was to bring the debate to a close upon this mileage question, which is continually rising up as a source of annoyance. I will close my remarks, therefore, by calling for the previous question.

Several MEMBERS. That is not fair.

Mr. PARKER. I hope the gentleman will yield to me a moment.

Mr. McMULLIN. I will withdraw my call for the previous question, as gentlemen seem to suppose that it was not fair. Or I will retain the floor, yielding to the gentleman, and intending after he has concluded, to move to lay the subject upon the table.

Mr. POLK. There are many gentlemen who desire to reply to the gentleman's able argument, and I hope he will yield the floor unconditionally.

Mr. McMULLIN. At the request of the gentleman, I will do so.

Mr. PARKER, of Indiana. On yesterday, when this question was first presented, I did not expect to make a remark. But I do not feel that it is my duty now to sit still under the circumstances of the case, and allow the vote to be taken without giving expression to a few thoughts. I am satisfied that this legislation for supposed emergencies in a matter of this kind is wrong. This is the evil that will always attend us in such cases until remedied; and it can be remedied only by general enactment, applicable alike to us as well as the Delegate from Oregon.

When the organic law of that far-off Territory, as it was then regarded, was made, we little dreamed that we should now be legislating as we are side by side with the men of California, of Utah, and New Mexico. But so it is; here we all are. And Oregon is with us; but she has not come, she cannot come, like us, unless you pass this bill.

We have already spent in value time enough of this House upon this bill, and the existing law in discussing this question, to much more than cover the increased compensation that will ever accrue from the passage of this bill. And it will be always so, so long as we adopt this kind of local and special and invidious legislation. This is all wrong, it seems to me, for us sitting here as we do in the attitude of national legislators. There is the wrong; and it goes back to that organic law which established this difficulty. And it has, I understand, been haunting us ever since. We might have expected then what has been the history of this case since, that whenever your appropriation bills come up, the question would come up about putting the Delegate from Oregon upon the same footing with other members upon this floor—treating him as the rest of us are treated: because every heart responds at once and says it is right. The true question is not whether the Delegate deserves less or as much as this bill gives him, but it is, Should the rule that governs the rest of us govern him? It will be always so, whether we pass this bill or not, that every honest mind will say there is no reason for making the mileage of the Oregon Delegate less than his from Utah and New Mexico and the members from California, when he makes a much longer and more perilous journey than they. If we pass this bill, however, we have settled the question; we are not disturbed with it any longer as an isolated question; and the sooner it comes up in common with the case of each one of us upon this floor, the better it will be for the country; for this question is one about which the public mind is particularly restive. It will be restive until we provide for it, and we should do it. But it is never to be done in this sideling sort of way. I am for passing this bill for the purpose, if no other, of getting rid of this question at this time; for in the first place, we can only get rid of it by passing this bill; and I tell gentlemen here, whether they are political friends of mine or opponents—and the gentleman for whose benefit this bill is introduced is no political friend of mine, and never has been—I tell gentlemen of all parties, if our object be economy, we will have to pass this bill, for either this bill, or some other application in a different form, will come up that will cause us more—ten times more, peradventure—than is involved here. For this character of legislation is wrong. The mileage law which exists now should not be—cannot be

—remedied in detail, but must be remedied by a general bill. Where is the man upon this floor, I care not from what part of the country he comes, that would submit to be laid upon the Procrustean bed of this special legislation, and have himself measured off, and cut off, if perchance he were fancied to be a little too long, and drawn out a little, if too short. The legislation is certainly wrong. It looks to me, with due respect for honorable gentlemen and deference to the House, that it is ignominious—for we are all equals—we should so treat each other, and be treated. It is said, however, in reference to my friend from Oregon, that he accepted his seat under this law as it is, and therefore he has no right to complain. Has he complained? Has he opened his mouth in reference to this case? No, sir; no, sir; nor would he if he remained here until the resurrection gun is fired. I have known that gentleman in other days. I have known him in civil as well as in military life, and he is among the last of men that you will ever hear complaining in a case of this kind. It is his friends here, who know his high deserving, and see this invidious legislation standing against him, that come forward and complain of the manner in which he is treated. Inasmuch, however, gentlemen still tell us, as he accepted this position under the law as it is, we should hold him to it. Now, I appeal to my political friends here if they are disposed to mete out that kind of dealing to the gentleman under these circumstances? Could we look with any degree of complacency upon such treatment as that towards a gentleman of our school—one by us deemed worthy of our kindest regards, and that gentleman now standing in the attitude this one does? I have seen too much of human nature—I cannot think so; no, sir. Did he belong to the same political church, make his devotions in the same temple of worship with us, where would he be then? I know full well where we would be. If one of ours had come from that far-off region with his life in his hand—with signal military honors crowned—as well as with civic wreaths upon his brow, as this Delegate has come, I cannot mistake where our hearts and our heads would be. There is hardly one of us upon this floor, I doubt whether there is any, who would say of that brother of ours anything else than that he ought to be put in the same predicament with all other members. This is the view I have of the matter. I have felt so in other days—so have my opponents; I feel so now, and so do they. Look you, again, at this thing. Because he accepted it under these circumstances, therefore he is to be held to it—he is so bound! There is no reason, no justice, no logic in a Shylock argument of that character, in my humble judgment. I know my friend full well. What I say for him, I believe I may say for nine tenths of the population of the little Territory on the Pacific slope—little in numbers yet, but magnificent in prospect—if there were no mileage here at all, suffering as they have and do, there is that number to be found there who would come here for higher and purer motives than money, had they the ability, and act for that Territory. This gain to him in money was not thought of when he came here, or thought of by him when he was elected. He has given evidence enough to the country, that he has a heart, and kind of gallantry about him—a love of country, that would have induced him to have acted gratuitously in the whole matter, had it been required at his hands, and he able to do so. It seems to me that this ought to be satisfactory to us. This is the first time in the whole history of the country, that we have had a law of the kind, which by this bill we seek to abrogate. It is well it has been so, for had it been otherwise, I cannot be mistaken in supposing that we would have had all these difficulties every session of Congress since its enactment that we have now, and will have, until this wrong is remedied.

I know very well, as I have already indicated, there are great outrages connected with these mileage transactions, and, as I stated, the country is all alive in reference to the matter, and it ought to be remedied. The country calls for it, and we should respond without delay. It can never be remedied, however, in the form of the old law—the legislation we now seek to remedy, but aggravates the difficulty, and we only make ourselves ridiculous, it seems to me, with due deference, when we attempt it. Let us wipe that out, and go zealously to work and remedy the whole evil

enveloping each one of us, and then, and then only, will the country be quiet. It seems to me, then, that the upshot of the whole matter is, if we get rid of the present difficulty, we must pass this bill. And as the whole question now stands, it is right and proper that it should be done.

Mr. WASHBURN. I am one of the members who voted against the passage of this bill. I believe this whole subject of mileage demands revision, and I am of the opinion that the amount of mileage which has been fixed for the Delegate from Oregon is sufficient in any case; and that our business and object now should be rather to equalize the mileage of other members than to raise it in that case. I am not convinced by the arguments which have been introduced by the gentleman upon the other side, and certainly not by any which have been presented by the gentleman from Indiana, [Mr. PARKER.] I do not believe that the members upon this side of the House would be influenced to vote differently were the gentleman whose mileage is in question here, a member of their party. I will not be judged in that manner. It has been said that whoever declares all men to be scoundrels, at least proves that there is one. The gentleman from Indiana [Mr. PARKER] may measure others by his own feelings of what he would be constrained to do; but I apprehend that would not be the way in which gentlemen ought to be judged. I believe there are gentlemen upon the other side who have viewed this matter as we do. This has been no party view. It has been no party question; and it should not be so. The question is, whether we shall repeal this law, and thereby raise the mileage of the Delegate from Oregon; and whether it is sufficient as it is now. It seems to me that \$2,500 is enough to pay, and amply pay any man who lives in any part of this Union for his traveling expenses, and for his coming to the capital. I have no question that many members are over paid—extravagantly paid—and I would desire this House to take the matter in hand, to equalize the mileage, and to make it what it should be. I am altogether opposed to any measure or any vote which shall have a tendency to increase the mileage of a single member of this House.

Mr. HEBARD. I am one of the members of this House who voted against the bill under consideration. I hold the privilege, with other members of the House, of voting according to the dictates of my conscience; nor do I hold myself amenable to any other gentleman upon the floor, to call in question the right or propriety of that vote. I think the gentleman from Indiana [Mr. PARKER] was entirely beyond his own jurisdiction, or any right he has as a member upon this floor, in undertaking to take members to task as to the propriety of their votes, and applying to the action of this House, or the action of a past Congress, the term ignominious. He must be left to the exercise of his own taste in relation to the terms he uses. I do not know but what it is in accordance with the taste of that gentleman. In my estimation, however, he is branding opprobrious epithets upon the laws of this country—upon the action of this body, which he is not entitled to use. He is exercising an immunity beyond his right. I do not know what right that gentleman has to say that the members of this House, in giving their votes, place themselves in a ridiculous attitude. I do not know what there is peculiar about this bill more than others, which should call for the exercise of any such language, or justify any such liberties, by any member of this House. The vote may be right, or it may be wrong. I take it, where the question is so nearly balanced as it is here, that there is some excuse for any gentleman who shall give his vote, even if he does differ from some other gentleman. It has been said here in relation to this law, that it is placing this mileage principle in an unjust position. I do not know what injustice there is about it. I have not heard one gentleman, who has undertaken to show that the pay given to this Delegate from Oregon was not an equivalent for the services he renders here. By they say he does not get as much as some other persons. Does that make it unjust? The organic law of that Territory, which gave him a right to represent that people here, fixes his compensation. He was elected under that law, and came here under that law. Is there anything unjust about that? I have not heard gentlemen explain what they mean by the injustice of the law. Everything was regular

in reference to it. It was a mere act of Congress by which he came here at all. There has been no deception, no imposition practiced at all. But the gentleman says, the Delegate is not complaining. I do not know why gentlemen are so forward in their complaints, when they say the Delegate himself, who is the person to be affected by their action, is not himself complaining. If he is satisfied, I do not know why gentlemen should get up and undertake to read us a lecture upon dereliction of duty, when the person who is to receive the benefit of our act is himself satisfied with the law as it is. Gentlemen say, that it is a discrimination between this case and others. The case itself makes the discrimination, and it is not the law which makes it. The law has only applied itself to the case as it is. All of us admit here, that there is a great inequality—an unreasonable inequality in the compensation of members, growing out of the mileage; and the further the individual is removed from the seat of Government, the greater is the inequality. That is the reason why the law has provided for this case of the Delegate of Oregon. The distance being so great, it would be monstrous that he should come under the same rules fixing his mileage, as a member living within one or two hundred miles of the capital. I hold that there is no injustice, nothing wrong in it; and while gentlemen say the whole system is wrong, I say where is the propriety, when we have made one single advance, however small it may be, towards correcting an evil, in going back again to the point whence we started, for the purpose of making the evil still worse than it now is?

This House, I believe, did pass a bill at the last Congress, but it did not become a law—a bill dictated by the sense and judgment of the House, and rendered necessary by the circumstances of the case—by which all the members of this House, whether Representatives of States or Delegates from Territories, living at the other side of the Rocky Mountains, were to receive no more than a certain compensation, and that was \$2,500. It was said, by the last Congress, that \$2,500 was sufficient compensation for any gentleman living the other side of the Rocky Mountains. It was considered by the last Congress that \$2,500 was sufficient compensation to the Delegate from Oregon, whoever he might be. I do not think, under the circumstances—knowing the circumstances under which Congress then acted—that that law is to be characterized by gentlemen here as being ignominious.

If there is any further legislation necessary to place the Delegate from Oregon upon a footing with others, let us not go back and disturb this law, which has made a commencement in the direction, which all say is the right one, but let us follow it up in other cases.

Gentlemen seem to suppose, that upon the passage of this bill quiet will be restored upon this subject of mileage. Why, it seems to me only a renewal of the agitation on the subject. The mileage of members of Congress has been the subject of complaint and of severe remark, and always will be while the inequality is kept up. I believe it will not be any more easy matter to reconcile this whole subject after having placed this back again, than if we were to start from this point, if anything has been gained, and all seem to admit that something has been.

Gentlemen talk about the great expense of getting elected to Congress, and think that they ought, therefore, to have very large compensation. I do not know that we ought to listen to such arguments as that. It does not always follow—although it may be the case at present—that the member or delegate who lives furthest from the seat of Government should, therefore, receive the largest compensation, as the one whose election will cost him the most. It may be so now, but it certainly is not so always, and therefore that consideration cannot be taken into account for the purpose of judging of the reasonableness of the law, or the amount of the compensation. I do not believe it is very good policy either, to foster the idea that we are, by means of compensation, to hold out inducements to persons who may become candidates for election here to make use of very extraordinary means to obtain that election.

I am satisfied that the deliberate sense of this House has been expressed in the vote taken this morning, and which it is now proposed to reconsider. I believe that a majority of the House have

by that vote given a candid and praiseworthy expression of their judgment upon this question, without being at all affected by any political or party considerations. As has been very well and properly remarked, it has not been a party vote, and a question of this sort never should be. It is a question that never can at different times affect parties in the same way. It may affect one political organization favorably to-day and another to-morrow.

Sir, I trust that after the discussion and deliberation that has been had upon this subject on yesterday and to-day, and the opportunity that has been afforded gentlemen to make up their minds thoroughly, we shall not now wheel about and change the result, merely because there may be, perhaps, with some individuals a disposition to find fault and cavil and complain of the result because they think it is going to affect one of their friends unfavorably. I trust the vote thus deliberately taken and recorded will be permitted to stand.

Mr. HALL. I think this question has been sufficiently discussed, and I therefore move the previous question.

[Loud cries of "Oh, no!"]

Mr. TOOMBS. I hope the gentleman will withdraw that motion.

Mr. HALL. If the gentleman from Georgia desires to make any remarks I will withdraw it.

The demand for the previous question was then withdrawn.

Mr. TOOMBS. I wish to offer a few observations in reply to the gentleman from Indiana first up, [Mr. Fitch,] and also to the gentleman from Indiana last up, [Mr. PARKER.] The friends of this bill demand its passage upon the allegation that the existing law is unjust. That is the only argument or the only statement which I have heard made by them. I lay out of the account the argument of the gentleman from Indiana, [Mr. PARKER,] that the bill ought to be passed in order to save the time of the House. A little more experience in this House will show that gentleman that he is mistaken, and that the absence of discussion here does not facilitate adjournments. The most harmless time which is spent by the House of Representatives, he will find, is that spent in discussion. I lay out of the account, also, the argument made by the gentleman upon the personal merits of the sitting member from Oregon. I doubt not that they are as great as he represents them to be, but that is not a legitimate consideration in this question. I lay out of the account the charges made by the other gentleman from Indiana, [Mr. Fitch,] against certain members of this House respecting their course upon this subject before and after their elections. It may be true or not true as regards those gentlemen, but it cannot affect this question at all. Whether certain gentlemen took one course with reference to mileage before their elections and another after, does not show this law to be unjust, and it is for those who stand in that category to defend themselves. These are mere outside influences that are brought up to affect this question.

When the bill organizing the Territory of Oregon passed this House, the mileage of no member of the House went as high as \$2,500. That sum was beyond the mileage paid to any member of this House, and Congress limited the mileage of the Delegate from Oregon to \$2,500. It was not unjust then, unless it was inadequate; and its injustice therefore must be based entirely and exclusively upon its inadequacy. I will demonstrate, that if there was injustice, the injustice was upon more than half the members of this House. Subsequently California was admitted into the Union, and the mileage of its Representatives was also limited by this House, but the limitation was rejected by the other House; and the same was the case with respect to the Territory of Utah.

Well, the House fixed that limitation because it believed that after the payment of traveling expenses, it left sufficient salary. It left more salary than was given to two thirds of all the members of this House, and I say that it does to-day; after deducting traveling expenses, it leaves more salary now, out of this mileage, than is paid to two thirds of the members of this House. Where, then, is the injustice? Why, it seems to be based upon the fallacious idea that it is unjust because three or four gentlemen in this House get more by a different rule—that is, by the law of 1818. Now, all seem to admit that the law of 1818 works

unequally and unjustly. These very gentlemen themselves say so, and yet we are asked to go back to a rule acknowledged to be wrong, as a measure of justice. Both the gentlemen from Indiana say that the rule adopted by the act of 1818 is wrong. The gentleman from Indiana over the way [Mr. Fitch] told the House that he was chairman of the Committee on Mileage of the last Congress, and endeavored to correct that wrong, but failed; and now he asks that you shall go back to a rule which he has himself declared to be wrong.

But the injustice seems to be based on the idea that there are three or four members on this floor who receive more mileage than the Delegate from Oregon. If his compensation is sufficient and just of itself, is it unjust because you do not give him what other members get, and what this House has repeatedly declared to be unjust? That is a most singular system of reasoning.

Mr. STUART, (interposing.) Will the gentleman from Georgia allow me to say, that I find upon inquiry that one of the members from Texas receives between twenty-four and twenty-five hundred dollars, and the other three thousand dollars.

Mr. TOOMBS. That very bill of limitation, limited all on this side of the Rocky Mountains to \$1,500. If one of the members from Texas gets \$3,000, you only state another case of grosser injustice. That is all. Well, I do not see how you can remove injustice by multiplying unjust cases; yet that is what you propose to do.

Mr. STUART, (interrupting.) My idea is, that the man who travels five hundred miles—the facilities being nearly alike—makes as much proportionate profit on his mileage, as the man who travels five thousand miles. Every member's mileage is calculated on the principle of so many cents per mile. Now I ask the gentleman from Georgia, to show the House how this rule is right up to four hundred or a thousand miles, and becomes so radically wrong when you get up to three or five thousand miles.

Mr. TOOMBS. I say that the principle is wrong; that it is not a correct principle. It is much more difficult to come to this House from the western part of Texas, both in expense and physical suffering and risk—if they are to enter into the consideration—than it is to come from San Francisco. Every gentleman knows that. It does not depend entirely upon distance, but then, on account of the distances, and the expansion of the limits of the Republic, and the facilities for traveling in this country, the compensation having been always more than sufficient to pay traveling expenses, it has become an important and material item of salary. The House, therefore, said that when a man could come from San Francisco for \$300, and return for \$300, he should only have \$1,900 as salary. A great many members get no salary at all. In some cases, on account of the difficulty of traveling, it is only half of the mileage; in others it is not five per cent. It is a mistaken idea, that we can correct injustice by making the act of 1818 the rule, which is itself an unjust rule. There is the difficulty.

Now if \$2,500 is just compensation for a Delegate from the western coast of America, it is not unjust because there are two other gentlemen here from that portion of the Republic who receive \$5,000, because that has been repeatedly declared by the House to be unjust and improper compensation. Why is it unjust not to make another such case? That is what you ask us to do.

Mr. PARKER, of Indiana, (interrupting.) The gentleman has misstated my position—of course, unintentionally. The rule is unjust. It is just that the gentleman from Georgia should receive the mileage that he does now, because the rest of us receive the mileage that we do. But if we received the mileage that we ought to receive, his mileage would be unjust. The rule is wrong; and my objection to the special law in relation to the Delegate from Oregon is this, that you have taken him from under the operation of the unjust rule and made special legislation in regard to him. We ought to legislate in regard to the whole, and not in regard to individual cases.

Mr. TOOMBS. I agree with the gentleman. But the very fact that this case is the only one that has been taken out from under the unjust rule, makes it a just case, and the gentleman therefore wishes to overturn the only just case. According to his argument, we must go backwards. That is

progressing with a vengeance! Not having been able, on account of the conflict of interests in this House and elsewhere, to establish a rule of justice, but only to do partial justice by taking this case from under the unjust rule, we must now reverse that partial justice and do universal wrong!

Mr. PARKER, of Indiana, (interrupting.) Does the gentleman think it just that we should take the gentleman from Oregon, and make him an exception to the rule, whether just or unjust?

Mr. TOOMBS. I hold that an approximation to justice, or to a remedy for injustice, is right, whether it offends me or anybody else. This brings me to another portion of the remarks of the gentleman from Indiana. There is a certain class of economists in this House which I have observed for the last five or six years, who will favor any measure coming from whatever source, by which they can cut off wrong or extravagant expenditures. But there is another class who are always preaching economy—who are always ready to apply the rule of economy, and get economical upon every case except the one before the House. They say, Why go over yonder and take that case—take any case—any bill except this one, and I will be with you.

Mr. FITCH. Will the gentleman allow me to interrupt him? I desire to ask the gentleman from Georgia, if he did not vote for the Galphin claim?

Mr. TOOMBS. I did, sir, and I consider voting for just claims as one of the highest duties of a statesman, and I shall continue to vote for such claims as long as I hold a seat upon this floor. I would scorn that economy which withholds justice from a public claimant on account of public clamor.

Mr. FITCH. That is precisely what I am contending for. I do not want to make an unjust discrimination against the honorable gentleman from Oregon, even if the practice is wrong. Let it apply to all alike.

Mr. TOOMBS. Well, sir, this class of economists are always ready to cover up their own iniquities, their extravagance, and their blunders, by running down even just claims which the Government are bound to pay. That is a part of my experience here. They have intimidated some, but they have not others, and they never will. These are the economists who, when they are candidates for election, you cannot name a resolution for economy that they will not vote for. But when they come here, in this House, and any proposition for retrenchment comes up, then they will say, this is a small matter; why trouble the House about such small matters, when there is so much worthy of pruning by the House? These are the economists who always preach economy, but never vote for a proposition for removing a matter of abuse, no matter how clear it may be. Now, I take it that the best place to begin this reform is in this House. It will arm us with a moral power to reduce the already increased and constantly increasing expenses of this Government. Put it right here, and then you will be able to effect retrenchments in other branches of the Government, without the fear of the abuses in this House being brought up in judgment against you, in the hustings and elsewhere. That is the trouble about it.

Now, in relation to this compensation, I am in favor of holding on to all we have got in the way of retrenchment, and of gaining all we can. I believe this maximum which has been established is a just one. It gives this Delegate a compensation which, in my judgment, is doing him better justice than is done to a majority of the members of this House. I am in favor of fixing the compensation of members upon a just ground. I believe a majority of gentlemen upon this floor regard it as too little. I have voted, and am ready to vote to increase it. But I desire that it shall be fixed upon just and equitable principles. That is my principle of economy. I am not for fixing the lowest salaries; but I believe this question ought to be fixed permanently by the House. I wish to increase these cases exceptional to the general rule, as the means of bringing about general justice. You have got one case—keep it! It is not unjust. It is not unfair. The compensation is enough. Bring down the others within the rule—one at a time, if you can—all at once, if you can; but stand by what you have gained, if you honestly intend to be economical in this matter.

Mr. STEVENS, of Pennsylvania. I regret

that this question was not brought before the House in its true shape; then we would understand how to vote upon it.

I understand the question before us to be this: By the organic law of Oregon, passed several years ago, that Territory became entitled to a Delegate upon this floor, who, upon coming here, was to receive the pay of a member, and for mileage \$2,500. Under that organic law, a gentleman was appointed as Governor of that Territory, and that gentleman was supposed to know that law. I understand that he was the same gentleman who now occupies a seat upon this floor as Delegate from that Territory. It has been insinuated that he did not know of such a law. Now, that gentleman has acted as Governor of Oregon, and I do not suppose—

Mr. FITCH. I did not insinuate that the gentleman from Oregon did not know of such a law. I said the Delegate to the last Congress from that Territory [Mr. Thurston] came here under the same law, and yet received much more than \$2,500; and I intimated that he might have justly supposed that some law had been adopted subsequently making such provision as allowed a greater compensation than \$2,500.

Mr. STEVENS. Ah! Then he did not know what were the laws of his own Territory! He did not know but the organic law had been changed! I cannot presume so much upon the ignorance of the gentleman who represents that respectable portion of the country. I have no doubt that he came here knowing the law of his Territory, for he was bound to know it. He came here as a Delegate for \$2,500 mileage. Now when he came here the first of December last, he was entitled to, and had a vested right to that mileage, and the Government had a vested right to his services for that mileage and his pay. Here were two vested rights. He was entitled to it; and now do you want to give him more? Do you want to give a gratuity to that Delegate? If you do, bring in a fair bill. Say it is enacted by this Congress that the Secretary of the Treasury shall make a gratuity to General Lane—I believe that is his name—of \$4,000. For what? Why the gentleman could not stand as well as Galphin did. For nothing—no pretence of services rendered.

Mr. FITCH. Will the gentleman allow me a moment, for it is the only way I can get the ear of the House? What service did the gentleman from Pennsylvania [Mr. STEVENS] render this House or the country, while he was away for several weeks of the present session, in defending those who were engaged in a mob which destroyed the lives of our citizens?

Mr. STEVENS. That is the way such gentlemen argue! That is the way such statesmen answer arguments! God forbid that I should ever descend so low as to answer him! Sir, I am here, arguing a question of right, and I mean to argue it as honorably and statesmanlike as I can. I dare say that is the best the gentlemen can do with his side of the question, and I leave the House to judge how admirably he has succeeded. [Laughter.]

I was proceeding to say, that you have given General Lane, in this bill, a gratuity of \$4,000, (I believe it is between \$4,000 and \$5,000, if I can calculate it right.) Well, sir, there is no person to whom I would more cheerfully make a present, if I were allowed by my duty to bestow the public money upon those who have not earned it—to give the public money to those who have rendered no service for it. I do not know of any one upon whom it would give me greater pleasure to bestow four or five thousand dollars of the money which does not belong to us—for that is what we are doing—than to General Lane. Let us understand what we are doing. That gentleman has a vested right to the \$2,500 mileage which the law allows him, and the Government has a vested right to his service, and you propose to pay him this money out of the public Treasury for nothing but because he is a favorite, and a just favorite, of the nation. For this, you propose to give him four or five thousand dollars. And what excuse has his friends for asking it for him? Why, that the gentleman from California, although he lives nearer to the seat of Government, receives more than he does. I have nothing to say to this. They both came here under the existing laws, and they are fairly entitled to what the laws allow them. Would you take the five thousand dollars to which

the gentleman from San Francisco [Mr. MARSHALL] is entitled, because you conceive that it is more than he earned in coming here? No, sir; it is his vested right under the existing laws. But just as little can you take honestly—no, I do not say honestly, for every man acts honestly—but just as consistently can you take two thousand five hundred dollars from the mileage of the gentleman from California as you can add that amount to the mileage of the Delegate from Oregon. You cannot do either. Each party is entitled to his rights, and all beyond that is a gratuity. If the gentleman from California chooses to bestow his money upon the Government, he can do it; and if the Government choose to bestow its money upon General Lane, it can do it, but let it not be done in the name of justice.

Why the gentleman from Indiana, [Mr. PARKER,] sitting behind, says this was so just a claim, that he believed if the recipient of it were a Whig, that his Whig friends would vote for it. It is a poor compliment to the party of which I understand him to say he is a member. That, it seems, would constitute a principal merit in the case. I hope this insinuation is not just. I hope there are more honest men here than the gentleman speaks of. When he has associated longer with us, and seen more of us, he will find out that there are more honest men in the Whig or Democratic side of the House than he supposes. I admit, that when we have a party question before the House, that we are apt to go to the very verge of our belief to sustain it. Is this a party question? Is a man to receive a gratuity of \$4,000 because he belongs to this side of the House? Who would not be ashamed of himself, if he estimated his own conduct as low as the gentleman from Indiana [Mr. PARKER] does his? Why, I have seen men upon all sides of the House, voting indiscriminately upon this question, some for and some against the bill; and they voted honestly. Some, I know, are so good-natured that they cannot vote against a claim brought up by a friend; some vote against it because they think it is wrong; some for one reason, and some for another. Now, this is my view of it. I do not look upon this as a party or personal question at all. And, in the name of conscience, how can it be sustained by such an argument as was advanced by the gentleman from Indiana? [Mr. PARKER.] I cannot understand that argument. I suppose it must be above my comprehension. What the personal character or conduct of any individual, who goes for or against this bill, has to do with the naked question, it is for others to understand, but not for me.

I rose, not to make a speech. I rose merely to express my views in relation to this bill; and I have said more than I intended. I will not move to lay this motion to reconsider upon the table; but I wish somebody else would do it. I wish to see the matter disposed of.

Mr. STUART. I wish to refer to a few considerations upon this subject, and at the same time I hope that every gentleman will understand that I do it with the utmost respect. This subject of mileage is one which has been talked about, not only a great deal, but which every gentleman who has listened to it will say, has been talked about very earnestly and very sensibly. There are considerations connected with it which will, I apprehend, present difficulties to the mind of any man, and he who thinks that he possesses the abilities to sit down and provide for this pay of members of Congress, and has the power to reach the difficulties surrounding the subject of compensation, has bestowed but little thought upon the subject. Why, sir, as to the argument which the gentleman from Pennsylvania [Mr. STEVENS] has just alluded to—and I know not with what propriety towards the gentleman from Indiana [Mr. PARKER]—I will say to the gentleman from Pennsylvania that I intend to recur to it with the utmost good feeling, and to use it not only as a respectful, but as a legitimate argument touching the compensation of members of Congress.

It is known to all, that members of Congress who live within a convenient distance of this Capitol are in the constant habit of attending to their own personal business, be it professional, mechanical, agricultural, commercial, mercantile, or what you please. They not only do it, but they do it to pecuniary advantage. And while I would not allude to any particular case, and would not certainly make a remark that would be construed into

anything disrespectful—for I speak only that which we all know—I would say that members upon this floor have been in the constant habit of retiring to their respective places of business and attending to their duties. They are paid for it. It is a matter of pecuniary benefit at the time. And, sir, it is a matter of much importance to gentlemen engaged in certain kinds of business, inasmuch as it enables them to retain that business. A professional man in the law, with a practice of two, three or four thousand dollars a year, if he lives at a distance from this Capitol, and is thus compelled to lock up his office, loses his business. His clients find counsel elsewhere, and when he has finished his duties here, he will find that he has lost his business at home. If he resides at a point so near to this Capitol that he can at convenient seasons go home, keep up his duties, and retain his business, he makes no such sacrifice, pecuniarily, as that made by the member who lives at a distance too remote to enable him to superintend his private affairs.

Mr. Speaker, I avowed myself yesterday willing to vote for any proposition which should be brought forward here, in good faith, for the purpose of equalizing, to a greater extent, the pay of the members of this House. I at the same time expressed my distrust of the effect, practically, of any plan that had been suggested. I continue to avow that in good faith; and whatever may be said in regard to other gentlemen, I trust that I may not be regarded as egotistical, when I say I am willing to meet my constituents, and the world, upon any vote I give here, based upon my judgment, be it right or wrong. If I commit an error, I will make an avowal of it to my constituents, and to the world, and say I am wrong. God knows I will never talk here for Buncombe, and to suit any particular subject. Never. Nor do I believe that other gentlemen are disposed to do it. I think there is a great deal more talk about this subject, than there is reality. It is an honest, fair difference of opinion. As to the pay of members by the mile, I was anxious to hear the gentleman from Georgia [Mr. TOOMBS] upon that subject. Members of Congress are paid so many cents per mile by the existing law. There are gentlemen living in Illinois, in Wisconsin, in Iowa, in Texas, in Missouri, in Arkansas, and in many of those distant States, who receive what would be called a large amount of mileage. When you speak of \$1,500, \$2,000, or \$3,000 as mileage, it is a large sum, and more than any man ought to receive. But that is not the question at all. Is the principle upon which members are paid right or wrong? If it is wrong, do not select the Delegate from the remote Territory of Oregon, as the victim, upon whom to commence this operation of retrenchment and reform. If it is wrong, apply the reform to every member of Congress—go to the foundation of the evil, and cut it up root and branch. Equalize the per diem and mileage. If you cannot do it thoroughly, do it as nearly as you can. But I know of no rule of ethics, which makes it right to pay one man who comes five hundred miles forty cents a mile, and wrong to pay another at the same rate, who comes five thousand miles.

While upon this subject, allow me to correct a misapprehension which I was led into by an inquiry at the office of the Sergeant-at-Arms. I made an inquiry and a remark that the member from Texas received \$3,000. I was misunderstood in my inquiry, and they answered me in miles, instead of dollars. I believe the largest amount of mileage received by the gentleman coming from the western part of that State, is \$2,400. That is a large sum of money in the eyes of many men. The gentleman who comes from Maryland, [Mr. EVANS] thinks that the aggregate mileage paid to all the members should be divided equally amongst them. He does not propose to reduce the sum which the Government pays for mileage, but to divide it up equally among the members. That is the idea of equality entertained upon the part of some members here; and I think it would astonish the people quite as much as the principle that exists now. It would be difficult to determine that the member coming from Maryland, and coming in two hours, should receive an equal amount of mileage as the Delegate who comes from Oregon, a distance of five thousand miles, over a country inhabited by hostile Indians and wild beasts. But I am charitable enough to believe that the gentleman from Maryland [Mr.

EVANS] was not sincere; and I have alluded to these things only for the purpose of showing that when gentlemen rise to talk here so flippantly about equalizing this whole thing, and satisfying everybody, they know but little about it. They would not want, if you were to believe them, more than fifteen or twenty minutes in the committee room to fix and arrange the whole matter. Sir, it would be found to be a work of much greater magnitude than that.

I repeat, I will go with any gentleman here, not only in the work of retrenchment and reform, but of equalization. If gentlemen desire to bring down the pay of members to a grade too low for ordinary capacity, I will never go with them. I like the system of the gentleman from Georgia, [Mr. TOOMBS], and I will support a plan which shall pay members fairly and liberally; but I will go for equalizing the pay; and I ask gentlemen of this House, in the mean time, and until we shall get up a law which shall affect the whole of us, and operate with uniformity—at least that shall profess so to act—with what propriety do we continue this distinction against the Delegate from Oregon? Whenever a general law is introduced, he will be affected by it.

Now, in regard to the argument of the gentleman from Pennsylvania, [Mr. STEVENS.] He says there is a contract between the Government of the United States and the Representatives upon this floor. A contract that the Government shall pay the Delegate from Oregon according to the existing law, and that he shall receive such pay and be contented with it. The gentleman also speaks of vested rights. Now, that is going a little further with the doctrine of contracts and vested rights than anything I ever heard of before—a contract that the services shall be given for a consideration! Then does the gentleman from Pennsylvania, [Mr. STEVENS], and do gentlemen from Maryland, New York, Virginia, Massachusetts, and the surrounding States, carry out that contract in good faith when they go home and attend to their personal business, and draw their per diem here? It is an infringement of the contract; and if you are to carry it out, it would authorize the Government to declare that contract at an end, and such members would be without a seat upon this floor. Sir, I understand that the representative owes his duty to his constituents, and that it is a question to be settled between him and them, whether he does his duties, and is upon this floor a length of time sufficient to discharge those duties to the best interests of his constituents and the country. Let him answer it to his own conscience, and upon his honor, and to them. He is liable and amenable to nobody else.

This mileage was placed originally, as I understand, upon the basis that the Capitol should be here. It was regarded as worth something to this country to have it here—worth something to this locality and the surrounding States; and gentlemen who travel to it, were to be paid so many cents per mile for travel, regardless of the distance. If, in the process of time, and the progress of improvements and facilities in traveling, this system has become wrong, I repeat, lay the axe at the root of the tree; correct the evil at its very basis: let it affect every member here alike; but do not insist upon a discrimination which affects only one member upon this floor. But it is said, that it has peculiar force, because it is found in the organic law of the Oregon Territory. Why, Mr. Speaker, those of us who had seats upon this floor at the time when that act became a law, will agree with me, that we would have voted for it, with any provision that could have been made in regard to the payment of the Delegate, if it had been one thousand, eight hundred, or ten thousand dollars. Such was the feeling of Congress upon that occasion; such was the feeling of the country, and the general demand for the organization for Oregon Territory, that the question of the compensation of the Delegate was not considered for one moment. You might have named any number of dollars, and it would have been adopted with equal facility and with the same number of votes. The great question of organizing that Territory swallowed up all others. There were men in this House who felt opposed to, and I, for one, expressed myself against that restriction at that time. I avowed my determination to vote against it if I could get an opportunity to do so; but, at the same time, I felt as others did, that the question

of organizing that territory was a paramount one. Because such were the emergencies of that day, does it constitute any reason for now continuing a thing that was wrong in itself? Why, sir, it will never do to consider this question of mileage abstractly—the thing is right or wrong comparatively. You may say that \$2,500 is enough for one man to receive for traveling expenses, and let it be so; but graduate other men's rights accordingly. Let every man stand or fall upon the same principle. I do not see how the gentleman from Georgia [Mr. TOOMBS]—and I concede as much ability to him as any man—has answered my question. But does this principle operate so rightfully when it amounts to a thousand or fifteen hundred dollars, and absolutely wrong when it gets up to three or four thousand dollars. I consider this not only an invidious distinction, but as one beneath the dignity of this House and the Government. I am not amongst the number of gentlemen who believe this Government should be felt only in its power; it should be felt in its mercy, in its generosity, in its magnanimity, and in its justice. I believe, with the gentleman from South Carolina, [Mr. WOODWARD], that there is too much clamor upon this subject, and that we at times are a little too much afraid of maintaining our own dignity, for fear we shall not be sent here to maintain it at all. There is reason, as he says, why a member of Congress should be paid enough to induce him to stay here in the discharge of his duties, instead of asking for a clerkship of a third or fourth rate in the Departments.

Mr. SACKETT. I will make a statement, if the gentleman will permit me, with a view of asking a question, and it is this: A Congress ordinarily sits about twelve months. The fifteen months from the 1st of December of the first session to the end of the next in March, which would give a per diem compensation of \$2,920. The average distance of travel is about six hundred miles; taking the whole Congress together, making \$1,120 for travel at both sessions, which would give, as the entire compensation of members upon an average, \$4,040 for the whole Congress. The Delegate from Oregon, allowing that he does not return during the sessions, which is fair, would make him chargeable with three months' additional service, and a month's additional service for the additional time in traveling, over the other members, which would make his entire service for the two sessions just about seventeen months, and his compensation at the present rate fixed by law—if I am correct as to his being allowed \$2,500 for each session—\$7,920; while the average of the other members for thirteen months' services is \$4,040. Thus the excess of that Delegate's compensation over that of the other members is \$3,880. I believe this statement is substantially correct.

Mr. STUART. I do not see how any of these arguments affect the question at all. I have not contended for a moment that the present law regulating the pay of members of Congress operates equally. I concede, and concede cheerfully, that it operates very unequally. I have contended, and I intend to, that it is now based upon a well-ascertained principle, that it is eight dollars per day and so many cents per mile for traveling expenses; and there is no reason why you should discriminate against one man and not against another. I have said, if the system is wrong remodel it; but do not apply it to any one man when it has no application to another. Let us begin so that it will affect us all equally; and I will go with him who goes furthest and most zealously.

Mr. STANTON, of Tennessee. From the commencement of this discussion I have listened, being silent myself. I have voted for this bill in every stage of its progress, and I have heard nothing from any gentleman upon this floor tending to convince me that I have done wrong in thus voting. Now, the only argument I have heard which it seems to me is entitled to the character of one, is that presented by the gentleman from Georgia, [Mr. TOOMBS]; and it appears to me that the gentleman, upon a reconsideration of it, will admit that while his argument may be a correct one, the premises upon which he bases it are certainly not right. It is true that the gentlemen from California, and from other parts of the country, are paid at the rate of forty cents a mile for the number of miles traveled. He says that it is wrong; but it is according to law. He says that it is right to pay them only \$2,500. Now, before I

examine the premises as stated by the gentleman, I would ask him this question. I will put this proposition to the House, whether it is not a fundamental principle of justice, that matters of this kind shall be controlled by general and not by special law—whether it is not more important to justice in the abstract, as a question of right, that these things should be established by general laws than by special ones? When you come to the abstract justice and right of the case, I insist that the gentleman's premises in this respect are wrong; and I ask him, by what process of reasoning he arrives at the conclusion that \$2,500 is a fairer compensation for traveling expenses from Oregon to the city of Washington and back again, than \$5,000? I ask him, by what rule he measures the value of time, the expenses and the danger of that travel which enables him to determine \$2,500 as a juster compensation than twice that amount? If his premises be true, and if these things are to be controlled by arbitrary special law, why the gentleman from Georgia might be entitled to receive twice as much as myself. And why? Because his services might be worth twice as much as mine. And why? Because he may be twice as intellectual as I am. He may be twice as illustrious; and if he acts upon the absolute value of services, you may establish a different rule for every man in the House. A special law might be passed fixing the compensation of every man in this House. Are the members of the House prepared to abide by such a rule as this? And now take \$2,500, as a just compensation for traveling from Oregon to this country. I ask the honorable gentleman if he would be willing to travel there for it? I say, sir, humble as I am, and humble as I value my own services, if I had no motive of my own, no desire for pleasure, I would not be willing to take that trip for \$2,500, and I presume the gentleman would not himself. What were the facts of the case in reference to the predecessor of the gentleman who now occupies the position of Delegate from Oregon? He told us, I believe, that it cost him \$1,200 to come from Oregon here for his actual expenses. By an accident to which every one who travels upon that dangerous route is liable, he lost \$1,200—that made \$2,400 his actual expenses. And in going back he took the Isthmus route, contracted a fever, and lost his life. That is one of the contingencies; and now I think the honorable gentleman from Georgia will admit, that in placing \$2,500 as a fair estimate for traveling from California here and back again, he has taken an arbitrary estimate. I should like to know upon what principle he bases it—whether he bases it upon the compensation which he would give to a man in a particular station in life? The lowest station would be willing to travel for half that amount, provided it would pay his expenses, and leave him \$10 a month beyond; or whether he placed it upon the compensation which he himself would charge—a gentleman whose service at home is worth double or treble this money? I think there is something arbitrary in his mode of getting at this estimate of \$2,500 as a fair compensation.

Mr. TOOMBS. If the gentlemen will allow me a moment, I would put the services of every member of the House upon an equal footing, after deducting the traveling expenses. My rule is, that one member is not worth more than any other member, no matter what his qualifications may be in the House.

Mr. STANTON. I do not pretend to say that it is just, but I do not deem that it is less unjust in the case of California members than it is in the case of the gentleman from Oregon. I say that it operates unequally; and I am ready and willing to go with the gentleman from Georgia to equalize it; but at the same time I do not admit the premises upon which he bases his calculation: and so long as the law exists as it does for the great mass of members, we ought to proceed by general laws, and not make special ones to the injury of particular individuals upon the floor. I say that is a greater departure from justice, upon every principle of right and law as settled in most of the States of the Union, which have in their constitutions, I believe, provided that all the laws shall be general—than any inequality which exists under the operation of the present law. Before I sit down I must be permitted to say, that I listened with great interest and great pleasure to the remarks of the gentleman from South Carolina [Mr. Woodward,] the other day, in reference to the

compensation of members of the House. I have never given a vote upon this floor by tellers, or in any other mode, that I have not given likewise upon the yeas and nays; and I am ready to vote now, or at any time, for a bill fixing the compensation of members of Congress at so reasonable a rate that there will be no complaint from any quarter. But until that is done—until you establish something like general justice, I am disposed to proceed according to the general law which fixes the compensation of all the members; for I suppose it will not be contended that the compensation of a Delegate ought to be different from the compensation of any other member of the House. I apprehend that the gentleman from Georgia himself would revolt against a proposition that would put a limitation upon the mileage of one of the members of Congress, elected from one of the States that did not apply to all of the other members.

Mr. POLK. The gentleman from Pennsylvania [Mr. STEVENS] seemed to imply that some importance had been given to this question from the fact that the Delegate from Oregon was a Democrat. I repudiate any such accusation. I vote for it upon the broad ground of justice; and even if I should vote for it upon the ground of favoritism, there is no gentleman who deserves it more than the Delegate from Oregon, [Mr. LANE.] We will take the history of the territorial government of Oregon. We will take it from the hour of the appointment of General LANE as Governor, and trace it to the present hour, and he has done more to relieve that Territory than all the other appliances of Government that have been extended to it. General LANE was appointed Governor of Oregon. He went to Fort Leavenworth, where there was to be a company to escort him to the wilds of Oregon. As the captain was not ready, General LANE, with his usual promptitude and energy, took twenty men and passed through the wilds. When he came to the Frémont Pass, his guide left him and he would wait for no other. His own instinct led him; and he passed into Oregon, visited sixty tribes of Indians, made peace with them, and received no compensation for it. When, in times past, Governors have received compensation, both in the way of their salaries and for arranging Indian treaties, he has never demanded anything from the Government for such services. He has labored there and has redeemed that Territory. He stands here to-day as its Delegate, and yet the representatives of a free people—men who profess to entertain high-toned feelings and sentiments—men who say their honor lives and dashes through their veins—have been found here ready to count the dollars and cents upon him. Shameful! The gentleman from Georgia [Mr. TOOMBS] argues this point upon the ground of adequacy. He asks, is it inadequate—is the pay sufficient? Why, I take the ground that it is insufficient. I will take, by way of illustration, the case of the gentleman himself, and apply it to the Delegate from Oregon. I will bring it home to the gentleman. He comes to Washington upon an air-line railroad at forty cents a mile; while the gentleman from Oregon passes through a wilderness, depending alone upon his rifle for subsistence, and he is to be paid ten cents a mile. He is to be cut down. If the gentleman from Georgia [Mr. TOOMBS] intends to make the point of inadequacy, as to the actual expense which is incurred in bringing him to Washington, I ask him if he cannot go from his own home to Washington for \$30? I came here for \$50, and I have received \$900. The gentleman from Georgia [Mr. TOOMBS] comes here for \$30, and receives over \$600. If this rule is to operate generously, if it is to operate fairly, I ask him to come up first and make a sacrifice of himself before he offers up the Delegate from Oregon as a sacrifice. Let the principle be carried out; apply it to yourself; do not hug your sweet \$600 to your bosom. I am willing to to-day to vote for a bill to square this mileage down to the actual expense. I am unwilling to take this one isolated case to make a sacrifice. The gentleman from Georgia may do it. I scorn to do it. In the history of this case there is another point which strikes me. What has been the action of Congress with regard to this question? When the Oregon territorial bill was passed, there was a feature in it limiting the mileage to \$2,500. What was the action of Congress immediately after the passage of that bill? Who was the former Delegate from Oregon? Mr. Thurston. Did he receive \$2,500?

No, sir. Was he limited to the operation of the organic law? No, sir. This House, in view of its justice, passed a bill, embodying it in the general appropriation bill, by which they said he should receive \$3,400. Now, are you going to make an exception of the present Delegate from Oregon, and draw a distinction between him and the Delegate who preceded him? Is this House ready to say that Mr. Thurston, for his service and labor, shall receive \$3,400 mileage, and that the present Delegate from Oregon is only entitled to \$2,500? Is it applicable to the present Delegate? No; but the favoritism has been showered upon the Delegate who preceded him. There is one case of injustice. If the gentleman from Georgia wants a case of injustice, that injustice is in this, that you pay a Delegate preceding General LANE \$3,400, while you refuse to pay him the same amount. Is there no injustice in that? If there is justice there, I will bow to the gentleman and acknowledge it. I only wish to make my opposition known upon this question. I vote for it, because it is right. I only wish to explain why I shall vote for it. If it is the purpose of the House to cut down the mileage of the Delegate from Oregon to the actual expenditure incurred, I am willing to do it, provided they permit the principle to diffuse itself and apply to all others. If they say I shall receive only the actual expense of traveling from my residence to the Capitol, and let each member go to the Sergeant-at-Arms and make a statement under oath as to his actual expenses, and let that be his mileage, I am willing it should be so. I am unwilling that we should take the mileage we do ourselves, and fall upon one poor Delegate and tear him to pieces.

Mr. ORR. I had not intended to have participated in the debate; but as some consequence has been attached to it by the length of time in which the House has been engaged upon it, I feel it due to myself to state the reasons why I have voted continuously for this bill from the beginning, and against all the motions made to send it to the Committee of the Whole on the state of the Union, or to recommit it. I do not pretend to argue as to the justice or injustice of the present system by which members of Congress are paid a compensation. I do not think the present system of mileage is correct. The reason why I vote for this particular bill is, that I am in favor of meting out to the Delegate from Oregon the same justice exactly that is meted out to other members, whether it be just or unjust. I want him to be squared by the same rule by which other members are squared. I think, though, that this whole debate has originated in a misapprehension and misconstruction of the law which was passed the 20th of September, 1850, by the Committee on Mileage. I think, if the proper construction had been given to that law, this debate would not have originated, and this bill would not have been introduced into the House. The act passed upon the 20th of September, to provide for deficiency in the appropriation for the pay of the mileage of members of the House, has a proviso attached to it, which reads:

"Provided, That the mileage of Senators and Representatives from California, and the Delegate from Oregon, be computed according to the most usually traveled route within the limits of the United States, and the per diem of said Senators and Representatives for this session shall commence from the day on which the constitution of California," &c.

The restriction in the latter part of the proviso, which speaks of this session, evidently conveys to the mind the impression that the first part of the proviso was intended to be a general law; and I think I can appeal to such members of this House as were members of the last, that it was the intention of Congress in passing the law, that there should be a fixed and permanent mode adopted for ascertaining the mileage to the California and Oregon members.

Mr. FITCH, (interrupting.) The gentleman from South Carolina has referred to the provision in the deficiency bill of the first session of the last Congress, as one designed to operate prospectively. I do not recollect, of course, what was the intention, if there was any expressed; but I know that the same provision was before the Committee on Mileage during the second session of the last Congress. That committee, with scarcely a dissenting voice, decided that the provision was one temporary in its effect, which had expired with the fiscal year that gave birth to the bill. For the purpose of testing the question,

however, they computed the mileage of the representatives from California by the overland route. The gentlemen who were then the Representatives of that State took exception to this computation, and they procured the advice of a gentleman, whose legal attainments I believe are second to those of few in the nation; they obtained a written opinion from him, and with that opinion went to the Presiding Officer of the House. By his advice—I will not say instructions—but by his advice, which the committee deemed worthy of all respect, the committee rescinded its own previous resolution, and permitted those gentlemen to draw their mileage, under the law of 1818, by the Isthmus route.

Mr. ORR. I know that was the construction given by the Committee on Mileage at the last session, and also the construction of the present committee. I take it for granted, however, from the reading of the act, that that construction of the act is incorrect, and that not only is the Delegate from Oregon entitled to his mileage over the overland route to Oregon, but that the members and Senators from California are not entitled to charge by the Isthmus route, but that they are restricted by this act to charge for the same route as that traveled by the Delegate from Oregon.

Well, it is said that this proviso expired with the bill, at the end of the fiscal year, on the 30th of last June. Now, let me call the attention of members to this fact, that at the last session of Congress, there was attached to the civil and diplomatic appropriation bill a proviso which provided that bounty land warrants should not be located upon any lands but those that were surveyed at that time; and what was the construction given to that? It was in the general appropriation bill; and if the construction contended for by the Committee on Mileage is correct, it expires also upon the 30th of June next, and all the noise which we have heard in this Hall in favor of repealing that proviso, which it was said had crept clandestinely into the bill, has been unnecessary, inasmuch as it will expire with the bill in which it was incorporated. But it is a mistake. There are very many permanent laws that are incorporated as sections into our general appropriation bills. It is very often the case that things get into the appropriation bills that ought not to be there. I believe the rules of the House require that no appropriation shall be incorporated into a general appropriation bill, unless a prior existing law provides for it. But we all know that clauses creep into the appropriation bills that are not in strict conformity with the rules. I am not sure that offices have not been created by clauses in general appropriation bills, and it has never been contended before that those offices expired with the expiration of the year for which the bill made appropriations.

It is suggested to me that the law abolishing flogging in the Navy was also put into a general appropriation bill. Is the construction to be put upon that, that it expired with the fiscal year for which the appropriations were made? Not at all. It is considered now as one of the general, binding laws of the land, and is so construed by the whole Navy. And it is the same with reference to this bill.

There is some authority upon this subject. I hold in my hand a report made by a committee of the Senate, to whom this subject was referred in March, 1851. Mr. COOPER, from that committee, reported:

"That they have carefully considered the provisions of the aforesaid act, and are of opinion that so much of the same as provides 'that the mileage of the Senators and Representatives from California, and the Delegate from Oregon, be computed and paid according to the most usual traveling route within the limits of the United States,' is permanent; and that the mileage of the Senators from the State of California, should be ascertained and paid in pursuance of this provision."

That, I apprehend, is the right construction. Perhaps that construction has been reversed by the Senate, but I think it is the correct construction of the act.

Mr. STANTON, of Tennessee, (interrupting.) I think, that upon the very face of this act, the construction contended for by the gentleman from South Carolina cannot be maintained. The provision in the deficiency bill is to this effect:

"Provided, That the mileage of the Senators and Representatives from California, and the Delegate from Oregon, be computed according to the most usual traveling route within the limits of the United States; and the per diem of said Senators and Representatives for this session shall

commence from the day on which the constitution of California was first communicated to the two Houses of Congress, respectively."

It applies to that appropriation alone, and the proviso certainly cannot, by any sort of construction, be made to extend to others. If it had said the mileage shall hereafter be computed by such a route, there might be some reason for the construction, but it is a proviso that the mileage provided for in this deficiency bill shall be computed by such a route.

Mr. ORR. I had marked a clause in the civil and diplomatic appropriation bill of the last session to which I wished to refer, but I cannot now lay my hand upon it. It was, however, the clause to which I have already adverted, providing that land warrants shall not be located upon any lands except those surveyed at the time the bill was passed. By looking at the phraseology it will be found, that that proviso comes in in precisely the same way that the proviso comes in in this deficiency bill.

But the point to which I called the attention of the House when I first rose, and which I do not think the gentleman from Tennessee has answered, was this: After providing that the rate of mileage shall be ascertained in a particular way, the law then says, that *the per diem for this session*, and so forth, showing that it was evidently the intention of the law-makers to restrict the latter clause of the proviso, and that the first clause of the proviso was to be general in its operation.

If I am correct in the construction which I have given to this act, then the Committee on Mileage should have ascertained the mileage due to the Delegate from the Territory of Oregon according to the terms of this act, and that is by the overland route; and they should have ascertained the mileage due to the Representatives from California according to the same route. And if the House should concur with me, that the construction which I give to this act is the true construction, and that it is a permanent and not a temporary provision, then a simple resolution of the House so construing the law, is all that will be necessary, and directing the committee to reverse the decision made in its construction.

Mr. HENDRICKS. On yesterday I was inquired of by the gentleman from South Carolina, [Mr. Woodward,] whether the general law of 1818 did not limit the mileage of members to the amount of their per diem. At that time, I stated very confidently that no such provision was to be found in that law. I will now read the section of the law. It is as follows:

"Sec. 2. And be it further enacted, That at every session of Congress after the said third of March, one thousand eight hundred and seventeen, each Representative and Delegate shall be entitled to receive eight dollars for every day he has attended, or shall attend, the House of Representatives, and shall also be allowed eight dollars for every twenty miles of the estimated distance by the most usual road, from his place of residence to the seat of Congress, at the commencement and end of every such session and meeting; and that all sums for travel already performed, to be due and payable at the time of passing this act. And in case any representative or delegate has been, is, or shall be, detained by sickness, on his journey to or from the session of Congress, or, after his arrival, has been, is, or shall be, unable to attend the House of Representatives, he shall be entitled to the same daily allowance. And the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a representative, eight dollars for every day he has attended, or shall attend, the House: *Provided always*, That no Representative or Delegate shall be allowed a sum exceeding the rate of eight dollars a day, from the end of one session to the time of his taking his seat in another."

Mr. STUART, (interrupting.) Will the gentleman from Indiana yield the floor for a motion to adjourn?

Mr. HENDRICKS. I have only a few remarks to make, but I have no objection to give way for an adjournment.

Cries of "Go on!" and "Oh, no!"

Mr. H. I give way to the gentleman from Michigan.

On motion by Mr. STUART,
The House adjourned until to-morrow.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. WALLACE: The petition of Whitmarsh B. Seabrook, Joseph Whaley, and others, praying payment for military service rendered the United States in the war of 1812.

By Mr. McLANAHAN: A memorial from citizens of Pennsylvania, remonstrating against the renewal of the patent granted to Austin and Zebulon Parker for alleged improvements in reaction water-wheels.

By Mr. EDGERTON: Petitions of citizens of Henry county, Ohio, for an amendment of the bounty land law of 1850.

Also, the memorial of assistant marshals of Allen and Shelby counties, Ohio, asking additional compensation for taking the census.

By Mr. SCHOONMAKER: The petition of Sarah Gardiner, mother of Captain J. R. B. Gardiner, deceased, for bounty land and a pension.

Also, the petition of Enos Mallory, of New York, for a pension.

By Mr. MILLSON: The petition of citizens of Norfolk, praying the establishment of a post route from Matthews Court-House to Norfolk, via East river.

By Mr. DAVIS, of Indiana: The memorials of Coleman Noel, Wiley C. Burton, and Amos S. Wells, administrator of the estate of Joseph Herin, deceased, of the State of Indiana, praying additional compensation for their services as assistant marshals in taking the Seventh Census.

By Mr. BURKE: The petition of Washington Bastian and 388 others, citizens of the United States, asking Congress to refuse the renewal of the patent of McCormick's reaper.

Also, the memorial of the Janesville County Agricultural Society, asking Congress to establish a national Agricultural Bureau.

Also, a memorial from the mayor, United States marshal, and authorities of the city of Milwaukee, recommending the General Government to build at certain points the safety anchorage, as exhibited by Colonel Sherburn.

Also, the memorial of John H. Sherburn, presenting the same subject for the consideration of Congress.

By Mr. WELCH: The petition of John C. Holcomb and Edward T. Holcomb, asking an increase of compensation for services as assistant marshals in taking the census.

By Mr. HENN: The petition of George W. Crawford and 30 others, citizens of Henry county, Iowa, asking a grant of land to aid in the construction of a railroad from Burlington, via Mount Pleasant, Fairfield and Ottumwa, to the Missouri river.

By Mr. FITCH: The petition of John Dunning, assistant marshal of Porter county, Indiana, asking additional compensation.

By Mr. CONGER: The petition of Richard Butler and others, in favor of establishing a post route along the plank road from Mr. Clemens, in Macomb county, Michigan, by way of Romeo, to Almont, in Lapeer county, in said State.

Also, the petition of E. P. Hastings, asking for compensation as pension agent from 1836 to 1846.

By Mr. BABCOCK: The petition of the Mayor, Board of Trade, and other citizens of Oswego, asking Government to build a safety anchorage in the harbor of Oswego, as exhibited to them by Colonel Sherburn.

Also, petition of citizens of Oswego county, New York, praying a change in the bounty land law of 1850.

By Mr. WASHBURN: The petition of John A. Poor, Elijah L. Hamlin, and A. G. Chandler, executive committee in behalf of the State of Maine, and members of the corporation of the European and North American Railway, for aid to said work.

Also, the remonstrance of A. M. Roberts and others, merchants, ship owners, and insurers of Bangor, Maine, against the repeal of an Act for the reduction of the costs and expenditures in admiralty against ships and vessels, passed March 3, 1847.

By Mr. FLORENCE: The memorial of John R. Bond, praying compensation for his services as acting purser.

By Mr. PRICE: The memorial of Roswell L. Gilt, governor of the Society for establishing useful Manufactures, Charles Thudor, Daniel Barkalow, C. S. Van Wagoner, A. Canfield, C. Colt, R. B. Cliswell, D. K. Allen, and 82 others, citizens of Paterson, New Jersey, interested in the silk trade of the United States, representing that the present tariff on raw silk is destructive to the interests of a large class of American citizens, and desire a total repeal of the duty on raw silk, and to make a clear discrimination between it and an article far advanced in its progress of manufacture.

By Mr. DOTY: A resolution of the Legislature of Wisconsin, relative to the military reservation at Fort Winnebago.

Also, the memorial of the Board of Supervisors of the county of Columbia, soliciting a grant to the State of Wisconsin of the military reservation at Fort Winnebago, in aid of the improvement of the Nemadji and Wisconsin rivers.

By Mr. JOHNSON, of Tennessee: The petition and other papers of Samuel McGeeck, praying Congress to place his name on the roll of invalid pensions.

By Mr. CABLE, of Ohio: The memorial of the assistant marshals of Columbiana county, for an increased compensation for services in taking the census, &c.

Also, from citizens of Carroll and Tuscarawas counties, for a mail route from Carrollton to Zoar, Ohio.

Also, from citizens of Mount Pleasant, Ohio, for a ship canal around the Falls of Ste. Marie's river, Michigan.

By Mr. BUSBY: The memorial of Almon Hayes, P. Z. Coleman, and Margaret A. Stokes, widow of E. G. Stokes, deceased, assistant marshals of the county of Richmond, Ohio, asking increased compensation for taking the census.

By Mr. FOWLER: The petition of William D. Simmons and 100 others, citizens of Plymouth, Massachusetts; also, of N. Pendleton and 10 others, merchants and ship-masters of Bangor, in Maine; also, of P. Jones, jr., and 102 others, master-mechanics of Boston, Massachusetts, praying for an appropriation from the Treasury of the United States for the improvement of the harbor of Scituate, in the State of Massachusetts.

On motion by Mr. AVERETT,
Ordered, That leave be granted to withdraw from the files the papers in the case of Captain Thomas Thwaites's heirs, petitioning for commutation pay, and refer them to the Committee on Revolutionary Claims.

On motion by Mr. SCUDDER,
Ordered, That the petitions of Zachariah Knowles and others, and Joshua Knowles and others, for allowance of fishing bounties to the owners and crew of schooners Florida and Garret, of Truro, Massachusetts, be taken from the files and referred to the Committee on Commerce.

IN SENATE.

WEDNESDAY, February 18, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

EXECUTIVE COMMUNICATION.

A message from the President of the United States was received by Mr. M. P. FILLMORE, his Secretary, transmitting to Congress a letter addressed to the Secretary of State by the Commissioner of the United States under the convention with Brazil, setting forth the obstacles which have impeded the conclusion of the business of that commission; which was read, and referred to the Committee on Foreign Relations.

PETITIONS.

Mr. WADE presented the memorial of J. H. Kikendall, an assistant marshal for taking the Seventh Census in Ohio, praying additional compensation; which was referred to the Committee of Claims.

Mr. SEWARD presented a memorial of inhabitants of St. Lawrence county, New York, praying the construction of ship canals around the Falls of Niagara, and Sault Ste. Marie; which was referred to the Committee on Commerce.

He also presented the petition of Joseph Clement, Charles L. Mass, and William K. Caton, praying remuneration for being deprived, under an Indian treaty, of certain land upon which they were digging gold; which was referred to the Committee of Claims.

Also, a petition of citizens of New York, praying that a pension may be allowed Daniel Doland, for injuries received in the late war with Mexico; which was referred to the Committee on Pensions.

Mr. DOWNS presented a resolution of the Legislature of Louisiana in favor of a donation of the military reserve at Fort Jesup to the State, for the purpose of establishing a seminary of learning thereon; which was referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. CLEMENS presented a memorial of the Legislature of Alabama, asking an appropriation of land to establish a lunatic asylum, and for the education of the blind and the deaf and dumb; which was referred to the Committee on Public Lands.

Also, a memorial of the Legislature of Alabama, asking a grant of land to equalize the value of the sixteenth sections in that State; which was referred to the Committee on Public Lands.

Also, a memorial of the Legislature of Alabama, asking an extension of the time for making selections of school lands; which was referred to the Committee on Public Lands.

Also, a memorial of the Legislature of Alabama, asking a graduation of the price of the public lands in that State; which was referred to the Committee on Public Lands.

Mr. FISH presented a memorial of Henry Grinnell, praying the Government to accept the vessels which were purchased and prepared by him and sent in search of Sir John Franklin and his companions, to be used with others in a new expedition for the same purpose, which he prays may be fitted out the ensuing spring; which was referred to the Committee on Naval Affairs.

Mr. CHASE presented a memorial of insurance companies, merchants, and others interested in the Commerce of Cincinnati, praying that the act reducing the costs of proceedings in admiralty against ships and vessels may not be repealed; which was referred to the Committee on Commerce.

Mr. BRIGHT presented seven memorials of assistant marshals for taking the Seventh Census in Indiana, praying additional compensation; which were referred to the Committee of Claims.

Also, the proceedings of the Board of Common Council of Jeffersonville, Indiana, in relation to the Louisville and Portland Canal, and recommending the construction of a new canal around the Falls of the Ohio; which was referred to the Committee on Roads and Canals.

Mr. GWIN presented a memorial of citizens of California, urging an immediate survey of the public lands in that State, and the adoption of a liberal system towards the State in their disposition; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. UPHAM, it was

Ordered, That the memorial of the children of Joseph Bradley, deceased, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. BADGER, it was

Ordered, That David Taylor have leave to withdraw his memorial and papers on the Executive files of the Senate.

REPORTS FROM STANDING COMMITTEES.

Mr. FELCH, from the Committee on Public Lands, to which was referred the bill to authorize the State of Wisconsin to select the residue of the lands to which that State is entitled under the act of 8th August, 1846, to aid in the improvement of the Fox and Wisconsin rivers, reported it with an amendment.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred the memorial of Johnson Lykens, reported thereon, and, in concurrence therewith, it was ordered that the Committee be discharged from the further consideration of the subject.

He also, from the same committee, to which was referred the memorial of Johnson K. Rogers, submitted a report, accompanied by a joint resolution for the relief of the heirs of Joseph Cordey; which was read and passed to the second reading. The report was ordered to be printed.

Mr. DOUGLAS, from the Committee on Territories, reported a bill for the benefit of the Territory of Minnesota; which was read and passed to the second reading.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the petition of Noah Miller, submitted a report, accompanied by a bill for the relief of the legal representatives of Noah Miller, of Lincolnville, in the State of Maine, and for the relief of other persons; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of the Mayor and members of the Board of Aldermen and Board of Common Council of the city of Washington, reported a bill to extend the collection district of Georgetown to the city of Washington, in the District of Columbia; which was read and passed to the second reading.

Mr. SEWARD, from the Committee on Commerce, to which was referred the petition of Robert T. Norris, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the Committee on Commerce, to which was referred the petition of Lewis H. Bates and William Lacon, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading.

Mr. DAVIS, from the Committee on Commerce, reported a bill to amend an act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam;" which was read and passed to the second reading.

On motion by Mr. DAVIS, it was

Ordered, That five hundred extra copies of the said bill be printed for the use of the Senate.

Mr. BADGER, from the Committee on Naval Affairs, to which was referred the petition of Martha L. Downes, submitted a report, accompanied by a bill for her relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. BORLAND, from the Committee on Public Lands, to which was referred the bill granting the right of way and making a grant of land to the States of Florida and Alabama in aid of the construction of a railroad from the waters of the Pensacola Bay, in Florida, to Montgomery, in the State of Alabama, and for other purposes, reported it with an amendment.

COMMUNICATIONS FROM KOSSUTH.

Mr. HAMLIN. The Committee on Printing, to which was referred the motion to print a letter of Louis Kossuth to the President of the Senate, *pro tem.*, together with a copy of a communication addressed by him to the President of the United States, have directed me to report in favor of printing the same.

Mr. BORLAND. Before the vote upon the concurrence in that report is taken, I desire to call the attention of the Senate to the subject. I, as an individual Senator, am opposed to the printing of these letters; and I simply desire to call the

attention of the Senate to it, as Senators do not usually give their attention to these reports unless it is specially called to them. The motion is to print matter which I think is not at all necessary for the public interest. It is a subject upon which we have already had so much printing and so much talking here, that I think it is time, with all deference to the opinions of others, that it should be disposed of finally, and not printed or talked about any more. I understand the usual custom is to submit a report for the concurrence or rejection of the Senate when it comes from the committee.

The PRESIDENT. Generally speaking, it is taken up as soon as the report is made. The question, then, will be on concurring in the report of the committee.

Mr. BADGER. I really hope the Senate will not concur in the report. I was in hopes that we had got rid of this subject after the military appearance which M. Kossuth made in this Hall some time ago, and that he would not be presented here again, in his literary character. I move to lay the report on the table.

Mr. HAMLIN. I hope the Senator will withdraw that motion for a short time.

Mr. BADGER. Certainly, if the Senator will renew it.

Mr. HAMLIN. I will renew it if the Senator will authorize me to withdraw it should any other Senator, for the purpose of making any remarks, desire me to do so.

Mr. BADGER. I withdraw it unconditionally.

Mr. HAMLIN. I believe I have troubled the Senate as little as any member, in relation to the individual who has made this communication to the Senate. I do not recollect that his name ever passed my lips on this floor until this morning, when I made that report. The communication is at least from a very distinguished individual. There are those in this body who desire that it shall be preserved at length upon the records of the Senate. It comes within no rule which has been laid down by the Printing Committee, or by the Senate, in relation to printing; but it is a question which stands outside of all those rules. Taking, then, the character of the individual, and the disposition of many Senators to spread it upon the Journal, and there preserve it, a majority of your committee were in favor of printing it. I will consume no more time in talking upon the subject.

The PRESIDENT. It will not go on the Journal if it is ordered to be printed.

Mr. HAMLIN. Not at length.

Mr. BADGER. I renew the motion to lay the report upon the table.

Mr. CHASE asked for the yeas and nays upon the motion; and they were ordered; and being taken, resulted—yeas 16, nays 24; as follows:

YEAS—Messrs. Badger, Bell, Borland, Butler, Clarke, Clemens, Dawson, Jones of Tennessee, King, Miller, Morton, Pratt, Rusk, Spruance, Underwood, and Upham—16.

NAYS—Messrs. Atchison, Bright, Brodhead, Cass, Chase, Davis, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Fish, Geyer, Gwin, Hamlin, Jones of Iowa, McKee, Norris, Seward, Smith, Soule, Stockton, Sumner, and Wade—24.

So the motion to lay the report on the table was not agreed to.

The PRESIDENT. The question now comes up on the printing of the communication on the report of the Committee on Printing.

Mr. CHASE asked for the yeas and nays upon it.

Mr. BORLAND. Before the vote is taken, I have one remark to make in opposition to the proposition to print. I wish to call the attention of the Senate to the fact, that these letters have already been printed by the Senate; that they are printed now in the two newspapers which publish the official record of our proceedings here, and that the whole proceeding appears upon the Journal. By being published in the official report of our proceedings, those letters have as much publicity given to them as, I think, any reasonable man can require. This is a proposition to print these communications in pamphlet form, and make them one of our regular documents. To that I am opposed. It will incur but a small expense, it is true, but it will be giving an importance to the matter to which it is not entitled.

Mr. BADGER. I would suggest to my friend who is at the head of the Printing Committee, [Mr. BORLAND,] that to give publicity to the communication is not at all the object of this printing.

It is to have this communication from the Governor, or Chief Magistrate, of the independent State and Kingdom of Hungary, and the embodiment of the very principles of republicanism throughout the world, in our Congressional documents, to be handed down to posterity in company with communications of a similar kind which come to the Senate.

Mr. CASS. I am not going to argue this question at all, particularly on the issue made by the honorable Senator from North Carolina. This communication, as I understand it, is simply a letter of thanks from this gentleman to Congress for inviting him here. It is sent to us in the most modest and proper language. All that is proposed is, that we should show, upon our record, that we have received it, and given it that respect to which it is entitled. As the issue now is, to refuse to print it, is to reject it, and throw contempt upon the man. That I am not disposed to do.

Mr. BUTLER. I recollect that when the proposition was before the Senate to welcome Louis Kossuth, it was expressly disclaimed that it was with any view to address the Senate of the United States. It was to place it upon a parallel with the reception of Lafayette, which was a very high honor, I confess. I now understand this gentleman to have written to the President. So far as it was a private communication to the President of the United States, returning his thanks for honors which had been shown him by this Government and the people of the United States, there could be no objection to it; but when the President thinks proper to send a communication of that kind to the Senate, it is allowing this gentleman—Mr. Kossuth—to address himself indirectly to the Senate of the United States, and so far as this proceeding will do it, to obtain the sanction of this body, impliedly, to the doctrines set forth in that paper; for it is not a simple expression of his return of thanks to this body.

Mr. BADGER. By no means.

Mr. BUTLER. It must not go out with any such understanding. If it had been of that kind, I presume it would never have found its way here. If it had been a simple, modest return of thanks to the President of the United States, we would never have heard of that paper. But it is the vehicle, under the name of returning thanks to this Government, of the doctrine of this gentleman, and so far as we give our sanction to it, we are called upon to do it. In other words, we are called upon to take this paper from this ex-Governor, or gentleman who claims to be the Governor of a foreign country, and place it upon our archives as one of the documents of the Senate.

Mr. BADGER. It is a political paper.

Mr. BUTLER. It is a political paper to all intents and purposes. What effect it may have upon the public mind of the United States, or of Europe, I know not. But the object is, disguise it as gentleman may, to send it forth with all the indorsement and imposing sanction that can be imparted to it by this body. It is not a simple return of thanks, as the Senator from Michigan calls it.

Mr. CASS. I did not intend to say another word. But, really, it seems to me to be a new idea, that because we print a paper, we advocate the sentiments contained in it.

Mr. BUTLER. I did not say so.

Mr. CASS. I understood that that was the intimation of the honorable Senator.

Mr. BUTLER. Very far from it. I attempted to be very explicit, and I said that this gentleman wanted this to be sent forth, by implication, under the sanction of this body. I did not say that, if we print it, we sanction the doctrines contained in it. I dare say some gentlemen are very willing to adopt them. I am not.

Mr. CHASE. Mr. President, when this communication was received yesterday by the Senate, it was addressed to you, as the President of this body. By yourself, as President, it was laid before us. It was read to the Senate, after the question upon reading had been put by the Chair, without objection. And then a motion was made by myself, that it should be printed; which went, in its regular course, and without objection, to the Committee on Printing. The Committee on Printing, this morning, has reported in favor of printing this document, and now, if the Senate refuse to print it, it will be taken as an act of discourtesy. I do not say that such will be

the motive that will prompt Senators to vote against the printing; but it will be so taken throughout the country. I did not participate to any extent in the debates which arose in regard to the welcome reception of this distinguished man; but I know the sentiment which animates a large portion of the people of this country in regard to him. I know the sentiment which animates, especially, the people of my own State. They have received him with distinctions and honors, which have never before been paid to mortal man, but Lafayette. And, in that, sir, let me say, they have simply imitated the example of this Senate, which paid to him honors which it never before paid to any other man but Lafayette.

Mr. CLEMENS. Did not the Ohio Legislature refuse to pay his expenses?

Mr. CHASE. They did not; and I am happy that an occasion is presented for the contradiction of that rumor. And now, when this distinguished exile returns to us, modestly and courteously, his thanks for the honor we have done him, and the committee which has charge of this matter reports in favor of printing his communication, can we do less than print it? It seems to me that we can do nothing less, without discourtesy. I am therefore in favor of printing. And I am in favor of it for another reason. Because I would take every opportunity legitimately offering itself to avow my sympathy with that man and his mission, and my concurrence in the great general principles which he proclaims in the hearing of the American people. I think it is proper, Mr. President, since this question has assumed the shape it has, to renew the call for the yeas and nays on the motion to print.

The yeas and nays were ordered.

The PRESIDENT. The Chair will take occasion to say, in consequence of the remarks of the honorable Senator from Ohio, that the communication was not addressed to the Presiding Officer of the Senate. There was a letter received from Louis Kossuth, addressed to me, and which he requested me to lay before the Senate, enclosing a communication which he had made to the President of the United States. He was informed, he says, by the Secretary of State, that that was not the proper course to be pursued, and that the President could not communicate it to Congress; and, in consequence of that information, as he states in his letter to me, and on advice from the Secretary of State, that he should adopt the course of addressing it to the Presiding Officers of the Senate and of the House of Representatives, he did so. I hesitated for some time with regard to my duty to lay such a paper before the Senate. But, on consulting with others, I thought it was the best course to pursue.

Mr. BADGER. If there is any implication of discourtesy to Louis Kossuth in the Senate's refusing to print this document, the disrespect, I think, must be fairly attributable to the Senator from Ohio. When these papers were offered here yesterday, and read, everything was done with respect to them which was necessary to prevent any manifestation of disrespect on the part of the Senate. He thought proper, however, to make a motion to print the papers. They are of a character which the Senate is not in the habit of printing; and I believe the Senate has never received such papers before. We have papers laid upon our tables every morning by dozens, that nobody ever thinks of moving to print. But the Senator from Ohio, in his zeal to reflect the enthusiasm of his State in favor of Louis Kossuth, is not content with the papers being presented and read, but he moves to print them. Under the rules of the Senate, the motion was referred to the Committee on Printing. The Committee on Printing, animated, I suppose, by the same favorable disposition towards the enthusiasm which has sprung up in this country toward this great military chieftain, or warrior—but who, my friend from Alabama said the other day, was not great at fighting—report back the motion, and recommend that the Senate concur in it. Now, I say, that as there was, in my judgment, no propriety in the original motion to print, as it is not in accordance, as I think, with the usages of the Senate to print such papers—as the case is of a description peculiar and unusual in our proceedings—there is no disrespect offered to the person in question by refusing to print them. But if there be any disrespect, it is brought upon us by no action of the

Senate at all, but in consequence of the motion made by the Senator from Ohio. For my own part, I wish that the records could be kept, as far as possible, clear of any further proceedings respecting this gentleman.

Mr. SEWARD. I have voted against the proposition to lay this motion on the table, and I shall vote for the printing of this communication. I was influenced, and am influenced, by considerations of respect and courtesy toward the distinguished personage from whom it proceeds. But I am influenced more by a consideration of the self-respect which I think the Senate owes to itself. The Congress of the United States, at a time interesting to the friends of liberty and free government throughout the world, sent a national ship to bring this personage from Europe to our shores. On his arrival here, the Congress of the United States, in the name, and in behalf of the American people, bade him welcome to the capital. He came here, and was received by Congress. Upon his departing, he addressed to the Congress a respectful note through the President of the United States; but formalities of etiquette prevented the President from sending it to Congress, and it is now respectfully submitted by the gentleman himself to Congress. It seems to me that a refusal to receive it can do no injury to him, but may impair our own self-respect. It is but courteous, under all the circumstances, to give a respectful *congé* to our guest. Congress having received this person as a guest, it appears to me, only acquires itself of an ordinary act of hospitality by receiving this communication. Under these circumstances, without all referring to the contents of the paper, or to the manner of the paper, I think it is our duty to receive it. I see nothing objectionable in the communication; but if there was, courtesy, under all the circumstances, would seem to make it our duty to receive it, however objectionable it might be.

Mr. RUSK. Did I understand the Chair to say, that this communication was not addressed to the Presiding Officer of the Senate?

The PRESIDENT. The Chair will state again what is the true state of the case. The paper proposed to be printed, was addressed to the President of the United States. The Secretary of State, by letter, (as Louis Kossuth informs me in a letter, dated at Cincinnati,) informed him that the President declined to communicate it to the two Houses of Congress, as it was not exactly in accordance with usage; and he suggested to him the propriety of sending it to the Presiding Officers of the two Houses; in consequence of which he addressed a letter to me, stating this fact, and asking me to present it to the Senate. I presented the letter addressed to me by Louis Kossuth, together with the paper which was addressed to the President of the United States, and which the President had declined to lay before Congress, and had so notified Louis Kossuth through the Secretary of State.

Mr. SEWARD. Here is the letter, dated Cincinnati, Ohio, February 14, 1852, and addressed to the Hon. Wm. R. King, President of the Senate. It sets forth, that on the 12th of January, Kossuth addressed a letter to the President of the United States, and requested him to communicate it to Congress; and a copy of that letter is annexed to his communication to the President of the Senate, under the advisement of the Secretary of State. I will read that part of his letter:

"Not initiated into the diplomatic forms of the United States, I respectfully directed my farewell to his Excellency the President, and requested him to communicate my assurance of everlasting gratitude to the Senate and the House of Representatives."

"The Secretary of State had since the great kindness to inform me, though his letter has reached me but recently, that my request in respect to the communication would have been gladly complied with, if it were consistent with the accepted forms; and he suggested it to me, as a more appropriate way, to send copies of my address to the Presidents of the Senate and of the House."

"It is upon this suggestion of the Secretary of State that I have now the great honor to inclose the feeble expression of my everlasting gratitude and hope, with the request to have it communicated to the august body of which you are the President."

"Mr. President of the Senate, your most humble and devout servant,
L. KOSSUTH."

Mr. BUTLER. I wish to bring to the view of the Senate a remark made by this gentleman in the first paragraph of his letter to the Presiding Officer of this body. He says:

"Before I left Washington city, I felt myself bound by

gratitude to return my warmest thanks to the Government and the Congress of the United States, for their generous patronage they had so kindly granted to me as to the humble representative of my country."

He speaks of our having received him as "the humble representative of his country." He has assumed, in that letter to us—what I did not intend, by any vote of mine, to do—that we recognized him as an official representative, or any otherwise as a representative, or that he had any country, contradistinguished from the one which exists under the Government of Austria. But, I suppose this gentleman has served his purposes very well, and has, in some measure, subverted the purposes of others, by being a political agitator. And it is in that point of view that he commends himself, I have no doubt, to many who vote for this.

The Senator from Ohio undertakes to say, that if we refuse to print this communication, it will be a discourtesy. Allow me to say, that when gentlemen make imprudent issues, and we are not disposed to sustain them and their issues, the report is immediately made: If you do not do so and so, which we have tendered, and which ought not to be done, the reproach falls upon those who oppose imprudent motions of this kind, if you choose to call them so. It was an unusual thing to make a proposition to print a paper of this kind. It was an unusual paper. And if it did not come from Louis Kossuth, with all the associations connected with his doctrines and his name, I answer for it, that no such motion would have been made. Gentlemen cannot disguise the fact from the country, that the object of this motion is to give importance to this gentleman's mission, and, as far as a vote will go, to do it, to indorse his doctrines and to fortify his sentiments. I cannot, consistently with my regard for the dignity of this body, undertake to admit the opinions, much less sanction the interference—for interference it is—of this foreigner.

Mr. DOWNS. I have not entered into any discussion in relation to Kossuth; and I do not think I have any extreme opinions on any side of the question; but it really seems to me astonishing that opposition should be made to printing this document. The honorable Senator from North Carolina [Mr. BADGER] thinks it is not such a document as it is usual to print. I would like that gentleman to say what the rule is on that subject?—what particular kind of documents is it confined to? It seems to me, that, instead of there being any technical rule on the subject, it is customary for the Senate to order such documents to be printed as they think will be useful, and ought to be preserved in the archives of the nation. We often print memorials, resolutions from State Legislatures, and many other documents containing facts worthy of preservation. Without giving any opinion as to the course of Kossuth, or anything connected with his visit to the United States, I must say that his visit, his reception and course here, form an interesting event in our history. Without expressing any approbation of his course, or any opinion in regard to it, I think it is but right and fair, when he is taking leave of us, that we should order to be printed and put on record his response. I do not feel myself responsible for anything he has said, if he has said improper things; but this is a part of the history of this transaction; and I cannot conceive why the honorable Senator from North Carolina [Mr. BADGER] and the honorable Senator from South Carolina [Mr. BURLER] should be so sensitive on this subject. They seem to be actuated by a kind of hydrophobia, as if everything relating to Kossuth had something injurious and poisonous about it. It seems to me, that if there is such deadly venom in everything connected with Kossuth, these two gentlemen ought to have discovered it a long while since; for we have been talking and speaking about Kossuth for half the session. We invited him here; we have had him among us; we extended to him the hospitalities of the nation; and now, when he appears in our midst to make his bow, are we to say that we will not accept it, but that we will shove him out of doors, and tell him he has no business here? That I take to be the position of the honorable gentleman.

Mr. BADGER. I think my honorable friend from Louisiana would find it very difficult to make out his proposition. He says that those of us who are opposed to printing this communication

stand in this attitude: That we have invited Louis Kossuth here; that we have received him with hospitality; and that now, when he wants to make his bow, and proposes to take his leave, we tell him he shall not make his bow and take his leave, but that we will kick him out. How does that present the state of the case now before the Senate? I thought he had been here. I thought he had been received, and that he made his bow. I was not here on that occasion, but I suppose he desired to make his bow, and I am sure that ample opportunity was allowed him to make his bow; that he was allowed to retire out of the Senate; and that he was neither hurried nor kicked out. He now sends us a letter which he calls a letter of thanks. Assume it to be a letter of thanks. We have received, we have read it. And the honorable Senator says it is equivalent to kicking him out, when he wants to make his bow, if we do not print and preserve it among the archives of the country. It seems to me that that is a very strange interpretation of the matter. No incivility has been offered to this man. The Senate has received this paper, and it has been read at the desk. And it is said that we are now offering an indignity to him, equivalent to kicking him out, when he wants to make his bow and take his leave, because we object to printing the paper he has sent to us. We have not yet quite done what is incumbent upon us in this matter, and what I am ready to do at any moment; that is, to pay the expenses incurred by his reception here. But it seems to me to be making a most extravagant caricature of the position we occupy on this subject, to say that because we do not wish the communication to be printed, we are offering the indignity of refusing to let the gentleman make his bow and depart. I assure my honorable friend from Louisiana that no man in this country is more heartily willing to let him make his bow and take his leave of us and of this country, now and forever, than I am. I would instantly withdraw all objection to the printing, if the withdrawal and the printing would have that very salutary effect.

Mr. BORLAND. I have found it exceedingly difficult to accommodate my actions here to the wishes, I will not say caprice, of the particular friends of Mr. Kossuth. I certainly, from the beginning, had no intention or wish to treat him with disrespect; but on the contrary, to treat him with very great respect. To show that I did so, I myself introduced a resolution, which I thought a proper one, recognizing him as the guest of the nation; inviting him here to the capital; providing for his welcome when he got here; and I went a step further, and in order to complete the whole business at once, and to make it substantial as well as formal, I provided in that resolution to pay the expenses which might be incurred in consequence of his reception. How was that proposition received? I was told by the peculiar friends of Mr. Kossuth—particularly by one gentleman who seemed to have him in special charge, and who on that occasion seemed to consider himself the especial guardian of Kossuth's honor and wishes, in this country—that I had offered a monstrous indignity, and grossly insulted Mr. Kossuth by mentioning money in connection with his name, in order to pay his expenses. I find, however, that other friends of Mr. Kossuth have since brought forward, in a separate form, the proposition which I then made, and which I was anxious should be adopted then. I did not wish to have this individual before us so often. I thought those who had due regard for his reputation would rather preserve it, by not allowing him to come before the public so often as to become so common as to cease to be interesting. I wanted to treat him with respect, and to provide for meeting the expenses which might be incurred in consequence of treating him with respect. I wished to dispose of the whole matter at once, and be done with it. Although I was then charged with treating him with disrespect, because I provided for taking care of him and paying for him in a substantial way, I am now charged, and others who agree with me are charged, with treating him with disrespect in another way—because we will not consider him further. It was disrespectful to provide for his respectful treatment; and now we are treating him with disrespect because we are unwilling to have any more to do with him. And one Senator has told us that the self-respect of the Senate requires this. I am afraid there is too much "respect"

in this whole matter; and I am fearful it respects things with which the Senate has nothing to do, and with which it ought not to occupy itself.

Mr. CLEMENS. I cannot say, as many of those who have preceded me have said, that I have had nothing heretofore to say about this man, Kossuth. I have had a good deal to say about him; and I shall have a good deal more to say. There is a little resolution lying upon the table, very innocent upon its face, about which I shall have a good deal to say when it comes up for consideration. I shall then draw a parallel between the action of the Senate on two different occasions. I shall remind the Senate that, just a few days before the adoption of their first resolution upon this subject, a poor old woman, the only child of a revolutionary soldier, came here and asked for bread to support the little remnant of her existence, and you gave her a stone. Now it is proposed to pay to this man and his suite more money for Champagne and Burgundy, drank in one day, than would have supported that poor old widow double the remnant of her life. But that is not the question on which I wish now to speak.

I want to know the use of printing this letter. What use are we to put it to? How are we to use it? In what manner is it to be employed? The Senator from Louisiana asks, by what rule are we governed in ordering the printing of public documents? Why, we are governed by one plain, unvarying rule; and that is, when a document is presented here, upon which the action of the Senate is required, it is printed for the use of the Senate; it is printed to enable us to act understandingly on matters submitted to our consideration; and for no other purpose. Is it proposed to take any action upon this letter? Not at all. Why, then, is it to be printed? For our information? Why, all of us, who ever intended to read it, have read it long ago. All of us who chose to swallow its doctrines, have swallowed them long since. We all know every word that is to be printed and laid upon our tables. Then it is not for information; it is not for the purpose of enabling us to act understandingly upon the subject; but it is for some other purpose. What is that purpose? As a mark of respect? We have paid him all the respect he deserved; yea, more, in my opinion, than a hundred such men deserve. We have gone to the utmost limit in that respect. We have paid him the same honor which we paid to Lafayette; and respect can go no further. There is still another thing sought to be accomplished. It is to commit this Senate to the opinions and doctrines which have been advanced by him. I shall engage in no such business. And let me warn those gentlemen who are so exceedingly anxious now to make capital out of this Kossuth humbug, that it is a dead humbug, and cannot be galvanized into life. The man, or the party, who shall connect himself or itself with it, will go down as certainly as that the sun will rise to-morrow. It is a dead humbug, and cannot be galvanized into life.

Mr. DOWNS. If the humbug is dead, as the gentleman supposes, why is it that gentlemen oppose so strenuously this motion to print? It is not quite so dead, as some of them seem to suppose. As to the effect of a refusal to print the document which is now before us, the Senator from North Carolina and myself are not perhaps likely to agree; but notwithstanding the ingenious manner in which he has replied to my suggestion, I think it will be considered pretty much in the light I viewed it. There are some few circumstances connected with this subject which I did not think it was necessary to mention before, but to which I will now call the attention of the Senate. One is this: Gentlemen were so very cautious in the admission of Kossuth, in the programme of arrangements on that occasion, that it was a sort of dumb show. No opportunity of reply or address was given to him. He had no opportunity of returning his thanks in the usual way at the time of his reception. It seems to me that we ought to give him some opportunity of returning his thanks for the hospitalities tendered to him.

Another circumstance which shows that to refuse to print this communication would be a refusal to receive his bow at departing, is the fact that it was addressed to the President of the United States before Kossuth left this city. It was written here in Washington city before he departed. This shows that it was his parting bow. Let the gentleman from North Carolina construe it as he will,

this is the response of Kossuth, on his leaving Washington, to the hospitalities extended to him while he was here. And I say again, that if the ordinary course which is adopted when documents are presented here which are supposed to be interesting and which it would be useful to preserve, is not pursued with regard to this communication, it will be considered that we treat Kossuth with discourtesy.

As to the subject to which the Senator from Alabama has referred, when it comes up, it will be a matter for separate consideration. I do not now pretend to say what course I shall pursue on that subject; but I can very well conceive that the question involved in that resolution is very different from that now before the Senate.

Mr. CHASE. In submitting this motion, I had not the slightest idea that I was about to give occasion to a protracted debate; nor in the suggestions which I made, did I suppose I was giving just occasion to any one to say, that I charged the Senators who opposed this motion with intentional discourtesy. But when it is asked, what is the use of printing this document? I answer, that the use of it is to complete the record; it is to fulfill the obligations which the Senate took upon itself, when it determined to welcome this illustrious man. We have received him; we have paid him honors. He now returns to us his grateful acknowledgments. The communication in which he embodies them, was addressed originally to the President of the United States. By the President, through the Secretary of State, he was informed that the President, in the ordinary course, cannot transmit such a document to the Senate. He then, upon the suggestion of the Secretary of State, inclosed it to the Chair. The Chair received it. It was read to the Senate, and then the Senator from North Carolina, with that manner for which he is so remarkable—which gives point and force to censure and satire, conveyed in the language of commendation and praise—took occasion to say, that as we had all heard the document read, and as it had no doubt duly impressed upon all a profound sense of the importance of the subject which it discussed, and the sentiments which it promulgated, he would move that it lie upon the table. It then seemed to me due to courtesy, due to our own self-respect, that this document should be printed. I therefore made the motion to print. I am glad to find that the majority of the Committee on Printing concurred with me in opinion.

Mr. President, I do not wish to discuss the principles which have been advanced by this illustrious man. They are before the country. The people are thinking of them, and they will decide whether or not the requests which he makes of the American people, and through the American people of their representatives, is reasonable and ought to be granted. Other occasions will arise when those questions can be properly discussed. The Senator from Alabama says that Kossuth has already received more honors than he has deserved. That is a question between that honorable Senator and a very large portion of the people of the United States. I am much mistaken if it does not turn out to be a question between the honorable Senator and history itself. But be that as it may, I shall not go into the discussion now. In moving to print this document all that I have asked of the Senate is simply that they will close the record of the transactions connected with the welcome and reception of Kossuth in the most appropriate manner, by receiving with attention and respect the parting words of the gentleman whom they have chosen to honor.

Mr. RUSK. I do not intend to engage in this discussion; but I must say that it seems to me that this man Kossuth is a little like Falstaff about wit; he has not only a good deal of talk in himself, but he is the cause of talk in others. I have had nothing to do with this matter from the beginning, because I thought we had business enough of our own to attend to without attending to Hungary and Kossuth, and I was very anxious to get up a bill this morning of some importance. I shall vote against the printing of this letter, for I do not know how many more will follow it. I believe I have voted against everything of this kind hitherto, and I am strongly tempted to change my course and vote for this motion, on the ground on which this matter is put by the honorable Senator from Michigan, as a specimen of the modesty of Kossuth. As that is a scarce article, and this is

a rare specimen of it, I have a great mind to change my opinion. But as I am anxious to be done with this whole matter, I believe I shall still vote against the motion.

Mr. BADGER. The Senator from Ohio has referred to a remark which I made yesterday, at the conclusion of the reading of the letter of Kossuth, that inasmuch as it had been read and listened to with profound attention by the Senate, unless the Senator from Michigan, [Mr. CASS,] or the Senator from New York, [Mr. SEWARD,] or the Senator from Illinois, [Mr. SHIELDS,] desired some reference of it, I would move to lay it on the table. Why, my remark was perfectly well understood by every gentleman in the Chamber and in the galleries. My meaning was this: that although this paper was directed to be read by the Senate, so far as I could judge there were not half a dozen members of the body who paid the slightest attention to its reading, thus manifesting beyond all dispute that the reading of the paper was a mere idle ceremony, and that nobody here wanted to hear it. That is what I meant. And now permit me to say, that I consider the motion to print as standing precisely on the footing of the proceeding to read. Nobody cares one copper about the printing of this paper. No one supposes it is worth one chincapin now or hereafter to the American people. It is to be printed for other purposes and other ends.

A word now with regard to the remark of my friend from Louisiana, that there are some considerations to which I have not adverted which would perhaps induce a different view of the propriety of printing this document, and lead me to believe with him that a refusal to print it would be an indignity. I wish merely to remind the Senator, that in reference to Kossuth's reception on this floor, it was arranged by a committee of very distinguished gentlemen who had charge of that subject, to put it precisely on the footing of the reception of General Lafayette. General Lafayette, when introduced into the Senate, did not open his mouth. He was simply introduced by the Presiding Officer, took the seat assigned to him, and the Senate adjourned, and he was introduced to its members in their private and individual capacities. The committee resolved to preserve a precise accordance with what had taken place in the reception of General Lafayette in this Chamber. Now, surely doing that cannot be tortured into discourtesy to Louis Kossuth. Surely he sets up no higher claims to the admiration and gratitude of the American people than General Lafayette. For what should we admire him more? Has he higher and nobler qualities than one of the most gallant and noble men that ever sprung from a nation of gallant and noble men? Has he any greater claims on our gratitude? What has he done for us? Nothing. He has come here and lectured our people, and through them he has lectured us in order to give us a new edition of political rules by which our conduct with foreign Powers is to be regulated. It seems to me he can have no claim upon us either for admiration or gratitude higher than Lafayette. Did General Lafayette send a letter to the Senate? Was any letter of his printed?

Mr. DOWNS. I would ask the gentleman whether, if there had been a letter from Lafayette, its printing would have been refused?

Mr. BADGER. I will not make such a supposition with respect to General Lafayette, because it would suppose General Lafayette to be deficient of a quality which he possessed in an eminent degree. He was a gentleman of real merit and real modesty. He was not disposed to thrust himself in with his political opinions, lectures, or dissertations, on what he thought ought to be the policy of this country, by letters addressed to the public authorities, or speeches made to the people. He behaved in that transaction of his life as he did in every other. It was the middle of his life, suitable to its commencement, and harmonizing gloriously with its termination—always able, patriotic, brave, and modest.

Mr. DOWNS. If there is anything in this document calculated to be construed into a lecture, then I concede it would not be improper to oppose its printing. But I am sure that there is no such thing in the letter before us.

Mr. BADGER. I can point out one at once. In that letter he states that the United States had sent "a steam frigate to Asia in order to restore

me to liberty and activity." We all know that the correspondence of the Executive Department of this Government directed the representation on which his release was to be asked of the Sultan to be, that the object was to bring him here as a settler among us, as an emigrant, and to remove him from activity and power for political agitation.

Mr. DOWNS. It was not intended to confine him when he got here.

Mr. BADGER. No, sir; but I suppose the honorable Senator knows what Kossuth means by being restored to activity. He means that we intended to restore him to liberty, and not to a quiet retreat in this country, but to activity as a political agitator. His conduct here shows the interpretation which he means to attach to the term.

Mr. DOWNS. Even if the sentence to which the Senator from North Carolina takes exception bears the interpretation which he gives it, still it does not amount to a lecture. It is a mere statement of his impression of the transaction. I hope the gentleman will not consider Kossuth as delivering a lecture, because he takes a different view of that transaction.

Mr. BADGER. It is not the true view.

Mr. SOULE. We are exhibiting, I should think, Mr. President, a very unusual, and certainly a most uncalled-for, degree of susceptibility with respect to the motion now before the Senate. What does it aim at? Simply at the printing of a communication which was transmitted on yesterday to this body through the medium of its Presiding Officer. The communication itself emanates from the distinguished individual whom, by previous resolves, this Senate, acting in conjunction with the House of Representatives, had constituted and proclaimed as the guest of the American people; and the question arises whether or not that communication shall be printed. Let us consider on what grounds is the motion to print resisted. From the remarks that have fallen from the lips of certain Senators, it would seem as if the printing of the document in which the communication is contained was to impart to that communication a character involving us in high and momentous responsibilities, and indeed making the advocates of the measure personally accountable for the opinions and doctrines which the document may contain. Sir, it is now clear, and I will not dispute with those who may choose to deny it, that such can be neither the bearing nor the effect of our action on the proposition upon your table. We give it not any sanction. We print it, and that is all. What may be the judgment which the present generation will pass upon the merits and worth of the illustrious exile, and what rank will be awarded to him in history among the apostles and martyrs of the cause in the defence of which he is pouring out his whole soul, it is not for me now to investigate and determine. That question will have its day, and shall in time be met. But I can hardly conceive that we should at this moment inquire what be the character that gives Kossuth any right to address the country, and to address us on the occasion which has elicited this document. Sir, he came not an uninvited and unknown wanderer to our shores. He came hither by the wishes of the American people, signified to the world through their constituted organ, the Government; and it were more than strange, indeed, if after you had reclaimed him from exile, and welcomed him to your land, to your capital, to the very halls of your parliament, you should now deny him the privilege of returning thanks for the hospitality and the honors you were thus pleased, and with lavish hands, indeed, to bestow upon him. What can be the object of such a denial? Senators admit that it is no longer in our power to blot out of our recorded proceedings the dreaded document. It went to the Journal on yesterday upon being read by your Secretary, and there it must remain, in spite of the fate which may await this motion. Sir, allow me to say that it would be past strange in us to minister such an undignified rebuke to our former proceedings. To those who can see but a dead humbug in the document upon your table, and in those monuments of burning eloquence that have roused hundreds of thousands of our people to an enthusiasm approaching almost to frenzy, I would ask leave to say, Why should that dead humbug move you out of propriety and moderation? Fear you that the lurid carcass may haunt you at night, and dis-

turb the quiet of your dreams? Sir, I am an unbeliever in the power of ghosts to do mischief. There are others who apprehend danger from the influence which may be exercised over our future destinies by the doctrines which have been lately, and are still now, proclaimed by that inspired missionary of freedom, and who presume that it may be in their power, through the negative virtue of a dissenting vote, to stem that torrent of thought and of wild wisdom, as some would call it, which is now flooding the land. Let me tell them to be composed and resigned. It were in vain—yes, in vain—that they would attempt to compress the surges of the popular sentiment. They will rise in spite of their efforts to avert a fantastic danger.

Sir, it is idle to struggle against public opinion. The power exists not that can isolate the policy of this Government from the conscience of the nation. I shall vote for the printing.

Mr. CLEMENS. The Senator from Louisiana, [Mr. SOULE,] is totally mistaken as to the grounds taken by the opposition to this measure. He says that some of us have denounced it as a dead humbug. I did say so, and I say so again. That is my opinion. But no one has intimated here, as the Senator from Louisiana seems to suppose, that there was danger of the sentiments contained in that letter creating an unwholesome state of feeling in the public mind. No one has been foolish enough to intimate anything of that sort. There is not a sentence in the letter, there is not an idea advanced in it, which has not been published over and over again; which has not been strewn from one end of this Union to the other. There is nothing in it which can do harm; or if there is, the harm has been done already. Like the Senator from Louisiana, I am willing to trust to the people. I am willing to trust even to the first impulse of the great mass of the people. I do not require that you should wait even for the sober second thought. Collect the people of this Union together, and let them vote this day, and there is not one twentieth part of them would sustain the doctrines Kossuth has advanced.

It is from no apprehension either of the people or of Louis Kossuth, that we have opposed the printing of this communication. The Senator has misunderstood us entirely. What we do contend for is, that there is no necessity for the printing of this document; that it does not distribute information. He does not ask us to distribute it among the people. We are asked to print it for our own information. Who of us will be informed by it? Who of us does not know every word that it contains? What have we to dread by its publication and its distribution here in this Senate Chamber? This is an unnecessary expenditure of the public money. This printing is useless. It is for no object. It is a waste of the public money, and that is the ground of the objection which has been urged against it.

Whatever might be my feelings towards this individual; whether I entertained for him a very high or a very low degree of respect, I should still oppose the printing of this communication. It is what Lafayette never asked. It is something unusual, out of the course of business, without an object. I cannot comprehend it. What are we to do with the document after it is printed? You do not propose to print enough to distribute through the country. You communicate no information to the country. You simply lay it on your own desks and require the Committee on Printing to incur the expense of furnishing you with the information which has already been furnished over and over again. That is the objection to it. I have no fear of any consequences which may flow from it. We cannot suppress it if we desired to do so. We do not want to suppress it. I want it to go abroad through the land. I want every freeman in this Republic to read this letter. If some of them have been deluded heretofore, I think it will go very far towards banishing their delusion.

The question was then taken on the motion to print, and it was determined in the affirmative—yeas 21, nays 20; as follows:

YEAS—Messrs. Bright, Broadhead, Cass, Chase, Davis, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Hamlin, Jones of Iowa, McRae, Norris, Seward, Smith, Soule, Stockton, Sumner, and Wade—21.
NAYS—Messrs. Aitchison, Badger, Bell, Borland, Butler, Clarke, Clemens, Dawson, Fish, Geyer, Hunter, Jones of Tennessee, King, Miller, Morton, Pratt, Rusk, Spruance, Underwood, and Upham—20.

NOTICES OF BILLS.

Mr. SEWARD gave notice of his intention to ask leave to introduce a bill to incorporate the Sisters of Visitation of Washington, in the District of Columbia.

REPORT OF POSTMASTER GENERAL.

The **PRESIDENT pro tem.** laid before the Senate a report of the Postmaster General, showing the amount received for postages collected and postage stamps sold during the quarter ending the 30th September, 1851; which was read, and ordered to be referred to the Committee on Finance and printed.

TREASURY CONTRACTS.

The **PRESIDENT pro tem.** laid before the Senate a report of the Secretary of the Treasury, showing the contracts made by that Department during the year 1851; which was read, and ordered to be referred to the Committee on Finance and printed.

DRAWBACK UPON FOREIGN MERCHANDISE.

The bill extending like privileges to those conferred by the act entitled "An act allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fé, in Mexico, and to the British North American Provinces adjoining the United States," approved March 3, 1845, to foreign merchandise exported to Mexico by certain indicated routes, was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was ordered to be engrossed and read a third time.

MILEAGE OF DELEGATE FROM OREGON.

A message from the House of Representatives was received by **Mr. FORNEY**, its Clerk, announcing that it had passed a bill entitled "An act to regulate the mileage of the Delegate from the Territory of Oregon," and requesting the concurrence of the Senate therein.

RAILROADS IN IOWA.

The Senate resumed the consideration of the bill granting the right of way and making a grant of land to the State of Iowa in aid of the construction of certain railroads in said State.

Mr. UNDERWOOD addressed the Senate for an hour; and, without finishing, yielded to the request of Senators, and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 18, 1852.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The first business in order is the unfinished business of yesterday, being the motion to reconsider the vote by which the House refused to order to be engrossed and read a third time the bill regulating the mileage of the Delegate from Oregon; and upon which the gentleman from Indiana [Mr. HENDRICKS] is entitled to the floor.

Mr. KING, of New York. I ask the unanimous consent of the House to report from the Committee on the Judiciary the bill to provide for the holding of the courts of the United States in case of the sickness or other disability of the judges. I ask that it may be read for information.

It was read by its title, as follows:

An act amendatory of an act entitled "An act to provide for holding the courts of the United States in case of the sickness or other disability of the judges of the district courts," approved July 29, 1850.

Mr. OLDS. I asked yesterday for leave to introduce a report from the Committee on the Post Office and Post Roads, equally important with this report, which was objected to.

Mr. KING. I hope this will not be objected to. It will delay the House but a moment.

Mr. JONES, of Tennessee. I object, and call for the regular order of business.

Mr. BOWIE. I hope the gentleman from Tennessee will not press that call now.

Mr. JONES. I shall object to every bill which is sought to be introduced by unanimous consent. Bills introduced in that manner have already consumed a greater portion of the time of the House. I call for the regular order of business.

Mr. BOWIE. I only desire to withdraw some papers from the files of the House, for the purpose of having them referred to the Senate.

There was no objection, and leave was accordingly granted to withdraw from the files of the House the papers of Zachariah Walker, for the purpose of referring them to the Senate.

MILEAGE OF THE DELEGATE OF OREGON.

The House then proceeded to the consideration of the subject of regulating the mileage of the Delegate from Oregon.

Mr. HENDRICKS. When I gave way on yesterday for a motion to adjourn, I was replying to the interrogatory put to me on the day before by the gentleman from South Carolina, [Mr. WOODWARD.] He asked if the general law of 1818, regulating the compensation of members of Congress, does not limit the mileage of each member to the amount of his per diem. I had answered that I thought there was no such limitation, when my colleague [Mr. FITCH] rose in his place and stated that the mileage of members of Congress, under the existing general laws, could not exceed the per diem allowance. I have examined the provision to which he alluded, but I find no such limitation. The only portion of the law which relates to this question is the following proviso to the section which I read, viz:

Provided always, That no Representative or Delegate shall be allowed a sum exceeding the rate of eight dollars a day, from the end of one session to the time of his taking his seat in another.

Taken literally, this language includes both per diem and mileage, and would limit the entire compensation to such sum as a per diem of eight dollars would amount to during the recess between the two sessions of a Congress.

Mr. WOODWARD. If the gentleman will allow me, I will state that the gentleman from Indiana [Mr. FITCH] stated the effect of this provision correctly day before yesterday. He stated that the effect of that clause was to provide that the mileage and compensation of members shall not exceed the aggregate sum of eight dollars per day for the three hundred and sixty-five days, and I think that is the correct statement.

Mr. HENDRICKS. I think that construction of the proviso cannot be sustained. The language does not import that, nor has it ever been so construed. There is a provision in this statute which enacts that in case any Representative or Delegate be detained by sickness on his journey to or from the session of Congress, he shall be entitled to his per diem compensation since the enactment of the law. The construction of the proviso has been, that it is a proviso to this portion of the statute, and restricts and limits the mileage given under it, and that the per diem allowance of a member who is taken sick upon his way to Congress or on his way home, shall not exceed what his per diem would have been during the vacation. I say that has been the construction put upon the proviso since its enactment, and I have no doubt that if it means anything, this is what it means. Then, sir, the law stands in reference to every member of Congress—every Representative of a State and every Delegate from a Territory, with one single exception, that they shall receive eight dollars per day for every day they serve in Congress, and eight dollars for every twenty miles distance between this Capitol and their places of residence. This, I say, is applicable to every gentleman upon this floor, and to every Senator, with one single exception; and that exception the Committee on Mileage by the pending bill have proposed to remove.

Mr. SMART. I desire to inquire whether this limitation does not extend also to the Delegates from New Mexico and Utah?

Mr. HENDRICKS. The limitation extends in terms, but not in effect. The compensation of the Delegates from Utah and New Mexico does not amount to \$2,500 under the law of 1818; so that the limitation does not apply to them at all.

Mr. SMART. I called at the office of the Sergeant-at-Arms this morning, and I understood him to say that the Delegate from Utah had drawn his mileage up to the utmost limit of \$2,500.

Mr. BERNHISEL. I desire to say that I have not drawn that amount.

Mr. HENDRICKS. The gentleman from Utah tells me that his mileage amounts to \$2,100 under the law of 1818, and that he has drawn that amount. At the first session of the Thirty-first

Congress a law was passed entitled "An act to supply a deficiency in the appropriation for pay and mileage of members of Congress for the present session." The gentleman from South Carolina, [Mr. ORR,] a lawyer of high standing and reputation in his own State—and his reputation is not confined to his own State—gave it as his opinion that the proviso to that law is permanent in its effect, and that it now regulates the compensation of the Delegate from Oregon. I will read the law so far as it applies to this question. The title is, "An act to supply a deficiency in the appropriation for the pay and mileage of members of Congress for the present session." The first section is as follows:

"That the sum of one hundred and sixty thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the payment of mileage and per diem of the Senators, members of the House of Representatives, and Delegates in Congress, at the present session: two thousand three hundred and thirty dollars for additional expense of stationery for members of the House of Representatives, during the present session: *Provided*, That the mileage of the Senators and Representatives from California, and the Delegate from Oregon, be computed according to the most usual traveling route within the limits of the United States; and the per diem of said Senators and Representatives for this session shall commence from the day on which the Constitution of California was first communicated to the two Houses of Congress, respectively."

It is this proviso to this appropriation bill which the gentleman from South Carolina [Mr. ORR] thinks now regulates the compensation of the Delegate from Oregon.

Mr. ORR, (interrupting.) With the permission of the gentleman from Indiana, I desire to call the attention of the House to this fact in the act which that gentleman has just now read. In every clause of that act there is a special reference had to *this session*. For instance, the sum of \$160,000 is appropriated for the payment of mileage of the Senators and members at the *present session*—for \$2,000 at the *present session*; but the mileage which is in the proviso, the present session is not introduced. In the last clause of the proviso, however, relating to the per diem compensation of members, the *present session* is again introduced. So that the act indicates clearly, according to my conception, by its reference, in every provision and in every clause, except this one, that the appropriation is made for the present session, and even in the latter clause of this proviso it is introduced, while the provision for the mileage of the Delegate from Oregon remains general, that that proviso was designed to remain permanent.

Mr. HENDRICKS. Mr. Speaker, I should have been glad if the committee could have adopted that construction of this provision, for then this question would not now have been before the House. But, sir, of what is this a proviso? It is a proviso to a law which is for a special purpose, and temporary in its operations. It is a proviso to an appropriation law, and more, sir, to a deficiency appropriation bill. And what is a proviso in a law? It is that which qualifies, or restricts, or construes that which precedes and forms the body of the law. This proviso is connected with what goes before; it is a qualification of it; else it is not a proviso. That gentleman, [Mr. ORR,] upon reflection, will recollect that it is a recognized and well-settled rule of construction, that a proviso to a statute, unless the words of the proviso indicate clearly and beyond all doubt another intention, cannot have an effect in point of time beyond the operation of the statute to which it is attached. This is an appropriation law to pay the compensation and mileage of members of Congress; and that appropriation is qualified by a proviso that the mileage of the Delegate from Oregon be computed by the overland route. That is what the statute means, in my judgment. I will read a part of a decision of the Supreme Court of the United States, in a case analogous to this. It is the case of *Minis vs. The United States*, in 15 Peters, 423. The suit was brought by the United States against Minis, who was a surgeon in the Army, for moneys of the United States received by him as agent for the Government, but not disbursed by him. He claimed to retain it as commission upon moneys by him disbursed as agent for the Government in the removal of the Cherokee Indians from their residence on this side of the Mississippi to their residence upon the other side. The disbursements were made in the year 1836-7.

In 1835, there was a law passed "making certain additional appropriations for the Delaware

breakwater, and for certain harbors, and for removing obstructions in and at the mouth of certain rivers, for the year in 1835."

The act which makes the specific appropriation contains the following proviso:

"*Provided*, That no officer of the Army shall receive any percentage or additional pay, extra allowance, or compensation, in any form whatsoever, on account of the disbursing any public money appropriated by law during the present session for fortifications, execution of surveys, works of internal improvement, building of arsenals, purchase of supplies of any description, or for any other service or duty whatsoever, unless authorized by law."

It speaks of disbursements of appropriation of that session, and then says that no additional compensation shall be made to any officer for any other services. Under that provision, the United States in that case claimed that no compensation should be allowed to this surgeon of the Army for those additional services rendered to the Government. The Court, speaking upon this subject, uses this language:

"The argument on behalf of the United States is, that this proviso, although found in a mere appropriation law of a limited nature, is to be construed, by reason of the words 'or for any other service or duty whatsoever, unless authorized by law,' to be permanent in its operation, and applicable to all future appropriations, where officers of the Army are employed in such service or duty; and that it appears from the record, that this was the very ground on which the Treasury Department rejected the claim of Doctor Minis for commissions. The same question has been made and fully argued in the case of *Grainger vs. The United States*, at the present term; and we have given it our deliberate consideration. We are of opinion that such is not the true interpretation of the terms of the proviso; and that it is limited exclusively to appropriations made at the session of 1835."

"It would be somewhat unusual to find ingrafted upon an act making special and temporary appropriation, any provision which was to have a general and permanent application to all future appropriations. Nor ought such an intention on the part of the Legislature to be presumed, unless it is expressed in the most clear and positive terms, and where the language admits of no other reasonable interpretation. The office of a proviso, generally, is either to except something from the enacting clause, or to qualify or restrain its generality, or to exclude some possible ground of misinterpretation of it, as extending to cases not intended by the Legislature to be brought within its purview. A general rule, applicable to all future cases, would most naturally be expected to find its proper place in some distinct and independent enactment."

I ask gentlemen to notice the language of the Supreme Court in that case. The terms of the act admit of no other reasonable interpretation.

"The office of a proviso"—to use the language of the court in that case—"is generally either to except something from the enacting clause, or to qualify or restrain its generality, or to exclude some possible ground of misinterpretation of it, as extending to cases not intended by the Legislature to be brought within its purview. A general rule, applicable to all future cases, would most naturally be expected to find its proper place in some distinct and independent enactment."

The gentleman from South Carolina [Mr. ORR] has referred to a provision to be found in the general appropriation bill of the last Congress. It is a provision found in connection with the appropriation for the public survey. It is as follows:

"*Provided*, That no land bounty for military services granted by the act of 28th of September, 1850, entitled 'An act granting bounty land to certain officers and soldiers who have engaged in the military service of the United States,' or by virtue of any other act of Congress heretofore passed, granting land bounties for military services, shall be satisfied out of any public land not heretofore brought into market, and now subject to entry at private sale under existing laws."

Mr. Speaker, I say that is no proviso. That is legislation upon an independent subject, not in any way connected with the public survey. It does not limit the provisions of the law which precedes it, and does not exclude misconstruction. That proviso—it is called a proviso—does not perform the office of a proviso. I say it is an independent enactment upon an independent separate subject, and performs none of the functions of a proviso to the preceding enactment.

But I will not occupy any more time upon this subject. I will say that the Committee on Mileage, at the last session of Congress, gave the construction to the law which I have mentioned, that this proviso to the appropriation bill was temporary in its effect, and ceased to operate at the close of the session at which it was passed. I understand that the Judiciary Committee in the Senate gave it a different construction during the last Congress, but that that decision has since been reversed. But I am not certain upon that question. In reference to the compensation of the Delegate from Oregon, there is but one law, and that is the provision in the territorial bill.

Now, I desire to turn my attention for a few

moments to the merits and demerits of the proposed bill. And first, sir, I do not advocate this bill, I did not report it, upon the ground that I approved of the existing law. I think that the law of 1818 ought to be amended, and I expect that the Committee on Mileage will make a report upon that subject. A bill is pending before the committee, and when the committee shall have come to a conclusion upon the subject, and decided upon their report, the matter will be brought before this House, and then I expect to give my views upon the question. I will say now that I am in favor of a change of the law, so that the compensation of the members of this House, so far as their mileage is concerned, shall be estimated by some direct route—by some route to be ascertained by another department of Government than by ourselves. I say it is not worthy of this body, that members of Congress should be called upon to decide their own compensation. And this is the great objection I have to the present law. To fix the service of his brother members is not a duty which any man desires to perform, and I wish to see the law changed so as to devolve this duty upon others than members. I would like to see the law so changed that the Post Office Department shall decide the mileage of members by the mail routes. And I would say further, if we shall adopt this system of direct routes, then, as a matter of course, the Delegate from Oregon will be governed by the same principle of legislation as other members. When we make this reform in the law, then we will bring the Delegate from Oregon and the members from California to the same principle of compensation with other gentlemen. If we have no mail route over the country we can establish some distance and ascertain the mileage to which they will be entitled by a direct route.

I will now notice some of the objections urged by the honorable gentleman from Vermont, [Mr. HEBARD.] When I heard his speech yesterday I was not sure that I understood him correctly, but when I came to read his printed speech I find I did not mistake his language. He says:

"I do not know what injustice there is about it. I have not heard one gentleman, who has undertaken to show that the pay given to this Delegate from Oregon was not an equivalent for the service he renders here."

With regard to the question which the gentleman raises, and the proposition involved in his remarks, that we shall estimate each gentleman's compensation by the actual services performed here, I undertake to say that the honorable Delegate from Oregon has given an earnest to the country in his past services that the services which he shall render in future will be commensurate with the compensation to be given to him. And it is a singular question for the gentleman from Vermont to raise upon the distinguished Delegate from Oregon, whether he earns \$2,500 or not.

We say the Delegate from Oregon is not adequately compensated, because he is not placed upon a level with the rest of us. We ask that he shall be placed upon the same platform with every other member of Congress. I would not ask the honorable gentleman from Vermont [Mr. HEBARD] if his services are worth more to the country than the amount of his mileage and per diem. It is a question which I ought not to ask. It is a question, the answer to which might be embarrassing. I do not know whether it would hurt his feelings or not, or whether it would flatter the gentleman's constituents or not. It is a question which he ought not to propound in reference to the services of the honorable Delegate from Oregon. I say, sir, that the Delegate from Oregon has performed services for this country which gives us a good guarantee that he will compensate the country in faithful services for what shall be paid him under the general law.

The gentleman from Pennsylvania [Mr. STEVENS] argues that the Delegate from Oregon comes here with a vested right to \$2,500 under the organic law of the Territory, and that the Government has a vested right to his services; and that if more than that sum is paid him, it is a gratuity.

If the honorable gentleman, by the use of these terms, means that the compensation of a member of Congress being fixed by law, cannot be changed during his term—that it is a fixed legal compensation, which Congress has no legal or constitutional power to alter, I do not agree with him. If he means that there is a moral obligation upon the Government, that the compensation of any pub-

lie officer shall not be reduced during his term, I agree with him; but when he talks about vested rights—that Congress has no power to change the law compensating members of Congress, I do not concur with him. I understand him to be an advocate of reform upon the mileage question, but, under his doctrine of vested rights, I want to know when that reform could be brought about? When can we change the law and not affect the compensation of Senators. This law of 1818 regulates the compensation of Senators, Representatives, and Delegates, and under the doctrine of the gentleman it cannot be amended so as to change the compensation of a Senator now chosen. Owing to the peculiar organization of that body you never could bring a law into force at a time at which it would not affect some man who was holding that office, unless, peradventure, you put its operation off six years. Then, perhaps, you might. The position the gentleman assumes forever forbids amendment of the present law. But Congress has never adopted his doctrine. In 1816 the compensation was changed so as to give a salary, and that was made to affect the members of that Congress. In 1818 that law was repealed, and the new law took effect during that Congress. I am not in favor, Mr. Speaker, I will here say, of imitating the example of these two Congresses, which I have mentioned. I am not in favor of amending the law so as to affect the compensation of Representatives during this session—during the same session at which the law is changed. Members ought not to legislate upon their own compensation any further than it is possible for them to avoid.

Again: the gentleman says the Delegate from Oregon came here under a vested right, knowing the law; and he dwells with some force upon the fact that the honorable Delegate was once the Governor of Oregon, and at the time the law was passed which changed the compensation of the delegate from that Territory. The present Delegate then was not the Governor of that Territory. Party proscription had driven him from that position to which his services to the country had elevated him. I will take that back, I will not charge it upon the party. I do not believe the Whig party is responsible for that odious act. I believe it was the personal feelings of the then incumbent of the presidential chair, which induced the removal of the honorable Delegate from his position. Difficulties growing out of the vindication which the honorable Delegate from Oregon had made of the Indiana troops against the report of their commander, caused his removal from that position. The gentleman from Pennsylvania [Mr. STREVEN] dwells upon the fact that the Delegate was Governor of that Territory, and knew the law. He quotes an old maxim of law, that all men are bound to know the law—a maxim under which unfortunately men were often executed in England when they were guilty of no moral offence—an axiom of law that every man is bound to know the law which prevailed in England when the statutes took effect and were in force from the first day of the session of Parliament. And the gentleman desires to adopt towards the Delegate from Oregon this iron and unjust maxim of the English law. So odious has this principle of the law been to the States of this Confederacy, that in a majority of them it has been provided in their constitutions, that no law shall take effect until it has been published, unless the public good or the exigencies of the times require it. The gentleman says that the Delegate knew the law. I say that honorable gentlemen upon this floor and committees of Congress differ in reference to the law giving compensation to that Delegate. The gentleman from South Carolina [Mr. ORR] thinks that his compensation is regulated by the law of 1850, while other gentlemen of this House think that the law organizing the territorial government governs his compensation. Yet the gentleman from Pennsylvania, although there is this uncertainty about the law, says that the Delegate is bound to know it. This law of 1850 had hardly reached Oregon when the gentleman was elected as the Delegate. He was not then Governor. He was a private citizen, and following his own pursuits, and not, I suppose, reading with great care the special appropriation bills of Congress—bills which very few men read. Then how was the Delegate to know what the law of compensation was? He knew that his predecessor had received \$3,452 at the last

session. He knew that his predecessor was not limited by the restriction of the territorial law, but that he received a mileage compensation. I therefore say, that the argument of the member has lost its force with relation to the compensation of the Delegate from Oregon. He was not expected to know the law more than gentlemen upon this floor who differ widely in respect to it. Now, I will briefly notice a few other arguments, and will then close. The gentleman from Georgia [Mr. TOOMBS] contends that the present mileage law is very unjust, very unequal, and that we ought not to compensate the Delegate from Oregon under that law. He says that it is unequal and unjust because one man receives more money from the Government than another. The dollars that we receive from the public Treasury is the rule by which he estimates the equality of position of honorable gentlemen. In my judgment there is another rule than the dollar rule which the gentleman mentions. We are equal when we stand upon the same law, when it prescribes our duties, defines our rights, and protects us. We are unequal when there is for one man one legislation, and for another man a different legislation. That is all I have to say in reference to that argument of the gentleman. Let us see how unequal the law is as it stands, and how much more unequal the gentleman would make it by the amendment he would propose. He says that all above the mere traveling expenses is to be regarded as compensation—as salary, and that that ought to be divided equally amongst the members of Congress—that above the actual expenses in approaching the capital and returning from it we ought to be equal. I think that would be a more unequal and more unjust law than the one at present regulating the compensation of members. The Delegate from Oregon has to come, in approaching this capital, more than seven thousand miles. It costs, the gentleman says, \$300; and that \$600 ought to be allowed him for coming and returning, and that all above that that he receives should be the same that a gentleman living within fifty miles of this capital would receive. How does he compensate the Delegate for the time spent in the journey? It takes from thirty-five to forty days to reach the seat of Government from that Territory, and by the overland route it would take several months. The gentleman would make no compensation to the Delegate for the time spent in getting here and returning home. There would be then three months of time for which he would receive no compensation. He makes no estimate in his rule of equality for the fact, that the Delegate must turn his back upon his family—upon his business. The gentleman from Georgia lives within seven or eight hundred miles from the capital. If the circumstances of his family required it—if no business of general importance was on hands, or if the interests of his constituency did not require him to be here—he might absent himself from the House—as I believe he did, during the first part of this session. I do not refer to the fact that the gentleman from Georgia, [Mr. TOOMBS], and the gentleman from Pennsylvania, [Mr. STREVEN], were absent from their seats, for the purpose of criticism. They, no doubt, when they left their seats, felt it to be their duty to do so. They did not feel that they deserted their public duties by going. They were, on account of their living near the capital, enabled to go home within a day or two. They were able to leave the Halls of Congress, and go home to attend to their private affairs, and in the practice of the law to keep up their business. This, sir, I suppose is worth something to gentlemen living near the capital. I suppose the gentleman from Pennsylvania would not give up this advantage of his, in keeping up his business at home, for the whole mileage of the Delegate from Oregon. In his estimate, the gentleman from Georgia does not take that into consideration.

Why is it that we pay foreign ministers when they leave this country \$9,000 going, and \$9,000 returning, and \$9,000 each year for staying? It is not merely to defray their expenses in going, because they can go to any court of Europe sooner, and at less expense and risk of life and health than the honorable Delegate from Oregon can come to this capital. It is not for that, then. It is not to enable them to imitate the courtly and costly fashions of Europe. Certainly it is for no such purpose. We compensate them thus largely

because they have to leave their country, their family, and their business. The gentleman from Oregon is as far removed from his home and his business as any minister when he leaves this country and goes to any court in Europe, and yet the gentleman from Georgia would give him the same compensation as is received by a member living within thirty or one hundred miles of the capital. I have remarked that the law as it now stands compensates every member of Congress by a fixed rule—a per diem allowance and mileage, with a single exception, and that exception is made against the honorable Delegate from Oregon. We ask to remove this exception; and shall it not be removed? My colleague from Indiana [Mr. PARKER] on yesterday said no such exception ought to be taken prejudicial to the Delegate from Oregon—that his services to the country have made him the object of so much interest to the country that this exception to his prejudice ought not to be made. I think there is force in that suggestion. If we are going to make a discrimination against one man, let it not be against the Delegate from Oregon, who has rendered such distinguished services to the country. But I do not claim that this bill shall be passed upon that ground—that the Delegate from Oregon has made himself a name, and secured a place in the hearts of his countrymen by his gallant services. I ask it for no such reason. I ask that it shall be passed to place him upon an equality with the rest of the members of Congress—that he shall not be made an exception, but that his compensation shall be estimated by the same rule that regulates the compensation of the rest of the members of Congress. And then, Mr. Speaker, I will be in favor of amending the general law limiting the mileage by more certain enactments, and by such amendments the Delegate from Oregon will be equally affected with other Representatives.

Mr. WILLIAMS. The House have given this subject an importance which, in my humble opinion, it does not require; still, I believe it to be my duty to give the House and the country the reasons which have governed my vote. I would like to know what the inequality of mileage and the pay of members has to do with this question, abstractly and properly speaking? Nothing at all. No more than the gallant services of the gentleman from Oregon has to do with it. What has the great question of retrenchment, economy and reform, which was brought in by my friend from Georgia, [Mr. TOOMBS], to do with this question? Is there a solitary member who has addressed the House, but what admits that the present pay of members of Congress is wrong and improper, and ought to be remedied. I will not dispute but what that is the feeling of every gentleman who has addressed the House; but as acts speak louder than words, I would be pleased to see any gentleman who speaks of the want of attention to economy and reform, make a proposition to remedy this evil. Has a solitary proposition of this kind been made to remedy the evil? Not one. You cannot fix the system of mileage without producing injustice to some one, whether you fix it at two cents, at twenty cents, or forty cents per mile. The distance will make it unequal and unjust. If, then, it is an evil—if members are paid improperly, as we all believe—for I have been here seven sessions, and this question of mileage, like Monsieur Tanson, comes again before us, and we have had long and loud speeches upon it—why not vote to give a *bona fide* and proper annual compensation to all the members, with just enough to pay them their reasonable traveling expenses? Do that, and you will adjust this matter finally and permanently. Has anybody proposed it? Does the Committee on Mileage offer to apply the pruning hook to the evil of which we all complain? Not at all. The entire action of this House consists merely in complaints. Proper action will remedy the evil complained of. When Congress passed this territorial bill for Oregon, we all labored under the impression that this mileage system was wrong. For by it, the greater the distance the greater the injustice. And when you crossed the vast Rocky Mountains, and entered upon the Pacific border, in the formation of that territorial bill Congress put in a provision that the Delegates west of the Rocky Mountains should receive \$2,500. It was a good beginning, and if it had been carried out and acted upon, I would have submitted to it

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most cheerfully. When Congress lost sight of this purpose, and permitted the two members upon this floor, and the two Senators from California, to receive their mileage under the law of 1818, and suffered this special law, creating a distinction against the Delegate from Oregon, to remain on the statute book, because you need reform, I say it is an act of crying injustice.

The Delegate from Oregon should not be excepted from the general law. If his pay were to amount to \$100,000 under the principle of that law, yet it is the law, enacted for the purpose of regulating the pay of all the representatives, and should be general in its application. It should be adhered to in all cases or not at all. There is no justice in discriminating against the Delegate from Oregon. If the mileage is too high under the general law, introduce a bill which shall in its application be equal, uniform, and just to all the members and delegates, and I will vote for it. But I cannot consent to pay the gentleman from Oregon by a rule different from the one regulating the pay of all the members and delegates of this House. I know that members living near the Capitol complain, and justly, too, of their pay. It is unjust. Take my own case, and that of my friend from Maryland, [Mr. EVANS.] When the short session comes, I shall receive for the session \$2,000, while my friend does not receive \$800. Is it proper, just, and right? How, then, are you to remedy this matter? Let us pass this bill and place the gentleman from Oregon upon the same footing with all others; give instructions to the Committee on Mileage to bring in a bill, that will remedy the evil, by fixing a just annual compensation, and vote for it, relying upon the good sense and intelligence of the country to sustain it. Let us cease this eternal cry about our own pay, mileage reform, economy, and retrenchment, and go to work properly to remedy the matter. Some years ago in Congress there was a regular bill introduced, founded upon the estimates of the proper department, estimating the amount necessary for the annual expenditure of that branch of the Government, and every solitary member who made a speech cried out to the top of his voice economy, reform, and retrenchment, yet each member had an amendment to offer. I sat down and had the curiosity to keep an account of every one of these reform gentlemen. They proposed to give \$3,500,000 beyond the estimates of the proper department in the name of reform. I know this is a difficult and perplexing question, and with due deference to the distinguished gentleman from Georgia, [Mr. TOOMBS,] who never fails to leave the impress of his powerful mind upon any question that he discusses, you cannot go properly to work now upon the question of economy and retrenchment, without you have proper aid in the departments. How is it to be expected, that members who come here, can in a session or two understand all the ramifications of your different departments and custom-houses in New York, and elsewhere. Consequently without proper information, the House would be voting blindly.

When William Henry Harrison came into power, the Whigs came here agreed upon the principles of reform, retrenchment, and economy. Many Democrats aided in the good work—being out of power they were perhaps willing to go for these measures, and for that reason they joined in with the Whig party; and, after a laborious session of three or four months here, the whole reform amounted to cutting down the regular printer and a few pages of the House. Sir, all the officers in the Government—the doorkeepers of the House not excepted—are better paid than you are. Suppose I am wrong, and that the pay of the Delegate from Oregon is just and proper, will this House contend for an isolated question at the expense of the feelings of the gentleman who represents that Territory? I say, if I was the representative of Oregon, or any other place, I would wish to be upon an equal footing with my associates upon this floor; and unless I were, I should resign and go home.

Mr. BISSELL. Under the impression that

this question has been sufficiently discussed, I call for the previous question.

The previous question was seconded, and the main question ordered to be put; which main question was the motion to reconsider the vote by which the House refused to order the bill to be engrossed and read a third time.

Mr. GOODENOW demanded the yeas and nays.

Mr. MEACHAM moved to lay the motion to reconsider upon the table.

Mr. STANTON, of Ohio, demanded the yeas and nays upon that motion; which were ordered.

The question was then taken, and resulted—yeas 84, nays 97, as follows:

YEAS—Messrs. Abernethy, Charles Allen, Allison, William Appleton, Averett, Babcock, Barrere, Bartlett, Bennett, Bibbhaugh, Bowie, John H. Boyd, Brooks, George H. Brown, Burrows, Caldwell, Lewis D. Campbell, Chapman, Chastain, Churchwell, Cleveland, Clingman, Curtis, George T. Davis, Dockery, Dungan, Evans, Ewing, Fowler, Giddings, Goodenow, Grow, Hammond, Harper, Haws, Hascall, Haven, Hebard, Houston, John W. Howe, Hunter, Jenkins, Andrew Johnson, James Johnson, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kulus, McMullen, Meacham, Miller, Padon, Miner, Morehead, Newton, Outlaw, P. Quinn, Perkins, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Skelton, Stuart, Stanly, Benjamin Stanton, Alexander H. Stephens, Thaddeus Stevens, Strother, Sutherland, Taylor, Benjamin Thompson, Thurston, Toombs, Walbridge, Wallace, Walsh, Washburn, Watkins, Welch, Alexander White, and Wildrick—84.

NAYS—Messrs. Aiken, Willis Allen, John Appleton, David J. Bailey, Beale, Bell, Bissell, Bragg, Breckinridge, Brenton, Briggs, Albert G. Brown, Buell, Busby, Joseph Cable, Thompson Campbell, Caskie, Chandler, Clark, Cobb, Colcock, Conger, Daniel, John G. Davis, Dawson, Dean, Doty, Dunham, Edgerton, Edmundson, Ficklin, Fitch, Florence, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Gaylord, Gentry, Gilmore, Gorham, Grey, Hall, Hamilton, Isham G. Harris, Hart, Hendricks, Henn, Holladay, Howard, Thomas Y. How, Ingersoll, Ives, Jackson, John Johnson, Robert W. Johnson, Landry, Letcher, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, Mason, McCorkle, McDonald, McQueen, Molony, Henry D. Moore, Morrison, Nabers, Olds, Orr, Andrew Parker, Samuel W. Parker, Phelps, Porter, Powell, Price, Rantoul, Richardson, Riddle, Robbins, Robinson, Savage, Scurry, Origen S. Seymour, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, St. Martin, Stuart, Townshend, Venable, Ward, Addison White, Wilcox, Williams, Woodward, and Yates—97.

So the House refused to lay the motion upon the table.

The SPEAKER. The question recurs upon the motion to reconsider the vote by which the House refused to order the bill to a third reading.

The question was then taken, and there were yeas 95, nays 86.

So the vote was reconsidered.

The question then recurred upon ordering the bill to be engrossed and read a third time.

Mr. HENDRICKS. Is the previous question still in force?

The SPEAKER. It still operates.

Mr. JONES, of Tennessee. The previous question was upon the reconsideration, and not upon the engrossment. It exhausted itself upon the engrossment.

The SPEAKER. In the recollection of the Chair, the vote by which the bill was put upon its engrossment, was under the operation of the previous question.

Mr. JONES. It exhausted itself when the House refused to engross it.

The SPEAKER. Upon a reconsideration, in the opinion of the Chair, it places the House precisely where it was.

Mr. JONES. How does it come, that this debate was had upon the motion to reconsider, if the previous question was still hanging over the bill?

The SPEAKER. The Chair is very well aware that this question has been decided variously. The Chair has stated his opinion. Does the gentleman from Tennessee [Mr. JONES] take an appeal from the decision of the Chair?

Mr. JONES. No, sir. I will not appeal.

Mr. CLINGMAN. I will take an appeal, and barely remind the Chair, that when the Texas boundary bill was under consideration, the previous question was applied to it, and the bill was rejected. It was reconsidered and amended on your motion.

The SPEAKER. The Chair is aware that such is the fact. The Chair is also aware, that in a majority of cases which he has looked at, the decision has been in accordance with the present decision of the Chair. It is a matter about which the Chair certainly has no pride of opinion. It is competent for the House to reconsider the ordering of the main question, which has been done over and over again in this body since I have been here.

Mr. CLINGMAN. I beg leave to say this matter is open to debate, and I wish to say one word—

Mr. OLDS. I rise to a question of order. The question is not debatable.

The SPEAKER. The question is not debatable, but the Chair will be happy to receive suggestions from the gentleman from North Carolina.

Mr. CLINGMAN. I would like to know upon what principle it is not debatable. If it is settled that we are under the operation of the previous question, it is not debatable; but that is the very point we are about to determine, and I hope the Chair will allow a word or two of remark upon it.

The SPEAKER. The Chair will be happy to hear any suggestion from the gentleman, but debate is not in order.

Mr. CLINGMAN. I do not desire to go into a lengthy debate.

Mr. ROBINSON. I rise to a question of order.

The SPEAKER. The gentleman from North Carolina [Mr. CLINGMAN] appeals from the decision of the Chair, that the bill is now under the operation of the previous question.

Mr. ROBINSON. Is that appeal debatable?

Mr. CLINGMAN. I shall ask the yeas and nays. I say that a different decision has been made heretofore.

Mr. ROBINSON. I call the gentleman to order.

The SPEAKER. The Chair states, for the correction of the gentleman, that he knows the fact, that the decision has been as the Chair has stated.

Mr. CLINGMAN. I have no doubt that such decisions have been made; but I also know that different decisions have been made.

Mr. STEPHENS, of Georgia. I think the gentleman from North Carolina [Mr. CLINGMAN] cannot find a single case as he states it. Whenever a bill is put upon its passage under the operation of the previous question, and the motion to reconsider is carried, we are put back exactly in the condition we were in before the bill was passed. If a gentleman wishes to amend it afterwards, he must move to reconsider the vote by which the previous question was seconded.

Mr. CLINGMAN. That was not done in the case I referred to.

The SPEAKER. Debate is not in order. The Chair decides that the previous question is now operating upon the question before the House, which is upon the engrossment and third reading of the bill. From this decision the gentleman from North Carolina [Mr. CLINGMAN] takes an appeal.

Mr. CLINGMAN. I withdraw my appeal.

The SPEAKER. The question then recurs, whether the bill shall be engrossed and read a third time?

Mr. KING, of New York. Upon that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and it was decided in the affirmative—yeas 100, nays 88, as follows:

YEAS—Messrs. Aiken, Willis Allen, Ashe, David J. Bailey, Beale, Bell, Bissell, Bragg, Breckinridge, Brenton, Briggs, Albert G. Brown, Buell, Busby, Joseph Cable, Thompson Campbell, Caskie, Chandler, Clark, Cobb, Colcock, Conger, Daniel, John G. Davis, Dawson, Dean, Doty, Dunham, Easman, Edgerton, Edmundson, Ficklin, Fitch, Florence, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Gilmore, Gorham, Grey, Hall, Hamilton, Isham G. Harris, Hart, Hendricks, Henn, Holladay, Howard, Thomas Y. How, Ingersoll, Ives, Jackson, John Johnson, Robert W. Johnson, Landry, Letcher, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, Mason, McCorkle, McDonald, McLanahan, McQueen, Molony, Henry D. Moore, Nabers, Olds, Orr, Andrew Parker, Samuel W. Parker, Phelps, Polk, Powell, Price, Rantoul, Richardson, Riddle, Robbins, Robinson, Savage, Scurry, David L. Seymour, Origen S. Seymour, Frederick

P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, St. Martin, Stuart, George W. Thompson, Townsend, Ward, Addison White, Williams, Woodward, and Yates—100.

YATES.—Messrs. Abercrombie, Charles Allen, Allison, William Appleton, Averett, Babcock, Thomas H. Bayly, Barrere, Bartlett, Bennett, Bibbhaus, Bocoock, Bowie, John H. Boyd, Brooks, Burrows, Caldwell, Lewis D. Campbell, Carter, Chapman, Chastain, Churchwell, Cleveland, Clingman, Curtis, George T. Davis, Dockery, Duncan, Evans, Ewing, Faulkner, Fowler, Giddings, Goodenow, Grow, Hammond, Harper, Sampson W. Harris, Haws, Hascall, Haven, Hebard, Hibbard, Houston, John W. Howe, Hunter, Jenkins, Andrew Johnson, James Johnson, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kuhns, McMullin, Meacham, Miller, Millson, Miner, Morehead, Newton, Outlaw, Penniman, Perkins, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Skelton, Smart, Stanly, Benjamin Stanton, Alexander H. Stephens, Thaddeus Stevens, Sutherland, Taylor, Benjamin, Thompson, Thurston, Toombs, Watbridge, Wallace, Walsh, Washburn, Watkins, Welch, Alexander White, and Wildrick—88.

So the bill was ordered to be engrossed for a third reading, and being engrossed, was read a third time.

MR. HENDRICKS moved to reconsider the vote just taken, and also to lay the motion to reconsider upon the table.

THE SPEAKER. The bill having been once reconsidered, cannot, in the opinion of the Chair, be again reconsidered.

MR. JONES, of Tennessee. That very decision was overruled during the last Congress. The Speaker of the last House made that decision upon the Texas boundary bill, and the House overruled it.

THE SPEAKER. The Chair recollects that very well. The Chair is, however, of the opinion that a bill cannot be reconsidered a second time.

The question now being upon the passage of the bill,

MR. HENDRICKS demanded the previous question.

The previous question received a second, and the main question was ordered to be now put; and the question being taken, it was decided in the affirmative.

So the bill was passed.

MR. HENDRICKS moved to reconsider the vote upon the passage of the bill, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

GRANT OF LANDS TO MISSOURI.

THE SPEAKER stated, as the next business in order, the bill reported from the Committee on Public Lands, to grant the right of way and a portion of the public domain to the State of Missouri, to aid in the construction of certain railroads therein; and that the gentleman from Missouri [**MR. PHELPS**] was entitled to the floor.

MR. HOUSTON. I dislike very much to ask permission of the House to do anything that is not strictly in order; but in view of the fact that this debate may occupy many days, I ask the House to allow me to report the Deficiency bill, which I have had in my possession for some days, and have been waiting for an opportunity to report.

MR. KING, of New York. It is very true, as the gentleman says, that this debate will occupy several days; but I have been waiting for some days to report a bill of considerable importance, and have been unable to do so, and I therefore object to the introduction of this bill. I think the committees ought to be called for reports, and I will therefore move to postpone the consideration of the bill now before us until to-morrow morning, at such time as the call of the committees shall have been gone through with.

THE SPEAKER. The gentleman cannot obtain the floor to make that motion without general consent.

[Cries of "Object!"]

MR. KING. Then I must insist on my objection.

MR. HOUSTON. I am a little astonished that the gentleman from New York should make objection, when it can only answer the purpose of putting my bill back, and cannot advance his.

I desire, however, to propound this question to the Chair: Whether the gentleman from Missouri, having yielded me the floor, it is competent to the gentleman from New York to deprive me of my right to introduce the bill.

MR. KING. I have a right to object.

THE SPEAKER. The gentleman from Alabama must remember that his proposition cannot be entertained except by unanimous consent.

MR. PHELPS resumed and concluded his remarks commenced on the 12th of February, in opposition to the pending motion to refer the bill to the Committee of the Whole on the state of the Union, and argued earnestly in favor of the measure. He insisted that Missouri has a just claim to lands to aid her in the construction of the railroads which are designated, and that she is entitled to grants similar to those which have been made to other States of the Union for internal improvement purposes.

[For the speech of Mr. P., see Appendix.]

MR. WATKINS next obtained the floor, and said that the remarks which he intended to make, although they would have a general bearing upon the bill now under consideration, had reference more particularly to the bill providing for a grant of land to the State of Tennessee, to aid said State in the construction of certain railroads therein, and to the homestead policy. He maintained that according to official data the public lands cannot much longer be looked to as a source of revenue; he argued in favor of such a distribution of them among the States as would facilitate and aid the purposes of education and internal improvements, which are of the highest national importance, and giving homesteads to citizens of the country. If it is constitutional to appropriate a portion of the public lands, it cannot be less so to appropriate the whole of them, considering a large class of cases would be covered. One of the reasons which led him to this course is, that unless some such system be adopted the most fertile lands—the indications are unmistakable—will, in a very few years, be frittered away by partial, sectional, and local legislation.

[For the speech of Mr. WATKINS, see Appendix.]

MR. MILLER next obtained the floor, but yielded to

MR. YATES, on whose motion, The House adjourned till to-morrow.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By **MR. HOW**, of New York: The petition of journey-men cigar makers, of Auburn, Cayuga county, New York, praying for a modification of the tariff on cigars of a less value than ten dollars per thousand.

Also, sundry petitions of citizens of the State of New York, praying for an appropriation to improve the harbor at Little Sodus Bay.

By **MR. JOHNSON**, of Ohio: The petition of Daniel French and 61 other citizens of Holmes county, praying for a tri-weekly mail from Canton, in Stark county, to Millersburg, in Holmes county, in the State of Ohio.

Also, the petition of Thomas Annor and 62 others, on the same subject.

Also, the petition of Daniel Baughman and 59 others on the same subject.

Also, the petition of John Raber, and 201 others, on the same subject.

Also, a memorial of citizens of Coshocton county, Ohio asking that mail contractors, postmasters, and other officers of the Government, may be released from performing labor on the Christian Sabbath.

By **MR. MACE**: The petition of Moses Colton, of Pittsburg, Indiana, asking for indemnity for loss on continental money.

Also, the memorial of William D. Crothers, of Clinton county, Indiana, asking for additional compensation as assistant marshal of said county in taking the census.

Also, the memorial of Thomas J. Irwin and H. Dunkle, of Carroll county, Indiana, asking for additional compensation as assistant marshals of said county, in taking the census.

By **MR. WATKINS**: The memorial of the assistant marshals of the eastern district of Tennessee, for increase of compensation.

By **MR. FLORENCE**: The memorial of Samuel C. Kennedy, Robert Hays, Rebecca Wilfong, Sarah Yarnier, and others, citizens of Pennsylvania, and also of the surviving officers, soldiers, seamen, and marines, and widows and children of those deceased who have served in the war of 1812, praying Congress to modify the bounty land act of September 28, 1850, so as to give each person intended to be benefited by said act, not less than one hundred and sixty acres of land.

By **MR. HIBBARD**: The memorial of the Rock County Agricultural Society and Mechanics Institute, in the State of Wisconsin, in favor of the establishment of a national Bureau of Agriculture.

By **MR. CHURCHWELL**: The memorial of the assistant marshals of the eastern district of Tennessee, praying for additional compensation for taking the census.

By **MR. CAMPBELL**, of Illinois: The petition of Chas. S. Hauptstad and 500 others, citizens of Galena, Illinois, praying that Congress may establish Galena as a port of entry.

Also, the petition of the Mayor and City Council of the said city of Galena, for the same purpose.

By **MR. CARTER**: The petition of Charles A. Leott, for relief.

By **MR. KUHN**: The petition of Henry Wentling, praying compensation for supplies furnished United States troops in the late war with Great Britain.

By **MR. CONGER**: The petition of Wm. H. Platt, President of the Alton and Sangamon Railroad Company, asking for a grant of land for the purpose of aiding in the construction of said road.

By **MR. LETCHER**: The petition of J. W. Pope and 179 other citizens of Hardy, Rockingham, and Shenandoah counties, in Virginia, asking the establishment of a mail route from Luney's Creek, in the county of Hardy, to New Market, in the county of Shenandoah.

By **MR. BARKER**: The petition of John G. Marshall, Thomas Middleton, and B. F. Johnson, assistant marshals in Brown county, Ohio, praying for additional compensation for taking the Seventh Census.

By **MR. SCHOOECRAFT**: The remonstrance of 155 citizens of Albany, New York, against the further extension of the patent for Woodworth's planing machine.

By **MR. CHANDLER**: The memorial of J. W. Wetmore and many other citizens of the city of Erie, Pennsylvania, asking for the establishment of a naval depot in connection with a dry dock, at some point on the lake frontier.

Also, the memorial of J. Houghton and other judicial officers of New Mexico under the government of General Kearny, asking for an appropriation for the payment of their salaries.

By **MR. BIBIGHAUS**: The petition of Strange N. Palmer and others, of Schuylkill county, Pennsylvania, praying for a modification of the tariff of 1846 on iron, &c.

By **MR. YATES**: The petition of David J. Perry and 120 others, for a grant of the right of way and a portion of the public lands to aid in the construction of a railroad from the city of Springfield, in Illinois, to the city of Bloomington, in McLean county, in extension of the Alton and Sangamon railroad.

Also, the petition of Z. Lawrence and 22 others, for the same object.

IN SENATE.

THURSDAY, February 19, 1852.

Prayer by Rev. LITTLETON F. MORGAN.

THE PRESIDENT. The Chair will bring to the notice of the Senate that the three members of the Committee on Engrossed Bills are temporarily absent, and in consequence there are bills which cannot be examined unless an additional member shall be appointed.

MR. HUNTER. I move that the Chair have power to appoint an additional member of that committee.

THE PRESIDENT. If such be the pleasure of the Senate, the Chair will make the appointment. **MR. WADE**, of Ohio, was appointed.

EXECUTIVE COMMUNICATIONS.

THE PRESIDENT pro tem. laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of the General Land Office, and the opinion of the Attorney General in relation to the conflicting claims of Randolph Coyle, John Delafield, and the city of Cincinnati, to the unsold parts of fractional section No. 11, in fractional township No. 4, of fractional range No. 1, in J. C. Symmes's purchase, in the State of Ohio; which was read and referred to the Committee on Public Lands.

PETITIONS.

MR. MANGUM presented the memorials of Thomas K. Hall, of Brunswick county; E. H. McClure, of Buncombe county; J. C. Smith, of Alexander county; John Clayton, of Henderson county; James J. H. Russ, of Randolph county, and Samuel M. Hughes, of Stokes county, assistant marshals for taking the Seventh Census in North Carolina, praying additional compensation; which were referred to the Committee of Claims.

MR. BELL. I present the memorials of twenty-four assistant marshals for taking the Seventh Census in the eastern district of Tennessee. They represent, in positive and strong terms, that the character and the formation of that country, being generally mountainous, and the population, except in the valleys, being very sparse, they have received nothing like an adequate compensation. I move that, without reading, they be referred to the Committee of Claims. They were so referred.

MR. BADGER. I have, sir, the memorials of R. C. Miller, assistant marshal of Caldwell county, and J. M. Taylor, assistant marshal of Nash county, North Carolina, both complaining of losses and grievances arising from this same root of bitterness, and I move their reference to the Committee of Claims. They were so referred.

MR. BADGER. Mr. President, I have certain resolutions, or rather two or three series of resolutions, adopted at the last session of the Legislature of North Carolina, which, for reasons not necessary to be now mentioned, were transmitted to me so late that the opportunity was not afforded me to offer them to the Senate at the last legislative session; and in consequence of their having been left at home when I came here this winter,

with certain papers to be transmitted immediately, and some delay in their transmission, I have not had the opportunity heretofore to present them to the Senate. As I do not wish to be any longer considered negligent of that duty, I present the resolutions of the Legislature of North Carolina, in relation to the encouragement of home industry, and requesting their members of both branches of Congress to vote against any increase of tariff duty.

I present, also, a resolution of the Legislature of North Carolina, in favor of the reopening of the inlet at or near Nag's Head, between the ocean and Albemarle Sound.

Also, resolutions of the Legislature of North Carolina, in favor of opening a communication between Beaufort Harbor and the waters of Pamlico Sound; also, in favor of a hydrographical survey of the waters between Pamlico Sound and Beaufort Harbor, known as Core Sound. As my colleague suggests, I ask that they be printed for the use of the Senate.

The motion was agreed to.

Mr. JONES, of Tennessee, presented a memorial of assistant marshals for taking the Seventh Census in the eastern district of Tennessee, praying additional compensation; which was referred to the Committee of Claims.

Mr. BRIGHT presented three memorials of assistant marshals for taking the Seventh Census in Indiana, praying additional compensation; which were referred to the Committee of Claims.

Mr. MASON. I present a petition which has been addressed to me, postmarked from New York, of Margaret Shields and Mary McDermitt, in behalf of themselves and many others.

They represent that the Secretary of State is about to interpose for the relief of certain Irish prisoners in Van Dieman's Land, and asking that their husbands, who they say are in like exile, may be included in such interposition. I do not quite agree with all the positions of the memorialists, but as the memorial is a respectful one, I have felt it to be my duty to submit it to the Senate; and I ask that, without being read, it may be laid upon the table. I have no idea, however, that the Secretary of State will ever make such interposition.

The memorial was laid upon the table.

Mr. HUNTER presented a petition of sundry merchants of New York, praying the correction of errors in the practice of the warehouse laws; which was referred to the Committee on Commerce.

Mr. WADE presented a memorial of A. Raymond, an assistant marshal for taking the Seventh Census in Ohio, praying additional compensation; which was referred to the Committee of Claims.

Mr. JONES, of Iowa, presented the memorial of William Hollinshead, praying compensation for reporting and preparing for publication the decisions of the Supreme Court of the Territory of Minnesota; which was referred to the Committee on the Judiciary.

Mr. DOWNS presented a petition of the curate, president, and members of the board of trustees of the Cathedral of St. Louis, in the city of New Orleans, praying that certain marble altars and other articles ordered in Europe for the use of that Cathedral may be entered free of duty; which was referred to the Committee on Finance.

Mr. CHASE presented a memorial of the trustees of the Miami University, praying a donation of land for the benefit of that institution; which was referred to the Committee on Public Lands.

Also, three memorials of assistant marshals for taking the Seventh Census in Ohio, praying additional compensation; which were referred to the Committee of Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. UPHAM, it was

Ordered, That the petition of Samuel White, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. SHIELDS, it was

Ordered, That the memorial of Michael Nash, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. BRIGHT, it was

Ordered, That the documents on the files of the Senate relating to the claim of Franklin Hardin be referred to the Committee of Claims.

On motion by Mr. JONES, of Iowa, it was

Ordered, That William E. McMaster have leave to withdraw his memorial.

On motion by Mr. DODGE, of Iowa, it was
Ordered, That the petition of James Higginbotham, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. DODGE, of Iowa, it was
Ordered, That the petition of John A. Batin, on the files of the Senate, be referred to the Committee on Public Lands.

REPORTS OF STANDING COMMITTEES.

Mr. BORLAND, from the Committee on Pensions, to which was referred the petition of Frances E. Baden, reported a bill for her relief; which was read and passed to the second reading.

Mr. SEWARD, from the Committee on Commerce, to which the subject was referred, reported a bill to prevent unnecessary delays in the discharge of the cargoes of steamers; which was read and passed to the second reading.

Mr. PRATT, from the Committee of Claims, to which was referred the petition of Richard Mackall, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading.

He also, from the same committee, to which was referred the petition of R. D. Sewall, as executor of R. Sewall, deceased, submitted a report, accompanied by a bill for the relief the heirs and representatives of the late Robert Sewall; which was read and passed to the second reading.

Mr. STOCKTON, from the Committee on Naval Affairs, to which was referred the memorial of Ursula E. Cobb, submitted a report, accompanied by a bill for her relief; which was read and passed to the second reading.

Mr. MASON, from the Committee on Foreign Relations, to which was referred the message of the President of the United States of the 18th instant, reported a joint resolution extending the time of the commission under the convention with Brazil; which was read and passed to the second reading.

BILLS INTRODUCED.

Mr. FELCH, agreeably to previous notice, asked and obtained leave to introduce a bill granting the right of way and making a grant of land to the State of Michigan, in trust for the Zilwaukee, Grand Traverse and Mackinaw Plank Road Company, in aid of the construction of a plank road from Zilwaukee, on the Saginaw river, to Grand Traverse Bay, thence to the Straits of Mackinaw; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. BRIGHT, agreeably to previous notice, asked and obtained leave to introduce a bill to amend an act entitled "An act to create additional collection districts in the Territory of Oregon, and for other purposes;" which was read a first and second time by its title, and referred to the Committee on Territories.

CONTRACTS FOR DRY DOCKS, ETC.

Mr. BRODHEAD submitted the following resolution for consideration:

Resolved, That the Secretary of the Navy be directed to communicate to the Senate copies of the contracts under which the dry docks, basins, and railways have been built or are building at Kittery, Philadelphia, and Pensacola. Also, a copy of the contract for the construction of the dry dock, without the basin and railway, at San Francisco, and a copy of the advertisement inviting proposals for said work. Also, copies of all bids or proposals to construct said dry docks, basins, and railways. Also, to inform the Senate whether a board of officers has been appointed to select a site for a navy-yard or depot, or to locate the said dock, in California; and if said board has made a report, to communicate a copy thereof.

MILEAGE OF THE DELEGATE FROM OREGON.

The PRESIDENT. The Chair will put on its passage a bill from the House of Representatives, entitled "An act to regulate the mileage of the Delegate from the Territory of Oregon."

The bill was read a first time by its title and ordered to a second reading. It was also read a second time with a view to reference.

Mr. GWIN. I move to refer the bill to the Committee on Territories.

Mr. BADGER. This is a bill which concerns the mileage of one of the members of the House of Representatives.

Mr. GWIN. It is the Delegate from the Territory of Oregon.

Mr. BADGER. Yes, sir; and the object is to take his case out of the operation of the proviso tacked to a former appropriation bill and let it stand on the general law. Now I wish to suggest whether it is worth while to have this bill referred.

In this case we need not exercise any revision over the proceedings of the House.

Mr. BRIGHT. I hope not. I hope this bill will not be referred, but that it will be taken up and acted upon immediately. There is no necessity for a reference.

Mr. GWIN. I withdraw my motion.

Mr. CHASE. Mr. President, I hope that bill will be referred. It introduces an important principle, and I have no doubt it will be discussed when it comes up. I renew the motion that it be referred to the Committee on Territories.

Mr. BRIGHT. I take issue with the Senator from Ohio. It does not introduce a new principle.

Mr. BADGER. Not at all.

Mr. BRIGHT. The object of this bill is to place the Delegate from the Oregon Territory exactly in the same position with every Senator and Representative and Delegate from the States and Territories of this Union. By a special enactment in the civil and diplomatic appropriation bill, at the close of the Congress before last, the Delegate from the Territory of Oregon was allowed but \$2,500 mileage; while if his travel had been computed upon the principle by which the mileage of Senators and Representatives and other Delegates was calculated, it would have been \$3,452. The limitation contained in the bill to which I have referred has expired, and this bill is designed to place the Delegate in the same position with all other Senators, Representatives, and Delegates.

Mr. BADGER. Certainly, to put him on a footing with all others.

Mr. BRIGHT. I hope this bill will not be referred, but that it will be acted upon immediately.

Mr. CHASE. I am still of the opinion that this bill ought to be referred, and that it ought to be considered before it is acted upon. It is not exactly in order to discuss the merits of the proposition now but inasmuch as the Senator from Indiana has stated that the object of this bill is simply to place the Delegate from Oregon in the very same position which is occupied by Senators and Representatives from the west of the Rocky Mountains, I think it is due to myself, and due to the Senate, to say that I believe the Senator from Indiana is mistaken.

If I recollect right, at the conclusion of the session of 1850, a proviso was added to the appropriation bill, or rather to a bill for supplying deficiencies in appropriations, which restricted the mileage of the Senators and Representatives from California and the Delegate from Oregon to the land route. That proviso was construed as a temporary provision in the House, and the Representatives from California in the House were considered by the Committee on Mileage, and without the action of the House, as I believe, entitled to receive full mileage for the route by the Isthmus, without the limits of the United States. The honorable Senator from California presented that subject to the consideration of the Senate at the last session, and it was then referred to the Committee on the Judiciary, which committee reported that the provision in that bill was a permanent and not a temporary provision. He therefore received his mileage by the overland route, while his colleagues in the House of Representatives received their mileage by the Isthmus route. This bill now proposes to repeal the clause of the act organizing the Territory of Oregon, which restricts the Delegate from that Territory to \$2,500 mileage; and it will make two rules of compensation in mileage to the Senators and Representatives from the territory west of the Rocky Mountains—one rule for the Representatives and the Delegate in the other House, and another rule for the Senator in this body.

I merely say this in order to show that this is a question which it seems to me to deserve some consideration; and while I am for a liberal provision, I am for something like equality in this matter of mileage.

Mr. BRIGHT. I should like to hear the bill read.

The Secretary read the bill accordingly. It provides that so much of the act entitled "An act to establish the territorial government of Oregon," approved August 18th, 1848, as limits the mileage compensation of the Delegate from the said Territory, be repealed.

Mr. BRIGHT. The law organizing the Territory of Oregon limited the mileage of the Dele-

gate from that Territory to \$2,500. If there had been no clause in that bill restricting his mileage, he would clearly have been entitled to be paid according to the computation of the distance as the Senators and Representatives of the States and Territories generally. I regarded that limitation, as I think every Senator here must regard it, as unjust. At the last Congress an amendment was appended to the civil and diplomatic bill, giving to the then Delegate from the Territory of Oregon \$3,452, which, as I stated before, was the amount of mileage he would be entitled to if computed according to the distance traveled. The object of this bill is to give the present Delegate from that Territory the same rate of mileage—nothing more. Hence I say that I think there is no necessity whatever for referring it. If Senators are willing to award justice to the Delegate from Oregon; if they are willing to measure out to him the same rate of compensation that they measure out to themselves, they can do it immediately. If they desire to single him out, and say that his travel is worth less than that of Senators and Representatives of California and other States and Territories, they have a right to do so; but I must say that, in my opinion, it would be very unjust and oppressive towards him. For that reason I oppose the reference of the bill.

Mr. BADGER. When I threw out the suggestion that I thought there was no necessity for a reference of this bill, I did not do it because I meant to intimate any opinion whether the House of Representatives ought or ought not to pass a bill for the purpose of repealing that restriction. It was sufficient for me that it concerned a Delegate in that body, and that the object of the bill was to put that Delegate on a footing with other Delegates and members of that House. I therefore thought it would not be exactly gracious to discover any disposition to revise what the House has done. I am satisfied that were the case reversed, we would not think that the House was treating us properly if it were to hesitate in adopting a bill we had passed for a like purpose. But the Senator from Ohio has called attention to another matter. If I understood his views on that subject—if his object is to amend this bill so as to produce an equality between the Senators and Representatives, I think it would be well, whether this bill is referred or not, to allow it to lie on the table until an amendment can be prepared. He has stated the action there was on the appropriation bill, and the terms of the clause which applied as well to Senators as to members of the House of Representatives from the State of California in respect to mileage. In the House that was interpreted as being a temporary provision. The regulation in the Senate was interpreted as being permanent; the consequence of which has been, that the Senator from California receives less compensation for mileage than the members of the House from California. Now that cannot be right; and if the Senator from Ohio proposes to move an amendment which shall declare the law, either the one way or the other, so as to give it the sanction of Congress, and to apply it to the members of both Houses, then either a reference or a postponement of the bill, in order to allow him to propose his amendment, would be proper; but otherwise it seems to me we ought to pass the bill at once.

Mr. CHASE. I did not propose to introduce any amendment to the bill; but I did think that either the Committee on Territories or the Committee on the Judiciary, having this bill under consideration, might introduce some provisions which would equalize the mileage, either in the way suggested by the Senator from North Carolina, or in some other mode. For myself, I am very willing to say that I have always considered that restriction upon the mileage both of the Senators and Representatives from California, contained in the deficiency bill of 1850, as in the nature of a temporary provision, and applicable only to the mileage for that year. That has been my opinion on the question as one of law merely. It was, however, submitted to the Judiciary Committee, who decided otherwise, and the Senate acquiesced in its decision.

Mr. BRIGHT. I respectfully submit to the Senate, whether it is proper, whether it is just towards the Delegate from Oregon, to embarrass this measure with so embarrassing a question as the mileage of members generally? The Delegate

from Oregon is the only member of either House who has not the right to go to the proper officer and demand mileage for the distance he has traveled. This restriction is imposed upon him by previous enactment, and it requires some legislation to give him that amount of money to which all admit he is entitled. I hope the Senate will not embarrass the bill by any other question.

The motion to refer was not agreed to; and the bill was considered as in Committee of the Whole.

Mr. MANGUM. My attention has not been called to this bill, nor to the principles involved in it. I have usually been on the liberal side of questions of this sort, but I would ask that it may be allowed to lie on the table for the present, that we may have an opportunity to look into the measure, and of considering the principles which are involved in it. I do not mean; by any motion of that sort, to indicate anything like opposition to it. I do not know what it is, and therefore I move that it do lie upon the table for the present.

The motion was not agreed to, the vote, on a division, being 15 in the affirmative and 16 in the negative. There was, however, no quorum voting.

The Senate having been counted, 33 Senators were found to be present.

Mr. MANGUM. My simple object is to gain a little time to look into it. My motion is made with no hostile purpose towards the measure itself. I have no desire to oppose it.

Mr. BRIGHT. I ask the Senator from North Carolina, if he was in his place at the time the bill was read? The object of my inquiry is to ascertain whether he heard the statement of the facts of the case. If he had, I am sure he would allow this bill to pass.

Mr. SEWARD. If the Senator from North Carolina will withdraw his motion for a few minutes I will renew it.

Mr. MANGUM. I withdraw it.

Mr. SEWARD. I wish to say, that I have no opinion made up against this bill. I am not prepared to vote either for or against it. I want time to think of it, and that I suppose is the object of all the Senators who desire that the bill shall be laid upon the table. Their object is not to defeat the bill, but to have an opportunity of considering the question which it presents. I mean no more, when I make the motion to lay the bill on the table for the present.

Mr. BRIGHT. I hope the honorable Senator will withdraw the motion for a moment.

Mr. SEWARD. Certainly.

Mr. BRIGHT. I would dislike very much to press this bill against the sense of the Senate, but I am quite sure that every Senator present, who understands the question, is prepared to vote upon it. It is a very plain question, and is within a very small compass. Any Senator who will take time to refer to the 16th section of the law organizing the Territory of Oregon, will see that the Delegate from that Territory is restricted to \$2,500 as mileage. The first Delegate elected from that Territory was allowed, under an amendment to the civil and diplomatic bill, \$3,452. Why was he allowed that amount? Because the distance he traveled would, under the general law, entitle him to that amount. I know there is not a Senator on this floor who will refuse to allow the Delegate from Oregon to receive the same amount which was given to his predecessor. That is all he asks, and all admit that he is entitled to it. If he be paid, as Senators and Representatives are paid, according to the distance traveled, he would be entitled to receive \$3,452. But, I repeat, he is the only member of either House who is not entitled to go to the proper officer and draw mileage according to the distance he has traveled. That is on account of the fact, that a law is in force which prohibits him from doing so. The object of this bill is to repeal so much of the law as limits his mileage to \$2,500, and proposes to give him \$3,452.

Mr. NORRIS. I should like to know by what law he would be limited to \$3,425?

Mr. BRIGHT. By the general law which provides that the members shall receive their mileage according to the usual traveled route from their place of residence to the capital of the United States.

Mr. NORRIS. That is across the Isthmus.

Mr. BRIGHT. If he travels across the Isthmus he ought to be paid for it, but it is not. It is

according to the overland route, and it has been so decided in the other branch of Congress.

Mr. GWIN. The honorable Senator is mistaken. The fact is directly the reverse. The House has decided that the members from California are entitled to be paid according to the Isthmus route, and they have received mileage according to that route. This bill proposes to put the Delegate from Oregon on the same footing as members of the House.

Mr. BRIGHT. As I said before, the object of the bill is to pay the Delegate from Oregon as other Delegates and members are paid. It is wholly immaterial by what route he travels. I know he would not charge by any other than the route recognized by law. I hope the honorable Senator from North Carolina [Mr. MANGUM] will not single out this individual from all others, and apply a rule in his case that is clearly unjust.

Mr. BADGER. I hope the Senator from Indiana will permit the bill, without being referred, to lie over until to-morrow. There is misapprehension about it, and I hope he will give Senators an opportunity to examine it.

Mr. BRIGHT. I will not press the matter if Senators desire to examine so important a question.

Mr. MANGUM. In reference to the remarks of the Senator from Indiana, I have to say that I am not prepared at this time to make any invidious discrimination between this Delegate and any member of the House. Not at all; but I really think it is not according to the regular process of legislation to force the determination of a question about which even the friends of the measure differ as to the amount to be paid, and the principle upon which it is to be paid. I renew the motion to lay the bill upon the table.

The motion was agreed to.

RAILROADS IN IOWA.

The Senate proceeded to the consideration of the bill granting the right of way and making a grant of land to the State of Iowa, to aid in the construction of certain railroads in said State.

Mr. UNDERWOOD resumed and concluded the speech which he commenced yesterday in opposition to the bill and in favor of his amendment. His speech will be found in the Appendix.

The PRESIDENT. The question is upon the amendment of the Senator from Kentucky to the amendment reported as a substitute by the Committee on Public Lands.

Mr. UNDERWOOD. One or two Senators stated to me that they wanted to make some amendments to my amendment, which would make it more agreeable to them. They thought it would be better to let the amendment proposed by the committee be acted upon first, and then I could renew my amendment, which would be subject to amendment. I will, therefore, withdraw my amendment until the question is taken on the substitute of the committee. When that is adopted, I shall renew my amendment.

Mr. DAWSON. I move that the Senate do now adjourn; though, in the present state of my health, I shall probably be unable to address the Senate on the subject, and I do not move the adjournment for that purpose; but there are a number of Senators who have spoken to me, and said they presumed no vote would be taken to-day. They are therefore absent, and hence I move that the Senate adjourn.

The motion was agreed to, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 19, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The first business before the House is House bill No. 104, being a bill granting the right of way and making a donation of public lands to the State of Missouri, to aid in the construction of certain railroads therein.

Mr. MACE. I rise to a question of privilege.

The SPEAKER. Will the gentleman state his question?

Mr. MACE. I sent to the table on yesterday two memorials and petitions, which I did not hear read by the Clerk this morning.

The SPEAKER. The Chair would remark, that such matters are journaled and printed, but

are not read to the House. I understand such has been the practice of this body ever since the adoption of the rule allowing of the filing of petitions without presentation to the House.

ATTENDANCE OF COUNSEL.

Mr. ORR, by unanimous consent, introduced a bill, of which previous notice had been given, entitled "A bill to facilitate the attendance of counsel residing at a distance from the Capitol, by classifying the docket of the Supreme Court," which was read a first and second time by its title and referred to the Committee on the Judiciary.

Mr. LANE, by unanimous consent of the House, introduced a memorial from a portion of the Legislative Assembly of the Territory of Oregon; which was ordered to lie upon the table and be printed.

Mr. LANE. I have two other memorials—

Mr. GOODENOW. I object to their introduction, and call for the orders of the day.

GRANT OF LANDS TO MISSOURI.

The SPEAKER. The order of the day is called for, which is House bill No. 104, and upon that the gentleman from Missouri [Mr. MILLER] has the floor.

Mr. MILLER addressed the House for an hour in favor of the objects of the bill, which had already been discussed, he said, by the ablest minds of the country; called attention to the resources of the Western States, and the aid they afford to the commerce of the Eastern—to the increased settlement of lands in the vicinity of the great rivers; from which he inferred that by encouraging internal improvements, a similar effect would be produced.

[See Appendix for Mr. M.'s Speech.]

Mr. HARRIS, of Tennessee. Is there a motion pending to refer this bill to the Committee of the Whole on the state of the Union?

The SPEAKER. There is.

Mr. HARRIS. Believing, as I do, that this House is as well prepared to act at this moment upon this subject as it will be at any future time, I move the previous question.

Mr. RANTOUL. I ask the gentleman who has made that motion to withdraw it. So far all the speaking upon this bill has been made by gentlemen coming from one section of the Union.

Mr. HOUSTON. I hope the gentleman will not withdraw. I want this subject disposed of.

Mr. JONES, of Tennessee. I ask my colleague to withdraw for one moment, in order to allow me to make a suggestion, by which this subject can be gotten over for the present, and allow the other committees to be called. It is not competent for any other committee to report so long as this subject continues before the House.

Mr. CARTTER. Let us send it to the Committee of the Whole on the state of the Union; that will get it out of the way.

Mr. MARSHALL, of Kentucky. I ask the gentleman from Tennessee not to withdraw his call for the previous question. We are as well prepared now to vote upon this bill as we ever shall be. If the friends of the bill can carry it through, I want to give them a chance.

Mr. HARRIS. I have not much feeling in relation to whether the previous question be now pressed or not. I called it in deference to what I conceived to be the wishes of the House.

Mr. JONES. If the friends of the bill wish to press it to a vote now, I am ready. I will not object to the previous question.

Mr. HOUSTON. I move that the House do now proceed to the consideration of the business on the Speaker's table. The bill before the House will then lie over till to-morrow.

Several MEMBERS. Oh, no! let's dispose of it now.

Mr. MARSHALL, of Kentucky. What will be the effect if the House proceed to the consideration of the business on the Speaker's table? Will this bill come up again in the morning?

The SPEAKER. It will come up as unfinished business.

The question was taken, and decided in the negative, and the House refused to proceed to the business on the Speaker's table.

The House was then divided, to ascertain whether there was a second to the demand for the previous question; and there were—ayes 33, noes 116. So there was not a second.

Mr. RANTOUL. Mr. Chairman, I desire—

Mr. JONES. It is not my purpose to make a speech, but it is evident, that while this bill is continued before the House that no other committee can be called for reports.

Mr. HALL. I rise to a question of order. The gentleman from Tennessee [Mr. JONES] has addressed the House once upon this question. The gentleman from Massachusetts [Mr. RANTOUL] now claims the floor, and, according to the rules of the House—the gentleman from Tennessee having spoken once—I think he is entitled to it.

Mr. JONES. I do not propose to make a speech. I only desire to make the proposition, that the business be passed over until all the other committees shall be called for reports, and then, when the call reaches the Committee on Public Lands again, that this subject will come up as unfinished business. All I want is to allow the other committees to report. I have no report to make, but I think that is due to the other committees of the House.

Mr. HALL. I have no objection in the world to the postponement of this business, provided it is postponed in such a way that it shall come up again. And if the gentleman from Tennessee will modify his proposition so that this subject shall be postponed till some day certain, and made the special order for that day, so that it will come up precisely in the same condition which it now occupies, I have no objection. But I do not want it postponed to go on to the Speaker's table again, for if it does, we shall never reach it.

Mr. JONES. My proposition does not carry it to the Speaker's table. It only provides that it shall go over until the other committees shall be called for reports. Then, when the Committee on Public Lands is called, it will again come up, and will occupy precisely the same position which it now holds. I am in favor of having this matter go over, but I am opposed to making it a special order.

The SPEAKER. The proposition of the gentleman from Tennessee requires unanimous consent.

Mr. ORR and others objected.

Mr. RANTOUL said that, in his opinion, the old thirteen States have certainly a great interest in determining what shall be done with the public lands, in some respect equal with the new; and the question is, what use can be made with the public lands until some general measure shall be agreed upon beneficial and equally advantageous to the old and the new States.

A general plan of railroads, he said, has been commenced, (not confined to any particular State or section,) forming a portion of a great and well-contrived system. The commerce of the nation is destined to be an interchange between the valley of the Mississippi and foreign countries to a great extent. It is a matter of interest, then, that additional channels of intercourse shall be constructed, open and convenient. So far as this bill proposes to aid Missouri, it does so without the loss of a dollar to the General Government. If the Atlantic States would have a great commercial and navigating interest, they should look to the agricultural productions of the West, which keep that interest alive. He would say to the people of the Northeast that cotton, woolen, and iron must some day or other be manufactured hundreds of miles west of where they now are. The precise year cannot be given; but the West will cease to buy those things of the Northeast, and make them just when it shall think that it will be to its advantage. Therefore, the Northeast should encourage the West in agriculture, opening roads to the Northeast and Southeast, connecting the Atlantic slope with the valley of the Mississippi in the cheapest and most practicable way. So sure as a course shall be taken to depress western agriculture, so sure will manufacturing depart from the Northeast to the West.

[See Appendix for Mr. R.'s speech.]

Mr. MOORE, of Louisiana, next obtained the floor, and said: I have but a few words to say on this subject—

Mr. HOUSTON, (interrupting.) I would suggest to the gentleman from Louisiana, that as he will have the floor in the morning, and as this will be the first business that comes up, it would be better, with his consent, to go into Committee of the Whole on the state of the Union now.

[Cries of "No, no!" and "Let him go on!"]

Mr. MOORE. I should be happy to oblige the

gentleman from Alabama, but I will remind him that to-morrow is Friday, and private bill day.

I should much prefer speaking to-morrow morning, if I was sure of getting the floor; but as it is private bill day, I know I shall have no opportunity of being heard, and I shall therefore retain the floor now.

Mr. HOUSTON. The gentleman would be entitled to the floor in the morning in preference to anybody else, or to any other business. My object is to get into the committee, and finish up a special order there which is hanging in the way of all other business. We have time to dispose of it to-day, and I should be glad if the House would so indulge me.

Mr. MOORE. If I was sure I could get the floor to-morrow, I would yield to the gentleman's suggestion.

[Cries of "Go on now!"]

Mr. ORR. If I understand the rules of the House correctly, the gentleman from Alabama has a right to take the floor from the gentleman from Louisiana, the morning hour having expired.

Mr. CLEVELAND. Not after the floor has been assigned to the gentleman from Louisiana.

Mr. HOUSTON. I have certainly a right to take the floor from the gentleman, as the morning hour has expired.

The SPEAKER. The Chair does not so understand the rules.

Mr. CLEVELAND. Such is not the rule.

Mr. HOUSTON. Any member has a right, at the expiration of the morning hour, to move to proceed to the consideration of the business on the Speaker's table. If the gentleman from Louisiana had been in the midst of his speech, I could have committed that motion.

The SPEAKER. The Chair did not understand the gentleman from Alabama to submit such a motion.

Mr. HOUSTON. I submit that motion now.

The question was put, and the motion was not agreed to.

Mr. MOORE. I shall not detain the House, Mr. Speaker, for the full hour allowed me by the rules, in the discussion of this question. But as I had the honor to introduce a bill kindred to the one now under consideration, I feel it incumbent upon me to say a few words.

The whole subject of the policy of making these grants may as well be discussed now, and on this bill as on the other bills which will probably come before us. I had the honor of introducing a bill to grant to the State of Louisiana the right of way through and a portion of the public lands, which is now before the Committee on Public Lands, and will, I hope, be reported in a few days. But as I may not then have an opportunity of giving my views upon this subject, I embrace this opportunity to do it.

I was sorry, the other day, to hear a gentleman upon this floor endeavor to connect this subject with the question of internal improvements by the General Government. Now, I maintain that this cannot fairly be done. This is simply a donation for public purposes. By looking over your statute-book, from the very commencement of this Government, you will find that the very first law that was ever passed regulating the public lands, made large donations of public lands for public purposes. The very first bill upon the subject of lands, passed before even the adoption of the present Constitution, made large donations of the public lands for the purposes of public education. I will state to the House a few of the grants of this description that have been made. We find by reference to the statute-book, that large grants of the public lands have been made to cities, to towns, to counties for county-seats, and to States for seats of government. A grant of land was made to build the city of Detroit—not only a portion of the old town, but 10,000 acres besides. The city of Natchez also has had a grant. Four sections of land were granted to the State of Indiana for the purpose of fixing a seat of government. Thirty-six sections and 1,620 acres besides, were granted to the State of Alabama for the same purpose. I find that grants have been made even to the old States. For instance, a grant of land was made to Connecticut for a deaf and dumb asylum—and very properly, I think. Illinois also had a grant of lands for a seat of government.

I find that the first grant of lands for purposes of internal improvement was made in 1823, when

a grant was made to the State of Ohio, to construct a road from the Lower Rapids of the Miami to Lake Erie, one mile on each side of the road—for in those days it was all wild country, and the United States thought proper to make a grant of the whole land and not of the alternate sections as we now do. Another grant of a like nature was made to the State of Ohio in 1827, for a road from Columbus to Sandusky. In 1827, these grants for railroads and canals were commenced. The first grant was to the State of Illinois, for the construction of a canal, alternate sections of five miles on each side; and in the same year a similar grant was made to the State of Indiana, for a canal from the Wabash to Lake Erie. In 1828, another grant was made to the State of Ohio, and in 1830, further time was granted to the State to locate those lands, and they were authorized to apply the grant either to the canal or to a railroad. I will remark here, to my Democratic friends, that this bill was approved by General Jackson, who was the first to put an end to improper appropriations for the purposes of internal improvement. A grant was made to Florida for a canal, and 400,000 acres of land were granted to Alabama for improving the rapids in the Tennessee river, known as the Muscle Shoals. James K. Polk, who was as much opposed to internal improvements as any man in this nation, advocated and voted for those two bills.

Now, sir, I contend that the bill now before us cannot connect itself with the subject of internal improvements by the General Government. It is simply a donation of public lands for public uses—a donation which I hope and trust will be returned to the Government, not only once, but twofold, or threefold.

Now, let us lay all abstractions aside and take a plain, common-sense view of this subject. The fourth section of the bill provides—

"That the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid, and no other; and the said railroads shall be and remain a public highway, for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States."

Most certainly the General Government has a right to contract for the transportation of troops and their supplies. Here we say to the State of Missouri, make this road through your country, transport our troops and supplies, and we will give you every alternate section of land, but with the proviso that the remaining sections shall bring double the usual price.

Again, by the 6th section of the bill, we require the State of Missouri to carry the mails along these roads at such price as Congress may stipulate.

Now, we may suppose that Congress will not ask that the mail shall be carried at a lower rate than is paid for other and similar routes in the United States. But you must provide for carrying it over that route as rapidly as it can be carried by private express, otherwise the mail matter will decrease and letters will be carried by private conveyance. Now, we promise to transport whatever you have to transport free of charge; and I ask gentlemen if it is not a fair and liberal proposition, and whether we have not the right to ask that aid shall be given us to construct these roads for the considerations mentioned?

Now, Mr. Speaker, the Constitution of the United States gives to Congress full power to dispose of these public lands, and to make all needful rules and regulations in relation thereto, and therefore, in accordance with this provision of the Constitution, the power of Congress to make these grants cannot be questioned.

But this question may be considered in another point of view. The gentleman from Missouri [Mr. Phelps] on yesterday alluded to the fact, that the State of Missouri is prohibited from taxing the lands sold by the United States for the space of five years; and she is also prohibited from taxing the lands given to soldiers for the space of three years. Now, a like clause has been introduced into the constitution, or rather into the act admitting the State of Louisiana into the Union. But that act goes further. It provides that "the river Mississippi, and the navigable rivers leading into the same, or into the Gulf of Mexico, shall be common highways and forever free, as well to the inhabitants of said State as to other citizens of the United States, without any tax,

'duty, impost, or toll therefor, imposed by the said State.'" So that if the people of Louisiana should wish to-morrow to make an expenditure of money for the purpose of making any of these rivers navigable, they could not impose any tax, or impost, or toll upon any citizen of the United States for traveling through that channel. Now, it will be perceived that the old States have a kind of guardianship over us. They keep the new States in a sort of pupillage, although they are full grown. Very well, we do not complain of it, but we wish the old States, as good fathers of families, to act liberally, generous, and kind towards us.

I now beg leave to call the attention of the House to one of the projects for a railroad, which I had the honor of presenting to the House, and for which we ask that a grant of the public lands should be made. The road is to run from the bank of the Mississippi river, opposite New Orleans, to Opelousas, and from thence to Texas. The whole distance is from two hundred and fifty to two hundred and sixty miles. The first fifty miles will run from New Orleans to Lafourche, through a swamp country, where the United States are not in the possession of one foot of land, as a letter from the register of the land office, which I hold in my hand, will show. Upon the route from Lafourche to Berwick's bay, there are about 3,200 acres of land belonging to the Government, as will appear from a letter from the Surveyor General of Louisiana, which I now have before me. The rest is either land granted before the change of Government, or ceded to the State, as swamp land. This route goes through swamp lands which are susceptible of being reclaimed, and we trust it will soon be done. The whole route from New Orleans to Berwick's bay has been surveyed, but no company has been organized, because under our constitution, no special acts of incorporation can be passed. It requires that all laws shall be general; and it was found, when we endeavored to get up this company, that the general act of incorporation then in force, would not answer for a corporation for railroads, and therefore we were obliged to defer it to the present session of the Legislature of the State.

From Berwick's bay to Opelousas, a distance of about ninety miles, the road will run principally through a prairie and over lands which were granted before a change of Government; and the United States will not be required to give any lands at all, except it may be a spot here and there in the prairie. The six miles may extend so as to cover some small tracts of land from Opelousas to Bayou Chicot, a distance of twenty-seven miles. A large portion of the lands on the route were also granted before the change of Government, the inferior portions only remaining from Bayou Chicot to the Sabine river, a distance of about fifty-seven miles. It will run through a pine forest now of little or no value to the United States. Indeed, I will venture to say, that if the whole of this portion of these lands were to be put up at public auction to-morrow, they would not bring ten cents per acre. But once run a railroad through them, and you make them valuable for the lumber to the prairie country, in the vicinity and below, and also valuable to the prairie country in Texas. For I hope and trust that if we ever get this road through to the Sabine river, that it will be continued on through Texas. The subject is now before the Texas Legislature, and I feel certain that if we can once get this road completed to the border of Texas, it will be continued on through that State to El Paso.

According to a hasty calculation which I have made, the grant which we ask for the whole line of the main road will not exceed 230,000 acres of land belonging to the United States, and nearly all of that is land which is now entirely worthless to the Government. As I have remarked, it is not worth ten cents per acre. But run your railroad through it, and you will make every alternate section worth \$2 50 per acre for the timber; the two branches contemplated will take but a small additional quantity.

A MEMBER. What is the length of your road?

MR. MOORE. About two hundred and fifty or two hundred and sixty miles. I say the grant will be small when compared with the length of the road. The public lands do not lie along the route of the road for more than fifty or at most sixty miles.

Now, to show you that it is probable that this

road will be made, in a series of addresses which I made to the people along the route upon this subject, I calculated the produce of seven of the parishes between Lafourche and St. Landry for the year 1849. I will here remark, that when I went there a great portion of that country was a wild prairie, on which cattle were pastured, and a little corn made. But in the year 1849, those seven little parishes produced 72,000 hogsheads of sugar, which produced about 36,000 hogsheads of molasses. They raised about 20,000 bales of cotton, and sent to market about 40,000 head of cattle, all of which was then worth about \$5,400,000. I showed that by making this road they—the inhabitants and productive classes of those parishes—would save in freight, insurance, and passage in one year, at least \$300,000. Now, if the people of those parishes have intelligence enough to raise that amount of produce so valuable, they will certainly have intelligence enough to take this matter up, and make this road. I take it for granted that this road will be made, at least as far as Opelousas; and if this Congress will make us the grant of land which we desire, I feel no hesitation in saying, that it will go as far as the Sabine, or Texas line. And if it ever gets that far, just as sure as I stand here, it will be extended through the State of Texas. In relation to this route through Texas, I will quote from Captain R. B. Marcy's report of a survey of the route from El Paso to Red river, in which he says, page 224, "Our road passes over uniformly level ground, crossing no mountains or deep valleys, and for five hundred miles on the eastern extremity runs through the heart of a country possessing great natural advantages." "I conceive it to be the best overland wagon route to California." Speaking of the practicability of a railroad along that line, he says, (page 226:) "There are as few difficulties to encounter as any other route that can be found in our country." Page 224: "We found a smooth road over gently undulating country of prairie and timber, and abounding with numerous clear spring branches for two hundred miles, and in many places covered with groves of musquitto timber." "The soil cannot be surpassed for fertility." Page 226: "It would appear to have been designed by the Great Architect of the universe for a railroad. From El Paso to Red river is about seven hundred miles."—See *Ex. Doc. Sen.*, 31st Cong., 1st sess., No. 64.

I have not the least doubt that if this grant is made by Congress, that the road will be continued on to El Paso.

The other day a discussion arose in reference to the immense expenditures of money for supplying our Army upon the southwestern frontier. Now if this road is made we will transport your supplies to the Sabine river free of charge. We will carry your mails through at the lowest possible prices; and instead of being weeks in carrying it to the Sabine river, as is now the case, we will carry it through in twelve hours. Then is it not something worth looking at, when we see these supplies, which have cost the United States so much money, carried free of cost? General Jesup states that the opening of the Red river alone would save \$45,000 a year in supplying the fifth regiment of infantry, now stationed on the northern frontier of Texas. Now, if we will put down all your supplies and troops upon the borders of Texas free of charge, I ask what the United States would then save? Can there be a doubt but it would save double \$45,000 in a year? I venture to assert that these lands, from Bayou Chicot to the Sabine, could not be sold now for \$50,000 if put up at auction, unless there was a prospect of a railroad through them, in which case I admit they would become valuable.

There is another subject to which I desire briefly to allude. It is well known that Congress have passed laws in relation to the inspection of steamboat boilers; and for what reason? Principally to save life. It is also a well-known fact, that the danger in traveling upon a railroad is much less than by any other mode of traveling. It is less even than traveling by private carriage. If I were to state the returns of the railroads in New England, and in England, you would hardly believe me when I say that in upwards of 20,000,000 persons who traveled by railroad, less than 200 were killed, and most of them on account of improper conduct of their own. In New England, out of 19,000,000

passengers and employes, only 190 odd were killed and wounded, and less than one half of them were passengers.

Now, does not this enter into the consideration of the legislation of the country? If we have a right to appoint inspectors to inspect steamboat boilers, have we not the same right to contribute to the means of lessening the dangers of traveling, and making it a hundredfold less? I trust that this House will make these grants of land. Yesterday the subject of homesteads was brought up. If that is thought to be the best thing for us to do, I hope this House will adopt it. I think that any mode which will keep these lands out of the hands of speculators, is a judicious and proper one for this Congress to adopt. I think that the greatest curse that can befall a country is to have large bodies of land come into the hands of speculators. For many years past I have been in a situation to speculate in lands, if I had chosen to have done so. But I have such a horror, such a detestation for that traffic, on account of its injurious influence in the prosperity of a country, that I have never bought a single acre of land for speculation, alone. It is because, in my younger days, when I was poor, and strove hard for a living, I saw the impropriety of such a course. This subject of granting the right of way and making grants of land for railroads has been so thoroughly discussed here, and so much more ably than I can expect to discuss it, that I will say nothing more upon the subject, but I will merely give to this House some little experience of my own. Fifty-one years ago I descended the Mississippi. I was then young, but the scenery of that river, as it then appeared, is most vividly imprinted upon my mind. At that time there was not a white inhabitant upon the bank of that river, from above the mouth of the Ohio to a place then designated as Walnut Hills, but now known as Vicksburg, save a few at New Madrid and environs. At that period the now great, fertile, and flourishing Valley of the Mississippi contained but a few thousand souls. Then a few flat and keel-boats transported the whole produce of that valley to a market. In 1812 the first steamboat that ever plied the waters of that river, landed at the Levee of New Orleans. I was fortunate enough to be there and see it land, and to be one of the first passengers upon that boat on its first departure from the wharf of New Orleans.

Now look at the change that has taken place upon those waters. In the place of one solitary steamboat, you have thousands of floating palaces stemming the current of that mighty stream as if it were by magic. Now there are ten millions of souls in that great valley. Now, instead of a commerce which required only a few flat-boats to accommodate it, you have a commerce which amounts, according to the estimate of 1851, at \$220,000,000. The exports of domestic products from New Orleans, then merely nominal, now amount to upwards of \$67,000,000 per annum. And all this mighty change has been brought about by American industry and American enterprise, and I am enabled to stand here, through the partiality of my constituents, and say that I am proud of having been one of the pioneers of that far southwest—proud of being a citizen of this glorious Union. Who would not be proud? Ah, I hear a still voice saying that there are a few who, with sacrilegious hand, would tare down this fair fabric. May God in his mercy forgive them—they know not what they do. Well, if in my short life I have seen all these changes, and brought about mostly by the effect of steam applied to boats by the invention of the great Fulton, what may we not expect to see in the next fifty years by these railroads, when brothers and sons living in the far West upon the Pacific ocean, will be brought together as neighbors! I have within these fifty years seen all of Louisiana purchased, and now that purchase contains four States. Since that time Texas has been annexed and New Mexico and California have been acquired. When these railroads shall be completed, which are now proposed, we shall have an intercommunication from the eastern shores of our country upon the Atlantic to the Pacific on the west. Shall we not make some small grants of our public domain towards the accomplishment of so great an object? I hope if we live a few years longer we shall see these railroads reaching to the far western limits of Texas, and the day may come possibly, when those who are now here in this House, when in

three times forty-eight hours, persons can go from the Atlantic to the Pacific. Then consider the effects upon this great nation and upon this great western country.

I take it that no man can doubt that the very instant you put these railroads through the public lands, you make every inch of that public land three fold more valuable than it now is. I know in my own State, along the roads that I propose, it will have the effect to make the public lands along them ten times more valuable.

In the bill which I had the honor to present, there is another railroad, which it is proper for me to mention. It is a road from Vicksburg, across the country, to Shreveport, and thence to Texas. I will only say to the House, that this route is considered of sufficient importance for a survey to have been ordered by Congress, or the Senate, and that a survey and estimate has been made by W. H. Sidell, civil engineer. He has made an able report upon it, and says there are no difficulties to encounter that cannot easily be surmounted. The estimate of the whole cost of the road is at the rate of \$15,000 per mile. I will say, that although the whole length of that road is one hundred and eighty miles, yet this grant of land to aid in its construction will be small in proportion to its length. And why? Because a large portion of it will go through lands already ceded to the State of Louisiana, and granted before the change of the Government, and therefore the grant by Congress will not be so great as its length would suppose. The public lands along this route, are principally poor land; very little or none have been sold for more than the minimum price, a dollar and a quarter an acre, except upon the borders of the Red river, where they have been disposed of long ago. I estimate that the grant by the bill will not exceed 400,000 acres. So that the whole grant which I apply for to this Congress, will not amount to more than, as near as I can now estimate it, from 630,000 to 650,000 acres of land. And for that we propose to carry your troops gratuitously, and to carry your mails, and to give every facility to the Government, which will make these lands ten times more valuable than they now are. I feel that I can contribute nothing further to aid this question, and that so much has already been said, that little or nothing has been left for me to say.

Mr. FICKLIN. This subject has already been so ably discussed by gentlemen who have preceded me, that it is with much of diffidence and distrust of my ability to interest the members of this House, that I now attempt to add anything to what has been said. When I hear members from the older States complaining that the grants of land which have been and are likely to be made by this Government, are extravagant; when I hear them say that the Congress of the United States is squandering the public domain; and when I hear the representatives of the people from the twelve land States and from the Territories characterized and denounced as land pirates and robbers, it causes me to reflect, and ask if it is possible that that judgment to which we have all, in the new States, so unanimously come, can possibly be wrong—to ask myself if it is necessary that that decision should be reviewed. And I confess that the more I reflect upon the subject, the more I examine this land question, the more thoroughly, and the more decidedly am I convinced that the course and policy of this Government should be more liberal in the future than it has been in the past; that instead of acting in a parsimonious manner, instead of holding in the miser's gripe the 1,400,000,000 of acres of land which belong to this Government, it should be dealt out liberally wherever a donation of this land can be made to subserve the public interest. Will gentlemen of this House adopt the selfish policy, that, because these lands cannot be granted alike to the new and old States, they will vote against grants to the new States because, forsooth, they may locally benefit the new States more than they do the old? Assuredly not.

If I understand the reports which have been made by the present and former Commissioners of the Land Office, the amount of public land in the twelve land States, whose names it is not necessary for me to repeat, because they are familiar to every member upon this floor, was 386,000,000 of acres, within a fraction. Of that 386,000,000, including all that has been set apart for common schools, all that has been granted for seminary

purposes, all that has been granted for purposes of internal improvement, less than one sixteenth part of the whole public domain in the twelve land States has been donated for these purposes to those States. Is that liberal? Is it extravagant? It does not strike me in that light. What should be the policy of this Government? In what does the wealth of a nation consist? Does it consist in holding hundreds of millions of acres of land for the deer and wolf to roam over? Is it not rather, sir, in planting upon every section of that land a tenant—a man who is able to till and cultivate it, and to bring it into that use for which nature's God had designed it? Of what avail are the millions of acres lying west of the Alleghany mountains to any person—when does their value commence? When do they begin to be useful to the country and its people? Not until there is placed upon it, to subdue its wild nature, to bring it to cultivation, and to subject it to the arts of industry, a husbandman who will make it of benefit to the Government. I acknowledge my indebtedness to the member from Massachusetts, [Mr. RANTOUL,] who has taken so large, enlightened, and liberal a view of the land question. I think it was probably as far back as 1838 that Mr. Calhoun, now no more, presented his *project* with regard to the final disposition of the public domain. It was then that he foresaw that the present land system would not continue for a great number of years. He then foresaw that the proprietorship of the General Government of the public lands of the United States would soon cease—that in a few years, or a few score years, it would depart from it. With that view of the system, he presented a plan by which the lands were to be granted to the States in which they were situated, to be disposed of by those States, a portion of the proceeds to be paid into the Treasury of the General Government. It has been intimated also to-day, by the honorable member from Massachusetts, [Mr. RANTOUL,] that in a series of years this must be the result. It is certainly so. That is to be the ultimate destination of these lands. We all know that the weight of population is rapidly passing to the West. We are all aware of the rapid growth of that section of the Union, and those of us who live there feel that the new States are not placed upon a footing with the old States in regard to population. And why, it is asked, are we not placed upon a footing with the old States? The old thirteen States, together with those added since, except the twelve land States, are the proprietors of the soil within their limits. They possess the right of eminent domain. The power of the Legislatures of the thirteen old States, to which may be added Tennessee, Kentucky, Vermont, and probably others, to tax the lands within their limits is absolute and unquestioned. Is that the case with the new States of the West? Of the contrary we are all aware. We all know that but a very small portion of the lands situated in the new States are subject to taxation. We might go back further, and inquire why this distinction has been made. We might inquire how the title to these lands was originally acquired. Those granted by Virginia and Georgia were lands originally belonging to the British Crown, and acquired as the consequence of the Revolution; and they were claimed by the States within whose limits they fell. In consequence of difficulties springing up in regard to the title, these lands were ceded to the Federal Government. Nothing was paid originally in dollars and cents by the General Government to any one of these States for these lands.

The new States coming into the Union upon an equal footing with the old States, each one of them would have obtained the right of eminent domain to the lands situated within their limits. They would have had that right but for the provision which was contained in the ordinance of 1787, restricting and limiting the new States in that respect. That was an act of might, I contend, against right; because I hold whenever a State comes into this Union, it should be with all the rights, privileges, and immunities of the old States. With the Western States, however, it is not so. They came in under certain restrictions. That limitation was extended to the acts of admission by which Ohio, and other Northwestern and Southwestern States have come into the Union. This provision having been ingrafted upon the ordinance of 1787—these conditions were imposed upon the new States when they were admitted into the Union, when they were

not able to assert and maintain their own rights; it should not be thought hard and strange that when they have the power to maintain them that they should exercise it. I tell the gentlemen who prophesy that the new States will own the lands within their limits, that he most probably will live to see the fulfillment of his prophecy. I have not made the calculation, nor is it necessary that I should do so, as to the precise amount which a tax of a half cent per acre would have yielded since they have been owned by the Government, yet, suffice it to say, that there would have been furnished a sum of money greater than that is asked for any railroad improvement. It would cover everything in connection with the alternate sections—placing them at \$1 25 per acre. We are told, in granting these lands, that they are all to be estimated at \$1 25 per acre—that in granting 1,000,000 of acres you grant \$1,250,000. That has been the estimate of gentlemen upon this floor. Is that correct? The way to ascertain if it is correct is, to turn to their own States, and see if it applies there. The honorable member from Tennessee, [Mr. WARRINS,] who addressed the House upon yesterday, gave us data which I was very glad to hear from him. He gave us information in regard to the grants made to his State. I will say to him, that many of his views developed in the portion of the speech to which I have reference—for the provision of a homestead for the actual settler, met with my hearty approval. Members, by looking to their own States, will see that the estimation of all lands at \$1 25 per acre, is a fallacious calculation. Take, for instance, the State of Tennessee. North Carolina, in 1789, made a most munificent grant to the State of Tennessee—of lands within her limits, subject, however, to the satisfaction of North Carolina military land warrants.

It turns out, as I understand it, that not one cent was ever realized by the General Government out of that grant; and what was not taken to satisfy North Carolina military land warrants, was offered for sale at twelve and a half cents per acre from year to year, and would not bring that sum even at the present time. Afterwards, in 1846, land was granted free of charge to the State of Tennessee, and I understand that even now any person may obtain a title to a tract of these lands transferred to him, by paying the clerk of the county in which they lie his fees, (seventy-five cents,) for his services in preparing the papers. A portion of these lands are bestowed upon settlers free of all charge, except the fee of seventy-five cents to the officer, and yet, when we come to talk about the new States of Missouri, Illinois, Wisconsin, Iowa, and others of the new States and Territories, every acre of land granted by the General Government is set down at \$1 25 an acre. I repeat, there is not a State in this Union, and never has been at any time, when the wild lands would be worth, taken together, \$1 25 per acre. How is it with Illinois? I believe it is not denied, that Illinois has the largest proportion of agricultural lands of any State in the Union. She does not compete with her sister State Missouri, in the variety and abundance of ores, but in respect of her farming land, her fertile and productive soil, not one of the States of this Union can compare with the State of Illinois. Is the land in that State worth a dollar and a quarter? Not so. I doubt whether, upon an average, it is worth fifty cents an acre. We have prairies there that would astonish a man who had been raised in a timbered country, and used to clearing his farm by cutting down large trees, rolling logs in the spring, and getting off dead timber from his fields. We have very large prairies there, extending one hundred and fifty to two hundred miles in length, interspersed, to be sure, with timber. You may travel from Chicago, upon the lake, south, for one hundred and fifty miles through a prairie country, and it is one vast body of land, and for richness and fertility of soil, is not to be surpassed upon this continent. The prairies in this section are some of them fifteen, twenty, and thirty miles in width. How long, in the course of ordinary settlement, will it be before these lands are sold at \$1 25 per acre, without extraneous aid. I venture to say, that they would not be settled within one hundred years.

The last Congress granted to Illinois, Mississippi, and Alabama, alternate sections of land for the construction of the Mobile and Chicago Railroad. That road passes through this prairie coun-

try, and will run from fifty to sixty miles, and in some places much greater distances, without having any considerable elevation or depression to overcome, and across the most beautiful country for a railroad that can be found in the Union. The passing of that railroad from north to south, will bring into market those lands which would not be sold for a century to come, and gives to this Government \$2 50 per acre for land which could not be sold for fifty cents per acre without the road. That is the effect which that railroad will bring about. That railroad will be made, and it will enable the people of the North, and of the Northwest, to exchange the products of that country for the products of the Southwest. It will enable the people of Illinois, in other words, to exchange corn, beef, and pork, with the people of the Southern States for their cotton, rice, and sugar.

Now, I will say a word in regard to my friends from Ohio. I find from indications heretofore made upon this floor, that some of our friends in that State intend to vote against these Missouri and Iowa roads. I am astonished to find that any representative from the State of Ohio would for a moment entertain the proposition of voting against these projects. These bills, as far as I have examined them, and as far as I can judge of the geography of the country, are well conceived, and the roads are judiciously located. They are roads pointing to the Atlantic and Pacific, and which, therefore, connect themselves in an eminent degree with the interests of Ohio.

Mr. MEACHAM (here interrupting) made an inquiry, which was inaudible to the reporter.

Mr. FICKLIN, (resuming.) I was remarking, that I was astonished that any one from the State of Ohio should think of voting against either the Missouri or Iowa railroad bill. The eastern connection of these roads must pass, of necessity, through the State of Ohio.

Mr. STEPHENS, of Georgia. If the gentleman from Illinois will give way, I will move that the House adjourn.

[Cries of "No! No! No!"]

Mr. FICKLIN. There seems to be a general disposition that I should go on with my remarks, and it accords with my own feelings to do so. I was about to remark, in regard to the State of Ohio, that she has had for internal improvements some lands, but not to a very great extent, considering the wealth and character of the State. She has, however, had a considerable amount. The feelings of the people of Ohio, it seems to me, must be coincident with the feelings of the people of Illinois. I would as soon have expected to have found my friends around me from Indiana opposing this road, as my friends from Ohio.

Mr. STANTON, of Ohio. I wish the gentleman would particularize.

Mr. FICKLIN. Two gentlemen [Mr. SWEETSER and Mr. CARTER] have already indicated their opposition by speeches upon this floor.

Mr. STANTON. I am in favor of the bill.

Mr. FICKLIN. I am glad to learn this fact.

Mr. TAYLOR. I do not like to be considered among those who are said to be opposed to these grants for internal improvements in the Western States, and I will avail myself of the courtesy of the gentleman from Illinois, [Mr. FICKLIN,] to make one statement, which I think is due to Ohio, which I have the honor in part to represent. It is frequently mentioned in debate, that Ohio has had a larger proportion of the public lands granted to her for internal improvements than any other Western State. This is not so. I understand that Illinois has had a grant of about 2,000,000 for internal improvements; and I had much pleasure in voting for it. Indiana has had more than Ohio. I am perfectly willing to state to the gentleman that I am ready to vote for these appropriations to aid Missouri in her internal improvements. I only wish the policy of the majority of this House would so modify the present bill as to allow a grant to the railroad from the western portion of the country, through Missouri, Illinois, Indiana, and Ohio, to connect with the great internal improvements of the State of Maryland, by which we might have a great national work, from the western limits of the United States to the east, worthy of the nation. Such a work shall have my hearty approval.

Mr. FICKLIN. I thank my friend for his expression of interest in this matter, and am glad to

find that he is right. I hope he will obtain the floor before the discussion is through, and give us the benefit of his eloquence.

Mr. CARTER, (interrupting.) If the gentleman from Illinois is anxious to find a member from Ohio who will oppose this system of appropriation, perhaps I can accommodate him.

Mr. FICKLIN. Oh no. I know a couple already, and that is sufficient for me. I have no wish to wake up any more of them.

The State of Ohio is a star of the first magnitude—one of the first States in this Union. Her internal improvements are progressing with a steadiness and rapidity which do her credit. I do not place her vote for this bill upon the ground that she has received large grants of land from the Government, but upon the ground that the provisions of the bill are right, and that Ohio, Pennsylvania, Maryland, New York, Massachusetts, and most of the New England States, are directly interested in it, and cannot oppose the bill without voting against their own interests. That is the ground upon which I expect their votes. Now, when I see Massachusetts extending her roads west, in order to invite the trade from the great valley of the Mississippi; when I see New York extending her railroads to Buffalo and Dunkirk, and enlarging her canals for the purpose of getting a share of that trade; when I see the struggles that were made by Pennsylvania in 1846-'7 to extend her road from Philadelphia to Pittsburg; and when I see the efforts that are being made by Maryland and Virginia to reach the Ohio river at Wheeling and Parkersburg, it seems to me that there is a blending of interests between these Atlantic States and the Mississippi valley which must ultimately give us their votes for these railroad bills.

Now, how is it in regard to the State of Indiana? Any gentleman who will take up the history of that State for the last few years, will find what gigantic efforts she has made in laudable and praiseworthy improvements. They will find that five or six railroads, which are now in active operation, concentrate in her capital.

My friend from Ohio [Mr. TAYLOR] seems to think that the railroad connection between this and the Wabash valley will not be complete. He cannot be aware of the fact, that the railroad from Madison by Indianapolis to Terre Haute, in the State of Indiana, is now completed, and that the portion first completed, from Madison to Indianapolis, has been doing a very heavy business and yielding very fair profits. Before the frosts of another winter shall have visited us, the railroad connection between Boston, New York, Philadelphia, and Baltimore on the east, and Terre Haute on the Wabash, will be completed, if not by direct lines, sufficiently so for all commercial purposes. The honorable members from Ohio on this floor could not, if they would, resist those enterprises which are being carried on by the energy of their own State, and of the neighboring and adjacent States.

Mr. Speaker, this is no sectional question. The bills reported to this House asking grants of land for the States of Iowa, Missouri, Arkansas, Alabama, Louisiana, and Mississippi, have been well considered, and the roads therein mentioned connect themselves with vast and great interests in this country. You start by railroad from the city of Charleston, in South Carolina, passing through Augusta and Atlanta, in Georgia, to Chattanooga, in the State of Tennessee, the main trunk continuing on to Nashville, Tennessee, and a branch extending to Memphis, on the Mississippi river. There is to be, and must be, a connection between Charleston, in South Carolina, and Louisville, in Kentucky; between Charleston and Memphis, and between the remotest points in New England and the great Valley of the Mississippi, by Boston, Albany, Buffalo, Chicago, and Cleveland. There is, then, a unity of interests in regard to these works that must command the support of our friends in the East, and of our friends in the South.

Sir, it was well said by the gentleman from Massachusetts—much better said than I can say it—that the opening up of these great thoroughfares enables the people of the West—an agricultural people, to have their produce transported to the Atlantic seaboard, either for consumption there or for further transportation to European markets. It enables the people of the South to pursue their sugar and cotton planting, regardless of raising,

provisions; because they can be furnished with all the provisions they need at cheaper rates, from the grain-growing States of the West.

Corn usually sells upon the Atlantic seaboard, I believe, at from sixty cents to one dollar per bushel. It frequently sells in my district, in the State of Illinois, at ten cents per bushel. Hundreds of thousands of bushels of corn are raised there, and used in stall-feeding cattle in winter, which, in the spring, are driven to the Boston, New York, and Philadelphia markets. What you want, then, gentlemen, is cheap transportation. As you cheapen transportation, you give to the consumer the food necessary to sustain him at a lower rate than he can otherwise get it. It is cheaper to send produce a thousand miles by railroad than to send it a hundred miles on wheels by horse-power.

Let it be understood that I do not advocate this bill upon the ground that the State of Missouri has not received quite as much as another State. But I place it upon the broad ground that these roads are for the benefit of all; that the granting of alternate sections of the public lands does not cost anything to the General Government, because the reserved sections—the price of which is increased to \$2 50 per acre—will yield as much money, and in less time, than the whole would if the improvements were not made.

Gentlemen from New York are more familiar with this subject than I am, but statistics which I have seen convince me that much of that portion of New York lying between Buffalo and Dunkirk, on Lake Erie, and Albany, would have been still a wild country but for the canals and railroads that have been run through it. As soon as those railroads and canals were in successful operation, lands went up at once to a higher price.

I have spoken of the immense value of the opening of these great thoroughfares to the States of Massachusetts, New York, Maryland, Pennsylvania, and Ohio. Let not the gentleman from Vermont [Mr. MEACHAM] suppose that there is one link in this great chain from the Green Mountains to St. Joseph, in the State of Missouri, that will be wanting. The energies of the American people are alive to this question. If this connection is not made by public lands, it will be made out of the private purses of capitalists. This undertaking will be completed. There is no doubt of that. And the only question now is, will gentlemen from the old States, who have a faint hope that by holding back they can advance the tariff interest, or that they may possibly get a portion of these lands for the old thirteen States, gain anything by so doing? It is not probable that any portion of those lands will ever be granted to the old thirteen States. The new States will never submit to it—the measure would be fraught with much evil and no good.

Mr. CHANDLER. Are we to understand the gentleman, that whether or not gentlemen from the Eastern States support these measures, they will get neither the advantages of a tariff nor any portion of the public lands?

Mr. FICKLIN. So far as I am concerned, I will candidly say to the gentleman that I cannot vote for his tariff.

Mr. CHANDLER. I have no tariff. But I heard the gentleman talking some time since about cutting down trees and rolling logs, and I want to know who it is who has been log-rolling in connection with this measure.

Mr. FICKLIN. I must say to the gentleman that I cannot join him in log-rolling.

Mr. CHANDLER. I do not ask it.

Mr. LETCHER. I should like to ask the gentleman from Illinois a question. I come from one of those old States, and I should like to understand whether the gentleman from Illinois, who says that these lands should be dedicated to a system of internal improvements, would be willing to vote the Virginia and Tennessee Railroad, or the Central Railroad of my State, a portion of these lands, if this general system prevails?

Mr. FICKLIN. I answer the gentleman by saying, that we propose to grant alternate sections along the line of the roads named in this bill, and I would be willing to grant alternate sections along the line of the roads which the gentleman has mentioned.

Mr. LETCHER. We have no alternate sections of public lands along the line of the road.

Mr. JOHN W. HOWE. I want to ask the

gentleman if he proposes to bring the lands into the State of Virginia?

Mr. FICKLIN. It is about as probable that these lands will be transferred from the new States and placed, section by section, along the lines of the roads in the old States, as to suppose that they will be ceded to them. It is out of the question. It is bad enough for the General Government to be the proprietor of the lands in the new States; but they would not for a moment tolerate the idea of a sister State exercising similar powers.

I will say to the gentleman from Virginia, [Mr. LETCHER,] that the old States once owned these lands, and gave them up; and now I ask, does it come with a good grace from them to ask them back again?

Mr. AVERETT. I ask whether Virginia ever gave up her interest in these lands as one of the United States?

Mr. FICKLIN. She has ceded them away once, and now it would look childish for her to come here and ask them back again.

Mr. AVERETT. She has ceded them to the United States, but she has not ceded her right to them as one of the partners of the firm.

Mr. FICKLIN. The deed of cession of Virginia conveyed to the General Government all of her right to the Northwest territory, and all questions in regard to them are, of necessity, between the General Government and the States in which the lands are located. How long it may be before these twelve land States, with California, assert and maintain their right to these lands, remains to be seen. It will not probably be long. I will not detain the House longer.

Mr. ORR obtained the floor, but yielded it to Mr. ROBBINS, on whose motion the House adjourned until to-morrow.

PETITIONS, &c.

The following memorials, petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. PARKER, of Indiana: The petition of George Catlin, that his American Indian Collection of Portraits, Dresses, Weapons, Ornaments, &c., be purchased by the Government, and thus secured to the American people.

By Mr. BENTON: The petition of James S. Collins, an assistant marshal for taking the Seventh Census in Indiana, praying additional compensation.

By Mr. PARKER, of Pennsylvania: The memorial of Thomas Rees and 19 others, citizens of Blair county, Pennsylvania, praying for the establishment of an Agricultural Bureau by Congress.

Also, the memorial of W. L. Africa and 15 others, citizens of Blair county, Pennsylvania, of like tenor and import.

By Mr. ANDREWS: The petition of Samuel L. Davis and others, for the erection of a light-house at Tenant's Harbor, St. George, Maine.

Also, one of Lucy B. Roberts, for a pension.

By Mr. BULL: Three remonstrances, with 350 signatures, from Herkimer county, New York, against the renewal of the Woodworth patent.

By Mr. DAVIS, of Indiana: The petition of the President and Directors of the Mississippi and Atlantic Railroad Company, praying a grant of the right of way and a donation of a portion of the public lands, for the construction of a railroad from the State line, opposite Terre Haute, Indiana, to Illinois town, on the Mississippi river, opposite the city of St. Louis.

Also, the memorial of John Cowgill, Elisha Cowgill, William Albin, and Andrew Johnston, of the State of Indiana, praying additional compensation for their services as assistant marshals in taking the Seventh Census.

By Mr. KURTZ: The memorial of a large number of the citizens of York county, Pennsylvania, praying Congress to enact such laws as will more effectually preserve the sanctity of the Sabbath than those at present in existence.

By Mr. FITCH: The petition of J. F. Stokes, assistant marshal of Pulaski county, Indiana, asking additional compensation for services in taking the census.

By Mr. LANE: The petition of Edward Jones and others, citizens of San Francisco, praying appropriations for the survey of the mouth of the Umpqua river, and for the erection of a light-house, and for other purposes.

Also, the memorial of the Legislative Assembly of Oregon, praying an appropriation for the improvement of the navigation of Tam Hill river, in said Territory.

Also, the memorial of the Legislative Assembly of Oregon, for the improvement of the Willamette river.

Also, the petition of R. M. Walker and 79 others, for a road from the Missouri to the Willamette river, in Oregon.

Also, the resolutions of the Legislative Assembly of Oregon, praying for sundry amendments to the donation land law of said Territory, &c.

Also, the petition of citizens of Oregon, praying the purchase and survey of a portion of the country east of the Cascade range.

Also, the petition of citizens of Oregon, for amendment of land laws, &c.

By Mr. DOTY: The petition of Daniel W. Hubbard, for pay for carrying the mail from Green Bay to Copper Harbor.

Also, a petition for a mail route from Ripon, by Sacramento, Poyapi, Little River, and Weyanwoya, to Mukwa, in Wisconsin.

Also, the petition of Chapin M. Seely, L. Lench, and

other citizens of Wisconsin, asking that land warrants may be made assignable.

Also, the petition of Owen Salisbury, Thomas Fallon, and others, citizens of Dakota, for a post route from Madison to Waupaka Falls, by Montello, Dakota, and Wautoma.

Also, the petition of J. M. Dart and others, for the same route.

Also, the petition of Edward Smith, H. C. Jones, and other citizens of Neenah, for a grant of land to aid the Rock River Valley Union Railroad Company in the construction of their road.

By Mr. HAWS: The memorial of Obadiah Newcomb and others, assistant marshals for taking the census in the city of New York, asking for an increase of compensation.

By Mr. EDGERTON: The memorial of the assistant marshal of Van Wert county, Ohio, for additional compensation for taking the census.

By Mr. BOWD, of New York: The remonstrance of 87 citizens of Washington, New York, against the further extension of the Woodworth patent.

Also, the petition of sundry inhabitants of Warren county, New York, asking the establishment of a mail route from the town of Fort Ann, county of Washington, New York, to French Mountain post office, Warren county, New York, a distance of about twelve miles.

By Mr. McNAIR: The petition of Henry Jacobs and others, of Montgomery county, Pennsylvania, and also the surviving officers, soldiers, seamen, and marines, and the widow and children of those deceased who have served in the war of 1812, praying Congress to modify the bounty land act of September 28, 1850, so as to give to each of the persons intended to be benefited by said act not less than one hundred and sixty acres of land.

By Mr. STEVENS, of Pennsylvania: The petition of citizens of Franklin county, Pennsylvania, remonstrating against the extension of the patent of Parker's water-wheel.

Also, a memorial by a large number of the citizens of Lancaster county, Pennsylvania, protesting against the renewal of the patent of Parker's water-wheel.

Also, two memorials by a large number of journeymen cigar-makers of Hanover and York, York county, Pennsylvania, stating that under the present tariff foreign cigars are largely imported into this country, greatly to the injury of the petitioners and other citizens, and praying that the tariff may be so modified as to protect them from foreign competition.

Also, a memorial of the late quarterly meeting of the Religious Society of Friends, stating that the fugitive slave law is immoral and unjust, and praying for its repeal.

By Mr. GAYLORD: The petition of Daniel Kinney and 27 other citizens of Washington county, Ohio, asking a donation of a portion of the public domain for the benefit of education in the Independent School Association of the Commonwealth of Wesley.

Also, the petition of Milton Smith and 25 other citizens of Washington county, Ohio, on the same subject.

By Mr. ALLEN, of Illinois: Two petitions, of John T. Jones and others, and Thomas Boswell and other citizens of Gallatin county, Illinois, for right of way and donation of land to aid in the construction of a railroad from Shawneetown to a point opposite St. Louis.

By Mr. MACE: The memorial of John M. Hill and John Field, of Fountain county, Indiana, asking additional compensation as assistant marshals in taking the census.

FRIDAY, February 20, 1852.

Prayer by Rev. LITTLETON F. MORGAN.

On motion by Mr. WALKER, it was

Ordered, That the order of the Senate, assigning Friday of each week to the consideration of private bills, be suspended until one o'clock this day.

On motion by Mr. HUNTER, it was

Ordered, That one thousand of the additional copies of the report of the Secretary of the Treasury on the finances, heretofore ordered to be printed, be for the use of the Treasury Department.

PETITIONS.

Mr. SEWARD presented the memorial of David Hull, praying the establishment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which was referred to the Committee on Foreign Relations.

Mr. WADE presented four memorials of assistant marshals for taking the Seventh Census in Ohio, praying additional compensation; which were referred to the Committee of Claims.

Mr. JONES, of Iowa, presented a petition of citizens of Iowa, and the proceedings of a meeting of citizens of Salem, in that State, in favor of donations of land to the Dubuque and Keokuck, and Davenport and Council Bluffs Railroads; which were ordered to lie on the table.

Mr. FOOT presented the petition of Eliza Ann Ellison, only child and heir of David Lund, praying a pension for the services of her father in the last war with Great Britain; which was referred to the Committee on Pensions.

Also, a remonstrance of citizens of Rutland county, Vermont, against the further extension of Woodworth's patent; which was referred to the Committee on Patents and the Patent Office.

Mr. MILLER presented a petition of citizens of New Jersey, praying that the introduction of foreign convicts, felons, and paupers, into this

country may be prohibited by law; which was referred to the Committee on Foreign Relations.

Mr. SMITH presented a petition of citizens of Waterbury, Connecticut, praying the construction of a ship canal around the Sault Ste. Marie; which was ordered to lie on the table.

Mr. JAMES presented a petition of journey-men cigar makers of Providence, Rhode Island, praying an increase of the duties on cigars; which was referred to the Committee on Finance.

Mr. DAWSON presented the memorial of Captain L. McLaws, of the United States Army, praying the difference between the pay of a lieutenant and that of a captain in the staff, the duty of which he performed; and the same additional compensation for the time he served in New Mexico as was allowed to officers in Oregon and California during the years 1849, 1850, and 1851; which was referred to the Committee on Military Affairs.

Mr. BRIGHT presented a resolution of the Common Council of the city of Jefferson, Indiana, communicating information in relation to the Louisville and Portland Canal; which was referred to the Committee on Roads and Canals.

Mr. DOWNS presented a memorial of underwriters of New Orleans, praying the enactment of a law to prevent needless detentions and expenses in proceedings in admiralty; which was referred to the Committee on the Judiciary.

Mr. FISH presented a petition of passed midshipmen in the Navy, praying that a separate grade may be established by law, with an increase of pay for that class of officers; which was referred to the Committee on Naval Affairs.

Also, a memorial of Henry Grinnell and others, citizens of New York, praying that another expedition may be fitted out to search for Sir John Franklin; which was referred to the Committee on Naval Affairs.

Mr. BRADBURY presented a memorial of assistant marshals for taking the Seventh Census in Somerset county, Maine, praying additional compensation; which was referred to the Committee of Claims.

Also, sundry documents in relation to the impositions practiced upon passengers by steamers to California; which were referred to the Committee on Commerce.

Mr. HAMLIN presented a communication from citizens of Brunswick, Maine, complaining of the treatment received by passengers going to and from California; which was referred to the Committee on Commerce.

Mr. FELCH presented two petitions of citizens of Michigan, praying a grant of land to the State, to aid in the construction of the Oakland and Ottawa Railroad; which were referred to the Committee on Public Lands.

WHEELING BRIDGE.

Mr. HUNTER. I present the memorial of thirty-six members of the Legislature of Pennsylvania, stating that the Wheeling bridge, in their opinion, is not such an obstruction to navigation as to make it a nuisance, and praying that Congress will protect it. I have no doubt that similar movements will be made in portions of the States of Pennsylvania, Virginia, and perhaps Ohio, calling upon Congress to protect this bridge, by making it a mail route, as, according to the opinion of the Supreme Court, might be done. This is one of the gravest and most important commercial questions that has ever been raised by the decision of that or any other court, for it involves nothing less than a question as between the rights of those who prosecute commerce over navigable streams by bridges and railroads, and those who prosecute it along the water line in boats and vessels. If I am correctly informed in relation to that decision, it will be left to the pleasure of that court to say whether the bridges which are erected by all the States, not only over rivers which pass through more than one State, but over rivers which flow entirely within the limits of one State, are to remain or not. These are some of the gravest questions certainly which could be presented, and involve a jurisdiction which, I must be here permitted to state, a Marshall has refused to take and a Taney has pronounced a grave error. I move that the petition be read, printed, and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BRODHEAD. I have the joint resolution

of the Legislature of Pennsylvania upon the same subject, which resolution expresses a determination to persist in the suit which has been instituted. I agree with the honorable Senator from Virginia, that the question is a very important one, and I therefore hope that the Committee on the Judiciary will give it very great consideration. I move that these resolutions be read, printed, and referred to the Committee on the Judiciary.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BRIGHT, it was

Ordered, That the petition of John Spencer, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. SEWARD, it was

Ordered, That the petition of Elisha W. B. Moody, on the files of the Senate, be referred to the Committee on Commerce.

REPORTS FROM STANDING COMMITTEES.

Mr. WALKER, from the Committee on Revolutionary Claims, to which was referred the memorial of Avery Downer, asked to be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions. It was so referred.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the memorial of sundry merchants of New York, praying for correction of errors in the practice of the Warehouse laws, asked to be discharged from the further consideration of the same, and that it be referred to the Committee on Finance. It was so referred.

Mr. FOOT, from the Committee on Revolutionary Claims, to which was referred the memorial of Cornelius Oakley, reported adversely thereon.

He also, from the same committee, to which was referred the petition of the representatives of Henry King, praying compensation for services rendered by him in the war of the Revolution, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the memorial of Jas. Glynn, praying to be reimbursed moneys lost while in his charge, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on Pensions, submitted adverse reports on the following petitions, which were ordered to be printed: on the petition of Abigail Brown, the widow of Ebenezer Brown; on the petition of Nathaniel Motherhead; and on the petition of Esther Scollay.

He also, from the same committee, to which was referred the bill for the relief of William Bedient, late a sergeant in the fourth regiment of Artillery, reported back the same without amendment, accompanied by a report; which was ordered to be printed.

Mr. PRATT, from the Committee of Claims, to which was referred the memorial of the widow of William Riley, asked to be discharged from the further consideration of the same, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

SISTERS OF VISITATION.

Mr. SEWARD, agreeably to previous notice, asked and obtained leave to introduce a bill to incorporate the Sisters of Visitation, of Washington, in the District of Columbia; which was read a first and second time by its title, and referred to the Committee for the District of Columbia.

SALARIES OF DISTRICT AND CIRCUIT JUDGES.

Mr. COOPER submitted the following resolution for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge of the United States for the eastern district of Pennsylvania, so as that it shall hereafter be the same as that of the district judge of the United States for the southern district of New York.

Mr. RHETT submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salaries of the circuit judges of the District of Columbia.

RECESS.

On motion, it was ordered, that when the Senate adjourns it be to Monday next.

CONTRACTS FOR DRY DOCKS, ETC.

The Senate proceeded to consider the resolution submitted yesterday by Mr. BRODHEAD, in relation to contracts for dry docks; and the resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. P. BARRY HAYS, Chief Clerk, announcing that it had passed a bill for the relief of the heirs of John Jackson; also, a bill for the relief of Gustavus A. De Russey, late an acting purser in the Navy, and requesting the concurrence of the Senate therein.

The above-named bills were severally read a first and second time by their titles, and referred to the Committee on Naval Affairs.

MILEAGE OF THE DELEGATE FROM OREGON.

Mr. BRIGHT. I desire to ask leave of the Senate to take up the bill regulating the mileage of the Delegate from Oregon; and I move to suspend the order of business that the Senate may take up that bill.

Mr. CLARKE. I beg leave to suggest to the honorable Senator from Indiana, that the honorable Senator from North Carolina, [Mr. MANGUM,] who made the motion to lay this bill upon the table, is not now in his seat, supposing, as I believe, that the day would be appropriated to the consideration of the private bills. I have an amendment to offer to the bill in regard to mileage when it shall come up, but not supposing that it would come up to-day, I am not now prepared to offer it. I hope, therefore, that it will not be taken up, but that the day will be devoted to private bills.

Mr. BRIGHT. I shall not insist on my motion if any Senator objects, saying he has an amendment to offer; but I had hoped that this measure would not be embarrassed with amendments. It relates merely to the mileage of one gentleman, General Lane, the Delegate from Oregon. I am sorry that he is singled out and followed with such opposition. It presents a novel case, and I am entirely unprepared to meet it. I cannot divine in my own mind the reason why it is so. However, if the Senator has an amendment which he desires to offer, not general in its character, but intended to reach the case of General Lane alone, I shall not object to allowing the bill to lie over. But if he intends to offer an amendment bringing up the question generally as to the equalization of the mileage of members, I shall object.

Mr. CLARKE. I have an amendment to offer, which is not of a general character to be sure. If it is the pleasure of the Senate to take up this bill, I will prepare that amendment and offer it to-day, but I should be very sorry to see to-day consumed in the discussion of this bill in preference to private bills. I hope the bill will be suffered to lie until Monday, and then I will be ready with my amendment. By pursuing that course the private bills before the Senate will not suffer. It is of very little importance whether this question is settled to-day or Monday. I hope it will not be taken up.

Mr. BRIGHT. As I do not wish to interfere with the private business which is set apart for this day, I withdraw my motion.

THOMAS H. LEGGETT.

The Senate resumed the consideration, as in Committee of the Whole, of the bill for the relief of Thomas H. Leggett.

Mr. SEWARD. This is a bill which has been reported from the Committee on Commerce, for the relief of Thomas H. Leggett, survivor of the firm of Thomas H. Leggett & Co. The facts are contained in the report, which I ask may be read.

The Senate read the report, a synopsis of the contents of which has already been published.

Mr. SEWARD. This case can scarcely be submitted more simply or more fully than it is stated in the report; but I will, perhaps, be able to present it more distinctly in a few words. Thomas H. Leggett & Co. were, in the year 1828, merchants in the city of New York. This firm, in the fall of 1827, made a contract for the manufacture of certain goods in England to be delivered in the ensuing spring. The cost of the goods was \$6,786. In the month of May, the tariff act of 1828 was passed. The duty on these goods was

raised so much that it amounted to the sum of \$5,467, being within \$1,319 of the entire cost of the invoices. The duty under the previous act would have been \$2,200 only. The goods were shipped within three or four days after the passage of the act, before the news of that event could have been received in Liverpool, or before the order for the goods could in any way be countermanded. The petitioner, under these circumstances, applies for relief. It appears that Congress has in a similar case, that of John F. Lewis, in 1836, refunded the difference between the duties under the different tariffs, under similar circumstances.

Mr. HUNTER. I hope that this bill will not pass. Although, perhaps, an isolated act may be found to have been passed, involving the same principle as this, I apprehend that if we could trace the history of petitions of this kind, we would find that they have been almost unanimously refused. I know that since I have been a member of the Committee of Finance, to which such petitions have been generally referred, it has been the invariable rule to reject them. And if I am not mistaken, this petition has been several times referred to that committee, and they have refused to act upon it. When we come to consider the nature of the application, we shall find that it would lead to innumerable demands upon the Treasury Department—demands in which, if we are to take the decisions of Congress, and the legislation of Congress, there is no equity, at least no such equity as would ever induce the Government to grant them. Why, it must be remembered that if we pass this bill, we shall have to go back to all the cases which have occurred under all of our tariffs, for in none of them has there been a provision for those cases in which the cargoes were ordered before the bill was passed. In the tariff act of 1842, it was especially provided, that it should take effect upon its passage; and I know that it was one of the arguments against its passage—for I was then a member of the House of Representatives—that it would operate with hardship upon outstanding cargoes, upon ships having cargoes brought over under orders which had been made before the passage of that tariff act. The matter was then argued and considered, and Congress determined that that was one of the risks which the merchant had to take in the prosecution of his trade. Congress then refused to insert any provision in order to meet these cases, and if we now begin to legislate on them, how many petitions will be sent to us from persons who ordered cargoes before the passage of the act of 1842, and had to pay duties under that act?

We should have thus to reverse the whole policy of our Government in relation to this subject; and not only that, but we should open the door to innumerable frauds; for observe, this case goes behind the tariff of 1828; and if this be a good case, every demand which is based upon a similar principle, either in relation to that tariff or any other, may be presented here, and we shall have to act upon it. It was suggested on a former occasion, by a Senator, that if there be equity in returning to the merchant duties which he has had thus to pay because he ordered goods before the legislation under which they were entered, would it not be a good rule to work it the other way, and say that those goods brought in under the tariff of 1846, when the duties were reduced, ought to pay under the tariff of 1842, under which they were ordered? Why would not that be a good rule? Because it would be impossible to ascertain exact justice in these cases or the precise state of the facts. It would lead to more mischiefs, to more frauds, more difficulties, than we should ever remedy if we should attempt to legislate upon this subject. I am free to say that, in relation to the tariff of 1842, I would have voted for any provision which gave the merchant notice; but such was not the pleasure of Congress; such was not the action of the Government. They determined that they would not; and I am not now for opening the matter in this piecemeal way, when it cannot be remedied, but when it may lead to very great and serious mischief. I hope this bill will not be passed; for my word for it, if it is passed, you will have numbers of such cases presented for consideration.

Mr. SEWARD. It seems to me that the objection of the learned and honorable Senator from Virginia amounts to just this: If we do justice and equity in this case, we may be called upon to do so in some other cases. That argument does not

commend itself either to my judgment or to my sense of what is right on the part of the Government. I will briefly state again the peculiar facts of this case. These importers were merchants in the city of New York in the years 1827 and 1828. They contracted in Liverpool, in the fall of 1827, for the delivery of invoices of goods, among which was an article called "bocking baize," and their contract was, that these goods should be delivered in the spring following; that is, the spring of 1828. Congress, in the month of May, 1828, revised the tariff. By the tariff, as it stood at the time the contract was made, the duties, when levied, would have amounted to \$2,200 50, while the cost of the articles in Liverpool was \$6,786 15; so that the duties, at the time the purchase was made, were about one third of the cost of the articles. By the revision of the duties then imposed, the effect of which, and of course the design of which, was to prohibit the importation of these articles, and to induce the manufacture of them in this country, the duties were raised fifty per cent., and amounted when the goods were received, to \$5,467; being within \$1,319 of the cost—in other words, about four fifths of the cost of the invoices in Europe. This tariff act, which was passed in May, was directed to take effect on the 30th of June following. Pursuant to the original contract, the goods were shipped from Liverpool within three or four days after the passage of the act. Being so shipped they arrived here just three or four days after the act took effect. There was no possibility of anticipating such a change. There was no possibility of giving notice to rescind the contract, or preventing the exportation of the goods from Liverpool. They came here in time to be subjected to the increased duty; and by that change in the policy of the Government the importers lost some \$3,000. It is said that there is no equity in requiring the Government to pay damages which result to its citizens from the change of its laws. I agree that it is the duty of every citizen to know the laws of the land; but in making laws affecting revenue, such as laws for the imposition of duties, there is an equitable obligation on the part of the Government to give reasonable notice of the change of the system of revenue before the law goes into effect. In all the tariff acts except one, this timely notice has been given. The tariff act of 1832 was passed on the 14th of July of that year, but the time at which it was to take effect was postponed to the 3d day of March, 1833. The act of 1833 was passed on the 2d of March of that year, and was declared to take effect on the 31st of December, 1835. The act of 1846 was passed on the 30th day of July, but it did not go into effect until the first of December following.

Mr. RHETT. Will the Senator state when the act of 1842 went into effect?

Mr. SEWARD. The act of 1842 went into effect immediately, as the honorable Senator from Virginia has stated; and it is suggested to me that the reason for that was, that at the time it was passed it was supposed there was no existing revenue laws in force; and therefore that case was an exception. As I have said, it is the duty of the citizen to take notice of the laws of the land, but it is not the duty of the citizen to take notice of the laws before they are passed; and he has an equitable and just claim upon the Government if they levy assessments which shall affect contracts which he has made without giving him adequate time to provide for a change of his business so as to meet the change in the policy of the Government. As I have said, an act like this has already been passed, and the principle of that act is the same as that involved in this bill. It is now a long time since the year 1828. If this consideration addresses itself to the Senate, then I will say that there is no reason to apprehend a great number of applications of this sort; and if there were, justice would require that they should be considered and disposed of upon principles such as would prevail between private individuals.

Mr. UNDERWOOD. Were the goods consumed in the country?

Mr. SEWARD. They were. The cost of the goods was \$6,786; the duties paid upon them amounted to \$5,467. It is a difference more than \$3,000 between the duties existing at the time the contract was made and the duties the parties paid when the goods were entered.

Mr. UNDERWOOD. I wish to make a suggestion. I asked the gentleman from New York,

whether these goods were consumed in this country; and he gave an affirmative answer. Now it seems to me, that when the importer brought goods here and paid the duty, he must have indemnified himself by putting the duty upon the price paid for the article when it was sold. If he has done that, and obtained his indemnity in that way, it would be strange if we should pay it to him again. If he brought the goods here, and found a change in the tariff law, it would be very strange indeed if he would not put on the enhanced price resulting from the increased duty. I think a merchant would hardly neglect doing that, hence it strikes me that he must have been indemnified for the increased duty which he had to pay. I am not prepared to say that importing merchants should not always risk the legislation of the country. I do not know that the basis upon which this gentleman asks relief ought to be conceded. I do not know that we ought to change our legislation, because an individual may say that he made a contract for goods in a foreign country, and expected to have them entered at the custom-house here, under the old law. It seems to me that the Government cannot act in its legislation on views of that sort, although it might be well in passing a tariff law, to let it go into operation prospectively, with a view to provide for such cases. But if the Government has not chosen to postpone the operation of the law, so as to give the merchant notice—which I admit would be in general a good rule—and has allowed the act to go into operation immediately, it is most manifest that a merchant, whose goods arrived in the country under the increased rate of duties, would indemnify himself by increasing the price of the goods. In that point of view, it seems to me, according to the information communicated by the Senator from New York, this individual must have been already indemnified.

Mr. HUNTER. The Senator from New York says that my argument is, that if we pay the claim in this case, we might perhaps pay many more equally just. Not at all. My argument is, that if we attempt to do justice with the imperfect information and imperfect means which we have of ascertaining what the case is, in the attempt to do justice in one case we may perhaps do injustice to the Government in sanctioning a hundred frauds. I said also, that we should fail in doing justice, because it would be impossible to ascertain the facts on which these demands were made, even if we were to admit the principle which Congress has heretofore refused to admit, that we are bound to rectify all the losses to individuals which may have been occasioned by our legislation on the subject of duties. Congress has determined that that is a risk which the merchant must take. Whether they decided rightfully or wrongfully, I do not now pretend to say; nor is it necessary for me to say. If the subject was brought up at the time when the transaction was recent and fresh, when everybody was informed in relation to it, the claim might have been allowed if it was thought that justice required it. But if they postponed it, and at this late period of time we come to act upon an isolated case, we cannot do justice. What is the evidence in this case? How do we know that these goods were ordered beforehand, and without a knowledge of this legislation? I suppose there is no other evidence as to that than the words of the importer. How do we know that he did not remunerate himself, if not for the whole, at least for a portion of the duties, by the additional price which he charged the consumer? How can we ascertain that? And if he did put on the additional price, as suggested by the Senator from Kentucky, surely he ought not now to have this money returned to him by the Government. How can we undertake to act upon the principle, that when the interests of a private individual have been injured by general legislation we will ascertain the amount of his damages and remunerate him? Why, there was a large class of persons in this country who believed that they were injured by the passage of the tariff act of 1842, who planted large quantities of cotton, expecting to get more than they did get for it under that tariff, and upon whom that financial measure came with almost ruinous force. Are they to come here and say to us, We lost so much by your legislation: we planted so much cotton, and would have had such prices for it but for the tariff of '42, and therefore we claim indemnity? Are any class of per-

sons to come here and say that our general legislation has inflicted this or that pecuniary damage upon them, and claim relief? If we once open the door to inquiries of that sort, it will lead to innumerable frauds. I say it is the duty of the Government not to embark in any system of legislation which will perhaps lead them into the practice of a hundred frauds, without in a single instance obtaining justice.

Mr. SEWARD. The argument of the learned gentleman now is, that there may have been no loss sustained. It will be found, on looking at the documents accompanying the report of the committee, that such is not the fact. Document No. 3, shows that a heavy loss was sustained. I will read from that document:

"Fourth question.—Did the goods sell for profit?"

Answer.—No; but a heavy loss. It would have been a great saving to have reshipped the goods; but it was generally supposed that the duty would be refunded, or they would have been reshipped. The change of duty was enormous; on some things from thirty per cent. to two hundred per cent. It was the time of square yard minimum duty."

According to document No. 6, the following facts were shown:

"In the report made to Congress last winter, the committee said that we do business with the full knowledge that Congress has power to raise or lower the duties at pleasure—meaning, I suppose, at any moment. But is this so? Has Congress ever acted upon or justified that principle? On the contrary, has it not always been considered right and proper that ample time should be given to the merchant? Otherwise he might be ruined, as we might have been, if all our importations had been bocking baize. The two invoices on which we claim was for twenty-five bales blankets, eight bales bocking, and eight bales flannel."

"Since my last, I have calculated the loss on three bales of the flannel, which were all of the same kind, low priced: First cost in England, £167..... \$742 50
Duty paid by the new tariff..... 832 00
Shipping charges, exchange, &c..... 245 00

Sold then for..... \$1,819 50
..... 1,250 00
..... \$569 50

Lost on eight bales bocking..... \$1,460 00
Lost on three bales flannels..... 569 00
..... \$2,029 00

"The amount lost on the finer flannels and blankets it would be impossible to say exactly. The amount we claim is the difference of duty, \$3,366."

Mr. UNDERWOOD. That is the party's own statement.

Mr. SEWARD. It is; but it was submitted to the Committee of the House of Representatives twice or three times. Those who know Thomas H. Leggett would have no doubt at all as to the truth of his statement. I will observe further, that these papers were originally submitted to the Committee on Commerce in the House of Representatives, when Mr. Cambreleng was chairman. He reported a general law; but which was not passed. They were afterwards submitted, at two different sessions, to the Committee on Commerce in the House, who reported a bill in favor of Mr. Leggett; and those reports are here. The claim was first presented immediately after the transaction occurred. There was a report in favor of it. Then there was a general law recommended, the parties expecting relief under that general law, when it should have been passed, did not then press their claim. But they renewed it again before Congress; and it has been renewed in the House of Representatives from time to time. So that the further argument which was advanced by the honorable Senator from Virginia falls; which was, that this claim has become stale, or ought not to have due consideration, because it was not presented in due season.

Mr. BORLAND. The Senator from New York, I understand, bases this claim upon the ground of equity; and he says it ought to be allowed, because these individuals, under a prior law of Congress, would have been able to realize much more money by that commercial transaction than they have done under a subsequent law. According to my understanding of equity, if accounts are settled upon that principle, the equity should extend to the Government as well as to the individual citizen, whether the parties are entitled to the advantage they would obtain under the operation of the principle. Now, have we ever had a claim before Congress, or does any one suppose that these individuals would come before Congress, if they had ordered goods under a high tariff, and received them under a low tariff? Take an

instance in the operation of the tariffs of 1842 and 1846: Suppose an individual—as many undoubtedly did—ordered goods under the tariff of 1842, and did not introduce them into the country until the act of 1846 went into operation, which greatly reduced the duties: would he, would any reasonable man, have come forward and tendered to the Government the difference which he would have had to pay under the tariff of 1842, while it was in force, and that which he actually did pay under the act of 1846? If we are to legislate in this way, equity requires that if we pay back to an individual any excess which he had to pay in consequence of the tariff being raised, we should also exact from individuals the difference between the amounts which they would have had to pay under a tariff in operation at the time the goods were ordered, and that in operation at the time they were brought to the country. Then, taking any series of years in the commercial operations of this country, the balance would be in favor of the Government, because the tendency has been gradually, with occasional exceptions, to reduce the rate of duties. Therefore, in the long run, more goods will be found to have been ordered under a high tariff, and come in under a low one, than were ordered under a low one and come in under a high one. The balance would be in favor of the Government.

The honorable Senator from Virginia, [Mr. HUNTER,] while speaking upon this subject, brought to my mind a speech delivered in the House of Representatives the other day, and which is published, and laid on our desks, in this morning's Globe; and I think the facts it sets forth present a very strong case in point. The Senator from Virginia suggested that there might be a loss sustained by another interest in this country by a change in legislation upon the subject of duties; that there might be a loss to the agricultural interest by raising the duties affecting their productions. Here is a case in point. Here is a table to which I would call the attention of Senators, which is very important in this view. The speech to which I refer is one delivered in the House of Representatives by Mr. RANTOUL, of Massachusetts, in which he submits a series of tables, showing the effect of the tariff acts of 1842 and 1846 upon the prices of agricultural products for a series of years. I will not go through the whole of the tables, but merely refer to the tables marked A and B, presented in the body of the speech. It is here shown that the aggregate loss upon agricultural productions, for a series of five years, under the operation of the tariff of 1842, was \$126,340,639. The loss on cotton alone was \$89,661,531; the loss on tobacco was \$16,786,197; the loss on vegetable food was \$3,519,803; the loss on provisions and animal products was \$4,373,198; the loss on other exports, estimated in part, \$7,000,000; making a total of \$126,340,639. Well, sir, if an individual who had ordered goods under a low tariff, and introduced those goods under a high tariff, has any equitable claim before Congress for relief for the difference between the amount he would have had to pay under the one, and actually did pay under the other, would not the agriculturists have precisely the same equitable demand for this immense difference between the prices they would have received under the operation of one tariff, and the low prices they actually received under the operation of another tariff? I think no one can deny that. But the legislation of this country, so far as is presented by these tables, seems to be compensating in matters of sort. Thus we find that, under the tariff of 1846, which was intended to do justice to the agricultural interest, which had been greatly depressed under the operation of the tariff of 1842, the prices of agricultural productions were brought up; and upon these same productions, for another period of five years, there was a gain by the rise of prices, under the tariff of 1846, to the amount of \$148,486,274. So the fact is, if an equitable settlement of accounts is desired between the Government and its citizens growing out of its revenue system, it will be, as it has been, most easily and certainly attained by general legislation. Such legislation, I am aware, has been and may again be somewhat fluctuating, but in the long run it will be as nearly equitable as it will probably be in our power to make it. No such legislation as this, therefore, is required to do justice to the parties, or to give them equitable relief. In the view presented,

general legislation seems to have been sufficient for the relief of the agricultural interest; and I am for leaving the settlement of accounts between the Government and merchants, and other operators in the same mode and measure of relief, and would withhold special legislation, particularly in old cases like this, the precise merits of which the Senator from Virginia has very clearly shown cannot be ascertained, especially at so long a period after the transaction has taken place.

Mr. RHETT. Mr. President, the position taken by the Senator from New York is, that the petitioner has lost money by the operation of our tariff laws. If the principle is good, I think it will apply to most of our legislation. It is next to impossible to make a law that will operate equally upon all classes and all individuals in the country, especially when you interfere with the property of the country. For instance; take the case of making roads. You set up a railroad: it is immediately followed by the dissolution and ruin of every turnpike and canal that comes within the reach of its influence; and in this way thousands are ruined. You set up a steam factory, and those who manufacture by water-power may be ruined. A friend of mine purchased on the south side of the Arkansas river, sixty miles of land: we admitted Texas into the Union, and he was a ruined man. It is impossible to lay a tax which does not operate unequally upon the producers of the country. If you lay down the proposition, that, whenever your taxation operates unequally, you are to compensate the individual whom it affects, in order to put him on an equality with all other citizens; then it is impossible for you to lay a tax, without having brought before you for legislation, a large class of claimants exactly like this case which the Senator from New York has brought forward. If you lay a tax upon any particular production, you must affect those engaged in it, and must operate on them injuriously. Thus, if the principle which the Senator from New York contends for, be correct, not only in this instance, but in almost every other instance in which we legislate, affecting the material interests of the country, and especially all its taxation, must necessarily be followed with a flood of petitions, to produce what he calls equity under the legislation of Congress. The principle upon which legislation always takes place is this: The Legislature endeavors to legislate for the good of the great bulk and majority of the people; and, although evil must necessarily be done to a portion of the citizens, yet, inasmuch as greater good is done to the greater part, the law goes into effect; and, consequently, in all the legislation affecting the material interests of the country, it never has been pretended, and it is impracticable to attempt to do perfect equity to those who may suffer unequally by the operation of such laws. Therefore the broad proposition is not applicable simply to the tariff, but to all the legislation of Congress; and the application which the Senator from New York has supported, it seems to me, ought to fail.

Mr. SMITH. I do not propose to discuss the merits of this bill at any length. It seems to me, however, to be an extraordinary case, and one in which we can grant relief without the violation of any principle. It is totally impossible to make a change in the revenue laws of a country without producing some degree of inequality in the operation of those laws, and without doing some degree of injustice to this man or the other. In most cases it would be totally impossible to ascertain whether the party who presents a claim of this kind had sustained any serious damage or injury. Considerations, such as were adverted to by my honorable friend from Kentucky, [Mr. UNDERWOOD,] would come into view, and it would be necessary to have regard to them in our decision. And in many cases, if we could say that there had been some degree of injury sustained, it would be very difficult to ascertain the full extent of that injury, or determine what should be the measure of relief.

Here is an extraordinary case, Mr. President, in which Congress, without giving any sufficient notice, or what may be termed an adequate notice in point of time, passes a law which is just as injurious to the citizen as though no notice whatever were given. Congress imposes suddenly, and without available notice to the party, the most enormous duties—duties which, by their operation, will take out of the pockets of these parties several thousand dollars. Now, while I would not inter-

pose in a doubtful or ordinary case, yet when we have presented to us a case of this character, where nearly a hundred per cent. in regard to some articles, and more than a hundred per cent. in regard to others, is suddenly imposed, the party having had no available notice, it does appear that the party is fairly entitled to come to Congress for redress. Nor do I think that the suggestion of the Senator from Kentucky [Mr. UNDERWOOD] is entitled to any great weight when he says that the importer might have added the duty to the price of the articles; for even suppose he did so, those articles might remain on his hands unsold. The mere addition of the duties to the original prices of the goods would not make them marketable. The party must sell according to the market price, and that price will unquestionably be regulated by the relations of demand and supply, which will again be affected in their turn by the operations of a tariff as it may be increased or diminished. Here the market was made under a low duty, and without any notice, while in this case, before the parties could receive their goods, the law was so changed, and such an exorbitant duty imposed as to amount almost to a confiscation of the property of the importer.

But, Mr. President, I did not rise for the purpose of discussing the merits of this bill at any considerable length, but chiefly to make an explanation in regard to the tariff of 1842, for which I voted, as a member of the House of Representatives, as well as many other gentlemen who are now members of the Senate. Ordinarily, it will be admitted on all hands, that revenue bills should be prospective; that a considerable period of time should intervene between the passage of the law and the period at which it is to come into operation, in order that sufficient notice may be given to the mercantile community. I know that the tariff of 1842 was passed without any such provision, and of course it took effect immediately on being approved by the President. And, sir, the reason of that may be found in what is ordinarily denominated the compromise tariff—that of the 2d of March, 1833. By the first section of that bill, provision is made for the gradual reduction of duties in all cases where they exceeded twenty per cent. of the invoiced value of the goods. Ten per cent. was to come off biennially from all articles on which a high duty was imposed, until all duties should be brought down to an *ad valorem* of twenty per cent. I will not say a word, sir, in regard to the wisdom or folly of such a law; but by it everything was to be brought down to the dead level of twenty per cent. *ad valorem*. Then, sir, comes the third section of this law, in the following words:

SEC. 3. *And be it further enacted*, That until the thirtieth day of June, one thousand eight hundred and forty-two, the duties imposed by existing laws, as modified by this act, shall remain and continue to be collected. And from and after the day last aforesaid, all duties upon imports shall be collected in ready money, and all credits now allowed by law in the payment of duties, shall be and are hereby abolished; and such duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of Government; and from and after the day last aforesaid the duties required to be paid by law on goods, wares, and merchandise, shall be assessed upon the value thereof at the port where the same shall be entered, under such regulations as may be prescribed by law.

So that by this section of the act of the 2d of March, 1833, there is a general provision that the existing laws shall remain in force until the time specified. It then goes on in words of the future tense, and provides what shall be the character of the subsequent legislation of Congress. Now, I know that it was considered exceedingly doubtful whether there was any existing law that would authorize the collection of one penny of duty. The then existing Administration, however, decided, that upon a proper construction of the law the Government was entitled to collect twenty per cent., and no more. But this was regarded by members of Congress as being exceedingly doubtful—so doubtful, indeed, that it was carried to the Supreme Court; and that court decided that the construction which was given to the law by the Administration was the true and proper construction, and that under the provisions of the law the Government was entitled to take twenty per cent. Now, the law of 1842 was passed in such a form as to take effect immediately upon its enactment, and this, simply on account of the doubts and embarrassments of members of the two Houses of Congress in regard to the then existing state of

the revenue laws of the country, and was not wantonly passed in a manner to entrap and ensnare the commercial community, or to impose upon them burdens which ought not to be imposed upon them without due notice.

Mr. President, I will not dwell further upon this subject, regarding the case as very extraordinary—one, in point of fact, amounting almost substantially to a confiscation of the property of this party by the Government of the United States; and entertaining this view of it I am prepared to vote for his relief.

Mr. DAWSON. I have voted against measures of this kind before, and I have done so on principle. The act of 1842 went into immediate operation. There were all the iron establishments of Pennsylvania, and other States of the Union, with a protective duty of twenty-five per cent., and with a large quantity of iron on hand—

Mr. COOPER. The duty was twenty-five dollars per ton.

Mr. DAWSON. The Senator from Pennsylvania informs me that the duty was not twenty-five per cent. on the value, but twenty-five dollars on the ton; and now, I believe, it is reduced to seven dollars on the ton. The operation of that tariff by which this was done, was destructive to that interest everywhere within our limits. They lost immensely by it. Many of the largest furnaces were closed, and their proprietors ruined. And what, sir, was the occasion of it? What but the operation of our legislation here and in the other branch of Congress? If this bill is to pass on what is here called a principle of equity, would we not be compelled to go to the relief of those who have invested their capital under the laws, and who, by their sudden change, have sustained ruinous losses? Why should we interfere in favor of the merchant and not in favor of the manufacturer? I am like a Senator from Virginia, [Mr. HUNTER,] who has told us that he thinks we cannot go properly into such a measure as this. If we undertake to open a court of equity here on such a principle as is implied in this bill, in consequence of the loose character of our legislation, I do not think that this Government could meet the claims which would be brought against it. The friends of high tariffs usually pass these tariff laws for the benefit of particular interests. By changes from these high tariffs, these interests are subjected to loss, sometimes to ruin—the manufacturing and agricultural more than any other—and if parties are to be compensated for losses accruing under these changes, then the agriculturist and the manufacturer should be compensated, and, in many instances, we know that these losses are immense. I merely make this comparison with the view of showing that I am unwilling to vote for the bill in consequence of the enormous principle it involves, and to give us caution hereafter in our legislation to give sufficient time whenever we undertake to alter a tariff, so that no injustice may be worked which can be avoided. It is said that this is usually done. True, it is; but it was not done in 1812.

Now, to show the difference between the cases of the merchant and the manufacturer in these cases of sudden changes of a tariff, it should be remembered that the latter has to invest an immense capital in buildings and machinery for carrying on many businesses which may be ruined any day by a change in the tariff. His business is thus destroyed, his machinery and buildings become worthless in consequence, and thus his whole capital may be irrecoverably gone. Widely different is it with the merchant, whose market is only changed or modified, and who is seldom confined in his business to one particular kind of article which may thus be affected. While, therefore, I would desire to vote in every case where equity is the foundation, I cannot do so in this case. I cannot vote for this bill unless the principle involved in it is to be extended to every interest which has been affected by these changes; and to do so would be ruinous to the treasury of the wealthiest country under the sun.

Mr. HUNTER. I move to postpone the further consideration of this bill indefinitely.

Mr. SEWARD. I hope the Senator from Virginia will withdraw that motion.

A SENATOR. The motion is not debatable.

The PRESIDENT. The Senator is wrong. The motion is debatable.

Mr. SEWARD. I have but a word more to say, and that is, that any one can see that to make

revenue acts prospective, is not only equitable but just; and that when they are not prospective they operate as a surprise; and when an act has been passed which is not prospective it produces a surprise. It may be vindicated, perhaps, upon the ground of necessity. The act of 1842, then, is not applicable to the present case, because there was no necessity for this act to take effect immediately, and so as to confiscate the property of merchants which had been contracted for in England a few months before. It is no answer to this to say that another act was passed which was made to take effect immediately, and produced similar results.

And in regard to the manner in which the claim is made, so far as it goes to show that other acts have operated in a similar manner upon other interests of society, I submit that that is no answer. It may be, possibly, that we cannot reach the cases of the oppressive operation of a change of revenue laws; it is enough if we can reach this. As I have said, the passage of the act of 1828, without giving any notice before it went into operation, was unnecessary, and it operated as a surprise.

Mr. COOPER. If this were a hypothetical case, a doubtful case as to the loss sustained by the importing merchant, I certainly should not vote for it. But I think the case presented by this bill is very different from the cases which have been, or seem to have been, regarded as analogous by the honorable Senator from Virginia [Mr. HUNTER] and the honorable Senator from Arkansas, [Mr. BORLAND.]

The increase of duties by Congress on foreign goods is to benefit immediately the merchant, and for a very obvious reason. I do not pretend now, sir, to enter into a discussion of the question, whether the mercantile classes of the community are benefited by high duties, or by duties ordinary in their amount and character upon imported goods; but I say the immediate effect of an increase of duties is to benefit the merchant, and for an obvious reason. The goods which the merchant has on hand at the time—

[The honorable Senator was, at this point in his remarks, suddenly seized with vertigo, and was compelled to take his seat.]

Mr. SEWARD. I move to postpone the further consideration of the bill.

Mr. COOPER. I will not now proceed. I am not able.

Mr. CLARKE. I move that the question be postponed, in order to give the honorable Senator from Pennsylvania an opportunity to present his views on another occasion.

The PRESIDENT. The question is on an indefinite postponement.

Mr. HUNTER. I withdraw that motion of course, if the Senator from Pennsylvania desires it. I will agree that it shall be laid over informally.

The PRESIDENT. To move to postpone it will be the same thing.

Mr. HUNTER. Then I make that motion.

The motion was agreed to, and the further consideration of the bill was postponed to Friday next.

[Mr. Cooper retired from the Senate Chamber, but in a few moments returned to his seat, and remained in attendance during the day.]

RALEIGH AND GASTON RAILROAD CO.

Mr. BADGER. There is a bill which was reported by the Committee on Finance something like a fortnight or three weeks since, which I hope the Senate will indulge me in taking up for consideration at the present time. It is a bill to give a credit to the Raleigh and Gaston Railroad Company on the payment of duties on their iron. I mention as a reason for taking up the bill now, that it is to give relief to this company by extending the time for the payment of duties on iron imported by that company, and because it is a bill which differs from every other which is to come before us. The iron is already ordered, and if the bill is to pass at all, so as to afford them any relief, it must pass immediately. I hope the Senate will agree to take it up.

The motion was agreed to, and the Senate proceeded to its consideration as in Committee of the Whole.

The bill provides that the Secretary of the Treasury be authorized and directed to extend the time of the payment of duties upon all iron rails now or hereafter to be imported by said company for

their use, so as to make the duties payable in four equal annual installments, said installments to be reserved by the Postmaster General for the use of the Treasury, out of any moneys which may be due said company for mail service to be performed by them. It provides, further, that before the delivery of any portion of the iron rails, the payments so deferred shall be secured by the bonds of the company, with good personal security to be approved of by the United States district judge for the State of North Carolina, and such authority, given in writing, to secure the reservation and payment by the Post Office Department, as may be satisfactory to the Secretary of the Treasury, provided, that this act shall extend only to iron already imported, or to be imported within two years from its passage.

Mr. HUNTER. I feel bound to say, in relation to that bill, that if there were any bill for which I would vote, either to extend the time for the payment of duties, or to remit them, it would be precisely such a case as has been presented. But as it has been my habit to vote to keep the tariff of 1846 inviolate, I shall vote against this bill.

The bill was then reported to the Senate without amendment, and ordered to be engrossed for a third reading.

SAMUEL BRAY.

Mr. MORTON. It will be recollected by you, Mr. President, that some time since I presented a memorial to the Senate, numerous signed by the citizens of Apalachicola, in Florida, asking that relief may be afforded to Samuel Bray, the keeper of the light-house at Dog Island, for losses sustained by him in a tempest on that coast, in the summer of 1851. That memorial was referred to the Committee on Commerce, and with commendable promptness they have reported a bill for his relief for losses—I say for losses, I ought to say pecuniary losses, for some of his losses were beyond the relief of the Congress of the United States. That committee has promptly reported a bill, affording him a small pecuniary relief. He is now in a destitute and distressed situation; and if relief is to be afforded him, it should be done immediately. I ask, therefore, that I may trespass on the kindness of the Senate so far as to have this bill considered now.

Mr. NORRIS. I hope we shall proceed with the Calendar. There are other cases as important as that mentioned by the Senator, which we should take up; and I can see no reason for thus mixing up the business of this body. We have a Calendar, where these cases stand in their order, and I hope the Senate will adhere to the Calendar, and not take up business out of its order.

The motion to take up the bill was not agreed to.

IRA DAY.

The PRESIDENT. The next bill in order is the bill for the relief of Ira Day, of Vermont. It has been read twice, and is now before the Senate as in Committee of the Whole.

Mr. HUNTER. The honorable Senator from Delaware [Mr. BAYARD] desired to speak on that question, and as he is now absent, I move that its consideration be postponed till next Friday.

Mr. UPHAM. This bill was postponed last Friday for the accommodation of the Senator from Delaware; but if it can be ascertained that the bill can be settled next Friday, I am willing it should be passed over.

The bill was accordingly passed over informally.

MRS. E. A. McNEILL.

The PRESIDENT. The next bill in order is the bill for the relief of Mrs. E. A. McNeill, widow of the late General John McNeill, and is now before the Senate as in Committee of the Whole.

Mr. HUNTER. Is there any report accompanying that bill?

The PRESIDENT. There is no report.

Mr. BORLAND. I will state that I reported that bill from the Committee on Pensions. There is no written report in the case. We did not make a report, because we considered the case so plain, and one in which most of the facts were known to the Senate and the country, that a very little explanation would be sufficient to satisfy the Senate of its merits. It is proposed to pay to the widow of the late General John McNeill, a very gallant officer in our Army, what we consider arrears of a pension. General McNeill was severely

ly wounded, and lost his leg; but he continued in the service a certain length of time, and then resigned his commission in the Army. He received his pension from the time he resigned his commission, although he believed all the while that he was entitled, and as we think clearly entitled, to a pension from the time of receiving the wound by which he lost his limb. Since his death, his widow applies for the arrears of a pension, due from the time he was wounded up to the time he resigned his commission in the Army. It is but to pay arrears from the time he lost his leg up to the time he left the Army.

On the motion of Mr. BORLAND, the blank in the bill was filled with the word "thirty," so as to make the bill read "thirty dollars per month."

Mr. CLARKE. I should like to know why the committee put in the time so as to extend back to 1813? This gentleman was in the service till within a year or two.

Mr. BORLAND. If the Senator had listened to my remarks, I think he would have understood the reason. It is to pay arrears of a pension from the time he lost his leg till the time he resigned his commission in the Army.

Mr. CLARKE. I beg to say he never lost a leg. He was wounded in the knee. He had a stiff knee; but he had as many legs to be buried with as he was born with. I do not know why we should go back. He never asked it.

Mr. BORLAND. He did consider himself entitled to a pension from the time he was wounded till he resigned. He did not get it. He was put upon the roll only from the time he left the Army. But he always considered and asserted his right to be put upon the pension roll, and his widow now reasserts that right.

Mr. ATCHISON. I do not intend to oppose this bill. I do not intend to make war upon the widow of a gallant officer, but I would like to know what was the grade of General McNeill while in the Army.

Mr. NORRIS. He was a major.

Mr. ATCHISON. At the time he left the Army what was his grade?

Mr. DODGE, of Wisconsin. That of a colonel.

Mr. ATCHISON. He then received his full pay as an officer, of the grade he held in the Army, up to the time he resigned; and from that time forward he received his full pension. Now, this is an additional amount of pay; not an arrearage of a pension, but an increase of pay while an officer in the Army. I am perfectly willing to vote for it as a special case, but to adopt such a principle as a general rule, it strikes me would make a very great inroad into the public Treasury of the United States, to an amount of millions perhaps. I want it clearly understood that I vote for this case as being a special case, and without reference to any principle whatever. [Laughter.]

Mr. NORRIS said: If this is a special case, there have been other special cases before. But I contend it is not a special case. I was in hopes that this bill would have passed without objection. Having introduced it into the Senate, it becomes my duty, under the circumstances, to give some further explanation of this bill, and to state the grounds upon which I think it ought to pass. In doing this, sir, it is not my intention to enter into a detailed account of the services of General McNeill. A very brief summary will show the true grounds upon which this bill stands.

That he was a brave, distinguished, and skillful officer—that he received permanent and severe disabilities while in the line of his duty, in the public service—is well known to every Senator here. That he suffered severely and almost constantly from these injuries, from the time of their reception up to the time of his death, is equally well known to every person who had intercourse with him.

Sir, General McNeill entered the Army of the United States in March, 1812, as a captain of the 11th infantry—a regiment constituting a part of the forces raised under the act of the preceding January. So meritorious was his conduct as an officer, that he was promoted to the rank of major in August, 1813. It is unnecessary for me to state to the Senate, here, that he discharged the duties of his advance-rank with singular abilities, with distinguished credit to himself, and honor to the country. On the 5th of July, 1814, his regiment constituted a portion of the forces engaged

in the battle of Chippewa. After the fall of the gallant Colonel Campbell—early in that contest—the command of that regiment devolved upon General McNeill; and such was his bravery and military skill and daring courage on that occasion as to receive the applause and approbation of all his distinguished compeers in arms, and for these distinguished and gallant services on that occasion he received the brevet rank of lieutenant colonel. Now, sir, only twenty days after—on the 25th of the same month—a day which shed so much renown upon American valor and American arms—he led the same regiment to the bloody and triumphant battle of Bridgewater. It was here, in the heat of the contest, while at the head of the column, urging it on by his example and by his voice, in the face of a most galling and destructive fire from the enemy's battery, that he was struck in the right knee by a cannon shot, shattering and rending it in the most terrible manner, and nearly severing the limb. From the effects of that wound General McNeill never recovered. True, he did not lose his limb, as my friend from Arkansas [Mr. BORLAND] supposes; but the knee was rendered ever afterwards entirely stiff; and such was the shattered and broken condition of the limb that it was ever afterwards subject to a neuralgic affection, pervading the whole system with the most excruciating suffering, and which finally undermined and destroyed his once herculean constitution. For his gallant and distinguished conduct in this battle he was breveted a colonel.

Sir, at the close of the war, such were the distinguished merits and skill of General McNeill that, notwithstanding his injuries, he was retained upon the peace establishment as major of the 5th regiment. In 1818 he was advanced to the rank of lieutenant colonel of the 1st infantry. Again, sir, in 1822, when in command of the post at Chicago, while leading a detachment of his men to the relief of a vessel in distress—having on board supplies for his troops—he was severely injured in the right arm, rendering that limb almost entirely stiff and greatly impairing its use. In 1824 he was breveted a brigadier general for faithful service. In 1826 he was still further promoted to the advanced rank of colonel in the army. In 1830, on the 23d of April, he resigned his commission in the army; his constitution having been broken down and his health impaired by reason of severe sufferings from injuries received in the public service. From that time he has received a pension from the Government for full disability. And, sir, I would here state that in 1815, as soon as the nature of his wounds would permit, he applied to the War Department to be placed upon the roll of invalid pensioners of the United States, under the contract that he alleged he had made with the Government when he entered its service. He made also an application in 1819. Upon both occasions his application was refused. And why, sir? Was it because he had not been seriously and permanently disabled while in the line of his duty in the public service? No, sir; for that was apparent to all. But he was told that the War Department had made a rule that no officer, while he retained his commission in the army, should be placed upon the roll of invalid pensioners. To that act, and against that decision, General McNeill then, and ever afterwards, protested. He claimed that under the law of 1812 he had a right to be placed upon the pension roll of the United States from July, 1814.

Sir, I have made this brief and true statement of facts to show the ground upon which this bill rests. This bill proposes to give arrears of pension thus claimed by General McNeill in his lifetime to his aged widow, who is now in straitened circumstances, who for thirty-five years watched over and cared for the veteran with that soothing attention and care which no other hand could administer. Sir, I will not invoke the sympathies of the Senate—I never did such a thing; but if there ever was a bill in which such feelings would be justified, this is one. But, sir, I place this bill upon the ground of his legal rights, upon the broad principle of the equity and justice in the case; and if I do not show the Senate that he is entitled to the pension, I will allow the bill to fail, so far as I am concerned. Sir, what was the contract under which General McNeill entered the Army?

The 14th section of the act of the 11th of January provides "that if any officer, non-commis-

sioned officer, musician, or private, shall be disabled by wounds or otherwise while in the line of his duty, he shall be placed upon the roll of invalid pensioners of the United States." That is the whole of it; that was the contract under which General McNeill entered the army. Sir, this act was passed in anticipation of a war with Great Britain. It was published to the whole country by authority of Congress. And for what purpose was it published? It was published to induce brave and patriotic citizens all over the land to enroll themselves in our army. It was in view of the provisions of that act—in view of the bounties and promises therein set forth, that thousands of brave men rushed to their country's standard, and among them General McNeill, there to brave the dangers of war, and even death itself, in defence of their country's rights and honor. How did they understand this act? How did they understand this language? Why, as every other unsophisticated and sensible man would understand it. They understood it to mean what it said—nothing more and nothing less. The language is plain, direct, and imperative. The conditions upon which the disabled soldier was to be placed upon the invalid pension list were plain and unmistakably set forth. The claimant must be an officer, non-commissioned officer, musician, or private; and must have been disabled, and that disability must have been inflicted while in the line of his duty in the public service. That was all—all the conditions precedent; and I maintain that when they concur in behalf of the soldier, that his claim to be placed upon the pension roll of the United States is complete. It becomes an absolute right, a vested right, and the Government cannot absolve itself from performing its part of the contract without a gross violation of the rules of justice and plighted faith.

Sir, I maintain—and with great confidence before this body—that the only legitimate inquiry here is, does the claimant come within the description of persons named in the 14th section of that act? Was he an officer? Was he disabled? Was he so disabled while in the line of his duty—while in the public service? If we have a right to go further than this, and place constructions and raise implications upon a law nowhere suggested in the law itself, so as to make the right to be placed upon the pension roll dependent upon employment, profession, or occupation, whether the claimant be in the army or out of the army, where will you stop? What limits are there to all sorts of constructions and implications which the Government may see fit to raise in regard to their contracts? None, sir; none at all.

Sir, I maintain—it having been established that General McNeill was wounded while in the line of his duty in the public service—that it is a breach of the plighted faith of this Government to say to him, "Why, your right to a pension is not secure; it depends upon your profession, whether it be arms or civil life." Sir, whence did such a construction arise? It has arisen, as I have suggested, from the rule in the War Department declaring, "that no officer, so long as he remains in the army, shall be placed upon the pension roll of the United States." Sir, what is a disability, if that is a test? Why, by the provisions of that rule a disability is nothing more nor less than this: It is no matter how severely an officer may be wounded or disabled while fighting the battles of his country—no matter if he has lost an arm, a leg, or an eye—no matter, though literally riddled from head to foot, if he only survives—yet his right to a pension does not accrue to him. He must resign his commission in the army in order to make him a disabled man!

Now, sir, I am curious to know by what system of logic or process of reasoning a proposition so monstrous as that, so unnatural in its character, can be established? Am I told—for this is the only argument upon the other side—am I told that so long as a man remains in the army he receives all his pay as an officer, and thereby is enabled to obtain a livelihood, although disabled, but so soon as he resigns his commission he is unable to do so? Sir, this is presumption altogether—that an officer is not enabled to gain a livelihood, although disabled and out of the army.

No doubt, sir, that this law did contemplate a pension in the view that a disability would detract from the ability of an invalid to gain a livelihood. True; but did it contemplate anything more? Is

that all that it contemplates? Are stiffened joints and shattered limbs nothing? Is a decrepid and deformed frame nothing? Are severe sufferings and pains nothing? Are all the extra expenses which every officer so disabled must incur, from day to day, nothing? Does not the statute contemplate these things as a disability? Most surely, sir, in my opinion—most surely; and the most material part of the disability.

Sir, disability consists, in my judgment, as much in the deprivation of the enjoyments of life and the power of retaining property which an officer already has, as it does in the loss of physical strength and the power to acquire property. If I am right in this—and I should like to have this argument noted—then do not these disabilities apply with equal force to an officer while in the army as it does while out of it? Is it the policy of this Government—was it ever its policy—to say to the brave and gallant soldiers of your army, so soon as you are wounded, so soon as you become disabled in consequence of fighting the battles of your country, however desirable and important it may be to retain your services there, yet you cannot receive the bounties provided for the disabled and wounded soldier until you resign your commission and retire to private life? Are these brave men, in the face of an unconditional statute, to be thus told? I hope not.

I will ask the attention of the Senate for a moment to another view of this case. I have said that the rule of the War Department, to which I have alluded, has not been a universal rule. While it has been enforced in some cases most rigidly, it has been dispensed with in others. The first class of cases to which I will call the attention of the Senate is that of officers who were disabled in the war of 1812—who were dropped temporarily from the peace establishment, placed upon the pension roll of the United States, and afterwards restored to the army. The Department says, in regard to that class of officers, that having once been placed upon the pension roll, the Department does not feel at liberty to strike them off, and so they have received both their pay and their invalid pensions. I do not complain of that. It is all right. They have received, in my judgment, nothing more than their legal rights. But what I complain of is this: that other officers, equally meritorious, who have been disabled, and who have not been dropped from the army at all, have been refused pensions for their disabilities and wounds. My judgment is, that if this rule means anything, it should apply equally to both classes. This construction of the statute—this rule—is either a legal and true construction of that statute, or it is not. If it is the true construction, then it is the statute itself, and it cannot be suspended by the Executive except by a violation both of law and duty. If it is not the true legal construction of the act, then it is no part of it, is repugnant to it, and cannot be enforced without a like violation both of law and duty.

I will call the attention of the Senate for a moment to a case directly in point. It is that of the gallant Colonel Preston. I call the attention of the Senate to it for two objects: first, to show that Congress has interfered, and has granted arrears of pensions in a case precisely similar to this; and, secondly, I refer to it for the purpose of showing that this rule, which has been construed one way to-day and another way to-morrow, which has given pensions to some disabled officers while it has refused them to others, was claimed by the Executive to be nothing more nor less than an executive regulation, not necessary to the original pension law, but a regulation which the Executive could at any moment suspend. Colonel Preston was an officer in the same war as General McNeill. He was wounded in November, 1813. He continued in the service until the army was disbanded, June 15, 1815. He was allowed by the Department his invalid pension from that time, but was refused it from the time he was wounded until the time he left the service, because, in the first place, he was an officer in the service, and received his pay as such from the time he was wounded, in November, 1813, to the time of his discharge, in June, 1815; and, in the second place, because he had made no application for a pension until after his discharge. He appealed to Congress to pay him the invalid pension for the period intervening between the time he received his wound and the time he left the service, although he

had received full pay as an officer during the same period. What did Congress do? On the 14th of July, 1832, they passed an act, the sixth section of which provided for his relief. What was the decision of the War Department thereon fully appears in a correspondence which took place between the then Commissioner of Pensions and the head of the War Department—the latter officer being my distinguished friend, the present Senator from Michigan, [Mr. Cass,] which I will read, because it goes to show that what I have stated in regard to this rule and the whole case is true:

WAR DEPARTMENT, }
PENSION OFFICE, January 3, 1833.

SIR: The act of 14th July, 1832, chapter 260, section 6, directs the Secretary of War to place the name of J. P. Preston on the invalid pension roll, as an officer of the late war, and to allow him the amount which would have been due him had he made his application at the time he received his wound. In November, 1813, when Colonel Preston was wounded, the practice of this Department was not to allow a pension to any officer while in the service. If Colonel Preston had, therefore, at that time applied, he could not have obtained a pension, agreeably to the existing rule, unless he had first resigned his commission, in which case the pension would have commenced at the time of his resignation.

Upon the principle adopted by the Department, Colonel Preston's pension was allowed from the time when his pay as an officer ceased. The Colonel remained in the service till the army was disbanded on the 15th June, 1815, from which period his stipend has been paid.

JAMES L. EDWARDS.

Hon. LEWIS CASS.

To this letter the Secretary of War replied as follows:

DEPARTMENT OF WAR, January 3, 1833.

In the case of Colonel Preston, presented by Mr. Mason, I am of opinion that the pension allowed by the act of Congress of July 14, 1832, should commence from the day Colonel Preston received his wound, and in this opinion the Attorney General coincides. From the phraseology of the law, it is evident to me that Congress considered the day of the disability as the proper period for the commencement of the pension. He is allowed "the same amount which would have been due to him had he made his application at the time he received his wound." If the practice of the office, which did not allow the granting a pension to an officer while in service, could control the above provision, the period fixed by the legislature would be inoperative and useless.

[I call the attention of the Senate to this portion which I shall next read, to show that I have stated this matter correctly:]

That practice was not required by the original pension law. It was a matter of Executive regulation, and might at any time have been dispensed with by Executive authority. If Congress had intended it should have been adhered to in his case, the provision would naturally have been, Colonel Preston should receive his pension from the period when he quit the army. The reference to an earlier period must have had some meaning; and the only rational construction I can put upon the clause is, that Colonel Preston's pension should commence when his disability commenced—the object of the act being clearly to dispense with the application, and to fix itself the time from which the pension should be drawn.

It may be added that, subsequently to this time, instances occurred in which pensions were granted to officers of the army while they continued in service.

LEWIS CASS.

Here is the verification of all I have said: that the rule has not been an invariable one, but that it has been adhered to and suspended at the Executive discretion. But I have said enough upon this point to show that this case is precisely in point, and that the rule has been vacillating and not uniform. A few words more, and I have done.

I contend that this bill ought to pass, upon the ground of even-handed justice. I contend that disabled officers of the army should be placed upon the same footing as the gallant and disabled officers of the navy. Can any reason be assigned why a pension should be given to the officers of the navy from the date of their wounds, and not to the officers of the army? The same rule, I believe, applied to officers of the navy and army prior to 1837, when Congress passed a law for the benefit of wounded and disabled seamen. By the second section of that act of March 3, 1837, it is provided—

"That the pensions which may have been granted, or which may hereafter be granted, to officers, seamen, and marines in the naval service, disabled by wounds or injuries received while in the line of their duty, shall be considered to commence from the time of their being so disabled; and that the amount of pension to which said officers, seamen, and marines may be entitled, shall be regulated according to the pay of the navy, as it existed on the first day of January, 1815."

Under this law, the officers of the navy drew pensions from the time they were wounded, though they held their commissions in the navy, and drew full pay during the same time.

Then, I contend that this bill ought to pass as a measure of even-handed justice to the officers of the army. They should be placed upon the same footing, when wounded and disabled, as the officers of the navy are. No reason, it strikes me, can be assigned why it should not be so.

I have now given a brief explanation of this bill, and have assigned the reasons why I think it ought to pass. I hope it will meet the universal approbation of the Senate.

Mr. CLARKE. I have listened with attention, and I confess with gratification, to the remarks made by the honorable Senator from New Hampshire. I cheerfully add my testimony to the eulogium which he has passed upon the bravery of the distinguished officer, General McNeill, to whom he has alluded, and whose services have been made the subject of debate, and form the grounds of the bill which is now before the Senate. There is no doubt that General McNeill entered the service in 1812, for the war with Great Britain. There is no doubt that he was a gallant and meritorious officer; that he was upon the frontier in the hour perhaps of the greatest trial that our troops had upon the frontier and in the war, and that he was there wounded. I had the pleasure of meeting him in 1826, and from his own mouth, and from the personal acquaintance I had with him, I drew all the information I possess in regard to him, except that which was before the public at large evincing his character as a gallant and meritorious officer. At the battle of Bridgewater, he received a severe wound. It was in his knee. He lost no leg. How long he was kept from his duty by that wound, I am unable to say. When I met him in 1826, the disability occasioned by it was of the slightest description. Very few men had the personal energy and activity of General McNeill; and when I saw him, except that the joint was stiff, I believe there was no inconvenience experienced from his wound. At the time he received it, he was a major in the service. He was afterwards promoted to a lieutenant colonelcy, then to a colonelcy, and subsequently, as I understand the Senator, he received the grade of brigadier general.

When I saw him in 1826, at Detroit, the residence of my friend from Michigan, [Mr. Cass,] he was on his way to Green Bay, under some charges that had been preferred against him as commanding officer at Green Bay, to take his trial before a court-martial. He was then in perfect health, and with as much of the vigor of manhood as any gentleman I have seen in my life. He remained in the service, receiving his pay and emoluments, until, I believe, 1830, or 1831. I think it was 1830. He received pay as a major, then as lieutenant colonel, then as colonel, and if he was breveted brigadier general, he probably received pay, if in a separate command, according to his brevet. In 1830—or it may have been 1829, my memory is not retentive enough to be confident of the exact date—he resigned his commission in the Army, because he had received the appointment of surveyor in the port of Boston. I believe he did not resign his commission in the Army from inability to perform its duties; but because the appointment which he received was more lucrative and more to his taste than the position he held in the Army. The surveyorship of the port of Boston netted him, I suppose, \$6,000 a year. He retained that office during almost the whole of the balance of his life. In 1840, when another Administration came in, he may have been superseded; but he was again reinstated, and remained there during the rest of his life. Has the country been ungrateful to General McNeill? I admit all his services. I admit he was a brave and gallant officer. But he received all his pay during the whole time of his service in the Army. He resigned his commission in the Army because he received a more lucrative appointment in the civil service of the Government; and he received the emoluments arising from the performance of his duties in the latter capacity during almost the whole balance of his life.

The honorable Senator from New Hampshire puts the claim of General McNeill upon the ground that there was a contract proposed by the Government, and binding upon it, in 1812, when he enlisted in the Army of the United States. If that be so, it is a claim of General McNeill himself against the Government, for such a pension as he should have been allowed from the time he

received his wound in the service of the country until the time of his death; but it forms no ground whatever for dating and carrying back the pension to his widow from the time of his decease to the time he received his wound. I understand, also, that he did receive some portion of his pension from the Government of the United States. The only question, then, is, whether it should have been a larger allowance from the Government than it was, or whether the allowance made by the Government was right?

Mr. NORRIS. Do I understand the Senator to say that General McNeill received any pension?

Mr. CLARKE. I understood the Senator from New Hampshire to say that he had received some allowance.

Mr. NORRIS. Then the Senator misunderstood me altogether. He received no pension.

Mr. CLARKE. If he did not, he received his full pay and emoluments during that time. I am for providing for the widows and children of those who suffer in the service of their country. If this bill provided that the widow of General McNeill should receive a pension from his death, in consideration of his services, I should have made no objection to it; but when it provides that thirty dollars a month shall be allowed from 1813 to the present time, I think it is extraordinary.

Mr. BORLAND. I would state to the Senator from Rhode Island, that the bill provides for the payment of the sum of thirty dollars per month, not from 1813 to the present time, but from 1813, when General McNeill received his wound, to 1830, when he went out of the service.

Mr. CLARKE. Then I misunderstood the provisions of the bill. If it provides as the Senator from Arkansas has stated, it is simply to give to his widow what would have been due him from 1813 to 1830 under the construction of the law which the Senator from New Hampshire has given. Am I right in that? Is there nothing more?

Mr. BORLAND. There is nothing more in the bill.

Mr. CLARKE. Then the question comes down to the rightful construction of the act of 1812: whether he was entitled to a pension, in consequence of his wound, from the time he received it up to the time he resigned his commission in the Army. Is that all?

Mr. BORLAND. That is all.

Mr. CLARKE. Then I have nothing more to say. I am perfectly satisfied that this provision should be made. I was in error about the bill. My impression was that it was a provision for the continuance of a pension, dating as far back as from 1813, to this time. If it is only for an allowance which should have been made to General McNeill from 1813 to 1830, I have no objection to it.

The bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

ENGROSSED BILLS PASSED.

The following engrossed bills were read a third time and passed:

An act extending legal privileges to those conferred by the act entitled "An act allowing drawback on foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico, and to the British and North American Provinces adjoining the United States," approved March 3, 1845, to foreign merchandise exported to Mexico by certain indicated routes.

An act for the relief of the Raleigh and Gaston Railroad Company.

And then the Senate adjourned until Monday.

HOUSE OF REPRESENTATIVES.

Friday, February 20, 1852.

The House met pursuant to adjournment. Prayer by the Rev. L. F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The first business before the House is the consideration of the bill for the relief of the heirs of John Jackson, which was reported from the Committee of the Whole on last Friday, with a recommendation that it do pass. The question now pending is, Shall it be engrossed and read a third time?

DEFICIENCY BILL.

Mr. HOUSTON, by unanimous consent, re-

ported from the Committee of Ways and Means a bill to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1852; which was read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. DOTY. I ask the unanimous consent of the House to introduce a resolution of inquiry.

Mr. OLDS. I shall feel myself called on to object to every resolution which is attempted to be introduced in this manner.

On motion by Mr. DUNHAM, by unanimous consent, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of John Chambers, Sen., for the purpose of referring them to the Senate.

On motion by Mr. BEALE, by unanimous consent, it was

Ordered, That the papers in the case of George W. Jackson be withdrawn from the files of the House, and be referred to the Committee of Claims.

On motion by Mr. AVERETT, by unanimous consent, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of the heirs of Lieutenant James Conway, for the purpose of filing them with his application before the Virginia Legislature.

On motion by Mr. BRIGGS, by unanimous consent, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of James Livingston, for the purpose of laying them before the proper Department.

On motion by Mr. CHANDLER, by unanimous consent, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Susan Randall, for the purpose of reference in the Senate.

On motion by Mr. FLORENCE, by unanimous consent, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Thomas Flanagan, for the purpose of reference in the Senate.

On motion by Mr. MOLONY, by unanimous consent, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Russell Bates, for the purpose of reference to one of the Executive Departments.

On motion by Mr. MOLONY, by unanimous consent, it was

Ordered, That the papers in the case of Arthur McMullin be withdrawn from the files of the House and referred to the Committee on Military Affairs.

Mr. EDGERTON. I move now that the rules be suspended, and that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. DANIEL. I will suggest to the gentleman that it will take but little time to dispose of the bills now on the Speaker's table, which were reported to the House on Friday last. I hope they will be passed.

Mr. EDGERTON. Then I will withdraw my motion for the present.

JOHN JACKSON.

The SPEAKER. The question now pending is on the engrossment of House bill No. 95, for the relief of the heirs of John Jackson.

The bill was then ordered to be engrossed and read a third time, and having been engrossed, it was read the third time and passed.

Mr. FOWLER moved to reconsider the vote just taken by which the bill passed, and to lay the motion to reconsider on the table; which latter motion was agreed to.

GUSTAVUS A. DE RUSSEY.

The SPEAKER. The next business in order is House bill No. 96, being a bill for the relief of Gustavus A. De Russey, late an acting purser in the Navy. Upon this bill the Committee of the Whole have made an amendment to reduce the compensation as acting purser from \$514 to \$362. The question now is on concurring with the amendment of the Committee of the Whole.

The question was taken, and the House concurred in the amendment.

The bill as amended was then ordered to be engrossed and read a third time, and having been engrossed, it was read the third time and passed.

Mr. STANTON, of Ohio. I ask the unanimous consent of the House to introduce a resolution.

Mr. OLDS. I am compelled to object.

THE CONGRESSIONAL GLOBE.

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32D CONGRESS, 1ST SESSION.

WEDNESDAY, FEBRUARY 25, 1852.

NEW SERIES.....No. 39.

PRIVATE CALENDAR.

Mr. EDGERTON. I now move that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion prevailed, and

The House accordingly resolved itself into a Committee of the Whole House on the Private Calendar, (Mr. DISNEY in the chair.)

The first bill on the Calendar was House bill No. 97, being a bill for the relief of James McCormick, assignee of Robert A. Parker.

The bill proposes to pay to James McCormick, as the assignee of Robert A. Parker, the sum of \$25,766 64, with interest thereon from the 9th July, 1850, the amount allowed said McCormick by referees duly appointed, as damages for a breach of contract entered into with Commodore Jones, acting under the orders of the War Department of the United States, for setting up and making a saw-mill in California.

The report states that during the war with Mexico, the honorable John Y. Mason, Secretary of the Navy, caused a saw-mill to be sent to the coast of California, which was placed under the direction of Commodore Jones, who, finding it impracticable to have the mill set up and worked on account of the Government exclusively, entered into a contract with Mr. Robert A. Parker, by which Parker was to set up and work the mill for eighteen months. The contract also provided that Parker should have the exclusive use of the mill for three months from the commencement of sawing. But in case the Government should require the steam-engines, mills, &c., for their own use, before the expiration of the contract, and in case the mills had not cleared all costs, &c., it was stipulated that a referee should be appointed to name the sum to reimburse the said Parker. The honorable John Y. Mason was succeeded as Secretary of the Navy by the honorable William B. Preston, who, not being aware of the contract entered into upon the part of Commodore Jones, ordered the saw-mill to be placed in charge of the Navy agent or purser at San Francisco, as Government property. This was before the expiration of the contract with Parker. A referee was accordingly appointed, who awarded to McCormick, as the assignee of Parker, the sum of \$25,766 64, as the amount which he had expended in erecting the saw-mill, and putting it into operation, over and above his receipts. The committee think, therefore, that, according to law and justice, the said award ought to be paid.

Mr. STANTON, of Tennessee. I do not see the gentleman who reported that bill [Mr. BOCK] in his seat. I beg leave, therefore, to state, that from the evidence before the committee, it appeared to them to be a clear case that the United States were bound by the contract entered into upon the part of Commodore Jones to allow the claim. But I have been informed by one of the members from California that there is a strong suspicion of fraud connected with it. I move, therefore, that the bill be recommitted to the Committee on Naval Affairs.

The CHAIRMAN. The Committee of the Whole have no right to make that order; it must first be reported to the House.

Mr. STANTON. Then I move that the bill be laid aside, to be reported to the House with the recommendation that it be recommitted to the Committee on Naval Affairs.

The question was put, and the motion agreed to.

CORNELIUS HUGHES.

The next bill in order was House bill No. 98, for the relief of Cornelius Hughes, of Tennessee.

The bill authorizes and directs the Secretary of the Interior to place on the roll of Invalid Pensions, the name of Cornelius Hughes, at the rate of \$5 33½ per month, dating from the 21st of February, 1848, and to continue during his natural life.

The report states, that said Cornelius Hughes was a soldier in the late war with Great Britain; that he entered into the military service of the United States in September, 1814, as a private

soldier; and that he marched thence by way of Forts Strother, Jackson, and Claiborne, to Mobile, being a distance of seven or eight hundred miles; thence across to Fort Boyer, and thence to Knoxville, where he was discharged in April, 1815. That in this march through the wilderness he suffered much, and from the hardships and exposures he was taken sick, became partially paralytic, and has had his hearing very much impaired, from which he cannot recover. The physicians certify that he is two thirds disabled by reason of his injured health.

Mr. AVERETT. I rise to inquire of the honorable gentleman [Mr. ST. MARTIN] who reported this bill, whether the petitioner in this case is now living?

Mr. HARRIS, of Tennessee. The gentleman who reported this bill is not now in his seat; but as a member of the committee from which this report comes, I will say to the gentleman from Virginia, [Mr. AVERETT,] that I am not aware whether the petitioner is at this time dead or alive. I suppose, however, that at the commencement of this Congress, or shortly before that time, he was living, from the fact that the representative from his district presented the papers in the case which were referred to the Committee on Invalid Pensions. That gentleman can answer the question, I presume, more satisfactorily than I can.

Mr. AVERETT. It was to that gentleman I particularly referred. I will state, that during my service on this committee in the last Congress, I found petitions referred as from living petitioners; but from certain papers connected with them, my suspicions were excited, that the petitioners were not living in 1850. And when I came to inquire into the matter, I found that in some cases the petitioners had been dead four or five years. I think that gentlemen in this House who present petitions, ought to be held responsible to the committee and the House, to see that the relief asked for does not go to lawyers, agents, or heirs.

Mr. JOHNSON, of Tennessee. I rise to answer the inquiry of the gentleman from Virginia, [Mr. AVERETT,] No longer ago than night before last, I received a letter from the petitioner in this case, who was a living person, and desires very earnestly that this claim shall be passed by Congress. He has been suffering for a long time. His papers have been presented here and reported on favorably two or three times. Bills for his relief have been passed by the House, but for want of time have failed in the other branch of Congress. I say again, that the petitioner is living, and stands greatly in need of the little pittance which it is proposed to give him.

Mr. VENABLE. I have examined the case very minutely, and there was never a case for a pension before the House better sustained. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

FRANCIS TRIBOU.

The next bill on the Calendar was House bill No. 99, being a bill for the relief of Francis Tribou.

The bill authorizes and directs the Secretary of the Interior to place the name of Francis Tribou, on the roll of Invalid Pensions, at the rate of \$4 per month; to date from the first day of January, 1848, and to continue during his natural life.

The report states that the petitioner enlisted in the month of April, 1813, as a private in the thirty-fourth regiment, United States Infantry, in the company under the command of Lieutenant Thomas Johnson, in the service of the United States, in the late war with Great Britain. It also appears from the affidavits of a number of soldiers, who were present and knew of the accident, that the petitioner, being cook of the mess, while engaged a making a ladle with which to skim the pot, in obedience to the orders of the surgeon, cut off two fingers from the left hand, at the second joint, and injured a third so that it is still troublesome. A surgeon who has examined the petitioner, pronounces him one half disabled.

Mr. ANDREWS. These papers were taken from the files by myself, and referred to the Committee on Invalid Pensions. I would not say a single word in relation to this case, were it not that the individual member of that committee who reported the bill is absent at this time. I believe all the principal facts are stated in the report, and I know that the facts, so far as they are therein stated, are true. The individual named in the bill lives in the town in which I formerly resided, and I have no doubt that he is entitled to a pension at the hands of Congress. I believe the case to be strictly within the rules, and I believe, too, that the committee were unanimously of that opinion at the time the examination of the facts in the case was before them.

Mr. KING, of New York. I move that the bill be laid aside, to be reported to the House with a recommendation that it do pass. Which motion was agreed to.

JAMES WRIGHT, JR.

The next bill that came up in order for consideration was House bill No. 100, for the relief of James Wright, jr.

The bill authorizes the Secretary of the Interior to place the name of James Wright, jr., of the State of Tennessee, upon the roll of Invalid Pensions, at the rate of \$5 33 per month, from the 4th of March, 1840, and to continue during his natural life.

The report of the Committee on Invalid Pensions shows that the petitioner served in the Army of the United States six months, in the years 1814 and 1815, and that, while on a forced march and on short allowance of provisions, he was attacked with epileptic fits, to which he had never before been subject, but has been ever since.

Mr. JOHNSON, of Tennessee. I presume it is unnecessary to make any lengthy statement about the case. I am conversant with all the facts, and know the petitioner himself. There have been some three or four favorable reports made in this case, like the one accompanying this bill. Bills for his relief have been passed by this House two or three times, but they were lost for want of action upon the part of the Senate.

Mr. HAMILTON. Is the petitioner living?

Mr. JOHNSON. He is, I suppose. As far back as 1840 a bill passed this House in his favor. I move that the bill be laid aside, to be reported to the House with a recommendation that it do pass. The motion was agreed to.

JOHN KERBAUGH.

The next bill that came up in order for consideration was House bill No. 101, reported from the Committee on Invalid Pensions, for the relief of John Kerbaugh. This bill authorizes and directs the Secretary of the Interior to place the name of John Kerbaugh, of the State of Tennessee, upon the roll of Invalid Pensions, at the rate of \$5 33 per month, from the first day of January, 1848, and to continue during his natural life.

The report of the Committee in this case shows that the applicant enlisted in the Army of the United States on or about the 25th day of July, 1813, and immediately thereafter marched to Knoxville, where he was mustered into service of the twenty-fourth regiment of infantry, which, in a short time thereafter, marched to join the army at Detroit, under General Harrison; that the army then marched down to Buffalo, where the petitioner, with others, was stationed by General Harrison in Fort Niagara, to guard that fort: that the fort was taken by the British, and the petitioner taken prisoner, and the next morning taken across the river to Fort George, on the Canada side; that the weather was severely cold, and upon entering the boat to cross the river, the petitioner was ordered to shove off the boat, which he attempted to do, but could not, it being frozen to the bank; and failing to shove off the boat, he was knocked down by a non-commissioned officer, and fell against the gunwale of the boat and mashed and injured his hip very much; that he caught cold in his hip and wound, and was laid up in hospital from that time until he was exchanged,

about five months thereafter. After he was exchanged, he was taken to Plattsburg, where he lay in hospital six weeks under the care of Doctor Grove, when he obtained a furlough and started for his home, which, after a long time, he reached, depending upon and receiving charity by the way. After reaching home he was confined about two months, when the news of peace arrived, and he having enlisted for and during the war, he was discharged by his officer in a disabled condition, wholly unfit for any kind of business. That he has, from that time to this, been able to do but little, and much of the time unable to do anything, suffering much pain, and grows worse as he grows older; that he is now sixty-six years old, and almost totally disabled from doing anything for his support; is very poor, and needs the assistance of his country.

Mr. JOHNSON, of Tennessee. I will state, for the satisfaction of the House, and to answer the standing interrogatory of the gentleman from Virginia, [Mr. AVERETT,] that this petitioner is living, and if there ever was a deserving case presented to the Congress of the United States, this is one. I will say that this man would have had his pension twenty-five years ago, to my knowledge, had he not always protested against applying to his Government for relief, so long as he could make a subsistence with his own hands. He now makes this application at the urgent solicitation of his friends, and upon the pressure of his urgent necessities. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

ICHABOD WEYMOUTH.

The next bill that came up in order for consideration was House bill No. 102, reported from the Committee on Invalid Pensions, for the relief of Ichabod Weymouth. The bill authorizes and directs the Secretary of the Interior to place the name of Ichabod Weymouth upon the roll of Invalid Pensions, at the rate of \$8 per month, to commence on the first day of January, 1850, and to continue during his natural life.

By the report of the committee in this case, it appears that the petitioner enlisted in the year 1814, in the forty-fifth regiment of the State's infantry; that, in the year 1815, while stationed at Phippsborough, in garrison, and with a body of recruits for discipline, one of the soldiers deserted his post, and threatened to kill any man who would attempt to arrest him. A detachment, in which petitioner was included, was ordered to arrest him; in approaching him for that purpose, he made a thrust at the petitioner and ran his bayonet into his side to the depth of five inches. That this is a permanent injury; has given him much pain, and has caused a permanent affection of the lungs; and that at this time, from its effects, he was partially deprived of the ability to labor.

Mr. EASTMAN. From the papers in this case it appears that this disability has become permanent, and that the petitioner is totally unable to perform any manual labor. I know that he is a worthy person, and know the time when he was wounded. I know also all the persons who have testified in the case, and I have no doubt it is a meritorious one. I move that the bill be laid aside, to be reported to the House with a recommendation that it do pass.

The motion was agreed to.

JOHN MCINTOSH.

The next bill that came up for consideration was House bill No. 103, reported from the Committee on Invalid Pensions, for the relief of John McIntosh.

The bill directs the Secretary of the Interior to place the name of John McIntosh on the roll of Invalid Pensions, at the rate of \$8 per month, commencing on the 4th day of March, 1848, and to be continued during his natural life.

The report of the committee in this case shows that the petitioner enlisted as a soldier in the year 1813. After his enlistment he marched to Seneca, in the State of Ohio, the headquarters of General William Henry Harrison; from thence a forced march to Lower Sandusky; thence to Canada; and thence to the Thames, and was in the battle at that place. The petitioner was afterwards transferred to a company commanded by Captain Johnson Magowen, and at the expiration of twelve months, the term of his enlistment, was honorably

discharged. He was a faithful soldier. During the period of his service, and whilst he was in the line of his duty, on the forced march referred to, he received an injury in his right leg, producing rupture of the muscle, from the effects of which he has never recovered, but which continues to grow worse as he advances in life. That the petitioner's discharge was burned, together with his other papers, in the destruction of his house by fire.

On motion, the bill was laid aside, to be reported to the House with a recommendation that it do pass.

RICHARD CHANEY AND OTHERS.

The next bill that came up in order for consideration was Senate bill No. 42, for the relief of Richard Chaney and others.

The bill authorizes and directs the land officers in the district of Fairfield, in the State of Iowa, to examine and adjudicate, under certain restrictions, the claims of the petitioners, under the preemption act of 19th June, 1834, to the lands on which the towns of Fort Madison and Burlington are situated.

Mr. CLARK moved that the bill be laid aside, to be reported to the House with a recommendation that it do pass.

Mr. AVERETT. To that motion I object. I understand this bill has never been before a committee of this House; and, therefore, move that it be laid aside and reported to the House, with the recommendation that it be referred to the Committee on Private Land Claims.

Mr. CLARK. Mr. Chairman, I trust that this bill may not be committed. I do not think there is any necessity whatever for it. This is a Senate bill, which was reported by a Senate committee to that body, duly considered and passed there, and reported to this House. I will make a brief statement of the facts in the case, and I apprehend gentlemen will be as well prepared, after that statement, to pass upon this bill, as they will after it has been reported upon by a committee. The facts are simple and easy to be understood.

In 1833, the claimant in this case settled at a point on the Mississippi river, on a tract of land, which was afterwards laid out and called Fort Madison. The claimant went to that point under the influence of the preemption law. It is known to you, sir, that the policy of the Government by its preemption laws was to invite settlements of the public domain. Under the influence of these laws the claimant in this case settled at that point in 1833. In 1836 and 1837, Congress provided for the laying off of certain towns then in the Territory of Wisconsin, upon the Mississippi river, and amongst others of the town of Fort Madison, upon which the claimant in this case had settled. The Territory of Iowa was organized in 1838. There was no land office there until after the organization of the Territory. Well, whenever this claimant presented himself at the land office for the purpose of entering his land under existing preemption laws, he was met by the act of Congress laying off that same tract of land into a town, and, therefore, his claim was not entertained. It was believed that the act laying off the town conflicted with the preemption laws to that extent, and therefore the land officers at the proper office rejected his claim. They would not suffer his land to be entered, because of a more recent act, to wit, the acts of Congress of 1836 and 1837, which appropriated that very land for the town site. It was actually appropriated in that way, and the Government sold the lots. In the meantime this claimant had made improvements upon the land. There is a volume of evidence upon the subject taken by the officers of the land office, to whom application was made for the purpose of entering the land. The evidence shows that this claimant had made valuable improvements upon that land before the act of Congress had appropriated it for a town site. And now the simple question is this: whether he shall be paid for these improvements, or not? He went there, as I have said, under the influence, under the settled policy, the standing invitation of the statutes which invited the settlement of the public lands, to wit, the preemption acts. Now the question is, whether he shall be deprived of the value of the improvements which he put upon that land by his labor and his money? I wish to read briefly from the report of the Commissioner of the General Land Office touching this case:

"As the laws of 2d July, 1836, and the 3d March, 1837, took away from settlers on these lands the right of preemption, and appropriated the same as town sites, I think they are equitably entitled to the value of the lands of which they were deprived; and in view of the particular condition of this and other claims, I would recommend the passage of an act giving to those who were really the actual settlers on said land, and who but for the town surveys would have obtained the land settled on, an equivalent in money for said land, at the actual value of the particular tract, (independent of any other improvements thereon not made by such settler,) at the date when the entry could have been perfected, deducting therefrom the amount which, at the minimum price, would have had to be paid on the entry thereof; the right of preemption to be determined in the usual mode by the land officers, subject to a review by this office, and the value of the tract as above mentioned, to be assessed by the same officers, after due examination into all the necessary facts, to enable them to arrive at such value."

Now, this bill proposes to constitute the officers of the proper land office arbitrators, to determine upon evidence to be submitted, the value of the improvements put upon this land by the claimant. That is the effect of this bill. It proposes to give him what these officers shall determine he is entitled to for the improvements put upon the land after hearing the evidence in the case. Is not this equitable and just? Congress appropriated that land for a town site, sold it for town lots, and unquestionably derived much more for it in that way than they would have done had a preëmptor entered the land and appropriated it in the usual manner. There is but one point in this bill, and that is to enable the land officers at Burlington to determine what this claimant is equitably entitled to by reason of the improvements put upon the land. That is the whole of it.

Mr. EDGERTON. With the gentleman's permission, I will ask if the site of the town of Burlington is also included in this bill?

Mr. CLARK. Not at all. The act of Congress laying off certain towns included that of Burlington. There were some four or five towns, but this land is that upon which the town of Madison is situated.

Mr. EDGERTON. And not the town of Burlington?

Mr. CLARK. Yes, sir. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

Mr. AVERETT. I must persist in my objection to this hasty action upon this bill. I doubt not the sincerity of the gentleman from Iowa, [Mr. CLARK.] But we should set a bad example—establish an unsafe precedent, in passing a bill of this sort, without subjecting it to the scrutiny of one of our standing committees. The gentleman has, no doubt, given his views of it honestly, but I doubt whether one third of the members present have been sufficiently informed by his remarks to vote understandingly upon it. I must insist upon my motion, that it be laid aside, with a recommendation to the House that it be referred to the Committee on Private Land Claims.

The question was taken upon the motion of Mr. CLARK, and it was disagreed to.

The question then recurring upon the motion of Mr. AVERETT to lay the bill aside to report it to the House with the recommendation that it be referred to the Committee on Private Land Claims, it was agreed to.

CHARLES S. MATHEWS, CHARLES WOOD, AND JAMES HALL.

The committee next proceeded to the consideration of House bill No. 135, for the relief of Charles S. Mathews, Charles Wood, and James Hall.

This bill directs the Secretary of the Treasury to pay to the above-named persons the sum of \$12,119 47, in full satisfaction of all claims against the United States for and on account of damages sustained by the claimants under a contract to furnish marble for the custom-house at New York city.

Mr. DANIEL. I reported that bill, and, with the consent of the committee, will state the principal facts of the case. It is a claim which originated under the contract made with these gentlemen to supply materials for constructing the custom-house at New York. They were to be furnished with the patterns for the cutting of the marble, and after they had entered into the contract and gone to the quarry where they were to prepare the materials, they were detained for some considerable time at that place with their hands, horses, oxen, &c. This was in consequence of the failure of the agent of the Government to supply the models, and they claim damages in consequence

of the delay thus occasioned. When the case was first before the Committee of Claims, the testimony did not enable them to see very clearly the facts of the case, and the committee deemed it proper, therefore, to refer the matter to the Solicitor of the Treasury, to ascertain the facts and the opinion of that officer under the facts and circumstances, whether they were entitled to anything and what amount. The testimony was taken on the part of the Government, and in behalf of the applicants. It is quite voluminous, and the report of the Solicitor follows the report of the committee. According to the report of the Solicitor, although they failed to deliver the materials precisely at the time stipulated in the contract, he says that the Government sustained no injury in consequence of it; but it was rather an advantage to the Government. They had to deliver the wrought marble, &c., it is true, in the public streets of New York, convenient to the custom-house; and as they had to leave space for them to pass with their carts and vehicles along the streets, they could only, therefore, deliver certain quantities of marble where they could work it. Although it was not delivered in pursuance of the terms of the contract precisely, yet it was delivered in accordance with the requisition of those who were engaged upon this work. That is the whole violation, if any, on the part of these contractors. The Government did fail to supply these models, and did keep them considerably longer than they otherwise would have had to remain there, for the purpose of cutting the marble, and quarrying materials for the custom-house. The Solicitor reports these facts; and according to the testimony taken on both sides, he says there ought to be paid to these contractors, in consequence of the injury they had sustained, \$17,430. The Solicitor was warranted by the testimony which was taken; but the committee believed that the estimate in regard to some of the items was extravagant. Where they believed, from their own knowledge of the facts which were proved, that they were extravagant, they curtailed those items, and reduced the amount to \$12,119 47, the amount mentioned in the bill. We made a curtailment in several items, and the committee think, under the facts and circumstances of the case, that the amount ought to be paid to the claimants. I hope the bill may be laid aside, and reported to the House with a recommendation that it do pass.

The bill was then laid aside, to be reported to the House with a recommendation that it pass.

GENERAL JAMES C. WATSON.

The next bill in order upon the Calendar was House bill No. 136, for the relief of the legal representatives of General James C. Watson, late of the State of Georgia. This bill authorizes and directs the Secretary of the Treasury to pay to the legal representatives of General Watson, the sum of \$14,600, with six per cent. interest from the 8th day of May, 1838, being the amount paid by said Watson to the Creek Indians for certain slaves captured by those Indians from the Seminoles.

Mr. SACKETT. This claim is to recover FOURTEEN THOUSAND SIX HUNDRED DOLLARS that the petitioner claims. General James C. Watson, in 1838 paid to the Creek Indians for one hundred and three negroes claimed by them as their captives, taken, and as the Creeks allege, by them from the Seminoles in the Florida war, while they (the Creeks) were engaged in the service of the United States under the agreement of the 28th of August, 1836, hereinafter stated. The sole claim of the Creek Indians to these negroes was made on the ground that they were, when taken, the slaves and property of the Seminoles.

The general facts of this case are these: General Jesup, in the prosecution of his command in the Florida war, in 1836, by John D. Campbell entered into a contract with the Creek Indians, to furnish certain forces to the United States to be employed in that war. By the agreement, it was agreed on the part of General Jesup, that the Indians should be entitled to the plunder they should secure or capture from the Seminoles during their services in behalf of the United States. These are the precise terms of the contract. I wish the committee to bear in mind the terms were, that the Creeks should be entitled to the plunder they might capture from the Seminoles during the time they were in service in the war, because in the various reports and in the prior consideration of this subject, there has been a very common error committed on

the part of those who have advocated the passage of a bill to pay this claim, and that error has been this: they have uniformly stated it to be a part of the contract that the Creeks should have the slaves and property that they might take from the Seminoles during their engagement. There never was any such contract. The United States, through its agent, General Jesup, never entered into such an engagement. I have the contract before me, and perhaps it may be well, for the purpose of having the committee understand distinctly the terms of that contract, to send it up to the Clerk's desk and have it read:

The State of Alabama, Tallapoosa County:

This contract, entered into between the United States of America on the first part, and the Creek tribe of Indians on the other part, witnesseth:

That, upon the consideration hereafter mentioned, the party of the first part agrees to advance to the party of the second part the sum of thirty-one thousand nine hundred dollars, to be applied to the payment of the debts due by the Creek nation of Indians. And the party of the second part hereby covenants and agrees to furnish from their tribes the number of from six hundred to one thousand men for service against the Seminoles, to be continued in service until the same shall be conquered; they to receive the pay and emoluments and equipments of soldiers in the Army of the United States, and such plunder as they may take from the Seminoles.

And the party of the second part releases, transfers, and assigns to the party of the first part all their right, title, claim, interest, and demand, in and to the annuity granted by the party of the first part to the party of the second part, for the year 1837.

In witness whereof, I, John A. Campbell, on the part of the United States, do hereby set my hand and affix my seal, the 28th of August, 1836.

JOHN A. CAMPBELL, [L. S.]

In witness whereof, we, the chiefs and headmen of said tribe, on the behalf of said nation, do hereby set our hands and affix our seals, the 28th of August, 1836.

HYPOTHILE YOHOLA, his X mark. [L. S.]

LITTLE DOCTOR, his X mark. [L. S.]

TUCKABACHEE MICO, his X mark. [L. S.]

YELKA HAYO, his X mark. [L. S.]

Attest: EDWARD HAWICK,
BARENT DUBOIS.

This claim is to recover the money paid for one hundred and three negroes, claimed as the slaves of the Seminoles, and alleged to have been taken by the Creeks while engaged under their agreement, upon the ground, and the only one which has been contended for here, that it was a part and parcel of the contract, that slaves were to be delivered, if taken by them, to the Creeks, as property, as plunder, for the uses and purposes of slavery. It will be seen, that what they were entitled to by the terms of the contract, was the plunder which they might take from the Seminoles during the time of their engagement. It is to make these slaves a portion of that plunder, and to recover pay for them as plunder, that this claim is brought.

This is a true statement of this case. The Committee of Claims of the Thirtieth Congress adopted the report of the Committee on Indian Affairs made in 1842, and the Committee of Claims of the present Congress adopt the language of that report as to the terms of the contract entered into between the Creeks and the United States. This has been the common error of those who have sustained this claim. This report thus adopted in the Thirtieth and this Congress, made by the Committee on Indian Affairs, was first made to the Twenty-fifth Congress, and was the first report that was made upon this subject. This is the language of that report in relation to the above contract, viz:

"In the year 1836, General Jesup, then in command of the troops of the United States in Florida, agreed with certain Creek warriors, whose services he thus engaged against the hostile Seminoles, that they should be entitled to all the slaves and other property of the enemy they might capture. The said warriors, in pursuance of this engagement, among other things, captured a large number of negroes, about one hundred and three of whom were slaves of the Seminoles, and became, under said contract, the property of the Creek warriors."

Here is the language of the report of the Committee on Indian Affairs in 1842, and the language which has been adopted by the Committee of Claims in relation to this claim. The first point I make, then, is this: That there never was such a contract as the one described in that report, that the Creeks should be entitled to all the slaves they might capture from the Seminoles; and to sustain that point, I present the contract itself. The terms of that contract are, that the Creeks shall be entitled to what plunder they take of the Seminoles, but not to the slaves they take; and there I leave this point. Next I call upon those who are to advocate this claim, in the first place to establish the fact that the Creeks took the negroes in contro-

versy. Upon that point, and upon this whole matter, the evidence is very voluminous, and it is impossible to state it here; but I deny that there is sufficient evidence in the case, derived from the facts, and not from this extraordinary report of 1842, to prove these negroes were taken by the Creek warriors. I will admit that report so states in the very start. It alleges the facts to be, that the Creeks took these negroes, but I deny that the facts justify or authorize that allegation. It appears in the proofs that a part of these negroes were taken, or came in, in the winter and spring of 1838. Now, the Creek soldiers were mustered out of the service in the fall of 1837, so that part of these captives they never had anything to do with. Without going into the detail of that evidence, I call upon the advocates of this measure to establish the fact, that the Creek soldiers ever took one of these negroes. This is among the many errors committed in the report of the Committee on Indian Affairs in the Twenty-fifth Congress.

I call upon the advocates of this claim to establish another fact—a fact not recognized by the laws of nations, not recognized by our own Constitution and laws, except so far as applicable to certain rights maintained in a portion of our own States. I call upon them to establish the fact, that the institution of slavery existed among the Seminoles at all. I deny that fact. Where is the evidence that these humble negroes, taken in the heat of battle, fighting for their rights and liberties, nobly sacrificing their lives in the defence of their country, in the defence of their homes, their firesides, in defence of their nationality, were slaves? By the law of nations—the universal law governing mankind, with only exceptions which but tend to establish the general principle—every presumption, is that these men were free. The whole law of the case, every legal intendment is, that these men were free citizens of the Seminole nation. Let the advocates of this claim establish these points before they ask to pass this bill: first, that slaves are embraced in the contract; next, were these negroes captured by the Creeks; and next, under the law, the law of nations, the law of this nation, or by the law even of that savage Indian nation let them show, if they can, that the institution of slavery existed among the Seminoles at all. I deny it—deny each of these propositions.

There is another point which I think is worthy of consideration, and I am not prepared to say that I am entirely right in the conclusions I have arrived at in regard to it. I do not see satisfactorily that this money was ever paid at all.

It is said that General Watson contracted here in Washington to pay \$14,600, and that he placed the money in the hands of a common agent, Major Armstrong, who was Indian agent, and, by the purchaser himself, made agent to pay this money, not to be delivered to the Indians till they had arrived at their own country west of the Mississippi. It is a fair inference that the money was placed in the hands of an agent to be delivered upon the receipt of the negroes. Now, the negroes were never delivered to General Watson. He never had possession of them; and I am, at least, justified in asking the advocates of this claim to show that this money ever passed into the hands of the chiefs or authorized agents of the Creeks, or that it ever passed out of the hands of General Watson's agent.

There is another view of the case, and one which, I think, should be entirely controlling, if there was no other point in it. It is this: If these negroes were property at all at the time the purchase was made—if they were property according to the laws of property among the Seminoles, or of the States where they were held, they were property of the value of \$60,000 or \$70,000. This will not be disputed. General Watson, too, knew all about the condition of that property; he was familiar with the whole matter; he was himself engaged in removing Creek Indians, and the contingencies of the property he well understood; he knew all about the claim of the Seminoles, if they had any, and of the Creeks, if they had any, to this property; he was probably more intimately acquainted with it than any officer of the Government. This whole transaction was after the treaty of Camp Dade, made 6th of March, 1837, by which it was agreed that at least a part of these very negroes should go with the Seminoles to their home in the West, which Watson well knew.

The following is an extract from this treaty:

"Capitulation of the Seminole nation of Indians and their allies, by Jumper, Holah Toock, (or Davy), and Taholoochee, representing the principal chief Micanopy, and fully empowered by him, entered into with Major General Thomas S. Jesup, commanding the United States forces in Florida, the 6th day of March, 1837.

"ART. I. The chiefs above named, in behalf of themselves and the nation, agree that hostilities shall cease immediately, and shall not be resumed.

"ART. II. They agree and bind themselves, that the entire nation shall immediately emigrate to the country assigned to them by the President of the United States, west of the Mississippi."

"ART. V. Major General Jesup, in behalf of the United States, agrees that the Seminoles and their allies, who come in and emigrate to the West, shall be secure in their lives and property; that their negroes, their *bona fide* property, shall accompany them to the West.

"ART. VI. That the expenses of the movement west shall be paid by the United States.

"ART. VII. That the chiefs, warriors, and their families and negroes, shall be subsisted, from the time they assemble in camp, near Tampa Bay, until they arrive at their homes west of the Mississippi, and twelve months thereafter, at the expense of the United States."

General Watson knowing that this property, if property at all, was worth \$60,000, and knowing the contingencies attached to it, and knowing of this treaty purchased it, as a speculation, for \$14,600. It was but a speculation. It was an adventure. He took all the chances, all the risk, on himself; and, under the circumstances, he has no right to come to Congress and ask to be remunerated. The Government never guaranteed possession. The Creeks guaranteed title. But Watson knew this Government had no lawful power to give him possession; this Government reserved nothing—had no power to do so.

But it is said that the Government agents did not deliver the property, as ordered by the Department. They had no authority to deliver the property. They had no evidence that the contract between the Seminoles and the Government of the United States embraced these negroes. On the contrary, they had positive evidence, from the contract itself, that they were not embraced in it. They had no evidence that slavery existed among the Seminoles, and they would have been culpable in the highest degree if they had violated every principle of law to obey an unlawful order of an Indian Bureau. They had no right to separate these colored prisoners of war from the others, and declare them to be chattels, things, slaves. What were these directions from the Indian Department but an unlawful, an abominable order, that men who had fallen into our hands by the fortunes of war should be taken from under the control of the military forces of the United States and made slaves—slaves themselves and in their posterity, to the latest generation? It was nothing else. It was a naked, undisguised design to have prisoners of war sold, by the intervention of the officers of the United States, into perpetual slavery, without trial, without evidence, without hearing. Is Congress to sustain a transaction of that kind, a transaction of so infamous a character?

Mr. DUNCAN, (interrupting.) Perhaps the gentleman can inform us what disposition was made of these persons after they came into the hands of General Watson?

Mr. SACKETT. They went with the other prisoners of war to the West. They came into the hands of the military forces of the United States and were treated as prisoners of war.

Mr. DUNCAN. Were they slaves or free negroes?

Mr. SACKETT. They were with the Indians in the Florida war, and after they fell into the hands of the military forces of the United States, they refused to be separated from their Indian friends, but went with them to their country in the West; there is no evidence they were slaves.

I will not longer detain the committee in the discussion of this case. I present these points, first, that there never was any contract entered into between the Government of the United States and the Creek Indians, in relation to slaves—there is no power to make such a contract under the Constitution. That is one point.

In the second place, there is no evidence that the Creeks took these negroes at all.

In the third place, there is no evidence that slavery exists among the Seminoles, and the law of nations—the contrary not being shown—clearly establishes the fact that slavery does not exist there, and therefore they were taken as ordinary prisoners of war.

And, in the fourth place, General Watson entered into this negotiation with his eyes open, and, understanding the whole transaction and all the contingencies in relation to it, entered into it as a speculation, purchasing what was worth, as property, \$60,000 or \$70,000, for \$14,600, and took his chances of the result. I present these four points to the consideration of the committee. It was an agreement with the Creeks, not with this nation—the United States received nothing.

Mr. DANIEL said: Mr. Speaker, perhaps the positive assertion of the gentleman, that there is no evidence to sustain the claim, arises from his failure to examine the evidence in the case. I apprehend that General Jesup, who was connected with the transaction to some extent, the Commissioner of Indian Affairs, and the then Secretary of War, [Mr. Poinsett,] understood the facts in the case as well as gentlemen here now do, and a great deal better; and if any gentleman will examine into the facts, he will find it stated in the report upon this case, (made some years since, and contained in Ex. Doc. No. 225, 3d sess. 25th Cong.) that the institution of slavery did exist among the Seminoles. The gentleman states that there is no evidence that slavery existed there, nor is there any evidence that the Creeks captured these slaves. I will read the statement of General Jesup, that the committee may see what little reason the gentleman has for such positive assertions. In one of his letters to Captain William Armstrong, he says:

NEWNANVILLE, (FLORIDA), September 17, 1837.

SIR: In addition to the inducements held out to the Indians who may enter the service, is that of the Seminole property. Their negroes, horses and cattle, (and they are rich in that description of property,) will be given to the captors; the Creek warriors, who captured but a small portion of the Seminole property, received for their captures between fourteen and fifteen thousand dollars.

Captain Wm. ARMSTRONG, TH. S. JESUP.
Choctaw Agency, Arkansas.

Here is another letter of General Jesup:

[EXTRACT.]

FORT GILLILAND, September 17, 1837.

CAPTAIN: In addition to their pay as soldiers, they [the Choctaw warriors] will have all the Seminole property they capture; and those Indians are rich in cattle, horses, and negroes. The Creek warriors received between \$14,600 and \$15,000 for their captures.

TH. S. JESUP.
Captain B. L. BONNEVILLE, 7th Infantry,
Commanding Choctaw warriors,
Choctaw Agency, Arkansas.

Mr. SACKETT. Are you reading from the contract?

Mr. DANIEL. No, sir; I am not reading from the contract; but I am reading to show how General Jesup understood the contract, and how the Creek warriors understood it. They looked upon it as embracing not only all the cattle, horses and hogs captured by them, but all the slaves they might take from the Seminoles. In a certain list, in which the officers were directed to report the names of the negroes and their owners, it appears that a great many slaves were owned by a certain Harriet Bowlegs, daughter of an Indian chief. The facts show that a great many slaves were owned by other Indians. But notwithstanding this, the gentleman from New York says slavery did not exist among the Seminoles; and that the contract with the Creek warriors did not embrace slaves. These assertions, in the face of the official reports and statements I have read, should have no weight with this committee. If the facts were to be looked at, and the case decided as any similar case, not involving this peculiar species of property, it would, I apprehend, meet with no opposition. I think I shall be able to show before I get through, that the question which the gentleman has raised, does not necessarily arise in the case, but that Mr. Watson was drawn into this matter partly to relieve the Government from the embarrassing situation in which it had been placed. The facts are fully sustained by the reports, but it would take too much time to read them. I will state the material facts to be gathered from them. In the prosecution of the Seminole war, it seems to have occurred to General Jesup, then conducting it, that a band of Creek warriors would furnish efficient aid in hunting out the Seminoles in their hiding places, and giving intelligence where they might be found, and thus enable him to act more successfully against them. He therefore entered, it seems, into an engagement with the Creeks, that if they would furnish a band of warriors, they should, in addition to their pay as soldiers, have all the property they might capture, embracing slaves as well as any other property.

Mr. GIDDINGS. I desire to make an inquiry of the gentleman. I understand him to say, that General Jesup entered into this contract with the Creek Indians. Do I understand him correctly?

Mr. DANIEL. I so understand the contract.

Mr. GIDDINGS. I did not understand the document when it was read at the Clerk's table. It was my impression, however, that this contract was signed by another man, and that General Jesup had nothing to do with it. All I desire is to get at the facts, and if I am wrong I desire to be corrected.

Mr. DANIEL. Although not signed by General Jesup, it might have been made, and I suppose was made, under the authority and by order of General Jesup. I am quite certain that the agreement was recognized and sanctioned by him.

Mr. ABERCROMBIE. I was in that country at the time this contract was made. I belonged to a company at that time which had contracted to emigrate these Indians beyond the Mississippi river. By the order of General Jesup I obtained a contract for emigrating these Indians. They were promised that if they would go to Florida and assist in the war against the Seminoles, that they should have the plunder captured by them, including the negroes. This was expressly understood before they left the country. I was there at the time, and I do not think I can be mistaken; they expressly understood that they were to have the negroes which they should capture. These are facts, and stubborn facts. We were to take the families of the warriors engaged in the Seminole war to Mobile Point, and there feed them till the war was concluded. This was done; and the Indians, after the war was over, did not return to the Creek country, but to Mobile Point, where we received them and carried them west of the Mississippi river. I say I was in the country when these Indians went into that war, and I know that this was their understanding; and whether the contract specifies that they were to have the slaves, or not, such was their understanding of it beyond a doubt.

But the gentleman says there was nothing like slavery existing in that country. Now, I was born and raised in that country, and my recollection is, that slavery has always existed among them. I know that a trade has been carried on by selling slaves between the Creeks and Florida Indians. These are facts which I know; and whatever may be said by other gentlemen in relation to this matter, I have no doubt that the money was paid for these negroes. The gentleman states that they were sold for \$14,600, while they were worth \$70,000. It must be recollected that that property was selling low, comparatively, then, to what it sells for now; and who would buy that kind of property unless he expected to purchase it for less than its real value? No man of sense would have done it.

Mr. SACKETT. The report upon which this claim is based, states expressly that these negroes were worth \$60,000 at market value.

Mr. ABERCROMBIE. I do not know what the report states, for I have not read it, but I say again, that no person would have bought these negroes under the circumstances; unless they had been sold for less than their market value.

Mr. DANIEL. I was proceeding to bring the material facts before the committee, and then I will state the point upon which I think the case really turns. In accordance with the understanding between General Jesup and the Creek Indians, a band or regiment of that tribe embarked in the war. The Creek warriors claimed to have captured the rise of one hundred slaves—one hundred and three, I think. The whole number of slaves taken from the Seminoles was, between two hundred and three hundred. A great many had run away from the planters residing in Florida, Georgia, and Alabama, and were living among these Indians when they were captured. For such as belonged to our own citizens, and were captured by the Creek warriors, they received \$20 ahead. They received a good deal of money in this way. The slaves captured and claimed by the Creeks, as well as others, were taken into custody and carried, under the orders of General Jesup, to Fort Pike, there to be kept until some disposition should be made of them. Knowing the influence which the slaves had over their Indian owners, and knowing their attachment to their slaves, it occurred to the officers of the Government, that if these slaves should go west with the Creeks, who captured them, they

would become a source of contention and of war between the Seminoles and the Creeks. These consequences the Secretary of War and the officers engaged in that service were disposed to prevent; and General Jesup, it seems, made an ineffectual effort to purchase of the Creek warriors their captured slaves, that they might be sent to Liberia. They were kept at Fort Pike some time. After the slaves were sent to Fort Pike the Seminoles surrendered, and a treaty was concluded between them and General Jesup. They were then ordered to New Orleans, from whence they were to be sent to their destination, west of Arkansas. The slaves had not been disposed of, and were still at Fort Pike when the Indians arrived there. About the time the Seminoles reached Fort Pike, certain delegates from the Creek warriors came to Washington city, to have some arrangement made about these slaves. General Jesup had endeavored to purchase them of the Creek warriors, and had ordered \$8,000 to be paid to them, as appears from one of his dispatches. In another, he states that they were the property of the Government. General Jesup was under the impression, when he wrote the dispatches I have read, that the Creek warriors had accepted the \$8,000 which he had directed to be paid them; but when it was offered by Lieutenant Sloan they refused to take it. I have no doubt that General Jesup supposed, at the time he wrote the letter referred to, the negroes had been actually purchased of the Indians.

I will not take the time to refer to all the dispatches for all the facts connected with this matter; but if gentlemen will take time to examine them, they will find that they are substantially as I have stated them. The Secretary of War was, it seems, much perplexed as to the best disposition to be made of the slaves. He did not know what the Government could do with the slaves if purchased. It was suggested by General Jesup that they be sent to Liberia. But there was too much public excitement upon the subject of slavery, in consequence of the agitation of the 21st rule for the exclusion of abolition petitions, to venture upon such a policy. It seems to have occurred to the Secretary of War and Commissioner of Indian Affairs to prevail upon the Indians to sell their interest to some individual, who would take possession of the slaves, and thus prevent their removal West. About that time Mr. Watson happened to be in the city upon some business he had with the War Department, and overtures were made to him to purchase the interest of the Creek warriors in these slaves. It appears from the evidence that he was not prepared to make the purchase, as he did not expect anything of the sort. He first ascertained, it seems, from the Secretary of War, whether, if he should purchase these slaves, that Department would give an order upon the officers having the slaves in possession to deliver them up to the authorized agent of the Creek Indians. He was assured that if he should make arrangement with the Creek warriors to purchase them, the War Department would give the order and have the slaves delivered up to the authorized agent of the Creek warriors. That matter being understood and arranged, he then put himself to work and obtained at some sacrifice \$14,600, the purchase money paid for the negroes. To raise that sum he incurred, as he says, a responsibility of some \$17,000. He paid the purchase money to Captain Armstrong, the agent of the Creek Indians, with the consent of the Creek delegates. While I am upon this part of the subject, I will say, that the purchase money was carried to the Creek nation and was there distributed amongst the Creeks entitled to it. The contract being concluded between Watson and the Creek delegates, the War Department, not foreseeing the difficulties of separating the Indians from the Seminoles, and not knowing at the time that the Seminoles had been brought into contact with the Indians at Fort Pike, gave orders directing the slaves to be delivered to a man by the name of Collins, the authorized agent of the Creek warriors. Collins went to New Orleans and demanded the negroes. Some of the negroes had been previously attached, at the instance of a man by the name of Love. A controversy took place between Love and General Gaines respecting some of the negroes, which was dismissed, I think, but occasioned some delay. When the Seminole Indians found that the officers having charge of their slaves were directed by the Government at Washington to deliver them up to the agent of the Creek Indians,

they manifested great excitement, and refused to go West, unless their slaves were permitted to go with them; they went so far as to say, that General Jesup had promised them that if they would remove to the West, their slaves should go with them. I have seen no evidence that such a promise was made them by General Jesup, and I apprehend that it was a fabrication of the Indians after falling in with the slaves. Lieutenant Reynolds was the officer who had charge of the emigrating Seminoles. He made an arrangement with Mr. Collins, that if he would accompany him as far as Vicksburg, he might then devise some means to get the Indians to consent to the delivery of the negroes. They were not authorized, by their orders, to employ force for that purpose. I am not disposed to censure the honest efforts of Lieutenant Reynolds, though Mr. Collins seems to think he did not do all he might have done for the delivery of the captured slaves. The Indians would not consent to be separated from their slaves before nor on their arrival at Vicksburg, and the agent of the Creek warriors, it seems, went as far as Fort Gibson. At Little Rock, before reaching Fort Gibson, Lieutenant Reynolds asked the assistance of the Governor of Arkansas to aid him in effecting a delivery of the slaves, but the Indians seemed to be so excited that the Governor refused to interfere at all, and directed those concerned in their removal to get them off as soon as possible, apprehending there might be an outbreak or serious disturbance. When the Indians, with the negroes, reached Fort Gibson, General Arbuckle, stationed there, found it impossible to deliver the slaves without using force, which he conceived to be impolitic, and which he was not authorized to do; and he wrote back to the Department the reason why he had not obeyed the orders. The slaves were never delivered up, and the Government refused to comply with its engagement with the Creek warriors. Now, Mr. Chairman, it is not material to determine the value of the slaves, so far as the bill under consideration is concerned. General Watson was induced, through the agency of the Government, to advance his money to the Creek warriors, and relieve the Government from the difficulty in which it was placed, by relieving it from the obligation it had entered into to deliver the slaves to the Creeks, and having done that, he is entitled, upon every consideration of justice and honor, to at least that remuneration authorized by the bill. Mr. Poinsett, then Secretary of War, on the recommendation of the Indian agent, did not hesitate to recommend that the Government should reimburse Mr. Watson for the money advanced by him to the Creek warriors.

I think it is apparent from the document to which I have referred, and from a statement of Judge Iverson, who happened to be here at the time, that a proposition was actually made to General Watson to purchase these slaves. I ask for the reading of the statement of Judge Iverson, which I send to the Clerk's desk.

The statement was then read by the Clerk, as follows:

"Shortly after the return of the warriors composing what was called the Creek regiment enlisted by General Jesup in 1835 to serve in the Florida war against the Seminoles, and the removal of said warriors with their families to the Creek nation west, General James C. Watson and myself were deputed, as agents from the Alabama emigrating company (who removed the Creeks under contract) to the city of Washington, to settle up the accounts of said company with the Government. When we arrived in Washington, we found General Armstrong, Indian agent, in the city, with a delegation of Creek chiefs. A proposition was immediately made to General Watson and myself, by Carey C. Harris, Commissioner of Indian Affairs, to purchase a large lot of negroes then claimed by the said Creek regiment, and represented to be at the time in the custody of the United States at Fort King, near New Orleans. The proposition was declined by me, but I was personally acquainted with most of the facts and conversations which occurred between the department, the Indian agent Armstrong, and General Watson, and learned the following particulars: That these negroes had been captured in Florida by the Creek regiment, from the hostile Seminoles; that agreeably to an agreement made with said regiment by General Jesup, they were to have all the property of the hostiles which they could capture, and they claimed these negroes; that General Armstrong and the delegation in Washington had authority to dispose of or sell their claim to these negroes; that the Seminoles who had emigrated to the West were very averse to allowing these negroes to go into the possession of the Creeks; that the Creeks were equally determined, when they arrived West, to seize them and subject them to their own service. The War Department apprehended that serious difficulty would grow out of this conflicting claim, and that war would ensue between the Creeks and Seminoles in the contest for the negroes. It was deemed by the Department prudent, and indeed necessary, to prevent

bloodshed and war between the two tribes, that the negroes should not be sent to the West, but should be sold in the United States. Hence the proposition from the Commissioner of Indian Affairs to General Watson, to purchase the negroes. General Watson hesitated for several days, but being urged by Mr. Harris, and assured that the negroes would be delivered to his agent immediately, he consented to buy them, and paid the price fixed by the Commissioner of Indian Affairs, and General Armstrong, the agent. An order was issued from the Department, and an agent dispatched by General Watson to New Orleans, to receive the negroes. The United States officers in charge of them refused to deliver them; they were transported to Fort Gibson and turned over to General Arbuckle, as I have been informed, and were by him surrendered to the Seminole Indians, or turned loose and joined them; so that they were wholly lost to General Watson. Given under my hand this 19th December, 1831. ALFRED IVERSON."

Mr. Chairman, here is a letter from the Commissioner of Indian Affairs, about that time, which has some bearing upon that arrangement, and corroborates that statement—if it is necessary to corroborate a statement made by Judge Iverson, with whom many of us are acquainted. This bears date on the 5th day of May, 1838. That letter was written probably about the time of the overture made to General Watson, and in view of it. The arrangement between Watson and the Creek delegation was concluded on the 8th or 9th of May, 1838—I think on the 8th. Here is another letter, dated May 9, 1838, after the arrangement had been concluded:

WAR DEPARTMENT,

OFFICE INDIAN AFFAIRS, May 9, 1838.

SIR: The decision made a few days since, that the negroes captured by the Creek warriors in Florida should, in compliance with the engagement of General Jesup, be delivered to the delegation now here, has been communicated to them, with the intimation that when they had determined what disposition would be made of them, and communicated information of the same to this Department, the necessary orders would be issued. In a communication just received from the delegation, they state they have appointed Nathaniel F. Collins, of Alabama, their attorney in fact, to receive the negroes. I have the honor to request that an order may be issued to the commanding officer at Fort Pike, to Major Isaac Clark at New Orleans, to the commanding officer in Florida, and to any other officer who may have charge of them, to deliver to Mr. Collins all the negroes in question. He will, of course, hold them subject to the lawful claims of all white persons. Abraham and his family should be excepted, in consequence of a promise made by General Jesup. The officers should be instructed to exercise due caution, so as to deliver only those captured by the Creeks. It is proper to remark, that it appears from a letter received from Lieutenant Sloan, that these Indians refused the \$8,000 offered them, under the direction of General Jesup, for their interest in these negroes.

Very respectfully, your most obedient servant,
C. A. HARRIS, Commissioner.
Captain S. COOPER, Acting Secretary of War.

Now, sir, the history of the case, as I have given it, from the statement of Judge Iverson, the letters of the Commissioner of Indian Affairs, and the orders which were issued for the delivery of the slaves to the agent of the Creek warriors, shows that one of our citizens, relying upon the fulfillment by the Government of its engagement to the Creeks, advanced a large sum of money, which he obtained at a great sacrifice, and thereby relieved the Government from a perplexing engagement, and enabled it to carry out its policy of removing the Indians westward, without hazarding the peaceful relations of the Seminole and Creek tribes; and yet there are those, forsooth, who not only turn a deaf ear, but strive to defeat the proposition to refund the money advanced with interest, saying nothing of the profits which might have been realized, had the Government fulfilled its engagements, and large expenses incurred by General Watson to get possession of the negroes, merely because the question of slavery is connected with the transaction. Such a determination can only be consistent with the purpose to withhold the countenance and protection of the Federal Government from every transaction which may in any way relate to slavery. If there be a majority upon this floor who are disposed to place the Government in that attitude, they can do so. If all who may be connected with such transactions are to be placed out of the pale of its protection, that fact, startling as it may be, should be known. If, instead of slaves, this transaction had related to any other species of property, the gentleman from New York [Mr. SACKETT] would not, I apprehend, have raised the objections to the bill under consideration which he has. I flatter myself, that if such were the case, he would be one of the most strenuous advocates of the bill; but because he scents a negro in the breeze, he takes the stampede, picks up his ears, and seems to start.

The gentleman charges this as having been a speculation. That, it seems to me, is altogether

immaterial, if not idle. Suppose it was a speculation—indeed Watson would have been a fool to have given the full value of the slaves under the circumstances.

"There is many a slip
"Twixt the cup and the lip."

And he knew that, although the Government had pledged its faith to the Creek Indians that these slaves should be delivered up to them, or to their agents, some difficulty might arise, and all of them might not be obtained, and like every other man, he was disposed, when he had hazards to run, to make as good a bargain as possible. The slaves were worth, perhaps, some \$30,000 or \$40,000. He paid for them \$14,600—not quite half their value. But what does all this amount to when the proposition is to refund the money actually advanced, with interest, and not the value of the slaves and the outlay in efforts to obtain them.

I do not see that there is any clear or well-founded objection to the arrangement entered into by General Jesup with the Creek warriors. The Indian tribes have been regarded and treated in conventional arrangements and treaty stipulations as *quasi* nations. It seems to have been in that view that the arrangement was entered into by General Jesup, and approved by the War Department; and it is not only humane, but sound policy that our Government should observe its engagements with the Indians. This it failed to do, by permitting their former owners to retain possession of the slaves, after a citizen, relying upon the assurances he had received, had purchased the interest of the Creeks in them, thereby occasioning a grievous injury, if not absolute loss to one whom it was its duty to protect.

Mr. SACKETT. If the gentleman will allow me, I will propound this question: How does he answer the objection that this contract does not operate upon slaves? I lay down the proposition that it does not include slaves.

Mr. DANIEL. That question I thought I had already answered. I suppose that General Jesup was aware of what he intended should be embraced by the terms which the agreement contains, and the Creek warriors knew what was designed to be included. The Commissioner of Indian Affairs seems never to have doubted that that contract embraced slaves as well as other property; and yet after all this, the gentleman gets up and quibbles about it, as if General Jesup and the Commissioner of Indian Affairs did not know what they had been doing. There is nothing in the gentleman's objection. I thought I had fully answered it by what I had read from the document referred to; no matter whether upon the principles of international law, or the principles of sound policy, this was a justifiable arrangement. After it was entered into, the strongest considerations of policy required our Government to fulfill its engagements with the Creek warriors. Had not Watson satisfied them, and the Government had refused to do so, all future overtures would have been regarded with suspicion.

Mr. STUART. The gentleman has stated that the Government agreed to give these negroes up to the agents of the Creek Indians, and I would like to ask him, if such an order was forwarded to the officers of the army, why it was not complied with?

Mr. DANIEL. If the gentleman had attended to me he would have discovered that I stated the reason why the negroes were not delivered up. Collins, as the agent of the Creek Indians, attended at New Orleans and demanded them, but when the Seminoles came in contact with the negroes at Fort White, they refused to proceed West, unless these slaves were allowed to accompany them.

Mr. SACKETT. What is the evidence?

Mr. DANIEL. The reports of the officers. Lieutenant Reynolds himself states it. It is to be inferred from General Arbuckle's statement, and from the communications of the Secretary of War and the Commissioner of Indian Affairs, recommending that the money should be refunded. There is no room to cavil about the facts. None in the world. The only ground of objection is really that slaves are involved.

Mr. STANTON, of Ohio. What evidence have the committee that the negroes claimed as slaves to the Seminoles were in fact slaves?

Mr. DANIEL. I have answered that question already once or twice. It was ascertained by those competent to know, that such and such slaves belonged to such and such persons. Among them

were slaves of Harriet Bowlegs, daughter of King Bowlegs.

Mr. GIDDINGS. Will the gentleman read that part of the evidence? I think she only belonged to Bowlegs's tribe. You will find it at page 62.

Mr. DANIEL. Here it is on page 74—Jack Bowlegs, thirty-six years of age; and others, put down as property of Harriet Bowlegs.

Mr. GIDDINGS. I wish to interrogate the gentleman as to whether the owners put down there are the tribe to which they belong?

Mr. DANIEL. You will find here the owners' names; but no tribe. There is another statement, where the tribe is put down, as well as the owners' names, and that is the reason why I have turned to this page. There is no room for cavil here.

Mr. GIDDINGS. What page is that?

Mr. DANIEL. Page 74, book 225.

Mr. GIDDINGS. Will my friend say to the committee whether page 74 refers to slaves taken in 1836 and 1837?

Mr. STANTON, of Ohio. I wish to know how the committee were able to determine that the negroes claimed were slaves, and not fugitives from the slaveholders of the neighboring States?

Mr. DANIEL. If the officers who were authorized to make inquiries could not ascertain these facts, no one could; but gentlemen, it seems, pretend to know more than these officers who were in Florida, some of them, when the slaves were captured. These officers state that these negroes were the slaves of the Indians; but gentlemen say they were not, when they know as much about it as we know about the man in the moon. I say, the proof is conclusive that the Seminoles owned slaves, and that the negroes among them, generally, were slaves—many of them fugitives from their owners in Florida, Georgia, and Alabama. Wherever it was ascertained that they were fugitive slaves, they were returned. The Commissioner of Indian Affairs, upon the facts reported to him, and with all the information which he, from his position, was able to obtain, says that the number captured by the Creeks was between sixty and seventy—the number having been reduced by sickness. Now, it seems to me, there can be no doubt about these facts. Watson having relieved the Government from its difficulties by rescinding its obligation with the Creek warriors, by the payment of a large sum of money, upon what principle is it that the Government shall not refund to him the money which he advanced upon the faith of its assurances? The Government is bound to protect its citizens, not ruin them. There can be no good reason why we should not refund the money in this case. It is a case of crying injustice. Watson, who has been deprived of his money ever since 1838, is now dead, and his family, perhaps, are in a suffering condition in consequence of the tardiness and delay to redress an injury which the Government itself has occasioned.

It seems to me that every principle of justice, and every object for which government is instituted, require us to refund promptly the money which he has advanced, and the interest upon it.

Mr. MACE. As one of the members of the Committee of Claims, I examined into this case, as it was my duty to do, and I have made up my mind conclusively, that this bill ought not to pass.

The gentleman from North Carolina, [Mr. DANIEL,] the honorable chairman of the Committee of Claims, for whom I entertain the most profound respect, has stated to the committee, in broad terms, that if this claim did not involve the question of slavery, there would be no difficulty in passing it through this body. I do not know what may operate upon the minds of gentlemen Free-Soilers, or gentlemen slaveholders, and other gentlemen upon this question, but I apprehend if slavery has anything to do with the question, it would give to this bill as many votes as it would lose.

I am a new member upon this floor, and were I in Indiana it would be unnecessary for me to say what I am about to say. Now, so far as I am concerned, and so far as my motives are concerned, I will certainly not be charged with being opposed so strongly to the institutions of slavery, as to be influenced by that consideration in my views of the case now before the committee. The question is one of right or wrong, of justice or injustice, involving not even remotely the question of slavery

or freedom. In 1849 the best men we had in Indiana fell before this free-soil tornado. When it reached the highest men of our State, I occupied then, upon that question, the position which I occupy now. I entered the contest of 1848 as one of the Cass electors, and placed myself upon the then Democratic platform, upon the doctrine of non-intervention, and upon that I now stand. I make this declaration in order to show to the committee that, so far as I am concerned, I will not be charged with entertaining opposition against a bill because I am opposed to the institution of slavery, or in favor of it. I will not upon this occasion enter into the merits or demerits of the Seminole war. I will not discuss the question of employing blood-hounds or Creek Indians. I will not discuss the question of decoying Osceola with a white flag, to make a prisoner of him. I will not enter upon the discussion of the profligate expenses of the Government during the existence of this war—a war which cost this nation, I believe, more than the revolutionary war. It is not necessary that we should do it. I will simply discuss the question before the committee. What are the prominent features in this case? After all the power of the nation had been exhausted—after all the power of blood-hounds had been employed, we find General Jesup making a treaty with the Creek Indians, and under that bargain they were to have, in the language of the contract, "*the plunder*" which they should conquer from the Seminole Indians. Whether this movement on the part of our officers of that day was such as should characterize civilized warfare, I am not prepared to say. Yes, I am prepared to say, that it was most damnable in every single feature, from beginning to end.

What progress did the Creek Indians make, assisted by the blood-hounds and the might and power of this nation? They penetrated into the country of the Seminoles, using the tomahawk, destroying and damaging all the property they found in that nation. Among other things, they found some negroes there—whether slaves or free, I am not prepared to say; but I will allude to that question before I close. The Creek Indians captured something like one hundred and ten negroes. What does General Jesup do? What feeling operated upon his mind? He proposes to pay these Creek Indians \$8,000 for these negroes, that they might be sent to Liberia. About this period of time General Watson reports himself at Washington city. The question of these one hundred and ten negroes, was a question which occupied the cabinet deliberations of the then Administration. What do they do? Do they carry out the humane notions of General Jesup? No. Where is Poinsett and Harris, and where is Watson? Here is a speculation in which dollars and cents can be made, with which the almighty dollar has to play a part, brick and mortar towering high, and military and official station being the test of respectability, instead of virtue and honesty.

Let me remark here, where is the evidence, the conclusive evidence, which shows that a single one of these negroes was a slave? Are we to leap in the dark—are we to jump at the conclusion that because these negroes were in the possession of the Seminoles, that therefore they were slaves? Where did they belong, and where did they come from? If they had made their escape from Georgia and other slave States, the ownership was not changed in consequence of their taking up their homes among the Indians. Not at all. The original ownership continued, admitting them to be slaves. But, shall we jump at that conclusion? Is it not much more rational and just, and in accordance with humanity and every correct principle, to take them to be *prima facie* free, at least until the contrary is most conclusively shown, as it should be in this case, but is not? What was the motive which operated upon Watson? Why, to go, take these negroes and sell them into eternal servitude, though perhaps they were all free. Yes, the dazzling light of speculation was before his eyes, and he was determined to grasp it. Fifty thousand dollars was quite too tempting, and he was determined to have it, though it involved the abject servitude of one hundred and ten human beings and their posterity forever. I envy not such feelings or motives, and would not possess them for all the gold of California.

Mr. DANIEL, (interrupting.) The gentleman takes a distorted view of this matter. So far as

we can infer from the documents read, overtures were made to Watson; and, of course, he endeavored to make a profitable arrangement. But the gentleman represents him as seeking it out.

Mr. MACE. Yes, sir, overtures were made to him, and he yielded to them with alacrity, with an appetite. Overtures were made to him, and he went into the flattering speculation willingly. He makes his purchase, pays the Creeks fifteen thousand dollars for their title to the negroes, and now what has he bought? He supposes he has purchased one hundred and ten negroes that are then in the possession of the United States officers, and controlled by the bayonets of this nation. The same bayonets that held them, could deliver them over to General Watson, and he could sell them into eternal slavery, and pocket a speculation of at least \$50,000. That is what he intended to do.

But what is further shown in this case? What operated upon the mind of General Jesup? These negroes were in his possession. The order came for their delivery to Watson. Does General Jesup deliver them over? No. As an officer of the United States Army—as a man whose heart was in the right place—he refuses to do it. What was done with them then? What became of them? That question has been asked, and I will answer it as the record answers it. You will remember, that after peace was restored, the Seminoles agreed to go to the home assigned them by the Government. In marching there by Fort Pike, if I remember right, they accidentally, as it were, came across and recognized these negroes who had been living with them. They looked upon them in a proper spirit—yes, the savages looked upon the negroes in a Christian light, and not for the purpose of selling them into eternal bondage. What do they do? They come to a stop, and say to General Jesup: We will not move a single inch further unless you let the poor negroes go with us. What was the consequence? Why, General Jesup, his heart being in the right place, as I before remarked, disregarded this trumped-up claim of Watson, and permitted the negroes to go where they belonged, and they went with their brethren, the Seminole Indians, and took up their home with them.

Thus, then, did this rich speculation of General Watson, by which he supposed he should realize so much, vanish to the four winds of heaven. He comes now to the Congress of the United States and asks the representatives of this nation to place him where he was before he entered into this speculation. Instead of realizing \$50,000, he is minus \$15,000, the negroes are free, and that freedom is not secured them by a professed Christian nation, but by a wild, fierce, and savage tribe. Sir, what did he purchase? He purchased one hundred and ten negroes that had been taken from the Seminole Indians. He did not know, nor did he care, whether they were bond or free. That consideration never entered into his mind for a single moment. I say, then, that there is no evidence whatever that these negroes were property, that Watson went into the speculation blindfold, and I will never vote a single dollar out of the Treasury of the United States to pay him—never.

Mr. JOHN W. HOWE. It is not my purpose to detain the committee very long, and in what little I have to say, I intend to speak to the point. I shall confine myself principally to the books. I am not going to tell the committee what my politics are now or what they were a few years ago, for it is known to everybody in this House that I am a Union Whig, with strong Free-Soil tendencies, and opposed to sending delegates to the Baltimore Convention. [Laughter.] But that shall have nothing to do in determining my vote upon this question. I shall examine the case and the evidence, and come to the same conclusion that I would come to in any other place, upon the same amount of evidence.

The history of this case has, I believe, been very correctly stated. In 1836, or thereabouts, this nation was involved in a war with a few swamp Indians in Florida, called the Seminoles, and finding them hard to conquer, in that country, this nation entered into an alliance with another nation, in the West, called the Creek Indians, and (here is a clear case of armed intervention) it was agreed between this nation on the one part, and the Creek nation on the other—*inter alia*—that the Creek Indians should have all the plunder they should take from the Seminoles in

the war then raging. I intend to advert to the contract, and to call the attention of the committee more particularly than has yet been done, to the phraseology of the bond. I shall then call attention to the report that was made in 1842, which is the same report, I believe, that is before us now; at least, this is the third edition without much correction or improvement. I shall then proceed to remark upon the law and testimony, and it is very probable I may convince myself before I get through, that I ought to vote for the payment of this claim. There seems to be some doubt about that, however.

The expression in the contract with the Creeks is "plunder;" and when this case was before Congress in 1842, the committee made a report, in which they translate the word "plunder," *slaves*, as I will show by the reading of the report. The report reads in this way:

"In the year 1836, General Jesup, then in command of the troops of the United States in Florida, agreed with certain Creek warriors, whose services he thus engaged against the hostile Seminoles, that they should be entitled to *all the slaves* and other property of the enemy they might capture."

Now, I wish to say to this committee most emphatically, that the word "slaves" is not mentioned in the contract between the Creek Indians and the United States—the word "negroes" is not there—the word "servants" is not there—the words "personal property" is not there; but it is the word "plunder," as I will show.

The contract is in these words:

"This contract, entered into between the United States of America on the first part, and the Creek tribe of Indians on the other part, witnesseth: That upon the conditions hereafter mentioned, the party of the first part agrees to advance to the party of the second part the sum of \$31,900, to be applied to the payment of the debts due by the Creek nation of Indians. And the party of the second part hereby covenants and agrees to furnish from their tribes the number of from six hundred to one thousand men for service against the Seminoles, to be continued in service until the same be conquered; they to receive the pay and emoluments and equipments of soldiers in the Army of the United States, and such plunder as they may take from the Seminoles," &c.

There is the contract; the word used is "plunder;" and yet in 1842, when compensation was claimed for these negroes, who were said to be slaves, it was stated in the report that the United States agreed in 1836, in so many words, that they would give to the Creek Indians all the slaves they should conquer from the Seminoles in that war. I will leave it to this committee to put their own construction on the word "plunder." I have never understood, and I do not believe it is generally understood in the North, where they speak the English language, that the word "plunder" could be construed or tortured into meaning *slaves*. It is understood to be quite a different article.

In the course of that war, the Creeks conquered and took possession of between two and three hundred negroes, of all ages, of all sexes, and of all relative conditions of life. We find upon the list of captured negroes, an old lady of seventy years of age. We find them of all ages, sixty, fifty, forty, thirty, twenty, and there is one of them a child but two weeks old. That child is claimed by the heirs of Watson as having been among the number of the prisoners of war that the Creeks acquired, under the contract which I have just read. Upon this list we find an old lady who has lived her three score years and ten, and a child just beginning to draw the breath of life—a child but two weeks old.

Now, I make this admission here: I believe it is a fact in the history of this country that the Creeks own slaves, that the Seminoles own slaves, and that the people of the Southern States own slaves, according to the laws of their respective States, tribes, or nations. I have no doubt at all that the Creeks and Seminoles hold slaves.

Well, there seems to be some uncertainty with regard to the number of slaves that were sold, because we find here, by the terms of the contract, that the Creeks sold to General Watson their slaves. If they held slaves, they sold them. They sold them *en masse*. They sold them in droves, as you sell a drove of wild buffaloes; not designating a particular person or persons, but such negroes as were taken by the Creeks from the Seminoles during that war. These negroes were at that time at Fort Pike, below New Orleans, under the charge of Lieutenant Reynolds. From that place they were taken to Little Rock, in Arkansas, and were pursued there by a man named Nathaniel F. Col-

lins, Esq., of Alabama, claiming to have been the agent not of Watson exclusively, but of the Creeks, with a power of attorney to take from the authorities of the United States a certain party of negroes, supposed to be about one hundred and three, more or less, because the evidence is that the negroes, taken as prisoners of war, had been greatly reduced in number by death. It is uncertain how many remained, but probably not more than seventy. It is said that the negroes that were transferred by the Creeks are those contained in the schedule that is found on the 66th page of the Documents of this House, No. 225, as a "Registry of negro prisoners captured by the troops" commanded by Major General Thomas S. Jesup, "in 1836 and 1837, and owned by Indians, or who 'claim to be free.'" Here is one set down as Jacob, and described as wounded in one knee; and here are the wife and children of Jacob. Here is one negro of the age of seventy, another twenty-five, another seventy-two, another seventy-one, another fifty, another twenty, another ten, and here is one only three years of age. Then, too, we have the genealogy of some of the families. Here is one said to have been "sold by Mr. Forrester, of Six-Mile Creek, to Bowlegs several years since." Here are mother and child—the mother twenty-five years old and the child only three years old. Here is one called Dick, said to be the property of Colonel Humphreys. If I had time, I would give you the history of the whole flock. Here are Tena and Linda, and Ishmael and Pompey, and Scipio and Patty, and Ben, and Flora, and Joe; and here is Betsey, who was but two weeks old. She had been christened while quite young, and her christened name was "Betsey." [Laughter.] Here is one called Joe, who is described as "one of the most important and influential characters among the Indian negroes," and his wife and children; "they never had a white master." Here is a man among the number of those claimed as having been sold by the Creeks to this man Watson, who is said here in the inventory never to have had a white master, and is described as one of the most important and influential men among the Indian negroes. Yet he is now claimed as "plunder"—as coming within the denomination of the word "plunder," and to be sold as property.

But the list goes on further. Here is Toby and his wife and children. He is described as the commander of the negro force on the Withlacoochee; the chief councillor among the negroes, and the most important character. He, too, is called "plunder," although one of the most important men taken in that country, and probably one of the hardest to conquer by the united forces of the United States and the Creek nation. Here is another, called Fanny, twenty-five years old, and her daughter Katy, only three years old. Whether she belonged to Jumper—which is the name set down here—or whether that is the name of a tribe, I will not undertake to say. [A laugh.] She is the "cousin of Murray," and is said "to be the property of Colonel Humphreys;" and there is "a defect in Katy's right eye." Fanny is another of the persons sold by the Creeks—if sold at all—and claimed by Watson, as one of the articles of "plunder." Her daughter Katy has a defect in her right eye; that is the only mark upon her by which she could be recognized.

I will state here, that when the agents of Watson looked at this flock of negroes, at Fort Pike, and at Little Rock, they were unable to identify an article of the "plunder" that they claimed to have bought in 1836; and that is one of the reasons why Lieutenant Reynolds, and the other officers who had the negroes in charge at different times, refused to deliver them up. There were no witnesses who could recognize one of them as a part of the plunder captured by the Creeks.

Well, we will go a little further on the list. Here is one whose name is Abraham, and who is fifty years of age. What is said of him? Why here is quite a little biography of him. He is "the principal negro chief; supposed to be friendly to the whites; said to be a good soldier and an intrepid leader. He is the most cunning and intelligent negro we have here. He is married to the widow of the former chief of the nation." Here's "plunder" for you. [Laughter.] The husband of a Queen! Here is a man that has a diadem on his head—a crowned head recognized as plunder, by virtue of a contract entered into on the 28th of

August, 1836, between the United States on the one part; and that high contracting party, the Creek Indians, upon the other. [Laughter.] Here the Creeks have, amongst other "plunder," a chief—one that has been crowned—the first warrior known to the tribe; the husband of a widowed Queen! [Laughter.] He was friendly to the United States. That was no doubt after he was conquered. But I have not time to dwell further upon this part of the case.

But I will refer the committee to a little more evidence. This treaty took place between the Seminole Indians and the United States. I will read the fifth and sixth articles. The fifth article of the treaty is as follows:

"Major General Jesup, in behalf of the United States, agrees that the Seminoles and their allies, who come in and emigrate to the West, shall be secure in their lives and property; that their negroes, their *bona fide* property, shall accompany them to the West; and that their cattle and ponies shall be paid for by the United States, at a fair valuation."

"ART. 6. That the expenses of the movement West shall be paid by the United States."

The treaty was consummated the 6th day of March, 1837, by which the United States minister plenipotentiary, General Jesup, stipulated that the Seminoles should have all their negroes, their slaves—their *bona fide* property, as the expression is—and it shall be taken west of the Mississippi.

Mr. DANIEL. Will the gentleman allow me to correct him? Is not he aware that there were other negroes owned by the Seminoles than those captured by the Creek Indians?

Mr. HOWE. I stated that there were two or three invoices here.

Mr. DANIEL. I stated that there were some two or three hundred of these negroes.

Mr. HOWE. I find that there are three several invoices; now the great question is, which of these three invoices the claim is based upon?

Mr. GIDDINGS. Will the gentleman permit me to explain? Gentlemen do not seem to comprehend these documents. The invoice which my friend has just read included all the slaves and free negroes captured in 1836 and 1837; after that the other invoices were made out, but this includes all captured during these two years of the war in which the Creeks were employed. There were one hundred and three at the time this invoice was made out.

Mr. DANIEL. I will direct the attention of the gentleman to the positive statement of the Commissioner of Indian Affairs. The number captured by the Creeks, and claimed by them, was between sixty and seventy. The number having then been reduced by sickness to that.

Mr. HOWE. The report says one hundred and three.

Mr. DANIEL. Yes; but they were reduced to that by sickness.

Mr. HOWE. Well, I intend to argue this as fairly as any other question in the world, for I do not know how soon I may be a prisoner of war myself, and I shall desire to be treated fairly when I am taken prisoner. I think I should make a very poor negro—[laughter]—slave.

Now, I say distinctly, and I do not wish to be misunderstood, that this number was greatly reduced by death and by disease. The number was about sixty or seventy, as nearly as I can make the calculation, who were actually living at the time the gentleman was making such a desperate effort to bring them into his possession. That is what I meant to say, and that is what I affirm to be a fact. Now, the first question to be ascertained is, were the negroes actually there, or were they negroes at all? The next question is, were they slaves at that time, to be treated as slaves, or were they prisoners of war, and to be treated as such? That is the great and final question upon the subject. General Gaines decided that they were prisoners of war, and he refused to allow some fifty or sixty to be taken from him. The decision of the court was against him, and it was taken up to another tribunal, where that decision was reversed, and they were decided to be prisoners of war; and while they were prisoners of war they were not to be sold as slaves, nor were they to be treated as slaves, much less as "plunder." That does not apply to them at all. Now, what did the United States agree further to do? She agreed to remove them to the West. By the treaty with these Indians, the United States was to remove their slaves—"their *bona fide* slaves"—to the

West. But from the time they were captured as prisoners by the Creeks, they passed into the hands of the Government for the time being. Now, that is the precise position of the case. If Watson did not buy these negroes, who did buy them?

What is the law with regard to warrantee title to real estate? The maxim is, *caveat emptor*. If you want a warrantee you must ask for it in your deed. But not so with personal property: a man who sells personal property warrants that he is the owner of the property, and has a right to sell; if it turns out otherwise, he is responsible over to his vendee. So in this case, the Creeks, not the United States, are responsible to the heirs of General Watson. Now, as I said before, if these persons were property—were "plunder"—then they were legally purchased by the Creeks of the United States, by virtue of the contract with General Jesup; but I deny that slaves are property or "plunder," either in legal or common parlance, except in certain localities, by mere police regulation. They are called property in some States, personal property, and, I believe, in others, *real estate*—for the sake of convenience.

Mr. FOWLER. I ask the gentleman if he will give way in order to enable me to submit the motion, that the committee do now rise?

Mr. HOWE. I will give way for that purpose.

The motion was then put and carried in the affirmative.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman [Mr. DISEY] reported that the Committee of the Whole House had, according to order, had under consideration various bills which they had instructed him to report to the House with the recommendation that they do pass. They had also had under consideration House bill No. 97, which they had instructed him to report back to the House with the recommendation that it be committed to the Committee on Naval Affairs; also Senate bill No. 42, which they had instructed him to report back to the House with the recommendation that it be committed to the Committee on Private Land Claims.

Mr. POLK. I move that when this House adjourns it adjourn to meet on Monday next. I make the motion for the reason that it is the purpose of Congress to celebrate the birthday of the Father of his Country.

Several MEMBERS. Oh! let's adjourn till Tuesday.

Mr. FLORENCE. I move to amend the motion by inserting "Tuesday" instead of "Monday."

Mr. POLK. I accept that amendment.

Mr. DANIEL. Upon that motion I demand the yeas and nays.

A MEMBER. The celebration is to take place on Saturday.

Mr. POLK. I understand the celebration is to take place on Saturday. I therefore adhere to my original motion to adjourn till Monday.

Mr. DANIEL demanded the yeas and nays; but only nine gentlemen rising, they were not ordered.

Mr. FLORENCE. I move to amend by striking out "Monday" and inserting "Tuesday." I will remark that most of the celebrations occur on Monday.

Mr. JONES, of Tennessee. But not those in this city.

Mr. FLORENCE. I notice that several members of the House are to speak at celebrations in other places to be held on Monday; and I think it is proper to adjourn, that one, or two days even, may be devoted by the members of the National Legislature to the patriotic observance of the day which gave birth to the Father of his Country.

Mr. FOWLER. I demand the yeas and nays, and tellers upon the yeas and nays, upon the amendment; which were not ordered.

The question then recurring on the amendment to insert "Tuesday" in the place of "Monday,"

Mr. JONES, of Tennessee, demanded tellers; which were ordered; and Messrs. FOWLER, and STANTON of Tennessee, were appointed.

The question was then taken, and the tellers reported—yeas 97, noes 43.

So the amendment was adopted.

Mr. JONES. I now ask for the yeas and nays on the motion as amended.

Mr. STANTON. They have already been refused.

Mr. JONES. The gentleman is mistaken. They have not been refused on that motion as amended.

The SPEAKER. The Chair must remind the gentlemen that discussion is not in order.

Mr. STANTON. I rise to a question of order. It is, that it is not in order to call for the yeas and nays. The original proposition was offered by the gentleman from Tennessee, [Mr. POLK] and the yeas and nays called for, and refused. The amendment was then adopted, and the yeas and nays were refused upon that amendment. So that the yeas and nays have been refused upon both propositions.

The SPEAKER. The yeas and nays have not been refused upon the proposition as it now stands.

Mr. STANTON. I make another point of order. It is, that this motion is one which cannot properly be amended. They are two independent motions, and you must put the question upon the longest time first.

Mr. JONES. That is not a question of order; it is a constitutional question.

The question was then taken on ordering the yeas and nays; and there were, upon a division of the House, yeas 35, noes 112.

So the yeas and nays were ordered.

Mr. MASON. I move that this House do now adjourn.

[Cries of "No!" "No!"]

The SPEAKER. On a motion to adjourn to a particular day, a motion to adjourn is not in order. They are both privileged motions.

The question was then taken upon the adoption of the motion of adjournment as amended, and there were—yeas 96, nays 62; as follows:

YEAS—Messrs. Abernethy, Aiken, William Appleton, Ashe, Babcock, Barrere, Beale, Bell, Bennett, Bowie, John H. Boyd, Brooks, Albert G. Brown, Burrows, Busby, E. C. Cabell, Caldwell, Thompson Campbell, Carter, Chastain, Clingman, Cobb, Conger, Curtis, Deane, Disney, Duncan, Evans, Ewing, Florence, Freeman, Henry M. Fuller, Gamble, Gaylord, Gentry, Gilmore, Goodenow, Hall, Hammond, Sampson W. Harris, Haws, Haven, Holladay, T. Y. How, Ingersoll, Jenkins, James Johnson, John Johnson, Robert W. Johnson, Kuhns, Mason, McNair, McQueen, Meade, Miller, Miner, John Moore, Morehead, Morrison, Murphy, Nabers, Orr, Outlaw, Samuel W. Parker, Polk, Porter, Powell, Riddle, Sackett, Savage, Schermerhorn, Schoolcraft, Scudder, David L. Seymour, Smart, Smith, Stanley, Frederick P. Stanton, Alexander H. Stephens, St. Martin, Strother, Stuart, Sutherland, Taylor, Thurston, Toombs, Venable, Wallace, Walsh, Ward, Watkins, Wells, Alexander White, Wilcox, Williams, and Yates—96.

NAYS—Messrs. Charles Allen, Willis Allen, Allison, Averett, David J. Bailey, Bartlett, Breckenridge, Brenton, Joseph Cable, Caskey, Chandler, Churchwell, Cleveland, Colcock, Daniel, John G. Davis, Doty, Durkee, Eastman, Edgerton, Faulkner, Ficklin, Fitch, Polver, Giddings, Grow, Hamilton, Isham G. Harris, Hascall, Richard, Hendricks, Houston, John W. Howe, Ives, Jackson, Andrew Johnson, George W. Jones, J. Glancy Jones, George G. King, Edward C. Marshall, McDonald, Meacham, Millson, Molony, Newton, Andrew Parker, Perkins, Phelps, Price, Robbins, Schoolmaker, Origen S. Seymour, Skelton, Benjamin Stanton, Abraham P. Stevens, Stratton, Townshend, Walbridge, Washburn, Welch, Wildrick and Woodward—62.

So the motion as amended was adopted, and the House determined that when it adjourns, it will adjourn to meet on Tuesday next.

[Mr. BELL stated that Mr. HUNTER and Mr. HORSFORD were detained from the House by indisposition.]

Mr. JOHNSON, of Arkansas, asked the unanimous consent of the House to take from the Speaker's table a communication from the Secretary of the Interior, covering an estimate of the Commissioner of Indian Affairs of expenses appertaining to the Omaha Indians now in this city. It is important that the communication should be taken up and referred.

Mr. SEYMOUR, of New York. I believe there are other communications also upon the Speaker's table, which should be disposed of.

Mr. JOHNSON. It is highly important that the communication which I have referred to should be taken up and disposed of, and that the appropriation therein recommended should be made immediately, as it is costing heavily, every day, to support these Indians here. That we should endeavor to avoid. I move that we proceed to the business upon the Speaker's table.

There being no objection,

EXECUTIVE MESSAGES.

The Speaker laid before the House a communi-

cation from the President of the United States, transmitting the correspondence of Captain Long and others, in regard to the conduct of M. Kossuth, while on board the United States steam frigate Mississippi.

Mr. SMITH. I move that the communication be referred to a select committee of five, to be appointed by the Chair, and in addition, Mr. Speaker, I would like to have the letter addressed to me by Captain Long made a part of the document, and printed with the other letters.

Objection being made, the letter referred to was not permitted to form a part of the document.

Mr. SEYMOUR. I move that the communication be referred to the Committee on Foreign Affairs.

Mr. HOUSTON. I will make a suggestion to my colleague, [Mr. SMITH,] which is, to let the papers go upon the table and be printed, and after that it will be seen whether there is any necessity for referring them to a select committee.

Mr. SMITH. I am willing, but I desire that the letter I referred to shall be printed with them.

Mr. JONES, of Tennessee. I have no objection to printing the communication from the Department, but I think it wrong for us to include in it private correspondence.

A Voice. I object.

Mr. SMITH. Allow me to make a single remark in reference to that. The only object I have had in calling out this correspondence is, to vindicate Captain Long and the Navy. The letter which he has addressed to me contains a very distinct statement of the whole affair, and I trust that when I announce that my sole object is to vindicate him, the House will make the letter a part of the document, and have it printed with the other papers.

Mr. STANTON, of Tennessee. I would ask if the letter is before the House, and if so, how it came there?

The SPEAKER. The gentleman asks unanimously consent to introduce it.

Mr. JONES. I withdraw my objection.

Mr. JOHNSON, of Tennessee. I renew the objection.

The question then recurring upon the motion to refer the communication to the Committee on Foreign Affairs—

Mr. SMITH. I would like to inquire whether it is not in order to make a motion to raise a select committee?

The SPEAKER. It is in order, and the Chair entertains the motion; but under the rules, the motion of the gentleman from New York, [Mr. Seymour,] must be first put.

Mr. GAYLORD. I move to lay the communication upon the table, and that it be printed.

The question was then taken on this latter motion, and it was agreed to.

The SPEAKER also laid before the House the following communication from the President of the United States, viz:

To the House of Representatives:

I communicate to the House of Representatives herewith a report to me, dated the 13th instant, from the Secretary of the Interior, respecting the delay and difficulty in making the apportionment among the several States of the Representatives in the Thirty-third Congress, as required by the act of 23d May, 1850, in consequence of the want of full returns of the population of the State of California, and suggesting the necessity of remedial legislation.

The subject is one of much importance, and I earnestly commend it to the early consideration of Congress.

MILLARD FILLMORE.
WASHINGTON CITY, February 14th, 1852.

On motion by Mr. MEADE, it was

Ordered, That the communication and accompanying papers be referred to the Committee on the Judiciary and be printed.

Also, the following communication from the President of the United States, viz:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 26th of December last, requesting information in regard to the seizure of the brig "Aroe," at Jeremie, in the Island of St. Domingo, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

MILLARD FILLMORE.
WASHINGTON, February 12, 1852.

Ordered, That the communication be referred to the Committee on Foreign Affairs and be printed.

Also, a communication from the President of the United States, as follows, viz:

To the Senate and

House of Representatives of the United States:

I transmit to Congress a letter addressed to the Secretary of State by the Commissioner of the United States under

the convention with Brazil, setting forth the obstacles which have impeded the conclusion of the business of that commission.

MILLARD FILLMORE.

WASHINGTON, February 16, 1852.

On motion by Mr. TAYLOR, it was

Ordered, That the communication be referred to the Committee on Foreign Affairs and be printed.

Also, a communication from the Treasury Department, transmitting a letter from the Secretary of the Interior, covering an estimate of the Commissioner of Indian Affairs, for an appropriation to cover the expenses appertaining to the support of a party of Omaha Indians now in this city; which was referred to the Committee on Indian Affairs.

Mr. HOUSTON. I move that this document be printed.

Mr. JOHNSON, of Arkansas. It is entirely unnecessary. But if it is to be printed, I only ask that the Committee on Indian Affairs may be permitted to act upon it before it is printed. To print it will take some two or three weeks.

Mr. STEPHENS, of Georgia. All Executive documents ought to be printed; if not, we can never afterwards ascertain what communications the President has made. They should be printed and put upon our files, and inserted in the volumes of the Executive documents.

Mr. JOHNSON. I have no objection to its being printed.

The document was then ordered to be printed.

Also, a communication from the Treasury Department, transmitting estimates from the Engineer Corps of expenses for constructing an embankment along the foot of a dyke wall at Goat Island, near Newport Harbor.

Mr. HOUSTON. If this document refers to light-houses already in existence, and for supporting and keeping them in repair, then it should be referred to the Committee of Ways and Means. But if it is for the building of new light-houses, then it should go to the Committee on Commerce.

Mr. SEYMOUR, of New York. I will state that it is for the building of a dyke for a light-house. It is a new work.

Mr. HOUSTON. Then it should be referred to the Committee on Commerce.

The communication was then referred to the Committee on Commerce, and ordered to be printed.

Also, a communication from the Treasury Department, transmitting a report of the First Comptroller, showing the contracts made by that Department during the year 1851; which was laid upon the table and ordered to be printed.

Also, a communication from the Treasury Department, transmitting a communication from the Secretary of the Interior, accompanied by Mr. Downing's estimates, therein referred to.

Mr. HOUSTON. Estimates of that kind have usually gone to the Committee of Ways and Means. A few days since, however, a communication from the President of the United States upon the same subject, was, by a vote of the House, referred to the Committee on Public Buildings and Grounds.

The communication was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Also, a communication from the Navy Department, transmitting, for the use of the House, three hundred copies of the Navy Register for the year 1852; which was laid upon the table, and ordered to be printed.

Also, a communication from the Department of the Interior, transmitting a statement prepared by the Commissioner of the General Land Office, of all the facts in relation to the title of certain tracts of land in the Symmes patent, in the State of Ohio, with the opinion of the Attorney General thereon; which was referred to the Committee on the Judiciary, and ordered to be printed.

Also, a communication from the Post Office Department, transmitting estimates of the revenues and expenditures of that Department for the quarter ending September 30, 1851, showing that the amount received for postages collected and postage stamps sold during that quarter, was \$1,314,286 27; which communication was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, a communication from the Commissioner of Public Buildings, transmitting his annual re-

port; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Also, a communication from the Governor of Pennsylvania, transmitting resolutions of the Legislature of that State relative to the bridge over the Ohio river, at Wheeling; which were referred to the Committee on the Judiciary and ordered to be printed.

Also, a communication and sundry papers relative to Samuel Barker's patent and premium paying machine for pitching and painting the seams of vessels; which was referred to the Committee on Patents.

Also, a communication from Louis Kossuth, returning his thanks to the Government and Congress of the United States for the treatment he had received at their hands.

Mr. JOHNSON, of Arkansas. I move that it be referred to the Committee of Ways and Means. [Laughter.]

Mr. STEPHENS, of Georgia. I move that it lie upon the table, and be printed.

Mr. EVANS. I intend to speak one hour upon the proposition to print.

Pending the motion of Mr. STEPHENS, and upon the motion of

Mr. TOOMBS, the House, according to order, adjourned until Tuesday next at 12 o'clock, m.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. SCHERMERHORN: The remonstrance of 165 citizens of the city of Rochester, New York, against the further extension of the Woodworth patent.

By Mr. BOYD, of New York: The remonstrance of 82 citizens of Washington county, New York, against the further extension of the Woodworth patent.

By Mr. HOW, of New York: The petition of 278 citizens of the State of New York, for an appropriation to improve the harbor of Little Sodus Bay.

Also, the petition of sundry citizens of the State of New York for same object.

By Mr. MACE: The memorial of the citizens of Lafayette, Indiana, signed by A. S. White, as President of the meeting, and J. F. Bingham, Secretary, asking for a grant of land to the State of Indiana, Illinois, and Iowa, to construct the Lafayette, Peoria, and Burlington Railroad.

By Mr. MILLER: A memorial of sundry citizens of New Mexico, in relation to the revenue laws of that Territory, and praying relief.

By Mr. WELLS: Two remonstrances by citizens of Montgomery county, New York, against the extension of the Woodworth patent.

By Mr. EDGERTON: Memorials of the assistant marshals of Fulton and Putnam counties, Ohio, for additional compensation for taking the census.

By Mr. DOTY: The memorial of the Rock county, Wisconsin, Agricultural Society, in favor of establishing an Agricultural Bureau.

Also, a petition of citizens of Appleton, Wisconsin, for a grant of land to aid the Rock River Valley Railroad Company to construct a road from Chicago to Lake Superior.

Also, the petition of Joseph Cass, Fried. Seifer, and other settlers on the Menominee Tract, for a preemption of two years, &c.

Also, the petition of D. Lamb, C. L. Fisher, L. S. Warren, and others, for a mail route from Ceresco, Dartford, Princeton, Harrisville, Westfield, &c., to Prairie La Crosse.

By Mr. GAYLORD: The petition of John Finnus, Matthew Scovill, and Charles Clymer, assistant marshals for taking the Seventh Census in Ohio, asking additional compensation.

By Mr. GAYLORD: The petition of John Timms, Matthew Scovill, and Charles Clymer, assistant marshals, for taking the Seventh Census in Ohio, asking additional compensation.

IN SENATE.

MONDAY, February 23, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER

PETITIONS.

Mr. WADE presented the memorials of A. Simpson, James S. Hume, Gilbert Ashby, John Wildbuhner, Josiah F. Price, William M. Baker, and S. G. Bigelow, assistant marshals for taking the Seventh Census in Ohio, praying additional compensation; which were referred to the Committee of Claims.

Mr. SEWARD presented a petition of citizens of Western Pennsylvania, (Pittsburg and vicinity,) asking Congress to declare their recognition of the law against forcible intervention in the internal affairs of other Governments, and to prevent its infraction; which was ordered to be laid on the table.

Mr. BADGER presented the memorial of Haynes Lennon, assistant marshal of Columbus county, North Carolina, asking additional com-

pensation for taking the Seventh Census; which was referred to the Committee of Claims.

Mr. SOULE presented a resolution of the Legislature of Louisiana, in favor of the establishment of a naval depot and navy-yard at New Orleans; which was ordered to be laid on the table.

Also, a resolution of the Legislature of Louisiana, in favor of the establishment of a post office in that part of the parish of Assumption lying on Grand river, and on the mail route between Donaldsonville and Opelousas; which was referred to the Committee on the Post Office and Post Roads.

Mr. BRODHEAD presented resolutions of the Legislature of Pennsylvania, in relation to the harbors on the Delaware river and bay; which were referred to the Committee on Commerce, and ordered to be printed.

Also, a resolution of the Pennsylvania State Agricultural Society, praying the establishment of an Agricultural Bureau; which was referred to the Committee on Agriculture.

Also, two memorials of citizens of Schuylkill county, Pennsylvania, praying a modification of the tariff of 1846, and an increase of the duty on iron; which were referred to the Committee on Finance.

Also, a petition of inhabitants of Pennsylvania, praying that the transportation of the mail on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Also, two petitions of citizens of Philadelphia, praying an extension of Woodworth's patent for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, two petitions of citizens of Pennsylvania, remonstrating against an extension of a patent granted to Austin and Zebulon Parker for improvements upon water-wheels; which were referred to the Committee on Patents and the Patent Office.

Also, two petitions of citizens of Montgomery county, Pennsylvania, praying a modification of the bounty land law; which were referred to the Committee on Public Lands.

Also, a petition of citizens of Northampton, Pennsylvania, remonstrating against an extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. CHASE presented six memorials of assistant marshals for taking the Seventh Census in the State of Ohio, praying additional compensation; which were referred to the Committee of Claims.

Also, a memorial of citizens of Ohio, praying that the transportation of the mails on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Also, five petitions of citizens of Cleveland and Ohio City, Ohio, praying the construction of a ship-canal around the Sault Ste. Marie; which were ordered to be laid on the table.

Also, a memorial of citizens of Cincinnati, Ohio, praying the construction of another canal around the Falls of the Ohio river; which was referred to the Committee on Roads and Canals.

Mr. HAMLIN presented a petition of inhabitants of Gouldsborough, Maine, praying that buoys may be placed at the entrance of the harbors of West Gouldsborough and East Sullivan; which was referred to the Committee on Commerce.

Mr. BRIGHT presented seven memorials of assistant marshals for taking the Seventh Census in Indiana, praying additional compensation; which were referred to the Committee of Claims.

Also, the memorial of Abraham K. Moore and about one hundred inhabitants of Indiana, praying the establishment of a mail route from Hagerstown to Macksville, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. MALLORY presented the petition of Chandler C. Yonge, late district attorney for the northern district of Florida, praying payment for official services duly allowed by the district court, but for which payment is suspended at the Treasury Department because of a defect in existing laws to authorize the same; which was referred to the Committee on the Judiciary.

Also, the petition of the heirs of Christopher Hillary, an officer in the army of the Revolution, praying commutation pay; which was referred to the Committee on Military Affairs.

Mr. FISH presented a memorial of the New York Chamber of Commerce, praying for the immediate removal of the United States Mint from Philadelphia to New York; which was referred to the Committee on Finance.

A motion by Mr. FISH that the memorial be printed, was referred to the Committee on Printing.

Mr. NORRIS presented a memorial of assistant marshals for taking the Seventh Census in Hillsborough county, New Hampshire, praying additional compensation; which was referred to the Committee of Claims.

Mr. JAMES submitted a communication from Albert C. Greene and others, of Providence, Rhode Island, in relation to an increase of the salary of the United States district judge for that State; which was referred to the Committee on the Judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. BORLAND, from the Committee on Pensions, to which was referred the memorial of John McVey, reported a bill for his relief; which was read and passed to the second reading.

He also, from the same committee, to which was referred the memorial of Thompson Hutchinson, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading.

He also, from the same committee, to which was referred the memorial of Elizabeth Jones, reported a bill for the relief of Elizabeth Jones, and the other children (if any) of John Carr; which was read and passed to a second reading.

He also, from the same committee, to which was referred the bill from the House of Representatives for the relief of John W. Robinson, reported it back without amendment.

Mr. FOOT, from the Committee on Pensions, to which was referred the petitions of Mary S. Wetmore and the widow of Lieutenant Colonel Eneas McKay, reported adversely thereon.

Mr. GEYER, from the Committee on the Judiciary, to which was referred the memorial of John Jackson, Joseph Pineau, and Louis A. S. Smith, submitted a report accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the bill to repeal the provision in the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th June, 1852, and for other purposes," approved March 3, 1851, relating to the salaries of the officers of the Territories of the United States, reported it back with an amendment.

He also, from the same committee, to which was referred the memorial of citizens of Philadelphia, relative to the importation of foreign paupers, felons, and convicts, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to which was referred the memorial of the inhabitants of Rhode Island, for the liberation of Drayton and Sayres, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. DOWNS, from the Committee on the Judiciary, to which was referred the memorial of Benjamin S. Roberts, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. SHIELDS, from the Committee on Military Affairs, to which was referred the memorial of the Mayor and Common Council of Chicago, Illinois, submitted a report accompanied by a bill, to authorize them to excavate a portion of the public reservation at that place, with a view to the improvement of the navigation of the Chicago river; which was read and passed to the second reading. The report was ordered to be printed.

BILL INTRODUCED.

Mr. DODGE, of Iowa, by unanimous consent, asked and obtained leave to introduce a bill to regulate the terms of the district court of the United States in the district of Iowa; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

RESOLUTIONS AGREED TO.

Mr. SHIELDS submitted the following resolution for consideration; which was agreed to:

Resolved, That the Secretary of War report to the Senate the amount which has been paid to officers of the Army, on account of double rations, during the year ending July 1, 1851.

Mr. SHIELDS submitted the following resolution for consideration; which was agreed to:

Resolved, That the Secretary of War report to the Senate the amount paid to officers holding brevet commissions, above the amount of their pay in the line, under the provisions of section 2 of the act approved April 16, 1818, during the year ending July 5, 1851.

Mr. JAMES submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on the Judiciary inquire into the expediency of increasing the salary of the judge of the district of Rhode Island.

Mr. MALLORY submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge of the United States for the northern district of Florida.

BILL PASSED.

The engrossed bill for the relief of Mrs. E. A. McNeill, widow of the late General John McNeill, was read a third time, and passed.

WASHINGTON'S BIRTH DAY.

Mr. CLEMENS observed, early in the day, that it had been the custom to pay some respect to the memory of Washington on the occasion of his birth day. On Friday last the Senate neglected to pass any resolution for its observance, and he therefore now suggested an adjournment.

It was, however, desired by several Senators first to dispose of the morning business; and that having been done, the Senate adjourned.

IN SENATE.

TUESDAY, February 24, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

PETITIONS.

Mr. WADE presented two memorials of assistant marshals for taking the Seventh Census in the State of Ohio, praying additional compensation; which were referred to the Committee of Claims.

Mr. RUSK presented a memorial of John W. Bunton, and a memorial of Margaret P. Hallett, administratrix of John Hallett, deceased, praying the appointment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which were referred to the Committee on Foreign Relations.

Also, the petition of Julius A. Pratt, praying that he may be employed to clear out the river San Antonio, in Texas; which was referred to the Committee on Military Affairs.

Also, the memorial of John B. Boyle, complaining of the mal-administration of the postal system in the United States, and proposing a remedy; which was referred to the Committee on the Post Office and Post Roads.

Mr. SMITH presented a memorial of the assistant marshals for taking the Seventh Census in Fairfield county, Connecticut, praying additional compensation; which was referred to the Committee of Claims.

Mr. COOPER presented three petitions of citizens of Pennsylvania, remonstrating against an extension of the patent granted to Austin and Zebulon Parker for improvements in water-wheels; which were referred to the Committee on Patents and the Patent Office.

Also, three memorials of citizens of Philadelphia county, and a memorial of citizens of Lancaster county, Pennsylvania, remonstrating against an extension of the patent granted to W. W. Woodworth for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, a memorial of citizens of Philadelphia, praying an extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, two memorials of citizens of Schuylkill county, Pennsylvania, praying a modification of the tariff; which were referred to the Committee on Finance.

Also, a petition of journeymen cigar-makers, of Lancaster, Pennsylvania, praying an increase of the duties on cigars; which was referred to the Committee on Finance.

Also, six memorials of inhabitants of Pennsylvania, praying that the transportation of the mails on Sunday may be prohibited by law; which were referred to the Committee on the Post Office and Post Roads.

Also, the memorial of William G. Morehead, late consul of the United States at Valparaiso, praying compensation for the time he acted as chargé d'affaires; which was referred to the Committee on Foreign Relations.

Also, two memorials of citizens of the western part of Pennsylvania, praying the construction of a ship canal around the Sault Ste. Marie; which were referred to the Committee on Roads and Canals.

Also, the memorial of Mary F. B. Levely, widow of Henry Levely, a captain of a private armed vessel during the last war with Great Britain, praying a pension on account of wounds and disabilities received in the service; which was referred to the Committee on Pensions.

Also, a memorial of H. G. Helfenstein and others, citizens of Pennsylvania, praying that provision may be made by law to enable them to receive the amount of their claims against Texas at the Treasury of the United States; which was referred to the Committee on the Judiciary.

Also, a memorial of the Select and Common Councils of the city of Philadelphia, praying the erection of artificial harbors in the Delaware river and bay; which was referred to the Committee on Commerce.

Also, resolutions of the Legislature of Pennsylvania, in relation to the harbors on the Delaware river and bay; which were referred to the Committee on Commerce.

Also, a memorial of citizens of Pennsylvania, Delaware, and New Jersey, praying the construction of piers and harbors in the Delaware river and bay; which was referred to the Committee on Commerce.

Also, the petition of Catharine Strubing, heir of James Deimer, deceased, praying compensation for certain lands granted by the British Government to James Deimer and disposed of by the United States; which was referred to the Committee on Private Land Claims.

Mr. JONES, of Iowa, presented a petition of citizens of Iowa, praying the establishment of a mail route from Quasquaton to the county seat of Benton county, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. JAMES presented a memorial of engineers of the navy, praying a reorganization of the corps to which they belong; which was referred to the Committee on Naval Affairs.

A motion by Mr. JAMES that the memorial be printed, was referred to the Committee on Printing.

Mr. FELCH presented six memorials of citizens of Michigan, praying a grant of land to the State for the construction of the Oakland and the Ottawa railroad; which were referred to the Committee on Public Lands.

Also, the petition of Isabella S. Crough, praying that the pay and allowances due her son, Michael Doyle, as an officer of the army at the time of his death in Mexico, may be paid to his legal representatives; which was referred to the Committee of Claims.

Mr. GWIN presented additional evidence in relation to the claim of Joseph Hill and Sons; which was referred to the Committee of Claims; and

On motion by Mr. G, it was

Ordered, That the report of the Committee of Claims, on the petition of Joseph Hill and Sons, be recommitted to the Committee of Claims.

MEXICAN CLAIMS.

Mr. MASON. I am instructed by the Committee on Foreign Relations, to ask that that committee may be discharged from the further consideration of a number of petitions which I hold in my hand, addressed to the Senate, praying an examination or inquiry into the manner in which the claims against Mexico were examined and treated under the late commission which sat under the Mexican treaty. If the Senate will indulge me for a moment, I will state that the petitioners ask that the committee, to which were referred these memorials, may have power to prosecute their inquiries by sending for persons and papers. The Committee on Foreign Relations, however, have considered it impracticable to conduct their inquiries

in this mode, and, on consulting with gentlemen connected with these matters, it seems to be acceptable to them that the subject should be referred to a select committee. The Senator from Louisiana [Mr. Downs] proposed such a reference. He is not now present; and unless some other gentleman is disposed to move that they be referred to a select committee, I will ask that the Committee on Foreign Relations be discharged from the further consideration of these memorials, and move that, for the present, they may be laid upon the table.

The committee was accordingly discharged from their further consideration, and it was ordered that these memorials be laid upon the table.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. PRATT, it was

Ordered, That the petition of the legal representatives of Joseph Ford, an officer of the army during the Revolution, praying a pension, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. SMITH, it was

Ordered, That the memorial of C. Alexander and T. Barnard, on the files of the Senate, be referred to the Committee of Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the report of the Secretary of the Navy of 6th January, and several petitions of officers and seamen of the United States Navy, reported a bill providing additional compensation to officers and men of the navy who have served, or are still serving, on the coast of California and Mexico, and for other purposes; which was read and passed to the second reading.

He also, from the same committee, to which was referred the bill from the House of Representatives for the relief of the heirs of John Jackson, reported the same without amendment.

Mr. FISH, from the Committee on Naval Affairs, to which was referred the memorial of Richard M. Bouton, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred the petition of Lewis Ralston, asked to be discharged from the further consideration thereof, and that the papers relating thereto, which were transmitted to the chairman of the Committee on Indian Affairs the 22d January last by the Secretary of the Interior, be returned to that Department. It was so ordered.

Mr. RUSK, from the Committee on the Post Office and Post Roads, reported a joint resolution modifying the existing laws for the government of the Post Office Department in relation to California and Oregon; which was read and passed to the second reading.

Mr. SHIELDS, from the Committee on Military Affairs, to which was referred the petition of the guardian of the heirs of the late Major Thomas Noel, of the United States Army, praying the settlement of his accounts, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the petition of the heirs of Christopher Hillary, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

He also, from the same committee, to which was referred the petition of Rufus L. Baker, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. BORLAND, from the Committee on Military Affairs, to which were referred the memorials of Benjamin S. Roberts, presented the 12th of January, 1852, and the 11th of February, 1852, asked to be discharged from the further consideration of the same; which was agreed to.

He also, from the Committee on Printing, to which was referred the motion to print the memorial of the Chamber of Commerce of New York, presented the 23d instant, relating to the removal of the mint from Philadelphia to New York, reported that the memorial be not printed; and the report was concurred in.

Mr. BRODHEAD, from the Committee of

Claims, to which were referred the documents relating to the claim of B. Juan Domercq, submitted a report, accompanied by a bill for the relief of Don B. Juan Domercq, a Spanish subject; which was read and passed to the second reading. The report was ordered to be printed.

Mr. JONES, of Tennessee, from the Committee on Military Affairs, to which was referred the petition of Gad Humphreys, reported a bill for his relief; which was read and passed to the second reading.

NOTICE OF A BILL.

Mr. HUNTER gave notice of his intention to ask leave to introduce a bill to modify the several acts regulating the warehousing of imported merchandise, and for other purposes.

ELECTORAL VOTES.

Mr. BORLAND by unanimous consent, asked and obtained leave to introduce a joint resolution; which was read, as follows:

Joint Resolution in relation to the number of electoral votes each State will be entitled to in the presidential election of 1852.

Be it resolved, &c. That the number of electoral votes to which each State shall be entitled in the election of President and Vice President of the United States in 1852, shall be equal to the number of Senators and Representatives to which each of said States will be found entitled by the apportionment under the enumeration of 1850, as provided by the act for "taking the Seventh, and subsequent Censuses," approved May 23, 1850.

The resolution, on the motion of Mr. BORLAND, was read a second time, with a view to reference.

Mr. BORLAND. If it be in order, Mr. President, I will remark, for a moment, upon the character and object of the resolution, before I move its reference.

We have printed, and upon our desks this morning, a communication from the President of the United States, laying before us a report from the Secretary of the Interior, showing why he has been unable to perform the duty of making the apportionment of Representatives upon the basis of the new enumeration, as required by the act of May 23, 1850; the reason stated being the defective returns from the State of California. This communication has been referred to the Committee on the Judiciary. In connection with it, and as a part of the action of the committee and of the Senate in regard to the questions it raises, and requires to be settled, I think the declaration contained in this resolution is most important—necessary, indeed, on account of peculiar circumstances to enable the people of the several States to exercise the elective franchise in the ensuing presidential election.

I have hesitated to bring this question before the Senate, and should not have done so but for the magnitude of its interest to all the States, and particularly to the State I have been sent here to represent; and further, for finding that opposite opinions on the subject are entertained alike throughout the country, as indicated by the newspaper press, and among the members of this body. For myself, I have held from the first but one opinion; but as I am always disposed to distrust somewhat my own opinions, especially upon questions like this, when I find them not concurred in by gentlemen whose capacity to judge of such questions I greatly respect, and concede to be, in general, greatly superior to my own, I desire this difference of opinion to be decided by the authoritative action of Congress.

In my own opinion—which with some diffidence I submit to the Senate—the Constitution, the act of 1792, and the census act of 1850, taken together, clearly and certainly establish the position assumed in my resolution, that the number of electoral votes which each State will be entitled to give in the ensuing presidential election, will be the number of Senators and Representatives to which it will be entitled by apportionment under the recent enumeration; that is, that the election will be held and the votes given upon the basis of the census of 1850, and not that of 1840. In support of this opinion I refer to the Constitution, and the legislation under it on this subject. Providing for the census, or enumeration of the people, the Constitution prescribes:

"The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct."—*Const. U. S., art. 1, sec. 2.*

Until the first actual enumeration, the number

of Representatives was arbitrarily fixed by a special provision; thirty thousand being the minimum of population entitling to one Representative, and New Hampshire having three, Massachusetts eight, &c.

For the election of President and Vice President it is provided that—

"Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the States may be entitled in Congress," &c.—*Const. U. S., art. 2, sec. 1.*

To carry out these provisions of the Constitution Congress passed "An act relative to the election of a President and Vice President of the United States," the first section of which is as follows:

"That except in case of an election of a President and Vice President of the United States prior to the ordinary period as hereinafter specified, electors shall be appointed in each State for the election of a President and Vice President of the United States within thirty-four days preceding the first Wednesday in December, one thousand seven hundred and ninety-two, and within thirty-four days preceding the first Wednesday in December, in every fourth year succeeding the last election, which electors shall be equal to the number of Senators and Representatives to which the several States may, by law, be entitled at the time when the President and Vice President thus to be chosen should come into office: Provided, always, that where no apportionment of Representatives shall have been made after any enumeration at the time of choosing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives."

APPROVED, March 1, 1792.

Until 1850, the practice had been to pass an act, at the end of every ten years, "to provide for taking the census," and subsequently, when the returns of the enumeration, &c., had been received, to pass another "act for the apportionment of Representatives among the several States, according to the census." As examples of this legislation, I refer to the act—the title of which I have just quoted—for taking the Fifth Census, approved March 23, 1830, and the subsequent act for apportionment under the same census, approved May 22, 1832.

This practice was abandoned in 1850; and in providing for "taking the Seventh and subsequent Censuses," it was deemed best, and was provided accordingly, in the same bill, for making the apportionment of Representatives—and consequently, of presidential electors. Accordingly it was, among the new provisions, enacted:

"That from and after the 3d day of March, 1853, the House of Representatives shall be composed of two hundred and thirty-three members, to be apportioned among the several States in the manner directed in the next section of this act."

And further:

"That so soon as the next and each subsequent enumeration of the inhabitants of the several States, directed by the Constitution of the United States to be taken, shall be completed and returned to the office of the Department of the Interior, it shall be the duty of the Secretary of the Interior to ascertain the aggregate representative population of the United States, by" &c., "which aggregate population he shall divide by the number two hundred and thirty-three, and the product of such division, rejecting any fraction of a unit, if any such happen to remain, shall be the ratio or rule of apportionment of Representatives among the several States under such enumeration; and the said Secretary of the Department of the Interior shall then proceed, in the same manner, to ascertain the representative population of each State and to divide the whole number of the representative population of each State by the ratio already determined by him as above directed, and the product of this last division shall be the number of representatives apportioned to such State under the then last enumeration."

["Act for taking the Seventh and subsequent Censuses," &c., sections 24 and 25. Approved March 3, 1850.]

I repeat, that from these citations of the Constitution and Laws, I deduce the opinion that the enumeration of 1850 is the basis of the apportionment of Representatives in the next Congress, and of electors for the ensuing presidential election in November next. The act of '92, which I have quoted, is specific in its provision that this shall be so. The condition that it prescribes, namely, that the apportionment under the new enumeration shall have been made prior to the election, is provided for in the act of 1850, and will be fulfilled by the Secretary of the Interior, who, by a simple arithmetical computation, will, as soon as the returns shall be complete, ascertain and announce the apportionment, and that certainly before the election in November next. And, as if to make this intention and provision the more clear and emphatic, the proviso at the close of the section makes an express and contrasting provision, that in the event that an apportionment under any new

enumeration shall not have been made prior to the election, then the number of electors shall be the same as under the old apportionment.

This, to my mind, is conclusive of the question. Moreover, the uniform practice in all preceding presidential elections has been in accordance with this opinion, or I might, perhaps, with more propriety, say that my opinion has been based upon the Constitution and Laws, as I have quoted them, and as they are elucidated by the uniform practice of the Government.

I do not think I have overrated the importance of this question. It certainly involves the highest rights and interests of the States—the exercise of the elective franchise in the election to the highest offices in their gift. To enjoy that right, and exercise that franchise in an effective manner, it is indispensable for them to know how many votes they are respectively entitled to. But upon this point, as I have before remarked, there are opposite opinions; some contending that they are to vote under one apportionment, and others insisting that another apportionment is to determine the number of votes they shall give. If the old apportionment is to be observed, my own State will have but three electoral votes; whereas, under the new one she will have four. Differences much greater than this, with other States, will be made by the adoption of the one, or the other, apportionment. Some States will lose, and others will gain votes and relative weight in the election, to the extent, in several instances, of from three to four, and perhaps of five votes.

I urge, then, not only the importance of the question itself, but the urgent necessity of disposing of it, by early action upon the resolution I have submitted. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

CONVENTION WITH BRAZIL.

Mr. MASON. I ask the Senate to take up a joint resolution, which I offered the other day, to extend the time of the commission under the convention with Brazil. It is necessary that, if anything is done in relation to it, it should be done, at the latest, by the second of March, and that day is now near at hand.

The joint resolution was read a second time, and considered by the Senate as in Committee of the Whole.

The resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to carry into effect the Convention between the United States and the Emperor of Brazil, of the 27th day of January, in the year 1849," approved March 20, 1850, shall be and the same is hereby continued in force for the period of nine months from and after the first day of March, in the year 1852.

Mr. MASON. The necessity for the extension of that commission is shown in a communication from the Secretary of State, as communicated to us by the President of the United States. There is a provision in the treaty with Brazil which stipulates that all the claimants against Brazil shall have evidence furnished them from that country to establish their claims, if need be; but, from the extent of territory through which that evidence was to be sought, it was found impracticable to obtain that evidence before the commission would expire. The Secretary of State consequently recommends that the commission should be extended for nine months; but, on consultation with the Senator from Maine, [Mr. HAMLIN,] and he with the commissioner, I have become satisfied that it would be most expedient not to extend the time for a period longer than four months; and I move to amend the resolution by striking out the word "nine," in the ninth line, and inserting the word "four," so that it shall read, "shall be, and the same is hereby continued in force for the period of four months from and after the first day of March, in the year 1852."

The amendment was agreed to, and the joint resolution was reported to the Senate. The amendment adopted by the Senate as in Committee of the Whole was concurred in, and the joint resolution was ordered to be engrossed for a third reading; and was subsequently read a third time and passed.

CHARLES G. HUNTER.

Mr. CLEMENS submitted the following resolution for consideration:

Resolved, That the Committee on Naval Affairs be in-

structed to inquire into the expediency of refunding to Charles G. Hunter the amount of losses sustained by him while commanding the steamer "Scourge" and the schooner "Taney," for supplies, for which the proper vouchers were not taken.

RAILROADS IN IOWA.

On the motion of Mr. JONES, of Iowa, the Senate resumed the consideration of the bill granting the right of way and making a grant of land to the State of Iowa in aid of the construction of certain railroads in that State.

The pending question was on the amendment submitted by the Committee on Public Lands, as a substitute for the entire bill.

The amendment was agreed to.

Mr. UNDERWOOD then renewed his amendment, as an additional section, which, after being under discussion for some time, he withdrew a few days ago, to facilitate action upon the committee's substitute.

Mr. GEYER addressed the Senate until the usual hour of adjournment; when, without finishing, he yielded the floor, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 24, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of Friday was read and approved.

The SPEAKER. The first business before the House is House bill No. 104, being a bill granting the right of way and making a donation of public lands to the State of Missouri, to aid in the construction of certain railroads therein. The question immediately pending is the motion to refer the bill to the Committee of the Whole on the state of the Union; upon which question the gentleman from South Carolina [Mr. ORR] is entitled to the floor.

Mr. JOHNSON, of Arkansas. I would ask the permission of the gentleman from South Carolina to make a report from the Committee on Indian Affairs. I would not make this request if it were not for an important matter.

Mr. ORR. Several days have elapsed since I obtained the floor, and I am not disposed to delay submitting my remarks any longer. I wish to proceed now. I would like to oblige my friend.

Mr. PHELPS. I ask my friend to allow me one moment, that I may modify the amendment proposed by me to the amendment of my colleague, [Mr. HALL.]

Mr. ORR. I have no objection to yielding for that purpose.

Mr. PHELPS. I make the following modification of my amendment.

[A copy of this was not obtained. It will be published hereafter.]

Mr. ORR. I propose submitting a few remarks upon the bill now before the House for consideration. I have examined its provisions with great care and attention, and have come to the conclusion to cast my vote for it. I shall, therefore, proceed to state briefly the reasons which have operated upon my mind in bringing me to that conclusion. The first question that is presented to the investigation of the House is this: Has the Congress the constitutional power to make the donations contemplated in this bill? In the Constitution is the following clause:

"That Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

I suppose that the power conferred by this clause upon the Congress of the United States is as ample, full, and complete, as any other power vested by that instrument in Congress. And the only limitation to that power, in my opinion, is an implied trust that the Congress, in making that disposition of the public lands, shall dispose of them in such a manner as most effectually to promote the interests of all the States. Now, this bill proposes to carry out, as I conceive, the constitutional power vested in the Congress for disposing of the public lands. I do not think Congress would have the power to give away all of the public lands; for in that way the Government would not be carrying out this implied trust. By virtue of her right as the proprietor of the public domain, the Government has the right to give away one half of the public lands, that the remaining half may be enhanced in value. Is not that a sound principle? Is it not a correct principle? I do not

design entering into an elaborate constitutional argument upon this subject; but I will quote some authorities which may satisfy the minds of gentlemen who doubt upon this point, which are more concise and infinitely better than any argument which I might make. To them I desire to call the attention especially of the members from the old States who seem to be prejudiced against this bill, because, forsooth, it does not provide for giving lands to the old States. The first authority is that of Mr. Calhoun. I need not say, Mr. Speaker, that that authority with me, perhaps has more weight than the authority of any other statesman living or dead. Whether gentlemen agree with Mr. Calhoun in his general views, or not, it will be conceded by all, I suspect, that he was at least a strict constructionist of the Constitution of the United States, and that he was the last man who figured in public life who would have been disposed by his acts to confer upon the General Government greater powers than those which the Constitution plainly give. In the debate in 1848 in the Senate, on the bill making a donation of public lands to the State of Illinois, Mr. Calhoun participated. He said:

"The question in this case is a very simple one. We are authorized by the Constitution to dispose of the public lands. Here is a public improvement, projected either by the State, or by individuals in the State through which it will pass, and by which the value of the public lands will be enhanced. If, then, it will add to the value of our lands, ought we not to contribute to it? Would we not, as individuals, thus act? This is not a novel principle. It has been acted upon for more than twenty years. The case of the canal connecting the Illinois river with Lake Michigan is a striking one. There, alternate sections were given to make a canal; and I suppose I can appeal with confidence to the Senators from that State, whether the lands reserved to the United States were not disposed of afterwards readily?"

"Mr. BRESEE, (in his seat.) Thousands of acres were disposed of, which would otherwise never have been sold."

"Mr. CALHOUN. I have seldom given a vote the result of which gratified me more than the vote which I gave on that occasion. I then presided in that chair which you now occupy, and gave the casting vote. I take to myself, therefore, some share in the credit of that magnificent improvement. Indeed, I do not think that there is a principle more perfectly clear from doubt than this one is. It does not belong to the category of internal improvements at all. It is not a power claimed by the Government as a government. It belongs to the Government as a landed proprietor. And I will add, that it is not only a right but a duty, and an important duty. Now, what has been considered an equitable arrangement between the Government and the State which may undertake an improvement passing through the public lands? Long since, it was agreed that the grant of alternate sections was a fair contribution on the part of the United States, considered as a proprietor, and from which the United States would be a very great gainer. It appears to me to be an equitable arrangement; and I doubt whether, in any case, either of a canal or a railroad passing through the public lands, the United States will not be a gainer. To that extent I am prepared to go, be the road long or short; if it be long, you gain the more; if it be short, you gain the less: and you contribute in proportion to your gain."

That is one authority to which I wish especially to call the attention of members from the old States, who are disposed to raise a constitutional question against this bill. There is another authority, which I think will be considered upon this side of the House [Democratic] a very high one, from which I will read. General Cass, in that debate, in presenting the reasons why he would support the bill, said:

"This bill does not touch the question of internal improvement at all. It asserts no right on the part of this Government to lay out a road, or to regulate the construction of a road. The Federal Government is a great land-holder; it possesses an extensive public domain; and we have the power, under the Constitution, to dispose of that domain; and a very unlimited power it is. The simple question is, what disposition we may make of the public lands? No one will contend for the doctrine that we cannot give them away to a State. As the Senator from Kentucky has said; every President has signed bills asserting the principle that these lands may be disposed of by the General Government, without restriction as to the purpose of such disposition. We may bestow them for school purposes, or we may bestow a portion for the purpose of improving the value of the rest. What right have you to sit still and see your lands growing in value, through the instrumentality of individuals, without rendering any aid in furtherance of that object? It is the settlement of the lands that makes them valuable."

General Cass subsequently, in the same debate, in reply to a constitutional issue made by the gentleman from Alabama, [Mr. Bagby,] in a more pointed manner maintained the constitutional power of Congress to dispose of a portion of the public domain to enhance the value of the remaining portion. He said:

"I will answer the Senator. The General Government has no power to make any railroad or canal through any State; but the disposal of a portion of the public domain to raise the value of the rest, is clearly within the power of this Government."

I find, Mr. Speaker, in the 15th volume of the "Congressional Globe," another debate upon the bill granting alternate sections of the public lands to the State of Michigan, in which a number of Senators participated. I believe that at that time Mr. Niles, of Connecticut, and Mr. Bagby, of Alabama, were the only two Senators who raised the constitutional question. In that debate Mr. Calhoun participated, and said:

"As far as the Michigan bill was concerned, he understood the principle was simply giving alternate sections of the public land for the purpose of enhancing the value of the remainder. Upon this point he would say that he had not the slightest doubt that the Government not only had the right, as proprietor of the public domain, to grant portions of that domain for such a purpose, but that it was the duty of the Government to do so. The Government, in his opinion, ought to be ashamed of allowing their lands to be enhanced in value by the exertions and at the cost of a State, without contributing in some degree to produce this result."

On that occasion, Mr. Niles, in reply to these observations, charged Mr. Calhoun with inconsistency in voting for that bill, and with an abandonment of his doctrines upon the subject of internal improvement. Mr. Calhoun replied to the Senator from Connecticut, as follows:

"He (Mr. C.) acted now on the principle on which he had acted from the beginning—a principle perfectly clear; and not only was it clearly the right of the Government to make these grants, but he considered that it was the duty of the Government to do so. They did not in so doing act in their sovereign capacity. The question of internal improvements was not at all involved, but simply that of proprietorship, whether, when anything was done to enhance the value of their lands in the vicinity of the works, they were not called on and bound in good faith to contribute something as the proprietors."

He said, further:

"But, in this, and in all cases where a road passed through the public lands, and application was made when the work had been commenced, and there was a reasonable probability that the value of the public lands would be enhanced, he was in favor of contributing largely, and in so doing he abandoned no principle. As far as he could judge of the localities, the canal would be of vast importance. The lands intermediate between the terminus would be greatly increased in value. As to the railroad he could not express any opinion, but was desirous to see it completed, and for that purpose was willing to grant the desired appropriation, on condition only that the Government should have the use of it when required for the conveyance of stores and troops."

It appears that explanation did not satisfy Mr. Niles, and he expressed the conviction that there was no difference at all between voting for the Cumberland road and for giving alternate sections of the public lands, Mr. Calhoun replies:

"Mr. C. remarked, in reply, that if the gentleman could not see a distinction between the case of the Cumberland road—a work undertaken by the General Government—and the case in which the Government, in its proprietary character, contributes to works undertaken by States or individuals, he (Mr. C.) could only express his regret. To him the difference was as great as that between night and day. In the one case there was an exercise of the right of sovereignty, in the other simply that of ownership."

If I should conclude, Mr. Speaker, to write out the remarks which I am submitting, I will perhaps incorporate some other authorities. At present, I will not trouble the House by reading any more authorities with reference to that point. The description of internal improvements objected to, as I understand, by the Republican or Democratic party, is that where the Government appropriates money out of the Public Treasury for the purpose of building roads, or constructing canals in certain localities. In the first place, it is said, and said, I believe, truly, that Congress has no right to levy money upon the people of the United States, for the purpose of constructing such works. That power is not granted by the Constitution. Conceding even that the Government possessed the power, one of the strong objections, and to my mind an insuperable objection against the exercise of it, would be that you levy money indiscriminately, all over the country, upon all of the citizens, and in constructing these works of internal improvement, you benefit sections only. The advantage would be local merely. Certain portions of the country would be favored, and others would not; and it is, therefore, best to leave the construction of these works with the States, who will take care of their own interests in the premises. Their citizens will be taxed for the construction of those works, and they will receive the benefit accruing by the taxation for that purpose. But does this case come within that principle? I think one gentleman, at the opening of this debate, intimated that this bill was liable to all of the objections which had been urged against the Government embarking

in works of internal improvement. There is no analogy, sir, at all.

This bill proposes to donate one half of the public lands within six miles on either side of the railroad to aid in the construction of that work. Does this reduce the revenue accruing from the sale of the public lands into the Treasury of the United States? Not a farthing; and why? Because the bill provides that when you give away alternate sections, that those reserved to the Government shall be doubled in value; and thus those which you are now trying to sell at \$1 25, lands which would remain, probably, in market for twenty, thirty, or forty years at that price, are raised in value to \$2 50, with the confident assurance founded upon universal experience, that those lands will sell more rapidly then at that enhanced price than they do now at \$1 25 per acre. If this was a proposition simply to give the alternate sections without those remaining being increased in value—if, in other words, it reduced the revenue of the Treasury of the United States from the sale of the public lands—then I admit the objection of my friend from Tennessee [Mr. Jones] would be a valid one. But that objection does not exist to this bill. It is a phantom flitting only before the imagination of my friend. That which has given rise, I suppose, to it is the fact that he sees no provision in this bill to extend lands to the old States.

I think I have demonstrated that nothing is abstracted from the Treasury by the grants for the construction of these works, and that all the resources out of which and from which the funds are to come into the Treasury, are not reduced. If this is so, how can it be charged that it is involving the Government of the United States in a system of internal improvements, which has been warred against by the Republican or Democratic party throughout all time. My friend from Tennessee [Mr. Jones] also in the same speech intimated that it was clearly anti-Democratic, as well as unconstitutional. What are the facts? Almost every single one of the present heads, or what are called leaders, of the Democratic party, have supported bills identical with this bill in principle, without an exception scarcely.

I believe Mr. Polk, while he was a member of Congress here in 1828, voted for a bill similar to this, to aid in the construction of canals. Mr. McDuffie voted for such bills, as you have already heard from some of the gentlemen who have preceded me in this debate. General Cass, Mr. Douglas, Mr. Davis, of Mississippi, Mr. Calhoun, and Mr. Houston, in fact the whole of those who are now or were heretofore looked up to as the leaders of the Democratic party, have advocated and supported bills identical in principle with the bill now upon your table. It is not, therefore, anti-Democratic. You may take the vote by which the Illinois bill passed the Senate, or the vote by which the Mississippi bill passed, and you will find that a majority of the Democrats voted for it. Upon the Mississippi bill there were but eight Senators of the entire Senate who voted against the passage of the bill. I think I shall be able to show that this bill as reported by the Committee on Public Lands is infinitely a better bill for this Government than the Mississippi bill. I will show when I come to speak of the bill itself, that it is not to be scouted from this Hall, first, either upon the plea that it is unconstitutional, or second, that it is anti-Republican or anti-Democratic. I do not think that either of these pretexts will be available to drive the bill from this Hall, and I think the gentleman from Tennessee [Mr. Jones] does injustice to his own party when he makes an imputation of that sort; for I take it that even in this House there is, perhaps, a majority of the members of the Democratic party who will vote for these bills.

Having disposed of this constitutional question more by authority than by argument, and having also disposed of the question of Democracy, I desire to direct the attention of the House to the advantage which is to result to the Government from the passage of the bill.

What advantage will the Government derive? The first advantage is this. It will bring lands into market which have been exposed to sale, and have not found a purchaser for thirty years. The road for which this identical bill provides, passes through a portion of Missouri, and through public lands, that have been subject to sale and entry from fifteen to twenty-five years. Those lands

have not been sold, and why? Because they are situated so remote from market, so remote from navigable waters, so remote from all the conveniences of life, so remote from timber—for a large portion of the land consists of prairies—that persons have been deterred from occupying and settling them. Give them the facilities of a railroad; give them the opportunity of bringing timber to these prairies; give them facilities for sending off produce to market, and you will find those lands that have been reserved to this Government selling rapidly at \$2 50 per acre, when they have remained now in market for twenty years, not bringing a dollar and a quarter per acre.

This Missouri bill provides for donating alternate sections of the public lands between the towns of Hannibal, on the Mississippi river, and St. Joseph, upon the Missouri river, lying for thirty miles west of the Mississippi, and for about the same distance east of the Missouri. All the public lands have been taken up, so that, although the line of railroad is a very long one, yet there are sixty miles of that distance where the company will not receive an acre of land. The settlements there go to illustrate the truth of the theory which I laid down, that when settlers are brought within convenient distances of navigable rivers or of railroads, the public lands are taken up. Where these facilities are not convenient, the public lands lie idle—are of no sort of use to the States, General Government, or any person. In many regions of the country there are public lands, as I have already stated, which have been exposed to sale for many years for \$1 25 an acre, but remain unsold, and will remain unsold for fifty years to come, unless improvements of this kind are projected and the lands brought into market.

I might speak of the lands in Florida. The Committee on Public Lands will report a bill for the purpose of constructing a railroad there, extending from eighty to one hundred miles in length, where there are no settlements at all. In my own State, a railroad was constructed from Charleston to Hamburg, passing through a pine country, where the land was not worth more than from ten to fifty cents per acre. These lands rarely found a purchaser because they were valuable only as a range. Since the construction of that road, the lands have increased in value all along the line of the road from ten cents per acre to \$2 50 and \$5 00 per acre. It is not for the purpose of cultivation, but on account of the valuable timber lying along the road, and within the means of transporting the turpentine which these forests may afford, that the lands have risen so much in value. I undertake to say that in Florida, the description of lands of which I have been speaking, will remain unentered for one hundred years, unless some public improvement of this nature is projected and carried out. The Government, then, by making these donations, not only benefits the States or the railroad companies, but it also benefits itself, and it brings hundreds of thousands of dollars into your Treasury, which otherwise would not be derived from the lands. I suspect when you go to the West you will find in many places valuable and fertile lands, capable of producing wheat and corn and cotton, which are not entered at \$1 25 per acre. And why? Because they have not facilities for market. The increase in value of land in the new States, consequent upon the construction of works of internal improvement, will be greater than in the old States. And why? Because the land of the new States is better, the soil more fertile, and consequently the production greater. It is a virgin soil—better than that of the Atlantic slope. I do not believe, from all my knowledge of geography, that there is a country upon the face of the earth that has such an extent of rich lands as the Mississippi valley—lands that will produce from a thousand to fifteen hundred pounds of cotton per acre, and from sixty to seventy bushels of corn. Give the cotton planter, or, for instance, give the farmer facilities for market, and is he not better able to pay \$2 50 per acre than he would \$1 25 for land which was forty or fifty miles from market, and where his corn would not be worth more than five or ten cents a bushel? The committee have assumed, in framing this bill, that, as a general rule, the lands lying within six miles on both sides of a railroad will certainly increase in value 100 per cent. I think I can bring some testimony here which might satisfy the gentleman from Georgia [Mr. Toombs] that the construction of railroads

increase the price of lands, and that greatly. I desire to state, (and if I do not state the fact correctly I hope the gentleman will correct me,) that in the Cherokee country, a region that twelve years ago had no facilities for market at all, their corn was not worth more than ten or twelve cents per bushel. Since that time they have constructed a road there; and in a conversation with an intelligent gentleman from that country a day or two ago, he said to me, that the lands had increased in value along the line of that road, for thirty miles on both sides, from 100 to 2,000 per cent. The committee assumed that land lying along the lines of these roads for six miles would certainly increase in value 100 per cent. In many instances, I have no doubt it will greatly exceed 100 per cent. and reach 500 per cent., and in some cases reach even 1,000 per cent. But six miles is assumed by the committee as the distance upon the average on either side, and that the increase in value will at least reach 100 per cent. I think the settlers in the new States ought to be liberally treated by this Government, for it requires a bold and enterprising man to give up and renounce all the conveniences and luxuries to be met with in the old States—to take leave of the home of his childhood, the friends of his youth and maturer years, to plunge into a western forest. All this requires courage and enterprise. These people deserve liberal treatment from the Government, and are especially entitled to receive it, when the Government does not injure itself or the other States of the Confederacy by extending it. They have but little capital there, and that is one reason why these donations should be made. When persons emigrate to the West or Southwest, as a general rule, all the capital they carry with them is their industry and enterprise. If you give them these lands so as to enable them to purchase iron for the construction of roads to be realized by a sale of the land, their industry will accomplish the balance, and they will benefit themselves and you.

Now, Mr. Speaker, I wish to submit a few remarks upon some of the details of this bill. It is provided that where the lands have been taken up within the six miles by entry, the company shall be allowed to go a distance of fifteen miles for the purpose of making up this quota. Well, that feature, I am free to acknowledge, did not meet my approbation fully, but I have waived any serious objection to it that would have led me to vote against the bill. The Government is amply compensated by allowing this extension from six to fifteen miles. In the first place, it is provided that the mails shall be carried over these roads, not at such prices as the company and the Government shall agree upon, but at such price as Congress shall fix—leaving it absolutely under the control of Congress. I suppose every gentleman on this floor familiar with the operations of the Post Office Department, knows the difficulties that are encountered now by the Postmaster General in making contracts for carrying the mails over the railroads of the country. There is scarcely a railroad company in the United States that does not avail itself of the opportunity presented, to extort from the Government larger compensation for the transportation of the mails than it is justly entitled to. But by this bill you reserve to yourselves the right to say at what price the mails shall be carried. That is one great point gained. The distance from St. Joseph to Hannibal is about two hundred miles, and the cost of transporting a heavy mail, being within the first class, over a railroad between those two places would be \$300 per mile. There would be \$60,000 paid out by the Government for the transportation of the mails over that road for one single year. That is more than it is worth, and Congress by adopting this policy can apply a corrective, and vote to these railroad companies a fair compensation. But there is another advantage to the Government in this bill which was not included in the Mississippi bill or in the first Illinois bill. It is this; the bill provides that the troops of the United States shall be transported over these roads throughout all time without charge; and also that munitions of war, and property of the United States of every description, shall be transported free of charge.

Now look at this Missouri road. It points in the very direction which you are compelled to go in traveling to Utah, New Mexico, Oregon, and California. And let me ask gentlemen, how long are you to have an Indian frontier between those

remote States and Territories on the Pacific and the western border of Missouri? It will be, perhaps, a hundred years before the red man of the forest is exterminated, and during the whole of that time it will be necessary for the Government to keep up troops and stations upon the frontier to guard against the incursions, which these Indians may make.

Now take the transportation of the mails and public property over these roads for fifty years time, and I venture the assertion that it will pay you an interest of thirty per cent. upon every dollar that you donate to these companies—perhaps an interest of fifty per cent. upon every dollar.

Here let me say, that all the bills that the Committee on Public Lands have determined to report to this House are bills of a national character—are bills which, if passed, will be of infinite service to this Government in time of peace, in the transportation of the mails, and in time of war, in the transportation of troops and the munitions of war.

Well, sir, there is another clause in this bill which was in none of the bills previously passed, and it is one which should commend itself to the favorable consideration of all the members of this House. It is this: the donation is made, not to the companies, but to the State, upon condition that the State shall faithfully appropriate the fund for the benefit of the particular companies. But the question may be started, how are you to guard against an abuse on the part of the State? It may be said, what if the State sells these lands and pockets the money. Well, we guard against that effectually. We provide in this bill that when the road has been surveyed, and the certificate forwarded to the Secretary of the Interior, the Secretary of the Interior shall order that twenty miles of the road may be sold, and when that twenty miles has been sold, no other land along the route of the road shall be brought into market, or be subject to sale until the Secretary of the Interior has a certificate from the Governor of the State to which the donation is made, that twenty miles of that identical road have been completed. So that the only fraud—if the State was disposed to practice fraud, and I hardly suppose that any State of this Union would do it—that could be practiced, could not extend to a greater amount than one hundred and twenty sections of land.

This bill does not, as some of the bills formerly did, establish the relation of debtor and creditor between the State and this Government. In the bills passed some years ago, it was provided that if the State sold the lands and did not construct the road, she should refund to the Treasury of the United States whatever money she had received for it. But in this bill we guard against all possibility of fraud, by not allowing the State to bring into market more than twenty miles of land until twenty miles of the road are completed; then twenty miles more may be brought into market, and so on until the whole road is constructed.

Now, with all these advantages, what good objection can exist to making these donations? It does not cost you a farthing. It does not abstract any revenue from the Federal Treasury. It does not reduce the resources of the Treasury at all. All experience demonstrates that when you have constructed these railroads, the lands through which they pass will sell more readily for \$2 50 an acre than they will for \$1 25 per acre without the railroads. With this view of the case—the constitutional difficulties being removed—looking to the great advantage which you can do to these States, and to the inhabitants of these States—looking to the immense boon that you can give to them without impoverishing yourselves—I ask, what good reason can be given for not passing the bill and making the donation?

We ask that the bill shall be put upon its passage now, without going to the Committee of the Whole on the state of the Union. Those members who are at all familiar with proceedings here know, if I may be allowed to apply a quotation that is used upon more solemn occasions, that when a bill is sent from this House to the Committee of the Whole on the state of the Union, unless it is a universal favorite or an appropriation bill, it has gone to "that undiscovered country from whose bourn no traveler ever returns." Every member who has had any experience here knows this to be the fact.

I have now, I believe, presented most of the views of this matter that I desired to present, and

all I have to say in conclusion is, that I trust the House will deal liberally and generously towards our fair daughters, of the West, and I have no doubt that we shall never have cause to be ashamed of or to repudiate them.

Mr. WELCH. Would it be in order to offer an amendment to the bill now?

The SPEAKER. It would not, as there is an amendment to an amendment already pending.

Mr. HOUSTON. I suppose it would be in order to move to amend by way of substitute?

The SPEAKER. The Chair thinks that it would not.

Mr. WELCH. Then I ask the Clerk to read the amendment which I send to the desk, and which I design to offer at the proper time.

The Clerk read the amendment, as follows:

Sec. 1. *And be it further enacted*, That for the purpose of aiding in the construction of a railroad from the said city of St. Louis, by way of the city of Cincinnati, and through the county of Washington, in the State of Ohio, to Three Forks, or some other point in the State of Virginia, on the Baltimore and Ohio Railroad, there be and is hereby granted to each of the States through which the same shall be located, to wit: the States of Illinois, Indiana, Ohio, and Virginia, the right of way for the same, and also six sections of the public lands belonging to the United States, and not otherwise appropriated or pledged, for each and every mile in length of such road, which shall be located in each of said States respectively, to be selected by the Governor of each State, subject to the approval of the Secretary of the Interior, and to be disposed of by the Legislatures respectively of said States, as provided in the fifth and seventh sections of this act, and the proceeds to be applied to aid in the construction of said road from St. Louis in this section mentioned; which road, as well as the dividends accruing to said States on stock therein, shall be subject to all the provisions aforesaid respecting said roads through the State of Missouri.

[A message was here received from the Senate, announcing the passage of sundry bills by that body.]

Mr. WELCH. I am in favor of this bill, and will vote for it whether my amendment be adopted or not.

Mr. FOWLER, (interposing.) I ask the gentleman to give way for a moment, in order to allow me to give notice of an amendment, which I propose to offer as soon as I can have an opportunity. I desire to give that notice now, because I do not know that I shall have another opportunity. I ask that it be read for information.

The amendment was then read for information by the Clerk, as follows:

Sec. 7. *And be it further enacted*, That there shall be granted to the States named in this section, for purposes of education and of internal improvement, so much of the public domain as is specified for each: that is, to the State of Maine, five hundred and eighty-three thousand and forty acres; to the State of New Hampshire, three hundred and seventeen thousand seven hundred and sixty acres; to the State of Vermont, three hundred and thirteen thousand nine hundred and twenty acres; to the State of Massachusetts, nine hundred and ninety-four thousand two hundred and forty acres; to the State of Rhode Island, one hundred and forty-seven thousand five hundred and twenty acres; to the State of Connecticut, three hundred and seventy thousand five hundred and sixty acres; to the State of New York, three millions ninety-seven thousand two hundred and eighty acres; to the State of New Jersey, four hundred and eighty-nine thousand two hundred and eighty acres; to the State of Pennsylvania, two millions three hundred and eleven thousand six hundred and eighty acres; to the State of Delaware, ninety thousand five hundred and sixty acres; to the State of Maryland, five hundred and forty-six thousand eight hundred and eighty acres; to the State of Virginia, one million two hundred and thirty-one thousand six hundred and eighty acres; to the State of North Carolina, seven hundred and fifty-three thousand two hundred and eighty acres; to the State of South Carolina, five hundred and fourteen thousand two hundred and forty acres; to the State of Georgia, seven hundred and fifty-three thousand two hundred and eighty acres; to the State of Tennessee, nine hundred and six thousand five hundred and sixty acres; and to the State of Kentucky, eight hundred and ninety-seven thousand nine hundred and twenty acres; which lands so granted shall be located in parcels conformably to sectional divisions and sub-divisions of not less than three hundred and twenty acres in any one location, if so much can be had, on any public land, except such to which a right of preemption may have attached, or such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands shall have been surveyed according to existing laws; and it shall be lawful for the Governors of said States respectively, to appoint one or more agents to locate the lands granted as aforesaid, for the State of which he is the Governor. Such agents, in making their locations, shall be governed by such rules and regulations as the Secretary of the Interior may, from time to time, prescribe; and when the lands for each State have been located and selected, patents therefor shall be issued to the State entitled to the same.

Sec. 8. *And be it further enacted*, That the lands granted to the States according to the preceding section, shall be disposed of by said States respectively, in such manner as their respective Legislatures may direct: *Provided, however*, That no portion of said lands shall be sold at less than one dollar and twenty-five cents per acre, until otherwise au-

thorized by a law of the United States, and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement, or to purposes of education, or to both, as the legislatures of the States respectively owning the lands granted may direct: *Provided, further*, That all roads, railways, bridges, canals, and water-courses which shall be exclusively built, constructed, or improved by the funds arising from the disposition of said lands, shall be free for the transportation of the United States mail and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

Sec. 9. *And be it further enacted*, That it shall be lawful for the agents aforesaid, or any one of them, in selecting lands and making locations for his State, to select and locate any of the alternate sections or any part thereof which may have been or may hereafter be reserved from sale by any act of Congress granting lands in aid of the construction of any railroad or canal whatever: *Provided, however*, That in locating any such section or part of section, the State for whose benefit it may be selected and located shall be charged with, and the quantity of land granted to such State shall be diminished by double the quantity of acres contained in the reserved section or part of section thus selected and located. Nothing in the three last sections contained shall authorize the location of any lands granted by them or either of them, within the limits of the State of California or the Territories of New Mexico, Utah, or Oregon.

Mr. F. said; I hope to have an opportunity to offer this amendment, when I will endeavor to show the justice and propriety of it.

Mr. WELCH. I should be glad to have the attention of the House for a short time; and I will promise to occupy only a few moments in explanation of the amendment which I have sent to the Chair.

Mr. HOUSTON. I ask if the morning hour has expired?

The SPEAKER. It has not yet expired.

Mr. HOUSTON. If the gentleman would as lief speak in the morning hour to-morrow, I ask him to give way in order to allow me to move to go into Committee of the Whole on the state of the Union.

Mr. WELCH. If I can have the opportunity to speak at another time I have no objection.

Mr. HOUSTON. The morning hour will expire in a few moments. I ask, therefore, that the gentlemen from Ohio will give way for me to move to proceed to the business on the Speaker's table. He will then be entitled to the floor when the business comes up to-morrow morning.

Mr. WELCH. I will give way with that understanding.

Mr. HOUSTON. I now move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union upon the special order.

The SPEAKER. That motion can only be entertained by unanimous consent.

Mr. HALL. I object to it.

Mr. HOUSTON. The morning hour having not yet expired, the gentleman from Ohio [Mr. WELCH] gives way in order for me to make that motion, and I ask the Chair if the motion is not in order? I do not propose to make it under the rule. I take it for granted that under the rule it is always in order to go into Committee of the Whole on the state of the Union.

The SPEAKER. It would be competent for the gentleman from Ohio [Mr. WELCH] to make that motion; and the Chair thinks it would be in order for him to yield to the gentleman from Alabama [Mr. HOUSTON] to make the same motion.

Mr. HALL. If the gentleman from Ohio yields the floor for that purpose, I ask whether he does not yield the floor altogether?

The SPEAKER. The Chair thinks, under the rule, he does lose it altogether.

Mr. HOUSTON. If that is the effect of the motion, I will not take the floor from the gentleman.

The SPEAKER. The Chair thinks the gentleman from Ohio cannot yield the floor for that purpose, unless he yields it altogether.

Mr. HOUSTON. I think the practice of the House is the other way, but as the morning hour has so nearly expired, I will not consume time in the matter.

Mr. WELCH. Mr. Speaker, I do not propose to consume the time of the House for more than a few minutes for the purpose of explaining the amendment which I have sent to the Chair, because I suppose, from the reading of it at the Clerk's desk, the House have become possessed of the facts.

The bill before the House proposes a grant of lands to aid in the construction of two railroads in the State of Missouri. The amendment which

I have proposed provides for taking up the one of these roads which commences at St. Louis and runs to some indefinite terminus upon the western boundary of the State of Missouri, and to continue it through the States of Illinois, Indiana, a part of Ohio, to Cincinnati, and thence to the Ohio river, at a point somewhere on the line of Washington county, at or near the town of Marietta; from thence to the Three Forks, or some other point on the line of the Baltimore and Ohio Railroad, in the State of Virginia, thus connecting the two roads, so that there shall be a continuous line of railroads from the city of Baltimore to the extreme western line of the State of Missouri. That is the character of the amendment which I propose, or at least that is the road to aid in the construction of which this amendment is intended. It is to carry out the principles of the bill, as applied to Missouri railroads, so far as they are applicable to this proposed road, through Illinois, Indiana, Ohio, and a part of Virginia. That is, it proposes that there shall be granted to each of these States, in the first place, the right of way through the public domain through which the proposed road is to be located; and in the next place, it proposes not to give alternate sections, because there is but a small quantity of the public lands through which it passes, nearly all having been sold. It proposes, therefore, that there shall be granted to each of the States through which it passes, respectively, as much of the public lands for every mile of the road within her limits as shall be equal in amount to the alternate sections which it is proposed to grant to the Missouri roads by the bill now under consideration; that is, six square miles or sections to every mile in length of the road.

Mr. HOUSTON, (interrupting.) I desire to inquire of the Speaker whether the morning hour has yet expired?

The SPEAKER. It has expired.

Mr. HOUSTON. I feel called on by a sense of duty, in relation to other measures before the House, to move that the House do now proceed to the consideration of the business on the Speaker's table.

The question was taken, and the motion was agreed to.

KOSSUTH'S LETTER OF THANKS.

The SPEAKER. The first business in order is on the motion to print the communication from the President of the United States, transmitting a letter of thanks from Louis Kossuth to the Government and Congress of the United States, upon which the gentleman from Maryland [Mr. EVANS] is entitled to the floor.

Mr. HOUSTON. Will it be in order for me to move to suspend the rules, and go into Committee of the Whole on the state of the Union upon the special order?

Mr. EVANS. I do not wish to lose the floor upon this question. I am willing that the motion shall be made.

Mr. HOUSTON. Then I submit that motion. The question was put, and the motion agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

The CHAIRMAN. The special order before the committee is joint resolution No. 1, explanatory of the act approved September 28, 1850, granting bounty land to certain officers and soldiers who have been in the military service of the United States.

When the committee rose, the question pending was on the amendment proposed by the gentleman from Ohio, [Mr. BELL.] to add two additional sections to the bill—to come in at the end of the second section—upon which question tellers had been ordered.

The amendment was reported, as follows:

1. That the provisions of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," passed September 28, 1850, be and are hereby intended to and for the service of any non-commissioned officer, musician, or private, who engaged to serve for a definite or indefinite period of time, and actually did serve some time, though less than thirty days in any of said wars enumerated in the first section of said act, so as to allow to such person or persons entitled thereto forty acres.

2. That in cases where there is no widow or minor child or children entitled under the provisions of said act, then the heirs at law and next of kin shall be entitled to receive the same quantity of land that such deceased commissioned

officer, musician, or private, would have received had he been living at the passage of said act.

3. That in the event of the death of such non-commissioned officer, musician, or private, who shall have made application for bounty land under the provisions of said act, during the pendency of such application, any warrant issued in the name of any such deceased applicant, such warrant so issued shall not become void, but shall inure to and for the benefit of those entitled thereto, the same as if such officer or soldier had been deceased at the passage of said act.

Messrs. CHANDLER and BRECKENRIDGE were appointed tellers.

The question was then taken upon the amendment of Mr. BELL, and the tellers reported—ayes 55, noes 66.

So the amendment was lost.

Mr. MARSHALL, of Kentucky. May I inquire at what point of the bill we now are?

The CHAIRMAN. The third section of the bill will be read, and then that section will be open to amendment.

Mr. MARSHALL. I wish to offer the amendment I hold in my hand, so that it may come in as an additional section at the end of the second section of the bill.

Mr. JONES, of Tennessee. Do I understand that the first and second sections have been stricken out?

The CHAIRMAN. The first section was first stricken out; and then the second section was stricken out, and the second section of the bill reported by the select committee was inserted in its stead.

Mr. MARSHALL. So I understand, and that the amendment of the gentleman from Ohio [Mr. BELL] was not agreed to.

The CHAIRMAN. It was not agreed to, as an additional section.

Mr. MARSHALL. It is at this point, then, that I desire to offer the amendment which I send to the table.

The amendment was then read, as follows:

If any officer or soldier who would, if living, have been entitled to the benefit of the act of Congress, passed September 28, 1850, shall have died leaving no widow surviving him, the child or children of such officer or soldier shall be entitled to the benefit of said act; and if there are no children living, then the father or mother of such officer or soldier shall be entitled, or in default of father or mother, the right shall descend to the brothers and sisters of such officer or soldier in a full manner as though said soldier or officer had himself received the bounty, any act to the contrary notwithstanding.

Mr. MARSHALL. It is proper that I should state frankly to the committee my object in offering this amendment. It is to extend the sphere of operation of the principle of the act of September 28, 1850. That act is imperfect, because its friends in the Thirty-first Congress were compelled to take what they could obtain. They did not obtain much that they would have desired. I bring forward this proposition to test the representation from the country as to the propriety of extending the provisions of that act so as to embrace the heirs of the deceased soldier. It has been decided by the Department of the Interior that if a party has applied to the Pension Bureau for his bounty land—has filed his papers and satisfactory evidence to sustain the application—and then dies prior to the issue of the warrant, a new application must be made on the part of his widow, as the original beneficiary under that law, for that by death his right has lapsed. If he has left children, some of whom are minors and some adults, the minors only will take, and a new application must be made in their name to the exclusion of the adults. I regard this as utterly indefensible in point of policy, or even justice. If the soldier has left no widow or minor children, there is no one who, under this construction, can take, even though the soldier was living when the act of 1850 passed, and under its provisions prepared, presented, and proved his claim prior to his death.

Mr. Chairman, I have never been able to comprehend the soundness of that philosophy which confines the right to take, by descent, to the minor children of the soldier. The falsity of the principle may be easily illustrated by a case. I will suppose two men from the same vicinity to have volunteered in 1812. They march to the seat of war in the same company. One is married, the other single. The married man leaves a wife and children behind, and in actual battle he perishes in the service. His wife dies, and his orphans are early turned upon the cold charities of the world, to drift through life. Wanting education, their lot has been lowly, and they have eaten the bread of

poverty all their days. Now, the single man shall be supposed to have survived the war. He returned to his home; and, followed by the plaudits of his neighbors, he entered upon the successful pursuit of business, acquired wealth, married in the maturity of life, and then died, leaving minor children, upon whom is cast a large and valuable patrimony. A grateful country determines to testify its sense of the patriotism of these soldiers by passing the bounty land law, and the act of 1850 says to the children of the one, "It is true you are poor; it is true your father died in the glorious conflict with our foe; it is true that we now behold you in want; but you are over twenty-one years of age, and we can do nothing for you. Turn now to regard that youth who possesses fortune and station, and revels in luxury. On him we shall bestow our benefaction, and our only reason is that he is not twenty-one years of age." Is there any sound philosophy in the reason? Is the policy sound that is based upon such an unsound reason? The law of this country should be equal in its application to whatever class it touches.

This, I know, is considered a gratuity; but if we mean to extend a gratuity as the meed of honorable and patriotic service, let it extend to all who performed the service. If you would give me land because I fought your battles, give it to my comrade also, who gloriously perished in the fight. If he left children to inherit his fame, why make a distinction between them which he never would have made, and which the whole scope and tendency of our institutions have repudiated? The distinction has never been satisfactory to my mind. I imagine it was accidental; and I think any other supposition would detract from the title of Congress to intelligence. My amendment rectifies this defect, by casting the descent upon the children alike, whether they are minors or adults.

But it goes further. There were very many men who served in the war, and have died, who never were married, and who left no children surviving. These men may have left a widowed mother, or a decrepit father, or brothers and sisters. Shall the single men who perished in battle, or who served in your wars, receive no testimonial of the country's gratitude? Sir, it is not for the value of the land that these grants are prized so dearly by the people. Your forty acres are scarcely worth thirty dollars. They are prized because the benefaction marks your sense of the patriotic service of the deceased. And, surely, the widowed mother whose gallant son has fallen for his country, will wonder that his services sleep in oblivion when you are bestowing largesses for patriotism upon his more fortunate comrades and their children.

Mr. Chairman, this amendment does not include heirs generally, because I suppose it will be necessary, as a matter of convenience in applying the act, to stop before we branch into distant collaterals. I have drawn the amendment so as to embrace "brothers and sisters" of the soldier, because existing laws have extended the line of descent that far in the case of volunteers and regulars who served in the Mexican war. That is the precedent I have followed, and I have stopped where existing laws stop. I think the soldiers of 1812, and of the wars to which this act refers, should be placed on a footing as nearly equal as practicable to the soldier of later days.

I do not propose to detain the committee by any remarks impertinent to the amendment I have proposed. I trust that the vote upon it will be a test vote—that we shall understand by it whether this committee will extend this bounty land law at all, and that while we provide for those who were deceased at the time of the passage of the act, we at the same time will indicate by our vote the proper limitation upon the extension of that act.

[Here the hammer fell.]

Mr. JONES, of Tennessee. The amendment of the gentleman from Kentucky [Mr. MARSHALL] certainly, at first blush, appears rather reasonable than otherwise. But in practice it will be found wholly impracticable to mete out the benefits of that law to the heirs-at-law of the persons who are intended to be the beneficiaries of it. Sir, what is the policy of our pension laws where a soldier is killed in actual battle? There the pension of half pay for five years is limited to such of his children as shall be under sixteen years of age at the time of his death, or to his widow, if he

leaves one. It does not include all the minors. The law of 1850 extends its benefits first to the widow and then to the minor children. Suppose you give it to the brothers and sisters of the deceased soldiers, who, if living, would be entitled to its benefits. Perhaps there are ten of these brothers and sisters, and two or three of them have died leaving some five or six or more children each. They must prove, in order to get a forty-acre land warrant, all the heirs entitled under the law—all the brothers and sisters, and all the children of such as are dead. I think this would be impracticable, living, as many of them would be, in different parts of the country, and even when they should have established their relationship and their title to a warrant for forty, eighty, or even one hundred and sixty acres of land, it would not be worth the trouble and expense incurred in getting it.

Mr. MARSHALL, (interrupting.) Does not the gentleman perceive that my amendment does not propose to descend beyond brothers and sisters? As a matter of course, if any of them have died, leaving children, those children being in a collateral line, further removed, would be cut off. We must stop somewhere.

Mr. JONES. Then the gentleman's amendment is unjust, and should be rejected on that ground. According to that amendment, one brother who happens to live will be entitled to the benefits, while another who dies, leaving a number of minor children unable to support themselves, will not have any of the benefits of this law which you intend for the brothers and sisters of the soldiers who have died before they made application for their warrants. Sir, I cannot see the necessity or propriety of extending this law. Perhaps the brothers of these men who died were in the service and received the benefits of the law on their own account.

So far as the heirs are concerned, I think the law of 1850 extends sufficiently far, and I hope the House will vote down the amendment. I would further say, that I think it would be sound policy in us to rise and report this bill, and let it lay upon the table until the Senate shall have disposed of the House amendment, or ask a committee of conference, when the whole subject will be disposed of in that manner, and, perhaps, satisfactorily to a majority of each House.

Mr. MEADE. Is it in order to propose an amendment to the amendment of the gentleman from Kentucky, [Mr. MARSHALL?]

The CHAIRMAN. It will be in order.

Mr. MEADE. I propose, then, as an amendment to add after the word "died" in the third line, the words "after the passage of the said act." I understand the amendment of the gentleman from Kentucky [Mr. MARSHALL] goes to the extent of embracing the heirs generally of all soldiers in the war of 1812, and in every war we have had since the Revolution, up to the present time. The probability, then, is that for every man enlisted during these wars, there will be a warrant for forty, or one hundred and sixty acres of land, to be taken out of the public domain. The bill of 1850 limits these warrants to certain classes of soldiers; in the first place to those who may be living; in the second place to those who have died leaving widows only, or infant children. In that way, probably no more than one fourth of the whole number of soldiers who enlisted in these wars will receive these bounty lands. Now if this House is willing to grant, in addition to the ten or fifteen millions of acres of public land already granted to the soldiers, some thirty or forty millions more, then I will adopt the amendment of the gentleman from Kentucky, [Mr. MARSHALL.]

But I thought there was an amendment necessary to the original bill which was passed in 1850, so as to secure to the heirs generally of those soldiers who were living at the passage of that act, these bounty lands, in case they shall have failed to secure their warrants before their death. The act of 1850 gave to those soldiers who were then living, a vested right; and in case they were dead, or should be so unfortunate as to die previous to the issuing of their warrants, I think it right that those lands should have descended to their heirs generally, in case they left neither a widow nor an infant child. I understand that the Secretary of the Interior has given a most extraordinary construction to that act, to the effect that if a soldier makes his application,

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and dies before his warrant may issue—though his death may have preceded the issuing of the warrant only twenty-four hours—the warrant cannot descend to his heirs; a decision involving the difficulty hereafter of establishing the fact—whenever a soldier shall die, and there shall be found among his papers afterwards a warrant issued from the Pension Office—that the death took place subsequent to the issuing of the warrant. For, according to the construction placed upon the law by the Secretary of the Interior, the warrant may have issued from his office the day after the soldier died, when, of course, he knew nothing about his death. This construction involves great difficulty practically, which ought to be got rid of by an act declaratory of the act of 1850. The best mode of getting rid of it, is to adopt the amendment which I have proposed, by which all those warrants issued to soldiers who have died since the passage of 1850, shall be regarded as vested estate in the soldier, and to descend as any other property to which he may be entitled.

Mr. MARSHALL. In my opinion, the adoption of the proposition of the gentleman from Virginia [Mr. MEADE] would obstruct rather than facilitate the execution of the law, should my amendment be accepted by the committee. If you limit the class to be provided for by the amendment to those who have died "since the passage of the act," you at once introduce several discrepancies into the statute which will give occasion for future legislation, besides working immediate injury. For instance: if you say that the act shall in the first place be confined to those who were living at the date of the act of 1850—then I remark, of those it will apply only to such as have made out their claim under the act. Now, take a case for illustration. Take two soldiers, of whom one died the day before the passage of the act of 1850; the other the day after. They were equally meritorious. Would you cut off the children of the one and grant to the children of the other? There is no propriety in this. I was entirely frank in my remarks when presenting my amendment to your consideration. If the gentleman feels disposed to stop this right in the ascending and descending line from the soldier, he may confine it to the children, or he may confine it to the mother and the father, excluding the collaterals entirely. With the approbation of the House they may strike off brothers and sisters, though I shall vote against such a motion. They may strike off the father and mother, but against that I shall also vote. I am not in favor of extending it to the heirs at law generally. I want the bill to pass, and I do not want it smothered by amendments which will tend to kill it.

Mr. JONES, of Tennessee. I first want to ask if the law of descent in Kentucky is, if a man die leaving no children, but brothers and sisters, and some of his brothers and sisters also die leaving children, whether the children of the deceased brothers or sisters do not come in as heirs?

Mr. MARSHALL. That depends on circumstances.

The question was taken upon the amendment of Mr. MEADE, and it was rejected—there being upon a division 23 ayes—noes not counted.

Mr. FULLER, of Maine. I propose to offer the following proviso to the amendment:

Provided, If any person entitled to bounty land under the act of September 28, 1850, shall have died after his application and completion of proof, the certificate of land which may issue on such application shall descend to his heirs and legal representatives generally.

Mr. FULLER, of Maine. The object of my amendment is of a more limited nature than some of those which have been offered for the purpose of testing the sense of the House. I desire, if I can have the attention of the Committee, to attract their notice to a given state of facts. Here is a young man, for instance, who was entitled to bounty land—who has made his application, made his proof, and who has been to the expense of procuring his papers and filing them in the Department, but owing to the delay incident to the great

number of applications has not yet received his warrant. In the meantime he has died. The Department has no knowledge officially of that death and in due time they take up the application, consider it, and issue his warrant. In such a case the warrant goes into the hands of the agent. What shall be its effect? He has by that act established an inchoate title. If he has survived a sufficient length of time to have obtained his certificate, located his land, and received his patent for it, then his right is perfect, and it will descend to his heirs. The question I wish to submit is, that after a man has gone to the extent of making his proof and having his certificate issued, and in the meantime dies, whether in that limited class of cases this House will not think that his heirs shall be entitled to the benefit of it. This is much more limited than the rule that would allow them to come in after his death, and before any preliminary steps had been taken. I will state why my attention has been particularly called to this state of facts. A number of applications have passed through my hands to the Commissioner of Pensions, as I presume there has through the hands of every member upon this floor. I find in my hands applications from persons that were personally known to myself, who have died, and their heirs are now living. Now, where there is an inchoate right of title by the act itself, it seems to me to be just and fair that his heirs, his minor children if he has any, if not—the young men—collaterals should have the benefit of the warrant. I hope my amendment will prevail.

Mr. WHITE, of Alabama. In the event of the estate being insolvent, to whom would the benefits of the bounty accrue—to the heirs, or the creditors of the soldier?

Mr. FULLER. By my amendment it would be regulated by the laws of descent of the State where the applicant resided.

Mr. WHITE. There would be an incompatibility in the amendment. Now the heirs of an individual and his legal representatives are entirely different questions; but the laws of descent—

Mr. FULLER. If the gentleman will allow me one word. Suppose in such a case there were a number of heirs—brothers and sisters—among whom to divide the land. It might be difficult to sell the warrant and divide the money. That would have to be done through the legal representatives.

Mr. WHITE. There would be no difficulty whatever in the event the amendment only extended to the heirs-at-law; but I understand the amendment of the gentleman to be, that it shall descend to the heirs at law and to the legal representatives. According to the law of the State which I have the honor in part to represent, and indeed of every other State, the claim of the creditor always has precedence of the claim of the heir. Then, under the amendment the gentleman proposes, the creditor, through the representative, would take the entire benefit of the law.

Mr. FULLER. If the gentleman will allow me one moment, I will modify my proposition by striking out the words "and legal heirs generally," so that it will be a benefit to the heirs.

Mr. WHITE. Then it will be a benefit to the heirs.

While I am upon the floor, I will make one or two remarks in reference to the amendment as proposed by the gentleman from Kentucky, [Mr. MARSHALL.] Now, sir, to my mind the amendment of the gentleman from Kentucky has a decided preference to any other amendment which has been proposed to this part of the bill. And why? What is the object of the law giving bounty land to the soldier? It is to reward him. For what? Why, for services done to his country. He has merited the gratitude and bounty of the Government whenever he has performed service, and I contend that he should never be excluded from the benefit of a law passed through the manifest gratitude of the country to him, unless it be by some fault of his own. Now, unless we can say the fact of a man's having died is to be attributed to him as a fault—unless we can say that that which is a misfortune shall be

visited upon him as an iniquity—it seems to me that the intelligence of this House would grant to him, as nearly as may be done after his death, the benefit of this law. How is it to be done? It is to be done in the mode indicated by nature, and which has been followed out by our law—that is, to give the benefits of the law to those to whom he would have probably given it—to those descended from him—in the event that his right had become perfect by making his application under the act of 1850. Well, if we are not to exclude the soldier on account of his having died, why the warrant must descend to some one. Shall it descend generally, or shall it descend to a particular class of persons? I say that it should descend, in accordance with the amendment of the gentleman from Kentucky, to certain classes, and this meets the objection which was made by the gentleman from Tennessee, and it struck me that he would see it in his own argument. This is not a descent to the heirs generally, but it is a descent in the first instance to the children generally of the soldier. In the next instance, it is to descend to the father or to the mother. In the next, to the brothers and sisters. Now, there can be no difficulty whatever in carrying out this law, and the impracticability of the thing, which struck the gentleman as an insuperable difficulty, is nothing but an impracticability which appertains in all cases of descent. It belongs to our laws.

The question was taken upon Mr. FULLER's amendment, and it was rejected.

The question recurred on the amendment of Mr. MARSHALL.

Mr. JOHN W. HOWE. I would ask the gentleman whether the land would pass to the brothers and sisters of a half-breed?

The CHAIRMAN. The Chair would remind gentlemen that debate is out of order?

Mr. DUNHAM. Can I move an amendment now?

The CHAIRMAN. It is too late to amend after the House has divided.

Tellers were called for and ordered.

The question was then taken upon Mr. MARSHALL's amendment, (Messrs. MOLONY and FOWLER acting as tellers,) and resulted—ayes 91, noes 34.

So the amendment was agreed to.

Mr. DUNHAM. I propose to add as an additional section to the one which has now been adopted, the fifth section of the bill reported by the select committee.

Mr. TAYLOR. It is so long since we have considered this bill in committee that other gentlemen seem to be in the same situation with myself, and do not know which section of the bill is under consideration, or what sections have been adopted. Will the Chair be kind enough to state the question?

The CHAIRMAN. The joint resolution of the House is under consideration. At the former sitting, the first section had been stricken out; then the second section and the second section of the bill reported by the select committee was substituted. They have now inserted, as an additional amendment, the section proposed by the gentleman from Kentucky, [Mr. MARSHALL.] The gentleman from Indiana [Mr. DUNHAM] now proposes to amend by adding as an additional section, the fifth section of the bill proposed by the select committee, which will be read by the Clerk, as follows:

Sec. 5. And be it further enacted, That where any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, with a view to determine the quantity of land any officer or soldier is entitled to under said act, approved twenty-eighth of September, eighteen hundred and fifty, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized, to the place where the same was mustered into the service of the United States; and also one day for every twenty miles from the place where such company, battalion, or

regiment was discharged, to the place where it was organized, and from whence it marched to enter the service.

Mr. DUNHAM. It will be seen the object of the section is to obviate the difficulty suggested by the gentleman from Maine, [Mr. FULLER.] The officers have construed the bounty land law to mean, that in case of the death of the soldier after having made his application and before the warrant has been issued, the warrant shall not issue upon such application. If the application has been made by the soldier, then the widow, if there is one, must come in and make a new application; or, if the widow has made the application, the warrant cannot issue upon that application, but a new application must be made in order to get a warrant for the children. The object of this section is to remedy that difficulty, and authorize the Department to issue the warrants to the parties entitled upon the application which may have been filed by the original party, upon proof, as a matter of course, of the heirship. They have also construed that law to mean, in a case where the warrant has actually issued and has not been located, and the patent has not been issued, if the warrantee is dead, the title does not pass to his representatives. This section also provides, instead of such a construction as this, that they shall issue a patent to the party entitled if the soldier made the application, and instead of the warrant being returned and a new application being made out for the widow, the widow herself shall come on and make the location, or the children may go on and perfect the title by taking out the patent upon the warrant already issued. I think there is no doubt but what this section ought to be adopted, and I think it comes in very appropriately after the one offered by the gentleman from Kentucky, [Mr. MARSHALL,] and which has been adopted. If the House are disposed to carry out the principle laid down in adopting the proposition of the gentleman from Kentucky, they must adopt the amendment I propose, for this follows the original bill giving the warrant to the widow, and in case of the death of the widow, to the minor children, but it goes no further. In order to make the bill consistent, it is necessary that the same amendment which the gentleman offers should be made to this section, and which I shall leave him to offer.

Mr. MARSHALL, of Kentucky. I see the inconsistency, and I will move to amend the amendment, so as to make it consistent. I propose, then, to amend the amendment by striking out in the seventh and tenth lines the words "minor heirs" and inserting "his children, or in case there are no children, then to his father or mother, or in default of these, to his brothers and sisters." I offer it in compliance with the suggestions of the gentleman from Indiana, [Mr. DUNHAM,] that it is necessary in order to make the section he proposes consistent with the section which the committee has just adopted.

Mr. JONES, of Tennessee. I ask for the reading of the 40th rule of the House, and let gentlemen determine how many are interested in this bill by their fathers or brothers.

The rule was then read, as follows:

"No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put. And when any member shall ask leave to vote, the Speaker shall propound to him the question, 'Were you within the bar when your name was called?'"

Mr. WALSH. I rise to a point of order. I voted in the affirmative. I am directly interested, and I do not like to vote in violation of the rules of the House. I have already given my vote upon the amendment of the gentleman from Kentucky, [Mr. MARSHALL,] and should like to withdraw it.

The CHAIRMAN. It is too late for the gentleman to change his vote.

The question was then taken upon the amendment; and it was agreed to.

The question recurred on the amendment of Mr. MARSHALL.

[MR. DARBY QUALIFIED.]

At this point of the proceedings, Mr. DARBY, of Missouri, who had been unable to take his seat in consequence of severe indisposition, was here brought into the Hall in a chair, and had the usual oath to support the Constitution of the United States administered to him by the Speaker.]

Mr. MEADE. I desire to offer an amendment

to the bill, to come in at the end of the amendment which has just been adopted on the motion of the gentleman from Kentucky.

The CHAIRMAN. That amendment has not yet been agreed to. The pending question is on the amendment proposed by the gentleman from Indiana, [Mr. DUNHAM.]

Mr. MEADE then moved to amend Mr. DUNHAM's amendment, by adding thereto the following:

Provided, That in no case shall a collateral relation be entitled, where there are any descendants of such soldier living.

Mr. M. said: That amendment would more properly belong at the end of the amendment which has just been adopted, and which was proposed by the gentleman from Kentucky. The gentleman from Kentucky did not probably effect his own object by that amendment. He certainly did not intend to exclude the grand-children of the soldier, for the benefit of his brothers and sisters. The amendment proposed by the gentleman, and which has been adopted, gives the land, in case there are no children, to the father and mother, and if there is no father and mother, then to the brothers and sisters. But if the soldier has a dozen grand-children, they receive nothing.

Mr. MARSHALL, of Kentucky, (interrupting.) I ask the gentleman if it has not been repeatedly decided that grand-children come in under the term "children."

Mr. MEADE. It may be so in Kentucky, but I assure the gentleman it is not so throughout the United States. I know very well it has been decided that where a testator leaves property to his children, it is to be divided between the children and not the grand-children. I think that if the committee intend finally to adopt that clause, it should be amended in such a way as to secure the land to the descendants of the soldier instead of to the collateral heirs. I have offered the amendment in order to draw the attention of the committee to the injustice that would be done if the bill should pass in its present shape, and I now withdraw the amendment in the hope that the alteration will hereafter be made.

There being no objection, the amendment was withdrawn.

Mr. BRENTON moved to amend Mr. DUNHAM's amendment by striking out the word "explanatory" in the third line, and inserting the word "amendatory" in lieu thereof.

Mr. B. said: I am decidedly in favor of the amendment proposed by my colleague, but I think it does not meet the case that he intends to provide for, and I offer this amendment merely for the purpose of making a suggestion to him. I suggest to him that he should insert after the words "the passage of this act," these words, "and shall have made his application."

The object of my colleague, as I understand it, is to meet a case of this sort, where the soldier having made his application, and having died before the issue of the warrant, his widow and children have to make a new application. Now, in order to meet that case fully, the amendment I have suggested will have to be adopted.

I am inclined also to think that when the different amendments which have been adopted shall be put together, we shall find a mass of confusion, of which some of us will perhaps be ashamed. I am clearly of the opinion that in the present state of the question—this whole subject having been heretofore discussed here for days—the true policy for this committee to pursue is to lay this bill aside, and await the action of the Senate upon the measure which has already been sent from this House. I can see no necessity for spending time in going over and over the same ground, when this whole question must come up again hereafter. The committee had better rise, lay this subject upon the table, and await the action of the Senate on the other bill. We shall then know where we are, and be able to act understandingly.

Mr. B. then, by unanimous consent, withdrew his amendment.

Mr. BELL moved to amend Mr. DUNHAM's amendment by striking out all after the words "be it enacted," and inserting in lieu thereof the following:

That in the event of the death of a commissioned officer, musician, or private, who shall have made application for bounty land under the provisions of said act, during the pendency of such application, any warrant issued in the name of any such deceased applicant, such warrant so

issued shall not become void, but shall inure to and for the benefit of those entitled thereto, the same as if such officer or soldier had been deceased at the passage of said act.

Mr. B. said: I will simply state to the committee that that amendment is designed to meet the views of the Secretary of the Interior, expressed in a letter which I have received from him. It provides that in the event of the death of an applicant during the pendency of his application, the warrant issued in the name of said applicant shall inure to the benefit of those entitled thereto; it does not name any particular class of heirs, but leaves that dependent on the law. I hope the gentleman from Indiana [Mr. DUNHAM]—who does not seem to be in his seat—will see the propriety of adopting this as a substitute for his amendment.

The question was then taken on the amendment to the amendment, and it was agreed to.

The question now being upon the amendment as amended,

Mr. BELL. Will the Chair state the question as it now stands?

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Ohio, as an addition to the fifth section of the bill reported by the select committee as amended on the motion of the gentleman from Ohio, [Mr. BELL.]

Mr. BELL. My motion was to strike out all after the enacting clause in the amendment of the gentleman from Indiana, [Mr. DUNHAM.]

The CHAIRMAN. Then the Chair did not understand the motion of the gentleman. The question then is upon the amendment as amended—being, in fact, the amendment of the gentleman from Ohio [Mr. BELL.] as a substitute for that of the gentleman from Indiana, [Mr. DUNHAM.]

The question was taken, and the amendment as amended was agreed to.

Mr. GAYLORD. Is there a third section to the bill?

The CHAIRMAN. There is, but it has not yet been reported.

Mr. GAYLORD. I move to strike out the third section of the bill before the House, and to insert the fourth section of the Senate bill.

The third section was then reported, as follows:

Sec. 3. *And be it further resolved, That the said officers, whether in or out of office at the time of the passage of this act, or their legal or personal representatives in case of their death, shall be entitled to receive from the Treasury of the United States, for similar services heretofore performed in such cases, an amount equal to the compensation provided for by the first section of this act, after deducting the amount already received by such officers under the act entitled "An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants," approved May 17, 1848: *Provided, That no register or receiver shall receive any compensation out of the Treasury of the United States for past services, who has charged and received illegal or exorbitant fees for the location of such warrants.**

The fourth section of the Senate bill, which it was proposed to substitute for the above, was then read by the Clerk, as follows:

Sec. 4. *And be it further enacted, That in all cases where the militia or volunteers or State troops of any State or Territory were called into military service, and whose services have been paid by the United States subsequent to the 18th of June, 1812, the officers and soldiers of such militia, volunteers, or troops, shall be entitled to all the benefits of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required; and that the last proviso of the ninth section of the act of the 11th of February, 1847, be and the same is hereby repealed: *Provided, That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.**

Mr. LANE. I propose to amend the amendment.

The CHAIRMAN. Does the gentleman propose to amend the portion to be stricken out, or that to be inserted?

Mr. LANE. To that to be inserted I move the following:

Provided, further, That all persons who performed military service in defence of the citizens of the Territory of Oregon against the Cayuse Indians, in what is commonly known as the "Cayuse war" of 1847 and 1848, are hereby held and declared to have been in the service of the United States for all the purposes of this act, and the act to which this is an amendment, and entitled accordingly.

And it is further provided, That all persons entitled to bounty land warrants under the provisions of this act, or of the act to which this is an amendment, and who may be residents of said Territory of Oregon at the date of the passage of this act, shall be entitled and permitted to locate their warrants upon any unclaimed lands in said Territory,

and that upon such survey and location patent shall issue therefor as in other cases.

Mr. L. said: I offer this amendment, because I think it ought to be adopted—because I think the people of Oregon have claims upon this Government which can only be paid by the adoption of such a provision as I have proposed to this bill. There is no class of cases, in my judgment, more meritorious than this. At a time when the Territory of Oregon had not more than nine hundred voters, and when they could get no assistance from the Government of the United States; when there had been no troops sent there, and before the laws of the country extended over them, the Indians made war upon that country. They commenced by killing Dr. Whitcomb, his wife, and all about him, and threatened, by a union of the tribes in that vicinity, to overrun the entire settlements and destroy them. It was thought necessary by the provisional government to call out the people of that Territory. They turned out almost to a man, and endured all the hardships of a service of nearly nine months, without provisions, without supplies, without a commissary, without a quartermaster, without clothing, and without arms; every one taking up such arms as he could get hold of, for the purpose of defending his country, and saving the lives of the women and children in that country. They performed a harder service than any volunteers performed in the service of this country since the war of the Revolution. But there is no law giving them a bounty for that service. They are justly entitled to it. I think, if this House will ever inquire into this case, and understand it—if they will look at the condition that country was in at the time to which I allude, and the good conduct of the people in defending themselves—if they could know of the sufferings and hardships that people endured, they would readily, I have no doubt, provide for placing them upon the same footing with the other volunteers who have served their country. Is there any good reason why volunteers, serving in a proper and just war for avenging the murders committed upon the people of Oregon, should not be provided for the same as the volunteers serving in any other portion of the country? I have no doubt about this defence; and if the House will understand it—if they will understand the nature of the war and the service performed by the people of Oregon—I believe there is no member here who would hesitate to make this provision. The whole force mustered into the service did not exceed five hundred men, and I think less than that. Now, all we ask is, that they may be entitled to the same amount of land to which other people are entitled who have acted as soldiers in the service of the country. We ask, also, that they may have the privilege of locating their lands in the Territory of Oregon. We do not ask that they may be allowed to come here, but that they may be allowed just what they are entitled to, and the privilege of locating their lands in the Territory of Oregon.

Mr. COBB. I want to ask the gentleman a question, and it is this: Are the people which the gentleman desires to make provision for, citizens of Oregon?

Mr. LANE. They are citizens of Oregon.

Mr. COBB. It would be with a great deal of difficulty that I could be brought to vote against anything which the honorable gentleman from Oregon [Mr. LANE] might even ask for. I recollect distinctly, after I gave a vote a few days ago to provide for that gentleman, I was told that I should have to answer for that vote at home. Well, sir, if I have to answer for it, let me answer for it. I will do justice.

As to the amendment which the gentleman from Oregon proposes to the amendment, I am opposed to it. I well recollect, when I was upon the Committee on Public Lands, we all strove to provide bountifully for that Territory, and a provision was made giving each settler from one hundred and sixty to three hundred and twenty acres of land, and even much larger grants than that. I am determined, so far as my action goes, to provide liberally for the people of that Territory, and I am willing to vote for anything in the line of reason which the gentleman from Oregon asks for; but when he proposes an amendment which is to trammel the bill, and which I know, whether it is intended or not, will have the effect to trammel the amendment introduced by the gentleman from Ohio, which contains a meritorious provision for

which the act of 28th September, 1850, was intended to provide, I cannot go with the gentleman thus far.

Mr. Chairman, the proposition of the gentleman from Oregon proposes to give to that meritorious class of citizens what we have already given, and we have given a much larger amount than he now proposes. I will ask that a letter be read from the Secretary of the Interior, to show his decision in relation to those citizens which we intended to be provided for by the bounty land law of 1850. I know what we did intend to do then, the decision of the Secretary of the Interior to the contrary notwithstanding. I know that we intended to embrace all those individuals who have been engaged in service, in the defence of their country, whether in a war declared by the General Government or not. Look at the hostilities between this Government and the Creek and Cherokee Indians! Did the Government declare war against them? Why, sir, the whole of the individuals engaged in the war with Mexico would not be considered as serving in a regularly declared war. Was war declared against the Florida Indians? Was war declared against the Mexican Indians? And yet are the soldiers who fought against those Indians in the defence of their country, to be denied the benefit of the bounty land law?

[Here the hammer fell.]

Mr. JOHNSON, of Tennessee. I would like to know the exact state of the question.

The CHAIRMAN. A motion is made to strike out the third section of the bill, and insert the fourth section of the Senate bill by way of amendment. The gentleman from Oregon proposes to amend the amendment by adding to the section which is proposed to be inserted.

Mr. JOHNSON. Is that amendment amendable?

The CHAIRMAN. It is already an amendment to an amendment in the second degree. The question must first be taken upon the amendment to the amendment.

Mr. CARTER called for the reading of the amendment of Mr. LANE; which was read as above inserted.

The question was then taken on the amendment to the amendment; and it was disagreed to.

Mr. DUNHAM. The bill is now open to amendment, is it not?

The CHAIRMAN. The third section is open to amendment. The amendment pending is to strike out the third section, and insert the fourth section of the Senate bill.

Mr. FOWLER. I should like to know what the fourth section is, which it is proposed to insert? I do not understand it.

The fourth section of the Senate bill was then read as above inserted.

Mr. BELL. Before the question is taken on that amendment, I move to amend the fourth line of the fourth section of the Senate bill by striking out the words "subsequent to the 18th of June, 1812." I presume my friend across the way [Mr. GAYLORD] who offered this amendment, will see the propriety and justice of accepting it. I would like to know why evidence of payment of soldiers by Government since June, 1812, is necessary to entitle them to bounty land, when those who served in the wars of 1790-'93-'94 are entitled to the same, although they cannot produce the evidence of payment to them by the Government?

[Mr. DUNHAM here made a remark entirely inaudible to the Reporter.]

Mr. BELL. Very well; I hold that it has been once paid, and at a subsequent day it cannot entitle him to a preference over a man who has rendered the service and has not been paid. There can be no reason for it. If you take the records of the Department, showing that a man has received pay from the Government as evidence that he has performed services, I ask that the same rule be applied to evidence of payment existing in the Departments, at any and all times. If this provision has any application at all, it is to bring in a class of soldiers who have not served thirty days. Now, if they served twenty-nine in the wars of Harmer, St. Clair, and Wayne, they surely would be entitled to the same consideration as if they had served in a subsequent war. Hence I think it should be stricken out. I do not design to take up the time of the committee, but simply wish to call their attention to this restriction in

the section proposed to be substituted. I hope my amendment will be assented to by the gentleman from Ohio, [Mr. GAYLORD.]

The question was then taken on the amendment of Mr. BELL, and it was agreed to.

Mr. DEAN. I move that the committee rise.

Mr. HOUSTON. Will the gentleman modify his motion so as to provide that the committee rise and report the bill?

Mr. DEAN. That is my motion.

Mr. CLINGMAN. There is an amendment now pending, and until it is disposed of, such a motion is not in order.

The CHAIRMAN. The motion is out of order, as there is now an amendment pending.

Mr. DUNHAM. I would inquire if, being in committee by a special order, the House can do anything until this matter is disposed of?

The CHAIRMAN. It cannot.

Mr. STEPHENS, of Georgia. Let us vote down the amendment.

The question being still upon the amendment of the gentleman from Ohio, [Mr. GAYLORD,]

Mr. LANE. I want to offer an amendment, which I hope the House will adopt. I propose to amend the amendment so that all persons entitled to warrants, and now living in Oregon Territory, may have the privilege of locating their warrants within that Territory. You will recollect that under the provisions of this law, to which this is an amendment, bounty lands can be only located where the public lands are surveyed. They are not surveyed or in market in Oregon Territory. I ask that such persons as are referred to in my amendment, may have the privilege of locating their claims in Oregon Territory, to be surveyed by the Surveyor General in the same manner as other claims are surveyed.

The amendment was then read, as follows:

And it is further provided, That all persons entitled to bounty land warrants under the provisions of this act, or of the act to which this is an amendment, and which may be owned by residents of said Territory of Oregon at the date of the passage of this act, shall be permitted to locate their warrants upon any unclaimed lands in said Territory, and that upon such survey and location patents shall issue therefor, as in other cases.

Mr. BROOKS. I hope the proposition of the gentleman from Oregon [Mr. LANE] will not prevail. In the bill of the last Congress about forty-eight millions of acres of public lands were bestowed by these bounty land warrants. In the bill before us, as it stands now, about thirty millions more, I suppose, are proposed to be granted. We have made these warrants assignable. Now, the proposition of the gentleman from Oregon [Mr. LANE] is, practically, that these land warrants be taken in large masses and groups—being bought up by speculators, and be located in twenty, thirty, or forty miles square in Oregon—and that these large masses of land be held by one or two individuals. In the civil and diplomatic bill there is something of a like proposition, and I call the attention of the House to it now. It is to open to these bounty land warrants all lands now unsurveyed, that may hereafter be surveyed; that is, to open to the location of them the whole vast field of all the public lands. A more gigantic system of land plunder never was designed by human ingenuity. We who have lived in the midst of vast patroon estates in the State of New York, involved in anti-rent troubles and surrounded by anti-rent wars, warn the country against this gigantic scheme of land-holding. I warn Congress to take notice now, that this proposition is not to be confined to Oregon. It is to go out throughout all the unsurveyed lands of the United States. Put down this proposition and the one in the civil and diplomatic bill now, and give your attention to it now. Meet it in the beginning, unless you want the brokers of Wall street, of Cincinnati, and St. Louis, who are now gathering these assignable land warrants in all quarters, and preparing to locate them upon these lands in twenty, thirty, or forty miles square, to establish a system of patroonery landlordism, such as we are surrounded by in the State of New York, and such as has caused murders and disorders of all sorts, and has cost us hundreds and thousands of dollars to enforce the execution of the law.

I am opposed to the proposition of the gentleman from Oregon, for Oregon and for all other parts of the United States. If these land warrants are to be made assignable, I say confine them to the surveyed lands, and let them be located upon

such lands, and upon no others. Let the people of Oregon be content with the liberality of the provisions of the land law of the last Congress. Congress dealt with them with a very bountiful hand.

Mr. LANE. If the House will allow me to explain, as I did not make a five minutes speech—

The CHAIRMAN. Debate is exhausted.

Mr. LANE. I did not consume the time allowed me.

The CHAIRMAN. The gentleman from Oregon stated his proposition, and occupied about four minutes of his time before it was stated by the Chair.

Mr. LANE. I am well satisfied that the gentleman from New York does not understand my amendment, or a single word of its provisions, and it is consequently necessary for me to explain.

The CHAIRMAN. The gentleman can call for the reading of his amendment, which will explain itself. But it will not be in order to debate it.

The amendment was then read, as inserted above.

The question was then taken upon the amendment offered by Mr. LANE, and it was not agreed to.

Mr. CARTTER. I propose to offer the same amendment, with an addition extending it also "to those who may hereafter become residents of the Territory of Oregon." That will materially alter the amendment, and make a new one of it. I do not see the force of the remarks of the gentleman from New York. What difference does it make whether we expose the Territory of Oregon and the unsurveyed lands of the United States to these land warrants, or give the surveyed lands to them. I should like to know where the gentleman finds his distinction? You have the same power and privilege to multiply land warrants, and to extend contiguous territory in the location of them upon surveyed land, as upon unsurveyed lands. There is a distinction, and that distinction is directly against the current of the gentleman's argument. It is this: that you do disperse the warrants by dispersing the land upon which they are to be located, and in the precise ratio as you extend the area of location you disperse the location of these land warrants; and this fame about New York anti-entirement ends in smoke. But I am willing to extend the territory of this grant for this obvious reason: You are awarding land warrants here. These land warrants are an encouragement and inducement to settlement. They constitute the title of the emigrants to the West. I would like to know, in the name of conscience, why the Territory of Oregon should be excluded from this inducement to emigration. Why say you shall not locate lands in the Territory of Oregon, because those lands are unsurveyed? You say to the citizen holding a warrant, You shall not emigrate to Oregon. But there is a strong, substantial, and equitable reason to send these warrants over the face of the Republic wherever their holder sees fit to carry them. This doctrine of amassing them, and of Wall Street speculators whom my honorable friend from New York [Mr. Brooks] holds in such horrid dread here, anti-entirement, &c., are entirely inapplicable to the proposition that has been made. It is a singular inspiration and a new one. I was in the hope that the amendment offered previously by the honorable Delegate from Oregon [Mr. LANE] would prevail, but it was voted down. What are you about to say here if you pass this bill? That land warrants shall not be located in Oregon, because the messengers of survey have never reached there. You have already said that a set of men, worthier than whom never shouldered a musket—men who performed for their households higher service than most of the men in your military campaigns, should not inherit the benevolence of the Government, when that benevolence is directed to this very class of persons; and now the magnanimous gentleman from New York adds to that the insult that your warrants shall not be located there either. Neither the men who fought the battles of Oregon against the Indians shall be rewarded for it, nor the men who fought your battles shall go there to locate their lands, because they are not surveyed. I insist that both of the propositions made by the Delegate from Oregon—if any propositions can be made in connection with this process of disposing of the public domain which are worthy of the attention of the House—

are two of the most equitable propositions to which I have ever listened.

Mr. BROOKS. I rise to oppose the amendment of the gentleman from Ohio. He rises upon the floor as the champion of Oregon, and insists that the House has done injustice to that Territory. Now this is not so, but entirely the reverse is the fact. This House, in the organization of the Territory of Oregon, or in its generosity in the distribution of the public lands to her at the last session of Congress, established, with regard to Oregon, an entirely novel principle—that of giving lands to actual settlers. Not of giving them in small quantities, not of giving them to men alone, but giving three hundred and twenty acres to each actual settler, and a bounty upon married men, by giving six hundred and forty acres to men who are married. Why then the necessity for outcry upon the part of the gentleman from Ohio in behalf of Oregon? Nay, the House has gone further, and in its generosity in the matter of the Cayuse Indians, at the last session of Congress, voted \$100,000 to Oregon for the payment of her soldiers or citizens who were engaged in the Cayuse war. This has been the generosity of this Congress to that Territory, and yet the gentleman from Ohio rises in his place—I will not say makes a great noise—and opposes other gentlemen who think that the House has been sufficiently liberal to Oregon. I am reminded by a gentleman behind me, that we have also given Oregon double sections of school lands. No Congress in the history of the Government has ever been half so liberal to any Territory or State—although eighty odd millions of acres of public land have been distributed to new States—as we have been to the Territory of Oregon.

Now, one word further to the gentleman from Ohio, in the matter of the difference between surveyed and unsurveyed lands. Of the surveyed lands we know something—what they are and what we give away—what we donate, to use the western phrase. Of unsurveyed lands we know nothing. We grope in the dark, knowing nothing whatsoever of what we give. Open all the unsurveyed public lands to assignable land warrants, and you give to the keen-eyed speculator and large land-holder, who follows upon the track of the Indian, the power to locate these warrants upon large masses of land twenty miles square—upon the best water privileges, mill privileges, on favored soils, the river bottoms, the prairies, the mines—on the very best of the unsurveyed lands? We now know nothing of the wild and unsettled and almost undiscovered regions of Oregon, Utah, New Mexico, and California. That is the difference between the propositions to locate these warrants upon surveyed and unsurveyed lands. The surveyed lands are upon this side of the mountains—within our reach—under our eye. We know something of them from the Land Office here. But pass this bill for locating land warrants upon the unsurveyed lands, and the speculators who hold these warrants, with all the swiftness of the deer and the directness of the bee, will obtain for themselves the mines, water privileges, and rich river bottoms of all this unknown territory. To guard the House against this imminent peril to the new States and Territories, I take this, the first opportunity, to warn members against the insertion of such an item in this bounty land bill, or the adoption of a similarly dangerous one now in the civil and diplomatic appropriation bill, and which will be pressed there with greater force when it will not be in our power successfully to meet it. A vast scheme of land plunder—a monstrous, gigantic scheme of speculation, yea, peculation, lies buried in the civil and diplomatic appropriation bill; and I call the attention of the House and of the country now to the embryo scheme, and I invoke honorable members to rebuke it now in its first start, in the amendment of the Delegate from Oregon.

Mr. HOUSTON. I have no disposition to propose an amendment. I am not able to speak so as to be heard all over the House. I wish to say to my friend from New York that there is no such provision in the civil and diplomatic appropriation bill as the one to which he alludes. He is wholly mistaken.

Mr. BROOKS. What—does the gentleman deny there is in the civil and diplomatic appropriation bill an item repealing the provision of the last session, providing that these warrants shall not be located on now unsurveyed lands?

Mr. HOUSTON. I do not deny that, but then

we differ about the construction. The construction is simple and plain. At the last session of Congress—

Mr. CARTTER. Is discussion in order?

Mr. HOUSTON. I only desire to put the facts before the House.

The CHAIRMAN. Discussion is not in order.

Mr. ORR moved that the committee rise.

The question was taken, and, upon a division, there were—ayes 69, noes 24—no quorum.

Tellers were ordered, and Messrs. CABELL, of Florida, and CARTTER were appointed.

The question was again taken, and the motion was agreed to—the tellers having reported—ayes 84—noes not counted.

The SPEAKER having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order of the House, being Joint Resolution No. 1, explanatory of an act approved September 28th, 1850, entitled "an act granting bounty land to certain officers and soldiers engaged in the military service of the United States," and had come to no resolution thereon.

On motion, the House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BUSBY: The petition of Francis P. Griffith and 57 others, of the county of Morrow, Ohio, asking Congress to donate to each actual settler who may be a citizen of the United States, 160 acres of land.

Also, the memorial of John Wildbaker, Josiah F. Pierce, and William M. Baker, assistant marshals of the county of Marion, Ohio, asking more compensation for taking the Seventh Census.

Also, the memorial of James B. Shaw and Thomas S. Bunker, of the county of Morrow, Ohio, upon the same subject.

By Mr. HUNTER: The petition of Samuel Blowers, James W. Shankland, and Abner Johnston, asking for increased compensation for taking the census in the county of Monroe, Ohio.

By Mr. HENN: The petition of John Cox and 50 others, citizens of Iowa, asking that the office of Chaplain may be abolished.

Also, the petition of Evan Jay and 55 others, asking for a grant of land to aid in the construction of a railroad from Burlington to the Missouri river.

Also, the petition of James M. Walters and 80 others, citizens of Marion county, Iowa, asking for a mail route from Newton, via Pella, Amsterdam, Knoxville, and Chariton, to Nine Acres or New Budam.

By Mr. CONGE: The petition of Franklin La Rue and 106 others, praying for an appropriation of public lands to the State of Michigan, to aid in constructing the Oakland and Ottawa Railroad in said State.

Also, the petition of Morris S. Allen and 80 others, for the same object.

By Mr. FLORENCE: The memorial of George W. McMahon, George W. Harvey, J. S. McMullin, D. B. Beiler, and others, citizens of the city and county of Philadelphia, remonstrating against the extension of the Woodworth patent for planing boards, &c.

Also, the memorial of James M. Snowden, Robert Clark, John W. Ryan, Henry Dubosq and other citizens of Southwark, in the county of Philadelphia, petitioning Congress to pass a law extending the Woodworth patent for planing boards, &c.

Also, the memorial of J. J. N. Douglass, Charles N. Robbins, John C. Seifridge, William B. Ranken, and others, citizens of the city and county of Philadelphia, remonstrating against the extension of the Woodworth patent for planing boards, &c.

By Mr. PARKER, of Pennsylvania: The memorial of S. F. McFadden and 29 others, citizens of Blair county, Pennsylvania, praying for the establishment of an Agricultural Bureau by Congress.

Also, the memorial of Samuel Wampole and 21 others, citizens of Blair county, Pennsylvania, of like tenor and import.

By Mr. BOWNE: The petition of W. F. Clah, of New York, for indemnity for loss of vessel.

By Mr. BIGGHAUS: The petition of William Price and many others, citizens of Schuylkill county, Pennsylvania, praying for a modification of the tariff of 1846 on iron, &c.

By Mr. SEYMOUR, of New York: The remonstrance of sundry inhabitants of the county of Rensselaer, New York, against the Woodworth planing machine patent.

Also, the petition of Hannah Pratt, late Hannah Holmes, the widow of William Holmes, a soldier in the war of 1812, praying a pension.

By Mr. ST. MARTIN: A memorial of the board of underwriters of the city of New Orleans, to prevent needless detentions and expenses upon arrests in admiralty.

Also, the memorial of George Hathaway, of New Orleans, Louisiana, in relation to Mexican indemnities.

By Mr. BOUCK: The petition of the heirs of Willis Wilson, deceased, praying commutation, with interest.

By Mr. ASHE: The petition of Haynes Lennon, deputy marshal, praying additional compensation for taking the Seventh Census.

By Mr. FITCH: The petition of John N. Ingram, assistant marshal of Fulton county, Indiana, for additional compensation for services in taking the census.

By Mr. BOYD, of New York: The remonstrance of 238 citizens of Clinton and Essex counties, New York, against the further extension of the Woodworth patent.

By Mr. INGERSOLL: The remonstrance of Charles G. Southworth and others, and of Clarke Canfield and others, citizens of Middlesex county, Connecticut, against the extension of the Woodworth patent.

Also, the petition of George Van Wagner, of Connecticut, praying for a pension, on account of the revolutionary services of his father.

By Mr. McLANAHAN: A memorial from citizens of Pennsylvania, praying Congress to enact such laws as will more effectually preserve the sanctity of the Sabbath day.

Also, a memorial from citizens of Pennsylvania, remonstrating against the renewal of the patent granted to Austin and Zebulon Parker for an alleged improvement in submerged reaction water-wheels.

Also, a memorial from citizens of Pennsylvania, praying for a modification of the tariff law.

By Mr. MOORE, of Louisiana: The petition of W. H. Bonneau and 14 others, settlers on the public lands heretofore known as "Las Omegas" claim, praying for the right of preemption.

Also, the petition of A. M. Campbell, and 6 other settlers on the public lands heretofore known as the "Wallace" claim, praying for the right of preemption.

Also, the petition of Valery Gainnie, praying that an error in the description of land confirmed to Charles Paine by the act of July 6, 1842, be rectified.

Also, the memorial of Thomas J. Durant, of New Orleans, with a brief of references in relation to his claim as late district attorney of the United States for the State of Louisiana.

Also, the petition of Moses H. Butler and J. H. Rinehart, praying to be confirmed in their title to a tract of land in T. 15 R. 4 E., in Louisiana, district north of Red river.

By Mr. McDONALD: The petition of Captain F. Forrest.

By Mr. MACE: The memorial of James O. Brien and John L. Miller, assistant marshals of Tippecanoe county, Indiana, asking additional pay for taking the census of said county.

By Mr. FOWLER: The petition of C. W. Prouty and 9 other Senators of the Massachusetts Legislature.

Also, of Charles Vinsel and 10 others, citizens of Scituate, Massachusetts, praying for an appropriation for the improvement of the harbor of Scituate, Massachusetts.

On motion by Mr. DOTY,
Ordered, That certain papers in relation to the claim of James Crooks be withdrawn from the files and referred to the Committee of Claims.

By Mr. CHANDLER: Three memorials signed by more than 200 citizens of Philadelphia, remonstrating against the renewal of the patent for Woodworth's planing machine.

Also, four memorials numerous signed by citizens of Philadelphia, asking for a renewal of the patent for Woodworth's planing machine.

By Mr. APPLETON, of Maine: The petition of J. L. Farmer and others, merchants and ship masters of Portland, Maine, for a light-ship and fog-bell at Cape Roman Shoals, on the coast of South Carolina.

Also, the petition of Josiah R. Brady and others, of Portland, Maine, and vicinity, for a modification of the tariff with respect to the importation of low-priced cigars.

By Mr. ROBBINS: Resolutions passed by the Legislature of Pennsylvania in relation to the Wheeling bridge.

Also, resolutions of the State of Pennsylvania, requesting their Senators and Representatives in Congress to aid in the passage of a law appropriating money to complete the breakwater at the mouth of the Delaware bay; to construct an ice harbor at a point near Reedy Island, and to repair the piers at Chester, Marcus Hook, New Castle, and Port Penn, on the Delaware river.

Also, a petition for the extension of Woodworth's patent for a planing machine signed by Jacob Wersman and 44 other citizens of Philadelphia county, Pennsylvania.

Also, a petition on the same subject, signed by A. Menderson & Co. and 56 other citizens of the county of Philadelphia.

Also, another on the same subject, signed by Frederick May and 70 other citizens of the county of Philadelphia.

Also, another on the same subject, signed by C. M. Brunner and 64 other citizens of the county of Philadelphia.

By Mr. DOTY: The petition of citizens of Marquette, Waushara, and Waupaca counties, for a mail route from Nannahkun, by Black Creek, Neshkoro, and Saukville, to Waupaca.

Also, a remonstrance of D. S. Curtiss, A. Sickly, and other citizens of New York, against the renewal of patents, or alterations in the patent laws.

By Mr. CONGER: The petition of Darius Cole and 296 others, praying for an appropriation to place buoys, and stake out the channel in Saginaw bay and river in the State of Michigan.

By Mr. BRENTON: The petition of Isaac Van Devanter, J. H. Lomax, N. B. Hawkins, and J. M. Haynes, assistant marshals in the State of Indiana, asking additional compensation for taking the census in 1850.

By Mr. BRIGGS: The memorial of the Chamber of Commerce of the city of New York, asking Congress to remove the Mint of the United States from Philadelphia to New York.

By Mr. PERKINS: The memorial of John W. Johnson and Robert Moor, assistant marshals in New Hampshire, asking additional compensation for taking the Seventh Census.

By Mr. PARKER, of Indiana: The petition of John W. Grubbs and others, assistant marshals of the county of Henry, Indiana, asking additional compensation for taking the census.

IN SENATE.

WEDNESDAY, February 25, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

PETITIONS.

The PRESIDENT *pro tem.* laid before the Senate resolutions adopted at the annual meetings of

the American Medical Association, held at Cincinnati, in 1850, and Charleston, in 1851, in favor of continuing the present rank of the medical staff of the Army, and of conferring like rank on the medical officers of the Navy; which were referred to the Committee on Naval Affairs.

Mr. MILLER presented the memorial of merchants, shippers, ship-owners, underwriters, and others, of Newark, New Jersey, praying a modification of the law for the reduction of the costs and expenses of proceedings in admiralty; which was referred to the Committee on the Judiciary.

Mr. COOPER presented three memorials of citizens of Blair county, Pennsylvania, praying the establishment of an Agricultural Bureau; which were referred to the Committee on Agriculture.

Also, two memorials of citizens of Pennsylvania, remonstrating against an extension of the patent granted to W. W. Woodworth for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of Erie, Pennsylvania, praying the establishment of a naval depot and navy-yard, and a dry dock upon the lakes; which was referred to the Committee on Naval Affairs.

Also, a petition of citizens of Philadelphia in favor of an extension of the patent granted to W. W. Woodworth for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of cigar-makers of Philadelphia, praying an increase of the duties on cigars; which was referred to the Committee on Finance.

Also, the petition of Susan C. Randall, widow and executrix of Archibald Randall, late United States district judge for the eastern district of Pennsylvania, praying compensation for his services while performing the duties of circuit judge; which was referred to the Committee on the Judiciary.

Mr. WALKER presented the memorial of John H. Sherburne, submitting a plan to save property and life by means of a floating anchorage or breakwater on the lakes. The memorialist states that in view of the immense loss on the lakes, amounting to over two millions of dollars in property and six hundred human lives, he submits a plan by which this immense amount of loss of property and human life may in future be mainly if not wholly obviated at a cost of much less than one eighth of the above amount. The plan consists of a "Floating Breakwater or Safety Anchorage," which can be completed and placed in the harbors of Oswego, Buffalo, Dunkirk, Cleveland, Chicago, and Milwaukee, in the short space of three months. Accompanying the petition is a letter signed by George H. Walker, Esq., Mayor of Milwaukee, and L. H. Colton, Esq., United States Marshal, expressive of their approbation of the plan, and recommending a trial of it by the Government of the above named harbors.

The memorial having been read,
Mr. WALKER. I move to refer these papers to the Committee on Commerce, and ask that Colonel Sherburne may have an opportunity of submitting his plan to them at as early a day as may suit the convenience of the committee. For my own part, it has impressed me very favorably. I believe he has discovered what will be of vast importance, and I am very confident that if his plan should be adopted on the lakes, it would be one of the best things that could be adopted for the security of life and property.

The motion to refer was agreed to.

Mr. HAMLIN. I present a memorial very numerous signed by citizens of the State of Maine, remonstrating against the extension of the patent granted to Austin and Zebulon Parker, for improvements in water-wheels. The Committee on Patents have already reported a bill renewing that patent. This is a question in which all who are engaged in the mill interests in the State of Maine are much concerned; and they aver in this memorial, that years before the original letters patent were granted to Zebulon Parker these wheels were in use in their mills. I ask that this remonstrance may be referred to the Committee on Patents, giving notice that when the bill shall come up, I shall move to recommit it to the Committee on Patents, in order that these remonstrants may be fairly heard. I will move now that the bill be taken up with a view to recommitment.

The motion was agreed to; and the bill, with

the memorial, was referred to the Committee on Patents and the Patent Office.

Mr. CHASE presented a petition of citizens of Muskingum county, Ohio, remonstrating against an extension of the patent granted to W. W. Woodworth for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. FISH presented a memorial of merchants, shippers, ship-owners, underwriters, and others, of New Bedford, Massachusetts, praying a modification of the law for the reduction of the costs and expenses of proceedings in admiralty; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. COOPER, it was

Ordered, That the memorial of Mary F. B. Levely, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. DOWNS, it was

Ordered, That the petition of Charles McCormick, on the files of the Senate, be referred to the Committee on Military Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. FOOT, from the Committee on Pensions, to which was referred the bill for the relief of Sarah D. Mackay, reported the same without amendment, and submitted a report; which was ordered to be printed.

He also, from the same committee, to which was referred the memorial of Nancy Bowen, praying a pension, submitted a report, accompanied by a bill for her relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of Anna Norton and Lewis Foskit, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the Committee on Revolutionary Claims, to which was referred the memorial of William Beatty, praying to be allowed compensation for services in the war of the Revolution, submitted an adverse report; which was agreed to.

Mr. DOWNS, from the Committee on the Judiciary, to which the several memorials were referred, reported a bill to divide the State of Ohio into two judicial districts, and to provide for holding the district and circuit courts of the United States therein; which was read and passed to the second reading.

Mr. DAWSON, from the Committee on Military Affairs, to which was referred the memorial of Captain L. F. McLaws, of the Army of the United States, praying the difference of pay between a lieutenant and that of a captain in the staff, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the Committee on Patents and the Patent Office, to which was referred the petition of Ira Reynolds, complaining of the rejection of his application by the Patent Office, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. BORLAND, from the Committee on Printing, to which was referred the motion to print the memorial of engineers of the navy, praying a reorganization of the corps to which they belong, presented yesterday, reported in favor of printing the same.

Mr. DAVIS, from the Committee on Commerce, to which was referred the memorial of Luther Rogers and others, citizens of Plymouth county, Massachusetts, for the improvement of the navigation of North River, asked to be discharged from the further consideration thereof, and that leave be given to withdraw the petition; which was agreed to.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill to establish a Mint of the United States in the city of New York, reported it with amendments.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred the memorial of William Hollinshead, asking compensation for reporting and collating the laws of the Minnesota Territory, submitted an adverse report; which was agreed to.

Mr. NORRIS, from the Committee on Patents and the Patent Office, to which was referred the bill for the relief of Hiram Moore and John Hascall, reported the same without amendment.

NOTICE OF A BILL.

Mr. McRAE gave notice of his intention to ask leave to introduce a bill to extend the right of pre-emption to actual settlers upon the public lands remaining to the United States in the States of Alabama and Mississippi, within six miles of the Mobile and Ohio railroad, the price of which has been raised to \$2 50 per acre, by the act of Congress making the grant of land to those States to aid in the construction of said road.

BILLS INTRODUCED.

Mr. MANGUM, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of Professor J. P. Espy; which was read a first and second time by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Also, a bill for the relief of Professor James P. Espy, and granting compensation for the use of his conical ventilator; which was read a first and second time by its title, and referred to the Committee on Naval Affairs.

Mr. HUNTER, agreeably to previous notice, asked and obtained leave to introduce a bill to modify the several acts regulating the warehousing of imported merchandise, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Commerce.

DISTRICT JUDGE OF PENNSYLVANIA.

On motion by Mr. COOPER, the Senate proceeded to the consideration of the resolution submitted by him on the 20th instant, instructing the Committee on the Judiciary to inquire into the expediency of increasing the salary of the district judge of the United States for the eastern district of Pennsylvania, so that it shall hereafter be the same as that of the district judge of the United States for the southern district of New York.

The resolution was agreed to.

MEXICAN CLAIMS.

Mr. DOWNS. Mr. President, yesterday several memorials on the subject of Mexican claims, which had been referred to the Committee on Foreign Relations, were reported back, and the committee was discharged, and they are now lying on the table. I now renew the motion which I made before they were referred to the Committee on Foreign Relations, that they be referred to a select committee of five, with power to send for persons and papers. This is a very important investigation, which I wish to see thoroughly and fully made. While making this motion—which I do, inasmuch as I presented many of the memorials referred to—I wish to state, that I hope it will not be expected that, by making the motion, I desire to go on the committee. I prefer that it should not be so. I am serving on two other committees, the duties of which are very laborious, and furnish as much work as I can do. Another reason why I do not wish to go upon the committee is, that, in the course of these investigations, a great deal of the documentary evidence, and perhaps a great deal of the oral evidence, will be in the Spanish language, which I do not understand. There are other members of the Senate who do understand that language, and whose constituents are equally interested with mine in this matter. I think it would be advantageous to these investigations, for some one or two individuals, at least, who do understand that language, to be on the committee; therefore, while I make the motion, I hope I shall be excused from serving on the committee.

The motion was agreed to.

Mr. DOWNS. At the suggestion of a member of the Senate, I propose that the election of the committee be postponed until to-morrow, and fixed for one o'clock.

The PRESIDENT. The question will be taken up to-morrow.

Mr. MANGUM. I hope that the Chair will appoint this committee.

The PRESIDENT. The Chair would prefer that the committee should be elected.

Mr. MANGUM. The matters to be referred to this committee are of great importance, and I think that a much better selection would be made by the Chair. I therefore move that the committee be appointed by the Chair, and I hope that the

Senator from Louisiana [Mr. Downs] will assent to that motion.

Mr. DOWNS. I have no objection to it at all.

The PRESIDENT. It requires the unanimous consent of the Senate; the rule requiring that all committees shall be elected.

Mr. PRATT. I prefer that the rule should be complied with.

The PRESIDENT. The rule will be complied with.

PARKER'S WATER-WHEEL.

Mr. BRODHEAD. Yesterday, or the day before, I presented several remonstrances against extending the patent for the Parker water-wheel. These remonstrances were laid upon the table, in consequence of a bill having been reported from the Committee on Patents on that subject. The bill, this morning, was taken up and recommitted to the Committee on Patents, and I am glad of it. I now move that the memorials which I presented yesterday morning may be referred to the Committee on Patents. I think that the mill-owners of this country should be furnished with some reason why this bill should be passed in the shape in which it has been reported by this committee.

The motion to refer the memorials to the Committee on Patents and the Patent Office was agreed to.

RAILROADS IN IOWA.

The Senate resumed, as in Committee of the Whole, the consideration of the bill granting the right of way, and making a grant of land, to the State of Iowa, in aid of the construction of certain railroads in that State.

The pending question being on the adoption of the amendment submitted by Mr. UNDERWOOD,

Mr. GEYER resumed and finished the speech which he commenced yesterday, in favor of the bill.

Mr. UNDERWOOD replied, and advocated his amendment.

[Our report of these speeches will be found in the Appendix.]

On motion, the further consideration of the subject was postponed until to-morrow.

EXECUTIVE SESSION.

On motion by Mr. CLARKE, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 25, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. Mr. MORGAN.

The Journal of yesterday was read and approved.

GRANT OF LAND TO MISSOURI.

The SPEAKER. The first business before the House is House bill No. 104, being a bill granting the right of way and making a donation of public lands to the State of Missouri, to aid in the construction of certain railroads therein. The question immediately pending is the motion to refer the bill to the Committee of the Whole on the state of the Union; upon which question the gentleman from Ohio [Mr. WELCH] is entitled to the floor.

On motion by Mr. HEBARD, by unanimous consent, it was

Ordered, That leave be granted to withdraw from the files of the House the papers of Sarah Smith, for the purpose of reference in the Senate.

Mr. JOHNSON, of Arkansas. I ask the unanimous consent of the House to make a report from the Committee on Indian Affairs. Will the gentleman from Ohio [Mr. WELCH] permit me to bring forward a matter which is of great importance, and ought to be acted upon immediately? I send the bill up to the Chair, and ask that it be read, as well as the amendment which has been offered to it, and which has been recommended by the Committee on Indian Affairs.

The bill was then read, creating a superintendency of Indian affairs for California, and making other provisions.

Mr. JOHNSON. I do not believe this bill can give rise to any debate. I will state, further, that here is the annual communication from the department of Indian affairs, in which they urge upon us that we shall act. I will say distinctly,

that the Government urges that we shall act upon this matter, that the Senate have acted—have taken up the bill and passed it at once, and sent it here—that the Committee on Indian Affairs have also acted, and agreed unanimously to the bill, with one amendment only, and have instructed me to urge upon the House that this business shall be disposed of.

Mr. KING, of New York. There are a great many such cases.

Mr. WELCH. If it will take but little time, I will give way. I have not distinctly understood how much time it will take.

Mr. JOHNSON. I wish merely to explain the bill, and then call the previous question. I propose to put it upon its passage.

Mr. KING, of New York, objected.

Mr. JOHNSON. If, then, the public interests suffer, it is not my fault.

Mr. KING. Not at all.

Mr. McNAIR. Will the gentleman permit me to withdraw some papers for reference?

Mr. WELCH. I cannot consent for one without consenting in like cases for others, and my time would in that way be all used up.

On yesterday I proposed an amendment to the bill now under consideration, and I intended at the time I did so to occupy no more time than should be necessary to explain its meaning and operation. Having the opportunity now, I will use it, to say a few words upon that amendment. I was not aware at the time I offered the amendment—which contains a proposition to make a grant of public lands for the construction of a railroad from St. Louis, to connect with the Baltimore and Ohio railroad—that we had pending before us, as I learn we have, from the same committee which reported this bill, a bill for a similar grant, for the construction of a railroad from St. Louis to the city of Cincinnati. It would have been much more appropriate, and I certainly shall avail myself of the opportunity, when it occurs, to offer my amendment to that bill. I had hoped to obtain a vote upon the amendment, in connection with this bill, but of that I see no prospect at present. I was in hopes that the amendment to the amendment would have been accepted, and then I might have offered this as a substitute for the amendment so amended; but I find that there is a motion pending to refer this bill to the Committee of the Whole on the state of the Union, which, I believe, precludes the amendment I have suggested. Having offered it, or rather having had it read at the Clerk's desk, I avail myself of the opportunity to say a few words by way of enforcing, not so much that specific amendment, as the principle involved, which is this: that we should grant the public lands, or portions of them, in aid of the construction of railroads, wherever it can be done without detracting from the aggregate value of the public lands. That is the principle upon which this grant of lands to the Missouri railroads has been advocated by its friends. That is the principle upon which members from Missouri, the gentleman from South Carolina, [Mr. ORR,] and other gentlemen put their advocacy of it. It is a principle, I say, which necessarily comes within the purview of this amendment. There is a clear and palpable distinction, which has been noticed by the gentleman from South Carolina, [Mr. ORR,] between that principle and the appropriation of the public treasures of the nation for the purpose of constructing works of internal improvements. One is an appropriation from the public Treasury for the purpose of making works of general and public utility; the other is a grant of portions of the public lands—a fund which the Government holds in trust for the general good—in cases where it will not diminish the value of the fund. I have heard no gentleman speak in this House upon any of these measures, and I have read nothing said by any gentleman in the other branch of Congress, from which it cannot be inferred, that this is not a proper and admissible principle, and one which should be carried out. Is it true, then, that if you make the grant, which I propose, for the construction of a railroad from St. Louis to connect with the Baltimore and Ohio railroad, so as to give us one continuous road from the eastern sea-board to the western borders of the State, you will not by that grant diminish the value of the public domain? I maintain that you will not. I believe that you will by that means add as much to the remaining public domain, as will equal the value of that which

is granted. That is the question to which I wish especially to invite the attention of members; and it is for this purpose, more than anything else, that I offer this amendment. I wish to set gentlemen to thinking upon the subject, that they may carry out the views and arguments which they themselves have already advanced. The result, I humbly conceive, must be, that gentlemen will see this subject in the same light in which I see it.

We are told by one of the members from Missouri, [Mr. MILLER,] in his advocacy of the principle of this bill, that this great road from Baltimore to St. Louis, and other like roads, are "arteries" for the commerce of the country—a very happy figure to illustrate their vivifying power and health-giving energy. But they seem to take it for granted that all the public need do is to turn their attention and energy to the construction of remote sections of these roads, and that the middle sections will be built as a matter of course. They take that for a fixed fact. It is not at all certain that any one of these roads, connecting the East and West, will, without some such aid, be constructed within any reasonable time. I am told that there has been already granted to aid in the construction of that part of these railroads running through the "eastern slope" of the continent, spoken of by the gentleman from Massachusetts, [Mr. RANTOUL,] in the shape of remission of duties upon railroad iron imported, the amount of about \$6,000,000. Now, a proposition's before us, in the shape of this bill, to make a grant of lands to an amount less than two millions of money in value, to aid in the construction of the western ends of these great thoroughfares. Shall nothing be done for the middle sections? And let me say, by the way, that I do not wish to be understood as being exclusively partial to the particular road I have marked out in this amendment. I offered it for the purpose of testing the principle involved, and if there are gentlemen here in favor of taking up the other Missouri road at Hannibal, and carrying it on through a more central region of the three States of Indiana, Illinois, and Ohio, to Wheeling or some other point, and who will offer a similar amendment, I will go with them. It is the principle I insist upon.

Out of some fourteen hundred millions of acres of public lands, this bill proposes to grant a million and a half for the construction of these two railroads in Missouri; and the amendment proposes to grant, I think, about three millions and a half additional, to continue one of these roads to the Atlantic, connecting with one which is already in part built; and thus give you a thoroughfare from the remote East to the remote West—through the entire Union, and through the central part of it, and along that channel which is the shortest, cheapest, and best in every respect—that which is marked out by the finger of nature itself. Why should we speak of a grant of this kind as a grant to a State—as a grant to Missouri, Indiana, Ohio, or Virginia? It is a grant to the public. It is an application of the public funds to the public use—for the benefit of the public. It is carrying out, in my humble view, in a most appropriate manner that trust which was confided to us when these public lands were placed in our charge. One and a half million is a very small fraction of fourteen hundred millions. I ask you to add three and a half millions more, making in all five millions, and leaving you thirteen hundred and ninety-five millions, at least seventy-five per cent. of which will lie unproductive for an indefinite time to come, if one or more of these great works is not constructed.

I believe, as the advocates of this bill contend, that if you grant this one million and a half of acres to aid in the construction of these railroads in Missouri, the still remaining portion of the public domain in that State will be worth more than the whole now is. I have no doubt of that. I believe that would be the effect even if these railroads should stop at the Mississippi river, and if the Baltimore and Ohio railroad should stop where it now is. I have no doubt the construction of these roads through the State of Missouri alone, would add more to the value of the public domain than would be taken from that value by the grant of this one million and a half of acres.

But the question I propound is, whether you will not by making this additional grant of three and a half millions of acres, and by the completion of this road, leave the still remaining balance of the public domain worth more than it

was before either road was constructed. I cannot for a moment entertain a doubt on that subject. Why, what is the root and mainspring of modern greatness? It is modern invention—modern improvement—inventions in the arts and sciences and improvements resulting therefrom—and at the head of those stands the steam engine. The railroads of this country have, more than anything else, contributed to our greatness. Here is a railroad which is the great railroad, the central railroad, the railroad of railroads. The track is marked out by nature, and was designed for the same end as the Constitution under which we live—to make us a great people. The steam engine stands ready, we have the funds, and we have but to appropriate them, build the road, and bid the engine "go."

I wish gentlemen to sit down, in their quiet moments, and present to their own minds a picture of this country, and of its commerce, as it will be when these "arteries" are run through it. I beg them to estimate their influence upon real estate—not alone upon the public domain, the unsold lands—but also upon the much more valuable land that has become private property; and surely that is a thing of some importance. But, if you wish to confine your view to the public domain—taking that view of it which the most strict constructionists take—still the benefit and appreciation must be immense. This will be the great backbone of public improvements, the great "artery" of our internal commerce, and with its branches and ramifications in all directions, will carry from the great commercial heart of the country the life's blood to the most remote regions. It will not be confined, in its influence, to the value of the public lands within the limit of six miles, or fifteen miles, on each side of the roads through Missouri, but will operate upon the entire State of Missouri—upon all the public lands within her borders. Such will not be the effect if you make it a sectional, local, disjointed fragment of a road. It will then be no "artery" at all. How can you draw upon the fountains of the life's blood, unless you have an artery that reaches to the heart? This is the principle—these are the considerations—which I think involved in the amendment.

I wish now to say a few words upon another subject, which is not, in fact, connected with this bill at all, but which has been adverted to by the gentleman from Massachusetts, [Mr. RANTOUL,]—I mean the tariff. I cannot for my life see what connection that has with the subject under consideration—the construction of these railroads. The gentleman placed his advocacy of this measure upon the principle that it would be a great public benefit to construct this road its entire length, but, like other gentlemen, fell into the mistake of taking it for granted, that if these roads in Missouri were constructed the balance of the road would be constructed by the people themselves. It is true that the people have taken this matter in hand; that they have exerted all their energies; that they have left no stone unturned. They have resorted to every means, to taxation, to every description of bonds—county bonds, corporation bonds, and railroad bonds; but, I tell you, you must not and cannot safely take it for granted that the middle portions of this road will be closed up and completed. We are just in the condition in which the man was when he called upon Hercules to help him out of the mud. One lift from Uncle Sam, even with his left hand, his little finger, would take us out of the mire and set us on our feet. It is not true that there is any reasonable hope that, within any time not indefinitely remote, these roads can be completed by the people unaided. Now is the very time to extend to them this aid. I assure you it would be most acceptable.

But I was going on to remark, that it was taking this view of the question and starting from this point, that the gentleman from Massachusetts branched off on to the tariff, and made an onslaught upon it, the pertinency of which I could not see. If his remarks were in order, it will certainly be in order for me to reply to them.

I wish only to notice one or two propositions, which seemed to be the sum and substance of all that the gentleman said in regard to the tariff. The first proposition of the gentleman from Massachusetts was this; that the price of the produce exported from the United States for the four years ending in 1842, and also for the four years ending in 1850, exceeded, by \$125,000,000, the price of the same articles exported during the four years

that commenced in 1842. The gentleman seemed to wish to deduce from this an argument against the tariff of 1842. That seemed to be the drift of his argument upon this subject, throughout. But grant the gentleman's facts, and what do they prove? If it be true, that articles of domestic produce commanded higher prices during the last four years than they did during the middle term, that proves nothing. You will remember that during the first period, prices were regulated, and regulated at very high notches, by the inflated state of the currency. During the latter period, terminating in 1850, we had, in 1847-'8, the famine in Europe, and in 1849 we had the failure of the wheat crop here, and these facts are sufficient to account for the fact—if it be a fact—that prices were comparatively high during this latter period.

The gentleman's estimates of produce exported during the twelve years named consisted mainly in the very large amount of cotton exported. He has not seen proper to place in comparison the prices, during that period, of the staple articles of the produce of the North, such as wheat, flour, and pork. We all know how it is with cotton. The price of that article depends upon the quantity produced; no anti-protectionist ever denied that if you were to take away from the cotton growers their domestic market for cotton, and leave them the European market alone, that the effect would be to diminish the price per pound of cotton. It is not possible that it should be otherwise, provided the crop grown were the same. You cannot eat cotton as you do wheat. It must all go to market, the entire crop. It must all go to the manufacturer, either here or elsewhere. Now, is it probable that one market for a crop, all of which must go to a market, will afford a better price for that crop than two markets? Since the enactment of the tariff of 1846 the tables show that the domestic manufacture of raw cotton has decreased to the extent of about 160,000 bales per year. Of course, if the amount of cotton grown during that period was the same as formerly, this additional amount would be thrown into the European market. The question, then, is, whether the price per pound would be diminished. As an abstract proposition, no one can deny that it would have the effect to decrease the price per pound. If it be a fact, that during this latter term of four years, as the gentleman from Massachusetts says, the price of cotton has ranged higher, it must have depended upon some other cause—it must have depended upon the amount of the crop grown. But why did not the gentleman extend his comparison a little further? Why not include 1851? He saw proper to leave that year out of his calculation. Why did he not inquire what was the present price of cotton, and compare that with the price at former periods? He has not seen proper to do so. I will call the attention of the gentleman to one sentence from the London Economist, of a late date—within a few weeks. In speaking of cotton, it says:

"Although it [cotton] is now above the rates of July last, it has been lower but once within the last ten years."

The purpose of the view taken by the gentleman from Massachusetts, evidently was to show that the effect of the tariff of 1842 was to diminish the price of domestic produce, and that the effect of the tariff of 1846 was to increase that price. How can the gentleman believe that? Can he look at these tables, which I must charitably believe he has never looked at, and come to that conclusion? Let me call the attention of the gentleman to some extracts from those tables—I speak particularly of those contained in the report of the Secretary of the Treasury during the present session of Congress.

Mr. Speaker, I was mistaken as to the character of my abstracts. They relate to quantities and not pieces. No tables are needed to show the present low prices of breadstuffs as compared with those of 1846 and 1847. Before calling attention to my abstracts, then, I ought to state the gentleman's second proposition, which was, that the exports of domestic produce, per year, under the tariff of 1846, had exceeded those under that of 1842. I might say, again, what of that? What does that prove? As I have already stated, of course, if you diminish the amount of the domestic manufacture of cotton one hundred and sixty thousand bales, that quantity goes to a foreign market, and to that extent swells the amount exported. The question, therefore, is, whether you

can find a foreign market for that additional quantity. That is the difficulty. Cotton must find a market, if it is only at one cent per pound. You must put it into the hands of the manufacturer and take such prices as he can afford to give.

Having accounted for the increased amount of exportation since 1846, by the fact that 160,000 bales of cotton, formerly manufactured here, were sent abroad, I proceed to show that the amount of exportation of articles of agricultural produce, other than cotton, have been greatly and uniformly diminished by the tariff of 1846, and increased by that of 1842.

The tariff of 1842 did not, to any extent, get into operation before 1843, nor was its career materially broken off before 1847. The capital invested was not withdrawn to any considerable extent until about the latter period. But in order to be fair, I have put the year 1847—the year of the famine—into each period, making the first period run from 1842 to 1847 inclusive, and the latter from 1847 to 1851 inclusive. Here is the table:

Value of breadstuffs and provisions exported annually from 1843 to 1851, inclusive—omitting fractions.

In 1843.....	\$11,000,000
In 1844.....	16,000,000
In 1845.....	17,000,000
In 1846.....	27,000,000
In 1847.....	68,000,000
In 1848.....	37,000,000
In 1849.....	38,000,000
In 1850.....	26,000,000
In 1851.....	21,000,000

Now here is a regular flight of steps. You have to go up one set and come down the other. It is as plain as argument can make it. It is like a swell in music. And yet the gentleman from Massachusetts argues to Missouri farmers that the quantity of exports of agricultural production has increased under the tariff of 1846, and diminished under the tariff of 1842. As I remarked, I am bound charitably to conclude that he has not looked over these tables. Commencing with 1843, the swell increases regularly till 1847, and then diminishes down to the present time, thus: 68, 37, 38, 26, 21. At 1851 you are almost brought back again to the original eleven millions from which you set out in 1843. If gentlemen do not believe that the tariff of 1842 increased the quantity of exports, here are the figures, and they may examine them for themselves.

But here is another table: This gives the entire amount of exports, including cotton, and also the entire amount of imports; showing, also, the amount of specie exported, and the balance against us, from 1843 to 1847, inclusive, omitting fractions. These items the gentleman from Massachusetts has wholly omitted. This table shows that the exports from 1843 to 1847 were:

Domestic produce.....	\$529,000,000
Specie.....	28,000,000
Reexported.....	32,000,000

Making in all.....	\$589,000,000
Total imports.....	558,000,000

Balance, for us..... \$31,000,000
Showing a balance of \$31,000,000 in our favor, with an exportation of specie to only \$28,000,000; so that we might have kept our specie at home, and still been creditors to the amount of \$3,000,000.

That is from the period from 1843 to 1847, inclusive. How is it with the period covered by the present tariff, from 1847 to 1851, inclusive? It is as follows:

Total imports and exports from 1847 to 1851, inclusive, omitting fractions.

Exports.—Specie.....	\$61,000,000
Domestic produce.....	724,000,000
Reexported.....	41,000,000

Total exports.....	\$826,000,000
Total imports for the same period.....	\$851,000,000

Balance, against us..... \$25,000,000
This balance against us, added to the \$61,000,000 of specie exported, makes a total balance against us, from 1847 to 1851, inclusive, of \$86,000,000. In the other case, from 1843 to 1847, inclusive, the same balance was \$3,000,000 in our favor.

Here is a difference of \$89,000,000 in the way of debtor and creditor.

But let me call the attention of the gentleman from Massachusetts, [Mr. RANTOUL] and of the House, to one other table, and that is the one which shows the effects of the two tariffs upon the iron interest.

The importations of iron from 1843 to 1851, inclusive, omitting fractions, was as follows:

In 1844.....	89,000 tons.
In 1845.....	96,000 "
In 1846.....	69,000 "
In 1847.....	60,000 "
In 1848.....	153,000 "
In 1849.....	289,000 "
In 1850.....	337,000 "
In 1851.....	341,000 "

I have not the amount for the year 1843, but I believe it is larger than that of the succeeding year.

Here is another musical swell—steps up, up, and then down again; and yet the gentleman from Massachusetts [Mr. RANTOUL] advances an argument designed to prove—if it was designed to prove anything—that the importation of iron has been diminished by free trade, and increased by a protective tariff. By this table, you will perceive the exports of iron, from '43 to '47 inclusive, runs down from 89,000 tons to 60,000 tons, and that from '48 to '51 inclusive, they run up from 153,000 to 341,000 tons. That is the importation of iron alone.

The gentleman from Massachusetts says, that in 1840 we manufactured only 295,000 bales of cotton, and that in 1850 we manufactured 641,000 bales. For what purpose is that comparison made? Why, to prove that the tariff of 1846 has increased the amount of the manufacture of domestic cotton. Does the gentleman believe that proposition? Can he believe it? The tables will show him, as I have said, that the domestic manufacture of cotton has fallen off 160,000 bales since 1846. Let him compare the years 1846 and 1851, and he will see that there is that difference in favor of the former year. He says, that the domestic manufacture of cotton has quadrupled within the last twenty years. Suppose it has, what has effected the result? The tariffs of 1828, 1832, and 1842. No thanks, for that result, to the tariff of 1846. Its work has been all in the opposite direction.

The same may be said of iron, the domestic manufacture of which, says the gentleman, has in the last twenty years, increased from 165,000 tons to 627,000 tons. That is the work of our protective tariffs of 1828, 1832, and 1842. The effect of the tariff of 1846 on iron, is shown by the tables. It increased the importation from 60,000 tons in 1846, to 341,000 tons in 1851. How can the gentleman, then, take any credit to the tariff of 1846, from the increase of the domestic manufacture of iron during the last twenty years? None is due to it. Had we been under its blighting influences during the whole period, that branch of business would have languished and died out, and England would now be furnishing us all our iron; and such will be the result, should that tariff be suffered to continue for twenty years to come.

But in the midst of the gentleman's free trade argument, he says, among other things, "take off your restrictions and limitations, and let the raw materials come in free." Why, Mr. Speaker, that is a tariff argument, and not a free trade argument. What is that but a restriction and limitation on commerce. It is nothing else, unless you propose to let everything come in free, and to raise your revenue by direct taxation. I, too, say, let the raw material come in free, or, at least, with discriminations in favor of its importation. That is one of the two leading principles of a protective tariff; low duties on raw materials, and higher duties on the manufactured article. Both look to the encouragement of the domestic manufacture. The gentleman favors one, but opposes the other.

The gentleman's leading idea seems to be to open up roads to the West, as a "means" to prevent the springing up of manufactures in the West. His means are good, but his end is, in my opinion, bad. Has it ever occurred to the gentleman that here is another high protective tariff doctrine of his? Means to keep down, or break down, manufacturing in the West, for the benefit of "manufacturers" on the "Eastern slope!" That doctrine from a free trade man! What means? Why, to cheapen and facilitate the transportation.

That is the same, in effect, as it would be to remove the duties on foreign importations, and give to them a cheap and free transit. A tariff of thirty per cent. is an obstruction between New York and London. The hills and rocks and rivers are the obstructions between Lowell and Missouri. It has been the business of England to use these means to prevent the establishment of manufacturing on our "Eastern slope," for many years. It has been ours to counteract them. The struggle has continued during the whole period of our existence as a nation. I am afraid we are about to pull down the barriers, and give up the contest. If we do, the gentleman's own logic shows that we will be to England what he wishes to make Missouri to his manufactures on the "Eastern slope"—hewers of wood and drawers of water—and that, too, without any wood to hew, or water to draw. The East will then be mere conduit pipes, through which to carry the agricultural products of the valley of the Mississippi to Europe. In that state of things the gentleman thinks he sees the future glory of this country.

Mr. Speaker, my plan is the converse of all this. I desire, so far as we reasonably can, to do our own manufacturing; to live within our own resources, and keep out of debt; to husband our means, and build our own roads with our own money, and not with money borrowed from England, and for which we are mortgaging the roads as fast as made, as well as the lands through which they pass. I think, Mr. Speaker, that bankruptcy will be the future of this country, if we follow out his views.

But I will not follow the gentleman further. This is no place for a tariff speech. When a proper occasion occurs, I may say more upon the subject. Mr. BENNETT obtained the floor.

Mr. HUNTER. I wish to inquire whether the amendment of my colleague [Mr. WELCH] was read yesterday simply for information, or whether it is now under consideration?

The SPEAKER. It was read only for information.

Mr. GREY. I would ask the gentleman from New York [Mr. BENNETT] to allow an amendment, which I intend to offer at a proper time, to be read to this House.

Mr. BENNETT. I have an amendment which will consume considerable time.

Mr. GREY. I only want my amendment read.

Mr. BENNETT. Other gentlemen will desire the same privilege. Mr. Speaker, before proceeding with this debate, and to say what I have to say about this bill, I desire to propose an amendment, or rather a substitute for the bill. I move that the bill be recommitted, or referred back to the Committee on Public Lands, with instructions to report as a substitute for it the bill which I send to the Speaker's table.

The bill sent up to the Chair was the bill introduced, with the following additional sections:

Sec. 7. *And be it further enacted*, That there is hereby severally granted to each State in which there are public lands, to aid in the construction of railroads, except that State to which the largest amount has been granted for that purpose, a sufficient amount of the lands of the United States, including the amount (if any) heretofore granted for the purpose aforesaid, to each of said States respectively, to make each of said States equal according to representation by the last census, in the grants of land for railroad purposes, and a grant of the right of way and to aid in the construction of railroads in said States respectively, to the amount aforesaid, is hereby severally made to each of said States on the same terms, with the same reservations, and upon the same conditions in every respect as are contained in the act entitled "An act granting the right of way and making a grant of land to the States of Illinois, Mississippi, and Alabama, in aid of the construction of a railroad from Chicago to Mobile," passed September 20, 1850, and all the provisions of said act are hereby extended and applied to the grants hereby made to the said several States, and to all railroads in proportion to their length, made in any of said States wholly, or in part, by means of the land granted by this act. The amount of land to which each of said States shall be entitled under this act, shall be determined in conformity thereto by the Commissioner of Public Lands, and located under such regulations as he may prescribe. Each State, so far as may be, shall locate its lands within its own limits: *Provided*, The lands hereby granted, shall be used to construct or aid in constructing railroads, and so much as remains undisposed of for more than ten years after it has been located, shall revert to the United States.

Sec. 8. *And be it further enacted*, That there is hereby severally granted to each State in which the United States have no public lands, a sufficient amount of public lands for railroad purposes, to grant to each of said States respectively, according to representation by the last census, one half the amount granted to the first mentioned States, for the same purpose. The United States mail shall be at all times transported on the railroads made, either wholly, or in part, by means of lands granted by this act, under the

directions of the Post Office Department, and for such prices as Congress may by law direct; and all the provisions of the said act for aiding in the construction of the railroad from Chicago to Mobile, so far as the same can be made applicable, are hereby extended and applied to all railroads made wholly, or in part, by means of land hereby granted. The amount to which each of the said last mentioned States shall be entitled to be determined by the Commissioner of Public Lands, in conformity with this act, and located under such regulations as he may prescribe; but no State shall locate any of the lands hereby granted within the limits of any other State without its consent: *Provided*, The lands hereby granted, shall be used to construct or aid in constructing railroads, and shall not be sold for higher prices than the United States lands are sold, and so much as remains undisposed of for more than ten years after the same has been located, shall revert to the United States.

SEC. 9. *And be it further enacted*, That the amount of lands granted to the State of Missouri by this act, to aid in the construction of the railroads mentioned in the first section thereof, shall be deducted from the amount to which the State of Missouri shall be entitled under the section of this act.

The SPEAKER. There is a motion pending to commit the bill to the Committee of the Whole House on the state of the Union, and it is not in order either to amend the bill, or to commit it to any other committee, until the vote is taken upon the pending motion to commit.

Mr. BENNETT. I did not suppose that my motion would be in order until the pending motion shall have been disposed of. But cannot the motion be entertained and decided after the pending motion has been voted upon?

The SPEAKER. It cannot.

Mr. BENNETT. Then I give notice that I intend to submit such a motion.

Mr. Speaker, I entertain some views upon this subject differing somewhat from those which have been presented to the House. In regard to this bill, it will be remarked that it is only one, and the first of a series of bills, to be hereafter introduced, of a similar character. This is the first of the railroad bills. There have been presented to the Committee on Public Lands probably some thirty bills for their consideration, of a like character with this; and from this number some thirteen or more are to be reported upon favorably to this House. As many more have been presented in the Senate and are under consideration. If these bills succeed, they will make immense grants—amounting to many millions of acres of the public domain—to aid in the construction of railroads. There is no State in which there are public lands but will apply for this aid for one or two or more roads. I am not one of those who believe that grants of this kind are unconstitutional. Neither do I think that an open question. If anything can be settled by the action of the Government, that question is settled; because it has been the practice of the Government, for thirty years, to grant these lands to the several States for the construction of roads and canals; so that the whole argument of the gentleman who last but one addressed the committee on this subject, [Mr. ORR,] to show the constitutionality of it, it seems to me, was to prove a point decided. This is no objection to me. I believe it is constitutional to make these grants; and I believe that that question has been settled by the action of the Government, by every Congress, and by the decisions of the courts.

But in justice, some provisions should be made for the old States, also, out of these public lands; and it is to that I wish to call the attention of the House upon this occasion. It is not known generally what the amounts of these grants are, and I have taken some pains to ascertain how much has already been granted to the new States and to the Territories. For that purpose I have an official statement from the Land Office, which shows that there has been granted to the land States—some twelve in number—for all purposes, and to the Territories, 84,000,000 and over of the public lands. There has been granted to a part of these States, as follows:

Ohio.....	2,273,858.77	acres.
Indiana.....	3,267,460.61	“
Illinois.....	5,584,167.94	“
Missouri.....	3,242,627.00	“
Alabama.....	2,094,284.00	“
Mississippi.....	4,151,011.00	“
Louisiana.....	10,210,122.58	“
Michigan.....	6,170,866.00	“
Arkansas.....	6,250,813.00	“
Florida.....	2,022,993.00	“
Iowa.....	2,713,955.22	“
Wisconsin.....	3,128,799.00	“
Tennessee.....	3,353,824.00	“

California.....	500,000.00	acres.
Minnesota Territory.....	2,997,191.00	“
Oregon Territory.....	12,186,978.00	“
New Mexico.....	7,493,120.00	“
Utah.....	6,681,707.00	“
Total.....	84,222,184.12	“

And there have been sold of the public lands only one hundred and one millions and some odd acres. So that there has been actually given away, by grants to the new States and to the Territories, an amount of the public domain equal to all that has been sold for the public benefit, less only by about 16,000,000 of acres. This fact ought to be borne in mind. So far as lands are sold, and the proceeds thereof paid into the Treasury of the United States, they are disposed of for the benefit of all the States.

New York was the first State that ceded her lands to the General Government, and in her cession thereof she expressly asserted that it was to place them as “a common fund to defray the expenses of the war.” Virginia, North Carolina, South Carolina, and Georgia, made similar cessions, and in every one of them it was expressed that the lands thus ceded were to be used for the “common benefit” of all the States.

What is the practical effect of these grants? The practical effect, and the claim here set up is, that as far as the lands are granted to the States, they belong exclusively to the twelve land States, and you may go on granting as much as you choose; and yet the old States have no right to share in these grants. My opinion may be very different from that of other gentlemen here, but my opinion is, that it is not justice to the old States to grant so much land to the Western States. I claim for the old States only justice, and I am willing to do justice and to be generous to the Western States. I do not want to be unjust or ungenerous to them. I do insist, however, that while large grants are made to them for railroad purposes, the old States have a right to ask grants for the same purpose, to some extent at least. And it is as right for the one as for the other. We have but one Constitution, and all the States are upon an equal footing by the Constitution and the laws, and these lands are the common property of all the States. I should like to know how one or a dozen of these States are constitutionally entitled to these grants, and yet it is unconstitutional to make them to the others? Upon what principle is it? If it is right to grant lands for one road, it is right to make grants for another.

There is an ingenious argument used here, which I shall notice. It is this: You have no right to ask these grants for the old States. Why? Because the western States double the value of the alternate sections on each side of the road, and therefore you have no right to ask these lands for the old States, for they cannot do that. If gentlemen will look into these railroad bills, they will find that the roads proposed for the purpose of getting their sections have a range of thirty miles—fifteen on each side of the road—to locate their sections upon. Every one knows that railroads are not made where there are no settlements. They are constructed for business purposes between settlements, and villages, and cities. They are usually made through the most settled parts of the country, and consequently will pass through lands located and settled. For this reason it is that they must have thirty miles in width from which to make their selection, in order to get their lands, which they are to take in alternate sections. How is it with the other sections left for the Government? By the law they are doubled for only six miles on each side of the road, making in all twelve miles; therefore less than one half as much land as is granted to the roads is doubled in price in point of fact. Only the land lying in a strip two fifths as wide as is granted to the roads from which to make their selection, is doubled in price to the Government. This two fifths lying along the road is the part most thickly settled, and on which, therefore, will be found the least land in proportion for the road. I believe it may be safely said that these road bills will not double the price of one half as much land as is granted to the roads; and in addition to that, not one half of the land doubled in price will probably ever be sold at that double price.

Mr. DUNHAM, (interposing.) Mr. Speaker, has not the morning hour expired?

The SPEAKER. It has.

Mr. DUNHAM. I then move that the House proceed to the business upon the Speaker's table. [Cries of “No!” “No!” “Let him go on with his speech!”]

Mr. CLEVELAND. This is the only argument that has been advanced upon the other side of the question.

The question was taken, and, upon a division, there were—ayes 45, noes not counted.

Mr. HOUSTON. I call for the yeas and nays. It is important that the special order should be disposed of.

The yeas and nays were not ordered.

Mr. CLINGMAN called for tellers; which were not ordered.

Mr. CLEVELAND. The gentleman from New York says that it is immaterial to him whether he proceeds now or waits until to-morrow morning. He is willing to continue his remarks on to-morrow, and I make this statement with the object of preventing the unnecessary consumption of time.

The question was again taken upon the motion to proceed to the business upon the Speaker's table; and, upon a division, there were—ayes 59, noes 48—no quorum.

Mr. TAYLOR. It is very evident that the House did not understand the question, and I hope tellers may be ordered.

Mr. CABELL, of Florida. Tellers have been refused.

Mr. MARSHALL, of Kentucky. I move for a call of the House.

Mr. ORR. By unanimous consent I think tellers may be ordered.

Mr. MARSHALL withdrew his motion for a call.

There being no objection, tellers were ordered; and Messrs. P. KING and FOWLER were appointed.

The question upon the motion to proceed to the business upon the Speaker's table, was again taken, and decided in the affirmative—the tellers having reported—ayes 76, noes not counted.

Mr. JONES, of Tennessee. I move that he House resolve itself into the Committee of the Whole on the state of the Union.

KOSSUTH'S LETTER OF THANKS.

The SPEAKER. The first business in order is on the motion to print the communication from the President of the United States, transmitting a letter of thanks from Louis Kossuth to the Government and Congress of the United States, upon which the gentleman from Maryland [Mr. EVANS] is entitled to the floor.

Mr. ANDREWS. Some two weeks since I introduced to the House resolutions passed by the Legislature of Maine. I intended then to have submitted some remarks upon them, but had not the opportunity. I would beg as a favor of the gentleman from Maryland, that he will yield me the floor, that I may now present my views.

Mr. EVANS yielded for that purpose.

Mr. ANDREWS then addressed the House in favor of the Maine resolutions and on the question of intervention. His remarks will be found in the Appendix.

Mr. A. having concluded—

The SPEAKER. The gentleman from Maryland [Mr. EVANS] is entitled to the floor.

Mr. DUNHAM. I hope now that the gentleman from Maryland will yield for a motion that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. EVANS. If it is the desire of the House that the consideration of the bounty land bill shall be proceeded with, as I am indebted to my friends for many favors, I will yield the floor until to-morrow. In thus yielding, it is understood that I still retain my right to the floor.

Mr. DUNHAM moved that the House resolve itself into the Committee of the Whole on the state of the Union; which motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

The CHAIRMAN. The special order before the committee is joint resolution No. 1, explanatory of the act approved September 28, 1850, granting bounty land to certain officers and sol-

diers who have been in the military service of the United States.

When the committee rose on yesterday, the question pending was the motion of the gentleman from Ohio [Mr. CARTER] to amend the amendment of his colleague, [Mr. GAYLORD], to strike out the third section of the joint resolution, and to insert in lieu thereof the fourth section of the Senate bill.

The amendment of Mr. CARTER was read, as follows:

And it is further provided, That the persons entitled to bounty land under the provisions of this act, or of the act to which this is an amendment, and who may be residents of said Territory of Oregon at the date of the passage of this act, or who may hereafter become residents of said Territory, shall be permitted to locate their warrants upon any unclaimed lands in said Territory, and that upon such survey and location patents shall issue therefor, as in other cases.

Upon this question tellers were ordered, and Messrs. HEBARD and TOWNSHEND appointed.

The question was taken upon the amendment of Mr. CARTER, and it was disagreed to—the tellers having reported—ayes 22, noes not counted.

The question then recurring upon the amendment of Mr. GAYLORD, to strike out the third section, and in lieu thereof to insert the fourth section of the Senate bill, it was put and agreed to.

Mr. CLINGMAN. I offer the following amendment, to come in as an addition to the section that has just been adopted:

And that the provisions of the fifth section of the act of July 19, 1848, granting three months' extra pay to the soldiers and officers of the Mexican war, be extended so as to include the North Carolina recruits, taken into the service by Lieutenant James W. Tatham, and discharged at Fort Moultrie, after nearly twelve months' service.

The CHAIRMAN. This is the same amendment that was offered when we were in committee upon the Senate bill. The Chair thinks the amendment is in order, but he feels constrained, in consequence of the decision of the committee then made, to rule it out of order.

Mr. CLINGMAN. I will beg leave to say that this is a different bill from the other one. I then thought the decision of the Chair was right, and I hope the Chair will decide this question independently of that decision. The gentleman who at that time took exception is now satisfied that it is in order.

The CHAIRMAN. This is precisely a similar amendment, and the Chair rules it out of order. Does the gentleman take an appeal?

Mr. CLINGMAN. I do as a matter of form, understanding that the objection has been withdrawn.

The question was put, and the decision of the Chair was overruled—ayes 35, noes not counted.

Mr. CLINGMAN. I beg leave to call the attention of the committee, for a moment, to the provisions of the law, which I wish to make applicable to one company—a company who enlisted for the Mexican war as volunteers. They were taken from my district down to Fort Moultrie, and when they arrived there, the Government did not suppose that it was necessary to send them to Mexico, but they were kept for about twelve months at that point and discharged. They were placed in a climate which was as unpleasant to them as any to be found in Mexico. They were extremely anxious to go forward and serve in Mexico, but they were denied that privilege, and regulars were sent forward into Mexico in their stead, while they were thus obliged to take their places as a garrison. I desire simply to read the provisions of the law, which I think the committee will see is clearly applicable to this case, and ought to be held by the Department, to include them now:

And be it further enacted, That the officers, non-commissioned officers, musicians and privates engaged in the military service of the United States, in the war with Mexico, and who served out the time of their engagement, or may have been honorably discharged, &c., shall be entitled to receive three months' extra pay, provided this provision of the 5th section shall only apply to those who have been in actual service during the war.

Now, the Secretary of War has decided that those troops who did not get into Mexico are not to receive the bounty. No one will pretend that all troops engaged in Mexico were in actual battle. A great many of them had no opportunity of engaging with the enemy. The only limitation is, that they shall have been in the service of the United States during the war with Mexico. Suppose Mexico had brought an armament to Fort Moultrie, as Great Britain did during the war of

the Revolution. Why these troops stationed there would have been in their proper place. When men engage in the service of the United States they obey the officers, and remain where they are ordered to be placed while they are in such service. It seems to me a narrow, straightened, absurd, and most erroneous construction, to say that those troops who did not get to Mexico—those stationed upon our frontier, upon our sea-coast, or upon the border of the Rio Grande—for a large body of them were there—should be excluded from the benefits of this bounty. I regard the case of these persons, therefore, as coming within the equitable provisions of that act, as well as its plain meaning. There is but one single company in that situation to be included in my amendment, and I hope the committee will adopt it. They are desirous of being included among those entitled to this bounty, and having received many letters on this subject, I have felt that it was my duty to make the motion, and I hope the committee will adopt the amendment.

Mr. DUNHAM. What is the section?

Mr. CLINGMAN. It is the fifth section of the act approved July 19, 1848, and my motion is so to amend the bill as to extend its provisions to those individuals. I think the act ought to be construed so as to embrace them without any further provision. The Department does not put that construction upon it.

The question was then taken upon Mr. CLINGMAN's amendment, and it was rejected.

Mr. BELL. I propose to amend the same section by adding the following, viz:

That the provisions of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," passed September 28, 1850, be and are hereby intended to and for the service of any commissioned officer, musician, or private, who engaged to serve for a definite or indefinite period of time, and actually did serve some time, though less than thirty days in any of said wars enumerated in the first section of said act, so as to allow to such person or persons entitled thereto forty acres.

Mr. BELL. I have but a word or two to say upon this amendment. If it should prevail, it will relieve all those enumerated in the act of 1850, who actually served in war the length of time they agreed to serve, or had served any length of time, although it was less than thirty days. It is placed upon the same principle, so far as regards that, embraced in the section referred to by the honorable gentleman from North Carolina [Mr. CLINGMAN] in the Mexican bounty land bill. There is in the law of 1850, a restriction to those who shall have served thirty days. I know men in the State of Ohio, who marched from near the city of Cincinnati to Sandusky, and who were discharged there. Their time was not counted, although they actually served from the time they left home, and were recognized as being accepted into the company until they were discharged at Sandusky, from twenty-four, twenty-five, and twenty-six, and in one case twenty-nine days. I know men in that region of country who were in battle—volunteers—who ran risks and hazards much more than those even who will draw one hundred and sixty acres. This amendment recognizes the smallest grade of service, and embraces the principle of the law granting forty acres to those who were engaged to serve and were honorably discharged in the Mexican war. I might call the attention of gentlemen from New York, Vermont, and other Eastern States, to those who were engaged in battles upon Lakes Champlain and Erie, and those who left their homes at the first intelligence of hostilities, and marched to the battle-fields of Plattsburg, Chippeway, and Lundy's Lane, and who did service in other short campaigns. All I ask is, to vote for a provision which will bring that class of men in the same footing upon which you have placed the soldiers who have served in the other wars; and I believe this House will sanction that principle.

Mr. BELL demanded tellers upon his amendment; which were not ordered.

The question was then taken, and decided in the negative.

So the amendment was rejected.

Mr. EVANS. I propose the following amendment as an additional section:

And be it further enacted, That one hundred and sixty acres of land be, and the same are hereby granted to every officer and soldier, whether of regulars, militia, or volunteers, who may have been actually engaged in any action or encounter with the enemy, in any of the wars specified in the act approved September 28, 1850, without regard to

his length of service; or in case of the death of any such soldier or officer, the warrant to be issued may be granted to such person or persons as would be entitled under the act of 1850, above mentioned, or any other act, as if this enactment had constituted a part thereof: *Provided,* That nothing herein contained shall be so construed as to grant more than one hundred and sixty acres of land to any person who may already be entitled to it under the act above mentioned for his services in any one war.

And be it further enacted, That the warrants of one hundred and sixty acres, so as above to be issued, shall be assignable.

And be it further enacted, That the act of September 28, 1850, is hereby extended to all naval officers, sailors, flotilla men, and marines serving with land troops in cases where they could not be entitled to prize money.

Mr. E. said: I am aware that there are persons upon the floor of this House, who think, because this bill is just, it will be lost. I have, however, a better opinion of the judgment, and discretion, and probity of members. There seem to be many words contained in the additional section I have offered, but the whole matter may be embraced in a statement or two. The last section proposes to give bounty land to those marines who served on shore with the land troops, in cases where they would not be entitled to prize money. I will give the committee an illustration of the justice of such a provision. In the war with Great Britain there was a battle fought at a place called Bladensburg, not a great way from this Capitol. It is a fact in the knowledge of all those who pretend to know anything of the history of their country, that every body ran away from there except a few of the flotilla men and marines, under Commodore Barney. Those who ran away have received or are entitled to bounty land, but Barney and his men got none. I know it has been heretofore a part of the principle of those who were engaged in these transactions, to reward the unmeritorious and neglect those who are really meritorious. I hope that practice will be now abandoned. I hope, in view of this great series of compromise land measures, that a little returning sense of justice will actuate the members of the House, and that they will see the necessity of putting this matter right. The other section proposes also, that any man who was actually in any battle or encounter with the enemy of his country, no matter whether he had served a month or not, shall receive bounty land for his service. I take it for granted that gentlemen will not attempt a contradiction of what I say, that the man who has been actually engaged in a serious encounter with the enemy, as some of our gallant friends have been, only for a few hours, is at least as deserving of bounty land as those who ran away from Bladensburg, or disgraced themselves by surrender. He who has been five years in the service of his country, and performed garrison duty, is not more meritorious than the soldier who has periled his life on the battle-field. If the committee think otherwise, I hope they will vote down my amendment. I hope it will be made a test here, and before our constituents, whether those who have really fought the battle, whether those who came on shore and sustained the brunt of action when others were running away, shall also have their reward; or whether the undeserving and unmeritorious only, who ran away, shall receive the bounty of this Government. That is the question for the committee to determine now. I leave that question with them, confiding in their sense of justice. I have a high opinion of their probity, and do not believe they will make this unjust distinction.

Mr. WALSH. I desire to say but a few words, partly in support of the amendment and partly against it.

The CHAIRMAN. The Chair will inform the gentleman that he can say what he desires to say against the amendment, but not that in favor of it.

Mr. WALSH. I understand that I have a right, under the five minutes rule, to speak against the amendment, and I oppose it for the reason that I do not suppose it embraces Barney's flotilla men. I should like to have them described by the proper name.

Mr. EVANS. What is it?

Mr. WALSH. They were seamen, and the fact that they were seamen constitutes their claim for compensation at the hands of this House. I will give you their history briefly. Commodore Barney came into the city of Baltimore and vicinity, and got sailors from the mercantile marine. He put them on board of gun boats, and as the enemy advanced he destroyed those boats to prevent their falling into the hands of the British fleet.

Those men were then entitled to their discharge, and nine men out of ten would have fled from the danger, but not so with them. They volunteered under their immortal leader, came to Bladensburg, and the British record of that battle says that the valor and gallantry evinced by these sailors and the marines was never exceeded upon the field of battle. I wish I had the book here to show you what the British historian says of them.

Sir, these men were engaged in the general defence; they were not acting on the battle field, in defense of their own firesides; they were not rushing to the protection of their own homes, for they scarcely had homes; but they came here to defend your capital, and in that point of view, were engaged in the general defence.

Justice requires the grafting of exceptions on all general rules and general laws. This case constitutes such an exception, and we have acted on this principle in the case of the pensions granted to the seamen who were entitled to pensions under the law relative to the Mexican war. We have singled out those men to bestow our benevolence upon them; and here is a case of men who left their native element, came on land, and put themselves under the control of a military commander—men who, the British historian tells you, managed their guns with a skill and success unexampled in European war.

Sir, I have a word now to say, with the permission of the House, for the purpose of correcting history. It is said that the Maryland troops ran from the field of Bladensburg. Sir, they ran only when no other troops could have stood. They ran only when their ammunition was exhausted. I call the attention of the House to that same British record, which says that the fifth regiment of Maryland militia drove back the first advances of the British army, and these were raw militia, who had scarcely got upon the field of fight before the fight began.

The question was then taken on Mr. EVANS's amendment, and on a division there were—ayes 46, noes 17—no quorum voting.

Tellers were accordingly ordered, and Messrs. HAMILTON and CHANDLER appointed. And the question being again put, there were—ayes 78, noes 44.

So the amendment was agreed to.

The Clerk then reported the fourth section, as follows:

SEC. 4. *And be it further resolved*, That nothing in the first section of the act of the twenty-eighth of September, eighteen hundred and fifty, granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States, shall be so construed as to exclude any commissioned or non-commissioned officer, musician, or private, whether of regulars, volunteers, rangers, or militia, who was mustered into the service of the United States for the suppression or prevention of Indian hostilities, and served the length of time required by said act, or whose services were subsequently recognized by the United States.

Mr. DUNHAM. The committee, in adopting the fifth section of the Senate bill, have already adopted the substance of this section, and there is therefore no necessity for keeping it in.

I move to strike out the fourth section, and insert in lieu thereof the fourth section of the bill reported from the select committee, with a proviso thereto which I have added, and which I send to the Clerk's desk.

The Clerk read the matter proposed to be inserted, as follows:

SEC. 4. *And be it further enacted*, That in computing the term of service of the officers and soldiers of militia, volunteers, and rangers, for the purposes of this act, or of the act of which this act is explanatory, such term shall be computed from the time they were mustered into the service of and paid by the United States to the time they were discharged therefrom: *Provided*, That this section shall not extend to the cases provided for in the second section, and in the provisos to the first section of the act of which this act is explanatory.

Mr. DUNHAM. I will explain to the committee the purport of the section which I propose to insert in lieu of the fourth section. It is simply to provide that in computing the time of service of the soldiers, it shall be computed from the time they were first engaged in service until they were discharged; in other words, that you shall compute the full term that they were in active service.

The proviso is designed to obviate the difficulty in reference to that section, suggested by my colleague [Mr. FRENCH] a few days ago. It is simply to meet the case where soldiers who had been called out in Indian wars and for the suppression of Indian hostilities were, after peace was made,

kept upon the frontier one, two, three, or four months in active service of the most arduous description.

The question now being upon striking out and inserting, it was put, and there were—ayes 38, noes 30—no quorum voting.

[Cries of "Tellers!" "Tellers!" and "Call the roll!"]

Tellers were ordered; and Messrs. CARTER and CLEVELAND were appointed.

The question was then taken, and the tellers reported—ayes 47, noes 63—no quorum.

[Loud cries of "Call the roll!"]

The Clerk then proceeded to call the roll, and the absentees having been noted, the committee rose, and the Speaker having resumed the chair, the Chairman [Mr. OLDS] reported that the Committee of the Whole on the state of the Union having found itself without a quorum, had directed the roll to be called and the absentees noted, and had instructed him to report the facts to the House with the names of the absentees.

A quorum now being present, the committee again resumed its session.

The tellers again resumed their places, and the question being taken, they reported—ayes 62, noes 58.

So the amendment was agreed to.

Mr. JONES, of Tennessee. I am satisfied that we cannot do anything by remaining here, and I move that the committee do now rise.

Mr. MARSHALL, of Kentucky. I hope the committee will not rise now. There is but one more section of the bill, and I hope we shall first dispose of it.

Mr. DUNHAM. I move to strike out the fifth section of the bill under consideration, and insert the seventh section of the bill reported by the select committee. I would suggest that the substance of that section has already been adopted, and the section will of course be stricken out. I move to insert the whole of the seventh section of the bill of the select committee, with an amendment which I have added.

The fifth section proposed to be stricken out is as follows, viz:

"SEC. 5. *And be it further resolved*, That in all cases where the militia or volunteers, or State troops were called out under the laws or executive authority of any State, and who served in defence of the country, and whose services have been recognized and paid by the United States Government, shall be considered as having been in the service of the United States, and shall be entitled to the benefit of the act of which these resolutions are explanatory."

That proposed to be inserted by Mr. DUNHAM is as follows, viz:

And be it further enacted, That the proviso to the second section of the act of which this act is explanatory be and the same is hereby repealed.

The question was then taken, and the amendment was not agreed to.

Mr. HUNTER. I move to strike out the fifth section of the bill.

The question was taken, and the motion was agreed to.

Mr. MOORE, of Pennsylvania. I move the following as an additional section:

And be it further provided, That every male citizen of the United States, of twenty-one years of age, or upwards, who has served his country by paying its taxes and attending to those peaceable pursuits of life which have placed it in a position second to none in the world, shall be entitled to enter upon and take any one quarter section of the public lands which may be open to entry at private sale, for the purpose of residence and cultivation, and that when such citizen shall have resided on the same land for three years, and cultivated the same, or if dying in the meantime, the residence and cultivation shall be held and carried on by his widow or his heirs, or devisees for the space of full three years from and after making entry of such land, then a patent to issue for the same to the person making entry, or otherwise to his heirs or devisees, as the case may require: *Provided nevertheless*, That such person so entering and taking the quarter section as aforesaid, shall not have, nor shall his devisees or heirs have, any power to alienate such land nor create any title thereto in law or equity, by deed, transfer, lease, or any other conveyance except by devise by will.

The CHAIRMAN. The Chair decides that the amendment is not in order.

Mr. MARSHALL, of Kentucky. I move that the committee do now rise, and report the bill.

Mr. EVANS. I rise to a point of order. I want to put this bill right. When this matter was first introduced into the House, it was introduced as a joint resolution; and, on motion by the gentleman from Georgia, it was changed into an enactment, and the word "resolved" stricken out. It was then referred to a select committee who reported back a substitute for it, with the form of

"Be it resolved." I offered an amendment with the form of "And be it further enacted." Now, I do not care which is adopted, but for the sake of uniformity, I want to have the form settled, and either mine changed to conform with the bill, or the bill changed to conform with mine.

Mr. JONES, of Tennessee. I make a question of order upon that amendment. The question which the gentleman from Maryland [Mr. EVANS] raises is one which has never been settled. The Committee of the Whole on the state of the Union has had a joint resolution under consideration, and they report it back to the House, having first adopted the amendment of the gentleman from Georgia, [Mr. STEPHENS,] to change it from a joint resolution to an act. Before the House acted upon that amendment, it was referred to a select committee, who reported back a substitute for it as a joint resolution. The House has, therefore, never decided whether it should be a joint resolution or an act.

Mr. EVANS. I ask the permission of the committee to strike out of my amendment the words "Be it resolved," and to insert "Be it enacted."

There being no objection, it was so ordered.

Mr. MARSHALL, of Kentucky. I move that the committee do now rise, and report the bill.

Mr. SACKETT. I desire to offer an amendment.

Mr. MARSHALL. The bill has been read through, and acted upon by sections; now I ask if it is not competent for the committee to rise, and report the bill? We have gone through the bill, and if gentlemen are allowed still to offer amendments, the opponents of the bill may prevent the bill from ever being brought to a vote.

The CHAIRMAN. The Chair supposes it is not competent to return to any of the sections of the bill to amend them, but it is competent to amend by adding additional sections.

Mr. SACKETT. I desire to offer an additional section to the bill.

Mr. WALSH. I submit this question of order. Until the question is put upon the motion of the gentleman from Kentucky [Mr. MARSHALL] that the committee rise, the gentleman from New York [Mr. SACKETT] cannot get the floor to offer his amendment.

The CHAIRMAN. The Chair decides that so long as gentlemen desire to offer amendments which are in order, it is not competent, under the rules, for the committee to rise and report the bill.

Mr. MARSHALL. Do I understand the Chair to decide that after the bill has been read through, so long as gentlemen may choose to offer amendments, it is not competent for the committee to rise and report the bill?

The CHAIRMAN. The Chair decides that, under the rules, it is not competent for the committee to rise and report the bill so long as gentlemen desire to offer amendments which are in order. But it is not in order to return to any sections of the bill to amend them.

Mr. JONES, of Tennessee. I understand that it is in order to offer a proviso to the last section, or an additional section.

The CHAIRMAN. It is in order to offer an additional section to the bill.

Mr. DUNHAM. I would inquire if the Chair decides that an amendment may be offered when a motion has been made to rise and report the bill?

The CHAIRMAN. It is not competent to entertain a motion to rise and report, as long as gentlemen choose to offer amendments which are in order.

Mr. DUNHAM. In this instance the motion to rise was made first.

The CHAIRMAN. The Chair supposes that such a motion does not change the order of business at all, and gentlemen have still a right to offer amendments in order.

Mr. SACKETT then offered the following amendment as an additional section, which was read:

And be it further enacted, That the word "children," whenever it occurs in this act, shall be construed to mean descendants from the soldier.

The CHAIRMAN. The Chair hardly supposes that amendment in order. It is merely explanatory of the act itself.

Mr. SACKETT. If I could have the attention

of the committee for a few moments, they will be able to see the propriety of it.

The CHAIRMAN. The Chair decides it out of order.

Mr. SACKETT. I can satisfy the chairman that the amendment is in order, if I can have his attention.

The CHAIRMAN. The question is not debatable.

Mr. HOWARD. I desire to offer a proviso to the last section of the bill.

The proviso was then read, as follows:

Provided, That nothing in the first section of the act of the twenty-eighth of September, eighteen hundred and fifty, granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States, shall be so construed as to exclude any commissioned or non-commissioned officer, musician, or private, whether of regulars, volunteers, rangers, or militia, who was mustered into the service of the United States for the suppression or prevention of Indian hostilities, and served the length of time required by said act, or whose services were subsequently recognized by the United States.

The CHAIRMAN. Has not this amendment been once offered in the committee?

Mr. GAYLORD. I would inquire if the fourth section does not cover it?

The CHAIRMAN. The Chair thinks this proposition has been voted upon already.

Mr. HOWARD. It is a distinct proposition.

The CHAIRMAN. The committee have acted upon a similar proposition.

Mr. GAYLORD. There is a similar provision in the fourth section of the Senate bill.

The CHAIRMAN. The Chair is of the opinion that it is out of order.

Mr. LANE. I desire to offer the following as an additional section to the bill.

The amendment was then read, as follows:

And be it further provided, That all persons who are entitled to a bounty of land for services rendered, and who are at this time residents of Oregon Territory, shall be entitled and permitted to locate their warrants upon any unclaimed lands in said Territory, and upon such survey and location patent shall issue therefor as in other cases.

The CHAIRMAN. This amendment is so nearly like the one voted upon already, that it is out of order.

Mr. MARSHALL, of Kentucky. I move that the committee rise and report the bill to the House.

The question was then taken on the motion, and it was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly the special order of the House, joint resolution No. 1, being an act "explanatory of the act approved September 28, 1850, entitled 'An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States,'" and had directed him to report the same to the House with sundry amendments thereto.

The bill as adopted by the committee, is as follows:

Sec. 1. *Be it enacted, &c.*, That from and after the passage of this act, the registers and receivers of the United States land offices shall each be entitled to receive fifty cents for his services in locating each bounty land warrant by him located, to be paid by the person or persons locating the same; but this act shall not be so construed as to allow any register or receiver to receive any greater maximum of salary and fees than by law he is now entitled.

Sec. 2. *And be it further enacted*, That if any officer or soldier who would, if living, have been entitled to the benefit of the act of Congress, passed September 28, 1850, shall have died leaving no widow surviving him, the child or children of such officer or soldier shall be entitled to the benefit of said act; and if there are no children living, then the father and mother of such officer or soldier shall be entitled, or in default of father or mother, the right shall descend to the brothers and sisters of such officer or soldier in as full a manner as though said soldier or officer had himself received the bounty, any act to the contrary notwithstanding.

Sec. 3. *And be it further enacted*, That in the event of the death of a commissioned or non-commissioned officer, musician, or private, who shall have made application for bounty land under the provisions of said act, during the pendency of such application, any warrant issued in the name of any such deceased applicant, such warrant so issued shall not become void, but shall inure to and for the benefit of those entitled thereto, the same as if such officer or soldier had been deceased at the passage of said act.

Sec. 4. *And be it further enacted*, That in all cases where the militia or volunteers or State troops of any State or Territory were called into military service, and whose services have been paid by the United States, the officers and soldiers of such militia, volunteers, or troops, shall be entitled to all the benefits of the act entitled "An act grant-

ing bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required; and that the last proviso of the ninth section of the act of 11th of February, 1847, be and the same is hereby repealed: *Provided*, That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.

Sec. 5. *And be it further enacted*, That one hundred and sixty acres of land be, and the same are hereby, granted to every officer and soldier, whether of regulars, militia, or volunteers, who may have been actually engaged in any action or encounter with the enemy, in any of the wars specified in the act approved September 28, 1850, without regard to his length of service; or in case of the death of any such soldier or officer, the warrant to be issued may be granted to such person or persons as would be entitled under the act of 1850, above mentioned, or any other act, as if this enactment had constituted a part thereof: *Provided*, That nothing herein contained shall be so construed as to grant more than one hundred and sixty acres of land to any person who may already be entitled to it under the act above mentioned for his services in any one war.

Sec. 6. *And be it further enacted*, That the warrants of one hundred and sixty acres, so as above to be issued, shall be assignable.

Sec. 7. *And be it further enacted*, That the act of September 28, 1850, is hereby extended to all naval officers, sailors, flotilla men, and marines serving with land troops in cases where they could not be entitled to prize money.

Sec. 8. *And be it further enacted*, That in computing the term of service of the officers and soldiers of militia, volunteers, and rangers, for the purpose of this act, or of the act of which this act is explanatory, such term shall be computed from the time they were mustered into the service of and paid by the United States to the time they were discharged therefrom: *Provided*, That this section shall not extend to the cases provided for in the second section, and in the provisos to the first section of the act of which this act is explanatory.

The SPEAKER. The question is now upon the amendments reported by the committee.

Mr. BRECKENRIDGE demanded the previous question, and also tells upon that motion.

Tellers were ordered, and Messrs. DAVIS of Indiana, and BRECKENRIDGE were appointed.

The question was then taken, and the tellers reported—yeas 98, noes 28; so the previous question received a second.

Mr. GOODENOW. I move to lay the bill upon the table.

Mr. MARSHALL, of Kentucky. Upon that I demand the yeas and nays.

Mr. HENN. Will it be in order to call for the reading of the amendments?

The SPEAKER. It will be in order.

Mr. CLINGMAN. I desire to make a privileged motion, in order to enable the House to understand what the condition of the bill is. I move the House do now adjourn.

[Cries of "No!" "No!" "No!"]

Mr. JOHNSON, of Arkansas. Upon that motion I demand tellers.

Mr. STANTON, of Ohio, demanded the yeas and nays; which were not ordered.

Tellers were also refused.

Mr. STUART. The House will understand this question in one moment.

[Cries of "Order!" "Order!"]

The question was then taken on the motion to adjourn, and it was agreed to.

So the House adjourned to to-morrow, at twelve o'clock.

NOTICE OF A BILL.

Mr. CHURCHWELL gave notice that he would ask leave to-morrow, or on some subsequent day, to introduce a bill granting public lands to the several States of the Union for the establishment of a permanent and efficient system of common schools.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. HIBBARD: The petition of Content Hutchinson, praying that certain money lost in the mail may be refunded to him.

By Mr. FLORENCE: The memorial of Isaac Weaver, James McCann, Enoch Thorn, and others, citizens of the city and county of Philadelphia, remonstrating against the extension of the Woodworth patent for planing boards, &c.

Also, the memorial of Michael Wartman, C. D. Jones, Kern, George Pites, P. George Warrington, C. D. Jones, Charles S. Close, Daniel Kane, Henry M. Weaver, G. S. Hendrickson, and more than 800 others, cigar-makers, and residents of the city and county of Philadelphia, representing that in consequence of the existing tariff regulations and the frauds practiced under the law, they are subjected to ruinous competition with foreign cigars, especially those made in the German States, and praying for an alteration of the tariff on cigars of a less valuation than \$10 per thousand, so as to afford employment for American workmen at fair and remunerating prices.

Also, the memorial of Joseph Ritchie, John C. Montgomery, Benjamin Orne, and others, citizens of the State

of Pennsylvania, petitioning Congress to pass a law to prohibit absolutely the deportation, banishment, or immigration from foreign countries of all convicts, felons, and paupers, publicly recognized as such.

By Mr. KUHN: The memorial of Benjamin Wakefield, praying to be allowed the difference of pay between that of master's mate and boatswain while performing the duties of the latter grade on board the United States ship Preble.

By Mr. ALLISON: Two petitions signed by Anthony Henderson and 152 others, citizens of Lawrence county, Pennsylvania, for a grant of land to be made to the State of Pennsylvania, for the purpose of aiding the Piusburg and Erie Railroad Company in the construction of their road.

By Mr. ROBBINS: A petition signed by George Albertson and 38 other citizens of the county of Philadelphia, stating that the extension of the Woodworth patent had been obtained by fraud and false information, and ask that a committee be appointed with power to send for persons and papers, with a view to inform your honorable bodies of the truths and merits of all matters pertaining to said patent and its several extensions.

Also, the petition of P. M. Manns and 49 other citizens of the county of Philadelphia, asking for the extension of the Woodworth patent by act of Congress.

Also, the petition signed by Levi Lancaster and 19 other citizens of Penn district, in the county of Philadelphia, Pennsylvania, asking Congress to modify the bounty land act of September 28, 1850, so as to give to each person intended to be benefited by said act, and the seamen and marines who served in said wars, not less than one hundred and sixty acres of land.

By Mr. HENDRICKS: The petition of Thomas Williams and W. W. Payne, of Johnson county, Indiana, praying that additional compensation be made to the assistant marshals for services in taking the Seventh Census.

By Mr. MOORE, of Pennsylvania: A remonstrance of citizens of Philadelphia against the extension of the Woodworth patent.

Also, five memorials from citizens of the county of Philadelphia in favor of the extension of the Woodworth patent.

Also, memorial of citizens of Pennsylvania, asking for protection to American labor and the industrial interests of our country, by an alteration of the present tariff system.

Also, resolutions of the Legislature of Pennsylvania, relative to appropriations for piers in the Delaware river, to complete the Delaware breakwater, and for an ice harbor near Reedy Island.

By Mr. CHANDLER: The memorial of George R. Childs and many other citizens of Philadelphia, asking for the renewal of the patent for Woodworth's planing machine.

By Mr. HENN: The memorial of John D. Elbert, asking for a grant of land to aid in the construction of a railroad from Lafayette, via Peoria and Burlington, to the Missouri river.

By Mr. FITCH: The petition of Eber Woolman and Nelson Ferris, assistant marshals of St. Joseph county, Indiana, asking additional compensation for services in taking the census.

By Mr. SEYMOUR, of New York: Remonstrance of 300 citizens of Troy, New York, against the extension of the Woodworth patent.

By Mr. ALLEN, of Illinois: The petition of Jesse York and 85 other citizens of White county, and State of Illinois, for the extension of the present mail route leading from Benton to McLanesboro', via Carmi and Philipstown, to New Harmony, Indiana, &c.

By Mr. FAULKNER: The petition of William T. Purcell and other citizens of Jefferson county, Virginia, praying for the establishment of a post road from Charlestown to Kabletown.

Also, the petition of Lewis B. Willis, of Virginia, late a paymaster in the Army of the United States, praying the payment of a judgment rendered in his favor against the United States by the district court of Louisiana.

Also, the petition of John H. King, of Harper's Ferry, praying to be paid for his services as a director of the rifle factory.

Also, the petition of same, praying to be paid for certain improvements of his invention used at the national armory.

By Mr. HARPER: The petition of Samuel McArthur and 85 other citizens of Muskingum and Guernsey counties, Ohio, praying that the law authorizing the transportation of the mail on Sunday may be repealed.

Also, the petition of Mary Young, of Morgan county, Ohio, asking for a pension as heir of William Liggett, a soldier of the Revolution.

By Mr. DEAN: A remonstrance of C. B. Morse, A. Wager, and 70 other citizens of Rhinebeck, Dutchess county, New York, against the further extension of the Woodworth patent.

By Mr. KING, of Rhode Island: The petition of Richard Borden and others, for the establishment of a dolphin or buoy on the south point of Goat Island, in the harbor of Newport, Rhode Island.

Also, the memorial of Colonel William Gates, praying for the return to him of certain moneys presented to him by citizens of Tampico, on his retiring from command there, and paid by him into the Treasury of the United States.

By Mr. PHELPS: The petition of citizens of Taney county, Missouri, for a post road from Forsythe, via Big Beaver Creek, to Hartville, Wright county.

Also, the petition of citizens of Wright county, Missouri, for the relief of Littleton Freeman.

Also, the petition of citizens of Lawrence and Greene counties, Missouri, for a post road from Mount Vernon, via Dunkle's store, to Orleans, Polk county.

By Mr. RIDDLE: The memorial of certain citizens, cigar-makers in the city of Wilmington, State of Delaware, praying Congress to make such an alteration of the tariff on cigars of a less valuation than \$10 per thousand, as will afford them employment at fair remunerating prices.

Also, resolutions of the General Assembly of the State of Delaware, in reference to public lands.

By Mr. HASCALL: The petition of Ennice Gilbert, for compensation for property destroyed in the war of 1812.

IN SENATE.

THURSDAY, February 26, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

LOUISVILLE AND PORTLAND CANAL.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Treasury Department, transmitting, in compliance with a resolution of the Senate, information concerning the Louisville and Portland Canal; from which it appears that six hundred shares of the stock owned by individuals have been purchased since the list was made out which was transmitted on the 16th instant. It was referred to the Committee on Roads and Canals.

PETITIONS.

Mr. SEWARD presented the petition of James McGregor, Jr., administrator of Wally and Donaldson, praying the establishment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which was ordered to be laid on the table.

Also, several memorials from citizens of Dunkirk, on Lake Erie, New York, expressing their confidence in the plan of a "floating breakwater," invented by John H. Sherburne, for the safety of life and property in severe storms on the lakes; also, from ship-masters navigating the western lakes, accompanied by a communication from the Mayor of Buffalo to the same effect; which were referred to the Committee on Commerce.

Mr. WADE presented a memorial of assistant marshals of Ohio, for taking the Seventh Census, praying additional compensation; which was referred to the Committee of Claims.

Mr. BADGER presented four memorials of assistant marshals of North Carolina for taking the Seventh Census, praying additional compensation; which were referred to the Committee of Claims.

Mr. SUMNER presented a petition of citizens of Massachusetts, praying the construction of a ship canal around the Sault Ste. Marie; which was ordered to be laid on the table.

Mr. HAMLIN presented a petition of citizens of Vinal Haven, Maine, praying the construction of a light-house on Harn Neck, at the southern extremity of Greene's Island; which was referred to the Committee on Commerce.

Mr. BRIGHT presented four memorials of assistant marshals of Indiana for taking the Seventh Census, praying additional compensation; which were referred to the Committee of Claims.

Also, the petition of citizens of Philadelphia county, Pennsylvania, remonstrating against an extension of the patent granted to W. W. Woodworth for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, the proceedings of the Common Council of the city of Madison, Indiana, requesting Congress to take the necessary steps to improve navigation at the Falls of the Ohio; which were referred to the Committee on Roads and Canals.

Mr. PRATT presented a memorial of Malcom W. Mearis, an assistant marshal for taking the Seventh Census in Maryland, praying additional compensation; which was referred to the Committee of Claims.

Also, the petition of Charles P. Colston, praying the location of certain bounty land warrants; which was referred to the Committee on Public Lands.

Also, a petition of soldiers and others, of Anne Arundel county, Maryland, praying a modification of the bounty land law; which was referred to the Committee on Public Lands.

Mr. MASON presented the memorial of Catharine Crosby, for herself and the other heirs of Thomas D. Anderson, deceased, late consul of the United States at Tripoli, praying to be allowed a credit in his accounts for certain contingent expenses of his consulate, the vouchers for which cannot be found; which was referred to the Committee on Foreign Relations.

Also, the memorial of John Powell, assignee of Thomas Powell, praying the establishment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which was ordered to be laid on the table.

Mr. DAVIS presented a memorial of citizens of Massachusetts, praying a repeal of the duty on raw silk; which was referred to the Committee on Finance.

Also, the memorial of William Gates, praying that certain moneys received by him as presents while civil Governor of Tampico, and which he was required to pay over to the United States, may be refunded; which was referred to the Committee of Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. MASON, from the Committee on Foreign Relations, to which was referred the petition of Lieutenant William D. Porter, of the United States Navy, praying compensation for the entertainment of illustrious personages on board of the vessel he commanded, submitted a report, accompanied by a bill for his relief; which was read and passed to a second reading. The report was ordered to be printed.

Mr. DOWNS, from the Committee on Private Land Claims, to which was referred the memorial of Richard King, submitted a report, accompanied by a bill for his relief; which was read and passed to a second reading. The report was ordered to be printed.

STATE OF THE PUBLIC PRINTING.

Mr. BORLAND submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on Printing be instructed to report to the Senate the present state of the public printing, embracing the quantity and quality of the work already done, and the prospect of the remainder, as to time, quantity, and quality, and as to the propriety of making any other than the present arrangement for its execution.

PERSONAL EXPLANATION.

Mr. RHETT. When I was absent from the city of Washington, the Senator from Alabama, [Mr. CLEMENS,] not now in his seat, and the Senator from Michigan, [Mr. CASS,] the Senator from Alabama more particularly, thought proper to deliver speeches in this Senate, in which they very strongly reflected upon me personally; and so personal were the remarks, and of such a kind as to leave me no alternative but to reply. The Senator from Alabama is not now in his seat, but I beg leave to say, that to-morrow, after the usual business of the morning hour is finished, I shall throw myself upon the indulgence of the Senate, in order to make a vindication of my position, and reply to the personalities to which I have referred. I shall be happy if the Senator from Michigan shall be present, and I shall take care that the Senator from Alabama shall be duly notified of my purpose to take up this matter.

Mr. PRATT. I suggest to the Senator from South Carolina to fix some other day, as to-morrow is private bill day. Friday was set apart some time ago for the consideration of private bills, and though several efforts have been made to set this rule aside, the Senate has not seen fit to do so; I hope, therefore, the Senator from South Carolina will fix on some other day.

Mr. RHETT. Very well, I will say Monday morning then.

Mr. JONES, of Iowa. I hope not. Monday morning is the time when I hope we shall come to a vote on the Iowa land bill. I will suggest Saturday morning.

The PRESIDENT. This whole discussion is out of order.

Mr. RHETT. I did not know that there would be any objection on the part of Senators; if I had, I would have endeavored to modify my design to suit their wishes. But I see it is impossible to suit the Senate, and therefore I can only say that I shall ask leave of the Senate to-morrow after the usual business of the morning is over, to say what I have to say in vindication of myself.

Mr. BADGER. Let me make a suggestion. I think that if the Senator from South Carolina would fall back upon his second proposition of asking leave to introduce this subject on Monday, it will not interfere with the progress of the bill in regard to which the Senator from Iowa is so justly sensitive, if the Senator from South Carolina, instead of waiting till the morning hour is over, will take up the subject in the morning hour. I think that will obviate every objection.

Mr. CASS. The Senator from South Carolina, to whom I shall listen with a great deal of attention to-morrow, or whenever he chooses to make his vindication, has used an expression which seems as if the Senator from Alabama and myself had taken advantage of his absence, for he says "thought proper." The discussion went on; it was participated in by various Senators, and it was impossible that such a discussion should

go on without making some remarks in answer to those of the Senator from South Carolina, which, as we all know, were of a very striking character. I think I followed him within a day or two from the time he left here. I am not sure that I knew the honorable Senator had left. It was not for me to postpone the discussion, or to stop any remarks I thought proper to make in consequence of his absence.

The PRESIDENT. This whole proceeding is out of order.

Mr. RHETT. I will say no more. I only mentioned that all this occurred while I was not in my seat, in order to show the Senate that I had not an opportunity at the time of vindicating myself; and, therefore, I asked the indulgence of the Senate. I have waited several days, in hopes that the original matter would come up; but I see that no opportunity is likely to occur, and therefore I have no alternative but to ask for such an indulgence to-morrow.

RECONSIDERATION OF A VOTE.

Mr. GWIN. I ask the unanimous consent of the Senate to have the vote in the case of H. P. Dorsey and others reconsidered—I mean the vote concurring in an adverse report which was made against the claim. I was absent at the time when this matter was up before, and it was disposed of before I was aware of it. It involves a question of great interest in my State, and I wish to have it put in such a shape that I may have an opportunity of discussing the subject. I have consulted with the gentlemen who made the report, and they are willing that the vote concurring in the report should be reconsidered.

The motion to reconsider was agreed to.

NOTICE OF A BILL.

Mr. BRIGHT gave notice of his intention to ask leave to introduce a bill explanatory of an act entitled "An act in addition to an act therein mentioned," approved May 9, 1848.

SELECT COMMITTEE ON MEXICAN CLAIMS.

The PRESIDENT. Pursuant to a motion adopted yesterday, Senators will have the goodness to prepare their votes for the election of five Senators to constitute the select committee to investigate the disposition of claims by the late Board of Commissioners under the treaty with Mexico.

Mr. BADGER. Is it not necessary that the chairman of the committee should be first balloted for?

The PRESIDENT. Not at all. Senators will simply vote for five Senators to constitute the committee.

Mr. BRIGHT. I think it would be entirely proper to designate who shall be the chairman of that committee.

The PRESIDENT. Senators may do as they choose in that respect, but it is not usual. The rule is explicit upon the point. Senators vote for the whole number to constitute the committee, and the Senator having the greatest number of votes is usually considered as chairman, unless the committee choose to make some other arrangement.

Senators having deposited their ballots, and the votes being counted, the following is the result:

Mr. Brodhead . . . 30	Mr. Badger 3
Mr. Soule 30	Mr. Wade 3
Mr. Bayard 29	Mr. Sumner 2
Mr. Pratt 26	Mr. Geyer 2
Mr. Clarke 23	Mr. Underwood . . 1
Mr. Downs 8	Mr. Walker 1
Mr. Jones 6	Mr. Bright 1
Mr. Hunter 5	Mr. Cass 1
Mr. Foot 4	Mr. Butler 1
Mr. Dawson 4	Mr. Atchison 1
Mr. Stockton 4	Mr. Smith 1
Mr. Chase 3	Mr. Felch 1
Mr. Bradbury 3	Mr. Davis 1
Mr. Fish 3	Mr. Jones, of Tenn. 1
Mr. Norris 3	Mr. Shields 1
Mr. Spruance 3	

The PRESIDENT. The committee consists of Messrs. BRODHEAD, SOULE, PRATT, BAYARD, and CLARKE.

Mr. BRODHEAD. Did I understand the Chair to say that the Senator having the highest number of votes would be chairman of the committee?

The PRESIDENT. The custom has been that when two Senators, as in this case, have an equal and the highest number of votes, the list is taken

alphabetically, and the Senator whose name comes first of the two having an equal and the highest number will be the chairman of the committee. The Senator from Pennsylvania, [Mr. BRODHEAD,] therefore, being first on the alphabetical list, will be considered as chairman in preference to the Senator from Louisiana, [Mr. SOULE,] although the votes for each of these Senators are equal.

Mr. BRODHEAD. I did not desire, Mr. President, to be upon this committee at all, and it is very certain that I cannot perform the duties of chairman. I am already chairman of the Committee of Claims, and the duties imposed upon me in that capacity are onerous. I think, too, that the chairman of this committee ought to speak both the French and the Spanish languages. I do not speak either; and I hope, therefore, that my friend from Louisiana, [Mr. SOULE,] having the same number of votes with myself, will take that post.

Mr. BADGER, (in his seat.) Agreed, agreed. The PRESIDENT. That is a matter which can be settled by the committee.

Mr. BRODHEAD. I hope it will be done by the Senate.

The PRESIDENT. If such is the understanding, the Senator from Louisiana [Mr. SOULE] will be placed first on the committee, and be considered as chairman.

Mr. BRODHEAD. I hope that, by unanimous consent, that will be done.

The PRESIDENT. That will be the understanding, then.

NON-INTERVENTION.

Mr. CLARKE. I now move that the Senate postpone all the prior special orders, and proceed to the consideration of the resolutions on the subject of "non-intervention," in order that my friend from New Jersey [Mr. MILLER] may have an opportunity of discussing the subject, as I believe he is now ready to make his remarks.

Mr. JONES, of Iowa. I am sorry that I am compelled, on account of my position in relation to another bill, to interpose any objection to this motion. I am assured that if my bill is made to give way to this question, an effort will be made to lay that bill upon the table. The Senator from California is anxious in regard to a bill which he brought in, and which was laid aside for the purpose of taking up this bill. My opinion is, that if we proceed with the bill which was under discussion yesterday, we shall be able to take a vote upon it by three o'clock to-day; and I trust that the Senate will proceed to the consideration of that bill. I was present yesterday when the Senator from Rhode Island made his suggestion to the Senate in regard to taking up this question to-day; but, although I was sitting so close to my friend, I did not hear a word of his proposition, for I was busily engaged in writing, and supposed he was moving that the Senate proceed to the consideration of Executive business. I again express the hope that this bill may be proceeded with and disposed of by the Senate.

Mr. CLARKE. I regret that the honorable Senator from Iowa has felt it his duty to object to this motion. It will be recollected that the honorable Senator from New Jersey, on the last occasion when these resolutions were under consideration, when the Senator from Alabama [Mr. CLEMENS] had delivered his speech, took the floor and was desirous of addressing the Senate at an early day—on the Tuesday then following. But at the suggestion of gentlemen he gave way, and Monday last was specially assigned for the consideration of these resolutions, with a view to accommodate the honorable Senator from New Jersey. On Monday, it is well known, little business was done, and on Tuesday and Wednesday no attempt was made to get up this subject, in order that the discussion upon the Iowa land bill might be proceeded with. The Senator from New Jersey will necessarily be absent a few days after this week, and he therefore desires to be heard to-day. He will not occupy the attention of the Senate for more than an hour, and then the further consideration can be postponed to accommodate the Senators from Iowa and California. I am assured that the honorable Senator will not consume more than an hour, and I hope the Senate will consent that he may have an opportunity to be heard to-day.

Mr. ATCHISON. I trust the honorable Sen-

ator from Iowa will withdraw his objection. It is announced that the honorable Senator from New Jersey desires to go home. We can certainly take up the Iowa bill after the Senator has concluded his remarks, and take the vote this evening. There is to be no further speaking, as I understand; no other gentleman avows the purpose of speaking. At all events, we can take a vote this evening on the amendments proposed. I think it very reasonable that the Senator from New Jersey should have the floor under the circumstances.

The PRESIDENT. The question is on postponing the prior special orders.

Mr. JONES, of Iowa. I withdraw my objection.

Mr. GWIN. I hope the suggestion of the honorable Senator from Missouri [Mr. ARCHISON] will be adopted, and that we shall have a vote on the land bill this evening, after the Senator from New Jersey shall have concluded his remarks.

Mr. ATCHISON. Take the vote now.

Mr. GWIN. I am quite willing, for I want it out of the way.

The question was then taken on postponing the prior orders, with a view to take up the joint resolutions, and it was agreed to.

The PRESIDENT stated the pending question to be upon the amendment of the Senator from New York, [Mr. SEWARD.]

Mr. MILLER addressed the Senate in support of the resolutions. He urged a firm adherence to the policy of non-intervention as laid down by the wisdom of Washington. He contrasted the state of affairs in Europe since the treaty of Utrecht, of the universal intervention by powers of Europe in all matters, religious, political, and social, with our own peaceful and prosperous progress under a different policy. He maintained that the policy which Washington taught was not adopted by him for a day; but was a great principle to continue for all time. He strongly recommended a firm and determined adherence to the present wise policy of non-intervention, so well declared in the joint resolutions before the Senate.

[Mr. M.'s speech will be found in the Appendix.]

Mr. M. having concluded—

Mr. SEWARD. Mr. President, I desire to submit some remarks on this subject, in vindication of the proposition which I have presented to the Senate; but as I presume the Senate will not desire to continue this subject at this late hour of the day, as to-morrow is private bill day, as the honorable Senator from Iowa [Mr. JONES] feels a deep solicitude to have his bill considered and disposed of, and as the honorable Senator from California [Mr. GWIN] claims an early consideration of the business of that State, I have thought it might be well to postpone this matter, and make it the special order for some day of the week after next. If it is agreeable to the Senate, I will say Tuesday week next, and I move to postpone the further consideration of the joint resolutions, and make them the special order for that day.

The motion was agreed to.

EXECUTIVE SESSION.

On the motion of Mr. SOULE, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 26, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

BOUNTY LAND.

The SPEAKER stated that the first business in order, was the motion to lay on the table joint resolution No. 1, being "An act explanatory of the act approved September 28, 1850, entitled 'An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States,' as amended by the Committee of the Whole on the state of the Union.

Mr. STANTON, of Kentucky. I would ask permission of the gentleman from New York, [Mr. BENNETT,] who is entitled to the floor, to allow me a single minute.

The SPEAKER. The first business in order

is the special order reported from the Committee of the Whole on the state of the Union on yesterday.

Mr. MARSHALL, of Kentucky. I insist on proceeding with the regular order of business.

Mr. JOHNSON, of Arkansas. I ask for information as to how it is that the regular order of business becomes changed? For every morning lately discussion upon the railroad bills has been the regular order of business. That now seems to be superseded.

The SPEAKER. That would be the regular order of business for the morning hour, but for the fact that the special order reported from the Committee of the Whole on the state of the Union upon yesterday, becomes the regular business, from day to day, until disposed of. Being a special order, it overrides all other business.

Mr. JOHNSON. That is under a rule of the House.

The SPEAKER. Under the regular rules, and the order of the House, making this a special order from day to day until disposed of, it takes precedence in the House as it did in committee.

Upon the motion to lay the joint resolution, as reported from the committee, on the table, the yeas and nays had been ordered.

Mr. FULLER, of Maine. Let the amendments adopted by the committee be read.

The SPEAKER. The Clerk informs the Chair that the reading of the bill, as amended and reported, will present the amendments in their order as adopted by the committee.

Mr. STUART. That is so, Mr. Speaker; but the House cannot understand these amendments, unless they are read in the order they were proposed.

Mr. ROBBINS. I ask that the bill be read as amended.

Mr. GORMAN. I will suggest to the House that all of these amendments are contained in their order in the "Globe," which is placed before every gentleman. I cannot see the necessity of reading them all over. Every member can see the precise order in which they were adopted, if he sees proper to take up the Globe.

Mr. STANTON, of Tennessee. The gentleman must perceive that each member would have to read the whole debate.

The amendments were then severally read.

The question was then taken upon the motion to lay upon the table, and it was disagreed to—yeas 80, nays 92—as follows:

YEAS—Messrs. Wm. Appleton, Ashe, Bartlett, Beale, Bowne, Bragg, Brenton, Briggs, Brooks, Burrows, Lewis D. Campbell, Carter, Caskey, Chandler, Chapman, Clark, Cleveland, Curtis, Daniel, George T. Davis, Doty, Durkee, Eastman, Fitch, Fowler, Thomas J. D. Fuller, Giddings, Gilmore, Goodenow, Grow, Hall, Hart, Haws, Haven, Henn, Hibbard, Horsford, Howard, Thomas Y. How, Ingersoll, Jenkins, George W. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Letcher, McCorkle, McNair, Meade, H. D. Moore, Morehead, Newton, Andrew Parker, Peaslee, Perkins, Rantoul, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Benjamin Stanton, Thaddeus Stevens, Stratton, Stuart, Sutherland, Benjamin Thompson, Thurston, Toombs, Townsend, Walbridge, Wallace, Wells, Wildrick, and Woodward—80.

NAYS—Messrs. Abercrombie, Willis Allen, Allison, Averett, Barrere, Bell, Bennett, John H. Boyd, Breckenridge, Albert G. Brown, Busby, E. Carrington Cabell, J. Cable, Caldwell, Thompson Campbell, Churchwell, Clingman, Cobb, Cottman, John G. Davis, Disney, Duncan, Dunham, Edgerton, Edmundson, Evans, Ewing, Ficklin, Florence, Freeman, Henry M. Fuller, Gamble, Gaylord, Gentry, Gorman, Grey, Hamilton, Hammond, Harper, I. G. Harris, Sampson W. Harris, Hebard, Hendricks, Hunter, Jackson, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, Landry, Lockart, Mace, Humphrey Marshall, McMullin, Meacham, Miller, Molony, John Moore, Morrison, Murphy, Nabers, Olds, Outlaw, Samuel W. Parker, Penniman, Polk, Porter, Price, Richardson, Robbins, Robinson, Savage, Smart, Snow, Stanley, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, Strother, Taylor, Walsh, Ward, Washburn, Watkins, Welch, Addison White, Alexander White, Wilcox, Williams, and Yates—92.

So the bill was not laid upon the table.

The question now recurred on ordering the main question to be put; and it was so ordered.

Mr. ROBBINS. Is it not in order to move to recommit this bill to the Committee on Public Lands at this time?

The SPEAKER. That motion is not in order. The question now is, upon concurring with the Committee of the Whole on the state of the Union in their amendments.

The first amendment, striking out the first section of the joint resolution, was concurred in without a division.

The question now being on concurring in the second amendment of the committee, striking out the second section of the joint resolution, as follows, viz:

Sec. 2. *And be it further resolved*, That the registers and receivers of the United States land offices shall hereafter be severally authorized to charge and receive for their services, in locating bounty land warrants, the same rate of compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of \$1 25 per acre, the said compensation to be hereafter paid by the assignees or holders of such warrants, in all cases where the same have been transferred by the soldier, or his legal or personal representative, under the provisions of the acts of Congress, and the regulations of the General Land Office on that subject, and to be paid out of the Treasury of the United States, upon the adjustment of the accounts of such officers, where it shall be shown, to the satisfaction of the General Land Office, that the same was located by the soldier or warrantee, or in case of his death, by his next of kin, as provided by the acts of Congress aforesaid.

And inserting in lieu thereof the following, viz:

Sec. 1. *Be it enacted, &c.*, That from and after the passage of this act, the registers and receivers of the United States land offices shall each be entitled to receive fifty cents for his services in locating each bounty land warrant by him located, to be paid by the person or persons locating the same; but this act shall not be so construed as to allow any register or receiver to receive any greater maximum of salary and fees than by law he is now entitled.

Mr. STUART demanded the yeas and nays; which were ordered.

Mr. STANTON, of Ohio. I ask for a division upon striking out and inserting.

The SPEAKER. It is reported as one entire amendment, and cannot be divided, under an express rule of the House.

Mr. MARSHALL, of Kentucky. I rise to make an inquiry. I wish to know if the House fails to agree to the amendment, whether it does not restore the section stricken out as it stood originally?

The SPEAKER. Certainly it does.

The question was then taken upon concurring in the above amendment, and it was agreed to—yeas 121, nays 48—as follows:

YEAS—Messrs. Abercrombie, Allison, Andrews, John Appleton, Ashe, Averett, Babcock, Thomas H. Bayly, Barrere, Bartlett, Bell, John H. Boyd, Bragg, Breckenridge, Albert G. Brown, Burrows, Busby, E. Carrington Cabell, Joseph Cable, Caldwell, Cartter, Caskie, Chandler, Chapman, Churchwell, Cleveland, Clingman, Cobb, Cottman, Curtis, Daniel, George T. Davis, John G. Davis, Disney, Dockery, Duncan, Dunham, Edgerton, Edmundson, Evans, Faulkner, Florence, Fowler, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Grey, Grow, Hamilton, Hammond, Harper, Sampson W. Harris, Hart, Haven, Hebard, Hendricks, Hibbard, Horsford, John W. Howe, Thomas Y. How, Hunter, Ingersoll, Jackson, Jenkins, Andrew Johnson, James Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Kurtz, Letcher, Humphrey Marshall, McCorkle, McLanahan, McMullin, Meacham, Meade, Morehead, Morrison, Murphy, Nabers, Olds, Orr, Outlaw, Andrew Parker, Peaslee, Penn, Polk, Riddle, Robbins, Robie, Robinson, Savage, Schoolcraft, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Richard H. Stanton, Stratton, George W. Thompson, Thurston, Toombs, Townsend, Walbridge, Wallace, Walsh, Ward, Watkins, Wells, Addison White, Alexander White, Wilcox, Wildrick, and Williams—121.

NAYS—Messrs. Willis Allen, David J. Bailey, Beale, Bennett, Bowne, Brenton, Briggs, Brooks, Lewis D. Campbell, Thompson Campbell, Clark, Doty, Durkee, Eastman, Ficklin, Fitch, Giddings, Goodenow, Gorman, Hall, Haws, Howard, John Johnson, Robert W. Johnson, Lockhart, McNair, Miller, Molony, Henry D. Moore, John Moore, Newton, Samuel W. Parker, Penningman, Price, Rantoul, Richardson, Sackett, Schermerhorn, Stanly, Benjamin Stanton, Thaddeus Stevens, Stuart, Sutherland, Taylor, Washburn, Welch, Woodward, and Yates—48.

The third amendment, proposing the following as an additional section, was then read, viz:

Sec. 2. *And be it further enacted*, That if any officer or soldier who would, if living, have been entitled to the benefit of the act of Congress, passed September 28, 1850, shall have died leaving no widow surviving him, the child or children of such officer or soldier shall be entitled to the benefit of said act; and if there are no children living, then the father and mother of such officer or soldier shall be entitled, or in default of father or mother, the right shall descend to the brothers and sisters of such officer or soldier in as full a manner as though said soldier or officer had himself received the bounty, any act to the contrary notwithstanding.

Mr. MEADE. I ask the unanimous consent of the House to make a simple amendment to that section, which is absolutely necessary to avoid gross injustice. The amendment, as it stands, gives to the brothers and sisters of the soldier, if he is dead the land to which he may be entitled in case he leaves no children living, and thus excludes his grandchildren, if there be any living. I wish to remedy this.

Mr. JONES, of Tennessee. I object. It cannot be made right any how.

Mr. MEADE demanded the yeas and nays on the amendments; which were ordered.

The question was then taken on the third amendment, and resulted—yeas 133, nays 41—as follows:

YEAS—Messrs. Abercrombie, Willis Allen, Allison, David J. Bailey, Thomas H. Bayly, Barrere, Bartlett, Bell, Bibbhausa, Bowie, John H. Boyd, Breckenridge, Brooks, Busby, E. Carrington Cabell, Joseph Cable, Caldwell, Thompson Campbell, Cartter, Chandler, Chapman, Churchwell, Cleveland, Clingman, Cobb, Conger, Cottman, Curtis, Daniel, J. G. Davis, Dawson, Disney, Duncan, Edgerton, Edmundson, Ewing, Ficklin, Fitch, Florence, Fowler, H. M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Gilmore, Gorman, Grey, Grow, Hamilton, Hammond, Harper, Sampson W. Harris, Hart, Haws, Hascall, Hebard, Hendricks, Hibbard, Horsford, John W. Howe, Thomas Y. How, Hunter, Jackson, Jenkins, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, J. Glancy Jones, Kulus, Kurtz, Landry, Letcher, Lockhart, Humphrey Marshall, Mason, McLanahan, McMullin, McNair, Meacham, Miller, Molony, John Moore, Morrison, Nabers, Olds, Orr, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Perkins, Phelps, Polk, Porter, Price, Rantoul, Richardson, Robbins, Robie, Robinson, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, Smart, Smith, Snow, Stanly, Benjamin Stanton, Richard H. Stanton, Abraham P. Stevens, St. Martin, Strother, Taylor, Benjamin Thompson, George W. Thompson, Thurston, Townsend, Walsh, Ward, Watkins, Welch, Wells, Addison White, Alexander White, Wilcox, Williams, and Yates—133.

NAYS—Messrs. John Appleton, William Appleton, Ashe, Averett, Beale, Bragg, Burrows, Lewis D. Campbell, Caskie, Clark, Dockery, Doty, Durkee, Eastman, Evans, Giddings, Goodenow, Hall, Haven, Henn, Ingersoll, George W. Jones, George G. King, McQueen, Meade, Henry D. Moore, Morehead, Newton, Penningman, Riddle, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Stratton, Stuart, Toombs, Walbridge, Wallace, Wildrick, and Woodward—41.

So the amendment was agreed to.

The fourth amendment, inserting the following as an additional section, was then read, viz:

Sec. 3. *And be it further enacted*, That in the event of the death of a commissioned or non-commissioned officer, musician, or private, who shall have made application for bounty land under the provisions of said act, during the pendency of such application, any warrant issued in the name of any such deceased applicant, such warrant so issued shall not become void, but shall inure to and for the benefit of those entitled thereto, the same as if such officer or soldier had been deceased at the passage of said act.

Mr. MEADE. I ask the unanimous consent of the House to make a verbal correction in that section.

Mr. JONES, of Tennessee. Is the previous question operating?

The SPEAKER. The gentleman asks the unanimous consent of the House—

Mr. JONES. I object.

The question was then taken, and the amendment was agreed to.

The fifth amendment of the committee, striking out the third section of the joint original resolution and inserting the following, was agreed to without a division, viz:

Sec. 4. *And be it further enacted*, That in all cases where the militia or volunteers or State troops of any State or Territory were called into military service, and whose services have been paid by the United States, the officers and soldiers of such militia, volunteers, or troops, shall be entitled to all the benefits of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required; and that the last proviso of the ninth section of the act of 11th of February, 1847, be and the same is hereby repealed: *Provided*, That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.

The sixth amendment, inserting the following as an additional section, was then read:

Sec. 5. *And be it further enacted*, That one hundred and sixty acres of land be, and the same are hereby granted to every officer and soldier, whether of regulars, militia, or volunteers, who may have been actually engaged in any action or encounter with the enemy, in any of the wars specified in the act approved September 28, 1850, without regard to his length of service; or in case of the death of any such soldier or officer, the warrant to be issued may be granted to such person or persons as would be entitled under the act of 1850, above mentioned, or any other act, as if this enactment had constituted a part thereof: *Provided*, That nothing herein contained shall be so construed as to grant more than one hundred and sixty acres of land to any person who may already be entitled to it under the act above mentioned for his services in any one war.

Mr. HENN demanded the yeas and nays; which were ordered.

The question was then taken, and resulted—yeas 98, nays 74—as follows:

YEAS—Messrs. William Appleton, Babcock, David J. Bailey, Thomas H. Bayly, Barrere, Bartlett, Bennett, Bowie, John H. Boyd, Breckenridge, Brenton, Briggs, Brooks, Busby, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Cartter, Caskie, Churchwell,

John G. Davis, Dawson, Duncan, Dunham, Edmundson, Evans, Ewing, Fitch, Florence, Henry M. Fuller, Gamble, Gentry, Gilmore, Grey, Hall, Hamilton, Hammond, Harper, Hart, Haws, Hebard, Hendricks, Hibbard, Howard, Thos. Y. How, Andrew Johnson, John Johnson, J. Glancy Jones, George G. King, Kulus, Kurtz, Landry, Lockhart, Mason, McLanahan, McMullin, McNair, Meacham, Miller, Molony, Henry D. Moore, John Moore, Morrison, Nabers, Olds, Andrew Parker, Samuel W. Parker, Peaslee, Phelps, Polk, Porter, Powell, Richardson, Robbins, Robinson, Sackett, Savage, Schermerhorn, Scurry, Smith, Snow, Stanly, Benjamin Stanton, Richard H. Stanton, Abraham Stevens, Thaddeus Stevens, St. Martin, Stratton, Taylor, Benjamin Thompson, George W. Thompson, Townsend, Walbridge, Walsh, Welch, Addison White, and Yates—98.

NAYS—Messrs. Abercrombie, Allison, John Appleton, Ashe, Averett, Beale, Bell, Albert G. Brown, Burrows, Chandler, Chapman, Chastain, Clark, Cleveland, Clingman, Cobb, Conger, Curtis, Daniel, Dockery, Doty, Durkee, Eastman, Edgerton, Fowler, Freeman, Thomas J. D. Fuller, Gaylord, Giddings, Goodenow, Grow, Sampson W. Harris, Hascall, Haven, Henn, Horsford, Houston, John W. Howe, Hunter, Ingersoll, Ives, Jackson, Jenkins, James Johnson, Daniel T. Jones, George W. Jones, Letcher, Humphrey Marshall, Meade, Morehead, Murphy, Newton, Orr, Outlaw, Penningman, Perkins, Riddle, Schoolcraft, Schoonmaker, David L. Seymour, Origen S. Seymour, Skelton, Smart, Strother, Stuart, Thurston, Toombs, Wallace, Ward, Watkins, Wells, Wilcox, Wildrick, and Williams—74.

So the amendment was agreed to.

The following sections were then read, as the next amendment in order, viz:

Sec. 6. *And be it further enacted*, That the warrants of one hundred and sixty acres, so as above to be issued, shall be assignable.

Sec. 7. *And be it further enacted*, That the act of September 28, 1850, is hereby extended to all naval officers, sailors, flotilla men, and marines serving with land troops in cases where they could not be entitled to prize money.

Mr. MARSHALL, of Kentucky. I understand that the sections read have been just voted upon. They constituted a part of the sixth amendment of the committee.

The SPEAKER. Through inadvertency upon the part of the Clerk, one section only was read of the entire amendment embracing three sections.

Mr. MARSHALL. The yeas and nays were called upon it. Gentlemen who voted are placed in a false position, as they thought they were voting upon the whole of the amendment as offered by the gentleman from Maryland, [Mr. EVANS.]

The SPEAKER. The question was put upon the single section.

Mr. EVANS. Gentlemen can have the yeas and nays upon the other sections, and will not be placed in a false position at all.

The SPEAKER. By the consent of the House the vote will be taken separately upon the two remaining sections of the amendment.

The question was then taken upon the sixth section, and it was agreed to without a division.

The question being upon agreeing to the seventh section,

Mr. MARSHALL, of Kentucky, demanded the yeas and nays; which were refused.

The question was taken, and the amendment was agreed to, on a division—yeas 87, noes 37.

The seventh amendment of the committee, striking out the fourth section of the joint resolution, and inserting the following, was agreed to, viz:

Sec. 8. *And be it further enacted*, That in computing the term of service of the officers and soldiers of militia, volunteers, and rangers, for the purpose of this act, or of the act of which this act is explanatory, such term shall be computed from the time they were mustered into the service of and paid by the United States to the time they were discharged therefrom: *Provided*, That this section shall not extend to the cases provided for in the second section, and in the proviso to the first section of the act of which this act is explanatory.

The House then concurred in the eighth amendment of the committee, striking out the fifth section of the joint resolution.

The question now being, "Shall the bill be engrossed and read a third time?"

Mr. JONES, of Tennessee, moved to lay the bill upon the table.

Mr. JOHNSON, of Arkansas, demanded the yeas and nays; which were ordered.

The question was then taken, and decided in the negative—yeas 85, nays 89—as follows:

YEAS—Messrs. William Appleton, Ashe, Averett, Bartlett, Beale, Bragg, Briggs, Brooks, Burrows, Lewis D. Campbell, Cartter, Caskie, Chandler, Chapman, Clark, Cleveland, Conger, Curtis, Daniel, Dockery, Doty, Durkee, Eastman, Evans, Fitch, Fowler, T. J. D. Fuller, Goodenow, Grow, Hall, Harper, Hart, Haws, Hascall, Haven, Henn, Hibbard, Horsford, Howard, John W. Howe, Hunter, Ingersoll, Jackson, Jenkins, George W. Jones, J. Glancy Jones, Kulus, Meade, Henry D. Moore, Morehead, Newton, Orr, Outlaw, Peaslee, Penningman, Perkins, Phelps, Price, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Snow, Benjamin Stanton, Abraham P. Stevens, Thaddeus

Stevens, Stratton, Stuart, Sutherland, Benjamin Thompson, George W. Thompson, Thurston, Toombs, Townshend, Walbridge, Wallace, Wells, Wildrick, and Woodward—85.

NAYS—Messrs. Abercrombie, W. Allen, Allison, J. Appleton, D. J. Bailey, T. H. Bayly, Barrere, Bell, Bennett, Bowie, J. H. Boyd, Breckenridge, Brenton, A. G. Brown, Busby, E. Carrington Cabell, Caldwell, Thompson Campbell, Chastain, Churchill, Clingman, Cobb, John G. Davis, Dawson, Duncan, Dunham, Edgerton, Edmundson, Ewing, Ficklin, Florence, Freeman, Henry M. Fuller, Gamble, Gaylord, Gilmore, Grey, Hamilton, Hammond, Sampson W. Harris, Hebard, Hendricks, Houston, Thomas Y. How, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George G. King, Kurtz, Landry, Lockhart, Humphrey Marshall, Mason, McLanahan, McNair, Meacham, Miller, Molony, John Moore, Morrison, Murphy, Nabers, Olds, Andrew Parker, Samuel W. Parker, Penn, Polk, Powell, Richardson, Robbins, Robinson, Savage, Stanly, Richard H. Stanton, Stone, Strother, Taylor, Walsh, Ward, Washburn, Watkins, Welch, Addison White, Alexander White, Wilcox, Williams, and Yates—89.

So the House refused to lay the bill upon the table.

The question then recurred on ordering the bill to be engrossed and read a third time.

Mr. JONES, of Tennessee, demanded the yeas and nays; which were ordered.

The question was then taken, and there were—yeas 96, nays 83—as follows:

YEAS—Messrs. Abercrombie, Willis Allen, Allison, John Appleton, Babcock, David J. Bailey, Thomas H. Bayly, Barrere, Bell, Bennett, Bowie, Breckenridge, Brenton, Albert G. Brown, Busby, E. Carrington Cabell, Caldwell, Thompson Campbell, Chandler, Chastain, Churchill, Clingman, Cobb, Cottman, John G. Davis, Dawson, Duncan, Dunham, Edgerton, Edmundson, Ewing, Ficklin, Fitch, Florence, Freeman, Henry M. Fuller, Gamble, Gaylord, Gentry, Gilmore, Hamilton, Hammond, Sampson W. Harris, Hebard, Hendricks, Houston, Thomas Y. How, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, Kurtz, Landry, Lockhart, Humphrey Marshall, Mason, McLanahan, McMullin, McNair, Meacham, Miller, Molony, John Moore, Morrison, Murphy, Nabers, Olds, Andrew Parker, Samuel W. Parker, Penn, Polk, Powell, Richardson, Robbins, Robinson, Savage, Smart, Snow, Richard H. Stanton, Abram P. Stevens, Stone, St. Martin, Stratton, Strother, Taylor, Walsh, Ward, Washburn, Watkins, Welch, Addison White, Alexander White, Wilcox, Williams, and Yates—96.

NAYS—Messrs. William Appleton, Ashe, Averett, Bartlett, Beale, John H. Boyd, Bragg, Briggs, Brooks, Burrows, Lewis D. Campbell, Carter, Caskey, Chapman, Clark, Cleveland, Conger, Curtis, Daniel, George T. Davis, Dockery, Doty, Durkee, Eastman, Evans, Fowler, Thomas J. D. Fuller, Goodenow, Grow, Hall, Harper, Hart, Haws, Hascall, Haven, Henn, Hibbard, Horsford, Howard, John W. Howe, Hunter, Ingersoll, Jackson, Jenkins, George W. Jones, J. Glancy Jones, Preston King, Kuhns, Leitcher, Meade, Henry D. Moore, Morehead, Newton, Orr, Outlaw, Peaslee, Penniman, Perkins, Phelps, Robie, Sackett, Schermerhorn, Schooner, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Benjamin Stanton, Thaddeus Stevens, Stuart, Sutherland, Benjamin Thompson, Geo. W. Thompson, Thurston, Toombs, Townshend, Walbridge, Wallace, Wells, Wildrick, and Woodward—83.

So the bill was ordered to be engrossed and read a third time.

Mr. MARSHALL, of Kentucky, moved to reconsider the vote by which the bill was ordered to be engrossed and read the third time, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. SCHERMERHORN. I move that the House do now adjourn.

Mr. MARSHALL, of Kentucky, upon that motion, demanded the yeas and nays; but they were refused.

Mr. JONES, of Tennessee, demanded tellers; which were ordered.

The question was then taken, Messrs. FULLER, of Maine, and FOWLER acting as tellers, and resulted—yeas 94, nays 53.

So the motion was agreed to.

The House then adjourned till to-morrow at twelve o'clock, m.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FLORENCE: The memorial of Henry R. Wilson, W. B. Schneider, A. C. Michener and others, citizens of the city and county of Philadelphia, petitioning Congress to pass a law extending the "Woodworth patent" for planing boards, &c.

Also, the memorial of W. Watt, Richard Bellshaw, William Steele, William Fulton and others, citizens of the State of Pennsylvania, representing that the national interests of iron, of coal, of glass, and of cotton, are not in a prosperous condition, and submitting to the consideration of Congress some of the general features of the policy which Great Britain is unwearied in her efforts to pursue for the protection of her manufactures, and inquiring whether the general welfare shall be promoted by the adoption of a revenue tariff, based upon full protection to the diversified interests of our beloved country.

By Mr. SMART: The petition of Captain John Giner and others, citizens of Camden, Maine, asking that spin-

dles and buoys may be erected upon ledges at the mouth of Camden harbor in said State.

By Mr. DAVIS, of Massachusetts: The petition of Samuel L. Hinkley and others, of Massachusetts, for a repeal of the duty on raw silk.

By Mr. FOWLER: The petition of Frank F. Knowles and 30 other master mariners of the port of Boston, praying for "an appropriation from the Treasury of the United States" for the improvement of the harbor of Scituate, in the State of Massachusetts.

By Mr. BURROWS: The remonstrance of G. Conger and others, citizens of Niagara county, New York, against the extension of the patent for Woodworth's planing machine.

By Mr. McLANAHAN: The petition of Ezra C. Seaman and others, clerks in the First Comptroller's Office, praying for increase of salary.

By Mr. FULLER, of Pennsylvania: The memorial of George M. Hollenback, S. D. Lewis, Zeba Bennett, Thomas Oldershaw, Isaac S. Ostuhurt, Edward Carr, and other citizens of Pennsylvania, remonstrating against the extension of the Woodworth patent.

By Mr. WHITE, of Alabama: The memorial of William L. Terry and others, praying for a grant of lands to the Alabama and Georgia railroad.

By Mr. CHANDLER: The memorial of Enos B. Ring and 150 other citizens of Pennsylvania, asking for further protection to American industry.

By Mr. SCHERMERHORN: The remonstrance of 550 citizens of the county of Monroe, New York, against the extension of the Woodworth patent.

Mr. BARRERE: A petition numerously signed, praying for the establishment of a mail route from Williamsburg, in Clermont county, via Mount Horeb.

Also, a petition numerously signed, praying for the establishment of a mail route from Williamsburg, in Clermont county, via Mount Horeb, Branness, Sardinia, and Fincastle, to Winchester, in Adams county, Ohio, and for supplying the mail tri-weekly on said route.

By Mr. DURKEE: The remonstrance of George Lippard and 17 others, of the county of New York; against the renewal of Woodworth's patent.

Also, the memorial of John Gilmore and 249 others, of the county of Waukesha, Wisconsin, asking Congress to change the law permitting the United States mail to be carried on the Sabbath day.

By Mr. HAMILTON: The petition of Nicholas Leister and other citizens of Washington county, Maryland, remonstrating against the extension of the patent of Austin and Zebulon Parker for alleged improvements upon reaction water-wheels.

Also, the petition of 133 citizens of Alleghany county, Maryland, remonstrating against the extension of the Woodworth patent by Congress.

By Mr. CAMPBELL, of Illinois: The memorial of William Bennett, Michael Byrne, and others, praying for relief, &c.

By Mr. MILLER: The petition of the heirs of John Chalmers, deceased, praying compensation for property destroyed by the enemy during the last war.

By Mr. HIBBARD: The memorial of W. O. C. Woodbury and others, citizens of Sullivan county, New Hampshire, remonstrating against the extension of Woodworth's patent.

By Mr. INGERSOLL: Five different memorials of ship owners and ship masters, masters of vessels, and other citizens of the State of Connecticut, asking for an appropriation by Congress for the improvement of the harbor of Westbrook, in said State.

Also, the memorial of certain importers, merchants, and citizens of New Haven, Connecticut, asking for an appropriation for a new custom house at New Haven.

By Mr. ROBBINS: The petition of S. Mayargee, John Birely, S. H. Gillingham, Jacob Teese, and 40 other citizens of the county of Philadelphia, remonstrating against any renewal or extension of the Woodworth patent for planing boards, &c., for reasons therein stated.

Also, the petition of Charles A. Spring, against the extension of the Woodworth patent, who states that they have embraced in their specifications improvements which the said C. A. Spring and P. Boon claim in their patent of reissue, No. 209.

By Mr. BROWN, of Mississippi: The petition of certain masters and owners of vessels, praying that Biloxi may be made a port of entry.

By Mr. KING, of New York: The petition of citizens of St. Lawrence county, New York, asking Congress to provide for the speedy construction of ship canals around the Falls of Niagara and Sault Ste. Marie.

Also, two memorials remonstrating against the further extension of the term of the Woodworth patent.

By Mr. BRENTON: Petitions of H. H. Neff, Thomas W. Reece, and J. R. Randall, assistant marshals in the State of Indiana, asking additional compensation for taking the census under the act of 1850.

By Mr. WELLS: The remonstrance of 60 citizens of the county of Montgomery, New York, against the renewal of the Woodworth patent.

By Mr. FAULKNER: The petition of John B. A. Nadenboush, late an assistant marshal, praying additional compensation for his services in taking the census.

Also, the petition of John Keeler, a disabled soldier of the war of 1812, asking to be placed on the pension roll.

By Mr. McNAIR: The memorial of Levi Streeter and other citizens of Montgomery county, Pennsylvania, praying Congress to modify the tariff of 1846 in regard to iron.

Also, the memorial of S. D. Conover and others, representing that the forcible intervention of one State in the internal affairs of another State, is in open violation of the public law of the world, and praying Congress at once to declare their recognition of that law, and by prompt and active measures to prevent its infraction.

By Mr. CALDWELL: The memorials from the following assistant marshals in the State of North Carolina, asking additional compensation for taking the Seventh Census, viz: A. M. Bryan, of the county of Ashe, E. Hough, of the county of Yudin; Wm. R. Lovill, of the county of Surry; R. C. Miller, of the county of Caldwell; Abner Carmichael, of the county of Wilkes; E. D. Austin, of the

county of Rowan; Jonathan Horten, of the county of Watauga; Jesse Gant, of the county of Catawba; Thomas L. Tucker, of the county of Iredell; and J. C. Smith, of the county of Alexander.

By Mr. MORRISON: The petition of Nathaniel J. Parke, asking to be placed on the list of invalid pensioners on account of disability incurred in the Mexican war.

By Mr. PRICE: The memorial of J. C. Garthwaite, W. A. Myer, J. W. Painter, Wm. Wright, Wm. Jackson, Joel W. Condit and others, merchants, ship owners, and underwriters of Newark, New Jersey, remonstrating against the repeal of the act of March 3, 1847, entitled "An act for the reduction of the costs and expenses of proceeding in admiralty against ships and vessels," and praying for a modification of said law.

By Mr. EDGERTON: The memorial of Benjamin H. Movers, asking to be relieved from the payment of a judgment against him in favor of the United States, and for the payment of moneys due him.

By Mr. BABCOCK: The remonstrance of citizens of Oswego, New York, against the renewal of the Woodworth patent.

IN SENATE.

FRIDAY, February 27, 1852,

Prayer by the Chaplain, Rev. C. M. BUTLER.

THE COMPROMISE MEASURES.

The PRESIDENT. The Private Calendar will be taken up under the rule of the Senate, which devotes Friday of each week to that business.

Mr. GWIN. I hope the execution of that order will be dispensed with for an hour, as the Senator from South Carolina desires to make some explanation.

Mr. DOUGLAS. I should like to present some petitions, if it is in order to do so.

The PRESIDENT. It will not be in order, unless the order of the Senate in relation to private bills shall be dispensed with.

Mr. GWIN. I move to dispense with the execution of that order for one hour.

Mr. BADGER. I hope not. It is a very serious business to private claimants; for if we postpone the execution of this order now, the private bills will go over for a week.

Mr. GWIN. Oh, no.

Mr. BADGER. Certainly they will, of course. I was in hopes that the course pursued would be that which I suggested yesterday—that the Senator from South Carolina should postpone his remarks until Monday, and make them during the morning hour of that day.

There was a generally expressed wish that the Senator from South Carolina should be permitted to go on to-day, and therefore the motion to postpone the execution of the order of the Senate for one hour was agreed to.

The PRESIDENT. That motion having been agreed to, the next order of business is the presentation of petitions, afterwards reports from standing committees, and then motions and resolutions; but if it is the pleasure of the Senate to hear the Senator from South Carolina on the explanation which he wishes to make, the Chair will adopt that course.

The Senate assented.

Mr. RHETT. I would also think it fair to state to the Senate that my object may not be accomplished within the hour allowed.

Mr. BADGER. If this course is pursued, I hope it will be understood that, as a matter of course, the Senator from South Carolina will take as much time as he requires.

The PRESIDENT then stated that the resolution declaring the measures of adjustment to be a definitive settlement of the questions growing out of the subject of slavery would be taken up, and on them would be the pending question.

Mr. RHETT. Mr. President, I probably owe an apology to the Senate—at least I think it due to myself to state, that the reason why I have not responded sooner to the animadversions of the Senator from Alabama [Mr. CLEMENS] and those (in a milder strain) of the Senator from Michigan [Mr. Cass] was, that I was not in the city of Washington at the time they were uttered in the Senate; nor did I know of the personalities which the Senator from Alabama had used towards me until just on the eve of my departure from home to return to Washington. After I had been here for several days I read them, and I have since been watching the current of business under the hope, that the resolution upon which these animadversions were made, would come up for consideration; and that I could then address myself with propriety to the Senate, upon the animadversions of the Senator from Alabama; but after waiting some

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ten days or fortnight, I find that I might wait much longer in vain; and, therefore, the only course left to me is to throw myself, as I now do, to make my response, upon the indulgence of the Senate.

In order that the Senate may appreciate my position, I will read an extract from the speech delivered by the Senator from Alabama. I had hoped that when the altercation between the late Senator from Mississippi [Mr. Foote] and myself had closed, that it would be an end, so far as I was concerned, of any contention on this floor. I deprecate all such contention from the bottom of my heart. I have been for twenty years in legislative bodies, and I have so demeaned myself, both in my personal and private intercourse with other gentlemen, as well as in my official intercourse in my representative capacity, as to bring myself in serious conflict with none. But now, in consequence of having announced upon the floor of the Senate, opinions which I sincerely and conscientiously entertain, in the discharge of my public duty, I find myself the subject of vituperation, assault, and calumny. There is but one course left for me. I must defend myself and my position.

The Senator from Alabama, in the speech to which I refer, used the following words:

"The scene we witnessed the other day during the delivery by the Senator from South Carolina [Mr. Ruff] of his harangue, surprised no one here; but it would have been a matter of profound astonishment to the country if they could have been spectators of what occurred. There was the Senator from Massachusetts, [Mr. SUMNER,] the Senator from Ohio, [Mr. CHASE,] and the Senator from New Hampshire, [Mr. HALE,] gathered about him in a sort of fraternal ring, while the countenance of the Senator from New York [Mr. SEWARD] was radiant with gladness. Thus was exhibited the spectacle of an extreme Southern Senator denouncing, in no measured terms, the Government of his country, and declaring himself a disunionist, on account of alleged wrongs heaped upon him, with four as rabid Abolitionists as this land contains drinking in his words with eager approbation—applauding, cheering, and encouraging him. All this was nothing new to us, however strange it may appear to the plain and honest yeomanry of the country. Nor was it, when calmly considered, at all unnatural—

'A fellow feeling makes us wondrous kind.'

"There is a sympathy in treason as well as in knavery; and those who are earnestly striving to accomplish the same end need not quarrel about the separate means employed."

This extract, and others that I shall read to the Senate, are taken from the speech printed by the Senator himself, and circulated under his frank, I presume, to the people of Alabama. Here is a charge on myself of knavery and treason. He says there is a sympathy in treason as well as in knavery; and that that sympathy exists between myself and those four Senators on this floor. The course which I propose to pursue on this occasion before the Senate, is that which is very common in our courts of justice: to discredit the witness. I mean to show, that the Senator from Alabama stands in no such high, moral position, as to give any force to his arraignment of me or of any other man, for the want of integrity or fidelity.

Such are his words, and I will now show the character of the witness. The assertion that the Senators he has mentioned were around me "applauding and cheering" me, is entirely destitute of truth. Every Senator on this floor can testify, that no such transaction took place in the Senate. Did any Senator on this floor—did the Senator from Ohio, the Senator from Massachusetts, or the Senator from New York, *applaud or cheer me*? Will the Senator from Massachusetts rise up and answer before the Senate whether he applauded or cheered me during the time I was speaking? I yield him the floor to hear his reply.

Mr. SUMNER. Mr. President, when the Senator from South Carolina addressed the Senate on the occasion to which he now refers, I occupied the seat belonging to me on this floor, and near his own. I listened to him throughout with attention. I was interested by his manner and his ability; but, since he now appeals to me, I am constrained to add that, as a lover of the Union, I heard him not only without approbation, expressed or felt, but with entire dissent.

Mr. RHETT. Will the Senator from Ohio please state to the Senate whether he applauded or cheered me?

Mr. CHASE. It so happens, Mr. President, that I occupy the seat next but one to that of the Senator from South Carolina. When he was speaking the other day, I did not leave my seat, but paid him the respect of listening attentively to the remarks which he addressed to the Senate. I am not aware, that I so far forgot the decencies proper to this Chamber, as to applaud or give any special sign of approval or disapproval of any sentiment which the Senator uttered. I will say, however, now, that so far as the honorable Senator advances the doctrines of State-rights which Jefferson and Madison inculcated, I agree with him; so far as he advocates the doctrines of disunion, I dissent from him wholly, utterly, here and everywhere. And I will add further, that so far as the Senator from Alabama inculcates reverence for the Constitution, and attachment to the Union, I concur with him, as I do with every man who professes these sentiments; but when the Senator from Alabama ingrafts upon that doctrine of attachment to the Union, the doctrine of consolidation which the patriarchs of the Democratic school have ever rejected, I dissent from him, and repel the doctrine.

Mr. RHETT. Mr. President, I will go no further on this point. Every Senator knows what is the truth in regard to this matter. There was not one single sign of applause or cheering in this body, yet the Senator asserts that these four Senators applauded, cheered, and encouraged me; and he says it was no extraordinary thing at all—nothing new—that in the Senate of the United States consisting of representatives of the States, grave governors and judges of the land, that such men who have gone through a probation of public service in all the States, when they are here gathered together, should applaud and cheer each other on this floor in the course of their observations. Such a thing has never disgraced the Senate. Therefore, I leave the Senate to determine, and I leave the country to determine, in the very commencement of my reply to that Senator, how far he is fit to stand up here and arraign others for a want of integrity, truthfulness, or consistency.

There not only was no foundation, no fact to support this charge, but the reason he assigns is equally without foundation. His reason was, that there was a sympathy between these gentlemen and myself on the subject of disunion. That is his assertion; that is what he has spread abroad and sent into Alabama and the Southern States. Sir, you have heard what these Senators have said. The Senator from Alabama himself has heard them express on this floor their opinions concerning the Union. I myself have heard the Senator from Ohio and the Senator from New York, (who, it is said, was also one of those who applauded and cheered me,) as every other Senator has heard them on this floor, speak in the most devoted terms of their adherence and attachment to the Union, and deprecate its dissolution as the greatest of calamities; and the Senator from Alabama rises up, and not only asserts the fact that they applauded and cheered me on this floor for declarations of hostility to the Union, but that the reason for their applause and cheers was a sympathetic accord of opinion between us on this subject. Sir, the charge of any sympathy between us on the point of disunion, is as baseless as the facts by which he attempts to prove it. On the contrary, these Senators agree with him in his unionism. Their sympathies, if any exist, are with him in his new-born zeal for the preservation of the Union. They are his allies, not mine; and by his course, is helping on the consummation of their policy. I suppose I might stop here, so far as I am personally concerned; but the cause of the South requires, I think, that I should go on, and show the inconsistencies of the Senator from Alabama. I will show that he occupied exactly the ground I now occupy, and which many I represent support. If he has abandoned it, and now takes directly opposite ground, his censure or aspersions can harm

no one. His credibility as a witness, his authority for evil, can affect neither me nor any other man on or off of this floor. I propose to show, what kind of a man he is, from his own speeches and his own acts.

There is a practice of the English bar, which I have seen used in our own courts with very good effect. Before the proofs are brought forward, it is usual for the lawyer to state what he intends to prove, in order that the minds of the court and jury may be brought to those important points which he deems material to the issue. Now I will state to the Senate what I propose to prove, by the words of the Senator from Alabama. I do not mean to convict him; I mean that he shall convict himself. I do not mean to arraign him—he shall arraign himself; and whatever evil consequences occur to him in the estimation of others, it shall be the work of his own hands. If he shall commit political or moral suicide, his own hand shall do the deed. I will now state to the Senate, in a brief way, what I intend to prove and substantiate by his own speeches.

The Senator from Alabama, during the last Congress, delivered various speeches on the subject of Southern slavery:

1. On his resolution of the 27th of December, calling for information as to California, he takes the position that for Congress to admit California as a State, with the clause in her constitution prohibiting slavery, was the passage by Congress of the Wilmot proviso in a different form, and that, in doing so, Congress would violate all precedent.

Mr. CLEMENS. What is the volume from which you read?

Mr. RHETT. It is all taken from the *Congressional Globe*. I shall read the extracts themselves directly. If he will turn to the dates, he will find them; or I will send him my extracts, as I have them all written down.

2. On the 10th of January, in his speech on the Vermont resolutions advocating resistance by the South to the admission of California as the first aggression, he contends that we cannot yield one inch; shows that this would not only be impolitic, bringing desolation and death to the South, but infamous; eschews prudence; treats charges of disunion with contempt; and finally depicts two classes of traitors existing, the Abolitionists and the Submissionists in the South.

3. On the 11th of February, in his speech on the petition presented by Mr. HALE to dissolve the Union, he asserts that, between disunion and submission of the South to the admission of California, the South would take the former; and argues, that in this event, it will be the North, not the South, which will dissolve the Union by destroying the Constitution.

4. On the 20th of February, in his speech delivered on the President's message transmitting to the Senate the constitution of California, he denounces Mr. CLAY's resolutions; argues at length against the constitutionality of admitting California into the Union; denounces her admission as the consummation of a drama of *fraud and trickery*; contends that the North gets everything by Mr. CLAY's proposed compromise, and the South loses all; prefers the Wilmot proviso direct; denounces all compromises upon the subject, and replies to the pictures of war and blood drawn by Messrs. CLAY and Cass, denying that they have any foundation in the probable course of things; but if realized, the South is not responsible, and should not yield on that account; distinctly indicates disunion as "the sharp and severe remedy;" descants on Washington's Farewell Address, and contends that he would, if *alike*, sanction his course, and go with the South in resistance.

5. On the 8th of May he attacks the report of the Committee of Thirteen, and assails Mr. MANGUM; contends that there is no room for liberality in the construction of the Constitution, and that it cannot be compromised away.

7. On the 16th of May he arraigns Mr. Foote for inconsistency in supporting the report of the Committee of Thirteen, which the Senator said was only an imbodiment of Mr. CLAY's resolutions;

denounces the compromise as "a shameful surrender;" descants upon the "outrage" of the dismemberment of Texas; and treats with disrespect and contempt the counsel that we should take the compromise as "the best we could get."

8. On the 21st of May he replies to Mr. Foote's charge of being in association with Abolitionists, and shows that their opposition to the bill is for contrary reasons.

9. On the 13th of August, he protests against the passage of the bill admitting California; repeats his position, as being against the constitutionality of the bill; declares that the States are sovereign; advocates secession, and declares his allegiance to Alabama, intimating that those who support the bill are traitors to the South, and would sell their souls to Satan, and betray the Saviour himself, if he were to come again on earth, for half the money which Judas obtained.

Such were the positions taken by Mr. JERRY CLEMENS, a Senator from Alabama, in the Senate of the United States, in the year of our Lord 1850. But, in the year 1851, in the month of December, Mr. JERRY CLEMENS, according to the speech he lately delivered, is an entirely different man, and exhibits an entirely new character. In the former year, he is a State-Rights, Resistance man—in the latter, he is a consolidation Submissionist; in the former year, he denounces the compromise as unconstitutional and unendurable by the South—in the latter, he defends it as constitutional and the source of great blessings to the country; in the former year, he denounces the Submissionists to the compromise as traitors—in the latter, he becomes one himself, and denounces the Resistance men as traitors; in the former year, he descants on a dissolution of the Union, as the "sharp and severe remedy"—in the latter, he praises the Union, just as Mr. CASS and Mr. CLAY had done before him; in the former year, he treated with just scorn and contempt the pictures of blood and woe which were then portrayed as the consequences of the disunion policy—in the next year, he becomes a picture maker in the same line himself; in the former year, he declares the States sovereign—in the latter, that they are not sovereign; in the former year, he declares that his allegiance is due to Alabama—in the latter, that no allegiance of his is due to her, for *she cannot punish treason*; in the former year, he supports secession—in the latter he denounces it; and crowns the whole by the assertion, that Jefferson, the Virginia report and resolutions of 1798 and 1799, with Calhoun and McDuffie also, all denied the right of secession.

Now, the Senate is in possession of what I proposed to prove. This is but a synopsis of the positions of the Senator from Alabama, and a very imperfect synopsis. If the Senate will attend to the language I shall read, used by the Senator from Alabama, I think they will find in the sequel, that I have not only not overstated them, but that I have not stated his inconsistency in the full force which his own words would portray. And if I make all this to appear, as I think I shall, will he not prove to be a very proper specimen of morality and honor, standing up in the Senate of the United States, to arraign the conduct or principles of other Senators?

Now, Mr. President, for the extracts to which I have alluded. On the 20th of December—(you see, sir, he began very early, he could not wait till other Senators began; he began himself; foremost in his zeal for the interests and honor of the South)—on the 20th of December, before Mr. CLAY offered his resolutions, he came out in the Senate and offered a series of resolutions calling upon the President for information upon the following subjects: First, whether he had appointed a civil and military governor for California, since March last; second, whether any agent had been sent out to California to assist in the formation of a State government; third, how the persons calling themselves delegates to the convention were elected, who fixed the qualifications of voters, and what those qualifications were; fourth, whether any census of the inhabitants of California had been taken, and by what law; and, fifth, the instructions which were given by the Government to the civil and military Governor. On the 7th of January these resolutions came up for consideration in the Senate, and the Senator, in his remarks supporting their passage, said:

"My attention was called to the subject by the Governor

of the State of Alabama. The people of that State believe that a fraud had been practiced, and they called for information. What a farce it is to say, you oppose, and still do the same things which the Wilmot proviso proposes to accomplish. And we to be treated like sick children, who are induced to take the medicine offered them, by giving the pill a coat of sugar," &c.

See, sir, what a beautifully fine figure he uses for putting the Wilmot proviso upon the South, by the admission of California with her constitution prohibiting slavery, instead of passing it directly in a territorial bill.

"You will not pass the Wilmot proviso, but you come here and pass the same principle which that proviso involves, and in doing so you violate all precedent since the establishment of the Government. And why will you do it? Will a single Senator get up and say that he would vote for the admission of that State, were it not for the existence of slavery in the country? Is there one here who would be so reckless as to vote for the admission of California, were it not for the slavery question? I say it is a matter which we ought to know all about, and I intend to know all about it."

Sir, that is pretty strong language; language which I heartily approve. Not being then in public life, and a mere spectator afar off, I was looking to the Senator from Alabama as one of our most brilliant leaders. To the great men of the South, especially to her Senators, the people of the South turned with intense anxiety to point the way to redemption, to honor, and to peace, and to him among the number.

Now, sir, on the 10th of January the Vermont resolutions came up. These resolutions covered the whole ground of the question of slavery, denouncing it in all parts of the country; and on these resolutions the Senator from Alabama early got the floor, and here is what he says:

"I wish to show my constituents that the declarations so often and so earnestly made, that the North does not intend to interfere with slavery where it exists, is entirely false, and intended only to deceive. The game has been played with some success heretofore, and I should consider myself very culpable, if I did not now expose it."

"The Senator from Ohio [Mr. CHASE] says that he is not to be deterred by menaces of disunion, from pursuing the course he has marked out for himself. I have no wish to deter him. I want him and other Northern men to come up boldly, and do what they tell us their constituents have demanded."

"The South, Mr. President, disclaims the language of menace, but it is nevertheless due to all parties that her deliberate purposes should be known. We do not intend to stand still and have our throats cut, because the butcher chooses to sooth us with the operation of honeyed words. You can deceive us no longer by the catch-words 'conciliation and harmony.' Nor can our voices be stifled by the fear of incurring the reproach of imprudence. I said the other day, and I say now, that the time for prudent action has gone by. It is this prudence, of which we have heard so much, that has brought us to the situation in which we now are. It is this constant talk about prudent action which has induced the people of the North to believe that we do not intend to resist."

"There is a point at which prudence changes from a virtue to a vice, and it often happens that it is used only as another name for cowardice. It is not to be wondered at if our good brethren of the North have mistaken the one for the other, and have thus found courage to persist in a crusade which promised to be unattended with danger. I know not if they will thank me for undeceiving them, but it is my habit to deal plainly with all men; and I now proclaim that you have reached the utmost limit to which you can go. There is a line beyond which you must not pass. You have marched up to it, and now cross it if you dare."

Sir, is not that bold and striking language—language worthy of a Southern man contending for the great interests and the honor of the South? But, he proceeds:

"I do not say this to intimidate. I do not believe it will have that effect. On the contrary, I believe with the Senator from South Carolina, [Mr. Calhoun,] that this movement will run its course, and end, as all similar things have ended, in blood and tears." * * * "He who cannot now trace out, step by step, each successive event of the future, has learned but little from the past history of mankind, and is ill fitted to be the law-giver of a nation. The North will not save the Union, and the South cannot; unless, indeed, we submit to indignities and wrongs of so degrading a character as would almost make our fathers' burst the ceremonies of the tomb; and come amongst us once more to denounce and disown the degenerate descendants who had disgraced a glorious ancestry. We know well what we have to expect. Northern demands have assumed a form which it is impossible for us to misunderstand. First, comes our exclusion from our territory; next, abolition in the District of Columbia—in the forts, arsenals, dock-yards, &c.; then, the prohibition of the slave trade between the States; and finally, total abolition. These results are just as certain, unless the first step is firmly resisted, as that the sun will rise to-morrow, and the night will follow his going down. Heretofore, it has been pretended that it was not the purpose of any considerable body at the North to interfere with slavery in the States; but this is an illusion which these resolutions have come in good time to dispel. I always knew it was false; but I did not expect to see the cloak so soon thrown aside. But even if it were true, I would still say I do not choose to place myself at your mercy. I will not exchange the fortifications which the Constitution has thrown around my rights for a frail reliance on your gener-

osity or your forbearance. Concession never yet satisfied fanaticism, nor has the march of the wrong-doer ever been stayed by the supplications of the sufferer. Situated as we are, the impulse of manliness is the dictate of prudence. Our duty and our obvious policy, alike demand that we should meet the danger on the threshold, and fall or conquer there. It is of no consequence by what name you choose to designate your aggression. When a principle is established, which must bring not only poverty but desolation and death to the South, it is immaterial whether you call it abolition, free soil, or, to use the phrase of the Senator from Ohio, [Mr. CHASE,] free democracy; the end is the same, and so should be the resistance also. When the fall of the out works must follow the fall of the citadel, he is a poor commander who hesitates to risk everything in their defence. It is so with us; we cannot yield an inch of ground we now occupy, without compromising our safety, and what is worse, incurring the reproach of eternal infamy. None but children can be imposed upon by the miserable delusion that abolition will pause in the midst of its successes."

"I have no threats to make—they are out of time and place; but I tell you, more in sorrow than in anger, not only that you must pause, but that you must retrace your steps. The guarantees of the Constitution must be respected, and its promises held sacred, or the most weak and timid man in the State I represent would scorn your alliance and shatter your Confederacy. Indeed, I do not know but what it is now too late, and that this Union, over which you have preached so much, and about which so many eloquent sentences have been penned, is already at an end."

He considered the Union already at an end. That was upwards of twelve months ago; and yet he is standing here now, after all the measures he was denouncing are consummated, its ardent champion, and calling those who say it ought to be reformed or dissolved bad men. I go on:

"Certainly you have severed many of its strongest ties, and but little remains besides that formal separation which unblended feelings must soon render a necessity. You did enough to dissolve it when you commenced organized robberies of our property—when you murdered our citizens."

Yes, sir, that murder was before the compromise; but now since the compromise, when another murder is perpetrated in the effort to enforce the fugitive slave law, where is his indignation? Who heard him say in his late speech defending the compromise and the execution of the fugitive slave law, anything charging the North?

"You murdered our citizens when you violated every constitutional obligation, and forgot every tie which bound us together as a people. Reserve then your denunciations of disunion for yourselves." * * * "However much I may have loved the Union, I love the liberties of my native land far more; and you have taught me that they may become antagonists—that the existence of the one might be incompatible with the other."

He further says, "you have violated every constitutional obligation and forgotten every tie that binds us as a people;" and concludes his speech, which is admirable in its tone and substance, describing two classes of traitors, as follows:

"There are two classes of these who have brought this Government to the points at which we now stand—actuated by very different motives and principles, but equally culpable, and equally chargeable with the crime of treason to the land. The first is, that band of Northern fanatics who, regardless of right, regardless of the Constitution, forgetful of all past obligations, and of all moral and social ties, have excited and continued a wild and reckless warfare upon an institution of which they know nothing, and whose blessings or curses should have been alike indifferent to them. The second class is one for whom I have less respect, and of whom I always speak with less patience. It is the timid, hesitating, shrinking portion in our own section of the Union who are afraid to march up to the line—to meet the oppressor on the confines, and hurl him back the very moment his footsteps press forbidden ground."

At this time California was not yet in the Union, and the traitors in the South were the timid and shrinking who feared to resist. Are those less traitors who have submitted afterwards? Where is the Senator from Alabama now? He continues:

"A great poet, in the story of his visit to the infernal regions, gives a description of certain souls which aptly applies to them. He found them outside the gates of hell, and says:

"Here with those catiff angels they abide
Who stood aloof in heaven—to God untrue,
Yet wanting courage with his foes to side,
Heaven cast them forth, its beauty not to stain,
And hell refuses to receive them too;
From them no glory could the damned obtain."

Sir, according to this poetry, which he applies to others, if his present position is that of submission, he could have no glory with the damned. The infernal regions itself is not a fit place for him. Mark, Mr. President, I do not myself say that this is his position. I am using the Senator's own words. I will go on with his brave positions.

On the 11th of February, (for the Senator did not on one occasion only thus gallantly arraign those who were invading the rights of the South, or were disposed to surrender them; no sir; again and again he couched his lance and dashed into the conflict; again and again he met the

cheerings, not of submissionists and compromisers here with whom he now stands, but of all the true and brave men in the South who looked here for counsel and guidance.)—on the 11th of February a debate arose on the question whether a petition should be received presented by the Senator from New Hampshire, praying that the Union should be dissolved. The Senator from Alabama said, in reply to the avowals of the Senator from Ohio, [Mr. CHASE,] and other Northern Senators:

"If Senators desire us to believe them sincere in their professions of love for the Union, that sincerity ought to be manifested by their conduct. Who has put the Union in danger? Not the South, for we have committed no aggressions, and propose to commit none. We are responsible only for making known our determination to resist oppression, come from what quarter it may. It is the North and the North alone, who are the agitators. It is the North alone by whom this fair fabric has been shaken to its center; and the allegation that there are Southern disunionists for the sake of disunion is an unmitigated calumny which shall not be pronounced in my hearing without being branded as it deserves. If you love the Union so much, cease your aggressions—pause in your efforts to destroy the Constitution, which is its only bond. You need be under no apprehensions for the Union, unless your conduct makes its destruction a duty. From the South you have nothing to fear so long as you do not attempt to perpetrate a wrong. [Remember that all this time the compromise is the matter under consideration.] I do not misunderstand the policy which causes you to denounce those who defend the rights of the weaker section—who have dared to step between power and its victim—as factionists and disorganizers."

His conclusion is very fine—worthy of a Southern Senator basely assailed and maligned because he does his duty. It is as follows:

"For myself I have a duty before me which can make no demands and impose no risks or annoyances that I am not ready to meet. Any one may pursue a pathway strewn with roses: it requires men to tread where thorns and brambles cumber the way. I expected to be denounced, to be misunderstood by some, and calumniated by others!"

That is applicable to myself. I have expected that I would be calumniated, as he himself expected to be, for defending the rights and interests of the South. I am sorry that I must use this language of the Senator as being so applicable to himself. He says.

"Much of this I cannot prevent; but when the charge is made here in my presence that I am a factionist, or that those who act with me are so, I shall repel it in terms that admit of no double meaning. Sir, I do not believe that there is a man in the entire South who desires disunion for itself. I hope, also, that there is not one who will suffer his rights to be invaded, or his honor tarnished, no matter what may be the cost of resistance. We mean at all hazards to defend the Constitution. If that is faction, we are guilty. If that is disunion, we are disunionists. If that is crime against the Republic, we have much to answer for."

"I have heard enough, Mr. President, of hypocritical whining about the Union, from those who are its deadliest foes. If you want peace, you have only to say so. Let us alone. We ask no more. Or, if you will not do that, spare us your lamentations. If you are determined to destroy the Constitution, be men, own it publicly, and take the responsibility. Do not seek to shift it on our shoulders."

Well, sir, that is not all. On the 20th of February, Mr. CLAY's resolutions came up for consideration in the Senate, and here is the way he discourses about the constitutionality of the admission of California:

"If she has a right to form a constitution and State government, her right to regulate the subject of slavery is unquestionable."

But he shows that, having no law of Congress authorizing her to form a constitution and be a State, she was no State. He goes on as follows:

"No territorial government was ever established in California. The people who framed its constitution were not inhabitants, in the legal meaning of the word. They were composed of Indians, Mexicans, and a wild band of adventurers from every quarter of the globe, allured by the lust of gold to the shores of the Pacific, many of them without a permanent residence anywhere, and four fifths of them without the remotest intention of remaining in the country whose organic law they undertook to establish."

"I do not speak without authority upon this point. I have here the message of the Governor of California, who, it is to be presumed, is acquainted with the character of the population of which he is the chief. He describes them as follows: 'Already we have almost every variety of the human race among us—a heterogeneous mass of human beings, of every language and hue.'"

"Yet these persons, not citizens of the United States, owing no allegiance to this Government, not speaking our language even, or understanding our laws, undertake to erect a sovereign State out of our public domain; and with a cool impudence which almost commands admiration, call upon us to sanction their action, and give validity to a most extraordinary usurpation."

"In California no census has been taken; there is no law fixing her boundaries; no law regulating the time, places, and manner of holding elections; no law to determine the qualifications of voters; no evidence and no reason to believe that she contains a free population equal to the present ratio of representation. A military governor, acting under the order of the President, usurped the power of Congress, directed the mode or manner of proceeding, substi-

tuted his will for law, and conducted to its final consummation a drama of fraud and trickery unparalleled in the annals of any land. In other times the actors in these lawless scenes would have been held to a fearful reckoning; but the strength of party ties, and the usual shrinking of ordinary minds from the face of great dangers has not only dissipated the sense of accountability, but left it a matter of doubt whether the Congress of the United States will not assume the act and throw around its own shoulders a mantle more deadly than the poisoned shirt of Nessus. Instead of vindicating the majesty of the law, and trampling down a dangerous usurpation, we are merely deliberating whether temporary quiet may not be purchased by unmanly acquiescence. I say temporary quiet, because all experience has demonstrated that no weak expedient ever sufficed to cure a serious evil. In political as in physical illness, the cause must be removed before the disease can be eradicated. The admission of California will do nothing towards arresting the current of abolition aggressions. It will be regarded everywhere as an anti-slavery triumph, as one more work carried, from the shelter of which the assailing party may the more effectually annoy and harass the assailed. Yet the Senator from Kentucky says that we yield nothing by assenting to it. I quote his own language:

"Well now, is there any concession in this resolution 'by either party to the other? I know that gentlemen who come from slaveholding States say the North gets all that it desires, but by whom does it get it? Does it get it by any action of Congress? If slavery be interdicted within the limits of California, has it been done by Congress? No, sir. That interdiction is imposed by California herself."

Now hear his answer to Mr. CLAY:

"I answer, that everything is conceded by the admission of California. The whole matter in controversy terminates at once. The North gets all she ever asked—gets it by the action of Congress in direct violation of the great legal principle, that the wrong doer shall not profit by his own wrong. Who among us does not know that agitation in the State Legislatures, and in the National Congress, has prevented Southern emigration to California, and placed the country in the power of those who have imposed this restriction? Who is there so blind as not to see that this has been the result of aggressions commenced here? And who does not feel that Congress is responsible for the fact, that slavery has been excluded? Property is timid. The slaveholder would not carry his property there with a threat hanging over him, that it was to be taken from him by operation of law, the moment he landed. Agitation, then, in Congress; repeated declarations, made everywhere—in State Legislatures, in conventions, by the press, from the pulpit even—that slavery should be excluded from California by law, have deprived us of our constitutional rights, as certainly and effectually as any positive enactment could have done. And we are now asked not only to submit to it, but to accept it as a boon, and be very thankful for the outrage. Sir, I prefer the Will not proviso direct. I prefer it because it is bolder, plainer, and more manly. The robber who meets me on the highway and demands the surrender of my property, leaves me at least the option of a contest, and is entitled to far more respect than the assassin who lurks behind the corner and stabs in the dark. So, sir, he who deprives me of my legal rights by open means, is always entitled to higher respect than he who seeks to accomplish the same end by deception and trickery. I hold that whatever opposition is due to the Wilmot proviso, whatever resistance it demands, is doubly due to this scheme of smuggling a sovereign State into the Union. Very probably this will be set down to the account of faction. It is the fashion so to denounce whatever is said by any Southern man, which argues truth to his section of the Union."

The Senator from Alabama is now in favor of the compromise; but in this speech he showed what sort of things compromises have been to the South. He then denounced them all, and the proposed compromise of Mr. CLAY in particular:

"The great error, Mr. President, into which the Senator from Kentucky has fallen, and the one to which may be traced much that is wrong in his judgment, and all that is weak in his argument, is in supposing that there must, of necessity, be a compromise. The Constitution itself is a compromise, and a compromise with a compromise is something unheard of in law, and unknown in equity. If the people of the North will not abide by a compromise deliberately made, and created by common consent into the paramount law of the land, what hope can we have that any less solemn covenant will restrain them in future? We want no compromise. A bond has been executed, and we are willing to abide by its terms. If we are to go on compromising away provision after provision of the Constitution, it is better that it should be abrogated at once. In point of fact, it is a nullity, or, rather, to speak more correctly, it is powerless for protection, and potent only when it comes to aid Northern aggressions."

Here he says, that the Constitution is a nullity and something worse, because it is actually an instrument in the hands of the North by which the South is oppressed. "Let me illustrate my meaning," he says, and he illustrates as follows:

"The majority claim a given power, (no matter how extravagant, and no matter whether it relates to slavery or not) the minority deny the existence of any such power. After months, or it may be years, of fierce struggles and contentions, it is acceded to, and one half is given up. In a little while another contest is begun for the remainder. Another compromise follows, and another half is yielded; and so on, until the stronger party gets all it demands. Sir, I want no compromise of this sort. I stand upon the Constitution. If a reckless and unprincipled majority choose to violate that instrument, there is a remedy sharp and severe, it is true, but just and inevitable in its application."

"What, Mr. President, have we to compromise? What have we demanded? What favor even have we asked? Tell me, you who talk of compromises, what is it that

Southern men ask at your hands? Nothing, sir; nothing. Humbler even than Lazarus at the rich man's gate, we have appealed to you neither for charity nor sympathy. What we have once given up, we have never sought to reclaim. Whatever burdens the Constitution imposes, we are willing to bear. Beyond this, no man ought to go, and no freeman will go."

"I have had occasion to say so much in my short service here of the Union and its value, of the wrongs to which we are subjected, and the appropriate remedy for them, that it is with the utmost reluctance I again approach the subject. The Senator from Kentucky has favored us with a bloody and disastrous picture of disunion, and the Senator from Michigan, a short time afterwards, in a carefully prepared speech, followed in the same lugubrious strain."

"Mr. CASS. There was no preparation on the subject. The remarks never occurred to me until the moment they were uttered."

"Mr. CLEMENS. Well, that is a small matter. What I mean to assert is, that both of those Senators endeavored to impress upon the country the belief that war must follow on the heels of disunion. Both of them, no doubt, believe that such is the case; but in my deliberate judgment all that is fancy merely. I cannot see why war should follow a separation. On the contrary, I think the good sense of both nations would teach them that if they must part, it had better be after the manner of the Patriarch of Old, and that each should say to the other, 'Let there be no strife. I pray thee, between me and thee, nor between thy herdsmen and my herdsmen, for we be brethren.' But if it should be otherwise; if war must come; if civil discord and paternal strife should mar the beauty of the land, the responsibility must attach not to those who maintain the right, but to those in whom the dictates of justice have been silenced by the robber's instinct."

"I warn them that bloody pictures will scarcely frighten us from our propriety. We mean to defend our rights in all contingencies, and consequences must take care of themselves."

You see, sir, the Senator was not to be frightened by bloody pictures of disunion. At this time he held them in profound scorn and contempt. But turn to his last speech, which he delivered the other day, and you will see what a sombre pencil he uses in the same line. Then, again, speaking of the Farewell Address of Washington, he used this language:

"It is the constant practice of those who are seeking to oppress us, both in Congress and elsewhere, to descend with much pathos upon the Farewell Address of Washington, and to commend to our consideration his last advice to his countrymen. Sir, the memory of that great man should be like the fabled tree in the islands of the East, within whose shadow no unclean thing will harbor. His name should be a forbidden word when anything mean, or base, or selfish, is to be accomplished. Least of all should it ever be quoted to sanction meditated tyranny. He won an immortality of renown by resistance to oppression. His glory had its birth in sympathy for the wronged, and owed its brightness to rebellion. If he were living now, his whole history leaves no room to doubt on which side of this great controversy he would be found."

The President's message, transmitting the constitution of California to the Senate, was transmitted on the 13th of February. On the 20th of February, on the question of reference, the Senator from Alabama addressed the Senate. It is a labored effort to prove that California cannot be admitted into the Union, consistent with the Constitution. Mr. CLAY had submitted his compromise resolutions on the 29th of January, and on their character the Senator remarked as follows:

"After all the reflection which he [Mr. CLAY] has been able to bestow upon the subject, aided by the resources of his long experience, and his great familiarity with difficult questions in trying times, he has been able to suggest no remedy which does not recognize the right of aggression on the one side, and demand an unconditional submission on the other. He has submitted for our consideration a series of resolutions dignified with the name of 'a compromise,' but which, like most other compromises between the weak and the strong, is little better than a cloak to hide from the public gaze a hideous wrong." * * "He comes forward now with a compromise which concedes everything demanded by the North, and proposes nothing for the satisfaction of the South but the reassertion, in less solemn form, of rights already guaranteed and admitted."

On the 8th of May, the Committee of Thirteen made their report. The Senator from Alabama immediately attacked it. He affirmed that the report and the resolutions offered by Mr. CLAY on the 29th January, were the same in purport; and on this ground he rebuked Mr. MANCUM, for intimating an acquiescence in the compromise measures:

"I ask," he exclaimed, "in all sincerity, and with an anxious desire to be corrected if my impressions are erroneous, what is this report but a repetition of those resolutions? Where is there a solitary deviation from them in any vital point? The Senator from Kentucky [Mr. CLAY] has been consistent; he has abided by his original plan; and those of us who denounced it then, cannot support it now, and claim the merit of consistency. To do so, would be giving the lie direct to the declarations we then made." * * "The Senator from North Carolina speaks of liberality!—of the propriety and necessity of liberality! Sir, the Constitution is not a thing about which we are at liberty to exercise that very commendable quality. It is not in my power to exercise liberality here. I have no right to trifle with my

sworn duties. I am not here to compromise away the provisions of the Constitution."

See with what sternness and consistency he vindicates the rights and honor of the South. Not content with defending his own position, he attacks the enemies of the South, as he supposed them to be, who were willing to surrender her rights and honor. But he was not content to assail the Senator from North Carolina alone. No, sir; he turned upon the Senator from Mississippi [Mr. Foote] also, and portrayed his inconsistency exactly as I am doing now to him, [Mr. CLEMENS.] He took all the speeches of the Senator from Mississippi, and convicted him of the grossest inconsistency, and as Mr. Foote understood him, denounced him as a traitor. Previously, when cooperating in the great cause of the South together, he had paid a very high compliment to the Senator from Mississippi, which I will read. He and Mr. Foote had been attacked by some letter-writers whilst standing forward as the gallant leaders of the South. They were the Diomedes, sir, in that contest, although we had a Ulysses, and stood in the foremost rank of our combatants. On the 11th of February, in the debate on the petition presented by Mr. HALE praying that the Union should be dissolved, the Senator from Alabama said:

"But recently I noticed that some small-fry politician, whose name I do not remember—some minnow in the waters of Pennsylvania politics—decried his little auditory by the declaration that he had just as much respect for Wilnot as for CLEMENS or FOOTE. I hope the Senator from Mississippi will survive this assault, and that he will not drown himself in despair. I venture even to hope that he will not be silenced by it. The South has yet much need of my honorable friend. His genius, his talents, his energy, his readiness to defend the right, his fearless denunciations of the wrong, his unrivaled powers of sarcasm and invective, are each and all familiar acquaintances, with which I should be very unwilling to part at a crisis like the present."

There was a crisis occasioned by the pretensions of the North to exclude us from all of our territory, and these Senators stood side by side, denouncing Mr. CLAY and Mr. BENTON, and all those in the South who were in favor of the admission of California into the Union, with her anti-slavery constitution. But when Mr. FOOTE went for the admission of California, and supported the report of the Committee of Thirteen, the Senator from Alabama stood out against him manfully, and arraigned his consistency. If I had known of these speeches when Mr. Foote assailed me the other day, I might have read them as my best defence, for then I should have better shown his inconsistency and treachery. The Senator from Alabama denounced the compromise as a "shameless surrender," not a compromise, and the dismemberment of Texas, which it proposes, in the following strain:

"It is well the Senator [Mr. Foote] informed us that he had no regard for consistency."

When a man says he has no regard for consistency, it is very much like what Dogberry says of writing himself down an ass. There may be a want of consistency, perhaps, without fault; but to say that he does not regard consistency, is a proof of gross moral deficiency:

"He proposes now to cut off ten degrees of latitude from the State of Texas—enough for three free States—which we have his authority for saying will be infallibly subject to the Wilnot proviso. He proposes, further, to tax us ten or fifteen millions of dollars for the privilege of making them free States, and adding to the vast power now threatening to crush us; and then, by way of adding the most galling insult to the deepest injury, he demands that we accept this outrage as compensation for the admission of California."

He denounced also the admission of California, and shows Mr. Foote's inconsistency on this point; and in reply to certain letter-writers, who had said that Mr. Foote's national reputation would not allow him to be *ultra*, he observes, as follows:

"It may not be amiss, however, to say a few words of this thing called national reputation. It is something I value very lightly. We all know a process by which any of us may secure it. It is not even beyond my grasp. I should only have to turn traitor to my convictions of duty, and abandon the interests of the South, to change entirely the notes of that whole pack of curs who are now yelping at my heels. Sir, I want no national reputation, purchased at such a price. I spurn it, as I would any other foul and loathsome thing."

It is not at all surprising that Mr. Foote should consider the above language as charging him with being a traitor. In conclusion, he speaks in the following strain of Mr. Foote, and his position, that we should take the compromise as the best we could get:

"I have now shown that every feature of this compro-

mise when taken separately has met the strong and decided disapproval of the Senator from Mississippi. What healing virtue there is in tacking them all together, I confess myself wholly unable to comprehend. Not long since he declared that the admission of California would dissolve the Union in six months."

"A few more words, Mr. President, and I am done. I am told I ought to take this bill because it is the best I can get. Sir, I do not know that; but if I did, the same argument might be urged with equal force in favor of unconditional submission to any wrong ever perpetrated by the strong against the weak. Good God, sir! has it come to this, that an American Senator is to ask himself not whether a measure is unjust, iniquitous, and oppressive, but whether it is the best he can do? Not whether he will consent to wear chains at all, but whether the links are to be round or square? Not whether he will bare his shoulders to the lash, but what is the color of the cow-hide with which they are to be inflicted? Sir, when I consent to ask myself such questions, I hope the walls of this Capitol will fall upon me and crush me. When I stop to inquire into the degree of oppression, rather than the fact, I shall feel that degradation has reached its lowest deep, and existence is but the privilege to be infernal."

This is proud and noble language, worthy of a true Southern man and a Southern Senator, on the great question whether the people of the South were to be turned out of a domain richer than Ormus or the Ind. Alas! where is he now? Upon his charging upon Mr. Foote his inconsistencies, and virtually calling him a traitor worthy to have the Capitol crush him as a base, vile thing, unworthy to live and scarcely to die, Mr. Foote, with his usual adroitness, turned round and charged him with abolition affinities, precisely as he [Mr. CLEMENS] did towards me the other day, when he drew his picture of the scene in the Senate Chamber. Now, here is his answer to Mr. Foote, which I will give as the best answer I can make to his charges against me:

"The Senator says he will not respect the propriety of his course until he finds himself in company with Free Soilers and Abolitionists. Ah, sir, is that the rule by which he judges of the right and wrong? Does he propose to inquire who is for a measure and who against it, before making up his mind as to its justice? Sir, he ought to bear in mind, that some of those with whom he is now acting are not altogether free from the same taint. It may, it will be, that on the final vote I shall find myself in company with some of those he has mentioned; but if he does not understand the reason, I can explain it to him in a very few words. They demand the Wilnot proviso direct: the bill the Senator favors only proposes to give it to them covertly. They demand one half of Texas; and the bill only gives them a little more than one third. They demand that fugitives shall not be given up: the compromise only throws around the master the shackles of a trial by jury. Hence their opposition. Mine arises from the fact that too much is conceded. The Abolitionists propose to *enslave us at once*; the compromise arrives at the same end by a more circuitous route. I shall resist both; but, if the truth must be told, I prefer the direct to the indirect attack."

Mr. President, when the bill admitting California into the Union finally came up on its passage, the Senator from Alabama entered a protest, not a speech; he called it a protest against her admission. He fought to the last, and although vanquished, he held his proud crest still higher, breathing defiance to our foes. He then reiterated his objections to the bill as strongly as he had done before, and assailed the Senator from Michigan for his new doctrine of squatter sovereignty in terms of great severity, and told him he had been deceived as to his views in Alabama, and had been the instrument of deceiving others. He had supported his views in his construction of the Nicholson letter as consistent with the rights of the South. He concluded in the following solemn strain:

"Mr. President, other Senators have spoken of the probable action of the States they represent upon the passage of this bill. I do not know what Alabama may do. That her action will be characterized by wisdom and firmness, I have not the least doubt. I am not here to dictate to her what she ought to do. I am the servant, not the leader of her people. Whatever they do, I shall do in despite of Executive menaces, and of all the bloody pictures other hands may exhibit to our view. Born upon the soil of the State while it was yet a Territory, we have grown up together. Time after time she has committed her interests to my hands. Again and again she has trusted and promoted me; and I recognize no allegiance to any power higher than I owe to her. When she commands, I will obey. If she determines to resist this law by force, by secession, by any means, I am at her service, in whatever capacity she desires to employ me. If this is treason, I am a traitor—a traitor who glories in the name."

Is not that in a noble strain? I have no doubt that there is not a heart here which does not glow at this high and brilliant announcement of self-sacrifice and devotion to his native State. He continues:

"I know, sir, that the President, in his late letter to the Governor of Texas, has assumed the right of the Government to coerce a sovereign State. I deny that there is anything in the Constitution—anything in the laws—to justify

such an assumption. The law is plain and clear—individuals, not States, are the subjects of coercion. If any State should secede, let him, if he dare, attempt to employ military force to compel her return. He will soon find, in that event, that he has more than a State to deal with, and that the powers and resources of this Government are wholly inadequate to the tasks he has undertaken. The Federal doctrine, that all power lodges here, has been somewhat widely repudiated; and the denial of State sovereignty, either North or South, can bring to the Executive nothing but contempt."

Mark how he speaks of State sovereignty—that to deny State sovereignty, can bring nothing, either in the North or the South, but contempt. I will afterwards show you that he denies that the States are sovereign at all, in the speech delivered here the other day. He continues:

"I hold that my first allegiance is due to my State; and that treason cannot be committed against any power while obeying her mandates. Such opinions have recently been unsparingly denounced; but let me warn those who resort to such weapons, that they may be used by more than one side. There are more traitors than traitors to the Union."

There are more traitors than traitors to the Union! He means, I suppose, that those Southern men who supported these compromise measures on this floor, and asserted that if a State should secede, it was treason—were traitors themselves. Mr. CLAY had made this assertion, and even expressed the hope that they (the secessionists) might meet a traitor's doom. It was in reply to that position, I presume, that the Senator from Alabama uses this language:

"Sir, I impugn no man's motives who lets mine alone. I question the purity of no man's conduct who does not provoke retaliation by assailing others; but when men intimate that obedience to the mandates of my State is treason, they must expect to hear in return that, in my opinion, there are those in this land, and about this Capitol, who would sell their souls to Satan for the privilege of having a hand in president-making, cabinet-making, and the subsequent distribution of the public offices. There are those who would sell their Saviour, were he again upon earth, for half the price that Judas accepted to betray him."

Denunciations, sir, are weapons that two can use, and if any one expects to employ them against me with impunity, he miscalculates sadly the character of the man he assails."

"I have said all I think it necessary to say. I did not mean to argue the bill here. I shall, if necessary, argue it at home."

Sir, he did argue it at home. He became a submissionist, and did all he could in his State to quell the proud spirit of resistance he himself had contributed to raise in Alabama. After all these brave and sounding words and fiery resolves, he repeats the course he had pursued in Alabama, and here in the Senate advocates the compromise from beginning to end—goes for submission utter and entire—and denounces those who will not follow his downward path in submission as traitors. He at first denounced on this floor those who went for the compromise as traitors, whilst he held forth defying resistance; now, he wheels round and denounces those who propose only to follow his brave counsels of resistance as traitors, because they will not bow to an ignominious surrender—to a gross outrage, as he characterizes it, they are traitors. What can censure from such a man be worth? In denouncing others, he but denounces himself, and stands forth self-convicted.

I come now to the speech delivered here the other day, the last in my series of proof. I will show you what Mr. JERRY CLEMENS, Senator from Alabama, is, in December, 1851. I have read to you the first paragraph of his speech. In a subsequent part he approves the whole compromise. He says:

"Mr. President, it was not my fortune to agree with those patriotic men who framed the compromise. I doubted its healing effects; but even when differing from them, I respected their motives, and felt that Rome, in its proudest day, never assembled a Senate of loftier intellect or purer patriotism."

Why, I thought he had denounced those Senators who voted for the compromise as men who would sell their souls to Satan for office—who would sell their Saviour for half the price Judas received. He continues:

"But now, sir, when the work is accomplished, and its good effects are visible everywhere, I bow to their superior wisdom, and ask only the humble privilege of assisting to maintain it."

It is indeed an "humble privilege." In my estimation, rather than make the speech which proclaims it, the Senator from Alabama had better, like Crammer, have put his hand into the flames and have it burnt to ashes.

He formally denounced the admission of California as unconstitutional. In this speech he now

affirms that it was constitutional. I will read what he says:

"The Senator from South Carolina [Mr. RIGGS] says the admission of California was unconstitutional, because the Constitution provides only for the admission of States. If I had not heard this same argument advanced at home by able men than the Senator, I would not hesitate to pronounce it *pure nonsense*. The Constitution provides only for the admission of a State. True; but it is the act of admission which makes it a State. Some thirty-three years ago, you, sir, were sitting in a convention in the then Territory of Alabama, framing a constitution upon which you asked to be admitted into the Union. Did you imagine that you were committing the folly of asking that which Congress had no right to grant? Suppose some *wisecrack* had risen in that convention and informed you that the Constitution provided only for the admission of States—that Alabama was a Territory, and therefore could not be admitted into the Union—what would have been your opinion, not merely of his constitutional learning, but of his common sense? From that period to this, with only a short intermission, you have held a seat in this body. Has it occurred to you that you were here unconstitutionally, and that in the very act of taking your seat you violated the instrument you were sworn to support? There are but three cases, I believe, in our history, in which States have been admitted into the Union—Vermont, Kentucky, and Texas. All the rest came in as Territories; and if the position of the Senator from South Carolina be correct, the early fathers of the Republic, the framers of the Constitution, knew nothing of the fundamental law they established. But, sir, while the Senator from South Carolina denies to California the right to come in because she was not a State, he yet contends, with that remarkable consistency which characterizes many of the opponents of the compromise, that Missouri did have that right. Now, sir, the only difference between the two cases is, that Missouri had a regular territorial government, and California never had. But they were both Territories nevertheless, and neither could ever become anything else without the assent of Congress. The people of both adopted a constitution, and sent it here for approval; when approved, they both became States, but not until then."

Now here is his affirmation that California was constitutionally admitted, because, as he argues, she was admitted precisely like other States; they were Territories as she was, and the act of admission made her a State. All the other States, Alabama included, were Territories when they were admitted; so California, being a Territory when she was admitted, was admitted as constitutionally as they were admitted. There is the argument. I have in my hand the act of Congress admitting Alabama as a State into the Union. The truth is, Mr. President, and you know it very well, no Territory has ever been admitted into this Union as a State. In every instance the course pursued has been this: Congress passes an act authorizing the people in the Territory to adopt a constitution and form a State. The people get together, make a government, adopt a constitution, put the machinery of their State government into operation, and apply here for admission as a State. They are States, and they come in as States. Under the clause of the Constitution authorizing Congress to admit new States into the Union, their territorial garb is thrown away, and they come here robed in all the dignity of free and independent sovereignties. Alabama, the Senator's own State, was admitted in that way. The act of Congress passed for the admission of Alabama, begins thus:

"That the inhabitants of the Territory of Alabama be, and they are hereby authorized to form for themselves a constitution and State government, and to assume such name as they deem proper; and that the said Territory, when formed into a State, shall be admitted into the Union upon the same footing with the original States in all respects whatsoever."

They agreed to form themselves into a free and independent State, and they did so. So it was with Missouri. Here is what the people of that State did:

"We, the people of Missouri, inhabiting the limits hereinafter designated, by our Representatives in Convention assembled at St. Louis, on the twelfth day of June, 1820, do mutually agree to form and establish a free and independent republic, by the name of the State of Missouri; and for the government thereof do ordain and establish this constitution."

Missouri was a State; Alabama was a State; and all the other States that have arisen from Territories were full sovereignties when they came to be admitted into the Union. How was it with Missouri? Missouri adopted a constitution in 1820. She was not admitted, I think, until 1822. Where was she, then, before she was admitted into the Union? She had all her officers in full operation—her executive, her legislative, and her judicial departments of her government organized. And was she not a State? could she not have remained a State? Was not Alabama a free and independent State, as her constitution affirms, when she applied for admission? It must have

been so, or she could not have been admitted. I hesitate not to say that if she had not been a State it would have been a gross violation of the Constitution to have admitted her into the Union. You, Mr. President, never supposed, when you came her to represent her as a State, that she was a Territory? No, sir. The Senator from Alabama does not know the birth of his own State.

How could the admission of Senators here make a State? Unless the people had previously organized the State, no act of Congress admitting them as States could make them such.

I think, then, the argument of the Senator in favor of the constitutionality of the admission of California, is not of great potency. It is based upon a denial that the people of his own State, were the authors of their own rights and liberty. They owe their existence, not to their own volition, but to others. Let him glory in such a parentage for his State, if he pleases. He must be hard driven for an argument to sustain his new position. After affirming that the admission of California was unconstitutional, he resorts to these expedients to prove the contrary, and to nullify his own previous arguments.

As I said, he now supports the whole compromise. So staunch is his adherence, that he even says he would not repeal the law by which the slave trade is prohibited in this District, under the penalty of emancipation. But the dangerous feature in this bill—all that the South cared to oppose—was the usurpation on the part of Congress, of the power to emancipate the slaves in this District. That is what we objected to in that act. Yet the Senator says he would not vote to repeal this act. He is willing to let the legislation by which slaves are emancipated in this District remain to be applied in future, by the same course of reasoning, to the States. He is certainly enamored of the compromise.

He becomes, too, an apologist for the manner in which the fugitive slave law is executed. Here are the meek, and comely, and honeyed words in which he apologizes for the execution of the act. He says:

"That it has been occasionally evaded in other places, is true; and that in some instances it has been resisted by violence, I do not deny. But that was to have been expected. It is so, and always will be so, of all laws in a country like ours. No man ever believed, when this law was passed, that it would be executed in every instance. No man ever believed so of any law framed by the wisdom of man. It is sufficient that this law has been executed as faithfully as other laws. Occasional failures by no means warrant any one in asserting that it is in effect a dead letter. There is not a law upon our statute books which is not sometimes evaded. There is not a year in which criminals do not escape the penalties prescribed by the law against murder; but that is no reason for the repeal of the law. It is better that the life of the citizen should be imperfectly protected than not protected at all. So in the present case, if the law does not secure the certain return of every fugitive, it does as much as any human law can do; and I can construe in but one way the conduct of that Southern man who desires to continue agitation about it."

His assertion is, that the fugitive slave law has been enforced as well as any other law—as laws against murder or theft. Now, what is the fact? Just about the time when the Senator was delivering his speech, the Christiana rioters were having a glorious triumph in their unanimous release from its penalties. The murder of a citizen of Maryland had been consummated under this very act, in the State of Pennsylvania. Yet, when in my speech I ventured to suggest that not a hair of the head of one of these Christiana rioters would be touched, the Senator from Pennsylvania [Mr. BRODHEAD] rose and intimated that I cast an aspersion on his State, and broadly maintained that his State was true to the Constitution, and would enforce the laws. He feared rather that the innocent would be punished than that the guilty would escape. How stands the final result? Every one of the Christiana rioters have been released from all penalties, and released in such a form and manner, that I saw in the "Union," the other day, a letter from a Virginian, inquiring whether there was such a thing as getting back a negro at all in the free States? The writer said that there were a great many people in his part of the country who desired to recapture their slaves, but from the appearance of things, from the release of those men in Pennsylvania, it seemed to be hopeless for a Southern man to attempt to reclaim his slave. That was published here not a week ago; and yet the Senator from Alabama says, that this law has been enforced as well as other laws. Did he ever hear of other laws where a prisoner was rescued in

a court of justice in open day, with all the guards and sanctity of justice around it? Does he know of any law of the land where those who go to enforce it are deliberately murdered? and every criminal, without any exception, from Massachusetts to Pennsylvania, have all gone free of punishment? Why, it seems that just in proportion as time develops the fact, that the South has obtained nothing by this compromise—that so far from having gained anything, she has only earned contempt—the sympathies, the feelings, and the support of some Southern men seem to cling closer to its support. The worse it is, the more they love it. The more they are degraded, the more they humble themselves. I see that, according to the census returns for the year ending the 30th of June, 1850, upwards of 1,000 fugitive slaves escaped to the North from the South. That amounts to \$8,000,000 worth of property at the market value of slaves. Maryland alone has lost 379 fugitives during that year. How many fugitives slaves who have thus fled to the North, have been rendered up? Whenever one is recovered by stealth, by connivance, or assent, (for some of them come back of their own accord,) it is heralded forth as a great proof of the enforcement of the law; but how many of these 1,000 slaves has the law restored? Not one, probably, in one hundred. Yet, just at this time, when the census is printed, showing our condition in relation to this law—when the North everywhere treats this feature of the compromise with demonstrations of defiance and contempt—it is at this time, that a party rallies in the South, and goes for the compromise! the compromise! everything for the compromise! As my distinguished predecessor said in his dying moments, "The South! the poor South! God knows what is to become of her."

I have read to you extracts from the speeches of the Senator from Alabama, to show that he not only advocated resistance and secession, but said, that if a State seceded he would dare the Government to interfere. Now, what do you think he says in the last speech of his, to which I refer? He denies the right of secession; and he denies it first on authority, and then for reasons. I will read his authority:

"We are told that authority for the right of secession is to be found in the resolutions of 1798 and 1799. So many men have sought to sustain absurd theories by referring to these resolutions, that I presume we ought not to be surprised even at this last and weakest attempt of all. Nor in this age of progress is it to be wondered at, that the wisdom of the disciple should far outrun that of the teacher. John C. Calhoun and George McDuffie examined the resolutions of 1798 and 1799 for the right of secession, and could not find it. They found, as they thought, nullification; but nullification is itself a denial of secession. We all know that some of the ablest efforts made by both of these great men, was to establish that nullification was the rightful remedy."

Of Mr. Calhoun he said:

"Sir, I believe I loved him better while living, and respect him more now, than any one of those who make use of his name to give respectability to treason. He was never a secessionist, and I am authorized to say that the proof will before long be given to the world. He regarded the attempt of a single State to go out of the Union as madness, and died in that opinion."

Here is the assertion that the resolutions of 1798 and 1799 do not sanction secession. Now, I understand there is a proposition in circulation in the other branch of Congress amongst members to print the Virginia report and resolutions of 1798—'99, and by circulating them, let the people judge for themselves what are the doctrines they contain. Will the Senator from Alabama subscribe or not? If he will not subscribe, I will subscribe a thousand copies for him, if he will promise to frank them to his constituents, and by this means he will show his sincerity and put down secession. Sir, they do advocate secession, because they do advocate State sovereignty. They deny what he affirms, that the Supreme Court of the United States is the arbiter between States. They affirm, that each of the States has a right to construe the compact of the Constitution existing between them, and construing the compact, they have a right to determine whether it has been violated, and the mode and measure of redress. These are the positions assumed in the report and resolutions of 1798 and 1799.

The only difference between the Republican party and South Carolina in 1832 and 1833 as to nullification, was this: The Republicans in Virginia and elsewhere maintained that the resolutions of 1798 and '99 affirmed secession; we maintained that they affirmed nullification. They said we

could not remain in the Union and nullify its laws; but that each State had a right to secede from the Union as a consequence of her sovereignty. There is really no incompatibility between these positions. They perfectly harmonize. If a State has a right to nullify, it has a right to secede.

But the Senator says that John C. Calhoun was not an advocate of secession; and that it will soon be proved by somebody that he denied this right in a State. On page 301 of Mr. Calhoun's late work, the Senator from Alabama, if he ever reads it, will find these words:

"That a State, as a party to the constitutional compact, has a right to secede, acting in the same capacity in which it ratified the Constitution as a compact, cannot, with any show of reason, be denied by any one who regards the Constitution as a compact. This results, necessarily, from the nature of a compact where the parties to it are sovereign, and of course have no higher authority to which to appeal."

These are the words of Mr. Calhoun, holding his dying pen; and if he had said anything else he would have belied all his doctrines and his intelligence itself. Let the man step forth who will prove that Mr. Calhoun was opposed to secession. I hope the Senator will soon bring him out into open day. That man does not live who will venture to attempt to prove that Mr. Calhoun falsified his own great work by contrary opinions; and, mark what I say, if he does live, and ever had any such design, he will never lift his head to assert it. Mr. Calhoun was surrounded by too many friends when living, to be abused by his enemies when dead. He has sons who regard the honor of their parent, and who will protect his name and his reputation. And let the slanderers stand forth and dare to say, that in defiance of his whole course of life, and his last written work, he denied the right of a State to secede; let them come forth if they dare.

Sir, neither Mr. Jefferson, nor Mr. Calhoun, nor Mr. McDuffie, nor the resolutions of 1798 and 1799, deny the right of secession. I will not say anything about Mr. Jefferson. His most malignant enemies—the consolidationists and abolitionists—dare not attribute such a sentiment to him. John Quincy Adams, holding the pen and describing Mr. Jefferson's opinions, could not so stultify himself as to do otherwise than acknowledge that Mr. Jefferson maintained the right of a State to secede from the Union. Consolidationist, as he was, he had too much integrity and honesty to falsify the opinions of a dead statesman. These are the authorities of the Senator from Alabama; and now let me come to his reasoning, which is just as conclusive as his authorities. He says:

"I apprehend, Mr. President, that a great deal of the misapprehension which exists in relation to this matter grows out of the too loose application of the word 'sovereign' to the States. We speak habitually of sovereign States; as if their sovereignty was absolute and unquestioned. But there is no such thing as a sovereign State within the limits of this Union. The Constitution has expressly denied it."

There is assertion broad and strong. "There is no such thing as a sovereign State within the limits of this Union," says the Senator from Alabama. "The Constitution has expressly denied it." Where? In what clause? I have read the Constitution all over, and can see no expression in it denying the sovereignty of the States, or the consequent right of secession. If there be any such clause in the Constitution, let it be produced. It will settle at once the whole question.

The Senator continues:

"The Constitution has taken away from the States some of the highest and most essential attributes of sovereignty. They cannot coin money; they cannot emit bills of credit; they cannot punish treason against themselves; they cannot go to war; they cannot enter into compacts with other States; nay, more: the Constitution provides that the Constitution and laws of the United States shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. Now, who ever heard of a sovereignty with the laws of another power superior to its own within its own limits?"

Because the States have surrendered the power of coining money, and making war and peace, to the General Government, therefore he argues that the States are not sovereign. Are not alliances, offensive and defensive, common among nations, in which they agree to make war and peace together? Did any one ever suppose that they renounced their sovereignty by such agreements? As to coining money, it has been gravely proposed in Europe that all nations should consent to one coinage. That is a mere matter of commercial convenience. But there is one test, the power to

punish treason which the Senator says the States do not possess. If this is true, I will give up the question; and I will never again open my mouth in defence of State sovereignty and State rights. If a State cannot punish treason, it is clear it cannot be sovereign. The very definition of sovereignty is supremacy. Its duty is protection. The duty of the citizen is allegiance; and treason is a violation of allegiance. If, therefore, a State cannot punish treason—if it cannot punish a violation of allegiance—there cannot be such a thing as State sovereignty. But how stands the matter? The Senator is altogether mistaken in his assertion. His own State constitution has a clause punishing treason, which I will read to the Senate. In the constitution of Alabama, the sixth article and fifteenth clause reads:

"Treason against the State shall consist only in levying war against it, or aiding or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court."

There is the constitution of his own State, upon which she was admitted into this Union; and that constitution distinctly affirms that she has a right to punish treason, and therefore that she is sovereign. I have not looked into the constitutions of all the States; but in the constitution of Missouri, (13th article, 15th clause,) there is the same provision; so in the constitution of Kentucky, (6th article, 2d clause,) Indiana, (article 11th, clause 2d,) Louisiana, (title VI, article 90,) Mississippi, (article 7, clause 3,) Florida, (article 16, clause 4,) Arkansas, (article 9, clause 2,) Texas, (article 7, clause 2,) Wisconsin, (article 1, clause 10,) and last of all, Iowa, (article 2, clause 16.) Every one of these—all of them new States—have been admitted into the Union with this clause in their constitutions, in which they assert the right of punishing treason, and, consequently, the right to the allegiance of their citizens, of which treason is the violation. Look at the construction these facts afford. Congress, at every successive act approving of these constitutions, indorses the right of the States to punish treason; and therefore affirms the sovereignty and independence of the States. That is in perfect consistency with the Constitution of the United States. That Constitution says, that treason against the United States shall consist in levying war against them, and in adhering to their enemies, and giving them aid and comfort. "Their enemies"—enemies of the States. The Constitution itself describes the States as sovereigns, against whom treason may be committed in their united capacity. And when, afterwards, Congress approved the State constitutions, in which treason is defined, and a power is expressed to punish it against the States, it is in perfect harmony with the Constitution of the United States; and both the Constitution of the United States and the constitutions of the States which have been admitted into the Union, go to show that the States alone are sovereign. The Constitution does not say that treason may be committed against the Government of the United States or the Union. No, sir; it is against the States that treason can alone be committed, whether acting together in the Union, or as separate States. It is in being "their enemies," and giving their enemies aid and comfort, that the offence consists. Therefore I say that the Constitution of the United States and the constitution of all the States teach but one doctrine, contrary to the affirmation of the Senator from Alabama, and that doctrine is, that the States are sovereign. His own State punishes treason. If he can nullify the constitution of his own State, and cast her out of existence—if he can degrade her into a wretched dependency on this Government, which can be trampled upon with impunity, and dares not lift the front of resistance—let him do it, and take all the glory of such an achievement. For my part, it is my glory as well as my privilege that I am a citizen of a sovereign State—the State of South Carolina. To her, as the Senator from Alabama formerly said of his State, I owe my allegiance. With her I live; and at her mandate I trust I am prepared to die. And I care not what consolidationist, whether from the North or South, dares to assail her in the exercise of her sovereignty, so far as I am concerned, with the little power I possess, at her command I will resist, and resist to the last. She is my sovereign; and she at least will not tolerate the doctrine that treason cannot be committed against

her. Let any man within her limits take up arms against her, in obedience to any power—there stands her statute; her incorruptible judiciary; her Executive armed with the sword of authority to protect her sovereignty. Their fate will be death.

Mr. President, I am exhausted; and I presume that the Senate must be fatigued from the length of time I have tried its patience. I have here before me many other points in which the inconsistencies of the Senator from Alabama are exposed, and which I promised to expose. I must leave them to be read and compared, as they are contained in his last speech. His inconsistencies with respect to the dismemberment of Texas—his beautiful picture of the blessings of the Union—and his tragic delineations of the horrors of disunion, I must leave unquoted. I turn, in conclusion, to a public matter which has lately come to light in Alabama. It has been in the public prints for many weeks, and I have not seen it contradicted. I take it to be true. It may go far to explain the inconsistencies of the Senator from Alabama.

It is well known that when that Senator was elected to his seat in this body, he was elected by the Whigs. The Democratic party, by an overwhelming vote, I learn, nominated his competitor, Mr. Fitzpatrick, to be their candidate for the Senate. The Democratic party had a majority in the Legislature; but a few of the gentleman's friends, in combination with the Whigs, elected him to his present place. I hold in my hand the statement of Judge Buford. You know the man, Mr. President; and a more honorable and truthful man does not live within the confines of Alabama or the South. I know him also, sir; and I suppose his veracity and honor would not suffer in comparison with that of any man on this floor. Here is a statement he has placed before the world. He was a Senator at the time in the Alabama Legislature:

"On the night before the final balloting by the Legislature for a United States Senator, a caucus of the Whig members was held, at which it was announced that Mr. Clemens had verbally pledged himself, if elected, to support the Administration of General Taylor. Objections were made by members of the caucus to receiving a verbal pledge, and it was insisted that it should be reduced to writing. Accordingly, soon after, a small strip, containing a written pledge, was brought in the caucus by Mr. Rip Davis of Limestone. It was nearly or exactly in these words:

"If elected to the United States Senate, I promise to support the administration of General Taylor."

JERE: CLEMENS."

"It was further stated by Major Buford that he had seen the written pledge, and that it was represented and believed to be in Mr. Clemens's handwriting."

Another Whig member of the Alabama Legislature, who was in the caucus, comes out with a statement confirming that of Mr. Buford. Here is what he says:

EUFULA, (Ala.), January 29, 1851.

GENTLEMEN: Your note of this date is received. For my own part, I never recognized any obligation of secrecy in relation to the Clemens's affair. I supported Mr. Clemens (as is well known) with extreme reluctance, and with the reservation of the right to make any explanation of the reasons I might think proper; and besides, I heard of no pledge of secrecy in the caucus. I would not, however, have volunteered my testimony in this matter, nor have given it, but for the reasons stated in your note.

On the eve of Mr. Clemens's election to the United States Senate, there was a caucus of the Whig party; I did not contemplate attending, but went at the urgent request of my colleague, Mr. Gardner. When we arrived we found the caucus organized—the only question was whether the Whigs, as a party, should support Mr. Clemens. Some of his friends gave verbal assurances that he would, if elected, act with the Whigs, and said they were authorized by him to say so. It was objected that it was unsafe to support him without a written pledge, and the caucus being unable to agree, a member from Greene stated that a pledge could be obtained, and called on Mr. Rip Davis, from Limestone, who rose and produced a small scrap of paper, and read it as near as I can remember, in these words:

"If elected to the United States Senate, I pledge myself to sustain General Taylor's administration."

JERE: CLEMENS."

"A good many gathered around to inspect the paper, and some seemed to question its being in Mr. Clemens's handwriting, when Mr. Davis said in substance, 'I pledge my honor as a gentleman it is Mr. Clemens's hand, and written by himself.'"

"The same gentleman who had called on Mr. Davis, as above stated, then took the paper, and holding it up, read it out in a louder tone, and in the same words."

"Yours, &c."

PAUL MCCALL."

Mr. President, I have done. The Senator from Alabama, without any provocation on my part, thought proper to arraign me before the Senate. I stated what my purpose was—that I would discredit the witness—that I would show that the authority which has presumed to impugn the

honor and character of other Senators was not so high as to injure the reputation of any man, much less that of a Senator. I have fulfilled my task. It has been most reluctantly performed; but I could not avoid performing it. I have only acted on the defensive; and while I deprecate the necessity which has compelled me to this course of action, I, at the same time, must render my profound acknowledgments to the Senate for the courtesy which has afforded me the opportunity of doing what I have done, in the vindication of truth and justice.

Mr. CLEMENS. Mr. President, yesterday about two o'clock, when at my room, I received the following formidable missive:

SENATE CHAMBER, February 26th, 1852.

DEAR SIR: I have been directed by the Hon. Barnwell Rhet to inform you that to-morrow he will address the Senate upon the subject of personalities between you and himself, and that he has given notice this morning to the Senate, to that effect.

I have the honor to be, most respectfully, your obedient servant,
R. BEALE, Sergeant-at-Arms.
Hon. J. CLEMENS, United States Senator.

If that notice had been given to me alone, I might have supposed that the Senator from South Carolina intended to give me an opportunity of preparing to die with decency. But, not satisfied with directing this note to me, I see from the morning papers that he gave, in addition, a formal notice to the Senate, to the galleries, to the reporters, and the letter-writers, in order that they might all appear on the present occasion, to witness his triumph and my discomfiture. It may happen, that the vain self-conceit which has induced him to overlook the means of assault, has equally induced him to undervalue those of the defence. The Senator from South Carolina has manifested an ignorance of the history of this compromise; an ignorance of my position in relation to it; he has drawn deductions from it so false, and so unjustifiable, that I can attribute it to nothing but that blind and rabid spirit of disunion which prevents him from seeing things, that, to other men, are as apparent as the noon-day sun. He says that I called him a knave and a traitor. No man who heard that speech of mine, ever entertained such an opinion, but himself. The allusion to knavery was an illustration, not a charge. But, if I had done so, the subsequent course of that Senator justifies me in adding the epithet of coward, to that of knave and traitor.

The PRESIDENT. The Senator must not use expressions of that kind.

Mr. CLEMENS. I am not out of order, Mr. President, and I intend, if I can, to keep within the rules of order; but there are some things which I must say, and which I will say. If, when he believed that the charge of knavery was pending against him, he brooded over it, and took more than two months to prepare himself for a deliberate speech to answer it on the floor of the Senate, he does not deserve the character of a man. No man, with the feeling of a man in his bosom, who believed such a charge was pending against him would have sought redress here. He would have looked for it elsewhere. He submitted to it then, and now comes here not to ask redress in the only way he should have sought it, but, as he says, to discredit the witness; and how does he propose to do it? He begins with the evidence of two of his co-conspirators. Now, in my State, they are not allowed by law to give evidence for one another. But that is not all. He has evaded the point. He has sought to create a false impression upon the Senate and the country. He has endeavored to make this Senate believe that I intended to charge them with open applause of his conduct. I meant no such thing; and every man knew that I did not mean it. But will he deny that they went to him and shook hands with him, congratulating him upon the speech that he had made?

Mr. RHETT. I deny it.

Mr. CLEMENS. Mr. CHASE, did you not do it?

Mr. CHASE. I do not remember whether I shook hands with the Senator or not. I know I expressed then, as I express now, my concurrence in the State rights doctrines of the speech, but not in its disunion sentiments; just as when the Senator from Alabama, the other day, delivered an eloquent speech upon another subject, I expressed to him my gratification and, so far as I concurred in it, my approval of it. And now I ask the Sen-

ator from Alabama upon what authority he says I am a co-conspirator with any one upon this floor?

Mr. CLEMENS. I will attend to one at a time. Now, what witness is discredited? The Senator from South Carolina alleges that there was no such congratulation. Before the words are cold upon his lips, the Senator from Ohio contradicts him. Where, then, is the witness who is discredited? Here are witnesses who saw it. The Senator from Ohio does not pretend to say that he did not do it. He does not pretend to say anything of the sort. He says merely he does not remember shaking hands. But, sir, it is no extraordinary thing—it is nothing extraordinary for the Senator to be upon friendly and intimate terms with those whom he professes extreme anxiety to destroy. I am not saying anything disrespectful of these gentlemen. The point which I mean to make is this; that the Senator from South Carolina at home denounces them as traitors—that everywhere throughout the land he has assumed the ground that they were worse than Arnolds—and yet in the face of all this, we find his personal relations with them so warm that they can afford to go and congratulate him upon his efforts in favor of disunion. I do not mean to say there is anything discreditable to them in that association; but what I mean to say is, that it is extraordinary—that it is something which is strange to the country, that this uncommon intimacy should exist between them. But that is not all. The Senator has given us another illustration of his facility for forming such associations. In that very speech which he made here in the course of his reply to Mr. Foote, he let out the fact that he had private consultations with Thomas H. Benton behind one of the columns of this Capitol in relation to Mr. Foote's conduct towards Mr. Calhoun. Who, in South Carolina, would have believed that BARNWELL RHETT would have gone to Thomas H. Benton to consult about the interests of John C. Calhoun?

There was another witness whom the Senator did not call to the stand—possibly, because he is not here—possibly, because his testimony would not have suited him quite so well—and that is the honorable Senator from New Hampshire, [Mr. HALE,] who was actually so delighted that he left his seat and came over to this side of the House to listen to the whole of that harangue. Yet the Senator from South Carolina now attempts to create the impression upon the country that I have made a false charge against him; of being on terms of intimacy with these gentlemen. There is one thing which we all know: if there is no concord of sentiment between him and them, there is a concord of sentiment between him and those whom they represent. We all know that the Abolitionists have declared that the Constitution of the United States is "a covenant with death and an agreement with hell;" and we all heard the Senator utter sentiments equally as atrocious.

He says that I calumniated him. Calumniate him! It is beyond the power of man to do it. How, though, did I calumniate him? What word did I utter, which he has not avowed on the floor of the Senate? Did he not get up, and proclaim himself a traitor? And does he call it calumny, when I charge him with being precisely what he has avowed that he is? Is that the standard by which he measures calumny? Sir, I could say nothing worse of him than he has said of himself; I never intended to say anything half as bad. It is true, he is a man for whom I never had any fancy. It is true, I never sought his acquaintance. It is true, that when he came here, I refused to extend to him that courtesy which is usually extended to new Senators, and refused to be introduced to him. That is the reason he does not know me. But I never intended to make his character nor his conduct the theme of discussion in the Senate. The subject is too small. I have heard or rather I have read, a description by one of the English poets, of a certain period of darkness when vipers crawled among the multitude, "hissing, but stungless;" and I knew well that it applied to him. We can hear his hiss, but there is no sting about him.

Mr. JONES, of Tennessee. If the Senator from Alabama will permit me, I will suggest that it is impossible for him to-day to answer the speech of the Senator from South Carolina; and, with his permission, I will move that the Senate do now adjourn till to-morrow, twelve o'clock.

Mr. CLEMENS. There is another matter to which I wish to advert, and I will give way in ten minutes.

Mr. JONES. I withdraw the motion.

Mr. CLEMENS. There is a matter which has been brought into this controversy which I choose to notice now. I do not wish that any false impressions shall go abroad to the country. The Senator from South Carolina has ventured to do here to-day what no man in Alabama was ever found bold enough to do in my presence. The retailer of a slander is as bad as the originator. Indeed, he is, if possible, worse than he who originated it. He has charged me with owing my election to a corrupt bargain with the Whig members of the Alabama Legislature, and he has read a letter from Jefferson Buford and Paul McCall on the subject. I choose to notice them now. If he had only waited two days longer, I think the probability is he would never have ventured to make the charge; because the refutation of it has gone home so strong, that no man would have dared to repeat it. The fact is this, that so far from making any pledge, that slip of paper to which Mr. Buford alludes contained no expression of opinion at all. Sir, you were in Montgomery at the time. Although of course you cannot be presumed to know what was done by the Whig party, yet your conduct from that day to this has manifested that you did not believe one word of the calumny. It was a simple note of authority to Mr. Davis to state what my opinions were. He was a warm, personal friend, perfectly familiar with those opinions; and I told him, who had heard them repeatedly, to state what they were. There is now a member in the other House who was a leading member of that Legislature—one of the individuals whom it is alleged knows most about it—who has, again and again, authorized me to pronounce it a calumny. Mr. Davis has again and again authorized me to do the same. A number of other gentlemen have written letters denouncing it, or authorizing me to do so. But the Senator brings up that dead carcass on the floor of the Senate, and makes it a charge against me to account, as he supposes, for what? An abandonment of Democratic principles? Who charges me with having done so? Who alleges that I have ever given a vote that was not according to the strict Democratic faith? Who charges me with not being in full association with every Democratic member of this body?

I promised long ago, and it is a duty which I mean now to discharge, that if ever I could meet a man in Alabama who would allege that thing to be true, I should brand him as he deserved; and I want the Senator to mark now what I have to say on the subject, and apply it. The charge, emanate from whatever quarter it may, circulated by whom it may, is a foul lie, unmitigated and unredreemed by the slightest semblance of truth. I am now willing to adjourn until to-morrow.

Mr. JONES, of Tennessee. Then I move that the Senate adjourn.

The motion was agreed to, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 27, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The journal of yesterday was read and approved.

BOUNTY LANDS.

The SPEAKER stated as the first business in order, the special order of the House, being a bill entitled "An act explanatory of the act approved September 28, 1850, entitled, 'An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States,'" as amended by the Committee of the Whole on the state of the Union, and that the pending question was upon the passage of the bill.

Mr. BOWIE. I move that the special order be postponed, with a view of going into Committee of the Whole on the Private Calendar.

The SPEAKER. Does the gentleman move to postpone it to a day certain?

Mr. BOWIE. Until Monday next.

Mr. MARSHALL, of Kentucky. I would suggest to the gentleman that the bill which is the special order, is now upon its passage, and that one vote will dispose of it.

Mr. JONES, of Tennessee. Can the special order be postponed without unanimous consent?

The SPEAKER. The Chair thinks so.

Mr. JONES. It took two-thirds to make the special order, and it seems to me that a majority cannot defeat that special order by postponing it. There is another special order coming up on Tuesday, and if a majority are disposed to get clear of that special order, they can, by postponing it from day to day, defeat the rule which required two thirds to make it a special order.

The SPEAKER. The Chair is of the opinion that it has been the practice of this body to postpone a special order from day to day, by the vote of a majority of the House, and that that is one form in which the House may dispose of a special order. The rule is, that "when a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend," &c.

Mr. JONES, of Tennessee. It certainly defeats the object in making a special order.

The SPEAKER. The Chair is of opinion that the bill may be recommitted or postponed to a day certain.

Mr. JONES. I call the attention of the Chair to his decision made on yesterday about this very bill, as reported in the Globe of to-day:

"The SPEAKER. That would be the regular order of business for the morning hour, but for the fact that the special order reported from the Committee of the Whole on the state of the Union upon yesterday, becomes the regular business, from day to day, until disposed of. Being a special order, it overrides all other business."

The SPEAKER. It overrides all other business, and is to be disposed of under the rules of the House.

Mr. JONES. I think it takes two-thirds to postpone it, as it is a special order.

The SPEAKER. The Chair thinks the practice of the House has been different, and that a majority may postpone, from day to day, as a majority may commit. That is the recollection of the Chair respecting the practice of the House.

Mr. OLDS. I raise another point of order, and it is this: that Friday being set apart as private bill day, by a special rule of the House, that special rule overrides the special order of the House, and that it is in order to move to take up the Private Calendar.

The SPEAKER. The special order certainly sets aside all the standing rules—that in relation to private bill day as well as the others. There can be no question, in the mind of the Chair, upon that point; and the Chair therefore overrules the point of order raised by the gentleman from Ohio.

Mr. OLDS. If then a special order sets aside all the standing rules of the House, how can it be made without one day's notice?

The SPEAKER. The House suspended, by a vote of two thirds, all the rules of the House, and made this a special order, to be disposed of under the rules of the House, and it must affect private bills as well as other business.

Mr. OLDS. In order to test this question, I move to go into a Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair decides that motion to be out of order.

Mr. OLDS. From that decision I take an appeal.

Mr. HALL moved to lay the appeal on the table.

The question was taken, and there were, upon a division—ayes 81, noes 52.

So the appeal was laid upon the table.

The question recurred upon the motion to postpone the special order until Monday next.

Mr. JONES, of Tennessee. I must appeal from the decision of the Chair that it is in order for a majority to postpone from day to day, and thus defeat a special order made by two thirds of the House.

Mr. HALL. Is it in order to move to postpone the bill indefinitely?

The SPEAKER. It is.

Mr. HALL. Then I make that motion.

The SPEAKER. There is a prior motion, however, and the Chair will call the attention of the gentleman from Missouri to the rule upon the subject. It is as follows:

"When a question is under debate, no motion shall be made but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend,

to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged."

The motion of the gentleman from Maryland to postpone to a day certain must, therefore, take precedence of the motion submitted by the gentleman from Missouri, [Mr. HALL.]

Mr. MARSHALL, of Kentucky. As a point of order, I suggest whether the subject-matter must not be under discussion, before the House, before a motion to postpone at all—either to a day certain or indefinitely—can be entertained. If the subject-matter be before the House, I shall move the previous question on the passage of the bill.

The SPEAKER. The Chair announced that the special order was the first business in order, and it is now before the House and under discussion. It is under discussion, according to the meaning of the rule.

Mr. MARSHALL. Then I move the previous question on the passage of the bill, which, as I understand it, takes precedence of the motion to postpone.

The SPEAKER. If the Chair be correct in its decision that the bill may be postponed to a day certain, the effect of the previous question will be to bring the House to a vote upon the postponement.

Mr. MARSHALL. And also upon the passage of the bill?

The SPEAKER. And upon the passage of the bill, in case the motion to postpone is disagreed to.

Mr. MARSHALL. The rule gives a motion for the previous question precedence over a motion to postpone to a day certain; and under the decision of the Chair, therefore, the motion for the previous question must take precedence of the motion to postpone.

Mr. JONES, of Tennessee. It not only takes precedence, but, if I understand the rule, it cuts off the motion to postpone. Until the last Congress the previous question cut off a motion to refer; but by a special rule it was provided that the previous question should not cut off a pending motion to refer, but that the House should first vote upon the motion to refer and then upon the amendments, and everything else is cut off except the motion to refer and the amendments.

Mr. CLINGMAN. That is clearly right. There can be no doubt about it.

The SPEAKER. Will the gentleman from Tennessee turn to the rule upon which he relies?

Mr. JONES. Rule 46 is the one that prescribes the order of motions. The 50th rule provides that "The previous question shall be in this form: 'Shall the main question be now put?' It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question."

Now, the previous question cuts off, as I think, everything except what is specified in that rule.

The SPEAKER. The direction of this whole matter must depend upon the correctness of the decision of the Chair, that this bill may be postponed. If the Chair is right in supposing that it may be postponed to a day certain, the Chair thinks it follows, very clearly, that the previous question will bring the House to a vote upon the postponement, just as it would bring the House to a vote upon a motion to commit.

Mr. JONES. I call the attention of the Chair to the fact that the 50th rule provides that a motion to commit shall not be cut off by the previous question. A motion to commit was cut off by the previous question until the adoption of this rule on the 5th of August, 1848.

The SPEAKER. Does the gentleman from Tennessee remember what has been the practice of the House with reference to debate upon a proposition to postpone to a day certain?

Mr. KING, of New York. It is not in order.

The SPEAKER. Debate is not in order upon a proposition to postpone to a day certain, and hence it is not enumerated among the votes that the House must be brought to under the operation of the previous question. The Chair is very certain that he has decided this question in accordance with the practice of the House.

Mr. CLINGMAN. I would suggest to the

Chair that this whole discussion is out of order. The previous question has not been sustained, and until it is sustained the House cannot decide upon the effect of that motion. I submit that this whole discussion is premature, and out of order.

The SPEAKER. The Chair would remark, that the point of order raised by the gentleman from Tennessee [Mr. JONES] does not involve the one raised by the gentleman from Kentucky, [Mr. MARSHALL,] or the operation of the previous question.

The Chair decides that this special order may be postponed to a day certain. The gentleman from Tennessee differs with the Chair, and appeals from this decision, and the question before the House is on that appeal.

Mr. CLINGMAN. I understand the gentleman from Tennessee to rely upon the ground that the previous question would cut off the motion to postpone, but until it is put and sustained, the effect of it cannot be inquired into by the Chair or the House.

The SPEAKER. The gentleman from North Carolina is right in that.

Mr. HOUSTON. I understand the point decided by the Chair is, that this special order may be postponed to a day certain, by a majority vote of the House. That is the point, and not the effect, of the previous question, as supposed by the gentleman from North Carolina. If that be correct, then a majority of the House can undo what two thirds have done.

Mr. JONES. At the time I took the appeal from the decision of the Chair, the gentleman from Kentucky had not moved the previous question. I will now withdraw my appeal, and if the previous question is sustained, and the Chair then decides that the motion to postpone takes precedence of the main question, I shall renew the appeal.

Mr. MARSHALL, of Kentucky, then moved the previous question.

The previous question received a second, on a division—ayes 84, noes 60—and the main question was ordered to be now put.

Several MEMBERS. What is the effect of the previous question?

The SPEAKER. The Chair decides that the effect of the previous question is to bring the House first to a vote upon the motion to postpone till Monday next.

Mr. JONES. From that decision I appeal, and I ask for the reading of the 46th and 50th rules, together with the note to the 50th rule.

The Clerk read the rules, as follow:

46. "When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged."

50. "The previous question shall be in this form: 'Shall the main question be now put?' It shall only be admitted when demanded by a majority of the members present; and its effect shall be to put an end to all debate, and bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question."

Note to the 50th rule:

"The previous question was recognized in the rules established April 7, 1789, and could be demanded by five members, (the parliamentary law places it in the power of two members—one to move, the other to second.) On the 23d December, 1811, it was placed on a footing with the yeas and nays—that is, at the command of one fifth of the members present. It remained so until the 24th February, 1812, when the rule was changed to its present form of a majority. According to former practice, the previous question brought the House to a direct vote on the main question—that is, to agree to the main proposition, to the exclusion of all amendments and incidental motions; but on the 14th January, 1819, it was changed to its present form—first to embrace pending amendments, and then the main proposition."

Mr. STANTON, of Ohio, moved to lay the appeal upon the table.

Mr. CAMPBELL, of Illinois, demanded the yeas and nays upon that motion; but they were refused.

Mr. STUART demanded tellers; which were ordered, and Messrs. STREVEN, of Pennsylvania, and STANTON, of Tennessee, appointed.

And the question being put, it was decided in the affirmative—ayes 83, noes 65.

So the appeal was laid upon the table, and the decision of the Chair was sustained.

BOUNTY LAND BILL.

The question then recurred on the motion to postpone the special order till Monday next.

Mr. CLINGMAN, on that motion, demanded the yeas and nays; which were ordered.

Mr. GENTRY. If the motion to postpone prevail, will this business come up again on Monday morning?

The SPEAKER. It will come up as a special order.

Mr. JONES, of Tennessee. Do I understand the Chair, that the business will come up on Monday next as a special order?

The SPEAKER. The Chair has so decided.

Mr. JONES. Will it not be in order, on Monday next, to move to suspend the rules, in order to introduce resolutions?

The SPEAKER. The Chair will decide that question when it comes up.

The question was then taken on the motion to postpone, and resulted—yeas 77, nays 99—as follows:

YEAS—Messrs. John Appleton, Ashe, Averett, David J. Bailey, Bartlett, Bowie, John H. Boyd, Brooks, Lewis D. Campbell, Caskie, Chandler, Chastain, Clark, Cottman, Curtis, Daniel, Dean, Disney, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Thomas J. D. Fuller, Hamilton, Harper, Sampson W. Harris, Hart, Haws, Haven, Hebard, Hubbard, Horford, Howard, John W. Howe, Thomas Y. How, Ingersoll, Jackson, John Johnson, Daniel T. Jones, J. Glancy Jones, Preston King, Kuhus, McEacham, Meade, Murray, Nabers, Olds, Orr, Outlaw, Peaslee, Penningman, Rantoul, Robie, Sackett, Schoolcraft, Schoonmaker, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Abraham P. Stevens, Thaddeus Stevens, Stratton, Sutherland, Benjamin Thompson, George W. Thompson, Towns, Townsend, Wallace, Washburn, Welch, and Wildrick—77.

NAYS—Messrs. Willis Allen, Allison, William Appleton, Babcock, Thomas H. Bayly, Bell, Bennett, Bissell, Breckenridge, Brenton, Briggs, Burrows, Busby, E. Carrington Cabell, Joseph Cable, Caldwell, Thompson Campbell, Carter, Chapman, Churchwell, Cleveland, Clingman, Cobb, Conger, George T. Davis, John G. Davis, Dunham, Edmundson, Evans, Ewing, Faulkner, Ficklin, Fitch, Florence, Fowler, Henry M. Fuller, Gamble, Gaylord, Gentry, Giddings, Goodnow, Gorman, Grey, Grow, Hall, Hascall, Hendricks, Houston, Hunter, Andrew Johnson, James Johnson, George W. Jones, George G. King, Kurtz, Landry, Letelier, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, Mason, McDonald, McLanahan, McMullin, McNair, McQueen, Molony, Henry D. Moore, John Moore, Morrison, Murphy, Newton, Andrew Parker, Samuel W. Parker, Perkins, Phelps, Powell, Price, Richardson, Robbins, Savage, Schermerhorn, Smith, Frederick P. Stanton, Richard H. Stanton, St. Martin, Strother, Stuart, Taylor, Thurston, Walbridge, Walsh, Ward, Watkins, Wells, Addison White, Alexander White, Williams, and Yates—99.

So the motion to postpone was not agreed to.

The question then recurred upon the passage of the bill.

Mr. CLINGMAN demanded the yeas and nays; which were ordered.

Mr. CHASTAIN. I desire to ask, if it will be in order to move to reconsider the vote by which the main question was ordered to be put?

The SPEAKER. It will be in order.

Mr. CHASTAIN. I make that motion, and I ask the indulgence of the House to submit a single remark, in order to explain why I make it.

Mr. JONES, of Tennessee. That question is not debatable.

The SPEAKER. The gentleman cannot submit his remarks, except by the unanimous consent of the House.

Mr. MARSHALL, of Kentucky. I object; and move to lay the motion to reconsider upon the table.

Mr. CHASTAIN. If I am cut off from giving my reasons, I will not submit the motion.

Mr. SMART. Will it be in order to move to have the eighth section of the bill read?

The SPEAKER. It will be in order.

Mr. SMART. I hope that it will be read. I understand that it neutralizes entirely the effect of the fourth section, and cuts off the militia and volunteers ordered out by the Governors.

Mr. JONES, of Tennessee. Read the whole bill.

Mr. CABELL, of Florida. I ask if this is not the same bill which has been printed in the Congressional Globe? Gentlemen can refer to it there.

The SPEAKER. It is.

Mr. CABELL. Then I object to its being read.

Mr. JONES. I think we have a right to demand that the bill be read.

The SPEAKER. The Chair thinks the gentleman from Tennessee is correct.

The bill was then read through, as heretofore published.

Mr. FOWLER. Is the question now upon the passage of the bill?

The SPEAKER. It is.

Mr. FOWLER. I move that the bill do now lie upon the table, and upon that motion I ask the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and the result was—yeas 100, nays 84—as follows:

YEAS—Messrs. Aiken, Andrews, John Appleton, William Appleton, Ashe, Averett, Bartlett, Beale, Bowne, John H. Boyd, Briggs, Brooks, Buell, Burrows, Lewis D. Campbell, Carter, Caskie, Chandler, Chapman, Clark, Conger, Curtis, Daniel, George T. Davis, Dean, Doty, Duncan, Durkee, Eastman, Evans, Fitch, Fowler, Thomas J. D. Fuller, Giddings, Goodnow, Grow, Hall, Harper, Hart, Haws, Hascall, Haven, Hebard, Heim, Hibbard, Horford, John W. Howe, Hunter, Ingersoll, Ives, Jackson, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kuhus, McCorkle, McDonald, McQueen, Meade, Henry D. Moore, Murray, Newton, Orr, Outlaw, Peaslee, Penningman, Perkins, Phelps, Price, Rantoul, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Snow, Benjamin Stanton, Abraham P. Stevens, Thaddeus Stevens, Stratton, Stuart, Sutherland, Benjamin Thompson, George W. Thompson, Thurston, Towns, Townsend, Walbridge, Wallace, Washburn, Wells, and Wildrick—100.

NAYS—Messrs. Abernethy, Willis Allen, Allison, Babcock, Thomas H. Bayly, Barrere, Bell, Bennett, Bissell, Bowie, Breckenridge, Brenton, Albert G. Brown, Busby, E. Carrington Cabell, Joseph Cable, Caldwell, Thompson Campbell, Chastain, Churchwell, Cleveland, Clingman, Cobb, Cottman, John G. Davis, Disney, Dockery, Dunham, Edgerton, Edmundson, Ewing, Ficklin, Florence, Henry M. Fuller, Gamble, Gaylord, Gentry, Gihmore, Gorman, Grey, Hamilton, Hendricks, Houston, Thomas Y. How, Andrew Johnson, James Johnson, John Johnson, Kurtz, Landry, Lockhart, Mace, Humphrey Marshall, Mason, McLanahan, McMullin, McNair, Molony, John Moore, Morrison, Murphy, Nabers, Olds, Andrew Parker, Samuel W. Parker, Penn, Polk, Powell, Richardson, Robbins, Savage, Stanley, Frederick P. Stanton, Richard H. Stanton, St. Martin, Strother, Taylor, Walsh, Ward, Watkins, Welch, Addison White, Alexander White, Williams, and Yates—84.

So the bill was ordered to lie upon the table.

Mr. FOWLER. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

Mr. WALSH. Upon that motion, I demand the yeas and nays.

The yeas and nays were refused.

The question was then taken, and the motion to reconsider was ordered to lie upon the table.

Mr. ROWIE. I now move that the rules be suspended, and that the House resolve itself into Committee of the Whole House on the Private Calendar.

Mr. BAYLY, of Virginia. I ask the gentleman to withdraw his motion for a single moment.

Mr. ROWIE. I will withdraw for the gentleman from Virginia.

THE COMMISSION UNDER THE CONVENTION WITH BRAZIL.

Mr. BAYLY. Mr. Speaker, there is a bill upon the Speaker's table which it is indispensable that we should pass immediately, or it will be too late to have any effect. I ask that the House will indulge me for a single moment. I think I can show that it is a bill against which there can be no possible objection.

A MEMBER. What is your bill?

Mr. BAYLY. That is precisely what I want to state. [Laughter.] Under our convention with Brazil, the period of the existence of the Board for adjudicating American claims will expire this week. In consequence of the conflicting testimony, over the wide extent of Brazil, there are some of the claimants who have not been able to perfect their testimony. The whole fund is not distributed, and the commissioner's salary is provided for four months longer than the period at which his duties by law terminate. The President recommends, and the commissioner himself says it is but justice, that this period should be extended, and that is all we ask.

Mr. TOOMBS. I ask permission to say, that there is already an appropriation made to pay the salary of the American commissioner to the end of the fiscal year.

Mr. BAYLY. Yes, his salary is already provided for; and the only question is, whether his time shall be given for the investigation of these cases. If it is not, these American claimants will be the losers, and the Court of Brazil are the gainers.

Mr. SCURRY. Will not the consent of Brazil have to be obtained?

Mr. BAYLY. It will not.

Mr. GENTRY. If I understand the gentleman's explanation, if we do not pass the bill, we shall have to pay the salary of the commissioner for four months for doing nothing. But if we do pass it, we shall have to pay nothing in addition, and the commissioner will be at work during the four months in the performance of his commission.

Mr. BAYLY. That is its effect.

The joint resolution extending the time for the continuance of the commission under the convention with Brazil, was taken up, and read a first and second time by its title.

Mr. FLORENCE. I do not understand the object of extending the time.

Mr. BAYLY. It is because the time is limited, and after it has expired, the commissioner cannot adjudicate another claim. There are claimants who, from the extent of country over which they have been obliged to collect their testimony, have not been able to complete it in time.

Mr. FLORENCE. How many gentlemen have presented claims which have not been adjudicated?

Mr. BAYLY. There are a few more. I do not know the precise number.

Mr. FLORENCE. Is not the number thirteen?

Mr. BAYLY. I think it is.

Mr. FLORENCE. How many have been presented in all?

Mr. BAYLY. I do not know the precise number.

Mr. TOOMBS. I am told that these claimants are very anxious to have this time extended, and I hope in justice to them it will be done.

Mr. FLORENCE. I merely asked the questions for information, and I am entirely satisfied.

The bill was then ordered to be engrossed and read a third time; and having been engrossed, was read the third time and passed.

PRIVATE BILLS.

Mr. BOWIE. I will inquire if there are not some bills on the Speaker's table which were reported from the Committee of the Whole last Friday, and which have not been acted upon by the House?

The SPEAKER. There are several.

Mr. BOWIE. Then I will move that those bills be disposed of before we go into Committee of the Whole.

The SPEAKER. It requires no motion; they came up in order, the gentleman having withdrawn his previous motion.

The first bill in order was Senate bill 42, being a bill entitled, "An act for the relief of Richard Chaney and others," upon which a motion was pending to refer to the Committee on Private Land Claims.

The question was taken, and the bill was so referred.

The next bill in order was House bill 97, being a bill for the relief of James McCormick, assignee of Robert A. Parker, upon which a motion was pending to recommit to the Committee on Naval Affairs.

The question was taken, and the bill was recommended.

The next bill in order was the bill for the relief of Cornelius Hughes, of Tennessee—the question being, "Shall it be engrossed and read a third time?"

The bill was read through, and ordered to be engrossed and read a third time; and having been engrossed, was read a third time and passed.

Mr. JOHNSON, of Tennessee. There are some three or four bills which have been reported from the Committee of the Whole on the Private Calendar. They have been fully discussed, and I hope they may all be taken up and passed together.

The SPEAKER. It can only be done by unanimous consent.

Mr. CARTTER. I object.

The following House bills coming up in order, were then severally ordered to be engrossed and read a third time; and having been engrossed, were read the third time and passed, viz:

99. A bill for the relief of Francis Tribou.

100. A bill for the relief of James Wright, jr.

101. A bill for the relief of John Kerbaugh.

102. A bill for the relief of Ichabod Weymouth.

103. A bill for the relief of John McIntosh.

135. A bill for the relief of Charles S. Mathews, Charles Wood, and James Hall.

PUBLIC LANDS FOR COMMON SCHOOLS.

Mr. CHURCHWELL, by unanimous consent, introduced a bill, of which previous notice had been given, entitled, "A bill granting public lands to the several States of the Union, for the purpose of establishing a permanent and efficient system of common schools;" which was read a first and second time by its title.

Mr. C. I move that the bill be referred to the Committee of the Whole on the state of the Union, and be printed.

Mr. COBB. I move that the bill be referred to the Committee on Public Lands.

Mr. GENTRY. I hope the gentleman from Alabama [Mr. Cobb] will see the propriety of withdrawing his motion to refer it to the Committee on Public Lands. The bill relates to the public domain generally—to all the States of the Union; and the Committee of the Whole, having charge of the interests of the Union generally, it seems to me that such committee is obviously the proper one to which it should be referred.

Mr. COBB. I think not. The Committee on Public Lands have that subject now before them.

The question being first taken on the motion of Mr. CHURCHWELL, it was agreed to.

So the bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. COBB, at a subsequent stage of the proceedings, entered a motion to reconsider the vote by which the bill was referred to the Committee of the Whole on the state of the Union.

SUNBURY AND ERIE RAILROAD.

Mr. CHANDLER, by unanimous consent, introduced a bill, of which previous notice had been given, entitled, "A bill granting public lands to the State of Pennsylvania, to aid in the construction of the Sunbury and Erie Railroad in Pennsylvania;" which was read a first and second time by its title.

Mr. C. I move that it be referred to the Committee of the Whole on the state of the Union, and be printed.

Mr. GAYLORD. I move that the bill do lie upon the table.

The question was first taken upon the motion of Mr. GAYLORD, and it was not agreed to.

Mr. CHANDLER—

Mr. HART moved to amend that motion, by substituting the Committee on Public Lands, for the Committee on the Whole.

The SPEAKER. The question upon referring to the Committee of the Whole upon the state of the Union must first be put, under the operation of the positive rules of the House.

The question was then taken on the motion, and it was agreed to.

Mr. STANTON, of Ohio. I ask the unanimous consent of the House to introduce a bill, of which previous notice has been given.

Mr. DANIEL. I object; and insist upon the motion that the House resolve itself into a Committee of the Whole House upon the Private Calendar.

Mr. WALSH. I hope the gentleman from North Carolina will withdraw his motion for a moment, and allow me to present a memorial from the workmen who have been engaged upon the Capitol.

Mr. DANIEL. It can be presented under the rules.

Mr. WALSH. They want their statement to be heard.

Mr. GENTRY. Hear the workmen.

Mr. WALSH. If gentlemen will hear the statement, they will grant relief, I have no doubt; and I hope it may be received and read.

The SPEAKER. The gentleman from North Carolina insists upon his motion to go into Committee of the Whole upon the Private Calendar.

The question was then taken on the motion of Mr. DANIEL, and it was agreed to.

The House accordingly resolved itself into a Committee of the Whole House upon the Private Calendar, (Mr. CHANDLER in the chair.)

GENERAL JAMES C. WATSON.

The CHAIRMAN. The first bill in order for consideration is House bill No. 136, being a bill

for the relief of the legal representatives of General James C. Watson, late of the State of Georgia.

Mr. DANIEL. There is a standing objection to that bill, and it must go over, as a matter of course, under the 30th rule of the House, which provides that on the first and fourth Friday of each month the calendar of private bills shall be called over, and the bills to the passage of which no objection shall then be made, shall be first considered and disposed of.

The CHAIRMAN. It will go over under the rules.

The following bills on the Calendar, coming up in their order for consideration, were objected to, as indicated below, and lie over under the rule:

House bill No. 137, being "A bill for the relief of Osborn Cross, of the United States Army," which provides that he shall be credited, in his account with the Government, the amount of certain Treasury notes, which were stolen from him in the city of New Orleans in the year 1842. [Objected to by Mr. MACE.]

Senate bill No. 67, being "An act granting relief to John A. McGaw, of New York;" by which the Secretary of the Treasury is directed to pay him the sum of \$1,400, being the amount due him for demurrage of the ship Charlotte, while in the service of the United States. [Objected to by Mr. MARSHALL, of Kentucky.]

House bill No. 147, being "A bill for the relief of the Monroe Railroad Company and their securities;" which provides that the petitioners be relieved from three duty bonds, amounting to \$7,205 14, given as securities for the laying down certain railroad iron, imported at Savannah, in the year 1841. [Objected to by Mr. SACKETT.]

House bill No. 149, being "A bill for the relief of the heirs of Lieutenant Bartlett Hinds;" by which it is provided that they shall receive five years' full pay of a lieutenant, as commutation under the resolution of the Continental Congress. [Objected to by Mr. AVERETT.]

The following bills, coming up in their order, were considered; and no objection being made, they were laid aside to be reported to the House, with a recommendation that they do pass:

House bill No. 139, to authorize the issuing of a register to the brig "America."

House bill No. 140, a bill for the relief of William S. Payne; by which the Secretary of the Treasury is authorized and directed to refund to him the sum of \$50, being the amount of fine imposed upon and paid by him for neglecting to renew the license of a vessel.

House bill No. 142, to authorize the issuing of a register to the ship "Kossuth."

Senate bill No. 88, entitled, "An act for the relief of Rufus Dwinel; by which the Secretary of the Treasury is authorized and directed to pay him the sum of \$13,037 72, with interest from the 4th of March, 1837, for damages sustained by him on account of a change in the terms of a contract for carrying the United States mails."

House bill No. 148, for the relief of Andrew Smith; by which the Secretary of the Treasury is authorized to pay him the sum of \$100, in satisfaction of two Treasury notes, specially indorsed to his order, but which were lost in their transmission through the mail, and subsequently paid to other persons, on a forged indorsement of his name.

The next bill that came up in order for consideration, was House bill No. 150, for the relief of Robert Nelson, providing that he may, by way of exchange, convey certain lands in Missouri to the United States, and be permitted to enter other lands in lieu thereof.

The bill having been read through,

Mr. SCURRY moved that the committee rise. Mr. FOWLER demanded tellers; which were ordered, and Messrs. INGERSOLL and STANTON, of Tennessee, appointed.

The question was then taken; and the tellers reported—ayes 52, noes 29. No quorum voting.

[Cries of "Call the roll!" "Call the roll!"] Mr. FOWLER. Less than a quorum can order the committee to rise.

The CHAIRMAN. It does not require a majority to rise.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole House had had under consideration various bills on the Private Calendar, and had instructed

him to report to the House the bills of the House, Nos. 139, 140, 142, and 148, and Senate bill No. 88, with a recommendation that they do pass.

The SPEAKER. Is it the pleasure of the House to proceed to pass upon the bills in gross?

Mr. FICKLIN. Let them be acted upon singly.

Mr. APPLETON, of Maine. I move that when the House adjourns it adjourn to meet on Monday next.

Mr. JOHN W. HOWE called for the yeas and nays upon that motion; but they were not ordered.

The question was then taken, and there were, upon a division—ayes 93, noes 48.

So the motion was agreed to.

Mr. KING, of New York. I ask the unanimous consent of the House to offer a resolution asking for information.

The resolution was read for information, as follows:

Resolved, That the President be requested to communicate to this House what inquiry and report has heretofore been officially made upon the propriety of establishing some safe depôts for the preservation of the gunpowder of the United States, and whether the establishment of depôts for this purpose is required for the public service.

Mr. TOOMBS objected, and the resolution was not introduced.

Mr. WILDRICK, from the Committee on Enrolled Bills, reported as correctly enrolled, "a resolution to extend the time of the commission under the Convention with Brazil;" which then received the signature of the Speaker.

Mr. MOORE, of Louisiana, by unanimous consent, presented three several resolutions of the Legislature of Louisiana; which were referred and ordered to be printed, viz:

Resolutions asking that a naval depôt and navy-yard be established at New Orleans, for the construction and repairing of United States vessels;

Resolutions asking that a post office be established on Grand River, on the mail route between Donaldsonville and Opelousas; and

Resolutions asking a donation of the military reserve at Fort Jesup, for a seminary of learning.

Mr. SACKETT. I move that the House resolve itself into a Committee of the Whole House upon the Private Calendar.

Mr. ORR. I move that the House do now adjourn.

Mr. JOHN W. HOWE. Will the gentleman from South Carolina [Mr. Orr] allow me first to introduce a set of resolutions from the Legislature of Pennsylvania?

Mr. ORR. I must insist upon my motion.

Mr. HEBARD called for tellers on the motion to adjourn; which were ordered, and Messrs. CHANDLER and STANTON, of Tennessee, appointed.

The question was then taken, and the tellers reported—ayes 59, noes 50.

So the House adjourned to meet on Monday next at twelve o'clock, m.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. McLANAHAN: Resolutions from the Legislature of Pennsylvania, instructing the Senators and requesting the Representatives from that State to vote for the construction of a ship-canal around the Falls of the Sault Ste. Marie.

Also, a memorial from citizens of Pennsylvania, remonstrating against the renewal of the patent granted to Austin and Zebulon Parker for alleged improvements in submerged reaction water-wheels.

By Mr. MILLER: The memorial of Gustavus A. Parsons, of Missouri, praying compensation for services rendered in raising and organizing volunteers for the Mexican war.

Also, the petition of sundry citizens of Missouri, praying for a mail route from Tully to Monticello, Missouri.

By Mr. PARKER, of Pennsylvania: The memorial of George W. Patton and 21 others, citizens of Huntingdon county, Pennsylvania, praying the establishment of an Agricultural Bureau by Congress.

Also, the memorial of James M. Kinkead and 28 others, citizens of Blair county, Pennsylvania, praying the establishment of an Agricultural Bureau by Congress.

By Mr. PEASLEE: The petition of Mary Chandler and others, widows of husbands who served in the revolutionary war, praying the extension of the pension laws.

By Mr. CABLE, of Ohio: A memorial from citizens of Carroll county, Ohio, stating that the mechanical and agricultural interests of the country feel the burdens of the alarming increase of the expenses of the General Administration, and that estimates should be called for cutting down the expenses to \$25,000,000 annually.

By Mr. BRENTON: The petitions of Samuel Mahon, M. H. Marshall, John Marshall, James H. Swaar, and William Russey, assistant marshals in the State of Indiana,

asking additional compensation for taking the Seventh Census.

By Mr. BURROWS: The memorial of Edward Wilber and 250 others, citizens of Orleans county, New York, remonstrating against the extension of Woodworth's patent for a planing machine.

By Mr. BELL: The petition of E. S. Nichols and J. B. Crumbaugh, deputy marshals of Greene county, Ohio, praying additional compensation for taking the census in said county.

Also, the petition of William Curry and Jonathan Davidson, deputy marshals of Preble county, Ohio, praying additional compensation for taking the census of said county.

Also, the petition of 44 citizens of the town of Dallas and vicinity, in the county of Darke, Ohio, praying for the establishment of a post route from Greenville, in Darke county, via Dallas and St. Henry, to Celina, in the county of Mercer.

By Mr. SCHERMERHORN: The remonstrance of 130 citizens of the county of Monroe, New York, against the further extension of the Woodworth patent.

By Mr. CHANDLER: The memorial of Rusby, Ashburner & Son, G. J. Mason, and numerous other citizens of Philadelphia, asking for a renewal of the patent for Woodworth's planing machine.

Also, the memorial of L. D. Conard and numerous other citizens of Philadelphia, protesting against the renewal of the patent for Woodworth's planing machine.

Also, the resolutions of the Legislature of Pennsylvania, relative to a ship-canal around the Falls of the Sault Ste. Marie.

By Mr. HENN: The petition of Joseph Brobst and 66 others, asking for a grant of land to aid in the construction of a railroad from Burlington to the Missouri river.

Also, the memorial of Hosea B. Horn and John J. Selman, asking a grant of land on Bear river, in Utah Territory, for the purpose of forming a settlement and protecting emigrants to California and Oregon.

By Mr. COTTMAN: The petition of Cathell Humphreys, William Freeny, George Todd, and others, praying Congress to provide for the removal of a wreck from the channel leading into Hooper's Straits, in Chesapeake Bay.

Also, the petition of John Dix, Travers Daniel, James Phabus, Levin Ballard, and 110 others, praying Congress to pass an act to establish a port of entry for licensing vessels, at Deal's Island, in Somerset county, Maryland.

By Mr. FITCH: The petition of Bennet E. Davis, assistant marshal of Kosciusko county, Indiana, asking additional compensation for services in taking the census.

By Mr. ROBBINS: Resolutions of the Legislature of the State of Pennsylvania, instructing their Senators and requesting their Representatives to vote for an appropriation for the construction of a ship-canal around the Falls of the Sault Ste. Marie.

By Mr. FLORENCE: A memorial of Montgomery & Neall, Thomas Robb, Edward Heysham, Thomas Manderfield, Edward W. Cavenaugh, and others, residents of the city and county of Philadelphia, remonstrating against the extension of the Woodworth patent for planing boards, &c.

Also, a memorial of Alexander Fillout, John K. Finley, Maurice Riatt, and others, citizens of the county of Philadelphia, praying Congress to pass a law extending the Woodworth patent for planing boards, &c.

Also, a memorial of Rowley W. Pegley, Thomas Moore, Andrew Boswell, Allan McCollin, and others, citizens of the county of Philadelphia, remonstrating against the extension of the Woodworth patent for planing boards, &c.

By Mr. MOORE, of Pennsylvania: Resolutions of the Legislature of Pennsylvania in favor of a ship-canal around the Falls of the Sault Ste. Marie.

IN SENATE.

SATURDAY, February 28, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

PETITIONS, ETC.

The PRESIDENT *pro tempore* laid before the Senate resolutions passed at a meeting of the inhabitants of the town of Milton, in the county of Wayne, and State of Indiana, recommending the passage of a law by Congress providing for a division of the Indian territory lying southwardly of the Missouri river, and for defining the boundaries of the Territory of Nebraska; also, making provisions for the removal of certain tribes of Indians from said Territory of Nebraska, and for the settlement of the public lands lying therein to which the Indian title has been extinguished; which were referred to the Committee on Public Lands.

Also, resolutions of a public meeting convened in the town of Aurora, county of Dearborn, and State of Indiana, on the 16th day of January, 1852, recommending a reform in the disposition of the public lands of the United States; which were referred to the Committee on Public Lands.

Mr. SEWARD presented a resolution of the Legislature of New York, in favor of the publication by Congress of a compendium of the first and every subsequent census or enumeration of the people of the United States, with such statistical, agricultural, and other information as can be obtained, arranged under the heads exhibited in the returns of the last census; which was ordered to be printed.

Also, a petition of four hundred and seventy-six citizens of the county of Niagara, in the State of New York, remonstrating against the further

extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, additional documents in support of the claim of Brinton Paine to a pension; which were referred to the Committee on Pensions.

Mr. FISH presented the petition of citizens of Westchester county, New York, praying an extension of W. W. Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. BRODHEAD presented two petitions of citizens of Pennsylvania, remonstrating against an extension of the patent granted to W. W. Woodworth for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, five petitions of citizens of Pennsylvania, remonstrating against the renewal of the patent granted to Austin and Zebulon Parker, for improvements in the water-wheel; which were referred to the Committee on Patents and the Patent Office.

Also, a memorial of the citizens of Alleghany county, in the State of Pennsylvania, praying for the construction of a ship-canal around the Falls of the St. Mary's river; which was referred to the Committee on Commerce.

Mr. JAMES presented a petition of citizens of Philadelphia county, Pennsylvania, remonstrating against an extension of the patent granted to W. W. Woodworth for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, the memorial of the heirs and legal representatives of William Jones, of Massachusetts, praying compensation for his services during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. DODGE, of Wisconsin, presented a memorial of inhabitants of Wisconsin, praying that the transportation of the United States mails on the Sabbath day, may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Mr. MALLORY presented the petition of Richard W. Meade, late a lieutenant in the Navy, praying to be allowed certain expenses to which he was subjected during the time he was compelled to remain on shore at San Francisco, in consequence of the refusal of the officer commanding the squadron in the Pacific to permit him to take the command of a vessel on that station, to which he had been ordered by the Department at Washington; which was referred to the Committee on Naval Affairs.

Mr. DODGE, of Iowa, presented a memorial of citizens of Iowa, praying a donation of land to the State for the construction of a railroad from Burlington to the Missouri river; which was referred to the Committee on Public Lands.

Also, the memorial of Isaac Galland, praying the appointment of commissioners to examine and settle claims to lands in the Sax and Fox Half-breed Reservation in Iowa; which was referred to the Committee on the Judiciary.

Mr. DOUGLAS presented petitions of citizens of the city and county of New York, remonstrating against an extension of the patent granted to W. W. Woodworth, for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, a memorial of citizens of Illinois, remonstrating against a renewal of the patent granted to Austin and Zebulon Parker for improvements in the water-wheel; which was referred to the Committee on Patents and the Patent Office.

Mr. SMITH presented the memorial of Horace Gaylord, assistant marshal for the district of Connecticut, praying an increase of compensation for taking the late census; which was referred to the Committee of Claims.

Also, the memorial of George Andrews, praying that the public lands may be reserved for actual settlers, and for bounties in case the country should hereafter be involved in war; which was referred to the Committee on Public Lands.

Mr. JONES, of Tennessee, presented the memorial of the Legislature of Tennessee, praying an appropriation for the completion of the works in the United States navy-yard at Memphis; which was referred to the Committee on Naval Affairs.

Mr. WALKER presented two memorials from citizens of Cincinnati, Ohio, asking that Congress

will adopt the resolutions submitted by the honorable I. P. Walker, in relation to the foreign policy of the United States; which were ordered to be laid on the table.

Mr. CASS presented the petition of Thomas Jefferson Sutherland, a citizen of the United States, praying for an act of Congress providing for the grant of the right of preemption of lands in the Territory of Nebraska, for the site of the Nebraska Polytechnic Institute, a military agricultural school proposed to be established in the said Territory, and for the loan of certain arms and military equipments of the United States; which was referred to the Committee on Military Affairs.

Also, a petition of citizens of the United States, praying the construction of a ship-canal around the Falls of the St. Mary's river; which was ordered to be laid on the table.

Mr. ATCHISON presented a memorial of the Legislature of Minnesota Territory, praying the ratification of certain treaties with the Sioux and Chippewa Indians in that Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BRODHEAD, it was

Ordered, That the petition of Daniel Nippes, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. BRADBURY, it was

Ordered, That the petition of William Davis, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. BRADBURY, it was

Ordered, That the petition of the heirs of William Frost and the petition of the heirs-at-law of Nathaniel Leavitt, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. MALLORY, from the Committee on Naval Affairs, which was instructed, by a resolution of the Senate, to inquire into the expediency of establishing a naval depot at Key West, submitted a report, accompanied by a bill to provide for the establishment of a naval depot at Key West; which was read and passed to the second reading. The report was ordered to be printed.

Mr. WALKER, from the Committee on Revolutionary Claims, to which was referred the petition of the legal representatives of Joseph Ford, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Pensions; which was agreed to.

DISTRICT JUDGE OF ALABAMA.

Mr. CLEMENS submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the judge of the United States court for the district of Alabama.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was received by Mr. M. P. FILLMORE, his Secretary, communicating that the President of the United States had approved and signed, the 27th instant, an act to admit the hermaphrodite brig "Sylphide" to registry; also, the joint resolution extending the time of the commission under the convention with Brazil.

BILLS REFERRED.

The following bills from the House of Representatives were severally read a first and second times by their titles, and referred to the Committee on Pensions:

An act for the relief of Cornelius Hughes, of Tennessee;

An act for the relief of Francis Tribou;

An act for the relief of James Wright, jr.;

An act for the relief of John McIntosh;

An act for the relief of Ichabod Weymouth; and

An act for the relief of John Kerbaugh.

The following bill from the House of Representatives was read a first and second time by its title, and referred to the Committee of Claims:

An act for the relief of Charles S. Mathews, Charles Wood, and James Hall.

COMPROMISE RESOLUTION.

The resolution submitted the 4th of December, in relation to the adjustment of questions growing out of the institution of domestic slavery was again taken up.

Mr. CLEMENS. Mr. President, I observed a paragraph in one of the papers of this morning, lamenting that the Senate had been disgraced on yesterday by the use of "coarse and scurrilous" language. When the Senator from South Carolina [Mr. RHETT] gave a formal notice to his peculiar friends to be present on that occasion, for the purpose of hearing him indulge in personalities; when he caused a notice to be served upon me, that it was his purpose to engage in that particular species of amusement, I hope that neither he nor they supposed the war would be confined entirely to one side. It is to be regretted, doubtless, that the invitation to my funeral should have turned out to be so sad a mistake. The guests were all present; the preacher was at his post, and proceeded regularly with the ceremonies; but then came the resurrection, and now, instead of the triumphant notice which the Senator no doubt anticipated, we have a short paragraph deprecating the use of personal language in the Senate. If that Senator had taken the course he ought to have taken, there would have been no syllable uttered by me to which the greatest stickler for propriety could object. If he had confined himself to attacks upon my political course; if he had commented in language, no matter how severe, upon what he chose to regard as my inconsistencies; or my abandonment of State-rights, I should have replied with perfect temper, and uttered nothing offensive to him or others. But when he went to the columns of a low and scurrilous newspaper to hunt up a foul and loathsome calumny; when he brought that calumny here, and sought to give it dignity and importance by parading it in the presence of the Senate, I did feel some degree of irritation, and gave the only answer it became me to make. For the language used I have no regrets; nor have I the least disposition to recall or explain it. Previous to that, he had said nothing which excited a feeling of anger. If he imagined he was saying anything new—anything which had not been heard from every stump in Georgia, Alabama, and Mississippi—he knows but little of the contest through which the Union men of the South have recently passed. His mode of assault was too familiar to me to cause annoyance; I have met it again and again, and expected to meet it here.

If I had been permitted to conclude on yesterday, I should have said other things quite as unpleasant as those to which he has already listened; but a night's reflection has satisfied me that enough has been said, and that however much he may deserve it, it does not become me to utter more. I shall, therefore, confine myself to a defence of that consistency he has arraigned, and in the course of my remarks, I shall endeavor to show that he knows nothing whatever of the subjects on which he has undertaken to speak. He promised in the outset to prove that, in 1850, I was a thorough State-rights man, and in December, 1851, (the date of my speech on Foote's resolutions,) I was a Federal consolidationist. To establish this, he quoted an extract from a speech of mine, which he either could not, or would not understand. In that speech the term "sovereign" is indeed applied to a State, and there is a denial of the right of the Executive to use force. It was based upon a letter of the President, in which he claimed the right to employ the military of the United States against Texas. I denied it, and said, "the law is plain and clear—individuals, not States, are the subjects of coercion." I had the law before me at the time, and meant only to assume the ground taken by General Jackson in the memorable nullification era. When South Carolina proposed to nullify a law of the land, General Jackson applied to Congress, and said, that the powers vested in him were not sufficient to subdue the forcible resistance of a State, and therefore he asked for the passage of a law to meet the emergency. The force bill was the result. So I held, and hold now, that the Executive has no power to resort to coercion in the event of resistance by a State, but Congress has, and Congress may at any time authorize him to do so. It will be difficult for the Senator to find any language of mine denying this right on the part of the law-making power of the Union. It is a right essential to its very existence. Take it away, and our Confederacy would be worse than the old Amphictyonic league. If there is no power to coerce a State, the new States might appropriate all the public lands within their respective limits. The Atlantic States might seize upon the revenues

from imports. One State might block up the navigation of a particular river, and another abolish the collection of debts in the United States courts, or the punishment of offences against the United States laws. The Republic could not endure for a year unless Congress possessed the power of coercion. With a characteristic attempt at special pleading, the Senator has seized upon my use of the words "sovereign State," and thus seeks to convict me of inconsistency. Why, sir, in the speech to which he professed to be replying, I admitted the too loose use of these words. In common with every other public man in the country, I have often spoken of the States as "sovereign," and it is possible, as I have before said, that we have thus contributed to the errors which pervade certain portions of the country. The ordinary reader when he sees the word sovereign in the speech of a public man, will attach to it the meaning given by the dictionaries, and it will not always be present to his mind that when we so speak, we speak of a sovereignty circumscribed by the Constitution. I have again and again asserted, that some of the highest and most essential attributes of sovereignty have been taken away from the States; and who will dare to deny it? The Senator from South Carolina has not ventured to do so. Of the many cases I enumerated, he has seized upon one which he takes to be the weak point, and labors to prove that I am mistaken in asserting a State cannot punish treason against itself. In the exultation of his fancied success, he adds, "if I am right in that, it is indeed true the States are not sovereign." Well, sir, I shall show that I am right, and that the Senator, in his ignorance of the Constitution, has made an admission fatal to his case. He enumerates, as conclusive of the question, certain States which have passed laws for the punishment of treason. Now, sir, I have not been guilty of the folly of asserting that a State may not call murder treason, and so punish it. I have not denied but that she may designate in her laws a riot as treason, or a forcible rescue as treason. But what I do say is, that a right to punish treason, as appertaining to sovereignty, is something which is absolute, uncontrolled, and unlimited. Any restriction whatever of the right is its destruction. There is one kind of punishment for treason a State cannot inflict. There are cases in which she cannot punish at all. One of the most common modes of punishing treason is by bill of attainder. The Constitution has expressly taken away from the States the right to pass bills of attainder. Here then is a restriction which, according to his understanding, as well as to mine, is a destruction of the right as an attribute of sovereignty. But let me give a stronger illustration. I read first from the Constitution:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

I will suppose a case which has once occurred. I will suppose that Congress passes a revenue law which gives great offence to the authorities of South Carolina. The Legislature, sitting in the interior of the State, declares it a nullity, and arms a portion of the citizens to resist it by force. The officers of the United States in the city of Charleston call upon the citizens to aid them in the execution of the law. In obedience to the supreme law of the land that aid is given, and force repelled by force. Will any one pretend that for thus resisting the constituted authorities of the State by arms, a citizen could be rightfully punished for treason? They might hang him if they caught him—they might doubtless indulge in all those delectable amusements which the Senator painted for us on yesterday—but then it would be a question of might, not a question of right. If carried before any just judge, he would only have to point to the Constitution and then to the law he obeyed, to insure his discharge. No judicial officer, with a proper regard for his oath, would hesitate to declare that a State had no power to punish a citizen for obedience to the laws of the Union. The Constitution must first be destroyed. When that is done—when a successful revolution has enabled a State to resume the powers with which it has parted—then, but not until then, will the laws of the United States cease to be supreme, and obedience to them be punished as treason.

There is a tribe of constitutional exponents in our land who have learned by rote the words federalist, consolidationist, and submissionist, and who apply them indiscriminately to every one whose arguments they cannot answer. From such men I have nothing to expect but detraction, and to such men I do not address myself. I look to the calm, good sense of the people to rebuke the dangerous heresy that we have a national Government in name only, not in fact—a Government equally powerless for its own protection or the protection of the citizen—a Government which the whims or caprices of every petty State may at any moment dissolve, and involve the land in all the horrors of anarchy.

The Senator has read, with great seeming satisfaction, a declaration of mine, that wherever Alabama went I would go with her. Certainly, sir; I did use such language; and I repeat it now. But it by no means follows that I believe Alabama has a right to secede. It only follows that my affections are there, and whether right or wrong I shall go with her. Upon the same principle I would assist a brother or a friend if I found him engaged in a personal difficulty, without stopping to inquire into the cause of the quarrel. I shall do, as I have done, all I can to prevent Alabama from rushing on to her own destruction; but if those efforts fail, her destiny must be mine. I shall go, however, with my eyes open; claiming no right of peaceable secession, but asserting the right of revolution—a right to be enforced by the armed hand, and the armed hand only. The difference between the Senator and myself is, that I hope the time may never come when I shall be compelled to choose between the Union and my native State. Hence I have sought to remove all causes of bitterness, and to quiet that restless feeling of discontent which must ultimately lead to such painful results. The Senator, on the other hand, has been engaged in the opposite task of creating prejudices and exciting animosities where none before existed. I shall leave it for others to decide which best becomes the character of a patriot.

In his indictment against me, the Senator has included a resolution of inquiry which I had the honor to submit to the Senate in the performance of my duties here. This is a striking illustration of that Senator's peculiar mode of reasoning. Who, save the Senator himself, ever dreamed of attributing opinions to another, and proving it by a resolution of inquiry? In the very nature of things, such a resolution implies that we are in doubt, and want information upon which to base an opinion. But suppose I did believe at that time—as indeed I did—that the President had interfered in the affairs of California to a censurable extent, there is nothing in my present position at all inconsistent with it. The President denied it—my old friend, General Riley, denied it. The proof sustained them, and the prosecution was abandoned. I know of no one man upon whom a heavier responsibility rests for the admission of California than R. BARNWELL RHETT himself. The Journal of the other House will prove that if California is now a State, the Southern members of that body, including the Senator, are accountable for it. They had it completely in their power to defeat the appropriation bills entirely, or compel the adoption of the Senate's amendment, known as "Walker's amendment." If the Senator had merely resorted to the legislative expedient of making dilatory motions, and calling the yeas and nays, California would have had a territorial government, and thus all the angry discussions upon her admission as a State would have been avoided. A northern man (Mr. WALKER, of Wisconsin,) proposed a satisfactory settlement. The Senate passed it—the House rejected it, and the Senator from South Carolina, then a member of that body, made no effort at resistance. He who is now anxious to resort to violence and bloodshed shrunk even from adopting a legislative expedient, unusual indeed and rarely to be justified, but still far preferable as a preventive, to revolution as a remedy. The people of California did not want a State government, for the support of which they would necessarily be loaded with taxes. They desired to be organized into a Territory, the expense of which would fall on us, not on them. They adopted a constitution and form of State government as a last resort, because they could adopt no other, and their necessities demanded a government of some kind. Upon the principle

that we are responsible for acts of omission as well as commission, the Senator is chargeable with a full share of guilt for whatever wrong the admission of California may be supposed to inflict.

It is well known to you, Mr. President, that I have never justified the admission of California; and in that respect I have no inconsistencies to answer for. In the last speech I made upon the compromise, I stated distinctly and emphatically that my original opinions were unchanged; that I submitted to it because, among other things, resistance was a folly and a madness. Two of the most powerful Southern States had given overwhelming majorities for the bill. Did the Senator expect me to go home and preach the duty of secession from Tennessee and Kentucky—from Virginia, Maryland, Texas, Missouri, North Carolina—from all but the few States usually designated as the "cotton States?" Did he expect me to aid him in the establishment of a little Confederacy upon the Gulf, within whose narrow limits such men as the Senator might figure conspicuously? I resisted the passage of the law. When passed—and by the aid of Southern men who had as good a right to judge as I had—I submitted to a decision I could not prevent.

The Senator says I denounced the admission of California as unconstitutional. It will be difficult for him to find such language in any speech of mine. But suppose such was the tendency of my argument, was I to insist on that opinion as infallible in opposition to the opinions of so many Southern men older and abler than I am? My own construction of the Constitution would of course govern me, so long as I was called on to vote or speak in this Chamber; but when the matter had passed from us, when it became a question of submission or civil war, I was fully at liberty to distrust my own judgment, and to hesitate before I advised a resort to that last dreadful alternative. I trust that I am free from the arrogance of supposing that my judgment is infallible, and that no man can be an honest and incorruptible friend of the South whose opinions do not coincide with mine. I did not believe, and I would not say, that many of our best men (yourself included) were either traitors to the South or ignorant of the Constitution. I thought it quite as likely that I might be mistaken as that you were, and acted accordingly.

The Senator says, that at one time I counselled a dissolution of the Union. Not so. The very speeches from which he has read prove the utter falsity of the charge. On the 11th of February, 1850, in the speech from which he has read, I used this language:

"I know that to me individually there has been attributed a deliberate design to dissolve this Union. Great God! what have I to gain by such a course? I have no bitter enmities against any section, or against any party. I have no disappointed aspirations urging me on to desperate expedients. There is not in this broad land a single individual with fewer motives to disturb its harmony. I have friends, and warm ones, in all its parts. For a long time I commanded a New England regiment. For a long time I was associated with Northern men in all the scenes which make up the changeable drama of a soldier's life. Does any one suppose that I can contemplate with satisfaction the possibility of standing face to face as foes with those by whom I have so often stood side by side as friends? The charge is a gross absurdity; but even absurdities may come to be believed by constant repetition."

•How was it possible for me to have used stronger language in repelling the charge of disunion? It seems to me that it would have been impossible to select words of plainer import.

Again, sir, I said:

"Much of this I cannot prevent; but when the charge is made here in my presence, that I am a factionist, or that those who act with me are so, I shall repel it in terms which admit of no double meaning. Sir, I do not believe that there is a single man in the entire South who desires disunion for itself."

Here I not only repelled it for myself, but for all who were acting with me. At that day I believed what I said. At that day I believed there was not a traitor to be found in the broad savannahs of the South. I regret that I have been compelled to change that opinion. In that respect I have been inconsistent; and if the Senator had based his charge upon that ground, I should have entered no defence. It is with pain and mortification I acknowledge there are those among us who have avowed not merely a willingness but an anxiety to level this fair fabric with the ground. I know that in the eyes of such men I have committed a deadly sin. But it is one of which I have

not repented; and I now repeat, that as long as a hand of mine can be raised to prevent it, not one stone, not one atom, of that glorious edifice shall be removed.

Another extract, and I shall leave this branch of the subject. It is from my speech of the 20th of February, 1850, in reply to Mr. CLAY:

"The Senator is mistaken if he supposes he can say anything of the possible consequences of disunion which has not occurred to us. We have often manifested our sense of the evils of disunion, and never more so than at the present time. We do not mean to dissolve," &c.

After these emphatic declarations, made at all times, not only during the pendency of the compromise measures, but before their introduction; not made after it was ascertained that Southern men had voted for and sustained them, but before I could possibly know what course they would pursue, what right did any man have to suppose that I would advocate secession, both from the North and a large portion of the South? The truth is, that no man did believe it. No one at that day dreamed of disunion, save as a desperate remedy for intolerable oppression. None looked to it as a thing to be desired. It was contemplated by all with a shudder, although some of us certainly believed it might become a necessity; for whatever violent language may have been used by me or others, there was an excuse in the attending circumstances not now to be found. We came here claiming certain rights and privileges, which it was alleged had been denied us by the previous Congress, of which the Senator from South Carolina was a member. In that state of the case, smarting under what we believed to be serious and aggravated wrongs, it was not to be expected that the language employed in our speeches would be characterized by great moderation. In that speech of mine upon the Vermont resolutions, which has so delighted the Senator from South Carolina, I did comment, in strong terms, upon many acts of injustice which had been perpetrated upon the South. I took occasion to warn Northern men that they must not only pause, but they must retrace their steps. They did so. Previous to that time, every Northern State, except Iowa, had instructed their Senators to vote for the Wilmot proviso. Before the session was half over, the proviso was dead. In some cases, the resolutions of instructions were repealed, and in others, those thus instructed took the responsibility of voting for territorial bills without it. We had no bill for the recapture of fugitive slaves. That Congress passed a bill in all respects such as the South demanded. We had been, ever since the date of the Missouri compromise, excluded from all territory north of 36° 30'. This restriction was removed, and a territorial government established for Utah, whose southern boundary line is 37°, containing an express guarantee that it might come into the Union with or without slavery, as her constitution might prescribe. The spirit of fanaticism which had been abroad at the North everywhere began to disappear, and the action of both Legislatures and Conventions indicated a determination to respect the constitutional rights of the South. There are now two Senators on this floor whose election was a consequence of this happier state of feeling. I mean the Senator from New Jersey, [Mr. STOCKTON,] and the Senator from Rhode Island, [Mr. JAMES.] I know they will not take it unkind in me for thus referring to them, and adding, as I gladly do, that there are no two men in this body more firmly determined to mete out equal and exact justice to every section of the Union. Could I, with any regard to truth or decency, with these facts staring me in the face, persist in a course of denunciation which could only have the effect of exasperating those who were conscious of doing all they could to merit kinder treatment? Such a course might, indeed, have been gratifying to the Senator from South Carolina, and to those who, like him, seek a dissolution of the Union; but it would neither have been creditable to me, nor acceptable to the honest and patriotic people I represent. If the same state of things existed now which did exist at the date of that speech, it is quite possible I might employ language as strong as any then used. But that state of things has passed away, and it is the part of a good citizen to bury with it all memory of the bitterness to which it gave rise.

The Senator has been exceedingly cautious not to touch that part of my argument which relates

to the territorial bills. Even he felt that was impregnable, and he chose rather to indulge in complaints of my laudations of the Union. On that, as on other points, he misunderstands me. I sing no hosannas to a Union which is one in name only, not in spirit. I do not wish to see this people tied together by a hateful bond, while discordant interests and rankling jealousies gangrene its separate parts. It was not such a Union which Washington and Jackson meant when they urged us to preserve it. They wished—I wish—all of us should wish—a Union of a different kind—in which each member cherishes an habitual respect for the rights of the others—in which all are taught to believe that it is impossible for any of its members to deliberately intend to do wrong—that some charity is due to errors and mistakes—that injustice must be temporary only—that a common interest, the recollections of past glory, and the anticipations of future greatness cannot fail in the end to correct whatever evils passion or prejudice may have spoken into being. It is for a Union of this sort only that I have been earnestly pleading with my countrymen. The Senator has been as zealously engaged in seeking to destroy it. His mission is to inculcate jealousies of the North. Addressing himself to those who have not the time or the opportunity to investigate for themselves, he says that the people of the Northern States are a horde of robbers, whose chief occupation consists in devising schemes to rob the South—that there is among them a reckless disregard of law, which prevents the execution of Congressional enactments—and that murder has ceased to be a punishable offence, if committed upon a citizen of the South in pursuit of his property. It is not surprising that he has thus succeeded, to some extent, in estranging one portion of the country from the other. His collaborators at the North have also met with some success. It has thus become the duty of every patriot to address himself to the task of removing these discontents, and to inculcate the high duty of loving one another. Let the voice of the demagogue everywhere be answered by truth and reason, and we shall soon witness a better and a brighter era.

With his usual inaccuracy, the Senator from South Carolina has ventured to assert that no State has ever been admitted into the Union without a previous act of Congress, authorizing the adoption of a constitution and form of State government. The Senator might have learned, even from my speeches if he had read them for any purpose but to garble and distort, how utterly at variance this assertion was with the facts. I had occasion once before to refer to all the acts of Congress upon the subject, and now read from the tables then prepared, the accuracy of which cannot be questioned.

In Vermont there was no act of Congress authorizing the people to form a constitution and State government; in Kentucky there was none; in Tennessee there was none; in Maine there was none; in Arkansas there was none; in Michigan there was none; in Florida there was none, and in Iowa there was none. Here, sir, are nine States which, according to the logic of the Senator, are illegally and unconstitutionally members of this Confederacy. Some of them were admitted immediately after the adoption of the Constitution, when the framers of that instrument themselves held seats in Congress, but no one heard at that day of the miserable quibble that "States" only could be admitted. The practice of the Government, from its foundation, has been to look to the attending circumstances. In some cases they have passed acts authorizing the establishment of State governments; in others they have not. They have always claimed and exercised the power of dispensing with formalities, and of being governed by what seemed to be the public good.

The Senator from South Carolina exultingly informed us that he was performing the same operation upon me that I had performed upon Mr. Foote. I think he has found out by this time that he had a troublesome subject. The operator himself has not escaped without suffering. But he may console himself by the reflection that he is not alone. He is not the first man who has undertaken the task and regretted it before it was concluded. I did quote extracts from some of Mr. Foote's speeches; but it was done in a spirit of kindness and courtesy, with none of that rancor-

ous bitterness which characterized the effort of the Senator from South Carolina. It was sudden and unpremeditated—not brooded over for months. I did not hug to my bosom a cherished hatred, and watch an opportunity to stab the reputation of another.

The extract from my speech which has been selected by the Senator as the theme of his discourse, is not the part which rankled. He has chosen to dwell upon that, but I know well where the sting was found. I did not express any great admiration for his abilities, and that is the wound his vanity could not pardon. Sir, he had no right to complain of my denouncing, in strong terms, his disunion sentiments. I but followed an example he had set me. When John Q. Adams presented a petition in the House of Representatives, praying a dissolution of the Union, a resolution was immediately introduced to expel him. After much discussion, Mr. Boots, of Virginia, moved to lay it on the table. The Senator from South Carolina voted against the motion, thus showing that, in his opinion, Mr. Adams ought to be expelled for merely presenting a petition in favor of disunion. I have not said the Senator ought to be expelled. I have said nothing of him as strong as that vote said of Mr. Adams, and yet the crime of the one was as nothing, compared to that of the other. Mr. Adams acted in accordance with what he believed to be the right of the people, to be heard by petition. Mr. RHETT, for himself, proclaims again and again upon this floor that he is a disunionist. I shall not indicate what punishment he deserves, if measured by his own standard.

The Senator arraigns my vote upon the boundary of Texas, and, as usual, falls into error. Indeed, sir, while listening to him, I felt utterly astounded that, after so long a preparation, he should have been so wholly uninformed. The Texas bill, for which you and I voted, never formed a part of the "omnibus." It was introduced by the Senator from Maryland, [Mr. PEARCE,] after the "omnibus" was killed. It established for Texas totally different boundaries, and gave to her nine hundred miles on the Rio Grande, and enough territory for two States more than Mr. Calhoun said belonged to her.

The Senator descanted on the fact that I said I would not vote to repeal the bill abolishing the slave trade in the District of Columbia; and announced, with great emphasis, that it is not the mere fact that the slave trade is abolished in the District of Columbia to which he objects, but that it is the penalty affixed to a violation of the law. Does not that Senator know that that very penalty has been affixed to it since 1801? Does not that Senator know that the only effect of the bill which passed at the last Congress was to extend the provisions of the law of 1801 to the citizens of Maryland? It was copied, word for word, from the Maryland law, which had been extended to this District ever since 1801, except as to Virginia and Maryland. There has not been a time since 1801 when that Senator, or any citizen of South Carolina, could have brought a slave here and offered him for sale without incurring the penalty of emancipation. Yet this is now raised as a bugbear with which to frighten grown men at the South. It has not alarmed us much heretofore; we have submitted to it with a very great degree of patience. It is too late now, when it is only extended to the State of Maryland, for us to raise complaints upon the subject. That bill of 1801 was approved by Thomas Jefferson; and Maryland, the only party interested, heartily approves of the law of 1850.

There is another matter to which I must refer. The Senator from South Carolina chose to read an extract from my speech, upon which he put a construction which he knew, or ought to have known, it would not bear. In reference to Mr. Calhoun, I said:

"He was never a secessionist, and I am authorized to say that the proof of it will before long be given to the world. He regarded the attempt of a single State to go out of the Union as madness, and died in that opinion."

I did not mean to assert that Mr. Calhoun did not believe there might be a right of secession. I used the term "secessionist" as the Senator understands it. And I state again, that Mr. Calhoun did hold the opinion that the secession of a single State would be madness. In a conversation which I had with him, but a short time previous to his death, he said: "We could have carried

matters much further than we did in 1832, but then Tennessee would have been arrayed against South Carolina, Kentucky against Virginia, and other Southern States against each other, and that would have defeated the very object we had in view. My object was to consolidate the whole South, to unite them upon one platform, and I never would do any act which could estrange one portion of them from another." That was his policy, honestly entertained, however wrong I may think it to be. But as for the secession, the peaceable secession of a single State, he always knew it was madness. It was something which his great mind could not comprehend.

I am charged with saying, on a former occasion, that disunion might be peaceable. True, I did say so, and I say so again. If the whole of the Southern States should determine to leave the Union, I think they would be permitted to go peaceably, because any attempt at coercion would be folly. But even then I have no idea that peace could exist for any length of time. With a long line of frontier, upon which posts and garrisons would necessarily be kept up by both parties, causes of dissension would soon arise, and war, with all its evils, would soon be upon us. That, however, is a totally different thing from the attempt of one, or two, or three States to go out by themselves. In that event, force would certainly be used. Those whose sympathies were on the side of the invaded State, would rush to her rescue, and thus the whole Republic might become involved in a war which would terminate only with the termination of our liberties.

The Senator complains that I went from Washington a "submissionist." I did go from here prepared to submit to the law, and to perform my part as a good citizen under it. I went from here with the impression that although we had not obtained all we asked, still we had obtained something with which we could afford to be content. When I reached Alabama I found demagogues haranguing the people all through the State, endeavoring to persuade them that they had been wronged, outraged, and robbed; and I did there what I hope I shall do on all similar occasions—I dared to get upon the stump and tell them the truth. The August election proved that the people were with me, for there was not one solitary candidate in the whole State of Alabama who did not, before that election closed, deny that he was a secessionist or disunionist. A man could not have been elected constable in any respectable beat in the State, who would have proclaimed such sentiments as have been uttered by the Senator from South Carolina.

Sir, I am a submissionist, and the people of my State are submissionists; but we are Southern Rights men nevertheless. Better Southern-Rights men than those who not long since were warring against us, but who now come here and take seats cheek-by-jowl with PRESTON KING, RANTOUL, CHASE, HALE, and SUMNER. We have manifested our devotion to the South, as well as our devotion to the Union, and we will do it again whenever a proper occasion arises.

And now, Mr. President, I leave the Senator from South Carolina to the enjoyment of all the laurels he has acquired by his assault upon me.

Mr. RHETT. Mr. President, the course of the Senator from Alabama is precisely that which I expected it would be. I anticipated it in a conversation with a friend before I spoke. He had, without any cause on my part, stigmatized me here on this floor—as one guilty of treason and knavery. I knew very well that a man who would commit such an offence, who would insult without provocation, would not hesitate, under the exposure I intended to make, to add insult to insult. Therefore, when he yesterday pursued the course which he did pursue, it was precisely what I expected.

I did not, as the Senator charges, brood two months over his attack. He heard what I stated on this point in his presence in the Senate. I stated that I neither knew nor heard of what he had said concerning me, until just before I was leaving my home in South Carolina to come to this city. On my arrival here, I waited for the resolution, on which he had attacked me, to come up for consideration. Seeing the course of things, I was in no hurry to read his speech. But, not many days since, about ten days, I suppose, I got the Senator's speech from the folding room, and read it. I sent also for a copy of the speech

of the Senator from Michigan, [Mr. CASS,] who, I heard, had honored me with his notice. It did not require much brooding to determine my course. I made up my mind that it became me, as a man and as a Senator, not to allow these imputations to pass unnoticed in the Senate. I was equally convinced that my reply to the Senator from Alabama would be followed by additional and probably aggravated insult. If he insulted me gratuitously, what right had I to expect that when exposed before the Senate, he would be more forbearing. He is come up precisely to the estimate I had put upon his character.

The Senator from Alabama denies that he meant to charge me with knavery and treason. Now I will read his words again to the Senate, and then I will leave the Senate to judge what their import is; and I will call upon the Senator from Alabama to say, if that is not their import, what they do mean. Here is what he says:

"There was the Senator from Massachusetts, [Mr. SUMNER,] the Senator from Ohio, [Mr. CHASE,] and the Senator from New Hampshire, [Mr. HALE,] gathered about him in a sort of fraternal ring, while the countenance of the Senator from New York [Mr. SEWARD] was radiant with gladness. Thus was exhibited the spectacle of an extreme Southern Senator denouncing, in no measured terms, the Government of his country, and declaring himself a disunionist, on account of alleged wrongs heaped upon him, with four as rabid Abolitionists as this land contains drinking in his words with eager approbation—applauding, cheering, and encouraging him. All this was nothing new to us, however strange it may appear to the plain and honest yeomanry of the country. Nor was it, when calmly considered, at all unnatural.

'A fellow feeling makes us wondrous kind.'

There is a sympathy in treason as well as in knavery; and those who are earnestly striving to accomplish the same end need not quarrel about the separate means employed."

Now, here the Senator charges that there is a sympathy between these Senators and myself upon the matter of disunion; and he then observes, that there is a sympathy in treason as well as in knavery. Is not that plainly charging us with treason and knavery? I will leave the Senator from Alabama to explain if that is not his meaning of his words.

Mr. CLEMENS. There is not a Senator on this floor who does not understand it precisely as I do. There is no more charge of knavery against him than there is against the Senator from Massachusetts, or the Senator from Ohio—against whom I never meant to make such a charge. There is a charge of disunion; and he had himself avowed that he was a disunionist.

Mr. RHETT. If that is all the Senator has to say, his words stand unexplained. I ask him to explicate from his words I quote, another meaning than that I put upon them. He does not attempt to do so. He says that they do not contain the charge I allege they do contain. That is denial; but it is no proof. In his failure to show that they contain any other meaning than that I put upon them, he virtually admits that he cannot make his disclaimer consistent with his words. His words mention persons—declares that they are in concert to accomplish a certain end, and then asserts that "there is sympathy in treason as well as knavery." The Senator can take his choice between two alternatives. He was either using words without meaning anything by them, and thus talking nonsense to the Senate, or he did by his words make the charge I deduced from them. No man of sense can draw any other meaning from his words.

Now, Mr. President, I admit that this was a gross and wanton insult, and I admit, too, that acting upon "the code of honor," I ought not to have waited a month, or a day, or a moment, before I had required him to retract or fight. That is the course we are accustomed to pursue in the State I represent. I was perfectly aware of my position. I did not require the Senator from Alabama to tell me what I ought to have done, as a man of the world and a man of honor. But, sir, I am a professor of the religion of Christ. I did not think it proper to challenge the Senator for two very important reasons. The first was, because I had another object in view, and still have it, far above the vindication of myself from any personalities or insults that the Senator may have offered. Whilst vindicating myself on this floor, I would also vindicate the great cause with which I am identified. I have very feebly indicated my purposes in my defence, if the Senate has not perceived that I have used the Senator from Alabama, if not for my scorn or laughter, to bring up again

the wrongs perpetrated by this Government upon the South, and the consequent dangers which surround her; and again to place forward for public consideration those great conservative principles arising from State-rights and State-sovereignty, which alone can give her peace or safety.

Sir, without sovereignty in the States—without the right of secession in the States—we live under a consolidated despotism; and I am in favor of the exercise of the right of secession if for no other purpose, for the purpose (as I intimated in the speech I delivered the other day) of testing the form of government under which we live.

But my second reason for not calling the Senator from Alabama into the field was of a still higher and more controlling nature. For twenty years I have been a member of the church of Christ. The Senator knows it—everybody knows it. I cannot, and will not, dishonor my religious profession. If he, or any one else, supposes that I am so much afraid of his insults, or the opinion which requires them to be redressed in the field, as to be driven by them to abandon the profession of twenty years, he is entirely mistaken. I frankly admit that I fear God; and that I fear him more than man. Although desirous of the good opinion of all men—for our usefulness is very largely dependent on the good opinion of our fellows—we can never obtain it by an abandonment of the principles we profess. True courage is best evinced by the firm maintenance of our principles amidst all temptations and all trials. I did not assail the Senator from Alabama. He assailed me. I have defended myself; and in doing so, if he has seen any fear of him indicated by me, he is welcome to all the pride and gratification it can impart. If firmness in maintaining even wordly principles or a course of worldly policy be any indication of courage, I might not suffer from a comparison with even the Senator from Alabama. I have not here threatened and tried to bully the North; and when the North will not be bullied, and puts upon me the outrages and dishonors to which I had declared resistance, I have not quietly submitted, and then begged the "humble privilege" of supporting them. I have not afterwards turned round upon one of those who was battling with me, and who would not yield, and accused him of fear, of cowardice. Sir, I profess the possession of no extraordinary courage; but I trust I have the courage to support the right and defy the wrong, although backed by an overwhelming public opinion, North and South. I am here alone; but, I trust, alone without fear. Have I quailed before any of you? Senators, answer, if I have ever done so.

The Senator from Alabama says that he did not mean to say that the Senators he speaks of in his speech made any noise in cheering, applauding, and encouraging me. He says, he supposed every body understood him to mean that they did not make any noise. Those who were present here, and knew that there was no noise by applause and cheering, might have known that the fact was not so. I will not say they could have known his construction of the words he uses, for the words themselves are too plain for misunderstanding. What is the meaning of applauding and cheering? If the gentleman will turn to the dictionary, he will find that to applaud is to clap with the hands, strike with the feet, or make some noise to indicate approbation. And what is cheering in a popular assembly or deliberative body? Why, intimating by the voice approbation of what is said. The Senator says that these gentlemen not only cheered and applauded me, but that they also encouraged me. If he meant that to applaud and cheer were equivalent to encouragement, why put applaud and cheer before encouragement? He has taken that speech, and sent it down into Alabama. He sent it to the yeomanry, who, he says, will be astonished at the scene he depicts. I have no doubt that they will be prodigiously astonished, to hear that abolition Senators on this floor applauded and cheered me when I spoke; and probably will never be undeceived as to the truthfulness of what they have read in his speech. The Senator must do one of two things to get rid of the predicament in which he has placed himself; he must stultify himself as to his knowledge of the English language, or he did mean to say that these Senators did applaud and cheer me here in the Senate. Was that assertion true? It is totally untrue. It is untrue in fact, and untrue in the reasons he as-

signed for its existence. He has not attempted to show that the words he used meant anything beside their plain, undoubted signification.

He says further, that I acknowledged myself to be a traitor. I acknowledge myself to be a traitor! When, and where? Here is another of the Senator's facts. When the late Senator from Mississippi [Mr. Foote] thought proper to assert that secessionists were traitors, did I stand still here under the imputation? I could not be a traitor, under my view of the Constitution, unless I were, like that Senator from Alabama, a rank consolidationist. Standing, as I do, a citizen of South Carolina, owing allegiance to her as my sovereign, I cannot be a traitor in obeying her mandates. And, if she thinks proper to secede from this Union—as she rightfully has the power to do—my duty and my allegiance are due to her. Sir, the traitors to this Government, if any there be, are the consolidationists. They are traitors against the States, to whom alone they owe allegiance, because they deny their sovereignty. It is they who would break down the whole fabric of the Government, and make it simply an Austrian despotism, in which their reserved rights would be taken away from the States. I do not say they are traitors; but I say, between the two classes of politicians—the State-rights men, who maintain the rights of the sovereign States, affirming that they are parties to the constitutional compact, and have a right to secede from it whenever they please—between them, and those who deny the right of the States to secede, who deny that the States are sovereign, and contend here for a consolidated despotism—if there be treason, it is on the part of the latter. If any are traitors, they are the traitors—foul, usurping traitors to their States.

The Senator from Alabama further says, that I brought here into the Senate a private affair—the statement concerning him, which Judge Buford and Mr. McCall have put forth in Alabama for more than a month past. When I came to the city I found this statement here. The Senator says it is a private matter. It was no private matter. It was a matter affecting the representative of a sovereign State, and the dignity of this Senate. And while he talks of expulsion, and says that I wished to vote to expel John Quincy Adams—an assertion entirely gratuitous—I can tell him, that if the facts which these gentlemen assert, and have published in the public papers, be true, and they had been brought forward before the Senate when he came here to take his seat, he never would have been received among his compeers in this illustrious body. No, sir; never. And I am not sure if he had taken his seat, and a resolution had been offered to expel him from the Senate, but that a majority of this body would have passed the resolution. On this point, I will take nothing for true but what the Senator himself admits. Mr. President, you know Judge Buford. I know you do; and a more honorable and upright and truthful man does not live in this broad land. I know him also. I do not know Mr. McCall. But now, admitting that there is a mistake as to the fact that the Senator gave a written pledge to uphold the Whig party, which these gentlemen assert was seen and read by them, signed by him, what is it that I understand the Senator to admit? I understand him to admit that which I asserted, that at the caucus of the Democratic party in Alabama, he and Mr. Fitzpatrick were the candidates for the Senate, and he was defeated.

• Mr. CLEMENS. No, sir; I never admitted any such thing.

Mr. RHETT. Were you not voted for in the caucus of the Democratic party?

Mr. CLEMENS. If you wish to know the facts in relation to the matter, I will tell them to you.

Mr. RHETT. I wish to know the truth.

Mr. CLEMENS. Some members got together for the purpose of consultation—not to hold a caucus. Mr. Fitzpatrick's friends, finding they had a majority of those present in his favor, turned in and nominated him. The very next day, I believe a majority of that caucus met and rescinded their resolutions. There never was any more of that; and the Democrats who voted for me, represented a majority of ten thousand of the Democratic voters of the State.

Mr. RHETT. I wish to know the truth of this matter. I understand the Senator now to say that there was no caucus of the Democratic party.

Mr. CLEMENS. There was no regular caucus. A few members met for another purpose, and the friends of Mr. Fitzpatrick, being a majority of those present, nominated him; but the next day there was a caucus, and the other resolutions were rescinded.

Mr. RHETT. Well, Mr. Fitzpatrick was the nominee of the Democratic party. Was not that true?

Mr. CLEMENS. He claimed to be so, but I denied it.

Mr. RHETT. The Senator, then, denies that a caucus was held, or that Mr. Fitzpatrick was the nominee of the Democratic party. He certainly was not its nominee. A Mr. Davis, a Whig in the Whig caucus, (who the Senator says is a man of honor, and was his friend,) was authorized by him to express his views and opinions to the Whig party at a Whig caucus. Do I understand that to be the case?

Mr. CLEMENS, (in his seat.) I shall answer no more questions now.

Mr. RHETT. As the gentleman has corrected me in one respect, I take it for granted he will correct me again if I should fall into error. He goes to the Whig caucus. He authorizes a friend, a Whig in the Whig caucus, to state his opinions on public matters. I say nothing about the written pledge said to have been given; but what is the result? The Whig party, as a party, come out and vote for him in the Legislature, and he is elected a Senator of the United States, and, further still, they have been his supporters ever since. I do not wish at all to assert anything concerning the Senator which is not true, but thus far I understand him to admit it true; and they place the Senator in a position very little different from that which the assertions of Judge Buford and Mr. McCall place him in. As to the conflict of veracity between the Senator and the writers of these letters, I leave that to the people of Alabama to determine. The facts asserted were not private matters. They were public matters—public men acting on great public interests, and affecting the well-being of a whole State, and the dignity of this illustrious body.

I shall not notice all the points the Senator has made this morning in his vindication, but only a few, rather on account of their public importance, than for his discussion of them. I stated that the current of our legislation in admitting new States was, that Congress passed a law previous to the State being admitted into the Union for her to make a Constitution and become a State; and that after thus being a State she was admitted into the Union. That was my proposition. The Senator asserts that Florida and other States came into the Union without any such act. Sir, he is totally misinformed. Before those States came in, there was an act passed by Congress by which they were authorized to form a State and to come into the Union. It is very true, as in the case of Florida, that the people had, previous to the act of Congress, made a constitution; but they did not come in here until Congress passed the law by which they were authorized to make themselves a State. Congress passed the law first. The people of Florida then adopted the Constitution which had previously been made, organized themselves, and presented themselves here for admission. So it was with the other States. The question between the Senator and myself was this: He insisted that California was constitutionally admitted into the Union, because it was the practice, the universal practice, in this Government to admit Territories as States into the Union, and that the fact of their admission made them States. That was the proposition which he asserted. I said that, on the contrary, the practice had been that the Territories should be organized into free and independent States, by the sanction of an act of Congress, and thus being States, they were admitted into the Union, and that in this way only could the words of the Constitution be fulfilled—which says "that new States may be admitted by Congress." The Senator from Alabama has not touched the point in his remarks which he originally supported and advanced, nor do his authorities.

The Senator says that the abolition of the slave trade in the District of Columbia, with the penalty of emancipation, was in force here before. If that was the case, will you, Mr. President, or any one else, be so good as to tell us why Congress passed any law at all as a part of the compromise? Why

should there have been so much contention as to the clause making emancipation the penalty of bringing negroes here for sale, if that was the law already? Here, again, the Senator is at fault. We all know that there were in different parts of the city slave-pens, as they were called, where slaves were openly brought in and sold. It was to suppress that evil the law was passed, with the penalty of emancipation.

The Senator from Alabama alleges he did not maintain that Mr. Calhoun was not a secessionist in principle, but only that he was against a State exercising that power. The Senator has forgotten his words. Here they are:

"John C. Calhoun and George McDuffie examined the resolutions of '98 and '99 for the right of secession, and could not find it. They found, as they thought, nullification; but nullification is itself a denial of secession."

Now, is not that affirming distinctly that John C. Calhoun never affirmed the right of secession? The Senator has forgotten his own speech. There appears to be a peculiar proclivity on the part of the Senator continually to bring in Mr. Calhoun as authority to support his views, but always with a misunderstanding or misrepresentation of his opinions. Speaking of the dismemberment of Texas, which he defends in his December speech, he says:

"The next measure of which complaint has been made, is the bill settling the boundary of Texas. Well, sir, it so happens that this also is a Southern, not a Northern measure. It was introduced by a Southern man, passed by Southern votes, and ratified by the people of the only Southern State who had any direct interest in it. It further happens, that Mr. Calhoun, the great leader of the South, during his life, has left on record his deliberate opinion that Texas never had a shadow of title to one foot of the territory we surrendered to the General Government. He asserted that the true boundary of Texas was the middle of the desert between the Nueces and the Rio Grande. We gave to Texas nine hundred miles on the Rio Grande, which, in his opinion, did not belong to her."

Here is a gross misrepresentation of Mr. Calhoun's opinions. Mr. Calhoun asserted that the Nueces was the boundary of Texas, before we acquired Mexican territory by the Mexican war. It was upon the question of the Mexican war, when the boundary of Texas was disputed and disputable, that Mr. Calhoun said her boundary did not extend to the Rio Grande. The people of Texas and the Government here took the ground that Texas did extend to the Rio Grande. Hence troops were ordered to the Rio Grande, and the Mexican war arose. But when the war was ended, and, by a treaty, the Rio Grande was made the boundary of Texas, by a map attached thereto, who ever heard Mr. Calhoun deny that the Rio Grande was the boundary of Texas? That which was before disputable, and occasioned the war, was settled by the war. And now, because Mr. Calhoun, previous to that settlement, expressed such an opinion as to the boundary of Texas, the Senator says that Mr. Calhoun was in favor of the dismemberment of Texas after the treaty was formed.

One word more upon an important subject, and I have done. The sovereignty of the States is of the very last importance. The Senator from Alabama, although he complains of the confusion of ideas and language in others concerning it, seems to me to have himself no very clear or distinct ideas of sovereignty. I agree with him that sovereignty must be the supreme authority in a State. He lays down the proposition, and I assent to it; but how, then, does he talk of the States and the General Government being both sovereign? Who ever heard of two sovereignties in a State? One must be supreme; and that which is supreme is sovereign. Sovereignty is the supreme, ultimate authority. That authority, I maintain, resides in the States. And yet here, because certain powers of sovereignty are exercised by the General Government, he claims that the States have surrendered all their sovereignty. A man has powers and faculties, and may use them in concert or subordination to others. Has he therefore destroyed himself? So with sovereignty. It is the highest authority of the land. But it may exercise its powers of sovereignty in concert with other States. It may do so by special treaty; it may do so in the form of government in which we are. But is sovereignty therefore parted with or annihilated? Surely not. Certain powers of sovereignty are exercised together by the States through the General Government; but the States have not surrendered their sovereignty. They are still supreme, and may resume those powers

whenever they think proper. Sovereignty cannot be divided. There cannot be two supreme authorities—that is an absurdity; and it is on that point that it seems to me that the confusion of the Senator exists. He asserts that there is no sovereignty in the States; and then, in the next breath, he says they are sovereign in certain particulars. They are sovereign in all particulars, or in none. This Government acts by their authority, and by no other authority—and they are thus sovereign; or this Government is the supreme authority, and they have no sovereignty. The distinction, which the Senator does not seem to understand, is between sovereignty, and the powers of sovereignty.

I do not mean to go into the various matters of explanation concerning the speech which I made. I have put down the Senator from Alabama exactly in his own words. I have read to the Senate and shall print what he has said. It will be read. If his replies are sufficient to refute his own words, as I have placed them down, be it so. I only say, that, according to my conception of it, he has failed in his effort. There is nothing, in my judgment, which the gentleman has said, that refutes the antagonistic positions he took in his former speeches and his December speech. They are totally inconsistent and irreconcilable. But if he can reconcile them, it is very well for him to do so.

Mr. President, when I rose yesterday, it was my intention to have addressed myself also to certain remarks of the Senator from Michigan, [Mr. Cass,] but my strength failed; and the controversy with the Senator from Alabama has taken up so much of the time of the Senate, that I feel it would be a trespass to detain them longer on these matters. I shall, therefore, reserve what I have to say to a more convenient opportunity, when I hope to address myself to the Senator from Michigan.

Mr. CLEMENS. Mr. President, I wish to add but a word or two. The Senator from South Carolina says that he anticipated when he made this assault upon me that it would be repelled, and met, as he terms it, by renewed insult. The Senator then placed himself in a very disagreeable situation, with very little provocation.

As for his reasons for not replying in the manner in which I thought he ought to have replied, I have only this to say: I am the equal of that Senator in all things—equal in place, equal in learning, equal in reputation, equal in the estimation of this Senate, equal in the estimation of the country—and I thought, of course, when he made his attack, that he expected and desired it to terminate without the Senate. As to his being a member of the church, I never heard of that until last night. When I did hear it, I determined at once to use no more offensive expressions, although I could not help thinking that it ought to have prevented the provocation rather than proved an excuse for avoiding the consequences. How could I suppose that he was a professing Christian—that night after night he had laid his head upon his pillow, with the prayer upon his lips "forgive us our trespasses as we forgive those who trespass against us," while he was cherishing in his heart of hearts a malignant bitterness which would have done credit to a fiend? How could I suppose that he was planning even at the foot of the altar a cold-blooded and deliberate assault upon the reputation of a fellow man?

As for the Buford letter to which he has again alluded to-day, I do not mean to trouble the Senate with any remarks about it. It is a matter between me and my constituents, and I will settle it with them. Nor have I any reply to make to his criticisms on the words he has read; if he will not see, it is his fault—if he cannot, it is not my province to enlighten him.

At the close of the discussion, the Senate adjourned.

IN SENATE.

Monday, March 1, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. BRIGHT presented a memorial of inhabitants of Indiana, praying that the transportation of the mails on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Also, two memorials of assistant marshals for taking the Seventh Census in Indiana, praying

additional compensation; which were referred to the Committee of Claims.

Mr. ATCHISON presented the memorial of James M. Gatewood, praying the appointment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which was referred to the select committee appointed on the subject.

Mr. HAMLIN presented the memorial of Joseph Adams and others, assistant marshals for taking the Seventh Census in Maine, praying additional compensation; which was referred to the Committee of Claims.

Mr. WADE presented several petitions of deputy marshals for taking the Seventh Census in Ohio, praying additional compensation; which were referred to the Committee of Claims.

Mr. SEWARD presented a petition of Daniel Palmer for himself and other soldiers who were disabled by the loss of limbs in the last war with Great Britain, praying an increase of the pensions allowed them; which was referred to the Committee on Pensions.

Also, a petition of citizens of Wyoming county, New York, remonstrating against an extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, the petition of James McGregor, jr., assignee of Anthony W. Jones, praying to have his patent ante-dated; which was referred to the Committee on Patents and the Patent Office.

Mr. DODGE, of Wisconsin, presented a memorial of the Legislature of Wisconsin, praying that so much of the military reservation at Fort Howard as is not required for the use of that post may be disposed of; which was referred to the Committee on Public Lands.

Mr. DOUGLAS presented a petition of citizens of Philadelphia county, Pennsylvania, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. BORLAND presented a petition of citizens of Arkansas, praying a grant of land to the Arkansas Valley Railroad company, for the construction of a railroad from Van Buren to Fort Smith, in that State; which was ordered to be laid on the table.

Also, a memorial of citizens of Arkansas, praying the establishment of a mail route from Grand Glaize to Searcy, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. FISH presented a petition of citizens of the city and county of New York, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. DAVIS presented the memorial of John Connell, in behalf of sundry merchants residing in New York, Boston, Philadelphia, and Baltimore, praying the return of duties paid under the tariff of 1828, on goods which were ordered previous to the adoption of the tariff, but did not arrive until after it went into effect; which was referred to the Committee on Finance.

Mr. PRATT presented the memorial of Henry May, administrator of William A. Slacum, deceased, praying the payment of his claim against the Government of Mexico; which was referred to the select committee appointed on the subject.

Mr. BELL submitted documents in support of the claim of William Read to compensation for services in the Indian war during the year 1793; which were referred to the Committee on Revolutionary Claims.

Mr. DODGE, of Iowa, presented a memorial of citizens of Iowa, praying a grant of land to the State for the construction of the Burlington and Missouri river railroad; which was referred to the Committee on Public Lands.

Also, communications from Joseph A. Kelting, in favor of a grant of land for the benefit of the town of Kanesville, Iowa; which were referred to the Committee on Public Lands.

Mr. JONES, of Iowa, presented the proceedings of a convention of delegates from fourteen counties in the State of Iowa, held at Ottumwa, in favor of a donation of land for the Burlington and Missouri river railroad; which were referred to the Committee on Public Lands.

THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32D CONGRESS, 1ST SESSION.

FRIDAY, MARCH 5, 1852.

NEW SERIES....No. 42.

Mr. DAWSON presented resolutions of the Legislature of Georgia in favor of the doctrines of neutrality and non-intervention; which were read and ordered to be printed.

Mr. WADE presented resolutions of the Legislature of Ohio, in favor of the construction of a new canal around the Falls of the Ohio; which were referred to the Committee on Roads and Canals, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BELL, it was

Ordered, That the documents on the files of the Senate relating to the claim of Anthony Rankin, be referred to the Committee of Claims.

On motion by Mr. SEWARD, it was

Ordered, That the memorial of James McGregor, junior, administrator of Wally & Donaldson, and the memorial of John Powell, assignee of Thomas Powell, presented the 26th of February last, be referred to the select committee on the subject of claims against Mexico.

On motion by Mr. SEWARD, it was

Ordered, That leave be granted to withdraw the memorial of citizens of New York in behalf of Daniel Doland.

REPORTS FROM STANDING COMMITTEES.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred the memorial of the legal representatives of Joshua Kennedy, deceased, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to which was referred resolutions passed at a meeting of citizens of Wayne county, Indiana, relating to a division of certain Indian territory, asked to be discharged from the further consideration thereof, and that they be referred to the Committee on Indian Affairs. They were so referred.

Mr. HAMLIN, from the Committee on Commerce, to which was referred documents presented on the 20th ultimo, relating to the treatment of passengers in steam vessels going to and from California, and a communication of citizens of Brunswick, Maine, on the same subject, asked to be discharged from the further consideration thereof; which was agreed to.

NOTICES OF BILLS.

Mr. MALLORY gave notice of his intention to ask leave to introduce a bill to authorize the Postmaster General to convey the mails in steamers between New Orleans and Key West, and certain intermediate points.

Mr. UNDERWOOD gave notice of his intention to ask leave to introduce a bill for the relief of the Orange and Alexandria Railroad Company.

GOVERNOR AND JUDGES OF OREGON.

Mr. ATCHISON submitted the following resolution for consideration:

Resolved, That the Committee on Territories be instructed to inquire into the expediency of so amending an act to establish the territorial government of Oregon, as to authorize the legally qualified voters of said Territory to elect their Governor and judges.

THE STEAMSHIP BALTIC.

Mr. SEWARD. I desire to submit the motion that when the Senate adjourns to-day, it adjourn to meet on Wednesday. The ground of the motion is, that a steam-ship, which is very interesting in its connection with the commerce of the country and with questions which are before Congress, is in our port, and that Congress have been invited, I understand, to visit it to-morrow. I believe the time would be well spent, under these circumstances, and I submit the motion.

Mr. DODGE, of Iowa. I trust that that motion will not prevail. I think the business of the Senate is so much in arrear, that the Senate ought not now to adopt the proposition. I hope it will not be adopted.

Mr. GWIN. Like my friend from Iowa, I am generally very much opposed to these adjournments. But I hope the Senate will adjourn over for the purpose of examining the fine steam-ship now in our waters, but which will leave here the day after to-morrow. I am as much interested in constant sessions of the Senate as any member of

this body; but I do not think we can employ ourselves better in facilitating business hereafter, than by adjourning over for a day, as proposed by the Senator from New York.

Mr. BRODHEAD. I concur with the views submitted by the honorable Senator from Iowa. There are other interests that want special protection. I understand that this vessel comes here for the purpose of making an exhibition and of giving an entertainment, for the purpose of getting money from the Treasury. They say they cannot compete with British vessels. Why, sir, that is just what the iron interests have been long saying in Pennsylvania; and it is just what the men who have been engaged in making cotton goods say; and yet, unless they can come here and give an exhibition of their goods, wares, and merchandise, for the purpose of getting special legislation, they receive no attention. I think the Senate ought not to spend its time in visiting a ship in this way, and under these circumstances. I think the Senate might spend its time more profitably in looking to other interests which are waiting to obtain its attention.

Mr. GWIN. The Senator certainly has forgotten the exhibitions of the iron interests we have heretofore had in this city. Their committees have kept open houses here for years past, for the purpose of getting special legislation for their benefit. They have had free access to our committee rooms; and aided materially in preparing the tariff of '42. Persons representing the cotton and iron interests have controlled the legislation of this country heretofore. In regard to this matter, it is binding on no member to vote an appropriation increasing the compensation for carrying the mails in these vessels merely because he looks at and examines them. No one is pledged by doing so. The exhibition is given for no such purpose as has been intimated by the Senator from Pennsylvania. So far as the cotton and the iron interests are concerned, I hope they have had their day, and that they will not be permitted to control our legislation or our acts hereafter, as the Senator seems so earnestly to desire.

Mr. BRODHEAD. I do not represent any particular interest, but I think that all ought to have the same chance. The iron men of Pennsylvania cannot bring their iron establishments here.

Mr. GWIN. They can bring their men here, and that amounts to the same thing.

Mr. BRODHEAD. If they do come, I have not seen them. It would be difficult for them to get their furnaces here. I do not pretend to say they ought to have any particular legislation for their benefit, but I do say that this is not a proper mode of obtaining legislation.

Mr. BORLAND. It seems to me that this proposition, and the remarks it has called forth, present rather a strange state of things before the Senate and the country. It seems to me to have brought forth the statement—I presume, of course, based upon facts—that the legislation of this country for years past has been sought to be controlled, and to some extent has been controlled, by exhibitions, such as is now making in the immediate neighborhood of this city—that great money-interests have come, with their agents and their exhibitions, and by their out-door pressure made themselves felt in the legislation of Congress. And during the short term of service I have had the honor of being here, this out-door pressure has been brought to bear upon as humble an individual as myself, to induce legislation and extract money from the public Treasury, which has, it is evident, gone into the hands of individual speculators and large capitalists. The honor as well as the interest of this country, and especially the honor of the Senate of the United States, require that we should turn our face from such propositions—turn away with scorn and contempt from all such exhibitions—repudiate the use of such influences for electioneering, lobbying, and log-rolling here, for the purpose of controlling and influencing the votes of members of Congress. I am an humble member of this body—the humblest on this floor in all respects; but I feel bound

to say of this proposition, coming from capitalists in any quarter of the country, that I consider it a direct insult to any one having the honorable impulses of a man and a patriot in his bosom.

Mr. SEWARD. Mr. President, it is of course for every Senator to determine for himself what susceptibility he has to improper influences; but it is not for one Senator to determine for others. Now, I have no doubt that the honorable Senator from Arkansas, and that every Senator here, is capable of examining the steamship *Baltic*, and even of receiving hospitalities on board of her, if such are proffered, without at all compromising, in his own mind, the feelings which he thinks ought to govern him in regard to appropriations from the public Treasury. Such a thought never occurred to me. I have no opinion made up in regard to any claim upon Congress in regard to appropriations for this, or any other line of steamers; but I am willing to be informed; I am willing to learn; and I do admit this fact in regard to this question, (if it be proper to go into the merits of a question before Congress on such a motion as this,) that the country has a right, at a crisis of deep and exciting interest in regard to the commerce of the country, to demand that we should determine the question whether we shall secure the commercial ascendancy of the world, or shall suffer it to pass from our grasp. The question is one in which the nation has a deep interest. I am desirous, for one, that those who have called our attention to this subject shall receive every proper consideration, and that they should have an opportunity of presenting their claims in the most favorable manner possible.

So far as the argument of my honorable friend from Pennsylvania is concerned, I can say to him that I have no such preference for one interest over another as would sway my judgment in favor of a commercial to the prejudice of a manufacturing interest; and that of all others, the measure which I should support with the utmost cordiality would be a measure for the protection and relief of the iron manufactures. If it be not possible for the manufactories and furnaces to be removed here, and have Congress visit them here, it would give me great pleasure to go with him to examine the condition of those manufactories in his State, as it has always given me great pleasure to see such manufactories flourishing in my own. I hope the motion will prevail.

Mr. BAYARD. Mr. President, I do not propose to touch the question whether or not the owners of this line of steam-ships should receive the additional compensation which they claim. But it seems to me that there is an unnecessary excitement in regard to this matter, both on the part of my friend from Arkansas, and my friend from Pennsylvania. I do not see why they should manifest such excitement in regard to the proposition to give Senators an opportunity to inspect this vessel. It is simply a proposition to allow us to look at an exhibition of American skill, and that relating to a question in which the maritime superiority of this country or of her great rival is concerned. Is there anything improper in the owners of these vessels exhibiting one of their line, when they have before Congress a petition for increased compensation, grounded on the fact, as they state in their memorial, that, with a view to maintain the superiority of American skill in reference to steamers upon the ocean, they have gone beyond the extent of their contract with the Department, and have constructed, regardless of expense, vessels which have been unrivaled, both as regards their speed, and their comfort and magnificence in every respect. Now, if they send here one of their vessels, in order that we may inspect her, and see if there is no delusion in reference to their representations, by evidence which no man can resist, is there anything improper in that, as an argument addressed to the intelligence of Congress? Is there anything which appeals to an improper sentiment, or an improper motive on the part of Senators, for the purpose of determining whether the compensation asked for should be made? The compensation is asked to be made on

the ground of extraordinary expense; because the parties embarked in the contract, regardless of expense, to maintain the honor of the country and the supremacy of the seas sought to be wrested from Great Britain, and that in reference to a rival line which had anteriorly commanded almost the entire postage between the United States and Great Britain. The question is of great importance. Is not the argument a fair one, by which they offer to exhibit to you the vessel, by which you may judge with your own eyes whether it comes up to the representations they have made upon paper? Does that appeal to any unworthy motive on the part of the Senate? I trust that I shall stand in this body—(and before I leave it, I hope the Senate will be convinced of it)—as unassailable by any influence connected with capital, either directly or indirectly, as any man on this floor. But it seems to me that the present proposition involves no influence of the kind. It is perfectly fair on the part of the owners. It requires no excitement. It connects itself in no way, that I can see, with the iron interest, or any other interest; but it is proposing to give us specific information about a subject on which we are called upon to legislate. As to the propriety of acceding to the request of the parties as contained in their memorial, I say nothing. It is a matter of entire indifference to me whether I now test the truth of the matter stated in their memorial, or not, because it has been my fortune to have crossed the Atlantic twice in these steamers; therefore it is not now for the purpose of allowing myself an opportunity to inspect them that I vote for this motion.

Mr. BORLAND. The honorable Senator from Delaware mistook the view which I took of this matter. It was not that I have any objection to these steamers coming here. Certainly, on the floor of the Senate I should never have an objection to any gentlemen, or any company, who have invested their money in any branch of industry whatever coming here and exhibiting their goods or their enterprise to the public; but the objection which I make is, that this proposition comes before the Senate of the United States, and involves its official action. Now, if gentlemen wish to go as individuals, or as Senators, to enlighten their own judgment by examining this ship, surely there is plenty of time during the twenty-four hours in which they can do so, without trenching on the time of the Senate, which we know is now demanded by the press of business of the country, and of private individuals having just claims upon the Government. Business is pressing us, and we are not able to do it promptly. If the purpose is to gain information, which it is said is so desirable to enable us to legislate with a proper understanding of the merits of the case, would it not be an appropriate plan to bring forward a resolution to appoint a committee of the Senate to go and make an examination in a manner which would be entirely satisfactory? If that were the object of the proposition, this would seem to me to be an appropriate plan. But what is the proposition? We have all received invitations to go on board this steamer. Is it for the purpose of having members of Congress go to look at the matter in a scientific point of view, or for the purpose of enabling us to legislate understandingly? No sir; there is to be an entertainment, to which ladies and gentlemen are invited; and if we go on board the vessel under such circumstances, shall we be likely to get the information which is desired? Certainly not. If it is necessary for us to get this information to enable us to legislate properly, let a proposition be made that a committee of the Senate be appointed to get the aid of competent engineers and scientific men, and go and examine into the questions involved in our official action here. I should have no objection to such a proposition. But the present proposition to adjourn the Senate, neglect the public business that is pressing upon us, and requiring more of our time than we are now able to give to it, for the purpose of engaging in a festival, and thus bring us within the attempt, and make us recognize the attempt to influence our action and control us here by this out-side, out-door influence, I can understand in no other way than that these persons are acting upon a saying we sometimes hear throughout the country—a proposition which is an insult in itself—that the nearest way to the hearts and understanding of Senators is down their throats.

Mr. MALLORY. Mr. President, the question is, whether the Senate shall adjourn till Wednesday; and the object of the adjournment is to afford Senators an opportunity to visit the steamship *Baltic*. Is the object, as stated here, of sufficient importance to occasion the adjournment of this body? If it be so, I should like to hear it stated. There is a very singular coincidence here. There is an application pending from the proprietors of this line for an increase of their compensation of some sixty per cent. They ask to have it increased from \$385,000 to \$600,000. While that application is pending before the naval committee, we find this steamer in our waters, and an invitation on the table of Senators to go on board of her.

But it is sought to justify this adjournment, on the ground that it will afford Senators an opportunity of examining the ship and testing the fact, whether she be or be not fit to carry the mail on her voyages. This is, indeed, a very singular attempt. Does the Senate suppose, for a single moment, that its members would be, are capable of such an examination on this visit of ceremony? Such an examination would require an inspection of the minutest details, to be carried on for weeks—requiring an investigation of every part of the ship. Is the Senate informed that we have officers paid and stationed in the city of New York, who have examined this very vessel, and that they have given her a certificate? The very fact that she has a certificate, and that she is here, is *prima facie* evidence that she is fit to perform that service. If she is not competent, she ought not to be here at all. We take it for granted that she is, in all respects, competent for this purpose.

Now, this singular coincidence occurring, of this vessel being in our waters at this moment, when the application of the proprietors is before the Senate for an increased compensation, though the youngest member of this body, it would cause me at once to examine the estimates put forth on which increased compensation is based; and, if I had no other objection, I should vote against it now on that account. If there be Senators who desire to institute a personal examination into the fitness and speed of this vessel, I hope they will take the opportunity; but I do not see any necessity for compelling other Senators, who have no such desire, and feel a perfect incompetency to make such an examination, to go on board of her. I hope they will not compel others who are disposed to sit here and perform their duties to their constituents, to adjourn. Let those go on board who desire to do so, without an adjournment. I have no desire to go. I have no doubt that a perfect scientific examination and report of this vessel is now in the Navy Department, where, if any Senator wishes to see it, he can do so.

Mr. BORLAND called for the yeas and nays; and they were ordered.

Mr. RUSK. Mr. President, I desire to say but one or two words. I shall vote against this adjournment over; and I think it is unfortunate for the steamship and also for the deliberations of the Senate, that any such motion has been made. I have had occasion to examine this contract which has been made for these ships, and the manner in which the contractors have complied with their contract, and I feel sure that they have so complied with it as to do credit both to themselves and to the country. I have examined the application which is before Congress for additional remuneration to them, and I think it is an entirely reasonable one, and such a one as I am prepared to vote for. I do not see that it is going to benefit either the country or the proprietors themselves to bring up and discuss in the abstract, questions which it would take time to investigate; I shall, therefore, vote against this adjournment over. If I were a judge of steam-ships and desired to see this one, I would go and do so without neglecting my duties here. I do not, however, desire to do so. But at the same time, that my vote may not be misconstrued, I will state that I have fully investigated the matter, and think this contract has been complied with creditably on the part of the contractors and creditably to the country; and I think the Congress of the United States will find it to be their own interest and the interest of the nation to sustain this line, which I trust they will do, and not come to any determination of it in passion or prejudice arising from a supposed attempt at electioneering, but look at the question as affecting

the commerce and the mail service of the country.

Mr. BAYARD. If I thought the effect of adjourning over to-morrow would be to retard the business of the Senate, I should vote against the proposition; but I do not think that will be the effect of it. The proposition meets my approbation, not because I desire to see this vessel, but because I thought it would be proper that other Senators should have an opportunity of doing so. The Senator from Florida objected to this proposition, on the ground that an accurate judgment could not be formed of such a ship without a minute examination. But I presume one may be able to judge of a picture and its magnificence, though not a painter; one may judge of a building, though he be not an architect. So I think that one may form some judgment of these vessels without going into a thorough investigation of every part. My own opinion is, that the examination of such a ship would make an impression on the minds of others such as it made on my own—it would arouse a vast deal of national pride, a national feeling in favor of this line of steamers. If the line cannot be sustained without additional compensation—and I know nothing of the facts of the case—the interests of the country require that it should be sustained by additional compensation.

Though I support the motion, and desire that Senators shall see this noble vessel, yet, if it be true that the effect of an adjournment over would be to retard the public business, I should vote against it. But the public business, it seems to me, is not altogether performed in this Hall. I suppose that much of the real labor of the Senate is done in the committee-rooms; and those honorable and learned Senators, who are so exceedingly fearful lest a single day should be lost to the public business, and that to-morrow will be wasted if we adjourn over for the purpose of viewing this specimen of naval architecture, can very well occupy their time to-morrow in the committee-rooms, with equal benefit to the country as if the Senate were in session.

When we have devoted day after day to the discussion of resolutions on the compromise, on subjects of legislation which have been passed and gone by long ago, in which the feelings and interests of the country would lead to no further agitation, on which the minds of the people are made up, and on which the speeches that have been made have been filled with crimination and recrimination without reference to any public interest whatever, it is somewhat late in the day, when a proposition of this kind is made, to talk of the waste of public time.

Mr. DOWNS. As the yeas and nays have been ordered, I wish to explain very briefly that I shall vote against this motion very much on account of the considerations suggested by the Senator from Texas, [Mr. Rusk.] I think there is entirely too much importance attached to the proposition. I see no objection to a Senator going to visit this steamship if he desires to do so; and, on the other hand, I see no necessity for an adjournment for that purpose. While, therefore, I shall vote against the motion to adjourn over, I shall express no opinion on the subject which has been brought into this debate. Unlike the Senator from Texas, I have not examined the subject, and have not formed any opinion whether I shall or shall not vote in favor of additional grants to this line of steam-ships, and I therefore express no opinion on it. As I am always opposed to unnecessarily wasting the time of the Senate, and as I think there is no necessity for an adjournment over, I shall vote against the proposition, holding myself, however, at liberty (as I suppose every Senator does) to vote just as I please on the question of granting additional compensation to these persons.

Mr. BORLAND. I desire to say that my remarks were not based at all on the merits of the question whether we should or should not grant an additional appropriation to the company owning these steam-ships. Whether the grant asked of Congress is proper or not, whether I shall vote for it or not, has nothing to do with the views I express with regard to the proposition to adjourn over, in order to engage in a jollification on board the *Baltic*. Whether the grant asked for is reasonable or unreasonable, proper or improper, I object to the means brought to bear for the pur-

pose of gaining favor for it, and commending it to the consideration of Congress.

Mr. BRODHEAD. Those are my sentiments exactly.

Mr. JONES, of Iowa. If it be in order to move an amendment to the proposition of the Senator from New York, I move to amend so that it shall read, that when the Senate adjourns to-day it be to meet to-morrow at ten o'clock, and that the Senate will to-morrow adjourn at three o'clock. That will give those who desire to examine this vessel an opportunity of doing so to-morrow afternoon. By pursuing this course, we can do business for five hours, instead of three hours as usual.

Mr. BAYARD. I object to that, because it will interfere with the Committee of Claims, which meets at ten o'clock to-morrow. I have no intention of going to see this vessel; and if the Senate adjourns over, I expect to be engaged all day to-morrow in attending to the business of the committee to which I am attached. I shall vote against the amendment, and in favor of the original proposition.

Mr. JONES, of Iowa, withdrew his amendment.

Mr. MANGUM. If gentlemen were so very anxious to get forward with business, they would lose less time in debating unimportant questions. I shall vote for this motion on no ground connected with the interests of these parties, with no reference to the question whether or not additional compensation should be paid to them. I have not examined that question, and know nothing about it. I vote for the motion because I understand that this steamship is one of the most perfect models in the world of a sea-going vessel. It is one of the swiftest vessels in the world, and I should feel proud to examine it as an American production, as, if I had lived in the vicinity in the days of the great "Eclipse," I should have felt pride in mounting him. I shall vote for this motion also, on the ground that if we were to sit here to-morrow there would scarcely be a quorum present; and if we were to meet at ten o'clock and sit until three with a bare quorum, the Treasury would be exhausted by useless debate.

The question was then taken, and resulted—yeas 21, nays 19—as follows:

YEAS—Messrs. Badger, Bayard, Bell, Bradbury, Clarke, Dawson, Fish, Foot, Gwin, Hamlin, Jones, of Tennessee, McRae, Mangum, Miller, Norris, Seward, Smith, Spruance, Sumner, Underwood, and Upham—21.

NAYS—Messrs. Borland, Bright, Brodhead, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Hunter, Jones of Iowa, Mallory, Morton, Pratt, Rhett, Rusk, Wade, and Walker—19.

RAILROADS IN IOWA.

The Senate proceeded to the consideration of the special order, namely; the bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State.

The pending question is on the amendment of Mr. UNDERWOOD.

Mr. DAWSON addressed the Senate in opposition to the passage of the bill. He renewed arguments made by him on former occasions against the passage of similar bills, and urged additional and particular reasons why this bill should not become a law.

[See Appendix for Mr. D's speech.]

Mr. UNDERWOOD. I hope the question will not be taken now. I think it would be better that it should not now be taken. The truth is, that if you force me to vote at this time, I do not know but that I shall have to contradict myself. I stated the other day that if my amendment was not acceptable to the Senate, I should still vote for the bill. I told the worthy chairman of the Committee on Public Lands this morning, that I doubted very much whether I ought to do so. And under the feelings which have been inspired by the speech of my friend from Georgia, I really feel almost disposed to retract my former assertion, that I intended to vote for the bill in any event. I feel a sense of the injustice which has been practiced towards the old States to such an extent, that I do not know whether, if something like justice is not done to my own State, I can vote for the bill. I therefore hope that the question will not be pressed at this late period of the day, but that it may lie over in order that we may all think about it, and that, as the speaking is pretty well over, when we meet again we may be prepared to take up the bill and vote upon it. There is no immediate necessity for acting on the bill now.

Mr. DODGE, of Iowa. I desire to address the Senate on the subject.

Mr. UNDERWOOD. Then I hope the Senator will not proceed to-day, but defer his remarks until the Senate meet again.

On motion, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 1, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. Mr. MORGAN.

The Journal of Friday was read and approved.

Mr. FITCH obtained the floor.

Mr. PHELPS. I rise to a privileged question. On week before last the bill for the relief of Colonel D. D. Mitchell was pending in the House, and a motion was made and carried that it be committed to the Committee of the Whole on the state of the Union. On the day of the adoption of the motion of reference, I entered a proposition to reconsider the vote making that reference; and I now rise to call up that question. If objection be made I shall move to suspend the rules, for the purpose of enabling me to do it.

Mr. CLINGMAN. I will beg leave to suggest to the gentleman, if he has the floor, that he had better move to suspend the rules, for the purpose of moving to discharge the committee from its consideration, and let us act upon the bill at once.

The SPEAKER. The Chair decides against the proposition of the gentleman from Missouri.

Mr. FITCH. He cannot deprive me of the floor for the purpose of making any motion.

The SPEAKER. The Chair decides that the gentleman from Missouri, in the first place, could not deprive the gentleman from Indiana of the floor to submit his motion to reconsider, even if it were proper to reconsider to-day the vote to which he refers, which the Chair doubts very much. Indeed, he is of the opinion that it is not a privileged question of a character which would set aside the business appropriated to Monday, by express rule of the House. It could be in order as a privileged question only on those days on which by the rules there is a morning hour. At all events, the gentleman from Missouri cannot deprive the gentleman from Indiana [Mr. Fitch] of the privilege of submitting his motion.

Mr. JOHNSON, of Arkansas. I ask the gentleman from Indiana, as he is one of the members of the committee which has instructed me on all occasions to urge upon the House the necessity of taking up the bill from the Senate for the appointment of a Superintendent of Indian affairs for California, to yield me the short space of time it will require to consider that bill. It is a matter of urgent public necessity.

Mr. FITCH. I would yield with pleasure for the introduction of the bill, but I know that will meet with opposition, and lead to debate.

Mr. JOHNSON. I will say that that bill will live or die at once. I shall unquestionably, on the rules being suspended, be entitled to the floor, and it is my intention to move the previous question.

Mr. FITCH. My knowledge of the rules is not great, and if I yield the floor now I may lose it altogether. I beg my friend will excuse me.

THE COMPROMISE MEASURES.

Mr. FITCH. I submit the following resolution; I cannot from its purport hope to secure universal consent, and therefore move the suspension of the rules for the purpose of its introduction.

The resolution was read for information, as follows:

Resolved, That we recognize the binding efficacy of the compromises of the Constitution, and believe it to be the intention of the people generally, as we hereby declare it to be ours individually, to abide such compromises, and to sustain the laws necessary to carry them out—the provision for the delivery of fugitive slaves included—and that we deprecate all further agitation of questions growing out of that provision, of the questions embraced in the acts of the last Congress known as the Compromise, and of questions generally connected with the institution of slavery as unnecessary, useless, and dangerous.

Mr. GOODENOW demanded the yeas and nays; which were ordered.

Mr. CABLE, of Ohio. I want to know whether the Mormon church is included in the resolution as one of the measures of compromise?

Mr. STEVENS, of Pennsylvania. Would it be in order to ask the gentleman to modify the resolution so that it would say, "we deprecate all further agitation," except this. [Laughter.]

Mr. STANLY moved a call of the House; which motion was agreed to.

The roll was called, and the following gentlemen answered to their names:

Messrs. Abercrombie, Aiken, Willis Allen, Allison, Andrews, John Appleton, William Appleton, Ashe, Averett, David J. Bailey, Thomas H. Bayly, Barrere, Bartlett, Beale, Bell, Bennett, Bissell, Bowne, J. H. Boyd, Breckinridge, Brenton, Briggs, Brooks, Albert G. Brown, Burrows, Busby, E. Carrington Cabell, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Carter, Caskey, Chandler, Chapman, Chastain, Churchill, Clark, Clingman, Cobb, Conger, Curtis, Daniel, G. T. Davis, John G. Davis, Dawson, Dean, Disney, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Edmundson, Evans, Ewing, Faulkner, Ficklin, Fitch, Florence, Fowler, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Giddings, Goodenow, Gorman, Green, Grey, Grow, Hall, Hammond, Harper, Isham G. Harris, Sampson W. Harris, Hart, Haws, Hascall, Haven, Hebard, Hendricks, Henn, Hubbard, Horsford, Howard, John W. Howe, Thomas Y. How, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, J. Clancy Jones, George G. King, Preston King, Kuhns, Kurtz, Landry, Letcher, Lockhart, Mace, Mason, McCorkle, McDonald, McLanahan, McMullin, McNair, McQueen, Meacham, Meade, Miller, Molony, Henry D. Moore, John Moore, Morehead, Morrison, Murphy, Murray, Nabers, Newton, Olds, Orr, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Pennington, Perkins, Phelps, Polk, Porter, Powell, Price, Rantoul, Richardson, Riddle, Robbins, Robie, Ross, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Snow, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Thaddeus Stevens, Stone, St. Martin, Stratton, Strother, Stuart, Sutherland, Taylor, Benjamin Thompson, George W. Thompson, Thurston, Townshend, Venable, Walbridge, Wallace, Ward, Washburn, Watkins, Welch, Wells, Addison White, Alexander White, Wilcox, Wildrick, Williams, Woodward, and Yates.

The following gentlemen were reported as absent, viz:

Messrs. Charles Allen, Babcock, Bibbighaus, Bocock, Bowie, Bragg, George H. Brown, Buell, Burt, Caldwell, Cleveland, Colecock, Cottman, Cullom, Darby, Dimmick, Dunham, Floyd, Gilmore, Goodrich, Hamilton, Hillyer, Holladay, Houston, Thomas M. Howe, Hunter, Mann, Edward C. Marshall, Humphrey Marshall, Martin, Millson, Miner, Robinson, Russell, Scudder, Scurry, Abraham P. Stevens, Sweetser, Toombs, Tuck, and Walsh.

Mr. ROBBINS. I move that all further proceedings under the call of the House be dispensed with.

Mr. STEPHENS, of Georgia, demanded tellers; which were ordered; and Messrs. STEPHENS and BAYLY, of Virginia, were appointed.

The question was then put, and the motion was disagreed to—the tellers having reported ayes 61, noes 85.

The SPEAKER. The officers will cause the doors of the Hall to be closed.

The names of the absentees will now be called over, and excuses may be rendered, if any, for the absentees.

The Clerk read the names of the absentees in the order in which they are inserted above.

Mr. CHARLES ALLEN.

Mr. FOWLER. I move that Mr. ALLEN be excused. He is very sick, confined to his bed under the physician's care, and cannot be out.

The question being put, Mr. ALLEN was excused.

Mr. THOMAS M. BIBBIGHAUS.

Mr. FLORENCE. Mr. BIBBIGHAUS has left the District, and gone home sick, for medical treatment. I move that he be excused.

The motion was agreed to.

Mr. LEANDER BABCOCK. No excuse offered.

Mr. RICHARD I. BOWIE. No excuse offered.

Mr. THOMAS S. BOCOCK.

Mr. MEADE. Mr. Bocock went home on urgent business.

A MEMBER. The gentleman was not heard in this part of the Hall.

Mr. MEADE. Mr. Bocock has gone home. He had been unwell for several days previous to his leaving Washington. It was not on that account that he has gone home, but, as I understand, to attend to some urgent business. I move that he be excused.

Mr. STEPHENS, of Georgia. He is out of the city. That is sufficient.

The question was taken, and Mr. Bocock was excused.

Mr. JOHN BRAGG.

Mr. CABELL, of Florida. Mr. BRAGG has gone home in consequence of sickness in his family. I move, therefore, that he be excused.

The motion was agreed to.

Mr. GEORGE H. BROWN.

Mr. PRICE. My colleague, Mr. Brown, has

gone home on account of imperative business. I move that he be excused.

The motion was agreed to.

Mr. ALEXANDER H. BUELL.

Mr. KING, of New York. Mr. BUELL is absent from the city on account of imperative business. I move that he be excused.

The motion was agreed to.

Mr. RICHARDSON. It is very apparent that nothing will be accomplished. I move, therefore, that all further proceedings under the call be dispensed with.

Mr. STEPHENS, of Georgia. I do not see that it has become so very apparent. All these gentlemen, who have been excused, cannot possibly attend. It may be that there are other gentlemen, outside of this Hall, who can attend, and we want them: I insist upon the call.

Mr. RICHARDSON. I do not care about the motion.

Mr. ARMISTEAD BURT.

Mr. ORR. My colleague, Mr. BURT, has been absent from the city two months. He is confined at his home by indisposition, and I move, therefore, that he be excused.

The motion was agreed to.

Mr. JOSEPH P. CALDWELL.

Mr. MOREHEAD. Mr. CALDWELL has left the city on account of the situation of his family at home. I move that he be excused.

The motion was agreed to.

Mr. CHAUNCEY F. CLEVELAND.

Mr. TOWNSHEND. Mr. CLEVELAND is confined to his room by sickness. I move, therefore, that he be excused.

The motion was agreed to.

Mr. ASHE. Is it in order to move that all the absent members be excused.

The SPEAKER. The regular order is, that excuses be offered as the names are called.

Mr. WILLIAM F. COLCOCK.

Mr. McQUEEN. Mr. COLCOCK has returned home on account of the sickness of his family. I move that he be excused.

The motion was agreed to.

Mr. JOSEPH S. COTTMAN. No excuse offered.

Mr. WILLIAM CULLOM.

Mr. GENTRY. Mr. CULLOM has been confined to his room by indisposition for several weeks. He is unable to attend. I move that he be excused.

The motion was agreed to.

Mr. JOHN F. DARBY.

Mr. PHELPS. I move that Mr. DARBY be excused. His condition—his serious indisposition—is known to every member of the House.

The motion was agreed to.

Mr. MILOM M. DIMMICK.

Mr. McNAIR. Mr. DIMMICK has been absent for some two or three weeks, and went home on account of unavoidable business. I move that he be excused.

The motion was agreed to.

Mr. CYRUS L. DUNHAM. No excuse offered.

Mr. JOHN G. FLOYD.

Mr. MURRAY. My colleague, Mr. FLOYD, has gone home on account of sickness in his family. I move that he be excused.

The motion was agreed to.

Mr. ALFRED GILMORE. No excuse offered.

Mr. JOHN Z. GOODRICH.

Mr. CHAPMAN. I move that Mr. GOODRICH be excused, as he is in Connecticut attending an important trial in which he is a party, and where his personal attendance is necessary.

The motion was agreed to.

Mr. WILLIAM T. HAMILTON.

Mr. STUART. Mr. HAMILTON is unable to attend the House, on account of illness. I ask that he be excused.

The motion was agreed to.

Mr. JUNIUS HILLIER.

Mr. STEPHENS, of Georgia. Mr. HILLIER is absent from the city. He is at his home in Georgia. I move that he be excused.

The motion was agreed to.

Mr. COBB. I believe we are too much inclined to excuse absent members. I move that we suspend all further proceedings.

Mr. STEPHENS, of Georgia. I object to it. Let us go through the roll. No persons have been excused who could attend.

The question was then taken, and the House refused to suspend the call.

Mr. ALEXANDER R. HOLLADAY.

Mr. EDMUNDSON. I move that Mr. HOLLADAY be excused, as he went home to a sick family.

The motion was agreed to.

Mr. GEORGE S. HOUSTON.

Mr. COBB. I suppose the House is well aware that Mr. HOUSTON is always in his place. I have no doubt that as chairman of the Committee of Ways and Means he has gone to the Department for estimates, and that is the reason why he is not here.

Mr. LETCHER. Mr. HOUSTON has a child lying very ill at home.

Mr. GOODENOW. I would suggest to the gentleman that he should put his words nearer together.

Mr. RICHARDSON. What was the reason given?

The SPEAKER. For the reason stated by the gentleman upon the floor.

Mr. POLK. I wish to vote understandingly. I did not exactly hear the reason.

Mr. HALL. We did not hear the reason assigned in this part of the House. I should like to know the reason before I vote.

The SPEAKER. That is the gentleman's misfortune. [Laughter.]

[Cries of "Question!" "Question!"]

The question was then taken, and Mr. HOUSTON was excused.

Mr. THOMAS M. HOWE.

Mr. JOHN W. HOWE. Mr. HOWE went home on account of his health, being unable to be in his seat some weeks before he left. He went under the advice of friends, and I have not yet heard whether he is getting better or not. I ask that he be excused.

The motion was agreed to.

Mr. WILLIAM F. HUNTER.

Mr. BELL. Mr. HUNTER is lying sick at his room. I move that he be excused.

The motion was agreed to.

Mr. HORACE MANN.

Mr. DAVIS, of Massachusetts. Mr. MANN is in New York upon some business which will detain him for some ten days. I ask that he be excused.

The motion was agreed to.

Mr. EDWARD C. MARSHALL, of California. No excuse offered.

Mr. HUMPHREY MARSHALL.

Mr. VENABLE. Mr. HUMPHREY MARSHALL was at the door the moment it was shut. He is ready to come in. I ask that he be excused.

The motion was agreed to.

Mr. FREDERICK S. MARTIN.

Mr. HASCALL. I ask that Mr. MARTIN be excused, on account of severe indisposition.

The motion was agreed to.

Mr. JOHN S. MILLSON.

Mr. AVERETT. My colleague [Mr. MILLSON] left here in delicate health a few days ago, in the hope that he might receive benefit by so doing. I move that he be excused.

The motion was agreed to.

Mr. ARTHUR L. MINER.

Mr. HEBARD. Mr. MINER left this city a few days ago, reluctantly, to go home and attend to some business of importance, which made it necessary for him to leave. I move that he be excused.

The motion was agreed to.

Mr. JOHN L. ROBINSON.

Mr. FITCH. Mr. ROBINSON being confined to his room by sickness, I move that he be excused.

The motion was agreed to.

Mr. JOSEPH RUSSELL.

Mr. SEYMOUR, of New York. I move that my colleague [Mr. RUSSELL] be excused. He is now in New York, confined by very serious illness.

The motion was agreed to.

Mr. ZENO SCUDDER.

Mr. DUNCAN. I move that Mr. SCUDDER be excused. He is detained from the House by severe indisposition, and is under medical treatment.

The motion was agreed to.

Mr. RICHARDSON SCURRY.

Mr. HOWARD. I move that Mr. SCURRY be excused. He has been indisposed for some days past, but if able to come to the House at all, he will be here in time to vote.

The motion was agreed to.

Mr. ABRAHAM P. STEVENS.

Mr. HART. I move that Mr. STEVENS, of New York, be excused. He is confined to his house by sickness.

The motion was agreed to.

Mr. CHARLES SWEETSER.

Mr. OLDS. I move that Mr. SWEETSER be excused. He has been called home, partly on account of sickness in his family, and partly by urgent business.

The motion was agreed to.

Mr. ROBERT TOOMBS.

Mr. STEPHENS, of Georgia. Mr. TOOMBS is confined to his bed in this city, and cannot possibly get here. I move that he be excused.

The motion was agreed to.

Mr. AMOS TUCK.

Mr. GOODENOW. I move that Mr. TUCK be excused. He has been absent from the city for some time on important and urgent business, and has not returned yet.

Mr. ORR. I would like to inquire of the gentleman from Maine if Mr. TUCK is not at home canvassing the State and making speeches?

Mr. GOODENOW. I understand not. He is attending to urgent private business.

The question was then taken on Mr. GOODENOW's motion, and it was agreed to—ayes 83, noes not counted.

Mr. THOMAS Y. WALSH.

Mr. OUTLAW. Mr. WALSH is absent from the city. I move that he be excused.

The motion was agreed to.

Mr. HALL moved that further proceedings in the call be dispensed with.

The motion was agreed to.

So the further proceedings in the call were dispensed with, and the doors of the House were again opened.

Mr. BELL. I ask the unanimous consent of the House to introduce a joint resolution of the Legislature of Ohio in relation to the construction of a canal around the Falls of the Ohio, for the purpose of having it printed.

Several MEMBERS objected.

The yeas and nays were then taken upon Mr. FITCH's motion to suspend the rules, and there were—yeas 119, nays 74—as follow:

YEAS—Messrs. Abercrombie, Willis Allen, John Appleton, William Appleton, Ashe, Averett, David J. Bailey, Thomas H. Bayly, Beale, Bissell, Breckenridge, Briggs, Brooks, Albert G. Brown, Burrows, Bushy, E. Carrington Cabell, Caskie, Chastain, Churchwell, Clark, Cobb, Cugis, John G. Davis, Dawson, Disney, Dockery, Edmundson, Evans, Ewing, Faulkner, Ficklin, Fitch, Florence, Freeman, H. M. Fuller, T. J. D. Fuller, Gamble, Gentry, Giddings, Gilmore, Gorman, Grey, Hall, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Hays, Haven, Hendricks, Henn, Hibbard, Howard, John W. Howe, Ingersoll, Jackson, Andrew Johnson, James Johnson, Robert W. Johnson, George W. Jones, J. Glauy Jones, Kuhns, Kurtz, Landry, Letcher, Lockhart, Mace, Humphrey Marshall, Mason, McKorkie, McDonald, McLanahan, McMullin, McNair, Meade, Miller, John Moore, Morehead, Morrison, Murphy, Nabers, Olds, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Phelps, Polk, Porter, Powell, Richardson, Robbins, Savage, Schermerhorn, Scurry, Origen S. Seymour, Skelton, Smith, Stanley, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Stone, St. Martin, Strother, Stuart, Sutherland, Taylor, Benjamin Thompson, George W. Thompson, Venable, Ward, Watkins, Addison White, Alexander White, Wilcox, and Williams—119.

NAYS—Messrs. Aiken, Allison, Andrews, Babcock, Barrere, Bartlett, Bell, Bennett, Bowne, John H. Boyd, Brenton, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Clingman, Conger, Daniel, G. T. Davis, Dean, Doty, Duncan, Durkee, Eastman, Edgerton, Fowler, Gaylord, Goodnow, Green, Grow, Harper, Hascall, Hebard, Horstford, T. Y. How, Jenkins, J. Johnson, D. T. Jones, G. G. King, Preston King, McQueen, Meacham, Molony, Henry D. Moore, Murray, Newton, Orr, Pennington, Perkins, Price, Rantoul, Robie, Ross, Sackett, Schoolcraft, Schomaker, David L. Seymour, Smart, Snow, Benjamin Stanton, Thaddeus Stevens, Stratton, Thurston, Townshend, Walbridge, Wallace, Washburn, Welch, Wells, Wildrick, Woodward, and Yates—74.

So (two thirds not voting in the affirmative) the rules were not suspended.

CASE OF COLONEL D. E. MITCHELL.

Mr. PHELPS. The other day, I submitted a motion to reconsider the vote by which Senate bill for the relief of Colonel Mitchell was referred to the Committee of the Whole on the state of the Union. There is a pressing necessity that that bill should be acted upon. To avoid any difficulty, however, to the consideration of the bill, I move to suspend the rules, that we may proceed to consider the motion to reconsider, which I submitted the other day.

It is suggested to me by gentlemen around me, in whose knowledge of the rules I have confidence, that the motion to reconsider may be called up at any time; and I hope, therefore, there will be no objection to its being called up now.

Mr. STEPHENS, of Georgia. The difficulty is, that if that motion should prevail, the bill, as it contains an appropriation, must go to the Committee of the Whole on the state of the Union again. But the proper course would be to move to suspend the rules, in order to entertain a motion to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill. If two thirds vote for that motion, we can then pass the bill.

The SPEAKER. The Chair thinks the object could be attained by either mode, but as the motion to reconsider is pending, it would be more regular to dispose of that motion.

Mr. JONES, of Tennessee. If the gentleman from Missouri will, with the unanimous consent of the House, withdraw his motion to reconsider, he can then move to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill.

The SPEAKER. Is there objection that the motion to reconsider be taken up?

Mr. KING, of New York, objected.

Mr. PHELPS. I move, then, to suspend the rules.

The SPEAKER. For what purpose?

Mr. PHELPS. For the purpose of submitting a motion to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill.

Mr. JONES, of Tennessee. Is that motion debatable?

The SPEAKER. It is not.

Mr. JONES. Well; that motion ought not to be agreed to.

Mr. KING, of New York. In order to understand this question, I wish to know if the bill does not make an appropriation of money, and is not, therefore, required by the rules of the House to be considered in committee?

Mr. JOHNSON, of Arkansas. One more question, in order, if possible, to render this matter a little plainer. I understand that the bill has been referred to the Committee of the Whole on the state of the Union, and that a motion has been submitted to reconsider the vote by which it was so referred; nevertheless, it has been referred to the committee, and if we now discharge the committee, we shall supersede the motion to reconsider. I hope, therefore, that the motion to suspend the rules will prevail.

Mr. JONES, of Tennessee, called for the reading of the bill.

The Clerk read the bill.

Mr. JONES. I should like to inquire of some gentleman who knows, what is the amount of appropriation involved in this bill?

The SPEAKER. Debate is not in order.

Mr. HARRIS, of Tennessee. I rise to a question of order. This bill has, by a vote of the House, been referred to the Committee of the Whole on the state of the Union. I understand the gentleman from Missouri [Mr. PHELPS] now makes a motion to reconsider the vote by which the bill was so referred. Now, while that motion is pending, the bill does not go to the committee. It cannot go there until the motion to reconsider has been disposed of. Now, I ask, is it competent for the House to discharge the Committee of the Whole from the consideration of a bill which has not gone to that committee at all? I think it is not.

The SPEAKER. The Chair is of the opinion that it is competent for the House to suspend the rules for that purpose.

Mr. JOHNSON, of Arkansas. I think I have the right to say a single word in explanation of this motion.

The SPEAKER. The Chair would hear the gentleman with the greatest pleasure, if it be not objected to.

Mr. JOHNSON. What I have to say is this: when the bill was referred to the Committee of the Whole on the state of the Union, according to the practice of the House hitherto, such reference constituted a fulfillment of the rule; therefore a motion made subsequently to take it out of committee, does not interfere with the requirement of the rule, no matter whether the bill has been up for discus-

sion or not. I think, therefore, that it is perfectly competent for the House to suspend the rules and take up this bill for consideration. It is true; a motion has been made to reconsider, but I suggest—

Mr. PHELPS. I will obviate that difficulty.

Mr. JOHNSON. If the gentleman submits the motion to discharge the Committee of the Whole on the state of the Union from the further consideration of this bill, that motion will supersede the motion to reconsider.

Mr. PHELPS. I propose to obviate the difficulty which has been suggested in relation to this reconsideration. With the permission of the House I will withdraw the motion to reconsider.

Mr. STEPHENS, of Georgia. I will suggest to the gentleman before he withdraws his motion to reconsider, that he so modify his present motion as to make it a motion to suspend the rules to bring the bill before the House for consideration, and that he do not withdraw the motion to reconsider.

Mr. PHELPS. I prefer, with the permission of the House, to withdraw the motion to reconsider, and to move that the committee be discharged from the further consideration of the bill, and that the House do now proceed to its consideration.

There was no objection, and the motion to reconsider was withdrawn.

Mr. HARRIS, of Tennessee. I rise to this question of order: I think it was decided the other day that the Committee of the Whole on the state of the Union could not be discharged from the consideration of a subject until the committee had first had that subject under consideration.

Mr. CLINGMAN. Oh, no; there was no such decision.

Mr. HARRIS. I understand that such has been the practice of the House, and the decision of the House.

The SPEAKER. It was decided by the House that debate could not be closed upon a proposition in Committee of the Whole on the state of the Union, until it had been first considered in that committee; but the Chair is not aware of any decision that the House could not discharge that committee from the further consideration of a subject, before it had been under consideration in committee.

Mr. JONES, of Tennessee. I ask for the reading of the 133d rule.

It was read by the Clerk, as follows:

"All proceedings touching appropriations of money shall first be discussed in Committee of the Whole House."

Mr. JONES. This bill has not been discussed in Committee of the Whole House at all, and therefore, according to the rule which has been just read, no other disposition can be made of it until it has been first discussed there.

Mr. STEPHENS, of Georgia. That is the very rule which we want to suspend.

The SPEAKER. The Chair decides that it is competent for the House to suspend that as well as any other rule. The question is, Shall the rules be suspended in order to enable the gentleman from Missouri [Mr. PHELPS] to submit his motion?

Mr. JONES. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and the result was—yeas 129, nays 44, as follows:

YEAS—Messrs. Abernethy, Willis Allen, John Appleton, William Appleton, David J. Bailey, Thomas H. Bayly, Barrere, Bartlett, Beale, Bell, Breckenridge, Briggs, Albert G. Brown, Burrows, Busby, E. Carrington Cabell, Thompson Campbell, Chandler, Chastain, Clingman, Conger, Curtis, Daniel, George T. Davis, Dawson, Dean, Disney, Dockery, Doty, Duncan, Eastman, Edmundson, Evans, Faulkner, Ficklin, Fitch, Florence, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gentry, Giddings, Gilmore, Gorman, Green, Grey, Grow, Hall, Harper, Haws, Hascall, Haven, Hinn, Horford, John W. Howe, Ingersoll, Jackson, John Johnson, Robert W. Johnson, Daniel T. Jones, J. Glancy Jones, Kuhns, Kurtz, Landry, Letcher, Humphrey Marshall, McCormick, McDonald, McLanahan, McMullin, McNair, Meacham, Meade, Miller, Henry D. Moore, John Moore, Morehead, Morrison, Murphy, Murray, Nabers, Newton, Olds, Outlaw, Peaslee, Pennington, Phelps, Polk, Porter, Powell, Price, Rantoul, Richardson, Robbins, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Smart, Smith, Snow, Stanley, Benjamin Stanton, Richard H. Stanton, Alexander H. Stephens, Thaddeus Stevens, St. Martin, Stratton, Strother, Sutherland, Taylor, Benjamin Thompson, Thurston, Venable, Walbridge, Ward, Washburn, Watkins, Welch, Wells, Addison White, Alexander White, Wilcox, William J. and Yates—129.

NAYS—Messrs. Averett, Babcock, John H. Boyd, Brenton, Joseph Cable, Carter, Caskie, Chapman, Churchwell, Clark, Cobb, John G. Davis, Durkee, Edgerton, Fowler,

Gaylord, Goodenow, Hammond, Isham G. Harris, Hart, Hebard, Hendricks, Hibbard, Thomas Y. How, Jenkins, And. Johnson, Jas. Johnson, G. W. Jones, Prission King, Lockhart, Mace, Mason, McQueen, Molony, Orr, Andrew Parker, Perkins, Skelton, Stuart, George W. Thompson, Townshend, Wallace, Wildrick, and Woodward—44.

So the rules were suspended.

Mr. PHELPS. I now submit my motion, that the Committee of the Whole be discharged from the further consideration of the bill which I have indicated, and that the House do proceed to the consideration of that bill; and upon that motion I demand the previous question.

The House was divided upon seconding the demand for the previous question, and there were—yeas 85, noes 42.

So the previous question was seconded; and

The main question was then ordered.

The question was taken, and the committee was discharged from the further consideration of the bill—yeas 98, noes 40.

Mr. PHELPS. The bill is, I believe, now before the House for consideration.

The SPEAKER. The question is upon ordering it to a third reading.

Mr. PHELPS. I desire to say a word or two in explanation of the bill.

Several MEMBERS. Move the previous question.

Mr. PHELPS. Very well; I move the previous question upon ordering the bill to be read a third time.

[Cries of "Question!" "Question!"]

Mr. JONES, of Tennessee. I move to lay the bill upon the table.

The question was taken, and the House refused to lay the bill upon the table.

The previous question was then seconded, and the main question ordered to be put.

The bill was then ordered to a third reading.

The bill, being a bill for the relief of Lieutenant Colonel Mitchell, of Missouri, was read through.

Mr. PHELPS said: Mr. Speaker, I now desire to say a few words in explanation of the bill.

[Cries of "No!" "No!" "Move the previous question!"]

Mr. PHELPS. The question has been asked how it is that this amount has been increased from \$30,000 to \$100,000. In reply to that question, I will say that Mr. Harmony first presented his claim to the House of Representatives, upon which a favorable report was made. He presented in his memorial evidence that property of his, to the amount of some \$80,000, had been taken by Colonel Mitchell under the command of his superior officer—Colonel Doniphan. But finding that his claim met with no quarter in Congress, or at least that his prospects were not very flattering; and finding Colonel Mitchell—who is a resident of the State of Missouri—in the city of New York, instituted a suit against him in the district court of the United States for the southern district of New York. Colonel Mitchell informed the Secretary of the Treasury that a suit had been commenced against him, and also informed him of the evidence necessary to defend the case. The Solicitor of the Treasury examined the case, and the district attorney for that district was ordered to defend the case. Colonel Mitchell also employed an attorney to aid in the defence of the case. A trial was had, and judgment to the amount of some \$95,000 was obtained against him. But the plaintiff had no means of satisfying that judgment, because Colonel Mitchell had no property under the jurisdiction of that court. A transcript of the judgment was therefore taken to Missouri, and a suit commenced in the county where Mitchell resided, and a judgment has been obtained against him for one hundred and odd thousand dollars, and the execution placed in the hands of an officer, to be levied upon Mitchell's property.

It is, perhaps, unfortunate for Mitchell, that he is able to meet this execution. I say it is unfortunate, because if Congress refused to afford him relief, his property will have to be sacrificed, and he will then have a just claim upon Congress to indemnify him for the consequences of having obeyed the orders of his superior military officer, and that in defence of his country.

Mr. CLINGMAN. I desire to ask the gentleman if it be true, as was stated the other day, that Governor Marcy was employed as counsel for the defence in the suit?

Mr. PHELPS. Governor Marcy was Secretary of War at the time the property was taken by order of Colonel Doniphan. He was em-

played by Harmony in the prosecution of the suit against Colonel Mitchell. Colonel Mitchell employed a man by the name of Alonzo B. Achan I believe. Mr. Sheppard was the district attorney for that district at that time, and was directed by the Government of the United States to defend the suit.

[Cries of "Question!" "Question!"]

Mr. JONES, of Tennessee. Can the gentleman from Missouri [Mr. PHELPS] state whether there is not a suit pending in the Supreme Court, in the lower story of this building, in regard to this matter; and if so, whether that decision may not be reversed, and Colonel Mitchell released from the judgment now pending against him? I understand that the case is pending in the Supreme Court, brought there by a writ of error from the court at St. Louis.

Mr. PHELPS. I understand that during the progress of that trial in the court in New York, exceptions were taken to the ruling of that court. The case was then presented to Mr. Crittenden, Attorney General, and his advice taken in relation thereto. He advised against the prosecution of the appeal to the Supreme Court of the United States. Such, I understand, are the facts in reference to that matter, and consequently no appeal is pending in the Supreme Court of the United States.

[Cries of "Question!" "Question!" from all parts of the Hall.]

Mr. JOHNSON, of Georgia. I desire to be informed what amount of property was taken by the Government of the United States from Harmony?

Mr. PHELPS. The judgment of the court will be a sufficient answer to that. I hold here in my hands the report made by the Committee of Claims, at the first session of the Thirtieth Congress, and from this document it appears that Mr. Harmony proved before that committee that property to the amount of more than \$60,000 was seized by Colonel Mitchell, and taken into his possession.

Mr. JONES, of Tennessee. I would ask my friend from Missouri [Mr. PHELPS] if he did not in the Thirtieth Congress, with that report before him, in concert with his colleague from Missouri, [Mr. BOWLIN,] oppose the bill for the relief of Harmony?

Mr. PHELPS. I will inform the gentleman of the course I pursued on that occasion. I did oppose the bill for the relief of Harmony. I entertained the opinion that he was not entitled to the amount of relief which he demanded. I was satisfied that he was entitled to something, but the exact amount I could not tell. That question was one for the accounting officer to determine; and furthermore, that has nothing to do with the case. Will you see an officer, who has executed the commands of his superior officer, receive injury from that obedience, and see his property sacrificed, and that, too, for obeying the orders of his superior officer in an enemy's country where, if he had disobeyed them, he would have been court-martialed?

Mr. JONES. If the gentleman will permit, I will state that I am informed by a Representative upon this floor from the State of New York, that Judge Nelson has informed him that this case is pending in the Supreme Court on an appeal.

Mr. VENABLE. That cannot possibly be so, because if you will look at the report and the evidence in this case, it will be found that they prove this state of facts. Every lawyer knows that if there was a writ of error, the court would suspend judgment. Every lawyer knows that an appeal, when made, brings a case from the court below to—

Mr. JONES, of Tennessee, made a remark wholly inaudible to the Reporter.

Mr. VENABLE. A transcript of the judgment was sent to Missouri, and a suit instituted upon it in that State, and a judgment obtained thereon. Upon the judgment thus obtained, an execution was issued in the State of Missouri against the property of Colonel Mitchell.

Mr. PHELPS. That is certainly so.

Mr. VENABLE. The history of this case is this—

Mr. BARTLETT. I rise to a privileged question. I move that when this House adjourns, it adjourn to meet again on Wednesday next.

The SPEAKER. The gentleman cannot take the floor from another who is upon it, although his question is a privileged one.

Mr. VENABLE. I have no inclination to take up the time of the House.

Mr. FOWLER, (interrupting.) I wish to ask a single question.

Mr. VENABLE. I cannot yield to the gentleman from Massachusetts, [Mr. FOWLER,] and I protest against this mode of farming out the floor by one member to another. I cannot yield, and must make the remarks I have set out to make.

The history of the case is this: it appears to me singular that difficulties should arise in the minds of anybody, when it must be perceived that there never was a case before this House in which the iron arm of the law was bearing down upon a defenceless individual with more crushing and merciless force than in the case now before us.

Mr. PHELPS, (interposing.) I have yielded so much and so often to the inquiries of my friends, that I am obliged to move the previous question upon the passage of the bill.

Mr. FOWLER. Will the gentleman allow me to ask a single question?

Mr. PHELPS. I will.

Mr. FOWLER. If I understand the gentleman from Missouri, he states that the property taken amounts to \$60,000. Now, I wish to inquire what became of that property? Was it given back to Harmony, or what was done with it?

Mr. HALL. The Mexican authorities confiscated it.

Mr. PHELPS. The property was confiscated by the authorities of the city of Chihuahua, in the district of Chihuahua.

Mr. FOWLER. Was it finally returned to this claimant?

Mr. PHELPS. It was subsequently tendered to Mr. Harmony at Chihuahua, as the documents show. He refused to receive it, and entered his protest there against the unlawful seizure, and it was confiscated, as I am informed, by the Mexican authorities at Chihuahua.

[Cries of "Question!" "Question!" from all parts of the Hall.]

Mr. PHELPS. I now demand the previous question.

Mr. STUART. If the gentleman will allow me, I wish to suggest—

Mr. PHELPS. I have yielded the floor so often, that I am compelled to insist upon my demand for the previous question.

Mr. STUART. I understand that this question is pending in the Supreme Court. It is not denied.

The SPEAKER. Debate is not in order.

Mr. MARSHALL, of Kentucky. I rise to a privileged question. I move to reconsider the vote by which this bill was ordered to its third reading, and upon that motion I desire to be heard.

The SPEAKER. The question is not debatable. The previous question has been demanded upon the passage of the bill.

Mr. MARSHALL, of Kentucky. Demanded but not seconded. I understand the privileged question I make to take precedence of the motion for the previous question, and that it is debatable. Do I understand the Chair to decide otherwise?

Mr. JONES, of Tennessee. The privileged question does take precedence, and certainly is debatable.

The SPEAKER. The Chair, upon reflection, is of opinion that the gentleman from Kentucky is entitled to debate the question.

Mr. PHELPS. I rise to a question of order. The vote by which this bill was ordered to a third reading was under the operation of the previous question, and the gentleman from Kentucky cannot debate the motion.

The SPEAKER. The Chair is of the opinion that the previous question was exhausted by the order to read the bill a third time, and, therefore, overrules the point of order made by the member from Missouri. The gentleman from Kentucky [Mr. MARSHALL,] is entitled to the floor.

Mr. MARSHALL, of Kentucky. I should have voted for the passage of this bill without hesitation, had the previous question been ordered without debate, for I should not have heard the suggestions of difficulties which now appear to be in the way. I desire to say that no gentleman upon this floor would more readily extend relief to Colonel Mitchell than I would, under a proper state of the case. But it is asserted by a gentleman from New York, a member of this House,

that he has been informed by a justice of the Supreme Court of the United States that a writ of error in the case of Harmony vs. Mitchell is now pending in the Supreme Court—that it came up from the Southern district of New York; and is designed to test the validity of the judgment rendered against Colonel Mitchell in favor of Manuel X. Harmony. I am aware that suit was instituted by this man Harmony against Mitchell, and that such proceedings were had as resulted in a judgment at law in the district court of New York for upwards of \$95,000. I understand that Harmony took the record to Missouri, and sued upon the New York judgment—I presume in a State court—and that he procured a judgment upon said record, and that execution has issued thereupon against the property of Colonel Mitchell for about \$102,000. In the meantime, the case from New York has been brought up to the Supreme Court by a writ of error, without a supersedeas, and that such a proceeding neither stops the execution on the New York judgment, nor suspends proceedings upon the Missouri judgment. But it is also certain, that while matters seem to have reached this crisis with Colonel Mitchell, the chancery power of the courts in Missouri may be successfully appealed to in order to suspend the collection of this debt until the decision of the Supreme Court of the United States shall be pronounced upon the writ of error which has been sued out to the New York district court. I acknowledge the obligation of Congress to protect Colonel Mitchell from loss; but there is a right way of going about this matter. If we pass this bill, the money will pass into the hands of Manuel X. Harmony, who may not be responsible and who is an alien, as I understand, and should the judgment be reversed by the Supreme Court, the United States will have suffered a complete loss of the whole amount. My only object in moving to reconsider the vote in this bill is to suggest to the House the propriety of putting the act in such shape, before its passage, that no payment can be made by the Secretary of the Treasury until the legal remedy shall have been quite exhausted by a final affirmation of the judgment in the court below by the Supreme Court. In the meantime, it must be remembered that the judgment in Missouri is operative, and the sacrifice of Mitchell's property can be made under the execution upon that judgment, and that the sale will not be affected by whatever decision shall be rendered here upon the New York record. As I remarked before, should there be a probability of reversing the New York judgment, the chancellor in Missouri can be appealed to for an injunction to stay proceedings in the Missouri judgment until this cause can be decided. And there will be no difficulty in procuring such an injunction. Let the United States procure the surety for an injunction bond, and the chancery proceedings can be instituted in Mitchell's name. But, unless there is some probability of a reversal, the injunction will be a dangerous expedient, for the dissolution of the injunction will cost \$10,200, more than will now discharge the debt. The question addresses itself to the sound discretion of Congress, who will, I suppose, be guided in the case by the opinion of the Attorney General of the United States.

Mr. WELCH. I would inquire of the honorable member from Kentucky, if the bill is not already in the shape in which he desires to have it? It simply authorizes the Secretary of the Treasury to pay the Missouri judgment.

Mr. MARSHALL. It is true that the act authorizes the Secretary to pay the money, but that is the usual verbiage of the laws which direct the payment of money. Under this law, the Secretary will be at liberty to settle the Missouri judgment by payment before this night. I am not willing to pay it, if there is a reasonable chance to reverse the case. I will not vote \$102,000 to pay a debt, which I understand could have been settled three years since for \$30,000, while there is a writ of error in the case pending and undetermined in the Supreme Court, unless I understand very distinctly from the proper legal adviser of the Government that there is no chance to reverse the judgment of the court below. I will then vote it to shield Colonel Mitchell from loss, and not because I think it proper or fair, as against the Government, upon the merits.

Mr. TAYLOR (interrupting) asked a question entirely inaudible to the Reporter.

Mr. MARSHALL. I understand that Mr.

FAULKNER, of Virginia, has been down to the Supreme Court room, and has ascertained the fact that a writ of error in this cause is pending in that Court.

Mr. TAYLOR. I understand that the cause is not pending in the Supreme court.

Mr. MARSHALL. I am informed that the gentleman from Virginia [Mr. FAULKNER] has been down to the Supreme Court rooms, and knows the facts to be as I have stated them.

Mr. HAVEN. With the permission of the gentleman from Kentucky, inasmuch as considerable has been said about it, I will state briefly what I know upon this subject. I found a very general desire on the part of the House to pass this bill when it was up before; and, on Friday or Saturday of last week, I met Mr. Justice Nelson in the street, and had a conversation with him for the purpose of gathering the facts of the case. The two things I told him I desired to be informed about, were: First, whether there was a writ of error pending in the Supreme Court of the United States; and the next was, what was the character of the proof before the court (for he was the justice, I understood, who presided at the trial) in reference to the measure of damages.

Mr. LOCKHART. Will the gentleman allow me for a moment. I will not take half a minute.

Mr. HAVEN. I cannot. I have the floor by the favor of the gentleman from Kentucky to make a statement. I was informed by Mr. Justice Nelson, that there was a writ of error now pending upon the calendar of the Supreme Court, brought up upon the judgment rendered before him in the circuit court of New York. I then inquired of him in reference to the measure of damages, the rule by which the damages had been allowed upon the trial before him. He told me that he could not state with accuracy by what rule that had been governed, but he said that the evidence upon the subject of damages would be found in the record. I went to the Supreme Court room for the purpose of seeing the record, but found it locked up. I said to the Judge that I had understood Mr. Harmony had offered to take \$30,000 to discharge his claim upon the Government, and that this bill which we have before us, provides for over \$100,000. He told me that the cause was put off, according to his recollection, for over a year, to allow the parties to execute a commission at Santa Fe, or in New Mexico, for the purpose of getting evidence upon the subject of damages, and that, after the commission had been returned, the subject of damages was passed upon *sub silentio*, the proof seeming to be satisfactory. That is all the information I have in my possession. I understand this writ of error is from the judgment rendered in the circuit court for the southern district of the State of New York. I also understand that judgment has been sued out, upon a transcript of the record of the court in New York, in a court of Missouri; that execution had been issued upon that judgment, and that the consequences are likely to follow upon that execution which have been described by the gentleman from Missouri, [Mr. PHELPS.] I return my thanks to the gentleman from Kentucky for his kindness in allowing me to make this statement.

Mr. MARSHALL, of Kentucky. I now hold in my hand a memorandum furnished by the clerk of the Supreme Court of the United States a moment since, which will remove all doubt as to the pendency of a writ of error in this case. He says, the transcript of the record has been sent up, a writ of error has been sued out, and the case stands No. 178 on the trial docket of the court. Now, under these circumstances, the proposition to direct the Secretary to go forward and pay off the debt may be very injurious to the interests of the United States, for the decision in the Supreme Court may reopen the cause on the original merits, and indeed may indicate that Mitchell is not responsible for an arrest made under orders from his military commander in time of war in an enemy's country; for I do not learn from anything that has yet been said that Harmony lost possession of his merchandise, though he was detained with Doniphan's command, in order to prevent him from joining the enemy—as a trader.

I submit to the consideration of the House that we are not prepared, under the circumstances, to pass the bill at present, and due caution and a proper regard for the duties we are here to dis-

charge demand that before we act finally, an opportunity should be afforded to confer with the Attorney General of the United States, who has no doubt looked critically into the record of this cause, and is prepared to give his opinion. We should take time, and before we vote to pay this debt we should learn from the Attorney General his opinion of the proposition to enjoin the judgment in Missouri until the rendition of an opinion by the Supreme Court in the case from New York.

I am not willing to pass the authority we hold over the public money to any one. When this debt must be liquidated we can vote the money, and direct its appropriation to the object we intend; but now, it is our duty to see whether the actual necessity for the appropriation exists, and whether it cannot, by any device, be avoided. The execution has not been levied upon Colonel Mitchell's property as yet, and we all know that there will intervene some days from the levy to the sale. There is no necessity for this absolute action to-day, so far as we can see. It is our duty to go back upon our steps if we can contest this demand further, and not, under apprehension of injury to Mitchell, throw away \$102,000 upon Emanuel X. Harmony.

I understand that no one disputes our obligation to shield Colonel Mitchell from loss. The point is, that in protecting him we may owe it to the country to take the reins of this case into our own hands, and see whether the United States cannot reverse this judgment, stay proceedings upon the execution at St. Louis, and renew the contest upon the original merits before the inferior tribunal, by which this enormous judgment may be reduced to those limits which once would have contented the claimant. It is suggested to me by gentlemen to move to postpone this question to a day certain. I do not feel disposed to raise the question, and then to ask its postponement, but I do think the House should regard this transaction with the closest scrutiny—not that I suppose anything wrong on Mitchell's part—but to see if we cannot avoid the wrong which we are about to be forced to submit to, in order to protect him from undeserved loss.

Mr. KING, of New York. The whole matter should be referred to a committee.

Mr. MARSHALL. I prefer to have the vote upon the motion to reconsider. Should that motion prevail, the bill can be taken up at our next sitting, and in the meantime those interested can learn the views of the Attorney General, and the bill can be amended properly, if necessary, and then passed.

Mr. DISNEY. I propose to say a solitary word in regard to this matter, and it is simply this: that notwithstanding the appeal which has been presented by the gentleman from Kentucky, [Mr. MARSHALL,] and the purpose for which he urges it, there is another aspect in which this case must be viewed, which divests them of all force whatever. Permit me here to remark that I have taken no sort of interest in this matter until the present time. The nature of the case now pending in the Supreme Court of the United States, at least from the testimony which has been adduced before us, and from this discussion and the one had heretofore in relation to this matter—has been with reference to the liability of Colonel Mitchell, and not the injury to this man Harmony; for that seems to be conceded upon all sides. Then whatever the decision of the Supreme Court of the United States may be, it will not touch the point to which I now allude, to wit: the injuries inflicted upon Emanuel X. Harmony. If the Supreme Court of the United States shall decide Colonel Mitchell was not justly and legally liable to indemnify Harmony for the damage inflicted upon him by these proceedings, still behind that remains the paramount question of indemnity to Harmony. Then it appears from the testimony which we have heard related to the House by the gentleman from New York, [Mr. HAVEN,] that the question of the amount of indemnity has been settled by the common agreement of the parties—*sub silentio*. In reference to that question there was no dispute. This question as to whether Colonel Mitchell is justly and legally liable does not touch the main question, that is, the proper indemnification of an individual who has been wronged by the acts of officers of this Government. I will not occupy the attention of the House any longer. In conformity with the suggestion of a friend who

sits near me, and in order to enable the House to possess themselves fully of the facts of the case and the precise points involved in it, I move the consideration of this subject be postponed for one week.

[Cries of "That is right!" "That is right!"]

Mr. STUART. I concur entirely in the motion of the gentleman. There is no disposition here to do injustice to Colonel Mitchell or anybody else, and we should not go pell mell into paying a judgment, when it is pending in the Supreme Court of the United States upon a writ of error.

Mr. JONES, of Tennessee. I wish to inquire of the Speaker if the House adjourn in the present position of this matter, it will not go over until next Monday?

The SPEAKER. It would, in the opinion of the Chair.

Mr. STANTON, of Tennessee. I rise to a privileged question. I move that when the House adjourns to-day it be to Wednesday next.

The SPEAKER. Does the gentleman from Tennessee [Mr. JONES] yield?

Mr. JONES. I do; but shall oppose the motion.

Mr. STANTON. I presume every gentleman is aware of the object of this motion.

The SPEAKER. It is not debatable.

Mr. JONES demanded the yeas and nays; which were ordered.

The question was then taken upon the motion to adjourn till Wednesday, and it was decided in the affirmative—yeas 87, nays 74—as follows:

YEAS.—Messrs. Abercrombie, Aiken, Willis Allen, W. Appleton, Babcock, Barrere, Bartlett, Beale, Bell, Bennett, Bissell, John H. Boyd, Breckenridge, Briggs, Brooks, Albert G. Brown, Burrows, E. Carrington Cabell, Lewis D. Campbell, Cartter, Chandler, Chapman, Clingman, Daniel, Geo. T. Davis, Dean, Disney, Dockery, Edgerton, Edmundson, Evans, Faulkner, Florence, Henry M. Fuller, Thomas J. Fuller, Gaylord, Gentry, Gilmore, Goodenow, Gorman, Sampson W. Harris, Hart, Haws, Hascall, Haven, Henn, Horsford, Jenkins, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, Preston King, Kuhns, Landry, Letcher, Lockhart, McDonald, McMullin, Meade, Miller, Morehead, Murray, Andrew Parker, Samuel W. Parker, Price, Robie, Russell, Schermerhorn, Schoolcraft, Schoonmaker, David L. Seymour, Stanly, Frederick P. Stanton, Richard H. Stanton, Strother, Stuart, Sutherland, Taylor, Thurston, Ward, Washburn, Wells, Addison White, Alexander White, Wildrick, and Yates—87.

NAYS.—Messrs. Allison, Ashe, Averett, David J. Bailey, Bowne, Brenton, Joseph Cable, Thompson Campbell, Caskey, Chastain, Churchwell, Clark, Cobb, Conger, John G. Davis, Dawson, Doty, Durkee, Eastman, Ewing, Ficklin, Fitch, Fowler, Gamble, Giddings, Grow, Hammond, Harper, Hebard, Hendricks, Hibbard, Howard, John W. Howe, Thomas Y. How, Jackson, Andrew Johnson, George W. Jones, J. Glancy Jones, Kurtz, Humphrey Marshall, McLaughan, McNair, McQueen, Molony, Henry D. Moore, John Moore, Nabers, Orr, Outlaw, Peaselee, Penniman, Perkins, Phelps, Polk, Rantoul, Robbins, Sackett, Seurry, Skelton, Smart, Smith, Snow, Benjamin Stanton, Stratton, George W. Thompson, Townsend, Venable, Walbridge, Wallace, Watkins, Welch, Wilcox, Williams, and Woodward—74.

Mr. JOHNSON, of Arkansas. I believe there is nothing new before the House.

The SPEAKER. There is the question upon reconsidering the vote by which the bill upon the table for the relief of Colonel Mitchell was ordered to be read a third time, and there is a question submitted by the gentleman from Ohio [Mr. DISNEY] to postpone until Monday next.

The question was then taken upon Mr. DISNEY's motion, and it was agreed to.

INDIAN AGENT FOR CALIFORNIA.

Mr. JOHNSON, of Arkansas. I will now send this bill, which is an act to provide for the appointment of superintendent of Indian affairs in California, to the Clerk's desk, and I ask the House seriously and in sober earnest, to allow me an opportunity of reporting it back from the Committee on Indian Affairs, with an amendment.

Mr. KING, of New York. I object. There are a great many bills and resolutions which would be presented if the House would give an opportunity for that purpose.

Mr. JOHNSON. I will move to suspend the rules. It is a matter of public importance, and ought to be acted upon.

The question was then taken, and it was decided in the affirmative.

So the rules were suspended.

The bill entitled "An act to provide for the appointment of a superintendent of Indian affairs in California," was then read.

The bill provides for the appointment of a su-

perintendent at a salary of \$5,000 per annum, and a secretary at a salary of \$2,500.

The amendment of the Committee on Indian Affairs proposes to reduce the salary of the superintendent to \$4,000.

Mr. JOHNSON. For the information of the House, I will ask that the sections of law which are put in force by the bill, be read. I have no speech to make about the case. The Government is losing thousands and thousands of dollars every month for the want of the passage of this bill.

The SPEAKER. It is a Senate bill reported back with an amendment. The question, then, will be first upon the amendment.

The bill and amendment having been read—

Mr. JOHNSON. I will ask the Clerk to read those portions of the acts which are put in force.

The sixth section of the act of May 6, 1822, was read, as follows:

"And be it further enacted, That the President of the United States, by and with the advice and consent of the Senate, may appoint a superintendent of Indian affairs to reside at St. Louis, whose power shall extend to all Indians frequenting that place, whose salary shall be \$1500 per annum; and one agent for tribes within the limits of East and West Florida, with a salary of \$1,500.

Mr. JOHNSON. I will state to the House the bill puts so much of that law in force as relates to the superintendent, placing him upon the same footing as every other superintendent is placed. I ask that the fifth section of the act of May 25, 1824, be read:

"Sec. 5. And be it enacted, That the superintendent of Indian affairs of St. Louis, and his successors in office, shall possess all the powers and be subject to all the duties of Governors of Territories when exercising the office of superintendents of Indian affairs, and shall exercise a general supervision of the official conduct and accounts of Indian agents within his superintendency."

I will state, also, for the information of the House, that those two sections for the most part attain the object sought for. I ask that the Executive recommendation referred to us at the beginning of the session in regard to this subject, shall be read:

"The means heretofore placed at the disposal of the Department applicable to Indian purposes in California have been manifestly inadequate. It is quite evident that, without the expenditures of large sums of money, our Indian affairs in California and Oregon cannot be properly conducted; and in this connection I respectfully suggest the policy of passing a law establishing the office of Assistant Commissioner of Indian Affairs for that State and Territory. A general and controlling power, more direct than it is possible for this office to bring to bear, is of the highest importance in the adjustment of our relations with the numerous tribes of Indians in those remote portions of our wide-spread domain."

I will state, also, for the information of the House, that instead of complying with this recommendation which proposed to create an assistant commissioner of Indian Affairs, the Senate preferred to send us the bill in such form as will preserve the policy heretofore adopted in regard to these matters, rather than strike out any new course of policy. Therefore this bill comes in the shape of a superintendency. The Government needs it, but I will make no speech about it. I shall call for the previous question, believing the House will prefer to vote, rather than to hear any speech upon the subject.

Mr. JONES, of Tennessee. I do not wish to throw any obstacle in the way. I would suggest to the gentleman a slight amendment.

Mr. JOHNSON. I should like to accommodate the gentleman, but will not assent to any other proposition than that which the committee have offered. After a full consideration they have reduced one salary, and they have offered one amendment. I will not consent to any other.

The previous question was seconded, and the main question ordered.

The question was then taken on the amendment, and it was agreed to.

The bill was then, according to order, read the third time.

Mr. JOHNSON. Is the previous question exhausted?

The SPEAKER. It is.

Mr. JOHNSON. Then I ask for the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered.

The question was then taken, and the bill was passed.

Mr. JOHNSON moved to reconsider the vote by which the bill was passed, and to lay the mo-

tion to reconsider upon the table; which latter motion was agreed to.

Mr. STANTON, of Kentucky. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the joint resolution of the Senate authorizing a continuance of the work on the two wings of the Capitol, and the bill from the Senate making an appropriation for the repair of the Congressional Library room, be made the special order, and in the order named, for Wednesday, the 10th instant, to continue so from day to day until disposed of.

Mr. SCURRY objected.

Mr. CARTER. I wish to inquire if the proposition of the honorable gentleman from Kentucky does not interfere with a pending special order?

Mr. STANTON. That is set for to-morrow, and mine is set for Wednesday week.

The SPEAKER. The operation of the special order would be this: if the former special order conflicted with it, this would have to pass over until the other is decided, and then it would come up.

Mr. CHANDLER. The objection is withdrawn to it, from this side of the House.

The SPEAKER. The Chair hears no objection.

Mr. STANLY. I would suggest to the gentleman from Kentucky, [Mr. STANTON,] as there is no objection to making the bill for the extension of the Capitol the special order, that we pass the bill for the Library now. There can be no objection to it, and it is a case in which the members of the House are more concerned.

Mr. STANTON, of Kentucky. If there is time to do it, I have no sort of objection.

Mr. STANTON, of Ohio. I will object to the introduction of any bill.

The question was then taken, and the resolution was agreed to.

Mr. RANTOUL. The gentleman from Connecticut [Mr. CLEVELAND] asks that the Journal may be corrected, his vote being erroneously stated. Upon the motion to lay the bounty land bill upon the table, he is represented as voting nay, when he voted yea.

The SPEAKER. There being no objection, the Journal will be so corrected.

Mr. DAVIS, of Indiana, by unanimous consent, introduced a bill of which previous notice had been given, "granting the right of way and making a grant of land to the States of Indiana and Illinois, for the construction of a railroad from Terra Haute to Springfield and branch thereof;" which was read the first and second time by its title, and referred to the Committee on Public Lands.

Mr. THOMPSON, of Virginia. During my sickness, certain memorials of the Legislature of Pennsylvania were presented to this House in relation to a bridge across the Ohio river, at Wheeling. I now beg leave to present a memorial of a portion of the members of the Legislature of Pennsylvania.

A MEMBER. Present it under the rule.

Mr. THOMPSON. I wish to do it now. The memorial says, that the bridge across the Ohio river at Wheeling is not such an obstruction to the navigation of that river as to require its elevation to a greater height, or its abatement as a nuisance. I also present a paper containing the official consent of the Wheeling and Belmont Bridge Company, asking that Congress may declare their bridges military roads, and pray for such protection as Congress may give. I also hold in my hand a petition of nine hundred citizens of the county of Ohio, praying Congress to take that public work under its protection, as Congress is bound to do by the act of April 30th, 1802. All of which I desire to present to the House, in order that the papers may be referred to the Committee on the Post Office and Post Roads.

Mr. STANTON, of Ohio, asked the unanimous consent of the House to introduce a bill, of which previous notice had been given.

Mr. SMART moved that the House adjourn.

Mr. WILLIAMS demanded the yeas and nays; which were not ordered.

The question was then taken, and the House adjourned till Wednesday next, at 12 o'clock, m.

NOTICE OF A BILL.

Mr. BARTLETT gave notice that on to-morrow, or some subsequent day, he should ask leave to introduce a bill, entitled, "An act making an appropriation of public land to the State of Vermont, for internal improvements, the support of schools, and the support of the indigent deaf and dumb, blind, and insane."

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees: By Mr. FLORENCE: Memorial of J. D. Bayne, John Simpson, Alexander K. Young, W. W. Pidgeon, and other citizens of Philadelphia, late assistant marshals of the United States for taking the Seventh Census, praying additional compensation.

Also, memorial of William Brookfield, Edgar T. Steever, Thomas M. Richards, and others, citizens of Philadelphia, remonstrating against the extension of the "Woodworth Patent" for planing boards, &c.

Also, memorial of Richard Hackett, Edward D. Prickett, John Eckert, and others, citizens of Philadelphia, praying for the extension of the "Woodworth Patent" for planing boards, &c.

Also, resolutions of the General Assembly of Pennsylvania relative to the bridge over the Ohio river opposite Wheeling.

Also, memorial of Charles Lloyd, jr., Alexander H. Smith, James Serrill, and others, citizens of Delaware and Philadelphia counties, praying that the soldiers of the war of 1812 may be allowed 160 acres of land, &c.

Also, memorial of Samuel J. Burdick, Hugh McCormick, William White, and others, citizens of Philadelphia, praying for the extension of the "Woodworth Patent" for planing boards, &c.

Also, resolutions of the General Assembly of Pennsylvania, relative to the improvement of harbors in the Delaware bay and river.

Also, memorial of Amos Smith, E. J. Young, David Applegate, and others, citizens of Philadelphia county, praying for the extension of the Woodworth patent for planing boards, &c.

Also, resolutions of the General Assembly of Pennsylvania, relative to the construction of a ship-canal around the Falls of Sault Ste. Marie by the Government of the United States.

By Mr. FOWLER: The petition of Charles W. Morgan and others, praying that their claim on the United States may be referred to an auditor, for an adjustment and settlement.

Also, the petition of citizens of Plymouth county, Massachusetts, praying for an appropriation for the improvement of the navigation of the North river in that county.

By Mr. ASH: The memorial of M. Loudon, P. M. Walker, and 240 others, citizens of Wilmington, North Carolina, against the extension of the Woodworth patent for planing boards, &c.

By Mr. CAMPBELL, of Illinois: The petition of B. G. Wright and others, praying for the establishing of a post route from Warsaw to Augusta, in the State of Illinois.

Also, the memorial of John A. Davis and 22 others, citizens of Stephenson county, Illinois, praying for the freedom of the public lands to the actual settlers.

Also, the remonstrance of D. W. Gould and 80 others, citizens of Winnebago county, Illinois, against the renewal of the expired patent for McCormick's reaper.

By Mr. GAMBLE: The petition of the citizens of Clinton and Union counties, Pennsylvania, asking for the establishment of a new mail route from Logansville, in Clinton county, to White Deer Mills, in Union county.

Also, the remonstrance of the citizens of Pennsylvania, against the renewal or extension of the Woodworth patent.

Also, the petition of the citizens of the State of Pennsylvania, asking for an increased duty upon iron, coal, and glass, for reasons therein set forth.

Also, the petition of the citizens of Union and Perry counties, in the State of Pennsylvania, asking for the establishment of a new mail route from Millerstown, Perry county, through Richfield, Juniata county, by way of Mount Pleasant Mills, Middleburg, Centerville, New Berlin, to Mifflinburg, in Union county.

By Mr. FULLER, of Pennsylvania: The memorial of O. Collins, A. J. McClintock, G. B. Nicholson, Charles Denison, and others, citizens of Pennsylvania, remonstrating against the renewal of the Parker patent.

By Mr. GREEN: The petition of citizens of Ottawa county, Ohio, asking an appropriation of \$10,000 for the erection of a breakwater at Ottawa city, Ohio.

Also, the petition of Daniel Redfield, praying remuneration for the loss of a vessel, destroyed by the enemy while in the service of the United States in the revolutionary war.

Also, the petition of Lewis Seitz and 80 others, citizens of Seneca county, Ohio, praying Congress to abolish the office of chaplain in Congress, in the Army, and Navy, and wherever it may exist under the authority of the United States.

Also, the petition of Benjamin Huddle and 62 other citizens of the same county, for the same purpose.

Also, the petition of citizens of Wyandott county, Ohio, asking the passage of a law authorizing the commissioners of said county to enter, at the minimum price of \$2 50 per acre, a certain lot of land mentioned therein, containing fifty-three acres, for the purpose of erecting thereon a county infirmary, for the support of the indigent insane and other purposes.

Also, the memorial of Robert Crum, deputy marshal of Seneca county, Ohio, asking additional compensation for taking the census.

Also, the memorials of S. W. Smith, deputy marshal of Ottawa county, Ohio, Azariah Root, deputy marshal of Wyandott county, Ohio, and Gilbert Ashley, deputy marshal of Seneca county, Ohio, asking additional compensation for taking the census.

By Mr. COBB: A petition praying that the several acts of Congress which relate to invalid pensions, be so amended as to embrace the widows and heirs of the officers and soldiers, &c., of the war of 1812 with Great Britain, and the several Indian wars since that date.

By Mr. KUHN: The resolution of the State of Pennsylvania relative to the construction of a ship-canal around the Falls of the Sault Ste. Marie by the United States.

Also, the memorial of George W. Clark, deputy marshal of Western Pennsylvania, for additional compensation for taking the census.

By Mr. KING, of New York: Two memorials of citizens of St. Lawrence county, New York, asking Congress

to provide for ship-canals around Niagara Falls, and the Sault Ste. Marie.

By Mr. ROBBINS: A petition signed by A. C. Gibson, and 69 other citizens of the county of Philadelphia, asking Congress to grant the application now before that body for the extension of the patent for Woodworth's planing machine.

Also, one the same subject, a petition signed by Wm. P. Pritchett and 51 other citizens of the county of Philadelphia.

Also, on the same subject, a petition signed by G. S. Williams and 93 other citizens of the county of Philadelphia.

Also, on the same subject, a petition signed by James K. Martin and 80 other citizens of the county of Philadelphia.

By Mr. EDGERTON: The memorial of the Board of Trade of Toledo county, Ohio, for lights and buoys in the Maumee Bay, and for removing obstructions to the navigation thereof.

Also, of citizens of Leipsic, Putnam county, Ohio, praying for the passage of a law for the better observance of the Christian Sabbath, and to prohibit the carrying of the mails on that day.

By Mr. FULLER, of Maine: The remonstrance of J. S. Lord and 169 others, citizens of Hancock county, Maine, against the renewal or further extension of the Woodworth patent planing machine, so called.

Also, the petition of Joseph Allows, and also assistant marshals of the county of Washington, Maine, praying Congress for additional compensation as assistant marshals of United States in taking the Seventh Census.

Also, the remonstrance of Andrew Reig and others, of Lubec, Maine, against repealing the act of March 3, 1848, or modifying the same.

Also, the memorial of William P. Brown and 120 others, praying Congress to place certain piers and buoys in the entrance to Narragansett harbor.

By Mr. FITCH: The petition of George Pomeroy, assistant marshal of Marshall county, Indiana, asking additional compensation for taking the census.

Also, the remonstrance of J. L. Jarnegan, and other citizens of Indiana, against a renewal of a patent to Austin and Zebulon Parker, for alleged improvement in reaction water wheels.

By Mr. BELL: The petition of William McIntosh and S. McCay, deputy marshals of Greene county, Ohio, praying additional compensation for taking the census.

By Mr. WELCH: The remonstrance of 39 citizens of Gallia county, Ohio, against the renewal or extension of the Woodworth patent.

Also, the petition of J. W. Bayard and Leonard Brown, of Athens county, Ohio, for additional compensation as assistant marshals for taking the Seventh Census.

By Mr. DEAN: The petition of Henry W. Bashford, W. P. Kevlar, C. L. Nathan, A. P. Speedling, and others, residents of Westchester county, New York, in favor of the extension of the Woodworth patent.

Also, the petition of James Allen, Thomas Road, and others, citizens of the State of New York, in favor of the extension of the Woodworth patent.

By Mr. HASCALL: The petition of Mary Stanton, for a pension for wounds received by her late husband, General Phineas Stanton, deceased, in the late war with Great Britain.

By Mr. PARKER, of Indiana: The petition of Andrew Heron, Richard Nash, and 75 others, citizens of Rush and Fayette counties, Indiana, praying that mail and post office business be suspended on the Sabbath day.

By Mr. RICHARDSON: The petition of George C. Bestor and 500 other citizens of Illinois for a grant of land to aid in the construction of a railroad from Burlington, Iowa, to some convenient point west upon the Missouri river.

Also, the petition of John King and 187 other citizens of Illinois, for a grant of land to aid in the construction of a railroad from Burlington, Iowa, via Peoria, in Illinois, to Lafayette, in Indiana.

By Mr. MOREHEAD: The memorial of R. H. Brown, Francis Watkins, Robert Burns, Archibald Wilson, Harry Brown, Samuel M. Hughes, Jesse Wheeler, Miles D. King, William P. Graves, and John P. H. Russ, assistant marshals for the district of North Carolina, praying an increase of compensation for taking the late census.

Also, the memorial of Thomas D. Rosebraugh and others, citizens of the State of North Carolina, praying the establishment of a mail route from Salem, North Carolina, to Danville, Virginia, and for transporting the mail in coaches.

By Mr. MOORE, of Pennsylvania: Two memorials from citizens of Philadelphia, asking for an extension of the Woodworth patent.

By Mr. DOTY: The petition of Daniel M. Whitney, G. A. Lawton, Marshal Ten Eyck, and other inhabitants of Green Bay, for an appropriation for placing buoys to mark the channel at the mouth of the Neenah river, at the head of Green Bay.

Also, the memorial of the Legislature of Wisconsin, for a grant of land to aid in the construction of a railroad from Chicago, via Jonesville, to Lake Superior.

Also, the memorial of the Legislature of Wisconsin, for a mail route and tri-weekly service from Sheboygan to Green Bay.

By Mr. BRENTON: The petition of Egbert B. Mott, assistant marshal in the State of Indiana, asking additional compensation for taking the census.

Also, the memorial of Zebina Rawson, of Noble county, Indiana, asking for a pension.

IN SENATE.

WEDNESDAY, March 3, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. WADE presented the memorial of A. W. Paul and others, proposing to construct a road from the Missouri river to the Pacific ocean; which was referred to the Committee on Public Lands.

Also, a petition of citizens of Clark county, Ohio, remonstrating against an extension of the patent granted to W. W. Woodworth for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a memorial of William McFarlane, assistant marshal for taking the Seventh Census in Mahoning county, Ohio, praying additional compensation; which was referred to the Committee of Claims.

Mr. SEWARD presented the memorial of Gideon Hotchkiss, praying an extension of a patent granted to him for certain improvements in water-wheels; which was referred to the Committee on Patents and the Patent Office.

Mr. HAMLIN presented a petition of citizens of Maine, remonstrating against an extension of the patent granted to Austin and Zebulon Parker for improvements in water-wheels; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of masters and owners of vessels at North Haven, Maine, praying the erection of a light-house on Heron Neck; which was referred to the Committee on Commerce.

Mr. CHASE presented the memorial of Charles A. Lamb, assistant marshal for taking the Census in Lucas county, Ohio, praying additional compensation; which was referred to the Committee of Claims.

Mr. MASON presented the petition of George Scott, praying a pension for twenty-eight years' service in the Navy as officers' cook; which was referred to the Committee on Naval Affairs.

Mr. ATCHISON presented the petition of Matthew Rippey, praying that a patent may be granted to Conrad Wheat, junior, or his legal representative, for six hundred and forty acres of land according to the plot of survey under the New Madrid location certificate of said Wheat; which was referred to the Committee on Public Lands.

Mr. SHIELDS presented eleven petitions of citizens of Indiana and Illinois, praying the establishment of a mail route from Maysville, Illinois, to New Harmony, Indiana; which were referred to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of Illinois, remonstrating against an extension of the patent granted to Cyrus H. McCormick for a reaping machine; which was referred to the Committee on Patents and the Patent Office.

Also, the petition of the heirs of the late Captain William G. Williams, of the Corps of Topographical Engineers, for a settlement of his accounts at the Treasury upon equitable and just principles; which was referred to the Committee of Claims.

Also, the memorial of E. Backus and others, officers of the army in New Mexico, praying that the officers and enlisted men stationed in that Territory may be placed on the same footing, as to pay, with those stationed in California and Oregon; which was referred to the Committee on Military Affairs.

Mr. HUNTER presented a petition of newspaper agents in New York and Boston, praying that the duty on foreign newspapers may be abolished; which was referred to the Committee on Finance.

Mr. GWIN presented the petition of Thomas W. Lane, for payment of certain drafts drawn and accepted by Government agents, for transportation and subsistence furnished the Indian Commission in California; which was referred to the Committee on Indian Affairs.

Mr. BADGER presented the memorial of J. A. Vann, an assistant marshal for taking the Seventh Census in North Carolina, praying additional compensation; which was referred to the Committee of Claims.

Mr. JAMES presented a petition of citizens of the United States, remonstrating against the further extension of W. W. Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of Perry county, Indiana, praying the organization of the Territory of Nebraska, and the settlement of the public lands therein to which the Indian title has been extinguished; which was referred to the Committee on Territories.

Mr. CASS presented two memorials of merchants, shippers, ship-owners, underwriters, and

others, of Detroit, Michigan, praying a modification of the act for the reduction of the costs and expenses of proceedings in admiralty; which were referred to the Committee on the Judiciary.

Mr. JONES, of Iowa, presented a petition of citizens of Iowa, praying the establishment of a mail route from Monona to Decorah, in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of John D. Jennings and others, praying that a contract may be made with Ambrose W. Thompson for transporting the mails from the United States to the western coast of Ireland; which was referred to the Committee on Naval Affairs.

Also, the memorial of Hosea B. Horn and John J. Selman, praying a grant of land at the junction of the California and Oregon roads, for the purpose of making a settlement in order to afford relief to emigrants overland; which was referred to the Committee on Public Lands.

Also, the proceedings of a meeting of citizens of Johnson county, Iowa, held at Iowa City, and of a Railroad convention held at Fairfield, Iowa, in favor of donations of land to the Dubuque and Keokuck, and the Davenport and Council Bluffs railroads; which were ordered to be laid on the table.

Also, the memorial of the Legislature of Iowa, for a grant of land from Burlington to Fort Des Moines, with a branch to Keosauqua, in Van Buren county; which was referred to the Committee on Public Lands.

Mr. WALKER presented a petition of citizens of Carrollton, Ohio, praying that the public lands may be sold only to actual settlers, and in limited quantities; which was referred to the Committee on Public Lands.

Also, a petition of citizens of Henderson county, Illinois, praying a grant of a section of land to every citizen of the United States upon becoming an actual settler; which was referred to the Committee on Public Lands.

Also, a petition of citizens of Kirkland, Ohio; a petition of citizens of Worcester, New York; and two petitions of citizens of Westford, New York, praying that the public lands may be granted, in limited quantities, to actual settlers only; which were referred to the Committee on Public Lands.

Mr. FELCH presented a petition of citizens of Wisconsin, praying a grant of land to the State of Michigan for the construction of the Oakland and Ottawa railroad; which was referred to the Committee on Public Lands.

Mr. SOULE presented a resolution of the Legislature of Louisiana, in favor of the establishment of a post office at the village of New Road, in the parish of Point Coupee; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, resolutions of the Legislature of Louisiana, in favor of the establishment of a mail route from Harrisonburg to Winnsborough, in that State; which were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. BRODHEAD presented a petition of ship-owners, merchants, and other citizens of Philadelphia, praying that further aid may be extended to Collins's line of steamships; which was referred to the Committee on Naval Affairs.

Also, the memorial of citizens of Pennsylvania, praying a modification of the bounty land act; which was referred to the Committee on Public Lands.

Also, a petition of citizens of Pennsylvania, praying that the introduction of convicts, felons, and paupers into the United States may be prohibited by law; which was referred to the Committee on the Judiciary.

Mr. DAWSON presented a petition of citizens of Bibb county, Georgia, remonstrating against an extension of the patent granted to W. W. Woodworth for a planing machine; which was referred to the Committee on Patents and the Patent Office.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SHIELDS, it was Ordered, That the petition and papers of Colonel James R. Creecy, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. CHASE, it was Ordered, That the petition and papers of Gideon Walker, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. BELL, it was

Ordered, That the petition of Henry R. Schoolcraft, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of merchants, ship-masters, and others, of Kennebunk, Maine, praying an appropriation to complete the stone pier at the entrance of Kennebunk river, be referred to the Committee on Commerce.

On motion by Mr. BORLAND, it was

Ordered, That the petition of Thomas J. B. Johnson, on the files of the Senate, be referred to the Committee on Private Land Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. BRODHEAD, from the Committee of Claims, to which was referred the petition of the sureties of Daniel Winslow, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the bill from the House of Representatives for the relief of William Greer, reported it without amendment.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred the bill to regulate the terms of the district court of the United States for the district of Iowa, reported it without amendment.

Mr. BORLAND, from the Committee on Public Lands, to which was referred the bill granting to the State of Wisconsin the right of way and a donation of the public land, for the purpose of locating and constructing a railroad from Fond du Lac to Janesville, reported it with an amendment.

Mr. JAMES, from the Committee on Patents and the Patent Office, to which was referred the petition of Bancroft Woodcock, praying for an extension of patent for improvement in ploughs, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee of Claims, to which was referred the petition of Tobias Purrington, submitted an adverse report.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the memorial of citizens of Alleghany county, Pennsylvania, and the memorial of the inhabitants of St. Lawrence county, New York, on the subject of a ship-canal around the Falls of the Sault Ste. Marie, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred the memorial of Preston Staritt and others, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. DAWSON, from the Committee on Patents and the Patent Office, to which was referred the petition of Cyrus H. McCormick, praying an extension of his patent, reported a bill for his relief; which was read and passed to the second reading.

PASSENGERS IN MERCHANT VESSELS.

Mr. DAVIS. I am directed by the Committee on Commerce to report a bill to amend an act entitled "An act to regulate the carriage of passengers in merchant vessels," approved February 22, 1847; and also, to amend an act entitled "An act to provide for the ventilation of passenger vessels," approved March 17, 1848.

Mr. D. I will ask the indulgence of the Senate to take up that bill now.

The bill was read, and ordered to a second reading.

Mr. DAVIS. It is rather important, if this bill is passed at all, that it should be passed speedily. I will state the object of it, and the Senate will see the propriety of the motion to take it up. The acts relating to passengers, which are referred to in this bill, and of which this bill is an amendment, provide for certain penalties in case of the violation of their provisions, and these penalties are made a lien upon the vessel. The courts in New York have fallen into some doubt and difficulty in regard to enforcing the provisions of the last named act by the lien. The object of this act is simply to provide that the lien shall attach to the vessels in all cases; and the reason why I wish it acted upon now, is this: the principal usefulness of the act is its application to foreign vessels, and if its application is not immediate, and the for-

eign vessel leaves the port of this country, the lien becomes of no utility whatever. The bill which I now propose to the consideration of the Senate, provides that the lien shall attach immediately to the vessel, and that the party may relieve himself from that lien by giving a bond to secure the execution and the judgment, if one be rendered against him.

The provisions of this bill are all quite necessary and important, and are placed on as favorable a foundation for the parties as they can well be. There is now considerable complaint in New York that foreign vessels violate these laws, and escape their penalties because the lien does not attach to the vessels, thus giving them an opportunity to go away and escape the penalty.

The bill was then read a second time. It consists of two sections, the first of which provides that the first section of the act to regulate the carriage of passengers on board of merchant vessels, approved February 22d, and the eighth section of the act of March 17, 1848, be so amended as to provide that when any master of a vessel shall violate the provisions of these sections by taking on board their vessels a greater number of passengers than the proportion specified in said section admit, the master of such vessel shall pay the sum of \$50 for each passenger so taken; the penalty to be recovered and distributed in like manner as is provided by the act to regulate the duties on tonnage; and that every such master violating the sections as aforesaid, shall be deemed guilty of a misdemeanor; and, upon conviction, may be imprisoned for any period not exceeding one year.

The second section provides that the penalties thus imposed shall be liens upon such vessels, and they may be libeled in the district courts of the United States held in the several States where such vessels may arrive; but that such vessel may be discharged from such lien by security being given for the payment of any judgment thus obtained.

There being no amendment, the bill was reported to the Senate, and was ordered to be engrossed for a third reading.

NOTICES OF BILLS.

Mr. GWIN gave notice of his intention to ask leave to introduce a bill to authorize the payment by the Surveyor General of California for the surveys which may be executed of any claims which have been or may be presented to the Board of Land Commissioners for adjudication under the act of Congress approved 3d March, 1851, "to ascertain and settle the private land claims in the State of California."

Mr. MORTON gave notice of his intention to ask leave to introduce a bill granting the right of way to "the Pensacola and Navy-Yard Plank Road Company" through the public lands.

BILLS INTRODUCED.

Mr. SEWARD, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of James McGregor; which was read a first and second time by its title, and referred to the Committee on Patents and the Patent Office.

He also, agreeably to previous notice, asked and obtained leave to introduce a bill to provide for the safety and the health of emigrant passengers in merchant vessels; which was read a first and second time by its title, and referred to the Committee on Commerce.

Mr. ATCHISON, (on behalf of Mr. BRIGHT,) agreeably to previous notice, asked and obtained leave to bring in a bill explanatory of an act entitled "An act in addition to an act therein mentioned," passed May 9, 1851; which was read a first and second time by its title, and referred to the Committee on Public Lands.

SUPERINTENDENT OF INDIAN AFFAIRS.

The Senate proceeded to consider the amendment of the House of Representatives to the bill to provide for the appointment of a Superintendent of Indian Affairs in California, and it concurred therein.

From explanations made by Senators, it appeared that the amendment consisted of the reduction of the salary from \$5,000 to \$4,000. Subsequently the bill was received from the House, with the signature of the Speaker, and it was signed by the President of the Senate.

CHARLES G. HUNTER.

The following resolution, which was submitted by Mr. CLEMENS on the 24th ultimo, was, on his motion, taken up and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of refunding to Charles G. Hunter the amount of losses sustained by him while commanding the steamer "Scourge" and the schooner "Taney," for supplies, for which the proper vouchers were not taken.

ASSIGNABILITY OF LAND WARRANTS.

Mr. BADGER and Mr. HUNTER expressed the hope that the Senate would take up the bill making land warrants assignable, in order that the amendment from the House of Representatives might be disposed of.

Mr. JONES, of Iowa. I hope that bill will not now be taken up. There are serious objections in my mind to its being taken up. In the first place, the Senator from Maryland [Mr. PRATT] desires to speak upon the bill, as it has been amended by the House of Representatives, and he is not here. In the second place, I have objections to it, because if we are to have a grant of land given to us to make a railroad in Iowa, we do not want the land located by land-warrant speculators. We desire that these lands shall be held back for that purpose, otherwise the grant will avail but little; but if these warrants are assigned, the assignees will immediately locate them on the intended route. I trust that, for that reason, also, this bill will not now be taken up.

Sir, there is still another reason which I would urge. My colleague [Mr. DODGE] is prepared to proceed with his remarks on the Iowa land bill, on which he has the floor. The consideration of that bill is the unfinished business, and I trust it will not be laid aside for this or any other measure.

Mr. BADGER. The reasons assigned by the Senator from Iowa, show the manifest propriety of taking up this bill. If I understand him, he is opposed to this bill altogether.

Mr. JONES. I did not say so, nor did I mean to be so understood.

Mr. BADGER. Then what possible influence can it have upon the particular bill of which he has charge, whether this bill is taken up and disposed of this week or next? Sir, it is almost unexampled, that a bill, which has come from the House of Representatives with an amendment, and been referred to a committee, and been reported back by that committee, should be allowed by the Senate to lie over so long, without its action either in concurring in the amendment of the House, or in rejecting it.

Mr. DODGE, of Iowa. I do not wish to interrupt the Senator from North Carolina; but I hope my colleague will give way, and permit this bill to be taken up.

The motion to take up the bill was agreed to.

The PRESIDENT. This bill has been returned from the House of Representatives with an amendment. This amendment was referred to the Senate committee, and that committee have reported it back, recommending that the amendment be not concurred in.

Mr. BADGER. I have no objection to any particular form of taking the question; but I am so anxious to get rid of the matter that I will move that the Senate concur in the amendment of the House.

The PRESIDENT. The question is on agreeing or disagreeing with the amendment. If the Senate determine not to agree to the amendment, then the bill goes back to the House.

Mr. BRODHEAD. I ask for the reading of the House amendment.

The amendment was accordingly read. It proposed to strike out all after the first section of the bill, and insert a provision that warrants, which have been, or may hereafter be, issued in pursuance of the act of 1850, may be located upon any lands of the United States, subject to private entry at the time of such location, at the minimum price; provided, that when said warrants shall be located upon lands which are subject to entry at a greater minimum than \$1 25 per acre, the locator of the land warrants shall pay to the United States in cash the difference between the value of such warrants at \$1 25 per acre, and the tract of land located on.

Mr. WALKER. I believe that the Committee on Public Lands recommend that the Senate disagree with the amendments of the House of Representatives.

The PRESIDENT. That is the recommendation of the committee.

Mr. BADGER. Out of deference to the com-

mittee who made that recommendation, as I understand by my friend from Iowa that that recommendation was unanimous, I will withdraw my motion to agree to the House amendment, and that may lead to the appointment of a committee of conference.

The PRESIDENT. The question is, will the Senate agree to the amendment of the House of Representatives?

Mr. HUNTER. I think there would be some danger, were the Senate to agree to that amendment. I understand that the Committee on Public Lands are unanimous. They think that some of the changes made in the House would lead to serious consequences.

Mr. BADGER. Then I move to disagree with the amendment.

Mr. HUNTER. I hope we shall disagree with the amendment, and leave the bill as we sent it to the House. I think it is a safer bill as we sent it to the House than it is in its present shape.

Mr. BORLAND. I am sorry that the chairman of the Committee on Public Lands is not here to present to the Senate the views of the committee; but I can state that the committee were unanimous in disagreeing to the amendment of the House, and in insisting on the bill as it passed the Senate. I do not feel prepared to go fully into the subject, and for that reason I should be unwilling to see a vote taken on this amendment without some explanation of the matter, so that the Senate may clearly understand it.

Mr. BADGER. We all understand it. Let us take the vote upon it.

Mr. BORLAND. If I thought so I would be willing—

Mr. BADGER. The question has been discussed here for years.

Mr. BORLAND. Then all I have to say is, that there are good reasons with which I will not now occupy the attention of the Senate, that would satisfy the Senate fully, not only as to the propriety of the bill as we passed it, but as to the great impropriety and impolicy of the amendment proposed by the House, particularly to that part of it which extends the operation of the bill and gives greater facilities for the location of these land warrants.

Mr. DAVIS. I desire to hear that part of the bill read which the House has retained.

The PRESIDENT. The House has retained the first section only.

The provision was read accordingly.

Mr. CASS. That I understand is the section which was passed by the Senate. I should like now to hear what change is proposed to be made in the bill.

The PRESIDENT. The change proposed is to strike out all the other sections of the bill as it passed the Senate, and substitute provisions which have been adopted by the House of Representatives.

Mr. CASS. It is said that the House of Representatives have made material changes in the bill in regard to the location of the land warrants.

Mr. BADGER. The House of Representatives proposes to strike out everything except the first section, and then to add provisos.

Mr. CASS. Well, let the provisos be read. They were read accordingly.

The bill as amended by the House of Representatives is as follows:

"Be it enacted, &c., That all warrants for military bounty land, which have been or may hereafter be issued under any law of the United States, and all valid locations of the same, which have been, or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing, made and executed after the taking effect of this act, according to such form, and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the warrant or location: Provided, That any person entitled to preemption right to any land, shall be entitled to use any such land warrant in any land of the same, at the rate of \$1 25 per acre, for the payment of land therein specified: Provided, That the warrants which have been, or may hereafter be issued, in pursuance of said act or of this act, may be located upon any lands of the United States subject to private entry at the time of such location, at the minimum price: Provided further, That when said warrants shall be located upon lands which are subject to entry at a greater minimum than \$1 25 per acre, the locators of said warrants shall pay to the United States, in cash, the difference between the value of such warrants at \$1 25 per acre, and the tract of land located on."

Mr. BROADHEAD. I ask for the reading of those sections which the House of Representatives propose to strike out.

The PRESIDENT. Those portions of the bill will be read.

Mr. HUNTER. I think I can explain the difference satisfactorily to the Senator from Pennsylvania without the necessity of again reading those portions of the bill. The great difference between the sections of the bill as it went from the Senate, and the provisions which the House of Representatives propose to substitute is this: The House proposes to allow bounty land warrants to be located on any lands hereafter to be exposed for sale. There was a provision in the civil and diplomatic appropriation bill of the last year providing that these warrants should only be located on those lands which were then exposed for sale. The result would be that we should derive no revenue, for a considerable time at least, from the public lands. If we adhere to the bill as we sent it to the House of Representatives, we may still derive a revenue from the lands brought into market after the passage of the act.

Mr. SHIELDS. I am very sorry that the chairman of the committee which reported this bill is not present to explain it, as it was originally reported. If I understand the matter correctly, it is a bill which passed the Senate originally with a provision, in addition to making the land warrants assignable, to pay the registers and receivers at the land offices. I had something to do, being on the Committee on Public Lands, with the preparation of the original bill. It passed the Senate and went to the House, and the House has struck out all that relates to the compensation of the registers and receivers, and sent the bill back, simply providing for the assignability of land warrants, with some other small amendments.

Now, for one, I shall oppose the passage of any bill of that kind until the House consents to make some provision for those officers who are now performing their duties without any compensation. I am actually astonished, that gentlemen of the opposite party, as I saw them do in the House, should blindly and inconsiderately vote against making any provision for the men who are now in office, receiving no compensation whatever.

This is a subject that I understand, having been at one time at the head of the Land Office, and being also a representative of a Western State; and I know these officers cannot perform their duty without compensation. Sir, in my own State there is not a man in any of these land offices who is receiving anything more than a mere nominal compensation. All the lands are now entered by land warrants, and the law has allowed them no compensation, or what is only a mere nominal one, for that duty, and yet the labor is fourfold, even more than fourfold, what it is when the entry is made by a cash payment.

This matter was all well considered by the committee in regard to the original bill, and our intention was that we would make this carry through the other bill. I am satisfied from what I see, that unless we hold on here to the original bill, we shall never get any provision made for the men who are now performing duty as land officers. I cannot go into the history of the legislation upon this subject; it would take too long a time to do so; but I call on any Senator from a Western State to say whether these men can live as officers without receiving further compensation. There are gentlemen here who have been officers themselves, and they will sustain me in what I have stated. It is very singular that we must fight for those very men who have been put in by the Administration, and fight against the friends of the Administration to get a compensation for them, not in this body, but in the House of Representatives. I have been astonished to see the contest there. I shall oppose the passage of this bill in any shape, unless it provides a compensation for the officers which I have named.

Mr. BORLAND. I am sorry to be under the necessity of speaking upon this subject, and I am sorry that the chairman of the committee is not present; but I think I represent the committee fairly when I say that the amendment of the House strikes out the best features of the bill, as it passed the Senate, and it adds another which makes it very objectionable. They struck out that portion of the bill spoken of by the honorable Senator from Illinois, thereby refusing additional compensation to the land officers, and refusing it too at the very same time that they deprive them,

by the terms of the bill itself, of the compensation to which they were entitled by the law which existed when they went into office. They are by law entitled to a specific salary, and in addition to that, to a percentage upon the money which they receive.

This bill, by making the land warrants receivable for land, of course deprives them of the percentage they would receive upon cash receipts; and at the same time, as the Senator from Illinois remarked, making their labor fourfold, or more than fourfold, greater than before. I think we have no right to pass this bill making land warrants assignable, or giving land warrants at all for military services, without at the same time providing for these officers in some other way the amount of compensation they would be entitled to but for the passage of this bill. Under laws long existing, these officers have gone into office, and were entitled to receive a certain compensation for their services. We now go to work and legislate them out of the compensation to which they were lawfully entitled. It seems to me that that sense of justice which every Senator must entertain, would compel us to make this provision for them, and allow them a fair compensation for their labor.

Sir, this amendment is objectionable in another respect, for it deprives a large number of meritorious individuals of a provision of bounty lands, who have claims equally meritorious as those we have provided for. The object of the bill, as it passed the Senate, is to put all persons on the same footing who have rendered military service to the country. It was not to discriminate, but to place all who were equally meritorious upon the same footing. The amendment, as it comes from the House, strikes out this provision of the bill, and discriminates offensively and injuriously.

But I said that the amendment not only struck out portions of the bill which were themselves meritorious, but added a feature which is seriously objectionable. The first section of the bill, as it passed the Senate, permitted the land warrants to be located upon any land in market, and subject to entry at private sale, with proper restrictions. The House has so amended it that they throw open the whole body of the public lands, not only that which we have now, but that which we may have hereafter; and subjects the whole to the operation of these land warrants. The effect of it must be, as any one can see, to induce speculators to monopolize the land warrants and hoard them up, or concentrate them on large tracts of land which are not now in the market, and not only deprive the Government, in this way, of all revenue to be derived from the public lands—which seems to be a consideration with those who look to the public lands as a source of revenue—but seriously injure those who have located in the country, by preventing the settlement of the country and the opening of it to improvement, and consequently preventing an increase in the value of the lands.

I am sorry that I had not expected to be called on to explain this subject, in order that I might have prepared myself to present the views which were given in the committee in a proper manner to the Senate. These are the reasons which operated upon the committee in objecting to the amendment of the House, and recommending that we should insist upon the bill as it passed the Senate. I think the proper course will be to insist upon the bill as we passed it, and let it go back to the House, and a committee of conference be appointed to adjust the difference between us.

Mr. DAVIS. In my opinion, the most expedient course for the Senate to pursue is to agree to the amendment proposed by the House. My reasons for suggesting this as the more appropriate course, are founded principally upon the fact that a large number of the persons who were benefited by the act of 1850, were by that act denied the privilege of using and disposing of the benefit which is conferred upon them, according to their own judgment. They are insulted, I may say, with a provision in that bill, denying to them the right of transferring this property according to their own judgment and discretion. It is that offensive feature of the bill which we set out to remove when we began to legislate upon this subject; and by that portion of the bill which is now left, it is removed, and therefore it is that I would vote to concur in the amendment of the House, in order

to obtain that object which I consider of so much importance to these individuals.

What is the objection to it? It is said that many and valuable provisions which were inserted in the bill which passed the Senate, have been struck out by the House of Representatives. I know very well that provisions have been struck out of which I most heartily and cordially approve; and among others, those which were referred to by the Senator from Illinois, [Mr. SHIELDS.] I am quite willing that the officers to whom he referred should have a suitable compensation for their services; but I put it to my friend as a man of honor, and as a man who loves to extend justice to all who are entitled to it, whether it is right to endanger the rights of the individuals to whom I have referred, in order to compel the House of Representatives to do justice to another set of individuals? I think it is a principle which the honorable Senator will not, upon reflection, attempt to enforce. He withholds a measure of justice which is eminently required and demanded by the individuals for whom the provision is made, and he withholds it to obtain another object which he has in view. I think that course cannot be justified. While I approve the provisions to which the honorable Senator has referred with regard to the land offices, and desire that they should be adopted, I also desire that certain other provisions contained in that bill, which were struck out by the House, should become a law; and I understand that the House of Representatives have the subject now before them in an independent bill, having separated it from this, because there were matters of controversy contained in the provisions which they struck out. They have now introduced them in a separate bill, as I understand, and propose to act upon it whenever they have time and an opportunity to do it. They have separated the subjects so as to give dispatch to business, and in my opinion, it was just and proper to do so if there was a controversy that was likely to create delay in the passage of this bill.

The honorable Senator from Virginia [Mr. HUNTER] says, there is an additional clause in the amendment of the House, by which the privilege of location is extended to other lands than those which were indicated by the original bill, to any lands which are surveyed and brought into market, not only those which are sold at the minimum price, but those brought in at a larger price. I see no injustice in that, no objectionable principle or feature in it. If you intend to give to the old soldiers of the war of 1812 a *douceur* which shall be acceptable to them, why not give it to them in the form which is usual; why not give them an opportunity to locate upon any lands which are in market, not only those which are in the market at the day the bill passes, but those which shall be brought in hereafter? What objection can there be to that? So far as I am concerned, the bill is very acceptable to me as it is.

The Senator says the revenue will be impaired by the operation of this amendment. It may be so; but even if it is so, I do not think that it is any objection to it. I can see no impropriety in it. But I do not understand how the revenue is to be impaired by it. They can take up the land assigned by the warrants, and no more. Of what consequence is it in what part of the country they take it, or whether they take it from land in the market at the time the bill is passed, or from that which shall come into the market afterwards. I hope all the friends of the old soldiers, provided for by those bills, will vote to agree to the amendment of the House, and let the bill become a law.

Mr. WALKER. I think the amendment of the House of Representatives is about all that is necessary to make this preëminently a scheme for speculation. I thought it was bad enough when the bill passed the Senate, but it is wonderfully improved by the House of Representatives. As the bill passed the Senate, the preëemptor, the man entitled to a preëemption right, had the privilege of purchasing the land to which he had the preëemption, with these land warrants. But as it comes back from the House of Representatives, he is cut off from that privilege, while the new surveys and new purchases are thrown completely open to him who holds the land warrants, for speculation. This is the way it operates. Between the time of the proclamation of the President for the public sales of the lands, and the time of the sales, the settlers on the lands preëempted will be unable to come for-

ward and prove their preëemption right. They would be permitted by our bill to pay for the land with a land warrant. But the House strikes out that provision, and for what? To throw open all the land subject to private entry to the land warrant speculators. But at the time the preëemptor wants to pay for his preëemption, it is not open to sale, and therefore it strikes down his privilege just at the only instant at which he could avail himself of it. So it will be seen that this bill would seem to have been framed, if not with the express design, yet with the inevitable tendency to benefit the speculators and not the settlers. The result would be just this. It will be seen that as the new tracts of country become subject to private entry, when new Indian purchases are made and new surveys take place and the lands become subject to private entry, these land warrants will be immensely valuable. It will be the policy of the speculators in Wall street to hoard up the warrants, in anticipation of the new lands coming into market. There they will be held. They will not go to the old refuse lands, but will wait till the new purchases and the new surveys are made, and then locate their warrants in the best part of the country, in the meantime, the settler not being permitted to locate any of them. Sir, it is one of the most ingenious things in its operation, if not in its design, for aiding the speculator, that has ever come before the Senate.

Mr. SHIELDS. In addition to what has been said by my friend from Wisconsin, I will say, and I will confine myself to one point, that these assignees, who have now a great advantage in getting warrants at a large discount, will be able to enter these warrants without giving any compensation to the officer.

Now, sir, the bill, as it originally passed the Senate, establishes this principle: that the assignee, when he makes an entry, shall pay exactly the same amount as if the entry was made for cash. It is not to be paid out of the Treasury, but by the assignee or owner who makes the entry.

The honorable Senator from Massachusetts says that he wishes that question to come up for consideration by itself, in a separate bill. Such a proposition has been before the Senate for three or four sessions, and has failed; and the only hope which we have of passing it is, to connect it with this bill. It ought to have been passed with the original bill. Sir, when this bill becomes a law, all the lands throughout the country will be entered with these warrants, and not taken up for cash. No man will enter land with cash when he can procure warrants at a less price which will answer the same purpose. And how are these land officers to live? They get no percentage. You have changed the currency, so far as the public lands are concerned, from cash to these land warrants, and you do not provide the same compensation which you gave to your officers when the entries were made with cash. This has been an oversight from the commencement. When we commenced this species of legislation we ought, with something like provident foresight, to have made provision for these men. We neglected them, and we shall only be augmenting that neglect if we pass this amendment. As the bill was originally framed, it compelled the assignees of these land warrants to pay the same for making an entry as they would have done if they had entered their land with cash. If you pass this bill as it is now, you enable parties to speculate with these warrants, and to make an entry without paying anything. You compel your officers to work for the speculator, without giving them a single cent for the performance of their labor. And if the Government appoint officers, and then starve them while in office—and I know they are doing it throughout the country—will Senators tell me that it shall be continued?

Mr. HUNTER. A single word of explanation in relation to the difference between the law as it would stand without the amendment of the House and the House amendment. Here is the proviso to which I referred in the civil and diplomatic bill of 1851:

"Provided, That no land bounty for military services granted under the act of 28th of September, 1850, entitled 'An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States,' or by virtue of any other act of Congress, heretofore passed, granting land bounties for military services, shall be satisfied out of any public land not heretofore brought into market, and now subject to entry at private sale under existing laws."

So that if the amendment which the House of Representatives have sent to us be not adopted, the locators of bounty lands can only locate them on lands subject to private entry at the time of the passage of this proviso. If we adopt the amendment of the House, bounty lands may be located on any lands which may be hereafter brought into market. I have heard, as the Senator from Wisconsin has suggested, that a large amount of these land warrants are being held back in the hands of companies and individuals. If we adopt the amendment of the House, we may all see to what it would lead. If the bounty land bill is to require, for the satisfaction of land warrants, as large a number of acres as has been computed, this amendment of the House, if passed into a law, would lead to this result—that we should get nothing into the public Treasury from the public lands for years to come. I think, therefore, that it would be safer (for I do not wish to consume time upon this question) to adopt the recommendation of the Committee on Public Lands, and disagree to the amendment of the House. They doubtless will insist, and we shall have a committee of conference, who will regulate this matter and present us some proposition on which we can vote. Without further loss of time, I hope it will be the pleasure of the Senate to disagree with the amendments of the House, and then we may have a committee of conference.

Mr. BORLAND. I desire simply to call the attention of the Senate to this one point: The act of 1850 was passed for the purpose of giving land to various individuals who were considered equally meritorious with those to whom lands were given for service in Mexico. We neglected at that time (for it seems to have been an oversight in our legislation) to put them upon the same footing, by making their land warrants assignable, as those to whom land warrants were granted for service in Mexico. The object of the bill now before the Senate is to put those to whom we gave bounty lands in 1850, on an equality in all respects, as far as possible, with those to whom we gave bounty land for service in Mexico. The bill, as passed by the Senate and sent to the House, accomplished that object. The amendment of the House changes that feature of the bill, and makes a discrimination against those who have heretofore received land bounties for services in Mexico and elsewhere, and who have located them, and gives greater advantages and confers greater value on such warrants issued under the act of September 28th, 1850, as have not yet been located. It opens a much wider field and much better land for the location of these warrants. For one, I protest against making the discrimination against giving this increased compensation to persons who may now hold land warrants in their hands who may have purchased them for speculation, or who may hereafter do so. It is discriminating against those for whose benefit the law was originally passed.

Mr. GEYER. If I understand the honorable Senator from Massachusetts, he is of opinion that the provisions of this bill stricken out by the House ought to pass at some time and in some form; but he desires that we shall concur in the amendment, under the expectation that the House will at some time pass a bill that will cover all those provisions. To my mind it appears better, while we are upon the subject of these land warrants, to pass all the provisions that can pass both Houses, and to incorporate them in one bill. If we disagree to the amendment of the House, there will, in all probability, be a committee of conference, and we shall then ascertain what can be done upon the whole subject of military bounty lands, and do all that we can do in a single bill.

There are some objections, which have not been mentioned by honorable Senators, to the amendment made by the House to the first section of the bill. I suggested the other day the propriety of making an additional provision in the bills granting land to the States to aid in the construction of railroads, requiring that the reserved lands should be put up at public sale. I stated then my reasons for that opinion. I believe that most of those lands will sell for a greatly augmented price beyond the minimum fixed by the bills. When those bills, if any of them, shall pass, provision can be made by which the lands reserved shall be exposed to public sale, and by which entries shall not be made until after the lands shall have been so ex-

posed to sale. I think it is good policy, and that the interests of the Treasury require that the reserved lands should not be subject to entry until they shall have been offered at public sale.

Mr. CASS. I agree fully with the honorable Senator from Missouri. The propriety of what he has suggested struck me so strongly, that I had the design of proposing the very subject he has now suggested; and I trust it will be proposed in some of the bills before us. I hope it will be provided that none of the reserved sections shall be sold but at public sale. The honorable Senator from Georgia, [Mr. Dawson,] in his speech day before yesterday, estimated the value of the lands given to the State of Illinois, which have finally gone to a company for the construction of a railroad, at \$10 per acre. The reserved sections, of course, would bring the same price as the granted sections. The way to get at the full value, then, would be to offer the reserved lands at public sale. That would show whether or not there was an increased value given to the lands. If there is, it is just as proper for the Government to enter into competition, as for a State to do so. So it was in the commencement; and I think the suggestion of my honorable friend from Missouri is the precise suggestion that should be made. I would insert, in every one of these bills, provisions that the reserved lands should not be offered, except at public sale. Then the United States would get a fair price for the reserved lands. You ought not to allow any locator, or any one else, to take possession before the land has been offered for sale. You would then keep the advantage of it to yourselves.

Mr. UNDERWOOD. However desirable it may be to make such a provision, I doubt the policy of introducing it into this bill; and if it should be introduced, it can, perhaps, only be done after the appointment of a committee of conference by the two Houses. My object in rising is, to say that the Committee on Public Lands, who investigated this subject, came to the conclusion that unless some provision was made for the payment of the registers and receivers of the various land offices, as suggested by my friend from Illinois, in this bill, perhaps it would be impossible to get a separate bill through during the present session; and when you are doubling the labors of these men, the question is, will you allow them some compensation for it? By bringing these lands into market by the land warrant system, you are abstracting the commission which these officers would receive upon the lands sold for cash. The proposition to compensate them is so reasonable to me—although I do not feel the sympathy which gentlemen representing the land States do upon the subject—that I cannot fail to say that I must imitate the conduct of the Senator from Virginia, and insist upon the bill as we sent it to the House, and reject the amendments of the House. I hope, therefore, that, without consuming further time, unless some gentleman has any idea which he wishes to suggest, we shall take the vote immediately, and insist on the bill as it passed the Senate. If it leads to a committee of conference, we may arrange the subject as best we can.

Mr. JONES, of Iowa. I concur very fully in the views taken by the Senator from Virginia, who has stated that if this bill pass as it has been amended by the House of Representatives, all the lands, including the reserved lands, will be taken up by land warrants. I am confident that thousands of these land warrants have been held back expressly for the passage of this bill, in order that they may be located on lands from which they have been heretofore excluded. I am personally acquainted with the land officers in my own State, and with many in Illinois and Missouri. I know, from having been in these offices, that they have been compelled to employ additional clerical force to enable them to enter land warrants. The Senator from Massachusetts says we ought to give a *douceur* to the old soldiers. I am perfectly willing to do that; but when we are doing that, will we permit the registers and receivers to sit up until midnight, as I know they sometimes do, in the discharge of their duties—being unable to pay for clerk hire—and not pay them the same compensation which they are paid for entering cash sales? Their compensation cannot in any case exceed \$2,500 a year—no matter how many acres of land they may sell—no matter how many millions of dollars they may take in. I hope that this act of

justice to the registers and receivers will be done. If we agree to the amendment of the House of Representatives; if we agree to permit this bill to pass now, as amended by the House, we lose all hope of doing justice to these men; because I am confident the House of Representatives will not pass a bill to give them their usual compensation, if presented by itself. I hope, therefore, that the amendment of the House will not be concurred in.

Mr. GEYER. I desire to correct a misapprehension which seems to be entertained by the honorable Senator from Kentucky, with reference to the remarks which I submitted. I do so because it is possible that other Senators also may have misunderstood me. I do not propose to propose an amendment to this bill now, but to submit amendments to the bills providing for grants of land to aid in the construction of railroads. All the reserved sections of those lands are not now subject to entry at all. When those bills shall come up, I wish to have an amendment made to offer the reserved sections at public sale. I think it is a provision that should be inserted in all bills granting lands in aid of the construction of railroads; and I have prepared an amendment to one of the bills of that sort under the consideration of the Senate, with the view to bring the question before Senators.

Mr. FELCH. I was not in my seat when this discussion commenced. I have in my hand a letter from the Commissioner of the General Land Office on one point pertaining to this amendment, and if desired, I will read it to the Senate. The House of Representatives, by their amendment, have not only stricken out portions of the bill which I think ought to be retained, but they have added a proviso about which the Commissioner of the General Land Office has made a communication to the Committee on Public Lands. That proviso is:

"That the warrants which have been, or may hereafter be, issued in pursuance of said act, or of this act, may be located upon any lands of the United States, subject to private entry at the time of such location, at the minimum price."

Now this, as has been justly remarked, throws open for location the reserved lands along the line of railroad in Illinois, and some other States, which could not otherwise be taken up by land warrants. Some objections to that point of the subject have already been stated. Another objection which has suggested itself to my mind is this: Under the present law granting bounty lands, the beneficiary is required to take his lands all in one body. The holder of a hundred and sixty acre land warrant must take his one hundred and sixty acres all in one body. This proviso, however, if adopted, will repeal that provision, and will enable a party holding a warrant for one hundred and sixty acres to take it in forty acre lots. The effect of this always is to withhold from sale for a long time these forty acre lots. It virtually divides up the public territory. By having such small parcels, no man will purchase them for a farm—no man will purchase them for settlement except the owner of an adjoining tract. The effect of the proviso, then, would be to exclude all others from purchasing. This point is fully stated in the letter to which I have referred, and if any Senator desires to hear it, I will have it read.

The question was then taken on agreeing to the amendment of the House of Representatives, and it was decided in the negative.

RAILROADS IN IOWA.

The Senate resumed the consideration of the bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State.

Mr. DODGE, of Iowa, addressed the Senate in favor of the bill, and in opposition to the amendment of Mr. Underwood, until the usual hour of adjournment, when, without finishing, he yielded the floor. The speech will be published in the Appendix.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 3, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of Monday was read and approved.

GRANT OF LANDS TO MISSOURI.

The SPEAKER stated, as the first business in

order, the bill granting lands to the State of Missouri, to aid in the construction of certain railroads therein, and that the gentleman from New York [Mr. BENNETT] was entitled to the floor.

CANAL AROUND THE FALLS OF THE OHIO.

Mr. DISNEY. I ask the unanimous consent of the House to present certain resolutions passed by the Legislature of Ohio. They will not occupy much time. I only desire to have them referred to the appropriate committee and printed.

There being no objection,

Mr. DISNEY presented the joint resolutions of the Legislature of Ohio, relative to the construction of a canal on the Indiana side of the Falls of the Ohio river; which having been read,

Mr. D. then moved that they be printed and referred to the Committee on Roads and Canals.

Mr. MASON. I do not see any necessity for the printing of those resolutions. The subject has undergone investigation before the Committee on Roads and Canals, and a bill has been ordered to be reported, which the chairman of the committee will report at the first convenient opportunity. It would be incurring unnecessary expense to print these resolutions. A number of resolutions of the same kind, containing the same views—I was going to say, the same erroneous suggestions—have been before the committee, and I can see no reason for printing these.

Mr. DISNEY. I am rather surprised at the objection offered by the gentleman from Kentucky; for it has been the universal usage of this House, out of courtesy and respect to the Legislatures of the different States, to print all documents emanating from them, and presented for our consideration.

Mr. MASON. If that has been the usage, I will withdraw my objection.

The question was then taken on Mr. Disney's motion, and it was agreed to.

PUBLICATION OF THE CENSUS RETURNS.

Mr. HASCALL, by unanimous consent, presented joint resolutions passed by the Legislature of the State of New York, in regard to the compilation and publication of the Compendium of the Sixth and Seventh Censuses of the United States; which were read.

Mr. H. moved that the resolutions be referred to a select committee.

Mr. JONES, of Tennessee, moved their reference to the Committee on the Judiciary.

Mr. HAVEN. I wish to make a suggestion in reference to the disposition of these resolutions. I have myself received a copy of them, and have been considering what ought to be done with them. I am satisfied, from the course of this House heretofore, that it will be impossible for us to do anything with the census returns, that the Legislature of my State can avail itself of during its present session. It is very desirable that the Legislature of that State—and doubtless the Legislatures of all the States—should have this information. But the Legislature of New York will adjourn about the middle of April, and it will be impossible for us to reach any business of this kind before that time. I would therefore suggest that the resolutions should be printed and referred to the Committee of the Whole on the state of the Union, which has under consideration the resolution reported from the Committee on Printing in relation to the printing of the census.

Mr. JONES, of Tennessee. I concur in the suggestion of the gentleman from New York, and I will withdraw my motion, and move that the resolutions be referred to the Committee of the Whole on the state of the Union; and on that motion I call the previous question.

The previous question was seconded, and the main question was ordered to be now put; and, being put, Mr. Jones's motion was agreed to.

Mr. JONES, of Tennessee. I call for the regular order of business.

The SPEAKER. The regular order of business is the motion to refer the bill granting land to Missouri for certain railroads, to the Committee of the Whole on the state of the Union; and the gentleman from New York [Mr. BENNETT] is entitled to the floor.

Mr. BENNETT resumed the remarks commenced on a former day, giving notice of an amendment which he intended to offer, namely: that the bill be recommitted to the Committee on Public Lands, with instructions to report a bill, as

a substitute therefor, making grants of lands on some equal and just principles of apportionment, and to a proper amount, to all the States, to aid in the construction of railroads therein. He argued in favor of the proposition, and against discrimination in favor of the new States to the exclusion of the old. All should share alike, the lands being public property; and he pressed his amendment on the ground of dealing fairly with regard to the rights of all States, and with a view of terminating the partial legislation on the subject of the public lands, which is urged from Congress to Congress, and which will be continued, according to the present practice, as long as there shall be an acre to grant. This was a kind of grab-game, where the noisy and clamorous get an undue share of the public domain. He did not believe in a partnership where all bear a portion of the burdens, but where all do not share in the benefits.

[Mr. B.'s speech will be found in the Appendix.]

Mr. BENNETT having concluded—

Mr. STANLY said this matter has been before the House for some three weeks, and has been discussed long enough to enable every member to make up his opinion. It stops the way of all other reports—all other business of the House; and in order to bring the House to some action I move the previous question.

Mr. CAMPBELL, of Ohio. I appeal to the honorable gentleman from North Carolina to withdraw his call for the previous question. There have been grave charges during the progress of this discussion presented against the Western States generally, and against Ohio particularly. I would like to have an opportunity of making some reply. If the gentleman will withdraw the call I will renew it.

Mr. STANLY. The gentleman can take another time for the purpose of defending the interests and honor of his State.

The question was then put, "Shall the call for the previous question be seconded?" and upon a division there were—ayes 66, noes 67.

Mr. JONES, of Tennessee, demanded tellers on the second, which were ordered; and Messrs. JONES and CHANDLER were appointed.

The question was again put, and the tellers reported that there were ayes 73, noes 69—so there was a second; and the main question was then ordered to be put.

The SPEAKER. The pending motion is to refer the bill to the Committee of the Whole on the state of the Union, to which proposition the following amendment is proposed, which will be read for information:

"With instructions to report a bill as a substitute therefor, making a grant of land upon some equal and just principle of apportionment, and to a proper amount to all the States, to aid in the construction of railroads therein."

Mr. KING, of New York, demanded the yeas and nays.

Mr. BRECKINRIDGE. Has the morning hour expired?

The SPEAKER. The morning hour has not expired, by some seven or eight minutes.

Mr. CLINGMAN. The previous question would keep this question alive.

The SPEAKER. The previous question being sustained, it will bring the House first to a vote upon the amendment to instruct the committee, and then upon the proposition to refer the bill to the committee, with or without instructions.

The yeas and nays were then ordered.

The question was then taken, and resulted—yeas 70, nays 96—as follows:

YEAS—Messrs. William Appleton, Ashe, Barrere, Bartlett, Beale, Bell, Bennett, John H. Boyd, Breckenridge, Briggs, Brooks, Chapman, Churchill, Cleveland, Clingman, Curtis, George T. Davis, Dockery, Duncan, Ewing, Florence, Fowler, Henry M. Fuller, Gentry, Goodenow, Grey, Hammond, Haws, Hascall, Haven, Hebard, Horsford, John W. Howe, Ingersoll, Ives, Andrew Johnson, James Johnson, George G. King, Kuhns, Kurtz, Letcher, H. Marshall, McLanahan, McMullin, Meacham, Morehead, Morrison, Outlaw, Andrew Parker, Perkins, Riddle, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Skelton, Smart, Richard H. Stanton, Thaddeus Stevens, Stone, Taylor, Benjamin Thompson, Thurston, Venable, Ward, Washburn, Watkins, Welch, Wells, and Addison White—70.

NAYS—Messrs. Abercrombie, Aiken, Willis Allen, Averett, Babcock, Bissell, Bragg, Brenton, Albert G. Brown, Busby, Buell, Busby, E. Carrington Cabell, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Carter, Caskie, Clark, Cobb, Conger, Cottman, Daniel, John G. Davis, Dawson, Dean, Disney, Doty, Durkee, Eastman, Edgerton, Faulkner, Picklin, Fitch, Freeman, Thomas J. D. Fuller, Gaylord, Giddings, Grow, Hall, Harper, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Henn, Hibbard,

Howard, Jackson, Jenkins, John Johnson, Robert W. Johnson, George W. Jones, J. Glancy Jones, Preston King, Landry, Lockhart, Mace, Edward C. Marshall, McNair, McQueen, Miller, Molony, John Moore, Murray, Nabers, Newton, Olds, Orr, Samuel W. Parker, Peaslee, Penn, Penniman, Phelps, Porter, Powell, Rantoul, Richardson, Robbins, Robie, Scurry, David L. Seymour, Smith, Snow, Benjamin Stanton, Abraham P. Stevens, Strother, Stuart, Sutherland, George W. Thompson, Townshend, Wallace, A. White, Wilcox, Wildrick, Woodward, and Yates—96.

So the instructions were not agreed to.

The question then recurred upon referring the bill and pending amendments to the Committee of the Whole on the state of the Union.

Mr. STEVENS, of Pennsylvania, demanded the yeas and nays.

Mr. KING, of New York. They have been ordered.

The SPEAKER. Only upon the instructions.

The yeas and nays were then ordered.

Mr. JONES. The motion is to refer the bill with the pending amendments, and to print.

The SPEAKER. There was no motion made to print, in the recollection of the Chair.

Mr. McMULLIN. I desire to know whether this bill has ever been in Committee of the Whole or not?

The SPEAKER. It has not.

The question was then taken, and there were—yeas 97, nays 77—as follows:

YEAS—Messrs. Abercrombie, Aiken, Allison, William Appleton, Ashe, Averett, Babcock, Bartlett, Beale, Bennett, Breckenridge, Buell, Carter, Caskie, Chandler, Chapman, Churchwell, Clingman, Cottman, Curtis, Daniel, G. T. Davis, Dawson, Dean, Dockery, Duncan, Ewing, Faulkner, Florence, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gentry, Giddings, Grey, Grow, Isham G. Harris, Hart, Hascall, Haven, Hebard, Hibbard, Horsford, John W. Howe, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, Daniel T. Jones, George W. Jones, G. G. King, Preston King, Kurtz, Letcher, Mason, McLanahan, McMullin, McNair, McQueen, Meacham, Morehead, Murray, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Perkins, Powell, Robie, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, David L. Seymour, Skelton, Smith, Snow, Abraham P. Stevens, Alexander H. Stephens, Thaddeus Stevens, Stone, Stratton, Sutherland, Benj. Thompson, Venable, Wallace, Washburn, Watkins, Wells, Addison White, Alexander White, Wildrick, and Woodward—97.

NAYS—Messrs. Willis Allen, Barrere, Bell, Bissell, Bragg, Brenton, Briggs, Brooks, Albert G. Brown, Busby, E. C. Cabell, Thompson Campbell, Clark, Cobb, Conger, John G. Davis, Disney, Doty, Dunham, Eastman, Edgerton, Evans, Ficklin, Fitch, Freeman, Gaylord, Goodenow, Green, Hall, Harper, S. W. Harris, Haws, Hendricks, Henn, John Johnson, R. W. Johnson, J. G. Jones, Kuhns, Landry, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, McDonald, Miller, Molony, John Moore, Nabers, Newton, Olds, Orr, Penn, Penniman, Phelps, Porter, Rantoul, Richardson, Riddle, Robbins, Scurry, Smart, Stanley, Benjamin Stanton, Strother, Stuart, Taylor, Thurston, Townshend, Welch, Wilcox, and Yates—77.

So the bill and amendments were referred to the Committee of the Whole on the state of the Union.

HOMESTEADS TO ACTUAL SETTLERS.

Mr. BRECKINRIDGE moved that the House resolve itself into the Committee of the Whole on the state of the Union, to consider the special order.

The question was taken, and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

The CHAIRMAN. The business in order before the committee is the special order, being House bill No. 7, "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land, out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified," and upon this question the chairman of the Committee on Agriculture, [Mr. McMULLIN,] who reported the bill, is entitled to the floor.

Mr. McMULLIN not being present to claim the floor, it was assigned to—

Mr. DAWSON, who expressed himself in favor of the bill and its provisions generally, because he considered it the inherent right of every citizen to obtain a grant of land without charge, and upon the principle that Governments would be more just and pure, if they possessed no revenue derived from the sale of public lands; and contended that, by the encouragement of the settlement of a country, its resources are more extensively developed. He referred to statistical dates to show that the revenues of a State should be derived from other sources than the sale of public lands, and read from authorities to prove that Congress has a right to dispose of them as it pleases; and concluded

with a variety of arguments in support of his views.

[Mr. D.'s speech will be found in the Appendix.]

Mr. D. having concluded—

Mr. BRECKINRIDGE next obtained the floor. A motion was made that the committee rise.

The question was taken, and there were, upon a division—ayes 85; noes not counted.

The committee rose accordingly, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order, being House bill No. 7, to encourage agriculture, and for other purposes, and had come to no conclusion thereon.

ASSIGNABILITY OF LAND WARRANTS.

Mr. JONES, of Tennessee. A bill has been returned to the House to-day from the Senate, in which a great many of the members of this House, and the country, feel a very deep interest. It is the bill entitled "An act to make land warrants assignable, and for other purposes." The Senate have returned it here, non-concurring with all the amendments of the House. I ask that the bill may be taken up, that the House may insist upon their amendments, and ask for a committee of conference.

Mr. GROW. I rise to a privileged question. I move to reconsider the vote by which the Missouri land bill was referred to the Committee of the Whole on the state of the Union, and to lay the motion to reconsider upon the table.

A motion was made to adjourn, and the question being taken, agreed to—ayes 72, noes 57.

The House then adjourned to meet at twelve o'clock to-morrow.

PETITIONS, &c.,

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. McNAIR: The petition of John McKeever and 27 others, asking for a modification of the tariff on iron.

Also, the petition of O. Chinchman and others, asking an appropriation for the Delaware breakwater and piers, ceded to the United States, on the Delaware river.

Also, resolutions of the Legislature of Pennsylvania in relation to the recent suit between the State of Pennsylvania and the Wheeling bridge.

By Mr. TAYLOR: The petition of James McLean, Barth Eggleston, and John A. Hays, late assistant marshals for Ross county, Ohio, praying an increase of compensation.

Also, joint resolutions of the Legislature of the State of Ohio, relative to the construction of a new canal on the Indiana side of the Falls of the Ohio river.

By Mr. LANDRY: The memorial of Logan Hutton, of New Orleans, praying compensation for services rendered as district attorney for the district of Louisiana.

Also, the memorial of James W. Zacharie, of New Orleans, in relation to his claim on Mexico, assumed by the United States under the 8th and 9th articles of the treaty dated Guadalupe Hidalgo, February 2d, 1848.

Also, the memorial of Thomas Powell, by his assignee, the New Orleans Canal and Banking Company, in relation to Mexican indemnities.

Also, the memorial of Malcolm Sandman & Co., of New Orleans, in relation to Mexican indemnities.

Also, the memorial of Edmund J. Forstall, of New Orleans, in relation to Mexican indemnities.

Also, the memorial of James W. Zacharie, assignee of Asmus C. Bredal, a naturalized citizen of the United States, and resident of New Orleans, in the State of Louisiana, in relation to Mexican indemnities.

By Mr. KUHN: The memorial of citizens of Westmoreland county, Pennsylvania, remonstrating against the passage of any act of Congress legalizing or sanctioning the Woodworth patent.

By Mr. MACE: The memorial of J. H. Barnes and 23 others, citizens of Lockport, Carroll county, Indiana, praying for the passage of a law preventing all public officers and agents, in the employ of the United States, from transacting public business on the Sabbath or Lord's Day.

By Mr. FITCH: The memorial of John Milklin, assistant marshal of Laporte county, Indiana, asking additional compensation for services in taking the census.

By Mr. INGERSOLL: The remonstrance of Isaac Judson and others, citizens of New Haven, Connecticut, against the extension of the Woodworth patent.

Also, the petition of certain citizens of New Haven, Connecticut, asking that the memorial of Henry Grinnell, of New York, in relation to an Arctic expedition, may be granted.

By Mr. PARKER, of Indiana: The petition of Alexander B. Poston, praying that the bounty land and money due his father, Richard Poston, and his two uncles, Elias and Jeremiah Poston, for services rendered in the campaign of General George Rogers Clarke, for the reduction of the posts of Vincennes and Kaskaskias, be granted their legal heirs.

By Mr. THOMPSON, of Virginia: The remonstrance of a number of citizens of Brooke county, Virginia, and a letter of Mr. Clark Hanes, against the renewal of the patent of the Woodworth planing machine.

Also, the remonstrance of citizens of Franklin county, Pennsylvania, against the renewal of the patent of Parker's reaction water-wheels.

Also, a letter of Mr. N. Wells, a citizen of Brooke county, Virginia, on the inequality and injustice of the fees of inspection of steamboats.

Also, a letter of Mr. B. Duffield, on the causes and means of prevention of steam-boiler explosions.

Also, the petition of John Giffen and other citizens of Ohio county, Virginia, praying that the sanctity of the Christian Sabbath or Lord's Day, shall not be required of certain persons in the employment of the Government.

Also, a letter and accompanying draft from John W. Gill, in relation to the improvement of the harbor of Ottawa city, Ohio.

Also, the papers of Thomas Beall were withdrawn, and referred to the Committee on Revolutionary Claims.

By Mr. JOHN W. HOWE: The petition of William R. Dunlap and others, citizens of Lawrence county, Pennsylvania, remonstrating against a renewal of Woodworth's patent.

Also, the petition of James F. Agnew and others, citizens of Venango county, Pennsylvania, praying Congress to prohibit the transportation of the mails on the Sabbath.

By Mr. DUNCAN: The petition of Dudley F. Holt, for an invalid pension.

Also, the petition of Alfred Kettridge and others, for an appropriation to remove obstructions and place buoys in Merrimack river, Massachusetts.

Also, the petition of William D. S. Chase and others, for the same.

By Mr. CHANDLER: The memorial of Bowen & Browns, G. W. McHenry & Co., H. & A. Cope & Co., and 90 mercantile firms in Philadelphia, asking Congress to extend additional aid to Collins's line of ocean steamers.

Also, five memorials, signed by more than 200 citizens of Philadelphia, asking for a renewal of the patent for Woodworth's planing machine.

By Mr. DAVIS, of Indiana: The memorial of William H. Gifford and E. Bowling, of Indiana, for additional compensation in taking the Seventh Census.

By Mr. BUELL: Two remonstrances from 300 citizens of Herkimer county, New York, against the renewal of the Woodworth patent.

By Mr. WASHBURN: The memorial of Abner Starratt, S. W. Hoskins, and James Sanders, praying additional compensation for taking the Seventh Census.

By Mr. DAVIS, of Massachusetts: The petition of Lucius Blair and others, citizens of Massachusetts, that the system of military superintendency in the National Armories be abolished.

By Mr. HENN: The memorial of P. C. Tiffany and 67 others, citizens of Iowa, asking a grant of lands to aid in the construction of a railroad from Burlington to the Missouri river.

Also, the proceedings of a State Railroad Convention, held at Fairfield, Iowa, on the 11th day of February, 1852.

Also, the proceedings of Massachusetts Railroad Convention, held at Otumwa, Iowa, on the 13th day of February, 1852.

Also, the proceedings of a railroad meeting, held at Iowa City on the 6th day of February, 1852.

Also, the proceedings of a railroad meeting of the citizens of Davis and Appanoose counties, held at Bloomfield, Iowa, on the 29th day of January, 1852.

Also, the proceedings of a railroad meeting of the citizens of Lucas county, held at Charlton, Iowa, on the 5th day of February, 1852.

By Mr. GREEN: The memorials in relation to the improvement of the mouth of Sandusky river, in the Sandusky bay, and the improvement of the harbor of Port Clinton, on Lake Erie.

Also, sundry memorials and petitions for the improvement of the Maumee river, Ohio.

By Mr. BABCOCK: The petition of 306 citizens of the port of Oswego, New York, for a marine hospital at Oswego.

Also, the remonstrance of citizens of Oswego county, New York, against any renewal or extension of the Woodworth patent.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 4, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read.

GRANT OF LAND TO MISSOURI.

The SPEAKER. The first business in order is the motion made by the gentleman from Pennsylvania, [Mr. Grow], to lay upon the table the motion to reconsider the vote by which the bill making a donation of the public lands to aid in the construction of certain railroads in Missouri was referred to the Committee of the Whole on the state of the Union.

CORRECTION OF THE JOURNAL.

Mr. JONES, of Pennsylvania. I rise to a privileged question. I find myself recorded as having voted in the negative upon the motion to refer to the Committee of the Whole on the state of the Union the bill granting land to Missouri. I voted in the affirmative.

The SPEAKER. The Journal will be corrected accordingly.

Mr. ABERCROMBIE. I voted, on yesterday, in favor of the reference of the Missouri land bill to the Committee of the Whole on the state of the Union. My intention was to have voted in the negative. I tried, but failed, to attract the attention of the Speaker at the time the result was being

announced, that I might have my vote changed. I desire now to have it changed.

The SPEAKER. That change cannot be made upon the Journal except by unanimous consent.

Mr. ABERCROMBIE. I hope the House will give unanimous consent. The result will not be affected by it.

Mr. JONES, of Tennessee. I do not think that it can be done. I am very willing that the gentleman should have voted the other way; but, sir, the thing suggested has never been done within my knowledge. If it was a mistake upon the Journal, the case then would be different.

The SPEAKER. The Chair begs to say to the gentleman from Alabama, that, under the rule, it is competent to make a correction of the Journal, but that an alteration cannot be made unless by unanimous consent. The Chair, throughout his service, does not recollect an instance of the sort.

Mr. ABERCROMBIE. I will state that I rose before the vote was announced, and endeavored to draw the attention of the Chair that I might correct my mistake, but failed. I mentioned the fact to several gentlemen around me before the result was announced by the Chair. These are the facts, and I do not wish to have the Journal altered, but my mistake corrected.

Mr. JONES withdrew his objection.

The SPEAKER. There now being no objection, the change will be made as suggested by the gentleman.

Mr. SIBLEY. I ask the unanimous consent of the House to introduce a bill, of which notice has been given, merely for the purpose of reference.

Mr. JONES, of Tennessee. Is there not a privileged question pending as the unfinished business?

The SPEAKER. There is. The Chair has stated it.

Mr. JONES. Then it is not in order, I think, to make any sort of motion.

Mr. GROW. I withdraw my privileged motion.

Mr. SIBLEY. I again ask the unanimous consent of the House for the introduction of a bill for reference.

Mr. WARD. I rise to a privileged question. I renew the motion to reconsider the vote of yesterday by which the bill granting lands to Missouri was referred to the Committee of the Whole on the state of the Union.

Mr. HEBARD. I wish to inquire whether the gentleman voted in the affirmative?

Mr. WARD. I did not vote at all. I was out when my name was called.

Mr. STEVENS, of Pennsylvania. Then he cannot make the privileged motion.

The SPEAKER. The Chair thinks that the gentleman could not move to reconsider a vote in which he had no voice at all.

TERRITORIAL GOVERNMENTS.

Mr. SIBLEY, by unanimous consent of the House, introduced a bill, of which previous notice had been given, entitled "A bill to amend certain acts for the establishment of territorial governments in Oregon and Minnesota;" which was read a first and second time by its title, and referred to the Committee on Territories.

GRANT OF LAND TO MISSOURI.

Mr. DEAN obtained the floor.

Mr. WHITE, of Alabama. I rise to a privileged question. I move a reconsideration of the vote by which the bill granting lands to Missouri was referred to the Committee of the Whole on the state of the Union.

Mr. FOWLER. Did the gentleman vote in the affirmative?

The SPEAKER. The Chair presumes the gentleman voted in the affirmative.

Mr. WHITE. I voted in the affirmative.

The SPEAKER. The Chair inquires of the gentleman from New York his object in obtaining the floor, for it may be that he cannot be deprived of his right to it by the gentleman from Alabama?

Mr. DEAN. My object was to move the reconsideration of the vote by which the Missouri land bill was referred to the Committee of the Whole on the state of the Union, and to move that the motion to reconsider do lie upon the table. I understood the Chair to state that I was entitled to the floor.

The SPEAKER. The Chair will state the facts of the case. The gentleman from New York rose to address the Chair, and was recognized. Immediately following, the gentleman from Alabama [Mr. White] rose to a privileged question, and moved the reconsideration of the vote by which the Missouri land bill was referred to the Committee of the Whole on the state of the Union. The gentleman from New York now states that it was his object to make that motion. The Chair thinks the gentleman could not be deprived of his right to the floor, under the circumstances, by the gentleman from Alabama.

Mr. FOWLER. I do not understand the gentleman from Alabama as moving to lay the motion to reconsider upon the table, and I think, therefore, that the gentleman from New York [Mr. Dean] has precedence, as he had first risen, and now states that that was his object.

Mr. GENTRY. Is not the gentleman from Alabama entitled to the floor upon his motion?

The SPEAKER. He is not entitled to it in preference to the gentleman from New York.

Mr. DEAN. I move that the vote by which the bill granting lands to Missouri was referred to the Committee of the Whole on the state of the Union be reconsidered, and that that motion do lie upon the table.

Mr. JONES demanded the yeas and nays; which were ordered.

Mr. MARSHALL, of Kentucky. I wish to make an inquiry. Can the motion be divided?

The SPEAKER. It cannot. You will divide it if you refuse to lay the motion upon the table, and in no other form.

Mr. MOORE, of Louisiana. Has the gentleman a right to make two privileged motions at one time?

The SPEAKER. He has. That has been the uniform practice of the body.

The question was then taken, and it was decided in the affirmative—yeas 100, nays 68—as follows:

YEAS—Messrs. Aiken, Allison, Andrews, Ashe, Averett, Babcock, Thomas H. Bayly, Bartlett, Beale, Bennett, John H. Boyd, Breckenridge, Buell, Joseph Cable, Carter, Chapman, Chastain, Churchill, Cleveland, Clingman, Daniel, Dawson, Dean, Duncan, Edmundson, Faulkner, Florence, Floyd, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Giddings, Grey, Grow, Isham G. Harris, Hart, Hascall, Haven, Hebard, Hibbard, Horsford, John W. Howe, Thomas Y. How, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, Jas. Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Preston King, Letcher, Mason, McLeanahan, McMullin, McNair, McQueen, Menahan, Morehead, Morrison, Murray, Newton, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Perkins, Powell, Robbins, Robie, Ross, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, David L. Seymour, Skelton, Snow, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Thaddeus Stevens, Stone, Stratton, Sutherland, George W. Thompson, Thurston, Venable, Wallace, Washburn, Watkins, Welch, Wells, Addison White, and Wildrick—100.

NAYS—Messrs. Abercrombie, Willis Allen, Barrere, Bell, Brenton, Briggs, Brooks, Busby, E. Carrington Cabell, Lewis D. Campbell, Thompson Campbell, Chandler, Clark, Cobb, Conger, Cottman, George T. Davis, John G. Davis, Doty, Eastman, Edgerton, Ewing, Ficklin, Fitch, Freeman, Gentry, Goodenow, Gorman, Hall, Harper, Sampson W. Harris, Haws, Hendricks, Henn, Houston, Howard, John Johnson, Robert W. Johnson, Kuhns, Kurtz, Landry, Mace, Humphrey Marshall, Miller, Molony, John Moore, Nabers, Olds, Orr, Penn, Pennington, Phelps, Porter, Rantoul, Richardson, Riddle, Smith, Stanly, Benjamin Stanton, Strother, Stuart, Taylor, Townsend, Ward, Alexander White, Wilcox, Williams, and Yates—68.

So the motion to reconsider was laid upon the table.

MEMPHIS NAVY-YARD.

Mr. STANTON, of Tennessee, by the unanimous consent of the House, introduced the memorial of the Legislature of the State of Tennessee, praying additional appropriations for the navy-yard at Memphis, in that State; which was read, and referred to the Committee on Naval Affairs.

Mr. OLDS called for the regular order of business.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole on the state of the Union.

Mr. OLDS. Let us have reports from committees.

NON-INTERVENTION.

Mr. STEPHENS, of Georgia. I ask the gentleman from Alabama to allow me, before he presses his motion, to present the joint resolutions of the Legislature of Georgia upon the subject of non-intervention. I have had them for eight or ten days, and have not yet been enabled to present them.

Mr. HOUSTON. As it seems to be the general wish that the morning hour should be consumed in calling for reports from the committees, I withdraw my motion. I intend, however, if I get the floor, to repeat the motion morning after morning, until I can get up the deficiency bill.

Mr. STEPHENS. I present the following joint resolutions from the Legislature of Georgia, ask that they be read, laid upon the table, and printed:

IN HOUSE OF REPRESENTATIVES.

It has been the policy of the American Government from its earliest existence, to maintain friendly relations with all, but entangling alliances with none. Our true mission is not to propagate our opinions or impose upon other countries our form of government, by artifice or force, but to show by our success, moderation, and justice, the blessings of self-government and the advantages of free institutions. Let every people choose for themselves, and make and alter their political institutions to suit their own condition and circumstances. In proclaiming and adhering to the doctrines of neutrality and non-intervention, the United States have not followed the lead of other civilized nations, but have taken the lead and been followed by others. These great principles proclaimed in the days of Washington and Jefferson, are the great American principles upon which our Government has ever stood. The fame and distinction to which we have attained as a people, the great blessings which we have dispensed to the world in affording an asylum for the oppressed everywhere, forbid that we should for a moment cherish the idea of abandoning these principles. We sympathize with the oppressed, we tender them a home; but never will we join with the ambitious or the revengeful in a crusade against other nations, whatever may be their domestic policy. A departure from this safe and correct rule would involve our Government in endless disputes and endless wars, the result of which the wisest statesmanship cannot foresee. Our policy should be to observe good faith and justice towards all nations, cultivate peace and harmony with all. Against the insidious wiles of foreign influence, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of a republican government. In extending our commercial relations we should have as little political connection as possible with foreign nations. Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That his Excellency the Governor be requested to forward the foregoing declaration of principles to our Senators and Representatives in the Congress of the United States, with the request that they may be laid before their respective Houses, as the opinion of the people of Georgia as to the policy of our Government, and that a copy be sent also to the President of the United States.

Agreed to January 9, 1852:

JAMES A. MERIWETHER,
Speaker of the House of Representatives.

THADDEUS STURGIS,
Clerk of the House of Representatives.

Concurred in January 21, 1852:

ANDREW J. MILLER,
President of the Senate.

LUTHER J. GLENN,
Secretary of the Senate.

Assented to January 22, 1852:

HOWELL COBB, Governor.

EXECUTIVE DEPARTMENT, GEORGIA, }
MILLEDGEVILLE, February 13, 1852.

I certify that the foregoing is a correct copy of the original on file in this office.

Given under my hand and the seal of the Executive Department at the capitol in Milledgeville.

ARTHUR HOOD,
Secretary Executive Department.

Mr. JONES, of Tennessee, called for the previous question on the motion to print.

Mr. HIBBARD. Are these resolutions before the House?

The SPEAKER. They are before the House by unanimous consent.

Mr. BAYLY, of Virginia. I do not desire to interfere with the destination the gentleman from Georgia proposes to give those resolutions, but I would suggest that they be referred to the Committee on Foreign Affairs.

Mr. STEPHENS, of Georgia. There is no need of any reference.

The question was then taken upon the motion to lay the resolutions upon the table, and agreed to.

The SPEAKER. Upon the question to print, the gentleman from Tennessee [Mr. JONES] moves the previous question.

The previous question was seconded, and the main question ordered, and under the operation thereof, the resolutions were ordered to be printed.

Mr. ORR. I call for the regular order of business, and shall object to anything else.

REPORTS OF COMMITTEES.

The SPEAKER. Reports are in order from the Committee on Public Lands.

On motion by Mr. HALL, it was

Ordered, That the Committee on Public Lands be dis-

charged from the further consideration of the petition of Jacob Kerr, and that the same be laid upon the table.

Mr. HALL, from the same committee, reported back, with an amendment, House bill No. 119, granting to the States of Ohio, Indiana, and Illinois, the right of way and a portion of the public lands to aid in the construction of a railroad from Toledo, Ohio, via Delhi to Lafayette, in Indiana, to Springfield, in Illinois; which was read, committed to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HALL, from the same committee, reported back House bill "granting to the States of Illinois and Indiana lands to aid in the construction of railroads therein;" which was read a first and second time by its title.

The question now being upon its engrossment, Mr. MARSHALL, of Kentucky said: I trespass upon the attention of the House with great reluctance now, and shall therefore only ask its attention for a few moments. I feel a deep solicitude for the passage of this bill. It is the same that passed the Senate in the last Congress, and was lost in the unfinished business before this House. It proposes to grant alternate sections of the public lands to the States of Indiana and Illinois, for the purpose of assisting the construction of a railroad from New Albany, in the State of Indiana, via Mount Carmel on the Wabash, to Alton and St. Louis. The State Legislatures of Indiana and Illinois several years since chartered a company to construct that road, and about \$300,000 have been expended upon the work. There are no lands embraced by this bill that have not been exposed to market by the United States for the last forty-five years. The donation must be preciously small at best, and the gentlemen who are so tenacious of the public lands may be quieted by my declaration that this bill cannot commit robbery of the public domain to any considerable extent, either as to quantity or value! The principle of this bill has been so often applied in other cases, that I am relieved from any argument upon the competency of Congress to admit it as a proper case. To show that this case is a proper one, I remark that the work to which the donation will be applied is essentially national. It is the trunk-road which will continue, westward, lines of railways from the North, South, and East, and which unite at the Falls of the Ohio. The railroads from Savannah, Charleston, and Mobile, alike will find their northern termini at Louisville. They will connect there with roads extending to Chicago in the Northwest, and Sandusky on Lake Erie, while the link which shall unite, on the one or other side of the Ohio, the cities of Cincinnati and Louisville will bring to the Falls of the Ohio the travel by that great net work of railroads extending North and East, which terminates at the city of Cincinnati. This road traverses two States, uniting still two other States, and offering its line of travel for the productions and business of at least a dozen more States. It will be useful to Georgia, South Carolina, and Alabama, because it connects them directly with the hemp-growing regions of Missouri and Illinois, and opens, by the only line which they can ever enjoy, a participancy in the trade of the valley of the Missouri river. It will be useful to New York, Boston, Philadelphia, and Baltimore, because it forms an extension, by the most practicable Southern route, of those great lines by which the enterprise of capital has connected each with the fair regions of the West. It will be of eminent utility to the West itself. Besides bringing into notice regions which are now excluded to all markets, it will, by an artificial construction two hundred and forty-eight miles in length across the delta of the Ohio and Mississippi, at once overcome five hundred and fifty miles of precarious and frequently dangerous navigation. It will enable the traveler to pass from St. Louis to Louisville in a day, when now he toils over the distance consuming always three and sometimes six days of time. It will expedite postal communications with the Northwestern States in a corresponding ratio. There is no part of the Mississippi river navigation so dangerous, or upon which such interruptions to commerce occur, as that part lying between St. Louis and Cairo. You may examine the long calendar of accidents which, through past years, has attracted so little attention from our Government, yet has subjected the western commerce to such fatal loss, and you will ascertain that much more than a proper propor-

tion of the catalogue lays the scene of disaster in distance which this road will avoid, or overcome entirely. I say, therefore, this work presents strong claims to your favor from its nationality. I do not seek to conceal that I regard it with especial interest, because it connects directly with the commercial interests of my own particular locality. It traverses the rich coal-fields of Illinois, and will afford sites for manufactures which are now valueless. It brings to our doors extensive and rich valleys which now we cannot, without great difficulty, penetrate. Yet, sir, what I ask for this enterprise is now of no value to you, and, unless this enterprise shall succeed, will continue valueless to the Government. This is not a scheme, Mr. Speaker, to run a railroad through a wilderness, and to preceed population by an expenditure of public funds for the construction of a road. The whole country is an old settled country. The point at which it crosses the Wabash was the theater of the earliest western military adventures, and in the vicinity of the earliest French settlements of that quarter of the Confederacy. The line of this road follows the ridge dividing the waters of the White river in Indiana, and the waters of the Ohio, and crossing the valley of the Wabash at the mouth of White river, traverses the uplands and prairies of Illinois. The lands have been so long exposed at the land offices for private entry, that little remains upon which private capital will be invested, unless some stimulant shall be afforded—some inducement whereby large and new advantages may be offered to the settler. The ridge lands to which I have alluded may be rich—I presume they are—but Western gentlemen know that Government can never dispose of them unless some contrivance like this shall pass them from the public proprietorship. Then they will be valuable, and will soon be taken up. It is only "unconsidered trifles" which I ask you to confer by this grant, and the donation brings to Government the advantage of closing out definitely and forever its claims upon the public domain where expenditures must far exceed receipts.

I shall not consume more time by enlarging upon considerations suggested by the presentation of this subject. I have briefly attempted to show to gentlemen from the large States and from the distant States, that this case forms a just exception to the rule which they seem to have adopted in the case of the Missouri railroad. I shall not argue the general question of the national policy connected with the public domain. I want a particular grant—an inconsiderable donation—and I want to avoid, if possible, being drifted with my small vessel into the general whirlpool, in which they are being carried who are freighted with heavier cargoes. Mine, sir, is no magnificent scheme, and I hope it will not be consigned "to the tomb of the Capulets" by being sent after the bill of my friend from Missouri for in that struggle which will come hereafter for precedence in getting out of the committee, my bill will stand no chance, for no great sections are engaged, by the amount it will bestow, to answer for its safety.

If any gentleman desires to address the House on this bill, I will yield the floor, but if no one has a wish to speak to this bill, I should like to have a vote upon its engrossment for a third reading, and for that purpose I shall move the previous question.

Mr. STANTON, of Ohio. I understand the reason which operates upon many gentlemen in voting against these grants of land to the new States. It is, that the effect of it will be to pass large bodies of these wild lands into the hands of speculators, and prevent the settlement of the country. Now, in a country where the lands have been in market for forty-five years, and the country is thoroughly settled, and where there are nothing but second and third-rate lands and no possibility of settlement, it seems to me that there is no danger that these lands could be transferred in bodies to speculators. Although my own State is not specially interested in this work, except as a connecting link in those great roads passing from St. Louis to Cincinnati, still I am anxious that this bill should pass. I desire to submit but a single remark, to show that this bill could not be subject to the paramount objection that prevails in regard to many others, and with the hope that the House may give it their favorable consideration.

Mr. JONES, of Tennessee. I move that the bill be referred to the Committee of the Whole on

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the state of the Union, and printed; and on that motion I demand the yeas and nays.

Mr. GREY. If it is in order, I wish to offer an amendment, and to have it printed and referred, with the bill, to the Committee of the Whole on the state of the Union.

The SPEAKER. It is not in order as long as the call for the previous question is pending.

Mr. GREY. Then I ask the gentleman from Tennessee to withdraw his call for the previous question.

Mr. JONES. I cannot do it.

The question was then taken on seconding the demand for the previous question; and on a division, there were—ayes 79, noes not counted.

So the previous question received a second, and the main question was ordered to be now put, viz: on Mr. JONES's motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. MARSHALL, of Kentucky, asked for the yeas and nays; but they were not ordered.

The question being put, the motion was agreed to, and the bill was referred to the Committee of the Whole on the state of the Union.

GRANT OF LAND TO MICHIGAN.

Mr. HALL, from the Committee on Public Lands, reported back with an amendment the House bill No. 10, granting to the State of Michigan the right of way and a donation of public land, for the construction of a ship-canal around the Falls of the St. Mary, in said State; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

GRANT OF LAND TO WISCONSIN.

Mr. H. from the same committee, reported back without amendment the House bill No. 214, granting the right of way and granting land to the State of Wisconsin, in aid of the construction of a railroad from Chicago to the head of Lake Superior, and moved that said bill be referred to the Committee of the Whole on the state of the Union, and be printed.

Mr. GREY. I ask the gentleman to withdraw that motion, to allow me to submit an amendment to the bill.

Mr. HALL. I withdraw it for that purpose.

Mr. GREY then offered the following amendment, to come in at the end of the bill:

Sec. —. *And be it further enacted*, That 900,000 acres of the public lands be and they are hereby granted to the State of Kentucky, for the purpose of aiding in constructing a railroad in said State, from Louisville to some point on the Mississippi river in said State; and 500,000 acres for aiding in constructing a railroad from Lexington, Kentucky, to the Virginia State line; and 500,000 acres for aiding in constructing a railroad from Henderson, Kentucky, towards Nashville, Tennessee; the said lands to be selected by an agent or agents, to be appointed by the Governor of the State of Kentucky, from any of the public lands which have not been heretofore especially reserved to the United States, and to which no right of preemption shall have attached, the selection to be made subject to the approval of the Secretary of the Interior; and when so selected, the said lands hereby granted to the said State of Kentucky shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid: *Provided*, That said lands shall be exclusively applied in the construction of said railroads from Louisville to the Mississippi river, from Lexington to the Virginia State line, and from Henderson towards Nashville, and shall be disposed of only as the work progresses: *And provided further*, That the said roads shall be and remain public highways for the use of the Government of the United States, free from toll or other charges upon the transportation of the mails, or any property or troops of the United States.

Mr. DOTY. I raise a question of order on that amendment. It does not refer to the subject-matter of the bill.

The SPEAKER. The Chair has not examined the body of the bill reported from the Committee on Public Lands.

Mr. HALL. I believe I merely yielded the floor for the purpose of hearing what the amendment was, and I must object to its being offered.

The SPEAKER. The Chair understood the gentleman from Missouri as yielding the floor for the purpose indicated by the gentleman from Kentucky—to enable him to offer the amendment.

Mr. HALL. Provided I might resume the floor if I objected to the amendment.

The SPEAKER. That was a mental reservation, the Chair supposes.

Mr. HALL. I am perfectly indifferent about the amendment. All I desire is, not to consume time.

The SPEAKER. The Chair is not prepared to decide the amendment out of order until the bill shall have been examined in all its parts.

Mr. ORR. I call for the reading of the title of the bill, in order that the House may see what it proposes.

The Clerk read the title, as follows:

“A bill granting the right of way, and granting land to the State of Wisconsin, in aid of the construction of a railroad from Chicago to the head of Lake Superior.”

Mr. GREY. If that title at all indicates the contents of the bill, my amendment is clearly in order. Here is a bill making an appropriation of land for a railroad, and my amendment proposes a like appropriation of public lands for a railroad.

The SPEAKER. From the reading of the title of the bill, the Chair is inclined to believe that the amendment is in order.

Mr. JONES, of Tennessee. I call for the reading of the whole bill, and I shall then raise a point of order on the amendment, and ask for the reading of the rule upon which I rely.

The Clerk read the bill.

[The bill grants, in the usual form, to the State of Wisconsin, the alternate sections on each side of the proposed roads enumerated in the bill, to aid in the construction of said roads.]

Mr. JONES then called for the reading of the 55th rule.

The Clerk read the rule, which is as follows:

55. “No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.”

Mr. JONES. The first branch of that rule, I think, excludes the amendment, and upon it I rely.

The SPEAKER. This is a question of relevancy merely, and a question about which gentlemen may well differ. The bill proposes to appropriate lands to a railroad in Wisconsin; the amendment proposes to appropriate lands to a railroad in Kentucky. The Chair is of opinion that the amendment is in order, and is not in violation of the rule to which the gentleman from Tennessee refers.

Mr. DUNHAM appealed from the decision of the Chair.

Mr. GREY moved to lay the appeal upon the table.

Mr. DUNHAM demanded tellers; which were ordered, and Messrs. JONES, of Tennessee, and CHANDLER appointed.

The question was then taken, and decided in the affirmative—ayes 93, noes not counted.

So the appeal was laid upon the table, and the decision of the Chair sustained.

Mr. HALL renewed the motion to refer the bill, with the amendments, to the Committee of the Whole on the state of the Union, and to print the same.

Mr. CHURCHWELL. I have an amendment which I desire to offer.

The SPEAKER. The amendment is not in order during the pendency of the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. CHURCHWELL. I ask the gentleman from Missouri to withdraw that motion.

Mr. HALL. I will withdraw it to enable the gentleman from Tennessee to offer his amendment.

The SPEAKER. For that purpose only?

Mr. HALL. Yes, sir.

The motion was then withdrawn, and

Mr. CHURCHWELL offered the following as an amendment to the amendment:

That 1,000,000 acres of public land, lying anywhere west of the Mississippi river, be granted to the South Carolina and Tennessee railroad from Anderson Court House, in South Carolina, to Knoxville, Tennessee, and to the East Tennessee and Kentucky railroad from Knoxville, Tennessee, to Lexington, Kentucky, in ratio proportioned by

the number of miles of said road to be constructed in each State, under the direction of their respective Governors.

Mr. C. then renewed the motion to commit the bill and amendments.

Mr. HEBARD. Is it in order to move a substitute for the last amendment?

The SPEAKER. It is not. The gentleman from Tennessee submits a motion to commit the bill, with the amendments, to the Committee of the Whole on the state of the Union.

Mr. GENTRY. I apprehend the amendment would not be in order, even if that motion was not pending. You cannot amend in the third degree.

The SPEAKER. Certainly not.

Mr. CHURCHWELL called for the previous question.

The previous question received a second, and the main question was ordered to be now put; and being put, the motion was agreed to.

So the bill, together with the pending amendments, was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. RICHARDSON. I would inquire of the Chair, if the morning hour has expired?

The SPEAKER. It has not.

Mr. STEPHENS, of Georgia. When does the Chair hold that the morning hour commenced?

The SPEAKER. At the time the House commenced the reception of reports from committees.

Mr. STEPHENS. I submit to the Chair whether the morning hour did not commence with the motion to reconsider, which was itself the subject-matter of the morning hour.

The SPEAKER. The Chair is of opinion that as the Missouri land bill had passed from the House to the Committee of the Whole on the state of the Union, the motion to reconsider was a privileged motion not necessarily confined to the morning hour. The Chair is not very clear upon that point, however.

Mr. RICHARDSON. Do I understand the Chair to decide that the morning hour did not commence until reports had been called from committees?

The SPEAKER. The Chair is inclined to that opinion.

Mr. COBB, from the Committee on Public Lands, to which were referred the petition of “many citizens of the State of Alabama” in relation to a grant of the right of way, and of alternate sections of land, to aid in the construction of the Selma and Gunter’s Landing Railroad, the memorial of the Alabama and Tennessee Railroad Company, as well as the petition of W. R. W. Cobb, and a bill upon the same subject, have instructed me to report a bill, by way of substitute, granting the right of way to the State of Alabama, and a portion of the public lands, to aid in the construction of a railroad from Selma, on the Alabama river, at or near Gunter’s landing in said State.

Mr. COBB. Mr. Speaker, notwithstanding my constituents in Alabama believe that all we have to do in a matter like this is merely to ask for alternate sections of land and the liberality of this House will immediately respond to the call, and grant the request—I say, that notwithstanding the opinions of my constituents may be this, yet if they were here to-day they could not lay at my door the charge of dereliction of duty in relation to this bill. I am satisfied, further, that if they were here to-day asking me, as they have asked me heretofore, to put this bill on its passage immediately after being reported from the Committee on Public Lands, they would, with such facts before them as are now presented, concur with me in not making such a request. The vote given upon this floor this morning upon a similar bill, clearly shows that the House is not ready to-day to pass such a bill. I say, that under the circumstances, in accordance with my own opinions of propriety, I cannot ask that this bill be now put upon its passage, though, in obedience to their will, and in carrying out their wishes, I do not feel authorized to ask that it be referred to the Committee of the Whole on the state of the

Union, to take its place upon the Calendar. I am satisfied that if it goes there, it will be the last they will hear of it. I do not expect the citizens of that portion of the Union will receive the benefit of this grant. I do not expect that the connection of the waters of Tennessee with those of Alabama, in which the Government and people of the United States feel so much interest, will ever be consummated by any grant of land from this Congress. I tell my constituents that they must rely upon their own private resources—upon their own energy and private enterprise, to complete this work, intended to connect the waters of Tennessee and Alabama. I believe the interest of this Government would be greatly promoted by making the grant of land which this bill proposes. It would bring into market, and make valuable, a large quantity of the public domain which is now nearly worthless. I believe it would result in benefit to the General Government if this grant were made; but I am compelled to say, with the most sanguine hope that it is possible for me to entertain, that I have no expectation that it will be done by this Congress. And I admonish my constituents to go on with their private enterprise and complete the road. They have already constructed some two hundred miles of this road, which is to connect these mighty waters together. But forty-three miles are left, and I say, go on and complete by private enterprise what you have commenced and carried thus far! Surmount all the obstacles which present themselves in your path. This Congress will not give you anything to assist you. Go on, and do it yourselves!

Before I take my seat, I must ask permission to return my thanks to a former Congress for the aid they gave towards the construction of this road. And to show this Congress that this has been regarded as a great national work, I must allude to the fact that by an express provision made by a former Congress, the State of Alabama was required to appropriate a portion of her five per cent. net proceeds of the sales of the public lands to the great object which this road, when completed, will accomplish—the connection of the waters of Alabama with those of Tennessee.

Mr. McMULLIN. I would suggest to the gentleman from Alabama [Mr. Cobb] that he wait till his bill has been read a first and second time, before he proceeds to make his speech.

The SPEAKER. The gentleman has a right to proceed.

Mr. COBB. I am exceedingly obliged to the gentleman from Virginia for his suggestion; especially as I am an exceedingly young member of the House, and inexperienced as to the proper mode of proceeding. [Laughter.] However, if it is the pleasure of the House to have the bill read now, I will give way for that purpose.

Mr. GENTRY. The House will hear the gentleman from Alabama, I have no doubt, with great pleasure. I hope he will be permitted to proceed.

A MEMBER. What is your bill?

Mr. COBB. It is a bill granting the right of way and making a grant of alternate sections of land to the Selma and Gunter's Landing railroad. I will leave it to the pleasure of the House to say whether I shall go on now. Can I go on?

[Cries of "Go on!" "Go on!"]

The SPEAKER. The Chair will suggest that the gentleman from Alabama will be perfectly in order to continue his remarks, if he will permit the bill to be read a first and second time.

The bill was then read a first and second time by its title.

Mr. COBB continued. I only desire to say a few words now, and then I shall not inflict a speech upon the House afterwards. What I am saying I design more particularly for my constituents than with any expectation that it will affect the action of the House upon the bill.

Mr. McMULLIN. Will the gentleman give way for a moment, in order to enable me to offer an amendment to the bill?

Mr. COBB. I prefer to make my speech first, and then the gentleman can offer his amendment and make his speech afterwards. [Laughter.]

I hope the attention of the House will not be diverted from the importance of this work. I alluded a moment ago to the view with which the Government regarded this work; and I repeat now what I said then, that although their proportion of the net proceeds of the sales of the public lands was given to the other States unconditionally,

yet of so great importance did the Government regard the connection of the waters of Tennessee with those of Alabama, that the State of Alabama was required to appropriate a portion of that money for this express object. Sir, that State has faithfully carried into effect that requirement, and by the aid of private subscription she has carried on this work thus far; and should this House and this Congress agree to grant lands to the utmost extent for which this bill provides, they cannot contribute more than one seventeenth part of the amount required to complete the road. Now, sir, the citizens of Alabama, and of different portions of the Union, are ready with their own private enterprise to go on and complete every sixteen parts out of seventeen of this road, and I ask if gentlemen upon this floor will deny the grant which is asked to complete the other part, of a work of so much national importance as this?

Mr. Speaker, I desire to make these remarks as brief as possible, but I cannot close without tracing this road from Selma to its terminus. You have heard the remarks of the gentleman from Kentucky [Mr. Marshall] upon another bill to-day. I desire to call the attention of that gentleman to the portion of his remarks in which, while speaking of the importance of connecting his portion of the country with the great lakes, he incidentally alluded to the works which were progressing in the State of Alabama towards the same quarter. And what work was it to which he alluded? Why, sir, it was the one in behalf of which I am now speaking. It is this work which is to complete the line of connection with the great lakes. And will you refuse the little pittance for which this bill provides? I tell the gentleman, as the Representative of the mountain district through which this road is expected to run, that we can and will make this road ourselves, if you will not help us. We shall penetrate those mountains; but I hope we shall not be denied this little grant, which is to open a communication for your flour and pork and hemp from the States of Ohio, Indiana, Tennessee, and Kentucky, to Alabama. I hope when this subject comes up again, that we shall not see a gentleman from any of those States opposing this bill. I hope they will see the importance of this work. Let me say to the gentleman from the State of Ohio, that this road will enable you and your constituents to place your pork and flour, in three days' time, into any portion of the State of Alabama. If you had had this communication last summer, when flour was \$10 per barrel all over the interior of Alabama, while it was but \$3 50 in Ohio, what a source of wealth would it have proved for your own State! But I do not intend to trespass upon the attention of the House.

Mr. HARRIS, of Tennessee. I desire to inquire if the morning hour has not expired?

The SPEAKER. It has expired.

Mr. COBB. I have nearly finished what I have to say now, but if gentlemen cut me off and allow me to get a new head of steam, I may make another speech to-morrow. [Laughter.]

Mr. HARRIS. I move that the House proceed to the consideration of the business on the Speaker's table.

Mr. RICHARDSON. I move that the House resolve itself into the Committee of the Whole on the state of the Union. The morning hour has expired, and I believe such a motion is in order.

Mr. SEYMOUR, of New York. I hope the gentleman from Illinois [Mr. Richardson] will waive his motion for a few minutes until some Senate bill upon the Speaker's table can be referred to their appropriate committees, as also some communications lying on the table.

Mr. MOORE. I rise to a question of order. I would ask the Speaker if it is possible, while one member is upon the floor making a speech, for another gentleman to take the floor for the purpose of submitting a motion to the House?

The SPEAKER. When the morning hour has expired, it is in order, but it would not be during the morning hour.

Mr. RICHARDSON. I would gladly consent to the proposition of the gentleman from New York [Mr. Seymour] if I could, but unless we go into Committee of the Whole reports of committees would necessarily take precedence of the business upon the Speaker's table, and, therefore, I must hold to my motion.

The SPEAKER. The Chair is inclined to the opinion that the motion of the gentleman from Tennessee [Mr. Harris] is in order.

The question was then taken upon the motion of Mr. Harris, and it was agreed to; there being, upon a division—ayes 89, noes not counted.

Mr. RICHARDSON. I now move that the House resolve itself into Committee of the Whole on the state of the Union.

ASSIGNABILITY OF LAND WARRANTS.

Mr. JONES, of Tennessee. Will the gentleman from Illinois allow the bill from the Senate, entitled "An act to make land warrants assignable and for other purposes" to be taken up before that vote is taken?

Mr. RICHARDSON. I will; and there are two bills upon the table which I wish should be taken up.

The bill was then, by unanimous consent, read by its title, as above reported.

Mr. JONES. It will be recollected that the House amended the first section of that Senate bill, and then struck out all the remaining portion of it. The Senate have non-concurred with all the amendments of the House, and sent it back here. I now move that the House insist upon their amendments, and that we ask for a committee of conference. This will bring all the questions in dispute between the two Houses, in relation to the fees of registers and receivers, and the extension of these land warrants, before this committee of conference.

Mr. HOUSTON. My own opinion is, that the course proposed by the gentleman from Tennessee [Mr. Jones] is not usual. The vote for the House to take now, is to insist upon these amendments, and return the bill to the Senate, and when it shall have been done, it will be time enough to ask for a committee of conference. I take it the House is not the proper body to ask for a committee of conference at this time. I ask, therefore, for a division of that question.

Mr. JOHNSON, of Arkansas. The House is now called upon to take action in relation to the proceedings of the Senate upon that bill, when they know nothing as to what those proceedings are. I ask, then, what it is that the Senate has done.

The SPEAKER. The bill will be read.

Mr. RICHARDSON. The gentleman from Kentucky [Mr. Breckinridge] has the floor in Committee of the Whole on the state of the Union. He is unwell, and may not be able to be here to-morrow. I move, therefore, that the House resolve itself into the Committee of the Whole on the state of the Union, upon the special order.

The question was then taken, and agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Jones, of Tennessee, in the chair.)

HOMESTEAD BILL.

The CHAIRMAN. The business first before the committee is the special order, being House bill No. 7, for the encouragement of agriculture, and for other purposes. Upon that question the gentleman from Kentucky [Mr. Breckinridge] is entitled to the floor.

Mr. BRECKINRIDGE then addressed the House an hour, in reply to remarks made some time since by Mr. Cabell, of Florida, to the effect that the opinions of General Butler, of Kentucky, on the slavery question, were not known. This he denied, and referred to General Butler's political life to prove that he was sound on the slavery question. He referred to the action of the Democratic Convention lately held in Kentucky, recommending General Butler to the Convention to be held in Baltimore in June next as a suitable person to nominate for the Presidency, and to the resolutions adopted by the Kentucky Convention, reading a letter from that gentleman endorsing the resolutions adopted by the Convention. In the name of the Kentucky Democracy, he denied the charge that General Butler was an Abolitionist. He also commented on an article in the Democratic Review, denunciatory of certain prominent statesmen, and General Butler in particular; and, in conclusion, urged harmony among the Democratic party.

[See Appendix for Mr. Breckinridge's speech.]

Mr. CABELL, of Florida, followed in a few remarks, stating that at the time he made his remarks General Butler's opinions were not known.

If, at the time he made his speech, General Butler's opinions had been known, he would not have made allusion to him. He congratulated the country upon the fact that one gentleman named as a candidate for the Presidency had expressed his opinions on the subject of slavery, and he hoped that other gentlemen named in the same connection would follow the example.

Mr. CAMPBELL, of Ohio. Mr. Chairman, I desire to inquire what is the question before the committee? [Laughter.]

The CHAIRMAN. The question before the committee is House bill No. 7, for the encouragement of agriculture, and a great many other purposes. [Renewed laughter.]

Mr. CAMPBELL, of Ohio, did not intend to discuss the question in dispute between the gentleman from Florida and the gentleman from Kentucky; for his constituents had not sent him here to manufacture candidates for the Presidency; nor did he propose to discuss the measures which were called the compromise measures, for he had expressed his opinions on this subject during the last Congress. He had seen efforts made during the present session to reenact and reëndorse certain laws in relation to the question of slavery; and he had only to say that, notwithstanding the House might pass every day during the present session resolutions reenacting and reëndorsing the compromise measures, there would be nothing in them which would prevent the people from demanding legislation upon the fugitive slave law, whenever they might see proper to require it.

Mr. C. then proceeded to discuss the bill under consideration. It was very evident, he thought—and no one who had observed the action of the House could fail to observe—that the great question of disposing of the public lands belonging to this nation would devolve upon this Congress. The idea that these public lands were to be retained as a source of revenue to the General Government seemed to have been abandoned by all parties and all classes of men. Mr. C. then proceeded to advert to the history of the acquisition of the public domain; and during this part of his remarks he yielded the floor to—

Mr. MOREHEAD, who moved that the committee rise and report progress; which motion was agreed to.

The committee rose accordingly, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order, being House bill No. 7, to encourage agriculture, and for other purposes, and had come to no conclusion thereon.

ASSIGNABILITY OF LAND WARRANTS.

Mr. JONES, of Tennessee. I now ask that the bill from the Senate, entitled "An act to make land warrants assignable, and for other purposes," may be disposed of by insisting upon the amendments of the House thereto, and asking for a committee of conference. And upon that I ask the previous question.

By general consent, the bill was then taken up and read by its title, as above reported.

The SPEAKER. What is the gentleman's motion?

Mr. JONES. My motion is, that the House insist upon its amendments, non-concurred in by the Senate, and ask for a committee of conference.

The question was then taken, and the motion was agreed to. Messrs. JONES, of Tennessee, BRIGGS, and BISSELL, were appointed the conferees on the part of the House.

CLAIMS OF NORTH CAROLINA.

Mr. STANLY, by unanimous consent, introduced a bill, of which previous notice had been given, entitled "A bill to refund to the State of North Carolina the amount of money advanced, and the transportation furnished to volunteers from that State during the late war with Mexico;" which was read a first and second time by its title, and referred to the Committee on Military Affairs.

HARBOR BILL.

Mr. S. also, by unanimous consent, introduced a bill, of which previous notice had been given, making appropriations for the improvement of certain rivers and harbors; which was read a first and second time by its title, and referred to the Committee on Commerce.

Mr. STANLY. I omitted to move that the two bills, which I have just presented, should be printed. I now make that motion.

Mr. JONES, of Tennessee. I would suggest that it is not customary to print bills until they are reported back to the House by the committee.

Mr. STANLY. Then I withdraw my motion to print.

ENTRIES OF LAND

Mr. CABELL, of Florida, by unanimous consent, introduced a bill to legalize certain entries of public land made in the State of Florida; which was read a first and second time by its title, and referred to the Committee on Public Lands.

CRIMES AGAINST THE UNITED STATES.

Mr. STANTON, of Ohio, by unanimous consent, introduced a bill, of which previous notice has been given, entitled "A bill to amend an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved March 3, 1825; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. S. I wish to submit certain joint resolutions from the Legislature of the State of Ohio, which I ask may be read.

[Cries "No!" "No!" "No!"]

Mr. STANTON. I move that they be laid on the table and be printed.

Mr. CARTTER. What is the title? Let it be read.

The title of the resolutions was then read, as follows: "Resolutions requesting our Senators and Representatives in Congress to secure an appropriation for the construction of a ship-canal at the Falls of St. Marie." The resolutions were then ordered to lie on the table and be printed.

Mr. ROBBINS. I wish to inquire if Senate bill No. 185 is upon the Speaker's table?

The SPEAKER. It is.

Mr. ROBBINS. If it is in order, I move that it be referred to the Committee on Commerce.

Mr. HART. I object.

The SPEAKER. It is objected to, and cannot be referred.

Mr. SEYMOUR, of New York. There are a number of Senate bills of importance upon the table, and I hope the House will permit all of them to be referred.

Mr. HART. I object.

Mr. FLORENCE. I ask the unanimous consent of the House to present a series of resolutions adopted by a meeting in Philadelphia of old soldiers of the war of 1812, and that they may be read for the information of the House.

Mr. ORR. I object.

Mr. FLORENCE. But one word. The resolutions are from a meeting of soldiers of the war of 1812, asking a grant of one hundred and sixty acres of bounty lands.

Mr. PHELPS. I object.

Mr. FLORENCE. I will withdraw my proposition to read them, and move that they be referred to the Committee on Public Lands.

[Cries of "I object!" "I object!"]

Mr. FLORENCE. Then I will renew my motion to-morrow.

On motion by Mr. CARTTER,

The House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. MOREHEAD: The memorial of Philip Kenner, assistant marshal of the district of North Carolina, asking an increase of compensation for services rendered in taking the late census.

By Mr. JONES, of Pennsylvania: The resolutions of the Legislature of Pennsylvania, remonstrating against the destruction of the Mint at Philadelphia and the removal to New York.

Also, the resolutions of the Legislature of Pennsylvania, recommending an appropriation for a ship-canal around the Falls of the Sault Ste. Marie.

Also, the petition of Levi Wunder and 35 others, for a modification of the tariff.

Also, the resolutions of the Legislature of Pennsylvania, asking an appropriation for harbors in the river Delaware.

By Mr. FLORENCE: Resolutions of the General Assembly of the State of Pennsylvania, relative to the proposed removal of the United States Mint from the city of Philadelphia to the city of New York.

Also, the memorial of Charles W. Carroll, James C. Bigby, Henry W. Simpson, and 31 others, citizens of the county of Philadelphia, praying for the extension of the Woodworth patent for planing boards, &c.

By Mr. EDGERTON: The petitions of citizens of Allen and Van Wert counties, Ohio, for a mail route from Find-

lay, Ohio, via Delphos and Van Wert, to Fort Wayne, Indiana.

By Mr. HASCALL: A remonstrance of 149 citizens of Warsaw, Wyoming county, New York, against the renewal of Woodworth's patent for a planing machine.

By Mr. McLANAHAN: Resolutions from the Legislature of the State of Pennsylvania, instructing the Senators and requesting the Representatives from that State to oppose the establishment of a Mint at New York.

By Mr. PARKER, of Pennsylvania: The memorial of John F. Lowrey, jr., and 26 others, citizens of Blair county, in the State of Pennsylvania, praying for the formation of an Agricultural Bureau by Congress.

Also, the petition of Jane Glasgow, widow of James Glasgow, deceased, a soldier of the revolutionary war, praying Congress to extend to her the pension of her husband from 1840 during her natural life.

By Mr. HARPER: The memorial of J. C. Albright and 69 other citizens of Guernsey county, Ohio, praying for the establishment of the bridges of the Wheeling and Belmont Bridge Company as post roads, and that they remain at their present height, &c.

Also, the petition of J. R. McBride and 43 other citizens of Wayne county, Ohio, praying that certain physicians employed in the late war with Mexico may be entitled to the benefit of the invalid pension laws, and the laws regulating extra pay, now in force.

By Mr. FOWLER: The petition of Martin Winsor and 71 merchants, shipmasters, and others, in the towns of Duxbury and Kingston, Massachusetts, praying for an appropriation from the Treasury of the United States for the improvement of the harbor of Scituate, in the State of Massachusetts.

Also, the petition of several insurance companies and port wardens of Boston, praying for an appropriation from the Treasury for the improvement of the harbor of Scituate Massachusetts.

IN SENATE.

FRIDAY, March 5, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. HUNTER. I move to suspend the execution of the order by which this day is set apart for the consideration of private bills, for one hour. I will state that my object in doing so, is to ask the Senate, during the morning hour, to take up a bill which ought to have passed long since, to enable officers who were in California between the time of the treaty of peace and the establishment of the State constitution to settle their accounts.

The motion was agreed to.

DRY DOCKS, BASINS, AND RAILWAYS.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with the resolution of the Senate of the 20th ultimo, copies of contracts for the construction of dry docks, basins, and railways, at Kittery, Philadelphia, and Pensacola; and also a copy of the contract for a floating sectional dock at San Francisco, in California. The Secretary also stated, in further reply to the resolution, that no advertisement was made inviting proposals for the work last named; and that in the view of the Department none was required by the original law upon the subject, approved September 22d, 1850.

The communication was laid upon the table, and a motion to print was referred to the Committee on Printing.

MILITARY CONTRIBUTIONS IN CALIFORNIA.

Mr. HUNTER. I ask the general consent of the Senate to take up a bill in addition to, and amendatory of, an act entitled "An act to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions or otherwise in Mexico," approved 3d March, 1849. This is a bill, the passage of which is necessary in order to enable the officers to settle their accounts with the Government, and pay into the Treasury what balances may be in their hands. I hope the Senate will take it up, and I think it may be disposed of in a short time.

The motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole.

The Committee on Finance propose a substitute for the bill, which consists of six sections.

The first section proposes to enact that all the provisions of the act, "to provide for the settlement of the accounts of public officers and others, who may have received moneys arising from military contributions or otherwise in Mexico," approved March 3d, 1849, be applied to any officer of the Army or Navy of the United States, or any other person or persons appointed by, or acting under the authority of, any such officer or officers, who may have received moneys raised and collected in Upper California or New Mexico for contribu-

tions, penalties, internal assessments, duties, or other objects, from the commencement of the late war with the Republic of Mexico, to the 12th day of November, 1849, (the day on which the collector of customs for the district of Upper California entered upon the discharge of his duties, under the act extending the revenue laws of the United States over that country,) and each and every such officer or other person shall account for, settle, and pay into the Treasury of the United States, for general purposes, any balances of moneys shown to be in his hands. And upon such settlement, made in conformity with the requirements of the provisions of the act before referred to, such persons shall become entitled to the compensations and allowances authorized by that act, except as hereinafter provided. And on failure to account for or pay over any moneys received by them, the said officers or other persons shall be liable to the penalties imposed by existing laws, in the case of disbursing officers of the United States who neglect or refuse to account for money drawn from the Treasury; provided that all papers, vouchers, or other documents connected with the levying or collecting of any such money, shall be filed with the amounts rendered for settlement by any officer or other person referred to in the act.

The second section provides that compensation may be allowed to any commanding officer of the army in California who collected duties in that country after the late treaty of peace with Mexico and before the 12th day of November, 1849, not exceeding the compensation now allowed by law to the collector of the district of Upper California; said compensation to include the pay and emoluments of such officer of the army.

The third section provides that when accounts are rendered for expenditures under the approval and sanction of the proper officers for the support of the actual government of California, after the ratification of the treaty of peace, and before the formation of the State government, and which expenditures may appear to have been proper and necessary, though not authorized by any law of the United States, the said accounts may be credited to the proper person or persons in the settlement of their accounts, if approved by the President of the United States.

By the fourth section it is proposed to authorize the accounting officers of the Treasury to credit the proper officers with any sum or sums of money paid or advanced by them for defraying the expenses of the Convention of California to form a State constitution, provided that the same shall not exceed the sum of \$—; and also to credit the proper persons with the sum or sums of money advanced or paid by them for the relief of the destitute overland emigrants to California under the authority of the officer chief in command of the army in California; provided the same shall not exceed the sum of \$125,000, and that vouchers shall be produced for the amounts paid.

By the fifth section the Secretary of the Treasury is directed to cause proper defense to be made to any suit or suits at law now pending, or that may be hereafter instituted, against the person or persons who acted in the capacity of collector of the customs at San Francisco or elsewhere on the Pacific coast, under the military authorities of the United States prior to the time when the duly appointed collector entered upon the collection of the revenues at the port of San Francisco, and \$— be appropriated therefor.

The sixth section provides that of the moneys collected in the ports now embraced within the limits of the State of California as duties upon foreign imports, that the sum of \$300,000 be paid to that State, to be applied to the expenses of the State government prior to the admission of California into the Union as a State.

Mr. HUNTER. Mr. President, this is a bill which was drawn up with a great deal of care by the Senator from Maryland, [Mr. PEARCE,] whose absence now I regret, in order to provide for two objects; each of which presented questions which were complicated in their character. The one was to enable the officers to settle the accounts which arose out of transactions between the treaty of peace and the time when the collector went into California under the laws of the United States; and the other was to make some provision in relation to what is called the civil fund of California;

that is to say, the fund which was collected from the duties on imports between the period of ratification of the treaty of peace and the appearance of the collector under the laws of the United States. In relation to the first, the provisions of this bill have been based upon the law approved March 3d, 1849, which provided for the settlement of the accounts of officers who collected moneys in the territories of Mexico during the war. The provisions of that act, so far as they are applicable to this case, have been adopted. And upon the same principles the Secretary of the Treasury is directed to settle the accounts of officers who collected moneys after the ratification of the treaty of peace and, before the appearance of the collector under the laws of the United States—a period to which the law of 1849 does not refer.

This bill had also to provide for some other things arising out of the peculiar state of the case in California during that period; that is to say, after the treaty of peace and before the establishment of the State government. There was then no regularly organized government, according to law; but there was a provisional government, which was put to some necessary expense in order to maintain the peace of society. The committee, in considering the question, came to the conclusion that it was proper to recognize this as a government *de facto*; that, as self-preservation is the first law of nature in reference to individuals, so also every society had a right, higher than all others, to protect itself against anarchy, and to establish some government—a government *de facto*, if such an institution should be necessary for that purpose. They were also of opinion that, so far as the transactions of this government *de facto* were necessary in order to preserve the peace and order of society, the validity of its transactions should be recognized and its expenses paid. Beyond that—that is, beyond the strict necessity of the case—it is obvious that they could not bind either the State of California or the United States. The bill accordingly provides that these expenses shall be paid upon such vouchers and upon such a statement of the case as shall seem to be satisfactory in the discretion of the President of the United States. We were obliged to leave a large discretion to the President, in order to have these accounts settled.

The bill also provides that the relief which was given by the commanding general to the overland emigrants, amounting to some hundred and twenty thousand dollars, which General Smith caused to be furnished them in order to save them from starvation, should be paid. All of these expenses will be covered by, and, indeed, have probably been paid out of the civil fund, as it is called.

There was, also, another question—indeed I may say there were two questions—of grave importance, which arose out of the character of this civil fund itself. The civil fund was the money collected from duties between the time of the treaty of peace and the appearance of the United States collector at San Francisco. It was collected by order of the government *de facto*. The first order was issued, I believe, by Governor Mason. This civil fund was collected, as I said before, by order of the *de facto* government, and not under any law of the United States. The merchants who paid the duties have claimed that they ought to be returned to them, because they were made to pay them without the authority of any law of the United States. When the case was examined the committee came to this conclusion: That if the merchants insisted upon the strict execution of the law, as there was no law establishing a port of entry there, they would have forfeited the whole amount of the goods by introducing them there; and that therefore it was a boon and a benefit offered to them by the *de facto* government when they were permitted to enter the goods upon the same terms as such goods might have been entered elsewhere in the United States, and that they therefore could not claim them in equity or in strict law.

The State of California took another view of the question. They seemed to think that the government of California was entitled to this civil fund, because these moneys were collected without the authority of United States law. The tax was paid by the consumer, because the merchants made it out of them by the increased price of the goods. The committee did not agree in the view of the question taken by the State of California.

It seemed to them, recurring to the same principle of settling it, that if the government *de facto* had pursued strict law, rather than have acted according to the necessity of the case, and the existing state of things, as there was no law making any of the ports of California ports of entry, the goods could not have been brought in at all. But the Governor *de facto* relaxed the laws of the United States so far as they forbade goods to be entered in California, there being no port of entry there. This relaxation was for the benefit of the people of California—indispensable, indeed, to their very existence—and it was effected in such a manner as to make their action sympathize with the federal system, so as to place them precisely in the same condition in relation to duties, that the people of the United States were placed in elsewhere. In other words, the duties were imposed by the government *de facto* to meet the necessities of the people of California, and to meet them in such manner as might be consistent with the federal system to which those people belonged. But in consideration of the fact that California had no outfit in the way of public buildings, such as are usually furnished to the Territories before they are admitted into the Union as States, the committee reported a provision to pay the State of California \$300,000, a sum which the civil fund will more than cover by way of outfit. To this, the Senator from California [Mr. GWIN] objected. I believe he would now object to it but for the fact that it is necessary to adopt the other provisions of the bill, in order to get these accounts settled. He has, however, agreed to withdraw his objections to this bill; and I believe there is now a general concurrence on the part of the committee in the wish that the bill should be passed through as soon as possible, in order that these accounts may be settled, and this troublesome subject may be put in the way of adjustment.

The substitute, as reported by the committee, was then agreed to.

Mr. GWIN. I am not going to detain the Senate. I only wish to say, that on some future occasion I shall combat the reason given by the chairman of the Committee on Finance, as the organ of the Finance Committee, for withholding the whole of this civil fund from the State of California. I want this bill to pass; it is proper that the accounts of the officers who collected this money should be settled; and I therefore waive my objections to the last section of the bill for the present.

The bill was reported to the Senate as amended.

On motion by Mr. HUNTER, the first blank—that in the fourth section—was filled with the sum of \$86,600; so that the section would read, "that, 'in the settlements of the accounts aforesaid, the accounting officers of the Treasury be and they are hereby authorized and required to credit the proper officers with any sum or sums of money paid or advanced by them for defraying the expenses of the convention of California, called to form a State constitution, provided that the same shall not exceed the sum of \$86,600.'"

On the motion by Mr. HUNTER, the blank in the fifth section was filled with \$10,000; so that that sum shall be appropriated for the payment of the defence of any suits which may be brought to recover the revenues collected at San Francisco between the time of the ratification of the treaty of peace and the arrival of the collector of the United States.

The amendment of the Committee of the Whole, as thus modified, was agreed to by the Senate.

Mr. CHASE. I would like to make an inquiry or two of the chairman of the Committee on Finance in regard to this bill. If I read the fourth section right, it provides that the expenses of the convention for framing the constitution of California, shall be paid out of the Treasury in some form. The fifth section suggests, at all events, that suits are pending, or may be brought, to recover the duties which have been paid into the Treasury, and are known by the name of the civil fund. The sixth section provides that out of this civil fund there shall be paid over to the State of California the sum of \$300,000. I should like to know from the chairman of the Committee on Finance, whether it is in contemplation not merely to pay the expenses of the convention which framed the constitution of California, but also to pay out of the Treasury to that State the sum of \$300,000; and yet leave the Treasury exposed to suits which may be brought by individuals to recover this identical

fund from the Government, for their private use? If that is to be the effect of the bill, it seems to me that it deserves some further consideration than it has yet received.

Mr. HUNTER. The design of the bill was to pay to California \$300,000, which would, of course, come out of this civil fund which was raised. There was some division of opinion in relation to that, but on two occasions the committee agreed to report that sum. The State of California claimed the whole of the civil fund, which amounts to nearly \$1,300,000. The committee did not agree to give the State of California the whole, but agreed to give her \$300,000 in lieu of the outfit which is usually given to the Territories before they are received as States. Public buildings are generally erected, and other things are done, which may be called an outfit. In lieu of that outfit, and as California thought she had a right to this very large amount, a majority of the committee supposed it was fair and right to give her these \$300,000.

In relation to the other remark of the Senator from Ohio, I would say, there are suits which have been threatened, and I think some are pending; but the committee did not suppose there was much danger that judgment would go against the United States in these suits. But if judgment should go against the United States, of course the money would have to be refunded.

Mr. BADGER. I desire to ask a little further explanation on this subject from my friend from Virginia. I understand from the Senator that the State of California claimed the sum of \$1,300,000.

Mr. HUNTER. Nearly that.

Mr. BADGER. That is the sum in round numbers. The claim is either well founded or ill founded. But I understand that the committee neither reject the claim, nor do they allow the claim; but they say they will give the State of California the sum of \$300,000. What I want to know is this: have the committee ascertained that the \$300,000, which they propose allowing to the State of California, is really due to that State; and that the residue of the amount claimed is not due to her? Or have the committee had any difficulty in ascertaining what particular or precise sum is due to her, and have assumed \$300,000 as an approximation? Or is the \$300,000 proposed to be given merely because she claims \$1,300,000? If that is the ground for granting this amount, then it would be a very convenient thing for my State to bring forward a very large claim.

Mr. HUNTER. I thought I had stated before that the committee were of opinion that the State of California was not entitled to this fund.

Mr. BADGER. Any part of it?

Mr. HUNTER. Not to any part of it. This \$300,000 was proposed to be given by a majority of the committee as a gratuity. Doubtless they were disposed to be more liberal in measuring the gratuity from the fact that the State of California did think it was wrong to withhold from her the civil fund. She claimed the whole amount. But the committee put the appropriation upon the ground that the United States has usually given some outfit to the Territories before they have been brought in as States, and that it was much dearer to put up public buildings in California than elsewhere; and I think the majority of the committee, who fixed the amount at \$300,000, thought they ought to provide something in the proportion of four to one. I think some estimate at least was made in relation to that matter. It is due to myself, perhaps, to say that, in relation to that provision, I did not think California was entitled to it. But the committee have twice so decided, and I have acquiesced. I have given up as to that point; and the Senator from California has withdrawn his objections in order to enable this bill to pass; though he thinks his State is entitled to the whole of the civil fund. Under these circumstances, it seems to me it would be better that this bill should pass in its present form.

Mr. CHASE. I do not understand my friend, the chairman of the Committee on Finance, as answering the question I put to him in regard to a portion of the fourth section. The fourth section, if I understand it, provides for the payment of the expenses of the convention which framed the constitution of California; and I am not aware of any other expenses incurred by that State preparatory to its admission into the Union. If there are any other expenses which this sum of \$300,000

is to pay for, and if that is a proper sum to meet those expenses, I should be one of the last men in the world to object to it.

Mr. HUNTER. There is another provision in the bill, that the expenses of the government *de facto*, between the time of the promulgation of the treaty of peace and the establishment of the State constitution, should be paid. The expenses of the State convention were paid by General Riley out of this civil fund. The money has already been paid; and I believe it was paid (although I do not speak with certainty of that fact) under the order of the Executive. But, in addition to the expenses of the convention, there was a government *de facto*; there was a judiciary, in order to preserve the peace and order of society; and, as I said before, the question in regard to the expenses of the government *de facto* was a difficult one. But it seemed to us, that the only way of solving the difficulty was to recognize the existence of the government *de facto*, and to pay all its expenses, so far as they were confined to the object of the preservation of the peace and order of society in California. I believe it will be found that, considering the difficulties which arose out of the anomalous state of things which certainly existed in California, that assumption of the principle is the only supposition which would enable us to solve the difficulty satisfactorily. It may require us to pay more money than we should have had to pay if there had been a regular government there.

The committee had a great deal of difficulty with this subject, from the fact that there was no means of ascertaining with precise accuracy what was due, or what ought to have been paid. They have therefore left it to the discretion of the President, in the settlement of these accounts, to admit such vouchers as are proper, and such charges as he might think come within the legitimate sphere of the government *de facto*. But these expenses are provided for in a different section of the bill. This sum of \$300,000 covers nothing of that. It is, as I said before, a gratuity—an outfit, as the Senator from Maryland called it—to the State of California.

Mr. BORLAND. I am in favor of the passage of this bill; but I wish to call the attention of the Senator from California to one point. I understood from the remarks of the Senator from Virginia that this bill, in its present shape, was a sort of compromise between the United States and the State of California of certain matters in dispute. I understand from him that the Senator from California is willing to withdraw his objections, as the representative of California, for the present; and that the Committee on Finance, representing the United States as the other party, are willing to allow \$300,000 to California. Well, if it be a compromise—if the United States are to make a positive grant of \$300,000 to California—I think it would be but fair for the Senator from California, on the part of that State, to withdraw all further claim, and let the compromise be the final settlement of the account.

Mr. GWIN. I was opposed to the last section of the bill, because it did not give us the whole of the civil fund, and I intended to contest its passage before the Senate. But I have given up my intention to do so, to have these accounts settled. I give notice to the Senate, however, that I intend hereafter to urge the payment of the whole of this civil fund to California. But the other provisions of this bill are highly important. These accounts are unsettled. Here is the sum of over \$1,200,000 of this civil fund unaccounted for. It is absolutely necessary that this bill should pass in order to settle the accounts of the officers who collected it; and I am told that some of the money is perhaps in jeopardy. I want these accounts to be settled; and to accomplish that purpose, I have withdrawn my opposition to the bill. I was the only member of the Committee on Finance who was opposed to reporting it in its present form; and I have withdrawn my opposition for the present for the purpose of having these accounts settled. The other question is before the Committee on Finance, and will be brought up hereafter; and I give notice that I will contend for the whole of this civil fund as belonging in right and justice to California, and will not give up the contest until we get it.

Mr. BORLAND. When a proposition was formerly before the Senate, granting or conceding the amount of \$300,000 to the State of California, I and a good many others were opposed to it; but

as I think the passage of this bill is very important, not only to the Government, but to the officers whose accounts are to be settled, I am willing to make this concession of \$300,000. But I must say, that if the grant of \$300,000 was before the Senate as a separate proposition, I should vote against it. I shall, therefore, hold myself in readiness to make what opposition I can to the proposition which the Senator from California has given notice he shall insist upon hereafter. I think it will be well for others, who take the same view of the subject, to be prepared to meet the claim when it comes up; and I will give my vote now, as the Senator from California does, under protest, with regard to these \$300,000.

The bill was then ordered to be engrossed for a third reading, and it was subsequently read a third time and passed.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, transmitting, in compliance with the law of the 11th of August, 1848, the copy of a dispatch from the Commissioner, *ad interim*, of the United States at Canton, together with the copy of certain rules and regulations for masters, officers, and seamen of vessels of the United States at the free ports of China, which accompanied said dispatch, and which are submitted for the revision of Congress; which were read, and ordered to be laid on the table and printed.

ASSIGNABILITY OF LAND WARRANTS.

A message, from the House of Representatives, was received by Mr. FORNEY, its Clerk, announcing that it insists on its amendment to the bill to make land warrants assignable, disagreed to by the Senate, and asking a conference on the disagreeing votes of the two Houses, and stating that it had appointed managers at the same on its part, viz: Mr. GEO. W. JONES, Mr. GEORGE BRIGGS, and Mr. WILLIAM H. BISSELL.

The Senate proceeded to consider the amendment of the House of Representatives to the bill last mentioned, insisted on by that House, and it was

Resolved, That the Senate insist on its disagreement to the said amendment and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses.

Ordered, That the committee of conference, on the part of the Senate, consist of three members, to be appointed by the President of the Senate.

And Mr. SHIELDS, Mr. SMITH, and Mr. FELCH, were appointed accordingly.

PETITIONS, ETC.

Mr. PRATT presented the memorial of ship-owners, merchants, and others, of Baltimore, praying that further aid may be extended to Collins's line of steam-ships; which was referred to the Committee on Naval Affairs.

Mr. SUMNER presented the memorial of ship-owners, merchants, and others, of Salem, Massachusetts, praying that further aid may be extended to Collins's line of steam-ships; which was referred to the Committee on Naval Affairs.

Mr. FISH presented the memorial of ship-owners, merchants, and others, of New York, praying that further aid may be extended to Collins's line of steam-ships; which was referred to the Committee on Naval Affairs.

Also, the memorial of Alexander J. Atocha, praying satisfaction for damages in consequence of having been expelled from Mexico, and his claim having been improperly rejected by the late Board of Commissioners; which was referred to the select committee appointed on the subject.

Mr. JONES, of Iowa, presented the proceedings of a meeting of citizens of Iowa, held at Israel Trumbo's, in Bremer county, recommending the establishment of a land office at Cedar Falls; which were referred to the Committee on Public Roads.

Also, the proceedings of a railroad meeting held at Quasqueton, Iowa, in favor of the construction of the Dubuque and North Red River Railroad; which were referred to the Committee on Territories.

Mr. STOCKTON presented the memorial of John Duff, for himself and his late partner, Joseph Gonder, jr., praying that a suit brought against him by the United States for an alleged violation of a contract to furnish stone for the dry dock at Brooklyn, may be discontinued; which was referred to the Committee on Naval Affairs.

Also, a memorial of citizens of Philadelphia, praying a modification of the bounty land law; which was referred to the Committee on Public Lands.

Also, a petition of Hugh N. Page and others, officers in the Navy, praying additional pay for the time they served in California; which was ordered to be laid on the table.

Also, a memorial of ship-masters, pilots, and others, of Philadelphia, praying the construction of piers and harbors in the Delaware river and bay; which was referred to the Committee on Commerce.

Also, two petitions of citizens of Bridgeton, New Jersey, praying an increase of the duties on iron and glass; which were referred to the Committee on Finance.

Also, a petition of citizens of Essex county, New Jersey, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of New Jersey, remonstrating against the renewal of Parker's patent for improvements in the water-wheel; which was referred to the Committee on Patents and the Patent Office.

Also, the petition of citizens of Erie, Pennsylvania, praying the establishment of a naval depot or navy yard and dry dock on the Lakes; which was referred to the Committee on Naval Affairs.

Mr. SEWARD presented resolutions of the corporate authorities of the city of New York, in favor of the adoption of measures to obtain from the British Government the release of William Smith O'Brien, and certain other natives of Ireland, now suffering imprisonment in Van Diemen's Land; which were ordered to be laid on the table.

A motion by Mr. S. that they be printed, was referred to the Committee on Printing.

Also, a memorial of citizens of Germantown, Pennsylvania, praying a modification of the bounty land law; which was referred to the Committee on Public Lands.

Mr. JAMES presented a petition of citizens of Providence, Rhode Island, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. DAVIS presented the memorial of Charles Gordon, praying compensation for services as draughtsman to the Committee on Public Lands; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Also, a memorial of merchants, ship-owners, and others, of Boston, praying that further aid may be extended to Collins's line of steamships; which was referred to the Committee on Naval Affairs.

Mr. BADGER presented a petition of P. K. Dickinson & Co., praying that Woodworth's patent for a planing machine may not be renewed; which was referred to the Committee on Patents and the Patent Office.

Mr. SHIELDS presented the petition of Joseph H. Marsh, only child of Samuel Marsh, deceased, late a soldier during the Mexican war, praying an increase of pension; which was referred to the Committee on Pensions.

Also, the memorial of citizens of Washington, D. C., praying certain amendments to the city charter by the removal of certain restrictions on the right of suffrage; which was referred to the Committee for the District of Columbia.

Mr. UPHAM presented the petition of Jonah Brooks, assistant marshal for taking the Seventh Census in Vermont, praying additional compensation; which was referred to the Committee of Claims.

Mr. SEWARD presented the petition of citizens of the State of New York, praying that pensions may be granted to widows or children of officers and soldiers of the revolutionary war who have never received pensions; which was referred to the Committee on Revolutionary Claims.

Mr. DODGE, of Wisconsin, presented the petition of residents on the Menominee purchase, praying the removal of the Indians therefrom; which was referred to the Committee on Indian Affairs.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. DOWNS, it was

Ordered, That the memorial of Maria Taylor, on the files

of the Senate, be referred to the Committee on Private Land Claims.

REPORT FROM A STANDING COMMITTEE.

Mr. MANGUM, from the Committee on Foreign Relations, to which was referred the memorial of Mrs. Ann Robinson, asking payment for certain negroes carried away by the British in the war of 1812, reported a bill for her relief; which was read and passed to the second reading.

MEXICAN INDEMNITIES.

Mr. PRATT. I am instructed by the Committee of Claims, to which was referred the memorial of Don José Maria Jarero, a citizen of Mexico, to ask to be discharged from the further consideration of that memorial, which claims compensation out of the fund appropriated under the Mexican treaty, and to ask the reference of these papers to the select committee recently appointed by the Senate to take charge of all matters relating to this subject.

Mr. BRODHEAD. I have a minority report on that subject which I wish to present. The majority of the committee have reported a resolution to refer this case to the select committee upon this subject. I have a minority report to present, concluding with a joint resolution. I do not know what has been the practice of the Senate in such cases, but I design, when the majority report comes up for consideration, to move to strike out all after the word "resolved," for the reasons stated in the minority report, and insert the resolution accompanying the report which I offer. I move the printing of both reports.

The PRESIDENT. The motion now made by the Senator from Maryland [Mr. PRATT] is to place the subject beyond the power of the Senator from Pennsylvania to make any amendment whatever. The motion is merely to discharge the committee from the further consideration of this memorial, and to refer it to the select committee on that subject, and when it is thus referred it goes out of the possession of the Senate. There would, therefore, be nothing before the Senate to which the minority report of the Senator from Pennsylvania could refer.

Mr. PRATT. When the select committee shall report, if the motion which I have made should prevail, it will be in the power of the Senator from Pennsylvania to offer a substitute in the shape of the report he now holds in his hand. I would suggest to that Senator, that if the papers are referred to the select committee, the whole subject will come under the consideration of that committee; and the majority of the Committee of Claims have thought it better that it should be referred to the select committee untrammelled, than that the question should be prematurely discussed here.

Mr. BRODHEAD. The minority of the committee entertained the opinion that this claim should be paid; in other words, that the balance of the \$3,250,000 of the Mexican indemnity fund should be paid to the Mexican Government, or upon the order of the Mexican Government to any person that Government might choose to authorize to receive it. I am, therefore, of opinion that this case should not go with the others to the select committee; and for that reason I trust the matter will go over, and that the minority report will be considered. I suppose that is the proper course to pursue in such a case.

Mr. BAYARD. I hope the motion of my friend from Maryland will be adopted, and that the Committee of Claims will be discharged from the further consideration of this memorial. Whether the claim is referred to the select committee or not, is, in my judgment, not a subject of so much moment. The case is a very simple one; and it is a matter of some surprise to me that the honorable Senator from Pennsylvania should doubt the construction to be put upon this treaty. This memorialist claims the right to some forty odd thousand dollars, which is the residue of the \$3,250,000, after the payment of all the claims under the commission appointed by virtue of the treaty with Mexico. There is this balance remaining to the United States, which the Government stipulated to pay on a certain class of claims. General Jarero claims this balance on the ground that the Mexican Government have given an order for its payment through their minister—claiming thus that this balance belongs to the Mexican Government. I have looked into this question attentively, and I cannot find the least shadow of a ground on

which Mexico can claim that fund. I do not intend to enter into the discussion of this question now; but I must say that the matter appears to me to be so plain that "He who runs may read;" and in that treaty there is no stipulation which would entitle Mexico to the balance of that fund, after we have discharged the claims which we are forced under the treaty to pay. It is upon this ground, and on this ground alone—that the party has no claim founded upon the rights of the Mexican Government to this fund—that the Committee ask to be discharged. The ground of proposing the reference to this select committee, is simply that we know that memorials of this character have been so referred; and we think it right and proper, as this claim was rejected by the commission on the ground that it was not an American claim, that it should go before that committee. It seems to me inscrutable, if this was originally a claim of an American citizen, that because a Mexican was the holder of it the commission should have rejected it. I cannot conceive on what principle they could arrive at such a result. At all events, I think the matter is worthy of a reference to the select committee. What may be the result of their investigation is another question.

Mr. BRODHEAD. I understand there is but one memorial. I only make a report with regard to one. I will not now undertake to discuss the question. It is a question of the construction of the treaty. I have discussed it in the minority report, which I have submitted to the Senate. The only question is, what is the proper course to pursue to dispose of this minority report, and what is the proper way to bring the subject to the attention of the Senate. I ask the opinion of the Senate as to the proper construction of this treaty. The question has been presented by the memorialist. It is a question of construction, and of construction alone, and therefore I think it should not go to the select committee. If the construction is as I contend, then the memorialist will receive the money. If the construction should be as contended for by the Senators from Delaware and Maryland, then I agree that the memorial should go to the select committee.

The PRESIDENT. The Chair will state that there is no report from the committee. They simply ask to be discharged from the further consideration of the memorial, and that it be referred to the select committee. The report of a minority of a committee cannot be received without the unanimous consent of the Senate. The question is now whether the Senate will discharge the committee from the further consideration of the memorial, and refer it to the select committee on Mexican Claims.

Mr. BRODHEAD. I hope, then, the committee will not be discharged, or that the unanimous consent of the Senate will be given for the introduction of this minority report. All I ask is that the Senate will examine the subject.

The PRESIDENT. There is no majority report.

Mr. BRODHEAD. The majority ask to be discharged from the further consideration of the subject, and a reference to the select committee. I ask that the whole subject may be laid on the table, and that the report may be printed.

Mr. BADGER. Why? I shall certainly object to the report being printed.

The PRESIDENT. What report? The committee simply ask to be discharged, and to have the memorial referred to another committee, as the Chair has already stated.

Mr. BADGER. Why should they not be discharged?

Mr. HAMLIN. If I understand the honorable Senator from Pennsylvania aright, he asks that the report which he has submitted be received and printed, whether there be any majority report or not. I beg leave to inquire of the Chair if the paper which is submitted by the honorable Senator from Pennsylvania may not be received with the unanimous consent of the Senate, and be printed?

The PRESIDENT. Most certainly.

Mr. HAMLIN. Very well; I hear no objection.

Mr. BADGER. I object.

Mr. HAMLIN. The Senator from North Carolina objects. Then the question recurs on adopting the motion made by the committee, which is to be discharged from the further consideration

of the memorial, and its reference to the select committee.

Mr. BADGER. Certainly.

Mr. HAMLIN. I understand that the Senator from Pennsylvania has submitted at length, in writing, his reasons why that committee ought not to be discharged.

Mr. BADGER. Very well. We will hear them now, if he will offer them.

Mr. HAMLIN. I think we could appropriate the time of the Senate to better purpose, and that it would be better to let the report be printed, and the matter remain for the present where it now is until it is printed, and then we can judge whether we will discharge the committee or not. If the committee is discharged, we shall not have the benefit of the matter which is proposed to be submitted by the Senator from Pennsylvania.

The PRESIDENT. The Chair will state that the Senator from Pennsylvania can present in his individual capacity as a Senator anything which will throw light upon this subject, or give any information to this body; but that he cannot present such a paper now as a minority report.

Mr. BADGER. I will state some reasons why the minority report should not be received. In the first place, this is a case of the first impression of the Senate. The committee to which the subject has been referred direct a member of the committee to move that they be discharged from the further consideration of the memorial, not upon the ground that the claim is not meritorious, not upon the ground that they have considered and decided the case—it is not in the nature of an adverse report—but simply that it may be referred to another committee, which they think is more appropriate to take charge of the subject—

Mr. PRATT. Which the Senate has appointed to take charge of this whole subject.

Mr. BADGER. I understand it. Now a member of that committee brings in what he calls a minority report, and upon what? Upon the merits of this claim; undertaking to show in this minority report that the claim is a valid one, and ought to be paid. Now, that is not the question before the Senate, and I do not want the Senator from Pennsylvania to preoccupy that question by presenting a report here which he calls a minority report, while at the same time we are sending the subject to a committee which we wish to be entirely untrammelled by any previous action.

Mr. BROADHEAD. One word, if the Senator pleases. I undertake to show that the reasons which are introduced in the minority report are reasons which go to show that the memorial should not be referred to the select committee.

Mr. BADGER. Whatever they may be, I understand that the Senator from Pennsylvania presents what he calls a minority report, there being no majority report in which the merits of this claim are investigated. I do not see where we shall be led, if the Senate adopts a system of that kind, admitting one gentleman on a committee to which a particular question was referred to bring in a report investigating the merits of the whole case and have it printed. I cannot conceive why any petition, memorial, or claim, which grows out of the Mexican treaty, or the proceedings of the late Mexican Board, should not be referred to the select committee of which the honorable Senator from Louisiana [Mr. SOULE] is the chairman. I think the whole subject is one that properly comes under the consideration of that committee; and if there be any reason why relief should be given to this claimant, although that reason does not extend to any other, that committee is perfectly competent to make a report in favor of this claimant, although it reports against all others. It is as competent for that committee to investigate the construction of the treaty as it is for any other committee to do it. And why not? They are to determine and present to the Senate what they think ought to be done in relation to the subject-matter of the claims which are alleged to exist in consequence of what are considered the wrong or mistaken decisions of that Board. Now, whether these wrong decisions relate to the construction of the treaty or anything else, the whole matter will be before the committee. Therefore, it is not with the slightest disrespect or unwillingness, to accommodate the Senator from Pennsylvania, that I must interpose an objection to having the paper presented and printed. I am totally unable to understand why the memorial should not go to the select committee which the

Senate have raised expressly to take charge of this subject.

Mr. PRATT. I do not consider that it is at all necessary to go into the consideration of the question which will be presented whenever a report shall be made; but I wish to say a single word, that the Senate may understand the position assumed by the honorable Senator from Pennsylvania. The late commission omitted to expend or appropriate some \$42,000 of the \$3,250,000 which were originally appropriated for the purpose of paying the liabilities of this Government, under the treaty with the Mexican Government. The Mexican Government now claim this \$42,000 which are unappropriated, as belonging to that Government under the treaty, and they have given an order to the petitioner in this case, directing the payment of that \$42,000 to be made to him. Now, I suppose that the select committee which has been raised would necessarily have under its consideration, for its decision, that very question, under the treaty, which is made by the Government of Mexico. It will be one of the first preliminary questions to be settled by this select committee, with reference to the residue of this fund claimed by Mexico, and to which a majority of the Committee of Claims believe that Mexico has no just right. The claim which General Jarero sets up to this money in the memorial he presents, is on account of the order he has received from the Mexican Government that the money shall be paid to him. The Senator from Pennsylvania is a member of the select committee, and there can be no difficulty in bringing his peculiar views before that committee with reference to the rights of Mexico. If the select committee are of the same opinion as the Committee of Claims, he can present his report there as well as here. It seems to me that the whole subject will then come up properly in the report of that committee, and not till then. I hope the Senate will discharge the Committee of Claims, and suffer the memorial to go to the select committee.

Mr. BAYARD. I will suggest to the Senator from Pennsylvania, that certainly the construction of that treaty must come before the select committee. They cannot enter upon the performance of their duties without considering its construction. It is essential to the examination of the claims. Any views which the Senator entertains can be brought before that committee; and if they agree with him, they will report accordingly, and if they disagree, it will be competent for him to bring in a minority report, in which he can present the whole subject. Or if the Senator pleases, he can, at a subsequent day, introduce a bill for the relief of the claimant, or adopt some course of that kind.

Mr. BROADHEAD. I admit that this is a subject which can be considered by the select committee; but it was referred to the Committee of Claims, and I think it was properly so referred, and that the question should have been considered by the Committee of Claims. Why, therefore, refer it to the select committee? It is a memorial upon which a select committee would not have been raised. I think the select committee was raised for an entirely different purpose. Hence it is that I consider it my duty to oppose this motion. It is, however, quite immaterial to me.

Mr. RUSK. It seems to me that to take this minority report, in the present state of the case, would be to prejudice the whole question.

Mr. BADGER. Certainly it would.

The PRESIDENT. The Chair has already stated that there can be no minority report presented now.

Mr. RUSK. Then it seems to me that there ought not to be the least objection to the motion of the Senator from Maryland—that the Committee of Claims should be discharged from the further consideration of this memorial, and that it should go to the select committee on this subject. I do not believe that there is the slightest foundation for this claim, even admitting in advance that the commission have provided for the payment of all the debts to which this fund is properly liable. But to act upon this claim now, and to determine that \$40,000 are due to Mexico, under the provision made for the payment of the creditors of the United States, before that committee acts in any way, would to all intents and purposes be anticipating the action of that committee, which would not be proper. Besides, it may be ascertained that the sum we have to pay may be a much larger amount

than is claimed, or it may be much less. As the matter stands now, I can see no reason why this balance should be paid to Mexico. But it is clear to me, that to take any action now in reference to this report, which might go by implication to pre-judge the claim in favor of Mexico, would only be equal to precluding the select committee from acting at all.

The question was then taken on the motion to discharge the Committee of Claims from the further consideration of the memorial, and it was agreed to.

Mr. PRATT. I now move that it be referred to the select committee appointed to take charge of these matters.

The motion was agreed to.

ADVERSE REPORTS.—DAVID L. DAVIS.

The Senate proceeded to the consideration of the adverse reports upon the President's table. The first was the report of the Committee on Pensions in the case of David L. Davis. The report states that the petitioner was employed as an assistant in a Government survey, under the late survey of Mr. John M. Smith, in the State of Arkansas, from the 20th of May to the 24th of July, 1851; that, while a party of men were encamped on the day last named, a tree was blown across the camp by a hurricane, which killed two men instantly, and seriously injured the petitioner so as to prevent his ability to perform manual labor.

The committee recommend that the prayer of the petitioner be rejected.

The report was concurred in.

SAMUEL SPALDING.

The next report was from the Committee on Pensions in the case of Samuel Spalding.

The report was read, from which it appeared that the petitioner had been upon the pension-list for about seventeen years, and that he asked for arrears of pension from the date of his discharge in 1814, stating as a reason for his not applying for a pension previous to the year 1834, that he had been informed, on what he supposed to be good authority, that he would be allowed a pension from the date of his discharge. It further appeared that the petitioner was discharged on account of the expiration of his term of service, and not on a surgeon's certificate.

The committee report that the prayer of the petitioner ought not to be granted.

The report of the committee was concurred in.

LOUISIANA VOLUNTEERS.

The Senate next proceeded to the consideration of the report of the Committee on Military Affairs on the memorial of the officers of the first regiment of Louisiana Volunteers, for indemnity for loss by the wreck of the ship *Oudiska*, on the coast of Mexico.

The committee reported that it was not expedient to grant the prayer of the petitioners; and the report was concurred in.

ADAM HAYS.

The Senate next took up the report of the Committee on Pensions in the case of Adam Hays.

It appeared that the petitioner had served during the war of 1812 as an army surgeon, and that from exposure he had contracted a severe disease of the lungs; that in the year 1838, he received a pension of \$22 50 per month, and he now asked for arrearages of pension from the year 1815 to the year 1838, when he was discharged.

The committee reported adversely, and the report was concurred in.

GEORGE W. SEVIER.

The Senate next proceeded to consider the report of the Committee on Military Affairs in the case of George W. Sevier.

The report set forth that the petitioner claimed compensation for hogs said to have been destroyed in Texas by troops of the United States.

The committee reported that, in their opinion, the claim was sustained by no proof under any principle which should bind the Government, and concluded that the prayer of the petitioner was unreasonable, and ought not to be granted.

The report was concurred in.

WILLIAM A. DUER.

The PRESIDENT announced, as next in order, the report of the Committee of Claims, on the petition of William A. Duer, administrator of William Duer.

On the motion of Mr. SEWARD, on account of the absence of the Senator from New Jersey, [Mr. MILLER,] who introduced this bill, its further consideration was postponed to Friday next.

THE PRIVATE CALENDAR.

Mr. PRATT. It seems to me, Mr. President, that we are occupying the time of the Senate very unnecessarily in reading over all these reports of cases, on which the several committees have reported adversely. I move that the reading of these reports be dispensed with, where there are no minority reports, and that they all be concurred in at once.

The PRESIDENT. It is indispensable that the resolutions of the committees should be read, in order that the Senate may know what has been done in each case.

Mr. PRATT. All these are unfavorable reports, and I move that they may all be laid upon the table, in order that we may proceed to the Calendar.

Mr. SEWARD. I hope not; we will soon get through these reports.

The PRESIDENT. It is utterly impossible for the Chair to determine which case is reported upon favorably, or which unfavorably, until the report be read by the Secretary.

Mr. BADGER. There is no adverse report on the Calendar, and every private claim on the Calendar is a case in which a bill has been reported for the action of the Senate. If these reports could be all disposed of at once, we could get along very well, and I think my friend from Maryland is right in this respect. The bills we pass have to go to the House and be acted upon, whereas these reports present no subject for action beyond the mere concurrence of the Senate in the recommendation of their committees. I think it would be better to go to the Calendar and take up the bills.

The PRESIDENT. A number of these reports are favorable, and a number of them are unfavorable. If it be the pleasure of the Senate to postpone the consideration of these reports to take up the Calendar, all very well. The Chair can have no objection.

Mr. RUSK. I move that these reports be passed over, and that the Senate take up the Calendar.

Mr. GWIN. Some of these cases which have been unfavorably reported upon I desire to test before the Senate.

The question was then taken on the motion to take up the Calendar, and it was decided in the affirmative.

JOHN F. CALLAN.

The Senate then proceeded, as in Committee of the Whole, to the consideration of the bill for the relief of John F. Callan, administrator of Daniel Renner, deceased.

The bill provides that the Secretary of the Treasury be authorized to cause the claim of John F. Callan, administrator and surviving partner of Daniel Renner, deceased, arising out of the alleged burning of a rope-walk in the city of Washington, District of Columbia, in the month of August, 1814, to be settled upon principles of justice and equity; provided that in no case the sum shall exceed \$6,744.

Mr. BAYARD. I dissented from the views of the committee as to reporting that bill. Before it is sanctioned by the vote of the Senate, I should like to have a former report read. This claim was before the House of Representatives some thirty years ago, and was allowed as to the personal property, but was refused as to the house; and the claim is now made for the real estate. The Senator from Kentucky, [Mr. UNDERWOOD,] I believe, has a thorough knowledge of the circumstances of this case. The claim is this: During the last war, wherever the British troops landed and obtained a foothold in this country, their depredations were excessive. The ordinary rules of civilized warfare were put at defiance by them throughout the whole country wherever they went. Claims were made by citizens from all quarters of the country after the peace, for remuneration for their losses. The principle on which these claims should be allowed was established, after much discussion, by acts of Congress passed in 1816 and 1817, and subsequently settled in 1825. This principle involved the propriety of payments to this extent, and no further: that wherever the destruction was made by the enemy contrary to the rules of civilized warfare, Government should not pay the citizens

for their losses, as it was one of those exigencies of war which the citizens must themselves sustain.

In this particular case the claim was based upon this ground: The parties were the owners of a rope-walk in the city of Washington, in which there was a parcel of cordage and a quantity of rope which were destroyed by the enemy, together with the rope-walk, in 1814, when the British took possession of the city of Washington. The claim was allowed by a committee after an adverse report against the whole claim in 1818. A second committee allowed that portion of the claim which applied to personal property, on this ground, that the petitioners had provided the means of removing their personal property out of the city of Washington, and out of the reach of the enemy, and on the distinct ground that the Government took away the wagons they had and appropriated them to its own use. Therefore it is claimed that Government is liable for the destruction of their personal property. At that day, the claim was never based on any other ground. The claim now made is for the burning of the rope-walk. That could not be removed.

The ground on which I have differed from the majority of the committee, is this: They say the inference is, that the enemy having destroyed the cordage and burned the building with a view to the destruction of the ropes and cordages, it rests upon the Government to show that the rope-walk would have been destroyed if the material, which is called munitions of war, I think, in the report of the committee, had not been there. In my judgment, according to the report of the former committee, there was not the semblance of anything like munitions of war which would authorize the enemy to destroy this property. These parties had a private rope-walk. They may have had contracts with the Government, and they may have supplied the Government with cordage sometimes, but no cordage of the Government was there at that time. That was not the ground on which the claim was made, but simply on the ground that the means of removing their personal property were taken away. Therefore, whether their property was destroyed according to the rules of civilized warfare or not, they claimed they would be entitled to remuneration to the extent to which they were prevented from removing their property on account of loss of their wagons and carts which were taken by the Government.

The present report of the committee is made somewhat on the ground that these articles were a species of property which the enemy would be justified in destroying, or if not justified in destroying them, it seems reasonable to conclude that the enemy would have destroyed the rope-walk whether this property was in it or not. The argument upon the other side is, that it is for the Government to show that such would have been the result. I think it would not. When a party makes a claim here, he should show that there is sufficient ground to sustain that claim. The Government did not prevent him from removing his rope-walk, because he could not remove it. They have paid him for property which he could have removed, but was prevented from removing by the impressment into the service of the Government of the means of its removal. He now asks payment for that which he could not remove. I think the claim ought not to be granted.

By turning to the former report of the committee, to which this matter was referred, I think the Senate will be satisfied that the claim ought not to be allowed. On page 442 of "The American State Papers," under the head, "Claims," we have the following report:

"Indemnity for property lost by the impressment into the public service of the means of its removal. Communicated to the House of Representatives, November 19, 1814.

"Mr. VANCE, from the Committee of Claims, to which was referred the petition of Daniel Renner and Nathaniel M. Heath, of the District of Columbia, made the following report:

"That the petitioners were owners of rope-walks in the city of Washington, in which was contained a large quantity of spun yarns and navy cordage, all of which was destroyed by the enemy in his late incursion into this city. On or about the 20th of July last, one of the petitioners [Mr. Heath] applied to Mr. Southian, the owner of some longboats lying in the Potomac, and engaged of him five of them to transport his cordage and yarn up the river if the enemy should invade the city. On the 18th and 19th of August, it was deemed expedient by General Winder to employ the boats of Mr. Southian for the purpose of trans-

porting the troops across the Potomac, which were kept in the employment of the Government until after the invasion of the city. On the 20th of August, the petitioners applied for the boats according to contract, for the purpose of removing their property, when they were informed that they were impressed. It also appears to the committee that on the 22d of August, the petitioners employed a wagon and nine or ten carts for the purpose of removing their property; but the wagon and two or three of the carts were impressed by the officers of the Departments to remove the public papers and property, and that seven of the carts employed, after taking loads from the rope-walks out of the city, refused to return to haul any more for the petitioners, apprehending that, if they did so, they would be impressed into the employment of the Government. It is also stated and believed that, after that day, and before the enemy entered the city, carriages were not to be had in the city to remove the property. The loss of the petitioners, exclusive of the price of the rope-walks, is estimated at about \$34,800. They ask of Congress to be reimbursed to the amount of their loss.

"The committee are of opinion that the Government is under no obligation to pay for the property. The destruction of private property by the enemy, in the progress of the war, is much to be regretted and highly to be deprecated; but when it does happen it is to be considered between the Government and its citizens as one of the calamities of war. It may be presumed that the circumstance of the boats, wagon, and carts being impressed by the Government to perform services valuable to it, may create some equitable consideration in favor of the petitioners. It is, however, believed by the committee not to be sufficient to authorize them to allow the claim. They, therefore, present to the House the following resolution:

"Resolved, That the prayer of the petitioners ought not to be granted."

That was the first report in 1814. The claim was again presented for the loss of the rope-walk, and the report of the committee will be found in the same book, under the date of January 17th, 1817. The report was adverse: "That the prayer of the petitioners ought not to be granted." I think there was a third report made to Congress on the 16th of March, 1818, and the report stated that the petitioners asked for compensation for the real estate, the rope-walk, as well as the personal property. The committee allowed the claim as to the personal property, estimating it at what they conceived to be proper, but reported against the claim as to the rope-walk; and they based their report entirely on the ground of the impressment by the Government of the means of removing their personal property. I will read a part of that report:

"Your committee are of opinion that the allegations of the petitioners are fully supported by testimony, that the intervention of officers of the Government in wresting from the claimants every description of means provided by them for the removal of their property was the cause of the movable part thereof being destroyed by the enemy. The conduct of the petitioners, at the period aforesaid, sufficiently shows what was the opinion generally entertained by our citizens, at that day, as to the destruction of private property of this description by the enemy. In this case no claim is set up of military deposit or military occupation, as is the pretext for payment in many other cases where property of a like description was destroyed by the enemy. The claimants seem to have been well aware what would be the fate of their property in case the enemy did invade the city, and made great exertions to save it; and it would not be presuming too much to say that they would have effected that object but for the intervention of the officers of the Government in taking from them the means of doing so.

"It is believed that the exertions of the petitioners in procuring the means to remove their private property, brought within the reach of the officers of the Departments the means whereby records, and documents, and papers of the nation were saved of great value, and ought not to be neglected for any individual interest, and that the petitioners have a reasonable and just claim on the Government for the removable part of their establishment, consisting of rope, spun yarns, and hemp, deducting therefrom what would reasonably have been the cost of transporting the same to a place of safety, and back to the rope-walk, after the danger ceased, and damage done to the materials by such removal, with, perhaps, some deduction from the prices at which the articles are charged.

"Included in the sum stated of their loss is \$5,650, estimated as the value of the rope-walk which your committee think ought to be rejected, as the same would have been burnt by the enemy if the materials of cordage and hemp had been removed therefrom. The balance of the claim (\$24,767) is stated by the claimant as follows:

[Then come the several items, and the committee thus conclude.]

"Should it be satisfactorily proved that the above quantity of cordage and hemp was destroyed, the committee are of opinion that the latter sum would be no more than a reasonable compensation; but they have not been able to satisfy themselves as to the quantity. They, therefore, recommend the passage of an act authorizing the Secretary of the Navy to pay for whatever quantity may be satisfactorily shown to have been destroyed, not exceeding in amount the above sum of \$19,813 60, and for that purpose report a bill."

That amount was allowed to the petitioners. Having claimed for their personal property at that time, they now claim for the destruction of the real estate, and I wish the Senate to understand that the difference between myself and other mem-

bers of the committee consists in this: They say we have no right to infer that the enemy would have destroyed the rope-walk if the cordage had been removed. I think that such is the reasonable inference, and if you are in doubt as to the inference, it rests upon the claimant to show a valid claim. Government did not and could not prevent him from removing his rope-walk, because it was real estate. Therefore, I think the ground on which the former part of the claim was allowed is not sufficient to justify the allowance of the present claim.

Mr. PRATT. Mr. President, if I can obtain the attention of Senators for a very few moments, I will endeavor to explain the views of the majority of the committee upon this subject, and state, in answer to my friend who has just spoken against the bill, why this claim ought to be allowed. In the first place, without contesting the principle upon which my learned friend goes—because it is not necessary for the occasion—I will endeavor to show that, from the facts of this case, according to the principle which he avows as right, the claim ought to be paid. What is the principle? It is, that wherever private property is destroyed by a public enemy, in accordance with the usages of civilized warfare, in consequence of any act of this Government or its agents, the Government ought to be responsible for it. There can be no doubt that this is going in favor of the Government to the utmost extent to which any one can go—that wherever, in accordance with the usages of civilized warfare, the property of a citizen of this country is destroyed because of the occupancy or usage of that property by the Government or its agents, the Government is bound to pay for it.

In 1814, when the British army came to the city of Washington, the husband of the lady who is the claimant here—since dead—owned a rope-walk in this city, which manufactured the rope, twine, and naval stores necessary for our vessels at the navy-yard at this place. There was on deposit in the rope-walk a large quantity of naval stores, amounting to some \$16,000 or \$17,000. Its owner had provided a sufficient number of wagons, carts, and boats—putting the boats upon the Eastern branch of the Potomac—to carry those munitions of war from his house and take them away to a place of safety. Now, if the munitions of war had not been within the house belonging to this individual, according to the usages of civilized warfare, the house would not have been destroyed. That is conceded; my learned friend concedes it. The evidence is conclusive that the owner of the rope-walk had provided sufficient means to carry away all those things which would have justified, according to the usages of civilized warfare, the destruction of the property. He could have carried them away, but the means of carrying them away were taken possession of by our army to carry their baggage. Hence it was that Congress has already paid for the twine and rope.

But my friend says they ought not to pay for the rope-walk. I cannot for my life see the propriety of the distinction which is made. Here was an individual who had twine and rope within his house. He had provided means for carrying them away. The fact that the twine and rope were there, justified the burning of the property. Now, unless the honorable Senator can show that \$17,000 worth of twine and rope would be burned in a house, without burning the house, he must come to the conclusion, as it seems to me, inasmuch as he admits the rope was properly paid for, that we ought equally to pay for the house.

Mr. President, I am not given to making speeches for the purpose of prolonging debate. I have given to the Senate my view of this case. It is within the nutshell I have stated, and I do hope this claim will pass. We have devoted much more time, upon various occasions, to questions of minor importance than to this. This claim is a just one. It is conceded, according to my humble apprehension, by the Government to be just, because it has paid for the burning of the twine and rope, which the individual would have removed had he not been prevented in the manner I have mentioned. The house was destroyed in consequence of the right of the British army to destroy the twine and rope; therefore we have admitted that we are bound to pay for the house because we have paid for the twine and rope.

Mr. BRADBURY. The honorable Senator from Maryland rests this claim upon the assumption that the building was burned in consequence of the twine and rope being stored in it. That assumption seems to be contradicted by the record. This case was investigated in 1818, and the committee having it under examination made their report. They reported a bill in favor of the parties, to remunerate them for the loss of the twine and rope which was in the store-house. In that report they expressly state that the building would have been destroyed if those articles had not been stored in it. I will call the attention of the Senate to the language of the report:

"Included in the sum stated of their loss, is \$5,650, estimated as the value of the rope-walk, which your committee think ought to be rejected, as the same would have been burned by the enemy if the materials of cordage and hemp had been removed therefrom."

They had better means of knowing it than we have. They investigated it when the facts were fresh—when witnesses could be called in. They investigated it in the immediate vicinity where the transaction occurred; and they find, in their report, that the building would have been destroyed had the materials been removed. Now, the question is this, whether when a committee, investigating under the circumstances which that committee did, find a fact, we shall, after a lapse of more than a quarter of a century, infer, without any proof whatever, that their finding was erroneous? I think it would be safer, when a finding of that kind is explicit, that we should rest upon it, rather than undertake, by inference, to overturn the report of a committee that investigated that subject at the time. My apprehension is, that if we undertake anything of the kind it will lead to a vast mass of cases in which the parties, becoming dissatisfied with the investigation, would ask us to go into their cases again.

Mr. PRATT. The Senator from Maine has read from a report which, he says, has stated a fact. He also says it would be unwise for us to override that fact, so found by that committee, a long time ago. That committee say, that the rope-walk would have burned any how. Is that a fact? It may be an opinion; but I cannot conceive how the Senator can say that it is a fact which the committee did report, or had any right to report. They say it would have been burned any how. I take the gentlemen according to their own showing; either that that committee had acted not in accordance with the principle they state, or that we are bound to pay for the house. No property is to be paid for unless it was properly burned according to the usages of civilized warfare. This cordage must have been properly burned according to the usages of civilized warfare, or it would not have been paid for. It was, therefore, according to the concession of the other side, properly destroyed by the British army. They had a right to destroy it. It is from that proper destruction alone that our right and obligation to pay grows. The British, therefore, had a right to destroy it. The party could have removed it from his house; he had provided the means for removing it. According to the concession of the other side, he could have removed it, and then it could not have been destroyed. It was properly destroyed by reason of the action of our Government in this house; it consequently destroyed the house; and I cannot, for my life, see why we are not as much obliged to pay consequential damages for the burning of the house as for the twine which it is admitted was properly destroyed.

Mr. BAYARD. The Senator from Maryland has misapprehended my view of the case altogether, perhaps from the imperfect manner in which I explained it. I will endeavor to correct his misapprehension. I stated that the committee did not put this claim upon the general principle of that relief was granted in other cases, but that if the general principle had been applied in this case—that is, the right of the enemy to destroy this property—the petitioners would have been entitled to no relief. But the committee made an exception on other grounds; that no matter what was the character of the property, the Government, having taken away from the party the means of its removal, was bound to compensate the party, whether the destruction by the enemy was according to the usages of civilized warfare or not. That is the ground upon which the claim was made, and upon which part of it was allowed

in 1818, thirty-odd years ago. If that be so, the Senator's argument is entirely beside the question. He assumes that the enemy had a right to destroy the personal property, and that in doing so, the destruction of the house was consequential to it. I deny that the enemy had, according to the usages of civilized warfare, a right to destroy the property. The reason why the personality was paid for, was that the Government had taken away the means of its removal; and as the party could have removed it, no matter what its character was, it would have been safe from destruction. I think the Senate will now understand my views. The ground I mean to take is that which was taken by the committee of 1818 and two previous committees, and the ground upon which the claim was then made. This was not the property of the Government. These parties may have supplied the Government, or they may not. They had a private rope-walk. They sold to those who were the best purchasers. The vast mass of the property which was in the building at the time, as appears from the report of the committee, was unfinished ropes of various kinds. A very small portion, only to the value of \$610, was cordage; the rest was unspun and unfinished. I know of no principle which would justify the destruction of it by the enemy; but Great Britain did not pause, during that war, destroying property, because it was not in accordance with the usages of civilized warfare. The parties did not venture to claim compensation on that ground, and the committee rejected it on that ground, but allowed it on the other.

Mr. UNDERWOOD. I examined this claim when I was a member of the Committee of Claims, and came to the conclusion that it had no just foundation. I rise for the purpose of stating why I think it ought not to be paid. We have a navy-yard upon the east branch of the Potomac here, and just in the neighborhood of it, according to the proof, was this rope-walk, this twine, and everything which is usually manufactured at a rope-walk. Now, I say, that according to the usages of civilized warfare, an invading army would burn up the navy-yard and all its appurtenances, and I would cashier a General, if he were in my service, who would not do so. When an invading army sees a navy-yard, and just by it a rope-walk where all the cordage, twine, and if you please, sails for vessels may be prepared, would not, according to the usages of civilized warfare, the General direct the destruction of property which was applied to furnishing the navy-yard? Why, sir, can anything be plainer? It seems to me not. I take it that there was not a particle of the twine, cordage, and those other things manufactured in the navy-yard, there at all. Suppose they had all been removed by the wagons and carts which were prepared—they were not, and therefore were properly paid for, as I conceive, heretofore—but suppose they had succeeded in removing every particle, and nothing had remained but the house, then, I ask, what would have been the consequences resulting from the presentation of the appurtenances of the rope-walk, just by the navy-yard where ships were manufactured, to the invading commanding General? He would have said, Here the enemy obtain supplies for their shipping. Would he take the distinction whether this was public or private property? Could he tell whether the rope-walk and its appurtenances did not belong to the Government as appurtenances of the navy-yard? He could know nothing about that. It would have been a rational conclusion, that if the Government owned the navy-yard, it also owned the adjacent rope-walk. It seems to me that, under these circumstances, the laws of civilized warfare would have required the destruction of the property. It seems to me that if our Generals, invading a foreign country, should find a navy-yard and an adjacent rope-walk, they would destroy all for the purpose of disabling the enemy. If our Generals ought not to do that, British Generals ought not to do it. But I think the laws of war would justify the destruction of property, thus situated, as public property.

Take the case of a private manufactory of guns. Everybody would say that if an invading enemy could destroy the public works at Springfield or Harper's Ferry, it would be right and proper. So if our invading Generals could have destroyed the manufactories where the Mexicans, in the late Mexican war, obtained their supplies, it would

have been lawful, and proper, and just; and if General Scott had left in his rear at Vera Cruz, a manufactory of either cannon or small arms, and gone on to Mexico, it would have deprived him of many of those laurels which we all concede to him, and would have been looked upon as a great imprudence and want of foresight. Now, suppose the manufactory, instead of being property owned by the Government, was private property, just as Mason's works above the city for the manufacture of cannon, would not the invading army say the Government derives supplies from this private establishment for the purpose of disabling the enemy, and that they had a right to destroy it? That is the case, it seems to me, in regard to this rope-walk. All its appurtenances being near the navy-yard, when the navy-yard was burned, the enemy would say "this is the place whence this navy-yard derives its supplies, and of course when we burn the navy-yard, we will burn all its appurtenances, whether they be private or public property." That is the ground upon which I rest my objection to this claim.

Mr. BRIGHT. Four years ago, when this claim was before the Senate, I joined the Senator from Kentucky in opposing it; and I believe it was owing to his opposition and my own on the last night of the session that it was defeated. My attention was afterwards called to the claim by a gentleman in whom I had the most unlimited confidence, and I have become satisfied that I was wrong in opposing it. I generally concur with the Senator from Kentucky on claims of this kind, and take it for granted that their name is an objection to them; but I am satisfied that this claim has merit, and that the amount proposed to be paid by this bill is nothing more than the parties are entitled to. I do not know that I could make a better argument upon the point than is presented in the report of the Committee of Claims, which I hold in my hand. That committee has made a favorable report. The Senator from Delaware, however, dissenting. I shall ask for the reading of the report, and I wish to call the attention of Senators to it. It states in a very clear and concise manner the points of the case. It was made by my colleague, [Mr. WHITCOMB,] and has the concurrence, I understand, of the honorable Senator from Pennsylvania, [Mr. BRODHEAD,] chairman of that committee. I think the facts of the case may be narrowed down to these: The parties for whose benefit this bill is presented owned certain materials and the building referred to. They made all necessary and proper arrangements to remove their cordage, hemp, and other materials, and were upon the verge of removing them when the means they had employed for that purpose were taken by the Government officers, and used by them for the benefit of the Government. All the testimony goes to show the fact that if the Government officers had not taken the wagons and boats of these parties, and impressed them into the public service, their hemp, and cordage, and other articles, would have been removed to a place of safety. It was the fact that these combustible materials were left in the building, that led to its being destroyed by fire. A committee formerly reported a bill, which became a law, to provide for payment of the materials destroyed in the building. The materials having been paid for, the only question that remains is whether or not the building should be paid for. I think that, as a legal point, if presented to any court, there could be no doubt about the duty of the United States to pay, in this case, all that is claimed. The report presents a better argument than I can make, and therefore I ask that it be read.

The report was read accordingly.

Mr. BAYARD. I do not mean to discuss this question any further. The Senate have heard enough of it. But, with a view to test the sense of the Senate, I move that the further consideration of the bill be postponed indefinitely.

The motion was not agreed to.

The bill was then reported to the Senate, and ordered to be engrossed for a third reading.

RECESS.

On the motion of Mr. STOCKTON, it was ordered that when the Senate adjourns to-day, it be to meet on Monday next.

FRENCH SPOILIATIONS.

Mr. BRADBURY. Some time ago the Senate assigned a day for the consideration of the bill

making provision for French spoiliations prior to 1801. I desire to call it up at an early day. It is time that it should be acted upon, and I should have desired to devote to-morrow to its consideration; but I give notice that I shall call it up on Monday under the conviction that it can be voted on, and finally disposed of on that day possibly in a very short time.

Mr. JONES, of Iowa. I hope my silence will not be construed into consent on my part to take up that bill.

THOMAS H. McMANUS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to authorize T. H. McManus to enter, by preemption, certain lands in the Greensburg district of Louisiana.

Mr. DOWNS. I move to amend the bill by striking out the words "in township No. 1 of range No. 3;" and also the word "aforesaid," the last word of the bill, which will be rendered necessary by the other amendment.

The amendment was agreed to.

Mr. BRADBURY. I would like to inquire of the Senator from Louisiana, why the quantity of land allowed to be entered by this bill is so much larger than the quantity which the settler is allowed to enter? And whether the bill allows the land to be entered all in one body?

Mr. DOWNS. The bill does allow the land to be entered in one body. The reason was explained when the bill was up before; but I will state it again very briefly. The land claimed was originally settled—part of it—by a man who presented his claim, but a preemption right could not be completed, because a survey had not been made. He died, and his right to this preemption was sold at probate sale, and purchased by Mr. McManus for \$1,800. That gave him a right to the other party's claim for a preemption to one hundred and sixty acres. Another man, a brother of this individual, Samuel McManus, settled another lot of land adjoining it, and presented his application for a preemption; but it was not completed because the surveys were defective in that quarter of the district. He died, and at probate sale the petitioner here bought that claim. That gave him a right to two preemptions. In addition to that, there were two or three settlements on lands adjoining. Some presented claims for preemption and some did not; but all of them sold whatever rights they had to this petitioner, T. H. McManus, and he has made his plantation on the body of land thus claimed by those settlement-rights, all of which have been sold to him. He has been living there for years, but has never been able to complete his title; and he now comes in and asks that he may be allowed to enter, by preemption, the settlement-rights thus purchased from individuals, and a small fraction adjoining.

Mr. FELCH. If I understand the amendment proposed by the Senator from Louisiana, it gives no definite location to the land whatever.

Mr. DOWNS. The Senator is mistaken, as he will see by reading the bill. I will state the reason why I proposed to strike out the number of the township. It was ascertained, on investigation at the Land Office, that the township was erroneously mentioned; there was a mistake as to the number. But the provision of the bill is, that he shall have the right to enter, by preemption, the lands on which he resides. That is a sufficient designation. Here are the provisions of the bill: they are, "that Thos. H. McManus be, and he hereby is, authorized, under such instructions as may be given by the Commissioner of the General Land Office, to enter, by preemption, at one dollar and twenty-five cents an acre, at the land office at Greensburg, Louisiana, such quantity of the public lands, not exceeding eight hundred acres, in legal subdivisions, as may embrace his actual improvements, in the parish of East Feliciana, on the waters of Black creek." It was found that in consequence of the defectiveness of the surveys, the number of the townships stated in the bill was not the right number; and therefore, to prevent a conflict, I proposed to strike out the number of the township. But this is to embrace the settlements on which he resides, hence there can be no difficulty about it. There is among the papers in the case, a statement made by his neighbors to the effect that these lands on which he resides do not interfere with the claim of any other person, and that they see no reason why he

should not be allowed to enter it by a preemption. The land being well known in that part of Louisiana, there can be no difficulty about the location of it.

Mr. FELCH. There is no difficulty at all arising in this case from the want of surveys, or the want of returns at the Land Office. There was a difficulty in the Greensburg district a few years ago. From some interested motives, the lands there were reported as not surveyed; and it was said that the returns were erroneous and fraudulent; and hence the lands were withheld from sale. But I understand now, on further investigation, that they are held for sale as other lands are. The returns have been made, so that there can be no difficulty in ascertaining the range or the township in this district of Greensburg more than elsewhere. If this amendment is made, it abandons altogether the location as originally described in the bill and the report of the committee of the Senate. The only description of the land is, that he shall be permitted to enter, so as to embrace his improvements.

Mr. DOWNS. The parish, and the navigable stream on which the land is situated, are named.

Mr. FELCH. I know it refers to the parish and the land district, but I speak of the specific description of the tract. Now, the fact is this: The petitioner alleges that he resides in township No. 1 of range No. 3; and he goes on in his petition, and gives a description of the premises, of what he claims under occupancy, and what he claims under two purchases, I think, at administrators' sales. His petition describes the land as being in township No. 1 of range No. 3. There is a statement from the Land Office on that subject. I wrote to the Commissioner about it, and ascertained from him that on examination of the papers in the case, it was found that there was a discrepancy. The petitioner says he lives in township No. 1 of range No. 3, and describes the land and his improvements, as within that township; whereas, the surveys show that they are within township No. 3. Therefore there must be some mistake about the matter. I am not able to say where the mistake is; but certain it is, that what is asked for in the petition, and what is granted by the bill, as it stands, is not in accordance with the proof adduced in the case. By the change in the bill, striking out the number of the township and of the range, it leaves the land to be taken within township No. 1, or township No. 3; and it strikes out, as I said before, all that there is in regard to the definite location of the land. If he takes land according to the proof, he takes land which, in his petition, he does not claim. Where the mistake is I cannot say; but if we grant the land for which he asks in his petition, then we grant land to which his proof does not apply.

Mr. DOWNS. There is no difficulty about it at all. I suppose I have exactly the same statement, as the gentleman has, from the Land Office; and it is for that very reason that I moved the amendment. It is very true, that this person, in his petition, did mention a township, which, according to the report of the Land Office, is not that which he intended to name. That is merely a mistake in the number: there is no mistake or difficulty about the actual location; it is perfectly well known; and if this bill fixed no location, there would be no difficulty. It requires that the land shall be laid out under the direction of the Surveyor General, so as to include this man's improvements. The only reason why I had the township stricken out was, because the individual has made a mistake in regard to the number. Therefore, in order to prevent any difficulty, I struck out the number of the township, and left the bill merely to embrace his improvements in whatever township they might be. There is a clause in the bill which shows that there can possibly be no difficulty about it.

The bill provides that this entry shall not interfere with the valid rights of others, and shall be made after the return to the Land Office of the approved plat and survey of the township. I have here a statement made by the neighbors of this individual, showing clearly the locality. The Surveyor General will have no difficulty in directing how the survey shall be made. I have here a statement, signed by Judge Scott and other citizens of the parish of East Feliciana, Louisiana, who say that they have examined the memorial of Thomas H. McManus, that they are his neigh-

bors, are well acquainted with the situation of the lands on which he lives, and know that there is no conflicting claim; they give a description of the lands and say that no injury could result to the Government from complying with Mr. McManus's request. This shows that there will be no difficulty about the location; that will be settled by the Surveyor General without any trouble.

The bill was reported to the Senate as amended, the amendment made in Committee of the Whole was agreed to, and the bill was ordered to be engrossed and read a third time.

EXECUTIVE SESSION.

On the motion of Mr. RUSK, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 5, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

Mr. McLANAHAN. I rise to a privileged question. On the 11th day of December last the memorial of Mrs. Mary Reeside was referred to the Committee on the Judiciary. That was a clerical error. The Journal stands, with that clerical error upon its face. I ask that the committee be allowed to report the same back, and that it be referred to the Committee on the Post Office and Post Roads, which is the appropriate committee.

There being no objection, it was so ordered.

On motion by Mr. HARRIS, of Tennessee, it was

Ordered, That leave be granted to withdraw from the files of the House the petition and papers of the heirs of Lemuel B. Montgomery, for the purpose of having them referred to a committee in the Senate.

ORDER OF BUSINESS.

The SPEAKER. The first business in order is upon the engrossment of the private bills upon the Speaker's table reported from the Committee of the Whole, with the recommendation that they do pass.

Mr. HOUSTON. Will it be in order for me to move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union?

The SPEAKER. It is in order.

Mr. HOUSTON. I feel bound to make that motion; and, in doing so, I desire to state to the House that there are two or three special orders before us which are consuming the time of the House, so that it seems to be impossible for me to get up the deficiency appropriation bill, although the public service is actually suffering for the want of legislation upon it. I therefore appeal to members to go into Committee of the Whole on the state of the Union, that the special order may be disposed of to-day.

A MEMBER. "Oh no! That cannot be done to-day."

Mr. DANIEL. As the chairman of the Committee of Ways and Means has thought proper, upon this day, to move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union, I shall move that the rules be suspended and that the House resolve itself into a Committee of the Whole House for the purpose of taking up for consideration the Private Calendar. I raise the question, and hope it will be settled as to which of these motions has precedence. The private business is suffering as much as that to which the gentleman has referred. We have been guilty of such remissness in the prosecution of the private business, that it is enough to excite the clamor and censure of the people throughout the country. We have meritorious claims submitted here—this being the only body that can afford relief—and every consideration of justice and good policy require us to extend attention to that description of business. I wish the Chair to decide which of the motions submitted has the preference.

The SPEAKER. The Chair is of the opinion that the special order has the preference over private bills, and that a motion to go into the Committee of the Whole on the state of the Union on the special order, takes precedence of the one to

go into a Committee of the Whole House on the Private Calendar.

Mr. DANIEL. Now, sir—

The SPEAKER. The Chair must say to the gentleman that questions in regard to the priority of business are not debatable. The rule says that questions of that character must be decided without debate.

Mr. DANIEL. I hope I shall have the indulgence of the House to state the view that I entertain.

The SPEAKER. The Chair will be happy to hear the gentleman's views.

Mr. DANIEL. The enforcement of the rules is what I desire, and am seeking to obtain. I think, Mr. Speaker, until recently there was no sort of question about—

Mr. HOUSTON. If the gentleman is making an argument in favor of the point of order, I object. I desire to get into committee to dispose of the public business. If I cannot get the House to proceed to the business I am anxious to have them, I am willing that the business suggested by the gentleman shall be disposed of. I do not wish the time of the House consumed by debates upon irrelevant points.

Mr. DANIEL. Have I not a right to discuss a question of appeal in regard to the order of business?

The SPEAKER. Not at all. The questions upon priority of business cannot be debated. The Chair is very well satisfied about that.

Mr. DANIEL. I do not desire to transgress any rule. I am for the enforcement of the rules. I think that is the best way to have business properly conducted.

Mr. HOUSTON. If it were not for the fact that the public business is suffering for the want of legislation upon this deficiency bill, and that one branch of the public service is absolutely and actually without means to carry on its operations, I would be willing to hear the gentleman. My object is to effect that legislation as soon as may be.

Mr. DANIEL. I should like to call the attention of the Chair to the second rule, by which it will be seen that debate on this point is allowable.

The SPEAKER. The Chair begs leave to read the 113th rule:

"All questions relating to priority of business shall be decided without debate."

Does the gentleman appeal?

Mr. DANIEL. I do; and I wish the 29th rule to be read to the House.

The SPEAKER. The Chair decides that the special order made by the House is to give it the preference over all other business upon the Calendar for the consideration of the House. The gentleman from North Carolina is of the opinion that no special order can be made to interfere with the private business of Fridays and Saturdays. The Chair decides that a special order sets aside the business appropriated to Fridays and Saturdays as well as that to Monday and Tuesday, or any other day. The Chair is clear in his opinion, but it may be an erroneous one. The gentleman appeals from the decision of the Chair.

Mr. DANIEL. I call for the reading of the 29th rule, and the note explanatory, and also the 26th rule. The view I entertain is sustained by the decisions of points of order in the Journal.

Mr. JOHNSON, of Georgia. Does the Chair decide, that if we go into Committee of the Whole on the state of the Union the special order will have preference, and that if the House resolve itself into a Committee of the Whole the private business will be first in order?

The SPEAKER. The question of order involved in this matter is simply this: It is competent at all times for the House to go into Committee of the Whole on the state of the Union by a majority vote; and it is also competent, to-day, for the House, upon the other hand, to go into Committee of the Whole upon the Private Calendar by a majority vote. This is only a question, whether the proposition to go into Committee of the Whole on the state of the Union shall take precedence in point of time. It is in the power of the House to decide against the one, and in favor of the other. The decision of the Chair is simply to the effect that the proposition to go into Committee of the Whole on the state of the Union on the special order has precedence, in his opinion, and must be first put. That is all.

Mr. JOHNSON, of Tennessee. I understand the 29th rule of the House as setting apart Fridays and Saturdays for the consideration of private bills.

The SPEAKER. I hope the gentleman from North Carolina [Mr. DANIEL] will be indulged in having that rule read.

Mr. JOHNSON. I was merely going to remark—and I imagine every member upon the floor understands the 29th rule—that the order setting apart Friday and Saturday of each week for private bills merely makes it one of the standing rules, and the House, making a special order, of course sets that aside—suspends it.

The SPEAKER. You will find, the Chair will remark to the gentleman from North Carolina, that our rules set apart Mondays for petitions, Fridays and Saturdays for private bills, and a special order sets aside these, as well as all other rules making preference to particular business.

Mr. DANIEL. I call for the reading of the 29th rule and note.

There being no objection, the rule and its explanatory note was read by the Clerk, as follows:

29. "Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House."

"Note.—Under the rule of 26th April, 1828, relative to a postponement or change of the order of business, it has been decided that it takes two thirds to proceed to public business on Friday and Saturday. The reason of this decision is, that the rule of the 26th April, 1828, made no exception in favor of the clause, for a majority, contained in this rule, and that therefore that provision was annulled. There have been three appeals upon this point, but the House in all instances affirmed the decision in favor of two thirds."

The SPEAKER. Two thirds have already decided to set that aside, and upon each and every day of the week the special order has the preference over other business.

Mr. HOUSTON. For the information of the House I will inquire of the Chair, if the special order does not expressly read "that it shall be the special order for that day, and from day to day until disposed of?"

The SPEAKER. It is so, and from that decision the gentleman from North Carolina [Mr. DANIEL] takes an appeal.

Mr. DANIEL demanded tellers; which were not ordered.

The question was then taken, "Shall the decision of the Chair stand as the judgment of the House?" and decided in the affirmative.

Mr. CAMPBELL, of Illinois. I desire to know of the Chair whether there are not private bills upon the Speaker's table which have been reported from the Committee of the Whole?

The SPEAKER. There are; and the Chair stated this morning that the first business was upon their engrossment.

Mr. CAMPBELL. I was going to suggest that before we go into Committee of the Whole on the state of the Union, this private business be disposed of.

Mr. DANIEL. Vote down the motion made by the gentleman from Alabama, and those bills will come up in order.

The question now being on the motion to go into Committee of the Whole on the state of the Union,

Mr. HOUSTON demanded tellers; which were ordered.

Mr. DANIEL demanded the yeas and nays.

Mr. SACKETT. Is it in order, if the House refuse to go into Committee of the Whole on the state of the Union, to move to postpone that special order to a day certain, with a view of going into Committee of the Whole on the Private Calendar?

The SPEAKER. The Chair thinks not. The Chair is inclined to think that we would not have control over it in that form. We must first relieve—

Mr. ORR. If the House refuse to go into Committee of the Whole on the state of the Union, we can go into Committee of the Whole on the Private Calendar.

The SPEAKER. Most certainly.

Mr. DANIEL withdrew his call for the yeas and nays.

Mr. HOUSTON. I renew the call, as I feel it to be my duty to do so.

The yeas and nays were not ordered.

Mr. STEVENS, of Pennsylvania, and Mr. HOUSTON were appointed tellers.

The question was then taken upon the motion that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union, and it was decided in the affirmative, the tellers having reported—ayes 78, noes 62.

HOMESTEADS.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair,) and resumed the consideration of the special order, being House bill No. 7, for the encouragement of agriculture, commerce, manufactures, and other branches of industry, by granting to every man, &c., one hundred and sixty acres of land; and upon which question the gentleman from Ohio [Mr. CAMPBELL] was entitled to the floor.

Mr. CAMPBELL, of Ohio, resumed the remarks which he began yesterday. He thought that while gentlemen were arranging presidential candidates, they had better look to the source from which they would obtain votes. Notwithstanding the remarks of the gentleman from Kentucky [Mr. BRACKINRIDGE] yesterday in reference to General Butler, the House was left in utter darkness as to his position in relation to the great question of the disposition of the public lands. The gentleman also passed a high eulogium upon General Cass, but he [Mr. C.] would appeal to any of the friends of that distinguished man whether, during the whole course of the political contest for the Presidency in 1848, General Cass ever gave the country to understand what were his principles and feelings on the great question of internal improvements? When upon the lake shore of the Ohio he was appealed to, and his attention called to the disasters to commerce and the immense loss of life and property which occurred upon the Western waters, the only answer he gave was "that the noise and confusion was so great that he could not be heard." And yet the gentleman from Kentucky announced yesterday that General Cass went before the people, making known his principles everywhere. Again, when the Northwest, driven almost to desperation by the refusal of the General Government to attend to the improvement of these great thoroughfares, held a convention at Chicago—not a convention of any party, but a convention of all classes of people—when the distinguished Senator from Michigan was invited, circumstances prevented his attending. He [Mr. CAMPBELL] was never able to ascertain the opinions of General CASS or General BUTLER upon this question.

He remarked yesterday that the question of the disposition of the public domain devolved upon this Congress, for it was well understood that the General Government would no longer regard it as a source of revenue; and he therefore had a right to demand of candidates what course they would pursue, if power should be given them, upon this question. He would tell gentlemen who were building up platforms on the subject of slavery, that there were people in the Northwest, of all political parties, who intended that the candidates should make themselves perfectly understood on this subject.

He was in favor of the principle embodied in the bill which had been reported by the gentleman from Illinois, [Mr. BISSELL,] and it was one which addressed itself at once to the best feelings of our nature. It provided simply that there should be grants of public land made to all the States of the Union, for the purpose of enabling them to found and sustain hospitals for the support of the indigent insane. A great deal had been said in relation to the bill under consideration, by which they were to vote a farm to those who were not able to buy. He was in favor of this to some extent; but he held it first to be their duty to provide homes for that class of persons who had been unfortunately deprived of their reason.

He was also in favor of giving to the States a reasonable quantity of the public land, so as to enable them to found institutions of learning; because, if they were to place any faith in the reasoning of that document which lately had been regarded as one of consequence—he meant the Farewell Address of the Father of his Country—they were to look to institutions for the dissemination of learning as the surest basis upon which our republican structure stands.

He was in favor, to a certain extent, of the prin-

ciples of the bill now before the committee, because he believed that by providing the means by which honest poverty might be able to sustain itself, they would add to human affections and promote our national wealth. The remainder of the public lands he would give to works of internal improvement. He then proceeded to discuss the constitutional power of Congress to donate the public land for such purposes, in the course of his remarks referring to the inconsistency of the Democratic party on the question of internal improvements.

[See Appendix for Mr. CAMPBELL's speech.]

Mr. CHASTAIN said that he found a disposition manifested on the part of the House to squander the public lands, and it seemed useless to attempt to resist it. He would only say that he would vote against the proposition under consideration, and likewise vote against all propositions disposing of the public lands for railroad or internal improvement purposes.

He then referred to the latitude given to debate in Committee of the Whole, and said that he intended to avail himself of the privilege, which he believed was recognised by the rules, of discussing questions other than those pending before the committee. He did not propose to vindicate or make an attack upon any of the aspirants for the Presidency of either party, but simply desired to vindicate his own position and the party with which he was now acting—the Union party of Georgia.

The position of the Union party of his State had been greatly misunderstood by some, and greatly misrepresented by others; and he now proposed to consider the causes which led to its organization, the principles upon which it stood, its past action, its present policy, and its probable destiny. His object was to put the Union Democracy right before the country, and to defend them from the unjust and unfounded charges which had been so freely made against them.

The compromise measures of the last Congress were passed by the votes of a majority of the Democratic party; those measures had gone before the country for approval and confirmation, and the Democratic party, by an overwhelming majority, had approved and sanctioned them. Without intending to disparage the claims of the Whigs who aided in the adoption of these measures, he felt authorized to repeat that the compromise was a Democratic measure, based upon Democratic principles, and passed by Democratic votes; and if it entitled its supporters to any praise or honor, the Democratic party should participate in the greater portion of it. If, on the other hand, the measure was one of fraud or injury to any portion of the Union, the responsibility should fall upon the Democracy. If he should be asked for the proof of the correctness of his assertion that the compromise was a Democratic measure, he would point to the records of the last Congress, which must forever stand as an unimpeachable witness of the truth of what he asserted. The compromise was a consummation of those principles which our republican fathers and the Democratic party had always maintained.

When the compromise had become the law of the land, the question of acquiescence was submitted to the people, and it became with the people of Georgia a paramount question, and all other political questions were absorbed in the consideration of that alone. During the pendency of this subject before Congress, there had risen up a spirit of deep and bitter opposition to the principles upon which it was expected the question would be settled, and upon which it was ultimately settled; and threats of resistance to the Government and a dissolution of the Union became as common as household words with those whose morbid spirits brooded over the destruction of the Government with almost total indifference.

Before the final action of Congress on the subject of the compromise, the Southern-Rights party was formed, whose principles were set forth at the Nashville Convention. Opposition to the compromise was the groundwork of its action, and all its efforts were directed to the point of making that opposition effectual. It was declared in one of their resolutions that all the evils anticipated by the South had been realized by the passage of the compromise measures. They proposed to remedy this evil, as set forth in a resolution of the convention, by recommending to all parties in the slaveholding States to refuse to go into all conventions whose object might be to nominate can-

didates for the Presidency and Vice Presidency of the United States, under any party denomination whatever, until their constitutional rights should be secured. This was after the passage of the compromise measures, and the Southern-Rights party declared that they would not go into any convention until their constitutional rights, which they asserted had been lost by the adoption of the compromise, should be restored. Their second remedy was a call for a Southern Congress, whose duty it was to have been to arrest future aggression and to restore those constitutional rights which they said they lost by the passage of the compromise; and, if they could not do this, to provide for their future safety and independence.

Mr. BROWN, of Mississippi, said that the gentleman from Georgia seemed disposed to hold the State-Rights party of the South responsible for the Nashville Convention, and for all that was said there. He desired to ask the gentleman if it was not his recollection that the convention was gotten up by Whigs and Democrats and by gentlemen who were now State-Rights men? Had it escaped the gentleman's recollection that Judge William L. Sharkey, a prominent leading member of the Union party, was the first President of the National Convention? If any harm had been the result of that convention, he hoped it would be divided between its political favorers.

Mr. CHASTAIN replied that the convention was gotten up as the gentleman had said; but he would remark that so soon as the convention promulgated its doctrines, and showed that they were determined to go against the Union, then the Union Democratic party left.

Mr. BROWN, of Mississippi, desired to know whether it was not within the recollection of the gentleman that the Nashville convention was denounced before its first meeting, before its first organization, in the same spirit in which it has since been denounced, by the National Intelligencer, published in this city—denounced as a treasonable organization, and so denounced by members of Congress and throughout the country? All the members of the Union party now joined in this denunciation, which was commenced by the Intelligencer and other papers.

Mr. CHASTAIN said that he did not see as clear as the editors of the Intelligencer, who might have seen the evil brewing even in anticipation of the assembling of the convention, but he did not see it until the convention showed its hand.

Mr. BROWN said that he was not a member of the Nashville Convention, and had nothing to do with getting it up, and had no responsibility on account of its action. Now, he would ask the gentlemen if he could say as much? Did he not, as a member of the Legislature of Georgia, have something to do with getting up the convention?

Mr. CHASTAIN replied that he was not a member of the Georgia Legislature. He was, however, a member of the Georgia Convention which repudiated the doctrines promulgated by the Nashville Convention, and he gloried in it.

Mr. BROWN. Do I understand the gentleman to say that he did not vote to send delegates to the Nashville Convention?

Mr. CHASTAIN. I did not vote to send delegates to that convention.

Mr. C. then referred to the nomination of Mr. McDonald, who was President of the Nashville Convention, as Governor of Georgia by the Southern-Rights party. He said that this was the party which professed and claimed to be the Democratic party of Georgia, and he and all other Union Democrats in his State who refused to unite in this organization had been held to be deserters from the Democratic faith, and responsible for the disorganization of the Democratic party of the State. Now, he would ask national Democrats, both of the North and South, who gave their votes and voices to the salvation of the country in that dark and momentous hour of our history; those who stood shoulder to shoulder with the Union Democrats of Georgia; who voted for the compromise, and in so doing said to the country "Peace, be still"—he would ask them whether they were right or wrong in resisting this disorganizing movement, which was sowing broadcast in our land the seed of discontent, and ultimately disunion? Were they deserters in giving support to those measures which received the votes of a majority of the party, and which had since been sanctioned by more than two thirds of the Democ-

racy? Were they deserters in refusing assent to the principles of the Nashville Convention, and in refusing to unite in its recommendation not to go into any National Convention under any party name whatever, for the purpose of nominating candidates for the next Presidency? But this self-styled Democratic party, which censured the Union Democrats for saying that they would go into Convention, now asserted that they were the true Democracy, and that nobody else but they had the right to assemble in National Convention.

Mr. C. then referred to the platform of the Georgia Union party, which he said had determined, by a large majority, to acquiesce in the compromise measures. Although they did not concur in the whole of them, yet they had determined to abide by them as the settlement of the slavery question. This they proposed to do in good faith, and it was what they expected and required from other parts of the country. The finality and faithful performance of the compromise in all its parts is and was the Georgia platform. They intended to hold these principles to the end, and invited all to their cooperation who desired to unite to put down further agitation, and who desired to secure constitutional rights to their section of the country. He had no hesitation in making the declaration that there was no measure which the Georgia Union Democratic party supported, nor any principle which they advocated, which was not in strict accordance with the well-settled doctrines of national Democracy.

[See Appendix for Mr. CHASTAIN'S speech.]

Mr. OLDS said that the Democratic party throughout the United States looked with no ordinary anxiety to the result which shall be announced through the ballot-box at the next presidential election. He wished to send forth this warning voice to the Democracy of the country and call their attention to the exhibitions which had taken place here, which proclaimed to the people of the country that the Democratic party—that party to which they were looking for success and a maintenance of the present form of Government—was in danger of being divided. Such had been the result that the organ of the Administration had grown very bold, and proclaimed to the world that the Administration feared not the Democracy of the country; for that party was so divided that they could not pass a single resolution condemning a single measure of the Administration. The organ had grown bold in what it had seen to be the divided counsels of the Democratic party. If they were to understand the organ of the Administration, notwithstanding it had run riot with the public money, yet they were casting into their teeth the assertion that the Democratic party was divided, and could not pass a resolution condemning one single act of the Administration. The responsibility rested upon the Democratic party; for whenever a resolution was introduced condemning a single measure of the Administration, some prominent member of the Democratic party had been found to defend the Administration.

He did not propose to express a preference for this candidate or that candidate for the Presidency. It was sufficient for him to say that, amongst all the prominent gentlemen whose names had been mentioned in connection with the office of President, there was not one whom he would not infinitely prefer to the best Whig in the country. He did not wish to see prominent men of his party placed in such a position that when a nomination should be made, it could be said that this prominent Democrat had said this or that of their candidate. He did not wish to be compelled to defend the candidate of the convention to assemble in June from any assertions made by members of the Democratic party. He heard with pleasure the remarks of the gentleman from Kentucky [Mr. BRECKINRIDGE] in reference to General Butler; and if that gentleman should receive the nomination of the Democratic party, he should be most happy to defend him against the attacks of the Whig party. If Mr. DOUGLAS should receive the nomination, he should be just as happy to battle in his behalf; or if General Cass should be nominated, he should be as happy to do battle under his banner.

Voices. What about Mr. Buchanan?

Mr. OLDS said, that if any distinguished gentleman who had been named in connection with

the Presidency should receive the nomination of the Baltimore Convention, he would be most happy to do battle under his flag.

Mr. O. then replied to the remarks of Mr. C. in reference to the position of the Democratic party on the question of internal improvements, and denied that General Cass's opinions were unknown on that subject, referring his colleague to the votes of that gentleman on the subject. He called the attention of the committee to the fact, which stood out in bold relief, that notwithstanding all the clamors for reform, and that Administration had succeeded Administration, yet the expenses of the Government had increased enormously year after year; and so long as the National Treasury should be replenished from such sources as revenues from the public lands, just so long could the administration of the country run riot with the public money. He spoke of the reform advocated by the Whig party; and in contradistinction to this, referred to the Galphinisms, Chickasawisms, Gardinerisms, &c., connected with the present Administration. He then advocated the bill before the committee, and was in favor of giving the land to actual settlers, in limited quantities.

Mr. OLDS' speech will be found in the Appendix.

Mr. DAVIS, of Massachusetts, obtained the floor.

M. BROWN, of Mississippi. I ask the gentleman to allow me to offer an amendment to the bill. I wish to offer it at this stage of the proceedings, that it may be discussed along with the general proposition.

Mr. DAVIS yielded for that purpose.

Mr. BROWN submitted the following amendment:

A bill to perpetuate preemption to actual settlers on the public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws now in force, granting preemption to actual settlers on the public lands, shall continue until otherwise ordered by Congress, and that the same be extended to all the Territories of the United States.

Sec. 2. And be it further enacted, That from and after the passage of this act, the rights of preceptors shall be perpetuated: that is to say, persons acquiring the right of preemption shall retain the same without disturbance, and without payment of any kind to the United States, but on these conditions: First. The preceptor shall not sell, alienate, or dispose of his or her right for a consideration; and if he or she voluntarily abandons one preemption and claims another, no right shall be acquired by such claim until the claimant shall first have testified, under oath, before the register of the land office when the claim is preferred, that he or she has voluntarily abandoned his or her original preemption, and that no consideration, reward, or payment of any kind has been received, or is expected, directly or indirectly, as an inducement for such abandonment; and any person who shall testify falsely in such case shall be deemed guilty of perjury. Second. Any person claiming and holding the right of preemption to lands under this act, may be required by the State within which the same lies to pay taxes thereon, in the same manner and to the same extent as if he or she owned the said land in fee simple; and in case such lands are sold for taxes, the purchaser shall acquire the right of preemption only. Third. Absence of the preceptor and his family for six consecutive months shall be deemed an abandonment, and the land shall, in such case, revert to the United States, and be subject to the same disposition as other public lands.

Sec. 3. And be it further enacted, That lands preempted, and the improvements thereon, shall not be subject to execution sale or other sale for debt; and all contracts made in reference thereto, intended in anywise to alienate the right, or to embarrass or disturb the preceptor in his or her occupancy, shall be absolutely null and void.

Sec. 4. And be it further enacted, That the preceptor may at any time, at his or her discretion, enter the lands preempted by paying therefor to the proper officer of the United States \$1 25 per acre.

Sec. 5. And be it further enacted, That in case of the preceptor's death, if a married man, his right shall survive to his widow and infant children, but the rights of the older children shall cease as they respectively come of age, or when they shall reach the age of twenty-one years. In all cases the right of preemption shall remain in the youngest child. And in case of the death of both father and mother, leaving an infant child or children, the executor, administrator, or guardian, may, upon submitting satisfactory proof of that fact to the register and receiver of the proper land office, demand a certificate of title to the lands so preempted for the benefit of said infant child or children, and may thereafter sell said lands, or otherwise dispose of them for the benefit of the infant child or children aforesaid.

Mr. FOWLER. With the permission of my colleague, I move that the committee rise.

[A message was here received from the Senate by the hands of their Secretary, ASBURY DICKINS, Esq.]

ASSIGNABILITY OF LAND WARRANTS.

[A message was here received from the Senate, by the hands of Mr. DICKINS, their Secretary, informing the House that that body had insisted

upon their disagreement to the amendments of the House to the bill providing for the assignability of bounty land warrants, and had agreed to the conference asked by the House; and that they had appointed Messrs. FELCH, SHIELDS, and SMITH, as managers on their part.]

Mr. HOUSTON demanded tellers upon the motion that the committee rise; which were ordered, and Messrs. CHANDLER and FREEMAN were appointed.

The question was then taken, and there being—ayes 87, a further count was not insisted upon.

So the motion was agreed to.

The committee rose accordingly, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order, being House bill No. 7, to encourage agriculture, and for other purposes, and had come to no conclusion thereon.

Mr. HOUSTON. If it be in order for me to make a motion now, I will ask the House to clear the Speaker's table of the bills and communications which are there.

Mr. MASON moved that the House adjourn.

Mr. FOWLER. I ask the gentleman to give way that me may dispose of a few bills.

Mr. JOHNSON, of Georgia, moved that when the House adjourned, it adjourns to meet on Monday next.

Mr. MARSHALL, of Kentucky, demanded the yeas and nays; which were not ordered.

Mr. JOHNSON withdrew his motion.

Mr. JONES, of Tennessee. Is the motion to adjourn until to-morrow or Monday?

The SPEAKER. It is a motion to adjourn until to-morrow.

The question was then taken, and it was decided in the affirmative.

So the House adjourned until to-morrow at twelve o'clock, m.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. GREEN: The petition of citizens of Wyandott county, Ohio, praying Congress to so amend the bounty land law as to make equal provision for the widows of deceased military officers and soldiers, whether married or unmarried.

Also, the remonstrance of 56 citizens of Crawford county, Ohio, against the extension of the patent of Woodworth's planing machine.

By Mr. GOODENOW: The remonstrance of Benjamin Allen and 49 others, citizens of Franklin county, Maine, against the renewal of the patent granted to Austin and Zebulon Parker for alleged improvements in reaction water-wheels.

By Mr. MILLER: The petition of the heirs of James Russell, of Cape Girardeau county, Missouri, praying Congress to confirm a title to a tract of land in said county.

Also, the petition of John Byrd, praying Congress to confirm a title to land in the same county.

By Mr. CONGER: The petition of John Burt and others, for the establishment of mail routes—

1st. From Sault Ste. Marie, by way of Grand Island, to Marquette, in the county of Marquette, Michigan.

2d. From Navarino, or Green Bay, Wisconsin, by way of Little Bay de Noquet, to Marquette.

3d. From Marquette, by way of Le Aune, Houghton county, to Eagle River.

4th. From Le Aune to Ontonagon, Ontonagon county, Michigan, and thence to La Point and Fond Du Lac, in Minnesota Territory.

By Mr. APPLETON, of Massachusetts: The petition of Thomas B. Curtis and others, citizens of Massachusetts, praying that further aid be granted by Congress for the support of the Collins' line of steamers.

By Mr. CURTIS: The petition of citizens of Clarion county, Pennsylvania, praying for a modification of the tariff of 1846.

Also, one of like import from the county of Lawrence, Pennsylvania.

Also, a petition from citizens of Crawford and Warren counties, Pennsylvania, for the establishment of a mail route from Titusville, via Enterprise and Youngsville, to Sugar Grove, Warren county.

By Mr. BABCOCK: The remonstrance of citizens of Oswego county, New York, against the renewal of the Woodworth patent.

By Mr. MOORE, of Pennsylvania: Three memorials of citizens of Philadelphia, in favor of an extension of the Woodworth patent.

Also, memorials of citizens of Delaware county, and of Germantown, Pennsylvania, asking for an amendment of the bounty land act of 1850.

By Mr. FLOYD: The petition of residents of Port Jefferson, that Port Jefferson be made a port of delivery.

By Mr. DURKEE: The remonstrance of H. F. Cox and 257 others, of the county of Racine, Wisconsin, against the renewal of Woodworth's patent.

By Mr. JONES, of New York: The petition of Sarah Smith, widow of Cornelius Smith, late a sergeant in the United States Army, for relief.

By Mr. JONES, of Pennsylvania: Resolutions of the

Legislature of Pennsylvania, relative to the bridge over the Ohio river, opposite Wheeling.

Also, the petition of John G. Fox, asking compensation for naval services in the year 1846.

By Mr. MACE: The memorial of Vincent Virgin, of Warren county, Indiana, asking additional pay for taking the census.

By Mr. PICKLIN: The memorial of a convention composed of delegates from the counties of Clark, Coles, Moultrie, and Macon, in the State of Illinois, assembled at Charleston on the 23d of February, 1852, for the purpose of constructing a railroad from Terre Haute to the Mississippi river, with a branch from Marshall, through Charleston and Sullivan, to Decatur, in Macon county, thereby supplying the necessary links in the Mississippi and Atlantic railroad, and in the railroad connection between Terre Haute, in the State of Indiana, and St. Joseph, in the State of Missouri, and contemplating a continuation of railroad connection to the Pacific, which said memorial prays a grant of the right of way and alternate sections of land to aid in the construction of railroads.

By Mr. HENN: The proceedings of a meeting held at Cedar Falls, Black Hawk county, Iowa, recommending a land office at that place.

By Mr. HARPER: The memorial of J. V. Cushing and 103 others, citizens of the county of Muskingum, Ohio, and the memorial of John Hawes and 128 others, citizens of the same county, praying for the establishment of the bridges of the Wheeling and Belmont Bridge Company as post roads, and that said bridges remain at their present height, &c.

By Mr. ROBBINS: A petition signed by George Landell, Joseph M. Ritterson, S. Duffield, C. Fortner, and 79 others, citizens of the county of Philadelphia, against the renewal or extension of the Woodworth patent for planing boards, &c. They state that the patentee has enjoyed the benefit from 1828, which will continue, by act of Congress, until the year 1856, and that a further extension would be injurious to the public interests.

Also, the petition of Thomas Wilson and 56 others, citizens of the county of Philadelphia, asking for an extension of the Woodworth patent for a planing machine.

Also, on the same subject, the petition of Alfred S. Price and 91 others, citizens of the county of Philadelphia.

Also, on the same subject, the petition of Samuel Wilson, and 44 others, citizens of Philadelphia county.

Also, on the same subject, the petition of F. Engleman and 63 others, citizens of Philadelphia county.

Also, the petition of John Statton, Reuben Sands, and 33 others, citizens of the county of Philadelphia, asking Congress to so modify the bounty land act of September 28, 1850, as to give those intended to be benefited by said act, and seamen and marines who served in said wars, not less than 160 acres of land.

By Mr. TAYLOR: The petition of John Windall, and 35 others, citizens of Pike county, Ohio, praying Congress to establish a mail route from Bainbridge, in Ross county, Ohio, to Waverly, in Pike county, Ohio.

By Mr. FLORENCE: Letters from Montgomery & Neall, Edward W. Cavanaugh, Joseph S. Snowden, Joseph T. Bailey, Charles Cramer, and A. L. Raymond, citizens of the city and county of Philadelphia, remonstrating against the extension of the Woodworth patent for planing boards, &c.

Also, the memorial of John C. Hancock, George Ireland, William G. Ireland, and others, citizens of the county of Philadelphia, praying for the extension of the Woodworth patent for planing boards, &c.

Also, the memorial of Thomas B. Henderson, Jacob M. Whartanby, George T. Sorber, and others, residents of Germantown, in the county of Philadelphia, praying that 160 acres of land may be granted to the soldiers of the war of 1812, &c.

By Mr. GOODENOW: The petition of Joseph H. Clapp and others, assistant marshals of Maine, asking additional compensation for taking the Seventh Census.

By Mr. BARRERE: The petition of numerous citizens of Highland county, Ohio, praying for the construction of a ship-canal around the Falls of the St. Mary's river, in the State of Michigan.

By Mr. RIDDLE: Joint resolutions of the Senate and House of Representatives of the State of Delaware, upon the following subjects:

1st. The breakwater and harbors in the Delaware bay and river.

2d. The fortification upon the Pea Patch Island or Fort Delaware.

3d. The custom house in the Delaware district.

Also, a memorial of the Board of Trade, of Wilmington, praying Congress to make an appropriation for a custom-house in the Delaware district.

By Mr. BABCOCK: The petition of 56 citizens of Oswego, for a Marine Hospital at Oswego, New York.

Also, the petition of 183 citizens of the port of Oswego, New York, for the same purpose.

By Mr. DOTY: The petition of citizens of Wisconsin, for a grant of land to aid in the construction of a railroad from Chicago to Fond du Lac and Lake Superior.

By Mr. WASHBURN: The memorial of Elijah L. Hamlin and 289 others, citizens of Bangor, Maine, that the pension laws may be extended to the case of widows of revolutionary soldiers who were married subsequently to A. D. 1799.

By Mr. CONGER: The memorial of the Zilwaukie, Grand Travers, and Mackinaw Plank Road Company, in favor of granting the right of way and certain public lands in aid of the construction of said road.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 6, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. L. F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The first business in order is

upon ordering the engrossed bills on the Speaker's table to be read a third time.

Mr. WARD. I move that we take up the Senate bill No. 182, for extending the time for selling the lands granted to the Kentucky Asylum for teaching the Deaf and Dumb.

Mr. W. said: The time granted by the law, which passed some ten years ago, in which to dispose of these lands, will expire on the first of next month. The lands have been all disposed of except some refuse lands lying in the State of Florida. The trustees of the institution have made exertions to dispose of these lands, but have failed to do it. They desire an extension of five years, and I hope the House will pass the bill.

Mr. HOUSTON. I suggest that we shall this morning take up the business on the Speaker's table, and dispose of the private bills which are there.

Mr. WARD. The bill I wish to take up will not occupy more than five minutes.

Mr. HOUSTON. That is very true; but if we take up the bills in their order, we will reach it in less time than that. These bills have all to be referred; and I ask, if there be no objection, that it should be done this morning.

Mr. WARD. Does the gentleman object?

Mr. HOUSTON. I do not object to the gentleman's motion.

PERSONAL EXPLANATION.

Mr. BEALE. I ask the unanimous consent of the House to make a personal explanation, which shall not consume much of the time of the House.

There being no objection, Mr. B. said: The gentleman from Ohio [Mr. CAMPBELL] yesterday made an observation that none or but few Democrats had refused to vote for the appropriation of overflowed lands of the Mississippi, by the act passed the last session of Congress. I responded to him, that I did not so vote. He said that he had the Journal before him, and my name was recorded for the passage of that law. In examining the Journal, I find that to be the case. Now, I declare that the whole drift of my feelings, my inward sentiments, my open declarations, and my repeated conversations on this floor and elsewhere, were in hostility to that bill. I went home and denounced that bill as part and parcel of a system to vote away the public lands to the Western States, which belonged to all the people of the Confederacy. And I ask if I am to be supposed so inconsistent as this conduct would show me to be. There is an error in the Journal; and if a dozen men should get up now and declare that I voted for that bill at all, I say that the probability is that I misconceived the question and voted in mistake. I appeal to the gentleman who roomed with me the greater portion of two years during the last Congress, to say whether my sentiments were not such as I now declare them to be.

Mr. HARRIS, of Tennessee. I respond with pleasure to the call made upon me by the gentleman from Virginia, [Mr. BEALE.] The gentleman and myself roomed at the same house during the last Congress, for the greater portion of the whole session. I recollect to have had very frequent conversations with the gentleman from Virginia [Mr. BEALE] upon the subject of the disposition of the public domain. We differed in relation to some of the propositions which were pending before this House. I recollect that he expressed very frequently to me his fixed and settled hostility to this proposition to give to Arkansas and other States the overflowed lands. He was also hostile to the bounty land bill. I recollect, from frequent conversations, that this was his position during last Congress. I have no recollection, however, as to how he voted upon the bill in question.

Mr. CAMPBELL, of Ohio. I should dislike very much to put the honorable gentleman from Virginia [Mr. BEALE] or any other member of this House, whether a political friend or opponent, in a false position. I referred to the Journal, and stated in general terms what was the vote of the Democratic side of the House upon that question. That was all. I do not understand the honorable gentleman as intimating that I have been guilty of any improper act in this matter.

Mr. BEALE. By no means.

Mr. CAMPBELL. I am very happy in affording him an opportunity of presenting himself, as far as he may now, in a proper position in relation

to this matter. But the honorable gentleman will find by reference to the vote of many of his colleagues, who have assumed the same general position in relation—

Mr. HOUSTON. I call the gentleman from Ohio [Mr. CAMPBELL] to order.

Mr. JOHNSON, of Tennessee. With the permission of the House, I wish to say a single word in relation to the subject now before us. I will say by suggestion to the member from Virginia, [Mr. BEALE,] that in all probability if he would refer to the original Journal he might find his name there correctly recorded. Mistakes of this kind have occurred to me. While the bill was pending to establish the Department of the Interior, I was lying in my room sick, and remained there until it was discussed and passed. Upon examination of the Journal, I found that my name was recorded upon the passage of the bill, when I was at home sick. I merely throw this out by way of suggestion, to show that mistakes of this kind occur; and, perhaps, by reference to the original Journal, his vote may be found recorded right.

Mr. HOUSTON. I insist upon the regular order of business.

WITHDRAWAL OF PAPERS.

On motion by Mr. CAMPBELL, of Illinois, by unanimous consent,

Ordered, That leave be granted to withdraw from the files of the House the petition and papers in the case of Jacob Banta, for the purpose of reference in the Senate.

On motion by Mr. THOMPSON, of Virginia, by unanimous consent,

Ordered, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of Dossila Bukey, and that leave be granted to withdraw the papers in said case for the purpose of reference to one of the Executive Departments.

RUFUS DWINEL.

The SPEAKER. The question now is upon ordering Senate bill No. 88, for the relief of Rufus Dwinel, to a third reading.

Mr. PICKLIN. I would like to know what the bill is about. It is to pay a considerable amount of money.

Mr. FOWLER. The bill has been considered in Committee of the Whole, where all the facts in regard to it were elicited; and it was reported with a recommendation to the House that it do pass.

Mr. PICKLIN. Will the honorable gentleman state what the character of the bill is?

Mr. FOWLER. It is a Senate bill, and the report can be read if necessary.

The bill was then read. It provides indemnity to Rufus Dwinel for the violation of his contract by the Post Office Department for carrying a daily mail.

Mr. AVERETT. I rise for the purpose of asking a question of the chairman of the Committee on the Post Office and Post Roads, [Mr. OLDS,] as to the character of the contract made by the Department with the parties here. I wish to know if there was not in the contract an express reservation of the right of the Department to lessen or increase the service, by paying to the contractor a *pro rata* allowance for any increase or diminution of the service. This is an important inquiry; for I find, in regard to the establishment of post offices and post routes and the change of transportation, that the contractors are coming in and presenting their petitions for extra compensation, upon the ground that their services are too onerous. I wish to know if there is not an express reservation to determine the right to vary the compensation according to the service rendered.

Mr. OLDS. I will reply to the inquiries of the honorable gentleman from Virginia, [Mr. AVERETT,] in all the present contracts made by the post office department for carrying the mails, such a reservation as that he has named is made; but this form of contract is of recent date. In all former contracts no such reservation was made, and in the contract upon which this bill is predicated, no such reservation was made. The whole argument of this case consists in this fact.

Mr. HOUSTON. Before the gentleman passes from the point of contract, I would like to propound a question to him also; whether at the date of the present contract the law did not itself constitute a part of the contract, and authorize the Postmaster General either to curtail the service or take it away entirely, and if that law did not give the contractor also, wherever service was stopped

under the contract, a certain extra compensation of one or two months, according to the law? Although it may not be in the body of the contract, yet such was the law. I have no doubt about the fact; the law constitutes a part of the contract in this case. I desire further to know whether the contractor could not get the month's extra pay after the suspension of compensation for his services?

Mr. OLDS. The gentleman from Alabama, [Mr. Houston,] I think, mistakes the nature of the contract upon which this bill is predicated. The law is, that where, in the opinion of the Department, it becomes necessary to suspend a contract of the character made, it provides for the allowance of one month's, or perhaps three months' extra pay. But this is not a suspension of a contract for carrying the mail. It was a contract to carry a daily mail, if I recollect right, from certain points. The Post Office Department became embarrassed under the administration of Mr. Barry. This contractor was a special friend of Mr. Barry. The Postmaster General sent his special agent, Mr. Brown, to this gentleman, and requested him to consent to an abatement of the service—that is, carrying the mail twice a week, instead of daily, promising him that if he kept his stock upon the road, as he actually did, or if he made sacrifices in disposing of his stock at a most unsaleable season, that so soon as the temporary embarrassment of the Post Office Department should be removed that he should be relieved and paid the full price of his contract, or full remuneration for all losses sustained in this abatement of service.

This gentleman received from the Department *pro rata* pay for the service performed under this pledge, given by the Department to pay in full, after the embarrassment of the Department had been removed. When, however, Mr. Kendall came into office, he held these contractors to the strict letter of the law. There was no evidence upon the books of the Post Office Department as a matter of course of this agreement made between O. B. Brown and this contractor for carrying the mail. Mr. Kendall refused to make any allowance, but held him to receiving his *pro rata* pay, which would bring this contractor some \$900 in debt to the Department. This contractor asked that the suit should be commenced against him for the \$900 in the United States court for the District of Columbia, and the Department was represented by the District Attorney. The evidence was adduced, and O. B. Brown was put upon the stand, and testified fully that he had been authorized by Mr. Barry to say to this contractor that he should, so soon as the temporary embarrassment of the Post Office Department was removed, receive his full compensation, in accordance with the terms of his contract. Upon the evidence adduced at the trial, and under the instruction of the court, a verdict was rendered; and upon that verdict this bill is predicated. It does not allow the interest allowed by the jury on the trial from 1837 to the time of rendering the judgment; but it is merely for the payment of the money which was found to be due upon the trial, and to which this contractor, under the express arrangement between him and Mr. Brown, was entitled.

Mr. FICKLIN. With the permission of the honorable chairman of the Committee on the Post Office and Post Roads, I wish to propound this question: Whether this contractor receives, by the bill, the full amount that he would have received if he had carried the mail regularly all the time?

Mr. OLDS. He did not get paid in full; but this bill provides full payment, abating the interest.

Mr. HOUSTON. With the permission of the chairman on the Post Office and Roads, I understand from the report that the service was stopped entirely. That was the reason why I propounded the question I did. The report says that the service was suspended.

Mr. OLDS. You have mistaken the language of the report.

Mr. WASHBURN. I am acquainted with this case, and with the parties to it. There was, as I understand it—I may be mistaken, but I think not—a suspension of the service; but inasmuch as that could not be done by the contractor without total ruin to himself, he kept the route going, and I believe, in reality, carried the mail for the whole time, although not under a contract with the Gov-

ernment. He did this upon assurances made to him by Mr. Brown, that when the Department should be dis embarrassed, they would pay him. The Department was very much embarrassed at the time, and found it necessary to make the change.

I will state further, that in order to enable Colonel Thomas to go on with the contract, he borrowed money of this petitioner, Dwinel, and other gentlemen in that section, and he was in fact nearly ruined by reason of the non-fulfillment of its contract by the Government. Mr. Dwinel receives, by this bill, no interest upon the money which he has advanced for this object; and in consequence of the non-fulfillment of its contract by the Government, the original contractor has been embarrassed and nearly ruined. It is a very just case, and I think there can be no doubt about its merits.

The bill was then read a third time and passed. Mr. FOWLER moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider on the table; which latter motion was agreed to.

The following House bills, reported from a Committee of the Whole House, without amendment, were then taken up, and ordered to be engrossed; and being engrossed, were read a third time and passed, viz:

No. 139. A bill to authorize the issuing of a register to the brig America;

No. 140. A bill for the relief of William S. Payne;

No. 142. A bill to authorize the registry of the brig Kossuth; and

No. 148. A bill for the relief of Andrew Smith.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following messages heretofore received from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 17th ultimo, I transmit herewith a report from the Secretary of the Navy, and a report from the Solicitor of the Treasury Department, in relation to the accounts of Prosper M. Wetmore, late navy agent in the city of New York.

MILLARD FILLMORE.

WASHINGTON, March 4th, 1852.

On motion by Mr. SEYMOUR, of New York, it was

Ordered, That the said message and accompanying documents be laid on the table, and be printed.

To the Senate and

House of Representatives of the United States:

In compliance with the provisions of the act of Congress of the 11th of August, 1848, I transmit to that body the copy of a dispatch from the Commissioner *ad interim* of the United States at Canton, together with the copy of certain rules and regulations for masters, officers, and seamen of vessels of the United States of America, at the free ports of China, which accompanied said dispatch, and which are submitted for the revision of Congress.

MILLARD FILLMORE.

WASHINGTON, March 4th, 1852.

On motion by Mr. SEYMOUR, of New York, it was

Ordered, That the said message and accompanying documents be referred to the Committee on Commerce, and be printed.

Also a communication from the Secretary of the Treasury asking an appropriation to pay the salary of D. V. Whitney, Esquire while acting as Secretary of the Treasury of the Territory of New Mexico; which was referred to the Committee of Ways and Means, and ordered to be printed.

Also, a communication from the Engineer Department enclosing a conditional cadet appointment for Halder B. Lyon; which was referred to the proper committee.

The SPEAKER also laid before the House a memorial, and the proceedings of a meeting of the citizens of Detroit in relation to the Irish patriots, O'Brien, Mitchell, and others.

Mr. STUART. I move that that communication be laid upon the table, and be printed.

Mr. HAVEN. I move to refer it to the Committee on Foreign Affairs, without printing.

The question was first taken upon the motion to lay upon the table and print, and it was not agreed to.

The communication was then referred to the Committee on Foreign Affairs.

SENATE BILLS REFERRED.

Senate bill No. 27, being an act to amend an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowl-

edgments in certain cases," was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on the Judiciary.

Senate bill No. 63, being an act to grant to the city of Burlington, Iowa, the land heretofore reserved between that city and the Mississippi river, was next taken up and read a first and second time.

Mr. CLARK. I ask that the bill may now be put upon its passage. It concerns only the people of the town of Burlington. Beyond the original line of the town, between the town and the Mississippi, there is a strip of land reserved which has become greater by accretions. The people of that city now ask that they may have leave to sell the land. That is the sum and substance of the bill, and I presume no gentleman upon this floor will object to it.

Mr. FOWLER. Will the gentleman from Iowa tell us how much land it is proposed to grant?

Mr. CLARK. The quantity is very small indeed.

Mr. FOWLER. A thousand acres?

Mr. CLARK. Not half of that I presume. It is a mere local question in which no one has any interest except the people of that city.

Mr. KING, of New York. I think bills of this character ought first to go to committees. I move that it be referred to the Committee on Public Lands.

The question was then taken, and the bill was referred to the Committee on Public Lands.

DEAF AND DUMB ASYLUM IN KENTUCKY.

Senate bill No. 182, being an act to extend the time for selling the lands granted to the Kentucky Asylum for teaching the Deaf and Dumb, was taken up, and read a first and second time by its title.

Mr. WARD. I desire to have that bill acted upon immediately. The limitations upon that grant, provide that it shall revert back to the General Government, unless disposed of sometime during the present month. I hope the bill will be acted upon and passed immediately. The trustees of that institution have attempted to sell the land, but have failed to do it.

Mr. CABELL, of Florida. I move that the bill be referred to the Committee on Public Lands. I will state that the grant of land, the time for the sale of which this bill proposes to extend, was made to the Deaf and Dumb Asylum, in the State of Kentucky, in the year 1826. They have had from that time to this to sell the land, but they have not done it; and they hold them to the detriment of the people of my own State. The people of Florida are very anxious that they should sell them. The Government have extended the time for selling the lands, for five years and ten years at a time, down to the present time. As a Representative from the State of Florida, I protest against the passage of this bill. At all events, I hope it will be referred to the appropriate committee, and be properly considered, before the House take any final action upon it. I move that it be referred to the Committee on Public Lands.

Mr. WARD. I hope and trust that the proposed reference will not be acceded to. I acknowledge that the grant was made in 1826. But the failure in its sale was not the fault of the Deaf and Dumb Asylum. The grant was made in 1826; but in the mean time, Florida was in a condition that no one was willing to buy lands in that State; but those lands have now become somewhat valuable. Now, I hope and trust that for an object of charity so universally acknowledged as that, no member of this House will refuse to vote for the passage—and the immediate passage—of this bill.

Mr. CABELL. These lands have been held by the trustees of that institution, and the reason why they have not been sold is, that they have been held at an exorbitant price. They have held them at an enormous price, while the people of Florida have sold their own lands and the lands of the Government have been sold at half the price, or at least, for very much less.

But it is not stated what is the quantity of lands proposed to be granted by the bill; yet, the House is asked to make this further extension, although it has already extended for nearly thirty years. This we are asked to do without any information as to the quantity of lands involved in the pro-

posed extension, or as to the time which it has been already extended. I protest against the passage of this bill at this time, and most earnestly hope it may be referred to the appropriate committee, who will investigate it, and inquire into its expediency. Then, if they find, after a full investigation into the interests of all parties concerned, it expedient to pass this bill, I shall make no further opposition to it.

Mr. MARSHALL, of Kentucky. I am somewhat surprised at the course the gentleman from Florida [Mr. CABELL] has seen fit to pursue in relation to this subject. He says this bill does not state the number of acres contained in the original grant. Why, sir, when that grant was made, it specified the number of acres; and it seems to me it cannot be a matter of much importance whether the number be stated now or not.

The very best reason why the grant should be further extended, is that given by the gentleman from Florida, to wit: that the holders of the land want to sell it out at a higher price than the people of Florida are willing to pay. Why, the people of Florida come here with a great deal of disinterestedness, as it seems to me, through their Representative, and undertake to force a grant to the Deaf and Dumb Asylum in Kentucky into market in order that they may be able to get it at a lower price. According to the statement of the gentleman from Florida, the trustees of this Asylum are true to their interests, to hold these lands at such a price as not to compete with the lands in the possession of Florida around them. I can conceive no reason why this bill should be referred, or why it should not pass immediately.

Mr. CABELL. If the gentleman from Kentucky will allow me, I have only stated this: we do not ask these people to hold their lands upon the same terms with the people of Florida; we only ask that they should sell them for what they are worth. We do not ask them to sell them for less than their value, but only to sell them at a fair price.

Mr. MARSHALL. I ask if it is the custom in Florida to compel people to sell their lands at whatever price the purchaser may choose to give for them?

Mr. CABELL. This was a mere gratuity upon the part of the Government; and it has been against the policy of this Government, as has been proclaimed in speeches upon this floor, from time to time, to aid corporations who hold large bodies of land in such a manner as to prevent settlement. It is against that which I protest. It is against this corporation in the State of Kentucky holding, I think, some 40,000 acres of land, granted to them in the State of Florida. They will not sell the lands, they say, because they cannot get the price they want for them, and yet they will not hold them at a reasonable price, or at the price at which other people are selling their lands. They are asking us to keep settlers from settling upon these lands. It is that to which I object.

Mr. MARSHALL. If these people asked more for their lands than they were worth, or more than they considered them worth, they would be the most curious proprietors ever seen in this country.

Mr. BISSELL. If I am rightly informed, this grant was made in 1826.

Mr. CABELL. Yes, sir.

Mr. BISSELL. Well, I think in justice to Florida, this company ought to have disposed of its lands before this time. They might have been settled in the thirty-odd years which have elapsed since that time. I do not know at what price they are held now, or at what price they have been held, but I am very sure the State of Kentucky might have sold them, and realized something from them.

Mr. MARSHALL. The State of Kentucky has nothing to do with them. They were granted to the deaf and dumb in that State; and gentlemen certainly do not desire to make that asylum part with their lands, without proper consideration, for the benefit of the people of Florida.

Mr. BISSELL. The deaf and dumb asylum have had already twenty-six years; and if this bill shall pass giving this extension for five years, application will be made to extend the time five years longer, and so on from time to time.

Mr. CABELL. Let the bill be referred, and then we can get at the proper state of facts.

Mr. WARD. The deaf and dumb of Kentucky

have not lost those lands at all. By the act of Congress, the time for disposing of these lands has been extended to the first of next month. The title of the lands is vested in trustees; and I hold it a strange and unheard-of species of morality, that on account of default—if any has taken place at all—of the trustees, that these men, the deaf and dumb, shall suffer the loss.

Mr. BISSELL. I do not suppose there has been any default anywhere. I think there has been liberality enough shown to the trustees of these deaf and dumb, and to all others interested in this grant, when it is considered that they have had twenty-six years in which to dispose of these 40,000 acres of land lying in the State of Florida. I think something is due to a young and feeble State like Florida. It is something to Florida that these lands should be opened up to settlement, and it is a very serious thing—as every man from the new States knows—when lands are held, from year to year, by speculators, by companies, by corporations, and by States, and thus kept out of market. It is a serious inconvenience and drawback, and it is unjust. I am for making liberal appropriations of this kind. I am for making appropriations of land for the benefit of the insane and for the deaf and dumb—in which respect I believe I differ from some of my Kentucky friends. But at the same time—

Mr. GENTRY, (interrupting.) Will the gentleman allow me, as I wish to understand this question, to direct his attention to one view of this subject. I understand that the condition upon which these lands are at present granted to the deaf and dumb asylum in Kentucky, is that they may be sold by the first of next month. Suppose Congress fail to legislate, will not the grant be forfeited? I think that if the gentleman will remember the state of things which have existed in Florida for many years past, he would find in that state of things a sufficient excuse for the trustees in not disposing of these lands up to the present time. I do not desire to have this grant forfeited by failure to legislate. The question is one of time in which these lands shall be disposed of.

Mr. CABELL. I will state that these lands are not within five hundred miles of the Indians. There is no reason why the parties cannot have sold them. They are situated in West Florida, mostly, I think, the richest and most populous counties of our State. The trustees hold these lands and will not sell them to anybody, and we insist that it is unreasonable, under these circumstances, that they should be allowed more time to dispose of them after having had nearly thirty years already for that purpose. I am entirely willing, as a representative of Florida, that if this grant is about expiring, to give them some reasonable time. I am willing to give them twelve months; but I protest against a long extension.

Mr. BISSELL. I was about to say, that whatever the consequence of the non-passage of this act, Congress or the General Government would not be responsible, for they have already allowed twenty-six years in which to sell this little batch of 40,000 acres of land.

Mr. WARD. The gentleman seems to misunderstand the history of the whole transaction. There are not 40,000 acres of land. There were 40,000 acres originally, of which 40,000 nearly the whole have been disposed of. A part of that land was in Florida, and a part in Arkansas. The entire lands in Arkansas have been disposed of, and a remnant of those lying in Florida are still undisposed of. Now, to show that there has been no neglect on the part of these trustees, I will state that they have had an agent in Florida, continually superintending these lands, and in making efforts to sell them at reasonable prices. It is entirely new to me that they have placed upon these lands an exorbitant price or value, and where the gentleman obtains authority to justify him in making that declaration, I am wholly at a loss to determine.

Mr. BISSELL. Will the gentleman allow me to ask him a question? At what price have these lands been held?

Mr. WARD. I have never heard.

Mr. BISSELL. Then, for anything that appears here, the reason why these lands have not been sold, is because they have been held at an exorbitant price. I ask any gentleman interested in this question, if he can tell me at what price these lands have been offered for sale?

Mr. WARD. I cannot.

Mr. BISSELL. I am opposed to the bill. I think it would be wrong to allow them five years more, especially when they cannot show that they have put them in market, and offered to sell them at reasonable prices, or \$1 25 per acre.

Mr. MEACHAM. I wish to inquire of the gentleman from Illinois, whether all the lands offered at a reasonable price, namely, the Government price, in Florida have been sold? If not, then there is no reason, lying against the Kentucky lands, why they have not been sold, on account of any unreasonable price which may have been asked.

Mr. BISSELL. In reply to the gentleman's question, I would simply observe, that if he is disposed to act upon the principle which he indicates, then, instead of allowing them five years, he should say that they should have time until the Government has sold all its lands in Florida. Will he do that?

Mr. JENKINS. Will the gentleman from Illinois [Mr. BISSELL] allow me to offer an amendment?

Mr. BISSELL. I was going to make a suggestion to the gentleman from Florida, that if he will withdraw his motion to refer, I will move to amend the bill by striking out *five years* and inserting *one year*, and in that form, understanding that it will satisfy the gentleman from Florida, I will vote for the bill.

Mr. CABELL. I will withdraw my motion, with that understanding, after having replied to the suggestion of the gentleman from Vermont, [Mr. MEACHAM.]

Mr. STUART. I must protest against this mode of discussing the question.

The SPEAKER. It is competent for one gentleman to yield the floor to another for explanation.

Mr. COBB. I merely wish to say—

Mr. STUART. I object to this mode of discussion, unless the gentleman from Illinois [Mr. BISSELL] loses the floor.

The SPEAKER. The gentleman from Illinois has one hour to occupy the floor, and the practice of this body has been for the gentleman occupying the floor to yield it for explanation, and the Chair overrules the point of order.

Mr. STUART. But the point that I make is this, that he cannot give the gentleman from Florida [Mr. CABELL] the right to answer the argument of another gentleman who has taken the floor in the meantime.

The SPEAKER. The Chair thinks the gentleman has not transcended the practice of the House.

Mr. CABELL. I wish merely to say, that the argument of the gentleman from Vermont [Mr. MEACHAM] is this: that because the General Government has not sold the 16,000,000 acres of surveyed lands in Florida at \$1 25 per acre, therefore there is no force in the argument that these trustees have refused to sell their lands at reasonable prices. In reply to that, I will say, that the officers of this asylum had the selection of their lands from all the lands in Florida—out of the 16,000,000 acres of surveyed lands we had—and it is unreasonable that they should hold up these lands at high prices. They have sold some of these lands at \$6 and some at \$10 per acre. That is a sufficient answer to the gentleman's argument. Now, I have already stated that I am perfectly willing to acquiesce in the proposition of the gentleman from Illinois, [Mr. BISSELL], and give the trustees one year's extension of time.

Mr. BISSELL. Is the motion to refer withdrawn?

Mr. CABELL. For the present.

Mr. BISSELL. I move, then, as an amendment to the bill, that the word "*five*" be stricken out and the word "*one*" inserted in its place.

Mr. JENKINS. I offer as an amendment to the amendment the following:

"Provided said lands shall be sold for a price not exceeding \$1 25 per acre."

Mr. GENTRY. Why not let the deaf and dumb get as much for their lands as they can?

The question was then taken on the amendment to the amendment, and it was disagreed to.

The question recurred on the amendment of Mr. BISSELL.

Mr. WARD. I do not want to trespass upon the time of the House, but it is impossible for the

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trustees to make any disposition of these lands in twelve months, unless it be at an entire sacrifice; and I hope that the members of this or any other House will not attempt to compel those who have the charge of the deaf and dumb to sacrifice their property, as will be the case under a forced sale.

Mr. COBB. Is the proposition to give them one year?

The SPEAKER. It is.

Mr. COBB. I think we ought to be liberal, and give them more time.

Mr. MARSHALL, of Kentucky. Is the question divisible?

The SPEAKER. It is not. The question is to strike out five years, and insert one.

Mr. COBB. I move to insert "two" in the place of "one," as an amendment to the amendment.

Mr. STUART. I have listened to the argument of the gentleman from Illinois, [Mr. Bissell.] I confess, with some little surprise. I know the views of the gentleman upon subjects of this character. He has partially avowed them this morning. He favors liberal donations of the public lands for the benefit of the insane, deaf, dumb, and blind. It is one of the most meritorious propositions that can address itself to the Congress of the country. It has been carried out partially in this donation to the institution in Kentucky.

There are reasons, sir, why this donation has not yet been exhausted. Congress, from time to time, has extended the operation of the law under which the grant was made. Now, we know that the history of the State of Florida is such, in regard to its settlement, as sufficiently to answer any objection that can be made in point of time. The State of Florida does not yet contain a sufficient number of inhabitants to entitle her to more than one representative upon this floor. It comes nowhere near the population of many single districts in this Union. It results from commercial as well as political causes, and it does not become this House, nor the Congress of the country, to insist that a donation for charitable purposes shall now be forfeited, and that the grant shall revert to the Government of the United States—which lands may fall a prey to worse speculation than ten shillings an acre. I am in favor of the bill as it stands, and for the purpose of bringing the House to a direct vote, I move the previous question.

The previous question received a second; there being, on a division, ayes 109—noes not counted.

The main question was then ordered to be put.

The question was then taken upon the amendment of Mr. Cobb to the amendment, and it was rejected.

The amendment of Mr. Bissell was rejected.

Mr. CABELL. Is it in order to move to refer the bill?

The SPEAKER. It is not. The House is voting under the operation of the previous question.

Mr. CABELL. It is perfectly well known to the House that I withdrew my motion to refer upon the express condition that the amendment inserting "one year," in the place of "five," would pass.

[Cries of "Order!" "Order!"]

Mr. CABELL. Upon that condition it was that I was asked to withdraw it, and I did so.

Mr. CABLE, of Ohio. Is it in order to move to lay the bill upon the table?

The SPEAKER. It is.

Mr. CABLE. I then make that motion.

Mr. GENTRY. Why not take the question upon the bill now?

Mr. CABLE demanded the yeas and nays; which were not ordered.

Mr. CABELL, of Florida. Under the circumstances upon which my motion to refer the bill to the Committee on Public Lands was withdrawn, I ask the general consent of the House to be allowed to renew it, that a vote may be had. The House will recollect—

Mr. MARSHALL, of Kentucky. I object, and call the gentleman to order.

Mr. CABELL. I only request that a vote may be taken upon the motion to refer.

Mr. BISSELL. Move to reconsider the vote ordering the main question to be put.

Mr. CABELL. I move that the vote ordering the main question to be put be reconsidered.

Mr. MARSHALL. Did the gentleman vote in the affirmative? The House divided upon his motion.

The SPEAKER. Not upon ordering the main question. It was upon the seconding of the call for the previous question that the House divided.

The question was then taken upon the motion to reconsider; and it was disagreed to.

The bill was then ordered to be read a third time.

Mr. MARSHALL. I move that the vote by which this bill was ordered to be read a third time be reconsidered, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. MARSHALL. I call for the previous question upon the passage of the bill.

Mr. CABELL. Is it engrossed?

The SPEAKER. It is a Senate bill, and of course, engrossed.

Mr. CABELL. Well, I give it up now. [Laughter.]

The call for the previous question was seconded, and the main question was ordered to be put.

The bill was then read a third time and passed.

Mr. MARSHALL moved a reconsideration of the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

CHARLES A. GRIGNON.

Senate bill, No. 212, entitled "An act for the relief of Charles A. Grignon," was read a first and second time by its title, and referred to the Committee on Indian Affairs.

DRAWBACKS.

Senate bill No. 165, entitled "An act extending the like privileges to those conferred by the act entitled 'An act allowing drawback on foreign merchandise exported in original packages to Chihuahua and Santa Fe, in Mexico, and the British North American Provinces adjoining the United States,' approved 3d of March 1845, to foreign merchandise exported to Mexico by certain indicated routes," was read a first and second time by its title.

Mr. ROBBINS. I move its reference to the Committee on Commerce.

Mr. HOUSTON. From the reading of the title of the bill, it strikes my mind that it should have another direction than the one moved.

Mr. ROBBINS. It emanates from the Committee on Commerce of the Senate.

Mr. HOUSTON. That may be; but I understand from the title of the bill, that it proposes to refund a portion of the revenue under certain circumstances. If that is true, it is very evident that it should not go to the Committee on Commerce. I do not care to which committee it is referred.

Mr. SEYMOUR, of New York. I will state, in reply to the suggestion of the gentleman from Alabama, that the general import of the bill is to allow the same privileges of drawback upon goods which shall be taken into Mexico through the south part of Texas, as has been allowed by previous laws to goods taken in by the way of Santa Fe; and also to the North American provinces. It is for the purpose of facilitating the commerce of the country. I suppose it ought to be referred to the Committee on Commerce, as indicated by the motion of the gentleman from Pennsylvania.

Mr. KING, of New York. The law this bill proposes to amend originated in the Committee on Commerce, and the whole subject relates to commerce rather than to finance. It certainly should be referred to the Committee on Commerce.

The question was then taken, and the bill was referred to the Committee on Commerce.

RALEIGH AND GASTON RAILROAD.

Senate bill No. 185, entitled "An act for the

relief of the Raleigh and Gaston Railroad Company," was read a first and second time by its title.

Mr. MEADE. I would be glad if the House would consent to put that bill upon its passage. This is a railroad leading from the Roanoke river to the capital of North Carolina. It went down a few years ago. The road rotted, and a company has now been formed for the purpose of reconstructing it. It connects with the town of Petersburg and the city of Richmond, enters the interior of North Carolina, and at Raleigh connects with the Central railroad, which goes westward towards Tennessee and Alabama. That road is now about being reconstructed—the company are laying the iron rails, and have progressed some twenty or thirty miles. They ask Congress to give them a credit on the duties upon their railroad iron, similar to that which was granted to the Wilmington road, which connects Roanoke with Wilmington and Charleston, South Carolina, being the connecting lines stretching from New York to New Orleans. At present, on many parts of the track, there is not a particle of iron, and yet the cars travel upon the road. I have heard gentlemen say that they believed that the engines upon the Raleigh and Gaston road go a fox hunting upon the beach, such is the condition of the road. Now, Mr. Speaker, there is a company actively engaged in reconstructing that road for the purpose of connecting these important links, and they only ask a short credit for the duties upon the imported iron, which will soon be paid by the amount the Post Office will pay that road for carrying the mail. These amounts, of course, will be deducted every year as they become due, if I understand the bill. At any rate, the company will pay the duties at the expiration of the credit which this bill proposes to give it.

Mr. ROBBINS. I would suggest to the gentleman to move the reference of this bill to the Committee of Ways and Means.

Mr. HOUSTON. This bill involves, so far as it involves a principle at all, precisely the principle of the bill that the House have just ordered to be referred to the Committee on Commerce. Certainly, if the bill which the House have directed to go to the Committee on Commerce was properly referred, this bill ought not to go to the Committee of Ways and Means. One proposes to take part of the revenue out of the Treasury of the country, and the other proposes to give a credit upon duties which have or may accrue to the Treasury. From the reading of the title of the bill, it seems to me that it should go to the Committee on the Post Office and Post Roads, for the duties which have accrued or may accrue upon this railroad iron will be turned over to the Post Office Department.

Mr. WOODWARD. I wish to express briefly my approbation of the proposition before the House. We are inconsistent in declining to extend these facilities to railroads. The construction of railroads, with their machinery, is a part of the manufacturing business of the country, and those who will consult our revenue system will find that we have legislated upon the principle of admitting raw material free of duty. There is another inconsistency. We are donating lands, in large amounts, to encourage the construction of railroads, and at the same time are putting an enormous tax upon the indispensable and most costly material in the business of constructing them. There is a gross inconsistency in this discrimination. Now, it is much more according to principle, and much more consistent with the appropriate powers of this Government to encourage railroads by not taxing them, than to encourage them by donating public lands. We know certainly what is to be the fruit of this donation. As to what is to become of these lands, we do not know. Besides, we do not give them to meritorious companies who have already invested their own means in roads, but we give them to prospective and possible roads—roads that may or may not be made, and to an administration that may be judicious or injudicious. In remitting these taxes there is no question about the

meritorious claim of the parties who make the application; and there is no question that the full benefit of the same will go to the advantage of the road. My opinion is, to be consistent with the principle by which we have exempted the material for manufacture from any duty, and to be consistent with that other principle by which we bestow lands for possible prospective roads, we ought to abolish the duty on railroad iron; and I am prepared to vote to abolish the tax upon railroad iron. In my opinion, nothing advances the wealth of the country and the settlement of the new States more than the construction of railroads; and I only require, in lieu of the proposition before the House, that we should repeal this duty upon one of the most important branches of manufacture in the country.

Mr. CARTTER. Before we act upon the remission of duties upon this railroad, I think it is well enough for the House to consider the subject. I agree with the gentleman from South Carolina, [Mr. Woodward,] that if there is any article which ought to be imported into the United States at this time free of duty, it is railroad iron. This bill does not propose to relieve railroads, but the railroad in question, of the incumbrances of the tariff upon railroad iron; and it is a proposition to foster a road which it appears from the confessions of its own friends has not cleared enough upon experiment to sustain itself by its own business. The honorable gentleman from Virginia [Mr. Meade] said, that in process of time this railroad will be able to restore the amount of revenue that is suspended. What evidence have we of this, where a road having been once constructed upon the basis of its own business has gone into ruin? I am willing to relieve railroad enterprises of all imposts upon railroad iron, and I think, with the gentleman from South Carolina, [Mr. Woodward,] that it ought to be done, but—

Mr. CLINGMAN. Will the gentleman allow me to make a short explanation? I agree with the gentleman from Ohio, [Mr. Carter,] and the gentleman from South Carolina, [Mr. Woodward,] that railroad iron ought to be left free of duty; but that question need not be discussed now. My purpose in rising is to say to the gentleman from Ohio that the circumstances under which this road failed to sustain itself were these: The company originally subscribed \$700,000 or \$800,000 of stock. That was not sufficient to build the road, and they borrowed more than \$1,000,000 in addition. It was the borrowing of this money which obliged them to have the road sold. The company could not meet its liabilities, and the State, being endorser for the company, purchased the road. The State has subsequently given permission to the company to become owners of half of the stock, provided the company relay the road with heavy iron. The company are now relaying it. The road would have been always good stock and have paid well, had it not been in debt; and the company was so heavily in debt that the road was obliged to be sold in this way. The only question, therefore, at present, is one between the Treasury and the road. It is said upon all hands that the Treasury does not need the money. Why not give the credit therefore? There is no doubt whatever that the money will be paid. The road will be amply good for the money. It is a mere question of time in regard to the payment of the duty. As the company have had some difficulty in raising money sufficient to buy \$500,000 worth of iron, it will be a matter of great advantage to them to be relieved from the payment of the duty upon that iron at the present time. They will get the means of paying those very duties in the course of three or four years for transporting the mail.

Mr. NABERS. Is the motion to commit the bill to the Committee of Ways and Means?

The SPEAKER. It is.

Mr. NABERS. I wish to ask the gentleman to amend it by instructing the Committee of Ways and Means to inquire into the expediency of abolishing the duty altogether upon railroad iron. I offer that amendment.

Mr. HOUSTON. I rise to a question of order. It is that the instructions proposed are inconsistent with the bill. The bill proposes one thing, which is to allow a credit upon the duties; and the instructions an entirely different thing, and that is, to repeal the duty generally upon railroad iron.

The SPEAKER. The Chair is inclined to think the amendment is not in order, on the ground of irrelevancy.

Mr. NABERS. I desire to give notice of my intention to offer that amendment at the proper time.

Mr. MEADE. I rise for the purpose of making an earnest appeal to the gentleman from Ohio, [Mr. CARTTER,] in consideration of the circumstances of this road, to make that question upon some other bill. I ask the attention of the House for a moment, in order to urge every man who is a friend to his country and its agricultural interests not to make that fight upon this bill, which may have the effect of delaying it for months, and defeating the object of its introduction. As I stated to the gentleman before, this road is already constructed. It is already graded, being an old road. The rails are being laid from Roanoke river to Raleigh, so as to connect with the road leading from Petersburg and Richmond. Railroad iron is being imported, and it is arriving every day in the ports of Norfolk, Petersburg, and Richmond. The length of the road is about eighty miles, probably eighty-five. Let me answer the objection of the gentleman from Ohio [Mr. CARTTER] urged just now. It was a very plausible and reasonable one, and I was not astonished he should take that view. This railroad was built at a time when the cost of such a work was very high. It cost about \$1,600,000. It goes to a town that does not have much trade, in the interior of North Carolina; and although it passes through a very fertile country comparatively speaking, yet at the same time, being an agricultural country, it cannot furnish much profit. There was very little travel along the road, except that which was local, no through travel, and hence the receipts from that source were very small. I am sorry I am so hoarse that I cannot make myself better understood, and more perfectly heard by the House.

I will now tell the House that, in consequence of the vast amount of money which this road cost, the company got very much in debt, especially to the State of North Carolina. The road was sold to pay those debts, and North Carolina became the purchaser, becoming responsible for the debt. In a spirit of generosity she proposes to put in this road—which cost \$1,600,000—\$400,000, provided individuals living along the line of it will raise \$400,000 more, for the purpose of laying down the rails.

We believe that this road, which will cost \$800,000 to complete it, will pay a dividend of five or six per cent—a dividend sufficiently large to induce those who feel an interest in the road to invest their money in it. I trust that the gentleman from Ohio, if he is determined to test the question raised by the gentleman from South Carolina, will not do it upon this bill.

Mr. BROWN, of Mississippi. I desire to ask if the morning hour has not expired?

The SPEAKER. The morning hour has not yet commenced. We are now, by unanimous consent, at the business on the Speaker's table.

Mr. CARTTER. I have no animosity to this road. The picture drawn by the gentleman from Virginia commends it to my sympathies. If I thought that we ought to discriminate between one road and another of the same kind, most certainly the description he has drawn would induce me to do it in favor of this road. It is not antagonism to the road which prompts me to protest against this measure. But here it is sought by a private enterprise to repeal our revenue laws. It is no less a proposition than that, and it cannot be regarded in any other light. Who is there here who believes the time will ever come when these suspended duties will be paid by these companies? It is merely a harbinger to a proposition to remit the duties altogether.

Mr. ASHE, (interrupting.) The gentleman says that this is a proposition, in effect, to suspend the revenue laws, and that these bonds will never be paid. Two years ago, this House passed a bill of a similar import, for another railroad in North Carolina, and the bonds in that case are all paid, and the Government is now in debt to the road.

Mr. CARTTER. It may be that the bonds will be paid. The statement made by the gentleman from North Carolina may be true.

Mr. ASHE. I say it is true.

Mr. CARTTER. I have no doubt at all that it has, but has that company paid anything otherwise than in the carriage of the mails?

Mr. ASHE. The carrying of the mails has more than paid the Government. The Government is now in debt to the road.

Mr. CARTTER. That I supposed would be the case. The Government will always be in debt to any company under such circumstances. It is a poor corporation that cannot contrive to make out a balance sheet against the Government.

It appears, then, that the advances made to this company upon their railroad iron have been more than paid by the carriage of the mails. If you follow that practice, you will find your Government in debt to every one of these corporations. I have no doubt this company too will pay it, by carrying the mails. I do not object to the remission of these duties. All I ask is, that the same rule shall be extended to every portion of the Union, and that the railroads that every member in this Hall represents in other portions of the Union, shall come on to a common platform of exemption. If you are going to patronize corporations, let them all be patronized. If you are going to patronize one district, patronize the whole. Let us all have the same rights here.

Mr. MEADE, (interrupting.) We are not asking an appropriation of money.

Mr. CARTTER. No; it is merely a suspension of the payment of money.

Mr. MEADE. Before the question is taken on referring the bill to a committee, which would destroy and defeat it, I ask that the bill may be read; and before the bill is read, let me call the attention of the gentleman from Ohio and of the House to the facts.

I appeal to the Northern portion of this House to remember that their railroads, generally, were built between the years 1831 and 1842, and that during that time railroad iron was introduced free of duty. The railroads now being built in the South and West are recent enterprises. We did not progress with the same rapidity as our brethren of the North in these works of internal improvement between 1831 and 1842, and they built up their railroads with iron that was admitted free of duty. All we ask now is, that they will give to the Raleigh and Gaston railroad a short time for the payment of the duty on the iron which they employ.

Mr. CARTTER. There does not seem to be any reason why this road should be distinguished from others. The objection which the gentleman from South Carolina [Mr. Woodward] takes to the donation of lands to these roads, applies with its full force to this description of patronage. I believe with him that in donating lands to build roads, instead of increasing population, you merely divert it, and that, instead of following the suggestions of enterprise, you apply an arbitrary rule.

Mr. WOODWARD, (interrupting.) I did not mean to express any opinion as to the propriety of granting lands. I simply meant to say that to donate lands and yet lay heavy duties on the materials for making the roads, was a gross inconsistency.

Mr. HIBBARD. I rise to a question of order. The proposition before the House is, if I mistake not, to refer the bill to the Committee of Ways and Means. It seems to me that this debate is going far beyond that question.

The SPEAKER. The Chair is of opinion that a question of reference opens up the whole merits of the bill; practically it must be so.

Mr. CARTTER. I wish merely to add that I feel myself bound to vote against the special exemption of any particular railroad from the operation of the revenue laws; but at the same time I am ready, at any time, to vote to suspend the duty entirely upon railroad iron, for the purpose of encouraging the railroad enterprises of the country. That is my position.

Mr. OUTLAW. I hope that the proposition which has been made to commit this bill to the Committee of Ways and Means will not prevail. There are no facts connected with its consideration which are not already before the House; and there is no gentleman here who cannot be as well prepared to give his vote now as after it shall have gone to a committee. The reference which is proposed will entirely defeat the bill. It is ascertained that the cost of laying the iron will be \$5,000 a mile, and that will take up the entire amount of private subscriptions. The iron is now arriving

daily, but the company have not the means of paying the duties to the Government, and hence the result must be that the work will be impeded and retarded.

Sir, it seems to me a most extraordinary proposition that whilst the gentleman from Ohio is willing to repeal all the duty upon iron, he will not grant the small favor which is asked for this railroad. We of North Carolina come here to ask for very little. We make very few demands from this Government; and it passes my comprehension how gentlemen who are willing to vote millions of the public domain to build up internal improvements, can refuse this small aid for the construction of a railroad.

Mr. JOHNSON, of Arkansas, (interrupting.) If I understand this bill, it proposes that the duty on the iron to be used on this road, shall be remitted?

Mr. OUTLAW. Not at all.

Mr. JOHNSON. Well, that it shall be suspended?

Mr. OUTLAW. Yes.

Mr. JOHNSON. I understand, also, that a large portion of the iron for this road has been already introduced, and of course duty must have been paid upon some portions of it.

Mr. OUTLAW. It is in warehouses, in bond.

Mr. JOHNSON. Well, is the duty on that portion already introduced to be paid or not?

Mr. OUTLAW. In reply to the gentleman from Arkansas I will state, that the iron which has been already imported is in warehouses, in bond; and it must necessarily remain there until the company can raise money enough to pay the duty.

Mr. JOHNSON. Then I ask why the gentleman from North Carolina, and the gentleman from Virginia, and other gentlemen who advocate the remission or suspension of the duty on this iron, and who would stop this money from going into the Treasury, are not willing to appropriate an acre of the public lands to aid in the construction of railroads?—lands, fourfifths of which, they know, cannot pay a cent into the Treasury for years, if at all? I am willing to go with the gentleman for the remission of these duties; but I do not see the difference, in point of principle, between voting for a bill of this kind and a bill to grant lands to railroad companies.

Mr. OUTLAW. If the honorable gentleman will turn to the records of the last Congress, he will find that I voted for the bill to give the swamp lands to Arkansas. I have not voted, and I will not vote, the public domain to particular States for their benefit, to the exclusion of my own constituents, but I am willing to appropriate the proceeds that may arise from the sale of that domain fairly, justly, and equally to all parts of the country.

Mr. JOHNSON. I understand this bill proposes to permit this railroad in North Carolina to pay the duty on its iron in bonds which may be discharged in mail service. Is that the proposition?

Several Voices. It is.

Mr. JOHNSON. I intend to vote for this bill, but I wish to ask the gentleman from North Carolina, if he is willing to let the new States buy the alternate sections of the public lands along their railroad lines, and pay for them in bonds to be discharged in the same way?

Mr. OUTLAW. I am not here to be catechised; nor can it be expected that when a new proposition of this sort is propounded, I can answer it at once.

Mr. STEVENS, of Pennsylvania. I raise this question of order, that it is not competent for members of this House to rise publicly and make bargains with each other about their roads. [Laughter.]

The SPEAKER. The Chair overrules the point of order.

Mr. JOHNSON. The gentleman is perhaps the first and the last one that would make bargains in this House, or out of it. No one here has proposed such a thing.

Mr. OUTLAW. The question propounded to me is one which I will consider when it shall be properly presented; but, in regard to the improvements of the new States, and in regard to the improvements of the western rivers and lakes, the honorable gentleman from Arkansas [Mr. JOHNSON] will recollect that I stood side by side with him, and voted for the river and harbor bill of the

last session of Congress. But I am wandering from the point—

Mr. MEADE. I find upon examination that this bill grants this privilege for four years to this company. It also provides for the payment of whatever may be due by the Post Office Department to the road at the end of each year, which is to be received in part payment. The balance is to be secured by the bonds of the company, and by good personal security, to be approved by the district judge; and let me say to my friend from Arkansas, and my friend from Missouri, that to make the cases parallel they should ask us to allow them to purchase the public lands upon a credit of four years, for the purpose of building their railroads, provided at the same time they gave good personal security for the payment of their bonds as they became due. Let them do that, and I will vote for the proposition.

Mr. OUTLAW. It seems to me that the only possible reason which can reasonably be urged for referring this bill is to ascertain the condition of the Treasury—to see whether it was in such a condition as to authorize this Congress to grant the credit which is asked at their hands. We all know what the condition of the Treasury is. We know that there is a surplus of money there, and we know that the public cannot, by any possibility, be injured by granting the credit which this bill provides. It may be that the honorable gentleman from Ohio [Mr. CARTER] might have some scruples in asking this credit for his own State; but we in North Carolina are in the habit of paying our debts, and we here offer to give good security to this Government that we will pay them when they become due. I move the previous question upon this proposition.

Mr. EWING. I appeal to the gentleman to withdraw for a moment.

Mr. OUTLAW. I must insist upon it.

Mr. FOWLER. I ask that the bill be read.

Mr. JOHNSON. I object to its being read.

Mr. FOWLER. Has the bill been read at all?

The SPEAKER. Not by sections.

Mr. FOWLER. I hope the bill will not be put upon its passage without giving us an opportunity of knowing what it is.

Mr. SEYMOUR, of New York. I submit whether we have not the right to order the reading of the bill?

The SPEAKER. The Chair thinks it is in order to have the bill read.

It was then read through.

The main question was then ordered to be put.

The question now being upon the motion to refer to the Committee of Ways and Means,

Mr. EWING demanded the yeas and nays; but they were refused.

Mr. OUTLAW demanded tellers; which were ordered, and Messrs. CHANDLER and CARTER appointed.

The question was then taken, and the tellers reported—yeas 66, noes 71.

So the bill was not referred.

Mr. MASON. Has the morning hour expired?

The SPEAKER. There is no morning hour.

Mr. GENTRY. What is the precise state of the question?

The SPEAKER. The question now before the House is on ordering the bill to be read a third time, under the operation of the previous question.

Mr. SMART. I move that the bill do lie upon the table.

Mr. CLINGMAN. Upon that motion I demand the yeas and nays.

Mr. MASON. Is it in order to move that the House go into Committee of the Whole?

The SPEAKER. It is not; under the operation of the previous question.

The yeas and nays were then ordered.

Mr. MASON. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair is of opinion that the motion is not in order.

Mr. COBB. What is the question before the House?

The SPEAKER. It is to lay the bill upon the table.

Mr. COBB. Is the previous question still in operation?

The SPEAKER. It is.

Mr. COBB. I am sorry for it, for I have been endeavoring to get the floor during the discussion of

this bill for the purpose of offering an amendment extending the provisions of this bill, so far as can be made applicable, to the Charleston and Memphis, and the Selma and Gunter's Landing, and the Winchester and Alabama railroads, in the States of Alabama, Mississippi, and Tennessee. If we intend such provision as the bill proposes, I cannot see why it should be confined to this road alone. The roads in my county are at this time importing iron, and have just as much right in equity, I think, to such provisions as are proposed in this bill.

The question was then taken on the motion of Mr. SMART to lay the bill on the table, and it was disagreed to; there being—yeas 64, nays 99—as follows:

YEAS—Messrs. Allison, William Appleton, Busby, Joseph Cable, Lewis D. Campbell, Carter, Chapman, John G. Davis, Dawson, Doty, Dunham, Edgerton, Evans, Ewing, Faulkner, Ficklin, Florence, Floyd, Thomas J. D. Fuller, Gamble, Giddings, Gilmore, Goodenow, Green, Isham G. Harris, Hart, Henn, Hibbard, Thomas M. Howe, Ingersoll, Andrew Johnson, John Johnson, J. Glancy Jones, Kuriz, Humphrey Marshall, Mason, McCorkle, McDonald, McLanahan, McNair, Meacham, Morrison, Murray, Nabers, Newton, Andrew Parker, Perkins, Phelps, Rantoul, Robbins, Ross, David L. Seymour, Skelton, Smart, Snow, Benjamin Staunton, Abraham P. Stevens, Thaddeus Stevens, Stratton, George W. Thompson, Townshend, Washburn, Wilcox, and Wildrick—64.

NAYS—Messrs. Abernethy, Aiken, Ashe, Averett, Barere, Bartlett, Beale, Bell, Bennett, John H. Boyd, Bragg, Breckinridge, Brenton, Briggs, Brooks, Albert G. Brown, E. C. Cabell, Thompson Campbell, Chandler, Chastain, Churchwell, Clark, Cleveland, Clingman, Cobb, Conger, Cottman, Curtis, George T. Davis, Dockery, Duncan, Edmundson, Fitch, Fowler, Freeman, Gaylor, Gentry, Gorman, Grey, Hall, Harper, Sampson W. Harris, Haws, Hascall, Haven, Hebard, Hendricks, Holladay, Horford, Houston, Howard, Ives, Jackson, James Johnson, Robert W. Johnson, Kuhus, Landry, Lockhart, Mace, Edward C. Marshall, McMullin, McQueen, Meade, Miller, Molony, Henry D. Moore, John Moore, Morehead, Murphy, Olds, Orr, Outlaw, Samuel W. Parker, Peaslee, Pennington, Porter, Powell, Price, Savage, Schoelkopf, Schoonmaker, Scudder, Scurry, Smith, Stanley, Stone, St. Martin, Stuart, Sutherland, Taylor, Benjamin Thompson, Wallace, Ward, Watkins, Welch, Addison White, Alex. White, Woodward, and Yates—99.

The SPEAKER. The question is now upon ordering the bill to be read a third time.

Mr. SEYMOUR, of New York. I wish to inquire if the previous question still applies to the bill?

The SPEAKER. It applies upon the proposition to read the bill a third time.

The bill was then ordered to a third reading; and having been read the third time,

Mr. CLINGMAN. I move the previous question upon the passage of the bill.

Mr. SMART. I ask the yeas and nays.

Mr. EWING. Is it in order to move to reconsider the vote by which the bill was ordered to a third reading?

The SPEAKER. It is in order.

Mr. CLINGMAN. How did the gentleman vote on that question?

Mr. EWING. I voted in the negative.

Mr. CLINGMAN. The gentleman, then, cannot make the motion.

The SPEAKER. The Chair understands that the gentleman from Kentucky [Mr. EWING] voted with the majority, and he has a right to make the motion.

Mr. EWING. I move, then, to reconsider the vote by which the bill was ordered to a third reading, and I wish to state the reasons for the motion. It is in order to get the bill in a proper condition to refer it to some committee with instructions to—

Mr. OUTLAW. I rise to a question of order. I submit whether this proposition is debatable?

The SPEAKER. The proposition is to reconsider the vote by which the bill was ordered to a third reading, and that proposition is debatable; and the gentleman from Kentucky [Mr. EWING] has a right to make a statement.

Mr. EWING. My purpose, as I was stating, is to get the bill in such a condition as that it will be proper to move its reference, with instructions of a general character, if the House will concur in doing so. It has been decided, it is true, that it is out of order to move instructions to this bill to abolish duties upon railroad iron, but it is not out of order, as I conceive, to move instructions to the committee to prepare and bring in a bill into this House, applying the provisions of this bill to all railroad companies who choose to take advantage of it. While I concur in the general propriety of the principles involved in this bill, I believe it improper as an act of special legislation. I believe

that it is improper, when we have laid down a general system, to turn this House into a court of chancery to relieve hard cases from the operation of that system. There is no reason, either in the insolvency of this railroad company or in any other circumstances connected with it, why we should not apply the same provisions and the same favor to other railroad companies, who will of course take the advantage of it if it pass. Protection upon railroad iron, like all other species of protection, is for the advancement of the interest of the manufacturer. Under all proper circumstances and restrictions we should be willing to protect the manufacturing interests of the country. For my own part, when it comes manifestly in conflict with the agricultural interests of the country, when it is not asked to afford protection to that agricultural interest but merely to relieve them from burdens, I am at all times prepared, as a representative of an agricultural district, to abolish that protection, and place them, at least, upon a fair and equal footing. If a bill can be prepared and introduced into this House, abolishing duties upon railroad iron, I, for one, am prepared to vote for it as a general bill; but I am unwilling to make this special provision affording relief to one railroad only. I have heard no special reason assigned for yielding this advantage to one railroad company, which might not properly be urged by all.

My object in moving a reconsideration, is to get the bill back to such a stage as will render it proper to move instructions to a committee to prepare and bring in a bill, extending the same advantages to all railroad companies which it is proposed to extend to this. I hope the House will concur with me in these views.

Mr. CLINGMAN. I fully agree with my friend from Kentucky [Mr. EWING] in the general views he has thrown out. In fact twelve months ago I took occasion to say, that I thought there was no article which it was so important to admit free of duty as railroad iron. I still adhere to that opinion; and I have upon my table an amendment which I intend to offer, exempting railroad iron entirely from duty. But, sir, the gentleman from Kentucky [Mr. EWING] must see that a motion of that sort may meet with opposition in this House. There is a difference of opinion upon that subject; and hence whenever it comes up we shall have a discussion, and there will be a good deal of delay, and no man can foresee what will be the result. Now, this bill does not raise that question at all. The only question proposed by this bill is, that this company shall have a credit of four years to pay the duties upon their giving bonds for the payment, and also allowing the Government to retain the money falling due to the company for the transportation of the mail over their road, and applying it upon the bonds, which will probably be sufficient to pay the duties in two years. Now, sir, if we go into the whole question of exempting duties upon railroad iron, my friend will see at once that this bill may not be passed for weeks or months, even if it is passed at all. In the mean time, this company is importing iron, and there is a delay in laying down the road, upon which the Postmaster General has been obliged to stop the daily mail. It is, therefore, important that we act upon this bill at once. Now, I am very glad that we have got into this general discussion. I am glad to hear gentlemen upon all sides of me come out and say that they are ready to exempt railroad iron from duty. I shall go as heartily into this question as anybody, if this question now pending can be got out of the way. I will vote to get at that general question at any moment, but I do not like to embarrass a little proposition like this. Gentlemen say they are willing to exempt all roads; then why not relieve this one now? As I know the House is impatient to get at another question, and hoping that the gentleman from Massachusetts [Mr. DAVIS] will be allowed to occupy the floor to-day as he desires, I will move to lay this motion to reconsider upon the table.

Mr. CABLE, of Ohio, moved that the House adjourn; which motion was not agreed to.

Mr. CABELL, of Florida. Is it in order to move to go into the Committee of the Whole on the state of the Union?

The SPEAKER. It is not, in the opinion of the Chair.

Mr. SMART demanded tellers; which were or-

dered, and Messrs. SMART and CHANDLER were appointed.

The question was then taken upon the motion to lay the motion for reconsideration upon the table, and it was agreed to—the tellers having reported, ayes 85, noes 48.

Mr. MEADE called for the previous question on the passage of the bill.

Mr. HOUSTON. I understand that my friend from Massachusetts [Mr. DAVIS] is entitled to the floor in the Committee of the Whole on the state of the Union, and that he is desirous of submitting his speech to-day. I appeal, therefore, if I am correctly informed upon the subject, to the House to resolve itself into the Committee of the Whole on the state of the Union.

Mr. CLINGMAN. I have no objection to that, provided the gentleman will allow the call for the previous question to be sustained, that this question may come up on Monday.

Mr. HOUSTON. It has been demanded, and this subject will hold its place.

The SPEAKER. In order to give this question the preference, the main question must be ordered to be put; then you only can pass from it by general consent.

Mr. CLINGMAN. Unless the call for the previous question is seconded, the bill will not come up, as a matter of course. I insist upon that question being put.

Mr. HOUSTON. My motion is in order anyhow, and I therefore insist upon it. Under the state of facts I have mentioned, I hope the House will resolve itself into the Committee of the Whole on the state of the Union on the special order.

The question was put and agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. HIBBARD in the chair.)

HOMESTEAD BILL.

The CHAIRMAN. The business first before the committee is the special order, being House bill No. 7, for the encouragement of agriculture, and for other purposes. Upon that question the gentleman from Massachusetts [Mr. DAVIS] is entitled to the floor.

Mr. DAVIS, of Massachusetts, then addressed the committee an hour, in reply to remarks made by Mr. RANTOUL some time since. He referred to the remarks of that gentleman in regard to the position which he (Mr. D.) held some years since on the abolition question; and said that if the gentleman had presented other facts of later occurrence, he would have found that a change had taken place in his opinions. If the gentleman had gone on, and said that afterwards he (Mr. D.) voted for slaveholding Presidents, and that in 1844 he was a Delegate to the Convention which nominated a slaveholding candidate, and that he favored that nomination; if he had gone on to say that he was opposed by the Free-Soilers in his district, and, on two trials, elected, it would have been unnecessary for him to make any further explanation.

Mr. D. then answered the charge of Mr. RANTOUL, that he libelled Massachusetts in charging a coalition in that State. He said that he had stated nothing but certain facts, from which he drew certain inferences, and the question was, whether these facts—which his colleague did not undertake to deny—warranted the inferences he had drawn; and if the facts which he stated were such that the mere statement of them was a libel upon Massachusetts, it did seem to him that it was for his colleague, and those who acted with him, to put their hands upon their mouths, and their mouths in the dust, and apologize for having any connection with this act, the mere statement of which, his colleague had asserted, was a libel upon Massachusetts.

Mr. D. then reviewed the opinions held by his colleague at different periods of his political career, to show that they had not been uniformly the same, and cited proofs of his connection with the Free-Soil party of Massachusetts.

In conclusion, he referred to the fugitive slave law, and said that though he believed that in many respects it required alteration, yet there was an increasing sentiment throughout the country that one part of the Constitution was as binding as another; and, as it regarded this question of detail, it was not now the time for making any change.

[Mr. DAVIS's speech will be found in the Appendix.]

Mr. FITCH here obtained the floor.

Mr. ORR. If the gentleman from Indiana [Mr. FITCH] will give way, I will move that the committee rise.

The question was then taken, and the motion was agreed to.

The committee rose accordingly, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order, being House bill No. 7, to encourage agriculture, and for other purposes, and had come to no conclusion thereon.

Mr. CLARK. I ask the unanimous consent of the House to introduce joint resolutions of the Legislature of Iowa, respecting the compromise. I will merely state to the House that I have sought to introduce these resolutions for weeks, and have not been able to do so. I trust I may be permitted to introduce them now.

Objection being made, they were not introduced.

On motion by Mr. ORR, the House then adjourned to meet on Monday next.

NOTICES OF BILLS.

By Mr. RANTOUL: A bill abolishing the duty on raw silk imported into the United States.

By Mr. CHURCHWELL: A bill to admit iron rails for railroad purposes free of duty.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. MOORE, of Louisiana: The petition of G. W. Thompson, Alexander Biles, and 30 others, relative to "Rio Hondo" claims in western Louisiana.

By Mr. MILLER: The memorial of sundry citizens of Howard county, Missouri, praying Congress to revise and change the duty on hemp and hempen yarns.

By Mr. EDGERTON: Petitions of citizens of Fulton county, Ohio, for a mail route from east line of Clinton township to Bryan, in Williams county.

By Mr. KUHN: Six petitions from citizens of Pennsylvania, praying Congress to prohibit the importation of ardent spirits and fermented liquors into the United States, in order to prevent the evils of intemperance.

Also, three petitions from citizens of Pennsylvania, praying Congress to sustain the Wheeling Bridge.

By Mr. ROBINSON: The memorial of James M. Clements, James C. Jones, and other assistant marshals of Franklin county, Indiana, praying further compensation, &c.

By Mr. FITCH: The memorial of Benjamin Henkle, assistant marshal of Jasper county, Indiana, and of Levi Eastridge, assistant marshal of Wabash county, Indiana, asking additional compensation for services in taking the census.

By Mr. CHANDLER: Four memorials numerously signed by citizens of Philadelphia, asking a renewal of the patent for Woodworth's planing machine.

Also, memorials of citizens of Germantown, Philadelphia county, asking that seamen and marines who served in the war of 1812 be allowed 160 acres of public land.

By Mr. ABERCROMBIE: The memorial of the trustees of East Alabama Female College, asking a grant of public lands.

Also, the petition of sundry citizens of the State of Alabama, asking that the office of chaplain may be abolished.

By Mr. CURTIS: Two petitions from the county of Clarion, Pennsylvania, numerously signed, praying for a modification of the tariff act of 1846 so far as relates to iron.

By Mr. PEASLEE: The petition of Thomas E. Oliver, that the bounty or drawback on the salt exported in the schooner Harvest Home, lost at sea, be allowed him.

By Mr. MCCORKLE: The memorial of James H. Long and Brothers, settling out that in the year 1840, in the State of California, they issued out \$5,400 worth of provisions and breadstuffs to distressed and starving emigrants from the United States, and praying Congress to refund to them the amount so expended.

By Mr. WELCH: The petition of David Jones and Thomas Crawford, of Vinton county, Ohio, praying for additional compensation as deputy marshals in taking the Seventh Census.

By Mr. APPLETON, of Maine: The remonstrance of A. B. Thompson and others, against a renewal of Parker's patent for alleged improvements in reaction water-wheels.

By Mr. BRENTON: The petition of H. Tinsley, an assistant marshal in the State of Indiana, asking additional compensation for taking the Seventh Census.

By Mr. MOORE, of Pennsylvania: The memorial of citizens of Pennsylvania, asking for protection to American labor and the industrial interests of our country, by an alteration of the present tariff system.

Also, the memorial of citizens of the county of Philadelphia, in favor of an extension of the Woodworth patent.

By Mr. BABCOCK: The petition of 85 citizens of Oswego, New York, for a Marine Hospital at the port of Oswego.

By Mr. ROBBINS: The petition of Henry Duffield, Daniel H. Brown, and 45 others, citizens of the county of Philadelphia, opposed to the extension of the Woodworth patent, assigning strong reasons therefor.

Also, the petition of George De Haven and 35 others, citizens of Philadelphia county, in favor of the extension of the Woodworth patent as a protection to the inventive genius of the country.

By Mr. HASCALL: The petition of James R. Pickett and 17 others, for the relief of said Pickett, who was im-

pressed into the naval service of Great Britain previous to and during the war of 1812.

By Mr. McDONALD: The petition of J. Perkins and others, citizens of Maine, asking for completion of piers in Kennebec river.

By Mr. BARTLETT: The petition of Samuel Andrews, of Worcester, Vermont, praying an amendment of the act granting bounty land to certain officers and soldiers, approved September 28, 1850.

By Mr. FLORENCE: The memorial of John Ferat, Edw. Kingston, Robert Tempest, and 46 others, citizens of Philadelphia, praying for the extension of the Woodworth patent for planing boards, &c.

Also, the memorial of P. K. Dickinson, Robert H. Cowan, and Thomas D. Walker, residents of Wilmington, in the State of North Carolina, remonstrating against the extension of the Woodworth patent for planing boards, &c.

By Mr. BELL: The petition of 91 citizens of Greene county, Ohio, praying Congress to pass a law providing that persons employed by Government in the Post Office Department shall not be required to perform services of said office on the Sabbath day when the public safety does not require it.

By Mr. SNOW: The petition of J. D. C. Stouterbaugh, H. R. Marshall, and others, citizens of Hyde Park, Dutchess county, New York, in favor of the extension of the Woodworth patent.

Also, the petition of Benjamin Mosher, Gerard Manning, M. L. Dorland, and others, residents of Dutchess county, New York, in favor of the extension of the Woodworth patent.

Also, the petition of W. W. Scrugham and others, residents of the State of New York, in favor of the extension of the Woodworth patent.

By Mr. FOWLER: The petition of the selectmen of Plymouth, Massachusetts, praying an appropriation for the preservation of Plymouth Beach and the protection of the work already performed by authority of Congress.

By THOMAS M. HOWE: The petition of F. Wineman and others, citizens of Western Pennsylvania, praying for additional protection to American labor.

Also, the petition of J. W. Kerr and others, citizens of Western Pennsylvania, praying for a canal at the Falls of the river St. Marie, Michigan.

Also, the memorial of George F. Henrici and others, of Pittsburg, Pennsylvania, on the same subject.

Also, the memorial of C. Curtis, Willard Leonard, and others, citizens of Western Pennsylvania, on the same subject.

Also, the memorial of McCandler & Campbell and others, of Allegheny county, Pennsylvania, on the same subject.

Also, the petition of James Veale and others, residents of the Upper Peninsula, in the State of Michigan, upon the same subject.

Also, the memorial of William Werneburg, Leopold Sahl, and others, citizens of Pennsylvania, praying Congress to declare the forcible intervention of one State in the internal affairs of another State to be a violation of the public law of the world.

Also, the petition of George Peterson, Samuel L. Feden, Thomas Kier, and others, citizens of Pennsylvania, praying for additional protection to salt, iron, coal, glass, and cotton.

IN SENATE.

MONDAY, March 8, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of State, accompanied by lists of the clerks and other persons employed in that Department during the year 1851; and the amount paid to each; which was read and ordered to be printed.

The PRESIDENT *pro tem.* laid before the Senate a report from the Secretary of State showing the disbursements for the service of the State Department, including foreign missions, for the year ending June 30, 1851; which was read and ordered to be referred to the Committee on Finance, and printed.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of the Interior, showing the balances of appropriations for the service of that Department on the 1st of July, 1850; the appropriations for the fiscal year ending June 30, 1851; the repayments and transfers, with the amounts applicable to the service during the same period, and the amounts drawn from the Treasury, with such appropriations as have been carried to the surplus fund, on the 1st of July, 1851; which was read and ordered to be referred to the Committee on Finance and printed.

PETITIONS, ETC.

The PRESIDENT *pro tem.* laid before the Senate two memorials of officers of the army serving in New Mexico, praying for themselves and the soldiers under their command the same additional allowance of pay as is granted to those in California and Oregon; which were referred to the Committee on Military Affairs.

Mr. SEWARD presented the petition of Arnold Hunter, an assistant marshal for taking the Seventh Census in Pennsylvania, praying additional compensation; which was referred to the Committee of Claims.

Also, the petition of Jordan W. Eldred and others, praying that the law abolishing flogging in the Navy may not be repealed; which was referred to the Committee on Naval Affairs.

Also, the petition of William Manchester and others, praying that the public lands may be granted in limited quantities to actual settlers not possessed of other lands; which was referred to the Committee on Public Lands.

Also, additional documents in support of the claim of the heirs of Brinton Paine; which were referred to the Committee on Revolutionary Claims.

Mr. SHIELDS presented the petition of William Heumann, a soldier in the late war with Mexico, praying a pension; which was referred to the Committee on Pensions.

Also, a petition of citizens of Bond county, Illinois, praying that bounty land may be granted to certain mounted men from Illinois and Missouri, called into service in 1832, to defend the frontiers against anticipated Indian attacks; which was referred to the Committee on Public Lands.

Mr. MILLER presented the memorial of Sarah Somers Corson, nearest surviving relative and heir-at-law of Richard Somers, who fell at Tripoli in 1804, praying a pension; which was referred to the Committee on Naval Affairs.

Mr. WADE submitted a communication from P. K. Dickenson & Co., remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. DAVIS presented three memorials of assistant marshals for taking the Seventh Census in Franklin county, Massachusetts, praying additional compensation; which was referred to the Committee of Claims.

Mr. MORTON submitted additional documents in relation to the claim of Chandler C. Yonge; which were referred to the Committee on the Judiciary.

Mr. RUSK presented the memorial of Roderick T. Higginbotham; the memorial of Margaret P. Hallett, administratrix of John Hallett; the memorial of Andrew Moore; the memorial of Daniel Davis; the memorial of Desha Buntion; and the memorial of John W. Buntion, praying the establishment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which were referred to the select committee appointed on the subject.

Also, a memorial of citizens of Texas, praying the establishment of a mail route from Lynchburg to San Augustine in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. SMITH presented a petition of citizens of Fairfield county, Connecticut, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. HAMLIN presented four petitions of citizens of Maine, remonstrating against the renewal of Parker's patent for improvement in water-wheels; which was referred to the Committee on Patents and the Patent Office.

Mr. HUNTER presented a petition of merchants and others, citizens of Richmond, Virginia, praying that further aid may be extended to Collins's line of steam-ships; which was referred to the Committee on Naval Affairs.

Also, a petition of citizens of Brooke county, Virginia, remonstrating against the renewal of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. JAMES presented the petition of the children and heirs of Uriah Jones, a soldier in the revolutionary war, praying a pension; which was referred to the Committee on Revolutionary Claims.

Mr. CHASE presented the memorial of inhabitants of Greene county, Ohio, praying that the transportation of the mails on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Mr. WADE presented two memorials of assistant marshals for taking the Seventh Census in Ohio, praying additional compensation; which was referred to the Committee of Claims.

Mr. CASS presented a memorial of citizens of Pennsylvania, praying Congress to declare their recognition of the doctrine of non-intervention and

prevent its infraction; which was ordered to be laid on the table.

In presenting this memorial the honorable Senator said, by intervention I mean the right to meddle with the concerns of other nations, and especially to put down struggles for freedom wherever efforts are made to establish free Governments. That is my doctrine on intervention.

Mr. DODGE, of Wisconsin, presented a petition of citizens of Wisconsin, praying a grant of land to certain companies therein mentioned, for the construction of a railroad from Chicago, through Janesville and Fond Du Lac, to Lake Superior; which was referred to the Committee on Public Lands.

Mr. BRODHEAD presented a petition of carpenters of the city and county of Philadelphia, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a memorial of inhabitants of Lawrence county, Pennsylvania, praying that the transportation of the mails on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of C. Churchman and others, praying appropriations for the repair of the breakwater and piers in the Delaware river; which was referred to the Committee on Commerce.

Also, two petitions of citizens of Montgomery county, Pennsylvania, praying an increase of the duty on iron; which were referred to the Committee on Finance.

Also, a petition of citizens of Pennsylvania, remonstrating against a renewal of Parker's patent for improvements in the water-wheel; which was referred to the Committee on Patents and the Patent Office.

Mr. BADGER presented two memorials of assistant marshals for taking the Seventh Census in North Carolina, praying additional compensation; which were referred to the Committee of Claims.

Mr. FISH presented a petition of lumber dealers of Albany, New York, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. SOULE presented a resolution of the Legislature of Louisiana, in favor of an appropriation for the removal of the obstructions to navigation in the Red river; which was referred to the Committee on Commerce.

Also, the memorial of Dr. George East, of Missouri, praying the establishment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims against Mexico; which was referred to the select committee appointed on that subject.

Also, the petition of Thomas W. Phelps, praying a pension in consequence of the loss of sight caused by disease contracted in the naval service; which was referred to the Committee on Pensions.

Mr. RHETT presented the petition of Ann Y. Kelly, administratrix of William H. Lee, praying the establishment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims against Mexico; which was referred to the select committee appointed on that subject.

Mr. BRADBURY presented five petitions of citizens of Maine, remonstrating against the renewal of Parker's patent for improvements in water-wheels; which were referred to the Committee on Patents and the Patent Office.

Mr. UNDERWOOD presented a memorial of citizens of Pennsylvania, praying a modification of the bounty land law; which was referred to the Committee on Public Lands.

In presenting the memorial the honorable Senator said: The petitioners pray that the bounty land act of September, 1850, may be so amended as to enlarge the quantity of land heretofore granted to 160 acres, because they say that 80 or 40 acres are not enough for a farm. They also say that soldiers who enlisted in the war with Mexico, and who spent only one month in barracks in comfortable quarters, get that quantity of land, and that the soldiers of the war of 1812, who fought several battles, ought at least to fare as well as those who rendered so little service.

Mr. WALKER presented a petition of citizens of Fulton county, Illinois, praying that the public

lands may be granted in limited quantities to actual settlers not possessed of other lands; which was referred to the Committee on Public Lands.

Also, a petition of citizens of Wisconsin, praying a grant of lands to certain companies therein named for the construction of a railroad from Chicago, through Janesville and Fond du Lac, to Lake Superior; which was referred to the Committee on Public Lands.

Mr. STOCKTON presented resolutions of the Legislature of New Jersey, in favor of an increase of the duties on coal, iron, and glass; which were ordered to be laid on the table and printed.

Mr. BRADBURY submitted a document in relation to the claim of Thomas B. Parsons to a pension; which was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. MORTON, it was

Ordered, That the Secretary of the Senate transmit to the Secretary of the Treasury the original reports of the examination of the claims for spoiliations by the American troops in West Florida in 1814 and 1818, communicated to the Senate by that Department the 16th of June, 1846.

REPORTS FROM STANDING COMMITTEES.

Mr. HUNTER, from the Committee on Finance, to which was referred the annual report of the Secretary of the Treasury on the state of the Treasury, submitted a report, accompanied by a bill amendatory of existing laws relative to the half dollar, quarter dollar, dime, and half dime; which was read and passed to the second reading. The report was ordered to be printed.

Mr. MILLER moved that 2000 additional copies of the above report be printed; which motion was referred to the Committee on Printing.

Mr. STOCKTON, from the Committee on Naval Affairs, to which was referred the petition of William Roberts, reported adversely thereon.

He also, from the Committee on Pensions, to which was referred the petition of Stephen P. Yeomans and others, reported adversely thereon.

He also, from the same committee, to which was referred the petition of Abraham L. Kincherbocker, reported adversely thereon.

He also, from the same committee, to which was referred the bill for the relief of Amos Knapp, reported the same without amendment.

Mr. FOOT, from the Committee on Pensions, to which was referred the petition of the administrator of Olive Folsom, submitted an adverse report thereon.

Mr. JONES, of Iowa, from the Committee on Pensions, to which was referred the petition of Charles H. Buxenstein, submitted an adverse report thereon.

He also, from the same committee, to which was referred the petition of John Le Roy, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading.

Mr. BORLAND, from the Committee on Printing, to which was referred the report of the Secretary of the Navy of the 5th instant, communicating copies of certain contracts, reported in favor of printing the same.

He also, from the same committee, to which was referred the resolutions of the Board of Aldermen and Board of Assistants of the city of New York, presented the 5th instant, reported that the same be not printed.

Mr. SEWARD, from the Committee on Pensions, to which was referred the memorial of the heirs of Brinton Paine, asked to be discharged from the further consideration of the same, and that it be referred, with the accompanying papers, to the Committee on Revolutionary Claims. It was so referred.

BOUNTY LAND TO SAILORS.

Mr. STOCKTON. Mr. President, I desire to give notice to the Senate that I will to-morrow, or some day thereafter, ask leave to introduce a bill granting to each commissioned officer of the Navy of the United States who served in the war against Mexico, one quarter section of land; and to all petty officers, seamen, ordinary seamen, landsmen, and boys, and to all others who served on board of steamers, one quarter section of land each.

MESSAGES FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announc-

ing that it had passed the following bills from the Senate:

An act for the relief of Rufus Dwinel; and

An act to extend the time for selling the lands granted to the Kentucky Asylum for teaching the deaf and dumb;

Also, that it had passed the following bills, and requesting the concurrence of the Senate therein;

An act to authorize the issuing of a register to the brig "America;"

An act for the relief of William S. Payne;

An act to authorize the issuing of a register to the brig "Kossuth;" and

An act for the relief of Andrew Smith.

The four last named bills were severally read a first and second time by their titles, and were referred, the first and third to the Committee on Commerce; the second to the Committee on Finance; and the fourth to the Committee on the Post Office and Post Roads.

ENGROSSED BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

A bill for the relief of John F. Callan, administrator of Daniel Renner, deceased; and

A bill to authorize T. H. McManus to enter by preemption certain lands in the Greensburg land district, Louisiana.

SURVEY OF NORTHERN AND CHINA SEAS.

Mr. SEWARD submitted the following resolution for consideration:

Resolved, That the Secretary of the Navy communicate to the Senate his opinion of the expediency of a reconnaissance of the routes of navigation in the Northern seas and in the China and Japan seas, and whether any vessels belonging to the service can be used for that purpose; and also, what would be the expense of such a reconnaissance.

THOMAS B. PARSONS.

Mr. BRADBURY submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting to Thomas B. Parsons, who received an injury in the naval service of the United States, arrears of pension, or the difference between the half pay of seaman and a petty officer, in which capacity he was acting at the time he was disabled.

THE SEVENTH CENSUS.

Mr. BAYARD. I desire to submit a resolution in relation to the returns of the last census.

The resolution was read, as follows:

Resolved, That the plan for the publication of the returns of the census, as exemplified in relation to the State of Maryland which has been submitted to the Senate, be referred to a select committee of five for revision, who shall examine and report what alteration shall be made therein before the same is ordered to be printed.

Mr. BAYARD. I ask the unanimous consent of the Senate to consider this resolution at this time. We have delayed this matter for a long period. The plan has been before us for a long time, and it may require alteration; and I submit that the most competent mode would be to submit the matter to the Senate in the way I have proposed. It is a subject of great importance. There is a great deal in some respects contained in the tabular statement before us which, it seems to me, is entirely useless; and in other respects, some statements which ought to have been made have been entirely omitted. It is a matter for consideration; and I know of no better mode than by a reference to a select committee, so that we may know what we are to print, and in what form we are to send these tables and facts to the world before we print them.

Objection being made, the resolution lies over.

CHEAP OCEAN POSTAGE.

Mr. SUMNER. I submit the following resolution. As it is one of inquiry merely, I ask that it may be considered at this time:

Resolved, That the Committee on Naval Affairs, while considering the nature and extent of aid proper to be granted to the ocean steamers, be directed to inquire whether the present charges for letters carried by these steamers, are not unnecessarily large and burdensome to foreign correspondence, and whether something may not be done, and, if so, what, to secure the great boon of cheap ocean postage.

There being no objection, the question was stated to be on the adoption of the resolution.

Mr. SUMNER. The Committee on Naval Affairs have the responsibility of shaping some measure by which the relations of our Government with the ocean steamers will be defined. And since one special inducement to these relations, involving the bounty now enjoyed and fur-

ther solicited, is the carrying of the mails, I trust this committee will be willing to inquire whether there cannot be a reduction on the postage of foreign correspondence. Under the postage act of 1851, the Postmaster, by and with the advice of the President, has power to reduce, from time to time, the rates of postage on all mailable matter conveyed between the United States and any foreign country. But the existence of this power in the Postmaster will not render it improper for the committee, now drawn into connection with this question, to take it into careful consideration, with a view to some practical action, or, at least, recommendation thereon. The subject is of peculiar interest; nor do I know any measure so easily accomplished, which promises to be so beneficent as cheap ocean postage. The argument in its favor seems to me at once brief and unanswerable.

A letter can be sent three thousand miles in the United States for three cents, and the reasons for cheap postage on the land are equally applicable to the ocean.

In point of fact, the conveyance of letters can be effected in sailing or steam-packets at less cost than by railway.

Besides, cheap ocean postage will tend to supersede the clandestine or illicit conveyance of letters, and to bring into the mails all mailable matter which, under the present system, is carried in the pockets of passengers, or in the bales and boxes of merchants.

All new facilities for correspondence naturally give new expansion to human intercourse; and there is reason to believe that, through an increased number of letters, cheap ocean postage will be self-supporting.

Cheap postal communication with foreign countries will be of incalculable importance to the commerce of the United States.

By promoting the intercourse of families and friends, separated by the ocean, cheap postage will add to the sum of human happiness.

The present high rates of ocean postage, namely, twenty-four cents on half an ounce, forty-eight cents on an ounce, and ninety-six cents on a letter, which weighs a fraction more than an ounce, are a severe tax upon all, particularly upon the poor, amounting in many cases to a complete prohibition of foreign correspondence. This should not be so.

It particularly becomes our country, by the removal of all unnecessary burdens upon foreign correspondence, to advance the comfort of European emigrants seeking a home among us, and to destroy, as far as practicable, every barrier to free intercourse between the Old World and the New.

And lastly, cheap ocean postage will be a bond of peace among the nations of the earth, and will extend good will among men.

By such reasons this measure is commended. Much as I rejoice in the American steamers, which vindicate a peaceful supremacy of the seas and help to weave a golden tissue between the two hemispheres, I cannot consider these, with all their unquestionable advantages, an equivalent for cheap ocean postage. But I trust that they are not inconsistent with each other, and that both may happily flourish together.

Mr. RUSK. I have no objection to the passage of the resolution; but it involves an inquiry on the part of the Committee on Naval Affairs, in relation to a subject of which I do not see how they can take cognizance. The rates of postage between this country and England are established by treaty arrangements altogether. In relation to the enormous rates of which the Senator from Massachusetts speaks, I would reply that they were reduced at the last session of Congress more than half, which was all we thought we could reduce them.

Mr. SUMNER. It will be observed, in the first place, that the resolution is one of inquiry merely, and that it is directed to a committee, which seems to me, under the present circumstances, to be the most competent to entertain that inquiry, for this reason: that it is specially charged with a review of the relations between the Government of the country and the ocean steam-packets, on their application for increased bounty. I desire that this committee, while considering this application, should inquire whether, by recommendation or otherwise, they may not do something to promote cheap ocean postage. If the committee find themselves unable to do anything in this direction, then the inquiry, so far as they are concerned, ends.

It may then go to some other committee. Before offering the resolution, I conferred with at least two members of the Committee on Naval Affairs, and understood from them that the resolution would not be unacceptable to the committee. At the present moment, while the question of bounty to the ocean steamers is pending, this seems to be the committee to which it belongs.

Mr. GWIN. When the Senator from Massachusetts spoke to me on this matter, I did not at the time see the bearing of it so well as I see it now. With my present views, I think this is a subject which should go to the Committee on the Post Office and Post Roads.

Mr. BADGER. The Committee on the Post Office, I think, is the proper committee, if it is proper to refer the resolution to any committee at all. I certainly do not think it should go to the Committee on Naval Affairs. Perhaps the better way would be to lay the resolution on the table until the Senate have had time to consider what disposition they will make of it. With that view, therefore, I move to lay it on the table for the present.

Mr. DAVIS. Will the Senator from North Carolina withdraw that motion for a moment?

Mr. BADGER. Certainly.

Mr. DAVIS. I hope my colleague will permit this resolution to go to the Committee on the Post Office and Post Roads. That is the proper committee, I think, to which to refer it. My colleague will perceive that no change can be made in the postal arrangements by sea without a concurrence on the part of other Governments—that is, that we cannot diminish the rates of postage from this country, unless such a proposition is acceded to on the other side, because it would derange the whole system. It will, therefore, be for the Post Office Committee to consider whether any measures should be taken to effect such an object.

Mr. SUMNER. All that I had in view when I offered the resolution. I was aware that the reduction of postage depended ultimately upon treaty stipulations. I did suppose, however, that a committee of this body having the subject in hand, might, by recommendation at least, take some steps to promote that object. Perhaps it will facilitate a correct understanding of the question, if the resolution is read again, and I would ask that this may be done.

The resolution was accordingly read.

Mr. SEWARD. I ask the Senator from Massachusetts [Mr. SUMNER] whether this subject, which certainly is a very important and interesting one, would not more properly be referred to the Committee on Foreign Relations? The Committee on Naval Affairs is burdened with a very extensive business not closely connected with this, while it addresses itself legitimately, I think, to the Committee on Foreign Relations. I do not know any other subject on which that committee could be engaged so profitably and beneficially. If that committee is not prepared to examine the subject, I would suggest to my friend from Massachusetts to permit the resolution to lie on the table for a day or two, till we have time to consider it more fully.

Mr. SUMNER. I would remark that the resolution was predicated upon an existing fact, namely: that the Committee on Naval Affairs is now charged with a special subject which it seems to me at the present moment is intimately connected with the inquiry into the importance and practicability of cheap ocean postage. You will observe that in the beginning of the resolution, particular reference is made to this fact, and it is on this account that the resolution is directed to the Committee on Naval Affairs.

Mr. SEWARD. I desire to move to amend the resolution by striking out "the Committee on Naval Affairs," and inserting "the Committee on Foreign Relations."

Mr. MASON. I think the Senator from New York in reviewing that motion will find that it is a subject which is utterly inappropriate for the consideration of the Committee on Foreign Relations. It is a matter which relates to mail contracts. I am willing that it should be sent to the Committee on Naval Affairs, or to the Committee on the Post Office and Post Roads; but it seems to me, with all due deference to the mover, that it belongs especially to the Committee on the Post Office and Post Roads. It is a matter of postal regulation, affecting the revenues of the post office; and

although it may be a subject which refers to the relations between ocean steamers and the Government, which is a question now before the Naval Committee, yet it is not germane to that subject. I understand the ocean steamers want an increase of compensation from the Government for their services. That may be right or wrong. That will be a matter for the Naval Committee to inquire into; but whether it is proper for this Government to enter into any arrangement to reduce the postage is a question for the consideration of the Post Office Committee. I submit, therefore, to the Senator from New York to withdraw his proposition.

Mr. SEWARD. I withdraw my amendment.

Mr. BADGER. Like my friend from Virginia, I am willing that the resolution should go either to the Committee on Foreign Relations or to the Committee on the Post Office and Post Roads, or to any other committee except the Committee on Naval Affairs. Now, each of us seems to be willing that the subject should go to any committee except the one which we are upon. I think it would be better to let the matter lie over till to-morrow, until we see what committee will be the most proper one to take charge of a subject of which none of the committees hitherto named seems desirous to take charge.

Mr. SUMNER. Very well; I am willing to consent to that.

Mr. BADGER. Then I move that, for the present, the resolution be laid upon the table.

The motion was agreed to.

RAILROADS IN IOWA.

The Senate resumed the consideration of the bill granting the right of way and making a grant of land to the State of Iowa in aid of the construction of certain railroads in said State, the pending question being on the amendment offered by Mr. UNDERWOOD.

Mr. UNDERWOOD replied to the remarks of the Senator from Iowa [Mr. DODGE] in a speech which will be found in the Appendix.

Mr. HAMLIN. I do not suppose that any Senator proposes to discuss this bill further to-day; I do not myself purpose to speak upon it at all; but there are some matters, of an executive character, to which I desire to invite the attention of the Senate, and which require its action. I therefore move to postpone the further consideration of this subject until to-morrow, for the purpose of afterwards moving that the Senate proceed to the consideration of Executive business.

Mr. BORLAND. I wish to say to the Senate that I desire to offer a very few remarks on this bill before it is finally disposed of. Therefore, if the honorable Senator will permit, I will make the motion to postpone, so that I may have the floor when the subject again comes up.

Mr. HAMLIN. I withdraw the motion to accommodate the Senator from Arkansas.

Mr. BORLAND. Then I move to postpone the further consideration of the bill until to-morrow.

Mr. CLARKE. It will be recollected by the Senate; that some ten or more days since, to-morrow, (Tuesday,) was assigned for the consideration of the resolution which I had the honor to introduce upon the subject of non-intervention. The honorable Senator from New York [Mr. SEWARD] has the floor upon that subject; and it is very desirable, indeed, to him that he should have an opportunity to-morrow to deliver his sentiments upon it. I shall, therefore, to-morrow morning ask the Senate to take up that question with a view to the accommodation of the honorable Senator from New York. After that, there will be nothing to interfere with this bill, and Senators can express their opinions upon it.

The PRESIDENT. It will of course be in the power of the Senate to take up either subject to-morrow.

Mr. BORLAND. To accommodate gentlemen, I will modify my proposition by moving to postpone the further consideration of the subject until Wednesday.

The motion was agreed to.

D. D. MITCHELL.

The following message was received from the House of Representatives, by Mr. J. W. FORNEY, its Clerk:

MR. PRESIDENT: The House of Representatives have passed Senate bill No. 161, entitled "An act for the relief of Lieutenant Colonel Mitchell, of the State of Missouri,"

with an amendment, in which I am directed to ask the concurrence of the Senate.

On the motion of Mr. MANGUM, the Senate proceeded to consider the amendment of the House of Representatives to the said bill.

The amendment was read, as follows:

"Strike out all after the enacting clause, and insert:

"That it shall be the duty of the Attorney General of the United States to prosecute the writ of error pending before the Supreme Court of the United States, in the case of D. D. Mitchell versus M. X. Harmony, without cost to the plaintiff in error.

"Sec. 2. And be it further enacted, That the Attorney General be, and he hereby is, directed to cause such chancery or other proceedings to be instituted in the name of D. D. Mitchell vs. M. X. Harmony, or his assignees, before the proper court at St. Louis, Missouri, as shall stay proceedings upon a certain judgment at law, in the name of said Harmony, against said Mitchell, till the rendition of an opinion by the Supreme Court of the United States upon the writ of error aforesaid. And it shall be the duty of the Secretary of the Treasury to cause such security to be entered by the United States as shall indemnify and save said Mitchell harmless against said judgment.

"Sec. 3. And be it further enacted, That whenever the Attorney General of the United States shall certify to the Secretary of the Treasury that the writ of error aforesaid has failed, or that no further steps can be taken at law or in equity whereby to avoid the payment of said judgment, in favor of said Harmony, rendered in the State of Missouri, then it shall be the duty of the Secretary of the Treasury, and he is hereby authorized to liquidate and satisfy said judgment, damages, and costs, out of any money in the Treasury not otherwise appropriated."

Mr. MANGUM. It will be remembered that a bill has been passed by the Senate at this session, providing for the immediate payment of the judgment obtained against Colonel Mitchell. This amendment of the House of Representatives proposes to give the defendant in the original suit an opportunity of having it regularly adjudged in the Supreme Court of the United States. As I understand, the verdict was deemed a very extraordinary one. It was for a very large amount of money; and Mr. Mitchell, who had been acting as the agent of the Government, was unwilling to bankrupt his private fortune, and call upon other gentlemen to bankrupt theirs, in all probability, by entering such large security for prosecuting it further. This amendment proposes that the Secretary of the Treasury, for the Government, shall meet that responsibility; and if, ultimately, the claim shall be adjudged to be good, the amendment only provides (what we have already voted) that the money shall be paid out of the Treasury of the United States. I hope the amendment will be agreed to.

Mr. BORLAND. The bill which was originally passed by the Senate and sent to the House, and to which this is an amendment, was reported from the Committee on Military Affairs. I see no other member of the Military Committee of the Senate now present; but I think I fairly represent that committee in advocating the immediate adoption of this amendment. In reporting the bill originally, the committee proceeded upon the ground that although, in their opinion, the judgment was an improper one, and had been obtained by improper means, yet Colonel Mitchell acted in good faith, and should be protected. On that ground the Senate passed a bill for his relief. This amendment of the House of Representatives secures all the relief which the bill passed by the Senate secured, and at the same time authorizes and requires steps to be taken to see if we cannot also relieve the Government from the payment of an unjust claim.

The amendment of the House of Representatives was agreed to.

EXECUTIVE SESSION.

On the motion of Mr. HAMLIN, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, March 8, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of Saturday was read and approved.

The SPEAKER. The first business in order is the motion to reconsider the vote by which the bill for the relief of Lieutenant Colonel Mitchell was ordered to be read a third time.

Mr. THOMPSON. I offer the following resolution for the adoption of the House:

Resolved, That this day be appropriated, to the exclusion of all other business, to the call of the States, beginning with the State of Maine, for resolutions, and bills of which previous notice has been given, and upon which no debate shall be allowed.

MR. GENTRY. Let us have reports from committees.

The **SPEAKER.** The introduction of the resolution is objected to.

MR. JOHNSON, of Tennessee. Will it be in order to move to suspend the rules for the purpose of introducing that resolution?

The **SPEAKER.** The Chair thinks not, for the reason that the bill for the relief of Lieutenant Colonel Mitchell is now before the House on a motion to reconsider. When that is out of the way, it will be in order to submit the motion indicated.

POST ROADS IN LOUISIANA.

MR. PENN, by the unanimous consent of the House, submitted the joint resolutions of the Legislature of the State of Louisiana, in favor of the establishment of certain post roads in that State; which were read, and referred to the Committee on the Post Office and Post Roads.

MR. CLINGMAN called for the regular order of business.

MR. ROBBINS. I hope the gentleman will allow me to offer certain joint resolutions of the Legislature of the State of Pennsylvania.

MR. DOTY objected.

MR. CLARK. Will it not be in order to move for the suspension of the rules, with a view to the introduction of the resolution proposed by the gentleman from Virginia, [Mr. Thompson?]

LIEUTENANT COLONEL MITCHELL.

The **SPEAKER.** It will not, until the bill for the relief of Colonel Mitchell, immediately before the House for consideration, is disposed of, it having been introduced under a suspension of the rules. The House is now called on to act upon that bill thus introduced.

MR. STUART. I think the question pending is upon a motion to reconsider.

The **SPEAKER.** The question pending is a motion to reconsider the vote by which the bill was ordered to be read a third time.

MR. STUART. Will it be in order to move to postpone that subject?

The **SPEAKER.** The Chair thinks that it will be.

MR. STUART. Then I make the motion to postpone it for thirty days.

[Cries of "No!" "No!"]

MR. STUART. I understand, sir, that the Supreme Court will not sit again, to decide this question now before it, within thirty days, and if that be so, I will modify that motion to extend it to sixty days—to allow time for the Supreme Court to act upon the question before it. Now, I submit that it is reasonable for the friends of this measure—and I claim to be one of them—to proceed cautiously and prudently. If the Supreme Court of the United States reverse the original judgment rendered in New York, then relief can be sought against the judgment and execution in Missouri. But there is another reason, and it is this: There has not been one particle of evidence furnished to this Congress, so far as I have been enabled to learn, of the present condition of that judgment and execution in the State of Missouri. A report which is made to the Senate, and which is said to be a unanimous one, is the most meager thing imaginable. That committee reports unanimously that the judgment ought to be paid. They report there is an execution issued against the property of Colonel Mitchell; that it is levied upon; that there is danger of its being sacrificed, he bankrupted and ruined, and yet they do not furnish one particle of evidence to sustain that fact. And it will be seen that they speak of the impending difficulty existing then—that is, four months ago. It existed then, and every time this question has come up we have been urged to act precipitately, without reflection, without evidence, because there is an impending execution over the property of that agent—that it is about to bankrupt him. Now, if this has existed for four months—the same evil hanging over his property—it is time that there was evidence of it here. There is another fact which should not be lost sight of. It is not reasonable, nor has any gentleman here yet been able to furnish any evidence how it is reasonable, that

judgment should be rendered against him if all was fair. I insist, and I do so with proper deference, that it becomes the House of Representatives to pause, and not to pass a law paying this judgment, which would put it beyond our reach even to get out of the difficulty, until we have some positive, incontrovertible evidence that the facts which are claimed to exist in this case, do in truth exist.

If Colonel Mitchell shall be compelled to pay this debt, and the Supreme Court shall reverse the judgment rendered in the city of New York, it would leave a remedy—the money can be recovered back by him; but if the Government of the United States pay the judgment, it would be gone forever. I am disposed to indemnify that man, and I am very strongly inclined to think that he should be indemnified; but I say, it is due to ourselves that we should have the proof, and not to go and precipitately consummate an act that never can be retrieved, and to do an injustice to this Government for the want of the proper evidence before us. I hope, therefore, that the House will take such action upon this subject as not to reject it—I do not wish that done—but that they will hold it within their power to postpone the consideration of it to a time when we can learn from Missouri what is the condition of things there, and to learn from the Supreme Court of the United States what they will do in regard to the original judgment. That there is a writ of error pending there is now thoroughly shown. It is beyond dispute; and the court have got to pass upon it. If they reverse the judgment, then there is no reason why we should pay the judgment in Missouri. If they shall affirm that judgment, why, sir, it will bedue when the court meets again on the first of April, or shortly after. It will be in ample time to save this man, to save his property, and to save the Government of the United States from an injustice that may happen if we act precipitately. All I suggest, therefore, to the consideration of the House is prudence, and a proper degree of discretion in this matter.

MR. PHELPS. Mr. Speaker, there has been no disposition upon the part of the friends of this bill, I am sure, to precipitate the action of the House. The other day, while it was under consideration, a statement was made by me that no writ of error was pending—that it was abandoned. This statement was made upon the authority of the report of the Committee on Military Affairs in the Senate, which I then had before me. No one was more surprised than myself when the statement of the Clerk of the Supreme Court was read, showing that the case was still on the docket of that court. Since that time, by the kindness of one of the Judges, I have been furnished with his printed copy of the record, and now have it before me. If any relief is to be given Colonel Mitchell, it must be given early and promptly.

The gentleman from Michigan [Mr. Stuart] now proposes that further action upon this bill shall be postponed for sixty days. That proposition I am bound to resist. The gentleman says that he desires to know what evidence we have of the judgment in the circuit court of St. Louis county. The report of the Committee on Military Affairs of the Senate states the fact. I presume no record was brought here from Missouri to prove it by that character of evidence, because during this winter a number of gentlemen, members of the bar, from St. Louis county—gentlemen conversant with the action of this court in St. Louis—were in this city, and I suppose the evidence upon which that statement in the report was made was obtained from them.

I admit this would not be legal testimony in a court of justice, nor do we require that. I take it for granted that no one will deny the existence of this judgment, and that it is the one against which Colonel Mitchell asks to be indemnified.

The property of Colonel Mitchell can and I fear will be sold under the execution issued upon the judgment which Harmony has obtained against him in the court in Missouri, unless we afford him relief. There is no power here to stay that judgment. I then will suggest to my friend that perhaps this bill may be so modified that not only relief may be afforded Mitchell, but at the same time the Treasury be guarded. Suppose this bill be modified by the House so as to provide that the Attorney General of the United States shall prosecute, in behalf of the United States, the

writ of error pending in the Supreme Court of the United States, and that he be also directed to take the necessary steps to stay further proceedings upon the judgment issued in Missouri against Mitchell, if it can be done; and in the event of being unsuccessful, that the judgment shall be liquidated by the money that we shall appropriate. Then you place the United States to defend Colonel Mitchell. You prosecute the suit, where Colonel Mitchell is the plaintiff in error, now pending in the Supreme Court of the United States, and you really make the United States (though not in name) defendant in the judgment which now exists in Missouri.

But it is stated that this judgment might have been postponed, or stayed, by the action of the courts of Missouri. That could not have been done. No defense which existed prior to the rendition of the judgment of the circuit court in New York could be urged as a defense to the suit brought in that record in the courts of Missouri. Although Colonel Mitchell might have felt himself aggrieved by that judgment, still, so long as that judgment was unreversed and in force, he had no ground of defense against the suit which was pending against him in the St. Louis circuit court. But here let it be understood that in Missouri we have abolished the forms of action as they existed at common law, and our suits are commenced by petition, and that not only the plaintiff is required to verify the facts set forth in his petition, but the defendant is required to make answer to the allegations contained in the plaintiff's petition, and to verify his answer by affidavit. What defense could Mitchell make? None whatever. I say he had nothing, therefore, which he could urge in defense of that suit which was brought against him in St. Louis county, and judgment was bound to go against him. I desire that the gentleman who has made the suggestion shall be apprised of what may be the results in the event that you seek to enjoin that judgment obtained in Missouri: ten per cent. damages, besides costs, are allowed by the law of our State if the injunction should be dissolved.

Gentlemen have inquired why, since this case was taken up from the circuit court of the United States for the southern district of New York to the Supreme Court, there was not a stay of execution? Do you believe that a resident of the State of Missouri—no matter what his reputation for pecuniary responsibility may be—if he should be in the city of New York, and a judgment to the amount of \$95,000 should there be rendered against him, could give security for double the amount of the judgment—say \$190,000—in order to have a *supersedeas* of the execution? It could not be done. There are two methods by which you take a case to the Supreme Court. In one method there is a *supersedeas*; and that is where you give bond in double the amount of the judgment rendered, with security—the sufficiency of that security to be adjudged and determined by the court. In the other way, you may take an appeal during term time, or within ten days thereafter; in which event you have to give a bond, with security, for the costs of prosecuting the appeal. The very question of defense, and the very charge delivered by Judge Nelson in the trial of this case, has undergone the revision of the law officer of this Government, and I hold here in my hand the report made by the Solicitor of the Treasury—Mr. Clark—when he was called upon to examine into the propriety of prosecuting the case in the Supreme Court, or probability of a reversal of the judgment. His opinion upon that subject was given last winter. It is a pamphlet containing some twelve pages.

It will be recollected that this suit was pending in New York under the instructions of the Solicitor of the Treasury. Mr. Shepard, the then district attorney for the Southern district of New York, was directed to defend the case, and to aid Colonel Mitchell in his defense; and the whole record shows that Mr. Shepard was the attorney in that case, although Colonel Mitchell employed another gentleman by the name of Eager to aid in his defense. It appears that a transcript of the record was presented to Mr. Clark. He reviewed the case, and here follow the points which he makes upon a full examination. The record shows that the counsel for Mitchell excepted to the charge given by Judge Nelson to the jury, and the bill of exceptions is contained in the volume

I hold in my hand. The Solicitor of the Treasury remarks:

"Upon a full examination of the whole case, I conclude:

"1st. That there is no error in the charge of the court to the jury. If there was any error, it was one in favor of the defendant, to which he had no right to except.

"2d. There being no error in law, no dispute concerning the facts, (they having all been found by the jury,) it would be unjust to the parties to protract useless litigation; to Harmony, by delaying the payment of his demand found by the court and jury to be just; to Colonel Mitchell, by keeping suspended over him this heavy judgment, so well calculated to embarrass and discredit him.

"3d. If there be any error in the charge to which the defendant had a right to except, it must be found in that part of it which speaks of the existence of a public necessity, &c. Now, if the Supreme Court, having the case before it on a writ of error, should send down the case for a second trial for the reason that Colonel Mitchell did act under the pressure of such necessity, and was, therefore, justified in seizing the property for the public use, then in what better condition would be the Government? None. It would be bound to make just compensation to Harmony, instead of indemnifying Colonel Mitchell.

"4th. Should the case go to the Supreme Court, and the question of the right of impressment of private property under the law as it now exists be presented to it, I feel an entire confidence that they will decide that the right does not exist, and never can exist, until Congress shall confer it by law passed in pursuance of the Constitution. If so, Colonel Mitchell cannot avoid the payment of the judgment; and as he acted in obedience to the order of his superior officer, and the chief in command, in making the seizure; and as that order and seizure I have no doubt was issued and executed under the honest belief that the seizure of the property was necessary to the safety of the Army, (though in point of fact, as it subsequently appeared, such necessity did not exist,) the Government is bound, by every principle of justice, to stand between him and all loss."

In the decision of the court, it stated that the seizure of property took place some distance north of the place where the battle of Sacramento was fought. It was at the time, however, when Colonel Doniphan, with about nine hundred volunteers, was proceeding upon his march to the city of Chihuahua, a city containing a population of from twenty to twenty-five thousand inhabitants. Whilst on this march he received information that the Mexicans had assembled in large force and were prepared to give battle. The information was true, and the battle of Sacramento was shortly after fought, in which nine hundred of our volunteers were engaged against more than four thousand Mexicans. The traders and teamsters accompanying our army amounted to three hundred. They were organized by command of Colonel Doniphan into two companies, commanded by Captains Glasgow and Skillman, composing a battalion under the command of Colonel Owens, a trader from Missouri, who was killed in the battle of Sacramento.

The seizure of Harmony's goods was consummated when he was compelled by Colonel Mitchell to follow in the rear of the army, and when his teamsters were ordered (if the emergency should arise) to abandon the teams and whips, shoulder the rifle, and fight our enemies.

I therefore hope that the motion of the gentleman from Michigan [Mr. STUART] will not prevail. If any relief is to be given Mitchell, it must be given speedily. I am willing to go as far as any man can go to protect the rights of the Government, and at the same time I ask that you protect the rights of the citizen. I am desirous of a full investigation of the question. I wish not to avoid it. I was importuned by my friends to shut out discussion. I do not wish it to be stated that Colonel Mitchell has called upon this House and the Congress of the United States to do an improper act.

Let me remark, that by the laws of our State, real estate can only be sold on execution during term time; and if the sheriff does not find sufficient real estate upon which to levy the execution, it would be his duty to levy upon personal property of the defendant, and that can be sold upon ten days' public notice. Harmony has the entire control of this judgment, and from this time forward no indulgence to Mitchell can be expected.

Mr. SEYMOUR. I wish to ask the gentleman from Missouri a question. If I understood him to say he would be satisfied if this bill could be so modified that the Attorney General of the United States, in the name of Mitchell, should be authorized to prosecute the suit in the Supreme Court, and also obtain a stay of execution upon the judgment in Missouri?

Mr. PHELPS. Yes, sir; I said this. I am satisfied if we could, by our act here, substitute

the Government as plaintiff, and also direct the Attorney General, or some other officer of the Government, to defend Mitchell against that judgment obtained in Missouri; and in the event the defense is unsuccessful, then to appropriate money to pay the judgment. I will be satisfied with that, and it is all I ask for.

Mr. STUART. I move to amend by postponing the matter to the first Monday in May, so that it may come upon a Monday.

Mr. SEYMOUR. I imagine that the object which the gentleman from Michigan [Mr. STUART] seeks to obtain, will not be reached by the postponement which he moves. It is evident that this case has been recently tried in the circuit court of New York. It stands as a recent case upon the calendar of the Supreme Court, and every gentleman who is acquainted with the situation of that, must be aware that no action of the Supreme Court will be had upon this case until long after the time to which the gentleman moves to postpone this matter shall have expired. In that view of the case, and inasmuch as the friends of the bill are willing it shall be so modified, as the rights of the Government upon one hand may be perfectly protected by the action of their very able Attorney General—and at the same time an investigation may be had in this matter—and, if possible, which I presume can be done, the interests of the party who appeals here, Mr. Mitchell, may be protected, if this writ of error is intended to be seriously prosecuted in the Supreme Court, which will test the merits of the case, there can be no difficulty in staying the proceedings upon the judgment of the court of the State of Missouri. It seems, therefore, if the House will take such action upon this bill as to meet the views which have been stated by the gentleman from Missouri, [Mr. PHELPS,] justice would be done to every party, and the interests of the Government would be protected. The interests of this individual, whose services have been stated to be highly meritorious, will be protected, and there surely can be no objection by the Government to such a course. If upon an investigation upon the merits of this case, which will come up in the argument upon the writ of error, it shall turn out that there is error, and the judgment be reversed, there will be an end of the matter, and the case will be decided upon its merits. The only suspicion that has arisen in reference to this matter, it strikes me, has arisen from the fact, that the individual whose property was originally taken is said to have been willing to have received a far smaller amount in satisfaction of damages than has been now recovered against Colonel Mitchell. Every gentleman who is acquainted with the manner in which these matters are presented and disposed of here, and with the rules of evidence which would apply to cases of this kind in an investigation, according to the strict rules of law in court, will see at once that this might well exist, and an individual might be willing to take upon the immediate action of the Government a smaller sum, which would cover about his outlay of expenditure upon these goods; whereas if he was driven into a court of justice and was obliged to defend his case, he would insist upon all that the rules of law would give him, and those would give him the full, the enhanced value of all these goods that were taken from him and destroyed by Colonel Mitchell.

A Voice. They were not destroyed.

Mr. SEYMOUR. Whatever it may have been, they were taken out of his possession, and he lost the value of them at any rate. I hope the motion of the gentleman from Michigan [Mr. STUART] will not prevail, and that the House will now reconsider the vote by which the bill has been ordered to a third reading, and that the amendment which has been indicated by the gentleman from Missouri [Mr. PHELPS] will be adopted, and then complete justice can be done to all parties, and the rights of all secured.

Mr. HOUSTON. Is it in order to ask the previous question upon this motion to postpone?

The SPEAKER. It is.

Mr. HOUSTON. Then I make such motion?

Mr. PHELPS. I learn that the gentleman from Alabama asks for the previous question. I only desire to know whether it will extend further than the question to postpone?

The SPEAKER. The Chair decided the other day that the previous question did apply only to the question to postpone, which decision was sus-

tained by the House. Upon looking into the law relating to that subject, however, the Chair is disposed to doubt the correctness of that decision.

Mr. PHELPS. I desire to know what is the decision of the Chair now upon the subject—how far does it extend?

Mr. MARSHALL, of Kentucky. What will be the effect of the previous question?

The SPEAKER. It will bring the House to a direct vote; first upon the question of postponement, and if that fails, upon the reconsideration of the bill.

Mr. MARSHALL. I appeal to the gentleman from Alabama [Mr. HOUSTON] to withdraw his call for the previous question. I promise to say all I have to say within five minutes.

Mr. HOUSTON. I am very anxious to dispose of the bill and proceed to other business. I will, however, withdraw the call for the previous question for five minutes in favor of the gentleman from Kentucky, [Mr. MARSHALL.]

Mr. MARSHALL. I now ask that the substitute for the bill, which I have sent to the Chair, may be read.

It was read by the Clerk, as follows:

That it shall be the duty of the Attorney General of the United States to prosecute the writ of error pending before the Supreme Court of the United States, in the case of D. D. Mitchell vs. M. X. Harmony, without cost to the plaintiff in error.

Be it enacted, &c., That the Attorney General be and he is hereby directed to cause such chancery, or other proceedings, to be instituted in the name of D. D. Mitchell vs. M. X. Harmony, or his assignees, before the proper court at St. Louis, Missouri, as shall stay proceedings upon a certain judgment at law, in the name of said Harmony against said Mitchell, until the rendition of an opinion by the Supreme Court of the United States upon the writ of error aforesaid, and it shall be the duty of said Secretary of the Treasury to cause such security to be entered by the United States as shall indemnify and save said Mitchell harmless against said judgment.

Be it enacted, That whenever the Attorney General of the United States shall certify to the Secretary of the Treasury, that the writ of error in the cause aforesaid has failed, or that no further steps can be taken at law or in equity, whereby to avoid the payment of said judgment in favor of said Harmony, rendered in the State of Missouri, then it shall be the duty of the Secretary of the Treasury, and he is hereby authorized to liquidate and satisfy said judgment, damages, and costs, out of any money in the Treasury not otherwise appropriated.

Mr. M. continued. If I can have the ear of the House for five minutes I think I can make the merits of this substitute understood.

A Voice. We understand them already. There is no need for explanation.

Mr. MARSHALL. The gentleman says there is no need for explanation. If my amendment covers, then, the proper view of the case, I hope I shall be allowed to offer it, and that it will be adopted. I will state that I have looked into the record in relation to this case, and for one, I will not vote for the payment of this money so long as there is a chance for reversing the judgment in relation to that case. I hope the motion to postpone will be voted down, unless the gentleman from Michigan [Mr. STUART] will consent to withdraw it.

Mr. STUART. I have no objection to withdrawing my motion to postpone, if the gentleman's object can be effected by it. If I understand the order of business—my motion being withdrawn—the question will recur upon the motion to reconsider the vote by which the bill was ordered to be read a third time; and should that prevail the gentleman's substitute will be in order.

The SPEAKER. The substitute will then be in order.

Mr. STUART. Then I will withdraw the motion to postpone.

The question was then taken, and the House agreed to reconsider the vote by which the bill was ordered to be read a third time.

Mr. MARSHALL. I now offer my amendment as a substitute for the bill.

The SPEAKER. The Chair supposes, before the amendment is received, the question must be taken on reconsidering the vote ordering the main question to be put.

Mr. HALL. Can the amendment not be offered by unanimous consent?

The SPEAKER. By unanimous consent the entire action under the previous question may be considered.

There was no objection, and the amendment was then declared to be in order.

Mr. HEBARD. I believe the question now pending is upon the adoption of the substitute.

Mr. OLDS. Is debate in order?

The SPEAKER. It is.

Mr. HALL. I thought the previous question had been called upon this amendment.

The SPEAKER. So it had, but by unanimous consent it was set aside in order to admit the amendment.

Mr. HALL. I understood that unanimous consent was given for the gentleman from Kentucky [Mr. MARSHALL] to introduce his amendment merely, but not to interfere with the previous question.

The SPEAKER. The Chair did not so understand it. The Chair understood the proposition, and so propounded it, that unanimous consent should be given to remove the operation of the previous question altogether.

Mr. HEBARD. I was proceeding to remark, that if I understood the purport of the substitute I should not be in favor of it. So far as I understand the nature of the claim, the great question with me is as to its amount, and I desire a further opportunity of inquiring into it before it is finally acted upon. The effect of the substitute, as I understand it, will be to have a writ of error prosecuted for the purpose of showing whether or not the judgment of the court below was made up properly or not. It was stated the other day by the gentleman from New York, [Mr. HAVEN,] that from a conversation he had with Judge Nelson, he learned the fact that the question litigated in the circuit court before him was in relation to the validity of the claim, but not in relation to the amount, but that the amount was agreed upon by the parties. It was stated upon this floor the other day when this bill was before the House, that the plaintiff in the suit, Mr. Harmony, had offered to take \$30,000 for his claim, and the fact was not contradicted. Now, if this be true, I desire to know why a judgment was rendered in favor of the plaintiff for \$95,000? I have looked into the schedule prepared in the case to see if I could find any reason for this judgment. I find that the estimates for the property taken on the occasion to which it relates are made out in round numbers. It consisted for the most part of what is called bleached shirting, and the amount is made out in round numbers at the rate of thirty-one and one quarter cents per yard. The quality of the cloth is not in any way shown, but it is to be presumed that—

Mr. PHELPS. I think I can explain in regard to that matter. The value of the property, established by the testimony taken in the case, was \$95,000, and was based upon the price the goods were worth in that country at the time and place they were taken. That testimony shows the value of the goods, with the interest upon the amount, up to the time of the rendition of the judgment.

Mr. HEBARD. I can only say in relation to it, that I have the documentary evidence before me, and it does not bear out any such conclusions. I will state the facts which are contained in this document. It says the property consisted mostly of unbleached shirting cotton, estimated at thirty-one and a quarter cents per yard. Now, that is a species of merchandise of which all of us know something. We know that the article which is here estimated at thirty-one and a quarter cents per yard, is worth from eight to ten cents.

A Voice. Less than that.

Mr. HEBARD. I am aware that it can be bought for much less than that, but I did not choose to put it at the lowest prices. I presume this was an article which could be bought for six and a quarter cents per yard. Now, what will be the actual expenses of transporting these goods from the place in which they were purchased to Chihuahua, I will not pretend to say. I do not know; but I do not believe the cost of transportation would equal the price at which the cloth was purchased. I come to this conclusion, and I do not believe any gentleman upon this floor can come to any other, from the proof furnished. This \$95,000, then, must come from some other source than this property; for even at the price at which it is estimated, it will only amount to about \$80,000. I say, I do not believe a single gentleman in this House can come to any other conclusion than that this property was valued at more than one hundred per cent. above its actual value. And before I can vote to have this claim allowed and paid, as I said before, I want to know upon

what ground, upon what basis, a judgment was rendered against Colonel Mitchell for \$95,000? Perhaps it can be explained; but I am not willing to vote this money until I can have some proof, other than that which I now possess, that it ought to be paid. I think some investigation should be made into the matter. If I am correctly informed, Colonel Mitchell made an agreement in relation to the amount of damages to which Harmony was entitled.

Mr. PHELPS. The gentleman is mistaken in regard to the facts. Colonel Mitchell made no agreement in regard to the damages. The testimony shows the amount of damages, and the judgment was rendered, I believe, upon the evidence of three witnesses, who testify that the price which was allowed was the price at which the property was valued in Chihuahua at the time it was taken.

Mr. HEBARD. I should like to know of the gentleman from Missouri [Mr. PHELPS] where this testimony was taken, because the facts he states do not corroborate those which I have before me.

Mr. PHELPS. The testimony was taken by virtue of a commission issued from the circuit court of the Southern district of the State of New York. A portion of it was taken in the State of Missouri, a portion in New York city, and a part of it, the testimony of one witness, either in New Mexico or Chihuahua. I speak of the testimony which was before the court, and not of that which was taken in support of Harmony's memorial to Congress for relief.

Mr. HEBARD. I was proceeding in my argument upon the assumption that the statement of the gentleman from New York, [Mr. HAVEN,] in relation to the manner in which the judgment was rendered, was correct; and in connection with that, I took occasion to refer to the value put upon his own goods by Mr. Harmony at the time he presented his claim to Congress for relief.

Mr. PHELPS. I will state the testimony of John Gracia, who was sworn as a witness upon the trial in the city of New York. He states he is acquainted with the traders, and familiar with the quality and price of goods in the Mexican trade. His statement is merely in relation to the value of some particular goods. The testimony of Mr. Low shows that the value of the goods, and of the mules and wagons taken near El Paso, was \$75,263 94, estimated according to the price there. That the interest from the 10th of February, 1847, to the 10th of September, 1850, at the rate of seven per cent., is \$19,129 56, making in the aggregate \$95,393 49. The whole judgment was for some \$90,000.

Mr. HEBARD. The explanation of the gentleman has not relieved my mind upon the point raised by me in the slightest degree. Now, this case does not show upon what ground the estimate of the value of that property was founded. By looking at the schedule, it will be seen, as I stated before, that it is made up mainly of cotton goods, unbleached shirtings, put by the bale, at the price of thirty-one and a quarter cents per yard. Now, I wish to know upon what basis, either of the witness or of the claimant himself, he puts a price of thirty-one and a quarter cents to cloth of that description, which every gentleman who is acquainted with the article, knows can be purchased anywhere in the United States at from six to ten cents per yard. Now, I have not much more to say upon this claim, but I wish to know upon what ground such a judgment was rendered in the court of New York.

Mr. PHELPS. In relation to the value of this property, permit me to read an extract from a deposition taken in the city of Chihuahua, before William A. Hereford, Commissioner. It is from the deposition of José Maria Uriá Naffarondo:

"To the sixth interrogatory he saith: That such goods as the plaintiff left at Chihuahua could have been sold and did sell in the city and State of Chihuahua, in and for several months previous to the month of February, 1847, at the following prices: the bleached shirting at thirty-one and a quarter cents *per vara*, the prints at thirty-one and a quarter cents *per vara*, the brown shirting at thirty-one and a quarter cents *per vara*." The prices of various other articles are also given by this witness.

The witness testifies to the price of these goods in the month of February, in the city of Chihuahua, within whose limits those goods were taken. He further testifies that he examined those goods at the time they were there in the custody of those

troops, and he also made an inventory of them in the month of February or March, 1847. The number of yards is specified. It shows the number of bales, and the number of yards in each bale of the various articles taken. The prices of the other articles were furnished by the testimony of Arango and Oliver.

Mr. HEBARD. It has turned out as I supposed it would when investigating the testimony, and it conforms to the supposition I had before. The testimony of these witnesses, whose names I would not attempt to pronounce, says that this kind of property, of which I am speaking, has been sold in Chihuahua for thirty-one and a quarter cents per yard.

Mr. PHELPS. The gentleman misunderstands me. The testimony was "that such goods have been sold," not that *these* goods have been sold.

Mr. HEBARD. The gentleman misunderstood me. I so stated, or intended to. What these goods could have been sold for is not known. He only says that goods like these could have been sold for that price. Now, this whole matter shows most conclusively to my mind that there has been an entire fictitious value placed upon these articles for some purpose; whether for the benefit of Harmony, or whether Colonel Mitchell is to share in the enormous profits to be made upon them out of the Government in case this judgment is paid by it, I do not undertake to say; but I undertake to say that there is an attempt here to do that which, if successful, will be an enormous swindle, in my judgment, upon the Government. These goods are valued at a price three or four times the cost of them here.

Now look at this matter a little further. There is some other property besides these cotton goods; and all this property together, estimated at the exorbitant and unreasonable price put upon it by the claimant, amounts to only about \$62,000. There were a few mules also taken, and those he estimates at \$100 a piece. That is a kind of property of which I know little. He also claims, for damages done to the mules and wagons while in the charge of Colonel Doniphan, the round sum of \$5,000. How many there were, and what the damage was, does not appear. The damage which he claims is stated to be seventy-five per cent. upon the whole value, and the whole value is at the rate of about \$100 each; in other words, he claims for damages done these mules, \$75 each.

Another item in this bill is, expenses for his men and animals while in the charge of Colonel Doniphan, \$5,000 in round numbers, without going into details of what those expenses consisted. He has charged for thirteen months, \$6000; or for six months extra, \$4,000 more. Now, sir, take his own bills which he has made out, take the estimates he has put upon his own property, and take the interest upon it—it all amounts to only a little more than \$87,000. And deduct from this \$5,000, which is less duties—I do not understand what it means—it leaves the whole gross amount at \$82,000.

Mr. PHELPS. In New Mexico and Chihuahua, they charged duties upon their goods by the wagon load. They charged the specific duty of \$500 upon every wagon load of goods introduced into New Mexico, without regard to their value. This duty upon ten wagon loads would amount to \$5,000, which Harmony did not have to pay.

Mr. HEBARD. The matter of duty did not disturb me at all. What I want to know now is, upon what ground, and by what reason, and upon what proof there should have been decreed by the court a judgment for \$95,000—some \$13,000 more than Harmony claimed of Congress? All that I know of this case is from an examination I made of it a few days ago when it came up for investigation. I feel no sort of interest in it, and have no feeling about it; but when sums as large as this are proposed to be drawn from the Treasury, I choose to know that there is, at least, no fraud and no fraudulent means made use of to swell up that amount. I hope, therefore, that before this amendment shall have been adopted, the bill will be sent back to some committee, or left in some shape by which there can be made a further investigation and report of the facts upon which this claim is based for our action.

Mr. PHELPS. I demand the previous question. The previous question received a second, and the main question was ordered to be put; which main question was first on the amendment.

The question was then taken upon adopting the amendment by way of a substitute for the bill; and it was agreed to.

The question was then taken upon ordering the amendment to be engrossed and the bill to be read a third time; and it was agreed to.

The bill was then read the third time, and the question now being, "Shall the bill pass?"—

Mr. PHELPS demanded the previous question. Mr. MEACHAM. I wish to understand the form of the bill as it is now amended.

The SPEAKER. The bill will be read for the information of the House.

The bill was then read through by the Clerk—being the substitute of Mr. MARSHALL, as published in a preceding column.

The call for the previous question was seconded, and the main question ordered to be put.

Mr. GOODENOW demanded the yeas and nays upon the passage of the bill; which were not ordered.

The bill was then read a third time and passed.

Mr. PHELPS moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

BILLS AND RESOLUTIONS.

Mr. THOMPSON. I offer the following resolution:

Resolved, That this day be appropriated, to the exclusion of all other business, to the call of States, beginning with the State of Maine, for resolutions and bills of which previous notice has been given, and upon which no debate shall be allowed.

Mr. ORR objected.

Mr. THOMPSON moved a suspension of the rules for the purpose of enabling him to introduce the resolution just indicated.

The question was then taken—there being upon a division—ayes 80, noes 42.

Mr. FOWLER called for tellers, which were ordered.

Mr. CARTER. I wish to inquire whether the order proposed for calling the States in that resolution begins with the State last called, or goes back to the first?

The SPEAKER. It proposes to commence with the State of Maine.

Mr. DISNEY. I wish to be informed what State will be called, if we proceed to the regular order of business?

The SPEAKER. The Chair is informed by the Clerk that South Carolina was last called.

Mr. DISNEY. How many States had been called up to that time?

The SPEAKER. The gentleman can count for himself.

Mr. BRENTON. I desire to say, in reference to this question—

The SPEAKER. It is not debatable.

Mr. BRENTON. I do not wish to, but merely to present a question of order, and it is this: Whether this resolution does not suspend the standing rules of the House?

The SPEAKER. Certainly, if adopted.

Mr. BRENTON. It is provided that no amendment to the rules shall be introduced without one day's previous notice being given.

The SPEAKER. The gentleman will remember that by a special rule of the body, it is in order to move to suspend the rules of the House for particular purposes on Mondays, and only then. The Chair thinks that there can be no question in regard to the legitimacy of the resolution proposed.

Mr. BRENTON. Another point is, that the resolution provides that the Speaker shall commence with the State of Maine, whereas the rule requires that he shall commence where he left off at the last call.

The SPEAKER. The Chair will state, for the information of the House and the gentleman, that if this resolution be adopted, it will, in his opinion, exclude the motion to suspend the rules for this day, and this order of the House will be executed to the exclusion of all other business, which is the calling of the States for resolutions and for bills of which previous notice had been given, and upon which the House must decide without debate. That is the effect of the resolution.

Mr. JOHNSON, of Tennessee. Then, as I understand, if this resolution is adopted, it commencing with Maine, allows every member to in-

troduce his resolution and his bill without discussion or any further trouble. Thus States can get in their resolutions and bills.

Mr. JOHNSON, of Arkansas. I wish to make an inquiry, if the Chair will answer, and I can get it in no other way: Whether, since the commencement of this Congress, the States have ever been called through?

The SPEAKER. They have not been.

Mr. JOHNSON. Thus we go back always to the beginning, and some States never will be called. It is not right.

Mr. KING, of New York, demanded the yeas and nays.

Mr. ORR. Is it in order to move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union?

The SPEAKER. The Chair thinks that it is not, while the motion is pending to suspend the rules—this being Monday, and that motion being in order. But the Chair further states that it would be in order to move to go into the Committee if there was not already pending a motion to suspend the rules for a different purpose.

The yeas and nays were then ordered.

Mr. FLORENCE. If this motion is voted down, will it not be in order to call the States for resolutions, beginning at where the Speaker left off on the last day?

The SPEAKER. That will be the effect.

The question was then taken upon the suspension of the rules, and decided in the negative—yeas 56, nays 121; as follow:

YEAS—Messrs. Willis Allen, John Appleton, William Appleton, Thomas H. Bayly, Beale, Bell, Bennett, Bissell, Breckinridge, Albert G. Brown, Busby, Chandler, Cobb, John G. Davis, Dawson, Dockery, Edmundson, Faulkner, Fitch, Florence, Thomas J. D. Fuller, Gamble, Gentry, Gorman, Hall, Hamilton, Hendricks, Houston, Howard, Thomas M. Howe, Ingersoll, Andrew Johnson, Lockhart, Mace, Humphrey Marshall, Mason, McCorkle, McDonald, McMullin, McNair, Andrew Parker, Penn, Porter, Price, Robbins, Schermerhorn, Skelton, Smith, Stanly, Thaddeus Stevens, Stone, St. Martin, Stuart, Taylor, George W. Thompson, and Walsh—56.

NAYS—Messrs. Abernethy, Allison, Averett, Babcock, Barrere, Bartlett, J. H. Boyd, Bragg, Brenton, Briggs, Brooks, G. H. Brown, Buell, Burrows, E. C. Cabell, Joseph Cable, L. D. Campbell, Thompson Campbell, Carter, Caskie, Chapman, Chastain, Churchwell, Clark, Cleveland, Clingan, Colcock, Conger, Cottman, Cullom, Curtis, G. T. Davis, Dimmick, Disney, Doty, Durkee, Edgerton, Evans, Ewing, Ficklin, Floyd, Fowler, Freeman, H. M. Fuller, Gaylord, Giddings, Gilmore, Goodenow, Green, Grey, Harper, Sampson W. Harris, Hascall, Haven, Hubbard, Hinn, Hibbard, Holladay, Horsford, Thomas Y. How, Ives, Jackson, Jenkins, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, J. Glancy Jones, George G. King, Preston King, Kuhns, Kurtz, Landry, Edward C. Marshall, McAnahan, McQueen, Meacham, Miller, Molony, Henry D. Moore, John Moore, Morehead, Morrison, Murray, Nabers, Newton, Olds, Orr, Outlaw, Samuel W. Parker, Peaselee, Penniman, Perkins, Phelps, Rantoul, Riddle, Sackett, Savage, Schoolcraft, Schoolmaker, Scudder, Scurry, Smart, Benj. Stanton, Richard H. Stanton, Abner P. Stevens, Stratton, Benjamin Thompson, Thurstun, Townshend, Wallace, Ward, Washburn, Watkins, Wells, Addison White, Alexander White, Wilcox, Wildrick, Woodward, and Yates—121.

So the rules were not suspended—two thirds not voting therefor.

SALES OF SCHOOL LANDS.

Mr. BROWN, of Mississippi, by unanimous consent, introduced a bill, of which previous notice had been given, authorizing the Legislature of the State of Mississippi to sell the lands heretofore appropriated for the use of schools in that State, and to ratify and approve the sales already made.

It was read a first and second time, and referred to the Committee on Public Lands.

Mr. HALL. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. HOUSTON. I ask the gentleman from Missouri whether he will not yield the floor until I can make a motion to postpone for a day or two, or indefinitely, the special order that is now up for discussion before the Committee of the Whole on the state of the Union, for the purpose of taking up the deficiency bill?

Mr. HALL. I will not yield to any such proposition as that. I think this bill is a matter of more importance than the deficiency bill, a great deal.

The question was then taken, and the motion was agreed to.

[A message was then received from the Senate at the hands of ASBURY DICKENS, Esq., their Secretary.]

HOMESTEADS.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HIBBARD in the chair,) and resumed the consideration of the special order, being House bill No. 7, for the encouragement of agriculture, commerce, manufactures, and other branches of industry, by granting to every man, &c., one hundred and sixty acres of land.

The CHAIRMAN. The gentleman from Indiana [Mr. FITCH] is entitled to the floor.

Mr. FITCH said, that if, upon examining the bill under consideration, he should find it sufficiently guarded to prevent frauds, his vote would be cast in its favor.

He then proceeded to review the various subjects referred to in the President's message, and said that in so doing he should not attempt or wish to intimate any charge against the President, or anything against his character as a citizen or a man, neither would he charge him with corruption. He respected Mr. Fillmore as a man and an officer, but considered many of his acts and recommendations as the result of erroneous opinions and of a policy injurious to the public.

He then alluded to our foreign policy, as set forth in the message, and thought that the President correctly adhered to the doctrine of non-intervention. He, however, condemned the course pursued by the Administration in relation to the invasion of Cuba, and censured the President for his outlawry proclamation, which withdrew all protection in advance. There could be no doubt that had the President insisted that all of the citizens who were embarked in that enterprise who might be captured should have a fair trial, such as existing treaties entitled them to, and many lives and much suffering might have been avoided. Great Britain was never known to abandon her citizens, but always insisted upon the fulfillment of treaty stipulations, and it was because that country did protect the lives and rights of her citizens that her flag was so universally respected. He did not justify the invasion of Cuba, but desired to see it defeated.

He next reviewed that part of the message relating to our domestic policy, and said that to that portion of it which related to the compromise he took no exception. It breathed a spirit which offered every desirable assurance of domestic tranquillity and the perpetuity of our Government. The compromise having been passed, surely no right-minded citizen could desire to see reproduced all that excitement which accompanied its discussion and the questions connected with it. The Democrats of the North had everywhere, through their press, their conventions, their candidates, (State and Presidential,) with exceptions so few and far between as to be insignificant, not only evinced their willingness to abide by the compromise, but declared their intention to sustain it. But how was it with the Whigs? Some opposed the compromise, and others lent it but a lukewarm support.

Mr. F. then referred to that portion of the message which relates to the tariff and finances, and said that the President made no urgent appeal for a modification of the tariff, for he looked to little else than a change of duties from *ad valorem* to specific. When it was taken into consideration that this lukewarm recommendation came from a man who was the principal advocate of the tariff of 1842, it spoke volumes for the tariff of 1846. It might well be questioned whether the President's views had not undergone a change, for he evinced too much good sense in other matters still to hold the antiquated tariff opinions of that period.

In reference to the finances, they appeared to be in a very prosperous condition, and the predictions of the Whigs of deficiencies under the present tariff were classed among the predictions of the prophet Baal. He then referred to the estimates of deficiencies made by the Secretaries under the administration of General Taylor and Mr. Fillmore, and said that instead of deficiencies surpluses have always occurred. He contrasted the views of Mr. Corwin on the tariff, and spoke of the large expenditures of the present Administration, declaring that it sought to cast its own pecuniary malfiance upon the preceding Administration.

[See Appendix for Mr. Fitch's speech.]

Mr. WILCOX next obtained the floor.

Mr. NABERS. With the permission of my colleague, as it is growing late, I move that the committee rise.

Which motion was agreed to.

The committee rose accordingly, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union, had had the Union generally under consideration, and particularly the special order, being House bill No. 7, to encourage agriculture, and for other purposes, and had come to no conclusion thereon.

ARMY APPROPRIATION BILL.

Mr. HOUSTON. I will ask the House to allow me to report the Army appropriation bill, which I have had in my desk for some two weeks, in order that it may be printed.

There was no objection.

Mr. HOUSTON, from the Committee of Ways and Means, reported "A bill making appropriations for the support of the Army for the fiscal year ending 30th of June, 1853," which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

IOWA ON THE COMPROMISE MEASURES.

Mr. CLARK. I ask the unanimous consent of the House to allow me to introduce joint resolutions from the Legislature of the State of Iowa respecting the compromise.

There was no objection.

Mr. CLARK. I believe, by the rules and custom of the House, it will be my privilege to submit a few remarks explanatory of the resolutions. I will ask the Chair whether it is not in order, by the rules, when a resolution is offered briefly to state its contents?

The SPEAKER. It is. The gentleman has that right.

Mr. HOUSTON. I do not wish to interfere with the remarks the gentleman from Iowa proposes to make at all; but for the sake of a precedent I would ask him if it would not be better to send up the resolutions and to discuss them upon the proposition to print? Until the proposition to print is made, the gentleman, I suppose, cannot be permitted to discuss the resolutions or their contents.

The SPEAKER. The gentleman from Iowa is only entitled, as the question now stands, to a brief statement of the contents of the resolutions.

Mr. CLARK. I move that the resolutions be printed.

Mr. ABERCROMBIE called for the reading.

The resolutions were then read as follow:

Preamble and resolutions in reference to the compromise measures passed by the Congress of the United States:

Whereas, The Congress of the United States at its last session adopted a series of acts known as the compromise measures, and whereas there has been manifested throughout portions of the North and South a disposition to set a portion of said acts at defiance, and thereby declare an open resistance to the power of the Government and its laws; and whereas, in view of our duty to the Government and for the purpose of showing to all portions of the Union our firm and unyielding devotion to its cause and its institutions, we deem proper to make some public demonstration of our views and feelings: therefore

Resolved, That in the opinion of this General Assembly, "the Constitution of the United States is a compact, a fundamental treaty," and that in order to our continued prosperity and happiness, that the Constitution and the laws of the land must be respected and obeyed.

Resolved, That we will give no countenance or aid to those North, or South, who set up "their own rule of conduct" in opposition to, and as being higher than the Constitution; and while we would give the largest latitude to thought, speech, and action, yet such an avowed regard as meriting unqualified condemnation; its inevitable tendency being hazardous to that union which we hereby declare ourselves bound to maintain by any and all means in our power.

Resolved, That whatever may be the opinions of individuals as to the policy or details of said compromise measures, yet it is the duty of every good citizen to conform to their requisitions and carry them out in good faith; seeking their modification or repeal, if such should be necessary, in the manner contemplated by the Constitution and laws.

Resolved, That the Constitution should be our guide, and in questions of doubt we should look for its interpretation to the judicial decisions of the tribunal which was established to expound it, and to the usages of the Government sanctioned by the acquiescence of the country; that all its provisions are equally binding; that it is the will of the people expressed in the most solemn form; that no pretense of utility, no honest conviction even of what might be expedient can justify "the assumption of any power not granted, or the violation of its provisions;" and that we deem it our first duty not to "invade its requirements or nullify its commands."

Resolved, That the Secretary of State is hereby directed

to forward a copy of these resolutions to the Governors of each State and Territory, and to each of our Senators and Representatives in Congress.

Approved, January 23, 1851.

Mr. CLARK. However reluctant I may be to detain the House with any remarks of my own, I think it due to the source whence these resolutions come to submit a few reflections respecting their character. I suppose that it can hardly fail to be matter of interest to know what the opinions of the people of a State are respecting great subjects which have agitated and divided the public mind. The language of these resolutions is, that it is the duty of every good citizen to conform to the requisitions of the acts of compromise, and to carry them out in good faith. Here is a principle—a moral principle worthy of the consideration of all, worthy to be enforced upon every American mind, until its force shall be felt by all, and none shall deny its truth. It is said that the acts which emanate from the National Legislature rest upon the Constitution as their foundation, and this is undoubtedly true; but another question arises of no small importance, and that is, upon what does the Constitution itself rest? It is a superstructure—it is but a created thing. What underlies its foundations and sustains it? It is that principle which is set forth in these resolutions, namely, good faith—that good faith which metes out to all their rights—the full measure of their legal, specific, and covenanted rights. It has been often said, that every system of laws rests upon something external for its support. This is unquestionably true, and we know what that foreign thing is. In almost all other Governments except this, it is the soldier's arm, and the bayonet wielded by the soldier, and both wielded by the will of a single mind. But it is different here. The very nature of this Government is such as to repel the principle of force in its support and execution. It is an emanation of the will of the people; and the very idea of force applied to the freedom of will is both unreasonable and contradictory. What are the enactments of law but the will of Government?—and what is the will of Government but the will of the people? And, if there be opposing interests—as there always will be in so great a country—the safety of the whole requires the sacred upholding of those laws which embrace and grant relative protection to them all—and this is to be found in the observance of good faith on the part of each section towards the other. And when this shall be obliterated and destroyed, there is no sure foundation upon which such a Government as this can rest. Force in a Government like this is to be employed only against its enemies, which are never supposed to be "of its own household." It is true that you may put down a rebellion like that of Shay's, in Massachusetts, by military force. You may quell an insurrection like that which existed in Pennsylvania, denominated the whisky insurrection, by military force. But whenever the military force of this Government shall be arrayed against the military force of a State Government, and a drop of blood shall be spilt or a blow struck, there will be wounds created so deep that no time can heal, resentments so flagrant that no grace can pardon, and ruin so wide-spread that no wisdom can reconstruct.

I believe there is such a thing as morality of law; not that morality alone which determines the character of law, but that which commands obedience to the provisions of law. It arises upon the enactment of law, it is coextensive with it, it subsists with it; and from its obligations there is no escape. It is true that the casuist and carper may conceive that they can ask hard questions as to what shall be done in case Congress shall enact laws that are flagitious and immoral in their character. I answer, that if the supposition were possible, it is the duty of every citizen to obey.

Mr. HEBARD, (interrupting.) I rise to inquire whether any question is before the House?

The SPEAKER. A motion to print.

Mr. CABELL, of Florida. The resolutions have never been received.

Mr. HEBARD. I would inquire whether the resolutions had been received?

The SPEAKER. They had been received by unanimous consent.

Mr. CABELL. They were only read for information.

The SPEAKER. I am informed it was the understanding of my predecessor, who tempora-

rily filled the chair, [Mr. RICHARDSON,] that they were received by the House.

Mr. CLARK, (resuming.) I was proceeding to say that there might be those who might ask questions which they would conceive hard to be answered. I know but one rule of action, and that is universal for every individual, for every mind. There is no such thing as rightful resistance to law, while law is law. To contend for any other doctrine would be to make war upon all law, and to reduce law to anarchy, and nothing else; for that is no law which some feel bound in conscience to obey, and others think they may rightfully disobey, and do disobey. It is easy enough to float smoothly on when no adverse interests are met, when no prejudices are stirred; but when, in the course of the rightful government of law, these obstacles are met, what is it that is to cleave them down and suffer you to progress? It is nothing short of that good faith which is set forth in these resolutions, and which guarantees to all their rights according to the letter and the spirit of the Constitution; and it is precisely this which has made this country stand out in unrivaled individuality before the world and upon the page of history; and it is precisely for the lack of this that so many nations, struggling for freedom, have fallen so far in arrear of the best hopes and expectations of those who would have cheered them on to the proud position which we occupy.

There was no good faith on the part of the Grecian States. A spirit of rivalry and selfishness overrode and destroyed their confederation. They first destroyed themselves, and were then destroyed by a common enemy. They lacked that good faith which, as the common bond of union, as the great fountain of preservation, might have saved them from the conquering Roman. Had Poland been united in her counsels and her leaders, I am not sure that it could have been proved to this day that she might not have successfully resisted the Russian and the Austrian together. And what has been the bane of poor Hungary? It has been more the want of devotion to one another; more the existence of intestine, than foreign foes. And what of poor, pitiable, unfortunate, despised France? The ambition of an unprincipled leader, and the magic of a mere name, have trampled under foot the good faith of the Constitution, and removed her at a greater distance from constitutional freedom than she ever was before. It is well nigh as impossible to uproot the institutions and destroy the nationality of a people who are bound to each other by the fellowship of good faith, as it is to tear asunder the everlasting hills. We have experienced scenes of excitement and trouble here. We have seen danger in the prospective, and we have shrunk from those scenes. Yet they have passed by, and not a stone has been removed from the foundation, nor scarcely a tile from the roof; and the result is to be found in one single fact, and that is—obedience to law.

But, perhaps, it may be inquired if the people of the State whence I come need the cold and imperious teachings of duty to cause them to submit to the enactments of law? I would answer, that is true only in limited circles. And gentlemen will be prepared to believe the truth of what I state, when they know that the people of Iowa have always been found in the course of public duty, and that no political heresy has stained her public councils, or marked her public course. She has trod in the same path in which the fathers trod. In those paths she delights to walk, and in them she will continue to walk. She has not taken for her guidance the "higher law" doctrine, falsely so called, "which leads to bewilder and dazzles to blind." But the higher law of truth she delights to honor, and this is that law:

"Let every soul be subject unto the higher powers, for there is no power but of God; the powers that are are ordained of God."

"Whosoever, therefore, resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation—for rulers are not a terror to good works, but to the evil. Wilt thou, then, not be afraid of the power? Do that which is good, and thou shalt have praise of the same."

We all know that among the measures known as the compromise measures, that denominated the fugitive slave law presented the most difficulty. I would not here touch any string which could vibrate to discord, and I hope that I shall not do so; but perhaps I ought in candor to say, that our peo-

ple are no admirers of the special institutions of the South, but they are willing that the people of the South should manage their own affairs in their own way. We do not seek to dictate to them; we do not seek to bring them under tutelage to us. Our people have learned obedience to law and social duty. In the midst of those great principles where they have learned to forbear to say to their neighbor, "Stand by thyself, for I am holier than thou"—where they have learned to forbear to make themselves "busy bodies in other men's matters"—where they have learned to reject "profane and old wives' fables," and where they have learned to yield assent to the great truth that "the powers that be are ordained of God."

Sir, it is upon the broad platform of the Constitution that we meet our brethren from the other side of a certain line, and we are willing to meet them upon that platform in all social duties, and in all duties which are required in our relations to the Constitution, to the law, and to the Government.

Mr. Speaker, with this feeling upon the part of our people, with this devotion to the Constitution and the Union as they exist, you will be prepared to believe that they were weighed down with feelings of anxiety and trouble, when but two years ago anarchy almost reigned in this high place of legislation; when cool, discriminating, far-seeing, patriotic Senators could not discover the soundings, or see even the twilight that comes before the morning.

But, sir, there was encouragement in the fact that these men stood as firm as the pillars which surround you—that they abated nothing of their energy, nothing of their hope, nothing of their faith, nothing of their works. And at last the morning did come, and brought light with it; and we are willing to rejoice in that light. It may be that these remarks will be regarded as of little value by some, and perhaps they may be so regarded with propriety; but I cannot forbear to say that it is the fate of human conditions to be attended with murmurings. The best were not exempt from them. They were found in the midst of that people of ancient days, who above all others were favored by an overruling Providence—who were led by more than land-marks of human wisdom, by the "pillar of cloud and the pillar of fire"—and when in their necessities they were bounteously fed by a hand above them, without care and without labor, while yet the flesh was between their teeth they murmured. And when the law was being given them for their protection, and to better their condition, they preferred a calf to their God. And if all the minutiae of their history could be known, I think it possible they might have murmured even at the passage of the Red sea—murmured because the walls of water were not removed a little further apart, or because the spray was permitted to invest them, or because the stones were not all removed from the bottom. But, sir, we would rather take up the spirit of the song which was then and there sung: "right hath triumphed gloriously; the horse and his rider are cast into the sea."

Mr. HEBARD. I would inquire if the question is on the motion to print?

The SPEAKER. It is.

Mr. HEBARD. I move the previous question.

The previous question was seconded, and the main question ordered.

The question was then taken, and the resolutions were ordered to be printed.

SCHOOL LANDS IN ALABAMA.

Mr. COBB. I have a set of resolutions from the Legislature of Alabama, relative to a grant of land for school purposes in lieu of valueless sixteenth sections in the said State, which I desire to present and have them referred to the appropriate committee. I will state that that committee has other similar resolutions under consideration, and I wish to have these presented now, and I wish the unanimous consent of the House for that purpose.

Mr. ORR. Does the gentleman want to make a speech upon them?

Mr. COBB. Certainly not. I only want to refer them.

There was no objection, and they were accordingly presented and referred to the Committee on Public Lands.

Mr. FLORENCE. I ask the unanimous consent of the House to submit certain resolutions passed by a meeting of soldiers of the war of 1812, in the city of Philadelphia, in regard to bounty land. I ask that they may be read.

Objection was made.

On motion of Mr. ORR, the House then adjourned to twelve o'clock to-morrow.

NOTICE OF BILLS.

By Mr. HEBARD: A bill entitled "An act to grant bounty land to Zachariah Bossett, for services and privations in the revolutionary war."

Also, a bill entitled "An act to place the name of Garner Rix on the list of revolutionary pensioners."

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. PORTER: The petition of Jeremiah J. West, of Callaway county, Missouri, for permission to locate land warrants Nos. 27, 619, and 1092, issued in the names of Jane Chambers, John West, William West, Elizabeth Gendener, Emily West, Jeremiah J. West, and Louisa Fields, as heirs of Jolly West, for the benefit of all the parties named therein.

By Mr. MILLER: The petition of sundry citizens of Missouri, praying Congress to permit them to locate other land in lieu of a certain sixteenth section.

By Mr. MOORE, of Louisiana: The petition of Henry McCallen and 76 other citizens of the parishes of Sabine and Natchitoches, praying for a change in a mail route.

Also, the petition of Mrs. Louise Pintard Screeven, widow of Lieutenant Colonel R. B. Screeven, asking a pension.

By Mr. ALLISON: The petition of Richard Donaldson and 189 others, citizens of Washington county, Pennsylvania, for a law prohibiting the transportation and delivery of the mail on the Christian Sabbath or Lord's day.

Also, a similar petition signed by the Rev. Josiah Hutchinson and 71 others, citizens of Lawrence county, Pennsylvania.

Also, two petitions signed by D. L. Morris and 71 others, citizens of Lawrence county, Pennsylvania, for a modification of the existing tariff laws, so as to more effectually protect the manufacturing interests of the country.

Also, two petitions signed by James Brice and G. V. Lawrence, citizens of Washington county, Pennsylvania, against the extension of the Woodworth patent.

Also, the petition of John Steen, of Beaver county, Pennsylvania, a soldier of the war of 1812, for a pension.

Also, the petition of T. M. T. McKunnon and 470 others, citizens of Pennsylvania, for protection to the Wheeling bridge.

By Mr. BELL: The petition of Frank Holliday and C. B. Millson, deputy marshals of Montgomery county, Ohio, praying for additional compensation in taking the census of said county.

Also, the petition of 100 citizens of Greene county, Ohio, praying for the establishment of a mail route from Spring Valley, in Greene county, Ohio, via Bell Brook to Dayton, Ohio, with letter of Department.

By Mr. WHITE, of Kentucky: The petition of Charles C. Carson as administrator of Captain James Dysart, deceased, for land and commutation for full pay for services rendered in the war of the Revolution.

By Mr. CHANDLER: The petition of Charles F. Selbold for money due him on timber contracts with the Navy Department, erroneously paid by order of that Department. Also, the memorial of Benjamin T. Howe, and 77 other citizens of Philadelphia, asking for a renewal of the patent for Woodworth's planing machine.

Also, the remonstrance of Joseph R. Atkins, Stephen Weiss, and 195 other carpenters of the city and county of Philadelphia, against the extension of the Woodworth patent for a planing machine, accompanied by an affidavit that the signers are all carpenters as set forth in the remonstrance.

By Mr. WELCH: The petition of 90 citizens of Washington county, Ohio, praying that the bridges of the Wheeling and Belmont Company may be established as post roads.

By Mr. BISSELL: The memorial of Mrs. Rosana Sowards praying for a pension.

By Mr. ROBBINS: The petition of Samuel Potter, and 69 other citizens of the county of Philadelphia, asking Congress to pass an act for the extension of the Woodworth patent.

Also, the joint resolution of the Legislature of the State of Pennsylvania instructing their Senators and Representatives to oppose every measure to establish a United States Mint in the city of New York.

By Mr. T. M. HOWE: The petition of Samuel Ashman, P. B. Barbeau, Robert R. Livingston, and others, praying for a beacon light on Round Island, near the entrance of the river St. Marie, Michigan.

Also, the remonstrance of William Wilkins, John B. Guthrie, Thomas Scott, and 500 other citizens of Alleghany county, Pennsylvania, against the renewal of the Woodworth patent.

Also, the memorial of John Grier, and others, of Alleghany county, Pennsylvania, praying for the construction of a canal at the Falls of the river St. Marie, Michigan.

Also, the petition of J. Harrow Foster, and 600 other citizens of Western Pennsylvania, praying Congress to declare "the forcible intervention of one State in the internal affairs of another State to be a violation of the public law of the world."

Also, the petition of Matthew McDonald, a citizen of Pennsylvania, for an allowance of \$221 15, alleged to be due him on an equitable settlement for work performed for the Government.

By Mr. BENNETT: The remonstrance of John A. Collin and 250 other citizens of Broome county, New York, against the renewal or extension of the Woodworth patent.

By Mr. CURTIS: The petition of Archibald Merriman,

of Crawford county, Pennsylvania, an old soldier, praying for a pension.

By Mr. SUTHERLAND: The memorial of the Chamber of Commerce of the city of New York, in relation to the tonnage duty on the vessels of France and of the United States in the ports of each other, and recommending that the 5th article of our treaty with France be so altered that the vessels of each nation shall pay no higher tonnage duties in the ports of the other than the vessels of France and of the United States may pay in their own ports, respectively.

By Mr. BUELL: The remonstrance of 70 citizens of New York, against the renewal of the Woodworth patent.

By Mr. SCUDDER: The petition of Timothy G. Coffin, Charles Gunnell, William F. Drew, and 283 others, citizens of New Bedford, Massachusetts, in favor of the extension of the Woodworth patent.

By Mr. MACE: The memorial of Nathaniel Ingles, Allen Barnes, and 40 others, citizens of Carroll and White counties, Indiana, praying for the passage of a law prohibiting all persons in the employ of the Government from transacting business on the Sabbath.

By Mr. PARKER, of Indiana: The petition of James Smith, William H. Vanneman, and 121 others, citizens of Wayne county, Indiana, praying that the Woodworth patent be not extended; that no act be passed legalizing the reissue of the patent upon the amended specification of 1845; and no general law for the relief of patentees, which shall enable a particular patentee to crush all others by a single suit.

By Mr. SCHERMERHORN: The remonstrance of Alfred Hoyt and others, of Monroe county, New York, against the further extension of the Woodworth patent.

By Mr. McLANAHAN: The memorial of Mrs. Sarah M. Smead, of Carlisle, Pennsylvania, widow of Captain Raphael C. Smead, deceased, late of the fourth regiment of the United States artillery, praying for a continuation of her pension of \$20 per month, for the services of her deceased husband.

IN SENATE.

Tuesday, March 9, 1842.

Prayer by the Chaplain, Rev. C. M. BUTLER.

EXECUTIVE COMMUNICATIONS.

A message was received from the President of the United States, transmitting to Congress a dispatch addressed to the Secretary of State by the Minister of the United States at Mexico, and the papers therein referred to, relative to the cemetery which has been constructed in the neighborhood of that city, as a place of sepulture for the remains of the officers and soldiers of the United States who died or were killed in that vicinity during the late war, and for such citizens of the United States as may hereafter die there. Also, a copy of the report of the agent who was sent for the purpose of superintending the work, from which it appears that \$2,500 or \$3,000 are required in addition to the amount already appropriated by act of Congress, to carry the object of that appropriation into full effect. The message was read, and referred to the Committee on Foreign Relations.

A message was also received from the President of the United States, transmitting a letter from the Governor of the Territory of Minnesota, with the statements to which it refers, of the disbursements up to the 1st of January last, of the money appropriated by the act approved June 11, 1850, for the erection of public buildings in that Territory; which was read, and referred to the Committee on Finance.

The PRESIDENT *pro tem.* laid before the Senate a copy of the revised statutes of the Territory of Minnesota, passed at the second session of the Legislative Assembly, commencing January 1, 1851; which was referred to the Committee on Territories.

Also, a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate, and accompanied by a copy of a report of a geological exploration of California, by Joseph Gritzner; which was read, and referred to the Committee on Finance.

PETITIONS, ETC.

Mr. DAVIS presented two memorials of ship-owners, merchants, and other citizens of Massachusetts, praying that further aid may be extended to Collins's line of steam-ships; which were referred to the Committee on Naval Affairs.

Also, the petition of a committee of the New England Historic Genealogical Society at Boston, praying that copies of the Journals and documents of Congress may be furnished for the use of that Association; which was referred to the Committee on the Library.

Also, the petition of Edward Everett and others, praying that the New England Historic Genealogical Society, at Boston, may be furnished with copies of the Journals and documents of Congress; which was referred to the Committee on the Library.

Mr. JAMES presented three petition of citizens of the city and county of Philadelphia, remonstrating against the extension of Woodworth's patent for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Mr. BRADBURY presented two memorials of citizens of Washington, in the District of Columbia, praying certain amendments to the charter of that city, and an extension of the right of suffrage; which were referred to the Committee for the District of Columbia.

Mr. WALKER presented two petitions of citizens of Huntingdon county, Pennsylvania, praying that the public lands may be sold to actual settlers only, and in limited quantities; which were referred to the Committee on Public Lands.

Mr. PRATT presented a petition of citizens of St. Mary's county, Maryland, praying a modification of the bounty land law; which was referred to the Committee on Public Lands.

Mr. DAVIS submitted a document in relation to increasing the compensation of certain deputy naval officers; which was referred to the Committee on Finance.

REPORTS FROM STANDING COMMITTEES.

Mr. WADE, from the Committee of Claims, to which was referred the petition of Cornelius Macaulay, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. RUSK, from the Committee on the Post Office and Post Roads, reported a joint resolution authorizing the appointment of an Assistant Postmaster General; which was read and passed to the second reading.

Mr. PRATT, from the Committee of Claims, to which was referred several petitions of deputy marshals throughout the United States, asking additional compensation, submitted an adverse report, which was ordered to be printed.

Mr. DOUGLAS, from the Committee on Territories, to which was referred the bill to amend an act entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States; and to establish a territorial government for New Mexico," approved September 9, 1850, reported back the same with an amendment.

Mr. SHIELDS, from the Committee on Military Affairs, to which were referred the memorial and the several communications relating to the proceedings of the general court-martial for the trial of Brigadier General George Talcott, asked to be discharged from the consideration of the same; which was agreed to.

He also, from the same committee, to which was referred the petition of Daniel Nippes, asking compensation for certain arms manufactured for the War Department, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to which was referred the memorial of Sylvester Churchill, asking arrears of pay, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of Colonel James R. Creecy, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the memorials of L. M. Goldsborough, G. J. Van Brunt, and J. F. Blunt, praying to be allowed additional compensation, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the bill from the House of Representatives for the relief of Gustavus A. De Russy, late an acting purser in the Navy, reported it without amendment.

Mr. BORLAND, from the Committee on Printing, to which was referred the motion to print two thousand additional copies of the report of the Committee on Finance in relation to the coins of

the United States, reported in favor thereof; which was agreed to.

Mr. BAYARD, from the Committee of Claims, to which was recommitment the petition of Joseph Hill and Sons, submitted an adverse report.

Mr. MANGUM, from the Committee on Foreign Relations, to which was referred the petition of the legal representatives of William Bean, reported a bill for the relief of William K. Jennings and Aphia Jennings; which was read and passed to the second reading.

Mr. BRADBURY, from the Committee on the Judiciary, to which was referred the bill from the House of Representatives for the relief of the executors and heirs of Thomas Fletcher, deceased, reported it without amendment.

ELIZABETH PREWITT.

Mr. RUSK. I have been unanimously instructed by the Committee on the Post Office and Post Roads to report back and recommend the passage of a joint resolution, from the House of Representatives, for the relief of Elizabeth Prewitt, widow and administratrix of Robert C. Prewitt, deceased; and I would ask the unanimous consent of the Senate to take it up and dispose of it now. It will not occupy more than five minutes, being a just claim in favor of a widow, requiring the payment of the sum of \$124 only. The circumstances are these: Her husband, during his lifetime, at the lettings of mail contracts in 1846, bid off two small post routes. On one he bid \$74 a year, and on the other \$43 a year. The postmaster, who certified the bids to the Post Office Department, placed them both to the lowest number. When the bonds were presented to him for that amount, he refused to sign them; but the Postmaster General told him he had better enter into the bond to carry the mail at the price named, for it would cost more to obtain the balance by a suit than to carry the mail. The Department did not feel themselves authorized to correct the mistake after the bond was executed, and he performed the service, and died. His widow now asks the difference between the real bid of \$74 and the sum received, of \$43 per annum. I hope it may be considered now.

There being no objection the joint resolution was considered as in Committee of the Whole. It authorizes and directs the Postmaster General to pay, for the relief of Elizabeth Prewitt, widow of Robert C. Prewitt, late of Missouri, the sum of \$124, for services in transporting the mail from Auburn to Ashley, in the State of Missouri, from the 1st of July, 1846, to the 1st of July, 1850.

The resolution was reported to the Senate without amendment, was ordered to a third reading, and was read a third time and passed.

BOUNTY LAND TO SAILORS.

Mr. STOCKTON, agreeably to previous notice, asked and obtained leave to introduce a bill granting to each commissioned officer of the Navy of the United States, who served in the war against Mexico, one quarter section of land; and to all petty officers, seamen, ordinary seamen, landsmen, and boys, and to all others who served on board of steamers, one quarter section of land each; which was read a first and second time by its title, and referred to the Committee on Public Lands.

SALE OF PUBLIC LANDS.

Mr. HUNTER, by unanimous consent, asked and obtained leave to introduce a bill to provide for the sale of certain portions of the public lands to the States within which they lie, for the purpose of constructing railroads and canals; which was read a first and second time by its title, referred to the Committee on Public Lands, and ordered to be printed.

REDUCTION OF OCEAN POSTAGE.

The Senate proceeded to consider the resolution submitted by Mr. SUMNER, the 8th instant, relative to ocean steamers and cheap postage, and having been amended, on motion by Mr. SUMNER, it was agreed to, as follows:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire whether the present charges for letters carried by the ocean steamers are not unnecessarily large and burdensome to foreign correspondence, and whether something may not be done, and, if so, what, to secure the great boon of cheap ocean postage.

DEPUTY NAVAL OFFICERS.

Mr. DAVIS submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of increasing the compensation of the deputy naval officers in some of the principle ports of the United States.

THE SCHOONER AMISTAD.

Mr. MASON submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the propriety and justice of providing by law, pursuant to the recommendation of former Presidents of the United States, and last by President Polk, in his message of the 7th of December, 1847, for the payment of the claim therein mentioned as arising to certain Spanish subjects, in the case of the schooner Amistad.

THE SEVENTH CENSUS.

The Senate proceeded to consider the resolution submitted by Mr. BAYARD on the 8th instant, for the appointment of a select committee of five members, to consider and report what alterations should be made in the plan for the publication of the returns of the Seventh Census before the same is printed; which was agreed to.

On motion, it was ordered that the Committee be appointed by the President *pro tempore*.

And Mr. BAYARD, Mr. BORLAND, Mr. DAVIS, Mr. ATCHISON, and Mr. BELL, were appointed.

ELECTION OF JUDGES IN OREGON.

On the motion of Mr. ATCHISON, the following resolution, which he submitted on the 1st instant, was taken up, and agreed to:

Resolved, That the Committee on Territories be instructed to inquire into the expediency of so amending an act to establish the territorial government of Oregon, as to authorize the legally-qualified voters of said Territory to elect their Governor and judges.

NON-INTERVENTION.

Mr. CLARKE. I move that all the previous orders be postponed, for the purpose of taking up the resolutions which I had the honor to offer to the Senate some time ago, on the subject of non-intervention. When this subject was last under consideration—some ten days ago—it was postponed until to-day, the Senator from New York [Mr. SEWARD] having the floor, and being desirous to proceed. The bill proposing a grant of land to the State of Iowa, which was under discussion yesterday, was postponed until Wednesday with that view. I hope, therefore, that the Senate will now proceed to the consideration of these resolutions.

Mr. BADGER. I should like to be informed by my friend from Rhode Island, whether it is intended to proceed with the discussion of these resolutions and go through with them, or whether it is intended, after the discussion of to-day, to resume the bill of my friend from Iowa, [Mr. JONES:] If the last-mentioned course is to be the understanding, I shall offer no objection to the taking up of these resolutions; but if not, then I must object.

Mr. CLARKE. In answer to the Senator from North Carolina, I will state that that is the understanding. The Senator from New York desires to speak on the subject of these resolutions to-day, and then they will be under the order of the Senate, and the bill granting land to the State of Iowa will probably come up next.

Mr. GWIN. I commenced a speech on a subject of a great deal more importance than this some four weeks ago, and was cut off in the middle of it by this land bill. I should very much like to know whether I am ever to have an opportunity to finish it? The subject to which it relates is a practical one—to establish a navy-yard and dépôt in the bay of San Francisco. Some time ago I asked the Senator from Iowa to give me one day, and stated that with that day I would be satisfied, because this was an isolated question, and not one involving party disputes; but the Senator said no, that they should be through with that bill in a day or two, but that is a month since. I would very much like to know, therefore, whether the Senator from Iowa will give me a chance to-morrow to finish my speech?

Mr. JONES, of Iowa. In reply to the Senator from California, I must say, that with every inclination to favor him, I cannot consent to give to-morrow, or any other day hereafter, for the consideration of any other subject, till the Iowa land bill is disposed of. At the time I made the suggestion, that I thought we could have disposed of it in one day, I had good reason to suppose that we could do so, because similar bills had been taken up and disposed of in fifteen minutes. I had no idea at that time that the proposition of the hon-

orable Senator from Kentucky [Mr. UNDERWOOD] would have been introduced to embarrass the progress of my bill. If that proposition had not been introduced, it would have passed long ago; and I hope it will now pass as soon as Thursday. I desire to say, that day after to-morrow, I shall endeavor to induce the Senate to sit out the bill, or sit until Friday morning at all events, till the private bills come up.

Mr. CHASE. I am disposed to vote for taking up these resolutions in relation to intervention at this time, but I really hope that this will be the last time they will be allowed to interfere with the regular order of business. I am exceedingly anxious that the bill granting land to the State of Iowa shall be pressed to a speedy decision, and that then we may take up the bill relating to the navy-yard in California, which is next in order of business. I have a bill of much importance to the State which I have the honor to represent, which stands second on the Calendar, and has stood there from the commencement of the session, but has been delayed because we have taken up a bill on one day, and discussed it for a little time, and on another day another bill or resolution, and have discussed that awhile, and thus have debated almost everything in the world without finishing anything. I hope that mode of doing business will no longer be persisted in.

Mr. BRADBURY. I have been desirous for some time to get the Senate to consider a bill of practical importance, and I regret very much to hear the honorable Senator from Iowa say that, although he consents to-day to the interruption of the discussion on the Iowa land bill, he will not hereafter do so. I hope we are not to understand that consent is to be given to the interruption of the discussion upon that bill only for the purpose of discussing subjects of no practical importance whatever, while subjects of great importance, which demand the consideration of the Senate, are not to receive its attention. I hope we might take up and get a vote on the bill making indemnity to those who have suffered from French spoliation. I have no feeling of particular anxiety with reference to that bill, except that it has been intrusted to my charge as chairman of the committee. I desire to have a vote upon it, and should have insisted on having it taken up yesterday; but for the request of the honorable Senator from Michigan, [Mr. FELCH,] who was unable to leave his room, that it might be suspended. I hope he will be in his seat to-morrow; and if so, I shall ask to have that bill taken up. I do not wish, however, to consume any time myself in debating it.

Mr. JONES, of Iowa. I desire to correct my friend from Maine in relation to one remark he has just made. I have never consented to give up the discussion of my bill for any other subject. At the time that my friend from Rhode Island made his appeal to me on behalf of the Senator from New Jersey some ten days ago, I did not then consent, but was overpowered by my friends, who came and suggested that it would be good policy to give way, and permit the Senator from New Jersey to proceed; that there was the hope that if the Senator from New Jersey was permitted to go on, I should probably gain a vote for my bill. [A laugh.]

Mr. GWIN. Then I am very sorry that the Senator from Iowa did not conceive it good policy to give way to me; but I suppose his reason for not doing so was, that I had but one vote on my side. It was undoubtedly good policy to give way to the Senators from New Jersey and New York, for he will there undoubtedly get two votes for my one. [A laugh.] Very good policy, Mr. President. Now, sir, here was a bill of great importance to my State. It was discussed by the Senator from Pennsylvania, [Mr. BRODHEAD,] and I had in part replied, and I gave way to the understanding that my bill would come up on the following Monday. That is four weeks ago; and although I have made many efforts, I find I cannot obtain the floor, because my bill involves a question of practical importance to the country. Now, I know that there are a dozen speeches yet to be made on the subject of this Iowa bill. The Senator from New York is about to speak to-day on these non-intervention resolutions, and then he will probably occupy the Senate to-morrow with another speech, on the land bill.

Mr. SEWARD. No, sir.

Mr. GWIN. I am very glad to hear it. [Laughter.]

Mr. ATCHISON. I think I can explain this matter of "policy" to the satisfaction of the Senator from California. California is in the category with my State, inasmuch as it has within it public lands, and the Senator agrees with us. That explains the matter of policy. We have nothing to ask from him—nothing to expect from him. He will be obliged to vote for the bill any way. [Laughter.]

Mr. RUSK. I dislike to waste the time of the Senate, but I would much like to know when we are to have a vote upon this bill. When I first took my seat in this body, I found a practice existing which I think it would be well to revive—one depending upon the courtesy of the Senate, and I never knew an appeal made to the Senate in that respect in vain. The practice to which I allude was this: When a bill of this description was brought forward, and was debated at length, and when a majority of Senators seemed to think that as much time as was necessary in debating it had been consumed, it was customary to name some future day which should cover all the speeches which Senators were anxious to make, on which the Senate would agree, as a matter of courtesy, to take a vote on that bill. I trust, therefore, that something of this kind will be revived; and, as this is a good bill, I would suggest to the Senator from Iowa to name some day next week when we could take a vote upon it.

Mr. BADGER. Why not say next Thursday?

Mr. RUSK. I have no objection to Thursday. The PRESIDENT. The question is on postponing the prior orders to take up the resolutions offered by the Senator from Rhode Island. The whole of this discussion is irrelevant to the motion.

Mr. CLARKE. I hope the Senate will agree to take up my resolutions. There is no disposition to interfere with the bill of the Senator from Iowa, or with that proposed by the Senator from California, [Mr. GWIN.] My object is simply to accommodate the Senator from New York, who is prepared to address the Senate upon these resolutions, and desires to be heard to-day. It will be recollected by the Senate, that a week or ten days since when the floor was occupied by the Senator from New Jersey, [Mr. MILLER,] in discussing these resolutions, the Senator from New York [Mr. SEWARD] took the floor, and that this day was assigned to him for the purpose of their discussion. There has been an understanding in this Chamber since that time, that he would be heard to-day. I can say, for myself, that I have no desire, personally, to urge these resolutions upon the attention of the Senate to the detriment of other business, and I shall not, for myself, ask for their consideration again.

Mr. CASS. I think that, as a matter of courtesy and comity, it is due to the Senator from New York, that he should be allowed to proceed with his remarks which he has come prepared to make to-day. I think there should be no objection.

Mr. BADGER. Nobody opposes it.

Mr. CASS. The time is occupied in offering objections. If the Senator had been allowed to proceed, he might have got half through by this time.

Mr. GWIN. I am not opposing it; though no such courtesy is extended to me. I came prepared to make my speech six or seven days, but I have not yet been able to do it.

Mr. DOWNS. I have seen so much time occupied in discussions about taking up bills out of their order, that I see no other way to get along but to refuse hereafter in all cases to postpone the consideration of one bill for the purpose of taking up another. That is the only way we can get along with business. The Senator from Maine has referred to the bill in relation to French spoliation, and desires to have some action upon it. I am in favor of that bill, and I give notice that when it comes up, I shall oppose any motion to postpone it so as to make it give way to any other bill. I trust, therefore, that when any such propositions are made in future, I shall not be considered as being illiberal if I oppose them all, and especially these abstract questions.

I am perfectly tired of this manner of proceeding. I do not object to-day because it is understood that the Senator from New York is to pro-

ceed, but I hope this will be the last time such a course will be taken, and that, hereafter, we shall take up the bill giving land to Iowa, and then those that come after it in their regular order on the Calendar. If there is any bill which will not lead to debate, there will be no objection to its being taken up; but what I mean is, that I will not consent to take up a bill out of its order which will lead to debate, and thus disturb the action of the Senate.

The question was then taken on the motion to postpone the prior orders, and it was agreed to.

Mr. SEWARD asked that his amendment be read.

Mr. MANGUM asked for the reading of the original resolution and all the amendments, and they were read accordingly.

Mr. SEWARD then spoke at length in favor of his amendment. His speech will be found in the Appendix.

Mr. SEWARD having concluded—

Mr. JONES, of Tennessee said: Mr. President, in continuing the discussion of this question, I desire to conform, as far as I may, to what seems to be the wish of the Senate. I do not desire to trespass long upon the patience of the Senate at any time. I believe it will be accorded to me by all, that I have not done so thus far. I feel, however, an inclination to express to the Senate what I believe to be the feelings and the opinions of those whom I, in part, represent, touching this important subject. And all I ask of the Senate is, that they will give to me such an expression of their wishes as to the time they would desire, or be willing to hear me, in order that I may conform my conduct to their wishes. I have no particular choice as to the time. I should prefer, however, to go on at as early a day as might be consistent with the interests and wishes of other Senators. I beg gentlemen who have questions of interest before the Senate, to declare their views as to the time. I believe the honorable Senator from Iowa [Mr. JONES] feels a deep concern for a measure that is to be before the Senate for consideration to-morrow. I therefore cannot ask or expect that his measure shall be superseded for my convenience. Other Senators have expressed a similar wish. I am willing to agree to any day, provided it is an early day. And I believe that one of the distinguished Senators from Louisiana [Mr. SOULE] desires to be heard on this question, and would prefer to speak at an early day next week. If Senators are willing, I would fix some early day next week—say Monday or Tuesday.

Mr. JONES, of Iowa. Say Wednesday week.

Mr. JONES, of Tennessee. The Senator from Iowa suggests to-morrow week. I am willing to accede to that.

Mr. JONES, of Iowa. I have consulted with my friends, who are anxious for this bill to pass, and so far as I can ascertain on the other side of the House, I believe I may safely say that we will certainly take a vote upon it on Tuesday.

Mr. SOULE. On Tuesday next?

Mr. JONES. On Tuesday next. Indeed, I hope it will be taken before that time, but I think it will certainly not be delayed beyond Tuesday next.

Mr. JONES, of Tennessee. I understand that the Senator from Louisiana [Mr. SOULE] would prefer an early day next week—say Tuesday—and, if agreeable to the Senate, I would fix Monday as the day, in order that the Senator from Louisiana may have an opportunity of addressing the Senate on Tuesday.

Mr. SOULE. If the Senator from Iowa [Mr. JONES] should be of opinion that the vote cannot be taken upon the bill, in which he feels some peculiar interest, before Tuesday, perhaps it were better to postpone this question till Wednesday next.

Mr. JONES, of Iowa. Yes, sir; if you please.

Mr. SOULE. Otherwise it might interfere with the debate on the bill in regard to granting land to the State of Iowa, to aid in the building of a railroad. So far as I am concerned, it is a matter of indifference whether this question is postponed until Tuesday or Wednesday. I shall probably be able to take the floor immediately after the distinguished Senator from Tennessee.

The PRESIDENT. Does the Senator from Tennessee move to postpone the further consideration of the subject till Wednesday next?

Mr. JONES, of Tennessee. I do, sir.

The question was then taken on the motion to postpone to Wednesday week, the 17th instant, and it was decided in the affirmative.

On motion by Mr. UNDERWOOD, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 9, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The first business in order is the bill granting to the State of Alabama the right of way, and a donation of public land, to aid in the construction of a railroad from Selma, in the State of Alabama, to the Tennessee river, at or near Gunter's Landing. The motion pending is to refer, and upon that question the gentleman from Alabama [Mr. COBB] is entitled to the floor.

PASSENGER VESSELS.

Mr. SEYMOUR, of New York. I would ask the gentleman from Alabama to yield for a moment, for the purpose of enabling me to get a bill from the Senate, in relation to the ventilation of passenger vessels, taken from the Speaker's table, and referred to the Committee on Commerce, so that speedy action may be had upon it.

There being no objection, Senate bill No. 250, entitled "An act to amend an act entitled 'An act to regulate the carriage of passengers in merchant vessels,' approved February 22, 1847; also to amend an act entitled 'An act to provide for the ventilation of passenger vessels,' approved May 17, 1848," was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Commerce.

BOUNTY LAND LAW.

Mr. HASCALL asked the unanimous consent of the House to present a petition from the inhabitants of Wyoming county, in the State of New York, asking for an amendment of the bounty land bill, with the view that the same might be referred to a select committee, with instructions to report a bill in conformity with the prayer of the petitioners.

Mr. ORR. I object.

The SPEAKER. Objection is made, and the petition cannot be introduced.

On motion by Mr. DISNEY, it was

Ordered, That the papers and petition in the case of Edmund Dexter be withdrawn from the files of the House, and referred to the Committee of Claims.

On motion by Mr. FLORENCE, by unanimous consent, it was

Ordered, That the petition of the widow of Lieutenant James A. Deany, of Philadelphia, be withdrawn from the files of the House, and referred to the Committee on Pensions.

Mr. OLDS. I call for the regular order of business.

GRANT OF LAND TO ALABAMA.

The SPEAKER. The regular order of business is called for, and the gentleman from Alabama [Mr. COBB] has the floor.

Mr. McMULLIN. With the permission of the gentleman from Alabama, I desire to offer an amendment to the bill.

Mr. OLDS. All this, I suppose, comes out of the morning hour, and I am anxious to get on with the business.

The SPEAKER. It does.

Mr. COBB. When we had this measure under consideration a few days past, a proposition was made to go into Committee of the Whole. I notified the House then that I had nearly concluded my remarks upon this measure, and that it was probable, if they suspended the proceedings then, I might accumulate a new head of steam, and conclude thereafter to detain the House somewhat longer than I at first intended. A sense of propriety upon my part prompts me—though I may have considerable steam aboard—to reserve my remarks for some future occasion, and to say now only what I intended to have said then, and be as brief as I possibly can. Before I proceed, however, allow me to call the attention of the reporters to a little error—and I am surprised that they do not make more, from the clamor that not unfrequently surrounds them—an error by which they have made me say that the road I was advocating had been completed about two hundred

miles. I did not intend to say that. I intended to say that the road was completed for a considerable distance, and was under contract for about one hundred and sixty miles, leaving about forty-three miles of the entire work yet to be placed under contract—making two hundred and five miles as the entire length of the road.

I was about concluding my remarks when this question was up a few days since, by simply tracing the line of this road; and I will content myself on this occasion with doing so, and as briefly as I can. This road proposes to connect Mobile and the Alabama waters, as I formerly said, by a railroad connecting the Alabama river at Selma with Gunter's Landing, on the Tennessee river. If gentlemen will take the trouble to examine the map and see how these mighty waters wind themselves through fertile valleys to meet each other, they will conclude with me that a junction should be formed. I think the importance of the work, in a national point of view, is one which should commend itself to the consideration of every member of the House. It strikes me that, upon a survey of the map of the country through which the road is to pass, no gentleman will be found to deny the great nationality of this work. And to the members from Tennessee I would say, that if they will examine the route of this proposed road, they will see that it passes through an agricultural part of the State. Let them follow it to Nashville, thence to Louisville, thence through Ohio and Indiana, thus connecting the Mobile waters with the two great Lakes—Michigan and Erie. Is this a work, then, of small moment? Is it not a work which will be pronounced, by every one who gives it a moment's attention, to be of great national importance? The benefits that would result from such a work to the citizens of those States would be great, for this road, starting from Selma, in Alabama, runs through a mineral region—runs through a bed of marble not to be surpassed in the Union—runs through a coal region which cannot be surpassed in the Southern States—runs through an iron region. I do not want to say this, because I might scare some of my Pennsylvania friends from the support of this bill. I desire not to drive them from the support of the road. But, sir, this road runs through a country that is rich with mineral ore, with coal and iron ore lying almost together. I want the Representatives of the States to which I have alluded to call particularly to mind the importance of this work to the Eastern members, the Western members, and the Southern members. I may have occasion to call upon them to examine the merits of another work, which I intend to submit to their particular and special consideration. Now, sir, if this road is to be completed, what, in a national point of view, will be the benefits to our sea-board? Sir, you daily hear something said in relation to the Army, in relation to making appropriations for fortifications upon your sea-board. Give us this road, and we ask no fortifications upon our sea-board. This road will enable us to get down to the sea-board almost in a moment with an army. Tennessee, Kentucky, and Ohio can also send down troops to defend our sea-board, if necessity should require. Give us this road, and we want no standing army in that country. In the sixth Congressional district in Alabama we have a standing army—the right kind of an army—and give us this road, and it will be more efficient for defense than all the fortifications you can place upon the southern borders of Alabama. I am satisfied that the honorable gentlemen, through whose district this road runs, have a sufficient force always ready to turn promptly out—as they ever have done, at the first sound of danger—to the rescue of their country. I will not trespass upon the House, but I must express my gratification at the indication which manifested itself a few days ago—upon the coming up of a bill for that purpose, though of a limited nature—of a disposition to exempt railroad iron from duty for a period of years. I say, I was glad to witness, a few days since, in this House, indications of a returning sense of justice towards the railroads projected and in progress; and I am induced to change my opinion of this House. Prior to that, I thought it was a hopeless case to ask for favorable action upon this bill; but I have had some little reflection upon it; and inasmuch as my constituents expect me to do everything that is proper to forward this act to aid in the construction of that road, I will move, at the proper time, to put the bill

upon its passage. I prefer that the bill should die here to-day, rather than it should be sent to a committee to slumber. My constituents hope for some relief. Kill the bill to-day, if you are going to kill it, and let us know what we can depend upon. If it is understood that I made a motion to refer this bill, I will withdraw that motion, and move to put the bill upon its passage.

The SPEAKER. I understand the gentleman made no motion to refer.

Mr. COBB. Then I move to put the bill upon its passage. I desire to vote upon it.

Mr. WHITE, of Alabama, obtained the floor.

EXEMPTION OF RAILROAD IRON.

Mr. CLINGMAN. If the gentleman will allow me, I desire to move an amendment to the bill. I do it to get the sense of the House upon the proposition contained in it, which is in order, as the bill is upon its engrossment.

The SPEAKER. It is upon its engrossment. There is already an amendment, in the shape of a substitute, pending.

Mr. WHITE yielded the floor to admit the amendment.

Mr. CLINGMAN. I move to insert the proposition I send to the table, as an additional section to the bill.

The amendment was then read, as follows:

That the iron for the construction of this and all other railroads in the United States, or the Territories thereof, may be imported free of all duty: *Provided, nevertheless*, That in all cases hereafter, whenever it is proposed to claim this exemption from duty in case of the importation of iron for such purposes, it shall be the duty of the person or persons importing the same to give bond in such manner as may be prescribed by the Secretary of the Treasury, conditioned to show that within three years from the time of said importation, the said iron has been laid down for permanent use on some railroad; or in the event of failure to make it so appear, then the person or persons importing said iron to be required to pay double the rates of duty now required by law: *Provided, further*, That in the event of its being made to appear to the satisfaction of the Secretary of the Treasury, that the omission to lay down said rails has not occurred by reason of any fraudulent purpose to evade the payment of the prescribed rate of duty on such iron, that then it shall be his duty to give further and reasonable time for the bona fide application of said iron to the purposes of railroads.

SEC. —. *Be it further enacted*, That all duties now due on account of the importation of iron for railroads be, and the same are hereby remitted: *Provided, however*, That in all such cases, the importation shall be in the name and for the use of some legally incorporated railroad company, or for a State or Territory of the United States.

Mr. HALL. Is that amendment in order?

Mr. CLINGMAN. I beg leave to state that the bill under consideration is one encouraging the building of railroads by making a donation of lands. Well, very clearly, anything relating to the general subject, or providing that that road may import its iron free of duty, is unquestionably germane to the subject.

The SPEAKER. The Chair understands the original bill to provide for a right of way and a grant of land to a railroad in Alabama. The gentleman's proposition is to remit duties upon railroad iron. The Chair thinks the amendment is not in order.

Mr. CLINGMAN. I am sorry to differ with the Chair, but if you will give them a right of way and a grant of land, why not let them import their iron free of duty?

The SPEAKER. Does the gentleman take an appeal?

Mr. CLINGMAN. I will not take an appeal myself, but some of my friends desire it, and if any gentleman will take an appeal I will sustain it.

Mr. HOUSTON. If the gentleman does not appeal, I must object to the debate. We are consuming all the morning hour.

The SPEAKER. The gentleman from Alabama is entitled to the floor, but the gentleman from North Carolina has taken an appeal from the decision of the Chair.

Mr. CLINGMAN. I did not appeal myself, although I understood that some of my friends would.

Mr. ORR. I will take an appeal from the decision of the Chair. I think the Chair decided the other day, upon a bill granting lands to Iowa for railroad purposes, that it was in order to make a donation of lands to Kentucky.

The SPEAKER. That is very true; but the Chair never yet has decided that the granting of lands and the remission of duties upon imported railroad iron, were kindred subjects.

Mr. HOUSTON. I ask the gentleman from South Carolina to let his appeal go over to some

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other time. My colleague, [Mr. WHITE,] whose district is deeply interested in this work, desires to occupy the morning hour in addressing the House. The appeal can be taken at another time.

The SPEAKER. If gentlemen do not discuss the question of order, it can be determined very soon by a vote of the House. The Chair understands the purpose of the original bill to be, to grant the right of way and a certain quantity of public lands—alternate sections, perhaps—for the construction of a railroad in Alabama. The gentleman from North Carolina [Mr. CLINGMAN] submits an amendment for the remission of duties, generally, upon all railroad iron that may be imported into the country. The Chair decides that the amendment is not in order; from this decision an appeal has been taken by the gentleman from South Carolina, [Mr. ORR.]

Mr. HALL. I move to lay the appeal upon the table.

Mr. CLINGMAN demanded tellers; which were ordered, and Messrs. CLINGMAN and HOUSTON were appointed.

The question was then taken, and decided in the affirmative, the tellers having reported—ayes 86, noes 31.

So the decision of the Chair was sustained.

Mr. WHITE. I think it proper that I should make an explanation of the vote I have just given, on the proposition to lay the appeal from the decision of the Chair upon the table, before I proceed with the remarks that I intend to make upon the subject, under consideration. I voted in favor of sustaining the appeal, because I thought that amendment did not belong properly to the subject matter of the bill. The bill proposes a specific grant of the public lands, to aid in the construction of certain railroads. The gentleman from North Carolina, [Mr. CLINGMAN,] as I understood his amendment as read from the Clerk's desk, proposes legislation generally upon the subject of the exemption of all railroad iron from duty. In this view, and not, sir, because I was unfavorable to the amendment of the gentleman, I voted to sustain the decision of the Speaker.

I shall now proceed—though under circumstances somewhat unfavorable, from the disposition manifested by the House a few days ago in reference to this subject—the appropriation of a portion of the public lands to aid in the construction of railroads—to make a few remarks upon the subject generally; and then call the attention of the House to what I conceive to be the peculiar claims of this road upon the consideration of this body.

The close of the last and the beginning of the present century were distinguished by three events, either one of which would have rendered illustrious the age in which it transpired. The first of these was, the separation of the Colonies of North America from Great Britain, and the birth of a new and a free nation. The second was, the formation of our Government, and the framing of our Federal Constitution and our State governments. And the third was, the invention of the steam engine, or the discovery and application of steam power to the propulsion of machinery.

By our separation from Great Britain, we became the proprietors of an immense, and in a great part, uninhabited territory, combining richness of soil, salubrity of climate, and facilities for navigation, which would soon lead an enterprising people to a participation in its bounties and a development of its resources. This territory, embracing—as it did then, sufficient area for a mighty people—has since been extended, until our possessions have reached from the Lakes to the Gulf, and from the Atlantic to the Pacific ocean. Our Government has gone into operation, and successful operation, for seventy years; and under it, we have seen State after State come up and take their places in the Confederacy, with a rapidity and quiet which seem more like the delusions of magic than the magnificent realities of risen empires emerging from the wilderness, and teeming with a happy population. Star after star has burst forth in this brilliant political constellation. Each has taken its place in our system; each shines with unborrowed lustre;

each revolves in its own appropriate sphere; and perfect harmony and order illustrate the virtue and intelligence of a free people, and confirm the wisdom and foresight of that illustrious body of men who framed our Constitution. The character of our people would have manifested, to minds gifted with much less foresight than the framers of our Constitution, that the Anglo-Saxon race must one day become the proprietors of the North American Continent; and in view of this progress, they have given to us a Constitution which in practice has demonstrated what in theory it professed—a capacity for extension commensurate with the Continent itself. Our ancestors found a young, but a giant people, preparing to go forth to the subjugation of a boundless wilderness of territory, for the building up of a vast republic, and they prepared for them a Constitution, suited to their then comparatively small condition, and also to that mighty confederation of States which the future was seen to develop. The system has worked well; and while those great interests intrusted to the General Government, in which all the people of all the States are alike interested, have been cared for, preserved, and protected by that General Government, the State governments have secured individual rights, and given just and equal laws to all; while both governments have combined to protect and preserve the liberties of the people. Our growth and our prosperity have been without parallel; and this system has proved to be such as to make its continuance, in its pristine purity, a common object with the American people.

It has been said, and considerably if not wisely said, that a widely-extended territory and a free Government cannot subsist together; and history has been appealed to, to sustain the assertion. It has been said, that despotic Governments alone possess that energy and power which is necessary to send the vital fluid of healthful legislation to distant extremities, and to hold together the discordant elements of distant and diverse interests, which necessarily grow up in a widely extended territory. This, I am willing to admit, is the lesson of the past; but, sir, our people are not to be judged of by the past experience of mankind, nor our Government by the Governments which have preceded it. We are pioneers in more senses than one—pioneers of the wilderness, pioneers in society, and pioneers in Government. Our State governments provide against the very evil which is here deprecated; and with prudent, and just, and liberal legislative enactments by our General Government, in aid of our fundamental law, our country is capable of almost indefinite increase and boundless expansion.

Other agencies than our free institutions have, however, been brought to bear in the growth and prosperity of our nation, and no other has been so potent and so universal in its influence as the steam-engine. But I design not to speak of it as a means of wealth and prosperity. I rather wish to call the attention of the House to it, as an element of political power.

Commerce, and trade, and intercourse among nations have ever tended to diminish the number of wars, and inspire a love of peace. Among savage tribes, who have no trade or intercourse with each other, wars are perpetual; and among civilized nations, where commerce is extended and intercourse free, they only occur as the last resort.

What is true of nations foreign to each other, is still more emphatically true of different parts of the same nation; and that agency which is powerful to hold together, in amity and concord, the great family of nations, is still more potential in binding together, in bonds of brotherly affection, the members of the same nation. Distance, and the want of means of transportation, are the great impediments to trade and free intercourse in our country. These difficulties have been or can be overcome by steam; and in this way it enters into and becomes one of the most powerful elements of cohesion in our political system. New Orleans is now nearer, in practical effect, to New York, than New York was to Baltimore in 1781; and the intercourse between Boston and St. Louis is now freer, cheaper,

and easier, than was the intercourse between Portland and Boston fifty years ago; and our country, before its recent acquisitions from Mexico—notwithstanding the acquisitions of Louisiana, Florida, and Texas—may have been justly regarded as more compact, more a unit in sentiment, and interest, and nationality, than at the close of the Revolutionary war. These mighty results, not properly conceived because of their magnitude, are attributable—more than to any other agency, and probably more than to all others combined—to the steam-engine. By its power, time and distance have been annihilated. By its subtle, invisible, but all-pervading influence, penetrating society in its remotest condition, the supports of our admirable Government have been planted deep in the hearts of the people; and national pride, national patriotism, and national unity, spring forth from the conviction, that interest has confirmed what the wisdom and foresight of our fathers had devised for us.

Our Government is not a government of force, but a government of free will; and no matter how much other influences may operate for a time, or may affect individuals, we must rely ultimately for its support upon the welfare of the people. If it is their interest to maintain and preserve the Government, it will be supported and maintained; and when it ceases to be their interest, it will fall, and it should fall.

Now, although steam has done much in bringing distant parts of our nation near to each other, and in weaving together our interests in such a manner, as to make that which is the interest of one part the interest of all, much yet remains to be done, which is necessary to the perpetuity of our Government. Our navigable streams pervade immense sections of our country, and furnish highways upon which is wafted the trade of millions. But there are large tracts of our country which are indented by no rivers; there are millions of our people who are cut off from the benefits of the agency of steam, and are growing more isolated every day, and more alienated from the other portions of the nation. These influences, sensibly felt among our people, even at this time, will continue to increase (unless some preventive is applied) as time evolves, until the Government, and our unity as a nation will dissolve before them. Separation, distance, diversity, and conflict of interests are the great dangers which we, as legislators, should avoid. Diversity of political opinion can never destroy this Government, unless that diversity shall be aggravated by a contrariety of interests, which shall make the legislation of the Government oppressive to some parts. Whenever this transpires, our Government is gone. It is not in the nature of the American people to bear oppression, and they will never do it. This is a truth to which we cannot give too much consideration. Our Government was made to promote the welfare and happiness of the people, and whenever it ceases to do this, to any considerable portion of the people, they will cast it off. Fear will have no influence in restraining them, for it has no place in the hearts of the American people; a reverence for established institutions will not prevent them, for these institutions will have lost that which constituted their excellence in the estimation of the people when they cease to promote the general happiness and subserve the public good. An antagonism of interests grows naturally out of wide-extended territories; and in a Government controlled by a majority, its tendencies result in legislation partial to the majority, and oppressive to the minority. The history of our Government, brief as it is, exemplifies these truths with unmistakable force. The hostile array of sectional interests which recently shook this Capitol, ay, which shook this nation to its very center, and which now burns with smothered but fierce heat in the bosoms of Northern and Southern men, should awaken us to energetic and earnest effort to do all in our power to bring our people nearer together; to heal these sectional strifes; to make the interest of all one common interest. These are the shocks which manifest the destructive elements in our

political system; and unless provided against, they will prove the precursors of our common ruin. The sources of this danger are multiplying, and will, before many years, manifest themselves in new and still more formidable aspects.

The rapid increase of our population; the peopling of the Northwest, of California, of New Mexico, Utah, and of Texas, and the growth of the West, gratifying as they are in many respects, all present causes of intense anxiety to the considerate statesman and the true patriot. The seeds of discord are numerous and fearful; and, unless counteracted, will multiply and become more dangerous, till at length they will destroy the Republic.

Our Government is not destined to fall, as other Governments have fallen, beneath the blows of a conquering soldiery. From without, we need fear nothing. United we can defy the world in arms, and from within, the first attempt to coerce by arms any respectable portion of our Confederacy into submission to what they deemed an unjust and oppressive Government, would array the sentiment of the nation so strongly in favor of the disaffected party, that the Government would find itself powerless to force submission. Our Government lives and moves and has its being in the affections of the people, and when this is withdrawn, it will cease to exist. It will die as does the animate form when the breath of life has ceased to infuse itself into the system.

But how can these dangers be averted? I answer by pointing to the experience of the past, and to the present prosperous condition of our country. What has effected it? What has cheapened travel and transportation? What has multiplied intercourse and increased trade? The steam engine. By its agency the trade of the great West has emptied its treasures upon the Gulf and the Atlantic, and received in return the merchandise of our great cities. The cotton of the South found a market in the North, and the trade of the North an outlet in the South. North and South, East and West, our people have mingled with each other, visiting by thousands and tens of thousands yearly the most remote sections of our country—each feeling impressed hourly with the great practical truth that the thousands of miles which he traverses is but the domain of our country, and that the millions whom he meets are brothers of the same great family. The native of the South or of the far West visits the place among the hills of New England where his fathers dwelt, and as he surveys each spot sacred in the tradition of his family, or lingers with melancholy pleasure around the tomb which protects their mortal remains, he feels that there is a tie which binds that spot to his far-distant home. He is not a stranger there. It was the country of his forefathers. It is his country; and he congratulates himself that when his course is run, that he and they shall rest beneath the soil of a common country, and, though separated by thousands of miles, that the same banner shall fling its protecting folds over him and them, and that banner shall be the stars and the stripes of his native land. Thus morally, socially, politically does intercourse operate upon the minds of our people, dispelling prejudice, expanding thought and affection, and making individual and collective mind to identify itself with and to grasp our whole country in its conceptions and aims.

The greater this intercourse the greater will be our homogeneity as a nation, and the less that intercourse the greater will be the alienation of one section from another, and the more rapidly will be hastened that catastrophe which we have so much cause to apprehend, and against which we are called upon so imperiously to provide. As a Government we should provide against it, and as a Government we have the means of providing against it. That same Providence who has heretofore watched over our fortunes, and shielded us from past dangers, has furnished us with the means of providing against this; and those means are our public lands. With them we can build railroads through our whole country, which will bind us together, and preserve our institutions and form of Government for ages to come. I will not enter into a calculation to show that the General Government would be benefited in the matter of dollar and cents, by an increased value given to the lands reserved to the Government along the line of the roads, though I think it might be easily demonstrated. I will not undertake to prove that the

development of the trade and resources of one section of the country is a benefit to all the rest, but I place my appeal, in behalf of grants of public lands, upon higher grounds—the preservation of our country and the perpetuity of the Republic. There is no mode in which we can effect such works, so free from constitutional objections, so easy of performance, so certain of success, and I may add, now so beneficial to the country in effects outside of the grand object—the building of the roads. The question for us to determine is not, as some are disposed to regard it, whether we shall give away so many millions of acres of land for the benefit of the States where the lands lie, but it is, whether we shall appropriate those lands in such a manner as to avert from our Government the most formidable dangers which threaten it, and convert them into means of support and defense; whether we shall hold on to our lands until our title to them shall be swept from us by the shock of internal convulsion, or the storm of revolution; or whether we shall wisely apply them in such a manner as to secure to ourselves, and those who are to come after us, the blessings of Peace, Liberty, and a written Constitution.

It is idle, it is worse, it is criminal in us to shut out from our view the dangers which are ahead of us. It is folly to disregard the experience of the past, or to overlook the natural operation of causes of alienation which exist in our social and political system. It is the part of wise men and faithful public servants to thoroughly investigate, and as near as may be, arrest or provide against all events which threaten the public weal. Let us, then, march up to the standard of our destiny, and as patriots and American statesmen, without regard to petty interests or sectional feeling, do our duty to our whole country.

Mr. Chairman, the men of the present Congress maintain a most responsible position to the country, to the world, and to posterity. The swelling magnitude of this nation demands enlarged views and liberal legislation. We live in an age of progress, and it depends upon us whether that progress be sound, judicious, healthful, or whether it shall be wild, reckless, ruinous. This progress will go on, we cannot arrest, but we may divert it. We are afloat upon the sea of destiny, but our fate is in our own hands. A wise policy leads us to unbounded prosperity and unequalled glory; an unwise policy to bitter calamity and enduring shame. We cannot fit the garments of a child to the limbs of a giant, nor can we adapt a narrow, sectional, and selfish policy to the condition and career of this great and growing country. Then I make an appeal to the House in behalf of the country, the whole country, its present interest, and the interests of those who are to come after us.

I do not ask this House to grant lands to this road for the sake of benefiting the people of Alabama alone. I place myself upon safer, and more enduring grounds. I ask you to give lands to the State of Alabama to secure a great national good. I ask the indulgence of the House for a few moments, while I call attention to the present condition of this road, and to some of its features in a national point of view. A glance at the map of the United States presents a remarkable continuation of valleys northeast and southwest, reaching from the State of Pennsylvania to the Gulf of Mexico. Along this line are no navigable rivers and no natural facilities for steam communication. Our great rivers all diverge either to the east or to the west; but along these extended and beautiful valleys nature points out to man the locality for building artificial means of transportation and travel, which shall excel even the capacious Mississippi. From Portland, in Maine, to Washington, the communication by railroads is now complete. From this city, through Western Virginia and East Tennessee, to Dalton, in Georgia, (with the exception of the distance from Charlotte to Lynchburg, Virginia—sixty-five miles,) railroads are chartered, and are either complete or under contract for the entire route. From Dalton to the Alabama and Tennessee river railroad, a distance of about ninety miles, there are several practicable routes. The Alabama and Tennessee railroad, in length about two hundred and ten miles, reaches from Selma, upon the Alabama river, to Gunter's Landing, and fills up by far the most formidable interval of roads from Maine to Louisiana. By the Alabama river, Selma is con-

nected with Mobile and New Orleans, and thus by the building of this road, steam communication will be obtained over near six hundred and fifty miles of this great inland route from the north-eastern to the southwestern extremity of the country. The importance of such a route as this, from Portland to New Orleans, will be admitted by every one. In war it would constitute our surest and readiest means of defense, and in peace the strongest ligament of our Union and nationality.

The company for building this road was organized a little more than two years since. The stock subscribed amounts to \$1,180,000. The route has been surveyed. A part of the road is now finished, and by the first of August next sixty miles will have been completed. Eighty miles beyond this is under contract, and a large portion of it graded; and for the remainder, subscriptions have been had, and every effort is being made to complete the work. But the difficulties attending an undertaking of this kind among an agricultural people, are perhaps known only to those who have made the effort among such a people. We have the will to do all in our power for this great project, but if left to accomplish it by our unaided efforts, the work must be retarded for years. With the assistance provided in this bill, we can finish the road in a short time.

Then, since you, as well as ourselves, are to be the beneficiaries of the undertaking; since the whole country is to share in the good which will flow from it, I ask for this grant in the name of the people whom I represent, and in behalf of the people of the whole Union.

Mr. ORR demanded the previous question.

Mr. JOHNSON, of Tennessee, moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the special order.

CONTESTED ELECTION FROM NEW MEXICO.

Mr. PHELPS. I rise to a question of privilege. I hold in my hand the petition of A. W. Reynolds, of New Mexico, contesting the right of RICHARD H. WRIGHTMAN to a seat on this floor, as Delegate from the Territory of New Mexico.

The petitioner charges that in the election which took place in the month of September last, under the Governor's proclamation, no sufficient notice was given of the time of holding said election, and that in some portions of the Territory no notice was given at all.

The petitioner charges, also, that corrupt influences were exerted by Governor Calhoun in that election, and that gross frauds were perpetrated; that the election laws governing the Territory were disregarded, and that votes were cast upon another day than the day upon which the election was to be held, according to the proclamation of the Governor.

The petitioner further charges, that in casting up the votes for the purpose of deciding who was entitled to the certificate of election, the Governor entirely disregarded the law governing the case.

I do not propose to express any opinion upon the allegations contained in this memorial, or as to the right of the honorable gentleman from New Mexico to his seat upon this floor, but I will move that the petition be referred to the Committee of Elections, and be printed; and upon that motion I propose merely to advert briefly to the course pursued by the Governor of the Territory in this election. It must be recollected—

Mr. MARSHALL, of Kentucky, (interrupting.) I rise to a question of order. A gentleman rising to a question of privilege cannot interpolate upon it a motion to print, and on that motion have a right to speak.

The SPEAKER. It was competent for the gentleman from Missouri to present the petition, state briefly its contents, as he has done, and move that it be referred to the Committee of Elections and be printed. It is regularly before the House, and the Chair thinks that the question of printing is debatable.

Mr. MARSHALL. My proposition is, that a motion to print does not come within the range of privilege, and cannot, therefore, supersede the business before the House. The gentleman may make the motion to print, but it cannot take precedence of the bill which was pending when he interposed his question of privilege.

Mr. PHELPS. The subject-matter contained in the memorial is a proper subject of discussion.

Mr. STANLY. I suggest to the gentleman

from Missouri, that he is entitled to the floor on the question of privilege, and that he postpone his remarks till the gentleman from New Mexico is in his seat, that that gentleman, who is not now in the House, may have a fair chance of putting the matter right before the House.

Mr. PHELPS. In response to the appeal made to me by the gentleman from North Carolina, I will remark that I do not propose to discuss the right of the gentleman claiming a seat on this floor as Delegate from New Mexico, or to express any opinion on that subject. But I desire merely to advert to the corrupt conduct of the Government in the late election held in the Territory of New Mexico.

Mr. STANLY. That must affect the question unfavorably, and I, therefore, ask the gentleman from Missouri to wait until the gentleman from New Mexico is in his seat.

Mr. MARSHALL, of Kentucky. Do I understand the Chair to overrule my point of order?

The SPEAKER. The Chair decides that the motion to print is in order, and that being properly before the House upon a question of privilege, discussion is in order.

Mr. PHELPS. I desire now to ascertain whether, if this matter should be postponed till tomorrow—

Mr. JOHNSON, of Georgia, (interrupting.) Will the gentleman from Missouri permit me to ask him whether he has in his possession any evidence of corruption on the part of the Governor of New Mexico?

Mr. PHELPS. I do not understand the inquiry.

Mr. JOHNSON. I desire to hear the evidence of this corruption.

Mr. PHELPS. The gentleman from North Carolina [Mr. STANLY] appeals to me to forego any discussion upon this subject, because of the absence of the Delegate from New Mexico, but the gentleman from Georgia desires me to enter upon the discussion now. I feel disposed to acquiesce in the suggestion made by the gentleman from North Carolina, provided I do not thereby lose my opportunity to submit the remarks which I design to make.

The SPEAKER. This being a question of privilege, in the opinion of the Chair, the gentleman can call it up hereafter, and at any time he chooses.

Mr. PHELPS. Very well, sir; then I will give way now.

[Here the subject was dropped.]

The question then recurred on the motion of the gentleman from Tennessee, [Mr. JOHNSON,] that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the special order.

Mr. BROOKS. Before that motion is put, I wish to ask the gentleman from Tennessee, when he intends to bring this debate to a close? My reason for making the inquiry is, that there lies behind the special order an appropriation bill without which the Government cannot be carried on much longer. If that bill is not speedily passed, the army will have to be withdrawn from California, New Mexico, and Oregon.

Mr. JOHNSON, of Tennessee. I will say, in reply to the gentleman from New York, that, if I understand the temper of the House, there is a very considerable disposition to make some speeches upon the bill which is the special order, and to make some speeches upon matters and things in general—for Buncombe.

So far as I am concerned, individually, I should like the speeches to be confined to the subject-matter of the bill itself, and to have speedy action upon it. The argument seems to have some weight with many members on this floor, that the deficiency bill is behind this bill, and that it is important that that bill should be passed. Now, those who are familiar with the practice of this House know that we could at any time, by unanimous consent, pass by informally the bill which is now under consideration, and take up the deficiency bill; but then the same amount of time would be consumed in making political speeches on the presidential question on that bill as on this. The question then comes up, Had we not better go on regularly? The gas which has to be thrown off may, perhaps, as well be thrown off on this bill as on any other.

I am fully aware that the deficiency bill ought to pass; but, at the same time, I think it more important that a bill should pass providing homes for the thousands of homeless in the United States than all the deficiency bills that could be originated from this time to the close of the session. I look upon that as a highly important bill.

Permit me to say, in conclusion, that I have no disposition to consume the time of the House, and thereby delay the public business. I want to see Congress take speedy, efficient, and early action upon all those measures which pertain to the public good. So far as this deficiency bill is concerned, perhaps it ought to pass; but, at the same time, I think it would be one of the best things that could happen to this Government if many of these Departments could be put upon bread and water for a short time, and they would then, perhaps, suggest some means or plan by which the expenses of the Departments could be retrenched and the public expenditures diminished. I shall be willing, however, to agree that the debate shall be stopped at any reasonable time.

Mr. HOUSTON. What is the question before the House?

The SPEAKER. It is on the motion to go into Committee of the Whole on the state of the Union on the special order.

Mr. BROOKS. I rise to a privileged question. I move the usual resolution for closing debate on the special order at two o'clock on Thursday next.

The SPEAKER. The question is not in order pending the motion to go into Committee of the Whole on the state of the Union.

Mr. BROOKS. I understand the gentleman yields me the floor for that purpose.

Mr. JOHNSON. I have no objection to the resolution being introduced, as indicated by the gentleman from New York, [Mr. Brooks,] if it is the wish of the House.

[Mr. WILDRICK, from the Committee on Enrolled Bills, reported, as correctly enrolled, an act for the relief of Lieutenant Colonel Mitchell, of the State of Missouri; the act for the relief of Rufus Dwinel; and the act extending the time for selling the lands granted to the Kentucky Asylum for teaching the Deaf and Dumb; which bills severally received the signature of the Speaker.]

Mr. HOUSTON. I was going to appeal to the gentleman from Tennessee [Mr. JOHNSON] and the House to allow the special order to be passed by for the present, and take up the deficiency bill, which I have been pressing for several days.

Mr. CLINGMAN. I object to that most decidedly.

Mr. HOUSTON. The gentleman from North Carolina will have time enough to object when I have concluded my remarks.

With the permission of the House, I desire to have a communication read which I have received this morning, stating the fact that the Government drafts are now being protested for want of funds to redeem them; and it will involve an immense cost to the Government, if they do not either recall the army or grant means in some way or other to prevent these great losses.

The SPEAKER. The communication can only be read by unanimous consent.

Several MEMBERS objected.

Mr. HOUSTON. Well, I have only this to say: The gentleman from Mississippi [Mr. WILCOX] who is entitled to the floor in Committee of the Whole on the state of the Union, can get the floor and make his speech just as well upon the deficiency bill.

Mr. WILCOX. I did not object.

Mr. HOUSTON. I did not understand the gentleman as objecting. I again appeal to the House to pass by the special order, and allow us to go into Committee of the Whole on the state of the Union upon the deficiency bill.

Mr. RICHARDSON. Has not the morning hour expired?

The SPEAKER. It has.

Mr. RICHARDSON. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER. That motion is already pending.

Mr. BROOKS. The gentleman from Tennessee [Mr. JOHNSON] yielded the floor for me to make the motion to close debate upon the special order.

Mr. JOHNSON. I did not intend to yield the floor for that purpose.

Mr. BROOKS. Very well, then; if I have not the floor, of course I cannot make the motion.

The question was then put upon the motion to go into Committee of the Whole on the state of the Union, and carried in the affirmative.

HOMESTEADS.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HIBBARD in the chair,) and resumed the consideration of the special order, being House bill No. 7, for the encouragement of agriculture, commerce, manufactures, and other branches of industry, by granting to every man, &c., one hundred and sixty acres of land.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILCOX] is entitled to the floor.

Mr. HARRIS, of Tennessee. I ask the gentleman from Mississippi to yield the floor, in order to enable me to offer an amendment.

Mr. WILCOX. I will yield for that purpose.

Mr. HARRIS. I then move to strike out all after the first section of the substitute of Mr. Brown, of Mississippi, for the bill, and insert the following:

Strike out all after the first section of the substitute, and insert:

Sec. 2. *Be it further enacted, &c.,* That all of the lands of the United States lying within any State of this Union, which were subject to entry on the first day of July, eighteen hundred and fifty-one, and have not since been sold, shall be subject to entry for actual settlement and cultivation, for any quantity not exceeding one hundred and sixty acres, as follows, viz: all of such lands which, on that day, had been subject to entry ten years, and not exceeding twenty years, may be entered under the act, at the price of one dollar per acre; all of such lands which had been subject to entry twenty years, and not exceeding thirty years, may be entered at the price of seventy-five cents per acre; all of such lands which had been subject to entry thirty years, may be entered at the price of fifty cents per acre; all of such lands which had been subject to entry less than ten years on said first day of July, eighteen hundred and fifty-one, which shall not be sold under the existing laws within ten years thereafter, shall, after that time, be subject to entry as aforesaid at the price of one dollar per acre. And when any of the aforesaid lands shall have remained ten years subject to entry, at any of the reduced rates aforesaid, without being sold, the price thereof for entry under this act, during the next ten years, shall be reduced twenty-five cents per acre; and such reduction of twenty-five cents per acre continue to be made every ten years, until such lands shall be sold, or the price thereof reduced to twenty-five cents per acre. And on any day appointed, as aforesaid, for the reduction of the price of the said public lands, any other lands of the United States lying within the said States, not subject to entry on the first day of July, 1851, which shall have been subject to entry ten years or upwards on any such future day for reducing the prices, as aforesaid, shall be subject to a like reduction of twenty-five cents per acre, which reduction shall be repeated every ten years, until the lands shall be sold, or the price reduced to twenty-five cents per acre: *Provided, however,* That no lands shall be considered as entered under this act unless the price at which it is entered is less than \$1 25 per acre: *And provided, further,* That no alternate sections or mineral lands, which have been or may be reserved by the United States, shall be entered under this act.

Sec. 3. *And be it further enacted,* That the person making entry, or application for entry, under this act, at a price less than \$1 25 per acre, shall first make an affidavit before the register or receiver of the land office where the entry is proposed to be made, that the said applicant enters, and proposes to enter, the same for his own use and benefit, for settlement and cultivation by and for himself or herself; and that the said applicant has made no entry under the provisions of this act, which, with the additional entry then proposed to be made, will make the whole quantity so entered, and proposed to be entered, exceed one hundred and sixty acres.

The amendment was read.

Mr. WILCOX addressed the committee during his hour. He remarked that he had nothing to say in regard to the bill pending before the committee, but had a far more important question, at least to him and to the people whom he represented, to speak of. He regretted the necessity which impelled him to refer to the compromise of the last Congress, but he would premise by saying that he was here as a Jackson, Union Democrat, as contradistinguished from a Secession, Disunion Democrat. He then proceeded to justify the admission of California, Utah, and New Mexico; referred to the efforts of the secessionists in the South to create a dissolution of the Union and build up a Southern Confederacy; and declared the Democratic party to be the constitutional Union party. He denied the constitutional right of any State to secede; and in conclusion, addressed a few remarks to gentlemen of the North. He said that if the time should ever come when the Union should be dissolved, and when the starry flag of our country should be torn asunder, this

sin would lie at the door of gentlemen of the North. He hoped, then, that they would cease their fanatic interference with the institutions of the South, and, from this moment, that all would forget the ills which came well-nigh sinking the ship of State. The time was not far distant when we should see the peaceful triumphs of our example, and seeing we have so great a destiny to fulfill; let us be wise for the future.

[See Appendix for Mr. W.'s speech.]

Mr. RANTOUL, next obtained the floor, and addressed the committee during the hour.

He replied to his colleague, [Mr. DAVIS,] who addressed the House on Saturday. He denied some of that gentleman's positions and assertions, and vindicated his uniform consistency on political subjects for the last twenty years, challenging proof to the contrary. He had condemned the fugitive slave law in his own town, (Beverly,) and addressed a large audience upon the subject; and therefore it was not likely that a few days after he should, as was charged, express himself in favor of the law in Boston, about the time of the public meeting in that city to indorse the compromise measures. He justified the coalition between the Democrats and Free-Soilers; and said that for many years the Whigs, with the aid of the abolitionists, held the State; but the moment they found themselves out of office by the new arrangement, then it was horrible. He held that the combination was necessary; and in the course of his remarks referred to his views on the slavery question.

[Mr. R.'s speech will be found in the Appendix.]

Mr. RICHARDSON obtained the floor.

Mr. ROBBINS. With the permission of the gentleman, I move that the committee rise.

The question was put, and the motion was agreed to.

The committee rose accordingly, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order, being House bill No. 7, to encourage agriculture, and for other purposes, and had come to no conclusion thereon.

Mr. CARTTER moved that the House adjourn; which motion was agreed to.

The House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BARRERE: The remonstrance of numerous citizens of Clermont county, Ohio, against the renewal of the Woodworth patent.

Also, the petition of sundry citizens of Brown county, Ohio, praying for the establishment of a tri-weekly mail route from Williamsburg, in Clermont county, via Sardinia and Fincastle, in Brown county, to Winchester, in Adams county, Ohio.

By Mr. CURTIS: The petition of citizens of Clarion county, Pennsylvania, praying for a modification of the tariff.

By Mr. KUHN: Eight petitions from citizens of Pennsylvania, praying Congress to confirm the erection of the Wheeling bridge, and to prevent its destruction under the late decree of the Supreme Court of the United States.

By Mr. MOORE, of Pennsylvania: The memorial from citizens of the county of Philadelphia, asking for an extension of the Woodworth patent.

By Mr. STEPHENS, of New York: The petition of Smith, Dunning and others, praying the extension of the Woodworth patent.

By Mr. ROBBINS: The petition of H. M. Jones and 37 others, citizens of the county of Philadelphia, in favor of the extension of the Woodworth patent.

By Mr. SCHOOLCRAFT: The remonstrance of George W. Beardslee, of Albany, New York, against the extension of the Woodworth patent, or any act legalizing the reissue of said patent.

By Mr. FLORENCE: The memorial of Simeon Stillwell, Adam Uley, Price Wetherall, and 44 other citizens of Philadelphia, praying for the extension of the Woodworth patent for planing boards, &c.

Also, the memorial of W. W. Long, Jackson Dick, Peter Hoist, and 33 others, citizens of Philadelphia, praying for the extension of the Woodworth patent for planing boards, &c.

By Mr. MACE: The petition of George W. Gibson, of Boone county, Indiana, asking to be placed on the invalid pension roll.

By Mr. BRECKINRIDGE: The petition of L. W. McGowan, praying for a pension on account of disabilities incurred by exposure in the military service of the United States in the last war with Great Britain.

By Mr. BELL: A petition from 127 citizens of Montgomery county, Ohio, asking Congress to establish the bridges of the Wheeling and Belmont Bridge Company as post roads, and that the same be permitted to remain at their present height.

By Mr. BURROWS: The petition of Benjamin Sheldon and others, citizens of Niagara county, New York, remon-

strating against the further extension of Woodworth's patent for a planing machine.

By Mr. ASHB: The memorial of John McPherson and others, remonstrating against the extension of the Woodworth patent for a planing machine.

By Mr. CONGER: The petition of Herman B. Ely and others, in favor of the right of way and a donation of certain public lands to the State of Michigan, to aid in the construction of a railroad from Little Bay de Noquet to Lake Superior, in said State of Michigan.

Also, the memorial of George C. Nelson, assistant marshal for Kent county, Michigan, for additional compensation for taking the census; and the petition of sundry citizens in favor of the same object.

Also, the petition of A. Coburn and others, for relief in reference to land titles in the Lake Superior land district, in the State of Michigan.

By Mr. AIKEN: The petition of citizens of Charleston, South Carolina, asking aid to the Collins's line of steamers.

By Mr. DOTY: The petition of citizens of Milwaukee, Wisconsin, in favor of the construction of a navy-yard, in connection with a dry-dock, in the valley of the Lakes.

By Mr. STEVENS, of Pennsylvania: The memorial of twenty-two assistant marshals of Lancaster county, Pennsylvania, asking additional compensation for taking the census.

By T. M. HOWE: The petition of James M. Cooper, Morris Jones, and many others, interested in the trade of Lake Superior, praying for the construction of a "beacon-light" on Round Island, near the entrance to the river Ste. Marie.

Also, the memorial of H. Miller and others, of Pennsylvania, representing the advantage of a speedy construction of a canal around the Falls of the river Ste. Marie, Michigan, and praying an appropriation therefor.

Also, the memorial of H. P. Cain and others, of Alleghany county, Pennsylvania, of like tenor.

By Mr. APPLETON of Massachusetts: The petition of Mary Saury, of Boston, Massachusetts, for relief.

IN SENATE.

WEDNESDAY, March 10, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. CLARKE presented a petition of merchants and citizens of Providence, Rhode Island, praying that further aid may be extended to Collins's line of steam-ships; which was referred to the Committee on Naval Affairs.

Mr. MASON presented the petition of Elizabeth Armistead, widow of General Walker K. Armistead, late of the Army, praying a pension; which was referred to the Committee on Pensions.

Mr. SEWARD presented the petition of George W. Beardslee, remonstrating against an extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of the county of Westchester, New York, praying an extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. GWIN presented the memorial of the legal representatives of Lemuel P. Montgomery, deceased, a soldier in the last war with Great Britain, praying a pension; which was referred to the Committee on Pensions.

Also, the petition of D. M. Wilson & Co., praying the payment of their claim against Mexico; which was referred to the select committee appointed on the subject.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. GEYER, it was

Ordered, That the memorial of Thomas Allen, on the files of the Senate, be referred to the Committee of Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to which was referred the bill from the House of Representatives for the relief of Andrew Smith, submitted an adverse report; which was ordered to be printed.

Mr. SEWARD, from the Committee on Commerce, to which was referred the memorial of Elisha W. B. Moody, praying to be reimbursed moneys paid by him, as owner of the British barque "Sarah," in the rescue of the passengers and crew of the American ship "Caleb Grimshaw," submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee of Claims, to which were referred the several memorials praying Congress that expenses incurred by the exhibitors at the World's Fair may be paid, submitted an adverse report; which was ordered to be printed.

Mr. HAMLIN, from the Committee on Commerce, to which were referred the bills from the

House of Representatives authorizing the issuing of registers to the brig "America" and the ship "Kossuth," reported them without amendment.

He also, from the same committee, to which was referred a bill to amend an act entitled "An act to create additional collection districts in the Territory of Oregon, and for other purposes," reported in lieu thereof a bill to authorize the President of the United States to designate the places for the ports of entry and delivery for the collection districts of Puget's Sound and Umpqua, in the Territory of Oregon; which was read and passed to the second reading.

As the memorial on this subject also prayed for the establishment of a mail route—

On motion by Mr. HAMLIN, it was

Ordered, That the petition of the citizens of the Territory of Oregon, presented the 19th January, be referred to the Committee on the Post Office and Post Roads.

APPORTIONMENT OF REPRESENTATIVES.

Mr. DOWNS, from the Committee on the Judiciary, to which was referred the message of the President of the United States communicating a report of the Secretary of the Interior in relation to the apportionment of Representatives among the several States in the Thirty-third Congress, submitted a report, accompanied by a bill supplementary to an act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of members of the House of Representatives, and provide for their future apportionment among the several States, approved 23d May, 1850; which was read and passed to the second reading. The report, with the accompanying documents, was ordered to be printed.

Mr. BRADBURY submitted the views of the minority of the committee on the same subject; which were ordered to be printed.

Mr. DOWNS, from the Committee on the Judiciary, to which was referred the joint resolution of February 24, in relation to the number of electoral votes each State will be entitled to in the presidential election of 1852, reported the same with an amendment, and submitted a report on the subject; which was read.

The committee in their report, state that the Constitution provides that "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress;" and that the act of Congress of March 1, 1792, passed before any election of President had been held under a new apportionment, gives a construction to this clause of the Constitution in the following words: "Which electors (of President and Vice President) shall be equal to the number of Senators and Representatives to which the several States may by law be entitled, at the time when the President and Vice President thus to be chosen should come into office." That the new apportionment under the first census took effect from and after March 3, 1793, (act of 14th April, 1792); and that accordingly in 1792, in 1812, and in 1832, the States gave a number of electoral votes for President and Vice President equal to the number of their Senators and Representatives, respectively, from and after March 3, 1793, March 3, 1813, and March 3, 1833; and that the act of 1850 having a similar proviso to that of 1792, so it must be in the next election next fall; that is, the States will vote under the new and not under the old apportionments; that therefore the committee are of opinion that no further legislation is necessary, and report back the resolution, with an amendment changing it from a joint to a simple resolution.

Mr. DOWNS. That report was unanimously concurred in by the committee; they considered the case so clear that there could be no doubt about it. If, therefore, there is no objection on the part of the Senate, I would ask that it may be acted upon and adopted at once. The only change which the committee have deemed it necessary to make in the resolution, is to strike out the word "Joint," so as to make it a simple resolution of the Senate, which the committee thought proper, in order to avoid the forms of legislation which would be necessary in the case of a joint resolution, and that they might adopt it in such a form as to express the opinion of the Senate only.

Mr. BORLAND. I desire simply to say, that

as the introducer of that resolution, I am entirely satisfied with the report of the committee. The making it a joint resolution, was not a matter which was material in my mind at the time I introduced it. I knew that there was a great difference of opinion in the country in regard to this matter, and I desired that the question should be settled by some authority, so that the States might proceed at once to exercise their franchises; and I did not think they could do it understandingly or effectually, without some such indication on the part of Congress of the opinions they entertained. I think that such a resolution, adopted by the Senate, would be all-sufficient for the purpose; and it is not necessary to carry it through all the forms of legislation as if it were a joint resolution.

Mr. DAVIS. If I understand the report of the committee, it is that the States are severally to vote under the representation they will have according to the census which has just been taken—that is the census of 1850.

Mr. DOWNS. Yes, sir.

Mr. DAVIS. I will ask the honorable Senator who introduced this resolution whether he is aware that it will introduce one rule into the House of Representatives and another into the College of Electors? The House of Representatives is elected under the old census; and if the question of the presidential election should come into the House, as it may under the provisions of the Constitution, then according to this the College of Electors would elect under one census and the House of Representatives under another. The College of Electors would act under the census of 1850, and the House of Representatives would be elected under the census of 1840. I do not know that that is the true and proper construction of the Constitution, but probably the honorable Senator may be right when he says that such has been the usage. I do not know that the usages in this instance would bring us to that conclusion. When the House does elect, it elects under a representation apportioned under a different census.

Mr. DOWNS. The question suggested by the Senator from Massachusetts [Mr. Davis] was considered by the committee, but we did not think that it made any difference whatever. There is no provision in the Constitution, or in the act of 1792, providing that the House of Representatives under the old census should, in the event of the election devolving on them, vote for the President, but it arises from the very necessity of the case. It could not be otherwise, for this reason: Always when the votes are counted, the Constitution requires that Congress shall be in session. It must, therefore, necessarily be the old Congress under the old apportionment, for the new Congress under the new apportionment cannot meet until the 3d of March next. The old Congress will be in existence here when the votes are counted. As the Senator suggests, therefore, it makes not the least difference that the College of Electors may be under one apportionment and the House under another—for this reason: that when the election falls on the House of Representatives, the Electoral College does not vote according to the number of Senators and Representatives, but by States. This was a construction so obviously resulting from the nature of the case, that it was not thought necessary, either in the Convention or afterwards by Congress, to make any additional provision. It would be impossible to say that the next Congress should make the apportionment, for many of the members themselves would not be elected till months afterwards.

The question was then taken on the amendment reported by the committee, and it was agreed to.

Mr. BRADBURY. I desire to say that when this subject was before the Committee on the Judiciary, they regarded the construction given by the act of 1792 to the Constitution as entitled to great consideration. Most that was urged before the committee, was that the expression in the Constitution in regard to this matter was not very clear; but it was so soon after the adoption of the Constitution that Congress gave this construction, by that act, that the committee were bound to respect that construction.

The question was then taken on the resolution as amended, and it was agreed to, as follows:

Resolved, That the number of electoral votes to which each State shall be entitled in the election of President and Vice President of the United States in 1852, shall be equal to the number of Senators and Representatives to which

each of said States will be found entitled by the apportionment under the enumeration of 1850, as provided by the act for "taking the Seventh and subsequent Censuses," approved May 23, 1850.

On the motion of Mr. DOWNS, the report was ordered to be printed.

RIVER SAN DIEGO.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the resolution relative to building a levee across the mouth of the river San Diego, reported a bill to provide for building a levee across the mouth of the river San Diego to divert it into False bay; which was read and passed to the second reading.

He also submitted a document on the subject; which was ordered to be printed.

Mr. GWIN. I ask the unanimous consent of the Senate to consider this bill now. One of the greatest objections to the passage of laws for California—the expenses attending public works in that State—does not apply to this bill. The expenditure is limited to \$30,000, which is to be expended in turning the San Diego river into False bay, and thus prevent the filling up of San Diego bay by deposits from this river, which will in time destroy the greater portion of that beautiful harbor. The Secretary of the Navy is restricted in contracting for this work to the amount appropriated in the bill for the reason that it is sufficient to complete it. Responsible citizens of San Diego have pledged themselves to me to turn the river into False bay for this sum of money; and I know it can be completed for the amount named. I have a report from the Topographical Bureau that shows the importance of this work, and that it should be commenced without delay to prevent the destruction of the harbor. This is one of the most beautiful harbors in the world, and of incalculable importance to this country in time of war. It has already been greatly injured by the deposits from San Diego river; and two thirds of its navigable waters will in time be entirely cut off from the ocean if further deposits made by the river are not stopped. I take it for granted that this Government will never permit this important harbor to be thus closed, and hereafter hundreds of thousands of dollars may be required to dredge it out and remove the very deposit that this bill is intended to prevent entering it at all, by throwing the waters of the river into False bay, a sheet of water useless for naval or commercial purposes.

Mr. CLEMENS. I wish to know what is the object of the second reading at this time, whether it is for the purpose of reference?

Mr. GWIN. It is reported now from the Committee on Naval Affairs.

The PRESIDENT. The object is that the Senate may take action upon the bill.

Mr. CLEMENS. Then I object.

Mr. GWIN. This bill was reported unanimously by the committee, and I hope the Senate will proceed to its consideration now.

The PRESIDENT. If the Senator from Alabama objects; the bill cannot be taken up at this time.

NOTICE OF A BILL.

Mr. GEYER gave notice that he should ask leave to introduce a bill to provide for the payment to the State of Missouri two per centum of the net proceeds of the sales of public lands therein, heretofore reserved under a compact with said State.

BILL INTRODUCED.

Mr. MORTON, on behalf of Mr. MALLORY, agreeably to previous notice, asked and obtained leave to introduce a bill to establish a mail route from Key West, Florida, to New Orleans, Louisiana; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

THE ZUNI AND COLORADO RIVERS.

Mr. GWIN submitted the following resolution for consideration; which was agreed to:

Resolved, That the Secretary of the Department of War submit to the Senate, as soon as practicable, a copy of the report of the expedition under Captain Sitgreaves, of the Corps of Topographical Engineers, upon the Zuni and the Colorado rivers of California.

PORT OF ENTRY AT TUSCUMBIA.

Mr. CLEMENS submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Tusculumbia, Alabama.

RAILROADS IN IOWA.

The PRESIDENT announced the first general order to be a bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in that State.

Mr. GWIN. I see that yesterday, when the honorable Senator from New York [Mr. SEWARD] closed his remarks, there was an understanding on the part of the Senate that this Iowa bill is to occupy the balance of this week, and until Tuesday of next week; and then we are to have taken up the intervention resolutions, which were debated yesterday, which will occupy an indefinite period of time. I appeal to the representatives of thirty of the States of this Union whether they are willing to let the Calendar, which has some two hundred bills upon it, be passed over from week to week for the purpose of discussing a subject in which only one State is interested, and then discuss general resolutions in which no State is interested? Now, I propose that we dispose of this bill to-day, and then let gentlemen who desire to speak upon land bills do so when another bill shall come up for consideration. This will give every member who wishes to speak upon the subject an opportunity to do so; and I will guaranty there will be land bills enough, for I have one of a different sort to propose. We have been discussing this matter for two months; and, as I have before remarked, there are upwards of two hundred bills upon our Calendar, which have scarcely been touched yet. We can do nothing till this bill is disposed of, and I appeal to the Senate to let us have a vote upon it to-day.

The PRESIDENT. The question is on the amendment offered by the Senator from Kentucky, [Mr. UNDERWOOD.]

Mr. BORLAND. When this bill was under discussion on Monday, I gave notice that I should express my views upon it to-day. I concur fully and entirely with the Senator from California that it is important to have a vote taken upon this bill at an early period—to-day, if it can be done; and, to show that I am in earnest in that concurrence, I now submit to the Senate that it would be better to take the vote this morning. I presume that all the members of the Senate are prepared to vote upon it rather than to hear what I have to say.

Mr. BRODHEAD. No, no; the question cannot be taken to-day.

Mr. BORLAND. If that can be done, I would prefer it. I would prefer it on account of the interests of the bill itself; I would prefer it, too, on my own account, because, since the notice which I gave of my intention to address the Senate, I have not had time to prepare myself in the way I would like; and would be glad, for both of these reasons, if the vote could now be taken, and my speech be dispensed with. But if it is the wish of other Senators to speak upon the subject, then I shall have to go on.

Mr. BELL. You cannot get a vote now; there is no Senate here.

Mr. GWIN. Senators are all in the neighborhood, and can soon be brought in.

Mr. BELL. I understand that there is a new proposition, which has been submitted by the Senator from Virginia, [Mr. HUNTER.] So I see by the papers this morning—a proposition, as I understand it, by way of an amendment. That proposition will deserve some consideration, whether it may not meet with the views of a majority of the Senate, and change the whole features of the principle of this bill.

Mr. JONES, of Iowa. It is not at all meant as a substitute for this bill.

Mr. BELL. I understand it proposes a mode of getting clear of all the grounds on which arguments have been made in favor of this bill; and, if it is acceptable, it will relieve the Senate from further discussion. But as that bill has not yet been printed and laid upon our tables, I think we ought at least to have a little time for its consideration before a vote is taken upon the bill now under consideration.

Mr. GWIN. Then let it be understood that to-morrow we will take the vote upon this bill. Surely, we ought to make some disposition of it immediately, for there are fifty other bills on the subject of granting public lands, upon which Senators can express their views.

Mr. BORLAND. Since there is objection to taking the vote upon this bill to-day, I suppose I

must proceed with my remarks, however unprepared I may be.

He then proceeded, and addressed the Senate upwards of two hours in support of the bill. A report of his speech will be found in the Appendix.

Mr. CASS next obtained the floor; but gave way at the request of Senators, and the further consideration of the bill was postponed until tomorrow.

The Senate then proceeded to the consideration of Executive business; and, after a short time so engaged, the doors were reopened,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 10, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

Mr. MOORE, of Louisiana, by unanimous consent, presented certain joint resolutions of the Legislature of Louisiana; which were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HARRIS, of Tennessee. I ask the unanimous consent of the House to print the amendment which I offered yesterday, as an amendment to the substitute proposed by the gentleman from Mississippi, [Mr. BROWN,] for the bill of my colleague, [Mr. JOHNSON.] I will state to the House that my amendment proposes to graduate the price of public lands. I desire that it should be printed, that it may go before the Committee of the Whole, when they take up that measure for action upon it.

There being no objection, the motion was admitted and agreed to.

BILLS INTRODUCED.

Mr. LANE, by unanimous consent, introduced the following bills, of which previous notice had been given, which were read the first and second time by their titles, and referred as indicated below, viz:

A bill for the relief of George B. Abernethy. Referred to the Committee of Claims.

A bill for the relief of J. P. Gaines. Referred to the Committee on Indian Affairs.

A bill for the relief of C. M. Walker. Referred to the Committee on Indian Affairs.

A bill to amend an act entitled "An act to create the office of Surveyor General of the Public Lands in Oregon, and to provide for the survey, and to make donations to the settlers of the said public lands. Referred to the Committee on Public Lands.

A bill to amend the act entitled "An act establishing the territorial government of Oregon. Referred to the Committee on Territories.

Also, a joint resolution relative to the seat of government for the Territory of Oregon. Referred to the Committee on Territories.

Mr. LANE. I also beg leave to introduce a simple resolution asking information of the President.

The resolution was then read for information, as follows:

Resolved, That the President of the United States be requested to lay before this House a copy of the correspondence with General J. P. Gaines, Governor of the Territory of Oregon, relative to the location and establishment of the seat of government for said Territory.

Mr. CLINGMAN. I do not object to the gentleman's resolution, but I wish to ask him—

Mr. HOUSTON. I call for the regular order of business.

The SPEAKER. The introduction of the resolution is objected to. The regular business in order, is the call upon committees for reports.

THE EXTENSION OF THE CAPITOL.

Mr. CLINGMAN. I have a right to move a suspension of the rules to go into Committee of the Whole upon the special order. I shall not do it unless gentlemen are willing upon all sides to take up those special orders made for to-day, being the bills for the continuation of the work on the Capitol, and in relation to the reconstruction of the Library. I am willing, if there be no objection, and if my friend from Tennessee [Mr. JOHNSON] is willing that his land bill should go over, to take up those two bills, which will occupy but little time. We ought certainly to make an ap-

propriation for the Library. We all feel the want of it, and we had better make an appropriation at once, and let the men go to work. We ought also to appropriate the necessary money to continue the work on the extension of the Capitol, if that work is to go on. Why not let it progress, and thus provide employment for the laborers who have been induced to come here under an implied assurance of continuous employment?

Mr. HOUSTON. The gentleman from North Carolina [Mr. CLINGMAN] objected yesterday to taking up the deficiency bill, when the drafts of the Government are being protested and dishonored; and when the cost of the Government for the provisions necessary to supply the Army are in consequence greatly increased. I think it is of much more importance to transact that sort of legislation, than to take up the bill for the extension of the Capitol.

Mr. KING, of New York. I call the gentleman to order.

The SPEAKER. This conversation is not in order.

Mr. CLINGMAN. Do I understand the gentleman from Alabama as objecting to my motion?

Mr. KING. It is no matter whether he does or not, the motion is in order.

Mr. CLINGMAN. I move to suspend the rules, and go into Committee of the Whole on the state of the Union.

GENERAL JESUP.

Mr. MACE. I made a few remarks the other day upon the bill for the relief of the heirs of General Watson, growing out of an alleged claim he had against the Government, on account of the purchase which he made of certain slaves captured by the Cherokees in the Seminole war. During these remarks, I incidentally alluded to the capture of Osceola—

Mr. CLINGMAN. I insist that it is not a question of privilege.

Mr. MACE. I will let the gentleman know it is a question of privilege.

Mr. CLINGMAN. I beg pardon.

Mr. MACE. During these remarks I cast, by implication, a censure upon one of the most meritorious officers now, or who has been, in the Army of the United States. I allude to General Jesup. General Jesup was the commanding officer at—

Mr. CLINGMAN. I think it is clear that this is no privileged question—one that is acknowledged by the rules—and can only come in by general consent.

The SPEAKER. The Chair must enforce the rules, and say to the gentleman from Indiana, [Mr. MACE,] that he does not regard the point he has made as involved in a question of privilege. The question pending is to suspend the rules.

Mr. MACE. Is there any objection to my proceeding?

Mr. CLINGMAN. There is. Let the gentleman reply through the papers.

Mr. MACE. I will simply say that I did not intend to do General Jesup, upon that occasion, any injustice whatever. I consider him a high-minded, liberal man—a man deserving the confidence of the whole country—

[Cries of "Order!" "Order!"]

THE EXTENSION OF THE CAPITOL.

Mr. STANTON, of Kentucky. I suggest to the gentleman from North Carolina, [Mr. CLINGMAN,] before he submits his motion to go into Committee of the Whole, that we can take a shorter method to facilitate the object and dispose of this matter.

Mr. KING, of New York. I rise to a question of order. I think this discussion in relation to priority of business is not in order.

The SPEAKER. The Chair does not understand the gentleman from Kentucky as discussing anything.

Mr. STANTON. I ask the gentleman from North Carolina to withdraw his proposition to go into committee, and permit me to introduce a resolution to this effect: that the Committee of the Whole on the state of the Union be discharged from the further consideration of the special order in reference to the repairs at the Capitol. It can then come before the House.

Mr. CLINGMAN. It can only come in by general consent. I will not object, if nobody else objects.

Mr. STANTON. It can be disposed of in a few minutes.

Mr. CLINGMAN. Then I will withdraw my motion.

Mr. FICKLIN. It is useless to do so, because I shall certainly object.

Mr. HOUSTON. The gentleman from Illinois [Mr. FICKLIN] did not probably understand the motion. I understand the motion to apply to the Library, and not to the extension.

Mr. CLINGMAN. To both.

Mr. HOUSTON. With the view of letting it be passed, I will not interpose the least objection.

Mr. CLINGMAN. I will not interpose any objection.

Mr. STANTON. I move, then, that the Committee of the Whole on the state of the Union be discharged from the further consideration of that part of the special order relating to the reconstruction of the Library, and that it be now considered by the House.

Mr. ORR. Do I understand the gentleman's motion as including the bill to provide for making appropriations for the Library?

The SPEAKER. That is the bill from the consideration of which the gentleman proposes to discharge the committee.

Mr. ORR. I object to the introduction of the resolution. I am willing that the other matter shall come up.

Mr. CLINGMAN. I renew my motion to suspend the rules of the House, and that the House resolve itself into Committee of the Whole on the state of the Union, upon the special order.

The question was then taken, and it was agreed to accordingly.

HOMESTEAD BILL.

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. HIBBARD in the Chair), and resumed the consideration of the special order, being House bill No. 7, for the encouragement of agriculture, manufactures, and other branches of industry, by granting to every man, &c., one hundred and sixty acres of land.

The CHAIRMAN. The gentleman from Illinois [Mr. RICHARDSON] is entitled to the floor.

Mr. RICHARDSON said: During the brief period I have served as a member of Congress, I have never, upon any occasion, arisen to address the House with so much regret as I do upon the present occasion. I shall not allude to the question which is involved in the bill under consideration. The Democratic party of the State of Illinois demands of some of her representatives, when her favorite son has been assailed upon this floor, to repel the charges made against him, whether made directly or indirectly. That Democracy have some right to be heard. In all times past—in all the disasters that have beset the Democratic party—whether weal or woe has attended it—the Democracy of my State have ever stood forth, and have never given way in the darkest hour of battle. For fifteen years, no son of her's has contributed so much to produce these results as my distinguished friend, Judge DOUGLAS. In behalf of that Democracy—in behalf of that leader who has led them on in so many contests, and to victory—I appear here to-day.

Sir, it is not remarkable that the Democrats of Illinois should be attached to Judge DOUGLAS. Twenty years ago, he came among them a friendless and penniless young mechanic. Unaided by anything, except by his own talents, he has risen to the position he now so ably fills—at all times struggling, at all times battling for the doctrines which have been, and are, near and dear to Democrats. Is it, then, remarkable that that Democracy should be attached to him? Is it remarkable that they should expect his successor upon this floor, when by imputation his fair fame is sought to be sullied, to defend him?

Sir, the gentleman from Kentucky, [Mr. BRECKINRIDGE,] in his allusions the other day, drew, in glowing and eloquent colors, pictures of the struggles of the Democracy of his own State. Sir, it is true that that Democracy have struggled and have fought, and the Democracy of this nation have not been unmindful of the exertions of her leaders. On more occasions than one, the Democracy of my State have aided her sons in their aspirations, both to secure nominations and then elections. That distinguished son of Kentucky, Colonel JOHNSON—distinguished for his long service here, and for his valor on the field—had no-

where more zealous or ardent friends than that Democracy which was led by the Senator from my own State. The gentleman who was defended the other day by the gentleman from Kentucky, General Butler, has found in that Democracy warm and reliable friends, both before and after his nomination for the Vice-Presidency. We have not been unmindful of them, while we have looked with hope and expectation that the clouds that lowered over them were soon to pass away. And when, in the recent struggle, her Democracy came out victorious, no son of hers anywhere rejoiced more than I did. I had hoped and trusted that the time was come when that Democracy were permanently in the ascendancy.

I am not here now, Mr. Chairman, for the purpose of assailing anybody. It is not my habit to do so. I am not unwilling at any time to engage in contests and controversies with political opponents, but not with political friends. My object, my mission, as a representative in Congress, is peace; all of our missions should be peace among ourselves, if we believe that the doctrines we advocate will advance the great interests of our country, for unless we have peace, these doctrines cannot be in the ascendant. Sir, entertaining this belief, I was astonished the other day, when an assault was made by a Democrat from Kentucky upon a Democrat from Illinois. I am not here to follow the example then set me. I mean to confine myself to legitimate defense, and to defence only. I know that in these wars we might do some mischief to political friends. I do not choose to do so. It is not my purpose to do so. It is not in accordance with my feelings—with my views. While I say this, I must be permitted to make another remark. Whenever and whenever any gentleman wishes to make any assault upon the Senator from Illinois, I desire that he may do it openly and boldly, that it may be met, admitted, explained, or denied. If any gentleman has anything to say in relation to him, I want to hear it. His record is as clean, as clear, as defensible, as that of any man who has been so long and so conspicuously in public life. His political and personal character, from childhood up, is open to the investigation of every one. If charges are to be made, I ask that they may be made publicly and openly. I am ready to discuss with any gentleman, anywhere, the claims, the merits, the political integrity, the personal integrity, honor, and high bearing, of the distinguished Senator from my own State. I seek to shield him from nothing. I ask no concealment in his behalf.

The gentleman from Kentucky, in his remarks the other day, said:

"Now, let me give a brief history of this matter. There was a gentleman, able, full of talent, full of activity, a particular partisan and friend—as he had a right to be—of a particular gentleman mentioned in connection with the Presidency; that gentleman went to the State of Kentucky upon a political pilgrimage last fall, the object of which was, I suppose, to drive General Butler from his own soil—to dishonor him at home, by fastening upon him a corrupt political intrigue; but meeting there the same fate as befel those who went to drive the McGregor from his native heath, he came back and bought up the Democratic Review for a political partisan paper for the campaign, and with no names at the mast-head, that Review is now pursuing a course as fatal to the Democratic party, as it is false and unfair.

"Mr. Chairman, every man, whether he be a Whig or a Democrat, has a right to be a candidate for every office—that being one of the elements of freedom in this country—and no man ought to be blamed for the misconduct of his friends, unless he connives at it. The individuals assailed in this paper, either covertly or by name, are CASS, BUCHANAN, BUTLER, HOUSTON—in fact, all the candidates, except the distinguished Senator from Illinois, [Mr. DOUGLAS,] who seems to be a particular favorite."

Now, I wish to ask the gentleman from Kentucky if he intends that it shall be inferred from his remarks, that this pilgrimage was had by the advice, procurement, or consent of Judge DOUGLAS?

Mr. BRECKINRIDGE. I do not know whether the gentleman from Illinois proposes to ask me a series of questions in the course of his speech. If he does, I desire to say now that the gentleman may go on with his speech, draw whatever inferences he chooses from my remarks as here reported, and, as the matter will assume somewhat the form of a personal explanation, I will afterwards ask, what I believe is the ordinary courtesy of the House, the favor of making an explanation in reply. I will say, however, in direct reply to this question, that I did not intend to intimate that Judge DOUGLAS was cognizant of that

movement or stimulated it. I spoke of it as a fact—a fact proceeding from a particular friend, and particular partisan of that distinguished Senator. I spoke of it in connection with other facts subsequently occurring; indeed, I would have to read my whole speech, and comment on every portion of it, in order to explain the connection. I gave the gentleman an opportunity, as he had requested me to do, to relieve Judge DOUGLAS. I told the gentleman, and others who came to converse with me on this subject, that I intended in my speech to notice the course of the Democratic Review, because I thought that there was a wide distinction between the ordinary partisan papers of the day, and a periodical of that kind professing to discuss only general principles, as it had done previously. The gentleman requested me, when I came to that part of my remarks, to afford him an opportunity to make an explanation that would entirely disconnect Judge DOUGLAS from the Review in every respect. I told him I would do so, and the reason I mentioned Judge DOUGLAS at all was this: the gentleman from Illinois was sitting beside me, and when I got to the end of the first paragraph which he has read, I turned to him in order that he might make the disclaimer, according to the understanding between us; he remarked, *sotto voce*, "you have said nothing yet which would authorize me to rise," and I then mentioned Judge DOUGLAS as the gentleman who seemed to be the particular favorite of the conductors of the Review.

Mr. RICHARDSON. I do not propose to catechise the gentleman from Kentucky. I have stated that my object is to vindicate, not to assail; and I intend to carry it out. I am glad to know that the gentleman from Kentucky acquits Judge DOUGLAS of all participation in that movement.

Mr. BRECKINRIDGE, (interrupting.) I have stated distinctly that I made no charge, either that Judge DOUGLAS was cognizant of, or stimulated the political pilgrimage to Kentucky, to which I referred. That was what I stated.

Mr. RICHARDSON. I understand the gentleman's acquittal of Judge DOUGLAS to be only in relation to that pilgrimage.

Mr. BRECKINRIDGE. I make no charges and no acquittals. I make a statement of facts, that are facts; and I afforded the gentleman from Illinois [Mr. RICHARDSON] an opportunity to explain. He arose and explained. There is my speech; there is his explanation. He deems it unsatisfactory and rises now to explain still further. I make no charges, I acquit nobody, I charge nobody. It is in the hands of the gentleman from Illinois.

Mr. RICHARDSON. There is no desire upon my part to bring about any controversy between the gentleman from Kentucky and myself. I have stated distinctly what my object was, and I will state to the gentleman from Kentucky, in the utmost candor, and utmost frankness, that it is not at all times the most advantageous way to say I directly charge a thing. Now, I would rather they would say I charge you with such and such things, than to say by insinuation, what they are not willing to say directly. Now, sir, I want to say in reply to this matter—and I say it here by authority—that so far as this pilgrimage is concerned, of which the gentleman speaks, Judge DOUGLAS knew nothing about it, assented to it in no way, nor did he connive at it in any way. The gentleman says he acquits of nothing, because he charges nothing. The extract which I have read does subject Judge DOUGLAS to the imputation of aiding and procuring this pilgrimage to be made, and the purchase of the Review. This is a charge. When an opportunity is afforded the gentleman to relieve Judge DOUGLAS from those charges, if they were not intended to be made by him, his disavowal of them would have been sufficient. It was all I asked, all I wanted, all I desired.

Sir, has it come to this, that a gentleman, a native of Kentucky, cannot return to visit the land of his nativity—the scenes of his childhood—to visit his father, without subjecting the man he may prefer to President to the charge of sending him upon a political mission. I submit it to all fair and candid men, is it fair to put such a construction upon such an act? I am in the habit, sometimes, of going to Kentucky, the State that contains many objects near and dear to me. My mother resides there, and I go to see her. I am a friend of Judge DOUGLAS, and when I have been

there I have talked about him; but I have talked more about Democracy than I have about men; and I regret to say that many of my friends and relatives there need a great deal of talking to, for they are not exactly right upon all these matters, and I should dislike to go to Kentucky if all my friends are to be responsible for any indiscretion I may commit when I am there.

The gentleman says, that after Sanders visited Kentucky, he returned to New York and purchased the Democratic Review, to carry out the objects he had failed to accomplish in this pilgrimage to Kentucky. I will repeat what I said the other day:

"I wish to say, in connection with the remarks which have been made by the gentleman from Kentucky, that, so far as Judge DOUGLAS is concerned, he has no interest in, and no control over, the Democratic Review. He is not responsible for anything that has appeared in its columns, or that may appear, unless it be over his own signature."

"I know that Judge DOUGLAS deprecates the assaults that are made by Democratic papers upon Democratic men. His object, his desire, his wish, is, that we may have harmony, peace, and good-will among the entire party. He believes, as I do, that the perpetuity of our institutions depends upon the success of the Democratic party. By division, we cannot promote that success."

And I will add, that Judge DOUGLAS had no knowledge or intimation that the Review was purchased by Mr. Sanders, until he saw it stated in the New York papers, and never knew or suspected that Mr. Sanders intended to purchase it until he saw the notice of the purchase.

I must be permitted, Mr. Chairman, in connection with this matter, to say, that no man regretted the appearance of the article in the January number, entitled "52 and the Presidency," more than I did. Yet, sir, I do not know of any power in this country, that can control the press. I know of no power competent to do it. Wherever upon earth the liberty of the press has been overthrown, the liberty of its citizens has gone with it. An Executive decree in France muzzles the press, and there it could not be done till every vestige of liberty had been placed beneath the feet of Louis Napoleon. Does any man in this country want a censorship over the freedom of the press? Its excesses can only be restrained by an enlightened public opinion. They should be condemned. I am not here to apologize for the Democratic Review, or for its indiscretion. I am here to condemn them—do condemn them; but I know of no power to establish a censorship over the press by which you can control it. God forbid that the day shall ever come upon this country when the press is to be trampled under foot, or its liberty restrained. When it does come, that proud emblem of your liberties will plume her wing and take her flight forever.

When I have made the statement, Mr. Chairman, that Judge DOUGLAS had no interest in or control over the Democratic Review, I have said all that can be required by any just man—by anybody—to acquit him of all responsibility for anything that may have appeared, or may appear in its columns. It is most remarkable, most wonderful that such sensitiveness should be exhibited upon this point. Why, has it never occurred to the gentleman, that there is a paper in this city, an organ of our party, looked to as such, which has attacked Judge DOUGLAS, though not by name? No friend of his has made defense here or elsewhere, or complained that it was done; and no man would for a moment hold the gentleman that is favored by that paper responsible for the attack. Presses all over the country attack every candidate but their own favorite—attack them personally; it is all right and proper, but whenever a public press, friendly to Judge DOUGLAS, commits an error or a fault, they seek to fix it upon him, they hold him responsible for it, and let all the balance go scot-free. I submit if you are dealing fairly, if you are dealing manly by your own political friends? Is it the manner in which you and I would act towards one another?

But I will proceed in the line that I laid down for these remarks. After the appearance of the January number of the Democratic Review containing the article entitled "52 and the Presidency," Judge DOUGLAS called upon a number of gentlemen, sup-

posed to have influence with the editor of the Review, to get them to use their exertions to persuade him to desist in his course, which was calculated to injure the Democratic party. Among others, he called upon the gentleman from Kentucky, [Mr. BRECKINRIDGE,] if I am not mistaken, and if I am, I hope the gentleman will correct me—

Mr. BRECKINRIDGE, (interposing.) I had a conversation with Judge DOUGLAS, which I will speak of when the gentleman shall have done, if he desires it.

Mr. RICHARDSON, (continuing.) At all events, he called upon others, and thus did more than he was required to do. He did not stop here. He did not want quarrels among his friends. He sought to avoid them. I have said Judge DOUGLAS knew nothing of what the January number contained until he saw it in print. Before the issuing of the February number, he did learn, from a gentleman from Vermont, [Mr. Peck,] that it would contain an attack upon General Butler. Upon learning that fact, he immediately telegraphed to the editor to suppress it. The editor of the Review writes back the following letter, which I will read:

ASTOR HOUSE, NEW YORK, February 20, 1852.

Hon. S. A. DOUGLAS—SIR: I am happy to inform you that your telegraph came too late to save your friend, General Butler; and candor compels me to say, that had it come in time, it would not have changed a word of the article. We know the man; and the Review would be treacherous in its duties to the party if it failed, to expose his delinquencies.

The foggy atmosphere of Washington makes cowards of you all, and the sooner you understand that you cannot direct the columns of the Review, the better.

GEO. N. SANDERS.

The editor announces his purpose to conduct the Review in his own way. He has that right if he will exercise it, and I do not know how you will control it. My purpose is not to enter into his defense; he is fully competent for that task himself. My object is to repel the implication of Judge DOUGLAS's connection with the Review, which, without being directly charged, is covertly sought to be fixed upon him.

The facts which I have stated were known to the gentleman from Kentucky [Mr. BRECKINRIDGE] before he made his speech. This should have been sufficient, of itself, to have protected Judge DOUGLAS from the unjust implication to which the gentleman's remarks most clearly rendered him obnoxious. I take it to be a fact, too well established to be doubted, that Judge DOUGLAS had no control over the paper in question, or influence with its editor. This fact being established, the whole matter is concluded; and what, I might ask, further can be said in defense of these assaults. This fact thus clearly established, is sought to be overthrown by an inference. It is said Judge DOUGLAS recommended the Review, and therefore he indorses and approves all that it contained. I might ask if this is true. That Judge DOUGLAS, in common with many members of the Senate and House—including, as it is believed, the friends of every Democratic aspirant for the Presidency—did sign a recommendation, as has been the custom for years past, is not denied. In order that this matter may be fully understood, I call upon gentlemen to publish that recommendation, with the names of Senators and Representatives in the order in which they were signed, that we may see the terms of the recommendation and the names of the persons attached. When we get that paper with the signers, I will submit the question to them, and each of them, how far they should be held responsible for each and every article that has appeared in the Review.

One word in relation to myself. When asked the other day by the gentleman from Kentucky, whether Judge DOUGLAS signed the recommendation for the Review before or after the issuing of the January No. of that paper, I said it was before. That statement was based upon this fact: Judge DOUGLAS had forgotten the time when he did so sign, but recollected that at the same time he signed the recommendation he paid his subscription, and took a receipt therefor. That receipt bears date January 6th, and that was before the January issue of that paper. Now, I want to talk perfectly free and frank upon this subject. That date may be erroneous, it may be wrong; if that date given by the agent is correct, the statement then made is correct—if a wrong date, the fault is with the agent; and now to free this matter

of all doubt, while I cannot say whether the date is the true one or not, gentlemen are at perfect liberty to assume, if they wish, that it was after, and they can make the most of it. For by assuming that it was after, it places the friends of other candidates in the same category with Judge DOUGLAS. I am not here to quibble about a date, when the only object is to establish an inference, to overthrow an ascertained fact.

Mr. BRECKINRIDGE. One word before the gentleman goes on. I do not know what may be the custom of the House, as I am a new member; but there have been a number of direct personal allusions made by the gentleman to myself, which it is absolutely necessary that I should answer. I do not wish to take up the time of the gentleman. I do not want to deal unjustly, and I want to have an understanding now that I may be allowed to make an explanation when he has done.

[Cries of "Agreed!" "Agreed!"]

Mr. RICHARDSON. I do not know what allusions I have made to the gentleman. I have merely stated facts. The gentleman is perfectly at liberty, when I do him injustice, to reply, and set me right. I would not intentionally do him wrong for the world. I now make that disclaimer.

Mr. BRECKINRIDGE. A gentleman has notified me that when the gentleman gets through with his remarks, he will object, I having spoken once upon this subject.

A MEMBER. Amendments have been offered since, and he can't object, if you get the floor.

Mr. R. But I must pass from that subject. I am not getting along as fast as I thought I would. I had no idea that I would be drawn into the remarks I have. This is a most unwelcome task to me. I have concluded my reply to the gentleman from Kentucky; but before I pass from this subject I would like to say that I want no strife in the Democratic party. I have not brought this subject here. It has been forced upon the House against my will—against my consent. Being here, we invite the fullest discussion—the fullest assaults, if they have any to make, upon Judge DOUGLAS; but, if any, make them directly. The remembrance of defeats ought to make us concede everything for measures and demand nothing for men. I am here in that spirit to-day. I ever have been here in that spirit. There are some other things, Mr. Chairman, to which I feel it my duty to make reference.

There is one subject upon which I have not spoken, upon which I deem it necessary to touch. I know that it is said—not here, but elsewhere—that Judge DOUGLAS is the steam candidate for the Presidency; but that whole question is brought in a shape that we cannot get hold of it. I want to meet it at once. I give it the flat denial. There is not one man owning an interest in any of the ocean steam lines, so far as I have been enabled to ascertain, favorable to Judge DOUGLAS as his first choice. There are three steam lines. Spinwall & Co. are all Whigs, and not for DOUGLAS, but for the Whig candidate. Of the firm of Law, Crowell & Roberts—owners of the line from New York to Chagres—the first two are understood to be for General Cass, and the latter (Mr. Roberts) for the Whig candidate. Mr. Collins—owner of the line from New York to Liverpool—is understood to be for General Cass or Governor MARCY. Not one of the proprietors of the various lines is for Judge DOUGLAS, so far as I know or have been able to ascertain. If there is, will any gentleman name him? Is there any gentleman here who would do it? I do not say that these gentlemen are hostile, but that they prefer other gentlemen.

Mr. OLDS. Perhaps it was meant that DOUGLAS will go by steam when he is nominated. [Laughter.]

Mr. RICHARDSON. I have no doubt about it. The Whigs will see sights when he is nominated. There is an element of popularity about him from the fact that, by his own unaided exertion, he has come up from poverty to eminence, till he occupies, at forty years of age, as proud a position as any man in America.

There is another charge. Now, I hear it said here sometimes that DOUGLAS has sold out and transferred his interest to this man, that man, and the other man. To each and every statement of this kind, separately and distinctly, I give a flat denial. Judge DOUGLAS is a candidate, and he has a right to be.

It is said that he has stirred up strife in differ-

ent States. I am here to repel any such charge. I make the declaration without any qualification, that in no instance has he sanctioned opposition to any Democratic candidate in his own State. I make the broad declaration, that he has sought to avoid those things which would lead to a contest, and having done so he is not liable to these charges that have been preferred. What is there that has drawn upon him all this assault?

I will not go into these controversies. I have nothing to do with them between this and that man and the other man. I am here for a specific purpose, and I have endeavored to perform it without making any assaults. I make assaults upon none. Judge DOUGLAS has made assaults upon none, and he has retired from the contest wherever a candidate has been presented in a State. He has made no fight with anybody, and has desired his friends should make none. Of one thing I can speak, and that with pride: Whatever division there may be among the different States upon local candidates, in Illinois there is but one sentiment, one view, and one wish among the Democracy. Illinois can give for Judge DOUGLAS such a majority as no State in this Union has ever given before. But wherever the nomination may fall, you may look to that Democracy, you may expect to find them as firm, steadfast, and reliable as her own regiments have been upon the field of battle when fighting the enemies of their country. She will give a vote to your candidate, be he who he may; and her Democracy will present an undivided front when the trial comes.

[Here the hammer fell.]

Mr. WASHBURN obtained the floor.

Mr. BRECKINRIDGE. I will ask the gentleman to yield me fifteen or twenty minutes of his time, to make a personal explanation.

Mr. WASHBURN. I will yield the floor, if it is understood that it is not to come out of my time.

Mr. BRECKINRIDGE. I will say to my friend from Maine, [Mr. WASHBURN,] that I may not occupy more than fifteen minutes. I have never asked a favor of the House. I am not used to its customs. It is necessary for me to make a personal explanation, springing out of the remarks of the gentleman from Illinois, [Mr. RICHARDSON,] and I hope the House will allow me this explanation, and that it shall not come out of the time of the gentleman from Maine, [Mr. WASHBURN.]

[Cries of "Agreed!" "Agreed!" "That's right!"]

Mr. WASHBURN. I will yield the floor to the gentleman from Kentucky for the purpose of a personal explanation, understanding he will not occupy more than fifteen minutes, retaining my right to the floor.

Mr. BRECKINRIDGE. Conscious of the purity of my own motives, and of my own course, I have heard with surprise, but with composure, the speech of the gentleman from Illinois, [Mr. RICHARDSON.] I made a speech in this House some days ago, in which, after a discussion involving general politics, in answer to the gentleman from Florida, [Mr. CABELL,] I turned to notice the course which had been pursued by the Democratic Review, in reference, not to one only, but all the Democratic candidates for the Presidency, except one. I noticed that Review, because it was not an ordinary partisan sheet. Any newspaper through the country might have uttered what it pleased, and I should have paid no attention to it. It was because this Review occupied a peculiar position of dignity and importance in the party, and had been purchased and diverted from its original purpose, and turned into a campaign paper, striking right and left at all the best names of the Democratic party, that I introduced this matter upon the floor of the House. I introduced it not to make an assault upon anybody, as the gentleman from Illinois [Mr. RICHARDSON] supposes and charges. I introduced it—it might have been presumption in me—for the purpose of giving the Democratic party warning of the dissensions springing up in their midst. I noticed it for the purpose of repelling the assault made by this Review upon the well known principles of the party, and upon the tried and reliable men of the party. I have since heard many gentlemen express their opinions in reference to the tone of this speech, and I believe that a vast majority of the members upon this floor do not consider that it contains

anything to which any Democrat ought to object.

The gentleman from Illinois [Mr. RICHARDSON] considers it, and persists in considering it, a direct attack upon Judge DOUGLAS. He came to me before I rose to speak, perhaps the day before, and asked if I intended to notice the course of the Review? I said I did. He requested to have an opportunity of relieving Judge DOUGLAS from all connection with it, which I promised to afford him, and did afford him. I mentioned the name of Judge DOUGLAS, in order to give him the opportunity. The gentleman implores harmony in the party; but the way to produce harmony, is to stop at the beginning these fatal attacks, and this diversion of important and influential periodicals of the party from their proper purposes.

The gentleman makes his point upon a statement in my speech, that a gentleman—a countryman and a friend of mine—having gone to Kentucky last summer, attempted to stir up strife there, and break down General Butler at home; but having failed, came back and purchased the Democratic Review. That is true; that is a fact which I stated. The Review was used for purposes which led to unpleasant feelings and conjectures, and it was proper that the matter should be explained. My apology for that statement—and it will be a sufficient answer to the gentleman's charge of assault—is to be found simply in one or two extracts, which I will read from the January number of the Democratic Review. My remarks on "Progress," in the speech I made the other day, were entirely incidental, and intended as an answer to that sort of progress which that number of the Review inculcated.

These extracts will give you some idea of the character of the progress that is wanted. It is from an article headed, "1852 and the Presidency:"

"In every land of Europe, from the Atlantic shore to the Turkish confines, the United States have a more numerous, more chivalrous, and more powerful army, than the monarchic and absolutist tyrants of the people—it is the people—it is the two hundred and fifty millions of suffering humanity, to whose ideas the United States is a heaven beyond the setting sun, who dream in gladsome ecstacy of the day when our flag shall be unfurled, or even our nod, earth-shaking as the nod of Jove, shall be given for the liberation of nations."

"But we have reached times when Quaker policy will not do for the Republic. The time has come for strong, sturdy, clear-headed, and honest men to act; and the Republic must have them, should it be compelled, as the Colonies were in 1776, to drag the hero of the time out of a hole in a wild forest, whether in Virginia or the illimitable West."

"We must transfer the field of war to the soil of Europe, and change the issue, from a contest whether monarchs shall be heard us here, to a contest whether they and their impious practices shall for an hour longer be tolerated there."

My time will not allow me to quote further on this point. The rest is in the same tone. I wish all it proposes would immediately come to pass; but I do not wish to involve my country in war to bring it about.

But, sir, to carry out this new dispensation, it was necessary to remove all who might be supposed to stand in the way; and accordingly the article proceeds:

"But such a result can only be expected from a Democratic Administration, and one more progressive than we have hitherto been content with. To wield such a power with such enormous results, the presidential chair must be filled by a man not of the last generation, but of this, of the very time in which we live."

"The statesmen of a previous generation, with their personal antipathies, and their personal claims, with personal greatness or personal inefficiency, must get out of the way." "Age is to be honored, but senility is pitiable, especially when it leads its possessor to practices at variance with his former life—especially when it leads a Democrat of formerly commendable repute to expect the friendship of the South, and at the same time hope to conceal his delinquencies with the Van Burenites. And if there be some others of the gentlemen of the past age who can show clean hands on this subject, they will be found to be men incapable of grasping the difficulties of the present time, of fathoming its ideas, or controlling its policy. At all events they have been in office, and have had the control of the destinies of the country and of the party. It was in their power to do good. But by lack of statesmanship, lack of temper, lack of discretion, and, most of all, by lack of progress, they brought into our ranks discord and dissension, and the party they received united, strong, and far in advance, they left a wreck, a mutinous wreck, struggling in the slough of questions settled by the Federal compact of the United States."

"Many young statesmen there are in the Democratic ranks, eloquent, judicious, manly, personally unexceptionable in every respect, and endowed with the necessary qualifications we have above indicated, upon whom their personal friends and admirers might have pitched their hopes

for the Presidency. Willy wire-pullers and local politicians are endeavoring to make it appear that each State of the Union is working with tremendous vigor for some imaginary 'favorite son,' to whom, by thus exciting State pride, that State may be induced to fix itself, and thus increase the influence for evil and the purchasable value of the local politician aforesaid."

This disposes of all the military characters:

"Against the Democratic candidate, the Whigs will place General Scott, and if military renown were of any avail, General Scott is certain of the Presidency. But we trust the republics everywhere have learned sufficient lessons as to the selection of military Presidents." "Certainly, the Democratic ranks can show no equal to General Scott in managing armies and writing letters, and on that account alone, if the examples of what is obtained by an avidity for military Presidents were not too strikingly before us, it would be madness in the Democratic party to put forward any candidate against whom the jealousy and unpopularity due to a military politician can lie."

After announcing a plot on the part of Mr. SEWARD (which I do not deny) to elect General Scott on the strength of buttons and plume, the article proceeds:

"To crush this plot before its birth, the convention must nominate the proper man, and rival Scott with a tried civilian, not with a second or third-rate general, subject to the same weaknesses as his antagonist."

"To recapitulate: the Democratic nominee for '52 must, therefore, not be trammelled with ideas belonging to an anterior era, or a man of merely local fame and local affections, but a statesman who can bring young blood, young ideas, and young hearts to the councils of the Republic. Your mere general, whether he can write on his card the battle-fields of Mexico, or more heroically boast of his prowess in a militia review; your mere lawyer, trained in the quiddities of the court, but without a political idea beyond a local election; your mere wire-puller and 'judicious bottle-holder,' who claims preeminence now, on the sole ground that he once played second fiddle to better men, and who cozens himself in his corner with the idea that he can split votes with the Abolition and sectional factions he has intrigued with; and, above all, your beaten horse, *whether he ran for a previous presidential cup as first or second, or nowhere at all on the ticket—none of these will do.* The Democratic party expects from the Baltimore Convention a new man, a statesman of sound Democratic pluck, and world-wide ideas to use it on;" "a bold man, who can stand the brunt of foreign war, and maintain, by the vigor and reach of his councils, the honor of our flag, whether on the land or the sea; and yet, a man astute and wise as Cato, who can, by the use of foreign material, save our shores from attack, and crush the despots of the world in their very dens." "Let the Baltimore Convention give to this, the young generation of America, a candidate, and we are content."

Now, sir, this is a sample of the January number of the Democratic Review. I did not believe in the principles of progress there advocated. At least, I did not believe that the Federal Government, under our theory of a limited constitutional compact, for certain purposes, was authorized to carry out that system of progress; and in the next place, I thought the article fatal to the harmony of the Democratic party, and unjust to many of the ablest men in our ranks. Indeed, that seems to be conceded by the gentleman from Illinois, [Mr. RICHARDSON,] and I have not heard any Democrat express a different opinion.

In the course of my speech, I asked the gentleman from Illinois, not for the purpose of making any charge, but to enable him, as he had requested me to do, to relieve Judge DOUGLAS, he being well understood to be the favorite of the conductors of the Review, and it having been purchased for the purpose of promoting his prospects for the Presidency—I asked him this question, (referring to a recommendation of the Review, which had been given by certain members of Congress: "I ask 'the gentleman from Illinois if he is able to state 'whether it was signed by Judge DOUGLAS before 'or after the leading article of the January number 'was printed and circulated?'" The leading article in the January number was printed and circulated about the 1st of January—a day or two before or after. A copy was sent to me, to Mr. ROBINSON, a member of this House from Indiana, and to other gentlemen on this floor. It was printed separately.

Mr. RICHARDSON. About that, I know nothing.

Mr. BRECKINRIDGE. I did not say the gentleman knew anything about it.

Mr. RICHARDSON. If the gentleman will permit me—

Mr. BRECKINRIDGE. The gentleman will please allow me to go on. I have made no charge against him, and it does not affect him at all. About the third week in January, the whole Review for that month appeared. About the 6th of February—a day or two before, or a day or two after—an agent for the Democratic Review by the name of Foster, came to this city from the city of New York. He had with him samples of the

Review, and a paper to which he obtained the signatures of some members of this House, and some members of the Senate, cordially recommending that Review (which the paper announced had changed hands) to the Democracy of the country, and particularly to the South, as it was thought it would suit that meridian. The agent started for Richmond, with that paper and with an immense pile of that number of the Review. A gentleman now in this Capitol (Mr. Parker, of the Library) met him on board the boat, heard his statement, saw the paper, and went on to Richmond with him. After he got to Richmond, the agent of the Review met with Mr. Parker in the office of Mr. Ritchie, the editor of the Richmond Enquirer, and he showed the paper, with those names and the Review, to Mr. Ritchie and other gentlemen. I have made this statement for the purpose of inviting any explanation that may be offered hereafter.

I asked the gentleman from Illinois "if he was able to state whether Judge DOUGLAS signed that paper before or after the leading article in the January number was printed and circulated?" The gentleman replied that "it was signed previous to the appearance of the January number, and not after it." As the gentleman rose on behalf of Judge DOUGLAS, and as his particular friend, I took it for granted that he was speaking by authority, and was very happy to hear his statement. This is a simple matter, and ought to be cleared up without difficulty. There is no use in fogging it by enlarging on the fidelity of the Illinois Democracy. I never questioned their fidelity. There is no use in fogging it by saying that I made assaults. I have made no assault. But if the gentleman considered his explanation unsatisfactory, I will reduce the affair to a single point that ought settle the whole matter. I have never seen that paper of recommendation. The gentleman asks why we do not produce and publish it? I answer, that when last seen, it was in the possession of the agent of the Review, and is now probably in the hands of the conductors, the agent, or some one connected with the establishment. I neither saw the paper nor read it, but I have been told what it contained. There were signed to it, long after the assault appeared in the January number, the names of certain members of Congress. I do not know whether there were "any candidates for the Presidency" among them or not. Judge DOUGLAS signed that paper and his name, with a separate line, cordially recommending the Review, is below the other names upon the list, which names were signed in the month of February, when the agent of that Review was in this city on his way to Richmond. Now, I ask the gentleman from Illinois, if he is prepared to repeat his statement, made the other day, that Judge DOUGLAS "signed that paper before and not after the January number appeared?" And I ask him if Judge DOUGLAS did not sign it when the agent was here, and when other members of Congress signed it?

Mr. RICHARDSON. I will answer that question most cheerfully, for I have no motive to conceal anything. Judge DOUGLAS has no means of telling when he signed that paper, except, as I said, by the receipt. The receipt was given for two years' subscription, at the same time that he put his signature to the paper, and that was on the 6th of January. If the receipt is rightly dated, that was the day on which Judge DOUGLAS signed the paper. While I cannot say whether the date is the true one or not, the gentleman is at liberty to assume it was after the January number was issued, and make the most of it.

Mr. HART. When he did sign it, he had not read that article. That I can state by authority.

Mr. BRECKINRIDGE. I think it is probable the gentleman from Illinois [Mr. RICHARDSON] was right when he conjectured in his remarks, there might be a mistake in the date of that receipt, as he says it is dated the 6th of January, because by substituting the 6th of February we strike the exact time at which the agent was here.

Mr. RICHARDSON. I do not intend any such inference to be drawn. Judge DOUGLAS cannot fix the date unless the receipt fixes it. I stated distinctly, and I repeat it now, that there may be no misunderstanding, that if the receipt is right, the statement I made is correct; if the receipt is wrong, it may be otherwise. But, be that as it may, one fact is established, and that is that Judge

DOUGLAS condemned and did all he could to prevent the course pursued by the Review.

The gentleman says that the agent had the paper and that it may be in the possession of the editors of the Democratic Review. The present editors of the Democratic Review, as I understand, repudiate this agent altogether. He was the agent of the old concern. I have signed papers for him several years ago, and paid him subscriptions. But the present editors repudiated him altogether, and he was not their agent at all.

Mr. BRECKINRIDGE. Whether he was their agent or not, he had in his possession a great many copies of the January number of the Review.

Mr. RICHARDSON. I had supposed the gentleman had the paper.

Mr. BRECKINRIDGE. I never saw either the man or the paper in my life.

Mr. RICHARDSON. The paper can certainly be had, and now let us have it, and let it be published.

Mr. BRECKINRIDGE. I sincerely hope the paper may be published. But I call the attention of the committee to the fact, that I have not got it and cannot be supposed to have it, but it ought to be in the possession of some one connected with the Democratic Review, because, when last seen, it was in the possession of the agent of the Review, who had a large number of copies of the periodical with him, and was acting for the promotion of its interests.

Mr. WASHBURN. The time I yielded to the gentleman has expired and I must claim the floor. [Cries of "Oh no, let him go on!"]

The CHAIRMAN. Does the gentleman from Maine longer yield the floor to the gentleman from Kentucky?

Mr. WASHBURN. I cannot.

Mr. BRECKINRIDGE. I hope the gentleman from Maine will give me an opportunity to make a single statement in reference to the conversation with Judge DOUGLAS, to which the gentleman from Illinois has alluded. I will be very brief.

Mr. WASHBURN. Well, I will yield for a few moments longer.

Mr. BRECKINRIDGE. I have now said all I desire to say in reference to the January number of the Democratic Review, and I hope have put myself on proper ground. The February number has been referred to by the gentleman from Illinois. That number, it will be recollected, contains a sort of continuation of the article in the January number; but in addition to the general assault, covertly, upon the other candidates, it contains a violent assault on General Butler, by name. The gentleman produces a letter, dated some time in February, and said to have been sent from the city of New York by Mr. Sanders, the conductor of the Review, in answer to a telegraphic dispatch which he received from Judge DOUGLAS, informing the Judge that he could not control the columns of that paper, and that the editor would publish what he pleased. The gentleman also states that I had had a conversation with Judge DOUGLAS, and well knew, before I made my speech, that he had attempted to prevent the appearance of the article in the February number. If I have the consent of the gentleman, as he has alluded to it, I will repeat the substance of the conversation between Judge DOUGLAS and myself. I presume, from his having referred to it, that he wishes me to do so. I will first remark, that most of my comments and criticisms were intended for the January number of that Review, and my remarks were intended as a defense of all the members of the Democratic party who were assailed in that article. I will not repeat that conversation, because it was a private one; and it is suggested to me that I had better not give it.

[Loud cries of "Give it!" and "Oh, no!"]

Mr. BRECKINRIDGE. I do not think it material that I should do so. The gentleman wishes to know why I made any allusion at all to the February number of the Review, after I had been informed that Judge DOUGLAS had tried to stop the publication of that number.

Mr. RICHARDSON. No; that is not it. The point that I make, is this: not that the gentleman alluded to it, for I expected he would allude to it, but that with this knowledge that Judge DOUGLAS had no power to control the Democratic Review, he yet did not acquit him of it—as Democrats

ought to do, when they are satisfied that he had nothing to do with it.

Mr. BRECKINRIDGE. The gentleman complains, then, because, after I was informed that Judge DOUGLAS tried to stop the publication of that number, I did not, in my speech, expressly acquit him of the power to control the Review. I answer, that, in the first place, I never charged him with having any such power. The gentleman has seen "Gorgons, hydras, and chimeras dire,"

that I do not see in my speech, and that the Democracy on this floor do not see in it.

Mr. HART and Mr. POLK here requested that the conversation with Judge DOUGLAS should be stated.

Mr. BRECKINRIDGE. At the request of his friends, I will give the substance of it. The gentleman from New York, [Mr. SACKETT,] my colleagues, [Messrs. EWING and MARSHALL,] and myself, happened to be in the refectory, not far from the Senate Chamber, where Judge DOUGLAS also happened to be. We had some general conversation there, and soon afterwards Judge DOUGLAS took me aside and told me that the Democratic Review for February would contain a violent assault upon General Butler. I replied, that if it did, I should denounce it. He expressed his regrets, and I intimated to him that he ought to stop it. He said he could not; that it was too late; that he feared it was already out. He stated that if there was time, he would send the gentleman from Illinois [Mr. RICHARDSON] to New York to break up the types, but he feared the Review was already issued. I think he also told me that he had telegraphed to the conductor of the Review not to publish the attack on General Butler. A day or two after this, the conductor of the Review came on to this city, and brought with him a sort of proof number of the February issue, which he, with great frankness, showed to me, and I, with equal frankness, told him I should denounce. Some days, perhaps a week after this, the February number came out. Now, sir, I mentioned that February number first, because I conceived I had a right to mention an article in a periodical of this sort, attacking distinguished men of the party, without imputing blame to any particular gentleman who had been named in connection with the Presidency; and secondly, because I thought that if I had a friend who, in working for me, chose to denounce and abuse the most eminent and distinguished men of my party, he should stop it, or should cease to be my friend.

Now, Mr. Chairman, I will make only one or two remarks in conclusion of this explanation, and I pass over many points which I might touch in vindication of myself, but I feel that it would be unjust to the gentleman from Maine to trench further on his time. I state that I made no assault upon anybody in that speech. I assert that there is not a word in that speech to which any Democrat ought to object. The general sentiments contained in it are correct; and the denunciation of the course of the Review, the gentleman from Illinois has himself indorsed.

Mr. RICHARDSON. Certainly.

Mr. BRECKINRIDGE. The gentleman says "certainly;" he himself denounces the course of the Democratic Review. I warned him beforehand that I should denounce it, and he requested that I would afford him an opportunity to make an explanation which would entirely disconnect Judge DOUGLAS from that periodical. I did so; and he made such explanations as he thought proper. Not satisfied with them, however, he takes the floor to-day for further explanations; but instead of clearing up the matter, flies off, and charges me with making a disturbance in the Democratic ranks. I deny it, and say that I have been upon the defensive from the beginning. I have made a statement of facts. It is not for me to say what their effect will be. If there is any other explanation which the gentleman from Illinois desires to make, the country will be glad to hear it. I repudiate, in the most distinct language, having been influenced by the slightest malice or ill-feeling towards any member of the Democratic party, in the speech I made the other day. My main object was to put a stop to these attacks, which I considered fatal to the integrity and harmony of the party. I did not begin them, nor was I connected, remotely or directly, with any person who did begin them. I do not remember anything else in the remarks of the gentleman from Illinois

to which I ought to reply; and I now resign the floor to the gentleman from Maine, with my grateful acknowledgments for his kindness.*

NORTH AMERICAN RAILROAD COMPANY.

Mr. WASHBURN addressed the House, to the expiration of the hour allotted him under the rule, in favor of a grant of land to the North American Railroad Company. His remarks [which he had not concluded when the hammer fell] will be published hereafter.

Mr. MARSHALL, of California, obtained the floor.

Several MEMBERS. He has not yet spoken an hour.

Mr. MARSHALL. I am willing that the House shall determine that the gentleman from Maine may continue his speech, preserving, however, when he has concluded, my right to the floor.

Mr. CLINGMAN. I hope the Chair will ask the general consent of the House as to whether the gentleman [Mr. WASHBURN] shall have his full time—the gentleman from California still retaining his right to the floor.

The CHAIRMAN. The hour of the gentleman has expired. That is fixed by the rule. It is the opinion of the Chair that it is not competent for the committee to vary or disregard the rule of the House under which it is acting. It has been so decided heretofore, substantially and correctly, as the Chair thinks, and acquiesced in by the committee.

Mr. MARSHALL. Allow me, upon that question of order, to say a word. In order to give the House an opportunity, if they choose, to let the gentleman from Maine continue to speak his full hour, I will appeal from the decision of the Chair, protesting at the same time that I believe the decision of the Chair is a correct one. [Laughter.] It will give the committee a chance to do what they wish.

The CHAIRMAN. It is competent for the committee to overrule the decision of the Chair.

Mr. FLORENCE. Will not the unanimous

*Since the adjournment of the House, the following correspondence has occurred. It is clear enough now, that these receipts were all dated at the same time; that the date relates back merely to the commencement of a new series, or to the period when the concern changed owners; and that the paper in controversy was signed by all whose names are attached to it in February last, and not in January, or at any previous time.

J. C. BRECKINRIDGE.

HOUSE OF REPRESENTATIVES.

WASHINGTON, March 10, 1852.

DEAR SIR: In the debate to-day, the Hon. WILLIAM H. RICHARDSON, for the purpose of fixing the period when Judge DOUGLAS signed a paper recommending the "Democratic Review" to the Democracy of the country, referred to a receipt, given at the same time to the Judge, for his subscription to that periodical. The receipt, which he produced in the House, bears date the 6th of January, 1852, but Mr. RICHARDSON stated it was possible there might be a mistake in the date. I understand that you, and perhaps other members, have receipts for your subscriptions bearing date the 6th of January, 1852, but given in February last. Will you be so kind as to answer the following interrogatories?

1st. What is the date of your own receipt, and those of others you have seen?

2d. When was the money paid on the subscription for which the receipt was given to you?

3d. Was it paid before or after you read the leading article in the January number of the Democratic Review, entitled "52 and the Presidency?"

Very respectfully, your obedient servant,

JOHN C. BRECKINRIDGE.

Hon. GRAHAM N. FITCH, Washington.

WASHINGTON, 7 p. m., March 10, 1852.

SIR: Your note of to-day is before me. I will answer your interrogatories in the order in which they occur.

I know nothing of any other receipts for subscriptions to the Democratic Review than those of two other members of the House and my own, all of which are dated January 6th, 1852. Mine was first presented for payment, and paid in the honorable Speaker BOYD's room and presence on the same day on which his was presented, and to the same man (Mr. Foster, the agent) to whom his was paid—the day being, to the best of my recollection, within the first week of February; I think the 7th of that month. It was paid a number of days after I had read the article in the Democratic Review to which you refer, and after it had been a subject of discussion among several members outside of the House.

Respectfully yours,

GRAHAM N. FITCH.

Hon. JOHN C. BRECKINRIDGE.

WASHINGTON, March 10, 1852.

SIR: By your authority, I made a statement in the House this day in reference to certain matters occurring between you and Mr. Foster, agent for the Democratic Review, on a steam-boat between this city and Richmond, Virginia; and

consent of the committee allow the gentleman to proceed?

The CHAIRMAN. Not in the opinion of the Chair. The hour of the gentleman having expired, it was moved that he have leave to proceed by unanimous consent. The Chair decides that, as a matter of order, it is not competent for the committee to vary the rule in that respect; and in connection with that decision he would repeat the remark, that some time since a like ruling was made by the gentleman then occupying the Chair, and was acquiesced in by the committee. From this decision an appeal is taken.

Mr. ORR. In that case, the hour for closing the debate had terminated.

The CHAIRMAN. In the opinion of the Chair, that does not alter the case. In the first instance, the time was fixed by an order of the House. In this case, it is limited by a standing rule of the House which is imperative upon the committee.

Mr. ORR. By unanimous consent we can do anything.

The CHAIRMAN. The question is, "Shall the opinion of the Chair stand as the judgment of the committee?"

Mr. CABLE, of Ohio. I move to lay the appeal upon the table.

The CHAIRMAN. It is not competent for the committee to lay the appeal upon the table.

Mr. EWING. If the Chair will allow me. If the gentleman from Maine is allowed to proceed to occupy his full hour, does the decision of the committee deprive the gentleman from California of the floor?

The CHAIRMAN. It will be competent for the gentleman from California to yield the floor to allow the gentleman to proceed, but it will be deducted from his time.

Mr. MARSHALL. If the committee give that

also at the latter place, in the office of Mr. Ritchie, editor of the Enquirer. You heard my remarks, and I now request you to say whether they were correct, so far as your name was involved; or rather, to give me a brief statement covering the subject-matter.

Respectfully, your obedient servant,

JOHN C. BRECKINRIDGE.

J. A. PARKER, Esq.

WASHINGTON, March 10, 9 o'clock, p. m.

SIR: In answer to your note, this moment received, I have to say, that I heard your speech this day in the House, and so far as my name was connected with the subject under discussion, your statement was entirely correct as far as it went. In justice to myself and all others, I beg leave to add, that on the 10th day of February last, I started from this city to Richmond on business of very great importance to myself and others, (which had been several days delayed in consequence of my inability to leave this city,) and in no manner or form connected with politics. As soon as I went on board the steam-boat, I saw a very large number of copies of the January number of the "Democratic Review," and the agent, a Mr. Foster, exhibiting a recommendation of said work signed by some members of Congress; which signatures, he said, he obtained on the Friday and Saturday before, (viz., the 6th and 7th of February.) Judge DOUGLAS's name was signed at the bottom of the paper, and differed from the others in this: "I most cordially concur in the above recommendation. S. A. DOUGLAS." The agent was then asked if the persons signing the recommendation knew the contents, and he replied, "that he presumed they did, and especially Judge DOUGLAS, who had said to him on the 9th of February, he feared the article would do him more harm than good." A large number of gentlemen were present and saw the recommendation, and heard Mr. Foster's statement. Mr. Chamberlain (late of the Virginia Convention) and myself purchased copies. Mr. C. soon called my attention to the "leader," headed, the "Presidency, 1852." On the 12th, while sitting in the office of Mr. W. F. Ritchie, of the Enquirer, Mr. Foster came in and exhibited the same paper, and made the same statement he had made on the steam-boat. (He also stated other things which I do not wish now to repeat.) I at once saw the evil which was about to be inflicted on the Democratic party, and drew from my pocket a short appeal, signed "An Eye Witness," which I had prepared, (after consulting several prominent Democrats, among them I will name General R. Muse, and W. O. Goode, Esq., of the House of Delegates,) and read it to Mr. Ritchie, in the presence of the agent, Mr. Foster, and sent it immediately to the printing office. Mr. Ritchie was here on the 5th instant, and distinctly recollects the facts and circumstances above given. It is due to the Democratic party, and due to myself, to declare, as I do now most solemnly, that in making the appeal signed "An Eye Witness," published in the "Enquirer," I had not the most remote idea of making an attack on any one. Nor can that article be so construed by any impartial or disinterested person. My sole object was to give those who had signed the recommendation information of the use and abuse of their names, and an opportunity of publicly repudiating the contents of the January number. I regret the length of this note; less I could not say—more I do not wish to say, and hope I shall have no occasion to say.

With great respect, your obedient servant,

JOHN A. PARKER.

Hon. JOHN C. BRECKINRIDGE, Washington.

privilege, I certainly do not forfeit my right to the floor.

Mr. JOHNSON, of Tennessee. I understand that the gentleman from Maine does not wish to proceed, but that he will write out his remarks.

Mr. HALL. I withdraw my appeal.

Mr. ORR. I renew it.

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee," and upon a division there were—ayes 40, noes 68. No quorum.

Mr. ORR demanded tellers; which were ordered, and Messrs. CHANDLER and FOWLER were appointed.

Mr. POLK. I would ask the gentleman from Maine if he desires to proceed with his remarks?

Mr. SMART. He does, certainly. He desires to go on, if permitted by the courtesy of the House.

The question was again put, and the decision of the Chair was overruled, the tellers having reported—ayes 52, noes 70.

The CHAIRMAN. Is unanimous consent given to the gentleman's proceeding?

Mr. EWING. I do not wish to interpose any objection, unless the effect of granting unanimous consent will be to deprive the gentleman from California of the floor.

Mr. MARSHALL. I am anxious to ask the Chairman one question, which I desire to have settled at this stage of the proceedings, it being of some consequence to myself. Do I lose the floor, in the opinion of the Chair, if unanimous consent is given to the gentleman from Maine to proceed with his remarks for the balance of his hour? I yielded the floor that the committee might take action upon the question submitted.

The CHAIRMAN. The gentleman having yielded the floor, as one having given the unanimous consent, would stand like other members with regard to the floor, at the conclusion of the remarks of the gentleman from Maine.

Mr. CLINGMAN. It was my proposition that was adopted, and I must remind the Chair that the proposition I made, and the one upon which the committee voted, was, that the gentleman should be allowed to speak out his time without the member from California losing his right to the floor.

Mr. MARSHALL. I understood both propositions to be embraced, and the committee have agreed to them.

The CHAIRMAN. The Chair is unable to recollect the precise language used by the gentleman in his motion. The Chair ruled that it was not competent for the committee, by their action, to change the rule of the House limiting the time of speaking to one hour. This was all the question then before the committee. That decision was reversed. The Chair entertains the opinion, that the gentleman from California, by yielding the floor to the gentleman from Maine, will have forfeited his claim to it as a matter of right. When, however, the gentleman from Maine has concluded his remarks, this question will properly come up to be decided, in case the floor is awarded to any other member and the gentleman from California claims it as a matter of right.

Mr. WASHBURN. I will not occupy any more of the time of the committee. Upon the whole, I have decided that I will yield the floor to the gentleman from California.

Mr. APPLETON, of Maine. With the permission of the gentleman from California, who prefers speaking to-morrow, I will move the committee rise.

Mr. MARSHALL. I would ask the indulgence of the committee thus far, to rise for the present, and give me an opportunity to speak to-morrow morning. I have not consumed much of the time of the House, and do not propose to do so.

A MEMBER. Let some one else make a speech.

Mr. MARSHALL. I have been endeavoring for the last few hours to try to get some one to speak.

A VOICE. GIDDINGS will speak. [Laughter.]

Mr. MARSHALL. I would suggest, if the House would be kind enough to listen to me, that there is abundant business to occupy our attention.

Mr. ROBBINS demanded tellers; which were ordered.

The question was then taken, (Messrs. BEALE

and MEACHAM acting as tellers,) and resulted—ayes 69, noes 40.

So the motion was agreed to.

The committee rose accordingly, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order, being House bill No. 7, to encourage agriculture and for other purposes, and had come to no conclusion thereon.

REPAIR OF THE LIBRARY—EXTENSION OF THE CAPITOL.

Mr. STANTON, of Kentucky. I desire to submit a motion to the House, if it be in order now, to postpone the further consideration of the special order, which has just been under consideration by the Committee of the Whole, for a week, with a view of taking up two bills which have been set as special orders for to-day—one for repairing the Capitol, and the other for its extension. I am satisfied these bills can be disposed of in a short time, if the House will consent to it.

Mr. JOHNSON, of Tennessee. The gentleman can attain his object just as well by moving to reconsider the votes referring these bills to the Committee of the Whole on the state of the Union, with the view to bring them before the House, and thereby not disturb the regular order of business.

The SPEAKER. The motion to reconsider can be submitted to the House by unanimous consent.

Mr. JOHNSON. The House can bring these bills back by unanimous consent. The gentleman from Kentucky had better change his motion, and let it take that form.

Mr. GENTRY. Try that.

Mr. STANTON, of Kentucky. It seems to be the wish of the House I should submit that motion. I desire both bills set as the special orders of the day, shall be considered.

Several MEMBERS. Discharge the committee from the Library bill only.

Mr. STANTON. Both these bills are of equal importance. I move, then, to reconsider the vote by which the Library bill was committed to the Committee of the Whole on the state of the Union, with the view of having it taken up in the House.

The SPEAKER. By unanimous consent the motion will be entertained.

The question was then taken, and it was decided in the affirmative.

So the vote was reconsidered.

Mr. STANTON. I move that the bill be put upon its passage, and I call for the previous question.

REPAIR OF THE LIBRARY.

The SPEAKER. The Committee of the Whole on the state of the Union has been discharged, by the unanimous consent of the House, from the further consideration of the Senate bill to provide for the repair of the Congressional Library, lately destroyed by fire, and the bill is regularly before the House.

Mr. COBB. When was it done?

The SPEAKER. About five minutes ago.

Mr. COBB. The motion was to reconsider the vote by which the bill was sent to the Committee of the Whole.

The SPEAKER. The committee was discharged, by the unanimous consent of the House.

Mr. COBB. I have no objection to it.

Mr. STANTON. I have called the previous question upon my motion.

The SPEAKER. The Chair is inclined to think, that the rule which requires a bill to be considered in Committee of the Whole on the state of the Union, would have to be suspended. The vote by which the committee was discharged does not work a suspension of that rule.

Mr. GENTRY. That rule assumes that it has been discussed and considered in Committee of the Whole to the satisfaction of that committee and the House. The House always determine when they will terminate the consideration of a bill in Committee of the Whole.

The SPEAKER. Is it the pleasure of the House that the rule be recinded for the purpose of acting upon this bill? The Chair hears no objection, and the question will be upon ordering the bill to be read a third time, and upon this, the previous question has been demanded.

The previous question was seconded, and the main question ordered; which main question was on ordering the bill to a third reading.

The bill, according to order, was then read the third time.

Mr. CLINGMAN demanded the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. DAWSON demanded the yeas and nays on the passage of the bill; which were not ordered.

The question was then taken and the bill was passed.

Mr. CLINGMAN moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table, which latter motion was agreed to.

THE HOMESTEAD BILL.

Mr. HOUSTON. If it is in order, I now move to postpone the special orders, which are under discussion, until next Wednesday.

Mr. JOHNSON, of Tennessee. I will say to the chairman of the Committee of Ways and Means, [Mr. HOUSTON,] as he seems to be urgent about this deficiency bill, and I suppose there is some little pretext for it, for the sake of accommodation, I propose that, by general consent, the homestead bill occupy its place as a special order, and that it go over informally until next Wednesday. But really these departments deserve very little favor at the hands of the House, when they will go on and expend money—and that, too, when the House has withheld the appropriations, and struck them out of the bill—and then come here in the shape of a deficiency bill, and ask us to appropriate the money.

Mr. STANTON, of Kentucky. I shall be compelled to object to it. It is the first time I have made an objection of the kind since I have been a member of Congress. I think if the members of the House will turn their attention to the galleries, they will see abundant reasons, why the special orders ought not to be continued. There are workmen in those galleries, who have been brought from distant cities of the Union to assist in constructing the edifice which we are now about adding to the building. I have been trying, from the beginning of the session to the present moment, to get permission of this Congress to permit that work to be finished. If it is to be completed, it is wise economy and good policy that it should be continued and completed speedily. Why this delay? Why is it necessary? There is no good reason why it should be suspended. These men are here without the means of support. They have been invited here by your action—the action of the last Congress. They have their families to support. They have crowded your galleries to-day, to witness the effect of your action. I hope that the special orders will not be postponed.

Mr. HOUSTON. I desire to state, in reply to the gentleman from Kentucky, [Mr. STANTON,] and also my friend from Tennessee, [Mr. JOHNSON,] that I am not at this moment pressing that the House shall pass this deficiency bill, unless it shall see fit to do so. I think, even if it determine to negative the deficiency bill, it is the highest duty we owe to the country, the Administration, and the Government, that we should act upon it. I want action. If the House shall see fit to vote down the bill, the responsibility is with them, and then we know where we stand. So much by way of suggestion to the gentleman from Tennessee, [Mr. JOHNSON.]

Now, sir, I put it to the gentleman from Kentucky, is it more important that we should prepare a job for workmen who have come here even under circumstances that might excite our sympathy in their behalf—is it more important to do that, than to buy horses to mount our army to protect emigrants on the road to Oregon and California? Is it more important to do it, than to legislate in a way that would save the honor of the country by providing means to prevent our bills being dishonored and protested—thereby involving the Government in heavy damages, and increasing the price of every article sold to the army in California and that region of country, because of the fact that it is known the bills cannot be paid?

Mr. STANTON, of Kentucky. If the gentleman will allow me, I will say in reply to that,

that the same power that has expended money over and above what was appropriated by Congress, can, in any emergency of this kind, spend more money for the protection of these emigrants.

Mr. HOUSTON. That may be. But I have a letter from the Department which I propose to have read, which shows that the credit of the Government has already been used, and that it has become bad, that the bills have to be shaved, and the persons who sell supplies to the Army are increasing the prices of those supplies, for the purpose of meeting the deficiency from the losses they have to sustain on Government bills.

There are gentlemen all around me who are interested in this matter, and are pressing it. The members from Texas are interested, and the Committee of Ways and Means were drawn up before this House some time ago because that deficiency bill had not been reported. The bill is there printed, and ready for action. I have pressed in season and out of season to get action upon it, but the House has universally voted me down. The gentleman from Tennessee [Mr. JOHNSON] is kind enough now, to agree to waive the position which he has acquired by the special order, and I hope the gentleman from Kentucky will agree to do the same thing.

Mr. WALSH. In connection with what was so well said by the gentleman from Kentucky, I want to present to the House, by their unanimous consent, the memorial of these workmen, and I hope it may be read. I want them to tell their own story to this House.

[CRIES OF "Object."]

Mr. WALSH. Well, I am entitled to the floor, I believe.

The SPEAKER. The Chair has not felt disposed to arrest this discussion, but it is very clearly out of order.

Mr. WALSH. Well, but I hope the Chair will allow something to be said in reply to what has been said by the gentleman from Alabama.

The SPEAKER. Certainly.

Mr. WALSH. There is no such case of suffering as that of these men. They have come here, supposing the work would be continued.

Mr. FICKLIN. I object to this discussion, unless it is to go on on both sides.

Mr. WALSH. Well, I will only say that this whole matter can be settled in fifteen minutes. These people have had actually to sell their beds to get bread; and to talk of the sufferings of other people in view of such sufferings as these, is really an insult to humanity.

The SPEAKER. The proposition of the gentleman from Alabama is to postpone the further consideration of the special order. That measure is not now in the possession of the House, and it can be reached only by unanimous consent. That consent is not given, and there is, therefore, an end of the matter.

Mr. JOHNSON, of Tennessee. If the House will hear me for one moment, I wish to make a single suggestion, which, it seems to me, would relieve the difficulty that gentlemen complain of so loudly.

No objection being made,

Mr. J. continued. I was going to suggest to those gentlemen who seem to be so urgent for the relief of these workmen—and there are none more so than myself, for I do not yield to any gentleman on this floor in sympathy for those who have to toil and labor for their support, but I do object to making speeches to the lobbies, and pointing round to men sitting here and there, either as laborers or as any other description of persons—but what I was going to say is, that we have just had an example set of the way in which this bill can be passed speedily. This bill, if it is so meritorious, and if these men are so deserving of relief at the hands of this Congress, can be brought out of the committee, placed before the House, and put upon its passage. If this bill is so meritorious and deserving, and if these men are exposed to such suffering—and I will go as far as he who goes furthest to relieve them—by unanimous consent the committee can be discharged from the further consideration of the bill, it can be brought before the House, and put upon its passage. If there be no objection, I will now move to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill.

Mr. DUNHAM objected.

Mr. STANTON, of Kentucky. I raise a point

of order, and it is this: That the motion is perfectly in order under rules 136 and 137, which are as follow:

"The House may, at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union—January 25, 1848—from the further consideration of any bill referred to it, after acting without debate on all amendments pending, and that may be offered.—March 11, 1814."

"Except during the last ten days of the session, the Speaker shall not entertain a motion to suspend the rules of the House at any time, except on Monday of every week: provided nothing herein contained shall be construed to alter so much of the 136th rule as provided as follows: 'The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union, and also for providing for the discharge of the committee from the further consideration of any bill referred to it, after acting without debate on all amendments pending, and that may be offered.'—December 18, 1847."

There is no amendment now pending to the bill.

Mr. JOHNSON, of Tennessee. Those rules do not fit the case at all. The only way in which it can be done is by unanimous consent.

The SPEAKER overruled the point of order made by Mr. STANTON.

Mr. NABERS moved that the House do now adjourn.

The question was put, and it was decided in the negative—ayes 44, noes not counted; so the House refused to adjourn.

CLOSE OF DEBATE ON HOMESTEAD BILL.

Mr. STANLY. Is it in order to offer a resolution to terminate debate on the homestead bill?

The SPEAKER. It is in order.

Mr. STANLY then offered the usual resolution to close the debate in Committee of the Whole on the state of the Union, on the bill to encourage agriculture, and for other purposes, at three o'clock to-morrow, (Thursday.)

Mr. S. said, on that motion I ask for the yeas and nays, that the country may see who is responsible for the delay of the public business.

Mr. FICKLIN moved to amend the resolution by striking out "to-morrow," and inserting in lieu thereof "Thursday next."

Mr. HOUSTON. I think if the gentleman from North Carolina will not press his motion, there is a disposition in the House to agree to postpone the special order until Wednesday next, and give the deficiency bill the intermediate time. I think the gentleman from Kentucky, if he cannot get his bill before the House, will agree to it. And it seems that he is about to fail of getting the committee discharged from the consideration of that bill.

I would be willing that his bill should come forward, and be voted on now; but as he cannot obtain that, I hope he will not object to the postponement of the special order, for the purpose of acting on the deficiency bill. I therefore trust the gentleman from North Carolina will withdraw his resolution to close the debate.

The SPEAKER. Is the resolution withdrawn?

Mr. STANLY. No, sir. If the chairman of the Committee of Ways and Means yields in this way, he will not get the bill through this session.

Mr. HOUSTON. If my motion does not prevail, I shall then vote for the resolution to stop debate at the earliest possible time. I ask that a vote may be taken upon my motion to postpone the special orders.

The SPEAKER. That motion could only be submitted by unanimous consent, and there was objection.

Mr. HOUSTON. I understood there was no objection to it.

Mr. STANTON, of Kentucky. I object.

The question was then taken upon Mr. FICKLIN's amendment to the resolution closing debate, and it was decided in the negative.

So the amendment was not agreed to.

The question recurred upon the adoption of the resolution.

Mr. JOHNSON, of Tennessee, moved to lay the resolution on the table.

Mr. STANLY. I ask for the yeas and nays, that we may see who is responsible for the delay of the public business, and the consequences which must result from it.

The yeas and nays were ordered.

On motion by Mr. ORR,

The House then adjourned until to-morrow morning.

NOTICE OF A BILL.

By Mr. ALLISON: A bill making a grant of land to the State of Pennsylvania, in aid of the Hempfield Railroad Company.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FLORENCE: The memorial of Henry R. Parker, F. G. Wolbert, William Henwood, George C. Rickards, and 55 others, citizens of Philadelphia, praying for the extension of the Woodworth patent, for planing boards.

By Mr. THOMAS M. HOWE: The petition of F. A. Hutchinson, James Vincent, and other citizens of Pennsylvania, praying that all the employees of the Government may be relieved from duty on the Sabbath.

Also, the petition of Wilson S. King, J. S. M. Young, and other citizens of Erie, Pennsylvania, praying for the construction of a navy-yard or naval depot in connection with a dry dock, at such point on the lake frontier as may be selected by the Engineer Department.

By Mr. DOTY: The petition of citizens of the county of Manitowoc, for a grant of land to the Manitowoc and Mississippi Railroad Company.

By Mr. HARPER: The remonstrance of Michael Duly and 130 other citizens of Muskingum county, Ohio; and the remonstrance of C. B. Goddard and 67 other citizens of said county; also, the remonstrance of James Johnson and 75 other citizens of Guernsey county, Ohio, praying that the bridges of the Wheeling and Belmont Bridge Company may be established as post roads and permitted to remain at their present height.

By Mr. MILLER: The petition of Henry Clamory and others, praying a confirmation of title to certain lands therein mentioned.

Also, the petition of sundry citizens of Pettis and Saline counties, Missouri, for a mail route from Saline county to Georgetown, Pettis county.

By Mr. DAVIS, of Massachusetts: The petition of Edwin H. Seymour, of Massachusetts, asking a pension for services in the Mexican war.

By Mr. MACE: The remonstrance of E. H. Beck and 100 others, citizens of Carroll county, Indiana, against the extension of the Woodworth patent.

By Mr. ROBBINS: The petition of George Painter, and 151 others, citizens of Philadelphia county, asking Congress to grant a further extension of the Woodworth patent.

By Mr. ALLISON: A memorial from the Directors of the Hempfield Railroad Company, for an appropriation of public lands to aid in the promotion of their work.

By Mr. BAERCOCK: The petition of 1-8 citizens of Oswego county, New York, for a marine hospital at the port of Oswego.

By Mr. McLANAHAN: A memorial from citizens of Cumberland county, Pennsylvania, praying for a modification of the bounty land act of 1850, so far as to give all claimants under the same 160 acres of land.

By Mr. JOHNSON, of Tennessee: Application to Congress of Samuel Early for arrears of pension, a resident of Washington county, Tennessee.

Also, a memorial of the same, affidavits of John Haltzinger and E. L. Matthes, and memorial of citizens of said county inclosed.

IN SENATE.

THURSDAY, March 11, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. McRAE presented the credentials of the Hon. WALKER BROOKE, elected a Senator by the Legislature of the State of Mississippi, to fill the vacancy occasioned by the resignation of the Hon. HENRY S. FOOTE; which were read, and the oath prescribed by law having been administered to Mr. BROOKE, he took his seat in the Senate.

PETITIONS, ETC.

Mr. GWIN presented the memorial of Franklin C. Gray, praying the establishment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which was referred to the select committee appointed on the subject.

Mr. MASON presented the petition of citizens of Frederick county, Virginia, praying that the patent granted to W. W. Woodworth for a planing machine may be extended; which was referred to the Committee on Patents and the Patent Office.

Mr. FISH presented the petition of Doctor A. S. Wright, praying indemnity for losses sustained in consequence of his expulsion from Mexico by the agents of that Government; which was referred to the select committee appointed on the subject.

Also, the petition of William D. Jones, praying the appointment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which was referred to the select committee appointed on the subject.

Also, two petitions of merchants and other citizens of Buffalo, New York, praying that further aid may be extended to Collins's line of steam-

ships; which were referred to the Committee on Naval Affairs.

Mr. WADE presented the memorial of assistant marshals for taking the Seventh Census in Ohio, praying additional compensation; which was ordered to be laid on the table.

Mr. DODGE, of Wisconsin, presented a memorial of the Legislature of Wisconsin, praying the establishment of a mail route from the village of West Bend to Monches; which was referred to the Committee on the Post Office and Post Roads.

Also, a memorial of the Legislature of Wisconsin, praying the establishment of a mail route from Madison to Wanhoea Falls; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEWARD presented the petition of the heirs-at-law and legal representatives of Francis Gillemust, an officer in the revolutionary war, praying an allowance for the depreciation on commutation certificates; which was referred to the Committee on Revolutionary Claims.

Mr. DAVIS presented the memorial of F. A. Chenoweth and others, praying the title to certain land settled and improved by them in the Territory of Oregon; which was referred to the Committee on Public Lands.

Mr. SOULE presented a resolution of the Legislature of Louisiana, praying the establishment of a weekly mail between Thibodeaux and Lockport; which was referred to the Committee on the Post Office and Post Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. CHASE, it was

Ordered, That the memorial of John A. Bryan, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. DOWNS, it was

Ordered, That leave be granted to withdraw the original papers which accompanied the petition of Valerian Allain.

AMERICAN CEMETERY IN MEXICO.

Mr. MASON. The Committee on Foreign Relations, to which was referred the message of the President of the United States recommending a further appropriation for completing the cemetery purchased by order of Congress, near the city of Mexico, for the interment of officers and soldiers of the American army who were killed in the late war, or who died while in that country, have had the same under consideration, and have instructed me to report a bill for the purpose of carrying out the recommendation. It appears that, in the year 1850, a sum of money was appropriated for the construction of this cemetery and the removal of the remains of the dead, and that that sum has been exhausted without effecting the object of the appropriation. There have been removed to this cemetery the remains of some five hundred officers and soldiers, who died from disease or were killed in battle; but there are probably as many more remaining, and it is the desire of those connected with the cemetery—and it is certainly that of the committee—that this object should be carried into effect. The appropriation asked for is only a small one, not exceeding \$3,000, and I ask that the bill reported from the committee for this purpose may now be considered by the Senate, and receive its favorable action.

The bill was read a first and second time, and considered by the Senate as in Committee of the Whole.

It provides that the sum of \$3,000 be appropriated, or so much thereof as may be necessary, to be applied under the direction of the President of the United States, to carry into effect the act approved September 28, 1850, for the purchase of a cemetery near the city of Mexico, and for the interment of the officers and soldiers of the army of the United States, who fell in battle, or otherwise died, in or near the city of Mexico; and that the interment of citizens of the United States who have heretofore died in Mexico may be had in said cemetery, under such regulations as may be prescribed by the President of the United States.

The bill was reported to the Senate without amendment, and was ordered to be engrossed for a third reading.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that it had passed the bill from the Senate to provide for the repair of the Congressional Library room, lately destroyed by fire.

ENTERTAINMENT OF KOSSUTH.

The Senate proceeded to the consideration of the following resolution:

"Resolved, That the expenses incurred in the reception and entertainment of Louis Kossuth and suite during their late visit to the capital, by invitation of Congress, be paid out of the contingent fund of the Senate, when approved by the committee of reception, to an amount not exceeding \$5,000."

Mr. MASON. I do not think that resolution correctly recites the facts connected with that gentleman's presence at the seat of Government. It recites that the expenses were incurred in the reception and entertainment of Louis Kossuth in Washington, at the invitation of Congress. Now, I am not aware that that gentleman was at Washington by the invitation of Congress; on the contrary, so far as I know the history of the case, he came to Washington, as he had a perfect right to do, with the declaration of his purpose, which doubtless was correct, of paying his respects to the Government at Washington. It is not a very important matter, but I do not choose, so far as I am concerned, that it shall go upon the records of the country that he came to Washington at the invitation of Congress.

But I have another objection. I have not the slightest objection to paying these expenses; none whatever. He came here, and was received by both Houses of Congress, and that being the fact, I am perfectly willing to pay any expenses which may have been incurred by his presence here; but I contend that it must be done by a direct appropriation, and not from the contingent fund. I therefore submit to the honorable Senator from New York, [Mr. SEWARD,] the mover of this resolution, that it will be better to put it in the form of a joint resolution. If he will do so, it shall have my concurrence.

Mr. SEWARD. I have no tenacity, in the first place, as to the form of the resolution, or the recital contained in it. If it would obtain for the resolution one vote more, or commend it the more to the favor of the Senate, I would consent that the recital should be struck out, according to the suggestion of the Senator from Virginia.

I am somewhat embarrassed by the other suggestion of the Senator—which I take kindly, and for which I return my acknowledgments—to make this a joint resolution. There was an informal consultation between the honorable Senator from Illinois, [Mr. SHIELDS,] who was the chairman of the committee to receive Governor Kossuth, and myself; and the result of the opinions we collected from members of the Senate was, that it would be better to put the resolution in its present shape. I would ask Senators who are favorable to the object of the resolution in some shape, to signify their wishes with regard to the form. I will receive their suggestions very kindly. What, sir, do you say? (addressing Mr. Davis.)

Mr. DAVIS. I would prefer a joint resolution.

Mr. SEWARD. Will the honorable Senator from Michigan be good enough to give me his opinion?

Mr. CASS. I will answer distinctly. I cannot vote for the resolution in its present shape.

Mr. SEWARD. Will the Senator from Michigan say whether he will vote for it in the form of a joint resolution?

Mr. CASS. I think I should; but I do not wish the Senator from New York to take that as a definite answer. I must say, however, that I cannot vote for this resolution.

Mr. SEWARD. Then, Mr. President, without further inquiry, I move to insert the word "joint" in the resolution.

Mr. BADGER. Oh, no; you will never get it through the Senate.

The PRESIDENT. That will change the whole character of the resolution.

Mr. SEWARD. Very well, sir; then I will let it stand as it is, and take the sense of the Senate upon it.

Mr. BADGER. I desire to say a word before the question is taken. It is pretty well known to every member of the Senate, and perhaps to many persons out of it, that I was totally opposed to the proceedings in reference to Kossuth, which ended in the presentation of the resolution now before the Senate. But, sir, I do hope that there will not be a moment's difficulty with any member of this body; after Louis Kossuth has been at Washington, after a committee has been appointed by our

own body to receive and present him to the Senate, and after those expenses have been incurred in his entertainment here—I say, that after all this, I hope there will not be a gentleman of this body who will hesitate to vote promptly to have these expenses defrayed.

Mr. MASON, (in his seat.) Yes, in a proper manner.

Mr. BADGER. I think we owe it to ourselves to pay these expenses. With regard to the form of the resolution, I think it is proper that these expenses should be paid upon a resolution of the Senate, and not upon a joint resolution. When that gentleman came to this city, he came here without any committee having been appointed by the House of Representatives to receive him, or take charge of him, or present him to that body. A committee had been appointed by the Senate for that purpose; and he was in the city something like a week before the resolution was passed in the House of Representatives authorizing his reception in that body. In the meantime, he was received by our committee, placed in suitable quarters in the city, and the expenses, now sought to be defrayed, had been incurred. It seems to me, therefore, that this matter properly belongs to the Senate, and it is our business to see that these expenses are paid. I hope that the proposition of the Senator from New York will be adopted—that the Secretary will audit these accounts, and ascertain what is just; and what is just, ought to be paid.

Mr. BORLAND. I rise simply to suggest that the consideration of this resolution be postponed; not for the reason that I intend to discuss the subject to which it relates, but there is a member of the Senate [Mr. CLEMENS] who has given notice that he intended to offer his views upon it when it should come up. He is not now in his seat, and as this is not a pressing matter, and there are subjects which are of that character, I move that the further consideration of the resolution be postponed.

Mr. SEWARD. I hope that motion will not prevail. A large portion of this money will be payable, if it is paid at all, to the keeper of one of the public hotels in this city, who stands in need of the money, and who has earnestly pressed upon me to bring up this resolution as early as possible. I have not called it out of its order; but I do not feel at liberty to consent to its being deferred when it comes up in its regular course.

Mr. CASS. The honorable Senator from New York had better accept the proposition of the gentleman from Virginia, [Mr. Mason.] If it were put in the form of a joint resolution, it would probably receive a more unanimous consideration by the Senate. I must observe, however, that it seems to me that you defeat the object and intent of appropriation bills if you are to pay such a sum as this, for such an object, out of the contingent fund of the Senate. It does not properly apply to the matters to which the contingent fund of the Senate should apply—the business of the nation as connected with its own operations. It seems to me to be one of those objects which call for the joint action of Congress, and I repeat, that if the resolution is put in the shape suggested by the Senator from Virginia, I shall feel strongly inclined to vote for it. I am clearly of opinion, however, that in its present shape it will meet with much stronger objection than in the other. Both Houses of Congress have had questions in relation to this gentleman and his reception here before them; and to have an appropriation made by both Houses is, in my opinion, vastly more proper than to say, "Pay it out of that contingent fund which was set apart for carrying out your own operations."

Mr. BADGER. I do not agree with the Senator from Michigan. There is no propriety whatever in giving this proceeding the shape of a joint resolution. On the contrary, I regard it as entirely inappropriate. These expenses were incurred under no joint proceeding of the two Houses; by no joint committee of the two Houses, nor by any concurrent resolution; for the resolution which was passed by the Senate, and under which that gentleman was received here, and placed in quarters and entertained, was a resolution adopted by the Senate, which had been in force for a week after his arrival in the city before any resolution was adopted in the House of Representatives. It was a movement of our own; and now, sir, I should be glad to know for what expenses the

contingent fund is designed, if it be not for expenses of this kind. They are not the regular and ordinary expenses of the Senate. It is clearly a contingency—an expense incurred in consequence of a resolution of the Senate, not relating to the ordinary expenses of the body—and if this is not a contingent expenditure, I do not know what is. I, for one, am for meeting this matter in the form in which it is proposed. If we give it the form of a joint resolution, it is as much as to infer that the expense was not incurred by us separately. But it was incurred by us, and we should not now attempt to give it a form which it did not originally wear. It seems to me that the resolution is right as it stands.

Mr. SHIELDS. I hope the motion to postpone the consideration of this resolution will not prevail. I would much rather, so far as I am individually concerned—and I know that the gentleman who incurred this expense so generously upon a contingency, would rather have the question decided one way or the other now. So he has informed me. When Kossuth was made the guest of the nation, and was on his way to Washington by the invitation of Congress, the question with us was, what were we to do? We tried to get the Executive to make some provision for his entertainment, but it was declined. What was to be done? Were we to invite the man and make him the guest of the nation, and bring him to Washington—a man whom we knew had come out of a prison, and was poor—and then permit him to remain in the streets? Sir, most unhesitatingly we determined to run the risk at once and made some provision for his entertainment. We considered that the nation was already under obligation to receive him in accordance with the dignity of the nation. Now, I take it for granted that in this case there was one of two things to be done: either to do nothing, or to do all that ought to be done—either to stop before you begin, or not to stop until you end. [Laughter, in which the Senator from Illinois himself heartily joined.]

My honorable and distinguished friend from Michigan, as I understand, says this cannot be paid out of the contingent fund, because that fund is appropriated especially for national objects. If this is not a national object, it ought not to be paid out of any fund at all.

Mr. CASS. Because that fund is appropriated to the expenses of the Senates such.

Mr. SHIELDS. But I find there are precedents for this. In the case of the unfortunate disaster which occurred on board the Princeton, which had no direct connection with the Senate or with Congress, all the expenses were paid, as I understand, out of the contingent fund of the Senate. Yet it had no connection whatsoever with the Senate, and no direct connection with the Treasury, even. This is one precedent. But in my humble opinion, we ought unhesitatingly to pay this out of the contingent fund of the Senate, as has been suggested by the Senator from North Carolina, [Mr. Badger.] My opinion is, that unless we pay it out of that fund, it will not be paid at all. I do not think a joint resolution will pass; then we shall be in the position of having invited Kossuth here as the guest of the nation, and of refusing to pay his expenses. I have already said this is a Senatorial act; it was performed by a committee of the Senate, and there was no option left us. We had been appointed by this body, and there was no preparation made for receiving him. The Executive had refused to make any provision for him, and the only question was what we were to do.

Mr. SEWARD. If the Senator from Illinois will allow me to interrupt him, I ought perhaps to state that the Executive was consulted, and that he recommended the course which the committee afterwards took.

Mr. SHIELDS. Yes; that fact may be stated, if it will give any force to the view I was presenting. Mr. Brown, the keeper of the hotel, has been waiting a long time for his pay, and my impression is, that unless it is paid out of the contingent fund, it will not be paid at all.

Mr. PRATT. I do not exactly understand the phrase used by the honorable Senator from Illinois. But perhaps there is a meaning in it which is apparent to his mind, which does not suggest itself to mine. I mean the phrase in which he says it is best to stop before you begin, or not to stop until you end. Now, I think I can put a

meaning upon it which would be sound policy to follow, although it may not be precisely the mode in which he would interpret it. I think we should have stopped to make the appropriation before we began to receive the man. If the committee, in the unpleasant situation in which they were placed, had applied to the Senate for authority to make the appropriation, the Senate would not have been in the position in which they now are of having the money expended before any act was passed to provide for its payment.

This man was carried to one of the public hotels in this city, where he was entertained. If the committee had asked Congress or the Senate to make an appropriation, and to put the money into their hands for this specific purpose, it would have been all right and proper. But they pursued no such course. They entertained the man, and the bill having been made out, they now come and ask for its payment.

The question in the first place is, whether the bill ought to be paid; and in the next place, whether it should be done by a joint resolution or out of the contingent fund of the Senate. I can have no earthly doubt if this bill is to be paid, that it ought not to be covered up and paid out of the secret and contingent fund of the Senate.

Mr. BADGER. The contingent fund is not a secret fund.

Mr. PRATT. He comes here, the guest of the nation, according to their theory, and he was entertained as the guest of the nation. If this is so, the expenses should be paid out of the national fund. The first question is, whether the object is proper; and the next is, what is the amount necessary for the accomplishment of that object. Here is a proposition to pay some \$5,000. If the appropriation were of a larger amount, the principle would be the same. Are we not to ascertain by the report of a committee, or from some other source, that this sum has been properly appropriated to that object? Is there a bill ever presented to the Senate asking for an appropriation of money when there is no report of a committee, nor any explanation, going to show that the amount asked for is necessary for the purpose for which it is asked? It will be a matter of some curiosity to the people of the country at large, to see the items of this bill. I am sure the people of the country would like to see how \$5,000 were spent in ten days in a public hotel by this man.

Mr. SHIELDS. In thirteen days.

Mr. PRATT. Well, if there were thirteen days, I think it would be a matter of public curiosity to know how the money was spent. I admit that I should be very much pleased myself to know in what way this sum could be properly appropriated for the entertainment of one individual for thirteen days.

Mr. SHIELDS. The gentleman says that he does not understand my meaning, and insinuates, in a measure, that I do not understand it myself, when I say that we ought to have stopped before we began, or not to stop at all till we got to the end. Sir, I will tell that gentleman what my meaning is. If that gentleman invites a guest to come and sit down at his table, surely he ought not to ask him to bring his provisions with him! [Laughter.] He ought to ascertain whether he is able to entertain him before he invites him.

Mr. PRATT. When I ask a guest to partake of my hospitalities, I know beforehand that I shall be able to provide something for him to eat. Now, this gentleman was not invited under such circumstances; and I think it would have been well had the committee ascertained that they had legitimately the means of providing for him before they undertook to entertain him.

Mr. SHIELDS. The Senator from Maryland forgets that this gentleman was invited by the nation and not by me, and that he, as a member of that nation, is as much bound by its acts as I am. Then, sir, as for reading over and examining the items, I would just as soon invite a guest to my table and, after I had treated him as well as I was able, take all the items of which he had partaken and publish them, in order to disgrace him. I do not care what opinions gentlemen individually entertain on this subject. None can deny that his being invited was the act of the nation. They have invited him and made him their guest, and the committee of the Senate, as the servants of that nation, placed him in that hotel and made arrangements for his reception; and I consider it

would not be a very proper way of treating the matter now to call for the items of this account and publish them to the world, with the view of disgracing the man whom you have made your guest. Sir, in doing so you stultify yourselves; and everything you do to belittle that man after having made him your guest will only result in belittling yourselves. That is my opinion. After having gone so far, it seems to me that we ought not to stop here. We ought to pay these expenses.

Mr. BORLAND: I moved the postponement of this resolution for the reason, as I stated, that there was a Senator who gave notice some time ago, that it was his intention to speak at some length on the subject. That Senator is not in his seat—I presume in consequence of indisposition. For that reason I was desirous that the question should be postponed until he might be present, in order that he may be able to present those views to the Senate of which he has given notice. I think that there is great force and propriety in the remarks made by the Senator from Maryland, [Mr. PRATT,] that we ought to have provided the means of entertainment before we proceeded to entertain that guest; and it will be recollected that when the resolution was before the Senate inviting Kossuth here, and calling him the guest of the nation, I offered a substitute for it, in which I made a direct proposition to make the appropriation then, and to determine what it should be. But how was that proposition received by the friends of Kossuth—his especial friends—and particularly the Senator from Mississippi, not now here, (I mean Mr. Foote?) My proposition was declared to be an insult to Kossuth. It was said to be an insult to him to connect money with his name. Money was not to be thought of. Oh, no! We were to have

"A feast of reason and a flow of soul,"

which was to cost nothing but the wind which provided it. [Laughter.] No money was to be mentioned. It was considered an insult to connect money with his name. I foresaw the consequences as everybody might have seen them, namely, that he would come here at considerable expense, and that when the bill came in we should be required to pay it, and that there would be no telling what it would be.

The Senator from Illinois objects to bringing the items here. He says that it would be dishonoring Kossuth. That has nothing to do with Kossuth at all. It is merely to see whether the account brought in by the hotel-keeper, who has furnished the means of his entertainment, is a correct account or not. Sir, it is said to be \$5,000 for the thirteen days which he was here. That cannot be for the entertainment of Kossuth. I presume it must have been for the gentlemen who were with him. Now, this the Senate positively refused to do. The proposition was to include his *suite*, and the Senate would have nothing to do with it. It was to be Kossuth alone, that was to be entertained; and now, when the bill comes in, we are to pay for the entertainment of men whom we positively refused to entertain at all.

Mr. UPHAM. I am very much surprised at the remarks made by the Senator from Illinois. He thinks that, to ask for the items, would be belittling Kossuth. It seems to me that he is under a very great mistake; but, on the other hand, if there is an attempt to shroud the matter in darkness and conceal it from the country, the people will infer that there is something wrong. I disagree with that Senator on another ground. He says we invited Kossuth here; that he was our invited guest. According to my recollection, when the committee was appointed, the question arose whether they should go to New York and receive him, or whether he should be received here. It was said that he was to be received when he reached the city of Washington. He came here, and the committee did receive him, and went with him, I presume, to the hotel; and I have no objection to pay a reasonable compensation for his entertainment. But, for one, I shall never vote for a proposition of this kind until I see the items composing this \$5,000, or have an assurance that it will be examined by a committee of this body. As the Senator from Arkansas [Mr. BORLAND] has stated, we refused to invite his associates. We invited him, if there was any invitation at all. We invited him to the country and to the capital. We next appointed a committee to receive him, and now we are called upon in a public manner,

not by a joint resolution, but by a resolution of the Senate, to pay this expense out of the contingent fund, by which means we conceal it from the people of the country. The inference will be, that this gentleman, for thirteen days' residence at a public hotel, expended \$5,000. I think it is just to him to show these items, that we may know what composes the amount of \$5,000. It may be that this is an extravagant account; it may be one that the Senate will say we are unwilling to pay. All I ask is, that the whole subject may be laid open to public light, that everybody may see and understand what these items are.

Mr. SHIELDS. According to the resolution the matter is to be submitted to the committee, and they will investigate it.

Mr. SEWARD. The Secretary of the Senate is to audit the account.

Mr. SHIELDS. It is to be investigated, and if the committee choose to pay, it will be very well. I do not see why we should publish the items.

Mr. MASON. I wish to state to the Senate that I was under some misapprehension when I addressed the Senate a short time since, and I ought to correct my remark. I stated that according to my recollection, this gentleman had not been invited to Washington. I have since sent for the joint resolution which was passed, and I find that the invitation was to the country and to the capital. I am free to admit that that is an invitation to Kossuth to visit the city of Washington, and although I opposed it here, as is known, in every form, I submit to the action of Congress. But if I vote for any appropriation, I cannot do it in any other form than that of a direct appropriation.

Mr. CLARKE. The honorable Senator from Virginia has anticipated much of what I intended to say, corresponding with my recollection with regard to the reception of Kossuth. In the first place, I shall vote for the postponement of this resolution; not because I desire that there should be any delay with regard to the payment for the entertainment of Kossuth and *suite*, but because I consider it a matter of courtesy to the Senator from Alabama, [Mr. CLEMENS.] I think that it is due to him that he should have an opportunity of presenting his views upon this subject when the resolution is considered. He has already given notice of his desire to do so; and we all know that it came up quite unexpectedly this morning while that Senator is not present, and for that reason, and that alone, I shall vote for the postponement. But if that postponement is not made, I then desire to state why I shall vote against the resolution in its present form. If my recollection serves me, the invitation was made by a joint resolution of both Houses of Congress. That joint resolution was approved by the President of the United States; and if I recollect aright, it was sent by the private secretary of the President to New York, and there presented to Kossuth.

Now, it has been suggested by some gentleman that that invitation was to Kossuth and not to his *suite*. I beg leave to say, that as you invite Kossuth as the former Governor of Hungary, and make him welcome, you are bound to entertain those who come with him as his *suite* as well as the individual himself. And if his *suite*, instead of being composed of eighteen or twenty, had extended to a hundred, your invitation would have precluded you from failing to entertain the whole number, however much your confidence might have been abused. I have no desire to see the items of this bill. I have no doubt that it will be properly audited by the Secretary. Whether it is extravagant or otherwise, it is not for me to say. Whatever it is rightfully, it must be paid. The faith of the nation, the honor of the country, is committed to it, and it must be paid. But I do most sincerely object to its being paid out of the contingent fund of the Senate. The joint resolution was passed by both Houses of the Congress of the United States, and it was approved by the President; and upon that resolution, Kossuth and his companions were invited to the capital of the country. The Committee appointed was for the reception of Kossuth, not particularly his reception in Washington, but his reception in the Senate. The House of Representatives also appointed a committee at their own good pleasure, and in their own good time—certainly we have no right to inquire whether that was early or late, or not; the committee of the House and the com-

mittee of the Senate acted conjointly in everything that related to the distinguished stranger.

Mr. SHIELDS. The committee of the House of Representatives did not act with the committee of the Senate at all.

Mr. CLARKE. I know they were there. I have no doubt the committee of the Senate first received him, but the committee of the House were there, and received him as well as the committee of the Senate. We see that he was the invited guest of the nation, and why, then, should not this expense be paid as well as any other claim against the Government of the United States? I think it should be paid by a joint resolution; in that form it shall have my support, without a murmur or complaint, and without asking to see the items on which this claim is founded. I have no desire to see them. I object to the impropriety of introducing this resolution here—as if the Senate of the United States were the only body that received Kossuth at Washington—to be paid out of the contingent fund, appropriated particularly and explicitly for the uses of the Senate. If he had been received by the Senate only, it would have been a different thing; but it was by a joint resolution that he was invited, and the appropriation should be made by a joint resolution. For that reason alone I beg to state explicitly that I shall vote against this resolution, because it will appropriate money which was not designed for such a purpose. A joint resolution shall have my cordial support.

Mr. MANGUM. In all matters of this sort, the gracefulness with which the act is done constitutes more than half its merit. I have never had any of this Kossuth fever. If I had been here, I should have voted for none of these initiative proceedings. They were all consummated before I came here. I have seen many developments since that period, which would still more indispose me towards these proceedings than I was in the first instance. But, sir, he was invited here, and I think very improperly invited, to a seat in both Houses of Congress, with a view of bestowing those honors upon him which were bestowed upon La Fayette. I had no sympathy then with that movement, and I have none now. I look back to it with little respect, although we all participated in it. I think we were all in error; but the money having been expended, I think there can be but one opinion throughout the country with regard to what is now proper to be done—that, without any higgling policy, the claim ought to be met.

This bill strikes me as enormous in its magnitude, but I am not going to weigh it as I would fine gold, in very delicate scales. This matter was committed to a committee of this body who have done their duty, as I have no doubt; and I hope the discussion which has grown out of this matter, will not at all diminish the respect due to the committee.

I think this resolution should not be postponed. I think it is not necessary, even for the presence of the Senator from Alabama, for I have as little respect for these proceedings as that Senator; but I feel that it is a point of honor, and even a more delicate one, a point of hospitality, and that we should pay this claim without raising difficulties upon the subject. As to the difference between a joint resolution, and a resolution to pay from the contingent fund, I see no particular difference. The money is money furnished by the United States, and that contingent fund is raised by the joint action of the two Houses of Congress; and I should be unwilling to see a running discussion of three or four days in either branch of Congress upon this subject. It has been compared to a case of private hospitality. I think it is even of a more delicate character; it touches that which ought to be dearer to every American, it touches the national honor. I hope we shall never send another national ship for any person who does not hold as high a position as that of La Fayette. I do not hold this to be a parallel case at all.

I have no sympathy with the proceeding. It was a snap judgment taken upon us, without due consideration; but having done it, we must go through with it; and, in the emphatic language of the Senator from Illinois, "Let us not stop till we get to the end." I hope that we will vote for this appropriation. At all events, let the honor of the Senate be clear of any imputation of inhospitality.

Mr. PRATT. For my life, Mr. President, I

cannot see what the honor of the Senate has to do with the question under consideration. I hope I have as nice a sense of honor as the gentleman from North Carolina, who has just taken his seat, or as the gentleman from Illinois.

Mr. MANGUM. I do not question that at all, sir.

Mr. PRATT. Now, what is the question? This individual, as they say, has been invited as the guest of the nation. Sir, has he not been entertained? He has been entertained, and has now departed from among us. Everything has been done by the committee, according to their own showing, necessary to be done in regard to the treatment of this individual, as the guest of the nation. Therefore, the honor of the nation, so far as this individual is concerned, has been complied with and satisfied, by the committee entertaining him according to their own views. Now, what is the question? It is not the application of Kossuth to have this bill paid. He has nothing to do with it. No credit was given to him by the party who brings this bill to the Senate for payment, but it is an application on the part of the committee for payment to the individual. And now the honorable Senator says that it is dishonorable to the Senate and the country to direct any inquiry to be made in regard to the correctness of the bill for articles ordered by the Senate—that it is dishonorable to inquire whether these articles have been furnished or not. That is the proposition. Kossuth has been introduced, and Kossuth has awakened your sympathies, I have no doubt. He has departed from among us; a bill is presented by one of our own citizens, who, at the instance of the committee, supplied the articles necessary for his entertainment, and asking payment for these articles, and we are not even to inquire what those articles were. Sir, cannot we as well inquire into the propriety of paying that bill as we could inquire into the propriety of paying any other bill for articles ordered by the Senate?

Why is there such a degree of sensitiveness on the part of gentlemen in regard to this matter? What is there which is dishonorable in this inquiry? If the Senate had ordered these articles to be supplied for ourselves, or for anybody else, is it not always useful to inquire into the propriety of paying a bill? Are not the items examined by somebody, to ascertain that they are reasonable?

The honorable Senator from Rhode Island says that he is for paying this bill, so far as it is reasonable. Sir, who is against paying it, so far as it is reasonable? But how are you to ascertain whether it is reasonable or not, unless we or somebody else is to see the items?

Mr. CLARKE. If the honorable Senator from Maryland will allow me, I would beg to say, that he misunderstands me. I was for paying the bill when audited by the committee or the Secretary. All I meant to say was, that I had no idea of caviling about the amount, whether it was \$4,000 or \$5,000. The committee will determine that as provided by the resolution.

Mr. MANGUM. Let the resolution be read.

Mr. PRATT. One moment, sir. The Senator from Rhode Island expressly said that if the bill was reasonable it should be paid; and he will not say, nor will any man say, that if it should be unreasonable it ought to be paid. How is it that when these articles have been furnished to this individual no inquiry is to be made about it? What impropriety is there in making such an inquiry? That is the ordinary course. The individual himself has nothing on earth to do with it. The resolution does not direct that the committee shall examine the account, which I think it ought to do.

Mr. BADGER. Let the resolution be read again.

Mr. PRATT. I have no objection to have it read.

Mr. BADGER. It directs that an inquiry of this kind be made.

The resolution was read accordingly.

Mr. BADGER. My friend will notice that nothing is to be paid unless under the approval of the committee, and certainly he will not say that the items of the bill should be examined in open Senate. Such a duty has always been performed by a committee.

Mr. PRATT. Certainly not. But, Mr. President, it will have been noticed by you, and by others of the Senate, that I spoke in the commencement of this discussion in good humor, and

that, therefore, the remarks which have been directed to myself were uncalled for. But it is said that the examination of these items will be caviling at them, and that to examine them will be to disgrace the individual; that it will be "belittling" him, and "belittling" ourselves, and "stultifying" ourselves; and I do not know how many other epithets were applied by the honorable Senator from Illinois [Mr. SHELDS] to what I said with good humor, rather with a view of producing a pleasant feeling, on the part of the Senate, than any other. Sir, I assert that there is no man in the Senate who will say with more sincerity than I do, that so far as this bill is right it ought to be paid. But it ought to be examined by somebody or other fully authorized by the Senate to examine it, and then so far as it is right it ought to be paid. I never doubted that proposition. I am for paying it, but I can see no objection to examining it.

The original resolution has been handed to me since I commenced speaking. It is in these words:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States, in the name and behalf of the people of the United States, give to Louis Kossuth a cordial welcome to the capital and to the country."

As has already been said, a proposition to amend was made to include Kossuth's *suite* with him, but it was rejected—rejected by the peculiar friends of Kossuth himself. I have said this much, deeming it necessary because of the remarks made by the Senator from Illinois.

Mr. ATCHISON. Mr. President, from the very beginning of this Kossuth matter up to the present hour I have been peculiarly situated—situated somewhat as poor Hungary is situated, with Russia on the one hand and Austria on the other. [The honorable Senator is seated between Mr. CLEMENS and Mr. PRATT.] But, sir, I have been rather neutral; I have been afraid to "intervene," either on the one side or on the other. [Laughter.] But as it is admitted on all hands that this bill must be paid, that it must be footed, and that the money must come from the Treasury of the United States, whether it be by appropriation under a joint resolution, or whether it be out of the contingent fund of the Senate, I take it, to use a cant phrase, that it is "the people's money"—come from whatever quarter it may.

I have heard no constitutional objection to paying it out of the contingent fund of the Senate; and, for a wonder, the Constitution has not been interposed from any quarter. I shall vote against postponing this matter. I shall vote for paying the bill now as a matter of economy, that it may be ended once for all. Whether it be from the influence of my friend on my right, or the Senator on my left, I have looked upon this whole matter rather suspiciously. I had an indistinct idea that there was something of humbuggery mixed up with it. Now let us end it. I think when we foot this bill and pay it off, it will be the end of Kossuth, and perhaps the end of the doctrine of intervention.

Mr. CASS. I will not go that. [Laughter.]

Mr. ATCHISON. I trust so, at all events. Then, as a matter of economy, and as a matter of justice to the hotel keeper, the man who is interested in this resolution, I am for paying the bill now. It is not now a question between Kossuth and the Senate, or between the Congress of the United States and Kossuth; but it is a question between the hotel keeper, and the Senate, or the House of Representatives, or both. If we pass a joint resolution—as all agree it must be paid—it goes to the House of Representatives; it makes an appropriation; and I am told that, under the rules of that House, every bill or resolution which makes an appropriation goes to the Committee of the Whole House on the state of the Union, and God knows how many presidential speeches would there be hung upon this simple resolution. We do not know how many days, how many weeks, or how many months might be consumed in the discussion of this great question. Then, as a matter of economy, the sooner we get rid of it, the better for the Treasury of the United States. We have already spent about an hour in the discussion of this question. I trust it will not be postponed; and I trust, further, that if we are compelled to foot the bill, we will do it now, and pay it out of the contingent fund of the Senate.

The motion to postpone was not agreed to.

Mr. CASS. I desire to take the question first

on making that a joint resolution, and move an amendment to that effect.

The PRESIDENT. It is moved to amend the resolution by changing its form, so as to make it read as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the expenses incurred," &c.

Mr. CASS. I wish to say a word or two only on that question. As to the bill, I have nothing to say upon it. I am perfectly willing to leave it to the committee. As to Kossuth's *suite*, I think it is altogether proper that they should be supported at the public expense while they were here with him. We could not expect him to come here alone. It seems to me that is rather a small matter; but the other is the difficulty with me. The resolution recites the joint action of Congress in asking Mr. Kossuth to come here as the guest of the nation. It recites that it was done by the Congress of the United States; and now, to meet the necessary expenses, we propose to pay them out of the contingent fund of the Senate. I repeat, there is no propriety in that. The contingent fund of the Senate was meant to meet the expenses of the Senate as such. Why, sir, what is the value of specific appropriations, which the Democratic party have advocated since the days of Mr. Jefferson? The object is to decrease the amount of contingent payments, and make everything as specific as we can. The smallest claim in the Union, unless there is a preëxisting appropriation for it, has to come to Congress to be allowed and get a specific appropriation. It is a great principle which is involved in this question. I repeat, it is not to the bill that I object; I am willing to leave that to the committee. I am perfectly willing to extend to the *suite* the necessary support. I think that is all right. But because the House of Representatives may not act upon the joint resolution, is that any reason why we should not pass it? Is it the proper course for us to pursue, not to do our duty, presupposing that they will not do theirs, or that they will waste their time in useless and idle discussions? Nothing is more important than that specific appropriations should be made, as far as it is possible to make them. It was a great doctrine taught by Mr. Jefferson; and there is no man who knows the course of Mr. Randolph, but knows that it was one of the first things he urged in Congress. Our object is to give as little discretion to the accounting officers as possible; to make the appropriations specific, and let the officers act upon them under the operation of the law. I repeat it is no objection to this course, this legal constitutional course, that the House of Representatives will not do their duty. I presuppose no such thing.

Mr. MANGUM. I should like to know very much, sir, how a specific appropriation can be made in this case? One dozen of champagne, four and twenty or fifty dollars, as the case may be; half a dozen bottles of cologne, and various other matters! Sir, Mr. Jefferson's doctrine never touched such a case as this. The thing is impracticable in the nature of the case. I know something about the doctrine of specific appropriations. When I was a very young man and a member of the other House, we undertook to carry it out. With that view, on the naval appropriations, a committee of conference was got up from the other House, and one from the Senate; and Mr. Rufus King and the late Mr. Lloyd, then a representative of Massachusetts, made a report, and the result of the endeavor was to show as little foresight as could be shown. The effect of it was a crippling of the whole operation of the public service. Sir, as to this Kossuth movement, I view it with contempt; and so view, though with a much more energetic feeling, the doctrine which he has broached since he left the city of Washington. I have no sympathy with it; but if we have contracted an obligation, let us get out of it, and, as I said before, to do it gracefully constitutes more than half its worth. When General Lafayette was here, I remember, under the recommendation of President Monroe, we reported a bill to give him \$200,000 and a township of land. There was a minority opposed to it. They were against exceeding \$100,000. The question came up for consideration, the General having been invited here, and tendered a passage in a national ship; and, sir, I think the other branch of the Legislature almost unanimously felt that we should lower ourselves very much in the public judgment, if

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in making a gratuity, we should weigh it as fine gold. That was the first occasion upon which I ever addressed that House in my life, to repudiate that idea. The appropriation was voted to General Lafayette, with only seven or eight opposed to it. You, Mr. President, were then a member of this branch of the Legislature, and it passed here with an overwhelming majority. There were about ten or fifteen, or perhaps not so many, opposed to it.

Sir, I can see no merit in our Government having tendered a national ship to a mere revolutionary mover in the Old World—I allude to Mr. Kossuth; one who had never rendered any service to this country; and one who, so far as we know, has rendered none to the cause of liberty. We were brought into that without due reflection. I hope we shall never do so again; but having incurred these expenses, I think we ought to meet them without counting the cost. The committee is to examine the bill. That committee consists of three of the most eminent members of this body—the Senator from Michigan, [Mr. CASS,] the Senator from Illinois, [Mr. SHIELDS,] and the Senator from New York, [Mr. SEWARD.] If they have not learned arithmetic enough to settle the account of this hotel-keeper, I think we never shall. It strikes me as an extravagant bill. However, I shall leave it to those gentlemen to say what is right, and I shall not quibble about it. I hope the subject will not be postponed, and that we will consume no more time upon it; but take a vote, and dispose of it finally.

Mr. CASS. I desire to say one word, in answer to the remarks of the Senator from North Carolina. He speaks about champagne. I do not know whether there is any in the bill. He probably understands it better than I do. He asks whether every bottle of champagne—and I suppose every mouthful—is to be put in the specific appropriation? Nobody ever thought of such a thing. The honorable Senator did not ask the question seriously. In a specific appropriation, we leave the accounting officers to carry the details into effect. I am for making a specific appropriation in this case of \$5,000, or \$4,000, or \$3,000, or whatever may be necessary for the support of Kossuth, and leave the investigation to the committee to determine whether the items are proper. What they determine will be satisfactory to me. No man dreams of going over every item in the bill.

Mr. SEWARD. If the Senator will permit me, I will ask him a question. If this is not a specific appropriation now, will it be made more so by changing it from a resolution of the Senate to a joint resolution of both Houses?

Mr. CASS. That has nothing to do with it. Specific appropriations are not made by the action of the Senate, but by the joint action of the Senate, House of Representatives, and President of the United States. Allow me to say, that at the commencement of the Government, I believe, in asking appropriations for the Army, it was customary to say so many millions for the Army. Who would venture to ask such an appropriation for the Army now? They would ask so much for the pay of officers; so much for subsistence; so much for clothing; so much for the pay of the soldiers; so much for the medical department; so much for each particular. Specific appropriations should be made to check abuses. That is their object. No man pretends that you can, beforehand, set down every item. But, as is done in every constitutional government, you can make your appropriation for the object to which it is to be applied, and then you can hold your executive officers responsible for the proper application of the money, and the proper, legal adjustment of the accounts rendered under it. The honorable Senator from North Carolina [Mr. MANGUM] says, that he formerly made a speech to show that specific appropriations were useless.

Mr. MANGUM. Oh, no.

Mr. CASS. I thought that was the amount of the remark.

Mr. MANGUM. My remark was, that when

you attempt to tie them up to the line of precision, it very often cripples the public service.

Mr. CASS. That crippling has come down to us for half a century, and will go on, I trust, as long as we are a Government. Suppose you should undertake to say that \$52,000,000 should be appropriated for the expenses of the Government, and leave the Executive to apply it; is there a man in either House of Congress who would advocate such a plan? It would be hooted, or the public voice would hoot us out. Well, then, the nearer you get to a specific appropriation in every case, the nearer you get to a compliance with the true rule.

As to the question of the Senator from New York, I would say that he mistakes the whole question in dispute between us. It is simply a question of the proper application to be made of the contingent fund. It is no question of a specific appropriation, or of a latitudinarian appropriation. It is no question of appropriation at all, but a question of application. You appropriate so much for the pay of members, so much for this contingent expense and the other; now, what are they, fairly, honestly and purely? They are the expenses necessary to enable you to get along in your legislative capacity—payment of officers, and things of that description. But now you come to us with a resolution passed by both Houses of Congress, and signed by the President, inviting the guest of the nation to come here, and you wish to appropriate the amount of his expenses out of the contingent fund of this body. I repeat it is not proper. You say that Lafayette was paid. But was he paid the \$200,000 out of the contingent fund of the Senate? Did any man dream that it was so? Would there have been found one man in either House who would advocate such a course, or have even proposed to give to Lafayette \$200,000 out of the contingent fund of Senate? No, sir; it was a regular act of Congress. I shall vote for this appropriation with pleasure, if it is put in the form of an appropriation to be made by Congress, so that it may take the accustomed course in passing the two Houses.

Mr. RUSK. I desire to say but a few words. All seem to admit that we have incurred a liability to pay these expenses. How has that liability been incurred? By a law of Congress, or by a direct joint resolution, which has the same force as a law, which was passed by both Houses of Congress. This proposition is to pay the expenses out of the contingent fund of the Senate, which is given for a particular object—the payment of the necessary expenses of the Senate, as a body, by itself. Now, this is either a debt owing to the tavern-keeper, or an obligation of politeness we are under to Mr. Kossuth. It seems to be treated in both capacities. Take it in either. Sir, the proper mode of doing it, unless you sanction an abuse in legislation, is by a regular, legal appropriation by the two Houses of Congress, and passing all the departments which hold a check on our expenditures.

This is a matter in which gentlemen say, our courtesy is concerned, in which our obligations also are concerned. Well, there are other cases in which there are just as strong obligations, and as much courtesy due from this body towards claimants, as in this instance are due towards the hotel-keeper. I know there are bills lying upon the table, providing for the payment to widows and orphans of just debts which they have against the United States, which have been reported upon frequently by committees of both Houses of Congress, but because they have been discussed in one House, or time did not permit them to be passed, have failed; and they are still here.

The reason which the honorable Senator from Missouri [Mr. ARCHERSON] furnishes, that they will discuss presidential questions in the House of Representatives on this resolution, might apply to every bill. Then, according to that doctrine, we should have to change our whole proceedings. Would it not be just as legal, and proper, and appropriate, to take up one of these meritorious bills for the payment of \$1,000 or \$5,000 in favor of

some individual who has a just claim upon the Government, and pay it out of the contingent fund of the Senate, because there would not be time to pass it in the House of Representatives? That would be just as legitimate a reason for us to take such a course to take money out of the Treasury, as it would be in this case. But it is altogether an assumption that it will be discussed in the House and not passed. We do not know anything about that. My plan is to act, and take our share of the responsibility, and trust to the House of Representatives. I believe they will be as just and as dignified as we; and, therefore, I shall vote for the amendment to constitute this a joint resolution.

Mr. DAVIS. The honorable Senator from New York, when the discussion was commenced, inquired of me in which form I would give the resolution a preference? I replied, as a joint resolution. As that topic is under discussion, I wish to state my reason for giving that opinion. It is now proposed, by this resolution, to take money from what is called the contingent fund of the Senate, in order to make these payments. That contingent fund is money already appropriated—appropriated by the two Houses of Congress for the use of the Senate, in payment of its contingent expenses. If this is a contingent expense of the Senate, then it is proper to make this application of the money. I thought that it was a little doubtful whether it would fall among that description of expenditure that we ordinarily consider the contingent expenses of the Senate; and therefore it was that I answered that I would prefer a joint resolution. I cannot perceive that the House could have within its contemplation, when it agreed to give this contingent fund, an expenditure of this description; though perhaps in some instances we adopt, as contingent, payments that are of as doubtful a character as this. I shall, however, find no insuperable difficulty in supporting it as a contingent expense, or as a joint resolution; for that this bill ought to be paid admits of no doubt; it can admit of no doubt. Why, sir, if any man of spirit and honor, for whose benefit a bill of this sort was incurred, could have listened to this debate, he would have put his hand in his pocket and paid the hotel-keeper himself. Why has it not been done? It has not been done, because a committee of this body and a committee of the other House, having the matter in charge, gave this gentleman to understand that he would be welcome to his lodgings; that no compensation, and no equivalent was to be expected from him.

Now, whatever might be my views of the character of this individual, or of the course of life which he has pursued, I should deem this the most improper motive for me to withdraw myself from this transaction. I would meet the bill and pay it fairly, be it what it may. Nor would I inquire into the particulars of such a bill. I hardly think it is compatible with the character and dignity of the two Houses to go into the items of the expenditure. It is enough that you appoint a committee to look into the business, to take care of your rights, and see that what to them is satisfactory is done. That is enough for me. I would not stop to inquire whether the amount was reasonable or unreasonable.

The Government paid this gentleman a great compliment—one that is almost unparalleled in the history of the country, there being but one precedent for a similar course of procedure. They gave him a welcome to the capital and to the country. And the committee, in my judgment, did right, when they thought that the spirit of hospitality in the Government should be carried out by making further provision for his entertainment. I, for one, approve of the course they have pursued. And now I would meet this obligation—meet it manfully, and pay it, as it becomes us to do.

Mr. PRATT. I do not know to what portion of this debate the remarks of the honorable Senator from Massachusetts are intended as a reply. I would ask him to state, who upon this floor has said that this bill is not to be paid? I have

heard no one say so. Every one has said that the bill is to be paid. All this declamation about honor is to mean something or nothing. What does it mean? Every one admits the bill is to be paid; but is it incompatible with honor that there should be some party to inquire whether it is reasonable or not? It is simply the bill of a hotel keeper.

Mr. DAVIS. If the Senator alludes to me, I will beg to make one remark. I spoke of my own individual feelings, and of those of no other person.

Mr. PRATT. I do not know what was the use of saying it would be dishonorable to do this; and that, if the gentleman had been present and heard this debate, he would have put his hands into his pocket, and paid the bill himself. No man has made the question whether the nation is not to pay the bill—to pay what is right; but still, the question is made, whether there cannot be an inquiry instituted as to the amount of the bill. A hotel keeper has presented a bill to a committee of the Senate, and they say that that bill is to be paid without examination. That is the proposition on one side; and the proposition upon the other side is, that it is not incompatible with honor that we should inquire into the items of that bill—that somebody should inquire—some accounting officer—whether the bill is right or wrong.

Mr. BADGER. My friend from Maryland has fallen into a singular error. The resolution expressly requires that what is to be paid, is to be paid upon the approval of the committee. I believe that is the usual course of the Senate.

Mr. PRATT. We do not differ at all. If this committee is to inquire first into the items of the bill, if they are to be invested with the power of ascertaining the correctness of the bill, I shall be satisfied. But I am not speaking of what that Senator says; I am replying to the argument made on the other side, which is based on the hypothesis that it is dishonorable to inquire whether the bill is right or wrong, and that it must be paid now.

Mr. SHIELDS. I had not the intention of charging anything like dishonor upon the Senator from Maryland. I only felt that it would be a little wanting in dignity to go into an investigation, in the Senate, of the little items of this bill. I believe he would be the last man to do it. I do not at all mean to impute any wrong motive to the Senator.

Mr. BORLAND. I have not, from the beginning of this discussion, objected to the payment of this bill; nor have I heard any one, as the Senator from Maryland remarked, object to it. I proposed, for the single reason I stated, that the further consideration of the resolution should be postponed; not that I was not prepared to vote upon it, and for the payment of it, now. The Senate having decided that they will not postpone it, I am prepared to vote now. But, sir, I wish to say, in regard to a remark which fell from the Senator from Michigan, [Mr. Cass,] that I do not understand how it can be considered a small affair, or a very small matter, unworthy to be introduced here. The Senate did positively refuse, upon a substantial proposition, to include any one in the invitation extended to Louis Kossuth but himself, after full discussion on the subject. The proposition having been brought forward to provide for the entertainment of those who were to accompany Kossuth, and it having been rejected, I do not see how the Senator can think it an immaterial, small, or irrelevant matter, to be considered in this connection. It will be recollected, also, that this very proposition was not only made, but carried without opposition, to the objection then made to this business of receiving and entertaining Mr. Kossuth, without the concurrent action of the other House. It was expressly stated by a late Senator from Mississippi, [Mr. Foote,] when I made a proposition to include an appropriation for the purpose of paying these expenses, as an objection to that, that its going to the other House as a joint resolution would defeat it. The same apprehension seems to be entertained now. Gentlemen are afraid to trust the other House. They are afraid to send the matter there, as the House might investigate it. I conceive it can be for no other reason. Putting the two circumstances together, it seems to me to make out a case which leaves us ground for the suspicion, at least, that the object of making this appropriation out of the contingent fund of the

Senate is to avoid the discussion which it will undergo in the other House, and the chances of being there defeated. In appropriating money out of the Treasury of the United States for any purpose whatever, I am not for avoiding the investigation of the other House. I think it is right that, not only in a case of this sort, but in every case, such a proposition should undergo the scrutiny of both Houses. The Constitution requires it; former legislation requires it; and, I think, the experience of the country justifies it; and everything adds to the force and propriety of the requirement; and for these reasons I wish to adhere to it.

Mr. BADGER. I wish to say one word to my friend from Arkansas. If the whole House of Representatives were, to a man, opposed to the payment of this bill, it would furnish no reason why it should not be paid, and would not relieve this Senate from their responsibility to pay it. Mr. Kossuth came here, and was received by our committee, acting under our joint resolution; he was by them placed in the quarters which he occupied. He was placed there upon their authority and their responsibility as our representatives; and he had been there, I believe, some ten days before any committee was appointed for the purpose of receiving him by the House. No committee of the House ever joined in the action (by which he was put in those quarters, or assumed any responsibility) on the part of the House for making the compensation. Therefore, I say it would be wrong for us to submit this question to the House. What our committee has done, we are bound to see respected and carried through by the power which we possess of doing it. That is the view I take of the question.

Mr. BORLAND. I think the Senator from North Carolina is mistaken. It has been clearly shown by the Senators from Rhode Island [Mr. Clarke] and Virginia, [Mr. Mason,] that Mr. Kossuth was not invited here, and not received here, and not entertained here upon the invitation of the Senate alone; but by a joint resolution of the two Houses of Congress.

Mr. BADGER. There is no sort of inconsistency in that. I know there was a joint resolution, somewhat in the French style—"The American people give to Louis Kossuth a cordial welcome to the capital and the country." I know that that was so. It was a flourish. But this Senate, before he arrived here, appointed a committee to receive him, without any action of the House; and they placed him in the lodgings where he remained until he left the city.

Mr. SEWARD. That is exactly the fact. No committee had been appointed by the other House when Mr. Kossuth arrived in this city. He was met by us, and taken by us, to the hotel, and received by its keeper upon the contingency of provision being made for the payment of his expenses. And before Kossuth left the city, he offered to pay the expense himself, but was instructed by the committee not to do so.

Mr. BORLAND. I ask for the yeas and nays upon the question of so amending the resolution as to make it a joint resolution.

The yeas and nays were ordered.

Mr. SOULE. I wish to ascertain distinctly the fact, whether these expenses were incurred under the responsibility of the committee appointed by this body?

Mr. SHIELDS. They were solely and wholly incurred under the responsibility of the committee appointed by the Senate. The committee of the other House had nothing to do with it; in fact, they were not, at the time, appointed.

Mr. SOULE. That being the case, I submit to the Senate, whether, under any circumstances, we can exonerate ourselves from the responsibility accruing out of that fact? As the Senator from North Carolina just now has properly remarked, let us suppose, for a moment, that there be a difficulty in the House about appropriating a sufficient sum of money to satisfy this bill, how would the Senate stand? I cannot hesitate, myself, in the solution of this question. We are bound to pay it; and, being bound to pay it, I shall vote for the resolution as it stands.

The question being taken by yeas and nays, on the adoption of the amendment, resulted—yeas 16, nays 21; as follows:

YEAS—Messrs. Bayard, Borland, Bradbury, Brodhead, Cass, Clarke, Davis, Downs, Geyer, King, McKee, Mason, Morton, Pratt, Rusk, and Upham—16.

NAYS—Messrs. Atchison, Badger, Bell, Brooke, Chase, Dodge of Wisconsin, Dodge of Iowa, Fish, Hamlin, James, Jones of Iowa, Jones of Tennessee, Mangum, Seward, Shields, Smith, Soule, Stockton, Sumner, Underwood, and Wade—21.

So the amendment was rejected.

Mr. MORTON called for the yeas and nays on the resolution; and they were ordered.

Mr. UNDERWOOD. I wish to say that I was opposed to this whole proceeding from the beginning. I was opposed to the reception of Louis Kossuth by the Senate. But the Senate having thought proper to treat him as they have done, and to incur the expense, as my friend from Massachusetts has observed, I regard it as a duty on the part of the Senate to pay the bill—just as much so as if a war should be declared by both Houses of Congress, against which I voted, and then a proposition were made to defray all the expenses that might have been incurred by its prosecution.

Mr. BORLAND. Before the vote is taken, I desire to say one word. I shall vote against this resolution. Not that I am opposed to paying the bill, but because I do not think this is the proper way of paying it. I vote against the mode, and not against the amount or the proposition to pay.

The yeas and nays being taken on the adoption of the resolution, resulted—yeas 31, nays 6; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Bradbury, Brodhead, Brooke, Chase, Davis, Dodge of Wisconsin, Dodge of Iowa, Downs, Fish, Geyer, Hamlin, James, Jones of Iowa, Jones of Tennessee, King, McKee, Mangum, Rusk, Seward, Shields, Smith, Soule, Stockton, Sumner, Underwood, Upham, and Wade—31.

NAYS—Messrs. Borland, Cass, Clarke, Mason, Morton, and Pratt—6.

So the resolution was agreed to.

EXECUTIVE BUSINESS.

Mr. MASON. I move that the Senate proceed to the consideration of Executive business.

Mr. JONES, of Iowa. I hope the Senate will not agree to the motion of the Senator from Virginia. The Senator from Michigan [Mr. Cass] has the floor to-day on the Iowa land bill. I understand he does not wish to occupy it more than half an hour; after which time there will be abundant opportunity to go into Executive session and do what business may be brought before the Senate. I hope the motion will not be agreed to. I am confident that the Senator from Michigan will not speak more than half an hour, and then there will be more time left than is usually occupied in Executive session.

Mr. CASS. It is a matter of the most perfect indifference to me. I have not much to say, and I have no wish, one way or the other, whether I shall go on now, or at some other time.

Mr. BORLAND. I hope the motion will not be adopted. The Senator from Michigan is willing and prepared to go on to-day, although he says he is indifferent, and would as soon speak some other day. But the interests of this Iowa bill, which has been a long time postponed, call upon the Senate with a great deal of force, for consideration, and, if possible, for a vote upon it at this time. I hope, therefore, that as the Senate is now full, and will probably be so for an hour or two to come, and, as the Senator from Michigan does not propose to occupy the Senate a very long while, his remarks may be heard now; and that, afterwards, we may bring the bill to a vote.

Mr. MASON. There is an urgent consideration why the business to be done in Executive session should be transacted at once. Senators who were present yesterday when we went into Executive session, know the propriety of doing so. I would not ask the Senate to go into Executive session, if the Senator from Michigan wished to-day to occupy the floor. But I understand that it is indifferent to him whether or not he goes on to-day. Only a remnant of the day is left, and I think we cannot employ it better than in Executive session.

Mr. JONES, of Iowa. It has been heretofore agreed in this body, that we are to come here on Tuesday next prepared on that day to take the vote upon the Iowa land bill. I know there are about four or five Senators who desire to be heard on the bill before the vote is taken. That will necessarily consume the whole of Monday and of Tuesday, and therefore we shall not be able to take the vote on Tuesday at the usual hour of adjournment; and I fear we shall have to sit until late in the evening.

Mr. BADGER. Postpone the taking of the vote until Wednesday next.

Mr. JONES, of Iowa. If the Senator from Michigan be permitted to occupy the residue of this day—and he will not speak longer than until ten or fifteen minutes after three o'clock—I am certain we shall then have more time than the Senate usually bestows upon Executive business in any one day. I hope, therefore, that the Iowa land bill will not be laid aside.

The PRESIDENT. It is not under consideration. The motion is not to lay it aside, but to proceed to the consideration of Executive business.

The motion was agreed to.

And, after some time spent in Executive session, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 11, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

Mr. FICKLIN. I desire the unanimous consent of the House, to make the necessary motion in order to get at the bill providing for prosecuting the work on the extension of the Capitol. I think the better mode of effecting that object is, with the consent of my friend from Tennessee, [Mr. JOHNSON,] to move to postpone the further consideration of the special order in Committee of the Whole on the state of the Union till this day week, or this day two weeks. Then we can not only dispose of the bill providing for the prosecution of the work on the Capitol, but proceed to consider the deficiency bill, about which the chairman of the Committee of Ways and Means seems so anxious. If it meet with the approbation of the House, therefore, I will move that the further consideration of the special order in Committee of the Whole on the state of the Union, be postponed till this day week.

The SPEAKER. That can only be reached regularly, by discharging the Committee of the Whole on the state of the Union.

A VOICE. It can be passed over by unanimous consent.

The SPEAKER. The Chair thinks that it can be done by unanimous consent.

Mr. JOHNSON, of Tennessee. I will acquiesce in the proposition of the gentleman, if it meet the universal approbation of the House. As far as the homestead bill is concerned, I am satisfied that everything is to be gained by delay. At the same time I do not want to press the discussion of this matter upon the House. If it is the wish of the House that this bill shall go over till next Tuesday week, I shall not interpose any objection.

Mr. FICKLIN. I will then vary my motion as to time, so that the further consideration of this special order shall be postponed till next Tuesday week.

Mr. AVERETT. I hope the opponents of the measure, which is now the special order, (the homestead bill,) will be allowed to take part in its discussion. Hitherto, nearly all of the speaking has been on one side—in favor of the measure. The motion to cut short the discussion yesterday, was coupled with the threat that those who should vote against that motion, were to be held responsible for delaying the public business. Now, the truth is, that most of our time in committee has been consumed in speeches to unmake and make Presidents—and in other matters wholly irrelevant to the special order.

The SPEAKER. By the unanimous consent of the House the bill can be made to take the direction proposed.

Mr. MARSHALL, of California. I object to the postponement.

Mr. CARTTER. I would inquire whether the gentleman from California [Mr. MARSHALL] will not still retain the floor in committee, if the postponement should be agreed upon.

The SPEAKER. Not necessarily. He will be entitled to it when the committee shall recur to the measure upon which he obtained the floor. His right to the floor will go over with the bill.

A MEMBER. The floor will be given the gentleman from California as a matter of courtesy.

Mr. MARSHALL. If it is the understanding that I shall have the floor after the House resolves

itself into the Committee of the Whole on the state of the Union, I will withdraw my objection.

Mr. CARTTER. I renew it.

Mr. FICKLIN. With the consent of gentlemen, I will modify my motion, so that it shall not apply until after to-day. It will then provide that after to-day the further consideration of the special order in the Committee of the Whole on the state of the Union shall be postponed until a week from next Tuesday. It will then take its place as the special order again.

Mr. CARTTER. I have no objection to that. All I desire is, that the gentleman from California shall be allowed to make his speech to-day.

Mr. STANTON, of Ohio. I renew the objection.

Mr. OLDS. I ask the unanimous consent of the House, to allow me to introduce a resolution calling for information from one of the Departments.

Mr. STANTON. At the suggestion of several gentlemen around me, I will withdraw my objection.

Mr. MEACHAM. I renew it.

CLOSE OF DEBATE ON HOMESTEAD BILL.

The SPEAKER. The Chair will state what is the regular order of business. The following resolution was offered yesterday by the gentleman from North Carolina, [Mr. STANLEY:]

"Resolved, That all debate in the Committee of the Whole on the state of the Union, on the bill of the House No. 7, to encourage agriculture, commerce, manufactures, and other branches of industry, by granting to every man who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land, out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified, shall cease at three o'clock on Thursday, the 11th instant; and if the committee shall not come to a conclusion sooner upon the same, it shall then proceed to vote upon such amendments as shall be pending or offered to the same, and shall then report it to the House, with such amendments as may have been agreed upon by the committee."

The question immediately pending is the proposition of the gentleman from Tennessee, [Mr. JOHNSON,] to lay the resolution upon the table, and upon that motion the yeas and nays have been ordered.

Mr. JOHNSON, of Tennessee. It will be seen from the various motions which have been made, that the friends of that measure propose to do anything reasonable in relation to this matter. I trust, therefore, that the House will vote down this resolution to close debate.

Mr. McMULLIN. I beg leave to say one word upon this question.

The SPEAKER. It can only be done by unanimous consent.

It was objected to.

The question was then taken on the motion to lay on the table, and the result was—yeas 121, nays 39; as follows:

YEAS—Messrs. Willis Allen, Ashe, Averett, Babcock, Thomas H. Bayly, Bartlett, Bell, Bragg, Breckinridge, Brenton, Albert G. Brown, George H. Brown, Buell, Burrows, Busby, Joseph Cable, Thompson Campbell, Carter, Chandler, Chapman, Chastain, Churchwell, Clark, Clingman, Cobb, Colcock, Conger, Cullom, John G. Davis, Dawson, Dimmick, Disney, Dunham, Durkee, Eastman, Edgerton, Edmundson, Ficklin, Fitch, Florence, Floyd, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Giddings, Gilmore, Gorman, Green, Grey, Grow, Hamilton, Harper, Isham G. Harris, Sampson W. Harris, Hascall, Henn, Hibbard, Thomas M. Howe, Thomas Y. How, Ives, Jenkins, Andrew Johnson, John Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Letcher, Edward C. Marshall, Mason, McCorkle, McDonald, McLanahan, McMullin, McNair, Molony, Henry D. Moore, Murray, Nabers, Newton, Olds, Orr, Andrew Parker, Samuel W. Parker, Penn, Penniman, Polk, Porter, Price, Richardson, Schoonmaker, Scudder, Scurry, Origen S. Seymour, Skelton, Smart, Smith, Snow, Frederick P. Stanton, Richard H. Stanton, Abram P. Stevens, Alexander H. Stephens, Thaddeus Stevens, Stratton, Stuart, Sutherland, Thurston, Townshend, Ward, Washburn, Watkins, Welsh, Addison White, Alexander White, Wilcox, Wildrick, Williams, and Woodward—121.

NAYS—Messrs. Aiken, Barrere, Bibbighaus, John H. Boyd, Briggs, Brooks, E. Carrington Cabell, Cleveland, Dockery, Doty, Evans, Faulkner, Gentry, Hall, Jaws, Haven, Hendricks, Howard, Jackson, James Johnson, Robert W. Johnson, George G. King, Lockhart, Meacham, John Moore, Morehead, Outlaw, Peaslee, Perkins, Ross, Schenckhorn, Schoolcraft, Stanly, Benjamin Stanton, Taylor, Benjamin Thompson, Wallace, Walsh, and Wells—39.

So the resolution was laid on the table.

Mr. FICKLIN. I understand my friend from Vermont [Mr. MEACHAM] will now withdraw his objection to postpone the special order in the Committee of the Whole on the state of the Union. I therefore renew the motion.

Mr. MEACHAM. Gentlemen tell me that if I will withdraw my objection to the resolution, there is some prospect we shall get to the public business, and for a time put a stop to these political speeches. I will withdraw my objection.

Accordingly, by general consent, the further consideration of the order was postponed, after to day, until Tuesday week.

Mr. CARTTER. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. The motion was agreed to.

HOMESTEAD BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HIBBARD in the chair,) and resumed the consideration of the special order, being House bill No. 7, for the encouragement of agriculture, manufactures, and other branches of industry, by granting to every man, &c., one hundred and sixty acres of land.

The CHAIRMAN. The gentleman from California [Mr. MARSHALL] is entitled to the floor.

Mr. MARSHALL, of California, addressed the House an hour (in remarks which have been withheld for revision, and which will be published in the Appendix) in reply to the remarks made yesterday by the gentleman from Kentucky [Mr. BRECKINRIDGE] upon the subject of American progress, and the Presidency, and in defense of Judge DOUGLAS.

Mr. M. having concluded—

Mr. BELL next obtained the floor, and addressed the House his allotted hour in regard to the disposition of the public domain, the rights of all the States therein, the expansion of American commerce, and the tariff.

[His remarks, withheld for revision, will be published in the Appendix.]

Mr. CABLE, of Ohio, obtaining the floor—

Mr. McMULLIN. If the gentleman from Ohio [Mr. CABLE] will give way, I will move that the committee rise now.

Mr. CABLE. I will yield to that motion alone, still retaining my right to the floor.

Mr. WALSH. We can get at the bill in regard to the Capitol, if the committee rise, and at once, by unanimous consent, pass it. I ask for tellers upon the motion.

Tellers were ordered, and Messrs. CHANDLER, and HARRIS of Alabama, were appointed.

The question was then taken, and the tellers reported—aye 39; noes not counted.

So the committee refused to rise.

Mr. COBB. I desire to make an announcement, if the gentleman from Ohio will allow me; I never wish to take the House by surprise. I have but one report to make, and that is a bill to graduate and reduce the price of public lands. That question I consider to be twin sister with the one we have now under discussion. I give notice that I shall move to put that bill upon its passage, and I shall resist everything like a reference, so the matter may be discussed in connection with the other.

Mr. CABLE, of Ohio, followed, and spoke an hour in favor of the bill under consideration. He thought that its adoption would do more for the interest and welfare of this Government, more for the happiness and prosperity of the people, than any bill that had ever passed the House.

[See Appendix for Mr. C's speech.]

Mr. FULLER, of Maine, obtained the floor.

Mr. FOWLER. I move, with the permission of the gentleman, that the committee rise; which motion was agreed to.

The committee rose accordingly, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order, being House bill No. 7, to encourage agriculture, and for other purposes, and had come to no conclusion thereon.

Mr. MARSHALL, of Kentucky. I move the House adjourn.

Mr. WALSH. I would request of the gentleman a withdrawal of his motion, that we may pass the bill for the renewal of the work upon the extension of the Capitol. We can withdraw the bill from the Committee of the Whole on the state of the Union by unanimous consent.

Mr. MARSHALL refused to withdraw the motion.

The question being taken, the motion was agreed to, and
The House adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FLORENCE: The memorial of R. G. Simpson, Thomas H. Waram, Samuel G. Hamilton, Samuel Laferty, Oliver S. Comman, and 65 others, citizens of the county of Philadelphia, praying for the extension of the Woodworth patent for planing boards, &c.

Also, a letter from George B. Sloat, of the county of Philadelphia, in relation to the same subject, informing that more than 3,700 names have been signed to petitions and forwarded by him and J. R. Wilson, also of Philadelphia county, in favor of the extension of the Woodworth patent for planing boards, &c.

By Mr. SEYMOUR, of New York: Two remonstrances of inhabitants of Rensselaer county, New York, against the extension of the Woodworth patent.

Also, a remonstrance of sundry citizens of Troy, New York, against the same.

Also, nine petitions from numerous citizens in Schenectady, Mechanicsville, Waterford, Saratoga Springs, Fort Ann, Smith's Basin, and Troy, New York, and from Castleton, Vermont, praying that Whitehall, on Lake Champlain, be made a port of entry.

By Mr. WILDRICK: The petition of J. E. Pierson and 78 others of Still Water, Sussex county, New Jersey, against the extension of the Woodworth patent.

By Mr. PARKER, of Pennsylvania: The remonstrance of John R. Weeks and 58 others, citizens of Mifflin county, Pennsylvania, against the extension of the Woodworth patent by Congress.

By Mr. ROBBINS: The petition of Henry Lyons and 35 others, citizens of Philadelphia county, in favor of the Woodworth patent.

By Mr. MASON: The memorial of J. S. Perry and others, citizens of Kentucky, praying Congress to grant a protection on iron.

Also, the memorial of J. Buckley and others, citizens of Kentucky, praying Congress to grant a protection on iron.

By Mr. CONGER: The petition of J. K. Rugg and 38 others, citizens of Genesee county, Michigan, in favor of Cyprus Parrish, a soldier of the Revolution, for arrears of pension, and to have his pension increased to its original amount, to wit, \$56 66 per year, with accompanying testimony and exhibits.

By Mr. BIRIGHAUS: The remonstrance of James Hazleton, William Kerr, William K. Mahaley, and 150 other citizens of Harrisburg, Pennsylvania, against the renewal of the Woodworth patent.

By Mr. WILCOX: The petition of William Hulbert and others, citizens of the State of Mississippi, praying that said Hulbert may be refunded the sum of \$99 41, which he has twice paid for the west half of the northwest quarter of section fifteen and township sixteen, of range nine, east.

By Mr. DAVIS, of Massachusetts: The petition of James Lyman and others, citizens of Massachusetts, praying that Woodworth's patent be not extended.

Also, the petition of Eleazer Porter and others, citizens of Massachusetts, praying for additional pay to assistant marshals employed in taking the census.

By Mr. MILLER: The memorial signed by 70 citizens of Luzerne county, Pennsylvania, remonstrating against the extension of Woodworth's patent.

By Mr. PRICE: The memorial of P. K. Dickinson & Co., of Wilmington, North Carolina, against the extension of the patent of William W. Woodworth.

By Mr. ROBBIE: The remonstrance of Ira Tracy and 200 others, citizens of Alleghany county, New York, against the extension of the Woodworth patent.

On motion by Mr. SCUDDER, under the rule, the petitions of Joseph H. Davis and others, and the accompanying papers relating to the scamen engaged in the whale fishery and the erection of a marine hospital at New Bedford, Massachusetts, were taken from the files and referred to the Committee on Commerce.

IN SENATE.

FRIDAY, March 12, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. HAMLIN. I have risen for the purpose of asking the unanimous consent of the Senate, to do what I believe I have never before done. It is to occupy a few moments in addressing it upon a subject before the body, relating to the action of the Committee on Commerce, and somewhat personal to myself. I think I will not occupy more than fifteen or twenty minutes of the time of the Senate; and I desire unanimous consent for that purpose.

The PRESIDENT. The Senator can only address the Senate on a subject not now pending, by unanimous consent. If there be no objection the Senator from Maine can proceed.

There was no objection.

Mr. HAMLIN. Mr. President, in the early part of this session, sundry memorials were referred to the Committee on Commerce, relating to an act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam. The subject was referred by the Committee on Commerce to a subcommittee, consisting of the Senator from Massachusetts, [Mr. DAVIS.] On the 18th day of Feb-

ruary, that Senator reported the bill which I now hold in my hand. The matter, as originally presented to the Committee on Commerce, embraced the subject of steam-boilers, life-boats, pumps, and other apparatus connected with our steam-boats. On a subsequent day to that on which the original papers were presented to the committee, my colleague [Mr. BRADBURY] introduced a resolution, calling the attention of the Committee on Commerce to another branch connected with the matter to which the bill originally related, to wit: to the subject of the distresses and calamities which grew out of our overburdened boats from New York to California, and from California to New York. On the presentation of that resolution, and of other papers and memorials relating to the same subject, the committee immediately gave the subject a consideration. This bill, to which I have referred, was reported on the 18th day of February, and contains certain provisions designed to remedy the evils complained of in relation to California steamers. After the Senator from Massachusetts had reported the bill, there were two other papers referred to the Committee on Commerce, relating to the California steamers. On the first day of March, by the direction of the Committee on Commerce, I submitted the following report:

"Mr. HAMLIN, from the Committee on Commerce, to which was referred documents relating to the treatment of passengers in steam-vessels going to and from California, and a memorial from the citizens of Brunswick, Maine, on the same subject, submitted a report asking to be discharged from the further consideration of the same; which was agreed to."

Now, if the reporters had stated what I stated in my place, this explanation on my part would not have been necessary. I stated that I made the report because the committee had already reported a bill embracing the subject-matter contained in these papers. But the reporters did not make the explanation which I gave in my place, consequently I find that the Legislature of the State of Maine, justly alarmed that no action was to be taken by Congress in relation to that question, have agitated the question. I find that public meetings in New England have been called, and all predicated upon a mistaken fact, to wit: That the Committee on Commerce have asked leave to be discharged from the consideration of the subject. It simply asked to be discharged from the consideration of those two papers; and the reason which I gave would have been sufficient, if it had been stated, namely: that the subject-matter had already been reported upon. And besides that, and subsequent to this brief report which I made, asking to be discharged from the consideration of these two papers, I may say that I have been overwhelmed with letters from all parts of New England, from which section of country many of our people are going to the distant region of California; and I have sought this occasion to make this explanation, in order that it may be known—first, that the Committee on Commerce have neither been remiss or derelict in its duty; and, secondly, that in making the report, I only sought to be discharged from these two papers, because the subject had been reported upon.

One word further. Because the bill is a voluminous one, I desire to state very briefly what are the provisions in it which we have incorporated, with the desire to cure the evil which has been so much complained of. In the first place, the bill provides that there shall be appointed by the President two inspectors; one to be called Inspector of Steam-Boilers, and one to be called Inspector of Hulls. This bill provides that this Board of Inspectors shall examine the character of the vessel, of its hull and its construction, and shall designate precisely the number of passengers, beyond which the boat shall not be allowed to carry; and these inspectors, after having made such an examination, are to issue a certificate, to the owners of the boat, which certificate is to be printed, and to be put up in some public and conspicuous place in the boat, showing the number of passengers beyond which the boat shall not be allowed to carry. In the opinion of the committee, very much of the evils complained of arise from the great number of passengers taken on board.

It has been suggested that the same rule which applies to our sailing vessels shall apply to our steam-vessels. The matter received the consideration of the committee. I have received this morning a letter from a very intelligent, and scien-

tific, and educated gentleman in Maine, who urges upon our consideration the importance of making the same provisions that apply to our sailing vessels apply to our steam-boats. But when it is known that the construction of our steam-boats varies so much from that of our sailing vessels, it will be seen that the superficial number of feet, or the number of square feet necessary for a passenger in the one case, would not be an adequate or proper rule for the other case. It was believed, and it is believed by your committee, that by the appointment of a skillful man to inspect the boat and its construction, he would better determine the number than any rule which the committee could fix, based on the number either of superficial or square feet.

It is also proposed by the committee when this bill shall come up for consideration, to add another section to it, with ample and sufficient penalties, which shall compel the owners of the boats to have a sufficient quantity of food, and of sufficient quality. Both of these provisions, when incorporated into a bill, in the opinion of your committee, will meet very nearly all the objections, and cure all the calamities which are said to be occasioned. The Senator from Massachusetts will offer such an amendment.

Then, sir, in addition to that, the bill provides, that for a violation of the provisions to which I have alluded, the owners and the master of a vessel shall be liable in a penalty equal to the amount of the passage money, and ten dollars additional for every passenger they shall take on board the boat beyond the number specified in the certificate. The bill also provides, that all the penalties attached in such case shall attach to the boat, and the boat shall be held to respond to all the damages which shall arise in relation to any violation of the provision of the bill relating to passengers. The bill was drawn up by the Senator from Massachusetts, and I am bound to say that he has manifested great industry and signal ability. And I think that when carefully examined by the Senate, it will be very certain to meet its approval. It does meet mine, and will receive my hearty concurrence. If there are any additional provisions which should be deemed necessary, in relation to the ventilation of these boats, or of any other description, I can only say, that there is a concurrent sentiment existing in the Committee on Commerce, to add all necessary provisions to meet all the evils that may be found to exist in the case.

The bill is a very important one, and one in which a deep interest is taken by the public. The calamities and evils complained of are indeed startling, and I can state, the committee are fully impressed with its importance. The Senator from Massachusetts [Mr. DAVIS], who has it in charge, will ask for its consideration at the earliest practicable moment.

Mr. BRADBURY. I desire simply to add that I have received numerous communications, founded upon the same misapplication to which allusion has been made, from different parts of my State. The explanation which my colleague has given, will remove, I think, all misapprehensions on the subject. I desire to add, that I am very glad to learn that it is in contemplation by the Committee on Commerce to propose an amendment to the bill already reported, imposing severe penalties for the neglect to provide sufficient and suitable food for passengers. I hope the bill will be taken up at an early day, and receive prompt consideration. I believe that the Senate will be satisfied, from a detail of the facts, that greater and more horrid abuses have never been inflicted on civilized men, than are continually practiced, even at the present day, upon large numbers of passengers in some of the steamers plying between the Atlantic ports and California.

SPECIAL ORDER—PRIVATE BILLS.

Mr. RHETT. I move to postpone the execution of the order setting apart Fridays for the consideration of private bills, for half an hour.

The motion was not agreed to.

WILLIAM A. DUER.

The report made by the Committee of Claims in the case of William A. Duer, came up for consideration, and was, on motion, postponed until Friday next.

ORDER OF BUSINESS.

The PRESIDENT. The usual course has been

to take up reports in the first instance. Last Friday the Senate determined not to act upon the reports, but to proceed to the consideration of the bills on the Private Calendar. The Chair will be under the direction of the Senate as respects that matter. If they prefer that the bills shall be taken up, to the exclusion of the reports made on private bills by committees, the Chair will take that course.

Mr. BADGER. I hope we will proceed, as we did last Friday, with the Calendar. The bills which we pass have to go to the House of Representatives. The adverse reports can be agreed to at any time, and there is an end of them.

Mr. BAYARD. The effect may be that the adverse reports will never be agreed to. Such a result is not uncommon, if they are passed over in that way. It will take but a short time, probably not half an hour, to go through the whole of them.

The PRESIDENT. The Chair desires to proceed according to the rules of the Senate.

Mr. BADGER. I move that the Senate proceed to the consideration of the private bills on the Calendar.

The motion was agreed to.

PRIVATE BILLS.

The bill for the relief of Thomas H. Leggett, the bill for the relief of Ira Day of Vermont, and the bill for the relief of John W. Simonton, coming up for consideration, were postponed until next Friday.

ELIJAH J. WEED.

The Senate then proceeded, as in Committee of the Whole, to the consideration of the bill for the relief of the securities of Elijah J. Weed, late quartermaster of Marines, deceased, which was read a second time. It was reported from the Committee on Naval Affairs, and provides that the accounting officers of the Treasury Department be authorized to reexamine and settle the accounts of Major Elijah J. Weed, late quartermaster of Marines, deceased, in conformity with the law and with usages of the Navy Department; provided, that the allowance made shall not exceed the balance now claimed by the Government from his sureties.

At the request of Mr. BORLAND, the report in the case was read; from which it appears that the subject was referred to the committee on the petition of John S. Devlin, administrator of the late Quartermaster Weed. Major Weed died in March, 1838, indebted to the Government, and the petitioner, as his administrator, seeks, as an offset to the balance of the claim, with the view to relieve his sureties, an allowance of one per cent. upon certain disbursements made by him between 1835 and the date of his death. He asks a reexamination of the accounts of the deceased officer for the purpose of having certain items, which were rejected on a former settling, now passed to his credit. In support of his claim for a percentage upon the disbursements, the memorialist alleges, that for some years naval officers disbursed appropriations for the marine corps and received a percentage therefor; that that was abandoned and the duty thrown upon the quartermasters; that they were allowed one per cent. upon the moneys disbursed; that that percentage was allowed Major Weed from 1832 to 1835, when it was refused under a proviso of the act of 1835, in relation to the Delaware breakwater, which proviso had been pronounced by the Attorney General to be permanent, under which opinion the Secretary of War abolished extra compensations, not authorized by law, to the officers of the Army; that this proviso was afterwards declared by the Supreme Court to be applicable only to appropriations made during the Congress at which the act was passed, but that they also decided that the order issued under an erroneous conception of the law was valid. He argues that the usages of the War Department do not regulate those of the Navy Department, which alone has the control of the marine corps. But the petitioner is mistaken in his allegation that the accounting officers of the Treasury withheld the percentage on the order of the head of the War Department. The facts in connection with the disallowance of this commission are stated by the Fourth Auditor of the Treasury. The marine corps, being but a small body, was not allowed a commissary on subsistence or purchases, but the Secretary of the Navy required the quartermaster

to perform certain duties which would have belonged to such officers had they existed. He was also charged with the superintendence of the marine armory, for which he received \$150 per annum; and for his services in regard to the subsistence he was allowed \$30 a month, and on his purchases of marine clothing a commission of one per cent. This commission, however, was not granted until the year 1826 or 1827. On the 30th of June, 1834, an act was passed reorganizing the marine corps. The account of Quartermaster Weed, of the fourth quarter of 1834, for extra compensation as commissary of subsistence, for pay as superintendent of the armory, and for the commission of one per cent., were referred to the Secretary of the Navy, who refused to allow them, because he considered them as inadmissible under the act of June 30, 1834. It was not, therefore, under the order of the War Department that the allowance was refused by the accounting officers of the Treasury. The committee are clearly of the opinion that the accounting officers were bound to conform to the order of the head of the Department, and they, therefore, properly rejected the claim for percentage. The committee further express the opinion, that it would not be expedient at this time, after the lapse of eighteen years, to recommend to Congress to review the decision of the head of the Navy Department, made in the undoubted exercise of a discretionary power belonging to him. They are of the opinion that the claim for commissions from 1834 to the death of Major Weed should not be allowed. With regard to some other items that were rejected by the accounting officers, and which the petitioner asks may be settled upon just and equitable principles, the committee know no principles but those prescribed by law and the regulations of the Department upon which they can recommend their settlement. In this case, they believe that law is equity. They are unwilling to commit the accounts to the arbitrary and uncontrolled notions of equity and justice which the accounting officers of the Treasury may entertain; but believing that the estate of the deceased may be entitled to an allowance on some items which have been rejected, they report a bill for the relief the petitioner and recommend its passage.

Mr. BRADBURY. I have listened to the reading of the report, and concur in everything which I find stated in it. It declares that no allowance ought to be made for commissions on disbursements; but that equity may be promoted by opening these accounts for their adjustment. I propose, as an amendment, for the purpose of making the bill specific, that it may carry out the purpose indicated in the report of the committee, to add to the end of the bill the words, "nor shall any allowance be made for commissions on disbursements."

Mr. FISH. I am not aware that there can be any objection to that amendment; but it strikes me as wholly unnecessary. The provision which the committee have introduced, wherein it varies from bills previously reported on this subject, has been by striking out the authority given by these bills to accounting officers to settle upon principles of equity. In this bill the committee direct that the amount shall be settled in conformity with the law and regulations of the Navy Department. These usages and these regulations are set forth at length in the report which has been read, and upon which the claim for commission has already been rejected.

Mr. BRADBURY. It will not prejudice the bill in the least, and probably may facilitate its passage.

Mr. BORLAND. I shall vote against the amendment, because it is wholly unnecessary. I think the bill provides all that is necessary. Under the regulations of the Department, this very claim that this amendment proposes to execute, has been rejected. The regulations of the Department are recounted in the report. They are required to settle according to law and under the regulations of the Department, which it has been shown do exclude precisely such allowance as this amendment rejects.

Mr. BADGER. I think the amendment ought not to be adopted. It is an unnecessary amendment in one aspect; and may be mischievous in another. The object of the bill is to have the accounts settled in equity and justice. Now, there may be some technical rule or regulation in the

form which will exclude a just and proper allowance.

The amendment was not agreed to. The bill was then reported to the Senate without amendment, and ordered to be engrossed for a third reading.

NANCY WRIGHT.

The bill for the relief of Nancy Wright was read a second time.

It provides that the Secretary of the Interior shall place upon the pension list the name of Nancy Wright, widow of James Wright, late engineer on board the United States steamer McLean, who died from disease contracted in the naval service of the United States, and pay her the same pension that she would have been entitled to receive had her late husband been commissioned as an engineer in the United States naval service; the pension to commence on the 23d day of December, 1850, and continue during her life.

The bill was considered as in Committee of the Whole, and there being no amendment offered, it was reported to the Senate, and ordered to be engrossed for a third reading.

ROBERT JEMISON AND BENJ. WILLIAMSON.

The bill for the relief of Robert Jemison and Benjamin Williamson was read a second time, and considered as in Committee of the Whole.

It proposes to authorize the Postmaster General to pay Robert Jemison and Benjamin Williamson the same amount of remuneration for carrying the United States mail during twenty-six weeks, in the year 1836, on route No. 2,696, from Selma to Elyton, Alabama, as the original contractors for said route would have been entitled to receive under the terms of their contract.

Mr. RUSK. This bill has passed the Senate two or three times, and it will save the time of the Senate, perhaps, if the reading of the report is omitted, as I can state briefly the substance of it. These parties were contractors for carrying the mail on a particular route. When the Creek war broke out, they were subjected to increased expense and service in carrying the mail; and they now apply to Congress to remunerate them for this extra service, as well as for service in carrying the mail on a short route, which they did in consequence of the failure on the part of the contractors to comply with their contract. Congress passed a law authorizing the payment of the claim for extra service, but the Postmaster General felt obliged, by the terms of the law, to restrict the payment to the extra services which were performed on their own route, in consequence of the Creek disturbances. Under that decision, they received nothing for the service on the other route.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

NATHANIEL KUYKENDALL.

A bill for the relief of Nathaniel Kuykendall was read a second time, and considered by the Senate as in Committee of the Whole.

The bill provides that the Postmaster General be authorized and directed to pay, from the revenues of the Post Office Department, to Nathaniel Kuykendall, the sum of \$5,701 50, in full satisfaction of all claims on his part for extra services and expenses in carrying the mail on route No. 1932, from Romney to Clarksburg, in Virginia, for four years and a half, commencing in the year 1839, he having conveyed the mail in four-horse post-coaches and three trips a week, and having received pay only for carrying the mail in two-horse stages two trips a week; that sum being to compensate him for this additional service.

Mr. RUSK. I can, perhaps, state the circumstances of this case in fewer words than are contained in the report.

Mr. BADGER. There will be no objection to it. It is all right.

Mr. RUSK. I know that it is all right; the man has done the service, and I think he ought to be paid for it. However, as there may be objections, it may be as well to state that in this case there were three routes making a continuous line of stages. The bids were received to carry the mail in two-horse coaches and in four-horse coaches. This party, I believe, bid for both, but he got only the central route; and his bid was accepted for two-horse coaches. Other bids were made for four-horse coaches for the other portions of the

route, and were accepted. Part of his contract was that he should carry all the passengers which came by way of either of the end routes; and from the number of passengers, and the weight of the mails, it was sometimes found that he could carry neither with a two-horse coach. Under these circumstances he used four-horse coaches and carried the mail during the whole length of time. Now, the others were entitled to and received pay for the higher grade of service, and he performed the same service, and ought to be paid at the same rate.

Mr. BAYARD. I regret to say that I cannot assent to the passage of this bill. It seems to me objectionable in principle. The ground on which I oppose the bill is this: the party contracted with the Post Office Department, or the managers of the mail service. After making that contract, and under the circumstances stated by the Senator from Texas, he made an application for an alteration of the contract, which the Department declined; and in defiance of that determination on the part of the Department, he chose to go on and carry passengers just as if he had made his contract for four-horse coaches. Now, I cannot consent to the principle which would thus be established—that where a contract is made with the Postmaster General, (who is the proper party to make such contracts,) and an application is made to change that contract, which he refuses to do, the party, on the application of citizens and others, goes on to perform his contract in a manner different from that implied by its terms. I say that, although such a violation of contract may in some instances be beneficial to the citizens of the neighborhood, the contractor, after the extent of his contract has been fully determined, should not come in and claim that compensation to which he would only be entitled if the Postmaster General had made an alteration. I think the principle involved here is an unsound one, and therefore I must vote against this bill.

Mr. PRATT. We have in this part of the Chamber the misfortune of not being able to hear the remarks of the Senator from Delaware, and very possibly he has stated objections to the passage of this bill which have occurred to my mind; but in consequence of his location, we have not heard his observations.

As I understand the explanation of my friend from Texas in reference to this bill, the case is this: Proposals were issued by the Post Office Department for carrying the mail on three routes which were continuous. Different proposals were made upon the different routes, and the Postmaster General granted the applications for the two routes at the termini for carrying the mail in four-horse post coaches; and each contractor was to carry all the passengers. A portion between the two extremes was left to a contractor who contracted to carry the mail and passengers in two-horse coaches. The party found it impracticable to carry out his contract with two-horse coaches, and was consequently obliged to put upon this intermediate route four-horse coaches, and the result is, that he now makes his application outside of his contract, to be paid for doing no service except that which he contracted to do at a stipulated price. If I understand my friend from Texas, it does appear to me that these parties are not entitled to the compensation which they ask.

Mr. RUSK. Perhaps it may be as well to read the report of the committee, since objections have been made to the passage of the bill. It has already passed the Senate two or three times, and been very fully discussed here on one or two occasions. But I will read the report of the committee, that the Senate may see what it is:

"The petitioner was a contractor in 1839 for carrying the mail on route No. 1,932, in Virginia, from Romney to Clarksburg, and carried the mail for four years and a half at a rate of compensation of \$2,000 per annum, being the price stipulated to be paid for conveying the mail in two horse stages, two trips a week and back. But he actually carried the mail in four horse post coaches three trips a week and back, and in one day and a half, instead of two and a half days, which was the schedule under his contract. For the employment of four horse coaches, instead of two-horse stages, and for one additional trip weekly, and the increased speed, he claims an additional compensation, which he estimates at about \$8,000 for the whole term of his contract. The facts that the petitioner carried the mail in four-horse post coaches, and that he made three trips a week, and with increased speed, are satisfactorily proved. It also appears that the additional horses and the additional trip increased the tolls on the route about fifty per cent., being nearly \$500 per annum.

"This additional service was not expressly authorized by the Department, but the circumstances which induced

him to perform it are such as he claims authorized a belief that he should be paid for it, or afford a reasonable ground of equity entitling him to compensation. These circumstances are as follow: At the lettings in 1839, the mail from Winchester to Parkersburg, on the Ohio river, consisting of three routes, was advertised for bids in two-horse stages and in four-horse coaches; and when the bids were considered, the Department accepted the proposals for four-horse service on the eastern and western divisions of the route; but on the middle division, for which the petitioner was the bidder, it accepted the proposals for two horse service; but at the same time expressly reserved the right to change it to four-horse service, and represented to the contractor that it would be so changed as soon as the revenues of the Department would admit of it. It was a part of the contract that the contractor was to convey with the mail the passengers who came in the stage conveying the mail, at the points of connection—that is, Romney and Clarksburg. The contract having been accepted for the lower grade of service in the middle division of the route only, the petitioner found that it would be difficult, if not impossible, for him to perform the same service, both in the conveyance of the mail and passengers, with two horses which the contractors on the east and west ends of the route would perform with four horses. Some of the postmasters and citizens on the route, perceiving his difficulty, interested themselves in the matter, and endeavored to relieve him from the embarrassments of his contract. At the request of the citizens of Marietta, the postmaster of that place went with the petitioner to Washington to see the Postmaster General on the subject, before the time for commencing the service, to induce him to order four-horse service, in conformity with the other divisions of the route. The Postmaster General declined then to order the higher grade of service, but gave encouragement that it might be ordered soon.

"Under these circumstances, and with the advice of the citizens on the route, the petitioner was induced to stock the route for four-horse coach service, and to commence carrying the mail in that way, expecting soon to receive authority for this change in his service. He continued to transport the mail in four-horse coaches, and to make three instead of two trips a week during the whole term of his contract, which was known to the Department; but it did not order the higher grade of service, nor notify the contractor that he must not expect to be paid for the additional service he was rendering. Since the expiration of the petitioner's contract, the whole of this route has been let for four-horse coach service, whilst the mails are not increased beyond what they were during the preceding contract.

"The question in the case seems to be, whether the circumstances under which this additional service was performed were such as to afford a reasonable ground of equity for compensating the petitioner for the same. And the committee are of opinion that they do afford such equitable ground, and they therefore report a bill for his relief. But they do not adopt, as the rate of compensation, the actual charges claimed by the petitioner, but the difference between the sum he received and the sum since paid for the higher grade of service, with an additional trip weekly, on the same route. This is \$1,267 per annum, making for the four years and a half the sum of \$5,701 50, which they think ought to be paid to the petitioner, and they report a bill accordingly."

Now, sir, if that report does not show a clear case of equity, it is difficult for me to conceive what would do it. I do not design to go into certain circumstances which are in the testimony with regard to the management of the mails about the time this contract was made. Here is a contract made on the two ends of the continuous line, for carrying the same mail and the same passengers; and the intermediate route was accepted at a lower grade of service, and the extreme ones at a higher grade.

Mr. BADGER. Will my friend from Texas permit me to ask whether this bill was reported unanimously by the committee?

Mr. RUSK. It was; and it has passed the Senate two or three times.

Mr. BAYARD. It is said that the Postmaster General reserved the right to change the contract, but he did not so change it, representing however that it would be so changed. Now, I would ask the Senator from Texas whether the evidence of that representation arises from the *ex parte* affidavit of the individual who contracted or from any written acknowledgment of the proper officer of the Government?

Mr. RUSK. It came from the gentleman who comes here laboring under these difficulties. The other parties at each end of the road had four-horse coaches, and the Postmaster General told him that he would so arrange the line that he should have no more trouble among the passengers.

Mr. BAYARD. This was at the time the contract was made?

Mr. RUSK. No, sir; afterwards.

Mr. BAYARD. I understood that the statement was made at the time this contract was made. The report says:

"At the lettings in 1839, the mail from Winchester to Parkersburg, on the Ohio river, consisting of three routes, was advertised for bids in two horse stages and in four-horse coaches; and when the bids were considered, the Department accepted the proposal for four-horse service on the eastern and western divisions of the route; but on the

middle division, for which the petitioner was the bidder, it accepted the proposals for two-horse service; but at the same time expressly reserved the right to change it to four-horse service, and represented to the contractor that it would be so changed as soon as the revenues of the Department would admit of it. It was a part of the contract that the contractor was to convey with the mail the passengers who came in the stage conveying the mail, at the points of connection—that is, Romney and Clarksburg. The contract having been accepted for the lower grade of service in the middle division of the route only, the petitioner found that it would be difficult, if not impossible, for him to perform the same service, both in the conveyance of the mail and passengers with two horses, which the contractors on the east and west ends of the route would perform with four horses. Some of the postmasters and citizens on the route, perceiving his difficulty, interested themselves in the matter, and endeavored to relieve him from the embarrassments of his contract. At the request of the citizens of Marietta, the postmaster of that place went with the petitioner to Washington to see the Postmaster General on the subject, before the time for commencing the service, to induce him to order four-horse service, in conformity with the other divisions of the route. The Postmaster General declined then to order the higher grade of service, but gave encouragement that it might be ordered soon."

Now, I presume that there is no written evidence of any such encouragement held out. I would ask if there is any letter from the Department giving that encouragement to the petitioner. If not, I would be unwilling that any verbal declaration being made by a witness should go to show that the contract should be different. I think the principle is a dangerous one, and I am therefore opposed to it.

Nor, sir, can I assent to the doctrines advanced by the distinguished Senator from North Carolina—that because a bill has been reported by a committee we should pass it quiescently and without investigation. Wherever I can see a principle in a bill which is wrong, I shall go into an investigation of the matter, and shall at all times feel it my duty to oppose such a measure.

Mr. BADGER. I did not intend to lay down any principle on this subject at all. I merely meant to state a rule by which I should regulate my own conduct. Every other gentleman will regulate himself by his own notions; but when a case of a private bill comes up which has been reported unanimously by the committee in favor of granting relief to the claimant, and particularly when, in addition to that fact, on two former occasions, the Senate have passed bills in conformity with that report, I, for one, will not undertake to enter into any reinvestigation of the matter.

My friend from Delaware may have (and no doubt justly) a higher confidence in his capacity to enter into an examination of the decisions of a committee or of the Senate than I can have, and having that confidence, it is all right and proper that he should investigate the matter; but I, not having that confidence that I can better investigate the subject than the committee or the Senate, and this being a private claim, I certainly cannot put my vote against a bill which comes here thus recommended to me.

Mr. BAYARD. The Senator from North Carolina is the best judge of his own course of action regarding matters coming before this body, and I must be the judge of what is best in my own case.

Mr. BADGER. Certainly. That is right.

Mr. BAYARD. Though he may suppose it is somewhat presumptuous in me to question anterior decisions of the Senate, because a bill has formerly been passed, I must say that, in my judgment, if the views of the Senator were carried out, the corruptions that would exist in this Government would be limitless.

Mr. BADGER. Very likely they might. We have heard a great deal about these corruptions in past times, but take it altogether, I think things have gone on pretty well, and these bills have been comfortably got along with.

Mr. MASON. This is a claim brought by a man whom I have known for many years, and a more respectable, worthy, and honest man cannot be found. He contracted for several years to carry the mail, and his failure to receive the compensation due to him for the service has now broken him down, and he is a bankrupt. I do not mean to adduce this as adding to the merit of the case, but I do not doubt the fact will commend itself to the kindly feelings of Senators generally, and especially of my friend from Delaware, [Mr. BAYARD.]

Now, as one of a committee who investigated this claim some years ago, and because of the personal interest I took in this gentleman, I examined the subject with great care, and I am prepared to say this to the Senate, that this service was un-

dertaken by Mr. Kuykendall of carrying the mail in four-horse coaches and an increased number of times per week in lieu of the two-horse coaches in compliance with his original contract, on the expectation, if not a direct promise derived from the Postmaster General, that when the improved condition of the revenues of the Post Office Department would admit of it, he would ratify what he had undertaken to do, and pay him accordingly. The service was undertaken because the necessities of that line required it, and because of the just expectation derived from his intercourse with the Postmaster General, that when the revenues would allow it, he would be paid. Here is the letter, which I think will answer the Senator from Delaware. It is from the Postmaster General, and is addressed to the Hon. George W. Hopkins, then chairman of the Committee on the Post Office and Post Roads in the House of Representatives. He says:

"But such was the difference on the route in question, that the two-horse stage service was accepted, with a reservation that the higher service might be ordered if the Department should think proper. The expenditures of the Department were at that time over its income, and economy was the sole consideration which induced the acceptance of the stage service, with the intention freely expressed to Mr. Kuykendall to order the higher service whenever the means of the Department would authorize it.

"Mr. Kuykendall was then running four-horse coaches, and it was no doubt in anticipation of such an order that he continued that kind of service, and ran three times a week when he was bound to run but twice.

"The anticipated improvement in the revenue did not occur, and the higher service was never ordered; and I have no doubt that Mr. Kuykendall had a hard time of it."

Now, I submit to the Senator who reported this bill from the Committee on the Post Office and Post Roads, whether this is not a case which addresses itself to the equity of the National Legislature. This man has expended his money in the public service, and with a just expectation that the service he was performing would be recognized by the Department for which it was done, the fact being substantiated by this letter. And I submit, also, in addition to what has been said with more force by the Senator from North Carolina, that with respect to this bill, so far as the facts are concerned, we may safely rely upon the recommendation of the committee.

Mr. BORLAND. I agree with the honorable Senator from Virginia [Mr. MASON] and the honorable Senator from North Carolina [Mr. BADGER] with regard to the confidence that should be placed in the report of a committee, as to the facts in the case; and, in general, I have great confidence in the opinions of a committee. But the question raised by the honorable Senator from Delaware [Mr. BAYARD] did not relate at all to the facts in the case, or the opinions which may be expressed, but to the principle upon which the allowance is proposed to be given. This letter, as I understand, was written in 1844, years after the transaction to which it relates had taken place, and when the Postmaster General had gone out of the Post Office Department. It is, then, the letter of a private individual in relation to a certain transaction which had occurred long before, and was obtained with the intention of having it used to sustain this claim, and is a mere statement of the transaction as nearly as he could recollect it.

It seems to me, in looking at this matter in respect to Mr. Kuykendall, that it suggests, I will not say the corruption, but I will say the impropriety of the recognition of such a transaction by Congress. An advertisement is put in the public newspapers, and individuals are induced to come forward and take contracts on the lowest terms. An individual comes forward with others, and makes a bid much lower than any one can afford to do the service, and of course he excludes all competition, and gets the contract. After he has done it, if we admit the power of the Department to make him an extra allowance for extra service, we put it in the power of the Department to do as was done in years past, when extra allowance was given to the postmasters throughout the country. We know what a complaint there was of the corruption which crept into the administration of the Post Office Department many years since, when extra allowances were made to contractors, to double the amount originally contracted, so that fortunes were made. Suspicions attached to the administration of the Post Office Department, and, consequently, certain officers were obliged to leave their offices. Whether these suspicions were well

founded or not, I will not pretend to say. I mention it, to show that corruptions were supposed to have crept into that Department. Such was the general public sentiment at that time, and a controlling one, owing to the discretion exercised by the Department to change the whole character of a contract and make an increased allowance.

Although this is not precisely of the same character, it involves the same principle. It puts up to the lowest bidder contracts for doing certain public service. All competition is excluded, if you admit that the Postmaster General can have a private understanding with any contractor; for he can change the contract to suit his convenience. I do not doubt that Mr. Kuykendall is a very correct sort of a man; but that does not change the principle in this case at all.

Sir, if this can be allowed, we shall have changes in the mail contracts every day of the year. We recognize the discretion of the Postmaster General, and the contractors will act upon that, of course. If this principle be once recognized in these claims for extra allowance, I do not see how we are to reject these claims in future cases, which may come before us on precisely the same ground. Sir, there has scarcely been a month which I have sat here without having had applications from citizens of my State, asking for an increase in the mail service. They set forth that the interests of the country require it. And what am I told when I make this request? I am told that the means of the country will not allow it. We are told that parties must carry out their contracts; that the Department has no discretion, and that the citizens must submit to the inconvenience. The rule of the Department, I think, is a correct one, although I know that my constituents have suffered in consequence. Where increased service is asked upon any route, the regulation of the Department is this: that the postmasters at the ends of the routes are required to weigh the mail matter; and if it exceeds a certain weight, the weight calculated upon at the time the contract was made, then the increased service is allowed and paid for. I think that that is a proper regulation; and I presume it was the regulation at the time that Kuykendall entered into his contract. All other portions of the country, and all other contractors being required to conform to that regulation, I do not think it proper to make an exception in this case; because, if you do, you will have the Senate filled with applications from all parts of the Union—many of them equally meritorious with this case, however meritorious it may be.

Mr. RUSK. I have never known, during my short term of service here, as well an established case as this fail to receive the favorable consideration of this Senate—to pay what is justly and equitably due to an individual. I admit that we should proceed with very great caution in the establishment of a principle to govern a future Congress, or anything of that sort. But these applications are not determined by law; because, if a law existed to determine them, they would not be before us. They come before us, and are applications to our discretion and sense of justice in the matter. Now, sir, the question arises here, will the United States receive service which was necessary to itself, which was reasonable, and which the Postmaster General himself encouraged to be made, with the view that we should pay for it, and then avail itself of a technicality to escape the payment of it—or will it pay what every man will see at once ought to be paid? What would have been the consequence, if this individual had not put on the four-horse coaches, and run his stages three times a week? Why the mails of the United States would have been delayed; and every man who used those mails would have been delayed, and thrown over in his correspondence. Every passenger going there would have had to do it at an increased expense, and be detained from his business in consequence of this interruption. This man then, by his increased service has benefited the Government, and benefited the public. He was encouraged to perform this service by the Postmaster General. He broke himself in doing so; and he now asks Congress whether they will pay him, or try to exonerate themselves from the payment. I hope the bill will be passed.

Mr. BAYARD. I confess I cannot perceive the equity of this case, according to my ideas of equity. Grounds of compassion are too loose as ideas of equity, in my judgment. Acting here as

Representatives, we have no right to disburse the funds of the nation as if we were dealing with our own private funds, on motives addressed to our feelings. We must act upon our judgment in relation to claims against the Government. The danger which I think grows out of legislation on cases of this kind, arises out of this: our laws require that the contracts shall be made in writing by the Postmaster General, (previous notice having been given,) and with the lowest bidder. When the contract is made, and after the service has been performed, after a lapse of eleven years, are we to suffer a party to come forward and, on *ex parte* testimony, to interpolate practically into that contract a private understanding with the Postmaster General, and say that the Government is bound to pay it? This individual did nothing more than by the terms of the contract he was bound to do, as regards the United States. The terms of the contract bound him to carry the mails of the United States, and the passengers on the route, in two-horse post coaches. If he pleased to extend the power for the performance of the duty, he had a right to do so; but he was bound to perform the duty, and he would have lost his contract, and been liable to forfeiture for a violation of it, if he had not gone on and performed the service. The danger is, that you ask now a violation of our own law, (and there is no use in the law if cases of this kind can be brought up, and made exceptions to it after this lapse of time,) which guards against the exercise of discretion on the part of the Postmaster General, when it is not evidenced in the written contract of the party. You require that the Postmaster General shall give a contract to the lowest bidder; and you seek now, in defiance of the contract, to interpolate a private understanding, or a private expectation held out to him. I consider this is a dangerous principle, and one that ought not to be tolerated, however hard it may be on the party. Under the particular circumstances stated by the Senator from Virginia, I cannot recognize the principle of equity of the case, unless you establish to my satisfaction that there was a fraudulent collusion between some party and the officer, for the purpose of ruining this individual or taking advantage of him. No such intimation is made—no such evidence exists; and therefore I cannot see any equity in the claim.

The bill was reported to the Senate without amendment, and ordered to be engrossed and read a third time.

WILLIAM A. CHRISTIAN.

The bill for the relief of William A. Christian was read a second time, and the Senate proceeded to consider it as in Committee of the Whole. It directs the proper accounting officers of the Treasury to pay to pursuer William A. Christian, in the settlement of his accounts, the sum of \$2,643 74, being the amount disallowed him in a former settlement of his accounts, for payments to warrant officers of the United States steam-ship *Princeton*.

Mr. BRODHEAD called for the reading of the report, and it was read accordingly.

The bill was reported to the Senate without amendment, and ordered to be engrossed and read a third time.

G. THOMAS HOWARD.

The bill for the relief of G. Thomas Howard was read a second time, and the Senate proceeded to consider it as in Committee of the Whole. It authorizes and directs the proper accounting officers of the Treasury to audit and settle the claim of G. Thomas Howard, for compensation and traveling expenses as bearer of dispatches from Texas to Washington city in the year 1845, and to allow him compensation, at the rate of \$6 per day, for a period not exceeding twenty-five days, and traveling expenses at the rate of 10 cents per mile, from Austin, Texas, to Washington city, computing the distance according to the most usually traveled route.

Mr. BAYARD. Is there any report in the case? If there is, I should like to hear it read.

The PRESIDENT. It was reported by the Senator from New Hampshire, [Mr. NORRIS,] but there is no written report.

Mr. PRATT. As the Senator who reported the bill is not in his place, I would suggest the propriety of laying it over.

The PRESIDENT. There is a letter from the Secretary of State on the subject.

Mr. BADGER. I would like to hear it read.

The letter was read accordingly. It states that there is no precedent on the files of the Department to determine the reasonableness of Mr. Howard's claim; and that the compensation usually allowed to bearers of dispatches to and from countries, is \$6 dollars per day, and all other necessary traveling expenses.

Mr. BAYARD. Unless there is some report in relation to the circumstances of this case, I would prefer that it should lie over. The compensation of a bearer of dispatches, I believe, is a matter of useless patronage. I do not think it is always paid. I have certainly known cases where the office of bearer of dispatches was a mere nominal one; and surely it is an almost entirely useless one. I move to postpone the further consideration of the bill until Friday next.

The motion was agreed to.

WILLIAMS, STAPLES, & WILLIAMS.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of Williams, Staples, & Williams. It authorizes and directs the proper accounting officers of the Treasury to pay to Williams, Staples, & Williams, of the city of Norfolk, in the State of Virginia, a sum not exceeding \$1,156 50, being the amount of duties paid by them on one hundred and twenty-one hogsheads of sugars which were destroyed by fire while in the public store, at the city of Norfolk, on the 14th of June, 1848; which sugars were imported by them into the port of Norfolk on or about the 6th of June, 1848.

The bill was reported to the Senate without amendment, ordered to be read a third time, and was read a third time and passed.

JAMES FERGUSON.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of James Ferguson, surviving partner of the firm of Ferguson & Milhado. It authorizes and directs the Secretary of the Treasury to pay to James Ferguson, surviving partner of the late firm of Ferguson & Milhado, of the city of Norfolk, Virginia, a sum not exceeding \$735 60, being the amount alleged to have been paid by them in discharge of their bond given to the United States, dated May 22, 1848, for duties on one hundred and forty-two hogsheads of molasses which were destroyed by fire in the public store on the 14th day of June, 1848.

It was reported to the Senate without amendment, ordered to be read a third time, and, being read the third time, was passed.

WILLIAM WOODBRIDGE—HENRY CHIPMAN.

The bill to provide compensation to William Woodbridge and Henry Chipman, for adjusting titles to lands in Michigan, and for other purposes, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to William Woodbridge and Henry Chipman, late judges of the United States for the Territory of Michigan, at the rate of \$500 each per annum, for services in ascertaining, adjusting, and settling claims to land, and performing other duties, in conformity with the acts of April 21, 1826, and May 28, 1830.

The bill was reported to the Senate without amendment, and ordered to be engrossed and read a third time.

SARAH FLINN.

The bill for the relief of Sarah Flinn was read the second time, and the Senate proceeded to consider it as in Committee of the Whole. It authorizes and directs the proper accounting officers of the Treasury to pay to Sarah Flinn \$80, for supplies furnished by her to Captain William Rowell's company of Florida Mounted Militia, while in the service of the United States, on the 24th day of March, 1839.

The bill was reported to the Senate without amendment, and ordered to be engrossed and read a third time.

MAISON ROUGE GRANT.

On the motion of Mr. DOWNS, the Senate proceeded, as in Committee of the Whole, to consider the bill to grant the right of preemption to settlers on the public land known as the Maison Rouge Grant. It provides that every person, being the head of a family, or widow, or single

man, over the age of twenty-one years, who, prior to January 27th, 1851, was an actual settler on the public land known as the Maison Rouge Grant, in the State of Louisiana, and resided thereon on that day, or the heirs and legal representatives of such person, shall be entitled to enter land at the proper land office, in legal subdivisions, not exceeding one hundred and sixty acres (to include the residence and improvements of the settler) at the minimum price of such lands, on the same terms and conditions and under the same limitations as are prescribed in the act "to grant the right of preemption to certain purchasers and settlers on the Maison Rouge Grant, in the event of the final adjudication of the title in favor of the United States," approved January 27th, 1851.

Mr. DOWNS. I have an amendment which I wish to offer. It is to add, at the end of the bill, these words:

And that the provisions of the third section of said act be, and the same are hereby, extended to the settlers on the Bastrop Grant, in the same land district as the Maison Rouge Grant.

These two grants are exactly similarly situated. Preemption rights have been extended to settlers on the Bastrop Grant, and I want now to extend to them the provisions of the 3d section of the act of 27th January, 1851, which describes the manner of proceeding when there are two or more settlers on the same quarter section. That provision of the act of 1851 is in these words:

"That if the residences and improvements of two or more persons, entitled to preemption as aforesaid, shall be found on any one of the smallest legal subdivisions of the public lands, the same may be entered jointly by the parties, in order that they may secure and divide the same, according to their several rights; and in default of one or more of the parties taking the proper steps within the time prescribed to secure the benefit of this act, it shall be lawful for any one of the parties of this class to make the entry of the whole of such legal subdivision for his sole benefit."

Mr. FELCH. I would like to inquire from what committee this bill comes?

The PRESIDENT. It was introduced by unanimous consent by the Senator from Louisiana, [Mr. Downs], and is now reported from the Committee on Private Land Claims.

Mr. DOWNS. I will give a word of explanation of the merits of this bill. At the last Congress a bill was passed giving the right of preemption to the purchasers and settlers who had purchased from the former claimants on the Maison Rouge Grant. It was intended to apply to those who had settled merely, as well as to those who had purchased of the original claimants. But the Land Office had construed that law so as to exclude that portion of settlers who had no written title from the former claimant. I understood, at the time that bill was passed, that by its operation, as soon as the grant should be declared to be public land, the rights of preemption would accrue to all settlers; but the Land Office decided otherwise. There is a provision in the act of 1841 that preemptions shall not accrue to any reserved lands; and therefore, though many of those persons have lived on this land for a number of years, the Land Office has decided that their settlement amounts to nothing, because this grant was construed to be reserved land. This bill now is to place them upon precisely the same footing as those who purchased from the original claimants, and therefore obtained preemption rights. This is merely to grant what was intended by the act as it originally passed, but was not embraced in it from a misconception, as I conceive, of the law.

Mr. BAYARD. I would ask the Senator from Louisiana, whether the amendment he has proposed does not extend the right of preemption to settlers on public land other than that known as the Maison Rouge Grant.

Mr. DOWNS. To settlers on another grant similarly situated.

Mr. BAYARD. The proposition contained in the amendment has not been referred to any committee, and of course not reported upon. It extends to other lands than those mentioned in the original bill.

Mr. DOWNS. It contains precisely the same principle.

Mr. BAYARD. But it is really a new subject, which has never gone to a committee, and has never been reported upon.

Mr. DOWNS. There are two Spanish grants in the same neighborhood, of the same date—the Bastrop, and Maison Rouge Grant. The bill

specifically applies to the Maison Rouge Grant. The amendment is to extend to the Bastrop Grant a provision which prevails among settlers on the Maison Rouge Grant. It does not affect the United States at all. Its object is to enable parties to settle controversies, to enable them to divide legal subdivisions of land to which they may become entitled. There is no necessity to send it to a separate committee, because it involves exactly the same principle.

Mr. FELCH. I wish to inquire further of the Senator who reported this bill, whether the preemption rights granted by it are precisely the same as those granted under the general law relative to preemption rights; whether the same oath is required of persons who claim them, and the same proofs and testimony to be introduced before the proper officer, in order to enable them to avail themselves of the benefit of the law?

Mr. DOWNS. As I understand it, the same provisions are required. This is only to extend to those settlers without title, the same privilege which was conferred upon others by the act passed at the last session of Congress. I have made the motion to embrace this provision of the bill, because I thought, by the operation of the law and the construction which has been placed on it by the land office, a certain class of persons had been excluded, to whom nobody objects, to whom the land office does not object, and who are everywhere supposed to have a perfect right to this preemption. It is simply to supply an omission of the law passed at the last session.

The amendment was agreed to; the bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed and read a third time.

DAVID OSBORN.

The bill for the relief of David Osborn was read a second time, and the Senate proceeded to consider it as in Committee of the Whole. It authorizes and directs the accounting officers of the Treasury to pay to David Osborn \$220 40, for supplies furnished by him to Captain William Rowell's company of Florida mounted militia, while in the service of the United States, on the 17th of April, 1839.

It was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

THOMAS D. JENNINGS.

The bill for the relief of Thomas D. Jennings was read a second time, and considered as in Committee of the Whole. It authorizes Thomas D. Jennings, of Florida, to enter, at the minimum price of public lands, a quantity of land not exceeding one hundred and sixty acres, embracing the improvement on which his late father, Lawrence D. Jennings, resided before his death, on due proof being presented to the register of the proper land office, that he would have been entitled to a preemption, but for the removal of the family after the death of the father.

It was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

JOHN McREYNOLDS.

The bill for the relief of John McReynolds, of Detroit, in the State of Michigan, was read a second time, and considered as in Committee of the Whole. It directs the payment of \$1,036 86 to John McReynolds, of Detroit, Michigan, for expenses incurred by him in the commencement of the erection of a light-house on Beaver Island, after which he was directed to erect said light-house in another place.

It was reported without amendment, and ordered to be engrossed and read a third time.

SAMUEL BRAY.

The bill for the relief of Samuel Bray was read a second time, and considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Samuel Bray, keeper of the Dog Island light-house, such amount, not exceeding \$500, as may, upon satisfactory proof exhibited and produced by Samuel Bray, cover the losses by him suffered, while keeper of said light-house, during the gale of 23d and 24th of August, 1851.

It was reported without amendment, and ordered to be engrossed and read a third time.

THOMAS RHODES.

The bill for the relief of Thomas Rhodes was read a second time, and considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Thomas Rhodes the sum of \$3,175 11, in full satisfaction for the expenses incurred by him in opening and constructing a road from Mobile, in Alabama, to Pascagoula Bay, for the transportation of the mail, in the year 1828, in pursuance of an implied authority and contract from the Postmaster General.

Mr. RHETT. I should like to hear some explanation of that bill from the Senator who reported it.

Mr. SOULE. This bill has been several times before the Senate, reported upon favorably, and acted upon. It comes again before us, on account of its never having been reached in its order in the House of Representatives. There have been several reports in its favor. One of them may be taken up and read, and it will explain the situation in which the committee found themselves on investigating this claim. It is one which pleads loudly for justice, and requires at our hands that we should act upon it.

Mr. UNDERWOOD. I think this is an admirable bill, and one which ought to pass. It is the first affirmation which I ever recollect having seen here of the doctrine of the right of making roads to carry the mails. I think it is an admirable bill.

The bill was reported without amendment, and ordered to be engrossed for a third reading.

PHILIP MILLER.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of Philip Miller. It requires the Secretary of the Interior to place the name of Philip Miller, of Kentucky, on the roll of invalid pensioners, at the rate of \$8 per month during his natural life—to commence from and after the 1st of May, 1848.

It was reported without amendment, ordered to be read a third time, and being read a third time, was passed.

ST. JOHN'S CHURCH, WASHINGTON.

The bill for the relief of St. John's Church, in the city of Washington; which was reported from the Committee for the District of Columbia, was read a second time; and the Senate proceeded to consider it as in Committee of the Whole. It provides that the lot of ground now used as a burial ground by said church, occupying square No. 276, situated near the northern limits of the city, and which the late President Madison permitted the said church to occupy for said purpose, be granted in fee-simple to the church, and that the Commissioner of Public Buildings be authorized and required to convey said lot to said church by a proper deed, as evidence of this grant; and also that the \$200 heretofore paid by the church be repaid to the rector for the use of the church, out of any money in the Treasury not otherwise appropriated.

Mr. BORLAND. Is there any report in the case?

The PRESIDENT. There is not. There is nothing but the petition. The bill was reported from the Committee for the District of Columbia, by the Senator from Illinois, [Mr. SHIELDS], not now in his seat.

Mr. BAYARD. Unless some reasons be given for making the grant of \$200 to the church, I move to strike out that portion of the bill. But as the Senator who reported it is not present, I move to postpone its further consideration until next Friday.

The motion was agreed to.

JOSEPH H. D. BOWMAR.

The bill for the relief of Joseph H. D. Bowmar, reported from the Committee on Private Land Claims, was read a second time; and the Senate proceeded to consider it as in Committee of the Whole. It provides that a patent shall be granted to the said Bowmar, of Carroll parish, Louisiana, for the lot or fractional section No. 27, in township 19, and range 3 east, in the district of lands north of Red river, subject to entry and sale at Washita, in the State of Louisiana, containing 145 13-100 acres, on the final settlement of certificate No. 9977, issued to said Bowmar May 16, 1849, on the payment of purchase money on said

land; and that so much of section 2, of the act of March 3, 1849, entitled "An act for the relief of Thomas J. Carson," as confirms the selection made by the Secretary of the Treasury of said lot No. 27, for the use of public schools, be repealed; provided, that nothing in the present act shall be so construed as to reduce the quantity of lands to which said township is entitled by law.

On the request of Mr. ATCHISON the report was read; from which it appears that the memorialist settled on the lot stated, and became entitled to a preemption in consequence thereof. That lot having been improperly selected for school purposes, upon an appeal to the Secretary of the Treasury, the selection was revoked, and on January 4, 1849, the memorialist was permitted to enter his preemption. Before the entry was actually made, however, Congress, in ignorance of the rights of the memorialist, passed an act for the relief of Thomas J. Carson, by which he, Carson, was permitted to enter the sixteenth section, and lot twenty-seven was reserved for school purposes. The proper officers, in the mean time, before the act of Congress was known to them, permitted the memorialist to enter his preemption, and granted the certificate on May 16, 1849. With the obstacles arising from the act of Congress for the benefit of said Carson, a patent is refused to the memorialist. Under the circumstances of the case, and with the concurrence of the inhabitants of the township, the committee are of the opinion that relief should be granted to the memorialist, and report a bill for that purpose. The proviso is added to secure the right of the township to the quantity of land which the law allows it.

Mr. ATCHISON. I do not know whether, upon a close examination of the matter, I would have any objection to this bill or not. But, sir, it appears to be somewhat complicated, and for the purpose of having an opportunity to examine it, I propose that it be permitted to lie over.

Mr. DOWNS. I can explain it now.

Mr. ATCHISON. But I would rather examine the report. I think we have done enough for Louisiana to-day, in the way of preemption rights. I doubt whether Congress, having once vested a right by law in the township, can now, by repealing that law, divest the township of any right; and if you do that, and authorize or require the Commissioner of the General Land Office, or the President, to issue a patent to this individual to this land, whether or not he would not have just claim against the Government for the value of the land. I move that the consideration of the bill be postponed until next Friday.

Mr. BADGER. I will vote cheerfully for the postponement, if my friend who makes the motion will pledge himself that between now and next Friday he will examine the case. If he will not, I think it is unfair to move the postponement.

Mr. DOWNS. I hope the postponement will not take place. This is an exceedingly simple case. There is a provision of law that a certain amount of land, in each township, shall be set apart for public schools. Instructions were issued to the land officers in Louisiana, many years ago, to make the selections. It happened that in some townships more was reserved than was necessary. The authority has been exercised by the Secretary of the Treasury, when the matter was under his control, and by the Secretary of the Interior, since the organization of that Department, when this was ascertained to be the case, to relieve the surplus from reservation, and allow entries to be made. In a case of this kind, Bowmar made application to be allowed to enter this lot, and on a hearing of the whole case, Mr. Walker decided that he had a right to do so, because the township had enough besides. But, in the meantime, Congress, knowing nothing about it, and a claim pending here for Carson to be allowed to make his entry on this same lot, they passed a law authorizing him to make such an entry. If the committee had known these facts when Carson's case was before them, they would not have reported in his favor. It is now clear that the proper title belongs to Bowmar, and it is necessary to repeal that portion of the act referred to in the bill. As to the observation of the Senator from Missouri, that it is not competent for Congress to take back any of these school lands, they do it always, with the consent of the township. It has been the practice for twenty years. I disapprove of it. I think it is wrong; but it has been acted on from

time to time, with the consent of the township, and it is now too late to make that objection. But it does not arise in this case, because the school selection had actually been made from this section by the Secretary of the Treasury; and it is not now a question between the petitioner and the United States, but a question between Carson and Bowmar.

Mr. PRATT. I regret to interfere in this matter; but if I understand the question, there is an important principle involved in it. The contest is not between the township and the individual grantee, but between two individual grantees—Carson and Bowmar. Now, the Supreme Court have decided, in a case which I have had occasion recently to examine, that wherever a party is entitled to a preemption and has made a claim to make an entry to the land, that inchoate preemption confers such a right as cannot be interfered with by any subsequent action of Congress. Here, if I understand correctly, by one act of Congress, the right to enter land was given to a man by the name of Carson. Another man, by the name of Bowmar, claims a prior right of preemption. If he possesses that prior right, under the decision of the Supreme Court, the judicial tribunals of the country are open to him. It will be for those tribunals, and those alone, to decide between the relative rights of these individuals. I do not think it is the province of the Senate of the United States, in any case, to act judicially. When there are individual rights legally existing, when the tribunals of the country are open for decisions upon these rights, we are not the proper tribunal to take them in hand; nor do we possess the constitutional power, in my humble judgment, to enter upon such a question. The case which is now presented is precisely the one which I have stated. If I understand it correctly, I do not think the bill ought to pass. I think the contest between these two individuals should be carried on in the tribunals of the country, where it could properly be decided as to their rights.

Mr. DOWNS. There is no doubt that the doctrine of the gentleman is precisely correct. I agree with him in every particular, and it is conclusive. The position which he takes proves that this bill ought to pass, and that it must pass. He says that Congress cannot divest these preemption rights. That is the position of Mr. Bowmar here. He had a preemption right; he was permitted to enter it, and got his certificate. Not only had he a right, but it was actually vested in him by the initiatory title of the certificate issued to him. The Secretary of the Treasury, on a full hearing of the case, put him in possession of it; but Congress, not knowing anything of this at the time when Carson presented his application, passed a law authorizing Carson to enter the land. If Congress could not divest Bowmar, who not only had his title but had made his entry, it is perfectly conclusive that this bill ought to pass; not to divest the title, but to secure to this man a title which was vested in him. I hope the Senator from Kentucky [Mr. UNDERWOOD] will join me in supporting this bill. I hope he is perfectly satisfied with it.

Mr. ATCHISON. I think the Senator from Louisiana has shown, conclusively, that this is a question between Carson and Bowmar. Well, let the courts decide that question. Let them decide who has the title of the land. Let them decide whether the law of Congress divesting Bowmar, or attempting to divest him, and to invest Carson, should be sustained; or whether the preemption law, under which Bowmar claims, should sustain him. Now, this is the question. From the gentleman's own showing, Congress has nothing to do with it. But I prefer to have an opportunity of examining it. I make no pledges about it. I will not pledge myself either to read the bill or the report. Sometimes I do read the bills, and sometimes I read the reports; and I think now I will do so in this matter, but I will not pledge myself. As the Senator from Louisiana has alluded to the Senator from Kentucky, I am utterly astonished that he has not interposed and examined this matter. Why, sir, it may affect somewhat the distributive share of the State of Kentucky, under his proposition to distribute the public domain. I trust that the vote will be taken on the postponement. The Senate is very thin, and I dislike to call for the yeas and nays. If I should do so, probably a quorum would not answer.

Mr. DOWNS. The argument of the Senators from Maryland and Missouri proves that this bill ought to pass. Congress have already interfered. As it is, they have given the right to enter to Carson, and he will get the patent unless this bill is passed, while, according to their doctrine, he is not entitled to it. I want this act to pass, to give the other man a patent. There is a provision in the bill that these two individuals shall fight out the contest. The passage of the bill will not interfere with any other person. I hope, if the gentlemen want to see a fair fight, they will vote for the bill.

Mr. ATCHISON. This man Bowmar claims under a preemption law, either of 1838 or 1841, or of a prior year. Carson claims under an act of Congress, vesting him directly with the title to this land. The Senator from Louisiana tells me that Bowmar proved his preemption, deposited his money, and obtained a certificate—the initiatory to a title. Then Congress, without knowing anything about it, upon Carson's petition, passed a law vesting in him the right to this land. The Senator says, that unless we interpose by this bill, Carson will obtain a patent. What advantage will that patent be in the courts of Louisiana, or in the courts of any other State of this Union, to Carson? I presume none. I do not know that this bill will be of any disadvantage to the United States; but it may be to Carson. These individuals now stand upon the same platform. Let them go before the courts of Louisiana, and let their titles be decided by the courts. I renew the motion to postpone.

The motion was agreed to.

AMERICAN CEMETERY IN MEXICO.

By unanimous consent, the bill appropriating a sum of money for the interment of officers and soldiers, who died in Mexico, in the American Cemetery, near the city of Mexico, was taken up, read a third time, and passed.

REPORT FROM A COMMITTEE.

By unanimous consent, Mr. UNDERWOOD, from the Committee on Public Lands, reported various amendments to a bill which had been referred to that committee, providing for the survey of lands in California.

The amendments were ordered to be printed, and then, on motion, the Senate adjourned until Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 12, 1852.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. L. F. MORGAN.

The Journal of yesterday was read and approved.

Mr. GOODENOW. Mr. Speaker, my name is not recorded upon the vote laying upon the table the resolution of the gentleman from North Carolina [Mr. STANLY] to close debate on the homestead bill. I voted in the negative upon that proposition, and ask that the Journal may be so corrected.

The SPEAKER. The Journal will be corrected, as suggested by the gentleman, unless objected to.

Mr. CLINGMAN. I move to suspend the rules, and that the House resolve itself into the Committee of the Whole on the state of the Union, with the view of taking up the special order—the bill to authorize the continuance of the work on the Capitol.

CONTESTED ELECTION FROM NEW MEXICO.

Mr. WEIGHTMAN. I gave notice yesterday to the honorable gentleman from Missouri, [Mr. PHELPS,] that if he did not bring up the question of privilege from New Mexico, in reference to the contest of my seat, I should do so. I regret extremely he is not in his place. I would like very much to have him in his place before I go on. I cannot stand here and permit such charges as have been preferred against the honorable gentleman who fills the executive chair in New Mexico to go uncontradicted any longer. I have given the gentleman from Missouri, (who I regret is not in his seat,) an opportunity to be here.

The SPEAKER. The gentleman from New Mexico moves to proceed to the consideration of the petition presented by the gentleman from Missouri, [Mr. PHELPS,] contesting the seat of the Delegate from New Mexico.

Mr. OLDS. Was not that petition withdrawn?

The SPEAKER. The Chair did not understand that it was withdrawn. The pending question was to refer to the Committee of Elections, and to print.

Mr. HALL. My colleague is not in his place this morning. I do not know what keeps him away.

A MEMBER. Here he is. He has just come in.

The SPEAKER. The gentleman from Missouri, [Mr. PHELPS,] when this petition was introduced by him, was upon the floor proceeding to submit a few remarks in reference to the question involved. Does the gentleman from New Mexico insist upon occupying the floor upon this question?

Mr. WEIGHTMAN. I insist that the question be taken up. I cannot consent that the distinguished friend of mine shall be subjected to the odium of such charges any longer. I call upon the gentleman from Missouri [Mr. PHELPS] to call up that question.

Mr. CLINGMAN. I insist upon my motion.

The SPEAKER. It is competent for the House to resolve itself into Committee of the Whole on the state of the Union—that motion having been submitted by the gentleman from North Carolina, [Mr. CLINGMAN.] The question submitted by the gentleman from Missouri, [Mr. PHELPS,] it is true, is a privileged question, but the House may proceed to other business.

Mr. POLK. Does the gentleman from New Mexico [Mr. WEIGHTMAN] desire to make a personal explanation? I will consult his wishes upon that subject, so far as my vote is concerned.

Mr. WEIGHTMAN. I do not desire to make any explanation connected with myself personally, or in regard to the petition which is offered to be referred to the Committee of Elections. I have no manner of objection to that; but with it are connected charges of corruption against the distinguished gentleman who is now filling the executive chair in New Mexico.

Mr. POLK. I wish to know if it is the desire of the gentleman to do so now? I would be willing to assist him in doing it.

Mr. WEIGHTMAN. I desire it now. The question was then taken upon Mr. CLINGMAN's motion; and it was agreed to.

THE EXTENSION OF THE CAPITOL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SEYMOUR, of Connecticut, in the chair.)

The CHAIRMAN. The first business in order is the special order, being "Senate joint resolution No. 2, authorizing the architect of the Capitol to continue in employment the mechanics, laborers, and others, employed upon the two wings thereof."

Mr. STANTON, of Kentucky. I have been instructed by the Committee on Public Buildings and Public Grounds, of which I have the honor to be chairman, to report an amendment to the resolution now pending, by way of substitute, and insist upon its adoption.

The amendment was then read, as follows:

That there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, for the period between the passage of this resolution, and the end of the fiscal year terminating June 30th, 1853, the sum of \$500,000, for the continuation of the work on the two wings of the Capitol.

Mr. STANTON, of Kentucky. The necessity which gave rise to the original resolution has passed. It was intended only as a temporary expedient to prevent a total suspension of the work on the two wings of the Capitol. The appropriation of the last Congress for this improvement was only \$100,000, and that was exhausted at the commencement of the present year. Since then the work has necessarily been suspended, the mechanics and laborers discharged, and the important object to be accomplished by the extension of the edifice, consequently delayed. I earnestly hoped that at an earlier period the House would have taken up the resolution of the Senate, passed it, and permitted the work to be continued. Had this been done, two months of fine weather would not have been lost—the work would have been in a state of progress, and the nation could not have reproached its Representatives for refusing to do for so long a period what need not at any time have occupied more than five minutes.

The appropriation of \$500,000, contemplated by

the amendment I have proposed, is less than was asked for by the Secretary of the Interior, and the accomplished architect in charge of the work. Their estimates were made last fall, and a large portion of the time in which the money was to have been expended having elapsed, it is deemed necessary now to appropriate only this amount, which will be sufficient for the period between the passage of the resolution and the end of the fiscal year, terminating June 30, 1853. The Committee of Ways and Means have not provided in any of their appropriation bills reported to the House for the extension of the Capitol. The House very appropriately referred the subject to the Committee on Public Buildings, and that committee, after inquiring into the propriety of the appropriation, and in view of the fact that no regular appropriation bill to which this can be attached, will, in all probability, be passed before the end of the session, have directed me to urge it now.

The work has been commenced. I cannot doubt that it is the intention of Congress to complete it. One hundred thousand dollars have already been expended, and, I am happy to say, judiciously expended. This appropriation is needed, and must be made, and it is wiser to make it now and permit the work to proceed with a full complement of hands, than to make a small appropriation which may not last until the regular appropriation bills are passed. It will be the best economy to complete the building as speedily as it can be done consistently with a proper execution of the work.

Mr. WOODWARD. If I am in order in making the inquiry, I should like to know whether it is likely that the special committee, relative to the foundation of the wings of the Capitol, will probably make a report? The question of what is to be the amount of appropriation may be affected by the report from that committee. I should like to inquire, if it be in order, when that committee may be expected to report, and what is likely to be the character of the report?

Mr. McNAIR, (chairman of the committee.) We shall report next week, and we are now almost ready.

Mr. WOODWARD. I ask pardon of the gentleman from Kentucky [Mr. STANTON] for interrupting him.

Mr. STANTON. I have no objection to the gentleman from Pennsylvania [Mr. McNAIR] making his statement.

Mr. McNAIR. The investigation has been going on regularly, and we are now almost ready to report. We have found the wall in a dreadful condition—in a condition that has astonished us all. When we came to examine it, we found that wall with shells built up on the outside, and small stones thrown in on the inside. We have found it in a very bad condition. There are no stones running through the wall to bind it. There are no headers, and there is no bond work.

Mr. WOODWARD. I understand from the gentleman from Kentucky [Mr. STANTON] that he had not concluded his remarks. I supposed he had, or I would not have made the inquiry.

Mr. STANTON. If I do not lose my right to the floor, I have no objection to the gentleman from Pennsylvania [Mr. McNAIR] proceeding.

Mr. McNAIR. The mortar that has been put in there we have found to be entirely insufficient, as we believe. It has been in there about three months, and it is not yet set. Men with picks just dug out the inside, and threw out the stones with their hands, and threw out the sand or mortar, or whatever you call it, with a shovel. We have, as one member of the committee expressed it, realized our very worst anticipations. We had no expectation that this large appropriation would be sprung upon us at this time, for the architect himself asked but \$350,000 in his report to the President of the United States. That report I have in my possession. We believe this thing ought to be investigated fairly, and that all things connected with it should be brought before this House before this appropriation is made. If this appropriation is once made, we will be powerless to change it. We will be all fastened, and you will put up a building which will cost \$5,000,000, upon an appropriation of \$100,000 made by this House on the 30th day of September, 1850—an appropriation made in three lines and a half, giving to the President of the United States \$100,000, and power to appoint an architect—that architect to

produce a plan, of which he shall approve; and then the money was to be expended from the commencement of the extension of the Capitol. That money has been under the control of the architect himself, who has drawn it out of the Treasury himself. It has been expended; how, we know not. I have here a statement of the money drawn from the Secretary of the Treasury by the architect himself in sums of \$20,000, and expended or disbursed by him, I know not how. This matter requires an inquiry, and I want this House to know and to understand how this business is progressing, and whether this foundation will be so frail and so weak that the superstructure raised upon it will fall down. One of the best architects, perhaps, in the State of Pennsylvania was here, who has no interest whatever in this work, and probably never will have, and he declared to me, when he looked at that wall and examined the formation of it, that he would venture his life the building would fall down if built upon it. Now, that is the opinion of a respectable architect who has no interest in this matter, and I therefore want the House to pause before making this appropriation.

Mr. DUNCAN, (interrupting.) I wish to ask the gentleman, who that architect from Pennsylvania is? and whether he has been examined before the committee?

Mr. McNAIR. No. I did not say that he had been. The gentleman is a friend of Mr. DIMMICK, and was visiting him; he may give his name if he chooses.

[Cries of "No!" "No!"]

Mr. DUNCAN. As he is represented as a person of such high reputation, we want to know who he is.

[Cries of "Name!" "Name!"]

Many MEMBERS. "No!" "No!"

Mr. McNAIR. He was introduced to me by Mr. DIMMICK.

[Loud cries of "Name!" "Name!" and "Oh no, go on!"]

[Renewed cries of "Name!" "Name!"]

Mr. FLORENCE. Oh no; the reputation of Pennsylvania may be at stake.

[Cries of "Order," and laughter.]

Many MEMBERS. "Name!" "Name!"

Mr. McNAIR. Well, his name is Knowles. [Laughter.]

Mr. DUNCAN. Where is he from?

Mr. McNAIR. I wish gentlemen to know something about the disbursement of that money, before they judge whether everything is perfectly right.

Mr. SEYMOUR, of New York, (interrupting.) I wish merely to ask the gentleman from Pennsylvania, whether he has any knowledge of the misapplication of these funds, or any suspicion of their misapplication?

Mr. McNAIR. I have a knowledge that the money has been drawn by the architect. He has drawn it; and there has been no return made by him for the disbursement.

Mr. WOODWARD. I simply wish to suggest to the gentleman from Pennsylvania, that I did not expect a debate of this character would spring up. My inquiry was strictly as to the business before the committee, and related to the manner of constructing the wall. I never for a moment had the least suspicion of a misapplication of the funds, and I should be very glad if my friend would restrict himself to the matter of the construction of the wall.

Mr. FLORENCE, (Mr. McNAIR yielding the floor.) As the great object to be attained just now is, to arrive at a definite conclusion by which this House can vote to-day upon this bill, may I beg to ask my colleague from Pennsylvania, whether there has been a vote in that committee upon the subject of the wall?—whether there has been any conclusion arrived at by the committee that may enable this House to arrive at a conclusion?—whether the whole of the committee agree with the chairman?—and further, whether experienced gentlemen—persons competent to judge of the strength of that wall, have not given certificates that it is adequate for the purposes for which it was built? Inasmuch as the chairman of the committee has been asked to give us information, and as we are all interested in knowing it, it is perhaps as well that he should state now whether such certificates have not been given. My reason for asking it is, that I have understood from expe-

rienced persons that the wall is quite adequate for the purposes for which it is designed, notwithstanding the opinion of the chairman of the committee, who, perhaps, has no better practical knowledge on the subject than I have.

Mr. McNAIR. I have told the gentleman, as I tell him now, that there has been no vote taken in the committee. I will tell him further, that I know nothing about any such certificates as he speaks of.

Mr. FLORENCE. I did not mean to say certificates. I meant to ask if there had not been such testimony before the committee.

Mr. McNAIR. There has been such testimony, but there has also been contradictory testimony. After the testimony was all given, we went out and examined for ourselves. We formed our own opinions in regard to it, and have given them in full in the report. For my own part, I must say that I was very much disappointed, and I think the other members of the committee—if they are here—will say the same for themselves.

Mr. STANTON, of Kentucky, (resuming.) Mr. Chairman, I was about to remark, when I was interrupted, that it had been the misfortune of all great men who had the genius and resolution to undertake works of this magnitude, to be harassed and annoyed by the criticism and censure of petty minds, who have not the capacity to comprehend or the skill to execute a great design. In this remark I do not allude to the gentleman from Pennsylvania, but I do allude to that description of meddlers who, from motives of disappointment at having failed to secure contracts on this work, come into this Hall to harass the House, and, I had almost said, to lead intelligent and honorable members of Congress into dilemmas, of which, when they learn the whole truth, they will be ashamed.

Mr. McNAIR. Who are they?

Mr. STANTON. Such men as your particular friend, Mr. Coltman, who, you said yourself, had been the instrument in bringing about this investigation.

Gentlemen who have read the history of the construction of that great edifice on the north bank of the Thames, at Westminster, will recollect that Sir Charles Barry, the distinguished architect charged with the design and construction of the work, was annoyed at every step, from the time the first foundation stone was laid to the completion of the building, with special committees and investigations, like those we have authorized here, but which resulted in nothing but the complete vindication of the great architect and his noble structure. Sir, the truth is, in all great undertakings of this magnitude, success is best accomplished by relying upon individual responsibility. You acted upon that principle when you gave the President power to adopt the plan for the edifice, without other limit than his own discretion; and you must, to some extent, act upon the same principle in permitting him to complete it. You can delay, embarrass, and ruin the work, by listening to the idle clamor of the ignorant and the envious; but such a course will be more discreditable to you than to the President, the architect he has employed, or any one acting under them. The lamented Taylor would never have conquered at Buena Vista, nor Scott have taken the city of Mexico, if at every emergency these brave generals had been restrained and controlled by the unlightened suggestions of the War Department. Nor will your new Capitol ever be creditable to the nation, if the work and the plans are changed and modified by the action of special committees, raised at the instance of every stupid fellow who imagines that he sees a brick awry, or some small crevice not perfectly putted up.

I am rejoiced that this debate has arisen, because I had some curiosity to hear what the honorable member from Pennsylvania, [Mr. McNAIR,] who is chairman of the special committee, would have to say upon the subject of the foundations; and I wished to avail myself of the opportunity of expressing my own opinions on the subject freely and fearlessly. When I heard there were doubts as to the stability and firmness of these foundations, I confess I was amazed, for I could not conceive that any intelligent gentleman, who saw them as they presented themselves to the eye of everybody, could have any other opinion than that they were unnecessarily strong. I am glad, however, that the committee have made their investigation most thorough and complete; no matter

what may be their conclusions when they take the sense of the members. They have not only, as we have been told by the chairman, dug into the center of the walls to test the quality of the work, but, I have been informed, they have employed an accomplished scientific gentleman of this city, (Professor Johnson,) at an expense of some \$20 or \$25 per day, to make extensive experimental tests of the solidity and strength of the gneiss rock of which these foundations are built, as well as of its capacity to resist the action of the atmosphere.

Now, there is not a laborer engaged on these foundations—not even the most ignorant of them—who does not know that not a square inch of the surface of those walls will be exposed to the action of the elements. The outer surface will be covered up by the earth, or the terraces which will surround it, and the inner surface by the arches or floors above it, so that no part will be exposed.

The chairman of the special committee, [Mr. McNAIR,] in advance of the action of the committee, gives us his judgment as to the character of these foundations, and pronounces them shamefully defective. Now, as to the character of the material: I happened to have a conversation with Professor Johnson as to the result of his experiments, in which he kindly gave me the facts which will follow.

Mr. McNAIR. Was he upon his oath?

Mr. STANTON. No, sir; but I presume his word upon this subject would be as good as his oath.

Mr. BEALE. He took six or seven specimens of stone from different parts of the building, so as to ascertain the average quality of the stone.

Mr. STANTON. I shall state it all fairly, as I have no disposition to do any one injustice.

The weakest and most inferior specimens of the stone used which could be found, when subjected to pressure, by accurate machinery for that purpose, bore a crushing weight of over 8,000 pounds to the square inch, or 1,152,000 pounds to the square foot. Now, the heaviest portion of the material of which the walls of the edifice will be built weighs only 175 pounds to the cubic foot; and as the building will be about 60 feet high, the weight which each square foot of foundation must sustain is only 10,500 pounds, or less than one hundredth part of what the walls are capable of sustaining, supposing the whole foundation to be built of the most inferior material. The best portion of the stone used bore a pressure of 20,000 pounds and over, or one and a half times more than the most inferior. Not one stone in a hundred used in the foundation, I am authorized to say, was of the inferior quality of the first specimen to which I have referred; and taking a medium between the worst and the best, as the proper average quality of the stone used, and these foundations, so much decried, are really capable of bearing, according to scientific demonstration, 2,450,000 pounds to the square foot, or two hundred and thirty-three times more than is actually required.

These are some of the results which have been obtained by the gentleman referred to, at the time of our conversation. They certainly will be conclusive, to all unprejudiced minds, as to the strength and durability of the stone.

I have no information as to the result of his experiments to test the capacity of the stone to stand atmospheric action. They had not been completed at the time referred to. But I care not what may be the result. My own practical experience teaches me that the stone is sufficiently strong, solid, and durable, for any purpose of the kind. I agree with the learned Professor, that these experiments can be of no practical value, for the reasons above stated, and that this part of the investigation had as well been dispensed with. They are only a waste of genius and of time.

But the chairman of the investigating committee has told us, with great gravity, that he went to one of these foundation walls, with pickaxe and crowbar in hand, and dug up a portion of it; that, to his great surprise, he found his worst anticipations realized. The wall, he alleges, is built of small stone and bad mortar, and is insufficient to sustain the structure to be erected upon it. Now, let me disclose a secret in regard to this digging operation. The honorable chairman satisfied himself by digging in a single spot, and that spot happened, fortunately for the purpose of the gentleman, to be just where the workmen terminated their labors. Now, it is known to all prac-

tical men, that in building either brick or stone walls, there will necessarily be an accumulation of pieces of brick or small stone as the work progresses. These must be worked in, and it is economy to use them in "filling in," or "leveling up." This happened to be the case at the spot where the honorable gentleman used, so successfully, his pickaxe and crowbar. I suppose some sagacious person, knowing the zeal of the honorable gentleman, informed him of these facts; and he availed himself of this information, and made his assault upon the stone and mortar accordingly.

Mr. McNAIR. I have received no such information. No one ever told me that the small stones were in that particular place.

Mr. STANTON. Oh, well, I only supposed it might be so. It happens, however, to be the fact, that this identical spot was the last part of the building worked upon, and these small stones were used up at that place as matter of economy. But these stones, so torn out of the wall, are not small stone, and could not from their use impair the strength of the foundation. They average from six inches in length to two feet, and I have seen many a solid and substantial wall built of stone of no greater size. Many of the best and oldest buildings in the world rest upon foundations built of pebbles, broken rock, and small pieces of stone or brick.

I have taken some extracts from the "Transactions of the British Architects," which will show the extent to which this mode of building has been carried in past ages:

"In Greece, the foundations of all the very early fortifications were formed of small stones. Some of the walls of the stronghold at the pass of Thermopylae are constructed of small stones and mortar. Thucydides, describing the way in which the walls surrounding the Acropolis had been restored after the Persian war, about 478 years before Christ, says the foundations consisted of stones of all sizes and forms thrown in indiscriminately. These still remain, and are so hard as to be almost impenetrable."

"The Romans constructed their walls of two faces of masonry filled in with cement, consisting of pounded bricks, or tiles, rough stones or flints, and lime well incorporated. There are examples at Messina, where in fact the walls surrounding the town, erected 370 years before our era, are wholly of this description. At Rome, it was everywhere used; the temple of Augustus, the baths of Agrippa, of Titus, and of Diocletian, the Coliseum, the Aqueducts, St. Peter's, and many others serving as instances. The well known wall of China, built about 205 years before Christ, was constructed in a somewhat similar manner, and notwithstanding numerous vicissitudes, is still wondrously strong, discovering no signs of ruin."

The Romans brought their arts to England, and there practiced them.

"The foundations of the Roman Station, Aldborough, Yorkshire—the upper parts of which are formed of round pebbles united by a strong cement—and of some portions of Severn's wall, consists of rough stone and pebbles, compacted in clay; while in several instances we find they used perfect concreted masses of gravel, sand, or pounded bricks and lime, precisely similar to the concrete of our day."

"The walls of Aldborough Church, Yorkshire; the tower of Earls Barton Church; that of St. Peter's Church, at Barton upon Humber, Lincolnshire, and a building at Warmford, Southamptonshire, all of which, in the opinion of several antiquaries, are composed, some of round pebble stones united by mortar, and others of rubble stone and flints well grouted; they are still of amazing solidity, and appear to defy time."

Sir Christopher Wren discovered that the foundation of St. Paul's Cathedral, upon which had stood an imposing pile destroyed by the great fire, was composed of a mass of Kentish rubble stone, cemented with extremely hard mortar.

"The foundation of the north transept of Westminster Abbey, built in 1245, is composed of flints, irregular stones, rubble, and mortar, forming a body almost impenetrable."

"The foundations of the public buildings in Westminster, the law courts, the additional buildings to the House of Lords, the Library of the House of Commons, &c., were formed of granite, or other hard stone, broken in small pieces, (none exceeding in size an ordinary hen's egg,) and laid in layers closely rammed and grouted; every third layer of Dorking lime and sharp river sand."

The new Parliament House of Great Britain, recently built, rests upon foundations ten feet seven inches in height, composed entirely of concrete. On this mass of small stone, broken up for the purpose and grouted, the walls of that massive structure are erected; and yet our ears are stunned with the cry, that the stone in these foundations are not large enough to give it proper strength. This fact, in regard to the foundations of the work at Westminster, I learn from the reports of the architect. I happened to mention it a few days ago in the presence of some of the workmen lately engaged on the Capitol, when two of them in-

formed me that the report stated the matter correctly, for they had each worked upon these very foundations.

The walls laid, and which are the objects of daily observation by the members of this House, are subjects of admiration to every scientific and practical man who has seen them. Such solidity, such strength, and such admirable skill in their construction, have never been manifested before in any work done in this city, and I doubt whether better work of the kind can be found in any part of the Union. Yet we are told by the honorable chairman of the special committee that the walls are of no value, and should be torn up. I am astonished at the conclusion to which he has arrived. It makes me blush for the intelligence of my fellow-members on this floor upon matters of such a practical character. When gentlemen see the report of the special committee, if the evidence accompanies it, they will find that some of the most scientific engineers and architects in the nation—indeed I might say the world—as well as the most experienced practical men, have testified, after examining the work, that it is of sufficient strength and solidity to bear an infinitely greater weight than can possibly be put upon it.

The mortar of which these walls are built is said not to be of good quality, because it has not yet hardened. The fact that such a complaint is made, is proof only that there are men intrusted with the legislation of this country, who are lamentably deficient in those practical matters which are familiar to the commonest of men. Who, in his sober senses, could imagine that mortar in the center of a thick wall—seven feet thick—exposed to the severity of a rigorous winter, and only two months laid, would be now dry and hardened? The very best mortar ever used could not have hardened in such a situation in so short a time. Twenty years will not suffice to make it as dry and solid as it will become; and every practical, as well as scientific man, knows that it is better it should be so. Ask the common laborer who has been accustomed to attend upon masons, and he will tell you, that the longer the process of evaporation continues, the stronger will be the adhesion of the mortar. It is a fact so well demonstrated by the experience of those who are accustomed to work in mortar, that it needs no scientific experiments to prove it. The fact, then, that in digging into these foundations the mortar was found not to be dry and hard, is no evidence that it is of bad quality. On the contrary, I assert, without fear of contradiction by any man of intelligence on the subject, that the mortar is as good as could have been made. It is made of good lime, clean, sharp sand, and mixed in proper proportions. The practical and scientific men who have examined it, concur with me in opinion, and ridicule the folly which pronounces it of bad quality. I hold in my hand some of the mortar, taken from the very place in which the honorable gentleman tore up the wall.

Mr. McNAIR. That is not as it was taken out of the wall.

Mr. STANTON. It was taken from that very place in the wall, and nothing has been added to it but water. The action of the atmosphere has dried it—that is all. It dried because it was thus exposed. How, in the name of all that is reasonable, could it be expected to dry in so short a time, if it had remained in the center of a wall seven feet thick. Near the earth, too, where there was more likely to be absorption of moisture, rather than evaporation, the probabilities were all against its drying. Indeed, from my practical knowledge of mortar, having worked in it for twelve years, I should have doubted the quality of this, had it not been just as it was.

The honorable gentleman says these walls are a mere shell on the outside, and filled up with small stone and bad mortar in the center. I have shown how they are built; but even if it were as the gentleman seems to think they are, I cannot see how they could even then be liable to bulge or press out. Every one knows that walls are not so liable to split as to crack cross-wise. They crack cross-wise because of the inequalities of the foundation. But, these walls will be so sustained on the outside by the earth, and on the inside by the cross walls and the arches, that it will be impossible for them to give way by splitting or bulging.

Mr. McNAIR. Will the gentleman permit me to ask him a question?

Mr. STANTON. With pleasure—as many as you may choose to ask.

Mr. McNAIR. I desire to ask if a certain very interesting article, which appeared not long since, did not supply you with information on this subject?

Mr. STANTON. I do not know to what article the gentleman alludes. The extracts I have given are obtained from books; the rest I derive from my own practical experience, which I think qualifies me to speak of subjects like this with some knowledge more than the gentleman possesses, even after the advantage he has had of this very important investigation.

A Voice. How many applicants for contracts were there from Pennsylvania?

Mr. STANTON. I do not know how many from Pennsylvania have applied for contracts; but this I am informed is true, that disappointed applicants for contracts have been active in stimulating this investigation. I believe some of them were before the committee, and I suppose were the persons who attempted to throw doubt upon the stability of the work.

The gentleman takes exception to the fact that the architect of the edifice, Mr. Walter, has control of the funds used. I cannot see that this is any part of the duty conferred upon the committee by the House, which clothed them only with power to inquire into the sufficiency of the foundations. But it is an exception to the law and not to the President, and ought to have been taken two years ago. Congress gave the President power to adopt the plan, and money to carry it out, with instructions that the money should be expended under his direction, "by such architect as he might appoint." Congress now has no right to complain of the action of the President in this respect, nor in regard to the adoption of the plan. If he has transcended what Congress now supposes to be a reasonable limit, it is the fault of Congress. It was in our power to have restrained him. We might have required him to present his plans and estimates to us for our adoption or rejection, but we did not think it proper to do so. We bade him take the responsibility, and he obeyed our command. I think he has acted wisely in adopting a plan, which, while it affords room enough, is not extravagant in cost, and will, in its architectural design and perfection of arrangement, reflect credit upon the nation. Our population, our territory, our resources, have increased with unexampled rapidity. Who can calculate their extent, when another half century shall have passed? The edifice we are now constructing is not for ourselves alone, but for posterity; and I am happy to say that in the after ages of the Republic it will most nobly illustrate the genius and power of the present. It is beautiful in design, perfect in its proportions and arrangements, and not too magnificent for the Capitol of thirty-one American States.

The gentleman, in his zeal to defeat the continuance of the work, thinks proper to assail the architect in regard to the expenditure of the money, and charges that he has not accounted for that placed in his hands. The money is drawn from the Treasury upon his requisition, according to law, and not otherwise. Every cent so drawn has been honestly and faithfully accounted for. If the gentleman from Pennsylvania [Mr. McNAIR] does not know it, I can tell him that the accounts of the architect are so kept, that any man can see in a moment the condition of the whole account, and learn the disposition of every dollar of the money. I will say to the honor of Mr. Walter, that if all other disbursing officers of the Government were as faithful and accurate in their accounts and disbursements, you would hear of no complaints about defalcations and corruption. The \$100,000 heretofore appropriated have been expended, and I am gratified to have it in my power to say, judiciously expended. An immense amount of work has been done for that amount of money. Look at the immense excavations at each end of the Capitol—the great number of cubic perches of stone bought and laid—and other materials accumulated. And not one cent of this money, says the honorable gentleman, has been accounted for. Why, sir, I was about to say that this charge was so unjust to Mr. Walter, and would be so little believed by any one who knows him, that it was scarcely worth denying. But, if he really has doubts upon the subject, let him go to the Com-

troller's office of the Treasury, and he will see that every cent has been faithfully and honestly accounted for.

Every man must be sensible of the great importance of the proposed improvement, and I am only surprised that the representatives of the nation, who have year after year seen the great inconveniences of legislation arising from the miserably defective construction of this House, did not sooner direct it to be commenced. I need say nothing of this Hall, the very worst in the world for purposes of deliberation. Its defects are two palpable not to be seen and felt by every member. Large and commodious as the building may seem, it does not contain more than one half as many committee rooms as are needed for the use of the two Houses. In many of them the committees are doubled, some of the committees have no rooms, and it frequently occurs that special committees cannot be accommodated without seriously interfering with the duties of others. And how are the officers of the House accommodated? They are crowded into the smallest rooms, and scarcely more than half the space necessary for the prompt and proper dispatch of business. The library room of the House is ill shaped, irregular, and not much larger, or convenient, than a good-sized rat hole. The document room is but little better, and both seem to have been made for any other purpose than that to which they are applied. Neither the Postmaster nor the Sergeant-at-Arms, has more room than is usually allotted to the bar-keeper on a steam-boat. All this is discreditable to a great nation like ours, and affords abundant reason for the immediate progress of an improvement, which will afford greater conveniences for the legislative department of the Government.

I hope this appropriation will be made. I deem the investigation to be made by this committee as of very little importance. Indeed, I know no practical man—I had almost said, no sensible man—will so hazard his reputation as to insist that those foundations shall come down. Who has complained of them, and of what is the complaint made? It arises from the disappointment of men who sought contracts and did not get them, and applies to a single spot ten or twelve feet long and two feet deep in one of the walls upon the south side of the House. I understand there is no sort of objection to the foundation upon the other side of the building—none in the world. If the gentleman having charge of this matter had taken the trouble to walk fifty feet further, he would have seen a portion of this work unfinished, just as it was laid up by the hands of the workmen, and instead of coming here and complaining that there are no large stones in that foundation, he would have told us that he saw them jutting almost entirely through the wall. I appeal to the gentleman from Pennsylvania [Mr. McNAIR] to say, if upon that side of the building there are not large stones running through the whole wall?

Mr. McNAIR. There are large stones running nearly through the wall; and I believe they were put up there for the purpose of making a show. When we came to dig into the wall, we found no stones running through it.

Mr. STANTON. That shows the state of feeling under which the chairman of the special committee is acting. Why could he not state the simple fact, without throwing in the remark that "they were put up for show?" for if he had been destitute of all prejudice and feeling, and had not the interest of others who have instigated this investigation, to sustain, as well as his own reputation, for having begun it, would not the mere declaration of fact have been sufficient? Now, sir, I say that that wall was laid before the gentleman came to the city of Washington.

Mr. McNAIR. I have no interest in this thing.

Mr. STANTON. How in the name of common sense could the men when at work upon that part of the wall, have anticipated that the honorable gentleman from Pennsylvania, [Mr. McNAIR], when he came here, would have been set on to commence a crusade against the foundations of this building? That work was done long before the honorable gentleman came here, and it remains now just in its unfinished condition, and in the best condition possible to test the quality of the work. Now, sir, I venture to assert that he will not say that that wall is not strong enough.

Mr. McNAIR. I will. That is my opinion.

Mr. STANTON. Well, I am very glad to hear that, for it is in keeping with all the results of the judgment you have manifested here to-day. Now, sir, this part of the wall torn down by the committee, was "leveled up" as the base for larger stone, and "leveling" is a technical term with masons, simply indicating the bringing of the wall to a level surface, in order that you may have a bed for larger stone to rest upon, or for other purposes. In this process of "leveling up," small stones are needed and necessarily used, and this is known to all practical men, if not to the chairman of the committee, created to pass judgment upon the labor of skillful and experienced operatives, who could have no motive or interest to make other than a good job.

I have been instructed to offer this amendment by the Committee on Public Buildings, who think that the appropriation should be made and the work completed with all possible speed consistent with its proper execution. The Secretary of the Interior, in his letter to the Committee of Ways and Means, and the Architect, in his annual report, estimated \$350,000 as the sum to be expended during the present fiscal year ending June 30, 1852, and \$650,000 for the subsequent year, ending June 30, 1853. The appropriation provided for by the amendment, extends to June 30, 1853, and is only half the sum asked for by the Secretary and Architect, a large portion of the time having elapsed in which the amount of their estimates would have been expended. I earnestly hope the House will pass the resolution and permit the work to proceed. The appropriation is needed, must be made, and the sooner the better. In conclusion, I will simply say, that no matter what may be the character of the report of the special committee, the money will be required, and the appropriation should be made.

Mr. BROWN, of Mississippi, obtained the floor.

Mr. WALLACE. As I am a member of the committee, and as comments have been made by the gentleman from Kentucky [Mr. STANTON] upon their action, I appeal to the liberality of the gentleman from Mississippi [Mr. Brown] to yield to me for five minutes.

Mr. BROWN. There is nothing which I would not do for my friend from South Carolina [Mr. WALLACE] except to yield a portion of my hour. I shall want all of it for my own use, not upon this question, but upon other questions.

It is not my purpose, Mr. Chairman, to address the House at all in reference to the bill now before it. I propose, in the opening of my remarks, to take a brief retrospect of the rise, progress, and fall, of the Southern movement. It is very well known, sir, not only to the members of Congress, but to the whole country, that the continued action of the Northern people, and of the Northern States, upon the subject of the domestic relations existing in the South, between the master and the slave, had at one time wrought up the Southern mind to a very high degree of exasperation. Apprehensions were freely expressed, and doubtless generally entertained, that some great disaster was likely to befall the country, growing out of this excitement. In this state of public feeling, during the Thirtieth Congress, a gentleman, then a Representative from one of the districts in the State of New York, [Mr. Gott], introduced a resolution, preceded by what the Southern members believed to be a most insulting preamble. This preamble, insulting though it certainly was, did not propose any legislative action. The resolution, directed a very simple, but a very important inquiry to be made. It directed the Committee for the District of Columbia to inquire into the expediency of abolishing the slave trade in this District. The passage of this resolution gave offense to the whole Southern delegation, and they commenced, at once, manifesting their hostility to this movement in a manner not to be misunderstood.

A distinguished gentleman in the other branch of the Legislature, from my own State, and now its Governor, came, as the older members of Congress know very well, into this House and solicited members of Congress to sign their names to a call for a meeting of Southern Senators and Representatives. In obedience to this call, a meeting assembled in the Senate Chamber, over which a venerable Senator from the State of Kentucky [Governor Metcalfe] was called to preside. Here, sir, I date the rise of the Southern movement.

From this point it commenced its progress. But for this movement, I undertake to say, the Southern Democracy was not responsible. That meeting was a joint assemblage of the Southern Whigs and of the Southern Democrats. There were Whigs who absented themselves; and there were Democrats who absented themselves; but the Southern delegation in Congress generally, and without reference to party, was responsible for the meeting and for its proceedings. That meeting put forth an address to the Southern people, written, as it is said, and I have no doubt correctly, by the late venerable and distinguished Senator from South Carolina, [Mr. Calhoun.] It was such a paper as was intended to produce, as it certainly did produce, a most profound sensation upon the Southern mind. Upon my return to Mississippi, I found a very high degree of excitement—an excitement not confined to the Democrats, but pervading all parties, Whigs as well as Democrats. A proposition had already been made, and was then being actively urged, for a convention of our State—a popular convention—to take into consideration the relations then subsisting between the North and the South, growing out of the institution of domestic slavery. A number of gentlemen, of both political parties, published a call to the people, inviting them to assemble in convention. This call was the first advance step of the Southern movement, and for it, both Whigs and Democrats in my State were alike responsible. In obedience to it, the people, without reference to party, assembled in primary meetings and appointed delegates to a State Convention, and, in every instance, the delegates to that convention were appointed of equal numbers, Whigs and Democrats. The convention assembled in the month of October, 1849.

This, sir, was the second step in the progress of the Southern movement. Up to this period neither party could claim the exclusive credit, and up to this time it was all credit—there was no debit. That convention put forth another address to the people of Mississippi; and from that address I propose just in this connection to read a very short extract. For this address, bear you in mind, both the Whig and the Democratic parties of Mississippi were responsible, so far as they could be made responsible by their delegates in convention. It bore the honored signatures of leading Democrats and leading Whigs. It was a document which bore the signature of a very distinguished member of the UNION party, now high in the confidence of the Administration, and its representative as chief consul on the Island of Cuba—Judge Sharkey. After disclosing to the people what had been done and what was proposed for the future, Judge, now Consul, Sharkey and his associates said:

"Besides and beyond a popular convention of the Southern States with the view and the hope of arresting the cause of aggression, and if not practicable, then to concentrate the South in will, understanding, and action, the convention of Mississippi suggested, as the possible ultimate resort, the call by the Legislature of the assailed States, or still some more solemn conventions—such as should be regularly elected by the people of those States—to deliberate, speak, and act with all the sovereign power of the people. Should, in the result, such conventions be called and meet, they may lead to a like regularly-constituted convention of all the assailed States, to provide in the last resort for their separate welfare by the formation of a compact and an union that will afford protection to their liberties and their rights."

Now, that is the language for which I say all parties in Mississippi were responsible. It is the emanation of a convention composed equally of Whigs and of Democrats, or as they are now called of State-Rights men and Union men. The very head and front of the Union party in Mississippi, was the president of the convention, which put forth that address—the very head and front of the Union party in Mississippi attached his name to that sentiment and published it to the people of Mississippi—"to provide in the last resort for their separate welfare." How could this be done else than by a separation from the Northern States? How could it be done else than by secession or revolution—by breaking up the Government. True, it was to be done in the last resort; and pray have we ever spoken of secession except as the last resort—the final alternative? But now I find this language brought into the House of Representatives by my honorable colleague, [Mr. Wilcox], and held up here with an attempt to hold the party to which I belong responsible for it. History, sir, must be known to him, at least the history of our own State, and if he has read

that history he knows that the Hon. William L. Sharkey, the appointee of Millard Fillmore as consul to the city of Havana, was among those who put forth this address—put his signature to this language, and indorsed it to the people of Mississippi. To this point the Southern movement progressed. This Mississippi convention advised the convention of the Southern States. Virginia responded to that call, so did Georgia and Alabama, and Louisiana, and Arkansas, and Texas. Aye, even Tennessee came in, slowly and reluctantly, it is true, but still she comes—

Mr. POLK. To save the Republic.

Mr. BROWN. Yes, sir, Tennessee went into the Nashville Convention to save the Republic, and so did Mississippi.

Mr. SCURRY. If the gentleman will permit me to interrupt him.

Mr. BROWN. Very briefly.

Mr. SCURRY. The gentleman who attended from Texas did so against the large majority of the district which he represented. A majority of that district voted directly and flatly against the convention.

Mr. BROWN. Well, I am not going to inquire how delegates came to be there. I speak of history as it is. Texas was represented in the convention, whether by her authority I do not know, and what is more, at this time I do not care. It is not material. The Nashville Convention, in obedience to this call, and in pursuance of these proceedings, assembled. This was another step in the progress of the Southern movement. Up to this time, if there was any strenuous objection to it anywhere, I, at least, was not aware of it. Here and there an exception may have been found—here and there a newspaper editor might be found to oppose it; but the great mass of the Southern politicians—and as far as I could judge of the Southern people—Whigs and Democrats—were for it. They were for it without distinction as to party. The convention assembled. It elected Hon. William L. Sharkey, of my own State—the head and front of Mississippi Unionism—to preside over its deliberations. He did preside. That convention put forth an address to the people, followed by a series of resolutions, asserting certain propositions upon which the Southern people ought to insist. Still, sir, there was no formidable objection either to the convention, or to what it said or did. The progress of the movement still seemed to be onward. Soon afterwards the compromise measures began to attract attention in the country and in Congress. A feeling of trepidation seemed to steal over Senators and Representatives. Here and there an old advocate of the Nashville Convention—one who had looked to it as the source from which a panacea was to come for all wounds and bruises, and putrifying sores, gradually fell off. I might call names if I did not wish to avoid involving myself in a discussion with too many gentlemen at the same time. With the falling off of these early and sturdy advocates commenced the decline in the Southern movement—and with the passage of the compromise, I mark the first distinct evidence of its decay.

In November, 1850, after the compromise measures had passed, a Union Convention, the first ever held to my knowledge in the United States—certainly the first ever held in my own State—was assembled at the city of Jackson, the seat of government of Mississippi. It was not a Southern-Rights Convention; it was not a State-Rights Convention; it was not a Whig Convention; it was not a Democratic Convention; it was a Union Convention, so it was called, and so it assembled. It was in advance of any other political organization in the State of Mississippi, or any other State, growing, so far as I know, out of the compromise. It rose as if from the ashes of the Southern movement in Mississippi. It was made up of the consistent few who opposed, and of the greater number who seceded from the Southern movement. With the assemblage of this convention in Mississippi, I date the downfall of the Southern movement in that State; a fall which was rapidly succeeded by its downfall elsewhere. Virginia determined to acquiesce in the measures of the compromise; Georgia acquiesced; Alabama and the other States in the South followed suit, or were silent. To the Union Convention of Mississippi belongs the credit, if credit it be, of striking the first fatal blow at the Southern movement. From this moment it rapidly declined. The movement I regard as dead.

It died at the hands of its early friends—its fathers. It is now very dead; and if I were called upon to write its epitaph, I would inscribe upon the stone that marked its burial place, *Requiescat in pace*. I will not make merry over the tomb of an old friend. I loved this movement. I believed it was, in its day, full of patriotism, full of devotion to the best interests of the country, and eminently calculated to preserve the Union, because it was eminently calculated to preserve the rights of the States within the Union. But it has passed away. A witty friend, in speaking of its buoyant rise, its rapid progress, and its early decay, described it as being like Billy Pringle's pig:

"When it lived, it lived in clover,
And when it died, it died all over."

[Laughter.]

When those who had been chiefly instrumental in getting up this movement abandoned it, could we be made longer responsible for it? They brought it into being, and by their hands it fell; and now they turn upon us, denounce it as a monster, and charge its sole paternity on us. We assume our due share of the responsibility, and they shall take theirs.

The Southern movement was, I repeat, the joint work of both parties acting together. This is history. If there was any rivalry, it was as to which party was entitled to the most credit. There was in this movement a fusion of parties. But upon all the old issues each party maintained its separate organization. And when the Southern movement was abandoned each was free to resume its original position.

The Whigs did not return to their position. They halted by the wayside, and by the aid of a few Democrats, formed the Union party. It was a party not demanded by the exigencies of the hour; but called into existence to subserve the views of particular men. This brings me to consider the present organization of parties in my State.

My colleague [Mr. WILCOX] the other day, in what I considered rather bad taste—although I certainly shall not undertake to lecture him upon matters of taste—spoke of a bare minority—of almost a majority of the people of our State as attempting to SNEAK BACK into the Democratic ranks. That was the language employed. In speaking of the State-Rights men of 1832, after their separation from General Jackson, he said:

"They stood aloof from the party, in armed neutrality, in the only State where they had a majority; and in States where they were in the minority, generally acted with the Whig party in opposition to the Democrats. They did not after their defeat attempt to sneak back into the Democratic party under the style of old line Democrats, as the secessionists of the present day are attempting to do."

Now, I shall undertake to demonstrate that the State-Rights party of Mississippi were never out of the ranks of the Democratic party, and that by no act of theirs have they ever put themselves beyond the pale of that party; and therefore there was no occasion for them to march back, even with banners flying, and much less for them to "sneak back," in the language of my colleague. Who were they that put themselves first out of the pale of the Democratic party? It was my colleague and his associates. In November, 1850, they assembled together in what they certainly did not call a Democratic Convention. They assembled in a Union Convention, and passed what they were pleased to term Union resolutions. They formed a Union organization, independent of the Democratic party, and equally independent of the Whig party. They did more than that. They chose, as the especial organ of that party—the particular mouth-piece of that political organization, the leading Whig organ at the seat of government. I ask if it is not so? It is true they took down the name of the paper. It was called the "Southron." That title no longer suited their purpose, and they called it the Flag of the Union. But they left the old Whig editor to conduct it. True it is that they associated with him a so-called Union Democrat. And it is equally true that the old line Whig and the new line Democrat yet conduct that journal. From this point, the unhappy controversy which has continued in Mississippi, took its progress. The Democratic party became divided. But there can be no difficulty in deciding who kept up the old organization. The newspaper press of the State gives always a pretty clear indication as to how parties stand. If there is

one single, solitary Whig paper in the State of Mississippi that has not kept the Union flag flying at its mast-head from the opening of the contest down to this hour, I ask my colleague to say which one it is. If there was a Democratic paper in the State of one year's standing that did not take the State-Rights side, with but a single exception, the Columbus Democrat, and keep it, I do not know where it is to be found. Who seems from these facts to have been getting out of the Democratic party—my colleague, who is sustained by the Whig press, or I, who have been and am yet sustained by the Democratic press?

More than this. The Union party called a convention in April, 1851. It was to be, by the terms of the call, a Union Convention—mark you, it was not a Democratic Convention, it was not a Whig Convention, but it was a Union Convention. What did it do? Did it nominate Democrats for office? It made four nominations, and two of them were Democrats by name, and two of them were open and avowed Whigs. It did not assemble as a Democratic Convention. It did not sit as a Democratic Convention. It did not make Democratic nominations. It nominated two Whigs and two Democrats, and my colleague voted the ticket thus nominated. Who was it, let me ask, that, following after strange gods, thus put himself outside the Democratic party; and who is he that, in coming back, will have occasion to sneak into the ranks?

The State-Rights party, or the Democratic States-Rights party, as it is termed in our State, assembled in Convention in June. What did they do? They made their nominations, and they selected their nominees from the old line Democracy. General John A. Quitman was made our standard-bearer. I was surprised the other day to hear my colleague going back to 1824 and 1828, to find the evidence of Quitman's want of fidelity to true Democratic principles. Something has been said about a statute of limitation. Whether the late distinguished nominee of the Democracy of Mississippi requires a statute of limitation, I certainly do not know. If he voted for John Quincy Adams in 1824 and 1828, and has since seen the error of his way, where is the Democrat who will not forgive him? Where is the Mississippi Democrat who has not forgiven him? But we have his own word for saying, that he did not vote for John Quincy Adams in 1824. He did not vote for him in 1828. He was always a State-Rights man of the strictest sect; and upon the issuing of General Jackson's proclamation against South Carolina, he, like hundreds and thousands of others who had been always faithful to the standard of the old hero, abandoned him; and they returned to him in their own good time. But if it be so grave an offense in the Democrats of Mississippi to have nominated a gentleman who voted (allowing the charge of my friend to be true) for John Quincy Adams in 1824, and again in 1828, what shall my friend say of Governor Foote. He claims to be a better Democrat than anybody else; and yet he held the only office that he ever did hold at the hands of the people in Mississippi, until he was elected Governor, from the Whigs of the county of Hinds, and that so late as 1838-'9. Yes; my friend forgot that, in 1838, Governor Foote ran as a Whig, was elected as a Whig, and served as a Whig, in our Legislature. So, upon the score of consistency, I think, allowing my friend's statements to be true, we stand quite as well as he does. And I submit to my colleague whether it is not a little too late for him, or for his friend, the Governor of the—I was going to say Union party, but he is Governor of the State by the constitution—to complain of Governor Quitman's want of Democracy. Did not both you and Governor Foote vote for Quitman for Governor in 1849? Did not Governor Foote put forth, or aid in putting forth, a pamphlet in this city, urging the claims of this same John A. Quitman for the Vice Presidency? Yes, sir, so late as 1848 he recommended him, as a man worthy of trust, to the whole Democracy of the Union. Yet my friend lays charges against his political orthodoxy, dated as far back as 1824 and 1828—twenty years beyond the time when he received the indorsement of Governor Foote and nearly one third of the whole Democracy of the Union; twenty-one years beyond the time when he received the indorsement of Mississippi for Governor, and my friend's vote for the same office. If the indorsement of the National Democracy in 1848—if the indorsement

of Mississippi Democracy in 1849—if the indorsement of Governor Foote, and of my colleague also, may be relied on, I think Quitman can pass muster. He is sound.

Our nominees were all Democrats. We run them as Democrats—as State-Rights Democrats—against the Union ticket, composed of two Whigs and two Democrats. We were beaten. And what has happened since the election? Who is it that has gone out of the Democratic party? The Legislature assembled—the new Governor was inaugurated. What was almost his first act? It was to appoint an Adjutant-General. It was an important appointment—the most important in his gift. Did he appoint a Union Democrat? No, not he. Did he appoint a secession Democrat, as my friend calls them? No, not at all; but he appointed a Whig. That was his first important appointment as Governor, and he dismissed a Democrat to make it. What did his “faithful Union Legislature” do? It did not send him back to the Senate, that is clear. I will tell you what it did. There was an old and venerable Democrat superintending the penitentiary. It was a mere ministerial office, filled by a man who had confessedly discharged his duties with ability and integrity, and to the entire satisfaction of everybody. He was turned out by the Union Legislature, and a Whig put in his place. A gentleman who had discharged for a series of years the duties of clerk of the same establishment, with fidelity, and to the entire satisfaction of every one, was also dismissed, and a Whig put in his place. A Whig Sergeant-at-Arms was elected. Places were given to other Whigs over the heads of Democrats. The patronage of the State, so far as the Governor and Legislature could control it, has been given to the Whigs; and so far as the executive advertising has been concerned, it has, with scarcely an exception, been given to the Whig press. I ask if this looks like Democracy? Two vacancies existed in the United States Senate. How were they filled? With Democrats, did you say—old, long-tried, and consistent Democrats? Were they sent here to represent the Union men of Mississippi? No, sir. One Democrat and one Whig were returned. If these things show that my colleague, and his associates in Mississippi, have been faithful to the Democratic party, why, then, I must confess I have grown strangely wild in my opinions of political fidelity. What think our friends from other States? “Can things like these overcome them like a summer cloud, and not excite their wonder?” Is it consistent with Democratic usage to organize under the style of the Union party? Is it compatible with party fidelity to nominate and elect bitter enemies of the party? Is it a part of the tactics of the Democratic party to dismiss Democrats and put Whigs in their places? Ought the patronage of a Democratic Government to be given exclusively to the Whig press? And, finally, ought a Democratic Legislature to elect a Whig United States Senator? These are questions raised by my friend, and his party. I ask the National Democracy to answer them.

My colleague calls us constantly, through his speech, the *secessionists* and *disunionists* of Mississippi. This is a kind of political slang used in a party canvass with effect, but it is entirely out of place here. A member of Congress ought to use terms that apply to a given state of facts—that have some relation to justice. My friend says what he, perhaps, said so often in the heat of the canvass, that he almost got to think it was true—that we went into the contest with secession and disunion inscribed upon our banners. Why, no such thing is true. My friend must have seen that inscription through a distempered imagination—through some extraordinary perversion of his mental vision. There was no such inscription on our banner. The Democratic party of Mississippi asserted the abstract right of a State to secede from this Union. They entertain that opinion now; and at all proper times and upon all proper occasions they will maintain it. We believe, in the language of the Kentucky resolutions, “that where there is no common arbiter, each party to a compact is to judge of the infractions of the compact, and of the mode and measure of redress.”

The State, we say, “is to be the judge of infractions of the compact, and of the mode and measure of redress.” If, in the language of the Kentucky resolutions, the State believed that the compact has been violated, she, and she alone

has the right to judge, so far as she herself is concerned, of that infraction, and the mode and measure of its redress. I desire to ask my colleague if he does not indorse the Kentucky resolutions, and whether the whole Union party of Mississippi does not indorse them? If he will say to us, by authority of his party, that they repudiate these resolutions, I will guaranty that they sink so low, as a political party, that, though you sounded for them with a hundred fathom lead line, a voice would still come booming up from this mighty deep, proclaiming, “no bottom here.”

I desire to submit this proposition to my colleague. He says, that because we assert the right of secession, therefore we are secessionists. *Non constat.* He asserts the right of revolution. Let me ask my friend, do you consider yourself as a revolutionist? If I am to be denounced as a secessionist because I assert the right to secede, may I not turn upon my assailant and say to him, You are a revolutionist, because you assert the right of revolution?

But, sir, this new Union organization—this party which claims first to be the Whig party *par excellence*, and then to be the Democratic party *par excellence*—to what sort of sentiments does it hold? Ask my friend here, [Mr. Wilcox,] in the presence of our colleague of the Senate [Mr. Brooke] who has lately arrived in this city, “Gentlemen, what are your opinions on the subject of the currency?” My friend would doubtless say something about hard-money, and gold and silver; but our colleague in the Senate would tell us that he believes in paper money, and banks. Suppose the two gentlemen should be asked what they thought on the subject of protection? My friend here would commence lecturing you about free-trade; but his colleague in the Senate would begin to tell us how much protection we want. And it would be thus in regard to distribution, internal improvements by the Federal Government, the Sub-Treasury, and upon all other party questions. If you ask them what they are for, they tell you they are for the Union. But as to what political measures they propose to carry out, they do not at all agree, even among themselves.

Why, sir, if I may be allowed, in this high council-place, to indulge in an anecdote, I think I can tell one illustrative of the position of this Union party, and especially the Union party of my own State. There was an old gentleman who kept what was called the “Union Hotel.” A traveler rode up and inquired whether he could have breakfast. The landlord said, “What will you have?” “Well,” said he, “I’ll take broiled chicken and coffee.” “I don’t keep them.” “Let me have beefsteak and boiled eggs, then.” “I don’t keep them.” “Well,” said the traveler, “never mind; give me something to eat.” “I don’t keep anything to eat.” “Then,” said the traveler, getting a little out of patience, “feed my horse; give him some oats.” “I don’t keep oats.” “Then give him a little hay.” “I don’t keep hay.” “Well, give him something to eat.” “I don’t keep anything for horses to eat.” [Laughter.] “Then what the devil do you keep?” “I keep the Union Hotel.” [Renewed laughter.] So with this Union party. They are for the Union, and they are for nothing else. They are for that to which nobody is opposed. They are constantly trying to save the Union, and are making a great outcry about it, when, in fact, nobody has sought or is seeking to destroy it. They keep the Union Hotel, but they don’t keep anything else.

Now, sir, to come a step further in the progress of Mississippi politics. As soon as the election in our State resulted adversely to my friends and to myself, we, as a matter of course, abandoned the issue upon which it had been conducted. We gave up a contest in which we had been beaten. But we did not change our opinions as to the soundness of the principle. It was a contest for the maintenance of a particular State principle, or State policy. We were overthrown by a majority of the people of our own State, and consequently we gave up the issue. Immediately afterwards, by the usual authority and in the usual way, there was a notice inserted in the leading Democratic papers of the State, calling upon the Democratic party, without reference to new State issues, and without reference to past disputes, to assemble in convention for the purpose of appointing delegates to attend

the Baltimore National Democratic Convention. This was in November, 1851. Almost immediately afterwards, the Union party called a Union convention, which assembled on the first Monday in January last. It was represented by about thirty-six delegates, from twelve or fourteen counties. On the 8th of the same month, the Democratic Convention proper, assembled, represented by some two hundred or more delegates, from fifty-five counties. Our convention was called as a Democratic Convention. It assembled as a Democratic Convention. It deliberated as a Democratic Convention. It appointed delegates to the Baltimore Convention as a Democratic Convention. It appointed Democratic electors. It represented emphatically the Democracy of Mississippi. Having been beaten on the issues of State policy, I repeat, we gave them up. We so publicly announced; and when we met in convention on the 8th of January, it was as Democrats on the old issues.

How was it with the Union Convention? Was that a Democratic Convention? Was there any such pretence? No, sir; it assembled as a Union Convention—a Union meeting to appoint delegates to attend a Democratic National Convention. Why, what an idea! What right had such a meeting to appoint delegates to a Democratic National Convention? If the Union party, calling themselves Democrats, may appoint delegates to the National Democratic Convention, why may not the free Democracy of Ohio, typified in the person of the gentleman across the way, [Mr. Gwinnings,] do the same thing? They claim to be Democrats, and have organized the free Democracy; and why may not they send their representation to the Democratic Convention? Suppose the Free-Soil Democrats get up an organization, why may not they send delegates too? and why may not every other faction and political organization have its representatives there? No, sir; if there is to be a Union party, let there be a Union convention. If certain gentlemen have become so etherialized that the Democratic organization does not suit them, let them stay out of the Democratic convention. When they put on the proper badge—when they take down the Union flag, and run up the old Democratic banner, I am for hailing them as brothers—for forgetting the past, and looking only to the future. They need not sneak back. We will open the door, and let them in. “To err, is human; to forgive, divine.”

Mr. CHASTAIN, (interrupting.) I wish to ask the gentleman from Mississippi if the platform of the Nashville Convention did not repudiate the idea of having anything to do with either of the national conventions—the Whig or the Democratic?

Mr. BROWN. For that convention, the Whig party and the Democratic party, as I said before, were alike responsible. The Union party, composed, as it is, of Whigs and Democrats, must take their part of the responsibility for it. Was not Judge Sharkey, a Whig and your President’s appointee to Havana, responsible? Was he not president of the convention, and is he not a Union leader? Did not Governor Foote have a hand in it? Did not Mr. Clemens take his share of responsibility? Did not almost all the prominent, leading Union Democrats of the South have a part in that convention? I want to know if these gentlemen may slip out and leave us to hold the sack? The State-Rights Democrats of Mississippi, as such, never indorsed the recommendation to which the gentleman alludes; and, therefore, we no more than others are responsible for it. If the Union Whigs and Union Democrats will stand by the recommendation, they may fairly expect us to do so too; but it is a very pretty business for us to make a joint promise, and then allow them to break it, and require us to hold on to it. No, sir. “A contract broken on one side, is a contract broken on all sides.”

Mr. MOORE, of Louisiana, (interrupting.) The gentleman from Mississippi mentioned the State of Louisiana in connection with the Nashville Convention. I wish merely to state this fact, that a law was introduced into the Legislature of Louisiana authorizing the people to send delegates to that convention, but it failed. I do not believe a single man went from the State of Louisiana to that convention who was authorized by the people to go there.

Mr. BROWN. I cannot stop for these interruptions, as I find that my time is fast running out. Now, what did the Democratic party of

Mississippi mean when they assembled in convention and appointed delegates to the Baltimore National Convention? They meant, sir, to go into that convention in good faith, and to act in good faith. We do not believe the Democratic party is going to come up to our standard of State-Rights, but we know they will come nearer up to it than the Whig party; and we therefore intend to go into the Democratic Convention, with an honest purpose to support its nominees. We trust you to make us fair and just nominations; and if you do, we intend to support them. If I am asked who the State-Rights Democrats of Mississippi would sustain for the Presidency, I will answer, they will sustain any good, honest, long-tried, and faithful member of the Democratic party, who has never practiced a fraud upon them.

I can tell you this, that in going into that convention, the Democracy of Mississippi will not ask from it an indorsement of their peculiar notions—if, indeed, they be peculiar—on the subject of State-Rights.

Mr. CHASTAIN, (interrupting.) Let me ask the gentleman if he would vote for Mr. Cass?

Mr. BROWN. If I were to answer that question, I might be asked by other gentlemen whether I would vote for this man or that man. I do not choose to engage in any controversy about men.

Sir, I was saying that we shall not ask at the hands of the Baltimore Convention an indorsement of our peculiar views on the subject of State-Rights—if indeed these views be peculiar. We shall ask in the name of the State-Rights party no place upon the national ticket—neither at its head nor at its tail. And when we have aided you on to victory, as we expect to do, we shall ask no part of the spoils, for we are not of the spoil-loving school.

What we ask is this: that when we have planted a great principle, which we intend to nourish, and, as far as we have the power, protect, you shall not put the heel of the national Democracy upon it to crush it. We ask that you shall not insult us in your convention, either by offering us as the nominee a man who has denounced us as traitors to our country, or by passing any resolutions which shall thus denounce us in words or by implication. Leave us free from taunt and insult; give us a fair Democratic nomination, and we will march up to it like men, and we will be, where we have always been in our Democratic struggles, not in the rear, but in the advance column. We will bear you on to victory; and when victory has been achieved, you may take the spoils and divide them among yourselves. We want no office. Will the Union party give this pledge? Of course they will not, for they are committed against your nominees in advance, unless certain demands of theirs shall be complied with—and among them is the ostracism of the State-Rights men. They propose to read out the great body of the Southern Democrats, and then I suppose make up the deficiency with Whigs. When the national Democracy relies on Whig votes to elect its President, it had better "hang its harp upon the willow."

The State-Rights Democrats will never be found sneaking into any party. We ask nothing of our national brethren. If we support the nominees, as we expect to do, it will be done, not for pay, but as a labor of love—love for old party associations; love of principles, which we hope are not yet quite extinct, and which, we are slow to believe, will be extinguished at Baltimore. If we fail to support the nominees, it will be because they are such as ought not to have been made.

We make no professions of love for the Union. Let our acts speak. We have stood by the Constitution and by the rights of the States, as defined by our fathers. If this be enmity to the Union, then have we been its enemies. We have not made constant proclamation of our devotion to the Union, because we have seen no attempt to destroy it, and have therefore seen no necessity for defending it. The danger is not that the States will secede from the Union, but rather that the Union will absorb the reserved rights of the States, and consolidate them as one State. Against this danger we have raised our warning voice. It has not been heeded; and if disaster befall us from this quarter, we at least are not to blame.

Laudation of the Union is a cheap commodity. It is found on the tongue of every demagogue in the country. I by no means say that all who laud the Union are demagogues; but I do say that

there is not a demagogue in the Union who does not laud it. It is the bone and sinew, the soul and body of all their speeches. With them, empty shouts for the Union, the glorious Union, is a passport to favor; and beyond the point of carrying a popular election, they have no ideas of patriotism, and care not a fig for the ultimate triumph of our federative system.

Mr. Chairman, there are many other things to which I should have been very glad to make allusion, but I am admonished that my time is so nearly out, that I can have no opportunity to take up another point. I shall be happy, however, in the few moments that remain of my time to answer any questions that gentlemen may desire to submit. I supposed, from the disposition manifested by gentlemen a few moments ago to interrogate me, that I should necessarily be compelled to answer some questions, or seem to shrink from the responsibility of doing so. I therefore hurried on to the conclusion of what I deemed it absolutely necessary to say, for the purpose of answering those questions. I am now ready.

After a moment's pause, Mr. B. continued: Gentlemen seem not disposed to press their inquiries, and my time being almost out, I resume my seat.

Mr. WILCOX next obtained the floor, and said: Really, sir, when my honorable friend rose to address the House upon Mississippi politics, I confess the fact that a spirit of trepidation seized me. I had been informed that I was to be devoured this morning by my honorable friend—I say friend, for he is my friend, and as such I regard him. But really the storm is passed, and here I am. His missiles have been weak, and they have fallen harmless at my feet.

The honorable gentleman takes the position that this Disunion or Secession party in Mississippi exists only as a mere chimera in the brains of certain men in that State—that it is only a chimera, a mere phantom—that there is no party in favor of disunion or secession in Mississippi, or in the United States. I thought that gentleman had too high a regard for truth to make a declaration so baseless of truth.

Mr. BROWN. To prevent all misapprehension, I desire to ask my colleague if he means to say that I have been guilty of a falsehood? For that inference might be left upon the minds of some by his language.

Mr. WILCOX. I have spoken explicitly enough. My language will bear no misconstruction. None whatever.

Mr. BROWN. Do you mean to say that what I have said is false?

Mr. WILCOX. If you say that there was no party in Mississippi in favor of secession or disunion, you say what is false.

Here Mr. Brown, who was standing near Mr. Wilcox, struck him in the face. The blow was returned, and a violent personal conflict ensued between the parties. The committee was in an instant thrown into the greatest confusion. The greater portion of the members left their seats and rushed towards the scene of conflict. Loud and continued cries for the Sergeant-at-Arms (who was temporarily absent) to arrest the parties. The chairman of the committee [Mr. SEYMOUR, of Connecticut] called to order in vain. In the midst of the noise and excitement, Mr. BAYLY, of Virginia, moved that the committee rise; which motion was put and carried. The chairman vacated, and the Speaker resumed the chair, and called to order. The disorder continuing, Mr. BAYLY, of Virginia, demanded that the persons creating the disorder should be arrested.

The SPEAKER. The Chair has sent for the Sergeant-at-Arms.

[Loud cries of "Order!" "Order!" and great confusion.]

Mr. McLANAHAN. Has the chairman of the committee reported?

The SPEAKER. The Chair will hear no proposition until order is restored. The Sergeant-at-Arms, and the officers of the House under him, will perform their duty by taking into custody those who are still disposed to be disorderly.

After some minutes, the members who had repaired to the scene of action succeeded in separating the parties in collision, and order was partially restored; and

The chairman of the committee reported that the Committee of the Whole on the state of the

Union had, according to order, had under consideration the state of the Union generally, and particularly joint resolution No. 2, providing for the continuation of the work on the extension of the Capitol, and had come to no conclusion thereon.

Mr. CLINGMAN. I move the usual resolution, that all debate in Committee of the Whole on the state of the Union upon the subject last before it shall cease in half an hour after that committee shall have resumed its consideration.

[Cries of "No!" "No!"]

Mr. McLANAHAN. Is that motion debatable?

The SPEAKER. It is not.

Mr. McLANAHAN. Well, I hope the House will not pass it.

Mr. HOUSTON. Mr. Speaker—

[Cries of "Lay it on the table!"]

Mr. HOUSTON. I do not want to lay it on the table, for I am in favor of the resolution. But I will suggest to the mover whether, as there was a member upon the floor when the committee rose, the House have the right to take from him his hour. I hope the time will at least be prolonged, so as to cover that speech.

Mr. CLINGMAN. I have no doubt of the right of the House to stop debate, for it is usually done when somebody is entitled to the floor. I will modify the resolution, to extend the time to one hour, however, if gentlemen desire it, and upon that motion I call the previous question.

Mr. FICKLIN. I would suggest to the gentleman from North Carolina, that the gentleman from Pennsylvania [Mr. McNAIR] has not been heard in reply.

Mr. STANTON, of Kentucky. My speech was in reply to his.

Mr. STEPHENS, of Georgia. I move that this House do now adjourn.

The question was put, and the House refused to adjourn.

Mr. McMULLIN. Is it in order to move that the resolution to close debate do lie upon the table?

The SPEAKER. It is.

Mr. McMULLIN. I submit that motion.

Mr. STANLEY. Upon that motion I demand the yeas and nays.

The resolution was then reported, as follows:

Resolved, That all debate in Committee of the Whole on the state of the Union upon the resolution of the Senate No. 17, to provide for the construction of the work on the extension of the Capitol, shall cease in one hour after its consideration is resumed; and if the committee shall not come to a conclusion sooner upon the same, it shall then proceed to vote upon such amendments as shall be pending or offered to the same, and shall then report it to the House with such amendments as may have been agreed upon by the committee.

Mr. FITCH. If the debate be closed by the resolution, will the gentleman from Pennsylvania, the chairman of the select committee, [Mr. McNAIR,] be entitled to an hour under the rule to close the debate?

The SPEAKER. He will not; but the gentleman from Kentucky, the chairman of the Committee on Public Buildings and Grounds, who reported the bill, will be entitled to an hour.

The yeas and nays were then ordered; and the question being taken, the result was—yeas 78, nays 102—as follow:

YEAS—Messrs. Abercrombie, Aiken, John Appleton, Averett, Beale, Bragg, Breckinridge, Buell, E. Carrington Cabell, Joseph Cable, Thompson Campbell, Caskie, Chandler, Clark, Cleveland, Cottman, Curtis, John G. Davis, Dawson, Dimmick, Doty, Dunham, Edgerton, Ficklin, Floyd, Henry M. Fuller, Thomas J. D. Fuller, Giddings, Gilmore, Sampson W. Harris, Hendricks, Henn, Hillyer, Holladay, Thomas Y. How, Ives, Jenkins, John Johnson, Daniel T. Jones, Geo. W. Jones, J. Glancy Jones, Preston King, Kurtz, Landry, Letcher, Lockhart, Mace, McDonald, McLanahan, McMullin, McNair, Meade, Molony, Morrison, Murray, Nabers, Orr, Andrew Parker, Peaslee, Penn, Polk, Rantoul, Robbins, Savage, Severy, Origen S. Seymour, Skelton, Smart, Abram P. Stevens, Alexander H. Stephens, Thaddeus Stevens, Stratton, George W. Thompson, Townsend, Wallace, Alexander White, Wildrick, and Woodward—78.

NAYS—Messrs. Allison, William Appleton, Ashe, Thos. H. Bayly, Barrere, Bartlett, Bell, Bennett, Bibbhaus, Bowne, John H. Boyd, Brenton, Briggs, Brooks, Albert G. Brown, Burrows, Busby, Lewis D. Campbell, Carter, Chapman, Claustain, Churchwell, Clingman, Cobb, Colcock, Cullom, Daniel, Dockery, Duncan, Durkee, Eastman, Edmundson, Evans, Ewing, Faulkner, Fitch, Florence, Fowler, Gaylord, Goodenow, Green, Grey, Grow, Hamilton, Harper, Isham G. Harris, Haws, Hascall, Haven, Hebard, Hibbard, Horsford, Houston, Howard, Thomas M. Howe, Jackson, Andrew Johnson, James Johnson, Robert W. Johnson, George G. King, Humphrey Marshall, Mason, McCorkle, McQueen, Miller, Henry D. Moore,

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NEW SERIES...No. 47.

John Moore, Morehead, Newton, Olds, Outlaw, Samuel W. Parker, Penniman, Perkins, Phelps, Porter, Price, Richardson, Robinson, Sackett, Schoolcraft, Schoonmaker, Scudder, David L. Seymour, Smith, Stanly, Benjamin Stanton, Richard H. Stanton, Stuart, Sutherland, Taylor, Benjamin Thompson, Thurston, Tuck, Walsh, Ward, Watkins, Welch, Wells, Addison White, Williams, and Yates—102.

So the resolution was not laid on the table.

Mr. BROWN. I desire the unanimous consent of the House to make a remark or two, in justice to myself and the House. It shall be very brief.

Mr. Speaker, during the six years that I have occupied a seat upon this floor, I am not sensible that I have, before, once violated or committed a breach upon the rules of this House. I deeply and painfully regret that there should have been a necessity for my doing so now. I shall not recur to the circumstances under which I was induced to perpetrate an act in the presence of this House, which I know was a breach of its rules and a violation of parliamentary decorum; a thing which I certainly should not have been guilty of, except from what I conceived to be a very pressing and extraordinary necessity. I apologize to the House, sincerely, earnestly, and from my heart. Sir, I apologize to the representatives of the people, and express to them my deep and heartfelt regret that I should have been engaged in any transaction which must necessarily reflect discredit upon the councils of the nation. More than this, under the present circumstances, I cannot do. I trust the House will receive my apology. I throw myself upon the indulgence of the country, and ask its pardon also; and I offer the guarantee which a life passed in the service of my country affords, that a similar occurrence will not again take place, unless under some other very pressing and very extraordinary circumstances. I am the last man to violate, wilfully, the smallest rule of the House, and much less to violate its order and its decorum so flagrantly, as to attract the attention of the House, and, as I painfully fear, the attention of the country also. I have nothing more to say.

Mr. WILCOX. It is a matter of heartfelt sorrow to me, that I have to rise so soon after having become identified with this body, to make an apology for a breach of its rules.

During my identity with this House, I have endeavored, so far as in me lies, to discharge the duties devolving upon me as a representative, and to comply strictly and rigidly with the rules and regulations that govern the House. And, that the quiet and repose of this great deliberative Hall should have been disturbed under circumstances of the kind and character which transpired a few minutes ago, I repeat, is to me a matter of heartfelt sorrow. I tender an apology to this House. I mean, I feel, what I say. It is the language of my heart. I intended no disrespect to the representatives of this nation; none whatever. I am incapable of it. And now permit me, once and forever, to say that I desire to enter a disclaimer to that effect.

But, sir, as my honorable colleague has alluded indirectly to this unpleasant difficulty, permit me to say that I considered the wrong and outrage offered me, by him, justified me in the course I pursued.

Mr. JOHNSON, of Arkansas. I move that the gentlemen from Mississippi [Messrs. Brown and Wilcox] be excused.

Mr. CLINGMAN. I beg leave to suggest to my friend from Arkansas, that there has been no proceeding against those gentlemen; and therefore there is no necessity that such a motion should be made.

Mr. JOHNSON. I make the inquiry of the Chair. Did not the Speaker, under the direction of the House, order these men to be arrested by the Sergeant-at-Arms?

The SPEAKER. The Chair issued an order for the arrest of those continuing in disorder; but the Sergeant-at-Arms was not present at the time, and no arrest was made.

Mr. JOHNSON. Then no motion is necessary. I withdraw my motion.

PROPOSITIONS TO ADJOURN OVER.

Mr. MARSHALL, of Kentucky. I move that when this House adjourn, it adjourn to meet on Monday next.

Mr. STANLY demanded the yeas and nays; which were ordered.

The question was then taken, and decided in the negative—yeas 67, nays 110—as follows:

YEAS—Messrs. Abercrombie, John Appleton, William Appleton, Babcock, Beale, Bennett, John H. Boyd, Bragg, Breckinridge, George H. Brown, Busby, E. Carington Cabell, Lewis D. Campbell, Thompson Campbell, Carter, Chastain, Colcock, Cottman, Culom, Dawson, Dimmick, Edgerton, Edmundson, Ewing, Faulkner, Floyd, Gilmore, Green, Hamilton, Hibbard, Hillyer, Holladay, James Johnson, John Johnson, Landry, Letcher, Humphrey Marshall, McDonald, McMullin, McNair, McQueen, John Moore, Morehead, Nabers, Orr, Andrew Parker, Samuel W. Parker, Peaslee, Phelps, Porter, Riddle, Sackett, Schoonmaker, Scurry, Smart, Smith, Snodgrass, St. Martin, Sutherland, Wallace, Ward, Addison White, Wilcox, Wildrick, Woodward, and Yates—67.

NAYS—Messrs. Aiken, Willis Allen, Allison, Ashe, Averett, Thomas H. Bayly, Barrere, Bartlett, Bell, Bibb, Burrows, Joseph Cable, Caskey, Chandler, Chapman, Clark, Cleveland, Clingman, Cobb, Curtis, Daniel, John G. Davis, Dockery, Doty, Duncan, Dunham, Durkee, Eastman, Evans, Ficklin, Fitch, Florence, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Giddings, Goodenow, Gorman, Grow, Harper, Isham G. Harris, Sampson W. Harris, Hascall, Haven, Hebard, Hendricks, Hens, Horsford, Houston, Howard, Thomas M. Howe, Thomas Y. How, Ives, Jackson, Jenkins, Andrew Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Kuhns, Kurtz, Mason, McKelvie, McLanahan, Meade, Miller, Motony, Henry D. Moore, Morrison, Murray, Newton, Olds, Outlaw, Penniman, Perkins, Polk, Price, Rantoul, Richardson, Robbins, Schoolcraft, Scudder, David L. Seymour, Origen S. Seymour, Stanly, Benjamin Stanton, Richard H. Stanton, Abraham P. Stevens, Thaddeus Stevens, Stratton, Stuart, Taylor, Benjamin Thompson, George W. Thompson, Thurston, Townshend, Tuck, Walsh, Watkins, Welch, Wells, Alexander White, and Williams—110.

The SPEAKER. The question recurs upon the motion to adjourn.

Mr. CAMPBELL, of Illinois, called for the yeas and nays; which were not ordered.

The question was then taken upon the motion to adjourn, and there were, upon a division—ayes 44; noes not counted.

So the House refused to adjourn.

The question recurred on the proposition to close debate.

Mr. CLINGMAN. Has the House seconded the call for the previous question?

The SPEAKER. The question is upon the adoption of the resolution, and upon that the previous question has been demanded.

Mr. JONES, of Tennessee. At what hour does that resolution propose to close debate?

The SPEAKER. In one hour after the committee shall have resumed the consideration of the subject.

Mr. JONES. Then I move to amend, by substituting to-morrow, at half past one o'clock.

The SPEAKER. The Chair thinks the amendment is not in order, the previous question having been demanded.

The question then being upon seconding the previous question,

Mr. FOWLER called for tellers; which were ordered, and Messrs. CLINGMAN and CHANDLER appointed.

The question was then taken, and the tellers reported—ayes 30, noes 37.

So the previous question received a second, and the main question was then ordered to be put.

The question was then taken upon the adoption of the resolution, and it was agreed to.

Mr. CLINGMAN moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. CABELL, of Florida. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. CLEVELAND. I call for the yeas and nays upon that motion.

The yeas and nays were ordered.

Mr. WALSH. I move that the House do now adjourn.

The SPEAKER. The motion of the gentleman from Florida [Mr. CABELL] is also a privileged question, and must take precedence of the motion to adjourn.

Mr. CABELL. I withdraw my motion.

Mr. HALL. I move that the House do now adjourn.

Mr. SMART. I move that when the House adjourns, it adjourn to meet on Monday next.

The SPEAKER. The Chair is of opinion that this is a question which must be put before that of the motion to adjourn, under a positive rule of the House, although both are in order, and privileged questions.

Mr. MASON called for the yeas and nays upon the motion of Mr. SMART; and they were ordered.

Mr. SMART. I withdraw my motion.

Mr. MASON. I move that the House do now adjourn.

The question was taken, and there were, upon a division—ayes 55, noes 97; so the House refused to adjourn.

Mr. STANTON, of Kentucky. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union upon the special order.

Mr. ORR. Is it in order to move, now, that when the House adjourn, it adjourn to meet on Monday next?

The SPEAKER. It is in order.

Mr. ORR. Then I make that motion.

Mr. CLINGMAN. Upon that motion I demand the yeas and nays.

Mr. PHELPS demanded tellers upon the yeas and nays; which were ordered, and Messrs. ROBBINS and CLINGMAN appointed.

The question was then taken, and the tellers reported—ayes 39; noes not counted.

So the yeas and nays were ordered.

Mr. ORR. As many members have to go to the Departments on business, I withdraw my motion.

Mr. MOREHEAD. I renew the motion, and with the distinct understanding that it will not be withdrawn.

Mr. HOUSTON. Is it in order to renew and withdraw a motion consecutively, as soon as the yeas and nays are called, and thereby delay public business?

The SPEAKER. It is not within the power of the Chair to do more than to enforce the rules of the House. The motion is clearly in order.

Mr. HOUSTON. I hope the House will put down these efforts to defeat public business.

Mr. HEBARD. The question I propose is this: whether this is one of those questions which can be repeated successively—the question of the adjournment over?

The SPEAKER. If the gentleman is of the opinion that it is improperly repeated, the Chair will hear him upon that subject, and he may take an appeal from the decision of the Chair. The Chair has no doubt but that the motion is in order. There was no vote taken upon the proposition of the gentleman from South Carolina, [Mr. ORR], to adjourn over until Monday. It was withdrawn. It was as competent for the gentleman in front of the Chair to make that motion, as it was for the gentleman from South Carolina.

Mr. HEBARD. That is not the point I make. It has been once voted upon. The question is, whether it can be made again the same day?

The SPEAKER. If voted upon this morning, there may be a different reason this evening for adopting it.

Mr. CLINGMAN. I will remind the Chair that it was voted upon and rejected, under the call of the yeas and nays.

The SPEAKER. Of that the Chair was aware; but would the gentleman insist it is not in order for a gentleman to submit a motion to adjourn more than once during the day?

Mr. GENTRY. The point of order is, whereas the House refused to adjourn this morning, it cannot adjourn this evening. [Laughter.]

Mr. HEBARD. That is not my question.
Mr. MEADE. I ask for the reading of the 48th rule.

The SPEAKER. The question is not debatable.

Mr. CLINGMAN. My remark was in reply to the observation of the Speaker, that if it had been voted upon, it would not be now in order; and I wish to remind the Chair of it.

The SPEAKER. The gentleman did not understand the Chair. The Chair had reference to the proposition made by the gentleman from South Carolina, [Mr. ORR.] If it had been voted upon, the Chair would have decided, immediately upon the announcement of the vote, that it would not be in order to renew it; but business intervening, it would be in order a dozen times during the day.

Mr. CLINGMAN. I agree with the Chair there.

The SPEAKER. The 48th rule, as requested by the gentleman from Virginia, [Mr. MEADE,] will be read.

The Clerk read the rule as follows:

"A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order."

Mr. ROBBINS demanded the yeas and nays; which were ordered.

The question was then taken, and the motion was decided in the negative—yeas 58, nays 107—as follows:

YEAS—Messrs. Abercrombie, Allison, John Appleton, William Appleton, Ashe, Babcock, Bennett, John H. Boyd, Breckinridge, George H. Brown, Busby, E. Carrington Cabell, Lewis D. Campbell, Thompson Campbell, Carter, Colcock, Cullom, Dawson, Dimmick, Dunham, Edgerton, Edmundson, Ewing, Gaylord, Gentry, Green, Hamilton, Isham G. Harris, Sampson W. Harris, Hillyer, Holaday, James Johnson, John Johnson, Landry, Letcher, Humphrey Marshall, McMullin, McNair, McQueen, John Moore, Morehead, Nabers, Olds, Orr, Andrew Parker, Samuel W. Parker, Peaslee, Phelps, Porter, Richardson, Riddle, Scurry, Smart, Smith, St. Martin, Wallace, Ward, and Alexander White—58.

NAYS—Messrs. Aiken, Willis Allen, Averett, Thomas H. Bayly, Barrere, Bartlett, Bell, Bibbicus, Brenton, Briggs, Brooks, Buell, Burrows, Joseph Cable, Caskie, Chandler, Chapman, Churchill, Clark, Cleveland, Clingman, Cobb, Curtis, Daniel, John G. Davis, Dockery, Doty, Duncan, Durkee, Evans, Ficklin, Fitch, Florence, Fowler, Henry M. Fuller, Giddings, Goodenow, Gorman, Grov, Hall, Harper, Haws, Hascall, Haven, Hebard, Hendricks, Horsford, Houston, Howard, Thomas M. Howe, Thomas Y. How, Ives, Jackson, Jenkins, Andrew M. Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kuhns, Kurtz, Mason, McLanahan, Meacham, Meade, Miller, Molony, Henry D. Moore, Morrison, Murray, Newton, Feniman, Perkins, Polk, Price, Rantoul, Robbins, Savages, Schoolcraft, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Snow, Stanly, Benjamin Stanton, Richard H. Stanton, Abraham F. Stevens, Thaddeus Stevens, Stratton, Stuart, Sutherland, Geo. W. Thompson, Thurston, Townsend, Walsh, Washburn, Watkins, Welch, Wells, Wilcox, Wildrick, Williams, Woodward, and Yates—107.

So the House refused to adjourn till Monday.

Mr. STANTON. As it is the desire of the House, I move we adjourn; which motion was agreed to.

And the House adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. MOORE, of Pennsylvania: Three memorials from citizens of the county of Philadelphia, asking an extension of the Woodworth patent.

By Mr. STEVENS, of Pennsylvania: The remonstrance of a large number of citizens of Lancaster county, Pennsylvania, remonstrating against the extension of the Woodworth patent.

By Mr. CHANDLER: Four memorials, one signed by 105 builders and lumber merchants; one signed by Joseph West and 116 others; one signed by members of the Select and Common Councils and Board of Trade; portwardens, alderman, and recorder; one signed by A. Clark and 122 others, all citizens of Philadelphia, remonstrating against a renewal of patent for Woodworth's planing machine.

Also, two memorials signed by 115 citizens of Philadelphia, asking for a renewal of Woodworth's patent.

By Mr. SIBLEY: Memorial of 156 citizens of the United States, residing in New York, Pennsylvania, and other States, members of "the Western Farm and Village Association," praying a grant of 160 acres of land to each individual, signed on condition that actual improvement be made thereon previous to the 15th day of July, 1852; and that said memorialists be allowed to select these grants from any unappropriated public lands between Lake Michigan and the Rocky Mountains.

By Mr. WASHBURN: The remonstrance of Henry Richardson and others of Oldtown, Maine, against the renewal of Woodworth's patent.

By Mr. ALLISON: Three petitions signed by C. F. Speyer and 252 others, citizens of Beaver county, Pennsylvania, on the subject of intervention.

Also, the petition of Robert J. Hammond and 153 others, citizens of Washington county, for an act to prohibit the transportation and delivery of the mail on the Lord's day.

By Mr. ROBBINS: The petition of Patrick Sharp and 36 other citizens of the county of Philadelphia, asking Congress to modify the bounty land act of September 28, 1850, so as to give to each of the persons intended to be benefited thereby, and to the seamen and marines who served in said wars, not less than 160 acres of land.

Also, on the same subject, the petition of Jacob Moser and 72 others, citizens of the city and county of Philadelphia.

By Mr. CAMPBELL, of Illinois, the memorial of David C. Riggs and 21 others, citizens of the State of Illinois, praying for a grant of land to aid in the construction of a railroad from Burlington to the Missouri river.

On motion by Mr. CLEVELAND, the petitions of Messrs. Frink, Chew & Co., and others, and the accompanying papers, relating to seamen engaged in the whale fishery, and the erection of a marine hospital at New London, Connecticut, were taken from the files and referred to the Committee on Commerce.

On motion by Mr. PORTER, the petition of McKnight, Brent & Wood was taken from the files and referred to the Committee on Military Affairs.

By Mr. HAMILTON: The petition of Gideon Bouty and others, citizens of Frederick county, Maryland, remonstrating against the extension of the Woodworth patent.

By Mr. PENNIMAN: The memorial of 400 citizens of Michigan, asking a grant of alternate sections of land in aid of the Oakland and Ottawa railroad.

Also, the proceedings of a meeting of the Detroit bar, and a memorial thereof, asking increased compensation to the district judge of the United States for the district of Michigan.

By Mr. DOTY: The petition of settlers on the Menominee Purchase, in Wisconsin, for a preemption of three years to the lands occupied by them.

By Mr. BRENTON: The petition of R. Morgan French, asking compensation as special mail agent, from San Francisco to New York.

Also, the petition of Isaac Covert, deputy marshal in Indiana, asking additional compensation for taking the census.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 13, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

MESSRS. WILCOX AND BROWN.

Mr. POLK. I rise to a privileged question. I am gratified to be able to state to the House that the unfortunate difficulty between the two representatives from Mississippi [Messrs. Wilcox and Brown] has been adjusted in a manner highly creditable to both parties, and that they now occupy the same position of friendship which existed between them previous to the unpleasant affair of yesterday. At the request of the friends of both parties the matter was referred to the honorable gentleman from Arkansas [Mr. JOHNSON] and myself, for adjustment.

The SPEAKER. The business first in order is the motion submitted by the gentleman from Kentucky [Mr. STANTON] upon yesterday, that the rules be suspended, and that the House resolve itself into the Committee of the Whole upon the state of the Union, on the special order.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. PRICE. I ask the unanimous consent of the House to introduce joint resolutions of the Legislature of the State of New Jersey in relation to the producers of coal, and the manufacture of iron and glass.

There was no objection, and the resolutions were received, read, and referred to the Committee of Ways and Means.

Mr. KING, of New York, asked and obtained the unanimous consent of the House to introduce joint resolutions of the Legislature of the State of New York, against the extension of the Woodworth patent; which were referred to the Committee on Patents, and ordered to be printed.

Mr. DANIEL. I understand the first business in order is upon the pending motion to go into the Committee of the Whole on the state of the Union. I wish to inquire if the subject under consideration before that committee is a special order?

The SPEAKER. It is.

Mr. DANIEL. If the House refuse to go into the Committee of the Whole, I suppose that it will be competent to postpone that special order with the view of going into Committee of the Whole House upon the private Calendar?

The SPEAKER. It will be in order.

Mr. DANIEL. I hope, then, that the motion pending will not prevail.

Mr. CLINGMAN. I insist, as this motion now pending is the first business in order, that it be put, and take precedence of every other motion. I object to any other proceeding until that is disposed of.

CONTESTED ELECTION FROM NEW MEXICO.

Mr. PHELPS. I rise merely to suggest to the House that I had hoped that the question of privilege which I called up the other day I should be able to have considered to-day; but if the House will consent to its now being taken up with a view to postponement to a day certain, I shall be satisfied. I was not present on yesterday when an attempt was made by the Delegate from New Mexico [Mr. WRIGHTMAN] to call up that question. As soon as the signal had been given that the House had assembled, I left the room of the Committee of Ways and Means with the resolution calling it up for consideration. I am perfectly willing, however, to have the question laid over until Monday.

A MEMBER. Let it lie, and it can be called up at any time.

Mr. PHELPS. I am sometimes retained in the committee room, and, of course, cannot be here precisely at the time of the reading of the Journal. I am perfectly willing that it shall be postponed until Monday.

Mr. HOUSTON. I would suggest to the gentleman from Missouri, that of next week the portion which will not be taken up in the consideration of private matters is allowed for the completion of the special order and the disposition of the deficiency bill. If this case of contested election intervene, it is entirely possible, and indeed probable, that the whole time thus allowed for public business would be consumed in discussion. I therefore hope that the contested election will be postponed for a more remote day.

Mr. CLINGMAN. I make this point of order: There is nothing before the House but the pending motion. I do not understand the gentleman from Missouri to have insisted upon taking up the privileged question. It will go over, of course, until Monday, or some other time.

The SPEAKER. If the gentleman from Missouri presses his proposition to consider the subject, it being a privileged question, the Chair thinks that it will be competent to take the sense of the House in regard to its disposal; but it is competent also for the House to postpone it or to pass to other business at any time. That matter will be decided, the Chair will suggest to the gentleman from Missouri, by a vote upon the proposition now pending to go into the Committee of the Whole on the state of the Union.

Mr. PHELPS. Very well.

CONGRESSIONAL LIBRARY ROOM.

Mr. WILDRICK, from the Committee on Enrolled Bills, reported as correctly enrolled "An act to provide for the repair of the Congressional Library Room lately destroyed by fire;" which received the signature of the Speaker.

The question was then put upon the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, and it was decided in the affirmative.

THE EXTENSION OF THE CAPITOL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SEYMOUR, of Connecticut, in the chair.)

The CHAIRMAN. The first business in order is the special order, being "Senate joint resolution No. 2, authorizing the architect of the Capitol to continue in employment the mechanics, laborers, and others, employed upon the two wings thereof," upon which the gentleman from Mississippi [Mr. WILCOX] is entitled to the floor.

Mr. DUNCAN. If the gentleman from Mississippi would give away for a few minutes while I make an explanation in reference to the bill now under consideration, I would be obliged to him.

Mr. WILCOX. I will say to my honorable friend that I will reserve sufficient time in which he may say all that he desires, and ask that I may have notice from him. I regret exceedingly, Mr. Chairman, to say anything further upon this subject than that which I addressed to the House a few days ago; but were I to fold my arms and sit quietly by and permit the speech of the honorable member from Mississippi [Mr. BROWN] to go unanswered, in all probability the charge could with some propriety or impunity be made against me, that I had uttered from my place upon this floor things that were untrue, so far as Mississippi politics are concerned. Further, that my Democracy might be impeached from the remarks

which the honorable gentleman saw fit to submit. I simply ask to say to my Democratic friends to-day, that I have always been a Democrat—that I have never hedged to the right or the left, but am a Tennessee Democrat. The first lessons of Democracy that I ever learned were from the late lamented James K. Polk of Tennessee, and the first political speech that I ever delivered in my life, when a boy, was written by that immortal statesman. I was raised in Tennessee. I love her statesmen, I love her politics, and I rejoice to say this morning that I stand with her upon these questions—that I stand with the Democracy of Tennessee upon the late compromise measures passed by the Congress of the United States. Here, sir, is her platform. I hold it in my hand. I went to Mississippi to seek out an honest livelihood; shortly after having been in that State I took the stump as a speaker of the Democratic party, and labored arduously in the campaign of 1844, and afterwards in 1848. I have ever been a faithful, uncompromising, unyielding Democrat. I was elected secretary of the Senate of that State, and reelected, as a Democrat. When our country was involved in war with Mexico, it was charged upon the Democratic party as being a Democratic war, and that that immortal statesman of Tennessee had plunged us into it, notwithstanding my patriotism was excited, yet I am free to confess that my partisan predilections coerced and compelled me to offer my services in behalf of my country—to fight this country out of that Democratic war.

The gentleman seems to think that I now stand outside of the Democratic party. Why, it is known to everybody that these compromise measures were Democratic measures, notwithstanding they received the support and advocacy of the Whigs; but the majority of members advocating and voting for these measures were Democrats. Now, let us see how I stand. I look north of Mason and Dixon's line, and I see all the great statesmen of the North, including Mr. Buchanan, Mr. Seymour, Mr. Clifford, Mr. Dallas, Mr. Douglas, and Mr. Dickinson—ay, sir, all the great statesmen of the Democratic party—not only indorsing, but acquiescing in every feature of that compromise. I look South, and I find distinguished Southern Democrats sustaining and acquiescing in the compromise measures. Further, I find that every convention of the Democratic party that has met since the passage of the compromise have indorsed it. I acquiesce in these compromise measures. My Democracy prompts me to acquiesce in them as a final settlement. In doing so, I have not lost my identity with the great national Democratic party of the United States. I delivered a speech a few days ago, in which I endeavored to be bold and pointed, reviewing Mississippi politics. I spoke from the record. I spoke from the message of the Governor, as submitted to the Legislature of the State. I spoke from the history of that State, and quoted article upon article from the press of that State, and yet the honorable gentleman from Mississippi proceeds to answer my address—contradicting what I have said. So far as General Quitman is concerned, he says he had it from the mouth of that gentleman that he did not oppose General Jackson. Now, I want no further difficulty or collision with that honorable gentleman, but I feel proud that I have here with me, upon the present occasion, some old documents, and they are dangerous things. I feel proud that I can submit to this House the address of the Democratic party of Mississippi, put forth to the people of that State, in which General Quitman is charged with being a nullifier and a secessionist; the author of the nullification and secession addresses; the president of their meetings; the warm personal and political friend of Mr. Adams; with supporting him in 1824 and 1828; and as the bitter and unqualified enemy of General Jackson up to 1836. Here is the address of the Democratic party of the State of Mississippi. Let the gentleman join issue with the Democratic party of the State of Mississippi upon that point. Why did not General Quitman, in those days, when our country was in peril and danger, deny these things? They never were denied; and for the first time have I ever heard that he was not the supporter of Mr. Adams.

But the honorable gentleman raises a great hue

and cry about the mixed ticket of the Union party in the State of Mississippi. He studiously avoids saying anything about the mixed ticket of his own party—of State-Rights secession Whigs being nominated for the convention and the Legislature by Democratic State-Rights conventions. He says nothing about his party abandoning the Democratic doctrine of free trade—of excluding by legislative enactment all goods manufactured north of Mason and Dixon's line. He says nothing about a Democratic State-Rights secession Senate electing the honorable John J. Guion, an open and avowed Whig, President of the Senate, on account of his indorsement of the secession, disunion doctrines of the State-Rights party—and nothing about having run him afterwards for Chancellor of the State. Yes, sir, a secession Senate, contrary to the usages and customs of the party, elected a Whig President of the Senate, who became Governor of the State on the resignation of Governor Quitman. For the first time in nineteen years Mississippi was placed under the rule of a Whig Governor—and that, too, by a secession Senate, a majority of whom were Democrats. May I not be permitted to exclaim with the Scotch bard

"O wad some power the giftie gie us
To see ourselves as ithers see us!
'Twa'd frae mony a blunder free us,
An' foolish notion."

Here, sir, was an example set by a Democratic Senate; which Senate now refuses to go into the election of a United States Senator for the long term, riding over the constitution and laws of the State, and standing out in perverse opposition to the express wishes of the people. If this is Democracy, God save me from such Democracy! Throughout my whole speech I spoke from the record. Did I stand with the Democracy of my State in 1834? What was Democracy then, should be good Democracy now. In that day and hour, when our country was imperiled in consequence of the doctrines of secession and nullification which were running riot throughout our country, the Democratic party of the State (and here is the journal) of Mississippi that met in convention to sustain General Jackson, denounced the doctrine of nullification and secession as a heresy unknown to the Constitution. I plant myself upon those resolutions. Here are the journals also of the Legislature that assembled—the Democratic Legislature; it sustained General Jackson, his proclamation and all. I stand upon those resolutions, and the Union party of the State of Mississippi stand upon those resolutions.

But the honorable gentleman says there was no Disunion party in Mississippi; there was no party there in favor of secession! Why, I refer you to my address delivered a few days ago. I now say that whoever in this House, or elsewhere, says that there was no such party in the State of Mississippi in favor of disunion, misconceives the history of the country. Upon this question the honorable gentleman and myself differ; his impressions are to the contrary. What are the facts? There was a large Democratic State-Rights secession dinner given to General Quitman, at which there were thousands of persons assembled. At that meeting a letter was received from Colonel Pickens, of South Carolina, in which we find the following:

"Are we to stand by and see these monstrous outrages perpetrated, and raise no arm for resistance? Is Mississippi to stand by and say to South Carolina, Strike, but we cannot? Did she stand back at Buena Vista for any one to lead? No! She flashed her gleaming saber high over the perilous ridge of battle, and her waving plume led where death and danger stood. It may become her sacred duty to walk the plank alone; and if so, I trust she will walk it like a queen that never quailed before earthly power, although it may lead over a gulf of fire and blood. We have but one path to tread—the path of duty, lead where it may. Mississippi, with such men as Quitman and Davis to lead her to the breach, can do anything she dare to maintain her rights. Brave men can cut their way to independence, if needs be, with sword in hand."

He concludes with this sentiment:

"MISSISSIPPI AND SOUTH CAROLINA: May they at present entwine for themselves, as sisters, a civic wreath as imperishable and as glorious as the bright fane of their gallant sons that rose in splendor from the plains of Buena Vista and Churubusco."

When this letter was read, it was received with shouts of approbation. About the time of this celebrated Quitman festival, a similar one was held in South Carolina. This toast was given:

"JOHN A. QUITMAN: The first President of the Southern Republic, in all the illustrious line to follow him, there never will be found a clearer head or a braver heart."

Yet the honorable gentleman rises in his place upon this floor, and says that there was no party in Mississippi in favor of secession or disunion. Again, one of the judges of the high court of errors and appeals of Mississippi, when addressing a State-Rights convention, was reported to have said, "that he thanked his God that there was no such a God in his political pantheon as the Union God."

Why, the history of the country does not comport with the remarks which the gentleman has made. I care not for the impression which has been made upon his mind. He may have his impression of the facts, but I recollect the newspapers of the day charged him with saying, "I call God to witness, that I am for resistance;" and he called upon the people of his district "to trust to God and keep their powder dry."

During my canvass upon one occasion, while I was addressing the people, and calling upon them to submit as good citizens to the laws of their Government, two hundred men upon horses surrounded the place where I was speaking, with a banner unfurled to the breeze. Was it the old star-spangled banner of our country? Oh, no, not at all. It was a flag with two stripes upon it—one for Mississippi and one for South Carolina. And in the midst of my speech three cheers were given by them for South Carolina and three cheers for Mississippi. No disunion party in the State of Mississippi!—no secession party in the State of Mississippi! I have heard men, in my own State, of this party, hurl imprecations upon this Government, saying it should be sunk fifty fathoms in hell. No party in favor of disunion—in favor of secession?

If I had time, I could read you resolutions from almost every county in the State, where this party took the ground, if the North refused to run the line of 36° 30' through California, that they were in favor of the dissolution of the Union. I referred you to those resolutions in part the other day; and yet, with those resolutions, the message of Governor Quitman, and the proceedings of the convention of the State of Mississippi, before the honorable gentleman's eyes, he says there was no party in the State of Mississippi in favor of secession or disunion. I have seen meetings, time and time again, where they had their transparencies with Secession and Southern Confederacy written upon them.

The honorable gentleman asks me some questions. He asks me if I was ever in favor of the Virginia and Kentucky resolutions? Did I indorse the Virginia and Kentucky resolutions? Oh, yes, with all my heart I have ever indorsed those resolutions. The gentleman cannot with any propriety refer to those resolutions to sustain his sinking cause. The doctrine of the peaceable and constitutional right of a State to secede from the Union cannot be deduced from them. It would be a shameful perversion not only of the spirit but the very letter of those resolutions. The author of them, in 1833, with all the amplitude of his power, and the profundity of his vast conceptions, reviewed them, and what was the conclusion to which he came? He said this constitutional right was wholly unwarranted, and that secession was an extra and ultra constitutional remedy. These are facts of such public notoriety that they cannot be gainsayed. It is in the recollection of the older members of this House, that these resolutions were adopted in consequence of the passage of certain obnoxious acts of Congress. And these resolutions amounted to nothing more than a simple protest by the parties aggrieved, so as to produce a repeal of those measures or obtain amendments of the Constitution. Every State in the Union indorsed and responded to them. I defy any gentleman to point to a single State which, in responding to them, "hinted at anything being contained in them looking, however remotely, towards secession."

Mr. Jefferson agreed with Mr. Madison; and their joint opinion is contained in Mr. Madison's letter to Mr. Everett, in 1833. I would refer that honorable gentleman to this letter, and if he would read it, it would prove useful to him. But the honorable gentleman says that he will not ask the Baltimore Convention to indorse his peculiar views of the doctrine of State-Rights. Oh, no, I do not think he will. I do not think that the gentleman will have the effrontery—I speak it in no unkind sense—to rise in that body and request the passage

of a resolution indorsing his peculiar notions of State-Rights. No, the day and hour will never come, when the national Democratic party will incorporate in its creed of faith this doctrine of the peaceable and constitutional right of a State to secede from the Union. Never. But should such a proposition be presented to the Baltimore Convention, it will be scouted from that convention with indignation.

But, Mr. Chairman, notwithstanding it has been my pleasure, in days past, to regard the honorable gentleman as a Democrat, to vote for him as a Democrat, I must confess that I have been driven to the conclusion to suspect the genuineness of his Democracy. When the question was asked the honorable gentleman by Mr. CHASTAIN, of Georgia, if he would support Lewis Cass, of Michigan, for the Presidency, if nominated, he refused to answer the question. The boldness and independence of character which should ever signalize a Southern gentleman upon that, as any other question, seem to have forsaken the honorable gentleman. Why, sir, I have no hesitancy in saying that I will support the old veteran. His manliness of character, his spotless integrity, commend him to the nation as one of her brightest jewels. The accomplished scholar, the able statesman, and skillful diplomatist, should he be nominated, the nation will look to him as a pillar of cloud by day and of fire by night, to guide her in her onward and upward march to usefulness, to honor, and to greatness. I am a Democrat, sir, in whom there is no hypocrisy, no deceit, disguise, or dissimulation. There is none in the principles of the party. I go further, and say that if the Baltimore Convention should nominate Sam Houston, of Texas, the old Tennessee Democrat, I, with nineteen twentieths of the Tennesseans, (and their name is Legion,) will give a loud Amen! He is a Jackson Democrat, and notwithstanding the extreme vicissitudes of life through which he has passed, like the Hebrew children, he stands unscathed by the fiery furnace. Look at this man. When a boy he was commissioned by General Jackson, and side by side, he fought the battles of his country. In manhood he was elected Governor of Tennessee. In after life, when clouds lowered over him and adversity came, he emigrated to Texas, where he redeemed a nation from oppression, from anarchy, and from priestcraft. Yes, sir, with a handful of men, he accomplished more than the Government of the United States with the Army and Navy at its back. He conquered Mexico; took her President a prisoner; established a Republic; was elected its President, and afterwards presented it to this Government as a part of its vast domain. Oh, yes, sir, the Highland harpers never rallied more eagerly to the standard of Rhoderick Dhu, at his bugle blast, than I would to the support of Sam Houston for the Presidency. And if Mr. Buchanan, of the old law-abiding, Constitution-loving, and right-recognizing Keystone of the Arch, should be presented, I, as a Democrat, will support him, will vote for him, and fight for him, if necessary. I regard him as one of the main pillars in our national edifice. If the political economist and able jurist, George M. Dallas, is presented, I will support him. If the warm-hearted, chivalric, and generous Dickinson is presented, I will support him. If the young giant of Illinois is presented, my heart will leap with joy to sustain him. And for the best of reasons. Should our old ship of State ever lose her ballast, split her planks, and spring a leak, he knows what a hammer, a saw, a chisel, and an auger were made for.

A MEMBER. Would you support Marcy?

Mr. WILCOX. Yes, sir. I would do nothing else but support Marcy. I am a Democrat—the majority of the people of Mississippi are Democrats. The patriotic Whigs of my district supported me as a Democrat—they will support me again as a Union Democrat—I know nothing else but Democracy. The best evidence of Democracy which a man can furnish, is to be willing to abide the nomination of the National Democratic Convention.

The distinguished gentlemen to whom I have alluded in connection with the Presidency, are all Union, acquiescing, compromise Democrats, and stars of the first magnitude—diamonds of the first water. It would be invidious in me to make a distinction. I cannot find it in my heart to do it. It is the business of the convention, and to it

I refer them. A sense of duty has constrained me in trespassing upon the House to this extent, and I will here conclude.

Mr. BEALE next obtained the floor, and said: Mr. Chairman, I feel impelled, for the first time in my life, although I have been a member of this House for many years, to intrude some few observations upon the attention of this committee. There is a bill lying upon your table, which proposes an appropriation of \$500,000 for the continuation of the wings of the Capitol. A select committee was appointed, early in this session, whose duty it was to examine into the permanence, stability, and quality of the foundation work to support the superstructure that is intended to be put upon it. Now, sir, I hold that the House ought to know what are the sentiments of that committee, because if they do not, they will legislate in the dark in relation to the appropriation of a very large amount of money. That, and that alone, impels me to give the information which I possess on the subject.

I hope I shall be pardoned for referring to the observations which the gentleman from Kentucky [Mr. STANTON] made on yesterday in relation to this subject. That gentleman gave us his learning in architecture, and told us of his long experience as a mechanic, and he chose to depreciate the talents and probity of the committee.

Mr. STANTON, of Kentucky. I beg the gentleman's pardon; I depreciated neither the talents nor the probity of the committee.

Mr. BEALE. The gentleman was present, I think, when the excavations were made in the wall, and I, too, was there, and he observed on yesterday, that the committee were men of such diminutive structure of mind and feeling, that they were capable only of observing specks and blot upon the great superstructures of genius and talent. [Laughter.] Now, whether I come within this lamentable category, I will not determine. I am willing that my position in this House should be judged by those who have known me since I have been here. I make no pretensions to talent, but I do make pretensions to probity.

Permit me, sir, in a very succinct manner, to say what I know in relation to the examinations which have been made by the committee, and which I think the House should know before they vote an appropriation of \$500,000 for continuing the work on the wings of the Capitol.

The condition of my mind when I came to this work, was this: upon a survey of the outward appearance of the wall, I had two objections to it; the first was, that I thought the stone was too small for the magnitude of the wall, and the second was, that there were very many long lines of stone running longitudinally with the wall, which did not appear to me to have breakers to sustain them.

Well, sir, this matter was inquired into by the committee. We had architect, builders, masons, and all that description of persons before us, and they all agreed on several great facts. The first was, that the best wall which could be built, was of hewn stone, where each strata should be laid down with a little mortar on top, and the next strata breaking against it. That was the best wall that could be built. The next best wall that could be built, was where there were leaders and stretchers run across the wall, and that in the next strata heavy stones should be laid upon the junctions and smaller stones upon the superficial area. That is the next best wall that could be built. There was particular inquiry made in the committee as to the mode in which this wall had been built up, and the universal opinion was that it was safely built and in the manner last indicated. We had the evidence of architects, builders, and masons—men who were not interested in the work, who had bid for it and been disappointed of getting employment, who swore to the durability and excellence of the wall. Well, sir, I must confess, such is my confidence in human nature, that my objections were removed, especially when on speaking to Mr. Walter, the architect, in relation to these long lines of stone running longitudinally with the wall, he asked me "did you ever know a wall to crack longitudinally? Does it not always crack at right angles?"

But, sir, the committee made an excavation some ten or twelve feet long, and from two and a half to three feet deep, and that excavation realized the worst anticipations that could possibly have been formed. There was a stone running along the

outside of from six to twelve or fourteen inches thick, and the middle was filled up with rubble and angular stone, with bad mortar, presenting actually the worst character of wall that could have a decent outside appearance.

Now, I do not pretend to say that this foundation will not support a structure of four feet five or six inches of solid marble, let it be thirty-odd feet high; but I do say, that if this wall is like the part that we examined, it would be extremely doubtful whether it could support such a structure. That is my opinion, founded upon the facts which have come before us and upon the examinations we have made. The swearing is all in one way, the facts the other way.

In relation to the employment of a scientific man, that was at my suggestion. I did not know the quality of the stone. It is not common in the part of the country in which I live; and although the gentleman from Kentucky found fault with the committee for employing that gentleman, I hope it will be viewed by the committee as an honest effort on our part to acquire the information necessary to arrive at a correct judgment.

Mr. DUNCAN. I am very happy to obtain the floor for a few minutes, in order that I may remove an erroneous impression which probably exists in the minds of this committee from the representations made, inadvertently, perhaps, by the gentleman from Pennsylvania, [Mr. McNAIR,] the chairman of this select committee. That gentleman stated yesterday, and he is so reported in the papers this morning, that the committee had examined the walls for themselves, and had come to the opinion, from that examination, that these foundations were in a dreadful condition.

Mr. Chairman, I am one of that committee, and I dissent entirely from that statement. I have formed no such opinion. I have attended every meeting of that committee; I have heard all the testimony, and have taken it at length in writing. I am not now going into a detailed discussion in relation to this testimony; but this I state: The committee have not, to my knowledge, had any meeting of conference since that excavation of the wall to which the gentleman alludes, nor have they exchanged opinions at all, to my knowledge, in relation to the subject as a committee. At the close of the examination of witnesses, it seemed to be the unanimous impression on the minds of all the members present, that the testimony conclusively showed that the foundations were adequate to sustain any weight which may be placed on them. Notwithstanding this, the chairman of the committee expressed a desire that the committee should investigate the walls themselves—dig into them. I differed with him upon that point. I thought it was not befitting for a committee of this House, clothed with unlimited power to send for persons and papers and to examine witnesses, to go out and dig into this green wall, surrounded by a company of men and boys. I did not give my assent to the examination. I did not believe it was necessary, and I did not attend that examination. But since that time I have carefully examined that excavation, and my opinion still remains the same—it is not changed in the least.

And, sir, I dissent also from the statement made by the gentleman, that the outer sides of the wall were mere shells, and the inside filled with small stones. I measured the sides of the wall, and found in each, stones more than two feet in length projecting inward, and many of the stones thrown out of the wall, were from one to two feet long. It is true that in that particular place a large proportion of the stones were small, but the best architects tell us that a wall built of such material, with a suitable proportion of binding stone stretching across the wall, or nearly so, at suitable distances, say once in twenty feet would be sufficiently strong to sustain any superstructure. That it would be stronger than a wall built entirely of large stones, unless these were carefully hammered and fitted, an expense which is never incurred in foundation walls. And the committee should know that the wall, which was the subject of examination, is leveled up to receive windows four feet in width, and distant from each other seven feet, and the wall between them will be carried up with larger stones, and at the surface of the ground is to receive, according to the plan, a block of granite fifteen inches thick and four feet in width.

Now, I say to this House that if any reliance can be placed upon testimony,—testimony the

most intelligent, the most impartial, and the most reliable that can be obtained—then the foundations of this extension are amply sufficient to sustain a greater weight than they will be required to bear—that they are better foundations than those of any public building in this city—better than those of any public building ever erected in this country; and we have such testimony.

But, as I said before, my opinion is not changed by this accidental excavation into this green wall. I objected to this mode of examination, because it did not accord with my views of propriety. I do not set up my views as a standard for other gentlemen. They may be better able to judge of such things than I am. But I will say that the examination made by this special committee does not in the slightest degree shake my confidence in this work.

Now, as to the quality of the stone of which the foundations are composed, we have had it tested and the learned professor, who applied the test, says that it is not only capable of sustaining the weight of the superstructure that is to be placed upon it, but that it is capable of sustaining a pressure one hundred times as great. And all the architects who examined the foundations concurred in the opinion that they were capable, at least, of sustaining ten times the weight that is proposed to be placed upon them. So much for the material.

Now, as to the lime. It was testified that the lime used from Seeley's mountain, was the best lime in the country; that it is used upon the public works by General Stuart, the Chief Engineer of the United States, in preference to any other. But it is not to be expected that this mortar bedded two feet in the wall, placed there since the commencement of this session of Congress, with severe frosts every night, should become dry by this time. If it had, it would only have proved, according to the best authorities upon the subject, its inferiority.

But let me go further. This work was all done by the day. Every man employed on it was employed in that manner. Is there any assignable motive that could have induced these men to have laid up the walls hastily, carelessly, or inadequately? Again, the principal architect holds the highest rank in his profession. He has probably had a larger experience in the erection of costly edifices than any other man of his age in the United States. It will satisfy gentlemen in regard to his competency to perform the work assigned him, to be told that the Girard College, in the city of Philadelphia—that grand and massive structure—was erected under his superintendence. And the superintendents under him are men of the largest experience, fully competent for the discharge of their duties, and were constantly present during the progress of the work. And gentlemen of this city—architects—who testified before the committee, stated that they knew many of the masons employed, and that they were good and faithful workmen. Now, what conceivable motive could these men have had to slight this work? I should hesitate to set up my opinions in this case against those of practical and scientific men. And if this committee, on conferring together, had expressed doubts of the stability of the work, I would have proposed that they should submit their excavation in the wall to the examination of some of the most intelligent and practical of the gentlemen who were called to testify, before they ventured, on their own judgment, to report that these walls were insufficient, and in a dreadful condition. And I greatly regretted that the chairman of the special committee saw fit to introduce a statement, apparently designed to awaken the distrust and prejudice the minds of members. With what other view did he state that the money appropriated was drawn and disbursed by the architect, and *how, he did not know*; "and that the matter deserved inquiry?" Sir, if the architect disburses the money, it is because the law makes it his duty. The committee did not deem it their duty to investigate how and for what the appropriation had been disbursed. If they had made the inquiry, they would have found it properly expended and duly accounted for, every cent.

Mr. STANTON, of Kentucky. Will the gentleman from Massachusetts allow me to interrupt him for a moment? I hold in my hand a letter from the Comptroller of the Treasury—Mr. Whittlesey—to the architect, dated the 10th of Febru-

ary, in which he says all the money has been accounted for. I ask that the letter may be read.

The letter was read, as follows:

TREASURY DEPARTMENT,
COMPTROLLER'S OFFICE, February 10, 1852.
SIR: Your account for the extension of the Capitol from August 2d to the 31st December, 1851, has been adjusted at the Treasury, and a balance of \$3,494 98 found to be due from you to the United States, which agrees with your account. Very respectfully,
ELISHA WHITTLESEY, Comptroller.
THOMAS U. WALTER, Esq.,
Architect for the Extension of the Capitol.

Mr. DUNCAN. The architect very freely submitted to the committee his books, containing proposals and bids, his contracts, and all the papers connected with the work; and would, with equal freedom, have submitted a statement of expenditure, if they had requested it. That architect was a stranger to me until the present session; but I do not hesitate to say that in ability, in fidelity, and in integrity, he is not surpassed by any man in the United States. I would as readily place the disbursement of all the money necessary to the completion of this Capitol in his hands, as in the hands of any man or set of men that could be selected to perform that trust. But this is a matter which depends altogether on the law of Congress. They can place that disbursement where they see fit.

Before I sit down, I wish to say a word about the appropriation proposed by the amendment of the gentleman from Kentucky. During the last Congress, different opinions were entertained in regard to the expediency of making the proposed enlargement of the Capitol; but that Congress decided to undertake the work, and voted an appropriation for its commencement. The work has been begun; a large sum has been expended; and I presume it will go on. I presume no one is prepared to say that the design shall now be abandoned. It should, then, be prosecuted with as much expedition as is consistent with economy. Who wishes to see these beautiful grounds incumbered for years with rubbish? I believe that, in this case, expedition is economy. Let the work go forward. The season—the most favorable season in the year for work—has arrived; and the House should lose no time in making the requisite appropriation.

Mr. WALLACE. Mr. Chairman, I desire to say a few words upon the subject embraced in the special order, and in reply to the speech made yesterday by the gentleman from Kentucky, [Mr. STANTON.] I am a member, sir, of the special committee, which that honorable gentleman has honored with his notice, in his own peculiar manner. I was appointed a member of that committee without my knowledge, consent, or procurement, and contrary to my desire, and I have served upon it with reluctance, and from a sense of duty which I owe to this House as one of its members, and from what I conceived to be due to its presiding officer who placed me upon it. Until the gentleman from Kentucky delivered his extraordinary speech on yesterday, I did not feel myself called upon, at this stage of the debate, to express any opinion in reference to the sufficiency or insufficiency of the work which that committee has been directed to inspect, and to report the facts which may be elicited to this House. I had supposed that it would be time enough for me to make my opinions known upon that subject when the report of the committee shall be before this House for its consideration and action. The course pursued by the gentleman from Kentucky has made it necessary for me to depart, in some degree, from that line of policy. In what I have to say, sir, I shall not imitate the example of the gentleman from Kentucky. I shall not seek to elicit the plaudits of any class of persons who may effect a lodgment in your galleries, for the purpose of influencing the acts and deliberations of this honorable body; nor do I intend to follow the gentleman from Kentucky through the mazes of his learned dissertation upon the mechanical structure and perfection of the Acropolis, the Coliseum, and the Vatican, for the purpose of making a display of my architectural learning as he has done. That honorable gentleman has my free assent and permission to go, whenever it may be agreeable to him to do so, with Volney and Lavard, over the ruins of Greece and Rome, Memphis and Carthage, Nineveh and Babylon, and to make to his

countrymen such report upon his discoveries as may be most agreeable to him; and I assure him that I shall not enter into competition with him for the honor to be acquired by his antiquarian researches into the dusty memorials of past ages. What I have to say relates particularly to the things of the present age. And, sir, I deny that that gentleman has the right, under the usages and sanctions of parliamentary law, to rise in his place here, and make a speech denunciatory of the opinions of a committee of this House, before such opinions have been pronounced and made known by that committee.

Mr. STANTON. Will the gentleman from South Carolina allow me for one moment?

Mr. WALLACE. The gentleman from Kentucky has made his speeches here without interruption from me, and I do not intend to be interrupted by him.

Mr. STANTON. Very well, I only wanted to state a fact.

Mr. WALLACE. What right has he, sir, to impute to me, as a member of that committee, a set of opinions in reference to a matter of public concern, which is in part committed to my charge, before I have uttered any opinion upon the subject; and to make this gratuitous assumption the theme of a popular harrangue upon a supposed state of facts which may not, and as far as I am concerned do not exist, that he may thereby win for himself the approbation and applause of a particular class of persons who surround this Capitol? The gentleman from Kentucky seems to have assumed the peculiar championship of every person who has had the good fortune to aid in laying the foundations of the proposed additions to the Capitol; and his terrible lance is poised for a tilt with every ill-fated wight who comes in his way, whenever a leaf is heard to rustle in the gale. I shall not call his sympathy in this regard in question, or add my sympathies to his; but I say to him, sir, and to this House, that I shall repel in a proper manner any attempt on the part of that gentleman to make any unwarrantable allusion to the manner in which my duties, as a member of this body, are discharged. When I shall express an opinion in regard to the work, which he seems to regard with such pious care, that opinion will then be a proper subject for comment, and not before; and I submit to this House, that the course of argumentation pursued by the gentleman from Kentucky is not sanctioned by parliamentary usage and parliamentary law, and is disrespectful to the committee which he has made the subject of his declamatory assaults, and to this House whose organ it is; and I say to that gentleman that I will permit no such liberties to be taken with me. What purpose can he have in view but to pre-judge the judgment of that committee before this House and the country, and to forestall its action, if that action shall be contrary to the ideas he entertains of his own infallibility? What other end can he hope to accomplish by the course he has thought proper to pursue? Is a committee of this House to be reprobated in advance by that gentleman's display of architectural learning in reference to the cements and conglomerates of Babylon and Nineveh, in order to subdue their minds to his peculiar way of thinking? Must the committee be told before hand what they must do to escape his ire and propitiate his wrath? Would he, sir, give this house to understand that it must legislate to suit the wants of a class of persons who congregate around your Capitol? Sir, this House and the country may well be surprised at what has fallen from that gentleman since the present session began. He has thought proper to urge this House to vote immediate appropriations of money, for the chief reason that a class of persons in this city are out of employment. Doctrines like these may well excite alarm in the public mind. Are the doctrines of the French school of communism to be gravely urged in this House? Will this House entertain the proposition that any class of persons shall come here and demand that appropriations be made to furnish them with labor at the public charge? Now, Mr. Chairman, I am not aware that any member of the select committee, of which I form a part, is opposed to an immediate appropriation to carry on the work upon the Capitol which has been begun. The foundations are laid, and I presume no one absurdly supposes the work is to be discontinued. So far as I am concerned, the appropriations may be made to

continue the work, no matter what the report of the special committee may be.

But while I am willing to vote this appropriation, I desire to say that I will vote it that the work which has been begun may go on, and not because the class of persons who excite so much of the sympathy of the gentleman from Kentucky are out of employment. I do not recognize the right of any class of persons to come here in person, or by their representative, and demand that appropriations be made to give them employment. Such ideas, sir, as have been advanced upon this floor by the honorable gentleman from Kentucky should, in my judgment, be met by the unqualified reprobation of this House and the country. These ideas are but the reflex of those of the French school of communism and the right to labor, which erected the barricades in the streets of Paris in 1848, and from the destructive tendencies of which, France has sought present repose by the restoration of the Empire under the military rule of Napoleon II.

Now, sir, I desire to do all I can to relieve the mind of the honorable gentleman from Kentucky from his distressing alarms, in reference to the imaginary rights of the persons whom he defends with such remarkable energy; and I assure him, sir, with the utmost sincerity, that I do not intend to go in the stillly hour of night, and burglariously run off with the countless tons of granite and gneiss, to which his friends have given order and design, for the foundations to the additions to the Capitol. Nor do I suppose that the special committee have any serious design to perpetrate such an act of Vandalism; and I assure that gentleman that I do not believe, therefore, that it will be at all incumbent upon him to take his station upon those walls, and there to keep watch and ward to guarantee their sanctity, or to expose himself thereby to the buffeting of the bleak winds until the melancholy notes of the curfew shall summon him to his nightly repose. I hope I may contribute to the gentleman's composure, by saying to him and to this House, that I shall interpose no obstacle to the prosecution of this work.

Mr. Chairman, I desire to say that in reference to this work, I have no feelings of opposition to indulge. I have not been a constant attendant upon the deliberations of the committee, but I heard and took notes of the testimony until I was perfectly satisfied that the work is sufficient for the purposes for which it is designed, and up to a late day I was prepared to pronounce that judgment before this House. When a portion of the wall, however, was removed by the direction of the honorable chairman of the committee, a state of facts was disclosed somewhat conflicting with the testimony upon which I relied most.

[Here the hammer fell.]

Mr. STANTON, of Kentucky. I propose to amend the amendment, by adding one dollar to the sum intended to be appropriated. I do it, not with a view that the amendment shall be adopted, nor for the purpose of saying anything in addition to what I said yesterday in regard to the materials of which the foundations are constructed or the character of the workmanship, but simply to afford me an opportunity of replying to the excited remarks of the honorable gentleman from South Carolina, [Mr. WALLACE,] who, it seems to me, has worked himself into an unnecessary rage over what I said. Now, sir, if that gentleman will put himself to the trouble of referring to my speech, reported in the Globe of this morning, he will see that the remarks to which he takes such exception applied only to the chairman of the special committee, [Mr. McNAIR,] although from what the chairman had previously said, I might, with much propriety, have embraced him [Mr. WALLACE] in the same category. When I spoke, I did not even know that the gentleman was a member of that committee; and if I ever did know it, it had been forgotten. He need not be disturbed with the idea that any portion of my remarks were intended for him, for he was furthest from my thoughts. I knew him to be a gentleman of great intelligence, as he has shown himself to be of fiery eloquence; and whether he had practical information or not upon the subject under discussion, I should have accorded to him too much judgment not to see that all the clamor which has been raised against this work, arising from the investigation which has been instituted, was unjust, as well as silly and ridiculous.

I made no attack upon the members of the committee. If the gentleman listened to my speech he knows I did not. I intended none. I designed simply, in the remarks which I was about to submit to the committee, to explain the amendment which I had offered, and inform the House as to the necessity of the appropriation asked. If I had not been interrupted, I should simply have done this and taken my seat. But one of the gentleman's colleagues [Mr. WOODWARD] interrupted me, by submitting a question to the chairman of the special committee, [Mr. McNAIR,] who rose in his place, made a speech, and led this House to believe that you, sir, entertained the same absurd opinions in regard to the foundations that he had expressed.

Mr. WALLACE. Which one of my colleagues does the gentleman refer to?

Mr. STANTON. Mr. WOODWARD.

The CHAIRMAN. Does the gentleman from Kentucky yield the floor?

Mr. STANTON. Oh, yes; if he desires it. I shall be polite to him, and allow him to say what he wishes, though I could not. Now, sir, your chairman, the gentleman from Pennsylvania, was the first to allude to the action of the committee. He brought the subject up, and you have to thank him, not me, for associating you with the absurd conclusions to which he had come. What did he say when appealed to by the gentleman from South Carolina [Mr. WOODWARD] to know when the committee would report? I read from the report of his remarks:

"The investigation has been going on regularly, and WE are almost ready to report."

He says "we," which includes you with the rest of the committee, if I understand the meaning of the word. "WE have found the walls in a dreadful condition."

He is misrepresenting you, not me.

"WE have found the walls in a dreadful condition—in a condition which has astonished US ALL."

The word "we" is not broad and comprehensive enough, in the judgment of the speaker, to embrace the gentleman from South Carolina, [Mr. WALLACE,] and he uses one of more enlarged signification, and says "US ALL."

"When we came to examine it, we found that wall with shells built up on the outside, and small stones thrown in on the inside."

Here, then, is the first intimation given to the House, that the committee designed to make any such foolish report as that language implies. I did not introduce any allusion to it until this development was made by the chairman, and I confined what I had to say to him alone. If he had not broached the subject, I should not have referred to it. I could not have thought that his intelligent colleagues would concur with him in his strange conclusion as to the instability of the foundations, and therefore meditated no attack upon the members of the committee, as the gentleman seems to suspect. I am happy to find, by the manifestations of to-day, that all the members do not concur with the chairman. This is all, sir, that I deem it necessary to say in reply to the gentleman from South Carolina.

Mr. CHANDLER. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Kentucky, [Mr. STANTON.]

Mr. WALLACE. I will esteem it a favor, if the honorable gentleman from Pennsylvania will allow me five minutes to conclude what I have to say.

Mr. CHANDLER. I am persuaded that I cannot do half the good that the gentleman from South Carolina can do, and I therefore yield the floor to him with great pleasure.

Mr. WALLACE. Mr. Chairman, I am much indebted to the courtesy of the gentleman from Pennsylvania, [Mr. CHANDLER.] When, by the rules of the House, my remarks were suspended, I was proceeding to say that the examination made of an interior portion of the wall disclosed a state of facts somewhat conflicting with the testimony upon which I placed the most reliance. It was stated by a witness, who was examined before the committee, that the wall is solid masonry throughout. The investigation which followed does not sustain that testimony, if I understand the true meaning of the witness. It appeared, upon examination, that a portion of the interior structure is composed of what is called "rubble," and mortar; that is, of small stones thrown in,

without much attention to the order in which they are placed, and the interstices filled in with mortar or cement, with the view to form a conglomerate. I was upon the wall, sir, but a very short time. The examination was commenced when I was not present. I attended, with several members of the committee, at the time referred to, at the special request of the honorable chairman of the committee, [Mr. McNAIR,] and this House has been informed by the gentleman from Kentucky, that he, too, faithful to his trust, was with the spectators above, watching intently the progress of the investigation; and what he saw, doubtless gave point to the characteristic tirade which he pronounced here yesterday, and to which the honorable gentleman from Virginia [Mr. BEALE] has just alluded. It is very natural that the gentleman from Kentucky should go where his sympathies and associations lead him; and while he was surrounded, at the time and place referred to, by many of the persons whom he has so perseveringly sought to quarter upon the public Treasury, I can readily conceive that he was in a position entirely congenial to his taste, and am not surprised that the speech which followed should be pronounced as the result of the inspiration drawn from such an exalted source.

When the examination of the wall was completed, my first impression led me to conclude that the work was insecure. In that opinion I was not confident. My reflections since that time have induced me to yield my doubts to the better judgment and greater experience of the able architect who has the work in charge. I have been assured by that gentleman, in presence of the committee, that the wall is sufficient to bear five times the weight of the superstructure that is to be built upon it. During the few minutes which I spent in company with that gentleman in the committee room, I formed a very favorable opinion of his ability; and I am informed, from the most reliable sources, that his personal integrity, sound judgment, experience, and knowledge of architecture, are of the most satisfactory character. Nothing has been elicited by the action of the committee which, in my judgment, can authorize me to come before this House and inflict a wound upon his character and good name, by declaring that he has, in any wise, been unfaithful to the trust confided to him. I will not trifle with his reputation by the commission of such an act. So far as I am made his judge, he shall have justice at my hands. I am prepared to yield whatever doubts I may have entertained to the judgment of the architect, and to say to this House, that I believe the work is sufficient for the purposes for which it is designed.

It will appear from what I have said, that I do not concur in the opinion expressed yesterday by the honorable chairman of the committee, [Mr. McNAIR.] But acting upon the view of the matter which I have expressed, I suggested to the honorable chairman the propriety of going on to make his report by detailing the material facts which are in possession of the committee, and leaving the subject to the judgment of the House.

I do not suppose that the Congress will act so absurdly as to commence a work of this kind, expend a considerable sum upon it, and then discontinue it. I see no reason why the work should not progress; and I am ready to vote any appropriation of money that may be necessary to prosecute it to its termination.

Mr. STANTON, by unanimous consent, withdrew the amendment.

Mr. CHANDLER. I then offer as an amendment, to add \$2 to the sum of \$500,000 contained in the bill. The whole business of regulating the additions to this Capitol is placed in the hands of the architect; and the question is not whether the stones laid there are laid permanently, and according to our judgment, and whether the lime that is used is of the kind that ought to be used, but it is simply the question, is the person employed there competent to the work he has undertaken? Of that we have two modes of judging; one of the past, the other of the future. All the antecedents of that gentleman, sir, are in the affirmative. Every act of his life goes to prove that he is competent to the work he has undertaken, not simply as a finished mechanic and accomplished architect, but as an honest and conscientious man, who will not leave a work that he has undertaken unfinished, and will not declare that as good which

he does not believe is good, although his own hand has performed it.

In the course of my official relations with the city which I in part represent, I was called for many years into close connection with that gentleman, and although it would be impertinent in me to say that I know him to be an accomplished architect because his judgment and his action are superior to my judgment or anybody's action, I can only submit the work of his hands for other persons to decide upon, rather than my assurance or my certificate of his ability. I have watched his work. I know him as a man, as a citizen, as an architect, and as a man of business; and in all of these relations he stands preëminent among those with whom he is acquainted. It was in the performance of my official relations with that gentleman, that I looked almost daily upon the foundations of a building quite as heavy in its weight and in its cost as the wings of your Capitol will be. It has rested twenty years upon the foundations which were then laid, and there is not beneath the Girard College a sign or evidence of the yielding of a single portion of the stone upon which they rest. These works, I think, are about twice as thick, twice as strong as the foundations to which I have alluded. Infer, therefore, they are capable of sustaining double the weight.

In the remarks which I have to make, and which I consider as giving an opinion contrary to that of my colleague, the chairman of the special committee, [Mr. McNAIR,] I beg leave to state, my associations with him leave me not a doubt of the purity of his intentions and those of the other gentlemen of the committee; but it is his misfortune to be at the head of a committee upon a subject with which he is not professionally acquainted; and it was the misfortune of the committee to be composed of gentlemen who did not claim a professional knowledge of the work in which they were to be engaged. It was of course expected they would call to their aid men of professional excellence—men competent to judge of the work before them. I think the testimony which has been adduced, by gentlemen free from all motives of partiality, was such as would satisfy the House of the competency of the work. I am happy to hear the remark that fell from the honorable gentleman from South Carolina, [Mr. WALLACE,] that whatever may be the fate of a portion of that wall, which I believe competent, there should be no hesitancy at all about voting for this appropriation. The work must go on; and the sooner it is commenced, the sooner, I hope, it will be finished. I trust, therefore,—

[Here the hammer fell.]

Mr. CARTER. I am opposed to the last amendment of \$2.

Mr. GENTRY. Oh! let them have it. [Laughter.]

Mr. CARTER. I merely rose to remark, that it occurred to me all this discussion of the mechanical sufficiency or deficiency of this wall was a departure from the real danger to which the wall is exposed. It seems to be treated as a question of masonry—as a question of mechanics—and its capacity to sustain the superstructure that is intended to be erected upon it. Now, my opinion is, that the wall is sufficient, and will endure until it answers all the purposes that it will be required to answer. The danger is not as to the weight that it will have to sustain; the danger is not to mechanical forces; the danger lies in a far different quarter. It is more a question of locality. I do not think the wings are in the right place. [Laughter.] They are too near the eastern skirt of this empire; and I have no apprehension at all but that it will rest, mechanically, firmly upon its present foundation, and bear upon its surface the edifice you propose to place upon it, until the weight of empire transfers it to the center of the empire. You had better address yourself to that consideration; for the time is soon coming when the difficulty will be not in the weight upon it, but in keeping the foundation still. The foundations will partake of the spirit of the Republic, and make a western trip. I hope it will be—

Mr. FLORENCE. May I ask a single question, as to whether that is the gentleman's idea of progress—that we are progressing from a Republic to an Empire? [Laughter.]

Mr. CARTER. I do not think I can make a "foggy" understand it, [laughter;] but I alluded, of course, to the empire of territory. Those gen-

tlemen who travel in the "fog" are very diligent in taking distinctions. [Laughter.] All this inquiry about the mechanical structure of that wall is a work of supererogation. In my opinion, if the wall was not half as heavy as it is, it would endure all the weight it will ever have to sustain. The traveling qualities of those wings of the Capitol will be felt before they fall down. [Laughter.]

The question was then taken upon the amendment of Mr. CHANDLER to the amendment, and it was rejected.

Mr. FLORENCE moved to amend by inserting "\$4" after the words "\$500,000."

Mr. FLORENCE. I have been very much gratified this morning at the turn the debate has taken upon the question before the committee in relation to this appropriation; but I have been pained to hear gentlemen reflecting, by remarks that have been made, upon persons occupying a peculiar sphere in society. Now, it occurs to my mind, that nowhere so much as upon the floor of this House do a certain class of people, as they have been termed, require defenders. There is no especial merit attached to the fact that a person is a working-man, so called; but it is especially becoming those living or being in that sphere of life, that they should defend others in the same sphere against indiscriminate attacks upon them. I do not appeal to the galleries; I do not refer to the fact that we are surrounded by persons urging Congress to make this appropriation; but I do say, here, that it becomes our duty, especially at this time, to make this appropriation, because the honor of this Union is involved. I will tell you that, when the first appropriation was made for the extension of the Capitol, the peculiar class of working-men required as operators upon it were very scarce. It is a trade that requires peculiar perfection, if I may be permitted to laud that class of people so much, particularly in a work of this kind. If I am correctly informed, and I believe I am, the superintendent of this work procured from Baltimore, Philadelphia, New York, and other cities and parts of the Union, excellent workmen; and they came here upon the assurance of that gentleman that the work should be continued to them, and that they should not be permitted to starve, as they have nearly been doing this most inclement winter, because Congress refused to make this appropriation. The distress that existed among these workmen who were frozen up here, would make the hair of every member of this House stand upon end if it were recited.

Mr. HALL. Will you vote them a farm?

Mr. FLORENCE. I am willing to do it. I am willing to vote land for the landless, and when the bill comes before the House, proposed by my friend from Tennessee, [Mr. JOHNSON,] my vote will be found recorded in its favor. But here are these workmen waiting, not upon the bounty of the Government, but asking that the pledges given them shall be fulfilled—that the assurance made them when they came here may be redeemed. And I feel a peculiar pleasure and pride that I am permitted to rise in my place upon this floor and say thus much for that most useful class of our citizens. I do not desire that they shall have special legislation, (nor do they ask it,) but I do desire that they may have extended to them all the privileges and all the rights others enjoy.

Mr. HENN. Who gave those assurances?

Mr. FLORENCE. I understand, and I stated it as clearly and distinctly as I could, that they were made by persons engaged by the Government. They, as they had a perfect right to, sought to get the best talent they could in that peculiar line, and the assurance was given to them of continuous employment.

[Here the hammer fell.]

Mr. WALSH. I propose to say just a word or two to correct an error which I think has been repeated this morning, and into which a gentleman from North Carolina, not now in his seat, [Mr. VENABLE,] fell on a previous day, and that was, that it had been asserted that it was the primary duty of this Government to give labor to men who were in want of it. There was no such demand by the friends of the extension of the Capitol, on the ground of primary duty. These men came here in the depth of winter, not knowing anything of the particular terms of this contract. They came here to engage in the erection of the Capitol, and, as the gentleman from Pennsylvania [Mr. FLORENCE] said, were frozen up with their

families. I say, without asserting a primary duty, that it presented as strong a case of appeal to the sympathies and right feelings of this House, as when you saw from your Capitol windows the burning edifices of Alexandria. It was a case, as I stated heretofore, appealing to the sympathies; but they did not appeal to the sympathies. There was no pretense of primary duty. These men came here under a certificate of the architect, stating that they could be usefully employed by the Government. While gratifying a reasonable sympathy, we were not asked to violate any rule in reference to the contract they were called upon to make. This House, as I then suggested, should have been proud of the privilege of doing so. It has been said, by high authority, "that this world is a tough wrestler, who has a bear's grip for the poor;" but it should be the proud privilege of every man, legislating for the great interests of the country, to remove the burden which always bears upon the back of the wayfarer upon this world. Now, a word or two more. I do not admit the rebuke set up by the gentleman from Tennessee, [Mr. JOHNSON,] the other day, and reiterated by the eloquent gentleman from South Carolina, [Mr. WALLACE.]

I do not know of any drawing-room rule which is to prevail here and control me under the responsibilities which I owe to my country and constituents. If I see a spectacle of distress in this gallery, which is under my jurisdiction, I shall refer to it, without consulting those rules of high-life which seem to be brought in here to direct legislative power. It is a pressing case—it is a case in which men, offered employment when their employment was deemed to be necessary by those having the control of the execution of this contract—presenting a spectacle of distress, as the gentleman from Pennsylvania [Mr. FLORENCE] has well said, almost unexampled, even to the view of men who have been accustomed to see all the fluctuations of poverty. Many of them are my own townsmen, accustomed to the ordinary comforts of life, which they procured by the sweat of their brow. They are now in the midst of your community, and under circumstances of distress which were drawn upon them in consequence of their discharge from employment. It is a case calling for the loudest and strongest sympathy in every human heart, and the heartiest expression of that sympathy by every human tongue.

Mr. ORR. I do not propose to make a speech. I wish to give notice now, that when an amendment is moved hereafter I shall insist that the rules of the House be enforced, requiring that gentleman should confine themselves to explanations of the amendments they offer.

Mr. BRENTON. I offer the following amendment:

And that no contract, made in prosecution of the work aforesaid, which shall in any way exceed the sum hereby appropriated, shall be binding upon the Government.

I desire to see such an amendment as that attached to every bill which may be proposed to this House for appropriating money to public works; and I would not only desire to see it attached in form, but I would desire to see it put in practice from this time forth. We are called upon each year to pass a deficiency bill for the purpose of meeting expenditures made in connection with the public service—expenditures which exceed the amount, from year to year, that is appropriated. My object in offering this amendment is simply to keep every individual, connected with the expenditure and disbursement of public money, within the limits prescribed by law, and to hold them to strict accountability if they refuse to do so. Why is Congress called upon, in connection with the public service, to pass deficiency bills? It is because the expenses and disbursements have exceeded the amount appropriated. I do not design, at this time, to discuss this question; but I merely state that I desire to see this principle incorporated into every appropriation bill for the consideration of the House; and in future I desire to see all the officers of the Government, especially those having charge of the public funds, held to the rule most rigidly. I hope this amendment will be attached to that appropriation.

Mr. CLINGMAN. I agree with the gentleman, and am in favor of the general principle he contends for, but there is no necessity for incorporating any amendment of that character with this bill. If there was any probability that this

appropriation would finish the work, why, for fear they might go beyond that appropriation and involve us in a larger expenditure, I would vote for his proposition; but nobody imagines for a moment that this appropriation will finish the Capitol. Of course, in contracts that are hereafter to be made, the rule can be carried out in furtherance of the gentleman's design. I have stated this as a reason for voting against the amendment now, although I approve the general principle. But my object in rising was to appeal to the gentleman not to press his amendment. There really seems to be nothing to discuss. Everybody agrees that this appropriation is necessary. If the walls are to be gone on with, as they now stand, the appropriation is needed. If they are to be pulled down, and stronger ones built, the appropriation is equally necessary. Why shall we not agree, by general consent, to let this bill pass, and upon the coming in of the report of the gentleman from Pennsylvania [Mr. McNair] all these questions which have been thrown irregularly into this debate will naturally come up. It is Saturday, and I think it would be right for us to take half a day's holiday, as much at least as we give to the negroes down South. I appeal to gentlemen to let this bill pass, and then by common consent adjourn.

The question was then taken upon Mr. BRENTON's amendment, and it was not agreed to.

Mr. GOODENOW moved that the committee rise and report the bill.

The CHAIRMAN. The pending question is upon the amendment proposed by the chairman of the committee, [Mr. STANTON.]

[Cries of "Question!" "Question!"]

Mr. MASON. I offer the following amendment to the amendment:

Provided, That the expenses incurred in testing the stone and other materials to be used in the construction of the work, shall be paid out of this appropriation.

The special committee have been testing the strength of the materials used in the construction of the foundation; and under the resolution of the House authorizing the committee to do it, I suppose the authority was involved to incur the necessary expense. It was a matter which was left wholly to their judgment. They have done so, and bills will come in. Some object to their being paid out of the contingent fund, and I offer this amendment, that these expenses may be paid out of the appropriation of \$500,000; and that the Committee on Accounts may have nothing to do with the matter.

Mr. STANTON, of Kentucky. I hope this will not be done.

Mr. STANTON, of Tennessee. I rise to oppose that amendment. I think the amendment is quite unnecessary, and is altogether irrelevant to this bill; and I make a question, that it is not in order to pay the expenses of a select committee, which has been appointed by this House for the purpose of examining those foundations, out of the general appropriation, for the purpose of completing the building. I think the amendment is not in order. The expenses for which it provides are a part of the contingent expenses of this House, and ought to be paid out of the contingent fund. And it ought to be so, for the purpose of showing the House what is the expense of making such examinations, and of appointing such committees as have been appointed in this case. I mean no disrespect to the committee whatever; but the account of the contingent expenses of the House ought to show the expenses attendant upon its own action. This expense ought not to be charged to the fund for the completion of the Capitol. Upon this ground I think that the amendment ought to be rejected.

The question was then taken, and Mr. MASON's amendment was rejected.

Mr. FLOYD. I move to increase the expenditure \$5. We have, during the last year, had an expenditure of \$50,000,000. We are called upon now to pass a deficiency bill, amounting to several millions more. We have an estimate of the expenditures for the next year amounting to \$42,000,000.

Mr. ORR. I rise to a question of order. The rules of the House require, that when an amendment is offered, the gentleman proposing to speak upon that amendment must confine his remarks to the subject-matter of the amendment. The gentleman is not doing it. I made the announcement

that I should make the question of order, and of course I shall carry it out.

Mr. FLOYD. I will vary my amendment, so as to strike out one half the proposed appropriation. I know of no estimate of expenditure that has come to us from the Departments which may be omitted with less injury to the public service, than the half million of dollars asked for by this bill. This Hall is not so badly arranged but what you can find an abundance of gentlemen who are willing to occupy it. Nor am I aware of any department of the public service that is to suffer by allowing these foundations to remain as they are for one, two, or five years. We have a debt, in a time of profound peace, of some \$64,000,000, if I mistake not; and so we are going on granting every expenditure asked by this Administration—which certainly does not commend itself to the country by any very strict notions of economy—we are going on to grant every expenditure that is asked for, without ever making a beginning at reform or economy. It seems to me, we are acting in the dark upon this subject. This House have appointed a committee to investigate the capacity of the foundation, but it has not yet reported, although we have been told, it may report next week. In the meantime, without the report of our select committee, we know not whether this foundation is safe or unsafe. We are proceeding to grant an appropriation to erect a superstructure, and then to inquire whether the foundation is safe or not. As I have said before, there is no department of the public service that would suffer by the delay of this appropriation; and if the accounts we have had here of the sufferings of the workmen be true, certainly they cannot find worse paymasters than the Government has been to them.

Mr. MOORE, of Pennsylvania. I am opposed to the amendment of the gentleman from New York, [Mr. FLOYD.] The subject embraced in his resolution was freely and ably discussed at the last Congress, when they made the appropriation for the Capitol. I consider it unnecessary to discuss it at this time, and therefore call for the question.

The question was then taken upon Mr. FLOYD's amendment, and it was rejected.

Mr. McMULLIN. I move to strike out three fourths of the sum. I desire to say a word or two in reference to my own particular position. I voted in the last Congress, if my recollection serves me correctly, against the appropriation of \$100,000. I supposed then, that the cost of these two wings of the Capitol would amount to some several hundred thousands of dollars. I really did not suppose then that they were to cost some three or four millions of dollars, perhaps five millions. I rise now for the purpose of calling the attention of the committee, the House, and country, to the important fact, as it presents itself to my mind. It is this: We have a report made by a standing committee which authorizes and advises the House to pay \$250,000 for the purchase of Winder's building, now in the occupancy of the Government. I would most respectfully suggest to the consideration of the committee, that instead of completing the wings of the Capitol, they should erect proper buildings for the Departments, so as to supersede the necessity of paying \$250,000 to Mr. Winder for his building. This building, which has served all the purposes of Congress for the last thirty-odd years, will serve us a few years longer.

I think there is something in the suggestion of the sagacious gentleman from Ohio, [Mr. CARTER,] that we know not how long the Capitol will remain here. But, long or short, I say that, according to my conceptions, there is no necessity for expending four or five millions of dollars to build the wings of the Capitol.

Let these gentlemen, from the cities of Philadelphia and Baltimore, who desire to quarter their constituents on the Government, make application directly, and I am willing, as one member of this House, limited as my means are, to assist these suffering ladies and gentlemen; but I object—I protest, in behalf of my constituents, against the quartering of any gentleman's constituents on this Government.

Mr. MOORE, of Pennsylvania. I had intended to say a word upon this subject; but, at the solicitation of gentlemen around me, I forbear to say more than that I am opposed to this amendment.

The question was then taken on Mr. McMULLIN's amendment, and it was not agreed to.

The question recurring on the amendment proposed by the chairman of the committee, [Mr. STANTON,] it was put, and that amendment was agreed to.

Mr. ROBBINS moved that the committee do now rise and report the bill, as amended, to the House, with a recommendation that it do pass; which motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the joint resolution "to authorize the continuance of the work on the two wings of the Capitol," and had directed him to report the same to the House, with an amendment, with a recommendation that the amendment be concurred in, and that the joint resolution do pass.

Mr. STANTON, of Kentucky, moved the previous question on the adoption of the amendment.

The previous question received a second, and the main question was ordered to be now put.

Mr. FICKLIN called for the reading of the amendment, and it was read.

Mr. SCURRY demanded the yeas and nays.

Mr. FICKLIN asked for tellers on ordering the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

Mr. FITCH moved to lay the joint resolution on the table; and on that motion he demanded the yeas and nays.

The yeas and nays were ordered; and the question being put, it was decided in the negative—yeas 43, nays 124, as follow:

YEAS—Messrs. Aiken, Willis Allen, John Appleton, Averett, Babcock, Beale, Brenton, Buell, Joseph Cable, Carter, Caskie, Churchill, Daniel, John G. Davis, Dawson, Dimmick, Dunham, Edgerton, Ficklin, Fitch, Floyd, Gamble, Green, Hendricks, Henn, Houston, Howard, Thomas Y. How, Jackson, Andrew Johnson, John Johnson, McMullin, McNair, McQueen, Morrison, Murray, Nabers, Orr, Andrew Parker, Scurry, George W. Thompson, Townsend, and Wildrick—43.

NAYS—Messrs. Abercrombie, Allison, William Appleton, Ashe, Barrere, Bartlett, Bell, Bennett, Bibbhauser, Breckinridge, Briggs, Brooks, Albert G. Brown, George H. Brown, Burrows, Busby, E. Carrington Cabbell, Lewis D. Campbell, Thompson Campbell, Chandler, Chapman, Clark, Cleveland, Clingman, Cobb, Colcock, Cottman, Cullum, Curtis, Dockery, Doty, Duncan, Durkee, Eastman, Evans, Ewing, Faulkner, Florence, Fowler, Henry M. Fuller, Gaylord, Gentry, Giddings, Goodenow, Gorman, Grey, Grow, Hall, Hamilton, Harper, Isham G. Harris, Sampson W. Harris, Haws, Hascall, Haven, Hebard, Hibbard, Hillyer, Holladay, Horsford, Thomas M. Howe, Ives, Jenkins, James Johnson, Daniel P. Jones, George W. Jones, J. Glancy Jones, George G. King, Kuhns, Kurtz, Letcher, Lockhart, Edward C. Marshall, Humphrey Marshall, McCorkle, McDonald, Mende, Miller, Molony, Henry D. Moore, Morehead, Olds, Samuel W. Parker, Peaslee, Penniman, Perkins, Polk, Porter, Price, Riddle, Robbins, Sackett, Schoolcraft, Schomaker, David L. Seymour, Origen S. Seymour, Smart, Smith, Snow, Stanly, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Thaddeus Stevens, Stone, Stratton, Stuart, Sutherland, Taylor, Benjamin Thompson, Thurston, Tuck, Wallace, Walsh, Ward, Washburn, Watkins, Welch, Wells, Addison White, Alexander White, Williams, Woodward, and Yates—124.

So the House refused to lay the joint resolution upon the table.

The question recurring on the adoption of the amendment, it was put and the amendment was agreed to.

The question then was ordering the joint resolution to a third reading; and, being put, it was so ordered.

The joint resolution having been read a third time,

Mr. STANTON, of Kentucky, moved the previous question on its passage.

The previous question received a second, and the main question was ordered to be now put; and, being put, the joint resolution was passed.

Mr. STANTON, of Kentucky, moved to reconsider the vote by which the joint resolution was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

On motion by Mr. POLK, the House then adjourned till Monday.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees.

By Mr. IVES: The petition of Smith Bartlet and 89 others, for an appropriation for a survey of the harbor at Cape Vincent, New York.

By Mr. HARPER: The memorial of Thomas Maxfield, Jacob Glessner, and 65 others, citizens of Muskingum county, and of Daniel Lanfatey, Westly Gill, and 101 other citizens of Guernsey county, Ohio, praying that the bridges at Wheeling may be established as post roads, and permitted to remain at their present height.

By Mr. JONES, of Pennsylvania: The petition and papers of Joseph Richards, asking for bounty land belonging to H. Hutchinson, a soldier, &c., deceased.

By Mr. GAYLORD: The petition of Lewis H. Green, Morris Jennings, Robert M. Jennings, George S. Gilliland, A. Stone, Benjamin F. Stone, and James McCaddon, deputy marshals of Washington county, Ohio, asking additional compensation for services rendered in taking the Seventh Census.

By Mr. SMART: The remonstrance of 150 citizens of Goose River village, Maine, against the discontinuance of the light-house on Beauchamp Point.

By Mr. FULLER, of Maine: The petition of John C. Tibbets and 53 others, asking for an appropriation for building a light-house on the west side of the entrance into Breck's harbor, on the coast of Maine.

By Mr. RIDDLE: The petition of Jeremiah Eskridge, of Sussex county, in the State of Delaware, a soldier in the Florida war of 1834, '35 and '36, praying for an allowance in the nature of arrears of pension.

By Mr. GORMAN: The petition of Thomas E. Ashby and Martin Wines, praying the establishment of a mail route from Bloomfield, in Green county, to Carlisle, in Sullivan county, by the way of Linton.

By Mr. ASHE: The memorial of C. B. Walle and others, of Cumberland county, North Carolina, against the extension of the Woodworth patent for planing boards, &c.

By Mr. ROBBINS: The petition of Isaac Wood and 172 other citizens of Philadelphia county, asking Congress to pass an act for the further extension of the Woodworth patent.

By Mr. ORR: The petition of Waddy Thompson, C. J. Elford, and 102 other citizens of Greenville, South Carolina, against the further extension of Woodworth's patent for planing boards.

By Mr. FLORENCE: The memorial of Charles C. Copes, Henry R. Copes, Joseph R. Cobb, and 54 other citizens of the county of Philadelphia, praying for the extension of Woodworth's patent for planing boards, &c.

By Mr. BIRGHAUS: The petition of Jacob F. Heim and 80 others, citizens of Schuylkill county, Pennsylvania, praying for a modification of the tariff of 1846, and for a capitation tax on all future emigrants, so as to afford a tariff to American mechanics and laboring men, &c., &c.

IN SENATE.

Monday, March 15, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. ATCHISON presented the memorial of Russell & Jones, surviving partners of Brown, Russell & Co., praying remuneration for services, and indemnification for losses incurred in transporting commissary and quartermaster's stores for the troops in New Mexico; which was referred to the Committee on Military Affairs.

Mr. SEWARD presented resolutions of the Legislature of New York, against the extension of the patent granted to W. W. Woodworth for a planing machine; which were referred to the Committee on Patents and the Patent Office, and ordered to be printed.

Also, a petition of citizens of Freeport, Pennsylvania, praying that the transportation of the mails on Sunday may be prohibited by law; which was ordered to be laid on the table.

Also, a petition of citizens of the United States, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of Rochester, New York, praying that the public lands may be granted to actual settlers only, and to them in limited quantities; which was referred to the Committee on Public Lands.

Mr. UNDERWOOD presented the petition of James G. A. McKenny, praying the payment of his claim against Mexico; which was referred to the select committee appointed on the subject.

Also, the petition of settlers and occupants of Carson Valley and its neighborhood, praying the establishment of a territorial government; which was referred to the Committee on Territories.

Mr. FISH presented a petition of citizens of Albany, New York, praying that the bill giving further remedies to patentees may become a law; which was referred to the Committee on Patents and the Patent Office.

Mr. WADE presented a memorial of assistant marshals for taking the Seventh Census in Washington county, Ohio, praying additional compensation; which was ordered to be laid on the table.

Mr. SUMNER presented a petition of ship-owners, merchants, and others, of Newburyport, Massachusetts, praying that further aid may be extended to Collins's line of steam-ships; which was referred to the Committee on Naval Affairs.

Mr. BRODHEAD presented a resolution of the Legislature of Pennsylvania in relation to Smith O'Brien and his associates; which was ordered to be laid on the table and printed.

Also, a resolution of the Legislature of Pennsylvania against the removal of the Mint from Philadelphia to New York; which was ordered to be laid on the table and printed.

Also, resolutions of the Legislature of Pennsylvania in favor of the establishment of a naval depot and dry-dock on the lake frontier; which were referred to the Committee on Naval Affairs, and ordered to be printed.

Also, six petitions of citizens of the city and county of Philadelphia, praying the extension of Woodworth's patent for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, two petitions of citizens of Pennsylvania, praying an increase of the duties on iron; which were referred to the Committee on Finance.

Also, a memorial of merchants, ship-owners, and others, citizens of Philadelphia, praying a modification of the law for the reduction of the costs and expenses of proceedings in admiralty; which was referred to the Committee on the Judiciary.

Also, a petition of citizens of Erie, Pennsylvania, praying the establishment of a navy-yard and dry dock on the lake frontier; which was referred to the Committee on Naval Affairs.

Also, a memorial of citizens of Pennsylvania, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of Luzerne county, Pennsylvania, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. DODGE, of Wisconsin, presented the petition of John Bensley, praying indemnity for losses and injuries sustained in Mexico previous to the war; which was referred to the select committee appointed on the subject.

Mr. CHASE presented three memorials of assistant marshals for taking the Seventh Census in Ohio, praying additional compensation; which were ordered to be laid on the table.

Also, a petition of citizens of Belmont county, Ohio, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. PRATT presented the memorial of Lucie Ann Garner, widow of Captain H. Garner, late of the Army of the United States, praying that a pension may be allowed her; which was referred to the Committee on Pensions.

Mr. SMITH presented a petition of citizens of Worcester county, Massachusetts, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. MANGUM presented the petition of Edward Rudd, praying compensation for slaves carried off by the enemy during the last war with Great Britain; which was referred to the Committee on Foreign Relations.

Also, the petition of Henry A. Wise, and the legal representatives of J. J. Wise, praying compensation for slaves carried off by the enemy during the last war with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. BAYARD presented a petition of citizens of Pennsylvania, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. WADE presented the memorial of S. Spink, assistant marshal for taking the Seventh Census in Wood county, Ohio, praying additional compensation; which was ordered to be laid on the table.

Mr. DAVIS presented the petition of Lucretia Barton, one of the heirs of Jacob Town, deceased, praying that a new warrant may issue, in lieu of one issued to the heirs of said Town for bounty land, and which has been lost; which was referred to the Committee on Private Land Claims.

Mr. BROOKE presented a petition of certain Choctaw Indians, known as "Bay Indians," praying compensation for reservations of land under

the fourteenth article of the treaty of 1830, of which they were forcibly dispossessed; which was referred to the Committee on Indian Affairs.

Also, resolutions of the Legislature of Mississippi, in favor of the establishment of certain mail routes in that State; which were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. FELCH presented a petition of citizens of Michigan, praying that a grant of land may be made to the State, for constructing the Oakland and Ottawa railroad; which was referred to the Committee on Public Lands.

Mr. CLEMENS presented the memorial of John M. Mullin, praying compensation for services, as messenger in the Penitentiary of the District of Columbia; which was referred to the Committee for the District of Columbia.

Mr. SHIELDS presented the petition of Jacob Banta, praying authority to locate and enter land in virtue of two revolutionary bounty land certificates; which was referred to the Committee on Public Lands.

Mr. JONES, of Tennessee, submitted a document in relation to the claim of R. C. Patterson, against the Government of Mexico; which was referred to the select committee appointed on the subject.

Mr. STOCKTON presented a petition of citizens of the State of New Jersey, praying Congress to pass a law to prohibit absolutely the deportation, banishment, or immigration from foreign countries to the United States, of any and all convicts, felons, and paupers, publicly recognized as such at home in their own countries; which was referred to the Committee on Commerce.

Also, a petition of citizens of Germantown, Pennsylvania, praying a modification of the bounty land law; which was referred to the Committee on Public Lands.

COLLINS'S LINE OF STEAMERS.

Mr. RHETT. I have a petition, very numerously signed by some of the first merchants and ship-owners in the city of Charleston, praying for an appropriation in favor of Collins's line of steamers. As the petition is very brief, I beg leave to read it.

The petitioners state that it is not as residents of Charleston, South Carolina, but as patriotic citizens of the United States that they make this petition. The Collins line is not a local, but a national interest. New York, from its commercial position and relations with Europe and this continent, happens, indeed, to be the point to and from which these magnificent and unequalled steam-ships make their trips; but they do not regard them as, for that reason, any more properly belonging locally to that city, than the general Federal revenue, of which so large a proportion is collected at that point, can be regarded as belonging to New York. They say, whatever objections of private interest to the object for which they petition some of them might possibly entertain from the rivalries and competitions of commerce, they cannot but forget all such considerations in the larger and higher interest with which they contemplate the great national rivalry, the new Pacific naval warfare now in progress between the two leading maritime countries of the world—the English Monarchy as represented in the Cumberland, and the Republic of the United States in the Collins line. This has risen, by general recognition in both continents, above the level of any personal interests, great or small, into the higher character of national contest, in which the national pride and honor, as well as the more substantial interests morally incident to national reputation, are more deeply involved. England sustains, and is always ready to sustain her line with whatever further Government support may be requisite for that purpose. The Collins line has thus far gained its honorable triumphs, those victories of peace "not less renowned than those of war," only at the expense of loss to its owners too ruinous, as is evident, to be further continued. Without the aid now asked for, the American flag must cease to float over the noble line of Transatlantic steam-ships, which evinces so strongly the glorious triumphs of American mechanics, engineers, and navigators. They feel that this would be a national disaster and disappointment, as well as a national disgrace; and that it would be beheld with feelings of regret not less universal than

those which pervaded the remotest border of the Union during the period when the fate of the pioneer vessel of the line, "the Atlantic," was the prominent subject of national anxiety and almost national mourning. They therefore petition that such amount of aid as, on satisfactory investigation may be found to be necessary for the purpose above stated, may be extended to the Collins line by Congress.

I will state that this petition is from the most respectable merchants and others in the city of Charleston. I have never voted for any appropriation of this kind, nor do I suppose that I shall vote for this; but it is due to the petitioners, as well as to myself, to state that during the last fall I was in Europe, and had occasion to see and know that the same feeling which actuates the petitioners here upon this subject, very largely actuates the English people on the other side of the water. I present the petition, and move that it be referred to the Committee on Naval Affairs. The petition was so referred.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the resolution of the Legislature of Iowa, on the files of the Senate, relating to the pension claim of Silas Messenger, be referred to the Committee on Pensions.

On motion by Mr. RUSK, it was

Ordered, That the memorial of John R. Jefferson, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. FOOT, it was

Ordered, That the memorial of F. Huttman, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. CLEMENS, it was

Ordered, That the petition of Seneca G. Simmons, on the files of the Senate, be referred to the Committee on Military Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred the resolutions passed at a meeting of the inhabitants of the town of Milton, Wayne county, Indiana, recommending a division of the Indian territory of Nebraska, and for the removal of certain tribes of Indians, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Territories; which was agreed to.

He also, from the same committee, to which was referred the memorial of John A. Bryan, submitted a report, accompanied by a resolution for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. DOWNS, from the Committee on Private Land Claims, to which was referred the petition of the heirs of James and Lucy Perrie, submitted an adverse report on the same. The report was ordered to be printed.

He also, from the same committee, to which was referred the bill authorizing payment by the Surveyor General of California, for the survey of certain land claims which have been or may be presented to the Board of Land Commissioners for adjudication under the act of Congress of March 2, 1851, to ascertain and settle private land claims in California, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to which was referred the petition of Maria Taylor, submitted a report, accompanied by a bill for her relief; which was read and passed to the second reading.

Mr. BRADBURY, from the Committee on the Judiciary, to which was referred the memorial of Jehiel Brooks, asking authority to sue the United States for damages sustained in defending his title to land in a suit brought against him by the United States, submitted an adverse report.

Mr. FELCH, from the Committee on Public Lands, to which was referred the petition of James Higginbotham, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred a memorial of citizens of California, urging an immediate survey of the public lands in that State; a resolution of the State of Vermont, in relation to the indigent insane; the memorials of the Legislature of Alabama, in relation to an ap-

propriation of land for the establishment of a lunatic asylum, &c.; and the memorial of the Commissioners of the Asylum for the Deaf and Dumb at Fulton, Missouri, in relation to the same, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to which was referred the petition of William Woodbridge, praying a grant of land, submitted an adverse report, which was ordered to be printed.

He also, from the same committee, to which was referred the petition of George W. Dent, in behalf of occupants of land in townships forty-three and forty-four, praying that disposition may be made in conformity with the views of the Solicitor and the Commissioner of the General Land Office, submitted an adverse report, which was ordered to be printed.

Mr. FISH, from the Committee on Naval Affairs, to which was referred the memorial of Thomas Marston Taylor, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. CLEMENS, from the Committee on Private Land Claims, to which was referred the memorial of John B. and Thomas Johnson, for reimbursement of expenses in defending a defective title to land from the United States, asked to be discharged from the further consideration thereof; which was agreed to.

BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

Bill for the relief of the securities of Elijah J. Weed, late quartermaster of marines, deceased;
Bill for the relief of Nancy Wright;
Bill for the relief of Robert Jemison and Benjamin Williamson;
Bill for the relief of Nathaniel Kuykendall;
Bill to provide compensation to William Woodbridge and Henry Chipman, for services in adjusting titles to land in Michigan, and for other purposes;
Bill for the relief of Sarah Flinn;
Bill for the relief of David Osborn;
Bill for the relief of Thomas D. Jennings;
Bill for the relief of John McReynolds, of Detroit, in the State of Michigan;
Bill for the relief of Samuel Bray;
Bill for the relief of Thomas Rhodes; and a
Bill to grant the right of preemption to settlers on the public land known as the Maison Rouge Grant, and for other purposes.

WILLIAM A. CHRISTIAN.

The engrossed bill for the relief of William A. Christian was read a third time.

On motion by Mr. GWIN, to reconsider the vote on the passage of the bill, it was determined in the affirmative; and it was ordered to be laid on the table.

GUNPOWDER DEPÔTS.

Mr. FISH submitted the following resolution for consideration; which was agreed to:

Resolved, That the Secretary of War be directed to report to the Senate any information in his possession touching the necessity of establishing suitable depôts for the preservation of the gunpowder belonging to the United States, and whether the public service require the establishment of such depôts.

MAP OF NEW MEXICO.

Mr. CHASE submitted the following resolution for consideration; which was agreed to:

Resolved, That the Secretary of War communicate to the Senate a map of the Territory of New Mexico, compiled by Brevet Lieutenant J. G. Parke, United States Topographical Engineers, by order of Brevet Colonel J. Munroe, United States Army, commanding ninth military department.

EXTENSION OF THE CAPITOL.

A message from the House of Representatives was received by Mr. HAYES, its Chief Clerk, announcing that it had passed the joint resolution from the Senate to authorize the continuance of the work upon the two wings of the Capitol, with an amendment, and requesting the concurrence of the Senate therein.

The PRESIDENT subsequently said: There is on the table a joint resolution which has been returned from the House of Representatives, with an amendment, to authorize the continuance of the work on the two wings of the Capitol. What disposition will the Senate make of it?

Mr. SHIELDS. The proper committee to

which that resolution ought to be referred are not now here, nor are they ready to act upon it; and as I suppose there will be no serious objection to it, I move that it be taken up and put upon its passage, without being referred to any committee.

The PRESIDENT. This is a joint resolution which has been returned from the House of Representatives. It will be in the power of the Senate to act upon it immediately, or to refer it, as they may think proper.

Mr. SHIELDS. It seems to me that it may as well be disposed of now.

The PRESIDENT. The amendment made by the House is, to strike out all after the resolving clause, and insert the following:

"That there be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the period from which the passage of this resolution to the end of the fiscal year terminating June 30th, 1853, the sum of \$500,000, for the continuance of the work on the two wings of the Capitol."

Mr. GWIN. There is not a majority of the Committee on Finance in the Senate; and as it is a matter that action should be had upon as early as possible, I will move its reference to the Committee for the District of Columbia.

Mr. SHIELDS. I was going to say that the Committee for the District of Columbia is in precisely the same condition. There is not a quorum of the committee in the city, and that is the reason why I think it would be better to pass the measure at once.

Mr. STOCKTON. I move that the Senate agree to the amendment. This is a bill of great importance, and should be passed forthwith.

Mr. MASON. I was only going to suggest that the resolution appropriates half a million of money. It is a resolution originating, I believe, with the Committee on Finance.

Mr. BRODHEAD. The Committee on Public Buildings.

Mr. MASON. This resolution appropriates a very large sum of money, and though I dislike to throw any obstacles in the way of its passage unnecessarily, it seems to me that it should go to its appropriate committee. I understand the Senator, who desires its passage now, to intimate that there is not a majority of the Committee on Finance present at this time. I think there may be a majority of the Committee on Public Buildings, which is an appropriate committee.

Mr. SHIELDS. There is not a majority of the Committee on Public Buildings present, nor of the Committee for the District of Columbia; and, consequently, if the matter is referred to a committee, it will remain a long time in abeyance. It is true it appropriates \$500,000, but that is only half the amount which the President has called for in the civil bill. It extends to the end of the fiscal year, 1853.

Mr. MASON. What is the amount in the original resolution?

The PRESIDENT. The original resolution is, that the Secretary of the Interior may continue in employment, for the construction of the wings of the Capitol, so many mechanics and laborers as can be properly engaged in the work, and appropriates \$10,000 to carry that into effect. As the resolution has now come back, it is proposed to strike out the sum of \$10,000 and insert \$500,000.

Mr. SHIELDS. The original resolution was merely temporary. My opinion is, that if we continue the work at all, if it be not abandoned entirely, now is the best time for these men to go on with the work. There cannot be a better season than the present; and surely, if it is not entirely to be given up, we ought to pass this resolution. The work has been neglected long enough. That is my view of the matter, and I have no other object in passing it now. As it is to be acted upon, I presume, sooner or later, and as this is only half the amount which the Executive calls for, I take it for granted we may as well adopt the resolution now. I understand the question has been long and earnestly debated in the House of Representatives, and after having been thus maturely deliberated upon, it has been passed in the shape in which it now comes before the Senate.

Mr. BORLAND. I am aware, Mr. President, that in rising to say anything on the side of this question which I feel bound to occupy, I place myself in a very ungracious attitude before the Senate—certainly before the galleries, which, to a great extent, are made parties, deeply-interested parties, to this bill and its discussion.

And, sir, if I were to consult my feelings and my comfort—

A SENATOR. And the galleries.

Mr. BORLAND. Yes, sir, and the galleries, I would now be silent.

Sir, for two weeks past I have been beset daily on my way to and from the Capitol, not by persons advocating the great interests of the country, or the passage of this bill on account of any great public necessity, but by those who—from considerations of personal interest, and in whose feelings and wants I most deeply sympathize—urge its passage as furnishing them employment. That is, in effect, calling upon Congress to convert this Government, in the administration of the public funds, into a great national almshouse, and by direct appropriations from the Treasury, to take care of the poor—to feed the hungry, to clothe the naked. Now, Mr. President, on the score of charity—while I have no professions to make—it is due to myself, on this occasion, to say that I believe my heart is as warm, and my sympathies as deep and as strong for the poor and the suffering, as those of any advocate of this bill; and I trust I am prepared to go as far as any other man, in extending all the aid in my power to those who need assistance. Even, sir, in my legislative capacity, I think I have manifested a disposition, upon this floor, to go as far as the most liberal sense of public duty will permit for all objects of real merit. Sir, as you know, I have been charged here with a liberality amounting to extravagance.

It has been said, that the course I have advocated in regard to certain measures would bankrupt the Government, if carried out. Sir, what were those measures to which I refer, and which it was said, if carried out, would bankrupt the Government? They were bills for the relief of the widows and orphans of the gallant men who have fallen in fighting the battles of our country; bills to give them the poor pittance of some eight dollars a month, to supply to them some pretence—and a mere pretence it was—as a substitute for those means of living which the service of the country had taken from them, in taking away, to return no more, their husbands and their fathers. For advocating such measures as these I have been charged with extravagance, with advocating a policy which would bankrupt the Government. Sir, to the extent to which I have gone before in support of measures such as these I will go again, and even further, if necessary; because in them, and the whole length their policy would carry us, I see no sound principle violated and no cause to fear injury to any legitimate interest. The idea of Government bankrupt from such a policy is, in my opinion, preposterous. It is not in giving to these widows and orphans the paltry sums of eight dollars a month that we will do this mischief. It is not by means like these, small in their actual amount and limited by the class to which they belong, that we are to bring about the evils of heavy taxation and extravagant appropriations of the public money. Sir, I think the Constitution and our duty, as men and as legislators, upon considerations of sound policy, not only permit but require us to make such appropriations as I have mentioned, and to make them liberally. I will not go into the reasons now which lead me to that conclusion.

But, Mr. President, I come now to ask, what consideration of public policy, what important or pressing public interest, what public necessity requires this appropriation of *half a million of dollars*? And especially do I desire to understand the reasons which induce its advocates to ask its passage upon such short notice; to press it upon us in such hot haste; to seek to avoid even the usual, the regular, and, in my opinion, the very necessary and proper reference of it to the appropriate committee? Sir, the consideration of this subject is sprung upon us this morning unexpectedly, and, as I think, in a most extraordinary manner. For myself, although I have been thinking of it since I heard of its passage in the House on Saturday last, it has been only in a general way, and I am not prepared, on the spur of the moment, with the facts which belong to and the considerations which grow out of it, in a way to do justice to the subject or my own views. But compelled, as I am, to speak—if I speak at all, with my thoughts thus crude and unarranged, I shall still speak plainly what I do think, and as briefly as I can.

Mr. President, I will not now go into the ques-

tion as to whether this extension of the public buildings be necessary and proper or not. But I think it could be clearly shown by any one who would take the trouble to investigate it, that it is neither proper nor necessary. It has been said, I know, that the Chambers of the two Houses of Congress are not large enough. Now, I appeal to every one who hears me if there is any foundation, in fact, for such a position? Whoever will look around him will find, I think, the Chamber is not only large enough now, but likely to be so for years to come. And even if they are not, or shall not be, there is room enough within the outside walls of this Capitol which, with a comparatively small appropriation of money, could be so disposed of as to enlarge the rooms and improve their construction to an extent which would be ample, commodious, and comfortable for both Houses, with all their increase and all our officers, for the next fifty years. That this is so, and susceptible of demonstration, I cannot question, unless I reject the evidence of my senses.

But, sir, suppose, for the argument, that this extension of the Capitol is now required, how is it to be done; how has it been done; how has the plan adopted been so far executed; how has the money heretofore appropriated been used? I do not undertake to say that this money has been improperly expended. But can any one upon this floor tell me *how* it has been used? Do we know that it has been faithfully, properly, and economically expended for the purpose to which it was appropriated? Sir, I am not an architect; I am not a stone-mason, nor a builder; but I think I have seen enough of the manner in which building is usually carried on to authorize me in saying, from what I have also seen of this, that no private man in this country, not a member of this body, who, with the means of building for himself, would ever permit work to be done for him, and at his cost, as this has been done. I say not this now of the *quality* of the work, but of the *mode* in which it has been done. I have, in passing through the grounds, sir, been unable to avoid seeing the manner in which this work has been carried on; and I do not hesitate to express the opinion that it must have been at an expense from five to ten times as great as any prudent private individual would have incurred in the same quantity and kind of work on his own account.

And now, a word as to the *quality* of the work. As I said, I am not an architect, nor a stone mason, and, therefore, have not made a thorough examination of this point; so I do not undertake to say positively that this work has not been done faithfully, and in a workmanlike manner. But there is some reason for believing that it has not been. This we do know—a committee of the House of Representatives has been appointed to examine and report whether it be so or not. I have been told, on several occasions, that that committee was satisfied that the work was well done; had ceased their examinations, and abandoned their opposition to the progress of the work. I am authorized to say that this is not the case. It so happens that I am on terms of personal intimacy with the chairman of that committee, and I learn from him that so far from being satisfied with the work, the very reverse is true; and he is convinced that the apprehensions which led to the investigation are founded in fact; that from actual examination he does not hesitate to pronounce the work unfaithfully and badly done; that the foundations are not built of materials, or put together in such manner as to be safe and secure for the edifice to be raised upon them.

Mr. MANGUM. Who is the chairman of that committee?

Mr. BORLAND. Mr. McNair, of Pennsylvania. In the candor and fairness of that gentleman I have entire confidence; and for his judgment I have great respect. He may be wrong; but I understand that a majority of the committee agree with him fully. I learn from him that they were utterly amazed when they came to examine the work, and found of what miserable stuff it consisted. And permit me to say that I have some knowledge upon this point from my own personal observation. When my attention was called to it, as I was passing a portion of the wall, I, with the toe of my boot, pushed out from between the stones portions of the mortar, after the work had been standing for months. I confess that this astonished me. But, sir, the next

morning I saw what was not less significant. I found some of the workmen, trowel in hand, scraping out that portion of the mortar I had tested with my boot toe, and replacing it with new mortar. How it may be in the interior of the wall I do not pretend to know. That is what I found on the surface. But I learn from the committee that they found several portions of the wall filled in with loose sand, and mortar with little or no tenacity; and that there are no girders or binders as they are called; so that the work, thus imperfectly done, is liable to be crushed down by the immense weight which, if it progresses, must be placed upon it. Now these are statements of gentlemen in whose integrity I have perfect confidence, and for whose judgment I have very great respect.

Again, sir, I have learned that the stone of which these foundations have been built, has not been subjected to that preparatory test which is customary among builders to determine its capability to sustain the almost countless tons of weight to be piled upon it. And I have never heard the statement contradicted, although it has been made long ago. Moreover, it is also said that this stone has been procured from a condemned and rejected quarry—that its use was undertaken for the foundation of the Washington Monument, but being found not to stand the test of strength, it was rejected. These are important points. I may be misinformed upon them. If so, I desire correct information, and will be obliged to any gentleman who will give it to me.

Such, then, I am left to believe, is the result now before us; such the material, and such the manner in which it has been worked up into what is called the foundations of the extension of the Capitol, for which we have already paid \$100,000. Is the work worth the money? I do not think it is. From the best information I have been able to obtain, and to which I have alluded, it is not only not worth what we have already paid for it, but, if received and adopted as the foundation upon which the superstructure is to be raised, it will be a dead loss in itself, and will occasion the loss of the millions besides which we shall be called upon to expend in raising that superstructure; for, by the time, or before, the topmost stone shall have been set in its place, the whole structure, unsubstantial and insecure in its foundations—a house built upon the sand, crushed down with its own weight, like those frail edifices built for speculation in some of the northern towns, of which we frequently read accounts—will tumble to the ground, forming at once a monument of ruins to the genius of corruption, and a mausoleum to its dupes.

Sir, will or can any one tell me of the *manner* in which the \$100,000 we have heretofore appropriated has been dispensed by and to its recipients? I have been told—if incorrectly, I hope some one will set me right—that the whole of this amount has been paid out of the Treasury, in sums varying from \$5,000 to \$20,000, upon the simple order, without the usual vouchers, of the *architect*—a new officer of our Government, not known, that I am aware, to the Constitution or the laws—a sort of presidential creation—and sustaining to Congress no relations of personal or official responsibility whatever. And these sums—embracing, in the aggregate, the whole amount of the appropriation, drawn upon this simple order of the architect, without vouchers, except such as he may choose to furnish *after* the expenditure—are dispensed at his will and discretion!

And now, sir, it is proposed by this resolution, hastily, without notice, without investigation, without even permitting a committee to examine it, to put *five times as much* as at first—*half a million of dollars*—in the same hands, for a similar purpose; indeed, a continuation of the very same work, and to be dispensed in the very same way.

Mr. BADGER. Will my friend from Arkansas allow me?

Mr. BORLAND. Certainly.

Mr. BADGER. My friend from Arkansas is, no doubt, correct in saying that the money is called for upon the draft or order of the architect, and the reason is, that the act of Congress directed the money to be employed in erecting these wings to be disbursed by the superintendent of the work. The money is drawn out of the Treasury in the same way that all other money is drawn out, and is accounted for in precisely the same way.

Mr. BORLAND. Well, sir, I am very glad to

hear that accuracy and propriety have been observed in the expenditure of this money. If my friend from North Carolina states this as a fact, within his own knowledge, I will take it as settling that part of the question.

Mr. BADGER. I do not know it; but I have understood it to be so.

Mr. BORLAND. And I have understood it to be quite the contrary. I repeat, if my friend from North Carolina would state this as a fact within his own knowledge, I would rely upon it. But being stated as a mere matter of opinion, based upon what he has heard, he must excuse me if I cannot take his opinion instead of my own, when mine is based upon what I consider reliable information.

Mr. BADGER. I think the difficulty of my friend is, that he does not understand the ordinary mode in which money is drawn in pursuance of an order of this kind. Congress appropriates money to be applied for a particular purpose, under the direction of the person appointed with that view. He is the agent to whom Congress has intrusted this business. He draws the money at once. He does not take vouchers before expending the money; he draws from time to time, and settles with his vouchers. That is the usual course. All I know about it is, that the act of Congress authorizes the expenditure of this money, which was appropriated last Congress, by the architect whom the President shall select for carrying on the work. We made him our officer or agent to disburse this appropriation.

Mr. BORLAND. I hope it is all true. I am not well informed on this matter, as my friend very rightly supposes. I am, to a considerable extent, ignorant of the details of the expenditure of the public money; and I am thankful, always, when a friend will inform me. But, sir, it is for that very reason, if there was no other, that I am particular on this occasion, and desire that this matter shall be put in such a form, and made so clear and intelligible, that even one so dull as myself may understand it, and that the people may know how their money is expended. That I do not and cannot understand these things, is what I complain of—it is an important part of my objection to this resolution. If our legislation be, as it seems to have been in this case, obscure in its terms, loose in its provisions, and fails to impose sufficient safeguards and restrictions around our moneyed expenditures to make them safe, and faithful, and economical, I think it is high time that we should change its character, and bring those expenditures alike within safe bounds, and within our own knowledge; for until we do so, to say the least of it, we not only are not, but cannot be as careful in the discharge of these duties we are sent here to perform, as we should be.

Now, sir, with all these things staring me in the face, whatever may be my feelings of sympathy for the laboring men who have been brought here to work upon the Capitol, and who now throng the galleries for effect—whatever may be my desire to see them provided with work, and supplied with the means of a comfortable subsistence, I cannot give my vote for this large, and, as I regard it, unnecessary and improper appropriation.

But, Mr. President, these, in themselves, are small things we have been considering—the mere incidents and indications of larger, vastly larger, and more important considerations which lie entirely above and beyond this resolution, and the particular object to which, upon its face, it is directed. The resolution, with its immediate object, is part of a system—a small part, I admit, but yet no less a part, and, though small in itself, a very significant part of a system of measures, which, in my humble opinion, involve the fundamental principles of our Government, and upon the practical interpretation and observance of which, depends the weal or woe of this Union, in all time to come. Although, therefore, I entertain, and have sought to show serious and insuperable objections to the resolution itself, I have availed of it, mainly, for the occasion it afforded of expressing my views of the great system of which it is the humble, but significant, and, perhaps, because small and insidious, the more dangerous type and representative.

Sir, there is no concealing or avoiding the fact that the dangerous tendency of our system of government, is that towards centralism and consolidation. I well know, sir, that in asserting this, I but suggest an argument which is ever potential

with certain Senators upon this floor, and with a certain school of politicians throughout the country, to carry them in the very opposite direction from that in which I would be glad to see them go, and, as I think, the good of this country requires them to go. I know full well that those Senators and that school of politicians to which I allude, and of which they are the honored leaders, need no other and no stronger argument to induce them to support any measure than the proof that it ministers to that tendency I have mentioned—to concentrate and consolidate power here in this Federal head, at the expense of the sovereignty, the independence, the rights, and legitimate power of the several States. It is not, therefore, in the vain hope of inducing them to abandon the resolution, that I have characterized it as representative of that Federal system; by no means, sir; for I well know that they will vote for it to a man. That is a foregone conclusion. But, sir, I so characterized it and commented upon it, for the purpose—the legitimate purpose, I trust—of marking the position of the political party, the Democratic party, to which I belong, in opposition to centralism and consolidation, and the obligation we recognize to oppose all measures which are tainted of that tendency—to avoid them as unclean, unholy, and dangerous things—to meet them at the threshold, and resist them by all lawful means, at all hazards, and to the last extremity.

In my opinion, there is no danger of a dissolution of this Union, or destruction of the Government, by a flying off of any of its parts. The tendency is centripetal, and therein lies the danger. The sources of this danger consist in the tendency of power, wherever it may be found, whether in the hands of individuals or governments, to cumulate itself and strengthen its own functions. Beginning with the Government, this tendency has been manifested, and, with occasional checks, has slowly, but in my opinion, surely been increasing down to the present hour. An instance of it is seen whenever and wherever a power is exercised which the Constitution has not granted. If, I repeat, this Union of States shall ever be destroyed, this will be the cause. Overriding the Constitution, disregarding rights and crushing interests, it will ultimately grasp and absorb all the functions of all the governments, State and Federal. Towering up as a great central power, it will overshadow the States, and swallow up their sovereignty; and then nothing of Union will be left but its name, while one great consolidated despotism will fill its place. Who will love, and venerate, and adhere to it then? In this way, if ever, this Union may be, not dissolved, but consolidated and destroyed. It may "grow to a pleurisy, and die of its own too much."

Upon one occasion—and it is my wont upon all suitable occasions—I was advocating an extension of our possessions—aye, sir, an acquisition of more territory, believing it to be the best, the most practicable, and the most certain means of giving legitimate strength, and tending to insure perpetuity to our system of government, by encouraging the increase in the number of States, which, by their separate and diversified interests, will form the best, perhaps the only effective counterpoise to the controlling tendency of the federal power. While doing this, I was interrupted by a gentleman of the opposite school of politics, with this remark: "Sir, if we extend our limits as far as you propose, the central fire will not be able to warm the circumference of our system of government." And that, I replied, is just what I wish to accomplish. I want no "central fire" which shall have power to extend its heat to the circumference of our system. I want each State to furnish its own fire; and that of each uniting with the other, and throwing here upon the center a focus of rays of light and heat, give that degree of genial warmth and vitality, and no more, which may enable this center to perform its legitimate functions, which, I think, are few and well defined, with a healthy but not excessive vigor and efficiency. For, I added, should this natural and lawful order ever be reversed, and the central fire become so intense as to send its stimulating rays to the circumference, it would be but a little while before a general conflagration would ensue, from being consumed in which no earthly power could save our rights, our liberties, and our happiness.

These opposite opinions, as to the tendency of our system of government, which I have attempted to delineate, do, in my opinion, characterize the two great political parties of the country, and draw the line of separation between them. Fuse these opposite opinions into one, or obliterate the line I have drawn, and political parties, as distinguished by principles, cease to exist. I have always stood upon the Democratic side of this line, and my course has ever been away from the center. I trust never to see those opinions fused into each other, and loose their distinctive and antagonistic characters. I trust never to see that line of demarcation between the Democratic and Whig parties obliterated. Keep those opposite opinions clearly and accurately enunciated; keep that line well defined and deeply drawn, and the parties they divide boldly arrayed against each other, and my faith in truth is such that I shall have no fears for her success in the conflict she is fated to wage with error.

And the next great fact, connected with the first I have dwelt upon, and which can no more be concealed, avoided, or disregarded, than the first, is, that the most facile and fearful instrumentality of the fearful centralism I have mentioned is federal patronage, in the protean shapes of large moneyed expenditures. And, in view of this, what is more palpable to our daily observation, what more painfully impressed upon every patriot's convictions, at every turn of the federal kaleidoscope, here at this well-spring of—I will not, for decency's sake, say corruption, but—intrigue, and arrangement, than that this malign, I had almost said, this obscene, instrumentality, this very Juggernaut of political morality, is rapidly augmenting its power? Who does not see, who is not made to feel, in some way or other, that this is so? He who cannot see it, has, in my opinion, already fallen under the curse of "judicial blindness." He who will not see it—I will not say what has befallen him.

Turn back a few pages of the political history of this Government—only as far back as 1839. Then, with an expensive war on hand, the country thought the Government not only extravagant, but profligate; and not only censured, but repudiated and hurled from power the Administration, because the annual expenditure was \$39,000,000, one third of which, or about \$13,000,000, was consumed in that war! Since then, sir, only thirteen years, the expenditures have run up to the enormous sum of \$52,000,000! and that, too, in a year of profound peace with "all the world and the rest of mankind." And yet, who talks now of extravagance? Who arrays himself against this great and growing evil? Who raises his voice against its present enormity? Who puts forth his hand to stay its further and fearful progress? Mr. President, I have listened long and earnestly for the sound of that voice. I have watched anxiously and with interest, to see that hand raised. I wished it to be. I hoped it would be, a voice of sufficient depth and compass to be heard, like a trumpet in battle, from one extremity of our lines to the other, rousing the sluggard, nerving the timid, pushing on the brave to deeds of noble daring. I desired it to be, and I trusted it would be, a hand of sufficient strength, at once to strike down the ranks of the enemy, but, within our own lines, to "drag up drowned honor by the locks." But, sir, I have listened, I have watched in vain. I had hoped that "some older and better soldier" than myself would have waged this battle for the right. I have hoped in vain. Alas, sir, my voice is not loud, and my hand is not strong. And while I well know that I am not by age, service, or position, entitled to take a prominent position, and especially not authorized to speak for the great party of which I am an humble member, and may, even for what I have said, be deemed by some presumptuous; nevertheless, a sense of duty to myself at least, and my own position, has impelled me to seize this occasion to give "a reason for the faith that is in me."

I am aware, sir, that many, perhaps all, who are here, belonging to the same party as myself, have been silent, because they consider the subject I have examined too small to furnish an occasion for them. Sir, the other day, when, by a simple resolution, this body appropriated \$5,000 out of the contingent fund, for an object which at best was questionable, and I raised my voice against it, as in my opinion, disregarding the Constitution

and the usual forms of law, I was told it was too small a matter to raise objections on. Sir, on that occasion, as upon this, I contended for a *principle* which is of the same character and force and obligation, whether it be involved in the appropriation of \$5,000 or \$5,000,000, or every dollar in the Treasury.

And now, Mr. President, in view of all I have said, I have some questions to ask, and I trust I shall not be deemed too presumptuous in asking them. I do not put them to our Whig friends. I know they are immovable, by anything I can say, on such a subject. But I put them to the *Democrats*.

That the evil tendency I have described is in operation and actively at work, there is no doubt, and just as little that its means are accumulating, and its power augmenting every day.

What, then, I ask, is the position, the duty, and the responsibility of the Democratic party before the country? The people of the country have already asked these questions, and in their own minds, doubtless, have determined what the answers should be. In my opinion, it is high time that we, too, were addressing ourselves to the business of answering them—not in words merely, but in action. We have pledged ourselves to them, upon certain doctrines, and they have sent us here as the exponents of their principles, and the guardians of their resulting rights and interests. It is by a course of action, therefore, in practical legislation that we are to redeem our pledge and justify their confidence. I repeat the question—what is the position of the Democratic party before the country?—what are its duties and responsibilities?

A short time since, there was before the country, and occupying the minds of the people, a most exciting subject; and out of that grew an issue—in my opinion, an illegitimate issue. The storms of agitation which were raised upon that, have now, in a great measure, subsided; leaving the time-honored, and trial-tested principles and doctrines of Democracy alike unimpaired in their integrity and strength, and strikingly triumphant in the general policy of the country, as claimed by our own party, as conceded (per force, doubtless) by the Whigs, and admitted by all, in theory. I think the present time, therefore, is peculiarly propitious for an effort, a united, and earnest, and vigorous effort on our part, to make the administration of the Government, in all its branches, conform in *practice* to what we hold to be the *theory* of its principles. Not only is the time propitious for such an effort, but, in my opinion, is filled to repletion with those circumstances and considerations which not only require it at our hands as a duty, but will make its success both certain and brilliant. This effort must consist in a grand rally in opposition to the general evil tendency of the Government, I have delineated—*centralism*; and directed particularly against that prominent element of it, now so actively in operation—the *extravagant expenditure of the public money*. Upon the issue thus to be raised, I doubt not we can unite not only all Democrats, but, leaving politicians out of view, the masses of honest men of every party. And what will, what must, be the result? I unhesitatingly answer—an overwhelming majority, of course, in our favor! Who can doubt it? While the *spoilsmen*, of whatever sect or profession, although somewhat formidable in numbers, activity, and concentration of forces, will stand revealed, exposed, and powerless for harm.

Mr. President, not only are our principles in the ascendant throughout the country, but we have a decided and acknowledged majority in both Houses of Congress. And yet, sir, what do our opponents tell us? What does the official organ of this Whig Administration flout in our very faces? Sir, they tell us that we are not true to our professions; that, with all our numerical strength in the halls of Congress, we tremble in our shoes, and dare not array ourselves against the policy of the Whig Executive at the other end of the avenue. We are taunted with what is claimed to be a fact—that we are dependent upon a Whig President and Cabinet for our policy—a policy, too, that, in a time of profound peace, has run the moneyed expenditures of this Government up to \$52,000,000 a year! If we submit longer to this, how are we placed before the country? Will it not be an abandonment of the high ground we have heretofore occupied as a party? Will it not be tantamount to a confession that we have

not been governed by principle ourselves, and have been unfair in charging want of principle upon our opponents?

In view of all this, I will ask any Democrat, when he goes before the country in the contest for which all of us are so busily girding ourselves, now what issue will he arraign his Whig opponent upon? Upon what ground will he say we must put the Whigs out of power—that the interest of the country requires that they should no longer hold the helm? What will he say when the Whig rises up and demands, “upon what issue?” Oh, sir, this will be a posing question to him who has to answer it for his party, unless we, by our *action* here, give him a better answer than I fear he can derive from our present attitude. Sir, if we would fight the battle ourselves, or enable our friends to do it for us, we must no longer sit quietly and humbly here, and slavishly legislate in obedience to estimate-decrees of the Whig Federal head at the other end of the avenue.

Mr. President, the theater upon which it is my fortune to play my part at home, compared with that of other Senators, is limited in extent. My State is sparsely populated. We have but four electoral votes. Yet so strong is the sense of political responsibility that I feel, that I am as anxious to place myself, as the representative of my party at home, right upon the record, and stand before my constituents upon the true Democratic platform in *practice* as well as theory, as if we gave four hundred votes instead of four.

Sir, I repeat, that if we expect Democratic candidates for elector or any other position in the party to go fairly before the people and fight our battles successfully, we must, not in profession, but by our *action* here, give them ground to stand on, and something to say. If we do not, we will be beaten; and worse than that, we will deserve to be beaten.

All the great political battles of the country, from the foundation of our Government, have been fought upon the same general issue that I now suggest. Talk about specific or other issues as you may, they all resolve themselves into this in the end. It is the fundamental issue of them all. Why, for instance, did you oppose a protective tariff? Was it not because, first, it operated unequally upon different sections of the country and different industrial pursuits, but mainly because it was supposed to raise too much revenue, which, engendering extravagant expenditures, would corrupt the Government and all its dependencies by means of large patronage which does not bless, but actually curses, those who give as well as those who receive? I have never found a Democrat to dispute this with me. Have I not a right, then, as a Democrat, to ask of you, as Democrats, to stand up in practice to our professions? The people will hold us to this responsibility. There is only one way in which we can meet it properly and successfully. I think I have indicated that with sufficient clearness.

Mr. SHIELDS. I would ask the honorable Senator to give way for a moment.

Mr. BORLAND. I will have done in a moment. Mr. President, when we find one of these large appropriations, placing money unconditionally at the disposal of a political opponent of a majority of the two Houses of Congress, we find also a disposition to vote upon them without investigation. I do not say, that Senators who are advocating this course, have not investigated this particular matter; but they ought to remember that if they have done so, there may be others who have not. One of these—

Mr. CLARKE. If the honorable Senator will allow me one moment. I desire to move to postpone the consideration of this subject until to-morrow. It is one of very great importance. The honorable Senator from Michigan, [Mr. Cass,] it is well known, was entitled to the floor to-day upon another subject. The time is passing away, and it will be almost impossible for him to occupy it. The bill, upon which he proposes to speak, is a great and important one, and of very essential consequence to many gentlemen in the Senate. I, therefore, with the Senator's leave, will move to postpone the further consideration of this subject. I desire to be heard upon it as does the honorable Senator from North Carolina. If the debate goes on, the day will be consumed by it; and I therefore appeal to the Senate that it is due, in courtesy to

the Senator from Michigan, that the postponement should take place, in order to give him an opportunity to speak to-day. We all must know that this subject has been unexpectedly sprung upon us at this time; I move, therefore, that its further consideration be postponed until to-morrow.

Mr. BORLAND. I will agree to what the Senator says; but permit me to say why. It is known to the Senate that I did not willingly engage in this discussion. I did not wish the resolution to be taken up for consideration to-day; but it was taken up and its immediate passage called for. I was opposed to it; and I felt that if I did not make my position then, there would be no opportunity for me to do so. I was unwilling that the vote should be taken, before I expressed my views upon the subject. No one is more anxious to hear the Senator from Michigan than I am; no one will listen to him with more pleasure; no one feels a greater desire for the passage of the bill he proposes to advocate. I will have accomplished the object which I have in view by agreeing with the Senator from Rhode Island in saying this postponed. It is what I desired at first; I, therefore, am accommodated now.

Mr. MANGUM. I am not disposed to interpose any obstacle to hearing the Senator from Michigan. Will the Chair be so obliging as to inform me what was the motion pending before the last one was made?

The PRESIDENT. There was no motion. The question under consideration was as to concurring with the amendment of the House of Representatives to the joint resolution. The motion is now made to postpone the further consideration of the subject until to-morrow.

Mr. MANGUM. The question upon which the Senator from Michigan desires to speak is the Iowa land bill?

The PRESIDENT. Yes, sir; and it is the special order.

Mr. MANGUM. I had very much hoped that that bill would have been brought to a conclusion to-morrow. I am rather unwilling to occupy the time of the Senate on the subject now before us, but so many remarks have been made, by the Senator from Arkansas, not immediately relevant—immediately, I say—to the question, that I feel inclined to offer a very few remarks myself.

Mr. CASS. I will observe that, as to my going on to-day, it is a matter of perfect indifference to me. What little I have to say, I can say in a very short time. I am prepared to do as the Senate pleases.

Mr. MANGUM. I hope we will have a vote to-morrow on the Iowa bill. I will sit until twelve o'clock at night to get a vote, and it is the only way you can get it.

The PRESIDENT. Does the Senator from North Carolina understand that the motion is to postpone the joint resolution now before the Senate, until to-morrow?

Mr. MANGUM. Yes, sir; I understand that is the question.

Mr. ATCHISON. I understood the Senator from Arkansas to give way for the purpose of permitting the motion to be made to postpone. If the debate goes on, he is entitled to the floor still.

Mr. MANGUM. The Senator from Arkansas yielded the floor.

Mr. BORLAND. I yielded it only to have that motion made.

Mr. SHIELDS. I hope the joint resolution will be postponed until to-morrow. When I made the motion to take it up, I had no idea that it would occupy fifteen minutes. I certainly should not have made that motion, if I had thought it would occupy the time it is likely to occupy. I wish it now by all means to give way to the Senator from Michigan, and I ask my friend from North Carolina to give way for that purpose.

Mr. MANGUM. I will interpose no obstacle to hearing the Senator from Michigan.

Mr. BORLAND. It is true, as was stated, that I gave way to a motion to postpone, and not for any other purpose. I did it as an act of courtesy. The question is not postponed; and I understand that if one who is speaking yields the floor for a particular motion, and that motion is not agreed to, he goes on with the subject-matter of his remarks, and continues the debate.

The PRESIDENT. Strictly speaking, that is not the case.

Mr. MANGUM. I will repeat what I have

already stated, that I will interpose no obstacle to hearing the Senator from Michigan, and I will resume my seat after making a single remark or two, and touching a single point having no immediate relevancy to the bill under consideration. I have been greatly gratified to see a young Goliath step forth to endeavor to correct the practice of this Government. He is a member of the party which has entire control over the legislation of this body, and of the other House. I hope, sir, that the lecture which he has given his associates will produce a good effect. I have believed, and I am sure you have believed, for a long time that the Government was far departing from its ancient principles and practices. But the Senator's remarks were unfortunately misapplied to the Whig head at the other end of the avenue. Has the allegation or imputation been made that a cent has yet been expended which was not authorized and directed by an appropriation? I have heard no such allegation—none such can be made. I hope that the Senator and his associates on his side of the Chamber will endeavor to see the Government restricted to economy, and retracted in its expenses to his favorite Jeffersonian standard. I desire to see it. Why, sir, within my time—and I am yet a young man, as well as you, Mr. President, [laughter]—one Administration was put out of power for the immense and monstrous expenditure of \$13,000,000 a year. Under its successors the expenditures amounted to \$39,000,000 or \$40,000,000, and they have now run up to \$50,000,000. Whose fault is it? If we had a General Jackson here, who could control his troops, he would, in some degree, be responsible; but the case is different when we have a President whose political friends are in a minority in both branches of the Legislature. I hope my friend from Arkansas will bring to his assistance a sufficient number of the Democratic party to retract the Government to its ancient and economical practices. I have seen, or suspect I have seen, in the course of my service here, a little difference between profession and practice. Economy is a beautiful thing to be professed; it is a toy that tickles the ear of the farmer and the thrifty citizen in the country, who has a few pennies in his pocket, which he desires to keep from the grasp of rapacious office and job-seekers; they are not to be taken and paid for the bread of those who will not earn it. But let us see a little of the practice. I hope the honorable Senator will bring up his troops. He is a young commander, but has had experience—

Mr. ATCHISON. I call the honorable Senator from North Carolina to order, in the first place, because he is making a speech, when the Senator from Arkansas has the floor, and in the second place, because he has no right to advise the Democracy. [Laughter.]

The PRESIDENT. The Senator from North Carolina [Mr. MANGUM] is entitled to the floor.

Mr. MANGUM. I will not attempt to do so absurd and useless a thing as to advise the great and wise and economical Democracy. I think that they will not learn wisdom from advice, proceeding from such a quarter; yet it might not be wholly thrown away if they were to hear it and act upon it. I admit that, under the Democratic rule, the Government has run up to a degree of expenditure unexampled in the history of the country. I am glad to see one stern, gallant, and intrepid man—though comparatively a young member—step forward and lecture his seniors. I hope they will profit by it. I hope the Treasury of the United States will profit by it. I hope the people of the country will profit by it. Sir, I have witnessed a great deal of this profession. I have recently heard of an eminent gentleman, who has my highest respect, a gentleman from Pennsylvania, saying that the Government ought to be brought back to the old Jeffersonian days. But when I looked at him mounted in his saddle, with his spurs on, ready to run the next presidential race, I thought that extravagance and spoils would distance him. I admit that the whole system is tending to corruption, and I fear it is ultimately to uproot the institutions of the country from its ancient principles. Extravagance can beat Economy any day in a public race. The spoils, the \$50,000,000 that are to go into the pockets of the office-seekers—seekers of jobs and all the et cetera—afford the means by which the public money can be taken from the public purse and be put into in-

dividual purses. Sir, you and I, though yet young men, have lived long enough to have witnessed an every day state of things that pass here as a matter of course; things that are sustained by our Democratic friends everywhere; things that are now passed as a matter of course, which, thirty years ago, would not have received a second thought in either branch of the Legislature.

I commend the example, and the advice of my friend from Arkansas to his Democratic brethren. I hope they will profit by his counsels. I hope the country will be benefited by them. As far as I can, in a very humble way, I hope to put my shoulders to the wheel and cordially cooperate with him. I said I only wanted to express my gratification at the remarks of the honorable Senator, and to congratulate the Democracy that so gallant, so stern, so intrepid a man has been found who will come forward and lecture the evil-doers who have been squandering the public means. I think, though, the lecture was wrongly applied, as regards the other end of the avenue. Any money that is paid out, is paid out under the warrant of law. I suppose my friend would not have the Executive do otherwise than that. Whatever may be said of the present Executive, any assumption of doubtful power, any usurpation of power, anything that exceeds the Constitution and statutes, cannot be imputed to him, successfully at least. A more abiding and subservient Administration to the laws and Constitution, this country has not produced since the days of Washington. But I am not going into that now; I have no feeling for it now. But I will ask the Senate to indulge me, on a future occasion, to review a few of the very excellent propositions which have been thrown out by the Senator from Arkansas, and let us compare notes, running back thirty or forty years. It may be useful; for really we seem to have forgotten, in the possession of power, as the Democratic party is, in both branches of Congress, the point for which we set out. We know not where we are. We are upon the broad sea, under Democratic gales, which are blowing us whether upon rocks or quick-sands, I know not. Sir, I hardly think that those Democratic gales will bring the party into port on the next trial. I think we have a horse in training, which, if we put him in a good condition and have him well mounted, without too many officious grooms, will not only beat in the next presidential sweepstake any that may be brought to the post against him, but throw his competitor far behind even the distance flag. I give way that the honorable Senator from Michigan may proceed with his speech. I shall vote for the postponement of this subject. I hope the Senate will indulge me on some convenient occasion to review, at more length, the excellent speech, and still more excellent doctrines, of the Senator from Arkansas.

Mr. BORLAND. I wish to say one word, lest the remarks of the Senator from North Carolina, kindly intended, I have no doubt—

Mr. MANGUM. They were. I have great respect for the Senator.

Mr. BORLAND. —should place me in a false position before the country and before my party. He has represented me here as a Goliath. I had rather, on this occasion, and on any other occasion, occupy, as far as my humble ability would permit me, the position of David, who was a very small individual, and very feeble in himself, but in whose hands, when inspired with truth, and in a just cause, with his simple instrument of a sling, the pebble of truth was successful in striking the Goliath of the enemy. I did not rise for the purpose of lecturing the party to which I belong. My position in the country is too humble, and I am too young a Senator, to undertake to stand up here and assume the position of a leader or lecturer of my party. I am an humble soldier in the ranks. I simply rose to speak of the motives and considerations which govern me, and to express, not so much for Senators as for my constituents—for I believe we all speak somewhat for Buncombe—the ground upon which I stood, and to show them that not only had I made these pledges, and fought the battle with them at home upon these principles, but that I have felt, as their representative, it my duty to fight the battle upon this more elevated and more extended field.

The motion to postpone was agreed to.

RAILROADS IN IOWA.

The Senate resumed, as in Committee of the

Whole, the consideration of the bill granting the right of way and making a grant of land to the State of Iowa to aid in the construction of certain railroads in said State, the pending question being on the amendment of Mr. UNDERWOOD.

Mr. CASS rose and addressed the Senate for near an hour in favor of the bill, and was followed by Mr. DOWNS on the same side.

Mr. BRODHEAD addressed the Senate against the bill.

[These speeches will be found in the Appendix.]

After Mr. BRODHEAD concluded, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 15, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of Saturday was read and approved.

The SPEAKER. The first business in order is the call of the States for petitions.

ADDITIONAL PAGES.

Mr. JOHNSON, of Arkansas. I ask the unanimous consent of the House to offer the following resolution.

It was read for information, as follows:

Resolved, That the Doorkeeper of the House be authorized, with the consent of the Speaker, to appoint three additional pages on the floor of the House.

There was no objection, and the resolution was introduced.

Mr. JOHNSON. I will state, with regard to this resolution, as it is one introduced by myself, that I have offered it for the purpose of facilitating the business of the House, and for the convenience of the members. There are but twelve pages on the floor of the House, under the existing resolution; yet that number has to wait upon the two hundred and thirty-seven members and delegates in this House. To judge of this matter, on the grounds of necessity and economy, as we may do in some measure by reference to the state of things in the other branch of Congress, I will state that that body have eleven pages to wait upon only sixty-two gentlemen. Now, if we were to have upon that basis a number in proportion to the number of gentlemen upon whom they have to wait, we should have forty-two pages upon this floor instead of twelve. I ask now whether, under this state of facts, it is unreasonable that this House should have fifteen pages? It is the experience, at least, of those occupying the back seats, if not those upon the front seats, that they have very often to wait a quarter of an hour before they can get a page to attend upon them, upon matters connected with the public business. It is very often even found necessary to send upon the business of the members one of the door-keepers who is placed to guard the entrance of this Hall. Under these circumstances, I believe that the resolution, increasing the number from twelve to fifteen, ought to be passed. I call the previous question upon the passage of the resolution, and upon that motion demand tellers.

Tellers were ordered; and Messrs. KING, of New York, and CLINGMAN were appointed.

The question was then taken, and the tellers reported—ayes 78, noes 28; no quorum voting.

Several MEMBERS. Call the roll!

The SPEAKER. There is no rule by which the roll can be called in the House.

Mr. CHANDLER. I ask the unanimous consent of the House to present certain resolutions from the Legislature of the State of Pennsylvania.

Mr. JOHNSON, of Arkansas. I should like to know what disposition has been made of the resolution.

The SPEAKER. There can be no business transacted until it is ascertained that there is a quorum present.

Mr. JONES, of Tennessee. I move to lay the resolution on the table, and upon that motion I call the yeas and nays.

Mr. JOHNSON. I would like to know how the gentleman from Tennessee can make that motion?

The SPEAKER. According to the regular order of proceeding, it must first be ascertained whether there is a quorum.

[Cries of "Recount!" "Recount!"]

The SPEAKER. With unanimous consent another count may be had.

There was no objection, and the tellers again resumed their places.

The question was again taken, and the tellers reported—ayes 106, noes 25.

So the previous question received a second; and the main question was then ordered to be put.

Mr. JONES, of Tennessee. I now move to lay the resolution on the table, and upon that motion I demand the yeas and nays.

Mr. JOHNSON, of Arkansas. I beg to ask the gentleman from Tennessee whether there is any difference between voting against the passage of the resolution, and voting to lay it upon the table? Let him call the yeas and nays upon the passage of the resolution, if he desires them.

Mr. JONES. I have no objection to that. If the gentleman desires it, I will withdraw the motion to lay upon the table, and call for the yeas and nays upon the passage of the resolution.

The yeas and nays were ordered, and the question being taken, the result was—yeas 75, nays 91—as follows:

YEAS—Messrs. Abercrombie, Aiken, William Appleton, Ashe, Bartlett, Bennett, Bibbhausa, John H. Boyd, Bragg, Breckinridge, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, Burrows, Busby, E. Carrington Cabell, Thompson Campbell, Chandler, Chapman, Cottman, Cullom, Dawson, Doty, Duncan, Edmundson, Henry M. Fuller, Gamble, Gentry, Gorman, Haws, Henn, Holladay, Thomas M. Howe, James Johnson, George G. King, Martin, McCorkle, McDonald, Morrison, Nabers, Newton, Orr, Andrew Parker, Samuel W. Parker, Penn, Pennington, Porter, Price, Savage, Schermerhorn, Schoolcraft, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Smart, Stanly, Frederick P. Stanton, Richard H. Stanton, St. Martin, Stuart, Sutherland, Taylor, Benjamin Thompson, Thurston, Wallace, Walsh, Ward, Washburn, Welch, Alexander White, Wilcox, and Williams—75.

NAYS—Messrs. Willis Allen, Allison, Averett, Babcock, Thomas H. Bayly, Barrere, Beale, Beocock, Joseph Cable, Lewis D. Campbell, Caskie, Churchwell, Clark, Cleveland, Clingman, Cobb, Daniel, John G. Davis, Dimmick, Dockery, Dunham, Durkee, Edgerton, Picklin, Fitch, Floyd, Fowler, Thomas J. D. Fuller, Gaylord, Giddings, Goodenow, Grow, Hall, Hamilton, Harper, Isham G. Harris, Sampson W. Harris, Hascall, Haven, Hendricks, Hibbard, Hillyer, Horsford, Houston, Howard, Thomas Y. How, Ives, Jackson, Jenkins, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Landry, Letcher, Lockhart, Mason, McLanahan, McMullen, McNair, Meacham, Meade, Miller, Millson, Molony, John Moore, Murray, Olds, Peaslee, Perkins, Phelps, Polk, Riddle, Robbins, Ross, Smith, Snow, Benjamin Stanton, Abram P. Stevens, Stratton, George W. Thompson, Townshend, Tuck, Watkins, Wells, Wildrick, and Woodward—91.

So the resolution was rejected.

Mr. JOHNSON. I move to reconsider the vote just taken, by which the House rejected that resolution.

I make that motion for the purpose of stating to the House a few facts in relation to this matter. I do not believe the House fully understand that resolution, or they would not refuse to pass it. I will prelude that statement, however, by saying, that during my connection with this or any preceding Congress, I have never refused, by my votes, to take my share of the responsibility in giving to this House, and to its business, every facility that could possibly be required. I do not fear, in going before my constituents, being attacked upon the subject of mileage, or the passage of any pitiful object of expenditure like the present, for the convenience of the members of the House, for which some gentlemen seem so fearful to vote.

Now, under the present law of the House, as I remarked on introducing this resolution, we have twelve pages, while we have two hundred and thirty-seven gentlemen to be waited on. Boys have been recalled from the folding-room attached to this House, where they ought to be attending to their appropriate duties, to perform the duties legitimately belonging to the pages of the House. But in addition to this, it often happens—as every gentleman here has seen, or, at least, I have the testimony of those who have seen—that there are times, for a quarter of an hour, when you cannot find a single, solitary page upon this floor.

Now, if gentlemen will not vote this addition of three to the number of pages, increasing the whole number from twelve to fifteen, it must be from some mistaken idea in regard to the economy of the measure. Some gentlemen decline to vote for this resolution for that reason, and yet I will venture to say, these same gentlemen will send off the pages from the House to various parts of the city to attend to their own private business, and then say we have enough. We have not enough,

sir. I do not object to their sending them upon their own private business; for they are here for that purpose, in order that the gentlemen themselves may retain their seats in the Hall and attend to the public business. But twelve of these men have only to send each a page to attend to his own business, and there is not one left upon the floor.

There is another inconvenience connected with the subject. It is this: Members who are here must be served. And when they cannot find a page, a doorkeeper is the next best man, and the very officer who is placed here for the maintenance of order in this Hall, is sent away from his position to do the business of a single member.

Under these circumstances, an increase of force is asked, and of how many? Why, of three. I have mentioned in regard to the Senate. I know that all kinds of reproaches have been dealt against the Senate on account of extravagance, but it is impossible that they should be so utterly unreasonable in this matter. But if you will go into that Hall, you will find that with sixty-two members only, they have eleven pages to serve them. Then come into this Hall, and you find that with two hundred and thirty-seven members and delegates, and with a much greater area to travel over, we have but twelve pages. Now, work it out by the rule of three, if you please, and you will find that upon the senatorial basis of eleven pages to sixty-two, it would give us, for the two hundred and thirty-seven members, forty-two pages. Why, sir, there were formerly but eight pages allowed to this House. Mr. John Quincy Adams, during his last term in this House, I think, introduced a resolution, which was passed, to increase the number four, that is, from eight to twelve. This was rendered necessary by the increase of members, and business.

As I remarked in the outset, I have made this motion to reconsider for the purpose of stating these facts before the House, and for the purpose of showing that it is reasonable that these additional pages should be appointed. Now, I hope gentlemen will give every vote that is necessary to facilitate them in their business, and to extend that convenience to the members which the circumstances of the case render necessary, and that it will not again be rejected from any pitiful notion of economy.

Mr. BROWN, of Mississippi. For the information of the members of the House, I will state that two of the boys acting upon this floor as pages, are not pages in point of fact. They stay here by the mere permission of the doorkeeper. They are connected with the folding-room, but they were needed here, and they were brought here accordingly. They are not authorized to be here by any existing resolution of the House, and are therefore not entitled to compensation. They may be sent away, or withdrawn, at any moment they think proper. If gentlemen suppose that there are more boys than ought to be here, then they need not pass this resolution. But if these boys stay here, and are necessary for the convenience of the members, then let them be covered by this resolution. If they are not proper boys, why, as a matter of course, the Doorkeeper and Speaker will dismiss them, and put others in their places. I wish it to be understood that if the resolution is voted down, you subject yourselves to the inconvenience of having two of the boys now here withdrawn.

Mr. JONES, of Tennessee. I have not, sir, obtained the floor because I feel that any of the remarks of the gentleman from Arkansas [Mr. JOHNSON] apply to me.

Mr. JOHNSON. I will say to the gentleman from Tennessee [Mr. JONES] that I did not design to apply any portion of my remarks to him. If he has understood it so, he is mistaken.

Mr. JONES. I knew the gentleman could not so intend. He has been here a sufficient length of time to know, at least, that I am not in the category of those who dodge responsibility—of those who vote against a measure because a clamor may be raised in their district for voting for a measure to which the constituency may be opposed. Sir, perhaps not one in a hundred of my constituents know how many pages there are upon this floor. I do not know that there is even that number of them who know that we have pages. [Laughter.] I am certain I have never heard the subject mentioned by any candidate in my dis-

trict, or any of that class of subjects. Certainly I have never alluded to them; and perhaps I have as little to fear or to anticipate as any one else, from his constituents upon this subject. I have the proud consolation to know, whether deservedly or not, that I have, for the period of nearly twenty years, enjoyed the confidence of my constituents. My course here is dictated, I feel confident in saying, by what I believe to be right, regardless of consequences.

Now, sir, I voted against the resolution which has been rejected. And why did I so vote? Because I believe, from my experience upon this floor, that an increase of the number of pages is uncalled for by the public service. If I am correct in my information, there are now twelve pages upon this floor, authorized by the resolution of the House, and appointed by the Doorkeeper. What are the legitimate and appropriate duties of these boys? To run on errands and messages through the city? No, sir. Their legitimate duty is to be here upon this floor, and to carry papers from the members to the Clerk's table, and in going back and forward through the House and to the post office on members' business, and in folding their papers when they desire, and in doing anything here which members may think proper.

Now, sir, I have perhaps as little use for the services of pages as any other individual upon this floor. I call upon them as seldom, perhaps, as any member upon this floor, and I do say, that so far as my observation goes, that the twelve pages are a sufficient number to do all the legitimate duties required of them. Suppose that occasionally, once in a week or once in a month, the boys may all be employed, and each member who may want the services of a page cannot for the moment command them, would it not be better to subject ourselves to that slight inconvenience, rather than have a superabundance of them upon the floor, and nearly all the time in the way? Now, we have been informed by the gentleman from Mississippi [Mr. BROWN] that there are two boys here who are not appointed under the resolution of the House. There are twelve pages who are appointed, and perhaps if we shall pass this resolution to appoint the three additional ones, the Doorkeeper, having some favorites to bring in, may turn out some of the boys who have been here associated with the members, and who will, when they learn that they are to be turned out, excite the sympathies of the members, and then application will be made to increase the number, in order that the Doorkeeper may retain their services.

Mr. JOHNSON, of Arkansas. If there is any such case as that, I have never heard of it; and I do not believe there is such a case, and I never will believe it until the gentleman shall state that there is such a case.

Mr. JONES. I do not know of such a case; but it is said that there are two boys who have been here all the session without pay, and were here during the last Congress, and are to be turned out now unless there can be an increase of the number.

Mr. JOHNSON. Then I will state to the gentleman in regard to his statement about the Doorkeeper turning out some and putting in others, that it has nothing at all to do with this resolution; and I will ask the gentleman to say what it has to do with the resolution, because the Doorkeeper can, in any event, retain or turn them out at his pleasure. I am authorized to contradict any impression that may exist even from inference, and to say that there is no such case, for the Doorkeeper does not threaten to turn out a single one of them.

Mr. JONES. I know of two pages in the last Congress, who, having been superseded by the present Doorkeeper, have been on the floor during the present session.

Mr. JOHNSON. I think it is probable that there are a dozen who have been superseded. I do not know but that the whole of the present number are new pages. There is but one, if any, waiting for reappointment under the resolution.

Mr. MASON. There have been applications made to me by two boys who were here during the last Congress, and have been here this month for pay. They were superseded, I understand, but remained here, and offer to serve the House, if they can be permitted to stay, for \$25 a month instead of \$60, which is the usual compensation of pages. You can procure five hundred boys in town to serve for \$25 a month.

Mr. JOHNSON. In regard to that one, (pointing at a page in front of the Clerk's desk,) I will state that he never was in here until this session. So my friend from Kentucky [Mr. Mason] is mistaken in that case.

Mr. MASON. We told them we had no authority to pay them, and that the House had the control of the whole thing. I happen to be upon the Committee of Accounts, where I find out that there are a number of persons who have a number of boys, more than they have any employment for, and they are at me daily and hourly to get them employment; and because I am chairman of the Committee of Accounts, they seem to suppose that I have particular influence with the officers of the House. They are smart, intelligent, clever, active boys, who would like to get \$60 a month, and \$200 or \$250 at the end of the session.

So far as these boys are needed by the House for the public service, I go, as the gentleman from Tennessee does, [Mr. Jones,] for their appointment. Those who are employed now are good, patient, active, and intelligent boys, and will be, when they get experienced, fully able to perform all the duties required by the House. Most of the old ones were turned out; but these are improving every day, and doubtless will render, after a little more experience, all the service that the gentleman from Arkansas desires of them; and I suppose that we need no more. That is my judgment of the matter. There are hundreds and thousands seeking employment, and I wish everybody had \$25 or \$50 a month, [laughter;] but I do not think we ought to put every one upon the contingent fund of this House. The number is already enormous. We have forty different clerks in this House who are paid out of it already.

Mr. JONES. I concur with the gentleman from Kentucky, [Mr. Mason,] and would rejoice if all these boys could be employed. We have them here, and they are an active, sprightly, and as accommodating as any I have ever seen in the House; but I must act upon my judgment and conviction, that twelve is a sufficient number for the business of this House, and I cannot consent to vote for this resolution.

Mr. STEPHENS, of Georgia. I suppose, Mr. Speaker, that the minds of members are made up upon the resolution, and wanting to proceed to some business, which I can only do to-day, I call for the previous question.

The call for the previous question was sustained, and the main question ordered.

Mr. FOWLER moved to lay the motion to reconsider upon the table.

Mr. JONES demanded the yeas and nays; which were ordered.

The question was then put, and it was decided in the negative—yeas 79, nays 88; as follows:

YEAS—Messrs. Willis Allen, Allison, Averett, Babcock, Barrere, Beale, Buell, Joseph Cable, Lewis D. Campbell, Caskie, Clark, Cleveland, Clingman, Cobb, Daniel, John G. Davis, Dimmick, Dockery, Durkee, Eastman, Evans, Faulkner, Ficklin, Floyd, Fowler, Gaylord, Goodenow, Gorman, Grow, Hall, Hamilton, Harper, Isham G. Harris, Hascall, Haven, Hendricks, Hibbard, Hillyer, Horsford, Thomas Y. How, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Daniel T. Jones, George W. Jones, Preston King, Kurtz, Letcher, Mace, Humphrey Marshall, Martin, Mason, McLanahan, McMullin, Meade, Miller, Millson, Morehead, Olds, Peaselee, Perkins, Phelps, Richardson, Riddle, Ross, Smith, Benjamin Stanton, Abraham P. Stevens, Stratton, George W. Thompson, Townshend, Tuck, Watkins, Wells, Addison White, and Wildrick—79.

NAYS—Messrs. Abercrombie, Aiken, Andrews, John Appleton, William Appleton, Ashe, Thomas H. Bayly, Bartlett, Bennett, Bibbighaus, Bocoock, John H. Boyd, Breckinridge, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, Burrows, Busby, E. Carrington Cabell, Thompson Campbell, Chandler, Chapman, Conger, Cottman, Culom, Curtis, Dawson, Doty, Duncan, Dunham, Edmundson, Gamble, Gentry, Giddings, Gilmore, Gorman, Sampson W. Harris, Haws, Hebard, Henn, Holladay, Houston, Thomas M. Howe, James Johnson, Robert W. Johnson, J. Glancy Jones, Landry, McCorkle, McDonald, McQueen, Meacham, Molony, John Moore, Morrison, Nabers, Newton, Orr, Andrew Parker, Samuel W. Parker, Penn, Penniman, Porter, Price, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Smart, Snow, Stanly, Frederick P. Stanton, Ab'm P. Stevens, Martin, Stuart, Sutherland, Taylor, Thurston, Wallace, Walsh, Ward, Washburn, Welch, Alexander White, Wilcox, Williams, and Woodward—88.

[A message was here received from the Senate at the hands of ASBURY DICKENS, Esq., their Secretary, informing the House of the passage, by that body, of certain bills.]

The question recurred on the motion to reconsider.

Mr. JOHNSON, of Arkansas, demanded the previous question, which received a second; and

the main question, being the motion to reconsider, was ordered to be now put.

Mr. JONES demanded the yeas and nays; which were ordered.

The question was then taken upon the motion to reconsider, and it was decided in the affirmative—yeas 94, nays 81; as follows:

YEAS—Messrs. Abercrombie, Aiken, Andrews, John Appleton, William Appleton, Ashe, Thomas H. Bayly, Bartlett, Bell, Bennett, Bibbighaus, John H. Boyd, Bragg, Breckinridge, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, Burrows, Busby, E. Carrington Cabell, Thompson Campbell, Chandler, Chapman, Conger, Cottman, Culom, Curtis, Dawson, Doty, Duncan, Dunham, Edmundson, Gamble, Gentry, Giddings, Gilmore, Gorman, Sampson W. Harris, Haws, Hebard, Henn, Holladay, Houston, Thomas M. Howe, James Johnson, Robert W. Johnson, J. Glancy Jones, Landry, McCorkle, McDonald, McQueen, Meacham, Molony, John Moore, Morrison, Murray, Nabers, Newton, Orr, Andrew Parker, Samuel W. Parker, Penn, Penniman, Porter, Price, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Smart, Snow, Stanly, Frederick P. Stanton, St. Martin, Stuart, Sutherland, Taylor, Thurston, Wallace, Walsh, Ward, Washburn, Welch, Alexander White, Williams, and Woodward—94.

NAYS—Messrs. Willis Allen, Allison, Averett, Babcock, Barrere, Beale, Bocoock, Buell, Joseph Cable, Lewis D. Campbell, Carter, Caskie, Churchwell, Clark, Cleveland, Clingman, Cobb, Colcock, Daniel, John G. Davis, Dimmick, Dockery, Durkee, Eastman, Evans, Faulkner, Ficklin, Floyd, Fowler, Thomas J. D. Fuller, Gaylord, Goodenow, Grow, Hamilton, Harper, Isham G. Harris, Hascall, Haven, Hendricks, Hibbard, Hillyer, Horsford, Thomas Y. How, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Daniel T. Jones, George W. Jones, Preston King, Kurtz, Letcher, Mace, Humphrey Marshall, Martin, Mason, McLanahan, McMullin, Meade, Miller, Millson, Morehead, Olds, Peaselee, Perkins, Phelps, Richardson, Riddle, Ross, Smith, Benjamin Stanton, Abraham P. Stevens, Stratton, George W. Thompson, Townshend, Tuck, Watkins, Wells, Addison White, and Wildrick—81.

So the vote was reconsidered.

The question now being upon the adoption of the resolution,

Mr. PICKLIN demanded the yeas and nays.

Mr. McMULLIN. I understood from some gentleman that if the motion was reconsidered, that the gentleman from Arkansas [Mr. JOHNSON] would modify his resolution somewhat. This I understood, not from the gentleman himself, but from another member. Was there such an understanding?

Mr. JOHNSON. With the unanimous consent of the House, I will modify the resolution so that, instead of there being added three to the number of pages, provided for by the resolution, there shall be exactly the number we have now upon the floor. If I have unanimous consent, I will make that modification, and not otherwise.

There was no objection to the modification.

The yeas and nays were not ordered; upon a division there being—ayes 24, noes 114.

Mr. McMULLIN demanded tellers; which were not ordered.

The question was then taken, and the resolution was adopted.

Mr. JOHNSON, of Arkansas. I rise to a privileged question. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table.

Mr. KING, of New York. It has been reconsidered once.

The SPEAKER. It having been reconsidered once, it is not competent to reconsider it a second time.

Mr. PHELPS rose to a privileged question.

Mr. CHANDLER. I ask unanimous consent of the House, to offer some resolutions of the Legislature of Pennsylvania.

Mr. HOUSTON. I was going to make an appeal to the gentleman from Missouri, [Mr. PHELPS,] to let me have the floor to make a motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole upon the state of the Union. If the gentleman from Missouri shall call up the contested election case, as a privileged question, it will consume the whole of the time accorded by the House to the consideration of the deficiency bill, to which I directed attention a few days since.

Mr. PHELPS. In reply to the suggestion of my friend from Alabama, I have to say that it is right this question should be disposed of soon. It is liable to be called up at any time, and it may be in my absence.

CLAIMS OF MILITARY OFFICERS.

Mr. STEPHENS, of Georgia. If the gentleman will allow me, I appeal to the House for its unanimous consent to take up, from the Speaker's

table, Senate bill No. 44, and refer it to the Military Committee. It is a bill providing for the settlement of claims of officers, who received money during the Mexican war. One distinguished officer (General Riley) has been here at a high personal expense, for two or three months. It is a matter of importance to him, that this bill should be acted upon. There can be no objection to its being taken up and referred to the Committee on Military Affairs.

There was no objection.

The bill, being an act in addition to, and amendatory of, an act entitled "An act to provide for the settlement of accounts of public officers and others, who may have received moneys arising from military contributions or otherwise in Mexico," approved the 3d of March, 1849, was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. STANTON. I have in my hands memorials and petitions, which I desire to submit and have referred to a committee.

CONTESTED ELECTION FROM NEW MEXICO.

Mr. PHELPS. I cannot yield further, I must insist upon going on with my privileged question.

On the other day I presented to the House the memorial of A. W. Reynolds, contesting the right of the present Delegate from New Mexico [Mr. WEIGHTMAN] to a seat upon this floor. At that time, I did not propose to enter into a discussion of the merits of the question; nor do I at this moment, for I will do nothing—

Mr. HOUSTON. With the permission of the gentleman from Missouri, I will interrupt him. I was not here when the gentleman submitted his remarks a few days ago, upon the introduction of the memorial relative to the right of the present Delegate from New Mexico to his seat; and if the whole merits of the proposition shall be gone into upon the introduction of the memorial and upon its reference to a committee for the purpose of inquiring into the matter, it seems to me that the whole time of the ensuing week will be consumed. If the debate has not proceeded so far as that the gentleman will be compelled to pursue it further, I would be glad, if it would comport with his notions as well as those of the Delegate, to let the reference be made without delay. Then, upon the report of that committee, the whole merits of the question can be discussed.

Mr. PHELPS. I will give a word of explanation to my friend from Alabama, and it is this: when I presented the memorial, I confined myself briefly to the allegations contained in it. I submitted it under the rule which requires a member, presenting a petition, to succinctly state its points. After having done that, I moved that the memorial be referred to the Committee of Elections and be printed; and upon that I remarked, as charges had been made against Governor Calhoun of corrupt interference in the elections in New Mexico, that I proposed to submit a few words in relation to that matter. That is the condition of the case. I had not previous to that time intended to have said anything in relation to the right of the gentleman from New Mexico to a seat upon this floor. I did not desire to do anything which might prejudice his interests. At a subsequent time, not being present, the gentleman from New Mexico desired to debate this matter.

Mr. HOUSTON. I understand, then, that my friend from Missouri has not gone into the discussion that will necessarily grow up connected with the right of the Delegate to occupy a seat upon this floor. And his proposition now, if I understand it correctly, is, that he will go into a discussion of the charges which have been made against the Governor of that Territory with reference to corrupt interferences by him in the elections of New Mexico. If the gentleman from Missouri persists in that course of argument, I desire to submit to the Chair this point of order—whether in the House, in reference to memorials contesting the right of the Delegate from New Mexico to his seat, it is in order to discuss the corruptions charged against the Governor of that Territory? My object in doing so is to save time, which I desire to be appropriated to other business. I make that point of order.

The SPEAKER. In reply to the gentleman from Alabama, the Chair would remark that a motion is made to commit and to print, which, in the opinion of the Chair, must open up whatever

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connects itself with the right of the sitting member.

Mr. HOUSTON. That is true. I do not pretend to question the right of the Delegate or of the gentleman to discuss everything connected with his right to his seat; but my friend proposes to discuss charges of corruption against the Governor of that Territory.

The SPEAKER. That is connected, as the gentleman from Alabama will remember.

Mr. PHELPS. With the elections of that Territory.

The SPEAKER. The Chair overrules the point of order as at present presented.

Mr. PHELPS. After the interruption of my friend from Alabama, I proceed to advert to the charge which is made in the memorial upon the point which I now propose to discuss. The second allegation charges the Governor of New Mexico:

"Your memorialist charges that the Governor of New Mexico exercised a corrupt influence in the Territory generally, in favor of the Delegate who is returned as elected, both previous to and during the pendency of the election."

I entertain the opinion that if there is evidence tending to show that this charge is substantiated or could be substantiated—that the Governor of one of the Territories of the United States has interfered in the elections which have taken place in the Territory of which he is the chief magistrate—that it is a matter of proper animadversion upon the part of the legislative department of this Government. The only redress which can be administered is that made at the other end of the avenue, by the decapitation of that man who will prostitute his official station for the purpose of promoting party purposes and party views. On the other day, when this memorial was presented, a gentleman from Georgia [Mr. JOHNSON] inquired of me what evidence I had of a corrupt interference upon the part of the Governor of that Territory in elections. I do not come here with legal testimony taken in the court of justice or before a judicial officer, but I propose to speak of public acts and public proceedings which have taken place in that Territory and under the very nose of the Governor, which thus far have been permitted to go uncontradicted, or at any rate, not contradicted in the manner in which these charges were made against him. If I find a gentleman of respectability charging that a man has been interfering in elections, I do not desire to inquire into the legality of the testimony; and if I am satisfied that that gentleman is a man of respectability and truth, I have the right here to use that evidence and consider it legal. The gentleman from Georgia assents to that proposition; and that is the kind of evidence with which I am prepared and fortified upon this occasion.

Mr. JOHNSON, of Georgia. Will the gentleman from Missouri permit me to ask him the names of the witnesses whose testimony he relies upon to establish the validity of these charges?

Mr. PHELPS. I will present them in their proper order, and I think to the entire satisfaction of my friend from Georgia. I do not propose to conceal anything in relation to this matter. As the interference of the Governor is the only point under consideration, and the honorable Delegate from New Mexico the other day declared that he could not sit still any longer when charges of this kind had been made against the Governor of that Territory, I have only to say, that the gentleman is more anxious for the defense of the Governor's reputation than the Governor himself. I know that it is one thing for the Governor of New Mexico to stand fair with this Administration—with the appointing power which may decapitate him; but it is immaterial for his own party purposes as to how he stands with the people of New Mexico. I am, to a certain extent, made acquainted with this transaction from the fact that of the American born citizens residing in that Territory, I presume more than one half—probably two thirds—have been residents of the State of Missouri, and many of them residents of my district. I know somewhat, therefore, of their repu-

tation—of their standing before they emigrated to that Territory. Of the others I have learned from many of my constituents, who, when having returned, spoke of the transactions which had occurred, and of the gentleman who figured in the political affairs of that Territory. In this way I have obtained information of the character and the standing of citizens of New Mexico.

I desire now to advert to the proceedings of a public meeting held in the city of Santa Fé shortly after the election of the Delegate to Congress, which was attended by some of the most influential citizens of New Mexico—American born citizens. These individuals went further than a mere participation in the proceedings of the meeting, and signed a manuscript containing all the allegations made in the resolutions passed at that meeting.

There were other matters considered in that meeting. A respected citizen of that Territory—a gentleman who emigrated from Missouri—had been brutally murdered in the county of Bernalillo, and there was a meeting of the citizens called to take that matter into consideration. They demanded an interference on the part of the Executive, to cause those persons who had been charged with the murder of Mr. Skinner to be brought to justice. I will not advert to the hearing between the committee of citizens of New Mexico and the Governor, when they appeared before him to make known their complaints. Upon their reporting to the meeting which had then been assembled, after the interview with the Governor, certain resolutions were adopted. Let me tell the gentleman from Georgia [Mr. JOHNSON] I will speak of the character of some of those men who participated in the proceedings of that meeting. Preston Beck, jr., was the presiding officer. I do not see the gentleman from Indiana, [Mr. GORMAN,] who has informed me of the character of that gentleman—a gentleman of high respectability and character in the State of Indiana, from which he emigrated. He gave character to the proceedings of this meeting. A gentleman by the name of St. Vrain was also present, who was born in the State of Missouri—a trader for a long time in that Territory—a gentleman of respectability. The committee reporting the resolutions consisted in part of Messrs. Brent, Folger, Webb, and Tuley—gentlemen of respectability in that Territory. This meeting was held the 25th day of September last, and here are three of the resolves which were passed upon that occasion:

"3. That the attempt, in such a country as New Mexico, to bring executive authority into conflict with the freedom of elections, is attended with peculiar dangers; that it sets free a spirit of license which, once inflamed, knows no stopping point short of the extremest violence; and that any Governor of this Territory who, from personal motives and private objects, so exerts his authority, is too ignorant of the elements with which he is dealing, or too reckless of consequences, to be intrusted with such authority a day beyond that in which he can be removed from the place which he so abuses.

"4. That it is the opinion of this meeting, and, as we believe of nine tenths of the American citizens of this Territory, that the course pursued by James S. Calhoun, the present Governor of this Territory, is such a course as we have denounced in the foregoing resolution; that the effect, if not the intention, of the movements he has set on foot, as we believe, for his own aggrandizement, is to confirm instead of softening the prejudices with which the Americans are naturally regarded by their Mexican fellow-citizens, and is calculated to produce the most injurious influences upon the best interests and solid prosperity of this Territory, by tending to make it impossible for Americans to live in it.

"5. That we know not where to look for relief, except at the hands of the President and Congress of the United States; that we implore them to take into consideration a condition of affairs which is not only so threatening to the comfort, safety, and lives of the American citizens of this Territory, but which, if not amended, will prove fatal to every hope of improvement and progress in it. That we do not presume to dictate the mode by which such a deplorable condition shall be amended; but we respectfully suggest that a change at the head of the government here, by the substitution of a clear-headed and honest man, of upright purposes, free from personal ambition, and keeping steadily in view the real interests of this country, would be one mode by which a reform, not only so desirable, but of most urgent necessity, may be accomplished."

These resolves, in substance, charge that James S. Calhoun, Governor of the Territory of New Mexico, has brought executive authority into conflict with the freedom of elections for the purpose

of his own aggrandizement—the basest of all motives; and by so doing he is jeopardizing the peace, security, and lives of the American citizens. The exercise of his authority in interfering in the elections for his personal aggrandizement, is a corrupt interference; and thus the charge contained in the memorial is fully sustained. This conduct calls for rebuke and condemnation, and is my excuse for commenting on it. A remedy can be easily provided—his removal; and that remedy can be administered by the Chief Magistrate of this nation.

I ask if this evidence is not satisfactory to my friend from Georgia, [Mr. JOHNSON;] and if it is not sufficient for me to declare, upon the assertion of these respectable gentlemen, that the Governor of New Mexico has interfered in the freedom of elections? I ask you, then, if the allegation contained in the memorial of the contestant, that the Governor had exerted a corrupt influence, is not also true? There seems to be a party which he must subserve. There were certain things which, it seems, this executive must endeavor to promote—they may, perhaps, (though not probable,) be for the interest of the people, or they may be for his own private advancement and aggrandizement—which causes him to exercise his influence at the hustings, to have some person returned to the Legislative Department to do his will and bidding. I have before me a copy of a letter which has been addressed by certain citizens of New Mexico to the President of the United States—where they make the same complaint which is contained in this memorial, and upon which I am speaking—bringing several other accusations against him. I do not propose to advert to the others. I only propose to advert to what they say in relation to the interference of the Governor in the elections of that Territory. This letter is signed by William S. Messervy, known to those who were members of the last Congress, as a gentleman who was attending here, claiming to be the Representative of the State of New Mexico, when the gentleman [Mr. WEIGHTMAN] from New Mexico appeared with his credentials, claiming his seat in the Senate as a Senator from that State. It is also signed by a gentleman of the name of Houghton, who was appointed one of the judges of New Mexico, under the code which was established for the government and regulation of affairs in New Mexico by General Kearny, at the time of its conquest, and held that office until the establishment of the territorial government. It is also signed by the contestant in this case, James S. Collins, formerly a resident of the State of Missouri; but who, for the last six or seven years, has been a resident of New Mexico; also, by Messrs. Johnson, McGrorty, Tulles, and Quinn. Some two or three of these gentlemen, whose names are subscribed to this letter, have been residents of the State of Missouri, and with their reputation and standing while residing there, I am well acquainted. Their reputation and standing were good—their veracity unquestioned. I now propose to read some extracts from this letter. They remark:

"Governor Calhoun recently caused, by proclamation, an election to be held in the county of Rio Arriba, to fill a vacancy in the legislative body. Two candidates were placed before the people—one by the 'Governor's party,' the other by the 'Independent party.' Thus the issue was fairly made up, and the election was to take place on the 3d of November. A few days before the election was held, a second vacancy occurred, by resignation of another member. The Governor, well advised of the strength of parties in that county, and aware that, in a fair contest, his candidate would not be elected, without hesitation resorted to one of his usual unscrupulous tricks to carry his point. He did not issue his proclamation for election to fill the second vacancy, but merely sent a written request to the Judge of Probate of the county, requesting him to have two candidates voted for. This letter was dated on the 25th of October, but could not have reached the Judge of Probate before the evening of the 30th of that month; and as the election was to be held on the 3d of November, no notice could have reached the people, and consequently, no candidates were brought on for the second vacancy. [The law requires that proclamation shall be given of all elections ten days before the election.]

"The election took place, and the 'Independent' candidate was elected by over one hundred majority, and the defeated candidate of the Governor's party came in for the

second vacancy, and was declared elected, permitted to take his seat, and served during the session—was, in effect, created a member of the Legislature by appointment of the Governor."

The law requires—and I have a copy of the election law of that Territory—that a proclamation shall be issued by the Governor, ordering the Probate Judge of the county where the vacancy occurs to issue his writ of election. The Probate Judge is required to give ten days' notice of the election, by public proclamation and by handbills, to be posted up at the most public places in each precinct, announcing the object of the election, officers to be voted for, and the place where said election is to be held. No complaint is made of that election as far as filling the vacancy which first occurred. But a second vacancy in the Territorial Legislature occurred. The Governor is required to see that the laws of that Territory are faithfully executed. Disregarding the law, the substance of which applicable to this case I have stated, the Governor sends a letter to the Probate Judge of the county of Rio Arriba, (so say these gentlemen, and I have no doubt of the fact,) informing him that a second vacancy has occurred in the representation from that county, and requesting him to have the second vacancy filled at the special election then about to take place. He does not give the Probate Judge time to comply with the election law. The legal notice cannot be given; the people of the county cannot be apprised of the fact that an election for the second vacancy will take place. The independent candidate is elected by a majority of more than one hundred, and the candidate of the Governor's party—the defeated party—is, by some legerdemain, transferred to the Legislature to fill the second vacancy. Well may these gentlemen say the Governor created a member of the Legislature. This whole proceeding was irregular and illegal, from its inception to its conclusion. It was a wanton disregard and flagrant violation of law. It of itself establishes the charge of a corrupt interference in the elections.

I propose to read another extract from this letter. These gentlemen remark:

"In summing up the above, we charge the Governor with using the high and responsible position he occupies in fermenting disorder among the mixed portion of the inhabitants of our Territory, and pandering to the passions and prejudices of a people (already excited to feelings of deadly hatred by the aggressions of the war) against the American-born citizens, residents among them, thereby jeopardizing life and property, destroying the best interests of the Territory, and retarding the development of its resources. A war of the races—in other words, a sanguinary civil conflict—will, we fear, be the bitter fruits of his wanton, reckless, and selfish policy, if longer permitted to pursue it.

"Instead of making himself the Governor of the Territory, he has set himself up as the head of a party, known and recognized by himself and friends as the Governor's party; rallying around him a corrupt Catholic priesthood, and a few wealthy Mexicans in the Territory. With these instruments, he has obtained a Legislature subservient to his purposes, and has filled all the subordinate offices of the Territory with creatures who acknowledge no law but his will; thus rendering the elective franchise of no avail, and destroying the hopes entertained by the friends of liberal institutions, of elevating a people to the rank and privileges of American citizens who, for two centuries, had been suffering from the effects of an arbitrary and despotic rule. Instead of giving them examples of political propriety, and teaching them the value of political integrity, he has encouraged them in the practice of all that is mean in political chicanery, and protected them in the perpetration of perjury and murder.

"In bringing about this deplorable condition of affairs for the purpose of making the government of the remote Territory of New Mexico a unit, and that unit himself, he has cut himself off from nearly the entire portion of the American population, and now stands at the mercy of those whom he has gathered around him; depriving himself of all power to do good, should he repent himself of his selfish aims, and be disposed to reform the people whom he has made more corrupt and insubordinate than he found them. Thus all is confusion and ruin. We have no quiet, no safety, no security. We have law, but it cannot be enforced. Those of his party may commit any crime their interests or their passions dictate. He must protect them, or fall. The consequence of his miserable and mistaken policy has been, that outrages the most execrable and crimes the most horrible have, in many instances, been resolved into political affairs, and dealt with or not dealt with, according to partisan considerations. So long as the General Government send us such officers, who work for the building up of a party or a particular interest, rather than attend to the interests of our people, we shall have but little cause of gratitude for her maternal care."

I have now produced that kind of evidence upon which these charges have been based. I know nothing in relation to these transactions, of my own personal knowledge. I have never been in the Territory. But I speak from information obtained from gentlemen of respectability. They have been willing to place their charges in a tan-

gible and unmistakable form, and they not only charge on the Governor of that Territory, corrupt interference in the elections and internal affairs of the Territory, but they also charge him with combining with the Mexicans for the purpose of proscribing the American-born citizens who are there. I trust that, as I have referred to this letter, giving the names subscribed to it, and which is a copy of one which has been submitted to the President of the United States for his consideration, I have presented evidence sufficient to justify me in everything I have said in relation to the conduct of the Governor of New Mexico.

As I remarked the other day, so far as concerns the right of the gentleman from New Mexico to a seat upon this floor, I had no desire, nor have I now, to say anything. The Governor of that Territory may have been guilty of all which has been charged upon him, and which I have brought evidence here to-day for the purpose of substantiating; and still the right of the gentleman from New Mexico to a seat on this floor may not be affected by it. It was only in consequence of a desire, on the part of the gentleman from New Mexico, to have an opportunity of defending the Governor of the Territory which he represents, that I felt disposed to present these charges to the House, believing, at the same time, that, in so doing, I was doing my duty as a legislator; and that this House, looking to the good of the whole country, and particularly of the people of New Mexico, might be able to judge whether Governor Calhoun can promote the interests of this Government by remaining any longer at the head of the executive department of that Territory. For, sir, it must be recollected that this Governor of the Territory, also fills another very important office; he is *ex officio* Superintendent of Indian Affairs for that Territory, and is authorized by the Government of the United States to negotiate treaties—if it is necessary that treaties shall be negotiated—with the Indian tribes in that Territory. If, then, he has improperly discharged the duties of his office as Governor, are we not warranted in the supposition that, on coming to examine into the Indian affairs of the Territory, we may find that he has been guilty of improper conduct in the performance of those duties also?

I have thus briefly referred to the matters which I intended to present to the House. I would, the other day, very cheerfully have answered the inquiry propounded to me by the gentleman from Georgia, [Mr. JOHNSON,] but I thought that in the absence of the gentleman from New Mexico—and I did not know he was not present when I rose to address the House—it was right to postpone this matter, relating to the affairs of New Mexico and its Governor, until he should be present to hear what I might have to say upon the subject.

One word more upon a matter to which I intended to advert. Captain Reynolds, the gentleman who is contesting the right of the Delegate from New Mexico to his seat upon this floor, has not presented evidence to substantiate the charges which he here makes, because he has received information from New Mexico that it has been impossible for the attorneys employed to take testimony in his behalf, in consequence of executive influence, to call together two alcaldes, or justices of the peace, for the purpose of taking the evidence at the times and places appointed. I will read a brief extract from a letter upon the subject, addressed to Judge Houghton by Mr. Pillans, a lawyer of that Territory:

"It is impossible to obtain the testimony for Reynolds. The Ex. [Executive] puts every obstacle in the way, and it is absolutely impossible to get two alcaldes together at the term that notice is given, and if taken illegally, W. [Weightman] would object. I have striven hard to effect it, and have done nothing at last."

This is the reason why the testimony does not accompany the memorial. Captain Reynolds was obliged to repair to this city, but he left the matter in the hands of two attorneys, whom he employed to attend to the taking of evidence for this contest. The presentation of the memorial has been delayed, in the expectation that the testimony would arrive in time to be presented to the House with the memorial.

Mr. WEIGHTMAN. Mr. Speaker, I was anxious, the other day, that this question of privilege in regard to the seat of the Delegate from New Mexico should come up, not for the purpose, as I then stated, of making any objection to the printing of that memorial and the accom-

panying papers, or to their reference to the Committee of Elections, but for the purpose of contradicting, promptly and at once, the gross charges which have been made against the honorable gentleman who is now Governor of New Mexico. I regret that he has not a better advocate than myself on this occasion. I regret that he has no forceful BRECKINRIDGE or brilliant MARSHALL to stand up here in his defense. But such as I am, I bring to this question the highest regard for that honorable gentleman, and admiration of his course in New Mexico. In my belief, the honorable Governor of New Mexico has pursued a course calculated to make the Mexicans—who have been separated from their Government by no act of theirs, and who now owe allegiance to the Government of the United States—feel that they are at least a part of this Government; that they have rights here that ought to be protected; and that the Government to which they belong was created by the people, and ought to be administered for their benefit. The elevation of policy and motives which distinguish the Governor of New Mexico, I believe is not appreciated, and cannot be appreciated by some of those who would injure and belie him. Against the Governor of New Mexico there have been arrayed divers and powerful influences. I think I am well enough acquainted with my countrymen to know, that when they understand that powerful influences are brought to bear against any individual, and that there is an attempt to crush a man who is in the discharge of high and honorable duties, the mere knowledge of that fact will make those influences powerless.

I shall allude, now, to one of those influences. I am about to read from a newspaper which, I understand, has the largest circulation of perhaps any paper in the Union; I mean the National Era. It is the number of February 26th, and the article is headed:

"SCOUNDRELISM IN OUR TERRITORIES—KIDNAPPING UNDER A GOVERNOR'S LICENSE.—We publish on our fourth page an editorial from the Deseret News, disclosing a state of things in our Territories which demands the immediate attention of the Chief Executive. According to the statement, Governor Calhoun of New Mexico is no better than an infamous kidnapper. Gangs of traders, with licenses bearing his name, authorizing them to purchase Indian children, as slaves, for the benefit of persons in New Mexico, have lately been driven out of the Territory of Utah. Bad as the Mormons are represented to be, they are not so devilish as to connive at this new trade in human blood, which a United States officer, appointed by Mr. Fillmore, seems ambitious to establish."

"The apprehension evidently prevails that proper attention to territorial grievances may lead to discussion on questions connected with slavery; and that any enlightened attempt to redress them, may involve, unavoidably, the exercise of a power over the Territories, which the compromise virtually abandoned.

"O, how this infernal Element of evil—the slave power, obstructs all useful and beneficent legislation!"

Now, I wish to refer to the article from the Deseret News, to see how much authority the editor of the Era had for that statement:

"SLAVE TRADERS IN NEW MEXICO AND UTAH LICENSED BY GOVERNOR CALHOUN.—We find the following in the New York Herald:

"The United States officers who returned from Utah, have stated that persons were expelled from the Territory if they became obnoxious to the censure of the Mormon authorities. The following is a copy of an editorial article in the News, in relation to a regularly licensed trader, who it seems was not well regarded by the saints:

"A copy of a license given to Pedro Leon to trade with the Utah Indians, signed by James S. Calhoun, Superintendent of Indian Affairs, dated Santa Fe, August 14, 1851, attested by D. V. Whiting, has fallen under our observation; and we understand the said Pedro Leon was at Manti, in the county of San Pete, on or about the 3d instant, accompanied by about twenty Spanish Mexicans, trading and desiring to trade horses, for Indian children, firearms, &c.; and we are also informed that there are two other companies, of about the same size, and from the same source, one of whom holds a blank license, dated 'Executive Department, Santa Fe, New Mexico, July 30, 1851,' signed by 'J. S. Calhoun, Superintendent of Indian Affairs,' authorizing said blank holder to proceed to the Salt Lake county, in the Territory of Utah, for the purpose of trading with the Utah Indians in said region."

And that is all. He does not say for the purpose of trading for Indian children, as slaves.

There are other parts of this article which it is not necessary for me to read. But the Deseret News, the quoted authority of the Era, does not confirm the statement, that by the license of Governor Calhoun there has been authorized trade in children of any kind, notwithstanding the reckless and unscrupulous statement of the National Era. This is one of the influences to which I alluded. This influence, brought to bear against Governor Calhoun, may be traced in a kindred paper in

Santa Fé, edited by a gentleman who is an agent of the American and Foreign Anti-Slavery Society, who does little else than malign the Government, the gallant Sumner, commanding the troops in New Mexico, and the humble individual who now addresses you. This society is a powerful one; and it is one of the chief influences which has been brought to bear against the Governor of that Territory.

To show the design of the National Era, in its reckless and unscrupulous statements in reference to Governor Calhoun, I wish to read a letter which I wrote at the request of General Foote. I wrote it early in the present session of Congress. I desire to read it in connection with the comments of the National Era, in which the editor makes the threat that I shall be made to feel for my contumacy, if I continue the course which I have thought proper to pursue. Here is the letter:

WASHINGTON, December 16th, 1851.

MY DEAR SIR: In compliance with your request, I give you my views as to the popular feeling concerning slavery in New Mexico.

The popular feeling in New Mexico is, I believe, fixedly set against that country being made the arena in which to decide political questions in which the people have no practical interest, and all attempts which have heretofore been made, or which hereafter may be made, to induce the people of that country to take sides on a question in which they are not at all interested, have been, and will, I trust, forever be, utterly abortive.

There are in New Mexico a few negroes, in all, as shown by the census, seventeen; and of this number there may be as many as five or six slaves—house-servants of officers of the Army and others.

There has, up to this time, before the judicial tribunals, been no case of a negro held to slavery suing for his freedom. When such a case shall occur, it will, in my opinion, be adjudicated without popular excitement of any kind, though the people are, I believe, opposed to the introduction of slave labor amongst themselves; and when the time shall come when they shall think proper to seek admission as a State of the Union, they will, I am inclined to think, should there be in their opinion danger of the introduction of slave labor there, *prohibit it*. But as there is at this time no such danger, there is no excitement on the subject; and as I see in the future no likelihood of the introduction of slave labor there, I apprehend that the popular mind will, as now, remain calm on this point, and the question of prohibiting, admitting, or remaining silent, concerning slavery, will be treated simply as a matter of policy in reference to being admitted into the Union.

To show the freedom from excitement of the people on this question, I refer you to the fact, that in the State constitution of New Mexico, of last year, though slavery was prohibited, the undersigned, though falsely denounced in the only newspaper in New Mexico as a slavery propagandist, was elected to the Senate by an overwhelming vote; and this, too, despite the general knowledge among the members of the Legislature that he was in favor of so arranging the slavery clause as to effect our admission into the Union, and without regard to any other circumstance whatsoever. I was confident that no constitutional provision could bring about the introduction of slave labor there; and, being satisfied with the substance, did not trouble myself about a prohibition of what could never affect us. And this, I believe, is the popular feeling in New Mexico.

We in New Mexico have suffered too much already, by having our soil made use of by others as a political battlefield over which to settle the slavery question, to again permit it to be so used if we can avoid it. It is, I believe, the fixed determination of the people to take no sides on this question which in no way practically concerns them. When the question comes up, we will treat it simply as a matter of policy, by which to facilitate our admission into the Union. Once admitted, we can do as we choose. We desire the friendship of all; entangling alliances with none.

A vigorous effort was this year made to interest the people in this vexed question, but all in vain. A document entitled "Address to the Inhabitants of New Mexico and California, on the omission by Congress to provide them with Territorial Governments, and on the social and political evils of slavery," was industriously circulated in New Mexico, in the Spanish language, by an agent of the American and Foreign Anti-Slavery Society, who is at this time the editor of the "Santa Fé Gazette," in the columns of which paper he is republishing occasional chapters of this document. In this is drawn a comparison, more highly wrought than true, between the North and South in reference to state of education, state of morals, state of religion, disregard of human life, disregard of constitutional obligations, population, military weakness, &c. In the conclusion, the people are urged to set up an independent government, "unless exempted from the curse of slavery," and are promised, in that case, the assistance of the "whole North." I send you an English and a Spanish copy.

You will perceive that the unscrupulous persons who are urging the law-abiding New Mexicans to the commission of treason, and promising assistance they have no right to promise, have signed their names to the document.

This attempt to draw the simple, pastoral, and unarmed people of New Mexico into an act of treasonable resistance to the powerful Government to which they owe and yield allegiance, will meet with the profound indignation it deserves from all parts of the United States, but not more profound than the contempt it met with in New Mexico.

Though supported by the only newspaper in New Mexico, whose editor is, as I have stated, an agent of the American and Foreign Anti-Slavery Society, no excitement took place in New Mexico, outside of the immediate family of the editor, clothed though he was in the garb of a missionary—a minister of the Gospel—a minister of peace.

If there are any persons in the United States who desire

to colonize slaves in our Territory, I apprehend there would be no objection on the part of the people of New Mexico, let the decision of the courts be what it may. Perhaps the attempt would be beneficial; it would at all events settle the question, and effectually thwart any further attempt to make New Mexico the scape-goat to bear the burden of a question which concerns her not. We object to being made the scape-goat, and would prefer not being made use of even as an illustration.

Should the courts in New Mexico decide that slaves may legally be held, then I am sure that no popular excitement would follow; and I am equally sure that those who embark in the colonizing experiment will speedily send or sell their slaves out of the Territory. *Slave labor will not pay in New Mexico*, and in that is comprised the whole question.

We desire to be in a position in which Congress, unembarrassed by the slavery question as regards us, may direct its attention to legislating so as to promote the interest of that neglected and sympathy-deserving section.

This letter I place at your disposition, to be used as you may think proper, though not written with that carefulness as regards periods, or with the compactness I would desire. Very respectfully, your obedient servant.

R. H. WEIGHTMAN.

Hon. H. S. Foote, U. S. Senate.

I give this letter for the purpose of showing what are the sentiments, or the absence of sentiment, that the National Era takes ground against, and the reason for its hostility against me. On this letter the Era comments as follows, in its paper of January 1, 1852:

"MR. WEIGHTMAN AND NEW MEXICO.—Mr. Smith, former Delegate from New Mexico, was rejected by the Senate as nominee for the Secretaryship of the Territory, because he had once written an address to the people there, advising them to exclude slavery on economical grounds. He was a Kentuckian, the son of a slaveholder, and not an abolitionist. But he had offended against the majesty of slavery—and that was a deadly sin.

"His successor, R. H. Weightman, has taken warning, and bends the knee in time to the ruling power. In a letter from him, dated December 21st, 1851, to Mr. Foote, and read a few days ago in the Senate, he undertakes to vouch for the utter indifference of the New Mexicans on the question of slavery. He says they cannot be persuaded to take sides, and that all the arts of designing people to excite them against slavery have failed.

"To show," he says, "the freedom from excitement of the people on the question, I refer you to the fact that in the State constitution of New Mexico, of last year, though slavery was prohibited, the undersigned, though falsely denounced in the only newspaper in New Mexico as a slavery propagandist, was elected to the Senate by an overwhelming vote; and this, too, despite the general knowledge among the members of the Legislature that he was in favor of so arranging the slavery clause as to effect our admission into the Union, and without regard to any other circumstance whatsoever."

"He says that when the question shall come up, 'we will treat simply as a matter of policy by which to facilitate our admission into the Union. Once admitted, we can do as we choose. We desire the friendship of all; entangling alliances with none.'

"He is exceedingly anxious to impress upon the slaveholders, that the people of New Mexico have not the slightest objection, in principle, or on the ground of a moral sentiment, to slavery; that could it live there, it would encounter no hostile feeling. In a word, he sees nothing at all objectionable in a system which brutalizes the colored man, and degrades the poor white man.

"If there are any persons in the United States who desire to colonize slaves in our Territory, I apprehend there would be no objection on the part of the people of New Mexico, let the decision of the courts be what it may. Perhaps the attempt would be beneficial; it would at all events settle the question, and effectually thwart any further attempt to make New Mexico the scape-goat to bear the burden of a question which concerns her not. We object to being made the scape-goat, and would prefer not being made use of even as an illustration."

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"What can be expected of a Territory, the first act of whose first Delegate is one of abject submission to the slave power?"

"We trust Mr. Weightman may live long enough to learn that servility to a sectional interest does not pay."

It may be that the National Era and those whom it represents may make me "feel," because of the views I conscientiously entertain; and if, in its endeavors so to make me "feel," it is as unscrupulous in its attacks on me as it has been on Governor Calhoun, I doubt not I will be shown up in a way to induce the subscribers of that paper to believe me a monster of iniquity.

There is another newspaper in the United States that has thought proper to take up the cudgels against Governor Calhoun. It is the "St. Louis Republican." This paper has the largest circulation of any paper west of the Alleghany mountains—at least I am inclined to think so—and was built up by the energy and enterprise of the editor, who is the proprietor also. As the circulation of this paper increased, so did the views of its editor enlarge, until he has at this time, I believe, taken

under his sole control the whole State of Missouri, not only as regards its general policy, but he can tell you who is the best man, of all the men in the country, to be brought out as constable for any parish in the State. He has extended himself also to the State of Illinois, in the same way, and will be able to give the members from Missouri or Illinois excellent advice as to the way in which they are to conduct themselves in Congress.

He has also attended, generally and largely, to the Indian policy of the Government, and knows more now about the Indians lying between Behring's Straits and the southeast corner of Texas, than Fitzpatrick or any of those old mountaineers, intelligent and educated men who have spent forty years among the mountains; and if the Government could only be persuaded to turn over to the editor of that paper the charge of the Indian affairs, they would be placed upon a bottom as broad and substantial as the editor's, and all that old "foggyism" about Indian policy, begun by John C. Calhoun and continued by his successors, in the War and Interior Departments, would be securely shelved forever.

He is also able to give excellent advice in regard to the contiguous potato patches of New Mexico, Utah, Oregon, and California, and should the circulation of his paper be still further extended, will be found quite competent to regulate the affairs of the universe. This paper, for some reason which I will not undertake to determine, published, with apparent pleasure, anonymous articles which were abusive of the Governor of New Mexico; and while he did this, it was with a great deal of difficulty that the insertion of any publication, in the nature of a defense of that gentleman, could be obtained, although the communication might not be anonymous. I refer to a communication of my own which appeared in the paper, after a considerable contest with the editor, and which was over my own signature, and which I will read in the course of my remarks. Whether the general disposition of this editor to publish assaults on, and indisposition to publish defenses of, Governor Calhoun, is attributable to his desire to arrange the world's affairs generally, to the fact that his nether integuments too tightly fit him, or to the fact of his residence in a mercantile community, and that the merchants of New Mexico have been pleased to combine themselves against Governor Calhoun, or whether it is attributable to the myriads of "toddlies" that he has drank with certain merchants, with whom he has affiliations, in New Mexico, I will not undertake to determine. But that he is prone to attack, and indisposed to defend, is the fact. I suppose that he is the representative of the mercantile interests in New Mexico. That is one of the influences which is brought to bear against Governor Calhoun. This influence is more extended and ramified than might be supposed. The Santa Fé merchants owe five, or twenty, or fifty thousand dollars to St. Louis merchants, to Boston, New York, or Philadelphia merchants, and all of them are interested in being paid their money, and to that extent are interested in carrying out the views of the Santa Fé merchants.

There is another, a military influence in New Mexico, which has been brought to bear against this worthy Governor, of which I shall presently speak. The petition of my honorable contestant contains in itself matters and averments altogether sufficient for a defense against all the charges contained in the memorial, and, indeed, I may say against all the charges, bearing directly or indirectly on the election, that have been put before this House by the honorable gentleman from Missouri, [Mr. Phelps.] This memorial sets forth that a notice of his intention to contest my election was served upon me in New Mexico, and that that notice of contest contained this charge of improper and illegal interference on the part of the Governor of New Mexico, and of his corrupt influence in the election. It acknowledges, also, the receipt of my answer, which denies that interference and corruption. Here, then, is the issue made up; and according to the law of the United States, passed by the Congress of the United States, regulating the mode of taking testimony in cases of contested elections, there was a fixed mode in which to take testimony. Now, the question is, why was not that testimony taken? Here is the reason, as set forth in the memorial:

"The following is an extract from a letter directed to

your memorialist by P. J. Pillans, Esq., dated Santa Fé, December 29, 1851:

"Mr. Ashurst and myself have made two attempts to take the depositions for the contest; but it is absolutely impossible to get two justices of the peace together at one time. Why, I cannot tell; but I can very shrewdly guess."

When, Mr. Speaker, you turn to the law of Congress, prescribing the mode of taking testimony in cases of contested election, it will be found that those gentlemen had no right to go before two justices of the peace for the purpose of taking such testimony. They are not the officers prescribed by law. They might, therefore, as well have averred that they could not get two old women together for the purpose of taking the testimony, because of the corrupt influence of Governor Calhoun.

Then the reason why, after the issues were made up, no testimony was taken, was, that no two justices of the peace could be got together; and, at the same time, it is a fact that two justices of the peace do not constitute the proper tribunal before whom to take the testimony.

Here are the officers prescribed by section third of the act prescribing the mode of taking testimony in cases of contested election. I read from the law of Congress:

"SEC. 3. And be it further enacted, That when any such contestant or returned member shall be desirous of obtaining testimony respecting such election, it shall be lawful for him to make application to any judge of any court of the United States, or to any chancellor, judge, or justice of a court of record of any State, or to any mayor, recorder, or intendant of any town or city, which said officer shall reside within the Congressional district in which said contested election was held, who shall, &c."

The contestant in his memorial has made reference to this very law, and he knew that they ought to take the testimony according to it; and yet they did not try to take the testimony in accordance with it, because they dared not meet the issues. The officers before whom the testimony should be taken are a judge of any court of the United States, the chancellor or judge of any court of record, the mayor of any city or town. These are the officers prescribed by law.

Now, I ask any candid man if it was the bona fide intention to place a statement of testimony before this House which should be reliable and not to be misunderstood, would not any man have gone to Judge Watts or to Judge Mower, United States Judges, in preference to any New Mexican alcaldes, to take testimony in English? That is the question. But there is a very good reason why it might be advantageous to take the testimony before two Mexican alcaldes, who did not understand the idiom in which the testimony was to be taken. One of these gentlemen, who is charged with taking the testimony, is a forger—known to be a forger by the contestant—Ashurst, Merrill Ashurst, a refugee from Alabama. There is the reason at once why, instead of going before the officers prescribed by law, they come here and say that they could not take this testimony, because, forsooth, they could not get together two justices of the peace. The law did not permit them to take testimony before such officers, so long as there was one of those officers whom I have mentioned in the Territory of New Mexico.

Section tenth of this same act is as follows:

"That when no such magistrate as is, by the third section of this act, authorized to take depositions shall reside in the Congressional district from which the election is proposed to be contested, it shall be lawful for either party to make application to two justices of the peace residing within the said district, who are hereby authorized to receive such application and jointly to proceed upon it in the manner hereinbefore directed."

There is the case in which, and in which only, the testimony may be legally taken before two justices of the peace. But if justices of the peace were inserted in the third section as the proper persons to take lawful testimony, I submit it is pregnant with suspicion, that, when it is a notorious fact that Judge Watts, appointed from the State of Indiana, (an honorable gentleman whose character needs no eulogium from me,) and Judge Mower, appointed from the State of Michigan, (also of deservedly high character,) were in that Territory, they should seek to go before two alcaldes—alcaldes elected by the people of New Mexico, who, of course, having the majority, elected alcaldes from their own countrymen—who did not understand the idiom in which the testimony was to be taken. I stated, therefore, that in this memorial there was sufficient to vindicate Governor Calhoun from the charges set forth in the memorial. The issue was made

up, but they did not take a particle of testimony, and they come here with suspicious reasons to account for it. I said they were afraid to take this testimony before intelligent United States officers, who would put these things understandingly before Congress.

Now, I will read my answer, and this House will get a glimmering from it, why they did not dare to meet the issue:

SANTA FE, (N. M.), September 17, 1851.

SIR: There has this day been served upon me by Mr. Jones, the United States Marshal, a document, or paper, signed "Skinner, Pillans & Ashurst," attorneys for A. W. Reynolds, which purports to be a notice that you will contest my "election as Delegate to the present Congress of the United States from the Territory of New Mexico."

Though this document is not signed by yourself, but by "Skinner, Pillans & Ashurst," with the descriptive words, "attorneys for Reynolds," I leave with my friend and attorney, E. P. West, Esq., this letter, to be delivered to you in case you recognize and confirm as yours the document alluded to.

I have taken the precaution not to reply to Messrs. Skinner, Pillans & Ashurst, before discovering that their act was by you recognized, because I was unwilling to place you—now absent in the Nabajo country, from which no advices have been received since a day anterior to the day of election—in the position of directing or authorizing them to contest, for you, my election, at any risk and at all hazards, without yourself knowing how fairly or unfairly the election might be conducted, or, indeed, without knowing what might be the result of the election itself.

The objection that the Governor's proclamation, dated the 8th of August, was not printed or distributed until the 13th, is, I respectfully suggest, one of which you can take advantage, inasmuch as the proprietors and controllers of the only press in New Mexico are your partisans. No one is better informed than yourself that, since the sale of said press (conducted by yourself) by order of the quartermaster's department, in the year 18—, the control of it has been with your friends, never having been influenced, either as Editor or proprietor, by your own chief and confidential clerk, Mr. T. S. J. Johnson, late an officer of the 8th infantry, United States Army.

If, then, the failure to print, and, consequently, to distribute, is in any wise a tort, it is one of your friends, or yours, of which you can take no advantage.

I rest the validity of my election on the ground that I have, as appears by the returns, a large majority of the legal votes of the Territory.

That my majority has been much decreased by acts of organized violence of your friends, thereby intimidating the people, and driving them from the polls; this at the ranchos of Taos, and, at least, one other precinct of that county, and also in other parts of the Territory. That, in order that the popular will may be truly reflected, which is the aim and object of an election, the votes thus lost to me should be added to the majority I now have on the face of the returns. * * * * * That officers of the army have themselves voted, and sent their soldiers to vote, and in one case brought or marched them in a body to the polls, and otherwise illegally and improperly interfered with the elections. That at least one officer of the Army was in company with a number of armed men, (not soldiers,) who were engaged in acts of violence which did intimidate the people, and prevent a number of them from voting for me; this at the ranchos of Taos. That the precinct at the ranchos of Albuquerque was assailed by a body of armed men—Mexicans and Americans, partisans of yours, headed by one Candido Ortiz, supported by at least one soldier and two wagonmasters recently in the employ of the quartermaster's department, with the intent of preventing the people from exercising their right of voting at the election; and though this outrageous attempt was frustrated by the spirited resistance of the indignant people, the circumstance will furnish one link in the chain of testimony I will bring out, that there was a design on the part of your friends, military and civil, by violence to prevent the people from voting for the undersigned, and thus thwart the popular will, and bring about your election; your election which, according to the popular belief, was to bring about the recall of the troops from the frontier, and the re-instatement of the quartermaster's department, in its late strength and influence, in this Territory.

You charge illegal and improper interference of the executive in my behalf. This I deny; and charge improper interference of the military generally, and of the quartermaster's department in particular, aided and abetted by the sutlers, corn contractors, &c. *et id genus omne*, who draw profits from the presence of the army in the interior, and from an extravagant administration of the quartermaster's department, and have no interest in the Territory I have the honor to represent.

Your obedient servant,

R. H. WRIGHTMAN.

Captain ALEX. W. REYNOLDS,

Assistant Quartermaster, U. S. Army.

A short account of the military government which existed in New Mexico, will account for many of the circumstances which have happened; will furnish the key to many of the charges brought against Governor Calhoun; and will, in particular, account for the fact that I stand here, returned by a large majority. This history will show, that I stood up for the people to protect them against outrageous violence—outrages the most insufferable ever perpetrated anywhere. In order first to give an idea of the combinations of parties at that day, I will read from the Union, of October 8, 1850,

an article prepared by myself, with no reference then, as a matter of course, to this question:

"WASHINGTON, October 7, 1850.

"To the Editor:

"SIR: I desire to correct an error into which the editor of the Union has fallen. The error is contained in the following paragraph of the editorial of October 6, entitled 'The Late Session:—'

"'Scarcely was the new President installed, when it became known that the commissioner of Texas, sent to organize counties in the Santa Fé country, had been foiled by the troops of the United States, and that the military commandant, acting under instruction from Mr. Crawford, had set on foot a movement for forming a State government in the Territory claimed by Texas.'

"The idea that the State movement was set on foot in New Mexico by the military commandant, or by any influence other than the will of the people, is so injurious to New Mexico, now applying for admission into the Union as a State, that I deem it to be my duty to correct it; and I doubt not the columns of the Union will be open for the correction of any and all errors into which its editor may have unwittingly fallen—and particularly should the error, as in this case, seriously involve the happiness and well-being of a large and respectable community, which is justly entitled to the esteem and sympathy of the people of the United States.

"So far from it being the fact that the State movement in New Mexico was set on foot by the military commandant, the reverse is true.

"The State movement was set on foot by sixteen civilians, citizens of the United States—some of American and some of Mexican blood—some Democrats and some Whigs—some natives of southern and some of northern States. Their address to the people appeared in the columns of the 'New Mexican,' December 8, 1849, and was replied to by a counter-address in the columns of the same paper, signed by sixty-two other civilians, among whom were included all the judges of the circuit courts, the prefectos, the sheriffs, the alcaldes, and in fact the great body of the officers of the civil government of the military commandant, all of whom held their offices at his absolute will and pleasure.

"The State movement was by them denounced as a factious movement, and the movers as the Albuquerque faction. As the movement progressed, it was discovered that the military commandant had a decided leaning towards the territorial party—indeed, his acts were decidedly partisan, and against the State party.

"The State party at the late elections triumphed in every county but one, and did so despite the partisan acts of the military commandant, despite the almost unanimous opposition of the judges, prefectos, alcaldes, &c., who held their offices at the will and pleasure of the military commandant, and despite the almost unanimous vote of the employees of the quartermaster's department."

The same combination exists now. Here is the Quartermaster, and his friends are here with him. I have merely wished to show that the present opponents of Governor Calhoun are the legitimate successors of that old military party, and that it is no wonder the man who opposed it should stand here, elected triumphantly by the people, and without the necessity of the improper or corrupt interference of any one. I continue from the article in the Union:

"The civil officers, who held their offices at the will and pleasure of the military commandant, were about one hundred and fifty in number, were distributed over the whole country, and all of them, except about five or six, opposed to the State movement. They were, of course, in a state of organization for any purpose in which they thought proper to act together, and the power they could bring to bear and did bring to bear; that they were not particularly scrupulous in their action may be inferred from the following extract from the memorial of the Legislature of New Mexico to the Congress of the United States."

This was a part of the United States then. I want every one to understand where such outrages were committed in open day:

"The inhabitants of New Mexico, since February 2d, 1848, have groined under a harsh law, forced upon them in time of war, when they were thought undeserving of confidence.

"The military is independent of and superior to the civil power.

"The inhabitants have no voice or influence in making the laws by which they are governed.

"Some power other than the Congress of the United States, has made judges dependent on its will alone for the tenure of their offices, and the amount and payment of their salaries.

"Some power other than the Congress of the United States has subjected us to a jurisdiction foreign to the Constitution and unacknowledged by our laws.

"We are taxed without our consent, and the taxes, when collected, are not applied to the public benefit, but embezzled by officers irresponsible to the people.

"No public officer in New Mexico is responsible to the people. Judges, unlearned in the law, decide upon life, liberty, and property. Prefectos and alcaldes impose fines, and incarcerate without the intervention of a jury.

"Alcaldes assail the right of the people freely to exercise their religion without restriction, and dictate to congregations what priest shall administer the sacraments of the Church."

"The full extent of the power to control and injure, which this unrestrained and organized band of office-holders wielded, can only be entirely understood when it is known that the military commandant held to no accountability civil officers charged with assaults upon the religion of the country, and embezzlement of the public funds.

"The influence of the quartermaster's department in the late elections was by no means an inconsiderable one.

With its army of employees, with its contracts to let, with its agencies to purchase the entire surplus of the corn and forage of the country, and with its easy means of communication by express at Government expense, it proved itself very formidable; and this influence, with some honorable exceptions, was thrown against the State party.

"This web of influence, extending to the frontiers of New Mexico, was, like the other, organized, and, like it, also, easily managed from the center; and the managers of both webs were acting in concert, and, as has already been told, against the State party."

The managers of both webs are here, Mr. Speaker, and they are Houghton and Reynolds:

"Nor is this all. In the first days of February of this year, the government printing press, the only available one in the country, was sold, and fell into the hands of the territorial party. Being owned by an army sutler and contractor, and edited by the chief judge under the military government and the chief clerk of the quartermaster, all communications of the State party were excluded from the columns of their paper. They refused to print ballots for the State party, who were obliged to write tickets (the election being held by ballot) to the number of fifteen or twenty thousand.

"With the press against the State party, the office-holders against it, and the moneyed interest of government against it, it cannot be said, Mr. Editor, that the State movement was born of or grew to manhood by executive influence; but, rather, it must be admitted that the voice of the people has made itself heard under very difficult circumstances.

"The difficult boundary question will, it is confidently expected, soon be settled by the assent of Texas; and, the boundary difficulty at rest, New Mexico stands in the same attitude as California did previous to her admission, and in the same attitude as Michigan previous to her admission, and after the adjustment of her boundary difficulties with Ohio and Indiana.

"New Mexico asks for no more than justice. She asks it of all parties and all sections. She comes here unconnected with any party or any section. Of her delegation, two are Democrats and one Whig—two southern and one northern born. She appeals to the whole United States, and claims as a right, if her constitution is republican, to be admitted to the enjoyment of all the blessings of liberty.

"With much respect, I have the honor to be, sir, your obedient servant, R. H. WIGHTMAN.

"P. S. I omitted in my communication to refer to the correspondence, already published in the newspapers, between Governor Alvarez and Colonel Munroe, in which the latter expressed his determination to resist the operation of the State government "with all the means at his disposal," as furnishing evidence that the military commander was not favorable to the State movement or State party.

"By inserting this with my communication, you will confer a favor.

"Very respectfully, R. H. W."

Now, Mr. Speaker, you will be surprised at the amount of pains I took to reform that military government. I have a perfect stock of charges here, made by me against it to Governor Munroe for oppressions, upon the people, to not one of which did he pay any attention. I will refer to these by their heads, intending to publish them *in extenso*. The first is the case of Judge Houghton—the chief judge of Colonel Munroe, the fountain of justice in New Mexico. I charged him with a variety of iniquities—of putting other people's money in his pocket, of never paying over anything he got his fingers on, and of gross official misconduct. He is one of the respectable constituents, *quoad hoc*, of the honorable gentleman from Missouri. [Laughter.]

Here is the document at large:

SANTA FE, (N. M.) December 1, 1849.

Influenced, sir, by duty and inclination, I lay before you charges of a most serious nature against the highest judicial officer in this Territory—Judge Joab Houghton; charges so serious, that, if true, it is an act of mere justice to the community that he should be removed from office.

In consequence of peculiar, agitating, and dangerous questions which now exist in the United States, it has been thought proper and even patriotic in Congress, to withhold from us a territorial organization, which, except for the agitating questions there existing, we would doubtless long since have obtained.

As it is, a *de facto* government obtains here of a most anomalous character, having no parallel in our history, opposed to the spirit and genius of our institutions and laws, and unrecognized by any competent authority.

This government *de facto* was established under the laws and usages of war; and upon the conclusion of the peace, February 2d, 1848, having been found in existence here, to prevent anarchy, continues by the acquiescence of the authority, whatever it may be, which is competent to change it.

Under this government, as it actually exists, the Governor exercises military, executive, and legislative functions.

To show that he has exercised legislative functions, I make reference to orders No. 10, dated February 5th, 1848, laying duties and taxes, providing for their collection and for the payment of salaries, creating offices, &c.

I presume, however, that no argument is necessary to prove that the Governor has the power under this government, as it actually exists, whether legally or not, to relieve the community of a corrupt, ignorant, or objectionable judge.

In making charges, it is necessary to be precise, and to enter into particulars; otherwise the accused will have just cause to complain that he is tried on charges which are undefined, and to which, therefore, it is not possible to make a defense.

Though by entering into unpleasant, though necessary details, I may, in the eyes of the underscoring, appear to want good taste, I shall not refrain from so doing; preferring rather to deserve this censure, than to subject myself to the charge of concealing from the accused that which is brought against him.

In the form, then, of charges and specifications, I accuse Judge Joab Houghton, as follows:

Charge 1st. His conduct has been characterized by breaches of faith of such a nature, that the continuation of him in so elevated and responsible a station, can but have the effect of lowering in the eyes of the public the standard of American character.

Specification 1st. It has been substantiated in a court, to the satisfaction of a jury, that he has received, as the agent of Colcord & Hall, a sum of money exceeding \$3,000, and not paid the same to his principals.

Specification 2d. He has received money as the agent of East & Anderson, for the specific purpose of paying duties under orders No. 10, of date February 5th, 1848, and instead of paying the money into the hands of the collector, placed therein, in lieu of money, his audited accounts for his salary as judge, which accounts were received as cash; and subsequently, when that part of orders No. 10, laying and collecting of duties was annulled, he withdrew said audited accounts from the hands of the collector, and replaced the bonds of East & Anderson, which said bonds are now in the hands of the collector, and money of East & Anderson in the hands of Judge Houghton.

Specification 3d. That on or about the 19th day of June, 1848, he was engaged in business as a merchant, being a partner in the firm of E. Leitenstorfer & Co.; that about that date, the firm of Leitenstorfer & Co. introduced into Santa Fé goods, the original cost of which, including the outfit, was not less than \$100,000; that subsequently, on or about the 21st day of September, E. Leitenstorfer and Joab Houghton dissolved partnership; that on or about that date, E. Leitenstorfer left Santa Fé, appointing Joab Houghton his agent and attorney for the transaction of business; that on or about the 11th day of December, 1848, E. Leitenstorfer made an assignment of all his effects for the benefit of his creditors; that the effects assigned amounted to about \$40,000, and the ascertained debts of the firm to more than \$116,000; that between the dates June 19th and December 11th, E. Leitenstorfer was, for the greater or a great part of the time, absent from Santa Fé, the place of the house of business of the firm, and that the deficit is not accounted for; that nearly all, if not all, of the goods taken South for sale by the said Leitenstorfer are accounted for, while the part left in Santa Fé generally under charge of said Houghton, is the part not accounted for; and that this failure is fraudulent, and Judge Houghton guilty of the fraud.

Specification 4th. So much of the specifications under charges second and third as may be applicable to this charge.

Charge 2d. His occupying his position on the bench amounts to a denial of justice, in a large class of cases.

Specification 1st. The case of Campbell vs. Leitenstorfer & Co., involving about \$8,000, was brought by attachment, based upon an affidavit of fraud, on the 26th day of May, 1849, and was in due course for trial at the June term of that year, but could not be tried, because the judge was interested; it could not be tried at the October term for the same reason, and cannot be tried for the same reasons under existing circumstances, so long as Judge Houghton occupies his present position.

Specification 2d. The case of Kelly vs. Leitenstorfer & Co., involving about \$8,000, based on affidavit of fraud, was filed June 30, 1849, and was for trial in due course at the last October term, but could not be tried, and cannot be tried for the same reasons as above.

Specification 3d. The case of Webb vs. Leitenstorfer & Co., involving about \$8,000, based on affidavit of fraud, was filed June 30, 1849, and was for trial in due course at the last October term, but could not be tried, for the reasons set forth in Specification 1st of this charge.

Specification 4th. There is now in the hands of the undersigned, liabilities of the firm of E. Leitenstorfer & Co., and bills against it for the gross sum of \$3,659 70, to recover which six suits will be necessary; but have not filed suits, because he has not been able to discover property of that firm, the court having declared that it will adjudicate no point about which there is a contest.

Specification 5th. There is now in the hands of Mr. Biggs, by the agreement of all the parties to the suits, a large sum of money abiding their issue, and must there remain until they are decided, to the great damage of the owners thereof.

Specification 6th. There are a number of other creditors of E. Leitenstorfer & Co., who would bring suits, if they believed justice could be obtained.

Specification 7th. By the death or going away of important witnesses, the ends of justice, which are now delayed, may be entirely defeated.

Specification 8th. So much of the Specifications under charges 1st and 3d, as may be applicable to this charge.

Charge 3d. Ignorance of law, and disregard to his obligation as a judge.

Specification 1st. Before trial, out of court, he has expressed the opinion that a man about to be tried for his life was a murderer.

Specification 2d. He has admitted to bail the man whom he said was a murderer.

Specification 3d. He has written articles in the Santa Fé Republican concerning a point of law, about in due course to come before him for decision, on which depended a large class of cases involving a sum of money exceeding \$80,000.

Specification 4th. Had he adjudicated on the bench as he adjudicated in the newspapers, he would have been benefited by the adjudication.

Specification 5th. At a meeting of the bar, held in the city of Santa Fé, on or about the 25th of July, 1849, at which meeting were present Messrs. Smith, Tuley, Augney, Wheaton, West, Pillars, Ashurst, Beach, Hall, and Wightman, the question was discussed as to the propriety of inviting Judge Houghton to resign; that he was incompetent to fill the office, and eight of their number signed a letter requesting him to resign, two of them declining to sign the letter on personal grounds; the two who declined being Messrs. Smith and Hall.

Specification 6th. So much of the Specifications of Charges 1st and 2d as may be applicable to Charge 3d.

The witnesses to prove the above charges and specifications are at present in New Mexico, how long they will remain there it is impossible to say.

I have to request, therefore, as early notice as possible may be afforded me, that an investigation will be had; the commission, or whatever other body or person to whom these charges, &c., may be referred, should have power to send for persons and papers.

With much regret that I have to trouble you with so disagreeable a matter, I am, sir, very respectfully, your obedient servant, R. H. WIGHTMAN.

Brevet Colonel JOHN MUNROE,
Civil and Military Governor of New Mexico.

It may be proper to mention that I sent word to Colonel Munroe's *Fountain of Justice* that I had preferred charges of a grave character against him, and that if he would seek of Colonel Munroe, with me, an investigation, and I could not make the charges good, I would freely and cheerfully, as publicly as I had made, retract them and make amends. He did not seek an investigation, notwithstanding he very much desired my good opinion. He has applied to me for a certificate of character. He applied in these words:

SANTA FE, September 9, 1849.

Sir: In consequence of slanderous words used by you in conversation with Lieutenant Taylor, at the sutler's store, in Albuquerque, with J. L. Hubbell, Esq., at Socorro, at Santa Fé, and generally throughout the Territory, within the last few days, I demand of you an unequivocal retraction of such slanders, or the satisfaction due from one gentleman to another J. HOUGHTON.

R. H. WIGHTMAN, Esq.

To this anxiously-expressed desire to obtain from me a character, I courteously replied to his friend who handed me his application, from which reply I extract as follows:

SANTA FE, September 19, 1849.

Sir: I received at your hands a note from Judge Houghton, of this date, in which he is pleased to say that, in consequence of words, which he characterizes as slanderous, used by me to Lieutenant Taylor in Albuquerque, to J. L. Hubbell, Esq., in Socorro, at Santa Fé, and generally throughout the Territory, within the last few days, (I suppose was intended, a word being left out,) he demands of me an unequivocal retraction of such slanders, or the satisfaction due from one gentleman to another.

Besides the application of the word slanderous to my words, I have an objection to make to the general tenor of his note, which is this: it leaves open the inference that I made the remarks alluded to not in Judge Houghton's presence. To rebut which inference, I have to say, that three or four months ago, it became my duty, as counsel in the case of Colcord & Hall vs. Smith D. Town, to comment upon the conduct of Judge Houghton, in receiving, as the agent of Colcord & Hall, a large sum of money, in the neighborhood of \$3,400, and not paying the same over to his principal, as it was intended he should, and as he was trusted to do. In my remarks to the jury, the judge was spoken of as a faithless agent, and it may perhaps not be inappropriate to mention that the jury found a verdict in accordance with the theory laid down by myself and the other gentlemen with whom I was associated on that occasion. Judge Houghton was not present on this occasion, but my remarks and the finding of the jury are matters of public notoriety.

Again, in Socorro, at which place he refers to a conversation with Mr. Hubbell, I made the same or similar remarks in a public speech to the people, Judge Houghton being present, and distant perhaps six feet from me at the time.

I deem this statement due to myself, in order to make it apparent that I have in no wise secretly assailed the character of Judge Houghton.

In conclusion, I have to say that in consideration of the fact that Mr. Houghton occupies at this time the important position of chief judge in this Territory, and is recognized as a gentleman by persons of high standing, yourself among the number, I feel myself at liberty to accept the latter of the alternatives he has been pleased to offer me. I accept his challenge, and will meet him this day at as early an hour as can conveniently be agreed upon between yourself and the gentleman who will hand you this.

Very respectfully, &c., &c., R. H. WIGHTMAN.

JAMES H. QUINN, Esq.

We did meet that day, and he got no certificate of character or any concession whatever. He was willing to risk his life to obtain my indorsement of him, but feared to meet an investigation. He proposed trial by *wager of battle*, and lost his cause, but declined meeting the more modern and less barbarous trial, (proposed by me,)—by the examination of sworn witnesses.

In reference to this memorial Colonel Munroe took no action.

Here is another document—which is a complaint that certain of the civil authorities (who are removable at the will and pleasure of Colonel Munroe) interfered with the rights of the clergy and people of New Mexico freely to exercise their religion. Here it is:

By the authority of the Vicario, Mr. Juan Felipe Ortiz, the chief ecclesiastic of the Catholic Church in this Territory, to whom has been confided the control of all ecclesiastical affairs pertaining to that Church here, I bring to your

notice certain infringements on the right of that Church freely to exercise its religion.

I am authorized in saying, that the Vicario perfectly understands his responsibility to the Government under which he lives; he knows that he is amenable to the laws, as a citizen or resident, in the same manner as any other citizen or residents. The Vicario, however, should be able to enjoy the right to exercise the functions which the Church to which he has attached himself has conferred upon him, otherwise that Church is deprived of "the right freely to exercise its religion," which right is guaranteed by the Constitution of the United States.

In speaking of the Church, I wish to be understood to mean those persons, who, entertaining similar religious sentiments, voluntarily conform themselves to a certain set of opinions, and conform themselves to certain rules. With that understanding, then, the Catholic Church in New Mexico comprehend those persons who conform themselves to the worship, and discipline, and government of that Church as it obtains here. It is the practice of all the churches to adopt rules or laws for their own government, and this necessary practice is not restrained by law. As an instance, the Episcopal Church confides the care and control of the church property to the vestries of the different congregations, and there it is, under the protection of the law, not because of any municipal law, but because it is the law of the Church. In the Catholic Church here, as well as in other parts of the United States, the property of the Church is confided to the care and control of the Bishop of the Diocese, as is also the discipline, worship, and government thereof, and by him is subdivided as may be necessary or convenient. This state of things prevails in New Mexico; the Bishop of Durango, to whose diocese New Mexico has until recently belonged, confided the particular control here to the Vicario, whom he holds responsible that that control is judiciously exercised; and the Vicario, in his turn, has subdivided it among the curates of the different parishes, whom he holds responsible.

This law, custom, or usage, be the same general or special, has been adopted by the Catholic Church, and is not forbidden by law. When it is forbidden, then will the right of that Church freely to exercise its religion have been infringed. So familiar is the fact to all in the United States, that no civil authority has a right to interfere in matters of church discipline or government, that the assertion of it must pass for a trite truism. Notwithstanding this, the following outrages have been perpetrated here in New Mexico:

The limits of parishes, as they have been arranged under the authority of the Church, have been altered by civil officers to suit their ideas of propriety or convenience. This has been done in reference to the parishes of Socorro, Albuquerque, Belen, Tome, and perhaps others; and it is believed by the authority or connivance of Judge Antonio José Otero.

Since the arrival of the American troops in this country, a Secretary of Territory and acting Governor has suspended, or attempted to suspend, Mr. Juan Felipe Ortiz from his ecclesiastical functions as Vicario; threatened to banish a priest, who suggested a doubt as to his power to do so; and finally ordered that priest to take advantage of the first opportunity to leave the country. This was done by Mr. Donisiano Vigil.

An alcalde, in the absence of the parish priest, has demanded the keys of the church of Tome from the Sacristan; opened the church; taken from it the sacred vestments and consecrated vessels, and delivered them to Nicholas Valencia, a non-conformist and suspended priest, to celebrate a marriage and mass. This was done by an alcalde of Valencia county.

An alcalde has directed Friar Benigno Cardenas, a non-conformist, suspended priest, and refugee from justice, to go to the parish of Tome, and receive, without excuse or protest from José de Jesus Baca, the regularly appointed parish priest, the delivery of the church property, taking an inventory of it. This was done by Alcalde Vicente Amijo, of Valencia county, and Friar Benigno Cardenas is now exercising his forbidden functions in the parish of Tome, from which Padre Baca is excluded.

Two suspended priests are at this moment exercising ecclesiastical functions in the county of Valencia; to this there is no objection. When any members of a church, lay or ecclesiastical, desire to apostatize, they have the right to do so, and, if they please, to be the founders of another creed. In doing this, however, they have no right to seize upon or occupy the temples of the church from which they apostatize. If they are ambitious to be reformers, they must do as the Protestants did of yore—draw off from the Catholics; build temples of their own, and leave the property of that Church where they found it, in the hands of the owners, the Catholic Church.

The suspended priests alluded to, Friar Benigno Cardenas and Priest Nicholas Valencia, are now occupying parishes or temples, from which the civil authority, without judicial decision, have ousted their predecessors. This matter stands on very simple ground. Padre Otero, at a certain date, was in possession of the temple at Belen. Padre Baca, at a certain date, was in possession of the parish of Tome, with its dependencies, and without judicial decision on either the right of property, or possession, were ousted by the civil authority, and their places filled by non-conformists, or, which is the same thing, by apostates. Now, whether the possession of Padres Baca and Otero was founded on right or not, nothing can be clearer than that they should have been permitted to retain that right until deprived of it by due course of law.

The ousting of Padres Baca and Otero, if done under color of law or authority, not having been effected by judicial decision, or legislative enactment, must have been done by executive acts. Of the executive here, you are the undoubted head; and I therefore request, as an act of justice at your hands, that the Catholic Church be restored to the possession of the property of which she has, without law, been deprived by executive acts. And inasmuch as a change of government will soon be had here, and because of the ignorance of the present judiciary, (not one of the judges having been bred to the law), to prevent future difficulties, I suggest that the courts be restrained from taking

cognizance of cases involving property of the Church until a new government is legally in operation, or until the bench of New Mexico is occupied by less ignorant persons.

Should you, sir, deem it proper to make investigations concerning these matters, I caution you against the Secretary of Territory, Mr. Donisiano Vigil.

It is within my knowledge that when Colonel Washington, desirous of giving relief in one of the cases above cited, officially directed Mr. Vigil to write to Prefecto Manuel Otero to annul the order of Alcalde Vicente Armiño, and restore Padre Baca to his original position, that Mr. Vigil did dispatch such an order; and also, and without authority of Colonel Washington, an old order of his; which old order, as will be perceived by the second note of Prefecto Otero, dated October 21, is made the basis of special pleading, which has resulted in Padre Baca's being still excluded, though the express object of Colonel Washington was to reinstate him. I have also to say, that the identical reasoning contained in the second note of Prefecto Otero was used in conversation with me by Mr. Vigil.

Among the documents which I lay before you, I had intended to include the decree of December 24th of last year, referred to in one of the papers I lay before you; but have not been able to obtain from Mr. Vigil a copy, though I have made as many as four or five personal applications for it.

In conclusion I have to say, that all the material facts in the above can be substantiated by affidavits or documents.

Very respectfully,

R. H. WEIGHTMAN, Attorney.

To Brevet Colonel JOHN MUNROE,
Civil and Military Governor of New Mexico.

On this complaint, Colonel Munroe took no action.

Here are two letters of my own bringing to the notice of Colonel Munroe further outrages, together with a respectful memorial signed by one hundred owners of a church, declaring that they had been disturbed in the enjoyment thereof, and humbly requesting that he would examine into the conduct of their oppressor and remove him from office.

SABINAL, June 18, 1850.

SIR: At the request of the people of this vicinity, I have drawn up in Spanish a memorial directed to you. Of this memorial I send a copy in English.

I was sent for by express to Albuquerque by Don José Chavis, informing me that he would like me to repair to this place with all dispatch, as he feared, unless the people were pacified, violence might be committed, as the authorities were attempting to force upon the people, against their will, Padre Cardenas.

Padre Cardenas is the same person who was attempted to be forced on the people of Tome, which outrage Colonel Washington countermanded, as you will perceive by the papers I had the honor to lay before you. Upon my arrival in Los Lunas, I met persons who informed me that Judges Houghton and Otero had arrived in that place, and that for the present all was quiet. I remained in Los Lunas, and in the morning discovered that the judges, together with the prefecto, had set out on the evening before for Sabinal, a second time. I therefore hastened on. On my arrival in Belen, I was informed that the people (of Sabinal) were in a state of revolution, and that Colonel May with his company was there, &c. From Belen I galloped to this place, but found the people working in their fields, and that Colonel May had neither arrived nor been heard from. The judges had also passed below, though the Prefecto was still there, justifying the conduct of the alcalde, and threatening the people with the consequences of their insubordination. Colonel May has since been heard from, and declines interfering.

Since heading from Colonel May, the alcalde has cited, through the constable, armed men to be present, to assist him in enforcing order, for which there is no cause, as order prevails, and will prevail, unless he disturbs it. The armed men have not yet made their appearance, and I presume will not.

Of one thing I can assure you—that though determined to resist the entrance of Padre Cardenas into their church, no people who are so anxious can be more peaceable. I agree with the people entirely that the whole is an electioneering trick, to intimidate the people into voting for the existing authorities.

The people here are anxious for you yourself to examine into this matter, and not to delegate the examination to either of the judges, or the prefecto, as they believe that the whole originated with them.

Houghton, who had been at Otero's house, and Otero arrived, though not in company, on the same day, and Cardenas on the day before. On the arrival of the judges operations commenced, and rumors of assassination and revolution, in the midst of which I am living, enjoying the good things of this life with much relish, and with an abiding confidence in the virtue of the people, and none whatever in the judges and prefectos.

The Mexicans are learning rapidly their rights, and in a few more elections cannot be imposed upon by any pretended authority. Six months ago two judges, a prefecto and alcalde could have done what they pleased out of Santa Fé or Taos; but Democratic doctrines are very progressive, and much liked by every people who have had an opportunity of witnessing their operation. I have every confidence in the virtue of the people. The only thing of which I have any fear is the wholesale frauds, which experience has taught me to expect.

Be so good as to preserve this letter, as I desire to make a copy. Very respectfully yours,

R. H. WEIGHTMAN.

Colonel JOHN MUNROE,
Military and Civil Governor of New Mexico.

[Translation.]

SABINAL, June 18, 1850.

SIR: With much respect we desire to represent to your

worship that for a long time past we have suffered many injuries at the hands of the alcalde, Jesus Silva, and that in the last few days, to wit, on Sunday last the 16th of this month, be, the alcalde, attempted to force on the people, against the will of a great majority of the owners of the church, the friar Cardenas, that he might perform a mass in the church.

The pretext of the alcalde for this act is, that the Cura Otero, our regular cura, has not performed mass for some time. The reason why the Cura Otero has not performed mass is that this same alcalde, some time since, put him in the public jail, and for this reason the cura fears to live here until this alcalde may be removed from office, or he can have confidence that his rights will be respected.

The owners of the church in all are one hundred and nineteen. We send a list of more than one hundred. We desire to say, that it is our desire to obey the laws, and deport ourselves as good citizens; but it is not possible to submit ourselves with patience to the tyrannical and illegal conduct of Alcalde Jesus Silva. We desire your worship to examine yourself into the conduct of the alcalde.

It is necessary for us to say, that the alcalde, before his act of Sunday last, was in company on that same day with the circuit judges, Houghton and Otero, and that afterwards the prefecto arrived here, and has condemned the people and approved the alcalde.

We desire to say very respectfully, that it will not be just for your worship to order either of the judges, Houghton or Otero, or the prefecto to decide upon the conduct of the alcalde; for we think them equally interested with him; and we say to your worship, with all respect, that the act of Sunday last was nothing more than a project to intimidate the people, and to obtain votes in the election soon to take place.

In fine, we desire to conduct ourselves as good citizens; but we do not care to be subjected to this alcalde; and for this reason we send you this letter, to say that we have fear of his bad acts, and to petition your worship to suspend him until you can examine into his conduct.

With much respect, &c.

Signed by one hundred of the citizens of Sabinal, owners of the church.

To the Governor JOHN MUNROE.

SABINAL, June 19, 1850.

SIR: Last night I dispatched a courier from this place, with a petition, signed by more than one hundred persons, informing you of the arbitrary conduct of Jesus Silva, and praying that he might be suspended from his functions until you could examine into his conduct, and requesting that neither Judge Houghton nor Judge Otero, or Prefecto Ramon Luna, might be detailed to make the examination as they were believed to be equally culpable with the alcalde.

I have now to report to you other outrages attempted to be committed. This evening, while in company with Pedro Torres, José Armiño, and another, before the house of the first, there arrived the constable of Belen, with two other persons, with a document, (of which I send you an exact copy,) directing said constable to go to the house of José Armiño, and seek of him a list of persons who, in company with him, had embarrassed the arrangements or disposition of the alcalde. It is stated in this document that this list was understood by report, to be in possession of said Armiño. This is supposed to be the same list which was last night forwarded to you. The constable was further directed to take the bodies of José Armiño and of all the persons mentioned in the list, and bring them before the honorable Prefecto Ramon Luna, to-morrow at sunrise, there to have their offense examined into. To-morrow, I beg you to notice, is the day of the election, and the persons whose names are signed to the list, all to a man are opposed to the existing civil authorities. The capture of so many people it was doubtless supposed would have the effect of intimidating the people, between this point and Los Lunas, besides having the effect of depriving the captured of the right of voting.

This citation being illegal from beginning to end, I advised Don José Armiño, not to notice it. The people here are much frightened, and have offered to pay me to stay and defend them. Still these are the people who are represented as being in a state of revolution. They expect, and with good cause, to be harassed with fines and imprisonment by the authorities.

The people up to this time, have not committed a single illegal act; but if they are harassed still further, it is possible that through ignorance they may err. It is because of this fear that they desire me to remain with and advise them. They desire to maintain their rights, but not to break the law. If a wrong has been committed, then is the whole population, with not more than fifteen exceptions, implicated. A simple remedy for the existing evils, I take the liberty of suggesting; it is this: for you to direct the authorities here to indict, before the grand jury, all the culpable; and, in the interim, not to trouble them more concerning this matter. The investigation will then be conducted by the prosecutor of the Territory, and then if the people have offended, they will then be punished and not annoyed by petty molestations. I have to say, moreover, that it is of the utmost importance, to examine into the conduct of the alcalde. I have further to say, what I have before laid before you, that very few of the civil authorities are capable or desirous, of examining dispassionately into the conduct of others of their number; as they are, as I have had the honor of stating to you, banded together for mutual protection in their iniquities. The prefecto of the county of Bernalillo is particularly objectionable; indeed, I know of but one prefecto, whose character I am acquainted with, whom I consider competent to the task, and he is the prefecto of San Miguel, Mr. Grolman—with this gentleman I have no personal acquaintance, and his political views are opposed to mine, but he has the character of an upright, honorable, and sensible man.

As I mentioned in my communication of last night, that the cause of the difficulty here is, that the alcalde attempted to open the church that Friar Cardenas, a suspended priest, might perform therein a mass. To this step of the alcalde more than one hundred, of the hundred and twenty owners of the church, objected, signing a paper to this effect: "We

do not care for Pedro Cardenas;" or, in other words they did not desire his services. Mr. José Arrijo, an elderly gentleman of good repute was deputed spokesman, and, in company with a number of the congregation, told the alcalde that it was against their will for Pedro Cardenas to say mass in their church. The alcalde replied that "he had the power, and did not recognize that of the people." To which was replied: "If you do not recognize the people, or their sovereignty, the people will not recognize you as alcalde." And these words have been construed in *rebellion*.

With the sincere hope that the cries of a distressed people may not be unavailing, I have the honor to sign myself your obedient servant,
R. H. WEIGHTMAN.

Colonel JOHN MUNROE,

Military and Civil Governor of New Mexico.

To these appeals of an oppressed and distressed people Colonel Munroe turned a deaf ear.

Here is the report of the Auditor of New Mexico, charging certain officers with embezzlement of the public funds. I will not read it, but it distinctly charges willful and deliberate fraud and collusion between certain officers (holding their offices at the absolute will and pleasure of Colonel Munroe) to embezzle the public funds, and exhibiting proofs of the embezzlement, on which Colonel Munroe took no action.

Here is the case of Simon Rosenstein, to which I invite particular attention. Here it is:

SANTA FE, NEW MEXICO,
November 16, 1849.

SIR: It is my painful duty as counsel for Simon Rosenstein, a citizen of the United States, to bring to your notice a most grievous and distressing outrage, which has been committed on his person.

Without law, or color of law, while peaceably engaged in the prosecution of his lawful business as a trader, or merchant, he was arrested by a non-commissioned officer and four soldiers belonging to the garrison at Albuquerque, and, without trial or form of trial, confined in the guard-house of that place for the night, during which he was furnished with neither food nor bedding, and without being permitted to write to his friends, though he requested permission so to do.

This arrest took place on Tuesday last of this month, at about one o'clock.

On the next morning he was told that he must be blindfolded, as it was necessary to take him to another room that he might be questioned, and having been blindfolded, he was led into another room and *stripped, and bound, and scourged*.

He was left insensible, and is at this moment in suffering from the effects of this illegal and brutal treatment, and knows not to this hour for what he has been punished.

Side by side with the statement of this outrage, I place the words of the Constitution of the United States: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State or district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Has the sufferer, Simon Rosenstein, been accused?

Has he enjoyed the right to a public and speedy trial by an impartial jury?

Has he been informed of the nature and cause of the accusation?

Has he been confronted with witnesses against him?

Has compulsory process been afforded him for obtaining witnesses in his favor?

Has he had the assistance of counsel for his defense?

Who is the perpetrator of this outrage upon the person of a citizen and upon the laws of the country; a court of inquiry may discover.

As counsel for Simon Rosenstein, I feel called upon respectfully to ask of you, sir, in your double capacity as Civil and Military Governor, to cause a strict investigation to be made into this whole matter, in order that the real perpetrators may be brought to light.

I am, sir, very respectfully, your obedient servant,

R. H. WEIGHTMAN,

Counsel for Simon Rosenstein.

To Col. JOHN MUNROE,

Military and Civil Governor of New Mexico.

And on this complaint Colonel Munroe did take no action.

Mr. PHELPS. Who commanded at Albuquerque?

Mr. WEIGHTMAN. I am talking about complaints I laid before Governor Munroe, upon which he took no action.

Mr. PHELPS. Who commanded at Albuquerque?

Mr. WEIGHTMAN. Major Hine.

[Here the hammer fell.]

Mr. ORR. I have arisen for the purpose of demanding the previous question upon the motion that has been submitted, to refer this matter to the Committee on Elections and to print. Before making that motion, however, I desire to make a remark or two upon this subject. I think the debate we have been listening to has been most unfortunate, and certainly very unusual. A memorial is presented by Captain Reynolds, contesting the seat of the delegate from New Mexico, and upon that memorial the gentleman from Missouri [Mr.

PHELPS] makes a speech, in which charges are brought, not against the Governor of New Mexico in connection merely with this election, but a string of general charges such as have not been brought, perhaps, against any public man since those preferred against Warren Hastings. Now, if these charges are all true, why does not the gentleman offer a resolution here, asking that a committee of investigation may be raised for the purpose of ascertaining their truth. They have nothing to do with this question in law.

Mr. PHELPS. If the gentleman from South Carolina [Mr. ORR] had paid a little more strict attention to what I had to say of the conduct of Governor Calhoun, he would have found that my remarks were confined exclusively to his conduct in interfering in the elections. I found it necessary to read some extracts from a newspaper, and also from a manuscript letter which had been addressed to the President of the United States by certain gentlemen in this city, and there were some other charges connected with it which it was necessary for me to read, in order to obtain the portion I wanted. I intended to confine my remarks to the interference on the part of Governor Calhoun in political affairs, and in the elections that were held in the Territory of New Mexico. I had nothing to say of the conduct of the Governor in any other particular.

Mr. ORR. I was very attentive to the remarks of my friend from Missouri, [Mr. PHELPS,] and I heard his entire speech. I desire to inquire of gentlemen, if they do not remember distinctly that he charges the Governor of New Mexico with certain corruption in securing the election of members to the Territorial Legislature of New Mexico. I desire to inquire what connection that has with the question now before the House. But the main purpose I had in view in calling the attention of the House to this subject at the present time is this: Here a memorial is presented, contesting the seat of a delegate. That memorial should be referred to the Committee of Elections, whose duty it would be to inquire into the facts, and report them to the House in an authoritative form, and then each member of this House becomes a judge upon that statement of the facts. It is not right that either the contestant or sitting member should be prejudiced in the estimation of the House or country, by any *ex parte* statements made by those presenting the memorial, or in defense by the gentleman from New Mexico, [Mr. WEIGHTMAN.] It is a question which should not have been agitated at all, but should have been referred to a committee. When a committee submits a report, then it will be open to fair debate and decision by the House. I demand the previous question.

Mr. PHELPS. Will the gentleman permit me one word of explanation. I think the gentleman from South Carolina [Mr. ORR] has unintentionally done me injustice.

Mr. ORR. I will yield the floor temporarily to the gentleman, for the purpose of allowing him to make a short explanation. I want to make my usual motion very soon. [Laughter.]

Mr. PHELPS. The gentleman was confounding some of the matter which I read at the time I was addressing the House, with remarks I myself submitted. The gentleman is inclined, perhaps, to censure the course I have pursued in the presentation of this memorial, and the remarks which I made on the day I presented it. I briefly stated the charges which the petitioner made, stating the fact that he contested the right of the gentleman from New Mexico to a seat upon this floor. I was proceeding at that time to say something in relation to the conduct of Governor Calhoun in the election in New Mexico, and my friend from North Carolina [Mr. STANLY] suggested the postponement of the matter. To that point I had said nothing, but that which the rules of the House require me to say in the presentation of a memorial, or a petition. At a subsequent time, I confined myself entirely to the charges contained in the memorial. After that, at an interview with the Delegate from New Mexico, I informed him of the course of remark which I had intended to have pursued, had I not been arrested in it. I had no desire, as I stated at the time I offered that memorial, to do anything which might prejudice his case. He seemed to think that I had gone a little too far, and desired, therefore, to reply. I was willing the matter should rest there. I had confined my remark exclusively to the conduct of

Governor Calhoun in interfering in the election of the Delegate from the Territory of New Mexico, and also in the special election, held in the county of Rio Arriba. I thought it was a fair and legitimate inference, and a matter which might be urged to show that there was an interference on the part of the Governor of that Territory in political affairs, which was unauthorized, and highly censurable upon his part. I did not enter into a discussion of the oppressions which the people suffered under the military Government of New Mexico. I supposed that the gentleman from New Mexico [Mr. WEIGHTMAN] would have confined himself entirely to defending Governor Calhoun from the charges which I brought against him. As to those, there has been no denial on the part of the gentleman. Here is the explanation I desire to make. I had intended to have submitted something further.

Mr. ORR. I have no doubt that the gentleman from Missouri [Mr. PHELPS] thought his action in the premises was right, but I think it has been unusual for such a course to be taken.

Mr. WEIGHTMAN. Will the gentleman yield me the floor for a moment?

Mr. ORR. I cannot refuse, but it is the last time.

Mr. WEIGHTMAN. The gentleman from Missouri says I have not taken up the charges against Governor Calhoun. I am inclined to think that I showed those charges were before the people, brought in issue under the contested election, and that my adversaries dared not take the testimony upon those issues.

Mr. ORR. I renew my demand for the previous question.

The previous question was seconded, and the main question ordered.

The SPEAKER. The question is upon referring the memorial to the Committee of Elections, and that it be printed.

Mr. JONES, of Tennessee. I ask for a division of the question. There is no necessity for printing.

The question then recurring first upon the reference, it was taken, and decided in the affirmative.

So the memorial was referred to the Committee of Elections.

The question was then taken upon the printing, and it was not agreed to.

Mr. KING, of New York. I have a bill which has been before the Judiciary Committee for a long time, and which the convenience of suitors in the city of New York requires should be passed. It is one to which there can be no objection, and I ask the unanimous consent of the House to make a report of the bill with an amendment.

Mr. ORR objected.

Mr. KING. It is a bill to which there can be no objection. It has been in my hands for some six weeks, but the morning hour has been taken up with business connected with the public lands. I move to suspend the rules, for the purpose of enabling me to introduce the bill.

Mr. ORR. I rise to a privileged motion. I move that the House do now adjourn.

Mr. KING. I hope the House will first pass this bill. It will not take five minutes.

Mr. SEYMOUR, of New York. I appeal to the gentleman from South Carolina to withdraw his motion and allow this bill to be acted on.

Mr. ORR. I cannot do it.

Mr. SEYMOUR. The passage of this bill is absolutely necessary for the progress of business in the courts.

Mr. ORR. All the committees of this House have bills which they desire to submit, and if reports were called for regularly for one hour, they would all have an opportunity.

The question was then taken on Mr. ORR's motion, and it was decided in the negative—ayes 51, noes 52.

So the House refused to adjourn.

Mr. KING. I believe my motion will come up the first thing on Monday next, and as it is not probable a quorum can now be brought in, I will not ask the House to act on my motion now.

Mr. STUART. Is not the Alabama land bill the first thing in order when the House proceeds to the call of committees?

The SPEAKER. There are two such bills—the Alabama land bill, and the North Carolina land bill—the previous question being demanded in both cases, but not ordered in either. Those bills, therefore, take their places on the Speaker's

table, and cannot be reached until the House goes to the business on the Speaker's table. This motion to suspend the rules, if not acted on now, will be the first business in order on Monday next.

Mr. CHANDLER. It is evident there is not a quorum present, and I hope the House will therefore submit to a motion to adjourn. I make that motion.

Mr. BRIGGS. I ask the gentleman to withdraw the motion for one moment.

Mr. CHANDLER. Very well, sir.

On motion by Mr. BRIGGS, by unanimous consent, it was ordered that Mr. BISSELL be discharged from further service on the committee of conference upon the disagreement between the Senate and House in reference to the bounty land bill; and

The SPEAKER appointed Mr. FIRCH to fill the vacancy.

Mr. BROWN, of Mississippi, by unanimous consent, presented joint resolutions of the Legislature of Mississippi, praying the reduction of the price of land in the Augusta and Washington land districts, and urging a grant of land for the New Orleans and Jackson railroad; which were severally referred to the Committee on Public Lands, and ordered to be printed.

On motion by Mr. ROBBINS, the House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. OUTLAW: The petition of William Simmons, William B. Shephard, and other citizens of North Carolina, against the extension and renewal of Woodworth's patent.

By Mr. KUINS: The petition of John Weir, jun., James Hill, and 151 other citizens of Freeport, Armstrong county, Penn., praying Congress to provide by law for the observance of the sanctity of the Lord's day, by releasing from official duties all persons in the employment of the Government in cases where the public safety does not require it—and particularly in regard to the mail service.

Also, the petition of James Bell and other citizens of Pennsylvania, praying Congress to sustain the Wheeling Bridge, and to prevent its destruction under the late decree of the Supreme Court of the United States.

By Mr. BROWN, of Mississippi: The petition of D. M. Bean and 64 others, citizens of Mississippi, praying the passage of a law prohibiting the appointment of female postmasters.

By Mr. BRENTON: The petition of John Portner and 100 others, asking the establishment of a post route in Noble county, Indiana.

By Mr. PICKLIN: The petition of Thomas Templeton and others, for a mail route from Charleston, Coles county, via Long Point to Tontopolis, in Edinburg county.

By Mr. GREEN: The memorial of S. Spink, assistant marshal of the county of Wood, Ohio, asking additional compensation for taking the Seventh Census.

By Mr. CAMPBELL, of Illinois: The remonstrance of B. H. Thomas and 90 other citizens of Winnebago county, Illinois, against a renewal of C. H. McCormick's patent for a reaping machine.

Also, the remonstrance of James V. Gale and 43 others, citizens of Ogle county, Illinois, against the renewal of a patent heretofore granted to Austin and Zebulon Parker, for alleged improvements on reaction water wheels.

By Mr. DOTY: The petition of C. J. Marsh, Justus N. Dart, and other citizens of Marquette county, for a mail route from Montello by Westfield and Kingsbury Ferry, to Reed's Landing, on the Mississippi.

By Mr. MILLSON: The memorial of Isaac V. Pratt and 97 other citizens of Norfolk county, Virginia, remonstrating against the renewal of the Woodworth patent.

By Mr. GAYLORD: The memorial of H. Dawes and 145 other citizens of Morgan county, Ohio, asking a grant of 100,000 acres of un-sold public lands within Ohio, to aid in the construction of a certain plank or McAdamized road.

Also, the petition of Noah L. Wilson and other residents of Marietta, Ohio, asking Congress to establish the bridges of the Wheeling and Belmont Bridge Company as a post road, &c.

By Mr. THURSTON: The petition of William P. Dean, of Providence, Rhode Island, for commutation of clothing and rations as a recruiting sergeant, for two months' service in Mexico, under the direction of Colonel Ransom and Lieutenant De Wolf.

By Mr. EDGERTON: The petition of the heirs of Lieutenant Francis Martin, asking remuneration for losses sustained in the revolutionary war, and for other claims.

Also, the memorial of citizens of Maumee county, Lucas county, Ohio, asking an appropriation for the improvement of the Maumee river.

Also, the memorial of the assistant marshal of Lucas and Williams county, Ohio, asking additional compensation for taking the census.

By Mr. CONGER: The petition of John Senter and others, asking for confirmation of title to certain lands in the Lake Superior land district.

By Mr. ROBBINS: The petition of Mathias Rusk, and 25 others, citizens of Philadelphia county, in favor of the extension of the Woodworth patent.

Also, the joint resolutions of the Legislature of the State of Pennsylvania, requesting their Senators and Representatives in Congress to use their efforts in securing the establishment of a navy-yard, depot, and dry-dock on the lake frontier.

By Mr. THOMAS M. HOWE: Sundry memorials from citizens of Pennsylvania and Ohio, praying for an appropriation for the construction of a ship-canal around the Falls of the river St. Marie, Michigan.

By Mr. FAULKNER: A memorial of sundry citizens of the counties of Berkeley and Jefferson, State of Virginia, remonstrating against any further extension of Zebulon Parker's reaction water-wheel patent.

Also, a petition of sundry citizens of the county of Frederick, State of Virginia, praying for an extension of the Woodworth patent.

By Mr. HARPER: The remonstrance of Thomas J. Langley and 240 other legal voters of Guernsey county, Ohio, praying that the bridges of the Wheeling and Belmont Bridge Company may be established as post roads, and permitted to remain at their present height.

By Mr. HENN: The petition of Jacob B. Sprague and 80 others, citizens of Wapello county, Iowa, asking a grant of land to aid in the construction of a railroad from Burlington to the Missouri river.

Also, proceedings of a railroad convention held at Guttenburgh, Iowa, on the 23d and 24th days of February, 1852.

Also, proceedings of a railroad meeting held at Dubuque, Iowa, on the 25th February, 1852.

Also, the petition of John N. Newcomb, of Lee county, Iowa, deputy United States marshal, asking additional compensation for taking the Seventh Census.

IN SENATE.

TUESDAY, March 16, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tem.* laid before the Senate a letter from the Commissioner of Patents, communicating that portion of the report of the proceedings of his office for the year 1851 which relates to arts and manufactures; which was read, and ordered to be referred to the Committee on Printing.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate, a report of the survey, estimates, &c., of a route from St. Louis to the Big Bend of the Red river, made by direction of the Topographical Bureau, by Joshua Barney; which was read, and ordered to be printed.

PETITIONS, ETC.

Mr. FOOT presented the petition of Sarah Smith, widow of Alba C. Smith, a soldier in the Army, praying a pension; which was referred to the Committee on Pensions.

Mr. GWIN presented the memorial of Maria C. G. Johnson, widow of James Johnson, praying indemnity for losses sustained during the late war with Mexico; which was referred to the Committee of Claims.

Also, the memorial of David W. Alexander, asking to be reimbursed for losses sustained by him during the late war with Mexico; which was referred to the Committee of Claims.

Mr. RUSK presented the petition of Richard Eaton, praying a pension, in consideration of injuries received in the military service during the Florida war; which was referred to the Committee on Pensions.

Mr. CHASE. Mr. President, I ask leave to present to the Senate the remonstrance of a large number of the members of the House of Representatives of the State of Ohio, against the extension of the Woodworth patent. The gentleman who sends that remonstrance to me states, that it expresses the opinions of a large majority of the people of the State of Ohio, if not their unanimous opinion, and that the signatures to this remonstrance embraced all the members now present at the capital of my State. I beg leave, therefore, to recommend it to the earnest attention of the Committee on Patents and the Patent Office, to which committee I ask that it may be referred.

It was so referred.

Mr. HALE. I have received, and been requested to present to the Senate, the petition of citizens of Washington county, Illinois, praying Congress to pass a law releasing all the employees of the Government of the United States from any obligation to work on the Sabbath, or Lord's day; and also to restrain them by penal laws from so doing. I do not know to what committee this should be appropriately referred, and therefore I ask that it may be laid on the table at present.

It was laid on the table accordingly.

Mr. HALE presented the petition of Sarah F. Gowell, widow of a soldier in the last war with Great Britain, praying a pension; which was referred to the Committee on Pensions.

Mr. SHIELDS presented the petition of Wil-

liam Smith, praying bounty land for services as a soldier in the Florida war; which was referred to the Committee on Public Lands.

Mr. SOULE presented a resolution of the Legislature of Louisiana, in favor of the establishment of a mail route from the mouth of Red river to Natchitoches; which was referred to the Committee on the Post Office and Post Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. CLARKE, it was

Ordered, That the petition of Catharine G. Finney, for herself and others, heirs of officers and soldiers of the Rhode Island brigade, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. FOOT, it was

Ordered, That the documents, on the files of the Senate, relating to the claim of John Newton, be referred to the Committee on Public Lands.

REPORTS FROM STANDING COMMITTEES.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to which was referred the memorial of John J. Sykes, praying a compensation for services performed under an appointment from a special agent of the Post Office Department, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of the legal representatives of Wade Allen, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the petition of J. B. Amos, praying compensation for losses sustained by him on account of the establishment of a new mail route, submitted an adverse report; which was ordered to be printed.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the petition of Wm. P. J. Sanger, submitted a report, accompanied by a bill for his relief; which was read, and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the petition of Richard W. Meade, submitted a report, accompanied by a bill for his relief; which was read, and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of James D. Johnson, submitted an adverse report; which was ordered to be printed.

Mr. PRATT, from the Committee of Claims, to which was referred the petition of the legal representatives of the late Captain William G. Williams, submitted a report, accompanied by a bill for their relief; which was read, and passed to the second reading. The report was ordered to be printed.

Mr. STOCKTON, from the Committee on Naval Affairs, which was instructed to inquire into the subject, reported a bill for the relief of Charles G. Hunter; which was read, and passed to the second reading.

He also, from the same committee, to which the subject was referred, reported a joint resolution for the building of a war-steamer for harbor defense; which was read, and passed to the second reading.

He also submitted a report on the subject; which was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to which was referred the memorial of the California Settlers and Miners' State Convention, asked to be discharged from the further consideration thereof; which was agreed to, inasmuch as a bill had been reported on the subject.

MILITARY RECONNOISSANCE.

Mr. JONES, of Iowa, submitted the following resolution for consideration; which was ordered to be referred to the Committee on Printing:

Resolved, That five thousand copies of a journal of a military reconnoissance from Santa Fé, New Mexico, to the Navajo country, made with the troops under command of Brevet Lieutenant Colonel John M. Washington, Chief of the Ninth Military Department, and Governor of New Mexico, in 1849, by James H. Simpson, A.M., First Lieutenant corps of Topographical Engineers, be printed for the use of the Senate.

CHESAPEAKE AND OHIO CANAL.

Mr. PRATT submitted the following resolution; which was agreed to:

Resolved, That the Secretary of War be directed to have prepared and communicated to the Senate, an estimate of the cost of constructing a basin at the terminus of the Chesapeake and Ohio Canal at Rock Creek, sufficient to accommodate the trade of the canal at that point.

EXTENSION OF THE CAPITOL.

The Senate resumed the consideration of the joint resolution to authorize the continuance of the work upon the two wings of the Capitol, with the amendment of the House of Representatives thereto, and it was

Ordered, That it be referred to the Committee on Public Buildings.

Mr. BORLAND submitted the following resolution for consideration; which was agreed to:

Resolved, That the Committee on Public Buildings of the Senate, be instructed to make a thorough examination of the work thus far executed on the extension of the Capitol: 1st. As to the uniformity of the strata upon which the walls rest. 2d. As to the quality and the dimensions of the stone, and quality of the mortar used. 3d. As to the character of the work, the mode of its construction, and its power of resistance. 4th. As to every other matter and thing connected therewith as may, in their opinion, affect the stability and permanency of the whole structure. And the committee are hereby empowered to bring to their aid, in the foregoing examination, such of the United States Topographical Engineers, and other competent persons as they may think proper.

WILLIAM A. CHRISTIAN.

The Senate resumed the consideration of the engrossed bill for the relief of William A. Christian, the vote on the passage of which was reconsidered yesterday, on the motion of Mr. GWIN.

Mr. GWIN. I move to strike out the sum of \$2,463 74 mentioned in the bill and insert \$1,584 78. The committee took the bill which was originally introduced at a previous session and which passed the Senate before. They were not aware, at the time they reported this bill, that another bill had been passed into a law, covering the amount which it is now proposed to deduct. The amendment is simply to reduce the amount by taking from it that which has already been paid.

Mr. BADGER. And it ought to be mentioned, in honor of the gentleman for whose benefit the bill passed, that he himself first discovered the mistake in the amount. Being aware of the fact that a portion of the claim had been previously provided for, he gave notice of that fact to the committee, in order that the amount might be reduced to a proper sum.

The amendment was agreed to, and the bill was passed.

ORDER OF BUSINESS.

The PRESIDENT announced that the hour had arrived for the consideration of the special order, which was the bill granting the right of way and making a grant of land to the State of Iowa in aid of the construction of certain railroads in said State.

Mr. BRADBURY. I desire to ask that the special order be postponed for two or three minutes, for the purpose of taking up the bill reported by the Committee on the Judiciary providing for the purchase of the ninth volume of the laws of the United States. I make the request for this reason: Several members of the House of Representatives have applied to me, saying that they are without this volume of the laws, which it is very essential that they should have. It is in accordance with the request of the Secretary of State that he be authorized to purchase one thousand copies of this volume, to be distributed in the manner provided for by the act for the distribution of the previous volumes. I hope there will be no objection to this course.

Mr. JONES, of Iowa. I am obliged to object. I hope gentlemen will go on with our Iowa bill. If we can pass that in a reasonable time, then we can take up the bill of the Senator from Maine.

Mr. BRADBURY. The bill which I wish to have taken up will not occupy more than two minutes. I would not ask this but for the fact that I have been pressed by members of the House, who say that it is essential that they should be furnished with this volume.

The motion to postpone was not agreed to.

RAILROADS IN IOWA.

The Senate resumed, as in Committee of the Whole, the consideration of the bill granting the right of way and making a grant of land to the State of Iowa in aid of the construction of certain railroads in said State, the pending question being on the amendment of Mr. UNDERWOOD.

Mr. UNDERWOOD called for the yeas and nays on his amendment; and they were ordered.

Mr. SUMNER. Much time has been consumed by this question. At several periods the debate has seemed about to stop, and then again it has taken a new spring, while the goal has constantly receded. I know not if it is now near the end. But I hope that I shall not seem to interfere with its natural course, or unduly occupy the time of the Senate, if I venture again for one moment to take part in it.

The argument which I submitted on a former occasion has not passed unregarded. And since it can owe little to my individual position, I accept the opposition it has encountered as a tribute to its intrinsic importance. It has been assailed by different Senators on different days and in different ways. It has been met by harmless pleasantry, and by equally harmless vituperation; by figures of rhetoric and figures of arithmetic; by minute criticism and extended discussion; also, by that sure resource of a weak cause, hard words and an imputation of personal motives. I do not now propose to reply to all this array: least of all shall I retort the hard words or repel the personal imputation. On this head I content myself now with saying—and confidently, too—that, had he known me better, the Senator from Kentucky, [Mr. UNDERWOOD,] who is usually so moderate and careful, would have hesitated long before uttering expressions which fell from him in this debate.

The position I took was regarded as natural or excusable in a Senator from one of the land States, acting under the vulgar spur of local interest; but it was pronounced unnatural and inexcusable in a Senator from Massachusetts. Now, sir, it is sufficient for me to say, in reply to this suggestion, that, while I know there are influences and biases incident to particular States or sections of the Union, I recognize no difference in the duties of Senators on this floor. Coming from different States and opposite sections, we are all Senators of the Union; and our constant duty is, without fear or favor, to introduce into the national legislation the principle of justice. In this spirit, while sustaining the bill now before the Senate, I spoke for justice to the land States.

In sustaining this bill, I but followed the example of the Senators and Representatives of Massachusetts on kindred measures from their earliest introduction down to the present time. The first instance was in 1823, on the grant to the State of Ohio of land one hundred and twenty-five feet wide, with one mile on each side, for the construction of a road from the lower rapids of the Miami river to the western boundary of the Connecticut Reserve. On the final passage of this grant in the House, the Massachusetts delegation voted as follows: Yeas—Samuel C. Allen, Henry W. Dwight, Timothy Fuller, Jeremiah Nelson, John Reed, Jonathan Russell. Nays—Benjamin Gorham. In the Senate, the bill passed without a division. In 1828 a still greater unanimity occurred on the passage of the bill to aid the State of Ohio in extending the Miami canal from Dayton to Lake Erie; and this bill is the first instance of the grant of alternate sections, as in that now before the Senate. On this the Massachusetts delegation in the House voted as follows: Yeas—Isaac C. Bates, Benjamin W. Crowninshield, John Davis, Edward Everett, John Locke, John Reed, Joseph Richardson, John Varnum. Nays—none. In the Senate, Messrs. Silsbee and Webster both voted in the affirmative. I pass over the intermediate grants which, as I am told, have been sustained by the Massachusetts delegation with substantial unanimity. The extensive grants at the last session of Congress to Illinois, Mississippi, and Alabama, in aid of a railroad from Chicago to Mobile, were sustained by all the Massachusetts votes in the House, except one.

Still further, in sustaining the present bill on grounds of justice to the land States, I but followed the recorded instructions of the Legislature of Massachusetts, addressed to its Senators and Representatives here on a former occasion. The subject was presented in a special message to the Legislature in 1841, by the distinguished Governor at that time, who strongly urged "a liberal policy towards the actual settler, and towards the new States, for this is justly due to both." And he added: "Such States are entitled to a more liberal share of the proceeds of the public lands than the old States, as we owe to their enterprise much of the value this property has acquired. It seems to

'me, therefore, that justice towards the States in which these lands lie, demands a liberal and generous policy towards them.'" In accordance with this recommendation, it was resolved by the Legislature, "That in the disposition of the public lands, this Commonwealth approves of making liberal provisions in favor of the new States; and that she ever has been, and still is, ready to cooperate with other portions of the Union in securing to those States such provisions." Thus a generous policy towards the land States, with liberal provisions in their favor, was considered by Massachusetts the part of justice.

It was my purpose, before this debate closed, to consider again the argument I formerly submitted, and to vindicate its accuracy in all respects, both in principle and in detail. But this has already been so amply done by others so much abler than myself—by the Senator from Missouri, [Mr. GEYER,] both the Senators from Michigan, [Mr. FELCH and Mr. CASS,] the Senator from Arkansas, [Mr. BORLAND,] the Senator from Iowa, [Mr. DODGE,] and the Senator from Louisiana, [Mr. DOWNS]—all of whom, with different degrees of fullness, have urged the same grounds in favor of this bill, that I feel unwilling at this hour, and while the Senate actually waits to vote on the question, to occupy time by further dwelling upon it. Perhaps on some other occasion I may think proper to return to it.

But, while avoiding what seems superfluous discussion, I cannot forbear to ask your attention to the amendment of the Senator from Kentucky, [Mr. UNDERWOOD.]

This amendment, when addressed to the Senators of the favored States, is of a most plausible character. It proposes to give to the original thirteen States, together with Vermont, Maine, Tennessee, and Kentucky, for purposes of education and internal improvement, portions of the public domain, at the rate of one acre to each inhabitant, according to the recent census. This is commended by the declared object—education and internal improvement. Still further, in its discrimination of the old States, it assumes a guise well calculated to tempt them to its support. It holds out the attraction of seeming, though unsubstantial, self-interest. It offers a lure, a bait to be unjust. I object to it on several grounds:

1. But I put it in the fore-front, as my first objection, its clear, indubitable, and radical injustice, written on its very face. The amendment confines its donations to the old States; and, in so doing, makes an inequitable discrimination in their favor. It tacitly assumes that by the bill in question, or in some other way, the land States have received their proper distributive portion, so as to lose all title to share with the old States in the proposed distribution. But if there be any force in the argument, so much considered in this debate, that these railroad grants actually enhance the neighboring lands of the United States, and constitute a proper mode of bringing them into the market, or if there be any force in the other argument which I have presented, drawn from the equitable claims of the land States, in comparison with the other States, to the bounty of the great untaxed proprietor, then this assumption is unfounded. There is no basis for the discrimination made by the amendment. If the Iowa land bill be proper to be passed without this amendment, as I submit it is, then this amendment, introducing a new discrimination, is improper to be added to it. Nardo I well see how any one, prepared to sustain the original bill, can sustain this amendment. The Senator from Kentucky, who leads us to expect his vote for the bill, seems to confess the injustice of his attempted addition.

2. I object to it as out of place. The amendment proposes to ingraft upon a special railroad grant to a single State a novel system of distribution of the national domain. Now, there is a place and a time for all things; and nothing seems to me more important in legislation than to keep all things in their proper place, and to treat them at their proper time. The distribution of the public lands is worthy of attention; and I am ready to meet this great question whenever it arises legitimately for our consideration; but I object to considering it merely as a rider to the Iowa land bill.

The amendment would be less objectionable if proposed as a rider to a general system of railroad grants, as for instance to a bill embracing grants to all the land States; but it is specially ob-

jectionable as a graft upon a single bill. The Senator who introduced it doubtless assumed that other bills, already introduced, would pass; but, if his amendment be founded on this assumption, it should await the action of Congress on all these bills.

3. If adopted, the amendment would endanger, if it did not occasion the defeat of, the Iowa land bill. This seems certain. Having this measure at heart, believing it founded in essential justice, I am unwilling to place it in this jeopardy.

4. It prepares the way for States of this Union to become landholders in other States, subject of course to the legislation of those States—an expedient which, though not strictly objectionable on grounds of law, or under the Constitution, is not agreeable to our national policy. It should not be promoted without strong and special reasons therefor. In the bill introduced by the Senator from Illinois, [Mr. SHIELDS], bestowing lands for the benefit of the insane in different States, this objection has been partially obviated, by providing that the States in which there were no public lands should select their portion in the Territories of the United States, and not in other States. But, since in a short time these very Territories may become States, this objection is rather adjourned than entirely removed.

5. But the lands held under this amendment, though in the hands of States, will be liable to taxation, as the lands of other non-resident proprietors, and on this account will be comparatively valueless. For this reason I said that the amendment held out the attraction of seeming, though unsubstantial, self-interest. That the lands will be liable to taxation cannot be doubted. The amendment does not propose in any way to relieve them from this burden; nor am I aware that they can be relieved from it. The existing immunity is only so long as they belong to the United States. Now, there is reason to believe that, from lack of agencies and other means familiar to the United States, the lands distributed by this amendment would not find as prompt a market as those still in the hands of the Great Landholder. But howsoever this may be, it is entirely clear, from the recorded experience of the national domain, that these lands, if sold at the minimum price of the public lands, and only as rapidly as those of the United States, and if meanwhile they are subject to the same burdens as the lands of other non-residents, will, before the sales are closed, be eaten up by the taxes. The taxes will amount to more than the entire receipts from the sales of the lands; and thus the grant, while unjust to the land States, will be worthless to the old States, the pretended beneficiaries. In the Roman law an insolvent inheritance was known by an expressive phrase as *damnosa hereditas*. A grant under this amendment would be *damnosa donatio*.

For these good and sufficient reasons, I am opposed to this amendment.

Mr. BELL. To test the sense of the Senate on a question suggested by the Senator from Massachusetts, I offer an amendment to the amendment of the Senator from Kentucky, to come in as a proviso at the end of the first section of it, as follows:

Provided, That the lands to be selected for the States under the provisions of this section, shall not be located within the limits of any State, but shall be selected within the territories organized, or to be hereafter organized, east of the Rocky Mountains.

I do not mean to occupy the attention of the Senate on this subject. I have listened to the arguments of honorable Senators who have opposed this amendment of the Senator from Kentucky, with great attention; and it seems to me that there was more plausibility in the objection urged by the Senator from Massachusetts, (and which is obviated by this amendment of mine,) than in any of the objections which have been made. I say that it is only a plausible objection; for really, when you come to look at the subject in a legal and constitutional point of view, there can be very little difference whether States or individuals are the proprietors of lands within the States—considering that our States are not foreign to each other; for, although this is not a consolidated government, yet, in many respects, they are the same great State. The privileges of a citizen of one State are equally privileges of citizens of all the other States. There is no prohibition of free intercourse of trade or holding property between any of the States. Nevertheless, it is an objec-

tion which can be perverted, because it will tend to make the subject more understood, and will create a greater amount of prejudice against such a proposition, than any other objection which could be urged. It can raise the old cry of foreign sovereignties—States becoming proprietors, landholders, within the sovereign jurisdiction of other States. Without saying anything more, I ask that the question be taken on this amendment to the amendment, in order that these selections may be confined—if the amendment of the Senator from Kentucky should be adopted—to lands within the territories, and not within the limits of any organized State of the Union.

The amendment to the amendment was agreed to.

The question recurred on the amendment as amended.

Mr. RHETT. I am not going to debate this question; but, as I am the only Senator present from the State I represent, I propose to state, in a very few words, why I cannot support either the amendment or the bill. I cannot support the amendment, because it is a clear and distinct assertion of the right of the Government to aid in enabling States to carry on internal improvements. It is an appropriation, therefore, of lands, and, consequently of money, to carry on works of internal improvement. This power is not granted by the Constitution to Congress, either in the appropriation of money or lands. It is contrary to the whole course I have pursued since I have been a public man.

The same objection, it appears to me, applies also to the bill itself. It is very true that in the operation of the bill it would appear that the remark of my friend from Iowa [Mr. DODGE] was correct. It does speak of alternate sections for six miles on each side of the road. That being the case, according to his argument, and according to the argument of Mr. Calhoun, it would be no loss to the Government, inasmuch as every other alternate section is appreciated and doubled in price to the Government by the bill. If this appreciation of alternate sections takes place, I admit that the principle stated by Mr. Calhoun covers the bill. But this bill does not stop there; and I think the real practical part of the bill does not begin there. The real operation of the bill is in the ulterior part, providing that beyond the six miles lands may be located for fifteen miles further; and within these fifteen miles, they are not to take lands by alternate sections, and there is to be no appreciation of sections, but they may take them in one body aggregately.

Mr. DODGE, of Iowa. They are to take lands fifteen miles in all, and not fifteen miles beyond the six miles.

Mr. RHETT. Well, then, nine miles beyond the six miles they are to take lands, and they are not then to take them alternately, but may take them aggregately. Undoubtedly they will select all the best portions of the lands in aggregate masses. Pursuing their own interests, they would be acting foolishly if they did not do so. What, then, becomes of the alternate-section principle, by which the improvement of a part is made to inure to the benefit of the whole? They will take the better portions, and leave the refuse lands, that we have no right to suppose will realize any advantage to the Government. This portion of the bill seems to me to go entirely beyond the original bills passed by the Senate formerly, when Mr. Calhoun was a member of this body. Then, the lands that were granted were entirely waste and wild lands. But these railroads, I understand, will go through lands in the West, where there are not any alternate sections which are not taken, but where the greater portion of the land on each side of the road has been taken. This very provision, allowing the land to be taken in large masses beyond the six miles, places it pretty much on the same footing with the amendment of the Senator from Kentucky. Therefore the objection that applies to the amendment, applies also, in my judgment, to the original bill. They are both of them in this form, as I have said, bills appropriating lands as a substitute for money by this Government for internal improvements in the States. I have been, and I believe ever will be, unalterably opposed to an appropriation for internal improvements in the States, either of money from the public Treasury, or of lands from the public domain.

Mr. DOUGLAS. Mr. President, I think the Senator from South Carolina [Mr. RHETT] is in error as to the construction of this bill. I understand this to have been, in the respect to which he refers, a copy of the bill which passed at the last Congress for the States of Alabama, Mississippi, and Illinois. The construction which has been given to that bill, not only by its friends upon this floor and in the other House of Congress, but by the Departments in its execution, has been that the lands, not only within the six miles, but also outside of the six miles, and within the fifteen miles, were to be selected in alternate sections. That question has been before the Departments, under that law, within the last few weeks, and was so decided with reference to the selection of lands by the three States to which I have referred.

Mr. WALKER. That is the fair construction.

Mr. DOUGLAS. It having therefore received that construction, which is in my opinion the correct construction according to the intent and meaning of the friends of the measure here and in the other House at the time it passed, of course this bill will receive the same construction when it shall become the law of the land and the Departments shall be called upon to execute it. And receiving that construction, these lands will be selected in alternate sections to the extent that they go on each side of the road, even up to the limit of fifteen miles. That I apprehend obviates the objection which has been urged by the Senator from South Carolina. In regard to his remark with reference to the policy of Mr. Calhoun, I can only say that the speech of that distinguished Senator from South Carolina, now no more, was made in support of the Illinois bill, of which this is a copy. Therefore, I regard the speech of Mr. Calhoun as having indorsed not only the principles but the details of the bill now pending before the Senate. I remember well the language of the distinguished Senator from South Carolina at that time. When it was urged that the Illinois grant was too much, that the road was too long, that it required too large a quantity of land, his reply was, that the principle being right, the policy being correct, the longer the road the greater would be the advantage which would result to the United States from it. It was with reference to this policy that that speech was made. Of course it is fresh in my mind, because being here at the time and feeling an interest in the bill on which he was speaking, it made a deep and abiding impression on me. I thought that he was correct then; and if correct then, I think the policy is right now when applied to a different road from that on which he spoke, the principles and the details of the bill being the same, so far as they occur to me at this time.

Mr. UNDERWOOD. I do not recollect that, in the former discussions on this subject, the attention of the Senate was ever brought minutely to the selection of the lands beyond the six miles provided for in these several bills. I do not recollect that the attention of the Senate has ever been, until this session, brought to the consideration of the selection of the lands on the outside of the six miles in reference to the price. That is what I want to have understood. I do not intend now to discuss anything, for I am as much tired of the subject as any gentleman can be, and I am tired even of hearing myself talk. I have talked enough on the subject; but I want to make my statement, and then, after making a motion, I will take my seat.

I wish to state that I do not recollect that Mr. Calhoun, or any other Senator, in discussions which have taken place in former Congresses upon this subject, ever called the attention of the body to the question of the increased price outside of the six miles next the line of the road. Sir, it is a fact that there is no increase provided for by these bills upon any land beyond the six miles. The increase of price is limited to the lands within the six miles; and if there be no land within that distance from which to make the selection, the effect of the bills is a donation, a complete donation, of so much land outside of the six miles, which the States get without any equivalent at all. I have voted for these bills heretofore upon the principle of internal improvements, for all that—knowing it, feeling it, and willing to go it. But I want things understood. I want the Senate and the country to know, when we vote for these bills, that that is the effect of them—that the lands on the outside of the six miles are given as so much

clear gain to the States, and that there is no increase at all upon the price of those lands, but that they are an entire loss to the Government of the United States—so much donated away.

Having adopted the proviso of the Senator from Tennessee, [Mr. BELL,] to make my amendment consistent, we ought to strike out "New Mexico" in another portion of it; and I therefore move that, as an amendment to my amendment.

The amendment to the amendment was agreed to.

Mr. RHETT. Mr. President, when I noticed what Mr. Calhoun said in the argument which was referred to by my friend from Iowa, I did not wish the Senate to understand that I intended to support what Mr. Calhoun supported, or repudiate what he repudiated. But as he had been quoted, and as he is some authority in South Carolina, I thought proper to show, if I understood the bill, that Mr. Calhoun was not correctly reported; and now, if I understand the bill correctly, I do not stand corrected by the Senator from Illinois. What was the principle upon which Mr. Calhoun advocated these bills? Why, it was the alternate, section principle, that you are to give one section and then add a double price to the next section; that this Government, by selling the next section at the double price, lost no money; that it was not a donation for internal improvements to the States; that it was nothing more than an equitable and convenient arrangement by which the United States, as a landholder, so arranged its own property, as that it lost nothing, although the States gained by the operation. That was the proposition and principle of Mr. Calhoun. Is that the principle of this bill? Why, sir, the Senator from Kentucky has just stated, that this principle operates here only within the six miles, and not beyond that limit. Beyond that limit—and for the nine miles beyond, there is no such provision whatsoever, so far as Mr. Calhoun's principle is concerned. It is true, I thought, there was an additional principle upon the face of the bill itself—and that beyond the six miles limitation, the lands could be located in the aggregate and not in alternate sections.

I will not insist upon my construction of the bill, if Senators say that the Departments give it another construction; but it is certainly capable of the construction I contended for. The Senator from Georgia [Mr. Dawson] alleged in his speech, that the meaning I ascribed to it was its meaning, and I certainly have not heard that assertion contradicted in any argument on this floor. The bill is certainly not in conformity, in any view, to the principle which Mr. Calhoun laid down, which was that as a landholder we did not give away the land; that it was in reality giving nothing, because by giving one section we realize as much by obtaining double the price from the alternate section, and the Government lost nothing by the operation; and that it was an arrangement which, as a landholder, the Government had a right to make, without being involved in the question of internal improvements. In this way he steered clear entirely of the constitutional objection. But he could never have asserted this principle, if his attention had been brought to a measure like the bill before us. Suppose it had been proposed that Illinois or any other State should go and take every alternate section, and that the sections reserved should not sell for any other price than that stipulated for in the general laws of the country—that the alternate sections should not sell for the double price; would Mr. Calhoun have voted for a bill of that kind? No proof that he would have done so has been presented to the Senate; and it cannot be shown from his observations that he supported any principle which would justify such an appropriation of the public lands.

Mr. JONES, of Tennessee. I desire to say to the Senate that I do not expect to vote upon the amendment of the Senator from Kentucky; not that it does not meet my approbation, on the contrary, I am in favor of it. I might have avoided the vote, but I do not desire to avoid any vote, and hence I wish to state the reason why I shall not vote at all upon the amendment. The Senator from Arkansas, [Mr. SEBASTIAN]—his family being in a condition requiring his presence—came to me, and asked me to pair off with him. As a matter of courtesy and kindness I agreed to do so. He was opposed to the amendment; I am in favor of it. It is for this reason that I shall not vote upon it.

Mr. SUMNER. I desire to make a similar explanation. At the request of the Senator from Georgia, [Mr. Dawson,] who has participated in this debate, and who has been called home to his family, and with a view to his personal accommodation, I have paired off with him. I should, otherwise, have voted against the amendment.

The question being taken by yeas and nays, on the amendment offered by Mr. UNDERWOOD, as amended, resulted as follows:

YEAS—Messrs. Badger, Bell, Clarke, Cooper, Davis, Fish, Foot, Hamlin, James, Mangum, Pratt, Seward, Smith, Underwood, and Upham—15.

NAYS—Messrs. Atchison, Bayard, Borland, Brodhead, Brooke, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Geyer, Gwin, Jones of Iowa, King, McLane, Mason, Morton, Rhett, Rusk, Shields, Soule, Stockton, Wade, and Walker—25.

So it was rejected.

The bill was then reported to the Senate as amended. The amendment made was the substitute of the Committee on Public Lands for the original bill.

Mr. SEWARD. I have an amendment which I wish to offer to the bill. I move to strike out from the first section the words "of railroads from the city of Dubuque to Keokuck, and from Davenport, on the Mississippi river, in said State, as may be designated by the authority of said State," and insert "of a railroad from Davenport, on the Mississippi river, as may be designated by the authority of the said State, through Fort Des Moines to such point as the said authority shall select on the Missouri river, with branches from Fort Des Moines to Burlington and Dubuque."

The part of the section proposed to be amended would then read as follows:

Be it enacted, &c., That the right of way through the public lands be, and the same is hereby granted to the State of Iowa, for the construction of a railroad from Davenport, on the Mississippi river, as may be designated by the authority of the said State, through Fort Des Moines, to such point as the said authority shall select on the Missouri river, with branches from Fort Des Moines to Burlington and Dubuque, and to such point as the said authority shall select on the Missouri river; which authority shall also fix and determine the routes of each of said railroads.

I shall detain the Senate but a moment upon this amendment. It requires some explanation. This bill, as I understand it, proposes to aid the construction of two railroads in the State of Iowa; one from Davenport, on the Mississippi river, to some point in the Council Bluffs, on the Missouri river; and another railroad from Dubuque, on the Mississippi river, to Keokuck, on the Mississippi river—that is, one railroad running east and west through the State of Iowa, and one railroad running north and south, between two points on the Mississippi river, both in that State.

In order to express my purpose, I propose to take out part of the bill and insert a substitute; and I propose to leave the chief railroad, running through the State, precisely as it is in the bill—that is, from Davenport, on the Mississippi river, to Council Bluffs, on the Missouri river. Then, in lieu of the railroad connecting the two points, Dubuque and Keokuck, on the Mississippi river, I propose that roads shall be constructed which shall run east and west through the State; and to accomplish that object, to make a branch railroad from Fort Des Moines, upon Des Moines river, which is in the center of the State, and is a point through which the principal eastern and western railroad will pass, to Dubuque, on the Mississippi river, and another branch from Fort Des Moines to Burlington, on the Mississippi river.

Thus, while my amendment contemplates leaving the central railroad just as it is in the bill, it proposes, in lieu of the railroad between Dubuque and Keokuck, crossing the State from north to south to make branches from the Des Moines river to the two points, Dubuque and Burlington. The reason which has controlled my mind, grounded upon such information as I have with regard to the State, is, that the communications to the markets from that State will necessarily be to the east and the south. The northern branch which I propose, to Dubuque, will give the people living in the region of the State through which it will pass, an eastern communication by railroad, connecting with the eastern railroad at Dubuque, and so with other lines of railroad to the cities of Boston, New York, and Philadelphia—that is, with the Atlantic coast. The same effect will be produced by branches running from that same point

to Burlington, which will there connect this country with the railroads in the process of construction, and so give to Burlington, as well as to Dubuque, access, by communications through the State of Illinois, to Eastern markets, while at the same time they will have, through the southern branch at Burlington, a communication with the Mississippi river, and so with the Southern ports.

Now, sir, I am not able to say that this is a more judicious location of these internal improvements; I can only say that I am so informed, and I think it looks reasonable. It will be seen that the railroad which the bill contemplates between Dubuque and Keokuck, runs not quite parallel, indeed, with the Mississippi river, yet it is practically so, and thus giving a railroad communication down the Mississippi, though not materially shorter than by river, and perhaps it is even as long as the part of the Mississippi river between the two points, although the Mississippi is navigable between the two points to be connected by this proposed railroad. The Government of the United States have already made appropriations for the improvement of the Des Moines river, and the effect of granting these lands now, to make a railroad communication between the two points on the Mississippi, seems to come in conflict with the policy of the Government in improving the navigation of the Des Moines river. It is for these reasons, which I have stated as tersely as I could, that I have preferred the system contained in the amendment which I have proposed. I need not say that I make this suggestion not without self-distrust, and with very great deference to the Senators of the State which is so much interested in this bill.

The PRESIDENT. The Chair would suggest to the Senator from New York the propriety of proposing his amendment to the amendment of the committee, which is in the same words as those used in the original bill. His amendment will then come in the third line of the sixth section. The amendment reported by the committee has been agreed to by the Senate as in Committee of the Whole, and it is now before the Senate for consideration.

Mr. SEWARD. I have no objection that it should be introduced in the section named by the Chair.

Mr. ATCHISON. Before I vote upon this proposition, I would be glad if one of the Senators from Iowa would explain the effect of this proposition. Sir, if the principles of this bill are settled here, I think the details may safely be left to the State of Iowa; in other words, I think it may safely be left to that State to say where shall be the location of the road. I think that this amendment will materially change the object of the bill; and without the assent of the Senators from Iowa to it, I shall vote against it, and against any similar proposition to amend.

Mr. JONES, of Iowa. I trust that the Senate will not agree to the amendment of the Senator from New York. This is a question which ought to be left to the State of Iowa to decide upon. That State has now, for three different sessions, memorialized Congress to grant the land proposed by the bill for making a railroad from Dubuque to Keokuck, and from Davenport to Council Bluffs. It will be entirely competent for the Legislature of the State, and the companies which may be organized, to make the line of road as proposed by the Senator from New York, if they should deem it advisable; but they desire to have surveys made with reference to the best locality on which to place these roads, and I think it ought to be left to the State, and not to Congress, to designate the routes or the points to be adopted. I hope that the amendment will be rejected, and that the bill will be passed exactly as it is now before the Senate.

Mr. DODGE, of Iowa. I do not know that I understand the amendment offered by the Senator from New York. It was read, but in the connection in which it was read, I confess I did not understand it. It is a most unexpected amendment by the friends of this bill. We were not advised that the Senator from New York, or any other Senator, designed to offer such an amendment, and we were not consulted in relation to it. If I understand it, it proposes to leave the roads as they now are in the bill, with an additional branch from Fort Des Moines to Burlington.

Mr. SEWARD. If the Senator from Iowa will

allow me, I will state that the amendment proposes to leave the main or central road as it is—that is, from Davenport to Council Bluffs, and to strike out the road from Dubuque to Keokuck, and to make branches from Fort Des Moines to Burlington and Dubuque.

Mr. DOUGLAS. I think I can explain in one instant the change which this proposed amendment makes, so that Senators will understand it. The amendment of the Senator from New York, as I understood from him a moment since, leaves the main road as it is proposed in the bill—that is, the road from Davenport to Council Bluffs, by the way of the Raccoon river, and in lieu of the road from Dubuque to Keokuck, it provides for two branches, which two branches shall constitute the other road, with this change only: It makes the two branches constitute one road from Dubuque via Fort Des Moines to Burlington, instead of Keokuck. It will be as the other bill was, with the exception that it makes Fort Des Moines a point in the road between Dubuque and the lower extremity of the road, and then changes the terminus from Keokuck to Burlington. Otherwise the bill will be as it was.

Mr. ATCHISON. That is a very material alteration.

Mr. DOUGLAS. It is so; and it is a change which I think should not be adopted. That matter should be left to the people of the State of Iowa to settle for themselves.

Mr. JONES, of Iowa. In answer to an inquiry made on my right as to the situation of Burlington, I will state that it is about forty miles north of Keokuck, and between those two points intervene the Rapids of the Des Moines river. One great object of the railroad is to get below the Des Moines river rapids, which are a great obstruction to the navigation of the Mississippi river. Fort Des Moines is not named in the bill, and I hope it will not be named. I trust Iowa will be allowed to designate the towns and routes for itself. I was going to remark that if the bill were left as it now stands, with an additional provision for a grant of land for a road from Fort Des Moines to Burlington, I certainly should not object to it. I would most willingly consent to a proposition of that sort, and the more so, because our Legislature, at its last session—though we were not advised of the fact till long after this bill was reported—memorialized Congress for a grant of land to aid in the construction of a road from Burlington to Fort Des Moines. I have a calculation of the quantity of land which would be granted, if this amendment were adopted, and I find it would only amount to an additional appropriation of some 200,000 acres.

Mr. HALE. Oh! is that all?

Mr. DODGE. If the bill were allowed to stand, and the branch from Fort Des Moines to Burlington were to be created, the bill would even then appropriate less than it was supposed to grant when it was first reported. We then believed that, under its provisions, there would be granted to our State some 1,800,000 acres. But we find, by calculation, that it does not now appropriate quite 1,500,000 acres. If the Senator from New York will shape his amendment so as to give us a branch road from Burlington to Fort Des Moines, leaving the rest of the bill as it now stands, I shall not object, because we propose to get an appropriation for that road, if it is not passed now. The design of our Legislature was to get roads running from east to west, and from north to south through our State. Objections may be made to the courses and particular termini of these roads. But our State is a Union State; we wish it to be fastened with bands of iron, both to the free States on the east, and to the slave States on the South; and we like one as well as we like the other. We wish to have our roads made as the Legislature and the people of our State have proposed to have them. But if there is any desire on the part of the Senate to give us more than is embraced in the bill, we are not too modest, at least I am not, to accept it most thankfully.

Mr. CASS. I merely wish to remark that all these propositions have been before the Committee on Public Lands. That is the tribunal which, in the first instance, examines them; and they examine them more thoroughly than any Senator can do in his individual capacity. This bill has been examined by that committee, and, indeed, reported by them; and it is safest, in my opinion, to

take it as it is. If there is any other proposition differing from this, that proposition ought, in my opinion, to go before the Committee on Public Lands, and be reported upon by them. We want to know the facts; and the committee investigate the facts, and report accordingly. If there is to be another proposition, let it be a separate one, and let it be sent to the committee, that they may examine it, and report upon it.

Mr. SEWARD. I ought to say that this amendment is offered in no spirit of opposition to the bill. I shall vote for the bill, whatever disposition the Senate may make of the amendment I have proposed. I am not going to insist, either, that the Committee on Public Lands have not exercised a sound discretion on this subject. I barely say this: that there is a right remaining to every member of the Senate to pass his opinion on the judgment of every committee of the Senate; and that, looking at the map, with such information as I have in regard to the State of Iowa, it seems to me that the public interest generally, as well as the interest of the State itself, would be more promoted by such a plan as that which I have proposed than by the other. With regard to the Union, sir, I think the argument is decidedly in favor of my proposition, because it connects a larger portion of the States, East and West, and North and South. One of these branch railroads connects with the East, and the other with the South; while the two branches connect the whole State with the South, and they start from the center of the State.

Mr. HALE. I think, Mr. President, that the honorable Senator from Iowa, [Mr. DODGE] suggested that if some modification of the amendment proposed by the Senator from New York could be made by which the State of Iowa would consent to receive three hundred thousand acres more than is proposed to be given by this bill, he would be in favor of it. [Laughter.] If it could be done, sir, I should be in favor of it too, because we would thus get rid of three hundred thousand more acres of the public land by such an amendment, and would thereby effect a great saving in the time of Congress.

As to the suggestion of the Senator from Michigan, [Mr. CASS], that this proposition ought to go to the Committee on Public Lands, it seems to me that we have got beyond that stage of the business. We know well enough what that committee will do. They will give just as much as is asked for; and I for one feel under deep obligation to the Senator from Iowa for so modestly consenting to take three hundred thousand acres over and above the fifteen hundred thousand proposed to be given by this bill, without rendering it necessary to go through the formality of applying to a committee. [Laughter.]

With respect to the remarks made by that Senator, in regard to the stability of the Union, I had thought from the speech of the honorable Senator from Arkansas, [Mr. BORLAND], delivered here yesterday, that agitation in regard to the durability of the Union was to be henceforth concentrated in the question of the durability of the foundations of the Capitol.

These legitimate issues, which have been before the country so long, are, it seems, according to the Senator from Arkansas, now disposed of; and henceforth the policy of the country is to be decided and discussed on the question of the foundation of the Capitol. I make this suggestion because I think that if this amendment is now modified in the way proposed by the Senator from Iowa [Mr. DODGE]—some gentleman may think I am joking, but I tell them I never was more sober in my life—I should be glad, as a matter of economy of the public time—not of the public lands, sir, for we have got beyond that—I say I should be glad if this amendment could be modified in the manner suggested by the Senator from Iowa, in such a way that they would take three hundred thousand more acres without troubling the Senate and occupying its attention some eight or ten weeks with another bill. And, sir, if this bill could be laid aside for five minutes, to put it into that shape, I would certainly vote for it.

Now, sir, I want to say one word in explanation of my not voting for the bill when it was called up. I was not in my seat when the question was taken on calling it up. I was in the gallery, and I observed that several gentlemen explained that they had paired off with Senators. I was applied to by a Senator, not now present, to

know whether I would pair off with him. I refer to the Senator from Indiana, [Mr. BRIGHT], who is absent, and who is friendly to the bill, he supposing that I was opposed to it. When he made this application, I told him that I was not sure that I was in that category; that I did not know how I should vote. And I have been in a somewhat doubtful state. I have not been here to be enlightened by the speeches which have been made; and, therefore, it is not to be wondered at if I entertain some doubts. But, sir, as it happened that the Senator from Indiana was kind enough to pair off with me on a question on which I did feel some interest, and as he and his colleague are both absent, I thought it would be quite fair, considering the doubtful state of my mind, to pair off with both of the Senators from Indiana. [Laughter.] That is the reason why I did not vote for calling up the bill. I have no opposition to it, but I hope the amendment will be carried.

Mr. BORLAND. A single word in reply to the Senator from New Hampshire, as to his allusion to the wings of the Capitol. I think his mind may be quieted now, and that the Senate and the country may be to some extent quieted, when I inform him that I disposed of the "free-soil" in that wall the other day by removing it with the toe of my boot; and we learn upon pretty good authority that the people of New Hampshire are about to dispose of their Free-Soil representative here in a way almost as summary.

But I rise, as a member of the Committee on Public Lands, to say, such an amendment as that proposed by the Senator from New York, if referred to the committee, could not be reported upon favorably for this very reason: When this Iowa bill, and the others like it, were before the committee, the first question we considered was, whether the principle they involved was a sound one; and then, whether it was good policy to act upon it. Having decided this in the affirmative, we next determined the number of roads each State should have. And this settled, we, for reasons of obvious propriety, and without hesitation, left the routes of the road and the selection of their termini to the Senators from the States respectively. That seemed to me at the time to be a proper course on the part of the committee. And I find no reason to think otherwise now. No Senator living at a distance from the roads, as the Senator from New York does from those in Iowa, can possibly determine this matter so well or so properly as the Senators. This is a grant to the State of Iowa for public works within her own borders. It is for her to determine where and how she will dispose of it. Her decision, as the one most enlightened and most reliable, necessarily must be conclusive with us. So, also, we know and hear her here only through her own and most competent and faithful Senators. To us, their voice, their decision, their judgment, is hers. In my opinion, therefore, every consideration of propriety requires the rejection of the amendment proposed by the Senator from New York, [Mr. SEWARD.]

Mr. HALE. I have not a word to say about the taste of the Senator from Arkansas in his personal allusion to the Senator from New Hampshire; but I would remark that it has been the misfortune of myself, and of those with whom I have acted, that when those who would assail us failed in argument and intellect, they have used their boots, and when they succeed their success may be because they have more boots than arguments. With regard to the fact stated by the Senator from Arkansas, that when he had kicked out the mortar from the wall the pointers went right to work and replaced the mortar and repaired the wall, I will tell him that is the way we do. When an assault is made upon us, we put the pointers to work immediately; and I think the Senator will find before long that those who have been met with such arguments as he has suggested, are increasing very fast. I know that there are more boots on the side of those that kick at free-soil than there on the other side. I yield that point, sir; but when you go up from boots to head I think we have a pretty fair chance, but the boots we give up entirely. [Laughter.]

Now, in regard to the allusion to the victory that has been achieved, I am perfectly willing that the victors should crow and enjoy the spoils of the conquest; but I can tell the Senator, from experience, that he will find it will be better to take

defeat in homeopathic doses. It may come by and by too thick and too overpowering for those who have been accustomed to meet argument with boots. And, besides, they may receive it with a better grace if they have been disciplined in the school in which they take it in homeopathic doses. Sir, I am accustomed to defeat. I was defeated in the House of Representatives some few years ago, and it was a sort of boot game then; but I yielded with such grace as I could, and abided my time. I expected to be defeated again; I expected that the Senate would be deprived of my services, as it has been of the services of the Senator from Mississippi also, [Mr. Foote.] When that Senator was here he did intimate—though I have no doubt it was in an unguarded moment, and contrary to his usual kindness of heart—that if I should be found in the State of Mississippi, it might become necessary for him to administer a severe infliction upon me. He is now in the State of Mississippi as its Executive head, and though he has not been the death of me in Mississippi, he has in New Hampshire, because as he happened to be out of the Senate, the people there thought there was no need of my services here any further. [Laughter.]

Mr. BORLAND. I am sorry that the Senator from New Hampshire should have taken anything I said as either serious or unkind. I assure him that what I said was intended for pleasantry—said in playful reply to the hit he made at me about the wings of the Capitol, &c. I could not mean any unkindness in my remark or allusions; for, as he well knows, that however much I may differ with him in his political views—however much I may object to his public course, I entertain for him, personally, the kindest feelings. He now alludes to what I said about the mortar in the walls of the Capitol yesterday. In the same spirit of kindness, I will tell him that I apprehend there is, indeed, some resemblance between the process alluded to and the proceedings of the Free-Soilers whom he represents. The mortar was shown to be unsound. What did the architect do? He did not rid the bosom of the work of “that perilous stuff,” but proceeded to cover it up—to hide from public view—to plaster it over by applying a little sound mortar to the surface. And so, sir, I think it not unlikely that, when Free-Soilers find themselves defeated—the people having weighed them and found them wanting—will change their colors for the time, and seek to regain their position with a new face, made up of a little of this new mortar on the surface.

The PRESIDENT. This discussion is entirely out of order.

Mr. BORLAND. I have no more to say, sir. The question was then taken on the amendment offered by Mr. SEWARD; and it was rejected.

Mr. DAVIS. I stated some time ago, that I thought the first section of the bill could be amended in a manner to improve the character of the bill very much. I allude to an amendment that I intend to propose, beginning in the eleventh line at the word “provided,” and striking out all down to the word “surveyed,” in the thirteenth line, and insert what I send to the Chair.

The amendment proposed to strike out the following words: “*Provided*, That the right of way ‘shall not exceed one hundred feet on each side of the line of said roads, and a copy of the survey,’” and to insert the words:

Provided, That in locating the railroads aforesaid, and assigning the limits to the easement, no more land shall be taken from the United States than is necessary for a convenient construction and use of said roads or public ways for transportation, including stations, with the usual buildings of all kinds, turn-outs, and such other appurtenances as are usually enjoyed by railroad companies, and a copy of the location.

So that the proviso, thus amended, will read as follows:

Provided, That in locating the railroads aforesaid, and assigning the limits to the easement, no more land shall be taken from the United States than is necessary for a convenient construction and use of said roads or public ways for transportation, including stations, with the usual buildings of all kinds, turn-outs, and such other appurtenances as are usually enjoyed by railroad companies; and a copy of the location of said roads, made under the direction of the Legislature, shall be forwarded to the proper local land offices respectively, and to the General Land Office at Washington City, within ninety days after the completion of the same.

Mr. DODGE, of Iowa. I hope that the amendment will be adopted. It is a practical amend-

ment and embraces a matter which we overlooked in the details. I trust it will be adopted.

The amendment was agreed to.

Mr. DAVIS. In order to carry out the purpose of that proviso, another amendment in the seventeenth line is necessary. It provides that a copy of the survey of said roads, made under the direction of the Legislature, shall be forwarded to the proper local land offices respectively, and to the General Land Office at Washington city, written ninety days after the completion of the same. The amendment which I propose is to add the words “to be recorded” to the end of the section.

The PRESIDENT. The clause of the proviso thus proposed to be amended will then read:

“And a copy of the survey of said roads, made under the direction of the Legislature, shall be forwarded to the proper local land offices respectively and to the General Land Office at Washington city, within ninety days after the completion of the same, and to be recorded.”

Mr. DAVIS. I should like the proviso still better—but gentlemen can do as they please about it—if the location were recorded in the register of the counties where the land lies. It would be a great convenience to the public if this were so. But I do not propose to amend in that way, and I simply propose that their returns to the land office shall be recorded.

The question being taken, the amendment was agreed to.

Mr. GEYER. I have an amendment which I propose to offer, to come in at the end of the third section of the amendment reported by the committee. It is to add the following:

Which lands shall, from time to time, be offered at public sale to the highest bidder, under the direction of the Secretary of the Interior, and shall not be subject to entry until they shall have been so offered at public sale.

So that the section will read—

“That the sections and parts of sections of land which, by such grant, shall remain to the United States within six miles on each side of each of said roads shall not be sold for less than double the minimum price of the public lands when sold, which lands shall, from time to time, be offered at public sale to the highest bidder, under the direction of the Secretary of the Interior, and shall not be subject to entry until they shall have been so offered at public sale.

Mr. UNDERWOOD. That appears to be a very important amendment. I hope we shall have the yeas and nays upon it.

The yeas and nays were ordered.

Mr. UNDERWOOD. There are several gentlemen here who say they do not understand that amendment. I want to know if I understand it. If I do understand it, it is to the effect that the lands surveyed at the price of \$2 50 per acre for the Government, are required to be advertised and sold at auction. Is that the purpose of the amendment?

Mr. GEYER. It is, sir.

Mr. UNDERWOOD. Then I hope it will be adopted, and let everybody have a fair chance, when these lands come into market.

Mr. GEYER. The object is not to change the minimum price, but to prevent the absorption of these lands by entry, and to give to the United States the advance, if any, in price of the lands, when they shall be sold.

The question was then taken, by the yeas and nays, on the adoption of the amendment, and resulted—yeas 34, nays 6; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Borland, Bradbury, Brodhead, Brooke, Cass, Clarke, Clemens, Cooper, Davis, Fish, Foot, Geyer, Hamlin, James, Jones of Iowa, Jones of Tennessee, King, Mangum, Mason, Morton, Pratt, Rusk, Seward, Smith, Soule, Stockton, Underwood, Upham, Wade, and Walker—34.

NAYS—Messrs. Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Gwin, and McKee—6.

So the amendment was agreed to.

Mr. BRODHEAD. I stated yesterday, somewhat in detail, the reasons why I could not vote for these railroad bills, and why I preferred the policy of graduating the price at which the public lands should be sold. I think these railroad bills, relating to internal improvements in the States, are local and partial in their character; and that Congress cannot properly decide whether a railroad should run east or west, or north or south. It is said that the object of these railroads is to increase the sale and settlement of these lands, and that is the proper policy for the country to pursue. I think that a graduating policy is better, and therefore I propose a substitute, if it be in order, and if it will not embarrass the Senate in their votes, for the present bill, in order to provide for the graduation of the price of the public lands.

The proposed substitute was read, as follows:

That from and after the first day of January next, all the public lands of the United States, then subject to private entry, shall be arranged into six classes, in the manner following, namely: Lands which have been in market, subject to private entry, ten years or less, shall constitute the first class; those which have been in market, subject as aforesaid, more than ten years and not exceeding fifteen years, shall constitute the second class; those which have been in market, subject as aforesaid, more than fifteen years, and not exceeding twenty years, shall constitute the third class; those which have been in market, subject as aforesaid, more than twenty years, and not exceeding twenty-five years, shall constitute the fourth class; those which have been in market more than twenty-five years, and not exceeding thirty years, shall constitute the fifth class; and those which have been in market more than thirty years, shall constitute the sixth class; the classification to be made under the direction of the Secretary of the Treasury: *Provided*, That in fixing those classes, the fraction of the year between the date of offering and the commencement of the next calendar year thereafter, shall not be computed: *And provided further*, That whenever lands subject to entry at private sale are withdrawn from market for any cause, the time they may be thus kept out of market, if it exceed one calendar year, shall be excluded from computation in fixing the several classes.

Sec. 2. *And be it further enacted*, That the minimum price of the lands, in the first class, shall be one dollar and twenty-five cents per acre; of those of the second class, one dollar per acre; of those in the third class, eighty cents per acre; of those in the fourth class, sixty cents per acre; of those in the fifth class, forty cents per acre; of those in the sixth class, twenty cents per acre.

Sec. 3. *And be it further enacted*, That all the public lands of the United States, which now are, or may hereafter be, brought into market, and become subject to private entry, shall be subject, as the periods indicated by this act shall arrive, to the scale of graduation herein provided, under the direction of the Secretary of the Treasury, and be open to entry and purchase agreeably thereto.

Sec. 4. *And be it further enacted*, That upon every reduction in the prices of said lands which shall take place by the graduating process of this act, the occupants or settlers upon any of the said lands shall have the right of preemption at such graduated or reduced prices, which right shall extend to a period of six months from and after the dates at which the respective graduations shall take place; and any land not entered by the respective occupants or settlers within that period, shall be liable to be entered or purchased by any other person until the next graduation or reduction in price shall take place, when it shall, if not previously purchased, be again subject to the right of preemption for six months and so on from time to time as said reduction shall take place: *Provided*, That nothing in this act contained shall be construed to interfere with any right which has accrued, or may accrue, by virtue of any act granting pre-emptions to actual settlers on the public lands.

The PRESIDENT. It is now proposed to strike out all that has been adopted, and insert what has just been read.

Mr. BADGER. I desire to suggest a single verbal amendment to that amendment, if it meets the approbation of the Senator from Pennsylvania. I observe in one place that the expression, “more than one calendar year,” occurs. We have, I believe, but one kind of year now, that which has three hundred and sixty-five days. I therefore suggest that the word “calendar” be stricken out.

Mr. BRODHEAD. I accept the modification.

The PRESIDENT. The Chair will again state the question, in order that Senators may understand it. This bill was originally referred to the Committee on Public Lands, and was reported back by that committee to the Senate with an amendment, which is to strike out the original and insert what is printed in italics. That amendment has been agreed to by the Senate as in Committee of the Whole, and the bill has been reported to the Senate and undergone several amendments. The proposition now is to strike out all that amendment as amended, and insert what has been proposed by the Senator from Pennsylvania.

Mr. GWIN. I am in favor of this graduation, and I will go even further than that. I am in favor of giving donations to actual settlers, but I am not in favor of incorporating that bill in this one. I will vote for the bill before the Senate as it is, and hereafter for the other one, if it should come up. I will vote for both of them.

Mr. BRODHEAD. I offer this as a substitute for the bill before us. We must adopt one measure or the other. We must either take this railroad policy, by which the public lands are to be absorbed, or we must agree to a graduation and reduction of prices of the public lands. I prefer the graduation policy for the reasons which I stated yesterday. I believe it more equitable and more just and general in its operation, and more easily understood. It prevents monopolies by a tendency to centralization, and I therefore think it altogether preferable. I offer it, not to be incorporated in the bill, but as a substitute for it.

The PRESIDENT. The Chair has so stated.

Mr. GWIN. I am in favor of both bills. I shall vote for this bill as it is reported by the committee, and I shall also vote for the other bill when it comes up.

Mr. PRATT. If I can be heard, I desire to make a suggestion, and inquire whether or not the substitute offered by the honorable Senator from Pennsylvania is in order? The bill upon your table is one to aid in the construction of a railroad in the State of Iowa. The substitute is for the graduation of the price and sale of the public lands. Now, although the railroad in Iowa is to be made by an appropriation of a portion of the public lands, yet the object of the original bill is the railroad, and therefore it does not seem to me that this substitute is germane to this original subject, and consequently it is, as I think, out of order.

The PRESIDENT. There is no rule on the subject. The question under discussion is the disposition of a certain portion of the public domain. An amendment has been made to the bill by the Senate as in Committee of the Whole, which amendment is now under consideration by the Senate, and it is therefore open to amendment. The proposition of the Senator from Pennsylvania is to strike out the greater portion of that amendment, and insert a substitute, which is another mode of disposing of the public lands.

Mr. DOWNS. Will it be in order to propose an amendment to the substitute, by proposing that instead of striking out the whole bill, the proposition of the Senator from Pennsylvania shall be added to it?

The PRESIDENT. It would not be in order at this time.

Mr. DOWNS. I suppose we can do it by voting this proposition down as a substitute, and then add it to the bill.

The PRESIDENT. If the Senate think proper to vote down the amendment of the Senator from Pennsylvania as a substitute, they can do so, and it will then be in order to offer it as an addition to the bill.

Mr. DOUGLAS. As the object of the Senator from Pennsylvania unquestionably is to carry out his favorite policy of graduating the price of the public lands, I have no doubt that he will find that he can accomplish his object much better by bringing it forward in a separate bill. I confess I have a great inclination to go with him in his favorite policy of graduating and reducing the price of the public lands; and I have no doubt that large numbers from the new States will join him in that policy, and probably be able to pass his bill for him if he will bring it forward as a separate proposition, untrammelled by any objections to it as an amendment to this bill. If he will bring it forward separately, I have no doubt that he will find many earnest and zealous coadjutors in the representatives of the new States. I fear that there is some hazard in attaching it to this bill; I fear that by offering it as an amendment to this bill he will lose his graduation policy. I would therefore suggest to him the propriety of bringing it forward as a separate measure, free from the embarrassments hanging around it as a substitute for the bill.

Mr. BRODHEAD. Mr. President, I have debated in my own mind whether I should offer this graduation bill as an amendment to the bill under consideration, because I feared it might embarrass gentlemen in their votes here. But if I adopt the suggestion of the honorable Senator from Illinois and withdraw it now, and subsequently bring it forward as an independent proposition, this railroad grant to Iowa may be passed in the meantime, and then we should have to make other grants. I think, therefore, we had better decide now whether we will adopt the graduating policy, or the railroad policy. You cannot adopt both, in my judgment. I am opposed to this railroad policy for the reasons which I stated pretty fully yesterday. I do not desire to embarrass gentlemen in their votes. I would be very sorry to do so. But I fear, that if I withdraw the amendment now, these railroad bills will all be passed; and then there will be no necessity for, and permit me to say, no propriety in, the adoption of the graduation policy. It would then be left to operate only on the alternate sections.

Mr. DODGE, of Iowa. I appeal to my friend from Pennsylvania to withdraw his amendment.

Mr. MANGUM. Mr. President, we are com-

ing to be an extremely wise body. We act on the very largest subjects with all the aids of intuition. Now, I would distrust the ablest man this country ever produced, coming from an old State, who could have but very little knowledge of the land system, or of matters connected with the public domain, who would get up here, and in five minutes, at the end of a tedious session, propose a system of disposition for the entire public domain of the country, without even subjecting it to the investigation of a committee. I understand that the amendment is offered as adversary to the bill under consideration. I hope it will be easily disposed of; and, as the gentleman who has offered it has not been courteous enough to withdraw it at the request of his friends, I trust it will be immediately rejected. I hope we will vote upon it now.

Mr. BRODHEAD. I shall not now withdraw the amendment, but I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. SOULE. Mr. President, I must oppose the proposition of my friend from Pennsylvania; and yet I am free to admit, that if it were presented as a distinct and separate measure, from the general features which I have been able to discover in it, I would readily give it my concurrence. But it is very clear that we are in no way prepared to act now upon a matter of such vast importance. It would be assuming, as has been very properly remarked by the honorable Senator from North Carolina, the possession of such great powers of intuition, that I can hardly believe a Senator here would claim. I shall vote, therefore, against this substitute proposed by the honorable Senator from Pennsylvania.

I had intended to explain at some length the vote which I mean to give in favor of this Iowa bill; but as I understand that a bill of the same nature concerning the State of Ohio will soon be presented to the consideration of the Senate, and that I shall then have an opportunity to express my views on the subject, I have resolved to give a silent vote in favor of the present bill.

Mr. JONES, of Iowa. I wish to make an appeal to the Senator from Pennsylvania on this subject. I would say to him that I am as anxious as he can be for the passage of his bill at a proper time; but I would take it as a great favor to me and to my State, if he would withdraw his proposition.

Mr. DODGE, of Iowa. I wish to renew my appeal to my worthy friend from Pennsylvania to withdraw his amendment. I think I have a right to request it, for if there is one sincere friend on this floor of the graduation system in all its scope and bearing, I claim to be that one. The principle has grown with my growth and strengthened with my strength, and, therefore, I shall be rejoiced to cooperate with him at a proper time and in a proper manner to effect the passage of that great measure. But I trust the Senator will not, and I know he does not desire to, embarrass our bill and force us to vote down, as we will certainly do, a proposition to which we are as friendly as he can be.

Mr. BRODHEAD. I stated when I first offered this substitute that I did not design to embarrass gentlemen in these votes. I can say to the Senator from North Carolina [Mr. MANGUM] that this proposed substitute of mine was not prepared or drawn by me. It is a well-matured measure, one which has been under the consideration of this body before, and which was brought forward by a gentleman from one of the land States. As there seems, however, to be a great desire that I should withdraw this substitute and subsequently offer it as an independent proposition, I think it better for me to do so. I desire that gentlemen shall be unembarrassed in their action here. I was sincere in bringing this proposition to the notice of the Senate. I hope that the original bill will be voted down for the reasons which I stated yesterday, and then I shall bring forward this measure as an independent proposition.

The PRESIDENT. With the permission of the Senate the amendment can be withdrawn.

Mr. PRATT. As the yeas and nays have been called, I desire to record my vote against the proposition.

Mr. BRODHEAD. Have I not the right to withdraw the amendment?

Mr. PRESIDENT. Not except by unanimous consent. Does the Chair understand the Senator

from Maryland to object to the withdrawal of the amendment?

Mr. PRATT. Yes sir; I want to have a vote upon the proposition. As the yeas and nays have been called, I believe it is my privilege to require that the vote be taken.

The PRESIDENT. Most assuredly. If the Senator insists on it, the vote must be taken.

Mr. MASON. I understand that the Senator from Pennsylvania, in offering this amendment, declared distinctly that, in his judgment, on account of the former action of this body on a like proposition, there remained no alternative now but to choose between the policy of giving away these public lands, or a large portion of them, to the States within which they lie, or of adopting an opposing policy of providing for their immediate sale, or their speedy sale, by graduating their price. It was in that view that he offered this proposition as an amendment, and a substitute to that of giving public lands for railroads. I am not prepared to say at present whether I should be disposed, if the option were left to me, to change the existing policy of the Government to that which is proposed by the amendment which the Senator offers. I mean, that I am not prepared to say whether I should be disposed to change the existing laws offering the public lands for sale at a minimum price, for a system of reducing them with a view of speedy sale; but between the two propositions of graduating the price of the public lands and selling them rapidly, and that of giving them away to the States within which they lie, I prefer the former. I shall therefore vote for the amendment of the Senator from Pennsylvania, though I should acquiesce cheerfully in allowing him to withdraw it.

Mr. BELL. Mr. President, I would like to hear from the honorable Senator from Virginia, or the honorable Senator from Pennsylvania, what security this amendment that is proposed will give to the country, if it should pass, that the land will not still be given away to railroads?

Mr. DOUGLAS. This may obviate some gentleman's objections to the land bills.

Mr. BELL. It seems to me that there will be no security whatever, but that we shall just go on, and whenever we think it is liberal and proper towards the new States, give them additional appropriations for internal improvements. I do not understand that the proposition of the honorable Senator from Pennsylvania proposes to afford any security on that head, but proposes to hasten the sale of the public lands. Now, it is said that there is a large amount, such an amount as 250,000,000 acres of public land in the market. If that is so, if we reduce them to forty cents an acre, it would take years and years before they could be appropriated; and in the meantime they would remain open to applications to the liberality and justice, if you please, of Congress, in making these improvements. I desire to ascertain whether there be any security contemplated on that point.

The PRESIDENT. The Chair would beg leave to interrupt the Senator for a moment. On turning to the rule, which he will read, the Chair is aware that it is in the power of the Senate, even after the yeas and nays have been ordered, to permit the withdrawal of a proposition. The 10th rule is:

"When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read, before the same shall be debated; and any motion may be withdrawn by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without the leave of the Senate."

"Leave of the Senate" is given by the action of a majority. And therefore the mover of a proposition, even after the yeas and nays have been ordered, (though the Chair just now was under a different impression,) can withdraw it, if a majority of the Senate decide to grant leave.

Mr. BADGER. I move, then, that the honorable Senator from Pennsylvania [Mr. BRODHEAD] have leave to withdraw his amendment.

Mr. MASON. I wish to say a word in answer to what fell from the Senator from Tennessee, [Mr. BELL.] I understand that Senator to inquire what security the country will have against thus giving away the public lands, even if we should adopt the policy of graduating and reducing their price. Now, sir, I would answer the Senator by saying that, from my experience in this Govern-

ment, which has been much less than his, I am afraid the people will have no security whatever, and can get none, against the action of Congress. In this very instance, what do we see? Why, in 1847, a law was passed to borrow money. We were then engaged in a war with Mexico. And to establish, or rather to improve the credit of the country, the proceeds of the sales of the public lands were pledged to the payment of that debt. Here is a bill brought in to give them away, at the rate of some 3,800 acres permile. There is no restraint, then, by the legislation of the country, to the extent that the public faith may be involved by the hypothecation of the proceeds of the public lands.

But I will go further than that. I have seen an instance, in my judgment, and in the judgment of the section of the Union from which I come, in which the action of Congress has not been restrained by constitutional bounds. I am afraid, therefore, when the Senator asks what security we can offer, that we can offer none.

Mr. ATCHISON. I do not propose to offer any security, nor do I suppose that a solitary Senator from one of the land States on this floor proposes to offer any security. Not one.

It has been said time and again, by all the Senators opposed to this bill, or opposed to anything like justice, in any form of a bill which may be presented, to the new States, that they are giving away lands. Now, there is not one of these bills upon the table of any Senator, presented at this or at any former session, that has for its object the giving away of the public lands, for the purpose of making railroads or other improvements. Let the Senator from Virginia propose to strike out that clause of this bill which doubles the price of the public lands upon the alternate sections reserved; and if that is done, then the remainder will be a donation. But until that is done there is no donation. Besides this, there is a clause in the bill providing for the transportation of the troops of the United States, and of the mails of the United States. That, I suppose, may be considered as an equivalent for the right of way through the public lands. If the Senator from Virginia, or any gentleman, can show that this bill, or any other land bill now before the Senate, gives directly or indirectly one cent—one acre of land, or the fraction of an acre of land, to the new States, then I am ready to abandon the whole system.

I do not say that the Senator from Pennsylvania offers this amendment as an expedient to defeat this bill; but it will operate as an expedient to defeat this and all the other land bills. I tell that Senator—and I believe every gentleman representing one of the new States on this floor will tell him the same thing—that we will vote for that bill separately, I prefer that bill; I prefer a graduation bill, upon almost any principle, to this or any other land bill. When this bill was first taken up for discussion, I avowed, and I avow now, that you are giving nothing to the new States. You are conferring no direct favor on the State of Missouri or the State of Iowa by these grants. They have a moral influence, and a moral influence alone, on our own people, inducing them to step forward and advance their money for the construction of these roads. This is all the influence, all the effect they have. We do not draw upon the Treasury of the United States for one cent, or for one acre of land, for which we do not pay an equivalent. I trust that gentlemen will change their phraseology somewhat when they speak of granting lands or of donating lands to the new States. I trust that my friend from Virginia particularly will change his phraseology, or demonstrate that it is a gift.

Mr. BRODHEAD. My friend from Tennessee asked me, what security we have that Congress will not contrive to donate and give away these lands after we shall adopt a graduating policy? In answer to that question, I have only to say that we have this security: We deprive the advocates of this and the other land bills of the principal argument they advance in favor of them. They say they desire to induce the sale and settlement of the public lands. We adopt the policy; and if, to carry it out, we adopt a graduation system, it will be a substitute for what they propose. You cannot have both. As a representative of one of the old States, I beg leave to say that I cannot go for both these measures. I cannot go

for the various railroad bills granting some ten, or fifteen, or twenty millions of acres a year, and then go for a graduation policy also. I offer a compromise here. I offer the same measure to the gentlemen from the new States which they have been urging upon Congress for years past, and I ask them now to adopt it in lieu of these various railroad projects.

Mr. RUSK. I would inquire what is the question before the Senate?

The PRESIDENT. The proposition is to give permission to the Senator from Pennsylvania to withdraw his amendment.

Mr. RUSK. I hope gentlemen will confine themselves to that point.

Mr. UNDERWOOD. I rise to make a remark or two, in reply to my friend from Missouri. I think it lamentable that, after months of discussion, we cannot agree upon the facts, but are diametrically opposed as to the facts which exist in the case, and cannot understand them alike. My friend from Missouri says, that if it can be shown that any lands are given away, he will go against the whole system. I have, over and over again, stated that lands are given away by this system. He denied it positively. The question between us is, which of us understands the bill correctly? Now let me state the case in such a clear light that nobody can controvert it. This bill says that the State of Iowa shall receive every alternate section for six miles on each side of the line of the road. The grant, then, is equal to six sections on one side; for, if they get alternate sections for six miles on both sides, it is equal to six miles on one side. That is clear. Nobody can deny that. Now, suppose that by the private entries which have been made, there is left only four sections out of which the selections can be made, what is the consequence of that state of things? Instead of having your whole twelve sections on both sides, out of which to select six, you have only four sections; from which, of course, only two can be selected. Then the bill says the State may make up that deficiency more than six miles from the line of the road. You can only get the half of four, or two sections, within six miles. Then the other four sections to which you are entitled, you get at a distance greater than six miles from the line of the road. Can the gentleman from Missouri deny that those four sections, which you take from more than six miles from the road, are a pure donation to the State without a cent's equivalent in return? Why, it is capable of mathematical demonstration, that the four sections selected more than six miles from the line of the road are given away absolutely and the United States does not receive a cent from them. There is no doubling of the price for those four sections at all; you only double the price upon the half of the four sections which are within the six miles. That is, you double the price upon the two sections selected within the six miles of the road, and do not double the price of the other four sections, selected at a distance of more than six miles from the road.

Mr. DOWNS. Suppose you sold two sections, instead of one before, would not that be doubling?

A SENATOR. It is dinner-time.

Mr. UNDERWOOD. Some gentlemen say they want their dinners; and I dislike, just upon the eve of the vote, to detain them. I am sorry that we do not agree as to the facts of the bill. When there are only four sections within six miles of each side of the road, the Government is entitled to one half, and the State to the other half. The Government reserves two sections, and the State two sections, within six miles; and then, in the case supposed, if the State makes up the deficiency of four sections, from lands lying more than six miles from the road, beyond the extent of the two sections taken within six miles of the road, it is a perfect and pure donation.

Now a word or two to my constituents, and then I shall have done with this subject forever, I think. I want to say to them, through the Senate, that my liberal (as I think) and enlarged idea of duty, under the Constitution of the country, has carried me for internal improvements upon great national principles. I think we have the whole control of this subject. Although I am not sure but the vote, which I shall give in favor of this bill, will subject me to a very severe responsibility at home, I shall not shrink from it; for I have been accustomed to meet responsibility. All its terrors have no dread for me. I may say with my friend from

New Hampshire, that I have no political hopes or aspirations. I retire to private life; but I intend to carry with me the approbation of my conscience, and the conviction that I have done what I believed to be right. I have heretofore voted for all these bills, upon those high principles which I have advocated before this Senate. Seeing no chance to get that justice which I believe we ought to have, and would have had, under the provisions of the amendment which I had the honor of offering—seeing no prospect, under the present state of things, of having the land fund inure as a common benefit to all the States, I will not act the part of the dog in the manger, I will not refuse to do good for evil. I will act upon the principle, that the day is coming when justice will animate the hearts of the American people. I act upon the principle, that truth is omnipotent, and will ultimately prevail. I believe that, if the people of the United States will take this great subject into consideration, they will see that the old States are entitled to some participation in this great fund; that the new States are not entitled to all its benefits. Although I think I have been pretty harshly treated in the course of this discussion, in some respects, yet I cheerfully give them what I think they are entitled to, in these bills; hoping, that when that public reconsideration takes place, which I hope may take place, not only the old States, but the new States, will see the propriety of acting upon the principle that I have advocated here, and upon which I intend to stand. With these views, I am ready to vote.

The motion to grant leave to withdraw the amendment of Mr. BRODHEAD was agreed to.

The PRESIDENT. The question now is, on the amendment that has been made in Committee of the Whole.

Mr. BRADBURY. I do not propose to detain the Senate, but I happened accidentally to be out when the vote was taken on the amendment offered by the Senator from Kentucky, and when the Senator from Iowa [Mr. DODGE] made some explanations with regard to the bill. I wish to know whether he understands the bill as restraining the State of Iowa from taking alternate sections, that were reserved by the Government when the grant was made for the improvement of Des Moines river.

Mr. DODGE, of Iowa. I so understand it.

Mr. BRADBURY. I do not see any such reservation in the bill; but I wish to make a single remark in reply to the Senator from Missouri. He pledged himself that he would abandon the bill, if it could be shown that one acre of the public lands granted for these purposes was a gift. He further remarked that if we reduced the price of alternate sections, it would be a gift; but that inasmuch as the price of the alternate sections reserved was increased or doubled, that prevented the grant from being a donation; and he proceeded to remark that he was ready to vote for the graduation bill presented by the honorable Senator from Pennsylvania, if it were brought forward as a separate proposition. That graduation bill reduces the price of the alternate sections not only to the amount which they now are, but to a much less amount than that now asked for them. The declaration of the Senator was, that such a reduction would constitute this grant a gift; and in that event, he said he would go against the bill. Believing that he will vote, as he pledged the Senator from Pennsylvania that he would, for a bill for the reduction of the price of the public lands, we have a right to claim that he will vote against this bill. I think he stands so pledged.

The amendment made in Committee of the Whole was agreed to by the Senate.

Mr. BELL. Some of my friends have said that I would be acting somewhat inconsistently if I voted for this bill. I do not propose now to go into an explanation of the grants. Perhaps some other occasion will arise when I can do so. I said in my remarks on this subject, that whatever might be the fate of the amendment, I would give my vote for the bill. I think I can reconcile it with the vote I have given for similar bills heretofore; but if the Senate will allow me to ask the Senator from Illinois [Mr. DOUGLAS] one question before they vote, I shall be very much obliged to them. It is an explanation with regard to the vote upon a bill for an appropriation to Alabama and Mississippi of public lands connected with the Illinois railroad; and this I connect (to show

that I am not out of order altogether in my remarks on this occasion) with the grounds which I assume, in part, for voting for this bill in favor of Iowa and other new States, as I have voted for Illinois, for the Southern States, Mississippi, and Alabama, and would have voted for Michigan and Wisconsin, had they been up, and do expect to vote for them, and as I would have voted for appropriations made in behalf of the public improvements in the State of Indiana.

Now, sir, what I wish to state is, that when that bill was up two sessions ago, I assumed the same principle in argument that I did the other day, and that was, that if there be anything in the principle of Congress having the power to give a portion of this estate to improve the remainder of it, they could give lands lying in Illinois, in Mississippi, or in Alabama, to construct a railroad through Kentucky and Tennessee; that the principle was the same, if by connecting these two roads you improve the whole body of the public domain on each extremity, or wherever it exists on the line of the railroad. And I wanted to state, that when the bill appropriating some 4,000,000 or 5,000,000 of acres, I presume, to Alabama, Mississippi, and Illinois was up, I made the proposition directly that a fair, ratable proportion of the lands proposed to be appropriated by that bill to those States, should be applied, when sold by them, to the completion of the connecting link between Cairo, at the mouth of the Ohio, and the southern boundary of Tennessee, going through a part of Tennessee and Kentucky; but I was advised by the friends of the measure—I had always been in favor of liberal appropriations of the public lands to the new States—that if I pressed my amendment, it would inevitably defeat the whole measure. Upon consultation with the Senator from Illinois—and this is the point to which I wish to call his attention and upon which I want his statement—he said to me that his judgment was the same with regard to pressing my amendment; but he thought that a proper and fair construction of the bill, then, as I had the impression until recently, did make the lands or the proceeds of them liable to be appropriated ratably, according to the terms of that act, for the construction of the road through Tennessee and Kentucky. I must be mistaken in that impression, because, on looking over the bill, I do not see any clear pretext for stating that the lands appropriated in Illinois should be thus applied; but I rather think the lands appropriated to Mississippi and Alabama do bear that construction. What I want now, is for the honorable Senator to state what is his recollection of that conversation, and of his impression at that time as to the proper construction of that act, in justice to myself for having forborne to press that amendment, although I was expected to do so, by some friends of that connecting link in Tennessee and Kentucky.

Mr. DOUGLAS. I have not a distinct recollection of the conversation to which the Senator from Tennessee refers, although I have a very strong impression upon my mind of having had my attention called to that provision of the bill by some one—probably the Senator from Tennessee—and of the impression resting upon my mind at that time. The Illinois bill, when written by myself, only extended to the State of Illinois, and did not contemplate the construction of any road beyond the limits of that State. When an amendment was offered—I think by the present presiding officer of the body—to extend that road from the mouth of the Ohio to Mobile, and to grant to the States of Mississippi and Alabama lands on the same condition, to the same extent, and with the same privileges as the other road, it did not occur to me that that language would make any grant for making a road in Tennessee and Kentucky, but simply be confined to Mississippi and Alabama. At a subsequent period, my attention was called to the language used in the amendment, and I confess it was my impression then, and it is yet, that the language employed in it does not bear the construction that the lands were to be selected in those States, but for one from the line of the State of Mississippi up to the mouth of the Ohio river. That is still my impression of the fair construction of that language, although at the time the measure was brought forward, it had never occurred to me that any such construction could be put upon it.

Mr. BELL. That is the precise way in which I understood the honorable Senator.

Mr. DAVIS. I was desirous of saying something upon this subject, but I do not propose doing so this evening, and relinquish my purpose because of the state of my health. But I wish, before the vote is taken, to put myself in a position so that I may not be hereafter deemed inconsistent in whatever course I may pursue in regard to it. I have seen it stated that there are now bills before the two Houses of Congress for roads to be constructed by a grant of alternate sections through the public lands, sufficient in number and sufficient in amount to take some 30,000,000 acres of the public lands to satisfy the proposed grants.

If I vote for this bill—and I believe I have generally voted for measures of this character when they have appeared to be sanctioned by a sound discretion and by a promise of usefulness—I do not wish that it shall be hereafter understood that I commit myself to a system like that; I do not wish it to be understood that I bind myself by any obligation to vote for these various measures as they may be successively presented for the consideration of Congress; for when we come to a point like that, where thirty millions, or any great quantity, be it greater or less, of the public lands is to be disposed of by bills of this character, it strikes me that it is a proposition of a very grave import, that it deserves the very deliberate consideration of Congress, and that it should be understood in all its bearings. One of the objections which I oftenest hear raised here—is the protest which is made in terms of fervent expostulation against speculators. They are everywhere denounced in the halls of Congress, as persons the most prejudicial and injurious to the public interests with regard to the public lands. Well, what do we see occurring here among those who raise this objection? One of the first grants, the entering wedge of this great system, is made to the State of Illinois, of some 3,000,000 acres, or perhaps a little short of that; and now we are advised, by gentlemen in their places here, that it is arranged to pass that property out of the hands of the State of Illinois into the hands of a private company; so that a company of speculators, if you please, shall become the possessors of 3,000,000 acres of land in the State of Illinois.

Again: it is deprecated, and has been deprecated this morning in very solemn and apparently anxious terms, that a State should not be a possessor of public lands within a State; and yet, sir, it is the very gist of every one of these measures that a State should be the owner of the public lands, and become the competitor of the United States in the sale of public lands; and I notice when a State is to profit by it, delay of sale constitutes no objection. Then, again, we are really treated with some degree of scorn and contempt when we suggest that this is a benefit to the States; for a gentleman has just taken his seat who says that we give nothing to the States. Does not Illinois get the land—and land owned by the United States? And does not Illinois propose to make a railroad out of the land? And are not all these schemes founded on the idea that money and funds are to be raised out of the lands by which the enterprise is to be carried into effect? Nobody disputes this; and is this nothing? Can the money be obtained or the road made without the land? But the gentleman assumes, because he puts down upon paper that the alternate sections reserved to the United States shall not be sold for less than \$2 50 per acre, that the consequence is, that the United States realize just as much funds as if they had parted with none of the land. Now, will the Senator from Missouri, will the Senator from Illinois, will any of the gentlemen who take the benefit of these lands guarantee to the United States \$2 50 per acre? Will they put a provision in the bill that the United States shall realize that sum? That is the precise point of difficulty that I have in the whole matter. All the assumption and all the reasoning is founded upon the idea that the United States are, with certainty, to realize \$2 50 per acre for these lands. If you go to past experience, I think the matter will turn out quite otherwise; that the United States, when they have granted alternate sections, have realized nothing but the *minimum* price. That is the result of my observation in relation to it, and I confess myself disappointed in regard to

it; for there was a time when I anticipated better results.

But, sir, while I am throwing out these suggestions—and I do not mean to continue them—I am willing to vote for any of these enterprises that shall promote the public good, leaving each to stand upon its own merits. But I am rather grieved that gentlemen should rise here and repudiate the idea that they are receiving any benefit from them; holding out the idea, while they insist on having the land, that nothing is bestowed. It seems to me to be a false assumption, and to smack a little of ingratitude. I probably shall give my vote for this bill; but I wish to say one word more in regard to it, and then I shall have done.

There is one portion of it, of which I approve very much; and there is another portion that is not, to my mind, so plainly of public utility. I do not see why it is expedient or necessary that there should be a road to run parallel with the Mississippi river, unless the navigation and improvements of that river are to be abandoned. Now, I do not suppose that the building of this road involves that question. I take it that the Mississippi river is to go on and be a public highway, and that we are still to be asked to make grants for its improvement. If we are, then I do not see my way clear to vote for a road which runs parallel, or nearly parallel, with the river. But still, Iowa thinks it ought to have the privilege of fixing these roads as it pleases. If it had been content to take a little less, to run its road from the river into the interior, opening new sources of commerce, I should be very well satisfied with it. I do not know whether I am perfectly satisfied in my own mind, whether the objection I now raise is not such as ought to induce me to vote against the bill; but I wish to throw out these ideas before I vote, that I may not, for one, be considered as committed to this immense system in prospect, by voting for this bill.

Mr. DOUGLAS. I have but a word to say. I cannot understand these gentlemen who argue to us that the alternate sections, which are reserved to the United States, will not be worth \$2 50 per acre, while at the same time they turn round in their arguments and charge that these large grants to us for making railroads are worth \$10 per acre.

Mr. DAVIS. I hope the Senator does not mean to intimate that I said any such thing.

Mr. DOUGLAS. No, sir; I only say that those who act with him argue thus. For instance, the Senator from Georgia [Mr. Dawson] the other day, in an argument against the Illinois bill, went on to prove that the 2,700,000 acres granted to Illinois were worth twenty odd millions of dollars; and he went on to prove that every acre of land granted by that act of Congress to the State to aid in making the road, would be worth ten dollars in consequence of the making of the road; and after summing up these enormous figures against Illinois, and Alabama, and Mississippi, to show how many millions these three States had made out of the Federal Government by getting this quantity of land, he turned round and said the Government lands are not one furthing enhanced in value. How is it then? If you benefit Illinois twenty odd millions, do you not benefit the United States twenty odd millions more, by reserving the alternate sections to yourselves which are to be enhanced in value by the construction of the road? I think if you benefit us that much, you benefit yourselves to the same extent. I care not whether it is twenty-one millions, or ten millions, or five millions, or how much it is. You must admit either that you have enhanced the value of the public domain belonging to the Government of the United States by the grant, or else that these lands granted to us were worth but \$1 25 per acre. But it seems that one rule of computation prevails when you count the advantages of the State, and a different one prevails when you compute the advantages to the United States. My opinion is, that the Senator from Georgia made an over-estimate when he put them at \$10 per acre. My opinion is, that when you put them at \$2 50, it is an under-estimate; and, therefore, that it is a fair argument to assume that the one half reserved to the United States is worth more than the whole of the lands would have been if the grant had not been made, and if the road should not be constructed. That is the view we take; and when we say that you are giving us nothing, we do not mean that the grant is not beneficial to us; but we assert that it

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is also beneficial to the Government of the United States. Is it any argument against it, that it benefits us while it benefits you to the same extent? That is the only point on which we base this.

One word about our transferring these lands to a company. I did not suppose it was a matter of any consequence to the public, or to the Government of the United States, whether the State of Illinois sold these lands and made the road herself, or whether she gave them to a company to make the road by disposing of the lands, provided that we comply with our contract with the Government—provided that we make the road within the time specified, and carry the mails as we agreed to do—and provided we comply with all the stipulations which you choose to impose. But I intend to show to the Senator from Massachusetts that there is a wide distinction between our passing an act of Congress vesting the titles of lands lying in the State of Illinois, in the State of Massachusetts, or in any other State, and giving the title to the Illinois Legislature, and allowing that State to provide for the making of the road. When you give lands to the States within which they lie for the purpose of making a road, the State will make such arrangements with regard to taxation—with regard to the time for selling the lands—with regard to the construction of the road—with regard to preemption rights and settlement—as for itself each State shall deem wise and proper with reference to its own interests; but if Congress here makes a grant of land to a foreign corporation, the State has no such power over that corporation to provide these conditions—to provide for the protection of its own citizens. There is the great point of distinction. The distinction we have is in accordance with State-rights. We wish to reserve to each of the States the power to protect its own interests against any of these speculations. If Illinois has made a bad contract, she has only to blame herself. She cannot blame the Federal Government. We are content with the contract which we have made, and so ought you to be content, because you will find that we will make the road which we stipulated to make within half the time you allowed us for making it. If we give you the road in five years instead of ten years, as was stipulated, we think it should not be a matter of complaint urged against us; and if we make more money out of it than you expected, it ought not to be any objection when you make just as much as we do; and when you, therefore, have been benefited more than you expected to be when you made the grant.

Mr. DAVIS. Mr. President, I am not aware of having expressed any opinion, or entertained any sentiment which would authorize the construction that I urged any such argument as the Senator suggests several persons have urged—that is, that the lands granted to Illinois are worth \$10 per acre.

Mr. DOUGLAS. I said that the Senator from Georgia, [Mr. Dawson,] who was acting with the Senator from Massachusetts against the bill, urged it.

Mr. DAVIS. I am not acting against the bill. I was addressing the Senate on the policy generally. I announced that I intended to vote for the bill. But I wish the whole subject to be spread before the Senate. I wish now to say, that I think there is no inconsiderable share of delusion on this subject; and that the hopes and expectations which are put forth in regard to these lands are destined to be disappointed. That there is to be no such sum realized as was suggested by the Senator from Georgia, is quite apparent, unless there is a change in the state of things. All our experience leads us to a different conclusion from that of the honorable Senator from Georgia. All our experience shows us, that no such hopes and no such expectations have hitherto been realized; and that is what makes me doubt very much whether we realize even the \$2 50 per acre. Perhaps the Senator [Mr. Douglas] participates in the same doubt, as he takes no notice of the guarantee which I proposed of \$2 50 per acre. I do not mean to deny the proposition which the Senator states,

that running a railroad through a section of country, has a tendency to increase the value of lands. And if it were not a fact that the quantity of land brought into the market is immensely increased every year; and if it were not that the territory exposed to sale was not so vastly extended, it would have a very serious influence. But so long as there is good land to be obtained in any quantities, in portions of the country where it is desirable to settle, at the minimum price, so long will the price of land be kept down. There may be particular places and particular points, having a value from contingent causes, that will command larger prices. But the general price of land for agricultural purposes, according to our experience, does not justify any hopes of extravagant prices, even where improvements go.

I have made no complaint of the State of Illinois for undertaking to make her railroad through a company. I think she is a little unjust towards us, if she condemns the United States for retarding settlements by sales at the minimum price for settlement, and when the lands are given to her, holds them up for higher prices, or puts them into the hands of private companies, raising expectations that they, in time, may realize more. She insists that we shall encourage settlement; but takes to herself the right to speculate. She disapproves of individual proprietors, if they are speculators or corporations, as prejudicial to her interests, if they buy of the United States; but when they buy of her, it is quite a different matter, and quite a wholesome good policy, though it may not promote settlement. The practice of the United States to hold land at \$1 25 per acre is oppressive; while Illinois may hold it at twice that, without objection. I placed these conditions in contrast with each other. This is all I intended; and let the argument pass for what it is worth. It is growing large, and I will not detain the Senate.

Mr. RHETT. Mr. President, I wish to say but a few words in defense of the Senator from Georgia, [Mr. Dawson,] who is not now here. Neither of the Senators from that State is now on this floor. I think the Senator from Illinois [Mr. Douglas] has not to-day done, and I think the Senator from Michigan [Mr. Cass] did not yesterday do, entire justice to that Senator. I understand his position to be this: that, according to the statement of the company to which the State of Illinois had turned over all her lands, they expected to realize \$10 per acre on the lands received by them. They had organized their company upon that supposition, and the Senator from Georgia took it as being a fact, and therefore thought it a fair position for argument before the Senate. Is it not so? The Senator from Georgia did not mean to say that alternate sections may not appreciate up to the amount of double the previous price, when they were capable of being brought into market at any time, and as soon as purchasers wanted them; but he intended to say that the State of Illinois, by making a contract by which she turned over these lands to a company, to be held by them indefinitely, and without any limitation whatever, gave to the company the power of realizing \$10 per acre on these lands. That was his position; and does anybody doubt but that that position is true?

When the proposition was made here the other day, that lands should be given to the old States, to be located in the new States, did not my friend from Iowa [Mr. Dodge] speak of it in terms of indignation? Why, he nearly looked, if he did not entirely use, the word "Nullification." I felt pretty sure that he would almost favor nullification to prevent it. If I understood his views and temper on that subject, he would not allow the old States to have a great mass of land in Iowa, to be controlled by them, and kept out of market just so long as they pleased for speculating purposes. Yet, what has the State of Illinois done? What do these new States do, which thus rebuke with such force and such anger, the proposition to consolidate large masses of land in them, beyond what are needed by their settlers? Illinois has made a contract with a company to build the road,

and not an acre of land, I believe, is to be sold, until the road is made; and after the road is made, the company is to have entire control of the land. That I understand to be the nature of the contract between the State of Illinois and the company to which she has granted these lands. I believe I am correct in this. If I am not, I should like to be put right.

Mr. SHIELDS. The land is to be sold as the road progresses. The land still belongs to the State, and is only given to the company conditionally, and is to be appropriated gradually for the construction of the road, and for no other purpose.

Mr. RHETT. But if they construct the road, do they not get the land? Do they not get it as they go along, in sections? Do they not then appropriate the land, and keep it as long as they choose?

Mr. SHIELDS. They receive the land as they go on with the work.

Mr. RHETT. But they get the land, and can use it, and keep it in market as long as they please.

Mr. SHIELDS. The Senator is mistaken in one thing. They are bound to sell the land. They cannot retain it. There are terms imposed on them for the construction of the road. The land is given to them for that purpose. They cannot speculate upon it, and hold it up.

Mr. RHETT. That is only going round the path. The company get the land for making the road; and when they get it, they can hold it as long as they please. They are not bound to convert the land into money within any specified time. That is the practical operation of it; and so I understood from a certain gentleman with whom I conversed on the subject.

Now, what I wish to say is this: that the position of the Senator from Georgia was based upon the fact that this company in Illinois had the power of holding lands there, and that the practical effect of the arrangement made with the State of Illinois was, that the company could hold these lands as long as it pleased, and realize from them what it pleased. The company estimated these lands to be worth, to it, \$10 per acre; and on that supposition the Senator from Georgia came forward, and said that this company expected to realize that amount according to its own statement. And that it will do it, appears to be very reasonable. I have no doubt it will be done. It may take some time to accomplish it, but it will eventually be done. I think, therefore, that the Senator from Georgia, in his view of it, steers entirely clear of the position taken by the Senator from Illinois. The Senator from Georgia did not say that the United States would not realize that amount from their lands; but he said that if you allowed any proprietor of lands, either a company or a State, to hold them as long as it pleased, it could appreciate them up to \$10 per acre. That is all he did assert. It seems to me that there is no incompatibility between the position taken by the Senator from Georgia, and that taken by the Senator from Illinois.

The bill was then ordered to be engrossed and read a third time.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 16, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER stated, as the first business in order, the reception of reports from the Committee on Public Lands.

Mr. HOUSTON moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up the deficiency bill.

Mr. ALLISON asked the unanimous consent of the House to introduce a bill, of which previous notice had been given.

Mr. HOUSTON. I will say to the gentleman

from Pennsylvania, that I have had at least a dozen applications from gentlemen having similar requests to prefer to the House. The gentleman knows the very great difficulty I have had in arriving at the point which I have now reached, and I hope, therefore, he will withdraw his request, and let us go into the Committee of the Whole on the state of the Union, and take up the deficiency bill.

Mr. ALLISON. Very well, sir. I will not press my request.

Mr. CHANDLER. I have a similar request to make; but, under the circumstances, I will withhold it.

Mr. ORR. I was desirous of making a report or two from the Committee on Public Lands, but I have no objection to withhold them.

Mr. COBB. I have no objection to the motion of my colleague, if it is understood that, as a matter of course, the deficiency bill will come up in the Committee of the Whole on the state of the Union.

Mr. HOUSTON. It is by universal consent agreed, I believe, that the deficiency bill should be taken up.

Mr. COBB. Very well, sir. Then I have no objection to my colleague's motion.

The question was then taken on Mr. HOUSTON's motion, and it was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. MEADE in the chair.)

THE DEFICIENCY BILL.

On motion by Mr. HOUSTON, the committee proceeded to consider House bill No. 207, "to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852."

Mr. HILLYER obtained the floor and said: Mr. Chairman, I desire to call the attention of the committee to a remark made by the gentleman from Virginia, [Mr. McMULLIN], some weeks ago, in reply to the gentleman from Florida, [Mr. CABELL], in which the honorable gentleman from Virginia took occasion to say of the Union party of Georgia, that it was composed of factions of all parties, and he saw proper to apply to that honorable and patriotic association, the term "piebald."

Mr. McMULLIN, (interrupting.) I did use the word attributed to me by the honorable gentleman, but I used it under the excitement of the moment. I intended nothing disrespectful to that party; for the gentleman is, perhaps, not aware that I acted and coöperated with it during the last Congress.

But, sir, with the permission of the gentleman from Georgia, I will make one further remark, for I do not expect to trespass upon the House again. I did feel somewhat sensitive upon the subject of the Union party—

Mr. BROOKS. I rise to a point of order. If the House chooses to permit this latitude of debate to the delay of the public business, so be it; but I feel it my duty to make the point of order. I ask for the reading of the 31st rule.

Mr. McMULLIN. I would inquire of the gentleman from New York, whether he makes his point of order on the gentleman from Georgia or on myself?

Mr. BROOKS. On both of you.

The Clerk then read the 31st rule, as follows:

"When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to 'Mr. Speaker;' and shall confine himself to the question under debate, and avoid personality."

Mr. BROOKS. Now, with the greatest respect for both of the gentlemen opposite, but from the imperious necessity of transacting the public business, I make this point of order, that in a debate on the deficiency bill, it is not in order to discuss matters relative to party.

The CHAIRMAN. The Chair decides that the rule, construed literally, would preclude the remarks of the gentlemen from Georgia and Virginia; but under the uniform practice of the House, the Chair cannot now undertake to rule them out of order; and therefore rules the gentleman to be in order.

Mr. BROOKS. With the permission of the Chair, I will remark that I am well aware the Chair has decided according to the practice of the House this session; but during the last Congress, in three or four cases, when it was imperiously necessary

to transact the public business, the House did confine itself literally to the rule, because it found it utterly impossible to debate the real question under consideration if it did not so confine itself. It will be impossible hereafter to debate any matter of public business whatsoever, unless upon some bill like this the House will confine itself within its rules.

Mr. JONES, of Tennessee. This question is not debatable.

The CHAIRMAN. The question is not debatable; but if the gentleman from New York wishes to get the sense of the committee, he can take an appeal from the decision of the Chair.

Mr. BROOKS. I feel it my duty, from the imperious necessity of transacting the public business, to take an appeal.

Mr. EVANS. I am perfectly aware that the Chair has decided in conformity with what has latterly been the practice of the House.

Mr. JONES. It is not in order to debate the appeal.

The CHAIRMAN. The gentleman from Maryland is out of order in debating this question. The Chair will state the question. The gentleman from New York [Mr. BROOKS] raises the point of order that the gentlemen from Georgia and Virginia are out of order in debating any other proposition than the deficiency bill, now before the committee. The Chair has decided the gentlemen from Georgia and Virginia to be in order, in conformity with the practice heretofore observed by the committee. From that decision the gentleman from New York appeals, and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. EVANS. I respectfully call the attention of the Chair to the note to the second rule, and also to the 35th rule. I think if the Chair consults those rules, he will not decide me to be out of order in debating this appeal.

The CHAIRMAN. The gentleman is out of order, in the opinion of the Chair. He can take an appeal from that decision, if he desires it.

Mr. EVANS. I cannot take an appeal, for there is one already pending.

Mr. HOUSTON. The gentleman from New York has taken an appeal from the decision of the Chair; does the Chair decide that that appeal is not debatable? It seems to me that if there are any cases in which appeals are debatable, this is clearly one of them.

The CHAIRMAN. The Chair decides that the appeal is not debatable. Is an appeal taken from that decision?

Mr. HOUSTON. You cannot pile appeal on appeal.

Mr. BROOKS. I must ask for tellers on my appeal.

Tellers were ordered, and Messrs. CHANDLER and BEALE appointed.

The question was then taken, "Shall the decision of the Chair stand as the judgment of the committee?" and it was decided in the affirmative—ayes 79, noes 42.

So the decision of the Chair was sustained, and the remarks of the gentlemen from Georgia and Virginia were ruled to be in order.

Mr. HILLYER resumed his remarks. He had no objection to excuse the gentleman from Virginia; but the same principles and opinions had been avowed by others with reference to the Union party of Georgia. He was proud to say this day, on this floor, that, instead of being composed of factions of all parties, from the mountains to the seaboard, and all along the line, there is not in it one Abolitionist, not one Free-soiler, not one man for a tariff for protection, and, so far as he knew and believed, there was not one bank man, not one internal improvement man; but all within that mighty host are for a strict construction of the Constitution, and for the sovereign rights of the States.

He then vindicated the Union party of Georgia, showing the causes which led to its formation, which was from necessity, founded in patriotism, and under circumstances beyond their control; and towards the conclusion of his remarks, he favored the sending of delegates to the Baltimore Convention, conceiving that the principles of the Democratic party are coövil with those on which our Government is established.

Mr. GIDDINGS next addressed the committee against the fugitive slave law, slavery in the Dis-

trict of Columbia and the Territories, and the coastwise slave trade. Those who sustain the compromise, he maintained, vote to continue the slave trade; and as to a fugitive slave, the people in the States are no more bound to seize and deliver him to the person claiming to be his owner, than they are to deliver up a runaway horse in the streets. He denied the constitutional right to the Federal Government to legislate for the maintenance of slavery. The curses, and blessings if there be any, of it, belong to the South, and with which the North wish to have nothing to do, and should not be required to sustain the burdens in connection with it.

Mr. JACKSON next obtained the floor. He defended his own course and the State-Rights party of the State of Georgia, one of whose representatives, he said, he had the honor to be. If the people who sent him to Congress are disunionists, the inference is that he had forgotten his duty to his country, and is a disunionist; but in his political course of twenty years he had never felt the first desire to see the Union of his country dissolved. Although a Union man, according to a strict construction of the Constitution, he had always been a Democrat; and he would permit no constitutional Union man, or Southern man to cut him off from his connection with the Democratic party.

[These speeches will be found in the Appendix.] Mr. APPLETON, of Maine, here obtained the floor, but yielded to

Mr. ORR, who moved that the committee rise; which motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly House bill No. 207, and had come to no conclusion thereon.

PROPOSITION TO CLOSE DEBATE.

Mr. HOUSTON. I desire to offer to the House a resolution to terminate debate upon the bill which has been under discussion to-day. It must be evident to the House that all of the debate which is pertinent to the propositions contained in this bill must be had under the five-minutes rule, or else we must change the mode of speaking. Not a word, not an allusion has been made to-day to the bill under consideration. I propose, therefore, a resolution terminating debate on it to-morrow at four o'clock; and on Thursday we can carry on the five minutes debate, and finish up the speaking.

Mr. EVANS. I do not intend to object to this resolution, but I do trust that upon a bill of such importance gentlemen of the House will see the necessity of its being debated.

The SPEAKER. Gentlemen must be aware that this is not a debatable question.

Mr. HOUSTON. I want to suggest to my friend from Maryland [Mr. EVANS] the fact that we shall have no debate upon the merits of the bill, in all probability, until we have the five-minutes rule, and I want to get to the debate upon it in that way. These speeches have no relation to the bill whatever, or to its provisions.

Mr. EVANS. It is true, as the gentleman states, that the debate here has been upon everything inappropriate to the subject under consideration, and I think that it is a warning to the House to enforce its rules.

Mr. HOUSTON. We have tried that.

Mr. EVANS. I do not wish to speak against the wishes of the House, and if it is the sense of the House that I shall not say anything I will sit down.

Mr. ORR. I wish to make a modification of the resolution.

Mr. EVANS. I will give you an opportunity.

The SPEAKER. Debate is not in order.

Mr. EVANS. I am proceeding by unanimous consent, if not I will take my seat.

Mr. KING, of New York. If the gentleman is asking that the rules be enforced, I hope he will observe them himself. I object to the discussion.

Mr. POLK. Is it proper to ask the chairman of the Committee of Ways and Means a question?

The SPEAKER. It can be done only by unanimous consent.

Mr. POLK. I merely wish to ask him the amount of the deficiency which this bill proposes to appropriate.

Mr. HOUSTON. It is about \$3,000,000.

Mr. POLK. Then I ask the chairman of the Committee of Ways and Means, if he desires this House to consider, under the five-minutes rule, a proposition appropriating \$3,000,000?

Mr. HOUSTON. I will reply to the gentleman from Tennessee. I suppose the House will allow me to do so. If any legitimate debate had been proposed upon this bill, I should not have asked a termination of it. As long as gentlemen should legitimately debate the provisions of the bill, I would not propose to stop it. The gentleman talks of five minutes. That is the only legitimate debate that I expect to have, and I want as much time to appropriate to five minutes debate as possible.

Mr. POLK. I hope that the House will indulge me a moment.

Mr. STUART. I cannot, and I object.

The SPEAKER. Debate cannot be had, except by unanimous consent.

Mr. POLK. I wish to ask another question.

Mr. ORR. I propose to amend, by striking out "four o'clock," and insert "Saturday, at three o'clock."

Mr. EVANS. I move to amend the amendment, so as to provide that all debate not upon the merits of the question, after to-morrow at two o'clock, shall be out of order. [Laughter.]

Mr. CLEVELAND. I move the House adjourn.

The question was taken, and the motion was agreed to.

So the House adjourned until to-morrow at twelve o'clock.

NOTICE OF A BILL.

Mr. THOMAS M. HOWE gave notice that he would, on to-morrow, or some subsequent day, ask leave to bring in a bill granting to the State of Pennsylvania 1,000,000 acres of the public lands to aid in the construction of the Pittsburg, Kittanning, and Warren railroad.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. CURTIS: The petition of Benjamin Bedford, an assistant marshal in Erie county, Pennsylvania, praying for extra compensation in taking the census.

Also, a petition of like import of Wm. Campbell, assistant marshal of Jefferson county, Pennsylvania.

By Mr. AVERETT: The petition of citizens of Henry county, Virginia, against the extension of the Woodworth patent for planing boards, &c.

By Mr. ASHE: Papers in relation to the claim of Lieutenant Edward Cantwell, for property lost during the war with Mexico.

By Mr. GORMAN: The memorial of assistant marshals of Morgan county, in the State of Indiana, praying additional compensation for taking the census.

Also, the petition of inhabitants of the town of Lawrenceburg, in the State of Indiana, praying the enactment of a law for the organization of companies of military colonists, to be settled in the western territories for the protection of the inhabitants against Indian aggressions.

Also, additional papers in relation to the claim of James W. Carter against the Post Office Department.

By Mr. JENKINS: The petition of the inhabitants of the city of Utica, New York, for the speedy passage of a law to protect American inventors.

By Mr. SCHOONMAKER: The petition and accompanying papers of the heirs of Captain Frederick Schoonmaker, of New York, for the payment of their claim as such heirs against the United States for moneys paid and services rendered in the war of the Revolution.

By Mr. LANDRY: The memorial of the New Orleans Seamen's Home Association.

Also, the petition of citizens of New Orleans, creditors of the late Republic of Texas.

Also, the memorial of Augustus S. Phelps, of Louisiana, administrator of the estate of Albert G. Phelps, praying Congress for relief.

By Mr. DOTY: The memorial of the Legislature of Wisconsin in favor of a mail route from Waukesha to Fond du Lac.

By Mr. BOWNE: The petition of Frederick Morris, Wm. M. Muchmore, and Francis B. Spinola, a committee on the part of the Common Council of Brooklyn, New York, praying the release of Smith O'Brien and his companions in exile.

By Mr. JONES, of Pennsylvania: Resolutions of the Legislature of Pennsylvania in relation to the release of Smith O'Brien and his associates.

Also, resolutions of the Legislature of Pennsylvania recommending a navy-yard, depot, and dry dock on the lakes.

By Mr. McMULLIN: The memorial of John J. Winn, assistant marshal of Albemarle county, in the State of Virginia, praying additional compensation for taking the census.

By Mr. CHURCHWELL: The petition of F. M. Pryor, assistant marshal for Franklin county, Tennessee, praying extra compensation for taking the Seventh Census.

By Mr. BROWN, of Mississippi: The petition of Monette & Carvu, of Mississippi, praying compensation for surveying done by them for the United States in the year 1841.

By Mr. DAVIS, of Indiana: The petition of Jared C. Joscelyn, United States assistant marshal for Floyd county,

Indiana, praying extra compensation for taking the Seventh Census.

By Mr. TUCK: The memorial of Ichabod Goodwin, James N. Tarlton, and others, of Portsmouth, New Hampshire, in favor of granting aid to the Collins's line of steamships.

By Mr. JONES, of New York: The memorial of 107 citizens of Onondaga and State of New York, against the extension of the Woodworth patent for planing boards, &c.

By Mr. GOODENOW: The petition of Samuel Odiorne and others, inhabitants of Kittery, York county, Maine, and residents on an island in Piscataqua river, praying for leave to connect a bridge from their island with Navy-yard island, and for a right of way across Navy-yard island.

Also, the petition of Mark Dennett and 92 others, in aid of the same.

By Mr. McNAIR: Eleven petitions of the Democratic citizens of Montgomery county, in the State of Pennsylvania, praying a modification of the tariff on iron.

Also, the petition of Isaac Lane and 50 others, citizens of Delaware county, in the State of Pennsylvania, praying the extension of the Woodworth patent for planing boards, &c.

By Mr. BARCOCK: The petition of 204 citizens of Oswego, New York, for a marine hospital at the port of Oswego.

IN SENATE.

WEDNESDAY, March 17, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

NEW SENATORS.

Mr. GWIN. Mr. President, I have been requested to present the credentials of the Hon. JOHN B. WELLER, elected a Senator of the United States from the State of California.

The credentials were read.

Mr. McRAE. I ask leave to present to the Senate the credentials of the honorable STEPHEN ADAMS, recently elected by the Legislature of the State of Mississippi to fill the vacancy occasioned by the resignation of the honorable Jefferson Davis, which has been for a short time humbly filled by myself. I presenting these credentials, I take my leave of you, Mr. President, and of the Senate, with the most cordial good feeling towards all the Senators, for the uniform courtesy and kindness they have shown to me, from the time I took my seat here until the present moment.

The credentials were read, and the honorable Messrs. WELLER and ADAMS came forward; and the oath prescribed by law having been administered to them, they took their seats.

LEGISLATION OF OREGON.

The PRESIDENT *pro tem.* laid before the Senate copies of the Journal and acts of the Legislative Assembly of Oregon, of the second session thereof, begun and held at Oregon City, December 2, 1850, transmitted to him by the Secretary of that Territory, in obedience to law; which were ordered to be referred to the Committee on Territories.

RELIEF OF AMERICANS ABROAD.

The PRESIDENT. The Chair has received a memorial from Mr. John Randolph Clay, our *Chargé d'Affaires* at Lima, setting forth that there are numerous American citizens thrown upon the shores of that country in very destitute circumstances. He states that the Consul of the United States there and himself have exhausted all their means in endeavoring to relieve these unfortunate men. There is no provision of Congress for it. The only act of Congress on the subject relates to seamen, and provides that when they shall be in destitute circumstances abroad, they shall be relieved and sent home by the consuls of the United States. The memorialist asks that some provision may be made by which these destitute men may be furnished with bread, which they are unable to obtain in a foreign land.

Mr. HAMLIN. This memorial, it seems to me, involves a question somewhat of a commercial character. It also has some connection with our consular system. It might, perhaps, appropriately be referred to the Committee on Commerce; but I am inclined to think it has a more intimate connection with our foreign relations, and therefore move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

PETITIONS, ETC.

Mr. BADGER presented the memorial of Rhoda McRae, praying the appointment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of American citizens against Mexico; which was referred to the select committee appointed on that subject.

Mr. SOULE. I am requested to present to

the Senate the petition of A. Boyd, praying the reimbursement of certain expenses incurred by him in taking the census in the parish of Iberville, Louisiana. In presenting this petition, I wish to say, that this individual performed the duty of taking the census under the most trying circumstances. The parish in which he had to exercise his jurisdiction was overflowed by the Mississippi, and, in consequence of that, he had to incur expenses which were not contemplated when he was appointed. He now applies to Congress in order to be compensated for those expenses. I recommend the petition to the serious attention of the Committee of Claims, to which I move that it be referred.

It was so referred.

Mr. SHIELDS presented a petition of merchants and other citizens of Savannah, Georgia, praying that further aid may be extended to Collins's line of steamships; which was referred to the Committee on Naval Affairs.

Also, the petition of Edward Milton, late a sergeant in the Army, praying an increase of pension, which was referred to the Committee on Pensions.

Also, a memorial of officers of the army stationed at Fort Monroe, Virginia, praying that the quarters of officers at the permanent military posts may be furnished; which was referred to the Committee on Military Affairs.

Also, the memorial of the widow of John Balster, who was killed at Charleston arsenal while in the discharge of his duty; which was referred to the Committee on Pensions.

Mr. NORRIS presented a petition of citizens of Hinsdale, New Hampshire, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. BRODHEAD presented the petition of Emily H. Plummer, widow of Samuel M. Plummer, late an officer in the Army, praying a pension; which was referred to the Committee on Pensions.

Also, ten petitions of citizens of Montgomery county, Pennsylvania, praying a modification of the tariff; and a petition of iron workers of Norristown, Pennsylvania, praying an increase of the duties on iron; which were referred to the Committee on Finance.

Also, a petition of citizens of Middletown, Pennsylvania, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. BORLAND. I present the memorial of Lieutenant Raphael Semmes, of the Navy, praying an extra allowance, at the rate of \$700 a year, for services in the Coast Survey. In presenting it, I think it proper to state what is the ground of the application. A survey of the coast between Appalachicola Bay and the Mississippi river was ordered a few years ago, and Lieutenant Powell, of the Navy, was directed to make it. Before Lieutenant Powell had completed the survey, he was superseded by Lieutenant Semmes, who completed it. Lieutenant Powell applied to the Department for the usual extra allowance as commander of the expedition. The Department being unable to pay it, for want of authority, application was made to Congress, and an appropriation of money (\$10,000) was voted to pay all those extra and incidental expenses. The appropriation was in part expended in the payment of Lieutenant Powell and the men under his command. After Lieutenant Semmes had completed the survey, he also made application upon the ground upon which his predecessor had been paid. He was informed that the appropriation which was made exceeded the amount which Lieutenant Powell and those associated with him had claimed, but that the surplus had been transferred to another fund, called, I believe, the surplus fund; and hence he could not be paid, as a specific appropriation for that purpose was not then at the disposal of the Government. But the Fourth Auditor, who examined the claim of Lieutenant Semmes, states to him, in a letter, which I present along with the memorial, that the claim stands on precisely the same principles as that of Lieutenant Powell, which has already been paid; and that Lieutenant Semmes would have been paid but for the transfer being made prior to the application. He comes forward now and asks Congress to make him an appropriation to cover his claim, which rests on

the same foundation with the claim of Lieutenant Powell, which has already been paid. I ask that the memorial and the letter of the Fourth Auditor accompanying it, be referred to the Committee on Naval Affairs.

They were so referred.

REPORTS FROM STANDING COMMITTEES.

Mr. FISH, from the Committee on Naval Affairs, to which was referred the petition of Francis B. Stockton, praying the return of a certain sum paid by him, submitted a report, accompanied by a bill, for his relief; which was read and passed to the second reading.

The report was ordered to be printed.

Mr. UPHAM, from the Committee on the Post Office and Post Roads, to which was referred the petition of H. N. Denison, praying payment for a draft, submitted an adverse report; which was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to which was referred a memorial of the Legislature of Alabama, in relation to extending the time for selecting school lands, reported a bill to extend the provisions of an act, approved February 26, 1845, entitled "An act to amend an act to carry into effect, in the States of Alabama and Mississippi, the existing compacts with these States, with regard to the five per cent. fund and the school reservations; which was read and passed to the second reading.

He also, from the same committee, to which were referred documents relating to the claim of John Newton, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to which was referred the petition of citizens of Guthrie county, Iowa, praying for a donation of land for a county seat, submitted an adverse report; which was ordered to be printed.

Mr. BRADBURY, from the Committee on the Judiciary, to which were referred the papers in the case of Walter Colton, submitted a report, accompanied by a bill for the relief of the legal representatives of Walter Colton; which was read and passed to the second reading.

The report was ordered to be printed.

ASSIGNABILITY OF LAND WARRANTS.

Mr. SHIELDS, from the managers on the part of the Senate, on the disagreeing votes of the two Houses on the bill, entitled "An act to make land warrants assignable, and for other purposes," reported that they have met the managers on the part of the House, and after full and free conference, have agreed to recommend to their respective Houses, to strike out the word "act," where it first occurs in the third line of the first proviso proposed to the first section of the bill by the House, and insert in lieu thereof the word *laws*. Insert after the word "located," in the said third line of said first proviso, the words, *according to the legal subdivisions of the public lands, and in one body*. And with these amendments, they recommend that the Senate recede from their disagreement to the amendments of the House to the first section of the bill.

Strike out all after the word *warrants*, in the twelfth line of the second section, to the end of the section. And with this amendment, they recommend that the House recede from its amendment, striking out all of said bill after the first section.

JAMES SHIELDS,
ALPHEUS FELCH,
TRUMAN SMITH,
Managers on the part of the Senate.
GEORGE W. JONES,
GEORGE BRIGGS,
GRAHAM N. FITCH,
Managers on the part of the House.

Mr. S. I will state, for the information of the Senate, that the only change that has been made in the Senate bill is in regard to one principle. The report of the Committee of Conference leaves the bill precisely as it was when it left this body, including a provision for the compensation of registers and receivers—giving them the ordinary compensation for their services, only requiring that the holder of the warrant, whether he is the assignee or the original holder, shall pay the officer himself. This bill makes the warrants very valuable; and hence we have made this change. As the Senate bill originally stood, the assignee paid the officers for locating the warrants; but if

it were located by the original holder, the amount was to be paid by the Treasury.

The PRESIDENT. The Chair will ask leave to interrupt the honorable Senator. The Chair finds, on inquiry, that the bill is in the possession of the House of Representatives. The House must, therefore, first act upon the report of the committee of conference; and, until the bill is returned from the House, there can be no action of the Senate in regard to it.

Mr. SHIELDS. If the vote cannot be taken at this time on the report, I suppose it will hardly be necessary to explain the amendment. I move that the report be printed, and that will, perhaps, save me the necessity of making any explanation of the matter when it comes up again.

Mr. BADGER. I trust that the honorable Senator from Illinois will now give an explanation of the amendments.

Mr. SHIELDS. As it may save trouble on another occasion, I will state the purport now. The bill, as proposed to be left by the committee of conference, gives compensation to the registers and receivers, makes bounty land warrants assignable in all cases, and enables either the original holder or the assignee to locate them upon any land subject to private entry at the time of the location, and they themselves pay the expenses. If the warrants are to be located on lands where the minimum price is more than \$1 25, as for instance, on the reserved land in Illinois and other States, where the price is \$2 50, the person who holds the warrant can make the location by paying the residue in cash. With this exception, the bill is the same as it passed the Senate.

The report was ordered to be printed.

STEAM FERRY-BOATS.

Mr. SHIELDS submitted the following resolution; which was agreed to:

Resolved, That the Committee on Commerce be requested to inquire into the expediency of so amending an act entitled "An act for the better security of the lives of passengers on board vessels propelled in whole or in part by steam," as to exclude steam ferry-boats from the operation thereof, so as to obviate the injury and detriment that have been occasioned to the owners of such boats, by including them within the regulations and requirements of such law. Also, to provide for the release of such ferry-boats as may have been seized under the provisions of such law, and dismiss all legal proceedings instituted against them, and repay all fines and penalties that may have been assessed or decreed against the owners of such boats for the violation of the provisions of said act; and to provide that the law shall hereafter be construed, as originally intended, not to apply to steam ferry-boats.

IOWA LAND BILL.

The engrossed bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State, was read a third time. On the question "Shall the bill pass?" the yeas and nays were demanded by Mr. BRODHEAD, and resulted as follows:

YEAS—Messrs. Atchison, Adams, Badger, Bell, Borland, Brooke, Cass, Clemens, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Fish, Foster, Geyer, Gwin, James, Jones of Iowa, Jones of Tennessee, King, Mangum, Morton, Rusk, Seward, Shields, Smith, Soule, Underwood, Walker, and Weller—30.

NAYS—Messrs. Badger, Bayard, Bradbury, Brodhead, Chase, Hamlin, Mason, Norris, Pratt, and Wade—10.

WILLIAM SPEIDEN.

Mr. BADGER. I am directed by the Committee on Naval Affairs to ask the Senate to take up this morning, and dispose of, the bill on the private Calendar, for the relief of purser William Speiden. The reason for asking it is this: in the belief of the committee, this is a very plain case, in which the relief desired should be extended to the party. He has been ordered to sea, and expects soon to leave the United States, to be absent perhaps several years; and if the relief is to be extended to him at all, it ought to be before he goes away. I move to take up that bill; but if any unexpected difficulty should arise, of course it can be laid aside.

The motion was agreed to.

The bill was accordingly read a second time, and was considered by the Senate as in Committee of the Whole. It directs the accounting officers of the Treasury to allow to William Speiden two and a half per cent. upon the amount of military contributions received by him, while acting as purser to the United States frigate Congress, and as paymaster and commissary to the land forces on the coast of the Pacific, during the Mexican

war—to be in full compensation for all extra services, expenses, and losses sustained by him during that period, according to the spirit of the act of March 3, 1849, to provide for the settlement of accounts of public officers and others, who may have received moneys arising from military contributions or otherwise in Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading; and was subsequently read a third time and passed.

STATUTES AT LARGE.

Mr. BRADBURY. I move to take up the joint resolution authorizing the purchase of the ninth volume of the Laws of the United States. I stated yesterday the reasons which required the early passage of this resolution; but I am desired by a Senator who was not here yesterday to recapitulate the reasons why action on this resolution is necessary. It provides for the purchase of the ninth volume of the Laws of the United States for distribution, in accordance with the provisions of the act of August 8, 1846. The destruction of the Library by fire deprived the members of the House of Representatives of the use of the volumes of the laws which were there. There is need of this volume now, for the accommodation of the committees of the House; and this volume is also needed for distribution, under the provisions of that act, to the heads of departments, and foreign Governments. I hope there will be no objection to taking up the resolution.

The motion was agreed to, and the joint resolution was read a second time, and considered as in Committee of the Whole.

It authorizes the Secretary of State, in compliance with his request made to the Committee on the Judiciary, to purchase of the publishers of the Statutes of the United States one thousand copies of the ninth volume of the Statutes at Large now published, and to cause them to be distributed as the first and eighth volumes were distributed by the act of August 8, 1846.

Mr. BRADBURY. I beg leave to read a communication addressed by the Secretary of State to the chairman of the Judiciary Committee:

DEPARTMENT OF STATE, }
WASHINGTON, January 15, 1852. }

SIR: I beg leave, through you, respectfully to call the attention of the Committee on the Judiciary to the propriety of authorizing this Department to purchase one thousand copies of the ninth volume United Statutes at Large—Little & Brown's edition—for distribution in the same manner as were the one thousand copies of the first eight volumes, under the act of August 8, 1846.

There appears to be a necessity for this purchase, from the fact that the index to the Statutes at Large, just published, and intrusted by the Senate to this Department for distribution, embraces the contents of the ninth volume, not in its serial or pamphlet form, but as a complete and distinct volume, corresponding with those previously published by authority of Congress.

I have the honor to be, sir, very respectfully, your obedient servant,
DANIEL WEBSTER.

To Hon. A. P. BUTLER,
Chairman of the Committee on the Judiciary,
United States Senate.

The price which is fixed by the publishers of this volume is regarded as a very reasonable one, considering the manner in which it is got up and its size. I hope there will be no objection to the passage of the resolution.

The resolution was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

FRENCH SPOILIATIONS—NON-INTERVENTION.

Mr. BRADBURY. Before proceeding to the consideration of the special order of the day, I desire to call the attention of the Senate again to the bill providing indemnity to sufferers by French spoliation. I do not propose to take it up to-day, but I desire that some day may be designated when it may come up. It was made the special order for a day, more than a month ago. The Senator from Michigan, [Mr. FELCH,] I understand, desires to address the Senate on the subject. I hope we may fix on some day this week for its consideration; and I hope we will name the day now, in order that it may be understood when the bill is to come up. I hope it will not be postponed beyond this week, or at furthest not beyond Monday next.

Mr. CLARKE. I would beg leave to ask whether the honorable Senator from Michigan will be ready to-morrow to submit his remarks to the

Senate? There is nothing very special after the consideration of these non-intervention resolutions to-day. Will the Senator be ready to speak, if this bill shall be taken up to-morrow?

Mr. FELCH. I was a member of the special committee to which this matter was referred, and being so unfortunate as to be in the minority of the committee in my views on it, I proposed to give the matter a full investigation, and to present some views to the Senate, when the question shall come up for consideration. I had commenced an examination of that kind. The papers and documents referred to in the case are very voluminous, and it is a labor of weeks to go through them. I have not been able as yet to pursue that examination on account of illness during the last two weeks. I shall now, perhaps, be ready to pursue it, and to consent to the matter coming up in a very short time. If the Senator will permit the matter to lie over, say for a week, it will accommodate me better than a shorter time. If, however, I should be able to conclude my investigation sooner, I would consent to its being taken up at an earlier day.

Mr. CLARKE. I move, then, that the Senate proceed to the consideration of the special order of the day.

Mr. MANGUM. The honorable Senator from Tennessee [Mr. JONES] has the floor upon the special order, but the condition of the Senate Chamber is such that it is impossible that he can speak to-day; and I think it is due to him, as he is now, for the first time, about to address the Senate at length, that the Senate should give him a fairer opportunity of being heard. With that view, I move that the Senate do now adjourn.

Mr. BRADBURY asked for the yeas and nays on the motion.

Mr. CASS. I would suggest to the honorable Senator from North Carolina that there can be no sort of objection to allowing this matter to lie over, to accommodate the honorable Senator from Tennessee; but there is no reason why we should adjourn.

Mr. MANGUM. I withdraw the motion to adjourn, and move that the special order be postponed until to-morrow at one o'clock.

The PRESIDENT. The Senator, probably, is not aware of the order in which the special orders come up. The Chair will call them over, so that the Senator may see. The first is a bill to improve the navigation of the Upper Mississippi.

Mr. JONES, of Tennessee. I am much obliged to the honorable Senator from North Carolina for the suggestion which he has made on my behalf. It must be obvious to every Senator here that the room is uncomfortable. But, so far as I am concerned, if it is the pleasure of the Senate, I am willing to go on to-day. I feel that the Chamber is uncomfortable; yet if Senators prefer that the debate should go on now, I am ready, and I submit the question to the Senate. It is a matter of very great indifference to me. If the Senate wish me to proceed now, I can probably say what I have to say, as well to-day as at any other time.

Mr. ATCHISON. Although the Senator from Tennessee expresses entire indifference as to whether he shall go on now or not, I presume that the honorable Senator from North Carolina had some authority for saying that the Senator from Tennessee would prefer to go on to-morrow.

Mr. MANGUM. I do not suppose that any gentleman would like to speak at length to-day.

Mr. ATCHISON. Certainly; and I am ready, as I presume every Senator is ready, to accord this indulgence to the Senator from Tennessee. I therefore move to postpone all the special and general orders prior to the bill granting the right of way to the State of Missouri, and a portion of the public lands, to aid in the construction of a railroad from Hannibal to St. Joseph, in said State.

The motion was agreed to.

RAILROADS IN MISSOURI.

The Senate proceeded, as in Committee of the Whole, to the consideration of the bill granting the right of way to the State of Missouri, and a portion of the public lands, to aid in the construction of a railroad from Hannibal to St. Joseph, in said State, which was reported from the Committee on Public Lands, with an amendment in the shape of a substitute, which the committee has adopted as a uniform bill for all such purposes.

On the motion of Mr. GEYER, several verbal

amendments were made in the substitute; also, amendments to make it conform to the Iowa land bill, which this morning was read a third time and passed. An amendment was also made, on his motion, by which two several bills were incorporated into one, so that this bill not only makes provision for a railroad from Hannibal to St. Joseph, but also for a railroad from St. Louis to the western boundary of the State of Missouri.

Mr. DAVIS. I would suggest to the Senator from Missouri, that in the proviso of the committee's amendment, the same amendment should be inserted which was made to the Iowa bill yesterday; and I therefore make the motion to strike out the words "provided that the right of way shall not exceed one hundred feet on each side of the line of said roads, and a copy of the survey," and insert the following:

"Provided, That in locating the railroads aforesaid, and assigning the limits to the easement, no more lands shall be taken from the United States than is necessary for a convenient construction and use of said roads or public ways, for transportation, including stations, with the usual buildings of all kinds, turn-outs, and such other appurtenances as are usually enjoyed by railroad companies, and a copy of the location."

The amendment to the amendment was agreed to.

The PRESIDENT. The Chair would suggest that an amendment to the Iowa bill was made to insert the words "to be recorded," at the end of that proviso, so as to make it read, that

"A copy of the survey of said road, under the direction of said State, shall be forwarded to the proper local land officers respectively, and to the General Land Office, at Washington city, within ninety days after the completion of the same, to be recorded."

It would be proper to make that amendment to this bill.

The suggestion was adopted, and the amendment as amended was agreed to.

Mr. BRADBURY. Before the bill is reported to the Senate, I would like to inquire of the Senator from Missouri what number of acres of land is appropriated by this bill, and what portion of the land will be found to be alternate sections on each side of the road?

Mr. ATCHISON. The Senator from Maine makes an inquiry. He wants to know the quantity of land which is to be appropriated by this bill for these railroads. I am told that upon the Northern Railroad—from Hannibal to St. Joseph—there cannot be obtained, within the fifteen miles of that road, exceeding one half million of acres, and refuse land at that. The road is to be two hundred miles in length—or one hundred and eighty upon a direct line, though it is supposed that with the necessary curves it will be about two hundred miles. As to the road on the south side of the river, my colleague can, perhaps, give more information than I can; but I am told that it will not exceed two hundred and twenty-five miles, with alternate sections on each side. The Senator can make the estimate himself. I have not made a calculation of the exact number of acres.

Mr. BRADBURY. I would inquire further, whether any arrangements have been made by the State, by which this land is immediately to pass into the hands of railroad companies or speculators?

Mr. ATCHISON. No, sir. Each of these roads has a charter from the State of Missouri. That State has appropriated \$3,000,000 to assist in the construction of the roads. Private stock upon one of them, I am told, has been taken to the amount of \$1,200,000, and upon the other, from \$800,000 to \$1,000,000. The State of Missouri, I believe, has made no disposition of the lands, for we have always considered it a doubtful matter, whether the Government of the United States would grant anything, even the right of way. She has made no disposition of lands to be granted, as far as my knowledge extends, to railroad companies, or otherwise, for the construction of these roads.

The bill was reported to the Senate as amended, the amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

CUMBERLAND DAM.

Mr. UNDERWOOD. I rise to ask the Senate to take up and act upon a bill, which I propose they shall decide without any argument on my part. It is a bill for the improvement of the Cumberland dam in the Ohio river. It was laid upon

the table at a very early period of the session; and I would just remark, that if Congress or the Senate intend to appropriate any money for that object, it is high time that it should be done, so that the Executive may be making arrangements to have the work go on before the warm season commences. It is a measure which has been discussed time and again in this body, and I do not propose now to resume the discussion upon it. I hope the Senate will take it up, and give a silent vote, one way or the other, without any discussion, unless some gentleman is anxious to be heard upon it.

Mr. CHASE. I wish to inquire of the honorable Senator from Kentucky, [Mr. UNDERWOOD,] whether this bill relates to an improvement in the Ohio river, with respect to which there has been very serious disagreement among those who navigate that river, as to the propriety of the improvement, and what the location is?

Mr. UNDERWOOD. It is a dam which was put in the Ohio river by the action of this Government, just above Cumberland Island, so as to throw the water into a chute next to Smithville. It is now in such a situation that it must be either removed or repaired.

Mr. CHASE. There is a very great diversity of opinion with regard to the propriety of that repair, as I know very well from conversation with persons engaged in navigation upon that river.

The PRESIDENT. The question is on taking up the bill.

Mr. CHASE. I hope it will not be taken up at the present time.

Mr. UNDERWOOD. Why not take it up, and let the gentleman assign his reasons for opposing the bill now? We can as well appropriate this afternoon to that object, as any other. This is a matter of pressing importance if anything is to be done at all. If we do anything, now is the time to do it, because the season is coming on when everything should be ready for the work. If you postpone the matter till June or July, the best part of the season will have passed away before anything can be done. It is a matter of some urgency that we should act upon it now.

Mr. CHASE. I should have no objection to taking up the bill now, but that we all came here this morning expecting that a different subject would be taken up, and supposing the usual time of the Senate would be occupied by another question. I wish for a little time to look at the reports that have been made concerning this subject. I am not certain that I shall oppose the passage of the bill, but I wish for an opportunity of informing myself more fully with regard to it.

Mr. UNDERWOOD. Very well, then, let it pass. I withdraw my motion.

RAILROADS IN ARKANSAS.

Mr. BORLAND. As I do not think there is any other business pressing upon the attention of the Senate, I will ask that we take up the bill granting lands to the State of Arkansas for the same purpose as those granted in the bill which passed for the State of Missouri to-day, and that which passed for the State of Iowa yesterday. It is a bill of precisely the same character, resting on precisely the same principles, and I think it might be acted upon to-day as well as at any other time.

The motion to take up the bill was agreed to.

The Senate, as in Committee of the Whole, accordingly proceeded to consider the bill granting to the State of Arkansas the right of way and a portion of the public lands, to aid in the construction of the Arkansas Central Railroad, from a point on the western bank of the Mississippi river, opposite the town of Memphis, Tennessee, by the way of Little Rock, to a point on Red river, on the border of Texas.

The Committee on Public Lands had reported the original bill, with the model substitute, as in other similar cases.

On the motion of Mr. BORLAND, the bill was amended to make it conform to the bills as amended granting land for like purposes to the States of Iowa and Missouri.

Mr. BRADBURY. I desire to ask the Senator from Arkansas the same question, in relation to this bill, which I asked in relation to the Missouri bill; namely, what number of acres of land this bill proposes to appropriate? And, in the same connection, I would like to have the Senator inform the Senate, how many millions of acres of land were granted to the State of Arkansas last session?

Mr. BORLAND. I have not made any estimate of the number of acres granted to the State of Arkansas by this bill. The road runs from the Mississippi river, through the centre of the State, to the western frontier. The State is about three hundred miles in width, from east to west. The grant applies to land for six miles on each side of the road, giving the alternate sections. The estimate I have not made; it is not material that it should be made. I have not deemed it necessary, and therefore I have not sat down to make the calculation. I would say that along the line of the road a large portion of the land is in the hands of proprietors, so that perhaps not more than half will be given along the line of the road within the six miles.

With regard to the question as to the amount of swamp land granted to Arkansas, I will say, that it is impossible to tell the amount, because the selections have not been made. But even if they were made, and amounted to millions, I would say, that they are not worth anything at all, until the State has expended all that she can ever receive for them, in converting them into good land.

The bill was then reported to the Senate, and the amendments made in Committee of the Whole, were concurred in. It was then ordered to be engrossed for a third reading.

RAILROAD IN ALABAMA.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill, granting to the State of Alabama, the right of way, and a donation of public land, for making a railroad from Selma to the Tennessee river.

This bill was of the same character as the bills making grants of land for similar purposes, in the States of Iowa, Missouri, and Arkansas, and the several amendments adopted in regard to these bills, were incorporated in this bill. It was reported to the Senate, the several amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

NAVAL HOSPITAL AT NEW YORK.

Mr. BADGER. I ask the Senate to take up a joint resolution, reported from the Committee on Naval Affairs, for the purpose of disposing of it at this time. It is a joint resolution, authorising the straightening of the boundary lines of the naval hospital at New York. We passed a resolution some time ago; and, in consequence of it, some difficulty arose, which renders this resolution necessary. I move to postpone the previous orders to take it up.

The motion was agreed to; and the resolution was considered by the Senate, as in Committee of the Whole.

The resolution was read. It proposes to authorize the Secretary of the Navy, on the part of the United States, to carry into full effect an arrangement made with the coterminous proprietors, whereby a certain part of the eastern boundary of the lands of the naval hospital at New York is straightened, as will appear by reference to a map, signed by the said proprietors and the commissioners for running the said line on the 28th of November, 1848, and approved by the Secretary of the Navy, on the 18th of December, in the same year, so that without any pecuniary consideration from the one to the other, the slips of land on the south and west sides of said line according to said plan shall become the property of the United States, and so much on the other side as now belongs to the United States, shall become the property of the abutting proprietors respectively.

Mr. BRADBURY. I would like to hear an explanation from some gentleman who is on the committee which reported this bill, as to whether it is to involve any considerable expenditure in the purchase of lands.

Mr. BADGER. If the Senator from Maine had listened to the resolution when read, he would have learned that it does not involve the expenditure of a single cent. The boundary is irregular, and the object is to make a straight line, and to make an exchange of small slips of land.

No amendment being offered, the resolution was reported to the Senate, and ordered to be engrossed for a third reading.

SELECTION OF LANDS IN WISCONSIN.

Mr. WALKER. Very early in the session I introduced a bill to authorize the State of Wisconsin

to select the residue of the lands to which that State is entitled, under the act of the 8th August, 1846, to aid in the improvement of the Fox and Wisconsin rivers. I desire that it may be taken up. I would not now make the motion but that our Legislature is in session, and if the bill is passed it will be necessary that it should be passed soon, in order to enable the Legislature to take some action on the subject at the present session. It is just such a bill as has been passed for the State of Illinois, and I hope there is not to be any distinction made between the two States.

The motion to take up the bill was agreed to, and the Senate proceeded to its consideration as in Committee of the Whole.

The PRESIDENT. The bill is reported with an amendment. The committee propose to strike out these words:

"That the Governor of the State of Wisconsin shall be, and he is hereby authorized to select the balance of the land to which the State is entitled under the provisions of the act of 8th of August, 1846, to aid in the improvement of the Fox and Wisconsin rivers, out of any of the unsold and unappropriated lands in the State."

And to substitute these words:

"That the Governor of the State of Wisconsin shall be, and he is hereby authorized to select, out of any unsold and unappropriated lands in that State, the balance of the land to which that State is entitled under the provisions of the act of 8th August, 1846, within the limits of the grant of land, to aid in the improvement of the Fox and Wisconsin rivers, which could not be assigned to the State under the provisions of said act, in consequence of the same having been previously sold or otherwise disposed of."

Mr. BADGER. There is a slight verbal amendment which I would suggest; which is to strike out the word "balance," and insert the word "residue."

The amendments were agreed to.

The bill was then reported to the Senate, the amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

MARINE HOSPITAL AT PORTLAND.

Mr. HAMLIN. I move that the Senate take up the bill making an appropriation for the erection of a marine hospital at Portland, Maine. I think it is a bill which will commend itself to the favorable consideration of the Senate. It will stand on its own merits.

Mr. BORLAND. That bill asks for an appropriation for building or continuing a marine hospital. I would like to inquire of the Senator from Maine, whether there is any reason why a different course should be pursued in regard to that bill than is pursued in regard to appropriations for other purposes? I know that heretofore appropriations for marine hospitals have been included in the general appropriation bills, and I recollect that on one occasion a long discussion occurred on a motion to strike out a similar appropriation from the general appropriation bill. Now, I wish to know the reason why a difference should be made in this case?

Mr. HAMLIN. I have stated that I was willing to let this bill stand upon its own merits, and not to have it depending on the general appropriation bill to bring it through. The only difference that I know of is, that I propose to bring it up and pass it in a bill by itself; and I do not know why it should not commend itself to the good sense of the Senate, because I am willing to trust it to its own merits. The other course named by the Senator was irregular. This is the correct and parliamentary course.

Mr. BADGER. I can suggest another reason, in addition to that suggested by the Senator from Maine, why it is proper that this bill should be acted upon now. I doubt whether the motion could be made to insert this bill in the general appropriation bill, unless the sense of the Senate had been taken upon it, under the restrictive rule which we adopted last session.

The question was then taken on the motion to postpone the previous orders to take up the bill, and it was agreed to.

The bill was then read a second time, and considered by the Senate as in Committee of the Whole. It provides that the Secretary of the Treasury be authorized and directed to purchase a suitable site in Portland, in the State of Maine, or in such place in the immediate vicinity thereof as he shall deem proper, and to cause to be erected thereon, under his direction, a marine hospital for the relief of sick and disabled seamen; and for that purpose the sum of \$30,000 is appropriated.

Mr. HAMLIN. I would ask for the reading of the report which accompanies the bill, but that I think I can state the facts more succinctly than they are set forth in that report, and what will be satisfactory to the Senate. There has never been a marine hospital north of Boston, though we have a distance of coast of five hundred miles between Boston and the Province of New Brunswick. There are in the State of Maine near forty thousand seamen who at different times follow the sea for a living. We contribute to the seamen's fund somewhere in the neighborhood of \$10,000 annually. The severities of our climate and the large number of our seamen, are the facts upon which that report was based, and I think I need not say anything more. I have the facts before me for a full explanation, but I will stop unless some Senator shall desire a further statement.

Mr. BADGER. That is quite enough.

Mr. BORLAND. Lest it may be supposed that I am opposed to the passage of this bill, in consequence of the inquiry I made, I rise to say that I cordially approve of it, and only wished to know whether there was any difference between this bill and those which have formerly been passed on this subject. Among the first things which I did when I came here, was to ask for an appropriation for the erection of a similar hospital in my own State. I then went into an estimate of the amount which was held by the Government of the vast sums of money taken from seamen, which I held ought to be appropriated liberally for this and similar purposes.

The Senator from Maine says there are near forty thousand seamen in Maine. I say, then, that I think they are entitled to \$100,000 a year; for they each pay \$2 40 a year into the Treasury, not by a tax, but it is paid out of their wages, being twenty cents per month. And it is no matter what kind of a vessel or craft they go upon, even if it is a raft, each man so employed has deducted from his wages \$2 40 a year, so that these forty thousand seamen in Maine are entitled to \$100,000 per annum.

Mr. HAMLIN. I did not understand the inquiry made by the Senator from Arkansas as being dictated by a spirit of opposition, and if, from the manner in which I replied to him, he supposed that I did, he is entirely mistaken. The Senator from Arkansas will recollect that all persons in Maine who are seamen, do not follow the sea all the time, or at the same time; perhaps not one half. Besides, the amount of money contributed by the seamen of Maine, is paid mostly in other States. The seaman is entitled to relief wherever he may be. For that purpose these hospitals are erected all over the country, which are designed to furnish that very relief.

Mr. FELCH. I would inquire whether the \$30,000 is for the purchase of grounds, or whether this is the commencement of an operation which is to be carried out by further appropriations? I would like to know whether there is to be any limit to this appropriation?

Mr. BADGER. It will certainly require further appropriations.

Mr. HAMLIN. The bill, Mr. President, has no limitation, nor do I think it should have any. It may be that \$30,000 will be found sufficient to complete the whole work, but it is hardly advisable to restrict it to that sum, for we shall then have but one single marine hospital north of Boston, and it should be made to accommodate a large number of persons. Let the matter be subject to the direction of the Treasury Department.

Mr. BADGER. If there be any doubt about the sum, you had better make it \$50,000 instead of \$30,000.

Mr. HAMLIN. No, no; let it go at \$30,000.

Mr. STOCKTON. I move to amend the bill by striking out "thirty" and inserting "fifty," so as to make the sum \$50,000.

Mr. HAMLIN. If the Senator from New Jersey will allow me, I will ask him to withdraw that amendment. I know the feelings which prompt him to offer it; but the Department has suggested that \$30,000 should be applied for, and I think it would be better to adhere to that sum. Let a further sum be appropriated hereafter when necessary.

Mr. STOCKTON. Well, well; I withdraw the amendment.

Mr. BELL. I do not rise for the purpose of opposing this bill, but I should like to know from

my honorable friend from Maine, why this bill is brought in as a separate measure? Heretofore, when we have established marine hospitals, the appropriations for them have been required to be incorporated in the general appropriation bill. Now, I do not ask this from mere idle curiosity to know the history of this bill, but because I feel myself charged here to do so. There is a strong necessity for something being done for that portion of the country which I represent on this floor—something for the waters of the Mississippi. I think we should have a marine hospital there, where there is not unfrequently a great deal of suffering, and particularly during the last three or four years, when the cholera was prevalent. If gentlemen have not attended to the statements made in the public prints in regard to the suffering which has been endured on these waters, they can have no idea of them, much of which suffering, however, might be alleviated by the establishment of marine hospitals. I have no doubt that this bill is a very proper one; but I want to learn from the chairman of the Committee on Commerce whether there are not to be other bills, general bills, for the support of hospitals, and whether they propose the establishment of any new hospitals in that general bill. I merely ask this question for information, not that I wish to obstruct the passage of the bill, but to know why this measure is to be passed now, contrary to the custom which has been adopted heretofore.

Mr. HAMLIN. There is now pending in the House—if I may be allowed to refer to that body—as we see by its proceedings, a measure for the relief of sick and disabled seamen. There is annually made, in the appropriation bills, an appropriation of a sum certain for that purpose, over and above the sum which arises from the payment of twenty cents per month from the seamen's wages. This bill has nothing to do with that. It is a bill for the erection of a hospital, not one making an appropriation for sick and disabled seamen, otherwise than erecting for them in Maine, where there is no hospital, a seamen's home. The subject-matter was referred to the Committee on Commerce, and they have reported the bill. There was also a memorial referred to that committee, for another hospital in the State of Louisiana. On that they have reported, or directed the Senator from Louisiana [Mr. SOULE] to report, a bill. We have not sought to incur the one bill by the other. While it is true, as I have stated, that many of our hospitals have been erected by attaching a specific appropriation to our appropriation bills, still, I think it is no objection to this bill that we seek for its passage in the ordinary way of doing legislative business, trusting to its own intrinsic merits for a favorable action of the Senate.

Mr. BADGER. I suggested to my friend from Maine, that there was a separate reason why this bill should receive the support of the Senate. If gentlemen will attend to the alteration which was made, at the last Congress, in the rules of the Senate, in respect to the general appropriation bills, they will see the extreme importance of its being passed; for if a general appropriation bill should come here, and the Senate should not have passed this bill, or a resolution declaring the propriety of it, this appropriation could not be moved as an amendment to it. The 30th rule of the Senate is as follows:

"No amendment, proposing an additional appropriation, shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act, or resolution, previously passed by the Senate during that session;" &c.

Now, if the Senate pass this law, although it should not be reached in the House, it will then be competent to move this appropriation in the general appropriation bills.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

FRENCH SPOILIATIONS.

Mr. BRADBURY. Before the Senate adjourns, I desire to come to an understanding as to when the French spoliation bill shall be considered. If some day next week—Monday, Tuesday, or Wednesday—can be designated, and we can have an understanding upon the subject, I intend not to press the Senate to consider it before that time. I hope some day will be named when, by common consent, we can take it up.

Mr. BADGER. I shall be extremely glad to have some day named when we can consider this bill; but I must say to the Senator, that the bill which has been reported from the Naval Committee for the establishment of a dry dock and navy-yard in California, we of the Naval Committee think is entitled to the consideration of the Senate before the bill to which he alludes. After that shall have been disposed of, I shall join with him to take up his bill.

Mr. BRADBURY. I will name Wednesday for the consideration of the French spoliation bill.

Mr. BADGER. Oh, no.

Mr. BRADBURY. The Senator from California [Mr. GWIN] says he has no objection to agreeing to that day.

Mr. BADGER. If he has no objection to it, I have not.

Mr. BRADBURY. If it is the common understanding that the bill will be taken up on that day, I am satisfied.

Mr. GWIN. On Monday we can take up the Calendar, and the bill to which the Senator from North Carolina alludes stands first upon it. If we do so, as I hope we shall, of course that bill will come up first for consideration.

Mr. FELCH. I do not wish to delay action upon the French spoliation bill; but if the Senate will set apart Monday of the week after next for its consideration, it will suit me much better than any other time. I am sure there are other bills which will require the attention of the Senate, and occupy their whole time, until that day. I therefore suggest Monday of the week after next.

Mr. BRADBURY. When the subject was before the select committee, the making of the report was delayed some time for the accommodation of my friend from Michigan. The publication of the report was then delayed. At the time for calling it up for consideration, it was again postponed until February 16th, at the Senator's request. It has already been postponed some two or three times. I trust, therefore, the Senate will consent to have it considered on Wednesday next.

The PRESIDENT. There is no motion before the Senate.

On motion by Mr. BADGER, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 17, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. PEASLEE. There are, Mr. Speaker, upon your table, a number of communications from the Executive departments, which it is important should be referred to some of the committees. I hope the House will unanimously consent that they shall be taken up and referred; it will occupy a few moments.

The SPEAKER. The first business in order is the motion made by the gentleman from Alabama [Mr. HOUSTON] on yesterday, to close debate upon the deficiency bill. The gentleman from New Hampshire asks the unanimous consent of the House to submit a motion that the House proceed to the business upon the Speaker's table, so far as communications from the Departments are concerned.

ASSIGNABILITY OF LAND WARRANTS.

Mr. JONES, of Tennessee. I will state, for the information of the House, that whenever it is the pleasure of the House to receive the report of the committee of conference upon the disagreeing votes of the two Houses upon the bill providing for the assignability of land warrants, they are ready to report.

MEMBERS. Let us have it now.

Mr. HOUSTON. I apprehend that the report of the conference committee, when made, will create considerable debate, and I therefore feel it to be my duty to object, if that objection will prevent its reception at present.

The SPEAKER. If the gentleman will allow the Chair, the gentleman from New Hampshire [Mr. PEASLEE] submits a motion that, by the unanimous consent of the House, the communications from Departments upon the Speaker's table be taken up, read, and referred to the proper committees.

Mr. PEASLEE. I appeal to gentlemen to let that be done, as it will occasion no debate. They have been on the Speaker's table for a long time.

Mr. POLK objected.

The SPEAKER. The gentleman from Tennessee asks the unanimous consent of the House to make a report from the committee of conference, on the bill making bounty land warrants assignable.

Mr. JONES. I will merely remark that there is at least as much interest felt in the country, by that class of people who have received but little of the benefits of the Government, in regard to the land warrant assignment bill, as in the deficiency bill. It will take, I apprehend, but a short time to dispose of the report of the conferees.

Mr. HOUSTON. I feel as much interest in the enactment of a law to make land warrants assignable as the gentleman from Tennessee, or any other gentleman upon this floor. I have given my votes all through, without any consumption of time to attain that result. If I understand the condition of the report of the conference committee, it will consume much time in debate, unless the gentleman from Tennessee, after he has submitted the report, calls for the previous question upon it. If he will do that, so that the House may be brought directly to a vote, I will not interpose any objection.

Mr. JONES. I cannot make that promise, because I shall have to explain the report, and others may wish to say something; and I could not be expected to move the previous question. The gentleman, or some one else, can obtain the floor, and call for the previous question.

Mr. STANLY. I object to the introduction of the report, unless the gentleman calls for the previous question after its submission.

Mr. JONES. I cannot promise to do that, if it is not passed from this to the end of the session.

Mr. HOUSTON. If the gentleman from Tennessee will make his explanation, and then move the previous question, I do not think it will be objected to.

Mr. STANLY. To that I will not object.

Mr. JONES. If there be no objection, then I will do so.

Mr. FOWLER. I rise to a question of order. It is, whether the motion of the gentleman from Alabama, [Mr. HOUSTON], having been made at a late hour of the day yesterday, comes up under the morning hour.

The SPEAKER. It is a privileged question; and comes up as the unfinished business of yesterday.

Mr. FOWLER. I would suggest to the gentleman, and all others, to let that pass until the morning hour has transpired, and to allow committees to make reports, and permit the business upon the Speaker's table to be taken up and referred; then the House can proceed to the business proposed by the gentleman from Alabama.

The SPEAKER. The Chair again inquires whether the proposition of the gentleman from Tennessee [Mr. JONES] is objected to.

Mr. HOUSTON. I will not object, under the arrangement that the gentleman shall move the previous question after its report shall have been explained.

Mr. ABERCROMBIE. I object.

QUESTION OF ORDER.

Mr. JONES. I wish to submit a question of order. At what time is it in order for a committee of conference to report? There is nothing in the rules which specifies the time; there is nothing in parliamentary practice which prescribes the time; but I have no recollection, on any occasion, of a report of a committee of conference having been excluded by an objection. It seems to me, from the nature of the case, that it must be at all times in order, because it is business nearest to perfection, and business upon which both Houses are engaged at the same time.

The SPEAKER. The Chair does not recollect of any instance where objection was made to the introduction of the report of a committee of conference; and there is no rule giving the report of such a committee preference over the report of any other committee.

Mr. JONES. There is no time specified; when will it be in order, then, for them to make a report? I think that they can report at any time.

The SPEAKER. The report will be in order,

when reports from committees are called for. The recollection of the Chair is, that the practice of the House will show that reports of committees of conferences have never been objected to, but have been made at any time during the sittings.

Mr. JONES. As there seems to be no settled practice, and no time specified, when a committee of conference can report, I will, for the purpose of determining the question one way or the other, take an appeal to the decision of the Chair. The House can thus decide whether it is in order for them to report whenever they are ready, or not.

Mr. STUART. I do not understand the Chair as deciding that question.

The SPEAKER. The Chair does decide, being called upon to do so, that the business first in order, is the motion made by the gentleman from Alabama, to close the debate upon the deficiency bill. That is the opinion of the Chair. From this decision an appeal is taken.

Mr. HOUSTON. I trust that the gentleman who objected to the acceptance of the report of the committee of conference, will let it be disposed of this morning, in the way suggested, to save time; and that bills, which have been a long time before the House, may be disposed of.

The SPEAKER. The Chair would state to the House that, but for the pendency of the question submitted by the gentleman from Alabama, the Chair would be strongly inclined to decide, (as the practice, in the opinion of the Chair, has been that way,) that it would be in order for a committee of conference to report at any time. The Chair, however, is free to confess that he knows of no rule that would guide him in this matter; nor has he recollection of a case, during his services here, where objection was made to the report of a committee of conference.

Mr. PHELPS. I will suggest to the gentleman from Alabama that he withdraw his resolution for the closing of debate upon the deficiency bill, and let us dispose of this report. He can move his resolution again at any time.

Mr. HOUSTON. I dislike to do that, but with the hope that I will be able to get the floor again to move it, I will withdraw my resolution and allow the course suggested to be pursued.

THE REPORT OF THE CONFEREES.

Mr. JONES, of Tennessee. Under the decision of the Chair I then submit the following report from the committee of conference on the disagreeing votes of the two Houses with regard to the land warrant assignment bill:

The managers on the part of the House on the disagreeing votes between the two Houses on Senate bill No. 146, entitled "An act to make land warrants assignable and for other purposes," have met the managers on the part of the Senate, and, after full and free conference, have agreed to recommend to their respective Houses to strike out the word "act" where it first occurs in the third line of the first proviso proposed to the first section of the bill by the House, and insert in lieu thereof the word "laws;" insert after the word "located" in the said third line of said first proviso the words "according to the legal subdivision of the public lands and in one body;" and with these amendments they recommend that the Senate recede from their disagreement to the amendment of the House to the first section of the bill.

Strike out all after the word "warrants," in the twelfth line of the second section, to the end of the section; and, with this amendment, they recommend that the House recede from its amendment striking out all of said bill after the first section.

JAMES SHIELDS,
ALPHEUS FELCH,
TRUMAN SMITH,
Managers on the part of the Senate.
G. W. JONES,
GEORGE BRIGGS,
GRAHAM N. FITCH,
Managers on the part of the House.

Mr. JONES. I ask now that the Clerk read the first proviso as proposed to be amended.

The Clerk read it, as follows:

Provided, That the warrants which have been, or may hereafter be issued in pursuance of said laws, or of this act, may be located according to the legal subdivisions of the public lands in one body, upon any lands in the United States subject to private entry at the time of such location at the minimum price.

Mr. JONES, of Tennessee. The first amendment proposed by the committee is to strike out the word "act," in the third line of the first proviso of the House, and to insert the word "law" in its stead. That is done for the purpose of making the proviso conform to the first section of the act. The first section of the act provides that land warrants given under the laws of the United States, shall be assignable. That is the only effect of that amendment.

The second amendment to be inserted after the word "located," in the third line of the same proviso, is that the warrant shall be located in one body, and according to the legal subdivision of the United States. This, sir, was thought necessary by most of the committee, if not all, in order to prevent a person holding a one hundred and sixty acre warrant from locating it upon forty acre tracts in four different sections, or one holding an eighty acre warrant from locating it upon two forty acre tracts in different half sections. This is done in order to require the holder of a warrant to locate his one hundred and sixty acre warrant upon one section, and the holder of an eighty acre warrant upon a half section lying in one body. For instance: it is to prevent the locating of an eighty-acre warrant upon the northeast quarter and southeast quarter of the same section, or forty in one section and forty in another. That is the only effect of that; and these amendments met with the unanimous approbation of the conferees on the part of both Houses.

Then we recommend this amendment, that the Senate shall recede from the disagreement to these two provisos proposed by the House to the first amendment of the bill. The only other amendment we propose, is to strike out of the second section of the bill, after the word "warrants," the following:

"Where they have been transferred under the provisions of any act of Congress, and the regulations of the General Land Office; and to be paid out of the Treasury of the United States upon the adjustment of the accounts of such officers, where it will be shown to the satisfaction of the Commissioner of the General Land Office that the warrant was located by the soldier or warrantee, or his next of kin, as provided for by law."

Mr. MEADE. I should like a further explanation about locating the warrants according to legal subdivision. Suppose the warrant is an eighty-acre warrant, I would ask my friend from Tennessee, [Mr. JONES,] could that eighty-acre warrant be laid upon the south half of a quarter section, or on the east or west half of the same section?

Mr. JONES. My impression is, and I think this is the universal understanding of the amendment, as proposed by the committee of conference, that you can lay it on the north half, the south half, the east half, or the west half of the section; but that you must take one of the halves laying broadside to each other; that is, that you shall not take one quarter from a corner in the southwest or the other in the southeast, so as to connect them by corners. You may, by legal subdivisions, select either the north, the south, the east, or the west half of a quarter section under an eighty-acre warrant. I do not know that I understand all the regulations about the Land Office, but it is very clear and distinct that the land must be located in one body, and according to the legal subdivisions of the public lands of the United States, subject to private entry. I understand from some of the gentlemen around me from the new States, that, according to legal subdivisions, they cannot take the north half or the south half of a quarter section with an eighty-acre tract, but that it must be either the east half or the west half under the decisions and regulations of the Department. However that may be, it is according to the legal subdivisions of the public lands in one body; and I think that will be found to be correct. As to the other amendment, the House will recollect, that by the second section of the Senate bill, they proposed to pay to the registers and receivers the same fees for locating all military bounty land warrants of every description that they would be entitled to if the same tract of land were entered and the money paid for it, estimating the warrant at \$1 25 per acre; that is, one per cent. upon the amount to each of these officers.

Mr. JOHNSON, of Arkansas. Will the gentleman allow me to interrupt him for a moment? I find it impossible to keep up with the gentleman's explanations, and understand them from the method which he pursues now. I would suggest to him, that he will permit the several sections to be read as he comments upon them. It is important to us all that we should understand what he means; but we cannot follow him in this way.

Mr. JONES. It is only one amendment.

Mr. JOHNSON. I do not understand what this amendment is.

Mr. JONES. The Clerk will read the second section of the bill.

The second was then read, as below. The part in *italics* is proposed by the conference committee to be stricken out:

SEC. 2. *And be it further enacted*, That the registers and receivers of the land offices, shall hereafter be severally authorized to charge and receive for their services in locating all military bounty land warrants, issued since the eleventh day of February, eighteen hundred and forty-seven, the same compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre; the said compensation to be hereafter paid by the assignees or holders of such warrants, where they have been transferred under the provisions of an act of Congress, and the regulations of the General Land Office; and to be paid out of the Treasury of the United States upon the adjustment of the accounts of said officers, where it shall be shown, to the satisfaction of the Commissioner of the General Land Office, that the warrant was located by the soldier or warrantee, or his next of kin, as provided for by law.

Mr. JONES. That is the only amendment which the committee of conference propose to make to that portion of the Senate bill which was stricken out by the House. The second section of the Senate bill, as it came here, proposed to give to the registers and receivers, each, the same fees that they were entitled to if the land should be entered and paid for with money. The latter branch of it proposes that when the warrant shall be located by the original warrantee, the soldier or his legal representatives, then it shall be paid out of the Treasury of the United States. This amendment proposes to strike out that part which requires that the fees after locating to be paid out of the Treasury, and requires the locator, whether the original holder or the assignee of the warrant, in all cases hereafter to pay the fees himself. I concurred with the committee of conference in striking out this part, and requiring the locators to pay the fees themselves; but I did not concur in that part of the amendment fixing the fees, because I think the fees are too large. They will be fifty cents to each officer, or, rather, one dollar for the location of a forty acre warrant, and two dollars for the location of an eighty acre warrant, and four dollars for the location of a one hundred and sixty acre warrant, or two dollars to each of the officers; when the labor for the forty acre warrant is exactly the same as that for the one hundred and sixty acre warrant. Then I concur in striking out that part which made the fees a tax upon the Treasury, and would have occurred in the balance of it, if the fees had not been as large as they are.

By the third section of the Senate bill, it is proposed to pay to the registers and receivers who have gone out of office, as well as those who are now in office, the same fees for the location of warrants heretofore located, as they would have been entitled to if the land had been entered, and the money paid for it. I was opposed to this section. We cannot tell exactly what will be the cost upon the Treasury. But there have been seventy-five thousand one hundred and sixty acre warrants issued under the act of February, 1847, and upwards of six thousand forty acre warrants, making the aggregate amount of lands under that law something over 12,000,000 acres. There will also be some five or ten thousand warrants more issued under that law. What proportion of these warrants have been located, it is impossible for any of us to tell at this time. But suppose that the whole of them have been located, then the fees or commissions upon them, according to this law, would be \$302,304; one fourth upon the one hundred and sixty acre warrants, and one half upon the forty acre warrants having been paid by the locators of the warrant, except where the original warrantee located himself. None of those fees have been paid, and they are all to be paid out of the Treasury.

Mr. DUNHAM. I will state that out of the whole number of warrants issued under the Mexican bounty land law, something like seventy-five thousand, there have been located only six thousand by assignees.

Mr. JOHNSON, of Arkansas. Does the gentleman pretend to say that seventy-five thousand are all that have been issued?

Mr. DUNHAM. I say about that number has been located under the Mexican bounty land law. Sixty-six thousand of these land warrants were located by the original grantees of the warrants, and upon that number you have not to pay the full value, as provided for by this law. I have documents to show it.

Mr. CAMPBELL, of Illinois. I should like to see the documents.

Mr. DUNHAM. I have exhibited this document before this House repeatedly, as certified by the Land Office. It happens to be in my room now. Members of this House will recollect, that a few days ago, when this matter was under discussion, I held it up, and exhibited it to the House as certified by the Department.

Mr. FOWLER. I wish to make an inquiry. It is very difficult indeed for me, almost impossible, to understand these amendments. I would suggest, whether the gentleman from Tennessee [Mr. JONES] would not give way to a motion, if a motion be proper, that the report be printed, with all the amendments, so that we may understand them?

Mr. JONES. This whole thing is confined in a nut-shell. The whole proposition of the committee of conference now is, that the registers and receivers shall receive the same fees that they are entitled to under the law when the money is paid for the lands, estimating the warrants at \$1 25 per acre. The fees upon warrants that shall be located after the passage of this law, to be paid by the locator, and the fees which have accrued upon warrants heretofore located, to be paid out of the Treasury of the United States. The proposition pays the fees prospectively and retrospectively; those prospectively, to be paid by the locators, and those paid retrospectively, to be paid out of the Treasury of the United States. From the best estimate I can make, it will take somewhere about \$200,000 to pay these retrospective fees. The House has the question before them, and it is for them to decide it. I have thought it was necessary for me to make this explanation, as my name appears upon that report as one of the committee of conference upon the part of the House; but I shall vote against that part of the report which goes back and pays these fees.

Mr. FITCH. I do not propose to debate this question at length, because the chairman of the Committee of Ways and Means is anxious that the previous question should be asked. I wish to touch upon a few points embraced in the report of the committee of conference, which were not alluded to, or but briefly, by the gentleman from Tennessee, [Mr. JONES.]

Here there was great noise and confusion in the Hall.

Mr. CLINGMAN. I wish to make an inquiry of the Chair upon a point of order.

The SPEAKER. The gentleman from Illinois [Mr. CAMPBELL] rose first and addressed the Chair.

Mr. ABERCROMBIE. I desire to move an adjournment, if it is in order.

The SPEAKER. The gentleman from Alabama cannot obtain the floor for that purpose, while the gentleman from Indiana is upon it.

Mr. ABERCROMBIE. I hope the gentleman from Indiana will yield the floor for that motion. We cannot do any business, there is so much confusion, and we had, therefore, much better adjourn.

Mr. FITCH. I cannot yield the floor for that motion; but the gentleman from Illinois, I understand, desires to ask a question in relation to the action of the committee of conference, and I am of course perfectly willing to yield the floor to him for that purpose.

Mr. CAMPBELL, of Illinois. I desire to be informed in regard to one point made by the gentleman from Tennessee, [Mr. JONES.] I understood that gentleman to state that the bill, as now reported, will only permit the location of a warrant to be made in the same section, according to the legal subdivision.

Mr. JONES. The amendment says, "according to the legal sub-division of the public lands."

Mr. CAMPBELL. I understood, from the explanation of the gentleman from Tennessee, that a party having a warrant of one hundred and sixty acres, could not, under this bill, locate eighty acres in one section, and eighty acres in the adjoining section, both lying together. Now, if that is the effect of the bill, I am opposed to it.

Mr. FITCH. The gentleman's knowledge of the manner in which the public lands are divided and sub-divided, should have taught him at once that the amendment adopted by the committee of conference does not warrant such a supposition as that. It merely compels the locator to take his eighty acres in a compact body. He cannot select two lots of forty acres that corner with each other, or that are not contiguous to each other.

Mr. DUNHAM. Will the gentleman allow me to make a brief explanation in relation to an error, into which I fell in my remarks this morning, in reference to the number of Mexican bounty land warrants that have been located by assignees.

Mr. FITCH. I cannot; I have been interrupted quite enough already; and, moreover, as I saw the gentleman's error—doubtless an unintentional one—I can correct it as well as himself.

[Here some conversation of a personal nature took place between Messrs. DUNHAM and FITCH; but owing to the confusion prevailing in the Hall, the reporters were unable to hear a word of it.]

Mr. FITCH, (resuming.) It will be borne in mind by the House, that when the Senate bill was before us, we amended the first section. But first, in order to make that amendment intelligible to new members, it is necessary to go back to the proceedings of the last Congress. It is well known that during the last Congress, when the bounty land law of 1850 was under discussion here, an attempt was made by a gentleman, then a Representative from Ohio, [Mr. VINTON,] to so change the law, as that the warrants issued under it should be located only on land then in the market, and not upon land hereafter to come into the market.

The House voted down that amendment by an overwhelming majority; but subsequently, at the very heel of the session, a few minutes before the adjournment, the same gentleman inserted in the Civil and Diplomatic appropriation bill, or in some other of the appropriation bills, an amendment to that effect. He did it at a time when we could not vote on the amendment without risking the loss of the appropriation bill, and, consequently, he succeeded in forcing on this House a provision which the House had previously condemned by an overwhelming majority. The amendment of the House to the Senate bill now under discussion, repeals that provision of the law of 1850, and provides that the warrants may be located on any land in the market; provided, that if the lands are subject to entry at more than the minimum price, the locator shall pay the difference between \$1 25 per acre (the presumed value of the warrant) and the cash value of the land. For instance, if the lands are sold at \$2 50 per acre, the locator shall pay \$1 25 per acre, in cash. The Senate committee were apparently determined that this amendment of the House should not be in the bill; but they finally receded from their disagreement to it, on condition that the House committee should recede from the House amendment, striking out the other sections of the bill, which, from my previous course in the House, it may well be presumed I could have no difficulty in complying with. We consequently recommended, as the gentleman from Tennessee has said, that the Senate shall recede from their disagreement to our amendment to the first section, and that we shall recede from our amendment, striking out the entire Senate bill with the exception of the first section.

The second section of the bill originally provided for the payment of fees to registers and receivers out of the Treasury of the United States, for any warrants hereafter located by the parties to whom the warrants were issued; but if located by an assignee, the fees were to be paid by the locator. The committee have so amended this section as to make the fees payable by the holder of the warrant in all cases, whether he be the original holder or an assignee. The remaining sections of the bill are well understood, as they were in the Senate bill. Relative to the statistics of the gentleman from Tennessee and of my colleague, I have little to say. They may, or they may not be correct; but I presume as the gentlemen have probably taken some pains to inform themselves on the subject, that they at least think them correct.

I differ with the gentleman from Tennessee [Mr. JONES] in his estimate of the amount which the third section will take from the Treasury. He puts it at \$200,000. I do not believe it will be the half of that; and I have the estimate of a gentleman, who knows more of the matter than does my friend from Tennessee or myself, to sustain my opinion. It is an estimate from a source from whence any opinion relative to our public lands will be received by the country as authority. The error of my colleague, [Mr. DUNHAM,] which, as I have before said, was without doubt unintentional, consisted in stating that of some seventy thousand warrants issued under the Mexican war

bounty land law, some sixty-six thousand had been located by the soldiers, the original holders, and that upon this number the fees were to be paid out of the United States Treasury, by the third section of this bill; and that only about six thousand of the seventy-two thousand had been located by assignees, and the fees paid. The exact reverse of this statement is the fact. Of the seventy-two thousand, sixty-six thousand have been located by assignees, and the fees, provided for by the old law, paid; and only six thousand by the soldiers, the fees for which are, by this bill, to be paid out of the Treasury.

The gentleman from Tennessee informed the committee that he should vote against the provision for the payment of registers and receivers, because he thought it too high; but with that single exception, the committee were unanimous in their report, and I hope it will be acceded to by both Houses.

Mr. JONES, of Tennessee, demanded the previous question.

Mr. NABERS. I hope the gentleman will not call the previous question. I am satisfied the House cannot vote intelligibly on this report. I cannot for one.

Mr. HOUSTON. I insist upon the previous question.

Mr. JONES. I will not withdraw it, and it will then be under the control of the majority of the House.

Mr. NABERS. Will not the gentleman from Tennessee postpone this matter to some future time? I only desire to be able to vote intelligibly. That is all I have to say.

Mr. RICHARDSON. I would inquire of the Chair if the morning hour has not expired? If so, we can go into Committee of the Whole on the State of the Union, and this matter will come up to-morrow.

The SPEAKER. The Chair is of opinion that the morning hour is not affected at all by this report, and, therefore, that it has not yet commenced.

Mr. RICHARDSON. It is very desirable that these amendments should be printed.

Mr. JONES, of Tennessee. I have no objection whatever to the postponement of the matter till to-morrow morning. But I want to get rid of it, and I think the House does.

Mr. RICHARDSON. I want to get rid of it, too.

The SPEAKER. Does the gentleman from Tennessee withdraw the call for the previous question?

Mr. JONES. No, sir.

Mr. RICHARDSON. I desire to know if a motion to postpone this report until to-morrow morning, or the day after, would be in order now? If so, I will make that motion for the purpose of having the amendments printed.

The SPEAKER. The Chair is of opinion that that motion would not be in order during the pendency of the demand for the previous question.

Mr. HOUSTON. The previous question has not been sustained.

The SPEAKER. But it has been demanded.

Mr. BAYLY, of Virginia. I rise to a question of order, as to how the House will have to vote on this report? I believe that the report is an entirety, and that the only vote the House can take is on agreeing to it, or disagreeing to it. The House is not brought to vote on the separate propositions contained in the report, but on the whole report as it stands.

The SPEAKER. The Chair will state, for the information of the House, that his decision will be, in accordance with the view taken by the gentleman from Virginia, that the vote of the House will be on the report of the committee as it stands.

Mr. CLINGMAN. I wish to inquire of the Chair whether, if we now go into the Committee of the Whole on the state of the Union, this matter will not come up to-morrow morning? If we do that, in the mean time the amendments will be printed in the Globe, and we can all read them.

The SPEAKER. The Chair thinks this report would come up, except at a time when a privileged question or motion was pending.

Mr. CLINGMAN. Then I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. That motion is not in order.

during the pendency of the demand for the previous question.

Mr. JONES, of Tennessee. Then I ask the House, by unanimous consent, to let this report go over till to-morrow morning.

Several MEMBERS objected.

Mr. ORR. I desire to propound an inquiry to the Chair. If the House refuses to concur in the report of the committee of conference will it then be in order to move to raise another committee of conference?

The SPEAKER. The Chair thinks that, in extraordinary cases, such a committee has been raised.

Several MEMBERS. "Always!" "Always!"

The SPEAKER. The Chair is not very certain in his recollection of the practice of the House.

Mr. ORR. I would suggest that all we have to do is to move that the House non-concur with the report of the committee, and let another committee of conference be appointed.

The SPEAKER. No other proposition can be entertained during the pendency of the previous question.

The House was then divided upon seconding the call for the previous question, and there were—ayes 62, noes 60.

Tellers were demanded.

Mr. ORR. If the Chair will allow me to make a statement in regard to this matter, perhaps it will save the necessity of ordering tellers upon the question. I will suggest that it is of no avail to discuss this report. The House cannot possibly amend it in any way. We must pass it as it is, or we must reject it. Now I hope the House will reject that report at once, and allow another committee to be appointed.

The House was divided upon the question of ordering tellers; and, only twenty-two gentlemen rising, they were not ordered.

The previous question was then seconded, and the main question ordered to be put.

Mr. CABELL, of Florida. Is it in order to move to go into the Committee of the Whole on the state of the Union?

The SPEAKER. It is not. The main question has been ordered, and that must take precedence of all other motions as a privileged question.

Mr. CLINGMAN. I beg to remind the Chair upon this point, that it was decided differently in the last Congress. The Chair will recollect, that during the first session of the last Congress, the gentleman from Wisconsin [Mr. Dorr] brought in a bill for the admission of California, disconnected from every other subject. The previous question was sustained upon it, and then a motion was made to go into the Committee of the Whole on the state of the Union. It was decided that a call of the House was not in order, because the previous question had been sustained; but it was also decided that the motion to go into the Committee of the Whole was in order; and the same question has been decided in the same way a dozen times.

The SPEAKER. The Chair would hesitate to differ with his predecessor. In this case, however, his opinion is very clear. He believes that the House, having ordered the main question to be now put, must proceed to execute its own order, and that no other motion can intervene until that is disposed of.

Mr. FITCH. If the motion were now made to reconsider the vote by which the main question was ordered, would not the report then lie over till to-morrow? I desire that it shall lie over, in order that it may be printed.

The SPEAKER. It can only lie over by unanimous consent.

Mr. FITCH. Well, I submit the motion to reconsider the vote by which the main question was ordered to be put, and I hope there will be no objection to the report then going over till to-morrow.

Several MEMBERS. Oh, let's vote upon it now!

Mr. STANLY. I desire to inquire of the Chair, what will be the effect of the motion to reconsider?

The SPEAKER. If the House choose to reconsider the vote by which the main question was ordered to be put, and then reconsider the vote by which the previous question was seconded, it will then be competent to move to postpone the further consideration of the subject.

Mr. HOUSTON. The same thing precisely can be done upon the motion to reconsider.

Mr. ORR. I move to lay the motion to reconsider upon the table.

The question was put, and the House refused to lay the motion to reconsider upon the table—ayes 43; noes not counted.

Mr. CLINGMAN. I beg leave respectfully to inquire of the Chair, whether—if we reconsider the vote ordering the main question to be put, and we then refuse to order the main question—whether under our rules, it does not go over?

The SPEAKER. It will in that case go over until to-morrow.

Mr. CLINGMAN. Then, I hope there will be no objection to its reconsideration.

The question was then taken, and the motion to reconsider was agreed to.

The question then recurred on ordering the main question to be put; and, being taken, it was decided in the negative.

So the main question was not ordered to be put.

Mr. HOUSTON. I suppose the subject now goes over, as a matter of course?

The SPEAKER. It does.

If the report of the committee of conference be agreed to, the bill will read as follows, viz:

Be it enacted, &c., That all warrants for military bounty land, which have been or may hereafter be issued under any law of the United States, and all valid locations of the same, which have been, or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing, made and executed after the taking effect of this act according to such form, and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the warrant or location: *Provided,* That any person entitled to preemption right to any land, shall be entitled to use any such land warrant in payment of the same, at the rate of \$1 25 per acre, for the quantity of land therein specified: *Provided,* That the warrants which have been or may hereafter be issued, in pursuance of said laws, or of this act, may be located, according to the legal subdivisions of the public lands in one body, upon any lands of the United States, subject to private entry at the time of such location, at the minimum price: *Provided, further,* That when said warrants shall be located on lands which are subject to entry at a greater minimum than \$1 25 per acre, the locator of said warrants shall pay to the United States in cash the difference between the value of such warrants at \$1 25 per acre, and the tract of land located on.

Sec. 2. And be it further enacted, That the registers and receivers of the land offices, shall hereafter be severally authorized to charge and receive for their services in locating all military bounty land warrants, issued since the 11th day of February, 1847, the same compensation or per centage to which they are entitled by law for sales of the public lands for cash, at the rate of \$1 25 per acre, the said compensation to be hereafter paid by the assignees or holders of such warrants.

Sec. 3. And be it further enacted, That registers and receivers, whether in or out of office at the passage of this act, or their legal representatives in case of death, shall be entitled to receive from the Treasury of the United States, for services heretofore performed in locating military bounty land warrants, the same rate of compensation provided in the preceding section for services hereafter to be performed, after deducting the amount already received by such officers under the act entitled "An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants," approved May 17th, 1848: *Provided,* That no register or receiver shall receive any compensation out of the Treasury for past services, who has charged and received illegal fees for the location of such warrants: *And provided further,* That no register or receiver shall receive for his services during any year, a greater compensation than the maximum now allowed by law.

Sec. 4. And be it further enacted, That in all cases where the militia or volunteers or State troops of any State or Territory were called into military service, and whose services have been paid by the United States subsequent to the eighteenth of June, eighteen hundred and twelve, the officers and soldiers of such militia, volunteers, or troops, shall be entitled to all the benefits of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September twenty-eighth, eighteen hundred and fifty, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required; and that the last proviso of the ninth section of the act of eleventh of February, eighteen hundred and forty-seven, be and the same is hereby repealed: *Provided,* That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.

Sec. 5. And be it further enacted, That where any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized: in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, with a view to determine the quantity of land, any officer or soldier is entitled to under said act, approved 28th of September, 1850, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized, to the place where the same was mustered into the service of the United States; and also one day for every twenty miles from the place where such com-

pany, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched, to enter the service.

PROPOSITION TO CLOSE DEBATE.

Mr. HOUSTON. I now move the resolution closing debate upon the deficiency bill, in the Committee of the Whole on the state of the Union.

The resolution was then reported, as follows:

Resolved, That all debate in the Committee of the Whole on the state of the Union on the deficiency bill shall cease at four o'clock this day; and if the committee shall not come to a conclusion sooner upon the same, it shall then proceed to vote upon such amendments as shall be pending or offered to the same, and shall then report it to the House with such amendments as may have been agreed upon by the committee.

Mr. HOUSTON. I have named four o'clock to-day as the time to close the debate upon this bill. I am willing, however, that the House shall fix its own time.

[Cries of "Call the previous question."]

Mr. HOUSTON. Very well. I will ask the previous question.

Mr. JOHNSON, of Arkansas. The gentleman asks the previous question upon this resolution. Now, I say that the resolution is all wrong.

[Cries of "Order!" "Order!"]

The SPEAKER. It is not in order for the gentleman from Arkansas to discuss the resolution.

Mr. JOHNSON. But there is an amendment to that resolution which has not been read at all.

Mr. HOUSTON. Oh, no; there is no amendment.

The SPEAKER. The gentleman from Arkansas will recollect that this is a new proposition—not the one offered yesterday.

Mr. JOHNSON. Well, I desire to know if there is not an amendment to this resolution which has not been reported by the Clerk at all?

The SPEAKER. The Chair begs leave to state to the gentleman that, on yesterday, a resolution was offered by the gentleman from Alabama, [Mr. HOUSTON,] proposing to close debate on the deficiency bill. An amendment was offered to that resolution. The gentleman from Alabama, however, to-day withdrew that resolution, and now offers a new proposition, upon which the previous question has been called.

Mr. JOHNSON. I hope the gentleman from Alabama will, under the circumstances, allow me to offer an amendment. If he will permit me, I will state my reasons for making the request, and I am sure there can be no objection.

Mr. HOUSTON. I do not care about the gentleman's reasons. I hope he will not take up the time of the House. I am perfectly willing he should offer his amendment, and let the House vote to fix such a time as they choose. I will withdraw the call for the previous question, and I hope the gentleman from Arkansas will renew it after he shall have offered his amendment.

Mr. JOHNSON. I will now offer my amendment.

The SPEAKER. Does the Chair understand the gentleman from Alabama as withdrawing the call for the previous question?

Mr. HOUSTON. I withdraw it for the moment, in order to allow the gentleman from Arkansas to offer his amendment. I understand his amendment is, to provide for closing debate at four o'clock to-morrow. I am willing the House should vote upon that amendment, and upon it I call the previous question.

Mr. JOHNSON. I desire to know by what authority the gentleman from Alabama puts an amendment in my mouth. I offered no such amendment.

Mr. HOUSTON. I understood the gentleman as indicating that amendment. I will withdraw the call for the previous question, and the gentleman can offer such an amendment as he pleases.

Mr. JOHNSON. I submit this amendment. I move that this debate shall be closed at four o'clock the day after to-morrow. My reasons for offering the amendment are these: the deficiency bill makes provision for the Indian service of the country. Now, there are several items in this bill.

Mr. HOUSTON. I hope the gentleman is not going to debate the bill.

Mr. JOHNSON. I will not debate it. I pledge myself to that. I am only stating facts. I can debate it, however, if I want to, while I have the floor.

Mr. HOUSTON. I must call the gentleman

to order. I understand, that according to our rules of order, the gentleman cannot debate the proposition.

The SPEAKER. The gentleman can only proceed by unanimous consent.

Mr. JOHNSON. Well, sir, I was remarking that the estimates for the Indian Department have not been under consideration in committee. A large number of them have been rejected by the Committee of Ways and Means, and that without sufficient reason, as some of us believe. Now, I say the House ought to give us time to investigate the matter thoroughly.

Mr. HOUSTON. I must call the gentleman to order.

The SPEAKER. The gentleman from Arkansas can proceed only by unanimous consent.

Mr. FULLER. I object to this debate.

The SPEAKER. Then the gentleman cannot proceed.

Mr. STUART. I desire to ask if it is in order to move to amend the resolution, so as to close the debate to-morrow at four o'clock?

Mr. JOHNSON. I moved to amend the resolution by inserting the day after to-morrow.

Mr. KING. I understand the gentleman from Alabama [Mr. Houston] is willing that the question shall be taken upon the three propositions—to-day, to-morrow, and the day after.

Mr. JOHNSON. I want to understand the proposition. The Chair called me to order when he had no right to do so.

The SPEAKER. The Chair begs leave to say to the gentleman from Arkansas, that it is by the courtesy of the Chair and the House that he was allowed to say one word upon the subject at all, for it is not a debatable question.

Mr. JOHNSON. Is not a motion to close debate a debatable question?

The SPEAKER. It is not, and the Chair has so announced half a dozen times.

The question was being taken on the amendment to the amendment under a division when—

Mr. FULLER, of Maine, inquired upon which day the amendment to the amendment proposed to close debate.

The SPEAKER. It proposes to close debate to-morrow, at four o'clock.

Mr. STUART called for tellers, which were ordered; and Messrs. EWING and STUART appointed.

The question was then taken, and the tellers reported—ayes 79, noes 45.

So the amendment to the amendment was adopted.

The SPEAKER. The question is now upon the adoption of the resolution as amended, the effect of which will be to close debate to-morrow, at four o'clock.

The question was then taken, and the resolution, as amended, was agreed to.

Mr. HOUSTON. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. PRICE. I ask the unanimous consent of the House to introduce an unobjectionable resolution, which will not occupy any time.

The resolution was then read for information, as follows:

Resolved, That the Committee on Manufactures, now having under consideration the claims of the American exhibitors at the World's Fair, be instructed to take into consideration the brilliant victory won by the yacht America, and recommend such action as they may deem proper for Congress to take on the subject.

Mr. PHELPS objected.

Mr. HOUSTON. I now move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was taken, and the motion was agreed to.

THE DEFICIENCY BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. MEADE in the chair.)

The CHAIRMAN. When the committee last rose, it had under consideration House bill No. 207, making appropriation to supply deficiencies. The question being upon the adoption of the first clause thereof, and upon that question the gentleman from Maine [Mr. Appleton] has the floor.

Mr. APPLETON addressed the House during

an hour, upon the condition and principles of the Democratic party; and expressed his belief that that party would be harmonious after the presidential nomination, and would succeed in the approaching election.

Mr. TOWNSHEND spoke an hour, and defined the position of the Democratic party of Ohio, as he understood it, in regard to the compromise measures. He expressed his belief that that party would not sustain those measures as a totality and finally, if insisted on by the Baltimore Convention. Messrs. OLDS and EDGERTON dissented from his views.

[These speeches will be found in the Appendix.]

Mr. CHANDLER obtained the floor.

Mr. NABERS. Mr. Chairman, have I the floor?

Mr. CHANDLER. If the gentleman from Mississippi has any more family troubles to bring up, I will cheerfully resign the floor to him. [Laughter.]

Mr. NABERS. I do not claim the floor.

Mr. CHANDLER. I rose to make a few remarks, but I understand the honorable gentleman on the other side of the House [Mr. Nabers] has it in contemplation to address the committee on a subject which will be more germane to what has been said than anything I shall be likely to say, [laughter.] I will, however, if he will allow me, make a very few remarks, and then take my seat.

Mr. NABERS. I hope the gentleman will go on and make his speech. I do not claim the floor. However, I am much obliged to the gentleman for his courtesy.

Mr. CHANDLER. We have now before us a bill, reported to this House on the 20th of February. It has been discussed for several days in this committee, or at least it ought to have been; but I presume not one word of this bill has ever been read in this committee by the Clerk.

Mr. Chairman, I rise to make a speech, not upon any troubles existing in the Democratic or the Whig party in the State of Pennsylvania. They have a common field where they settle their troubles, and to which they resort whenever they find it necessary for either branch to break a lance with the other. They never would appear upon the floor with a complaint of the wrong doings of this or that branch of the party. They would never come here to laud the Democracy or the Whiggery of that State. They know, and they try to show, that they were sent here for other purposes.

Mr. Chairman, a great mistake has been committed by the representatives of the people on this floor. One of the first things that a man owes to himself is self-respect. And one of the first things a legislative body owes to itself is the exhibition of that self-respect. I will not say it has not been exhibited here; but there is going abroad a report of the proceedings of this body upon this very bill, which is bringing upon this House that contempt of the people, which, in time, if fostered by a continuance of the cause, will do more to endanger the republican institutions of the country, and centralize power, than all the efforts of a corrupt Executive could ever produce.

Never, sir, in a country like this, can the legislative branch of the Government lose its power, its due weight, until, by neglecting the legitimate object of its creation, it proceeds to snatch from the people their reserved privileges, or gives itself up to the dictation of an ambitious executive. Sir, legislative power never recedes from the legislature, until its legislators themselves concede, by their conduct, that they are unfit to exercise it. To make the laws is our business; to make rulers and law-makers is the business of the people. But, sir, it will be better for the House to earn the anger of the people, than to acquire their contempt. The former may vent itself in displacing the individuals that compose this body; the latter will result in inquiries into the use of this body.

But, Mr. Chairman, I hear much talking of dangers to the institutions of the country, and the dangers, too, that are springing from some of our party organizations. But there are dangers apparently unnoticed by this House—dangers which, though not springing from our own institutions, are nevertheless around and near us; danger stalking abroad in this country! to which the President of the United States has alluded in his annual message—dangers, sir, greater than can spring up from our own people and our own institutions,

which are being ingrafted with these evil heresies brought from abroad, and presented with a view of being made a part of our own institutions. And yet, sir, that message has never been referred to the appropriate committees. The Committee on Foreign Relations has never been directed, by this House, to consider that portion of the message which would lead to a consideration of our policy of non-interference with the institutions of other countries, and of the propriety of considering how far people from other countries may, by interference with our institutions, disturb the political peace of this nation by inappropriate associations, or the destruction of social quiet and individual morals by the promulgation of sentiments which, if allowed to operate, would work out the destruction of a republican form of government, which can only exist with the predominance of virtue.

Yet, sir, instead of moving to the detection and the correction of such evils, we are sitting here "in cold debate" upon the character and quality of the old rotten boards of the Baltimore platform. Sir, the constant recurrence of speakers to "a platform" to be erected is most grating to my ears.

There is danger, imminent danger, in these platforms. They are set up, sir, to attract the eye, and insure the reverence and consent of those who are of party discipline; but, sir, they are no more the images of constitutional requirements or privileges than was the image which Nebuchadnezzar set up in the province of Babylon, a likeness of the true God, though all must fall down and do worship.

That last, however, Mr. Chairman, may be regarded as a party evil, of which, if the Democrats do not complain, I do not know that I need trouble myself; and even though they did, it would, perhaps, be enough for me to offer the complainants an asylum in the Whig ranks without attempting any interference in their behalf.

But the evil is of national extent, and is working in the general mind, an indifference to the pure teachings of the Constitution, that will finally allow that glorious instrument to sink into oblivion, and party platforms suggested by party wants, local conveniences, and temporary expediences, will usurp, in the affections and regard of the people, that reverence and that obedience which are alone the right of the Constitution. Mr. Chairman, I tremble for the country, when, on this floor, I hear party men avowing themselves men's men instead of the nation's men, and see them seizing on some rotten plank of a decayed, or some green and sappy contribution to a rising, platform, and trusting to that more than to the Constitution of the country. On various sides of me, but as yet always from the Democratic party, I hear the confession: "I am of Paul, I am of Apollos, and I of Cephas." Sir, give me the man as a candidate or a voter, who lays his hand on the organic law of the nation and says, I am for the Constitution, I of Washington.

Mr. Chairman, day by day have we listened to these speeches; and what is the cause of it? Why, not long since, there was a proposition introduced into this House, by which the printing of a certain document—which should be very costly—should be given to a certain establishment in this city—"the Organ," it is said, "of the Democratic party." Of that organ, I have nothing to say. I know nothing bad of it beyond its party affinities. Its tones are discordant to my political ear. But we have heard, at different times, its groans and wailings, through its friends, for want of the usual pabulum. That pabulum was not given to it; and what has been the result here upon the floor of this House? Why, every day we see men resorting to means to carry out a party measure, and keep up party discipline, at the expense of the national Treasury.

Mr. Chairman, I am not so ignorant of the ways and means of parties, as not to know that the patronage of the Government is likely to flow into the channel which will most promote the views of the majority. I do not complain of the effort to sustain a party paper; but I do complain, and I have a right to complain, that the party having failed in its attempt to procure liberal patronage for their paper, so that it might act upon the question of the Baltimore Convention, should seize upon the time of this House, and transform our Chamber into a party caucus, to influence the election of delegates, or the opinions and votes of delegates, to the Baltimore Convention.

But, sir, I impugn no man's motives. I interfere with no man's party. Gentlemen upon the other side of the House who know me, and some do, know that I am incapable of that. But here we are now closing the fourth month of our session; and yet what have we done? One gentleman rises upon the other side of the House [Mr. HILLIER] and impugns the laws of Massachusetts; as if we had anything to do with the difficulties and troubles of Massachusetts. The same gentleman says that the members of the Massachusetts Legislature have tried to repeal, and did repeal, the laws of that State, by which it was forbidden to a white man to marry a colored woman, and *vice versa*. What have we to do with that? Have not the people of Massachusetts as good a right to make laws by which a white man shall be allowed the privilege to wive with a black woman, as the people of any other State have to make laws granting the white man any other privilege, without being married? [Laughter.]

But I feel that I am subjecting myself to the charge of a waste of time. I feel that the business of the House is being delayed; but until the finger of that clock points to four, somebody will waste the time of the House, and I might as well do it as anybody else.

I beg to say one word to my young friend, the member from the Portland district of Maine, [Mr. APPLETON.] That gentleman to-day made his *coup d'essai* upon this floor, in a style of rhetoric which did himself infinite credit. It was pleasing to my ear, and, as a literary effort, in harmony with my feelings, as an old professor. Sir, I was delighted with it. But I did start a little when that gentleman pointed with the finger of contempt to this side of the House. I noticed the curl of his lip as he alluded to the small number of Whigs now left in this National Council. I deplore it; and so will the nation deplore it, if the majority of this House continue to waste the time that is the property of the nation.

But let me say to the gentleman from Maine, [Mr. APPLETON]—and I speak from reading, my memory leads me back to it—that if there had been one tenth part of the number of good men in Sodom that there are Whigs in this House, they would have saved that whole city from destruction. [Laughter.] Whether we shall be saved or not must depend upon how far the contamination extends, how far the corruption of coalition may have gone amongst us.

But there is another point: Three or four days of this House (and if any gentleman will figure up its cost they will find it something like three thousand dollars a day) have been spent in discussing the character of the coalition of the Massachusetts Legislature—the coalition of the people of Massachusetts—whether Mr. A or Mr. B should be Governor. Sir, I dislike coalition; but I believe they are frequently formed in tolerably good motives, and honest persons sacrifice some part of their creed for the sake of defeating some of the opposite creed. Sometimes, I believe, they sacrifice a part of their favorite creed for the purpose of carrying the good point that is left of them. Not always, but as a general rule, I have not found them very beneficial. We have had some little experience in my own State, in which I got my finger into the vice. [Laughter.]

But, Mr. Chairman, all the coalitions and compromises of Massachusetts and New Hampshire, and elsewhere, however good or bad they may have been, have no business in this House. They do not concern the legislation of the nation; they have nothing to do with the people, or the legislation for the people. As to that of Massachusetts, of course the coalition was to sacrifice a good man, and they did it. The Whig candidate for Governor was a good man. I do not recollect of many instances of the evil motives or improper circumstances that lead to a union for political effects; but the coalition of Pilate and Herod may be cited as an unfavorable instance of union of interests, otherwise hostile. But hostile as they had been, they were agreed upon a certain point, [laughter], the result of which, however, is better found elsewhere than quoted here. [Renewed laughter.]

Mr. Chairman, I do beseech the gentlemen of the House, in the first place, to pardon the appearance which I, older than a large majority of this House, may have of dictation, or of direction. I have no desire to place myself here as the censor

of this House, but I desire to preserve the institutions of this country, in whose hands soever they are placed for administration. I desire that the people abroad, in this nation, who never come up to the Capitol, and who cannot often see us, but who have sent their representatives here, should know that, whatever may be the character of the individuals whom they send, that they, mingling with the dignified and honorable class of citizens who represent that people, still bear upon themselves the toga of the man, and the dignity of the Senator, and that this House should cease to be the place of party action, party dictation, and party operation, as if there was nothing for us to consider but the Democracy of the Union, and nothing for us to stand upon but the platform of Baltimore. I do not speak lightly of the Democratic party. I know their value. I know and approve of the men, more than of their sentiments. And I do not speak lightly of the machinery of their action. It belongs to them. But do not bring that machinery into this House; do not impede the progress of business; do not starve the people who stand at our doors, waiting for the payment of their bills, while we are discussing questions mooted by ourselves, which candidate will be most available, whether it will be the old "foggy" or the young "foggy"—whether it will be the man who went pocketless and penniless over the Alleghenies to earn a living, or whether it will be he who comes back with his pocket full, both, sir, asking for a place. Let us have nothing to do with them here. Either of them, if elected by a majority of the people, will be the lawful President of this Union, and will be entitled to my respect, and, so far as he administers the law, he will be entitled no less to my obedience; yes, sir, to my cheerful, willing, obedience and support.

But, sir, while we are hesitating, the time is passing, and the honor of the nation is at stake, and bills against our Government—if not protested, are at least liable to be protested—are not to be paid because we are, by talking, delaying the passage of the bills that lie before us, and are wasting our time and the patience of the people, rather than to proceed to the business that belongs to us. It is not my purpose, sir, I repeat it, to condemn the speeches to which I have alluded, or the sentiments which I have examined generally. There is a time and there is a place for all these things; but I say that this is not the time, nor this the place. Party caucuses should be held by party calls, and in party places, while the representatives of the people, clothed not only with the power of making laws, but with the dignity of sustaining for the people the honor of the Republic, and maintaining for themselves the respect of the people, should in the time, and in halls of legislation, solemnize their minds to the loftiness of their missions, and separate themselves from all motives of action less than the good of the nation and the honor of its Councils.

Mr. McLANAHAN, (interrupting.) I ask my honorable colleague, since he has attributed to the Democratic side of the House a delay in legislation, where the discussion commenced in regard to the making of Presidents and platforms? I wish him to state distinctly, if the whole discussion was not opened upon the Whig side of the House, by the gentleman from Florida, [Mr. CABELL?]

Mr. CHANDLER. I am speaking of the discussion which has taken place upon the deficiency bill. [Laughter.] That is what I am speaking upon; but since the whole matter has been up, I will—

Mr. McLANAHAN. One word more. All that I intend to say is, that the Democratic party and the country are extremely thankful for the effort which is made now, upon the Whig side of the House, to close this unprofitable discussion; and it is hoped, on all sides of the House, that it will close with the speech of my colleague, [Mr. CHANDLER.]

Mr. CHANDLER. I then close my speech with the vote of thanks which the House, through the honorable gentleman, my colleague, has given me. [Laughter.]

Mr. FREEMAN next addressed the House in regard to the position of the Southern-Rights and Democratic Union parties in Mississippi.

[The speech of Mr. F. will be found in the Appendix.]

Mr. SMITH obtained the floor, but yielded to

Mr. HART, who moved that the committee rise; which motion was agreed to, there being upon a division—ayes 68, noes 44.

The committee accordingly rose, and the Speaker having resumed the Chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly House bill No. 207, and had come to no conclusion thereon.

Mr. STANLY. I ask leave to introduce a bill, of which previous notice has been given, in order that it may be referred to a committee.

Mr. KING, of New York. What is it?

Mr. ORR. Let it be read for information.

The bill was then read by its title, as follows:

"A bill to authorize the Secretary of the Treasury to deposit with the several States the fourth installment of the deposits of public money directed to be made with said States, by the act of June 23, 1836."

Mr. BAYLY, of Virginia. I object.

Mr. BRECKINRIDGE. I ask the unanimous consent of the House to allow the chairman of the Committee on the Judiciary to report back a petition which was referred to them. It is from the conductors of the Kentucky penitentiary, asking pay for taking care of, and supporting convicts, sentenced by the United States courts to the Kentucky State prison.

Mr. BAYLY. I withdraw my objection to the reference of the bill offered by the gentleman from North Carolina, [Mr. STANLY.]

The SPEAKER. The bill will be read a second time, if there is no objection.

Mr. NABERS. I object. Everybody upon this floor has more or less bills to refer.

The SPEAKER. Does the Chair understand that objection is made to the chairman of the Judiciary Committee making a report?

Mr. NABERS. I object.

Mr. BRECKINRIDGE. I would state to my friend from Mississippi that this is a matter of some interest to my State. I have been trying for two months to get this report in. I never objected to anything in my life upon this floor.

Mr. NABERS. I am not disposed to be factious, and have never been since I came here. I have not been able to get the floor when I was entitled to it, and I reaffirm here now, that this objection is not out of discourtesy to the gentleman from Kentucky, or anybody else—not at all, sir; but other gentlemen have various bills which they desire to have introduced.

Mr. BRECKINRIDGE. This is not a bill. Perhaps the gentleman is not aware what I wanted.

Mr. NABERS. I have never got up upon the floor but what I have heard that discordant sound—I object.

Mr. BRECKINRIDGE. Not from me.

Mr. NABERS. No, sir; not from the gentleman.

Mr. BRECKINRIDGE. Mr. Speaker—

Mr. NABERS. A single word more, I have not yielded the floor.

Mr. SEYMOUR, of New York. I object to all debate.

The SPEAKER. The Chair will remind gentlemen that the question is not debatable.

Mr. BRECKINRIDGE. The gentleman from Mississippi did not insist upon his objection, and the chairman is ready to report.

Mr. NABERS. I was going to say this: I intended to cast no reflection upon the course any gentleman thought proper to pursue, and simply for the reason that I do not wish to imitate the bad example shown. I will withdraw my objection. [Laughter.]

Mr. McLANAHAN. Mr. Speaker, I am instructed by the Committee on the Judiciary, to which was referred the claim of the State of Kentucky against the United States, for keeping and supporting convicts sentenced by the United States courts to the Kentucky State prison, to ask to be discharged from the further consideration of the same.

The motion was agreed to.

On motion by Mr. BRECKINRIDGE, by unanimous consent, it was

Ordered, That leave be granted for the withdrawal of the above claims from the files of the House, for the purpose of reference to the proper Department.

Mr. STANLY. I ask if objection is withdrawn to the introduction of my bill, for the purpose of reference.

Mr. STANTON, of Ohio. I have risen a dozen times, and have not got the privilege. I object.

Mr. BARRERE, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled, viz:

An act for the relief of James Furguson, surviving partner of the firm of Furguson & Milhado; an act for the relief of Williams, Staples, & Williams; an act for the relief of Philip Miller; and the joint resolution for the relief of Elizabeth Prewitt, widow and executrix of Robert C. Prewitt, deceased; which, severally, were signed by the Speaker.

Mr. HOUSTON. I want just to say to the House, that it is proper that we should clear the Speaker's table of the communications and bills that are there. I therefore ask the House to proceed to the business upon the Speaker's table. It will not take more than half an hour.

Mr. HIBBARD. I wish to be permitted to state that I have looked over the bills upon the Speaker's table. They are few in number, and I know cannot occasion debate. I hope unanimous consent will be given to clear the Speaker's table.

Mr. SMART. I object.

On motion by Mr. MARSHALL, of Kentucky, the House adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. PEASLEE: The petition of Jacob A. Chesley and others, citizens of New Hampshire, against the extension of the Woodworth patent.

By Mr. GORMAN: Joint resolutions of the Legislature of the State of Indiana, praying an appropriation for a canal around the rapids of St. Mary's river.

Also, the joint resolutions of the Legislature of Indiana, for an Agricultural Bureau.

Also, the joint resolutions of the Legislature of Indiana, asking an appropriation to erect public buildings at Indianapolis, Indiana.

By Mr. CAMPBELL, of Illinois: The memorial of sundry citizens of Galena, Illinois, praying the grant of one hundred and sixty acres of land to each member of the "Western Farm and Village Association."

Also, the petition of A. C. Harding and 106 others, citizens of the county of Warren, in the State of Illinois, praying for a grant of land to aid in the construction of a railroad from Burlington, in Iowa, through Peoria, in Illinois, to Lafayette, in Indiana.

Also, the remonstrance of Lemuel Andrews and 200 other citizens of the county of Rock Island, in the State of Illinois, against the Woodworth patent.

By Mr. WELCH: The petition of citizens of Pomeroy, Ohio, for a canal around the falls of the Ohio river.

By Mr. BURROWS: The memorial of the executive board of the New York State Agricultural Society, asking for the establishment of an Agricultural Bureau.

By Mr. JOHNSON, of Ohio: The memorial of James McMath and 42 other citizens of Tuscarawas county, in relation to the Wheeling bridge.

Also, the remonstrance of John Patton and 58 other citizens of Tuscarawas county, against the renewal of the Woodworth patent.

By Mr. WATKINS: The petition of 110 citizens of Tennessee, for a post route from Marshall's Ferry to Hay's Ferry, Tennessee.

Also, the petition of 150 citizens of Tennessee, for a post route from Sycamore to Sneedville, Tennessee.

By Mr. BELL: The petition of citizens of Darke county, Ohio, praying for a mail route from Greenville, in Darke county, via Dallas, to Celina, in Mercer county.

By Mr. GOODENOW: The memorial of sundry citizens of the ports of Gardiner and Pittston, in the district of Bath, Maine, against the repeal of an act passed March 3, 1847, relating to proceedings in admiralty, &c.

By Mr. SCHERMERHORN: A memorial of the city of Rochester, New York, praying that the terms of the Circuit Court of the United States for the Northern District of New York, may be appointed by law, to be held in the city of Rochester, and offering the use of a court-room and a law library free of any charge.

By Mr. WASHBURN: A remonstrance of Thomas McDaniel and 16 others, of Penobscot county, Maine, against the renewal of the patent of Austin & Zebulon Parker.

Also, the remonstrance of M. Buck and 51 others, of said county, against the same.

By Mr. SIBLEY: The memorial of 676 citizens of the United States residing in New York city, praying the grant of 180 acres of land to each member of the "Western Farm and Village Association," said grants to be selected from any part of the public domain between Lake Michigan and the Rocky Mountains, upon condition that improvement and settlement be made thereon before the 15th of July, 1852.

By Mr. BENNETT: A petition of 112 citizens of Bainbridge, Chenango county, New York, in behalf of the "Western Farm and Village Association" in New York.

By Mr. CHANDLER: Three remonstrances of numerous citizens of Philadelphia, against a renewal of the patent for Woodworth's planing machine.

Also, asked and obtained permission to withdraw the papers of Alice Dowlin, to be referred to the Committee on Invalid Pensions.

By Mr. IVES: A memorial of 75 citizens of the county of Jefferson, New York, on behalf of the "Western Farm and Village Association" of the city of New York.

By Mr. DOTY: The petition of Charles Combs, Edgar M. Paddock and other citizens of Ripon, in Wisconsin, asking for a grant of 160 acres of land to the members

of the Western Farm and Village Association, anywhere between Lake Michigan and the Rocky Mountains.

By Mr. THOMPSON, of Massachusetts: The memorial of Alonzo Stewart and others, in behalf of the "Western Farm and Village Association" of the city of New York.

By Mr. ASHE: The petition of Duncan McBride and others, against the extension of the Parker patent.

By Mr. BRIGGS: A memorial from officers of banks in the city of New York, asking Congress to abolish the spirit ration in the Navy.

Also, a memorial from insurance companies in the city of New York, asking Congress to abolish the spirit ration in the Navy.

Also, a memorial from the merchants in the city of New York, asking Congress to abolish the spirit ration in the Navy.

Also, a memorial of sundry citizens of New York, asking Congress to abolish the spirit ration in the Navy.

By Mr. ALLEN, of Illinois: The petition of L. W. Willis and others, citizens of Massac county, Illinois, asking that a mail route may be established from Metropolis city, in the State of Illinois, via Brooklyn, to Paducah, in the State of Kentucky.

By Mr. MACE: The memorial of Jerome B. Odell and Telumacus Odell, assistant marshals of Tippecanoe county, Indiana, asking additional pay for taking the census.

By Mr. GROW: The petition of citizens of Susquehanna county, Pennsylvania, for a mail route from Dundaff, in said county, to Lanesboro, on the New York and Erie Railroad, in said county.

Also, the petition of citizens of Bradford county, Pennsylvania, for a mail route from West Franklin post office, in said county, to Alba post office, in said county.

Also, the petition of citizens of Susquehanna and Tioga county, Pennsylvania, in favor of intervention.

Also, a remonstrance of 162 citizens of Susquehanna county, against the renewal of the Woodworth patent.

By Mr. DAVIS, of Indiana: The memorials of Thomas C. W. Sale, J. B. Hays, and Jarid C. Jocelyn, of Indiana, praying additional compensation for their services in taking the Seventh Census.

IN SENATE.

THURSDAY, March 18, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Secretary of War, made in compliance with a resolution of the 15th instant, transmitting a map of the Territory of New Mexico, compiled by Brevet Second Lieutenant John G. Parker; which was read.

On motion by Mr. CHASE, it was

Ordered, That the report be printed, and that the map be engraved under the direction of the Topographical Bureau.

A motion by Mr. CHASE, to print two thousand additional copies of the report and accompanying map, was referred to the Committee on Printing.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate, the amount that has been paid to officers of the Army during the year ending July 1, 1851, on account of double rations; which was read and referred to the Committee on Military Affairs.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate, the amount paid to officers holding brevet commissions above the amount of their pay in the line during the year ending July 1, 1851; which was read and referred to the Committee on Military Affairs.

PETITIONS, ETC.

Mr. WALKER presented a memorial of the Legislature of Wisconsin relative to the jurisdiction of the United States district court for that State; which was referred to the Committee on the Judiciary.

Also, three petitions of inhabitants of Wisconsin, praying an extension of the time for which preemptions to the public lands are granted; which were referred to the Committee on Public Lands.

Mr. WELLER presented a resolution of the Legislature of California relative to the civil fund of that State; which was referred to the Committee on Finance, and ordered to be printed.

Also, a resolution of the Legislature of California in favor of increasing the salaries of the United States district judges in that State; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. ADAMS presented a memorial of the Legislature of Mississippi, praying a reduction of the price of the public lands in the Augusta and Washington land districts; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. DODGE, of Wisconsin, presented a petition of residents of the town of Stockbridge, Wis-

consin, praying the appointment of a commissioner to examine and settle all questions of controversy relating to lands in the Stockbridge reservation; which was referred to the Committee on Indian Affairs.

Mr. DOUGLAS presented the petition of A. W. Denham, praying an extra compensation for services as superintendent of laborers during the erection of the General Post Office building; which was referred to the Committee of Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BELL, it was

Ordered, That the memorial of the Legislature of Tennessee, on the files of the Senate, relating to the establishment of a marine hospital at Memphis, be referred to the Committee on Commerce.

On motion by Mr. SUMNER, it was

Ordered, That W. W. Chapman have leave to withdraw his petition and papers.

REPORT FROM A COMMITTEE.

Mr. FOOT, from the Committee on Revolutionary Claims, to which was referred the memorial of the heirs of Colonel William Grayson, of the revolutionary army, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading.

The report was ordered to be printed.

NOTICES OF BILLS.

Mr. WALKER gave notice of his intention to ask leave to introduce the following bills:

A bill to grant the right of way and make a donation of public land to the State of Wisconsin, to aid in the construction of a railroad from Manitowoc to the Mississippi river, in that State.

A bill to restrict and limit the jurisdiction of the district court of the United States for the district of Wisconsin.

BILL INTRODUCED.

Mr. GEYER, agreeably to previous notice, asked and obtained leave to introduce a bill to provide for the payment to the State of Missouri two per centum of the net proceeds of the sales of public lands therein, heretofore reserved under a compact with said State; which was read a first and second time by its title, and referred to the Committee on Public Lands.

CREDIT TO RAILROAD COMPANIES.

Mr. JONES, of Tennessee, submitted the following resolution; which was agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of giving to railroad companies twelve months' time in which to pay the duty on railroad iron.

BATTLE OF CERRO GORDO.

Mr. JONES, of Tennessee, submitted the following resolution for consideration:

Resolved, That the Secretary of War be requested to furnish to the Senate a copy of the supplemental report of the battle of Cerro Gordo, made by General G. J. Pillow to General W. Scott, recently filed in the War Department by General Scott, and which has never been published.

POSTAL STATISTICS.

Mr. SUMNER submitted the following resolutions for consideration:

Resolved, That the Postmaster General be requested to report to the Senate the whole number of letters which passed through the post offices of the United States during the fiscal year ended June 30, 1851, distinguishing the paid from the unpaid, those paid by stamps from those paid by cash, also the number of free letters.

Also, the aggregate number of drop letters during the same period.

Also, the amount of printed matter, number of newspapers and periodicals sent through the post offices during the same period, distinguishing the paid from the free; and if this be not practicable, then to furnish an estimate thereof.

Also, the number of dead letters returned to the General Post Office during the same period, and the amount of postage due thereon; the amount of property found in the same; the amount restored to owners, and the amount for which no owners have been found, and the disposition made of the balance on hand.

Also, the cost of the transportation of the mails and the postage collected in each of the several States during the same period.

Also, the number of letters conveyed during the same period by the Cunard, Collins, Bremen, and Havre lines of steamers respectively, distinguishing the paid from the unpaid; also the number of newspapers conveyed by the same lines respectively, and the amount of postage collected on the same.

Also, to report the amount of postage collected by each of the said lines, in the United States and Great Britain, respectively; and the amount of commissions paid to our postmasters on the balance due and paid to the British Government on account of postage.

Also, the number of dead letters returned to the United States and Great Britain respectively, under the postal treaty, and the amount of postage due thereon.

Also, the same with regard to dead letters returned to the United States and Bremen respectively.

Also, the amount required from and paid to the British Government on account of closed mails, and the rates per ounce of such conveyance.

Also, the amount paid for the transmission of letters to the Continent of Europe, and to China by the Oriental line of steamers; also the number of letters sent to China, via Marseilles.

Also, the number of letters conveyed between New York and California, and also between New York and Oregon, via Chagres and Panama, and the amount of postage collected thereon, distinguishing the paid from the unpaid, and the number of free letters, and the number of newspapers, and the postage thereon.

Also, the number of letters and newspapers conveyed by the Charleston and Havana steamer, and the amount of postage collected thereon.

Also, the number of ship letters received during the same period in the offices of the United States, and the amount paid for the same.

Resolved, That the Postmaster General be requested, in his next annual report for the fiscal year ending 30th June, 1852, to embody answers for that period to the inquiries in the preceding resolution.

BILLS PASSED.

The following engrossed bills were severally read a third time, and passed:

A bill granting the right of way to the State of Missouri, and a portion of the public lands to aid in the construction of a railroad from Hannibal to Saint Joseph, in said State.

The title of the above bill was amended by striking out all after the words "construction of," and inserting "certain railroads in that State."

A bill granting to the State of Arkansas the right of way and a portion of the public lands, to aid in the construction of the Arkansas Central railroad from a point on the western bank of the Mississippi river, opposite the town of Memphis, Tennessee, by way of Little Rock, to a point on Red river, on the border of Texas.

The bill having first been amended on the motion of Mr. BORLAND, by inserting at the end of the third section the following words:

"Which land shall, from time to time, be offered at public sale to the highest bidder, under the direction of the Secretary of the Interior, and shall not be subject to entry until they shall have been so offered at public sale."

The title of the above bill was amended by striking out all after the words "construction of," and inserting "certain railroads in that State."

A bill granting to the State of Alabama the right of way and a donation of public land, for making a railroad from Selma to the Tennessee river.

A joint resolution to provide for straightening the eastern boundary line of the naval hospital lands at New York.

A bill to authorize the State of Wisconsin to select the residue of the lands to which that State is entitled, under the act of the 8th of August, 1846, to aid in the improvement of the Fox and Wisconsin rivers.

A bill making an appropriation for the erection of a marine hospital at Portland, Maine.

ASSIGNABILITY OF LAND WARRANTS.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses, on the bill to make land warrants assignable, and for other purposes.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the above bill, and it was amended accordingly.

NON-INTERVENTION.

The Senate proceeded to the consideration of the joint resolution affirming the doctrine of non-intervention; when

Mr. JONES, of Tennessee, rose and addressed the Senate at length in favor of the resolution.

Mr. CASS replied, and Mr. JONES, rejoined. [For the speech of Mr. JONES, and reply of Mr. Cass, see Appendix.]

Mr. SOULE. I wish to say something on this question, and I wish to deliver my views as early as may be convenient to the Senate. I would not undertake now to address the Senate, as it is rather late; but with the leave of the Senate I will take possession of the floor, and move that the further consideration of the subject be postponed until Monday.

Mr. HALE. Mr. President, I want simply to call the attention of the honorable Senator from Michigan to one fact, in which I think he is mistaken in regard to the history of the resolution to which he has referred. When he spoke of having

introduced the resolution which was voted down, I supposed that he referred to the resolution which he introduced in relation to suspending diplomatic relations with Austria.

Mr. CASS. I did.

Mr. HALE. Well, I have some recollection of that resolution. I felt some interest in it at the time, and I think if the honorable Senator will examine the matter, he will find that he is mistaken. On the 15th of December, 1849, at the commencement of that session, the honorable Senator introduced his resolution in relation to suspending diplomatic relations with Austria. I proposed an amendment to it. It was called up several times, and several gentlemen addressed the Senate upon it until the 5th of February, 1850, and then Mr. Foote, at that time a member of the Senate from Mississippi, stated that he held in his hand certain resolutions which he proposed to offer, and that one was to be proposed by his friend from Louisiana, [Mr. SOULE.] and that the honorable Senator from Michigan had consented to receive those three resolutions as a substitute for his original one. I withdrew my amendment then, and upon the motion of Mr. Foote those resolutions were assigned and made the special order for a future day. They were never called up afterwards, and there was never any vote taken upon them according to my recollection, as the Journals of the Senate will show. That is the statement which I desired to make.

Mr. CASS. I was under the impression that a vote had been taken.

Mr. HALE. No, sir; there was no vote taken.

Mr. CASS. If there was not a vote taken, it was because it was evident that a majority of the Senate were not in favor of the resolution.

The motion to postpone was agreed to.

On motion, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 18, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

Mr. HIBBARD. I wish to ask the unanimous consent of the House for leave to move that the House proceed to the business upon the Speaker's table, so far as to take up and refer certain Executive communications and certain bills from the Senate. If the House will permit me to say, I have looked over the bills from the Senate. They are few in number, and I am confident the question of their reference can occasion no debate. It is understood I wish for leave to proceed so far as to take up these two classes of cases: reports from Executive Departments and bills from the Senate. Objection was made.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The business first in order is the consideration of the report of the committee of conference.

Mr. HOUSTON. I suppose the gentleman from Tennessee, [Mr. JONES,] in view of the condition of debate upon the deficiency bill, will not press that now.

Mr. JONES, of Tennessee. I have no control over that question at all.

Mr. HOUSTON. I ask the House to pass that over for to-day, as debate upon the deficiency bill is limited to four o'clock to-day. I have therefore submitted the motion to go into committee.

Mr. JONES. It will take up but little time. The call for the previous question has been seconded.

The SPEAKER. That is the regular business in order, but the Chair thinks it competent for the gentleman from Alabama to make his motion.

Mr. JONES. I hope the House will not go into committee, as this is a very important question—as much so as the deficiency bill—and should be disposed of immediately.

The question being on the motion of Mr. HOUSTON—

Mr. HART called for tellers, which were ordered; and Messrs. FULLER, of Maine, and HAVEN were appointed.

Mr. COBB. If we take up for consideration the report of the committee of conference on the

bill for the assignability of land warrants, I would inquire whether it would take up more than thirty or forty minutes?

The SPEAKER. The Chair is unable to reply to the gentleman. He cannot determine how long it will take.

The question was then taken and decided in the negative—the tellers having reported—ayes 55, noes 68.

So the House refused to go into the Committee of the Whole on the state of the Union.

ASSIGNABILITY OF BOUNTY LAND WARRANTS—REPORT OF THE COMMITTEE OF CONFERENCE.

Mr. JONES called up for consideration the report of the committee of conference.

The SPEAKER. Upon the question of the adoption of the report of the committee of conference, the call for the previous question was seconded. The question now is, shall the main question be now put? It was so ordered.

The question now being on concurring in the report of the committee of conference,

Mr. JONES demanded the yeas and nays; which were ordered.

Mr. COBB. I ask for the reading of the bill as proposed to be amended.

Mr. HOUSTON. I object. I want to get through with this business.

Mr. COBB. I rise to a question of order. If a request is made for the reading of the bill, which is objected to, should not the question be put to the House? I am opposed to this one man power.

The SPEAKER. If the gentlemen will listen to the facts, the Chair will state that the report of the committee of conference, and the bill as proposed to be amended, was read on yesterday. The Chair overrules the point of order.

Mr. HOUSTON. My colleague will find it in the Globe, where he can read it, and understand it much better than if it were read from the desk.

Mr. BOCKOCK. Is the vote about to be taken on agreeing to the report of the committee of conference?

The SPEAKER. The question now being put is upon agreeing to the amendments proposed by the committee of conference to the bill making land warrants assignable. It is upon the adoption of the report of the committee as a whole.

The question was then taken, and the report of the committee was adopted—yeas 92, nays 69; as follows:

YEAS—Messrs. Aiken, Willis Allen, Allison, William Appleton, Ashe, Barrere, Bartlett, Bell, Bibbians, Bowne, Bragg, Breckinridge, Albert G. Brown, Busby, E. Carrington Cabell, Thompson Campbell, Churchwell, Clark, Cleveland, Clingman, Cobb, Conger, Cullom, John G. Davis, Doty, Duncan, Eastman, Edgerton, Edmundson, Faulkner, Ficklin, Fitch, Henry M. Fuller, Gamble, Gaylord, Gentry, Giddings, Goodenow, Gorman, Harper, S. W. Harris, Hart, Hendricks, Thomas M. Howe, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George G. King, Kubus, Kurtz, Landry, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, McNair, Miller, Molony, John Moore, Morrison, Nabers, Newton, Andrew Parker, Samuel W. Parker, Penn, Penningman, Polk, Price, Richardson, Robinson, Sackett, Skelton, Smart, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, Stratton, Strother, Stuart, Taylor, Benjamin Thompson, Thurston, Walsh, Ward, Washburn, Watkins, Welch, Addison White, Wilcox, and Yates—92.

NAYS—Messrs. Averett, Bockock, Brooks, Buell, Burrows, Joseph Cable, Lewis D. Campbell, Chapman, Curtis, Daniel, Dawson, Dimmick, Dunham, Durkee, Evans, Floyd, Fowler, Thomas J. D. Fuller, Gilmore, Hamilton, Isham G. Harris, Haws, Hascall, Haven, Hibbard, Horsford, Houston, Howard, Thomas Y. How, Ives, Jackson, Jenkins, James Johnson, George W. Jones, J. Glancy Jones, Preston King, Letcher, Martin, Mason, McDonald, McLanahan, McMullin, McQueen, Milson, H. D. Moore, Morehead, Murray, Olds, Orr, Peaslee, Perkins, Schermerhorn, Schoolcraft, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Smith, Benjamin Stanton, Sutherland, George W. Thompson, Tuck, Venable, Wallace, Wells, Alexander White, Wildrick, Williams, and Woodward—69.

So the report of the committee was adopted, and the bill in the form published in the proceedings of yesterday, has passed.

Mr. BEALE, during the pendency of the vote, asked to be excused from voting, on the ground that he did not know the character of the report upon which he was called to vote.

The SPEAKER. The Chair would state that the proposition of the gentleman from Virginia should have been made under the rule, before the call of the roll was commenced. There can be no vote upon a proposition to excuse during the calling of the roll.

Mr. COBB, when his name was called, said: I vote in the affirmative, but am opposed to a part of the bill.

Mr. C. moved to reconsider the vote by which the report was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

DEFICIENCY BILL.

On motion by Mr. HOUSTON, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. STUART in the chair,) and resumed the consideration of the bill, No. 207, making appropriation to supply deficiencies for the fiscal year ending June 30, 1852.

Mr. SMITH, who was entitled to the floor, addressed the committee for an hour, principally upon the subject of the census printing. He expressed some views in opposition to the form in which it was proposed by the Department of the Interior to have that work executed. He was in favor of rejecting so much of the matter proposed to be printed—that is, the medical statistics and the historic part—and was in favor of printing the work in a reduced form, and on a more economical scale. He expressed some views in regard to the Presidency, and in opposition to taking up for that office defeated candidates, and resuming old issues. He preferred progress, and a young or new candidate.

Mr. NABERS next addressed the committee, in reply to the remarks of the gentleman from Alabama, [Mr. SMITH,] in regard to the unfitness of the old presidential candidates. He thought that the progressive doctrines advanced by that gentleman now were totally at variance with those expressed by him in regard to the principles of Kosuth. He (Mr. N.) was disposed rather to adhere to the conservative policy of our government rather than upon any idea of progress to take up "Young America" and new and dangerous doctrines. He entered at some length into Mississippi politics, and defended the position of the Union party of that State.

Mr. MARSHALL, of Kentucky, then addressed the committee, principally in reply to that portion of the remarks of the gentleman from Kentucky [Mr. BRECKINRIDGE] identifying Mr. Fillmore with the Abolition party, because he had, when a Representative on that floor from New York, voted against the resolution of Mr. Wise, inhibiting the consideration of abolition petitions. He maintained that if it was wrong for Mr. Fillmore to vote against the adoption of that resolution, it was equally wrong when the Democratic party subsequently voted for the rescission of this very rule. He maintained that President Fillmore was national and conservative in his views on the slave question.

[The above speeches will be found in the Appendix.]

Mr. JOHNSON, of Arkansas. I have sought anxiously to-day what, in the history of this Congress, would have been a somewhat extraordinary thing—to obtain the floor for the purpose of addressing the House upon the business legitimately before us, (the deficiency bill,) and which we were sent here to transact. We have had that bill but a very few days under discussion—a bill which appropriates about \$3,000,000. I have never examined the whole bill, and only wish to speak upon those appropriations, into the investigation of which the committee, of which I am a member, have hitherto gone. I speak of that portion of the deficiency bill which makes appropriation for the Indian service of the country. During the whole time which has been spent upon this bill, we have heard nothing but a squabble about presidential candidates—a matter which I humbly submit is premature and unfortunate for the Democratic party, and in which none who have been engaged in it will be able to say, that they have distinguished themselves for prudence. They should have waited until such time as these questions come up legitimately—when there was a candidate for the Presidency—and then discuss those subjects; and allow us, in the mean time, to take up and consider what was truly the business of the House, and that is, the various bills brought before us for consideration.

The chairman of the Committee of Ways and Means enforced, yesterday, upon this House the necessity of closing the debate upon this bill to-day, with a full knowledge—I speak of it in no

unkindly sense to the gentleman, but I condemn it as a thing that was wrong, and as a thing that I never knew in my term of service to be done heretofore by the Committee of Ways and Means—that a committee, parallel with his own in point of business upon a particular subject, had that subject under consideration, and had asked for time to develop facts which might be laid before this House for its consideration, in regard to the interests of this Government and the service of a particular branch thereof. I asked, then, of this House, only until to-morrow, that we might be able to conclude our investigation of the appropriation for the Indian service, but it was denied. It was denied by the chairman of the Ways and Means, who knew more about the business of my committee than I knew myself, or than anybody else knew. I am sorry the House thought so, and closed this debate to-day. What is the result? We worked until twelve o'clock last night, and again until twelve o'clock to-day, and without being able to get through with the entire investigation. We are satisfied that the Committee of Ways and Means have erred, in striking out thirteen out of twenty-six items of appropriation for Indian service. When I come in here to state these facts to the House, I am unable to get the floor; and now I have five minutes to go into the investigation of a subject which it would take me an hour to do justice to or to explain to the House. I am not famed for consuming the time of the House for purposes of Buncombe or of personal display.

I ask the House, what are you to do when you come to vote upon these questions? I know I shall stand instructed by the Committee on Indian Affairs to offer, as amendments to the deficiency bill, a large number of the items for Indian service which have been rejected by the Ways and Means; and I shall have but five minutes to explain the necessity of those items, many of which could not be explained in ten or fifteen minutes. Debate ought to be heard on both sides, as to whether the Ways and Means Committee did right in rejecting these items. The Committee on Indian Affairs believe they can show satisfactorily to the House that they did wrong in rejecting them; but it cannot be done in five minutes. I would scorn to go into the consideration of any subject in five minutes. I merely want to show the House the condition that this business has been brought into by the hasty and sudden closing of debate; and that, too, in the face of the protest of a member of the committee, who declared that the debate ought not to be closed, and could not be closed, without a risk of great and serious injury to the service of the country, and to that portion of the service in which, if there is heart, and soul, and feeling, in the bosom of the American people, they ought to be most peculiarly guarded to see that there is no injustice done.

Mr. POLK, (interrupting.) If the gentleman will allow me, I will move, by unanimous consent, that he be permitted to go into this investigation. I consider this a matter of considerable importance. I, myself, know nothing about it. No argument has been addressed to it at all, and I should be obliged to vote in the dark.

Mr. JOHNSON. I will state that when this debate was closed yesterday, the same hot haste prevailing, after the wrong itself was consummated, a motion was made to reconsider the resolution and that motion was laid upon the table. There is, therefore, no way in which I can obtain a hearing, for if it depends on unanimous consent, I presume in a House of two hundred and thirty-seven, there would always be somebody to object to everything. Yes, even the light of heaven is objected to here.

Mr. POLK. I hope there will be no objection. I will, with the permission of the gentleman, move that the committee rise.

Mr. JOHNSON. Very well. I will give way for that motion, trusting that when next we go into committee, I shall be allowed, by unanimous consent, to explain the items; if not the Indian service can take its course.

Mr. POLK then moved that the committee rise; which motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly

House bill No. 207, and had come to no conclusion thereon.

SEAT OF GOVERNMENT OF OREGON.

Mr. LANE, by unanimous consent, submitted the following resolutions; which were several read, considered, and agreed to:

Resolved, That the President of the United States be requested to lay before this House a copy of the correspondence with John P. Gaines, Governor of the Territory of Oregon, relative to the location and establishment of the seat of government of said Territory.

Resolved, That the Secretary of the Treasury be requested to lay before this House, a copy of the correspondence between that Department, and E. Hamilton, Secretary of Oregon relative to the location of the seat of government of said Territory, and the mileage and *per diem* of the members and officers of the Legislative Assembly of said Territory.

Mr. MEADE. I have a drawer full of reports from the Committee on the Judiciary, which I ask the unanimous consent of the House to permit me to present.

Mr. BAYLY. I would be the last man to thwart my colleague in anything, but I object. [Laughter.]

On motion by Mr. MEADE, the House then adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ST. MARTIN: The petitioner of John B. Cooper, claiming remuneration for losses sustained in the war of 1812.

By Mr. JOHNSON, of Ohio: The memorial of David McFarland and William Welty, of Tuscarawas county, asking additional compensation for taking the Seventh Census.

By Mr. ASHE: The memorial of Edward B. Dudley and others, citizens of North Carolina, against the extension of the Woodworth patent for planing boards, &c.

Also, the memorial of John D. Williams and others, citizens of North Carolina, against the extension of the Parker patent.

By Mr. HENDRICKS: The petitions of John D. Smith, of Tipton county, and P. Hutton, of Marion county, in the State of Indiana, late assistant marshals of said counties, praying that additional compensation be made to the assistant marshals for services in taking the Seventh Census of the United States.

By Mr. THOMPSON, of Virginia: The petition of E. S. M. Hill and 130 other citizens of the county of Logan, against the renewal of the Woodworth patent.

Also, the petition of William F. Peterson and others, in relation to the collision of steam boats on the western waters, and the best mode of preventing the same.

By Mr. SCUDDER: The petition of Benjamin F. Robbins and others, owners of schooner Medium lost at sea, for an allowance of fishing bounty.

By Mr. BOWIE: The petition of John H. Bright, praying to be allowed bounty land due his uncle, William Bright, a revolutionary soldier.

By Mr. McDONALD: The petition of Horace Parker, for increase of pay for his services at navy-yard in Kittery, Maine.

By Mr. MOORE, of Pennsylvania: Resolutions of the Legislature of Pennsylvania "relating to Smith O'Brien and his associates in exile;" and also in reference to the establishment of a navy-yard depot and dry-dock on the Lake frontier.

IN SENATE.

FRIDAY, March 19, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

EXPLANATION.

Mr. CASS. Mr. President, a letter has just been published in the Union, addressed by Colonel Davis to the editors of the Mississippian, and copied from the latter paper, which, relating as it does, to some of the positions I have taken in the Senate, as well as elsewhere, seems to me to require some remarks; especially as my true views, in one respect at least, are misunderstood. I have to thank Colonel Davis for the justice he has done me, with that spirit of frankness which becomes his character. And, while he dissents from my conclusions, as he had a right to do, he bears testimony against an odious charge, never, indeed, resting upon the slightest foundation of truth, that I designed to deceive the South, as to my real opinions, in my Nicholson letter. Some time since, when I first learned this accusation, I appealed to Southern Senators upon this floor, and said it was well known to many of them, that the plain language of my letter corresponded with my views, and that my opinions were perfectly understood when the letter was first published. You will recollect, sir, that not one member contradicted this statement, and that several of them gave their assent to it, and among these was Colonel Davis.

I am not going into a review of the old contro-

versy, connected with the general subject of the Wilmot proviso. I desire, principally, to put myself right, in one particular, where Colonel Davis has misunderstood me. It will be recollected that when my Nicholson letter was written, we had not acquired California. It was yet during the existence of the war, and the principles I discussed had therefore relation to the usual form of territorial governments, as established by the authority of Congress. My object was to show that Congress had no constitutional power to insert the Wilmot proviso in the organic laws, because the right to establish such governments being founded upon necessity alone, could extend no further than that necessity required, which is satisfied when the governments are organized, leaving to the people all other rights in their administration. These organic laws, all of them indeed, grant or recognize the right of legislation in the Territories, to be exercised in the mode pointed out. It is a general power, embracing all the objects of human legislation, unless in particular cases, where restrictions are imposed. My opinion is, that Congress can impose no restriction upon the power to regulate the relation of master and servant, including the condition of slavery in the Territories, any more than they can upon the relations of husband and wife, or of parent and child. Every Territorial Legislature which has existed has exercised full power, uncontrolled power, over the two latter domestic relations, by virtue of being the depositories of legislative authority, and not because those objects, or indeed any others, were specially committed to their charge; thus assuming that it is a just object for such action, in consequence of the grant of general powers of legislation. And in the Territories, where there has been no Wilmot proviso, the power to regulate the condition of slavery has been freely exercised among the other objects of legislation, without any express grant whatever; and in all of them it could be exercised in the same manner, either to establish or abolish slavery, unless controlled by superior Congressional action, in conformity with the Constitution. I should like to have any man point to me a single reason why a Territorial Legislature, if left uncontrolled in this respect by Congress—and all who are opposed to the Wilmot proviso believe they should be thus left—can legislate upon one of these domestic relations and not upon the others. I speak of the legal power, for that is the question at issue. Upon what principle can a line be drawn on the chart of legislation, which would divide those great objects of social life, and leave one of them without the sphere of legitimate control, and the other within it? The same general terms of power which include one include all; and yet we are called upon to deny that power in a particular case, and to leave it in unquestionable operation in all other cases. If indeed, as I have heretofore said, and now repeat, the right to take slaves into the Territories is one, as has been contended, which is secured by the Constitution, there is an end to the question. It would be a right which would override and overthrow both congressional and territorial legislation in opposition to it. I have never been able, myself, to see the force of that construction which gives this effect to any of the constitutional provisions, but I was always willing, and so expressed myself, that the question, being a claim of right, should be submitted to the Supreme Court, and that its decision should be final. But it will be observed that Colonel Davis, in his letter, and I believe those who take similar views of this question, place their opposition to my doctrine, not upon the establishment of such a constitutional right, to be found in the Constitution itself, but upon the probable practical result of the territorial power, that it would give a peculiar direction, in the early periods of the governments, to the legislation of the country, and if not establish, at any rate exercise, a powerful influence upon its permanent policy. No doubt, sir, it would be so; but it is one of those consequences that cannot well be avoided. There are wide differences of opinion in many portions of this country upon questions of internal policy, and little uniformity of system in their adjustment. Each settler, during the period of settlement, naturally prefers that state of things to which he has been accustomed, and thus it is that an early character is given to these local institutions, which it is afterwards difficult to change. It is not alone the condition of master and servant, which feels the

effect of this impress, but it extends to all the objects of legislation, which derive their color very much from the views of the first settlers. If a newly-settling Territory is first occupied by a majority of emigrants from a slave State, they will be very apt to establish slavery in their new residence. If, on the contrary, they come from a non-slaveholding State, they will probably be equally strongly inclined to establish that exclusion to which they have been accustomed; and so with relation to all the objects of concern which are regulated by law. And where was there ever a community whose political and social system was not more or less influenced by the predominant opinions and character which marked its early inhabitants? But this objection, sir, whatever weight it is entitled to in the scale of expediency, does not touch the question of right. That does not even depend on Congressional action, but upon the Constitution, which does not even look to this subject of early or of late legislation, nor the practical considerations to which it may give rise. The rightful power, therefore, is not affected by the mode in which it may be exercised, whether bearing upon one or another of the vast variety of objects of civilized life which fall within the scope of legislation. All, therefore, I claimed for the territorial governments was the right of legislation in all cases not in conflict with the Constitution; the same general rights of legislation, which enabled the territorial governments of Mississippi, of Alabama, and other Southern Territories, to control the question of slavery within their limits, and which the Northern Territories might have controlled at their pleasure, had there been no restriction upon their power. This was no question of "sovereignty," but of right, under the sovereign authority of the Constitution. And if the first settlers in the Territories might establish their future policy upon this subject, by early legislation, I know of no constitutional principle which could refuse the same powers to all the others.

A few words more, sir, as to California, and what has been called "squatter sovereignty." I have already said, that my Nicholson letter referred only to such territorial governments as had been established by Congress, and it looked only to such governments to be thereafter established by the same authority, over future acquisitions, should any such be confirmed to us by a treaty of peace. As to the condition of things in California, which followed, in consequence of the failure of Congress to provide governments for the Mexican cessions, no one foresaw it; certainly no one endeavored to provide against it. My letter, therefore, did not touch that point at all. But the difficulty came, and a large body of American citizens, upon the shores of the Pacific, found themselves without government, and exposed to all the fearful evils, which such a state necessarily brings with it. Life, property, all the objects, indeed, of the social system, were at hazard, without some prompt and efficient action. That action we refused to take, and the people had no other reliance but upon their own wisdom and energy. The result was honorable to themselves, to their country, and to human nature. It was the most trying experiment, perhaps, ever made upon the capacity of man for self-government, but they passed through the fiery furnace unscathed, untouched, indeed, by the devouring element. They established a government, and I am not going to argue with any man, who denies their right to have done so. I assume it as a self-evident proposition, in this middle of the nineteenth century. It was not, as it has been called, an act of revolution; for how can there be a revolution, when there has been no preëxisting government? It was an act of political organization, essential to the very existence of society. Well, sir, if they had to establish a government, what kind of one must it have been? Some say territorial. But, sir, that was impossible, for that kind of government presupposes certain relations with the United States, which Congress alone can define and regulate. It was impossible for a self-constituted government to put itself in that position, with its laws and officers controlled by federal authority, without the action of that authority. Nothing else was left to the people but to do as they did, to lay the foundation of their own government, and then come to Congress with their work. Conceding, then, that they had the right to provide for their indispensable political wants by this course, what limitation was there upon the exercise of their

powers, in framing their government? Why, sir, if they could do anything, they could do everything, not in conflict with the Constitution of the United States. And this brings me back to the original question: whether the Constitution does expressly, or by necessary implication, prohibit the exercise of this contested power, or whether it grants any rights, which render its action incompatible with their superior obligation. I have already said, I can find, for myself, no such provision in that instrument. It will be recollected, that the whole basis of my argument, whether right or wrong, was founded on the indefeasible right of every distinct political community, to regulate its own government, when not rightfully controlled by some superior authority. The only superior authority which, in this country, could limit this right, must be derived from the Constitution of the United States; and, therefore, every political power, not thus limited, belongs to the people of the Territories. That was and is my view.

As to the term "squatter sovereignty," or "landlord sovereignty," and the reproach it is intended to carry with it, they become neither our age nor country. Men are entitled to government, even if they are landless, and human life and human happiness are worth protection, notwithstanding a remote authority may be the great landlord, holding vast domains in a state of nature, which it neither grants nor governs. Many of the doctrines upon this subject carry us back to the middle ages, when land was everything and man nothing. We have arrived at a period when better views prevail; when human nature asserts its rights, and the exercise of political power does not depend upon the accident of property, but upon the great principles of freedom and just equality. One of two things is inevitable: Either the people of California had the right to establish a government for themselves, without reference to "squatter sovereignty," or "landlord sovereignty," or they were necessarily condemned to live without a government, or rather to die without one; for human life, under such circumstances, would be far more precarious than in the bloodiest battle on record. They chose to do what we refused: to found a political system, affording protection to the great objects of human society; and I know nothing of the character of my countrymen, North or South, if, on calm reflection, they do not approve the proceeding. Nor do I believe there is one of them, no matter where, who, had he been in California in such a perilous crisis, would have hesitated to substitute established law for lawless violence and physical strength.

I observe, what had not struck me before, that in an extract from his speech, which Colonel Davis refers to, he says that I spoke of the fanaticism of the South. Sir, that is a deduction from my remarks, and one which, I think, their tenor does not justify. I used no such term. I made no such charge. I did indeed complain of a too prevalent indisposition among our Southern brethren to make just allowance for the position and natural opinions of Northern men. It was not enough that they should recognize and defend the constitutional rights of the South as zealously and honestly, and, I may add, under circumstances of a good deal of personal difficulty, as those of their own section of country; but they were almost denounced as Abolitionists, as Northern fanatics, I said, in some quarters, unless they avowed and believed that slavery was the best condition of human society. This is the substance of my remarks upon that topic; and I know that this sentiment of regret was participated in by some of the most steadfast friends of the South upon this floor; and certainly those remarks were made not in a spirit of hostility, but with feelings of pain that so little confidence was placed in exertions rightfully and honestly made.

REGISTRY OF VESSELS.

On the motion of Mr. HAMLIN, the bills of the House of Representatives to authorize the issuing of a register to the brig America, and to authorize the issuing of a register to the ship Kosuth, were considered as in Committee of the Whole, reported to the Senate, read a third time, and passed.

NAVY-YARD AT SAN FRANCISCO.

Mr. GWIN. I wish to detain the Senate a single moment, not for the purpose of a personal explanation, but in regard to the disposition that

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was made of the question which was under consideration yesterday, and has been made the special order for Monday next. I wish to bring to the notice of the Senate that it was understood that another measure, which indeed has not been made a special order, because it stands at the head of the Calendar, was by general consent to be taken up on Monday next. I refer to the bill to establish a navy-yard at San Francisco. The Senator from Louisiana [Mr. SOULE] is entitled to the floor on Monday on the subject of non-intervention. He is not here now, but if he were, I know that he would waive his right to the floor as a matter of courtesy, because I am compelled to leave the city on Tuesday or Wednesday next, and I should like to have this bill taken up and disposed of before that time. I have made all my arrangements, under the impression that this bill would come up on Monday, and it will put me to considerable inconvenience if I am detained beyond that time. I therefore give notice that I shall call up that bill, the first on the Calendar, on Monday next, and I feel perfectly sure that the Senator from Louisiana will not object to it.

G. THOMAS HOWARD.

The Senate resumed the consideration of the bill for the relief of G. Thomas Howard, as in Committee of the Whole.

The bill provides that the proper accounting officers of the Treasury shall audit and settle the claim of G. Thomas Howard, for compensation as bearer of despatches from Texas to Washington, in 1845, allowing him a compensation at the rate of \$6 per day, for a period not exceeding twenty-five days, and traveling expenses at the rate of ten cents per mile, from Austin, in Texas, to Washington City, computing the distance according to the most usual traveling route.

Mr. ATCHISON. I would like to hear the report of the committee read.

The PRESIDENT. The Chair is informed that there was no report made by the committee.

Mr. NORRIS. I reported that bill from the Committee on Foreign Relations. There is no report accompanying the bill. The facts are stated in a letter from the late Secretary of the Treasury, Mr. Walker, which will explain the whole matter.

The letter was read, as follows:

"WASHINGTON, February 28, 1850.

"DEAR SIR: I recollect very well the case in which you were bearer of dispatches from Texas to Washington, and your claim for compensation, during Mr. Polk's Administration. Your right to compensation was invariably conceded; but you were not paid, owing to a difference of opinion as to the fund out of which the payment should be made. It was supposed by some, that the payment should be made by the Secretary of Treasury directly; and by others, by the Secretary of State; and from that difference of opinion, growing out of the peculiar condition of facts, you were not paid. Your claim was undoubtedly just. Your dispatches contained the announcement of the communication of the annexation of Texas, and the delivery of the public property accordingly."

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

JOSEPH H. D. BOWMAR.

The Senate resumed, as in Committee of the Whole, the consideration of a bill for the relief of Joseph H. D. Bowmar.

Mr. FELCH. It seems to me there is a radical difficulty in this bill, and one which I do not see how we can surmount. The title to the land referred to by the bill, is evidently disposed of by the United States under the act referred to in the bill—an act in favor of a man by the name of Carson. Carson had settled upon the sixteenth section, as will be seen by a reference to the papers presented in this case, and by a provision of an act of Congress, to which reference is made, he was entitled to, or permitted to obtain a title, to the sixteenth section; but a provision was made at the same time, that the township or State should be entitled to locate another section instead of that thus disposed of. This twenty-seventh lot, being a fractional section, was disposed of and abandoned. It was selected in lieu of the school land, and that selection was approved by the Secretary

of the Treasury; and, subsequently, in passing the act of March 3d, 1849, in favor of Carson, an express provision was made in that act, by which the selection was to be confirmed to the State authorities for school land.

Now, if I understand this subject, and the legislation in regard to it, this property did, by the act of March 3d, 1849, become absolutely the property of the State or township, according to their regulations in relation to school lands; and the title became vested in the State or township.

Now, can the United States, by an act of Congress or otherwise, divest that title to the land? I cannot see how it can be done. It is not only vested in the State authorities by the ordinary operation of the law, and by a selection and confirmation, but by a special act of Congress. I think we cannot, by any act of Congress, divest that title, and give it to the individual who makes this application. It is true that the papers in this case show that the applicant did claim the right of preemption, and that that claim was recognized by the Department at one time. But all this, it appears, was subsequent to the passage of the act of 1849, and that the Department acted under a misapprehension of the existence of that law. At all events, they had not the power to grant a duplicate, or give a patent, or do anything by which they could dispose of this land for any purpose but school purposes, it having then become the property of the State. Having ascertained that this was the true state of the case, they recalled the authority which they had given the party to claim his preemption right, putting the matter precisely where the law had put it.

Mr. DOWNS. The difficulty does not exist, because the circumstances are not precisely as the Senator from Michigan states them. This was not, in fact, a school lot of land at the time the bill was passed in favor of Carson, although Congress thought it was; and it was not for this reason: Before that act was passed—and not after, as has been stated—but of which Congress knew nothing, Bowmar, in attempting to perfect his entry, finding difficulties because this was a school section, applied to the Secretary of the Treasury to have this lot released, on the ground that, by mistake, more land had been reserved for that township than it was entitled to; and on the hearing of the case, Mr. Walker, who had then charge of that department, now known as the Department of the Interior, so decided; and he released this lot from the school location, so that it became public land, and he permitted him to proceed with his entry. After that time, a law was passed for the benefit of Carson, without Congress knowing anything of the matter, authorizing him to sell this section after obtaining the consent of the people of the town. It seems to me, therefore, that the objection of the Senator from Michigan does not apply. The right was not vested in this man; and Congress, in passing the act in favor of Carson, was under a mistake as to the facts. This bill does not propose to deprive the township of its land; but even if it were so, unless I am mistaken, there is a provision in the bill to the effect that this act shall be consummated only with the consent of the proper authority of the township or State, as the case may be. I should like the Secretary to read that part of the bill which has that clause in it.

The Secretary read the clause, as follows:

"Provided, That nothing in this act shall be so construed as to reduce the quantity of land to which said township is entitled by law."

Mr. DOWNS. It is clear that this does not apply to any rights vesting in the township whatever. The objection of the Senator from Michigan is, that this act deprives the people of the township of a grant of land. How can that be, when the bill expressly says that it shall deprive them of nothing? I should like to know how that can be. The principal argument of the gentleman is, that you cannot do this, because it divests the township. The bill says that it does no such thing; it expressly disclaims it. The case is clear. I do not wish to go into the argument again; but I think

it is clearly competent for Congress to correct an error of fact, on which they acted in passing the bill for Carson. Carson may have his rights. Nobody disputes that. If they are interfered with, they may be recovered in the courts; but as the matter now stands, this act places the parties upon an equal footing, and their respective rights must necessarily be determined by the local courts of justice.

Mr. FELCH. It seems to me that that provision does not have the effect which the Senator seems to suppose. What is the proviso? The bill proposes to take away the land, divesting the title to that to which I think the title is as clear and perfect as any act of legislation can make it. It proposes to take away land. The Senator says it takes away no land; or, in other words, that it permits them to hold their own land, and perhaps the idea may be, that they may have the opportunity of locating a similar quantity elsewhere. But that is not definite. It is manifest that if anything is effected by this bill, it is to give the lands of Carson to the State. If the title to the land is in the State or township, then it is perfectly manifest that that is a thing which we have not the power to do. If the Senator will look into the papers, he will find, I think, that he has mistaken the facts in the case. The claim was not presented by Bowmar anterior to the time when the title was vested in the State authority for school land, but subsequent to it. The Carson act has this proviso:

"And be it further enacted, That the selection heretofore made under the direction and approval of the Secretary of the Treasury, of lots numbered twenty-five, twenty-six and twenty-seven, in said townships, nineteen for the use of schools, in lieu of lot sixteen, be, and the same is hereby confirmed."

The Senator seems to suppose that Bowmar had acquired rights anterior to that time. Here are the dates: On the 3d of March, 1849, this act was passed, which establishes the title of the State or township absolutely. Now, the party makes application for the right of preemption to the land, at the local land office, and he is refused. He then makes his application to the Secretary of the Treasury. The Secretary of the Treasury admits the propriety of the claim, and instructs them to permit him to make the entry. He was evidently ignorant of this act. This order was made on the 4th of July, 1849, after the act which confirmed the title to it as school land, and all these provisions were subsequent to that act. The attention of the Secretary of the Treasury was then called to this act, by which this land was disposed of, showing that he had not the power to dispose of it again, or grant a preemption right. On ascertaining this fact, the whole matter was referred back to the land office in the district where the land lay, with instructions not to permit the location to be made, inasmuch as the land had been already disposed of, and it was not in the power of Congress or any department to divest the title or give the land to this man or any other.

Mr. ATCHISON. I move that this bill be indefinitely postponed.

Mr. DOWNS. I hope the gentleman will not persist in that motion. There is a fact in the case which I find is somewhat different from what I supposed it to be as to date, I certainly understood the matter to be as I have stated it.

Mr. ATCHISON. Well, if it will suit the Senator from Louisiana better, I will move to lay the bill upon the table.

Mr. DOWNS. I will agree to that. The motion was accordingly decided in the affirmative.

W. C. EASTON.

The Senate next proceeded, as in Committee of the Whole, to the consideration of a bill for the relief of W. C. Easton. The bill provides for the payment to the claimant of a sum due for services as clerk in the office of the Commissary General of Subsistence, from June 1st, 1823, to March 2d, 1827, when such services were necessary to the business of that office, but for which provision had not been made by law.

Mr. ATCHISON. I would like to hear the report read.

The report was read accordingly, from which it appeared that the case had been before Congress for many years at different times; that as far back as December 30th, 1834, a favorable report upon it was made to the Senate from the Committee of Claims; and subsequently, January 2d, 1845, a bill for the relief of the petitioner was reported from the Committee on Military Affairs; that during the time from June 1st, 1823, to March 2d, 1827, he was paid out of the contingent fund of the office at the rate of \$420 per annum, the lowest salary of clerks in the Executive offices being at that time \$800.

The facts in detail, of which the foregoing statement is a summary, are set forth in the petition and confirmed by two letters of General Gibson, of December 19, 1834, and January 13, 1835. These letters are appended to and make a part of the report, and the committee state that from a careful examination of the case they are of opinion that the claim of the petitioner is an equitable one, and that he is clearly and fully entitled to the compensation he has so long asked at the hands of Congress.

The bill was then reported to the Senate without amendment; and the question being on ordering it to be engrossed for a third reading, the yeas appeared to prevail.

Mr. BORLAND. I think that the facts set forth in that report, if Senators had listened carefully to it, are sufficient to satisfy every mind of the merits of the bill. The case is one which the committee considered so plain and clear that they did not hesitate. It has been reported favorably upon three or four times, and I never heard any opposition to it. It is a bill to allow a clerk in the commissary general's department an increase of salary, which the department were not enabled at the time the service was rendered to make. The commissary general, in his letters, state the reasons why this person is entitled to it. He was an extra clerk at a time when the public business required his services, and when there was not money enough in the control of the department to give him a compensation upon which he could live. His services were indispensable, and the commissary general employed him with the understanding on his part that he should wait for his compensation until by some legislative act a provision was made to pay him. If Senators have not looked into the matter, I would ask for the reading of General Gibson's letters.

Mr. ATCHISON. Perhaps there may be some equity in this claim, and I withdraw my objections to the passage of the bill.

The bill was then ordered to be engrossed for a third reading.

ST. JOHN'S CHURCH.

The Senate proceeded, as in Committee of the Whole, to consider "a bill for the relief of St. John's Church, in the city of Washington."

This was a bill reported by the Committee for the District of Columbia, providing that the lot of ground now used as a burial ground for St. John's Church, in the city of Washington, occupying the sole square (No. 276) situated near the northern limits of the city, and which the late President Monroe permitted to be used by the said church as a place of sepulture for their dead, should be conveyed by the Commissioner of Public Buildings to the trustees of the church aforesaid, and that the sum of \$200 be paid to the rector of said church out of any money in the Treasury not otherwise appropriated.

Mr. BAYARD. When that bill was called up last Friday, being reported by the Senator from Illinois, [Mr. SHIELDS,] it was postponed until to-day. There is no report in the case, as I believe, and it was postponed in consequence of the absence of that Senator. I made a motion to strike out the appropriation of \$200, and I shall persist in that motion unless some satisfactory explanation shall be given why the sum should be appropriated. Unless I can have that explanation, I shall move the postponement of the further consideration of the bill until Friday next.

Mr. SHIELDS. I will ask for the reading of the memorial in this case. I think that is the best explanation that can be given.

The memorial was accordingly read. It set forth that the lot of ground now used as a place of sepulture by the congregation of St. John's Church, occupying the square mentioned above,

was allowed by the late President Monroe, by request of the late rector of the church, the Rev. Mr. Hawley, with the understanding, that while it might be occupied for this purpose, it should be occupied free of all cost; that it had been so used for a period of thirty years, and that the remains of many persons had been interred in it; that it had not been used as a source of revenue to the church, but on the contrary, that it had been a source of expense; that in 1849, the late Commissioner of Public Buildings, [Mr. Mudd,] on finding the square so occupied, and believing it to be his duty to make some movement to obtain its value, the land not having been paid for, demanded the sum of \$200, intimating that if that sum was not paid, he would feel himself compelled to dispose of the square at public auction; that under these circumstances, as the memorialists had no evidence of the permission so to occupy this land the amount of \$200 was paid in 1849, although they believed that their quiet and undisturbed possession for the last thirty years would have given them a title if any limitation run against the Government. They therefore prayed that the Commissioner of Public Buildings should be authorized and directed to make a deed of conveyance of said land, and to refund the sum of \$200, paid in 1849.

Mr. SHIELDS. I perceive that there is a little mistake in the bill. It is represented that this land was given by President Madison. The grant was made by President Monroe, and I therefore move to amend the bill by striking out the word "Madison," and inserting the word "Monroe."

The amendment was agreed to.

Mr. BAYARD. I move to strike out the appropriation of \$200. I cannot see the basis on which the grant is to be made. If the parties acquired any title to the land they do not show it. I am not aware that even the sanction of the President of the United States is good enough to confer a title. It seems that in after years, an officer of the Government, whose duty it was to attend to it, claimed and received \$200. They do not ask the repayment of the money. I have no objection to making a grant of the land. I would not disturb the remains of their dead, or take away the possession of a burying-ground which they have occupied for so long a time; but I do object to the repayment of the \$200.

Mr. SHIELDS. The Senator is mistaken. They do ask for the repayment of the money.

Mr. BAYARD. I think not.

Mr. SHIELDS. The bill provides for the refunding of the sum of \$200 which they paid.

Mr. BAYARD. Whether they ask for it or not, I am unable to see the principle on which we should grant it; and I move to strike it out. I would be unwilling to disturb the possession of the ground which they have so long occupied and appropriated for the burial of their dead; but in the whole statement I do not see any legitimate evidence to show that the parties took the property on a grant from the United States; and if you make grants of this sort to one religious society, you may make them to others, and that to a very different extent. I cannot see any principle on which this money should be refunded, and therefore I have moved to strike out the appropriation.

Mr. SHIELDS. I will just state, as it was stated to me, that this lot having been given for a cemetery to this church, by President Monroe, they never expected to be called on to pay for it. At the time it was given, there was no legislation to confirm the grant. Recently the Commissioner of Public Buildings determined to sell this lot among others; and, therefore, to save it, under the pressure of this necessity, they paid \$200. I think that, as the land was given in this way, the President having done it so long ago, and since they never expected to be called on to pay it, they should have this sum refunded. It is a very small amount which they ask to have reimbursed; but if the Senate think it should not be paid, I must let it go.

Mr. HALE. Let them have it. Let them have it.

Mr. BAYARD. Although the sum is small, the principle involved is one of great importance. I would not vote to sanction the appropriation of any public property, by any President of the United States, except, as in this case, where the occupation of the land has been for a purpose with which the natural feelings of man would make them indisposed to interfere. But, as regards the

returning of this sum of money, that principle does not apply. It seems to me, that by your vote to refund this money, you are sanctioning the principle that the President of the United States may, of his own volition, without the sanction of Congress, appropriate the public property of the nation. I cannot sanction any such principle as that, except in very extraordinary circumstances indeed.

Mr. HALE. If I understand this question, it is this: Certain persons, at a period about thirty years ago, had permission to occupy a certain piece of land for a burying-place, and having used it for thirty years, the Commissioner of Public Buildings called upon them to pay for the land, and, under a threat that the place where their dead reposed would be sold, they paid \$200 to him. The object of this bill is to confirm the title of the lands, and to give back the sum of money which they paid under the circumstances which I have stated. I ask, if there is any Senator here who wants to speculate upon the feelings of those whose friends are reposing in this place of burial? Would we not rather confirm the grant to them, that they may continue to occupy this piece of land, given to them thirty years ago, than to have the Commissioner put an auctioneer into that burial-place, to sell it to the highest bidder. These persons have paid \$200, and the question is, will we refund the money, or will we keep in our hands this price which they paid for a place of repose for their dead? It seems to me, to all practical purposes, it was given them for a burial-place, more than thirty years ago; and they, having thus occupied it for that length of time, the Commissioner comes without any authority, except the general authority of law, and threatens to dispossess them. They, under that threat, paid the sum of \$200. This being the state of the case, as I suppose, I cannot have any hesitancy, and I do not believe the Senate will, in voting to pass this bill.

Mr. SHIELDS. That is materially the state of the case, but I will state that the Commissioner of Public Buildings only acted under the general law. I do not think that he did this by way of threat. He felt it his duty to sell this land by the same regulations by which he was required to sell lands generally. It will be seen from the accompanying papers that this is a small, insignificant lot, that it is away from the city, and worth very little. The Senator from New Hampshire [Mr. HALE] has stated materially the facts of the case. There was no attempt, sir, I believe, on the part of President Monroe to exercise any undue power. He only gave permission to those people—he having charge of the property—to use it in that way, which it was quite competent for him to do under the laws as they then existed. But he could give no title, and the law which was passed afterwards in relation to the sale of the lands for the benefit of the city, included this lot with the others. The land was afterwards sold to them, as it appears, by the Commissioner of Public Buildings; and the only question is, whether you will give them the money back or not.

Mr. BAYARD. I cannot understand how the Senator from Illinois can reconcile the proposition that this was not an improper exercise of power on the part of the President of the United States. I concede that he has charge of the lands for temporary purposes; but this occupation was a permanent occupation intended to be in the nature of a grant. By what authority does the President of the United States grant the public lands to any one? If he may do it for one purpose, he may do it for another. I admit that what was said by the Senator from New Hampshire will apply to that portion of the bill which relates to the title to the land, so that they may not be hereafter disturbed; but it does not apply to the repayment of this money which was paid to the Commissioner of Public Buildings, who was acting under a general direction to sell the land if the parties did not pay for it. On that ground I am not disposed to vote for the bill without the amendment I have proposed; and unless that amendment is adopted I shall vote against it, as I cannot sanction the principle that the President of the United States may so dispose of the public property; and it will not do to say that he gave permission to occupy the land, covering under that permission the title to the land. The amount may be a small one, but the principle involved is important, and the precedent one which may be abused; and for that reason I am not willing to sanction it.

Mr. RUETT. It appears to me that this grant would be vindicated by the legislation of Congress upon it. Certainly the President of the United States had a right to allow a temporary occupation of the land. It is true that, by long usage, it might be considered as a permanent right. And if he had allowed every religious denomination in the city to take a portion of the public land for the purposes of burial, I think we should ratify what he did. I know very well the locality of this burial place, and I do not consider it of much value. By making a point about it at all, and the fact that we do legislate upon it, is a sufficient vindication of the law. This is quite a small matter, and I hope the Senate will grant the sum asked for.

Mr. BAYARD. It is true it is a small matter; but I never consider a principle a small matter, however the Senator from South Carolina may regard it. I think the principle in this case is an important one.

The question was then taken on the amendment, and it was not adopted.

The bill was then reported to the Senate, and ordered to be engrossed for a third reading.

BRYAN CALLAGHAN.

The bill for the relief of Bryan Callaghan was then read a second time and considered as in Committee of the Whole.

The bill authorizes the Secretary of the Treasury to pay to Bryan Callaghan the sum to which he may be found justly entitled as the reasonable value of merchandise belonging to him, and destroyed by order of officers of the Army of the United States, in 1846, on the Rio Grande, to prevent the said merchandise from falling into the hands of the enemy, or which were used by the forces of the United States, not exceeding the sum of \$16,194 50.

Mr. PRATT. I ask for the reading of the report.

The report was accordingly read, from which it appeared that, in the opinion of the committee, the case submitted by the petitioner established the following facts:

1. That Colonel Harney was in command of a portion of the United States troops at San Antonio, Texas, in July, 1846, and that he was without the necessary supplies of money and provisions for the subsistence of the force under his command.

2. That in an expedition which started from San Antonio to the Rio Grande, on the 23d of July, 1846, Colonel Harney found it necessary to contract, and did contract, with the petitioner, a resident merchant of San Antonio, to accompany the expedition with his stock of merchandise, that from the proceeds of the sale thereof he might furnish his army with such supplies and money as was necessary for its subsistence.

3. That the goods of the claimant were, in accordance with this contract, delivered to and placed under the control of Lieutenant D. G. Rogers, the acting quartermaster of the force engaged in this expedition, and were in part used in providing supplies, &c.

4. That when this expedition subsequently retired from the Rio Grande and returned to San Antonio, the residue of the goods, which had been surrendered to the quartermaster, were destroyed by the orders of the officer in command, to prevent their falling into the hands of the enemy.

5. That the value of the goods originally delivered by the applicant to the quartermaster was \$25,577 50; and that the value of that portion destroyed by the order of the United States officer, and for which the petitioner has received no compensation, was \$16,194 50.

The committee, therefore, believing the facts above enumerated to be sustained by the testimony, had no difficulty in coming to the conclusion that the claimant was justly entitled to be paid the sum claimed as the value of his goods destroyed, and they recommended the passage to provide for the payment of the same.

Mr. BORLAND. This bill was discussed and passed at a former session of the Senate. For reasons which seemed to me to be sufficient, I opposed it then. For the same reasons, I feel bound to oppose it now.

The grounds of my opposition are these: First. The goods for which this payment is claimed, were not in the possession of the United States, nor upon

the banks of the Rio Grande where they were destroyed, by any such authority or for any such legitimate purpose as to make the Government responsible for their loss or destruction. Second. It is not in proper or sufficient evidence before us, that they were destroyed by proper authority, or for a necessary purpose. Third. Had sufficient time and warning to remove them beyond the danger, upon pretence of which they are alleged to have been destroyed.

I said these goods were not properly upon the Rio Grande—that is, to the extent of making the United States responsible for them. The expedition, with which they were carried there, was an unauthorized one. Not only unauthorized, but was regarded by the commanding general as so improper that, as soon as he received intelligence of it, he countermanded it, ordered the troops back to San Antonio, and placed the leader of it, Colonel Harney, under arrest. Mr. Callaghan, it seems, and as there is no doubt, accompanied this expedition, and carried his goods by authority, by order, if you will, of Colonel Harney. But as the expedition itself was an authorized one, as Colonel Harney himself, had no right to engage in it, and no authority to make such an arrangement as it is alleged he did make with Mr. Callaghan, or give him such an order, I say that the goods in question were not properly in possession of the United States, were not legitimately under the care and protection of the Government—certainly not to such an extent as to create any Government responsibility for them, or to make their loss the just foundation of a claim upon us for payment.

Heretofore, it seems to have been considered a settled principle—at least it has been a governing rule in this body, since I have been a member of it—in deciding upon claims of this character, that, to establish their validity, it must be proved first that the appropriation or destruction of the property was by the lawful act of an officer or agent of the Government; and second, that such appropriation was proper for, or at least a conversion to, the use and service of the Government; or that such destruction was necessary and proper to prevent the property from falling into the hands of the enemy, to their benefit and our injury. Several cases within my recollection, and of recent occurrence, have been decided upon the principle thus expressed.

But, supposing Mr. Callaghan, with his goods, to have been, by legitimate authority, and under lawful orders, on the banks of the Rio Grande in the first instance; and that if, while so there, his goods had been so destroyed, he would have a valid claim against the Government for their value. It does not follow that he had any such claim at the time, or under the circumstances, when his goods were actually destroyed. It is in proof, I think—at any rate it is true—that he remained at the Rio Grande after he knew that the expedition had been countermanded; after he knew that, for engaging in it, Colonel Harney had been arrested; and after that officer, and all the regular troops under his command, had returned to San Antonio. I say, with this knowledge, and after all this, he remained—voluntarily remained, along with some two or three companies of Texan volunteers, at the Rio Grande. Now, if any one shall say (as I have admitted for the argument) that the expedition was lawful from the beginning, and that Mr. Callaghan, with his goods, was there by the legitimate authority, and upon the just responsibility of the Government, and that if his goods had then been destroyed, he would be entitled to compensation for them; it cannot be said that this continued to be the case after the expedition was countermanded—after it was ordered back to San Antonio—after its commander (under whose authority alone Mr. Callaghan claims to have acted) was deprived of command and placed under arrest. If he was under military orders, as he claims to have been, and so readily and implicitly obeyed, under Colonel Harney to go to the Rio Grande, he was bound, as was every officer and every soldier of the whole expedition—whether regular or volunteer—to obey the countermanding order; to return to San Antonio; and every day, every hour, that he remained there after General Taylor's order was given for the expedition to return, was a disobedience of orders, and a violation of the law. For no such act as this could he claim compensation as service to the

Government; for no loss incurred by him as a consequence of such disobedience of orders, or violation of the law, can he claim compensation at our hands. Yet he did so remain at the Rio Grande several days—perhaps a week. I do not state this from mere hearsay, but in part from personal observation, and from the familiar history of the time. About the time Colonel Harney returned from the Rio Grande under arrest, I was at San Antonio; and my impressions of all the circumstances of this somewhat remarkable case, which made some noise, were very strong at the time, and are still quite distinct. Colonel Harney returned promptly, and yielded up his command in obedience to the order of his superior in command. So did all the regular troops return. The Texan volunteers, and Mr. Callaghan, with his goods, disregarded the order, and remained at the Rio Grande. Why they did so is unexplained. That they did so improperly and unlawfully, cannot be denied. And so long did this disobedience continue, that the officer who succeeded Colonel Harney in the same rank, went expressly to repeat the order, that the remaining Texan volunteers should remain no longer, but return at once to San Antonio. Not until then, did they or Callaghan return; and then it was that they burned his goods—for the purpose, as alleged, of preventing their falling into the hands of the enemy. It does seem to me that such circumstances furnish a strange, a most extraordinary foundation for a claim. Its very inception is connected with and characterized by an expedition, as has been seen, wholly unauthorized, and deemed so improper as not only to be countermanded, but to subject its leader to deprivation of command. Individually, I pass no opinion upon the inherent merits of this part of the case, or of the persons implicated. I merely state the facts, and assume them as the legitimate basis of my argument.

I here repeat the inquiry, and it is suggestive and significant, why did Mr. Callaghan remain at the Rio Grande after the order was given, and the main body of the troops, in obedience to it, had returned to San Antonio? He had obeyed the original order of Colonel Harney, which required him to take his goods, and hasten to the Rio Grande, where he and they might be exposed to some danger from the enemy. Why not obey the order of General Taylor, which was certainly not less lawful, nor harder in its terms, when that would have carried him and his goods back to San Antonio in safety, and under proper protection? If his claim to compensation had its origin, as he alleges, in his obedience to the orders of Colonel Harney, supposing those orders to have been lawful, its validity could only have continued, and its consummation and present allowance can only be justified, by continued obedience to orders equally lawful, in consequence of which the loss he complains of shall be proved.

It is said in the memorial, and set forth in the report, I believe, that these goods, at setting out upon the expedition, were delivered to a lieutenant of the army, acting as quartermaster. This, however, only embraces the time of the march to the Rio Grande, and while Colonel Harney and his regulars, of which this lieutenant was one, remained on that river. But it is not shown, nor alleged, for it is not the fact, that this acting quartermaster continued in possession and charge of the goods when the expedition was ordered to return. He returned to San Antonio with the other troops, leaving Mr. Callaghan with his goods, who chose to remain, in disobedience of orders, at the Rio Grande.

But, Mr. President, it is alleged that these goods were destroyed by order of the commanding officer. Now, where is that order? And that their destruction was necessary to prevent their falling into the hands of the enemy, where is the evidence of that necessity? This order may have been given—this necessity may have existed; but, sir, the decision of the question does not depend upon such a denial of an alleged fact. To maintain the claim, both the order and the necessity for it, must be shown. Now, sir, I do deny that either has been shown. Certainly neither has been shown by such evidence as has, always before, been required to maintain any claim of this character before this Senate.

Mr. President, to my mind this case, more strikingly than any I have noticed for a long time,

shows the propriety, the necessity, indeed, of having a Board of Accounts, or some sort of tribunal separate from Congress, to adjudicate private claims, if we would, at the same time, do justice to individuals and protect the Treasury. All claims come before us, and are necessarily passed upon by our committees upon *ex parte* testimony. We get, we can only get, one side of the question. The claimant comes forward, as Mr. Callaghan in this case, with all that can be said or shown in support of his claim. He, of course, says nothing, shows nothing, on the other side which could by possibility militate against his claim. Everything but what is favorable to him is, of course, carefully excluded. No one is here or before the committees to suggest objections, to find out testimony, or to cross-examine witnesses, in favor of the Government. Indeed, there are no witnesses to be cross-examined; *ex parte* affidavits, *depositions without notice*, as it were, being the only witnesses before us; and there they stand, fixed, dogged, and impracticable. Suppose, sir, proceedings in the courts of the country, involving rights and interests, as between citizens, were conducted in a similar manner, where one side only of a case was heard, what chance of justice would there be?

One more word about that order for the destruction of the goods. I again ask, where is it? Sir, this inquiry is more significant now than formerly, for the reason, that in the discussion of this very point, at a former session, the same inquiry was made. It was not answered then; and, although a sufficient time to produce it has elapsed, if it was in existence, it is not here yet. I do not think it ever will be produced, for I do not think it exists, or ever did exist, in such a form as would sustain this claim.

Such, Mr. President, are the grounds of my opposition to the passage of this bill. Upon them, I shall vote against it.

Mr. PRATT. The proposition of the Senator from Arkansas, if right, should of course prevent the passage of the bill which is before the Senate. He assumes that we are to look behind the order of the officer in command of the forces; and that we are to ascertain whether that officer was authorized to give the command; and that if he was not authorized the Government is not bound by the orders of that officer. Now, Colonel Harney was in command of the forces at San Antonio. He undertook to march to the Rio Grande. He had not sufficient provisions to carry the army under his command to that point. He took the goods of this merchant, placed them in charge of one of the United States Commissioners, carried them with his army to the Rio Grande, and used them for the support of the army whilst it was going there, and whilst it was there. These facts are conceded by the Senator from Arkansas; but he says that inasmuch as Colonel Harney was unauthorized by General Taylor to make that march—that because he had no such authority, the individual citizen, whose goods were so taken for the use of the army under the command of Colonel Harney, ought not to be paid. I think the Senate are not prepared to support that proposition.

The Senator is mistaken in regard to one of the facts upon which his argument is predicated. He asks why this merchant remained at the Rio Grande with his goods? Why did he not bring them away? Why he stayed there after Colonel Harney's retreat? He did return with Colonel Harney, and his goods were destroyed prior to the army, under the command of Colonel Harney, leaving the Rio Grande. They were destroyed because the American army at that point was not in sufficient force to resist the enemy, and to prevent the goods falling into their hands. The wagons which carried them there being wanted to carry the materials of war back again, they were unable to carry the goods, and the goods were destroyed. My friend from Texas [Mr. Rusk] will read, if it is desired, the certificates of the officers, stating the facts that are set forth in the report of the committee. These facts, I understand, are conceded to be correct by the Senator from Arkansas. They are, in the first place, that the American forces were under the command of Colonel Harney; in the next place, that the goods of this man were taken possession of by order of Colonel Harney, and placed in the possession of one of the United States commissioners; that they were taken to the Rio Grande—part of them was used by the soldiers of the United States, and the other part

was destroyed by order of the commanding officer to prevent their falling into the hands of the enemy. The only point upon which the claim is resisted is, that Colonel Harney was unauthorized to make this march by General Taylor, who was in command of that division of the army, and who was some two hundred miles from him. I cannot concede, nor do I believe that the Senate will support the proposition, that where an officer of the United States Government, in the separate command of the United States forces, takes possession of individual property for the support of the forces under his command, uses a part of it, and burns the rest to prevent it getting into the hands of the enemy—that the individual from whom they were taken is not to be compensated because the officer has transcended the authority that is given him. I think, therefore, that the bill ought to pass. I am unable to continue the debate, owing to a cold which I have, and to give the facts and arguments as I otherwise would have done.

Mr. BAYARD. I will ask the Senator from Maryland a question. I understand him to say that the goods were not destroyed until after Colonel Harney and the regular forces had left the Rio Grande. There is a question of fact. The report, I suppose, states that it was done by order of the officer in command. Was it, then, an officer of the United States Army who was left in command, or was it not? The Senator from Arkansas says that it was an officer in the Texas volunteers, and that they were destroyed after the troops of the United States left. If the goods were destroyed after the troops left, I do not see why compensation should be made; but if on the contrary they were destroyed at the time of withdrawing the troops of the United States, or before they were withdrawn, I think the compensation ought to be made.

Mr. PRATT. They were destroyed by order of an officer of the United States Government. They were placed in possession of Lieutenant Rogers, who was acting commissary of the command under Colonel Harney.

Mr. SHIELDS. Perhaps I may relieve the gentleman by stating what I learned in regard to this matter. I am well acquainted with the claimant. I saw him at the place where his goods were destroyed. I did not see the destruction, of course. That preceded my arrival there. I joined General Wool at that place. This expedition had preceded General Wool's expedition; and what I learned from Colonel Harney and this gentleman himself (we occupied the same house at the same time) was this, that Col. Harney did take possession of the goods, and took this man along with him; but when he was compelled to fall back, he left the goods in the custody of one of his officers, with instructions that if the Mexicans should press upon him: if he was compelled to abandon his position too suddenly, he should destroy the goods rather than let them fall into the hands of the enemy. The officer, in pursuance of that order, burned the goods—I saw the place where they were burned—so that the man himself, of course, had no option about it. If the goods had not been destroyed they would have fallen into the hands of the Mexicans. I did not hear the argument of the Senator from Arkansas, but I believe his objection to this bill is, that Colonel Harney's expedition was not authorized.

Mr. BORLAND. That was one ground of objection.

Mr. SHIELDS. That is true. He went there without authority. I happened to be at Monterey at the time, and heard General Taylor say some hard things about it. But if it had been successful—and, indeed, it was in the first instance, the Mexicans being driven away—Colonel Harney would have received a great deal of credit. But that has nothing to do with this man, as I understand. Colonel Harney was in the United States service; he acted on his own risk in that matter; and although he did not go in accordance with orders, so far as I understand it, he had not disobeyed any orders. But Colonel Harney took the goods from Callaghan, and kept them with him. I know Colonel Harney, and probably others here do. He was one of those men who would not give Callaghan time to raise any question about his conduct. He seized these goods and kept them there. They were destroyed by his orders. Under these circumstances, I will

ask any honorable Senator whether that man is not entitled to compensation? At the time, if Colonel Harney had had the power he would have paid him instantly, and so would any of us. But he had no authority to do so. This man's goods were destroyed by the order of an officer of the United States. The only question is, will the United States indemnify him for the loss of them?

Mr. BORLAND. There seems to be a difference of opinion here as to a fact, about which there can be no doubt, I apprehend, when I call attention to it. I understand the Senator from Maryland [Mr. Pratt] to say that these goods were destroyed by order of Colonel Harney, before he left the Rio Grande.

Mr. PRATT. Oh, no; by an officer of the Government, not by Colonel Harney.

Mr. BORLAND. Then I misunderstood the Senator. The fact is, the goods were not destroyed until some time after Colonel Harney had returned to San Antonio. Now, sir, as the Senator from Illinois [Mr. Shields] has stated some circumstances of his personal knowledge, it may not be improper for me to state some from my own, as it so happened that I was at San Antonio about the time of these occurrences, and before Mr. Callaghan's goods were destroyed at the Rio Grande. I think it is a fact of my personal knowledge, that Mr. Callaghan did not return from the Rio Grande until some time after Colonel Harney's return, and until after the goods had been destroyed. I well remember it was said in San Antonio at the time, that Mr. Callaghan had aided in setting fire to the goods. I mention this as a fact—not to censure him; for if it was right to destroy the goods at all, it was not wrong in him to aid in their destruction. Again, I think it is a fact of my own knowledge, that no officer of the regular Army remained at the Rio Grande with the Texan volunteers, after Colonel Harney and the regular troops returned. The goods being left behind, and Mr. Callaghan with them, the presumption is, as I doubt not the fact was, that they were in his charge and possession—that is, he remained there voluntarily with them, for purposes of his own, (surely he was subserving no public interest,) and consequently on his own responsibility, and at his own risk. It is said that Captain Cady, the senior captain of the Texan volunteers that remained at the Rio Grande, who commanded after Colonel Harney returned, gave the order to burn the goods. I do not question this. But I do deny the rightfulness of that order, as I deny the rightfulness of Captain Cady, Mr. Callaghan, or a single man of the expedition (even if they went there rightfully at first) remaining an hour after the order had been given to them to return.

Then, as to the want of transportation. I cannot understand how that want came about. When the expedition went out they had sufficient transportation, for they carried, besides all other necessities, Mr. Callaghan's \$25,000 worth of goods. Now, were not the means of transporting this amount from San Antonio to the Rio Grande, sufficient to carry back again the reduced amount of \$10,000? My opinion is, that there was not, and could not have been, any want of transportation. Indeed, I well remember it was said at the time that wagons were burnt, together with the goods; and I had supposed that their estimated value made a part of the \$16,000 now claimed for loss. I may be mistaken in this, though such is my impression. I agree with the Senator from Illinois, that Colonel Harney was in the habit, not only of giving orders with decision, but of having them obeyed also. But that Mr. Callaghan was carried along, *volens volens*, by force, and under the stringent operation of a military order, and that he did not wish to go, or was afraid to go, is not sustained by the circumstances of this case. He was an old trader in the Mexican country, across the Rio Grande, and in the constant habit of traveling backwards and forwards from San Antonio. He was interested in working one of the Mexican silver mines, perhaps that of Santa Rosa. He was in the constant habit of trading backwards and forwards; and he kept a stock of goods suited to that business. One reason, perhaps the controlling one, why Colonel Harney made arrangements with him to go with the expedition, was the fact that he could carry goods which were suited to the Mexicans; and understanding their language, being familiar with their character and habits, and experienced

in trading with them, he would be able to render essential service to the expedition in procuring supplies; while he was, at the same time, serving himself by exchanging his goods for Mexican forage and provisions, which he was selling to the troops, and, upon the operation, realizing a handsome profit.

Mr. SHIELDS. As far as I understand the Senator, his objection turns on the fact whether Colonel Harney authorized the destruction of the goods.

Mr. BORLAND. If the Senator had been in the Chamber when I made my first remarks, he would have heard the three grounds of my objection. The first is, that the expedition was an unauthorized one. The next is, that Mr. Callaghan ought not to have remained upon the banks of the Rio Grande after the expedition had been ordered back, and after the main body of the troops had returned to San Antonio. He ought not to have remained there beyond their protection, when he had the opportunity and means of getting back to San Antonio in good time. If the circumstances were such as to require the expedition to fall back, he should have returned. My third ground of objection is, the want of what I regard, and what I understand the Senate has heretofore regarded, as competent proof of the order, by proper authority, to destroy the goods; or of the necessity of that order, supposing it to have been given.

Mr. SHIELDS. I have already stated what I heard those gentlemen say. I hope the gentleman does not pretend to say that I stated that incorrectly. They told me—I am not responsible for what they said, they may have told me falsehoods—that Colonel Harney had gone there, had pressed the goods, had taken possession of them; and when he left that place, had taken the wagons, carried off the residue, and left these goods, with instructions that if the Mexicans came and forced them to abandon their position, the man whom he left there in charge of the goods—not Callaghan—should destroy them. I do not suppose the gentleman pretends to say that I did not hear these statements.

Mr. BORLAND. I have said nothing at all about the Senator's statements. It seems to me he has introduced that unnecessarily. I am not questioning his statements upon any point; but I am stating the circumstances which satisfy my mind that the goods were not destroyed under the circumstances alleged in the memorial, in such a way, and by such authority as would entitle the petitioner to relief. I make no question of the Senator's statements, nor those of any other Senator upon the floor, or elsewhere; but I do question the validity of this claim most emphatically; and have presented the facts and considerations which, in my opinion, do utterly destroy the only foundations upon which it can pretend to rest.

I may be wrong in the positions I have taken. If so, then the claim should be allowed. If the Senate shall be satisfied, first, that the expedition was an authorized one, that Colonel Harney had a right to make it, and to incur all the expenses and responsibilities which it involved, and that those responsibilities justly fall now upon this Government, then that ground of my objection is—to your mind, not mine—removed. Next, if you shall be satisfied that Mr. Callaghan rightfully remained upon the banks of the Rio Grande after the order, from unquestionable authority, had been given for the whole expedition to return to San Antonio, and after the greater part had so returned, and Colonel Harney with it, then the second ground of my objection is—to your mind, not mine—removed. And third, if it is satisfactorily proved to the Senate that the destruction of these goods was necessary to the public service, and that the order under which they were destroyed was from a lawful source, and really given, then that objection is—to your mind, not mine—removed.

Now, sir, how far does this responsibility of the Government extend, in the opinion of Senators? The ill luck which Mr. Callaghan experienced in this famous expedition, did not at all deter him from a repetition of his trading excursions into the Mexican country, just beyond the Rio Grande. It was generally known that he made several after this time.

Mr. SHIELDS. Under protection.

Mr. BORLAND. If he had protection, I am not aware of it. I met him in the month of November, at Presidio, with no protection at all, save

such as was afforded him by his little escort of Mexican servants whom he had to assist him, with a cargo of silver which he had obtained in the mines about Santa Rosa, in exchange for goods he had carried there, and in collection of debts. How many of these expeditions he made, I do not know; but I do know that the newspapers stated that in returning from one of them, he was fallen upon either by Mexicans or Indians, or some others, robbed of his goods, and nearly lost his life. Do Senators think he can claim payment for his losses on that occasion? I think he could, with as much lawful right as he does now for those sustained at the Rio Grande. Why not?

Mr. RUSK. Mr. President, I dislike to trouble the Senate, for I know that very frequently lengthened speaking on these small bills, instead of benefiting them, does them a positive injury. But there is some conflict here in regard to the testimony. The Senator from Arkansas says that this claim has been before the Senate for a long time. That is very true; but it has been up for action only twice. It was before the Senate several years ago, and was then discussed at length. The honorable Senator from Arkansas on that occasion showed just as much zeal as he has now shown to prevent the passage of the bill. Still, the bill was then passed by this body. I propose now to read some of the testimony in this case, as there seems to be some conflict in regard to it. I hope, therefore, the Senate will pardon me for reading from the testimony. I will first read the statement of Captain Cady, a gentleman under whose orders the goods were destroyed:

"In July, 1846, Colonel Harney ordered my company to escort Mr. Callaghan's goods to the Rio Grande. Mr. Callaghan told me that he was taking the goods to sell for the purpose of purchasing supplies for the commands—after we arrived at San Antonio. I know that Mr. Callaghan sold goods for provisions and forage, and turned them over to the quartermaster for the use of the troops. Colonel Harney ordered three companies of volunteers to remain on the left bank of the Rio Grande until further orders, and with the balance of the command marched for San Antonio, taking with him all the wagons but two. Mr. Callaghan furnished his own transportation, and had previously sent his carts to San Antonio.

"A few days after Colonel Harney left, we received an order from Colonel Cady, commanding volunteers, directed to Captains Cady, Smith, and Evans, to repair immediately on receipt of the order to San Antonio with their commands. After receiving Colonel Young's order, we sent the quartermaster over the river to purchase provisions, and hire carts or pack mules for the purpose of transporting our provisions and Mr. Callaghan's goods to San Antonio. When our men were in the boat, and about returning, they were fired upon by a party of Mexicans, wounding several of our men. The enemy then destroyed our boat. At that time the river was unusually high, some five or six hundred yards wide, extremely swift, and impossible for us to ford or cross. After remaining on the left bank of the river several days, the river continuing to rise, our provisions getting scarce, we concluded to march to San Antonio pursuant to orders. As we had no means of transporting the public property or Mr. Callaghan's goods, a council of officers was called, who ordered the property to be destroyed to prevent them from falling into the hands of the enemy. Our two wagons could not more than carry the sick and provisions enough to last to San Antonio.

"D. C. CADY, *Late Captain Texas Rangers.*

"STATE OF TEXAS, County of Travis:

"Sworn to, and subscribed before me, this May 3d, A. D. 1850. In testimony whereof, I hereunto set my hand and the seal of the county court. J. MINER, *Chief Justice.*"

That is the statement of Captain Cady, an officer in the service of the United States, who was left on the Rio Grande, by the command of Colonel Harney, and in possession of these goods. Colonel Harney's statement is corroborative of these facts. It is not necessary that I should trouble the Senate with reading it all. The concluding portion is as follows:

"Upon the return of the last troops to San Antonio, he disposed of a portion of said stock at the Rio Grande. A large portion of it, as I am informed and believe, was destroyed at said river, to prevent its falling into the hands of the enemy. I made this contract, because I was satisfied that the funds and supplies of the quartermaster's department, at San Antonio, were not sufficient for the support of the expedition.

W. S. HARNEY,

"Colonel 2d dragoons of the United States Army."

I will next read the statement of D. G. Rogers, 2d lieutenant of dragoons, and assistant quartermaster:

"I do hereby certify, upon honor, that I accompanied the expedition under the command of Colonel Harney to the Rio Grande, and acted as quartermaster of the same. The forces composing said command, left San Antonio on the 2d day of July, 1846. Benjamin Callaghan, a resident merchant of San Antonio, accompanied said expedition with a large stock of merchandise, which said stock, and the proceeds of the sale thereof, was subject to my order, for the use and subsistence of the army, after the same had reached the Rio Grande. A part of said merchandise was disposed of by Mr. Callaghan at the Rio Grande, and the funds paid

over to me. A large portion of the same was destroyed, by order of the officer remaining in command of the portion of the forces left at the Rio Grande, upon his return to San Antonio, to prevent the same falling into the hands of the enemy. I am satisfied, from my knowledge of the circumstances, that the invoice and account current exhibited by Mr. Callaghan against the quartermaster's department is correct, and that the balance of \$16,194 50, as therein specified, is a just and valid charge against the quartermaster's department.

D. G. ROGERS,

"2d lieutenant of dragoons, A. A. Q. M."

"September 21, 1846."

In relation to the account current, the same officer says:

"I hereby certify, upon honor, that I have examined the within account, which is the same referred to in my certificate of this date, and find the balance therein stated, to be the amount of the merchandise destroyed by order of D. C. Cady, captain commanding at camp Juliata, on the Rio Grande, on the 28th day of August, 1846.

D. G. ROGERS,

"2d lieutenant of dragoons, A. A. Q. M."

"September 21, 1846."

The facts of this case are shortly these. Colonel Harney—whatever quarrel there may be, and we have no evidence that it was an authorized expedition, except the opinion of gentlemen—was at a separate post. Every body knows Colonel Harney to be a bold man. He made an expedition from San Antonio to the Rio Grande. No body contends that he did that against orders; but he was ordered back by the commanding general. He left San Antonio with sufficient force, in my humble judgment, to whip all the Mexicans who would dare to come near him. Colonel Harney could not get along, could not support his forces without taking these goods with him; hence he made a contract with Callaghan, and the goods were turned over to the quartermaster to supply the troops with forage and provisions. After he got to the Rio Grande he received the order of the commanding general to return, and he did return with a part of his command, taking all the baggage wagons with him except two. When he returned to San Antonio he left Captain Evans, Captain Cady, and Captain Smith in possession at the Rio Grande, where they remained, and where these goods remained to support the troops. It seems that afterwards an order was received from Colonel Young, who had superseded Harney in command, directing these men to retire from the Rio Grande to San Antonio. For the purpose of doing so, they sent a detachment over the river to procure transportation, in order to take the goods to San Antonio. Coming back they were fired on by the Mexicans, and their boat was destroyed. There was no transportation on this side of the Rio Grande, and they could procure none on the other side. The goods were in the possession of the officer of the quartermaster's department, by no fault of Callaghan, at the instance of the colonel in command, and under the sanction of the quartermaster, who was responsible for his conduct in his accounts with the Department here. The troops were ordered by the commanding officer to return. They had but two baggage wagons, which were barely sufficient to transport the sick. What did they do under these circumstances? They held a council of officers. I happen to know these gentlemen. Mr. Evans, who was for a long time a very creditable officer of our judiciary, and a man of talents, respectability, and courage, was one of them. Captain Smith, another one, was also distinguished for his courage and ability. I have not the pleasure of knowing Captain Cady personally, but I understand that he is very much of a gentleman. These three officers it seems, from the statement of Captain Cady, under oath, held a council to determine whether they should go off and leave Callaghan's goods to be taken by the enemy, and thus give them encouragement and support, or to abandon the place and destroy the goods. They chose the latter alternative, and destroyed the goods.

Now, if this does not make a legal and just claim against the Government of the United States, it is difficult for me to conceive what would make a just and legal claim. If this state of facts, and this testimony, does not justify the claim, I do not know what could. I might have read more testimony in corroboration of the points of the case, but I did not choose to delay the Senate on that subject.

Something has been said with regard to Mr. Callaghan. It is said that he is a Mexican trader. He is a gallant Irishman. I know him well; and I do not believe that he is capable of bringing

before Congress, even upon his own unsupported statement, an improper account. He is a man who has had dealings with the Mexicans, and is very well liked by them. He is a man of high reputation as a merchant. I happen to know that after this time, when General Wool made his expedition into Mexico, Mr. Bryan Callaghan, without asking any pay out of the Treasury of the United States, went with General Wool, was his guide, went on at the head of the army with a fatigue party, and bridged the streams, so as not to delay the General when the safety of the army depended on his joining General Taylor immediately. He did all this under the impulses of a warm heart and a gallant disposition, and claimed no pay from the Government of the United States for it. If, under these circumstances, it is necessary to make a sacrifice of Bryan Callaghan to the amount of \$16,000, be it so; but I must protest against it.

Mr. BORLAND. Before the vote is taken, I desire to say that it seems to me that the advocates of this bill undertake to put it on a foundation upon which it does not rest. If a bill were brought forward to be passed on grounds of gratitude to Mr. Callaghan, or on his personal merits as an individual, I should not have a word to say against it, because I concur in what has been said in his favor in this respect. I have cause to know that he is a very clever man. This is my opinion from some personal knowledge of him. For that reason I do not wish that this debate should give any such color or direction to my remarks as to reflect on Mr. Callaghan as an individual, or on any one else. I do not oppose the bill on that account. If that were a proper ground for it to stand upon, I should zealously support it; because personally I entertain for him very kind personal feelings, perhaps more kind than for any other man I met in Texas. My objection to this bill does not apply to the personal merits of Mr. Callaghan at all. The evidence which has been furnished in this case does not satisfy me that this claim rests on the only foundation on which the Senate of the United States or the other House of Congress have ever paid a claim. We may suppose that evidence to exist; but what the Senator from Texas has read does not meet the objection; that evidence, such as is usually required is not before us. The Senator read the vague and cautiously-worded statements of the officers, but he has not produced the order. He has not produced evidence or circumstances to show that the order ought to have been given, or the fact that it was given.

I find by one of the affidavits read by the Senator from Texas, [Mr. Rusk,] that my memory, in one particular, was sustained in point of time and of fact. It is as to the date of the burning of these goods at the Rio Grande—the 28th August, 1846. I arrived at San Antonio on the 25th of August, 1846; and early in September of that year I first saw Mr. Callaghan, and heard from him the first account which I did hear of the burning of his goods, on the Rio Grande. I knew, then, that he intended to bring forward a claim for them; and, if my memory serves me, I told him even then, that I did not think it was a valid claim. It was then talked about freely, and the impression on my mind was, that it had no foundation in justice. It cannot be considered a reflection on this gentleman, who does not think so, that he brings forward the claim. There is no question of honor involved in it. If we are to assume that it is evidence of dishonor for an individual to bring forward a claim when others think it unjust, we should brand some of the best men of the nation as dishonorable.

But that is not the point. The question is this: Was this claim established before us by testimony such as has always been required, and such as well-recognized and established principles require we should have, to warrant us in paying a claim of this character? This has not been done to my satisfaction. I therefore must vote against it.

The bill was reported to the Senate without amendment, and ordered to be engrossed, and read a third time.

WITHDRAWAL OF PAPERS.

On motion by Mr. MASON, it was

Ordered, That the executors of Robert Porterfield have leave to withdraw their petition and papers from the files of the Senate.

EXECUTIVE SESSION.

On the motion of Mr. BRADBURY, the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned until Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 19, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

ACCOUNTS OF PROSPER M. WETMORE.

Mr. ORR. I ask the unanimous consent of the House to move to take up a message from the President of the United States, which was read a few days ago, and laid on the table for the purpose of being printed. I make the motion with a view of having the message referred to the Committee on the Judiciary. It is a message from the President transmitting a copy of the report in relation to the accounts of Prosper M. Wetmore, late Navy agent in the city of New York. I do not desire to debate it now, but simply to move its reference to the Committee on the Judiciary.

Mr. SEYMOUR, of New York. I ask that all the communications on the Speaker's table may be taken up and referred.

Mr. ORR. This communication is not upon the Speaker's table. It was read and laid upon the table, and I simply ask now that it may be taken up and referred.

Mr. SEYMOUR. Well, I have no objection to that.

The SPEAKER. Is the proposition of the gentleman from South Carolina objected to?

Mr. BROOKS. I object, and call for the regular order of business.

Mr. SEYMOUR, of Connecticut, moved that the House resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. HOUSTON. I do not know what is the purpose of the gentleman from Connecticut in moving to go into a Committee of the Whole on the Private Calendar. The House will remember that we have only until Tuesday to complete the deficiency bill, and if the object of the gentleman is to contend for to-day and to-morrow, why, I shall have to contend with him for both of those days. It is possible that, if the House would sit to-morrow, we might finish the deficiency bill by Tuesday.

Mr. DANIEL. So far as I am concerned, I am disposed to compromise with the gentleman.

The question was then taken on Mr. SEYMOUR's motion, and there were—ayes 60, noes 32; no quorum voting.

Mr. CHANDLER demanded tellers.

Mr. STANLY demanded the yeas and nays.

Mr. BROOKS. I desire to make an inquiry of the Chair. If the deficiency bill is not disposed of by Tuesday next, will it not be then superseded by another bill, which has been made the special order?

The SPEAKER. The homestead bill of the gentleman from Tennessee is, by order of the House, the special order after Tuesday next.

Mr. HALL. Mr. Speaker, I should like to inquire if the last Congress did not appropriate \$50,000,000 for the present fiscal year, which is within a few millions of the amount expended annually by Mr. Polk's administration during the war?

Mr. CHANDLER. The amount has been expended to pay Mr. Polk's debts.

Mr. HALL. No, sir; it has been expended to satisfy your extravagance, and I am opposed to indulging your wastefulness any further.

Mr. BROOKS. We challenge inquiry in the Committee of the Whole, that we may refute the assertion of the gentleman from Missouri.

Mr. HOUSTON. There is no chance now to debate these things in Committee of the Whole. I shall have an opportunity to make an hour's speech. I was, however, disposed myself, on the assurance of gentlemen around me, that they would give to-morrow, and Monday, and Tuesday, to the deficiency bill—I was disposed to let private bills be taken up to-day, as a day has not been devoted to that business for three weeks.

The question was then taken on ordering the

yeas and nays on Mr. SEYMOUR's motion, and there were—ayes 25, noes 70; no quorum.

Mr. FOWLER demanded tellers on ordering the yeas and nays.

The SPEAKER. We cannot do any business until there is a quorum present.

Mr. HALL. It does not require a quorum to order the yeas and nays.

The SPEAKER. The Chair understands that it requires a majority of the House to do the business of the House.

Mr. HALL. But less than a quorum can order the yeas and nays. Suppose there is a call of the House—

The SPEAKER. That is quite a different thing. It is for the purpose of getting a quorum to do business.

Mr. ORR. It seems to me it is a very hard matter to get a quorum this morning. I move that there be a call of the House, that we may see who is absent.

Mr. JONES, of Tennessee. I call for the yeas and nays on that motion. That will answer the same purpose as the call.

The yeas and nays were ordered; and the question being taken on the motion that there be a call of the House, it was decided in the negative—yeas 64, nays 95; as follow:

YEAS.—Messrs. Aiken, Willis Allen, Barrere, Bennett, Bibbhaus, Bowie, Bragg, Brenton, Brooks, Buell, Chandler, Churchwell, Conger, Cullom, Curtis, John G. Davis, Dawson, Eastman, Edgerton, Evans, Faulkner, Fitch, Floyd, Freeman, Goodenow, Gorman, Harper, Hart, Haven, Thomas Y. How, Jackson, James Johnson, J. Glancy Jones, Letcher, Lockhart, Mace, Martin, McDonald, McLanahan, McMullin, Meacham, Miller, Molony, Henry D. Moore, Morrison, Orr, Samuel W. Parker, Penn, Phelps, Porter, Robinson, Scudder, David L. Seymour, Smith, Stanly, Stratton, Taylor, Townsend, Tuck, Venable, Wallace, Welch, Wilcox, and Yates—64.

NAYS.—Messrs. Allison, John Appleton, William Appleton, Averett, Babcock, Bartlett, Beale, Bocock, Burrows, Busby, E. Carrington Cabell, Joseph Cable, Thompson Campbell, Chapman, Clark, Clingman, Cobb, Daniel, Dimmick, Dockery, Duncan, Dunham, Durkee, Edmundson, Ficklin, Fowler, Gamble, Gaylord, Gentry, Gilmore, Grow, Hall, Hamilton, Isham G. Harris, Sampson W. Harris, Hendricks, Henn, Hibbard, Hillyer, Holladay, Horsford, Houston, Howard, Ives, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, Geo. W. Jones, George G. King, Kuhns, Kurtz, Mason, McNair, McQueen, Millson, John Moore, Morehead, Newton, Olds, Andrew Parker, Peaslee, Penniman, Perkins, Polk, Powell, Price, Sackett, Schermerhorn, Schoolcraft, Seccury, Origen S. Seymour, Skelton, Smart, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, Stuart, Sutherland, Benjamin Thompson, Geo. W. Thompson, Thurston, Walsh, Ward, Washburn, Watkins, Wells, Addison White, Alexander White, Wildrick, and Williams—95.

So a call of the House was not ordered.

Mr. DANIEL. I hope my colleague will now withdraw his call for the yeas and nays, and permit the House to go into Committee of the Whole, with a view to take up the Private Calendar to-day. Then I am willing that the balance of the week shall be devoted to the consideration of the deficiency bill. We have done scarcely anything, as yet, upon the Private Calendar this session, and I hope the House will consent to take that business into consideration to-day; and under the pressing necessity of the case, I will not insist upon taking up the Private Calendar to-morrow; but I will concur, and I hope those who are disposed to take up the Private Calendar will concur, with the proposition of the gentleman from Alabama, the chairman of the Committee of Ways and Means, [Mr. HOUSTON,] to take up the deficiency bill, and continue its consideration until it is disposed of. I hope the motion to go into Committee of the Whole on the Private Calendar will prevail.

Mr. STANLY. If I thought the House would certainly meet to-morrow, and as gentlemen upon the other side of the House desire to go into Committee of the Whole on the Private Calendar to-day, I would not object to it. I will withdraw the call for the yeas and nays.

Mr. JOHNSON, of Arkansas. I ask the consent of my friend from North Carolina, to allow me to ask the unanimous consent of the House to submit a proposition, that the resolution providing for closing debate upon the deficiency bill, be so modified as to read, "shall cease in one hour after the committee shall next take the subject under consideration."

I ask permission to state to the House that I now have the floor in committee on that bill, and that I wish to debate the bill itself. I had occupied the floor about eight or ten minutes when the

subject was last under consideration, and I have about three minutes left before the hour arrives for closing the debate. Now, if the House will, by unanimous consent, permit the resolution closing debate to be so modified as to provide for closing it in one hour after the committee shall have again resumed the consideration of the subject, I shall then retain the floor, and be able to make some remarks applicable to the bill, as I am instructed to do by the Committee on Indian Affairs.

Mr. DANIEL. I have no objection to the proposition of the gentleman from Arkansas; on the contrary, I think that his request ought to be granted. I think that his explanation ought to be made, concerning items affecting the Indian affairs; and I am perfectly willing to agree in any arrangement which will afford him an opportunity to make the necessary explanation. All I wish is, that this day shall be devoted to the consideration of private business; and then, when the deficiency bill comes up to-morrow, I will concur in any proposition of that kind.

Mr. JOHNSON. If the Speaker will put the question to the House, whether there is unanimous consent to modify the resolution as I have indicated, that will decide the matter, and nothing more need be said upon the subject.

Mr. JONES, of Tennessee. I will suggest to the gentleman from Arkansas to change his request, so as to ask the unanimous consent to take up the motion, which was laid upon the table, to reconsider, and then the matter will be again regularly before the House.

Mr. JOHNSON. That will take up more time. I ask the Speaker whether the proposition will not accomplish my object, if I have the unanimous consent of the House?

The SPEAKER. It will; and it is the only form by which the object can be effected.

Mr. BROOKS. If I can make a bargain with the gentleman from Arkansas, [Mr. JOHNSON,] I will not object to his proposition. But under the existing arrangement, the chairman of the Committee of Ways and Means [Mr. HUSTON] has an hour to close debate. It is now proposed to give the gentleman from Arkansas another hour; and no one upon this side of the House will have any opportunity to reply to any attacks which may be made.

Mr. JOHNSON. I have no objection that the gentleman be allowed one hour, or ten hours, in the discussion of the bill. But this bill has been before the committee for several days, and gentlemen have spent all the time in discussing irrelevant matters, and have not once touched the bill.

Mr. BROOKS. Not one word have I said.

Mr. JOHNSON. I will say to the gentleman that I intend to speak in favor of the estimates of Government in relation to the Indian Department; so that my proposition need not meet with objection upon that side of the House.

Mr. BROOKS. I will not object; but I desire an hour to reply.

Mr. DANIEL. May not the proposition of the gentleman from Arkansas be entertained as well to-morrow, when the deficiency bill comes up, as to-day?

The SPEAKER. Just as well.

Mr. DANIEL. Then I hope the matter will be postponed till to-morrow, and come up then.

The SPEAKER. Does the Chair understand the gentleman to object?

Mr. DANIEL. I will not object to it, but I should prefer that the gentleman from Arkansas would withdraw it for the present, and allow it to come up to-morrow.

Mr. JOHNSON. Then I will withdraw it. But I give notice that I shall make the request to-morrow.

Mr. CABELL. All parties seem to agree that it is important this deficiency bill should be taken up and acted upon immediately. The reason given for going into Committee of the Whole on the Private Calendar is, that two days will be sufficient to dispose of that bill. Now, I would suggest that we go into the Committee of the Whole on the state of the Union, and take up the deficiency bill, and see what progress we make upon that bill. Then, if there is a prospect of getting through with it, we can go into Committee of the Whole on the Private Calendar to-morrow. I do not think that two days will be found sufficient to dispose of that bill.

The SPEAKER. The Chair must remind gentlemen that this discussion is wholly out of order.

Mr. CABELL. With the understanding I have stated, I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The question must first be put upon the motion to go into Committee of the Whole upon the Private Calendar. This being private bill day, that motion takes precedence.

Mr. HAVEN. Upon that motion I demand the yeas and nays.

The yeas and nays were not ordered.

Tellers were then demanded, and ordered; and Messrs. PENN and GENTRY were appointed.

The question was then taken, and the tellers reported—yeas 70, nays 61.

So the motion was agreed to.

The House accordingly resolved itself into a Committee of the Whole House, (Mr. CHANDLER in the chair.)

✓ HEIRS OF GENERAL JAMES C. WATSON.

The CHAIRMAN. The first business in order is bill No. 106, for the relief of the legal representatives of General James C. Watson, of the State of Georgia.

[The bill proposes to pay the heirs of Watson the sum of \$14,600, with interest, being the amount paid by said Watson for certain slaves purchased of the Creek Indians, which had been captured by them from the Seminole Indians during the Florida war.]

Mr. NEWTON. I desire to ask the House to postpone the consideration of this bill until next Friday, on account of the sickness of the gentleman from Pennsylvania, [Mr. JOHN W. HOWE,] who had the floor upon it when last before the committee for consideration.

Mr. JOHNSON, of Georgia. I shall be compelled to object to the request made by the gentleman from Ohio, [Mr. NEWTON.] Some of my constituents are interested in the passage of this bill. I do not desire to deprive the gentleman who last had the floor [Mr. Howe] of the opportunity of being heard; but it is uncertain when he will have so recovered as to be able to attend in the House.

Mr. NEWTON. He is now convalescent, and will be in the House in a few days. He is now able to be about his House.

Mr. JOHNSON. I apprehend from the character of the claim, and the discussion which will be elicited, that it will not be determined by the committee in a day. Such being the case, the gentleman from Pennsylvania [Mr. Howe] will have an opportunity to present his objections when we shall again reach the Private Calendar, which will not be until next Friday.

The bill was then read by its title, as indicated above.

Mr. JOHNSON. I do not desire, upon this occasion, to make a speech, but simply to call the attention of the committee for a few moments to the consideration of a few facts.

Mr. ALLISON, (interrupting.) I understand that, by the rules, when an objection is made to a bill, and discussion arises thereon, it goes over as a matter of course.

The CHAIRMAN. This is not objection day. Objection days are only the first and fourth Friday of each month.

Mr. JOHNSON, (resuming.) I desire to call the attention of the committee to a few facts, which in my estimation, ought to determine the equity and regularity of this claim. This claim has been before the Government for a number of years. It has been pressed upon the Government from the year 1839, at each session of Congress, up to the present moment, and, so far as I have been informed, it has never been acted upon. It has never been approved or rejected; but it has excited objection and strong opposition. I apprehend that the principal difficulty in this case is not with the merits of the bill itself, but with the facts connected with it, involving, as it does, as was said by the gentleman from Pennsylvania, [Mr. Howe,] the sale and transfer of negroes. Gentlemen oppose this bill because a vote here, of the indemnity provided for in the bill, and asked for by the petitioners, would be, as they say, to recognize the fact that slavery exists, and to recognize the further fact, that its existence is legal. The gentleman from New York [Mr. SACKETT] in opposing this

bill as also the gentleman from Pennsylvania [Mr. Howe] who last occupied the attention of the committee upon this subject, said that the contract in this case was, that the Creek Indians who were engaged in the services of the Government, were entitled to the *plunder* which they might take from the Seminoles. That is the word, *plunder*. They say that negroes do not fall under this appellation, and that *plunder* does not embrace slaves, according to any legitimate reading of the English language; and that such being the contract, and this being a transfer of slaves, or a right to slaves, that, therefore, the applicant in this case is not entitled to relief. The question, Mr. Chairman, is not now how the word *plunder* is understood in Pennsylvania or New York—not how it is understood in any particular locality in this Republic, but how the parties understand it? What was the intent of the parties to the contract? What did they mean, and how do you arrive at that meaning? What are the rules of construction by which the legal meaning is arrived at, and the terms and operation of the contract determined? The rule of construction, fair, ancient, well established, and uniform, is that the words must be used in the sense, and interpreted in the sense, in which the parties used them; and in connection with this rule, for the purpose of arriving at the intent of the parties, the contemporaneous exposition put upon the words by the parties themselves, is to be resorted to as a standard to guide the judgment of others. How did they regard it? How did the Creek Indians themselves regard it? How did the government officers regard it? They regarded it as embracing negroes and slaves; and for the purpose of establishing that fact, I call the attention of the committee to a few facts. I must state, in this connection, that this case involves a great number of facts, and that it is a case of importance to some of my immediate constituents, and I hope they will pardon me for referring to, and reading a few extracts:

NEWNANSVILLE, (FLA.), September 17, 1837.

SIR: In addition to the inducements held out to the Indians who may enter the service, is that of the Seminole property. Their negroes, horses, and cattle, (and they are rich in that description of property,) will be given to the captors; the Creek warriors, who captured but a small portion of the Seminole property, received for their captures between fourteen and fifteen thousand dollars.

TH. S. JESUP.

Captain WM. ARMSTRONG,
Choctaw Agency, Arkansas.

ST. AUGUSTINE, September 24, 1837.

SIR: I have received your letter of the 7th instant. There are thirty-three Seminole prisoners here, two at Tampa, and twenty-four at Fort Pike, in Louisiana; sixteen died, and the remainder, being relatives of the Creek Indians, were allowed to go off with them.

There is one Indian negro here, seventeen at Tampa Bay, about eighty at Fort Pike, and seven have died. The Creek Indians were entitled to all the Indian property they captured. I compromised with them by purchasing the negroes from them on account of the Government.

TH. S. JESUP.

Hon. C. A. HARRIS, Commissioner of Indian Affairs.

WAR DEPARTMENT.

OFFICE INDIAN AFFAIRS, May 9, 1838.

SIR: The decision, made a few days since, that the negroes captured by the Creek warriors in Florida should, in compliance with the engagement of General Jesup, be delivered to the delegation now here, has been communicated to them.

C. A. HARRIS, Commissioner.

Captain S. COOPER, Acting Secretary of War.

TAMPA BAY, September 7, 1837.

SIR: All Indian property taken will belong to the captors. The Seminoles have large herds of cattle and horses, and several negroes. I am well acquainted with all their positions, and will find them in five or six days after I commence the campaign.

TH. S. JESUP.

Captain DAVID S. WALKER, Talladega, Alabama.

FORT GILGILAND, September 17, 1837.

CAPTAIN: In addition to their pay as soldiers, they [the Choctaw warriors] will have all the Seminole property they capture; and those Indians are rich in cattle, horses, and negroes. The Creek warriors received between fourteen and fifteen thousand dollars for their captures.

TH. S. JESUP.

Captain B. L. BONNEVILLE, 7th Infantry,
Commanding Choctaw Warriors,
Choctaw Agency, Arkansas.

The negroes captured by the Creek warriors in Florida were to be delivered to them. Such was the interpretation put upon this contract by the officers of the Government, and proves that the word *plunder* was understood by them as embracing slaves, cattle, horses, and all kinds of property, known and recognized by the people as property. What was the meaning of, and what were they to have under the agreement? They

were to have all the slaves they captured. They were to be delivered up to them specifically. The Government failed to do it. But says the gentleman from New York, [Mr. SACKETT,] the Government could not make such contracts. Why not? What precludes the Government from making a contract while in a state of hostility? Is there any constitutional prohibition? Why cannot they make a contract of this sort, as well as a contract to buy horses, mules, corn, and fodder? The argument of the gentleman is, that the Government cannot make any contract for the sale and delivery of slaves, because they are not the subjects of property, and ought not to be recognized by them as such, and therefore they cannot make a contract in reference to them. They say the contract could not be made by the Government, the subject-matter being slaves, because slavery did not exist among the Seminoles. How is that fact to be ascertained? It is a simple fact, and how shall it be proved and established? It is to be established by testimony alone. In Russia there are serfs appendant to the soil. Every one recognizes that fact. How is it established? By the testimony of credible witnesses, by historians, by travelers, and by persons cognizant of their customs, and manners, and laws. Does the gentleman know that Russia has serfs? He is bound to believe it, because there is credible testimony to establish that fact. The same kind of testimony which establishes that there are serfs in Russia attached to the soil, is here before this House, and in these documents, to establish the fact that slavery exists among the Seminoles. Here are witnesses—the members of this House. Here is the history given by the officers of this Government, who state the fact that they were rich in slaves—rich in this species of property. And yet this gentleman says there is no evidence before this House going to establish the fact of the existence of slavery among the Seminoles.

Here, sir, is their history; a history given by the officers of this Government, that they were rich in slaves—rich in that species of property; and yet the gentleman says there is no evidence. There is as much evidence, Mr. Chairman—perhaps not so much, but it is of as strong a character—which would equally induce belief in the mind of every individual that slavery existed among the Seminole Indians at that time, as it exists now in the State of Georgia. Just as much. Now, sir, this being a fact, and being so recognized by the Government, as I shall proceed to show you by reference to a few official documents, the Government had the power to make contracts in reference to existing facts:

TAMPA BAY, April 18, 1837.

MY DEAR SIR: If the citizens of the Territory be prudent, the war may be considered at an end; but any attempt to interfere with Indian negroes, or to arrest any of the chiefs or warriors, either as criminals or debtors, would cause an immediate resort to hostilities. The negroes control their masters.

Most truly yours,

HIS EXCELLENCY R. K. CALL,
Governor of Florida, Tallahassee.

TH. S. JESUP.

Here then, sir, is the relation of master established, and that in a communication made by Thomas S. Jesup, in 1837. "The negroes control their Indian masters." There the right is established by the recital of that fact. Here is a right to control, but the fact of control may be disputed. That is in issue:

ST. AUGUSTINE, July 7, 1837.

COLONEL: There is now no obligation to spare the property of the Indians—they have not spared that of the citizens; their negroes, cattle, and horses, as well as other property which they possess, will belong to the corps by which they may be captured. The property of citizens which may be captured will be restored to them.

I am, &c.,

TH. S. JESUP.
Colonel JOHN WARREN, Florida Militia,
St. Augustine, Florida.

This is in July, 1837. "All the Indians' property will belong to the captors. The Seminoles have large herds of cattle and horses, and several 'negroes.' All that property, and among their property they have 'cattle, horses, and negroes.' But I have another authority here, sir; but I cannot turn to it, because I omitted to turn down the page. It is a communication from General Taylor to one of the heads of the Departments of the Government. He states, sir, that there was slavery among the Seminoles; and I think General Taylor may be regarded as a much higher authority than the gentleman from New York or from Pennsylvania. General Taylor recognized the fact,

and the Government has recognized the fact, that it was competent in a state of war, and the United States being a party to that war, to contract with proper agents to plunder and forage on the property of the enemy, and take whatever property that enemy might have had in its possession. But it is said, Mr. Chairman, that there is another fact not established in this case; the fact of capture by the Creek Indians themselves of any property belonging to the Seminole Indians. It has been alleged that this has not been established by competent and sufficient proof. I read further:

TAMPA BAY, September 9, 1837.

SIR: You will muster the Creek regiment out of service, and honorably discharge them; then you will proceed to New Orleans and obtain funds to pay the Creeks for the captured negroes.

TH. S. JESUP.

Lieutenant F. SEARLE,
Acting Assistant Inspecting General,
Army of the South, Tampa Bay.

Here, sir, then, the fact is established by this communication, made by General Jesup, that the First Regiment aided and assisted, and were present at the capture of the negroes, and \$8,000 was paid for them. Now, Mr. Chairman, this claim has been repeatedly acknowledged by the different Departments of this Government, but it is said that there is no evidence here going to establish a further fact that General Watson ever paid to these Indians the amount stipulated for the negroes—that he ever paid the \$14,600. But, sir, there is most ample proof, of the most credible and competent character before this committee, to establish that fact. I have the proof here, which is in this paper. It is the deposition of William Armstrong; and I will ask the gentleman to read it, as it is very long, and it would take up too much of the time of this committee to read the whole of it to them. I will refer to a portion of it. He states the fact that General Watson paid the money to him as the agent of the Creeks, and he paid it out to the Creeks themselves in the country to which they had removed. Here, then, is a deposition to establish the fact, without the least ambiguity of language or equivocation of expression. Here, sir, is a recommendation of the Secretary of War: "John Bell, the Secretary of War, ordering that these negroes be delivered up to Watson;" thus recognizing that the contract was of a binding character. They were not delivered up. Further: Here is a recommendation of the Ways and Means Committee, and here is the opinion of General Arbuckle, that this valid claim ought to be paid. Watson is entitled to the money on the contract—a "bona fide" contract—that he paid his money upon that contract, and that he ought to receive the damages which he had sustained from the failure of a performance of that contract. Now, what was that contract? Why, it was, that Watson should have those negroes delivered to him, who were taken and captured by the Creek Indians, for the Government of the United States then had these negroes in their possession—they were under their entire control—they were all at their disposal—they were held by the Government. Now, sir, the Government, holding this property, and being anxious to dispose of its obligations with the Creek Indians, desired to procure some person to purchase the Indians' rights to these negroes, so that they should not be a bone of contention among the Creek Indians and the other Indians when they went west; and Watson agreed to give them \$14,600 for these negroes, and an order was issued for their delivery. But they were not delivered. So by this contract with Watson, the Government was discharged from its obligations to the Creeks. They had received Watson's money. Thus the Government was discharged from any further obligation to the Creeks, but they were under obligation to Watson to deliver these negroes. But the Government failed to deliver the negroes. It was part of its obligation to deliver them to the Creeks, or to the assignees of the Creeks; but they delivered them to neither.

Mr. WELCH. The gentlemen will allow me, as I understand the facts of the case. There was no contract made on the part of Government. The contract was made between the Indians, by their agent, and General Watson.

Mr. JOHNSON. No, with the Indians themselves.

Mr. WELCH. It was made with the Indians themselves—but that is immaterial. There was

no contract on the part of the Government. It was only a contract to give an order that the negroes should be delivered up.

Mr. JOHNSON. I contend, Mr. Chairman, that there was a contract on the part of the Government. The Government having contracted with these Creek Indians, they having possession of these negroes, it was part of their contract to deliver them to the Creeks; and I say, sir, that if these negroes were proper subjects for plunder, and the Government had the control of this plunder, was it not the duty of the Government to deliver the plunder taken? Could they discharge themselves from their contract in any way? The Creeks came forward to sell their claim by the consent of Commissioner Harris, with his full knowledge and approval, as is shown by these papers, and to transfer their rights to Watson, and the Government being in possession of the negroes, were they not under obligation to deliver them to Watson? Why, just as much as a man is obliged to pay a note which he has indorsed when it is due. It was a contract entered into by the Government to deliver up these negroes, and they failed to deliver them up. Here, sir, is a breach of contract on the part of the Government, and we are entitled to damages, and could recover damages before any court of justice—before any judge or jury. It seems to me, sir, that these circumstances establish a breach of contract on the part of the Government. Why, they say, "do not pay Watson anything." Why? Because he ought to have given sixty or seventy thousand dollars for these negroes, and as long as he will not do that the Government will not pay him back. Who made the first contract with the Indians? Why, General Jesup, and he consented to give them \$8,000, but Watson was to give them \$14,000. Who was giving them the most? Why, Watson. But if we were before a judge and jury, in a civil suit, the amount of damages which we should be entitled to recover, would not be the amount of money paid as a consideration, but the value of the property; and, sir, the Government is, according to the rules laid down, liable to us for the value of the property at the time it should have been delivered. We say now, pay us back what we have paid; but no commiseration is felt for us. You have got our money without consideration, and it has been paid to the Creeks; you have not delivered the property; you have not complied with your contract, and both in law and in equity, it would be required that you should pay back that consideration with interest. Pay us back our money which we have paid at your instance, and do not examine into the validity of the contract—do not go into the matter of the contract, for it is not our fault. Pay us back what we have paid. They say it was illegal, because the subject-matter was slaves. Well, suppose it were illegal; suppose that selling these slaves was illegal; suppose no slaves existed there, and suppose all these facts, the Government has got our money without discharging its obligations to us; without performing its part of the contract which it ought to have done, and what every honest man would do. The Government should not put up the illegality of the contract, and keep us out of our money. They should not say that this is not a proper contract, but we have got your money and we will not pay it back now and will keep it.

Why, Mr. Chairman, gentlemen get up here and talk about kings and queens. They talked about Abraham and Bowlegs reigning in Florida, who were going by Watson to be sold—that he was going to reduce them to eternal bondage. They were already in bondage, and are now. They have gone to the West as the slaves of the Indians; but with some gentlemen it is no matter about their being in slavery so long as they do not belong to Southern men. While owned by Indians, it is all right. There would be no refusal to pay back the Indians under such circumstances, because they held negroes in bondage; but when a claimant from the State of Georgia contracts with them, it is declared that the consideration is not legal; that it was not a matter of contract; slavery did not exist there; we will keep your money. They go on still further, and talk about eternal bondage—about plunder and about prisoners of war. In the course of war, we can make prisoners. We can take white people in a state of hostility prisoners of war. We can make Mexicans prisoners of war, and take their prop-

erty while in hostility to this Government. We did it, and by the rules of war. But here are these Indians, hiding in ambush and carrying on a barbarous warfare, not according to the rules of civilized society, which we cannot plunder. We cannot take their negroes—that would be cruel—but they have a right to carry off those held by our citizens. Gentlemen come forward and say, that the Seminoles, while moving West, saw these negroes, and had compassion upon them in the midst of their chains, and carried them to the West along with themselves. Jesup's and the Indians' hearts were in the right place, but Watson's was not—he wanted to make a speculation. A man in making a trade wants to make something out of it. In Pennsylvania, I have no doubt, when men make a trade, they desire to make as much as they can from it. But the question is not as to whether he wanted to make money or not. He certainly thought it was a prudent contract, or else he would not have entered into it. He, as would gentlemen in Pennsylvania and New York, desired to gain by it. A man anywhere would be actuated by the same feelings. For that reason, however, is the Government to deny him repayment? It is said that he made a good bargain. Well, if he did, he has not got the benefits of it. It has turned up to be a very bad one. I hear expressions of this kind: that it was a profitable speculation; that he entered upon it for that purpose; that he had his eyes set upon the negroes—upon the gain to accrue from the transaction, from which it is concluded that the Government should not pay him back the money he has paid. It is the law, I believe, of every State in this Union, that where you get money without consideration, the money is to be refunded. That is equity and law, and the money is bound to be paid back. These Indians had been raging a war against us, destroying our people and their property. They had been plundering us of our negroes, and we, in return, having the right to plunder them—

Mr. SACKETT. I interrupt the gentleman for the purpose of making a statement of a few facts connected with this case. The contract with the Creek Indians by General Jesup was made in September; I have not the contract here, but it was during the month of September, 1836. By reports made to the War Department from Florida, it is shown that none of the Creek warriors got into the service of the United States earlier than the latter part of December of that year. On the 6th day of March, 1837, a treaty was made with the Seminole Indians, by which hostilities ceased, which left only two months for the Creeks to be in service. Now, I state, as a matter of fact, that a large portion of these very negroes you are talking about either were captured or came in voluntarily after that treaty was entered into with the Seminoles. I wish to direct the gentleman's attention to another consideration—to a letter written by General Arbuckle, as late as August, 1837, which was about four months after this claim of contract was made by Watson, in which he states the fact that he had received a letter from the Superintendent of Indian Affairs, and one also from the Secretary of War, from which he learned that it was unknown in Washington that the money had been paid for these negroes. That is four months after the transaction.

Mr. JOHNSON. But few of the negroes were captured in the two months of service rendered by the Creek warriors in Florida, and most of the negroes which were sent West came in voluntarily after the making of the treaty of peace; but here is the schedule of those that were captured, and it is shown here that General Jesup paid to these Creek warriors \$8,000 for negroes. But the amount of negroes signifies nothing. They took some; but suppose they only captured one, and Watson agreed to give \$14,000 for that one these Indians had aided our people in taking, still the Government would be bound to comply with its engagement—to either deliver the captured to the captors, or to refund the money that has been paid. The contract not being complied with, the consideration having failed, this Government, I contend, is bound to give back the money it has received. Does the gentleman deny this to be sound law—that were money has been paid upon a consideration, and the consideration fails to be rendered, it should be given back?

Mr. WELCH. The difficulty here is, that the gentleman from Georgia assumes that the Gov-

ernment has received this money. The truth is, that the Government has not received one cent of it. Suppose, as the gentleman has said, that there was but one negro captured and in custody at the time this order was given; the utmost extent of the liability of the Government, upon the gentleman's own hypothesis, would be the value of that negro. But what I wish to call the gentleman's attention to is the fact that, in the papers before us, there is a total absence of proof and identification of any one negro as having been a slave to the Seminoles, or as having been captured by the Creek warriors previous to the capitulation of March, 1837.

Mr. JOHNSON. I hope the gentleman will excuse me; I have not time. General Watson attempted in various ways to procure the possession of these negroes. He sent Collins to Little Rock, Arkansas, after the Government had transported them West, for the purpose of getting them. Collins went as the agent of Watson, and also as the agent of the Creek warriors, who had made the sale to Watson under the power of attorney; an agent appointed, not by the Government for the Creeks, but an agent appointed by the parties themselves. Being unable to obtain the possession of the negroes at the West, he next endeavored to get back the money that he had paid from the Indian agent. He wanted either his money or the negroes. It was natural that he should try every opportunity to remunerate himself.

The gentleman from Ohio, however, denies the Government having made this contract with Watson, and says that it was not made at its instance, nor by its consent. Now, with all respect to the gentleman, I think that there is here evidence showing that it was done at the instance of the Government. The Government wanted some one to purchase the negroes, and Watson was here. But, supposing it was not made at the instance of the Government, then the Government this day owes the Creek Indians for the value of these negroes. The Government has been discharged from the contract, or it has not been discharged from the contract; and if it has been discharged, it was by the payment of money made by Watson. If that is not the case, the Government to-day owes the Creek Indians for their captures in Florida from the Seminoles. You are either under an obligation to Watson, or you are under an obligation to the Creeks. The contract which Watson made with the Creeks, exonerated the Government from liability; and, of course, the Government gave an order to the agent of Watson—Collins—directed to its agent at Fort Pike who had possession of the negroes, that they should be delivered up to Watson. There is an acknowledgment. That shows that it was done by the consent of the Government, or else the Government would not have given such an order.

But the gentleman says that there was no identification of the negroes taken from the Seminoles. Watson's right does not depend upon the identification. The Government had the possession of the negroes, and whose duty was it to identify them? Whose else but the Government's, who had directed that they should be delivered up. It was the Government that should have done it, and not Watson; yet the Government made no attempts to identify them. If it did not identify, the fault was not with Watson. It actually gave the order for the delivering of these negroes; and because Watson did identify the negroes, having paid over his money upon an agreement of this sort, and the Government failing to comply with its promise, is he to lose the negroes and his money, and the Government to be discharged from its obligations under the contract?

I have already detained the committee longer than I ought to have done, but the numerous facts in the case made it necessary to say thus much. It has been rumored, that individuals intended to attack the character of General Watson, as a man of integrity and standing. General Watson was a citizen of my own State, and died in the town where I reside. I knew him well. He was a speculating man, it is true, like many other men; but that is not his crime, and will not release the Government from its obligations. His estate is now insolvent. If it had been managed prudently, it would not have been so. A more humane man did not live upon the banks of the Chattahoochee, or the Alleghany. He was charged with frauds. But admit that he was a fraudulent man; put it upon the ground that he had committed di-

vers frauds; does that authorize the Government to defraud him? Because he has done wrong, shall we do wrong? If he was fraudulent, will that exonerate the Government from complying with its contracts? What do they owe him? They owe him a return of the money that he paid. But he was not a fraudulent man. He stood high in the estimation of his neighbors, and to the day of his death possessed their esteem and good will. If the payment of this claim is to be put upon an issue of that sort, Watson's friends would not fear to meet such an issue.

There is another grave objection comes in here against the payment of this claim, one founded upon national politics, which has been disturbing the country from one end to the other. There are men in certain sections who say that we cannot do any act which will recognize the existence of slavery. They cannot countenance, by their votes, the recognition of the fact, that slavery does exist. Can gentlemen, by their votes, destroy the existence of Government as it is? It makes no difference how they vote, or what may be their feelings, slavery did exist, and will still exist. They may defeat Watson's claim, and keep his money in their pockets. They cannot destroy the existence of slavery, and they must have a connection with it. They have connected themselves with the institutions of the country by the compact, whether they recognize it or not. They have agreed solemnly that slavery, in certain portions of this country, should be represented upon this floor. It is represented here. This fact they have to recognize, whether it is palatable or not.

Mr. WELCH. General Jesup, in several of his letters, says that he treated with the Seminole Indians as an independent and separate nation. I wish to propound this question to the gentleman from Georgia, [Mr. JOHNSON,] admitting that we must, under the Constitution, which I do not admit, recognize the existence of slavery in the States, can we recognize its existence in a separate and independent nation? For instance, if we should have a war with Turkey, and in that war should capture some of the slaves held by the Turks, I ask the gentleman if we can, under the Constitution of the United States, treat those captured slaves as property? I say we cannot.

Mr. JOHNSON. In ancient times, according to the rules of war, you treated persons as property who were taken in war. What is to prevent us from doing it?

Mr. SACKETT. Because the nation cannot hold that property.

Mr. JOHNSON. What is to prevent the nation from holding it? But my time will not allow me to be drawn into a discussion of such questions, although I would like to do it. Admitting your principles to be true, ought not Watson to have his money? That is the question before the committee. But I say that they are connected with slavery, and they recognize the fact. You have treaties with Brazil, and in making treaties with Brazil you recognize that Government as an existing fact. According to the facts of the case, you recognize a government according to its internal regulations. You must recognize the facts as they are; and a refusal upon your part will not destroy the facts. But they are otherwise connected with it. They have solemnly agreed that when slaves escape from service into one of the States, and we come to claim them, that they will deliver those slaves. That is their agreement. It is a solemn compact between independent communities by sovereign States, and by this compact they connect themselves with the institution, and cannot disconnect themselves from it and maintain their agreement. In disconnecting themselves from this compact, they show themselves a covenant-breaking people. They have covenanted and solemnly stipulated to do it, and they have failed to do it. Suppose that such was not the case. What has that to do with this case? Nothing but to stir up prejudice, and nothing but to justify and authorize a man to vote against this claim, and to go before his constituents, who do not understand these questions, and to declare to them that he voted against slavery in every possible shape. There would be nothing to justify him in refusing to do justice and pay back our money, but that slavery existed, and that contract referred to slaves. The gentleman from New York [Mr. SACKETT] appeals to national law. He says national law does not recognize the existence of slavery. I

think the gentleman is in great error upon that point. National law recognizes nations as they exist, and it cannot recognize them otherwise than as they do exist. National law has nothing to do with the municipal or internal regulations of States, but only to regulate the intercourse of foreign States with each other. In doing that, it recognizes the existence of States, as they are in point of fact. National law then recognizes slavery wherever slavery exists. But the gentleman from New York [Mr. SACKETT] says that the presumption from the rules of national law is in favor of freedom. Now that may be the rule of evidence in New York, but it is not in Georgia. The national law has no right to change it either in New York or Georgia. It may be a rule of evidence to make a presumption in favor of freedom where such a rule is founded upon municipal law, and where that municipal law is established by the State itself, and it may be a presumption of law against freedom on account of color, but national law has nothing to do with these rules of evidence forming the law of a locality. Then, I say, what bearing have they upon the issue? It is a simple question, and with this simple statement I will now take my seat. The Government agreed to do a thing and did not do it. We paid our money to the Government upon their agreeing to do it. They have got our money, and refuses to pay back the money. All these questions about national law, the presumption of evidence, eternal chains and bondage, may manifest a man's disposition and feeling; in other words, they may prove that a man has "strong free-soil tendencies," but they do not show the fact, that we are not entitled to our money.

Mr. SACKETT. I do not propose to detain the committee long, as I have in some degree presented my views upon this case before. I only propose to recall the attention of the committee to certain points, that I think should govern this case. I wish to say here in the very outset, that all this attempt to bring this case within any influence, either of slavery or anti-slavery, I think, is entirely foreign to the consideration of the subject, and if my remarks the other day had any such tendency, I can only say, that nothing could have been further from my intentions.

Mr. JOHNSON. I am happy that the gentleman has arrived at the conclusion, that these things have nothing to do with the merits of the case, and I hope I will stand excused before the committee, for having alluded to them, because something was said about national laws, and eternal bondage. I spoke strictly in reply to the gentleman from Ohio.

Mr. SACKETT. I will not call the gentleman's propriety into question. What I intended to say the other day—a matter connecting itself in some degree with questions of slavery—was simply to lay down certain propositions of law—propositions that I regarded as sound and as applicable to this case. If this law question connects itself in any degree with the slavery questions of the day, it is a thing I cannot avoid—a thing which belongs to the consideration of the case and cannot be separated from it. First, let us look at the beginning of this case; and I desire to call the attention of the gentlemen who have been addressing the committee upon this subject, to this part of the case, as well as to its other and more important parts. I think, before I sit down, that I will be able to convince even them, that this Government is under no obligation whatever to pay any portion of this money.

The case began in a contract made by a commanding officer in the time of war, with a certain other independent foreign power (the Creek Indians) for the supply of troops, to be engaged in that war. That is the origin of the claim. As a part of the terms of that agreement, the troops thus engaged were to have a certain compensation per month, and a certain contingent compensation by way of plunder; the agreement securing to them all the plunder they might take from the common enemy. There can be no disagreement about all of these propositions. In this agreement rests the origin of the claim. As I said the other day, and must necessarily say now, the proper, fair, and legal construction of the term "plunder" is a necessary element in arriving at a just conclusion in relation to the claim. I suppose "plunder," in its common signification, would mean any kind of property taken by our allies in the service for which they were engaged that is recognized as property by the party contracting thus to pay.

We have now arrived at a legal position in the case. The word "plunder" covers any kind of property recognized as property by this Government, and secures, under the agreement, to the Creeks all such plunder, and no other.

Now, I ask any gentleman, no matter whether he be from the North or from the South, whether he be pro-slavery or free-soil, whether he be the owner of slaves or an abolitionist—does the Government of the United States, as a Confederacy—and the Government is the contracting power here if there is any party contracting—does the Government of the United States, as a Confederacy, recognize slaves as the property of the Confederacy, or as property that the Confederacy can hold, in any form whatever? Every one will answer, manifestly, not. It has been decided too frequently, to admit of doubt; it is too plain a proposition to admit even of argument. No man can gainsay the soundness of the position, that the United States, as a contracting party, agreeing to secure plunder to an ally they were engaging in their service, do not thereby agree to recognize as plunder what by the Constitution and laws of the country is not recognized as property? Is not that a sound proposition? I think it is.

Thus much upon the construction of the contract. I hope the committee will understand me as not regarding this part of the case as a very important part of it, for I think it is not. I think there are other considerations which would relieve the Government from any liability, even if the word "slaves" had been used in the contract itself, or if the Government could hold or convey slaves by contract.

The next proposition that should be presented in order to give the committee a clear and continuous understanding of the subject, is the question touching, what gentlemen have frequently called in the course of this discussion, the "agreement" of General Jesup to liquidate the claim that the Creek Indians had upon these negroes for \$8,000. Mr. JOHNSON, of Georgia. He did not agree to do it.

Mr. SACKETT. I understand that.

Mr. CLINGMAN, (interrupting.) I desire to ascertain a fact in this connection, by which my vote will be in a great measure regulated. I want to know, whether the Government of the United States received the money from this individual, and whether or not any consideration has ever been given for that money?

Now, I do not care anything about the contract. I hold that, if the Government received the money from this individual, and failed to make him any consideration for it, they are bound to return it.

Mr. SACKETT. Certainly; certainly. I agree with the gentleman entirely in that. But, if the gentleman will allow me, I wish to discuss this matter in order. I will answer the question of the gentleman as it arises in its order. I will only now say that this Government never received one cent of this money. It was received by the Creeks.

The next stage, as I was about saying, in this proceeding was, what has been termed by some of those who have discussed this question, the contract, or agreement, or proposition, or whatever else you may call it, made by General Jesup some time after these negroes were taken, to give the Creek authorities \$8,000 for their claim, whatever it was, upon these negroes. A sufficient presentation of that branch of the case, is this: General Jesup, for considerations deemed by him to be wise—undoubtedly for the purpose of settling all differences between the Creek nation and the United States—made a proposition to that nation to liquidate the claim they made to these negroes, whether sound or unsound, good or bad, by allowing them \$8,000.

Mr. WELCH, (in his seat.) With a view to the negroes remaining free.

Mr. SACKETT. Yes; that is, perhaps, a presentation of the subject that ought to be made, although, in my view of the case, I have endeavored to steer entirely clear of all this slavery issue. The gentleman from Ohio suggests that it was with a view to the negroes remaining free. But, be that so or not, the proposition was made, and it was never acceded to.

Mr. JOHNSON, of Georgia. I must beg leave to differ from the gentleman from New York, in the statement which he makes with reference to the object with which the proposition was made. The

correspondence with the Department shows that the leading object was to prevent the negroes from going to the western country, where they would be a bone of contention.

Mr. SACKETT. It will be borne in mind these negroes did go West; and all this pretense about difficulty time has shown unfounded. I do not mean to say that the proposition of General Jesup was made with a view to freeing the negroes from slavery, because I do not think they were then in a state of slavery. But the result of the extinguishment of the claim of the Creek nation would have been to free the negroes, whatever the object or intention might have been. It is sufficient to say in regard to this branch of the case, that the proposition was made by General Jesup, but never acceded to, and the compact was therefore never consummated. General Jesup at one time, in one of his letters to the Department, seemed to regard it as a contract that he expected would be carried out. But whatever his expectations were, and whatever was the object and intention of the parties, the agreement never was consummated, and, therefore, so far as any legal bearing upon subsequent proceedings is concerned, it is as if it had never been made. That is the second stage of these proceedings.

We next come to a period when a deputation from the Creek Indians was here in Washington. This was in the spring of 1838, and at that same time it so happened that all these speculators—General Watson and all concerned coming direct from the scene of all these transactions, and understanding them all very well, far better than any one here—knowing the character of the connection of the United States with these negroes—the character of the connection of the Creek Indians with them, and knowing also the character of the connection of the Seminoles with these negroes—and knowing perfectly well that a treaty had been made about two months before, by which this Government solemnly recognized the rights of the Seminoles to these same negroes, the terms of which I will hereafter state—knowing all these things, it so happened that all these parties, Indian agents, speculators, and all, happened to be in Washington at that time. I do not know that there was anything wrong about all this, but it did so happen. It was a meeting of speculators to make a speculation.

Well, General Watson, it appears, entered into a negotiation for these negroes, and I shall treat it now, for the sake of the argument, as an independent, fair transaction; he, understanding that he had a right to enter into a negotiation with the Creeks, who were here, for the purchase of their claim to these negroes. On the 9th of May, 1838, he consummated a contract in which the chiefs of that tribe guaranteed to him a title to this property. Knowing all the antecedents in relation to this property, and understanding what he did, he purchased their title, and took their guarantee of title as his sole security. He asked nothing of this Government.

Thus far I see no sort of connection of this Government with this transaction. Now, I ask the gentleman from Georgia, who has discussed this matter with so much ability, to point me to a letter or line where the Government recognizes itself as a participant, in any form, in that contract.

Mr. JOHNSON, of Georgia. I will show it by a letter of the Commissioner of Indian Affairs to the Secretary of War, dated July 1, 1840, and the Secretary's indorsement thereof, and which are as follows:

WAR DEPARTMENT, }
OFFICE INDIAN AFFAIRS, July 1, 1840. }

SIR: Since my report to you, of 8th April last, was transmitted to the Hon. Mr. Dawson, a member of the Committee of the House of Representatives of Claims, authentic information has been received of the price paid by General James C. Watson for the negroes taken by the Creek Indians in Florida, to the capture and purchase of whom that report related.

These prisoners were the property of their captors, by the agreement between the Creek warriors and General Jesup. The difficulty about the possession of them, the action of the Government therein, and the purchase of them by the present claimant have been heretofore examined, and are fully understood. These negroes cannot, under the circumstances, be obtained by General Watson, and I have heretofore recommended that the money be paid the Creeks for them, and interest on it, should be refunded to him—but the amount of the consideration was then unknown here.

It now appears from the testimony of Captain William Armstrong, taken on the 29th ultimo, that the contract between the Creek chiefs and General Watson for these slaves (which, it seems, is now mislaid or lost) was witnessed

by him in the spring of 1838, that it was fair, and, considering the risk of collision between the Creeks and Seminoles in the West, on the subject of the negroes, should they be carried there, he thinks the sale of them, before they reached Arkansas, was politic—that the consideration of the said sale was \$14,600, which was, by the direction of the Creek chiefs, who were empowered to act in the premises for the Creek warriors that had been in Florida, paid to the deponent in trust for those entitled to it, and that it was actually paid over to them by him in the Indian country, on the 4th of July, 1838.

The dates of the contract and of the payments to Captain Armstrong are not given, but the 1st of May may be regarded as the time, without the risk of injustice either way.

These negroes cannot be obtained by General Watson. Any attempt at enforcing a claim to them under the Creek warriors would, perhaps, have resulted in a conflict, and as the hazard of such an issue prevented the use of more than persuasive means, I think General Watson has a just claim on the United States for the money he paid, and interest.

The amount paid, as already stated, was \$14,600
Interest from 1st May, 1838, to 1st July, 1840..... 1,898

\$16,498

For this sum of \$16,498, I think an appropriation ought to be made, and respectfully recommend, if it meets your approbation, that a communication be made to the chairman of the Committee of Ways and Means, asking for it.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT, Secretary of War.

WAR DEPARTMENT, July 3, 1840.

SIR: In compliance with the suggestion contained in the inclosed report of the Commissioner of Indian Affairs, I have the honor, respectfully, to recommend that the appropriation of \$16,498, suggested by that officer for the payment of the claim of General Watson for negroes captured by the Creeks in Florida, may be asked of Congress.

Very respectfully, your obedient servant,

J. R. POINSETT.

Hon. J. W. JONES, Chairman Committee Ways and Means.

[EXTRACT.]

WAR DEPARTMENT, July 11, 1840.

SIR: Mr. Watson's claim arises under a contract made by General Jesup, with the Creek warriors, which was sanctioned by the Department. The appropriation asked for is required to enable the Department to comply with the contract, and to carry it into effect, and upon its being made by Congress this claim will also be paid.

Very respectfully, your obedient servant,

J. R. POINSETT.

Hon. J. W. JONES, Chairman Committee of Ways and Means, House of Representatives.

Mr. JOHNSON. I have another paper that I should like to read. It is this:

WAR DEPARTMENT, March 23, 1841.

SIR: You are aware that there are certain negroes in Arkansas, who became the property of their Creek captors by an arrangement between General Th. S. Jesup and the Creek warriors who went to Florida in 1836 against the Seminoles. These negroes were purchased by General James C. Watson, of Georgia, from the Creek chiefs in Washington city in the spring of 1838; and the price of them in the contract, which you witnessed, and think fair, was placed in your hands as Acting Superintendent of the Western Territory, and paid over by you to the Creeks on the 4th of July, 1838.

You will please take the proper measures to have these negroes delivered to General James C. Watson, above named, or his lawfully authorized agent, or so many of them as are now living.

Very respectfully, your obedient servant,

J. BELL, Secretary of War.

Major WILLIAM ARMSTRONG, Acting Superintendent Western Territory, now at Washington City, D. C.

Mr. SACKETT. This letter from the Secretary of War, which has just been read, was dated in 1841 and the other letters in 1840. Now, this contract took place in 1838, when Mr. Bell, the Secretary of War, in 1841, was not in office, and, consequently, he had no participation in the matter whatever. His letter is a mere recital of what had taken place before the matter had then been before Congress, and had become a matter of public history. This Secretary of War, as I said, was not in office when this contract was made, and had nothing whatever to do with it. These papers just read, however, expressly state the fact, that the Government up to June, 1840, knew nothing about this contract or the price paid. If I had any partisan feeling in the matter, I should thank the gentleman from Georgia for producing this proof. It is corroborative of what I am saying. I should thank the gentleman for producing it, because he furnishes a paper, he being an advocate for the claim, reciting the fact, that at the time the contract was made, the Government did really know nothing about the transaction.

But I now assert the fact, and I challenge the production of documents to contradict it, that there is not a letter or a line of proof in the case to show that the Government of the United States participated in any form in the inception, consummation, or execution of this contract of General Watson with the Creek Indians; but, on the con-

trary, there is abundant proof that they knew nothing about it.

Mr. DANIEL. Will the gentleman allow me to say a single word? I desire to ask him if he has examined the letter of Judge Iverson?

Mr. SACKETT. I have not.

Mr. DANIEL. If the gentleman will examine, he will find that it contains full proof of the knowledge of the Government on the subject.

Mr. SACKETT. I have not examined it, and I do not regard it as evidence in the case. It is a letter from an individual, written this winter here in Washington, in regard to what he accidentally heard said. It is of what he heard said in this city fourteen years ago in relation to a matter in which he had no interest. I would not hold him responsible at all for what he heard said under such circumstances fourteen years ago. I have heard the letter read, and remember enough about it to know that it is of no sort of consequence. It is enough to know that he was not an officer of the Government, and only states his recollection of the loose, and, as I think, entirely irresponsible conversation which he heard fourteen years since, in a matter in which he took not the slightest interest one way or the other. Why, sir, the parties interested have long since called for all the correspondence and evidence from the Departments, and for many years have been in possession of all the evidence that can be regarded as reliable or safe. These after births in evidence are only the spasms of a desperate cause.

Mr. JOHNSON, of Georgia. I have here a letter from the Secretary of War, dated July 21, 1838, a few days after the making of the contract, in which the expenses for making that contract are recognized:

WAR DEPARTMENT, July 21, 1838.

SIR: The Adjutant General has laid before me your letter of the 13th ultimo, together with copies of the correspondence between you and Lieutenant Reynolds, respecting the negroes captured by the Creek warriors, in Florida, from the Seminoles. Enclosed I transmit a report from the Commissioner of Indian Affairs, accompanied by copies of various papers, from which you will learn the facts of the case, and the reasons which have governed the Department in the course which has been taken. You will be pleased to carry out the decision of the Department, that these negroes shall be delivered to the Creek warriors, provided this can be done without violence or the use of force. Should you not be able to effect the object peaceably and quietly, it will be better that the negroes remain with the Seminoles. In this event, however, you should take measures to convince the Creeks that compensation will be made to them for the loss of the negroes; and lest they may be exasperated at their failure to get what they claim, and thus bring on the very state of things which the Department has been trying to avoid, you can assure them that the influence of the Department will be used to its fullest extent to procure from Congress the means of indemnifying them. It is much to be regretted that Lieutenant Reynolds did not comply with his directions, and deliver the negroes to Mr. Collins before they reached the Indian country. Much difficulty and dissatisfaction would thereby have been avoided, and the original object of the Department—that of preventing collisions between the two tribes—would probably have been effected. But, as they are there, the best that can be done is believed to be the delivery of the negroes to the agent of the Creeks, to be brought out of the Indian country; but this delivery not to be made if force has to be used. The whole affair is a delicate and difficult one, and your judgment and discretion are relied on to bring it to a close in a manner satisfactory to all concerned. Yours, &c.,

J. R. POINSETT.

Brevet Brigadier-General M. ARBUCKLE,
Fort Gibson, Arkansas.

Mr. SACKETT. It will be seen that this letter, like the rest, does not sustain the gentleman, although it was written several months after the contract was made. This letter, too, repudiates the contract, and treats the whole transaction as with the Creeks. After this labored effort of the advocates of this claim to produce evidence to show that the Government participated in the making or the execution of this contract, I think I may safely say that none can be produced. But I will not stop here; I will not leave the case to negative proofs I will show that there is affirmative evidence entirely satisfactory, to prove that the Government so far from participating in the making of this contract did not as much as know of its existence for some months afterwards. Every single letter written by Mr. Harris, who was then Superintendent of Indian Affairs, to the officers of the Army in command, that alludes to these negroes, speaks of them in connection with the rights of the Creeks. But in not one of them is there one line or one word tending to recognize the participation of this Government in this contract, or even the existence of any such agreement, or that Watson had any interest whatever.

Here is one of his letters, and there are more than twenty of the same character:

WAR DEPARTMENT,
OFFICE INDIAN AFFAIRS, May 9, 1838.

SIR: The decision made a few days since, that the negroes captured by the Creek warriors in Florida should, in compliance with the engagement of General Jesup, be delivered to the delegation now here, has been communicated to them, with the intimation that when they had determined what disposition would be made of them, and communicated information of the same to this Department, the necessary orders would be issued. In a communication just received from the delegation, they state they have appointed Nathaniel F. Collins, of Alabama, their attorney in fact, to receive the negroes. I have the honor to request that an order may be issued to the commanding officer at Fort Pike, to Major Isaac Clark, at New Orleans, to the commanding officer in Florida, and to any other officers who may have charge of them, to deliver to Mr. Collins all the negroes in question. He will, of course, hold them subject to the lawful claims of all white persons. Abraham and his family should be excepted, in consequence of a promise made by General Jesup. The officers should be instructed to exercise due caution, so as to deliver only those captured by the Creeks. It is proper to remark, that it appears from a letter received from Lieutenant Sloan, that these Indians refused the \$8,000 offered them, under the direction of General Jesup, for their interest in these negroes.

Very respectfully, your most obedient servant,

C. A. HARRIS, Commissioner.

Captain S. COOPER, Acting Secretary of War.

This letter recites the order under which the Creek agent, Collins, was acting. Is there anything said here about General Watson? Not one word. This letter and this power of attorney speak for themselves. Collins, even according to his own showing, was the agent of the Creeks, and not of General Watson. And is the Government to be held for some clandestine private arrangement, that was not to see the light?

Mr. WHITE, of Alabama. I ask the gentleman from New York if this Government ratified this contract, if it is not binding upon it according to well-established principles, even if it was not cognizant at the time of the facts contained in it?

Mr. SACKETT. That is a proper subject for consideration, and I will come to it in due time.

Three or four months after the making of that contract, on the 18th of August, 1838, General Arbuckle, who then had these negroes with his command in Arkansas, recites the fact, that he had recently received two communications, one from the Secretary of War, and the other from the Superintendent of Indian Affairs at Washington, dated July 19th and the 21st of the same month, in which letters he expressly states, upon the authority of the Secretary of War and the Superintendent of Indian Affairs, that it was unknown at Washington that this money was paid for these negroes, even as late as the latter part of July, 1838. After all this, it is still claimed by those who advocate this claim, that the Government made and got up this contract. Was so absurd a claim ever before presented to this House?

Mr. DANIEL. If the Government had had no knowledge of the fact, it would not have recommended the payment of the money to General Watson with interest.

Mr. SACKETT. That was three or four years afterwards, after the claim had been got up. I am endeavoring to present the transaction as it took place. Here we have affirmative evidence that it is not substantially contradicted on the part of the claimants, that the Government knew nothing about the payment of this money; and we have also the positive evidence, as late as July, of the head of the War Department, and the head of the Indian Bureau, that they knew nothing of it. Now, where is the responsible connection of this Government with this transaction? Where can any man put his finger on a just ground of liability?

Mr. DANIEL. What Secretary of War was it who wrote this letter? These offices are continually shifting from hand to hand, and it may have been some subsequent Secretary or Superintendent who wrote the letters.

Mr. SACKETT. I have the letter, and will read it. It is dated the 22d of August, and is directed to Captain Armstrong, the acting superintendent of the Indian affairs in that region of country:

HEADQUARTERS, 2d DEPARTMENT, W. DIVISION,
FORT GIBSON, August 27, 1838.

SIR: I received by the last mail, from the honorable the Secretary of War, a communication under date of the 21st ultimo, on the subject of negroes captured by the Creek warriors, together with a letter from the Commissioner of Indian Affairs to the Secretary of War, under date of the 19th ultimo, relating to this subject; copies of which are

herewith enclosed. All other papers or transactions in relation to this matter it is presumed that you are apprised of. It will be seen by the communication first referred to, that it was not known at Washington, at the date of that letter, that the Creek warriors had been paid for the negroes.

I am, sir, with much respect, your obedient servant,
M. ARBUCKLE, *Brig. Gen. U. S. A.*
To Captain W. ARMSTRONG, *Acting Superintendent W. Territory, Choctaw Agency.*

Here is a letter dated in August, in which it is stated that a communication had been received from the Secretary of War and from the head of the Indian Bureau, expressly repudiating the idea that the Government had any knowledge of this transaction.

Mr. DANIEL. If the gentleman will allow me, I will call his attention to a very great inconsistency under which he labors. When I referred him to the letter of Judge Iverson, a man of high character and standing, he said it was merely a letter, and not an affidavit. It did not serve his purpose to take into consideration the fact stated by Judge Iverson, but it does serve his purpose to take into consideration the mere statement, and not the affidavit, of General Arbuckle.

Mr. SACKETT. Well, if this claim is to be supported upon such criticism or evidence as that, I am entirely willing to submit it to the committee without further debate. What is the difference? Why, one is the indefinite recollection of an individual having no connection with the transaction whatever, fourteen years afterwards; and the other is the responsible correspondence of the Secretary of War and the head of the Indian Bureau. If the gentleman from North Carolina [Mr. DANIEL] cannot see the difference in the character of the evidence, I have no doubt but this committee will. I think I have shown satisfactorily, that the Government never had anything to do with the making of this contract. But, on the contrary, I have shown, by evidence which would be satisfactory, I think, to any jury in the world, that, to say nothing of participation, they did not even know anything about the transaction.

I have now shown the nature and character of the original contract; the immateriality of the proposition of General Jesup in relation to the \$8,000; and that the Government was not connected with this contract.

Mr. DANIEL. If the gentleman wants to get at the point, I will read a letter from J. R. Poinsett. It is not necessary to read the whole letter, but I will read this part:

"Mr. Watson's claim arises under the contract made by General Jesup with the Creek warriors, which was sanctioned by the Department, and the appropriation asked for is required to enable the Department to comply with that contract, and to carry it into effect, and upon its being met by Congress, this claim will also be paid."

This is a letter addressed to the chairman of the Committee of Ways and Means, John W. Jones.

Mr. SACKETT. What is its date?

Mr. DANIEL. July 11th, 1840.

Mr. SACKETT. Yes, three years after this transaction, and a letter asking a general appropriation in relation to the Florida war, but having nothing to do with the merits of this case; it does not relate to this contract.

Mr. DANIEL. It is signed by Joel R. Poinsett, and I suppose it is in his handwriting.

Mr. SACKETT. It is like all the rest of the evidence in the case; and we need not go back to 1840, to get evidence that these efforts are still continued on the part of certain individuals, to secure to General Watson, who made this contract, the reimbursement of this money out of the Treasury of the United States, upon which, in my judgment, he has no more claim than any other losing speculator; that is still the very subject-matter now under consideration before us. There was no evidence in that letter as to whether the Government had anything to do with this contract with General Watson. Not a word. It is in relation to the contract made by General Jesup with the Indians, in relation to their becoming allies of the Government in the Florida war. Not a word in relation to this contract. It is for you to give it a broader construction, if you choose. I can find no ground for doing so. Give it its broadest and fullest construction, and it is the construction of the Secretary of War as to the validity of the contract of General Jesup, which is not now in controversy. Well, sir, we have heard of such things as Secretaries giving construction to contracts that Congress did not agree with. It is a construction as

to the validity of a contract made by General Jesup, if you choose, but it has nothing to do with the question now under consideration. As I stated at the time of the interruption by the gentleman from North Carolina, [Mr. DANIEL,] I have shown the nature of the contract; the immateriality of the proposition of General Jesup in relation to this matter; I have shown that the Government had nothing to do with the making of this contract; and as to these points I now leave them.

There are other considerations connected with this matter that are worth consideration; they are contemporaneous acts, which shed, at least, some light upon it.

On the 6th of March, 1837, the Government of the United States, through its proper authorities, made a treaty with the Seminole Indians. By that treaty, sir, which was made about two months before this contract of Watson was made, the Government agreed with the Seminoles, to guarantee these very negroes to them, and that they should go with them to the West. This treaty was made after the entire services of the Creek Indians. They actually went into the service in December, 1836, and were mustered out of service in September, 1837, before any hostilities took place between the Government and the Seminoles after this treaty. The treaty, I say, was made on the 6th of March, and its provisions, as contained in article fifth, are as follows:

"ART. 5. Major General Jesup, on behalf of the United States, agrees that the Seminoles and their allies, who come in and emigrate to the West, shall be secure in their lives and property; that their negroes, their *bona fide* property, shall accompany them to the West; and that their cattle and ponies shall be paid for by the United States, at a fair valuation."

Now, sir, what are we told? That after General Jesup had reported this treaty to the Government at Washington; after every department of the Government were entirely familiar with this solemn compact, by which the very property in controversy here had been guaranteed to the Seminoles, that this very Government, by the Secretary of War and Superintendent of Indian Affairs, were making a contract—that Watson, in violation of solemn treaty obligations, should absolutely take the property itself, and that the army should deliver it to him by force. Was there ever a greater absurdity? It is a charge against the late Secretary of War and Commissioner of Indian Affairs, which, if true, would be just ground of impeachment—a charge that they were, while in the public service, unlawfully and clandestinely trying to violate a solemn treaty of the Government. Sir, I am happy to say there is no evidence of such conduct on their part.

What, sir, has it come to this, that our highest officers are to be charged with clandestine schemes against the treaties of peace of the country. What higher offense could be charged against these men? Here was a solemn compact—and they had not one particle of authority of law to make, countenance, or encourage any contract whatever, or to bind the Government in any way, and still, without proof, for the purpose of sustaining this claim, they are charged with this gross violation of duty, viz: That they did in the face of this treaty, and with the full knowledge that it was in violation of its provisions, make, or cause to be made, a contract to take from the Seminoles the property the Government had, by treaty, only two months before guaranteed to them, and give and convey it to a stranger. They either were guilty of all this or they did nothing. Is there no evidence in this case against so violent a presumption? Does the distinguished gentleman from North Carolina [Mr. DANIEL] see nothing in this tending to show that the Government could have had nothing to do with the contract?

Mr. DANIEL. I understand about that, and there I think the gentleman is laboring under a misapprehension. His earnestness to defeat this bill causes him to see everything in a distorted view. I think there is something in that contract to operate upon, without operating upon these negroes, which by a previous contract with General Jesup, belongs to the Creek warriors. There were other slaves that surrendered themselves with the Seminoles at the time, and undoubtedly that contract referred to those slaves, and not to the slaves which had been captured under the previous arrangement made between General Jesup and the Creek warriors.

Mr. JOHNSON, of Georgia. General Jesup

did, subsequently to the making of that contract with the Creeks, enter into a treaty with the Seminoles themselves; and prior to making the treaty with the Seminoles, the rights of these Creeks had attached, by the capture of this property. Then General Jesup makes the treaty, in which he stipulates that the negroes, the property of the Seminoles, should accompany them to their Western homes. Now admit that General Jesup has made a contract, and that one conflicts with the other, our rights attaching in the mean time, it may involve him in inconsistency, but it cannot defeat our rights.

Mr. SACKETT. There is no inconsistency on the part of General Jesup. He makes this treaty, reports it to the Government, it is agreed to by the Government as a treaty between the Seminoles and the Government of the United States, in which the Government agree that these very negroes, the property of the Seminoles, should go to the West with them. It is not claimed here that this treaty of General Jesup applied to anything which was not the property of the Seminoles, and there was not a single negro which it applied to taken between the 6th of March, and the time when this contract of Watson's was made. Therefore, the evidence is complete and perfect, that the Government had contracted in relation to this property by treaty, which was well known to its officers and to General Watson, and I contend this precludes the idea of any participation in this contract.

Another point, and I address myself now, not so much to the legal acumen of the House, not so much to the lawyers of the committee, as to the common sense of all. This property, if property at all, as claimed here—this claim, if a valid claim at all, covers property worth some \$60,000. Those who advocate the claim, and those who oppose it, do not disagree about its value, as the evidence itself proves that point. The purchaser knew all about the condition of that property. Knowing this, and being perfectly acquainted with both propositions, its value and condition, he purchased that property for \$14,600.

Now, sir, I ask any member of this committee, as a matter of fair inference, fair understanding, and bringing his mind to bear upon the original transaction, if it is not plain that a man purchasing property under such circumstances, intends to take the risk upon himself, and intend to rely upon the guarantee of this tribe of Indians, as to the validity of title. Is it possible we can close our eyes so tight, as not to see, that if a man purchases, with his eyes open, property worth five times the amount which he gives, and enters into a contract in which the United States is by no means a party, he intends to take that contract upon himself? What are we to do? Turn around after the space of fifteen or sixteen years, and say that this intention shall be reversed, because he was not fortunate in his speculation—because he did not succeed in making the speculation which he thought he should make out of it, and say that the Government of the United States will make up his loss? What possible interest has the Government of the United States, in any event, in this property? Admit the broadest construction claimed upon the other side, and the Government of the United States never had a single shilling of interest in it, in any form whatever. Suppose that it was a legitimate subject of contract, and suppose that it was proper for General Jesup, under the laws of the country, to make such a contract, and give it the construction sought to be placed upon it, upon the other side, and what interest was the Government, in any event, to have in the property? Not one farthing, in any form whatever. If these negroes belonged to the Creeks, it was because they had captured them, and we have nothing to do with them—were not, by the contract, bound to keep them for an hour. If we were bound to keep them, we were as much bound for ten years as ten days. We had no lawful possession of them except as prisoners of war.

It will be seen from the presentation of the points in this case, that the Government of the United States never assumed any direct responsibility in regard to this matter. The purchaser here purchased the character of property that he claims. If he lost out of it, it was his own loss; and if he gained by the speculation, as he thought that he would, it was his speculation. In either event, the Government had neither claim nor liability.

I do not know that it will be profitable to detain the committee any longer upon this subject. Perhaps, as proper to the elucidation of the subject, I ought to say a word upon another point; and I am sorry to say, that its presentation has a little something to do with the slavery view of the question; but it is necessary to the understanding of the subject. It is this: As to whether slavery existed in Florida at all? As I have said before, the presumption of law is against it. I think no lawyer will gainsay the proposition, that under the Constitution and laws of the United States the presumption is against the existence of slavery. I lay that down as a legal proposition. Under the law of some of the States, the question of color determines that question; but under the Constitution of the United States, the presumption is in favor of freedom.

Mr. JOHNSON, of Georgia. I would ask the gentleman if it is not a rule of law, sanctioned by the Supreme Court of the United States, that in making their decisions they follow the decisions made in the States?

Mr. SACKETT. It is as the gentleman states it. Of course they would be governed by the laws of the State when they do not conflict with the laws of Congress. That does not touch this point at all. This point stands clear of all construction from State authority or jurisdiction. It is an important proposition, and one to be settled by the Constitution and laws of the United States; the laws of the Government that declare that all men are born free and equal. The question whether slavery existed among the Seminoles is a very wide field and very important subject for consideration, in which nothing can be taken by presumption—nothing can be taken by inference. It is a question to be determined by the absolute existence or non-existence of law; no presumption can create slavery among these Indians, but it must be established by proof of existing law. If slavery exists there at all, the question will naturally arise, what kind of slavery existed there? What sort of bondage was it? Was it the bondage of the African race, or the bondage of the Seminole race? Was it slavery from year to year, or was it slavery from generation to generation? Was it slavery by which the parties enslaved became liberated after a certain period of time? How was the relation of the enslaved to be changed by this operation of General Watson?

The gentleman from Georgia [Mr. JOHNSON] alluded to the letter of General Taylor, in which he made a statement in reference to this transaction. Without taking time to read the letter, I will only state that General Taylor washed his hands entirely of this transaction. He did not consider that these men were slaves. I will read the letter, however:

HEADQUARTERS ARMY OF THE SOUTH,)
TAMPA, (FLORIDA,) June 2, 1838. }

GENERAL: I have the honor to acknowledge your communication of the 10th of May, 1838, accompanied by one of the 9th, from the Commissioner of Indian Affairs, addressed to Captain Cooper, acting Secretary of War, on the subject of turning over certain negroes captured by the Creek warriors in Florida to a Mr. Collins, their agent, in compliance with an engagement of General Jesup.

I know nothing of the negroes in question, nor of the subject, further than what is contained in the communication above referred to; but I must state distinctly, for the information of all concerned, that while I shall hold myself ever ready to do the utmost in my power to get the Indians and their negroes out of Florida, as well as to remove them to their new homes west of the Mississippi, I cannot for a moment consent to meddle in this transaction, or to be concerned for the benefit of Mr. Collins, the Creek Indians, or any one else; or to interfere, in any way, between the Indians and their negroes, which may have a tendency to deprive the former of their property, and reduce the latter from a comparative state of freedom to that of slavery; at the same time, I shall take every means to obtain and restore to his lawful owner any slave among the Indians who has absconded or been captured by them.

Very respectfully, I have the honor to be, General, your obedient servant.

Z. TAYLOR.

Brevet Brig. Gen. United States Army, commanding.
General R. JOSEPH, Adjutant General United States Army,
Washington, D. C.

That was something like a year after the transaction.

In October, 1838, this whole transaction, so far as this contract is concerned, is still in the dark; and even at that late day, Mr. Collins, the agent, writes to the Secretary of War, to see if some arrangement cannot be made with the Creeks, so as to enable his principal to get his money back. The following is his letter:

TUSKEGEE, (ALABAMA,) October 18, 1838.

Sir: I have previously advised you of my failure, as agent of the Creek warriors, in obtaining possession of the Seminole negroes that you had directed to be turned over to them, and the difficulties and opposition that attended it.

I have now to request, that should General Arbuckle be unable to comply with the instructions I understand he has received, (which, from my knowledge of Indian character, I have no doubt he will,) this claim may be laid before the agent who may be appointed to investigate the claims of the Creeks, with the necessary documents, that it may be examined and reported on by him.

Will you inform me who the agent will be, and the time and place of the investigation, that I may be present to represent this claim?

From my long and intimate acquaintance with the Creeks, I was enabled, while there, to allay any excitement likely to be produced on this subject, and prevented, for the present, any attempt on their part to take possession of the negroes, by the promise that the Government would ultimately satisfy them.

With the highest respect, I am yours, &c.,

N. F. COLLINS.

Hon. JOEL R. POINSETT,
Secretary of War, Washington.

Mr. JOHNSON. Collins was the agent of the Indians.

Mr. SACKETT. He was never the agent of the Creeks, except in this transaction. He was the agent of the Choctaws.

Mr. JOHNSON. Mr. Collins was the agent.

Mr. SACKETT. Mr. Armstrong was the man who had the money; but that is immaterial. Collins was following up these negroes as late as the 18th October, expressly avowing himself the agent of the Creeks, when he writes to the Secretary of War—Mr. Poinsett—that he has not been able to possess himself of them, and suggests whether there may not be a claim made before the Creek Indians themselves—they having guaranteed their title to these negroes—to indemnify Watson, his principal, and requests the Secretary of War to let him know when the agent of the Creeks will be acting upon that subject, that he may have the matter presented. Then there was no thought of making a claim against this Government: that was an after-thought, probably the invention of some claims agent—a sort of Galphin, where agents and owners go snucks.

[Mr. WILDRICK, from the Committee on Enrolled Bills, reported as correctly enrolled, "An act making land warrants assignable;" which received the signature of the Speaker.]

Mr. EVANS. I do not propose to detain the committee more than fifteen minutes, so that if any gentleman desires to address the House he may then be ready to obtain it. This is a funny affair altogether, and the gentleman from New York [Mr. SACKETT] has elaborated it in the most scientific manner; so much so, that I apprehend he has put it beyond the comprehension of a jury. So far as I understand, this whole case lies in a few facts, and if gentlemen will give me a little of their patience I will endeavor to make it plain. There are several gentlemen upon this floor who have a remembrance of Judge Iverson. I had the honor of serving with him here. Those who had the pleasure of his acquaintance know that a more polite and courteously deported gentleman—a gentleman whose statement can more entirely be relied upon, cannot be found upon this floor, or outside of this Hall. In all his actions, and in his behavior here, he displayed what he was—a Georgia gentleman. The gentleman from New York stated that he had passed over Judge Iverson's letter—that he had not read it, but had heard it read; that it was loose, rambling, and disconnected, and showed a failure of memory, and that it related to facts occurring thirteen years ago. It is true that it related to occurrences which took place thirteen or fourteen years ago, but it is not rambling, nor does it show any failure of the memory; on the contrary, it is stated with the utmost positiveness and clearness, and is conclusive upon one branch of the facts involved in this case. Mr. Iverson says that the Department of Indian Affairs sanctioned, nay, brought about this sale of negroes; negotiated it and fixed the price. I suppose that is the Government, and if not, there are abundant communications—letters written parallel with the occurrence—showing that the Secretary of War authorized all of the transactions with regard to it. The letters are here with the signature of Mr. Poinsett attached to them. Now, sir, the reading of these papers is not an interesting matter for anybody. I will take this one; Judge Iverson, a witness whose character is known to us all, says:

"Shortly after the return of the warriors composing what was called the Creek regiment, enlisted by General Jesup, in 1836, to serve in the Florida war against the Seminoles, and the removal of said warriors with their families, to the Creek nation West, General James C. Watson and myself were deputed as agents from the Alabama Emigrating Company (who removed the Creeks under contract) to the city of Washington, to settle up the accounts of said company with the Government. When we arrived in Washington, we found General Armstrong, Indian agent, in the city, with a delegation of Creek chiefs. A proposition was immediately made to General Watson and myself, by Carey C. Harris, Commissioner of Indian Affairs, to purchase a large lot of negroes, then claimed by said Creek regiment, and represented to be at the time in the custody of the United States, at Fort King, near New Orleans. The proposition was declined by me, but I was personally acquainted with most of the facts and conversations which occurred between the Department, the Indian Agent, Armstrong, and General Watson, and learned the following particulars: That these negroes had been captured in Florida by the Creek regiment, from hostile Seminoles; that agreeably to an agreement made with said regiment by General Jesup, they were to have all the property of the hostiles which they could capture, and they claimed these negroes; that General Armstrong and the delegation in Washington had authority to dispose of or sell their claim to these negroes; that the Seminoles who had emigrated to the West were very averse to allowing these negroes to go into the possession of the Creeks; that the Creeks were equally determined, when they arrived West, to seize and subject them to their own service. The War Department apprehended that serious difficulty would grow out of this conflicting claim, and that war would ensue between the Creeks and Seminoles in the contest for the negroes. It was deemed by the Department prudent, and indeed necessary, to prevent blood-shed and war between the two tribes, that the negroes should not be sent to the West, but should be sold in the United States. Hence the proposition from the Commissioner of Indian Affairs to General Watson, to purchase the negroes. General Watson hesitated for several days, but being urged by Mr. Harris, and assured that the negroes would be delivered to his agent immediately, he consented to buy them, and paid the price fixed by the Commissioner of Indian Affairs, and General Armstrong, the agent. An order was issued from the Department, and an agent dispatched by General Watson to New Orleans, to receive the negroes. The United States officers in charge of them refused to deliver them; they were transported to Fort Gibson, and turned over to General Arbuckle, as I have been informed, and were by him surrendered to the Seminole Indians, or turned loose and joined them; so that they were wholly lost to General Watson. Given under my hand this 19th December, 1851. ALFRED IVERSON.

"DISTRICT OF COLUMBIA, County of Washington."

"This day came before me, Nicholas B. Van Zandt, a justice of the peace in and for the county aforesaid, the above named Alfred Iverson, who made oath to the truth of the above and foregoing statement. Witness my hand and official attestation, this 19th December, 1851.

"N. B. VAN ZANDT, Justice of Peace."

Now, the United States had the property in its possession. That is the first position. The Secretary of War, the gentleman from New York says, had not sanctioned this Indian negro business. I am astonished at the gentleman. I am really surprised at his statement with this mass of evidence, of manuscript documents before him, which he might read if he would. In these documents is an assent of the Government, so far as the assent of the War Department will give it.

Mr. SACKETT. Where does the gentleman find that?

Mr. EVANS. The gentleman from Kentucky has the document. He will give it to you. Besides that, the printed books are full of it. It seems to me no one can miss who wants to look for it, unless there be a desire to escape the fact. I do not mean to say the gentleman has such a desire, but I think his professions have made him overlook what is immediately before him. I do not care a straw whether the documents contain the asserted matter or not. The Government of the United States had the negroes in possession, and it was extremely desirous to prevent a war. Now, I understand that the secret at the bottom of the whole of this matter was to prevent war between the Creeks and Seminoles, which would not cost us \$15,000 merely, but \$15,000,000. And we made a cheap bargain in this matter—one of the best bargains we could have made.

Mr. WELCH. It is, and has been alleged, that the principal reason assigned by the Secretary of War, Commissioner of Indian Affairs, or whatever officer of Government who had this matter in charge, for advising or consenting to the sale of these negroes by the Creeks, was to prevent a difficulty and a war between the two nations of Indians—the Creeks and the Seminoles—when they should be removed to the West. The query I wish to propound is this: It will be found in several places in the voluminous correspondence which has been before the committee in regard to this matter, that the difficulty in separating the negroes, the slaves, as they are called, from the Seminoles, was found principally in the fact,

that the Seminoles objected to their going into slavery in the service of white men. That, I think, General Armstrong states to be the fact. That was the final reason, the final difficulty, why they would not surrender them: that they should go along with them as their allies, and not be surrendered into slavery in the service of the white men. I wish to know how this difficulty would be relieved that it was apprehended might occur between two nations of Indians. The difficulty existed in the fact that both parties claimed the negroes. By allowing the one party, the Creeks, to sell their right to the negroes, and put them in what the Seminoles considered a worse condition, a condition which constituted the principal ground of their objection, could not remedy the difficulty.

Mr. SACKETT. Will the gentleman from Maryland allow me—

Mr. EVANS. One inquiry at a time. Let me answer the gentleman from Ohio before interrogating me anew.

Mr. SACKETT. The gentleman says that I misstated—

Mr. EVANS. I do not say that you misstated the evidence.

Mr. SACKETT. I state now, that the letter which the gentleman produced as evidence that the Government had a knowledge of this contract, states no such fact.

Mr. EVANS. That brings up the document, then. Now, as the gentleman has made a point between us, though it has nothing to do with the case, I will read the letter. I did not propose to enter upon this matter at all, and only wanted to speak a few minutes to things that were relevant to the case; but since the gentleman has brought this matter up, I will read this letter of the 9th of May to Mr. Harris:

WAR DEPARTMENT,
OFFICE INDIAN AFFAIRS, May 9, 1838. }

Sir: The decision made a few days since, that the negroes captured by the Creek warriors in Florida should, in compliance with the engagement of General Jesup, be delivered to the delegation now here, has been communicated to them, with the intimation that when they had determined what disposition would be made of them, and communicated information of the same to this department, the necessary orders would be issued. In a communication just received from the delegation, they state they have appointed Nathaniel F. Collins, of Alabama, their attorney in fact, to receive the negroes. I have the honor to request that an order may be issued to the commanding officer at Fort Pike, to Major Isaac Clark, at New Orleans, to the commanding officer in Florida, and to any other officers who may have charge of them, to deliver to Mr. Collins all the negroes in question. He will, of course, hold them subject to the lawful claims of all white persons. Abraham and his family should be excepted, in consequence of a promise made by General Jesup. The officers should be instructed to exercise due caution, so as to deliver only those captured by the Creeks. It is proper to remark, that it appears, from a letter received from Lieutenant Sloan, that these Indians refused the \$8,000 offered them, under the direction of General Jesup, for their interest in these negroes.

Very respectfully, your most obedient servant,
C. A. HARRIS, Commissioner.
Captain S. COOPER, Acting Secretary of War.

Here is the next letter from Mr. Harris, the same day—the very day of the sale:

WAR DEPARTMENT,
OFFICE INDIAN AFFAIRS, May 9, 1838. }

Sir: I have the honor to transmit, herewith, the copy of a communication made to the Secretary of War, and which has been returned by him to this office, with his approval indorsed upon it. I request that you will cause an order, such as is indicated in this paper, to be given as soon as practicable to the officers mentioned in it. I am not at present aware that it will be necessary to give an order to any other than those named. I will thank you to cause me to be furnished with a copy of the orders issued, that Mr. Collins may be furnished with all proper papers.

Very respectfully, your most obedient servant,
C. A. HARRIS, Commissioner.
Major General MACOMB, Commanding in Chief.

And also a letter from the Adjutant General:
ADJUTANT GENERAL'S OFFICE,
WASHINGTON, May 10, 1838. }

Sir: Herewith you will receive a copy of a communication to the Secretary of War by the Commissioner of Indian Affairs. The request contained therein having been approved by the Secretary, you will please to give the necessary attention to the matter, so far as you are concerned, and comply with the requisition of Mr. Collins.

I am, sir, very respectfully, your obedient servant,
R. JONES, Adjutant General.
Major General JESUP, Commanding Army in Florida, Tampa, Florida.
Brevet Major ZANTZINGER, Fort Pike, Louisiana.

There is a fact for you. There is the fact of the sale communicated to the Secretary of War, and he has so indorsed upon the back of it, for the requirement, mark, is, that the negroes be delivered to Mr. Collins, who was the agent of the

purchaser. Can evidence of assent to a sale be stronger?

Mr. SACKETT. Is there anything said about the sale?

Mr. EVANS. Let the committee judge between us. They all hear what there is in this letter. I give the gentleman facts, but I cannot, as Dr. Johnson said in a parallel case, give him that spirit and discrimination of mind which will enable him to perceive them in a proper light. Yes, here are the facts. There was never a clearer indorsement; but it is not of the slightest importance upon the face of the globe whether it is so or not. It is a fact, that the Government was in possession of these negroes after a sale took place, with or without the knowledge of that Government. I will, for the sake of argument, admit, as the gentleman said, that the Government is without this knowledge, though the proof says that they had such knowledge. I do not care one straw whether they knew about the sale when it took place or not. I assert this to be true: If a sale of property, being in trust in my possession, is made to individuals, I am bound to deliver it, and if I allow it to be eluded and carried off, I am responsible for its value. If I accept the trust in the formal manner in which it was accepted by the Government, and do not carry it into effect, and the property is carried off, whether I knew of the sale or not, I am responsible for the property, much more, when I, myself, as the Government did, carry it off, and neglect, and refuse to make delivery. Neither does it make any difference whether these persons were property or not, if the Government be considered as making the sale, or as standing by and inducing a third party to make the purchase. Suppose the negroes were property. If they are, and the sale takes place with the consent of the United States, which has the article sold in possession, the Government is bound to make the delivery. If it fails to make delivery, it is bound for the consideration. Suppose they are not property. In that case, the title of the thing sold fails, and the party selling is called upon to make restitution of the value received, because he could give no valid title, nor make any valid delivery. In either case, he who has received money for which he has given no consideration must refund.

Now, let us imagine that the gentleman from New York [Mr. SACKETT] had been sold by the Government, which had received the money, and he is clearly entitled to his freedom, and seems to take it, too. [Laughter.] Suppose, I say, the gentleman had been sold by these Indians, the Government guaranteeing to make the delivery, I would like to know if they are not obliged, not only in equity but law, to refund the consideration money if they do not, or for defect of title cannot make the delivery? Does any one deny this? Has not the Government received money for property which the Government had in possession?—for consideration to the Indians was consideration to the Government then, and the spirit of all the papers showed it, no matter whether the thing sold was property or not. The Government allowed it to be carried off, and did not deliver it, and is that Government not bound to make restitution? Now, the Government did make a sale, and there is no use of dodging it; though it is of no importance whether they made it or not, for the United States induced the sale, brought it about, fixed the price, and ordered delivery, and then failed to fulfill the order, and that is the point of the case. But they did make the sale. No sober, candid man can look at all of these documents, and at the history of the whole transaction, and avoid saying that it was the Government who made this sale of these negroes on behalf of the Indians, besides having arranged it long before the capture that they should be the property of the Creeks, to be delivered to them or their authorized agents. They received the money. It was a consideration to prevent the shedding of blood upon your territory; a consideration which ought to hallow itself to the mind of every Representative here—a consideration which prevented expenses which now would have borne heavily upon us, and would have been to this day unpaid. It is an amount of money which you are bound in equity, in honor, and at law to refund to these parties. What difference is it, I repeat, whether what they sold was property or not? If it was property, they did not deliver it, and they are bound to refund the con-

sideration. If it was not property, they are bound to refund the consideration, because they could make no title to it. But bound the Government is, if not for this reason—which I only allude to because it has been much dwelled upon on the other side—certainly for the reason that, whether they knew of the sale or not, assented or not, they held these negroes as the property of the Indians, and then, after notice of the sale, after themselves fixing the price, they eluded the property. For, whether the War Department was cognizant of the sale or not, we had the property and did not deliver it. According to my views of the matter, then, we are bound to pay the money, and there is no use of going into a rambling discussion about General Arbuckle or about General Taylor, who was, by the way, only talking about a delivery of such negroes as belonged to white owners. The committee can judge about the facts. All else is irrelevant, and there is no use of lugging in all these things and embarrassing the minds of the committee with such an accumulation of matter.

Mr. SACKETT. If the Government were bound to deliver, according to the terms of the order of the Indian Department, to the Creek Indians—for that was the term used—there will be no disagreement about that. If they were bound to deliver according to the terms of that order, they would be bound only to deliver such negroes as the Creek warriors took. That manifestly would be the case. If General Watson, in the mean time, had stepped in and purchased, his rights would not be larger than the rights of the Creeks themselves. The evidence in the case, in regard to these negroes, is—and it is the difficulty in the case—that the Creeks took none of these negroes.

Mr. EVANS. The gentleman has shifted his ground. Now he has got up a new difficulty; but there is this simple answer to it: There is no reason for any identification. That was a point which the Government ought to have made by a reservation of the property, and not allow it to be carried off to be dispersed all over the Western territory, and through the Western and Southern States, and then for persons, on behalf of the Government, fourteen years afterwards, to come forward and say that it is impossible to identify this property. At this day it is a little too late to make that point.

Mr. DANIEL. Will the gentleman from Maryland allow me to make a single remark? The gentleman from New York [Mr. SACKETT] says that there was no identity of the negroes proved. There was no attempt to identify them; and why? Because it was seen, that if they could be identified, they could not be delivered. The Indians were determined not to go west unless the negroes went with them. There was no effort, therefore, to identify them, and it was useless to do so.

Mr. EVANS. I have no doubt it was quite useless, and I thank the gentleman for the interruption. I think the case is sufficiently clear, and I now bid it farewell.

Mr. STUART next obtained the floor and said: Mr. Chairman, if this were an ordinary question, I should not detain the committee at all in regard to it. It is one which was raised when I had the honor of being a member of the Thirtieth Congress, which I partially examined at that time, and which I have more thoroughly examined within the last few days. The object that I have in rising now is not so much to endeavor to enlighten this committee, as to place upon record the reasons which will control my own vote, and I shall be very much obliged to the committee, I confess, if they will give me ordinary attention. I have come to the conclusion that this is a case in which the Government is clearly liable, and I can state, I think, in a very few words, the reasons which have induced that conclusion in my mind. The views which I take, steer entirely clear of the difficulties which seem to obstruct the progress of other gentlemen. The question whether these individuals were slaves or not, in fact, is one which it is not necessary to determine. The question whether the title to them, was perfect in the Seminoles or not, is not now necessary to be determined in the views which I now submit. The question of whether the Government of the United States made a contract or not, is equally unimportant. But, sir, there are certain prominent, leading facts, clearly shown by the evidence in this case, about

which, I think, gentlemen who have examined it, will not dispute for one moment, and if they are not disputed, they seem to me to lead an unprejudiced and unbiased mind to the conclusion at which I have arrived as clearly and irresistibly, as a man will be ready to believe that it is light at mid-day when the sun is uninterruptedly shining.

Now, sir, what are those facts? General Jesup made a contract with certain Creek warriors by which he agreed to give them the plunder that they should capture from the Seminoles. If it was necessary, I think I should have no difficulty whatever in satisfying the committee that negroes were held as property at the place where the contract was made and where it was to be executed. But it is not necessary to determine that question, because there is a leading principle which governs all contracts in all the courts in every portion of the civilized world, with which I have any acquaintance, and that is this, that the interpretation that the parties themselves place upon the contract is the interpretation to be given to it by the courts in carrying it out.

Now, the evidence in this case, is superabundant to show that the Creek warriors, that General Jesup, that the Commissioner of Indian Affairs, that the Secretary of War, and every man that had anything to do with this question from the commencement to the end—that all these parties have regarded the slaves of the Seminoles as coming within the purview of the contract.

Well, sir, after that contract had been made, a certain number of slaves were captured by the Creeks. General Jesup, in a letter written in 1845, says, that most of those captured by the Creek warriors were females and children, and that most of the men were captured by the regular soldiers. He went into an investigation of that subject himself, and came to the conclusion that the proportion due to the Creek warriors under that agreement was \$8,000, and offered to give them that amount, but they declined to receive it. I am not going into the evidence, but am stating facts deducible from that evidence. Well, not long after this a new negotiation was entered into here in Washington, by which Watson bought out the interest of the Creek warriors, be it great or small in those slaves. And here I would remark, that whether that interest was great or small—whether it covered one negro or two hundred—whatever it might be, is a matter entirely unimportant, except in a contingency which I shall hereafter allude to. He bought the interest of the Creek warriors in that property, whatever it might turn out to be—in seventy individuals understood to be slaves, and admitted to be within the contract made by General Jesup, that number of individuals being, at the same moment, in the custody, and under the power and control of the officers of the United States.

Now, sir, this agreement was made known to the Government of the United States. They issued an order for the delivery of this property to Collins. For reasons best known to themselves, however, Collins was represented as the agent of the Creek Indians. But that makes no difference. He went after the property. The army officers of the United States refused to deliver it. Any man who examines the evidence, will find this remarkable fact, that in consequence of the peculiarity of that contract, there was a curious manœuvring running through the whole army of the United States, with a view to send these slaves with the Seminoles to the West. At the same time, each officer intended to act, and did so act, in point of fact, that you cannot fix the responsibility upon any living man of them. The result was, that Mr. Collins began at the point where General Jesup represents these slaves to have been in custody, and following them to the outer border of Arkansas, was unable to get control of one single person. In 1845, General Jesup explains this fact. He says, in this language substantially, I protested against the execution of that order, and I believe I was very instrumental in preventing its execution, by the delivery of those negroes.

Here let me call the attention of the committee to an important fact. This took place at a season of great difficulty—the removal of the Seminole Indians out of Florida to the West. That was the great point to be arrived at. These army officers saw that the Seminoles would never leave that country unless they could take their slaves with them, and for the reason, among others, that some

of them had intermarried with the negroes. After they had made the treaty with General Jesup, which has been alluded to, they came to a stand, and said they would never move an inch in execution of the contract they had made, unless their negroes were permitted to go with them.

Now, I disagree with the construction referred to by the gentleman from North Carolina, [Mr. DANIEL.] I think that the treaty which was entered into by General Jesup with the Seminole Indians, covered all their property—that which had been captured from them, as well as that which they retained. Now, I think that one of the very strongest points in the case. The Government of the United States knew that this contract had been made by General Jesup; they knew that Watson had purchased the right to these negroes, and yet, with that full knowledge, for prudential reasons, they saw fit, through their own agents, the officers of the army of the United States, whose action bound the Government, to send this property out of the reach of the man who had purchased it.

Now, let me ask this committee a question. Suppose there had been no such knowledge on the part of the officers of the United States; suppose it rested solely upon the contract existing between General Jesup and the Creek warriors, which was made by General Jesup with a view to give them a right to some portion of those slaves; and suppose the Government of the United States, interposing with its strong arm for the purpose of removing the Seminole Indians, had sent their slaves along with them, is there any doubt of the liability of the Government to the Creek Indians under that agreement? I take it, there can be none. Is there any doubt that Watson had purchased that property, or the right they had to it, from the Creek Indians? Well, if he had, then it is immaterial whether the Government knew of the purchase or not, if they interposed with the strong arm of their power, and prevented the delivery of that property. Would it not give a right of action, between individuals, against the individual thus interposing to put the property beyond his reach? Why, there is no doubt of that. But the conclusion is made more irresistible from the fact that the Government did know this. They knew of the existence of this agreement, and aided in getting it up. Now, how do we stand? Why, there is but one way in the world in which this claim can be defeated, even upon technical grounds, and that is this: If a gentleman buys property of me, and a third gentleman interposes and puts that property beyond his reach, and an action is brought against that third gentleman, and he seeks to evade a recovery, how can he do it? Why, by proving to the jury beyond all cavil that I had no title, and therefore did not sell any. Now, if the Government of the United States, in this case, could escape this thing in any way under the sun, it is that. They must show conclusively that not one single one of these individuals was so far a slave of the Seminoles as to convey any title whatever to the Creeks; and hence none could be conveyed to Watson. Now, we turn round here—being our own arbiters in our own case—and say to this claimant, You are bound to show that one of these individuals was a slave. We shirk the responsibility that the law imposes on every man in dealing between individuals. The *onus probandi* is upon us; and unless we can show that there was not a particle of property taken by the Creek warriors under the arrangement by General Jesup, and that there was none therefore transferred to Watson, we cannot even technically evade this claim. But then, when we rise above this technical consideration, and meet this question upon the principles of fairness; when we concede that, by our own offers, we induced this man to purchase this property; that by our Commissioner of Indian Affairs we fixed the amount of that purchase; that we asked him to do it because we did not wish these negroes to be sent to the West—because that was the ground upon which the Government interposed; they did not want these negroes sent West, to be a constant source of quarrel and difficulty between the Creeks and Seminoles, who were then to become neighbors—why, there is not a single question left that this Government is not as clearly liable to pay this money, and the interest upon it from the time it was advanced, as it is that a man is liable to pay his own note when in his own admitted handwriting. The liability in the bill be-

fore the committee is reduced to the smallest amount that can be claimed. No doubt, upon the law of the case, we would be liable to pay in full for the seventy negroes; but the bill avoids all that, and simply proposes to refund to this man the money he advanced, with six per cent. interest upon it from the time he paid it.

A VOICE. Are there no expenses charged?

Mr. STUART. No, sir; there is not a word of expense in the bill. One gentleman before, today, told us there were expenses charged. But I have examined it, and find that they are contained in the report, but not in the bill. The bill does not propose to pay one single dollar, except to refund the money that we, ourselves, induced this man to pay, and six per cent. upon it since the time he paid it. Now, I ask, is there a man here, who, in just such a case in an individual transaction, would hesitate for a moment to pay it?

Mr. SKELTON. I would like to ask the gentleman a question, since he undertakes to make the case a very clear one. I would like to inquire if it is lawful in this or any other country to sell prisoners of war into slavery? Upon this question rests the merits of the case. If it cannot be maintained that it is lawful to sell prisoners of war, I do not see upon what this claim rests.

Mr. STUART. If I had time, I think I could show most clearly what effect that question has upon the case under consideration. I think if this Government goes into a slave State, and offers to a regiment of Indians all the slaves they shall capture from the enemy in that State where slavery is recognized as an existing institution, I could show most clearly that it was bound to carry out that contract, just as certainly as if I were to go into a slave State and offer a man \$200,000 for his plantation, and his personal property, which would comprehend all the slaves.

Mr. SKELTON. If the gentleman will allow me, it does not appear from positive evidence that these men were absolutely slaves previous to their capture.

Mr. STUART. If the gentleman will examine the testimony in this case, he will find that it is equally clear upon this point. It is proved both by the existing laws of the country, and the facts existing in the case. It is very clear that these negroes were, by the Seminoles, claimed as slaves. Now, it lies upon us, as I said some time ago, if we wish to escape the liability, to show that they were not slaves. If precisely the same facts existed between two honorable gentlemen upon this floor that exist in this case, as I said, not one of us would hesitate when the question of refunding the money came up.

Now, sir, in conclusion, I will say that there has been a vast deal said, within these walls and elsewhere, of the condition of this country, growing out of this very question of slavery. That question has been amplified to any extent necessary to suit the particular views of any person who might at the time be speaking upon the subject. Mr. Chairman, I have ever believed what I now say, that no course of policy can be pursued by the representatives of the people upon this floor, better calculated to quiet irritation upon this subject, to allay all fear, all animosity, to prevent all future peril to the union of these States, than to treat every question growing out of it precisely as if it grew out of any other subject; to regard the question as our fathers who framed the Constitution regarded it—as an existing fact for which they were not responsible, and to leave it just as they found it. And although we may fall short of the patriotism which pervaded the bosoms of that body of great men, let us attempt, feebly as it may be, to imitate that illustrious example. With these views, I have endeavored to shape my course upon this claim, precisely as if the great question of slavery were not reached by it. Sir, I conjure gentlemen, from my heart—I conjure gentlemen from the North and the South to examine this case, to talk of it, and to vote on it as if it were a claim growing out of any species of property, recognized as property anywhere in this Union. Let them do that, and they will find the facts as I have stated them, and they will come to the same conclusion which I have stated, and which I now recapitulate. They will find that those Creek Indians gained a certain right, under their contract with General Jesup; that right they sold to Mr. Watson, and Mr. Watson has been prevented from its enjoyment by the direct

interposition of this Government, through its army officers. They will further see that interposition was for reasons amply sufficient, and such as would have controlled the action of any gentleman here, had he been substituted for those army officers. They acted wisely and prudently; and they are entitled to the highest encomiums for their course by this Congress and the country, for relieving the country of this incubus which weighed it down—by relieving the country of what was otherwise not only an expensive, but a merciless war. I have no sickly sensibility upon this subject, especially such as was indicated the other day by the gentleman from Pennsylvania, [Mr. JOHN W. HOWE.] And the history of this country is too full of those bloody pictures, showing the character of savage warfare; too many men, women, and children, have been butchered in cold blood, to make me entertain any particular fancy for Indians. That, too, is an evil with which we have had to contend, and let us dispose of it like statesmen.

Mr. BARTLETT obtained the floor, but yielded to—

Mr. HAMILTON, who moved that the committee do now rise; which motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman [Mr. CHANDLER] reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar generally, and particularly House bill 136, for the relief of the legal heirs of James C. Watson, late of the State of Georgia, and had come to no conclusion thereon.

Mr. ALLISON moved that when the House adjourns it adjourn to meet on Monday next.

Mr. MEACHAM demanded the yeas and nays; which were ordered—33 rising in the affirmative.

Mr. M. then withdrew the motion.

Mr. ORR moved the usual resolution to close debate on the bill last under consideration in the Committee of the Whole House.

Mr. CHANDLER moved that the House do now adjourn.

Mr. EWING moved that when the House adjourns it adjourn to meet on Monday next.

Mr. STANLY demanded the yeas and nays upon the motion, which were ordered; and, being taken, the result was—yeas 24, nays 95.

So the House refused to adjourn over.

The SPEAKER. The question recurs upon the motion to adjourn.

Mr. POLK. Is it in order to move to reconsider the vote by which the House refused to adjourn until Monday?

A Voice. How did you vote?

Mr. POLK. I voted no. I ask if my motion does not take precedence of the motion to adjourn?

The SPEAKER. The Chair is inclined to believe that it is competent for this House to fix the day to which it will adjourn, and that such a motion has precedence over a motion to adjourn.

Mr. POLK. The reason why I make the motion—

A Voice. It is not debatable.

Mr. POLK. If I cannot state my reasons I feel, like other gentlemen, that this motion to adjourn will be read against me.

The SPEAKER. Debate is not in order? Does the gentleman insist upon his motion?

Mr. POLK. Not unless I can give my reasons. The question was then taken upon the motion to adjourn, and agreed to.

The House then adjourned till to-morrow, at twelve o'clock, m.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BROWN, of Mississippi: The petition of Alfred E. Lewis and others, praying that an appropriation heretofore made may be applied without delay to the erection of a light house at the mouth of the Pascagoula river, in the State of Mississippi.

By Mr. THOMPSON, of Massachusetts: The petition of C. Cushing and sundry citizens of Newburyport, in the State of Massachusetts, asking for a further appropriation to the Collins line of steamers.

By Mr. MOREHEAD: Memorials from citizens of North Carolina and Virginia, praying for the establishment of a line of mail coaches from Salem, North Carolina, to Danville, Virginia.

Also, the memorial of A. M. Seary and others, citizens of Rockingham county, North Carolina, against the extension of the Woodworth patent.

By Mr. WASHBURN: The remonstrance of C. G. Stearns and 51 others, of Brewer, Maine, against the renewal of the Woodworth patent.

Also, the memorial of John Marsh and others, children of John Marsh, for compensation for the services of their father in the revolutionary war.

By Mr. PEASLEE: The petition of Ichabod Titcomb, for remuneration on account of his father's services and losses in the revolutionary war.

By Mr. KUHN: The resolutions of the State of Pennsylvania, in reference to the establishment of a navy-yard depot and dry-dock on the lake frontier.

Also, the resolutions of the Legislature of the State of Pennsylvania, relative to Smith O'Brien and his associates in exile.

Also, resolutions of the Legislature of the State of Pennsylvania, for appropriations to the improvement of the Delaware bay and river.

Also, resolutions of the Legislature of the State of Pennsylvania, relative to the proposed removal of the Mint from Philadelphia to New York.

By Mr. PENNIMAN: The petition of E. B. Ward, Z. Chandler, and others, citizens and merchants of the city of Detroit, Michigan, asking Congress to make a further appropriation, in order to sustain the Collins line of steamships.

By Mr. SCHOOLCRAFT: The petition of 54 citizens of Albany, New York, praying Congress to pass the bill giving further remedies to patentees.

Also, the petition of Miron R. Peak, for the adjustment and payment of his claim against the United States.

By Mr. MOORE, of Louisiana: The petition of John F. Stephens and 20 others, praying that the mail may be carried in four-horse mail coaches on route No. 6, 127, in Louisiana.

Also, the petition of H. J. G. Battle and 31 others, citizens of Shreveport, Louisiana, asking that Red river be declared a mail route.

By Mr. ALLISON: The petition of W. W. Chapman, Assistant Quartermaster, United States Army, praying indemnity for loss on a forged Treasury note, received in the discharge of his duty while with the army in Mexico.

By Mr. BRAGG: The petition of certain citizens of Mobile, praying for aid from the Government to the Collins steamers.

By Mr. BOWNE: The memorial of G. B. Fisk, by his executor, David B. Baylis, of Brooklyn, New York, in relation to Mexican indemnities.

By Mr. MOORE, of Pennsylvania: Three memorials of citizens of the county of Philadelphia, in favor of an extension of the Woodworth patent.

By Mr. FULLER, of Maine: The remonstrance of William E. Slayton and 42 others, citizens of the city of Calais, Maine, against the renewal or further extension of the patent granted to Austin and Zebulon Parker for a reaction water-wheel.

By Mr. GORMAN: Resolutions adopted by the inhabitants of the town of Laurel, in the county of Franklin, Indiana, recommending the passage of a law by Congress, providing for the grant of the right of preemption of lands in the Territory of Nebraska to Thomas Jefferson Sutherland, for the site of a military agricultural school, and for the loan of certain arms and military equipments of the United States for the use of such school.

By Mr. LOCKHART: The petition of Samuel Hall, president of the Evansville and Illinois Railroad, asking a grant of land to aid in the construction of said road from Evansville, on the Ohio river, to Indianapolis, Indiana.

Also, the petitions of D. M. Schene, William G. Ralston, F. A. Brown, William W. Colton, John H. DeBruler, William Brown Butler, Adrian Young, John McCoy, B. H. Criswell, John R. Land, John W. Gillum, Flemming H. Duncan, Dennis Pennington, and Dennis Pennington, jr., assistant marshals of the United States in taking the Seventh Census, in the counties of Posey, Warrick, Spencer, Dubois, Vanderburgh, Gibson, Crawford, Orange, and Harrison, in the State of Indiana, asking additional compensation for their services.

On motion by Mr. SCUDDER, the petition of Pope & Morgan and others, owners of the ship Chandler Price, of New Bedford, Massachusetts, asking compensation for ransoming certain sailors from the inhabitants of King's Mill Islands, was taken from the files and referred to the Committee on Commerce.

By Mr. NEWTON: The petition of Mr. Williams and 109 other citizens of Palmyra and Paris, in Portage county, Ohio, praying for the repeal of the fugitive slave law.

Also, the petition of Harrison Austin, Rufus P. Rawney and 85 others, asking the establishment of an Agricultural Bureau.

Also, the petition of J. S. Green, Curtis Hatch, and 187 others, asking to have the Wheeling and Belmont Bridge established a post road.

By Mr. PORTER: The petition of three German citizens of St. Charles county, Missouri, asking to be protected in any right they may have in a certain tract of land in said county on which they now reside.

Also, the petition of Ignatius Lucas, Samuel James, and Charles Tilly, three of the watchmen in the Navy Department, for an increase of compensation.

By Mr. DIMMICK: The petition of Peter Baldy, J. A. James, and 259 others, citizens of Pennsylvania, praying Congress to declare the recognition of the national law providing one state: to interfere in the internal affairs of another.

Also, the petition of James Manning and 49 others of Wayne county, Pennsylvania, remonstrating against the extension of the Parker patent for a reacting water-wheel.

Also, the petition of G. S. Waller and 14 others, citizens of Wayne county, Pennsylvania, remonstrating against the extension of the patent granted to Austin and Zebulon Parker.

Also, resolutions of the Legislature of Pennsylvania, against the establishment of a Mint in New York.

Also, the petition of Noah Rodgers and 20 others, citizens of Wayne county, Pennsylvania, remonstrating against the extension of the Parker patent.

Also, the remonstrance of Earl Wheeler and 120 others,

citizens of Wayne county, Pennsylvania, against the extension of the Woodworth patent.

Also, the petition of George V. Wallace and 50 others, journeymen cigar makers in Wayne and Northampton counties, Pennsylvania, praying for the modification of the existing tariff on cigars.

Also, the petition of Reuben S. Bauch, praying additional compensation for taking the census.

Also, the petition of W. H. Landall and 140 others, citizens of Easton, Pennsylvania, praying for an extension of the Woodworth patent.

Also, the petition of Rodolphus Bingham and 70 others, citizens of Pike county, praying for the establishment of a post route from Milford, Pike county, to Salem, in Wayne county, Pennsylvania, via Dowlingsville, Lord's Valley, Bloomingville, Tafton, and Farmer's Hollow.

Also, the petition of James E. Eldred and 40 others, of a like import.

Also, the petition of Henry M. Labor and 70 others, of a like import.

Also, the petition of Josiah Scudder and 100 others, citizens of Wayne county, praying for the establishment of a mail route from Equinunk to Preston, in Wayne county, Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 20, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

PROSPER M. WETMORE.

Mr. ORR. I ask the unanimous consent of the House to take up from the table a message of the President, in response to a resolution which I had the honor to offer some two months ago, in reference to the accounts of Prosper M. Wetmore. I desire to take it up in order to move, without debate, that it be referred to the Committee on the Judiciary.

The SPEAKER. Is the bill upon the Speaker's table?

Mr. ORR. It is not, but upon the table of the House.

There being no objection, the communication was taken up and referred to the Committee on the Judiciary.

RESOLUTIONS OF CALIFORNIA.

Mr. MARSHALL, of California, by unanimous consent, introduced two several joint resolutions of the Legislature of the State of California:

1st. Joint resolution in reference to the moneys collected in the ports of California previous to her admission into the Federal Union.

2d. Joint resolution relative to an increase of salary of the United States district judges in California.

The joint resolutions were severally read and ordered to be printed.

DEFICIENCY BILL.

Mr. JOHNSON, of Arkansas. I ask the unanimous consent of the House that the resolution closing debate upon the deficiency bill be so amended as to read, "within one hour after it shall have been next taken up for consideration in the Committee of the Whole on the state of the Union."

Mr. STANLY. I thought that the House, by general consent, had agreed that the proposition of the gentleman from Arkansas [Mr. JOHNSON] should be concurred in, but with the understanding that the gentleman from New York, [Mr. Brooks,] upon the Committee of Ways and Means, should also have an hour. We are in a minority upon it, and it is but fair that we should be heard upon it.

Mr. JOHNSON. I had a conversation with that gentleman, [Mr. Brooks,] and I told him that I would assent to it upon his making a request for it upon the floor of the House; and as the gentleman from North Carolina [Mr. STANLY] now requests it, I assent to it, and ask the unanimous consent of the House, that the resolution closing debate be amended, so as to close debate in two hours instead of one hour, as I first requested.

Mr. HOUSTON. I shall not object to it, but I want to make a suggestion. The gentleman from Arkansas, [Mr. JOHNSON,] as I understand it, and as he has frankly told the House, intends to discuss some amendment, which he proposes to make to the bill when it comes up—an amendment which, he and I agree, is important, and which I would really like to hear discussed. I have not the most remote objection to the gentleman from New York, [Mr. Brooks,] as one of the members of the Committee of Ways and Means, making a speech; indeed, I prefer that he should do it. But then I should like that this

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agreement be so extended, that some other member of the Committee of Ways and Means might meet the arguments of the gentleman from Arkansas [Mr. JOHNSON] in regard to the amendment which he may offer; for in my closing remarks I shall not have time to do so.

Mr. JOHNSON. I have no objection to that. My fear was that some one would object to such a proposition, if made. If it be not objected to, I will say three hours; but if objected to, I will adhere to the proposition for an extension of two hours.

A VOICE. Two is enough.

There being no objection, the proposition of Mr. JOHNSON, extending the debate two hours, was agreed to.

Mr. KING, of New York. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. SEYMOUR, of New York. I ask my colleague to withdraw his motion, until some communications upon the Speaker's table be taken up and referred. There are some of much importance, which should be referred, that the committees may take action upon them. I will further say that there is the Patent Office Report, which should be referred, that the proper committee may act upon it in reference to the question of printing it.

The SPEAKER. It can be done by unanimous consent, provided it be referred without debate.

Mr. CAMPBELL, of Illinois. I object to it.

Mr. HASCALL, by unanimous consent, presented a petition from inhabitants of Wyoming county, New York, praying that the bounty land bill passed in 1850, be so amended as that all the heirs of a deceased beneficiary, under that act, be entitled to hold the land of their deceased ancestor, instead of the minor heirs only; which was referred to the Committee on Public Lands.

The question was then taken upon the motion of Mr. KING, of New York, to go into committee, and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. VENABLE in the chair.)

DEFICIENCY BILL.

The CHAIRMAN. The first business in order is the House bill No. 207, making appropriation to supply deficiencies in former appropriations for the fiscal year ending 30th June, 1852, and upon that bill the gentleman from Arkansas [Mr. JOHNSON] has the floor.

Mr. JOHNSON. I desire, sir, to explain to this House in a plain manner—and I do not know that I could do so in any other manner if I desired it—some of the features of the deficiency bill now before this committee for consideration. I shall only touch that portion of the bill which relates to the Indian service. The Bureau of Indian Affairs, finding that a large portion of their estimates had been rejected by the Committee of Ways and Means, called the attention of the Committee on Indians Affairs to the fact, and requested that they would look into it and see if they approved of the estimates of that bureau; and if so, to offer the rejected items to the House as amendments to the bill. That committee have, several times, had the various items, which have been rejected, under consideration.

On a considerable number of those items—rejected items—they ordered me, as chairman of the committee, to submit amendments to this House, so that they might be considered and adopted, if the House should approve of them. Upon an examination of the estimates of the Indian Department, sir, I find—I think it is some thirty-two items—the estimates furnished for this deficiency bill by that bureau; and, if I am correct in it, some thirteen items were rejected out of the number, and I think there were some three or four items more reduced from the amounts that were estimated, and submitted as necessary to the service. I have not made a very precise examination, but there are certainly two thirds of the estimates of

the bureau which have been stricken out altogether, and more than two thirds of the amount have been either stricken out or reduced by the Committee of Ways and Means. Well, the bureau has got into a very strange condition—they have come to a very strange pass, when they offer an estimate under their own responsibility, and for which they are responsible to a higher department, as well as to the people of the United States, of more than tripple the sum that is necessary for the service of the Government. If it be true, sir, that those estimates which have been made were necessary to the performance of the service of the country, or to comply with the just obligations of the United States, I imagine that this House would unanimously say that those estimates ought to be adopted.

The grounds upon which those estimates have been adopted, sir, and the facts and laws relating to them, I will attempt, in as condensed a method, and in as brief time, as possible, to explain to the House, and I do not think it probable that I shall consume the hour to which I am entitled in making this explanation. If, sir, it is found, however, that those estimates which have been made are not necessary to the service of the country, nor are necessary to the proper discharge of the obligations of this Government, then, sir, there is a degree of censure which must be thrown upon those who have furnished them to this House, which I am, sir, at a loss to characterize.

There is a species of general objection which exists, I believe, upon the part of the Committee of Ways and Means to a number of the items in this bill, so far as it relates to Indian affairs. Sir, in speaking of the deficiency bill, I hope I may be clearly understood as speaking of that part of it exclusively relating to Indian affairs. There is a species of general objection which is, that among the items objected to here, there are none to be found as coming properly within the character of a deficiency. I am not good at definition, but I think the substance of the definition of a deficiency, as applicable to this bill, would be a case where there has been an amount already appropriated for a given object, and there has resulted upon an effort to execute that object, a necessity for further appropriation. A deficiency bill, from its title, is a supplemental bill altogether, and is instituted to supply wants, resulting from precedent inadequate provision. But if this deficiency bill is to be confined exclusively to this class of cases, and none other, then, upon examination into this bill, it will be found that they (the committee) have not inserted five items which are a legitimate portion of such a bill.

Then, sir, there originates, from the nature of our legislation, and the condition of business in this House, an absolute necessity that this House should act upon the estimates offered, and should couple with the deficiency bill many items, whether they come strictly within the class of deficiency or not. I say that there exists an absolute necessity that these estimates should be acted upon in this bill, if they are to be acted upon at all, and I will explain to you the reason why. It is this, sir: This deficiency bill is here presented—it is before the House, based upon the estimates already made to be provided for as deficiency, and whilst they are rejected, the deficiency bill is permitted to lie by for months, and is not acted upon at all, until the estimates for the regular expenditures in the Indian service have been furnished to this House, and the bill for regular service is actually upon the table and reported for the use of the House.

Mr. HOUSTON. I am sure my friend wants to do justice to those who acted upon that bill.

Mr. JOHNSON. Most certainly I do.

Mr. HOUSTON. The deficiency was not reported. The deficiency had not reached the Ways and Means Committee when the regular Indian appropriation bill was reported to the House. We did not know of it at all.

Mr. JOHNSON. Without looking at that, and admitting the correctness of what the gentleman says, which I do, I say before-hand, if these esti-

mates here are not allowed in this bill, they cannot, and will not, come in for appropriation this year, in the regular bill, as the committee allege would be proper, if proper at all, because the regular bill is already reported to the House; and no Committee of Ways and Means has ever become famous for offering amendments to their own bills after reporting them, and particularly no committee which is disposed to no particular extravagance, and disposed to force the public expenditure into as narrow a compass as it is possible to do. So these items recommended for this bill, though they be just and right, cannot come in at all; they will be lost; and though they be obligations of the Government, obligations liquidated and acknowledged, still they must go by for another year. If they be essential to the public service, and if we are compelled to submit to this view, they must be passed by altogether, unless the Committee of Ways and Means can be induced to adopt them as amendments, and throw them into the bill, which has been reported to the House and referred, although not yet considered. With these preliminary remarks, I will proceed to consider the rejected estimates in detail.

The first item which is rejected, by reference to the estimates, will be found to be the second section. It is:

"For payment to the Seneca Indians of New York, for moneys wrongfully withheld from them by an agent appointed by the Government for the management of their affairs, as per report of Thomas B. Stoddard, Esq., commissioner, selected by the Secretary of War to make the requisite investigation, pursuant to the direction contained in the 4th section of the act of 27th June, 1846, making appropriations for the Indian Department."

That, sir, is an item of \$28,505. I will state to the House in general terms the history of this matter. From time—I was about to say immemorial—from a very distant period back, we had agents among this tribe; and it has been always the case, that those agents had been in the habit of receiving the money of those Indians, and doing so whether due to them by this Government or the State of New York, or by banks, or by individuals. They have been in the habit of receiving such moneys, and of paying out, applying, or investing them, in any manner which the commissioner, or the tribe, or owner should direct. This method of conducting their affairs had continued for many years, and is explained in the copy of a letter which I have here; until an agent of the name of Stryker was appointed, and that agent, during a period of some three years, robbed them of money amounting to \$28,000, and some odd hundreds. This occurred in 1837, 1838, and 1839. Now, the question is, what position does the United States occupy in reference to this loss? Those who oppose the paying of this amount to those Indians, oppose an obligation absolutely admitted by the Government of the United States. Those who oppose it say that the United States have paid these Indians all they owe them, and paid them through their agent—that this \$28,000 was money due these Indians from private individuals, and paid into the hands of their agents, and that the United States had nothing to do with the transaction. That is the statement, sir.

Now, sir, if the United States acted as the trustee of these Indians, and received that money, and then, as trustee, failed to account to them for the money, the Government is compelled, not only by equity and justice, but by their own precedents in numberless cases, to pay to these Indians any losses they may have sustained by confiding to this Government, through her agent, their means in the manner which has been specified, and which will be clearly proved by the papers, if anybody will examine them. The only question seems to me to be this; and I shall not spend much time in this case, nor dwell upon it any longer than is necessary to take up those points where the difficulties exist, and leave the rest to any one who may speak after me, in the event they may wish to say something about it. Well, sir, besides it appearing that it was the habit of that tribe of Indians to confide and pay over all their money into the

hands of the United States agent, as trustee, for safe keeping, investment, or distribution, or to allow it to be done by their debtors; besides it appearing in this report, we have the exact language, in a letter from the office of the Secretary of War, authorizing it, in 1832, long before that agent was appointed, showing that such was the habit of the Government. That it was contemplated to continue, the Indians presumed, and we must presume; and we have no evidence of any character or kind to show that the authority for it has ever been countermanded or changed. From the office of the Secretary of War a letter was issued, dated August 11, 1832, addressed to the agent of that tribe of Indians. I will read that letter, and gentlemen will then see the authority that was given to the agent to act as the trustee of the funds of the Indians, as well as the representative of the Government of the United States, for the Six Nations of the New York Indians. Full and entire authority was given to him as agent, and the United States, through him, is compelled to stand in the attitude of a trustee. Here is the direct language of the Government. I will read it to the House:

DEPARTMENT OF WAR, August 11, 1832.

SIR: You are hereby authorized, the consent of the Indians being first obtained, to receive all moneys, and securities for moneys, belonging to, or due to the Seneca Nation of Indians; to discharge all mortgages or other securities of record, and to make investments of such moneys, from time to time, on the most favorable terms, and to do all other things necessary to the faithful fulfillment of this trust.

Whenever an existing mortgage or other security is canceled, you will notify the Department thereof, and whenever you take new securities, you will cause them to be recorded in the proper office of the country, and their sufficiency certified by the district attorney, or the judge of the United States court. They will be prepared in triplicate. One copy, upon which will be entered an attested copy of the record, you will transmit to the Department; one you will give to the Indians, and one you will retain.

The assent of the Senecas to your acting in this matter as their agent or trustee, must be obtained in writing, and the original forwarded to this Department.

You will be careful, in all your investments, to have them so executed, that the Indians may, without unreasonable delay, obtain possession of the principal, should their removal or other circumstances render it desirable.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

JAMES STRYKER, Esq.

Here is not only assent, but an absolute order. Now, it may be said that the assent cannot be shown in writing. In regard to that, we cannot require, in order to exonerate ourselves from the payment of this money, that the assent shall be shown to be in writing, because this method of transacting their business by the agent had long been established, and no instruction had been given to the effect that their assent in writing was necessary to secure the honesty of the agent, or responsibility of this Government. To quibble upon such a point would be to treat with derision a powerless class, as ignorant and defenseless as they exhibit themselves confiding. Their assent is perfect to their eyes, when they have placed their funds in the hands of the Government of their Great Father, or allowed them to be so placed, without a further assent put in writing. Besides this, it is clearly established that the Government always acted as trustee in all such cases, and it cannot be said that the Indians shall be responsible for the assent not being in writing, because that is an order which was given by this Government to her own agent, a regulation for her own protection, and not an order or regulation transmitted and made known to these Indians, showing that to obtain for them the security of this Government they had to furnish the assent in writing. In that case, it would not only be proper, but absolutely essential that the Indians should transmit their assent in writing to the proper office here. Any other regulation or disposition of the written assent would have been absurd, particularly the placing of it in the agent's hands; and no such notice was given, nor any such action required of them.

This assent might have been given forty times over to this agent, and he, being determined to defraud them out of their money, could have and may have chosen never to have transmitted it, and thus the Indians themselves would have lost, and the Government of the United States at the same time would have been deprived of its recourse upon the party that was making the default. The instruction created a trusteeship in so many words; besides that, it had existed from the beginning, by custom. The requisition by the Government of a written assent, and communicated to its own agent

only, was utterly inadequate, and if now set up as a defense against repaying the trust money, is a fraud by a great nation upon an ignorant, powerless, defenseless, defrauded, and confiding, unfortunate race. I will not go into a further examination of this case—it is clear to any fair mind, and my time is limited. If the gentleman, or any other gentleman, wishes to reply to this, I will exhibit all the documents, and point out where these facts may be ascertained. I will then state that we have the evidence here of the repeated action of the Government as trustee for these Indians; and where the Government has appointed an agent that has been faithless to them, received their money, and appropriated it to his own use, she is bound to pay that money, if she acts justly by them. This is the condition of that particular item. The Committee of Ways and Means have rejected that item of some \$28,000. That money has been due, if due at all, to them since 1837, 1838, and 1839. For not one cent of the estimate is interest proposed to be allowed by the Department. This estimate embraces only the principal, and it is but sheer justice. If it were a dealing between individuals, it would not be deemed justice—that, after the principal had been due for so long a time, it was proposed not to pay a cent of interest with it.

Now, I do not propose to insert any clause for interest, because I am inclined to oppose the payment of interest upon claims against the Government. I shall desire it to be an extraordinary case where I would vote for the payment of interest at all, after having heard that subject discussed so frequently in the Halls of this House. There is the amount, and there can be no other objection to the payment of it than that the item does not sound like a deficiency. If it is not a deficiency, what is it? It is an obligation of this Government; but, say they also, it is a private claim, and should go to another committee than that of Ways and Means. It is no more a private claim than is the claim of Mexico upon us, under our treaty with her, a private one. It is an obligation to a people whose independence we, in some measure, acknowledged. An obligation of this Government, whether it exists by treaty or by other and voluntary action, when acknowledged by us, in any shape, is just as sacred, and ought to be as faithfully complied with, as one made and put under the seal of the Secretary of State, and indorsed with the sanction of the Senate. There can be no distinction between classes of obligations upon this Government. It is her duty and her honor to discharge them all. The obligation in one instance is as sacred as it is in the other; and if we owe the money, it ought to be paid. As to the mere consideration whether it belongs to this bill or not, according to form, I will say it is a matter of moonshine. The Committee of Ways and Means are the ministers of the House to consider the amounts of the disbursements of the public moneys. They are to offer all appropriations, for the discharge of the honest obligations of this Government, growing out of its relations with other nations and with our Indian tribes. This item is of that class, and if it does not now come within this bill, and is not now adopted, it will not be adopted for the coming year. We cannot then know when it will be adopted, since, having been once recommended by the Government and rejected, or passed over in this way, it may not be again presented for consideration. It will have to be rejected, for I shall offer the amendment. We cannot hope that the Executive will take upon itself, after Congress shall have acted upon it in this manner, rejecting it, ever to recommend again this item.

I will ask the chairman of the Committee of Ways and Means, whether or not—as it may save me some trouble—his committee have gone into an examination of the item with regard to the Pottawatomies? If they have gone into a full examination of it, I am satisfied that it would be unnecessary for me to explain it here. It is an obligation existing under treaty, and it is a deficiency item.

Mr. HOUSTON. In reply to the gentleman from Arkansas, I will say this: when we had up the estimates submitted to us in relation to the Indians, upon which the gentleman is now commenting, we called before us the chief clerk of the Indian Bureau; and in the investigation of these items, one by one, we were not able to find the

treaty upon which this Pottawatomie claim was said to be based. We gave him a memorandum in regard to that, and the Choctaw claim, and he was to furnish us with the information, which to this day he has not done. We have not, therefore, been able to carry the investigation any further.

Mr. JOHNSON. I will read the third section of the treaty of February 11, 1837, concluded in the city of Washington:

"POTTAWATOMIE TREATY—ART. 3. The United States further agree to convey, by patent, to the Pottawatomies, of Indiana, a tract of country on the Osage River, west of the Missouri River, sufficient in extent, and adapted to their habits and wants; remove them to the same, furnish them with one year's subsistence after their arrival there, and pay the expenses of this treaty, and of this delegation, now in this city. (See p. 533, Statutes at Large, vol. —, Indian Treaties.)

Under that clause of the treaty the remnant of that tribe, amounting to six hundred and thirty-nine, have been removed. There was upon hand in the Department, a portion of an existing appropriation, unexpended, for the removal of this residue. At the time of emigration, the Secretary of the Interior thought, and estimated, that the number would amount to some four hundred Indians, but when collected and emigrated, there proved to be some six hundred and thirty-nine. The amount asked for in section eleven, of the estimates, to enable the Government to pay for the removal of these Indians, and to continue their subsistence for the residue of the year, is \$22,500. These Indians are now being supplied and subsisted, at the point to which they have been removed, and there is not one cent for the purpose of paying what has been done, or for the continuance of the subsistence to which they are entitled by treaty. I presume this will be satisfactory to that committee. I have given them the facts, and they can examine the records if they require further information upon this point.

The next item is numbered twelve in the estimates, and is, for the subsistence and removal of the Choctaws, \$50,000. Having had some conversation with the chairman in regard to this item, I will ask him (to save trouble) whether the committee have reconsidered and determined to insert that item, or whether they are still opposed to its adoption?

Mr. HOUSTON. We have not reconsidered it.

Mr. JOHNSON. Well, they have still determined that that item of \$50,000 shall be kept out of the deficiency bill. By the treaty of the 27th of September, 1830, article sixteen, the Choctaws were stipulated to be removed. I will ask the gentleman to do me the favor to turn to the article in reference to, and of which I am now speaking, as the book is in his hand. By article fourteen of the same treaty, the right was granted to such Choctaws as chose to accept it, to become citizens—that is those who preferred to remain, should become citizens after five years' residence. They were, if they adopted this provision of the treaty, to receive a fee simple title at the expiration of the five years, to certain lands which were to be reserved to them. All that did not choose to remain were to be removed West, and subsisted there for one year. I will repeat, by the fourteenth section, such as preferred it were at liberty to remain where they were, and to take their stipulated amount of land, and after remaining for five years, according to the terms of that section of the treaty, they were to become citizens of the United States, and were to receive a patent for the land which had been granted them. I repeat this, because it is important that we should remember that there are two distinct provisions, either to be elected at the option of any Choctaw.

"ART. 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him, over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

"ART. 16. In wagons; and with steamboats as may be

found necessary—the United States agree to remove the Indians to their new homes at their expense and under the care of discreet and careful persons, who will be kind and brotherly to them. They agree to furnish them with ample corn and beef, or pork for themselves and families for twelve months after reaching their new homes.

"It is agreed further that the United States will take all their cattle, at the valuation of some discreet person to be appointed by the President, and the same shall be paid for in money after their arrival at their new homes; or other cattle such as may be desired shall be furnished them, notice being given through their agent of their wishes upon this subject before their removal, that time to supply the demand may be afforded."

As I have shown to you, the larger part of the nation went off West. About one thousand of them selected to remain East, and take reservations of land. The Government of the United States at this point utterly failed, and this is an admitted fact, and which will not be disputed, to secure to them the lands which they had thus agreed to reserve, and patent to them under the fourteenth section recited, but proceeded to sell the lands and utterly violate the stipulation. The evidence is, too, that it was done in many instances in a most brutal manner. The Indians were then left there in a helpless condition, defrauded of their lands. When the attention of the Government was called to this subsequently, the shame and injustice was recognized and acknowledged, and in order to remunerate them, it was determined to issue land scrip to these Indians to a large amount. It was provided that one half should be paid to them where they were, in Mississippi and Alabama, and the other half should be paid to them only after they had passed west of the Mississippi. See act of 23d of August, 1842. By that act the Government destroyed the alternate provision of the treaty, that is, the provision by which the Indians could remain there. And having violated it themselves, those Indians who had chosen to remain under the fourteenth section were compelled and driven to emigration west; and for that purpose to resort to their rights under the sixteenth section. So the objection which is raised, that this Government is not bound to pay for their emigration, altogether falls to the ground; because if the Government violated the section of the treaty under which they were to remain, and compelled them to emigrate, how is it to be expected that they can emigrate under the terms of that treaty, unless they emigrate through the provisions made under and by virtue of it for their emigration? Any other construction despoils them of every real benefit under a treaty that was horrible to them at best. But to show you that the objection which I understand exists, is not a sound or good one, and that it has never been offered or entertained by any but this committee, I have only to say, that the Government, from the very time they had violated so unjustly their plighted faith, in regard to the fourteenth section, and these reservations of land, selling and destroying the right and title of the Indians to them, had actually continued to emigrate them, and pay for them under the sixteenth article of the treaty. Sir, that gentlemen should come in here and say that these \$50,000 ought not to be appropriated for the purpose of paying their emigration, because they had chosen to remain there under another provision of the treaty, is not, it seems to me, good sense or common honesty. It is certainly not justice or equity in the slightest degree. Those Indians must have some benefit of that treaty, in some shape or other, and the clause of the treaty, under which they determined to remain, was destroyed in all its benefits to them, and they were cut off, precluded, and despoiled, the Government acknowledging the fact. That they had a right to revert, and under the sixteenth section of the treaty, to accept its terms of emigration, the expenses of it, and subsistence for one year, in another country, to be paid by the Government, there can be none, the remotest, rational doubt. The Government, too, have proceeded to emigrate them from year to year, for the last fifteen years, under the sixteenth article, and this is the first time that such an objection has ever been made to the payment of the bills for their emigration. It is the first time that this matter has ever been made a matter of contest or objection—at least within my term of service here. This is an ample explanation, I take it, of all the points of that case. And, therefore, I will go no farther into the investigation, until I hear points made upon the subject, and when I do, as I feel myself familiar with the facts, I will then take them up, and give a further explanation. I

do know this from a thorough investigation of the case, that we are bound to emigrate them, and pay the expenses. We have already acted in bad faith in many instances in regard to this very treaty. I believe this Government has already acted as badly as a Government could in regard to the particular provisions of that treaty, and it but remains for us, under a crude decision of the Committee of Ways and Means, to reject our obligations under it altogether, to consummate an ill faith almost unequaled.

Many of the items in this bill I will have to pass over, and for the reason that there are some seventeen items which demand explanation. Many of these items are simple, plain, and easily explained. I shall pass all such as those, however, until the five minutes debate comes on. It is only to those items that are somewhat complicated that I shall now address myself, under the privilege of the House which has been granted to me.

The next item is for the liquidated balance due to the Creek Indians, for losses sustained during the last war with Great Britain—sustained by all that portion of the tribe who were friendly to, and cooperated with, the United States.

Preceding that, is an item to pay William Heart for losses connected with the removal of the Choctaws west. That item, number nineteen, for the payment of Heart, has been rejected also by the Committee of Ways and Means. I have looked into it somewhat, and although I do not say that I have made up my own mind in regard to it, I will say this, that I am by no means satisfied that the Committee of Ways and Means were wrong in rejecting it. On the contrary, I am inclined to believe that the Committee of Ways and Means were right in rejecting that item of some \$37,000. After looking into it with some little care, I shall not myself, unless instructed by the Committee on Indian Affairs, hereafter, offer any amendment to that section.

I will ask attention to the next section, which provides for the liquidated balance due to the Creek Indians for losses sustained during the last war with Great Britain. The origin of this claim is well stated in the report of the Commissioner of Indian Affairs, Orlando Brown, to the Committee on Indian Affairs of the Senate, of May 10th, 1850; and I will follow the direction given by that report, with such explanation, as I progress, as may suggest itself. It is a report made, not by the committee of the Senate, but it is a report from the Bureau of Indian Affairs, made to the Senate. It contains an explicit and authoritative statement of the facts, and if the House will examine it, and give it their attention, they will find a most extraordinary state of things; besides that, the indebtedness is unquestionable, and is admitted, after full investigation, by the Government. It is an item of \$110,417.

During the late war with Great Britain, a large portion of the Creek Indians, who were friendly and resided next to our settlements, united with us in that war against the hostile Indians of their own tribe. The House will recollect that a severe war raged at that time in the Southwest, during which General Jackson acquired the greater part of his high and deserved reputation as a military commander. In the progress of that war, the friendly Creeks rendered preëminent services, and it is but sheer justice to say, that to their skill, valor, and intimate knowledge of the country, were due much of the glory and good fortune that attended the American arms against, at that time, the most powerful and warlike native race on the continent of America.

In giving an account of this claim, I will adopt, in a great measure, the statement of the Bureau of Indian Affairs. The claim is one adjudicated by the Government of the United States, and now stands clearly admitted as an obligation of ours after a full and fair investigation and adjustment under the immediate direction of the proper Department of the Government. The exposition of the Commissioner begins in this way:

"The claim originated during the said war, and is for losses sustained in consequence of the claimants taking part with, and remaining friendly to, the United States. It is based on the promise embodied in a communication from General Thomas Pinckney to Colonel Benjamin Hawkins, United States agent for the Creek tribe, of the 23d April, 1814, in which was stated the terms upon which peace would be granted to the hostile portion of the tribe, viz: 'that the United States will retain so much of the conquered territory as may appear to the Government thereof to be a just indemnity for the expenses of the war, and as a resti-

tution for the injuries sustained by its citizens, and the friendly Creek Indians.'"

This is the language of a Major General, commanding your forces in time of war, who acted with full authority in such matters. He further commands the agent, Hawkins, as follows:

"You will please, sir, to communicate these terms to the friendly Indians, and to enjoin them, in the prosecution of the war against such as may continue hostile, to abstain carefully from injuring those who may be returning, with the intention of making their submission. You may likewise inform them that the United States will not forget their fidelity; but, in the arrangements which may be made of the lands to be retained as indemnity, their claims will be respected; and such of their chiefs as have distinguished themselves by their exertion and valor in the common cause, will also receive a remuneration in the ceded lands, and in such manner as the Government may direct."

This was delivered by that gentleman to this friendly tribe of Indians, as a promise made to them by the commander-in-chief of the American forces, so as to continue them faithfully in their devotion to the United States, in the prosecution of that war. How soon were these promises to be violated? How soon were we destined to exhibit clearly, that the Government, their Great Father—God save the mark—had forgot their fidelity! and, worse than all, to exhibit the revolting spectacle of a powerful Government turning, at the conclusion of a protracted and bloody war, upon an humble and faithful, but weak, defenseless, and confiding ally, to despoil them, and actually despoiling them, under the plea of motives of policy, of millions of acres of land, giving no even seemingly adequate compensation therefor. I will read an extract, and I request that the references contained in the extract may be examined, if you would see the most startling developments regarding our good faith to these helpless allies:

"Those propositions resulted in the treaty concluded by General Jackson, August 9, 1814, by which the Indian title was extinguished to between fourteen and fifteen millions of acres of land. Prior to signing the treaty, the friendly Indians called the attention of General Jackson to the promise of General Pinckney, with a view that a provision should be inserted for the remuneration for their losses; but the General declined, because his power to negotiate did not extend to embrace by treaty, or capitulation, the promises contained therein. The Indians, however, agreed to sign the treaty on the condition, among others, that the said promise should be sent on with the treaty—saying, we rely on the justice of the United States to cause justice to be done us." (See American State papers, vol. 1, pp. 337, 337, and 338.)

I imagine this House will be astonished when I tell them, in addition to this palpable repudiation and disregard of Pinckney's promise, that it is an admitted and uncontroverted fact, that of the fourteen or fifteen millions of acres taken professedly from the hostiles, as indemnity for the expenses of that war, from one and a half to eight millions were the lands of these our own suffering allies.

Sir, this House ought to be confounded, when I tell them, that it is an uncontroverted fact, that of the fourteen or fifteen millions taken for that war—I cannot say precisely what amount, but it is variously estimated at five, or six, or eight millions by some, and at a million and a half by others—of the lands of the friendly Creeks, that large amount was taken without the most remote or tolerable equivalent being given as a consideration. Those who fought for the United States, against the hostile Creeks, had their towns besieged, their houses burned, their people butchered, and property destroyed; and they themselves, when the treaty was made and indemnity taken for the expenses of the war, lost by the indemnity taken, from a million and a half to eight millions of their lands. This claim is not based upon that fact, however, but strange to say, has become confounded with it, in some correspondence, in such way as materially to have delayed the payment of this just obligation for losses and injuries.

This would indicate that the Government has not acted with great justice and forbearance, remembering the faithfulness of that party of Indians during that war. Sir, it has been seldom that the Government of the United States—say what we will in regard to our philanthropy—has acted with justice to the Indians; it has been seldom that the Indian could rely safely on the justice of the United States. Instances of the most glaring fraud, under the name of "treaty," will be found to fill almost every page of the present volume of treaties made between the United States and the Indians; if the driving of rich and unequal bargains, and the total inadequacy of consideration, can be said to constitute a fraud. From the commencement of this Government to the present time, when the

Indian would not part with his possessions for considerations utterly inadequate—considerations which we would never think of accepting from or of offering to our own citizens—it has been our custom to trespass upon them, until they were driven to wage war to the knife. We have, then, butchered them, and taken their lands from them as indemnity for the expense and trouble of the operation, and if any remained that escaped the knife, they have been driven to a strange location, to seek a livelihood on grounds to them unknown and unexplored, or to meet death at the hands of some more powerful tribe. This has been a portion, too truly, of the history of the Indian on the whole of this continent, and even from its first settlement. Yet, among ourselves, we are ever speaking of *philanthropy* towards these people, who are unable to defend themselves; and the moment there comes up a bill calling upon the Government to do them an act, not of mercy, but of justice, the forms of legislation are allowed to interfere, and gentlemen are found to get up and quibble and cavil, and every technicality that can be raised, and every obstacle that can be thrown in the way, is availed of, and the fairness, and equity, and justice, and humanity of the country is betrayed and abandoned.

But to return: there was a solemn pledge given by this Government, that we would pay the "losses and injuries" sustained by this tribe, when they stood by our side and fought against their own people and the British. But the payment of this money is now opposed by some, on the ground that it is so long since 1816—the time when this claim originated—that it would seem as if there was something wrong about it. Then why do they not investigate? They are invited to do so. No, they would prefer to rest on limitation, that dishonest bar for a government, and continue the crying shame. Why, sir, this claim was pressed in 1815, '16, '17, '18, '19, and '24, until the Committee of Ways and Means of that day (1824) made a report utterly adverse, and from that time forward, the Indians, yielding in despair to their helpless but usual destiny, for many years we hear nothing of this claim.

For a few years past, they have renewed the matter, however, hoping that their appeal to another generation may be more successful; and, on full and minute investigation by the Bureau of Indian Affairs of all the records in this case, they have settled the matter that the claim is just—that the Committee of Ways and Means of that distant day were in error. The Department has, therefore, estimated for the amount due at that day, but they make no estimate for interest. I do not approve the propriety of a government paying interest, and I have never understood that these unfortunate people demand it. But it is plain that the *principal*, if due in 1815, '16, should be paid without hesitation in 1852. Has the committee a heart that could deny it? Those propositions to which I have referred, resulted in the treaty concluded by General Jackson on the 9th of August, 1814, by which the Indian title was extinguished to between fourteen millions and fifteen millions of acres of land. The Indians agreed to sign the treaty on the condition that the promise made to them should be sent on with the treaty—saying, *they would rely on the Government of the United States to see that justice was done them.*

"By reference to the Indian treaties, it will be seen that, by the treaty of 1814, the cession to the United States was intended to compensate the Government for the expenses of the war with the hostile Creek Indians, that it was strictly of a military character—more of the character of a capitulation, with a pledge for indemnity, than an ordinary civil compact."

Now, some may doubt whether the pledges of General Pinckney are binding upon the Government. The following extract will remove all doubt upon that point:

"On the 29th August, 1815, the War Department informed Colonel Benjamin Hawkins, the Creek agent, that 'it is the wish of the President that you should proceed to the liquidation of the claim of the friendly Indians to indemnity, upon the principles of General Pinckney's and your letter to them.' The result to be transmitted to the Department, to be laid before the President for his ultimate decision and approbation."

That is a clear recognition on the part of the War Department, then having control of Indian affairs, of this obligation.

"On the 1st April, 1816, Colonel Hawkins made his report 'on the claims of the friendly Indians for losses sustained by them in their civil war, agreeably to the terms of

'peace offered by Major General Pinckney, 23d April, 1814, and the preliminaries to the treaty of Fort Jackson, of August following.' He states that it is imperfect, from the peculiar situation of affairs there, and cannot be otherwise 'till all the hunters are in, which is not expected till the last of next month.'

"According to the data before him, the aggregate of the claims which had been presented amounted to \$18,415 12½, and the amount of the same reported on favorably, to \$78,360 75; and he states that, from the best information he has obtained, the whole amount of just claims will not exceed \$100,000."

In every instance when the Government acted upon this matter, it recognized the validity of the promises of indemnity, to the friendly Creeks for "losses and injuries," without quibble or equivocation.

This being so, the language of General Pinckney is important. What was it? I will not repeat it, as it is already stated verbatim. But I will ask, is it a promise of *partial* indemnity, a promise that a *part* shall be paid, and part left unpaid? No, no. In war ourselves, needing their service, their valor, and assistance, it was an explicit promise from an authorized quarter, of full pay for all losses and injuries sustained, as well as full respect for their landed possessions, after peace was made. This last promise was shamefully violated, and the first, now, after thirty-eight years, is still unfulfilled.

But was there coupled with the promise of Pinckney any provision as to how the losses should be ascertained? No. Then, how were they ascertained? In the first place, under instruction of the Government to the agent, our own officer, Benjamin Hawkins, who died before he completed the investigation; but who reported before he died \$78,360 75 of good claims for losses, &c., and his distinct acknowledgment, that the investigation was not concluded, and how many more remained he did not know, but he guessed \$100,000 would cover the whole amount.

What was this guess worth? We will see; but if I may speak in anticipation of the argument, I must say it has proved, if we may judge from the manner in which the case has been treated, as of so much value, that the truth, fidelity, and honor of the Government, have been periled upon it for thirty-eight years, and for thirty-eight years they have been sacrificed. What was this guess of agent Hawkins worth? It was held at that day, *nothing*. Of the \$100,000 it expressed, only \$85,000 was appropriated, and that not in full, and, the Government appointed a successor who proceeded, not upon the guess, but according to instructions, and liquidated clearly, the amounts of loss, admitting the valid, and rejecting the spurious accounts. The process of examination was by the Chiefs and our own agent, and was satisfactory. Impunity has never been thrown upon this settlement. We hear of no complaint at that day, except that it was more than the first agent guessed. It was consummated in accordance with the solemn promise of the Government, and in obedience to her instructions, and under her own eye and guidance. And shall we take the guess of our agent, because it is in our favor, against the sworn, full investigation of the same subject-matter, under the same instructions, of another agent, his successor? It would exhibit us, anxious indeed, to escape and repudiate our solemn obligations to a helpless and dependent people.

But it was the report of the Committee of Ways and Means of 1824 that finally drove these Indians to despair. It was enough to have driven them to insanity, if preposterous injustice could have effected such a result. It was certainly enough to satisfy them of the hopelessness of the white man's honor, to his dependent Indian neighbor, upon any question of interest. That committee, not satisfied with preposterously adopting the doubts thrown upon the returns of agent Mitchell, after full investigation, in consequence of the \$100,000 guess of his predecessor, goes back to a statement of that same predecessor, made in 1814, at the conclusion of peace, two years anterior, in which Hawkins states, that "he believed at the time 'of the drawing of the lines of the lands for the treaty,' \$60,000 would have been received as an equivalent, and concludes, that after such a belief expressed as that, no more than the \$85,000 should 'be paid.'"

The \$60,000 expression had reference, it is reasonable, at least, to suspect, in a letter so confusedly written, to the equivalent for the lands of which these friendly Indians were despoiled. But even

supposing it referred to indemnity for personal losses, still, the same agent, after partial investigation, admits, two years afterwards, over \$78,000—estimates there must be \$100,000 of good claims to indemnity—and acknowledges the investigation altogether incomplete; and also, that the Upper Towns, which have much the larger claims, have refused to hold intercourse with him on the subject, in consequence of their resistance to the injustice of the treaty, which despoils them of their lands without equivalent or compensation.

Sir, I will argue it no further. Let us do this act of justice, long, too long, and too shamefully delayed. The account I herewith state:

1. Amounts liquidated for Upper Towns, at Fort Hawkins, in July, 1817.....	\$77,572 50	
Deduct this amount, paid at the same time.....	31,029 00	\$46,543 50
2. Amounts liquidated for Lower Towns, at Fort Hawkins, in July, 1817.....	29,775 00	
Deduct this amount, paid at same time.....	11,910 00	17 865 00
3. Miscellaneous claims, liquidated at Fort Hawkins, in July, 1817.....	27,157 00	
Deduct this sum, paid to these claims.....	10,862 00	16,295 00
4. Amount liquidated at the agency in 1818.....	49,524 00	
Deduct this amount, paid to these claims.....	19,809 60	29,714 40
Whole balance due.....		110,417 90

It is proved they lost to that amount. It contains no estimate of the hardships endured, the blood that was spilt, and the lives lost by them, in a war where their brother Indians pursued them with more bitter violence than the whites, to the destruction of their towns, their women, and children, and in a war in our own behalf. Neither does it contain any estimate for a half century of interest. We are able to pay, and should scorn to ask, after thirty-eight years, whether it is proper to do it in a deficiency bill, or in some other (to critics on petty etiquette) more formal legislative method.

Mr. BROOKS obtained the floor, but yielded to Mr. JOHNSON, who said: I would state to the House, if they desire to be further informed with regard to this subject, that by reference to the last part of this volume, (the report of the Commissioner of Indian Affairs,) and the last communication but one of the Indian Bureau, they will find a full statement of the case; and after the perusal of that statement, there could not exist a doubt in the mind of any gentleman who is disposed to do justice in the case, that we ought to pay this claim.

Mr. FREEMAN. I move that the gentleman from Arkansas have the unanimous consent of the House to go on with his explanation in this matter. He seems to be well informed in relation to it; and in my opinion, the time of the committee could not be better occupied than in receiving the information. I hope there will be no objection to giving him a quarter of an hour more.

The CHAIRMAN. This committee have no right to grant this privilege. The House have decided that debate shall be closed in two hours, and the committee must execute the order of the House.

Mr. FREEMAN. I understand it is competent for the House, by unanimous consent, to suspend the rules at any time.

The CHAIRMAN. Not in committee. The gentleman from New York will proceed.

Mr. BROOKS. Mr. Chairman, I had hoped, when this deficiency bill was taken up for consideration, that debate upon it would be confined to the merits of the bill itself.

Mr. MEADE, (interrupting.) Surely it is in the power of this committee, by unanimous consent, to grant the gentleman from Arkansas [Mr. JOHNSON] the privilege to proceed with his remarks. I cannot doubt but that the committee have that power.

The CHAIRMAN. The Chair is very decided in the opinion that it is not competent for the committee to grant it.

Mr. JONES, of Tennessee. The gentleman must be aware that this committee cannot suspend the rules of the House.

Mr. MEADE. It is competent for the committee to sit here for half an hour without doing anything; and if that be so, I presume they can allow the gentleman from Arkansas to go on with his speech for half that time; for he only desires fifteen minutes to explain this matter.

The CHAIRMAN. The Chair is very clear in the opinion that the committee have no power to allow the gentleman from Arkansas to proceed, and he so decides.

Mr. MEADE. Well, sir, if it is the pleasure of the committee to hear the gentleman from Arkansas, I will take an appeal from the Chair, and I do it to relieve the Chair from its decision.

Mr. STANLY. In the event that the decision of the Chair is overruled, and the gentleman from Arkansas is allowed to go on with his speech, I desire to know what will be the effect of that decision when the hour arrives at which the House have ordered the debate to close? Will the Chair arrest it, or permit the gentleman from New York still to have his hour?

The CHAIRMAN. The Chair will certainly arrest the debate at the time at which the House has ordered it to close.

Mr. JOHNSON. Under these circumstances, of course I cannot consent to go on. I do not desire to take the time from the gentleman from New York. I hope, however, that when we get into debate under the five minutes rule, the committee will allow me to state some facts which I am precluded from doing now.

The CHAIRMAN. Discussion is out of order.

Mr. COBB. I desire to ask the chairman of the Committee on Indian Affairs, [Mr. JOHNSON,] whether document No. 30 does not embrace all the facts to which he alludes?

Mr. JOHNSON. No, sir, it does not embrace all; but it embraces enough to enable gentlemen to investigate the matter for themselves, if they desire to do so.

The CHAIRMAN. The Chair must again remind gentlemen that debate is out of order. The gentleman from New York will proceed.

Mr. BROOKS said: I was about to remark that I had hoped that when this deficiency bill came up, there would be a free, open, and legitimate discussion upon its merits. I had hoped that the honorable chairman of the Committee of Ways and Means would have availed himself of his right, under the rules, to address the committee for one hour, and that he would have given his exposition of the bill, so that some cue or clue could have been given to the discussion, and so that I might seem to be addressing myself in reply to something which might have been said upon this floor, rather than to things which, if not said here, are said elsewhere. But the health of the chairman of the Committee of Ways and Means was such that he was not able to avail himself of that privilege; and, therefore, I am placed in the somewhat embarrassing position of vindicating a bill, which has not exactly been attacked upon the floor of this House, except by the incidental remarks yesterday of the honorable gentleman from Missouri, [Mr. HALL,] or some like incidental remarks, the other day, from an honorable gentleman from Tennessee.

EXECUTIVE ESTIMATES AND CONGRESSIONAL RESPONSIBILITY.

I propose, in the first place, to ask the attention of the House to the estimates of this Administration, and the necessities of the country, that demanded them. It has been remarked, and truly, too, that the Administration is bound to make its estimates, and is responsible for them; but the House of Representatives is not less bound to vote those estimates, if they are founded upon a correct judgment of the necessities of the country, and that in voting them, it indorses them, and is equally responsible, with the Administration, for them. This, I say, frankly and freely, and I would have no misunderstanding about it. It will not do to say, "we must take and vote the estimates, and hold the Administration alone responsible for them. We can know nothing about them." It will not do, under our form of government, thus to make the Legislature the mere register of the edicts of the Executive branch of the Government. It is our business, our duty, to study, to understand, to comprehend the necessities of the country, as set forth in the estimates; to vote for them, if they are right, and to refuse them, if they are wrong. We are men, and we can as well understand them, as the

men who send them here. This is the constitutional theory of the appropriating power of this Government. To the Executive belongs the execution of the laws, but to Congress belongs the public purse. If Congress declines to make appropriations necessary to carry on the Government economically, and in good faith, it fails in one of its highest duties; and the Executive, if it has made its statements, and its recommendations, is acquitted of all responsibility. It is well that we who are in a large minority here, with the responsibility of an Executive elsewhere, should have an understanding about this, with the majority, and at the start. Let there be no disguise about these things, then.

I repeat, that the purse of the nation is in the hands of the two Houses of Congress. Not a dollar can be taken from the Treasury by the President, except by the appropriation of the two Houses of Congress; and whatever appropriations are voted by Congress, Congress is responsible for them. Aye, sir, Congress has peculiar advantages over the Administration in voting upon its estimates; for under our peculiar financial system, the fiscal year commences with the 1st of July or the 30th of June, and Congress acts upon estimates often some months after the Executive submits them. For example, the estimates upon which we shall be called to act when the civil and diplomatic appropriation bill comes up for consideration, are for the fiscal year beginning July 1st, 1852, and ending with June 30th, 1853, and were made, in part, by the War Department, in September or October last, and sent to the Executive in November last, being one year and seven, eight, or nine months ahead of their final expenditure, June 30th, 1853. The Executive must have his estimates printed and on our tables the very day we meet in December—estimates upon which we shall not probably act before July or August next. It is the duty of Congress, and it is its peculiar privilege, months after they are submitted, to scan these estimates, and to judge of them by the experience of a later period; but when Congress has adopted them, Congress becomes responsible for them, as well as the Executive. Frankness and fair-dealing demanded of me to say thus much here before we go further into the vote; and what I have said, I hold to be true and legitimate doctrine.

WHAT ARE ESTIMATES?

Now, what are estimates? They are nothing but guesses, at best. They are the judgment of men, founded upon the past history of this Government and upon its past expenditure; of what is to happen hereafter, and what is to be the cost of it. Upon this past history, presuming the future will be as the past has been, they make their estimates of the future expenditure of the Government a year and seven or eight months before all those expenditures are to occur. Now, we stand on vantage ground some months ahead of the Executive in this matter. We know what the expenses of the Government have been since the time the estimates were made, or, at least, we can know if we desire. It is impossible for any Executive, unless he be gifted with extraordinary wisdom or some foresight divine, to know a year and seven months ahead what are to be all the actual expenses of the Government. If an Indian war arises, if trouble happens upon some distant ocean, if frontier difficulties are created, if there be any extraordinary increase of the cost of collecting revenue, or if there be any domestic troubles, it is impossible for the Executive to know what should be the exact estimates for the expenses of the Government a year and seven months ahead, or even for Congress to know, when, at a later period, it is making its appropriations. So that, under our peculiar financial system, which makes our fiscal year commence on the 1st of July and end on the 30th of June afterwards, there must always be deficiencies in some branches of expenditure, and surpluses in others, as there always have been deficiencies and surpluses, most especially since this fiscal year has been substituted for the regular year of the calendar.

DEFICIENCY BILLS NO NOVELTIES.

I have heard gentlemen speak of this deficiency bill, which has appeared in this House, as of something new—unknown in Congress before, and as if belonging peculiarly to this Administration—unknown to any preceding. Mr. Chairman, if

this idea has taken possession of the minds of any new member, he must be a new member indeed. From the time when the present financial system was established down to the present, these deficiency bills have appeared on the stage every year, and they will continue to appear hereafter, as long as the Government exists, or the fiscal year exists as it is now. I hold in my hand a tabular statement from the year 1844, exhibiting large deficiencies every year, under the administration of Mr. Polk, and I shall read it in part:

Additional estimates rendered by the Secretary of the Treasury, in connection with the regular estimates at the commencement of the sessions of Congress.

For the fiscal year ending 30th June, 1844, (Mr. Spencer, Secretary.)

Civil, miscellaneous, and foreign	
intercourse.....	\$138,571 49
Military department.....	150,441 47

Congress appropriated.....	\$289,013 96
	211,270 82

For the fiscal year ending 30th June, 1845, (Mr. Bibb, Secretary.)

Civil, miscellaneous, and foreign	
intercourse.....	\$176,203 63
Military department.....	316,765 15

Congress appropriated.....	\$492,968 78
	443,864 05

For the fiscal year ending 30th June, 1846, (Mr. Walker, Secretary.)

Civil, miscellaneous, and foreign	
intercourse.....	\$1,009,764 21
Military department.....	280,762 34

Congress appropriated.....	\$1,290,526 55
	1,709,914 99

For the fiscal year ending 30th June, 1847, (Mr. Walker, Secretary.)

Civil, miscellaneous, and foreign	
intercourse.....	\$666,700 72
Military department.....	4,733,000 00

Congress appropriated.....	\$5,450,700 72
	7,637,071 48

For the fiscal year ending 30th June, 1848, (Mr. Walker, Secretary.)

Civil, miscellaneous, and foreign	
intercourse.....	\$68,723 83
Military department.....	9,902,439 74
Navy department.....	70,681 80

Congress appropriated.....	\$10,061,844 57
	13,315,666 88

For the fiscal year ending 30th June, 1849, (Mr. Walker, Secretary.)

Civil, miscellaneous, and foreign intercourse,	
including Mexican indemnity.....	\$3,744,903 69
Congress appropriated.....	3,885,193 81

I especially beg the attention of gentlemen on the other side to the deficiencies of 1847 and 1848, as in the last year, a Whig Congress, (Mr. Vinton, chairman of the Ways and Means,) made up for the deficiencies of Mr. Polk to the amount of over \$13,300,000.

Mr. JONES, of Tennessee. I desire to ask the gentleman from New York, if that was not during the Mexican war, when we had fifty thousand troops in the field?

Mr. BROOKS. Yes; but Congress in declaring war with Mexico, authorized the raising of the troops, and provided the means of carrying the war on. The gentleman, however, need not be afraid of me, for I intend fairly to face all facts, if he will give me time. If gentlemen will not interrupt me, they will find that I am making a full, free, and fair statement.

Now, it is very true that this was during the time of the Mexican war, and it was very probable that there should be deficiencies, doubtless larger deficiencies than would otherwise have been necessary; but it is also true, that on the 13th of May, 1846, when the President was authorized to call into service the fifty thousand volunteers, he could, in the December following, have included in his estimates for the year ending June, 1848, the cost of maintaining them. It was in the power of the Administration—the country then being involved in war—to know what would be the deficiency a year and a half ahead, as well then as at any other time. It knew, that in order to conquer Mexico, it had to involve the country in a prodigious expenditure, and to bring in the field all the troops Congress authorized in May, 1846, and it was its duty, in submitting the estimates in December, 1846, for the year ending June, 1848, to fully, fairly, and fearlessly estimate what the cost of that job would be, certainly, just as much as it is the duty of this Administration now, a year and seven months ahead, to know what will be all, and the exact, expenditures of the Government in the now much larger field of Oregon and California.

ESTIMATES DURING THE MEXICAN WAR.

But now the gentleman from Tennessee [Mr. Jones] has chosen to introduce this justification of the Mexican war as a defense of erroneous estimates, I propose to follow him there—not to attack, but to demonstrate that the leading minds and leading men of his party are as fallible as other mortals in their guesses or estimates. I did not intend to introduce some facts which I have before me at all, but it now becomes proper to show, if war justifies larger deficiency bills than peace, or larger errors in estimates, the interrogation of the gentleman from Tennessee was proper and apt.

Mr. Polk, in his annual message, and Mr. Walker, in his Treasury report, December, 1846, stated that if the Mexican war continued to July 1st, 1849, a loan of \$23,000,000 would be needed to carry the Government forward, and that that would leave a surplus of \$4,000,000 in the Treasury. But Mr. Walker, in his report of December, 1847, asked—notwithstanding this surplus of \$4,000,000 that was to be in the Treasury—a loan of \$18,500,000 additional, to meet the expenses of the Government the same year. The Ways and Means Committee reported his loan bill as asked for—that is, for \$18,500,000. This Mr. Walker, the Secretary of the Treasury then, gladdened the country with a letter to Congress, stating that he had made the fortunate discovery of an error, showing the Treasury to have nearly seven millions of dollars more than stated in his annual report. The Committee of Ways and Means then reduced that loan of \$18,500,000 to \$12,000,000, to carry out that fortunate discovery. But, before the country was gladdened fully with this most satisfactory announcement, as early as January, 1848, the Secretary of the Treasury sent to the House another statement, saying that when the first letter was sent in, he did not know that Mr. Marcy had called upon the Committee of Ways and Means for \$4,000,000, to supply a deficiency, which was necessary in his (the War) Department, and therefore, that the sixteen million loan would be necessary. This sum the Committee of Ways and Means reported, and Congress acted accordingly. Now, I do not mean to censure Mr. Walker, or Mr. Polk's administration, for this wild guessing, this blundering by millions, unless it be intended to convey the idea that they had the power of foreseeing all the actual expenditures of the war, exactly what it would cost the country, and that it was their duty, therefore, to make estimates that would not admit of any possible deficiency; but I do mean to say, that no administration, throughout our whole history, has ever exhibited such a want of apprehension of its own means as that did—millions at a time, or such a want of comprehension of the great task it had undertaken, in conquering peace with Mexico. At one time it blundered upon seven millions of hitherto undiscovered treasure, but at another time the cruel Secretary of War had robbed it of four millions of its precious means and receipts. The war, it is clear, or rather the cost of it, had utterly bewildered Mr. Polk, Mr. Walker, Mr. Marcy, and all who, in Washington, had been carrying it on.

Equally erroneous were the estimates of Mr. Polk's administration for the expenditures for the fiscal year ending July 1st, 1848. The Government set them down to be \$45,781,784; but in only the first seven months of that fiscal year, the estimates were changed and run up to \$62,783,660. The Secretary of War then estimated his expenses, for the fiscal year, at \$23,938,000, but in the session of 1847 and 1848, he asked for an additional expenditure of over \$14,033,434, an addition of more than the yearly expenses of the Government during John Quincy Adams's administration.

I repeat that I do not intend to censure Mr. Polk, Mr. Walker, or Mr. Marcy, but I do intend to say, that if gentlemen suppose that this Administration can calculate or estimate better than did the last, they require more of us than they did themselves; and they pay us a compliment we ought to thank them for.

The Quartermaster General, Jesup, submitted to Mr. Marcy a statement of his deficiencies, upon the 4th of November, 1847, and there were then arrearages in his department, for which he estimated \$7,500,000; and for clothing, camp, and garrison equipage, \$960,000 more; making in all nearly \$8,460,000—a sum necessary for him as a deficiency. He estimated the expenditure for the

next fiscal year, for his own, the quartermaster's department, to be over \$19,291,200. This deficiency and this estimate was taken to Mr. Polk. He was frightened by the magnitude of them, and it is within the history of the Committee of Ways and Means—not the present committee—that Mr. Polk compelled General Jesup to cut down his arrearages from \$7,500,000 to \$5,000,000, and his clothing and camp equipage from \$960,000 to \$600,000; so that instead of \$8,460,000, only \$5,600,000 were given; and the estimate of the quartermaster general for the year was cut down to \$14,250,000. But on the 3d of February, soon afterwards—for these estimates were sent in December—Mr. Marcy writes to the Committee of Ways and Means that he wants, and must have, \$360,000 for the clothing department, which brought back the sum necessary, then, to General Jesup's original estimate, \$960,000. Now, I state these great facts in no carping spirit, nor with any love for crimination or recrimination, but to show that deficiencies must exist, as they have existed under an administration peculiarly beloved by the party now dominant in both Houses of Congress, and to ask that party to bear in mind, that they always will exist unless the high officers of the Government are gifted with ubiquity, omnipresence, omniscience, and omnipotence, to control all the elements, and all the circumstances of war and of peace.

DEFICIENCIES IN THE HOUSE OF REPRESENTATIVES.

But, Mr. Chairman, are our deficiencies alone confined to the executive officers of the Government? I have in my hand now, a letter from the Clerk of this House, directed to the Committee of Ways and Means, in which he asks for \$100,000 deficiency for the estimates of the expenditures of this House, \$75,000 of which, are in the deficiency bill which you now have under consideration. And if the House itself cannot judge of its own expenditures, does not know its own means, spends more than it has voted, let us not hear one word from this House, or the majority in it, against another branch of the Government, which can spend not a cent but as it is appropriated. I will read the letter:

HOUSE OF REPRESENTATIVES, January 15, 1852.

SIR: At the last session of Congress, the sum of \$29,971 was appropriated to meet the contingent expenses of the House of Representatives for the present fiscal year. Prior to the meeting of Congress, there had been expended the sum of \$144,500, and since that time there has been expended the sum of \$33,320, leaving an unexpended balance of \$32,250 to meet the contingent expenses of the House for the remainder of the fiscal year, ending the 30th day of June next.

It has been reported to this office that the sum of \$50,000 will be required to meet the expenses of printing alone; and I would, therefore, respectfully recommend that the sum of \$100,000 be provided in the deficiency bill to meet the contingent expenses of the House.

I am, very respectfully, your obedient servant,
JNO. W. FORNEY.
HON. GEORGE S. HOUSTON,
Chairman Committee of Ways and Means.

MILITARY EXPENDITURES—THE QUARTERMASTER'S DEPARTMENT.

Now, Mr. Chairman, I come to the expenses of the quartermaster's department, for which there are large appropriations in the deficiency bill; but at the threshold, I beg the House to remember, that every cent of deficiency here comes from cutting down the estimates last year \$2,315,000, for the pruning-knife was run in there deep the last session of the last Congress! Indeed, there is no deficiency in the quartermaster's department this year, save as it arises from the cutting down of his estimates last year without rhyme or reason, as we see now. It is almost impossible, I will remark here, to comprehend the expenditures of this department, unless we are willing to give them a fair and a full consideration. I must confess, that when the quartermaster general's estimates were submitted to the Committee of Ways and Means at the last Congress, of which committee I was a member, their magnitude struck my attention, and almost affrighted me. I could not comprehend them, and I sympathized, for the time being, with the indignant remarks which I heard from gentlemen upon all sides of the House respecting them. But this state of feeling arose from a want of proper study of the whole subject upon my part. I did not comprehend the growth and grandeur of this country. I did not appreciate the mighty fact, that since 1845, the time from which these expenditures had so much increased, that these United States have been more than doubled in

their area and extent; and that whereas, before the Mexican war, we may be said to have had but one United States, one Republic, we have now, as it were, two United States, two Republics, and have added to us a territory twice as large as the old United States of America were in 1845.

I hold in my hand a computation table of the area of the States, Territories, organized and unorganized, in the United States, which shows some interesting and important facts:

	Area in sq. miles.
Twenty-nine old States, (excluding Texas and California).....	1,073,930
NEW TERRITORIES.	
California and New Mexico.....	526,078
Texas.....	327,520
Oregon.....	341,463
1,193,961	
Northwest Territory, west of the Mississippi, including Minnesota, and bounded south by Iowa and the Platte river, and west by the Rocky Mountains.....	745,584
Indian Territory, west of Missouri and Arkansas, and south of Platte river.....	248,851
Number of square miles in the United States....	3,261,426

Showing these two new States, New Mexico and Oregon, only to have an area in square miles of 119,131 more than the twenty-nine old States of the Republic!

Thus we have, since 1845, more than doubled the area of territory that our army has to defend and protect, and doubled it, too, among savages, dwelling in wildernesses, or on mountains, and in fastnesses almost inaccessible to our troops. Now, under such a state of things, it is to be expected that in nearly all branches of this Government, as the country increases, its expenditures will increase in proportion to its territory—certainly its army expenditures in proportion to its territory, and more too; for that very increase of territory increases its difficulties and duties, and aggravates its outlays. And this, in part, is the great secret of the enormous expenditure in the quartermaster's department. The military posts in the United States in 1845 were only seventy-eight, the westernmost of which was Fort Washita, on the Red river; but in 1852 there are one hundred and eighteen military posts and arsenals. The following is the length of our frontier, in part, the Mexican frontier having to be protected under the treaty of Guadalupe Hidalgo:

Length of Mexican frontier..... 1,700 miles.
Length of Atlantic and Gulf of Mexico..... 3,500 “
Length of Pacific sea-coast..... 1,620 “

One of the most forcible arguments which General Jesup has made to this House, in his report, to show the necessary magnitude of his expenditures, is the colored map, which he has appended to the quartermaster's report, by which he not only shows the overland transportation, his horses, mules, and wagons have to perform, but also that there are now four or six frontiers to the United States, whereas before there were only two or three. There is the frontier of the Pacific, then the Mexican and Oregon frontier, the inner frontier, this side of the Sierra Madre mountains, and the frontier beyond Missouri, full of savages and wild Indians, so that I may say I think, without exaggeration, that as exalted as the Roman Empire was, in its proudest day; far and wide as the Imperial eagle went, and momentous and aggrandizing as were its achievements; equally alike difficulties, savages ten times more ferocious than Gaul or Briton, are now met by the soldiers and officers of this country, in the wide extent of posts which they have, extending from the Aroostook, in Maine, to Fort Wilkin, on Lake Superior, to Puget's Sound, in Oregon, and from the Rio Grande to the source of the Red river, in Arkansas. It is necessary to comprehend this mighty fact of territorial extension, in order to understand this great expenditure of the quartermaster's department. It is necessary to remember that the military posts are nearly doubled; that the territory has more than doubled; and also the other most essential fact, that in 1845 almost all the quartermaster's posts were accessible by steam-boats, the one furthest off (Fort Scott) being within ninety miles from steam-boat navigation, and that, too, in a region where supplies could be obtained in its neighborhood. Fort Washita, in the Chickasaw country, near the Red river, was the only outpost depending upon the interior for its supplies, and it was only eighty-six miles from the dépôt, where it was supplied.

Pack and wagon have now to go hundreds and hundreds of miles. Supplies in some places have to go over a thousand miles by land. There is not in Oregon, New Mexico, Utah, California, or in the yet unsettled parts of Texas, even an ordinary turnpike road. I have no time, however, to enter fully into these difficulties of the quartermaster general, but they are obvious to the eye in his map, and brought home to all the senses in the details of his report.

The cost of transportation from the depôts on the Gulf of Mexico to the ports in New Mexico, has been tested to be \$22 a hundred for the supplies actually delivered in a sound state. No gentleman can have a proper idea of the magnitude of that quartermaster's department, unless he will carefully look over the reports of sub-officers, appended to the quartermaster's report. The prodigious operations of the quartermaster's department may be illustrated at the post of San Antonio, Texas, alone—and from this movement in Texas, the movements from Fort Leavenworth westward, may be guessed at also.

Statement showing the operations of the Quartermaster's Department at San Antonio, Texas, during the fiscal year ending June 30, 1851, under the direction of Brevet Major E. B. Rabbitt, Assistant Quartermaster, United States Army.
Sent from this post during the year..... 98 ox wagons,
Sent from this post during the year..... 752 mule "

Total.....850 wagons,
of which 752 were Government mule wagons, and 98 contractors' ox wagons.

With the Government wagons were sent 59 principal teamsters and 750 teamsters.

The Government wagons were employed in transporting company and officers' baggage, subsistence, quartermasters', medical, ordnance, and other stores to the different military posts.

The contractors' wagons were employed in transporting public supplies (chiefly forage) to the different military posts.

By the contractors' wagons were forwarded 69,903 pounds of subsistence stores, 185,000 pounds of quartermasters' stores, and 185 pounds of ordnance stores.

By the Government wagons were forwarded about 170,700 pounds of baggage, 1,260,000 pounds of subsistence stores, 349,557 pounds of quartermasters' stores, 28,000 pounds of medical stores, and 122,650 pounds of ordnance stores.

Total number of pounds transported by wagons from this post, 2,185,992.

For this transportation were employed 946 men, 4,720 mules, 622 oxen, and 73 horses. E. B. RABBITT,

Brevet Major and Assistant Quartermaster.
ASSISTANT QUARTERMASTER'S OFFICE,
SAN ANTONIO, TEXAS, June 30, 1851.

Now, looking at all of these facts, I take pleasure in saying that, though I was affrighted at first by the quartermaster general's estimates, I do believe, and I say it, though that gentleman is opposed to me in politics, that Major General Jesup has discharged a most trying and difficult duty with great fidelity to the Government, with as careful a regard for the public interest as he would have done, or could have done, if he had been transacting, on a scale so large, his own private business, and that it has been the most embarrassing, annoying, and trying duty ever imposed upon a quartermaster, at any time, or in any period, since the extension of the Roman Government through the regions of Gaul and Briton, and over the Bosphorus in the East.

MILITARY POSTS AND INDIANS.

Now, Mr. Chairman, I propose to show the necessity for some of these posts which have been established. I first come to the State of Texas, where no small portion of our little army is stationed, and I propose to show that there is a necessity for the stationing of these forces there. The number of Indians stated to be in Texas, by our official and unofficial reports, much vary. The Camanches in some quarters are stated to be twenty thousand in number. The Lipans are estimated at five hundred. There are Wacoos, Keechies, Caddoes, Andacos, Ionies, Shawanees, and other unnamed tribes. There are fierce and wild tribes, I am told, not even reported by our Indian Department, or not yet discovered by our Indian agents. The Indians in Texas, I am authorized to say, by the honorable member from eastern Texas, [Mr. SCUNNOR,] who has been much in the Indian country, number, in the lowest estimate, twenty thousand, and they are Indians of a warlike and ferocious character. Our Indian relations with Texas are fearfully embarrassed by the fact that we have no land there "to reserve" for them, and that the Texan surveyors and chain bearers march upon Indian territory, and take it without

purchase or treaty. This brings the settlements of Texas into constant collision with the Indian tribes. The treaty of Guadalupe Hidalgo imposes upon us the onerous, dangerous, and trying duty of not only protecting our own settlements from Indian invasion, but of protecting the Mexican frontier also, seventeen hundred miles long; and the expense of that is enormous. Besides this, upon the recommendation of the Governor of Texas, to be found in documents too long for me to read now, posts have been stationed from the Red river, about where it is crossed by the thirty-fourth parallel of latitude, along to El Paso—a distance of six or seven hundred miles—posts in the utter wilderness, and upon the prairie, and posts along the Rio Grande—eight or nine hundred miles more—making a frontier, in Texas alone, to be protected from the Indians, of fourteen or fifteen hundred miles. But, sir, besides—under the treaty of Guadalupe Hidalgo—being pledged to protect the Mexicans from nomadic Indians, there is also imposed upon this Government the yet higher duty of guarding the frontier of Mexico from Texan invasions. The scenes which have been lately transacted upon the Rio Grande—the filibuster scenes—have been a disgrace to this Government—not a disgrace to the Executive branch of this Government but a disgrace to the Government that has not provided the Executive with sufficient means to guard that frontier from American invasion. We have solemnly stipulated, by the highest obligations, under the most solemn sanction, the preservation of the Mexican frontier from American invasion, and yet constantly there have been going there robbers and bandits—for that is the name of those persons, who have been faithless to their country, faithless to the American flag, reckless of treaties, and reckless of national and personal honor—persons better fitted by far to be Mexicans, than to be protected by the stars and stripes of the American flag. It is our duty—it is the duty especially of the northern people, to protect that frontier, and to stand by the treaty at all hazards. If that is not protected, and the American boundary is extended there beyond our present limits, then comes another question of annexation, the annexation of a Sierra Madre republic upon the Southern side—about two or three States; and as an offset then, Canadian annexation upon the northern side, with States six or seven in number. General Persifer Smith, in a document which I have before me, urges the like establishment of posts along the Gila and eastward to the Rio Grande. Six hundred cavalry and four hundred infantry he demanded there, and he said there was being an imperious necessity for them. The like necessity is urged for having posts established in New Mexico. The last news from Texas and New Mexico demonstrates that the frontiers of both Texas and New Mexico are entirely unsafe at this moment for the want of sufficient protection from this Government. The news by the last mail is full of wars, full of the sacrifice of human life, in Texas especially, but in New Mexico as well as in Texas. There are estimated to be thirty thousand Indians in New Mexico, and ten thousand nomadic, wandering Indians upon the borders of Texas and New Mexico. It is stated by Governor Calhoun—I vouch him for authority, though I cannot vouch for the fact—that amongst that wild, unsettled, and nomadic population of Indians—pueblos and half civilized Mexicans, there are only three hundred real American citizens in New Mexico, unconnected with the army, (see dispatch No. 58, to the Hon. Luke Lea.) Hence you see the necessity of armed force for protection. The service of officers and soldiers in New Mexico is worse than any officers or soldiers ever before have been exposed to, for it is constant war without even the shade of glory—constant suffering without any appreciation of it by their country. It can only be compared with the inglorious Indian wars in Florida; but worse than those even, for the soldier now is far from home, without comforts, without necessities even, beyond the reach of civilization or sympathy. Utah, too, is in a dangerous condition. There are Indians there interrupting the lines of emigration to Oregon, endangering the life of every citizen who travels there, and hence the necessity for protection. Mr. Holeman, an Indian agent, writes from Fort Laramie, September 21, 1851:

"On my route to Utah, I passed many trains of emi-

grants, some for Oregon, some for California, but mostly for Utah. I found many of them in great distress, from depredations and robberies committed by the Indians; some were robbed of all their provisions, and even of the clothing on their back; many had their stock stolen, &c."

"I find much excitement among the Indians, in consequence of the whites settling and taking possession of their country, driving off and killing their game, and in some instances driving off the Indians themselves.

"The great complaint on this score is against the Mormons; they seem not to be satisfied with taking possession of the valley of the Great Salt Lake, but are making arrangements to settle other, and principally the rich valleys and best lands in the Territory. This creates much dissatisfaction among the Indians; excites them to acts of revenge; they attack emigrants, plunder, and commit murder, whenever they find a party weak enough to enable them to do so; thereby making the innocent suffer for injuries done by others."

And here we have the peculiar people of Utah. Who knows what they are doing, or intend to do? Who can tell? Who can say whether they recognize allegiance to this country or some other country? Who can say whether the laws can be enforced there without a regiment or two to execute them? Now, as to Oregon—and I trust the honorable Delegate from Oregon is in his seat, for I am about to use his name as authority—I have a statement before me vouched for by him, as coming from a Mr. Newell, an intelligent old mountaineer, that there are sixty-five tribes of Indians in Oregon, having the most outlandish names—names I never heard of until I looked into the report he made. These tribes have the euphonious names of Spokans, Oukenegans, Clickitats, Shoqualamicks, &c.,—names, I will venture to say, that were never heard of by the great mass of the people of our country. The number of tribes there are sixty-five, thirty tribes north of the Columbia river, and thirty-five tribes south; and the number of Indians which the Delegate from Oregon [General LANE] estimates to be in Oregon are over 30,000. This session of Congress, the honorable Delegate has strenuously demanded of Congress more protection, and he has censured the Government for even removing the rifle regiment to Texas.

There is California, too, upon our hands—California abounding in wealth, and not less abounding in expenditures—the one so well equally balancing the other, that it often requires nice arithmetical calculation to tell whether the country is gaining or losing, for the present, by the accession. The late Governor of California estimated the number of Indians, and called upon the War Department, under that estimate, for protection, to be over one hundred thousand. I have no doubt that the number was exaggerated; but I stand, for the present, upon that estimate. Governor McDougal writes, March 1st, 1851, to the President of the United States:

"The Valley of Los Angeles, of the San Joaquin, of the tributaries of the Sacramento, and the country around the main sources of that river, and the northern coast, contain an Indian force estimated at not less than one hundred thousand warriors, all animated by a spirit of bitter hostility, and whom pacific and forbearing policy encourages into renewed acts of outrage.

"Rendered bold by impunity, and encouraged by success, they are now everywhere rising in arms, and every day brings the report of some new outbreak."

"Protection by our people is regarded as their constitutional right; it is about the only benefit they can derive from their relation to the Federal Government, while their burdens are not light ones."

COST OF FLORIDA WAR.

Now, Mr. Chairman, to stop all party clamor, I have compiled for my use an estimate of the expenses of the Florida war, to be compared, if necessary, with the expense of these numerous Indian wars now on our hands. But, before I make the comparison, I wish to remark, that if any man fancies this country is now in peace with the savage tribes around us, he but indulges in fancy. It is a state of actual war wherever you go, amongst the western savages beyond the settlements. The savage is fighting now not only for life, for existence, but for a home—and for his last home too. He knows, as well as you do, that you have shut him out from the Pacific, and that he can go West no further. He knows, as well as you do, that his march is no longer eastward, but that he is in the heart of your territory now, with the columns of emigration pressing him upon every side. He stands not ready, as heretofore, to face you with formidable numbers in battle array; but, with the tomahawk he cunningly waits for an opportunity to scalp you and your

children, who may be emigrating to California or Oregon, or with the arrow to pierce you, or in stealth to creep upon and plunder you. War, war, exists with the savage on every side. There were in Florida, during the Florida war, it is believed, not over 1,100 Indians, with a few negroes.

The appropriations for the army and for the suppression of Indian hostilities, &c., including all military operations, were:

In 1836.....\$8,111,950
In 1837.....9,308,521
In 1838.....10,007,546

Total.....\$27,428,017

Besides these, there were subsequent appropriations for arrears, and for paying the claims of States for services of militia, &c.

The regular force in service in the United States during that period, averaged 7,500; the total militia force was about 36,000, averaging three months service—that is, equal to 9,000 men for the year, or 3,000 for three years; that force added to the army would give about 10,500 men, at an average expense of \$9,100,000, or \$860 per man. The least possible estimates that can be made of the cost of the Florida war, was \$11,000,000 or \$13,000,000.

The average force of the army for the three years succeeding the war with Mexico has been ten thousand five hundred, with a few hundred volunteers. The estimates have been under \$7,000,000 per annum, and the appropriation still less. The actual expenses probably have not exceeded \$8,500,000 per annum, or not \$800 per man. Now, I know there was extravagance in the Florida war. I know volunteers were called out when they were not needed. I know fire-wood was brought from the levee of New Orleans to Florida, where fire-wood abounded. I challenge no comparison with such expenditures, justified even by a Democratic Administration and a Democratic Congress; but what I do challenge is a comparison of the geographical position of Florida, in the heart of our settled country almost, accessible by sea and by steam, with comparatively little or no land transportation within the reach of the great markets of New Orleans, and the northern cities—with the geographical position of New Mexico, of Utah, of Texas, the Upper Rio Grande, and on her northern boundary—with the costly, golden prices of Oregon and California, remote from cities and abounding in immigrating colonists, enhancing by their numbers the value of everything enormously. The naval expenses of the Florida war, the cost of revenue cutters in service there—all such charges I throw out of account—for the challenged point of comparison is accessibility by water and steam, and the expenses of land transportation. Now, we have over-land wagon routes across a whole continent, from Fort Leavenworth, in Missouri, to Puget's Sound on the Pacific ocean. The Rifle regiment made the march across a continent, and endured more, and suffered more, and cost more, than if they had been in the campaign in Mexico. Troops, flying squadrons of dragoons, are all the while scouring and overrunning what I may call the innermost part of the country. The service is with them all a service of war; and yet they exhibit no such expenditures as these incurred here at home, in subduing only eleven hundred Indians in Florida.

QUARTERMASTER'S EXPENDITURES.

The expenses of transportation, of forage, and in fact everything in California, are often ten times greater than in other parts of this country; but California is not less a part of the United States, and it is not less our duty to protect her people, in each and every quarter, from the Indians, as much as if these Indians were in Tennessee, New York, or Alabama. I have before me a paper, too long to read, containing all the expenditures of the quartermaster's department for a large number of years. Those expenditures have been larger for a long time, than they have shown upon their face, in the estimates, especially during, and in consequence of, the Mexican war, from a system too complicated for me here to explain, because I have not time to do so. But the actual expenditures of the quartermaster's department, for the year ending 30th June, 1849—the closing year of Mr. Polk's Administration—were \$6,090,976. Mr. Polk estimated (peace estimates, June 30, 1848,) \$4,430,000. Congress (August 18, 1848) appropriated only \$2,940,000. The next year, December, 1848, the estimates made by Mr. Polk were for

only \$2,000,000; cut down largely by Mr. Polk again, from General Jesup's estimate, as I am prepared to substantiate, and as I fear, because there was an incoming Whig Administration. The estimates, December, 1848, were for \$2,000,000, and the expenditures were \$5,338,969. Such are the legacies of debt in the quartermaster's department, which have been left us by a preceding Administration. The following table of actual expenditures in the quartermaster's department will explain itself:

Year ending	Expenditure.
June 30th, 1849.....	\$6,090,976
“ “ June 30th, 1850.....	5,338,969
“ “ June 30th, 1851.....	4,892,937
“ “ June 30th, 1852, (estimated)...	4,379,000
“ “ June 30th, 1853, (estimated)...	3,900,000

Congress, last year, cut from the estimate of June 30th, 1852, \$2,315,000.

The following table will explain the estimates of last year cut off, and what is new in the bill for deficiencies:

Heads of appropriations.	Amounts cut off by Congress last year.	Amounts estimated this year for deficiency.	In the deficiency bill.
For regular supplies.....	\$630,000	\$917,460	\$795,000
For incidental expenses.....	225,000		
For purchase of horses.....	60,000	40,000	40,000
For barracks quarters, &c.....	400,000	219,000	219,000
For trans'n of troops, &c.....	1,000,000	590,000	590,000
	\$2,315,000	\$2,066,460	\$1,944,000

The only complaint I make, Mr. Chairman, against General Jesup is, that he has not had the courage at all times to face the Executive and Congress, and tell them both of all these expenditures—what and how indispensably necessary they were. He should have let the country understand from the start what was the cost of the Mexican war, and the cost of the Mexican acquisitions. And though he has been a soldier, who has faced battle and war, yet in the Executive Chamber I fear that he has not had the courage to face Mr. Polk and his estimates at every hazard.

RESPONSIBILITY OF THE QUARTERMASTER GENERAL.

I know it is said that the quartermaster is not responsible for all his expenditures. I understand that argument, and all the force there is in it. Here is a book containing the regulations of the quartermaster's department. It is the Army Regulations; and it appears from this that he has a complete administrative control of all the officers belonging to his department; that it is his duty “to provide quarters, hospitals, and transportation for all military stores, provisions, camp and garrison equipage;” “good and sufficient store-houses for all military stores;” “to purchase all fuel, forage, straw, and stationery;” “to purchase all horses, oxen, mules, and harness, and all wagons, carts, and boats;” “to purchase dragoon and artillery horses;” “saddles, bridles, and other necessary equipments;” “to provide materials, and direct and superintend the constructing and repairing of quarters, barracks, hospitals, store-houses, stables, and other necessary and authorized buildings for the army, and the security of public property, (Art. 77-927.) I quote the following from the Army Regulations:

933. “It shall be the duty of the quartermaster general to make himself acquainted with the frontiers, both maritime and interior; and with all the principal avenues leading to the contiguous Indian and foreign territories; with the military resources of the country; and the means and facilities of transportation, particularly of the districts on the frontiers; with the most eligible points for concentrating troops and collecting supplies; whether in relation to offensive or defensive operations; with the relative expense of concentrating at particular positions, and the advantages of those positions; and he shall be prepared at all times to give detailed information on those subjects, when required to do so, either by the Secretary of War or the General-in-Chief.”

934. “He shall, under the orders, or with the approbation, of the Secretary of War, or the General-in-Chief, designate the routes of communication between the different posts and armies; the course of military roads, and the sites for permanent and temporary depots of provisions and military stores.”

938. “He shall prepare all the estimates of the funds and supplies required for the service of his department, and he shall prepare and submit, for the sanction of the Secretary of War, plans for barracks, quarters, and other improvements, and cause the plans, when approved, to be carried into effect, as far as the means provided by Congress shall enable him.”

I might go on through the 1078 sections of the quartermaster's duties, to show his responsibilities.

The most important branch of the army is his. Without him nothing of importance can be done, and, indeed, everything depends upon him. I know there will be an attempt to evade for him, and to avoid for him, these responsibilities, because the Administration cannot be struck at without striking him down first; and in striking him down, an army officer, not of our political faith, will be struck at; but there he is; these are his duties, these are his responsibilities; and no petty quibbling, nor artful dodging, can relieve him; and I am sure he himself does not wish to be relieved from any duty the Army Regulations impose upon him.

EXPENSES INCREASED BY CONGRESS 1850.

It must be borne in mind, that Congress has largely increased the army since the peace establishment of 1845. It has created the costly regiment of mounted riflemen. In 1845, January 1st, the organization of the army was 8,654; but January 1st, 1850, it was 12,311. By the act of June 17th, 1850, all companies serving at the several military posts on the Western frontier, and at remote and distant stations, are entitled to 70 privates each, and at other stations the number of privates per company is:

In the dragoons.....	55	Additional, 24
In mounted rifles.....	64	“ 10
In artillery.....	42	“ 32
In light artillery.....	64	“ 10
In infantry.....	42	“ 32

At the remote stations referred to in the law, there are now stationed, of

Dragoons.....	18 companies.
Mounted rifles.....	10 “
Artillery.....	11 “
Infantry.....	59 “

Total.....98 companies.

MOUNTED FORCE.

Organization in 1852, 2,632	Strength, 1,960
Organization in 1845, 1,298	“ 1,108

Increase.....1,334 852

The additional cost of supporting a regiment of cavalry over and above that of a regiment of infantry is as follows:

On the frontier of Missouri or Iowa,	\$139,827
In Texas.....	213,331
In New Mexico.....	343,548

The act of June 17th, 1842, also raised the bounty on enlistments, in lieu of transportation, to sums ranging from \$23 to \$142.

Examination of such facts as these will show why and how there have been increased the expenses of the army.

THE EXPENSES OF THE GOVERNMENT.

I hasten on from this dry and tedious detail; but I cannot flatter you, however, that I shall present any detailed statement less dry. It has been said that the expenditures of this Government have run up to \$50,000,000; and I am asked, I think I hear, “How is it that you Whigs have thus run up the aggregate expenses of the Government, and that now, when you got along, under John Quincy Adams, with only some \$12,000,000, you estimate some \$42,892,299 to be necessary for the fiscal year ending July 1, 1853?” Indeed, an honorable member from Indiana has already entered into this sort of fiscal criticism, and I am prepared to answer him, and all others with him.

In the first place, I ask his attention to the legacy of debts and the legacy of appropriations bequeathed to us by the Mexican war. War is a costly as well as a bloody luxury, and it is always well to comprehend its cost as well as its glories.

LEGACY OF DEBT.

The Mexican war left upon the country an immediate national debt of about \$80,000,000, exclusive of pensions, bounty lands, and the annual additional, but incalculable, cost of governing and keeping what we won from, or bought of, Mexico. The ten million Texas indemnity bill may be added to that, for all that is yet to be paid, with interest for fourteen years. The Mexican war bounty lands absorbed 6,036,960 acres of the public lands, worth, at \$1 25 per acre, \$7,546,200; and the bounty land bill of September 28th, 1850, some, if not most of which, in some form or other, is for soldiers serving in consequence of the Mexican war, absorbs, it is estimated, 48,000,000 acres more, worth \$60,000,000. (See Treasury report,

1850; statement K.) We have just passed another bounty land law, the number of acres to be absorbed by which I have no means of calculating.

The pensions, under act of 1848, paid to 30th June, 1850, were.....\$1,198,141

Pensions under act of 1848, estimated for 1851 and 1852..... 1,525,000
(See statements by James E. Heath, Treasury Report, 1850—statement M, No. 1 and M, No. 2.)

The expenses entailed upon the country in consequence of the Mexican war and its acquisitions, can be understood only by a relative comparison of what were the expenditures of this Government before and after the war. Accurate tables have been prepared—the curious in such matters will find them in the Treasury Report of 1850—showing, (see statement I):

The actual and estimated expenditures for the seven years ending 30th June, 1852, to amount to.....\$294,807,407

The expenditures for the year ending 30th June, 1845—the year immediately preceding the war—having been \$21,383,049, the aggregate expenditures for the seven succeeding years upon that basis, would have amounted to.... 149,680,345

Showing an excess over the peace establishment of 1845 of.....\$145,147,062

The Secretary of the Treasury, in his report of 1850, estimates, on most excellent data, the expenditures and liabilities chargeable directly to the Mexican war and the acquisitions consequent upon the treaty of peace, to be \$217,175,577. The details of this estimate are too long to be quoted, but it can be seen in part in such items as pensions above stated, and—

Installments and interest under twelfth article of treaty with Mexico.....	\$16,388,396
Payment of liquidated claims against Mexico, per act 29th July, 1848.....	2,089,578
Interest on war debt to 30th June, 1852.....	13,387,544
Interest on war debt from 30th June, 1852, to maturity.....	41,173,493
Texas boundary stock.....	10,000,000
Interest for fourteen years, 5 per cent.....	7,000,000
Mexican claims, per treaty, (paid,).....	3,250,000
Survey boundary line between United States and Mexico.....	335,000
Survey of the coast of California.....	200,000
Light houses, docks, custom-houses, hospitals, &c., in California, (small estimate,).....	640,000
The excess of expenditures of War Department in the maintenance of troops, &c., in the new Territories, is estimated now (every year) at.....	4,556,709

DEBT PAID BY THE ADMINISTRATION.

This Administration has had to meet such obligations as these, and many more, the bequests of the preceding Administration. Indeed, one of its chief duties has been to pay the debts of its predecessors.

The public registered debt on the 30th of November, 1850, was.....\$64,928,328

The public debt 30th November, 1851, was.... 62,569,395

Since the Whigs came into power, March 4, 1849, they have freed the country from an amount of public debt, as follows:

Stock of the loan of 1843—act of 3d March, 1843.....	\$231,300 00
Stock of the loan of 1846—act of 22d July, 1846.....	9 74
Stock of the loan of 1847—act of 28th January, 1847.....	1,883,200 00
Mexican indemnity, act of 10th August, 1846, Bounty land scrip, act 11th February, 1847, Old funded and unfunded debt, act 4th August, 1790, and 12th June, 1793.....	303,573 92 232,875 00 7,814 87
Awards under the fifteenth article of the treaty with Mexico for which the issue of stock was authorized, but which were paid in cash.....	3,006,275 51
Payments under twelfth article of the treaty with Mexico, (by installments,).....	11,258,140 31
	\$16,923,189 35

Nearly seventeen millions of dollars!

DEBENTURES, DRAWBACKS, NO EXPENDITURES.

To understand the comparative expenditures of this Government, it will be necessary to bear in mind the changes that the laws have made in the mode of registering the expenditures from year to year. Prior to June 30, 1849, the expenses of collecting the revenue from customs, lands, debenture bonds, refunding duties, &c., were never registered in the annual expenditures, but the cost of collecting the revenue alone for the first time, of late registered as a part of the expenses of Government, is over two millions a year; and these two millions appear now, under this Administration, as a part of the annual expenditures. The same remark may be made of other items, that go

to swell up the \$48,005,878, which the Register of the Treasury reports as making the annual expenditures for the year ending June 30, 1851. The new system is, and it is a wise system, to record all expenditures, all out-goings, such as the following, and Whigs see it done with pleasure:

Repayment of duties on sugar and molasses, illegally exacted by collectors.....	\$439,588
Payment of debentures, drawbacks, bounties, and allowances.....	794,639
Repayment to importers of excess of deposits for unascertained duties.....	896,024
Debentures and other charges (customs).....	72,623
Expenses of collecting revenue from customs prior to 1st January, 1850.....	1,888,471
Payment of public debt and interest.....	4,217,986

These are all items that have not hitherto figured in the annual expenditures of the Government, and these amount in all to \$8,399,331. Indeed the estimates of the Secretary of the Treasury for the year ending June 30, 1852, were \$33,667,489. The estimates for year ending June 30, 1853, are \$29,257,533; while the expenditures as appropriated by the last Congress, and the Congresses preceding, were \$48,005,878, being over estimates for year ending 1852, \$14,333,389.

COST OF MEXICAN ACQUISITIONS.

The Secretary of the Treasury states, in part, of the appropriations required by our new Territories, and in the fulfillment of our obligations consequent upon the acquisition, the following items:

Survey of the boundary line between the United States and New Mexico.....	\$120,000 00
Survey of the west coast.....	150,000 00
Dry dock in California.....	360,000 00
Mileage and per diem of Senators and Representatives from California, Utah, and New Mexico.....	26,462 40
Territorial governments of Utah and New Mexico.....	61,400 00
Judicial expenses, including marshals.....	77,200 00
Expenses for commission for settling land titles in California.....	50,000 00
Expenses for surveys in California.....	18,500 00
Expenses for surveys and sales of public lands in California.....	239,075 00
Pensions under the acts of 1848.....	431,340 00
Expenses of Post Office Department.....	638,250 00
Excess of expenditures of War Department in the maintenance of troops, &c., in the new Territories.....	4,556,709 75
Interest on so much of the debt contracted in consequence of and during the late war.....	2,890,242 97
Making an aggregate of.....	\$9,549,080 12

These are all expenditures falling upon the Administration, unknown to preceding ones, and in consequence of our Mexican acquisitions!

Now, nearly all the army of the United States is in Texas, or in our Mexican acquisitions, and much of our navy is employed on the Pacific coast, where the cost of everything is enormous, in consequence of the abundance of gold. Land surveys are to be begun, land titles to be settled, revenue cutters to be kept up, in short, a new and great country there is to be colonized, and provided for, with coast surveys, lights, fortifications, docks, mail-ships, and harbor improvements; and where there exists now little or nothing, everything is to be brought up to an equality with the old States. There is no calculating for future expenditures there. Already we have on our table a bill restoring to California what is called her "civil fund"—a fund expended even before her organization as a State—amounting at present to about half a million in the bill that has come down from the Senate, but as a claim upon us amounting to \$1,300,000 in all.

We must not, however, now shrink from the responsibilities war has brought upon us, and that we have assumed. After we have annexed Texas, and stretched out our arms over the Rocky mountains to the Pacific, we cannot turn back from what we have undertaken. All of these lands is now our country, under our Government, and we must protect and provide for them. There is no ambition so mean as that which covets the possessions of others, but grudges the cost of governing them.

THE REVENUE AND TARIFF OF 1846.

The expenses of the administration of the Government now being necessarily so large, I shall be asked, no doubt, "How is it that you Whigs 'who predicted the tariff of 1846 would not yield revenue enough to carry on the Government 'then, now find it yields enough not only to maintain the expenses of what you call a double United States, but to leave a surplus of some mil-

'lions in the Treasury?' It is a fair question, and I will not shrink it, I will meet it face to face. There was a time when it would have appalled me, but only because I was ignorant of the history, the written, and unwritten history of the tariff of 1846. It may well have appalled a Whig to know why it was, when such sound men as George Evans and others predicted in the Senate and in this House, that the tariff of 1846 would not yield enough to carry on the Government, that it should really yield enough, and more too. I propose to solve this apparent contradiction of prophecy and experience; and to the solution I beg the careful attention of the House.

When George Evans and others, in 1846, made these predictions, they were based upon the tariff bill of July 30, 1846; which cut up all importations into schedules, from letter "A to letter I," and then affixed to them horizontal, universal *ad valorem*s, from one hundred per cent. down to five per cent., and "duty free." The novelty of such a Procrustean tariff bed attracted their attention. No other nation under the sun, civilized or savage, had ever been thus before, to say the least, so original. Procrustes struck out the idea of a bed, upon which short men were to be stretched out to fit it, and long men to be chopped off to fit it; but a universal *ad valorem* tariff bed was something altogether new in political economy. So many cents duty on a gallon of brandy or wine, was a duty, a specific duty, everybody could comprehend, but "one hundred per centum *ad valorem*" ("schedule A") on brandy and other spirits distilled from grain—such schedules, from "A" to "I," confounded them. Brandy, wines, and a thousand other like things, susceptible of accurate specific admeasurement, why, they asked, *ad valorem* them? It was a premium for bad brandy, and half poisoned wine, everybody saw, for, the cheaper was the nominal cost abroad, the less was the duty at home, unless a wrongful or fraudulent system of invoices was introduced, by which all such things were rated abroad, below what they were worth. What appraisers, they asked, too, can tell what wine is worth, (*ad valorem*), unless they have been experienced, practiced wine-bibbers from their youth up? Even they, too, might be deceived, for when liquors come over sea, especially high-priced wines, they often come, as it is termed technically, "sick;" that is, muddy and roiled; apparently of an *ad valorem* not quarter price. Universal geniuses, they said, were wanted under such universal *ad valorem*s for appraisers—the universal genius that can turn from arrack, or kirchenwasser to ginger roots and gelatine, or from bananas to beeswax, with an instant, thorough comprehension of everything. Their great objection, however, and their apprehensions came from the serious radical defects in the principle of an universal *ad valorem* system, and from the numerous frauds that must constantly be arising, and the constant conflicts the Treasury must always be in with merchants, American and foreign. Their leading objection was, that it based the American tariff upon European *ad valorem*s—that is, made our American tariff in Europe, and that when it thus surrendered American to European interests, there was no fixed system, no proper rule, no real law prescribed for estimating these values even in Europe. It is obvious that an American tariff, which surrenders the whole American system of home valuations to foreign valuations, is a foreign tariff, levied at American ports. If the value of cottons, or woollens, or iron-wrought articles, is fixed in Europe, and upon that value, thus fixed there, a duty is levied and collected in New York, two things are obvious—first, that such a tariff is a foreign levied tariff, even though collected under American law; and, second, that the value, the *ad valorem*, depends upon foreign estimation, foreign caprice, or, it may be, foreign fraud or perjury. The tariff law of July, 1846, was open to all these objections, and I shall show, on Democratic, anti-tariff authority, too, has been admitted so to be.

The force of these objections struck Mr. Secretary Walker and the Committee of Ways and Means, in 1846, and they did not believe that as the tariff stood then, under the act of July, with the whole *ad valorem* system then subject to foreign caprice, that they could collect duty enough under it to carry on the Government. I make these remarks, and draw these inferences, because in that very extraordinary place for making tariffs, the civil and diplomatic bill, approved August 10,

1846, there was inserted—may I not say, smuggled; for who then probably foresaw its full effect?—this very significant and pregnant item:

"That in appraising all goods at any port in the United States, heretofore subjected to specific duties, but upon which *ad valorem* duties are imposed by the act of July 30, 1846, entitled 'An act reducing the duty on imports, and for other purposes,' reference shall be had to values and invoices of similar goods imported during that fiscal year, under such general and uniform regulations for the prevention of fraud or undervaluation as shall be prescribed by the Secretary of the Treasury."

I call this item in this civil and diplomatic bill a significant and pregnant item, for it not only refers to, and to some extent revives, the tariff of 1842, (certainly as to values and invoices,) but what is more, it vested in Mr. Walker, then Secretary of the Treasury, the power of prescription of such general and uniform regulations (as to *ad valorem*s) as he might think proper. Mr. Walker instantly availed himself of this plenipotent power; and, in order to levy as high duties as possible on high *ad valorem*s, he not only revived what he could of the tariff of 1842, but he went a great deal further even into what the Supreme Court of the United States subsequently decided to be contrary to law. He meant to balk the prediction of Whig prophets, law or no law; and he did do it in defiance of law.

ILLEGAL TREASURY CIRCULARS.

There are, Mr. Chairman—you as a lawyer know—two kinds of law, written and unwritten, the statute law, such as that of July 30, and August 10, 1846, and the common law, the law of "prescription." The common law of the Treasury Department, is a Treasury code, called Treasury circulars; and as the tariff of 1846 was going into operation, Mr. Walker began to scatter them as thick as the leaves of Vallambrosa. The Treasury code which issues its rescripts in Treasury circulars, has power more plenipotent for the time being than any statute law. The appraisers, who inspect and examine imports, and judge of their values, hold their offices from the Treasury, and whatever the Treasury prescribes, with them is law. Hence, when Mr. Walker had in the civil and diplomatic bill, or thought he had, the power of "prescription" as to the *ad valorem*s; and exercised that power, without restraint, he became the law. This power, I shall show you, was exercised with a high hand from December, 1846, up to January, 1851.

Mr. Walker himself began the first exercise of the power of prescription in a somewhat famous Treasury circular, November 25, 1846. He quotes, as if with exultation, the hitherto hidden item in the civil and diplomatic bill. He dictates, also, the modes and manner of appraisements, thus:

"The principle upon which the appraisement is based is this: That the actual value of articles on shipboard at the last place of shipment to the United States, including all preceding expenses, duties, costs, charges, and transportation, is the foreign value upon which the duty is to be assessed. The cost and charges that are to be embraced in fixing the valuation over and above the value of the article at the place of growth, production, or manufacture, are:

"1st. The transportation, shipment, and terms—shipment, with all the expenses included, from the place of growth, production, or manufacture, whether by land or water carriage, to the vessel in which a shipment is made, to the United States. Included in these estimates is the value of the sack, package, box, crate, hoghead, barrel, bale, cask, can, and covering of all kinds, bottles, jars, vessels, and demijohns.

"2d. Commission, at the usual rate, but in no case less than two and a half per cent., and when there is a distinct brokerage, that to be added.

"3d. Export duties, including such duties at all places from the place of growth, production, or manufacture, to the last place of shipment to the United States.

"4th. Cost of placing cargoes on board ship, including drayage, labor, bill of lading, lighterage, town dues, and shipping charges, dock and wharf dues, and all charges to place the article upon ship-board.

"Discounts are never to be allowed in any case, except on articles where it has been the uniform and established usage heretofore, and never more than the actual discount, positively known to the appraiser.

"The freight from the last place of shipment to the United States is not to be included in the valuation; and insurance is also excluded by law."

Here the Treasury circular assumed that the principle on which the appraisement is based is the actual value on board ship at the place of shipment, including all preceding expenses, duties, costs, charges, and transportation. The difference was essential to the revenue of the United States; you will see whether the duty was levied on the actual value at the place of purchase, or procurement, or at the place of shipment. Silks, or velvets, purchased at Lyons, in France, or watches or jewelry purchased at Geneva, had one value;

but when transported for shipment to Havre, subject, it may be, to city duties, or duties international, to costs and charges, also of transportation, that original value was essentially enhanced. Goods purchased of the manufacturer in the interior of Germany, or at forced auction sales, had one invoice—one value at the time of purchase—but at the time and place of shipment, from a great rise in value, or from some other cause, the invoice or *ad valorem* would be altogether a different one from what it was at the start. Here, then, in one Treasury rescript, Mr. Walker made a tariff of his own, and his appraisers in New York, Boston, and in every custom-house, of course obeyed.

This Treasury rescript was followed by another, July 6, 1847, more imperial by far than its predecessor. This circular starts with stating that the twenty-third and twenty-fourth sections of the tariff act of 1842, are in force, and gives the Treasury construction of them.

"This construction (I quote his circular) of the Department must be binding upon all who perform any duties under these laws, from whatever source their appointment or authority may be derived; and from such decision there can be no appeal, except to the judicial powers. (Merchant appraisers—appraisers selected by the collector—were claiming their right to construe the law for themselves, independent of the circular.) The Department, notwithstanding the broad language and comprehensive authority conferred upon it by Congress, feels bound to adopt the construction of the revenue laws, pronounced in solemn adjudications by the Supreme Court of the United States." (The merchant appraisers were hushed at a blow.)

Mr. Walker goes on to say, treating of the right claimed to estimate the market value of goods at the place or time of purchase:

"The most enormous frauds would be the consequence of such construction. Stimulated, fictitious, and antedated purchases, to suit the period of lowest price, would prevail extensively, to the great injury of the fair trader and of the revenue. In truth, under such system, the whole importing business would soon be thrown into the hands of the dishonest and fraudulent, who would be willing to produce antedated or fictitious foreign sales, and that most useful and meritorious citizen, the honest and fair trader, would be thrown entirely out of the market. It is known at present—at the commencement of this proposed system—that even where the purchasers are not deemed by the parties fraudulent, the person designing to import into the United States goes to some prior purchaser, who has purchased, not for importation into the United States, at some prior date when the goods were much lower in value, and imports the goods in the name of the first purchaser, consenting to give a certain profit or price on the delivery here, and thus deprives the revenue of the difference in value, and obtains a most unjust advantage over the fair trader, who will resort to no such artifices. It is the duty of this Department to declare that such practice is a fraud upon the revenue, and subjects the goods to seizure and confiscation, and the parties committing the fraud to all the penalties prescribed by law; and the utmost vigilance is enjoined upon collectors, appraisers, and all other officers of the customs, in taking all proper measures to detect and punish all who are engaged in such fraudulent practices."

This circular the Secretary followed up by another, August 7, 1848, in which he says:

"Forced sales of goods in the foreign market at reduced prices under extraordinary and peculiar circumstances, cannot be taken as the true market value of such goods. When trade is paralyzed by revolution, and sacrifices of goods take place, sales then made, not being characterized by the ordinary free and healthy state of trade, do not, it is conceived form proper data, for the establishment of an 'actual market value' in contemplation of law."

There is sense and sound reason in all this; but it was, as will be seen in the end, in violation of law. The dangers to the revenue from changing all specific duties into universal *ad valorem*s, brought out yet another circular, December 26, 1848, in which the Secretary says:

"The intent of the 17th section of the act of 30th of August, 1842, in the appointment of merchant appraisers, is evidently to give the merchants an opportunity to appeal from one class of appraisers to another. But it is clear that Congress did not design to relinquish the power in the Government to select the merchant appraisers to whom the case might be referred, nor to give the parties appealing any more voice in the selection of such appraisers than of any other Government officers. To consult the parties concerned, or allow them a voice in the selection of merchant appraisers, would soon result in permitting the importers to control the appraisement of their own goods, and it is presumed is not permitted at any port. Merchant appraisers should be particularly instructed, that when acting in that capacity, they are to be governed by the same rules and regulations as provided by law for the direction of regular appraisers, and are to act upon the principle that the invoice price, or even the price actually paid for the article of merchandise, is by no means a true criterion of the fair market value as prescribed by law. Adopt a contrary principle, and one who is so fortunate as to have a quantity of merchandise given him, would be entitled to receive it free of duty, or at a nominal duty, if purchased at nominal prices, and different rates would often be assessed by appraisers on articles of the same value. The fair market value intended by law, is the general or ruling price of the article in the principal markets of the country from which the same shall have been imported."

The Secretaries of the Treasury who followed Mr. Walker, necessarily followed the principles of construction he had established in his circulars and the precedents, until they were overruled by the courts; and among them all, they piled circular upon circular, Pelion upon Ossa, till an indignant community appealed from the high court of the Treasury to the higher Federal courts of judicature. The principles of collecting duties enacted by these Treasury circulars, and all in violation of law, as subsequently decided, were:

1st. That the value of goods at the time and place of shipment to the United States were to be the *ad valorem*, on which duties were to be collected at the American custom-houses.

2d. That the Treasury circulars were binding and conclusive upon collectors, and all classes of appraisers—merchant, as well as Government appraisers—and that the Government had power in removing as well as in selecting merchant appraisers.

These Treasury circulars thus established a tariff of their own, known under no act of Congress and as soon as they were tested in the Federal court, the Federal court swept them away at once. The Whigs contended, and contended truly, that the tariff acts of 1846, as they have passed, left the whole revenue of the Government a prey to foreign fraud, or foreign caprice, or foreign invoices, subject to all sort of foreign fluctuation of value. The Whigs contended that under such a tariff, there could be no adequate revenue. The Whigs contended, that to allow foreign manufacturers to fix the market values, of all dutiable (American imported) manufactures, at their own door, by their own workshops, was not only wrongful, and subversive of all true principles of a tariff, or sound political economy, but in utter violation of the Constitution of the United States, which requires that "all duties shall be uniform throughout the United States." The keen eye of Mr. Walker saw all this, and hence in the civil and diplomatic bill (August 10, 1848,) he obtained as he thought, new powers for Treasury constructions; and hence his great effort, under the tariff act of 1842, to make his construction and instructions "conclusive and binding." It is impossible to say, even to guess, how much of additional duties he gained to the Government by these illegal circulars,—but it is enough to show, by his own Treasury confessions, that without such circulars, under the tariff of 1846, "enormous frauds simulated, fictitious and antedated purchases" would have prevailed; and, "under such a system, the whole importing business would soon be (have been) thrown into the hands of the dishonest and fraudulent."

NULLIFIED TREASURY CIRCULARS.

These Treasury circulars run on, and were acted upon as law, from December, 1846, till January, 1851, when the Supreme Court of the United States nullified the great body of them, and pronounced them void, and without law. The revenue, nevertheless—the revenue boasted of as so large, but made so large only by lawless circulars—was collected under them for three years and over. Judge Woodbury, sitting in a case in Boston, (Greely vs. Thompson & Johnson,) first overruled these circulars. He decided:

1. That the date of the *procurement* of a cargo of iron in Newport, Wales, to wit: The 24th of January, 1849, was the time at which the appraisers should have fixed the value of the iron, and not the date of invoice or bill of lading, the 24th of February, (the price had materially advanced during the previous thirty days, and the jury assessed damages against the collector in the sum \$6,681 28, as illegally exacted.)

A like case was made in New York. N. L. & G. Griswold sued the collector for excess of duties upon plantain bark, or hemp, and sugar, imported from Manila, the collector exacting duties upon the market value at the time of shipment, and the plaintiffs paying under protest, contending that the law only compelled them to pay duties upon the market value at the time of purchase. The jury, under the instructions of Judge Nelson, gave a verdict for the plaintiff of \$3,206 44 (difference,) and the verdict was affirmed, on appeal, by the Supreme Court in Washington.

These two cases, the pioneers of others now pressing, not only nullified the Treasury rescripts, and broke down the Treasury code, but they exposed the revenue to all the fatal consequences that

Mr. Walker had set forth in his circulars, and realized at once the prediction of such men as George Evans and others, that under such a tariff the Government could not be carried on. These decisions were made known immediately to the Treasury Department, to the Ways and Means Committee of the House, and to the Finance Committee of the Senate, and they inspired all with alarm. A double alarm was felt. First, it was asked, what are we to do for revenue? and next, how are we to get rid of paying the enormous sums in illegal duties we have been over four years exacting under these illegal Treasury circulars? An honorable Senator from Virginia, [Mr. Hunter,] the chairman of the Finance Committee, a gentleman I am happy to see, whose views are extending beyond the Blue Ridge and tide-water, immediately brought the whole difficulty and danger before the Senate. He introduced a bill which, March 3d, 1851, became a law, and which really and substantially revolutionized the old tariffs, in reenacting the Treasury circulars, and providing stronger guards and greater securities than ever against under valuations, false invoices, unequal duties, &c. Mr. Hunter, in introducing his bill, said:

"The result will be, that hereafter, unless we legislate in relation to the subject, the foreign value of goods will be computed at the time of the procurement or purchase, or at the place of purchase and time of importation, and not at the time and place of importation, as has been heretofore done, and is now proposed. This would give rise to a great inequality, and open a door, perhaps a very wide door, to fraud. All men experienced in regard to this matter testify alike. All the Secretaries of the Treasury, Mr. Walker, Mr. Meredith, Mr. Corwin, were of the same opinion in regard to the mode in which the foreign value should be computed. And when we come to look at the effect of substituting the value at the time and place of purchase, for that time and place which this bill proposes, and Mr. Walker's circular required, we find that it throws open a very wide door to fraud, and is calculated to drive the importing business into the hands of foreign merchants, thus discriminating in favor of foreign and against our own importers."

The tariff law of 1846, we thus see, as expounded by the court, left the whole revenue system subject to "great inequality," "to fraud," and was calculated "to drive the importing business into the hands of foreign merchants," "discriminating against our own."

Mr. Hunter continues—and I cite his authority, because his condemnation of the principles upon which the tariff act of 1846 left the revenue to be collected will have greater weight than anything I could say:

"If you adopt the principle laid down by the Supreme Court, the same ship might bring a cargo from the same place and deliver it at the same port. But one part of this cargo having been purchased when the vessel sailed, and the other before, say thirty days, as was done with the iron in the case of Thompson and Forman; and the same article purchased at different times, but delivered at the same moment, would be subject to different rates of duty. This would not only produce a great inequality between man and man, but would often afford an opportunity and temptation for fraud, and make it very difficult for the appraisers to ascertain what was the precise value of these goods at the time designated by law for their estimation. Let us take, by way of illustration, the case of port wine in the warehouses of London. Wine may have been kept there improving, and after having been kept two or three years, the importer, according to this decision, would have to pay duty for it according to its value at the time of purchase when it was new, and thus, although he sold the old article, he would have a great advantage over another importer who bought the article out of the warehouse and paid for it the value at the time of importation."

"Again: If we were to adopt such a principle of valuation as this, the manufacturer would, in very many instances, have the advantage in carrying on the import trade with our own country, and would probably possess himself of the largest share, for such a mode of valuation would discriminate in his favor. The manufacturer who has a great quantity of goods on hand, and can wait, when the market is glutted, until they rise in value, according to this decision, could send them over here and pay duty for them according to their value at the time of procurement, or by a fictitious sale transfer them to some consignee, or man of straw, at a date when prices were lower. He would thus have an advantage over the American importer, which would, to a great extent, throw the business of importation into his hands."

TARIFF ACT MARCH, 1851.

It is almost impossible to describe in stronger terms the vicious principles of revenue in the tariff act, which were left to us by the Congress of 1846. They justify every prediction, every announcement of the Whigs of that day; and when enforced by the decisions of the Supreme Court, Congress immediately proceeded to correct them; and without the act of March 3, 1851, a sufficient revenue could not have been collected. The new tariff act of March 3, 1851, provides that—

"The actual market value, or wholesale price, at the period of exportation to the United States in the principal markets of the country," (of export,)

shall be the real market value on which the duty shall be levied in the United States custom-house, to which shall be added—

"All costs and charges, except insurance, and including, in every case, a charge for commissions, at the usual rates, as the true value at the port where the same may be entered, upon which the duties shall be assessed."

This new tariff act gave the force of law to the nullified Treasury circulars; nay, went further in subsequent sections, by creating four traveling appraisers to go from port to port, to secure, as far as possible, an uniformity of duties in the ports from Eastport, Maine, to Puget's Sound, in Oregon. This act of 1851, is what the lawyers call a Congressional *cogno vit*, to all the indictments of George Evans and others, in the Congress of 1846. Under the old Treasury circulars, issued against law, and under this law alone has the tariff of 1846 been able to yield revenue enough to carry on the Government and to meet the public debt. The Treasury circulars, however, have bequeathed to the country hosts of law suits, fifty, it is said, in New York alone, still undecided, such as that of Thompson vs. Collector of Boston, and Griswold vs. Collector of New York, with business incumbering the Federal courts, and running up the already too great expenses of the Federal Judiciary; and with hosts of demands for refunding duties, the amount of which can be seen by glancing at the record and estimates of the Register of the Treasury. I see at one hasty glance now \$439,588 in "repayment of duties on sugar and molasses illegally exacted by collectors, refunded under a decree of the courts, acquiesced in by the Treasury Department;" and these, among other such items, now swell up the apparent expenditures of this Government!

But, say gentlemen on the other side, "if the tariff of 1846, or what you now call the tariff of 1851, yields revenue enough, and is high enough, why demand any change in such a tariff? Why complain of it? I have anticipated such a question, and I am prepared to answer it now."

THE VICE OF THE SYSTEM.

The essential, radical, incurable defect of the tariffs of 1846 and 1851 is the universal *ad valorem*, and the principle of them, that establishes the duty to be levied, upon the ever-fluctuating, ever-uncertain foreign valuation. It is wrong, radically wrong, that foreign nations should, in foreign invoices, make a universal American tariff. And it is a wrong that no stiff, stern legislation, no violent Treasury circulars, no traveling appraisers can ever cure. The tariff of 1851 has followed the foreign invoice down to the place of export, and affixed to it there all costs, and charges, and commissions—so far, well—but levying a duty upon a Manila, a London, or a Marseilles invoice, in a New York custom-house, is, to a great extent, collecting American duties upon a foreign tariff, in Manila, London, or Marseilles. It is impossible to inspire confidence in these foreign invoices. It is impossible to make an American merchant believe that he is doing business on fair and equal terms with the London born, the Manila born, and the Marseilles born merchant. It is impossible to know for a certainty in New York whether or not the invoice is a *bona fide* invoice, or if so, whether or not it may not be under, or above, the general, actual, even real value of the goods in the country of the export. It is impossible to find appraisers that know every country, every production, every process of manufacture, every price of everything, everywhere—and hence there is a constant collision between merchant and appraiser, between the Treasury Department, and the business of the country. To make themselves universal geniuses, or to qualify themselves to presume to know everything everywhere, I venture to say, you will find scarcely an appraiser who does not study a foreign price-current more than he studies the tariff statutes of his own land, and I am sure you will find Wilmer's European Times with its numerous prices-current (and not always correct ones) hung up in every appraiser's office from the Commissioner of the customs here in Washington eastward to Eastport, and westward to San Francisco. Wilmer's European Times is thus practically the American revenue law of the land; and the foreigner, who wants to amend the American statute to suit him, will resort to amending the prices-current sent from Liverpool to New York. "Why quit our own, I ask, to stand on foreign ground?" No other nation does

so. The British revised tariff of 1846, which has so often been commended to us for imitation, collects only £38,000 (\$182,000) per annum in a gross receipt for customs of £22,000,000 (\$105,000,000) for articles paying *ad valorem* duties, being less than one fifth of one per cent. of this immense income from imports! All Europe pursues a similar course.

The errors or frauds that do arise, and must arise, from subjecting all the productions of the earth to universal, horizontal *ad valorem*s cannot be got over or got under, however much the attempt may be made to avoid the facts that have been marshaled in proof of the allegation. The Secretary of the Treasury, in his report of December, 1850, exhibits irresistibly-conclusive proof in demonstration of them. He shows that prior to the act of March, 1851, in New York and Boston alone, the appraisers advanced on the invoices, from January, 1849, to October 1, 1850, \$4,098 in number, thus:

Whole number of advances in New York...2,359
Whole number of advances in Boston.....1,739

4,098

He shows, too, that in an importation of fruit (oranges) shipped by the same house, from St. Michaels to Philadelphia, New York, and Boston, at Philadelphia they passed at the invoice value; at New York the appraisers advanced it 75 per cent.; and at Boston 92 per cent., and no objection or appeal was made by the importers. A like extraordinary pimento case from the island of Jamaica is set forth. Indeed, I might, with a little research, go on and add an indefinite number of like cases—but why prove appraisers are men, and that their judgments must vary—and that thus there must be a very unequal system of duties in the wide-spread ports of this now vast Republic of States?

But what is more ruinous to the commerce and industry of the country than all these various principles of universal *ad valorem*s, is the ever-fluctuating basis of these foreign valuations, upon which our commerce and all our manufacturing industry are obliged to stand. As well stand man and labor, it seems to me, upon the rolling billows of the sea, in some frail bark, without chart or rudder, as stand man and labor upon ever-fluctuating foreign valuations in foreign ports. The sliding corn laws of Great Britain have been, throughout the world, universally condemned as defective in equity and sound principles of political economy; but here is a sliding scale of duties in our country, based upon no home-made laws, but upon foreign invoices, foreign valuations, which, as they go up or down in Europe, go up or down in America. These sliding scales operate never favorably, as the British corn laws did; that is, reducing duties when imports rise in price, but just the reverse; for when exports rise in price in Liverpool or London, duties rise in rates in New York, and the very moment the import should be made as cheap as possible to the consumer, from its rise in price abroad, that very moment it is made dearer to the consumer by additional duties at home. No duties at all are better protection to labor at home than such ever-fluctuating, sliding protection; for then labor hopes for nothing, expects nothing, risks nothing, invests nothing. Iron, for illustration, was, under the sufficiently-protective *ad valorem* prices of the tariff of July and August, 1846, tempted to hope on, to expect, to risk more rather than to invest less; but as prices went down in England and Wales, these tariff duties of 1846 went down lower and lower here, until there is danger that the leading iron interests of the country will be annihilated, and that for this great necessary of life we become altogether subject to foreign nations—their power, and their caprice. If iron ever rises in price abroad above the high prices of 1846, the consumer will have to pay higher duties under such an *ad valorem* tariff than he paid under the tariff of 1842; so that when this great necessary of life may be most needed by the consumer here, to be got at the cheapest rate, higher duties at home come in and add themselves to higher prices abroad. Our tariff system now, is one of high duties at home on high prices abroad, and of low duties at home on low prices abroad. The first is ruinous to the consumer; the second ruinous to the home producer.

The tariff of 1846, carried out by the tariff of

1851, yields revenue enough, and, in my opinion, more than enough. The country, under it, is taxed as much as it ought to be, and more too. The indictment I bring against the existing tariff is, that it discriminates against American interests, American industry, American labor, American merchants—seldom or never in their behalf. One count in that indictment is, that it exacts unnecessary duties upon raw materials coming into competition with nothing American, and often an equal or higher rate of duty on the raw material than upon the manufactured article of which it is composed. Another count in that indictment is the fact, that these invariable, universal, horizontal *ad valorem*s tempt to excessive importations beyond our means to pay, or to great fluctuations. When foreign products are low, duties here are low; when higher duties would be better for the country, and when foreign products are high, duties here are high, so that when we least want foreign goods, from their excessive abundance, we have the most of them; and, when we most want them, we have to pay the most for them. The whole system thus becomes vicious from beginning to end—vicious not only to industry and labor at home, but vicious to commerce, vicious to the currency, vicious to exchanges, both foreign and domestic, and constantly involving individuals in alternate speculations and bankruptcies. Under it, we Americans are taxing ourselves to carry on our own Government as the capitalists, and the wages of labor in great manufacturing marts, such as Manchester, Birmingham, and Lyons may dictate. The tariff, as a whole, I repeat, is, in the main, high enough, and the tariff of 1846, as it was passed, under the then existing high *ad valorem*s, was, in most articles, (if duties could have been enforced upon honest *ad valorem*s,) well enough; but the vicious principle upon which it is based will never be acquiesced in by an intelligent, industrious people.

REVENUE FROM TEXAS AND THE PACIFIC.

These are some of the reasons why so many of the people of this country demand a revision of the existing tariff, a reduction or abolition of duties upon some articles, and a modification of others. But before I can thoroughly answer the question, why the existing tariff has yielded so much revenue, I must again ask attention to the growth, prosperity, and increase of the country since 1846. Texas, at that time, was not in a condition of sufficient security to yield us any revenue. Indeed, the now chief importing point in it, Point Isabel, was then practically, if not theoretically, under the Mexican Government. The duties collected at Point Isabel,

From July 1st, 1849, to June 30th, 1850, were... \$5,509 73
From July 1st, 1850, to June 30th, 1851, were... 4,321 78
From July 1st, 1851, to June 30th, 1852, were... 100,561 80

Total \$147,393 31

This is one port in Texas alone, beyond United States jurisdiction in 1846,—but Texas importations are made chiefly in New York or New Orleans; and no table, therefore, can be prepared to show how much of our revenue Texas pays.

The whole Pacific coast has been added to us since 1846, with the people of New Mexico, and others. San Francisco has now become the fourth or fifth importing city in the Union; being equal to, if even behind, New Orleans. I have a table before me which shows the receipts from customs, on account of duties on merchandise, tonnage, light-money, and marine hospital money in California and Oregon, to be in all, from November 12, 1849, to December, 1851, \$4,238,434. The details may be interesting:

San Francisco—12th November to 31st December, 1849..... \$216,453 82
San Francisco—12th November to 31st December, 1850..... 1,759,646 86
San Francisco—12th November to 31st December, 1851..... 2,146,791 58
\$4,113,891 26

Sonoma—10th January to 30th June, 1851.. 12,917 15
San Joaquin—25th July, 1851, to 31st January, 1852..... 231 19
Sacramento—7th May to 31st Dec., 1851.... 1,772 48
San Diego—13th January to 30th September, 1851..... 9,491 28
Monterey—7th March to 30th September, 1851..... 6,829 46
Oregon—3d April, 1849, to 30th September, 1851..... 93,301 76
\$4,238,434 58

These are some of the causes which have swollen the importations, and consequently the receipts from customs (June 30th, 1851,) up to \$49,017,567. If they have gone beyond the expectations of the Whigs in 1846, it was because the tariff of 1846 had an unlawful substitute found for it in the Treasury circulars of Mr. Walker, and because of the great and unexpected increase of the country geographically. Under all circumstances, as we grow numerically or geographically, we must buy more from abroad, and consume more at home, always provided we can have the means for purchase.

Mr. STANTON, of Kentucky. With the permission of the gentleman from Alabama, [Mr. Houston,] the chairman of the Committee of Ways and Means, who does not, I presume, desire to make his closing speech to-day, I will now move that the committee rise.

Mr. HOUSTON. I desire to say, that I understood this morning, when the agreement was made, that there should be a speech from the gentleman from Arkansas, and also one from the gentleman from New York; that it was likewise agreed that a member of the Committee of Ways and Means should be allowed a portion of the time to reply to the gentleman from Arkansas, in reference to the Indian estimates, which I shall not have time to investigate in my closing speech. If I was mistaken in that, I shall be glad to be corrected.

The CHAIRMAN. The Chair understood the House to decide that the debate should be closed in two hours.

Mr. HOUSTON. From conversation with the Speaker, I find that I was mistaken.

The CHAIRMAN. The two hours have now elapsed, and the gentleman from Alabama is entitled to the floor to close the debate.

Mr. STANTON, of Kentucky. I understand that the chairman of the Ways and Means desires to postpone his speech until Monday.

Mr. STANLY. Do I understand that the chairman of the Committee of Ways and Means is unwilling to go on with his speech now?

Mr. HOUSTON. I have been appealed to to postpone my speech by a great many gentlemen, who say they are exhausted, and desire to adjourn till Monday.

Mr. STANLY. We are exhausted every day, but we cannot help ourselves.

Mr. POLK moved that the committee do now rise.

Mr. STANLY demanded tellers; which were ordered, and Messrs. CHANDLER and MASON appointed.

And the question being put, it was decided in the affirmative—ayes 81, noes 66.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly House bill No. 207, and had come to no conclusion thereon.

Mr. STANLY. What is the report from the committee?

The SPEAKER. That the committee have come to no conclusion on House bill No. 207.

Mr. STANLY. By the Democratic vote of the House, ought to be added to the report, only four Whigs voting with the eighty-one ayes in favor of the rising of the committee.

Mr. POLK. Yes; by the Democratic vote. We will take the responsibility.

On motion by Mr. POLK, the House then adjourned till Monday.

NOTICE OF A BILL.

Mr. PORTER gave notice of a bill to provide for the holding of an additional term of the circuit court of the United States for the district of Missouri.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. STEVENS, of New York: The petition of the heirs of Joseph Young, deceased, praying compensation for the destruction of property during the revolutionary war.

By Mr. BENNETT: The remonstrance of 130 citizens of New York against the renewal of Parker's patent as to reacting water-wheels.

By Mr. HAMILTON: The petition of Leonard Picking, William White, and other citizens of Frederick county, Maryland, asking the establishment of a mail route from Frederick city, by way of Mechanicstown and Mount St. Mary's, to Emmitsburg, Maryland.

By Mr. GOODENOW: The remonstrance of Leander Daggett and others, against the renewal of a patent to Austin and Zebulon Parker for alleged improvements in reaction water-wheels.

By Mr. MOORE, of Louisiana: The petition of John Boyd, praying to be granted the right of preemption to a tract of land in the "Bastrop Grant," Louisiana.

Also, a resolution of the General Assembly of the State of Louisiana, relative to the establishment of a post road from the mouth of Red river to Burr's Ferry on the Sabine river.

By Mr. FAULKNER: The memorial of Robert M. Wade and others, citizens of Clarke county, Virginia, remonstrating against the extension of the Woodworth patent.

Also, the petition of numerous citizens of Springfield, Massachusetts, praying for the abolition of the military and the restoration of the civil superintendency at the national armories.

By Mr. SCUDDER: The petition of Lewis Crosby, of Massachusetts, owner of the British schooner Caroline, asking that she may be admitted to registry under the laws of the United States.

By Mr. CURTIS: The petition of sundry citizens of Clarion county, Pennsylvania, praying for an increased duty on iron.

By Mr. EDGERTON: The memorial of the county officers and other citizens of Williams county, Ohio, praying for the passage of a law authorizing the resurvey of the townships of St. Joseph, Centre, and Pulaski, in said county.

Also, from citizens of Putnam and Van Wert counties, for a mail route from Findley, via Vaughnsville, Delphos, Van Wert, to Fort Wayne, Indiana.

By Mr. PRICE: The memorial of Pike Duryce, John M. Lawrence, Stephen Codit & Co., W. Johnson & Co., Harves & Bolles, and others, merchants, masters of vessels, and pilots interested in the navigation of the Passaic river, and the harbor of Newark, praying the establishment of additional beacons and lights, and of a new fog-bell at the Passaic light house.

By Mr. BISSELL: The memorial of the President of the Terre Haute-Railroad Company, praying for a grant of land in aid of the construction of said road.

Also, the memorial of Ephraim —, a soldier in the war of 1812, for a pension.

By Mr. SCHOOLCRAFT: The petition of E. Carning and other citizens of Albany, New York, asking for a further appropriation to the Collins line of steamers.

By Mr. TAYLOR: The petition of J. W. Laird and Thomas R. Matthews, of Jackson county, Ohio, praying Congress to grant them additional compensation, as assistant marshals for taking the Seventh Census.

By Mr. MILLSON: The petition of Nathaniel Riddick, administrator of Richard Taylor, a captain in the war of the Revolution, praying for commutation pay.

By Mr. WELCH: The petition of E. S. Vanhorn and Elijah Hutton, of Meigs county, Ohio, asking additional compensation, as assistant marshals in taking the Seventh Census.

IN SENATE.

MONDAY, March 22, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

MAIL CONTRACTS.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of the Navy, communicating, in compliance with a resolution of the Senate, information in relation to contracts for the transportation of the mails by steam-ships between New York and California; which was ordered to be laid on the table and printed.

PETITIONS, ETC.

The PRESIDENT *pro tempore* laid before the Senate a petition of inhabitants of Washington county, Pennsylvania, praying that the transportation of the mails on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEWARD presented the petition of the heirs of Andrew Fink, an officer in the revolutionary war, praying commutation pay; which was referred to the Committee on Revolutionary Claims.

Also, a petition of citizens of Albany, New York, praying that the bill giving further remedies to patentees may become a law; which was referred to the Committee on Patents and the Patent Office.

Also, three petitions of citizens of New York, praying an extension of Woodworth's patent for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of the United States, praying that the public lands may be transferred to the States on condition of their being granted to actual settlers free of cost; which was referred to the Committee on Public Lands.

Also, a communication from Lewis H. Sandford, requesting that copies of the Journals and documents of Congress, and of the Laws, may be furnished to the Library of the Faculty of Advocates, and the Library of the University of Edinburgh; which was referred to the Committee on the Library.

Mr. GEYER presented a petition of citizens of St. Louis county, Missouri, remonstrating against

the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. MILLER presented a petition of the owners and masters of vessels, residing in the counties of Atlantic and Cape May, New Jersey, praying that buoys may be placed in the new inlet of Great Egg Harbor, and in Hereford Inlet; which was referred to the Committee on Commerce.

Mr. FISH presented four petitions of citizens of New York, praying an extension of Woodworth's patent for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of West Troy, New York, praying that the bill giving further remedies to patentees may become a law; which was referred to the Committee on Patents and the Patent Office.

Also, the petition of James T. Eells, praying a pension for the services of his father in the revolutionary war; which was referred to the Committee on Pensions.

Also, a petition of merchants, ship-owners, and others, of New York, praying that steam vessels employed in carrying the United States mails may be prohibited by law from carrying freight and passengers for hire; which was referred to the Committee on Commerce.

Mr. MASON presented the memorial of Thomas Ap C. Jones, praying to be restored to the invalid Navy pension roll, and to be allowed arrears of pension; which was referred to the Committee on Pensions.

Also, the memorial of Louisa E. Merrill, praying a renewal of her pensions; which was referred to the Committee on Pensions.

Mr. HAMLIN presented a memorial of inhabitants of Brooksville, Maine, praying that a light-house may be erected at the entrance of Buck's Harbor; which was referred to the Committee on Commerce.

Mr. CHASE presented a petition of merchants and other citizens, of Cincinnati, Ohio, praying that further aid may be extended to Collins's line of steam-ships; which was referred to the Committee on Naval Affairs.

Mr. SUMNER presented a petition of citizens of Boston, Massachusetts, praying an extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, the petition of citizens of New Bedford, Massachusetts, in favor of an extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of Leicester, Massachusetts, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. FELCH presented the petition of merchants and other citizens, of Detroit, Michigan, praying that further aid may be extended to Collins's line of steam-ships; which was referred to the Committee on Naval Affairs.

Mr. BORLAND presented five memorials of citizens of Arkansas, praying a grant of land to the Arkansas Central Railroad Company, for the construction of a railroad from Memphis, by way of Little Rock, to the boundary of Texas; which were ordered to be laid on the table.

Mr. COOPER presented eleven petitions of citizens of Pennsylvania, remonstrating against the extension of Woodworth's patent for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, four petitions of citizens of Pennsylvania, praying a modification of the tariff; which were referred to the Committee on Finance.

Also, the memorial of Theodore Whitney, praying permission to change the location of a land warrant; which was referred to the Committee on Private Land Claims.

Also, the petition of citizens of Pennsylvania, remonstrating against the renewal of Austin and Zebulon Parker's patent, for improvement in water-wheels; which was referred to the Committee on Patents and the Patent Office.

Also, four memorials of citizens of Philadelphia county, Pennsylvania, praying an extension of Woodworth's patent for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, a communication from Henry M. Weaver and E. S. Hendrickson, in relation to an increase of the duty on cigars; which was referred to the Committee on Finance.

Also, the memorial of John A. McGregor, one of the heirs of William McGregor, praying payment of a balance due on account of the services of his late father in the revolutionary war; which was referred to the Committee on Private Claims.

Also, a memorial of the citizens of Pittsburg, Pennsylvania, praying the construction of a ship-canal around the Falls of St. Mary's river; which was referred to the Committee on Commerce.

Also, a memorial of citizens of Pittsburg, Pennsylvania, praying an appropriation for the erection of beacon-lights at the entrance of Lake Superior, through the straits of St. Marie; which was referred to the Committee on Commerce.

Also, the memorial of Charles Boughter and others, citizens of the late Republic of Texas, praying the enactment of a law to enable them to obtain payment of their claims at the Treasury; which was referred to the Committee on Finance.

Also, the memorial of citizens of Pennsylvania, praying a declaration by Congress of the doctrine of non-intervention, and the adoption of measures to prevent its infraction; which was referred to the Committee on Foreign Relations.

Also, a memorial of assistant marshals for taking the Seventh Census in the city and county of Philadelphia, Pennsylvania, praying additional compensation; which was referred to the Committee on the Judiciary.

Also, a memorial of citizens of Germantown, Pennsylvania, praying a modification of the bounty land law; which was referred to the Committee on Public Lands.

Also, a resolution of the Legislature of Pennsylvania, in favor of the establishment of a navy-yard and dry-dock on the lake frontier; which was referred to the Committee on Naval Affairs.

Mr. DAVIS presented a petition of citizens of Worcester, Massachusetts, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. HALE presented a memorial of inhabitants of Armstrong, Pennsylvania, praying that the transportation of the mails on Sunday may be prohibited by law; which was ordered to be laid on the table.

Mr. JONES, of Iowa, presented two memorials of citizens of Lee county, Iowa, praying the appointment of a commission to examine and settle all claims to land in the Sac and Fox Half-Breed reservation; which were referred to the Committee on the Judiciary.

Mr. MALLORY presented the memorial of Anne Dudley, keeper of the light-house at St. Marks, Florida, praying remuneration for losses caused by a gale; which was referred to the Committee of Claims.

Mr. WELLER submitted a document showing the amounts disbursed by the city of Sacramento, California, for the support of the indigent sick of that State, prior to her admission into the Union; which was referred to the Committee of Claims.

Mr. WALKER presented a petition of citizens of Pike county, Illinois, praying that a quarter section of land may be granted to all citizens of the United States becoming actual settlers; which was referred to the Committee on Public Lands.

Mr. NORRIS presented a memorial of citizens of Washington, District of Columbia, praying an amendment of the charter of that city; which was referred to the Committee for the District of Columbia.

Mr. BELL presented a memorial of the Legislature of Tennessee, praying the establishment of a daily line of mail steamers between St. Louis and New Orleans, and the intermediate ports; which was referred to the Committee on the Post Office and Post Roads.

Mr. WADE presented resolutions of the Chamber of Commerce, of Cincinnati, Ohio, in favor of the division of the State into two judicial districts; which were ordered to be laid on the table.

Mr. JAMES presented a petition of citizens of Boston, Massachusetts, praying a modification of the tariff; which was referred to the Committee on Finance.

Mr. DOWNS presented a memorial of insurers, ship-owners, and others, of New Orleans, praying an increase of the salary of the United States

district judge for Florida; which was referred to the Committee on the Judiciary.

Also, the petition of John Boyd, praying the right to purchase land settled and improved by him, within the Bastrop Grant; which was referred to the Committee on Private Land Claims.

Also, resolutions of the Legislature of Louisiana, in favor of constructing harbors of refuge, and placing buoys at proper points on the great Northeastern mail route along the coasts of the State of Alabama, Mississippi, or Louisiana; which were referred to the Committee on Commerce.

Mr. CASS presented a memorial of members of the bar, at Detroit, Michigan, praying an increase of the salary of the United States district judge for Michigan, and the proceedings of the meeting at which it was adopted; which were referred to the Committee on the Judiciary.

Also, three memorials of citizens of Pennsylvania, praying the declaration by Congress of the doctrine of non-intervention, and the adoption of measures to prevent its infraction, which were ordered to be laid on the table.

Also, a memorial of citizens of Reading, Pennsylvania, praying a modification of the bounty land law; which was ordered to be laid on the table.

Mr. MALLORY presented a memorial of citizens of Florida, praying the payment of the awards of the judge in their favor under the ninth article of the treaty with Spain; which was referred to the Committee on the Judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. BORLAND, from the Committee on Printing, to which was referred the motion to print two thousand additional copies of the map of the Territory of New Mexico, communicated to the Senate the 18th March, reported in favor of printing the same; and the motion was agreed to.

Mr. DOWNS, from the Committee on Private Land Claims, to which was referred a resolution of the Legislature of Louisiana, submitted a report, accompanied by a bill granting to the State of Louisiana the military reserve at Fort Jesup, for a seminary of education; which was read and passed to the second reading. The report was ordered to be printed.

Mr. FOOT, from the Committee on Pensions, to which was referred the memorial of Chester Griswold, submitted an adverse report thereon.

He also, from the same committee, to which was referred the petition of William Dusenbury, praying an increase of pension, submitted an adverse report thereon.

Mr. CLEMENS, from the Committee on Private Land Claims, to which was referred the petition of Lucretia Barton, reported a bill to authorize the Secretary of the Interior to issue duplicate land warrants in certain cases; which was read and passed to the second reading.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred sundry petitions and memorials, asking the aid of Congress in establishing certain mail lines of steamers therein indicated, asked to be discharged from the further consideration thereof, deeming it inexpedient for them to take any proceedings in regard to the aforesaid memorials; which was agreed to.

He also, from the same committee, to which was referred the petition of Joseph Rodney Crosby, American Consul at Cowes and Southampton, praying remuneration for the expenses incurred in entertaining the officers of the United States ship St. Lawrence and in the reception of Kossuth, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to which was referred the memorial of Mary F. B. Levely, widow of Henry Levely, captain of the privateer Nonsuch, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. GEYER, from the Committee on Pensions, to which was referred the petition of Catharine Elwes, praying a pension, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, which was instructed to inquire into the expediency of granting a pension to the widow of the late Brevet Brigadier General Belknap, submitted a report, accompanied by a bill for her relief; which was

read and passed to the second reading. The report was ordered to be printed.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the memorials of the inhabitants of Sedgwick, Maine, praying the establishment of a port of entry at that place, asked to be discharged from the further consideration thereof, the law already furnishing adequate remedy for what is asked in the memorials.

NOTICE OF A BILL.

Mr. BROOKE gave notice of his intention to ask leave to introduce a bill, making to the States of Louisiana and Mississippi a grant of lands, to aid in the construction of certain railroads therein.

BILL INTRODUCED.

Mr. WALKER, agreeably to previous notice, asked and obtained leave to introduce a bill granting the right of way, and making a donation of land to the State of Wisconsin in aid of the construction of a railroad from Manitowoc to the Mississippi river; which was read a first and second time by its title, and referred to the Committee on Public Lands.

BILLS PASSED.

The following engrossed bills were read a third time and passed:

- Bill for the relief of G. Thomas Howard;
- Bill for the relief of St. John's church, in the city of Washington;
- Bill for the relief of William C. Easton; and
- Bill for the relief of Bryan Callaghan.

SURVEY OF THE CHINA SEAS, ETC.

The Senate proceeded to consider the resolution submitted by Mr. SEWARD, the 8th instant, in relation to navigation in the Northern, China, and Japan seas. The resolution was agreed to.

BATTLE OF CERRO GORDA.

The Senate proceeded to consider the resolution submitted by Mr. JONES, of Tennessee, in relation to a supplemental report of the battle of Cerro Gordo, made by General G. J. Pillow to General W. Scott, recently filed in the War Department by General Scott, and which has never been published.

The resolution was agreed to.

LIGHT-HOUSE OFF NANTUCKET.

Mr. DAVIS submitted the following resolution; which was agreed to:

Resolved, That the Secretary of the Department of War submit to the Senate as soon as practicable the report, estimate, and plan, in reference to the beacon or light-house structure for the New South Shoal, off Nantucket.

GUTHRIE'S SAFETY-VALVE.

Mr. DAVIS submitted the following resolution for consideration:

Resolved, That the Secretary of the Navy be requested to make the necessary preparations therefor, and to test by such experiments as he may deem necessary, the value and practical usefulness of the safety-valve, the hydrostatic gauge, and the indicator, invented by Alfred Guthrie.

ST. REGIS INDIANS.

Mr. SEWARD submitted the following resolution; which was agreed to:

Resolved, That the Secretary of the Interior be requested to communicate to the Senate whether any and what sums, or will become due to the St. Regis Indians, by virtue of a treaty made with the New York Indians by Ransom H. Gillet, commissioner, and upon the expediency of an appropriation to pay the sum so due, if any.

MEXICAN BOUNDARY COMMISSION.

Mr. WELLER submitted the following resolution; which was agreed to:

Resolved, That the Secretary of the Interior be directed to report as soon as practicable to the Senate—

1st. Copies of all instructions given to the commissioner appointed to run and mark the boundary line between the United States and Mexico, together with all correspondence in relation to said boundary not yet submitted to the Senate.

2d. The number and names of persons employed upon said work.

3d. The amount of money disbursed, and the manner in which expended by the present commissioner.

4th. The probable amount of money necessary to furnish said work.

Mr. WELLER also submitted the following resolution for consideration:

Resolved, That the Secretary of War be directed to inform the Senate whether any charges have been filed in his Department against the commissioner appointed to run and mark the boundary line between the United States and the Republic of Mexico, by an officer of the Army; and if so, to transmit to the Senate copies of all papers connected therewith.

ADMISSION OF LADIES.

The PRESIDENT. The hour of one o'clock having arrived within a minute or two, the Chair will take up the special order.

Mr. BADGER. For the first time, I rise on this floor as the advocate of the fair sex, and I desire to throw myself upon the indulgence of the Senate, to ask their unanimous consent this morning to the suspension of the rule which excludes ladies from this Chamber. The galleries are full; but we know there are hundreds of fair faces and lovely forms who will be excluded, who are extremely desirous to be admitted to hear the remarks of the honorable Senator from Louisiana, [Mr. SOULE.] I hope there will be no objection this once, to admit them on the floor, and I pledge myself never to renew the motion again, unless another like occasion shall arise. [Laughter.]

Mr. CLEMENS. I could have wished that some older member of the Senate should object, but if no other Senator does so I must object myself.

Objection being made, the rule was not suspended.

NON-INTERVENTION.

The Senate resumed the consideration of Mr. CLARKE's resolution on the subject of non-intervention.

Mr. SOULE addressed the Senate at length, and advocated the amendment offered by Mr. CASS. Our report of his speech is withheld for revision, and will appear in the Appendix.

At the conclusion of his speech, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 22, 1852.

The House met at twelve o'clock, m. Prayer by the Rev. C. M. BUTLER.

The Journal of Saturday was read and approved.

Mr. KING, of New York. I believe there is a motion pending to suspend the rules, which was submitted by me on Monday last.

The SPEAKER. On Monday last, the gentleman from New York [Mr. KING] moved to suspend the rules, for the purpose of introducing a bill, and during the pendency of that motion the House adjourned. It is therefore the first business in order, and is a privileged question.

Mr. JONES, of Tennessee. This is resolution day, I believe, and if the House will suspend the rule which authorizes motions of suspension on this day, and call the States for resolutions, every gentleman here will probably have an opportunity during the day of offering the bills and resolutions he has ready. If this motion to suspend the rules shall fail, and if I can get the floor, I will move to suspend the one hundred and thirty seventh rule, which authorizes motions to suspend the rules to be made on Monday; and the call of the States can then be commenced where we last left off.

Mr. KING, of New York. I suppose debate is not in order upon my motion, but I desire to make a very brief explanation of the character of the bill which I am endeavoring to report. It is one which proposes to amend the law heretofore passed authorizing the district judges in the district courts to call in a district judge from another district, in case of the sickness or disability of any of the judges, by extending its provisions to cases where the calendar is crowded, and the business of the court requires an additional judge. The bill has passed the Senate unanimously, and the state of the business in the district courts of the city of New York, imperiously requires its early passage by this House.

Mr. WILLIAMS, (interrupting.) With the permission of the gentleman from New York, I desire to offer a resolution which will greatly expedite the business of the House, by enabling gentlemen to make reports from committees.

Mr. KING. I hope the gentleman from Tennessee will allow this matter to be disposed of first, and I shall not then object to his resolution. But this is a bill which I have been waiting two months for an opportunity to present.

The question was then taken, and, on a division, there were—ayes 69, noes 30; no quorum voting.

Mr. VENABLE demanded tellers; which were ordered, and Messrs. VENABLE and WHITE, of Kentucky, appointed.

And the question being again put, the tellers reported—ayes 81, noes 28; no quorum voting.

Mr. BAYLY, of Virginia, moved that there be a call of the House.

Several MEMBERS. "Oh, no!" "Let us have a recount."

Mr. BAYLY. Very well; I will withdraw my motion.

There being no objection, the tellers resumed their places; and, on a recount, there were—ayes 90; noes not counted.

So (two thirds voting in the affirmative) the rules were suspended.

DISABILITY OF JUDGES.

Mr. KING, of New York, from the Committee on the Judiciary, then reported back Senate bill "Amendatory of the act entitled 'An act to provide for holding the courts of the United States in case of the sickness or other disability of the judges of district courts,'" approved July 29, 1850. with an amendment.

The amendment was read, as follows:

"But no such district judge shall have appeals from district courts."

The question being put upon the amendment, it was agreed to; and the bill was then read a third time and passed.

MESSRS. DUNHAM AND FITCH.

Mr. JONSON, of Arkansas. Mr. Speaker, it is my duty to state to the House that the unpleasant misunderstanding occurring here on the 17th instant, between our brother members, Messrs. DUNHAM and FITCH, was referred and submitted, at the instance of their respective friends, to the Hon. JOHN C. BRECKINRIDGE, and myself; and further, that having declared what we believed to be the plain duty of each to the other, it is in our power to state, that all difference has been justly and honorably settled.

SUSPENSION OF THE 137TH RULE.

Mr. JONES, of Tennessee. I now move to suspend the 137th rule, which authorizes motions to be made upon Mondays to suspend the rules, in order that the States may be called for resolutions under the 26th rule, commencing, under the practice of the House, where the last call terminated.

Mr. STANLY. If this motion prevails, will it not give us an opportunity to introduce bills also?

The SPEAKER. Certainly. The effect of the motion of the gentleman from Tennessee will be to bring the House directly to the call of States for resolutions, giving rise to no debate, and for bills in the hands of individual members of which previous notice has been given.

Mr. HOUSTON. I wish to inquire of the Chair whether the homestead bill takes its place as the special order to-morrow or on Wednesday, as some gentlemen have suggested?

The SPEAKER. To-morrow; so the Clerk informs the Chair.

Mr. HOUSTON. Then, if this day is consumed in receiving resolutions, the deficiency bill will have no chance at all, unless the gentleman from Tennessee will take some steps to postpone the homestead bill for a day or two longer.

Mr. JONES, of Tennessee. There is no earthly chance of its being passed to-day, even if we go into the Committee of the Whole on the state of the Union.

Mr. HOUSTON. That is very true; but the day may be consumed in investigating it.

Mr. FOWLER. I wish to know whether, if we were to agree to the motion of the gentleman from Tennessee, resolutions might not be introduced and passed by a bare majority?

The SPEAKER. If a resolution was introduced, and debate arose upon it, it would go over until next resolution day. If the previous question was called, and the House sustained it, it would of course bring the House to a vote upon the adoption of the resolution.

Mr. FOWLER. By a majority?

The SPEAKER. Yes.

Mr. FOWLER. Then I object to the motion of the gentleman from Tennessee, and call for the yeas and nays upon it.

HOMESTEAD BILL.

Mr. STANLY. I would ask the Chair whether the House can, by a two thirds vote, postpone

the homestead bill until some day beyond to-morrow.

The SPEAKER. It can.

Mr. STANLY. Then I appeal to the gentleman from Tennessee [Mr. Jones] to give way and let that motion be made. It will give us two or three days more upon the deficiency bill.

Mr. JONES. I yield for that purpose, but it will require a suspension of the rules.

Mr. STANLY. Then I move that the special order fixed for to-morrow—being the homestead bill—be postponed.

The SPEAKER. Until when?

Mr. STANLY. Until any time the gentleman from Tennessee [Mr. Johnson] wishes. Say "till Thursday next."

Mr. HAMILTON. No; say, "until the deficiency bill shall be disposed of."

Mr. STANLY. Very well, then, say until the deficiency bill is disposed of.

Mr. JOHNSON. I think we had better have this matter definitely arranged. And as a great deal is said about the pressure for the passage of the deficiency bill, and about the drafts of the Government being protested, and all that, I am willing that the homestead bill shall be postponed until to-morrow week. It seems to me that after the length of time which has already been devoted to the deficiency bill, a week more will be sufficient to dispose of it.

The SPEAKER. Is there objection to the postponement of the special order fixed for to-morrow, until to-morrow week?

Mr. SMART. I object.

Mr. STANLY. Then I move to suspend the rules to enable me to submit my motion.

The question being put, the rules were suspended, and the motion of Mr. STANLY was then put and agreed to.

So the homestead bill was postponed until to-morrow week.

The question then recurred upon the motion of Mr. JONES, to suspend the rules for the purpose of introducing a motion to suspend for to-day the one hundred and thirty-seventh rule of the House.

A MEMBER. What will be the effect of that motion?

The SPEAKER. It will be to bring the House to a call of the States—beginning with South Carolina—for resolutions, and for bills of which previous notice has been given, but neither of which to give rise to debate.

Mr. TOOMBS. I call for the yeas and nays upon that motion.

The yeas and nays were ordered, and being taken, the result was—yeas 99, nays 73—as follows:

YEAS—Messrs. Aiken, Willis Allen, John Appleton, Averett, Thos. H. Bayly, Beale, Bibbhaus, Bissell, Bocoek, Bragg, A. G. Brown, Busby, Caskie, Churchill, Clark, Chingman, Cobb, Cullom, Curtis, John G. Davis, Dawson, Dimmick, Dockery, Duncan, Dunham, Edmundson, Faulkner, Ficklin, Fitch, Freeman, Thomas J. D. Fuller, Gamble, Gaylord, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hendricks, Henn, Hillyer, Holladay, Houston, Howard, Thomas M. Howe, Ingersoll, Jackson, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, George W. Jones, J. Glancy Jones, Kurtz, Letcher, Mace, Edward C. Marshall, McCorkle, McDonald, McLaughan, McMullin, McNair, McQueen, Meade, Milson, John Moore, Morehead, Morrison, Nabers, Olds, Andrew Parker, Phelps, Powell, Price, Richardson, Riddle, Robbins, Robinson, Origen S. Seymour, Skelton, Smith, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, St. Martin, Strother, Stuart, George W. Thompson, Venable, Wallace, Welch, Ward, Watkins, Wilcox, Wildrick, Williams, and Woodward—99.

NAYS—Messrs. Allison, William Appleton, Babcock, Barrere, Bartlett, Bennett, Bowie, Brenton, Brooks, George H. Brown, Buell, Burrows, E. Carrington Cabell, Joseph Cable, Thompson Campbell, Chandler, Chapman, Cleveland, Doty, Durkee, Eastman, Edgerton, Evans, Floyd, Fowler, Henry M. Fuller, Gentry, Goodenow, Grey, Grow, Harper, Haws, Haven, Hibbard, Horsford, Thomas Y. How, Ives, Jenkins, Daniel T. Jones, George G. King, Preston King, Kuhns, Mann, Martin, Meacham, Miner, Molony, Henry D. Moore, Murray, Newton, Orr, Samuel W. Parker, Peaslee, Pennington, Perkins, Porter, Ross, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Seuder, David L. Seymour, Smart, Snow, Stanly, Taylor, Thurston, Townshend, Turk, Welch, Wells, Addison White, Alexander White, and Yates—73.

So the rules were not suspended.

The SPEAKER. The first business in order is the call for resolutions from the State of Illinois.

Mr. HOUSTON. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

ORDER OF BUSINESS.

Mr. WILLIAMS. I ask the gentleman from

Alabama to allow me to offer a resolution which, if adopted, will do much to expedite the business of the House. I ask that it may be read for information, and then gentlemen can object to it if they see fit.

It was read, as follows:

Resolved, That the standing and other committees of the House be hereby authorized to hand in their reports, to the Clerk of the House, to be by him entered on the Journal, and placed on the docket, or list of bills, in the order in which they may be presented to him, under the direction of the Speaker, to be acted upon by the House, reserving to the committees, in special cases, authority to make reports to the House. And the clerk shall have all such reports and accompanying papers printed, under direction of the committee which reports them, for the use of the House.

Mr. WILLIAMS. With the permission of the House, I will offer a remark or two upon the resolution.

Mr. HOUSTON. It is not in order for the gentleman to debate it; if he does it will have to go over.

Mr. WILLIAMS. Well, I will not debate it. I desire to get it before the House. During this, now nearly four months, session, seven weeks have transpired, in which there has been no general call of the standing committees for reports. Now, I desire to provide that committees may report at any time, by filing them with the Clerk, and under the direction of the Speaker, to be referred to a Committee of the Whole House, or the Committee of the Whole on the state of the Union. This will give committees an opportunity to report. I hope I shall have the unanimous consent of the House to introduce the resolution.

Mr. STANLY. I object.

Mr. HOUSTON. I now insist upon my motion to go into the Committee of the Whole on the state of the Union.

The question was put, and the motion was agreed to—ayes 92, noes 35.

DEFICIENCY BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. STUART in the chair.)

The CHAIRMAN. The first business in order is House bill No. 207, being a bill to supply deficiencies in the appropriations for the service of the fiscal year, ending the 30th of June, 1852, upon which the gentleman from Alabama [Mr. Houston] is entitled to the floor.

Mr. HOUSTON. Mr. Chairman, it will be impossible for me, within the hour allowed me, to take up every item that is in the bill now under consideration, and give it even a very brief explanation. I will not, therefore, occupy the time of the committee in enumerating all the separate items in the bill. But I shall rely upon being able to do so, with the assistance of the other members of the Committee of Ways and Means, when we go into the five minutes' debate upon the bill, if they shall be assailed.

The main items in this bill, which seem likely to obstruct its speedy passage, are the items to which I now desire to call the attention of the committee, and I have no doubt they will consume all the time I shall have.

It will be well for me, however, first to call the attention of the committee to an item of \$279,517 which appears in the bill, and which, without an explanation, might seem to have been regarded by the Committee of Ways and Means as a deficiency, when, in truth, it is not a deficiency. That item amounts to \$279,517, and has been reported in this bill by the Committee of Ways and Means for the purpose of having Congress pass a law authorizing the subsistence department to use that amount in advance of the passage of the regular army appropriation bill. The committee regarded this course as proper, and intended to enable the department to use that amount in the months of March and April, in the purchase of supplies for the fiscal year ending 30th June, 1853, that the department might be enabled to have them in a state of forwardness to meet the demands at the beginning of that fiscal year. Again, that is the best season of the year for making purchases. This was recommended by the department, and the committee concurred in the recommendation. It is no increase of the appropriation, but a mere authority to use that sum in advance of the regular army appropriation. The committee deducted that sum from the estimates for the subsistence department, in the regular army appropriation

bill. So it will be seen that this, in truth, is not a deficiency.

In the discussion upon this bill, I desire to state all the facts that bear upon the appropriations asked for the quartermaster's department (which are the main items in controversy) as fairly and distinctly to the House as I can.

In the beginning of this investigation it becomes proper for me to ask, how and why does this deficiency exist in that department of the Government? Now, I may be answered in one of two ways. In the first place, gentlemen may tell me that the deficiency exists because a sufficient amount of money was not given to that branch of the service. Admit, if you please, that the answer is a true one, the question then arises, "who is responsible to the country for the failure to appropriate the money necessary for the service of the country?" In answer to that argument, we have but to refer to the Journals of the last Congress, and there you will find that the proposition to reduce the estimates of the Administration now in power, came from one of its leading and distinguished friends upon this floor. The political party with which I am connected did not propose that reduction, but it was proposed by prominent members of that party who are the particular friends of the Administration; thereby saying to the Democrats of the House and the country, "we can get along with less money than these estimates call for—we don't want that large amount—we can administer the Government with the one half of that sum." Under these circumstances, the Democrats are not responsible for the present deficiencies. The responsibility is on the other side of the House. When the friends of the Administration get up and say, "we want these estimates reduced," is it the duty of the Democrats to say they shall not be reduced, and thereby force upon the party in power more money than they want? Or is it their duty to vote the reduction? If I had been here I should most certainly have voted in accordance with the request of the friends of this Administration in reducing the amount below the estimates. If I had done otherwise, they might have said I was trying to force them into large expenditures. It then becomes apparent that whatever responsibility rests upon Congress for this deficiency, rests not upon the Democrats, but upon the friends of the Administration, and they should be the last to complain that the supplies were insufficient.

But I pass from that, and inquire, in the next place, are there any abuses existing in the expenditure of the public money in the service of the quartermaster's bureau? In answering that question, I shall be compelled to say, that whatever member who has looked into the subject knows, as well as I do, that there have been and are now enormous abuses existing in that department.

The first abuse to which I desire to call the attention of this committee, is that growing out of the improper location of the various posts around our frontier; but, I am glad to say, that in many of these things the present Secretary of War shows a disposition and determination to amend, and to prevent these abuses in future. Some of the posts are located in towns and villages, and other improper places—inconvenient to water, fuel, grazing, and forage of all kinds—and, as a legitimate consequence of such improper location, they have to haul wood, water, hay, grain, and all supplies, a great distance, and at enormous prices.

One of the posts in New Mexico is established in Santa Fé, and is a most extravagant place—a place where all the supplies for the army, where all the forage, and everything that keeps up the army—men and horses—costs considerably more than it would have cost had the post been located nearer to the frontier, and in a place more convenient for supplies of every description.

I mention only this one post; I might mention many others, to which these remarks would apply with equal force. Colonel Swords, who belongs to the quartermaster's department, reports that some half dozen of these expensive and unsuitable posts have been abandoned, and new sites have been selected more convenient to the frontier, as well as to such supplies as the army needs and must have.

Another item of abuse, to which I call the attention of the committee, is in the manner of making contracts for the supplies for the army. Contracts are made by the subsistence department, in

pursuance of a law to that effect, and under the direction of the Secretary of War. Those supplies are very often, if not always, contracted to be delivered at points very remote from the place where they are to be used. Supplies intended for the post at San Antonio, on the border of the Texan frontier, are delivered and received at Baltimore, Philadelphia, and New York, thereby increasing the distance, and of course the cost of transportation, to a very large extent. The cost of transportation is one of the heavy items that draws upon, and to a large extent absorbs, the money appropriated to the quartermaster's bureau.

But there is another thing. We find not only that the contracts to deliver these supplies at distant points, not only increase the cost of transporting them to the points of consumption, but that another abuse arises out of it; and that is in the manner of packing up the provisions and supplies preparatory to their being received by the quartermaster's department. In many cases provisions are packed up in cases or barrels weighing one third as much as the provisions or supplies themselves. This is an astonishing fact, yet it is nevertheless true. To sustain this statement, I will read an extract from the report of Colonel Swords to the quartermaster general:

"As a means of reducing the expenses, I would suggest the proper packing of the subsistence stores. Large quantities of bacon and hard bread have been sent out packed in heavy barrels, the weight of the barrel being as forty five to one hundred and eighty-five of the bacon, and as thirty-five to ninety-five of the hard bread. Of the latter article, very little if any should be sent out, flour being much more convenient to pack, and generally prepared by the men. Hard bread might be made in the country when necessary. I would also suggest that the flour and bacon sent from the Missouri frontier be purchased at Fort Leavenworth instead of at St. Louis, the neighborhood of Fort Leavenworth furnishing supplies of as good quality, and at as cheap rates as they can be purchased at St. Louis. This course would save the expense of its transportation up the Missouri, and avoid the risk of its being lost or damaged on the way."

Now, sir, we have not only to pay transportation upon everything we actually use, for that great distance, but we absolutely pay, in the case of hard bread, transportation upon ninety-five pounds of bread and upon thirty-five pounds of wood, which contains it. Now, it seems to me that there is no economy in this, but great abuse; for more than one third of the cost of transportation is paid for transporting that which is of no earthly use when it reaches its destination.

I am inquired of, who is responsible for those abuses? I intend to show, before I take my seat, where that responsibility rests. The quartermaster has no discretion upon that subject. He is bound to receive the supplies where they are deliverable and delivered, under the contract, and it is before us in the report of the quartermaster general, that, in transporting these provisions to the place where they are needed, from fifteen to twenty per cent. of them are spoiled, or so damaged that they are condemned as unfit for use, and have to be sold at a great loss or thrown away entirely. I will read a statement from Brevet Captain A. W. Bowman, to show the amount of subsistence stores condemned at Paso del Norte, Texas, from the 1st day of October, 1849, to July 31st, 1851:

3	barrels and 68 pounds of pork.
58,561	pounds of bacon.
7,938½	pounds of hams.
36	barrels and 172 pounds of flour.
394	pounds of hard bread.
3	bushels and 7 quarters of beans.
517	pounds of rice.
96	pounds of coffee.
183	pounds of sugar.
12	pounds of candles.
4	quarters of salt.
114	gallons of pickles.

Of the bacon received from Captain Coburn:
San Elizario, 2,936 lbs., issued to Capt. Joins, condemned.
Doña Ana, 5,459 lbs., issued to Lieut. Trevitt, condemned.
Copper mine, 4,351 lbs., issued to Lieut. Green, condemned.

I could read other reports and statements equally strong and pointed, but I have not the time, and I merely refer to this as a sample of the manner in which this department of the public service is being carried on.

Then, Mr. Chairman, there is another great abuse that has crept into the service. It is to be found in the high price paid for forage of every description. We have, in some instances, paid fifty dollars a ton for hay. In a country abounding in grass, we have paid thirty, forty, and as high as fifty dollars a ton for hay, as food for

horses, and that, too, made out of the grass growing in the woods, which our troops would have as much right to cut and save as any one else. All must admit that there is great wrong in this. But this abuse is not confined to hay alone. You may take grain of every description, and the prices paid for it are enormous. Take, also, the article of fuel, I mean wood, cut from the woods in which the posts ought to be located, if they are not; and what do we find? Some of the posts are so located that the wood has to be hauled thirty or forty miles. Is not that an extraordinary state of things? Let me read an extract from the report of Colonel Swords:

"I proceeded to Albuquerque, the station of one company of dragoons and one company of infantry, for whose accommodation quarters were hired at the rate of \$275 per month. (See page No. 4.) The expenses at this post were large, owing to its position. Fuel had to be hauled from twenty-five to thirty miles, and some of the corn from thirty to thirty-five miles. The price of the corn ranging, at the crib, from one dollar sixty cents to two dollars eighty cents per bushel, and the price of fodder from one dollar fifty cents to two dollars per one hundred pounds. In addition to the dragoon horses and mules, there were one hundred and ten mules and seven horses requiring to be fed on the forage purchased at those high rates."

Now, it seems to me that when the commanding officer has the whole country in which to select a site for a post, it would, at least, seem proper that he should locate it near to places where he could get his supplies, of every description, with more convenience, and at a more reasonable rate of cost.

Mr. HALL, (interrupting.) I wish to make an inquiry of the chairman of the Committee of Ways and Means. He has read a statement of the amount paid in New Mexico for hauling corn under this Administration. I will ask the gentleman how much it cost the Government per man to furnish the volunteers with forage during the war with Mexico, when those volunteers were stationed in New Mexico? Did it cost the Government a single cent?

Mr. HOUSTON. I am not prepared to answer that question distinctly, for I have not the data before me.

Mr. HALL. I will ask the chairman of the Committee of Ways and Means, how much it now costs the Government of the United States to supply each horse in the dragoon service in New Mexico? I ask if it does not cost three or four hundred dollars a year?

Mr. HOUSTON. The reported cost of the keep of one mule in Mexico is \$320 a year, but in that, the gentleman from Missouri will find by reference to the table, was included many other things besides the mere feed of the mule. With the permission of the gentleman I will refer to the table estimated.

Estimate of cost of the keep of one mule for one year on grain exclusive of other forage.

Eight quarts per day, 355 days, is 90½ bushels, at \$2.	\$181 00
One teamster for six mules, at \$25 per month and a ration, is \$372—take one sixth part.	62 00
One wagon-master to fifteen wagons, at \$60 per month and a ration, is \$792, and the keep of his horse \$187—\$793, is \$85 per wagon, or per mule.	10 50
Farrery, medicine, &c.	13 50
Wear, tear, losses by death, disability, expenses extra of herding during disability—ten per cent. on cost, \$80.	\$ 00
	\$275 00

The above was an approximate estimate of the cost of keep of a mule, mentioned in my communication to the quartermaster general, but corn cannot be bought at \$2 on the average: it should be \$2 50—add to above.

45 00

\$320 00

L. C. EASTON,
Captain, Assistant Quartermaster.

Mr. HALL. I only wish to ask the chairman of the Committee of Ways and Means, if he knows of any good reason why it should cost the Government nothing for forage in the war with Mexico, while it now costs \$320 to support a horse in New Mexico in time of peace?

Mr. HOUSTON. Mr. Chairman, I will notice those points as I progress with my remarks. When the honorable gentleman interrupted me, I was remarking upon the cost at one of the posts selected, and which has since been abandoned. I was remarking upon the great expense of carrying corn and hauling fuel and all such articles—articles which cost the Government large amounts. Some of the posts are located so far from water, that they have to keep a four-horse team, and at one,

I believe, a six-horse team, constantly employed in hauling water for the supply of the troops. Now, sir, it seems to me that this is a great abuse, and an extravagant waste of the public money. I must, however, proceed a little more rapidly, or I shall not be able to conclude my remarks in the time allowed me. My friend from South Carolina [Mr. ORR] asks me who is responsible for these abuses, who is responsible for this waste of the public money? My mind, sir, is made up upon that subject. I have an opinion as to this responsibility, and upon whom it rests, and in that opinion I differ materially from the gentleman from New York, [Mr. Brooks,] who addressed the committee on Saturday last, and I differ materially from many gentlemen who expressed an opinion at the last Congress, the debates of which I have recently read. It was stated by some gentlemen at the last sitting of Congress, that General Jesup was responsible. I have come to a very different conclusion. Let us see what is the authority and responsibility of the quartermaster general. What does he do upon which the responsibility can be fixed upon him? He has to furnish the transports for all the supplies that are intended and purchased for the army, and also for the army itself. Can he direct that the supplies which are to be delivered at New York by the contractor, under the terms of this contract, shall be sent to San Antonio or Indianapolis? Most certainly not; nor can he direct the subsistence department to make contracts for articles deliverable at those points. The quartermaster general has no control over the contracts made, or to be made, for the subsistence of the army. No, sir; these contracts are made by another and different officer of the Government. They are made by the subsistence department, under the direction, if necessary, of the Secretary of War, and he is responsible for the contracts, and not the quartermaster general. The quartermaster general is bound to receive the barrels with the proportions, two pounds of hard bread and one pound of wood wherever the terms of the contract require the delivery to be made, and is bound to transfer them, wood and all, at the best price he can. For that, then, he is not responsible. I repeat the question, for what is he responsible? Does he control the location of the posts? He certainly does not. I understood the gentleman from New York as attempting to show, under the regulations of the army, that the quartermaster general did locate those posts.

Mr. BROOKS. No; that is not so.

Mr. HOUSTON. Very well; I will take that back. He is agreed with me upon that subject, that the responsibility of the location of these posts is with the Secretary of War, who is one of the Executive officers of the President of the United States. It is suggested to me that it is the commanding officer who is responsible; but I beg leave to read the regulation, No. 970, which settles that point.

A MEMBER. Read it.

Mr. HOUSTON. The regulation is as follows:

970. "No barracks, quarters, or hospitals, shall be erected at the public expense, but by order of the Secretary of War, and according to plans which he shall have approved; and no officer, whatsoever may be his rank, shall make the slightest alteration in any plan of barracks, quarters, or hospital, so approved, without the order of the Secretary of War, communicated through the quartermaster general. These restrictions do not extend to temporary huts, where troops may be compelled, by the unhealthiness of their positions, to leave their quarters during the summer season, or where, from the circumstances of the service, they may be required to occupy positions on the Indian frontier, in advance of the established posts."

Well, sir, it will be observed that this regulation fixes the entire responsibility upon the Secretary of War. Regulations 971 and 971, by a recent regulation of the Secretary of War, are attempted to be rigidly enforced. I would like to read the regulation just referred to, but I have, unfortunately, mislaid it. It evidences a determination on the part of the present Secretary of War to stop this great source of impropriety and abuse, and if I had not mislaid it, I would feel it due, as an act of justice to him, to read it. So there is clearly no responsibility on the quartermaster general here. But let us press this matter a little further. One of the abuses to which I called the attention of the committee particularly, and to which I will refer briefly, is that of renting quarters and barracks at the various posts at such enormous sums. Why, sir, rents are paid at some of the posts which it seems to me must astonish every person who hears

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the facts. I beg leave to read a table or two, showing some of these extraordinarily high rents:

No. 2.—Statement of Buildings rented by the Quartermaster's Department at the post of Santa Fé, New Mexico. [Taken from Captain Reynolds's papers.]

From whom rented.	Amount paid per month.	Remarks.
Samuel Ellison.....	\$100 00	Quarters for Major Morris, Captain Rice, 3d infantry, and Lieutenant Parks, Topographical Engineers. To be vacated at the option of the assistant quartermaster.
P. J. Pillows.....	81 00	Quarters and office for Lieutenant McFarman, assistant commissary of subsistence. To be vacated at the option of the assistant quartermaster.
Jesse Loya.....	15 00	Office for Lieutenant Parks, Topographical Engineers. To be vacated at the option of the assistant quartermaster.
Jertrude Barcel.....	60 00	Quarters for Colonel Munroe, at Lieutenant McLaws. To be vacated at the option of the assistant quartermaster.
Kendrick & Peck.....	180 00	Quarters for Brevet Lieutenant Colonel Brooks, Brevet Major Kendrick, Lieutenant Griffin, Lieutenant Beall, and mess-room for the subsistence department. Contract expires May 31, 1851. Slaughter-house and cattle-pen for the subsistence department. Can be vacated at any time.
Antonio Ortiz.....	12 00	Store-house for grain and subsistence stores at La Jolla. Can be vacated at any time.
Juan Domingo Valdez.....	12 00	Store-house for grain and yards for public buildings at Tecolote. Can be vacated at any time.
Moore & Reese.....	30 00	Quarters for Captain Easton and the Rev. Mr. Reed, chaplain. Rent expires August 1, 1851.
Charles Plummer.....	85 00	Four rooms for storing grain at Pecos. Can be vacated at any time.
Juan Sanchez.....	21 00	Quarters for Lieutenant Buford, dragons. To be vacated at any time.
Jesús Montoya.....	12 00	Store-rooms for grain at Tecolote. San Miguel and La Cuesta.
Magill A. Montoya.....	51 00	Office for Captain Easton, and rooms for clothing dept.
Antonio Leno.....	50 00	Quarters for Dr. McDougall, surgeon United States Army, Captain Reynolds, being absent, and nothing to be found in this office showing the agreement.
A. W. Reynolds.....	50 00	Five rooms, purveyor's store-room for medical department. Can be vacated at any time.
James Conklin.....	50 00	L. C. EASTON, Captain. J. Q. M.

Statement of quarters, &c., hired at Las Vegas.

Quarters for Col. Alexander, commanding, \$50 per month.	
Office for commanding officer, and quarters for Dr. McPhalin.....	20 do.
Hospital.....	30 do.
Quarters for F company, dragoons.....	80 do.
Quarters for K company, dragoons.....	60 do.
Quarters for G company, infantry.....	35 do.
Quarters for G company, officers' quarters, and ordnance store-room.....	50 do.
Officers' quarters and mess-room.....	30 do.
Blacksmith shop and bake-house.....	26 do.
Carpenter-shop and store-room.....	20 do.
Forage-master's quarters.....	4 do.
Store-room for subsistence department.....	10 do.
Store-room for subsistence department.....	20 do.
Quarters for teamsters.....	4 do.
Total.....	439 do.

I have not time to specify others, but they are to be found in the documents accompanying the quartermaster's report. Now, I ask, has the quartermaster any control over these rentings? By reference to regulations 965 and 968, the committee will see that he has no power to refuse these things, when they are demanded by the officer in command. I will read the regulations:

"965. When an officer arrives at a post, if he be entitled to quarters and fuel, he shall make a written requisition for them on the officer of the quartermaster's department stationed there, accompanied by a copy of the order placing him on duty. If he be accompanied by troops, his requisition must embrace his whole command, and designate the number of officers of each class or grade, as well as non-

commissioned officers, musicians, artificers, private soldiers, servants, and authorized washerwomen."

"968. When officers and troops are assigned to duty at stations where there are no public buildings which they can occupy, the officers of the quartermaster's department shall hire quarters for them, not exceeding the number of rooms to which the officers are entitled, and the space to which the troops are entitled."

Here is the manner, then, in which the quarters shall be demanded, and the manner in which they shall be provided. Regulation 982, to which my attention has been called, but in reference to which I have a note only, says that an officer is entitled to quarters, and a temporary absence on duty shall not deprive him of them. So that we see, for the item of renting, which appears to me to be enormous, the quartermaster general has no responsibility at all. He is required by the laws and the regulations which control the army; and to which I have just referred, to supply quarters by renting, if there be no public quarters at the post. It has been frequently asked me within the last few days, "Why don't General Jesup make the soldiers cut their own wood?" That seems to me to be a very pertinent and sensible question. It is, however, easily answered, by saying he has no power to make the order, as will be seen by reference to regulation 981, which says:

"981. At all posts in the vicinity of public or Indian lands, which afford fire-wood, the necessary fuel will be provided by fatigue parties detailed from the troops, under the direction of the several commanding officers; but should fuel be provided by the labor of soldiers on extra duty, it shall be taken up, on the returns of the officers of the quartermaster's department of the respective posts, and accounted for, as public property, according to the regulations."

Now, under these circumstances what has General Jesup to do? These regulations say what each of the officers shall be entitled to, and what each man shall have in the way of fuel—so much in summer, and so much in winter, so much in one degree of latitude, and so much in another—all specifically set forth. But if the quartermaster general should think proper to say: "I cannot give you fuel here; here are public lands around you, go and cut your wood," what would be the result? He would be disobeyed, because he has no right to give the order. The commanding officer has a right to give that order, and it should have been given long since. If General Scott should issue his order, or the Secretary of War should issue his order, requiring it, then the commanding officer will have it done. Our troops at those posts, for at least a portion of the time, are doing little or no duty that would prevent them from cutting their own wood, and saving their own hay, yet other persons are hired to do this work, making the wood cost from three to ten dollars a cord. I regard that as an abuse; but the quartermaster general has no power to change it. The Commander-in-Chief can change it, and is in my view remiss in the discharge of his duty for not having done it long since. These remarks as to fuel, apply precisely with the same force to hay. Why is it, I ask, that we are paying \$30, and \$40, and \$50 a ton for hay, when there is the very grass growing all around our posts out of which that hay is made? I will leave others to answer that question.

Mr. MARSHALL, of Kentucky. I wish to ask a question.

Mr. HOUSTON. I cannot yield, as my time will not allow me to do so.

Mr. MARSHALL. The question is merely this: Whether it does not appear from the documents reported by the Secretary of War, in New Mexico especially, that the officer in command there has not issued an order requiring the soldiers to cut their own hay, whenever the price at which it can be purchased exceeds \$10 per ton?

Mr. HOUSTON. I intended to come to that, and state that I had learned of the existence of such an order. These abuses appear to have occurred in 1851. We have not received the statements in detail since that time; and, as I stated in the outset of my remarks, efforts are being made to correct many of them. I stated that most distinctly, but I believe the honorable member from Kentucky was not then in his seat.

I desire to have the attention of the committee a moment to another point. It is said here by members, and believed very sincerely, that General Jesup ought to change the forage that is furnished to the animals we have there in the service. If the commanding officer makes a requisition upon the quartermaster's department for forage, specifying what that forage shall be—either grain, fodder, or what not—the quartermaster's department is bound by that requisition, and has no discretion to change it. If he calls for grain, the quartermaster has no right to supply the demand with long fodder. The regulations allow to a mule eight quarts of corn for each day, and if the commanding officer requires it, the quartermaster general has no right to say, that but four or six quarts shall be given; and the idea that the quartermaster is responsible for these things is a delusion. It is erroneous in all of its length and breadth. But my friend from New York, [Mr. Brooks,] on Saturday last, argued to show (and I was astonished at it) that Congress was responsible for these expenditures. Now, has it come to this?—has it come to this, I ask, that an Administration, with the power of making an estimate—with the power and duty of making honest and economical expenditures—shall attempt to shirk and evade the responsibility incident to such action? I flatter myself that the gentleman from New York [Mr. Brooks] has spoken without authority. I flatter myself that there is power—the Executive branches of the Government are not so cowardly—I will not employ that language—are not so lost to all sense of magnanimity, as to induce them to endeavor to escape the responsibility of their own expenditures. That is a most unheard of proposition—that Congress is responsible. Who makes the estimates? The Executive Department makes them. The President of the United States is responsible for those estimates, and Congress has nothing to do with them until they are received here. We all agree about that. They are made alone upon the responsibility of the Executive. But the gentleman says that Congress, by voting for these estimates, became their indorser, and thereby becomes responsible. Now, let us test that. Let us see whether it is a sound, a correct principle. The estimates are sent to us, and, as I contend, constitute what a lawyer would call a *prima facie* case for appropriation. I desire distinctly to be understood upon this point. The estimates make a *prima facie* case for an appropriation. They come to us and are referred to our committee. It is the duty of that committee to investigate and examine carefully into these estimates; to scrutinize, to correct, and to do everything to detect error and impropriety, and to expose and lop off, if thought necessary. The committees then report to Congress, and it becomes alike the duty of all the members to investigate and probe the estimates to the full extent that their facilities will enable them to do; and if, after all this, we cannot give a good reason for reducing or refusing them, we should, in my opinion, make the appropriation estimated for. I state that as a principle that will ordinarily govern my action in such cases. But, then, what sort of responsibility does the gentleman from New York attempt to give Congress? We are called upon daily to repose confidence in the Executive Department of the Government. We are told by him and his friends that we must rely upon them to some extent; that we should not cut down their estimates without a reason; and then, if we agree to "take them upon trust," and give them the appropriation, the same gentlemen turn immediately round and say, Congress, and not the Executive, is responsible for the expenditure, when it does neither expend nor direct the expending of a dollar. This is strange reasoning.

Mr. Chairman, there never has been, and never will be, a Congress of the United States that can make the necessary and proper reforms in the Government, either in the appropriations or anything else, without the cooperation of the Executive Department. We may reduce this and that item, but with rare exceptions, we will not be likely to act understandingly when the departments fail

to sympathize with us in the movement; to be successful and do good to the country, we must have a responsive feeling from the other end of the avenue. We may cut off estimates. We have the power to do it, but we never may know whether we cut precisely right, deep enough, not too deep, and whether we are not striking at an estimate we should not touch, unless we have a responsive and hearty cooperation from the Executive branch of the Government. The estimates are made and laid upon our desks, but what do we know about them? What can we know about them? With their estimates they give us their reasons, and we scan them, we investigate them; and do everything with the view of making them correct. If we find that we cannot show that they are improper, we make the appropriation, and we should make it. If we do not make the appropriation, we are told that we are disposed to trammel the Administration. If we do make them, we are told that Congress is, and the Administration is not, responsible for them. Then, I repeat, what I have before said, that the estimates of the department form a *prima facie* case.

But, Mr. Chairman, what are the estimates? They are mere approximates of the amount that will be necessary to expend under the various heads of appropriation. They are not fixed and certain, and it is not unreasonable that deficiency bills might be supposed necessary. I do not intend to disagree in the main with the gentleman from New York, on that point. You call upon the quartermaster general to make estimates, and how does he meet that call? He gets information from all of his officers on the long extended line of frontier, as his judgment may direct. You must remember that he is estimating not for his own conduct—he is estimating what will be the expenditures of other men. He cannot tell how many troops are to be at San Antonio, how many are to be at New Mexico; nor can he know how long they are to remain at either place, because the Commander-in-Chief has the power to take them from point to point as he pleases. Now were he to know that one hundred men will be stationed in one place for the whole of the year, he might, probably, estimate with a proper degree of accuracy; but when that one hundred men are placed at another point, fifty brought to another point and fifty from there and put here—scatter and move them about, as is done by your commanders, it is entirely beyond the control of the quartermaster general to make accurate estimates. What is an appropriation? Let us ask that question; each one for himself answer it, and see the responsibility that grows out of it. Estimates form a distinct thing of themselves, and create their own responsibilities. An appropriation by the Congress of the United States is the giving to the Executive a permission to expend a given sum of money for a given purpose. We do not tell him that he shall expend the money thus appropriated. We do not tell him that he shall give \$100,000 for this and \$50,000 for that object. We give him permission to expend those sums upon those objects, if, in his judgment, the money ought to be so expended. An appropriation serves to check or restrain within limits the expenditures, never to increase them; and I take it that all parties will agree with me that the Executive is alone responsible for his expenditures, and not Congress—Congress neither expends the money nor does it require the President to do it—Congress passes a law by which it allows him to do it, if the public good requires it. An honest Executive—and I would like to believe all are honest—a faithful Executive—one who is disposed to do his whole duty to his country, it seems to me, would not like to extravagantly expend the money that he has the permission to expend, but that he would look to the wants of the country, and whenever the country wanted less than the appropriation he would feel it his duty to make the expenditure proportionately less—I mean that he will not go up to the appropriation merely because he has power to do it. Can it be possible that the President of the United States, who has the right to expend \$50,000 or \$100,000, will say, "It is true I have expended that money, and it is true that it was not necessary, but you are responsible, having given me the power to expend it. I knew it was wrong, but did it because I could?" If he knew that it was wrong, it was a violation of duty and good faith in him in making the expenditure.

Here I wish to say half a dozen words upon the blunders the gentleman from New York [Mr. Brooks] has endeavored to establish upon President Polk's administration as to estimates and deficiencies. Now, I agree with the gentleman, that estimates are approximates, in some sort, as to the amount that will be required under the various heads of expenditures; but then the gentleman did not do Mr. Polk's administration justice when he attempted to establish, before this committee, that that Administration had estimated for large deficiencies which had been estimated for previously. Now, take up all the bills of which he spoke, and examine what they are. The one of the 8th of May, 1846, five days previous to the war with Mexico, was called a deficiency for that year. Our relations with Mexico had, become of that delicate and interesting character that indicated to the Administration that war might soon break out, and consequently large numbers of troops were directed towards the frontier of Texas and Mexico, which made it necessary, therefore, in May, of 1846, for the administration to ask for money to defray the expenses consequent upon that movement; those items of expenditure had not previously been estimated for. It was no deficiency, in point of fact, because the troops had been ordered to the frontier, to defend Texas, after the regular army bill had passed, in which there had been no estimate to cover those expenses. Then there were large deficiencies, the gentleman says, in the bill of 1847. I ask the gentleman to refer to and examine that bill. I ask every member of this committee to refer to it; by doing so they will find, as is the case with all the other bills of that Administration during that war, that the estimates were made not in truth as deficiencies, and for objects previously estimated for, but they were made for troops for which estimates had not been previously made. I am utterly astonished that the honorable gentleman from New York [Mr. Brooks] did not note it, and state it in his comments.

Mr. BROOKS. I was interrupted by the gentleman from Tennessee, [Mr. Jones,] who asked me if there were not fifty thousand volunteers called into service? Those fifty thousand volunteers were called into service, when war was declared in 1846.

Mr. HOUSTON. Not at all. The President of the United States had discretion to call out fifty thousand volunteers, but he did not call them all out at that time.

Mr. BROOKS. But he made his estimates.

Mr. HOUSTON. The gentleman is mistaken; he made no estimates for them till he called them out, and he called them out in different numbers and at different times, and the very bill to which the gentleman has referred shows the fact. In the language of the law making an appropriation, what the gentleman calls a deficiency is shown to exist, upon an item which had not previously been estimated for by the Administration. I regret that my friend from New York [Mr. Brooks] thought fit not to state what was in the language of the law, and that the entire deficiencies, as he calls them, were not so in point of fact. These are facts which the law itself shows. I have no further time to appropriate to this branch of the subject. One other remark, however, upon the Administration of Mr. Polk, before I pass from it. The papers report that the gentleman from Pennsylvania, [Mr. Chandler,] not now in his seat, a few days ago, and the gentleman from New York, [Mr. Brooks,] argued, the other day, to show the same thing—that these deficiencies were to pay for the debts of Mr. Polk's Administration. The gentleman from New York, in reply to the gentleman from Missouri, [Mr. Hall,] said they were to pay Mr. Polk's debts. Now, I feel justified in saying that this statement is an error from beginning to end. There is no evidence upon record, and I defy the gentleman to produce any, which shows any such fact. There is but one outstanding claim that can be charged upon current appropriations, and that is what is called the civil fund of California. But I happen to have the evidence furnished me by the Secretary of War himself, where he specifies that the balance of the war appropriations, which seemed to be in the Treasury, on the first of July of this year, was \$855,279. This, he says, is liable for the settlement of the accounts which accrued during the war with Mexico.

I understand that my time is passing rapidly, and I will publish these things with my speech. I wish to say a word or two to my friends upon this side of the House. We are now called upon by the Administration to give them money. For what purpose? To sustain an army upon the frontiers for the protection of our citizens, and for the purpose of carrying out our treaty with Mexico. It is our duty to sustain and protect that frontier, not only from our treaty obligations to Mexico, but from the highest obligation we owe to our citizens and to our emigrants, who are passing through that country to Oregon and California. We owe them protection, and we must give it to them. This morning, I noticed in the Republican newspaper intelligence of Indian depredations upon our western borders; and if we refuse to give the money asked for, we thereby withdraw our protection entirely; we had better disband the army. My Democratic friends sometimes tell me, that we gave the Administration enough, but they have wasted it. Admit that, if you please, is that a reason why we should not keep up the army, because the Executive of the Government has wasted the money? Is that a reason why we should refuse to supply our troops, and protect our frontier settlement? Certainly not. Admitting that the President of the United States has squandered this money, it will not do for us to say, because they have wasted it, the army shall be disbanded—starved, or unclad. I hope such a course will not be pursued. I hope this bill will pass, and we will go before the country and show who is responsible. Gentlemen say that they will take the responsibility of disbanding the army. If we believe that the Administration has been extravagant, wasteful with the public money, I think that is not the proper course; we must keep up the army for protection to our frontiers, and guard our appropriations in future, if deemed advisable; go to the people upon their extravagance, produce the evidence, establish the fact, and the people will eject them from place.

If you turn your army loose, and refuse to protect the frontier, you will create a burst of feeling and indignation among the settlers of that part of the country, and through all parts of the country, that will overwhelm us, if we stop here and refuse to sustain the army, we may talk about extravagance, but the people will not hear us, when their wives and children are being butchered by the savages. We must vote these supplies, and put the responsibility where it properly belongs, which is on the Administration. From the course of the gentleman from New York, [Mr. Brooks,] I am almost led to believe that he is striving to defeat this bill. He has done it more harm than its worst enemies.

I was tempted to believe that the gentleman took this ground, hoping to make the Democrats defeat the bill, that they might smother up and merge the charge of extravagance against this Administration, by taking advantage of the burst of indignation which would come up from all quarters of the country upon the defeat of this bill; and in such an event we will have to defend ourselves against a charge of withdrawing our support and protection from our frontier settlers.

[Here the hammer fell.]

Mr. HOUSTON. I had a proposition to make to the gentleman from New York, [Mr. Brooks,] and if the committee will indulge me, I will do it in a half dozen words. He agreed to show that the cost of the Florida war was as great as the cost of the army now, per man. We paid very dearly for that war. The Democratic party were then in power. The Whigs charged us with extravagance, and beat us most outrageously—most shamefully. We only got some seven States. I submit a sum for him to work out. If, during a time of war, the cost of our soldiers was so great that the people of the United States beat us most wretchedly in the presidential election, what does he expect to become of his Whig Administration when he admits that in a time of profound peace, the expense of our soldiers is about the same thing? I think if the gentleman works out that sum, he will find where he and his friends will be next fall. He will find that we will serve him as he served us—beat him badly.

The CHAIRMAN. The debate has been concluded, and the bill will now be read by clauses.

Mr. JOHNSON, of Arkansas. I move that the committee rise. I imagine that the gentleman

does not wish to go on with this bill now. There is other business of importance to be transacted in the House, to which the remainder of the day can be appropriated if the committee now rise.

Mr. HOUSTON. I think that we had better go on with this bill.

Mr. JOHNSON. As this is the only day upon which the rules can be suspended, I move that the committee rise.

Mr. HOUSTON. Allow me to ask the gentleman if he can indicate anything which might influence the opinion of the committee?

Mr. JOHNSON. I will state this: The House will recollect that some six weeks ago—I have never been able to get it in, although I have sought the benefit of every Monday—a recommendation was made to provide for the expenses of the Owahia delegation of Indians. I have a bill which I wish to introduce to the House, and I have no doubt it will pass the very moment it can be offered, for the payment of the expenses of that delegation. It was prevented from coming in before, on account of the papers being sent to the printing office. This matter ought to be disposed of as soon as possible; and if it is not introduced to-day, it never can except on Monday.

The question was then taken, and the committee refused to rise.

The CHAIRMAN. The bill will now be read by clauses, and amendments can be made as they are read.

The following clause of the bill was then read:

"For the regular supplies of the quartermaster's department, consisting of forage in kind for the horses, mules, and oxen of the quartermaster's department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons; for the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers' horses when serving in the field and at the outposts, seven hundred and ninety-five thousand dollars."

Mr. OLDS. I propose to strike out this clause of the bill. I do not make this motion with the expectation that this clause will be stricken out. From the remarks made by the chairman of the Committee of Ways and Means, I take it as a foregone conclusion, that this bill is to pass this House, but it will not be with my vote or my assent. The gentleman from New York, [Mr. Brooks,] as well as a distinguished Senator in the other end of this Capitol, have indicated that Congress, and not the Administration, is to be held responsible for all expenditures of the public money. I consider the passage of this bill, with the deficiency of the War Department in it, as a contest between the Executive and the Legislative branches of this Government, for the control of the purse of the country, and nothing else. Why, the last Congress of the United States undertook to cut down the appropriations for the War Department; done, too, upon motions made by the friends of the Administration, and they did cut down the appropriation asked for by the War Department more than \$1,500,000; and what is the result? Why, the Secretary of War, in defiance of the manifest determination of Congress, the law-making power of the people, not only expended that \$1,500,000 refused him by the last Congress, but \$2,250,000 more than the sum allowed him; and he comes forward now to ask of this Congress to give him this \$2,500,000, and \$1,000,000 more, under the pretext of deficiency, the gentleman from New York, at the same time, telling us that the responsibility is not with the President, but with Congress. How can he ask me, or any member upon this side of the House, with this declaration upon the record before us, to vote for a bill of this kind? Sir, the truth is, this is a direct conflict between the Executive and the legislative power of the country. The President has the sword, but the Constitution gives us the power to control the sword, by holding the purse. If, sir, we allow him, without appropriations by law, to create the necessity for appropriations; nay, more, sir, in the very face of the denial of Congress to make the appropriation, and then give him the money, under the specious plea of deficiency, are we not yielding him the purse, as well as the sword? It is cowardly in the Administration to attempt to throw the responsibility of this waste of the public money upon Congress. Are not all your estimates made by your governmental officers? And are not all the offices of Government filled by Whigs throughout the

country? I make the declaration here, that it is the Whig party who are responsible for these estimates. They fill all the offices of the country. I ask you to look over the whole United States, and then point to Democrats in office under the General Government. Sir, you may go to the poorest post offices, where the revenues of the offices do not exceed five dollars in amount, and if the Executive could find Whigs there whom he could trust with the money, he has turned the Democrats out and the Whigs in. That is enough to satisfy me, and enough to satisfy the people, that the offices of Government are filled by the Whig party, notwithstanding all their cries that they had no friends to reward, or any enemies to punish. And all the estimates upon which Congress is called upon to act, are given by the Whigs of the country. All the estimates for the Departments come from Whig authority before this Congress, and we are now told, in the other end of this Capitol, and upon this floor, in the very face of all these facts, that Congress is to be responsible for these appropriations; that Congress, and not the Executive of the country, is responsible for these enormous expenditures. And yet they ask us, they ask me, and you, to vote for appropriations of this kind; and the chairman of the Committee of Ways and Means tells us that we must do it, or the cry will be raised against us, that we have suffered these depredations to be committed upon our frontiers. When you make an issue between the Executive and Legislative branch of this Government, for the control of the purse of the country, I care not what the consequences may be, I will take my stand for the Legislative department to control the purse of the country, and not that it shall be placed with the sword in the hands of the Executive. The President, sir, may hold the sword, but we hold the moving power, by holding the purse. Shall we, then, surrender virtually our control of the purse by allowing the Executive to expend these untold millions of money with the law of Congress, cutting down his estimates, staring him in the face? I ask, sir, has not this enormous expenditure been made by the Executive in defiance of a positive prohibition of Congress? Mr. Chairman, the principle involved in this appropriation, the contest between the Executive and the Legislative branch of Government, with me outweighs all other considerations. This, alone, will cause me to record my vote in the opposition. But when, in addition to this, the friends of the Administration attempt to skulk the responsibility, by throwing the blame upon Congress, all their howlings about Indian depredations will be unavailing to change my fixed determination.

Mr. Chairman, let the friends of the Administration come up like men—take the responsibility as the Democratic party have always done when in power, and not cowardly skulk behind Congress, and then they shall have my respect, although upon principle, I shall be compelled to withhold my vote.

Mr. BROOKS. I rise to oppose the amendment of the gentleman from Ohio. I ask if Congress is a mere bed of justice to register the Executive edicts, as the gentleman seems to consider, it is the duty of Congress to do? Why, this is the old French doctrine—the old monarchical doctrine transported to some portions of the Democratic party, but repudiated by all the sensible portion of it. Congress a bed of justice to register the Executive edicts! Congress has its own will—its own mind—its own power to judge of estimates, and it is its duty to do it. It is its duty to look into every item, and to take the responsibility of every item. It is bound to know what these estimates are, and to scan them. No man can go home to his constituents and say, "I voted and do not know what I voted for." He is bound to know it. He is paid \$800 per diem to know and study out all these estimates. It is his duty to do it. Why, sir, the appropriations for the quartermaster's department last year were cut down, not \$1,500,000, as the gentleman from Ohio says, but \$2,300,000. There is no demand now for deficiencies for this year, but a demand to supply what Congress did not supply in the appropriations last year—not \$2,300,000 even, but less than \$2,000,000. There would have been no deficiency really existing in the quartermaster's department, if Congress had done last year what it has done heretofore—appropriated the sum asked for by the quartermaster's department. So much in reply to that

portion of the remarks of the gentleman from Ohio. The Executive power cannot take from the Treasury, as the gentleman from Ohio seems to insinuate, one farthing of money that Congress does not appropriate. The Executive power has spent nothing but what was appropriated by Congress. If the Executive had taken a single cent from the Treasury, unappropriated by Congress, I would vote to bring the President here and have him impeached before the Senate to-morrow.

Mr. HOUSTON. Does the gentleman from New York say that no part of this deficiency is now expended?

Mr. BROOKS. I say that the Executive power cannot take a farthing of money from the Treasury, but what is appropriated by Congress.

Mr. HOUSTON. That is true. But the Executive can go in debt, and he has gone in debt.

Mr. BROOKS. I have to say, in reply to that remark of the gentleman from Alabama, that there are at times surpluses in the Treasury which, under previous acts of Congress, the Executive has the power to use temporarily. There are surpluses as well as deficiencies, and there are surpluses under the existing Administration, as well as slight deficiencies, and of those surpluses the Executive must have availed himself.

Mr. HOUSTON, (in his seat.) The Secretary says he has not availed himself of them.

Mr. BROOKS. Now, as to the further remarks of the gentleman from Ohio, upon the army. The army does not belong to the Whig party, nor does it belong to the Democratic party. The army belongs to the country, and to the whole country, and the Democratic party has as much interest in it as the Whig party. The officers of the army are not Whig office-holders, or Democratic office-holders, but office-holders belonging to the whole country, responsible to the Executive in most respects, but not removable by the Executive, except for high malfeasance.

The gentleman from Ohio also remarks that he cares not for responsibility. The old cry here was, "perish credit—perish commerce. I care not for responsibility. Let the heavens fall, I care not for responsibility." Let that remark of the gentleman from Ohio go out to the country, when the people of Texas are pleading upon the frontier for want of protection, and when the Americans in New Mexico are suffering for want of protection from the army. Let our bleeding frontiersmen on their way to Oregon and New Mexico—let the settlers, and wood-cutters, and buffalo-hunters on the Western prairies, hear the remark of the gentleman from Ohio. "I care not for responsibility."

[Here the hammer fell.]

Mr. DUNHAM. Is it in order to amend that amendment by striking out?

The CHAIRMAN. It is in order to perfect the clause proposed to be stricken out by the gentleman from Ohio.

Mr. DUNHAM. Then I move to increase the appropriation contained in that clause, \$5.

My object in moving that amendment is, of course, to make a few remarks upon that section of the bill. And first, in reference to the remark made by the gentleman from New York, as to this Congress being the mere register of the decrees of the Executive Department of the Government. It seems to me that that remark, and the idea intended to be conveyed by it, is in keeping with the speech made by the gentleman on Saturday. Sir, that gentleman knows very well—as does every other member on this floor—that it must of necessity be the duty of the Executive Departments to have control over the expenditure of this money; they must, therefore, be responsible for that expenditure; and they must lay before Congress the amounts of money which, from their experience in the expenditure for the previous year, they deem necessary to carry on those particular departments of the Government.

Now, I submit to the gentleman from New York, to every member here, and to the country, whether we should be doing our duty here as members of Congress, in casting aside these estimates, and taking upon ourselves the entire responsibility of saying what amounts of money should be appropriated or should not be appropriated? I ask if the true position to be taken here, is not that these estimates, coming from the departments who have charge of these expenditures, should be taken as *prima facie* evidence that

these expenditures are necessary, and whether it becomes us as legislators—either as members of the committee, or of this House—that we should reduce those expenditures without there is some sufficient reason for the reduction? So far as we are able to find such reasons, Congress is responsible, if they do not inquire into them and make the reduction in accordance therewith.

But, sir, it seems to me that it is anything but a high and honorable course—I mean it in no invidious sense—for the gentleman to say here that Congress is responsible when they cannot get behind, to see the amount that has been expended during the first half year, and scarcely know how it has been expended. Take for instance, the army in New Mexico. I ask, what member of Congress, from his own experience, knows anything of the quantity of money that has been expended, or that may hereafter be expended, in that service? We have no means of acquiring information but through the legitimate channels of the Government, and those channels of information are in the hands of an Administration friendly to gentlemen on the other side of the House. I ask, then, are they not responsible for these estimates? I ask if we can, with any propriety, cut down these expenditures unless we sift them to find out where the abuses are, and then lop off those abuses? So much for that point.

In respect to this matter of appropriation for forage, we did reduce it last year, and it was the duty of the Administration to have gone to work and immediately reduced the expenditures. They undoubtedly have not done this. But the question I wish to put to the committee is this: The money which was appropriated having been expended, and the army being left destitute, shall we leave it destitute, or shall we come forward and make the appropriation that was absolutely necessary to give food to that army for the next fiscal year, and hold the persons who have squandered the money responsible before the country? The responsibility is not as to the appropriation of money to be expended in future, but the responsibility which we will hold the Administration to before the country is, for the manner in which they have expended the appropriation made at the last session of Congress, and which they have squandered. We feel the necessity of making this appropriation for the army, that the direful calamities of which you speak may not take place; but we do not intend to allow you, under cover of the sympathy you may express about the exposed condition of our frontier, to shirk the responsibility of the manner in which the money appropriated last year has been expended.

[Here the hammer fell.]

Mr. EVANS. The gentleman from Ohio [Mr. OLDS] said that the Administration had expended \$700,000 more than had been appropriated by the last Congress. Well, I should very much like the gentleman to produce his proof of it. This money is not called for in order to pay bills which have heretofore been incurred. It is called for to pay the expenses of our army between now and the 30th of June.

Mr. HOUSTON. Between the time the call was made and June next.

Mr. EVANS. That was about the 20th of February. The Secretary of War sent in the estimates about the end of December, and told you the funds on hand would not last until the 1st of July. The money called for in this bill has not been spent by the Administration without the sanction of law. The gentleman from Ohio says that \$700,000 have been expended by the Executive Government contrary to the act of Congress. He is entirely mistaken in that. The money is wanted in order to bear the expenses of the army between now and next June.

Now, I will allude to another point. It has been demonstrated, I presume, on the other side of the House, that this is a very extravagant Administration, and that it has been guilty of gross abuses. Gentlemen on the other side have discovered that, I presume, or they would not talk so much about it. Now, if I believed that, I would not vote a dollar of this money. If you have discovered abuses; if you know that the Administration has been recklessly extravagant—squandering the public money, it is your duty to refuse to vote this money, and I will join you in it. But you cannot prove it. I wish I had an hour to speak on this bill. I am prepared to vin-

dicate and sustain all the expenditures of the Administration.

Sir, the gentlemen on the other side of the House and we upon this side, in talking about this great expenditure, remind me very much of the gentleman in India, who won an elephant at a raffle. He was not rich enough to feed it, nobody would have it, so that he could not give it away; he was too humane to kill it, and the authorities would not allow him to turn it loose. Now, you won your elephant when you acquired these territories. The expense of your quartermaster's department has been less this year, than it has been in any year since the war, and this has been owing to the reductions which were being made by the Secretary of War long before your famous policy of last year, which is supposed to have led to them. It is because a system has been introduced by the War Department, which is gradually leading to the result of decreasing the expenditures, and those expenses are decreasing. Why, the expenses for the quartermaster's department in 1849, were six millions of dollars, though you did not appropriate half that amount, and you expended \$800,000 of the civil fund of California, which they are now endeavoring to get back from you.

Mr. HOUSTON, (interrupting.) I rise to a question of order. If we go into this mode of debate, and travel away from the proposed amendments, there is no telling when this bill will be got through with. I propose, therefore, at the very beginning, to make a point of order, and let the committee settle it as they may please, and I will abide by their decision through the balance of the discussion. I make the point of order, that the rule requires a member to confine himself to the discussion of the amendment which he proposes or opposes.

The CHAIRMAN. The Chair understands the gentleman from Alabama to raise a question of order upon the rule which requires each member to confine himself strictly to the discussion of the amendment which he offers or opposes. In adhering to the rule, the Chair would hold that the gentleman from Maryland was not in order.

Mr. EVANS. Very well, sir. But I only wish I had an hour to speak on this bill.

Mr. HOUSTON. I wish you had. I wish we all had an hour. But my object is to get along with the bill.

The question was then put upon Mr. DUNHAM's amendment to the amendment, and it was not agreed to.

The question then recurred upon the amendment to strike out the whole section.

Mr. DUNHAM. I wish to make a single remark upon this bill.

[Cries of "Order!" "Order!"]

Mr. DUNHAM. I move to increase the amount proposed to be appropriated \$15.

Mr. Chairman, I intend to confine myself strictly to this item, but, at the same time, I shall call the attention of the committee to the responsibility for the expenditure by this Administration—

Mr. STANLY. Is that in order?

Mr. DUNHAM. I should like to know how the gentleman can tell how I am going to apply my argument before he hears it?

Mr. STANLY. Why, it is enough to tell the gentleman that he proposes to talk about the responsibility of the Administration upon an amendment to increase the amount \$15. [Laughter.]

The CHAIRMAN. The Chair will feel himself called upon to confine the gentleman from Indiana [Mr. DUNHAM] to an argument on the propriety of increasing the amount \$15. But what that argument will be it is impossible for the Chair to anticipate.

Mr. DUNHAM. In order to show the necessity for increasing that amount, it will be necessary that I should, notwithstanding, show in what manner this forage is to be provided for the troops there, and how the responsibility lies in the House, and then I intend to wind up by showing that it is absolutely necessary, in order to keep our animals from starving to death upon the frontier, to make the provision which is made in this bill. I trust I am in order now.

The quartermaster has no control whatever over the kind of forage to be furnished, or the quantity for your animals upon the frontier. They are all provided for by the regulations of the War Department, which, I believe, the gentleman from

New York [Mr. BROOKS] had the other day in his hands while he was addressing the House. These regulations leave no discretion with the quartermaster to reduce the number of men or animals in the service upon the frontier or elsewhere, or to reduce the provisions to be furnished. That is in the hands of the commanding officer, and that commanding officer is responsible directly to the Commander-in-Chief, and consequently under the control of the Secretary of War and the President of the United States. Now, then, what I want to get at is this: The responsibility of furnishing corn, no matter whether it be at \$2, \$3, or \$4 per bushel, rests, not with the quartermaster, but with the commanding officer.

Mr. TUCK. I rise to a point of order. I wish to make the experiment for the purpose of seeing whether this rule is to be avoided whenever gentlemen chose to do it. I make the point of order that the gentleman who was just now addressing the Chair, [Mr. DUNHAM] was not speaking to the amendment proposed by him.

The CHAIRMAN. The Chair thinks that the remarks the gentleman was indulging in at the time the point of order was raised, were not in order. It was not in order for him to debate the question of responsibility in disbursing the money. The necessity of increasing the amount of appropriation is the only question involved in the amendment, and the gentleman must confine himself to that question.

Mr. RICHARDSON. I move that the gentleman have leave to proceed.

Mr. DUNHAM. I do not ask it unless I am in order.

The CHAIRMAN. The gentleman from Indiana will proceed in order, unless objected to.

Mr. DUNHAM. I will try to make my remarks in order, if I can. I judge of the necessity for the increase for the year following, from the manner in which this forage has been furnished during the last year; and we find there that this forage has been actually furnished, and in the manner of which I have spoken, under the direction of the commander in the field. If it is to go on for the next year, this bill does not provide a sufficient amount of money to carry on that system.

Mr. TUCK. I will renew my point of order for the purpose of testing this experiment thoroughly, as to whether this committee is to be imposed on by such reasons as are being given by the gentleman for holding himself to be in order. It is perfectly apparent to every gentleman upon the floor that he is not in order.

The CHAIRMAN. The Chair decides that the gentleman may assign such reasons as he may consider proper to show that this increase is necessary; and as the Chair stated before, an argument upon a mere question of responsibility is not relevant to the amendment, and, therefore, not in order. But the gentleman may assign a reason as to the mode of disposing of this money, and he may assign that as a reason why the expenditure should be increased. The gentleman seems to be engaged in that, and it is not for the Chair to decide whether his reasons are sound or not.

Mr. TUCK. I wish to inquire of the Chair whether it is sufficient for a member to say that this, that, and the other thing are reasons in favor of an amendment—whether the Chair is not to decide, and the committee are not to decide—whether those reasons are applicable and germane to the question under consideration?

The CHAIRMAN. The Chair will decide the abstract proposition stated by the gentleman to be out of order. But each particular case must depend, on the immediate occurrence, upon its own merits. The gentleman from New Hampshire calls the gentleman from Indiana to order. The Chair thinks that the gentleman was not out of order.

Mr. TUCK. I feel no particular interest in confining this debate, but for the purpose of having the principle settled, I will take an appeal from the decision of the Chair.

Mr. HOUSTON. I hope the gentleman from Indiana, being a member of the Committee of Ways and Means, if there is any doubt about the legitimacy of the debate, will not press the matter.

Mr. DUNHAM. I will not press the matter. I wish, however, to make a single remark, and I will take my seat. I wish simply to say—

[Cries of "Order!" "Order!"]

Mr. TUCK. As the gentleman has yielded the floor, I will not insist upon my appeal.

Mr. DUNHAM. I have not yielded the floor. I will, however, if the gentleman will allow me to make a single remark.

Mr. TUCK. I do not, then, withdraw my appeal.

The question "Shall the decision of the Chair stand as the judgment of the committee?" was put, and the decision of the Chair was sustained.

Mr. DUNHAM. I will not press upon the attention of the committee but a single remark. I wish merely to state, that by the rules to which I have referred, the quartermaster cannot change or reduce the quantity of forage. That falls entirely under the direction of the Secretary of War. That is all I have to say.

Mr. STANLY. I could hang a five minutes' speech upon that amendment in reply to some remarks which have been made upon the other side of the House with a good deal of satisfaction; but as the chairman seems disposed to enforce the rules upon both sides of the House alike, I will waive my right. I desire to get to business.

The question was then taken on Mr. DUNHAM's amendment to increase the amount \$15, and it was not agreed to.

The question then recurred upon the motion of Mr. OLDS, to strike out the whole paragraph.

Mr. ORR demanded tellers, but they were not ordered.

The question was then taken, and the amendment was not agreed to—ayes 12, noes not counted.

The next paragraph was then reported, as follows:

"For transportation of the army, including the baggage of the troops, when moving either by land or water; of clothing, camp, and garrison equipage, and horse equipment, from the depôts at Philadelphia, St. Louis, and New Orleans, to the several posts and army depôts; of subsistence from the places of purchase, from the places of delivery under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small-arms, from the foundries and armories to the arsenals, fortifications, frontier posts and army depôts; freights, tolls, and ferriage; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships, and other sea-going vessels and boats, for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters, transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as, from their situation, require that it be brought from a distance, eight hundred and ninety thousand dollars."

Mr. OLDS. I propose also to strike out this clause, and I desire to say one word in reference to my motion.

If there be any principle involved in voting for or against this bill, I wish to act consistently in the vote I shall give upon it. Believing, as I do, as I said before, that this is really a contest between the long arm of the Executive and the Congress of the United States for the control of the money of the United States, I feel myself bound to vote against all appropriations of this kind, appropriations which have already been refused by a previous Congress.

When the gentleman from New York [Mr. Brooks] seeks to get my vote for an appropriation of this kind, by talking about the Western frontiers, I must ask him—

Mr. STANLY. I rise to a point of order. I want to know if it is in order to discuss the general bill upon a motion to strike out a particular section.

Mr. OLDS. I think the gentleman had better wait until he hears my remarks before he interrupts me.

Mr. STANLY. I have waited long enough to see that the gentleman is out of order.

The CHAIRMAN. The Chair decides that upon a question of the character of that now pending, to strike out a clause in the bill, the range of argument is much broader than upon an amendment such as that presented by the gentleman from Indiana. The Chair thinks that upon a proposition to strike out an entire clause in a bill, providing for a particular appropriation, gentlemen may discuss the general range of expenditures of money by that department to which it applies.

Mr. OLDS. The remarks made by the gentleman from New York, in favor of a kindred portion of this bill, apply with equal force to the part proposed to be stricken out, and in answering his

remarks, I shall be sustaining my motion to strike out the clause under consideration.

I ask with what grace does it come from the other side of the House to censure us for voting against this appropriation for the army? Why, upon a former occasion, gentlemen upon that side of the House have said they would not vote for an appropriation for the support of the army, though the enemy's cannon were battering down the walls of your Capitol. Did it not come from that side of the House when your soldiers were upon the plains of Mexico, fighting the battles of your country? Who then proposed to stop the supplies for your army, but welcome them with bloody hands to hospitable graves? Does the gentleman suppose he can frighten me to vote for this appropriation by saying that the hunters and settlers on our Western frontiers will suffer in consequence of the want of an army to protect them. These are the very men to protect your army, instead of your army protecting them. If you will give the settlers themselves the power to drive back the savage, and pay them as you do the soldiers of the Government, they would drive them back in less than quick time.

Mr. BROOKS. I rise to a point of order. I do not object to the gentleman's discussion, if I can reply to his argument about bloody hands and hospitable graves, &c., &c.; but I do object if I have no opportunity to reply.

Mr. OLDS. I should like to hear the gentleman reply to that point.

Mr. BROOKS. If I can reply to the gentleman I do not insist upon my point of order. But I do insist upon it unless I can do it.

The CHAIRMAN. The Chair will beg the indulgence of the committee to say, that when a motion is made to strike out an entire clause of the bill involving a particular appropriation, the range of legitimate debate necessarily extends to the question of the disposition of the money under the Government.

Mr. BROOKS. Then if I understand the Chair, it also involves the same right to reply.

The CHAIRMAN. Certainly.

Mr. OLDS. If the gentleman is willing like a man, and a brave man, to take the responsibility of the appropriation upon the administration of the country, instead of trying to shirk it off upon Congress, it would be unnecessary to use an argument of this kind. But when he attempts to shield the Administration by saying that Congress makes the appropriation, and therefore the responsibility is upon Congress, it becomes necessary, for gentlemen upon this side of the House, to vindicate themselves for voting against appropriations of this kind. It is for this reason that I rise to oppose this appropriation in common with others of a similar nature. The gentleman need not tell me that the necessity for this money has not been created by the Administration. Why, did not the chairman of the Committee of Ways and Means tell you the other day, that the drafts of your Government have been protested in consequence of not acting upon this deficiency bill? How did this pressing necessity come upon us? Why it was because the Administration had incurred this liability, although they had not the means of paying for it. It is true they cannot get the money out of the Treasury, without an order from Congress, but they have spent the money, they have incurred the liability, although they have not the means to pay it. And by spending that money they have created the necessity for the appropriation, and, coward like, they attempt to shield themselves behind the cry of "the Administration is not responsible. It is Congress alone that is responsible, for Congress alone can make the appropriations of money."

[Here the hammer fell.]

Mr. HOUSTON. After hearing the speech of the gentleman from Ohio, [Mr. OLDS], I cannot well imagine upon what principle he can vote against this bill. He says that at one time some distinguished gentleman belonging to the political party on the other side of the House, said "he would not vote an appropriation, though the enemy were battering down the walls of the Capitol." At another time, another distinguished Whig, now officially connected with this Administration, said in his place in the United States Senate, that he would not vote supplies for our army in Mexico; that the Mexicans might "welcome our troops with bloody hands and hospitable graves;" and for the utterance of these sentiments, he will vote

against this bill of supplies for our army. Mr. Chairman, my friend from Ohio, [Mr. OLDS], and myself united in indignant condemnation of such unworthy and unpatriotic sentiments; we denounced them as outrages upon patriotism, upon the country as well as upon common decency; the great body of the people sympathized with us in those denunciations. Now, I ask him if he is disposed to follow so soon in the wake of those men; is he willing to follow so bad an example, and one, too, that has been so signally and indignantly rebuked by the honest, patriotic portion of the people? I hope not. I have a right to expect better things of the gentleman.

Mr. OLDS, (interrupting.) I wish to make a single remark. If they had the manliness to take the responsibility, then I would vote them all the supplies they asked.

Mr. HOUSTON. I will reply to that, but I must be excused—I cannot afford to lose any of my time. The gentleman says "if the Administration will take the responsibility, like men, he will vote the supplies." Then I ask him with what propriety can he vote against this bill? He does not deny that money is needed; not at all; but, on the contrary, admits that it is, by saying he will vote it if they will come forward like men, and avow the responsibility of their own expenditures. Sir, there is no principle to justify his course—they cannot escape responsibility by denying that it rests upon them; the country will make—will justly hold them responsible, and they cannot shift it off; and for them to say they are, or they are not, responsible, constitutes no proper grounds for support of, or opposition to, this bill. I have not the least doubt of their sole and entire responsibility for their expenditures; and whether they admit or deny it, shall not change my vote. If the supplies are necessary, they should be voted, regardless of the manliness or cowardice of the Administration, (to use the language of the gentleman from Ohio,) admitting or denying responsibility.

Another thing I wish to say here. Defeat this bill if you please; cut down or strike out these appropriations if you chose; but just as sure as we do, we will have to pay for it hereafter, and for the reason that you will not withdraw the army from the frontier—nor will you disband it. So long as you keep up the army, you must pay the expenses of it. And if we shall go into power at the next Presidential election, as I hope and believe will be the case, we will then have to appropriate to pay the expenses, if we refuse to appropriate now. That I wish to avoid. Expenditures to some extent will necessarily be made. Even if we should determine to bring home the army, some appropriation would be necessary. Under the head of transportation, there was nothing available on the first day of January last, as reported by the Quartermaster General and Secretary of War; and if that be true, you could not even bring home the army, if we were determined to do so, without an appropriation. Then why shall we hesitate? Why not promptly, and at once, vote what money we may think necessary, and hold the Administration responsible for its expenditures and wastes? What will we make by defeating this appropriation? If by doing so we could save the expense, and yet keep up the efficiency of the army, I would say do it; but at best it would only be a postponement of the time of payment; and we would have to pay in addition the increased cost of such supplies as might be purchased for the army, because of the embarrassed condition of the means to support that branch of the service.

Gentlemen say this money has been expended contrary to law. It shows that they have not examined into the question at all. I desire to read a section of the law, which authorizes the expenditure, although I occupy the same ground which I did in my hour's speech, and believe that the expenditures have been enormous, improper, and amounting to abuse. But here is the law, approved March 1st, 1820:

"No contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or except under an appropriation adequate to its fulfillment, and except, also, contracts for the subsistence and clothing of the army and navy, and contracts by the quartermaster's department, which may be made by the Secretaries of these departments."

Now, sir, there is the law under which this has been done.

[Here the hammer fell.]

Mr. ORR. It is in order to move an amendment to the original section, I believe.

The SPEAKER. It is in order to move an amendment to the clause, the question being on striking out the section.

Mr. ORR. I move, then, to reduce the appropriation from \$890,000 to \$1.

I was, Mr. Chairman, a member of the last Congress, and was present when the debates took place with reference to reducing the expenses of this department of the Government. I heard gentlemen upon the other side of the House advocate that reduction, I believe, with more zeal, certainly with more energy, than any upon this side of the House. Congress investigated this subject thoroughly. The matter was fully debated, and they determined to reduce the estimates of the Department from \$2,500,000 to \$2,000,000. The act passed in that way, and what is the state of facts presented by this bill now before the committee for its consideration? Have the different departments of Government conformed their action to the instructions received from the two Houses of Congress? So far from their conforming themselves to those instructions they have violated the express commands of Congress, and it is an insult to the American Congress for the officers of the Government now to come in and say that we refused, nine months ago, to make this appropriation, and we have gone on and expended the money, and you must pay it. In other words, the House of Representatives, the representatives of the people, after expressing their will upon this subject, are to become mere auditors for the Administration. There is a principle involved in the bill, and an important principle, too. I am unwilling to become a mere auditor. Congress having the power to make appropriations, and the President being required to conform to the appropriations made by Congress, when he chooses to set aside the express will of both branches of Congress let the responsibility be upon his shoulders, and let him not come here to ask us to pay for his violation of law.

Now, sir, there is one condition upon which I will vote for this bill, and it is the only one; otherwise I will take my share of the responsibility of defeating it, and every item it contains. If the President will cause to be removed, commencing at the heads of departments, every officer that has been guilty of violating, indirectly, the law which Congress has passed, I will vote for this bill, otherwise I will not. I think the American Congress ought to be able to exercise as much control over the Executive branch of the Government as the House of Commons in Great Britain can exercise over the Executive Government there. If they can require a set of ministers to be removed before making an appropriation, can it be true that an American Congress, under a free Government, have not the same power to control and direct the Executive branch of the Government, as in a monarchy like that of Great Britain?

[Here the hammer fell.]

Mr. STANLY. No motion has yet been made to this bill, upon this—the Whig—side of the House, for the sake of talk, and I trust none will be made. The other side are responsible for it. Let that fact be distinctly stated. But before I proceed further, I tender the homage of my thanks to the chairman of the Committee of Ways and Means, for the speech he just now made. They are the words of a patriot, lifting himself above the calls of the party, and becoming him; and a just rebuke to the extraordinary remarks of the gentleman from Ohio, [Mr. OLDS.] Sir, what have we before us? Here is a proposition made to cut down this appropriation for the support of the Government and the army, because remarks have been made here as to the responsibility attaching to Congress and to the Executive. And the gentleman from Ohio, [Mr. OLDS.] who talks about "bloody hands and hospitable graves," referring to old party matters, is properly rebuked, and he is willing to commit his countrymen to the bloody hands and hospitable graves of Indian hostilities, sooner than give this Government money to go on with! He refuses to vote, and will not vote, he says, for a bill, without which the army cannot be paid. The frontiers cannot be protected, treaties fulfilled, the soldiers in the service of their country cannot be fed, because a member of this House says Congress is responsible for cutting down

appropriations! What a principle of conduct this is, by which a Representative in a Republican Government professes to regulate his conduct! Who are the Whigs in office spending this money improperly? General Jesup, quartermaster general—an honest man and a gallant soldier, though indirectly assailed—is a Democrat. If the Whigs can rely on his estimates, cannot the Democrats trust him? And the gentleman from South Carolina [Mr. ORR] does not intend to vote for this bill unless the President dismisses the Secretary of War, and his other officers—General Jesup, I suppose, included. I appeal to that gentleman, in his moments of calm reflection, whether he can justify himself before the country, in such a declaration. Mr. Conrad's friends here defy and solicit any examination into his conduct. Instead of extravagance, you will see that he has practiced economy—Whig economy—not in talk, like Democratic economy, but in actual reduction of expenses. If the President has done this wrong, why has the gentleman sat silently upon this floor since the beginning of the session, and brought forth no impeachment? Why have we not heard his voice upon these alleged abuses, while this bill was under consideration, during the last week? Why did not the gentleman from South Carolina take an hour and assail the Administration? Why did he allow his friends to make Buncombe speeches upon State politics, presidential candidates, the want of harmony in the Democratic ranks, &c., &c., &c., while each speaker had an hour, instead of discussing this bill? Sir, because the Administration was unassailable, and gentlemen on the other side knew it. We courted investigation; the other side did not want to discuss the bill. When this side of the House challenged investigation, why did the gentleman from South Carolina sit still in his seat.

Mr. ORR. I ask leave to say a word.

Mr. STANLY. Not in my time of five minutes.

Mr. ORR. You did not want an answer.

Mr. STANLY. I defy the answer, when the gentleman has time. With all respect to the gentleman, we solicit and defy all investigation into the conduct of the Administration. But let gentlemen specify—let them name where are the abuses, and by what officers committed—but not deal in general charges. I charge that the other side of the House did not wish to discuss this bill—they evaded it. The gentleman from New York [Mr. Brooks] made a point of order, that the discussion of the merits of presidential candidates was out of order. The Democratic party, who are here in a majority, decided against the gentleman from New York.

And now, after postponing and postponing this bill for weeks and weeks, refusing to discuss it, when they could discuss it, now, under the five-minutes rule, they fire away, and make indiscriminate charges, in the hope that no chance can be afforded to the Administration to defend their measures. Gentlemen on the other side seem to me to be disappointed in their efforts to find just cause for assailing the Administration; and now they quarrel because the Administration has done nothing wrong to oblige them, and give them an excuse for railing!

Sir, while I condemn, as all good men of all parties will condemn, the remarks of the gentleman from Ohio, [Mr. OLDS.] whose party vindictiveness is so strong, that he avows his willingness to let the soldiers on the western frontier starve, let the settlers on the western frontiers go unprotected from Indian hostilities, let the Government drafts remain protested and unpaid, I acquit the chairman of the Committee of Ways and Means. He has done his duty like a man, and like a patriot, in the remarks which he has made. If his friends do not follow them, it is not his fault, but theirs. Let the country judge between us, the minority here, and the gentlemen upon the other side of this House, who it is that stops the wheels of this Government. I call upon gentlemen on the other side to say whether they indorse the remarks of the gentleman from Ohio, [Mr. OLDS.] Are they willing to injure their country, because some member of Congress charges, and correctly charges, that Congress, not the Executive, are responsible for these deficiencies?

Let that issue be distinctly made up. We invite it; we challenge investigation into the conduct of the Administration and of the Departments. We will do our duty to our country, and while we

defy them in all their impotent efforts, we only ask them to do their duty to their country.

The question was then taken upon the amendment to the amendment, and it was disagreed to.

Mr. ORR moved *pro forma* to reduce the appropriation to \$2.

I will reply, Mr. Chairman, to the interrogatory propounded to me by my friend from North Carolina, [Mr. STANLY,] and I think it will be a very successful reply—in my judgment, at least. There are fifty officers—there may be one hundred officers—who have been participants in disregard of the appropriations that were made by Congress, in directing their expenditures with reference to their own estimates, and not with regard to the appropriation. Well, now, suppose that I had set about an impeachment of these different officers—a hundred different officers—how long would it have required—how many days, weeks, and months would have been consumed in the impeachment of one single man? I do not believe, in the history of this Government, it has been attempted to impeach any officer of that grade. Certainly, many of them have been guilty of delinquencies, and have been removed. I can say to the President, If you retain officers in your Cabinet, under your direction, who willfully disregard the laws passed by Congress, and willfully expend larger sums of money than have been appropriated, and do not exclude them, you shall not have the money; but whenever you remove them, and give to the country an assurance and guarantee that such conduct shall not be repeated, then we will make the appropriation. As to those who were making an assault upon the Administration, while the hour debate was proceeding, I have to say is, that my skirts are clear of it. I was opposed, and I wish that the gentleman from North Carolina was as much, to the closing of the debate as early as it was terminated. I thought this bill required to be debated; I thought that it ought to be thoroughly and fully investigated by this House; and I was satisfied more days even than had been appropriated to it would be insufficient for that purpose.

Mr. MARSHALL, of Kentucky. I have waited patiently, but with no inconsiderable solicitude, to hear some explanation from gentlemen of the Committee of Ways and Means, to justify a vote for those clauses in this bill by which appropriations are made to the quartermaster general's department, to supply alleged deficiencies. I have heard none that conveys a satisfactory or intelligible reason. I have heard no explanation as to the expenditure of the appropriation made to this bureau for the fiscal year ending June 30, 1852. I have inquired of gentlemen on the Committee of Ways and Means what account has been given of the amount we did appropriate, and I understand they cannot tell how it has been expended. I do not intend to vote another dollar upon the allegation of a deficiency, until I hear what has been done with that which Congress intended to supply the quartermaster general for the whole year.

Mr. HOUSTON. I raise a point of order. The gentleman from Kentucky advocates the amendment of the gentleman from South Carolina instead of opposing it.

Mr. MARSHALL. I am opposed to reducing the appropriation to \$2, [Laughter;] for the reason that I do not intend to vote any. [Renewed laughter.]

The CHAIRMAN. The gentleman is not, then, in order.

Mr. MARSHALL. Then I will vote three dollars, and will oppose cutting the appropriation down to two, for the purpose of being allowed to say, undisturbed, what I want to say. I listened attentively to the hour speeches of the gentleman from New York, [Mr. Brooks,] and of the chairman of the Ways and Means, [Mr. Houston,] but neither advanced a single idea which was not elicited in the able debate of last session on the army appropriation bill. Then the whole subject was elaborately discussed. The Committee on Military Affairs brought forward the estimates of the quartermaster general, and attempted to enforce them by calling attention to the extension of our territory—to considerations springing out of the treaty of Hidalgo—to the extension of the lines of supply; in fine, that committee then said all that the Secretary of War or the quartermaster general have since said to this Congress, and all

the gentlemen have said on this bill. Nothing new has been elicited. Well, sir, Congress, after that full discussion, in a test vote, solemnly refused to vote the quartermaster general's estimates, and only voted the amount reported by the Committee of Ways and Means.

I take it to have been the duty of the officer in charge of the appropriation to square his expenses to the means Congress provided. If he went on to expend the money in the face of this deliberate action of Congress, as though no such action had occurred, and he relied on this Congress to meet the deficiency so that his expenditures may equal the estimates which Congress refused, he has committed a grave error in my opinion. As this bill proposes to supply all Congress refused, and more, I want to know how the sum we voted has been expended, in order that I may judge of the necessity. I do not mean to make any attack upon any one. But, as a representative of the people, I do not intend, by my vote, to appropriate another dollar, under the circumstances of this case, until the Committee of Ways and Means explain, in some way, the manner in which this deficiency has arisen, and how the bureau has spent what was appropriated.

Mr. HOUSTON. The Administration is responsible.

Mr. MARSHALL. I know the gentleman has attacked the Administration, the Secretary of War, and the head of the army. I know the difficulty has sprung out of the course—

Mr. HOUSTON. The gentleman from Kentucky does me injustice. I wish to state a fact—

Mr. MARSHALL. I take it all back, then. [Laughter.] I had rather withdraw the remark on which the gentleman desires to comment, than to lose any of my time.

Mr. Chairman, this proposition is a very serious one. We know Congress refused, last session, the very supplies now asked as a deficiency. We ought to know why there is a deficiency, before we reverse the solemn decision of Congress at the instance of a military officer, who asked for this money and was refused. There is a question of power, of dignity, of duty, here. I do not think we shall act wisely or well to vote this money, when we hear no explanation of what has been done with the appropriation which was made for the whole year. For one, I would rather take the responsibility of disbanding the army, than to vote a dollar under this state of the case. I would withdraw my forces altogether, and leave the people of Texas and New Mexico to defend themselves as best they may, and afterwards pay their expenses, rather than to abandon a constitutional fundamental principle of this Government. We hold the keys of the Treasury, and we are responsible to the people—

[Here the hammer fell.]

Mr. HOWARD moved *pro forma* to increase the appropriation.

Mr. JONES, of Tennessee. Is there not an amendment to an amendment pending? The gentleman from Ohio [Mr. OLDS] moves to strike out a clause, and the gentleman from South Carolina [Mr. ORR] moves to strike out and insert.

The CHAIRMAN. The ground the Chair takes is, that any gentleman has a right to perfect a clause before the question is taken upon a motion to strike out, inasmuch as that excludes the whole clause. The gentleman from South Carolina has made an amendment, and the Chair thinks that an amendment to that is in order.

Mr. HOWARD. There is no member of this Congress who was a member of the last that will not be astonished at the statement of my honorable friend from South Carolina, [Mr. ORR], that the Committee of Ways and Means of the last Congress investigated this matter, asserted that the amount proposed to be appropriated was too large, and therefore reduced it. Why, sir, he cannot have forgotten that the honorable gentleman from the Committee of Ways and Means, who belongs to the other side of the House, not now in his seat, [Mr. TOOMBS] said, that in making this motion he struck in the dark, and did not know whether he was striking intelligibly or not. Now, under that state of things, we are gravely told that the last Congress deliberated and investigated this whole matter, ascertained that too much money was asked for, and, therefore, they cut it down. Now, it is complained against the Executive officer as a fault, that he has found

no person to cut down nearly the whole amount of the deficiency. Sir, precisely the reverse is true—that Congress did not investigate, that Congress did not examine the estimates, neither did the Committee of Ways and Means of the last Congress go to the Department and ascertain if too much money was asked. No such thing was ever heard upon this floor at the last session of Congress. The whole argument was, that the amount looked large—looked like an extravagant amount, and ought to be cut down without rhyme or reason. Now, I think it is within the recollection of gentlemen here, who will bear me out, that that was in substance the position those gentlemen occupied upon that occasion. And what was said by the distinguished chairman of the Committee on Military Affairs upon that occasion? He said that he had examined this matter; that he had been to the Department; that he had investigated it, and prophesied that it would be necessary to provide for it at this session by a deficiency bill, as the result has shown. The records show why that was so. The estimates were returned to General Jesup, because it was said that they were too large, and he was asked to cut them down. He looked them over, investigated, returned them, and stated in his report to that Congress that they were made upon full consideration, and could not be reduced. It comes here now as a deficiency, because the last Congress failed to do its duty to give what the United States service required under existing laws and existing establishments.

The honorable gentleman from Kentucky [Mr. MARSHALL] says that he had rather vote to reduce or disband the army than to vote for this deficiency bill. Now, if he has the nerve to propose that, he shows some consistency in his action; but to keep up the army to its present numbers, and then to refuse the necessary money to support it, is the queerest sort of economy that ever entered into the brain of a statesman. If you desire to economize, reduce the source of the expenditures. Do not keep up your establishment, and then refuse to appropriate the necessary amount to defray the expenses of that establishment.

Mr. BAYLY, of Virginia. As a great deal of reference has been made to the conduct of the Committee of Ways and Means at the last session, in striking down the estimates which were transmitted to us from the War and other Departments, I felt it due to myself that I should state precisely what was our action at that time. When those estimates for the army and navy were brought to the consideration of our committee, by their direction, I addressed a letter to the Secretary of War, and also to the Secretary of the Navy, informing them that we were not satisfied with the large amounts which were asked for, and that a disposition existed in the committee to curtail the amount of money appropriated to this branch of the public service; and we requested them to reform their estimates with a view to reduction in the amount of appropriations. To that official letter, I received a reply, in which we were told that the estimates which they had sent in were as small as they could recommend, and that they had cut them down to the lowest cent. When we received this communication, by the direction of the committee, I wrote a second letter, in which I inquired if Congress was determined to make reductions, at what point they should be made, in their opinion, with the least detriment to the public service. In reply to that inquiry, the Secretary of the Navy, although expressing his opinion that the estimates were as low as they ought to be, pointed out the places at which to strike, if we determined to strike, and we made in the Navy bill the reductions under those heads where the Secretary informed us they could be made with the least detriment to the public service.

I am told by one of the gentlemen of the Committee of Ways and Means, I have not examined the subject carefully, and that he has reduced his expenditures accordingly. The Secretary of War called upon General Jesup, and others under him, to answer these inquiries of ours, and the reply was, that the estimates could not be reduced anywhere without detriment to the public service, and they declined to point out any places at which we could most safely strike, if we were determined to strike at all. Under this impression, the Committee of Ways and Means, by a vote to which I did not give a very cordial support, determined to cut them down. I say, I did not give

it a very cordial support—not because I was not as vehement as any member of the committee in favor of retrenchment in these two branches of the public service, but because I thought it would come to nothing, and to guard myself upon that point when it came before the House, I stated it would come to nothing. With this letter from the War Department before us, and from my knowledge of the manner in which some of these army officers—I am not speaking of the Secretary of War at all—have administered their departments, I knew perfectly well, and I so stated, that the effect of the reduction would be to create the necessity for a deficiency bill.

[Here the hammer fell.]

The question was then taken on Mr. HOWARD's amendment to the amendment, and it was rejected.

The question was then taken on Mr. ORR's amendment, and it was rejected.

The question then recurring upon Mr. OLDS's motion to strike out the clause, it was taken, and the motion was not agreed to.

The next clause was then read, as follows:

"For constructing, repairing, and enlarging barracks, quarters, hospitals, store-houses, stables, wharves, and ways, at the several posts and army depôts, for temporary cantonments, and the authorized furniture for barrack-room of non-commissioned officers and soldiers, gun-houses for the protection of cannon, including the necessary tools and materials for the objects enumerated, and for rent of quarters, and offices for officers, and barracks and hospitals for troops, where there are no public buildings for their accommodation, for store-houses for the safe-keeping of military stores, and of grounds for summer cantonments and encampments, \$319,000."

Mr. MARSHALL, of Kentucky. I move to strike out, in the eightieth and eighty-first lines, the words, "for rents of quarters, and offices for officers."

I should have preferred it, if this bill had been referred back to the Committee of Ways and Means, that they might have brought before the House of Representatives some intelligible account about the money which has already been appropriated for the quartermaster general's department for the current fiscal year. I hoped, upon a closer examination, they would be able to give a distinct idea how much of that appropriation has been spent, where expended, and how expended—at all events how it was expected to be expended. We might as well resolve ourselves into a registry chamber, for the mere purpose of registering the edicts of the Executive Departments as to do what we are now doing—to vote any amount of the public money the quartermaster general may choose to ask, without the Committee of Ways and Means, from its chairman down to its last member—being able to give the House or the country any intelligible account how the money already appropriated has been spent, or what he wants with that he now asks for. The chairman of the Ways and Means spoke of abuses—great abuses in this bureau. Sir, there are enormous abuses which the quartermaster general himself has incidentally set forth in his report but without disapprobation, and as the apparent reasons why he should have more money. These abuses belong, it is true, to the fiscal year ending June 30th, 1851, but they account for the way the public money is administered upon through that channel. In this item of house rent for instance: What do you think—what will the country think—of quartering a major and one or two subalterns in New Mexico in a house at an annual rental of \$2,100. Look at the bill, sir; several of your platoon officers paying rent as high as \$600 or \$800 per year for quarters for themselves only! Why, sir, it appears that it takes more money to shelter a company of dragoons in such places as Las Vegas, or Dona Ana, in New Mexico, than the establishment of the American Minister at Paris costs. Just think of it, sir—a company of fifty soldiers on the frontier living in a rented house and paying for it, *as rent*, \$3,360 per year—for the hay to feed their horses \$35 to \$40 per ton—for their corn \$2 50 to \$3 per bushel, and hauling these articles too at public expense twenty or thirty miles, employing for that purpose seven mule teams of six mules each, when they say each mule costs for his keeping, \$310 per year, or for the forty-two mules \$13,020 per year as the price of keeping. You must add to this the transportation of horse medicines—the wages of farriers, forage masters, &c., &c. These expenditures, sir, are officially communicated to you by the quartermaster general as the

way the public money was spent only in the last fiscal year. Can we see these enormous charges—these exorbitant charges—with indifference? In face of these things shall we supply the quartermaster general again with as much money as *he chooses*, yet know nothing of the way in which his administration of the present year is being conducted? Why, sir, it would be far cheaper to house the Indians, than the American soldiers—far cheaper and easier.

I heard the gentleman on my right [Mr. Brooks] speak on yesterday of these Indians, which inhabit the borders of Texas, and I was surprised at the wide departure of his statement of their force from accounts submitted with the report of the quartermaster general. The gentleman spoke of their number being twenty thousand. Now, Captain French, who has been among them since 1848, reports to General Jesup, that of all tribes, ages, sizes, and sexes, the Indians who inhabit the frontier of Texas—say on this side of New Mexico—do not number more than four thousand, and he actually returns a *census of the tribes*. To take care of these four thousand Indian men, women, and children, we have several Indian agents, and about one thousand eight hundred troops. If we are to pay house rent for the officers, at \$600 per year, and for dragoon companies at \$3,600 per year, it would be better to bribe the Indians to occupy civilized habitations, and to feed them, than to present against them so expensive a military array. Look at it: \$219,000 wanted to supply deficiencies for house rent, &c., &c. I think, sir, we should teach the officers, at least, that they are expected to live at a cheaper rental, and therefore that we should lop off this item.

[Here the hammer fell.]

Mr. HOWARD. I wish to correct a statement which the gentleman from Kentucky has made, about the Indians in Texas. An agent who has been among them for many years—while they were under the government of Texas, and since then up to the present Administration—estimates the number of those Indians at about twenty-five thousand. That is, no doubt, a large estimate. The probability is, that the resident Indians in Texas are about ten thousand in number. But in addition to this, there are Indians in New Mexico and in the adjoining Indian territory belonging to the United States, who congregate in Texas at particular seasons—winter, for instance—and mix with the Texas Indians, and then there are a very large number; in summer, however, it is much smaller. But it is because we have interlopers there, belonging to other States, and because the Government of the United States have removed the Indians west, and they go into Texas, where they ought never to have gone, that a large portion of this appropriation is necessary.

Mr. PARKER, of Indiana, moved a *pro forma* amendment to the amendment, and said: I simply wish to make a suggestion in regard to a few thoughts which have dropped from the gentleman from Kentucky, [Mr. MARSHALL.] He says that he is opposed to these appropriations, and more especially to those which he has named, because the chairman of the Committee of Ways and Means and the Administration have not taken it upon themselves to show him in detail, the importance of these appropriations. Now, if the gentleman from Kentucky had listened to the remarks made by the chairman of the Ways and Means, in his speech to-day, he would have noticed that he stated expressly that he could not go into these things in detail; and the gentleman from Kentucky must be aware of the fact that it would have been utterly impossible for him to have done so. Why, if he had done it, he would have needed a week rather than an hour. Suppose he had done it, in what attitude would this House be placed in to go into all these details? It strikes me that we would have been converting ourselves into a kind of court of justice of the peace.

Now, I am satisfied, from the fact that the Administration of the Government is in the hands of the Whigs, that the Committee of Ways and Means is a Democratic committee, and that the chairman of that committee comes here and asks for these appropriations; that is enough for me, especially where deficiencies are said to exist. And do they not exist here, for this rent?

I call the attention of the committee to the notable fact that the act of 1820, which was read by the chairman of the Committee of Ways and

Means, directly authorizes these contracts to be made for the subsistence of our troops. If it is our duty to withhold the supplies, let us, in the first place, step forward and withdraw the troops. But after the troops have been placed in the frontier, let us not starve them. It is not our duty to do that.

I will tell you, however, what I am in favor of, so far as this bill is concerned. Wherever there is an item in it, that is not for a deficiency to meet a contract already made, my vote cannot be given for it. I am for holding that rod over any Administration, be it Whig or Democratic. Your army and navy, however, when they have been put upon the field and upon the water, must be sustained there, and it is our duty to do it.

Mr. STANLY. I am opposed to the amendment of the gentleman from Indiana, and I wish to say a few words upon it. We are informed that the gentleman from Kentucky [Mr. MARSHALL] inquired of the Ways and Means, and could not get the information he wanted. Now, did he go before the committee and inquire for it, or did he go here and there, to the members, in social chat, when gentlemen were busy writing letters, or reading newspapers, or had other things more important to employ their time? If my honorable friend wants information about the details of these items, and if he thinks the committee is not competent to give it, let him introduce a resolution calling for the details, bring up the papers that are before the committee, and devote his attention to them. If he wishes to attack these estimates, as a friend or foe to the Administration, let him, when he has a chance to make an hour speech, attack the deficiency bill, and not occupy his time in replying to his colleague in reference to Butler and Fillmore, and their respective positions on the slavery question. It does not come, I think, with a very good grace, from the gentleman from Kentucky, to lecture the Committee of Ways and Means about the manner in which they have discharged their duty. It is true that there are six Democrats and three Whigs on that committee, and a Democratic chairman; but if my honorable friend finds fault with the manner in which we have discharged our duty, I shall ask to be excused from being upon the committee, and that my friend from Kentucky may be put there. Let him try his hand at it. Perhaps he may be able to take better care of the ways and means of the country, and will belikely to get more information about them than we can, although I think we have got as much information as a Committee of Ways and Means has ever done, and have given it to the House. We would have given more, if the House had allowed us. Let him look to the report of the Secretary of War; he will find all the facts there; he will find that the appropriations have already been a great deal cut down. The gentleman from Arkansas, [Mr. JOHNSON], the chairman of the Committee on Indian Affairs, has announced that he intends to offer as amendments various appropriations that are indispensably necessary—amounting to some two or three hundred thousand dollars. We have exercised the most rigid economy; and I say to the gentleman from Kentucky, again, that it was exceedingly unkind, and not what we on this side of the House had a right to expect from him, as a friend of the Administration, to scold the Administration as he does, or quite fair to say that he cannot get information from the Committee of Ways and Means. If he cannot, it is his duty to go to the head of the Department, and get it there, and not come in here and scold us.

The question was then taken on Mr. PARKER's amendment to the amendment, and it was not agreed to.

Mr. MARSHALL, of Kentucky. I move to amend the amendments by striking out the words "for rent," and I do it for the purpose of replying to the gentleman from North Carolina. It is exceedingly convenient, Mr. Chairman, for gentlemen of the Committee of Ways and Means, to say that they were reading newspapers, or writing letters, or found employment more to their taste than to answer inquiries of gentlemen who, as representatives, inquired in regard to what the committee had ascertained about this matter. I did not stand here to lecture the Committee of Ways and Means; but I made the statement, that I had attempted to learn what conclusion the committee had attained, and what information they had obtained as to the manner in which the money

heretofore appropriated, had been spent. He says that they did not choose to go into details; that they had not time to go into details. I say that, as I understand it, the Committee of Ways and Means have not *any information in regard to it*, and that they have accepted, so far as this year's appropriations are concerned, the declarations of the quartermaster general, or the officers of his bureau, "that the accounts have not come in, and that, therefore, no accounts can be given to them." I say that it involves the quartermaster general's bureau in the dilemma of having sent the public money here and there, without understanding how it was to be spent, or how they intended it should be spent, otherwise an account could be given which would be satisfactory. I do not ask for details. I want to know how much money has been appropriated to New Mexico; how much has been sent to the frontiers of Texas; and I want to know what they have done with it, how it is to be expended, and that they shall give me some conclusions on which I may be justified again to draw the purse strings of this nation.

It will not do—so far as I am concerned—for gentlemen to say that I belong to this side of the House or to that side of the House. Sir, when my duty as an American representative is concerned, I belong to no side of the House. *I belong to the country. I belong to the people.* When I came here, I understood myself as being an American Representative—a representative of the interests of the whole country, and I should scorn myself if I could hold any place here, understanding that my allegiance was due to a party and not to my country. When I am called upon to appropriate the money of this people, I must know how the money which I have already put into the hands of the Executive has been spent, and so help me God, I will never vote a cent without knowing it.

[Here the hammer fell.]

Mr. HOUSTON. The gentleman from Kentucky [Mr. MARSHALL] charges this Administration with violating the law and abusing the public confidence by a waste of the public money, not only by wasteful extravagance, but by expending money not in pursuance of law, but against law, and the expressed will of Congress. Now, I want the country to notice this fact. I repeat it, and dwell upon it. I agree with him, and I want the country to know that the distinguished gentleman from Kentucky—a friend of this Administration, who consumed an hour the other day in irrelevant and illegitimate debate in praising the President of the United States, and in endeavoring to persuade the country that he should be reelected—voluntarily comes forward and bears testimony to what I say, that there has been extravagance—that there have been abuses by this Administration. I admire the gentleman's candor in admitting these abuses against his particular favorite for the Presidency, and I again call upon the country to notice that my statements are sustained by this distinguished friend of President Fillmore and his administration.

But the gentleman says that the Committee of Ways and Means have given no intelligible account of how this money was expended. He seems to have paid no attention to the debate, or, it may be, the committee do not understand what he may call an intelligible account. The gentleman notified me beforehand that he was going to call upon me to-day for information. Did he do it? Did he call upon me when I was making my hour speech? I would have responded to him, and given him all the information I possessed upon any point he might have presented. I might not have been able to give an intelligible account, but I would have responded freely. But, lo and behold! my speech is made, and he has not asked for it. And now, he gets up here and complains that we have given him no information of these things. Whose fault is it? Even admitting the correctness of his complaint, he is more to blame than the committee; for, seeing we were not discussing the true point of the case, it was his duty to call us to it, and ask for the particular information desired by him. Private conversation is not to be repeated here, and I do not intend to refer to it; but he notified me in the presence of several gentlemen: that he would call on me, in the course of my speech, for information. He never made the call, and therefore his complaint is not well founded. And now I use him as a witness, to

sustain the fact of the existence of the abuses spoken of in my hour speech. His evidence is before the country, and he can neither withdraw it nor evade its force.

Sir, I would like to know of the honorable gentleman, if he believes there is no money in the Treasury that can be used to sustain the army, what his object is in this matter? Do you want to disband the army? Your President has not the power to do it. You and I, with our fellow-members, have the power. If you want to disband the army, do it; if you want to keep up the army, do it. But let us do one thing or the other. Do not let us keep up an establishment which we cannot feed and will not clothe. Let us not pretend to keep up an army on the frontier of our States and Territories, and refuse to furnish them with ammunition to shoot an Indian, if one should attempt to commit a depredation.

Now, I put it to the gentleman from Kentucky, [Mr. MARSHALL,] and I put it to every gentleman in this committee, Do you not believe that this or some other amount of money ought to be appropriated? Do you believe there is enough to supply these objects yet unexpended; if so, the Secretary of War has acted in bad faith to Congress; he says it is not there. If you make it as clear as it can be made—as clear as a sunbeam—that the money has been wasted by the Administration, I would, even in that case, not hesitate a moment to vote the appropriations necessary to carry on the Government and supply the place of the money wasted. I would restrict the Administration by legislation. I would do all that was necessary to restrict the Administration, so far as was in my power as a member of Congress. I would aid, to the extent of my ability, in an investigation of the abuses; but I would not hesitate to vote the supplies necessary to protect our frontiers, and to enable this Government to observe and faithfully execute its treaty stipulations with Mexico. I would protect the emigrants, while on the roads to our distant frontiers, against the barbarities of the wild, savage, and remorseless Indians that hover along their pathway. I would save them from butchery. I would protect them against the tomahawk and scalping-knife of the wild Indians. It is due to the emigrant, and as far as my vote goes, he shall have it.

[Here the hammer fell.]

Mr. JOHNSON, of Arkansas. It is about the usual time for adjournment, and as we are not likely to make any progress in the bill to-day, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly House bill 207, being a bill "to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-two," and had come to no conclusion thereon.

COMPROMISE MEASURES.

Mr. JACKSON. I ask the Chair what is the regular order of business?

The SPEAKER. The first business in order is the call of the States for resolutions, beginning with South Carolina.

Mr. JACKSON. I move that the House do now proceed to the regular order of business. If there are no resolutions to be offered from the State of South Carolina, I have a resolution to offer when Georgia is called.

The SPEAKER. Resolutions are in order from the State of Georgia.

Mr. JACKSON. I offer the following resolution, upon the passage of which I move the previous question.

Mr. CABELL. I move that the House do now adjourn.

Mr. JONES, of Tennessee. I wish to make this inquiry of the Chair: If the House adjourn now, what will be the position of the resolution of the gentleman from Georgia?

Mr. GENTRY. The resolution has not been received nor read.

Mr. JONES. I rise to a question of order. The gentleman from Georgia, as I understand it, is upon the floor until his resolution is read; and until he yields the floor no gentleman can get it to move that the House adjourn.

The SPEAKER. The Chair is of the opinion that the resolution would be in order when resolutions are again called for. The resolution will, however, be read for information.

It was then read by the Clerk, as follows:

Resolved, That we recognize the binding efficacy of the compromises of the Constitution, and believe it to be the intention of the people generally, as we hereby declare it to be ours individually, to abide such compromises, and to sustain the laws necessary to carry them out—the provision for the delivery of fugitive slaves and the act of the last Congress for that purpose included—and that we deprecate all further agitation of questions growing out of that provision, of the questions embraced in the acts of the last Congress known as the compromise, and of questions generally connected with the institution of slavery, as unnecessary, useless, and dangerous.

The SPEAKER. The gentleman from Georgia moves the resolution which has just been read, and upon its passage he calls the previous question.

Mr. FOWLER. I move that the House do now adjourn.

Mr. JOHNSON, of Arkansas, demanded the yeas and nays; but they were not ordered.

The motion was then agreed to—yeas 84, noes not counted—and

The House adjourned till twelve o'clock, tomorrow.

NOTICE OF A BILL.

Mr. DOTY gave notice of his intention to introduce a bill with the following title:

"A bill providing for the free navigation of the St. Lawrence river, and for reciprocal trade with Canada."

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees: 1. By Mr. PARKER, of Indiana: The petition of Shipley L. Foulke and others, assistant marshals of Henry county, Indiana, praying for additional compensation for taking the late census.

By Mr. PEASLEE: The memorial of Rufus K. Parker and others, citizens of New Hampshire, in behalf of the Western Farm and Village Association of the city of New York.

On motion by Mr. PORTER, leave was given to withdraw from the files of the House, petitions of citizens of St. Louis, Missouri, asking the passage of an act to provide for holding an additional term of the circuit court of the United States for the district of Missouri, and to refer the same to the Committee on the Judiciary.

IN SENATE.

TUESDAY, March 23, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. WADE. The case of the heirs and executors of Samuel Prioleau, of the State of South Carolina, was at an early day referred to the Committee of Claims, and was considered by that committee, who, doubtfully and hesitatingly, I may say, came to a conclusion, and directed me to make an adverse report. The report was made principally, and probably entirely, upon the ground that the claim appeared to be an antiquated one. Although it appeared to be equitable, there was no evidence before the committee to show why it had been delayed so long; and in the absence of any evidence to account for that long delay, we came to the conclusion that we ought to make an adverse report. The subject was referred to the committee on the motion of the Senator from South Carolina. He was not present when we had it under consideration, and therefore was not able to give us any light upon the subject. We made an adverse report, and it was adopted by the Senate. We have now been furnished with evidence that accounts for the delay; and the committee have had the matter under consideration, and have directed me to ask the unanimous consent of the Senate to take the papers from the files, and again to refer them, for we fear that we have done injustice in making the adverse report.

The PRESIDENT. The report having been concurred in, the subject cannot again be referred but by unanimous consent.

Mr. WADE. I will state the equities of the claim, and the circumstances under which it is presented to us, if it is desired.

Mr. SEWARD. It is not necessary.

Mr. WADE. The committee desire to have the papers referred to them again, that they may take them into further consideration.

The PRESIDENT. The Chair has stated that it requires unanimous consent. An adverse report having been made and concurred in, of course the papers cannot be acted on again unless further

evidence is introduced to show that the report was not correct.

No objection being made, the papers were ordered to be taken from the files and referred to the Committee of Claims.

PETITIONS, ETC.

Mr. RUSK presented a petition of members of the Legislature of Texas, praying the establishment of a mail route from Washington to Cold Spring; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of Charles B. Brower, late a Lieutenant in the United States Army, praying that he be reinstated in the Army; which was referred to the Committee on Military Affairs.

Also, a resolution of the Legislature of Texas, in favor of the payment of Samuel A. Belden for spoiliations by Mexico upon his property; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Also, resolutions of the Legislature of Texas, in favor of the incorporation of the officers of the Texas Navy into the Navy of the United States; which were referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CHASE presented two memorials of assistant marshals for taking the Seventh Census in Ohio, praying additional compensation; which were ordered to be laid on the table.

Also, a memorial of the Board of Trustees of the Protestant University of the United States at Cincinnati, Ohio, praying the endowment of that institution by a grant of land; which was referred to the Committee on Public Lands.

Mr. SUMNER presented a petition of twenty-five merchants of Boston, Massachusetts, praying that the use of intoxicating liquors in the United States Navy may be discontinued; which was referred to the Committee on Naval Affairs.

Mr. ADAMS presented a memorial of the Legislature of Mississippi, praying the establishment of a port of entry at Biloxi, and additional mail facilities to that place; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. HUNTER presented the memorial of Robert H. Vaughan, William R. Laws, and others, holders of military land warrants issued for the services of their ancestors, praying the appropriation of scrip to satisfy the warrants now outstanding and unprovided for; which was referred to the Committee on Public Lands.

Also, the petition of James Riley, of Cincinnati, Ohio, claiming the credit of having been the inventor of the Independent Treasury system.

A motion by Mr. HUNTER, that it be printed, was referred to the Committee on Printing.

Mr. SEWARD presented the petition of citizens of Pennsylvania praying the construction of a railroad from the Mississippi to the Pacific ocean; which was referred to the Committee on Roads and Canals.

Also, the petition of citizens of Albany, New York, praying the passage of an act granting further aid to Collins's line of mail steamers; which was referred to the Committee on Naval Affairs.

Mr. GEYER presented the petition of merchants and others, citizens of St. Louis, Missouri, praying that further aid may be extended to Collins's line of mail steamers; which was referred to the Committee on Naval Affairs.

Mr. DODGE, of Wisconsin, presented a memorial of the Mayor and Common Council of Racine, Wisconsin, praying an appropriation for completing the harbor at that place; which was referred to the Committee on Commerce.

Mr. DODGE, of Iowa, presented a memorial of citizens of Washington, District of Columbia, praying an amendment of the charter of that city; which was referred to the Committee on the District of Columbia.

Also, a petition of clerks in the office of the First Comptroller of the Treasury, praying an increase of their salaries; which was referred to the Committee on Finance.

Mr. SOULE presented a resolution of the Legislature of Louisiana, in favor of the establishment of a mail route from the mouth of Red river to Burr's Ferry, on the Sabine; which was referred to the Committee on the Post Office and Post Roads.

Also, a resolution of the Legislature of Louisiana in favor of the establishment of a tri-weekly

mail from Harrisonburg to Natchitoches; which was referred to the Committee on the Post Office and Post Roads.

WHEELING BRIDGE.

Mr. BELL. I present the memorial of Joseph Woods and a considerable number of other gentlemen, respectable and intelligent citizens of Nashville and its vicinity, setting forth that they have heard, with considerable alarm and great concern, the decision of the Supreme Court in the case of the Wheeling Bridge, on the suit of the State of Pennsylvania, and they pray that Congress will exercise whatever powers it may possess to prevent what they consider an arbitrary and unnecessary exercise of power by any department of the Government of the United States, in decreeing the demolition of that great work, because the owners of only seven—as it is alleged is proved in the case—of the many hundreds of steam-boats navigating the river, have thought proper to elevate their chimnies higher than usual, and higher than is thought to be essential, and because they do not choose to lower them. I move to refer the memorial to the Committee on Commerce.

The motion was agreed to.

LINE OF STEAMERS TO HAMBURG.

Mr. SEWARD. Mr. President, I present to the Senate the petition of C. Hansen, of the city of Brooklyn, in the State of New York, who proposes that with the consent and patronage of Congress, he will establish a line of steamers from that city via Rotterdam, in the Netherlands, to Gluxstadt, in Holstein, on the river Elbe, near Hamburg, so as to make semi-monthly passages for the transportation of mails, passengers, and freight. He offers to build four steamers, each of two thousand tons. The first two to be completed in two years, and the two others in three years. He asks Congress to pay him \$100,000 per annum for the first three years, \$85,000 for the next three years, and \$75,000 for the last four years, for each vessel in active service.

The first benefit which the United States would derive would be the establishment of semi-monthly mails, which in time would remunerate the Government. The German population already in the United States is estimated at five millions, and it is increasing at the rate of more than one hundred thousand a year. The next benefit to the Government would be an increase of the naval steam marine, since the United States would have the right to take the vessels at any time at cost. A third advantage which would accrue to the country would be the substitution of the safe, wholesome, and speedy American steam-vessels for the importation of emigrants, in place of the small, uncomfortable, and unhealthy sailing vessels of Hamburg, Rotterdam, and Antwerp. The new line would receive the trade of the three great rivers of continental Europe: the Elbe, Weser, and the Rhine. The fourth and capital advantage which it would secure would be the direct carrying trade and navigation in the central continental Europe which is now nearly engrossed by foreigners. The entire tonnage, inwards and outwards, in the trade of the United States and the Hanse Towns, in a single year, belonging to foreigners is a hundred and eighty-three thousand tons.

The entire tonnage owned by Americans within the same period, was forty thousand tons. The value of the freights received during the same period by foreigners, was \$1,470,000, while the value of the freights received by the Americans was only \$384,000, showing that the trade, as now carried on, is worth \$1,000,000, all of which, by the adoption of this enterprise, might be secured for ourselves. I remark, once more, that this great trade is carried on chiefly by British merchants. Nine tenths of the American cotton consumed in continental Europe, is shipped first to England, and thence is carried to the continent, thus subjecting us to a large tribute in the way of expenses and commissions paid to English merchants. The enterprise connects itself, of course, with the present Bremen line, and these two lines would enable us to take control of a trade which at present we only divide with foreigners at great disadvantage to ourselves.

The petition is sustained by documents and references which I commend to the most favorable consideration of the Committee on the Post Office and Post Roads, to which I beg leave to refer the

whole subject. I move that the petition be referred to that committee.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SEWARD, it was

Ordered, That the petition of William R. Nevins, on the files of the Senate, be referred to the Committee on Patents and the Patent Office.

VANDERBILT STEAMERS.

Mr. BADGER. A number of memorials were heretofore referred to the Committee on Naval Affairs, asking for the establishment of lines of steamers. By the direction of the committee, the chairman asked that they be discharged from the further consideration of them, and it was done accordingly. I now desire to submit a motion that one of those memorials—that of Vanderbilt & Co.—be taken from the files, and referred to the Committee on the Post Office and Post Roads. I wish to mention, in this connection, that the Naval Committee made no report upon the merits of the applications, one way or the other; but considering that there was nothing in them that made them appropriate for their consideration, they asked to be discharged from them. I think the one which I have mentioned is entitled to the consideration of the Committee on the Post Office and Post Roads.

The motion was agreed to.

MAIL CONTRACTS.

Mr. CLEMENS. A communication was yesterday received from the Secretary of the Navy in relation to steam-ships. Upon my motion it was laid on the table and ordered to be printed. I learn that it will be some two weeks before it can be printed, as our public printer has managed to get behind with the business. I move, therefore, that it be taken from the table, and referred to the Committee on the Post Office and Post Roads.

The motion was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. SHIELDS, from the Committee on Military Affairs, submitted a report, accompanied by a bill to increase the efficiency of the artillery; which was read, and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, submitted a report, accompanied by a joint resolution concerning the national defenses; which was read, and passed to the second reading. The report was ordered to be printed.

A motion, by Mr. SHIELDS, to print two thousand additional copies of the two last-mentioned reports, was referred to the Committee on Printing.

Mr. FOOT, from the Committee on Pensions, to which was referred the petition of Avery Downer, submitted an adverse report; which was ordered to be printed.

Mr. BRODHEAD, from the Committee of Claims, to which was referred the petition of Santiago E. Arguello, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. STOCKTON, from the Committee on Pensions, to which were submitted the following petitions, submitted adverse reports thereon:

- The petition of Squire Moore;
- The petition of Joseph W. Edwards;
- The petition of Elisha Merriman; and
- The petition of William Blodgett.

NOTICES OF BILLS.

Mr. HUNTER gave notice of his intention to ask leave to introduce a bill to make an appropriation of lands to satisfy the claims of those holding outstanding Virginia military land warrants.

Mr. DODGE, of Iowa, gave notice of his intention to ask leave to introduce a bill to amend an act entitled "An act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleville, Dubuque, and Peru, in the county of Dubuque, Territory of Wisconsin."

CLERK IN THE SECRETARY'S OFFICE.

Mr. CASS. I offer the following resolution, which, under the rule, will lie over for a day:

Resolved, That Y. P. Page, who has been engaged in clerical and other duties in the office of the Secretary of the Senate for some years past, be paid the same per diem compensation, from the beginning of the present session, as is allowed to the committee clerks of the Senate.

Mr. BADGER. Let it be considered now. I do not think there can be any possible objection to it.

Mr. CASS. If there is no objection, I ask for its consideration at this time.

No objection being made, the Senate proceeded to consider the resolution.

The PRESIDENT. As it is a resolution providing for the payment of money out of the contingent fund of the Senate, it is necessary that it should have three readings.

The resolution was read a second time and considered as in Committee of the Whole.

Mr. ADAMS. I would inquire of the Senator who introduced this resolution, what is the necessity for it? If there is a law authorizing the Secretary to obtain necessary assistance, I should like to know what necessity there is for this?

Mr. CASS. The person mentioned in the resolution is now in the Secretary's office and has been for years, but has only been paid as a messenger. All who know the young man know that he is a most efficient clerk. There is no reason in the world why he should not be paid as a clerk, when he is doing the duty of that office. He may be called a messenger; but every Senator knows that he has been doing the work of a clerk, and that he does it most admirably.

Mr. BADGER. There is no doubt about that. All who have been here any length of time, know it.

The resolution was reported to the Senate, was ordered to be engrossed for a third reading, and was read a third time and passed.

SALARIES OF TERRITORIAL OFFICERS.

Mr. CLEMENS. I move to postpone all prior orders for the purpose of taking up the bill to repeal the proviso in the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government, for the year ending the 30th June, 1852, and for other purposes," approved March 3, 1851, relating to the salaries of the officers of the Territories of the United States. I presume it will be acted upon without much debate.

The motion was agreed to, and the Senate proceeded, as in Committee of the Whole, to the consideration of the bill, which was reported from the Committee on the Judiciary with an amendment.

The amendment of the committee is in the form of a substitute for the original bill. It provides in the first section, "that if any officer of any Territory of the United States shall hereafter absent himself from such Territory and his official duties, for a period exceeding sixty days in any one year, without the leave of the President of the United States, he shall not be paid any salary for the period of such absence, unless good cause for such absence shall be shown to the satisfaction of the President;" and, in the second section, that the proviso contained in the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th June, 1852, and for other purposes," approved March 3, 1851, relating to the payment of the salaries of officers of the territories of the United States, be thereby repealed.

Mr. HUNTER. I would like to know what the proviso is, which it is proposed to repeal.

The Secretary read the proviso, as follows:

"Provided, That the salaries specified above for any of the officers of any of the Territories of the United States, shall not be paid in any case when any of said officers shall absent themselves from said Territories and their official duties for a period of time greater than sixty days."

Mr. GEYER. It will be perceived that the proviso which it is proposed to repeal, annexes a forfeiture of the whole salary as the effect of an absence of sixty days—no matter from what cause, or under what circumstances. It provides that in case of absence, the fact of absence may be taken as judgment against an officer, and he is thereafter to receive no salary whatever. The first section of the proposed amendment designs to effect a change in that particular. One defect intended to be cured is, that where the proviso leaves it uncertain whether the several absences may not be taken together to make up the sixty days. It designs also to cure another defect, which is this: The proviso, I understand, was inserted with the view to affect the officers in Minnesota; and, as it stands, if the different absences are not to be added together, any one of the officers in Minnesota may

be absent nearly the whole year. He could absent himself for anything short of sixty days, return to the Territory for a day or two, then absent himself again. To obviate that objection, the first section provides, that if he should be absent from the Territory and his official duties for a period exceeding sixty days in any one year, the consequences shall follow. Another design of the amendment is to provide for such emergencies as may arise. Officers who are appointed for these different Territories may have occasion to return for their families, and sometimes will have occasion to absent themselves on public duty; and it is contemplated, when they do so absent themselves, with the permission of the President, or when they furnish a sufficient excuse in the judgment of the President, that the penalty shall not attach. Another object is to make the provision permanent; not to have it in an appropriation act, but in a permanent law, operating upon the officers of Territories in all times. I will now move as an amendment to the amendment the following, to come in at the end of the second section:

And the salaries of said officers, which have heretofore accrued, shall be paid, anything in the said proviso to the contrary notwithstanding.

Mr. CHASE. I was about to move an amendment, which it seems to me would be more appropriate than that offered by the Senator from Missouri. It is to strike out the last clause of the section, which will leave the judges of the Territories to the discretion of the President for permission to absent themselves from their official duties. In the organization of the Territories of New Mexico and Utah, Congress thought fit to insert a clause providing that the judges should not be absent from the performance of their judicial functions more than sixty days without forfeiting their salaries. It may be, and I think is reasonable, that they should be allowed, in cases of emergency, and with the sanction of the President, to leave their Territories; but to permit absences at discretion for an unlimited time, and appeals to the indulgence of the President, not merely for payment after this law shall have been enacted, but for payment before it, seems to me to be going too far. We all know how important it is to the inhabitants of the Territories that the presence of these officers shall be secured; and we know, too, that in regard to the particular Territories which I have named, it is indispensable that they shall be retained in their places by some condition of this kind. I have heard from highly respectable gentlemen of New Mexico, for instance, that the state of things there is so undesirable, that if the judges can be allowed to leave their posts, traverse the country at pleasure, and then throw themselves on the discretion of the President to be allowed their salaries, notwithstanding such absence, it will be almost impossible to retain them in their places. It seems to me to be our duty not to go further than the law now stands. At most, we should not do more than authorize the judges to absent themselves with the leave of the President. I shall vote against the proposed amendment of the Senator from Missouri, and then move to strike out the last clause of the first section.

Mr. GEYER. It occurs to me that recent events should admonish us that it is necessary to authorize, under certain circumstances, the officers to leave a Territory. I do not pretend to form any judgment as to the cause of the absence of the officers of the Territory of Utah; but if what they represent approaches the truth, their condition there would have been intolerable. It may be that, in those remote Territories, they cannot remain and attend to their duties without encountering difficulties that few men would be willing to encounter. Now, sir, in the Territory of Utah, where it is said a state of things exists which renders it altogether uncomfortable for any civilized Christian to reside, an officer must retire from the Territory, and he cannot wait for leave from the President of the United States. He can go into the Indian country, and remain there for a period less than sixty days, under existing laws; return to the Territory, and retire again to the Indian country. As the law stands, the judgment against the officer is peremptory, and is left to the accounting officer, and to him alone. It is now proposed to submit it to the judgment of the President of the United States. If the case should occur—I do not say it has occurred—that the condition of a territorial officer would be rendered

intolerable, that his own safety and the safety of his family would require him to leave it, it seems to me he ought not to be deprived of his salary on that account, because he was, in effect, expelled. I think we may safely confide that trust to the President of the United States. Few of those officers, unless they had good cause for their absence, would submit their case to the President of the United States in a matter of that sort, when they must come here, make their application at the seat of Government, and present the facts and circumstances under which they were induced to absent themselves from the Territory. If the consent of the President could be obtained beforehand in all cases, and we were sure of it, I should have no objection to the amendment of the Senator from Ohio; but, as it stands now, they are in a condition very much exposed.

Mr. WALKER. I desire to make an inquiry of those who have had this subject under consideration, and the inquiry may be understood by stating that to which it is designed to relate. If I understand it, most of the officers of one of the Territories have left, with the intention of not returning again; but they are, nevertheless, still in office. Now, sir, will not the operation of this legislation be to continue their salaries, notwithstanding they may remain here in Washington, or elsewhere in the United States, and have no connection whatever with the Territories, and no connection with the duties of the office, other than merely holding the position of officers? Will it not continue them, and continue their salaries?

Mr. WELLER. If I understand the matter alluded to by the Senator who has just taken his seat, it is different from what he has stated. I understand that these judges and other officers desire to return to Utah, but they have reported to the President, as I learn, that they are unable to execute the civil law, or the laws of Congress, in the Territory, without the aid of the military, and that their persons are not safe. The question now is, what step can be taken so as to secure obedience in that Territory to the laws that may be enacted by Congress? In my judgment it would be very impolitic to send a military force there, avowedly for the purpose of executing the civil law. But the difficulty may be obviated in this way: it is necessary that some military posts should be established through that Territory, not only for the protection of the inhabitants from the Indians, but, what to me is a matter of more importance, for the protection of emigrants who are constantly passing that route to the State which I, in part, represent. Those military posts and depôts might be established as near as possible to Salt Lake, because in that vicinity there would be afforded facilities for obtaining supplies, which could not be obtained elsewhere. They would at all times be ready to aid the civil authorities in the execution of the law. If they were established, I have no doubt that the judges could return to the Territory in perfect safety, to execute the mandates of Congress. I would not send a military force along with the judges, for the reason that I am unwilling to treat these people as designing to subvert this Government. I know that there is no very friendly feeling among them towards the Government, but I would treat them as a loyal people, although, at the same time, I would have a military force to compel them to respect the law.

Mr. WALKER. I am obliged to the Senator for the information and views which he has expressed. As far as I have reflected upon this subject, my mind has come very much to the same conclusion that his has, that something of the kind he mentions will be necessary in the Territory referred to. But the only question in my mind, in view of this, is, whether the legislation now proposed is not premature? In view of what has been said, in view of the condition of things there, there is much more to be done before those gentlemen can enter upon the duties of their offices, before they can, in my opinion, safely remain in that Territory.

Another question is, whether, while we are legislating in view of the state of things which we know to exist there, we shall make provision for the salaries of officers who either do not, or cannot, discharge the duties of their offices. For one, I must say, that I cannot agree to it. These gentlemen have returned to the States. They tell us the reason why they have returned. They

acknowledge that they cannot discharge the duties of their offices. We know they cannot. They have reported the reasons why they cannot. Then, while they are here, it seems to me that it is incorrect legislation to provide for the payment of their salaries. I regret as much as any Senator can, to take this position. I know well that those gentlemen while here hold themselves in readiness to perform the duties of the offices to which they have been appointed: It would seem to be but reasonable, hence, that they should have some compensation. But we are legislating not for them as individuals. If we legislate at all, we legislate in view of the interests of the country—in view of the subject-matter to which their offices relate. It seems to me that we cannot feel ourselves justified in providing for the payment of their salaries, while they are not discharging the duties of their offices.

Mr. BADGER. I was originally opposed to the adoption of the proviso to the appropriation bill, the repeal of which is now sought to be obtained by the bill under the consideration of the Senate. I thought then, and I think now, that it was an unjust, and a hazardous, and very impolitic system by which to enforce the discharge of the duties of public officers, and especially to enforce the discharge of the duties of judicial officers. If we had had a system upon this subject—a system of the Government of long and established continuance, and we were now called upon to make an exception out of that general system in favor of the particular class of officers to whom this bill refers—the remarks of the honorable Senator who has just taken his seat, would be entitled to great weight. But this is the case of a proviso added to an appropriation bill—a proviso sprung upon the country, in virtue of which, whether the absence be with or without fault; whether the officer be expelled from his post, or prevented, unless at the peril of his life, from returning to it; or whether he had absented himself voluntarily and negligently, because he was careless and indifferent in the discharge of his duty—without reference to any consideration of that kind, we visit his offense (treating it as a judicial ascertainment of judicial default) with the forfeiture of his salary. Now, such a system as that cannot be right.

Without going into the particular circumstance to which the Senator from California [Mr. WELLER] has referred; agreeing with him in the sentiments which he has expressed on the subject, I will merely remark, that, however these difficulties may have originated, these gentlemen, with great difficulty, and at great expense, and at no small hazard to themselves, went into that Territory. A state of things has occurred there in which they cannot remain, and on account of which they were compelled to leave the Territory. They are here. It belongs to Congress, as the Senator from California has said, to institute the measures necessary to make their return safe and practicable, in order to enable them to execute the duties which their officers require in that Territory. In the mean time, they cannot go there. And until that state of things which has compelled them to leave is done away with, can it be right; is it fair; is it just; is it reasonable, to visit a sentence of starvation upon them while we are engaged—or whether engaged or not, ought to be engaged—in establishing some law by which the violated authority of the Union may be restored, and the peaceable return to that country of these judicial officers be effected, so that they may exercise their proper functions as they are executed in every other State and Territory of the Union?

The proviso itself was originally wrong, in my judgment. Subsequent events have proved the injurious purposes to which it may be applied. It seems to me that the Senate owes it to itself, owes it to these officers, owes it to the system on which our public affairs have been hitherto conducted, to repeal it at once, and declare that no injury shall result to the parties from its having been adopted.

Now, whether these gentlemen have the *animus revertendi* to that Territory or not, I have no means personally of knowing. The understanding is, that they have been, in effect, expelled from the Territory; and I presume that if, when they can return there with safety, they do not return, the President of the United States will discharge his duty by informing them that they can no

longer be allowed to hold offices when they cannot attend to the duties belonging to them.

Mr. CHASE. I regret very much to be compelled to differ from the Senator from North Carolina [Mr. BADGER] on this question. But the Congress of the United States has thought proper to define, by law, the terms on which these judges take their office. They have taken upon them, under the appointment of the President, the discharge of their judicial duties upon these terms, clearly understood by them. There can be no doubt as to that fact. When they became judges of these Territories, they knew that they would not be permitted to absent themselves from the performance of their judicial duties for a longer period than sixty days without the forfeiture of their salaries; and that if they should so forfeit them, they must appeal to the liberality of Congress for the payment, notwithstanding the forfeiture. If such payment were now proposed as a distinct and independent proposition, I am not prepared to say how I should vote upon it. But we are now called upon to legislate for all cases—not merely the cases which have occurred, but cases which may hereafter occur. We are asked to repeal a proviso under which these Territories were organized. It seems to me that it is unwise. It seems to me that it is unnecessary.

Something has been said as to the urgency of the circumstances under which the judges for Utah left the performance of their duties. I have read their report; I have read the statements of other gentlemen who were cognizant of the state of affairs in that country; and I have yet to see anything which satisfies my mind at all that they might not have remained there with perfect safety, and freely administered justice in all cases which might have been brought before them. It is very possible that they might have had very few cases submitted to them. If they had been sent to a community of Friends, or Quakers, they might have had no cases at all brought before them. But I have no doubt that they were at perfect liberty to adjudicate all cases submitted—to remain in that Territory, exempt from all danger to life or person, as long as they chose to stay. Notwithstanding that, they left the Territory. They left it, notwithstanding their duties bound them to remain; notwithstanding the law bound them to remain; notwithstanding the law imposed upon them a forfeiture of their salaries if they did not remain.

Now, if we adopt this provision, the practical result will be, that we shall have judges for these Territories who are under no obligation whatever to remain in them, and discharge their duties. They will not be bound to go there; they will not be bound to remain there, if they do go; they may absent themselves whenever and as long as they choose, and still their salaries would be dependant wholly, not on the will of Congress, not on the will of the legislative power, but on the will of the Executive. This strikes me as all wrong. The salaries of the judicial officers of the Government should be dependant on the will of Congress, and on the will of Congress alone; and they should be confined, in the performance of their functions, to the line which the laws of Congress prescribe. I am, therefore, averse to this amendment; though, at the same time, as I said before, I am quite willing to enact into a law a portion of this bill: that is, so much as authorizes the judges to leave hereafter, having first obtained the sanction of the President. That, it seems to me, is quite as far as we can be asked to go. I would not legislate for past events, but merely for future contingencies.

Mr. GEYER. I rise for the purpose of offering some explanation of the bill to the Senator from Wisconsin, [Mr. WALKER] who appears to understand it different from its real import. It will be seen, by reference to the first section of the amendment of the committee, taken together with the amendment which I have had the honor to submit, that provision is made only for the payment of the salaries which have heretofore accrued. If these officers remain absent from their duties and from the Territory, then the first section of the act will apply to them, and they must have leave of the President of the United States, or they must show cause that is satisfactory for such absence. The design of the amendment is, without intending to pronounce any judgment upon the events which have occurred in Utah, to

suspend the operation of the proviso in reference to those officers. That there is a necessity for the amendment, will appear from a single suggestion. Every officer who is appointed here, must be absent from the time of his appointment to the time when he arrives at the Territory of Utah—a period of more than sixty days. If, however, they should be appointed in a season (as I believe these officers were) when it is impracticable to pass the prairies, they will have to be from ninety to one hundred and twenty days absent from the Territory after the time of their appointment. The proviso, as it stands, operates as a forfeiture of their entire salary, because of this necessary absence from their duties and from the Territory. I supposed that the better way of adjusting this matter would be to restore the law, so far as the past is concerned, to what it was before the proviso was enacted. Then the first section of this act, if it should become a law, would operate hereafter to prevent any absence without leave of the President, or without good cause. An emergency may arise where leave of the President cannot be obtained. Then, when the good cause should be shown, the salary ought to be paid, especially if there should be anything like the emergency supposed in the report made by the officers from Utah.

The effect then, of this bill, if it shall be passed, will be this: the salaries, as far as they have accrued, will be paid. But, if any officer shall remain, after the passage of this act, sixty days absent from his duties, without leave of the President, or without showing good cause to the satisfaction of the President for such absence, he will forfeit his salary for the period of his absence. That is, I suppose, the extent to which the provision ought to go. For my own part, I happened to be in a minority in the Committee on the Judiciary. I favored a total repeal of that proviso, for the reason stated by the honorable Senator from North Carolina. But it was thought better to have a general provision upon the statute book, which should secure the presence of these officers hereafter; and under circumstances where judgment should not be taken upon them from the mere fact of absence, but that an opportunity should be given to present to some other tribunal, a sufficient excuse for that absence.

Mr. BROOKE. I would ask respectfully, why it is, that an exception is made against these particular judicial officers, which does not prevail against any other officer of the Government? The Judges of the Supreme Court and the District Judges are not liable to a forfeiture of their salary in the event that they fail to perform their duties, either in whole or in part. I know very well that the Circuit Judge of the United States, assigned to the circuit in which is included the district of Mississippi, has not been performing duty in that State for several years. And yet I never heard of any liability being imposed upon him of a forfeiture of a portion of his salary. Does not the Constitution extend to and protect these territorial officers as well as other officers of the United States? If so, then my inquiry is answered.

The amendment to the amendment was agreed to.

Mr. CHASE. I now move to strike out all after the word "absence," to the end of the first section of the amendment—being the words "unless good cause for such absence shall be shown to the satisfaction of the President." The effect of the amendment will be to allow an officer of any of the Territories to absent himself if he obtains leave from the President of the United States, and to be paid his salary if he has such leave. It will not at all affect the provision which has just been adopted by the Senate, but will make it necessary for an officer, in all cases, to obtain the previous assent of the President, before he can leave his post.

The amendment to the amendment was not agreed to.

The amendment reported by the Committee on the Judiciary as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments made in Committee of the Whole, were concurred in.

Mr. ATCHISON. I desire to inquire whether this bill is intended to cover all the officers within the limits of the Territories, or only those officers necessary to the territorial government.

Mr. GEYER. It includes all who were covered by the proviso to the appropriation act of last year.

Mr. ATCHISON. What officers in those Territories are covered by that proviso?

Mr. BADGER. The judges and the secretaries, I believe.

Mr. GEYER. The proviso is to the appropriation for the salaries of the governors, judges, and secretaries of the Territories.

Mr. ATCHISON. Then I have no objection.

The bill was ordered to be engrossed and read a third time.

NON-INTERVENTION.

The resolution some time since submitted by Mr. CLARKE, on the subject of non-intervention, came up as the special order.

Mr. BELL. Before the question is finally taken on these resolutions, I wish to say something in regard to them, as my feelings have been somewhat questioned. I am very indifferent as to the time when I shall be heard. The Senate may fix on any time they may think proper. Perhaps this day week will be acceptable to the Senate. I understand that there are two measures, the French spoliation bill and the bill for the establishment of a navy-yard in California, which the gentlemen most interested in them are desirous to have disposed of this week. I have, therefore, suggested this day week as proper for the consideration of these resolutions. If that is not acceptable to the Senate, I will name any other day.

Mr. CLARKE. Let it be the first Monday in April.

Mr. BELL. The Senator from Rhode Island suggests the first Monday in April, which will be next Monday week. If that day is agreeable to the Senate, I have no objection; and, therefore, I move the postponement of this subject until that day.

The motion was agreed to.

NAVY-YARD AND DRY-DOCK IN CALIFORNIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill to establish a navy-yard and depôt on the bay of San Francisco, in California.

The Committee on Naval Affairs report the bill with an amendment, to authorize the President to provide for the construction of a basin and railway in connection with the sectional floating dry-dock now being constructed at San Francisco, in California; and also to authorize him to allow additional compensation (not exceeding double their present pay) to the officers he may appoint to select the site for the navy-yard in San Francisco bay.

Mr. BADGER, some time since, proposed an amendment to the amendment of the committee, which was to substitute "the Secretary of the Navy," for "the President of the United States," in making the contract for the construction of the basin and railway, and allowing extra compensation to the officers for performing this service; and also to appropriate \$500,000 for carrying this act into effect.

Mr. GWIN. Mr. President, the Committee on Naval Affairs did not report this bill without a full examination of the subject. At the last session of Congress, the necessity of establishing a navy-yard in California was, through a resolution offered by me, brought to the notice of the committee. The Secretary of the Navy was consulted, and recommended that an appropriation should be made to commence the work, and the committee, by a unanimous vote, instructed the chairman to propose an amendment for this object to the naval appropriation bill.

It is well known to the Senate that the appropriation bills were near being lost at the last session by a protracted discussion on the river and harbor bill. When the naval appropriation bill came up, and the chairman of the Naval Committee was on the floor proposing the amendments he had been instructed to offer, the chairman of the Finance Committee [Mr. HUNTER] announced to the Senate that if another amendment was permitted to be offered to the bill it would be lost; and thus the subject passed over. On the first day of this session I gave notice that I would offer a bill establishing a navy-yard in California, introduced it a few days thereafter, and had it referred to the Naval Committee. It was amended so as to include the basin and railway for a dock, and brought before the Senate in its present shape.

When the bill was called up on a former occasion, the Senator from Pennsylvania [Mr. BROD-

[READ] opposed its passage for reasons which I shall now proceed to examine. He said, "it is a very important bill." This is true. It is a bill of the greatest importance, as it lays the foundation for national defense on the Pacific coast of the United States. Upon its fate depends the question of defending that coast, or leaving it in its present unprotected position. But this is not the light in which the Senator looked upon it as important. He attached importance to it because it would cost money to establish these defenses. The Senator commenced his remarks upon the bill with the skill of an able tactician. He struck at its weakest point; for I have learned from painful experience in my short service here that the necessity which exists for enacting laws for the State of California never has as much weight with Congress as the amount of money it will take to carry these laws into execution. The Senator must be well aware of this fact, and he avails himself of it in the very opening of his speech. He says the bill is important—and why? Because "it will involve the necessity of an expenditure of from \$3,000,000 to \$7,000,000." Now, sir, this is a bold assertion, and if sustained by proofs will materially affect the action of the Senate upon the bill. I undertake to say that the Senator has no estimate from any department of the Government upon which he bases this assertion. It is evidently a random shot—a statement made without due consideration. If based upon any calculation approaching to accuracy, he certainly would not have left a margin of \$4,000,000. He says "from \$3,000,000 to \$7,000,000." I should like to know whether he means it will be near seven, or nearer three millions?—whether it will be six millions or four millions? Or does he intend to split the difference, and say five millions is to be the cost of this work?

I hope the Senator [Mr. BRODHEAD] did not intend to take any unfair advantage of this measure, by exciting the alarm of the members of this body, who are the zealous guardians of the public Treasury—when he asserts that this bill will cause so enormous an expenditure. I undertake to say, that the lowest amount named by the Senator will never be required to be expended upon this work; and I hope that this round assertion will not deter any one from giving the bill a fair and impartial consideration. To show that the Senator's estimate cannot be relied on, I will refer to other portions of his speech. He says "a railway and basin will cost \$1,500,000, and perhaps \$2,000,000, and will require from five to ten years for its construction." (The contract heretofore made required the completion of the work in four years.) As he advances in his argument, he reduces his estimate to "\$1,000,000 or 1,500,000;" and he repeats this assertion on two other occasions, in his speech. Now, we know exactly what this basin and railway will cost. It is just \$840,000, and no more. The Secretary of the Navy proposed to give this sum for its construction, and the patentees accepted the proposition. The Senator could easily have ascertained this in the Navy Department, when he was getting the facts he brought to the notice of the Senate; and I regret that he did not do so, for, as I said before, nothing is so detrimental to the passage of bills for California as the enormous amount it is supposed works of this description will cost in that country. If the Senator had stated that his principal opposition to the bill, was because it cost \$840,000 to build a basin and railway, then his argument would have had its fair and legitimate weight upon the Senate. But he does injustice to the measure when he swells this item of \$840,000 to \$2,000,000.

Again, the Senator says: "No Secretary of the Navy has ever recommended this basin and railway in connection with a dry dock." The Senator is not borne out in this assertion by the record, as I shall show. I read from a report from the Navy Department, dated February 12th, 1844, made by the Hon. David Henshaw, then Secretary of the Navy, and one of the ablest that has ever presided over that Department:

"An excavated stone dock can accommodate, ordinarily, but one vessel at a time, and, during war, would hardly afford the facilities that would be needed." The Navy commissioners, in a report dated February 17, 1836, state that it might require twelve thousand days' labor to repair the bottom of a seventy-four—working in the longest days of the summer. In such a case, many weeks, if not months, must elapse before such a vessel could be taken from the dock, owing to the comparatively small number of persons who could work upon her at once in so confined a place.

"The sectional floating-dock, with rail-tracks, could accommodate many vessels at once, where they would be placed with ample room, light, and air around them, and giving every facility for working with dispatch.

"The object so strongly desired in Mr. Jefferson's message, before quoted—that our vessels may be laid up dry, and under cover from the sun, and which he hoped to obtain by the means of lock-docks—it is believed may be much better, and much more cheaply obtained, by the sectional dock and railway.

"All experience verifies the remark of Mr. Jefferson, that 'no cares, no attentions can preserve vessels from rapid decay, which lie in water, exposed to the sun;' and that works of wood, laid up dry, will remain scarcely affected by time.

"Some of the most costly ships of our Navy have rotted, and been broken up, seeing little more service than lying at the wharves; while others, built about the same periods, remain comparatively uninjured, in the houses in which they were built.

"It is believed that the sectional dock and railways will not only answer for the repairs of ships, better than any other plan yet devised, but that they will become the only building-ways; and that, instead of letting our ships, when not in use, lie and decay at the navy-yards, in ordinary, they will be raised from the water, and placed under cover, protected from the weather, upon the rail-tracks.

"The plan of the sectional dock and railway commends itself to favor by its cheapness and simplicity; and if, on trial, it realizes what has been promised from its use, it will enable the Government to construct at a moderate cost, a dock at each of the navy-yards, capable of accommodating a number of ships at once.

"After carefully considering the facts, statements, and opinions which have been presented to the Department, at different periods, by the officers and others who have had the subject of a dry-dock at the Brooklyn yard under investigation, the undersigned is fully persuaded that the plan of dock of Mr. Dakin, here spoken of, is worthy of trial on a scale sufficiently large for raising the largest ships."

Thus it will be seen, sir, that a Secretary of the Navy has recommended, and strongly recommended, the mode of docking vessels proposed by this bill. Nor is the Senator borne out in his assertion, by the reports of the present Secretary, who has evidently changed his opinion on the subject. In his report at the last session, he said, "that a sectional dock alone, with a pier to secure it, would answer every demand of the Navy on the coast of California, for many years to come." In his last report, he says, "It will be necessary to provide a pier or basin, to render this dock capable of use;" and he postpones an opinion between the basin and railway, and a pier, until a further examination is made of the waters of the bay at San Francisco, by a board of officers appointed for the purpose. It is here evident that the Secretary himself doubts the propriety of his former opinion, which, upon full examination, I have no doubt he will find to have been incorrect.

The Senator availed himself of a statement of the Secretary of the Navy, in his first report on this subject, that is calculated to mislead the Senate. It is that a pier, which will cost only \$50,000, is all that will be necessary for the floating dock now building for California. He assumes this as a fixed fact, and proceeds to argue, that "a pier is all that is necessary," and that "merchants never think of making use of the basin and railway—they use a pier which costs \$50,000, instead of a basin and railway which will cost \$1,000,000 or \$1,500,000." I shall now, sir, proceed to show, that a pier cannot be built in California for \$50,000. It must be built of stone; for it is a well-known fact, that piers made of timber, in the Bay of San Francisco, are soon destroyed by worms. Such a work would soon become useless, and constantly liable to casualties. On examination it will be found that no officer of the Government who has any respect for his reputation, will recommend the building of a pier, in these waters, of any other material than stone.

Well, sir, what will a stone pier cost? I find that the permanent wharf now being constructed at Pensacola, has already cost \$414,593 33, and it is but little more than half completed. I may safely assume that it will not cost less than \$600,000 when completed. This is the kind of a pier or wharf that will have to be built in California, if we do not construct a basin and railway. Assuming that the cost of materials, and labor, in California will be double what it is in Pensacola, (and this is a low estimate) a pier alone will cost the Government \$1,200,000, nearly one third more than the patentees of the basin and railway have agreed to complete them for in California. This floating dock is useless, without a pier, or basin; and if you build a pier, such as the Government should construct on that coast, it involves a much larger expenditure than is proposed in this bill. It should be borne in mind that the basin can be also used as a pier. It is to be built of stone, and

will be five hundred feet in length, and answer all the purposes of a pier as well as a basin.

The Senator says, that "this basin and railway is wholly unnecessary and useless." I have just shown that the basin will answer all the purposes of a pier, and, therefore, the Senator's argument falls to the ground, for it will be useful. But suppose, for argument's sake, that he is correct; then this bill accomplishes the very object that he is aiming at; for, in that event, it entirely dispenses with the basin and railway. The bill provides "that when the site shall have been secured, and so soon thereafter as it shall have been ascertained to the satisfaction of the President of the United States, that the basin and railway at Philadelphia or Kittery, are in full and successful operation," then he is authorized to contract for the construction of a basin and railway. Now, sir, there is to be no experiment about this matter. This law requires a certainty that the basin and railway at Philadelphia or Kittery are in full and successful operation before a dollar of the public money can be expended on a similar work in California; and, sir, what is meant by "full and successful operation?" It is, that this basin and railway, in connection with a floating dock, can take up a ship of the line, with a full armament, place it securely upon the railway, and as securely return it through the dock to the water. When this is done, the President can act under this bill, and not before. Suppose that the experiment is successful, it is one of the greatest improvements of the age, and the very thing we want in California. It will give us, for \$1,450,000, the use of a dozen docks, equal in capacity to the stone-dock in New York, which cost \$2,146,730 10. The Emperor of Russia has recently paid nearly \$13,000,000 for the building of seven stone docks; and here we have, for an expenditure of less than \$1,500,000, docks of nearly double their capacity. Need I add another word to show the immense importance of adopting this improvement in California, if it should prove successful, where the price of labor and materials is so great. I wish it to be borne in mind, that the basin and railway must be proved to be entirely successful, or this law, so far as that matter is concerned, is a dead letter on the statute book.

The Senator says, "We have now more docks than there is any necessity for." But, where are they? From Pensacola, round Cape Horn, and up the Pacific to Bhering's Straits, there is no dock; and because there are more on the Atlantic coast than are useful, shall we, for this reason, have none on the Pacific? Are we to be told that, because money has been wastefully expended here upon useless works, none shall be expended upon useful works in California? I hope such will not be the policy adopted toward us by this Government. I do not agree with the Senator. I think these docks, navy-yards and coast defenses, on the Atlantic coast, are necessary and useful; and, although not on so extensive a scale, we need the same on the Pacific. In order to show that we are not extravagant in the demands we make on the Government for the defense of the Pacific, as compared with the past policy of this Government in defending the Atlantic coast, and giving to its commerce the advantages of light-houses, I have prepared a statement of the amount of money thus expended and estimated for.

The Atlantic coast of the United States, from the northeastern boundary on the ocean to the mouth of the St. Marys, is 1,450 miles. This is the whole of the Atlantic coast of the old thirteen States, and is less than our present possessions on the Pacific. From the mouth of the St. Marys to the south cape of the peninsula of Florida is 450 miles, making a total of the Atlantic coast of 1,900 miles. I will now show to the Senate what has been paid from the national Treasury to fortify and protect this coast.

I take from the report of General Totten, Chief Engineer, on the subject of the national defenses, and will also add the estimate for new works and fortifications:

[From Report of General J. G. Totten, on the subject of National Defenses.]

Fortifications on Atlantic coast, with the "estimated cost of construction and repair."—(Class A., pages 92-94.)

Maine.....	No. 1 to 5.....	\$154,291
New Hampshire.....	No. 6.....	17,691
Massachusetts.....	No. 7 to 15.....	676,798
Rhode Island.....	No. 16, 17.....	12,000
Connecticut.....	No. 18, 19.....	255,941

New York.....	No. 20 to 29.....	\$1,398,322
Pennsylvania.....	No. 30.....	83,999
Maryland.....	No. 31 to 34.....	773,516
North Carolina.....	No. 35.....	5,000
South Carolina.....	No. 36, 37, 38.....	124,110
Georgia.....	No. 39.....	125,000
Florida.....	No. 40.....	51,934

\$3,678,370

"Amount expended for construction or repair."—(Class B, page 96.)

Maine.....	No. 1.....	\$1,093,000
Rhode Island.....	No. 2.....	1,661,343
New York.....	No. 3, 4.....	1,463,765
Virginia.....	No. 5.....	2,402,471
North Carolina.....	No. 6, 7.....	1,032,011
Georgia.....	No. 8.....	923,859

\$8,575,449

"Amount expended for construction and repair."—(Class C, page 98.)

Maine.....	No. 1.....	\$130,442
Delaware.....	No. 2.....	539,914
Maryland.....	No. 3.....	135,000
Virginia.....	No. 4.....	1,664,996
South Carolina.....	No. 5.....	677,498
Florida.....	No. 6.....	20,000

Total, Class C.....3,167,760

Total, Class B.....8,575,449

Total, Class A.....3,678,370

\$15,421,579

Recapitulation, classes A, B, and C; amounts expended—actual and estimated.

Maine.....	A, C.....	\$284,661
New Hampshire.....	A.....	17,691
Massachusetts.....	A, B.....	1,769,738
Rhode Island.....	A, B.....	1,673,343
Connecticut.....	A.....	255,941
New York.....	A, B.....	2,860,987
Pennsylvania.....	A.....	83,999
Delaware.....	C.....	539,914
Maryland.....	A, C.....	908,516
Virginia.....	B, C.....	4,067,467
North Carolina.....	A, B.....	1,037,011
South Carolina.....	A, C.....	801,518
Georgia.....	A, B.....	1,048,859
Florida.....	A, C.....	71,934

Expended on fifty-four works for defense.....\$15,421,579

Estimated cost of works to be completed—Classes D, E, and F—pages 100 to 106.

Maine.....	D, E, F.....	\$1,863,000
New Hampshire.....	D.....	300,000
Massachusetts.....	D, E, F.....	3,281,000
Rhode Island.....	D, F.....	1,657,000
Connecticut.....	E, F.....	788,000
New York.....	F.....	1,238,000
New Jersey.....	D.....	1,200,000
Delaware.....	F.....	1,121,000
Maryland.....	D, E, F.....	1,531,000
North Carolina.....	F.....	198,000
South Carolina.....	E, F.....	950,000
Georgia.....	E, F.....	1,720,000

Estimated cost of seventy-five proposed works.....\$15,847,000

Table showing the Amount Expended and proposed to be Expended.

States.	Amount expended.	Proposed expenditure.	Aggregate.
Maine.....	\$284,661	\$1,863,000	\$2,147,661
New Hampshire.....	17,691	300,000	317,691
Massachusetts.....	1,769,738	3,281,000	5,050,738
Rhode Island.....	1,673,343	1,657,000	3,330,343
Connecticut.....	255,941	788,000	1,043,941
New York.....	2,860,987	1,238,000	4,098,987
New Jersey.....	-	1,200,000	1,200,000
Pennsylvania.....	83,999	-	83,999
Delaware.....	539,914	1,121,000	1,660,914
Maryland.....	908,516	1,531,000	2,439,516
Virginia.....	4,067,467	-	4,067,467
North Carolina.....	1,037,011	198,000	1,235,011
South Carolina.....	801,518	950,000	1,751,518
Georgia.....	1,048,859	1,720,000	2,768,859
Florida.....	71,934	-	71,934
Total.....	\$15,421,579	\$15,847,000	\$31,268,579

From this it will be seen that there has been expended for 54 works of defense.....\$15,421,579
And the estimated cost of seventy-five proposed works.....15,847,000

Making the amount expended, and to be expended.....\$31,268,579

I will go now to the light-houses, and quote from "the list of light-houses, beacons, and floating-lights of the United States, prepared by Stephen Pleasonton, Fifth Auditor and General Superintendent of Lights." There have been built two hundred and thirty light-houses at an aggregate cost of \$1,512,812, viz:

66 lights built, up to the year 1820..	\$470,000 00
130 lights built, up to the year 1842..	792,800 00
34 lights built, up to the year 1852..	250,000 00

\$1,512,800 00

To this should be added four lights in process of erection by the topographical bureau, for which there has already been appropriated.... 354,976 00

Also costs of forty-two floating-lights: 34 lights, up to the year 1842..... 300,478 79
8 lights, up to the year 1852..... 77,252 77

Adding these items together, we have expended on the light-house system, on the Atlantic coast.....\$2,245,507 56

I come now to the Navy-Yards and Docks:—

Aggregate amount of expenditures for improvements at the several Navy-Yards, from the date of their establishment to the 1st January, 1852.

Portsmouth.....	\$1,392,939 96
Boston.....	2,455,426 00
New York.....	3,488,596 00
Philadelphia, (since 1831).....	1,167,995 55
Washington.....	761,035 75
Norfolk.....	2,683,857 72
Pensacola.....	2,284,629 04
Memphis.....	820,043 43

15,053,523 45

Excluding Pensacola and Memphis.....3,104,672 47

11,948,850 98

Add Docks on Atlantic Coast.....5,344,358 83

Aggregate for Navy Yards and Docks.....\$17,293,209 81

It will be perceived that I confine myself exclusively to the Atlantic coast, excluding the Gulf of Mexico and the Lakes, and that in this Atlantic coast is included the peninsula of Florida, running like a finger post for hundreds of miles into the ocean, covering no extensive or important back country; and we have already expended—

For fortifications.....	\$15,421,597 00
Light-houses.....	2,245,508 55
Navy-yards and docks.....	17,293,209 81
To which add estimate for fortifications.....	15,847,000 00

And we have the grand total of...\$50,817,315 36

I will now turn to the Pacific.

The coast of California is.....	970 miles.
Oregon.....	500 "
Straits of Juan de Fuca.....	150 "

Making a total for the Pacific coast of 1620 "

Nearly equal to the whole Atlantic coast, including the peninsula of Florida. And what have you expended on that extensive coast for fortifications, light-houses, navy-yards, and docks? Not one dollar! What have you appropriated? About \$150,000 for light-houses not yet commenced, \$250,000 for a dock, to cost, when completed, \$610,000, and nothing for fortifications or a navy-yard. Even the estimate for surveys for fortifications, of \$50,000, made by the War Department, has been left out of the army appropriation bill by the Committee of Ways and Means, which is an indication that we are to have no fortifications there.

Here is my own State, of California, which paid \$3,212,127 79 into the Treasury from customs the last fiscal year, with a sea-coast of 970 miles, containing within her limits 188,981 square miles, more than four times the size of the State of New York, utterly destitute of light-house establishments, necessary and indispensable to our commercial marine in approaching her coasts. Here is the Pacific Empire State destined to command the commerce of the Pacific and Asiatic seas, left wholly unprotected for, in regard to works of protection and defense. In the agitations and political commotions of European nations, we know not at what hour we may find it necessary to place this nation in an attitude of defence, even if only to defend our neutral rights as a great maritime power, to say nothing of the importance of conforming to the policy of Washington and his successors, in time of peace to make proper preparation for war.

The honorable Senator has alluded to the war of 1812 to show that we need no national defense. I wish to call his attention to the historical fact that the British sloop of war *Racoon* entered the port of Astoria, in Oregon, and in the defenseless con-

dition of our rights there, formally took possession of the country in behalf of his Britannic Majesty, and changed the name of "Astoria" to "Fort George." Thanks to the valiant spirits that now occupy California and Oregon, no hostile foot can ever tread that soil with impunity; yet who can estimate the extent of the mischief and ruin that would be there inflicted by the presence of a powerful hostile fleet, left as the country now is by the Government of the United States wholly unprotected.

The Senator makes a comparison between our country, during the war of 1812, and the present time, and draws the inference that, as we needed no defenses to protect our coast and commerce then, they are useless now. The Senator has certainly not looked at the commercial progress of this country since the close of the war of 1812, or he would have drawn no such inference. I have examined the statistics of our commercial marine, and find that since 1815, (when the war with Great Britain closed) to 1850, we have built 34,792 vessels, with a tonnage of 447,591,045 tons. The registered whale fishery for the last twelve years, to wit: from 1840 to 1851, had a tonnage of 2,038,177. The registered whale fishery for 1851, had a tonnage of 181,645.

It is known that, perhaps with the exception of a single ship that visits the Greenland seas, the whale fishery is confined to the Pacific and South seas. The proceeds of the sea for the year ending June 13, 1850, from the whale fishery alone, amounted to \$2,318,024. Are no means to be provided for the protection and encouragement of this valuable traffic? And are our possessions on the Pacific coast to be deprived of all those facilities, which aid in the exaltation of a State or nation, through a miserably parsimonious policy, on the part of the General Government, which refuses to extend to us proper aid, when we are advancing, with giant strides, in all that constitutes real worth and greatness? So much for what the Government has failed to do, to build up the commercial greatness of her Pacific possessions. And when we look into the interior of the country, we have but little hope that a more liberal policy will be pursued toward that section of the Union. We have no reliable evidence that we are to receive a grant of land to encourage the great railway system that will yet begirt this ocean-bound Empire, in order that we may do our part in improving our State, developing its boundless resources, and connect us with the Atlantic, by communications, as we are in principle, in all that concerns the glory of this Union.

Only twenty-five years have elapsed since the railway system began in the United States. At the end of the year 1850, we had 8,797 miles of railway, which cost \$286,455,078. There were, up to the close of 1851, by estimate, 10,618 miles, and to the end of 1852, we have its extent estimated at 12,600—more than half the circumference of the globe! Does any one suppose that this great system of land communication will stop until it reaches the Pacific ocean? Then, with a proper system of defense upon that coast, which will give us a permanent commercial ascendancy on the Pacific and Asiatic seas, the carrying trade between Asia and Europe will be within our territory, and enable us to control the commerce and exchanges of the world. Congress has dealt liberally and justly with the East, in land, money, and improvements. Let them deal in the same spirit with the West. We ask nothing more.

The Senator says, that the commercial marine does not use the basin and railway. Preparations are now making in New York to build one, to avoid the expense of accumulating docks; to meet the wants of our commercial marine. The Senator also objects to the mode of completing the title for the site of the navy-yard; and supposes that a California jury will not do justice to the United States. He need be under no apprehensions on this subject, for the location of the navy-yard will greatly enhance the value of the property surrounding it, and the owners of property near eligible sites for its location will be most willing to give a quit claim to the United States for any amount of land needed for this purpose. I doubt very much whether there is a man in California who would risk his title in a contest with the United States. Land titles in that country are not so perfect as to court an issue of title with the United States, for lands selected for public purposes.

This part of the bill was intended to do away with the necessity of further legislation as to the selection of a site. The Senator says this country has no necessity for national defense, because no nation wants to go to war with us. This may be true now, but will it always remain so? If the Senator was the emperor of the world, and should issue his edict that there should be no more wars, then there would be no necessity for national defenses, here or elsewhere. Unfortunately for mankind, he has not this power; and I prefer adhering to the time-honored policy of this Government, "to prepare for war in time of peace." The question now is, shall we make this preparation on the Pacific coast of the United States. Arguments in favor of the expenditure of public money in any State of the Confederacy have less weight, when they come from a representative of such State, than when they emanate from an entirely disinterested source.

It is fortunate for me that I can bring high authority to my aid in favor of this bill, by reading from an able report, made by the Naval Committee of the House at the last session:

"The next object which has engaged the attention of the committee is that which relates to the naval defense of our western coast.

"The acquisition of California, and the occupation of Oregon, have extended our sea front from the Atlantic to the Pacific ocean. The national defenses to be provided for those distant shores must, of necessity, be almost entirely naval. The approaches from every other direction except from the sea are difficult and doubtful, and may easily be well secured. But so weak and helpless against hostile approaches on the sea front are our fellow-citizens on the Pacific, that it is within the reach of any third or fourth-rate naval power with whom the United States may be at war greatly to harass and annoy them. So dependent are they upon ships for supplies of all kinds, that a blockade of their principal ports for a few months would reduce the State of California to a starving condition.

"The average population of California, for the last year, may be estimated at 200,000; and it may be assumed, that during the year there were about 2,000 vessels of all descriptions which entered her ports. This estimate is sufficiently accurate to show how entirely dependent that country is upon the sea, and how vulnerable from that quarter; for it proves that, in the average, one ship is required to supply the wants and necessities of about one hundred Californians—so little do they produce except gold, and so dependent are they upon foreign markets. The world would not afford sea-going vessels enough at this rate to fetch and carry for the people on this side of the Rocky mountains; nor does the world afford another instance of a people so dependent for supplies upon the sea, or so exposed and so utterly helpless in case of attack by sea, as are the people of California in their present condition.

"A blockade of our Atlantic ports might interfere with our intercourse abroad, but it could not bring the people here to such a degree of suffering, distress, and misery as would be inflicted on the people of California by a blockade of their coast. The voyage by sea hence to California and Oregon is the longest voyage known to navigation; and as far as the naval defenses of that State and Territory are concerned, they are as a colony in the most distant part of the world, which in war the navy has to protect, and the route to which would be thronged with the enemy and beset with dangers.

"In providing the means of naval defense, or planning a course of naval policy, regard must be had to the situation and condition of other nations.

"Seeing, then, the means of attack, and knowing the extent of their resources at sea, and our own, we can the better judge as to the degree and kind of preparation which it behoves us to make.

"Owing to the great naval resources of the States upon the waters of the Atlantic, it never has been and never will be consistent with the true policy of the country to keep up in peace a standing navy in proportion to the standing navies of other countries. Hence, though we find the United States the first commercial nation for tonnage, she is only the fifth in actual naval force. The navies of Great Britain, France, Russia, and Turkey, all carry more guns than the American navy, and the Egyptian navy has only seven guns less.

"In proportion to commercial marine, the navy of the United States is the smallest navy in the world. The nations of Europe support navies that mount some twenty, some ten, but all more than two guns for every 1,000 tons of commercial shipping; whereas we mount, on the average, rather less than one gun. Great Britain has six, France ten, Russia twenty-four guns for every 1,000 tons of shipping owned by their merchants. The naval force to be kept ordinarily in commission should not, in the judgment of your committee, ever reach such a figure as these navies present, nor do the public interests require that in times of profound peace it should exceed one third or one fourth of the lowest of these rates.

"As commerce expands and increases, the demands upon the navy for service also increase; therefore, there seems to exist somewhere a ratio between the tonnage of commerce and the guns of armed ships, which, if it could be discovered, an eye being turned to the degree of preparation of other navies and our own resources, would determine the proper size and the most judicious rate of growth for the American navy. That navy is no larger now for the protection of both the Atlantic and Pacific coasts than it was for the protection of the Atlantic coast alone; for the present size was determined before Texas was annexed, California acquired, or Oregon occupied. This increase of sea front, therefore, would seem to call for an expansion of the navy. But the committee do not propose any enlargement; they believe that the fundamental changes already

suggested in the models and armaments of our ships, together with other arrangements which may be easily adopted by executive authority for increased activity and efficiency, will render the present force amply sufficient for a peace establishment.

"In the opinion of the committee the naval resources of the Atlantic States, in contradistinction of the Pacific States, are unrivaled. The railroads, canals, and other great works and thoroughfares which penetrate into the interior and intersect among the mountains, have converted almost every forest into a timber-shed for the navy. The tonnage of the United States is the greatest in the world. Our merchant ships are unmatched for speed and unequalled in size. We build more ships than any other people, and we may almost be regarded as a nation of ship-builders. With sailors enough in peace to man the largest commercial marine that ever spread its sails to the breeze, we should have from that service gallant tars enough in war to man the largest fleet the world ever saw.

"With such means, resources, and facilities at command for stretching out the naval arm upon the Atlantic in war, it would be neither wise nor desirable in peace to provide either ships or guns according to the numbers which Great Britain or any other nation may choose to build. All things considered, the Pacific coasts require the protection of a much larger navy in proportion than the Atlantic; for the case is different there. We have no private ship-yards; no ship-builders; no timber-sheds; no railroads running from the sea-board up into forests of ship-timber; nor any other of the facilities for building up a navy. All the materials for creating a navy there must be sent hence over that long, tedious, and dangerous route, which in war would be controlled and commanded by Great Britain.

"First standing in the middle of the great highway to California is the island of Bermuda. Ships from the southern ports bound to the other hemisphere pass on one side of this island, while those from the Northern States pass on the other side of it. It is a powerful position, amply provided with coals, munitions of war, and military stores of all sorts. A few steamers stationed as lookouts off that island would give intelligence of the approach, in war, of any fleet bound to California. Escaping here, in war, the rock-bound island of St. Helena, another centre of naval operations in the South Atlantic, stands on the wayside of our road to California. But getting safely by this, we next come to the Falkland Islands, another station upon which the British navy is perched right in the middle of our road. Escape here would be a miracle; for at this point the tracks of all vessels come together preparatory to doubling the cape. But if the fleet for the succor of California should pass by this port without molestation, it would be only to encounter the storms and tempests of the cape, and there, in that inhospitable region, to buffet with the ancient and unsubsidized allies of that proud realm, as the winds of heaven were once styled by a British statesman; and, after all these dangers are passed, the haven we seek would still be three months off.

"The idea, therefore, of sending to our Pacific coasts any succor in time of war around Cape Horn, or of furnishing any navy supplies by such a route, is a mere chimera—wholly and utterly impracticable.

"Taking this view of the subject, the committee propose to consider the means of naval defence which economy, true policy, and a sound forecast require should be provided for California and Oregon. Having determined that, they propose to recommend a plan for accomplishing it.

"As to the extent of the naval preparations which ought to be made in peace for the defense in war of any coast line, there is room for wide and honest differences of opinion, more especially as neither the time nor the motive of that war can be foreseen, nor can it be known who the other belligerent may be. But in this case and on this occasion, though some degree of preparation is necessary, that preparation involves no tedious undertaking nor extravagant appropriations.

"No respectable naval power is to be found on the shores or among the islands of the Pacific. There is not so much even as a dock-yard to be found, from one extent to the other of that vast ocean. The committee cannot learn, though inquiry has been made, that there is a single port in the Pacific ocean, or along its shores, that is at this time capable, with its own resources, of building or equipping so much even as a second class frigate. Maritime nations, as England, France, and Russia, have colonies there, but no naval stations of any consequence whatever.

"Hence it appears that the naval supremacy on the sea is easily acquired, and when once acquired and placed in hands as strong as those of the United States, it will not be likely soon to be wrested from them, or even to be disputed. In the event of war, Great Britain finding us unprepared or without naval resources in California, would, by means of her stations and other facilities, send a force there superior to the small one now kept in commission, and so overpower us; at least, seeing that we were unprepared, she would be induced to make the attempt.

"But if at the breaking out of war she should see ships already built and lying in ordinary in our Pacific ports; if she should see there the means and facilities of equipment and repair—none of which she has; if she should also see, in connexion with this state of preparation, the Marblehead and other fishermen whom the war would throw out of employment, and of whom 12,000 are engaged in their hardy occupations, on the waters of the Pacific; if she should see there these very men, standing as a corps of reserve and ready to act, who, in Old Ironsides and other ships, gave her in the last war such cause of remembrance, she would no doubt be disposed to leave us alone in that quarter.

"As long as ships can be built on the Atlantic and delivered on the Pacific coast cheaper than they could be built there, true policy and economy require that they should be built here and sent there."

I will detain the Senate but a few minutes longer while I express my regret that the prevailing spirit of the present Congress seems to be adverse to the extension of the system of mail-steam-ship lines. There are great defects in the system; but these defects should not be used to destroy it. Let

us avoid the errors of former laws, but never abandon a system which is intimately connected with our commercial prosperity. I shall, on a future occasion, go more fully into this subject, and content myself, for the present, with showing what a great advantage Great Britain would have in a war between the two countries, by using for war purposes the steam-ships now employed by that Government in carrying the mails all over the world.

In the event of such a war, Great Britain would arm her mail steamers and fill them with seamen to man the prize vessels they may capture. She has these steamers in all quarters of the globe. One large gun upon each would answer her purposes.

Her Mediterranean mail steamers would be ordered to the Straits of Gibraltar. Here they would capture every American vessel in the Mediterranean sea, and all vessels bound thither, and send them into Gibraltar for confiscation and safety.

Her Oriental steamers would be ordered to cruise off the Straits of Sunda, Gaspar, Macassar, and the Cape of Good Hope. This would enable them to capture nearly every American vessel in the East Indies. Their prizes would be sent to Singapore and Cape Town, or the Cape of Good Hope, for safety and confiscation.

Her Rio and Rio de la Plate steamers would be ordered to cruise on the Equator, and they would capture all the vessels that escaped round the Cape of Good Hope and Cape Horn, as well as all vessels going to and from Rio de la Plate and the Brazils. Their prizes would be sent to the Falkland Islands, St. Helena, Jamaica, and other islands in the West Indies for safety and confiscation.

Her West India, Boston, and New York steamers would be ordered to cruise off the harbors of the United States, and their prizes would be sent to Bermuda and Halifax for safety and confiscation.

Her Havre steamers would capture all vessels sailing to or from Europe.

I now come to the North Pacific ocean. Here alone Great Britain has no fortified point where her prizes could be deposited for safety and confiscation. But she could soon remedy this defect. The Sandwich Islands are powerless, and contain some good harbors, and the past history of Great Britain shows that she would not hesitate to seize these islands, and make their harbors the asylum for her prizes. Thus her Pacific steamers would capture our whalers and merchant vessels in that ocean and send them to Biron's Bay, or some other harbor in the Sandwich Islands for safety and confiscation.

That this is no exaggerated statement of the power of the British Government in the event of a war with this country, is easy of demonstration had I the time to enlarge upon the subject. It should be borne in mind that her mail steamers are built with express reference to their use as war steamers. I am informed that simultaneously with their building armaments, are prepared and deposited at ports where they can, at short notice, be fitted to the vessels, and have them ready for war service.

The only point on the ocean, where we have any advantage over Great Britain, is in the North Pacific. As shown in the report I have just read, there she has no fortified harbors, naval depôts, or docks for the repair of vessels. Her steam marine is weaker there, than in any other part of the world. We have already more than a dozen steamers engaged in carrying the mails from Panama to California and Oregon. With a fully equipped navy-yard, and such a dock as this bill proposes to build, we could, in an incredibly short space of time, turn these steamers into vessels of war, and sweep the Pacific ocean, sending our prizes into San Francisco for safety and confiscation. With a knowledge of the fact that her whole Pacific commerce would be destroyed, and her East India possessions endangered, Great Britain would not engage in a war with this country, unless forced to do so by us. Although she could, as stated, cut up and destroy our commerce with other parts of the world, yet with ocean supremacy on the Pacific in our hands, it would be a question of the dismemberment of her empire. In the North, we would seize her North American possessions, and in the East we would destroy her dominion in Asia.

I have spoken of the dozen mail steamers running between Panama, California, and Oregon,

which we could equip as war vessels in an emergency, if we had the necessary means of docking and fitting them up. But give us the important works asked for in this bill, and we will soon have five times as many steamers, and a vast naval fleet in ordinary in the bay of San Francisco; that could be speedily put in commission, and thus secure to us the undoubted naval supremacy of that ocean.

But what is our present condition? Why, we have no means of repairing the smallest injury to a vessel of any size on our Pacific coast. If such a steam or sail-vessel is injured in the North Pacific it must be abandoned, if it is not capable of running down the coast, thousands of miles, to Panama to be beached and repaired. The tide at Panama rises upwards of twenty feet, and the largest vessel can thus be beached and repaired. We have no such natural advantages in the North Pacific. The steamer Republic struck on a rock in a fog, just before entering the harbor of San Francisco. She got off, went into port, was repaired as well as it is possible to repair a vessel on that part of the coast, was dispatched thence for Panama with four hundred passengers, sprung a leak, and with the greatest difficulty got into Acapulco, and sunk in an hour after she cast anchor. She was again repaired so as to get to Panama with great difficulty, endangering the lives of the four hundred passengers and crew. On my way to take my seat at this session of Congress, the steamer Carolina put into Acapulco in distress, with three hundred and fifty passengers on board, having sprung a leak north of that port in a severe gale, and thus put in jeopardy the lives of every one on board. With a dock, basin, and railway at San Francisco, every steamer that leaves with such an immense number of passengers, would be examined before she left port.

Mr. BRODHEAD. I have a double purpose in taking the floor at this time for a short time. In the first place, I wish to make some observations by way of a reply to the remarks made by the Senator from California on a former occasion, as well as those which he has made to-day. And in the second place, I wish to reinforce and sustain, with additional facts and arguments, the position which I assumed the other day, that this basin and railway was not only without the recommendation of the Navy Department, but was in opposition to it, and was useless and unnecessary.

Mr. President, the question now to be decided is not whether we shall fortify the coast of California—the question now before the Senate is not whether we shall have steamers all over the world. The question, and the only question, and the only point of any importance, to which I wish to call the attention of the Senate, is the propriety of erecting a basin and railway in connection with a dry-dock in California, which would cost, as I have said, from \$1,000,000 to \$1,500,000. And I repeat, that it will cost that sum, notwithstanding what the honorable Senator from California has said, and I will follow my assertion with the proof presently. He admits that it will cost something more than \$800,000. We all know the difference between the actual cost of such improvements and the original estimates, and that they frequently cost twice as much as the original estimates. These gentlemen originally offered to build the railways for a little more than \$40,000, and they have received over \$400,000 for them.

Mr. President, the honorable Senator says that he is anxious to have the western coast fortified. I am also anxious to have it fortified, and hence I object to this projected basin and railway, the construction of which would occupy five or six years. I will follow up that assertion with the proof; and if the honorable Senator is very anxious to have the western coast fortified, and our commerce sustained in the Pacific, he will go with me and adopt the bill which I have prepared as a substitute for the one now under consideration. I have modified this bill, and prepared one in compliance with the recommendation of the Navy Department, in favor of a pier, which will cost only \$50,000, notwithstanding what the Senator has said, in place of the basin and railway, which will cost at least \$1,000,000. It could, also, be constructed in a year or sixteen months, and our commerce will be aided in that time; whereas, the project of the Senator from California would render five or six years necessary. At the last ses-

sion, a call was made on the Navy Department to say which was preferable, a basin and railway, or a pier, such as was in use on the Atlantic coast for the commercial marine. The Secretary of the Navy responded thus:

"In reply to so much of the resolution as inquires 'whether, in the judgment of the head of the Department, a dock could not be constructed sufficient for all the purposes of the navy, at much less expense to the Government than the one contemplated by the act aforesaid,' I have to state that, in my opinion, a sectional dock alone, without the addition of a basin and railway, but with a pier to secure it, would answer every demand of the navy, on the coast of California, for many years to come. Such a dock has recently raised the steam-ship Ohio, belonging to Messrs. Law & Co., in the harbor of New York, which ship is over three hundred feet in length.

"The cost of the dock alone would certainly be much less than one half, and possibly not more than one third, of the amount proposed to be paid for the whole work as herein stated. The addition of the pier to secure it, and render it capable of use, would probably not exceed \$50,000. These can be completed and ready for use in two years at most, and may be in fifteen or twenty months; while the addition of the basin and railway will require from four to five years to complete them."

So that I propose that within a few months a pier, in connection with the floating dry dock, ordered at the last session, shall be erected, instead of the project of the Senator from California, which will require six years to complete. I propose to give the proper protection to our commerce on that coast within a year; he proposes to give it in six years. That is just the difference between us, sir.

The Senator says that this basin and railway has been recommended. Well, sir, although it may have been recommended by Mr. Henshaw—who, by the way, never was confirmed by the Senate, and never occupied a place there but a little while—the weight of authority is against it. I did not look at his report. I examined those of Secretary Mason, the late Secretary of the Navy, and I can find no Secretary of the Navy who has recommended this project. All have been heretofore opposed to it. And not only were they opposed to it, but, sir, so well satisfied was Congress at the last session, with regard to this question, that they abrogated an alleged contract for this basin and railway—as can be seen by a reference to the Navy appropriation bill. But yet the Senator, notwithstanding this solemn decision of the Congress, at the last session; notwithstanding the decision of the Navy Department, comes here again with this project, and at the same time complains of the delay in the erection of a naval establishment on the coast of California. Whose fault is it that there is delay? I put that question to the Senate. I did not propose the bill now before the Senate; I only proposed this particular item in this bill, and yet the Senator from California directs his argument against me, as if I had opposed fortifications and a navy-yard and dépôt on the coast of California. I made my argument, and based it upon facts and figures, to show that a basin and railway would not only be useless, but unnecessary.

The Senator says that a pier will be eaten by worms. I would like to know if this floating dry dock will not also be eaten up with worms.

Mr. GWIN. That will be coppered.

Mr. BRODHEAD. Very well, sir; cannot you copper a pier?

Mr. GWIN. No, sir.

Mr. BRODHEAD. I do not understand why you cannot; you can drive in copper nails all over it, if you please. If a floating dry-dock can be preserved from being eaten by worms, the pier can also be preserved; so that there is a perfect answer to the argument of the Senator.

But the Senator says the dock is not to be erected until the test is made at Philadelphia. That is just the way these docks have been going on on the Atlantic side. The gentleman says we have a great many. At whose instance have we a great many? At the instance of the gentlemen who have a patent for them, and who have obtained Congressional docks in opposition to the recommendation of the Navy Department. That is the way they are managed. We have a little of the responsibility in Congress, and a little at the Navy Department. We order a dock without any adequate knowledge of the necessity for it; and if we were upon the ground to examine the site, are we able to judge? Is this the proper tribunal to judge of such matters, and to make contracts? If contracts are to be made, they should be made by the Executive departments of

the Government. We order the contract to be made, and to be made with particular persons, thus excluding competition; because competition is excluded when you order a contract to be made with certain individuals, who have a patent for a particular thing.

He says it is not to be erected till it is tested in Philadelphia or Kittery. Well, sir, how long is this trial to be delayed? This basin and railway were to be erected, according to the returns given in answer to my call for information on that subject, and were to be completed, tested, and taken off the hands of the contractors last June. Sir, although they may have been taken off the contractors' hands, and although they may have got their money, no test has ever yet been made; and I find in the deficiency bill, reported in the other House, an item on this subject which is worth mentioning, to show how these things are managed. It is a little curious:

To pay reserved per centage, under contract, for building a dry dock at Philadelphia.....\$5,933 68
To pay for dredging the river in front of the dock at Philadelphia.....12,000 00

This basin and railway were to be taken off their hands last June, according to the contract. A vessel was taken there, but, of course, she could not be taken in. Nevertheless, the money was paid. The expenses go on for dredging, and we must pay them, sir. We have now expended \$3,078,000 for these docks; and that, too, within the last five years; and no Government vessel or ship of the line has ever yet been placed upon one of them, to my knowledge. The Senator from California can correct me if I am in error.

Now, sir, if we are going to build docks, let us test them, and not have a little responsibility on Congress, and a little on the Navy Department.

I will go a little, sir, into the history of these docks, and how the business has been managed, and how the money has gone from the Treasury. We have had this dock business before Congress about eight years. That is long enough. I am opposed to monopolies. These gentlemen have obtained upwards of \$3,000,000 for building docks—that is quite enough, in my opinion, to one set of men; they had a patent, and consequently had little or no competition to encounter.

I will read the amounts which they have obtained, and then will show, by their memorials, how much they proposed to build them for, and then the Senator from California can see whether this proposed structure in California will not amount to a million and a half of dollars, when I show their propositions made some years ago, and how much these works did actually cost.

Up to the year 1842, or 1843, this Government had expended \$1,650,446 upon docks. We had passed through the war of the Revolution, and the war of 1812, having expended only that amount of money for docks.

Mr. DAWSON. Up to what time?

Mr. BRODHEAD. Up to the time of the commencement of the stone dock at New York, which was about the year 1842, I believe.

Mr. BADGER. It was 1841.

Mr. BRODHEAD. Then we paid for the stone dock \$2,146,255 36. Then these gentlemen came on with their propositions, the one set claiming a patent for a particular kind of balance dock, and another for a sectional dock. The matter was contested for some time before Congress, as I learn from the memorial, and finally they united together, as I learn from the reports of the Departments. After seeing their names separate, and quarreling before Congress for two or three years, I find their names all together in the last contract.

They have received for a balance and floating dock at Kittery, and for a basin and railway, \$732,905. They have received for the sectional floating dock at Philadelphia, \$402,683; for a basin and two railways at the same place, \$411,059; making in all \$1,546,647 for a dock at Philadelphia. Then comes an additional estimate for dredging out, of \$12,000, according to the bill reported in the House of Representatives. It has never been tested, although it was taken off the hands of the contractors last June; and no prudent Secretary of the Navy would put a vessel of the line on one of these basins and railways. They received for a balance and floating dock at Pensacola, \$555,712, and for a basin and railway \$353,225; and for a gate to the entrance of the basin \$13,000; making \$921,937 expended at Pensacola. They received